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PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, SECOND SESSION

SENATE—*May 2, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. As we reverence God, who created man in his own image, the Senate will be led in prayer by the Chaplain, the Reverend Richard C. Halverson. Dr. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *Blessed be the name of God for ever and ever: for wisdom and might are his: And he changeth the times and the seasons: he removeth kings, and setteth up kings: he giveth wisdom unto the wise, and knowledge to them that know understanding.*—Daniel 2:20,21.

Almighty God, we thank Thee for the way, throughout its history, our Nation has responded generously to the peoples of the world in time of tragedy, catastrophe, and need. We thank Thee for the impulse, deep in American life, to share its bounty with others who are less fortunate. And we ask Thy blessing upon the Senate as it expresses this concern.

Gracious Father, Thou knowest us better than we know ourselves, individually and collectively. Thou art all wise and all powerful. By Thy Spirit breathe upon this body that Thy perfect will may be realized here. Remove any hindrance in heart or mind or procedure that would prevent the Senate from fulfilling its awesome responsibility.

At this moment of history, mighty God, move in our midst that Thy will may be done on Earth as it is in Heaven. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders today, there will be a period for morning business not to extend beyond 12 noon, with Senators permitted to speak therein for up to 5 minutes each.

The Senate will recess today from 12 noon to 1:30 p.m. in order to accommodate a Republican conference luncheon. When the Senate reconvenes at 1:30 p.m., we hope to then begin consideration of S. 135, the Hatch Act reform bill.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all the time of the minority leader.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of morning business with Senators permitted to speak therein for 5 minutes each.

The Senator from Colorado [Mr. WIRTH] is recognized.

Mr. WIRTH. I thank the Chair.

(The remarks of Mr. WIRTH pertaining to the introduction of S. 2560 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The Senator from Washington is recognized.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 2561 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MESSAGE FROM THE CONGRESS OF ESTONIA TO THE CONGRESS OF THE UNITED STATES OF AMERICA

Mr. GORTON. Mr. President, several weeks ago, I reported to the Senate that I had been invited to address the initial session of the Congress of Estonia, a group acting outside of the normal Soviet Government power, to work with the independence of that nation.

I was denied a visa to visit Estonia. I made the speech I would have given to that group here on the floor of the Senate, and by the miracles of modern communication, it was FAXed to Estonia and given to that Congress.

Recently, Tunne Kelam, the individual who was elected Chairman first of the Congress of Estonia and of its continuing body, the Council of Estonia, visited the United States and brought with him a message from the Congress of Estonia to the Congress of the United States thanking us both for our example as a nation and for our support of independence for Estonia, and reporting to us on the inspiration which America has continued to be for the people of Estonia themselves.

As a consequence, Mr. President, I ask unanimous consent that the message from the Congress of Estonia to the Congress of the United States be printed in the RECORD at this point.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

COUNCIL OF ESTONIA,
Tallinn, Estonia.

MESSAGE FROM THE CONGRESS OF ESTONIA TO THE CONGRESS OF THE UNITED STATES OF AMERICA

On behalf of the Congress of Estonia, the only representative body which legitimately expresses the will of the citizens of the Republic of Estonia, we wish to greet the American people through their elected representatives in the Congress of the United States.

Despite the on-going Soviet occupation, at least eighty-five percent of the eligible population of Estonia—over 850,000 individuals of all ethnic backgrounds and political opinions—have registered as citizens of the Republic of Estonia, thereby declaring that they are not, and have never been, Soviet citizens, and also expressing their firm belief in the continuity of that Republic, which declared its independence in 1918, and over which Soviet Russia renounced voluntarily and forever all rights via the Peace Treaty of Tartu in 1920.

Based on the above, the Congress of Estonia is the only vehicle for restoring the legal and actual authority of the Republic of Estonia. And therefore, for Estonia, there is no question of "secession" from the Soviet Union.

We note with pride and emotion some striking parallels between historic events in the founding and freeing of the United States of America from colonial occupation and the current process of re-establishing the Republic of Estonia.

We thank you for your moral and practical support for the Republic of Estonia over these long years of Soviet military occupation and colonization. As we now take concrete steps to restore a democratic and legitimate government in Estonia and seek to negotiate the withdrawal of Soviet troops from Estonian soil, we hope to be able to rely upon the continued attention and support of the American people.

Adopted by the Council of Estonia (the steering organ of the Congress of Estonia), Tallinn, March 16, 1990.

TUNNE KELAM,
Chairman, Council of Estonia.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

RECESS UNTIL 1:30 P.M.

Mr. REID. Mr. President, under the previous order entered, I ask unanimous consent that the Senate stand in recess until 1:30 today.

Their being no objection, the Senate, at 11:44 a.m., recessed until 1:32 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer [Mr. SHELBY].

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATION BUDGET AUTHORITY COMPARISON

Mr. BYRD. Mr. President, as Senators are aware, yesterday the Senate completed action on H.R. 4404, the dire emergency supplemental appropriation bill for fiscal year 1990.

I ask unanimous consent that a comparative table which sets forth the amounts of budget authority provided in the Senate-passed bill compared to the President's requests and to the House-passed bill be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL H.R. - 4404

Doc. No.		Supplemental Request	House Amount	Senate Amount	Senate vs Request	Senate vs House Amount
	TITLE I - DISASTER ASSISTANCE					
	DEPARTMENT OF DEFENSE - CIVIL					
	DEPARTMENT OF THE ARMY					
	Corps of Engineers - Civil					
---	Flood control and coastal emergencies	---	20,000,000	20,000,000	+20,000,000	---
---	General expenses	---	---	15,000,000	+15,000,000	+15,000,000
101-176	(By transfer)	(30,000,000)	---	---	(-30,000,000)	---
	Total, Department of Defense - Civil	---	20,000,000	35,000,000	+35,000,000	+15,000,000
	DEPARTMENT OF AGRICULTURE					
	Soil Conservation Service:					
---	Watershed and flood prevention operations	---	31,000,000	42,000,000	+42,000,000	+11,000,000
	Agricultural Stabilization and Conservation Service:					
---	Salaries and expenses	---	---	11,000,000	+11,000,000	+11,000,000
---	Emergency conservation program	---	10,000,000	10,000,000	+10,000,000	---
	Total, Department of Agriculture	---	41,000,000	63,000,000	+63,000,000	+22,000,000
	INDEPENDENT AGENCIES					
	Federal Emergency Management Agency					
---	Disaster relief	---	50,000,000	50,000,000	+50,000,000	---
	Total, Title I:					
	New budget (obligational) authority	---	111,000,000	148,000,000	+148,000,000	+37,000,000
	(By transfer)	(30,000,000)	---	---	(-30,000,000)	---
	TITLE II - SUPPLEMENTAL APPROPRIATIONS					
	CHAPTER I					
	DEPARTMENT OF COMMERCE					
	Bureau of the Census					
---	Periodic censuses and programs	---	---	110,000,000	+110,000,000	+110,000,000
101-176	(By transfer)	(110,000,000)	---	---	(-110,000,000)	---
	Economic Development Administration					
101-178	Economic development assistance programs (rescission)	-181,800,000	---	---	+181,800,000	---
	National Oceanic and Atmospheric Administration					
---	Operations, research and facilities	---	---	15,482,000	+15,482,000	+15,482,000
	Total, Department of Commerce	-181,800,000	---	125,482,000	+307,282,000	+125,482,000
	DEPARTMENT OF JUSTICE					
	Legal Activities					
	Salaries and expenses, general legal activities					
101-122	(Vaccine injury compensation fund)	500,000	---	---	-500,000	---
---	Salaries and expenses, antitrust division	---	---	2,500,000	+2,500,000	+2,500,000
	Salaries and expenses, United State Marshals Service					
---	(by transfer)	---	---	(7,400,000)	(+7,400,000)	(+7,400,000)
---	Fees and expenses of witnesses	---	---	2,600,000	+2,600,000	+2,600,000
	Total, Legal Activities	500,000	---	5,100,000	+4,600,000	+5,100,000
	Federal Bureau of Investigation					
---	Salaries and expenses	---	---	185,000,000	+185,000,000	+185,000,000
	Total, Department of Justice	500,000	---	190,100,000	+189,600,000	+190,100,000
	DEPARTMENT OF STATE					
	Administration of Foreign Affairs					
	Secretary's special Lithuania Independence and					
---	Recognition fund	---	---	10,000,000	+10,000,000	+10,000,000
	Emergencies in the diplomatic and consular service					
101-122	(by transfer)	(3,000,000)	---	---	(-3,000,000)	---
	THE JUDICIARY					
	Supreme Court of the United States					
101-122	Salaries of justices	63,000	63,000	63,000	- -	---

SUPPLEMENTAL H.R. - 4404

Doc. No.		Supplemental Request	House Amount	Senate Amount	Senate vs Request	Senate vs House Amount
	Courts of Appeals, District Courts, and Other Judicial Services					
	Salaries and expenses:					
101-122	Salaries of judges	5,253,000	5,253,000	5,253,000	---	---
101-122	Other salaries and expenses	22,750,000	22,750,000	17,750,000	-5,000,000	-5,000,000
	Total, salaries and expenses	28,003,000	28,003,000	23,003,000	-5,000,000	-5,000,000
	United States Sentencing Commission					
101-122	Salaries and expenses	700,000	700,000	700,000	---	---
	Total, Judiciary	28,766,000	28,766,000	23,766,000	-5,000,000	-5,000,000
	RELATED AGENCIES					
	Federal Trade Commission					
---	Salaries and expenses	---	---	2,500,000	+2,500,000	+2,500,000
	Total, Chapter I:					
	New budget (obligational) authority	-152,534,000	28,766,000	351,848,000	+504,382,000	+323,082,000
	Appropriations	(29,266,000)	(28,766,000)	(351,848,000)	(+322,582,000)	(+323,082,000)
	Rescissions	(-181,800,000)	---	---	(+181,800,000)	---
	(By transfer)	(113,000,000)	---	(7,400,000)	(-105,600,000)	(+7,400,000)
	CHAPTER II					
	DEPARTMENT OF DEFENSE - MILITARY					
	Procurement					
---	Procurement of Ammunition, Army	---	---	238,000,000	+238,000,000	+238,000,000
---	(Rescission)	---	---	-238,000,000	-238,000,000	-238,000,000
	Research, Development, Test, and Evaluation					
---	Research, development, test, and evaluation, Navy	---	6,000,000	6,000,000	+6,000,000	---
	Military Construction					
---	Military Construction, Army Reserve	---	---	9,000,000	+9,000,000	+9,000,000
---	Military Construction, Army National Guard	---	---	9,000,000	+9,000,000	+9,000,000
	Total, Military Construction	---	---	18,000,000	+18,000,000	+18,000,000
	General Provisions					
---	Rescission	---	-1,796,792,000	-1,540,974,000	-1,540,974,000	+255,818,000
---	Net effect of Section 205	---	---	-1,346,620,000	-1,346,620,000	-1,346,620,000
	Total, Chapter II:					
	New budget (obligational) authority	---	-1,790,792,000	-2,863,594,000	-2,863,594,000	-1,072,802,000
	Appropriations	---	(6,000,000)	(-1,084,620,000)	(-1,084,620,000)	(-1,090,620,000)
	Rescissions	---	(-1,796,792,000)	(-1,778,974,000)	(-1,778,974,000)	(+17,818,000)
	CHAPTER III					
	FUNDS APPROPRIATED TO THE PRESIDENT					
	Multilateral Economic Assistance					
	International Financial Institutions					
	Contribution to the International Bank for Reconstruction and Development:					
101-148	(Limitation on callable capital)	(1,609,671,408)	(1,609,671,408)	(1,609,671,408)	---	---
	Bilateral Economic Assistance					
	Agency for International Development					
---	Sub-Saharan Africa, development assistance	---	5,000,000	20,000,000	+20,000,000	+15,000,000
---	Health development assistance	---	---	10,000,000	+10,000,000	+10,000,000
	Housing and other credit guaranty programs					
---	(limitation on guaranteed loans)	---	(400,000,000)	(400,000,000)	(+400,000,000)	---
	International Security Assistance					
---	Economic support fund	---	765,000,000	750,000,000	+750,000,000	-15,000,000
101-148						
101-157	(By transfer)	(800,000,000)	---	---	(-800,000,000)	---
---	I-match (guarantee loans)	---	---	(200,000,000)	(+200,000,000)	(+200,000,000)

SUPPLEMENTAL H.R. - 4404

Doc. No.		Supplemental Request	House Amount	Senate Amount	Senate vs Request	Senate vs House Amount
	DEPARTMENT OF STATE					
---	Migration and refugee assistance	---	75,000,000	75,000,000	+75,000,000	---
101-148	(By transfer)	(70,000,000)	---	---	(-70,000,000)	---
---	United States Emergency Refugee and Migration Assistance Fund	---	25,000,000	25,000,000	+25,000,000	---
	Total, Department of State	---	100,000,000	100,000,000	+100,000,000	---
	Total, Chapter III: New budget (obligational) authority	---	870,000,000	880,000,000	+880,000,000	+10,000,000
	(By transfer)	(870,000,000)	---	---	(-870,000,000)	---
	CHAPTER IV					
	DEPARTMENT OF THE INTERIOR					
	Bureau of Land Management					
---	Firefighting	---	176,800,000	176,800,000	+176,800,000	---
	United States Fish and Wildlife Service					
---	Resource management	---	---	1,000,000	+1,000,000	+1,000,000
	Total, Department of Interior	---	176,800,000	177,800,000	+177,800,000	+1,000,000
	DEPARTMENT OF AGRICULTURE					
	Forest Service					
---	Forest Research (by transfer)	---	---	(4,700,000)	(+4,700,000)	(+4,700,000)
---	State and Private Forestry (by transfer)	---	---	(6,900,000)	(+6,900,000)	(+6,900,000)
---	National Forest System (by transfer)	---	---	(4,440,000)	(+4,440,000)	(+4,440,000)
---	Forest Service firefighting	---	256,000,000	256,700,000	+256,700,000	+700,000
	Total, Chapter IV: New budget (obligational) authority	---	432,800,000	434,500,000	+434,500,000	+1,700,000
	(By transfer)	---	---	(16,040,000)	(+16,040,000)	(+16,040,000)
	CHAPTER V					
	DEPARTMENT OF LABOR					
	Employment and Training Administration					
---	Community service employment for older Americans	---	---	10,000,000	+10,000,000	+10,000,000
---	State unemployment insurance and employment service operations (limitation on trust fund transfer)	---	(96,000,000)	(99,600,000)	(+99,600,000)	(+3,600,000)
	Employments Standards Administration					
---	Black Lung Disability trust fund	---	---	700,000	+700,000	+700,000
	Total, Department of Labor	---	---	10,700,000	+10,700,000	+10,700,000
	DEPARTMENT OF HEALTH AND HUMAN SERVICES					
	Health Resources and Service Administration					
---	Program operations	---	---	2,300,000	+2,300,000	+2,300,000
	Centers for Disease Control					
---	Disease control, research, and training	---	---	31,500,000	+31,500,000	+31,500,000
	Family Support Administration					
---	Payments to States for AFDC work programs (rescission)	---	---	-7,880,000	-7,880,000	-7,880,000
---	Low income home energy assistance	---	50,000,000	50,000,000	+50,000,000	---
	Assistant Secretary for Human Development Services					
---	Head Start program	---	---	165,685,000	+165,685,000	+165,685,000
	Total, Department of Health and Human Services	---	50,000,000	241,605,000	+241,605,000	+191,605,000
	DEPARTMENT OF EDUCATION					
---	School Improvement Program	---	---	22,609,000	+22,609,000	+22,609,000
---	(By transfer)	---	---	(3,374,000)	(+3,374,000)	(+3,374,000)
	Total, Department of Education	---	---	22,609,000	+22,609,000	+22,609,000

SUPPLEMENTAL H.R. - 4404

Doc. No.		Supplemental Request	House Amount	Senate Amount	Senate vs Request	Senate vs House Amount
	RELATED AGENCIES					
---	National Commission on Children	---	---	500,000	+500,000	+500,000
---	White House Conference on Library and Information Services	---	---	425,000	+425,000	+425,000
	Total, Related Agencies	---	---	925,000	+925,000	+925,000
	Total, Chapter V:					
	New budget (obligational) authority	---	50,000,000	275,839,000	+275,839,000	+225,839,000
	Appropriations	---	(50,000,000)	(283,719,000)	(+283,719,000)	(+233,719,000)
	Rescissions	---	---	(-7,880,000)	(-7,880,000)	(-7,880,000)
	(By transfer)	---	---	(3,374,000)	(+3,374,000)	(+3,374,000)
	CHAPTER VI					
	DEPARTMENT OF AGRICULTURE					
	Agricultural Research Service:					
101-178	Buildings and facilities (rescission)	-4,075,000	---	---	+4,075,000	---
	Cooperative State Research Service:					
101-178	Buildings and facilities (rescission)	-41,008,000	---	---	+41,008,000	---
	Animal and Plant Health Inspection Service:					
---	Salaries and expenses	---	---	8,000,000	+8,000,000	+8,000,000
---	Food Safety and Inspection Service	---	---	6,884,000	+6,884,000	+6,884,000
	Federal Crop Insurance Corporation:					
101-176	Administration and operating expenses	15,000,000	---	15,000,000	---	+15,000,000
	Rural Electrification Administration:					
	Rural electrification & telephone revolving fund:					
	Direct loans:					
101-176	Electric	(-23,500,000)	---	---	(+23,500,000)	---
101-176	Telephone	(-105,900,000)	---	---	(+105,900,000)	---
	Food and Nutrition Service:					
---	Commodity supplemental food program	---	---	4,700,000	+4,700,000	+4,700,000
---	Food stamp program	705,000,000	510,000,000	705,000,000	---	+195,000,000
	Total, Department of Agriculture	720,000,000	510,000,000	739,584,000	+19,584,000	+229,584,000
	DEPARTMENT OF HEALTH AND HUMAN SERVICES					
	Food and Drug Administration					
101-122	Salaries and expenses	13,900,000	13,900,000	13,900,000	---	---
101-122	Offsetting collections	-13,900,000	---	---	+13,900,000	---
	RELATED AGENCIES					
	Commodity Futures Trading Commission 1/	3,655,000	---	3,655,000	---	+3,655,000
	Total, Chapter VI:					
	New budget (obligational) authority	678,572,000	523,900,000	757,139,000	+78,567,000	+233,239,000
	Appropriations	(723,655,000)	(523,900,000)	(757,139,000)	(+33,484,000)	(+233,239,000)
	Rescissions	(-45,083,000)	---	---	(+45,083,000)	---
	CHAPTER VII					
	DEPARTMENT OF VETERANS AFFAIRS					
	Veterans Benefits Administration					
101-176	Compensation and pensions	190,000,000	190,000,000	190,000,000	---	---
101-176	Loan guaranty revolving fund	245,000,000	150,000,000	245,000,000	---	+95,000,000
	Total, Veterans Benefits Administration	435,000,000	340,000,000	435,000,000	---	+95,000,000
	Veterans Health Service and Research Administration					
---	Medical care	---	50,000,000	94,000,000	+94,000,000	+44,000,000
---	Medical administration and miscellaneous operating expenses (by transfer)	---	(1,300,000)	(1,300,000)	(+1,300,000)	---
	Total, Department of Veterans Affairs	435,000,000	390,000,000	529,000,000	+94,000,000	+139,000,000

1/ CFTC has submitted a request for this amount to the Office of Management and Budget. OMB has not acted on the request.

SUPPLEMENTAL H.R. - 4404

Doc. No.		Supplemental Request	House Amount	Senate Amount	Senate vs Request	Senate vs House Amount
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
	Housing Programs					
	Annual contributions for assisted housing:					
---	Housing Development Grant project (reappropriation	---	---	2,469,000	+2,469,000	+2,469,000
	Payments for operation of low-income housing projects					
---	(by transfer)	---	(72,000,000)	(72,000,000)	(+72,000,000)	---
	Community Planning and Development					
101-122	Urban homesteading (by transfer)	(11,450,000)	(11,450,000)	---	(-11,450,000)	(-11,450,000)
	INDEPENDENT AGENCIES					
	American Battle Monuments Commission					
---	Salaries and expenses	---	---	500,000	+500,000	+500,000
	Federal Emergency Management Agency					
---	Emergency management planning and assistance	---	---	500,000	+500,000	+500,000
	National Aeronautics and Space Administration					
	Space flight, control and data communications					
---	(rescission)	---	---	-36,077,000	-36,077,000	-36,077,000
101-122	Research and program management (by transfer)	(32,970,000)	(32,970,000)	(45,000,000)	(+12,030,000)	(+12,030,000)
	National Commission on Native American, Alaska Native and Native Hawaiian Housing					
---	Salaries and expenses (by transfer)	---	---	(500,000)	(+500,000)	(+500,000)
	National Commission on Severely Distressed Public Housing					
---	Salaries and expenses (by transfer)	---	---	(2,000,000)	(+2,000,000)	(+2,000,000)
	Total, Chapter VII:					
	New budget (obligational) authority	435,000,000	390,000,000	496,392,000	+61,392,000	+106,392,000
	Appropriations	(435,000,000)	(390,000,000)	(530,000,000)	(+95,000,000)	(+140,000,000)
	Reappropriations	---	---	(2,469,000)	(+2,469,000)	(+2,469,000)
	Rescissions	---	---	(-36,077,000)	(-36,077,000)	(-36,077,000)
	(By transfer)	(44,420,000)	(117,720,000)	(120,800,000)	(+76,380,000)	(+3,080,000)
	CHAPTER VIII					
	DEPARTMENT OF TRANSPORTATION					
	National Highway Traffic Safety Administration					
	Highway traffic safety grants (Highway Trust Fund)					
---	(liquidation of contract authorization)	---	---	(5,000,000)	(+5,000,000)	(+5,000,000)
	Alcohol safety incentive grants: (limitation on					
---	obligations)	---	---	(5,000,000)	(+5,000,000)	(+5,000,000)
	CHAPTER IX					
	DISTRICT OF COLUMBIA FUNDS					
	Operating Expenses					
101-	Governmental direction and support	(99,000)	---	(99,000)	---	(+99,000)
101-	(Rescission)	(-3,218,000)	---	(-3,218,000)	---	(-3,218,000)
101-	Economic development and regulation	(50,000)	---	(50,000)	---	(+50,000)
101-	(Rescission)	(-10,478,000)	---	(-10,478,000)	---	(-10,478,000)
101-	Public safety and justice	(7,750,000)	---	(7,750,000)	---	(+7,750,000)
101-	(Rescission)	(-5,739,000)	---	(-5,739,000)	---	(-5,739,000)
101-	Public education system (rescission)	(-6,583,000)	---	(-6,583,000)	---	(-6,583,000)
101-	Human support services	(4,840,000)	---	(4,840,000)	---	(+4,840,000)
101-	(Rescission)	(-5,739,000)	---	(-5,739,000)	---	(-5,739,000)
101-	Public works (rescission)	(-8,810,000)	---	(-8,810,000)	---	(-8,810,000)
101-	Washington Convention Center Fund	(2,993,000)	---	(2,993,000)	---	(+2,993,000)
101-	Repayment of loans and interest (rescission)	(-12,336,000)	---	(-12,336,000)	---	(-12,336,000)
101-	Repayment of general fund deficit	---	---	---	---	---
101-	Short-term borrowings	(3,349,000)	---	(3,349,000)	---	(+3,349,000)
101-	Optical and dental benefits	(543,000)	---	(543,000)	---	(+543,000)
101-	Energy adjustment	---	---	---	---	---
101-	Equipment adjustment	---	---	---	---	---
101-	Personal services adjustment	---	---	---	---	---
	Total, Operating expenses, general fund (net)	-33,279,000	---	-33,279,000	---	-33,279,000
	Capital Outlay					
101	General fund	(76,102,000)	---	(76,102,000)	---	(+76,102,000)
101	(Rescission)	(-24,215,000)	---	(-24,215,000)	---	(-24,215,000)

SUPPLEMENTAL H.R. - 4404

Doc. No.		Supplemental Request	House Amount	Senate Amount	Senate vs Request	Senate vs House Amount
	Enterprise Fund					
101-	Water and Sewer Enterprise Fund	(12,026,000)	---	(12,026,000)	---	(+12,026,000)
101-	(Rescission)	(-17,680,000)	---	(-17,680,000)	---	(-17,680,000)
	CHAPTER X					
	FUNDS APPROPRIATED TO THE PRESIDENT					
---	Unanticipated needs	---	---	5,000,000	+5,000,000	+5,000,000
	Total, Chapter X: New budget (obligational) authority	---	---	5,000,000	+5,000,000	+5,000,000
	CHAPTER XI					
	LEGISLATIVE BRANCH					
	SENATE					
	Payments to Widows and Heirs of Deceased Members of Congress					
101-176	Gratuities, deceased Members	98,400	---	98,400	---	+98,400
	Library of Congress					
101-176	Salaries and expenses	912,000	---	---	-912,000	---
	Total, Chapter XI: New budget (obligational) authority	1,010,400	---	98,400	-912,000	+98,400
	Total, Title II: New budget (obligational) authority	962,048,400	504,674,000	337,222,400	-624,826,000	-167,451,600
	Appropriations	(1,188,931,400)	(2,301,466,000)	(2,157,684,400)	(+968,753,000)	(-143,781,600)
	Reappropriations	---	---	(2,469,000)	(+2,469,000)	(+2,469,000)
	Rescissions	(-226,883,000)	(-1,796,792,000)	(-1,822,931,000)	(-1,596,048,000)	(-26,139,000)
	(By transfer)	(1,027,429,000)	(117,720,000)	(147,614,000)	(-879,806,000)	(+29,894,000)
	TITLE III - GENERAL PROVISIONS					
	LEGISLATIVE BRANCH					
	SENATE					
	Contingent Expenses of the Senate					
	Sergeant at Arms and Doorkeeper of the Senate					
---	(Reappropriation)	---	---	1,500,000	+1,500,000	+1,500,000
	REPEAL OF SECTION 614					
101-122	Repeal of Sec. 614 of P.L. 101-162	363,416,000	---	363,416,000	---	+363,416,000
	Total, Title III: New budget (obligational) authority	363,416,000	---	364,916,000	+1,500,000	+364,916,000
	Appropriations	(363,416,000)	---	(363,416,000)	---	(+363,416,000)
	Reappropriations	---	---	(1,500,000)	(+1,500,000)	(+1,500,000)
	Grand total: New budget (obligational) authority	1,325,464,400	615,674,000	850,138,400	-475,326,000	+234,464,400
	Appropriations	(1,552,347,400)	(2,412,466,000)	(2,669,100,400)	(+1,116,753,000)	(+256,634,400)
	Reappropriations	---	---	(3,969,000)	(+3,969,000)	(+3,969,000)
	Rescissions	(-226,883,000)	(-1,796,792,000)	(-1,822,931,000)	(-1,596,048,000)	(-26,139,000)
	(By transfer)	(1,057,620,000)	(117,720,000)	(147,614,000)	(-909,806,000)	(+29,894,000)
	CONGRESSIONAL BUDGET RECAP					
	Scorekeeping adjustments:					
	Unanticipated needs (rescission)	---	---	-15,153,000	-15,153,000	-15,153,000
	REA credit scoring	-121,270,000	---	---	+121,270,000	---
	Export Enhancement Program	---	---	-7,000,000	-7,000,000	-7,000,000
	Total, adjustments	-121,270,000	---	-22,153,000	+99,117,000	-22,153,000
	Total (including adjustments)	1,204,194,400	615,674,000	827,985,400	-376,209,000	+212,311,400
	Amount in this bill	(1,325,464,400)	(615,674,000)	(850,138,400)	(-475,326,000)	(+234,464,400)
	Scorekeeping adjustments	(-121,270,000)	---	(-22,153,000)	(+99,117,000)	(-22,153,000)
	Total mandatory and discretionary	1,204,194,400	615,674,000	827,985,400	-376,209,000	+212,311,400
	Mandatory	(1,145,414,400)	(1,288,116,000)	(1,582,214,400)	(+436,800,000)	(+294,098,400)
	Discretionary	(58,780,000)	(-672,442,000)	(-754,229,000)	(-813,009,000)	(-81,787,000)

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,873d day that Terry Anderson has been held in captivity in Beirut.

I would also ask unanimous consent that a thoughtful Washington Post editorial on the hostage situation be included at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 2, 1990]

FIFTEEN MORE HOSTAGES TO GO

Release of a second hostage in Damascus puts those holding the 15 others a step closer to closing out this grim chapter of terrorism. Like Robert Polhill, educator Frank Reed was held for more than three years in conditions of abuse and humiliation. The two men, along with the remaining six American and nine other Western hostages—all innocent victims chosen at random—have suffered an ordeal that will leave a permanent stain on the perpetrators and the governments that sustained them.

For Mr. Reed's liberty, President Bush thanked Iran for prompting the captors who physically held him. He thanked Syria for mediating between Washington and Tehran. These words reflect a measure of encouragement and a hint—but only a hint—of more substantial approbation to come. With an eye on the last administration's Iran-contra follies, this administration rejects bargaining for hostages. But this does not mean the United States has no leverage. The political plates are shifting in the Middle East. War-weakened Iran needs to work its passage back into the international economy. Syria's diplomatic setbacks and economic burdens dictate a less self-isolating course. These considerations are inclining the two countries to address with fresh vigor the fundamentalist groups, ideologically close to Iran and physically based on Syrian or Syrian-occupied territory, that actually hold the hostages. Their recent success casts an interesting light on contentions that the matter was out of their hands.

On the day Mr. Bush was expressing thanks to Iran and Syria, the State Department cited both countries (and four others) under terms of a law compelling annual designation, and at this time, of governments responsible for state-supported terrorism. The apparent awkwardness of citing those who are expected to deliver more hostages has to be set against the much larger value of underlining the United States' seriousness about combating terrorism. In fact, there is less of a contradiction here than meets the eye. The two governments were cited for activities in 1989. Only now are they taking the sort of steps requisite to working themselves off the list. Bazaar bargainers, Iran and Syria ask Washington for what Iran terms "reciprocal positive steps" right now. There will be time and reason to consider returning American relations with those states to normal when the 15 remaining hostages come home.

HARVEST OF PEACE: A VISION FOR THE FUTURE

Mr. PELL. Mr. President, I am pleased to cosponsor Senate Concurrent Resolution 91, the harvest of peace resolution, introduced by Senators HATFIELD and BUMPERS.

Mr. President, Senate Concurrent Resolution 91 lays the groundwork for a positive, forward thinking approach to some of our most serious international problems. The innovative policy recommendations put forth in the resolution are designed to achieve a measure of common security, thus decreasing our need to rely on military spending. In this connection, the world's economic powers would be able to devote important resources to attacking the festering blights of hunger, poverty, and underdevelopment.

At the onset of the 1980's, some of the provisions of the harvest of peace resolution would have been inconceivable. However, the landmark year of 1989 unleashed a series of monumental changes across the globe, and we are now presented with a unique opportunity to formulate a new world order. As we construct that new order in the 1990's, I believe that the harvest of peace resolution would provide us with the proper focus to confront and overcome the many challenges we face.

Mr. President, I commend Senators HATFIELD and BUMPERS for their foresight and leadership in introducing this resolution. I am pleased to join them in an effort to redirect our Nation's priorities in view of the historic opening that our time has given us. I urge my colleagues to support this important legislation, and I ask unanimous consent that the full text of the harvest of peace resolution be included in the RECORD at this point.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 91

Whereas reduced East-West tensions and renewed efforts for peace by people in the Third World give the United States and other nations an unprecedented opportunity to reverse the $1,000,000,000,000 arms race and promote peaceful international development;

Whereas hunger victimizes approximately 20,000,000 people in the United States and 1,000,000,000 people worldwide; and

Whereas common security is based not only on legitimate defense measures but also on all people having an opportunity to meet their basic needs for food, shelter, health care, education, and work with dignity; to live in a safe and healthful environment; and to enjoy human rights, including the right to participate in decisions affecting their lives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Harvest of Peace Resolution".

SEC. 2. STATEMENTS OF POLICY.

(a) STEPS TO HELP ACHIEVE COMMON SECURITY.—It is the sense of the Congress that the United States should help achieve common security by reducing the world's reliance on the military and redirecting resources to peaceful efforts toward overcoming hunger and poverty and meeting basic human needs by—

(1) negotiating agreements with the Soviet Union for substantial and verifiable reductions in overall military forces and spending, and urging other nations to reduce their military forces and spending, with the goal of halving worldwide military spending by the year 2000;

(2) reducing military assistance and arms sales to developing nations and urging other nations to do likewise;

(3) encouraging peaceful settlement of conflicts through regional and international negotiations;

(4) providing increased assistance to developing nations to overcome hunger and poverty, to reduce debt burdens, to promote human rights and people's participation in political decisions affecting them, to ensure sustainable development, and to protect the environment;

(5) increasing support domestically for programs that address human needs;

(6) helping defense industries and their employees convert to productive nondefense work; and

(7) reducing the Federal deficit.

(b) ACHIEVING COMMON SECURITY SHOULD BE A PRIMARY POLICY OBJECTIVE.—It is the further sense of the Congress that the United States should make fostering common security through the initiatives described in subsection (a) a primary foreign and domestic policy objective.

TRIBUTE TO FORMER MAYOR MARGARET HANCE, PHOENIX, AZ

Mr. DECONCINI. Mr. President, I rise to pay tribute to a dedicated public servant. Margaret Hance, Phoenix' first woman mayor, died April 29, 1990. I had the pleasure and opportunity to work with Margaret during the late seventies and early eighties. She always worked hard for the cause of cities and came to my office armed with the facts and figures to support her arguments. Yet she never neglected to temper her seriousness with humor.

As the mayor of Phoenix and a leader in two national local government organizations, the National League of Cities and the U.S. Conference of Mayors, Mayor Hance was a determined fighter for Phoenix and other cities. She believed that good city government and healthy, vibrant cities reflected the strength of our form of government. Many of my colleagues in the Senate knew her because she was a national spokesperson for cities while she was mayor of Phoenix.

Mayor Hance frequently visited my office between 1980 and 1983, when we worked together on securing highway discretionary funding to complete the Papago Freeway. She led Phoenix into the development of a modern freeway system and was quick to remind me that Phoenix was not looking for a Federal handout to solve its problems. Because she believed so strongly in local governments' ability to solve

problems, she played a major role in getting the Arizona Legislature to approve a bill to fund local transportation projects.

I remember how determined she was to convince Federal officials that the Urban Development Action Grant Program and the Urban Parks Program should benefit not only the Nation's older cities but also Sun Belt cities. She was very proud of that success. Over the years at budget and appropriation times, the Arizona delegation could expect to see Mayor Hance fighting hard and successfully to protect the funding for community development grants, mass transit funds, and general revenue sharing.

Mayor Hance once explained to a reporter why she initially ran for public office. "One of the reasons I originally decided to run," she said, "was that I felt I could do more for parks and recreation" as a city council member. After two terms on the council, "I decided to take upward mobility. I was told a woman could not be elected mayor of Phoenix for another 10 years," she said. "But I was successful."

Not only was Margaret successful in that 1975 election, but she won every precinct in the city. Her margin for victory would increase in the campaign to follow! With Margaret Hance at the helm, Phoenix experienced 8 years of explosive growth. And when she retired in 1983, she left a list of accomplishments that included approval of the Papago Freeway, a citywide system of mountain parks, installation of hundreds of miles of improved streets, and a nearly 50-percent increase in employment.

What Margaret Hance accomplished, she did with style and grace. Her wit and charm are legendary. One of the best Washington stories about her involves my former Senate colleague and friend, Barry Goldwater. He and "Margie," as she was known to Barry, met soon after President Reagan was inaugurated. Mayor Hance and Senator Goldwater exchanged pleasantries, and Margaret began to tell Barry about how the President's election success had been started by Barry years ago.

Barry countered with how grand and successful Mayor Margie was. He started to reminisce about his service on the Phoenix City Council and exclaimed how she had the best job in politics as mayor of Phoenix. Mayor Hance reportedly drew a slow breath and in her matter-of-fact tone said to Barry, "Senator, that is easy for you to say. You live 2,000 miles away from your constituents. Mine know my street address and phone number!" But anyone who knew her and saw her as mayor understood how much she loved the job and her city. She is going to be sorely missed.

SENATOR BOREN ON AMERICA'S ROLE IN THE WORLD

Mr. PELL. Mr. President, our colleague, Senator BOREN, recently wrote an article, published in the Washington Post, arguing that a changed world calls for a new vision of the United States role in it.

Senator BOREN argues that as the perceived Soviet threat declines, America's allies around the world will feel that they do not need U.S. protection any longer. In addition, with an increase in their own prosperity, they do not need us economically as much as they once did. All of this adds up to a declining willingness of our friends and allies to follow the U.S. lead on international issues.

In response to this challenge to the U.S. position in the world, Senator BOREN concludes that the United States cannot afford to rely on the same foreign policy tools put in place by the Truman administration 45 years ago. He proposes that we link foreign aid to the purchase of American products, that the staffing of U.S. embassies abroad should reflect a greater emphasis on promoting our economic interests, and that the student exchange program be greatly increased.

These and other recommendations by Senator BOREN make eminently good sense, and they deserve thoughtful consideration by the President and Congress. I ask unanimous consent that the full text of Senator BOREN'S excellent article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 2, 1990]

. . . FOR A MODEL NATION

(By David L. Boren)

For the past four decades, America's allies have been willing to follow this country's lead largely because of the perceived threat from the Soviet Union and the Eastern bloc. As long as there was a threat, they needed the shield of American military protection, especially when we were bearing so much of the economic burden of paying for it.

But now that this threat is greatly reduced, many will feel that they do not need our protection anymore. As a result, they will be far less willing to follow our lead on matters of international importance to us. Nor do our allies need us economically the way they did in the '50s, when we had nine of the 10 largest banks in the world and two-thirds of the world's assets and markets. We began the '90s with none of the top 20 banks and an asset share less than half that of 40 years ago.

Does this mean that the United States, which has led the world in the 20th century, will be automatically reduced to a bit player on the world stage in the 21st? It could happen if we squander the opportunities we have in this decade to reorder our priorities. They must be seized quickly for they may not come again.

A different set of assets will be needed for a leadership role in the next century. Economic strength along with the moral force of America's political and social example as a model for others will be more important. While we must remain prepared to deal with a variety of military threats, overall military strength will be less important.

Those who doubt that economic competition is more and more replacing military competition should examine what is happening in the intelligence field. An increasing share of the espionage directed against the United States comes from spying by foreign governments against private American companies aimed at stealing commercial secrets to gain a national economic advantage.

There is no time to waste. We need to realign our foreign policy to advance our national economic interests. What should we do?

First, change the way we give foreign aid by giving more in the form of credits to be used solely to buy American products produced with American jobs. Recent polls show opposition to foreign aid running at 80 percent. They are a clear indication that the United States will not be able politically to reach out to newly emerging democracies unless we develop a way for American taxpayers to see a return for their tax dollars in terms of more jobs at home.

West Germany and Japan are following this policy. Over 90 percent of their recent aid to Poland and Hungary came in the form of restricted credits. From 1984 to 1987, aid in the form of such credits given by other nations increased from $4 billion to $12 billion. Our failure to have a "Buy American Plan" has cost Americans billions of dollars in lost exports in the past five years alone.

We must remember that burden sharing in helping other nations also means influence sharing and a diminished role for the United States economically and politically in the future. A Buy American Plan would enable us to expand our influence, help others and help ourselves at the same time.

Second, change the perspective of American embassies and missions to give greater emphasis to supporting our economic interests. We must recruit more people into the Foreign Service and intelligence agencies with economic skills and training. Right now, two-thirds of our embassies do not even have a commercial officer in the embassy to assist our businesses. When we do have a commercial officer, it is three times as likely that the official is a foreign national.

Embassies must be regarded as outposts to further our economic interests. We must put behind us the attitude that commercial sections of diplomatic missions are nuisances best relegated to basements or annexes. If we don't restore our economic influence we will soon be without political influence.

Third, dramatically increase student exchange programs for college undergraduates—especially with the Soviet Union, Eastern Europe and Latin America. Such a program serves our interests in two ways. It forges bonds with the future generation of leaders of nations of growing importance to us. It also helps sensitize our students to the need to become more international in their training and outlook. Doubling the size of the Peace Corps would be another important step in the right direction.

We can't compete if we can't speak the world's languages and don't understand the world's cultures. Our educational system is woefully insular. One hundred percent of Japanese high school graduates have studied at least six years of English, while a tiny

fraction of 1 percent of our students have studied Japanese. For every 30 students who come from abroad to study in the United States, only one American student ventures into another nation for study and living experiences. The nation of Malaysia, with a population of 14 million, sends more students to study abroad than does the United States.

Of course, a comprehensive plan to rebuild our economy should include many other initiatives. Repairing the entire education system, planning for the trasition from a military economy to a civilian economy and developing an international partnership to share the cost of improving the environment must all be part of the plan. It is essential to overhaul tax policy to match the tax incentives for saving and investment given by other nations so that our cost of capital can compete with theirs.

Above all, we must realize that we can't afford to continue to rely upon the same foreign policy tools put in place by the Truman administration 45 years ago. A new world calls for a new vision for our role in it. It has been said that those who mill around at the crossroads of history do so at their own peril. It is urgent that we heed that warning.

THANKS TO DICK McCORMACK: HIGHER PRIORITY FOR ECONOMIC ISSUES

Mr. HELMS. Mr. President, for years many Senators have complained that the Department of State has downgraded economic issues when assessing the national interest in negotiations with Japan.

It always seemed that diplomatic concerns somehow did not include the United States economic interest in our relationship with Japan—as though Japan's growing economic clout was irrelevant.

However, an article in yesterday's Journal of Commerce notes that that policy has been changing under Secretary of State James Baker. In fact, the article cites officials in the Commerce Department praising the new stance of the Department of State, taken as a result of the extremely effective efforts by Undersecretary of State for Economic Affairs, Richard T. McCormack, in the so-called "structural talks" with Japan on opening up Japanese trading and commercial practices to foreign goods.

The Journal of Commerce quotes Dick McCormack: "When you are engaged in the task of trying to prevent world war III, which is what has gone on here for the past 40 years, that of course gets a lot of high profile attention, but because the geopolitical factors have improved to a very large degree, there is a renewed emphasis on economic matters."

Of course, Ambassador McCormack is very well known for his years on the Senate staff, as well as the many years he has spent at the State Department, so his views are no surprise, I congratulate him for his fine work in this matter.

Mr. President, I ask unanimous consent that the article from the Journal of Commerce, May 1, 1990, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, May 1, 1990]

TRADE ROLE EARNS STATE DEPARTMENT HIGH MARKS

(By Keith M. Rockwell)

WASHINGTON.—In recent years, mentioning the "State Department" to U.S. trade officials or business leaders was likely to bring a shudder.

When trade disputes arose, the department was almost a sure vote against taking any course that might impair strategic or geopolitical relations.

State's approach exasperated the Office of the U.S. Trade Representative, the Commerce Department and many U.S.-based multinational corporations.

This is changing.

The pace may not be fast enough for some, but State's former critics concede that trade and other international economic issues are receiving higher priority around Foggy Bottom these days.

Moreover, as U.S.-Soviet tensions ease and as the focus for Eastern Europe shifts more to economics from military strategy, the trend is likely to continue and accelerate in coming years.

"When you are engaged in the task of trying to prevent World War III, which is what has gone on here for the past 40 years, that of course gets a lot of high profile attention . . . (but) because the geopolitical factors have improved to a very large degree, there is a renewed emphasis on economic matters," said Richard T. McCormack, Undersecretary for economic and agricultural affairs at State.

State has been particularly involved in two critical areas of U.S. international economic policy: the economic restructuring of Eastern Europe and the ongoing talks with Japan on structural issues which contribute to the persistently wide U.S. trade deficits with Japan.

Officials with Commerce and USTR warmly praised Mr. McCormack and his staff for their role in the structural talks that, so far, have exceeded expectations.

"We would not have ended up with the outcome we did and we would have no hope of gaining a final agreement" without Mr. McCormack's efforts, said one Commerce Department official.

U.S. business leaders have been impressed with State's involvement in the economic side of the reforms in Eastern Europe. The department has sought advice from the business community and has provided timely information on the market potential, says William T. Archey, vice president for international at the U.S. Chamber of Commerce.

The interest shown in economic issues is underscored, he said, by a request from Deputy Secretary Lawrence Eagleburger that the chamber survey all 60 of its overseas offices on the economic competence of the U.S. embassies in Eastern Europe.

But like many business officials, Mr. Archey retains some reservations. It will take years, he said, before State fully embraces the notion that trade is a vital component of U.S. national security.

"Over the last 15-20 years, their primary role was to ensure that trade issues never came to the forefront of the policy process. . . . Foreign service officers are congenitally incapable of dealing with trade issues," he said.

One senior administration official seconds Mr. Archey's view that it may be difficult for some foreign service officers to break with the policies of the past.

"Obviously State has been actively involved but basically as a naysayer over the past eight years and probably even as far back as the late 1930s," that official said.

The low-water mark for the State Department's credibility with the trade community probably occurred in January 1988 when a senior State official misled reporters by telling them a Japanese proposal to open the construction market "will meet what we want for opening the Japanese market."

Industry and trade agency officials reacted with outrage, pointing out that Tokyo's offer fell far short of U.S. demands. Indeed, it was months before a deal on construction was reached, and the issue remains unresolved two years later.

The abrupt shift in attitude at State is directly linked to the arrival of James A. Baker III as Secretary in early 1989. As Secretary of the Treasury from 1985-88, Mr. Baker was perhaps the major player in the global international economic policy scene and his interest in the subject remains keen.

As protecting U.S. economic interests abroad and improving American competitiveness became relatively larger policy concerns, few believed Mr. Baker would be content to sit on the sidelines in any debate on them.

"The landscape has changed. Today economic policy is more important strategically than military policy. For Mr. Baker there are basically two issues today; getting involved in trade or peace in the Middle East. Which would you chose?" asked one senior U.S. trade official.

In fact, given Mr. Baker's powerful connection to the president and his expertise in economics, some administration officials were surprised State did not inject itself into trade policy earlier. Some trade agency officials feared that after Mr. Bush's inauguration, State would muscle in on their turf.

Mr. Baker had other things on his plate, however, such as arms control and Middle East peace talks. Furthermore, State had ceded a lot of trade territory in the past three decades and Commerce and USTR were in no mood to return it.

Despite the greater emphasis given trade by senior State officials, there will continue to be skepticism here about whether economic issues will win a high place in the hearts and minds of the department's bureaucracy.

"There is still a tendency to keep relationships or issues in the context of geopolitics," and Mr. Archey, who strongly supports the change of tack at State.

LAW OF THE SEA—AGAIN

Mr. HELMS. Mr. President, the Convention on the Law of the Sea is a hardy perennial weed that keeps coming back and back, no matter how hard you try to pull it out by its roots. And it is a weed that remains obnoxious.

The Law of the Sea proposal was soundly rejected by President Reagan in 1982 because the deep seabed mining provisions were deeply flawed. Indeed, President Reagan rightly concluded that these provisions were deeply detrimental to American commercial, economic, and political interests.

Time has demonstrated how correct President Reagan was in his assessment of this dangerous treaty, which would destroy U.S. rights to seabed mining on the high seas, and transfer the fruit of our technology to the United Nations and the Third World without recompense.

Yesterday, Mr. President, the Committee on Foreign Relations heard testimony which brought forth the same old discredited aguments in favor of resuscitating the treaty. But fortunately, the Committee also heard from one of the most distinguished experts in the United States on this matter, former Assistant Secretary of State for Oceans and Environment, James L. Malone, now an adjunct professor at the Naval Postgraduate School.

Professor Malone was able to review the progress that the United States has been able to make since 1982 as a result of President's Reagan's decision. His fine testimony is worthy of the consideration of all my colleagues.

Mr. President, I ask unanimous consent that Professor Malone's testimony be printed in the RECORD at the conclusion of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY JAMES L. MALONE

Thank you, Mr. Chairman, for this opportunity to appear before the Senate Foreign Relations Committee in today's overview hearing on the law of the sea. I appreciate the chance to present my views on the current status of the 1982 United Nations Convention on the Law of the Sea and United States ocean policy. I stress that these are my personal views and do not necessarily represent the position of the Naval Postgraduate School with which I am currently associated.

Mr. Chairman, the grave predictions that accompanied President Reagan's decision not to sign the 1982 UN Law of the Sea Convention have never materialized. Although the United States was not a signatory to the Convention, clearly it has been a full partner and practicing member of the world community that adheres to the law of the sea.

The decision not to sign has often been the centerpiece of debate about U.S. ocean policy. Erroneous notions implied that the United States was not committed to the rule of law and that Washington had thrown away a great deal of hard work that had gone into the Conference for so many years. Nothing was further from the truth.

President Reagan's decision on the 1982 Convention followed an intensive review by the administration to study whether American interests could be protected and served outside of the Convention. The conclusion reached was that the deep seabed mining provisions—Part XI and Annexes III and IV—were deeply flawed.

The President determined that while the other parts of the Convention served United States interests well, the seabed mining provisions were detrimental to American commercial, economic, and political interests, particularly in providing access to seabed minerals and the establishment of a sound international regime in which U.S. influence could be felt. The text on seabed mining was unacceptable to the Reagan administration and is not likely to win the support of the Bush administration.

American objections to the seabed mining regime of the Convention have been well known since July 1982, when President Reagan announced that the United States would not sign the Convention. The United States wants access to deep seabed minerals through the operation of a regime that is based on sound economic and commercial principles, and the United States wants no undesirable precedents set for future international regimes. The intentional design of the Convention's seabed mining provisons to promote collectivist economic policies remains a fundamental problem.

Many American concerns are shared by the United Kingdom and the Federal Republic of Germany which, like the United States, have not signed the Convention, and such concerns have been expressed by other industrial states that have signed. The While House analysis in 1982 was that the Convention could not achieve Senate advice and consent to ratification. The Reagan administration then acted in good faith in not signing a Convention that the United States could not ratify. Today, the U.S. Senate still does not seem willing to accept only symbolic changes in Part XI of the Convention.

Indeed, it is quite possible that changes in areas other than Part XI could be demanded in the future. But clearly any effort to achieve acceptance of less than very substantial alterations in Part XI cannot be successful.

The United States has pursued deep seabed mining interests outside of the framework presented in the Convention. Many argued that this could not be done, but it has. The United States has chosen to protect its interest outside the Convention's seabed mining regime by continuing to affirm customary international law that assures the right to engage in deep seabed mining as a high seas freedom. The Reagan administration believes that a determined pursuit of American interests would eventually play a constructive role in establishing a new climate to address U.S. concerns about the Convention and, at the very least, would provide a firm basis for a regime outside the Convention.

The United Kingdom, the Federal Republic of Germany, France, Japan, Italy, and the Soviet Union have enacted national deep seabed mining laws similar to the U.S. Deep Seabed Hard Mineral Resources Act. Moreover, after successful negotiations among the multinational Western deep seabed mining consortia to resolve their mine site conflicts, the United States, the United Kingdom, the Federal Republic of Germany, France, Japan, Belgium, Italy, and The Netherlands signed the Provisional Understanding Regarding Deep Seabed Matters in August 1984, implementing these settlements and providing a basis for future cooperation and a means of avoiding future conflicts.

Thereafter, a joint government and industry effort produced a settlement of the only remaining mine site conflicts between the claims of four consortia and the mine site claim of the Soviet Union. This effort resulted in an agreement between Canada, Belgium, Italy, The Netherlands, and the Soviet Union on deep seabed mining. Diplomatic notes have been exchanged between the Soviet Union and the United Kingdom, the Federal Republic of Germany, and the United States, incorporating the same mutual obligations.

Many experts in marine affairs have recommended that, despite its objections, the United States should participate in the Preparatory Commission established by the Final Act and Resolution I of the UN Law of the Sea Conference. But President Reagan's decision not to send an observer was intended to signify the seriousness of United States concerns and to protest the fact that the Preparatory Commission's mandate was to implement the provisions of the Convention, which were objectionable to the United States, not to alter them. To participate in the commission would give the erroneous impression that the United States had found Part XI acceptable.

Furthermore, the United States strongly objected to a UN General Assembly resolution that authorized the use of funds from the regular UN budget to finance the activities of the Preparatory Commission. President Reagan emphasized in a December 1982 statement that the United States regarded such an authorization as not only adverse to the interest of the United States, but also as an improper assessment within the meaning of the UN Charter, thus not legally binding on the United States. The United States therefore withheld from the United Nations its pro-rata share of the cost of funding the commission.

Over time, other states began to accept the reality that Part XI of the Convention had serious flaws and that eventually a new international environment would be needed to discuss and to remove the objections of the United States and other countries to the seabed mining provisions of the Convention. Until clear evidence existed of a willingness in an international forum to address the fundamental seabed mining problems of the Convention text, it would be counterproductive for the United States to reenter negotiations. Yet the willingness may not materialize and other alternatives may have to be found. Indeed, the best scenario may be to protect pioneer investors under Resolution II of Annex I of the Final Act of the Conference, with the Convention text problem being set to one side. This might be an acceptable solution considering the lack of any prospect for deep seabed mining for many years.

Much of the work of the Preparatory Commission reveals a growing understanding that the Convention seabed mining regime still does not address existing political and economic realities and that arrangements must be found to adapt the regime to these realities. The Soviet Union and some developing countries appear to be coming to similar conclusions, but other developing countries remain intransigent.

There is no need for precipitous U.S. action with regard to the 1982 Law of the Sea Convention. Under reasonable economic assumptions, commercial deep seabed mining will not occur until well into the next century at the earliest. In the late 1970s, an era of high raw materials prices and widespread predictions of shortages, seabed mining appeared to be a feasible alternative. Since then, the consumption rate

has leveled off considerably and prices have plunged. In the summer of 1986, raw material prices reached their lowest level in real terms since the 1930s. Although some prices have recovered since then, real prices for metals remain depressed. The continued slow growth of consumption and the unused capacity in most metals indicate those prices will rise only modestly over the next decade.

There is growing international appreciation for the U.S. decision not to sign the Law of the Sea Convention. A number of countries are increasingly emulating U.S. free-market principles around the globe, and do not intend to ratify the Convention until Part XI is remedied. The initial debate framed largely around the North/South and New International Economic Order (NIEO) dialogue has diminished in importance as other countries begin to understand and appreciate the fact that the United States and many of its allies represent the biggest market for the mineral products of developing countries. The world socialist community has continued to place greater emphasis on market approaches.

The United States, I believe, recognizes that the Convention has widespread support. More than 159 nations have signed the Convention; yet ratification by the required 60 states has been slow and mostly by states that provide a modest proportion of world gross national product. Entry of the Convention into force still seems to be some time away, and there is little or no prospect that any large Western industrialized country or major Eastern European nation will ratify the Convention before the seabed mining regime has been adjusted.

In 1983, President Reagan issued an Ocean Policy Statement indicating that the United States was prepared to accept and act in accordance with the balance of interests relating to traditional uses of the oceans, such as navigation and overflight. The United States would recognize the rights of other states in the waters off their coasts, as reflected in the Convention, so long as the rights and freedoms of the United States and others under international law were recognized by these coastal states. Thus, the President made clear that the United States would respect not just the legal rights of others, but the negotiated quid pro quos, as long as others respect its legal rights and those same quid pro quos. The United States in this manner demonstrated its respect of the rule of law. In fact, with the exception of the seabed mining and settlement of disputes provisions, the United States and many other states have accepted the substantive provisions of the Convention as the best evidence of the customary international law of the sea, which is binding on all states.

The Bush administration has also relied on the 1983 Ocean Policy Statement as its fundamental policy. The United States has been acting in a manner consistent with the text of the Convention, excepting the seabed regime. That policy has been expressed often in congressional correspondence; it has been the basis for the application of U.S. domestic laws; it forms the grounds for the evaluation of the actions of other states; and it is the support the United States uses to justify its actions internationally with regard to the world ocean and to protest the actions of others.

In extensive consultations with other states, American diplomats have found that whereas many countries regret that the United States did not sign the Convention, President Reagan's policy was well received as a positive approach to dealing with coastal jurisdiction and other uses of the sea.

Substantive provisions of the Convention (other than seabed mining and dispute settlement) are already part of customary international law and found in the current practice of states. Coastal states are already applying the principles contained in the 1982 Convention. Over 90 coastal states, for instance, claim exclusive economic zones or comparable fisheries zones. In December 1988, the United States joined more than 100 nations in establishing a 12-mile territorial sea.

The United States has been at the forefront to preserve and promote traditional international navigational freedoms. When excessive national claims over the high seas persist, the United States has not hesitated to assert its right through diplomacy and through peaceful exerises of its warships.

The United States has conducted regular multilateral and bilateral consultation with many governments on ocean law and policy. The talks have been very effective. Additionally, the United States has tried to work with key states to encourage conformity of their legislation with the rules articulated in the 1982 Convention. There is a remarkably good record of implementation of the balance of interests between coastal jurisdiction and maritime rights reflected in the Convention.

Through the Freedom of Navigational Rights Program, originally established in 1979 and vigorously reasserted since 1983, the U.S. Department of Defense executes an assertion of navigational rights on a continuing worldwide basis. In a typical year, 30–40 naval exercises are conducted. These exercises are undertaken to challenge coastal maritime claims that are excessive and not in accord with customary international law as reflected in the Convention. The assertions are subject to definite guidelines and interagency review, and are executed against both friendly and unfriendly coastal states. Such assertions are clear evidence of U.S. attention to excessive claims and interest in preventing the establishment of state practice that could give excessive maritime claims legitimacy under international law. The most noteworthy U.S. assertions of rights were in the Gulf of Sidra in 1986 and in the Black Sea in 1988. Outstanding differences with the Soviet Union on the rights of warships to innocent passage stemming from the 1988 Black Sea assertion as well as other incidents have now been favorably resolved with the September 23, 1989 Joint Statement by the United States and the Soviet Union on innocent passage of ships in the territorial sea.

The elaboration of the regime of transit passage through straits used for international navigation was one of the significant accomplishments of the Law of the Sea negotiations. The consensus established in the Convention represented a clear agreement by the international community of what has been and continues to be state practice of both coastal states and states navigating through and over straits. The Convention clearly recognized this new regime, and current state practice is in accord with it.

The new archipelagic regime for oceanic archipelagoes was one of the basic compromises between navigational interests and coastal states. The United States did not support the establishment of the concept of the archipelagic state consisting of islands separated by interconnecting waters, but accepted the regime. President Reagan's ocean policy statement made it clear that the United States would respect the rights of archipelagic states so long as the rights and freedoms and maritime states were recognized by such states.

The Convention established (in Article 76) the criteria for locating the outer edge of the continental shelf. Currently, there is general agreement in the international community that Article 76 of the Convention applies. The United States believes that the criteria in Article 76 should be applied by it and other states. The U.S. Interagency Group on Law of the Sea and Ocean Policy has established procedures to ensure that government maps incorporate these criteria and that customary international legal norms are correctly applied. Procedures for careful review of the maps prior to publications have been established.

In March 1983, the President established by proclamation the exclusive economic zone (EEZ) of the United States simultaneously with the issuance of his statement on U.S. Ocean Policy. The proclamation fully reflects the principles of customary international law reflected in the Convention. The EEZ added almost 4 billion acres of coastal zone area to the United States and its possessions. In these areas, the United States has sovereign rights over living and mineral resources development and conservation. Within the EEZ, the United States continues to apply the provisions of the Magnuson Fisheries Management and Conservation Act (Magnuson Act) to the development and conservation of fisheries.

In this connection, a larger number of bilateral agreements elaborating the terms and conditions of foreign fishing off American coasts have been negotiated. Coinciding with the Magnuson Act, the level of foreign fishing off U.S. coasts has continued to decline as the domestic fishing industry has grown and developed. Today almost no foreign fishing occurs in the U.S. EEZ.

As a consequece of the extensions by Pacific Island states of their maritime jurisdiction over fisheries within their 200-mile EEZs, the United States negotiated a tuna fishing treaty with 15 of the Pacific Island states. The treaty, which entered into force on June 15, 1988, established terms and conditions for U.S. flag fishing vessels to catch tuna in about 10 million square miles of the South Pacific Ocean. Much of this area is within the 200-mile EEZs of the Pacific Island states. The treaty is consistent with the Magnuson Act and the March 1983 U.S. EEZ proclamation. Further, it is in accord with the American interpretation of Article 64 of the Convention, providing for regional management and conservation of highly migratory species of tuna that are not subject to U.S. jurisdiction. Washington believes that the treaty will prevent any seizure of American vessels and subsequent U.S. retaliation mandated by the Magnuson Act.

The United States continues to promote a strong policy aimed at the preservation and enhancement of the marine environment. Working through the International Maritime Organization and other international agencies, efforts have focused on regional problems. United States participation in the UN Environment Program and its regional seas effort, including the Cartagena Convention and Associated Oil Spill Protocol for the Caribbean and the Environmental Convention for the South Pacific under the South Pacific Regional Environmental Program are recent examples. Under the London Dumping Convention, the United

States took a leading role in protecting the marine environment from the dumping of waste and other matter into the world's oceans.

American interest in encouraging marine scientific research has been accomplished in part by not asserting jurisdiction over marine scientific research in the U.S. EEZ. The United States has, however, recognized the right of coastal states to exercise jurisdiction over marine scientific research within 200 nautical miles of their coasts, provided that such jurisdiction is consistent with customary international law. This position solved a dilemma previously facing U.S. marine scientists who had been unable to secure permission to conduct research in foreign 200-mile zones because the United States had not previously recognized foreign coastal state jurisdiction in these zones.

Under present American ocean policy, there has been a continually increasing number of requests for research in foreign EEZs by American scientists. The work of the State Department's Office of Marine Science and Technology Affairs in securing research vessel clearances has had a beneficial impact on establishing and promoting state practice clarifying coastal state obligations and rights. The Conventions' provisions on marine scientific research are routinely implemented to enhance U.S. interest and to contribute to the development of a fair predictable worldwide regime for such research.

Mr. Chairman, I believe, U.S. ocean policy continues to be active and working well. As Washington seeks to protect and promote national interest, U.S. policy seems to address every major portion of the Convention.

Although Convention-based deep seabed mining will not occur in the foreseeable future because of the world metals market and the unacceptability of the Convention's seabed mining regime to the United States, other Western industrialized states, and major Eastern European nations, the rest of the Convention's provisions, other than those on dispute settlement with only very minor exceptions, represent customary law. These provisions are now accepted by most nations as the law of the sea.

The present prospects for correcting the seabed mining portions of the Convention in the Preparatory Commission or in any other forum are not favorable, even in view of recent rhetoric from developing countries and others to the contrary. Such assertions have been made frequently in the past and not fulfilled.

Thank you, Mr. Chairman, I would be pleased to respond to your questions.

TELL IT LIKE IT IS NOT

Mr. KERREY. Mr. President, I rise today to comment on the Second Annual Dick Darman tell it like it is not speech to America.

This year the subject of his speech is his belief that Americans are unwilling to express themselves with romantic voyages into the unknown. Mr. Darman believes Americans want too much security. He believes we need to reduce the insurance and entitlements that protect them. He believes they are not willing to run the risks which every American hero from Orville Wright to JOHN GLENN has braved.

He called for a revival of America's "love of freedom, respect for individual rights, distrust of excessively centralized authority, appreciation of markets, hope, optimism, confident faith in the future, heroization of risk-taking, and pioneering spirit."

He ended his dreary assessment of Americans with a reference to a painting by Albert Pinkham Ryder called "Toilers of the Sea." In it, he said, "The sea is dark. The boat is less than secure. But the moon is a bright and shining light. And with it is a guide, one senses the toilers will reach the distant horizon."

Mr. President, I have visited the Ryder exhibition, which is on display at the National Museum of American Art, and believe there is a painting more appropriate for Mr. Darman and President Bush. The painting is entitled "MacBeth and the Witches." It is a dark and forboding picture of the tragically doomed MacBeth confronting the tormentors of his existence.

President Bush has five witches and they are calling to him as well. Witch No. 1 is his budget. It is full of unrealistic economic assumptions which have been discredited by real world economic conditions. It inaccurately assesses our domestic problems and inadequately accounts for reduced external threats. So pathetic was this budget that not a single Member of the House of Representatives could be found to introduce it yesterday for a vote.

Witch No. 2 is the fiscal deficit. In January, the President proudly told the American people in his State of the Union that the deficit was under control. He told the American people that we had achieved the $100 billion figure required last year and were well on our way to eliminating it altogether. But in March alone the deficit was $53 billion and for the first 6 months of this fiscal year we had a deficit of $150 billion. By all accounts we are back in the world of $200 billion deficits.

It is folly for Mr. Darman to be telling the American people that we need to save and invest more while he is planning to borrow another $300 billion to pay this year's bills. The medicine he prescribes is not the medicine he takes.

It is also folly for Mr. Darman to be calling for another budget summit. Last year he broke his word with Congress after a similar summit. Anyone in the legislative branch who trusts him enough this time around should be very careful where he sits.

Witch No. 3 is the savings and loan bailout. President Bush's No. 1 domestic spending priority is growing like the carniverous plant in the movie "Little Shop of Horrors." Thus far this fiscal year American taxpayers have poured over $50 billion into the mouth of this beast. Soon, it may devour us all.

Witch No. 4 is the status of 25 percent of Americans under the age of 6 who currently live in poverty. For this crisis the President and his budget director prescribe a diet of self-reliance and visitations to the Ryder exhibit. For these Americans, upon whom all of us will depend in less than 20 years, we are encouraged to believe that less security is what is required.

Mr. President, the final witch tormenting President Bush and his Budget Director is the very Federal bureaucracy which they pretend to dislike. In the past 10 years the growth of the Federal Government's power and control has been phenomenal. In health care, transportation, energy, agriculture, the environment, education, banking, and most other areas of American life, the very leaders who have been talking smaller government have been quietly but steadily building their base of power.

Regrettably, Mr. Darman appears to be continuing the game of criticizing the devices of his own making. For the power base which most of us here recognize as the strongest rests under the hall where Mr. Darman claims to hear the refrain of "Alice's Restaurant."

The Office of Management and Budget has become a separate kingdom with powerful lords controlling vast territorial authority. A recent article in the Washington Post, which I will ask unanimous consent to have included in the RECORD, describes the power of four of King Richard's Lords. These non-elected personnel are making policy decisions that in many ways are more important than the elected representatives of the people.

Mr. Darman and President Bush will probably continue to ignore the five witches that warn them of impending disaster. One can almost hear Macbeth's soliloquy echoing after Mr. Darman's speech:

Tomorrow and tomorrow and tomorrow
creeps in this petty pace from day to day
Till the last syllable of recorded time,
And all our yesterdays have lighted fools
Their way to dusty death.

Out, out brief candle
Life is but a walking shadow,
A poor lone player that struts and frets
His hour upon the stage and is heard no more.
It is a tale full of sound and fury signifying nothing."

Mr. President, I ask unanimous consent that the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 25, 1990]

"PADs" WISE TO WAYS OF POWER

(By Steven Mufson)

Thomas A. Scully, a lanky fellow with the face of a schoolboy, holds the unheralded title of associate director for programs in the Office of Management and Budget, a name worthy of a dutiful bean counter.

But the title is deceiving. As one of four appointed program aides working directly under Budget Director Richard G. Darman, Scully wields power that outstrips that of most Cabinet secretaries. During March, the 32-year-old Scully hammered out a deal on food stamps with key Senate staff aides, held the administration line on limiting food subsidies and killed a move to forgive delinquent graduate school loans.

Shuttling between the Old Executive Office Building and Capitol Hill, he tried to negotiate a compromise child-care bill that would placate top congressional Democrats as well as conservatives in the Republican Party. In between, he squeezed in time to review testimony to be given by Veterans Affairs officials and he mediated a dispute between the Agricultural Department and the Food and Drug Administration over who would regulate seafood inspection.

"The associate director is in a unique position to influence what government does," said John F. Cogan, a former associate director at the OMB who now teaches at Stanford Business School. "He is at the center of the hourglass of government. Everything goes through this little opening."

"It's incredible how much stuff you get into," said Robert Grady, 33, one of the other program associate directors, known in government circles as PADs.

Though influential, the OMB associate directors are relatively anonymous—they never testify before Congress. Instead, they work behind the scenes. As one of the two leading Bush administration representatives in the Clean Air Act talks, Grady spent virtually the entire month of February locked in a room negotiating, line by line, the terms of the bill with senior senators, including Senate Majority Leader George Mitchell (D-Maine).

Absent from the Clean Air talks were the secretaries of the Commerce, Energy and Interior departments. Environmental Protection Agency chief William K. Reilly only came to the first couple of meetings, according to a Senate aide who attended the meetings. He added that White House domestic policy adviser Roger Porter and Grady "did the talking." Although a Reilly deputy attended the talks, Grady was more than a budget scorekeeper; he played a premier role in setting environmental policy.

Created in 1921 as the Bureau of the Budget, the OMB originally was responsible only for the relatively technical task of preparing estimates of government spending. After it was moved from the Treasury to the Executive Office of the President by Franklin D. Roosevelt in 1939, the budget office and its 600 staff members grew into a powerful tool for exerting White House control over policy. It took on management functions in 1970 and, in 1973, the PADs were created to provide a layer of political appointees over the agency's career technical staff.

Especially in times of fiscal constraint, the OMB plays a crucial part in talks between the executive branch and Congress. In the Clean Air talks, for instance, the Bush administration insisted that the cost of the package to the economy come to less than $21 billion—a cost analysis done by the OMB.

Hard financial times also give the OMB a central role in overseeing Cabinet departments and mediating disputes between agencies. An agency can't take a public position on pension reform, for example, without checking with Scully's office. Five people under Scully do nothing but keep track of the Labor Department. "We make sure everyone who works for the president is on the same wavelength," Scully said.

This often comes as a surprise to Cabinet secretaries new to the ways of Washington, and even Washington veterans sometimes chafe.

"They control everything I do," said Anthony J. Principi, deputy secretary of veterans affairs and a former congressional staff aide. "Sometimes it's tough to deal with the second-guessing. At times I feel I'm not managing my own department."

At the OMB, there are four associate directors for programs, each with a staff of 40 to 50 people. Grady is in charge of natural resources, environment, energy and science. Scully has the departments of Labor, Health and Human Services, Education, Veterans Affairs and 22 smaller agencies. Janet Hale, 40, a former official at the Department of Housing and Urban Development, deals with the Treasury, Transportation, Justice, and Commerce departments, as well as drug policy and the U.S. Postal Service. Robert Howard, 57, a career staff member at the OMB, oversees the Defense Department, though Darman keeps tight control over this area.

Darman looms large over all four associate directors and rules on the most important issues. The senior OMB staff has formal meetings with Darman on Mondays, Wednesdays and Fridays, and PADs have almost daily contact with Darman.

"We didn't clear every item on Clean Air, but we knew our strategy going into the negotiations," Grady said. One OMB staff member said that because of the extent of Darman's control, a gallery of photographs of OMB PADs should be full of photos of Darman. Moreover, the budget director is said not to suffer fools gladly. One associate director politely said that Darman "makes his wishes known in very few words. He understands things quickly and makes himself understood very quickly."

But the sheer magnitude of the job of managing a trillion-dollar budget makes it inevitable that any budget director must rely on the people working beneath him.

"Aside from Cabinet officers and perhaps one or two people on the West Wing staff, they are arguably the most powerful people in the civilian side of the government," said Fred Khedouri, who was a PAD when David Stockman was budget director. Khedouri now represents the investment banking company Bear Stearns Cos. in Washington.

"I had enormous latitude on any item less than $50 million," said Deborah Steelman, who served under budget director James C. Miller III during the Reagan administration. Steelman, a lawyer who is a member of a presidential commission on Social Security and health insurance policy, adds that she also had "darn good latitude on anything complicated. The more technical the subject, the more latitude you had."

Khedouri recalled, "Many times I found myself in meetings in the White House where I might be the least senior person, but I would be the only person who really had detailed knowledge of the issue. Knowledge is certainly the currency of power in those corridors."

Loyalty and a little political savvy don't hurt either. Even Scully, the most junior PAD, has some political experience. A native of Philadelphia, he worked as a volunteer for the 1979 Bush campaign while tending bar in Alexandria during his summer vacation from the University of Virginia. He later spent four years on the staff of Sen. Slade Gorton (R-Wash.) while attending Catholic University law school at night.

Scully then worked as one of the few Republicans with the law firm of Akin Gump Strauss Hauer & Feld. Describing himself as "a hard-core Bush fan," Scully joined the Bush campaign full time in 1988 after working at the Republican convention. Last year, he served as Darman's liaison on legislative affairs.

Hale is serving in her third post in the executive branch. After coming under scrutiny for her role as deputy assistant secretary for housing at HUD during the scandal-ridden tenure of HUD Secretary Samuel Pierce, Hale has tried to keep a low profile. From 1986 to 1988, she was assistant transportation secretary responsible for developing the department's $26 billion budget. She also served as the Transportation Department representative on the enforcement coordinating group of the Cabinet-level National Drug Policy Board, giving her a glimpse into the interagency battles she now helps settle.

Robert Howard, 57, is an anomaly among the four. Originally a physicist, Howard has spent more than 20 years working at the OMB on national security issues. The OMB works more closely with the Defense Department than any other department—its staff actually moves to an office at the Pentagon to draw up budget guidelines. Moreover, Howard said, while many Cabinet secretaries play minor roles in policy, "there aren't any unimportant secretaries of defense—ever." As a result, his latitude is "narrow."

Grady is the other extreme, with his own connections to the White House. Grady grew up in New Jersey, the son of Irish Catholic Democrats who attended antiwar rallies during the Vietnam War. Partly because of their opposition to abortion, Grady's parents became Republicans.

After Grady finished at Harvard College in 1979, he went to work for former New Jersey representative Millicent Fenwick. Though Fenwick's political career fizzled after her unsuccessful run for the Senate in 1982, Grady made contacts with Bush backers. Fenwick was chairwoman of the 1980 Bush presidential campaign in New Jersey and Robert Teeter, later a Bush adviser, ran Fenwick's Senate campaign.

At age 24, Grady was hired as communications director to reverse the then-flagging fortunes of former New Jersey governor Thomas Kean. New contacts were made. Kean played tennis every Saturday with Nicholas F. Brady, now Treasury secretary and a Bush confidante. When Kean ran for reelection in 1985, he hired Teeter and Roger Ailes, who later ran Bush's 1988 campaign.

Grady went to Stanford Business School, then joined the Bush campaign in 1988. During the 90 days from Aug. 1 through Election Day, Grady wrote 60 speeches for Bush. He penned Bush's attack on Democratic candidate Michael Dukakis as being the Stealth candidate and wrote the speech Bush delivered in Boston Harbor accusing Dukakis of hypocrisy on environmental issues.

Dukakis supporters called the attack underhanded because cutbacks in federal funding had made it impossible for the state of Massachusetts to clean up the harbor. But Grady said Dukakis deserved the criticism: "It drove me crazy when Dukakis, who had once proposed dumping Massachusetts waste on the New Jersey shore, stood on our shore and pledged to stop ocean dumping."

After the election, Grady worked on the Bush transition team before joining the OMB. "I wanted a job with on-line responsibility and OMB is incredibly central to the process," Grady said. "As Mrs. Fenwick used to say, at least you have the illusion of being useful."

There are few other rewards. Because they guard the federal purse strings, OMB officials tend to make few friends in Washington. Alumni of the PAD jobs include Paul O'Neill, now chairman of Aluminum Co. of America; Timothy J. Muris, now a professor at George Mason University; Frank G. Zarb, former "energy czar" under president Gerald Ford and now chairman of the investment banking firm Smith Barney, Harris, Upham & Co. Inc., and Alton G. Keel Jr., deputy chairman for international banking at Riggs National Bank. "This town runs on not making enemies," said Steelman. "In that job, that was hard to do."

The Clean Air bill is one example. Many industrialists are unhappy about how much they'll have to pay to cut pollution, and some environmentalists are unhappy that the bill doesn't go further toward cleaning up the air.

Unfazed, Grady said, "The environmental community had always looked at the OMB as the bad guys trying to shut down the Environmental Protection Agency. There has been a total sea change on our attitude on the environment." Grady said he looks forward to attending the signing ceremony at the White House.

His will be one of the least familiar faces to the public at that ceremony. But to members of Congress and the Cabinet, it will be familiar.

PADs have always been in that position. When Khedouri was at the OMB, farm issues were part of his portfolio. Once, Khedouri and then-agriculture secretary John R. Block went to meet with then-Senate Majority Leader Howard H. Baker Jr. and Sen. Robert J. Dole (R-Kan.).

As they walked into the room, Dole looked at Khedouri and said, "Well, I'm glad to see they sent the real Secretary of Agriculture."

MINIMUM STATE SHARE IN HOUSING PROGRAMS

Mr. PRESSLER. Mr. President, earlier today I proposed an amendment to the national affordable housing bill (S. 566) which was included with other amendments and agreed to in the markup of the bill by the Committee on Banking, Housing, and Urban Affairs. In speaking to the amendment, I stated as follows:

Mr. Chairman, I shall be brief. I have introduced a bill (S. 2491) which would protect the interests of the lesser populated States in certain housing programs administered by the Department of Housing and Urban Development. It is cosponsored by Senators Grassley, Jeffords, Burdick, Burns, and Baucus. I am pleased to say that the bill has been accepted by the Committee as an amendment to the Committee print of S. 566.

The lesser populated States, as in many other categorical programs, are concerned that they be included on a fair and equitable basis. In the case of the categorical housing programs we find that they generally are targeted to urban areas, thus shortchanging, if you will, nonurban areas. For example, the $44 million Nehemiah Housing Opportunity Grant program only benefits urban areas. It does absolutely nothing for rural areas. Also, during fiscal year 1988, my home State of South Dakota received absolutely no new assistance in the moderate rehabilitation or Section 312 loan programs.

Altogether during fiscal year 1988, our good friends in North Dakota received only $8.9 million in the categorical programs, which is substantially below what the State would have received if allocations were made purely on the basis of population. Idaho received only $8.2 million, which is about one-third of what it would have received on a per capita basis. Many other examples could be cited, but these exemplify the problem of lesser populated States and rural areas in these programs.

Patterned after the Federal aid for highway legislation, my amendment provides that no State shall receive in the aggregate for these programs less than one-half of one percent of each year's apportionment among entitlement cities, urban counties, and States. By enacting this legislation, we will assure that each State will receive a minimum amount of assistance in these programs in the aggregate and not be denied assistance because of the way in which the programs are structured.

Mr. Chairman, I thank you. I am very pleased that this amendment has been included at this point.

Mr. President, I am pleased that the Banking Committee today voted to favorably report the National Affordable Housing Act.

THE PRESIDENT'S EXPORT CONTROL INITIATIVE

Mr. HEINZ. Mr. President, earlier today the White House issued a statement on behalf of President Bush, spelling out a set of recommendations on our multilateral export controls, principally as they effect the new democracies of Eastern Europe and the Soviet Union. I take the floor because I have some very concrete reactions to what the President has proposed today, and also because it is pertinent at this time to share with my Senate colleagues the observations that I and a group of three other Senators were in a position to make during a recent trip to Eastern Europe.

Our delegation, which consisted of Senator GARN, Senator BOND, and Senator CHAFEE, visited the German Democratic Republic—we call it East Germany—Poland, Hungary, and Czechoslovakia. We could not help but note in each of those countries the prevalence of the word "democracy" in that region.

We visited with fledgling political parties who included in their political platforms such Western values as freedom of speech, thought, worship, free elections, the free enterprise system, private property. We were moved, as I believe President Bush was during his historic visit to Eastern Europe last year, and we returned convinced of the irreversibility of the sea change in favor of democracy, freedom, and other democratic values brought about by these political revolutions in Eastern Europe as one country after another has, indeed, shed its Communist system in favor of Western ideals.

We also, I think, share the observation that while many of these changes were made possible and facilitated by the external policies of the Soviet Union brought about by Mikhail Gorbachev, nevertheless they have not been matched by parallel change in the Soviet Union. For all that it means in concept, perestroika so far has brought little gain to Soviet citizens. Analysis of the soviet economy shows continued deterioration and enormous difficulties in climbing out of the hole created by some 70 years of central planning and stifling of individual initiative.

I think we all sense that Gorbachev's own political position remains precarious as his economy hovers near collapse.

There is a tension between freedom and control. As a result, there is a high probability that a period of prolonged uncertainty and instability cannot be rule out, and we clearly must maintain our vigilance and due care in light of that possibility.

Mr. President, my colleagues and I, I believe, also returned acutely aware that these fledgling democracies in Eastern Europe are on very tenuous footing economically because of the difficult circumstances in which they were left. There is a conceivable danger that they could be forced inadvisably to retreat from democratic institutions based on Western ideals and values and experience. Their economic reforms—and believe me they are bold and admirable—if not properly supported, run the risk of failure.

That is why I, in particular, and I think my colleagues in general, believe it is particularly important that we act quickly and decisively to ensure the success of these twin pillars of democracy and economic pluralism in those countries.

On our visits to Poland and Hungary and Czechoslovakia, all of those countries identified their need of access to Western technology. Not that they wanted us to give it to them, they wanted only the opportunity to acquire it, to buy it. But nonetheless, that opportunity is a key to the economic reform programs in each of those countries. We were, therefore, discouraged to learn from our embassies in those countries and from many political and governmental leaders we met with, U.S. export controls are and remain an impediment to U.S. firms wishing to do business in Eastern Europe.

The Poles, the Hungarians, the Czechs all express their concern that we are conceding Eastern European markets to West Germany, in particular, and to the European Community in general. Clearly, this income by default was not, they told us, either

their preference or in their national interest and, Mr. President, neither is it in our economic interest. This is a message that has been reinforced since our return a week ago Monday.

Many American firms have told us that many Eastern European orders were placed during a major international conference in Zurich for which U..S firms could not effectively compete because they all contain control technology, even though some of those technologies are widely available from COCOM sources. Despite assertions to the contrary, the fact is that American technology is still preferred, it is competitive, and sometimes more than competitive on the world market. Unfortunately, it is not consistently available, thanks to our export control policies.

It is this Senator's view that right now we have an unprecedented opportunity to assist in the economic transformation of these countries and to do so through a program that uses Western technology and private direct investment to promote and support free market mechanisms in those countries. This, I believe, will be a key success to the political democracies in Eastern Europe. In particular, to facilitate that very process, I want to point out, that these countries have agreed and, in some cases, already have adopted what you might call confidence building measures, and very important ones, to reassure our investors and to prevent diversion of critical technologies to unauthorized or worrisome destinations which I believe at this time still includes the Soviet Union.

Item No. 1: Poland and Hungary and Czechoslovakia have each indicated a clear willingness, indeed agreement, to negotiate trade, investment, and legal protection regimes to facilitate United States direct investments, including joint ventures. Hungary and Czechoslovakia have negotiated the withdrawal of Soviet troops by June 30, 1991. That is just a little over a year from today.

Poland, Hungary, and Czechoslovakia have announced their intention to lower their defense budgets, to reduce troop strengths, and phase out their participation in the Council for Mutual Economic Assistance, the Communist COCOMICOM. Some countries in the region made clear to us their intentions to kick out Soviet intelligence agents within their borders and those same three democracies I mentioned—Poland, Hungary and Czechoslovakia—made clear their willingness to negotiate technology security arrangements on our terms and to enact legislation to make their obligations statutory and to bring penalties against violators of United States laws as well as their own.

Mr. President, that is both great evidence of need and great evidence of willingness to do the right thing.

So, accordingly, our delegation returned with a very strong consensus about how we should treat these Eastern European nations that have taken these bold steps. We also continue to believe strongly in differentiating the way we treat them from our export control policy toward the Soviet Union, because in the Soviet Union, they have changed less, and less change in our export control policy is justified.

What, in sum, I am here to urge—and I think maybe all of my colleagues in the delegation would agree—is that we should start by shifting Poland, Hungary, and Czechoslovakia and the GDR to what is known as country group T. Those are free world countries. Right now, they are in other categories that essentially say they are Communist nonmarket economies.

Second, following the negotiation of effective technology safeguards, which they have all indicated they want to do, we should decontrol at least to the China Greenline; that is to say, the level of technology that several years ago we agreed to provide to the People's Republic of China, that should be available at a minimum to Poland, Hungary, Czechoslovakia, and the German Democratic Republic.

Indeed, it seems to this Senator ludicrous that we would treat these democracies in any respect one iota worse than we treat the People's Republic of China, which is currently a repressive, reactionary regime that butchered its own children just 1 year ago.

Third, we should extend favorable consideration, that is to say, the presumption of approval by COCOM for exports to Poland, Hungary, Czechoslovakia, and the German Democratic Republic, for items above the China Greenline.

And, fourth, we should direct the National Security Council to fulfill urgently and promptly the U.S. commitment made in January 1988 to develop a new core list; that is to say, a signficantly streamlined U.S. control list that will serve as the model for negotiating a similar streamlining of the COCOM control list.

Mr. President, that, I believe, is what we ought to do. I believe there is a strong consensus, probably on both sides of the aisle, that that is what we do or ought to do. I must confess that I am concerned, based on the information released from the White House today, that what the administration has proposed to do is not only different, but falls seriously short of what is both right and in our own national interest.

Mr. President, I ask unanimous consent that the statement by the White House Press Secretary dated May 2, 1990; the factsheet on the "U.S. Proposal to COCOM;" and a second factsheet entitled "Comprehensive U.S. Proposal for Modernizing COCOM" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
May 2, 1990.

STATEMENT BY THE PRESS SECRETARY

The President is recommending to the Coordinating Committee for Multilateral Export Controls (COCOM) that significant changes be made in the list of technologies subject to export control. For over 40 years, COCOM controls have helped the Allies protect our technological achievements from being exported to our adversaries. The President initiated a comprehensive study of these controls in January to reflect the changes in Eastern Europe and the Soviet Union, as well as other military priorities that have emerged in the last year or more. The President has concluded that a complete overhaul of the control list is warranted. Therefore, the United States will recommend to COCOM the development by the end of 1990 a new core list of goods and technologies that is far shorter and less restrictive than the present list.

The President's proposals will continue to protect our advanced technology from being exported to the Soviet Union and other adversaries. In effect, our proposals will build "higher fences around fewer goods" by focusing on those items that are the most sensitive in terms of our national security. We will be able to pinpoint a streamlined list of exports that can make a major contribution to Soviet power, while changing the restrictions on items such as personal computers which are readily available throughout the world anyway.

We will propose that of the 120 categories on COCOM's industrial list, 30 will be eliminated completely and the scope of another 13 will be reduced substantially. These changes reflect specific analysis by the Department of Defense that identifies technology of crucial importance to weapons production in the Soviet Union and other countries. They have the unanimous support of all security agencies. Careful study indicates that most of the goods and technologies that we currently control to Eastern Europe and Soviet destinations, are of low strategic value and should be decontrolled. These categories include computers, telecommunications equipment, and machine tools. More specifically, these categories will include off-the-shelf personal computers and some mainframe computers for use in banking, airline reservations, etc.

We are proposing greater access for Eastern Europe to modern fiber optics equipment and some microwave telecommunications systems. Access to this technology is dependent on adoption of safeguards against diversion, such as identification of authorized uses, and verification inspections.

The United States will begin consultations immediately with our Allies on these changes. We think it is crucial to be able to provide maximum protection of our highly sensitive technologies, while at the same time giving the Eastern Europeans access to technologies desperately needed to improve their infrastructure and modernize their industrial plants.

FACTSHEET ON U.S. PROPOSAL TO COCOM

President Bush has approved a U.S. comprehensive COCOM proposal that will ensure the continued effectiveness of that body, thereby enhancing U.S. national security interests.

The U.S. proposal consists of immediate steps which would eliminate the need for approximately 50% of the 81,000 licenses that were received by Commerce last year from U.S. exporters. The licenses eliminated would have represented approximately $48 billion in U.S. exports last year.

Once these immediate steps are taken, the U.S. proposes a fundamental restructuring of the COCOM industrial list by the end of 1990. This exercise may result in additional reductions in licensing requirements.

Items that are decontrolled represent lower level technology that will not make a significant contribution to the Soviet military.

The U.S. proposal on computers will decontrol computers below a 275 megabits/second level of performance. This will decontrol virtually all personal computers commonly used in office automation, word processing and light industry. Examples of other small business computers released include the IBM as 400 and 4381 MG 13, Control Data's Cyber 840, Digital Equipment Corporations VAX 8600 and the Hewlett Packard 3000.

The computer proposal also provides for favorable consideration of licenses submitted to COCOM for mainframe computers up to a performance level of 550 megabits per second. This will make it significantly easier for U.S. companies to export computers used in banking, travel reservations and publishing, including Control Data's Cyber 910, the DEC VAX 8800 and the IBM 4381 MG 24.

Existing COCOM controls on machine tools require a validated license for essentially all U.S. machine tool exports. We anticipate that the COCOM machine tool agreement will permit many of these exports to now go under general license to all destinations. This will allow the U.S. to better compete against competitors in foreign countries that are not COCOM members. Controls remain on machine tools that are vital to U.S. national security interests.

The U.S. proposal will allow telecommunications manufacturers to export their products to Eastern Europe. The proposal includes the following:

Decontrol of satellite ground stations for civil television and communications to permit Western broadcasting in Eastern Europe.

Decontrol of civil mobile radio including trunked radio telephone, paging, dispatch and the current analog radio cellular systems. This technology can be used for local telephone service and dispatch, including communications for fire, ambulance and taxi service.

National discretion licensing for civil packet switching systems up to the level currently being exported to the People's Republic of China.

Once Eastern European countries adopt safeguards to protect against diversion of equipment to prescribed countries, export of fiber optic transmission equipment with transmission rates up to 156 megabits/second will generally be permitted.

This technology will provide Eastern Europe with the technology used for basic long distance telephone service.

(Dept. of Commerce, Bureau of Export Administration, May 2, 1990.)

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
May 2, 1990.

FACT SHEET—COMPREHENSIVE U.S. PROPOSAL FOR MODERNIZING COCOM

The U.S. government has completed a thorough evaluation of export controls on those technologies and goods which have both civilian and military use. These items are controlled pursuant to agreements with other members of the Coordinating Committee for Multilateral Export Controls (COCOM).

As a result of its evaluation, the U.S. recommended to its COCOM allies the development of a core list of technologies that need to be controlled to maintain the strategic technological edge that is a key component of our military strength. In addition to the core list proposal, the U.S. recommended that COCOM approve immediate reductions in certain controlled items that need not await completion of the core list.

Based on thorough analysis by the Departments of State, Defense, Commerce, and Energy, the proposals reflect the changing strategic threat and provide for increased access to advanced technology, particularly to the emerging democracies of Eastern Europe.

CORE LIST

The U.S. core list proposal, which is similar to a British proposal, would replace current export controls with a completely restructured list of key technologies and goods. This new list would be built "from scratch." The military priorities identified by the Department of Defense's analysis would be a vital guide in identifying those technologies and goods that are militarily critical to our technological lead. The U.S. proposes that the new list supersede the regular COCOM lists by the end of 1990. The U.S. proposal would allow for phased or complete implementation as long as strategically critical items are fully integrated into the new list.

ELIMINATION OF CERTAIN INDUSTRIAL LIST ENTRIES

The present COCOM control lists are too long, redundant and contain items not strategically critical to U.S. interests. Based on the Defense Department's analysis of militarily critical technologies, over 40, out of 120, categories have been identified for complete or partial elimination from the current control lists. Of this number, at least 30 are identified for complete elimination. Eliminating these controls immediately would ease the transition to the core list.

DECONTROL TO THE CHINA GREEN LINE

Careful study has also indicated that most of the goods and technologies that we control to Eastern European and Soviet destinations, yet license freely to the People's Republic of China (known as the China Green Line), are of low strategic value and therefore will be decontrolled.

DECONTROL IN PRIORITY SECTORS

There are three priority sectors identified by COCOM for immediate or partial decontrol: computers, telecommunications equipment, and machine tools. These sectors account for a large portion of all export license applications and are key to infrastructure improvements in Eastern Europe. The U.S. has proposed significant decontrol in these categories as follows:

A. Computers

The U.S. proposal would provide for decontrol of computers to all destinations which have a Processing Data Rate (PDR) of 275 megabits per second (mps), which is half way to the China Green Line, and favorable licensing treatment to civilian end-users all the way to the China Green Line (a PDR of 550 mps). This action would result in the decontrol of most off-the-shelf personal computers and allow access to some mainframe computers for applications in banking, airline reservations, etc.

B. Telecommunications equipment

The U.S. proposes relaxation of controls, for example, in some cellular communications systems, and some satellite ground stations, to all destinations. We are proposing for Eastern Europe greater access to modern fiber optics equipment (to a transmission level of 156 megabits), and some microwave telecommunications systems. Access to this more advanced technology is dependent on adoption of safeguards against diversion.

C. Machine tools

The U.S. government will support with a few modifications a COCOM proposal calling for significant decontrol of machine tools and their numerical controllers. This results in decontrol of many machine tools with a positioning accuracy down to the ± 2 or 3 micron level depending on the type of machine tool.

DIFFERENTIATION

The U.S. will recommend to COCOM that more favorable licensing treatment be accorded to countries adopting COCOM-approved safeguards against diversion of controlled goods and technologies to proscribed destinations or to unauthorized end-users. Such countries would be determined to be in transition to a status of a non-proscribed destination pursuant to COCOM-agreed conditions. COCOM would be asked to develop a list of technologies and goods to which such countries would have presumed favorable treatment.

ENFORCEMENT OF EXPORT CONTROLS

The U.S. Government continues to encourage the enforcement of the controls by its allies. It is essential to obtain the agreement of our COCOM allies to a renewed commitment to improve compliance so that the core list of identified technologies is protected. The U.S. will seek adherence to the previously agreed common standard levels of protection against diversion or illegal acquisition of controlled goods and technologies.

Mr. HEINZ. Mr. President, I am going to need to give more detailed study to the President's proposal, not that I have not read carefully what has been issued to the press today, but that there are many questions that, without answers from the administration, will remain rather vaguely attended to in these handouts. But from what I can tell of the administration's position, it is this: First, they have decided to move in the right direction toward some liberalization of controls, and that is a plus. Nonetheless, it falls short of what is justified in Eastern Europe by the strategic situation and what is necessary for COCOM unity and what is necessary for the competitiveness of U.S. exporters.

I fully agree with the President's insistence on having appropriate technology safeguards in place. That is

very important. But the limited decontrol that he apparently is proposing is insufficient even to permit the emergent democracies of Eastern Europe to embark on anything close to the same economic reform programs as the People's Republic of China was allowed to 4 years ago.

Let me give an example. The People's Republic of China was able to purchase state-of-the-art telecommunications equipment so that within the next 3 to 5 years, they will have a telecommunications network that is totally up to date, modern, second to none. The Eastern European democracies are prohibited from purchasing anything even close to the same kind of fiber optic systems, including technology like a common channel switch No. 7 and the appropriate fiber optic cable, that is, indeed, the essential part of the modern telecommunications system.

That is not, as I said, only unfair to Eastern Europe, given the risk that they have decided to take—they should be supported—it is not only shortsighted with respect to American workers' jobs and U.S. business opportunities to compete, but it runs the risk of destroying the coordinating committee, COCOM. It runs the risk for this practical reason. The Europeans are there in Europe. West Germany, in particular, has very close ties to many of these countries. The Austrians have very close ties to the Hungarians. These are European countries.

For example, with respect to the German Democratic Republic, which still has 90,000 Soviet troops in it, there are no longer any border controls on the exports from West Germany to East Germany, and I suppose if the United States had been divided along the Mississippi River or still was divided along the Mason-Dixon line and that came to an end, we in this country would have a hard time having somebody else tell us no, you cannot sell to the Midwest or you cannot sell to the South; they are Americans, and we would say that is our business.

That is exactly what is going on in Eastern Europe and in particular between the Federal Republic of Germany and the Democratic Republic of Germany.

So we run the risk not only of being stupid and isolated, but we run the risk of taking such an unrealistic position that discipline should remain in place with respect to the Soviet Union, with respect to maintaining controls on the inappropriate use of technologies, whether they are in Eastern Europe or anyplace else, against the diversion to other unauthorized destinations like Iran or Iraq; that all of that system could come tumbling down.

That is the price we risk paying by being out on a limb. And so it is not just our workers and our exporters that will get sawed off, it may be the basic national security arrangements that we and our allies have worked so hard over the last 40 years to build.

Mr. President, let me return to my basic point. The peoples of Eastern Europe have taken a giant first step to remove the shackles of oppression and tyranny under which they have lived for 40 years. We have a rare opportunity to take with them the next step to ensure that change is irreversible and permanent. Such a step is utterly in our interest as it is in Eastern Europe's. Our President should take it.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ADAMS). Without objection, it is so ordered.

HATCH ACT REFORM AMENDMENTS OF 1989

MOTION TO PROCEED

Mr. ROTH. Mr. President, I rise to dispel some myths about the Hatch Act that I have already heard in this debate several times. We are just beginning the second day of debate on this legislation and already several Senators have suggested that the regulations surrounding the Hatch Act are confusing and used as an example the notion that the size of political sign is limited depending on whether the sign is placed in the front yard of a home or on a car.

Mr. President, let me once and for all dispel this myth—it does not matter what size sign it is as long as the activity is an expression of personal opinion. An individual could paint the entire side of their house with a political banner or cover their entire car, as long as this was personal expression.

According to the Office of Special Counsel in a letter dispelling this myth, along with many others, the Special Counsel Mary Wieseman writes:

So long as this activity is an expression of personal opinion, it is permissible under the Hatch Act and the size of any such sign is irrelevant.

Mr. President, I hope this will put to rest this myth. It is wrong and misleading.

Despite what some have suggested, Federal employees can write letters to the editor expressing an opinion on a partisan issue.

Despite what some have suggested, Federal employees can attend political rallies and join political clubs.

All of this is explained in a pamphlet available from the Office of Special Counsel explaining to Federal employees exactly what they can and can not do.

I think that when Senators understand what this law really is instead of relying on these myths, maybe the Senator will consider the true implications of this legislation. I am not saying the regulations are perfect, and this is why I may offer an amendment to require the Office of Personnel Management to clarify the regulations.

Mr. President, perhaps the most significant myth surrounding this legislation is that the first amendment will be served by the enactment of S. 135. The proponents suggest that this bill would allow Federal employees the freedom of participating in the political process. While the bill does this in its language, it would in practice—and of course this is what is important—create the freedom for public employees to be politically coerced. If this bill is enacted, there might be more speech, but not necessarily more free speech, the value that the first amendment is intended to serve.

Some time ago, I wrote to the U.S. Office of Special Counsel about some of my concerns that have been raised with respect to the Hatch Act and, on September 1, 1989, I received a reply from the Special Counsel. I think this letter is of sufficient importance to read, because it dispels many of the myths that have arisen with respect to the Hatch Act.

DEAR SENATOR ROTH: You have requested the Office of Special Counsel (OSC) to clarify certain matters relating to the Hatch Act (the Act) regarding restrictions on the political activities of federal employees. The Act is codified at 5 U.S.C. § 7321 *et seq.* As the federal agency having the statutory responsibility for providing advisory opinions on and enforcement of the Act, we are pleased to respond to your request.

First, you have asked for clarification concerning the import of an estimated 3,000 administrative decisions of the former Civil Service Commission (CSC) which predated the passage of the Hatch Act in 1940, and the effect of these rulings on current interpretation and enforcement of the Act. Section 15 of the original Act [now part of 5 U.S.C. § 7324(a)(2)] defined the prohibition against taking an active part in political campaigns as proscribing only those activities which the CSC had determined to be prohibited for classified civil service employees under Civil Service Rule 1 at the time the Act was passed. Some individuals have erroneously referred to these decisions as "rules" or "regulations," creating the false impression that there are 3,000 rules or regulations currently governing political activi-

ty by federal employees. Such individuals clearly misapprehend the legal and historical significance of these decisions.

At the time the Congress was considering passage of the Hatch Act, the CSC had been performing its investigative and adjudicative role under Civil Service Rule 1 for over 30 years, and had, on a case-by-case basis, developed a body of law with respect to what partisan conduct by federal employees was permitted and forbidden by the rule. Rather than permit the CSC to establish new prohibitions on partisan conduct or to reinterpret existing prohibitions, the Congress intended by section 15 to proscribe only those activities which the CSC had already determined to be prohibited in the course of rendering its decisions. This was done in order to provide continuity of interpretation, and to place limitations on the exercise of CSC discretion. It is in this sense alone that these administrative decisions were "voted into law," as some have recently suggested.

Nevertheless, precisely to avoid the confusion that can arise from multiple rulings on any one subject, the CSC had already distilled from these decisions a much smaller number of basic categories of permissible and prohibited political conduct. These categories or principles of political conduct were contained in Civil Service Form No. 1236, to which Senator Hatch referred in the course of the Senate debates. These principles have since devolved to the 13 permitted and 16 prohibited activities set forth in the Code of Federal regulations, 5 C.F.R. § 733. Thus, it is these regulations, and not the original decisions from which they were distilled, which have been used since 1940 to advise federal employees of their rights and responsibilities, and which now direct the judgment of OSC attorneys, the Merit Systems Protection Board, and the courts concerning what political activity is permissible under the Act.

The significance of these thousands of CSC decisions was considered by the U.S. Supreme Court in *United States Civil Service Commission* v. *National Association of Letter Carriers*, 413 U.S. 548 (1973), and placed in its proper legal context. In that case, the Court referred to these extracted rules—Civil Service Form No. 1236 and its "legitimate descendants" found in 5 C.F.R. § 733—as an "administrative restatement of Civil Service Rule 1 law." *Id.* at 573. The Court then noted approvingly that:

"It is this administrative restatement of Civil Service Rule 1 law . . . that, in our view, Congress intended to serve as its definition of the general proscription against partisan activities. It was *within the limits of these rules* that the Civil Service Commission was to proceed to perform its role under the statute."—*Id.* at 574 (emphasis added).

Indeed, in *Letter Carriers*, the appellees specifically attacked the Hatch Act as unconstitutionally vague because it incorporated the several thousand of the CSC's previous adjudications. The appellees argued that the adjudications were largely "undiscoverable, inconsistent, or incapable of yielding any meaningful rules to govern present or future conduct." 413 U.S. at 571. Rejecting this argument as legally and historically irrelevant, the Court went on to state that the proper subject of inquiry was not the "several thousand adjudications of the Civil Service Commission," but rather the regulations that were extracted from them.

"It is to these regulations [at 5 C.F.R. § 733] purporting to construe § 7324 as actually applied in practice, as well as the statute itself . . . that we address ourselves in rejecting the claim that the Act is unconstitutionally vague and overbroad."—*Id.* at 575.

Further the Court stated:

"We see nothing impermissibly vague in 5 C.F.R. § 733.122, which specifies in separate paragraphs the various activities deemed to be prohibited by § 7324(a)(2). There might be quibbles about the meaning of taking an "active part in managing" or about "actively participating in . . . fundraising" or about the meaning of becoming a partisan candidate for office"; but there are limitations in the English language with respect to being both specific and manageably brief, and it seems to us that although the prohibitions may not satisfy those intent on finding fault at any cost, *they are set out in terms that the ordinary person exercising ordinary common sense can sufficiently understand and comply with, without sacrifice to the public interest.*

* * * * *

"Surely, there seemed to be little question in the minds of the plaintiffs who brought this lawsuit as to the meaning of the law, or as to whether or not the conduct in which they desire to engage was or was not prohibited by the Act."

In summary, the discussion above regarding the legislative purpose of section 15 of the Hatch Act, along with the corroborating and unambiguous interpretation of that section by the Supreme Court, should dispel the erroneous and repeated belief that specific CSC pre-Hatch Act rulings themselves are relied upon as the basis for current OSC advice on or enforcement of the Act.

You have also asked us to address several other questions. First, you have inquired whether the Hatch Act applies to part-time or to temporary employees. The answer is that the Hatch Act does apply to such employees; however, these intermittent or occasional employees are covered by the Act only during the 24-hour period of any day on which they are actually employed. This response is consistent with information provided in our publication entitled "Political Activity and the Federal Employee," which is widely distributed by the OSC to interested persons.

Also, you have asked whether or not a federal employee may put a large sign which endorses a political candidate on his or her automobile or in his or her yard. So long as this activity is an expression of personal opinion, it is permissible under the Hatch Act and the size of any such sign is irrelevant.

You have also asked our opinion on whether a federal employee who is the spouse of a political candidate may appear in campaign photographs with the candidate. When the spouse of an employee is a candidate for public office or holds public office, there are certain expectations as to the employee—not as a campaigner, but as the spouse of the candidate. These expectations would logically include appearances with the candidate in public and at campaign functions. Nevertheless, the employee is responsible for ensuring that his or her activity is restricted to "family" appearances and should avoid any activity which would be readily identifiable as active campaigning. Therefore, the employee could be included in "family of the candidate" photographs which might appear in newspapers or in campaign literature.

Finally, you have asked for our response to a recent statement during Senate hearings on S. 135, the "Hatch Act Reform Amendments of 1989," questioning why the Hatch Act should restrict an employee of a federal agency who lives in a Virginia or Maryland community from serving on a local town council or board of education of those communities. The statement further questioned why the citizens of those communities should be deprived of the benefits of the service of this group of people who happen to be uniquely sensitive to public issues, informed, and committed to public service.

This statement reflects misinformation regarding the Hatch Act. At the present time, federal employees living in Virginia and Maryland communities in the immediate vicinity of the District of Columbia are permitted by statute and regulation to participate actively in partisan elections for local offices in municipalities or political subdivisions—either as independent candidates, or on behalf of independent candidates. Federal employees in certain other communities in the United States with large populations of federal employees are also permitted this right.

One of the significant changes which would be brought about by the enactment of S. 135, however, is that § 7327 would be repealed. Although S. 135 would permit federal employees to campaign for partisan or independent candidates, it would forbid them from running for partisan office, even as independent candidates. Thus, one of the avowed justifications for the proposed changes in the Hatch Act, i.e., greater participation by federal employees in the political process, is undercut by the fact that the proposed legislation would eliminate a significant right of participation currently available to large numbers of these employees.

I trust that this letter is responsive to your request. If I can be of any further assistance, or provide any additional information, please feel free to contact me.

Mr. President, I ask unanimous consent to print this letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF SPECIAL COUNSEL,
Washington, DC, September 1, 1989.

Hon. WILLIAM V. ROTH, Jr.,
Committee on Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ROTH: You have requested the Office of Special Counsel (OSC) to clarify certain matters relating to the Hatch Act (the Act) regarding restrictions on the political activities of federal employees. The Act is codified at 5 U.S.C. § 7321 *et seq.* As the federal agency having the statutory responsibility for providing advisory opinions on and enforcement of the Act, we are pleased to respond to your request.

First, you have asked for Clarification concerning the import of an estimated 3,000 administrative decisions of the former Civil Service Commission (CSC) which predated the passage of the Hatch Act in 1940, and the effect of these rulings on current interpretation and enforcement to the Act. Section 15 of the original Act [now part of 5 U.S.C. § 7324(a)(2)] defined the prohibition against taking an active part in political campaigns as proscribing only those activities which the CSC had determined to be prohibited for classified civil service employees under Civil Service Rule 1 at the time

the Act was passed. Some individuals have erroneously referred to these decisions as "rules" or "regulations," creating the false impression that there are 3,000 rules or regulations currently governing political activity by federal employees. Such individuals clearly misapprehend the legal and historical significance of these decisions.

At the time the Congress was considering passage of the Hatch Act, the CSC had been performing its investigative and adjudicative role under Civil Service Rule 1 for over 30 years, and had, on a case-by-case basis, developed a body of law with respect to what partisan conduct by federal employees was permitted and forbidden by the rule. Rather than permit the CSC to establish new prohibitions on partisan conduct or to reinterpret existing prohibitions, the Congress intended by section 15 to proscribe only these activities which the CSC had already determined to be prohibited in the course of rendering its decisions. This was done in order to provide continuity of interpretation, and to place limitations on the exercise of CSC discretion. It is in this sense alone that these administrative decisions were "voted into law," as some have recently suggested.

Nevertheless, precisely to avoid the confusion that can arise from multiple rulings on any one subject, the CSC had already distilled from these decisions a much smaller number of basic categories of permissible and prohibited political conduct. These categories or principles of political conduct were contained in Civil Service Form No. 1236, to which Senator Hatch referred in the course of the Senate debates. These principles have since devolved to the 13 permitted and 16 prohibited activities set forth in the Code of Federal Regulations, 5 C.F.R. § 733. Thus, it is these regulations, and not the original decisions from which they were distilled, which have been used since 1940 to advise federal employees of their rights and responsibilities, and which now direct the judgment of OSC attorneys, the Merit Systems Protection Board, and the courts concerning what political activity is permissible under the Act.

The significance of these thousands of CSC decisions was considered by the U.S. Supreme Court in *United States Civil Service Commission* v. *National Association of Letter Carriers*, 413 U.S. 548 (1973), and placed in its proper legal context. In that case, the Court referred to these extracted rules—Civil Service Form No. 1236 and its "legitimate descendants" found in 5 C.F.R. § 733—as an "administrative restatement of Civil Service Rule 1 law." *Id.* at 573. The Court then noted approvingly that:

"It is this administrative restatement of Civil Service Rule 1 law . . . that, in our view, Congress intended to serve as its definition of the general proscription against partisan activities. It was *within the limits of these rules* that the Civil Service Commission was to proceed to perform its role under the statute."—*Id.* at 574 (emphasis added).

Indeed, in *Letter Carriers*, the appellees specifically attacked the Hatch Act as unconstitutionally vague because it incorporated the several thousand of the CSC's previous adjudications. The appellees argued that the adjudications were largely "undiscoverable, inconsistent, or incapable of yielding any meaningful rules to govern present or future conduct." 413 U.S. at 571. Rejecting this argument as legally and historically irrelevant, the Court went on to state that the proper subject of inquiry was not the "several thousand adjudications of the Civil Service Commission," but rather the regulations that were extracted from them.

"It is to these regulations [at 5 C.F.R. § 733] purporting to construe § 7324 as actually applied in practice, as well as the statute itself . . . that we address ourselves in rejecting the claim that the Act is unconstitutionally vague and overbroad."—*Id.* at 575.

Further the Court stated:

"We see nothing impermissibly vague in 5 C.F.R. § 733.122, which specifies in separate paragraphs the various activities deemed to be prohibited by § 7324(a)(2). There might be quibbles about the meaning of taking an "active part in managing" or about "actively participating in . . . fundraising" or about the meaning of becoming a "partisan candidate for office"; but there are limitations in the English language with respect to being both specific and manageably brief, and it seems to us that although the prohibitions may not satisfy those intent on finding fault at any cost, *they are set out in terms that the ordinary person exercising ordinary common sense can sufficiently understand and comply with, without sacrifice to the public interest.*"

* * * * *

"Surely, there seemed to be little question in the minds of the plaintiffs who brought this lawsuit as to the meaning of the law, or as to whether or not the conduct in which they desire to engage was or was not prohibited by the Act."—*Id.* at 578-79 (emphasis added).

In summary, the discussion above regarding the legislative purpose of section 15 of the Hatch Act, along with the corroborating and unambiguous interpretation of that section by the Supreme Court, should dispel the erroneous and repeated belief that specific CSC pre-Hatch Act rulings themselves are relied upon as the basis for current OSC advice on or enforcement of the Act.

You have also asked us to address several other questions. First, you have inquired whether the Hatch Act applies to part-time or to temporary employees. The answer is that the Hatch Act does apply to such employees; however, these intermittent or occasional employees are covered by the Act only during the 24-hour period of any day on which they are actually employed. This response is consistent with information provided in our publication entitled "Political Activity and the Federal Employee," which is widely distributed by the OSC to interested persons.

Also, you have asked whether or not a federal employee may put a large sign which endorses a political candidate on his or her automobile or in his or her yard. So long as this activity is an expression of personal opinion, it is permissible under the Hatch Act and the size of any such sign is irrelevant.

You have also asked our opinion on whether a federal employee who is the spouse of a political candidate may appear in campaign photographs with the candidate. When the spouse of an employee is a candidate for public office or holds public office, there are certain expectations as to the employee—not as a campaigner, but as the spouse of the candidate. These expectations would logically include appearances with the candidate in public and at campaign functions. Nevertheless, the employee is responsible for ensuring that his or her activity is restricted to "family" appearances and should avoid any activity which would be readily identifiable as active campaigning. Therefore, the employee could be included in "family of the candidate" photographs which might appear in newspapers or in campaign literature.

Finally, you have asked for our response to a recent statement during Senate hearings on S. 135, the "Hatch Act Reform Amendments of 1989," questioning why the Hatch Act should restrict an employee of a federal agency who lives in a Virginia or Maryland community from serving on a local town council or board of education of those communities. The statement further questioned why the citizens of those communities should be deprived of the benefits of the service of this group of people who happen to be uniquely sensitive to public issues, informed, and committed to public service.

This statement reflects misinformation regarding the Hatch Act. At the present time, federal employees living in Virginia and Maryland communities in the immediate vicinity of the District of Columbia are permitted by statute and regulation to participate actively in partisan elections for local offices in municipalities or political subdivisions—either as independent candidates, or on behalf of independent candidates. Federal employees in certain other communities in the United States with large populations of federal employees are also permitted this right. *See*, 5 U.S.C. § 7327 and 5 C.F.R. § 733.124.

One of the significant changes which would be brought about by the enactment of S. 135, however, is that § 7327 would be repealed. Although S. 135 would permit federal employees to campaign for partisan or independent candidates, it would forbid them from running for partisan office, even as independent candidates. Thus, one of the avowed justifications for the proposed changes in the Hatch Act, i.e., greater participation by federal employees in the political process, is undercut by the fact that the proposed legislation would eliminate a significant right of participation currently available to large numbers of these employees.

I trust that this letter is responsive to your request. If I can be of any further assistance, or provide any additional information, please feel free to contact me.

Yours truly,

MARY F. WIESEMAN,
Special Counsel.

Mr. ROTH. Mr. President, I ask unanimous consent that the regulations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PART 733—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

SUBPART A—THE COMPETITIVE SERVICE

General Provisions

Sec.
733.101 Definitions.

Permissible Activities

733.111 Permissible activities.

Prohibited Activities

733.121 Use of official authority: prohibition.
733.122. Political management and political campaigning prohibitions.
733.123 Prohibited activity; exception of certain employees.

733.124 Political management and political campaigning: exception of certain elections.

SUBPART B—THE EXCEPTED SERVICE

733.201 Jurisdiction.

SUBPART C—THE U.S. POSTAL SERVICE

733.301 Jurisdiction.

AUTHORITY: 5 U.S.C. 3301, 3302, 7301, 7321, 7322, 7323, 7324, 7325, and 7327; Reorganization Plan No. 2 of 1978, 3 CFR 1978 Comp. p. 323; and E.O. 12107, 3 CFR 1978 Comp. p. 264.

SOURCE: 35 FR 16785, Oct. 30, 1970, unless otherwise noted.

SUBPART A—THE COMPETITIVE SERVICE

General Provisions

§ 733.101 Definitions.

In this subpart:

(a) "Employee" means an individual who occupies a position in the competitive service;

(b) "Agency" means an executive agency and the government of the District of Columbia;

(c) "Political party" means a National political party, a State political party, and an affiliated organization;

(d) "Election" includes a primary, special, and general election;

(e) "Nonpartisan election" means—

(1) An election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; and

(2) An election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any question or issue of a similar character; and

(f) "Partisan" when used as an adjective refers to a political party.

(g) "Political fund" means any fund, organization, political action committee, or other entity that, for purposes of influencing in any way the outcome of any partisan election, receives or expends money or anything of value or transfers money or anything of value to any other fund, political party, candidate, organization, political action committee, or other entity.

(h) "Contribution" means any gift, subscription, loan, advance, deposit of money, allotment of money, or anything of value given or transferred by one person to another, including in cash, by check, by draft, through a payroll deduction or allotment plan, by pledge or promise, whether or not enforceable, or otherwise.

(i) "Federal workplace" means any place, site, installation, building, room, or facility in which any Executive department or agency conducts official business, including, but not limited to, office buildings, forts, arsenals, navy yards, post offices, vehicles, ships, and aircraft.

(j) "Employer" or "employing authority" means the immediate employing agency head, agency principals, or an employee's supervisor.

[35 FR 16785, Oct. 30, 1970, as amended at 49 FR 17432, Apr. 24, 1984]

Permissible Activities

§ 733.111 Permissible activities.

(a) All employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this subpart. Each employee retains the right to—

(1) Register and vote in any election;

(2) Express his opinion as an individual privately and publicly on political subjects and candidates;

(3) Display a poltical picture, sticker, badge, or button;

(4) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization;

(5) Be a member of a political party or other political organization and participate in its activities to the extent consistent with law;

(6) Attend a political convention, rally, fund-raising function; or other political gathering;

(7) Sign a political petition as an individual;

(8) Make a financial contribution to a political party or organization;

(9) Take an active part, as an independent candidate, or in support of an independent candidate, in a partisan election covered by § 733.124;

(10) Take an active part, as a candidate or in support of a candidate, in a nonpartisan election;

(11) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

(12) Serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by State or local law; and

(13) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise his efficiency or integrity as an employee or the neutrality, efficiency, or integrity of his agency.

(b) Paragraph (a) of this section does not authorize an employee to engage in political activity in violation of law, while on duty, or while in a uniform that identifies him as an employee. The head of an agency may prohibit or limit the participation of an employee or class of employees of his agency in an activity permitted by paragraph (a) of this section, if participation in the activity would interfere with the efficient performance of official duties, or create a conflict or apparent conflict of interests.

Prohibited Activities

§ 733.121 Use of official authority; prohibition.

An employee may not use his official authority or influence for the purpose of interfering with or affecting the result of an election.

§ 733.122 Political management and political campaigning; prohibitions.

(a) An employee may not take an active part in political management or in a political campaign, except as permitted by this subpart.

(b) Activities prohibited by paragraph (a) of this section include but are not limited to—

(1) Serving as an officer of a political party, a member of a National, State, or local committee of a political party, an officer or member of a committee of a partisan political club, or being a candidate for any of these positions;

(2) Organizing or reorganizing a political party organization or political club;

(3) Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contibutions, or other funds for a partisan political purpose;

(4) Organizing, selling tickets to, promoting, or actively particpating in a fund-raising activity of a candidate in a partisan election or of a political party, or political club;

(5) Taking an active part in managing the political campaign of a candidate for public office in a partisan election or a candidate for political party office;

(6) Becoming a candidate for, or campaigning for, an elective public office in a partisan election;

(7) Soliciting votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office;

(8) Acting as recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or a candidate in a partisan election;

(9) Driving voters to the polls on behalf of a political party or a candidate in a partisan election;

(10) Endorsing or opposing a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, a broadcast, campaign, literature, or similar material;

(11) Serving as a delegate, alternate, or proxy to a political party convention;

(12) Addressing a convention, caucus, rally, or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office;

(13) Initiating or circulating a partisan nominating petition;

(14) Soliciting, collecting, or receiving a contribution at or in the Federal workplace from any employee for any political party, political fund, or other partisan recipient;

(15) Paying a contribution at or in the Federal workplace to any employee who is the employer or employing authority of the person making the contribution for any political party, political fund, or other partisan recipient; and

(16) Soliciting, paying collecting, or receiving a contribution at or in the federal workplace from any employee for any political party, political fund, or other partisan recipient.

[35 FR 16785, Oct. 30, 1970, as amended at 41 FR 49473, Nov. 9, 1976; 49 FR 17433, Apr. 24, 1984]

§ 733.123 Prohibited activity; exception of certain employees.

(a) Sections 733.21 and 733.122 do not apply to an employee of an educational or research institution, establishment, agency, or system which is supported in whole or in part by the District of Columbia or by a recognized religious, philanthropic, or cultural organization.

(b) Section 733.122 does not apply to—

(1) An individual exempted under section 7324(d) of title 5, United States Code;

(2) An employee of The Alaska Railroad who resides in a municipality on the line of the railroad in respect to political activities involving that municipality;

(3) Subject to the conditions of § 733.124, an employee who resides in a municipality or other political subdivision designated by OPM under that section; or

(4) An employee who works on an irregular or occasional basis, on the days that he performs no services.

§ 733.124 Political management and political campaigning; exception of certain elections.

(a) Section 733.122 does not prohibit activity in political management or in a political

campaign by an employee in connection with—

(1) A nonpartisan election, or

(2) Subject to the conditions and limitations established by OPM, an election held in a municipality or political subdivision designated by OPM under paragraph (b) of this section.

(b) For the purpose of paragraph (a)(2) of this section, the Office may designate a municipality or political subdivision in Maryland or Virginia in the immediate vicinity of the District of Columbia or a municipality in which the majority of voters are employed by the Government of the United States, when the Office determines that, because of special or unusual circumstances, it is in the domestic interest of employees to participate in local elections. Information as to the documentation required to support a request for designation is furnished by the Office on request. The following municipalities and political subdivisions have been designated, effective on the date specified:

IN MARYLAND

Annapolis (May 16, 1941).
Anne Arundel County (March 14, 1973).
Berwyn Heights (June 15, 1944).
Bethesda (Feb. 17, 1943).
Bladensburg (Apr. 20, 1942).
Bowie (Apr. 11, 1952).
Brentwood (Sept. 26, 1940).
Capitol Heights (Nov. 12, 1940).
Cheverly (Dec. 17, 1940).
Chevy Chase, sections 1 and 2 (Mar. 4, 1941).
Chevy Chase, section 3 (Oct. 8, 1940).
Chevy Chase, section 4 (Oct. 2, 1940).
Martin's Additions 1, 2, 3, and 4 to Chevy Chase (Feb. 13, 1941).
Chevy Chase View (Feb. 26, 1941).
College Park (June 13, 1945).
Cottage City (Jan. 15, 1941).
District Heights (Nov. 2, 1940).
Edmonston (Oct. 24, 1940).
Fairmont Heights (Oct. 24, 1940).
Forest Heights (Apr. 22, 1949).
Garrett Park (Oct. 2, 1940).
Glenarden (May 21, 1941).
Glen Echo (Oct. 22, 1940).
Greenbelt (Oct. 4, 1940).
Howard County (Apr. 25, 1974).
Hyattsville (Sept. 20, 1940).
Kensington (Nov. 8, 1940).
Landover Hills (May 5, 1945).
Montgomery County (Apr. 30, 1964).
Morningside (May 19, 1949).
Mount Rainier (Nov. 22, 1940).
New Carrollton (July 7, 1981).
North Beach (Sept. 20, 1940).
North Brentwood (May 6, 1941).
North Chevy Chase (July 22, 1942).
Northwest Park (Feb. 17, 1943).
Prince Georges County (June 19, 1962).
Riverdale (Sept. 26, 1940).
Rockville (Apr. 15, 1948).
Seat Pleasant (Aug. 31, 1942).
Somerset (Nov. 22, 1940).
Takoma Park (Oct. 22, 1940).
University Park (Jan. 18, 1941).
Washington Grove (Apr. 5, 1941).

IN VIRGINIA

Alexandria (Apr. 15, 1941).
Arlington County (Sept. 9, 1940).
Clifton (July 14, 1941).
Fairfax County (Nov. 10, 1949).
Town of Fairfax (Feb. 9, 1954).
Falls Church (June 6, 1941).
Herndon (Apr. 7, 1945).
Loudoun County (Oct. 1, 1971).
Manassas (Jan. 8, 1980).
Manassas Park (Mar. 4, 1980).
Portsmouth (Feb. 27, 1958).
Prince William County (Feb. 14, 1967).
Stafford County (Nov. 2, 1979).
Vienna (Mar. 18, 1946).

OTHER MUNICIPALITIES

Anchorage, Alaska (Dec. 29, 1947).
Benicia, Calif. (Feb. 20, 1948).
Bremerton, Wash. (Feb. 27, 1946).
Centerville, Ga. (Sept. 16, 1971).
Crane, Ind. (Aug. 3, 1967).
District of Columbia (July 5, 1977).
Elmer City, Wash. (Oct. 28, 1947).
Huachuca City, Ariz. (Apr. 9, 1959).
New Johnsonville, Tenn. (Apr. 26, 1956).
Norris, Tenn. (May 6, 1959).
Port Orchard, Wash. (Feb. 27, 1946).
Sierra Vista, Ariz. (Oct. 5, 1955).
Warner Robins, Ga. (Mar. 19, 1948).

(c) An employee who resides in a municipality or political subdivision listed in paragraph (b) of this section may take an active part in political management and political campaigns in connection with partisan elections for local offices of the municipality or political subdivision, subject to the following limitations:

(1) Participation in politics shall be as an independent candidate or on behalf of, or in opposition to, an independent candidate.

(2) Candidacy for, and service in, an elective office shall not result in neglect of or interference with the performance of the duties of the employee or create a conflict, or apparent conflict, of interests.

(5 U.S.C. 7701, et seq.)
[35 FR 16785, Oct. 30, 1970]

EDITORIAL NOTE.—For Federal Register citations affecting § 733.124, see the List of CFR Sections Affected in the Finding Aids section of this volume.

SUBPART B—THE EXCEPTED SERVICE

§ 733.201 Jurisdiction.

Sections 733.111–733.124 apply to an employee in the excepted service. It is the responsibility of the employing agency to investigate and decide allegations of prohibited poltitical activity on the part of such an employee.

SUBPART C—THE U.S. POSTAL SERVICE

§ 733.301 Jurisdiction.

Sections 733.101 (c), (d), (e), and (f) through 733.124 apply to an employee of the U.S. Postal Service.

(5 U.S.C. 7701, et seq.)
[44 FR 48954, Aug. 21, 1979]

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legisiative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I do not quarrel with my distinguished colleague about the fact that the 3,000 rules have been reduced in volume. But then we run into all kinds of things when we get into that reduction as to what will be interpreted in a simple fashion.

The distinguished Senator from Delaware indicated that there are, I believe he said, 13 permitted and 16 prohibited activities that those 3,000 have been whittled down to. But you still come down to such things to how you make the judgments in specific cases.

It has been held to be OK, for instance, to wear a campaign button on the job. That is permitted. It does not say anything about that in the instructions here, but that is one of the things under questioning they say you can do. You can wear a campaign button on the job, as I understand it. Or more than that, you can write a $1,000 check to a candidate. That is a very substantial contribution, the maximum permitted under Federal regulations.

What if you did not have that $1,000? What if you wanted to give an in-kind contribution of your time? Say you want to go down and stuff envelopes, you are not going to be out on TV or radio broadcasting for a specific candidate. You want to go down and help out—you are civic minded—and do what you can do. Or, someone says, would you like to circulate a nominating petition and see if you can get signatures on this? That is legal. As I understand it, that is not covered in the 13 permitted and the 16 prohibited examples that my distinguished colleague points out.

Another example: You would think if you were going to be able to use a political post for whatever purposes, that you could use that post about anywhere you wanted. If you go to a rally, and the Senator is correct, you are permitted under the rules to go to a political rally just as a spectator, that is spelled out. You can go as a spectator. You better keep your hands in your pockets because if someone hands you a sign to hold while they go make a telephone call, you can be arrested, I presume, or you could have charges brought against you as violating the Hatch act.

In other words, the point being you can go to the political rally but you cannot hold a poster. You cannot wave a poster at a political rally, but at the same time you can take that same poster you are prohibited from even touching anywhere else and you can put it on your car or you can take it home and put it in your front yard. But I believe—and I am not sure, I do not have the figures on this right here, I believe the figures are that there are certain size restrictions on what you can put on your car and different size restrictions that apply to your front yard. Is that something that really should be the subject of Federal law?

Here is another one. If you are asked, you are absolutely permitted to express your opinion about a candidate publicly, and that is spelled out—publicly. But you are prohibited from making a campaign speech for or against anyone. If I am "Hatched," I can go out and say here is what I be-

lieve about this candidate, here is what I believe and here are the reasons I believe the way I do, and so on. I am allowed to say that and say it publicly, but I do not know how many people have to be around me before that becomes a speech, becomes a public speech of advocacy that would be prohibited.

So what is the interpretation here? It is this kind of thing from which we are trying to get away from. This is not just an excercise in semantics on this last one either because let me tell you what happened. This really gets into a serious infringement on some people's rights as far as I understand it. The fine line on this one became a very serious issue in the State of Washington.

I see my colleague, the Presiding Officer, from Washington. He would be interested in this one. He may already have heard about this.

It was a serious issue. The State of Washington has a caucus system, and so people have to go to caucuses and when you get ready to vote at the caucus people make a presentation; we are going to vote. People hold up their hands to be counted. You can vote by ballot, as I understand it, in the caucus, but you also can do this just by holding up your hand to be counted as to what that caucus is going to do. They can do it either way as I understand it. There is nothing that says they cannot do that.

What happened in the State of Washington, Navy shipyard workers were notified that they could not actively participate in the State's Presidential caucuses without violating the Hatch Act. Now, if that shipyard was in a State where there was a primary, they could have voted. You go to the primary, cast that ballot in the voting booth, whatever. But if it was a caucus State, they could not attend this caucus. In other words, they were not even permitted to go to a caucus to hold up their hand to vote. That was presumed to be illegal under the Hatch Act.

I do not think that is right. That is denying the people the right to vote in a primary, albeit in caucus States.

Up to a year ago the Hatch Act even extended to letters to the editor on partisan politics. I know my distinguished colleagues from Delaware addressed that, but let me point out something else. One of the difficulties in trying to deal with the Hatch Act and how it is administered is the publications that they put out. They do not even date them. You do not even know which one you are picking up. I presume that that was intentional. Every publication I pick up, government or otherwise, always has a date of some kind on it. But you take two different years of these instructions to Federal employees on political activity and what is permitted, "Political Activity and the Federal Employee," and out of the one that came out in 1988, for instance, it says:

Question. May an employee write a letter to the editor of a local newspaper expressing an opinion on a partisan issue?

Answer. Yes, but employees must not engage in concerted solicitations of votes for or against partisan candidates or political parties. (In support of a candidate or political party, the employee may neither write one letter and cause it to be distributed to five newspapers nor may the employee write five consecutive letters to the same newspaper.

I may have to read that thing back and forth three or four times so everybody understands it.

Let me hasten to add that that is no longer the rule. This was put out last year. Because in the new publication they put out, undated—you do not know which one you are picking up. It depends on whether any old stock is left or not. But in the new one they leave out that example.

In it they say, "May an employee write a letter to the editor 8 a local newspaper expressing an opinion on a partisan issue?" To exactly the same question, the answer this time say, "Yes, but employees may not write letters in connection with political parties or partisan groups or candidates."

So I guess it is to be interpreted now that the old rule that you cannot write one letter to five papers or five letters to one paper is out. If I was a Federal employee, I could not tell for the life of me which one is the current publication. Which one do I go by? There is nothing that indicates any date on this at all that I can find on either one of them.

So those are just a couple little things we are trying to make sure we correct by modifying the Hatch Act only very, very slightly, as I see it.

Let me add one other thing on that example I gave of the five letters to one or one letter to five different papers. The new publication apparently came out after we had our hearings that pointed out some of these fallacies or some of these things that appeared to be misinterpreted in the law. And so they changed it in the next edition, but there is nothing on it that says it is the next edition. So how do Federal employees know what to go by?

As one of the officials said on commenting what they have to do, or what they can tell their members, "We cannot advise our members with confidence since advisory opinions of the special counsel are not subject to judicial review. It is only after employees jeopardize their jobs that a determination is made on whether an activity is permitted under the Hatch Act. Many decisions are not published"—some of those such as I just indicated—"and so are not readily available, resulting in an inability to ascertain the precise extent of prohibited and protected activities or the penalties involved."

So if you are head of an organization, legitimate Government organization, Government employees, what do you tell your people? What can they do under the Hatch Act?

Well, a button at home, or at some place, you can wear it, and so on, and other places you cannot; and five to one and one to five and all these various things I mentioned, even down to different interpretations as to whether it is legal on a Presidential caucus to participate.

Then does this not need to be clarified? I certainly think it does. What we do is the most simple of all clarifications. It is basically said on the job you can do nothing with regard to political activity, I mean zero. You cannot wear that button that is permitted now. You could not wear a political button. That is permitted now. We take that away. We say on the job—this has to be Simon pure—you cannot do anything.

But we also say that when you get off the job and you are on your own time and there is a county Democtatic Party, or a Republican Party, or independent, or whatever your political interests or caucuses or plans are or primaries or whatever it may be, you as an American citizen can without endangering the Republic participate.

You cannot run for elective office yourself. We keep that prohibition in there. The House version does not do that.

The House takes away most of these restrictions that I think go too far. I think that goes too far. So we keep in the Senate version of this the prohibition against running for elective office.

You can be a member of a political party, and you can participate in that party. You can be an official in that party. You could be a ward chairman, a precinct committeeman, or whatever. But you could not go beyond that.

The second prohibition that we keep in the Senate version of this bill that they do not have in the House bill is that Federal employees cannot go out and solicit contributions. You cannot go out and try to get people to contribute because that is where you once again get in a bind as to what is permitted and favoritism, conflict of interest, and a whole bunch of things. We keep those prohibitions in this bill so that, whether you are off duty or on duty, you cannot participate.

You cannot be a candidate for elective office yourself, public elective office, nor can you solicit contributions. But can you then participate in a local school board race or a partisan political activity at a local level or whatever level? Yes. I see nothing wrong with that.

This takes away all this difference that we have on all these things, like whether you are "Hatched" can you go to a caucus, can you wear a campaign button, or write a $1,000 check, but cannot give any in-kind time, stuff envelopes? That is prohibited in current law. We say that is no danger to the country. That is no hazard to the United States of America to permit people to do that kind of political participation.

I am the last one that wants to weaken the protections of the Federal employee.

This bill basically simplifies things where it would be easy to interpret what can be done. There will not be all this confusion under the proposal that we have before the Senate.

One other thing I have not heard anybody comment on yet as far as what will let us consider Hatch Act changes at this time. I brought this up yesterday in my remarks. I will bring it up again today. If someone wants to comment on it, I will be glad to hear what they have to say on it.

But I mentioned yesterday that one of the events that combined to make the amendment of the Hatch Act a project in the 100th Congress, this being the 101st, was that during the 1984 Presidential election the presidents of three of our major Federal and postal employee unions endorsed Walter Mondale's candidacy for the Presidency. It went further than that. In their union newsletters they encouraged their membership to vote for him.

Here is the situation. These three union heads were Government employees who had been elected presidents of their union. All of them had been out of their Government jobs on a leave of absence, which is provided for in law, at least 16 years. That was the shortest time they had been out. But they were still technically on leave from their Government jobs, 16 years later.

What happened? Because they had advocated, endorsed Mondale's candidacy, the Office of Special Counsel brought suit against them asserting they had violated the prohibitions against active political participations. Mind you, they had been out of their Government jobs 16 years.

The Merit Systems Protection Board upheld the OSC finding and they penalized those three presidents. Do you know how they penalized them? They suspended them their jobs for 60 days; jobs they had not been in for over 16 years. But that was a big penalty, or was supposed to be anyway. They suspended them for 60 days. That was done. They continued on in their activities as heads of their particular unions.

On appeal, two, not one, but two Federal circuit courts overruled and reversed those findings of the Merit Systems Protection Board on the findings that no Hatch Act violations had occurred. The Office of Personnel Management, and the Merit Systems Protection Board both wanted to appeal the court decisions to the Supreme Court. But the Officer of Solicitor General declined the invitation. They apparently felt they did not have a case. Two Federal courts had already ruled on it.

I bring this up because this is partisan enforcement of the Hatch Act every bit as much as some of these arbitrary decisions against individuals. In other words, there was partisan enforcement. We are going to lay this on them here and show them they cannot do this.

I do not know whether there is an answer to this on the other side or not. If there is, I am not aware of it. But I point out that is one of the things that triggered off the interest in the Hatch Act in the last Congress, where legislation was started, and that is carried over now into this 101st Congress.

So that is another thing that I think takes away some of the doubts about the legislation we have now. Would that be legal? No. It will not. There will not be any question about that as I see it, under the legislation that we are providing. Once again, what we have done is take away uncertainty under the Hatch Act. We have not lessened the protection for Government employees. We are making this a much more administerable law than it has been up to this particular time.

Mr. President, I know we have other people on the floor here who wish to address this. I see Senator LIEBERMAN here. I believe he came over to address this subject. I would be happy to hold any remarks I have until later if he wishes to proceed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REID). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I wish to make a few additional remarks regarding the Hatch Act. Three thousand interpretations, erroneously referred to as rules or regulations, are before me, but at least the 3,000 interpretations of the Hatch Act that were referred to were said to now be down to, I believe, 13 permitted and 16 prohibited, and I think that oversimplifies it considerably because there are still many hundreds and perhaps even still this whole 3,000 out there in the way of interpretations as to what can be done or what should not be done under the Hatch Act.

I am not sure I fully understand the administration's position on the Hatch Act. Let me go back to the last election. One of the most effective images I remember from the last Presidential campaign showed Mr. Bush surrounded by a sea of blue-uniformed police officers.

I am not sure; I think the site was in Boston. He was accepting their endorsement for President of the United States. Those employees were State, they were local employees, they were not Federal employees, although I would say there might have been some Federal money in that with the help we give to local police departments. But by any interpretation they were not "Hatched" from a Federal standpoint. They were State and local employees with salaries paid for by taxpayer dollars supposed to act impartially to enforce the laws of their jurisdiction.

I would agree completely with the President of the United States if he said that the actions of those officers in publicly endorsing him did not affect their ability to impartially enforce the law. However, I am not sure how one reconciles readily availing himself of the political activities of one group of public employees with denying some 3 million Federal and postal employees similar opportunities to participate in the political processes of this Nation.

Mr. President, under the terms of S. 135, Federal or postal employees could join Mr. Bush or others in a television commercial or rally. However, unlike the policemen I mentioned earlier, these "Hatched" employees would not be able to wear a uniform or anything else which would identify themselves as a Federal or a postal worker.

Mr. President, there is something else I want to stress with regard to S. 135. It is a modest proposal for reforming the 1939 Hatch Act statute. And I use the word "reform" and not "repeal." The word "repeal" with regard to the Hatch Act has been used repeatedly. That just is not true. The Department of Justice and others have characterized this bill as repealing the Hatch Act. There is a big difference between repeal and reform.

What S. 135 seeks to do is just rationalize the Hatch Act by creating clear distinctions between on-the-job politicking, which is expressly prohibited, and political activity off the job, which is allowed but still with some restrictions.

The two major restrictions we keep on this is off the job you still cannot run for public elective office. Another thing you cannot do, you cannot—and this is very important—you cannot, under any circumstance, solicit political contributions from the general public. Those are two great big restrictions. But could you participate in

local politics? Of course, you could and should be able to.

The purpose of the legislation is to clarify the confusion and illogic of current law governing the political activities of Federal and postal employees. It is not repealing of the act, I repeat. It is a reform, a needed reform.

In answer to a confirmation hearing question from the Governmental Affairs Committee on the need for reforming the Hatch Act, the administration's own Director of the Office of Personnel Management, Constance B. Newman said, "At the very least, there should be steps taken to simplify, consolidate, and reduce the confusion brought about by more than 3,000 rulings."

Those are not my words, those are the words of the Director of the Office of Personnel Management.

The confusion resulting from all this, whether it is 3,000, 2,000, or even 1,000, is sort of immaterial. It is a great number, we do know that, of these interpretations that Federal employees have to live with. And this confusion hurts Democrats and Republicans alike. It is not a partisan thing, as I see it, at all.

I remember the news stories about the State of Washington's Presidential caucuses during the last election. Jesse Jackson, Michael Dukakis, and President Bush all lost. They all lost in the caucuses. For Jackson and Dukakis, there were not enough non-Federal volunteers to serve as delegates for the party convention. On the Republican side, according to news reports, anyway, one caucus went to former television evangelist Pat Robertson by a one-vote margin after three married couples, who were Federal workers and supported President Bush, told their caucus chairman they were afraid to attend and participate. Mr. President, I ask unanimous consent that a copy of the Washington Post story of that incident called "To the 'Hatched,' Tuesday Wasn't Super," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Washington Post]

TO THE "HATCHED," TUESDAY WASN'T SUPER

(By Judith Havemann)

Jesse L. Jackson, Michael S. Dukakis and Vice President Bush had something new in common yesterday: their supporters in Kitsap County, Wash., were tallying the results from the state's "Super Tuesday" caucuses and cursing the Hatch Act.

On the Democratic side, the Hatch Act—which prohibits most partisan political activity by federal workers—meant that there were not enough nonfederal workers to serve as Jackson and Dukakis delegates to upcoming party conventions. While federal workers were allowed to vote, they were prohibited from electing themselves or other federal workers as delegates to conventions, so there were not enough eligible people to vote for.

On the Republican side, one caucus went to former television evangelist Pat Robertson, 25 to 24, after three married couples who are federal workers, fearing the consequences, told the caucus chairman that they were afraid to attend and declare their support for Bush.

The Republican regulars "got stomped," said Kitsap County Republican chairman Harold Reynolds, and the strict Hatch Act prohibitions "made a big difference."

In Bremerton, Wash., where 11,500 residents work for the Puget Sound Naval Shipyard in a city of 35,000, an interpretation of the Hatch Act published last month in the base newspaper, The Salute, has caused a political furor.

The Salute advised federal employees that while they could attend party caucuses, they could not speak on behalf of candidates or seek election as delegates. The article was based on a regulation implementing the Hatch Act that prohibits an individual from "addressing a convention, caucus, rally or similar gathering of a political party in support of or in opposition to a partisan candidate for public office."

Washington Secretary of State Ralph Munro failed in an election eve request for a temporary restraining order barring enforcement of the Hatch Act's provisions against addressing caucuses. He called the situation "absurd."

Reynolds said the federal workers attending his caucus Tuesday night "just sat there, not saying a word." He said his caucus secretary declined to sign the election form—the minutes of the caucus—because he was a federal worker.

Karen Marchioro, Washington state Democratic chairman, said, "We have an overzealous administration interpreting something rigidly that has always been on the books but never enforced. If Ralph Munro had not filed suit, people might have gone ahead to the caucuses and participated as they have always done."

As it was, she said, "people had to sit there like dummies." She said the interpretation, the suit, and the publicity "sure didn't help" the traditionally low turnout.

Kitsap County Auditor Karen Flynn said that two federal employees attended her caucus wearing gags over their mouths.

Preliminary results suggest that Dukakis received about 42 percent of the vote, Jackson 37 percent, with "uncommitted" running third.

On the Republican side with 70 percent of the vote reported, Robertson won the state with 39 percent of the vote, followed by Dole at 26 percent and Bush 24 precent.

Rep. William L. Clay (D-Mo.), sponsor of House-passed legislation to eliminate virtually all bars to political participation by federal workers on their own time, called the Kitsap County situation the "perfect example of why the law should be reformed.

"If you take what happened to the few people affected here and multiply it by the 3 million people covered by the Hatch Act, you can see the impact on the electoral process."

Mr. GLENN. Mr. President, this will be printed in the RECORD, but since we have time here I would like to go ahead and read this anyway. It is called, "To the 'Hatched,' Tuesday Wasn't Super. Candidates Lost Delegates Because of Political Curb on U.S. Workers," written by Judith Havemann, Washington Post staff writer.

Jesse L. Jackson, Michael S. Dukakis and Vice President Bush had something new in common yesterday: their supporters in Kitsap County, Wash., were tallying the results from the state's "Super Tuesday" caucuses and cursing the Hatch Act.

On the Democratic side, the Hatch Act—which prohibits most partisan political activity by federal workers—meant that there were not enough nonfederal workers to serve as Jackson and Dukakis delegates to upcoming party conventions. While federal workers were allowed to vote, they were prohibited from electing themselves or other federal workers as delegates to conventions, so there were not enough eligible people to vote for.

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Kitsap County Auditor Karen Flynn said that two federal employees attended her caucus wearing gags over their mouths.

That must have been a sight to behold.

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ally all bars to political participation by federal workers on their own time, called the Kitsap County situation the "perfect example of why the law should be reformed.

"If you take what happened to the few people affected here and multiply it by the 3 million people covered by the Hatch Act, you can see the impact on the electoral process."

That is the end of the article.

I hasten to add with respect to Mr. CLAY and the House-passed legislation, we do not go as far in this legislation before us today, S. 135, as the House does in their legislation. We prohibit the solicitation of money for political purposes by Federal employees. We also keep the restrictions on that say a Federal employee cannot run for partisan elective office. So, those are two big differences between what we do here and what they do over in the House.

I also say in response to my distinguished colleague about whether there is support or nonsupport for this among good pipelines into all of their organizations, that they know what those organizations are doing. If they do not like what they are doing, they let those views be known. We have quite a list of organizations here, which I ask unanimous consent be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

American Federation of Government Employees.
American Federation of State, County and Municipal Employees.
American Foreign Service Association.
American Postal Workers Union.
American Psychiatric Association.
Epsilon Sigma Phi.
Federal Executive and Professional Association.
Federal Managers Association.
Federally Employed Women.
Graphic Communications International Union.
International Association of Fire Fighters.
International Federation of Professional and Technical Engineers.
International Union of Operating Engineers.
Military Sea Transport Union SIU.
National Association of Air Traffic Specialists.
National Association of ASCS County Office Employees.
National Association of Federal Veterinarians.
National Association of Government Employees.
National Association of Letter Carriers.
National Association of Postal Supervisors.
National Association of Postmasters of the United States.
National Association of Retired Federal Employees.
National Federation of Federal Employees.
National Labor Relations Board Union.
National League of Postmasters of the United States.
National Postal Mail Handlers Union/LIUNA.
National Rural Letter Carriers Association.
National Treasury Employees Union.
Organization of Professional Employees of the Department of Agriculture.
Overseas Education Association/NEA.
Public Employee Department (AFL-CIO).
Service Employees International Union.

Mr. GLENN. Here are some of the organizations that support changing the Hatch Act. These are modest changes, reforms—reforms, again, not repeal—reforms that help clarify what employees can do under the Hatch Act and what they cannot. That is the main thrust of this. Let me just read these off:

American Federation of Government Employees.
American Federation of State, County and Municipal Employees.
American Foreign Service Association.
American Postal Workers Union.
American Psychiatric Association.
Epsilon Sigma Phi.
Federal Executive and Professional Association.
Federal Managers Association.
Federally Employed Women.
Graphic Communications International Union.
International Association of Fire Fighters.
International Federation of Professional and Technical Engineers.
International Union of Operating Engineers.
Military Sea Transport Union SIU.
National Association of Air Traffic Specialists.
National Association of ASCS County Office Employees.
National Association of Federal Veterinarians.
National Association of Government Employees.
National Association of Letter Carriers.
National Association of Postal Supervisors.
National Association of Postmasters of the United States.
National Association of Retired Federal Employees.
National Federation of Federal Employees.
National Labor Relations Board Union.
National League of Postmasters of the United States.
National Postal Mail Handlers Union/LIUNA.
National Rural Letter Carriers Association.
National Treasury Employees Union.
Organization of Professional Employees of the Department of Agriculture.
Overseas Education Association/NEA.
Public Employee Department (AFL-CIO).
Service Employees International Union.

Mr. President, I have not counted up that number but that must be 25 or so organizations representing people who feel they are being dealt with unfairly under the Hatch Act as it is administered now. I repeat, what we are trying to do is just reform it, to make it more fair, to make it more workable so the people understand what they are permitted to do on the job and off the job without all these myriad, myriad, myriad interpretations that have been made that leave people so confused they do not know what they can do and what they cannot do, basically. So they just deny themselves the right to participate in our political process. I think that is a shame that that occurs. I hope we can correct that with S. 135, and I urge its passage.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I must firmly but respectfully disagree with my distinguished colleague, the chairman of the Governmental Affairs Committee, when he asserts that the bill he proposes to consider represents reform or the reversal of past practice. Make no mistake about it, S. 135 represents essentially repeal of the Hatch Act and not reform.

I point out the act was enacted in 1939 when we had a Democratic President and a Democratic Congress. It was passed because at that time Congress determined that partisan political activity by Federal employees must be limited in order for public institutions to function fairly and effectively. The purpose of the Hatch Act was to strike a balance between the rights of the Federal employees to engage in their constitutional right to vote but also at the same time to ensure that the laws would be administered in a neutral, nonpartisan manner so the American people would have confidence in its Government.

It was not a new idea. Past Presidents going way back to George Washington, expressed concern about the political activity of Government employees. Thomas Jefferson, our Nation's third President, was one of the first to express concern about this issue. In response to his concern, the heads of the executive departments issued an order which stated while it is "the right of any officer, that is Federal employee, to give his vote at elections as a qualified citizen * * * it is expected that he will not attempt to influence the votes of others or take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution. * * *"

Despite efforts of succeeding Presidents to achieve that goal, it really was not until 1939 when the Hatch Act was passed that this problem was fairly and squarely met. For the last 50 years, I think it can be said, the Hatch Act has enjoyed broad support, both among the American people and among the Federal employees.

Going back to the question whether this is reform or repeal, let me point out that the whole purpose of the Hatch Act was to prevent an active role on the part of Federal employees in partisan political activity. Specifically, the Hatch Act forbids employees to run as partisan candidates in election for public office, hold office in political clubs or parties, solicit or handle political contributions, or organize

partisan fundraising activities, make speeches, or engage in other campaign activities to elect partisan candidates as an agent of the candidate's campaign organization, and to circulate partisan nominating petitions.

What S. 135 would do in most of these areas is just go 180 degrees in the other direction. Not only would it permit, but the language of the bill says it would encourage, partisan political activity on the part of Federal employees.

What kind of confidence is that going to build in the American people? One day, a Federal employee could head up the Federal Election Commission. He could be elected chairman of either the Democratic or Republican National Committee, and that would be legal under S. 135. But in the daytime, when he is on duty, he is supposed to administer that legislation in a fair and nonpartisan way.

Who is going to have confidence in him? If it is a Republican, if he is a Republican national chairman, do the Democratic national candidates think in his administration of the Election Commission he is going to be nonpartisan?

Obviously, it is going to raise serious doubt, serious question, both in the minds of the American people and the Democratic candidates. If it were a Democratic chairman, the same would be true of the Republicans. But what I am saying is that this proposed law, S. 135, would turn around and not only permit Federal employees, but by its very language, as I have already pointed out, can urge Federal employees to hold office in a political party, to work in partisan political campaigns or in party organizations, publicly endorse partisan candidates and urge others to support them, and solicit political contributions from fellow Federal employees under certain circumstances.

If that is reform of the basic thrust of the Hatch Act, I must look up what "reform" means, because we are going the other direction. It is true it does not go quite as far as the House legislaiton would. The House legislation, for example, would permit Federal employees to run for partisan public office. So you can see the direction we are headed if this legislation is adopted.

Mr. President, my distinguished colleague, the chairman of the Senate Governmental Affairs Committee, has talked about the difficulty, the complexity of the rules and regulations under this legislation. Let me say that, to be perfectly candid, I think the advocates, those supporting the so-called S. 135, have badly overstated the problem of interpretation under the current law although, like all rules and regulations, it unquestionably can be simplified and clarified. At a later time, I will undoubtedly offer an amendment to do just that.

Let me point out there are 13 permissible activities under the rules and regulations, and 16 prohibited activities. They are not all that difficult. I think a reading of that will show, although, as under any rule or regulation, questions will arise. But I think it is important to understand that there is a hotline, and any Federal employee who has a question as to whether his proposed conduct raises a question as to whether he is in conflict with the Hatch Act or not can obtain advice through that hotline.

But let me just read you some of these rules and regulations:

Permissible activities:

1. All employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this subpart. Each employee retains the right to register and vote in any election;

2. Express his opinion as an individual privately and publicly on political subjects and candidates;

3. Display a political picture, sticker, badge or button. I might point out that nowhere does it say there is a limit as to the size.

4. Participate in the nonpartisan activities of a civic, community, social, labor or professional organization or of a similar organization;

5. Be a member of a political party or other political organization and participate in its activities to the extent consistent with the law;

6. Attend a political convention, rally, fundraising function or other political gathering;

7. Sign a political petition as an individual;

8. Make a financial contribution to a political party or organization;

9. Take an active part as an independent candidate or in support of an independent candidate in a partisan election covered by 733.124;

10. Take an active part as a candidate or in support of a candidate in a nonpartisan election;

11. Be politically active in connection with a question which is not especially identified with a political party, such as constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

12. Serve as an elected judge or clerk or in a similar position to perform nonpartisan duties as prescribed by State or local law;

13. Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise the efficiency and integrity of an employee or the neutrality and efficiency and integrity of the agency.

Those are the 13 permissible activities. Admittedly, on occasion, as I said, there are going to be questions, serious questions, as there is under any regulation. But, again, there is a hotline available to the employee who has a question as to what he can do or not do.

Just let me point out that we are going to have the same difficult questions raised under S. 135 if it should become law. For example, under this legislation, it forbids political activity on the job, or while on duty, and yet nowhere is there any definition of what political activity is. For example, just as you do under the present law, you may have questions as to what is a political activity. Is it a constitutional amendment, referendum, approval of municipal ordinance; are these political questions or not? There are going to have to be some rules and regulations to define what the law is intended to mean by political activity.

For example, if S. 135 became law and you were on the job, would you be able to talk to several other employees about a candidate or would that be proscribed activity? Again, what I am saying is that under the proposed law, there are going to be similar questions of interpretation and rules and regulations. As I intend to show later, some of them are going to be very difficult to answer.

Mr. President, many fine organizations have come out in opposition of the repeal of the Hatch Act. As I said, that is essentially what we are talking about in S. 135. But before I list some of those organizations which are opposing this repeal, I would like to read into the RECORD I think a very important letter sent to me by a distinguished Member of the House of Representatives, FRANK R. WOLF, who serves the contiguous district of Virginia which is very much dominated by citizens who work for the Federal Government.

(Mr. ROBB assumed the chair.)

Mr. ROTH. In a letter dated October 24, 1989, Congressman WOLF wrote to me:

Hon. WILLIAM ROTH,
U.S. Senate, Washington, DC.

DEAR BILL: Since you may soon have the opportunity to consider proposed revisions to the Hatch Act, I am writing to offer my thoughts on this issue. As the representative of a congressional district with the highest number of federal employees in the country, I want to point out some of my concerns regarding changing this important law.

The Hatch Act has protected federal workers from coercion, and has protected the general public from a politicized federal workforce, for almost 50 years. My concerns regarding changes to the Hatch Act stem from my commitment to the strength of our federal service, and from my desire that the American public have confidence in public servants.

The Hatch Act is, above all, a protection. It protects federal workers from the subtle political persuasion that could compromise the performance of their duties. It protects them from the partisan spoils system that characterizes the civil service of some countries. It also protects the general public. It allows the public to be secure in the knowledge that the everyday contact that they have with federal employees—with the Social Security representative, the IRS auditor, the postal carrier—will not be influenced by partisan politics.

Times have changed since the enactment of the Hatch Act 50 years ago, but human nature has not changed. The fact that the size of the federal workforce has tripled makes the Hatch Act even more needed

today. The abuses that prompted passage of the Hatch Act in 1939 are still possible today. We have not witnessed such abuses precisely because the Hatch Act has let federal employees know that they cannot be coerced into political participation.

It is important to note that a bill to repeal the Hatch Act has been introduced in every Congress since 1939. Our forebears understood the dangers of a politicized federal workforce and rejected attempts to repeal the Hatch Act.

One bill passed both the House and the Senate in 1976. President Ford vetoed the bill and preserved the Hatch Act, saying that "pressures could be brought to bear on federal employees in extremely subtle ways beyond the reach of any anti-coercion statute so that they would inevitably feel compelled to engage in partisan political activity. This would be bad for the employee, bad for the government, and bad for the public."

In a 1973 decision the Supreme Court found that ". . . it is in the best interest of the country, indeed essential, that the federal service should depend on meritorious performance rather than political service, and that political influence of federal employees on others and on the electoral process should be limited."

In a 1979 report the non-partisan GAO found several problems with proposed changes to the Hatch Act, finding that the "elimination of restrictions on political activity could very likely increase the potential for conflict-of-interest situations to develop."

You may be surprised to learn that the majority of federal employees do not favor changes to the Hatch Act. I surveyed 23,000 of my constituents in 1983 and found that 66 percent favored the existing Hatch Act. A poll of 10,000 federal employees published last May by the *Federal Employees News Digest* found that 70 percent were either neutral or favored current Hatch Act limitations on partisan political activity.

In addition, Common Cause and the United States Chamber of Commerce are opposed to changes to the Hatch Act. The Attorney General has stated that the legislation that passed the House earlier this year, H.R. 20, is unenforceable due to the subtle nature of political coercion and the fact that it often just occurs between two individuals. He would recommend a veto since the bill would lead to a 'tragic repoliticization of the federal workforce." Passage would flood the already crowded docket of the Merit Systems Protection Board with litigation by disgruntled employees.

I fear that what is permitted will come to be expected. Political appointees and partisan supervisors could pressure their workers to make campaign contributions or work in campaigns. This subtle pressure, with the threat of performance appraisals, work assignments, transfers, and opportunities for advancement, could politicize the civil service.

Instead of wasting time on this legislation, which will subject federal workers to political coercion and will hurt public confidence in the federal workforce, we in Congress should be addressing the serious problems of federal pay and benefits. The growing disparity between federal and private sector pay threatens to affect the ability of the federal government to attract and retain experienced and qualified employees at all levels. This should be our number one priority.

I hope that these comments are helpful to you.

Sincerely,

FRANK R. WOLF,
Member of Congress.

Mr. President, a number of very distinguished organizations have come out in opposition to this proposed repeal of the Hatch Act. They include Common Cause, the American Bar Association, the Federal Bar Association, the National Academy of Public Administration, the National Taxpayer Union, the Chamber of Commerce, the International Personnel Management Association.

I have just received a copy of a letter dated May 2, 1990, from Common Cause. It is of such importance again I would take the time to read it in its entirety.

DEAR SENATOR: The Senate is soon expected to take action on legislation to amend the Hatch Act which for 50 years has protected federal employees from inappropriate political pressures. Common Cause strongly urges you to oppose S. 135, the Hatch Act Amendments of 1989. This bill seeks to make basic changes in the current Hatch Act restrictions on partisan political activity by federal workers, opening the door to implicit coercion, and abandons the fundamental concept of an unpoliticized civil service.

The House-passed bill H.R. 20, which would repeal Hatch Act protections and for the first time in 50 years allow Federal civil service and postal employees to participate in partisan political activity. For example, Federal workers could run as candidates in partisan elections, serve as officers of a political party, raise partisan campaign contributions, manage campaigns, and administer political action committees.

Incidentally—this is not part of the letter, but let me make the aside—is it not ironic that at the very time we are presumably going to be considering campaign reform, much of which is directed at reforming PAC's, that we have a legislative proposal before us today that would in effect expand PAC's, directly contrary to what I presume was going to be the thrust of this future campaign legislation.

But to go back to the letter from Common Cause:

The only restraint is that the partisan activity would have to occur during off-hours. Common Cause opposed the passage of H.R. 20.

S. 135 also proposes major changes in the Hatch Act, lifting most restrictions on partisan political activity. Like the House bill, a federal employee would be permitted, among other things, to serve as an officer of a political party or a PAC, become a public campaign official for a candidate, and run as a delegate to a national convention. The Senate bill does prohibit federal employees from running for partisan political office and from soliciting contributions for partisan candidates. However, it allows government workers to solicit their colleagues for contributions for their own federal employee PACs.

Repeal of the Hatch Act's basic protections—

Again, as an aside, not part of the letter—repeal of the Hatch Act's basic protection does not sound like an amendment; it sounds like repeal.

as proposed in S. 135, would increase the potential for widespread abuse and open the way for implicit coercion against which there is no real protection. With basic restrictions on partisan activity repealed, no procedural or other safeguards will be sufficient to protect against subtle forms of political favoritism or coercion of federal workers.

It is important to recognize that under the current Hatch Act, federal workers are already permitted to engage in various political activities. For example, they make political contributions to candidates, serve as rank-and-file members of political parties, and engage in nonpartisan political activities. It is only the most active levels of partisan participation from which they are currently barred. In drawing this line, we believe that the current Hatch Act strikes an appropriate balance between the federal worker's ability to participate in political activities and the public's right to fair and impartial administration of government.

Common Cause recognizes that the current regulations governing administration of the Hatch Act are complicated. There may be ways to clarify and simplify for workers the degree of participation they are permitted under the Hatch Act without lifting the basic restrictions on partisan activity. We would urge the Senate to instead explore this possibility. As a core principle, however, a careful balance must be struck between an individual's First Amendment right of free speech and association and the public's right to impartial administration of government. We believe S. 135 upsets this balance and would open the possibility of a dangerously politicized civil service.

The Hatch Act was designed to ensure that the federal government is administered in a fair and impartial manner. We agree with the U.S. Supreme Court which stated, in upholding the constitutionality of the Act, that "it is in the best interest of the country, indeed essential, that federal service should depend upon meritorious performance rather than political service. . . ."

Common Cause strongly believes this important integrity-in-government measure should not be repealed. We strongly oppose S. 135 and other proposals that would repeal necessary prohibitions on partisan political activity by federal employees.

Sincerely,

FRED WERTHEIMER,
President.

Mr. President, I have a number of other letters that I will undoubtedly read into the record later, but I think that very well states the case why this proposed legislation is not in the best interests of the public, the Federal employee, or the impartial administration of the law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut [Mr. LIEBERMAN].

Mr. LIEBERMAN. Thank you, Mr. President.

Mr. President, I rise to support the bill and express my continued hope and prayer that we will be allowed to proceed expeditiously to consider this on its merits.

It appears there will be repeated opportunities to comment on this legislation as the days ahead go forward, but I wanted to first approach the baseline question as I see it. It is this: We are dealing here with some fundamental American rights. When we in America think of what distinguishes us as Americans, when people around the world think about what distinguishes the American experience, what is the American ideal, I believe that we and they think about political freedom, about the right of the governed, the right of the people to determine who their leaders will be, the right of the people to express their opinions on public issues, and the right of the people to control their own destiny.

Any infringement on that basic right ought to be carried out with the greatest respect, with the greatest requirement for proof that it is justified. If we were going to create a scale here, a scale of justice, a scale of political rights, we would require, I think, the heaviest possible showing of proof and evidence that an infringement of political liberty was justified before we applied it, and when we limit political liberty, we would want to do so in the most limited, exacting, precise way.

In the Hatch Act, we have exactly the opposite circumstance, both in its inception, and let me just talk more particularly about today. Those who oppose these reforms, as its chairman quite accurately says, these reforms in the Hatch Act, not the repeal of the Hatch Act, do so on what I would call generalized fears. There is no showing of evidence that this is justified.

Let us go back to the origins of the Hatch Act, 1939. There was a specific concern at that time. Apparently salaries of employees in the Work Progress Administration [WPA] were being illegally assessed, and workers were being coerced to fund a particular senatorial campaign.

That procedure became widely publicized through the release of an investigatory report by then what was called the Special Senate Committee to Investigate Senatorial Campaign Expenditures and the use of Government funds.

There was another more general concern which I would say was a political concern.

And that is that at that time there was a fear that President Roosevelt would try to gain reelection to a third term in 1940 with the support of Federal employees who, it was alleged or worried, would be beholden to him because they received their jobs through the New Deal, through the Federal administration.

Well, if the salaries of employees in the WPA were being illegally assessed and workers being coerced to fund a campaign, that is intolerable. It seems to me, the way to address that is the way it has been done over the years, to specifically provide by law that it would be illegal for a Federal worker to be coerced, to be assessed, to be required to give to a political campaign as, in a sense, a condition, implicit condition, of his employment. The law specifically prohibits that, as it does a whole host of every other imaginable abuses of the autonomy of Federal employees, and every other imaginable improper mixing of public authorities carried out by Federal employees and their political opinions—in other words, to protect those who deal with the Federal Government from being influenced or affected as a result of their politics.

In my opinion, the original Hatch Act violated the principle that I talked about at the beginning of these remarks. It was a gross overreaction to the problem; it was a meat cleaver, when we should have used a scalpel. In fact, the scalpel is in law, and still as a matter of overreaction, the meat cleaver remains in law, which is the prohibition on so many of the basic political rights of Federal employees, undercutting what it really means to be an American, undercutting their rights as Americans, making them less fully Americans than the rest of us are.

The word is overused; we do not use it much any more. But in my opinion, the Hatch Act is un-American, inconsistent with what the basic definition of this country is and ought to be.

In this debate thus far, we have heard discussion of why we ought not change the Hatch Act, and I think what we have again is no real showing of evidence. We have some experience at the State level now; 41 States have adopted reforms in their baby Hatch Acts, which allow much greater political freedom by their State employees than the Federal Hatch Act does. And there is simply no evidence from any one of those 41 States, many of which are represented here in the Senate by people who apparently still oppose these modest reforms in the Hatch Act, that this increased freedom has created coercion of subordinate State employees, or has opened the door to the improper use of public authority, based on political considerations, because of a person's party or political involvement.

So in the laboratories where one might say we have had this experience over a period of years, where somebody can come into the Senate and say, Look what happens when the Hatch Act is opened up, there is just no showing of any wrongdoing. The most that I have heard here on the floor is, worry about what might happen, that politically oriented supervisors of Federal employees might keep track of the political activities and positions taken by those who work under them and implicitly pressure those employees to take political actions on behalf of candidates the supervisors support, or implicitly reward and punish their subordinate employees, based on their political activities.

I must say that, in my opinion, is reaching, both in terms of the case that it makes for limiting the political rights of many American citizens; but it is also reaching in the sense that I am sure that in most Federal offices today, people have a general idea of what the political persuasion of their fellow workers is. I know around a lot of coffee breaks and lunchtime breaks, talk in Federal offices certainly turns to politics. People have awareness of what the political orientation of their coworkers is. And it is not just that generalized notion.

The truth is that even under the law today, a Federal employee could wear a button or put a bumper sticker on a car. He can go to a meeting, but not speak at the meeting. He can write a letter to the paper. There is awareness of the political orientation of public employees. If a supervisor wanted to act inappropriately on the basis of that information, clearly that supervisor could.

I do not know whether this bill ought to be considered, Mr. President, a liberal bill or a conservative bill. But it seems to me, if there was ever an example that a conservative ought to be worried about Government trying to meddle too far into the private lives of Americans, this is the example. We are dealing here with human nature. We are dealing here with the desire of people to express their opinions and be involved in public life. And it seems to me outrageous that the major argument that has been made so far against these slight reforms, this attempt to open up to 3 million Americans, who happen to be Federal employees, equality of political participation, an opportunity, is this generalized fear that a little more involvement might create some coercion on the job, is just reaching too far as a justification for limiting the rights of public employees. Besides, going back to the beginning, there are specific statutes that prohibit coercion of Federal employees, based on political participation.

The reality is that the bill before us extends very little the opportunities Federal employees have for political participation. It maintains prohibitions against some of the fears my friends opposed to this bill have expressed. For instance, even if this bill is passed and signed into law by the President, a Federal employee can solicit political contributions, but only

from fellow employees and only from multiparty political action committees, and not from subordinate employees, to avoid any concern about coercion.

So it is early in the debate, earlier than I would hope, because it appears that this is going to be a long debate. But I still have not heard a case made, based on evidence instead of fears, based on evidence, that would justify the limiting of the liberties of 3 million of our fellow Americans.

Mr. President, I see other Members of the Senate on the floor. I presume they wish to speak, and in deference to that desire, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, I ask unanimous consent that I might be permitted to proceed as in morning business, provided, though, that the time be counted as against the bill, and that the time, in addition to that, be charged against my hour that I might be permitted, and also that the remainder of that time be given to my friend, the distinguished Senator from Delaware.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator is recognized for that purpose.

SOVIET MOST-FAVORED-NATION TRADING STATUS

Mr. D'AMATO. Mr. President, yesterday the Senate passed, by an overwhelming majority, a sense-of-the-Senate resolution which said clearly that we should not go forward in terms of implementing any agreements conferring upon the Soviets most-favored-nation trading status, until and unless they do two things: First, stop their economic aggression, their embargo against the people of Lithuania; and, second, that they go to the bargaining table and sit down with the Lithuanians and in good faith begin to work out the terms and the conditions of trade, security, et cetera.

The sentiment of the Senate, I think, is quite correctly shared by almost all Americans and all people who stand for freedom. I think there has been a very successful propaganda campaign that unwittingly has been carried on by the media because in paper after paper, in TV program after TV program, in radio account after radio account, in every manner of the media available, we see Gorbachev's words that somehow the economic blockade will be loosened and, in particular, that more natural gas is going to be made available to the Lithuanian people. This has been taken as fact.

Yesterday I spoke to President Landsbergis and he assured me that this is not the case. So here is the Western democracies, the people of the United States, Senators and Congressmen, being led to believe that all is well, that the Soviets are beginning to bargain, they are beginning to talk, when, in fact, they are not.

Let me share with you a letter, because I asked the President to send me a letter with an overview of what is taking place. I received that letter this morning at about 10:30—

DEAR SENATOR D'AMATO—

And I am not going to read all of it but I will highlight parts and ask that the letter be printed in the RECORD in its entirety when I have concluded.

In response to your recent telephone call, the following is a brief overview of the current situation in Lithuania.

The Soviet economic blockade of Lithuania continues; its primary purpose is to create massive unemployment—

Mr. President, this is the President of Lithuania. He says to us the blockade continues and its purpose is to create massive unemployment. Someone might ask why is this. What purpose would be achieved?

He goes on. He says:

As factories, due to a suspension of deliveries of raw materials and a shortage of energy, are forced to close, this will eventually lead to unrest in large segments of the population.

This is a deliberate design by the Soviets to create consternation, yes, and to create responses by the masses with the objective of creating instability and unrest. I suggest to you that you do not get more aggressive than these tactics.

He says:

This will eventually lead to unrest. * * * As of the present moment, our reserves of various materials and products will last until mid-May.

And then he goes on to say quite clearly, and I would hope that the editorial writers would take Gorbachev's promises into account and would listen because a promise about doubling the supply of natural gas was made at least 3 days ago.

Here is what the President of Lithuania says as of this morning:

A promise on Moscow's part to increase the flow of natural gas has yet to be fulfilled.

Well, Mr. Gorbachev, and your PR machine, why are you not keeping the promise? You throw the media out so that the peoples of the world, the free people, do not find out what is taking place and the propaganda machines are all too happy to pick it up. So we have people in the Western democracies believing that they are negotiating. They are not negotiating.

A promise on Moscow's part to increase the flow of natural gas has yet to be fulfilled.

Let me continue. He says:

The danger of violence or provocations of some sort remains very real. Moscow has every intention of carrying out, in Lithuania, the spring draft into the Soviet Army. Since this is an army of occupation, we consider it to be nothing else than abduction of our young men.

But you understand, if the Soviets press forward in this there is going to be unrest and hence the excuse to use the troops to suppress the people.

He concludes. He said:

We would also urge that the President demand either a lifting of the economic blockade or a complete opening of Lithuania's borders to the rest of the world to allow conduct of foreign trade.

Mr. President, I believe that the United States of Amercia is in a unique position, and has a very special responsibility, to say to the Soviets that which we have so far failed to say, certainly not adequately: Mr. Gorbachev, if you want our most-favored-nation status, if you want our trade, if you want to be treated in accordance with the ability of the United States to do which it confers on those nations that have most-favored-nation status, then you cannot use aggression in dealing with the Lithuanian people or you will not be accorded these privileges.

Mr. President, unfortunately I have not heard the State Department undertake that challenge to the Soviets with the vigor necessary. It is one thing for the Soviets to promise that they are going to negotiate and another thing for them to start this propaganda machine that, yes, we are willing to negotiate but continue to suppress aggressively and continue to attempt to foment unrest in Lithuania so they can say to the people of the world they really do not want independence, they move too precipitiously, and yet, Big Brother, we will take them into the house and we will deal with them in accordance with conventional wisdom established by the Western democracies. We are turning our back on what is taking place and this is nothing but a betrayal of what freedom should be about, about what the U.S. position should be about as these inhumanities continue.

Mr. President, I am going to submit for the RECORD that letter. I hope that my colleagues and people who want the true facts would familiarize themselves with what is taking place and not be content to be led to believe that Mr. Gorbachev really is bargaining in good faith, because they are not. They have been aggressive. They are suppressing the people of Lithuania, and those are the facts as unfortunate as they may be. We should not be blinded by the hope for peace and the realities as they exist today. I think that is what is taking place.

Mr. President, I ask unanimous consent that the letter from the President of Lithuania be printed in the RECORD.

39-059 O-91-2 (Pt. 7)

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SUPREME COUNCIL OF THE REPUBLIC OF LITHUANIA,
Vilnuis, Lithuania, May 2, 1990.

Senator ALFONSE D'AMATO,
U.S. Senate, Washington, DC, United States of America.

DEAR SENATOR D'AMATO: In response to your recent telephone call, following is a brief overview of the current situation in Lithuania.

The Soviet economic blockade of Lithuania continues; its primary purpose is to create massive unemployment, as factories, due to a suspension of deliveries of raw materials and a shortage of energy, are forced to close. This will eventually lead to unrest in large segments of the population. As of the present moment, our reserves of various materials and products will last until mid-May. A promise on Moscow's part to increase the flow of natural gas has yet to be fulfilled.

The danger of violence or provocations of some sort remains very real. Moscow has every intention of carrying out, in Lithuania, the spring draft into the Soviet Army. Since this in an army of occupation, we consider to be nothing else than abduction of our young men.

Also, control of our borders has been usurped; our open society is not being allowed to return to Europe.

President Bush could help out by heeding the call of the joint Congressional resolution to establish, as soon as possible, diplomatic relations with the independent Republic of Lithuania. If this is still not possible at the present moment, when will it become possible? Under what conditions?

We would also urge that the President demand either a lifting of the economic blockade or a complete opening of Lithuania's borders to the rest of the world to allow conduct of foreign trade.

Finally, I would simply like to express my gratitude for your concern, and appreciation for your efforts on behalf of Lithuania.

Respectfully,
VYTAUTAS LANDSBERGIS,
President, Supreme Council of the Republic of Lithuania.

Mr. D'AMATO. Mr. President, I yield the floor and the remainder of the time to my friend from Delaware.

HATCH ACT REFORM AMENDMENTS OF 1989

MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

The PRESIDING OFFICER. The time will be allocated in accordance with the Senator's request.

The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. Mr. President, I rise today in opposition to S. 135—legislation to amend the Hatch Act's restrictions against political activity by Federal employees.

The Hatch Act affords Federal employees the opportunity to participate in politics while shielding the Federal work force from coercion and corruption. S. 135 would allow 3 million Federal employees to engage in an unprecedented degree of political activity—placing them at substantial and imminent risk of coercion and manipulation.

Much of what we discuss today has been the subject of debate since the founding of the Republic. Many of the same problems that troubled Thomas Jefferson in 1791, and led in turn to passage of the Hatch Act in 1939, still cause concern to this day.

Of course there has been considerable evolution in the type of pernicious political activity engaged in since Jefferson's time. The jug of wine or punch in Jefferson's day evolved into the election scandals of the late 1930's, and has in turn today become the unregulated morass of soft money. The task of regulating political behavior by Federal employees and others has become steadily more difficult with time—and today is characterized by allegations and nuances, half-understandings, and subtle forms of coercion.

My own State of Kentucky is well-acquainted with the dangers attendant to a partisan work force. There is an old saying that politics are the damnedest in Kentucky—a premise supported by Kentucky's long, colorful, and sometimes shady tradition of electoral politics. Indeed, I have previously brought my colleagues' attention to the continuing problem of election fraud in Kentucky and other States. Thus, it is with something short of pride that I remind my colleagues that it was the 1938 U.S. Senate campaign in Kentucky which in major part brought about the enactment of the Hatch Act itself.

The Works Progress Administration [WPA] brought thousands of desperately needed jobs to depression-era Kentucky. However, Thomas Stokes' Pulitzer Prize winning series of articles revealed corruption surrounding WPA's activities in Kentucky. As those articles and a later Senate investigation documented, some WPA supervisors coerced contributions from Federal employees and relief workers to the 1938 Senate reelection campaign of Senator Alben W. Barkley of Kentucky, who later went on to be Vice President of the United States. Thus, it is with a sense of historical perspective that I bring my objections.

Some argue that the time for a WPA-type scandal has passed, and that the vigilance of the press and Federal employee unions can replace the Hatch Act's protections. However, as problems at HUD and the savings and loan industry have demonstrated, even a scandal of WPA magnitude can escape notice for quite some time.

Although I have substantial doubts regarding whether individual Federal employees actually want Hatch Act reform—and I have actually seen some surveys indicating most of them do not want it—or whether the real force behind this movement is the desire of Federal employee unions to play a larger role in politics—I can understand and appreciate the desire of some Federal employees to play a more active role in politics. Nevertheless, I believe that it is these very Federal employees who ultimately would suffer the greatest harm if the Hatch act's protections are gutted.

The Supreme Court has twice considered whether the Hatch Act's restrictions unduly burden Federal employees' first amendment rights. On both occasions, the Court upheld the Hatch Act, holding that the act's restrictions on partisan activity are a constitutionally permissible choice given the important governmental interest of assuring "fair and effective government" and an "impartial execution of the laws."

Proponents of amending the Hatch Act claim that both S. 135 and legislation previously passed by the House—H.R. 20—provide ample protection against coercion. However, this legislation's artificial distinctions—daytime prohibition—virtually unlimited opportunity for political activity in the nighttime or other off-hours—will inevitably dissolve into a murky twilight zone of unreachable and unregulatable conduct. And in addition, this legislation will saddle the regulators with a burden of proof obtainable only in the very rarest of cases.

In testimony repeated before the Governmental Affairs Committee in this and the previous Congress, OPM's Director, the special counsel to the Merit Systems Protection Board, and the Deputy Assistant Attorney General, Criminal Divison, all testified to their lack of confidence in this legislation's proffered protections, saying that "this legislation would almost certainly result in the unprecedented politicization of the Federal civil service." If the very officials who would be charged with enforcing post-Hatch Act restrictions lack confidence in these proposals, should we not reconsider before opening the floodgates to partisan activity?

Another argument that has been made in favor of amending the Hatch Act is that its provisions are so confusing that it serves as a barrier to political expression by Federal employees. Personally, I find the list of permissible and prohibited activities found in the Code of Federal Regulations to be relatively clear and concise at least when you compare it to other Federal standards.

If the boundaries are uneven, then by all means, we should provide clarity. However, I simply cannot understand the argument that the boundaries themselves should be tossed to the wind—nearly anything could go—merely to provide a brightline rule.

If there is any confusion lingering among Federal employees as to what they can and cannot do, then we should take steps to ensure that they are fully and adequately educated as to their rights. The Office of the Special Counsel of the Merit Systems Protection Board has a well-designed series of pamphlets and posters geared toward this end. The Office of the Special Counsel also stands ready to issue advisory opinions upon request. The Federal employee and Postal worker unions can and should also do more to educate their memberships.

Through the Hatch Act's protections, we have created a delicate balance between Federal employees' first amendment rights and the American people's interest in having an orderly government administered by a nonpartisan work force. I believe that we disrupt this delicate balance only at our great peril.

I urge my colleagues to carefully consider this legislation with an eye to its profound ramifications for the conduct of the Federal Government. In vetoing Hatch Act Reform legislation in 1976, President Ford said that it was "bad for the employee, bad for the Government, and bad for the public." Those words are still applicable today—probably even more so. This is bad legislation from a policy standpoint, from a partisan standpoint, and, most importantly, from a human standpoint.

Each of these points will be discussed, I am sure, as this debate unfolds, by other Senators. But, Mr. President, I strongly urge that at the appropriate time we reject this legislation.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, those of us in the Senate who are supportive of Hatch Act reform and those groups that will be affected by such reform have been waiting quite some time for the Senate's consideration of a bill like this. The House passed its version of Hatch reform by a wide margin last April. It is time for us to do the same with ours. I commend our colleague, Senator GLENN, for his fine work in developing this legislation and getting it through the Governmental Affairs Committee. I also want to express my appreciation to the majority leader for bringing this measure to the floor.

Fifty years ago, there was a substantial increase in the number of Federal agencies and, subsequently, in the number of individuals employed by the Federal Government. The bulk of these new agencies and new employees were not placed under the jurisdiction of the Civil Service Commission and, thus, some 300,000 new Federal employees were not covered by civil service laws or merit hiring practices. As a result, many of the positions were filled with individuals who were essentially rewarded with Federal jobs for their political activities and contributions. A 1939 Senate investigation disclosed troubling hiring and retention practices within the Federal service. In particular, it was discovered that political appointees in the Works Progress Administration, the WPA, had been coercing employees into making political campaign contributions in exchange for jobs.

In response to this situation, Senator Carl Hatch introduced S. 1871, a bill to prevent pernicious political activity. This bill was signed into law in August 1939 and has since become known as the Hatch Act. The Hatch Act was enacted in an attempt to restore public trust in the Federal work force by instituting guidelines to guard against the politicization of that work force and to preserve its impartial character.

There was and is a legitimate need for such legislation. The political corruption and favoritism that spawned this law 50 years ago is unacceptable, and a legislative remedy to end that corruption and to restore the integrity of the Federal service was appropriate and necessary. The Hatch Act was designed to attain that goal.

I agree with that goal, and I think most, if not all, of us do. An impartial federal work force, free from political coercion, is essential to the fair and effective execution of government programs and policies. We have witnessed just this week, through the House hearings on the HUD scandal, what can happen when political favoritism overcomes good public policy.

In the most general terms, the Hatch Act prohibits employees of the executive branch—except for certain top political appointees—from taking an active part in political management or in political campaigns. The Act also prohibits executive branch officers or employees from using their official authority or influence to interfere with or affect the result of an election. Those provisions sound very simple and straightforward. However, there are some 3,000 specific regulations in place under the Hatch Act to implement this law. The specific restructions laid out by these governing regulations are oftentimes confusing and inconsistent and, in some respects, needlessly deny political freedoms to millions of U.S. citizens without any offsetting public benefit.

For instance, a Federal employee can put up a sign under certain circumstances, write a letter to the editor under certain circumstances, wear a political button to work under certain circumstances, and can even give a campaign contribution of up to $1,000, but he or she cannot stuff envelopes or do any other volunteer activity on behalf of a particular campaign or political party during nonworking hours. There is a real problem, however, in defining those certain circumstances as the guidelines try to do.

To more fully illustrate the confusion which can be created by the current guidelines, I would like to quote two exchanges I had with Mary Wieseman, special counsel responsible for overseeing and prosecuting Hatch Act violations, during hearings in the Governmental Affairs Committee on Hatch Act reform.

The first exchange was on February 24, 1988, and I was asking Ms. Weiseman to explain the scope of the Hatch Act prohibitions as they applied to specific acts.

I said:

But, can I write a letter to the editor soliciting votes for a candidate?

Ms. WIESEMAN. You may not solicit votes for a candidate in your letter.

Senator LEVIN. I can say, he or she is the greatest candidate?

Ms. WIESEMAN. Yes.

Senator LEVIN. But I cannot say, vote for him or her?

Ms. WIESEMAN. That is right.

Senator LEVIN. So that you are going to start censoring the content of my letter?

Ms. WIESEMAN. It is not the content. What you are doing with the letter is soliciting votes for a partisan political candidate, and that is prohibited.

Senator LEVIN. I just wrote the letter. I can say, he or she is the greatest candidate; that is okay?

Ms. WIESEMAN. Yes.

Senator LEVIN. I cannot say at the end, so I hope everybody will vote for him or her; is that right?

Ms. WIESEMAN. That would be a question at that point in soliciting votes in your letter.

The first time I went through that little scenario with her I said, "I can say a candidate is the greatest candidate in my letter to the editor? That is OK? She said "yes." But I cannot say vote for him or her at the end of my letter? She said, "That is right."

Twenty seconds later when I went through the same scenario, expecting to receive the same absurd conclusion, I got a slightly different conclusion. This time not absurd, but confusing, because the second time I went through it with her I said: "I can say that he or she is the greatest candidate; That is OK?"

"Yes."

But "I cannot say at the end, so I hope everybody will vote for him or her; is that right?"

And she said, "That would be a question at that point in soliciting votes in your letter."

Well, I do not care whether you are not allowed to do it or whether there is a question whether you can do it, the result is either absurd or confusing. And neither one should be acceptable to us.

So a Federal employee can write a letter to the editor espousing the virtues of a candidate and saying this is the greatest candidate in the race, as a matter of fact this is the greatest candidate that ever lived, but there is an uncertainty as to whether or not that letter can then at the end say, "and therefore I hope everybody will vote for that candidate."

I think, if it is uncertain, it should be corrected. And if it is certain that the person cannot use that letter to urge people to vote for a candidate, I think that is an absurd result and a real restriction on basic, fundamental free speech rights in the Constitution.

The following year in July 1989, Ms. Wieseman and I picked up our discussion. This time the question was whether or not it is OK to invite your neighbor to go to a rally, to a campaign rally.

This is what I said. "Why is it OK to go to a rally but not OK to invite your neighbor to go to the rally?" It seems that a Federal employee can go to the rally himself or herself. But what is wrong with inviting your neighbor to go with you to the rally? She said, "You could invite your neighbor to go to a rally with you." That would be OK. Then the question was: "Could you give your neighbor a piece of paper saying there is a rally tomorrow?"

Then she said—she is now quoting a court decision to answer that question:

What the court said in the Biller Blaylock and Sombrotto case in interpreting the Hatch Act—and, of course, the courts are the ones who make the final interpretation of what the Hatch Act prohibits, we try to give that information to Federal employees, but the courts are the ones who make the determination—is that expression by Federal employees of political opinions is unrestricted by the Hatch Act so long as that expression is not in concert with or in connection with or on behalf of partisan candidates of campaigns. That is what the court said, and that is a new interpretation of the Act.

So I said:

My question is, I can invite my neighbor to the rally orally but I cannot hand the brochure, or I can hand the brochure?

Ms. WIESEMAN. If it is in concert with, on behalf of or in connection with—that is what the court said—a partisan political campaign or activity, it is prohibited. If it is not, it is permissible.

Senator LEVIN. So that whether I can invite my neighbor, or cannot invite my neighbor orally to that rally may depend upon my intent?

Ms. WIESEMAN. The only thing I can say, Senator, is what the court said. And we are dealing with factual situations every day in this area.

Mr. President, I think it is time for some nice clear lines to be drawn which are fair to everybody, fair to the public and fair to Federal employees. I think it is shameful that Federal employees, American citizens, have to risk violating a law if there intent is one thing when handing a brochure for a rally to their neighbor but not if their intent is another thing. An invitation to a rally could be a criminal violation of regulations, depending upon the intent of the person in handing that brochure to the neighbor.

The employee can go to the rally. There is nothing wrong with that apparently. And if his intent is just right, he can orally or in writing hand out a brochure, an invitation, to the rally to the neighbor. But if the intent is wrong, that person is in big, big trouble. I think our law is in big, big trouble, and it is time to change it.

Certain activities under current guidelines are permissible, as long as the employee's intent is clear, but that same activity can be a violation if it is in coordination or in concert with a political campaign. For the most part, Mr. President, you cannot get a quick, definitive answer as to whether or not an activity is prohibited. You almost need a court decision on the specifics of each situation.

If I were a Federal employee faced with that kind of advice in terms of what I could do or could not do legally, my best option would be to stay away from the process altogether. But that is not what was intended by the Hatch Act, although that is, to a large extent, what has resulted. It is not fair.

There are those who argue that all political activity by Federal employees should continue to be prohibited due to concerns that the allowance of any such activity would do damage to the public perception of an impartial civil servant. But there are a wide variety of politically related activities that do not jeopardize the integrity of the conduct of our Federal Government.

I do not believe, Mr. President, I simply do not believe, for example, that the public cares if a clerk at the Veterans' Administration or a computer operator at the Commerce Department stuffs envelopes for a local mayoral candidate in a partisan election or assists in enhancing the democractic process by participating in a get-out-the-vote initative for a particular party at a phone bank. I just do not believe the public cares if that person on his or her own time is stuffing envelopes at a party headquarters. As a matter of fact, I think most of the public would be surprised to learn that Federal employees are barred from such activity.

When money is involved, at a minimum I think subtle pressure is involved, and I do believe the American public does care if their local postal carrier comes to the door asking for campaign contributions or their local tax clerk does the same. Those activities should be barred when it comes to soliciting financial contributions. Federal procurement officers should not solicit funds from Federal contractors and supervisory personnel should not be able to pressure subordinates to engage in political activity.

The American public also cares, and rightly so, that individuals employed by the Federal Government not use their influence as a Federal employee for political ends. This bill retains the restrictions against these types of activities by prohibiting all on-the-job political activities and disallowing any general solicitations of contributions by Federal employees anywhere at any time.

The prohibition on running for partisan political office is also retained, with one exception; that is, Federal employees would be allowed to run for offices within a party organization and affiliated groups, such as a convention delegate.

The bill continues the current restrictions on and penalties for the use of one's official position to influence the course or outcome of an election. Unlike current law, S. 135 allows for active participation in the political process, except for these explicitly identified situations.

The effective result of the Hatch Act has been not a coherent ban on the political activities of Federal employees, but a Swiss cheese law full of arbitrary and oftentimes unnecessary "do's" and "don'ts". What we have done is turn a statute that was aimed at protecting Federal employees from retaliation into a statute which discriminates against Federal employees in their most basic rights.

What we need to do now is enact a law which clearly prohibits those activities which can lead to the types of coercive and unacceptable behavior in evidence 50 years ago, but which allows this Nation's Federal employees to engage in responsible, appropriate political activities which threaten no one. S. 135 achieves that goal and protects the original intent of the Hatch Act. It is the product of much debate and compromise. It strikes an appropriate balance between the need to retain the impartiality and special character of the Federal work force while allowing civil servants to actively participate in the democratic process.

At a time when only half of the eligible population votes, it makes no sense to arbitrarily ban the active off-duty participation of those individuals who have already shown their dedication to and interest in the governing of this Nation by opting to become

Federal employees. We are not tapping into a vital resource which is available and eager to participate if we maintain the status quo. If anything, the result of the current law is to dissuade those employees from engaging in even those activities which are allowed because of the ambiguities which exist in the interpretation of this law.

In many respects, Federal employees are the most likely and uniquely qualified individuals to participate in the democratic process. Prohibitions such as these only serve to deny active participation in the political process by those who choose to serve in the Federal civil service. I do not believe that what has resulted in these 50 years was within the intention of the Hatch Act.

I hope that this legislation will pass. It is important legislation. Again, I am glad the majority leader has decided to press forward with this legislation. I know it is difficult. The House has acted. I think the majority of this body wants to restore some fundamental rights to Federal employees, rights whose exercise would threaten none of the rest of the public.

Mr. President, I ask unanimous consent that the previously referred to exchange with Ms. Wieseman be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator LEVIN. Why is it okay to go to a rally but not okay to invite your neighbor to go to the rally with you?

Ms. WIESEMAN. You could invite your neighbor to go to a rally with you.

Senator LEVIN. You can? Could you give your neighbor a piece of paper saying there is a rally tomorrow?

Ms. WIESEMAN. Senator, since the last time we had this colloquy at the last hearing, I am sure you are aware that the courts have ruled on some of the issues that we discused at that time. In our discussions last time, we were talking about the number of letters that might be written to a newspaper, et cetera.

Senator LEVIN. With regard to the rally question, can you give your neighbor a brochure saying there is a rally tomorrow?

Ms. WIESEMAN. What the court said in the Biller, Blaylock and Sombrotto case in interpreting the Hatch Act—and, of course, the courts are the ones who make the final interpretation of what the Hatch Act prohibits, we try to give that information to Federal employees, but the courts are the ones that make that determination—is that expression by Federal employees of political opinions is unrestricted by the Hatch Act so long as that expression is not in concert with or in connection with or on behalf of partisan candidates of campaigns. That is what the court said, and that is a new interpretation of the Act.

We are in the process of applying those broad principles to particular factual situations. That is our job. We have revised our Hatch Act booklet—it is at the printer—to make those points. So I think it would be——

Senator LEVIN. What is the booklet going to tell us about my question?

Ms. WIESEMAN. Pardon me?

Senator LEVIN. What is that booklet that is at the printer going to answer to my question?

Ms. WIESEMAN. It is going to talk about the broad principles that I just iterated about in the concert——

Senator LEVIN. My fact situation.

Ms. WIESEMAN. If it is in concert with—as the court said—if it is in connection with, on behalf of, or in concert with a political party or campaign, it is prohibited by the Hatch Act. That is the criteria that the courts set up, the 2nd Circuit and the 11th Circuit. That is what we are interpreting.

Senator LEVIN. Now, my question is, I can invite my neighbor to the rally orally but I cannot hand the brochure, or I can hand the brochure?

Ms. WIESEMAN. If it is in concert with, on behalf of or in connection with—that is what the court said—a partisan political campaign or activity, it is prohibited. If it is not, it is permissible.

Senator LEVIN. Either oral or in writing?

Ms. WIESEMAN. Yes.

Senator LEVIN. So that whether I can invite my neighbor, or cannot invite my neighbor orally to that rally may depend upon my intent?

Ms. WIESEMAN. The only thing I can say, Senator, is what the court said. And we are dealing with factual situations every day in this area. We have to tell the employees, you may partake in this activity if you are not doing it in concert with, in connection with, or on behalf of a partisan political campaign or candidate. And those are the court's words and that is what we are interpreting and telling Federal employees currently.

Senator LEVIN. Did the Administration argue against that decision by the court?

Ms. WIESEMAN. The case was argued by the Merit Systems Protection Board. They have litigating authority. It was an action brought by my predecessor, and the Board found that there was a violation of the Hatch Act in that factual circumstance. And the case was argued in the appeals courts by the Merit Systems Protection Board attorneys.

Senator LEVIN. Let me just address, then, the Attorney General's Office, the Department of Justice.

It seems to me what we have done here, basically, is—you used the phrase, I believe, Mr. Dennis, that we need a blanket prohibition. We don't have a blanket prohibition. We have got a piece of Swiss cheese, basically, with the most complicated dos and don'ts that are conceivable.

You can put a bumper sticker on your car but you cannot give a bumper sticker to your neighbor if it is—what are the words?

Ms. WIESEMAN. You can give the bumper sticker unless it is in concert with, in connection with, or—

Senator LEVIN. What was the second word? In concert with or what?

Ms. WIESEMAN. On behalf of.

Senator LEVIN. Behalf of. So—

Ms. WIESEMAN. You cannot campaign for—

Senator LEVIN. I understand.

Ms. WIESEMAN [continuing]. A political party.

Senator LEVIN. I understand. I can put a bumper sticker on my car, wear a button, but I cannot give a bumper sticker to my neighbor if I am doing that on behalf of a campaign. I cannot go and stuff envelopes in a campaign office.

Mr. LEVIN. I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. BRYAN). Who seeks recognition?

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. I ask unanimous consent that the statement I will give, be as if in morning business with the understanding the time I use be counted toward my time on this motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 2563 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROTH. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I take this opportunity to again express my personal hope that we may proceed as expeditiously as possible to get to the substance of this bill and, while we are waiting for that to happen, to respond to a few of the points that have been made here against S. 135 which would enact what I consider to be really relatively moderate reforms in the existing Hatch Act prohibitions on political participation by Federal employees.

One of the points that many of us who support this bill have made is that the current Hatch Act is a gross overreaction to a problem, that when you are dealing with the political rights of any category of Americans, you ought to legislate with precision and great respect for those political rights.

One of the other points that we have made, in response to the parade of fears that have been suggested here about what will happen if we give these 3 million of our fellow Americans some measure of the same dose of political freedom that the rest of us have, has been that there is in existing law a series of statutes that prohibit any and all of the specific actions that

those who oppose this bill feel will occur if the bill passes. In other words, even if we accept as legitimate the fears expressed about the activities—possible coercion by superiors of employees based on political persuasion, possible coercion of those who deal with the Federal Government by Federal employees, who are free to participate in politics—even if we accept that those fears may possibly be realized if this bill is passed, it is very important to remember and to cite that existing Federal law, law that will not be changed if S. 135 is enacted into law, itself prohibits and makes illegal each and every one of the activities of the improper acts that opponents of S. 135 cite.

In fact, Mr. President, there are today on the books 13 different criminal laws that prohibit and punish the list of acts that my colleagues who oppose this bill worry about. Let me just cite if I may a few of those.

Present Federal criminal law prohibits any person from attempting to coerce another person to contribute money or services to a candidate or political party through the threat of denial of government employment or position. That is 18 United States Code 601. Let me just read from that provision of the law.

§ 601. Deprivation of employment or other benefit for political contribution

(a) Whoever, directly or indirectly, knowingly causes or attempts to cause any person to make a contribution of a thing of value—

That is not just money, but the statute says, parenthetically—

(Including services) for the benefit of any candidate or any political party, by means of the denial or deprivation, or the threat of the denial or deprivation, of—

(1) any employment, position, or work in or for any agency or other entity of the Government of the United States, a State, or a political subdivision of a State, or any compensation or benefit of such employment, position, or work; or

(2) any payment or benefit of a program of the United States, a State, or a political subdivision of a State;

So we cover there both the coercion of employees and the use of influence in the granting of favors of the Federal Government.

Any person found guilty of that shall be fined not more than $10,000 or imprisoned not more than 1 year, or both.

That is a pretty clear statement, a broad statement, and a tough penalty attached to it which covers so many of the acts that opponents of S. 135 fear will occur.

I say to them again, I do not believe that your fears are justified. Our history tells us they are not. But if they are, then there is a specific Federal law that would prohibit and punish those actions.

Second, on the civil side, the Civil Service Reform Act of 1978 makes it improper to coerce political activity or to take reprisals against an employee for failure to engage in political activity. This makes coercion or reprisal for failure to engage in political activity a ground for grievance to the agency and any appeal to the Merit Systems Protection Board.

If I may, Mr. President, just read the statute involved here to show the sweep of it and protection that we all have from improper behavior. It is title 5, United States Code, section 2302. It quite broadly defines personnel action to mean an appointment; promotion; other desciplinary or corrective action; a detail, transfer, or reassignment; a reinstatement; a restoration; a reemployment; even a performance evaluation.

Then it goes on to say that "Any employee who has authority to take, direct others to take, amend, or approve any personnel action"—that long list that I have just read—"shall not, with respect to such authority, discriminate for or against any employee or applicant for employment * * * on the basis of * * * political affiliation, as prohibited under any law, rule, or regulation." And may not "solicit or consider any recommendation or statement * * * with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge of the person furnishing it. * * *"

Finally, there is a prohibition against coercing the political activity of any person—again broadly defined—including the providing of any political contribution or service, or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity.

Mr. President, those are very, very broadly worded prohibitions that will remain in the law.

The point is that S. 135 retains restrictions on political activities, on improper use of political influence, that is, and on political fundraising activities by Federal workers. The extent to which Federal employees would be able to engage in any political fundraising activity would be strictly limited under this legislation.

Federal workers would not be able to solicit political contributions from anyone except other members of their employee organization.

Solicitations can only be made on behalf of their organization's political committee and Federal employees could not solicit funds on behalf of individual candidates nor can they solicit funds for other PAC's or political parties in general.

Fundraising cannot be conducted while the employee is on duty, while in uniform or while using a government vehicle.

So we have a very narrowly circumscribed political right that is being given here. Effectively, what we are saying is that a Federal employee, if S. 135 is passed, can only ask a fellow employee within that particular office or agency to contribute—can only ask that employee to contribute—to the multicandidate political action committee of that group of employees; can only do so after hours, essentially, and, pursuant to general Federal law, not in the building where they work. And that, essentially, means that a Federal employee, after S. 135 is adopted, can call a fellow employee perhaps at night, maybe can ask them as they are leaving work, but the right is an extremely narrow one.

Federal employees could not solicit contributions, if this bill passes, from the general public. They certainly cannot—I know this is a fear—they cannot solicit contributions from people who appear before the Federal employee in the course of work. A Federal worker will not be able to solicit contributions on behalf of a candidate of their choice from anyone.

Again it means that no partisan political activity can occur during working hours even if that activity involves two members of the same Federal employee organization. So once again when we say that the reform of the Hatch Act involved in S. 135 is moderate, it is extremely moderate, to put it mildly.

Second, I have said earlier, and others have said, that when we are dealing with political freedom in this country, we ought to have a strong showing of evidence before we are prepared to limit that freedom.

That showing certainly has not been made by those who oppose S. 135. In 1974, Congress lifted most of the restrictions on political activity by State and local government employees whose positions are funded in whole or in part by Federal money.

I can tell you, Mr. President, that during my previous position as attorney general of Connecticut, we litigated two cases where two State employees whose salaries were partially funded by the Federal Government—it happened to be one was a Republican that wanted to run for probate judge in one town, the town of Wallingford; another was a Democrat, who wanted to run for city council in Hartford, CT. Both were found to have violated the Hatch Act.

So that are still restrictions on State employees whose salaries are partially funded by the Federal Government.

But, in 1974, Congress lifted some of the other restrictions that existed and that engendered. At the State level, a reconsideration of not only the Federal Hatch Act but of the baby Hatch Act, little Hatch Acts that have been adopted in several States. And a number of States went on to reform, in some cases repeal, those little Hatch

Acts. Effectively States past laws, which permitted employees to become candidates in partisans elections.

In 1987, the Subcommittee on Civil Service of the House of Representatives sent questionnaires to the attorneys general of the States which had reformed their laws since 1974, asking specifically: Has there been greater participation by public in State elections, No. 1. Second, has there been an increased coercion of employees and has there been an increase in the number of prosecutions relating to violations of restrictions of political activity?

Broadly speaking, the responses of the attorneys general found no adverse effect resulting from the changes in restrictions.

Perhaps the most typical of the responses was one that came from my former colleague, the attorney general of New Hampshire, Stephen E. Merrill, who happens to be Republican, who said:

> The answer to your first two questions are necessarily based on general impressions. First, there is a general impression that the participation of public employees in State elections has increased somewhat in recent years but there is no way of knowing whether that increase is related to any change in State law. Second, there seems to be no evidence of increased coercion of public employees in recent years. The answer to your third question is based on objective information. The number of prosecutions relating to violations of restrictions on political activity has not increased as a result of the change in State laws.

The attorneys general reported no adverse reactions as a result of the loosening of the restrictions on political activities of State and local government employees. Not one attorney general, not one of those surveyed, voiced concern that by easing restrictions on State or local employees that the door to coercion or impropriety had opened.

So my point here, Mr. President, is that this is probably the best test case, this is probably the freshest source of evidence for us about what might happen at the Federal level if we make this slight reform in Hatch Act law and permit Federal employees to get a bit more involved in our political system.

The answer is resoundingly that there has been no problem at the State level and that suggests strongly that there will be no problem at the Federal level. It also says once again that the case has not been made for continuing these abhorrent and in my opinion un-American restrictions on the political rights of Federal employees.

Third, there has been some reference at different points to a survey that was done of Federal employees that shows many of them do not support the changes in the Hatch Act. I am sure many Members in the Chamber have shared this experience—members of organizations representing Federal employees, and I am sure they have some knowledge of what their members feel broadly, have talked to me and said they are in favor of these changes. I suspect, though the references to the surveys have not been specific, that the survey referred to is the one that was done by the Senior Executives Association. I refer to a letter to the Honorable JOHN GLENN, chairman of the Committee on Governmental Affairs, dated November 28, 1989.

This is a response to a question that Chairman GLENN had raised about this survey that was taken in 1987. It is a letter from G. Jerry Shaw, who is the general counsel of the Senior Executive Association.

He reports that there was in fact such a survey done in 1987, that there were 480 responses to the questionnaires sent out. The gentleman, Mr. Shaw, says: "From the standpoint of the association the survey results were very disappointing," referring to the fact that it was one of the lowest response rates that they had received.

We are talking here about 480 responses. It was not a random survey in the way the public opinion polls are generally conducted these days to get a representative sample of public opinion on a given issue. It was 480 Federal employees, members of the Senior Executive Association. I suggest respectfully, not a group that would be representative, broadly, of the 3 million-plus Federal employees who would be affected by this action.

The conclusion of Mr. Shaw, who writes this letter on behalf of the association, was that the responses obtained were very ambivalent and led the association to decide simply not to take a position on the Hatch Act.

While support for these reforms should not be a matter of polling, it should be more a matter of principle and that is the principle of political freedom for 3 million of our fellow Americans, nonetheless this particular survey—which I believe may be the basis for the representations that have been made here—should not, with all respect, be viewed as representative of the broad mass of Federal employees.

Mr. President, I thank the Chair for giving me this opportunity. I see other Members of the Senate on the floor at this time who may wish to address the Senate. Seeing that, I yield the floor.

Mr. HATFIELD. Mr. President, I rise today to offer my strong support for this long overdue and urgently needed effort to reform the Hatch Act. It has long been my view that certain provisions of the Hatch Act have outlived their usefulness, and I congratulate Senator GLENN and others—on both sides of the aisle—for their persistence in arguing that case.

Make no mistake: A very strong argument can be made that every single provision of the Hatch Act was vitally important when the legislation was drafted more than five decades ago. Widespread allegations of political manipulation of and by WPA workers during the 1938 congressional elections had severely undermined public confidence in our civil service. What former President Herbert Hoover called in 1936 "the five horsemen of the New Deal Apocalypse: prolifigacy, propaganda, patronage, politics and power" were threatening the integrity of the entire civil service system.

In that context, the various provisions of the Hatch Act were designed to restore and protect the integrity of our civil service—and the men and women who were part of it. But more than five decades have passed, and a great deal has changed in those years—including the effects of certain provisions of the Hatch Act. Put simply, they are now inhibiting the very same people they were designed to protect.

In my view, Mr. President, it is high time we recognize that fact. And it is high time we get on with the business of reforming the Hatch Act.

I think my colleagues will all agree that the civil service system in this country is the most professional one in the world. The men and women who literally keep this country running every day are deeply committed and honorable individuals. The citizens of the United States trust them and have faith in their integrity, as well they should.

Unfortunately, however, the antiquated Hatch Act prohibitions on any sort of partisan political activity by Federal workers—even when they are not on the job—imply that these men and women cannot and should not be trusted.

By legally prohibiting them from becoming involved in partisan political activities when they are not on the job—when they are not in uniform—we are implying that Federal workers are somehow lacking in good judgment and sound reason. I find that intolerable.

Mr. President, I also find intolerable—and profoundly troubling—the idea that people are synonymous with their jobs. My job certainly is what I do, but it is not who I am. I hope my colleagues appreciate that subtle yet critical distinction, for it is the very backbone of our families, our communities, and our Nation. We are dehumanized without that distinction, assigned a label without a name or a face.

In my view, certain provisions of the Hatch Act fail to make that critical distinction between what Federal employees do for a living and who they are. By failing to differentiate between

what a Federal employee does during working hours and who he or she is before or after work, certain provisions of the Hatch Act imply that all Federal employees are what they do. That is a notion we simply must reject.

The legislation we are considering today does reject that notion. It recognizes the judgment and reason of Federal employees, and sends the message that they need not be straitjacketed after office hours by their job title during office hours. In my view, Mr. President, this is a simple matter of trust.

Moreover, by allowing Federal employees to participate in partisan political activities outside of their work, this legislation does nothing more than restore fundamental rights guaranteed to all other Americans. I think that point must be central to this debate.

Mr. President, let me conclude by stating the obvious: The legislation we are considering does not repeal the Hatch Act. It reforms the Hatch Act. This legislation is both reasonable and responsible, and I urge my colleagues—on both sides of the aisle—to support it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

ORDERS FOR TOMORROW

RECESS UNTIL; 9:45 A.M.; MORNING BUSINESS; PROCEED TO CONSIDER S. 135, THE HATCH ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:45 a.m. tomorrow; that following the time for the two leaders, there be a period for morning business not to extend beyond 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each; and that at 10:30 a.m. the Senate begin consideration of S. 135, the Hatch Act bill, and that Senator ROTH be recognized at that time to offer an amendment to that bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 1:30 p.m., a message from the House of Representatives announced that the House agrees to the amendments of the Senate to the bill (H.R. 1472) to establish the Grand Island National Recreational Area in the State of Michigan, and for other purposes.

The message also announced that the House has passed the following bills and joint resolutions, without amendment:

S. 1853. An act to award a congressional gold medal to Laurance Spelman Rockefeller;

S. 2533. An act to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program;

S.J. Res. 224. Joint resolution to designate the month of May 1990 as "National Trauma Awareness Month";

S.J. Res. 230. Joint resolution to designate the period commencing on May 6, 1990, and ending on May 12, 1990, as "National Drinking Water Week";

S.J. Res. 236. Joint resolution designating May 6 through 12, 1990, as "Be Kind to Animals and National Pet Week"; and

S.J. Res. 241. Joint resolution to designate the week of May 6, 1990, through May 13, 1990, as "Jewish Heritage Week".

At 3:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 303. An act to establish a framework for the conduct of negotiated rulemaking by Federal agencies.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 3:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1485. An act to grant the consent of Congress to the Quad Cities Interstate Metropolitan Authority Compact entered into between the States of Illinois and Iowa.

S. 2533. An Act to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program;

S.J. Res. 224. Joint resolution to designate the month of May 1990 as "National Trauma Awareness Month";

S.J. Res. 230. Joint resolution to designate the period commencing on May 6, 1990, and ending on May 12, 1990, as "National Drinking Water Week";

S.J. Res. 236. Joint resolution designating May 6 through 12, 1990, as "Be Kind to Animals and National Pet Week"; and

S.J. Res. 241. Joint resolution to designate the week of May 6, 1990 through May 13, 1990, as "Jewish Heritage Week."

H.R. 1011. An Act to provide for the establishment of the National Commission on Wildfire Disasters, to provide for increased planning and cooperation with local firefighting forces in the event of forest fires, and for other purposes.

The enrolled bills and joint resolutions, except Senate Joint Resolution 236, were subsequently signed by President pro tempore (Mr. BYRD).

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The President pro tempore [Mr. BYRD] announced that on today, May 2, 1990, he had signed the following enrolled bill and joint resolutions, previously signed by the Speaker of the House:

H.R. 756: An act for the relief of Shelton Anthony Smith;

S.J. Res. 153. Joint resolution designating the third week in May 1990 as "National Tourism Week";

H.J. Res. 546. Joint resolution designating May 13, 1990, as "Infant Mortality Awareness Day"; and

H.J. Res. 553. Joint resolution to make technical changes in the Ethics Reform Act of 1989.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, May 2, 1990, he had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1485. An act to grant the consent of Congress to the Quad Cities Interstate Metropolitan Authority Compact entered into between the States of Illinois and Iowa.

S 2533. An act to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program;

S.J. Res. 224. Joint resolution to designate the month of may 1990 as "National Trauma Awareness Month";

S.J. Res. 230. Joint resolution to designate the period commencing on May 6, 1990, and ending on May 12, 1990, as "National Drinking Water Week";

S.J. Res. 241. Joint resolution to designate the week of May 6, 1990, through May 13, 1990, as "Jewish Heritage Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2892. A communication from the Secretary of Agriculture, transmitting, pursuant to law, annual report tables on agricultural export activities under the Agricultural Trade Development and Assistance Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2893. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Homelessness: Too Early to Tell What Kinds of Prevention Assistance Work Best"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2894. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for fiscal years 1991 and 1992;

to the Committee on Commerce, Science, and Transportation.

EC-2895. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on administration of the Deepwater Port Act for fiscal year 1989; pursuant to 33 U.S.C. 1519, referred jointly to the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works.

EC-2896. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Outer Continental Shelf Oil and Gas Leasing and Production Program for fiscal year 1989; to the Committee on Energy and Natural Resources.

EC-2897. A communication from the Director of the National Ocean Pollution Program Office, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the final review of the fiscal year 1991 Agency requests for appropriations to support marine pollution research, development, and monitoring programs; to the Committee on Environment and Public Works.

EC-2898. A communication from the Acting Administrator of General Services, transmitting, pursuant to law, informational copies of proposed prospectuses; to the Committee on Environment and Public Works.

EC-2899. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, notice of the deletion of a project in Brevard County, Florida from the list of incompleted water resource studies eligible for deauthorization and for which no funds have been appropriated; to the Committee on Environment and Public Works.

EC-2900. A communication from the President of the United States, transmitting, pursuant to law, notice that he intends to suspend indefinitely Liberia from its status as a Generalized System of Preferences country and the addition of certain others; to the Committee on Finance.

EC-2901. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on Tier III Federal Agency Drug-Free Workplace Programs; to the Committee on Governmental Affairs.

EC-2902. A communication from the Acting Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to improve the financial management of the Department of Justice, and for other purposes; to the Committee on the Judiciary.

EC-2903. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the fiscal year 1990 update to the Long Range Plan for Automation in the U.S. Courts; to the Committee on the Judiciary.

EC-2904. A communication from the President of the United States, transmitting, pursuant to law, a call for the adoption of amendments to the Constitution of the United States dealing with a balanced budget and line-item veto; to the Committee on the Judiciary.

EC-2905. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, a report of amendments to the sentencing guidelines and reasons for the amendments; to the Committee on the Judiciary.

EC-2906. A communication from the Acting Assistant Secretary of Education (Civil Rights), transmitting, pursuant to law, the annual report on compliance and enforcement activities of the Office of Civil Rights and identifying significant civil rights or compliance problems; to the Committee on Labor and Human Resources.

EC-2907. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report on the first meeting of the Advisory Committee on Former Prisoners of War; to the Committee on Veterans' Affairs.

EC-2908. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to authorize the Secretary of Veterans Affairs to enter into enhanced-use agreements with respect to designated VA facilities and to direct the disposal of such designated facilities by special disposition; to the Committee on Veterans' Affairs.

EC-2909. A communication from the Secretary of Labor, transmitting a draft of proposed legislation to amend title 38, United States Code, Chapter 41, to revise the definition of "eligible veteran", and for other purposes; to the Committee on Veterans' Affairs.

EC-2910. A communication from the Secretary of Commerce, transmitting a National implementation plan for modernization of the National Weather Service; to the Committee on Commerce, Science, and Transportation.

EC-2911. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2912. A communication from the Secretary of the Consumer Product Safety Commission, transmitting, pursuant to law, notice of a new Privacy Act system of records; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-477. A petition from citizens of Arizona and Oregon relative to public lands in the western United States; to the Committee on Energy and Natural Resources.

POM-478. A resolution adopted by the House of Representatives of the State of California to the Committee on Environment and Public Works:

"HOUSE RESOLUTION No. 40

"Whereas, Comprehensive federal oil spill legislation has languished in the United States Congress since the middle of the 1970's; and

"Whereas, By March 24, 1989, Congress had not yet acted, and nearly 11 million gallons of crude oil was spilled in Prince William Sound, Alaska, which, with poor federal, state, and private response coordination, caused billions of dollars of economic and environmental damage; and

"Whereas, Since March 24, 1989, major oil spills of 420,000, 250,000, 300,000, and 567,000 gallons have occurred in Rhode Island, Texas, Delaware, and New Jersey, and Congress still has not acted; and

"Whereas, On February 7, 1990, a further 400,000 gallon oil spill occurred in Huntington Beach, California, and Congress still has not acted; and

"Whereas, Congress, through indecision and inaction, has failed to provide necessary federal resources, plans, and programs to adequately deal with oil spill prevention and response, delaying design of needed state efforts that must work within the federal framework, and as a result has placed the California coastline, and the United States coastline, at serious environmental and economic risk; now, therefore, be it

"*Resolved by the Assembly of the State of California*, That the Assembly of the State of California respectfully memorializes the Conferees of the Senate and the House of Representatives in the Congress of the United States to meet immediately to resolve any remaining differences in the oil spill bills passed by the Senate and House, S 686 and HR 1465, and provide the clearest possible language delineating direct lines of planning removal authority and responsibility for the President and the Coast Guard; and be it further

"*Resolved*, That the Assembly of the State of California respectfully memorializes the conferees to ensure that the Coast Guard has adequate funding to carry out its new responsibilities, including dedicated manpower to foster an adequate contingency planning process, to oversee oil spill drills and exercises, to certify removal equipment, and to conduct training for emergency response personnel, as well as to acquire suitable strike team facilities and oil spill response equipment; and ensure that this funding is neither held hostage to "Gramm-Rudman" pressures, nor limited by arbitrary legislative targets; and ensure that adequate funding for state oil spill removal expenditures is immediately available to the state governments during an oil spill emergency; and be it further

"*Resolved*, That the Assembly of the State of California respectfully memorializes the conferees to provide rapid establishment of the west coast federal strike teams, to secure adequate protection for the California coastline, and to require the Coast Guard to develop and maintain uniform standards and procedures on marine manpower and training and safety systems, and provide for direct input from and consultation with California and other coastal state governments in developing those standards and procedures; and be it further

"*Resolved*, That the Assembly of the State of California memorializes the Congress of the United States, in recognition of potential preemption issues in pending federal oil spill legislation, to consider California's unique interests in protecting our coast from oil pollution; and be it further

"*Resolved*, That the Assembly of the State of California respectfully memorializes the Congress of the United States to act on the Conference Report and deliver this bill for the President's signature April 22, 1990, Earth Day; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the United States Coast Guard, and to each Senator and Representative from California in the Congress of the United States."

POM-479. A resolution adopted by the House of Representatives of the State of California; to the Committee on Foreign Relations:

"HOUSE RESOLUTION No. 44

"Whereas, The Parliament of Lithuania declared a restoration of national independence on March 11, 1990, and the new President of the Parliament of Lithuania appealed for diplomatic recognition by democratic nations on March 17, 1990; and

"Whereas, Recent democratic developments in Lithuania represent the fruition of the shared democratic goals and aspirations of the people of Lithuania, which have been long supported by the people of the United States of America; and

"Whereas, Historically the Congress of the United States has repeatedly stated its support for Lithuanian democracy and national sovereignty, and the government of the United States has had a longstanding policy of support for national sovereignty and political freedom in Lithuania; and

"Whereas, The development of increased political freedom and democracy in Lithuania must necessarily include genuine sovereignty for the nation of Lithuania and its people; and

"Whereas, The use of force by the Soviet Union to suppress the democratic aspirations of the people of Lithuania and their desire for national sovereignty would be a gross violation of Lithuanian human rights and political freedom and would be viewed by the Congress of the United States as an extremely serious and tragic setback in United States-Soviet relations; and

"Whereas, The United States has had a longstanding refusal to recognize the Soviet takeover of Lithuania in 1940; and

"Whereas, The United States Senate has passed a resolution to consider the call of the elected Lithuanian government for recognition; now, therefore, be it

"Resolved by the Assembly of the State of California, as follows:

"(1) The government of the United States should continue its longstanding policy of strong support for democracy and national self-determination in Lithuania.

"(2) The United States should immediately establish diplomatic relations with the new government of the Republic of Lithuania.

"(3) Any military action by the Soviet Union to intimidate or suppress the desire of the people of Lithuania for self-determination and national independence should be strongly condemned by the United States.

"(4) If the Soviet Union undertakes military action intended to intimidate or suppress the legitimate desire of the people of Lithuania for democracy and national independence, the Congress of the United States should prohibit United States' assistance, trade credits, and trade enhancements to the government of the Soviet Union; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendent:

S. 1423. A bill to authorize a certificate of documentation for the vessel Job Site (Rept. No. 101-274).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1791. A bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes (Rept. No. 101-275).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1855. A bill to authorize a certificate of documentation for the vessel *Camelot* (Rept. No. 101-276).

S. 1856. A bill to authorize a certificate of documentation for the vessel *Sinbad* (Rept. No. 101-277).

S. 2008. A bill to authorize a certificate of documentation for the vessel *Pacific Pearl* (Rept. No. 101-278).

S. 2076 A bill to authorize a certificate of documentation for the vessel *Mariner III* (Rept. No. 101-279).

INTRODUCTION OF BILLS AND OTHER RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WIRTH:

S. 2560. A bill to direct the Secretary of the Army to transfer to the Forest Service certain lands that are not needed for the purpose of the Pinon Canyon Maneuver Site, for the purpose of protecting the paleontological, archeological, and natural resources on those lands; to the Committee on Armed Services.

By Mr. GORTON:

S. 2561. A bill to amend the Controlled Substances Act with respect to the regulation of precursor chemicals; to the Committee on the Judiciary.

By Mr. BOSCHWITZ (for himself and Mr. BOND):

S. 2562. A bill to amend the Food Security Act of 1985 to improve provisions relating to wetland conservation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH:

S. 2563. A bill to impose a moratorium on the fishing and possession of Atlantic striped bass (Monroe Saxatilis) within waters under the jurisdiction of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 2564. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received under any State in-home care program by an individual for care of a member of such individual's family; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. ROBB):

S. 2565. A bill to designate the Federal building located at 340 North Pleasant Valley Road in Winchester, Virginia, as the "J. Kenneth Robinson Postal Building"; to the Committee on Environment and Public Works.

By Mr. MCCAIN:

S. 2566. A bill to redesignate the Sunset Crater National Monument as the Sunset Crater Volcano National Monument; to the Committee on Energy and Natural Resources.

By Mr. KERREY:

S. 2567. A bill to strengthen education in the fields of mathematics, science, and engineering; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 278. A resolution to authorize representation of, and production of documents by, the Senate Committee on Intelligence in the case of United States v. Barnett; considered and agreed to.

By Mr. COHEN:

S. Con. Res. 125. Concurrent resolution expressing the sense of Congress regarding adequate funding for long-term health care services provided through the medicare and medicaid programs; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WIRTH:

S. 2560. A bill to direct the Secretary of the Army to transfer to the Forest Service certain lands that are not needed for the purposes of the Pinon Canyon maneuver site, for the purpose of protecting the paleontological, archeological, and natural resources on those lands; to the Committee on Armed Services.

"PICKET WIRE" PROTECTION ACT

Mr. WIRTH. Mr. President, today I am introducing the Pinon Canyon land transfer bill. This legislation will transfer some 16,700 acres, which is currently under the control of the Department of the Army, to the U.S. Forest Service. There are lands that are currently not being used by the Department of the Army. They have identified them as unwanted, "uneconomic remnants," of which the Department of the Army wishes to dispose, and they are lands that the U.S. Forest Service would like to manage. These are lands in southeastern Colorado, Mr. President, 16,700 acres that were part of the overall Pinon Canyon Army Reserve area where there are major maneuvers conducted by the Department of the Army.

The reserve, some hundreds of thousands of acres, was acquired by the Department of the Army about 10 years ago and is used for various maneuvers by armored and other units coming down from Fort Carson.

Generally this land is very flat. The Pinon Canyon area drops off into some of the most beautiful dry canyon area in southeastern Colorado, some of the most beautiful canyon area in the country, canyons cut by what is now known as the Purgatoire River, known in the vernacular as the Picket Wire River.

The canyon of the Purgatoire has been cut by this river and has been used by all kinds of people for a long time. But before that it was used by the dinosaurs, and the longest single contiguous dinosaur track in the country, and maybe in the world, is found in the canyon on the Purgatoire River which now is being threatened by flooding. The Forest Service wants to preserve that area.

The canyon is also an area that was used by native Americans for thousands and thousands of years—in a hostile country, areas where one could go for real protection. The Spanish came through here about 300 years ago and there are still Spanish settlements down in the canyon.

Kit Carson hung out in this area. This was the area that was the dividing line between the Anglos coming in from the north and outlaw Indians from the south, and Kit Carson for a period of time was about the only individual who could go from one side of the area to another.

It is an area that has been peopled by religious groups, including penitents coming from that old Spanish tradition now found in many areas of the Southwest. And also down in the canyon are a variety of Spanish settlements, most of which have been abandoned today.

Immigrant pioneers came into this area, settled it and for a while were dry farming in the whole region. It has a long history, very hauntingly beautiful country, and it is my hope that we can preserve and transfer the land from the Department of the Army to the U.S. Forest Service.

We had initially hoped to occasion this in a swap of land that could be done directly with the Department of the Army, and I have worked with the distinguished junior Senator from Mississippi in attempting to work out a swap so we would not have to go the legislative route. That was very complicated in the State of Mississippi. I am sorry we were not able to work that out and I have so communicated that to the distinguished Senator from Mississippi. Now we are just going to have to go the direct legislative route.

The Department of the Army wants to excess this land, calling it "uneconomic remnants." The U.S. Forest Service Comanche National Grassland wants to manage the area. This legislation is necessary to occasion this transfer and to be sure that we can protect and enhance these natural lands.

More than 300 years ago, Spanish explorers came through the Pinon Canyon area and traveled along the Purgatoire River. Hundreds of years before the Spanish conquistadores journeyed through this part of southern Colorado, native Americans settled there. Evidence of native American presence in Pinon Canyon is clear from the numerous pictoglyphs and rock drawings one can still see on canyon walls and crevices in the area.

Millions of years before the native American tribes visited Pinon Canyon, the dinosaurs were residents of the Arkansas Valley—and giant sauropod tracks are still visible along the banks and the streambed of the Purgatoire River. The dinosaur trackway in this part of Colorado is believed to be the longest continuing set of dinosaur tracks in the world.

In addition to its historic and paleontological value, the Pinon Canyon area is also a refuge for many species of wildlife, including native fish and game. It combines vast expansions of grassland and rocky canyons.

In 1983, the U.S. Army acquired 270,000 acres of land in this area for a military training ground known as the Pinon Canyon maneuver site. Since that time, the Army has successfully used the maneuver site for mechanized training and infantry exercises.

And although many southern Coloradans viewed the Army's presence in the Pinon Canyon area with suspicion, I think it is fair to say that the Army has been a good neighbor in the Arkansas Valley, and care has been taken to avoid disturbing some of the area's more fragile resources, including the dinosaur trackway.

In fact, the dinosaur trackway and significant portions of the Purgatoire River canyon have been identified by the Army as unusable or "uneconomic remnant" parcels of the Pinon Canyon maneuver site. These areas—comprising approximately 16,700 acres—are completely unsuitable for mechanized or infantry training and the Army has taken care to keep troops and vehicles out of these parcels.

Although the Army has no use for these parcels, and has, therefore, restricted training activities that might have damaged the unique resources of this area, it is clear that the Army does not have the resources or institutional experience to manage these lands for the public benefit. The Army is, after all, a military department and not a public lands management agency.

The proper stewardship of these unused remnant lands should not rest with the Army, but with an agency of the Federal Government that is experienced in public lands management. Proper stewardship of these lands requires an agency of government with the resources to thoroughly study the archeological, cultural, and paleontological treasures which abound in the area.

My legislation will turn these unused Army lands over to the U.S. Forest Service, an agency that is well suited for managing natural resources. The Forest Service's Comanche National Grassland borders most of these lands, and a transfer of the unused Army acreage to the Comanche National Grassland, therefore, makes good management and logistical sense.

The legislation I am introducing today will set aside these lands as a "special management area"—a designation which recognizes the unique position the acreage holds by virtue of its placement between the Army's maneuver site and the Forest Service's grassland. The Army and the Forest Service have separate missions, and managing this acreage will present unique challenges. That is why this legislation calls upon the Forest Service and the Army to enter into a cooperative interagency agreement to deal with problems like public access and other issues that might arise.

Mr. President, there is a more pressing argument for transferring these lands to the jurisdiction of the U.S. Forest Service. The dinosaur trackway is in danger of erosion from the Purgatoire River. Since the tracks were first discovered earlier in this century it is estimated that one-third of the tracks have been destroyed by erosion caused by flooding from the river. If we are to preserve this unique public treasure, it is imperative that a management plan be implemented by an agency familiar with protecting such resources. My legislation authorizes the Forest Service to implement a management plan to prevent further destruction of the trackway.

For the last 2 years I have been urging the Department of the Army to transfer the unused Pinon Canyon lands to the Forest Service. Some progress has been made in negotiations between the Army and the Forest Service to agree on a land exchange, but I regret to say that an administrative transfer of the Pinion Canyon lands in Colorado seems to be hopelessly mired in a debate over the wisdom of transferring Forest Service lands in the DeSoto National Forest in Mississippi to the U.S. Army.

Mr. President, the conservation and protection of the unique resources of the Pinon Canyon area should not be held hostage to the Army's desire for acquiring additional lands in Mississippi or anywhere outside of Colorado. The Army has made it clear that there is no military need or use for the 16,700 acres of remnant lands of Pinon Canyon. The Army does not expend funds protecting or managing these lands, and an important scientific resource, the dinosaur trackway, is languishing.

Two years is long enough. It is time to protect these lands by transferring their stewardship to the U.S. Forest Service. My bill will do that, and will also respect the Army's continued use of the Pinon Canyon maneuver site.

Finally, Mr. President, I would like to explain why my bill calls the special management area the "Picket Wire

Special Management Area." For many years, the people of the Arkansas Valley have affectionately referred to the Purgatoire River Valley as the "Picket Wire." It evokes the pioneer spirit and the rough-and-tumble frontier atmosphere of this historic part of Colorado. I have spent time in the Arkansas Valley and feel certain that preserving the "Picket Wire Special Management Area" will be a welcomed addition to our Nation's public lands.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF LANDS.

(1) TRANSFER.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Army shall transfer to the Secretary of Agriculture, acting through the Chief of the Forest Service, the lands described in subsection (b), which shall be known as the Picket Wire Special Management Area (referred to as the "special management area").

(b) LAND DESCRIPTION.—(1) The special management area shall consist of all "uneconomic remnant" lands identified by the Secretary of the Army, in consultation with the Secretary of Agriculture, as not suitable for the purposes of the Pinon Canyon Maneuver Site, including the approximately 16,707 acres of land in the counties of Las Animas and Otero, Colorado, described as follows:

SIXTH PRINCIPAL MERIDIAN

Township 27 South, Range 55 West (Otero County, Colorado).

Section 20: S½NE¼, SE¼.
Section 25: NW¼SW¼.
Section 26: S½N½, SW¼, N½SE¼, SW¼SE¼.
Section 27: S½, NW¼, SW¼NE¼.
Section 28: S½, SE¼NW¼, SW¼NE¼.
Section 29: SE¼, N½NE¼, SE¼NE¼, S½SW¼.
Section 30: S½SE¼.
Section 33: NE¼NW¼, NW¼NE¼, E½E½.
Section 34: All.
Section 35: N½NW¼.

Township 27 South, Range 56 West (Otero County, Colorado).

Section 29: E½SW¼, W½E¼, SE¼SE¼.
Section 31: All.
Section 32: All.
Section 33: All.
Section 34: W½.
The SW¼, S½NW¼, SW¼NE¼, NW¼SE¼ and S½SE¼ of Section 35,. Township 27 South, Range 56 West of the Sixth Principal Meridian, Otero County, Colorado, together with all interest in Rourke Road abutting Section 35 on the north.

Township 27 South, Range 57 West (Otero County, Colorado).

Section 33: All.
Section 34: All.
Section 35: All.

Township 28 South, Range 55 West (Las Animas County, Colorado)

That portion of the NW1/4SW¼, S½S½ of Section 5, the N½NE¼, NE¼NW¼ of Section B, Township 28 South, Range 55 West of the Sixth Principal Meridian, Las Animas County, Colorado, lying Southeasterly of the following described line: Beginning at a point on the North line of said S½S½ of Section 5, said point being 550.00 feet Westerly of the Northeast corner thereof; thence Southwesterly to a point, said point being 330.00 feet South of and 900.00 feet West of said Northeast corner; thence Southwesterly to a point, said point being 990.00 feet South of and 2,100.00 feet West of said Northwest corner; thence Southwesterly to the Southquarter corner of said Section 5; thence Southwesterly to a point, said point being 1,100.00 feet South of and 1,000.00 feet West of the North quarter corner of said Section 8; thence Southerly parallel with the West line of said NE¼NW¼ of said Section 8, to the South line of said NE¼NW¼, and being the point of termination.

Section 3: Lots 1, 2, 3, and 4, the S½NW¼, SW¼NE¼.

Section 4: That portion of Lots 1, 2, 3, and 4, the S½N½, SW¼, N½SE¼, lying Southeasterly of the following described line: Beginning at a point on the North line of said Section 4, said point being 1,980.00 feet Westerly of the Northeast corner of said Section 4; thence Southwesterly to a point, said point being 330.00 feet South of and 2,310.00 feet West of said Northeast corner; thence Southwesterly to a point, said point being 660.00 feet South of and 3.580.00 feet West of said Northeast corner; thence Southwesterly to the West quarter corner of said Section 4, and being the point of termination.

Section 5: That portion of the N½SE¼ lying Southeasterly of the following described line: Beginning at a point on the East line of said Section 5, said point being 660.00 feet Southerly of the East quarter corner of said Section 5; thence Southwesterly to a point on the South line of said N½SE¼, said point being 550.00 feet Westerly of the Southeast corner of said N½SE¼, said point being the point of termination.

Section 7: SE¼, excepting therefrom the following described tract of land: Beginning at the Northwest corner of said SE¼ of Section 7; thence Easterly along the North line of said SE¼ to the Northeast corner thereof; thence Southerly along the East line of said SE¼, 1,000.00 feet; thence Southwesterly to a point, said point being 1,980.00 feet South of and 990.00 feet West of said Northeast corner; thence Northwesterly to a point, said point being 1,320.00 feet South of and 1,650.00 feet West of said Northeast corner; thence Northeasterly to a point, said point being 990.00 feet South of and 660.00 feet West of said Northeast corner; thence Northerly to a point, said point being 660.00 feet South of and 660.00 feet West of said Northeast corner; thence Westerly to a point, said point being 660.00 feet South of and 1,650.00 feet West of said Northeast corner; thence Northerly to a point, said point being 330.00 feet South of and 1,650.00 feet West of said Northeast corner; thence Westerly to a point, said point being 330.0 feet South of and 1,780.00 feet West of said Northeast corner; thence Southwesterly to a point on the West line of said SE¼, said point being 1,650.00 feet Northerly of the Southwest corner thereof; thence Northerly along said West line to the point of beginning.

Section 8: S½SW¼, SW¼SE¼, N½SE¼, S½NE¼.

Section 9: W½, NW¼SE¼.

Section 17: NE¼, SW¼, SW¼NW¼, N½NW¼.

Section 18: E½NE¼, SE¼, SE¼SW¼, that portion of Lot 4, lying Easterly of the following described line: Beginning at the Northwest corner of said Lot 4; thence Southeasterly to a point, said point being 660.00 feet North of and 1,100.00 feet East of the Southwest corner of said Section 18; thence Southwesterly to a point on the South line of Section 13, Township 28 South, Range 56 West, said point being 660.00 feet Westerly of the Southeast corner of said Section 13, said point being the point of termination.

Section 19: S½NE¼.

Section 29: SW¼, S½NW¼, NW¼NW¼.

Section 30: Lots 3 and 4.

Section 31: Lot 4, E½, SE¼W¼, NE¼NW¼

Section 32: SW¼, S½NW¼, NW¼NW¼.

Township 28 South, Range 56 West (Las Animas County, Colorado).

Section 13: That portion of the W½ lying Southerly of the following described line: Beginning at a point on the East line of said W½, said point being 990.00 feet Northerly of the Southeast corner thereof; thence Northwesterly to a point, said point being 1,400.00 feet North of and 600.00 feet West of said Southeast corner; thence Northerly to a point, said point being 1,730,00 feet North of and 600.00 feet West of said Southeast corner; thence Westerly to a point, said point being 1,730.00 feet North of and 1,260.00 feet West of said Southeast corner; thence Northwesterly to a point, said point being 2,750.00 feet North of and 1,600.00 feet West of said Southeast corner; thence Southwesterly to a point, said point being 1,730.00 feet North of and 1,900.00 feet West of said Southeast corner; thence Southwesterly to a point, said point being 1,450.00 feet North of a 2,500.00 feet West of said Southeast corner; thence Southwesterly to a point, said point being 700.00 feet North of and 660.00 feet West of the Southeast corner of Section 14, Township 28 South, Range 56 West, said point being the point of termination.

Section 14: That portion of the E½SE¼ lying Southeasterly of the following described line: Beginning at a point in the W½ of Section 13, Township 28 South, Range 56 West, said point being 1,450.00 feet North of and 2,500.00 feet West of the Southeast corner of said W½ of Section 13; thence Southwesterly to a point in said E½SE¼ of Section 14, said point being 700.00 feet North of and 660.00 feet West of the Southeast corner of said Section 14; thence Southwesterly to a point on the South line of said E½SE¼, said point being 990.00 feet Westerly of said Southeast corner, said point being the point of termination.

Section 19: Lots 1 and 2 NE¼NW¼, N½NE¼.

Section 23: That portion of the E½ lying Easterly of the following described line: Beginning at a point on the North line of said E½, said point being 1,240.00 feet Westerly of the Northeast corner thereof; thence Southeasterly to a point, said point being 330.00 feet South of and 990.00 feet West of said Northeast corner; thence Southwesterly to a point, said point being 660.00 feet South of and 1,650.00 feet West of said Northeast corner; thence Southwesterly to a point, said point being 700.00 feet South of and 1,980.00 feet West of said Northeast corner; thence Southwesterly to a point, said point being 1,050.00 feet South of and 1,700.00 feet West of said Northeast corner;

thence Southeasterly to a point, said point being 1,320.00 feet South of and 990.00 feet West of said Northeast corner, thence Southwesterly to a point, said point being 1,980.00 feet South of and 1,320.00 feet West of said Northeast corner; thence Southerly to a point, said point being 3,960.00 feet South of and 1,320.00 feet West of said Northeast corner; thence Southwesterly to a point on the South line of said E½, said point being 1,730.00 feet Westerly of the Southeast corner of said E½, said point being the point of termination.

Section 24: N½, N½S½ and that portion of the S½SW¼, SW¼SE¼, lying North and West of the Purgatoire River. Excepting therefrom that portion lying Northerly of the following described line: Beginning at a point on the North line of said Section 24, said point being 660.00 feet Westerly of the Northwest corner thereof; thence Southeasterly to a point, said point being 330.00 feet South of and 1,320.00 feet West of said Northeast corner; thence Westerly parallel with said North line, 660.00 feet; thence Northwesterly to a point, said point being 750.00 feet North of and 400.00 feet East of the North quarter corner of said Section 24, said point being point of termination. Additionally, that portion of the SW¼SE¼ and the S½SW¼ lying Southerly of the South bank of the Purgatoire River as now situated.

Section 25: All.

Section 26: E½NE¼, SE¼.

Section 35: N½NE¼, S½SE¼.

Township 29 South, Range 55 West (Las Animas County, Colorado).

Section 5: Lot 4, SW¼NW¼.

Section 6: Lots 1 and 2.

Township 29 South, Range 56 West (Las Animas County, Colorado).

That portion of Lots 3 and 4, S½NW¼ and the SW¼ of Section 4, Section 5, Section 7, the NW¼, N½SW¼, SW¼SW¼, N½NE¼ and the SW¼NE¼ of Section 8; Lot 2 and the E½NW¼ of Section 18, lying Southerly of the following described line: Commencing at the Northeast corner of the W½ of said Section 4; thence Southerly along the East line of said W½, 1,100.00 feet of the point of beginning; thence Southwesterly to a point, said point being 1,210.00 feet South of and 2,400.00 feet East of the Northwest corner of said Section 4; thence Southwesterly to a point, said point being 2,510.00 feet South of and 1,700.00 feet East of said Northwest corner; thence Southwesterly to a point, said point being 3,190.00 feet South of and 1,320.00 feet East of said Northwest corner; thence Northwesterly to a point, said point being 1,210.00 feet South of and 660.00 feet East of said Northwest corner; thence Northwesterly to a point on the East line of said Section 5, said point being 550.00 feet Southerly of the Northeast corner thereof; thence Northwesterly to the Northwest corner of Lot 1 of said Section 5; thence Southwesterly to a point on the East line of the W½ of said Section 5, said point being 990.00 feet Southerly of the Northeast corner thereof; thence Southerly along the East line of said W½ of Section 5 to a point, said point being 3,300.00 feet Southerly of said Northeast corner of the W½ of Section 5; thence Southwesterly to a point, said point being 4,850.00 feet South of and 1,320.00 feet West of said Northeast corner; thence Southwesterly to a point, said point being 5,180.00 feet South of and 1,980.00 feet West of said Northeast corner; thence Southerly to a point on the South line of said Section 5, said point being 660.00 feet Easterly of the Southwest corner of said Section 5; thence Southwesterly to the Southwest corner of the NW¼NW¼ of said section 8; thence Westerly to a point, said point being 1,320.00 feet South of and 660.00 feet West of the Northeast corner of said Section 7; thence Southwesterly to a point, said point being 2,970.00 feet South of and 1,980.00 feet West of said Northeast corner of Section 7; thence Southwesterly to a point, said point being 4,290.00 feet South of and 2,310.00 feet West of said Northeast corner of Section 7; thence Southwesterly to a point, said point being 4,620.00 feet South of and 2,640.00 feet West of said Northeast corner of Section 7; thence Southwesterly to a point, said point being 5,000.00 feet South of and 3,300.00 feet West of said Northeast corner of Section 7; thence Southwesterly to a point, said point being 1,650.00 feet South of and 1,320.00 feet West of the Northeast corner of the NW¼ of said Section 18; thence Southwesterly to a point on the South line of said NW¼, said point being 1,100.00 feet East of the Southwest corner thereof and said point being the point of termination.

Township 29 South, Range 60 West (Las Animas County, Colorado).

Section 20: That portion of the NW¼NW¼ lying Northwesterly of the Southeasterly right-or-way line of State Highway No. 350.

Township 30 South, Range 57 West (Las Animas County, Colorado).

That portion of the S½ of Section 17, SE¼NE¼, E½SE¼ of Section 18, E½SW¼, E½ of Section 19, N½N½, SW¼NW¼, W½SW¼ of Section 20 NW¼ of Section 21, and Lot 2, the E½NW¼, W½NE¼ of Section 30 lying Southerly of the following described line: Beginning at a point on the East line of said Section 17, said point being 900.00 feet Northerly of the Southeast corner thereof; thence Southwesterly to a point, said point being 150.00 feet North of and 1,900.00 feet East of said Southwest corner; thence Northwesterly to a point, said point being 1,400.00 feet North of and 1,000.00 feet East of said Southwest corner; thence Westerly to a point, said point being 1,400.00 feet North of and 550.00 feet East of said Southwest corner; thence Northwesterly to a point on the West line of the East 732.00 feet of the E½SW¼ of said Section 17, said point being 1,600.00 feet Northerly of the Southwest corner of said East 732.00 feet of the E½SW¼; thence Northwesterly to a point, said point being 1,700.00 feet North of and 450.00 feet West of said Southwest corner of the East 732.00 feet of the E½SW¼; thence Westerly parallel with the South line of said Section 17, 900.00 feet; thence Southwesterly to a point, said point being 1,450.00 feet North of and 2,300.00 feet West of the Southeast corner of the W½ of said Section 17; thence Northwesterly to a point on the West line of said Section 17, said point being 2,100.00 feet Northerly of the Southwest corner of said Section 17; thence Northwesterly to a point, said point being 3,000.00 feet North of and 650.00 feet West of the Southeast corner of said Section 18; thence Southerly parallel with the East line of said Section 18, a distance of 1,875.00 feet; thence Westerly parallel with the South line of said Section 18, a distance of 300.00 feet; thence Southerly parallel with said East line of Section 18, a distance of 300.00 feet; thence Southeasterly to a point, said point being 200.00 feet North of and 300.00 feet West of said Southeast corner of Section 18; thence Southerly parallel with said East line of Section 18, to said South line of Section 18; thence Southerly parallel with the East line of said Section 19, a distance of 350.00 feet; thence Southwesterly to a point, said point being 1,100.00 feet South of and 700.00 feet West of the Northeast corner of said Section 19; thence Southwesterly to a point, said point being 2,300.00 feet South of and 1,050.00 feet West of said Northeast corner of Section 19; thence Southwesterly to a point, said point being 2,650.00 feet South of and 1,450.00 feet West of said Northest corner of Section 19; thence Westerly parallel with the North line of said Section 19, a distance of 950.00 feet; thence Southwesterly to a point, said point being 1,700.00 feet North of and 1,900.00 feet East of the Southwest corner of said Section 19; thence Southerly parallel with the East line of said Section 19, a distance of 1,400.00 feet; thence Southeasterly to a point on the South line of said Section 19, said point being 1,950.00 feet Easterly of said Southwest corner of Section 19; thence Southeasterly to a point, said point being 650.00 feet South of and 2,125.00 feet East of the Northwest corner of said Section 30; thence Southwesterly to a point, said point being 1,650.00 feet South of and 1,450.00 feet East of said Northwest corner of Section 30; thence Southwesterly to a point on the West line of said Section 30, a distance of 2,100.00 feet Southerly of said Northwest corner of Section 30, said point being the point of termination.

(2) The Secretary of the Army and the Secretary of Agriculture may agree on minor adjustments and may correct clerical errors in the land description in paragraph (1).

(3) The Secretary of Agriculture, with the concurrence of the Secretary of the Army, shall prepare a map of the special management area and shall file the map and any adjusted or corrected legal description of the area with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act.

(4) The map and legal description referred to in paragraph (3) shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

SEC. 2. ADMINISTRATION.

(a) IN GENERAL.—The Secretary of Agriculture shall administer the special management area so as to preserve and protect the paleontological, archeological, wildlife, vegetative, aquatic and other natural resources of the area.

(b) PERMITTED USES.—To the extent that it can be done without unduly impairing—

(1) the Army's use of the Pinon Canyon Maneuver Site for the purposes for which the site is intended to be used; or

(2) the preservation and protection of paleontological, archeological, or natural resources of the area,

the Secretary of Agriculture may provide access to those resources for scholarly research, interpretation to the public, and recreation.

(c) LIVESTOCK GRAZING.—The Secretary of Agriculture may permit livestock grazing in the special management area only to the extent it is deemed necessary to benefit the natural resources of the area.

(d) WITHDRAWAL.—Lands within the special management area are withdrawn from operation of the mining, mineral leasing,

and other mineral entry laws of the United States.

(e) PROHIBITED USES.—No activity shall be permitted in the special management area that would impair the preservation and protection of the paleontological, archeological, and natural resources of the area, including production of or exploration for oil, gas, or minerals of any kind or the storage or processing of nuclear waste, hazardous waste, or waste of any other kind.

(f) MANAGEMENT PLAN.—The Secretary of Agriculture, in consultation with the National Park Service, the United States Fish and Wildlife Service, the Department of the Army, the Colorado Department of Natural Resources, and the Colorado State Historic Preservation Office, shall, after notice and public comment, develop a management plan for the special management area that contains, among other things—

(1) a complete survey and an inventory of the paleontological and archeological resources of the area; and

(2) a strategy for protecting and conserving the dinosaur track-way in the Purgatoire River Canyon and other paleontological and archeological resources in the special management area.

SEC. 3. INTERAGENCY AGREEMENT.

(a) IN GENERAL.—The Secretary of the Army and the Secretary of Agriculture shall enter into an interagency agreement providing for—

(1) the completion of a survey of the boundaries of the special management area;

(2) the provision of access to the special management area through the Pinon Canyon Maneuver Site by the Secretary of Agriculture, for the purpose of taking action to preserve and protect the area's resources, and by the public, for educational purposes, in such manner, at such times, and to such an extent as will not unduly interfere with the Army's use of the site; and

(3) cooperation between the Army and the Forest Service in the protection and conservation of the paleontological, archeological, and natural resources in the special management area.

(b) ACCESS.—In determining whether the manner, time, and extent of access through the Pinon Canyon Maneuver Site for a particular purpose will constitute an undue interference with the Army's use of the site for the purpose of subsection (a)(2), the Secretary of the Army and the Secretary of Agriculture shall—

(1) in the case of access by the Forest Service for management purposes, take into consideration that the high importance of protecting and conserving the resources of the special management area may justify the imposition of some inconvenience to the Army, so long as it does not prevent the Army from accomplishing its purposes on the Pinon Canyon Maneuver Site; and

(2) in the case of access by the public, solicit comment from the public concerning the need for and the kind of access that should be provided.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including such sums as are necessary to complete a study of the special management area's paleontological resources and action to prevent erosion of the dinosaur trackway.

By Mr. GORTON:

S. 2561. A bill to amend the Controlled Substances Act with respect to the regulation of precursor chemicals; to the Committee on the Judiciary.

PRECURSOR CHEMICAL REGULATION ACT OF 1990

Mr. GORTON. Mr. President, today I rise to introduce the Precursor Chemical Regulation Act of 1990, to regulate the flow of chemicals used to make illegal drugs in the United States.

During my last trip home, I met with the Clark-Skamania County Narcotics Task Force in Vancouver, WA. I toured a mock methamphetamine lab and was provided a demonstration on the production of ice. Ice is to methamphetamine or meth what crack is to cocaine.

By all accounts, ice is far more devastating than crack. Users of ice are more violent. They stay high for a longer period of time, usually from 16 to 18 hours and sometimes for several days. And most disturbing, users and distributors of ice are making this illegal drug at home, with easily purchased chemicals.

We should all be concerned with the rapid spread of meth labs, and particularly ice. So-called cooks, who make ice, and their labs, are sprouting-up in locations all across the country. The problem is by no means a West Coast phenomenon, as was once believed.

According to the Drug Enforcement Agency, the number of labs seized has grown from 184 in 1981 to 810 in 1988, an increase nationwide of over 400 percent. In my State of Washington, more than 150 labs were seized during the last 15 months—a whopping 21 labs in Clark County alone.

While Congress has taken one step to curb the spread of meth production—by requiring all chemical makers to be registered to sell chemicals which can be used for the production of illegal drugs—we have not done enough. Anyone can still buy these chemicals.

That is why I am introducing the Precursor Chemical Regulation Act of 1990, to establish national standards to regulate these chemicals.

Many of these chemicals, I've learned, are highly hazardous; some are toxic, explosive, and even radioactive. The chemicals and their mixtures are recklessly dumped into our streams, sewers, and on the ground—poisoning the land and the ground water. Entire communities are being endangered by the improper disposal of this hazardous waste.

We cannot stand idly by while these purveyors of illegal drugs and toxic sludge destroy our children and our environment. Under my bill, those who make illegal drugs and pollute our environment will pay for their crimes.

First, this bill will expand the list of precursor chemicals to include those chemicals that are most frequently used to produce illegal drugs. Second, it builds on existing law to require that all transactions dealing with these chemicals be undertaken by licensed individuals, and that each transaction be recorded. Finally, and perhaps most important, this legislation imposes stiff penalties and a heavy jail sentence on those individuals contaminating our neighborhoods.

I believe that this legislation will go a long way toward remedying the devastation that is created in towns and cities across the country from the domestic production of illegal drugs. I encourage my colleagues to join me in support of this important legislation.

By Mr. BOSCHWITZ (for himself and Mr. BOND):

S. 2562. A bill to amend the Food Security Act of 1985 to improve provisions relating to wetland conservation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SWAMPBUSTER IMPROVEMENT ACT OF 1990

● Mr. BOSCHWITZ. Mr. President, I am pleased to introduce, with Senator BOND, the Swampbuster Improvement Act of 1990.

This legislation gives the U.S. Department of Agriculture flexibility for implementing the swampbuster provision of the 1985 farm bill through mitigation and graduated penalties.

Under mitigation a farmer can drain a wetland to improve the efficiency of his farming operation as long as a wetland is restored on the farm or on another farm in the general area. Local representatives of the Soil Conservation Service and the Fish and Wildlife Service have to agree to the mitigation plan to ensure that wetland values, functions, and acreage are preserved.

Mitigation is currently occurring through the regulations the administration developed for the swampbuster program. However the authority for mitigation is less than clear. As a result, mitigation has not been implemented consistently in all parts of the country. This legislation clarifies that mitigation is allowed and provides guidance as to how and under what circumstances it should occur.

Additional flexibility is allowed to impose a graduated penalty for first-time violators of swampbuster who have made a good faith effort to comply.

Presently, enforcement of swampbuster is compromised by the fact that farmers lose all their farm program benefits for even the smallest violation. Therefore, USDA has the choice of either taking away all program payments and jeopardizing a farmer's survival or simply overlooking the violation. There is no latitude for an adjustment of the penalty so that it is commensurate with the violation.

This legislation will allow the Secretary to impose a penalty of $1,000 to $10,000 based on the seriousness of the

violation provided the farmer restores or mitigates the wetland.

It is my intention that this legislation be part of the 1990 farm bill so that the swampbuster program can be made more workable for farmers and yet preserve valuable wetlands.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Swampbuster Improvement Act of 1990.

SEC. 2. MINIMAL EFFECTS CLARIFICATION AND SWAMPBUSTER MITIGATION POLICY

Section 1222(c) of the Food Security Act of 1985 (16 U.S.C. 822) is amended to read as follows:

"(c) the Secretary shall exempt a person from the ineligibility provisions of section 1221 for any action associated with the production of an agricultural commodity on converted wetland if—

"(1) the effect of such action, individually and in connection with all other similar actions authorized by the Secretary in the area, on the hydrological and biological aspects of the wetland is minimal; or

"(2) such wetland has been normally cropped, as determined by the Secretary, prior to the date of such action, such wetland is an impediment to the effective and efficient operation of the farm of the person, and the wetland values, acreage, and functions are mitigated by the producer or the agent of the producer through the restoration of a prior converted wetland—

"(A) on the basis of one restored acre for every acre of converted wetland on which an agricultural commodity is produced;

"(B) at the expense of the producer;

"(C) that shall occur in advance of or concurrently with the planned alteration of the cropped wetland according to a restoration plan developed by the Soil Conservation Service in concurrence at the county and district level with the Fish and Wildlife Service;

"(D) that is on lands in the same general area as the original wetland; and

"(E) that is recorded in the deed to remain as a wetland for as long as the mitigated wetland remains in cropland or is not returned to its original wetland classification.".

SEC. 3. GRADUATED PENALTIES.

Section 1222 of the Food Security Act of 1985 (16 U.S.C. 822) (as amended by section 2) is further amended by adding at the end thereof the following new subsection:

"(d) Section 1221 shall not apply if—

"(1) a person violates section 1221 for the first time;

"(2) the person made a good faith effort to comply with this section;

"(3) the person forfeits not less than $1,000, nor more than $10,000, of price supports and payments made under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) as determined by the Secretary taking into account the seriousness of the violation; and

"(4) a binding agreement is signed by the person to fully restore the wetland or to mitigate, under section 1222(c)(2).

This subsection shall apply, where appropriate, to violations that have occurred following the date of enactment of this subsection.".●

● Mr. BOND. Mr. President, it is with great pleasure that I join my distinguished colleague Senator BOSCHWITZ in introducing the Swampbuster Improvement Act of 1990. I thank Senator BOSCHWITZ for his hard work and leadership on this important piece of legislation. This legislation is yet another example of the complexity of existing conservation programs and the tremendous impacts which they have throughout rural America.

In traveling throughout Missouri, I have learned that while there is broad support for many conservation programs, there remains a genuine concern over the implementation of policies related to wetlands. The swampbuster provisions of the Food Security Act of 1985 have been the subject of a great deal of concern and confusion. I feel, along with many others, this legislation will clear up some of the inflexibility of current programs.

For example, while first time violators should be penalized, there should be some flexibility in the amount of the penalty. Let me give an example. A Missouri farmer made plans to remove trees and perform some bulldozer grading work on a wet area which formed the center of an old riverbed. He then proceeded to plant the acreage to a mixture of grass and wheat used as a nurse crop.

The converted area was determined by the Soil Conservation Service [SCS] to be wetlands and subject to swampbuster provisions. Both the State and county ASCS committees recommended that a waiver of the violation be considered. The wheat seed was destroyed early in the year and was never intended to be harvested. However, since wheat is an annually tilled agricultural commodity, this farmer was ineligible to receive USDA program benefits on his home farm or any other farm during the 1989 crop-year.

What was the total cost for this farmer not to harvest even one bushel of wheat? Thirty-seven thousand dollars. Clearly an overwhelming amount of money. It is obvious this farmer did not deserve an iron hand, but with the current law there was no flexibility to handle this problem in the correct manner.

Today Senator BOSCHWITZ and I provide an opportunity to put some fairness back into the system. Mr. President, I believe this bill improves upon the conservation provisions in the 1985 farm bill. I am hopeful that we can act quickly on this matter.●

By Mr. ROTH:

S. 2563. A bill to impose a moratorium on the fishing and possession of Atlantic striped bass (Morone Saxatilis) within waters under the jurisdiction of the United States; to the Committee on Commerce, Science, and Transportation.

ATLANTIC STRIPED BASS PROTECTION ACT

Mr. ROTH. Mr. President, I rise today to introduce legislation which places a moratorium on the fishing and possession of the Atlantic striped bass. The moratorium on this fish, also known as striper or rockfish—would apply only in the U.S. exclusive economic zone [EEZ]. The EEZ is the band of water from 3 miles off the coast to 200 miles off. I take this action today in the Senate, while my good friend from New Jersey, Representative JIM SAXTON is introducing similar legislation in the House of Representatives.

We are introducing this legislation for a variety of reasons which I would like to outline to my colleagues at this time.

Over recent years a sharp decline in the population of Atlantic striped bass prompted many eastern seaboard States to place a moratorium on fishing for striped bass. Now, the moratorium on the catching of Atlantic striped bass may be lifted in each State from North Carolina to Maine. Currently each State has plans to increase the 1990 harvest of the fish. The States are relaxing the moratorium because of the high spawning counts in the Chesapeake Bay in 1989. These counts are considered dubious by some people, and while most people agree that the striped bass stock is recovering, it is not clear if the greater harvest should be allowed at this time.

When we passed the original Atlantic Striped Bass Conservation Act, Public Law 100-589, due to the tremendous efforts of Senators CHAFEE and MITCHELL, we included a title which directed the Commerce Department to promulgate regulations governing the fishing for Atlantic striped bass in the EEZ. Rulemaking never occurred, and only early this year, has the Department of Commerce begun to solicit public comments on options to regulate the fishing for Atlantic striped bass in the exclusive economic zone. If all goes as expected, we anticipate this rulemaking to go into effect at the end of this year. However, there is always the possibility that this may not take place. For that reason we are imposing the moratorium at this time.

There is a third and more important reason for our actions. With many States relaxing some of their restrictions in State waters, there is a big loophole that enables fishermen to bypass State fishing restrictions. It works as follows: Suppose a fisherman catches more than his quota in State waters like the Chesapeake Bay. Since the fishermen currently can catch Atlantic striped bass in Federal waters—the U.S. exclusive economic zone—all he would have to say when he brought

his fish to the harbor is that he caught them in the EEZ. There is no way to tell if a fish was caught in State waters—the Chesapeake in this instance—or Federal waters—the EEZ.

This legislation would close this loophole. Approximately 6 percent of all the striped bass caught over the past years were caught in the EEZ. The majority of these fish tend to be large females that like to overwinter in the deep pools of the coast. Since mature female Atlantic striped bass have about 100,000 eggs per pound of weight, and most of those females are in the EEZ a significant impact could be made upon the spawning population. The population must have a chance to recover.

In addition, Atlantic striped bass are naturally anadromous—a-na-dro-mus—ascending coastal streams and brackish estuaries in early spring to spawn, afterward returning to ocean waters to migrate along the coastline. The migratory behavior of striped bass is more complex than that of most other anadromous species, with seasonal movement and location of fish being related to age, sex, degree of maturity, and natal river.

A further complicating factor is that there is even considerable variation in the migratory behavior of fish of the same age, sex, and degree of maturity. The importance of the migration pattern to striped bass management is that the fisheries operating in coastal waters are exploiting mixed stocks of fish, and the nature of the mix in any given location at any given time is a function of all factors noted above.

Mr. President, quite simply this bill places a moratorium on fishing and the possession of striped bass in the U.S. EEZ. It applies equally to commercial and recreational fishermen. The moratorium expires in 3 years. At the expiration of this 3-year period, the Secretary of the Commerce Department may extend it annually for as long as he determines necessary. All experts expect this 3-year period to be sufficient for the striped bass stock to reestablish itself again.

We have also included an exception to the moratorium. It allows those fishermen that have legally taken striped bass but need to transect the EEZ en route back to the mainland to do so. We felt that way to accommodate this would be to allow a fisherman to transect the EEZ with striped bass in their possession but not to be fishing in the process. For example, fishermen that say catch striped bass around Block Island or Nantucket Island would fall into this category.

Finally there is a reason that prohibits the keeping of incidentally caught Atlantic striped bass. There are no figures available for the number of fish caught that fall into this category. It is considered to be very small.

Mr. President, at this time, the following associations are in support of our actions: Times Mirror Magazines Conservation Council, the American Fish and Tackle Manufacturers Association, the Atlantic Coast Conservation Association, American Fisheries Society, Center for Marine Conservation, and the National Wildlife Federation.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD in its entirety at the end of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Atlantic Striped Bass Protection Act".

SEC. 2. MORATORIUM ON THE FISHING AND POSSESSION OF ATLANTIC STRIPED BASS.

The Magnuson Fishery Conservation and Management Act is amended—

(1) by redesignating section 312 (16 U.S.C. 1857 note) as section 313; and

(2) by inserting after section 311 the following:

"SEC. 312. MORATORIUM ON THE FISHING AND POSSESSION OF ATLANTIC STRIPED BASS (MORONE SAXATILIS).

"(a) GENERAL RULE.—Except as provided in subsections (b) and (c), the possession or fishing of Atlantic striped bass within the exclusive economic zone shall be unlawful—

"(1) during the period commencing on the date of the enactment of this Act and ending 36 months after that date; and

"(2) thereafter if the Secretary so decides under subsection (c).

"(b) EXCEPTION.—Atlantic striped bass fished outside the exclusive economic zone may be possessed within the exclusive economic zone if the fishing vessel from which the Atlantic striped bass were fished must transport through the zone in order to reach State waters. A fishing vessel which possesses Atlantic striped bass within the exclusive economic zone consistent with this subsection may not be engaged in fishing while in the zone.

"(c) EXTENSION OF MORATORIUM.—(1) The Secretary, after consultation with the appropriate Councils and the Atlantic States Marine Fisheries Commission, is authorized to extend the moratorium under subsection (a).

"(2) Each such extension under paragraph (1) shall be for a period of 12 months.

"(3) No extension under paragraph (1) shall take effect unless—

"(A) the determination by the Secretary to extend such moratorium is made not less than 90 days prior to the end of the period in which moratorium is in effect pursuant to this section; and

"(B) notice of such determination is published in the Federal Register no later than 30 days prior to the date on which such extension is to commence.

"(d) The provisions of this subsection shall not apply to fishing of Atlantic striped bass which is incidental to fishing that occurs in the course of commercial or recreational fish catching activities directed at species other than Atlantic striped bass, and if any such Atlantic striped bass so fished is returned immediately to the water regardless of the physical conditions of the striped bass when caught.".

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 2564. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received under any State in-home care program by an individual for care of a member of such individual's family; to the Committee on Finance.

TAXATION OF IN-HOME HEALTH CARE BENEFITS

Mr. GRASSLEY. Mr. President, today, I am introducing legislation, along with Congressman TOM TAUKE on the House side, to correct an unfair Internal Revenue Service policy regarding the taxation of in-home health care benefits.

Under a program in my State of Iowa, the State provides funds to families to care for disabled family members whose physical or mental health prevents self-care. The funding is, apparently, given to the disabled individual, as the beneficiary, who, in many cases, agrees to be cared for by family members rather than hiring nurses, other outside help, or being institutionalized.

The State assistance is limited to $368 per month and is exempted from State income taxes. Unfortunately, the IRS is attempting to collect income and self-employment taxes from those family members providing care, because these relatives appear to be providing "contractural services" to the disabled beneficiary.

Mr. President, this new IRS policy undermines the entire State program by subjecting a large amount of the State assistance to Federal taxation. Many families, who are now faced with back-taxes for multiple years, may be forced to institutionalize their disabled loved ones at much higher State expense because the family can no longer afford to care for them. In this case, the IRS policy is jeopardizing sound fiscal policy on the delivery of human services. Mr. President, changes must be made.

At this time, it's not clear how widespread the problem is or how many States provide this kind of assistance. For years, families in Iowa were led to believe that these benefits would not be taxed. It was only after the IRS "stumbled" onto the problem after investigating professional health care providers that these families became aware of their problem.

Our legislation would treat these in-home care payments the same as State payments for foster care, and exclude them from taxable income when care is provided by the family.

Mr. President, there is no rational excuse to tax these in-home care benefits when the care is provided by the family. Taxing these benefits creates further hardship for the family and

greater expenses, in the long run, for the State and Federal Government.

I urge my colleagues to join me and Congressman TAUKE in addressing this unfair and costly problem by exempting in-home care benefits that are paid to the family from Federal taxation.

Mr. President, I ask unanimous concent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to amounts specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. CERTAIN IN-HOME CARE PAYMENTS.

"(a) GENERAL RULE.—Gross income shall not include amounts received by an individual during the taxable year as qualified in-home care payments.

"(b) QUALIFIED IN-HOME CARE PAYMENTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified in-home care payment' means any amount—

"(A) which is paid by a State or political subdivision thereof,

"(B) which is paid under a program which provides health-related and personal care services to individuals in their homes in cases where the state of the individual's physical or mental health prevents independent self-care, and

"(C) which is received by an individual for services provided to a member of such individual's family.

"(2) FAMILY.—The term 'family' means, with respect to any individual, any lineal descendent of such individual, any brother or sister or stepbrother or stepsister of such individual, any parent or grandparent of such individual, and any spouse of any of the foregoing. For purposes of the preceding sentence, a relationship by legal adoption shall be treated as a relationship by blood."

(b) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 136 and inserting the following:

"Sec. 136. Certain in-home care payments.
"Sec. 137. Cross references to other Acts."

(c) The amendments made by this section shall apply to all taxable years whether beginning before, on, or after the date of the enactment of this Act.

Mr. HARKIN. Mr. President, I am pleased to join my distinguished colleague from Iowa, Senator GRASSLEY, today in introducing legislation which seeks to address a situation in our home State and has implications for the Nation. We are taking this action on behalf of a number of families in Iowa who are facing large and unexpected Federal tax bills from payments they received from the State under a special program to care for their disabled children at home. While these payments are not subject to State income taxes, the IRS is claiming that they are subject to Federal taxes.

Mr. President, Federal policies must give incentives, not disincentives, for keeping families together and allowing those needing long-term assistance to remain in their own homes and communities. Thousands of Iowans and millions of Americans receive no compensation for caring for their loved ones, sacrificing for the sake of family. This very small program provides a little help to a small number of families. We need to expand on assistance, not cut back.

Mr. President, this particular situation in our State of Iowa, is a reflection of broader public policy issues which we need to act on. Our Nation must better recognize and address the special long-term care needs of Americans with disabilities as a part of developing and implementing overarching national policies on long-term care and disability. I was pleased that the Pepper Commission took a step toward this in their pathblazing recommendations. I recently wrote to President Bush asking him to specifically direct both the Advisory Council on Social Security and the Secretary's Task Force on Health and Long-Term Care to give special emphasis to Americans with disabilities in their studies and recommendations.

Mr. President, we have much work to do to revamp Federal policies to promote independence and empowerment of individuals with disabilities and their families. I look forward to maintaining our productive bipartisan working relationship so that not only will the great promise of the Americans With Disabilities Act be realized but that it might be matched with necessary reforms and restructuring of other critical programs.

By Mr. WARNER (for himself and Mr. ROBB):

S. 2565. A bill to designate the Federal building located at 340 North Pleasant Valley Road in Winchester, VA, as the "J. Kenneth Robinson Postal Building"; to the Committee on Environment and Public Works.

J. KENNETH ROBINSON POSTAL BUILDING

● Mr. WARNER. Mr. President, today I join many of our colleagues in paying tribute to my long-time friend, the former Congressman from Virginia's Seventh District J. Kenneth Robinson who died on April 8.

I want to point to three areas of Ken's life which were particularly meaningful to me.

First, Ken, was born into an apple-growing family in Winchester, the heart of Virginia's apple and peach country. He graduated from Virginia Polytechnic Institute and State University with a degree in horticulture and returned home to run the family orchard business. He truly loved the land, what it provides, and the people who work so hard in agribusiness.

After a distinguished career in the General Assembly of Virginia, as a Senator, Kenneth was elected to the U.S. House of Representatives in 1971 where he served until 1985. During this time, he was my Congressman as I live in the seventh district. He was my close friend; he was a big brother as I started my legislative duties.

He was a member of the House Appropriations Committee where he served on the Subcommittee on Agriculture, Rural Development and Related Agencies. Following my election to the U.S. Senate in 1978, I consulted with Ken Robinson on all issues of importance to Virginia's agricultural community, for he and I were two of the few in the Virginia delegation who lived on working farms.

Together we secured Federal assistance to start a veterinary school at his alma mater of VPI. This was of great significance to the equine interests of Virginia.

When a California wine-grape growers' association asked that their growing area be designated as the "Shenandoah Valley Viticultural Area" Ken Robinson led the opposition. The Virginia delegations prevailed and the Federal Government gave Virginia interests the paramount right to use the name "Shenandoah Valley" in the context of our wine-producing industry.

Ken served in the U.S. Army with distinction during World War II and attained the rank of major. He was deeply committed to a strong national defense and served on the Defense Appropriations Committee and the House Intelligence Committee. As a member of the Senate Intelligence Committee and the Armed Services Committee, I worked closely with him in these areas. As we witness the transformation of Communist regimes around the world today, we should thank President Reagan, President Bush, and Members of Congress such as Ken Robinson who dedicated their careers to the defense of this country and the nurturing of democracy and freedom abroad.

Lastly, in the finest Virginia tradition Kenneth Robinson was a strong patriot of the highest integrity. He dedicated his life to the service of the Commonwealth and the Nation which he loved so dearly. He was a family man who cherished his wife of 43 years, Kathryn Rankin Robinson, and their six children and seven grandchildren.

He was a Virginia statesman in the tradition of George Washington, Thomas Jefferson, and Patrick Henry. As the Richmond Times Dispatch stated in an editorial when he died, "Rep. Robinson gained his popularity the old-fashioned way through indefatigable constituent service * * * and through strict adherence to principle."

"God grant that men of principle shall always be our principal men." This quote attributed to Thomas Jefferson is so appropriate for Kenneth Robinson.

Today Senator Robb joins me in introducing legislation identical to that introduced in the House of Representatives by Represenative Slaughter to name the Federal building in Winchester, VA, the "J. Kenneth Robinson Postal Building."

By Mr. McCAIN:

S. 2566. A bill to redesignate the Sunset Crater National Monument as the Sunset Crater Volcano National Monument; to the Committee on Energy and Natural Resources.

SUNSET CRATER VOLCANO NATIONAL MONUMENT

● Mr. McCAIN. Mr. President, today I am introducing legislation for myself and my colleague Senator DECONCINI to change the name of the Sunset Crater National Monument in Arizona to the Sunset Crater Volcano National Monument.

This 3,000-acre natural area was established on May 26, 1930, to preserve Arizona's youngest volcano and surrounding lava flows, cinder cones and ash-fall area. The symmetrical and now dormant 1,000-foot cinder cone of Sunset Crater Volcano was named for its brilliant hued rim by Maj. John Wesley Powell in 1885. The citizens of Flagstaff, AZ, were able to have the volcano protected as a national monument, when it was threatened with destruction by dynamiting to film a stagecoach avalanche scene for a movie. Sunset Crater Volcano erupted periodically from 1064 A.D. for over 200 years.

Over 500,000 visitors a year travel to Sunset Crater National Monument and informal surveys show that over 80 percent come expecting to see a crater caused by a meteor. This was due in part, to the extensive publicity by the nearby commercial attraction of Meteor Crater, so visitors have related the national monument to the meteor-caused crater 40 miles to the east.

Renaming the areas as the Sunset Crater Volcano National Monument will help clear up the confusion and more specifically identify the outstanding resource this special attraction has to offer. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Sunset Crater National Monument, Arizona, shall, on and after the date of enactment of this Act, be known and designated as the "Sunset Crater Volcano National Monument". Any reference to the Sunset Crater Volcano National Monument in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Sunset Crater Volcano National Monument.●

By Mr. KERREY:

S. 2567. A bill to strengthen education in the fields of mathematics, science, and engineering; to the Committee on Commerce, Science, and Transportation.

THE SPACE SCIENCE AND EDUCATION ACT OF 1990

● Mr. KERREY. Mr. President, the Nation's goal of having our high school seniors graduate first in the world by the year 2000 is one of the most important we have ever set for ourselves. It is exciting to contemplate the positive changes in our economy and society if we are successful.

Unfortunately the outlook for accomplishing this objective is poor. This is mostly because the outlook for producing the numbers of math, science and engineering personnel needed not only in the next few years but into the next century is bleak.

Engineering faculties are reaching retirement age. Some colleges are having difficulty recruiting and retaining faculty. There is a shortage of qualified elementary and secondary teachers in these fields. Interest among undergraduate students is currently insufficient to attract the number of personnel needed in these areas by business and industry. Production of baccalaureate and graduate degrees is not expected to keep pace with demand. Many secondary schools do not offer proper lab experiences. Children are being turned off of science as early as third grade.

Legislation has been introduced to expand the number of scholarships and fellowships available, to improve and disseminate curriculum materials, to enhance teacher preparation, to encourage informal educational activities such as exhibits and museum programs, to develop expertise in the creation of exhibits and other informal education activities, to expand the use of public television in providing science, math and engineering related programming, to aid less well established institutions to upgrade their programs, to disseminate science and math curriculum materials, and to support regional educational laboratories. I am a co-sponsor of S. 843 and S. 2114, which incorporate the above provisions.

The legislation I am introducing today, however, goes beyond what is included in the above.

First, this legislation would focus on the students. It is designed to get students in grades 5–12 into supportive programs to expand their knowledge of math, science and engineering and to make them more comfortable with such subjects. The National Science Foundation has found children turned off as early as the third grade. This is an effort to turn them back on—or keep them from being turned off in the first place.

Second, this is a program which should have an immediate impact. Some 2,000 students—at least 20 in each State—could have immediate access to programs such as space camps, summer enrichment programs and multisession science activities. We are already familiar with some of these programs. What this legislation does is expand access and demonstrate the priority we place upon these activities.

An early, positive experience with math, science and engineering can propel a person toward a career in that field. Recently, for example, a University of Nebraska professor replied when asked how he became interested in his field, "My parents sent me to a summer program. That was it." We can begin to give those experiences now.

And, we can give them in a highly visible way—through the student grants—throughout the country. We can make it clear that it is important for all students in all States to have access. Indeed, if we are to make progress by the year 2000, we need to motivate the students themselves and not just wait for additional teacher training and curriculum materials. We need to take what we have—some of which is very good—and build upon that.

Third, we need to expand the types of programs which are available. We need to place our students in multisession programs which allow for a continued, experimental introduction to or expansion of education in math, science and engineering.

These programs do several things: First, they offer a hands-on, manipulative experience which is necessary for a student to become comfortable with math and science concepts and approaches; and second, they do so in a non-threatening environment where the student skeptical or reluctant to try a laboratory or other scientific experience for a grade may first learn what's involved.

Fourth, we know that industry is already doing some useful things. For example, IBM has a program under which people can retire early if they teach. Westinghouse has a long-standing competitive program for high school students. We need to know the scope of what is being done and build upon that.

Fifth, the bill includes a scholarship component designed to encourage students in the areas of both space and earth sciences. Both are areas which can expect shortages unless additional persons are attracted.

This portion also includes a new positive approach to encourage stu-

dents to enter the field of teaching science and math. Some programs require a payback if a recipient of a scholarship fails to follow through with teaching requirements. These provisions have proved extremely cumbersome to administer. Instead of a pay back, the recipient would receive a further stipend to be used for further study during the teaching period. In this way, young teachers—those who traditionally earn the least—would have an additional benefit, an additional incentive to teach—and an incentive which should expand their knowledge and improve their classroom skills.

NASA was chosen to implement this legislation rather than the more traditional departments and agencies because NASA has demonstrated a long-term ability to interest and challenge youth. It has begun to move into the educational arena and is already initiating some competitive programs. This would simply give it a broader mandate and involvement.

Mr. President, I ask unanimous consent that a summary of the legislation be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD as follows:

TITLE I—YOUTH EXPLORING SCIENCE

This title authorizes the Administrator of the National Aeronautics and Space Administration to award 2,000 grants each year to students in grades 5-12 to enable them to participate in math, science and engineering short courses, camps, and similar programs. Grants may cover up to $1,000 of costs including transportation. At least 20 awards shall be made in each State. Awards will be made on a competitive basis, with attention to making the awards available to a cross-section of the population.

TITLE II—SCIENCE AND SPACE EXPLORATION

This title authorizes the Administrator to make grants to educational institutions, museums, non-profit organizations and technically oriented businesses which develop programs on a non-profit basis to design and prepare multisession science programs and short courses which offer a hands-on, manipulative experience for elementary and secondary students. Such courses could be offered in after-school sessions, on weekends or in the summer.

TITLE III—INDUSTRY IN EDUCATION

The Administrator is authorized to conduct a survey of existing industry and education co-operative efforts in education. A report shall be submitted to Congress by March 1, 1991.

TITLE IV—SCHOLARSHIPS

This title authorizes the Administrator to award 150 scholarships of up to $5,000 each to undergraduate juniors and seniors who complete two courses in space science or earth science as part of a math, science or engineering major or minor and who intend to teach in an elementary or secondary school for each year for which a scholarship is received. For the first year of teaching, the recipient would be entitled to an additional $1,000 to be used to pursue further studies in their chosen fields or to enhance their teaching skills; for the second year $1,500 would be available. At least 2 scholarships shall be awarded in each state.●

ADDITIONAL COSPONSORS

S. 1212

At the request of Mr. SANFORD, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1212, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition (and a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 1480

At the request of Mr. CRANSTON, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1480, a bill to ensure economic equity for American women and their families by providing equitable pay and employee benefits and enhanced opportunities in business procurement; providing economic and retirement security for women as workers and as divorced or surviving spouses; making quality and affordable dependent care available to all working families; enhancing the long-term health of women and their families through prevention services and assistance to victims of domestic violence.

S. 1511

At the request of Mr. PRYOR, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1511, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

S. 1577

At the request of Mr. BOREN, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 1577, a bill to amend the Internal Revenue Code of 1986 to provide that charitable contributions of appreciated property will not be treated as an item of tax preference.

S. 1690

At the request of Mr. DODD, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1690, a bill to establish programs to improve foreign language instruction, and for other purposes.

S. 1865

At the request of Mr. DANFORTH, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1865, a bill to require the Comptroller General of the United States to review and report on the effectiveness and fairness of agency policies and procedures for distributing Federal research funds.

S. 2003

At the request of Mr. HOLLINGS, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 2003, a bill to establish a commission to advise the President on proposals for national commemorative events.

S. 2189

At the request of Mr. PRYOR, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 2189, a bill to establish a grant program to provide health insurance information, counseling, and assistance to individuals eligible to receive benefits under title XVIII of the Social Security Act, and for other purposes.

S. 2222

At the request of Mr. BRADLEY, the names of the Senator from California [Mr. CRANSTON], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 2222, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 2240

At the request of Mr. KENNEDY, the names of the Senator from Vermont [Mr. LEAHY], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 2240, a bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes.

S. 2244

At the request of Mr. GLENN, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 2244, a bill to prevent and control infestations of the coastal and inland waters of the United States by the zebra mussel, and other nonindigenous aquatic nuance species.

S. 2365

At the request of Mr. DECONCINI, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 2365, a bill to amend the Controlled Substances Act to prohibit advertisements intended to promote or facilitate the distribution or transfer of a schedule I controlled substance.

S. 2384

At the request of Mr. BOREN, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Mississippi [Mr. LOTT], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 2384, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities

under the limitations on losses from passive activities.

S. 2526

At the request of Mr. BOSCHWITZ, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 2526, a bill to establish a program to improve access by small and large private businesses to technical information and expertise within the Federal Government and selected States.

S. 2555

At the request of Mr. CRANSTON, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 2555, a bill to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System.

SENATE JOINT RESOLUTION 88

At the request of Mr. BAUCUS, his name was added as a cosponsor of Senate Joint Resolution 88, a joint resolution to establish that it is the policy of the United States to reduce the generation of carbon dioxide and for other purposes.

SENATE JOINT RESOLUTION 195

At the request of Mr. D'AMATO, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Joint Resolution 195, a joint resolution proclaiming Christopher Columbus to be an honorary citizen of the United States.

SENATE JOINT RESOLUTION 286

At the request of Mr. RIEGLE, the names of the Senator from California [Mr. WILSON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Arizona [Mr. DECONCINI], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 286, a joint resolution to designate the week beginning May 6, 1990, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 292

At the request of Mr. PELL, the names of the Senator from Montana [Mr. BURNS], the Senator from New York [Mr. D'AMATO], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 292, a joint resolution to designate the year 1991 as the "Year of the Lifetime Reader."

SENATE JOINT RESOLUTION 294

At the request of Mr. PELL, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Kansas [Mr. DOLE], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alabama [Mr. HEFLIN], the Senator from Georgia [Mr. NUNN], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 294, a joint resolution to designate May 4, 1990, as "Department of Education Day."

SENATE JOINT RESOLUTION 295

At the request of Mr. DANFORTH, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 295, a joint resolution proposing an amendment to the Constitution of the United States to prohibit the Supreme Court or any inferior court of the United States from ordering the laying or increasing of taxes.

SENATE JOINT RESOLUTION 301

At the request of Mr. PELL, the names of the Senator from Washington [Mr. ADAMS] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 301, a joint resolution designating October 1990 as "National Breast Cancer Awareness Month."

SENATE CONCURRENT RESOLUTION 99

At the request of Mr. PRYOR, the names of the Senator from Iowa [Mr. HARKIN], the Senator from New York [Mr. MOYNIHAN], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Concurrent Resolution 99, a concurrent resolution expressing the sense of the Congress concerning the 25th anniversary of the Older Americans Act of 1965.

SENATE RESOLUTION 231

At the request of Mr. BRADLEY, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Resolution 231, a resolution urging the submission of the Convention on the Rights of the Child to the Senate for its advice and consent to ratification.

SENATE RESOLUTION 276

At the request of Mr. RIEGLE, the names of the Senator from Wyoming [Mr. WALLOP] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Resolution 276, a resolution expressing the sense of the Senate regarding the actions of the Soviet Union toward Lithuania.

SENATE CONCURRENT RESOLUTION 125—RELATIVE TO ADEQUATE FUNDING FOR LONG-TERM HEALTH CARE

Mr. COHEN submitted the following concurrent resolution; which was referred to the Committee on Finance:

SENATE CONCURRENT RESOLUTION 125

Whereas 1,700,000 Americans currently receive long-term health care services in the Nation's 19,100 nursing homes;

Whereas the medicare program pays 5 percent of these nursing home costs and the medicaid program pays 40 percent;

Whereas the national expenditure for nursing home care in 1987 was $40,600,000,000 or 9 percent of the total personal health care expenditure of $447,000,000,000;

Whereas the portion of the United States population that is over age 65 will double in the next 50 years, and the portion over age 85 will quadruple;

Whereas the current nursing personnel shortage is expected to intensify for the foreseeable future and the demand for long-term care nursing personnel by nursing homes is expected to increase by more than 130 percent by the year 2000;

Whereas the acuity level of nursing residents has risen steadily since the introduction of the Medicare Prospective Payment System, thereby increasing the demands for both resources and personnel provided by nursing homes;

Whereas the Congress has significantly increased the facility standards of long-term care providers through both the medicare and medicaid programs; and

Whereas long-term care providers must receive the resources necessary to provide for these increased services in order that the ability of the nursing home profession to ensure a high level of quality care is not jeopardized: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That this concurrent resolution may be cited as the "Congressional Commitment to Long-Term Care Concurrent Resolution".

SEC. 2. SENSE OF CONGRESS REGARDING ADEQUATE FUNDING FOR LONG-TERM CARE SERVICES.

It is the sense of the Congress that payments to long-term care providers made through the medicare and medicaid programs be adequate and sufficient so as to assure the providers' ability to maintain the highest quality of patient care in nursing homes.

● Mr. COHEN. Mr. President, I rise today to submit a concurrent resolution expressing the sense of the Senate concerning adequate funding for long-term health care.

In 1986, my colleague on the Special Committee on Aging, Senator HEINZ, remarked that "for tens of thousands of our oldest, sickest citizens the hope for a haven of care becomes instead a sure descent into hell." Without adequate funding, Senator HEINZ' grim assessment will to be reality for too many of our older Americans.

The Bipartisan Commission on Comprehensive Health Care, also known as the Pepper Commission, recently issued recommendations concerning long-term care. Although the specific proposals may be open to debate, there is no question that, as America ages, long-term care will become increasingly important.

And it is already an essential service for many Americans today. Currently 1.7 million people live in the Nation's 19,000 nursing homes and other long-term care facilities. Many of these residents need help with activities we take for granted. Eating, dressing, and even getting out of bed can be insurmountable tasks for these individuals. They depend on the help of others, who are, more often than not, strangers. One-fifth of the nursing home residents have no living relatives. Eighty-five percent have either lost a spouse through death or divorce or

simply never married. Without these long-term care facilities, these Americans would have no place to go.

The Pepper Commission estimates that 9 million Americans are currently in need of some kind of long-term care. By the year 2040—when the population over 65 will have doubled and the population over 85 will have quadrupled—the number of residents in nursing homes alone is expected to climb to 4.6 million.

At the same time, we face a well-documented shortage of nurses and other health care professionals. And nursing homes are no exception. As much as 90 percent of nursing home care is administered by nurse aides, most of whom are paid minimum wage. Of paid long-term care givers, one-third live at or near the poverty level. As a result, the turnover at some nursing homes is 75 percent a year. My own State of Maine offers some telling examples. There are 9,000 patients in Maine nursing homes. Estimates indicate that these homes provide the equivalent of 3 million days of care each year. At the same time, these homes are staffed by only 1,000 RN's and LPN's.

The increase in health care costs strain the budgets of these long-term care facilities. In 1987, the national expenditure for nursing home care was $40.6 billion, 9 percent of total personal health care expenditures. Fifty-four percent of the funds for these expenditures comes from Federal, State or local governments. Although families still bear close to half of these costs, it is clear that continued public assistance is critical to the survival of these nursing homes.

And so, Mr. President, I ask my colleagues in the Senate to join with me in expressing our sense that payments to long-term care providers made through Medicare and Medicaid Programs should be adequate and sufficient. The residents of these homes depend on the care givers and administrators. But they also depend on us. Adequate and sufficient funding will assure these people that their reliance and faith has not been misplaced.

In "Risking Old Age in America," Richard J. Margolis writes that the best nursing homes are run "on the humble premise that no resident, however venerable or vulnerable, is beyond reach of help or affection." The premise may be humble in its simplicity, but it is proud and enduring in its effect. Although adequate funding cannot guarantee a haven of care, inadequate funding almost certainly guarantees the opposite.

As we review the support from Medicare and Medicaid for these facilities, we have a duty to be certain that the quality of care is not jeopardized by underfunding. We have a duty to be sure the hope of haven is not a descent to hell. And we have a duty to act on our own humble premise: that the oldest and sickest Americans are still human beings in need of human care and compassion.●

SENATE RESOLUTION 278—AUTHORIZING PRODUCTION OF DOCUMENTS AND REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

SENATE RESOLUTION 278

Whereas, in the case of *United States* v. *Barnett*, No. 89 Cr. 699, pending in the United States District Court for the Southern District of New York, defendant Charles D. Barnett has caused the issuance of subpoenas for certain documents within the custody and control of the Select Committee on Intelligence;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to represent committees of the Senate with respect to subpoenas issued to them;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, certain of the documents requested have been classified in the interests of national security: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to represent the Select Committee on Intelligence in the case of *United States* v. *Barnett*, No. 89 Cr. 699 (S.D.N.Y).

SEC. 2. The Chairman and Vice Chairman of the Select Committee on Intelligence are authorized to provide under appropriate security controls copies of relevant documents in the custody and control of the Committee which are responsive to subpoenas in the case of *United States* v. *Barnett*, except concerning matters for which a privilege should be asserted.

AMENDMENTS SUBMITTED

MISCELLANEOUS AMENDMENTS TO INDIAN LAWS

INOUYE AMENDMENT NO. 1574

Mr. MITCHELL (for Mr. INOUYE) proposed an amendment to the bill (S. 1846) to make miscellaneous amendments to Indian laws, and for other purposes, as follows:

On page 17, line 11, strike out "section 2" and insert in lieu thereof "sections 2 and 17".

On page 17, line 12, immediately after "462", insert "and 477".

On page 17, between lines 22 and 23, insert the following:

(c) Section 17 of the Act of June 18, 1934 (25 U.S.C. 477), is amended—

(1) by striking out "by at least one-third of the adult Indians," and inserting in lieu thereof "by any tribe,";

(2) by striking out "at a special election by a majority vote of the adult Indians living on the reservation" and inserting in lieu thereof "by the governing body of such tribe";

(3) by striking out "ten years any of the land" and inserting in lieu thereof "twenty-five years any trust or restricted lands".

On page 18, beginning with line 3, strike out all through line 5 on page 22.

On page 22, line 6, strike out "SEC. 8." and insert in lieu thereof "SEC. 5.".

On page 25, line 10, strike out the comma and insert in lieu thereof "or a school operated under the Tribally Controlled Schools Act of 1988,".

On page 25, line 18, immediately after the word "school", insert a comma and the following: "a school operated uder the Tribally Controlled Schools Act of 1988,".

On page 25, line 19, immediately after "programs" insert a comma and the following: "except that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section".

On page 25, beginning with line 20, strike out all through line 15 on page 26 and insert the following:

(g)(1) Paragraph (2) of subsection 5205(a) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(a)) is amended to read as follows:

"(2) to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and, notwithstanding section 105 of the Indian Self-Determination Act (25 U.S.C. 450j), or any other provision of law, other facilities accounts for such schools for such fiscal year (including but not limited to all those referenced under section 1126(d) of the Education Amendments of 1978, or any other law), and".

(2) Subsection (b) of section 5205 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)) is amended by adding the following new paragraph:

"(4) Notwithstanding the provision of paragraph 5204(a)(2) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(a)(21)), with respect to funds from facilities improvement and repair, alteration and renovation (major or minor), health and safety, or new construction accounts included in the grant under such paragraph (a)(2), the grantee shall maintain a separate account for such funds and shall, at the end of the period designated for the work covered by the funds received, render a separate accounting of the work done and the funds used to the Secretary. Funds received from these accounts may only be used for the purposes for which they were appropriated and for the work encompassed by the application or submission under which they were received. Where the appropriations measure or the application submission does not stipulate a period for the work covered by the funds so designated, the Secretary and the grantee shall consult and determine such a period prior to the transfer of funds: Provided, That such period may be extended upon mutual agreement.".

On page 26, line 16, strike out "SEC. 9." and insert in lieu thereof "SEC. 6.".

On page 27, line 3, strike out "SEC. 10." and insert in lieu thereof "SEC. 7.".

On page 27, beginning with line 22, strike out all through line 2 on page 28 and insert in lieu thereof the following:

SEC. 8. Section 3(l) of the White Earth Reservation Land Settlement Act of 1985 (25 U.S.C. 331, note) is amended—

(1) by inserting "(not including laws related to spousal allowance and maintenance payments)" immediately after "inheritance laws of Minnesota in effect on March 26, 1986", and

On page 28, beginning with line 24, strike out all through line 4 on page 29.

On page 29, line 5, strike out "SEC. 13." and insert in lieu therof "SEC. 9.".

On page 30, beginning with line 4, strike out all through line 11 and insert in lieu thereof the following:

(4) by adding at the end of subsection (a) of section 14 the following new sentence: "The Yurok Transition Team, or any individual thereon, shall not be named as a defendant or otherwise joined in any suit in which a claim is made arising out of this subsection.".

On page 30, after line 11, add the following:

SEC. 10. The Secretary of the Interior is authorized to retain collections from the public in payment for goods and services provided by the Bureau of Indian Affairs. Such collections shall be credited to the appropriation account against which obligations were incurred in providing such goods and services.

SEC. 11. There is authorized to be appropriated to the Secretary of Health and Human Services, Administration for Native Americans, $1,000,000 for the purpose of conducting a feasibility study for the establishment of a National Center for Native American Studies and Policy Development.

SEC. 12. (a) The following proviso in title I of the Act of June 24, 1967 (81 Stat. 59), under the heading "Office of the Solicitor", is repealed: "*Provided*, That hereafter hearing officers appointed for Indian probate work need not be appointed pursuant to the Administrative Procedures Act (60 Stat. 237), as amended".

(b) Hearing officers heretofore appointed to preside over Indian probate proceedings pursuant to the proviso repealed by subsection (a), having met the qualifications required for appointment pursuant to section 3105 of title 5, United States Code, shall be deemed to have been appointed pursuant to that section.

(c) The first sentence of section 1 of the Act of June 25, 1910 (36 Stat. 855; 25 U.S.C. 372), is amended by deleting "his decision thereon shall be final and conclusive" and inserting in lieu thereof "his decisions shall be subject to judicial review to the same extent as determinations rendered under section 2 of this Act".

SEC. 13. Notwithstanding the Act of March 7, 1928 (45 Stat. 210–211), and the Act of August 7, 1946 (60 Stat. 895–896), the Secretary of the Interior is authorized to allocate not to exceed $2,000,000 from power revenues available to the San Carlos Irrigation Project to pay for the operation and maintenance charges associated with the delivery of 30,000 acre-feet of water from the Central Arizona Project to the San Carlos Irrigation Project.

VETERANS COMPENSATION COST-OF-LIVING ADJUSTMENT ACT

CRANSTON (AND OTHERS) AMENDMENT NO. 1575

(Ordered to lie on the table.)

Mr. CRANSTON (for himself, Mr. GRAHAM, and Mr. DECONCINI) submitted an amendment intended to be proposed by them to the bill (S. 2100) to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to amend title 38, United States Code, to improve veterans' compensation, health care, insurance, and housing programs, and to provide for transitional group residences for veterans recovering from substance-abuse disabilities; and for other purposes, as follows:

On page 16, after line 17, add the following new section:

SEC. . EXPANSION OF EMPLOYMENT AND TRAINING INFORMATION PROGRAM.

(a) PROGRAM EXPANSION.—In order to address more effectively the needs of increasing numbers of members of the Armed Forces being separated from active duty, and notwithstanding section 408(b) of the Veterans' Benefits Amendments of 1989 (38 U.S.C. 2000 note), the Secretary of Labor (hereafter in this section referred to as the "Secretary") may expand the pilot program provided for in section 408 of that Act so as to furnish employment and training information and services under that program in more than 10 geographically dispersed States. Any expansion of the pilot program shall be made subject to subsection (b).

(b) REQUIREMENTS.—The Secretary may expand the pilot program referred to in subsection (a) only if the Secretary determines, after consultation with the Secretary of Veterans Affairs and the Secretary of Defense, that—

(1) the program has been successful in providing beneficial information and training to members separated from the Armed Forces;

(2) the expansion is necessary to address more effectively an increase in the number of such members who will be separated from the Armed Forces in the future;

(3) the program has received sufficient funds, personnel, and other resources from the Departments of Labor, Defense, and Veterans Affairs to achieve the purposes for which the program was established;

(4) the program, if expanded, will continue to receive such sufficient funds, personnel, and other resources to achieve the purposes for which the program was established; and

(5) the expansion will not interfere with the provision of services or other benefits to eligible veterans and other eligible recipients of such services of benefits.

(c) NOTIFICATION TO COMMITTEES ON VETERANS' AFFAIRS.—Not less than 60 days before initiating any expansion under this section, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report regarding the expansion. The report shall specify the location of the site or sites designated for such expansion and set forth the bases for the determinations made under subsection (b).

SEC. 2. UTILIZATION OF VETERANS ORGANIZATIONS.

Section 408(c) of the Veterans' Benefits Amendments of 1989 (38 U.S.C. 2000 note) is amended to read as follows:

"(c) RESOURCES.—(1) The Secretary of Labor shall request resources and participation necessary to support the pilot program referred to in this section from (A) the Secretary of Defense and the Secretary of Veterans Affairs, and (B) to the maximum extent feasible, from representatives of veterans' service organizations. The Secretary of Labor shall provide for the coordination of the resources and participation so provided.

"(2) The Secretary shall utilize disabled veterans' outreach program specialists or local veterans' employment representatives, to the maximum extent feasible, to furnish employment and training information and services under the pilot program.".

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today submitted an amendment to S. 2100, the proposed Veterans Compensation Cost-of-Living Adjustment Act of 1990, to authorize under certain circumstances expansion of the pilot program of transition assistance services established in section 408 of the Veterans' Benefits Amendments of 1989 (Public Law 101–237), enacted on December 18, 1989. This pilot program, which is scheduled to begin operation on May 21, is designed to furnish active-duty personnel with employment and training assistance and information during the 180-day period leading up to their separation from the Armed Forces.

Joining me in submitting this measure are Senators BOB GRAHAM and DENNIS DECONCINI, members of our committee who worked closely with me in developing the original legislation.

Section 408 of Public Law 101–237 requires, during the 3-year period that began on January 1, 1990, the Secretary of Labor, in conjunction with the Secretary of Veterans Affairs and the Secretary of Defense, to conduct such a pilot program—known as the transition assistance program [TAP]—in not more than 10 geographically dispersed States in which the Secretary determines that employment and training services to eligible veterans will not be unduly limited by the provision of such services to members of the Armed Forces under the pilot program.

SUMMARY OF PROVISIONS

Our legislation would revise the pilot program so as to:

First, authorize the Secretary of Labor to expand the TAP to more than ten geographically dispersed States, but only if the Secretary determines, after consultation with the Secretary of Defense and the Secretary of Veterans Affairs, that the program has been successful in providing bene-

ficial information and training to those who were about to be separated from the Armed Forces; that the expansion is necessary to meet more effectively the needs of increasing numbers of those who will be separating in the future; that the program has received sufficient contributions of funds, personnel, and other resources from the Departments of Labor [DOL], Defense [DOD], and Veterans Affairs [VA] and, if expanded, will continue to receive sufficient resources from the three departments; and that expansion will not interfere with the provision of services or other benefits to eligible veterans.

Second, require the Secretary of Labor to provide both congressional Committees on Veterans' Affairs with 60 days' advance notice of any expansion, including the location of the sites and the bases on which the determinations were made.

Third, require the Secretary of Labor to request participation in the program and additional resources necessary for it from DOD and VA and, to the maximum extent feasible, representatives of veterans' service organizations, and coordinate the resources that are provided.

DISCUSSION

Mr. President, I remain convinced that this pilot concept of testing a transition-assistance program is the most effective means of ensuring the best long-term use of limited resources. However, the pilot program enacted last December was fashioned last summer before it became so clear—as it has more recently as a result of the dramatic changes in Eastern Europe and the Soviet Union—that our military personnel's needs will likely decrease very substantially in the coming years. As a consequence, the 10-State limitation may soon prove too restrictive, leaving thousands of men and women in need of timely assistance that could shorten the time between separation from military service and gainful civilian employment. Thus, I believe the Secretary of Labor should under certain circumstances be able to expand the pilot program in order to meet the growing need for this kind of transition assistance.

Mr. President, on May 1, 1990, Senator THURMOND introduced, at the request of the Department of Labor, administration-proposed legislation, S. 2546, which would make service members who are within 180 days of being released from active duty eligible for employment and training assistance from DOL-funded disabled veterans' outreach program specialists [DVOP's] and local veterans' employment representatives [LVER's]. Under current law, DVOP's and LVER's are generally charged with responsibilities only for veterans and certain dependents or survivors of service-disabled veterans. Thus, this approach would greatly increase the DVOP's and LVER's functions without any increase in funding for additional personnel.

Mr. President, I am concerned that we try to ensure that DOL's Veterans Employment and Training Service [VETS]—and, in particular, DOL-funded DVOP's and LVER's—not be called upon to bear a disproportionate share of the costs of the TAP or its expansion. The resources of VETs and of the DVOP and LVER programs have not been calculated on the basis of their routinely taking on sole responsibility for this effort and their doing so could result in a substantial reduction in the resources available to carry out their primary responsibilities—meeting the employment assistance needs of veterans.

Moreover, I believe that the Department of Defense [DOD] has a clear responsibility to assist its own personnel who are nearing release—especially premature release—from active duty. Similarly, VA has an obligation, under section 241(3) of title 38, to help in providing such personnel with information about the education, training, health care, readjustment, and other opportunities and benefits, and, for those who are disabled, the vocational rehabilitation benefits that will be available to them as veterans.

To address this concern, our measure would add to the basic pilot program provisions a requirement for the Secretary of Labor to request and coordinate contributions of needed resources from DOD and VA in support of the program. These provisions would, of course, apply to any expansion of the program.

In addition, the legislation would condition expansion of the program on a determination by the Secretary of Labor that DOD and VA have provided sufficient support for the pilot program as currently authorized and will provide such support for the expanded program. Our measure would also require the Secretary, to the maximum extent feasible, to seek the assistance of veterans' service organizations in carrying out the program.

Mr. President, our legislation would strike a balance between preserving the programmatic development and evaluation features of a pilot program and meeting an increasing demand with finite resources by authorizing the Secretary of Labor to expand the section 408 pilot program to more than 10 geographically dispersed States, but only if the Secretary, after consultation with the Secretary of Defense and the Secretary of Veterans Affairs, makes the determinations that I have described that are designed to protect the basic mission and purpose of the VETS' existing program responsibilities.

Under our proposal, if these determinations are made, the Secretary of Labor must, at least 60 days before carrying out an expansion, submit to both congressional Committees on Veterans' Affairs a report specifying the location of the sites and the reasons for the expansion and the underlying determinations.

CONCLUSION

Mr. President, I believe that our legislation would meet a Federal responsibility to offer transition assistance to those who are being separated from military service without abandoning the obligation to assist those wo have already been discharged and, in most instances, served their full tour of duty. It is also designed to provide an orderly and efficient means of meeting that responsibility together with a fair approach for distributing the resource burden among the three Federal departments involved. I urge my colleagues to join us in providing for an orderly, careful expansion of this program as part of our national transition to a more peaceful international climate.

In order to move forward rapidly with this legislation, I have placed it on the agenda for the committee's May 11 hearing on various veterans' employment, education, and home-loan issues and bills.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Armed Services Committee Subcommittee on Conventional Forces and Alliance Defense be authorized to meet in open session on Wednesday, May 2, 1990, at 2 p.m., in SR-222, to receive testimony on the Navy's force structure and modernization plans and in general review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Wednesday, May 2, 1990 at 10 a.m. to conduct a markup of S. 566, the National Affordable Housing Act; and S. 2388, the Yosemite National Park Centennial Medal Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Consumer, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on

May 2, 1990, at 9:30 a.m. on telemarketing fraud and other types of consumer fraud, specifically S. 2494 and S. 1441.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, May 2, beginning at 9:30 a.m., to conduct a hearing on S. 1140, a bill which provides that Federal facilities meet Federal and State environmental laws and requirements and clarifies that such facilities must comply with such environmental laws and requirements.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, May 2, at 9:30 a.m., for a hearing on Drug Treatment in the Criminal Justice System.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 2, 1990 at 2 p.m. to hold a hearing on the nominaton of Stanley F. Birch, Jr., to be U.S. circuit court judge for the Eleventh Circuit, John D. Rainey to be U.S. district court judge for the Southern District of Texas, Richard W. Vollmer, Jr., to be U.S. district court judge for the Southern District of Alabama, and Samuel G. Wilson, to be U.S. district court judge for the Western District of Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A TRIBUTE TO THE CAPITALS

● Ms. MIKULSKI. Mr. President, today I have had the pleasure of trading places with George Michael, the outstanding Washington sports broadcaster. Both on Channel 4 here in Washington, and as the host of his nationally syndicated show, "George Michael's Sports Machine," he defines excellence in sports coverage. Today, though, he is finding out what it takes to be a U.S. Senator. He's doing a great job—in fact, I have made him promise not to run for my seat. It is my pleasure to request that the following tribute to the Washington Capitals professional ice hockey team be included in the RECORD.

A TRIBUTE TO THE CAPITALS

(By George Michael)

The boys of Summer have taken the field, but this year the excitement is still on ice—and in the rink. In 1990, the Men of May are the outstanding Washington Capitals. Always a tremendous team, they have skated through years of winning seasons. Struggling earlier this year, they pulled together and, with outstanding contributions from veterans and young players alike, they brought the Patrick Division Championship home to Largo, Maryland.

We have shared their thrilling victories, the pain of their injuries and the heart-pounding excitement of sudden-death goals. Throughout the cpaital region, in Maryland, and especially in Baltimore—the home of the Caps partner team, the Skipjacks—we have been inspired by the best season yet. Thanks to everyone at the Capitals for a great job. Now, let us bring the Stanley Cup to Washington!●

HUMAN CAPITAL: A CHILLING FABLE FOR AMERICA

● Mr. ARMSTRONG. Mr. President, many of us have been increasingly concerned about the lack of education, low standard of discipline and sullenness displayed by some young people these days. Scholars, pastors, politicians, and others have been speaking and writing about this concern for a long time. I have myself been increasingly perplexed by the realization that suicide has emerged as a leading cause of death among young people; student SAT scores are now 75 points lower than 1963; 57 percent of high school students use illegal drugs, some on a regular basis. And increasing numbers of students are carrying pistols and other weapons to school—and using them.

So I was particularly interested in Ben Stein's insightful article "Human Capital: A Chilling Fable for America," which appeared in the January issue of Business Month. I commend it to my colleagues.

The article follows:

HUMAN CAPITAL: A CHILLING FABLE FOR AMERICA

(By Ben Stein)

One day last month, after realizing that I had run out of file folders, I took myself down to the local drugstore—here in Point Dume, Malibu, California—to buy more. I quickly found what I needed, took a handful to the counter, and asked a male clerk, who looked to be in his late teens, how much they cost. "I don't know," he answered sullenly. "I guess about a buck each."

"A dollar for a file folder?" I asked. "I don't think that's right." The clerk shrugged.

I found another clerk—an older Asian woman—in the back of the store, and she told me the correct price was 12 cents each. I returned to the front counter, where a teenage girl had taken over the cash register. I counted the folders. "Twenty-three at 12 cents each," I said. "That's $2.76 before tax."

The young woman looked at me as if I had come down from Mars. "You did that in your head?" she asked in amazement. "How can you do that?"

"It's magic," I said.

"Really?" she asked.

"Really," I said.

No modestly well educated adult who comes into frequent contact with young Americans can fail to be truly upset by the experience. While they seem to be more genial and good-natured than ever, they are so ignorant—and so ignorant of their ignorance—that they literally terrify me. In a class of about 60 juniors and seniors at a "prestige" private college where I recently taught, not one student could consistently write a sentence without misspellings. Not one. Not one had heard of Adam Smith or knew who he was. Not one had read a word of The Communist Manifesto.

But this is just a tiny sliver of the problem. The ability to perform even the simplest computations is just a memory among most student I see, and their knowledge of world history or geography is zilch.

Moreover, there is a certain horrifying complacency about all this ignorance. It's an attitude that was summed up by a friend's bright, lazy 16-year-old son, who explained to me why he did not want to go to school at UCLA. "I don't want to have to compete with Asians," he said. "They work hard and know everything."

The fact is that the young man will have to compete with Asians whether he wants to or not. He cannot expect to live forever on the financial, material, and human capital that was accumulated by his forebears. At some not too distant point, the intellectual laziness of the typical American young person will seriously and negatively affect his or her way of life. It will also affect the safety, security, and prosperity of the rest of us Americans. A modern industrial state cannot function with a slothful, ignorant labor force. Aircraft crash on carrier decks. Cars break. Computers jam. That's it. No two ways about it. Gar nicht.

But I have more than criticism; I have a humble suggestion about how to make a start at explaining this to young Americans, a beginning at altering their attitudes and perhaps their behavior. Make a movie. Or maybe a series of movies or television shows that dramatize even to the illiterate just how difficult it was for America to get where it is and how easily it can all be lost. I offer the following fable.

As the story opens, our hero, young Kevin Hanley 1990, a 17-year-old high school senior in Anytown, U.S.A., is sulking in his room. He is upset because his parents have insisted that he stay home and study for his European-history test when he wants to go down to the shopping center to look for headphones for his portable compact-disc player. The book he has been forced to read—The Wealth of Nations—puts him to sleep. And in his sleep he dreams.

In his dream, it is 1835, and he is his own great, great great-grandfather at 17, a peon in County Kerry, Ireland. He lives in a sod hut, never clean. He sleeps next to a hog. He is always hungry. He scrounges all winter for food, and the potatoes he plants in summer die of blight. His greatest wish is to learn to read and write so that he might get a job as a clerk in the local parish. With steady wages, he would be able to feed himself and help his family. But the British, who rule this land, discourage education among the Irish. Also, Hanley's poverty allows no leisure for such luxuries. Without

education and money, he is powerless—powerless to stop the British from taking away his father for Fenian activities, powerless when his sister is raped by a British soldier. His only hope lies in his children. If they are educated, they will have a better life.

Then Kevin Hanley 1990 dreams he is his own great-grandfather, Kevin Hanley 1928. He, too, is 17 years old, and he works in a steel mill in Pittsburgh. His father emigrated from Ireland and helped build the New York City subway. Kevin Hanley 1928 is far better off than either his father or his grandfather. He can read and write, which means he can follow the instructions for operating an open-hearth furnace and get a decent job. His own wages are incomparably better than anything his ancestors had in Ireland. Moreover, because he can read and write, he can vote; political power offers some legal protection.

Even so, Kevin Hanley 1928, too, believes real hope lies in the future generations. Kevin 1928 has already lost an eye to a spark from the blast furnaces, and he has cuts all over his body from flying debris. He knows that education is the key. He had to go to work before he could finish high school. His son will finish high school; he won't have to work in a factory.

Then Kevin Hanley of 1990 dreams that he is Kevin Hanley of 1945, his own grandfather, fighting on Iwo Jima against the world's most tenacious foe, the Japanese Army. He is always hot, always hungry, always scared. One night in a foxhole, he tells a buddy why he is there: "So my son and grandson can live in peace and security. When I get back, I'll work hard and send my son to college so he won't have to get killed in a union confrontation with the steel mill like my dad did. So he can live by his brains instead of his back."

Then Kevin Hanley of 1990 is his own father, Kevin Hanley of 1966, who studies all the time so he can get into college and then law school. He lives in a tract house in a new development. He has never seen anything but peace and plenty. He does not see why he should have to study so hard. He tells his girlfriend that when he has a son, he won't make him study all the time, as his father makes him.

At that point, Kevin Hanley 1990 wakes up somewhat shaken by his dream. But he also is relieved to be away from Ireland and Iwo Jima and the steel mill. He goes back to sleep.

When he dreams again, he is his own son, Kevin Hanley 2020. He lives in a virtual stockade. There is gunfire all day and all night. There is no rule of law for the working class. His whole generation forgot why there even was law, so there is none. They pay no attention to the political process, so government exists only to transfer even more wealth to the rich. It offers no services to the working class, especially no law enforcement.

Kevin 2020's father works as a janitor in a factory owned by the Japanese. Kevin Jr. works as a porter in a local hotel for wealthy Europeans and Asians. Public education stops at the sixth grade. There is no tax base to pay for decent schools. It has been a long time since Americans demanded a good education for their children.

An elite cadre of Americans who have worked to educate themselves have highly paid jobs working for the Europeans and Asians who dominate American life. The rest are either drones for foreign investors—who consider Americans inherently stupid and lazy, fit only for manual labor—or criminals who supply drugs to the numbed workers, or prostitutes for the wealthy foreigners.

The last person Kevin 1990 sees in his dream is his own grandson in 2050. Kevin 2050 lives in what is basically a favela, like one of the slums that were common in the Rio de Janeiro of 1990. There is no heat, no plumbing, no privacy. He lives by foraging scraps from the Japanese and European tourists who come to see the ruins of American cities and the great national parks reserved for them.

Kevin 2050 has no useful skills. Machines built in Japan and Taiwan do all the complex work, and there is little menial work to be done. All that remains is rifling through trash piles, stealing, selling drugs, and prostitution. Without education, without discipline, he cannot command even a subsistence wage.

In a word, he lives much as Kevin Hanley 1835 did in Ireland. But Kevin Hanley 2050 gets a lucky break. In his wanderings, he is befriended by a visiting Japanese anthropologist studying the decline of America. The man explains to Kevin how the world works. The boy learns that when a man has no money, education can supply the human capital necessary to start acquiring financial capital. Hard work, education, saving, and discipline can do anything. "This is how we rose from the ashes after you defeated us in a war 100 years ago."

"America defeated Japan in war?" asks Kevin 2050. He is astounded. He has never heard of it; it seems as impossible as Brazil defeating the U.S. would sound in 1990. Kevin 2050 vows that if he ever has children, he will make sure that they work and study and learn, that they discipline themselves unto the last generation.

"To be able to make a living by one's mind instead of by stealing," he says. "It would be a miracle. Some day, we could be like the Japanese."

When Kevin Hanley 1990 wakes up, there on the bed next to him is his TV remote control and his copy of The Wealth of Nations. He picks up the masterwork and opens it at random. "A man without the proper use of the intellectual faculties of a man is, if possible, even more contemptible than a coward and seems to be mutilated and deformed in a still more essential part of the character of human nature," says the passage he finds.

As he reads it, his father walks in the door. "All right, son," he says. "Let's go look at that stereo stuff."

"Sorry, Pop," Kevin 1990 says. "I have to study."

(Ben Stein is a lawyer, economist, writer, and actor in Los Angeles.)●

TRIBUTE TO ROBERTO RUIZ, TUCSON, AZ

● Mr. DECONCINI. Mr. President, I rise today to recognize Mr. Roberto Ruiz, president of Maya Construction Co. in my hometown, Tucson, AZ, who has been named as recipient of the 1990 Entrepreneurial Success Award for the State of Arizona by the Small Business Administration. This award honors businesses that began small and have grown into large businesses with the help of the SBA. Bob will be honored at a ceremony in Tucson on May 10, 1990, and I wanted to take this opportunity to show my appreciation for his accomplishments and service to my State.

Roberto Ruiz is a true American success story. Born in Nogales, Sonora, Mexico, Mr. Ruiz and his family immigrated to the United States while he was in high school. While attending the University of Arizona, Bob gained his U.S. citizenship before graduating in 1963 with a bachelor of science degree in civil engineering.

With the assistance of the SBA's 8(a) program, Bob and his talented wife Josefina have guided Maya Construction from a two-employee firm to one that currently employs over 350 people. Due to Bob's extraordinary skill and business savvy, Maya Construction has experienced phenomenal growth: from sales of $135,000 in 1979 to nearly $60 million in 1989. Maya Construction is currently the largest Hispanic-owned business in Arizona and in 1988 was listed as the 78th largest Hispanic-owned firm in the United States.

Bob Ruiz has received many awards for his achievements. In 1983 he was named as Small Businessperson of the Year for the State of Arizona, and Minority Contractor of the Year, by the SBA. In 1984 he was personally honored by President Reagan as part of his annual report on the state of small business. In 1986 he was again recognized by SBA, receiving the Administrator's Award for Excellence. Over the years, Maya has been recognized by many national organizations for entrepreneurial excellence.

What is equally impressive about Bob Ruiz is his willingness to serve as a role model for small and minority-owned businesses. Additionally, his activity in local civic and community activities is becoming legendary. Many worthy organizations have benefitted by Bob's generosity. His contributions include:

Providing scholarships for 25 adults who enroll at Pima Community College in programs that would lead to an associate degree in business administration.

Underwriting scholarships for two disadvantaged students at the University of Arizona yearly.

Serving for more than 6 years on the Pima County Private Industry Council as part of the Job Training Partnership Act.

Providing financial support to such worthy organizations as the El Rio Health Center, St. Ambrose Parish, American Youth Soccer, 4-H Scholarship Fund, Boys and Girls Club, Tucson Metropolitan Chamber of Commerce, U.S. Olympic Team, Tucson/Pima Arts Council, Arizona Sonora Desert Museum, Project PPEP, National Hispanic Aging Council, La Frontera Mental Health Center, Arizona Minority Bar Association, Chicanos Por La Causa, Tucson Little 500

Bicycle Classic, Catholic Foundation, Tucson Symphony Orchestra, Little League, Jane Goodall Institute for Wildlife Research, Arizona State University and the White House Commission on Presidential Scholars.

I am proud to call Bob Ruiz my friend. I offer my sincerest congratulations to this distinguished citizen of Arizona and commend him for this most prestigious and deserving honor.●

SENATE BUDGET COMMITTEE ACTION ON THE FISCAL YEAR 1991 BUDGET RESOLUTION

● Mr. WARNER. Mr. President, I am disturbed and disappointed by the Senate Budget Committee's action this morning in reporting a budget resolution which, if approved, would direct a reduction from the CBO baseline of some $13 billion in defense outlays in fiscal year 1991.

A reduction of that magnitude in 1 year, which even exceeds the reduction called for in the House-passed resolution by $1½ billion, will ensure that hundreds of thousands of military and civilian personnel of the Department of Defense will be involuntarily separated. Rather than permitting the orderly restructuring of our military forces in response to changing world conditions, such a forced personnel reduction would guarantee a dramatic and chaotic reduction in our defense capabilities, not justified by the world situation.

Mr. President, we have today an All Volunteer Force. This force is made up of the highest quality personnel that we have had in our uniformed services in decades. A precipitious action today which results in the involuntary separation of thousands and thousands of these high-quality personnel could devastate the morale of the remaining forces and could adversely affect the positive image which our Armed Forces now enjoy. This could mean that for years to come we might be unable to recruit and retain such a high-quality volunteer force.

This proposed reduction in defense spending is not justified by changing defense needs, but rather is being driven by arbitrary deficit reduction actions and efforts to discredit the President's cautious but comprehensive judgments, as Commander-in-Chief, about restructuring our defense posture in the face of a changing threat.

Furthermore, the reconciliation instruction contained in the proposed resolution directing the Armed Services Committee to reduce military retirees cost-of-living adjustments below the level of inflation is a perfect example of a deficit reduction action which will not, and should not, be adopted by the Congress.

Mr. President, I intend to work vigorously, with other members of the Armed Services Committee, to amend this resolution on the floor of the Senate to make it more accurately reflect the judgments of the President, which are supported by the American people.

Specifically, I believe the American people support a more gradual decline in defense spending based on the world conditions as they actually exist. When, and if, the changes in the world continue on a favorable course, even greater savings can be made in the following years. However, the Budget Committee's resolution attempts to make the savings before the changes have occurred.

The President has properly reflected in his 1991 Defense request many of those changes which can produce savings this year. Working with the administration and together here on the floor of the Senate, perhaps we can find even greater savings this year.

But I do not believe the American people want, and I do not intend to voluntarily assist in, the helter-skelter dismantlement of our military forces which the proposed budget resolution would cause.●

HENDRIK HERTZBERG, SENIOR EDITOR OF THE NEW REPUBLIC, ENDORSES CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, support for term limitation spans the political and ideological spectrum. The latest evidence is an excellent piece by Hendrik Hertzberg, senior editor of the New Republic.

Mr. Hertzberg is a Democrat, and perceives that term limitation could bring an end to the longstanding Democratic hegemony in Congress. I don't really see how anyone can make the case that term limitation would result in any substantial shift in the ratio between parties in the Congress. We would see new faces more often, but voting patterns would have to shift significantly to change party ratios, and I do not see how a term limit would promote such a shift.

Shifts in voting patterns are always debatable, and seldom fully understood. What is important is that although he perceives term limitation as opposed to his immediate self interest of Democratic control, he has the courage and intellectual honesty to endorse it for the more general good of Congress and the Nation.

Mr. Hertzberg's courage should be an example to us all. He has the vision to see the advantages of term limitation, and he endorses it fully. I think many Members of Congress can see the positive change term limitation would bring. I urge them to be courageous and sign on to Senate Joint Resolution 235.

I ask that Mr. Hertzberg's piece appear in the RECORD immediately following my remarks.

The article follows:

[From the New Republic, May 14, 1990]

TWELVE IS ENOUGH

(By Hendrik Hertzberg)

Before you automatically reject the proposal now making the rounds for a twelve-year limit for members of Congress as a dreadful idea—an anti-democratic, anti-political, mechanistic "reform" that like so many other "reforms" would most likely end up making things worse, a bit of mischievous tinkering with the precious Constitution that has served us so well for 200 years, a misguided gimmick that ignores the *real* problem (PACs, polls, gerrymandering, special interests, negative ads, cowardly politicians, ignorant citizens, whatever) and is probably nothing but a Republican plot anyway—before you agree with all these dismissals and turn your attention to more pressing matters, consider three numbers.

Number number one: 37.1. Yes, it's a voter turnout figure, the op-ed writer's best friend. This particular figure represents the percentage of Americans over-eighteen who bestirred themselves to go to the polls in 1986, the last time the citizenry was invited to vote for members of Congress without the added glitz of a presidential contest. Compared with the turnout in any other arguably democratic country—France, Nicaragua, Norway, Hungary, El Salvador, Israel, Turkey, Italy, Lithuania, you name it—this is pathetic. It was the lowest since 1926, not counting 1944 when World War II made voting inconvenient for large numbers of people. And the public's true interest in House elections is even lower. According to *Congressional Quarterly's* Rhodes Cook, if you factor out districts where there was a contest for governor or U.S. senator to lure people out, the turnout was a scandalous 27.6 percent. Only the most perverse elitists argue that this state of affairs is anything but a symptom of extreme political ill health.

Number number two: 98.3. This is the percentage of incumbent members of the House of Representatives who won their "races" for re-election in 1988, up from 98 percent flat in 1966. According to a recent study by David C. Huckabee of the Congressional Research Service of the Library of Congress, this number has remained in the 90s since 1974, and it is currently the highest it has ever been since the middle of President Washington's first term. And because more incumbents now choose to run than ever before, the re-election rate for the House as a whole is now in the 90s, too—92.4 percent last time out, to be exact. In the 19th century this figure tendered to hover somewhere between 40 percent and 70 percent, once dropping to as low as 24 percent (in 1842); it hit the 70s after World War I and has been climbing more or less steadily ever since.

The 98.3 figure actually understates the political status of the House. Of the 409 incumbents who ran for reelection, six were defeated in November. But five of these had been tainted by one sort of scandal or another. So the grand total of representatives who lost their seats as a consequence of what we normally think of as politics—that is, a process in which the electorate chooses between competing sets of programs and policies—was exactly one.

Number number three: 36. This is how many years a single party, the Democrats, has controlled the lower house of the national legislature of the United States. By contrast, the British House of Commons has changed hands four times since 1954, the French Chamber of Deputies three times, the West German Bundestag five times, the Canadian House of Commons five times, and the Indian Lok Sabha three times. When it comes to one-party legislative dominance in serious countries, only Japan, Mexico, South Africa, and the Soviet Union are even in our league. And in the last two, unlike in the United States, the ruling party is a pretty good bet to lose the next election. No moral equivalence intended, of course. Or deserved.

In the light of number two and three, the wonder is that number number one is so high. In the overwhelming majority of congressional districts, voting is increasingly an irrational act. Why bother, when 85 percent of the incumbents are getting more than 60 percent of the vote in their districts, when the average incumbent is getting 73.5 percent, when sixty-three members are returned with Brezhnevian majorities exceeding 94 percent? Except in the handful of districts where there are open seats or close races, voting may still make sense as a civic sacrament—as a way of refreshing one's soul with a sense of belonging to a democratic community—but it makes no sense as a form of political action. Better to spend the hour or so it takes to vote writing checks and sending them off to candidates in contested districts.

Against this background, the idea of a twelve-year limit begins to acquire a certain logic. Such proposals are neither new nor flakily marginal. A limit on congressional service was considered at the founding constitutional convention (which laid it aside as "entering too much into detail"), and the idea has won the support, over the decades, of a bipartisan list of luminaries including Abraham Lincoln, Harry Truman, Dwight D. Eisenhower, and John F. Kennedy. The current campaign for a constitutional amendment that would limit service to six two-year terms for House members and two six-year terms for senators (with an exemption for the present crew of incumbents, of course) is led by Senators Gordon Humphrey, Republican of New Hampshire, and Dennis DeConcini, Democrat of Arizona. Their ten co-sponsors span the Senate's ideological spectrum, from Jake Garn on the right to Nancy Kassebaum in the center to Tom Daschle on the left.

Even so, truth in packaging compels the admission that the current push is basically a Republican scam. All but three of the Senate co-sponsors are Republicans. The twelve-year limit was endorsed in the 1988 Republican platform. The letterhead pressure group promoting the idea, something called Americans to Limit Congressional Terms, is run out of a Republican political consultant's office and consists mostly of Republican excongressmen and state legislators (though it does include a few Democrats, of whom the most distinguished is former eight-term Representative Donald M. Fraser, now mayor of Minneapolis). Republicans are understandably eager to support any lunatic notion that holds out the promise of helping them break the Democratic stranglehold on Capitol Hill. But this just might be one of those rare cases where the narrow self-interest of the Republican Party is congruent with the public good.

The arguments for the term limit are surprisingly persuasive, especially where the House is concerned. Almost all of them are variations on a single theme: breaking the Gordian knot of entrenched incumbency, which distorts our democracy from the polling place clear up to the Senate and (especially) House chambers. Out in that fabled land beyond the Beltway, the term limit would mean that at least once every twelve years (and probably more frequently), every citizen would get a fighting chance to vote in a genuinely political congressional election, which is to say one that would turn not on the goodies that good old Congressman Thing has procured for the district of the Social Security checks he has expedited or the campaign funds he has raised or the newsletters he has franked, but rather on the competing political visions and programs of parties and candidates. But the most interesting, and salutary, effects of the limit would be the ways in which it would change the political ecology of Congress itself.

A twelve-year limit would necessarily bring an end to the much-reformed but still pervasive and undemocratic rule of seniority. The House Speaker, the chairmen of important committees, and the other potentates of Congress have long been elevated by a decades-long, quasifeudal process of favor-trading, personal alliance-building, ladder-climbing, and "getting along by going along." The term limit would leave Congress little choice but to elect its chiefs democratically, on the basis of the policies and the leadership qualities of the candidates. Like the Speakers of many of our state legislatures, these leaders would tend to be vigorous men and women in their forties and fifties—people in the mold of Bill Gray, Stephen Solarz, and Henry Hyde. The Dingells and Rostenkowskis would remain where they belong, on the back benches or in private life. This would be an important gain. And the frequent turnover of leaders—one who served more than six years would be a rarity—would be a spur both to brisk accomplishment and to attentiveness to the concerns and needs of the country.

The seniority system occasionally produces good leaders as well as bad ones, but there is no denying that it is grossly biased in favor of the most politically sluggish and unchanging parts of the nation. A swing district—one marked by close elections, and the robust debate and clamorous participation that close elections bring—has a hard time keeping somebody in office long enough to survive the glacial process by which congressional power is accumulated. It is precisely such districts that are most likely to elect representatives alive to the cutting-edge problems that most urgently require action. Systematically disempowering these districts and the people representing them, as the current arrangement so efficiently does, is insane.

A Congress invigorated by frequent infusions of new blood would be a more responsive, more democratic, more varied place. So would a Congress whose majority regularly changed from one party to the other, which a term limit would unquestionably promote. However bad this might be for the short-term partisan interests of Democrats like me, it would be good for the long-term interests of the country—and the party, too. Critics of the term limit idea argue that it would "weaken" Congress; and so it would, but in ways that would strengthen both its most useful functions and democratic governance in general. The one-party Congress has become a world unto itself, and the long period of Republican control of the presidency and Democratic control of Congress has produced an insidious mentality on Capitol Hill. The leaders of the Democratic congressional majority, veterans of decades of supremacy in their own little universe, no longer constitute an opposition. They conceive of themselves as ins, not outs—as leaders of one-half of a permanent coalition government. They may imagine that their own fiefdoms are secure, but their party is reaping almost all of the penalties of incumbency and almost none of the benefits. The foundations of Democratic congressional dominance are being relentlessly undermined, and once the structure topples, as eventually it must, rebuilding it will seem as hopeless a task as destroying it does now. A Congress shaped by a term limit would have a different and healthier mentality. During periods when it was controlled by the party that also controls the White House, it would be energetic in pursuit of that party's program; when in opposition, it would—for a change, and just as energetically—oppose.●

TRIBUTE TO DR. CHARLES E. HORTON, PRESIDENT OF PHYSICIANS FOR PEACE

● Mr. WARNER. Mr. President, while on a recent visit to Norfolk, VA, I had the pleasure of renewing my acquaintance with a remarkable man and an outstanding Virginian, Dr. Charles E. Horton, M.D. Today, I wish to pay tribute to Dr. Horton and to bring to the attention of my colleagues and the American people the truly humanitarian efforts of Dr. Horton and the organization which he founded and which he serves as president, Physicians for Peace.

Dr. Charles Horton began his medical career when he entered the University of Virginia Medical School in 1944. He then received his general surgery training at George Washington University here in Washington, DC. While a medical student, he went to Norfolk, VA, to deliver babies at the old King's Daughter's Clinic and in the homes of needy patients. Following his plastic surgery residency at Duke University from 1952-55, Dr. Horton returned permanently to the Norfolk area. Since that time, Dr. Horton has played a major role in the growth and development of the area generally and, in particular, in the establishment of Tidewater Virginia as a great medical center. He has contributed to the growth and development of his city by serving as a director of the Chamber of Commerce, the president of the Norfolk Rotary Club, a director of the Boy Scouts of America, the United Cancer Society, and the Navy League, and on the vestry of his church, St. Paul's Episcopal Church.

In the field of medicine, Dr. Horton served as the president of the Seaboard Medical Association, as the secretary and then president of the Educational Foundation of the American Society of Plastic and Reconstructive Surgeons, as the president of the Norfolk General Hospital Staff, and as

the chairman and secretary of the American Board of Plastic Surgery. Additionally, Dr. Horton was one of the original planners and supporters of the Eastern Virginia Medical School in Norfolk. He was the first chairman of the Department of Plastic Surgery at that school. He resigned that position some years later in order to become the director of the Eastern Virginia Graduate School of Medicine, a position in which he served for 10 years. He presently is a professor of plastic surgery and the program director of the plastic surgery residency training program at the school.

During his career, Dr. Horton has also delivered over 100 visiting professor lectures at medical schools and hospitals in the United States and in more than 60 foreign countries, has produced 18 movies and television tapes, and has authored over 250 published book chapters, journals and articles. He is an honorary member of medical societies representing the Philippines, Syria, Jordan, Turkey, Israel, Canada, and South Africa and is an honorary member of the Royal College of Surgeons in Scotland. He is the recipient of an honorary fellowship in the American Association of Plastic Surgeons, being only one of 12 plastic surgeons from all over the world now holding that fellowship. He is the recipient of the Citation of Merit from the American Arab Association, and in 1989, he was awarded the Brotherhood Citation from the National Conference of Christians and Jews.

Mr. President, as one might expect from a man as accomplished as Dr. Horton, he has for the past few years been quietly working for peace and understanding in some of the most troubled areas of the world. This work is being done through the organization which Dr. Horton founded and which he serves as president, Physicians for Peace. Since its founding, Physicians for Peace has organized groups of volunteer doctors and nurses to work with doctors in Syria, Jordan, Israel, Turkey, Greece, and Egypt. Physicians for Peace promotes medical cooperation through education, understanding of cultures and regional health care problems, and by providing medical care directly to needy patients. Many of those wounded in the continuing violence in Lebanon have been cared for by Physicians for Peace medical teams. Most recently, Physicians for Peace, under the leadership of Dr. Horton, conducted a mission to Panama from April 1 to 11, 1990. The American team included 12 physicians and two nurses. During this mission, surgery was performed in three Panamanian hospitals, new techniques were taught and demonstrated to Panamanian doctors, and nursing instruction and lectures were provided.

Senior officials in our Government have recognized the valuable work being done by Dr. Horton and Physicians for Peace. In April 1988, following several missions to the Middle East by Physicians for Peace, Secretary of State George Schultz wrote the following:

> I am greatly impressed not only by your team's dedication but also by the warm response received from the people you served. * * * I am convinced that humanitarian service such as that provided by Physicians for Peace can be a great contribution to eventual peace in the region.

Mr. President, I too am impressed and believe that the humanitarian service of Physicians for Peace and of Dr. Charles Horton are perfect examples of the American spirit.

Mr. President, it has been an honor and privilege for me today to call to the attention of the Senate the work of an outstanding Virginian and American, Dr. Charles Horton, and to say to Dr. Horton, on behalf of all Americans, thank you for your service.●

THE URGENT NEED FOR BRENT MARKET REGULATION

● Mr. D'AMATO. Mr. President, on April 20, 1990, the Wall Street Journal reported that Judge William C. Conner of the U.S. District Court for the Southern District of New York issued a decision in the case of Transnor versus BP which has important implications for America's crucial oil supplies. In essence, Judge Conner, one of the most highly respected judges in the State of New York, ruled that there was evidence that several large oil companies conspired to manipulate prices on the Brent oil-trading market downward in 1986 as part of a tax fraud scheme. If these allegations are true, this price-rigging scheme caused billions of dollars in economic damage to the oil-producing States and the American economy in general.

A subsequent article published in the April 28 issue of the Economist describes the Brent market as the world's biggest oil-trading forum; crucial to determination of world oil prices because it sets the world "marker" price for oil, against which many producing countries set their oil prices. I would like to include both of these articles in the RECORD.

In his decision, Judge Conner describes the Brent market as an "unregulated and unguaranteed form of futures trading" with two of the market principal trading centers being New York and Houston. Consequently, Judge Conner found that this market came within the jurisdiction of the Commodity Exchange Act.

The Commodity Futures Trading Commission is charged with the duty of using the regulatory powers granted by the Commodity Exchange Act to maintain the integrity of the prices of essential commodities like crude oil by preventing and punishing futures market manipulations of the kind alleged in the Transnor case. Over 2 years ago, I spoke on the floor of the Senate concerning the need for regulation of the Brent market. Despite the importance of this market, little has been done. Consequently, it is shocking to read that the CFTC is actively considering taking a "no action" position on Brent market trading. This course is reportedly being considered in response to intense lobbying by U.S. Brent market traders. A no action decision potentially subordinates the long-term need of the American economy to be protected from oil-price manipulation, to the short-term desire of a few powerful large oil companies to avoid liability for illegal futures trading.

Downward manipulation of prices on the Brent market would have had two devastating effects on the U.S. economy:

First, it would cause many U.S. oil fields to shut down because they are no longer profitable, causing the loss of millions of jobs, and enormous damage to the economies of oil-producing States; and

Second, it would cause imports of foreign oil to soar, increasing our trade deficit and increasing the power of foreign oil producers over America's vital oil supplies.

These things actually happened after the oil price crash of early 1986 which, in the Transnor case before Judge Conner, is alleged to be the result of Brent market manipulation by big oil companies.

Judge Conner's recent decision highlights once again the critical need to bring the Brent market under strict U.S. Government control, to eliminate the price-distorting manipulations to which, according to the Economist, this crucial market has too often been subject in the past.

The CFTC should act now to protect U.S. oil supplies from price manipulations by bringing the Brent market within the control of long overdue, effective regulation.

[The articles follow:]

[From the Economist, Apr. 28, 1990]

OIL TRADING: BRENT BLUES

Ask most people the price of oil and, chances are, they will quote the going rate for a barrel of North Sea Brent, set on the Brent market. Brent is an informal "forward" market, used by many of its 50 or so participants (mainly oil companies, Wall Street investment banks and independent traders) for hedging and speculation. For each of the cargoes of crude oil that form the market's physical basis, numerous paper contracts are traded. There were some $30 billion-worth last year.

Brent is crucial because it sets the world "marker" price for oil (which still accounts for 38 percent of total energy needs). Many oil-producing countries now price at least

some of their oil relative to Brent. Most of the oil imported into Europe in 1989—worth over $40 billion—was priced this way.

Over the past four years Brent has run into a number of problems: the market has, for instance, regularly been cornered, pushing up world oil prices by as much as $3 a barrel. Now Brent is facing its stiffest test. It may not emerge intact.

On April 18th, at a Manhattan federal court, Judge William Conner cleared the way for a lawsuit accusing Exxon (the world's second-biggest oil company) and Conoco (the energy arm of Du Pont) of rigging prices in the Brent market. If the defendants lose their case, which comes to trial on May 21st, the Brent marker could collapse. A number of big oil companies could find themselves besieged by new lawsuits lodged by everyone from independent oil traders to the British government.

The plaintiff in the trial, a Bermuda-based oil-trading company called Transnor, alleges that Exxon and Conoco, along with Royal Dutch/Shell and BP (which have both settled out of court), conspired to cause a fall in oil prices between late 1985 and March 1986. In December 1985 Transnor purchased two 600,000-barrel cargoes of North Sea oil on the Brent market, at an average price of $24.50 a barrel, for delivery in March 1986. During the intervening period oil prices tumbled—entirely as a result, it has always been assumed, of an OPEC price war. By March 1986 a barrel of oil cost as little as $13. Transnor refused to take delivery, and sued the four oil companies. Shortly afterwards its oil-trading operations went bust. The firm is now claiming some $230m in damages.

When Transnor launched its case, the big oil companies initially sought a dismissal on the grounds that Transnor was a foreign trader. Judge Conner denied their motion, and a subsequent request for permission to appeal. Shell and BP settled shortly afterwards. The remaining defendants then moved for a summary judgment, a motion denied by Judge Conner last week. His ruling, in essence, was that there is sufficient evidence of liability for a trial to take place.

Judge Conner found Brent to be "primarily a US market", having significant impact on American trade. That means Transnor has standing under American antitrust laws to pursue its claim that it suffered from anti-competitive activity on the market. But the nub of Transnor's case is its allegation that Exxon and Conoco (along with the defendants which have settled) conspired in a process known as "tax spinning"—multiple oil sales and purchases which, at the time, gave oil-producing firms the option, at some future date, to use the lowest-priced of those deals to establish their tax liabilities. The defendants deny conspiracy.

The reason crude-oil prices fell so far so fast in late 1985 and 1986, says Transnor, was only partly due to OPEC's squabbling. Mostly, the oil-trader alleges, it was caused by an oil-company conspiracy to evade taxes. Lower crude-oil prices make refining more profitable, especially when refined oil-product prices fall more slowly than crude prices. By shifting profits from Brent crude-oil production (taxed by Britain at 87 percent) to oil refining and marketing (taxed at 40 percent), Transnor alleges, oil companies' tax liabilities were cut still further. The Manhattan court concluded that tax spins "feigned a non-existent market position and potentially misled other Brent market traders".

Transnor's deals in the Brent market, ruled Judge Conner, constituted futures (not forward) contracts. If this ruling is upheld at trial (or if it is left standing by an out-of-court-settlement), America's Commodity Futures Trading Commission would be compelled to impose tough controls on trading by American firms on Brent—and perhaps even ban trading altogether. Britain's Association of Futures Brokers and Dealers, the Brent market's regulator, will also have to take further action to bring the market to heel. At present it only requires adherence to a feeble code of conduct.

The Transnor case has scared Brent's traders. Several along with a number of oil companies, have stopped doing business with firms trading out of America. Many have quit the Brent market altogether, hedging instead on America's NYMEX and London's International Petroleum Exchange, the two big official oil-futures exchanges. And still others are wondering what their tax liabilities might be if Transnor wins; one independent consultant reckons that spinning may have deprived Britain's taxmen of up to $3 a barrel.

[From the Wall Street Journal (London Edition), Apr. 20, 1990]

JUDGE CLEARS THE WAY FOR LAWSUIT, ACCUSING EXXON AND CONOCO OF RIGGING OIL PRICES

In federal court in Manhattan, Judge William Conner rejected the oil companies' motions to dismiss the suit, which was filed in 1986 by Transnor Ltd., an oil trader based in Bermuda. The suit accuses Exxon Corp., Conoco Inc. and a Conoco subsidiary of conspiring to depress certain crude oil prices in order to evade taxes in Britain. It seeks damages totaling about $261 million, stemming from losses Transnor says it suffered because of the lower prices.

Transnor accused the companies of forcing down the price of Brent oil, a widely traded North Sea crude oil, by selling cargoes of the oil at below-market prices. Transnor had bought two cargoes of Brent oil, but then refused to accept delivery after the market value plunged. Transnor alleges that after forcing the oil prices down, the oil companies used a trading technique to increase profit margins on the refined oil products. Britain taxes refinery profits at a lower rate than crude oil products.

Exxon and Conoco argued that the case should be thrown out on several grounds—including their claim that a conspiracy is unlikely because they would have hurt themselves by depressing oil prices. Judge Conner, however, said it is plausible that the alleged pricing scheme's tax benefits and other advantages could have offset the companies' lower crude oil revenue.

The oil companies, which previously have said the suit is without merit, also claimed that the case should be dismissed because the Brent oil market is an international market. They argued that a U.S. court has no jurisdiction in such disputes. But Judge Conner said that most of the trading in oil contracts is done in New York and Boston.

A spokesman for Exxon said the company was disappointed that Judge Conner refused to dismiss the case. Officials at Conoco, a unit of DuPont Co., couldn't be reached for comment.

Edward Swan, an attorney for Transnor, said the trial is set to begin May 21.●

MEASURES INDEFINITELY POSTPONED AND MEASURES TRANSFERRED TO THE "SUBJECTS ON THE TABLE" PORTION OF THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that Calendar items Nos. 220 and 291 be indefinitely postponed. I further ask unanimous consent that Calendar items Nos. 396 and 404 be transferred to the "Subjects on the Table" portion of the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISCELLANEOUS AMENDMENTS TO INDIAN LAWS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar item No. 420, S. 1846, regarding miscellanous amendments to Indian laws.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1846) to make miscellaneous amendments to Indian laws, and for other purposes.

The PRESIDING OFFICER. Is there objection, to the immediate consideration of the bill?

There being no objection, the Senate proceeded to the immediate consideration of the bill (S. 1846) to make miscellaneous amendments to Indian laws, and for other purposes, which had been reported from the Select Committee on Indian Affairs, with an amendment to strike all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. (a) Public Law 101-581 is amended—

(1) by striking out "shall take effect upon enactment of this Act" in section 203 and inserting in lieu thereof "shall take effect upon enactment of this Act if the plan has not taken effect before the enactment of this Act";

(2) by striking out "section 201" in subsections (a) and (c) of section 212 and inserting in lieu thereof "section 206";

(3) by striking out section 213;

(4) by striking out "section 3" in section 702(a) and inserting in lieu thereof "section 703";

(5) by striking out "section 602" in the last sentence of paragraph (1) of section 703(b) and inserting in lieu thereof "section 702"; and

(6) by striking out "section 602" in section 703(c) and inserting in lieu thereof "section 702".

(b) Subsection (c) of the first section of the Act of July 28, 1955 (69 Stat. 392; 25 U.S.C. 608(c)) is amended to read as follows:

"(c) Lands and interests in lands acquired by the Secretary pursuant to subsection (a)(1) and for the benefit of the Yakima Indian Nation pursuant to section 5 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 465) shall be held in trust by the United

States for the benefit of the Yakima Indian Nation."

SEC. 2. (a) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450, et seq.) is amended—

(1) by inserting a comma after "688')" in section 4(e) (25 U.S.C. 450b(e)),

(2) by striking out "the appropriate the Secretary" in section 4(j) and inserting in lieu thereof "the appropriate Secretary",

(3) by striking out "pursuant to this Act" each place it appears in section 4(j) and inserting in lieu thereof "under title I of this Act",

(4) by striking out "the Single Audit Act of 1984 (98 Stat. 2327, 31 U.S.C. 7501 et seq.)," in section 5(a)(2) (25 U.S.C. 450c(a)(2)) and inserting in lieu thereof "chapter 75 of title 31, United States Code",

(5) by striking out "the Federal Grant and Cooperative Agreement Act of 1977 (Public Law 95-224; 92 Stat. 3)" in section 9 (25 U.S.C. 450e-1) and inserting in lieu thereof "chapter 63 of title 31, United States Code",

(6) by striking out "an Indian appointed" in section 104(m) (25 U.S.C. 450i(m)) and inserting in lieu thereof "an Indian (as defined in section 19 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. 479)) appointed (except temporary appointments)",

(7) by striking out "sub-contracts in such cases where the tribal contractor has subcontracted the activity" in section 105(a) (25 U.S.C. 450j(a)) and inserting in lieu thereof "subcontracts of such a construction contract",

(8) by striking out "the Single Agency Audit Act of 1984 (chapter 75 of title 31, United States Code)" in section 106(f) (25 U.S.C. 450j-1(f)) and inserting in lieu thereof "chapter 75 of title 31, United States Code",

(9) by striking out "agency personnel" in section 106(i) (25 U.S.C. 450j-1(i)) and inserting in lieu thereof "agency personnel (area personnel in the Navajo Area and in the case of Indian tribes not served by an agency)", and

(10) by striking out "providing notice and hearing" in section 109 (25 U.S.C. 450m) and inserting in lieu thereof "providing notice and a hearing".

(b) Subsection (b) of section 110 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450m-1(b)) is amended to read as follows:

"(b) The Secretary shall not revise or amend a self-determination contract with a tribal organization without the tribal organization's consent.".

(c) Subparagraph (C) of section 3371(2) of title 5, United States Code, is amended by striking out "section 4(m)" and inserting in lieu thereof "section 4".

SEC. 3. (a) Notwithstanding section 18 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. 478), section 2 of that Act (25 U.S.C. 462) shall apply to—

(1) all Indian tribes,

(2) all lands held in trust by the United States for Indians, and

(3) all lands owned by Indians that are subject to a restriction imposed by the United States on alienation of the rights of the Indians in the lands.

(b) The proviso of section 13 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 473) is amended by striking out "sections 2, 4," and inserting in lieu thereof "sections 4,".

SEC. 4. Subsection (c) of section 1 of Public Law 100-425 is amended by striking out "NE¼E½,NW¼" each place it appears and inserting in lieu thereof "NE¼,E½NW¼".

SEC. 5. Subsection (e) of section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) by inserting ", or purchase or lease of land or facilities for," after "renovation of" in paragraph (1),

(2) by striking out "subject to contracting" in paragraph (3) and inserting in lieu thereof "subject to contracting or available for grants", and

(3) by adding at the end thereof the following new paragraphs:

"(4) Funds appropriated under the authority of this subsection may be used by any Indian tribe or tribal organization to purchase or lease any land or facilities if—

"(A) the Secretary of the Interior determines that no Federal land or facilities are reasonably available for emergency shelters or halfway houses described in subsection (a) to serve the needs of that Indian tribe or tribal organization, and

"(B) the Indian tribe or tribal organization enters into an agreement with the Secretary of the Interior that requires the Indian tribe or tribal organization to use the land or facilities for emergency shelters or half-way houses described in subsection (a).

"(5) Nothing in this Act may be construed—

"(A) to limit the authority for contracts with, or grants to, Indian tribes or tribal organizations under the Indian Self-Determination Act for the construction, improvement, renovation, operation, repair, land acquisition, or maintenance of tribal juvenile detention facilities, emergency shelters, or half-way houses, or

"(B) to require a lease of tribal facilities to the United States to qualify for financial assistance for the facilities under this or any other Act.".

SEC. 6. (a) Section 317(a) of the Public Health Service Act (42 U.S.C. 247b) is amended by inserting ", to Native Hawaiian health centers (as defined in section 8(4) of the Native Hawaiian Health Care Act of 1988)," before "and to other public entities".

(b)(1) Section 318(a) of the Public Health Service Act (42 U.S.C. 247c(a)) is amended by inserting ", to Native Hawaiian health centers (as defined in section 8(4) of the Native Hawaiian Health Care Act of 1988)," before "and to scientific".

(2) Section 318(b) of the Public Health Service Act is amended by inserting "Native Hawaiian health centers (as defined in section 8(4) of the Native Hawaiian Health Care Act of 1988)," before "and any other public".

(c) Section 332(a)(2)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(2)(A) is amended by inserting "Native Hawaiian health centers (as defined in section 8(4) of the Native Hawaiian Health Care Act of 1988)," before "and community health".

(d) Section 1001(a) of the Public Health Service Act (42 U.S.C. 300(a)) is amended by inserting "and Native Hawaiian health centers (as defined in section 8(4) of the Native Hawaiian Health Care Act of 1988)" before "to assist in the establishment".

(e) Section 1703(a)(1) of the Public Health Service Act (42 U.S.C. 300u-2(a)(1)) is amended by inserting "Native Hawaiian health centers (as defined in section 8(4) of the Native Hawaiian Health Care Act of 1988)," before "and other appropriate".

SEC. 7. Title I of the Indian Health Care Improvement Act (25 U.S.C. 1601, et seq.) is amended by adding at the end thereof the following new section:

"ADVANCED TRAINING FOR PSYCHOLOGISTS

"SEC. 118. (a)(1) The Secretary, acting through the Service, shall provide grants to institutions of higher education and health care facilities to enable such institutions and facilities to establish programs to enable psychologists who—

"(A) have a doctorate degree in psychology, and

"(B) agree to perform the service obligations described in subsection (b),

to pursue advanced training or research in psychology.

"(2) Each program established under a grant provided under paragraph (1) shall provide psychologists who agree to perform the service obligation described in subsection (b) scholarships and stipends for living expenses incurred while the phychologists participate in the program.

"(b) An individual who participates in a program established under a grant provided under subsection (a) shall incur an obligation to serve in an Indian health program (as defined in section 108(a)(2)), or in a Native Hawaiian health center (as defined in section 8(4) of the Native Hawaiian Health Care Act of 1988 (42 U.S.C. 11707(4))) for a period of obligated service equal to at least the period of time during which the individual participates in the program established under a grant provided under subsection (a). In the event that the individual fails to complete such obligated service, the individual shall be subject to penalties prescribed by the Secretary which provide appropriate recoupment for the loss of the remaining obligated service of such individual.

"(c) The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section.

"(d) There are authorized to be appropriated for each fiscal year $1,000,000 to carry out the provisions of this section.".

SEC. 8. (a) Paragraph (5) of section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019) is amended by striking out "104(a)" and inserting in lieu thereof "103(a)".

(b) Subsection (a) of section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508) is amended by striking out "105" and inserting in lieu thereof "104".

(c) Subparagraph (C) of section 5314(e)(1) of the Indian Education Act of 1988 (25 U.S.C. 2604(e)(1)(C)) is amended to read as follows:

"(C) No local educational agency may be held liable to the United States, or be otherwise penalized, by reason of the findings of any audit that relate to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act.".

(d)(1) Subsection (c) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(c)) is amended—

(A) by striking out "0.133 percent" in paragraph (3)(A) and inserting in lieu thereof "0.2 percent",

(B) by striking out "$4,000" in paragraph (3)(C)(i) and inserting in lieu thereof "$5,000",

(C) by striking out clause (ii) of paragraph (3)(C) and inserting in lieu thereof the following:

"(ii) the lesser of—

"(I) $15,000, or

"(II) 1 percent of such allotted funds,".

(D) by striking out paragraph (2), and

(E) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(2) Section 5324(c)(4)(B) of the Indian Education Act of 1988 (25 U.S.C. 2624(c)(4)(B)) is amended by striking out "section 1128(c)(4)(A)(i)" and inserting in lieu thereof "section 1128(c)(3)(A)(i)".

(e)(1) Subsection (b) of section 5504 of Public Law 100-297 (25 U.S.C. 2001, note) is amended—

(A) by inserting "the Executive Director of the National Advisory Council on Indian Education and of" after "which shall consist of" in paragraph (1),

(B) by inserting "(but not the Executive Director of the National Advisory Council on Indian Education)" after "Task Force" in paragraph (3), and

(C) by adding at the end thereof the following new paragraph:

"(7) Sums appropriated under the authority of section 5508 shall not be used to pay the salaries of employees of the Department of the Interior or the Department of Education who are assigned as staff to the Task Force; but the salaries of such employees shall be paid out of funds appropriated to the employing Department under the authority of other provisions of law.".

(2) Subsection (a) of section 5506 of Public Law 100-297 is amended—

(A) by striking out "and" at the end of paragraph (5),

(B) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and", and

(C) by adding at the end thereof the following new paragraph:

"(7) the chairman of the National Advisory Council on Indian Education.".

(3) Section 5508 of Public Law 100-297 is amended by striking out "1988, 1989, and 1990" and inserting in lieu thereof "1990, 1991, and 1992".

"(f) Subsection (d) of section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a(d)) is amended by adding at the end thereof the following new paragraph:

"(4) In applying this section and section 106 of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe organization that—

"(A) receives funds under this section for administrative costs incurred in operating a contract school, and

"(B) operates one or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act,

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs, and of the indirect costs, that are associated with operating the contract school and all of such other programs.".

(g) Subsection (b) of section 5205 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)) is amended by adding at the end thereof the following new paragraph:

"(4) Notwithstanding any other provision of law, if an Indian tribe or tribal organization requests a grant under this part for a tribally controlled school, funds for the operation and maintenance of the school shall be included in any grant provided under this part to the Indian tribe or tribal organization in an amount equal to the amount of operation and maintenance that would be expended for the school under any circumstances for the entire fiscal year for which the grant is provided. The inclusion of such operation and maintenance funds in the grant—

"(A) shall not be subject to any condition or restriction that is not specifically provided under this section, and

"(B) shall not be affected by, or depend upon, the previous existence or nonexistence of a contract between the Secretary and the Indian tribe or tribal organization for such operation and maintenance funds (or any portion of such funds).

SEC. 9. Notwithstanding any other provision of law, the term "class II gaming" includes, for purposes of applying Public Law 100-497 with respect to any Indian tribe located in the State of Wisconsin or the State of Montana, during the 1-year period beginning on the date of enactment of this Act, any gaming described in section 4(7)(B)(ii) of Public Law 100-497 that was legally operated on Indian lands on or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated made a request, by no later than November 16, 1988, to the State in which such gaming is operated to negotiate a Tribal-State compact under section 11(d)(3) of Public Law 100-497.

SEC. 10. Section 9 of the Lac Vieux Desert Band of Lake Superior Chippewa Indians Act (25 U.S.C. 1300h-7) is amended—

(1) by striking out "Notwithstanding" and inserting in lieu thereof "(a) Notwithstanding", and

(2) by adding at the end thereof the following new subsection:

"(b) The Secretary shall accept as voters eligible to vote on any amendments to the constitution of the Keweenaw Bay Indian Community—

"(1) all those persons who were deemed eligible by the Keweenaw Bay Indian Community to vote in the most recent election for the Tribal Council, and

"(2) any other person certified by the Keweenaw Bay Indian Community Tribal Council as—

"(A) a member of the Keweenaw Bay Indian Community, and

"(B) eligible to vote in any election for the Tribal Council.".

SEC. 11. The White Earth Reservation Land Settlement Act of 1985 (25 U.S.C. 331, note) is amended—

(1) by inserting "(other than laws relating to spousal allowance and maintenance payments)" after "Minnesota law", and also after "laws of Minnesota", in section 3(i), and

(2) by adding at the end of section 7 the following new subsection:

"(e)(1) After publication of the second list under subsection (c), the Secretary may, at any time, add allotments or interests to that second list if the Secretary determines that the additional allotment or interest falls within the provisions of section 5(c) or subsection (a) or (b) of section 4.

"(2) The Secretary shall publish in the Federal Register notice of any additions made under paragraph (1) to the second list published under subsection (c).

"(3) Any determination made by the Secretary to add an allotment or interest under paragraph (1) to the second list published under subsection (c) may be judicially reviewed in accordance with chapter 7 of title 5, United States Code, within 90 days after the date on which notice of such determination is published in the Federal Register under paragraph (2). Any legal action challenging such a determination that is not filed within such 90-day period shall be forever barred. Exclusive jurisdiction over any legal action challenging such a determination is vested in the United States District Court for the District of Minnesota.".

SEC. 12. (a) Paragraph (4) of section 8 of the Native Hawaiian Health Care Act of 1988 (42 U.S.C. 11707(4)) is amended by inserting "or professionals" after "practitioners" each place it appears.

(b) Subtitle D of title II of Public Law 100-690 is repealed.

SEC. 13. The Hoopa-Yurok Settlement Act (25 U.S.C. 1300i, et seq.) is amended—

(1) by adding at the end of paragraph (2) of section (5)(a) the following new sentence: "Children under age 10 on the date they applied for the Settlement Roll who have lived all their lives on the Joint Reservation or the Hoopa Valley or Yurok Reservations, and who otherwise meet the requirements of this section except they lack 10 years of Reservation residence, shall be included on the Settlement Roll.",

(2) by adding at the end of subsection (d) of section 5 the following new paragraph:

"(4) For the sole purpose of preparing the Settlement Roll under this section, the Yurok Transition Team and the Hoopa Valley Business Council may review applications, make recommendations which the Secretary shall accept unless conflicting or erroneous, and may appeal the Secretary's decisions concerning the Settlement Roll. Full disclosure of relevant records shall be made to the Team and to the Council notwithstanding any other provision of law.".

(3) by striking out "counseling," in section (9)(a)(3) and inserting in lieu thereof "counseling and assistance, shall", and

(4) by adding at the end of subsection (a) of section 9 the following new paragraph:

"(4) For purposes of section 14, and any other lawsuit challenging this Act or any action taken under this Act, the Yurok Transition Team shall be a Federal instrumentality and the United States will defend and hold harmless, individually and collectively, the Yurok Transition Team.".

AMENDMENT NO. 1574

Mr. MITCHELL. Mr. President, in behalf of Senator INOUYE, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. INOUYE, proposes an amendment numbered 1574.

The PRESIDING OFFICER. Is there objection to the clerk dispensing with reading of the amendment?

Without objection, it is so ordered.

The amendment is as follows:

On page 17, line 11, strike out "section 2" and insert in lieu thereof "sections 2 and 17".

On page 17, line 12, immediately after "462", insert "and 477".

On page 17, between lines 22 and 23, insert the following:

(c) Section 17 of the Act of June 18, 1934 (25 U.S.C. 477), is amended—

(1) by striking out "by at least one-third of the adult Indians," and inserting in lieu thereof "by any tribe,";

(2) by striking out "at a special election by a majority vote of the adult Indians living on the reservation" and inserting in lieu thereof "by the governing body of such tribe";

(3) by striking out "ten years any of the land" and inserting in lieu thereof "twenty-five years any trust or restricted lands".

On page 18, beginning with line 3, strike out all through line 5 on page 22.

On page 22, line 6, strike out "SEC. 8." and insert in lieu thereof "SEC. 5.".

On page 25, line 10, strike out the comma and insert in lieu thereof "or a school operated under the Tribally Controlled Schools Act of 1988,".

On page 25, line 18, immediately after the word "school", insert a comma and the following: "a school operated uder the Tribally Controlled Schools Act of 1988,".

On page 25, line 19, immediately after "programs" insert a comma and the following: "except that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section".

On page 25, beginning with line 20, strike out all through line 15 on page 26 and insert the following:

(g)(1) Paragraph (2) of subsection 5205(a) fo the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(a)) is amended to read as follows:

"(2) to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and, notwithstanding section 105 of the Indian Self-Determination Act (25 U.S.C. 450j), or any other provision of law, other facilities accounts for such schools for such fiscal year (including but not limited to all those referenced under section 1126(d) of the Education Amendments of 1978, or any other law), and".

(2) Subsection (b) of section 5205 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)) is amended by adding the following new paragraph:

"(4) Notwithstanding the provision of paragraph 5204(a)(2) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(a)(21)), with respect to funds from faciliites improvement and repair, alteration and renovation (major or minor), health and safety, or new construction accounts included in the grant under such paragraph (a)(2), the grantee shall maintain a separate account for such funds and shall, at the end of the period designated for the work covered by the funds received, render a separate accounting of the work done and the funds used to the Secretary. Funds received from these accounts may only be used for the purposes for which they were appropriated and for the work encompassed by the application or submission under which they were received. Where the appropriations measure or the application submission does not stipulate a period for the work covered by the funds so designated, the Secretary and the grantee shall consult and determine such a period prior to the transfer of funds: Provided, That such period may be extended upon mutual agreement.".

On page 26, line 16, strike out "SEC. 9." and insert in lieu thereof "Sec. 6.".

On page 27, line 3, strike out "SEC. 10." and insert in lieu thereof "SEC. 7.".

On page 27, beginning with line 22, strike out all through line 2 on page 28 and insert in lieu thereof the following:

SEC. 8. Section 3(l) of the White Earth Reservation Land Settlement Act of 1985 (25 U.S.C. 331, note) is amended—

(1) by inserting "(not including laws related to spousal allowance and maintenance payments)" immediately after "inheritance laws of Minnesota in effect on March 26, 1986", and

On page 28, beginning with line 24, strike out all through line 4 on page 29.

On page 29, line 5, strike out "SEC. 13." and insert in lieu thereof "SEC. 9.".

On page 30, beginning with line 4, strike out all through line 11 and insert in lieu thereof the following:

(4) by adding at the end of subsection (a) of section 14 the following new sentence: "The Yurok Transition Team, or any individual thereon, shall not be named as a defendant or otherwise joined in any suit in which a claim is made arising out of this subsection.".

On page 30, after line 11, add the following:

SEC. 10. The Secretary of the Interior is authorized to retain collections from the public in payment for goods and services provided by the Bureau of Indian Affairs. Such collections shall be credited to the appropriation account against which obligations were incurred in providing such goods and services.

SEC. 11. There is authorized to be appropriated to the Secretary of Health and Human Services, Administration for Native Americans, $1,000,000 for the purpose of conducting a feasibility study for the establishment of a National Center for Native American Studies and Policy Development.

SEC. 12. (a) The following proviso in title I of the Act of June 24, 1967 (81 Stat. 59), under the heading "Office of the Solicitor", is repealed: "*Provided*, That hereafter hearing officers appointed for Indian probate work need not be appointed pursuant to the Administrative Procedures Act (60 Stat. 237), as amended".

(b) Hearing officers heretofore appointed to preside over Indian probate proceedings pursuant to the proviso repealed by subsection (a), having met the qualifications required for appointment pursuant to section 3105 of title 5, United States Code, shall be deemed to have been appointed pursuant to that section.

(c) The first sentence of section 1 of the Act of June 25, 1910 (36 Stat. 855; 25 U.S.C. 372), is amended by deleting "his decision thereon shall be final and conclusive" and inserting in lieu thereof "his decisions shall be subject to judicial review to the same extent as determinations rendered under section 2 of this Act".

SEC. 13. Notwithstanding the Act of March 7, 1928 (45 Stat. 210–211), and the Act of August 7, 1946 (60 Stat. 895–896), the Secretary of the Interior is authorized to allocate not to exceed $2,000,000 from power revenues available to the San Carlos Irrigation Project to pay for the operation and maintenance charges associated with the delivery of 30,000 acre-feet of water from the Central Arizona Project to the San Carlos Irrigation Project.

Mr. INOUYE. Mr. President, I ask for passage of S. 1846, a bill making technical corrections to certain Indian laws. Since this bill was adopted by the Select Committee on Indian Affairs on November 14, 1989, several new changes have needed to be made, including deletion of four sections. These changes are included in the committee amendments that I ask be adopted as part of the bill.

Mr. President, during the 100th Congress, over 30 new statutes on Indian matters were enacted into law. The issues were wide-ranging and some of the legislation was quite extensive. As with any new laws or extensive amendments, technical errors such as incorrect references or citations occur. This bill, S. 1846, corrects errors that appeared in some laws passed in the 100th Congress and, in some cases, errors that occurred in earlier years but that were only recently discovered. Certain of the amendments in the bill are simply intended to better fulfill or clarify the intent of the Congress or to facilitate the administration of the law.

Besides technical corrections to the Indian Reorganization Act amendments and the 1988 amendments to the Indian Self-Determination and Education Assistance Act, the bill also amends the 1988 Indian Education Act to provide that the executive director and chairman of the National Advisory Council on Indian Education will participate in the White House Conference on Indian Education. S. 1846 also extends the grace period during which certain tribes in the States of Montana and Wisconsin may continue to operate games as they seek to complete tribal/State agreements under the 1988 Indian Gaming Regulatory Act.

Other acts that are amended are the act to establish a reservation for the Grande Ronde Community of Oregon, the Keweenaw Bay Indian Community Amendment to the Lac Vieux Desert Band Act, the White Earth Reservation Land Settlement Act, and the Hoopa-Yurok Settlement Act.

Finally, the bill provides authority for an appropriation to the Secretary of Health and Human Services for the Administration for Native Americans for the conduct of a feasibility study by the George Washington University for the establishment of a National Center for Native American Studies and Policy Development. This national center would serve as a school of government for tribal governmental leaders, would establish a curriculum in Indian law and Indian affairs, would serve as center for the development of Federal-Indian policy, and would provide a national data center and clearinghouse for historical and cultural information on native peoples.

The bill also contains a section that clarifies the status of the probate judges employed by the Interior Department's Office of Hearings and Appeals to preside over, hear, and resolve heirship claims to Indian allotted lands. Further, the provisions of this section clarify the availability of review of final decisions of the Office of Hearings and Appeals in the Federal courts, consistent with the provisions of the Administrative Procedures Act.

Lastly, the bill clarifies the authority of the Secretary of the Interior to implement, within existing Indian irrigation project power revenues, the provisions of agreements between Federal, State and tribal governments to ensure adequate supplies of water on

the San Carlos Apache and Gila River Indian Reservations.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 1574) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Public Law 100-581 is amended—

(1) by striking out "shall take effect upon enactment of this Act" in section 203 and inserting in lieu thereof "shall take effect upon enactment of this Act if the plan has not taken effect before the enactment of this Act";

(2) by striking out "section 201" in subsections (a) and (c) of section 212 and inserting in lieu thereof "section 206";

(3) by striking out section 213;

(4) by striking out "section 3" in section 720(a) and inserting in lieu thereof "section 703";

(5) by striking out "section 602" in the last sentence of paragraph (1) of section 703(b) and inserting in lieu thereof "section 702"; and

(6) by striking out "section 602" in section 703(c) and inserting in lieu thereof "section 702".

(b) Subsection (c) of the first section of the Act of July 28, 1955 (69 Stat. 392; 25 U.S.C. 608(c)) is amended to read as follows:

"(c) Lands and interests in lands acquired by the Secretary pursuant to subsection (a)(1) and for the benefit of the Yakima Indian Nation pursuant to section 5 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 465) shall be held in trust by the United States for the benefit of the Yakima Indian Nation.".

SEC. 2. (a) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450, et seq.) is amended—

(1) by inserting a comma after "688)" in section 4(e) (25 U.S.C. 450b(e)),

(2) by striking out "the appropriate the Secretary" in section 4(j) and inserting in lieu thereof "the appropriate Secretary",

(3) by striking out "pursuant to this Act" each place it appears in section 4(j) and inserting in lieu thereof "under title I of this Act",

(4) by striking out "the Single Audit Act of 1984 (98 Stat. 2327, 31 U.S.C. 7501 et seq.)," in section 5(a)(2) (25 U.S.C. 450c(a)(2)) and inserting in lieu thereof "chapter 75 of title 31, United States Code",

(5) by striking out "the Federal Grant and Cooperative Agreement Act of 1977 (Public Law 95-224; 92 Stat. 3)" in section 9 (25 U.S.C. 450e-1) and inserting in lieu thereof "chapter 63 of title 31, United States Code",

(6) by striking out "an Indian appointed" in section 104(m) (25 U.S.C. 450i(m)) and inserting in lieu thereof "an Indian (as defined in section 19 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. 479)) appointed (except temporary appointments)",

(7) by striking out "sub-contracts in such cases where the tribal contractor has subcontracted the activity" in section 105(a) (25 U.S.C. 450j(a)) and inserting in lieu thereof "subcontracts of such a construction contract",

(8) by striking out "the Single Agency Audit Act of 1984 (chapter 75 of title 31, United States Code)" in section 106(f) (25 U.S.C. 450j-1(f)) and inserting in lieu thereof "chapter 75 of title 31, United States Code",

(9) by striking out "agency personnel" in section 106(i) (25 U.S.C. 450j-1(i)) and inserting in lieu thereof "agency personnel (area personnel in the Navajo Area and in the case of Indian tribes not served by an agency)", and

(10) by striking out "providing notice and hearing" in section 109 (25 U.S.C. 450m) and inserting in lieu thereof "providing notice and a hearing".

(b) Subsection (b) of section 110 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450m-1(b)) is amended to read as follows:

"(b) The Secretary shall not revise or amend a self-determination contract with a tribal organization without the tribal organization's consent.".

(c) Subparagraph (C) of section 3371(2) of title 5, United States Code, is amended by striking out "section 4(m)" and inserting in lieu thereof "section 4".

SEC. 3. (a) Notwithstanding section 18 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. 478), sections 2 and 17 of that Act (25 U.S.C. 462 and 477) shall apply to—

(1) all Indian tribes,

(2) all lands held in trust by the United States for Indians, and

(3) all lands owned by Indians that are subject to a restriction imposed by the United States on alienation of the rights of the Indians in the lands.

(b) The proviso of section 13 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 473) is amended by striking out "sections 2, 4," and inserting in lieu thereof "sections 4,".

(c) Section 17 of the Act of June 18, 1934 (25 U.S.C. 477), is amended—

(1) by striking out "by at least one-third of the adult Indians," and inserting in lieu thereof "by any tribe,";

(2) by striking out "at a special election by a majority vote of the adult Indians living on the reservation" and inserting in lieu thereof "by the governing body of such tribe";

(3) by striking out "ten years any of the land" and inserting in lieu thereof "twenty-five years any trust or restricted lands".

SEC. 4. Subsection (c) of section 1 of Public Law 100-425 is amended by striking out "NE¼E½,NW¼" each place it appears and inserting in lieu thereof "NE¼,E½NW¼".

SEC. 5. (a) Paragraph (5) of section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019) is amended by striking out "104(a)" and inserting in lieu thereof "103(a)".

(b) Subsection (a) of section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508) is amended by striking out "105" and inserting in lieu thereof "104".

(c) Subparagraph (C) of section 5314(e)(1) of the Indian Education Act of 1988 (25 U.S.C. 2604(e)(1)(C)) is amended to read as follows:

"(C) No local educational agency may be held liable to the United States, or be otherwise penalized, by reason of the findings of any audit that relate to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act.".

(d)(1) Subsection (c) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(c)) is amended—

(A) by striking out "0.133 percent" in paragraph (3)(A) and inserting in lieu thereof "0.2 percent",

(B) by striking out "$4,000" in paragraph (3)(C)(i) and inserting in lieu thereof "$5,000",

(C) by striking out clause (ii) of paragraph (3)(C) and inserting in lieu thereof the following:

"(ii) the lesser of—

"(I) $15,000, or

"(II) 1 percent of such alloted funds,".

(D) by striking out paragraph (2), and

(E) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(2) Section 5324(c)(4)(B) of the Indian Education Act of 1988 (25 U.S.C. 2624(c)(4)(B)) is amended by striking out "section 1128(c)(4)(A)(i)" and inserting in lieu thereof "section 1128(c)(3)(A)(i)".

(e)(1) Subsection (b) of section 5504 of Public Law 100-297 (25 U.S.C. 2001, note) is amended—

(A) by inserting "the Executive Director of the National Advisory Council on Indian Education and of" after "which shall consist of" in paragraph (1),

(B) by inserting "(but not the executive Director of the National Advisory Council on Indian Education)" after "Task Force" in paragraph (3), and

(C) by adding at the end thereof the following new paragraph:

"(7) Sums appropriated under the authority of section 5508 shall not be used to pay the salaries of employees of the Department of the Interior or the Department of Education who are assigned as staff to the Task Force; but the salaries of such employees shall be paid out of funds appropriated to the employing Department under the authority of other provisions of law.".

(2) Subsection (a) of section 5506 of Public Law 100-297 is amended—

(A) by striking out "and" at the end of paragraph (5),

(B) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and", and

(C) by adding at the end thereof the following new paragraph:

"(7) the chairman of the National Advisory Council on Indian Education.".

(3) Section 5508 of Public Law 100-297 is amended by striking out "1988, 1989, and 1990" and inserting in lieu thereof "1990, 1991, and 1992".

(f) Subsection (d) of section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a(d)) is amended by adding at the end thereof the following new paragraph:

"(4) In applying this section and section 106 of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe or tribal organization that—

"(A) receives funds under this section for administrative costs incurred in operating a contract school or a school operated under the Tribally Controlled Schools Act of 1988, and

"(B) operates one or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act,

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs, and of the indirect costs, that are associated with operating the contract school, a school operated under the Tribally Controlled Schools Act of 1988, and all of such other programs, except that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.".

(g)(1) Paragraph (2) of subsection 5205(a) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(a)) is amended to read as follows:

"(2) to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and, notwithstanding section 105 of the Indian Self-Determination Act (25 U.S.C. 450j) or any other provision of law, other facilities accounts for such schools for such fiscal year (including but not limited to all those referenced under sction 1126(d) of the Education Amendments of 1978, or any other law) and".

(2) Subsection (b) of section 5205 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)) is amended by adding the following new paragraph:

"(4) Notwithstanding the provision of paragraph 5204(a)(2) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(a)(21)), with respect to funds from facilities improvement and repair, alteration and renovation (major or minor), health and safety, or new construction accounts included in the grant under such paragraph (a)(2), the grantee shall maintain a separate account for such funds and shall, at the end of the period designated for the work covered by the funds received, render a separate accounting of work done and the funds used to the Secretary. Funds received from these accounts may only be used for the purposes for which they were appropriated and for the work encompassed by the application or submission under which they were received. Where the appropriations measure or the application submission does not stipulate a period for the work covered by the funds so designated, the Secretary and the grantee shall consult and determine such a period prior to the transfer of funds: Provided, That such period may be extended upon mutual agreement.".

SEC. 6. Notwithstanding any other provision of law, the term "class II gaming" includes, for purposes of applying Public Law 100-497 with respect to any Indian tribe located in the State of Wisconsin or the State of Montana, during the 1-year period beginning on the date of enactment of this Act, any gaming described in section 4(7)(B)(ii) of Public Law 100-497 that was legally operated on Indian lands on or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated made a request, by no later than November 16, 1988, to the State in which such gaming is operated to negotiate a Tribal-State compact under section 11(d)(3) of Public Law 100-497.

SEC. 7. Section 9 of the Lac Vieux Desert Band of Lake Superior Chippewa Indians Act (25 U.S.C. 1300h-7) is amended—

(1) by striking out "Notwithstanding" and inserting in lieu thereof "(a) Notwithstanding", and

(2) by adding at the end thereof the following new subsection:

"(b) The Secretary shall accept as voters eligible to vote on any amendments to the constitution of the Keweenaw Bay Indian Community—

"(1) all those persons who were deemed eligible by the Keweenaw Bay Indian Community to vote in the most recent election for the Tribal Council, and

"(2) any other person certified by the Keweenaw Bay Indian Community Tribal Council as—

"(A) a member of the Keweenaw Bay Indian Community, and

"(B) eligible to vote in any election for the Tribal Council.".

SEC. 8. Section 3(l) of the White Earth Reservation Land Settlement Act of 1985 (25 U.S.C. 331, note) is amended—

(1) by inserting "not including laws relating to spousal allowance and maintenance payments)" immediately after "inheritance laws of Minnesota in effect on March 26, 1986", and

(2) by adding at the end of section 7 the following new subsection:

"(e)(1) After publication of the second list under subsection (c), the Secretary may, at any time, add allotments or interests to that second list if the Secretary determines that the additional allotment or interest falls within the provisions of section 5(c) or subsection (a) or (b) of section 4.

"(2) The Secretary shall publish in the Federal Register notice of any additions made under paragraph (1) to the second list published under subsection (c).

"(3) Any determination made by the Secretary to add an allotment or interest under paragraph (1) to the second list published under subsection (c) may be judicially reviewed in accordance with chapter 7 of title 5, United States Code, within 90 days after the date on which notice of such determination is published in the Federal Register under paragraph (2). Any legal action challenging such a determination that is not filed within such 90-day period shall be forever barred. Exclusive jurisdiction over any legal action challenging such a determination is vested in the United States District Court for the District of Minnesota.".

SEC. 9. The Hoopa-Yurok Settlement Act (25 U.S.C. 1300i, et seq.) is amended—

(1) by adding at the end of paragraph (2) of section (5)(a) the following new sentence: "Children under age 10 on the date they applied for the Settlement Roll who have lived all their lives on the Joint Reservation or the Hoopa Valley or Yurok Reservations, and who otherwise meet the requirements of this section except they lack 10 years of Reservation residence, shall be included on the Settlement Roll.",

(2) by adding at the end of subsection (d) of section 5 the following new paragraph:

"(4) For the sole purpose of preparing the Settlement Roll under this section, the Yurok Transition Team and the Hoopa Valley Business Council may review applications, make recommendations which the Secretary shall accept unless conflicting or erroneous, and may appeal the Secretary's decisions concerning the Settlement Roll. Full disclosure of relevant records shall be made to the Team and the Council notwithstanding any other provision of law.".

(3) by striking out "counseling," in section (9)(a)(3) and inserting in lieu thereof "counseling and assistance, shall", and

(4) by adding at the end of subsection (a) of section 14 the following new sentence: "The Yurok Transition Team, or any individual thereon, shall not be named as a defendant or otherwise joined in any suit in which a claim is made arising out of this subsection.".

SEC. 10. The Secretary of the Interior is authorized to retain collections from the public in payment for goods and services provided by the Bureau of Indian Affairs. Such collections shall be credited to the appropriation account against which obligations were incurred in providing such goods and services.

SEC. 11. There is authorized to be appropriated to the Secretary of Health and Human Services, Administration for Native Americans, $1,000,000 for the purpose of conducting a feasibility study for the establishment of a National Center for Native American Studies and Policy Development.

SEC. 12. (a) The following proviso in title I of the Act of June 24, 1967 (81 Stat. 59), under the heading "Office of the Solicitor", is repealed: "*Provided*, That hereafter hearing officers appointed for Indian probate work need not be appointed pursuant to the Administrative Procedures Act (60 Stat. 237), as amended".

(b) Hearing officers heretofore appointed to preside over Indian probate proceedings pursuant to the proviso repealed by subsection (a), having met the qualifications required for appointment pursuant to section 3105 of title 5, United States Code, shall be deemed to have been appointed pursuant to that section.

(c) The first sentence of section 1 of the Act of June 25, 1910 (36 Stat. 855; 25 U.S.C. 372), is amended by deleting "his decision thereon shall be final and conclusive" and inserting in lieu thereof "his decisions shall be subject to judicial review to the same extent as determinations rendered under section 2 of this Act".

Sec. 13. Notwithstanding the Act of March 7, 1928 (45 Stat. 210-211), and the Act of August 7, 1946 (60 Stat. 895-896), the Secretary of the Interior is authorized to allocate not to exceed $2,000,000 from power revenues available to the San Carlos Irrigation Project to pay for the operation and maintenance charges associated with the delivery of 30,000 acre-feet of water from the Central Arizona Project to the San Carlos Irrigation Project.

Mr. MITCHELL. I move to reconsider the vote by which the bill, as amended, was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRODUCTION OF DOCUMENTS BY INTELLIGENCE COMMITTEE AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. MITCHELL. Mr. President, I send to the desk a resolution on the production of documents by the Senate Committee on Intelligence and representation by the Senate legal counsel, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 278) to authorize representation of and production of documents

by the Select Committee on Intelligence in the case of United States versus Barnett.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the defendant in a criminal proceeding in the Southern District of New York has caused the issuance of subpoenas to the Select Committee on Intelligence and the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition for documents relating to an Iran-Contra witness. Pursuant to the resolution which established the Senate Iran-Contra Committee, all of the committee's records have been transferred to the Intelligence Committee.

The defendant, a Florida lawyer whose law firm had represented Ashland Oil, is charged with a conspiracy to defraud Ashland by selling to the National Iranian Oil Co. confidential Ashland documents regarding a dispute between the two companies about payment for deliveries of crude oil. One of the alleged coconspirators, Roy M. Furmark, had been a witness before the Senate Intelligence Committee and the Iran-Contra Committee. The Senate Legal Counsel has been advised that the materials concerning Furmark are being sought in connection with his expected testimony for the prosecution.

Furmark testified at a closed hearing of the Intelligence Committee in December 1986 and at a closed Iran-Contra deposition in July 1987. His testimony before the Iran-Contra Committee is described in the committee's report. With a few deletions, Furmark's Iran-Contra deposition has been published. The Intelligence Committee reported on Furmark's testimony in its public report in February 1987.

The following resolution will enable the chairman and vice chairman of the Intelligence Committee to provide a transcript of the witness' testimony before that committee to the district court for examination in camera. If the court determines that it should be provided to the defendant in the interest of justice, appropriate steps would be taken to declassify the transcript. To the extent that a privilege against disclosure should be asserted for any aspect of the subpoenas, the resolution vests discretion in the chairman and vice chairman of the Intelligence Committee to assert privilege, and authorizes the Senate Legal Counsel to represent the committee.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 278

Whereas, in the case of *United States* v. *Barnett*, No. 89 Cr. 699, pending in the United States District Court for the Southern District of New York, defendant Charles D. Barnett has caused the issuance of subpoenas for certain documents within the custody and control of the Select Committee on Intelligence;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1988), the Senate my direct its counsel to represent committees of the Senate with respect to subpoenas issued to them;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, certain of the documents requested have been classified in the interests of national security; Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to represent the Select Committee on Intelligence in the case of *United States* v. *Barnett*, No. 89 Cr. 699 (S.D.N.Y.).

SEC. 2. The chairman and vice chairman of the Select Committee on Intelligence are authorized to provide under appropriate security controls copies of relevant documents in the custody and control of the committee which are responsive to subpoenas in the case of *United States* v. *Barnett*, except concerning matters for which a privilege should be asserted.

Mr. MITCHELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator DOLE be recognized to address the Senate and that, upon the completion of his remarks, the Senate stand in recess under the previous order, until 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask that the prior order be vitiated, and I now ask unanimous consent to withdraw the motion to proceed to S. 135.

The PRESIDING OFFICER. Without objection, it is so ordered. The motion to proceed is withdrawn.

Mr. MITCHELL. I now ask unanimous consent, Mr. President, that Senator DOLE be recognized to address the Senate and, upon the completion of his remarks, that the Senate stand in recess until 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas [Mr. DOLE] is recognized.

PAC'S AND THE MONEY CHASE

Mr. DOLE. Mr. President, yesterday Senate Republicans unveiled an ambitious new campaign finance reform initiative.

The initiative would ban political action committees. It would ban soft money. It would impose limits on contributions from out-of-State sources. It would increase competition in politics by offering seed money to viable congressional challengers. And it would significantly reduce the cost of campaigns by providing a meaningful broadcast discount.

These proposals may be too bold for some. Too radical for others. Too threating to incumbents. Too offensive to the special interests. But if we are really serious about reforming campaign spending, we can either get serious or continue to make speeches and protect the status quo on Capitol Hill.

Judging by today's newspapers, it appears that the liberal media has grown quite fond of the status quo. Though comprehensive in scope and bold in approach, the Republican campaign finance reform initiative was barely—and frankly, very badly—reported.

Most articles embraced the almost clinical fixation on spending limits. Most articles just repeated the same worn-out and spoon-fed partisan line. And most articles failed to report yesterday's real story—that the Republican initiative would put the beltway special-interest operators out of business for good.

No doubt about it, one of the biggest perks of congressional incumbency is the apparent infatuation of special-interest PAC's with sitting Members of Congress.

In 1988, for example, incumbents received an unbelievable $118 million in PAC contributions, while challengers received a paltry $19 million.

And in 1988, corporate PAC's were the leaders in incumbency charity—giving 80 percent of their dollars to congressional incumbents—regardless of political philosophy and regardless of party affiliation. I might add that I am one of those, so I cannot knock it. I am just telling you the facts. If we are going to change it, we all have to. Everybody cannot figure out how to protect your own seat and my seat; we all have to get into the same wagon and push off.

Two articles appeared in today's Washington Post that highlight the cozy relationship between labor PAC's and Democratic incumbents. Appropriately entitled "PAC-Man Pursues His Hectic Schedule" and "No Off-Year for Fund-Raising Lawmakers," both articles highlight a day in the life of a lobbyist for the letter carriers' political action committee. The letter carriers' PAC happened to contribute

$760,000 to congressional incumbents last year—far more than any other PAC in the Nation.

I might say, I think that I calculate about $14,000 went to Republicans, so that is a pretty good ratio. If you are a Democrat, you get $746,000 and Republicans get $14,000.

So if we are really serious about campaign finance reform, these articles teach us a few important lessons about how to stop the never-ending money chase that concerns all of us in Congress.

In this respect, the Republican reform initiative keeps looking better every day.

So it seems to me that there is a reason to take a hard look at it. If we are concerned about so-called reform of the Hatch Act, I think these articles ought to make us think twice, make us think on both sides because maybe some of those Federal employee PAC's may someday be Republican. I do not know when that will be but we will be in control of the White House in the foreseeable future and sooner or later there may be more Republicans working for the Federal Government.

It seems to me if in fact we are serious, and I think most of us are on both sides of the aisle, it is going to be a struggle because some people do not want any PAC reform, do not want any campaign reform at all. If we are going to do it, it is going to be a painful process. Everybody is going to have to give up a great deal.

In my view, if we can do it on a bipartisan basis, it will be worth an effort and it will be done in a way I think that will bring the right results and still make us competitive on both sides of the aisle and give neither side an advantage.

Mr. President, I ask unanimous consent that the two articles in the Washington Post be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 2, 1990]

PAC-MAN PURSUES HECTIC SCHEDULE

COMMITTEES GAVE $57 MILLION IN 1989, MOSTLY TO INCUMBENTS

(By Charles R. Babcock and Richard Morin)

George B. Gould is a popular man, which is not surprising for someone who last year helped to pass our almost $769,000 to political candidates.

He is also a man who takes his job seriously. For Gould, chief lobbyist for the National Association of Letter Carriers, that means making the rounds of the Washington political action committee (PAC) fund-raising circuit, which can make for a long day. But, Gould explained, showing up at the seemingly endless rounds of fund-raising receptions is one way to underscore his support for and friendship with the lawmakers whose votes affect his union and its members.

George Gould's frenetic schedule—46 Washington fund-raising events last week and this—captures the reality of the chase for political dollars in the capital. It is a constant chase that will continue unabated as the Senate soon begins debating proposals to change the existing campaign finance system.

This is how it went for Gould on Tuesday of last week:

He started his day with three-fund-raising breakfasts. His first, at 8 a.m., was for Sen. Terry Sanford (D-N.C.) at Adirondacks, a restaurant at Union Station. He then hopped in a cab for the short ride to the National Democratic Club on the House side of the Capitol for separate events for Reps. Louis Stokes (D-Ohio) and Frank Annunzio (D-Ill.).

That evening, armed with a list of eight events to make in four hours, Gould hitched a ride with another labor lobbyist to a 5:30 reception for Rep. Lee H. Hamilton (D-Ind.) at the Democratic Club. Then he made a short visit with Rep. Matthew F. McHugh (D-N.Y.) at a private home on the way back to the Senate side and an event for Sen. Ted Stevens (R-Alaska) at the Hyatt hotel. The next stop was a fund-raiser for Rep. Thomas J. Manton (D-N.Y.) at the nearby Carpenters Union building.

Gould then picked up his car and drove to a reception at a private home for Rep. David E. Price (D-N.C.) followed by a gathering at Democratic National Committee headquarters of the Speaker's Club, an informal organization of individuals and PACs who donate $5,000 to the Democratic Congressional Campaign Committee.

He then drove downtown to a reception at the Hay-Adams Hotel for Rep. Sam Gibbons (D-Fla.) before showing up at the Palm restaurant for Rep. Douglas H. Bosco (D-Calif.). He skipped dinner at the Palm and headed to suburban Virginia, ending the 12-event day at a sit-down dinner at the home of Sen. Edward M. Kennedy (D-Mass.).

He was home at 10.

Last night, he had a seven-reception evening schedule. His personal record is 18 events in one day in September 1988.

The trim, bearded Gould, 50 has personal rules for surviving this routine: He limits his breakfast intake to juice and muffins, doesn't eat at receptions, and eats only one dinner at night. He drinks only soft drinks or soda water. "If I drank I'd be incoherent by 8," he said.

Gould's schedule is busier than most because his union's PAC is traditionally one of the top 10 givers. Last year it donated more money to candidates than any other. It gave $768,820 to a total of 259 House and 34 Senate candidates, including $5,000 or more to 48 House and 14 Senate candidates.

When he started lobbying for the letter carriers 11 years ago, Washington fund-raisers weren't that common, Gould recalled. Now, Tuesday through Thursday is filled with events—breakfasts, lunches, receptions and dinners. And the crowded schedule—coordinated by the national party committees—is forcing occasional Monday and weekend fund-raisers as well.

The role of PAC's is a key issue in the coming campaign reform debate. Many Democrats favor limiting PAC donations from special interest; some Republicans want them abolished. PACs contributed $57 million to candidates in 1989, a more than 25 percent jump from 1987. They also had about $128 million left over to spend this year.

More than 90 percent of last year's PAC donations went to incumbents. In part this was because many challengers hadn't yet been picked. But the figures underscore the huge and growing financial advantage incumbents have over potential rivals because PACs historically give most of their funds to incumbents.

Gould and several other lobbyists who run sizable PACs agreed that their donations favor incumbents. But they also argued that curbing PACs won't solve complaints about increasingly expensive campaigns.

"There's a natural bias toward incumbents built into the system," said Cory Strupp, treasurer of Morgan Cos. PAC, which made nearly $196,000 in donations last year, much of it to members of the Banking committees. "We know them, we've watched them, we've listened to them. It's so much easier to give to someone there." In an effort to help some challengers, Strupp said, his bank's PAC is giving more money this year to national party committees to distribute.

James P. Mooney, head of the National Cable Television proposals to re-regulate the industry, said, "PACs are just a way of funding the system." Currently, he said, "the political community expects you to have a PAC."

Reformers should consider changes in campaign spending practices "including free television time—broadcast and cable," he added. His PAC gave almost $213,000 to candidates last year.

Bob Bergland, head of the National Rural Electric Cooperative Association, whose PAC led energy givers with $224,000 in donations last year, said his committee also gives mostly to incumbents. Many incumbents, he noted, seek early contributions to build up their campaign treasuries and discourage potential challengers from entering a race.

"Early money is the best money," agreed Gould in explaining how his PAC jumped to first on the donation list last year. "If you have a friend, it's smarter to give it early. We try to raise and give money early."

"Our tendency is to focus on friends in trouble," Bergland said. A former congressman and secretary of agriculture in the Carter administration, Bergland said he was "terribly troubled" by the need of candidates to raise large amounts of campaign money. He said he favors public financing of elections. But absent that change, abolishing PACs would force candidates to seek money from rich individuals as they did in pre-Watergate days, he said.

The letter carriers' Gould isn't among those who complain about the time they have to devote to fund-raising events. "I enjoy it, not every minute of it, but I like people and talking to people and I like politics and talking politics," he said. "Generally, I'm very positive about it."

Gould knows the fund-raising game from both sides. He worked in California in the early 1960s for state Assembly Speaker Jesse Unruh, who gave the phrase "Money is the mother's milk of politics" to the political lexicon. Gould came to Washington in 1965 as top aide to the late representative Charles H. Wilson (D-Calif.) and then worked for the House Post Office and Civil Service Committee for 10 years.

When he joined the letter carriers in 1979, its PAC was small. During the 1987-88 election cycle, the letter carriers gave $1.7 million in donations, placing it No. 8 among all PAC contributors. Ninety percent of that money went to Democrats.

With 345,000 current and retired dues-paying members all over the country, the letter carriers get requests for donations from more candidates than many PACs. The union's PAC is financed by voluntary

contributions from members. Donations from 46,000 members average about $26 a year.

The 50 to 60 invitations Gould's office receives each week are considered each Friday morning by a committee made up of Gould, other lobbyists and retired letter carriers. Political activities of active government employees in the union are limited by Hatch Act restrictions that the union is lobbying hard to relax.

The solicitations are categorized based on the union's relationship with the candidate, the candidate's voting record, and his or her stand on issues important to the letter carriers, such as federal health and retirement benefits.

When a decision is made to support a candidate, the check is always mailed, Gould said with a smile. "That's our business. It's a great test of the system and the check always gets there."

Rep. Glen Browder (D-Ala.) will confirm that. The new congressman received $16,000 from the letter carriers PAC last year, including the $5,000 maximum in each of the special primary, runoff and general elections in February and March. The successor to the late representative Bill Nichols (D) also got $1,000 in June toward his first re-election campaign.

Gould usually tries to attend the Washington fund-raisers for candidates the union supports. "I go so they know the letter carriers participated and to get to know them a little personally," he said. He never lobbies at a fund-raiser or raises his union's legislative agenda unless a candidate raises the subject, he said.

Gould is perplexed as he watches the debate on campaign reform. "Short of full public financing, you're just moving the chairs around," he said. "PACs don't drive the campaign, costs do." There is now a professional campaign industry of consultants, pollsters, direct mail and television experts, he noted.

"If you eliminate PACs tomorrow, where would you get the money?" Gould asked. "It's more democratic to get it from PACs like ours, where the average donation is $26, than from $1,000 donors."

KEEPING UP WITH GOULD

Following is a schedule of fund-raising events since April 23 that George Gould attended or plans to attend:

Monday, Apr. 23: Evening reception for Rep. Dante B. Fascell (D-Fla.), chairman of the Foreign Affairs Committee, at Florida House; barbecue for Rep. Fred Grandy (R-Iowa), a member of the Education and Labor Committee, at Hogs on the Hill restaurant.

Tuesday, April 24: See accompanying story.

Wednesday, April 25: Breakfast with members of Pennsylvania congressional delegation and visiting delegation of about 400 Pennsylvania letter carriers; breakfast at Bullfeathers restaurant for Rep. Cliff Stearns (R-Fla.); lunch fund-raiser for Rep. Benjamin L. Cardin (D-Md.); evening fundraiser for Rep. Al Swift (D-Wash.) at the Democratic Club; "thank you party" for supporters of Rep. Bob Traxler (D-Mich.) at Rayburn House Office Building. (At the Congressional Democratic Dinner at the Washington Hilton that evening, Sen. Max Baucus (D-Mont.) and Reps. Morris K. Udall (D-Ariz.) and Thomas A. Luken (D-Ohio) sat at the letter carriers table.)

Thursday, April 26: Lunch for Rep. Craig A. Washington (D-Tex.), the successor to Rep. Mickey Leland; evening receptions for Rep. Jim Jontz (D-Ind.) at a private home; Rep. Bart Gordon (D-Tenn.) at Democratic National Committee headquarters; and Rep. David R. Obey (D-Wis.) at the Democratic Club.

Sunday, April 29: Fund-raising brunch for Rep. Mervyn M. Dymally (D-Calif.) at Pisces restaurant.

Monday, April 30: Lunch for Rep. William D. Ford (D-Mich.), chairman of the Post Office and Civil Service Committee, at the Democratic Club; evening reception for Rep. Lawrence J. Smith (D-Fla.) at Hotel Washington.

Tuesday, May 1: Breakfast for Rep. Beverly B. Byron (D-Md.) at the Democratic Club; evening receptions for Reps. Norman Sisisky (D-Va.) at the Democratic Club and Hamilton Fish Jr. (R-N.Y.) at the Hay-Adams. Also on the schedule were events for Reps. Sander M. Levin (D-Mich.), Kweisi Mfume (D-Md.), Don Young (R-Alaska) and James L. Oberstar (D-Minn.) and a reception/dinner for Rep. Chester G. Atkins (D-Mass.) at Adirondacks restaurant. (Did not attend reception for Rep. Guy Vander Jagt (R-Mich.), chairman of the GOP campaign committee, because Capitol Hill Club site is being picketed.)

Wednesday, May 2: Breakfasts for Sen. J. James Exon (D-Neb.) at La colline and Rep. Brian J. Donnelly (D-Mass.) at the Democratic Club. (Will not attend breakfast for Rep. Bill Lowery (R-Calif.) because Capitol Hill Club site is being picketed.) Evening receptions for Reps. Richard H. Lehman (D-Calif.) and Vic Fazio (D-Calif.) at the Democratic Club; Rep. Constance A. Morella (R-Md.) at the Phoenix Park Hotel; Rep. Dan Burton (R-Ind.) at the American Trucking Association and Rep. Eliot L. Engel (D-N.Y.) at La Colline.

Thursday, May 3: Breakfasts for Sen. Howell T. Heflin (D-Ala.) and Rep. Thomas C. Sawyer (D-Ohio) at the Democratic Club; lunch for Rep. Philip R. Sharp (D-Ind.) at the Democratic Club; evening events for Rep. Robert T. Matsui (D-Calif.) at the Democratic Club and Roy Dyson (D-Md.) at La Colline.

[From The Washington Post, May 2, 1990]

NO "OFF YEAR" FOR FUND-RAISING LAWMAKERS

(By Richard Morin and Charles R. Babcock)

There were no regular federal elections in 1989, an "off year" in political parlance. Incumbent members of Congress and lobbyists know better. When it comes to fund-raising, there is no off year.

Political action committees (PACs) contributed more than $57 million to candidates last year, and incumbents received more than 90 percent of it, according to a computer-aided Washington Post analysis. Not surprisingly, much of the money went to members of committees with jurisdiction over the PACs' industries and unions.

"We're interested in the Banking committees, Energy and Commerce and Ways and Means, the ones that will influence our business the most," said Marty Farmer, lobbyist and holder of the PAC purse strings for Barnett Banks of Jacksonville, Fla., a regional bank with $30 billion in assets. "We're not opposed to an incumbent unless we don't like them . . . like Al D'Amato," a Republican senator from New York known for trying to protect the securities industry against competition from banks.

The "Barnett People for Better Government" PAC gave $183,000 in donations last year, third in the nation among financial industry PACs. The 290 financial PACs donated a total of $4.1 million, the highest of any interest group.

The Post analysis also showed that:

Incumbent Democrats, who enjoy a 5-to-3 advantage over Republicans in Congress, collected a similarly lopsided share of the 1989 PAC dollars, $33.3 million to $18.5 million. The average $833 donation to Democrats was more than $100 larger than the average contribution to GOP members.

A key committee assignment can mean a windfall in PAC dollars, particularly in the 435-member House. For example, the 42 members of the House Energy and Commerce Committee, which has wide jurisdiction over business, collected $4.3 million. Ways and Means Committee members, who write the nation's tax laws, received $3.8 million. Other contribution totals to members of key House committees included Appropriations, $3.7 million; Merchant Marine and Fisheries, $3.6 million; Banking, Finance and Urban Affairs, $3.6 million; and Public Works and Transportation, $3.5 million. (Members can serve on more than one committee.)

PAC GIVING IN 1989—SPECIAL INTEREST GIVING TO MEMBERS OF CONGRESS

[Contributions shown in millions of dollars]

Interest Group [1]	Total	House	Senate
Financial industry	$4.1	$2.6	$1.5
Energy industry	3.8	2.2	1.6
Insurance industry	3.4	2.0	1.4
Transportation unions	3.0	2.3	.7
Communications industry	3.0	1.9	1.1
Government unions	2.9	2.3	.6
Transportation industry	2.4	1.4	1.0
Aerospace/Defense industry	2.3	1.4	.9
Real Estate/Construction industry	2.3	1.6	.7
Food industry	2.1	1.2	.9
Construction unions	1.8	1.4	.4
Legal profession	1.4	.8	.6
Pro-Israel PACs	1.2	.3	.9

[1] In compiling this chart, The Washington Post used a computer tape from the Federal Election Commission containing reports on donations made by all PACs in 1989, and a data base developed by Common Causes that identifies the special interest represented by each PAC. Post researchers classified additional PACs not identified by Common Cause.

The Top 25 PACS

Political Action Committee	*Total contributions (1989)*
Committee On Letter Carriers Political Education	$768,820
American Telephone And Telegraph Co	686,390
Democratic Republican Independent Voter Education Committee (Teamsters)	629,312
American Federation Of State, County and Municipal Employees	600,589
Air Line Pilots Association	547,797
Association of Trial Lawyers Of America	523,800
Carpenters Legislative Improvement Committee	493,801
Realtors Political Action Committee	469,660
National Association Of Retired Federal Employees	467,300
National Association Of Life Underwriters	457,550
Federal Express Corp. Political Action Committee	440,525
National Association Of Home Builders	428,925
American Bankers Association	424,900
Machinists Non-Partisan Political League	410,520

The Top 25 PACS—Continued

Political Action Committee	*Total contributions (1989)*
United Auto Workers Voluntary Community Action Program	408,478
International Brotherhood Of Electrical Workers Committee	390,910
American Institute of Certified Public Accountants	353,109
National Education Association	341,345
American Postal Workers Union	334,781
Independent Insurance Agents of America	332,050
American Medical Association	332,000
United Food And Commercial Workers	329,943
RJR Nabisco Inc.	315,800
United Parcel Service	304,792
Engineers Political Education Committee	296,050

Source: Contributing to this project were Richard Morin, director of polling, systems consultant Edward Dolbow and Sharon Warden, senior polling analyst.

The Letter Carrier's biggest gifts

To House Members in 1989:	
Glen Browder (D-Ala.)	$16,000
Nita M. Lowey (D-N.Y.)	15,000
Bill Sarpalius (D.-Tex.)	10,000
Louise M. Slaughter (D-N.Y.)	10,000
Jill Long (D-N.Y.)	9,500
Thomas J. Ridge (R-Pa.)	7,500
Jolene Unsoeld (D-Wash.)	6,700
David E. Bonior (D-Mich.)	6,180
Bob Clement (D-Tenn.)	6,000
William D. Ford (D-Mich.)	6,000
George E. Sangmeister (D-Ill.)	6,000
Gary L. Ackerman (D-N.Y.)	5,000
Les AuCoin (D-Ore.)	5,000
Jim Bates (D-Calif.)	5,000
George E. Brown Jr. (D-Calif.)	5,000
Dan Burton (R-Ind.)	5,000
James McClure Clarke (D-N.C.)	5,000
Roy Dyson (D-Md.)	5,000
Vic Fazio (D-Calif.)	5,000
Thomas S. Foley (D-Wash.)	5,000
Martin Frost (D-Tex.)	5,000
Richard A. Gephardt (D-Mo.)	5,000
Benjamin A. Gilman (R-N.Y.)	5,000
Fred Grandy (R-Iowa)	5,000
William H. Gray III (D-Pa.)	5,000
Peter Hoagland (D-Neb.)	5,000
G.J. Hockbrueckner (D-N.Y.)	5,000
Frank Horton (R-N.Y.)	5,000
Steny H. Hoyer (D-Md.)	5,000
Frank McCloskey (D-Ind.)	5,000
Constance A. Morella (R-Md.)	5,000
Wayne Owens (D-Utah)	5,000

The Letter Carrier's biggest gifts—Continued

Elizabeth J. Patterson (D-S.C.)	5,000
James H. Quillen (R-Tenn.)	5,000
Edward R. Roybal (D-Calif.)	5,000
Gerry Sikorski (D-Minn.)	5,000
Richard H. Stallings (D-Idaho)	5,000
Fortney Pete Stark (D-Calif.)	5,000
Morris K. Udall (D-Ariz.)	5,000
Henry A. Waxman (D-Calif.)	5,000
Jamie L. Whitten (D-Miss.)	5,000
Ted Weiss (D-N.Y.)	5,000
Gus Yatron (D-Pa.)	5,000
To Senators in 1989:	
Paul Simon (D-Ill.)	10,000
J. James Exon (D-Neb.)	9,000
Ted Stevens (R-Alaska)	9,000
Carl Levin (D-Mich.)	8,000
Albert Gore Jr. (D-Tenn.)	7,000
Tom Harkin (D-Iowa)	7,000
John D. Rockefeller IV (D-W.Va.)	6,000
Max Baucus (D-Mont.)	5,000
Joseph R. Biden Jr. (D-Del.)	5,000
Bill Bradley (D-N.J.)	5,000
Howell T. Heflin (D-Ala.)	5,000
Joseph I. Lieberman (D-Conn.)	5,000
Sam Nunn (D-Ga.)	5,000
David Pryor (D-Ark.)	5,000

Defense contractors with threatened programs were among the leading PAC contributors in the defense industry. Textron, maker of the tilt-rotor Osprey plane, gave $44,000 in PAC funds to members of the House Appropriations Committee. The PAC at Northrop, builder of the controversial B-2 "stealth" bomber, contributed $29,000. Grumman, producer of the F-14 jet fighter the Navy no longer wants, donated $27,500 in PAC money.

PACs for the declining American maritime industry—both unions and shipping companies—were major donors to members of the House Merchant Marine and Fisheries Committee and the Senate Commerce, Science and Transportation Committee. David A. Keene, a spokesman for the Marine Engineers Beneficial Association union, noted that policies crafted by those committees "will dictate the health or growth of the domestic maritime industry. Therefore you would obviously expect everyone in the industry to be working with and supporting members of those committees."

Seats on the tax-writing committees have been avidly sought by members because all special interest groups are interested in befriending someone with the power to tax them or give them a tax break. The friendliest group to members of the House Ways and Means Committee last year was insurance PACs.

Reasons for this include a long-running fight between rival stock and mutual insurance companies over the arcane issue of which segment of the industry should pay the most in taxes. And insurance agents' groups are eager to prevent taxation on certain items they sell.

The House Energy and Commerce Committee held several key votes on clean air amendments last year. The legislation is of vital interest to oil, gas and utility firms. But the heaviest contributions to members of the committee were by the communications industry, followed by energy and utility PACs and financial institutions.

Herb Linnen, a spokeman for AT&T, said his corporation's PAC gave $78,225 to Energy and Commerce members because proposed bills in the committee are likely to affect the future of the telecommunications industry. The company's goal is to prevent its former subsidiaries, the regional Bell operating companies, from finding a legislative way around prohibitions on manfacturing equipment and entering the long-distance market, Linnen said.

MIDDLE EAST NEGOTIATIONS

Mr. DOLE. Mr. President, I was advised earlier by Senator SPECTER that he had heard that there had been a statement made that President Mubarak of Egypt and President Assad of Syria might be willing to enter into negotiations with Israel. Egypt already has, but in this case it would be a new statement for Assad from Syria.

I am not certain the reports are true, but I certainly will encourage President Assad to do that. We raised that with him in our visit to the Mideast a couple weeks ago. It would be an indication of his willingness to make peace with the State of Israel, and it is a point we stressed with him during our visit.

Again, I assume there will be additional reports if they are accurate, but in any event if that is not the case then I would certainly encourage President Assad to do that.

RECESS UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order the Senate will stand in recess until 9:45 a.m. tomorrow.

Thereupon, the Senate, at 6:42 p.m., recessed until Thursday, May 3, 1990, at 9:45 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, May 2, 1990*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker.

WASHINGTON, DC,
May 2, 1990.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Frank Witman, United Methodist Church, Simi Valley, CA, offered the following prayer:

We thank You, O God, for the Nation in which we live, and for the position of leadership in which we have been set, as a nation among nations. We thank You for Your trust in us as we strive to fulfill that leadership. May our actions, and not just the words on our currency and on the wall of this chamber, reflect "In God We Trust."

Help us to take the blessings You have given, and to express them with humble spirits, because of the ways in which You have touched our lives.

Out of the humility which we have experienced, help us to recognize our servanthood on behalf of those in this Nation whom we serve.

Care for us in the personal needs which we have, that in our being cared for, we would be better in our caring for others.

In the name of Him who came that we might have abundant life. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina [Mr. BALLENGER], who will lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4404. An act making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4404) "An act making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. BURDICK, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. HATFIELD, Mr. STEVENS, Mr. MCCLURE, Mr. GARN, Mr. COCHRAN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, and Mr. GRAMM to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res 294. Joint Resolution to designate May 4, 1990, as "Department of Education Day."

The message also announced, that pursuant to Public Law 99-498, the Chair on behalf of the President pro tempore, appoints Lynn M. Burns, of Rhode Island, to the Advisory Commission on Student Financial Assistance, to fill the unexpired term of Dr. Dallas Martin, resigned.

The message also announced, that pursuant to section 9355(a), title 10, of the United States Code, the Chair on behalf of the Vice President, appoints Mr. COCHRAN from the Committee on Appropriations; Mr. GRASSLEY from the Committee on Appropriations; Mr. WIRTH from the Committee on Armed Services; and Mr. DECONCINI, at large; to the Board of Visitors of the U.S. Air Force Academy.

The message also announced, that pursuant to section 4355(a), title 10, of the United States Code, the Chair on behalf of the Vice President, appoints Mr. REID from the Committee on Appropriations; Mr. D'AMATO from the Committee on Appropriations; Mr. SHELBY from the Committee on Armed Services; and Mr. BURNS, at large; to the Board of Visitors of the U.S. Military Academy.

The message also announced, that pursuant to section 6968(a), title 10, of the United States Code, the Chair on behalf of the Vice President, appoints Ms. MIKULSKI from the Committee on Appropriations; Mr. HATFIELD from the Committee on Appropriations; Mr. MCCAIN from the Committee on Armed Services; and Mr. SARBANES, at large; to the Board of Visitors of the U.S. Naval Academy.

DR. FRANK WITMAN

(Mr. GALLEGLY asked and was given permission to address the House for 1 minute.)

Mr. GALLEGLY. Mr. Speaker, I am pleased to introduce a good friend and a distinguished community leader from my hometown of Simi Valley, CA, Dr. Frank Witman.

Since 1969, Dr. Witman has been the senior minister of the United Methodist Church in Simi Valley.

Besides serving the spiritual needs of his congregation, Dr. Witman has been a community leader as well. He is active in education and business affairs, was named a Paul Harris fellow by the Rotary Foundation, and has served since 1978 as the chaplain of the Simi Valley Police Department.

He earned a master of theology degree in 1959 from the School of Theology at Claremont, CA, and earned his doctorate in 1977 from the same school.

On behalf of all our colleagues, I want to extend a warm welcome to Dr. Witman, and to thank him for giving our prayer today.

HOUSE-PASSED BUDGET MAKES BIGGER FEDERAL INVESTMENT IN HIGHWAYS AND EDUCATION

(Mr. TANNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANNER. Mr. Speaker, yesterday this body passed a budget for fiscal year 1991 which recognizes the responsibility we all share to develop public policy that invests in the future of our country.

Two aspects of that budget that are particularly important to the Eighth Congressional District of Tennessee are highways and education. In both of those areas, the House-passed budget calls for more Federal investment than the President recommended.

In Tennessee, almost 50 percent of our bridges have been rated deficient. Our country's educational status in the industrialized world is a primary source of national concern.

I, and many Americans, are disenchanted by this neglect and callousness over the past decade. We are told by the present and previous administrations that when Congress appropriates money for needed projects and programs to help American citizens who live in this country, work in this country, pay taxes in this country, it is pork barrel—but it is good government to send millions overseas and to foster free trade policies that are sapping our economic life.

Let us now invest in America for our citizens and those who follow us.

FRANKING REFORM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, recent articles in various news publications have brought to our attention once again the abuses of the franking privilege.

According to a recent Postal Service projection, the House will exceed this year's franking appropriation by more than $38 million.

It is projected that we will mail 535 million pieces of mail for the entire year. In other words, Mr. Speaker, every man, woman, and child in the United States will receive two pieces of franked mail from their Congressman.

I have always believed Members have the right and the duty to answer letters from constituents. But, let's face it, 535 million people are not writing to their Representatives.

I am introducing a resolution which will cut the number of postal patrons and meeting notices to two per year. The resolution establishes individual Members accounts for mail, as determined by the House Administration Committee. But, when that money is exhausted, the free mailing stops. No more supplementals for the frank—this is pay-as-you-go.

Finally, Mr. Speaker, this resolution calls for complete disclosure of how much we mail and what it costs. This is similar to what is now required in the Senate.

Mr. Speaker, it is time to take a cold hard look at the abuses of the frank and most of all to do something about it.

PRESIDENT'S BUDGET PROPOSAL ECHOS PAST MISTAKES

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, yesterday this body made a fundamental choice between two alternative views of what America should be about as we move into the 1990's.

The President's view—as expressed in his budget proposal—was that it is enough for the 1991 budget to simply echo the past; that it is enough to repeat the mistakes of the past; that "staying the same" is good enough for America.

I am proud to say the House Budget Committee offered an alternative view.

Their budget said it is time to invest in America; that it is time to strengthen American families and America's working men and women by investing in housing, education, research, and job training.

In short, the committee's budget said it is not good enough for America to sleepwalk into the future, and that America deserves better from its President than a budget even his own party was too embarrassed to bring to the floor for a vote.

President Bush has been given a great gift by the American people. As a new age dawns, he has been given the opportunity and the power to lead a free and great nation. How unfortunate it is that as that new age dawns, this President prefers to reflect on the past.

□ 1210

BUDGET INVESTS IN AMERICA'S FUTURE

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, yesterday the House passed a budget to invest in American's future.

The 1991 budget prepared by the House Committee on the Budget does a number of important things. First of all, it cuts the deficit by at least $25 billion, and this is a major improvement of last year's budget, which had in the end about $5 billon in real cuts. Second, it is a 5-year plan. For the first time we are charting the future of our budget out over a 5-year period.

Best of all, by the end of the 5-year period, fiscal year 1995, it will have taken Social Security off budget. It will have reached the Gramm-Rudman target by 1993, and by 1995 we will no longer be dependent upon Social Security revenues to fund the day-to-day operations of the Government. That is extremely important.

It also, over the 5-year period, substitutes some more realistic economic assumptions of the Congressional Budget Office for those of OMB. That is another very important factor. Because one of the reasons the administration's budget was so far out of whack is because of those unrealistic economic assumptions.

PROCEED CAUTIOUSLY WITH SUPERCONDUCTING SUPER COLLIDER

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, shortly this House will take up the authorization legislation for the superconducting super collider, the biggest single nondefense project this Government has undertaken in recent memory.

There are three schools of thought on the superconducting super collider. One school says, "Let us proceed with dispatch. Let us not be confused with the facts. Let us just go ahead, start digging, start building." The second school of thought says, "Wait a minute, we should kill this project. We cannot affort it. It is too expensive." The third school, the one in which I am enrolled, says, "It is good science. The Nation probably should proceed with this project, but we should proceed with caution. Do not let the construction get ahead of the science."

During debate we will have several perfecting amendments, amendments that we think will represent the taxpayers' best interest and also protect the interests of the Nation and science.

I urge my colleagues to pay particular attention to this discussion. The superconducting super collider is a big deal for America, and let us proceed cautiously.

WORKERS MEMORIAL DAY

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. JONTZ. Mr. Speaker, this past Saturday April 28 the workers of our Nation remembered their dead at

Workers Memorial Day observances across the country.

Every year, more than 10,000 American's are killed on the job; 70,000 are permanently disabled. And more than 6.2 million are injured—100,000 workers die from occupational diseases, and 9 million more are exposed to cancer-causing chemicals.

Perhaps most tragic is the fact that many of these injuries, exposures, and deaths could be prevented. The Federal Government, through the Occupational Safety and Health Administration, has the responsibility to protect workers' health and safety, but they are not getting the job done.

Injury and illness rates for the 20 most hazardous industries actually increased by 10 percent between 1987 and 1988.

Mr. Speaker, this country's working families deserve safe workplaces. I hope that the Congress will address this issue before the next Workers Memorial Day, so that one day unsafe workplaces will truly be a thing of the past.

NEW YORK NAVAL HOMEPORT DESERVES SUPPORT

(Ms. MOLINARI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOLINARI. Mr. Speaker, yesterday two of my House colleagues offered legislation that would undo 5 years of military planning and effort and could thwart New York City's chances of financial survival. I am referring to recent efforts to kill all new naval homeports, including the port in New York which is 90 percent complete.

Among the reasons cited by my colleagues for this drastic move is the opposition to the port by New York City Mayor David Dinkins. David Dinkins visited us last week to spread irresponsible rhetoric against "sailing a potential Chernobyl into New York harbor" as he referred to U.S. Navy ships. He also claimed he was obligated to this course based on the mandate he received when elected in November.

I find this last assumption significantly challenging as David Dinkins was, in fact, elected with less than a 1 percent margin in a city where Democrats outnumber Republicans by 7 to 1. Mr. Dinkins, in fact, speaks about the homeport opposition while failing to acknowledge the abundance of support which exists throughout New York State for a homeport.

Governor Cuomo supports the port, as does Senator D'AMATO; the New York State Assembly has passed a resolution advocating the naval station while the Senate has done so twice. The speaker of the New York City Council and the majority of councilmembers as well as veterans, business and labor groups, and thousands of men, women, and children are all working in support of the port.

Finally, Mr. Speaker. I want to issue an open invitation to any of my House colleagues who still believe, as I do that the U.S. Navy—even in these days of diminished conflict—should still be the strongest seafaring fleet in the world. To those Members who believe military preparedness is more important than political posturing I invite you to join me during Fleet Week in June to welcome the Navy to her new home on Staten Island.

JOYRIDE FOR THE PHILIPPINES IS OVER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, 3 years ago Corazon Aquino came to this Congress wearing yellow. She was asking, though, for more green, greenbacks that is, more cash. Even though she had already gotten half a billion dollars, $500 million, from this Congress, she asked for another $200 million, and after a 45-minute speech, she got an additional $100 million, and Members were wearing yellow; it was a real love-in.

I said then that if Congress hands out more green to the Philippines, we are going to end up singing the blues. Since then, Corazon Aquino has snubbed Dick Cheney doing a fine job at the Pentagon, and yesterday protestors marched on the gates of our bases down there and marched on our Embassy demanding that America go home, "Yankee go home. We don't want your bases."

Mr. Speaker, I am saying here today: The love-in should stop. It is time to tell the Philippines no more bases, no more money, no more participation, no more cash, the joyride is over.

Maybe Congress will realize that we do not buy friends, you gain respect.

Why do we not invest that money in America and put these countries in order?

THE FREEDOM TO WORK ACT

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, in listening to some of my colleagues on the other side of the aisle, I am reminded of some words of Shakespeare—"The lady doth protest too much, methinks."

Lately members of the other party have stood here in an apparently orchestrated program sounding their disharmony with the administration—but their criticisms hit a sour note because of one inescapable fact: Their party controls the Congress.

We all want to measure up to the goal of improving the quality of life for all Americans. That might happen if less time were spent President-bashing—and more time spent getting important legislation onto the floor for the voting process.

Just for example, the Older Americans Freedom to Work Act has been stuck in committee for almost 1 year, even though it has the support of more than 200 Members and the American people. This bill would do away with the discriminatory Social Security earnings limit that penalizes older Americans for working. It's a matter of fairness.

There are many good bills like this one that have been lost in the cacophony of partisanship. Perhaps we could take heed from other words of Shakespeare—"It's time for more matter with less art."

NEW INFORMATION ON THE GANDER TRAGEDY

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, I want to draw my colleagues' attention to an article in last Sunday's Chicago Tribune magazine which sheds new light on the Gander tragedy of 4 years ago which killed 248 soldiers of the Army 101st Airborne Division.

The Chicago Tribune has distributed copies of the article to every Member of Congress. I encourage all of my colleagues to read this enlightening six-page expose. As well, I have copies available in my office.

Also, I want to urge anyone who has any information on this tragedy to come forward to help us in getting to the bottom of this mystery.

INTRODUCTION OF THE STRIPED BASS PROTECTION ACT

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I am introducing a bill today to protect Atlantic striped bass in Federal waters. This bill will place a 3-year moratorium on the fishing of Atlantic striped bass in the exclusive economic zone [EEZ] of the United States. The moratorium will apply to both sport and commercial fishermen.

Congress has taken a special interest in this noble fish since 1984, when it passed the Atlantic Striped Bass Conservation Act. Indeed, this law has brought the bass stocks on the road to recovery.

This year the Atlantic States Marine Fisheries Commission took action to

relax conservation measures in State waters by lowering minimum size limits, lifting moratoriums, and allowing directed fisheries. Many feel this action is premature and may endanger the conservation efforts achieved over the last few years.

That is why I am introducing this legislation today. Only a small percentage of striped bass are taken from Federal waters, but it is an important percentage—the larger spawning stock.

The National Marine Fisheries Service is currently pursuing the prohibition of harvesting striped bass in the EEZ. However, it is estimated that the earliest this ban could be in place is in the fall.

I invite my colleagues to cosponsor this bill to try to get protection in place as soon as possible and for a minimum of 3 years.

□ 1220

TIME TO INVEST IN THE FUTURE OF AMERICA

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, the cold war is over, and it's time for us to start investing in the future of America, not the protection of Europe and Japan. But, while the people in Red Square are telling their government to get out of town, the Bush administration is asking for more weapons. While America continues to build bombs which have no value, our friends around the world are building futures for their children. Mr. Speaker, it's time for America to wake up and create a national policy which makes us competitive.

Our roads are in disrepair. Our air and water needs help, and many of our high school graduates can't even find this great Nation on a map. We need to reinvest in these fundamental building blocks of a sound economy. How can America be competitive with decaying national infrastructure? If America is going to compete in the world, it has to start getting its own house in order. It's time for bridges, not bombs. Yet, the President and Arnold Schwartzenegger are at the White House trimming fat off their middles. I just hope they paid attention yesterday when the Democrats trimmed the fat off the budget.

CONTINUE AID TO EL SALVADOR

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, toward the end of his excellent op-ed piece in Monday's Washington Post, El Salvador's President Alfredo Cristiani said that we cannot allow the Marxist Faribundo Marti National Liberation Front, the FMLN, to win in Washington what they failed to win in El Salvador.

Well, what have we seen develop in Washington, Mr. Speaker? We have seen the Committee on Foreign Affairs in the last few days bring about a 50-percent cut in assistance to the duly elected government of El Salvador, and we have seen the task force which was charged with determining the validity of the case against Colonel Benavides dealing with the horrible massacre of Father Ellacuria and the other Jesuits last November come to the conclusion that they should support that 50-percent cut.

Then what happened, Mr. Speaker? Well, just today we saw two advisers of President Cristiani brutally murdered and an attempt made by the FMLN to kill President Cristiani, that done on the very day that negotiations were to proceed between the FMLN and the government of El Salvador.

Mr. Speaker, if we are going to bring about a resolution to this crisis in a country where there has been a dramatic increase in the flow of weapons from Nicaragua into El Salvador, it is essential that we continue this important aid package.

VOTE TO AUTHORIZE SUPERCONDUCTING SUPER COLLIDER

(Mr. CHAPMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAPMAN. Mr. Speaker, oftentimes one of the toughest questions we have to answer as legislators is, is it an appropriate expenditure of American tax dollars to invest in basic research and development?

Today on the floor of the House we will make the decision as to whether or not to authorize a high-technology research and development system, the superconducting super collider. In answering the question is that an appropriate expenditure and should we in the Government be involved as a partner in basic research and development, I think we should look to the past to see what that kind of investment has meant to us before.

We are told that fully 60 percent, 60 percent of our Gross National Product today, is a direct result of high energy physics research and discoveries of the atom, the components, the development of applied research that have led to the high-technology industries that are driving our economy today.

We in this body owe the taxpayers and citizens of our country the decisions that will make sure that competitiveness in the future and economic security are a part of what we are about.

Let us vote today to authorize the superconducting super collider.

TAXATION WITHOUT REPRESENTATION

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, on a cold day in December 1773, our forefathers raided three ships in Boston Harbor, dumping precious tea into the waters, as they rallied against the tyranny of taxation without representation.

Fourteen years later, the U.S. Constitution promised that Americans would never again suffer taxation without representation.

Yet the Supreme Court recently handed down a decision which I find somewhat incredible. In the case of Missouri versus Jenkins, the Court gave Federal judges—appointed officials—a blank check to order local elected officials to raise taxes.

I am today joining in introducing a bill to limit Federal courts, from laying or increasing taxes, either directly or indirectly. The court's decision convolutes the mandates of the Federal Constitution, and it cannot be allowed to stand.

The Constitution reserves the power of taxation solely for the legislative branch of Government. Only those who are elected to be the voice of the people, and who must account for their actions at the polls each and every election day, should have the power to impose taxes on the people.

Judge Russell Clarke, a Federal judge in Kansas City, imposed a sweeping, $600 million desegregation plan on the school district. He also levied a property tax on the residents of Kansas City to pay for the plan, which includes a planetarium, an Olympic-size swimming pool, a 25-acre farm, movie editing and screening rooms, and a temperature-controlled art gallery.

Mr. Speaker, when our children study the history of world civilizations, we point with pride to ancient Greece and the roots of participatory democracy. But as Justice Kennedy said in his dissent, "Such lessons will be of little use to students who grow up to be taxpayers" in Kansas City.

HELP LITHUANIA REALIZE THE DREAM OF FREEDOM

(Mr. SARPALIUIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, we must look at what the American

dream is. What do we represent? We represent freedom, democracy, liberty. That dream is the same dream that the people of Lithuania have. Why in the world are we supporting communism in the country of Lithuania?

What they want is that same American dream. I have with me today a copy of the first newspaper ever printed in the country of Lithuania that was not edited by the government. That is what freedom is all about.

When I came to Lithuania, when I visited that country recently, you should have heard the enthusiasm of those people, where they said now we get to worship our God publicly, now we get to go to church on Sundays. That is what the American dream is all about.

So I challenge our President to recognize the country of Lithuania, and give them that same dream that we cherish so much in this country, the dream of freedom.

HUMAN RIGHTS IN EL SALVADOR MUST IMPROVE

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, through more than 10 long years of civil war, the people of El Salvador have endured tremendous suffering. Much of that suffering has been at the hands of their own military. Much of that suffering has been at the hands of U.S. tax-supported military. It is time, Mr. Speaker, in fact, it is past time, to end our support of human rights abuses in El Salvador.

We must send a serious message to the Salvadorean military, judicial system, and government, that we will not continue to support a system where repression is tolerated and where human rights abuses go unpunished.

Mr. Speaker, military aid to El Salvador should be eliminated, at least made conditional upon improvements in the human rights situation in El Salvador. If human rights are to improve in El Salvador, there must be reforms in the military and those responsible for the murder of the priests must be brought to justice.

□ 1230

SDI TECHNOLOGY DISPLAY

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, I would like to extend a special invitation to you and my colleagues to visit the special "SDI Tech," technology display which has just started at noon today. It is in the House Armed Services Committee hearing room, room 2118, Rayburn. It is going to be conducted today and tomorrow.

Today between 12 and 1 o'clock members of the press are invited, and at 1:30 this afternoon Vice President QUAYLE is going to stop by to view this technology. There is a special opportunity for Members only between 4 and 7 o'clock this afternoon to visit with the contractors and the laboratories which have SDI technology on display, to visit with them about it. For example, Dr. Lowell Wood of the Lawrence Livermore Laboratory will be there and will actually show Members Brilliant Pebbles and describe how it works. In addition, tomorrow it will be open from 9 to 3 o'clock and members of the public are invited to stop by for these special displays.

We have achieved a lot of progress with the SDI technology. Here is an opportunity for all Members to see just exactly what we have achieved, and I urge my colleagues to stop by room 2118 in the Rayburn Building to visit this SDI technology.

CORRECTION OF MISREPRESENTATION OF EVENT HELD BY REPRESENTATIVE TRAXLER

(Mr. TRAXLER asked and was given premission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAXLER. Mr. Speaker, an article entitled "PAC-Man Pursues Hectic Schedule," in today's paper unfortunately leaves the reader with the belief that is totally false and an inaccurate impression that an event I hosted in the Rayburn House Office Building on April 25 was a political fundraising event.

Mr. Speaker, I want my colleagues to know that I would never violate the House rules by hosting a fund-raiser in a House office building. This was an annual event as an expression of gratitude to coincide with my special election date and nothing more and nothing less.

I thank the Speaker for this opportunity to correct the record.

INTRODUCTION OF THE J. KENNETH ROBINSON POST OFFICE BILL

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute and to revise and extent his remarks.)

Mr. SLAUGHTER of Virginia. Mr. Speaker, I rise today, with the entire Virginia delegation, to introduce legislation to designate the post office in Winchester VA, as the "J. Kenneth Robinson Postal Building."

I believe that such a tribute to a man who gave so many years of service to his community, Virginia and to our country is appropriate and deserved.

As most of you know, Kenneth Robinson served as a Member of this body for 14 years. He was the ranking member of the Permanent Select Committee on Intelligence. He also served with uncommon distinction as a member of the Appropriations Committee.

As I have said before, Kenneth left a legacy of service and accomplishment that few men in longer lifetimes have been able to approach.

I hope all of you will consponsor this bill.

STRATEGIC HOMEPORTING—AN IDEA WHOSE TIME HAS PASSED

(Mr. PICKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKETT. Mr. Speaker, after 8 years, the strategic homeporting program looks as inappropriate today as it did in 1982. Last week, the General Accounting Office told the Armed Services Committee that the program exceeds cost estimates by $200 million and is behind schedule.

The GAO also reported that original cost estimates ignored the cost of structures and support facilities essential to homeport operations that will cost additional millions. Many residents in proposed new homeport communities are expressing growing opposition to these projects. With these developments, the GAO recommendation that "before the Navy proceeds with the strategic homeporting program it must reconsider the need for the program in light of changing world events and budget cutbacks" is even more compelling.

Mr. Speaker, by adopting legislation which was introduced late yesterday to suspend the strategic homeporting program, Congress has the rare chance to save hundreds of millions of dollars without cancelling a weapon system, without closing a base, without eliminating personnel, without decommissioning a ship, and most important, without reducing America's military strength.

I ask all members to join me in this effort.

THE B-2 PRODUCTION TERMINATION ACT

(Mr. ROWLAND of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Connecticut. Mr. Speaker, in our continuing effort to inform the American people about the cost and duplication of the B-2 bomber, I would like to point out that last week Secretary Cheney came before the House Armed Services Committee to present the findings and

recommendations of his major aircraft study. One of the programs reviewed was the B-2 bomber, and Mr. Cheney recommended trimming the total procurement from 132 aircraft to 75.

For the last few years the Pentagon informed us that 132 was the magical number. They had to have 132 bombers. Now it is 75. We believe it should be 15.

The 75 B-2's represent a cut of 40 percent in the total program and drives the cost per bomber up to $880 million. We still have not adequately addressed the lack of effective stealth technology, the hairline fractures in the airframe and the questionable nature of the mission.

The procurement funding for the remaining 60 bombers under the plan is still running at an average of $8 billion to $9 billion per year, and yesterday the Democratic majority passed a budget which will have a devastating cut in the defense budget. We cannot have major cuts and the B-2 bomber.

Support the B-2 Production Termination Act and build 15 bombers.

FULBRIGHT PROGRAM IS A SUCCESS

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, the Fulbright Scholarship Program, started in 1946, is a student exchange program between the United States and other countries that has worked well.

Almost 50,000 living Americans have received Fulbright fellowships for study abroad. Most of them are at work in American business, education, government and other fields with a better understanding of the world we live in.

There are dramatic results in the case of Fulbright alumni from some other countries. Three members of Poland's Solidarity-led government had Fulbright scholarships. A majority of South Korea's cabinet received Fulbright awards for study in America. One of Soviet President Gorbachev's senior advisers, Aleksandr Yakolev, studied American History as a Fulbright scholar at Columbia.

Former Fulbright scholars hold influential positions in many other countries. More than 30 nations now contribute to the cost of the program. For example, West Germany pays 80 percent of the cost of its exchange.

The administration's fiscal year 1990-91 budget recommends no substantial change for the Fulbright program. Because of rising costs this will continue a 23-percent drop in the number of Fulbright exchange students.

When the peace dividend actually takes place the Fulbright Program deserves consideration for an increase. Its record is too good to overlook.

MISSOURI VERSUS JENKINS

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, late last month, the U.S. Supreme Court issued its now-famous Missouri versus Jenkins verdict. That decision upheld a Federal judge's order that local property taxes in Missouri be raised to fund construction of a magnet school system developed by that same judge. As if the tax increase alone were not outrageous enough, the judge's order directly contravenes procedures set forth in Missouri's constitution, which mandates voter approval of property tax increases.

Mr. Speaker, the High Court's decision makes a mockery not only of the Missouri Constitution, but also the U.S. Constitution, by permitting a Federal judge to circumvent the principle of no taxation without representation. The decision arrogates to unelected, unaccountable, life-tenured judges the power to tax the American people—and the people have no recourse.

In short, Mr. Speaker, the idea that we, as legislators, have sole power of the purse, has turned out to be like the Maginot Line—a mere inconvenience that the Judiciary can simply go around at will.

I urge my colleagues on both sides of the aisle to join us in cosponsoring H.R. 4683, the Judicial Taxation Prohibition Act, which would prohibit this sort of encroachment on our proper, constitutional powers.

IN SUPPORT OF H.R. 770, THE FAMILY AND MEDICAL LEAVE ACT OF 1989

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, we all know that the composition of the American work force has changed dramatically over the past three decades. Women have entered the work force in such great numbers that both parents are now working outside the home in the vast majority of American families.

Dozens of States have stepped in to provide family and medical leave policies, but the Federal Government has done nothing to reflect these changes.

However, there is a proposal in Congress to help families deal with the burdens they face in the 1990's. The Family and Medical Leave Act would give people the flexibility to take time off to start a family or to take care of a family health problem. It is hardly a radical proposal to give job security to new parents or employees who must care for a sick relative.

H.R. 770 enjoys significant bipartisan support. It is supported by the Congressional Caucus for Women's Issues. A recent survey showed that over 4 out of every 5 Americans support the Family and Medical Leave Act. Yet, President Bush does not support H.R. 770. Once again, it seems, the President's actions contradict his rhetoric.

I urge my colleagues on both sides of the aisle to actively support the Family and Medical Leave Act.

H.R. 4380, THE SUPERCONDUCTING SUPER COLLIDER

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, as we vote on the issue of SSC funding today, we are sending a signal to our Nation's students, scientists, and engineers. Do we want America to be the world leader in the area of advanced physics research? The answer is a resounding "yes!"

Over the coming years, technological ability will replace defense superiority as a measure of global leadership. At no other time will it be so important to be at the forefront of science and technology. The SSC will give us the tool to do just that.

Some Members of Congress have concerns that the SSC will "crowd out" smaller science projects. The SSC likely will do just the opposite. By allowing greater involvement by universities, for example, the SSC will allow students to propose new and ingenious experiments to be conducted at the SSC, students who otherwise would not have access to such a facility.

We can show our commitment to American scientific leadership by strongly supporting the SSC.

□ 1240

TIME TO PHASE OUT UNITED STATES MILITARY AID TO EL SALVADOR

(Mr. MOODY asked and was given permission to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, earlier reports of FMLN attack on the residence of El Salvador's President Alfredo Cristiani have now proven to be false. However, we must condemn the recent attack on the eve of the peace talks.

But we must also condemn the continued violence by the Government against its own citizenry. Seventy thousand El Salvadorans have been killed so far in the war—mostly unarmed civilians, many of them execut-

ed at point-blank range by uniformed soldiers and/or death squads.

Last month marked the 10th anniversary of the murder of Archbishop Romero, a murder never seriously investigated by the Government.

Since that time there have been numerous atrocities such as the murder of the American nuns, Las Obas and Strastiani, massacres and the killing of U.S. agricultural workers, also never prosecuted.

Most recently we have seen the massacre of the Jesuit priests and their housekeeper by armed soldiers acting on orders from above. Again the Government shows no serious inclination to bring the high-up authors to this dastardly act to justice.

Peace will never come to this tortured land—nor human rights abuses end on both sides—unless United States policy is redesigned to bring about an end of the war by phased out United States aid, very much like we did in Nicaragua.

STRENGTHENING POLITICAL PARTIES

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, our Nation's political parties give us ideas, passion, and the discipline to make tough choices—three items which our political system desperately needs.

Our parties are unifying forces which provide reliable, consistent, and coherent communication with the American voters. However, our parties are losing the struggle for influence because their hands are tied by contribution limitations. Under the current system, parties have no more ability to make direct contributions to their own nominees than special interest political action committees.

Mr. Speaker, to strengthen our political parties and ensure that more challengers can run competitive races, we should remove all limits on political parties' contributions to candidates. Of course, full disclosure and reporting to the Federal Election Commission must be required.

Let's take away the special interest influence and give it back to our citizen-based political parties, and therefore to the American people, where the power and accountability belong.

LOWER MERCED RIVER MAY BE ADDED TO WILD AND SCENIC RIVER ACT

(Mr. CONDIT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONDIT. Mr. Speaker, 3 years ago the 100th Congress adopted legislation that guaranteed Yosemite Valley's river, the Merced, would be protected for future generations to enjoy by adding its main stem and beautiful south fork to the Wild and Scenic Rivers System.

Today it is my pleasure to introduce legislation that would extend this protection to the lower portion of the Merced River. This section was put in as a study section by the 100th Congress so that the local county of Mariposa would have the opportunity to develop a domestic water system compatible with the requirements of the Wild and Scenic River Act. The legislation I propose today would accomplish this goal.

This legislation is supported by the Wilderness Society, the Merced Canyon Committee, the Mariposa County Board of Supervisors and the Mariposa County Water Agency.

The pristine quality of the lower Merced River make it a worthy addition to the Wild and Scenic River Act so that present and future generations can enjoy and experience its beauty.

THE SPORT ACT OF 1990

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, today I am introducing the Sport Act of 1990—a special program of recreational training for youthful residents of public housing developments.

Mr. Speaker, this program is designed to turn the kids of public housing away from drugs and toward a healthier and happier lifestyle.

The program I am proposing dedicates 5 percent of public housing drug elimination grants to programs promoting sports and cultural activities in public housing.

The program, which would provide grants to PHA's, voluntary organizations and local governments, would replace a similar program administered by HUD prior to the HUD Reform Act of 1989.

When Congress eliminated the Secretary's discretionary fund, late at night in the final hours of the last session, it also eliminated the authority under which Jack Kemp's "bats and balls" program was previously operated. My bill would provide authority and guidelines for a new program to promote organized sports activities at public housing developments.

Under the Sport Act, grants would be awarded for an array of activities, including acquisition of sports equipment, development of recreational areas and operation of sports leagues.

I invite my colleagues to join my sports-minded friends, the distinguished MO UDALL and TOM MCMILLEN, and myself in cosponsoring this important legislation. Be a sport: cosponsor the Sport Act of 1990.

OUR COUNTRY NEEDS MR. SEIDMAN RUNNING FDIC

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, there is even more bad news for the country and the American taxpayer on the S&L bailout.

At the same time that the estimated cost of the bailout is skyrocketing—from a nightmarish $160 billion to an unimaginable upper range of $500 billion—the President is planning to replace the one experienced manager we have on the job. That would be a mistake.

William Seidman has been a voice of integrity and intelligence in the cesspool of the S&L scandal.

Mr. Speaker, the country needs Mr. Seidman running FDIC more than ever. Without him, the costs are likely to go even higher.

That is why 23 members of the Banking Committee sent you a letter yesterday, urging you to not let Mr. Seidman leave.

Why should this country abandon the service of one of the few credible regulators who have experience in cleaning up the S&L mess?

When S&L time bombs are going off all over the country we simply cannot afford the 6 months to train new senior regulators, the people who must defuse those time bombs.

It has been 9 months since the S&L bailout was passed. In that time the administration has ignored the problem as if it would go away if no one paid attention.

I am deeply concerned that this administration is blaming the messenger for bad news. Getting rid of Mr. Seidman may temporarily cool the political heat. But the fire will burn even worse without him.

H.R. 2589, THE WORKERS POLITICAL RIGHTS ACT

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, the debate over campaign reform has been increasing and the American public needs to know that the Republicans are the voice of real campaign reform in the House.

House Republicans endorsed a proposal for serious campaign reform more than 7 months ago. That proposal incorporates the provisions of a bill I introduced, H.R. 2589, the Workers Political Rights Act.

In June 1988, the United States Supreme Court decided the case of the Communication Workers of America versus Harry Beck.

The high court held that unions may be allowed to force workers to contribute to pay for collective bargaining, contract administration and grievance adjustment, but not for nonrepresentational activities such as political lobbying and campaign-related activities.

The first amendment to the Constitution guarantees each person's right to political dissent. It is a basic liberty which has set America apart from all other nations for more than 200 years.

Unfortunately union leaders appear to disagree. They have refused to inform their members of rights as defined under the Beck decision. They continue to stonewall union members who want to stop the flow of their money into many of the leftist causes and candidates that union leaders support. Hundreds of cases of workers seeking to restore their political freedom clog our judicial system.

Thomas Jefferson once wrote:

To compel a man to furnish contributions of money for the propagation of opinions in which he disbelieves and abhors, is sinful and tyrannical.

The Republican Members of the House agree and we want to stop this oppressive practice and restore the basic political rights of American workers.

Unfortunately, the Democrats have been deafening in their silence on this issue. Democrats have refused to say that they will stop this political tyranny and protect the American worker.

The American public knows that Republicans are the voice for real campaign reform and will protect the political rights of all workers.

Democrats need to realize there can be no serious campaign reform without Beck.

PUERTO RICAN PLEBISCITE

(Mr. SERRANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SERRANO. Mr. Speaker, I rise today on behalf of my 3.3 million fellow American citizens from the island of Puerto Rico who clamor to exercise their right to determine the political status of their native island with respect to the United States as a whole.

It is with a special purpose that I refer to native Puerto Ricans as my "fellow American citizens." I am certain that no Member of this esteemed body is unaware of their unique status, but many Americans are. Indeed, I must confess, with apologies for any embarrassment I may cause him, that even a young member of my own staff did not know that native Puerto Ricans are United States citizens. His confusion probably stemmed from the fact that Puerto Rico has a rare Commonwealth status that makes it neither a State within the Union, nor an independent country, but something in between.

It is not surprising that many are uncertain about these matters. The status of Puerto Rico simply does not concern most Americans.

However, Mr. Speaker, Puerto Rican Americans are ever conscious of the status of their native island. For them the status of Puerto Rico is not an idle piece of trivia, but a reality that is fundamental to their very identities. It is an issue that cannot be neglected.

I strongly urge that the people of Puerto Rico be provided the opportunity to determine for themselves, by referendum, whether their island shall remain a Commonwealth, seek admission as a State of the Union, or become an independent nation.

Our colleagues in the Senate have introduced a bill, S. 712, which calls for a referendum in Puerto Rico in the summer of 1991 to determine the island's political status. It is imperative that we do not fall behind in this effort and that we develop our own bill in the House as soon as possible. This will allow our brothers and sisters in Puerto Rico to make a choice in the referendum without lengthy and unnecessary delays.

One improvement over S. 712 that I would like to see incorporated in a House resolution on the status referendum would be to provide that all Puerto Rican-born United States citizens, wherever they may now live, be allowed to take part in the referendum. The present Senate bill would unfairly exclude from participation Puerto Rican-born American citizens who happen not to live on the island at the time of the referendum.

Mr. Speaker, it is time for the House of Representatives to act expeditiously on this issue. The holding of the referendum in Puerto Rico in 1991 is not only good for the people of Puerto Rico, but for the credibility of American democracy in this era of stunning democratic progress. As we in the United States strive to encourage and foster these developments around the world, it is essential that we hold true to our principles at home and provide the people of Puerto Rico the opportunity to decide the political status of their native island.

□ 1250

SOVIET MILITARY BUILDUP

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, the Democrat budget passed yesterday would cut $33 billion in defense. Not just cutting the fat or waste, but their budget cuts into the muscle and bone of our defense. Before the Democrats did this, they should have checked into what the Soviets have been doing.

Here are the facts: The Soviets last year increased their defense spending by 17 percent of their GNP. The Soviets have not slowed down their shipbuilding program. In 1989, they added 7 guided missile destroyers, an aircraft carrier, and 9 more submarines, and 10 more are under production. The Soviets have increased SS–25 production from 125 to 220 in the last year. The Soviets have dramatically increased their bomber production. The Soviets increased T–80 tank production from 3,000 the year before last to 4,000 last year.

Mr. Speaker, before we decimate our defenses, as my Democrat friends want to do, we should be informed and not make the same mistakes which were made prior to World War II.

POLICY STATEMENT NEEDED ON EL SALVADOR

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, the brutal killing of six Jesuit priests, their cook, and her daughter horrified the world and reinforced the perception—and reality—that there is absolutely no punishment for those who vilate human rights in El Salvador.

The just released Moakley report issued by Speaker FOLEY's task force on El Salvador to monitor the investigation by Salvadoran authorities into the November 16 massacre states that "as of mid-April the investigation and preparations for prosecuting the case have come to a virtual standstill." The task force ran into real problems when discussing the matter with high officials in the Salvadoran armed forces, who for the most part, have not been questioned about the murders. Some were upset that the blame for the murders was being heaped on the military, yet none expressed regret at the immorality of the incident. While they may have thought that the murders were stupid and regretful, none condemned them for being wrong.

The task force expresses my frustration that "the institutional nature of the problems in El Salvador is demonstrated, as well, by the fact that the Jesuits' case reflects the Salvadoran justice system at its best, not its worst." This conclusion is reached after millions of American dollars have been sent to El Salvador to support judicial reform.

The Moakley report only serves to reinforce the importance of the negotiations that are due to being between the Cristiani government and the FMLN. There is real optimism about these talks and a sense that the discus-

sions are different from those in the past.

The time is ripe for Congress to make a fundamental policy statement on El Salvador. Over the past decade the U.S. Government has contributed over $3.5 billion in this war torn country where over 70,000 people have lost their lives.

I applaud the approach of the House Foreign Affairs Committee which recently included a provision in the foreign aid authorization bill to withhold 50 percent of U.S. military aid to provide a set of incentives and disincentives to keep both sides at the negotiating table. This provision will enhance President Cristiani's ability to respond to the needs of his country. Neither economic support funds nor development aid are affected by this provision. For far too long the military has had a free reign in El Salvador at the expense of the American taxpayers. It is time to send them a message that will encourage real reform. The Foreign Affairs Committee approach does just that.

FRANKING

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, today I am introducing House Resolution 386 to reform the frank. My bill and the bill introduced today by my Republican leader, BOB MICHEL, are both designed to eliminate House franking overdrafts.

We have all seen the press reports that have pointed a finger at the House for overdrawing the postal account by some $38 million. The House is overdue to solve the problem of runaway franking costs. Both the Frenzel and the Michel bill would put an end to franking benefits.

The Frenzel bill would accomplish the following:

First, establish an official mail allowance account for each Member that would be based on the actual House franking appropriation. This provision alone would save $35 to $40 million in 1992.

Second, the Frenzel bill further limits postal patron mailings from the current 3 to 1. It also limits town meeting notices to one. If the House adopted only this provision, the resulting savings would be some 300 million pieces of mail or some $30 million in taxpayer paid postal costs.

Third, requires the House to disclose in the CONGRESSIONAL RECORD twice a year, showing total number of mailings and the number of pieces in each.

Fourth, postal patrons and town meeting notices shall contain the following disclaimer "Prepared, published and mailed at taxpayer expense." The Senate has adopted this requirement.

Fifth, all mass mailings, including direct response mail over 500 pieces, will now need a written advisory from the Franking Commission.

Sixth, finally, the bill prohibits the use of official mail allowance to pay for third class bulk rate express mail. In 1988, the House paid $10 million to have our third-class orange bags sent by air, rather than by truck to the postal centers.

Clearly, this House must act to cut franking expenses. The most recent postal estimates show that the House franking deficit is more than the Senate's total spending for the frank. Both the Frenzel and the Michel bill would address this deficit. We should act now.

EL SALVADOR DESERVES SHOT AT FREEDOM

(Mr. DORNAN of California asked permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, one of our prior deputy ambassadors to the United Nations a few years back called the General Assembly up there a cavern of wind. Well, that is what this Chamber is turning into on defense and foreign policy—a cave of hot air and wind.

I do not understand these speeches on El Salvador. The liberals in this Chamber were wrong, wrong, wrong on Nicaragua. They did everything they could to throw every road block in the way to pressure the nine Communist commandante thugs into having an election. Once they had the election, the people spoke out. El Salvador has a fine president, Cristiani, a graduate of Georgetown. They are trying to kill him again, and on the eve of the peace talks, I mean within 48 hours, what did the Communists do for Farobundo Marti in El Salvador? They blow up powerlines and kill people. That is how they go into peace talks if they are a Communist in Central America—kill people.

We have Democrats up here who act like allies—excuse me, liberals up here who are trying to chop the Cristiani government, the rightwing death squads and the leftwing death squads. The Communists will rip that country apart if they pull out our support. Let Members at least give El Salvador a better shot than we gave Nicaragua which, so far, achieved liberty in spite of the worst efforts of this Chamber and the other one, as a matter of fact, the U.S. Senate. In spite of the road blocks, Mrs. Chamorro is the President of what can be a free Nicaragua. Let Members stop trying to hurt El Salvador, and let Members give them a shot at freedom.

SUPERCONDUCTING SUPER COLLIDER PROJECT AUTHORIZATION ACT OF 1990

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 379 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 379

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4380) to authorize appropriations for the Superconducting Super Collider, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Science, Space, and Technology printed in the bill as an original bill for the purpose of amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 379 is an open rule providing for the consideration of H.R. 4380, the Superconducting Super Collider Project Authorization Act of 1990. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Science, Space, and Technology. The rule also provides for one motion to recommit with or without instructions.

House Resolution 379 provides that when the bill is considered for amendment under the 5-minute rule, that it shall be in order to consider the amendment in the nature of a substitute now printed in the bill as original text for the purpose of amendment. The rule further provides that each

section of the bill shall be considered as having been read and at the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and allows any Member to demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. Finally, Mr. Speaker, the rule provides that the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except the motion to recommit with or without instructions.

Mr. Speaker, H.R. 4380 authorizes funds for the research development, design, construction, and operation of the superconducting super collider. Last year, the Congress agreed to proceed with the construction of the SSC and this year's modest authorization level will allow the project to move forward. The bill authorizes funding for the SSC in three stages: First $220 million for initial R&D activities; second, $1.17 billion upon submission of specified planning documentation, the completion of a prototype design and certification that industry can begin prototype magnet production; and third, $5.98 billion for completion of the project when the Secretary of Energy certifies the successful completion of the in situ magnet assembly test.

The SSC authorization, as reported by the Committee on Science, Space, and Technology, also addresses the concerns of cost overruns by limiting Federal funding for the project to $5 billion and requires the State of Texas to contribute not less than $1 billion and international and other non-Federal contributions to be between one-fifth and one-third of the total project cost.

Mr. Speaker, I believe the costs associated with the SSC project are a justifiable expense for our Government. The SSC represents a golden opportunity to help ensure that the United States remains on the cutting edge of scientific research. It means that the United States will lead the way in discovering new techologies and developing innovative solutions to the problems we will encounter in the 21st century. It also promises to pay tremendous dividends in another way, by encouraging our Nation's youth to pursue educational opportunities in science and engineering. The completion of the SSC should be a priority item in our pursuit of national excellence; it will provide an opportunity for the United States to lead the world in the development of science and technology for many years to come.

Mr. Speaker, I urge adoption of House Resolution 379 so that the House may proceed to the consideration of this most important legislation.

□ 1300

Mr. Speaker, I yield, for the purpose of making a unanimous-consent request only, to the gentleman from Texas [Mr. BROOKS].

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT ON TODAY DURING THE 5-MINUTE RULE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit on today while the House is reading for amendment under the 5-minute rule.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Texas?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, I have advised the chairman of the committee that I have a meeting that has been set up with Secretary of Agriculture Yeutter involving the entire California delegation for 3 o'clock today. It is an important meeting, and I cannot be in two places at one time. If the gentleman will agree to stop the deliberations of the Judiciary Committee at 3 o'clock, so the delegation can meet with Secretary Yeutter and I can be there, because I am involved in the issue, I will withdraw my reservation of objection. But I have some amendments I want to offer to the bill, and I cannot be in two places at one time.

I appreciate what the gentleman is trying to do to move this along, but I have this problem as well.

Mr. BROOKS. Mr. Speaker, if the gentleman will yield, I say to my friend, the gentleman from California, that we would be finished if it were not for the fact that the gentleman had three more amendments, having already had one, and the gentleman from Florida [Mr. MCCOLLUM] had another amendment, having had some, and the gentleman from New Hampshire [Mr. DOUGLAS] had four——

Mr. DANNEMEYER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. BROOKS. Mr. Speaker, it takes 10 Members standing to object to this request.

The SPEAKER pro tempore. The gentleman is correct.

Mr. BROOKS. Mr. Speaker, may I continue?

The SPEAKER pro tempore. The Chair understands the gentleman has a further comment, and the Chair recognizes the gentleman.

Mr. BROOKS. Mr. Speaker, let me continue and say that I have cleared this with the ranking Republican, the gentleman from New York [Mr. FISH]. He is to have called the Republican management, and he agrees this is essential if we are going to finish the Americans With Disabilities Act today, as most of us had hoped, including the White House.

The SPEAKER pro tempore. The Chair will state that it takes 10 Members to object, and the Chair will count Members standing.

An insufficient number has arisen.

Without sufficient objection, the request is granted.

There was no sufficient objection.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset, let me just take this opportunity to commend the gentleman in the chair on the award he received last night at a very nice affair on the Korean War Memorial.

Mr. Speaker, I am pleased to join with the gentleman from Texas [Mr. FROST] in urging support for this open rule.

House Resolution 379 is a fully open rule. There are no waivers of House rules or restrictions placed on amendments under the terms of this rule. And so the House will have ample opportunity to debate the merits of H.R. 4380, which makes authorizations for the superconducting super collider project in Texas.

Mr. Speaker, as the United States, and indeed the entire world, prepares to enter the 21st century, it is absolutely essential for our country to stay at the cutting edge of scientific advancement and discovery. The superconducting super collider will help enable us to do that.

We are excited over the successful mission last week which placed the Hubble space telescope in orbit. That device will enable scientists to peer all the way to the edge of the universe—and all the way back to the beginning of time itself. The superconducting super collider will help enable scientists to unravel the mysteries of the universe that the Hubble space telescope will be photographing.

Mr. Speaker, these are exciting times. Enactment of H.R. 4380 will help keep America No. 1 in the realm of scientific exploration and technological development, the fruits of which are a benefit to all mankind.

And so I urge support of this open rule.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BARTON of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and

make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 406, nays 0, not voting 27, as follows:

[Roll No. 90]

YEAS—406

Anderson	Dingell	Huckaby
Andrews	Dixon	Hughes
Annunzio	Donnelly	Hunter
Applegate	Dorgan (ND)	Hutto
Archer	Dornan (CA)	Hyde
Armey	Douglas	Inhofe
Aspin	Downey	Ireland
Atkins	Dreier	Jacobs
AuCoin	Duncan	James
Baker	Durbin	Jenkins
Ballenger	Dwyer	Johnson (CT)
Barnard	Dymally	Johnson (SD)
Bartlett	Dyson	Johnston
Barton	Early	Jones (GA)
Bateman	Eckart	Jones (NC)
Bates	Edwards (CA)	Jontz
Bellenson	Edwards (OK)	Kanjorski
Bennett	Emerson	Kaptur
Bentley	Engel	Kasich
Bereuter	English	Kastenmeier
Berman	Erdreich	Kennedy
Bevill	Espy	Kennelly
Bilbray	Evans	Kildee
Bilirakis	Fascell	Kleczka
Bliley	Fawell	Kolbe
Boehlert	Fazio	Kolter
Boggs	Feighan	Kostmayer
Bonior	Fields	Kyl
Borski	Fish	LaFalce
Boucher	Flake	Lagomarsino
Boxer	Foglietta	Lancaster
Brennan	Ford (MI)	Lantos
Brooks	Ford (TN)	Laughlin
Broomfield	Frank	Leach (IA)
Browder	Frost	Leath (TX)
Brown (CA)	Gallegly	Lehman (FL)
Brown (CO)	Gallo	Lent
Bruce	Gaydos	Levin (MI)
Bryant	Gejdenson	Levine (CA)
Buechner	Gekas	Lewis (CA)
Bunning	Gephardt	Lewis (FL)
Burton	Geren	Lewis (GA)
Bustamante	Gibbons	Lipinski
Byron	Gillmor	Livingston
Callahan	Gilman	Lloyd
Campbell (CA)	Gingrich	Long
Campbell (CO)	Glickman	Lowery (CA)
Cardin	Gonzalez	Lowey (NY)
Carper	Goodling	Luken, Thomas
Carr	Goss	Machtley
Chandler	Gradison	Madigan
Chapman	Grandy	Manton
Clarke	Grant	Markey
Clay	Gray	Marlenee
Clement	Green	Martin (IL)
Clinger	Guarini	Martin (NY)
Coble	Gunderson	Martinez
Coleman (MO)	Hall (TX)	Mazzoli
Coleman (TX)	Hamilton	McCandless
Combest	Hammerschmidt	McCloskey
Condit	Hancock	McCollum
Conte	Harris	McCrery
Conyers	Hastert	McCurdy
Cooper	Hatcher	McDade
Costello	Hawkins	McDermott
Coughlin	Hayes (IL)	McEwen
Courter	Hayes (LA)	McGrath
Cox	Hefley	McHugh
Coyne	Hefner	McMillan (NC)
Crane	Henry	McMillen (MD)
Dannemeyer	Herger	McNulty
Darden	Hertel	Meyers
Davis	Hiler	Mfume
de la Garza	Hoagland	Michel
DeFazio	Hochbrueckner	Miller (CA)
DeLay	Holloway	Miller (OH)
Dellums	Hopkins	Miller (WA)
Derrick	Horton	Mineta
DeWine	Houghton	Moakley
Dickinson	Hoyer	Molinari
Dicks	Hubbard	Mollohan
Montgomery	Roberts	Spratt
Moody	Robinson	Staggers
Moorhead	Roe	Stallings
Morella	Rogers	Stangeland
Morrison (CT)	Rohrabacher	Stark
Morrison (WA)	Ros-Lehtinen	Stearns
Mrazek	Rose	Stenholm
Murphy	Rostenkowski	Stokes
Murtha	Roth	Studds
Myers	Roukema	Stump
Nagle	Rowland (CT)	Sundquist
Natcher	Rowland (GA)	Swift
Neal (MA)	Roybal	Synar
Neal (NC)	Russo	Tallon
Nelson	Sabo	Tanner
Nielson	Sangmeister	Tauke
Nowak	Sarpalius	Tauzin
Oakar	Sawyer	Taylor
Oberstar	Saxton	Thomas (CA)
Obey	Schaefer	Thomas (GA)
Olin	Scheuer	Thomas (WY)
Ortiz	Schiff	Torres
Owens (NY)	Schneider	Towns
Owens (UT)	Schroeder	Traficant
Oxley	Schuette	Traxler
Packard	Schulze	Udall
Pallone	Schumer	Unsoeld
Panetta	Sensenbrenner	Upton
Parker	Sharp	Valentine
Parris	Shaw	Vento
Pashayan	Shays	Visclosky
Patterson	Shumway	Volkmer
Paxon	Shuster	Vucanovich
Payne (NJ)	Sikorski	Walgren
Payne (VA)	Sisisky	Walker
Pease	Skaggs	Walsh
Pelosi	Skeen	Washington
Penny	Skelton	Watkins
Perkins	Slattery	Waxman
Petri	Slaughter (NY)	Weber
Pickett	Slaughter (VA)	Weiss
Pickle	Smith (IA)	Weldon
Porter	Smith (NE)	Whittaker
Poshard	Smith (NJ)	Whitten
Price	Smith (TX)	Williams
Pursell	Smith (VT)	Wise
Quillen	Smith, Denny (OR)	Wolf
Rangel		Wolpe
Ravenel	Smith, Robert (NH)	Wyden
Ray		Wylie
Regula	Smith, Robert (OR)	Yates
Rhodes		Yatron
Richardson	Snowe	Young (AK)
Ridge	Solarz	Young (FL)
Rinaldo	Solomon	
Ritter	Spence	

NAYS—0

NOT VOTING—27

Ackerman	Frenzel	Rahall
Akaka	Gordon	Saiki
Alexander	Hall (OH)	Savage
Anthony	Hansen	Serrano
Bosco	Lehman (CA)	Smith (FL)
Collins	Lightfoot	Torricelli
Craig	Lukens, Donald	Vander Jagt
Crockett	Matsui	Wheat
Flippo	Mavroules	Wilson

□ 1327

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 379 and rule XXIII, the Chair declares the House in the Committee on the Whole House on the State of the Union for the consideration of the bill, H.R. 4380.

□ 1329

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4380) to authorize appropriations for the superconducting super collider, and for other purposes, with Ms. SLAUGHTER of New York in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Madam Chairman, I yield myself such time as I my consume.

□ 1330

Madam Chairman, today, as we discuss the proposed superconducting super collider [SSC] project, we are debating one of the most important science and technology pieces of legislation that will come before the House of Representatives during the 101st Congress. What is at stake in H.R. 4380 is nothing less than American leadership in science, technology, and education. And if we are not willing to fight for leadership in these areas, we are not going to create the new wealth of tomorrow. Science, space, technology, and education—those are the areas from which we will create American jobs in the 21st century.

There can be no question that the SSC will be a critical component of our commitment to scientific and technological excellence. It will be the largest particle accelerator ever built, with 10 times the power of the premier machines currently operating in the United States and Europe. We believe that the SSC will be the most significant ground-based science project to be undertaken by the United States in the last quarter of the 20th century.

Madam Chairman, opponents of the SSC have attempted to give the impression that questions concerning both its cost and the technologies needed to build it have bitterly divided the scientific community and the Congress. In fact, nothing could be further from the truth. As one would expect from any multibillion-dollar project, there have been vigorous debates over the past 4 years concerning the importance of the SSC to this Nation's scientific future. But whenever the project has been subject either to a scientific review or to a congressional vote, the message has been clear: keep the project on schedule. In 1988, we overwhelmingly passed a bill which authorized funding for the SSC, although the bill was not taken up in the other body. Last summer, the House killed an amendment 330 to 93 which would have delayed SSC construction. In January of this year, a high-level technical review panel

which included five Nobel Laureates strongly endorsed the goals and the design of the SSC. And just 4 weeks ago, on March 28, the Committee on Science, Space, and Technology, by a 78-percent margin, approved for floor consideration the bill that we have before us today.

Why has every scientific review body and every congressional vote come down so strongly in favor of the SSC?

First of all, as even its opponents concede, the SSC is good science. The objective of the SSC is to increase our fundamental understanding of matter and the universe in which we live. The SSC has undergone more scientific review than any physics project in history, and one conclusion remains clear: a machine with the size and power of the SSC will be needed to make the next fundamental breakthroughs in particle physics.

Second, if history is a valid indicator, the eventual benefits that will flow from the SSC to our economy and to our way of life will include some that we cannot imagine, much less predict, today. Lasers, fiber optics, semiconductors and digital computers are just some of the technologies that have resulted from knowledge developed through past advances in physics. In the diagnosis of illness, magnetic resonance imaging and CAT scans, which utilize superconducting magnets, enable doctors to determine the precise location and size of tumors. The x ray beams from electron accelerators are being used today by industry to produce the next generation of computer chips that will be the heart of future supercomputers. Whether the advances of the future lie in these or entirely new fields, their impact will be great; it is estimated that at least one-third of today's GNP is based on accelerator-related technology.

Third, the SSC will help reverse the significant decline in scientific and technical interest among our Nation's youth. The tangible and clearly apparent commitment to scientific preeminence represented by the SSC will serve as an inspiration for a new generation of American students to pursue careers in math and science, much as the Apollo Moon Space Program did in the 1960's. The project will send an unmistakable signal to our Nation's future leaders that their current leaders are committed to national excellence in science and technology.

The benefits that the SSC will bring to science education are already being realized. More than 100 universities in over 30 States are participating right now in research opportunities associated with the SSC. In addition, the State of Texas will soon establish a $100 million fund to enhance research at the SSC site and to support research at universities nationwide. A portion of this money will be used for schools with developing physics programs, including historically black colleges. The challenge of building an SSC and the possibility of conducting experiments at the SSC site are already creating a surge of excitement among faculty, graduate, and undergraduate students across the Nation.

Given the size, complexity, and importance of the SSC, its funding should not be left to the vagaries of the annual appropriations process. If the SSC is to be the centerpiece of this Nation's commitment to scientific and technological excellence, then we should provide the program with the stability and continuity that it needs to flourish. The bill before the House today is designed to provide the SSC program with just that stability.

Madam Chairman, let me say a few words about the provisions of H.R. 4380, the Superconducting Super Collider Act of 1990.

The bill provides the Secretary of Energy with the authority and the funding necessary to undertake the research, development, and construction of the SSC. In addition the bill creates the position of the Director of the Office of the SSC, charged with the responsibility of managing the overall project.

Federal expenditures for the project are limited to $5.0 billion.

The bill provides that the State of Texas will contribute at least $1.0 billion, and provides for the refund of State contributions if the project is terminated by the Federal Government prior to October 1, 1995.

There is a requirement that between one-fifth and one-third of the project costs will be raised from international participants. No more than 50 percent of any major component or system, including the superconducting magnets, may be produced by foreign firms. The bill limits the award of contracts for SSC construction to domestic firms, to foreign firms that are based in countries that contribute to the SSC, or to foreign firms that agree to perform a majority of contractual activities for the SSC in the United States.

Authorization for funding is released in phases, subject to the achievement of certain technical milestones.

First, funds in the amount of $220 million are made available for the initial steps of the project for magnet R&D, and for the design of key facilities.

Second, funds in the amount of $1.17 billion become available after the submission of specified planning documents, the completion of a prototype magnet design, and the certification that industry can begin prototype magnet production. These funds will allow the SSC management team, in conjunction with industry, to complete an on-site magnet assembly test in late 1992.

Third, funds in the amount of $5.98 billion—nearly 80 percent of the total project cost—become available only after certification by the Secretary of Energy that the magnet assembly test has been successful and that the Department of Energy has the necessary financial commitments from the State of Texas and from international sources.

Finally, the bill directs the Secretary to make every effort to devise innovative strategies for minimizing the cost of the project.

Madam Chairman, these are technically and financially responsible provisions. They will ensure that none of the partners in this endeavor—neither the Federal Government, the State of Texas, nor our international participants—will expend inordinate construction monies if the technologies necessary to build the project are not demonstrated. Tough safeguards are in place to protect our investment.

Now is the time to move forward with the SSC, not to hamstring it with further unnecessary delays. Scientists and engineers from around the world are ready to proceed. The last element that is needed to assure the stability of the program is a clear signal from the Congress, in the form of this authorization bill, that we intend to see the SSC project through—within cost and on schedule, and with fair and equitable participation by our State and international partners.

In summary, I strongly believe that enactment of this bill will help protect the SSC from the year-to-year vagaries that plagues so many of the long-term R&D programs that this country undertakes. When we pass this bill, we will be assuring our partners from the State of Texas that their investment will be protected, and assuring the other 49 States that State-Federal partnerships can work effectively in high-technology areas. When we pass this bill, we will be saying to potential international partners that the United States is firmly committed to building the world-class state of the art high-energy physics facility and that we welcome their participation. And finally, when we pass this bill, we will be sending a signal to the world and to our young people that we intend to maintain our leadership in a field that has yielded enormous benefits to society and that we are willing to invest in the technologies that will move this country forward.

BIOGRAPHIES OF THE DEPARTMENT OF ENERGY'S HIGH ENERGY PHYSICS ADVISORY PANEL, SUBPANEL ON SSC PHYSICS

On December 21, 1989, the Department of Energy [DOE] requested Dr. Francis Low, the chairman of DOE's High Energy Physics Advisory Committee [HEPAP] to form a blue ribbon subpanel to review and comment on the SSC final design. In particular, DOE wanted the subpanel to consider that while the optimum design for physics re-

search is one that provides the highest energy and luminosity technically feasible, budget constraints might require the design to be less than optimum.

The subpanel was convened and met January 6–8, 1990. Its report was submitted and discussed at the HEPAP meeting on January 12, 1990. Brief biographies of the members of the subpanel follow.

Dr. Signey D. Drell, the chairman of the HEPAP's 1990 Subpanel on SSC Physics, is currently the director of the Stanford Linear Accelerator Center.

Dr. Drell was employed previously as a consultant to a number of organizations including: Los Alamos Science Laboratories, the Office of Science and Technology, the U.S. Arms Control and Disarmament Agency, the National Security Council, and the Senate Select Committee on Intelligence. He has also been a professor of physics at the University of Illinois, Stanford University, and the Massachusetts Institute of Technology.

His research has been directed towards quantum field theory; elementary particle physics; understanding of the structure of hadrons, particularly the quark confinement problem; and arms control and national security.

Dr. Drell was educated at Princeton University—AB 1946, and the University of Illinois—AM 1947; Ph.D. physics 1949.

Dr. William Brinkman is currently employed at AT&T Bell Laboratories.

He was employed previously as the vice president for research at Sandia National Laboratories, and as the director of the chemical physics research laboratory and the physics research laboratory at the Bell Laboratories. He has also served as a NSF research fellow at Oxford University.

His research includes solid state theory; itinerant magnetism and spin fluctuations; electron tunneling theory; and the theory of metal-insulator transitions.

Dr. Brinkman was educated at the University of Missouri at Columbia (BS 1960; MS 1962; Ph.D. physics 1965).

Dr. Alexander Chao is currently employed at the Superconducting Super Collider Laboratory.

Previously, he worked with the SSC Central Design Group at Lawrence Berkeley Laboratory, and as a physicist at the Stanford Linear Accelerator Center.

His research has been primarily in accelerators.

Dr. Chao was educated at Taiwan University at Tsin-Hua (BS 1970) and the State University of New York at Stony Brook (Ph.D. 1974).

Dr. James Cronin is currently employed as a professor of physics at the University of Chicago.

He was employed previously as a physicist at Brookhaven National Laboratory, and as a professor at Princeton University. In addition, Dr. Cronin has served as a Member of the Panel on Elementary Particle Physics for the National Academy of Sciences.

His research has been in elementary particles; the development of improved detection techniques; and C-P (charge-parity) violation.

He was awarded the Nobel Prize in physics in 1980.

Dr. Cronin was educated at Southern Methodist University (BS 1951) and the University of Chicago (MS 1953; Ph.D. physics 1955).

Dr. Ernest Henley is currently the Dean of the College of Arts and Sciences at the University of Washington.

He was employed previously as an electrical engineer at Airborne Instruments Laboratory and the Microwave Laboratory at the University of California, and as a physicist at the MIT Radiation Laboratory. In addition, he has been an exchange scientist to the USSR and a distinguished scholar to the People's Republic of China. Dr. Henley has also been a professor of physics at Stanford University, and Columbia University.

His research has been in theoretical nuclear and particle physics, including symmetries.

Dr. Henley was educated at the City College of New York (BEE 1944) and the University of California (Ph.D. physics 1952).

Dr. Leon Lederman is currently a professor at the University of Chicago.

Previously, Dr. Lederman was the Director of Fermi National Accelerator, Laboratory, and the Director of Nevis Laboratories. In addition, he has been a Member of the Board of Directors for Universities Research Association, a collaborator with the European Center for Nuclear Research in Geneva, and the U.S. Representative to the International Committee on Future Accelerators. Dr. Lederman has also been a professor of physics at Columbia University.

His research has been in properties and interactions of elementary particles. He received the Nobel Prize for physics in 1988.

He was educated at the City College of New York (B.S. 1943) and Columbia University (AM 1950; Ph.D. physics 1951).

Dr. Tsung-Dao Lee is currently the Enrico Fermi Professor of Physics at Columbia University.

He was employed previously as an astrophysicist at the University of Chicago, a physicist at the University of California, and as a Member and professor of the Institute for Advanced Study. In addition, Dr. Lee is a honorary professor at several universities in China, including Beijing University.

His research is in field theory; statistical mechanics; gravity and particle physics. He was awarded the Nobel Prize in Physics in 1957.

Dr. Lee was educated in China and at the University of Chicago (Ph.D. physics 1950).

Dr. Robert B. Palmer is currently located at Brookhaven National Laboratory.

He is also associated as a physicist with the Stanford Linear Accelerator Center. Previously, Dr. Palmer was a research associate at Imperial College in London.

His research has been in particle and accelerator physics.

Dr. Palmer was educated at Imperial College in London, England (BS 1956; Ph.D. physics 1964).

Dr. James M. Paterson is currently an Adjunct Professor of Physics at Stanford University involved with research at the Stanford Linear Accelerator Center.

He was employed previously as a research associate in physics at the Cambridge Electron Accelerator at Harvard University.

His research has been in the design and development of particle accelerators, and their use in elementary particle physics research.

Dr. Paterson was educated at the University of Glasgow, Scotland (BSc 1959; Ph.D. physics 1963).

Dr. Chris Quigg is currently employed by Lawrence Berkeley Laboratory.

He was employed previously as the Head of the Theoretical Physics Department at Fermi National Accelerator Laboratory, and as a professor at the State University of New York at Stony Brook. Dr. Quigg has also served on advisory committees to Stanford Linear Accelerator Center, Brookhaven National Laboratory and Lawrence Berkeley Laboratory.

His research is in the phenomenology of elementary particles.

Dr. Quigg was educated at Yale University (BS 1966) and the University of California at Berkeley (Ph.D. physics 1970).

Dr. Norman F. Ramsey, Jr. is currently the Higgins Professor of Physics at Harvard University.

He has also been a professor of physics at the University of Illinois and Columbia University, and the director of a nuclear laboratory. In the 1940s, Dr. Ramsey was associated with the Radiation Laboratory at the Massachusetts Institute of Technology, the Atomic Energy Project Laboratory at Los Alamos, and he was the head of the physics department at Brookhaven National Laboratory. In addition, Dr. Ramsey has served as President of Universities Research Association, Chairman of the AAAS Physics Section, Eastman Professor at Oxford University, and as Chairman of the Board of Governors of the American Institute of Physics.

His research is directed towards nuclear moments; molecular beams; high energy particles; nuclear interactions in molecules; deuteron quadrupole moment; molecular structure, diamagnetism; thermodynamics; proton-proton scattering; high energy accelerator; atomic masers; electron scattering; and neutrons. He was awarded the Nobel Prize in physics in 1989.

Dr. Ramsey was educated at Columbia University (AB 1935; Ph.D. physics 1940) and Cambridge University (MA 1941; DSc 1954).

Dr. Jack Sandweiss is currently the Donner Professor of Physics at Yale University.

He was employed previously as a physicist and professor at the University of California. In addition, Dr. Sandweiss has been a consultant to the Laboratory of Marine Physics at Yale University, Brookhaven National Laboratory, and Argonne National Laboratory and National Accelerator Laboratory.

His research is in high energy physics; bubble chamber technique; physics of strange particles; and counter and spark chamber techniques.

Dr. Sandweiss was educated at the University of California (BS 1952; Ph.D. physics 1956).

Dr. James L. Siegrist is currently located at the Lawrence Berkeley Laboratory.

Previously, he was employed with the Stanford Linear Accelerator Center.

His research has been in wire chamber/counter experiments; and computer employment in research weak interaction experiments.

Dr. Siegrist was educated at Stanford University (Ph.D. 1979).

Dr. Steven Weinberg is currently Josey Professor of Science at the University of Texas in Austin.

Previously, he was a professor of physics at Columbia University, the University of California at Berkeley, the Massachusetts Institute of Technology, and Higgins Professor at Harvard University. Dr. Weinberg has also served as a Sloan Foundation fellow, a senior scientist with the Smithsonian Astrophysics Observatory, a scholar with the Library of Congress, and the director of the Jerusalem School of Theoretical Physics.

His research is in elementary particles; field theory and cosmology. He was awarded the Nobel Prize in Physics in 1979.

Dr. Weinberg was educated at Cornell University (AB 1954) and Princeton University (Ph.D. physics 1957).

Dr. Victor F. Weisskopf is currently a Professor of Physics for the Emer Institute at the Massachusetts Institute of Technology.

He was employed previously as a research associate at the University of Berlin, the Swiss Federal Institute of Technology and the University of Copenhagen, as a professor of physics at the University of Rochester, and as a group leader at Los Alamos Science Laboratory. Dr. Weisskopf has also served as a Rockefeller Foundation fellow and the Director General of the European Center for Nuclear Research.

His research has been in quantum mechanics; electron theory; theory of nuclear phenomena; and nuclear physics.

Dr. Weisskopf was educated at the University of Gottingen (Ph.D. physics 1931).

□ 1340

Mr. TRAXLER. Madam Chairman, will the gentleman yield?

Mr. ROE. Yes, I yield to the gentleman from Michigan.

Mr. TRAXLER. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, it has been my pleasure to collaborate on a number of science projects with the gentleman. Let me say that the problem that I foresee as an issue for this Congress is that the major science projects which the gentleman and I are pleased to work on regretfully, for various reasons that I have not been able to understand, start out at a figure of X, but are completed at a figure of at least 3X.

So as the chairman of the authorizing committee, I guess my question to the gentleman is: What assurances can the gentleman give this body and the American taxpayer that the numbers we are looking at in this bill constitute the final completion figure or, in the alternative, can the gentleman assure us that he would not support any further funding beyond that which is in the bill for this project?

Mr. ROE. Well, I think first the gentleman asks a very valid question. I do not know anything that the Government has done at the Federal level or the State level or municipal level that has not in some instances cost more money, in many instances cost more funds.

I agree with the gentleman on that point. We have put a ceiling of $5 billion for Federal funding in this particular bill and we intend to stick with that figure.

We are going to have amendments that will be offered that are going to further move to guarantee that ceiling level. That is our intent.

In addition to that, there is a series of tests that we are providing and certain milestones have to be passed where the Congress will have a chance to take another look at that point if they determine to take some other direction.

So from my point of view, with the information and facts we have before us today, we intend to put a $5 billion ceiling, which we have done in the legislation, on Federal expenditures on this legislation.

Mr. TRAXLER. I appreciate the gentleman's response, if the gentleman will yield further.

I want to say, Madam Chairman, that this is a very troublesome issue for me as we have worked together over the years.

I wish to say to the gentleman and I think the body and to the science community as a whole that from my perspective there needs to be a realism and an honesty in numbers.

I have a suspicion that what occurs is the Congress is lowballed on the initial numbers so that we buy into a science project. I am not just talking about this project; I am talking about major science projects. We buy into them, and then a constituency develops for that project outside of this body in private industry and within this body and across the dome in the other body of Members whose districts will benefit particularly from such projects; which is not to say that is an evil practice. I would also add that I could be part of that.

Mr. ROE. I would also apply that to the Congress of the United States.

Mr. TRAXLER. I do think it is important for the process that the Congress hold the feet of these individuals who promote major science to the fire and hold them accountable on the numbers that they are providing to us at the time we approve of the projects and buy in and authorize and appropriate the moneys.

Otherwise, as the gentleman well knows——

Mr. ROE. If I may reclaim my time because we have other speakers and we do not have much time.

Mr. TRAXLER. May I just complete in 30 seconds?

Mr. ROE. I yield to the gentleman.

Mr. TRAXLER. As the gentleman well knows, we could find ourselves as we have been in the past, adding more and more authorization and more and more money as a project grows and grows and grows.

I might say that the information I have is that this project will not be completed for less than $14 billion and $16 billion is more realistic.

Mr. ROE. Now wait, wait, wait; I am not going to yield any more time because I am not going to spend a half hour in debate. But I do want to respond to that one point.

As far as this authorizing committee is concerned, this authorizing committee has held hearings for the last 3 or 4 years, and this authorizing committee is coming to the floor with the facts, not imagination, as we know them today. We are taking the first time and we are saying there is a provision in the bill that provides for a ceiling of that $5 billion.

I do not know what the Committee on Appropriations is going to do. I do not know what the other body is going to do. But that is the intent, and that is what we are presenting to the body today.

Now if the gentleman is asking me as chairman of that committee is that our intent, that is our intent. What happens beyond that I am really not quite sure.

That is what we are going to stick with. So that is what our position is.

Mr. McCURDY. Madam Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Madam Chairman, I thank the gentleman for yielding. Madam Chairman, I want to commend the chairman for his willingness to work with Members to try to improve the bill to ensure that there is cost containment, that there are guarantees against major cost overruns or increases in this program. I think his willingness to continue to accept these amendments adds certainly to this bill. And I thank the gentleman for his flexibility.

Madam Chairman, I rise in support of the amendment offered by Representatives WOLPE and ECKART which would require the GOA to evaluate each of the reports made by the Department of Energy about the progress of the superconducting super collider.

Under this authorizing legislation, the obligation of funds is tied to completion of critical tasks. The successful completion of these tasks, is certified solely by the Department of Energy. It is vital that at each of these phases, an accurate and unbiased assessment about the present and future costs of the project be made. The GAO could make such an evaluation and possibly save the Federal Government billions of dollars.

As a member of the Armed Services and Science, Space and Technology subcommittees which have research and development oversight, I am skeptical of research programs that are to ambitious in scope and funding outlays. Past experience has shown that these massive projects are extended for years and have ever escalating costs.

The Department of Energy assured us last year that the total cost of the superconducting super collider would be $5.9 billion, but less than 6 months later these costs have escalated to $8 billion. Other particle accelerator projects, which have technology that is similar to the super collider, have either gone over budget or have been terminated after numerous Federal dollars were poured into them. An evaluation by the GAO could prevent, or at the very least warn members of Congress of potential major cost overruns.

Further, there are still many questions left unanswered about the benefits that the United States can gain from the massive investment we are making in this technology. Not small

among these questions, is the potential for gain in world markets from our massive Federal investment in this atom smashing technology. During this time of fiscal constraint, can we truly afford to pour billions of dollars into science that may not have any commerical applications? Evaluation by the GAO may answer some of these questions.

Finally, I would like to emphasize the strong reservations I hold about the super collider. I am fearful that many worthy science projects may be denied funding because we are spending all our science dollars on a few big ticket items. As was pointed out recently by the Christian Science Monitor, for the first time since World War II, the National Science Foundation and the National Institutes of Health funded less than 30 percent of the research projects they considered excellent and worthy of funding because they did not have enough money in their budgets.

I urge my colleagues to support this amendment which will ensure that our Federal dollars are being spent wisely.

Mr. ROE. Madam Chairman, I would hope that the gentleman will understand when we do make these improvements we will be able to get some additional votes that we did not get the last time.

Madam Chairman, I reserve the balance of my time.

Mr. WALKER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of H.R. 4380. By statutorily capping the Federal funding of the SSC for good and setting a mandatory floor for international contributions which must be met before over 80 percent of the funds authorized can be expended, the bill Chairman ROE brings before the House today is a step in the right direction. Most importantly, H.R. 4380 immediately limits taxpayer exposure by requiring that magnet redesign be completed and that the Secretary of Energy certify that the magnets can actually be manufactured before any construction begins. No new appropriations can be spent until this happens.

Madam Chairman, with that said and given any additionally necessary fiscal and technical controls added today, by unlocking the fundamental law of matter, quite seriously, the superconducting super collider has the potential to find technological solutions to some of today's most vexing problems. It could impact on everything from our industrial competitiveness to global environmental quality. The trouble is the specificity and magnitude of these great things promised are unknown, they cannot be fully explained, and remain many years down the road.

This is simply the nature of basic research. But history tells of many unpredicted scientific breakthroughs and the advances they have brought the world, from nuclear medicine and energy to semiconductors. In this regard, it is noteworthy that the SSC is brought to us as the high energy physics community's highest priority. We in the House must understand and fully appreciate that this is an investment in our future. Our children's economic standard of living and social quality of life depend on this kind of deferred gratification. And this kind of investment.

Yet serious concerns with this project remain. The SSC has experienced technical problems, such as those requiring the current magnet redesign effort, and repeated significant cost escalations from $4.4 billion in 1986, to $5.9 billion in 1988, to around $8 billion today. That is almost 100 percent in less than 5 years. And who knows how much more it will balloon to. Because of this troubling trend, I fear this project is going to devour resources from many other highly merited, worthwhile science and technology development efforts. After all, these programs, such as Human Gene Mapping, Energy Department Facility Cleanup, and Hydrogen, Solar, and Fusion Energy R&D, must all compete in the same appropriations bill. Those programs that lack large coalitions are at serious risk.

Because of these concerns, however, H.R. 4380 is badly needed. First, the bill fully addresses the technical questions by requiring that tough technology milestones be met for magnet design, manufacture and an "in situ" string test before funding required before the funds can be made available.

Second, it addresses directly the paramount fiscal concern through the $5 billion ceiling on taxpayer expenditures. Make no mistake about it, this is not going to be like the debt ceiling. This must be a hard, explicitly permanent cap that is not to be violated. It if is this member, for one, as the ranking member of the authorizing committee, will actively oppose any further Federal support.

I would hope that the Committee on Appropriations will also follow and will say that not only is this an authorization cap, this is an appropriations cap. Not one dime more than $5 billion in Federal expenditures for this program.

Instead, any additional resources can and should come from the SSC's international participants, other non-Federal sources, and creative funding mechanisms such as leasebacks.

Let us be perfectly clear, when the House votes for this legislation today it is going on record that the SSC will not cost the taxpayer one dime more than $5 billion.

□ 1350

Whether the total project cost is $7.5 billion as authorized in the bill, $8 billion as predicted, or heaven forbid, even higher. At the same time, a few improvements to H.R. 4380 are not unreasonable. The gentleman from New York [Mr. BOEHLERT] will offer an amendment that simply says the $5 billion Federal cap is, in fact, real by requiring the Energy Secretary to certify that it can and will be met. He would be required to do so before being able to spend the last, largest chuck of the money, $6 billion, so we do not get so far out on a limb that we have no choice but to spend more. This would guarantee that this Congress is fully informed early enough in the process, after $1 billion instead of $7 billion, if the cost to the taxpayer is going to be higher yet again.

An amendment by the gentleman from New York [Mr. BOEHLERT] and the gentleman from Massachusetts [Mr. CONTE] will make it clear that the Texas original donation of land which was a precondition for site selection is not to be considered a part of the $1 billion in SSC construction support they are now required to provide. If it is, the total cost goes up.

Another provision by the gentleman from Wisconsin [Mr. SENSENBRENNER] deletes administration language to exclusively include Texas' investment risk free. No other investment is assured—not our foreign partners, and certainly not the U.S. taxpayer, and this was never a condition of the original commitment. It does not take into account the derived past, present, and future benefit of this investment in Texas. Most dangerously, it prejudices a purely objective decision on the project by building in artificial termination costs.

Language requiring a GAO review for new money that is spent, is prudent as long as it does not require additional delays. Finally, I will request a change in the effective date of the Federal cost cap to assure the inclusion of $130 million that was appropriated in fiscal years 1988 and 1989.

With or without these perfecting amendments, H.R. 4380 is a good bill. Each amendment simply makes it better. I will vote for each and for final passage.

I commend the gentleman from New Jersey [Mr. ROE] and committee member from New York [Mr. BOEHLERT,] for their leadership in bringing fiscal and technical discipline to this enormous capital project. I would like to recognize two members of the Committee on Science, Space, and Technology, the gentlemen from Texas [Mr. SMITH] and [Mr. BARTON] for their tireless efforts on behalf of the super collider. This legislation is a product of their collective contributions, and would have been found lacking if not for each of them.

Mr. SENSENBRENNER. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Madam Chairman, let me associate myself with the remarks of the gentleman from Pennsylvania [Mr. WALKER], and emphasize that the $5 billion contained in the authorization of Federal contributions, in the eyes of this Member, is a $5 billion ceiling. I also will not support any additional authorization or appropriation if there are cost overruns to it.

The concern that I have, which will be addressed in my amendment, relates to the refund provision to the State of Texas contained in page 14 of the reported bill. As it stands, under the reported bill, if before October 1, 1995, the Secretary of Energy determines that the SSC project should be terminated, then the State of Texas will get a complete refund for both its cash payments as well as its in-kind payments which would include the construction of highways, power lines and towers, sewers, and the like. This can be up to the billion dollars that the State of Texas has committed to the project.

Now, if this language stays in the bill, I can hear the argument that will be made once the first cost overrun is made. That is, give the project $200 billion more so that they can save from having to pay Texas back a billion dollars. If Congress does that, then the next time a cost overrun occurs we will, "Give us $300 million or $400 million more"—again, to save having to refund to the State of Texas a billion dollars. So that way we end up underwriting the overruns, a way of preventing the refund from occurring that is mandated under section 14 of the bill. That is why I will be offering an amendment to strike this provision of the bill, unless some kind of an arrangement is worked out to prevent this kind of a bootstrapping arrangement where cost overruns get subsidized by the Congress in the name of "preventing us from making a higher expenditure and refunding the State of Texas what they have contributed," both in cash and in-kind contribution.

Mr. WALKER. Madam Chairman, I laud the gentleman for the amendment and will be supportive of that amendment when it comes to the floor.

Madam Chairman, I reserve the balance of my time.

Mr. ROE. Madam Chairman, I yield 3 minutes to the distinguished gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Madam Chairman, I rise in support of H.R. 4380, the Superconducting Super Collider Project Authorization Act of 1990.

In supporting this bill, I do so because I believe the superconducting super collider is good. Since 1983, the merits of the SSC concept have been discussed and debated within the scientific community. The consensus that has emerged is that the SSC is the most important physics undertaking in the United States during the last quarter of this century. This project will provide the tools for scientists to expand their knowledge and understanding of matter. Understanding the material that makes up our world has been a goal of science since the time of the ancient Greek scholars. If successful, the SSC will complete our understanding of the standard of how particles and forces interact to form matter.

The second point I want to emphasize is that this project will provide a tremendous boost to science education in our Nation. In fact, this has already begun. Teams of scientists and graduate students from universities throughout the country are coming together to plan, design, and develop experiments for the SSC. These experiments will be tested, analyzed, and refined over the next 9 years. Already, there is excitement building in the science community; the effect on graduate students is evident and will be even more dramatic as the SSC project nears completion.

This excitement and energy will in turn be transferred to other students in the years ahead. Our young scientists and students need this challenge; they need to know that science is important to our Nation. During this past year our subcommittee has held a number of hearings on science education; time and again we have heard teachers say that the students need challenge and excitement. I believe this SSC can excite our students and rekindle their interest in science.

Finally, I believe it is important that the Congress provide a clear signal of our support for this project. An undertaking of this importance and magnitude should begin with the support and approval of Congress. The Congress should concur that the proper provisions are in place to both assure success of the project and also fulfill our responsibilities in overseeing Federal expenditures. Unless we send a clear, unequivocal message of support, this project will surely become one more example of a major project which we have started and failed to finish.

I urge your support for H.R. 4380, the Superconducting Super Collider Project Authorization Act of 1990.

Mr. WALKER. Madam Chairman, I yield 5 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Madam Chairman, I rise in support of H..R 4380. I agree with my chairman that this sort of research becomes a great nation, that unforeseen benefits will flow from it, and that this bill includes many significant safeguards that have been absent from previous legislation. I will vote for final passage of the bill.

But, I will also vote for—and indeed offer—amendments to the bill. If anything, these amendments should be more appealing to supporters of the SSC than to its detractors because the supporters have more to lose if the plans go awry. And the project is much more likely to proceed as adverstised with the amendments.

Too many supporters of the SSC—scientists and politicians alike—have fallen in love with the SSC, and their devotion has left them a little blind and defensive. It's the job of their friends—those of us who support basic research—to force them to step back and take a more unbiased look at the object of their desire. What will kill the SSC in the long-run is not the attacks by its opponents, but the bloated claims of its strongest supporters, which will leave the Congress feeling misled and betrayed.

First, we must recognize that this project still faces many technical hurdles. Chief among these is mass producing the magnets—the step that ended up derailing the Isabelle collider after 6 years of funding.

I am not arguing that industry cannot produce the magnets—only that doing so will require a great technical leap, which like all such leaps, is likely to be slowed by unforeseen difficulties. No less a supporter of the project than Dr. Bromley has pointed this out repeatedly in House and Senate testimony.

In fact, Dr. Bromley—who in addition to being the President's science advisor is a noted physicist—Dr. Bromley has argued that 25 or 30 industrially produced magnets ought to be tested before any construction gets underway. That is far more restrictive than the conditions set by H.R. 4380.

Supporters of the project should not be arguing simultaneously that the SSC will vastly stretch American technical know-how and that the project will proceed trouble-free with no further cost escalations and no cost overruns.

Second, while the SSC will advance American science and technology, it is wrong to pretend that the future of the American scientific enterprise is riding on it.

There are other expensive areas of scientific inquiry that are higher priorities—global climate change research and high performance computing—just to name two that are on Dr. Bromley's priority list. We have to be careful to ensure that other fields of science are not starved to pay for the SSC.

One field that is not being starved right now is physics. While the SSC sometimes is portrayed as all that is standing in the way of a mass exodus of physicists, the Department of Energy is actually embarked on a number of major construction projects in physics, including an upgrade of the accelerator at Fermilab.

And as for the claims about what the SSC will do for education, I think it is quite telling that the State of Texas has offered to pay private school tuition for the children of some SSC researchers. The project may not even benefit the public schools in Ellis County, TX—never mind the remainder of the Nation.

So I am not one of those supporters who has learned to stop complaining and love the SSC. But then again, I never viewed Dr. Strangelove as a model scientist.

The people who are model scientists are known for their objective pursuit of truth and their rigorous analysis of evidence. And those are the same traits that ought to characterize the debate over science policy.

The kind of debate that treats news weeklies as if they were scientific journals is likely to kill this project in the end by raising scientific and financial expectations that just cannot be met.

□ 1400

Mr. ROE. Madam Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. MCMILLEN].

Mr. MCMILLEN of Maryland. Madam Chairman, I rise in support of this authorization bill. I would like to commend the chairman of the committee for including in this legislation strong international participation cost caps.

Madam Chairman, I urge adoption of the legislation.

Mr. ROE. Madam Chairman, I yield such time as he may consume to the distinguished gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Madam Chairman, today I rise in support of H.R. 4380, a bill to authorize the superconducting super collider [SSC]. Mr. Chairman, as a member of the Science, Space, and Technology Committee, I have had the opportunity to watch Chairman ROE work tirelessly, with an unflagging commitment to see this project through, and bring to the floor a good bill, a clean bill, a bill that seeks to complete this project on time and on budget. I would like to thank the chairman for the leading role he has taken. All those who support the SSC should be commended, because support for the SSC is also support for education, for science, for U.S. economy, for U.S. industry, for advancements in medicine, for competitiveness, and for American leadership.

Madam Chairman, as a member of the authorizing committee, I have also had the opportunity to see the opponents of the SSC work tirelessly to strap the bill down with controversy and rhetoric. And I would like to remind my colleagues that last year you said no to these tactics and yes to the SSC with a resounding 330 to 93 vote. Before that, in 1988, you also said yes by passing an authorization bill, although the other body did not take up the measure. In January of this year the high energy physics advisory panel [HEPAP], which is comprised of the premiere high energy physicists in the world, said yes with their review and endorsement of the SSC. And, of course, the Science Committee said yes by reporting this bill out of committee and to the floor, which brings us to where we are today. And we are here today to answer one basic question: Will the returns be worth the investment?

Let us think about the educational returns. It is no secret that science education in America is on a rapid decline. As few as one-third of graduate students enrolled in American university science programs are American citizens. The SSC will be a unique laboratory with no other comparable facility being planned anywhere else in the world. Therefore it will serve to create a major educational resource for the Nation by attracting the very best creative young minds in our country and in the world. These returns are already being reaped by 57 universities in 28 States receiving SSC fiscal year 1990 funding. And it is the intention of the SCC laboratory to emphasize its educational role at all stages of the laboratory's development and operation, providing different types and levels of educational effort during different phases of the project.

The potential impact on industry is best measured by the benefits of past U.S. research and investments into particle accelerators. From advances in micro circuits, lasers, medical treatments and the understanding of disease, the fruits of investment in basic particle research is all around us. Already research for the SSC has uncovered even more potential industry-related spinoffs such as: More efficient techniques for tunneling that will save millions of dollars in the construction of sewers, water systems, and subways; improved microwave amplifiers that boost the effectiveness of satellite communications; a coil of superconducting cable that could store electricity when demand is low and release it when demand is high; and enhancements in computer hardware and software necessary for us to remain competitive in the race for leadership in the development of supercomputers. In pure financial terms, it is estimated that at least one-third of today's gross national product [GNP] is based on accelerator-related technology.

Recent improvements in superconducting cable and magnets have made dramatic advances in medical treatments possible. Magnetic resonance imaging [MRI] and CAT scans, which use superconducting cable, allow doctors to locate and diagnose tumors with more accuracy and speed. Loma Linda University in California is planning to use an accelerator to treat cancerous tumors by destroying the tumor without damaging the surrounding healthy tissue. Accelerator research produces particle beams which are being used to study the physical characteristics of viruses, including the virus which causes AIDS.

As chairman of the Subcommittee on International Scientific Cooperation, I am pleased to report that the Department of Energy has completed its international plan and will soon begin consultations with potential foreign contributors to the project. It is important that we have the kinds of foreign contributions and participation in the project that are mutually beneficial—to us and to the contributing countries. That is the essence of a good deal, and I believe there is a broad middle ground that the United States and potential foreign contributors can find that will further each country's nationalistic scientific objectives and, at the same time, advance mankind's understanding of particle physics. H.R. 4380 directs the Secretary to obtain commitments of contributions of at least 20 percent but not more than one-third of the total cost of the project. I think that this range is reasonable, but we should not expect these contributions to be made overnight. We should be patient, because contributions and negotiations of this magnitude will take time.

Madam Chairman, the timing of this authorization bill is critical. The merits can obviously stand on their own against annual funding battles, if necessary. But our priorities must be set in order to answer the question we must all ask ourselves today: Will the 101st Congress vote to guide America back into its traditional leadership role in technology, or will we argue and nit-pick this program to the extent that our scientific community finds itself playing the role of outside observer? We must make a strong statement, as we have in past votes on the SSC, that we believe the SSC will become an unparalleled international center for science, education, and technological applications. Providing this program with the stability and continuity that it needs to flourish, by voting for H.R. 4380, is a swift and sure way to make a strong statement for science, for education, for industry, for medicine, for America.

Mr. WALKER. Madam Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Madam Chairman, I want to commend our chairman, the gentleman from New Jersey [Mr. ROE], and the ranking Republican member, the gentleman from Pennsylvania [Mr. WALKER], for taking a very positive step with this bill to try to lessen some of the superconducting super collider's financial and scientific

uncertainties, and to try to put a lid on the obligation of the Federal taxpayers. A reasonable assessment of the process is absolutely necessary, but this bill may be too little and too late.

Madam Chairman, as we have seen with the cost increases and magnet difficulties, construction of the superconducting super collider still has major question marks, and the potential for an open-ended financial commitment by the Federal Government, just like with any other R&D project. There is nothing permanent in the cap placed on the SSC by this legislation.

The SSC was sold initially as a machine to do basic research. It was not sold to the Congress initially as a research and development project in and of itself, but that is what it has become, and just like with any other research and development projects, we cannot place at the outset limits on the final cost because we do not know exactly where it is going. The SSC final price tag could be $10 billion or even more.

Henson Moore, the DOE's Deputy Secretary, said that the price tag "is probably $8 billion, but that's a preliminary, almost back-of-the-envelope figure." According to recent press reports, when that figure becomes more certain, it is quite possible the SSC's proponents will come back to the Congress and ask for more money.

Until our companies can produce the SSC's magnets, no cost estimate is reliable, and there is no congressional action that can hold the project's cost in check. There is no magic wand that will say that this R&D project to build this equipment will cost a certain amount, and that is it.

The magnet redesign alone has increased the cost by $1.3 billion. Numbers like that make me wonder if the SSC will ever be built, even if we authorize the funding for it now. The Lord knows we do not need another Clinch River Breeder Reactor project.

□ 1410

The bill requires that prototype magnets be able to be made before the next $1.17 billion is obligated. Again, there are no assurances that the magnets will work or that our companies can mass produce them. But I do want to commend the chairman and the ranking member for coming up with a bill that at least seeks to meet those benchmarks.

Then there are the international contributions which the DOE has been seeking for several years. Those are supposed to make up between 20 and 33 percent of the total cost, but all the DOE has to show for its work is a small pledge from India. Henson Moore's recent statements indicate that the DOE may not get more than $1 billion from other nations, less than what is called for in this bill. If this happens again American taxpayers will be called upon to make up the difference.

I also wonder whether the super collider is supercritical to our Nation's competitiveness. There are a lot of reports by a lot of people in a lot of different industries that spending $8 billion or more on this particular basic science project would severely impact other far more deserving areas of science. Even in basic research, the New York Times, in its editorial, reported other branches of physics may starve to feed the SSC. The Washington Post reported recently that basic researchers in other fields are "beginning to see the handwriting on the wall." Some are leaving fields such as AIDS research and cancer research, citing funding cutbacks.

My colleagues, advanced materials, automated manufacturing, biotechnology, high-definition video systems, photonics, and optoelectronics all are far closer to the cutting edge of America's global challenges and competitive challenges than the SSC, and all are flat-funded almost or going negative. Before we commit ourselves to spend the still unknown and spiraling numbers of billions of tax dollars, we should stop and ask whether now is the right time to build an SSC.

Mr. ROE. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Madam Chairman, I commend the chairman on his work on this important piece of legislation.

All of us, as Members of Congress, should have a vision of the future, and, oh, what an investment this is in our future.

If we can stop and think that today we are spending over $20 billion a year in defense to protect the Japanese while, in turn, they are investing in high technology. We now have an opportunity here to make a tremendous step in high technology.

Step into the future with me and see what this investment would be. We will be able to have an x-ray machine that one can stand in front of and find any tumors or cancers in their body. Through the compressed energy, we will be able to have a battery this size that will operate an automobile, a battery a little larger to provide enough energy for a home. We will be able to develop the Dick Tracy watch with a telephone in the watch.

You can let your imagination wander. Oh, what an investment this would be for us and for our young people in the future.

Mr. WALKER. Madam Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Madam Chairman, I thank the gentleman for yielding to me and I rise in support of the bill.

Madam Chairman, throughout our history, Americans have led the way in exploring new frontiers and creating new technologies to meet the challenges of the future. Through such bold endeavors as the Space Program, our Nation has demonstrated its commitment to maintaining our leadership in science and technology, on which our future—and our children's future—depends.

America's scientific and technological edge is at risk of being surpassed by Japan and Europe. At stake is not only our traditional leadership in science and technology, but also our opportunity to explore new frontiers in knowledge that will result in advances in medicine, computers, telecommunications, and other critical technologies.

American's ability to maintain our leadership in science will depend on our commitment to projects like the SSC. Time and time again witnesses appearing before the Science Committee stress the importance of basic research to the health of our economy. Past American investments in particle physics prove this point.

Over the past 60 years, U.S. investments in particle accelerators have ushered in a new era of science and technology that has resulted in rapid advances in microcircuits, lasers, medical treatments, and the understanding of disease. The results are all around us; television sets, disc players, computers, and CAT scans all owe their existence to particle accelerators. In pure financial terms, it is estimated that at least one-third of our gross national product is based on our knowledge of the atom.

Madam Chairman, we cannot afford not to build the SSC. For the future of science and for the future of our economy, let us get on with this project.

Madam Chairman, in addition, I might add that this whole concept as it comes about is a tremendous educational tool for America to interest young people in going into science and technology and especially energy physics.

Mr. ROE. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Madam Chairman, I want to start out by commending the gentleman from New Jersey [Mr. ROE], the chairman, and the gentleman from Pennsylvania [Mr. WALKER], the vice chairman, for taking on an initiative that I think is the greatest research and development project in American history.

Thirty years ago John Kennedy snorted out a challenge to America. He said that if we were going to meet the competition and the future needs of our country we are going to have to put our money where our mouth was, and he pledged just that. He embarked this Nation on a space program and a research and development program to attain those goals. He just did not

talk. He did it. We were the first to make it to the Moon, and we are now beginning to reap the dividends and the harvest of those efforts.

Today we are embarking upon the next phase. Other nations put more money into research and development. There is no excuse for that. Ladies and gentlemen, it is time, and today is that day.

Let me also say this: We should all be proud today to stand here in the well supporting a project that is going to Texas. I think it is fitting with the energy background of that great State and the problems they have had to be the host of this project. They met the criteria. Today we are Texans and Americans.

Later now in the program I have an amendment. That amendment is right to the point. It says that if the President cites a nation for a trade practice that is detrimental and injures American business and commerce, then those companies domiciled in that country so listed by our President are ineligible to bid on these contracts.

Madam Chairman, I want the support of Congress. That is a policy statement. Let me say this: At this point it deals with India. It is more of a policy statement for the future, but if India is going to get away with putting $50 million into the superconducting super collider and then telling our President, who is doing a good job, Mr. Bush, to go to hell on trade, costing his country billions of dollars, then we should analyze it right here today an tell them to keep their $50 million and let the President do his job with India through his negotiators in trade.

Madam Chairman, I ask for the support of the Members. I commend the chairman and the vice chairman for this bill.

Mr. WALKER. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Madam Chairman and my colleagues, I addressed myself, or tried to address myself, to the superconducting super collider about the time it was possible this project would find its way into the economy in California.

Frankly, I addressed myself to the issue, because I first had to ask myself the question: "Why, for goodness sakes, are we going to talk about spending billions of dollars of American money in a research area like this?" That fundamental question is important for the House's consideration.

So let this layman try to share with my colleagues a piece of that which affected my conclusion.

□ 1420

First and foremost I learned that the Loma Linda University Medical Center in my district had been doing experiments with the Fermilab in Illinois regarding superconductors and that process that involves the slamming together of protons at very high speeds. I learned the following. It seems that in this experiment a much smaller conductor was used to slam together hydrogen protons at very high speeds. When that occurred the proton pops loose. That proton I understand, from this layman's understanding, is highly receptive of very major concentrations of radiation.

That radiated particle, can be rifled at tissue that is cancerous tissue. Now, currently the problem with treating cancer with radiation is that often there is a flash point or heat point on the other side and the treatment kills other tissue, kills organs that are vital, and people die.

In this case the particle with such concentration does not have that flash point. By beaming such particles as a part of treatment they may save 90 percent of these people who currently die as a result of direct treatment by radiation for cancer. This is a fantastic breakthrough that reflects the critical importance of America making these kinds of investment in basic research.

I hope those who are concerned about the future of humankind will focus upon this kind of fundamental Federal role and responsibility. In that regard let me paraphrase the remarks of Nobel Laureate in physics Dr. Leon Lederman. Speaking of the Loma Linda superconducting super collider project: "This effort is a quintessential example of technology spinoff from abstract basic research to humanitarian and economic utility."

Mr. ROE. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Madam Chairman, I wish I could today stand with the gentleman from New Jersey [Mr. ROE], my chairman, in support of this legislation. I have enormous respect for the gentleman from New Jersey for his work in advancing our Nation's research and development efforts and for his commitment to all critical basic research.

I recognize the deeper felt conviction that this project is of crucial value to our Nation's future. I appreciate his acceptance of certain amendments in the committee process and on the floor today, including one I will be offering with the gentleman from Ohio [Mr. ECKART], that in my judgment strengthens this bill and establishes stronger measures of accountability.

But in my judgment, this authorization at this time is simply premature. There are simply too many unanswered questions. The bottom line is that the authorization for this project is getting far ahead of our scientific understanding necessary to build this project.

We have already gone from an initial estimate of some $3 billion as the total cost of the project to $4.4 billion, and now $8 billion, and construction has not even begun. It is the taxpayer that is very likely to be stuck with the bill, far in excess of the $5 billion that is being described as the taxpayers' share of this venture.

My first concern is that the taxpayers are shouldering an enormous risk while details of the project remain shrouded in uncertainty. I do not question the value of high energy physics research. It is the history of this project, of the super collider itself, that has me concerned.

Second, much more is at stake here than even the enormous projected taxpayer cost. My second major concern is that building the super collider will in fact crowd out other scientific research that in many respects will be far more critical to our Nation's future.

It is important to underscore as we move into the general debate under the 5-minute rule in just a few minutes that the scientific community is deeply divided, even the physics community, on the wisdom of this project.

Mr. WALKER. Madam Chairman, I yield 6 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Madam Chairman, I rise in strong support of H.R. 4380, a bill to authorize the superconducting super collider high energy particle accelerator. The first point that I would like to make is that I have tremendous respect for those that do not support the project quite as strongly as I do. I understand that a project of this size and this scope needs to be examined in great detail, and I truly respect those that are trying to do that with some of the amendments that are being offered today.

I would like to say that this project, while some classify it as a Texas project, is actually a national project located in Texas. Right now we have at the laboratory in De Soto over 500 scientists that are working to make the project a reality. We have an equal number of scientists and industrialists around our great Nation that are working on various subcontracts. In fact, we have people working in over 39 States of these United States.

We have negotiations either under way or expected to be under way with many, many foreign nations around this world.

In Texas as we speak the State is beginning the land acquisition process. In fact, within the next month we expect to have the first $250 million of Texas bonds sold in the open market. The proceeds from that bond issue are going to be used to actually begin to acquire the land.

The Department of Energy has asked the Texas National Research Commission to acquire approximately

17,000 acres of land. That process is going to take approximately 2 years.

We have right now scientists beginning to define the experiments that are going to be conducted. The requests for proposal for the experiments in the four detection chambers are due later this year. So there is a lot of progress that is beginning to be made.

I would like to speak a little bit about some of the costs of the project, because some of the amendments that are going to be offered later in the debate will deal with the cost.

The first point I would like to make is that the cost of the project is not actually being overrun at this point in time. In fact, to date the money that has been obligated to be spent, we are spending slightly less than is actually being appropriated.

The cost estimate of the project is a different story. Back in 1986 the original estimate for the generic design, when they did not know where it was going to be located, was $4.4 billion. By 1988 they had revised that estimate to $5.3 billiion, which when you adjust for inflation would come up to $5.9 billion. That is the estimate that was used in the debate last year.

We expect within the next month or 2 months that the Department of Energy is going to release the very specific engineering design estimate based on the magnet design that has been chosen. We expect that to be somewhere between $7½ and $8 billion. We think that is going to be a very good estimate. That is why in this bill we have got the cap of $5 billion on Federal participation. We expect to do everything we can to meet that estimate.

This project, the SSC, if we start construction in 1991, which is the current plan, will be 1998 before the project is operational. Once it is operational in 1998, it is going to have a life expectancy of 20, 30, perhaps 40 years. So we need to authorize it.

This is not the kind of project that we should do a year-by-year debate on the House floor on. It is a multiyear project to construct. It is a multidecade project to operate. So we need the authorization bill that Chairman ROE has brought to the floor.

The bottom line is the SSC is an investment in the future of this country. It is an investment in our economic competitive position in the world. One-third of our gross national product today results from research that was originally done in high energy physics. One-third. Economic competition is going to be the life blood of this country of ours in the 21st century. In order to lead the world economically, we need basic research projects like the SSC.

Madam Chairman, I would urge Members to vote yes on the SSC when we come to the final vote on H.R. 4380.

Mr. WALKER. Madam Chairman, I reserve the balance of my time.

Mr. ROE. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Madam Chairman, I would like to first commend the gentleman from New Jersey [Mr. ROE] for his pioneering efforts in this area. I believe history books will tell future readers who was responsible for pressing forward in such an innovative area that has caused such an enormous contribution, which we are on the verge of making today.

Madam Chairman, the superconducting super collider is the moon shot of the 1990's. The fact of the matter is it comes at a time when America's predominant role in the world scientific community is threatened. What I am speaking about is the fact that today it is very appropriate we are taking up the super collider issue, because the front pages of newspapers all over America read that the government of Japan is targeting yet another American technology.

Today, the United States holds the lead in the world in an advanced computer technology known as massively parallel processing, a software technology that allow thousands of processors to work together at high speeds.

□ 1430

Now having achieved dominance in supercomputing, the Japanese are now announcing that they are targeting the United States in the area of parallel processing. What does that have to do with the SSC?

The fact of the matter is that the project is one of the primary forces driving progress in American parallel processing efforts, and it will give us vanguard technology in many other areas as well.

I believe this will be the showcase project of our Nation's science program for the future, and it should be. Building the collider will help preserve America's technological lead, not only in the area of the superconducting super collider, but many others as well.

Finally I want to make this point: A superconducting super collider is going to be built somewhere no matter what.

Two overseas accelerators with capacities greater than America's current largest, Fermilab, are currently in the planning stages, one in the Soviet Union and one in Switzerland. The superconducting super collider would be stronger than both, if built. But should the Soviets or the Europeans build accelerators and the United States decides not to build, the United States will lose many of the world's top scientists. I submit we have already received a great deal from the super collider research. I submit it would be false economy not to go forward at this time and to keep our lead in the area of scientific research in the world.

Mr. ARMEY. Madam Chairman, I want to take a few minutes to tell you why I strongly support the SSC and will oppose attempts to attach harmful amendments to H.R. 4380. I welcome open debate on the SSC. This project is eminently defensible and worthwhile.

In fact I would compare the SSC to past projects in its potential to contribute to the betterment of our civilization and our understanding of the underlying principles of the world which surrounds us. History books are full of examples of similar excursions and explorations intended to expand the frontiers of knowledge about our planet and beyond.

The Nation has a long tradition of supporting scientific research and exploration. For example, President Jefferson sent Lewis and Clark out West to explore the uncharted frontier. The information they came back with provided the next generation of westward travelers with a preview of the conditions they would encounter, terrain, weather, and native American tribes.

A more recent example is the Space Program. President Eisenhower supported the creation of NASA to explore the wonders of space. Each phase of NASA's existence has built upon our knowledge and allowed our country to lead the way into outer space. Could our communications satellite systems which benefit the entire Nation, and the world for that matter, have been placed into orbit without the benefit of the scientific foundation laid down by NASA in the 20 years between 1960 and 1980? The answer shouldn't surprise anyone. Most of the innovative products and services which we take for granted in 1990 are in some way beholden to the research which was done 20 or 30 years ago during the early days of our space effort.

The superconducting super collider is essential to the scientists of tomorrow and will equip those scientists with the basic research which will provide the United States the knowledge and the tools to continue our success in so many fields well into the 21st century. The dollars this Nation, the State of Texas, and foreign contributors will invest to make the SSC a reality will help maintain our leadership in high-energy physics and will lead to advances in communications, electronics, computers, and countless other fields.

We have a responsibility to provide a firm foundation for the next generation of Americans. The collider is an integral piece of that foundation. More than that, we have a duty to uphold our historical tradition of leading the way into the future through ambitious exploration.

I am proud the collider will be built in Texas. But the collider itself is more important than where it will be built. Individual scientists, universities, and companies from around the country will participate in building and using the collider. This is truly a national project and I am proud to support it.

Some have raised questions about this project. A few Members have doubted Texas' financial commitment. Let me tell you this, Texas will provide every single dollar that is

called for in the sealed bid they submitted. Well-intentioned Members have suggested that perhaps we are not capable of manufacturing the magnets which are central to the success of the SSC, or that we can produce them in the necessary quantities or to the design specifications called for in the blueprints. Of course we can. I'm sure there were similar skeptics about NASA 30 years ago. I'm confident that our scientific community will overcome the small obstacles that will inevitably arise along the way. NASA faced countless problems through the years, each one successfully solved by the practical American geniuses of the day.

The same is true of the SSC. The SSC is a multiyear project and it will still be unlocking doors 20 years from now. There will, of course, be problems along the way, but we have the will to succeed. And succeed we will.

The SSC is necessary and within our abilities. Let's overcome any obstacles in our path and build it. Let's make an investment our grandchildren will appreciate.

Mr. BROOKS. Madam Chairman, I rise in strong support of H.R. 4380, which authorizes the superconducting super collider. The SSC will be the world's largest particle accelerator and will make the United States the leader in high-energy physics. It will also advance our fundamental understanding of matter and will benefit our Nation in several important areas, especially science education.

H.R. 4380 addresses the SSC in its entirety, while incorporating several checks on the project to insure that Federal funds are spent wisely. The bill requires international contributions equalling at least 20 percent of the SSC's total cost and caps Federal expenditures at $5 billion. My own State of Texas, which was selected as the site of the SSC by an independent review panel, has also pledged to put up at least $1 billion in State funds to help finance the SSC.

I believe the SSC is vital if this Nation is to lead the world in science and technology and I urge my colleagues to join me in voting for H.R. 4380.

Mr. WALKER. Madam Chairman, I yield back the balance of my time.

Mr. ROE. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered by sections as an original bill for the purpose of amendment, and each section shall be considered having been read.

The Clerk will designate section 1.

Mr. ROE. Madam Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Superconducting Super Collider Project Authorization Act of 1990".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) basic scientific research has laid the groundwork for the development of technologies that have improved the Nation's economic competitiveness as well as its standard of living;

(2) many current technologies in the United States were made possible by the development of modern particle accelerators, and past investments in basic research in high energy physics have been repaid many times over in terms of new technology, new jobs, enhanced national security, and advances in medicine;

(3) while the United States has maintained preeminence in high energy physics, substantial scientific challenges are being posed by facilities located outside of the United States;

(4) the SSC is the next logical step in maintaining the Nation's leadership in high energy physics;

(5) the State of Texas, which was selected competitively by the Department of Energy as the site for the SSC, has committed to assist the Federal Government by providing substantial capital and resources to offset construction and operating costs of the SSC;

(6) progress in high energy physics is dependent on access to premier scientific instruments located around the world;

(7) when completed, the SSC will be the premier tool of high energy physics which will attract the most talented scientists in the international community;

(8) international cooperation on the SSC will accelerate its benefits to all and will reduce its cost to the United States Government; and

(9) the completion of the SSC is critically dependent upon the successful production of the superconducting dipole magnets.

(b) PURPOSES.—The purposes of this Act are to—

(1) authorize funds for the SSC;

(2) authorize the Secretary of Energy to enter into arrangements for the research and development, design, construction, and operation of the project;

(3) authorize the Secretary to seek commitments to the construction of the SSC from international and other non-Federal sources;

(4) establish guidelines for the receipt of contributions from international and other non-Federal sources;

(5) establish policies for the awarding of construction and construction-related contracts; and

(6) authorize a Director of the Office of the Superconducting Super Collider, to facilitate management of the SSC.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Authorizing Committees" means the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate;

(2) the term "construction" means all activities necessary for completion of the SSC and its supporting infrastructure, and includes conventional construction and the research, development, design, fabrication, installation, testing, and preoperation of technical systems;

(3) the term "conventional construction" means the design and construction of civil works, facilities, and other infrastructure necessary to construct the SSC, including tunnels, buildings, and roads, necessary to house and support the technical systems, and utilities as necessary for the direct support of elements of the SSC project authorized in accordance with the schedule set forth in section 7, to the extent such utilities are not otherwise readily available;

(4) the term "conventional construction plan" means the description of—

(A) methods of contracting for architectural and engineering and construction services;

(B) project responsibilities, including construction management services when appropriate;

(C) delineation of facilities and infrastructure to be constructed;

(D) schedules; and

(E) estimated costs;

(5) the term "facility site plan" means the configuration, including the location, size, and shape, of the property on which the SSC is to be constructed, which will form the basis for the procurement of land for the SSC;

(6) the term "magnet assembly test" means an in situ test consisting of not less than 10 nor more than 100 dipole magnets, and the appropriate supporting magnets, and cryogenic, vacuum, and utility support systems configured in upper and lower beam lines, to ensure that the magnets will operate in series as a unit at its full potential in accordance with program objectives;

(7) the term "magnet development plan" means the management plan that specifies project organization, schedules, facilities, estimated costs, performance criteria, design, specifications, fabrication, testing, and production release criteria for magnets;

(8) the term "magnet industrial production plan" means the description of the requirements for producing magnets of all types required for the SSC, as well as the superconducting cable, in a manufacturing environment, including management, organization, type of contracts, technical and administrative control provisions, technical specifications, procedures for testing, quality control, acceptance criteria including testing requirements and warranties, and the supply, transportation, emplacement, and installation of the magnets and related facilities and equipment;

(9) the term "preproduction phase" means activities associated with the development of production techniques and methods, tooling, and the production of magnets to ensure that the magnets to be manufactured are producible to design and performance specifications at acceptable cost and yield, including associated facilities;

(10) the term "prototype magnets" means magnets produced in carrying out the magnet development plan for the purpose of confirming the final criteria and specifications prior to beginning production of the magnets;

(11) the term "Secretary" means the Secretary of Energy";

(12) the term "SSC" means a superconducting super collider, a scientific facility known as a particle beam accelerator, which can provide data that will assist scientists in formulating a unified field theory, and to thus answer scientific questions regarding the nature of matter, and which includes associated infrastructure such as magnet test

facilities, laboratories, warehouses, offices, visiting scientist housing, roads, and other infrastructure necessary to support the SSC and associated equipment and personnel; and

(13) the term "technical systems" means the facilities, hardware, machinery, and equipment that comprise the injector systems (linear accelerator, low energy booster, medium energy booster, high energy booster, and beam transport systems), the collider ring systems (magnets, cryogenics, vacuum systems, main power supplies, radio frequency system, and detectors) and other systems required to inject, energize, guide, monitor, and control the proton beams.

SEC. 4. OFFICE OF THE SUPERCONDUCTING SUPER COLLIDER.

(a) DIRECTOR.—There shall be in the Department of Energy an Office of the Superconducting Super Collider, whose sole function shall be to facilitate the management and decisionmaking of the Federal Government as it undertakes the largest scientific project ever authorized for the Department of Energy, with a Director who shall be compensated at the rate of pay payable for level IV of the Executive Schedule under title 5, United States Code, and who shall report directly to the Secretary of Energy and supervise the SSC Project Office established by section 4(b) and the Superconducting Super Collider Laboratory to ensure that responsibility and accountability is placed with a minimum number of levels of management within the Department of Energy, and that all supporting and ancillary activities are carried out to further the mission of the project.

(b) PROJECT OFFICE.—There shall be established an SSC Project Office located at the site of the SSC, to be supervised by the Director of the Office of the Superconducting Super Collider, to provide the necessary support activities for the SSC.

(c) SUNSET.—Subsection (b), and the amendment made by subsection (a), shall cease to be effective 2 years after the completion of the construction of the SSC.

SEC. 5. PROJECT AUTHORIZATION.

The Secretary may enter into arrangements with universities or with State institutions, nonprofit entities, public utilities, industry, international sources, Federal agencies, or other persons, or with consortia thereof, for participation in the research and development, design, construction, or operation of the SSC.

SEC. 6. ESTABLISHMENT OF FUND AND AUTHORIZATION OF APPROPRIATIONS.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a separate fund to be known as the Superconducting Super Collider Fund. Such fund shall have deposited in it—

(1) unexpended balances of appropriations made for the SSC before the date of enactment of this Act;

(2) State of Texas cash contributions received under section 8(a);

(3) international cash contributions received under section 8(b);

(4) other non-Federal cash contributions received under section 8(c); and

(5) appropriations made pursuant to subsection (c) of this section.

(b) NONCASH CONTRIBUTIONS.—For purposes of the expenditure limitations set forth in subsection (c)(2) of this section and section 7, noncash contributions received under section 8 shall be treated as though they were cash contributions deposited in the Superconducting Super Collider Fund, with a value equal to the fair market value of the contribution at the time it was made, as determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Superconducting Super Collider Fund, as described in subsection (a)(5), amounts necessary for expenditures for the SSC in accordance with section 7. In no case shall the sum of—

(A) the aggregate of appropriations under this paragraph;

(B) balances described in subsection (a)(1); and

(C) amounts expended after September 30, 1989, and before the date of enactment of this Act,

exceed $5,000,000,000 for construction of the SSC.

(2) There are authorized to be appropriated to the Secretary from the Superconducting Super Collider Fund amounts necessary for expenditures for the SSC in accordance with section 7, to remain available until expended.

SEC. 7. USES OF THE FUND.

The Secretary may make expenditures from the Superconducting Super Collider Fund, to the extent provided in appropriations Acts, for construction and activities associated with construction, including equipment procurement and research and development, as follows:

(1) Not to exceed $220,000,000 shall be available for obligation after October 1, 1989, for—

(A) research and development for magnet and technical systems;

(B) the design of on-site civil works and facilities including the main ring tunnel; and

(C) research and development associated with preproduction phase.

(2)(A) An additional $1,170,000,000 shall be available for obligation 30 days after submission by the Secretary to the Authorizing Committees of—

(i) a facility site plan, approved by the Secretary;

(ii) a magnet development plan;

(iii) a complete summary project plan, containing management and organization plans, current cost estimates and schedules, a conventional construction plan, and a magnet industrial production plan, approved by the Secretary;

(iv) a written report on the status of the Supplemental Environmental Impact Statement;

(v) a written report on the status of agreements for international contributions to the SSC; and

(vi) a certification that prototype magnet design is complete and that prototype magnets can be produced by industry.

(B) Funds described in subparagraph (A) shall be available for—

(i) the continuation of purposes described in paragraph (1);

(ii) the on-site conventional construction of above ground facilities, including only the Magnet Development Laboratory, Magnet Test Laboratory, Laboratory/Office Complex, and on-site associated roads, service facilities, and utilities;

(iii) the construction of the first below ground tunnel segment consisting of a length no greater than 8 miles, with appropriate access structures, related appurtenances, supporting systems, and on-site supporting utilities;

(iv) the construction of prototype magnets and all necessary supporting systems and utilities;

(v) the installation and operation of prototype magnets, and all necessary supporting systems and utilities, for the purpose of conducting a magnet assembly test;

(vi) the construction of the injector systems, including all associated subsystems and utilities, except for the construction of the high energy booster; and

(vii) activities related to the preproduction phase.

(3) An additional $5,980,000,000 shall be available for obligation, 30 days after submission by the Secretary to the Authorizing Committees of a report—

(A) certifying the successful completion of the magnet assembly test;

(B) certifying the securing of the commitments required under section 8 (a) and (b); and

(C) containing any revisions to the summary project plan required by paragraph (2)(A)(iii) that are necessitated by the results of the magnet assembly test,

for activities leading to the completion of the construction of the SSC including purposes described in paragraphs (1) and (2)(B), including research and development, conventional construction of the remainder of the 46 miles of the main ring tunnel, and the remainder of the technical systems including the high energy booster.

SEC. 8. NON-FEDERAL CONTRIBUTIONS.

(a) STATE OF TEXAS CONTRIBUTIONS.—

(1) IN GENERAL.—The Secretary shall negotiate with the State which has been selected as the site for the SSC, to mutually agree on a schedule for making cash and in-kind contributions to the SSC and on the composition of such contributions. The aggregate value of such cash and in-kind contributions shall be not less than $1,000,000,000.

(2) REFUND.—(A) If, before October 1, 1995, the Secretary terminates the SSC project, the Secretary shall make a refund of cash payments and in-kind contributions made by the State of Texas from amounts available to the Secretary.

(B) Refunds for in-kind contributions shall be based on the fair market value of the contribution at the time it was made, as determined by the Secretary, and shall be returned to the State of Texas in a form and on such terms and conditions as may be mutually agreeable to the Secretary and the State of Texas.

(3) DEFINITION.—For purposes of this subsection, the term "in-kind contributions" means contributions other than cash that the Secretary determines have a direct impact on the functioning of the SSC, whether on or off the actual project site, and the expenditures which would not have been made but for the SSC; including materials and labor associated with conventional construction; technical expertise or studies; improvements made to infrastructure necessary to adequately serve the site area (such as roads and highways, airports, water and sewer, electricity and power); real estate and interests in real estate; contributions or improvements made to educational or academic facilities in support of necessary research related to the SSC; appropriate housing and other benefits for those associated with the SSC; and the cost of subsidies provided to the SSC (such as energy, water, or materials provided at less than market cost).

(b) INTERNATIONAL CONTRIBUTIONS.—The Secretary shall secure commitments for contributions from international sources with a value of not less than 20 percent nor more than 33 and one-third percent of the total cost of the SSC.

(c) OTHER CONTRIBUTIONS.—The Secretary may accept contributions for the SSC from other non-Federal sources.

(d) CREATIVE FUNDING MECHANISMS.—The Secretary shall make every effort to devise strategies that minimize the cost of constructing the SSC through the use of creative funding mechanisms such as leasebacks, the transfer of title to a facility constructed by a non-Federal party to the United States, third party financing, guaranteed loans, and interest subsidies for conventional construction. The Secretary may propose legislation to Congress to implement these mechanisms as needed.

(e) USE OF CONTRIBUTIONS.—Amounts received by the Secretary as cash contributions to the SSC shall be deposited into the Superconducting Super Collider Fund.

(f) CONTRIBUTIONS OF SERVICES.—The Secretary may accept contributions of services and other noncash items in accordance with section 652 of the Department of Energy Organization Act (42 U.S.C. 7262) to be used to carry out the purposes of the Superconducting Super Collider Project Authorization Act of 1990.

SEC. 9. ELIGIBLE CONTRACT RECIPIENTS.

(a) DETERMINATION BY SECRETARY.—Except as otherwise provided in this section, the Secretary shall award a contract in connection with the SSC only to—

(1) a domestic firm;

(2) foreign firms based in a country that is contributing to the SSC;

(3) a foreign firm that will perform the majority of its contractual activities for the SSC within the United States; or

(4) a joint venture between a foreign firm and a United States company which—

(A) is expressly organized to bid for SSC contracts; and

(B) indicates an intention to conduct a substantial portion of its contract activities in the United States.

(b) EXCEPTIONS.—For contracts that cannot be fulfilled from sources which meet the requirements of subsection (a) or can only be fulfilled by such firms at a substantially higher cost, the Secretary may award such contracts to other firms 30 days after the submission of a report to the Authorizing Committees explaining the reasons for the contract award.

(c) FOREIGN MANUFACTURE.—Not more than 50 percent of any major system or component purchased for the SSC may be manufactured in foreign countries, unless the Secretary determines that such system or component is not manufactured in the United States and available from a domestic firm and the Secretary submits a report, at least 60 days before entering into a contract for such system or component, to the Authorizing Committees explaining the reasons for such determination.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "domestic firm" means a corporation or other entity organized under the laws of the United States or a State of the United States, more than 50 percent of which is owned by United States nationals, and that conducts a substantial portion of its business and manufacturing activities in the United States; and

(2) the term "foreign firm" means a corporation or other entity not described in paragraph (1).

SEC. 10. REPORTING REQUIREMENTS.

The Secretary shall prepare an annual SSC status report to be submitted to the Authorizing Committees no later than December 1st of each year beginning in 1990 until completion of construction of the SSC. Such report shall include—

(1) an assessment of accomplishments compared with program objectives, explanations for deviations from any objectives, and, as appropriate, revised projections for future performance;

(2) a schedule which includes project milestones and which shows the actual date of completion compared to previous scheduled completion dates for each major construction and technical system activity;

(3) a program cost statement showing the actual cost of each major construction and technical system activity identified pursuant to paragraph (2), compared to previous estimated costs of such activity; and

(4) an accounting of the funds deposited in the Superconducting Super Collider Fund, including a specific accounting of contingency funds.

SEC. 11. LIMITATION ON USE OF FUNDS.

No funds authorized to be appropriated under this Act may be used for any activity not directly related to the construction of the SSC.

AMENDMENT OFFERED BY MR. ROE

Mr. ROE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROE: Page 8, line 7, insert "a rate not to exceed" after "shall be compensated at".

Mr. ROE. Madam Chairman, this amendment is technical in nature and was requested by the Budget Committee after it reviewed the provision in our bill which creates a new position of Director of the Office of the Superconducting Super Collider. The bill language as reported by the committee was being read to create an entitlement for the pay of the Director, which was not intended. The amendment I am offering clarifies that such was not the intent of the committee.

Mr. WALKER. Madam Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ROE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROE

Mr. ROE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROE: Page 8, lines 22 and 23, strike "Subsection (b), and the amendment made by subsection (a)," and insert in lieu thereof "This section".

Mr. ROE. Madam Chairman, this amendment is technical in nature and is offered to correct the section so that the sunset provision will apply to both the Director and the project office 2 years after completion of construction of the SSC. This was the intent of the committee. Several words in section 4 were inadvertently retained in the committee reported amendment after the section was amended in committee. Without this change, the sunset section, section (c), only sunsets the project office.

Mr. WALKER. Madam Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ROE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROE

Mr. ROE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROE: Page 14, line 7, insert "For purposes of the preceding sentence, the term 'in-kind contributions' shall not include real estate and interests in real estate." after "$1,000,000,000.".

Page 14, after line 7, insert the following new paragraph:

"(2) RETURN OF REAL ESTATE.—If the Secretary terminates the SSC project, the Secretary shall return to the State of Texas real estate and interests in real estate contributed by the State of Texas for the purposes of the SSC project. Any return of real estate or interests in real estate under this paragraph shall be in lieu of a refund for such real estate or interests in real estate under paragraph (3).".

Redesignate subsequent paragraphs accordingly.

Mr. ROE (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROE. Madam Chairman, this amendment is intended to clarify the committee's intent that the State of Texas' $1 billion contribution does not include real estate or interests in real estate. It is also intended to make clear that, in the event the SSC project is terminated, the Secretary of Energy will return to the State of Texas any real estate or real estate interests that the State has contributed to the SSC project.

This amendment has been brought to our attention by our committee colleague, the gentleman from New York [Mr. BOEHLERT], and the distinguished gentleman from Massachusetts [Mr. CONTE]. I thank the gentlemen for the contribution they have made to the improvement of this important legislation. I urge approval of the amendment.

Mr. WALKER. Madam Chairman, I move to strike the last word.

Madam Chairman, if I understand the gentleman's amendment, what we are assuring here is that we do in fact maintain the land contribution as originally understood by the committee and by the participants and so on?

Mr. ROE. If the gentleman will yield, that is absolutely correct.

Mr. WALKER. This is something which I think is a very good addition to the bill and I appreciate the chairman offering it. I think that this will help firm up what the $1 billion contribution from Texas means, and will assure that the land that was contributed is in fact something which is in

addition to the $1 billion contribution as was originally anticipated under the bids for this project in the first place.

Mr. BOEHLERT. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. BOEHLERT. Madam Chairman, I would like to thank the chairman for the sensitivity with which he has handled this amendment. I expressed some concern as a result of my initial inquiry into this whole matter involving the Texas land contribution, and I expressed some concern that the land contribution would be subtracted from the $1 billion that Texas has agreed to put up for this project as its contribution. I was afraid that they were going to try to subtract that from the $1 billion and come up with a lesser contribution. We all know that right from the beginning all of those candidate sites agreed that the land would be up front as part of the project as the local contribution and in addition they were able to offer something more, which they did.

So this amendment could save the American taxpayer somewhere in the neighborhood of $50 million. I brought this to the chairman's attention and he was very responsive. I want to thank him for his acceptance of it.

Mr. WALKER. I thank the gentleman from New York and also our colleague from Massachusetts [Mr. CONTE], who is also concerned about this issue. I think the leadership they have provided is what has helped the committee come to the floor with this amendment and it does assure, I think, what could be a significant savings to the taxpayer.

I must say that the gentleman from Texas [Mr. BARTON] has also been very cooperative in this, and I think it was Texas' intent we are clarifying now in the language and the nature of it, and what we have now is an amendment that accommodates a lot of interests, and I think it is a very positive step forward and I thank the chairman for the amendment.

Mr. BARTON of Texas. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I, too, rise in support of this particular amendment. I want to lay out though in a little bit more detail some of the background.

Back in 1987 when the Department of Energy released the request for proposals for location of the SSC there were 43 proposals sent into the Department of Energy. Those 43 proposals came from I believe 25 States. Every State that submitted a proposal to be sited as the home of the SSC, as part of that specification they had to specify that they would contribute the land to the project. Every State that made the final list made that specification.

So there is absolutely no argument that Texas, as the home of the SSC, should provide the land, and that land should not be counted as a contribution, no question at all.

I would like to point out that since 1988 when the State of Texas was chosen as the home of the SSC, the original plan at that time was to begin land acquisition in March 1989. We have yet to buy 1 acre of land.

In 1989 Texas was in the midst of a recession and land prices were lower. It could have been obtained much more inexpensively then than it will probably be obtained now.

□ 1440

So that is point No. 1.

Point No. 2, in 1988 the Department of Energy was asking for a little over 15,000 acres. Today they are asking for a little over 16,000 acres.

In 1988 the Department of Energy was only requiring that a little over 7,000 acres be purchased outright, which is called fee simple. The remaining acreage would have been purchased, only the subsurface rights, which is called stratified fee.

Today the Department of Energy wants over 10,000 acres purchased outright. If you purchase the land outright, it is going to be more expensive.

So the commitment that Texas was willing to make, as every other State was willing to make at that point in time, is not the same commitment that we are being required to make today.

Having said that, we know the cost constraints that are on the Federal budget. We understand the need for any State to honor whatever commitment it made at that point in time.

So we will support this amendment, but we want folks to know that it is a different requirement in terms of dollar outlay today than it was in 1988. And it could be a significant addition. It could be as much as $50 million, $75 million, which, in any State's budget, that is not chicken feed.

Having said that, I would support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ROE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 10, line 13, strike "1989" and insert in lieu thereof "1987".

Mr. WALKER. Madam Chairman, this amendment simply makes a technical change that I thought had been agreed to and incorporated in the markup vehicle the Science Committee approved a few weeks ago.

It was my understanding at the time, that it was wholly consistent with the chairman's intent that the Federal spending cap be a true $5 billion—not $5 billion plus some amount of previous funding.

A sum of $33 million was, in fact, appropriated for the SSC in fiscal year 1988 and $97,585,000 was appropriated in fiscal year 1989. That is over $130 million before the effective date now in the bill.

My amendment simply moves the effective date back to make sure this $130 million is counted against the cap—so its a real cap not a charade.

This amendment is really just truth in advertising.

Mr. ROE. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the chairman of the full committee.

Mr. ROE. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, we have reviewed the gentleman's amendment; it is an improvement to the bill and we have no objection to the amendment at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. WOLPE

Mr. WOLPE. Madam Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. WOLPE: Page 11, line 10, strike "30" and insert in lieu thereof "60".

Page 12, after line 3, insert the following: "Within 30 days after such submission, the Comptroller General shall submit to the Authorizing Committees an evaluation of the materials contained in such submission.".

Page 13, line 8, strike "30" and insert in lieu thereof "60".

Page 13, line 23, insert "Within 30 days after such submission, the Comptroller General shall submit to the Authorizing Committees an evaluation of the report submitted under this paragraph." after "high energy booster.".

Page 18, after line 25, insert the following: The Comptroller General shall submit to the Authorizing Committees an evaluation of each report submitted under this section.".

Mr. WOLPE. Madam Chairman, the amendment that I am offering is very simple. It would require the General Accounting Office [GAO] to undertake evaluations of the super collider project plans and milestones and cost estimates at critical phases of this project's development.

These evaluations are needed to ensure that an impartial arbiter monitors the SSC's progress and that Federal tax dollars that are to be spent are in fact well spent.

The GAO has no vested interest, bureaucratic or financial, in this project. We need the GAO, in my judgment, to verify what the Department of Energy is telling us in the weeks and months ahead.

If the Congress does not closely monitor this project, in my view 5 years from now we are going to see

that the SSC has taken over the Federal R&D budget.

The Federal Government, on occasion, believe it or not, has actually finished projects on time and under budget. We are being told today that cost overruns are inevitable. Well, we all know that the *Apollo 11* landed on the Moon 6 months before the end of the decade in July 1969. We may not all be aware that the project also finished over $18 billion under budget.

I simply do not accept the view and I do not think taxpayers accept the view that cost overruns and schedule slippage are inevitable.

Well-planned and well-managed projects are finished on time and under budget.

What is happening now, frankly, in my view, is that today's bureaucracy and special interests have become very adept at pushing the camel's nose under the tent.

On March 31, 1986, just 4 years ago, the SSC's central design group released a report indicating that the actual cost of this project was going to come in at around $3 billion. It even had a $529 million set aside for contingencies.

Now we are being told that we are talking about an $8 billion project. We are being told that we have to authorize construction even before we know how to construct the project.

Mr. ROE. Madam Chairman, will the gentleman yield?

Mr. WOLPE. Madam Chairman, I would be pleased to yield to the chairman, the gentleman from New Jersey [Mr. ROE].

Mr. ROE. I thank the gentleman for yielding.

Madam Chairman, I assure we are not—I think there is a point we have to correct one statement. Nobody is authorizing construction at this point. So I would hope that we would try to get our facts straight a little bit.

Mr. WOLPE. Well, if I may reclaim my time, I think the whole purpose of this legislation is to put in place the super collider initiative. If I am incorrect in that, I stand corrected, but it seems to me that that is the whole thrust and purpose of the legislation before us.

There are three particular concerns. The first is that the cost estimates have ballooned from $5.9 billion to nearly $8 billion just in the last 6 months. They are going to go even higher, in my judgment.

The current design has not yet been tested. Previous project designs are responsible for over $1 billion in the increased cost estimate. Future design changes or problems in any phase of the project could add billions more to its cost.

Finally, I think we ought to be really concerned when a former Director of Energy Research for the Department of Energy sends Secretary Watkins a memorandum saying the following about those who are responsible for the management of this project, and I quote directly from the memorandum:

It is my view that the contractor is incompetent to manage and construct the SSC project. The contractor should be replaced. . . . Otherwise this program will experience massive overruns and, in their course, require extraordinary management attention due to the international and national political complications. Enormous damage can be done to the scientific enterprise and DOE science programs by continuing with the present contractor and personnel.

When you have the man responsible for oversight of this project make that kind of observation, I submit to my colleagues that we all ought to be concerned. The American taxpayer ought to be concerned. And we ought to put in place every possible means of independent oversight and accountability that can be established.

That is the purpose of the amendment that I have offered.

Mr. BOEHLERT. Madam Chairman, will the gentleman yield?

Mr. WOLPE. Madam Chairman, I am pleased to yield to my distinguished colleague, the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I think the gentleman has an outstanding amendment. I rise in full support of it.

Madam Chairman, I think it is very important that we have an outside group of experts, one with no vested interest in the project, to review the cost estimates. The former DOE officials, as the gentleman has observed, have complained that the project is not being adequately reviewed by disinterested parties. I think it is important to mention that.

Madam Chairman, I want to compliment the gentleman on his amendment, and I am in full support of it.

Mr. WOLPE. Madam Chairman, I thank the gentleman for his comments, and I want to express my appreciation to him for the leadership he has exercised in crafting a number of other amendments that will be offered in due course that I think will at least strengthen the bill and provide some measure of increased protection.

But I think the fundamental issue is that we are moving prematurely at this stage to advance this initiative. The scientific community itself is divided on this issue. No less an expert than the immediate past president of the American Physical Society demonstrates the division within the scientific community itself.

Let me quote from a letter sent by this leading physicist to one of my colleagues:

The profession of physics has made a large contribution to knowledge, technology, the other sciences, and education in the past 50 years. Those contributions came from the synergism, balances, and evolution of many subfields. Referring to the SSL and to particle physics in particular, of the approximately 40,000 members of the American Physical Society those in that subfield constitute about 8.5%. Referring to the contributions of subfields to technology: particle physics itself (therefore the SSL!) has made negligible contributions * * *.

Today we are really in trouble in regard to the support and understanding by the public of a balanced physics enterprise; many important subfields are below critical support levels and highly capable students are leaving. The great majority of training is done by the small science subfields. Other fields (chemistry, materials science) are suffering similarly. In my opinion Congress should call time out on large prestige projects and build up their information on the totality and the interplay of subfields in the scientific disciplines which are important to this Nation.

To conclude, I appreciate all the work that has been done on this bill and I respect those who have worked hard on it. I feel the taxpayers deserve as much protection as we can give them. That is the purpose of these amendments. I want the taxpayers to feel that we are looking out for their interests.

Mr. ROE. Madam Chairman, I move to strike the last word.

Madam Chaiman, we have reviewed this amendment, and I think from our point of view it adds a dimension that I think is an important one. We want to compliment the gentleman for offering the amendment. We have no objection to the amendment on this side.

Mr. RITTER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I want to call my colleagues' attention to a letter that I received from an individual who wrote a letter to the editors of Time magazine, talking about costs of these high-energy physics programs. He relates his own experience as a business manager with a much smaller, what he calls D-Zero Project at Fermilab, and the kind of unforeseen cost buildups that occur in these kinds of projects and the risks that they have to cancel such project.

I'd like to read from this letter, and then I will ask unanimous consent that it be placed in the RECORD at this point in the debate.

□ 1450

John Penn who is the former business manager of D-Zero, at Fermilab says:

The moral to all this is that physicists have no conception of costs. They are definitely not "money people." And as scientists, they are more than willing to discard that which does not work and start all over. Even though in places such as Fermilab and the Department of Energy there may be financially oriented people, the truth is that physicists—such as Dr. Leon Lederman, head of Fermilab, ultimately call the shots.

The SCC is going to be a black hole into which we will be shoveling money for many, many years.

I think the gentleman's amendment in putting GAO in a critical position to

oversee the costs of this project is a good one. I support it fully.

Mr. ECKART. Madam Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Ohio.

Mr. ECKART. Madam Chairman, I just want to associate myself with the gentleman's remarks and to stand in support of my colleague from Michigan's amendment, and thank the chairman, the gentleman from New Jersey [Mr. ROE], and the ranking member from Pennsylvania for their accepting it. An independent review of this activity by the GAO, I think, is very important. It creates the appropriate milestones and will give Members a better handle on actual costs, and will provide accountability and verification of the promises and projections made for the performance of this project. The wisdom of the leadership of the committee in accepting it, and my colleague, the gentleman from Michigan in offering it is self-evident, given the reality to the rhetoric, and is necessary for the taxpayer to understand what exactly we are supporting.

Mr. OBEY. Madam Chairman, I rise in support of the amendment.

I wanted to just address this amendment at this time in order to try to make a somewhat larger point. I congratulate the gentleman for offering the amendment. I think it is a good one. I think it will help to bring the House back to reality to some degree on this issue.

I am one Member who believes that we ought to increase, not decrease, our investment in science. I think our civilian science budget has been extraordinarily short-changed over the past decade. However, I think that even with this amendment we are going to be continuing the aura of unreality, which has permeated the discussion on this issue.

Last year, a number of us questioned the cost estimate for the super collider. We were told we should not worry about it, that those costs were and would be under control. At that time we were assured by DOE that the costs would be about $4.4 billion. Since then, Secretary Moore indicated that DOE would not support the package if it cost more than $5.9 billion. Now, DOE estimates that when it is all over it will probably cost about $8 billion. I think the problem is, as the gentleman from Michigan said earlier in debate, that political action on this issue is simply ahead of the science.

Now, I think what happens on this amendment will help to some degree, but I think what happens on this entire bill is that Congress is being roped in to buy an idea before we actually know, or before the agency knows, what the costs are going to be.

Congressional Quarterly pointed out in an article recently that DOE has consistently low-balled their cost estimates on virtually every project within their command over the past 20 years. The dean of space engineers at NASA said the following: "You always try to put the best picture on it. If you don't quote a low cost, you ain't going to get it to begin with." He then went on to talk about the "willful self-delusion" which occurs on a routine basis on projects like this.

It seems to me that this project is the best example I can point to of the new kind of pork which is going to be permeating this budget. We have some 2,600 contracts let under this project. As one of the committee members indicated earlier, we have 30 universities in 25 States already participating in this program. That is precisely what is wrong with it. At my State university, for instance, we had a call from one of the physicists at my State university saying, "I hope you will support that super collider because we will be able to deal with it." But the fact is that the taxpayer's interest is not served by that kind of action. I was in the weird position with the president of my university telling me that "This is a bad expenditure of public money" while we have individual scientists within his university saying it is a good expenditure because they get some of the money.

Now, I simply suggest that this is another example of an outrageously out-of-control item in the budget. And the problem is that if we do not have control of the costs on items like this, what is going to happen is that a lot of other vital science will get squeezed right of the budget. We will not have enough funding for the scientific programs that are truly at the heart of our competitiveness as an economy and as a society.

I am happy to see this amendment, but I intend to vote against the entire bill because very frankly, Congress is being suckered on this. DOE is going to get their nose in under the tent, and then "Katie bar the door," as far as costs, and we will not be able to stop it because virtually every university in this country and every State in this country will lobby Members to support this package because they get a tiny piece of the action. The time to stop this is now before it destroys the balance in our scientific programs. If we want to get their overall budget house in order, fine. Right now, we do not have the revenue to support this package or a lot of other programs, and we should not delude ourselves into thinking that we are funding this package with the bill that we provide today. This is just the first initial cost. It will explode far beyond the numbers that we see here today, and we ought not to do that.

Mr. WOLPE. Madam Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Michigan.

Mr. WOLPE. Madam Chairman, I want to express my appreciation to the gentleman for his statement.

(On request of Mr. WOLPE and by unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. I yield to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Madam Chairman, I think the real strategy that is being pursued is one of getting the contracts out as quickly as possible, so as to put in place a lot of vested interests that will have an economic stake in the continuity of the project. This will undermine any kind of opportunity to make a rational judgment about the merits of the project, and will move its construction way ahead of any kind of justification for it.

In the same Congressional Quarterly piece I believe the gentleman was citing in his statement, it reports that the Energy Department says it has already awarded 2,600 contracts in 36 States. Six hundred companies in 42 States have expressed an interest in getting a piece of the action. Forty-two universities, and 7 research laboratories in 25 States have received Federal money from the program. A printout from fiscal 1990 disbursements from the Energy Department shows money flowing into about 800 entities in about 40 States.

I do not think I have ever seen the Energy Department act as efficiently as they have in the allocation of these contracts.

Mr. OBEY. They are taking a good lesson from the Pentagon, and spreading it around. This will follow the space station. In 1984 we were told the space station will cost $8 billion. Today, we are told it will cost $36 billion. We simply cannot afford to begin to undertake these programs until we have an accurate understanding of roughly what the cost is going to be, and since DOE in the last 10 years has had a cost increase in projects similar to this of about 46 percent, we ought not take their word on this stuff, because their word has been demonstrated to be no good.

(On request of Mr. RITTER and by unanimous consent Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. RITTER. Madam Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Madam Chairman, I want to associate myself with the gentleman's remarks. We do not often agree on the floor of this House on many things, but I think he is right on target in calling attention to the way this project is moving through the Congress. It is moving through the Congress as a masterful exercise in political science, as opposed to science

itself, because if we poll the scientific community outside of the physics community, there is really no support for the project. If we poll the industrial research community, those players in the front lines facing global competition every day, outside of those who will participate in the contracts, there is no support.

I will be very surprised if there is any Member of this House who has not heard from a constituent university or a constituent industrial contractor, urging support for this bill. So what we have here is a masterful orchestration at which the taxpayer is the loser. We are into an open-ended R&D commitment. That is what this project is. It is not a machine to do R&D. It will be one day. But until such time as it is, it is open-ended, and I commend the gentleman.

□ 1500

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(On request of Mr. ECKART, and by unanimous consent, Mr. OBEY was allowed to proceed for 30 additional seconds.)

Mr. ECKART. Madam Chairman, if my colleague will yield to me, what my colleague has so artfully pointed out is the Pentagonizing of this project. A simple look at the map colored in appropriately where contracts have already been placed reflects most clearly how this project has been spread already beyond the intimate bounds of the State of Texas.

So I think my colleagues have raised a very significant point. The close scrutiny of this amendment, I think, is necessary to address some of the concerns, although it will not necessarily alleviate all of them.

Mr. OBEY. Madam Chairman, I would say that the amendment will help. What would help most of all is if we did not pass this legislation or anything like it until we know what we are doing, and we simply do not know that on this project.

Mr. BRUCE. Madam Chairman, I move to strike the requisite number of words, and I yield to the chairman of the committee, the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Madam Chairman, I want to say to my colleagues that I just could not sit still another minute and allow that kind of dialog to go on, assuming there is some great big subterfuge here.

Let me ask the proponents this: I happen to support the GAO amendment. I think it is a good amendment. But we are using every opportunity to run the program down. If Members are opposed to it, for God's sake, say so. They should not use all kinds of surreptitious means to say, "Well, we think here it is going to cost $14 billion," and this and that.

Who are these experts? Where are these experts that we are talking about? We are talking about spreading out the science and technology in the universities. Do we want all the Texas universities to participate? Do all the scientists live in Texas? Do all the people who are going to do all the work live in Texas? Is it a national program, or is it not a national program?

If it is a Texas program, then vote no. That is what Members should do instead of being surreptitious and coming back and saying, "Oh, there's a little bit here," and "I heard about $14 billion here, and then there is a little bit there."

What are the facts as we compare it to this and compare it to that? The fact remains that it is a national program. There are 38 States that participated in this program, and we all put up tens of millions of dollars to participate in the program in the first place. With integrity and honesty, we all put our best foot forward, and Texas happened to win. I wish it could have been New Jersey that won. But now, because it did not go in one of the other States, some of those very people are up here saying what a terrible idea it is and figuring and conniving every way to kill this program.

If anyone thinks this gentleman from New Jersey is stupid, he is not. We have gone along with these amendments and worked with Members to crystalize them and clarify them. Why? Because they are right. I would not sit here and approve an amendment because I need a Member's vote. At least I am honest. I am for something. If I am against it, I am against it. I am not going to use this surreptitious way of offering amendments and other ways to try to undermine and destroy. That is not necessary. Where does truth prevail?

Now, 49 or 50 States are participating. Do we want the other States to send their scientists and their engineers? Do Members want us to say that everybody should come from New Jersey or Texas? Is that what the issue is? Is that the way to undermine this when the chairman and the vice chairman have accepted an amendment because the amendment is right?

So I would hope that the Members would deal with the issue up front on the merits of the case and not take the point of view of sowing ten thousand wild seeds to undermine and destroy something when it is not based on fact.

Mr. OBEY. Madam Chairman, will the gentleman yield?

Mr. ROE. Yes, I yield to the gentleman from Wisconsin.

Mr. OBEY. Madam Chairman, I hope the gentleman is not suggesting that this Member in any way engaged in surreptitious conduct. I think I said quite explicitly on the floor that this amendment would help marginally, but I think we ought to oppose the entire package. I think I have been quite up front about it.

No one is questioning the integrity of the gentleman in the well. I am questioning the integrity of the numbers provided by the Department of Energy because, based on past performance, they never give us honest numbers.

Mr. ROE. Madam Chairman, I would like to respond to that. I have known the gentleman for 25 years, and I feel the same way. Someone suggested earlier that Roe did not believe in the $5 billion cap, but I do. This is the first time I am aware of that any bill has come before this House where we have come back and said we mean it, that if they cannot build it for that amount of money, then we just will not build the thing. That is the way to look at it. That is the position we have taken, and I think it is fair.

Mr. OBEY. Madam Chairman, would the gentleman be willing to bet me 10 bucks here and now that the cost will not exceed $9 billion?

Mr. ROE. We cannot wager on the floor of the House. The gentleman knows that.

Mr. OBEY. I thank the gentleman for making my point.

Mr. SKAGGS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I support the Wolpe-Eckart amendment and urge my colleagues to do likewise. I will not belabor the issue. I would merely point out that I think we are taking a very prudent step in adopting this amendment. It will give us a time-out at a critical juncture in the SSC project to make sure that the substantial sums of money that are going to be expended will really be able to get the job done, and that we have the assurance from an independent agency that we are on track with a fiscally responsible project.

Madam Chairman, I support the Wolpe-Eckart amendment, and I urge my colleagues to support it.

When this legislation was before the Committee on Science, Space, and Technology, the committee agreed with me that we ought to find an independent means to assess the uncertain cost estimates made by DOE before we proceeded to spend huge sums on the SSC.

For that reason, the committee approved report language to this bill calling for that kind of independent evaluation, by the GAO or other competent entity. The Wolpe-Eckart amendment would write this requirement into law, choosing the nonpartisan and respected General Accounting Office to perform the assessment work.

This kind of independent assessment is important because DOE, over the years, has developed a history of mismanaging major

projects, leading to huge cost overruns or poorly designed facilities.

Let me cite just one example located in the district I represent in Colorado. In the 1970's, DOE planned a $180 million plutonium processing facility at the Rocky Flats plant there, a facility that was completed a decade later after a 30-percent cost overrun. It was completed only in a fatuous sense, because major design flaws kept it from ever being used as planned, and in fact it's largely been abandoned; today, it is a quarter-billion dollar white elephant, sitting idle.

More relevant to today's debate, DOE also has a history of technical and cost-overrun problems with particle accelerator devices like the SSC. For example, in Upton, NY, a 2½-mile tunnel sits empty and unused, after the Federal Government spent tens of millions of dollars in the early 1980's on another accelerator project. We simply can't afford the same mistake with the SSC.

This independent cost estimate is doubly important today, and not just because the new 1990 price tag of $8 billion is nearly double the 1988 price tag of $4.4 billion and considerably higher than the 1989 price tag of $5.9 billion. Just recently, referring to the rapidly escalating costs, Energy Secretary Watkins told the House Appropriations Committee "I just don't trust the numbers I have in the system now."

And he shouldn't trust those numbers. Especially when another high ranking DOE official described the new $8 billion price tag as a "back of an envelope estimate." That one comment alone—that the $8 billion estimate is a back of the envelope figure—that one comment alone should justify this plain-sense amendment.

I applaud the Secretary for his candor on the uncertainty in DOE's cost estimates. We in Congress should take heed. This amendment allows the SSC project to continue until we would start to spend some big money on actual construction. Only at that point would this amendment kick in. All this amendment says is, when DOE presents Congress its SSC plan, we take a short time out and assess the plan to make sure it is fiscally responsible.

If DOE has done its work well, this amendment will cost the project only a slight delay. But if there is a problem, this amendment could save American taxpayers hundreds of millions or even billions of dollars. I urge my colleagues to vote for this amendment to ensure fiscal responsibility in constructing the SSC.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan [Mr. WOLPE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BARTON of Texas. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, of rule XXIII, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 91]

Akaka	Dickinson	Huckaby
Anderson	Dicks	Hughes
Andrews	Dingell	Hunter
Annunzio	Dixon	Hutto
Anthony	Donnelly	Hyde
Applegate	Dorgan (ND)	Inhofe
Archer	Dornan (CA)	Ireland
Armey	Douglas	Jacobs
Aspin	Downey	James
Atkins	Dreier	Jenkins
AuCoin	Duncan	Johnson (CT)
Baker	Durbin	Johnson (SD)
Ballenger	Dwyer	Johnston
Barnard	Dymally	Jones (GA)
Bartlett	Dyson	Jones (NC)
Barton	Early	Jontz
Bateman	Eckart	Kanjorski
Bates	Edwards (CA)	Kaptur
Beilenson	Edwards (OK)	Kasich
Bennett	Emerson	Kastenmeier
Bentley	English	Kennedy
Bereuter	Erdreich	Kennelly
Berman	Espy	Kildee
Bevill	Evans	Kleczka
Bilbray	Fascell	Kolbe
Bilirakis	Fawell	Kolter
Billey	Fazio	Kostmayer
Boehlert	Feighan	Kyl
Boggs	Fields	LaFalce
Bonior	Fish	Lagomarsino
Borski	Flake	Lancaster
Bosco	Foglietta	Lantos
Boucher	Ford (MI)	Laughlin
Boxer	Ford (TN)	Leach (IA)
Brennan	Frenzel	Leath (TX)
Brooks	Gallegly	Lehman (CA)
Broomfield	Gallo	Lehman (FL)
Browder	Gaydos	Lent
Brown (CA)	Gejdenson	Levin (MI)
Brown (CO)	Gekas	Levine (CA)
Bruce	Gephardt	Lewis (CA)
Bryant	Geren	Lewis (FL)
Buechner	Gibbons	Lewis (GA)
Bunning	Gillmor	Lipinski
Burton	Gilman	Livingston
Bustamante	Gingrich	Lloyd
Byron	Glickman	Long
Callahan	Gonzalez	Lowery (CA)
Campbell (CA)	Gordon	Lowey (NY)
Campbell (CO)	Goss	Luken, Thomas
Cardin	Gradison	Machtley
Carper	Grandy	Madigan
Carr	Grant	Manton
Chandler	Gray	Markey
Chapman	Green	Marlenee
Clarke	Guarini	Martin (IL)
Clay	Gunderson	Martin (NY)
Clement	Hall (OH)	Martinez
Clinger	Hall (TX)	Matsui
Coble	Hamilton	Mavroules
Coleman (MO)	Hammerschmidt	Mazzoli
Coleman (TX)	Hancock	McCandless
Combest	Hansen	McCloskey
Condit	Harris	McCollum
Conte	Hastert	McCrery
Conyers	Hatcher	McCurdy
Cooper	Hawkins	McDade
Costello	Hayes (IL)	McDermott
Coughlin	Hayes (LA)	McEwen
Courter	Hefley	McGrath
Cox	Hefner	McHugh
Coyne	Henry	McMillan (NC)
Crane	Herger	McMillen (MD)
Crockett	Hertel	McNulty
Dannemeyer	Hiler	Meyers
Darden	Hoagland	Mfume
Davis	Hochbrueckner	Michel
de la Garza	Holloway	Miller (CA)
DeFazio	Hopkins	Miller (OH)
DeLay	Horton	Miller (WA)
Dellums	Houghton	Mineta
Derrick	Hoyer	Moakley
DeWine	Hubbard	Molinari
Mollohan	Roe	Staggers
Montgomery	Rogers	Stallings
Moody	Rohrabacher	Stangeland
Moorhead	Ros-Lehtinen	Stearns
Morella	Rose	Stenholm
Morrison (CT)	Rostenkowski	Stokes
Morrison (WA)	Roth	Studds
Mrazek	Roukema	Stump
Murphy	Rowland (CT)	Sundquist
Murtha	Rowland (GA)	Swift
Myers	Roybal	Synar
Nagle	Russo	Tallon
Natcher	Sabo	Tanner
Neal (MA)	Saiki	Tauke
Neal (NC)	Sangmeister	Tauzin
Nielson	Sarpalius	Taylor
Nowak	Savage	Thomas (CA)
Oakar	Sawyer	Thomas (GA)
Oberstar	Saxton	Thomas (WY)
Obey	Schaefer	Torres
Olin	Scheuer	Torricelli
Ortiz	Schiff	Towns
Owens (UT)	Schneider	Traficant
Oxley	Schroeder	Traxler
Packard	Schuette	Udall
Pallone	Schulze	Unsoeld
Panetta	Schumer	Upton
Parker	Sensenbrenner	Valentine
Parris	Serrano	Vander Jagt
Pashayan	Sharp	Vento
Patterson	Shaw	Visclosky
Paxon	Shays	Volkmer
Payne (NJ)	Shumway	Vucanovich
Payne (VA)	Shuster	Walgren
Pease	Sikorski	Walker
Pelosi	Sisisky	Walsh
Penny	Skaggs	Washington
Perkins	Skeen	Watkins
Petri	Skelton	Waxman
Pickett	Slattery	Weber
Pickle	Slaughter (NY)	Weiss
Porter	Slaughter (VA)	Weldon
Poshard	Smith (IA)	Wheat
Price	Smith (NE)	Whittaker
Pursell	Smith (NJ)	Whitten
Quillen	Smith (TX)	Williams
Rangel	Smith, Denny (OR)	Wilson
Ravenel		Wise
Ray	Smith, Robert (NH)	Wolf
Regula		Wolpe
Rhodes	Smith, Robert (OR)	Wyden
Richardson		Wylie
Ridge	Snowe	Yates
Rinaldo	Solarz	Yatron
Ritter	Solomon	Young (AK)
Roberts	Spence	Young (FL)
Robinson	Spratt	

□ 1532

The CHAIRMAN. Four hundred sixteen Members have answered to their names, a quorum is present, and the Committee will resume its business.

PARLIAMENTARY INQUIRY

Mr. ROE. Madam Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROE. Madam Chairman, would it be permissible for the chairman to ask for a unanimous-consent statement indicating that the committee supports this amendment vote?

The CHAIRMAN. The gentleman has not stated a parliamentary inquiry.

Mr. ROE. I thank the Chair.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Texas [Mr. BARTON] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 13, as follows:

[Roll No. 92]

AYES—420

Akaka	Duncan	Kasich
Anderson	Durbin	Kastenmeier
Andrews	Dwyer	Kennedy
Annunzio	Dymally	Kennelly
Anthony	Dyson	Kildee
Applegate	Early	Kleczka
Archer	Eckart	Kolbe
Armey	Edwards (CA)	Kolter
Aspin	Edwards (OK)	Kostmayer
Atkins	Emerson	Kyl
AuCoin	Engel	LaFalce
Baker	English	Lagomarsino
Ballenger	Erdreich	Lancaster
Barnard	Espy	Lantos
Bartlett	Evans	Laughlin
Barton	Fascell	Leach (IA)
Bateman	Fawell	Leath (TX)
Bates	Fazio	Lehman (CA)
Beilenson	Feighan	Lehman (FL)
Bennett	Fields	Lent
Bentley	Fish	Levin (MI)
Bereuter	Flake	Levine (CA)
Berman	Foglietta	Lewis (CA)
Bevill	Ford (MI)	Lewis (FL)
Bilbray	Ford (TN)	Lewis (GA)
Bilirakis	Frank	Lipinski
Billey	Frenzel	Livingston
Boehlert	Frost	Lloyd
Boggs	Gallegly	Long
Bonior	Gallo	Lowery (CA)
Borski	Gaydos	Lowey (NY)
Bosco	Gejdenson	Luken, Thomas
Boucher	Gekas	Machtley
Boxer	Gephardt	Madigan
Brennan	Geren	Manton
Brooks	Gibbons	Markey
Broomfield	Gillmor	Marlenee
Browder	Gilman	Martin (IL)
Brown (CA)	Gingrich	Martin (NY)
Brown (CO)	Glickman	Martinez
Bruce	Gonzalez	Matsui
Bryant	Gordon	Mavroules
Buechner	Goss	Mazzoli
Bunning	Gradison	McCandless
Burton	Grandy	McCloskey
Bustamante	Grant	McCollum
Byron	Gray	McCrery
Callahan	Green	McCurdy
Campbell (CA)	Guarini	McDade
Campbell (CO)	Gunderson	McDermott
Cardin	Hall (OH)	McEwen
Carper	Hall (TX)	McGrath
Carr	Hamilton	McHugh
Chandler	Hammerschmidt	McMillan (NC)
Chapman	Hancock	McMillen (MD)
Clarke	Hansen	McNulty
Clay	Harris	Meyers
Clement	Hastert	Mfume
Clinger	Hatcher	Michel
Coble	Hawkins	Miller (CA)
Coleman (MO)	Hayes (IL)	Miller (OH)
Coleman (TX)	Hayes (LA)	Miller (WA)
Combest	Hefley	Mineta
Condit	Hefner	Moakley
Conte	Henry	Molinari
Conyers	Herger	Mollohan
Cooper	Hertel	Montgomery
Costello	Hiler	Moody
Coughlin	Hoagland	Moorhead
Courter	Hochbrueckner	Morella
Cox	Holloway	Morrison (CT)
Coyne	Hopkins	Morrison (WA)
Crane	Horton	Mrazek
Crockett	Houghton	Murphy
Dannemeyer	Hoyer	Murtha
Darden	Hubbard	Myers
Davis	Hughes	Nagle
de la Garza	Hunter	Natcher
DeFazio	Hutto	Neal (MA)
DeLay	Hyde	Neal (NC)
Dellums	Inhofe	Nielson
Derrick	Ireland	Nowak
DeWine	Jacobs	Oakar
Dickinson	James	Oberstar
Dicks	Jenkins	Obey
Dingell	Johnson (CT)	Olin
Dixon	Johnson (SD)	Ortiz
Donnelly	Johnston	Owens (NY)
Dorgan (ND)	Jones (GA)	Owens (UT)
Dornan (CA)	Jones (NC)	Oxley
Douglas	Jontz	Packard
Downey	Kanjorski	Pallone
Dreier	Kaptur	Panetta
Parker	Saxton	Sundquist
Parris	Schaefer	Swift
Pashayan	Scheuer	Synar
Patterson	Schiff	Tallon
Paxon	Schneider	Tanner
Payne (NJ)	Schroeder	Tauke
Payne (VA)	Schuette	Tauzin
Pease	Schulze	Taylor
Pelosi	Schumer	Thomas (CA)
Penny	Sensenbrenner	Thomas (GA)
Perkins	Serrano	Thomas (WY)
Petri	Sharp	Torres
Pickett	Shaw	Torricelli
Pickle	Shays	Towns
Porter	Shumway	Traficant
Poshard	Shuster	Traxler
Price	Sikorski	Udall
Pursell	Sisisky	Unsoeld
Quillen	Skaggs	Upton
Rangel	Skeen	Valentine
Ravenel	Skelton	Vander Jagt
Ray	Slattery	Vento
Regula	Slaughter (NY)	Visclosky
Rhodes	Slaughter (VA)	Volkmer
Richardson	Smith (IA)	Vucanovich
Ridge	Smith (NE)	Walgren
Rinaldo	Smith (NJ)	Walker
Ritter	Smith (TX)	Walsh
Roberts	Smith, Denny (OR)	Washington
Robinson	Smith, Robert (NH)	Watkins
Roe	Smith, Robert (OR)	Waxman
Rogers	Snowe	Weber
Rohrabacher	Solarz	Weiss
Ros-Lehtinen	Solomon	Weldon
Rose	Spence	Wheat
Rostenkowski	Spratt	Whittaker
Roth	Staggers	Whitten
Roukema	Stallings	Williams
Rowland (CT)	Stangeland	Wilson
Rowland (GA)	Stark	Wise
Roybal	Stearns	Wolf
Russo	Stenholm	Wolpe
Sabo	Stokes	Wyden
Saiki	Studds	Yates
Sangmeister	Stump	Yatron
Sarpalius		Young (AK)
Savage		Young (FL)
Sawyer		

NOT VOTING—13

Ackerman	Goodling	Rahall
Alexander	Huckaby	Smith (FL)
Collins	Lightfoot	Smith (VT)
Craig	Lukens, Donald	
Flippo	Nelson	

□ 1540

Mr. SIKORSKI changed his vote from "no" to "aye."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT: Page 13, line 13, strike "and (b); and" and insert in lieu thereof "and (b);".

Page 13, after line 13, insert the following new subparagraph:

(C) certifying that the construction of the SSC can be completed without exceeding the limitation on appropriations under section 6(c)(1); and

Page 13, line 14, strike "(C)" and insert in lieu thereof "(D)".

Mr. BOEHLERT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Madam Chairman, this amendment is nothing more than a truth in advertising provision.

While we are talking about truth in advertising, it is my hope that the forthcoming debate will be devoid of some of the exaggerated claims which have been made up to this juncture.

The SSC will not cure cancer, will not solve the problem of male pattern baldness and will not guarantee a World Series victory for the Chicago Cubs. It involves good science, but we must be cautious and prudent as we proceed. I would not be supportive if the chairman had not accepted a number of my amendments designed to protect the taxpayer's interests and assure us that the construction not get ahead of the science.

My amendment simply states that before the Department of Energy gets its final increment of money under the bill, the Secretary must certify that the SSC can be built without exceeding the $5 billion cap on appropriations in this bill.

The debate over this amendment can be summarized in a single question: Would Congress prefer to learn whether the $5 billion cap will be breached after the $5 billion is spent or before?

There is only one answer that is fiscally responsible. The cap is meaningless unless it operates as a brake on spending. If we just let the Department spend down the $5 billion and then come back and say, "Well, gee, we just ran up against that cap, and we need a billion or so more to finish up," what will we have accomplished? The cap will be as porous as the debt ceiling.

The appropriations cap was not my idea. The chairman included it in the bill because he felt—for both political and fiscal reasons, I suspect—he felt that the Federal financial exposure should not be unlimited. The figure of $5 billion was considered reasonable; it's a 25-percent increase over previous estimates.

Now this bill has been sold as one that limits Federal liability to $5 billion—not a mere pittance.

So all I'm asking is: Are we serious about this cap? If we are, let's run the project in a way that allows us to review the cap early on—before we have no choice but to raise it.

This is in keeping with the process inherent in the other provisions of the bill. The Secretary already must certify that the minimum international commitments have been obtained and that the cost estimates for the project are accurate and up to date. This amendment would add the spending cap certification at that same point. In other words, Congress would get a complete fiscal picture of the project before the bulk of the money is released.

Some have presented this as a killer amendment. How can this be? The cap is already in the bill. If we are serious about the cap, this amendment would not change its impact; it would just allow Congress to review the project at a more responsible point.

If we're not serious about the cap, if we are actually authorizing such sums, then let's be honest about what we're doing.

This bill is set up like an installment payment plan for a car—a very expensive domestic car. Wouldn't we protect consumers from an installment plan in which the dealer could say after the last payment, "The price has gone up since you bought the car; you have to pay for another year or junk the car."

This amendment is the equivalent of consumer legislation. We ought to know what the SSC is going to cost the Federal Treasury before we make our last payment.

This is an amendment that simply enforces language that is already in the bill. Anyone who supports H.R. 4380—and I will vote for final passage—ought to support this amendment.

Mr. ROE. Madam Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Madam Chairman, I think the gentleman from New York [Mr. BOEHLERT] further fortifies the discussion we have had all day on the floor on this very important issue. It is reasonable to expect that this certification will have to be made based on the completion of out-year milestones and also based on the best information available at the time this certification is made. I think the gentleman is adding a new dimension, but a firmer dimension, and from this side of the aisle, we accept the amendment of the gentleman.

Mr. BOEHLERT. Madam Chairman, reclaiming my time, I am glad to see that, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BOEHLERT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of section 9, insert the following new subsection:

(—) RESTRICTION ON CONTRACT AWARDS.—No person or enterprise domiciled or operating under the laws of a foreign government may enter into a contract or subcontract made pursuant to this Act if that government unfairly maintains, in government procurement, a significant and persistent pattern or practice of discrimination against United States products or services which results in identifiable harm to United States businesses, as identified by the President pursuant to section 305(g)(1)(A) of the Trade Agreements Act of 1979.

Mr. TRAFICANT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MODIFICATION TO AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I ask unanimous consent that on line 2 the word "operating" be deleted and the word "incorporated" be placed in its stead.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. TRAFICANT: At the end of section 9, insert the following new subsection:

(—) RESTRICTIONS ON CONTRACT AWARDS.—No person or enterprise domiciled or incorporated under the laws of a foreign government may enter into a contract or subcontract made pursuant to this Act if that government unfairly maintains, in government procurement, a significant and persistent pattern or practice of discrimination against United States products or services which results in identifiable harm to United States businesses, as identified by the President pursuant to section 305 (g) (1) (A) of the Trade Agreements Act of 1979.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Madam Chairman, the amendment speaks for itself. The amendment speaks to the trade law and the fact that under section 301 the President shall fight those particular countries whose trade policies literally are injurious and damaging to American business and commerce. This amendment basically states that any country so cited by the President under our trade law as having procurement policies at their national level which injure American industry and business, would then be prohibited and ineligible from bidding on contracts let underneath and pursuant to this particular act.

I would basically state that it deals with India at this particular point. India has basically told our administration to go to hell. Now, there is some $50 million in contributions. India under the bill would still be able to contribute, but at this particular point would be the only nation so cited.

This is a policy move, a policy move that I believe the Congress should support, and one that we should move in the direction of.

Mr. PENNY. Madam Chairman, would the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Madam Chairman, I just want to stress that I think the gentleman from Ohio [Mr. TRAFICANT] has hit on a modest but important policy initiative, and that is simply to say when the Federal Government is going to spend billions of dollars on a construction program within our borders, that is reasonable to confine participation in that expenditure and in that construction to those countries with whom we have a positive and free-fair-trading relationship, and that at the very least if we have cited nations for flagrant violations of fair-trade practices, that they not be part of that club that is allowed to participate in these types of projects.

For that reason I would rise in support of the amendment of the gentleman from Ohio [Mr. TRAFICANT] and urge the House to act favorably upon it.

Mr. TRAFICANT. Madam Chairman, reclaiming my time, I appreciate the remarks of the gentleman from Minnesota [Mr. PENNY] very much, and with that, I yield back the balance of my time.

Mr. McMILLEN of Maryland. Madam Chairman, I rise in strong support of passage of H.R. 4380, the superconducting super collider project authorization. We've heard glowing praise of how this project, the likes of which have not been seen in the annals of American science, will unlock the myriad of mysteries regarding the nature and structure of matter. This will provide us with insight into the origins of the universe and will lead us to understanding how best to harness energy forces to serve mankind. The SSC will surely inspire a generation of younger Americans to serve their country through the disciplines of science and engineering.

What is at stake here is America's leadership in the realm of basic and applied scientific research. Not initiating this program or even delaying it will relegate the United States to a second tier in world's scientific community.

Embarking on this awesome initiative, however, should not be construed as a blank ckeck to those at the helm of the superconducting super collider. We need sophisticated cost and fiscal controls on this operation to ensure that our science dollars—both Federal and Texan—are well spent. Further, we should strive to ensure that our international partners are fully involved, so that the SSC's enormous cost is borne by those who stand to gain from its research advancements. I commend Chairman ROE of the Science Committee for crafting a bill that takes into account these concerns.

Chairman ROE once said that "science is our country's new wealth—our key to future prosperity." No greater example of this exists than the superconducting super collider, an endeavor that is sure to yield tangible and usable benefits for generations to come.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment, as modified, was agreed to.

The CHAIRMAN. The Committee will rise informally.

ENROLLED BILL SIGNED

The SPEAKER pro tempore (Mr. HOYER) assumed the chair.

The SPEAKER pro tempore. The Chair lays before the House the following enrolled bill:

H.R. 1011. An act to provide for the establishment of the National Commission on Wildfire Disasters, to provide for increased planning and cooperation with local firefighting forces in the event of forest fires, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

SUPERCONDUCTING SUPER COLLIDER PROJECT AUTHORIZATION ACT OF 1990

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SENSENBRENNER: Page 14, lines 8 through 18, strike paragraph (2).

Page 14, line 19, redesignate paragraph (3) as paragraph (2).

□1550

Mr. SENSENBRENNER. Madam Chairman, my amendment is simple and straightforward. It would delete the provision in H.R. 4380 which guarantees the State of Texas a refund for its contributions to the SSC if the project is terminated before October 1, 1995. My amendment could save the Federal Government $1 billion or more.

The principle underlying my amendment is that of risk-sharing. It is only fair that the participants and beneficiaries in a major Government science project share in both the rewards and the risks of that undertaking. This is, by definition, what a partnership is all about. And this is the type of relationship which has been envisioned by Federal Government negotiators with the State of Texas thus far. Yet the SSC refund provision contained in H.R. 4380 would dramatically alter this relationship.

The State of Texas completed vigorously to host the SSC project. Texas did so because of the enormous potential economic benefits that will accompany the construction and operation of the SSC. Indeed, the State of Texas recognized that the economic attraction of hosting the SSC is so great that it pledged $1 billion to the project, with no strings attached. Let me emphasize this point because it is central to my argument that a legislated bailout clause is unnecessary and unwise.

My discussions with officials at the Department of Energy indicate that the administration has made no representation to the State of Texas that it would be reimbursed for any part of its contribution to the SSC project in the event the project is not completed. Furthermore, the proposal submitted by the State of Texas contains no reference to any obligation on the part of the Federal Government to reimburse the State for any part of its contribution in the event the project is cancelled. In other words, the refund provision contained in H.R. 4380 has not been a condition for State participation as negotiated thus far. I ask my colleagues why it should be thrown in as an incentive now, after the State bid has already been accepted.

There are several compelling reasons for opposing a legislated bailout clause for the State of Texas. First, as the administration, a strong supporter of the SSC project, has communicated to us, the refund provision contained in this bill will set a dangerous precedent. The U.S. Government may find itself unable to negotiate future joint science projects without this type of risk protection for the State participant, adding untold billions of liability and potential debt to the deficit. That is why the National Taxpayers Union describes the Texas bailout provision of H.R. 4380 wholly repugnant and fully supports my amendment.

Second, changing the rules of the game for Federal and State cooperation in the SSC project raises a serious controversy. Perhaps if other States competing for the SSC had known that their contributions would be guaranteed, their bids would have been significantly different.

Finally, I am concerned that the mandatory refund provision may have the undesirable effect of forcing the Federal Government to proceed with the SSC even if a situation arises where the cost of the project escalates out of control. The Federal Government may rationalize that it is cheaper to absorb these cost-overruns than to cough up the $1 billion to bail out Texas.

In closing, let me clarify that my amendment is not an anti-SSC amendment and does not jeopardize the future of the SSC in any way, shape or form. The Texas bailout clause, which my amendment would delete, would only be applicable in the event that the SSC project is canceled. The intent of my amendment is simply to preserve the original intent of the Federal-State cooperative arrangement. However, the bill before us changes completely the nature of this Federal-State venture. Under H.R. 4380, Texas would no longer be an equity partner, but would merely be acting as a creditor extending a guaranteed loan to the Federal Government. Under these terms, Texas would be guaranteed a positive rate of return on its investment whether the SSC is constructed or not. Clearly, such an arrangement is a win-win proposition for the State of Texas, but there is no attraction for the Federal Government and the American taxpayer.

Mr. CHAIRMAN. The time of the gentleman from Wisconsin [Mr. SENSENBRENNER] has expired.

(By unanimous consent, Mr. SENSENBRENNER was allows to proceed for 3 additional minutes.)

Mr. OBEY. Madam Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to my colleague from Wisconsin.

Mr. OBEY. Madam Chairman, I would simply like to say that the gentleman I think has laid out a number of very good reasons to support his amendment. I think he is certainly correct in pointing out that without his amendment there will be an added disincentive for the Federal Government to evaluate on their merits the cost/benefit ratio associated with this project.

The other thing I would say is that the bill as it stands, without the gentleman's amendment, would retain the quaint idea that if the U.S. Government is persuaded on the merits to finally pull the plug on this project, as presently financed, the only taxpayers who would get their money back would be taxpayers from the State of Texas. I find that idea quaint, and I do not think we ought to be supporting it.

I think the gentleman from Wisconsin in correct in offering his amendment.

Mr. SENSENBRENNER. I thank my colleague from Wisconsin for his comments.

Amplifying on that further, this bill requires that there be certain international cost-sharing to be negotiated between the Department of Energy and certain foreign governments. If the precedent is set that Texas gets a refund should the SSC not be completed, every one of these foreign governments is going to be coming in demanding identical refund treatment, and that will further expose the potential liability of the Federal Government over and beyond the $1 billion that is contained in the guarantee to the State of Texas.

Mr. BARTON of Texas. Madam Chairman, I rise in opposition to the amendment.

We want the SSC to be a project that is designed to succeed, not a project that is almost guaranteed to fail. I would like to point out that right now, as we debate this amendment on the House floor, the State of Texas, through the auspices of the Texas National Research Laboratory Commission and officials at the Department of Energy are negotiating on how to spend the Texas money that has been promised, the $1 billion.

Texas put that money up in a good faith effort to save Federal dollars, to

save Federal tax dollars. We did not put that money up hoping that at some point in the future the project would be terminated and we would be asking to be reimbursed.

Having said that, because as of today we have one international commitment of $50 million from the Government of India, it is expected that in the first 2 to 3 years of the construction phase of the project the State of Texas is going to be asked to frontload its contribution perhaps as much as $600 or $700 million.

□ 1600

If for some reason, and we hope that day never arrives, but if for some reason it was made a decision here in the Capitol, in the Congress of the United States, to terminate the project, I think it is reasonable to expect that if the taxpayers of Texas have obligated their funds in a good-faith effort, they should be reimbursed that.

Having said that, when Mr. SENSENBRENNER made it known that he was prepared to offer this amendment, we tried to negotiate a compromise in which any funds that were expended, any State funds that were expended that were for roads or power lines, anything for which there is an alternative use not related to the SSC, we would not expect to be reimbursed. But if in fact the State spends its funds to purchase the first lot of superconducting magnets, and we are going to purchase approximately 10,000 of those magnets, if the project were to be terminated, there is no alternative use for a 60-foot-long magnet. So we need this provision in the bill. It was in the bill last year that passed the House. This is not a new thing. We want to work to be successful, we do not want to work at cross purposes.

So I would ask that we vote against the Sensenbrenner amendment, keep the bill as it came out of committee, keep the bill as it has been in the past and keep the partnership intact instead of creating a division.

Mr. RITTER. Madam Chairman, I rise in support of the amendment.

Madam Chairman, first of all, the great State of Texas stands to be, let us face it, the major beneficiary of the construction of the superconductor super collider. It has quite generously offered up $1 billion of contributions, some of which are contributions directly to the superconductor super collider construction, some of which may be of use alternatively, but which would not have been built had there not been a superconducting super collider project. In any event, in the original bid documents, the original document where the State of Texas offered up this $1 billion cost-share states, and I quote, that the TNRLC, that is, the Texas National Research Laboratory Commission, is completely open to alternative allocations that DOE considers most beneficial, subject only to the condition, and this is the key language, subject only to the condition, the one condition, that the Dallas-Fort Worth site is selected for construction and operation of the SSC. No mention was made of any refund in case the SSC project didn't go forward. A refund was simply not part of the agreement.

Now there are fabulous benefits, we all know, to the State of Texas coming from the SSC. Is it not unreasonable to expect Texas to absorb some risk? Or is it all gravy?

I guess that is my question for my colleagues from the State of Texas.

Madam Chairman, does anyone from the State of Texas want to respond to that question?

Mr. CHAPMAN. Madam Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Texas.

Mr. CHAPMAN. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, let me just point out and I will have some time later myself, but let me point out to the committee I do not know of any Federal commitment that creates jobs, be it a science project, a defense contract, or any other expenditure of America's taxpayer dollars in which, if it is large enough—and let us take the defense budget as an example—in that circumstance, as the gentleman knows, not only if there is a cancellation of an ongoing project does the contractor get reimbursed, he gets a profit. He gets his expenses plus a profit. Texas is not asking for a profit.

Mr. RITTER. The gentleman makes a good point.

Mr. CHAPMAN. So there are numerous examples in which the American taxpayer not only has paid reimbursement, does pay reimbursement, not only that, virtually guarantees a profit to the recipient. That is not the case here.

Mr. RITTER. Reclaiming my time, the gentleman makes an interesting point.

But, let us take a look at the Clinch River breeder reactor project. Did the expenditures by the private contractors in that particular effort, did they receive reimbursement? I believe the answer is no. They did not receive reimbursement.

Mr. BRYANT. Madam Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Texas.

Mr. BRYANT. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, yes, let us take a look at another example. How about Fermilab?

When Fermilab was built, there was no provision like the Sensenbrenner or the Ritter amendment here. There was no provision that they could not be reimbursed. There was no contribution in fact. What about the Stanford linear accelerator?

Mr. RITTER. If I may reclaim my time, I would like to comment on the Fermilab and the Stanford linear accelerator. These projects never involved an offer of $1 billion. There was no State offer.

Mr. BRYANT. That is exactly right.

Mr. RITTER. You have got the language, we have the language right here in the bid document. A refund was never in the original offer.

Mr. BRYANT. That is correct.

Mr. RITTER. That was the original offer. So we are now going back on the original offer and saying, "Yes, there is going to be a bailout if things don't go right."

Mr. BRYANT. Then I would ask what the gentleman is complaining about. Inasmuch as Texas has come forward with a billion dollars, but in the case of Fermilab, in the case of the Stanford linear accelerator nobody came forward with any money, what is the gentleman's complaint?

Mr. ARMEY. Madam Chairman, will the gentleman yield?

Mr. RITTER. Madam Chairman, I yield to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I listened to the gentleman's remarks very carefully. I have to say that I was mightily flattered as a Texan, by his remarks.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. RITTER] has expired.

(On request of Mr. ARMEY and by unanimous consent Mr. RITTER was allowed to proceed for 2 additional minutes.)

Mr. ARMEY. Madam Chairman, will the gentleman continue to yield?

Mr. RITTER. I yield to the gentleman from Texas.

Mr. ARMEY. Madam Chairman, if in fact the superconducting super collider is to be built with taxpayers' money, it must be done so out of a confidence that in the long run it will give us a level of increased science and engineering knowledge that benefit not only the entire Nation but future generations.

And for the generous gentleman to allege that Texas is the primary benfactor of the bill in the superconducting super collider more than any other State is to allege that Texas somehow is more capable of benefiting from better and more science and engineering.

Mr. RITTER. Reclaiming my time, I think we are in "Alice-in-Wonderland" if we do not believe that Texas is the major beneficiary of the $8 billion construction project. Yes, eventually the

basic science would accrue to all mankind.

Let me just make one other point: No one, no one required Texas to come forth and offer up a billion dollars. They did it of their own volition.

In the offer, there was never a caveat that said, "We offer this billion dollars, but in the event the project doesn't go through, we want it back." That may have had some impact on a decision somewhere in the process of the superconducting super collider.

Mr. BOEHLERT. Madam Chairman, will the gentleman yield?

Mr. RITTER. Madam Chairman, I yield to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I think the gentleman is making some very good points in support of the Sensenbrenner amendment. Let me submit to my colleagues in the room: Unless this amendment is passed, we are going to be tying the hands of the administration as it goes abroad to negotiate with international partners for participation. What is an international partner going to say? The partner is going to say, "Hey, we want the same deal as Texas; if it doesn't work out the way we want it, we want to be reimbursed."

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. RITTER] has again expired.

Mr. ARMEY. Madam Chairman, I ask unanimous consent that the gentleman be allowed to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. ROE. Madam Chairman, reserving the right to object, the Chair here would like to respond.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RITTER] controls the time.

Mr. ROE. Madam Chairman, I reserve the right to object. I would like to call to the attention of my good friends, my dear friends, that we would like to enter into the discussion too. We do not mean to be short, and I am not going to object to the 3 minutes, but let us have an opportunity to respond to a couple of the issues. Would that be okay?

Mr. RITTER. I have no objection.

Mr. ROE. Madam Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BOEHLERT. Madam Chairman, would the gentleman continue to yield?

Mr. RITTER. Madam Chairman, I yield to the gentleman from New York.

Mr. BOEHLERT. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I think another key point is this: The administration does not support the Texas refund language in the bill. I do not need to remind my colleagues that the administration is a cheerleader for this project, particularly because it is going to be located in Texas.

Mr. SENSENBRENNER. Madam Chairman, will the gentleman yield?

Mr. RITTER. Madam Chairman, I yield to the gentleman from Wisconsin [Mr. SENSENBRENNER].

□ 1610

Mr. SENSENBRENNER. Madam Chairman, I have a statement of administration policy that says the administration supports changes that would delete the provision providing the State of Texas with a refund of its contribution if the project is terminated.

This amendment is Texas-bashing. Why would the No. 1 Texan in the White House support my amendment?

Mr. HALL of Texas. Madam Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Texas.

Mr. HALL of Texas. Madam Chairman, I think the gentleman from Pennsylvania knows the high regard I have for him. We have worked through many amendments before on this and the other, but when the gentleman said it benefits only Texas, I would like to ask a question.

Mr. RITTER. Madam Chairman, if I may reclaim my time, I am not saying it benefits only Texas. I am saying, and Members should be realistic, the main beneficiary of building the SSC is the State of Texas. That is obviously why Texas offered up a billion dollars in contributions.

Madam Chairman, I yield to the gentleman from Texas.

Mr. HALL of Texas. Madam Chairman, I know the gentleman is very aware of the facility at CERN and DESY where they brought the crystals from Russia, they brought the magnets from China, and brought them from all over the world. That is an international project. There was not just a point of the fact that it was near the Swiss-French border that they all got together and built that. The whole world benefits. Should not the whole world benefit in this? Clearly, the whole United States benefits from it.

Mr. RITTER. The gentleman makes a good point. It is definitely an international project. I was simply trying to point out that Texas gets the bulk of the building activity and the construction jobs and the vast related resources expended there.

Mr. ROE. Madam Chairman, I move to strike the last word. I have not said whether I am opposed or in agreement to this amendment, but I would like to make a couple of points.

First of all, No. 1 on the Clinch breeder reactor, the United States spent $1.5 billion of the taxpayers' money as Members know. A billion and a half dollars they expended, and then willy-nilly 4 or 5 years later, it was decided not to go ahead with the Clinch breeder reactor. Why was that decided? Who made that great decision along the line? Somehow in the malaise of Congress and the administration, a decision was made, regardless of where it came from, for $1.5 billion. Too bad. Just cancel it, throw it away.

Do Members know what they did? They had $1 billion worth of tubes and tanks, stainless steel in warehouses all over. They did not come from Tennessee or Texas, they came from all over the country. Do Members know what they did? I want every person in this country to hear me today—they threw them away. They sold them for scrap because somebody changed their mind.

Now, we are talking about spending $5 billion of taxpayers' money, $1 billion from Texas, and Members make the analogy that, well, then, we are giving back to Texas. I remind Members of something. It is $1 billion in addition to the people's money from Texas, above their Federal taxes. They went to a referendum in Texas, and the people voted, 2 to 1, in favor of this program. So for every dollar that is lost here, we lose two from Texas.

Think I am from Texas? I am not, I am from New Jersey. So let Members get the record straight, and I think the issue before Members legitimately is this: We are trying to craft a piece of legislation that is fair and equitable and achieves a goal. It is not the words we are talking about, it is the result of the superconductor super collider, what we can do, and achieve for mankind. Not building 5 million hurdles so it is impossible to move ahead. That is what this debate is all about. That is what these issues are about.

Now, back to another point, we are talking about in the way this guarantees in established or this refund is established. It has a ceiling and a limit. It is 1995. Those tests will not be completed until 1993. So Texas is not going to get any big bundle back. They are not going to get $1 billion back, and if I were from Texas, and I were putting up the billion dollars that I am putting up, and being abused on the floor of the House, because it is a State's right, and I am trying to participate. I am trying to build a partnership, I am putting $1 billion up, people vote 2 to 1 in my State to build something that was good for America, and Members are making it now evil and ugly that they are terrible people, that is not fair.

I am saying to Members the level I am talking about, I have not said yea

or nay, is based on what Texas would contribute. If the Congress comes back, and let me ask Members something, let me ask Members a question, suppose Congress comes back in its great wisdom and Congress says, "Well, gee, we struck a good deal now. It is equitable. It is fair. We are protecting the Texas taxpayer. We are protecting the U.S. taxpayer. More important, we will create something that is great." Now, all of a sudden we come back, and in 2 years we say, "Too bad," like we did with the Clinch breeder. We had the magnets going, we had this, but we quit. We do not want to do it anymore. We are going to walk away and take our marbles and go home.

What does that leave the State of Texas? That is the question I propound.

Mr. SENSENBRENNER. Madam Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Madam Chairman, I thank the gentleman for yielding, and I would like to ask him a question.

If this was so important to the State of Texas that there be a refund provision, why did they not put that in their bid that they submitted to the Department of Energy? They did not. The only condition on the bid was that it was subject to the condition that the Dallas-Fort Worth site be selected. They could have funded their refundment provision, and that would have been on the table at the time the DOE was reviewing the proposals from the various States. DOE may very well have selected it. If that was the case, then that would have been settled, but it was not.

I come as someone who supported Texas in the selection process, even though my Governor did not. I think that what is being done here is changing the rules in the middle of the game.

(On the request of Mr. DELAY and by unanimous consent, Mr. ROE was allowed to proceed for 2 additional minutes.)

Mr. ROE. Madam Chairman, I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, since when do bids become contracts—when someone makes a bid. That is an open offer, and usually in general terms, as the gentleman from Pennsylvania pointed out, that is an offer. When the details are worked out, as they have been worked out in this bill, then it becomes a contract, and the details are given.

When do people, or when does anyone, when has anyone been held to be responsible for a general bid, as if it were a contract?

Mr. ROE. Reclaiming my time, if the gentleman would allow me to respond, I think it might be helpful to clarify what really happened on the way to the Forum.

Senator DOMENICI from the other body passed an amendment on a bill that precluded any of the States that were putting in their bid to include any enhancements per se as part of their bid. They came back and said, "You have to bid on a so-called level plain." I hate that word, but that is the word we have to use. "But you can present an envelope in what the sweetener would be coming from that prospective State," and the envelope was not to be opened, under the Domenici amendment until after the determination was made as to what State would be awarded that bid.

So from what I understand, the Department of Energy did not know what was in Texas' envelope or in anyone else's envelope, and they first went to the selection process. They finally selected the bids coming from Texas, and after that they opened up the envelope where the billion dollars was in the envelope. So it was an added start. It was not part of the original bid.

Madam Chairman, I yield to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Madam Chairman, is it not the case that the bill that passed 2 years ago authorizing this project included identical language as the bill today, and would it therefore be fair to ask the gentleman from Wisconsin [Mr. SENSENBRENNER] if he felt that strongly where he was 2 years ago, and I am informed by the staff of the committee that the offering by the gentleman from Wisconsin [Mr. SENSENBRENNER] would radically change the nature of the agreement that was entered into 2 years ago when the House passed the authorizing bill in the first place.

□ 1420

Mr. ROE. Madam Chairman, there was an amendment made. There was a vote on the last one. It did not include the entire issue; it included the cash contribution only.

If I may continue to answer the gentleman's question, the language went like this: Any cash payments made by the selected State shall be refunded in cash by the Secretary in the event the facility is cancelled or in the event funds are not appropriated to complete construction of the facility.

Mr. BRYANT. In other words, the gentleman from Wisconsin [Mr. SENSENBRENNER] is trying to change the status quo 2 years later; is that correct?

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. ROE] has expired.

(On request of Mr. SENSENBRENNER, and by unanimous consent, Mr. ROE was allowed to proceed for 1 additional minute.)

Mr. SENSENBRENNER. Madam Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Madam Chairman, I thank the gentleman from New Jersey for yielding.

The gentleman from Wisconsin is not trying to change the status quo; the Texas people are, because they have put in a mandatory refund provision for in-kind contributions, which does include roads, power lines, and sewers. They are the ones who are upping the ante. I think it is bad policy, and my amendment will strike that.

Mr. BARTON of Texas. Madam Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Madam Chairman, I thank the committee chairman for yielding.

Madam Chairman, I think the gentleman would admit that we offered to compromise on that. We offered to write language that would guarantee that with respect to any use for which State funds had been expended and for which there was no alternative use, in other words, any roads, any power lines or anything like that, we would not expect to be reimbursed for those, and the gentleman turned that down.

Mr. WALKER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, there is a great old country and western song called "All My Ex's Live in Texas." Part of our debate here today is on the question that says, "all my taxes go to Texas."

This is a question of how we are going to deal with a very fundamental question within the SSC debate. Texas got the SSC bid or made the bid and got accepted based upon the fact that they were willing to donate the land and that they were willing to give a billion dollars toward the construction of the facility.

Mr. ROE. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New Jersey.

Mr. ROE. Madam Chairman, I would say to my dear good friend that the billion dollars was not part of the original deal. That was in the envelope.

Mr. WALKER. Oh, yes, I understood that.

Mr. ROE. All right. I misunderstood the gentleman.

Mr. WALKER. I said that they got the contract or they were accepted based upon the fact that theirs was the best bid, and I think we accept that.

Mr. ROE. Madam Chairman, will the gentleman yield again?

Mr. WALKER. I yield to the gentleman from New Jersey.

Mr. ROE. Madam Chairman, the billion dollars was not known nor was it part of the bid originally.

Mr. WALKER. All right, I accept the gentleman's amendment.

But what we are now dealing with is the question of what should be the exposure of the American taxpayers throughout this process. We have determined in this bill that the exposure of American taxpayers for the construction of the SSC shall be $5 billion, not a dime more. That is what this bill says, and we mean for that to be a very, very firm cap.

Now, what the amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] is doing is assuring us that we have a cap-keeper, that in fact that cap can be kept throughout the process. The reason why this amendment is important to that end is for this reason: If in fact we say that we are going to reimburse Texas if we pull out of the project, the argument will always be at the time that we come up against that cap that we have got to spend the additional $200 million or we have got to expend an additional $300 million, because we could owe Texas up to a billion dollars if we end this project.

So we will be given the argument that breaking the cap for a couple of hundred of million dollars really saves us money because otherwise we would have to pay off the Texas entitlement.

I am convinced that we mean it in this bill when we say there shall be a $5 billion cap, period. I do not want things out there driving the process over and above the $5 billion cap. The Sensenbrenner amendment essentially says that that cap is in fact firm, and that if we decide to end the project, everybody is going to take a little bit of a risk; the American taxpayers will take a risk and spend some of their money at that point maybe on a project that will not go to completion. Texas will be in the same position, and our international partners will be in the same position. Everybody will be in the same boat. If we decide to end the project, everybody takes a risk because it did not pan out. If we in fact change the formula here and it is only the American taxpayer and it is only the commercial companies and it is only the international partners who are at risk and Texas is going to get reimbursed in full, that, it seems to me, is something which will constantly drive us toward exceeding the cap rather than keeping the cap.

Everyone who believes that that cap is an important part of this bill ought to be for the Sensenbrenner amendment. If Members think the cap has to be exceeded at some point, if they are willing to expend any amount of money it takes to build this project in the future, then they should vote against the Sensenbrenner amendment. If that is where Members are on this project and they are willing to spend any amount of money that comes down the pike, all right. I realize there are some Members in the Chamber who are willing to do that, but I am not. I am saying that the cap is firm, it needs to be kept firm, and the Sensenbrenner amendment makes certain that happens, so we ought to support it.

Mr. BOEHLERT. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. BOEHLERT. Madam Chairman, I thank my colleague for yielding.

Madam Chairman, I can understand what the Members from Texas are doing. I see them all on their feet. They are big, they are parochial, as we all are with our respective States at the appropriate moment. But what the Texas Members are saying reminds me of Groucho Marx's old line: "Who are you going to believe, me or your own two eyes?"

Let us look at what the agreement says. The agreement says that the Texas National Research Laboratory Commission is completely open to alternative locations that the Department of Energy considers most beneficial, subject only to the condition that the Dallas-Fort Worth site is selected for construction in the operation of the superconducting super collider. There are no other provisions. That was the only proviso, subject only to the condition that the Dallas-Fort Worth site is selected.

Mr. WALKER. Madam Chairman, I thank the gentleman. I think he helps emphasize my point. This entitlement—and that is what it is—was not anticipated in the early deliberations.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. WALKER. Madam Chairman, this entitlement was not anticipated. We ought not to change it into an entitlement now. We ought to say very clearly that everybody is at risk in this process, no one is entitled to anything should it not pan out, and everyone benefits if we go to completion.

Mr. BRYANT. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. BRYANT. Madam Chairman, I would just like to ask the gentleman, does he dispute the fact that 2 years ago the authorizing bill specifically provided that cash contributions would be reimbursed if the Federal Government bailed out of this program? Does the gentleman dispute that?

Mr. WALKER. It did in fact say, "cash contribution," but what you have done now is you have made the entire $1 billion of whatever Texas does into an entitlement. The amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] addresses that.

Mr. BRYANT. Madam Chairman, let me ask the gentleman this question: I think it would be fair for us to elaborate on this.

What is the gentleman talking about? The deal from the begining was that we would get the cash reimbursed in the event the Federal Government decided not to go forward. That is what was in the law in the first place. Where was the gentleman 2 years ago?

Mr. WALKER. Madam Chairman, I will say to the gentleman that I do not believe that anything we did 2 years ago gave Texas an entitlement to the entire contribution which they voluntarily provided. That is exactly where we are right now.

Mr. BRYANT. Madam Chairman, I appreciate the gentleman's acknowledging that it is in the current bill at the present time that we would be reimbursed if the Federal Government did not go forward. It is astonishing to me that the gentleman does not acknowledge that the amendment offered from the gentleman from Wisconsin [Mr. SENSENBRENNER] would made a dramatic change in the deal.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(On request of Mr. SENSENBRENNER, and by unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. SENSENBRENNER. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Madam Chairman, the provision the gentleman from Texas [Mr. BRYANT] is talking about never passed the Senate, and as a result it was never enacted into law. The gentleman from Pennsylvania [Mr. WALKER] is exactly correct in that the provision in the bill which my amendment proposes to strike goes far beyond that which was passed by the House last year. That is what the objection is to this legislation.

Mr. WILSON. Madam Chairman, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentlman from Texas.

Mr. WILSON. Madam Chairman, my colleague, the gentleman from Texas [Mr. BARTON] said a few minutes ago—and I remember this to be true also—that we gave the gentleman and the sponsor of the amendment the opportunity that Texas would not be reimbursed for any infrastructure that would be useful in other ways other

than the super collider, and that that amendment was turned down; is that correct?

Mr. WALKER. Madam Chairman, I think the gentleman from Wisconsin decided that the amendment he wrote for himself was the amendment he wanted to offer. The gentleman is certainly entitled to that position.

Mr. WILSON. But the gentleman is leading the House to believe that Texas wanted all of that back, but the truth is that we offered to give that back and were turned down; is that right?

□ 1630

Mr. WALKER. In all honesty, Madam Chairman, I do not think that there is anything to prevent anybody from coming to the floor right now and offering that as a compromise, but the gentleman from Wisconsin [Mr. SENSENBRENNER] has decided that he wants to offer his amendment. I think that is what he is entitled to do.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. HAYES of Louisiana. Madam Chairman, I move to strike the requisite number of words.

The point I would like to make, Madam Chairman, is really very simple.

The State of Texas made a bid. The bid was sealed. The bid was later opened by the Department of Energy. The bid was accepted. The $1 billion at issue does not have a timetable. It is an amount, but it does not have any condition requiring it to flow at any instant, and, if I were the next Governor of the State of Texas, I would not send a dime into this project until I had the assurances that the taxpayers of my State, who supported a major bond issue in a time in which it is impossible to pass bond issues, had the assurances that they will receive in return for cancellation their own property and money back, and consequently I think those who are urging the adoption of this amendment are penalizing the generosity of Texas and are jeopardizing the project.

Mr. BOEHLERT. Madam Chairman, will the gentleman yield?

Mr. HAYES of Louisiana. I yield to the gentleman from New York.

Mr. BOEHLERT. Madam Chairman, I would like to ask my colleague; perhaps he knows; he is a neighbor, but did the referendum include any language whatsoever about a refund? Did the people of Texas, as they considered that referendum, know they were voting, they were taking a risk, they were gambling and they hoped they won?

Madam Chairman, I hope they win big with this project. I hope it is completed and operates as it is intended. I am just suggesting that they went in it with their eyes open wide.

The administration is opposed to this Texas refund language. That is critically important to remember.

Mr. HAYES of Louisiana. Madam Chairman, I believe the gentleman from Texas [Mr. WASHINGTON] wishes the time to respond.

Madam Chairman, I yield to the gentleman from Texas.

Mr. WASHINGTON. Madam Chairman, I was a member of the Texas Legislature at the time that this was discussed, and it was. It was not written into the language, but there was a clear understanding because many of us were reticent about getting behind this bonding package when we had no assurances as to what the Federal Government was going to do once we put our necks out there, our political necks out on the limb, and we did do it, and we did it in good faith, and it was done in good faith based on the understanding, the clear understanding, that the Federal Government was standing behind us on the measure before we went to our taxpayers and asked for all these bonds to be issued.

Mr. BOEHLERT. Madam Chairman, would the gentleman from Louisiana [Mr. HAYES], my colleague, yield so I can respond to that?

Mr. HAYES of Louisiana. I yield to the gentleman from New York.

Mr. BOEHLERT. Madam Chairman, clearly the answer to that question is: "No, it was not in the referendum. The refund language was not in the referendum."

Now there may have been a clear understanding in the Texas Legislature, but I would submit to my colleagues that there are a lot of clear understandings in the Texas Legislature that do not go beyond that.

Mr. HAYES of Louisiana. Madam Chairman, reclaiming my time, the matter before the voters of the State of Texas was an authorization for indebtedness. It would have been inappropriate to include such a provision, and, if anyone does not believe that the voters of the State of Texas are very concerned about money in their current budget crisis, I would suggest that the gentleman follow Interstate 10, stop at a few local saloons and ask the people in there if they would like to give away $1 billion. The answer would be very, very clear to the gentleman and in words that we are not allowed to use here on the floor of the House of Representatives.

Mr. ARMEY. Madam Chairman, will the gentleman yield?

Mr. HAYES of Louisiana. I yield to the gentleman from Texas.

Mr. ARMEY. Madam Chairman, I had not intended to participate in this debate, but, quite frankly, I do think we need to make something clear here.

Madam Chairman, the people of Texas share with the people across this Nation a vision of the future.

Now that is really the question we have to address on the superconducting super collider, and I say to my colleagues, "If you believe that this investment will bring to our children wondrous sights that you and I cannot today imagine, vote for it. If you believe it will be a waste of the taxpayers' money, vote against it. But the committee is convinced."

Now, the State of Texas stood up to the plate first, and they said, "We'll put our $1 million on the line because we believe in the future, and we are willing to enter a partnership with the Federal Government, and then they realized that the Federal Government doesn't have a very good track record. We better cover ourselves in case somebody changes their mind on that."

The Federal Government determined what the cost projection would be, and then somebody put it in the bill. I hope it was a Texan, but, whether it was a Texan or not, it was accepted by the committee, that should the Federal Government fail to complete their side of the bargain, the State of Texas would receive recompense for the investment they made up front first out of consideration for the children of this Nation.

Madam Chairman, I think this is a wrong move, and let me also say——

Mr. HAYES of Louisiana. Madam Chairman, if I might reclaim my time——

Mr. ARMEY. If I may make my final point?

It is not without precedent in authorizing legislation that we put in recompensation for States or other local governments that put their money up front, and the Federal Government did not see the project through. I can cite for my colleagues cases where this has happened before. This is not a novel innovation.

Mr. HAYES of Louisiana. If I may reclaim the remainder of my time just to make this point, Madam Chairman?

I do not believe that Travis drew a line in the dirt in the mission in San Antonio, and he stated that those who crossed it were going to die; it was implicit in the comment, but that Texans with faith in the future of subsequent generations gave their lives without being specifically asked. And a vote that determines a large amount of money; they gave dollars for future generations of Americans to make them competitive with the Japanese and the rest of the world and to allow all of us to benefit from science. I think that, if there is a debt, it is much larger than $1 billion, and it is not owed by Texas, it is owed to it.

Mr. BOEHLERT. Yes, Madam Chairman, I am on the committee, and I just will be very brief.

Madam Chairman, I move to strike the requisite number of words.

I would like to enter into the RECORD at this point, and I will be glad to share it with my colleagues, if they would like me to read it, a letter to our colleague, the gentleman from Indiana [Mr. MYERS] who is on the Committee on Appropriations, dated June 26, 1989, from the Governor of the State of Texas, William P. Clements, Jr., at which time he said, among other things:

We in Texas strongly believe that the SSC will be the most important machine ever constructed and look forward to participating in this endeavor as the Federal Government's financial partner.

STATE OF TEXAS,
Austin, TX, June 26, 1989.

Hon. JOHN MYERS,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN MYERS: I want to commend you and the Members of the House Appropriations Committee for recommending an appropriation of $200 million for the Superconducting Super Collider for fiscal year 1990. Your leadership on this critical national project is appreciated.

As you know, the State of Texas will contribute $1 billion to defray the cost of construction and operation of the SSC and will deliver all the land necessary for the project without cost to the Federal Government. If the Congress adopts the House Appropriations Committee's recommendation of $200 million, with $110 million being dedicated for the initiation of construction activities, the State is fully prepared to make a substantial contribution in fiscal year 1990. Over the remainder of the construction phase, the State will make annual contributions in proportion to the Federal appropriation for the project.

We in Texas strongly believe that the SSC will be the most important machine ever constructed and look forward to participating in this endeavor as the Federal government's financial partner.

With best regards,

Sincerely,

WILLIAM P. CLEMENTS, JR.,
Governor.

But the letter never, never, and I will share it with my colleagues, mentions anything about a refund.

Let me reemphasize a couple of points.

First, the No. 1 cheerleader for Texas in this Nation's Capital, who now occupies the Oval Office, is against the Texas refund legislation. The administration strongly opposes the Texas refund legislation because they feel it will be setting a very dangerous precedent. We all should recognize that we will be tying the hands of our negotiators as we send them abroad to elicit international participation in this venture.

Madam Chairman, I would remind my colleagues that there is an absolute 20-percent floor on international participation, so we are going to be looking for millions and millions from abroad. They are going to say, "We want the same deal as Texas," and in response to my chairman, the gentleman from New Jersey [Mr. ROE], for whom I have the greatest respect, in response to my chairman's earlier comments suggesting that this is Texas bashing, I would submit to him it is nothing of the sort.

As a matter of fact, Madam Chairman, some of my best friends come from Texas.

Mr. ROE. Madam Chairman, will the gentleman yield to his chairman?

Mr. BOEHLERT. I yield to the gentleman from New Jersey.

Mr. ROE. Madam Chairman, I never even slightly suggested that the gentleman from New York [Mr. BOEHLERT] would be Texas bashing in any stretch of the imagination.

Mr. BOEHLERT. Madam Chairman, reclaiming my time, I point out this is not Texas bashing. This is looking out for the best interests of the American taxpayers. It is not Texas bashing to suggest we should not let the construction get ahead of the science. It is not Texas bashing to suggest the General Accounting Office should be reviewing this project step by step. It is not Texas bashing whatsoever.

Madam Chairman, what we are trying to do is guarantee, as much as humanly possible, those of us who support this project, and incidentally I support the project. I voted for it in committee. I intend to vote for it here on the floor today. I think it is pretty good science; it is not the best, it is not the No. 1 priority on my list.

However, Madam Chairman, we should proceed, but we should proceed very cautiously, very prudently. I want to protect the interests of the taxpayers with a cap. I want to make certain we do not allow Texas to think that it is going to get some good deal if this thing does not materialize, as we all hope, because we are all at risk here.

Madam Chairman, I yield back the balance of my time.

Mr. BRYANT. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I would just like to reemphasize that 2 years ago the law very plainly said that Texas would be reimbursed for the cash that it put in the project if the Federal Government abandoned it.

Madam Chairman, with that I yield to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Madam Chairman, I have to wait to see if the other Members are going to be interested in what I have to say.

□ 1640

Madam Chairman, I will proceed in any case. I would hope that my colleagues will listen, I say to the gentleman from Pennsylvania [Mr. WALKER].

Mr. BOEHLERT. Madam Chairman, will the gentleman yield?

Mr. ROE. I have not even started yet.

Mr. BOEHLERT. Well, I just want to make an observation.

Mr. ROE. Well, of course.

Mr. BOEHLERT. I say to the committee chairman, his Republican colleagues in the committee always listen when he speaks.

Mr. ROE. Oh, I know.

I cooled off from there to here because I want to use the word balderdash, balderdash.

First, the Department—oh, I cleaned that act up—the Department of Energy are the ones who engaged, and rightfully so, a very special team of scientists to further review after the last legislation and the last activity was taken, to further review what we should be doing right as another step in the superconducter super collider, and on that seven-man committee were five Nobel laureates, five of the finest people in the world recognized by their peers for their proficiency and their achievements in high-energy physics.

The Department of Energy and Secretary Watkins decided it would be right, and he was right, let us gather together the best we can find to take another look to be sure before we take another step forward, and that is a matter of record. That is a matter of fact.

Those seven members of that subcommittee came back to the full committee, who advised the Secretary of Energy, Mr. Watkins, Admiral Watkins, on all the energy matters of the country. That is a very special committee. That committee voted unanimously to support the recommendations that came from the seven-man subcommittee. The seven-man subcommittee came back and said:

We want to make, and we think it is essential, that if the United States is to be the premier country and this machine is to be the premier machine, what we should be doing is improving three or four major technical changes on this particular instrument and increasing the length of the tunnel by another 3 miles.

And the added cost was $1.2 billion; $900 million of which went for revisions to the machine and $400 million went to adding the other 3 miles on the tunnel.

Did anybody tell Texas about that? Did that alter the situation? Did that change this whole debate? Of course it did, because the Committee on Science, Space, and Technology, made a decision when they voted this bill out, and they came back and said the following.

They said:

We know the cost is going to be higher by $1.2 billion. The best brains in the country and in the world have recommended it. The Department of Energy approved it, and if we are going to build the SSC at all, we should build it right or not build it at all.

That was discussed in our hearings and it was discussed by the administrators and everybody who came into that room.

So this great big thing about these overruns and these overcosts, there was $1.2 billion added in the last 3 or 4 months, not because it was added money. It was because we changed the design and we made it the most supreme piece of equipment we could produce with the best knowledge in the world. That is the truth.

Now we come back and say, "Well, isn't this terrible?"

I want to conclude this. I have had too much to say today, but we have spent a lot of time on this. Let me say this. This has been an excellent debate. It has been wonderful and a good one. There is probably no program in this country or anything we have done in this Congress that has had the scrutiny, and legitimate scrutiny, that this project has had, but there is one element that people could be missing and missing very seriously now. Are we trying to build something? Are we trying to create something? Are we trying to do something, or are we figuring 50 million reasons why we cannot and should not do it?

We would never have gone to the Moon by Apollo. We would not be in space today. We would not have our satellite today if there were so damn many doubters.

Every single constraint we can possibly put into the legislation, short of knocking it down and killing it, we have done. You cannot spend a Sou Marti, inch by inch, test No. 1, you have got to have your magnets tested in Fermi lab and it has got to be done.

No. 1, you cannot move ahead. You must certify to that effect.

Second, you cannot take the second test, the institution test, the environmental test. You have got to certify to that.

Third, you cannot spend a penny more than $5 million, or you have got to certify that.

If you add one more constraint, I would suggest you put an amendment in now and simply come back and say let us cancel and destroy the SSC.

No, I will not yield time. Get your own time. Pardon me for being so volatile, but that is how I feel, and obviously I am emotionally involved.

Mr. WILSON. Madam Chairman, I move to strike the requisite number of words.

No. 1, to my colleague, the gentleman from Lousiana, who so eloquently pointed out the Alamo, I would like to point out that there were 25 members of the New Orleans Zouaves there also that day.

There are a couple things we are saying. We are all just saying the same things over and over again, as we usually do when we go on this long, so I will continue to say some things over and over that have been said over and over, and I am sure the speaker who follows me will say some of the things I have said over and over; but obviously in the bid it was pointed out that if it be built in the particular area, the Dallas-Fort Worth area which it was, the assumption was clear and obvious that the billion dollars was contingent upon it being built. That is prima facie and evident to any fair mind.

I would again point out that when the Fermi lab was built, the land was donated to the Federal Government. The Stamford-Linier accelerator was built entirely with Federal funds from the Department of Energy. The Hubble space telescope was built with funding exclusively from NASA.

This billion dollar contribution is absolutely unprecedented and should serve as a model for other State-Federal cooperation, and if the Federal Government were to cop out on this commitment, it would absolutely be the end of any kind of federalism which we all protest that we so much appreciate.

So I would ask to vote no on the amendment, as I am confident the House will do.

Mr. HALL of Texas. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, let me just speak very briefly. I will not take my full 5 minutes, but I want to speak logically about this. I do not think anybody can change the fact that Texas committed to provide $1 billion, plus the land, to help build a national user facility. I do not think anybody can dispute the fact that the SSC is not a local public works project in the same sense as a dam or a highway or a sewer treatment facility. This SSC is going to be used by the entire Nation, not just the people of Texas, just as CERN and DESY, where people came from all over the world and brought what they had and put it together there, it is for mankind.

I think this is a similar project here that all of you have supported at one time, or most of you have supported at one time and probably support now in the final analysis.

What does Texas have to lose, other than the billion bucks?

The gentleman from Pennsylvania referred to some song, "All Our Ex's Went To Texas," or something like that. Tennessee Ernie Ford had a song, too. It said, "Sixteen tons and what do you get? Another day older and deeper in debt." That is exactly what we will get if this thing falls by the wayside. That is the reason that the gentleman from Texas [Mr. WASHINGTON] stood on the floor of the Texas Senate and asked the people of Texas to put up $1 billion.

Let me tell you, "There ain't much resale value for a partially constructed SSC." They would have a wasteland, I say to the gentleman from Pennsylvania. I know the gentleman is going to help me in just a minute.

Mr. WALKER. Madam Chairman, if the gentleman will yield, I just want to tell him that there also is another old country song, though, called, "You Get the Gold and We Get the Shaft."

Mr. HALL of Texas. I cannot think who the author was of that, but I bet it is the same guy who wrote the Pennsylvania Polka.

We have had hundreds of conversations. I think I personally have talked with almost everyone in here about this facility. We have taken, in the subcommittee we turned down and we accepted amendments. In the committee, we had full hearings and here on the floor today we have taken the Conte amendment. We have worked out the Boehlert amendment. We passed other amendments. We are working now to accept the Eckart amendment. We have accepted amendments that were not killer amendments. We have accepted, I believe, one other amendment. We accepted the amendment of the gentleman from Pennsylvania [Mr. WALKER].

□ 1650

We accepted the other Boehlert amendment. I think we are getting down to where this is the killer amendment that this facility and this bill cannot accept and cannot tolerate.

Mr. OBEY. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, 99 times out of 100, I would think that the arguments used against the Sensenbrenner amendment were valid. Under normal circumstances I do believe the Sensenbrenner amendment would be illegitimate, because I do think we have a Federal system, and I do think that we ought to recognize that, no matter whether we support or oppose the specific piece of legislation before us. But we are not under normal circumstances in dealing with this bill.

We are operating under extraordinary circumstances and have been for some time. Those circumstances are called Gramm-Rudman, and under Gramm-Rudman, when one piece of the budget eats up a larger piece than is expected, then the other parts of the budget get squeezed down.

What bothers me is that we all know we are not operating under real numbers when it comes to the super collider. The author of Gramm-Rudman himself has recognized that, and he happens to be from Texas. I noted that he said that we should not worry about whether or not a supplemental is going to be required. He has stated that if in 4 or 5 years down the line we are going to need an extra $800 million to pay for the super collider, then we will have to deal with that at that time.

I would suggest that that statement demonstrates the correctness of the

Sensenbrenner amendment in this case, because on this issue we are not being dealt with for real when it comes to the numbers. I would simply point out that when the author of the Gramm-Rudman process under which we are all forced to live today, when the author of that process now suggests that we should not worry about the implications of Gramm-Rudman down the line, that we ought to just swallow what happens today and then Texas can come in for $800 million later on, that statement delegitimizes the Gramm-Rudman process. And with all due respect to the author of Gramm-Rudman, I just think that that means that the Sensenbrenner amendment is correct. Because what the Sensenbrenner amendment does is to say that if these numbers are illegitimate, if Congress is being sold the super collider under false pretenses with phony numbers, then the perpetrator of the fraud ought to pay the bill, and I would suggest that that is why we ought to pass the amendment, because the Senator from Texas ought to be required to live under his own legislation.

Mr. HAYES of Louisiana. Madam Chairman, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from Louisiana.

Mr. HAYES of Louisiana. Madam Chairman, unlike a military construction project in which the item being constructed from start to finish is to be done, the project of the superconducting super collider is the most ambitious scientific experiment in the history of mankind, but it is done in stages. If the magnet technology does not work, then the technology moving the rest of the costs forward cannot happen, and I would hope that the gentleman realizes that in our committee we put in those kind of fail-safe devices with testing stages along the way.

Mr. OBEY. With all due respect, I understand the fail-safe provisions that the committee says it has put in. But my point is that the DOE simply cannot be trusted to level with this Congress about costs. It is obvious that the Senator from Texas knows that. He has already admitted as much, that we are going to have $800 million more, and under those circumstances, I think his taxpayers ought to have to foot that bill, not just mine.

Mr. HAYES of Louisiana. If the gentleman will yield further, I would suggest that the gentleman's difference is with a Member of the other body and with an agency, but that the project here, with the stages of funding, proves its science as it goes, unlike so many comparable projects in other fields where there is no assurance whatsoever at the end of the trail and the aggregate spending that the project will work. This bill justifies its conditional spending.

Mr. OBEY. Reclaiming my time, the gentleman is correct with respect to one comment. I have no bone to pick with any member of the Texas delegation in this House. But I do have a bone to pick with a Member of the other body who does not want to live under rules which he himself has created and forced upon the entire Congress and the entire Federal Government.

The CHAIRMAN. The gentleman should avoid references to Members of the other body.

Mr. PICKLE. Madam Chairman, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from Texas.

Mr. PICKLE. Madam Chairman, if a State enters into an agreement or contract with the Federal Government on a project such as this and at any given point 2 or 3 years down the line, the Federal Government just says, "We cannot go forward" for any number of several reasons and, "We are going to back out of this and shut the project down," that now puts a State on notice, all States, that they would hesitate to enter into these kinds of projects. So in all fairness, once it gets started, if it is in the legislation, then it ought to be abided by, and we ought to keep our agreement.

I think that is what Texas feels, and any other State, that if you do not do that, then all the other States are going to say, "I am going to have second thoughts before I will ever enter into a project like this."

Mr. OBEY. As I said earlier, under normal circumstances, I would agree with that. But when we know right now that DOE is simply not leveling with us in terms of the costs, when we know we are going to have an explosion in the cost of this project, I think in that case we have to deal with an extraordinary process, and I think the gentleman from Wisconsin is correct to offer the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 256, noes 163, not voting 14, as follows:

[Roll No. 93]

AYES—256

Anderson	Bereuter	Broomfield
Annunzio	Billrakis	Brown (CO)
AuCoin	Bliley	Bruce
Barnard	Boehlert	Buechner
Bates	Bonior	Bunning
Bellenson	Borski	Burton
Bennett	Boxer	Campbell (CA)
Bentley	Brennan	Campbell (CO)
Carper	Johnston	Rohrabacher
Chandler	Jontz	Ros-Lehtinen
Clarke	Kasich	Rostenkowski
Clay	Kastenmeier	Roth
Clement	Kennedy	Roukema
Clinger	Kennelly	Rowland (CT)
Coble	Kildee	Rowland (GA)
Coleman (MO)	Kleczka	Russo
Conte	Kolbe	Sabo
Cooper	Kostmayer	Saiki
Costello	LaFalce	Sangmeister
Coughlin	Lagomarsino	Sawyer
Courter	Lantos	Schaefer
Cox	Leach (IA)	Schneider
Crane	Lent	Schroeder
Crockett	Levin (MI)	Schuette
Dannemeyer	Lewis (FL)	Schulze
Darden	Lewis (GA)	Schumer
Davis	Lipinski	Sensenbrenner
DeFazio	Long	Sharp
Derrick	Lowery (CA)	Shaw
DeWine	Lowey (NY)	Shays
Dicks	Machtley	Shumway
Dornan (CA)	Marlenee	Shuster
Douglas	Martin (IL)	Sikorski
Downey	Martin (NY)	Sisisky
Dreier	Mazzoli	Skelton
Duncan	McCandless	Slattery
Durbin	McCloskey	Slaughter (NY)
Dyson	McCollum	Slaughter (VA)
Early	McDade	Smith (NE)
Eckart	McDermott	Smith (VT)
Edwards (OK)	McEwen	Smith, Denny (OR)
Emerson	McGrath	Smith, Robert (NH)
Evans	McHugh	Smith, Robert (OR)
Fawell	McMillan (NC)	Snowe
Feighan	Meyers	Solarz
Fish	Mfume	Solomon
Flake	Michel	Spence
Foglietta	Miller (CA)	Spratt
Frank	Miller (OH)	Stangeland
Frenzel	Miller (WA)	Stark
Gallegly	Moakley	Stearns
Gejdenson	Molinari	Studds
Gekas	Moody	Sundquist
Gilman	Moorhead	Swift
Gingrich	Morella	Synar
Glickman	Morrison (CT)	Tauke
Gordon	Mrazek	Thomas (CA)
Goss	Murphy	Thomas (GA)
Gradison	Myers	Thomas (WY)
Grandy	Neal (MA)	Traxler
Green	Neal (NC)	Udall
Guarini	Nielson	Upton
Gunderson	Oberstar	Vander Jagt
Hall (OH)	Obey	Vento
Hamilton	Olin	Vucanovich
Hammerschmidt	Oxley	Walgren
Hancock	Packard	Walker
Hansen	Panetta	Walsh
Hastert	Parris	Waxman
Hefley	Patterson	Weber
Henry	Paxon	Weiss
Herger	Payne (VA)	Weldon
Hertel	Pease	Wheat
Hiler	Penny	Whittaker
Hoagland	Petri	Williams
Hopkins	Porter	Wolf
Horton	Poshard	Wolpe
Houghton	Quillen	Wyden
Hughes	Ravenel	Wylie
Hunter	Ray	Yates
Hyde	Regula	Yatron
Inhofe	Rhodes	Young (FL)
Ireland	Ridge	
Jacobs	Ritter	
James	Roberts	
Jenkins	Robinson	
Johnson (SD)	Rogers	

NOES—163

Akaka	Berman	Carr
Alexander	Bevill	Chapman
Andrews	Bilbray	Coleman (TX)
Anthony	Boggs	Combest
Applegate	Bosco	Condit
Archer	Boucher	Conyers
Armey	Brooks	Coyne
Aspin	Browder	de la Garza
Atkins	Brown (CA)	DeLay
Baker	Bryant	Dellums
Ballenger	Bustamante	Dickinson
Bartlett	Byron	Dingell
Barton	Callahan	Dixon
Bateman	Cardin	Donnelly

Dorgan (ND)	Lancaster	Richardson
Dwyer	Laughlin	Rinaldo
Dymally	Leath (TX)	Roe
Edwards (CA)	Lehman (CA)	Rose
Engel	Lehman (FL)	Roybal
English	Lewis (CA)	Sarpalius
Erdreich	Livingston	Savage
Espy	Lloyd	Saxton
Fascell	Luken, Thomas	Scheuer
Fazio	Madigan	Schiff
Fields	Manton	Serrano
Ford (MI)	Markey	Skaggs
Ford (TN)	Martinez	Skeen
Frost	Matsui	Smith (IA)
Gallo	Mavroules	Smith (NJ)
Gaydos	McCrery	Smith (TX)
Gephardt	McCurdy	Staggers
Geren	McMillen (MD)	Stallings
Gibbons	McNulty	Stenholm
Gillmor	Mineta	Stokes
Gonzalez	Mollohan	Stump
Goodling	Montgomery	Tallon
Grant	Morrison (WA)	Tanner
Gray	Murtha	Tauzin
Hall (TX)	Nagle	Taylor
Harris	Natcher	Torres
Hatcher	Nowak	Torricelli
Hawkins	Oakar	Towns
Hayes (IL)	Ortiz	Traficant
Hayes (LA)	Owens (NY)	Unsoeld
Hefner	Owens (UT)	Valentine
Hochbrueckner	Pallone	Visclosky
Holloway	Parker	Volkmer
Hoyer	Pashayan	Washington
Hubbard	Payne (NJ)	Watkins
Hutto	Pelosi	Whitten
Jones (GA)	Perkins	Wilson
Jones (NC)	Pickett	Wise
Kanjorski	Pickle	Young (AK)
Kaptur	Price	
Kolter	Pursell	

NOT VOTING—14

Ackerman	Johnson (CT)	Nelson
Collins	Kyl	Rahall
Craig	Levine (CA)	Rangel
Flippo	Lightfoot	Smith (FL)
Huckaby	Lukens, Donald	

□ 1719

The Clerk announced the following pair:

On this vote:

Mr. Craig for, with Mr. Rangel against.

Mr. TOWNS changed his vote from "aye" to "no."

Mrs. VUCANOVICH and Messrs. ANNUNZIO, HERTEL, WHEAT, SCHAEFER, PARRIS, SOLARZ, STARK, PANETTA, SMITH of Vermont, LEWIS of Georgia, DERRICK, CROCKETT, and GUARINI changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ECKART

Mr. ECKART. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKART: Page 15, lines 22 through 25, strike "such as leasebacks" and all that follows through "conventional construction." and insert in lieu thereof "that will not require additional expenditures, or potential expenditures, of Federal funds for construction.".

□ 1720

Mr. ECKART. Madam Chairman, the provisions of this amendment make a significant change in the area labeled creative financing. It would ensure that the cap is a reality, that additional expenditures will be forbidden beyond matters appropriated by the Congress.

Mr. ROE. Madam Chairman, will the gentleman yield?

Mr. ECKART. Madam Chairman, I yield to the chairman of the committee, the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, the committee has reviewed the gentleman's amendment and has no objection to accepting the amendment.

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. ECKART. Madam Chairman, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I initially had some problems with it because it did not relate specifically to construction. The gentleman has modified the amendment to deal with construction only. We are very happy on the minority side to accept the gentleman's amendment.

Mr. ECKART. Madam Chairman, I thank both of my colleagues. This provision to limit creative funding would be an appropriate addition to the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. ECKART].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STOKES

Mr. STOKES. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STOKES: Page 19, after line 4, insert the following new section:

SEC. 12. MINORITY PARTICIPATION IN THE SUPERCONDUCTING SUPER COLLIDER.

(a) FEDERAL FUNDING.—The Secretary of Energy shall, to the fullest extent possible, ensure that at least 10 percent of the Federal funding for the development, construction, and operation of the Superconducting Super Collider be made available to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))), including historically black colleges and universities and colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans or Native Americans. For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

(b) OTHER PARTICIPATION.—The Secretary of Energy shall, to the fullest extent possible, ensure significant participation, in addition to that described in subsection (a), in the development, construction, and operation of the Superconducting Super Collider by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))) and economically disadvantaged women.

Mr. STOKES (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STOKES. Madam Chairman, I rise in support of my amendment and the bill, and I want to commend the distinguished chairman, the gentleman from New Jersey [Mr. ROE], for bringing this important legislation to the floor.

Madam Chairman. I rise in support of H.R. 4380, the authorization of the appropriations for the superconducting super collider. I want to commend the distinguished Chairman, Mr. ROE, for bringing this important legislation to the floor.

As you know, the superconducting super collider is one of the most advanced and ambitious high physics projects ever undertaken by our Nation. Yet, our scientific and engineering workforce, the backbone of our technological strength and leadership, is eroding. A recent report by the congressionally established task force on women, minorities, and the handicapped in science and technology finds that our Nation faces a shortfall of scientists and engineers by the year 2000. It further states that we can meet these shortfalls by utilizing all our talent, especially those traditionally underrepresented, including minorities and women. My amendment helps us achieve that goal by doing just that. In fact, the language of this amendment is identical to language included in H.R. 2696, the energy and water appropriations bill for fiscal year 1990 which passed the House last June, cleared Congress last September, and became Public Law 101-101 with the President's signature on September 29, 1989.

Madam Chairman, my amendment should more appropriately be called the Mickey Leland amendment. Just before his untimely demise, Mickey Leland had contacted me at the time the energy and water appropriations bill was being marked up by the Appropriations Committee. It was he who requested that I sponsor the amendment, which was accepted and made a part of that bill which is in the current law. So this is really an opportunity for me and the House to once again remember a Member of this body who was respected and admired, and who, once again, affords us the opportunity to show our commitment to equal opportunity for minority business.

Madam Chairman, traditionally, minority-owned businesses, historically black colleges and universities, and other minority educational institutions, have not been included in projects of this magnitude. Conse-

quently, our Nation faces a situation constituting de facto exclusion of qualified contractors from such projects, as well as a situation that fails to utilize an available and technically expert scientific work force. My amendment would require the Secretary of Energy to ensure that at least 10 percent of the total Federal funding for the superconducting super collider project be made available to minority-owned business or institutions. By agreeing to this amendment, we will help to enhance and guarantee minority involvement in the scientific and technological industries which are bound to shape our Nation's future.

The estimated cost of overall development of the SSC will be between $4 to $6 billion. Adoption of this amendment will ensure that equal opportunity will be targeted toward competent, qualified minority institutions, businesses and students. At a time when our Nation is losing its competitive edge in the international marketplace, I sincerely hope that the House will adopt this amendment, and reaffirm its commitment to our pursuit of scientific and technological excellence by ensuring full participation of minorities in the areas of science and technology. This is key to ensuring our future strength in this arena.

Madam Chairman, I strongly urge my colleagues to support this necessary and worthwhile amendment, and final passage of H.R. 4380.

Mr. ROE. Madam Chairman, will the gentleman yield?

Mr. STOKES. Madam Chairman, I yield to the gentleman from New Jersey [Mr. ROE], the chairman of the committee.

Mr. ROE. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, the committee has reviewed this amendment. We have no objection. This is the same amendment that was in the original legislation last time, and we have no objection

AMENDMENT OFFERED BY MR. WALKER TO THE AMENDMENT OFFERED BY MR. STOKES

Mr. WALKER. Madam Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER to the amendment offered by Mr. STOKES: Page 2, after line 5, insert the following new subsection:

(c) USE OF QUOTAS PROHIBITED.—Nothing in this section shall permit or require the use of quotas or a requirement that has the effect of a quota in determining eligibility under subsection (a) or (b).

Mr. WALKER (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Madam Chairman, this is an amendment that the gentleman from Ohio [Mr. STOKES] and I have worked together on. I was concerned about the language that it could ultimately be interpreted as permitting the use of quotas. I have developed language which just offers a simple prohibition of quotas in the bill. I think the gentleman from Ohio is prepared to accept this amendment at this point, and I would be glad to yield to him.

Mr. STOKES. Madam Chairman, will the gentleman yield?

Mr. WALKER. Madam Chairman, I yield to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, the gentleman is correct; we have had discussion involving his amendment to my amendment, and I have no objection to his amendment.

Mr. WALKER. I thank the gentleman.

Mr. ROE. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, on this side of the aisle we have no objection to the gentleman's amendment to the amendment.

Mrs. BOGGS. Madam Chairman, will the gentleman yield?

Mr. WALKER. Madam Chairman, I yield to the gentlewoman from Louisiana [Mrs. BOGGS].

Mrs. BOGGS. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I wish to commend the gentleman from Pennsylvania [Mr. WALKER] for working out the amendment to his satisfaction and to the satisfaction of the gentleman from Ohio [Mr. STOKES] and this Member who are sponsors of the amendment.

Mr. WALKER. I thank the gentlewoman. I think it has worked out very well as a result of the negotiations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] to the amendment offered by the gentleman from Ohio [Mr. STOKES].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. STOKES], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there other amendments to the bill? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1730

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Ms. SLAUGHTER of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4380) to authorize appropriations for the superconducting super collider, and for other purposes, pursuant to House Resolution 379, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HAYES of Louisiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 309, nays 109, not voting 15, as follows:

[Roll No. 94]

YEAS—309

Akaka	Bosco	Courter
Alexander	Boucher	Cox
Anderson	Boxer	Coyne
Andrews	Brennan	Dannemeyer
Annunzio	Brooks	Darden
Anthony	Browder	de la Garza
Applegate	Brown (CA)	DeLay
Archer	Brown (CO)	Dellums
Armey	Bruce	DeWine
Aspin	Bryant	Dickinson
Atkins	Bustamante	Dicks
AuCoin	Byron	Dingell
Baker	Callahan	Dixon
Ballenger	Campbell (CO)	Donnelly
Barnard	Cardin	Dorgan (ND)
Bartlett	Chandler	Dornan (CA)
Barton	Chapman	Downey
Bateman	Clarke	Dreier
Bennett	Clay	Dwyer
Bentley	Clinger	Dymally
Berman	Coleman (MO)	Edwards (CA)
Bevill	Coleman (TX)	Edwards (OK)
Bilbray	Combest	Emerson
Bilirakis	Condit	Engel
Billey	Conte	English
Boehlert	Conyers	Erdreich
Boggs	Cooper	Espy
Borski	Costello	Fascell

Fawell	Lewis (GA)	Rose
Fazio	Lipinski	Roth
Feighan	Livingston	Rowland (GA)
Fields	Lloyd	Roybal
Fish	Lowery (CA)	Russo
Flake	Lowey (NY)	Sabo
Foglietta	Luken, Thomas	Saiki
Ford (MI)	Madigan	Sangmeister
Ford (TN)	Manton	Sarpalius
Frank	Markey	Savage
Frost	Martin (IL)	Saxton
Gallegly	Martinez	Schaefer
Gallo	Matsui	Scheuer
Gaydos	Mavroules	Schiff
Gejdenson	Mazzoli	Schumer
Gekas	McCandless	Serrano
Gephardt	McCloskey	Shaw
Geren	McCollum	Shumway
Gibbons	McCrery	Skaggs
Gillmor	McCurdy	Skeen
Gilman	McDade	Skelton
Gingrich	McDermott	Slaughter (NY)
Gonzalez	McGrath	Slaughter (VA)
Goodling	McHugh	Smith (IA)
Gordon	McMillan (NC)	Smith (NE)
Goss	McMillen (MD)	Smith (NJ)
Grant	McNulty	Smith (TX)
Gray	Meyers	Smith (VT)
Green	Mfume	Smith, Denny (OR)
Guarini	Michel	Solarz
Hall (OH)	Miller (OH)	Spence
Hall (TX)	Miller (WA)	Staggers
Hammerschmidt	Mineta	Stallings
Hansen	Moakley	Stearns
Harris	Molinari	Stenholm
Hatcher	Mollohan	Stokes
Hawkins	Montgomery	Stump
Hayes (IL)	Moorhead	Swift
Hayes (LA)	Morella	Tanner
Hefner	Morrison (WA)	Tauzin
Hochbrueckner	Mrazek	Taylor
Holloway	Murtha	Thomas (CA)
Hopkins	Myers	Thomas (GA)
Horton	Nagle	Torres
Houghton	Natcher	Torricelli
Hoyer	Neal (MA)	Towns
Hubbard	Nielson	Traficant
Hughes	Nowak	Traxler
Hunter	Oakar	Udall
Hutto	Ortiz	Unsoeld
Inhofe	Owens (NY)	Valentine
Ireland	Packard	Visclosky
Jenkins	Pallone	Volkmer
Johnson (SD)	Panetta	Vucanovich
Johnston	Parker	Walgren
Jones (GA)	Parris	Walker
Jones (NC)	Pashayan	Walsh
Kaptur	Patterson	Washington
Kasich	Payne (NJ)	Watkins
Kennedy	Pelosi	Waxman
Kennelly	Perkins	Weber
Kleczka	Pickett	Wheat
Kolbe	Pickle	Whittaker
Kolter	Poshard	Whitten
Lagomarsino	Price	Wilson
Lancaster	Pursell	Wise
Lantos	Quillen	Wolf
Laughlin	Ravenel	Wyden
Leach (IA)	Ray	Wylie
Leath (TX)	Rhodes	Yates
Lehman (CA)	Richardson	Yatron
Lehman (FL)	Rinaldo	Young (AK)
Lent	Roberts	Young (FL)
Levin (MI)	Robinson	
Lewis (CA)	Roe	
Lewis (FL)	Rogers	

NAYS—109

Bates	DeFazio	Hefley
Bellenson	Derrick	Henry
Bereuter	Douglas	Herger
Bonior	Duncan	Hertel
Broomfield	Durbin	Hiler
Buechner	Dyson	Hoagland
Bunning	Early	Hyde
Burton	Eckart	Jacobs
Campbell (CA)	Evans	James
Carper	Frenzel	Johnson (CT)
Carr	Glickman	Jontz
Clement	Gradison	Kanjorski
Coble	Grandy	Kastenmeier
Coughlin	Gunderson	Kildee
Crane	Hamilton	Kostmayer
Crockett	Hancock	LaFalce
Davis	Hastert	Long
Machtley	Ritter	Smith, Robert (OR)
Marlenee	Rohrabacher	Snowe
Martin (NY)	Ros-Lehtinen	Solomon
McEwen	Rostenkowski	Spratt
Miller (CA)	Roukema	Stangeland
Morrison (CT)	Rowland (CT)	Stark
Murphy	Sawyer	Studds
Neal (NC)	Schneider	Sundquist
Oberstar	Schroeder	Synar
Obey	Schuette	Tallon
Olin	Schulze	Tauke
Oxley	Sensenbrenner	Thomas (WY)
Paxon	Sharp	Upton
Payne (VA)	Shays	Vander Jagt
Pease	Shuster	Vento
Penny	Sikorski	Weiss
Petri	Sisisky	Weldon
Porter	Slattery	Williams
Regula	Smith, Robert (NH)	Wolpe
Ridge		

NOT VOTING—15

Ackerman	Kyl	Nelson
Collins	Levine (CA)	Owens (UT)
Craig	Lightfoot	Rahall
Flippo	Lukens, Donald	Rangel
Huckaby	Moody	Smith (FL)

□ 1749

The Clerk announced the following pair:

On this vote:

Mr. Rangel for, with Mr. Craig against.

Mr. STANGELAND changed his vote from "yea" to "nay."

Mrs. MARTIN of Illinois changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1750

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 4380, the bill just passed.

The SPEAKER pro tempore (Mr. ALEXANDER). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcall No. 90, No. 92, and No. 94 and "nay" on rollcall No. 93.

INTRODUCTION OF THE JUDICIAL TAXATION PROHIBITION ACT

(Mr. HANCOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. HANCOCK. Mr. Speaker, apparently the Supreme Court decided 2 weeks ago that the American Revolution did not count. That is how Missouri Circuit Judge Robert Dierker described in a letter to me the Supreme Court's Missouri versus Jenkins decision which endorsed taxation by judicial decree. He is right.

A Federal judge in Kansas City is now free to double property taxes. Never mind that the Constitution clearly states in article I, section 8 that "Congress shall have Power To lay and collect Taxes," reserving all nonspecified powers to the States. Never mind that Alexander Hamilton stated in The Federalist Papers "The Judiciary . . . has no influence over either the sword or the purse."

Justice Kennedy got it right when he wrote that "taxation imposed by the unelected, life-tenured Federal judiciary disregards fundamental precepts for the democratic control of public institutions."

Yesterday, with a bipartisan group of 33 of my colleagues, I introduced legislation to correct the Supreme Court's fundamental error. Our bill, H.R. 4683, would exercise the powers delegated to Congress under article III of the Constitution to take the remedy of taxation away from all Federal courts inferior to the Supreme Court. I urge my colleagues to cosponsor this legislation and tell the courts to "Read our lips, No Taxation Without Representation!"

H.R. 4683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Taxation Prohibition Act".

SEC. 2. FINDINGS AND DECLARATIONS.

The Congress finds and declares that—

(1) a variety of effective and appropriate judicial remedies are available for the full redress of legal and constitutional violations under existing law, and that the imposition or increase of taxes by courts is neither necessary nor appropriate for the full and effective exercise of Federal court jurisdiction;

(2) the imposition or increase of taxes by judicial order constitutes an unauthorized and inappropriate exercise of the judicial power under the Constitution of the United States and is incompatible with traditional principles of American law and government and the basic American principle that taxation without representation is tyranny;

(3) Federal courts exceed the proper boundaries of their limited jurisdiction and authority under the Constitution of the United States, and impermissibly intrude on the legislative function in a democratic system of government, when they issue orders requiring the imposition of new taxes or the increase of existing taxes; and

(4) the Congress retains the authority under article III, sections 1 and 2 of the Constitution of the United States to limit and regulate the jurisdiction of the inferior Federal courts which it has seen fit to establish, and such authority includes the power to limit the remedial authority of inferior Federal courts.

SEC. 3. PROHIBITION OF JUDICIAL IMPOSITION OR INCREASE OF TAXES.

(a) IN GENERAL.—Chapter 85 title 28, United States Code, is amended by inserting

between sections 1341 and 1342, the following:

"§ 1341A. Prohibition of judicial imposition or increase of taxes.

"(a) Notwithstanding any other provision of law, no inferior court established by Congress shall have jurisdiction to issue any remedy, order, injunction, writ, judgment, or other judicial decree requiring the Federal Government or any State or local government to impose any new tax or to increase any existing tax or tax rate.

"(b) Nothing in this section shall prohibit inferior Federal courts from ordering duly authorized remedies, otherwise within their jurisdiction, which may require expenditures by Federal, State, or local government where such expenditures are necessary to effectuate such remedies.

"(c) For purposes of this section, the term "tax" includes, but is not limited to, personal income taxes; real and personal property taxes; sales and transfer taxes; estate and gift taxes; excise taxes; user taxes; corporate and business income taxes; and licensing fees or taxes.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 85 of title 28, United States Code, is amended by inserting between the item relating to section 1341 and the item relating to section 1342, the following new item:

"1341A. Prohibition of judicial imposition or increase of taxes.".

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment.

REGULATION OF SOFT MONEY CAMPAIGN SPENDING

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. DICKINSON. Mr. Speaker, today, the editorial page of the Montgomery Advertiser contained an article regarding the abuse of soft money contributions, and how the effort to write the Beck decision into law merits the attention of Congress.

On June 29, 1988, the Supreme Court ruled in Beck versus Communication Workers of America that compulsory union dues cannot be spent for anything but collective bargaining. All union members have the right to know what their dues are being spent for, and all union members have the right to refuse to pay for practices with which they do not agree.

Only last Wednesday, there was a disturbing article in the Wall Street Journal where opponents of California reapportionment plans asked organized labor to contribute some $1 million to the effort in lieu of regular campaign contributions. In this case, union dues would once again be used as campaign contributions, but because the law does not regulate soft money, the expenditures technically fall outside of limit and disclosure requirements. Would union members ever find out what their dues were being spent on? No.

No one knows how much soft money is spent on political activities since it is not reported. This is why the the codification of the Beck decision is not enough for real campaign finance reform.

Meaningful reform must go beyond the codification of Beck, and a provision must be incorporated into the campaign finance reform package that will: Compel disclosure of soft-money spending, regulate soft-money spending, and restrict soft-money spending.

[From the Montgomery Advertiser, May 1990]

CONGRESS LOOKS AT "SOFT MONEY" ISSUE

(By James J. Kilpatrick)

WASHINGTON.—In the hardball league of big-time politics, "soft money" constitutes a key element of the game. This is the money that goes not directly to a candidate, but only generally for such gauzy purposes as "voter education."

As Congress nudges its way toward election reform, the topic of soft money cries out for attention. How much money are we talking about? No one knows for certain, because soft money is not reported. It is well established, however, that the great bulk of it comes from labor unions. Congressional Quarterly quotes one estimate that unions spent "at least $45 million" in the 1988 elections, all but $5 million on activities that favored Democrats.

Corporations and trade associations, to be sure, may also contribute soft money to voter education and registration, but industry tends to the timid side. Its soft money—there isn't much of it—generally is spent as a manifestation of civic virtue.

Sen. Mitch McConnell of Kentucky heads a Republican task force on campaign finance. He wants to write a provision into the pending bill for election reform that would compel disclosure of soft-money spending. More than that, he proposes "to regulate and restrict it," a goal more easily promoted than achieved. Democrats understandably oppose the idea.

Republicans will mount a companion effort to add another desirable amendment to the bill. This would write into law the salutary substance of what is known as the "Beck decision." It is an effort that merits more attention than it has received thus far.

The Beck case dates from 1976, when 20 employees of AT&T and its subsidiaries brought formal charges against the Communications Workers of America (CWA) and four of its local unions. Harry Beck and the other plaintiffs were not members of the union, but under a union-shop contract they were compelled to pay fees and dues that were equivalent to those paid by union members. Their complaint was that most of these payments went to purposes that were irrelevant at best and odious at worst.

Specifically, Beck and his coworkers objected to spending by the CWA in support of causes and candidates they opposed. They contended that their payments to the union, wrested from them under the coercion of a union-shop contract, could be used only for the legitimate purposes of collective bargaining, contract administration and grievance adjustment.

The case was bitterly fought. In the union's view, the relevant provisions of the National Labor Relations Act put no restrictions whatever upon their spending. If Harry Beck didn't like it he could join the union and argue his position from within.

The trial court was not persuaded. It insisted upon a detailed accounting of CWA expenditures. After months of haggling, an astonishing figure emerged: Only 21 percent of the outlays were for purposes reasonably related to collective bargaining with AT&T and its subsidiary companies. The other 79 percent went for other union activities—for publications, for entertainment, for lobbying, for organizing workers in other companies, and so on.

Twelve years after the suit began, it reached the Supreme Court. In June 1988, Justice William Brennan spoke for a five-member majority. The law, he said, does not leave unions free "to exact dues equivalents from non-members in any amount they please, no matter how unrelated these fees may be to collective bargaining activities." Non-members may be compelled to pay fees intended to defray the costs of bargaining in their behalf—they cannot derive benefits as free riders—but beyond that limit, no.

Regrettably, the court did not reach the constitutional issue. The National Right to Work Legal Defense Fund, which supported Beck's suit, contended that under the peculiar circumstances of a union-shop contract, the union functions in effect as an agency of the state. No state may abridge a right of free speech. Harry Beck's right was plainly being abridged, but the high court put off the question.

The statutory interpretation enunciated in Brennan's opinion ought to be written into law. Union members of course have a right voluntarily to form a political action committee and support any candidate they like. They have no right to hijack non-members along the way.

[From the Wall Street Journal, Apr. 25, 1990]

CALIFORNIA DEMOCRAT GROUP ASKS LABOR TO GIVE $1 MILLION

(By Jill Abramson and Jeffrey H. Birnbaum)

WASHINGTON.—Top California Democrats, who have launched a drive to defeat two Republican-backed reapportionment plans, asked organized labor to give $1 million to the effort in lieu of regular campaign contributions.

Yesterday, after other California lawmakers resisted the unusual proposal, and after inquiries were made by this newspaper, the state's Democratic House delegation abandoned it. But the lawmakers still are moving forward with an aggressive "soft money" fund-raising campaign even as Congress debates ending or limiting such contributions.

Soft money, which consists of contributions to state party organizations and state-level political committees, falls outside of the limits and disclosure requirements of the federal election laws.

The California Democrats' goal is to raise at least $2 million, according to several people involved in the effort. Labor almost certainly will still be asked to make a significant contribution, although not as part of the swap initially proposed at a meeting of delegation members with labor leaders earlier this month. Other major Democratic donors in California are also being asked to make big contributions.

State Rep. Vic Fazio heads the California Democrats' reapportionment drive, known as IMPAC 2000. He denied that labor was given any specific contribution target, but other people who are knowledgeable about

the meeting said the $1 million figure was discussed. Mr. Fazio also asserted that there is nothing untoward about soliciting labor support for such an important effort. He said Republicans are pouring hundreds of thousands of dollars to try to pass the initiatives, which, he added, "aren't something that were put on the ballot by public citizens' groups."

The use of soft money is especially sensitive in California since the disclosure that U.S. Sen. Alan Cranston (D., Calif.) received more than $800,000 in soft-money contributions from savings-and-loan executive Charles Keating for voter-registration drives. Sen. Cranston faces a Senate Ethics Committee investigation into his ties to Mr. Keating.

As many as a dozen of the 27 Democratic incumbents in Calfiornia could be endangered when House districts are redrawn starting next year, according to several political analysts in the state. The two June ballot propositions, both of which are supported by the Republican Party, would change the way redistricting is done. One would set up a panel of retired judges to handle reapportionment. The other would require a two-thirds vote of both houses of the California Legislature to adopt a reapportionment plan. Current law requires approval only by a simple majority of the Legislature, which is controlled by the Democrats.

If both measures pass, the one with the largest number of votes would be adopted.

Over the past few weeks, some of the Democrats in the California delegation began to resist the proposed arrangement with labor, at least in part because they need labor contributions themselves. At least two of the members in tough contests were to be exempt from the swap, but a wider reluctance to forego the campaign income apparently killed the effort.

In addition, even though the monies would have come from several unions, at least some of the lawmakers privately worried about the appearance of taking so much from a single interest group. Labor leaders themselves had been skittish about the proposed swap.

Several prominent Democratic donors, including film producer and investor Frederick Field, have been asked to make large contributions to California IMPAC 2000. Besides that effort, Democrats in the California state Legislature also have fundraising campaigns in high gear. Altogether, California Democrats hope to raise more than $5 million to defeat the ballot propositions.

Republicans, meanwhile, have their own big soft-money program to pass the two propositions. According to Bob Marks, campaign director for one of the proposition drives, supporters of the two ballot initiatives have already raised more than $1 million and hope to raise at least $2.5 million more. A $400,000 television advertising campaign has been budgeted.

The Republican National Committee has kicked in more than $500,000 to support the two propositions. David Packard, finance chairman of Californians for Political Reform, one of the ballot proposition groups has contributed $25,000. Donald Fisher, chairman of the Gap Inc. clothing store chain, gave $10,000. A number of law firms and oil companies have made large donations as well.

ORDER OF BUSINESS

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the 60-minute special orders granted to the gentlewoman from Illinois [Mrs. MARTIN] and the gentleman from Virginia [Mr. SLAUGHTER] for today be switched so that the gentleman from Virginia [Mr. SLAUGHTER] will appear first, and the gentlewoman from Illinois [Mrs. MARTIN] will appear third on the list.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

WASHINGTON POST BURIES THE FACTS

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 5 minutes.

Mr. MCEWEN. Mr. Speaker, as my colleagues are aware, this past weekend perhaps the largest political gathering in the history of this Nation took place on The Mall when an estimated 500,000 to 700,000 people gathered together to express their support for the preservation of life as incorporated in our Declaration of Independence for this cause: Governments are instituted among men for the preservation of life, liberty and the pursuit of happiness.

Mr. Speaker, all of us also know that the Washington Post is biased in its journalism. Anyone who has watched its reporting, especially the last week before an election, has seen their preferences for their political opinion, and all of us are fully aware of that. And yet I think that they reached a new height, or a new low, when on Sunday morning, when they failed to report at all what was undoubtedly the largest political gathering in the history of this city.

Mr. Speaker, the New York Times reported the gathering in the upper front page, left-hand side, in which they diminished the figures to 200,000. That was the lowest that anyone had estimated. Others had estimated it went as high as 700,000.

However, Mr. Speaker, even at that figure, recognizing that the "I have a dream" speech given by Dr. Martin Lurther King in 1963 was a quarter of a million people, one would have to recognize that, if the lowest estimate was 200,000, that indeed a performance of that level of political activity ought to at least merit an honorable mention in the Washington Post.

However, Mr. Speaker, if my colleagues look all through the front page, they look all through the front section, they will find out the Washington Post did not think it merited even an inch, and, if they look through section B, they will find out it did not even merit one column inch, and then, if my colleagues look at section C, they will see about four paragraphs, and it says, "Refer to page C-17."

My colleagues, this, the largest political gathering in the history of the United States of America in Washington, DC, was reported on the obituary page of the Washington Post.

Mr. Speaker, let me tell my colleagues that I refuse to believe that that was coincidental, and I believe that a responsible organization ought to at least make some pretense of being fair in reporting the facts rather than burying such an important event as that.

CONFERENCE REPORT ON H.R. 2364, AMTRAK REAUTHORIZATION AND IMPROVEMENT ACT OF 1990

Mr. THOMAS A. LUKEN submitted the following conference report and statement on the bill (H.R. 2364) to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation:

CONFERENCE REPORT (H. Rept. 101-471)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2364) to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Amtrak Reauthorization and Improvement Act of 1990".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 601(b)(2) of the Rail Passenger Service Act (45 U.S.C. 601(b)(2)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(F) not to exceed $630,000,000 for the fiscal year ending September 30, 1989;

"(G) not to exceed $656,000,000 for the fiscal year ending September 30, 1990;

"(H) not to exceed $684,000,000 for the fiscal year ending September 30, 1991; and

"(I) not to exceed $712,000,000 for the fiscal year ending September 30, 1992.".

SEC. 3. INCENTIVES FOR PASSENGER SERVICE AGREEMENTS.

Title VIII of the Rail Passenger Service Act (45 U.S.C. 642 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 810. INCENTIVES FOR PASSENGER SERVICE AGREEMENTS.

"(a) Notwithstanding any other provision of law, in instances where a publicly funded commuter transportation authority established under Virginia law contracts to indemnify the Corporation for liability for operations conducted by or on behalf of the publicly funded commuter transportation authority or to indemnify a railroad over whose tracks such operations are conducted, liability for all claims, whether for compensatory or punitive damages, arising from any accident or incident occurring in the District of Columbia against the Corporation or the publicly funded commuter transportation authority in connection with operations conducted by or on behalf of such publicly funded commuter transportation authority, or against a railroad over whose tracks such operations were conducted at the time of the accident or incident, shall not be in an amount greater than the limits of the liability coverage maintained by the publicly funded commuter transportation authority to indemnify the Corporation or the railroad. In no event shall the publicly funded commuter transportation authority maintain an aggregate limit of liability coverage less than $200,000,000.

"(b) Subsection (a) shall not be effective unless the Corporation or a railroad seeking coverage hereunder has entered into an operating agreement with a publicly funded commuter transportation authority established under Virginia law to provide access for revenue service to its property in connection with the operations of the publicly funded commuter transportation authority.".

SEC. 4. AUTHORIZATION TO USE FUNDS FOR SIMILAR PURPOSES.

Proceeds from the sale of all or part of the railroad line for which funds were provided, for acquisition and rehabilitation, under section 511 of the Rail Safety and Service Improvement Act of 1982 may be used for similar purposes with respect to any railroad line connecting with such line, for the purpose of continued rail service on such lines.

SEC. 5. COOPERATION WITH STUDY.

The National Railroad Passenger Corporation shall cooperate with the efforts of the Washington State Department of Transportation in designing and carrying out a study of the feasibility of reestablishing rail service between Seattle, Washington, and Vancouver, British Columbia.

SEC. 6. ROUTING FEASIBILITY STUDY.

The National Railroad Passenger Corporation shall conduct a study to evaluate the short-term and long-term revenue and cost implications of separating the existing California Zephyr-Desert Wind-Pioneer train into two service routes serving separate western destinations via a southern route and a central route through Iowa. The Corporation shall include in this evaluation the projected cost for required additional passenger equipment, any projected loss, and any revenue and ridership gains, associated with offering a second service route. A detailed report on the findings of the study shall be submitted by the Corporation to the Congress within 6 months after the date of enactment of this Act.

SEC. 7. RESIDENCE OF EMPLOYEES.

(a) Section 11504(a) of title 49, United States Code, is amended to read as follows:

"(a) No part of the compensation paid by a rail carrier providing transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title to an employee who performs regularly assigned duties as such an employee on a railroad in more than one State shall be subject to the income tax laws of any State or subdivision of that State, other than the State or subdivision thereof of the employee's residence.".

(b) Section 11504(b) of title 49, United States Code, is amended to read as follows:

"(b)(1) No part of the compensation paid by a motor carrier providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title or by a motor private carrier to an employee who performs regularly assigned duties in 2 or more States as such an employee with respect to a motor vehicle shall be subject to the income tax laws of any State or subdivision of that State, other than the State or subdivision thereof of the employee's residence.

"(2) In this subsection 'employee' has the meaning given such term in section 204 of the Motor Carrier Safety Act of 1984 (49 App. U.S.C. 2503).".

(c) Section 11504(d) of title 49, United States Code, is amended—

(1) by striking "express, sleeping car,"; and

(2) by striking "with—" and all that follows and inserting in lieu thereof the following: "with the State and subdivision of residence of the employee.".

SEC. 8. JURISDICTION OF THE INTERSTATE COMMERCE COMMISSION OVER ACQUISITION OF CONTROL OF CERTAIN RAIL CARRIERS.

(a) Section 11348 of title 49, United States Code, is amended by redesignating subsections (a) and (b) as subsections (b) and (c), respectively, and by inserting before subsection (b) the following new subsection:

"(a)(1) Acquisition of direct or indirect control of a class I rail carrier by a person that is not a carrier and does not directly or indirectly control, and is not directly or indirectly controlled by, a carrier may be carried out only with the approval and authorization of the Commission.

"(2) The Commission may begin a proceeding to approve and authorize a transaction referred to in paragraph (1) on application of the person seeking that authority. When an application is filed with the Commission, the Commission shall notify the chief executive officer of each State in which property of the carrier involved in the proposed transaction is located, and shall notify that carrier.

"(3) In a proceeding under this subsection, the Commission shall consider the following:

"(A) The effect of the proposed transaction on the adequacy of transportation to the public.

"(B) The total fixed charges that result from the proposed transaction.

"(C) The interest of carrier employees affected by the proposed transaction.

"(4) The Commission shall approve and authorize a transaction under this subsection when it finds the transaction is consistent with the public interest. The Commission may impose conditions governing the transaction, including the subordination of all or any portion of any new debt created as part of the proposed transaction to any pre-existing debt owed to the United States sufficient to provide reasonable protection to the United States. When the transaction contemplates a guarantee or assumption, by a carrier, of payment of dividends or of fixed charges or will result in an increase of total fixed charges, the Commission may approve and authorize the transaction only if it finds that the guarantee, assumption, or increase is consistent with the public interest.

"(5) The Commission shall publish notice of an application under this subsection in the Federal Register by the 15th day after the application is fied with the Commission and after a certified copy of it is furnished to the Secretary of Transportation. However, if the application is incomplete, the Commission shall reject it by the end of that period. The order of rejection is a final action of the Commission under section 10327 of this title. The published notice shall indicate that the application involves the acquisition of control of a class I rail carrier, to be decided within the time limits specified in paragraph (6).

"(6) Commission procedures with respect to an application filed under this subsection shall be as follows:

"(A) Written comments about an application may be filed with the Commission within 20 days after notice of the application is published under paragraph (5). Copies of such comments shall be served on the Secretary of Transportation, who may decide to intervene as a party to the proceeding. That decision must be made by the 15th day after the date of receipt of the written comments, and if the decision is to intervene, preliminary comments about the application must be sent to the Commission by the 15th day after the date of receipt of the written comments.

"(B) The Commission must conclude evidentiary proceedings by the 75th day after the date of publication of notice under paragraph (5). The Commission must issue a final decision by the 15th day after the date on which it concludes the evidentiary proceedings.

"(7) The final decision of the Commission under paragraph (6)(B) is a final action of the Commission under section 10327 of this title. If the Commission does not issue a final decision within the time limits provided under this subsection, it shall send a written notice to Congress that a decision was not issued and the reasons why it was not issued, and shall thereafter on a weekly basis report to Congress on the steps that have been taken toward the issuance of such final decision.

"(8) Nothing in this subsection shall preclude the Commission from approving more than one application filed under this subsection with respect to the acquisition of control of the same rail carrier.

"(9) In this subsection, the term 'control' does not refer to use of a voting trust in a proceeding subject to section 11343 of this title.".

(b) Within 30 days after the date of enactment of this Act, the Commission shall issue interim regulations implementing the provisions of the amendment made by subsection (a). Such interim regulations shall take effect upon issuance, notwithstanding section 553 of title 5, United States Code. Final implementing regulations shall be issued and in force not later than 180 days after such date of enactment.

SEC. 9. RAILROAD UNEMPLOYMENT INSURANCE ACT AMENDMENT.

(a) Section 8(a)(1)(B)(vi) of the Railroad Unemployment Insurance Act (45 U.S.C. 358(a)(1)(B)(vi)) is amended by inserting "the National Railroad Passenger Corporation and" immediately after "the contribution of" in the first sentence.

(b) The amendment made by subsection (a) shall be effective as of January 1, 1989.

SEC. 10. STUDY OF LOAN GUARANTEE NEEDS.

The Secretary of Transportation, in consultation with the Administrator of the Federal Railroad Administration, shall study and survey the present and potential need and demand among class II and class III railroads for Federal guarantees of obligations as provided for by section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831). Such study and survey shall examine the present and potential need and demand for such guarantees to fund rehabilitation and improvement facilities or equipment, acquisition of new railroad facilities, and refinancing of existing debt. The Secretary of Transportation shall report to Congress no later than 90 days following the date of the enactment of this Act the results of such study and survey. Such report shall include an analysis of the present and potential need and demand for Federal guarantees of class II and class III railroad debt, the amount of guarantee authority required to meet that need, and a projection of demand for such Federal guarantees through fiscal year 1995.

And the Senate agree to the same.

From the Committee on Energy and Commerce:

JOHN D. DINGELL,
THOMAS A. LUKEN,
DENNIS E. ECKART,
JIM SLATTERY,
RICK BOUCHER,
NORMAN F. LENT,
BOB WHITTAKER,
THOMAS J. TAUKE
(except for section 4 of the House bill and section 4 of the Senate amendment),
TOM BLILEY
(solely for section 4 of the House bill and section 4 of the Senate amendment),

Additional conferees from the Committee on the Judiciary (solely for section 4 of the House bill and section 4 of the Senate amendment):

JACK BROOKS,
R.L. MAZZOLI,
DON EDWARDS,
HAMILTON FISH, JR.,
CARLOS J. MOORHEAD,

Managers on the Part of the House.

FRITZ HOLLINGS,
JAMES J. EXON,
RICHARD H. BRYAN,
CHARLES S. ROBB,
LARRY PRESSLER,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2364) to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreement reached by the conferees, and minor drafting and clarifying changes.

1. SHORT TITLE

House bill

Designates short title as "Amtrak Reauthorization and Improvement Act of 1989."

Senate amendment

No provision.

Conference agreement

House bill with a technical amendment changing the year cited. Designates short title as "Amtrak Reauthorization and Improvement Act of 1990."

2. AUTHORIZATION OF APPROPRIATIONS

House bill

Authorizes the appropriation of $630,000,000 in fiscal year (FY) 1989, $656,000,000 in FY 1990, $684,000,000 in FY 1991, and $712,000,000 in FY 1992.

Senate amendment

Identical provision.

Conference agreement

House bill. Both provisions are identical.

The conferees are aware of the ongoing efforts by the Coalition of Northeastern Governors (CONEG), Amtrak and the Federal Railroad Administration to explore ways of improving service and travel times on the northern portion of the Northeast Corridor. The Conferees support these efforts, and look forward to continued progress in this area.

One of the elements of improving service on the Northeast Corridor may involve the procurement of additional dual-propulsion locomotives that can operate on both the electrified and non-electrified portions of the Northeast Corridor and Northeast Corridor feeder lines. This may be an important part of the overall Northeast Corridor Improvement Project (NECIP) effort, and the conferees urge that Amtrak consider the procurement of dual-propulsion locomotives, to the exent permitted under the NECIP authorization and to the extent that additional funds are made available for this purpose under that program.

3. INCENTIVES FOR PASSENGER SERVICE AGREEMENTS

House bill

Provides that liability for compensatory and punitive damages for accidents or incidents occurring in the District of Columbia against Amtrak, the Virginia publicly-funded commuter transportation authority, or a railroad over whose tracks such operations were conducted at the time of the accident or incident is limited to the liability coverage maintained by the Virginia publicly-funded commuter authority. Requires the Virginia commuter authority to maintain an aggregate limit of liability coverage of at least $200,000,000.

Senate amendment

Identical provision, except that the Senate provision requires that Amtrak or another railroad seeking coverage under the limitation of liability, in order to receive such coverage, must have entered into an operating agreement with the Virginia commuter authority to provide access for revenue service to its property in connection with the operations of the Virginia commuter authority.

Conference agreement

Senate amendment. The House bill and the Senate amendment would both amend the Rail Passenger Service Act to limit liability over approximately three miles of railroad track in the District of Columbia and northern Virginia to enable the Northern Virginia Transportation Commission to operate service between Virginia and Washington, D.C.

4. AUTHORIZATION TO USE FUNDS FOR SIMILAR PURPOSES

House bill

Provides that the proceeds from the sale of all or part of a railroad line for which acquisition and rehabilitation funds were provided under section 511 of the Rail Safety and Service Improvement Act of 1982 may be used for similar purposes with respect to any railroad line connecting with such line, in order to continue rail service on the line.

Senate bill

No provision.

Conference agreement

House bill.

5. COOPERATION WITH STUDY

House bill

Requires that Amtrak cooperate with the Washington State Department of Tranportation on a study of the feasibility of reestablishing service between Seattle and Vancouver, British Columbia.

Senate bill

No provision.

Conference agreement

House bill.

6. ROUTING FEASIBILITY STUDY

House bill

Requires Amtrak to study the consequences of rerouting the California Zephyr through northern Illinois and central Iowa over the tracks of the Chicago and North Western Railroad, and submit a report on the finding to Congress within six months after enactment.

Senate amendment

Requires Amtrak to study routing trains on the Chicago and North Western Railroad through northern Illinois and central Iowa while preserving existing service in Illinois and Iowa. Requires that the study include an analysis of the short-term and long-term consequences on passenger revenue and operating costs of delays of trains interconnecting with the California Zephyr. Provides for a report to Congress within six months after enactment.

Conference agreement

Senate amendment with an amendment. The conference agreement adopts the Senate provision requiring Amtrak to conduct a study on the feasibility of providing two separate routes between Chicago and Omaha. With two routes, service could potentially also be provided to Wyoming. The conferees note that there has been a pattern of delays of trains going from Salt Lake City to Chicago because three different trains originating on the West Coast must arrive and be consolidated before continuing East. The present train is operating near its capacity. The provision does not prevent Amtrak from conducting another study on the feasibility of rerouting Amtrak service between Chicago and Omaha.

7. RESIDENCE OF EMPLOYEES

House bill

Provides that no rail employee shall be subject to income tax laws of any State or subdivision of that State other than that of the employee's residence. Provides that the employing rail carrier file income tax returns and reports only with the State and subdivision of residence of the employee.

Senate amendment

Similar provision, except that the Senate amendment also provides that no compensation paid by a motor carrier providing transportation subject to certain jurisdiction of the Interstate Commerce Commission (ICC) or by a private motor carrier to an employee who performs duties in two or more States shall be subject to the income tax laws of any State or subdivision of that State, other than that of the employee's residence. The Senate amendment uses the definition of the term "employee" provided in the Motor Carrier Safety Act of 1984.

Conference agreement

Senate amendment.

8. JURISDICTION OF THE INTERSTATE COMMERCE COMMISSION OVER ACQUISITION OF CONTROL OF CERTAIN RAIL CARRIERS

House bill

Provides the ICC with explicit jurisdication to approve proposals for the acquisition of control of a class I rail carrier by a person that is not a carrier and, through direct or indirect ownership, does not control, and is not controlled by a carrier. The ICC is to commence a proceeding to authorize and approve such a proposal upon application. Procedures are established for the following: notice of the proceeding in the Federal Register, the time period for submitting written comments, the conduct and completion of evidentiary proceedings, and the rendering of a final decision on an expedited basis. The ICC's examination would review whether a particular proposed transaction, with such conditions as may be necessary, would be consistent with the public interest if it were to be consummated. In conducting its review, the ICC is required to consider the following: (1) the effect of the proposed transaction on the adequacy of transportation to the public; (2) the total fixed charges that would result from the proposed transaction; and (3) interest of the carrier's employees affected by the proposed transaction. Multiple proposals could be approved and authorized, leaving the final decision on which proposal would be implemented to the shareholders of the carrier to be acquired.

Senate amendment

No provision.

Conference agreement

House bill with an amendment reflecting similar legislation, S. 1005, reported by the Senate Committee on Commerce, Science, and Transportation. The amendment: (1) clarifies jurisdiction over the acquisition of direct or indirect control of a class I rail carrier by a person that is not a carrier; (2) clarifies that the ICC review of the guarantee or assumption of payment of dividends of fixed charges focuses on a guarantee or assumption by a carrier; (3) authorizes 15 days, rather than 10 days as in the House bill, for publication of a notice in the Federal Register, consistent with general Federal printing schedules; (4) ensures that these provisions do not apply to the creation of a voting trust in a proceeding subject to section 11343 of title 49 U.S.C.; and (5) provides for the issuance of interim regulations within 30 days after the date of enactment, which shall take effect upon issuance, and final implementing regulations to be issued and in force not later than 180 days after enactment.

The inclusion of this provision in the final conference agreement is intended to close a loophole that exists in current ICC authority over rail acquisitions. It addresses the anomaly under current law which subjects to ICC review, under 49 U.S.C. section 10901, a proposal by a non-carrier to acquire any segment of a rail line, but which enables a non-carrier to escape public interest review by the ICC if the non-carrier seeks to acquire control of an entire carrier.

The conferees believe that the purchase of a class I carrier is a transaction of significance to the public. Because only 16 class I rail carriers are currently in operation, if the financial resources of the entity that is acquiring control of any one of these carriers are insufficient or if there is an inadequate commitment to maintenance of the line being acquired, the stability of the Nation's rail network could be severally affected.

Similarly, since Amtrak does not own the tracks over which it operates, except in the Northeast Corridor, consummation of the purchase of a class I carrier, in the absence of sufficient financial resources or adequate commitments to maintenance, could result in a serious diminution in the quality of, and ability of Amtrak to provide, passenger service. The inclusion of this provision in the conference agreement will enable the ICC to consider the effect of the proposed transaction on the adequacy of freight and passenger transportation to the public. (A copy of a letter from the President of Amtrak addressing the need for a provision of this nature is contained in the House report accompanying this measure.)

9. RUIA AMENDMENT

House bill

No provision.

Senate amendment

Provides that Amtrak be treated as a publicly funded rail carrier under the Railroad Unemployment Insurance Act in 1989 and 1990.

Conference agreement

Senate amendment.

10. STUDY OF LOAN GUARANTEE NEEDS

House bill

No provision.

Senate amendment

Requires that the Secretary of Transportation (Secretary) study the potential need and demand among class II and class III railroads for Federal guarantees of obligations under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976. The guarantees would include funding for rehabilitation and improvement of facilities or equipment, acquisition of new railroad facilities, or refinancing of existing debt. Provides for a report to Congress within 120 days after enactment on the results of the study. Requires an analysis of the present need and demand for Federal guarantees of railroad debt, the amount needed, and projected demand through FY 1995.

Conference agreement

Senate amendment with technical amendments. The conference agreement requires that the Secretary issue a report on the present and potential need and demand among class II and class III railroads for Federal guarantees of obligations under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 no later than 90 days after enactment.

From the Committee on Energy and Commerce:

JOHN D. DINGELL,
THOMAS A. LUKEN,
DENNIS E. ECKART,
JIM SLATTERY,
RICK BOUCHER,
NORMAN F. LENT,
BOB WHITTAKER,
THOMAS J. TAUKE
(except for section 4 of the House bill and section 4 of the Senate amendment),
TOM BLILEY
(soley for section 4 of the House bill and section 4 of the Senate amendment),

Additional conferees from the Committee on the Judiciary (solely for section 4 of the House bill and section 4 of the Senate amendment):

JACK BROOKS,
R.L. MAZZOLI,
DON EDWARDS,
HAMILTON FISH, JR.,
CARLOS J. MOORHEAD,

Managers on the Part of the House.

FRITZ HOLLINGS,
JAMES J. EXON,
RICHARD H. BRYAN,
CHARLES S. ROBB,
LARRY PRESSLER,

Managers on the Part of the Senate.

OXYGENATED FUELS AND REFORMULATED GASOLINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, the House is expected to take up H.R. 3030, the Clean Air Act amendments, before the end of this month.

One of the most important issues to be debated, both in terms of air quality and in terms of opportunities for alternative fuels, is the reformulated gasoline issue.

While the clean air bill contains important provisions dealing with automotive technology and tailpipe emissions standards, never before has there been an attempt—except in the case of lead—to deal with air pollution by cleaning up the fuel that goes into the cars.

Some background: Previous legislation required the phaseout of lead in gasoline. Lead was used as an octane booster. To replace the lost octane, the major oil refiners put into gasoline a higher percentage of what are called the aromatic compounds.

Aromatic conjures up images of fresh air. But in terms of gasoline, it means poison air.

The aromatics are benzene, toluene, and xylene. They are all very photochemically reactive—that is, they have a high propensity to react with sunlight in the atmosphere and form ground level ozone, which is better known as smog.

Benzene, toluene, and xylene are also highly toxic. Benzene is a particularly dangerous carcinogen. In fact, some people say that if OSHA regulated service stations as workplaces, not a service station in the country would remain open; they would all exceed the OSHA limits for benzene exposure.

As major oil companies have engaged in octane wars, trying to attract consumers by advertising higher and higher octane ratings for their premium gasolines, they have made gasoline dirtier than ever before.

The Senate clean air bill calls for reformulated gasoline to be the only gasoline sold in the nine worst ozone pollution areas, beginning in 1995. The bill calls for reformulated gasoline to contain no more than 25 percent aromatics. Currently, most gasoline contains 35 to 40 percent aromatics.

However, the Senate bill also realizes that not all of the consumer demand for higher octane was manufactured by oil company advertising. People do want to make sure their engines don't knock. To put back some of the lost octane, the Senate bill requires reformulated gasoline to contain at least 2.7 percent oxygen, by weight.

Where do you get oxygen? From either alcohol fuels, such as ethanol made from American grain, or alcohol-based ethers, like MTBE—derived from methanol—or ETBE—derived from ethanol.

The Senate bill could create enough ethanol demand, by some estimates, to increase farmgate income by between half a billion and $2 billion a year.

The House bill, as reported by the Energy and Commerce Committee, is not as specific. It merely requires that EPA set standards for reformulated gasoline. Ethanol and clean air advocates fear that without congressional direction, the standards will not turn out to be as strong as they should be.

Amendments are anticipated on this subject. In committee, Mr. RICHARDSON offered an amendment that lost by just one vote that would have set standards similar to those in the Senate bill in more than 40 of the most polluted cities. Some members may offer amendments to strengthen the provisions even more.

The beauty of reformulated gasoline is that it can dramatically reduce tailpipe emissions in cars already on the road while using fuel components like ethanol and ethers that reduce our dependence on foreign oil.

If you're from the city and want cleaner air, you should support the strongest possible reformulated gasoline provisions in the clean air bill. If you're from the countryside and want to provide a new market for farmers, you should do likewise.

LOUISIANA LOSING VAST AMOUNTS OF WETLANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. TAUZIN] is recognized for 5 minutes.

Mr. TAUZIN. Mr. Speaker, today I have introduced, along with most of my colleagues in the Louisiana delegation, H.R. 4703, the National Wetlands Conservation and Restoration Act. The act is designed to do some very important serious things in regard to this complex issue in America. It is designed for the first time to give us a chance legislatively to address the issue of what is and what is not a wetland to be protected in America. As you know, there is a great controversy brewing in this country over the definition of the term wetland. Farmers and other users of land only recently discovered under a new memorandum of agreement and new delineation maps prepared by the Corps of Engineers, many millions of acres of farm land and other lands under which we live and work are to be reclassified as wetlands.

Additionally, as we look at the problem of the loss of wetlands in America, we come to the conclusion that the 404 permit system by which the Corps of Engineers is supposed to protect our wetland base is simply not working. In Louisiana alone we lose 50 square miles of wetlands every year along our coast, and the 404 program has turned out to be not a help, but a hindrance to that process. Environmentalists complain that permits and applications for projects to conserve the wetlands that are being lost are hung up in the 404 process for over 2 years without relief. Landowners complain that the process is so cumbersome that their own efforts to protect and conserve their lands go to nought, and in fact are never realized.

As a result, the 404 permit process has left us with no relief.

The bill we have filed today does two important things. First, it sets up a process by which we can debate and define the term wetlands, to say where we can live, where we can develop, where we can farm, and to say where we cannot, where wetlands will be protected and what wetlands they are.

Second, the bill sets up for the first time in wetlands protection history a system for private financing of the conservation efforts that must be undertaken to save the losing battle in our wetlands in America.

In Louisiana alone, the 50 square miles that this Nation loses in wetlands is an irreparable loss. Louisiana has about 40 percent of the Nation's wetlands. We produce 28 percent of the Nation's landing in fish and fish products, and yet that land, that wetland estuary is eroding at enormous rates.

Landowners have no incentive today to do anything about it. The bill we have filed today, along with my colleagues from Louisiana, BOB LIVINGSTON, JIM MCCRERY, JERRY HUCKABY, JIMMY HAYES, CLYDE HOLLOWAY, and RICHARD BAKER, goes a long distance in providing an incentive for landowners to do just that, to invest in conservation projects and to have those investments returned to them in the form of conservation credits which can be used then in mitigation efforts. It provides a system to encourage the donation of wetlands to refuge and wildlife habitat. It is a good effort, I believe, in addressing the problem both of saving the real wetlands and making sure we define what is and what is not real wetlands in America.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I am happy to yield to my friend, the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I thank my friend for yielding to me, and I congratulate him for his work in this area. I wholeheartedly and enthusiastically cosponsor this legislation, because I think for the first time in the many, many years that we have been dealing with this terrible problem of erosion of our wetlands, we finally see in this legislation the opportunity to provide landowers, private landowners the incentive to set aside wetlands. We have never had that in any bill that has been proposed before, and I applaud the gentleman for his initiative.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for his cosponsorship.

Let me point out to the other Members of the House, this is not a Louisiana bill. This is a national wetlands policy bill designed to give every State the chance to make sure that we protect the real wetlands, that we define what is not real wetlands and then we set up a system by which private landowners can go about getting expedited permits to save the wetlands that are being lost, and, in fact, to recoup their investments through mitigation or conservation credits.

It is a good approach for America's wetlands. It is a good approach for all those who are concerned about this controversy in delineating what is and what is not wetlands, and it is a good approach for the first time in insuring that America's base of wetlands is not continuously lost and eroded without some real action.

It finally provides a trust fund so that Federal and State joint action can occur, that we can conduct major

projects in saving our coastal wetlands which are particularly threatened across America, to insure that those coastal wetlands remain productive.

I invite my colleagues to join us in cosponsorship of this major legislation.

Mr. Speaker, a great tragedy is occuring in Louisiana as we meet here today. Our great State of Louisiana, in which is located some 40 percent of the Nations wetlands, is losing vast amounts of wetlands each year to the Gulf of Mexico. The causes of our wetlands losses are complex and the roots of this problem lie in the great flood control projects which began in the 1920's. Most of the southern part of our State is either at or very near sea level. This has exposed our people to the constant threat of flooding from heavy rains or from great storms. The Army Corps of Engineers has constructed hundreds of miles of levees which have both protected us from harm and have begun now to expose us to harm.

Prior to the construction of these levees, the Mississippi River each spring spread across our delta vast amounts of silt which resulted in the building up of our lands. Since the construction of the levee system along the river, this process has not continued and as a result of this and other assaults on our coastal marshes, we now find that we are seeing our beautiful marsh lands disappearing. Salt water encroaches into the fresh and brackish water marshes causing the loss of vegetation and the enlargement of small lakes, become large arms of the sea.

In addition, in our desire to support the energy needs of our country, we have allowed mineral development along our coast. Part and parcel of that development has been the necessity of allowing channels through which drilling equipment could pass and pipelines by which oil and gas flowed through Louisiana and on to the northeast for use as fuel to heat homes and run vehicles. Louisiana has reaped the harvest of that mineral production but has also paid a very high price in lost wetlands.

In addition, the hurricanes and other violent storms that annually hit our coast, take their toll on our barrier islands. These same islands are our last protection for the 2 million inhabitants of our coastal plains. Without our barrier islands, the next hurricane will bring with it death and destruction on an enormous scale and billions of dollars in property damage.

I have been following the President's announced policy of "no net loss of wetlands" with both support and concern. While I support the goal and the reasons behind the goal, I know and the people of my State know, that it is impossible for Louisiana to meet the "no net loss" goal even if we do not allow one additional inch of development to proceed in our State. The reason for this is simple.

Louisiana is losing over 50 square miles of wetlands to the Gulf of Mexico each year. Under the new Federal manual for delineating wetlands executed by the Corps of Engineers, the EPA, the Soil Conservation Service and the U.S. Fish and Wildlife Service, it has been estimated that 53 percent of our total land mass is now wetlands. The Soil Conservation Service has estimated that our State has 11,988,000 acres of wetlands of which 4,810,000 acres are in agricultural production. With this enormous annual loss of coastal marshes and with most of our State already classified as wetlands, no one has been able to explain to me where the additional land will come from for us to achieve the no net loss of wetlands goal in Louisiana. It is simply impossible in our State.

I believe that our fight in Louisiana is to stop the erosion of our coastal marshes.

Our wetlands provide many benefits to our State including incredibly rich wildlife habitat and refuges, productive fisheries propagation, preservation of estuaries which serve many purposes, maintenance of water quality for surrounding areas, barriers to wave damage and erosion barriers, protection of large population areas from the ravages of storms, floods, and hurricanes; and commercial and recreational fishing. We want to continue to enjoy the many and diverse rewards our wetlands provide to us.

Most importantly, over half our population lives along our coastal marshes. The cultural and ethnic heritage of our great State has its roots, its spirit and its soul in the coastal wetlands of Louisiana. Our people are the fishermen, hunters and trappers who have harvested the bounty of south Louisiana's coast for over 200 years. They are also the rough necks who spend weeks at a time on drilling rigs in the Gulf of Mexico. We have Indian tribes whose ancestors have lived and fished in these coastal areas for generations. For most of these people, coastal Louisiana is not just a place to live, but a way of life. There are those who believe that the residents of south Louisiana should be relocated and that the Gulf of Mexico should be allowed to take our land. Those people simply do not understand the great loss that would be not only for our State but for the cultural heritage of this country. It simply cannot be allowed to happen.

Our State has made great strides in addressing our coastal wetlands losses by establishing a wetlands conservation and restoration fund in our Constitution. We presently have $26,000,000 in the trust fund and have announced an aggressive program to begin funding projects to stop the loss of our coastal marshes. These projects will include freshwater diversion, marsh management, hurricane and surge protection levees, the planting of vegetation, and other such expensive projects some of which are still unproven.

However, the funds available from our State will not be sufficient to stop the tremendous loss of land. We need additional funds to stop this disaster. We have accepted our responsibility to provide inexpensive and dependable fuel for our entire country. It is the responsibility of the country, to insure that our State does not wash away.

I am sure that many of you in the House of Representatives have heard from your constituents and particularly your farmers about the problem of extending the term "wetland" to millions of acres of land which we ordinarily think of as dry land. The term "wetlands" as used by the Corps of Engineers in the section 404 permitting program, has evolved over the years. When Congress originally enacted section 404, the authority of the Corps of Engineers was over "navigable waters of the United States." The corps thereafter began to expand that term to include wetlands and in February 1989 the corps and three other Federal agencies agreed to a method of determining wetlands which has had far reaching implications. This new Federal Manual for Delineating and Determining Wetlands has been interpreted in such a manner as to extend the Corps of Engineers section 404 permitting jurisdiction over many millions of additional acres of land which were not previously thought of as wetlands.

In addition, these same four Federal agencies recently entered into a memorandum of agreement in which they set forth the procedures for processing the 404 permits in order to meet the "no net loss" goal and what mitigation might be required in order to obtain a 404 permit. Under the new MOA, if the permit applicant can't construct his project without damaging wetlands and can't find an alternative site, he might be required to create a new wetland in some other area.

What has this meant for my constituents? It has meant that in most of my district any construction activities now require a 404 permit before any dirt can be moved. What does that do to the economy of my district? It means that every construction project, whether it be a home or a shopping center or a church, will have added costs associated with the 404 permit process. It may also mean that under the new memorandum of agreement an additional cost of a project may be the cost of a mitigation project such as purchasing land and setting it aside as a new wetland.

Another impact on my district is the devaluation of land after the land has been determined to be a wetland. As a result of the devaluation of land, our tax assessments will be reduced and as a result of the reduction in our tax assessments, there will be considerably less funds available for our schools and as a result of reduced funding of schools, our children will be less educated and will not be able to find good jobs as adults, thereby causing increased poverty and with poverty, increased dependence on federally funded poverty programs.

Another impact on my district is that land which has been used as security for loans and other indebtedness may be devalued. Our banks and savings and loan industries have already seen enormous losses as a result of the downturn on our economy. They have been left with large holdings of real estate, the value of which has been depressed because of general economic conditions. The redesignation of real estate as wetlands will mean that the financial institutions in my district will have enormous losses due to the loss of the value of their security interests.

Another impact on my district is that our farmers will have severe limits on how their land can be used. They may continue their normal agricultural practices on their farm lands, but they cannot use their lands for any other purposes without a corps of engineers 404 permit. A farmer in my district cannot give his son or daughter a portion of his lands for the purpose of building a home, unless a 404 permit is obtained. The land cannot be developed without a permit.

The result of all of this is that the Corps of Engineers will have an enormous impact on

economic development in my district and in our State. This change in the definition and in the procedures for issuing permits was done without authorizing legislation from Congress and without going through the formal rule making procedures of the Administration Procedures Act. The corps did not hold the first public hearing to find out what impact these new rules would have on the lives of my constituents or on the lives of your constituents. This simply is not what a democracy is all about.

There are those who believe that the 404 permit program is the answer to the wetlands problems of this country. However, I believe that the 404 program has not been successful in preventing the loss of wetlands primarily because there has been no clear legislative mandate to the corps for wetlands protection. The 404 program has been a "can't do" program rather than a "can do" program which is what we now need in Louisiana. We need a program with the clear purpose of protecting wetlands and with a mandate to undertake projects to protect, restore, and conserve wetlands. We also need a program that recognizes that much of our wetlands are privately owned and provide incentives to landowners to protect and conserve our wetlands.

Each State has unique wetlands problems. In some States the primary threat to wetlands and wildlife habitats comes from development. Each State should play a key role in setting up a program to protect its wetlands with the Congress setting the minimum standards for protection.

Today I am introducing the Wetlands Restoration and Conservation Act which is designed to address these problems. Here is how it works:

First, it requires the Corps of Engineers to define the term wetlands through rulemaking pursuant to the Administrative Procedures Act, including the holding of four public input hearings and it specifically excludes habitable lands and prior converted agricultural lands from that definition.

Second, it designates lands as either protected wetlands or habitable lands, which are fastlands, within levees, uplands and ridges, and requires States with a delegated program to provide a system of permits for protected wetlands.

Third, it allows States to establish their own programs for conserving and protecting wetlands, as long as they meet the requirements of the act.

Fourth, it requires expedited permitting of conservation projects to create, save, restore, protect, or enhance coastal wetlands so that we can begin to stop the loss of wetlands without unnecessary delays.

Fifth, it provides a system of conservation credits to be earned by landowners for conducting such conservation projects. This is an important incentive to private property owners to help us in the effort to save wetlands while still recognizing their property interests. These conservation credits may be sold or mortgaged and then used as mitigation thus providing the private money to save real wetlands.

Sixth, it establishes a wetlands protection trust fund, to fund conservation projects with an 85/15 Federal-State match. The fund is to be financed with 5 percent of the Federal mineral revenues from Outer Continental Shelf oil and gas activities.

The unique nature of this legislation is that for the first time it creates a system by which the States and the Federal Government can aggressively fight to prevent wetlands loss with the active frontal assistance of the wetland landowners through the earned conservation credits system. And it properly provides a system for making the critical choice of what is and what is not a real wetland to be protected.

COMMENDING THE HONORABLE JOHN O. MARSH, JR., FOR DEDICATED PUBLIC SERVICE AS SECRETARY OF THE ARMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, John Marsh has departed as Secretary of the Army and returned to private life. John Marsh has had a long and distinguished career of public service. This includes active Army service, Army Reserve, Army National Guard, four terms as the Representative from the Seventh Congressional District from Virginia, Assistant Secretary of Defense for Legislative Affairs, National Security Adviser to Vice President Ford, counselor to President Ford and as Secretary of the Army for over 8 years. His tenure as Secretary of the Army made him the longest serving Secretary of any of the Armed Services in history.

While serving as Secretary of the Army, John Marsh brought the Army from one of the low points in its history, referred to as the "hollow Army," to an Army that is the most ready, best trained, and with the highest quality personnel in its history. He has emphasized the qualities that make a great Army through the use of themes. He began this annual theme program with "Yorktown, Spirit of Victory," and continued with physical fitness, excellence, the family, leadership, values, the Constitution, training, and ending in 1989 with the noncommissioned officer. These themes promoted and enhanced the esprit and spirit of the Army and turned the corner to bringing the Army back from the condition that existed following Vietnam with low morale, low readiness, and poor training.

After leaving as Secretary of the Army, John Marsh has continued his public service by serving as a special legislative council to Secretary of Defense Cheney and currently as the Chairman of the Reserve Forces Policy Board.

The Army and the country owe John Marsh our deepest gratitude for his many years of distinguished and unrivaled service to the Nation. This body especially will miss his counsel, his friendship, and his leadership. I ask my colleagues to join me in commending John Marsh in recognition of his years of dedicated public service.

ANNUNZIO ASSAILS BANKERS' COMMENTS ON CREDIT UNIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I am shocked and appalled to hear and read recent comments by a representative of the American Bankers Association who told a conference in New Orleans that credit unions are taking a Socialist-Communist message to other countries, especially those in Eastern Europe. An ABA tax lobbyist, Linda Rearick, said banks have obviously made the choice to be corporate-solution financial institutions. Credit unions, she said, are member-owned and member-operated and those kinds of things, which suggests that actually, since corporate formation and capitalism is really the American way, credit unions are sort of taking the Socialist-Communist message to Third World countries.

Here, in 1990, in the twilight of communism, the ABA is throwing McCarthyite charges at credit unions. These are the same tactics that the bankers used in the 1950's against credit unions.

I would like to point out that Dennis Sharpe, president and chief executive officer of the EdCo Credit Union in Des Moines and development educator for the World Council of Credit Unions, responded that the credit union movement has been the only organization hailed by the State Department, the United Nations, and others for bringing democracy to the developing nations of the world.

Mr. Speaker, I would like to tell a little story about communism and credit unions. One of the first things that the Solidarity union movement sought was the development of financial institutions to serve these Polish people. And what kind of financial institution did the non-Communist Solidarity Party want?

Did Solidarity want banks? No. They had a bank in Poland. It was the large, impersonal, unresponsive, anticonsumer, not-to-be-trusted State bank. And to make it more acceptable to the Polish people, the Government reformed it. The Government broke the one large, impersonal, unresponsive, anticonsumer, not-to-be-trusted state bank into eight large, impersonal, unresponsive, anticonsumer, not-to-be-trusted state banks.

Solidarity did not want banks. It wanted to establish credit unions. It wants to establish them at the Gdansk shipyards and the Nova Huta steel mills and other places around the country. Does Solidarity want credit unions because they are communistic, as the ABA would try to convince the world? Solidarity wants credit unions because they are democratic. Solidarity wants credit unions because they are owned and controlled by their members.

As chairman of the House Banking Subcommittee on Financial Institutions, I have strongly supported the movement toward credit unions in Eastern Europe. I was a primary sponsor of an amendment that became part of the Support for Eastern European Democracy Act which requires the Agency for International Development to consider providing funding to the World Council Credit

Unions, as well as the National Credit Union Administration, to provide technical assistance to establish Eastern European credit unions. As a matter of fact, during oversight hearings on the savings and loan reform law last month, I welcomed and met with a group of Polish visitors who were in the United States to study credit unions.

The ABA's Ms. Rearick used another tactic aimed at the credit union movement in her remarks in New Orleans. She tried to divide and conquer by saying that credit unions are beginning to disagree on a tax issue—that smaller credit unions are in favor of taxing larger credit unions. That comment is, in a word, hogwash. And it came through loud and clear at the meeting.

According to the Credit Union Times, there was little doubt about the unity of the credit union movement. The estimated 500 credit union executives cheered wildly when their representative on the conference panel, Bucky Sebastian of GTE Federal in Tampa, FL, accused the bankers of lying to Congress. He pointed out that the common bond of the first credit union in 1909 was to serve everyone in the community of Manchester, NH. Nothing has changed since then, he said.

Mr. Speaker, there is a common bond among credit unions, despite the rhetoric of the banks. The various bankers' newsletters have been filled with supposedly horrible examples of how credit unions actually allow people to become members of credit unions. Imagine, credit unions allow spouses to join the same credit unions. And, would you believe, children can join, too.

After listening to the bankers, you would think that people were forced to join credit unions. Bankers don't like to mention that membership in a credit union is voluntary.

I am a strong supporter of credit unions. It is my hope that the banks will cease and desist in their efforts to thwart the goals of credit unions, namely the providing of services for their members.

TRIBUTE TO THE LATE HON. J. KENNETH ROBINSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. SLAUGHTER] is recognized for 60 minutes.

GENERAL LEAVE

Mr. SLAUGHTER of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SLAUGHTER of Virginia. Mr. Speaker, it is with great sadness that I rise today to speak about a friend, counselor, and teacher, J. Kenneth Robinson.

Kenneth Robinson died on Sunday, April 8, 1990. He was 73. He died the way he lived, with courage and conviction. In his heart he carried God, his family, and his country. I thought it would be appropriate and fitting to take some time here to talk about our friend, this fine great man, and what he left behind.

First, Kenneth Robinson was a faithful and devout family man. His wife of 43 years, the former Katheryn Rankin, survives him. Kit, as she is much more widely and affectionately known, is one of the finest and most graceful ladies that I have ever known.

Kenneth is also survived by six of his seven children: Patrick, Keveney, Jim, Kelly, Ray, and Sallie. J. Kenneth Robinson, Jr., is deceased.

Keveney and Steven, plus their two children, Kate and Taylor, I believe are to be here, and Jim and Lynn and Sallie and Kelly are here with us this evening to hear our tribute.

Also, I quickly want to mention that there are a couple former Congressmen who are here with us this evening, Jack Edwards and Dick Ichord.

On behalf of myself and all of my colleagues who have asked to participate in this special order, I want to say to Kit and the family, please know that we share the loss you feel and we extend our deepest sympathy. All of us stand ready to help in whatever manner we might.

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And, Kit, your kindness and your companionship have been known for many years. I hope now you and your family will be able to call upon us if you should so desire.

Kenneth graduated from Virginia Tech in Blacksburg, VA, with a bachelor of science degree in horticulture. He was deeply attached to the rural and agrarian world in which he was raised, and in this respect, he greatly reflected the true Jeffersonian tradition that he so often admired.

Kenneth was a successful orchardist and farmer, and despite his many endeavors and callings, he never left the family's orchard and fruit-picking businesses.

While Kenneth held numerous posts in a wide variety of civic, fraternal, and community organizations including local and State chambers of commerce, probably none of his extracurricular activities made him happier than his service on the Board of Visitors for the Air Force Academy in Colorado Springs, CO. He loved being on the board as much as he loved the fact that Kit served on the board at Virginia Tech.

I cannot leave this subject of his extracurricular activities without noting how appropriate it is that we are honoring Kenneth the week of the famous Apple Blossom Festival in Winchester, VA. The festival which is well known throughout the Nation was dear to Kenneth who was a past president of it.

Mr. Speaker, at this point I want to ask that some of those present give a few remarks in Mr. Robinson's memory, our friend, Kenneth. I yield to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, it has been my privilege to serve with many fine and effective Members of Congress. Ken Robinson was certainly one of them. We worked together. Ken began service on the Defense Appropriations Subcommittee from 1975 until he left the House at the end of the 98th Congress. We also served together on the Agriculture Subcommittee during that time. We were close friends.

Ken was elected to the House at the beginning of the 92d Congress and to the Committee on Appropriations on October 26, 1971. He was initially assigned to the Labor-HEW and Foreign Operations Subcommittees by Frank Bow who was the ranking Republican member of the committee.

Truly Ken Robinson was a strong person, and an able and successful Member of Congress, who contributed greatly to the people of his district, State, and Nation.

Ken and his family contributed greatly to our service and life in Washington. To his wife and family we express our sorrow at Ken's untimely passing.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I now yield to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, Ken Robinson was my friend, first and foremost. As a colleague in the Congress, Ken Robinson was a man of honor, talent, and a tenacious will to fight the tough battles we so often face in Congress. Ken and I not only served in the Congress together, but were colleagues in the Virginia General Assembly as well beginning many years ago.

Ken was a man who knew his priorities. His loyalties were not determined so much by the typical partisan divisions that occur on Capitol Hill. Rather he determined his loyalties by the desires and aspirations of his own constituents. His was a quiet but resolute strength which he drew from his deep faith in the founding principles of our Nation.

An example of Ken Robinson's dedication to service was his fierce commitment to America's defense. My colleagues know very well his distinguished service on the Permanent Select Committee on Intelligence. He was extremely knowledgeable about America's most guarded secrets and intelligence operations and effectively used his position to responsibly strengthen America's ability to know what was happening throughout the world. Additionally, many of his efforts on the House Appropriations

Committee were based on his belief in "peace through strength," and I think it is fair to say that his foresight in leading efforts to restore American military strength played a role in the 1989 revolution of democracy, where the Communist bloc, knowing it could never defeat the United States militarily, finally focused inwardly and collapsed upon the realization that their economic policies had failed to serve their own people.

Like other great Americans remembered in the long history of great Virginians, Ken Robinson believed that America is, in the words of his most famous constituent Thomas Jefferson, the "last best hope for man." He was a patriot whose loyalty was based on his insight into the character, inherent decency and fighting spirit of the people he grew up with and represented so ably in the Congress. It was a deeply rooted faith in the average American that inspired Ken Robinson to fight for those causes necessary to strengthen freedom and give birth to democracy around the world.

All of us hope that as a result of our life we can leave some tracks: that it makes a difference in some even small way that we passed by this way even for such a brief period; that in some positive way we contributed to the benefit of our family and friends and colleagues; that we contributed to understanding between peoples and nations and that we repaid the world in some perhaps small but significant way for our gift of life. I am sure Ken Robinson did all of that.

When Henry David Thoreau was dying, a friend asked him if he had made his peace with God. Thoreau replied, "We have never quarreled."

With Ken's life of honesty, vigilance and courage, I am sure that as he met his creator, he indeed was welcome. I, along with all of my colleagues will miss J. Kenneth Robinson and the wisdom and knowledge he shared with us.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I yield to the gentlewoman for Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Speaker, I thank the gentleman very much for yielding.

Mr. Speaker, let me thank the gentleman for taking this special order. I think any time those of us who come before this body on a special order sort of go back to our memory bank and recall one occasion or another.

I have to start with an evening in April 1970 in Annapolis, MD, which was the last night of the Maryland General Assembly, and up in the gallery was a young couple who had just finished up a 60-day session in Richmond. I was sitting there waiting for my husband to finish at that time, and I got into a conversation.

It seems that this young man had made the decision and the commitment no longer to go back to Richmond, but to throw his hat into the ring and to go off to Washington. We had a delightful evening and ended up talking to them at dinner.

Little did I realize at that time, or any of the four of us realize at that time, that when January 3, 1971, came, and the 92d Congress convened, Kit and Ken Robinson would be standing in this body, and BEVERLY and Goodloe BYRON would be standing in that same body.

Kit and Ken lived as close as one possibly could get to Capitol Hill, out the back garage door of the Longworth Building. Ken walked back and forth on a regular basis, and Kit held forth with that Virginia charm and that Virginia ambience.

We now have nine Members left of that class that came those 20 years ago, the gentleman from Texas [Mr. ARCHER], the gentleman from Minnesota [Mr. FRENZEL], the gentleman from New York [Mr. LENT], the gentleman from South Carolina [Mr. SPENCE], and the gentleman from Florida [Mr. YOUNG] on Ken's side of the aisle; the gentleman from Wisconsin [Mr. ASPIN], the gentleman from California [Mr. DELLUMS], the gentleman from Kentucky [Mr. MAZZOLI], and the gentleman from New York [Mr. RANGEL] over on our side. BILL FRENZEL has decided this year, after 20 years, that is enough, and he is going to go back to Minnesota. Those who are left will carry on the tradition that started 20 years ago, and that is serving their country in this body.

Ken made the decision in 1984 to go back to his beloved Virginia, and he and Kit sat on their mountain and watched their orchards in Winchester grow as they have done. But I think those of us who had an opportunity to know both of them and those of us who had an opportunity to serve with Ken, as I did for 4 years, will always cherish those memories as, in my case, started on an April evening in Annapolis in 1970.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman from Virginia for taking this special order and permitting those of us an opportunity who have known Kenny Robinson for so many years to say some appropriate remarks.

I cannot help but recall the outstanding work that he did while we were both members of the Committee on Appropriations and the Permanent Select Committee on Intelligence and, of course, on that latter committee, he served as our ranking Republican member for the time allocated under the rules. These, I guess, are two of the most prestigious committees that this institution has to offer our Members for committee assignments.

The fact that Ken filled them with distinction is a sign of the high esteem with which he was held by his colleagues.

Last week, I had the pleasure of being visited by our former colleague and former Republican leader, John Rhodes.

□ 1820

I was reminded today that John once referred to Ken Robinson as a Rock of Gibraltar, a colleague upon whom he could count to stand for principle, in any case and all cases.

With that phrase in mind, I would like to remind our colleagues of the importance of having had someone like Ken as a leader in the fight for strong national security. These days we just take it for granted that it was inevitable that the United States would win the cold war. But when Ken Robinson came to us in 1971, our country was beginning a near disastrous slide in national security prepardness. It took some tought fights during the late 1970's and then the early 1980's to bring our Nation back to a point where we could exert pressure for peace and freedom because we had a credible deterrent, and Kenny Robinson was right there leading that fight, as you all know.

I know our colleagues on both sides of the aisle will have words of praise for Ken's many other accomplishments, but I think it is only fitting we remember if it were not for leaders like Kenny Robinson, we would not have a peace dividend to be talking about today. He did his best to keep our nation strong when it was not all that popular to do so.

We have not won that battle for democracy, but because of leaders like Ken Robinson, we are at a point where democracy has a good chance of triumping in many parts of the world, where it had been kept in chains. And for that and for so much else, we do salute the memory of our former colleague whose devotion to duty did so much for this great institution and for our country. To Kit and the family, Corinne joins me in offering our sympathy and condolences to them. We will always have those fond, fond memories of Kenny's stewardship in this body. He was certainly one of the best, again I would have to say one of those persons with whom the gentleman from Illinois might never have met, had it not been for our community of interest in this institution and having the privilege of serving together.

Mr. SLAUGHTER of Virginia. I yield such time as he may consume to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, it was with deep sadness that I learned of the death on April 8, of our retired col-

league from Virginia, J. Kenneth Robinson, and I join and my wife Caroline joins today with my colleagues as we remember Kenneth and pay tribute to his many years of dedicated public service.

In fact, before I ran for Congress, one of the first people that I went to talk to about the possibility of running was Kenneth Robinson. I had not been very active in the party, and just having the opportunity to come and sit with him to ask him, and I was even impressed that he allowed me to come and meet with him. But he was one of the people that encouraged me at the time to run.

I had the honor of serving with Kenneth in the Virginia delegation in the 97th and the 98th Congress, prior to his retirement from the House in 1984.

I very humbly will say I was very proud to have succeeded him as Virginia's Representative in the Committee on Appropriations. But while I may have taken the slot that Kenneth vacated on that committee when he retired, there is no way that I could ever fill the large shoes that Kenneth left.

In his 14 years of service in the House and especially his membership on the Defense Appropriations Subcommittee and the Select Intelligence Committee, he left a legacy of leadership on national security issues which has made the difference today in the security that our Nation enjoys.

I can remember a couple of times here late at night when we were debating, and I do not want to get into any controversy with this, but debating the support for aid to the Contras. Kenneth was on the Intelligence Committee and also on the Defense Appropriations Committee and was very active, and I could almost see Kenneth and Bill Whitehurst together working on that issue. Really I guess one would almost say the victory that Violeta Chamorro had down in Nicaragua was partly responsible and partly due to the support that Kenneth gave to the Contras and to that effort down there in Nicaragua.

I remember those nights in 1983 and 1984, it seemed like the bad guys were winning and the good guys were losing. Because of the steadfastness of Kenneth and people like him, I think the outcome came that we saw democracy and freedom win in Nicaragua, and I think that much of what Kenneth's work did, as our Republican leader pointed out in Eastern Europe, really helped bring that about.

When Kenneth retired from the House I recall the same comment that our leader BOB MICHEL said and that former minority leader John Rhodes said, where he once called Kenneth the Rock of Gibraltar.

I saw Gibraltar. It is the biggest rock and the most steadfast, solid thing that you will ever, ever see. What a fitting description that was of Kenneth. Always steady, always there, always available to lend a wise and helping hand.

I recall, too, another tribute of Kenneth's that only a few Members ever achieve, and that is universal respect. Every colleague from both sides of the aisle, both sides, Republicans and Democrats, conservatives and liberals, held him in the highest regard. He was a Virginia gentleman in the finest tradition of service to his fellow man.

He was a man of honesty, a man who if he gave you his word, it was so dependable and so reliable. He was a man of integrity, a man of the highest ethical standards. He worked with skill and energy and enthusiasm in a bipartisan and I would say an unselfish devotion to public service, and was without a doubt one of our Nation's most able legislators.

Kenneth was also a devoted family man to his wife Kit and to their six children. I and my wife Caroline would want to offer her deepest condolences and to say to them that J. Kenneth Robinson was among the finest gentleman to have ever served in this House, and this Nation is better, the State of Virginia is better, and this House is a better place because he graced our presence.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a distinguished former Member of this body, J. Kenneth Robinson.

Kenneth was truly a statesman in the tradition of our former President and Father of our Constitution, James Madison, who, incidently, resided in what has become Virginia's Seventh Congressional District, which Kenneth served.

In fact, one can draw many parallels between James Madison and J. Kenneth Robinson. They were both farmers. They were both highly respected Members of this great body. He, like Madison, was considered by many in this body to be a man of keen judgment, one who would be sought out for his extensive knowledge of the issues under his jurisdiction. He, like Madison, believed in a strong national defense.

Prior to his retirement in 1985, I had the privilege to serve with Kenneth during my first term in Congress. During this period, I recall a conversation we had in this Chamber that, for me, demonstrates the kind of public servant he truly was.

After a vote on a intelligence related bill, Kennteh came over to me to personally thank me for my vote. His deep concern over this legislation was not due to it's potential effect on his district. He thanked me for my vote because, he said, he loved his country, and his beliefs convinced him that it was best for the citizens of this country as a whole.

I believe it was this love of country and strength of conviction that inspired his unselfish service. In this sense, Kenneth exemplified a degree of leadership that has been matched by few.

In a small way, I share the sense of pride that must overwhelm Kit and her family to have had the opportunity to know this great man and to have spent a part of their lives with him. J. Kenneth Robinson will long be remembered, along with Madison and Jefferson, as a great statesmen from Virginia.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BATEMAN].

□ 1830

Mr. BATEMAN. Mr. Speaker, I thank my colleague for having taken out this special order and for affording us an opportunity to pay our respects to our former and now departed colleague, J. Kenneth Robinson.

Nearly 6 years ago, I rose in this Chamber to pay tribute to J. Kenneth Robinson on the occasion of his then-impending retirement from the House of Representatives, and I have missed him as a colleague all the days since. That was a sad occasion for all of us who took part, but this special order is a more sad occasion.

The death of J. Kenneth Robinson was a loss to Virginia and the Nation, and a personal loss for all of us who served with him and came to rely on his knowledge, integrity, and sound judgment.

Kenneth served for 6 years in the Virginia State Senate, and during the last 2 years of that period, I was his colleague. And in 1983, when I began my service in this body, Kenneth was already a senior Member with 12 years of service. It was during that period that I most fully came to appreciate his wisdom and steadfastness. No Member of the House was more helpful to me as I worked to learn the ways of the Congress. Other Members, too, have told me what a fine mentor he was to them when they began their service.

Here in the House, Kenneth made his mark as a distinguished member of the Appropriations Committee, with special expertise in the areas of defense and agriculture. He also willingly undertook the significant but usually thankless task of serving on the Select Committee on Intelligence, where he was the ranking minority member when he retired. In all of his assignments, he gave a full measure of effort and became an authoritative source of knowledge.

In a quarter century of service to his community, State, and Nation, Kenneth left a proud legacy for all of us. We are all the richer for having known him.

To Kenneth's lovely wife, Kit, and all the Robinson family, I join my colleagues in extending heartfelt sympathy.

Goodbye, Kenneth, and thank you for everything.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding this time and for bringing us together so that we can honor the memory of our departed colleague, Ken Robinson.

Ken and I came into the Congress together so long ago that I do not even like to remember it at this time. We were close from the very beginning. We stumbled around together, made mistakes together. He was fresh from his experience in the Virginia Assembly as I was from my local legislature.

Kit Robinson and Ken and Ruthie and I saw a fair amount of each other, and we will certainly always be grateful for the kindliness and friendliness that they showed to us, he and their entire family.

As I listen to this tribute to Ken Robinson I am struck by the fact that we are all using the same kinds of words to express our feelings about Ken and about the kind of virtues we believe he represents. I had written a note here that I should refer to him as a solid son of the Old Dominion, because he was one who clung to the traditional values of patriotism, family, home, and church, and they were good enough for him all through his life, and he never wavered in them. For those of us who came to him for counsel, he served as a great example, because whatever he told us, and he was not a preachy type, one had to ask him to be told, was the way he acted and the way he conducted his own affairs.

Mr. Speaker, there are not enough Ken Robinsons in this Congress, and there will never be enough. Would that all of us could have conducted ourselves the way that he did. There was no fancy footwork, no clever rhetoric, no flaming oratory, no dazzle or sizzle, just the same virtues that every Member who has risen today has described, solid, straight-ahead work, every day, based on those virtues and values that he followed all of his life.

Knowing Ken Robinson helped me to be a better Congressman. I think he has enriched the lives of all of the people here that come to pay him tribute.

Ruthie and I offer our deepest sympathies to Kit and the family. I can only say in conclusion that we were proud to know Ken Robinson and delighted that there are Americans who are willing to serve in this body of the stature and abilities of Ken Robinson.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I yield to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Speaker, I thank the gentleman for yielding and particularly for organizing this special order in honor of J. Kenneth Robinson. I appreciate the opportunity to say a few words about him tonight.

Mr. Speaker, I had the unusual experience of succeeding Ken Robinson in representing Rockingham County in the western part of Virginia, because in the 1980 census that county was shifted from the Seventh District into the Sixth. Ken had represented that county I think for as long as most people who live there could remember, and as I came in to run for that office 8 years ago, they all wondered why I was there, because they knew that Ken was their Congressman.

I can say that I got to know Ken quite well through that experience. He was the type of Congressman that they wanted. He had all of the qualities that others have been describing here tonight. As I think back, as I learned about him, he was down to Earth, he was the type of man that was a friend to his constituents. Obviously they trusted him and respected him. He truly represented what they believed.

After I got elected to Congress and came and joined him in the 98th Congress, I got to know him better personally. The people in Rockingham County still called on him even after I was elected in his place for that county, and he always let me know that he was coming into the county. He came and they wanted him, and I welcomed him and I learned from him. It was a humbling experience, but also an extremely valuable experience.

I found, as everyone has found, that Ken Robinson had those solid values in his life that we all aspire to have. There are very few of us who attain those values in the way that Ken did. We are talking about integrity and steadfastness, determination, solidness, everything of this nature, love of family and care for others. He had all of these qualities, and he was a very, very fine man. Those who knew him grieve at his passing.

But I can say this, and I say this to Kit and his family, and I know they know it, that it is a sad time, but at the same time Ken Robinson's life is certainly one that everyone who knows him can celebrate, because he had a fine, fine life. He was a great man.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I yield to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for yielding. I, too, would like to add my voice to those who have spoken before in thanking the gentleman in the well for making this moment possible to give us the opportunity to pay our respects to a good friend and a great American.

I might say parenthetically that though he cannot be here today because he is no longer in the Congress, I am sure that everything I say would be echoed and added to by Jack Edwards if he were still in the Congress, because he was one of Ken's closest friends, and they worked side by side on the Defense Appropriations Subcommittee.

Mr. Speaker, on April 8, Palm Sunday, of this year, I lost a friend. J. Kenneth Robinson, who for 14 years served his State and his country and the Republican Party in this House of Representatives, died of cancer in his Winchester, VA, home.

My wife, Barbara, and I have spent many hours and traveled many miles with Ken and Kit. There were never two better companions.

To Kit, and to Ken's six surviving children, I offer my condolences. The passing of a good man is hardest on family.

Ken always knew the real importance of family, even rejecting an offer to run for Lieutenant Governor of Virginia in order to be with his son who was fatally ill with leukemia.

Of all Ken's qualities, one stands out in mind. He was solid and dependable. You knew where he stood and if he gave you his word you could take it to the bank.

I know Ken earned the respect and confidence of the men and women, Republican and Democrat, with whom he served in Congress on both the Committee on Appropriations, and the Select Intelligence Committee. Listen to their words about ken and you can get some measure of the man:

"Uncompromising integrity, unsurpassed industry."

"Quiet, thoughtful, religious."

"Brought stability and tough thinking in a time of ambiguity and the quick fix."

"Only spoke when * * * there was something of value to be said."

"Brings reason to issues * * * buried in controversy and ill feelings."

"Came here to serve and served his people well."

"A man of strength and uncommon skill as a legislator."

"True to his conservative beliefs."

"An outstanding leader and valued friend."

Ken Robinson made his mark because he focused on vitally important national issues. He believed in a balanced budget, strong national defense, and in an effective national intelligence gathering capability. Ken spent immeasurable energy achieving results in those areas and our country was

better off because of that commitment.

I know that Ken left Congress with some frustration, but no regrets. He was never a man to look back.

As you might have expected, he continued to make a difference in his political party, his State and community.

He was selfless and without a crippling ego. He thought of others before he thought of himself. He put the good of others and this Nation before his own.

Ken Robinson was a special man. I am a better person for knowing him. This country is a better place for his having lived.

I've searched for words to sum up what I feel for Ken, and the best I've found are those written by Alexander Pope:

Statesman, yet friend to truth! of soul sincere,
In action faithful, and in honor clear;
Who broke no promise, served no private end,
Who gained no title, and who lost no friend.
—Moral Essays, 1720.

Ken, we will miss you.

I think Ken demonstrated a typical farmer's pride in his daily life, and in every appearance he was rightfully proud of his small part in providing all of America the most abundant food supply, the best quality, the safest at the cheapest price of any other country in the world. I think he was rightfully proud of that.

Kenneth's district, the Seventh District of Virginia, and my 17th District of Texas are similar in that the people are fiscally conservative and they expect their Representatives to be also.

Ken served his constituency extremely well in his 14 years.

With my colleagues here today, my wife, Cindy, and I extend our sincere condolences to the Robinson family on the passing of Kenneth. We hope that they will take great pride in knowing that Kenneth served his State and his country exceptionally well.

□ 1840

Mr. SLAUGHTER of Virginia. Mr. Speaker, I yield to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. I thank the gentleman for yielding.

Mr. Speaker, I rise today also to pay tribute to J. Kenneth Robinson. Kenneth served in this body for 14 years. I had the privilege of serving with him for 6 of those years. During his time in Congress, Ken compiled a conservative, commonsense voting record and was especially supportive of an assertive foreign policy in Central America.

Ken was also known for being a southern gentleman in every sense of the word.

Kenneth and I had many things in common, including a deep and personal interest in agriculture. Ken, an orchardist and fruit packer from northern Virginia, I a cotton farmer from west Texas.

We pray God's comfort and blessings on his widow, Kit, and the entire family.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I yield to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. I thank the gentleman for yielding.

Mr. Speaker, Ken Robinson was a shining example of what service in the House of Representatives should be.

As a fellow colleague on Appropriations I had the special privilege of serving with Ken and watching the strong leadership he brought to his service on the committee. He was a role model for many of us.

Ken was always first a true patriot, always a steadying influence, always dedicated to what was best for the country he loved, always effective in his quiet way and always the epitome of what our Founding Fathers envisioned in a representative of the people.

The life of each of us has been enriched by serving with Ken and by the joy of our friendship with Ken and Kit.

Mary and I can only express our gratitude to Kit and to Ken's family for sharing the burdens that allowed Ken to serve our Nation so well with both his heart and his head.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I yield to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. I thank the gentleman very much for taking out this special order and for giving us an opportunity to remember Kenneth Robinson.

Mr. Speaker, my recollections of Kenneth Robinson are different from those of others who join in remembering him today. Ken was not my colleague in this body, for I have only been here 2 years, but he was my Congressman.

From the time I moved to Nelson County in 1973, until it was redistricted into the Fifth District in 1982, it was a matter of real pride for me that Kenneth Robinson represented me in this body. Let there be no question in anybody's mind, he represented all of us very, very well.

Then I knew Ken in another role, again not one traditionally known in this body. I knew him as the father of one of my employees, for his daughter, Keveney worked with us at Wintergreen. Through Keveney's eyes I saw a loving father and mother in Ken and Kit.

At the primary level of public service that is constituent-to-Congressman, there was never any question in anybody's mind but that we mattered to Ken.

Our concerns were his concerns and our interests were his interests.

But Ken's service went beyond just his district. He was, as you have heard here today, highly respected within this body and outside as well, for his interest and work in national security. Through his committee work and the work on the floor of the House, he worked tirelessly and successfully for the national interest.

Kenneth Robinson was a product of Thomas Jefferson's country. By his beliefs and quality of life, he is a worthy successor to Thomas Jefferson's legacy and his commitment to public service.

So I thank the gentleman very much, the gentleman from Virginia [Mr. SLAUGHTER], for providing all of us with an opportunity to pay homage to one of the best this body has ever known, J. Kenneth Robinson.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I too want to commend my friend and colleague from Virginia [Mr. SLAUGHTER] for taking this special order. I, too, had the great privilege of serving in the House of Representatives with Kenneth Robinson. He was a member of the Subcommittee on Defense Appropriations, and we served together for three terms. I found Ken to be one of the really hard-working and effective members of this particular subcommittee. He was knowledgeable, he did his homework, he cared deeply about the issues of defense and national security.

He was also respected by all of us because of his work on the Permanent Select Committee on Intelligence as well, and brought that expertise back to our subcommittee.

I can tell you that there were many issues during those 6 years where Ken Robinson and I were shoulder to shoulder trying to make certain that this country had a strong and adequate defense policy and the equipment and materials necessary to have that kind of effective policy.

□ 1850

We are all saddened by the loss of Ken. All Members who had a chance to know he and Kit had a great deal of fondness and affection for them. We can certainly understand the serious loss this is to his family.

However, I think his example for all Members who serve in Congress will remain there as a shining and bright one. Rarely have I seen any Member who cared more about the kind of public service than Ken Robinson. He was a friend. He gave me lots of good advice, and I think he served his district and his State well. But most importantly, he served our country.

It is people like Ken Robinson who for 40 years kept a bipartisan defense policy in this country which last year, I think, finally bore the victory that

we all wanted to see. That is, that the values and the belief we all have in democracy and our way of government, of seeing the decline of the Warsaw Pact, seeing the changes even within the Soviet Union as people opted for democracy and our economic system. Ken Robinson was part of that long, bipartisan tradition of a strong defense, a credible defense, and a strong commitment to our American values.

I am pleased to be here this evening to be a part of this special order. Ken Robinson was a friend and a valued colleague. We all will miss him. However, we will honor him tonight for his great service in this institution and his great service for this country.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I yield to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, the fact that ours is such a rapidly changing world underscores the need we have as Americans to know what these changes will mean to the United States.

Our former colleague, Ken Robinson, knew this truth well.

As a member of the Select Committee on Intelligence, Ken was diligent, insightful and, above all, determined that the United States should have the best intelligence capability.

It was a pleasure for me to serve with Ken on the Intelligence Committee. He achieved the kind of respect and admiration reserved for very few Members from both sides of the aisle. I know he was no less esteemed by his fellow members of the Appropriations Committee, and the Virginia constituents he served so well from 1970 to 1984.

Mr. Speaker, when Ken Robinson died on April 8, 1990, he left his family, his State, and our Nation with the legacy of a fine Representative. His absence will be deeply felt, and I extend my most sincere sympathies to Ken's wife, Kit, and the other members of the Robinson family.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I appreciate the remarks of the gentleman from California.

Now, I would like to read into the RECORD remarks prepared by the distinguished senior Senator from Virginia, Senator WARNER. It is a tribute to the Honorable J. Kenneth Robinson, and reads as follows:

Mr. Speaker, I rise today to pay tribute to my long-time friend, the Former Congressman from Virginia's Seventh District J. Kenneth Robinson who died on April 8. Today Kenneth's wife and other members of his family are visiting the House Chamber so I am very pleased to join my House colleagues in a special order to honor this great Virginian.

Many others will join today in citing the lengthy and distinguished accomplisments which this Virginian achieved in his lifetime. My participation goes to three areas Robinson's life which were very meaningful to me.

First, Ken was born into an apple-growing family in Winchester, the heart of Virgina's apple and peach country. He graduated from Virginia Polytechnic Institute and State University with a degree in horticulture and returned home to run the family orchard business. He truly loved the land, what it provides, and the people who work so hard in agribusiness.

After a distinguished career in the General Assembly of Virginia, as a Senator, Kenneth was elected to the U.S. House of Representatives in 1971 where he served until 1985. During this time, he was my Congressman as I lived in the seventh disrict. He was my close friend; he was a big brother as I started my legislative duties.

He was a member of the House Appropriations Committee where he served on the Subcommittee on Agriculture, Rural Development and Related Agencies. Following my election to the United States Senate in 1978, I consulted with Ken Robinson on all issues of importance to Virginia's agricultural community, for he and I were two of the few in the Virginia delegation who lived on working farms.

Together we secured Federal assistance to start a veterinary school at his alma mater of VPI. This was of great significance to the equine interests of Virginia.

When a California wine-grape grower's association asked that their growing area be designated as the "Shenandoah Valley Viticultural Area" Ken Robinson led the opposition. The Virginia delegation prevailed and the Federal Government gave Virginia interests the paramount right to use the name "Shenandoah Valley" in the context of our wine-producing industry.

Ken served in the United States Army with distinction during World War II and attained the rank of Major. He was deeply committed to a strong national defense and served on the Defense Appropriations Committee and the House Intelligence Committee. As a member of the Senate Intelligence Committee and the Armed Services Committee, I worked closely with him in these areas. As we witness the transformation of communist regimes around the world today, we should thank President Reagan, President Bush and members of Congress such as Ken Robinson who dedicated their careers to the defense of this country and the nurturing of democracy and freedom abroad.

Lastly, in the finest Virginia tradition Kenneth Robinson was a strong patriot of the highest integrity. He dedicated his life to the service of the Commonweath and the nation which he loved so dearly. He was a family man who cherished his wife of 43 years. Kathryn Rankin Robinson, and their six children and seven grandchildren.

He was a Virginia statesman in the tradition of George Washington, Thomas Jefferson, and Patrick Henry. As the Richmond Times Dispatch stated in an editorial when he died, "Rep. Robinson gained his popularity the old-fashioned way through indefatigable constituent service . . . and through strict adherence to principle."

"God grant that men of principle shall always be our principal men." This quote attributed to Thomas Jefferson is so appropriate for Kenneth Robinson.

Today in the Senate I introduced, along with Senator Robb, legislation identical to that introduced in the House of Representatives by Representative Slaughter, to name the Federal building in Winchester, Virginia the "J. Kenneth Robinson Postal Building".

I extend my deepest sympathies today to Kit Robinson and to the other members of the Robinson family as well as my gratitude to them for sharing Kenneth's talents and time so generously with our great Commonwealth and nation.

Mr. Speaker, I yield to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding. I am very pleased and gratified that my friend took this special order for our late colleague and late friend, Ken Robinson.

Earlier tonight I was watching in my office, and I could not help but be struck by what the gentlewoman from Maryland [Mrs. BYRON] said in which she numbered or named the individuals who came to Congress with Ken. It happens that I was in that class 20 years ago. It seems like a very long time, and yet in some respects it seems like only yesterday. However, I do recall in that very speech, 20 years ago, I stood with our then little daughter, who is now 26 years old, but stood with our little daughter to take the oath of office from Carl Albert.

On the other side of the aisle was my friend, Ken Robinson. We did not serve together on the Committee on Appropriations, but it was my pleasure to serve with Ken on the Permanent Select Committee on Intelligence.

For many years, Ken and I served together as colleagues, and eventually as the gentleman from Virginia has said, he became the ranking Republican member of that important committee, working closely with our colleague, Ed Boland, who has retired and left the Congress. I was always struck by Ken's devotion to this Nation. It permeated his very being. He loved America. He loved his Commonwealth of Virginia, but he loved the idea of public service.

While we might have had some disagreements on some of the issues, and we might have perhaps a different voting record, it was a great privilege and honor for me to serve with Ken. When the gentleman from Virginia [Mr. SLAUGHTER] shared with Members the bad news and sad news of Ken's death, all Members in the class of the 92d Congress, and all Members who have ever served with Ken, certainly were deeply grieved by that news.

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Mr. Speaker, I again want to thank the gentleman from Virginia [Mr. SLAUGHTER] for having taken this special order. I salute Ken and his memory. I extend condolences to the family members who have joined us in the Chamber tonight and express to them the view that they certainly have a wonderful legacy in what Ken did in the halls at Richmond and in the Halls here in Washington.

Again, Mr. Speaker, I thank the gentleman from Virginia [Mr. SLAUGHTER] and I appreciate his taking this special order.

Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD my extension of remarks on this subject which appeared in the RECORD on April 30, 1990, as follows:

REMEMBERING A FORMER COLLEAGUE: J. KENNETH ROBINSON

Mr. MAZZOLI. Mr. Speaker, I rise today to honor former Virginia Congressman, J. Kenneth Robinson, who passed away on April 8.

I entered the House with Ken in 1971, and I always considered him a friend as well as a colleague, I had the fortune to serve with Ken on the House Permanent Select Committee on Intelligence for several years.

After a distinguished career in the Army during World War II, Ken served in the Virginia State Senate until he was elected to Congress in 1970. Ken also served with distinction on the House Appropriations Committee, becoming the fifth ranking Republican before his retirement in 1985.

He was raised in Frederick County, VA, and his district included the northern suburbs of Richmond, to the Shenandoah Mountains and Winchester.

Ken also distinguished himself in the field of agriculture. He graduated from Virginia Polytechnic Institute with a degree in horticulture. He helped run his family orchard business and also was past president of the Virginia Horticulture Society and the Frederick County Fruit Growers. While on the Appropriations Committee, Ken worked hard on agricultural issues to best serve his district's needs.

I extend my sympathies to his wife, Kathryn and his children and family. He will be deeply missed by all of us here in the House.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I thank the gentleman for his remarks.

Mr. Speaker, as we all know, J. Kenneth Robinson left a legacy of service and accomplishment to this Nation that few men in longer lifetimes have been able to approach. His 4 years as an infantry man in World War II, his 6 years as a senator in the Virginia General Assembly, in addition to his 14 years as a U.S. Representative serving the Seventh Congressional District of Virginia, amount to nearly 25 years of service to Virginia and to our country.

Kenneth Robinson touched many lives. Newspapers throughout the Seventh Congressional District, and beyond, carried lengthy reports about Kenneth's death. They did precisely because so many people, all over Virginia, were touched by the news. Roughly 15 different publications carried stories that more closely resembled eulogies. Many of those papers carried more than one article about Kenneth and some honored him by dedicating valuable space and commentary on their editorial pages.

Another indication of Kenneth's enduring memory is Virginia Senate Resolution 37. Last Friday, I received a letter from State Senator Bill Truban. Senator Truban informed me that the Virginia Senate has honored Kenneth in Resolution 37 which passed during the special session on April 18, 1990. I think it is a true tribute to Kenneth that 20 years after his service in the Virginia Senate he is still fondly remembered and was accordingly honored with this legislation. At this juncture I would like to quote a small section from the resolution:

Resolved by the Senate, That this body mourns the passing of a former esteemed colleague, J. Kenneth Robinson, whose selfless public service and lifetime community involvement will long be remembered in the Commonwealth.

Also, Mr. Speaker, I enter in the RECORD Virginia Senate Resolution 37, as follows:

SENATE RESOLUTION NO. 37

Whereas, J. Kenneth Robinson, who represented Virginia's 7th District in the House of Representatives from 1971 to 1985, died April 8, 1990, at his home in Winchester; and

Whereas, Kenneth Robinson, a Winchester native born into an apple-growing family, graduated from the Virginia Polytechnic Institute with a degree in horticulture in 1937 and shortly thereafter joined the family orchard business; and

Whereas, during World War II, Kenneth Robinson served his country honorably, attaining the rank of major in the United States Army; and

Whereas, in 1965 Kenneth Robinson began his political career, winning election to the Virginia Senate seat vacated by Harry F. Byrd, Jr.; and

Whereas, after resigning his Senate seat in 1970, Kenneth Robinson won election to the House of Representatives, where he served Virginia's rural interests as the ranking Republican on the House Permanent Select Committee on Intelligence and on its subcommittees on agriculture, rural development and related agencies and defense; and

Whereas, Kenneth Robinson, whose name became synonymous with fiscal responsibility and a strong defense, served on the House Defense Appropriations Committee's budget authorization subcommittee and became the fifth-ranking Republican and the only Virginia member on the House Appropriations Committee; and

Whereas, during his fourteen years of service in Congress, Kenneth Robinson was held in high bipartisan esteem and was most remembered by his colleagues for his commitment to a balanced budget, a smaller federal bureaucracy, and a stronger national defense; and

Whereas, in 1983 Kenneth Robinson, a supporter of covert aid to anti-communist guerrillas, played a key role in the defeat of a proposed cutoff of covert aid to Nicaraguan guerrillas fighting the Sandinista government; and

Whereas, throughout his political career, Kenneth Robinson enjoyed popular support from his constituents who elected him the seven times he ran for national office, six of those times by sixty percent or more of the total vote; and

Whereas, Kenneth Robinson, a leader deeply concerned with the welfare of others, was the instrumental force in obtaining federal financing for the state's first housing project for the deaf in Charlottesville; and

Whereas, in addition, Kenneth Robinson fought hard to give Virginia interests the paramount right to use the name Shenandoah Valley in the context of a wine-producing region after a California wine-grape growers' association asked the federal government to designate their growing area as the Shenandoah Valley Viticultural Area; and

Whereas, after leaving politics in 1985 because of health problems, Kenneth Robinson devoted the rest of his life to family business interests in the Winchester area; and

Whereas, Kenneth Robinson, an active member of his community, served as president of the Virginia Horticultural Society, the Eastern Fruit Growers Cooperative, the Winchester Apple Blossom Festival, and the Winchester Rotary Club; vice-chairman of the Potomac River Basin Committee; a member of the Society of Friends in Winchester as well as a member of the Dulles International Airport Development Commission in the 1960's and early 1970's: Now, therefore, be it

Resolved by the Senate, That this body mourns the passing of a former esteemed colleague, J. Kenneth Robinson, whose selfless public service and lifetime community involvement will long be remembered in the Commonwealth; and, be it

Resolved further, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mrs. Kathryn Rankin Robinson as a token of the Senate's admiration and appreciation of the legacy of service and accomplishments left by J. Kenneth Robinson to this nation.

Mr. Speaker, I thought it would be appropriate here, this afternoon, to continue my remarks with reference to what Members of the House of Representatives had to say on the occasion of Ken's retirement back in 1984. I have always thought that some of the most valuable and honest reflections are those rendered by one's peers. Your peers know you and your work far better than most observers or critics. They know your weaknesses and your strengths. The overwhelming tribute paid to Kenneth Robinson by men he served with in this House of Representatives for 14 years is testament to what kind of man Kenneth was.

I want to take a minute here to reflect on what a few of these men and women said. On the occasion of his retirement, nearly 40 Members of the House, representing States from Florida to California, from New York to Nevada, from Illinois to Louisiana, rose to speak about Kenneth and what his presence meant to the House.

Kenneth Robinson was known as "the rock" or "the Rock of Gibraltar." A former, distinguished House minority leader, Representative John Rhodes, gave Kenneth this nickname because "his deep seated beliefs in the traditions and values of this great Nation were always at the forefront of his service to the House. Thus, he was dependable 'like the Rock of Gibraltar'." These were words Congressman LIVINGSTON delivered on the floor of the House as recorded in the CONGRESSIONAL RECORD on October 9, 1984. Congressman LIVINGSTON went on to say:

[Kenneth] never hesitated to back programs or policies which put the interest of his country first—before any other priorities; and he likewise supported the policy of standing by our friends—no matter what the odds.

Kenneth Robinson was a man of immense character who never stuck his finger to the wind. He followed his heart and his head. His values and principles were as much a part of him as his vast intellect. Former Congressman Bill Whitehurst, who at the time of Kenneth's retirement was the dean of the Virginia congressional delegation said:

Although I never served in the Virginia General Assembly, I knew of Ken Robinson's reputation when he was a member of that body. He was known then as a person of uncompromising integrity and unsurpassed industry. These virtues he brought with him to this body, and it was because of them that he was recognized early on as a particularly unique and valuable colleague.

Congressman Whitehurst went on to say:

It is [Ken's] counsel that is sought when there is uncertainty with respect to an amendment or vote. * * * I cannot recall in the past (16 years) any colleagues of mine whose opinion in my delegation was so highly valued.

Kenneth Robinson, however, enjoyed the respect of Republicans and Democrats alike. The Richmond News Leader wrote that "few congressmen ever have enjoyed such bipartisan esteem."

Kenneth was respected because he was no grandstander. Defending our Nation and keeping the economy strong were his only legislative priorities and the intensity of that commitment combined with his unmatched endurance and capacity for work left people respecting rather than questioning him. Kenneth Robinson was above partisan political gamesmanship.

The respect Kenneth commanded was also evidenced by the critically important committee assignments he held. Kenneth was the only member of the Virginia congressional delegation to have a seat on the Appropriations Committee where he also served as the second ranking member of the Defense Subcommittee and as an influential member of the Agriculture, Rural Development and Related Agencies Subcommittee. Ken was also ranking minority member of the House Permanent Select Committee on Intelligence.

Perhaps the most remarkable words of respect ever delivered about Kenneth were delivered by a man who, on a number of issues, could not have been more philosophically opposed to many things Kenneth stood for. The chairman of the Permanent Select Committee on Intelligence, Massachusetts Democrat Edward Boland, stated the following:

Too few appreciate what Ken Robinson has done for the security of this country through his service on the committee. Too few appreciate the improvements that he has helped to ensure in our intelligence capabilities. Too few will ever realize the enormous and debilitating workload that Ken has assumed in his service on the Intelligence Committee. Mr. Speaker, there is no member of the committee who has worked harder. There is no member—including the chairman—who can claim as thorough a knowledge and as a sound a judgment in reviewing and overseeing intelligence matters. I have said so often but to too few that Ken Robinson is the rock on which the intelligence committee has endured. * * * His dedication to fiscally sound, fair, bipartisan solutions has made the task of reaching agreement on many complex issues so much more achievable than it other wise would have been. * * * I know of no other Member of this body whom I could extend these accolades. * * * First and last, he is and will always be a gentleman of the highest order.

Clearly, Kenneth Robinson enjoyed great respect and admiration. But like everything else in his life he earned the respect, the admiration, the love, and the devotion so many people felt for him. He earned it by giving so much of himself in every aspect of his life. Kenneth lived life to the fullest because he lived it with honest intensity.

Before I begin to close, I want to bring to everyone's attention a piece of legislation that I introduced earlier today in concert with the entire Virginia delegation. This morning we introduced as a final, and appropriately lasting, tribute the designation of the Winchester Post Office as the "J. Kenneth Robinson Postal Building." Senators WARNER and ROBB have introduced identical legislation on the Senate side.

Mr. Speaker, I wish to acknowledge the fact that former Congressmen John O. Marsh, Jr., and Al Cederberg are with us. Also, both of the distinguished Senators from Virginia are here: Senator JOHN WARNER and Senator CHARLES ROBB. It is good to see you both.

Mr. Speaker, I have a number of letters and communications that I believe all who have participated in this ceremony will value greatly, and I want to point out several, including a number of newspaper articles, with their comments.

Mr. Speaker, I include here editorials from the Richmond Times-Dispatch and the Winchester Star as follows:

[From the Richmond Times-Dispatch, Apr. 12, 1990]

J. KENNETH ROBINSON

He was one of the best.

J. Kenneth Robinson, a native of Winchester who grew up working in his family's apple-growing business, was elected to Congress in 1970 on a promise to work for fiscal restraint, limited government and strong national defense. In representing the people of the rural-oriented 7th District, he never strayed from those bedrock principles before retiring in 1985.

With good reason, many critics of Congress lament how it has become next to impossible to oust an entrenched incumbent, given the elaborate system of protective benefits congressmen have constructed for themselves. But Ken Robinson was one who earned his return ticket to office. He did so seven times, and only once—in 1974—did his share of the vote fall below 60 percent. And that was at the height of the Watergate scandal when the sins of the Nixon administration were being visited upon some Republicans like Mr. Robinson, even though in his case there was never the faintest whiff of impropriety.

Representative Robinson gained his popularity the old-fashioned way: through indefatigable constituent service to a district that sprawls from Fredericksburg to the east and Hanover County to the south and that covers much of the Shenandoah Valley in the north and west. And through strict adherence to principle.

As the ranking Republican on the House Permanent Select Committee on Intelligence, he became one of the leading advocates in the House of covert aid for the anti-communist rebels fighting the Sandinista regime in Nicaragua. The recent triumph of democracy in that country is due in no small part to the steadfastness of people like J. Kenneth Robinson. As a member of the House Appropriations Committee, he was also a voice, albeit often a lonely one, for fiscal sanity.

Former Second District Representative G. William Whitehurst once said of Mr. Robinson: "It is his counsel that is sought when there is uncertainty with respect to an amendment or vote on a particular piece of legislation. I cannot recall in the past any colleague of mine whose opinion was so highly valued."

Mr. Robinson, who died this week at his Frederick County home at the age of 73, leaves a legacy of public service that will be remembered and that should be emulated.

[From the Winchester Star, Apr. 10, 1990]

J. KENNETH ROBINSON: A GREAT LOSS

While putting together successful careers in two fields—as politician and as an orchardist—J. Kenneth Robinson earned a reputation as that rarest of politicians, a man able to work with members of the opposition party as well as his own. He also earned a reputation as a man deserving respect.

Mr. Robinson, who died this past weekend at the age of 73, was a native of Frederick County and a graduate of Handley High School who represented this area in the Virginia Senate and the U.S. House of Representatives. He retired from politics in 1985 after serving seven terms in the House.

Mr. Robinson, who held a bachelor's degree in horticulture from Virginia Polytechnic Institute, also served in the U.S. Army during World War II, rising to the rank of major.

John O. Marsh Jr., former Congressman from the Seventh District and former Secretary of the Army, called Mr. Robinson's death "a great loss, not only to the community, but to the State and the Nation.

Harry F. Byrd Jr., whose appointment to the U.S. Senate in 1965 led to Mr. Robinson's appointment to the Virginia Senate, called Mr. Robinson "an outstanding public official . . . He gave dedicated and unselfish service to his constituency . . . "

Representative D. French Slaughter Jr., who won election to Congress after Mr. Robinson's retirement, said his predecessor "served our country with uncommon distinction."

Mr. Robinson's death is, indeed, a great loss. Rare is the politician who can overcome partisanship in order to do his duty. Rarer still is the politician who follows the path envisioned by the Founding Fathers—a man who serves his constituents well and then leaves the political arena of his own volition, a true citizen-legislator. In fact, former Representative William Wampler once called Mr. Robinson "the kind of person our forefathers had in mind" to run the Nation's Government.

That's high praise, but praise J. Kenneth Robinson richly deserved.

Mr. Speaker, I also have a tribute and letter from Mr. Edward Boland, a former Member of Congress who served as the chairman of the Intelligence Committee with Kenneth. Their association and service together on that committee lasted several years.

That material is as follows:

STATEMENT OF FORMER CONGRESSMAN EDWARD P. BOLAND, AS SUBMITTED BY CONGRESSMAN RICHARD E. NEAL OF MASSACHUSETTS.

Mr. Speaker, it is my honor, as a former Member of this House, to take part today in this tribute for our late colleague, J. Kenneth Robinson of Virginia. For 14 years the people of the Winchester area were fortunate to be represented in this great body by J. Kenneth Robinson.

I was fortunate to work closely with Ken on a number of occasions over the years we served together. We served together, first on the Appropriations Committee and then on the House Permanent Select Committee on Intelligence. For a time we had offices across the hall from each other in the Rayburn Building. Running into Ken in the hall as we went to vote on the Floor gave me a great opportunity to get to know him and appreciate his personality. Ken was a very friendly person, easy to know and a joy to be around. Although we sometimes disagreed on policy, there was never a moment when that disagreement affected our personal relationship. I'm sure that any member who served with Ken would agree. He had wit, intelligence, and know-how to be a success on Capitol Hill. I always felt that Ken was one of the finest spokesmen the Republicans had on complex appropriations matters and sensitive national security issues.

On the Appropriations Committee, Ken Robinson could be counted on to study each funding request closely and make an informed decision on how to best spend our federal dollars. Ken kept an eye on the fiscal bottom line, but had a real feel for our country's needs. I believe he was one of the finest members that vital committee has ever had. I noticed the loss of his expertise immediately in the 99th Congress after he had retired.

I cannot say enough about Ken Robinson's work on the House Intelligence Committee. The sensitive mission of this important committee was clear to him from the moment of its creation. Service on the House Intelligence Committee is a responsibility that cannot be taken lightly. Ken had a keen understanding of the complex issues that came before this committee in the difficult days of this country's involvement in several unsettled regions of the world. As the ranking Republican, his counsel and cooperation were invaluable to me. Ken Robinson never lost sight of the long-range foreign policy goals of America, nor of the necessity for effective intelligence collection and analysis as essential means of furthering those goals. He was acutely aware as well of the need for the discretion and secrecy that is necessarily a part of service on the Intelligence Committee.

Mr. Speaker, it was with great sadness that I learned that J. Kenneth Robinson had passed away. It is regrettable that he did not get the opportunity to enjoy a longer retirement. I am sorry that I cannot be on Capitol Hill personally to take part in this tribute organized by Ken's able successor, D. French Slaughter, Jr. I wish to express to Ken's widow Kit and his children present, Jim, Sally, and Patrick the great affection and respect I had for Ken. He was a good and decent man, who made many significant contributions to his Nation, and he will be greatly missed.

Mr. Speaker, there is a statement here from the Secretary of the Interior, Manuel Lujan, Jr., that I wish to include. Mr. Lujan has left a message here that is very valuable and very much in the same vein of those that we have submitted before.

Mr. Speaker, that message of tribute reads as follows:

MESSAGE OF TRIBUTE IN HONOR OF HON. J. KENNETH ROBINSON FROM SECRETARY MANUEL LUJAN, JR.

Although we are all saddened by the passing of Ken Robinson, we are greateful for the memories that remain of a true friend and loyal colleague.

I had the privilege of serving with Congressman Robinson during his 14-year tenure in the U.S. House of Representatives, from 1971, until his retirement in 1985. He was a true leader in the Congress—not because he rose to speak on every matter before the House, but because when he did speak his words were seriously considered. Agriculture and national defense issues were certainly among his top concerns, but Congressman Robinson also had an ability to make the problem of each of his Virginia constituents of vital import.

Congressman Robinson was a devoted Republican, who was loyal to the Presidents of his party whenever he could agree with their position in good conscience. But, he was first and foremost a quiet patriot, who put the best interests of his beloved Country above all else.

I also remember Ken Robinson as a friend. He enjoyed gathering with others in the Capitol Hill Club grill, to grab a bite, have a drink, and converse about a wide range of topics. Ken Robinson was indeed a true Virginia gentleman.

Although it has been a number of years since Ken Robinson walked off the floor of the House for his last time, his memory will always be an inspiration for those who serve our Country.

[From the Richmond News Leader, Apr. 10, 1990]

J. KENNETH ROBINSON

Republican and Democrat alike agreed that J. Kenneth Robinson was a rock of courage and integrity. When Robinson, a Republican, retired as Seventh District Congressman in 1984, former GOP minority leader John Rhodes called him the Rock of Gibraltar. Massachusetts Democrat Edward Boland joined in the tribute, identifying him as "the rock on which the Intelligence Committee has endured." On Sunday, death claimed Robinson at age 73.

Robinson epitomized moderation. He won election to the House in 1970 on a platform dedicated to fiscal restraint and military preparedness. During his seven terms, he never voted to spend the taxpayers' money unwisely, never voted to make the nation less secure, never voted to weaken its front line of defense.

He worked quietly and without regard for personal glory, shunning vain theatrics—the mindless posturing that wins headlines and 15 seconds on the nightly news—for solid accomplishment. In a Washington world where a friendly slap on the shoulder often precedes a stab in the back, Robinson's word was his bond. His was the example to which all politicians ought to aspire.

When he left Congress, Robinson returned to Winchester, to the apple orchards at Stony Acres that he loved to tend. Virginia has lost a mighty defender and a cherished friend. Although his passing brings sorrow, it also inspires comfort—joy for the good life he led, and gratitude for his rock-like commitment to the Nation and state he served so well.

Mr. Speaker, I want to say that it is really to our benefit that we were able to have this ceremony. It has been a wonderful and inspiring tribute.

Mr. Speaker, I want to thank everyone who has made the time to be here this evening. I also want to thank those who have generously contributed written remarks to remember and honor J. Kenneth Robinson. He was a distinguished statesman and a great man. We will all miss him. To the family and close friends, I am very happy that you could all be here this evening.

Mr. QUILLEN. Mr. Speaker, I would like to commend the gentleman from Virginia [Mr. SLAUGHTER] for requesting this time today to honor our former colleague, J. Kenneth Robinson of Virginia.

Ken's district in central Virginia was not too far from my own district in east Tennessee, and on a number of occasions we worked together to find solutions to regional problems.

I was fortunate to serve with Ken during the entire 14 years of his tenure in this House. He was always a gentleman, soft-spoken, yet firm in his convictions. He was trusted and respected by his colleagues. This trust was demonstrated when Ken was designated to serve for his last 6 years in the House as the ranking Republican member of the Permanent Select Committee on Intelligence. In this position he was entrusted with the Nation's most sensitive secrets, and had the responsibility to oversee our Nation's intelligence gathering agencies. He did the job and he did it well.

He also played a key role as a member of the Committee on Appropriations. As a member of the Subcommittee on Defense he worked to ensure that this Nation's defenses remained strong. As a member of the Subcommittee on Agriculture, he was able to do much to improve the lives of family farmers in his district and across the Nation.

His quiet strength was a great asset to the Nation when he was a Member of this body.

On a more personal level, I valued his friendship highly, and I will miss him.

Mr. GREEN. Mr. Speaker, I rise today in honor a former colleague, J. Kenneth Robinson, who passed away on April 8, 1990.

As a fellow member of the Appropriations Committee, I always respected Kenneth's views and judged him to be a caring and qualified legislator. He was certainly the kind of congressman every constituent would be proud to have represent him. J. Kenneth Robinson will be missed by all those Members of Congress who were privileged to serve their Nation with him. At this difficult time, I should like to give Kenneth's family my warmest regards.

Mr. HUTTO. Mr. Speaker. I greatly appreciate our colleague Congressman FRENCH SLAUGHTER for making the arrangements for this special order to honor our former colleague Ken Robinson who passed away on April 8. Although I did not know Ken Robinson as well as some of my other colleagues, I did have the greatest respect and admiration for him. In my limited contact with Congressman Robinson I got the distinct impression that he was an individual of high integrity who was serving his district in a dedicated manner.

As a member of the House Armed Services Committee I had the opportunity from time to time to interface with Ken on matters relating to our national defense. I always found him to be very courteous, attentive, and helpful in our discussions. He was much admired by members of both parties and did indeed have many friends in this Body.

Ken Robinson's work in this Body will long be remembered. He is missed by not only his wife of 43 years, Kit, and other members of this family, but by his many friends.

I wish to extend my deepest sympathy to Ken Robinson's family. It is most fitting that we honor this former colleague by recognizing his outstanding contributions to our Nation.

Mr. HORTON. Mr. Speaker, I rise today to pay tribute to a former House colleague and good friend, J. Kenneth Robinson. In looking back over my long career in this body, Kenneth stands out as a leader who served his Virginia district with great distinction.

In 1965, J. Kenneth Robinson assumed the Virginia State Senate seat held by Harry Floyd Byrd, Jr. He was subsequently reelected to this same seat in 1967. After serving in the Virginia State Legislature from 1965 to 1970, Kenneth was elected to the U.S. House of Representatives from the Seventh Congressional District of Virginia.

J. Kenneth Robinson was appointed as a charter member of the House Select Committee on Intelligence and rose in seniority to become the ranking Republican of this important committee.

Kenneth's contribution to the debate on national security issues was invaluable during sometimes difficult episodes in American history.

Kenneth also played a significant role in his position as a member of the House Appropriations Committee. Before he stepped down in January 1985, Kenneth had become the fifth ranking Republican on Appropriations after 14 years of dedicated service.

Finally, I would like to commend my colleague from Virginia—Representative FRENCH SLAUGHTER—for holding this special order to honor J. Kenneth Robinson. My wife, Nancy, and I would like to send our heartfelt condolences to Kenneth's wife, Kathryn, and his entire family.

Mr. SOLOMON. Mr. Speaker, may I first of all thank the gentleman from Virginia for calling this special order in honor of our late colleague, J. Kenneth Robinson. I know I speak for every Member who served with Ken when I say that we learned of his death with great sadness.

When I came to the House in 1979 as a freshman Member, Ken Robinson was one of the first senior Members whom I came to know and admire. Ken had an unpretentious dignity about him, and he was a man who always thought before he spoke. For new Members of Congress, he was an outstanding role model.

But the most important thing I remember about Ken is that he always put the national interest first—I mean first and I mean always. He was a true patriot. Ken represented the Seventh District in Virginia, a district which gave the Nation three of our greatest Presidents—Jefferson, Madison, and Monroe. Ken was proud to represent a district so rich in history. And the responsibility of being true to such a legacy was reflected in Ken's unswerving commitment to the national interest.

Our former minority leader, John Rhodes, used to call Ken the "Rock of Gibraltar." I cannot think of a more appropriate metaphor to describe Ken's principled conservatism, his loyalty, his dignity, and his patriotism. He was, indeed, a tower of strength.

But I have to be candid, Mr. Speaker, and say that there was one important subject on which Ken and I had a sharp difference of opinion: namely, apples. You see, Ken was involved in his family's orchard business before he began devoting full time to public service. And it just so happens that I represent the apple-growing region in upstate New York.

Ken and I had a friendly argument for years about which State grows better apples. I know we have Members who will argue on behalf of Washington and Michigan, but Ken and I knew it all comes down to a choice between New York and Virginia. We never settled the argument, needless to say.

But I have greatly missed Ken since his retirement from Congress 5 years ago. Whatever suffering his last illness may have imposed, he must surely have had the consolation of knowing that his life was a life well spent.

And so again I thank the gentleman from Virginia for giving us this opportunity to pay tribute to Ken Robinson, our friend and colleague. To Ken's family, who is with us today, may I wish Godspeed. Your great loss is ours as well.

Mr. CRANE. Mr. Speaker, his colleagues here in the House of Representatives, and the Nation, lost a friend last month when Ken Robinson passed away.

He was a pleasant person who always seemed to wear a smile when greeting a friend. Ken was a hard worker and as a Member of the House of Representatives he performed an outstanding job for 14 years for his constituents in the Seventh District of Virginia and for the citizens of his country. He had served his country before he entered Congress. During World War II he was an infantryman for 4 years, rising to the rank of major.

He bagan his legislative career in the Virginia State Senate, where he served from 1965 until he resigned following his election to Congress in 1970.

Ken left an indelible mark before he stepped down, forced to retire by poor health and not run for what would have been certain reelection in 1984.

When he moved into retirement in January 1985, Ken was fifth-ranking Republican on the House Appropriations Committee. Over the years he had concentrated on the House Appropriations Committee. Over the years he had concentrated on budgetary matters in the fields of agriculture, defense, and intelligence. He was known as a fiscal conservative who fought for a strong defense. He was an authority on the Nation's intelligence matters and when he left the House he was ranking Republican on the Permanent Select Committee on Intelligence.

May all of us serve our country as well in this House of Representatives as our friend and colleague J. Kenneth Robinson so ably did.

Mr. DE LA GARZA. Mr. Speaker, along with fellow colleagues I was saddened to learn of the recent death of our dear friend and former colleague J. Kenneth Robinson, and it is with sadness that I rise to speak.

It is not easy to condense 14 years of service into a few brief moments, and I know that all of us will remember Kenneth Robinson in different ways, but I want to take this moment to say that the man I met several years after my first coming to these esteemed halls was someone who worked hard for his district and for the State of Virginia. He is also a man who because of his committee responsibilities cut a broader figure with national international responsibility.

Kenneth Robinson is a man who earned our respect and friendship, and I am honored to have known him. I will always remember him as a friend and I will miss him.

Mr. McDADE. Mr. Speaker, I would like to thank Congressman SLAUGHTER for his efforts to organize this tribute to a very special American—J. Kenneth Robinson. I was proud to serve with Ken during his seven terms in the U.S. House of Representatives and to work with him on the Appropriations Committee and Defense Subcommittee.

J. Kenneth Robinson represented the very best of this institution. He was a rock of integrity, a man who truly took this job to heart and a Virginia gentleman in the finest sense of the term. I am honored to have been able to count him as my friend. My deepest sympathies go to his wife, Kit, and their children.

The Nation lost a great American and outstanding public servant with Ken's passing. As a member of the Defense Appropriations Subcommittee and the House Permanent Select Committee on Intelligence, Ken wrestled with some of the most difficult problems the country faced. He put the best interests of this country first, and played a large role in the strengthening of our national security and U.S. intelligence activities.

Ken was also tireless in his efforts on behalf of the best interests of his constituents. He represented a congressional district that was the home of Thomas Jefferson, James Madison, and James Monroe. He had a strong sense of history and a dedication to public service in the best tradition of his region of the country.

Whether he was arguing an issue on the House floor, pursuing Virginia interests in a committee room, meeting with rebels in Afghanistan, or going to bat for his own constituents, Ken always carried out his duties with conviction, dedication, and effectiveness. His voice was one that was always influential and respected.

I have missed having him in the Congress for the past 5 years, and I join with my colleagues today in mourning his death and celebrating his life.

Mr. DICKS. Mr. Speaker, I want to join my colleagues today in remembering a fine public servant, J. Kenneth Robinson. My sympathies go out to his wife Kit and his children on their loss. We will all miss him as a friend.

I had the good fortune to serve 6 years with Ken Robinson on the Defense Appropriations Subcommittee. On that panel, Ken epitomized the bipartisan, cooperative approach that has long been its trademark. While we on occasion disagreed on specific issues, we both shared the desire to provide America with the defense forces needed to meet the challenges of the world. And as much as any Member Ken also recognized his responsibilities to the taxpayers to make certain that we provided those capabilities in a cost-effective manner. There was no greater champion at ferreting out waste and inefficiencies in the Pentagon than Ken Robinson.

I am sure that Ken shared the satisfaction that we all have in seeing world developments confirm the fundamental soundness of free societies, and he can rest in the satisfaction that he played no small role in making this possible. But I also expect that he would share my concern that we not assume that the world is suddenly free from danger.

The legacy of Ken Robinson lives on with all of us who knew him not just as a legislator, but as a honest and decent man who always did his best to represent the interests of his Virginia constituents and the Nation as a whole.

Mr. ROGERS. Mr. Speaker, the shadow of Congressman Ken Robinson of Virginia, the "Rock of Gibraltar" of this House for so many years, lies long over this Congress and this Nation, as we remember his years of service and mourn his death.

Many Members of Congress will stand today and speak the praises of Ken Robinson, and I am honored to be among them. We will speak of how he held his convictions steadfast. His gentlemanly ways. His distinguished service on the Appropriations Committee, and on the Select Committee on Intelligence.

I wonder today, though, what, or who, we would hear on this floor if the speakers were not limited only to the Members of the House of Representatives.

I believe we would hear the voices of a great many people. His colleagues in the orchard business. His friends from the Virginia State Senate. His constituents. Members of the American intelligence community, all over the world. Perhaps even from among the newly free people all over the world, from Central America to Eastern Europe, we might hear people giving thanks for Ken Robinson, who was their "Rock of Gibraltar" for the cause of their freedom.

I wish most, however, that we could hear the words of Ken's adoring and lovely wife Kit, his bride of 43 years.

We, her beloved husband's colleagues in Congress, might hear from her a tale from the campaign trail. From all those long days and nights, driving mile after mile on the rolling Virginia highways, in that old VW bus she called "Kit's Caboodle."

Then again, Kit might not talk about her husband the Congressman at all. She might prefer a story about what a loving father Ken was to their seven children—Patrick, James, and John; Keveney, Helen, and Sallie; and Kenneth, junior, who passed from this Earth before his father.

I had the honor of serving in the House Appropriations Committee with Ken. His tenure on the committee was drawing to a close, while mine was beginning.

He will always be remembered as one of the finest men ever to serve on the committee, and in this House. He loved his country, and he loved the people of the Blue Ridge and Shenandoah Valley. Every conviction he ever held, every decision he ever made, every vote he ever cast, was based on what was right for this Nation, and the people who were privileged to have him in their service.

Congressman J. Kenneth Robinson, the gentleman from Virginia, was an outstanding Member of this House of Representatives.

My sympathies go out to Kit today, to the Robinson children and grandchildren, and to the extended Robinson family all across the Nation. While we, the Members of this House, mourn the passing of a colleague—you mourn for a fine husband, father, grandfather, and brother.

May the fruits of his life continue to bear seed, and yield a bountiful harvest for the generations to come.

Mr. SCHULZE. Mr. Speaker, I rise today to join my colleagues in tribute to the late J. Kenneth Robinson, a distinguished public servant and friend who served this House from 1970 to 1984. He died April 8, at the age of 73.

Ken was born in 1916 in Frederick County, VA, and graduated from Handley High School. He received a bachelor of science degree in horticulture form Virginia Tech in 1937, and entered the family orchard business. Called to serve his country in World War II, he was a major during the war.

In 1965, he became a State senator, until he resigned this position after being elected the U.S. Representative for the Seventh District of Virginia. He earned a reputation as a fiscal conservative and staunch supporter of a strong national defense. When he retired, Ken was ranking Republican on the Permanent Select Committee on Intelligence.

After retiring from Congress, he devoted himself to family business interests.

However, to merely list the events of Kenneth's life is not enough. What made him special was not that he was a Congressman; he was special because of the type of Congressman that he was. His standard of public service approximates an ideal to which we all should aspire.

Giving testimony to the integrity of his service is what has been said about him: "I can attest that he was one of the ablest and one of the most popular Members of the entire Congress," former Senator Harry Byrd, Jr., said. Said another, "He faithfully reflected the views of his constituents." Still another, "I never heard anyone say that he was voting for Robinson because he was the lesser of two evils." He was called "a modest person—someone who enjoyed an almost unparalled breadth and depth of support—an opinion that was so highly valued." Unlike many, Ken was "not motivated by ego."

Ken was rare, he was admirable, and in the House of Representatives we have missed his leadership and friendship. The Commonwealth of Virginia and Kenneth Robinson's family will miss him, much, much more.

Mr. MILLER of Ohio. Mr. Speaker, I want to join with my fellow Members of the House of Representatives in this remembrance of J. Kenneth Robinson. Ken passed away on Palm Sunday, April 8, and we are all saddened to learn of his death.

Ken Robinson very ably represented the good poeple of his congressional district in Virginia for 14 years—from 1970 to 1984. He was clearly devoted to their interests, problems, and concerns. He reflected Virginia's proud heritage and was an able legislator.

When he retired from the House, he was the ranking member of the Select Committee on Intelligence and a senior member of the House Appropriations Committee. I was honored to serve with him on Appropriations. I had the firsthand opportunity to witness his skills as a lawmaker. He carefully studied the important measures before the committee and offered comments about vital issues that were obviously the result of having done his homework. He earned the respect of his colleagues by his deeds both on and off the floor.

I consider it a privilege to join with my colleagues in this tribute to Ken Robinson. He will be greatly missed by those who were fortunate enough to serve in this House—a place he cherished deeply. We've lost a dear friend, a true American patriot. I extend my sincerest sympathy to his lovely wife and his family.

Mr. SPENCE. Mr. Speaker, I want to thank the gentleman for taking this special order to honor the memory of our late colleague, Ken Robinson. While this is a sad day for all of us who were privileged to call him friend and colleague, it is also a day to celebrate the life of a remarkable man.

I came to this body with Ken Robinson. We were freshmen Members of the 92d Congress, and from day one, after taking the oath of office, we became good friends. You couldn't help but be a friend of Ken Robinson. I truly believe that he was a man without guile. He loved people, and his abiding sense of charity and love of others was a hallmark of his entire career.

It has often been pointed out that the State of Virginia and my State of South Carolina are the two most culturally indigenous States in the Union. In fact, the history and develop-

ment of both States is remarkably similar. Ken Robinson loved history. He was justifiably proud of his native State of Virginia and was often referred to as the "Rock of Gibraltar" for his unswerving devotion to the principles of freedom advanced by such Virginians as George Washington, Thomas Jefferson, and Patrick Henry. In my opinion, had he lived during the colonial era there is no question in my mind that he would have stood alongside these famous patriots in their quest to found and build the United States of America.

You know, it is often said that Ken Robinson was a low-key person who rarely regaled his colleagues with speeches on every subject known to man. This is absolutely correct. He was no demagogue, and he made no attempt to impress people with his expertise on every subject. What he was, was one of the most studious and reflective Members ever to serve in this Chamber. Like the John Wayne character in the film "The Quiet Man", Ken Robinson didn't need hyperbole and vociferous phrases to get his point across. He commanded respect by his knowledge, devotion, and courage; courage, by the way, which manifested itself with four years of distinguished service in World War II.

Those of us who spent time with Ken Robinson remember him as a superb storyteller and raconteur. He was a keen observer of life around him, and he had a zest for living unmatched. His life was not without trial and tribulation. The son who took his name, Kenneth Robinson, Jr., died at a young age of leukemia. But, Ken and his dear wife of 43 years, Kit, faced this adversity and tragedy with a kind of quiet courage that served as an inspiration to many others.

Mr. Speaker, I am so very pleased that Kit and other family members are here with us today right up in the gallery. I recall reading somewhere that in one of Ken's campaigns for public office there was a group of supporters, organized by Kit, called "Kit's Kaboodle." I believe the kaboodle was a Volkswagen bus that carried supporters all over his congressional district.

Mr. Speaker, there are so many things to say in praise of Ken Robinson. For instance, long before it became fashionable to talk about campaign finance reform or what to do about excess campaign funds when leaving office, Ken Robinson took the bull by the horns when he left this House and gave the money to charity, civic groups, and institutions of higher learning.

A man like J. Kenneth Robinson doesn't come along every day. He was the epitome of a gentleman—a gentleman of Virginia. All of us can be proud that he served in this body, and those who come after us will do well to emulate his example. To Kit, the children, and grandchildren, I can only say that he enriched my life, and I thank you for sharing him with us.

Mr. PICKETT. Mr. Speaker, I want to thank my distinguished colleague FRENCH SLAUGHTER for requesting this special order so that members would have the opportunity to pay tribute to J. Kenneth Robinson, our widely respected former Member of the House of Representatives, who died on Palm Sunday, April 8, 1990, at the age of 73.

Ken Robinson, represented the Seventh District of Virginia with distinction in this body for 14 years. He will be remembered by all who knew or worked with him as an individual of strong convictions and even temperament. His commitment to fiscal responsibility and individual liberty and initiative was well known, and became a hallmark of his service in this body.

As a member of both the Permanent Select Committee on Intelligence and the Appropriations Committee, Ken used his skills and resources to help mold a lasting framework of security to protect the vital interests of our Nation.

It is gratifying to see that Members from both sides of the aisle and from several States have made a special effort to be present today to participate in this tribute.

My colleague FRENCH SLAUGHTER is to be strongly commended for introducing legislation today to recognize Ken Robinson by designating the postal building in Winchester, VA, as the "J. Kenneth Robinson Postal Building." It will be a tangible reminder of the good work and dedicated service of our friend J. Kenneth Robinson.

Mr. LAGOMARSINO. Mr. Speaker, I rise to pay tribute to the contributions made by Ken Robinson to this body and to our Nation. In committee rooms and on the House floor, he showed a dedication to the principles of freedom and democracy. He knew what his constituents needed and he worked hard to get it.

Few people can boast of the accomplishments that he achieved during his lifetime. His service on the House Permanent Select Committee on Intelligence testifies to his integrity and love of country. America is a free and great country because men like Ken enlist their energies in Government service, and his legacy serves as an example to us all in the ongoing struggle to curtail big government, intrusive government, and excessive regulation.

He was solidly devoted to being a husband of one and a father of six. Perhaps this is the best measure of the man. His personal life, like his public service was rooted in strong principles and values. He always found the time to reach out and to be a mentor.

I know I speak for the American people in expressing my appreciation for Ken Robinson's exceptional contribution and commitment to this great Nation. He will be known as one of our country's finest legislators. He will be greatly missed.

Mr. LIVINGSTON. Mr. Speaker, I thank my colleague from Virginia.

I rise to remember a friend and one of our finest former Members—the Honorable J. Kenneth "Ken" Robinson.

Let me first pay special tribute to his lovely wife Katherine—"Kit"—who came all the way from Winchester to be with us today. And to Ken's six children—Patrick, Ray, Keevney (Keeve-nee), Jim, John, and Sally—as well as his brother, Ray Robinson, Jr.

I first met Ken in 1977, when I was first elected to Congress. For the next 7½ years I served with him, I grew to admire his dedication and envy his expertise. Ken was an able and conscientous legislator whose concern for the well-being of his constituents was exceeded only by his dedication to his family and his country.

Ken will be remembered as an honorable man who carried himself with a quiet dignity. Though he wrestled with problems great and small, as befits a true leader, he always kept his sense of purpose. He led by example, and especially in his final years, Ken's actions spoke volumes about his dedication to freedom and democracy, and the ideals on which this country was founded. He was a pillar of strength on the Intelligence Committee, and I was deeply honored when he gave me his support to succeed him on that committee.

I'm particularly glad Ken saw the world's sudden surge toward democracy in Europe last fall. Like many of us here today, Ken's heart and mind always kept faith with the spirit of those suffering under oppression. The victories of those peoples who threw off the yoke of Communist oppression last year are our victories—and our victories are certainly Ken's victories as well.

Ken Robinson was not flashy, nor was he given to hyperbole. Yet he understood a fundamental principle of leadership—that in the words of England's Lloyd George—no one ever crossed a chasm with two short jumps. And Ken Robinson led his life accordingly.

Ken devoted many of his best years to helping others—be they needy constituents or a freshman Congressman in need of guidance. For many years, he was an important Member here on the Hill—yet he was quiet and unassuming; and only forced his will on those who frustrated his desire to make this a freer world.

Ken's spirit will always be with us, as will his legacies as patriot, leader, devoted husband and caring father.

I know I speak for thousands when I say that I will miss Ken very much.

Mr. GILMAN. Mr. Speaker, it is with a great deal of sadness that I join with our colleagues to pay tribute to a truly outstanding gentleman and a legislator without peer, J. Kenneth Robinson of Virginia's Seventh District.

Ken had already been here for one term when I first came to Congress. But his advice and counsel during my early years in this Chamber were as valuable as was the advice of many Members who were Ken's senior. He had the ability to grasp the issues and to be able to explain them in clear, concise terms.

Ken was a native of the land he loved so much, the rural areas of Frederick County, VA. After graduating from Virginia Technical University with a degree in horticulture in 1937, Ken entered the family orchard business. He proved to be an adept businessperson and a successful apple grower.

Ken's first foray into politics came in 1962, when he lost a close race for Congress against an entrenched incumbent. Three years later, Ken was elected to the Virginia State Senate, filling the seat vacated by Harry F. Byrd, Jr., who was appointed to the U.S. Senate. Ken Robinson was subsequently elected to a full 4-year term in the State senate, but resigned when he was elected to the U.S. House of Representatives in 1970.

During his 14 years of service in this chamber, Ken Robinson distinguished himself as an expert on defense issues and as a leader in budgetary matters affecting agriculture. At the time he left our body, he was ranking minority

member on the Permanent Select Committee on Intelligence.

When Ken retired in 1984, we knew we were losing a valued colleague who was a paragon of integrity and expertise. It must please Ken's widow, Kathryn, his three sons, and three daughters, to know that Kenneth Robinson lived long enough to witness the revolutionary changes in Eastern Europe—changes which came about in great part due to the strong defense posture which Ken always championed in this Chamber.

Mr. Speaker, we have lost a true friend in the passing of J. Kenneth Robinson, the gentleman from Virginia. I join with my colleagues in expressing our sense of shared loss and condolences to his widow, Kathryn, his children, and to the many residents of the Seventh District who knew and loved him.

Mr. CONTE. Mr. Speaker, I would like to thank my friend and colleague, FRENCH SLAUGHTER, for calling this Special Order today. I join him and everyone here in praising the great life of our departed friend, J. Kenneth Robinson.

We have lost a good friend. In his 14 years of service here on Capitol Hill, Ken Robinson proved himself to be a tremendously capable legislator.

As ranking member of the Select Intelligence Committee, a post he assumed in 1979, Ken became, as its Chairman EDDIE BOLAND said, the most thoroughly knowledgeable Member of this House on intelligence matters.

As a fellow member of the Appropriations Committee, I say firsthand depth of his devotion and commitment to hard work. He was a strong advocate on that committee and in this House for improving our Nation's defense.

As those of us here know, however, Ken was more than a good legislator, he was a good man. Our business while serving on the Appropriations Committee often brought us together in travel. Once he was a companion of mine on a trip to Africa. Of such times with Ken, what lives in my memory of him was his great gentle nature. Ken Robinson was a nose-to-the-grindstone Member and big battles of the budget wars digesting a library full of intelligence data, and yet, through it all, Ken was a gentleman's gentleman.

Ken distinguished himself in so many ways. He was a proud graduate of Virginia Tech University. He was a veteran of World War II, who left that conflict with the rank of major. He was a Member of this House, after serving 6 years in the Virginia State Senate and serving as that State's Republican delegation chairman. He was a successful businessman. But more than this, he was a devoted husband to his wonderful wife of 43 years, Kathryn, and a proud parent and grandparent.

There is a great sense of history in this Chamber and in this building. Though we often take our workplace for granted, there are times when we feel the overwhelming presence of those who came before us to serve in this place. The commitment of countless past members to serve this country enriches us every day. I have served in this Chamber for over 31 years. In that time, no greater gentleman has served in this body than J. Kenneth Robinson. Virginia honored itself by sending such a man to this body. This Nation is honored that it can produce such a man. We are all fortunate to have known him and we shall all miss him.

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to my good friend, the late Kenneth Robinson of Virginia, who passed away April 8. Although I had not seen Kenneth for awhile, I thought of him often.

I enjoyed serving with Kenneth from 1970 to 1984. He was an outstanding member of the House Appropriations Committee who worked diligently on the Defense and Agriculture Subcommittees. He was very dedicated to serving his constituents, his State and our Nation.

My wife Lou and I certainly enjoyed our friendship with Kenneth and his lovely wife, Kit. Our hearts and prayers go out to her and the family during this time.

Many people come and go in the Congress and a few leave a lasting mark. Kenneth was certainly one of those who will long be remembered for his many achievements. He was respected and admired by all who knew him.

We will miss him, but we will never forget him.

Mr. SHUMWAY. Mr. Speaker, I would like to thank the gentleman from Virginia for arranging this special order so that we might all pay tribute and bid farewell to our friend and former colleague, J. Kenneth Robinson.

When Ken retired from the House in 1984, I commended his leadership, his statesmanship and his reason. I commented that he had served his district, his State and the Nation diligently and well. Most of all, I pointed out that Ken truly qualified to be called the gentleman from Virginia. However, I refrained from describing an incident of friendly rivalry between us which vividly illustrated all those qualities, and which also resulted in some humorous political cartoons in rural Virginia papers.

Virginia has long been known and praised for its beautiful Shenandoah Valley. My own California district shares the name, via the well-known Shenandoah Vineyard. The problem arose over viticulutral labeling: a then-relatively-fledgling winery in the Shenandoah Valley wanted to use the appellation on its wines. The California Shenandoah protested; the Virginia Shenandoah rebutted. The end result: two Members of this House from the same side of the aisle with just about everything in common confronted each other at a public forum in Harrisonburg, VA, with a full complement of press and public present. In an effort to emulate Ken's gentlemanliness, I will not reveal the outcome of that confrontation.

During that episode, I gained renewed respect for Ken's many attributes. He never forgot that his primary obligation was to serve his constituents, and he did so with caring and diligence. And, while the situation forced him to treat me as at least a temporary adversary, he did so with friendship and respect.

When a man such as J. Kenneth Robinson seeks and holds public office, the entire nation benefits. He left bold marks through his service, particularly with his Appropriations Committee assignment. However, to me, the fond memories of that personal exchange are more precious. I missed Ken when he retired; now, with his passing, those memories will be all the more important. My thoughts and prayers are with his wife and family.

Mr. LENT. Mr. Speaker, Representative Kenneth Robinson and I were classmates together in the 92d Congress. We had been elected on the same day in 1970. During our years together in the House, I came to know, respect, and admire Kenneth as an able legislator, dedicated public servant, and friend. Like many of my colleagues who worked alongside Kenneth, I am deeply saddened by his death, but I'm proud to join in this deserved tribute to an outstanding American citizen.

I have often heard Kenneth Robinson described as the "quintessential citizen statesman, the kind of man our forefathers envisioned to lead the country." An apt description, but I'm sure Kenneth, modest and unpretentious, would politely refuse such glowing praise.

Yet his distinguished record of service in the House supports this enthusiastic acclaim. He served as ranking minority member on the House Select Intelligence Committee and as a longstanding, influential member of the powerful Appropriations Committee. A true Virginia gentleman, Kenneth's word was his bond. His credibility and honesty earned him the trust and respect from members on the other side of the aisle, even when their positions on an issue were 180 degrees apart.

Throughout his career, Kenneth never forgot those he served. As Representative for Virginia's Seventh District for 14 years until his retirement in 1985, he was an effective advocate in Congress for his loyal constituents. Prior to his election to the House, he served for many years in the Virginia State Senate. His legacy of nearly 30 years of dedicated service to his community, to Virginia and our country will be our most enduring memory of J. Kenneth Robinson, a lasting tribute to this great American statesman and public servant.

To his wife, Kit, and their children, my wife Barbara and I offer our heartfelt sympathy. He will be sorely missed, and long remembered.

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentleman from Virginia [Mr. SLAUGHTER] for reserving this time for us to pay tribute to our former colleague and friend, J. Kenneth Robinson who passed away on April 8, 1990.

Those of us who served in the Congress with Kenneth Robinson will always remember him for his hard work, dedication and commitment to his constituency. Kenneth was elected to the House of Representatives in 1970, having served in the Virginia State Senate. During his 14-year tenure in Congress, he earned a reputation as a fiscal conservative and was outspoken on budget issues relating to the agricultural, defense, and intelligence fields.

When he retired in 1985, Kenneth was the ranking minority member of the House Permanent Select Committee on Intelligence and a ranking member of the House Appropriations Committee. I had the honor of serving on both the Intelligence and Appropriations Committee with Kenneth. I respected him for his insight, leadership, and legislative skills. He was a hard worker who never forgot those whose interests he represented in Washington.

Mr. Speaker, J. Kenneth Robinson left a legacy of service and accomplishment to this Congress and our Nation. He will always be remembered. We take this opportunity to extend our deepest sympathy to his wife, Kit, and his family.

Mr. NEAL of Massachusetts. Mr. Speaker, I want to join my colleagues in expressing the condolences of the House to the family of J. Kenneth Robinson. My predecessor, Congressman Edward P. Boland enjoyed a long and productive personal and working relationship with Congressman Robinson. That relationship was highly valued by Mr. Boland, and he asked me to make sure that his tribute to Mr. Robinson was made a part of this special order. I am happy to do so, and want to associate myself with the sentiments Mr. Boland expresses in the remarks which follow:

Mr. Speaker, it is my honor, as a former member of this House, to take part today in this tribute for our late colleague, J. Kenneth Robinson of Virginia. For fourteen years the people of the Winchester area were fortunate to be represented in this great body by J. Kenneth Robinson.

I was fortunate to work closely with Ken on a number of occasions over the years we served together. We served together, first on the Appropriations Committee and then on the House Permanent Select Committee on Intelligence. For a time we had offices across the hall from each other in the Rayburn Building. Running into Ken in the hall as we went to vote on the Floor gave me a great opportunity to get to know him and appreciate his personality. Ken was a very friendly person, easy to know and a joy to be around. Although we sometimes disagreed on policy, there was never a moment when that disagreement affected our personal relationship. I'm sure that any member who served with Ken would agree. He had the wit, intelligence and know-how to be a success on Capitol Hill. I always felt that Ken was one of the finest spokesmen the Republicans had on complex appropriations matters and sensitive national security issues.

On the Appropriations Committee, Ken Robinson could be counted on to study each funding request closely and make an informed decision on how to best spend our federal dollars. Ken kept an eye on the fiscal bottom line, but had a real feel for our country's needs. I believe he was one of the finest members that vital committee has ever had. I noticed the loss of his expertise immediately in the 99th Congress after he had retired.

I cannot say enough about Ken Robinson's work on the House Intelligence Committee. The sensitive mission of this important committee was clear to him from the moment of its creation. Service on the House Intelligence Committee is a responsibility that cannot be taken lightly. Ken had a keen understanding of the complex issues that came before this committee in the difficult days of this country's involvement in several unsettled regions of the world. As the ranking Republican, his counsel and cooperation were invaluable to me. Ken Robinson never lost sight of the long-range foreign policy goals of America, nor of the necessity for effective intelligence collection and analysis as essential means of furthering those goals. He was acutely aware as well of the need for the discretion and secrecy that is necessarily a part of service on the Intelligence Committee.

Mr. Speaker, it was with great sadness that I learned that J. Kenneth Robinson has passed away. It is regrettable that he did not get the opportunity to enjoy a longer retirement. I am sorry that I cannot be on Capitol Hill personally to take part in this tribute organized by Ken's able successor, D. French Slaughter, Jr. I wish to express to Ken's widow Kit and his children present, Jim, Sally and Patrick the great affection and respect I had for Ken. He was a good and decent man, who made many significant contributions to his nation, and he will be greatly missed.

Mr. BROOMFIELD. Mr. Speaker, on April 8, 1990, our country lost one of its finest Congressmen and distinguished public servants. J. Kenneth Robinson's consistency, vision, and sense of purpose left a larger-than-life legacy. I was fortunate to have counted Ken as a friend and a respected colleague.

Ken's work in the House advanced a program of prosperity and economic expansion which continues today. When Ken retired from Congress in 1984, he was the ranking Republican on the House Select Committee on Intelligence and a senior Republican on the Appropriations Committee. His committee assignments enabled Ken to shape critical legislation and insure the administration's policies moved ahead on the legislative agenda.

Ken and I shared similar roots in the State legislature before coming to Congress. As leader of the Virginia Republican delegation in the State assembly, Ken built consensus among his Republican colleagues and fashioned compromise with Democratic legislators. This experience permitted Ken to effectively grasp the role of Federal legislators and win the confidence and admiration of his colleagues. I remember the glowing, personal tributes 6 years ago when Ken left the House. The words of praise were genuine and showed the depth of respect he had earned from Members on both sides of the aisle.

Ken was a Congressman committed to his district which returned him six times to the House. The traditional American values; reverence for hard work, family, and above all a sense of fairness were apparent in his words and the legislation he promoted.

He was a man who contributed great things to his country and the institution he served. I valued his friendship and trusted his council.

Mr. YATES. Mr. Speaker, I was very sorry to learn that Ken Robinson had died. He was a good friend and colleague. We served together on the Appropriations Committee for many a year and for several years we were next door neighbors in the Rayburn Building. While we held very different political views, I admired him greatly.

Ken was a Virginia gentleman in the very best sense of the word. He worked very effectively for the people of his district and this country, and he did it with grace and true dedication that won him many friends in this body and in all parts of the country. I am proud to say that he was my friend.

A good man has left us and I mourn him. I extend my most sincere sympathy to Kathryn, his wife, and to all the Robinson family.

Mr. GOODLING. Mr. Speaker, it is an honor for me to join my colleagues in paying special tribute to J. Kenneth Robinson, a dedicated public servant who should serve as an example for all of us.

I had the special privilege of serving with Ken on the Permanent Select Committee on Intelligence, where he was ranking member. As in all of his endeavors, his service in this capacity was exemplary, and his Nation is very much the better for it. Ken's hard work and dedication, his command of the issues, and his abilities as a debater made him a valuable asset to the committee, as did his recognition of the importance of nonpartisanship.

I was saddened to learn of Ken's death, yet at the same time pleased to know that his contributions as a public servant made a difference and will not be forgotten. I would like to express my sympathy to Ken's wife, Kit, and his family, who are with us today, and to share with them the Nation's gratitude for Ken's service to his community, his State, and the Nation.

Mr. BLILEY. Mr. Speaker, on Palm Sunday, April 8, 1990, our friend and former colleague J. Kenneth Robinson passed away at the age of 73. Ken spent 14 years of his distinguished career serving in this body, steadfastly representing the Seventh District of Virginia, where he was born and had lived his entire life. Virginia has a long tradition of service and leadership to this country. Now added to a long list of celebrated Virginians who have served their country proudly, including eight of our Nation's Presidents, will be the name of J. Kenneth Robinson.

It is impossible for me to stand up here and to convey to you just how much Ken's friendship and guidance through the years have meant to me. When I first came to Capitol Hill in 1980, a freshman Congressman straight from Richmond city politics, Ken adopted me as his little brother and showed me the legislative ropes. He was a mentor without peer. His counsel on defense and intelligence issues was invaluable and provided an education and insight that few of us have the opportunity to receive.

I owe much to Ken. It was his boost that readied me for the chairmanship of the Republican Study Committee. Due to Ken's duties with the Intelligence Committee, he stepped down from the executive committee and made sure that I filled his seat. I consider my friendship with Ken Robinson to be one of the highlights of my congressional career. During the 4 years that our tenure in Congress overlapped, whenever I needed help or advice, Ken's door was always open, and let me assure you, I knocked upon it often.

Republicans and Democrats alike have only praise to lavish on the Virginia gentleman who appropriately earned the nickname Rock of Gibraltar. Never one to be a limelight hound, Ken went about his work quietly and diligently. He was dedicated to public service solely because he enjoyed serving his constituency. He didn't seek any of the personal glory that far too often politicians come to Washington in search of. In fact, during his 14 years in the House, he often worked on legislation that he later had his Democratic colleagues introduce, knowing that as members of the majority party, they had a better chance of having them passed. Ken brought balance in a time of ambiguity and the quick fix. America and

the U.S. Congress have been better for his selfless contribution

Ken left no enemies in his path when he retired from Congress. In fact, shortly before Ken's death, I ran into Edward Boland, the former Member from Massachusetts, who have been the chairman of the House Permanent Select Committee on Intelligence when Ken was the ranking Republican on that committee. Boland first inquired into Ken's health and subsequently launched into lavish praise about his former colleague who had been as far removed as possible from his own political philosophy. Ken's politics were on the right and Boland's were on the left, yet Boland still had tremendous respect for his colleague's positions and his hard work.

That chance meeting in the Halls of the Capitol epitomized Kenneth Robinson's tenure in Congress—he was well known as a man able to work with Members of the opposition party as well as his own. Never brazen and known for doing a superb job, everyone respected Ken for his unwavering devotion to those things he found important and cherished: the Nation, the Commonwealth of Virginia, and his family. Kit Robinson, Ken's wonderful wife of 43 years has joined us today for this special tribute to a great Virginian leader who will be greatly missed.

THE CONSTRUCTION SAFETY, HEALTH, AND EDUCATION IMPROVEMENT ACT OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, last Saturday was American Workers' Memorial Day, and many of us participated in ceremonies memorializing those American men and women who have suffered and died on the job because of unsafe and unhealthy working conditions.

Because of my longstanding concern for the health, safety, and welfare of all American workers, but especially the several million in the construction industry, in honor of those who died on the job and, more importantly, to prevent additional unnecessary deaths and disabilities, last week I introduced the Construction Safety, Health, and Education Improvement Act of 1990.

It is no secret to most of us that construction work is inherently dangerous. I am sure that many of us know someone or of someone who has been killed or injured in a construction accident.

Just over a year ago, Parade Magazine published its listing of the high hazard occupations. Among the 35 blue-collar categories included in the list, construction workers and carpenters' helpers ranked near the middle, No. 14, reporting 33.5 worker deaths per 100,000 workers in the field.

There are those among us who would say that being in the middle of the list, given the expected risks of construction, isn't too bad. But the listing for construction workers and carpenters' helpers isn't the whole story. Even within the construction industry, there are those jobs that carry even higher risk.

Structural metal workers, the guys we see crawling around on the steel girders and beams, rank third among blue-collar workers with 72 deaths per 100,000 workers.

Bulldozer operators, earth drillers, and craft apprentices, all of whom are involved in different phases of construction rank 8th, 9th, and 10th, respectively, and all have death rates per 100,000 workers, well above the 33.5 level for general construction workers.

The public, however, doesn't really become aware of the dangers until a great tragedy occurs, such as the collapse of the building in Bridgeport, CT, in 1987, which claimed 28 workers' lives, or the collapse of the cooling tower in Willow Spring, WV, in 1978, which killed 51 workers.

And these cases are only the tip of the iceberg. You can pick up a newspaper nearly every day and read about a fatality or an injury to a construction worker, and, unfortunately far too often, many accidents and injuries don't even make the news.

I'd like to tell you about just one tragedy which illustrates the need for an office within OSHA exclusively concerned with construction safety and health issues, including the need for more effective enforcement of OSHA standards.

Last February 9, 27-year-old Rickey Dale Johnson was on top of the world. He had been married 2 months earlier, and that day he moved into a new home with his bride.

On February 10, Rickey went to his construction job in Tallahassee, FL where he was learning how to lay sewer pipes. To do his job, Rickey had to get into the ditch where the sewer pipe was.

Tragically, while Rickey was in the ditch, the dirt wall surrounding him caved in. By the time his fellow construction workers and firefighters uncovered his face, Rickey Johnson was dead.

Existing OSHA regulations require that any ditch 5 feet deep or more, as this ditch was, must be braced, shored, or sloped. This ditch wasn't. Not only that, there wasn't even a ladder in the ditch—another violation of existing regulations. Perhaps if some kind of safety specialist had been present on the site, this tragedy could have been avoided.

Rickey Johnson's wife, who was experiencing great happiness a day earlier, now faced life as a widow.

Stories such as these happen all over the United States each day. Just 2 weeks ago, for example, the third worker in 3 months died during the construction of a Ford auto plant.

We can't wait to act. We need to do whatever we can as soon as we can to stop many of these unnecessary deaths.

Until 1970, the issue of protecting the safety of people at their place of employment was largely ignored. Then, Congress created the Occupational Safety and Health Administration [OSHA] to make worksites safer.

I am proud to say, as we approach OSHA's 20th anniversary, that I was an active participant in the floor action on that bill.

But our work is not done. Many industries remain dangerous to employees and foremost among these is the construction industry.

A 1988 study by the Bureau of Labor Statistics found that almost 15 percent of the 5 million full-time construction workers—some 750,000 men and women—can expect to be injured on the job each year. The injury rate for all other workers is less than 9 percent.

And, despite the best efforts of many employers and employees, deaths and serious injuries continue to occur on the construction worksite. According to recent statistics by the National Safety Council, an average of six construction workers die every day on job sites. That is nearly 2,500 workers every year.

In contrast, mining, another occupation on the list of the most hazardous, suffers about 130 deaths each year.

Even more alarming is the number of workers who suffer serious injuries on the worksite. Each year, almost 200,000 workers sustain some type of disabling injury in construction accidents.

What bothers me even more is that the number of construction deaths has remained constant since OSHA was formed in 1970.

Some might say that this statistic is misleading because there are more construction workers now than in 1970. That may well be true, but the truth is that the percentage of construction workers in the total workforce has remained fairly constant.

In 1969, the year before OSHA was enacted, construction workers comprised 4 percent of the work force, and accounted for 15 percent of the fatalities.

Today, construction workers constitute 5 percent of the work force, but account for more than a quarter—26 percent—of all workplace fatalities, nearly double the figure of 20 years ago.

The Building and Construction Trades Department of the AFL-CIO estimates that the bill I have introduced could save as many as 1,500 to 2,000 workers' lives each year, significantly decrease the number of disabling injuries, and conservatively, save between $3 billion and $7.5 billion a year in lost work day costs and other medical expenses.

When I look at these numbers, it's not hard to realize why Lane Kirkland, the president of the AFL-CIO, and others who truly care about the health and safety of workers support the creation of an Office of Construction Safety, Health, and Education in OSHA.

The present OSHA administration is to be commended for its preliminary steps. The Agency's recently announced plans for the Office of Construction and Engineering is just one small step.

Much more is necessary if we are truly going to concentrate on worker safety and health and my legislation provides for that focus.

First, my bill would require that a Deputy Assistant Secretary, who would report directly to the Administrator of OSHA, would head the Office of Construction Safety, Health, and Education.

This would provide the Office with significant standing and visibility in OSHA itself, thereby giving notice that construction safety and health is more than just of passing concern.

Further, under my bill, every construction worksite would be required to operate under a construction safety and health program which would be monitored by a construction safety specialist. This specialist would be responsible for ensuring that the site is safe and that all

workers on that site are adequately and properly trained to perform construction work.

The construction safety specialist can be either an employee of the contractor or an outside individual hired by the contractor, but a specialist would first have to become certified by taking a 40-hour training class in a wide variety of safety issues so that he or she would be able to recognize job-site hazards as well as training or supervising the training of workers to recognize and avoid unsafe working conditions.

The specialist will also be trained to recognize violations of OSHA regulations in order to take preventative actions to correct hazards before an accident results.

We know that personal liability in the event of an accident might make it difficult for contractors to hire these safety specialists. To address that issue, we say that even though the specialist will monitor overall safety at the site, the contractor still will have full responsibility for safety, and thus, would be liable for any accidents or OSHA violations.

An important factor in this legislation concerns the ability of the specialist to order the contractor to halt work in an affected area until a recognized danger is corrected.

Before the specialist stops work in the area, however, he or she must inform the contractor of the problem and give the contractor an opportunity to correct it.

The specialist, therefore, will serve as the first line of defense. He or she will attempt to identify and correct any hazards as soon as possible to prevent injuries and fatalities.

In a recent article, the Dallas Times reported that in three out of four fatal construction accidents in Texas in the 1980's, a violation of OSHA regulations was determined to be a contributing factor. Therefore, we need to correct and eliminate hazards before an accident can happen.

The safety specialists will be trained at a special construction training academy established under this act to ensure that they receive proper and adequate training necessary to be aware of OSHA regulations and to understand the constant change that occurs at a construction site.

The specialist, however, is not the only one who can stop work at a site. This bill, like the Mine Safety and Health Amendments of 1977, which I managed on the floor of the House, permits a worker who believes an imminent danger exists to stop working in that area of the site until a competent individual determines whether or not there is a danger.

If the danger exists, the worker does not have to start work again in that area until the dangerous condition is corrected. If, on the other hand, there is no danger, then the worker must immediately return to work at the site.

This procedure ensures fairness both to the employer and the employee because while employees can stop working if they have a reasonable fear of impending injury, it does not allow for idle claims of impending danger.

Under current regulations, a contractor must report a fatality or an injury involving the hospitalization of five workers to OSHA within 24 hours after the incident. Unfortunately, this can lead to the destruction or loss of valuable evidence for determining the cause of the accident. My legislation would eliminate that delay by placing the safety specialist in control of the site immediately after an accident occurs.

The bill also requires each construction worksite to have a construction safety and health program which covers the general contractor as well as any subcontractors and requires that all employees on the worksite receive general training in health and safety on an annual basis.

This yearly training is important. I often receive information from OSHA about construction deaths and the circumstances surrounding them and usually the accidents have been found to have been preventable, occurring as a result of either violations of OSHA regulations or employee error.

Routine safety training on an annual basis, as well as special training geared toward the type of work the employees are performing, will provide extra opportunities to save lives and prevent disabling injuries.

In addition to the training, safety, and health meetings will have to be held with employees at least once a month to review and update this training.

These meetings, to be held during working hours to ensure attendance, will not only remind workers of existing safety requirements, but inform them of any new safety regulations and of any new and hazardous techniques to be used on the job.

The sessions will also help workers recognize those unsafe conditions where there is the potential for an accident so that they can be corrected before injuries and fatalities occur.

This act also will establish a new and better system for OSHA inspections of construction worksites. We all know that OSHA does not have sufficient funds to inspect every one of the millions of construction worksites that exist right now.

OSHA, therefore, will have to focus its efforts, inspecting those sites which pose the greatest danger to workers—either because of the engineering techniques being used or because of the safety record of the contractor.

A report issued by the National Bureau of Economic Research suggested that OSHA inspections can have an enormous impact in reducing injuries.

The report, written by economists Wayne Gray and John Scholz, noted that a 10-percent increase in the number of OSHA inspections each year would reduce annual injuries by 1.6 percent.

More importantly, the effect of that OSHA inspection would be felt for as much as another 2 or 3 years in terms of on-the-job injuries.

It is no secret that those inspections would and should be applicable to construction worksites.

Just think—for each 10 percent increase in OSHA inspections at construction sites, we could perhaps prevent up to 3,200 disabling injuries and 40 deaths each year for 2 to 4 years.

And if OSHA, as required by this legislation, was focusing on the bad actors in the construction industry, we might be able to prevent more fatalities and disabling injuries.

Let me stress that no worksite will or should ever be exempted from inspection, and, in fact, many worksites not specifically targeted for inspection will be randomly inspected.

But by focusing inspections on high risk construction activities and on contractors with poor safety records, we may be able to get more value for the dollars directed toward construction safety and health activities.

How will OSHA be able to compile a list of construction worksites? My bill provides that before any work is started at a site, the safety specialist, rather than the contractor, must file a short report with OSHA which would include the location of the job and its projected length of time, a description of the work and the number of employees involved.

I want to emphasize that the majority of contractors do follow OSHA regulations and are greatly concerned about the welfare of their workers. Still, as I said, too many construction workers are being killed, maimed, and injured on the job.

One reason that it is so difficult to prevent those deaths and injuries is the failure of OSHA to impose significant penalties on violators.

At present, the maximum fine which can be imposed is $1,000 for each serious violation and $10,000 for a willful or repeated violation, and often the fines are considerably lower or are reduced during the settlement process.

The travesty of this activity is demonstrated by the Dallas Times' article which I cited earlier. As I said, in three out of every four construction deaths in Texas in the 1980's, the contractor was cited by OSHA for a violation. Incredibly, the average fine was a mere $350.

We need higher maximum fines so that we don't have the situation where employers can ignore OSHA regulations knowing that any fines will be negligible. This act strengthens these fines.

Under my bill when an employer recklessly or willfully violates an OSHA rule which causes serious injury, a fine of up to $25,000 per violation can be imposed.

The fine can be up to $50,000 per violation if the violator is a repeat offender. When a violation leads to a death, a fine of up to $50,000 per violation is allowable, and up to $100,000 per violation for repeat violators.

These new penalties do not mean that every OSHA violator will be given the maximum penalty. In fact, most violators will probably get a substantially lower fine.

But in cases where there has been a gross indifference to the law, we need a strong monetary disincentive so that those employers who don't care about worker safety will find it cheaper to follow OSHA regulations than to ignore them.

The bill also contains a provision which will not allow the actual fine to be lower than half of a proposed OSHA fine when a settlement is reached.

Contractors, therefore, will not be able to sidestep their responsibility simply by settling with OSHA.

I don't deny that there may be some additional costs associated with having a safety specialist on each worksite, reporting to OSHA about the site before work is begun, and training employees.

But these extra costs will be more than offset by the benefits obtained from the bill in terms of workers' lives and money saved in lost workdays.

To those who say that OSHA can make these changes administratively, I respectfully disagree. While the present OSHA leadership appears to be dedicated to construction safety, this does not mean that future administrations will be as sympathetic to this issue.

What if the next head of OSHA decides that a specialist is not needed on each worksite? What if it's decided that records no longer need to be kept by contractors?

The only way to permanently ensure that we have these necessary protections for construction workers is through legislation. Legislation will prevent these vital safeguards from ever being taken away from construction workers.

Mr. Speaker, we all know these are times of budget constraints. But can we afford to tell America's workers that their lives aren't important?

As we consider last Saturday, the American Workers' Memorial Day, let us commit ourselves to acting to prevent as many of those deaths as we can.

This legislation is a place to start. It is a logical extension of the Occupational Safety and Health Act of 1970. That act is general and applies to all workplaces.

Given the expected and known hazards of construction work, the bill that I introduced last week will fill an important gap in the effort to make our workplaces safer and healthier so that American workers, both men and women, can enjoy fruitful lives today and tomorrow.

FRANKING REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 20 minutes.

Mr. MICHEL. Mr. Speaker, today I introduced a resolution which attempts to bring our franking use under control.

For the Members' convenience, I have prepared a section-by-section analysis and am also providing the resolution:

SECTION-BY-SECTION ANALYSIS

Section 1. Official mail allowance.

Establishes individual Member accounts for franked mail (House administration will establish criteria and allocation for accounts). Excess money in this account may not be transferred to any other account, but if the official mail account is exhausted, funds from official expense allowance may be used to buy postage in lieu of the frank.

No amount may be transferred from the Official Mail Allowance to any other allowance of a Member of the House.

Prohibits use of official mail allowances to pay for "express mail" (the premium paid for delivery of postal patrons and meeting notices). This provision will forbid Members to send mass mailings by express mail.

Section 2. Limited use of official expenses for postage.

Members are allowed to use funds from Official Expense Allowance to purchase postage (in lieu of the frank) once the mail account has been exhausted.

Section 3. Session limitation on use of public document envelopes by Members of the House.

Franked public document envelopes that are currently made available to Members may be used by the Member only in that session of Congress in which allocated.

Section 4. Limitation on use of gummed and adhesive franked labels.

Gummed and adhesive franked labels may be used only as permitted by regulations prescribed by the Committee on House Administration.

Section 5. Printing of the frank to be performed only through the Government Printing Office.

Section 6. Definitions.

Section 7. Amendments to rule XLVI of the Rules of the House of Representatives.

After December 31, 1990 the respective amount of meeting notices and postal patron mailings permitted to be mailed in a year will be cut to two. This provision is a strict limit on each, therefore, Members could not mail 3 postal patrons and 1 meeting notice.

A Member, before making any mass mailing, must submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether the proposed mailing is in compliance with applicable provisions of law, rule, or regulation. Advisory opinions for direct response mailings of more than 500 pieces will now be required.

The Clerk of the House will be required, semi-annually, to prepare and make available for public inspection the total number of mass mailings made by each Member during the said year and the total number of pieces of mail in each such mailing.

Postal patrons and meeting notices shall contain the following notice: "Prepared, published, and mailed at taxpayer expense".

H. RES. —

Resolved,

SECTION 1. OFFICIAL MAIL ALLOWANCE.

(a) IN GENERAL.—There is established an Official Mail Allowance for mailing under the frank by Members of the House of Representatives. The allowance shall be available to Members—

(1) in such amounts as may be provided in appropriation Acts; and

(2) in accordance with such regulations as may be prescribed by the Committee on House Administration of the House of Representatives, taking into consideration the population of each congressional district, the number of addresses and households in each congressional district, and any other pertinent factor.

(b) LIMITATIONS.—

(1) No amount may be transferred from the Official Mail Allowance to any other allowance of a Member of the House of Representatives.

(2) The Official Mail Allowance shall not be available for payment of any express mail drop shipment fee or postage with respect to a mass mailing.

SEC. 2. LIMITED USE OF OFFICIAL EXPENSES ALLOWANCE FOR POSTAGE.

The Official Expenses Allowance shall be available to a Member of the House of Representatives for the purchase of postage for official business if—

(1) by reason of law or other authority, the frank may not be used for the postage; or

(2) the balance available to the Member under the Official Mail Allowance is insufficient to cover the postage.

SEC. 3. SESSION LIMITATION ON USE OF PUBLIC DOCUMENT ENVELOPES BY MEMBERS OF THE HOUSE OF REPRESENTATIVES.

Franked public document envelopes that, by law or other authority, are made available to a Member of the House of Representatives on a monthly basis may be used by the Member only in the session of Congress in which the month involved occurs.

SEC. 4. LIMITATION ON USE OF GUMMED AND ADHESIVE FRANK LABELS.

Gummed and adhesive frank labels may be used for mailing by Members, officers, and employees of the House of Representatives only as permitted by regulations prescribed by the Committee on House Administration of the House of Representatives.

SEC. 5. PRINTING OF THE FRANK TO BE PERFORMED ONLY THROUGH THE GOVERNMENT PRINTING OFFICE.

Printing of the frank of any Member, officer, or employee of the House of Representatives, on envelopes or otherwise, may be performed only through the Government Printing Office.

SEC. 6. DEFINITION.

As used in this resolution—

(1) the term "mass mailing" has the meaning given that term in section 3210(a)(6)(E) of title 39, United States Code; and

(2) the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner, to, the Congress.

SEC. 7. AMENDMENT TO RULE XLVI OF THE RULES OF THE HOUSE OF REPRESENTATIVES.

(a) POSTAL PATRON MAILINGS.—Clause 2 of rule XLVI of the Rules of the House of Representatives is amended—

(1) by striking "After December 31, 1977," and inserting "(a) After December 31, 1990,";

(2) by striking "six multiplied by" and inserting "two multiplied by";

(3) by striking the second sentence; and

(4) by adding at the end the following new paragraph:

"(b) Any mail matter which relates solely to a notice of appearance or a scheduled itinerary of a Member in the area from which such Member was elected shall not count against the limitation set forth in paragraph (a). However, the total number of pieces of mail (relating solely to any such notice or scheduled itinerary) which may be mailed by a Member during any calendar year as franked mail under section 3210(d) of title 39, United States Code, may not exceed the total number allowable under paragraph (a) (with respect to mail matter subject to such paragraph) during such calendar year.".

(b) MASS MAILINGS.—

(1) Clause 3 of rule XLVI of the Rules of the House of Representatives is amended—

(A) by striking "Any" and inserting "(a) Any"; and

(B) by adding at the end the following new paragraph:

"(b) A Member shall, before making any mass mailing (including mailings in direct response to communications from persons to whom the matter is mailed, but excluding mailings subject to paragraph (a)), submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether such proposed mailing is in compliance with applicable provisions of law, rule, or regulation.".

((2) Rule XLVI of the Rules of the House of Representatives is amended—

(A) by redesignating clause 7 as clause 9; and

(B) by inserting after clause 6 the following new clauses:

"7. The Clerk of the House of Representatives shall prepare to make available for public inspection, on a semiannual basis, and based solely on data which shall be provided for that purpose by the Committee on House Administration, a report on the number of mass mailings made by each Member during the period covered by each report, and the number of pieces of mail in each of those mass mailings.

"8. A mass mailing by a Member shall contain the following notice in a prominent place on the cover page of the document: 'PREPARED, PUBLISHED, AND MAILED AT TAXPAYER EXPENSE'.".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the beginning of the 102nd Congress.

PROPOSED CUT IN COSTS OF FRANKED MAIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. FRENZEL] is recognized for 60 minutes.

Mr. FRENZEL. Mr. Speaker, today I have introduced House Resolution 386 to curb the costs of franked mail in the House.

As estimated by the U.S. Postal Service, the franking deficit for the House will exceed some $38 million in fiscal year 1990. Based on historical trends for House franked mail, USPS estimated that the House will mail some 532 million pieces of mail. Others have even more alarming estimates of a $42 million franking deficit.

It is particularly interesting to compare this year's franking volume with that of fiscal year 1988's volume of 548 million pieces. In fiscal year 1988, Members were permitted to mail up to six postal patron mailings, while in fiscal year 1990 Members could only mail up to three. Last year's measures were helpful, but obviously, Members' mailing creativity has further diminished our baby-step efforts. Clearly, franking overdrafts are out of control.

On the other hand, the Senate adopted a number of reforms last year which has since resulted in a $6 million surplus in the Senate's appropriation. Many of those same reforms, in addition to others, are included in my resolution. The Senate deserves high praise for its courage in reducing mail costs. I hope the House will have the same courage.

A section-by-section summary follows:

SECTION-BY-SECTION ANALYSIS

Section 1. Official Mail Allowance.

Establish an Official Mail Allowance Account: (1) In amounts as may be provided in Appropriation Acts; (2) in accordance with regulations prescribed by Committee on House Administration taking in account—

Population of each Congressional District;

Number of addresses and households in each district;

Any other pertinent factor;

Prohibition on transferring funds from Official Mail to any other allowance; and

Prohibition on use of Official Mail for payment of any drop shipment fee or postage with respect to a mass mailing.

(Sets up a 3rd internal House Account—Clerk Hire, Official Allowance and 3rd—Official Mail.)

Section 2. Limited use of official expenses for postage.

Official Expense Allowance shall be available to House Members for postage for official business if: (1) By reason of law or other authority the frank may not be used for postage; or (2) the balance in Official Mail Allowance is insufficient to cover the postage.

(Permits Members to continue responding to their constituents by purchasing postage stamps for official mail out of official allowance for use in lieu of the frank.)

Section 3. Session limitation on use of public document envelopes by Members of the House of Representatives.

Franked public document envelopes that are currently made available to Members of 40,000 envelopes per month may be used by the Member only in the session of Congress in which the month involved occurs.

(Changes envelope accumulation from a Congress to a session.)

Section 4. Limitation on use of gummed and adhesive frank labels.

Gummed and adhesive frank labels may be used only as permitted by regulations prescribed by the Committee on House Administration.

(Permits House Administration Committee to regulate gummed, franked labels if necessary. Labels are not currently limited.)

Section 5. Printing of the frank to be performed only through the Government Printing Office.

Limits the printing of the franks used by the House of Representatives to the Government Printing Office in an effort to control their reproduction.

Section 6. Definitions.

Mass mailing as defined in section 3210(a)(6) of title 39 U.S.C.

Section 7. Postal Patron mailings.

Newsletters: Total newsletter/Postal Patron mailings cannot exceed (1) one times the number of addresses to which Member was elected as determined by the most recent statistics from USPS available prior to such legislative year.

Town meeting notices: Total notices of appearance or town meeting notices cannot exceed (1) one times the number of addresses to which Member was elected as determined by the most recent statistics from USPS available prior to such legislative year for a total of two mailings annually; one newsletter and one town meeting notice.

Prior review required: The definition of "mass mailing" for this section is amended to include mail in direct response to constituents under the requirement of mail over 500 pieces for which a written advisory is required.

Reporting requirement: Requires disclosure in the CONGRESSIONAL RECORD on a semi-annual basis; first reporting through June and the second report through the end of the legislative year. Disclosure showing total mass mailings and total pieces of mail.

Notice of taxpayer financing of mailings: All mass mailings shall contain the following notice in a prominent place on the cover page of the document: Prepared, Published, and Mailed at Taxpayer Expense.

Effective date: Beginning of the 102d Congress.

SENATE ENROLLED JOINT RESOLUTION SIGNED

[Inadvertently omitted from the Congressional Record on May 1, 1990.]

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 153. Joint resolution designating the third week in May 1990 as "National Tourism Week."

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

[Inadvertently omitted from the Congressional Record on May 1, 1990.]

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 756. An act for the relief of Shelton Anthony Smith;

H.J. Res. 553. Joint resolution to make technical changes in the Ethics Reform Act of 1989; and

H.J. Res. 546. Joint resolution designating May 13, 1990, as "Infant Mortality Awareness Day."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KYL (at the request of Mr. MICHEL), from 3:30 p.m. today and tomorrow, May 3, on account of attending a funeral.

Mr. LIGHTFOOT (at the request of Mr. MICHEL), for today, on account of personal reasons.

Mr. SMITH of Florida (at the request of Mr. GEPHARDT), on May 2 and May 3, on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders herefore entered, was granted to:

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mr. IRELAND, for 60 minutes, on May 8.

Mr. MICHEL, for 20 minutes, today.

Mr. MCEWEN, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. ALEXANDER, for 5 minutes, today.

Mr. AUCOIN, for 5 minutes, today.

Mr. TAUZIN, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MFUME, for 60 minutes, on May 3.

Mr. MONTGOMERY, for 60 minutes, on May 10.

(The following Member (at the request of Mr. MCEWEN) to revise and extend their remarks and include extraneous material:)

Mr. FRENZEL, for 60 minutes, today.

(The following Member (at the request of Mr. ALEXANDER) to revise and extend their remarks and include extraneous material:)

Mr. ESPY, for 60 minutes, on May 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WOLF) and to include extraneous matter:)

Mr. FIELDS.

Mr. CAMPBELL of California in two instances.

Mr. CRANE.

Mr. GEKAS.

Mr. BROOMFIELD in two instances.

Ms. ROS-LEHTINEN in three instances.

Mr. SOLOMON.

Mr. GILMAN.

Mr. BROOMFIELD in two instances.

Mr. MYERS of Indiana.

Mr. GALLO.

Mr. BURTON of Indiana.

Mrs. MORELLA.

Mr. STUMP.

Mr. SCHULZE.

Mr. WALKER.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. THOMAS A. LUKEN.

Mr. SMITH of Florida.

Mr. HAMILTON.

Mr. TORRICELLI.

Mr. DYMALLY.

Mr. NELSON of Florida.

Mr. YATRON in two instances.

Mr. ORTIZ.

Mr. LEVINE of California.

Mr. KILDEE.

Mr. CLAY.

Mr. FEIGHAN.

Mr. MOODY.

Mr. LANTOS.

Mr. SCHUMER.

Mr. ACKERMAN.

Mr. WEISS.

Mr. TRAFICANT in three instances.

Mr. PANETTA.

Mr. SANGMEISTER.

Mr. KENNEDY.

Mr. ROYBAL.

Mr. LIPINSKI.

Mr. FORD of Michigan.

Ms. PELOSI.

Mr. PALLONE in two instances.

Mr. NEAL of Massachusetts.

Mr. GAYDOS.

Mrs. LOWEY of New York in two instances.

Mr. ENGEL in two instances.

Mr. WOLPE.

Mr. TORRES in two instances.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 294. Joint resolution to designate May 4, 1990, as "Department of Education Day;" to the Committee on Post Office and Civil Service.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following title:

S. 1485. An act to grant the consent of Congress to the Quad Cities Interstate Metropolitan Authority Compact entered into between the States of Illinois and Iowa;

S. 2533. An act to amend the Federal Aviation Act of 1958, to extend the civil penalty assessment demonstration program, and for other purposes;

S.J. Res. 224. Joint resolution to designate the month of May 1990, as "National Trauma Awareness Month;"

S.J. Res. 230. Joint resolution to designate the period commencing on May 6, 1990, and ending on May 12, 1990, as "National Drinking Water Week;"

S.J. Res. 236. Joint resolution designating May 6 through 12, 1990, as "Be Kind to Aminals and National Pet Week;" and

S.J. Res. 241. Joint resolution to designate the week of May 6, 1990 through May 13, 1990, as "Jewish Heritage Week."

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, May 3, 1990, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3108. A letter from the President, Oversight Board; Executive Director, Resolution Trust Corporation, transmitting a joint report on the activities of the Board and the Corporation covering the period October 1, 1989, through March 31, 1990; to the Committee on Banking, Finance and Urban Affairs.

3109. A letter from the Executive Director, District of Columbia Retirement Board, transmitting financial disclosure statements of Board members for calendar year 1989, pursuant to D.C. Code Section 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

3110. A letter from the Secretary of Education, transmitting a draft of proposed legislation to revise and extend the authority to award endowment grants to Howard University, and for other purposes; to the Committee on Education and Labor.

3111. A letter from the Director, Bureau of Land Management, transmitting a copy of a report entitled, "Draft Environmental Assessment, Proposed North Las Vegas Land Transfer," pursuant to 43 U.S.C. 1713(c); to the Committee on Interior and Insular Affairs.

3112. A letter from the Department of the Interior, transmitting a draft of proposed legislation to amend the High Plains States Groundwater Demonstration Program Act of 1983 (98 Stat. 1675) to authorize additional appropriations, and for other purposes; to the Committee on Interior and Insular Affairs.

3113. A letter from the Secretary, the Foundation of the Federal Bar Association, transmitting a copy of the association's audit report for the fiscal year ending September 30, 1989, pursuant to 36 U.S.C. 1101(22), 1103; to the Committee on the Judiciary.

3114. A letter from the Assistant Secretary of the Treasury (Tax Policy), transmitting a draft of proposed legislation to amend the Omnibus Budget Reconciliation Act of 1987, Public Law 100-203, to extend the existing user fees on each request for a letter ruling, determination letter, opinion letter, or other similar ruling or determination from the Internal Revenue Service; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee of conference. Conference report on H.R. 2364 (Rept. 101-471). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. FASCELL: Committee on Foreign Affairs. H.R. 4610. A bill to authorize assistance for fiscal year 1991 for emerging democracies in Eastern Europe and Central America, to enact foreign assistance authorization legislation, to authorize appropriations for the Peace Corps, the Department of State, and the U.S. Information Agency, and for other purposes; referred to the Committees on Agriculture and Merchant Marine and Fisheries for a period ending not later than May 7, 1990, for consideration of such provisions of the bill as fall within the jurisdiction of those committees pursuant to clause 1 (a) and (n), rule X, respectively (Rept. No. 101-472, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TAUZIN (for himself, Mr. LIVINGSTON, Mr. BAKER, Mr. MCCRERY, Mr. HUCKABY, Mr. HAYES of Louisiana, and Mr. HOLLOWAY):

H.R. 4703. A bill to restore and conserve wetlands of the United States; jointly, to

the Committees on Public Works and Transportation and Ways and Means.

By Mr. BROWN of Colorado:

H.R. 4704. A bill to direct the Secretary of the Army to transfer the Pinon Canyon Maneuver Site remnant lands to the Secretary of Agriculture for the purpose of protecting the paleontological, archeological, and natural resources on those lands; jointly, to the Committees on Armed Services and Agriculture.

By Mr. CAMPBELL of California:

H.R. 4705. A bill to amend title 32, United States Code, to require States to allow space at National Guard facilities to be used to provide overnight shelter for homeless individuals when that space is not actively being used for National Guard purposes; to the Committee on Armed Services.

H.R. 4706. A bill to prohibit Federal assistance for housing program administrative costs to States and local governments that do not limit liability relating to food donations for homeless individuals; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CAMPBELL of California (for himself, Mr. RITTER, Mr. HYDE, Mr. BOEHLERT, Mr. BUECHNER, Mr. INHOFE, Mr. PURSELL, and Mr. HILER):

H.R. 4707. A bill to amend the Internal Revenue Code of 1986 to discourage highly leveraged corporate takeovers by allowing a deduction for dividends paid by domestic corporations; to the Committee on Ways and Means.

By Mr. CAMPBELL of California (for himself, Mr. RITTER, Mr. PURSELL, Mr. HYDE, Mr. BOEHLERT, Mr. BUECHNER, Mr. INHOFE, and Mr. HILER):

H.R. 4708. A bill to amend the Internal Revenue Code of 1986 to allow a charitable deduction for corporate contributions of employee services to educational organizations; to the Committee on Ways and Means.

H.R. 4709. A bill to amend the Internal Revenue Code of 1986 to provide a 50-percent capital gains exclusion for certain business stock held for more than 2 years; to the Committee on Ways and Means.

By Mr. CAMPBELL of California (for himself, Mr. ECKART, Mr. BRUCE, Mr. PURSELL, Mr. HYDE, Mr. BOEHLERT, Mr. BUECHNER, Mr. INHOFE, Mr. HILER, Mr. RITTER, Mr. CHAPMAN, and Mr. HUCKABY):

H.R. 4710. A bill to exclude during the course of any unfair import trade practice investigation involving an infringement of a patent, copyright, trademark, or mask work the entry into the United States of the articles concerned upon a prima facie of such infringement; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mr. UDALL, and Mr. MCMILLEN of Maryland):

H.R. 4711. A bill to provide for youth sport programs at public housing projects that have substantial drug problems; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DANNEMEYER:

H.R. 4712. A bill to amend title 28, United States Code, to establish a new judicial district in California to be comprised of Orange, Riverside, and San Bernardino Counties; to the Committee on the Judiciary.

By Mr. DE LA GARZA:

H.R. 4713. A bill entitled, "Agricultural Resources Conservation Act of 1990"; to the Committee on Agriculture.

By Mr. KOSTMAYER:

H.R. 4714. A bill to provide for the establishment of farmland resource conservation programs, and for other purposes; to the Committee on Agriculture.

By Mr. LEVINE of California (for himself, Mr. RITTER, Mr. VALENTINE, Mr. BROWN of California, Mr. MINETA, Ms. SCHNEIDER, Mr. FAZIO, Mr. BRUCE, Mr. NAGLE, Mr. SCHEUER, Mr. WOLF, Mr. JOHNSTON of Florida, and Mrs. BENTLEY):

H.R. 4715. A bill to provide for the formation of an industry-run, Government-chartered, nonprofit corporation for research, development, and manufacturing activities in the strategic high-technology sector, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. MYERS of Indiana (by request):

H.R. 4716. A bill to reform the Federal pay system, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OLIN:

H.R. 4717. A bill to suspend temporarily the duty on textile winding or reeling machines; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Ms. SCHNEIDER, Mr. HUGHES, Mr. PALLONE, Mr. ROE, Mr. GALLO, Mr. COURTER, Mr. DWYER of New Jersey, and Mr. CARPER):

H.R. 4718. A bill to place a moratorium on the fishing of Atlantic striped bass within waters under the jurisdiction of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHULZE:

H.R. 4719. A bill to temporarily waive certain tax provisions which, because of their uncertain applicability, discourage tax-exempt organizations from providing assistance to emerging democratic groups in Eastern Europe; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself and Mr. MOODY):

H.R. 4720. A bill to amend the Internal Revenue Code of 1986 to encourage savings by allowing an advance deduction for amounts to be contributed to individual retirement plans, and for other purposes; to the Committee on Ways and Means.

By Mr. SLAUGHTER of Virginia (for himself, Mr. BATEMAN, Mr. BLILEY, Mr. BOUCHER, Mr. OLIN, Mr. PARRIS, Mr. PAYNE of Virginia, Mr. PICKETT, Mr. SISISKY, and Mr. WOLF):

H.R. 4721. A bill to designate the Federal building located at 340 North Pleasant Valley Road in Winchester, VA, as the "J. Kenneth Robinson Postal Building"; to the Committee on Post Office and Civil Service.

By Mr. TAUKE (for himself, Mr. GRANDY, Mr. LEACH of Iowa, Mr. LIGHTFOOT, and Mr. SMITH of Iowa):

H.R. 4722. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received under any State in-home care program by an individual for care of a member of such individual's family; to the Committee on Ways and Means.

By Mr. TORRICELLI (for himself and Mr. RINALDO):

H.R. 4723. A bill to amend the Federal Food, Drug, and Cosmetic Act to define light butter; to the Committee on Energy and Commerce.

By Mr. COLEMAN of Missouri:

H.J. Res. 560. Joint resolution proposing an amendment to the Constitution of the United States to prohibit the Supreme Court or any inferior court of the United States from ordering the laying or increasing of taxes; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.J. Res. 561. Joint resolution designating October 1 through October 7, 1990, as "National Federal Bar Association Recognition Week"; to the Committee on Post Office and Civil Service.

By Mrs. BENTLEY (for herself, Ms. ROS-LEHTINEN, Mr. PENNY, Mr. GALLEGLY, Mr. KYL, Mr. LENT, Mr. SMITH of Florida, Mr. HORTON, Mr. DORNAN of California, Mr. COX, Mr. SIKORSKI, Mr. TRAFICANT, Mr. RINALDO, Mr. LAGOMARSINO, Mr. DOUGLAS, Mr. TAUKE, Mrs. VUCANOVICH, Mr. BILIRAKIS, Mr. STUMP, Mr. CONDIT, Mrs. MARTIN of Illinois, Mr. LIPINSKI, Mr. HEFLEY, and Mr. CRAIG):

H. Con. Res. 319. Concurrent resolution to condemn the role of Cuba in international drug trafficking; to the Committee on Foreign Affairs.

By Mr. FRENZEL (for himself and Mr. THOMAS of California):

H. Res. 386. Resolution establishing an allowance for official mail, reducing from 3 to 1 the factor used in limiting the amount of postal patron mail allowable in any year, and otherwise providing for controls on the cost of mailing by Members of the House of Representatives; jointly, to the Committees on House Administration and Rules.

By Mr. MICHEL (for himself and Mr. FRENZEL):

H. Res. 387. Resolution establishing an allowance for official mail, reducing from 3 to 2 the factor used in limiting the amount of postal patron mail allowable in any year, and otherwise providing for controls on the cost of mailing by Members of the House of Representatives; jointly, to the Committees on House Administration and Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

379. By the SPEAKER: Memorial of the Assembly of the State of California, relative to Lithuania; to the Committee on Foreign Affairs.

380. Also, memorial of the State Senate of Minnesota, relative to the Civilian Conservation Corps; to the Committee on Interior and Insular Affairs.

381. Also, memorial of the Assembly of the State of California relative to oilspills; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mr. EDWARDS of California.

H.R. 41: Mr. JACOBS and Mr. ENGEL.

H.R. 60: Mr. LEWIS of California, Ms. ROS-LEHTINEN, Mr. VOLKMER, Mr. HARRIS, Mr. WOLF, Mr. NAGLE, and Mr. ROSE.

H.R. 200: Mrs. MARTIN of Illinois.

H.R. 446: Mr. SMITH of Vermont, Mr. GALLO, Mr. HALL of Ohio, and Mr. RINALDO.

H.R. 655: Mr. SERRANO.

H.R. 844: Mr. HANCOCK.

H.R. 1068: Mr. IRELAND, Mr. LAFALCE, Mr. MOAKLEY, Mr. RAVENEL, Mr. HAMILTON, Mr. HOCHBRUECKNER, Mr. CARR, and Mr. STAGGERS.

H.R. 1141: Mr. INHOFE.

H.R. 2316: Mr. GINGRICH.

H.R. 2353: Mr. OLIN.

H.R. 2373: Mr. THOMAS A. LUKEN, Mr. ATKINS, Mr. ESPY, and Mr. ENGEL.

H.R. 2380: Mr. ROYBAL, Mr. ANNUNZIO, Mr. SAVAGE, Mr. DICKINSON, Mr. DANNEMEYER, Mr. KLECZKA, Mr. PORTER, and Mr. COX.

H.R. 2437: Mr. CRAIG and Mr. LAUGHLIN.

H.R. 2460: Mr. FLIPPO and Mr. COOPER.

H.R. 2881: Mr. OWENS of New York.

H.R. 2951: Mr. BATES and Mr. DYSON.

H.R. 2952: Mr. BATES and Mr. DYSON.

H.R. 3119: Mr. GINGRICH and Mr. SMITH of New Hampshire.

H.R. 3158: Mr. FLIPPO, Mr. TRAFICANT, Mr. HASTERT, Mr. STANGELAND, Mr. LEACH of Iowa, Mr. GEJDENSON, and Mr. GOODLING.

H.R. 3251: Mrs. MARTIN of Illinois.

H.R. 3321: Mr. BONIOR.

H.R. 3423: Mr. ENGEL.

H.R. 3489: Mr. EMERSON, Mr. FROST, Mr. LEWIS of Florida, Mr. MACHTLEY, Mr. MCEWEN, Mr. PAXON, Mr. POSHARD, and Mr. SKEEN.

H.R. 3500: Mr. FEIGHAN.

H.R. 3603: Mr. MCDERMOTT, Mr. BROWN of Colorado, Mr. MANTON, Mr. BRUCE, Mr. HALL of Texas, Mr. PERKINS, Mr. TAUZIN, Mr. SCHEUER, Mr. ROBINSON, Mr. SHAW, Mr. DERRICK, Mr. HAYES of Louisiana, Mr. SCHIFF, Mr. STEARNS, Mr. DOUGLAS, Mr. MCCRERY, Mr. CRAIG, Mr. RITTER, Mr. FLAKE, Mr. WEISS, Mr. HOLLOWAY, Mr. CONTE, Mr. SAXTON, Mr. ROE, Mr. RINALDO, Mr. MARLENEE, Mr. CAMPBELL of Colorado, Mr. NELSON of Florida, and Mr. JACOBS.

H.R. 3717: Mr. WASHINGTON, Mr. RAHALL, Mr. PAYNE of New Jersey, Mr. AUCOIN, Mrs. LOWEY of New York, Mr. OWENS of New York, Mr. MARTINEZ, Mr. VISCLOSKY, Mr. WYDEN, Mrs. UNSOELD, Mr. MILLER of California, Mr. POSHARD, Mr. DEFAZIO, Mr. HAYES of Illinois, and Mr. KILDEE.

H.R. 3745: Mr. HAWKINS, Mr. LEWIS of Georgia, and Mr. JACOBS.

H.R. 3768: Mr. MOLLOHAN.

H.R. 3800: Mr. CHANDLER, Mr. FISH, Mr. DERRICK, Mr. BURTON of Indiana, Mr. COSTELLO, Mr. HANCOCK, Mr. HILER, Mr. JAMES, Mr. KOLBE, Mr. SLAUGHTER of Virginia, Mr. SLATTERY, Mr. LAGOMARSINO, Mr. HALL of Texas, Mr. JENKINS, Mr. GRANDY, and Mrs. SAIKI.

H.R. 3802: Mr. LEWIS of Georgia, Mr. BENNETT, Mr. SCHUMER, Mr. KILDEE, Mr. HOCHBRUECKNER, Mr. TORRICELLI, Mr. MANTON, Mr. ASPIN, Mr. QUILLEN, Mr. LEWIS of California, Mr. CRANE, Mr. LIPINSKI, Mr. SAXTON, Mr. CROCKETT, Mr. YATES, Mr. SHAW, Mr. SAVAGE, Mr. BEVILL, Mr. TRAFICANT, Mr. MOORHEAD, Mr. HAWKINS, Mrs. MARTIN of Illinois, Mr. ANDERSON, Mr. SWIFT, Mr. OBERSTAR, Mr. MRAZEK, Mr. HAMMERSCHMIDT, Mr. PICKLE, Mr. GONZALEZ, Mr. GUARINI, Mr. GUNDERSON, Mr. KASICH, Mr. PARRIS, Ms. SNOWE, Mr. VANDER JAGT, Mr. SAWYER, Mr. BARNARD, Mr. BATEMAN, Mr. BEILENSON, Mr. BILBRAY, Mr. BLILEY, Mr. BROWN of Colorado, Mr. CARR, Mr. CLINGER, Mr. CONDIT, Mr. CONTE, Mr. COUGHLIN, Mr. DELAY, Mr. ESPY, Mr. GAYDOS, Mr. GEKAS, Mr. HANSEN, Mrs. LLOYD, Mrs. LOWEY of New York, Mr. MADIGAN, Mr. MORRISON of Washington, Mr. SERRANO, Mr. STANGELAND, Mr. STARK, Mr. VALENTINE, Mr. WELDON, Mr. HOYER, Mr. DORNAN of California, Mr. LEACH of Iowa, Mr. THOMAS of California, Mr. SHUMWAY, Mr. SISISKY, Mr. FRENZEL, Mr. ALEXANDER, Mr. BOUCHER, Mr. CARDIN, Mr. CHAPMAN, Mr. HEFNER, Mr. COURTER, Mr. JACOBS, Mr. RINALDO, Mr. WOLPE, Mr. YOUNG of Alaska, Mr. WASHINGTON, Mrs. VUCANOVICH, Mr. STUDDS, Mr. SARPALIUS, Mr. RICHARDSON, Mr. PARKER, Mr. PALLONE, Mr. ORTIZ, Mr. MFUME, Mr. JONTZ, Mr. HUBBARD, Mr. GEJDENSON, Mr. FORD of Michigan, Mr. DURBIN, Mr. COSTELLO, Mr. CLEMENT, Mr. CHANDLER, Mr. BRYANT, Mr. MICHEL, Mr. APPLEGATE, Mr. BRUCE, Mrs. BOGGS, Mr. COX, Mr. DREIER of California, Mr. PACKARD, Mr. ROBINSON, Mr. STEARNS, Mr. BARTLETT, Mr. ROBERT F. SMITH, Mr. PICKETT, and Mr. TORRES.

H.R. 3864: Mrs. MARTIN of Illinois.

H.R. 3903: Mr. ROE.

H.R. 3914: Mr. LAGOMARSINO.

H.R. 3934: Mr. RAHALL and Mr. SHAYS.

H.R. 3958: Ms. KAPTUR, Mr. LENT, Mr. JACOBS, Mr. CLEMENT, Mr. VANDER JAGT, Mr. SUNDQUIST, Mr. BLAZ, Mr. DOUGLAS, Mr. WISE, Mr. DURBIN, Mr. MAVROULES, Mr. ROHRABACHER, Mr. RHODES, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. RICHARDSON, Mr. RAY, Mr. OXLEY, and Mr. WALSH.

H.R. 3980: Mr. SUNDQUIST.

H.R. 4120: Mr. ESPY, Mr. DELLUMS, and Mr. LIPINSKI.

H.R. 4205: Mr. MANTON.

H.R. 4231: Mr. FAUNTROY, Mr. FORD of Tennessee, Mrs. COLLINS, Mrs. MEYERS of Kansas, Mr. SCHIFF, Mr. ESPY, Mr. POSHARD, and Mr. DELLUMS.

H.R. 4239: Mr. VENTO and Mr. TORRES.

H.R. 4254: Mr. ROWLAND of Georgia.

H.R. 4274: Mr. OWENS of Utah.

H.R. 4334: Mr. POSHARD.

H.R. 4336: Mr. LANCASTER, Mr. FIELDS, Mr. BARTON of Texas, Mr. NELSON of Florida, Mr. HORTON, and Mr. BARTLETT.

H.R. 4421: Mr. WALGREN and Mr. RANGEL.

H.R. 4460: Mr. SHARP, Mr. COYNE, and Mr. SIKORSKI.

H.R. 4479: Mr. HAWKINS.

H.R. 4492: Mr. BERMAN and Mr. HAYES of Illinois.

H.R. 4495: Mr. CLARKE, Mr. GALLEGLY, Mr. JOHNSON of South Dakota, and Mr. SHUMWAY.

H.R. 4498: Mr. HOCHBRUECKNER, Mr. GILMAN, Mr. JOHNSON of South Dakota, Mr. MRAZEK, Mr. ROSE, Mr. LANTOS, Mr. GRANT, Mr. ANDREWS, Mr. SMITH of Florida, Mr. OLIN, Mr. LEVINE of California, Mr. MOODY, Mr. POSHARD, Mr. KANJORSKI, Ms. OAKAR, Mr. CADIN, Mr. SHAYS, and Mr. ROYBAL.

H.R. 4499: Mr. SMITH of Texas and Mr. HUNTER.

H.R. 4574: Ms. PELOSI and Mr. GRAY.

H.R. 4597: Mr. SCHEUER.

H.R. 4650: Mr. AUCOIN, Mr. FASCELL, Mr. GILLMOR, Mr. GILMAN, Mr. KOLTER, Mr. LAGOMARSINO, Mr. MATSUI, Ms. PELOSI, Mr. ROYBAL, Mr. SABO, and Mr. YOUNG of Florida.

H.J. Res. 226: Mr. DEFAZIO, Mr. SHAW, Mr. GILMOR, and Mr. WYDEN.

H.J. Res. 459: Mr. ESPY, Mr. DICKS, and Mr. TAUKE.

H.J. Res. 486: Mr. DEWINE, Mr. HAWKINS, Mr. SPENCE, Mr. FIELDS, MR. SAWYER, Mr. ROBERTS, Mr. FUSTER, Mr. LENT, Mr. MAVROULES, Mr. SAXTON, Mr. LAFALCE, Mr. DOUGLAS, Mr. ROYBAL, Mr. CALLAHAN, Mr. LOWERY of California, Mr. DOWNEY, Mr. MAZZOLI, Mr. STUMP, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. SMITH of New Hampshire, and Mr. ROBINSON.

H.J. Res. 488: Mr. EVANS, Mr. QUILLEN, Mr. SAVAGE, Mr. SPENCE, Mr. FORD of Tennessee, Mr. SUNDQUIST, Mr. HAWKINS, Mr. PANETTA, Mr. NELSON of Florida, Mr. GINGRICH, Mr. HARRIS, Mr. HAYES of Louisiana, Mr. HUBBARD, Mr. LIPINSKI, Mr. HYDE, Mr. GORDON, Mr. SPRATT, Mr. KOLTER, Mr. KASICH, Mr. LEHMAN of Florida, Mr. DARDEN, Mr. DUNCAN, and Mr. OLIN.

H.J. Res. 502: Mr. OWENS of Utah, Mr. FAUNTROY, Mr. BLAZ, Mr. MONTGOMERY, Mr. SCHUETTE, Mr. CLARKE, Mr. BILIRAKIS, Mr. WOLF, Mr. SCHEUER, Mr. SKEEN, Mr. FUSTER, Mr. MCCLOSKEY, Mr. RAHALL, Mr. ROE, Mr. MCGRATH, Mr. HARRIS, Mr. DORNAN of California, Mr. PALLONE, Mr. RANGEL, Mr. WALSH, Mr. LAGOMARSINO, Mr. INHOFE, Mr. BLILEY, Mr. ROBINSON, Mr. DWYER of New Jersey, Mr. PURSELL, Ms. KAPTUR, Mr. ATKINS, Mr. MILLER of Washington, Mr. HORTON, Mrs. MEYERS of Kansas, Mr. HUGHES, Mr. JONTZ, Mr. EVANS, Mr. NIELSON of Utah, Mr. TORRICELLI, Mrs. COLLINS, Mr. JOHNSON of South Dakota, Mr. BEVILL, and Mr. FAZIO.

H.J. Res. 514: Mr. RANGEL, Mr. FAZIO, Mr. WISE, Mr. SUNDQUIST, Mr. SAXTON, Mr. HORTON, Mr. GUNDERSON, Mr. MARTIN of New York, Mr. HERTEL, Mr. TOWNS, Mr. CRAIG, Mr. CALLAHAN, Mr. MACHTLEY, Mr. CARDIN, Mr. WALSH, Mr. WALGREN, Mr. DENNY SMITH, Mr. INHOFE, Mr. MCDERMOTT, Mr. HUGHES, Mr. YATRON, Mr. COSTELLO, Mr. CLAY, Mr. SCHEUER, Mr. SCHUETTE, Mr. BORSKI, Mr. CARPER, Mr. BENNETT, Mr. WOLPE, Mr. ANDERSON, Mrs. VUCANOVICH, Mr. CONTE, Mr. CONYERS, Mr. JONES of North Carolina, Mr. KASICH, Mr. JONTZ, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LENT, Mr. LEWIS of Georgia, Mr. KANJORSKI, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. FORD of Michigan, Ms. OAKAR, Mr. MCCLOSKEY, Mr. DE LUGO, Mr. DINGELL, Mr. DICKS, Mr. ESPY, Mr. FAWELL, Mr. HAYES of Illinois, Mr. HUBBARD, Mr. PASHAYAN, Mr. PERKINS, Mr. QUILLEN, Mr. RHODES, Mr. RAY, Mr. ROBERTS, Mr. ROBINSON, Mr. SABO, Mr. MCNULTY, Mr. ROBERT F. SMITH, and Mr. TAUZIN.

H.J. Res. 519: Mr. BOSCO, Mr. CLARKE, Mr. COBLE, and Mr. COURTER,

H.J. Res. 522: Mr. TOWNS, Mr. SCHIFF, Mr. MARTINEZ, Mr. MINETA, Mr. SPENCE, and Mr. STUDDS.

H.J. Res. 523: Mr. SMITH of Florida.

H.J. Res. 531: Mr. FORD of Michigan and Mr. STOKES.

H.J. Res. 534: Mr. DELLUMS.

H.J. Res. 540: Mrs. BOXER, Mr. MORRISON of Washington, Mr. LANCASTER, Mr. GUARINI, Mr. BENNETT, and Mr. BARNARD.

H. Con. Res. 69: Mr. GOSS.

H. Con. Res. 151: Mr. BERMAN.

H. Con. Res. 172: Mr. BATES and Mr. DYSON.

H. Con. Res. 259: Mrs. PATTERSON, Mr. FRANK, Mr. POSHARD, Mr. AUCOIN, Mr. BEILENSON, Mr. PEASE, Mrs. BOXER, Mr. BOSCO, Mr. LEVIN of Michigan, Mr. BATES, Mr. OWENS of New York, Mr. SHAYS, Mr. KOSTMAYER, Mr. MCCLOSKEY, Mr. RUSSO, Mr. TALLON, Mr. BOUCHER, Mr. RICHARDSON, Mr. CROCKETT, Mr. FORD of Michigan, Mr. LEWIS of Georgia, Mr. BONIOR, Mr. OWENS of Utah, Mr. CHANDLER, Mrs. KENNELLY, and Mrs. SAIKI.

H. Con. Res. 316: Mr. WOLPE, Mr. TORRICELLI, Ms. LONG, Mrs. BYRON, Mr. TAUKE, Mr. BONIOR, Mr. UDALL, Mrs. JOHNSON of Connecticut, Mr. COLEMAN of Texas, Ms. SLAUGTHER of New York, Mr. CLEMENT, Mr. DONNELLY, Mr. LAUGHLIN, Mr. BROOKS, Ms. KAPTUR, Mr. SCHIFF, Mr. CONDIT, Mr. CONTE, Ms. PELOSI, Mr. COYNE, Mr. STUDDS, Mr. CARR, Mr. WHEAT, Mr. CHAPMAN, Mrs. UNSOELD, Mr. KENNEDY, Mr. LIPINSKI, Mr. BORSKI, Mr. ROE, and Mr. FAUNTROY.

EXTENSIONS OF REMARKS

WITH PEACE BREAKING OUT ALL OVER, TURKEY DOESN'T NEED MORE U.S. MILITARY EQUIPMENT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. BROOMFIELD. Mr. Speaker, a political sea change in moving throughout Eastern Europe that is bringing democracy, and a lessening of tensions in that region. In response to these dramatic changes, NATO is trying to redefine its role in a new Europe that will surely be less threatening to Western interests than in previous years. Our European allies are planning force reductions and America also envisions troop and equipment cuts in Europe in response to the improving political climate on that continent.

These dramatic changes have prompted me to question why Turkey needs yet more military equipment during this period of improving relations between the former members of the Warsaw Pact and NATO. I also ask this question in light of Turkey's instransigence on the Cyprus problem. Given these concerns, Congressman YATRON and I recently introduced a resolution of disapproval concerning the proposed sale of sophisticated attack helicopters to Turkey. Given Turkey's poor track record in using U.S.-supplied military hardware on Cyprus, there is concern that those helicopters might be transferred to that island in clear contravention of the will of the U.S. Congress. Although we did not call for further committee consideration of the resolution, both of us are deeply concerned about Turkey's failure to lend a hand in solving the Cyprus dispute.

It is my understanding that the administration may propose further sales and transfers of modern equipment to Turkey during this period of reduced tensions. Should more equipment transfers be envisoned by the administration, Congressman YATRON and I will vigorously oppose them and will call for complete committee consideration and, possibly, a House vote on these necessary and ill-timed requests. Turkey must understand that there are Members of Congress who question why that nation should be rewarded with more U.S.-made military equipment while Ankara drags its feet on the Cyprus issue.

The story of that small nation is a tragic one. For 16 years, 30,000 well-equipped Turkish troops have illegally occupied the northern side of the island. Ankara has consistently refused to reduce its forces there. Many Greek Cypriots were killed in the 1974 invasion and thousands are missing and remain unaccounted for. Among the Americans who are missing is Andrew Kassapis, a young Michigan resident who was taken from his family's home on that island and never seen again. Over 200,000 refugees fled to the south during the invasion and lost their homes and possessions. As if this were not enough, Turkey later sent 60,000 settlers to northern Cyprus to live in the abandoned properties. Ancient Greek Cypriot churches in northern Cyrus have been looted and defaced and priceless mosaics have been stolen and sold to art dealers in Europe. Although Turkey had a major role in creating the tragedy of Cyprus, it has played only a minor part in the search for a solution.

Ankara claims that it wants a negotiated settlement on Cyprus. But the Turkish Government has done little to move the peace process forward. Not only have the Turkish authorities refused to reduce military force levels on the island, they have used modern U.S.-supplied military equipment on Cyprus. Originally intended for NATO defensive purposes, use of this material in this manner is in violation of U.S. law. Turkish troops remain on Cyprus in clear defiance of the requests of the United Nations, the European Community, and the U.S. Congress. Is there any wonder that our allies call Turkey the only European nation that is an occupying power and deny Turkey membership in the European Community?

Turkey, the political and financial supporter of the Turkish-Cypriot community on that island, is the only country in the world that recognizes the so-called Turkish Republic of Northern Cyprus. Turkey has failed to exercise sufficient influence on Mr. Rauf Denktash, the leader of the Turkish-Cypriot community on Cyprus, to encourage him to seriously pursue a peaceful solution to the problems that divide the island.

Last summer, Mr. Denktash rejected a U.N.-prepared draft outline which provided general guidance as to how intercommunal talks should proceed. He also derailed the Secretary General's most recent talks on Cyprus and has yet to agree to resume the negotiations. U.N. Secretary General Perez de Cuellar deserves our admiration for his good offices and for his energetic commitment to the peace process for Cyprus. President Vassiliou of Cyprus has also displayed remarkable statemanship and flexibility in trying to resolve the Cyprus problem peacefully and has indicated that he remains ready to work for peace.

As an ally of the United States that has received millions of dollars in U.S. economic and military assistance over the years, Turkey must play a more positive role in the peace process. It should begin by withdrawing its troops from Cyprus and by encouraging Mr. Denktash to return to the intercommunal talks and seriously negotiate for peace. Until I see a change of heart on the part of Turkey and the leader of the Cypriot community, I will oppose a "business as usual" approach to our relations with Ankara.

In particular, I and my colleagues will continue to maintain the 7:10 ratio in the levels of U.S. foreign military financing for Greece and Turkey. That ratio will also be applied to levels of excess U.S. defense articles made available to both countries. The ratio enables our government to meet its military and security commitments in that region while insisting that progress be made in the peace process on Cyprus. The concept of a ratio began in 1978 when Turkey sought and won a resumption of U.S. military assistance to Ankara. In spite of the promises and expectations at that time, thousands of Turkish troops remain on Cyprus. My expectations about troop levels on Cyprus have not yet been met and there is no reason to abandon our insistence that Turkey comply with the terms of the agreement.

With peace breaking out all over the world, it is time for men of good will to focus their energies and attention on Cyprus and settle this oft-neglected dispute. It is certainly not the time to further fatten Turkey's already formidable military arsenal.

OPPOSED TO MILITARY EQUIPMENT TO TURKEY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. YATRON. Mr. Speaker, I rise to call attention to the Pentagon's proposal to sell five AH-1W attack helicopters to the Government of Turkey. I have joined my good friend and colleague, the ranking minority member of the House Foreign Affairs Committee, Congressman WILLIAM S. BROOMFIELD in opposing this sale. Although the implementation of the sale of these defense articles is inevitable, Turkey's unjust occupation of over a third of the sovereign state of Cyprus makes it necessary that we in Congress continue to speak out against the administration's efforts to strengthen military ties with Ankara.

Mr. Speaker, we should be consistent in promoting a policy toward Cyprus based on the same principles we have supported for the rest of the world—human rights, representative government, and nonaggression. Unfortunately, this has not been the case.

The dispute on Cyprus is not one which fits into the traditional East-West regional conflict which we are now seeing resolved. Executive branch officials have tended to view Cyprus as a symptom of a larger problem between Greece and Turkey. The notion of the U.S. pressing for a settlement to a dispute which may antagonize one of our friends has never been well-received at the State Department or the Pentagon. Even when it is clear that one country—Turkey—is the aggressor, the policy of benign neglect remains the preferred option.

Mr. Speaker, I hope that by calling attention to this helicopter sale, Ankara will be reminded that its occupation of Cyprus will continue

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to place improving United States-Turkish relations on a holding pattern.

TRIBUTE TO ISRAEL'S 42D BIRTHDAY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, a tribute to the State of Israel's 42d anniversary of independence was formally observed in Israel and cities all over the world on April 30.

For a nation young in age and for all the problems that beset her, externally and internally, Israel is doing extraordinarily well.

The atmosphere of global change reaffirms Israel's central role for the Jewish people. Day to day, Israel struggles and accomplishes on issues such as the influx of Soviet Jewish immigrants to Israel, the fight against worldwide anti-Semitism, the civil war within the Palestinian population, and issues of economic and electoral change.

It is easy to lose sight of the fact that, even if Israel were not the fulfillment of a 2,000-year-old dream, it would still be one of the world's great success stories. Perhaps that is because most nations have had to invest and define themselves over time, whereas Israel was already a nation that simply, finally, came home.

In my congressional district, there are a great number of organizations that are celebrating Israel's 42d milestone. In honor of Israel's birthday, the South Florida Council of Na'amat USA held their annual donor luncheon. The luncheon included both musical and nonmusical salutes to Israel's founding in 1948. Lillian Hoffman, of Sunny Isles, offered the invocation and Cantor Daniel Kaizler, of Temple Bet Shmuel, headlined the entertainment program.

Also involved were members of the South Florida Council of Na'amat, including vice president Shirley Partner, who was the arrangement chairman, and Bebee Pullman who acted as the reservation chairman. Felice Schwartz of Miami Beach was the public relations chairman.

Chaim Chesler, the national director of the Aliyah Center for both the World Zionist Organization and the Jewish Agency for Israel, was the principal speaker. Mr. Chesler spoke on the developments in Israel and on the exodus of Soviet Jewry.

Harriet Green, the national president of the Woman's Labor Organization of America took part in the program. Gert Aaron, council copresident, chaired the luncheon with Margot Bergthal.

Na'amat supports hundreds of health, educational, vocational, and cultural facilities throughout Israel. I commend all their efforts in celebrating Israel's 42d birthday.

HELP FOR THE HOMELESS

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. CAMPBELL of California. Mr. Speaker, during the bitter cold of the winter months much attention is focused on people sleeping on the streets, but even on this warm spring day there are men, women, and children who have no place to go each night; they are homeless.

HUD estimates that there are approximately 500,000 homeless individuals currently in the United States today. Some advocacy groups concerned with homelessness place that figure closer to 3 million homeless. If this figure is even half of what it is estimated to be, there are thousands upon thousands of people sleeping on the streets, without a roof over their heads, throughout the year. I think it is about time that something be done to help these people year round, not just when the weather is below freezing. We need to act now to ensure that these displaced people have somewhere to go during the summer, winter, spring, and fall.

The bill I introduce today would require that National Guard Armories be made available for use as homeless shelters year round unless military necessity intervenes. Such a change could increase dramatically the amount of temporary shelters across the country. Governors and the Secretary of Defense would be given responsibility for designating, after examination, to what extent a National Guard facility could be so utilized. Governors would be required to make that space available for use by a State or local governmental agency, or a qualified charitable organization. We should not mistake this approach for a permanent solution to the homeless crisis. We should recognize it for what it is—a necessary first step toward achieving a humane, comprehensive safety net for these suffering individuals.

TRIBUTE TO PIA GIURA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Pia Giura of my 17th Congressional District of Ohio. Mrs. Giura will be celebrating her 100th birthday on May 15, 1990.

Mrs. Giura has been a resident in the United States since 1920, and received her American citizenship more than two decades ago. Mrs. Giura's husband, Thomasso Giura, fought in the Italian Army in World War I, but instead of returning to Italy, he brought Mrs. Giura and their 6-year-old daughter to the United States. Since coming to the United States, Mrs. Giura has been a resident of Youngstown, OH.

Mrs. Giura has been an outstanding citizen since coming to the United States. Last year she was named the Italian Citizen of the Year by the Youngstown Italian Fest.

Mr. Speaker, I would like to wish Pia Giura a very happy 100th birthday. She is an amazing woman who has accomplished a great deal in her life and I hope she has a great many more birthdays ahead of her.

HUMAN RIGHTS OF THE HUNGARIANS IN TRANSYLVANIA

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. FEIGHAN. Mr. Speaker, my friend, Dr. Michael Szaz, has worked with the American Hungarian Federation on behalf of human rights for ethnic Hungarians in Romania for the past 25 years. He is the executive vice president of the American Foreign Policy Institute and a former professor of international relations and law. He was in Transylvania just 6 weeks before the ethnic rioting occurred there in March. The following is a translation of an essay he had published in the journal, American-Canadian Hungarian Life, and describes his impression of the violence in Tirgu Mures.

THE SITUATION OF THE HUNGARIANS OF TRANSYLVANIA AFTER THE BLOODBATH AT TIRGU MURES (MAROSVASARHELY)

(By Dr. Michael Szaz)

The world press and U.S. television alike covered in detail the anti-Hungarian pogroms at Tirgu Mures (Marosvasarhely). This was initiated by chauvinist Rumanian forces that wanted to intimidate the Hungarian ethnic group in Transylvania. I do not believe that the present Rumanian government would have desired such action, for the same chauvinist forces would like to overthrow the Iliescu government as well. However, the government certainly profits from an intimidation of the Hungarian ethnic group.

All analysis must start with the finding that the Transylvanian Hungarians could rightfully expect the implementation of its minimum requests by the revolutionary government. For at Timisoara (Temesvar), Cluj (Kolozsvar), and even at Tirgu Mures (Marosvasarhely), Hungarians and Rumanians were demonstrating together and falling dead together from the gunfire of the Securitate. They both wanted to overthrow the cursed Ceausescu regime. The Rumanian government had promised initially to restore the schools and equal rights of Hungarians. The nomination of Attila Palfalvi as Deputy Minister of Culture seemed to guarantee the implementation of these promises.

It became obvious as early as the end of January that the restoration of Hungarian schools was meeting sharp resistance on the local level, however. While the Samuel Brassay High School was returned to the Hungarians at Cluj, the Bolyai University and the old Piarist High School have not been restored to this day. Professor Cornea was not the only one who opposed their return to the Hungarians.

At Tirgu Mures (Marosvasarhely), the situation was tense as early as February because the Hungarian demand for the return of the Bolyai High School (the old Hungarian Reformed academic high school) and in

the request that the Hungarians should be proportionally represented in public administration. These Hungarian initiatives were implemented only more or less in the city council, not in the county council or the city and county administrations. The situation was worsening because the Rumanian intellectuals were split; some of them had joined the Vatra Romesca which opposed Hungarian "separatism," i.e., the demand for separate schools and bilingualism. The chauvinist slogans of the Vatra found response especially in the region of Mures (Maros). Many of its members were former Securitate agents or officials fearful of being fired if Hungarians were proportionally represented in public offices.

During my visit of February 7, I witnessed the first Rumanian demonstration at the Square of the Roses. Although this demonstration was peaceful, the local Hungarian leaders already feared that the Rumanian peasants of the mountain villages would be called by Rumanian nationalists to attack the Hungarians.

The crisis came to a head on March 15. The central government gave the Hungarian Democratic Federation in Rumania permission to celebrate Hungarian Independence Day. This was too much for the Vatra Romanesca, the ex-Securitate agents and those Rumanian chauvinists who still sympathized with the ideas of the former Iron Guard. Although the attacks began on March 15, the Rumanian army separated the fighting crowds only on March 22, after Andras Suto had lost the sight in one eye, six people lay dead, and 300 others, mostly Hungarian, were wounded. The details of this local civil war do not belong here as they have been sufficiently covered by the world press.

What are the consequences of the events at Tirgu Mures (Marosvasarhely)?

The first consequence was that Hungarian-Rumanian governmental relations deteriorated, rendering the participation of the Hungarian government in the maintenance of cultural relations between the two countries more difficult. The Rumanian Ministry of Culture decreed at the end of February that books may be imported from Hungary into Rumania only through them. Though there is no real search yet by the border guards as in the days of Ceausescu, the importation of Hungarian book materials is steadily declining. The Hungarian Consulate had not been opened yet, despite earlier promises, because the Rumanians dragged their feet.

The second consequence is the despair of the Transylvanian Hungarians. Last week, the Washington Post published an article which reported that when a haystack was burning in a Hungarian village near Tirgu Mures (Marosvasarhely), the men in the next village grabbed pitchforks, spades, and clubs, and marched to the border of the village to fight the Rumanian arsonists who, they thought, must have set fire to the first village. On the Rumanian side, I was appalled to read the reply of the Rumanian soldier who stated that he would shoot if the Hungarians were to attack (in Tirgu Mures), for the Hungarians have no respect for the Rumanian language. He admitted that he would face a difficult question if the Rumanians were to attack. Such are the "peacekeeping" Rumanian armed forces.

Thirdly, the riots weakened the authority of the central government in Bucharest over both Rumanians and Hungarians. The indecision the Iliescu government has shown will only increase the appetite of the ultranationalist forces to employ their violent tactics in the coming election campaign.

Finally, however, the riots created an international problem over the rights and autonomy of the Hungarians of Transylvania which is not in the interest of Rumania. If Transylvania were to remain an internationally recognized problem, the riots of Tirgu Mures (Marosvasarhely) initiated a historical process, the final outcome of which may cause serious political, and perhaps even territorial, damage to Rumania. Unless the two peoples reconcile, the nationality question in Rumania cannot be solved.

THE AFRICAN NATIONAL CONGRESS: DOES IT PRACTICE WHAT IT PREACHES ON HUMAN RIGHTS?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. CRANE. Mr. Speaker, the African National Congress [ANC] has developed a reputation of opposing apartheid and supporting human rights. Questions are again being raised about the ANC's support of human rights.

Reports are coming from Africa that the ANC has imprisoned and tortured its members who have disagreed with the ANC. This past Friday the Christian Science Monitor in a front page article reported that some of the ANC dissidents claim they were beaten, interrogated, shocked with live electric wires; some were locked into oven-hot metal containers.

The dissidents also maintain that the ANC leaders responsible for the torture continue to hold important positions in the ANC.

Some of us will remember that in 1982, then Senator Denton held a series of hearings on the ANC. In those hearings former ANC members testified that the ANC engaged in human rights abuses. Witnesses testified how disillusioned ANC members are killed secretly or thrown into jail. Gruesome testimony was given about dissident ANC members being stabbed in the kidneys and immediately being thrown in the hole and buried.

One of the witnesses at the hearing, Bartholomew Hlapane, was murdered after he returned home to South Africa. He told Senator Denton that he would be killed for testifying but that he wanted the world to know what the ANC was doing.

Such evidence of human rights abuses cannot be lightly tossed aside. The ANC's record on human rights must be investigated. The protection of basic liberties for all the people of South Africa should be a goal of United States foreign policy. ANC human rights abuses cannot be ignored.

At this point I include the full text of April 20 Christian Science Monitor article "Alleged Rights Abuses Hurt the ANC's Standing."

[From the Christian Science Monitor, Apr. 20, 1990]

ALLEGED RIGHTS ABUSES HURT THE ANC'S STANDING

(By Sharon Behn)

Seven former African National Congress guerrillas, embittered after many years of imprisonment and torture in ANC camps, are accusing South Africa's black nationalist organization of torture, murder by beating, and the suppression of democracy within the ANC.

ANC Deputy President Nelson Mandela quickly acknowledged the claims. "Unfortunately, it is true that some of these people who have complained were in fact tortured," he said in a statement on Sunday. Mr. Mandela added that those responsible for the torture have been dismissed.

Five of the seven dissidents disputed Mandela's claim in an interview in Nairobi. "No steps were taken. People like [executive committee member] Mzwandile Piliso and [head of Umkhonto we Sizwe] Chris Hani are still in power, and even today these monstrosities are continuing," dissident Amos Maxongo says.

In 1980, Ronnie Masango, like many of his friends, left his Pretoria home for Swaziland to join the ANC to fight apartheid. "We left South Africa because we wanted guns. We felt the best way to fight the racist regime was with guns," he says.

Now, 10 years later, he and six of the others who were expelled from the congress for disloyalty and defiance, are accusing the ANC of human rights abuses.

Before Mandela's remarks, the ANC in Lusaka had denied the dissidents' claims, stressing that it had adopted a "code of conduct" in 1985 which forbade torture.

But ANC national executive member Steve Tshwete said Monday that "no army can play with mutineers. We had to suppress the mutiny with all the force at our disposal." He admitted that there had been "excesses" during the interrogations, but "those responsible for this have been properly dealt with."

On Wednesday, ANC deputy representative for Britain, Billy Masetlha, also admitted that the punishments were out of line: "Some people got carried away."

The seven dissidents crossed the border illegally into Kenya and are being cared for by church groups here in Nairobi.

They met South Africa's Anglican Archbishop Desmond Tutu when he visited here two weeks ago. Archbishop Tutu has asked the All Africa Council of Churches—of which he is president—to investigate the claims and to help the men return home to South Africa.

Delegates of the International Committee of the Red Cross in Nairobi say that South Africa has been contacted, and that it now depends on those authorities. "This is quite a long procedure," ICRC regional delegate Hans Leuenberger said.

Mr. Maxongo, who joined the ANC's Umkhonto we Sizwe military wing in 1978, explains that discontent within the movement had started as early as 1981.

Based in Angola, where an estimated 2,000 to 5,000 fighters lived in eight camps, Maxongo spent years being trained in guerrilla warfare by Cubans, South Africans, and Soviets.

Fighters were isolated in the Angolan bush, with no outside news and little or no military activity, he says. Frustration in the camps grew. "People were not satisfied with the pace of the armed struggle. They had been in the camps five to six years, there were no schools, no supplies. There were a lot of suicides," Maxongo says. Like many others, he was never sent to South Africa.

Discontent among the rank and file coincided with the discovery of a spy ring in the ANC in 1981. A political crackdown followed.

At Pango Camp in eastern Angola, where Maxongo was based, this meant people were tied by their hands to trees so they had to stand on tiptoe. They were then beaten with Soviet Army belts. "They asked us what we were discussing about the leadership, Maxongo says. Two were taken to Quatro, an ANC prison set up in eastern Angola in 1979." The dissidents say that people's arms and legs were tied, then up to 13 people at a time were shoved into a tiny cell, or locked into oven-hot metal containers.

By 1982, continued military inaction and abuse by security personnel led to demands for elections for a new ANC executive committee. Rebuffed, some ANC guerrillas mutinied in 1984.

Angolan troops subdued the mutiny, sending prisoners to Luthanda's maximum security prison. "I was in that prison 14 months, until April 1985. We were never charged. We were beaten, interrogated, shocked with live electric wires," Mr. Molefe says.

In April, he was sent to Quantro. "Conditions there were horrific. . . . Every day there were beatings, cries, screams. We were told our release depended on whether we were ready to cooperate. No one was ever released."

While Molefe was in prison, another revolt broke out in Pango camp in May 1984.

Luvo Mbengo and 15 others fled into the bush. They were picked up and returned to the ANC by Angolan and Soviet authorities. "We were taken and tortured. They wanted us to back down from our call for a national conference because we were threatening the leadership," Mr. Mbengo says.

A military tribunal finally sentenced them to death. But with the intercession of ANC representative Gertrude Shope, eight men were sent to Quantro and the others were released.

In 1988, Maxongo, Molefe, Mbengo, and others were released and taken to the an ANC camp at Dakawa, in Tanzania. One year later, banned from all political activities, they and another 14 guerrilla veterans resigned.

"We left the ANC . . . because the crimes have not been corrected and the elements responsible . . . have not been gotten rid of," Molefe says.

The dissidents say their call for an investigation into ANC human rights' violations "will not weaken the ANC, but will demonstrate to our people and the world the ANC's uncompromising commitment to justice and democracy."

And while they disagree with Mandela's statement that those responsible for torture have already been dismissed, they feel he is the only leader capable of resolving their grievances.

"It's difficult to say whether Mandela can change things in the ANC, but we are banking our hopes on him," Mr. Masango says.

HUMAN RIGHTS STANDARDS IN INDIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. BURTON of Indiana. Mr. Speaker, while many in America are cheering the exciting and positive events in Eastern Europe, brutality and oppression continue in other parts of the world seemingly unnoticed.

Amnesty International, still banned from working inside India, reports that thousands of critics of the government of India, including many prisoners of conscience, are being held without charge or trial under the Terrorist and Disruptive Activities Act [TADA]. According to Amnesty, there are reports of widespread torture, along with allegations that some prisoners have died in custody as a result of torture.

It's easy to understand why India continues its ban on Amnesty International. In March, when the Hon. Max Madden, a British Member of Parliament, went to the Punjab and Kashmir along with a team of parliamentarians, he reported to the Parliament that unprecedented and barbaric atrocities were being committed against the Sikh and Kashmiri communities by the Indian regime.

"I shall not forget the young Sikh who was shot as a terrorist after he stood with his arms above his head in a field for 5 minutes," Madden reported. The police later admitted that they made a mistake. "I shall not forget the relatives of the young man who was shot while marching in Sikh religious festival," Madden said. The police again admitted that they had made a mistake.

Meanwhile the human rigths situation continues to deteriorate in Kashmir. Jagmohan, India's colonial governor in Kashmir, has ordered Kashmiri newspaper editors to stop publishing because of the prevailing conditions in the valley. In fact, India shut down its own state television and radio stations when Kashmiri employees demanded the freedom to report the tragedies in Kashmir. Not even the Red Cross has been allowed access to Kashmir.

Once again, India's decision to exclude the press from Kashmir is perfectly understandable. The Indian Peoples Union for Civil Liberties [PUCL] recently issued a report which pointed toward scores of barbaric acts committed by the Indian security forces in Kashmir. The PUCL observed, ". . . that basic human rights of civil liberties, legal norms and civilized values have been grossly violated by the Indian security forces. . . ." On March 14, these forces killed scores of Kashmiri women when they fired live bullets in an attempt to break up a protest march.

While I hope that Prime Minister V.P. Singh's government can bring peace of India, there can be little progress until all groups inside India regain the basic freedoms that people all over the world are striving for.

It's time to knock down the wall, which hides the so-called world's largest "democracy," from the scrutiny of the international human rights community. It's time to hold India to the same human rights standards to which we hold every other democracy in the world. To achieve these goals, I have introduced legislation (H.R. 4641) which will terminate United States development assistance programs for India, unless their government permits representatives of Amnesty International and other human rights organizations to visit India in order to monitor human rights.

I call on all of my colleagues to cosponsor this life or death legislation.

DOBROSLAV PARAGA: A LEADER IN THE STRUGGLE FOR HUMAN RIGHTS IN YUGOSLAVIA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. BROOMFIELD. Mr. Speaker, I recently had the honor of introducing Mr. Dobroslav Paraga, a well-known advocate for human rights in Yugoslavia, to the Congressional Human Rights Caucus. I want to commend Congressmen LANTOS and PORTER, the co-chairmen of the Caucus, for giving Mr. Paraga and other concerned Yugoslavs the opportunity to tell Congress about the ongoing human rights tragedy in that country.

Last summer, I learned of the sad story of Mr. Paraga, a young Croatian crusader for human liberties, who was jailed and tortured by Yugoslav authorities for exercising the rights that all of us take for granted. He was charged with a crime for having collected signatures calling for the release of all political prisoners in that country. His friend, a young Croatian Jew, was jailed at the same time and died a few days later under suspicious circumstances.

Last August, Senator RIEGLE introduced a thoughtful resolution concerning Mr. Paraga and the Senate passed it unanimously. I introduced an identical resolution, H. Res. 240, in the House.

Mr. Paraga is to be commended for speaking out not only about human rights violations against Croatians, but against all Yugoslavs. He is internationally respected and was recognized as a prisoner of conscience by Amnesty International and other responsible human rights organizations. A country that abuses good men like Mr. Paraga also mistreats its other citizens.

Mr. Paraga, his fellow Croatians and thousands of ethnic Albanians are asking for the freedoms that millions of other Eastern Europeans demanded in 1989, the year of the people. With historic changes occurring in Eastern Europe, why is Yugoslavia lagging behind?

It is time to let the winds of change bring justice to the people of that country. It is also time for the United States to take a tough stand on the ongoing abuses in Yugoslavia. We must not conduct business as usual with Belgrade as long as the authorities there violate the human rights of Yugoslav citizens during a period of great hope and promise in Eastern Europe.

I commend Mr. Paraga's insightful statement before the Human Rights Caucus to my colleagues in the Congress.

STATEMENT OF DOBROSLAV PARAGA

Dear Members of the Congressional Human Rights Caucus and Members of the Senate, I, Croatian activist for Human Rights, along with my friends and associates, struggle for a small piece of the freedom and democracy that your citizens in the United States of American enjoy every day.

In many parts of the Yugoslavian Federal country the state of human rights is akin to

being in the middle ages. Ethnic Albanians in the sourth are even more oppressed than Croatians are in the north. Albanians constitute 10 percent of the total population of Yugoslavia, yet they bear as much as 80 percent of the total number of political prisoners.

On the eve of this hearing the Yugoslavian administration fearing this gathering in the U.S. Congress has put a halt to its incredible actions in the Kosovo region, but countless victims and political prisoners remain. One of these Juraj Pilko has just written on his treatment from his jail cell in Stara Gradiska where he is enduring 6 years of incarceration for sending 6 letters to foreign destinations.

Following S. Res. 169, dated August 4th 1989, and sponsored by Michigan Senator Donald Riegle, the first ever resolution related to Yugoslavia and condemning the trampling of human rights in Yugoslavia, their administration promised to implement a multi-party system which has still not been carried out in 4 out of a total of 6 republics.

Upon Rep. William Broomfield's announcement in Congress of H. Res. 240 for protection of human rights in my country and during which time he simultaneously sent home visiting Yugoslavian Prime Minister Markovic, who was looking for a handout, empty-handed, the Yugoslavian Secretary of State requested in the Croatian Assembly complete amnesty for political prisoners, a request which not only has been set aside but in direct contradiction to it the number of political prisoners rose significantly.

Last week just prior to the very beginning of this hearing, the Yugoslavian administration reached a decision to pardon 108 political prisoners. Amongst those pardoned is the well-known Albanian writer Adem Demaqi who has spent a total of 29 years incarcerated for the sole reason of having founded one of that regime's impermissible opposition parties. Demaqi was in fact released from prison two days ago into what amounts to be house arrest as evidenced by the presence of the special forces of the police and the dispersal of the throngs of well-wishers welcoming him home by threat of open fire upon them if they didn't disperse within 20 minutes.

In the meantime thousands of others not as well-known as Demaqi remain incarcerated. Likewise in 1977 prior to the conference on European Security and Collaboration in Belgrade, the authorities announced the pardon of 763 political prisoners, of which in reality 26 were released. Amongst those released was the well-known dissident Mihajlo Mihajlov who is present here amongst us today.

In Yugoslavia, moreover, the political police responsible for persecuting millions of the population, for physically liquidating its political opponents, and who perpetuate this reign of terror, have never been disbanded. The secret police is to this day the instrument of repression because of its protection of the Communist party and its monopoly on power.

The pinnacle of this kind of manipulative reign is represented by their choice for the President of the Electoral Commission for the first multi-party elections in Croatia in 51 years which were held 2 days ago. Mr. Milko Gajski, President of the Electoral Commission and now also president of the Supreme Court of Croatia, is directly responsible for my maltreatment in the investigative jail in Zagreb. He is responsible for the torture and death of my friend Ernest Brajder in the same jail, for the hundreds and hundreds of rigged political processes as well as electric schock treatment tortures. He had been the president of the District Court for 20 years in which this jail and torture chamber are located. Just because of this unacceptable fact the conducted multiparty elections in Croatia could not have been orderly nor legitimate.

Recently in Zagreb I was personally elected by secret ballot, and coincidentally without my presence, into the innermost leadership of one of the newly created political parties in Croatia. Meanwhile according to the regulations governing the organization of parties I am prohibited from assuming my duties because I presently am under a political sentence, exiled form Croatia to neighboring Slovenia.

Even though the presidents of the Human Rights Caucus, Rep. Tom Lantos and Rep. John Porter on October 26, 1989 wrote the president of the Federal Yugoslavian government, A. Markovic, to ensure respect for human rights and to allow for the investigation of the mysterious death of Ernest Brajder who died in custody in 1980. Markovic to this day has not done this and furthermore against myself he has not set aside the court sentence of jail and prohibition of public appearances. But then Markovic during his visit to Washington when addressing members of the Foreign Affairs Committee declined any kind of guarantees for my undisturbed return to my homeland.

This past month I sent to the address of everyone of the approximately 190 members of this respected caucus photographs and names of the innocent Yugoslavian citizens killed in February of this year whose only crime was to be on the streets demanding the establishment of a multi-party system and free elections.

Yugoslavia has not at all resolved its problem of respecting basic human rights nor its problem of respecting the equality and national sovereignty of the smaller nations which, whether they wanted to or didn't want to, reside within her. By this behavior Yugoslavia without pause continues to trample fundamental human rights and freedoms as they are drawn in the Helsinki Accords and universal declarations of the rights of man.

While in my country I am forbidden to speak, sentenced to silence, here in the American Human Rights Caucus and your Senate you have made it possible for me to speak openly and publicly welcoming me and all people who dream of freedom and justice in the jails of Yugoslavia. The Human Rights Caucus and the Senate of the United States of America are magnificent examples of how the American nation defends the freedom of the small nameless man as well as the freedom of enslaved nations.

H. Res. 240, introduced by Rep. William Broomfield, is necessary and indispensable because the governing body of Yugoslavia only comprehends this kind of language and also because Yugoslavia, as opposed to the Soviet Union, is completely dependent for its survival upon the economic aid of the United States and the West.

Some members of Congress and some of the administration of the State Department oppose this resolution and unintentionally prolong the continuation of dictatorship in Yugoslavia. From this spot I invite them to a higher understanding to help H. Res. 240 through the election because the path to freedom and justice cannot be stopped by anyone.

Therefore, I am hopeful in the name of all those oppressed and thirsty for respect and human rights that H. Res. 240 will be adopted by you on the floor and that the opposition against it will cease in the subcommittee for Europe and the Middle East.

I would also like to express my deepest respect and gratitude to the Human Rights Caucus, particularly to Tom Lantos, William Broomfield, John Porter and William Lipinski and to the Senate of the United States of America, particularly Donald Riegle, Carl Levine and Edward Kennedy for this day today and for all that you have done and are doing for freedom and the defense of the persecuted and humiliated in my homeland and the whole world. Thank you. God Bless America.

TWENTY-FIVE YEARS OF THE CUBAN SERTOMA CLUB OF MIAMI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, it is a pleasure for me to rise today to congratulate the Cuban Sertoma Club of Miami on the occasion of its silver anniversary this year.

The club is part of an international network. There are other clubs in Mexico, Canada, and Puerto Rico, as well as all over the United States. In Miami, it was born on August 7, 1980. Its first president was Dr. Manuel J. Reyes, and founding members were: Dr. Antonio Maceo, Dr. Fernando C. Mendigutia, Dr. Manuel de J. Rodríguez, Daniel Moore, Sr., Dr. Luis Péres Espinos, Mario A. Varona, Dr. Guillermo de Blanck, Pedro H. Lazo, Ernesto Castro, and Mario Galeote. Although some of the founding members have passed away, their legacy of citizenship and patriotism continues through the club's work.

Sertoma stands for "Service to Humanity" and during these 25 years they have worked with different charitable organizations: Vuelos de la Libertad [Liberty Flights] in 1965, serving the refugees arriving from Cuba by providing shoes, clothes, coats, and personal hygiene articles as they arrived at the airport in Miami; the YMCA José Martí Centro Mater; the Red Cross; Goodwill; United Way; the Sertoma International Center for Hearing and Speech; the Hearing and Speech Center of Miami; Christian Communiti Center; St. Lucas Child Care Center; community lunchrooms; nursing homes; Children's Hospital; Misionero de Camino in Guatemala; Dajabón Mission in the Dominican Republic; Unión de Cubanos en el Exiolio; League Against Cancer; and, the Máximo Gómez Park in Little Havana.

Their humanitarian aid has been spread to countries such as Nicaragua and Mexico during the aftermath of the earthquakes which these two countries suffered. They have also assisted Haiti, the Dominican Republic, and Peru, among other nations.

On Thanksgiving and Christmas Days, the club donates presents to needy children and meals to families who visit the community lunchrooms around Miami.

The Cuban Sertoma Club of Miami is an example for all of us to follow because of their

outstanding sense of community and love for their fellow man. Their selflessness and dedication have given them a place of honor in our city.

Mr. Speaker, I would like to especially congratulate the current leaders of the club: president, Fulgencio O. Castro; vice presidents, Jorge H. Núñez and Octavio González Olazabal; secretary, Aurelio Torrente Iglesias; vice secretary, José A. González; treasurer, Luis Arrizurieta; vice treasurer, Jorge M. Briñas; and, chairman, Modesto A. Alvarez. It is an honor to congratulate them and wish them many more years of success.

LET'S HELP OUR FIRMS PROTECT THEIR INTELLECTUAL PROPERTY RIGHTS

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. CAMPBELL of California. Mr. Speaker, the development of new technologies, such as semiconductor chips and computers, helps drive the engine of economic expansion. As the health of our economy depends more and more on technical breakthroughs, the importance of protecting intellectual property rights from foreign piracy increases. The International Trade Commission [ITC] estimated in 1988 that our firms lose between $43 and $61 billion annually from foreign piracy. This has a chilling effect on the development of new technology as the economic benefits of innovation become less and less certain. If foreign piracy is allowed to continue unchecked, the long-term effect on our economy will be grave, particularly when one remembers that American scientists produce a majority of the world's technical breakthroughs.

Section 337 is the primary section of our trade law that protects intellectual property rights. It provides for the exclusion of imported articles that the International Trade Commission finds to infringe on American patents, copyrights, trademarks, or semiconductor mask works. In addition, this provision requires the ITC to make a decision within 1 year. During the pendency of a ruling, section 337 allows the ITC to exclude an infringing good, or may require an importer to post a bond if it finds a "reason to believe" that the provisions of section 337 are being violated. In cases in which temporary relief is sought the ITC is required to make a decision within 90 days, unless it believes that the case cannot be evaluated properly within that time frame, in which case, it may take another 60 days to make a final ruling. Most firms prefer seeking relief from 337 over filing a case in Federal Court; it offers a relatively quick procedure for a final ruling and allows the ITC to exclude an offending good during the consideration of a case.

While the authors of section 337 were certainly well intentioned, I am nonetheless concerned that they did not go far enough in ensuring temporary relief. In the first 215 cases initiated since the 1974 amendment, only 15 firms even tried to seek temporary relief, despite the fact that they are suffering damage from the imports. Although some of the deficiencies of section 337 were corrected during the last session of Congress, current law still says that the ITC may give relief, but does nothing to require it unitl the proceedings are finished after a year. However, in industries such as biotechnology and medical technology that depend on rapid technical innovation, a year long wait, or 18 months in complicated cases, is just too long. By the time permanent relief is forthcoming, imports have too often flooded the market and damaged or even destroyed American firms.

The violation of intellectual property rights has already cost American firms millions of dollars in lost revenues. In the most recent ITC survey, 14 firms in the electronics industry estimated they lost almost $300 million in sales in 1986 alone from imports of infringing goods. In the industrial and farm equipment industry the losses were even greater, almost $325 million. The overall results show that the responding American firms lost almost $1.8 billion in 1986. These numbers, as great as they are, don't begin to tell the whole story of the damage to our economy as they are only the losses to respondents to the survey. And, in addition to simple sales losses, there is often substantial damage to consumer confidence due to the inferior quality of the imports, and thousands of lost American jobs. One example of an individual firm's losses is Apple Computer which has lost hundreds of millions of dollars over several years from imported clones of its popular computers which infringe upon its patents. To a smaller firm such losses could be devastating, possibly driving it out of business.

My bill would improve 337 by requiring the ITC to exclude an infringing article, on a temporary basis, as soon as it makes a determination that there is a "reason to believe" that a violation is occurring. This would eliminate the uncertainty that American firms now face when they plead for protection from the ITC. If their patent, copyright, trademark, or semiconductor mask is being infringed, they will receive meaningful relief as quickly as possible. Our firms will know that its government is doing everything it can to protect technical innovations, the very core of our national ability to compete in the international marketplace.

While merely changing one word in current law from "may" to "shall" may seem of little consequence, I believe that this simple amendment will help insure that our intellectual property rights are completely protected. Other countries including Japan and the European Community have already recognized the need for stringent protection of intellectual property rights. The European Community has enacted a regulation, Commercial Protection Regulation 2641/84, that serves a very similar purpose as section 337. The procedures under this regulation are also very similar, it authorizes the European Community Commission to investigate member complaints and respond to illicit commercial practices remedies including exclusion of the offending import. Our companies deserve such full prompt protection too.

Some critics have argued that passage of my amendment would limit the ability of the ITC to negotiate with our trading partners in a flexible manner. I disagree. Under the provisions of my measure, the ITC may, after considering the effect of such exclusion upon the "public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and the United States consumers" decide not to exclude the infringing article. In addition, the President may disapprove the action taken by the ITC for policy reasons and allow the importation of the article if he or she wishes.

As a professor of International Trade Law, I would like to respond to those who fear that my amendment would violate GATT. The way that I distinguish article III section 4 is that GATT has a grandfather provision for restrictions in force at the date of the agreement, and there was a provision for keeping out copyright infringing goods as of 1947. Moreover, my bill can fairly be viewed as a change only in the procedures of 337, not in its substantive scope and thus would not violate GATT any more than the present 337.

In conclusion, Mr. Speaker, we are suffering from a huge trade deficit in part because while we are leaders in technical innovation, all too often we fail to bring our products to market because our best ideas have been stolen by thieves. We must do everything we can to help our firms compete in a free and FAIR world marketplace, where technical innovations are protected and firms are allowed to reap the benefits of their toil. Only then will we begin to take the first few steps, that are so desperately needed, toward making our country competitive once again.

TRIBUTE TO DONNA I. KAY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Donna I. Kay of my 17th Congressional District of Ohio who passed away on March 17, 1990. Mrs. Kay had a long and distinguished career in the newspaper and publishing profession.

Mrs. Kay graduated from Newton Falls High School in 1937 and attended Youngstown College. She was married in 1946 to the late Wendell E. Kay, with whom she had three sons, David, Richard, and Timothy.

Donna Kay began her career in the newspaper business in 1956 when she worked as a bookkeeper for Milton Wick and Mahoning Valley Newspapers. In 1970 she was named assistant to the publisher of the Niles Daily Times and oversaw its conversion to a morning paper in 1981. Mrs. Kay was the publisher of Phoenix Publications from 1981 until her retirement in 1986.

Mrs. Kay received a variety of awards during her career in newspapers. In 1984 the Niles Daily Times received best in its circulation category by United Press International and in 1985 the Times received second in its category by the Associated Press. In 1985 Mrs. Kay received the Niles Chamber of Commerce's Distinguished Service Award.

Mrs. Kay also served on a variety of community service organizations. She was a past

president of the Warren Altrusa Club as well as director of Trumbull County Private Industry Council. She was also involved in the Trumbull County Chapter of the American Red Cross, Easter Seals Society, the American Lung Association and Junior Achievement of Trumbull County.

Mr. Speaker, I would like to recognize Donna I. Kay for her outstanding achievements in the newspaper industry and also for her involvement in organizations that make our community a better place to live. Mrs. Kay was a true model citizen and she will be greatly missed by all.

THE FEDERAL PAY REFORM ACT OF 1990

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. MYERS of Indiana. Mr. Speaker, today at the administration's request I am introducing a bill to reform the way we set pay for the Federal Government's white collar work force. I believe it is a good solution to the many problems we currently face in setting executive branch pay under the General Schedule.

THE NEED FOR FEDERAL PAY REFORM

It is no secret that the current General Schedule pay setting process is inadequate. From law enforcement to engineering to health care to clerical workers, agencies are reporting significant problems in recruitment and retention of employees. Over the last 10 years several reports by private sector firms such as Hay Associates have concluded that the Government's pay system needs to be more responsive to labor market conditions.

The National Commission on the Public Service, chaired by the Honorable Paul Volcker, concluded in its 1989 report that "* * * it is no longer appropriate or workable to use a national average to establish an appropriate level of pay." Most recently, studies conducted by the Wyatt Co. and the U.S. Office of Personnel Management evaluated both the need for and the types of changes which might be effective in reforming the General Schedule. The sum of these studies is that the General Schedule is a costly, inflexible, and inadequate way of setting pay for Federal employees.

MAJOR PROVISIONS

This comprehensive legislation is designed to accomplish five major goals:

First, key flexibilities to adjust to geographic and occupational variations in pay are created by splitting the General Schedule into two separate pay systems. The first, the Federal locality pay system, will be used to set pay for employees in occupations where pay is determined primarily on a local basis. The second system, the Federal national pay system, will be used to set pay for employees who are typically recruited on a nationwide basis. The distinctions between setting pay on a local basis for employees recruited locally and on a national basis for employees recruited nationwide are commonly made by large private sector organizations, and allow them to remain competitive in varying labor markets. This is precisely the flexibility in pay setting that the Federal Government needs in order to be competitive as we head into the 21st century.

Second, recognizing that agencies are in the best position to determine their own personnel needs and priorities, this bill authorizes several new recruitment and retention tools. They include expanded authority to hire above minimum rates, authority to pay travel expenses for job candidates and new employees, and authority to offer recruitment, retention and relocation bonuses.

Third, the bill forges a stronger link between employee performance and pay. Under the national system, individuals will be advanced through the pay range for their grade based upon performance. Under the locality system, individuals will progress through the first half of their pay range automatically as long as they are rated fully successful. Beyond the midpoint of their pay range, increases will be based upon performance. Employees under both the locality system and national system will be eligible for performance-based cash awards of up to 20 percent of basic pay.

Fourth, this bill provides for credible annual pay adjustment processes for the national system and locality system that I believe will stand the tests of time and the budget process. Then new system provides a more reliable measure of private and non-Federal public salaries, an enhanced role for employee representatives, and a schedule that is more timely to the annual budget process.

Fifth, this pay bill provides immediate relief for those areas where recruitment and retention difficulties are now most critical. The entirety of the bill provisions will be phased in over 5 years. However, listed below are several of the provisions which will take place immediately upon enactment:

A differential of up to 8 percent of base pay may be paid by agencies in three high labor cost areas: The Los Angeles, New York, and San Francisco metropolitan statistical areas.

Starting salaries for entry level positions for which the typical new hire is a college graduate may be raised by 5 percent. Agencies now face a critical inability to attract recruits to these entry level positions.

Authority for recruitment, retention, and relocation bonuses will be implemented immediately.

THE ALTERNATIVE

Mr. Speaker, I would like to mention two points about this bill which I hope will be of interest to my colleagues.

This bill creates a fair pay system for employees everywhere in our country. The Federal Pay Reform Act provides that no employee shall suffer a decrease in pay due to provisions of the act. In addition, regional flexibility in pay setting via the locality system and via regional differentials under the national system are tremendously preferable to the impending alternative in pay setting.

IN CONCLUSION

Mr. Speaker, I believe this bill is necessary. The old system is broken and another system is needed to replace it. This bill has been drafted with a phased implementation in mind, so that the total costs of implementation will not fall in any 1 fiscal year. The great strength of this system is that it provides flexibility, allowing the Government to respond as it is able to diverse and changing labor market conditions between occupations and across the country.

A CHANGING POPULATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 2, 1990, into the CONGRESSIONAL RECORD:

A CHANGING POPULATION

The United States is a country in transition. Those who study broad changes in the population of a society predict that in fifty years this country will be vastly different from the one we live in today. These changes are not easy for those of us who live in Indiana to see. But, by the middle of the next century, the U.S. population will be more diverse than ever before. As in the past, changes in our population will pose new challenges for us.

ETHNIC AND RACIAL DIVERSIFICATION

One population trend involves the ethnic and racial makeup of this country. Roughly 1 in 4 Americans is now Hispanic or nonwhite (i.e. not of white European descent). By the year 2010, a majority of Californians is projected to be Hispanic or non-white. The same could be true for the entire country by the year 2056. If current trends in immigration and birth rates continue over the next ten years, the Hispanic population will increase by 21 percent, Asian-Americans by 22 percent, Afro-Americans by 12 percent, and whites by 2 percent. By the year 2020, U.S. residents who are Hispanic or nonwhite are expected to more than double to 115 million, while the white population remains virtually unchanged.

Our society is already adapting to a more diverse population. School systems, especially in New York and California, are educating more students whose first language is not English. Many states and local communities are working to absorb immigrant groups into their economies and address their social and cultural needs. The court system is litigating more cases involving affirmative action and voting rights laws. Legislatures are struggling to build consensus for a much larger and more diverse population. Minority populations are seeking greater representation within all levels of government and within political party structures.

The changing ethnicity of this country also raises profound questions about who we are as a nation. Some will say that this country is melting pot of diverse cultures, built on a tradition of commonly shared values and principles, and that every new immigrant group must conform to that creed if the society is to grow and prosper. Others will counter that so-called traditional ideas about American culture are based on Western values and traditions which have little relevance for Hispanic or nonwhite Americans, and may even be associated with past discrimination. Rather, they will say, America is a multicultural society in which different traditions should be allowed and encouraged to flourish.

POPLULATION AGING

A second trend involves the rapid aging of our population. Americans are living longer than ever before and older persons will become far more numerous. Today, 31.6 million Americans are 65 or older, comprising 12.6 percent of the population. By the year 2025, when most of the baby-boom generation reaches retirement, the elderly population is projected to number 59.7 million, roughly equal to 20 percent of the Nation's population. Furthermore, older persons will live longer as medical advances raise life expectancy. Persons aged 85 or older are now the fastest growing population group in the country.

These changes could place immense strains on the economic resources of this country. Presently, the federal government spends more of its total outlays on Medicare, Social Security and other programs of older Americans, than it spends on anything else, including national defense. Medical expenditures on the elderly are expected to soar, especially for those in their eighties. The Medicare program presently spends 30% of its budget on the 5% of enrollees in their last year of life. These trends in federal spending raise the potential for intergenerational conflict, as younger generations demand that more attention be given to their needs, including education, health and child care, and housing.

CHANGES IN THE WORKFORCE

A third population trend involves the size and composition of the U.S. workforce. As baby boomers reach retirement age in future years, there will be fewer workers to replace them. Labor shortages may engender more competition for qualified workers among employers, the military, and other institutions, and drive up wages in tight labor markets—a phenomenon that is already occurring in some regions of the country.

These changes could also impose costs on the workers themselves. If the pool of workers does not grow in coming years—through increased immigration or higher birth rates—future workers will have to pay more for entitlement programs for the elderly. At the moment there are 3.4 people in the labor force for every Social Security beneficiary. By 2030 there will be fewer than two. It is possible that a smaller workforce will resent paying more payroll taxes for relatively better-off retirees. This problem could be compounded by the fact that most of the workers will be Hispanic or nonwhite, while most of the retirees will be white.

Also, women will continue to become a growing presence in the U.S. workforce. It is anticipated that women will represent 62% of the net increase in the labor force over the next decade. An increasing number of women will be working mothers. If current trends continue through the end of the century, more than two of every three preschoolers will have a mother who is employed outside the home. These changes are already prompting demands for better representation in management positions, better salaries, and better day-care and job-sharing arrangements.

CHALLENGES AHEAD

Predictions well into the future always carry a large degree of uncertainty. But if current trends continue, changes in our population will be a significant test of the strength and resiliency of our society. The 1990s will clearly be a decade of transition for this country, as we grope to find solutions to these emerging challenges. In the past, we have been successful at managing major population shifts—such as the large-scale immigration of this century, or the ongoing migration to urban areas. We will have to be as successful in coming years if this country is to continue to grow and prosper, and meet the needs and expectations of its citizens.

HUMAN RIGHTS FOR ALBANIANS IN SOUTHERN YUGOSLAVIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. LANTOS. Mr. Speaker, over the past year throughout Central and Eastern Europe we have witnessed a transformation that I expected to see—but I did not expect to see it in my lifetime. From Poland to East Germany to Czechoslovakia to Hungary, Romania, and Bulgaria we have witnessed the most dramatic developments in the last half of this century as these former Soviet-dominated Communist States have cast off their totalitarian regimes and moved toward pluralistic democratic governments, market economies, and recognition of human and civil rights. This trend has been cheered by tens of millions in Central and Eastern Europe and by hundreds of millions more throughout the democratic countries.

In only one country in this region—Yugoslavia—has this general trend been ambiguous. In the northern and western regions of Yugoslavia—in the Republics of Slovenia and Croatia—the democratic trend is clear and decisive. In those areas inhabited by ethnic Albanians in southern Yugoslavia in the Republic of Serbia and Macedonia, the trend is also clear and decisive, but unfortunately it is in the exact opposite direction, toward denial of human and civi rights, toward totalitarianism and away from the democratic development that all of us have cheered this past year.

Mr. Speaker, let me just cite a few examples from the annual "Country Reports on Human Rights Practices for 1989" prepared by the U.S. Department of State. Yugoslav Government data indicates that 336 of 436 persons—well over three quarters—officially acknowledged to have been sentenced for political offenses in Yugoslavia, were ethnic Albanians from the Province of Kosovo. In 1988, of 517 political charges filed throughout the country, 43 percent were against ethnic Albanians from Kosovo, although Albanians make up only 8 percent of the population of Yugoslavia.

Just 1 year ago, major demonstrations were held by ethnic Albanians to protest the effort of the Government of the Republic of Serbia to establish greater centralized control over the Province of Kosovo and to reduce local Albanian influence over their own affairs. Serbian and Yugoslav security forces used excessive force in dispersing the demonstrators, including beating them, indiscriminately firing on them, sometimes from helicopters, and using ammunition designed to increase deaths and injuries. The result of this was an official death toll of 25 people and unofficial reports that the number of demonstrators killed was substantially larger. Following those demonstrations, Yugoslav authorities held 237 Albanians from Kosovo in isolation for as long as 3 months, denying them access to attorneys or to their families, subjecting them to beatings, cold, inadequate food, and harsh interrogations, but only 41 were eventually charged with criminal offenses and another 18 with misdemeanors.

Albanians have been denied freedom of speech. As the Department of State reports, "Albanians in Kosovo may well be jailed for calling for their Province to be given republic status within Yugoslavia, while in other parts of the country journalists or public figures may openly advocate this step." At least 30 ethnic Albanian instructors at the University of Pristina in the Province of Kosovo, and large numbers of teachers at other educational levels were disciplined or fired "under suspicion of influencing students toward Albanian separatist views." Those who espouse views not favored by the Serbian Government are not only subject to expulsion from the Kosovo Communist Party, but party officials have demanded that they "be fired from 'leading positions,' including those in managerial level of business enterprises."

Yugoslav authorities have discriminated against ethnic Albanians by denying them the right to assemble peacefully. Albanian demonstrations in Kosovo were prohibited by the Yugoslav and Serbian Republic governments but planned demonstrations by ethnic Albanians in Kosovo were forcibly suppressed by police forces of the Serbian Republic. In the Republic of Macedonia one ethnic Albanian was sentenced to 10 years imprisonment and four others to terms of 6 to 8 years imprisonment for organizing a demonstration of ethnic Albanians, and eight other ethnic Albanians in the Republic of Macedonia were sentenced to prison terms of 5 to 11 years for participating in a public demonstration calling for observance of their right to use their own language.

Mr. Speaker, we in the Congress cannot sit by and watch this egregious violation of human rights of ethnic Albanians continue in southern Yugoslavia. These actions run directly counter to the winds of democracy and freedom that are sweeping that region of the world; they run directly counter to the positive democratic changes that are taking place in the northwestern republics of Yugoslavia. It is essential that we in the Congress make known our strong disapproval of these vicious actions; it is important that we speak up now on this violation of human rights.

Mr. Speaker, with my distinguished colleagues, the gentleman from New York [Mr. GILMAN] and the gentleman from Illinois [Mr. PORTER], I have introduced House Concurrent Resolution 314. The identical legislation was introduced in the Senate by the distinguished chairman of the Senate Foreign Relations Committee, Senator PELL of Rhode Island, and by the distinguished minority leader of the Senate, Mr. DOLE of Kansas.

I urge my colleagues in the Congress to join us in cosponsoring this important legislation.

Mr. Speaker, I ask that the text of this resolution be placed in the RECORD so my colleagues may be aware of its provisions.

H. CON. RES. 314

Whereas recent events in Eastern Europe underscore the need for a strong United States role in the promotion of human rights and democracy throughout that region;

Whereas the human rights situation in certain areas of Yugoslavia, particuarly in the Socialist Autonomous Province of Kosova, has deteriorated while other countries in Eastern Europe are embracing democratic freedoms and fundamental rights;

Whereas the Department of State's *Country Reports on Human Rights Practices for 1989* cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards, including infringement upon and abrogation of the rights of assembly and fair trial, freedom of speech, and freedom of the press;

Whereas the Country Reports also document that these human rights violations are targeted against certain ethnic groups and regions, particularly against the ethnic Albanian population of the Province of Kosova and to a lesser extent the ethnic Albanian population of the Republic of Macedonia;

Whereas the Government of the Yugoslav Republic of Serbia abrogated the autonomous status of the Socialist Autonomous Province of Kosova in March 1989 against the clear wishes of the ethnic Albanian population of that Province, which comprise the overwhelming majority of the population of that Province;

Whereas these serious and continung human rights violations, in addition to the continued denial of autonomous status to the Province of Kosova, have precipitated a severe and continuing ethnic crisis in southern Yugoslavia;

Whereas the Albanian majority of Kosova have been denied the right to free trial and other civil rights;

Whereas the democratic movements in Kosova have attracted large numbers of Albanian supporters despite the severe restrictions on human rights and the democratic process;

Whereas the Government of Yugoslavia and the Government of the Republic of Serbia have responded through the use of force to suppress Albanian dissent which has arisen in opposition to these intolerable conditions;

Whereas the use of force by the Government of Yugoslavia and the Government of the Republic of Serbia has led to indiscriminate killing and brutal treatment of peaceful Albanian demonstrators by the police, mass arbitrary arrest and detention of Albanians, summary trial and imprisonment of Albanian peasants and workers, the banning of Albanian demonstrations and strikes, and the silencing of Albanian journalists and broadcasters; and

Whereas these human rights abuses and the abridgement of the civil rights of ethnic Albanians violate the principles of the Universal Declaration of Human Rights and the political obligations undertaken by the Government of Yugoslavia as a signatory to the Helsinki Final Act: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses grave concern about the human rights abuses by the Government of Yugoslavia and the Government of the Republic of Serbia;

(2) urges the Government of Yugoslavia and the Government of the Republic of Serbia to cease the use of force in the Province of Kosova and to protect basic human rights and fundamental freedoms;

(3) urges the Government of Yugoslavia to investigate the indiscriminate killing of civilian by police forces;

(4) welcomes the decision of the Presidency of Yugoslavia to lift the state of emergency in the province of Kosova and the decision of the Yugoslav courts to acquit Azam Vlasi and 13 other ethnic Albanian defendants of all charges against them;

(5) urges the Government of Yugoslavia and the Government of the Republic of Serbia to ensure that the lifting of the state or emergency results in the full restoration of freedoms curtailed under the state of emergency;

(6) urges the Government of Yugoslavia and the Government of the Republic of Serbia to restore full autonomous status to the Socialist province of Kosova;

(7) urges the Government of the Republic of Serbia to begin a genuine dialogue with the recently formed Democratic Alliance Movement and other democratic forces in the Province of Kosova in the interest of resolving the political and economic crisis in that Province;

(8) urges the Government of Yugoslavia to observe fully its obligations under the Helsinki Final Act to assure full protection of the human and civil rights of the Albanian nationality and all other national groups in Yugoslavia;

(9) urges the Department of State to continue to monitor more closely and on-site the human rights conditions in Yugoslavia;

(10) urges the President to express the concerns of the Congress about the situation in the Province of Kosova and the increase in human rights violations in other areas of Yugoslavia at the highest levels of the Government of Yugoslavia; and

(11) urges the President to prohibit Export-Import Bank loans or credit guarantees to the Federal Republic of Yugoslavia, where these are intended to finance projects within the Republic of Serbia, until there is a substantial improvement in the human rights situation and until all citizens of Yugoslavia are afforded equal rights.

INTRODUCTION OF THE NATIONAL SAVINGS ENHANCEMENT ACT OF 1990

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. SCHUMER. Mr. Speaker, today I, along with Congressman MOODY, introduce the National Savings Enhancement Act of 1990, legislation that will provide new incentives for Americans to save through individual retirement accounts.

Saving is the lifeblood of a healthy and vibrant economy. An adequate savings pool can mean the difference between automated factories and idle assembly lines; financial independence and addiction to foreign capital; a high standard of living and just getting by. Yet, in the last few years, the U.S. savings rate has plunged dangerously downward, choking off investment and eating away at our standard of living.

In 1970, Americans saved over 9 cents out of every dollar earned. Americans now save only 5 cents on the dollar. The decline has meant we have less money for investment in our industry and in our children's education; investments we need to make to remain competitive in the world economy.

We can reverse this trend and take charge of our economic future again if we learn the fundamental economies of saving again.

The National Savings Enhancement Act promotes saving through individual retirement accounts. The key feature of the bill is that it would allow eligible IRA participants to take a tax deduction for IRA contributions in advance of any actual contribution, in exchange for a commitment to save the amount deducted over the next tax year.

Moreover, the bill gives more Americans an incentive to save by expanding eligibility for tax deductible contributions to families earning up to $85,000 and individuals earning up to $50,000 a year.

In addition, the bill would allow IRA participants to have their designated contributions deposited directly from their paycheck each pay period.

Finally, the bill would allow penalty free withdrawals for first home purchases and education expenses.

Together, these features will make saving easier than saving with traditional IRA's. For example, under the traditional IRA, the tax incentive comes after the saving is already done. This means that many taxpayers, who might otherwise have the capacity to save, but not the foresight, lack sufficient incentive to save with the traditional IRA.

The special advance deduction offers a real incentive for saving by allowing eligible taxpayers to take a tax deduction in one tax year and then make their IRA contributions over the next tax year.

Similarly, the direct deposit feature takes the hassle out of saving by providing a mechanism for automatic contributions.

Additionally, unlike the current IRA, the early withdrawal provisions allow participants to save both for their retirement and for other major expenses by allowing penalty free withdrawals for first home purchases and education expenses.

This new and improved IRA can teach Americans to save again. And by saving more we can ensure a better future for ourselves and for our children.

HOMELESS CHILDREN GO TO BED HUNGRY

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. CAMPBELL of California. Mr. Speaker, every day in this country, thousands of homeless children go to bed hungry. HUD estimates that there are approximately 500,000 homeless individuals currently in the United States today. Some advocacy groups concerned with homelessness estimate that figure at closer to 3 million. And at least one-third of the homeless population is comprised of families with children.

The Department of Agriculture runs several excellent food assistance programs; however these programs do not always directly benefit the homeless. Homeless people have no refrigeration facilities to keep "surplus" food or food purchased with food stamps. They are entirely dependent on food service programs which provide entire meals at one sitting. It is these programs which are the intended beneficiary of this legislation.

In the past, charitable food programs have encountered a problem related to legal liability. Food businesses hesitate to donate food to the programs, and programs are often unwilling to accept such food because of the potential threat of a lawsuit, warranted or not.

My bill would create an incentive for States to enact legislation which would release food donors and food programs from liability unless negligence or malfeasance exists. Strict liability would no longer apply.

Statutes similar to the one suggested in this bill have been enacted in States such as California with tremendous results. Food donors and service providers no longer need to fear the imposition of unwarranted litigation costs. As a result, donations have increased dramatically and food programs have flourished. Volunteers and food businesses should not be penalized for their generosity. Instead they should be encouraged for helping to alleviate a very serious problem.

TRIBUTE TO LAWRENCE J. HESELOV

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Larry J. Heselov of my 17th Congressional District of Ohio. Mr. Heselov will be receiving the "Guardian of the Menorah" from the B'nai B'rith Hillel Foundation of Youngstown, OH, on May 20, 1990, at the "Guardian of the Menorah Tribute Dinner".

The Guardian of the Menorah is given every year to a member of the Youngstown community who has exemplified dedication and service to our community. Mr. Heselov is truly concerned for his fellow citizens and has devoted many hours to enriching those around him.

Mr. Heselov has served in a leadership capacity in a variety of groups and organizations geared toward helping others. He is on the board of trustees for the Youngstown Area Jewish Federation, first vice president Congregation Rodef Sholom, St. Elizabeth Hospital Medical Center, Metropolitan Savings Bank, Boys Club of Youngstown, and is a member of the leadership club committee of United Way of Youngstown.

Besides being a community leader, Mr. Heselov is also a leader in the business community. He was the president of the National Commercial Refrigeration Sales Association in 1982, of Institutional & Supermarket Equipment, Inc. 1983–1986, of the Century Fournier Co. 1966–1985, and presently he is the president of the Store Engineering Co.

Joe lives in Youngstown with his wife of 39 years, Sunny. Joe and Sunny have four children, Lonny Heselov Black, an attorney, of Rochester, NY; Cindy Heselov, a drug dependency counselor, of Columbus, OH; Kim Heselov, a registered nurse, of Atlanta, GA; and Marty Heselov, a film editor, of Los Angeles, CA.

Mr. Speaker, I would like to take this opportunity to commend Lawrence J. Heselov on his many years of unselfish service to our community and State. He is a leader and outstanding example of a true humanitarian. Our community owes a great deal to Mr. Heselov and I congratulate him on receiving the "Guardian of the Menorah." I am honored to represent this exceptional individual.

SOME OBSERVATIONS ON FOREIGN AFFAIRS FROM FORMER PRESIDENT RICHARD NIXON

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. BROOMFIELD. Mr. Speaker, in March, former President Richard Nixon spoke to a number of Congressmen in the Ways and Means Committee room. As usual, he had some original and insightful things to say about his favorite subject, foreign policy.

While his remarks to us were off the cuff, what he said was very much like a speech he had prepared for delivery to the Boston World Affairs Council.

Among his observations in that speech:

On the newly democratizing countries: "What we need today is an International Freedom Corps sponsored by the United States, Western Europe, and Japan which would have the responsibility to provide expert economic advice to those nations who chose freedom on how to develop and implement free market policies."

On Gorbachev: His decision not to use force in Eastern Europe was "brilliant" because it "removed the fear—the glue that holds the NATO alliance together."

Also on Gorbachev: This is the time to make deals with Gorbachev while he stills needs our help. "We should link our decisions on items he wants, like trade, credits, and technology, to his actions on items we want, like eliminating his support of our potential enemies in the Third World."

On China: Whether it "will play a peaceful or destructive role in the world, whether it will repress or respect human rights, depends on whether the United States is able to again develop a constructive relationship with China."

On the Third World: "The people of these countries have enormous problems. In the past, the Communists at least have talked about the problems. Too often, we only talk about the Communists. Now with the Communist threat receding, we should address those problems honestly and creatively."

For the benefit of all of my fellow Members, I would like to insert the complete text of President Nixon's prepared remarks:

THE REAL GORBACHEV

(Address by former President Nixon before the Boston World Affairs Council)

In addressing this distinguished audience of foreign policy observers, I want to tell you up front what my approach will be.

Virtually all of the foreign policy experts these days are singing the same tune. Editorial writers, columnists, think tanks, and television commentators tell us:

The Cold War is over.

The West has won.

The Soviet Union no longer poses a significant threat to our interests.

A State Department expert observes that we are witnessing what he calls the end of history. We no longer need to devote our attention to the great issues that have divided us during the Cold War, but can now devote our efforts to issues which unite us like global warming.

I believe profound changes have taken place, but I see the world from a different perspective from those who reside in the Washington Beltway, the modern version of Plato's cave.

I believe the Soviets have lost the Cold War, but that the West has not yet won it.

I believe that we are witnessing the defeat of communism, but that this alone does not assure the victory of freedom.

I believe that while the Soviet threat has receded, we face challenges all over the world which will test us to the limit of our capabilities and our will.

Finally, I also profoundly believe that if we meet our leadership responsibilities, the twentieth century, which was the bloodiest in world history, will be succeeded in the year 2000 by a century of peace.

Nineteen-eighty-nine was the year of the century for the forces of freedom in the world. We saw the Berlin Wall come down and communist leaders in Poland, Hungary, Romania, Bulgaria, Czechoslovakia, and East Germany driven from power by the people in those countries. The year was capped by the stunning defeat in a free election of another communist leader, Daniel Ortega in Nicaragua.

We now face a new challenge. Winning an election or a revolution is difficult. But far more difficult is running a government after you win. Now that the people of these countries have ridded themselves of the evils of communism, we must help them find a way to enjoy the blessings of freedom.

Democracy alone is not the answer. Democracy means government by elected leaders and elected leaders can provide bad economic policies as well as good ones.

Democratic socialism is not the answer. For seventy years we have opposed totalitarian communism because it is evil. Today we must oppose democratic socialism because it won't work. The trouble with the socialists is that they promise the golden egg and then kill the goose that lays it.

As Czechoslovakia's brilliant finance minister recently observed, partial economic reforms won't work. There is no halfway house between communism and freedom.

There is only one way to progress for these nations which have rejected communism. They should adopt the free market policies which have produced economic miracles in the United States, Western Europe, and Japan. Those like Poland who go through the agony to move that way deserve our full support.

The newly free nations of Eastern Europe and Nicaragua rejected communism because it didn't work. Our challenge is to assist

them in ways that will make certain that freedom does not suffer the same fate. Rather than sending them political experts on how to run a campaign, we should send them economic and technological experts on how to run a free economy.

In his inaugural address on January 20, 1949, President Harry Truman announced what he called a "bold new program for making the benefits of our scientific and industrial progress available for the improvement and growth of undeveloped areas." Unfortunately, while this visionary Point Four program, as it was called, was never fully implemented in the 1950s, it provides a useful example in the 1990s of how we should approach the problems of the new democracies in Eastern Europe and Nicaragua and the less developed countries of the Third World. What we need today is an International Freedom Corps sponsored by the United States, Western Europe, and Japan which would have the responsibility to provide expert economic advice to those nations who chose freedom on how to develop and implement free market policies. For example, in the United States, retired chief executive officers of major corporations who are still in the prime of life could be of invaluable assistance in such a program.

The bottom line is that we should not blithely assume that if we can just "export democracy" these countries will find an answer to their desperate need for economic progress. Far more than our money to subsidize half-baked policies that are bound to fail, these countries need the benefit of our experience in dealing with the infinite complexities of free market economic systems.

Let us now take a close look at the most remarkable statesman of our time—Mikhail Gorbachev.

Gorbachev is a troika, a three dimensional personality. The fact that he does not have a single-minded vision, as was the case with his predecessors, should not be considered a liability. Unfortunately, history tells us that leaders with vision, more often than not, produce nightmares.

Despite what you may hear that he could be a closet democrat or even a closet Christian because he treats the Pope respectfully, Gorbachev is in fact a true believing communist. His goal is not to abandon communism, but to save it.

He is a patriotic Russian nationalist. His goal is not to dismantle the Soviet empire, but to preserve it, as demonstrated by the hard-line he is taking on Lithuanian independence.

But the most dominent facet of his complex personality is that he is a consummate pragmatic politician who likes power, knows how to use it, and will do what is necessary to keep it. It is this characteristic which has primarily influenced his decisions to adopt his revolutionary political, economic, and foreign policy reforms.

Rather than trying to psychoanalyze him, let us see what he has done.

His political reforms do not meet our standards. But compared with what the Russian people had before, they are breathtaking. Where there was no freedom of the press, there is now some. Where there was no freedom to criticize party leaders, there is now some. Where there were no free elections, there are now some. After having had their voices stilled for over seventy years, the great silent majority of the Russian people are finally being heard.

On the other hand, his economic reforms have been a dismal failure. For example, in the ten years of Deng Xiaoping's reforms in China between 1979 and 1989, the per capita income of the Chinese people doubled. In the five years Gorbachev has been in power, the per capita income of the Russian people has gone down.

His foreign policy reforms, however, have exceeded all expectations. He has withdrawn the Red Army from Afghanistan. He has announced reductions in his Warsaw Pact forces and in his defense budget. Most important, he has not used the Red Army to keep his East European clients in power, as did Khrushchev in Budapest in 1956 and Brezhnev in Prague in 1968.

We must keep this last point in context, however. The conventional Beltway wisdom is that it was Gorbachev who inspired and encouraged the anti-communist revolts in Eastern Europe. The truth is that it was Western values contrasted with the failure of communist policies, which brought millions into the streets of the great cities of Eastern Europe. Gorbachev deserves credit for not sending in the Red Army. But the revolutions in Eastern Europe were not pro-Gorbachev. There were pro-freedom and anti-communist.

The most significant question to address is why Gorbachev changed previous Soviet policies. Here we see the pragmatic politician taking over from the ideological communist and the Russian nationalist. Look at what he confronted when he came to power five years ago. Everywhere he looked, communism was suffering from terminal illness.

All of the Soviet Union's Third World conquests were losers, costing the Soviet Union $15 billion a year in subsidies.

Dissent and outright rebellion were boiling beneath the surface in the captive nations of Eastern Europe.

Most ominous, the Soviet economy was a basket case plagued by shortages, crime, and corruption.

Abroad he saw that his major potential adversary, the United States, had recovered from the malaise of the late 1970s and the recession of the early 1980s, had a booming economy, a stronger military, and a new initiative, SDI, which would cost him billions of dollars he did not have to be competitive.

In 1985, shortly after Gorbachev came to power, I asked China's General Secretary Hu Yaobang if he thought Gorbachev would adopt economic reforms as Deng Xiaoping had. He replied, "If he doesn't, the Soviet Union will disappear as a great power in the twenty-first century." He was right and Gorbachev knows it. He had no choice but to reform at home and to retrench abroad.

There is no question that Gorbachev has changed since the time he totally supported Brezhnev's policies. But it is a change of the head, not the heart. At a time he is using his head, we should not lose ours.

Let us see what he has not changed.

In implementing his political reforms, some communist officials have lost their positions. But Gorbachev has strengthened his. He is the most powerful Soviet leader since Stalin.

Despite cuts in his defense budget, he still spends twenty percent of his GNP on defense, compared with six percent in the United States. He has modernized all three legs of his nuclear triad, as well as his conventional land, sea, and air forces. The Soviet military is leaner, but stronger than when he came to power five years ago.

He has withdrawn the Red Army from Afghanistan, but spends $4 billion a year to keep the same communist government in power. Except for Nicaragua, all of the Soviet Union's Third World clients are still in power, subsidized to the tune of $15 billion a year in arms and economic aid from the Kremlin. The Cold War may be ended in Eastern Europe, but it is still being waged in the Third World.

Why did Gorbachev act as he did in Eastern Europe? He did what he did not to help us but to help himself. If he had used the Red Army to keep his unpopular clients in power in Eastern Europe, he would have aborted his brilliant diplomatic blitzkrieg to psychologically disarm Western Europe. He had to choose between Eastern Europe and Western Europe. He made the right choice. He chose Western Europe.

He faces a similar choice today. He must choose between Lithuania and the United States. If he uses force or threats of force to deny independence to Lithuania, there is no way that the Senate of the United States would approve any arms control, trade, or other agreement at the upcoming Bush-Gorbachev summit. Those who cynically say that having a Bush-Gorbachev summit must take priority over our concern for the independence of Lithuania are profoundly wrong morally. They are also wrong politically. The tough-minded, pragmatic politician who did nothing to keep his subservient client in power in strategically important East Germany will not risk his relationship with Western Europe and the United States to keep tiny Lithuania under Soviet control. The Ukraine, maybe; Lithuania, never.

To say that we must choose between independence for Lithuania and a Bush-Gorbachev summit misses the mark. It is possible to have both. Gorbachev will go to the brink, but he will stop short of action which would irreparably damage his new relationship with Western Europe and the United States, who in the final analysis he knows are going to have to bankroll perestroika.

Gorbachev's decision not to use force in Eastern Europe has been a brilliant success from his point of view. He has removed the fear—the glue that holds the NATO alliance together. Even more important, his benign image as a man of peace has increased his chances to get the credits and technology he needs for his sick economy.

Should we help Gorbachev? The answer is yes if it serves our interests as well as his.

It does not serve his interests or ours unless his reforms go far enough to work. His current reforms do not meet that test. As Andrei Sakharov observed shortly before his death, "In the absence of radical reforms, credits and technological aid would only prop up an ailing economy and delay the advent of democracy."

Even if his economic reforms go far enough to work, it does not serve our interests to help Gorbachev if as a result we will be facing an economically stronger Soviet Union with the same aggressive foreign policy.

As we applaud Gorbachev's new thinking in Eastern Europe, we should take a hard look at some of his old thinking in the Third World. In nation after nation he is supporting anti-American regimes in Asia, Africa, and Latin America.

He provides $6 billion a year in arms and other aid to Castro, $2.5 to Vietnam, $4 billion to Afghanistan, $1 billion to North Korea, $1.5 billion to Syria, $1 billion to Angola, $1 billion to Libya.

We hear reports that he is trying to influence his Third World clients to adopt less agressive policies. There is one sure way he

can influence them. He can quit subsidizing them.

Now that the people of Eastern Europe have ended the Cold War in Eastern Europe, the time has come for Gorbachev to end the Cold War in the Third World.

But isn't this asking him to give up too much? Let us examine this question in historical perspective. In 1945, Winston Churchill sent a message to the new President of the United States, Harry Truman: "It is vital that we reach an understanding with Russia now before we mortally reduce our armed forces and withdraw to our zones of occupation." In effect, Churchill was saying, "Make a deal now when Stalin needs one because of our strength rather than waiting until later when he will not need one because of our weakness." His advice was rejected, and as a result a hundred million people in Eastern Europe were forced to endure 40 years of Soviet domination and repression.

We are at another great watershed of history. Gorbachev needs our help for his terminally sick economy. We should make a deal now which serves our interests rather than waiting until later when as a result of our help, he may no longer need one. We should link our decisions to items he wants like trade, credits, and technology to his actions on items we want like eliminating his support of our potential enemies in the Third World.

We should totally reject the fatuous advice of those who suggest that we should help finance perestroika. It is in our interest and in Gorbachev's as well for him to finance perestroika by cutting back on his Third World foreign aid programs and his huge defense budget.

Let us assume the best—that we will be entering a new era in which the Cold War is over, not just in Eastern Europe, but in the Third World as well. What are the challenge we will face?

First, there is the Soviet Union. Even without Eastern Europe, the Baltics, and its Third World outposts, the Soviet Union will not be an international pussycat. It will still have 30,000 nuclear warheads, the world's largest coventional army, and a modern, blue-water navy. And it will have a long history of pervasive Russian expansionism which began centuries before the Bolshevik Revolution. Those who fear a united Democratic Federal Republic of Germany because of Germany's history should take a hard look at the totalitarian Soviet Union in light of Russian history.

There is China—a nuclear power with one and one-tenth billion potentially capable people which in spite of not because of communism will be a military and economic superpower in the next century. Whether China will play a peaceful or destructive role in the world, whether it will repress or respect human rights, depends on whether the United States is able to again develop a constructive relationship with China. No other Pacific power can play that role. Does anyone seriously believe that the Japanese, let alone the Russians, would export democracy to China?

There is Japan, an economic superpower. It is fashionable and politically profitable to bash Japan these days. And as last week's issue of Newsweek indicated, it has now become fashionable in Japan to bash the United States. We must insist that we have fair trade as well as free trade with Japan. But we must recognize that as the two most advanced free world economies we are destined to be vigorous and at times even fierce competitors. But we must keep that competition in perspective. Those who contend that Japan has now replaced the Soviet Union as our major adversary in the world are grossly exaggerating the problem. The Dutch own more of America than do the Japanese. Even if all trade barriers between the United States and Japan were removed. Our trade deficit with Japan of $45 billion a year would be reduced by only $5 to $7 billion. As we consider the causes of our econcomic problems, rather than always looking out the window toward Japan, we should look in the mirror. Above all, we must never lose sight of the fact that without a constructive, strategic relationship between the United States and Japan, peace will not survive in the Pacific.

There is Western Europe, which after 1992 will challenge the United States as the world's major economic superpower. Before blithely dismantling NATO, we must remember that we need it for two reasons: As insurance against a renewed Soviet threat, and as reassurance for those who rightly or wrongly fear the power of a united Germany. Let's look at Europe without NATO. For forty years, the goal of Soviet foreign policy has been to denuclearize Europe, get the United States out of Europe, neutralize Germany, and dismantle NATO. Such a Europe would leave the Soviet Union as the only nuclear superpower and as the dominent conventional power in Europe. How long could the German economic powerhouse tolerate that situation?

There is the Third World. By the end of the century, four billion people will be living in the less developed nations of Latin America, Africa, and Asia. They will have a per capita income of $800 a year, as compared with $18,000 a year in the United States, Western Europe, and Japan. That disparity is a recipe for revolution in a part of the world in which there have been over 100 wars since World War II in which more people have been killed than in World War I.

The people of these countries have enormous problems. In the past, the communists at least have talked about the problems. Too often, we only talk about the communists. Now with the communist threat receding, we should address those problems honestly and creatively.

I could go on, but as you can see, apart from the Soviet threat which has monopolized our attention for over forty years, we face awesome challenges. But they are also inspiring because they are the challenges of peace, not of war. Can America meet those challenges? It is ironic that at the very moment we are at the brink of victory in the Cold War, a wave of isolationism is sweeping across the country. From the left we hear that the United States is a declining power and that we are no longer able or even worthy to carry the burden of free world leadership. From the right, we hear that the United States has carried that burden long enough and that the time has come for those we helped after World War II, particularly the Japanese and the Germans, to assume that responsibility.

There is no question that the Germans and Japanese should do far more. But that does not mean that the United States should do nothing.

We are not as powerful as we were after World War II, relative to the rest of the world. But the United States is still the world's only true superpower. The Japanese and Germans are economic superpowers. Only the United States is a military, economic, and geo-political superpower.

As Herb Stein recently pointed out, the United States is a very rich country. We are not rich enough to do anything, but we are rich enough to do everything important.

In speaking of the power of the United States in his Iron Curtain speech, Churchill said, "This is a solemn moment for the American Democracy. For with primacy in power is joined an awe-inspiring accountability for the future." That statement is as true today as it was when he spoke those words forty-four years ago. Leadership that only the United States can provide in both Europe and Asia is indispensable if peace and freedom are to survive in the world.

We should provide that leadership not just for others but for ourselves. America cannot be at peace in a world of wars. When freedom is lost anyplace, it is lost in America. We cannot have a healthy American economy in a sick world economy. For example, while there was significant progress politically in many Latin American countries in the 1980s, economically, the eighties were a lost decade. Only Colombia showed growth—and that for very unhealthy reasons. As the poor of Latin America escape from poverty, we in North America will find our lives enriched.

Let me put the challenge we face in historical perspective. In 1947, two freshman congressmen, Jack Kennedy and I, had offices near each other on the fifth floor of the old House Office Building. I vividly recall our first major foreign policy vote, exactly forty-three years ago. In a dramatic joint session of Congress, President Truman asked for military and economic aid for Greece and Turkey to meet the communist threat to those countries. It was a tough vote for both of us. It was tough for him because the liberal Democrats in his Massachusetts district opposed any military foreign aid. It was tough for me because the conservative Republicans in my California district opposed all foreign aid.

We both voted for it and helped to launch the great bipartisan initiative which deterred Soviet aggression in Western Europe for the past forty years.

We were young then. And with the enthusiasm of youth, we were highly motivated by the belief that we were serving a great cause—the defeat of communism.

You, the present and future leaders of America, have a greater cause—the victory of freedom. If you meet your challenge as we met ours, your legacy will be not just that you saved the world from communism, but that you helped make the world safe for freedom.

HONORING THE MIDDLETOWN PLAZA SENIOR CITIZEN CENTER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. ENGEL. Mr. Speaker, in my district on May 4, the Middletown Plaza Senior Citizen Center is holding a party to celebrate its 16th anniversary of service to the Bronx community. On this special occasion, I wish to recognize the hard work performed by the people who run the center, as well as salute the spirit of the senior citizens who are determined to make every day a celebration of life.

Over the past 16 years, the Middletown Center has offered a growing list of services that are vital to the more than 1,000 senior citizens registered for its programs. Examples include the meals that are served 5 days a week, the home delivered meals that are brought to 60 home-bound seniors, transportation to hospitals and shopping areas, and the case assistance available to help seniors with their medical and personal problems. The center's recreational activities include a weekly social dance, trips to exciting places, and a host of education programs.

Not only are all services provided by the Middletown Center's staff, but they are administered with care and understanding. The relationship between staff and senior citizens at the Middletown Center is to be commended. May their good work and good health continue on for many more years to come.

LESTER M. CRYSTAL: 20 YEARS OF JOURNALISM EXCELLENCE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Ms. LOWEY of New York. Mr. Speaker, I would like to draw the attention of my colleagues to the distinguished honor which will be bestowed upon Lester M. Crystal by the Westchester Civil Liberties Union.

Mr. Crystal will be awarded the John Peter Zenger Journalism Award for his commitment to excellence in journalism. This award was created several years ago to honor exemplary commitment and dedication in the field of journalism. He is only the third recipient of this prestigious award. His career has been filled with positions of leadership in the journalistic profession, and in those positions, he has upheld the highest standards of journalism and has protected the freedom of expression which is fundamental to that profession and essential to our democracy.

He is the executive producer of public television's award winning MacNeil/Lehrer News Hour. He joined Robert MacNeil and Jim Lehrer in preparations for the launch of MacNeil/Lehrer in April 1983. Before this, his career encompassed over two decades with NBC News in various production and management positions.

Several of the prominent positions he has held in the media field include the presidency of NBC News, executive producer of NBC Nightly News, European producer for NBC News, executive vice president, documentary programing vice president, and affiliate news vice president. He also produced coverage of both the 1976 and 1980 Presidential elections.

Mr. Crystal was born in Duluth, MN. He earned his bachelors and masters degrees in journalism from Northwestern University's Medill School of Journalism. He is married to Toby Wilson, a fellow graduate of Northwestern. He has three children: Brad, Alan, and Liz.

I believe that this award is a fitting tribute to an American who has been unswerving in his pursuit of excellence in the field of journalism.

THE HONORABLE CLARKSON S. FISCHER TO BE HONORED

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. PALLONE. Mr. Speaker, the Honorable Clarkson S. Fischer, chief judge of the U.S. District Court for the District of New Jersey, will be honored later this week for nearly 20 years of service on the Federal bench. I would consider it a privilege to pay tribute to an American public servant who has compiled a career as illustrious and impressive as that of Judge Fischer. But this tribute has a special meaning for me. Years before I entered politics, I had the unique honor of interning with Judge Fischer. The insights that I gained working alongside this distinguished individual have significantly shaped my views on the rule of law and the responsibilities of public service ever since.

During his lengthy career on the Federal bench, Judge Fischer has heard and rendered decisions on a wide variety of Federal cases, both civil and criminal. During his career, he has won the praise of attorneys who have argued before him, as well as legal scholars who have followed his work.

Judge Fischer was born and raised in Long Branch, NJ, the same community that I have called home my entire life. After his graduation from Long Branch High School and St. Benedict's Preparatory School in Newark, NJ, Judge Fischer attended Notre Dame University; his studies were interrupted by his service in World War II. He graduated from Notre Dame School of Law in 1950, was admitted to the New Jersey State Bar in 1951, and practiced law with the firm of Juska & Fischer until his appointment to the bench. During the time prior to his appointment to the bench, he also served as an elected official at the municipal and State level, and was active in community affairs. In 1964 he was appointed to the bench by Gov. Richard J. Hughes, and was appointed to the Superior Court of New Jersey in 1966.

In October 1970, President Richard M. Nixon appointed Judge Fischer to the U.S. District court for the District of New Jersey. In 1979, Judge Fischer became chief judge of the U.S. District Court for the District of New Jersey. Judge Fischer's tenure over that period of time is the longest in the recent history of the court. Because of amendment to the Judicial Code in 1982, no future judge will serve as chief judge for as long as Judge Fischer has.

A Seton Hall Law Review article published in 1987, shortly after Judge Fischer took senior status, cited some of the judge's major decisions. His decision in a case involving a financing agreement, First National State Bank of New Jersey versus Commonwealth Federal Savings and Loan Association of Norristown, Pennsylvania, was cited by the author of the Law Review article as a widely respected and scholarly treatment of the law of specific performance. His decison in Daggett versus Kimmelman, is a leading case in the field of legislative and congressional reapportionment, affirmed by the Supreme Court. His decision in B.F. Hirsch, Inc. versus Enright Refining Co. is an early decision under civil RICO.

Judge Fischer's personal life has been every bit as commendable as his career in public life: devoted family man, devout patriot, and long-time trustee of his church. On May 4, 1990, his law clerks will honor Judge Fischer at a testimonial in Sea Girt, NJ.

Mr. Speaker, Judge Clarkson S. Fischer has earned the respect of his colleagues on the bench, in the bar, and throughout the State of New Jersey for his integrity and his devotion to the law that he has sworn his oath to uphold. It is my pleasure to share just some of his accomplishments with the Members of this body.

THE IMPORTANCE OF COMMERCIAL SPACE ACTIVITIES

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. WALKER. Mr. Speaker, I want to highlight the importance of commercial space activities for the United States. The Nation's future leadership in several technological areas probably depends on maintaining a leading position in commercial space.

The United States has made the largest investment in the world in space technology and we have dominated this field. That position is now under serious attack around the world. The Europeans have an established program. The Russians are working with the Australians to launch commercial satellites from Australia on Russian rockets. China is making inroads and the Japanese are targeting space, as well.

The United States should benefit the most from the enormous financial investment we have in space technology. We should not let our foreign competitors beat us in the space marketplace.

The Deputy Secretary of Commerce, Thomas Murrin, gave a talk to the Sixth National Space Symposium in Colorado Springs on April 10 where he discussed these issues in some detail. Mr. Murrin said, "We know that an energetic and expanding commercial space sector could strengthen both the U.S. civilian and military space programs, while also helping the United States to enhance its global economic competitiveness."

Mr. Speaker, I insert the full text of Mr. Murrin's remarks and I urge my colleagues to read them and to consider his points.

REMARKS BY COMMERCE DEPUTY SECRETARY THOMAS J. MURRIN

Thank you, Dr. David Webb—and good morning, ladies and gentlemen.

It is a pleasure and a privilege to speak with you and to join such a distinguished panel—including "Abe" Abrahamson and Bob Anderson, with whom I was closely associated during my earlier industrial career.

It is a "hard act" to follow the Vice President on this platform. Happily, my prepared comments are compatible with his space-related statements. I'm delighted with his comments regarding the use of space to help assure our economic well being, and his statement that, on occasion, our govern-

ment must take positive action to support private sector efforts—such as the one leading to the successful launch of Pegasus.

This morning, I want to address a subject that presents some of our most difficult challenges and our most outstanding opportunities in space: How do we move beyond the very early stages of space commercialization into a new, mature era—an era when more of our companies can take advantage of space to serve both our industrial and national interests?

A top-flight group of industry officials advising the Secretary of Commerce on commercial space put this challenge into perspective a little more than a year ago. Here's a quote from their excellent report:

"Commercial development in space poses one of the most difficult challenges U.S. industry has faced. The inherent technical and market risks, the magnitude of investments required and the longer payback periods characteristic of space ventures are daunting enough. In space business, however, these risk factors combine with an unparalleled level of government involvement here and abroad."

Noting that we have made an enormous investment in our space capabilities, first for political and prestige reasons and increasingly for national security applications, the report goes on to conclude:

"Now, at the very point that the U.S. should be getting a return on its national investment in space technology, it appears to be faltering. Other nations have made significant strides in developing their own capabilities, in many areas developing near parity. They have directed much of their efforts at—and the erosion of U.S. position has been most apparent in—commercial applications. Given the considerably higher level of U.S. space expenditures, the rate of increase in foreign capabilities is cause for national concern."

There, in a nutshell, is the challenge that awaits us. So how *do* we better commercialize space?

First, I want to review briefly our Commerce perspective on the state of this emerging industry. Space commerce is not just a futuristic concept. In 1990, the U.S. commercial space sector expects to see revenues of $3.5 billion. We expect new satellite services to grow considerably—for business networks, data transmission, mobile service, and radio location services. Renewed interest in direct broadcast satellites for television, combined with the advent of new technologies such as high definition television, promise fresh markets.

The U.S. commercial space sector is dominated by satellite communications goods and services. But there are other components that are just beginning to help redefine space commerce in the United States. Space commerce also has a new commercial launch sector that is made up of three major U.S. competitors and additional smaller firms. In 1990, just the second year of operations for commercial launch services, we project revenues to exceed $600 million. With NASA conducting its last expendable launch last year, we expect future civil expendable launches will use commercial services. The successful launch last week of Orbital Sciences Corporation's Pegasus symbolizes the start of a new space transportation segment which should allow smaller scientific and commercial payloads to be launched more frequently. Coupled with smaller satellites now being developed, these launch systems might permit the entry of small- and medium-sized firms which otherwise could not conduct commercial activities in space.

Taking advantage of space as a unique environment for materials research—and perhaps materials processing—has long been a dream for space enthusiasts, and it still may develop into space commerce down the road. Another prospective market exists for privately-supplied design and components for space-based facilities.

Commercial space activities hold the potential for tremendous growth in the coming decades. We know that an energetic and expanding commercial space sector could strengthen both the U.S. civilian and military space programs, while also helping the United States to enhance its global economic competitiveness. And we know that space activities may be a technology driver for the entire economy, providing valuable jobs and exports—along with technologies and capabilities that benefit a wide range of space and non-space industries.

What we don't know is exactly what it will take to turn this vast potential into commercial reality. And, as one famous English playwright put it, "There's the rub."

Our earlier experiences with space may be of limited value, because we now have international competition in space the likes of which we have never seen. We talked about the "Space Race" in the 1960s and 1970s. In the 1990s, we are in a new space race, this time for commercial superiority in space. We are joined by tough competitors—the Soviets, Europeans, Japanese, Chinese, and, prospectively, the Australians, and perhaps others. The capabilities that we built up through decades of experience in space have given us something of a head start on the rest of the field, but that can get us only just so far in this new and intensified race.

Should we take the competition seriously? That's a question that we shouldn't even be pausing to consider. For we have seen one U.S. industry after another targeted by capable and ambitious competitors which act in every possible way in their own national self interests. Our trade deficit reflects the difficulty our industries have experienced in dealing with these aggressive competitors—and commercial space and aerospace are near the top of the planning list for Japan and Europe.

Just a look at the news headlines tells the story from Japan: "Japanese Buy Soviet Space Station," "Japan Accused of Blocking Open Satellite Competition," "Japanese Private Launch Firm Under Discussion," "Japan Sends Satellite Toward the Moon in Symbolic Mission: Project Signifies an Attempt by Tokyo to Catch Up in Space to Superpowers," "Japan Nurtures Space Science," and "Japan Readies First Moon Mission Launch As Companies Seek Lunar Base Role."

Why are the Japanese so interested in space? Apparently, they see space as a key to winning the high-tech competition with the United States and Europe. That's why Japan's Ministry of International Trade and Industry has made space-related research and development one of its top priorities, and why their country will spend more than a billion dollars on space development this year. That's not a huge sum—it pales in comparison to our own investment. But time and time again the Japanese have proven themselves extraordinarily proficient at gathering and putting to practical use the results of R&D conducted in the United States and elsewhere, and in acquiring the innovatively applying capabilities developed outside their island nation. Like several of our other competitors with programs smaller than ours, they have another factor working in their favor: that is, their space-related program is narrowly focused on key commercial opportunities. In short, they get maximum leverage out of their investments in space.

I was particularly intrigued to learn recently about the Japanese young astronaut clubs—modeled on our American program and aimed at attracting Japanese students to pursue careers in space-based industries. Considering the excellent mathematics and science preparation Japanese students receive, a future generation of Japanese competitors trained in the basics of space should provide us with additional challenges.

I don't want to dwell on Japan, because we have several formidable competitors out there. The reality of such space commerce globalization hit home for me recently when I welcomed a Soviet delegation visiting our Commerce Department to discuss a potential joint venture in medical equipment. It turned out that the gentleman heading the delegation also is leading the Soviets' project to apply their impressive rocket systems—built up during a chillier defense climate—to the commercial launch business. They have in mind competing directly with our young commercial launch sector by offering to launch communications satellites and other payloads. That's the kind of peace dividend I don't believe we anticipated—and one that dramatically demonstrates the international nature of technology and space commerce today. A model of the Soviets' rocket now sits on my Commerce bookshelf as a daily reminder of the global competition we face.

The Soviets' commercial ambitions raise the question of how we do business with non-market economies when the price they can offer for a product may bear little relation to what we consider to be "cost." We face the difficult challenge of developing rules of international space commerce that encourage fair competition—rules that take into account national interests, including the special interests of non-market economies and those just now moving to market economies—without setting up barriers to trade.

This issue was spotlighted last Saturday night when we learned that, "China successfully launched an American made telecommunications satellite into orbit, heralding that country's entry into the international space market"—and that "China is reported to have charged $30 million to carry out the launch; reputedly much less than European or U.S. concerns would have charged." We have been holding informal discussions with the European Space Agency on this subject off and on for several years. Pending results of the National Space Council's review, a more formal process now may be appropriate to help decide this issue.

Whether it is market or non-market economies that our commercial space industry is competing against, the United States must develop and advocate a coherent and vigorous trade policy that provides the maximum opportunity for U.S. private sector growth. Our recent negotiations with the Japanese over their policies and practices for procuring satellites and telecommunications equipment and services—and last week's broad trade agreement with Japan—demonstrate this Administration's commitment to vigorously pursue trade policies that are free and fair—and that foster sales on the basis of price and quality. We are

pursuing this same policy in Europe. There we are actively monitoring actions as EC 92 approaches to ensure that American products and services, including those that fall into the category of space commerce, are not discriminated against.

The alliances being forged by our major aerospace competitors challenge America as we seek to explore and develop the "highest frontier." We all know of the European Space Agency's success with Arianespace. More recently, we have seen the merger of German aerospace companies under the Daimler-Benz banner, followed by the possible teaming of Mitsubishi of Japan with Daimler-Benz of Germany on a variety of technologies, including aerospace. The Japanese always make cooperation among their companies a way of doing business, and space is no exception.

Here at home, we are learning better the advantages of cooperation among companies and between the public and private sectors. These include promising developments such as the NASA-organized Centers for the Commercial Development of Space, the exciting National Aerospace Plane consortium, and the impressive "Key Technologies" effort mounted by the Aerospace Industries Association. This latter group has put together an impressive, detailed roadmap for developing the technologies America needs in order to maintain its world leadership role in aerospace. Now the hard part comes: following up the planning with effective, coordinated action.

Cooperation in R&D is already more attractive with 1984 antitrust law changes. Further changes, this time to encourage joint production ventures, were endorsed by the President last month, and should offer additional incentives for cooperative commercial space activities among U.S. firms. As America's emerging space industry looks at the formidable competition, and at new alliances being formed overseas, more formal cooperative ventures—for commercial launches, for instance—may merit careful consideration by the private sector.

Cooperation is one path to improved U.S. competitiveness in space commerce. But no matter how we get there, we must make U.S. competitiveness in this important sector an intrinsic part of our plans and operations in space—not an afterthought. The billions of dollars expected to be invested in the major space programs we now are planning can and should help U.S. industry remain the world leader in aerospace. This sector accounts for the largest balance of trade for this country, but it is targeted by competition around the world.

Will these major space programs be carried out in a way that supports U.S. commercial interests? Such programs can be conducted either to maximize or minimize private sector capabilities. For instance, if not well planned, international involvement in large U.S. space programs can work to the detriment of U.S. firms, because those same countries we may cooperate with also are home to our commercial competition. Another example: Placing maximum reliance on off-the-shelf and market-driven technologies—rather than on unique program specifications—would stimulate and take advantage of our private sector's creative capabilities.

A particular concern is that our major space efforts will affect—and in turn, be affected by—our human resource capabilities. All of these space projects will demand a large pool of scientific and technical talent precisely at a time when scientists and engineers are projected to be in short supply in this country. We must ensure that our manpower needs for the space program are compatible with the needs of other sectors of our technology-based economy and with our supply. Otherwise, we could end up successfully completing technology-intensive space projects—yet lack the technical talent to turn these ventures to our broader economic and national advantage.

Last November, President Bush issued a new National Space Policy which recognizes the importance of space commerce. This policy declares:

"* * * Expanding private sector investment in space by the market-driven commercial sector generates economic benefits for the Nation and supports governmental space sectors with an increasing range of space goods and services. Government space sectors shall purchase commercially available space goods and services to the fullest extent feasible and shall not conduct activities with potential commercial applications that preclude or deter commercial sector space activities."

The National Space Council, headed up by Vice President Quayle, now is reviewing how that policy can be, and is being, put into practice. That is an important development that we at Commerce supported. The council also is examining commercial space transportation policies—including increased activities by nations with non-market economies, the need for developing advanced space transportation systems, and the prospect for balancing the requirements of the satellite communications and space launch sectors of our economy.

These reviews, and analyses being conducted at Commerce, will focus attention on commercial space issues, and hopefully will provide the information needed to help formulate national policies and to make corporate decisions. We consider that an important Commerce Department function, since effective competition in domestic and global markets requires an in-depth understanding of market dynamics and governmental policies.

Along these lines, we recently included space as a new sector covered by our 1990 Industrial Outlook for U.S. industries. This spring, we expect to release the first of what will be a regular series of "Space Business Indicators" which provide raw data and some analysis of the domestic space industry and its prospects.

We also soon will release a report on commercial space ventures from a financial perspective. Prepared by our Office of Space Commerce, this study analyzes the problems of obtaining financing for commercial space ventures and the role of government in this process. The report examines the financial histories of five ventures, and illustrates the unique problems faced by this industry. It concludes that well-informed investors are essential if advances in science and technology are to be translated into innovative products and services. Unfortunately, our study also demonstrates that the exchange of information among the financial community, entrepreneurs, and the federal government has not always been adequate—and that investors have had difficulty obtaining the information they need to understand the technical, political, and market risks associated with space technology investment.

The Commerce Department has several clear roles in fostering space commerce. We can: serve as an advocate for making the most of private sector space-related capabilities; help assure that our space industry is not hindered by foreign trade practices; and provide critical information needed by the industry. But our Department also can help the space industry in other ways.

Increasingly, this includes our space-related research, such as our involvement with the Mission to Planet Earth, the space station's telerobot, and the Hubble Space Telescope. It also includes standards activities. Government and industry standards affect all areas of space commerce—spacecraft reliability, communications, and the construction of launch sites and facilities. Space standards are a logical area for Commerce Department involvement, and we are discussing with NASA and industry several approaches to the development of much-needed standards for commercial space operations. Important goals here include common international standards affecting commercial space, and assuring that government and commercial standards converge to allow for greater economies of scale.

There's another area of "standards" that needs the attention of companies involved in commercial space: total quality management. Here, the Commerce Department's Malcolm Baldrige National Quality Award program provides a wonderful example of how the public and private sectors can work together to help improve the quality of U.S. products and services. This award and the related education program offer a process of self-examination for TQM. Now in its third year, the program is helping companies and other organizations to achieve real quality improvement results by setting out seven major criteria for quality improvement and providing a system for measuring how well companies meet the goal of TQM. Nowhere is quality more important than in the space sector, so if you are not familiar with this program and the application guidelines, I urge you to do so. The April 23 issue of Fortune provides a thorough up-beat cover story review of the program, along with a technology feature article I commend to you, titled, "We're losing the Space Race."

All of us at this conference probably have a vision of space commerce in the 1990's and beyond, and we can imagine some of the possibilities if this sector fulfills even a fraction of its promise. But we don't yet have an American agenda for space commerce, and working closely with the industry, that is where I hope our Commerce Department can play its most important role.

Space commerce is still a young industry. Like any youthful enterprise, it has had its growing pains, its successes and its setbacks. Space, by its very nature, is a risky environment, making space commerce a risky business. But the bottom line is that it is business.

Like the winner of the first race to space, the winner of the new race—for commercial superiority in space—will receive international prestige. But it also stands to win potential lucrative commercial markets and improved international economic competitiveness. Those are goals worthy of the best efforts America can muster, and reason enough for making commercial interests a top national priority for our space program in the 1990s.

Thank you!
Good luck!
God bless!

PRIDE IN AMERICA

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. STUMP. Mr. Speaker, ask any U.S. citizen what they think of America, and they'll tell you. Our right to freedom of speech, guaranteed in the Constitution, allows us to speak freely, and without fear. America means different things to different people, but one sentiment rings through loud and clear: a sense of pride.

It gives me great pleasure to bring to the attention of my colleagues, an outstanding young individual from the Third District of Arizona, Margaret May Middlemore, of Prescott. Margaret was recently honored by the Veterans of Foreign Wars of the United States as the third place national winner in the 1990 Voice of Democracy Scholarship Program for her broadcast script, "Why I am Proud of America." In her script, Margaret captured that feeling of pride in our great Nation, which I would like to share with you today.

WHY I AM PROUD OF AMERICA

Why I am proud of America?

You ask why I am proud of America? Because it makes my heart swell with pride when I speak of her. It is the land of my birth, a priceless legacy that entitles me the freedoms and constitutional rights that were established long ago.

America, say it slow and clear, America. The very word conjures up magic. From the far corners of the world, men give their lives to reach our golden doors, to live in a democracy that allows them to vote and speak freely, to worship God freely, and where there is a form of government that allows free enterprise.

And America is the home of the free. From Gettysburg, to Valley Forge, from the Little Horn to Anzio, men fighting to keep America free. They fought so that five marines could push Old Glory into position on the sands of Iwo Jima. They fought because of the devastating blow to Pearl Harbor on December 7, 1941. They fought to avenge the deaths of the brave men entombed in the rusting hull of the sunken Arizona. The father of one of my classmates, was awarded the silver star for gallantry in action during the Tet Offensive in Vietnam. This is but one example of the courageous men and women who fought and will continue to fight to keep America's shores free from tyranny. Yes, I am proud of America and its people.

America is her people. Her people came together with a desire to be free, to form a country that would have no walls as boundaries to its people. At this very moment, bondage people are risking their lives to escape such walls. But America is peopled with those whose freedom loving hearts are at home in God's wide open spaces. They have proved that together in equality, they can live in peace.

America is—is people coming together with a desire to sing the National Anthem on the Fourth of July, to bring a lump in their throats when Old Glory is raised at the Olympics while tears course down the cheek of an athlete. America is Lou Gehrig, hitting a home-run for a dying boy. It is Kate Smith singing, "God Bless America." It is Jesse Owens carrying America to victory in Germany, in the 1936 Olympic Games. It is seeing our President weep after a space tragedy, while overhead jets soar across the sky in the missing man formation. It is the courage of her people shining forth even in her darkest hours. These are the reasons why I am proud to be one of her people.

My country is the land of opportunity, where we are allowed to work for our dreams. It's the Lincoln Memorial, the Declaration of Independence, the blue and grey of West Point. It is our capitol outlined against a crimson sky, with our flag flying above its dome.

It is Arlington National Cemetery, with its row upon row of white crosses illuminated by the eternal flame of freedom which burns for the unknown soldier as well as an assassinated president of our country.

God fashioned our country in love, and I love our country.

THE NATIONAL CONFERENCE OF PUERTO RICAN WOMEN—MIAMI CHAPTER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tody to recognize the wonderful National Conference of Puerto Rican Women's Miami chapter. On Saturday, May 5, the Miami chapter will be holding its annual luncheon in which scholarships are awarded. This is one among the many activities which the Miami chapter is involved in.

The Miami chapter of the National Conference of Puerto Rican Women was founded in 1977 by Alicia Boró. Alicia is a past president of the chapter, as well as a past president of the National Conference. Currently, Alicia is a delegate to the National Conference. The purpose of the organization is to foster and develop leadership in Puerto Rican and Hispanic Women. The conference's main priority is education. During the past few years the Miami chapter has organized different forums on subjects such as: AIDS; general health issues; personal self-defense and safety; and, leadership training seminars. They have also organized cultural events, such as the recent celebration of Women's History Month, during which Marta Casals Istomin, artistic director of the Kennedy Center for the Performing Arts, was honored.

Saturday's luncheon will honor several young Hispanic women for their academic excellence during their high school studies. Scholarships will be given to graduating seniors who have achieved a grade point average of 3.5 or more and who also demonstrate economic need. By doing this, the organization is encouraging and helping these young women to continue their education and to fulfill their potential as members of our community.

This year, the Miami chapter of the National Conference of Puerto Rican Women is expertly led by the following members: president, Dr. Lydia Medrano; first vice president, Ivette Vallejo; second vice president, Norah Venegas; corresponding secretary, Sonia Flores; treasurer, Sylvia Girona; and vice treasurer, Laura Rosas. The chapter's delegates to the National Conference are Alicia Baró, Esther Bou, and Judy Freyre.

Mr. Speaker, I would like to take this opportunity to thank the members of the Miami chapter for their wonderful contributions to our community in Miami. As a Florida certified teacher, I know the importance of education and the excellent job being done by the chapter through their forums, seminars, and scholarship awards is encouraging excellence and pride in those who participate in them.

HONORING LALO AND ROSIE ROJAS, CITY OF NORWALK

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. TORRES. Mr. Speaker, it is my pleasure today to recognize a fine individual and my special friend, Lalo Rojas. Lalo and his wife, Rosie are being honored, on Saturday, May 5, 1990.

Lalo was born in Casper, WY on July 4, 1921. His parents moved the family to California when Lalo was still a child. They lived in the San Fernando Valley and in San Bernardino before moving to the city of Norwalk in 1932 where he attended local schools. He served his country in World War II as a Marine. In 1941, he married his childhood sweetheart, the former Rosie Prieto who was born in Norwalk. Together they have 10 children: Michael, Lalo Jr., Patrick, Amelia, Danny, Peter, Cindy, Mary Lou, Bobby and Benji and 23 grandchildren.

For over 40 years Lalo has dedicated his life to making Norwalk a better community in which to live. He has been unselfish with his time, and his friendship to all. Lalo has been involved with numerous civic and community organizations such as LULAC #2043; LULAC #2859, and the Veterans of Foreign Wars, [VFW], Glenn Wood Post #7138. He served the city as Commissioner on the Community Promotions Commission from 1978 to 1982. In this position he promoted and improved the image and overall level of service needed to provide a safe and comfortable standard of living to the citizens of the city of Norwalk.

Mr. Speaker, on May 5, 1990, the citizens of Norwalk will honor Lalo Rojas for his outstanding contributions to the residents of this community. I ask my colleagues to join me in saluting my friend and advisor, Lalo Rojas, for his outstanding record of service to the community of Norwalk, CA.

HONORING THE MANHATTAN COLLEGE SMALL BUSINESS DEVELOPMENT CENTER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. ENGEL. Mr. Speaker, it is well known that the spirit of the entrepreneur helped build America into an economic power, and that small businesses continue to be the proving

ground for big ideas. Today, I would like to recognize the work being done throughout the country by small business development centers to help the small business owner survive and prosper.

The SBDC's, which are located in 48 States, combine public and private resources to assist and counsel the small business community. Last year, the 19 SBDC programs in New York State helped small businesses secure more than $53 million in funding and investment. More than 2,200 jobs were created or saved by SBDC programs in New York alone.

Today, I specifically honor the SBDC at Manhattan College in the Bronx, which is conducting its second annual Small Business Information Exposition on May 8. The expo is an example of a creative SBDC program; representatives from government agencies, lending institutions, accounting firms, and legal offices all make their expertise available to established and potential small business owners. Under the direction of Dr. Frederick Greene, last year's expo was a resounding success, and this year's program has been enhanced and expanded.

Since the SBDC programs receive funding from a variety of sources, they are in a constant battle to maintain that assistance. I believe it is important that elected officials at all levels of government recognize the important work being done at the SBDC's and assure that the programs have the resources to continue their mission. As a member of the Small Business Committee, I know that small businesses are the fastest growing sector of our economy. In large part, it is because places such as the Manhattan College SBDC are keeping the spirit of the entrepreneur alive.

HY ROTTMAN: HONORED FOR A LIFETIME OF SERVICE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mrs. LOWEY of New York. Mr. Speaker, I would like to draw the attention of my colleagues to the distinguished honor which will be bestowed upon Hy Rottman by the Tom Paine New Rochelle Lodge of B'nai B'rith this Sunday.

Mr. Rottman will receive the lodge's distinguished Man of the Year Award for his leadership in both the business community and his commitment and dedication to the Jewish community.

He came to the United States in 1949, as a 16-year-old immigrant from Poland. From the moment that he set foot on American soil, he ambitiously pursued the American dream. Within a year, he graduated from Taft High School in the Bronx. Six years later, after combining many long hours of study with part-time jobs, he earned a bachelor of science degree in accounting. In just 2 more years, he had passed the CPA examination.

In 1960, he met his future wife, Dana Glockenberg, who had also been a Polish immigrant and a surviror of the Holocaust. They were married and started a family in the Bronx where their two children, Stephen and Karen, were born. They later moved to New Rochelle.

For over 20 years, Hy Rottman has been a partner in the accounting firm of Rottman, Haber Associates, CPA's. Both he and Dana are active in Jewish causes that involve religious, community, and cultural affairs. He is a past president of the Tom Paine New Rochelle Lodge of B'nai B'rith.

Hy Rottman is a shining example of the notion that hard work and dedication can lead to the satisfaction of ones dreams. I highly commend the Tom Paine Lodge for bestowing such a great honor on such an outstanding and deserving American. This is an honor which is richly deserved.

TRIBUTE TO MR. TEX WEIDER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. PALLONE. Mr. Speaker, one of my most illustrious and best known constituents, Mr. Tex Weiner of Interlaken, NJ, will be honored by the Deal, NJ, Hadassah as its Man of the Year at a ceremony on Sunday, May 6, in West Long Branch, NJ.

Mr. Weiner is a gentleman who has excelled in many areas and has prospered as a result of his hard work as a homebuilder in New Jersey and other States. But while he has earned many rewards for his efforts, he has also given back to the community. Most notably, Mr. Weiner has dedicated a great deal of effort and his own personal resources to the building of a strong and secure State of Israel.

The involvement of Mr. Weiner and his wife, Peggy, in behalf of Israel began even prior to Israeli independence. In 1947, the Weiners opened their home to Jerusalem's Mayor Teddy Kolleck when he was in this country on a special mission. In the years since, the Weiners' projects have included the Peggy and Tex Weiner Park in Jerusalem and the Peggy and Tex Weiner Computerized Library at the Hadassah Mount Scopus Hospital. Mr. Weiner now serves as national vice president of Israel Bonds and received the Israel President's Club Award at the Elie Weisel Holocaust Remembrance dinner and the Israel Peace Award presented at the Israel Bonds dinner. Mr. and Mrs. Weiner have also received the Jerusalem Gold Medal.

The Weiners' two sons, Joshua and David, have continued their parents' work on behalf of Israel. Last December, when I made my first trip to Israel, I was accompanied by David Weiner. The hard work and strong advocacy of the Weiner family has played a major role in shaping my dedication to work in Congress on behalf of continued United States support for Israel, our democratic ally in the Middle East.

CAPPELLA RUSSIAN MALE CHORUS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to the Cappella Russian Male Chorus. The Cappella Russian Male Chorus will be celebrating its 50th anniversary on May 6, 1990.

The Cappella Russian Male Chorus was founded in 1940 to keep alive the great heritage of Russian choral music. The group was formerly known as the Metropolitan Russian Male Chorus, but changed its name to Cappella as a tribute to the original Kappella, the famous Russian choir which toured the world at the beginning of the century.

The Cappella has sung concerts in many cities and has broadcast programs for the Voice of America, Radio Free Europe and Church of the Air, allowing Russian Orthodox Church and Russian folk music to be heard throughout the world.

The members of the Cappella are of Russian heritage and the Russian Orthodox faith. The chorus has been led by such well-known choral conductors as Fred Skibitsky, Yasha Resnikoff, Peter J. Wilhousky, Nicholas Borodulia, Dimitry Orlov, Nicholas P. Afonsky, Michael Milosheff, Boris M. Ledkovsky, Alexander B. Ledkovsky, Walter Shymansky, Marina Krasikova-Dorogoff, and Vladimir Marchuk.

Mr. Speaker, I am proud to join in paying tribute to this exceptional group and extend my appreciation of their efforts to keep their heritage alive and share it with us all. I offer my best wishes to them on this special occasion.

EAGLE SCOUT HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, an outstanding young individual from the Fifth Congressional District of Illinois who has completed a major goal in his Scouting career. On Tuesday, May 29,1990 at the Veterans of Foreign Wars Post 6869 located in North Riverside, IL, Mark Thurbush will be honored at an Eagle Scout Court of Honor.

It is important to note that less than 2 percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those scouts demonstrating extraordinary leadership abilities. This young individual has clearly demonstrated such abilities through his dedicated community service and deserves special recognition.

In light of the commendable leadership and courageous activities performed by such a fine young man, I ask you, my fellow col-

leagues, to join me in honoring Mark Thurbush for attaining the highest honor in Scouting—the Eagle Scout. With God's blessings, let us wish him the very best in all of his endeavors.

TRIBUTE TO THE MEMBERS OF THE POCKET PRESBYTERIAN CHURCH ON THEIR CENTENNIAL

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. LANCASTER. Mr. Speaker, today I would like to pay a special tribute to a community of faith in my district that for generations has been an inspiration to its members and its neighbors. The Pocket Presbyterian Church in rural Lee County, just west of Sanford, NC has for 100 years been building a fellowship committed to service, trust, and growth.

Founded May 2, 1890, Rev. Dugald McLauchlin was the first pastor of the Pocket Presbyterian Church. The church's 15 founding families totaled 57 charter members. At its first meeting in a local school, the congregation erected a church in 1898 and later founded the Pocket Academy. A center of education in the rural community, the Pocket Academy provided dormitories for the children who lived too far away to make the daily trip to school. The original school building and dormitory still stand.

Through the years the church continued to grow. Sunday school rooms were added in 1950, a fellowship building in 1953, an educational wing in 1958, and the manse in 1964. Last year an addition to the fellowship hall was completed.

In 1965 the Reverend Frederick Leroy Bremer became the church's first full-time pastor, serving until 1968. Now under the leadership of Rev. Burwell Shore, the Pocket Presbyterian Church has 200 members. Today is the 100th anniversary of the creation of the Pocket Presbyterian Church. For the church's centennial I would like to honor its members and their spirit of community, devotion to faith, and commitment to growth.

INNOVATION IN THE DAIRY INDUSTRY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. TORRICELLI. Mr. Speaker, today I introduced H.R. 4723, a bill to allow light natural butter products to be marketed in the United States. Fat and calorie content of the foods that we eat are an important consideration in the health of all Americans. This legislation that I introduce today will give American consumers a choice in helping them reduce their fat and calorie intake contained in butter while still using a 100-percent natural, pure dairy product.

Pure dairy products have long been considerd the perfect food. But in recent years consumers have been retreating from traditional products which they consider to be high in fat, in favor of lower fat products. Consumers have been educated by strong scientific evidence that excessive intake of dietary fat contributes to a variety of serious health conditions, such as coronary heart disease. The Surgeon General's recent "Report on Nutrition and Health" (1988) and the National Academy of Science's report titled "Diet and Health: Implications for Reducing Chronic Disease Risk" (1989) have comprehensively reviewed the available scientific evidence on the relationship between diet and health and recommended that most Americans reduce their dietary fat intake. To accomplish that goal, the reports further suggest that efforts be made to increase the availability of low fat alternatives to traditional food products.

The statutory definition of butter, long established in law, describes a product with 80 percent milk fat. Light butter is butter which contains not more than half the traditional amount of butter fat (35 percent to 40 percent milk fat). Light butter is now available to consumers in Canada and Europe, but for it to be made and sold by United States dairies it is time to amend the law. The proposed amendment recognizes the current advanced state of dairy technology which makes a pure light butter possible.

Light butter can be produced without additives such as emulsifiers and stabilizers. Light butter would provide a pure dairy alternative to full-fat butter for consumers who prefer a product which tastes and spreads just like butter, with all the qualities they expect in their table butter but with just half the fat.

The use of the word "light" is common in the food industry to indicate to consumers that a product contains a significant reduction in fat. Light butter would be consistent with an overall strategy to communicate a 50-percent reduction in fat in dairy products.

I strongly urge my colleagues to support H.R. 4723 as an important effort in reducing the fat and calorie content in the diet of all Americans. I stand ready, willing, and able to work with my colleagues to help enact this legislation.

CONGRESS PAYS TRIBUTE TO JOSEPH S. LIROSI

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. SOLOMON. Mr. Speaker, as you know, I often boast about the abundance and variety of talent in my district. In fact, the 24th New York District has more than its share of extraordinary people. We recently lost one of them, a devoted family man who in his lifetime pursued not one but several successful careers.

Joseph S. Lirosi was born on February 1, 1923, in Schenectady, just outside the district. But his food manufacturing/brokerage business, his real estate activities, and his involvement in horse racing made him an integral part of the social and commercial life of our district, too. We will all miss him.

Mr. Lirosi was a star tennis player in high school and served in the Army during World War II. Shortly after the war, he convinced his father to join him in leaving their grocery store and importing business to form a new wholesale operation to serve supermarkets and smaller grocery stores. By 1952, there were 12 Chain Supers stores in the area. That year, as a measure of his success, Life magazine named him one of America's 25 most outstanding young businessmen.

His career as a food broker began in 1954, when Boscul Coffee Co. asked him to be their upstate New York representative. He left Lirosi Sales Co. to found Associated Food Brokers, which later incorporated and by 1960, was the first area representatives for the then-unknown Hefty Bag line of products. Under his leadership, Associated Food Brokers was named by Hefty's fourth top producer out of 70 U.S. marketing areas.

Over the years, Mr. Lirosi also represented other food manufacturers, and in 1975, he and his sons, Joseph and Anthony, formed Metafoods Corp., a cheese manufacturing and marketing concern. It should be noted, however, that at the same time he was actively involved in various real estate interests and horse racing.

As many Members know, Saratoga Springs, where I have my major district office, is known for its horse racing. In 1964, Mr. Lirosi developed an interest in racing and breeding. With his usual skill and drive, by the 1970's he was maintaining about 30 standardbreeds. He also developed a 225-acre training and breeding facility, Winsong Acres, in West Glenville. Many of the best known standardbreeds wore the red, blue, and yellow Lirosi Stable and Winsong colors during their racing careers.

Mr. Lirosi was named in Who's Who in the East and Who's Who in Commerce and Trade. He was also a member of many food and racing organizations.

But mere biographical information cannot do Mr. Lirosi justice. He was a man who brought enormous energy and integrity to everything he did. In April, he passed away.

Mr. Speaker, I ask you and other Members to join me in expressing condolences to the Lirosi family, and in a posthumous salute to the late Joseph S. Lirosi, an outstanding businessman and great American.

THE TECHNOLOGY CORPORATION OF AMERICA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. LEVINE of California. Mr. Speaker, today, I am pleased to introduce the Technology Corporation of America Act of 1990.

Over 70 years ago, FDR founded the famous Radio Corporation of America. The time has come to create the nineties version: the Technology Corporation of America.

In 1919 at Versailles, President Wilson faced an entirely new world economic order. To cope, he instructed his young naval secretary, Franklin Delano Roosevelt, to create a radio broadcasting company, an innovative

private-public venture. In FDR's eyes, RCA would—and did—help ensure electronic prowess for U.S. industry.

As RCA helped America meet the radio broadcasting gap of the twenties, TCA will help us meet the high-technology challenge of the nineties.

The TCA is a federally chartered, nonprofit corporation run by industry that would help America ensure competitive domestic participation in strategically important commercial technologies and industries.

TCA will act as a permanent advisory and funding source run primarily by the private sector with Federal Government cooperation and assistance.

Currently, the United States is at a serious disadvantage both in obtaining low-cost patient capital and in strategically coordinating resources to match the targeting efforts of our international competitors. TCA can play a vital role in filling that strategic vacuum.

My bill is the result of extensive consultation with industry, administration, and academic high-technology experts. These experts share my concern that the world seems to be turning at 45 rpm's while America's economic institutions are running at 33.

The consensus was clear: We need a uniquely America version of Japan's MITI and Europe's Eureka. It was also clear that our Nation's economic security interests are at stake.

We developed TCA as that response, and established two main purposes for the corporation:

First. Spark the formation of strategic ventures, as both an adviser and a funding source; and,

Second. Act as a wise man's council to help the United States manage the transition to an increasingly commercially based economy.

We have envisioned that TCA will not only provide funds to industries—never more than 50 percent of any project, but that TCA would also help bring key players from all size companies to the table to catalyze efforts in a range of strategic industries.

TCA, unlike Sematech, would not itself be a consortia. Instead, it would help to spark the creation of all kinds of technology ventures.

TCA will allow us to leverage both private and public sector resources, bringing the wisdom of industry leaders to bear on major national economic challenges.

The key features of TCA include:

First, 9 member board of directors—7 industry leaders—appointed by the President and the National Research Council for 4-year terms;

Second, $50 million a year in Government grants matching industry funding;

Third, the establishment of two private sector advisory committees, one financial and one technical; and,

Fourth, GAO oversight of TCA activities including an annual audit.

One other feature I would like to highlight from the bill is the GAO and OTA report on alternative funding sources. America today faces a $60 million investment gap with the Japanese. If we're going to get serious about filling that gap, we have to further develop both innovative and traditional funding sources. In light of the S&L crisis, how best can we use loan guarantees, equity issues, and tax exemptions? America must answer these questions if we want to unburden ourselves from the twin deficits.

The time has come to create a Technology Corporation of America to meet our economic challenges of the nineties and beyond. I urge my colleagues to join me in supporting this vital high-technology proposal in the 101st Congress.

THE FEDERAL BAR ASSOCIATION WEEK

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. ROYBAL. Mr. Speaker, the Federal Bar Association is a national organization based in Washington, DC, where it was founded in 1920. The membership includes judges who administer the Federal judicial system—encompassing such specialty areas as the bankruptcy, claims, immigration, military and tax courts—and both Government and private attorneys who practice before Federal agencies and courts.

Currently, the Federal Bar Association has chapters across the country in all 11 judicial circuits. In addition, it has a Young Lawyers Division.

Education and enlightenment are the hallmarks of the Federal Bar Association, Its outstanding monthly publication, "Federal Bar News & Journal," keeps its members informed about legal issues, educational programs and the people who lead the best Federal system of justice in the world.

This October, the FBA convention will be held in Los Angeles for the first time in my district. Furthermore, for the first time, a westerner, U.S. Bankruptcy Judge Barry Russel of Los Angeles, will be chosen as its national president.

In honor of its outstanding service to the country and the legal profession, and in honor of its commitment the designation of National Federal Bar Association Week would be a fitting honor for this longstanding and esteemed organization. I urge my colleagues to join me in cosponsoring this legislation.

THE NATIONAL SAVINGS ENHANCEMENT ACT

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. MOODY. Mr. Speaker, today I join with Representatives CHARLES SCHUMER in introducing the National Savings Enhancement Act.

Our bill will create legislation to encourage Americans to save more of their income through individual retirement accounts [IRA's]. This bill expands the income eligibility requirements to allow more middle income taxpayers to make tax-deductible contributions to IRA's.

Our bill differs from current law by expanding the income eligibility requirements. Under current law, deductible IRA contributions are limited to families with adjusted gross incomes of less than $40,000 and other filers with adjusted gross income of less than $25,000. This bill will expand the family income eligibility limit to an AGI of less than $85,000 for joint filers and less than $50,000 for others.

In my State of Wisconsin, my proposal would give an additional 297,500 taxpayers an opportunity to make tax-favored contributions to their own retirement savings—based on 1987 Wisconsin Department of Revenue statistics.

The most significant feature of this legislation is the flexibility it gives eligible taxpayers. Unlike current law which requires a taxpayer to fund an IRA contribution no later than April 15 of the next tax year, my bill will allow a taxpayer who contributes to his IRA to make a tax deduction in the current tax year and fund the contribution by the end of the following tax year. The small window of opportunity for taxpayers to actually make their IRA contribution afforded by current law is arbitrary and serves no useful policy purpose.

Our proposal also includes two provisions for penalty-free withdrawals. First-time homebuyers will be able to withdraw funds from their own IRA's to make a down payment for their principal residence. This is particularly important to younger taxpayers who can afford mortgage payments but cannot save cash for a downpayment.

This bill would also allow a penalty-free withdrawal to pay for the IRA-holder's own higher education expenses as well as those of his spouse or child. These provisions taken together address very real worries of middle-income Americans who are unable to purchase a home or finance their child's education.

This proposal is also a response to the low savings rate in America. This is primarily attributable to two main motives: the dramatic drop in personal savings and the continued high Federal budget deficits. In a very real sense savings, like life insurance, is sold—not bought. Public policies to stimulate savings must be directed at changing public attitudes. If we can change Americans' attitudes about savings, we will be able to add a very potent weapon to the arsenal that can be brought to bear on the U.S. trade deficit, budget deficit and declining international competitiveness.

Those issues affect all Americans. All Americans want to solve those overwhelming problems and get on to the business of working on domestic and international priorities which have been deferred for far too long.

SUSPEND AID TO EL SALVADOR—ENCOURAGE REFORM NOW

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. PANETTA. Mr. Speaker, I am grateful for the chance today to voice my grave concerns about the situation in El Salvador. Chair-

man Moakley's task force report on the investigation into the assassinations of six respected priests in San Salvador is very troubling. Once again, 10 years after Archbishop Romero's assassins laid bare the gross injustice of El Salvador's judicial system, the assassins of six men carrying on his work remain seemingly untouchable. The official investigation of the massacre is notable for its seeming inability to conduct a fair, diligent and comprehensive inquiry into the matter. Those who have offered information are being punished, revealing the perverse nature of the Salvadoran military's notion of justice. The military's grip on the political structure of the nation is unshakable. Accordingly, the judicial system languishes in the shadow of the true possessors of power: senior military officers.

Yet the United States continues to support the Salvadoran military and government with excessive military and economic aid. Frankly, Mr. Speaker, it is unconscionable in my mind to continue to provide any aid to El Salvador, whether for development or military training. I therefore remain a cosponsor of Representative DELLUMS' bill, H.R. 3733, which would terminate all aid to El Salvador until the President certifies that El Salvador has enacted certain democratic reforms.

Now is the time to let the leaders of El Salvador know that the United States will no longer provide millions to a government incapable of controlling rogue elements of its defense forces. Now is also the time to encourage the government to cooperate with United Nations Secretary General Perez de Cuellar's efforts to mediate the conflict with the FMLN. I would strongly urge my colleagues to support the honest effort now to send a constructive message to the leadership of El Salvador. The Foreign Affairs Committee has approved a 50-percent reduction in military aid to El Salvador for fiscal year 1990. I support the committee's recommendation as an initial step in the process of encouraging reform and negotiation in El Salvador, and I would strongly urge my colleagues to join that effort.

TRIBUTE TO ALAN H. ANTHONY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mrs. MORELLA. Mr. Speaker, I would like to offer my congratulations to Alan H. Anthony [CLU], a constituent of mine who will be retiring June 1 after 41 years with the Massachusetts Mutual Life Insurance Co. Mr. Anthony has worked with Mass Mutual as an agent, home office director of agencies, second vice president, and, for the past 18 years, general agent of the company's highly successful Washington Agency.

During the years that Mr. Anthony has been serving the needs of the greater Washington area, his agency's in-force life insurance business has grown from $242 million to $1.2 billion, a record unsurpassed by many other companies. In 1982, he received Massachusetts Mutual's Silver President's Trophy, in recognition of his agency as one of the top five in the Nation.

A well-known and highly regarded individual within his profession, Mr. Anthony has been an active participant in the General Agents' and Managers' Association, the D.C. Life Underwriters Association, the Estate Planning Council, and the Metropolitan Washington Chapter of the Chartered Life Underwriters Association.

Mr. Anthony is a native Marylander. He and his wife, Anne, have continued their allegiance to Maryland over the years and now raise and train thoroughbred horses, an interest to which Mr. Anthony looks forward to devoting more time in his retirement years.

Under his leadership, Mr. Anthony's agency has flourished, and he has opened the door of opportunity to some of our community's most successful life insurance professionals. Among his staff and colleagues, he is known for his warmth and humor, his considerate ways, and his quiet diplomacy.

Alan Anthony will be greatly missed by his many associates, with whom I join in extending sincere wishes for good health and contentment in his retirement years.

TEEN SUICIDE HITS TWO MORE COMMUNITIES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. ACKERMAN. Mr. Speaker, Plano and Clear Water, TX; Scarsdale, NY; Bergenfield, NJ; and Beverly Hills, CA, have all been included as footnotes in recent scholarly papers dealing with the subject of teen suicide. And, once again, needless tragedy has visited two communities in our Nation. Over the past few days, four teenagers have tragically ended their own lives and have cast a pall over Sheridan, AR, and Fairfax, VA.

Sheridan is a small community of about 3,000 which is located approximately 25 miles south of Little Rock. Over the past 2 days, three Sheridan High School students shot themselves to death: one pulled out a gun during his history class and shot himself in the head in front of his classmates; that night, one of his friends was killed by a single shot to the head with a .45-caliber weapon; and, the following day, the body of another classmate was found at his home by his father.

Yesterday, right across the river in Fairfax, a Hayfield High School senior took his motorcycle to the high school's running track, removed his helmet and drove full-speed into the outside wall of the boy's locker room. He was killed instantly.

Over the past few years, I have learned that suicide can be contagious unless educators and mental health professionals work fast to reach troubled youngsters and convince them that suicide is not a viable option. I commend the communities of Sheridan and Fairfax for acting quickly in response to these suicides. However, we as a Nation, have failed in our responsibility to reach out to teenagers at risk and offer our help, support and love.

In spite our best efforts, over 5,000 children continue to take their own lives each year and over 500,000 attempt suicide. How many of us realize that the number of deaths exceeds the casualty rate of the Vietnam war?

Suicide appears to us as completely irrational and knows no bounds. It hits families which seem happy and stable, wealthy or poor, in cities and suburbs all across the country. Three years ago, at my urging, Congress authorized that funds be provided under Public Law 100–297 for school-based teenage suicide prevention programs, and authorized that funds be made available through the National Institute on Mental Health to create model suicide prevention programs under Public Law 99–570.

I am currently working with the Gallup organization and the Blue Cross Blue Shield Association on a project to assess youth and parental attitudes toward self-destructive behavior. Top experts in the field of suicide prevention are participating in this project, and our goal is to make available the most comprehensive and current data to educators and mental health professionals. In addition, later this year, I intend to sponsor a professional seminar based on our findings.

Mr. Speaker, I encourage my colleagues to offer their support to programs which help youngsters realize that suicide is not an answer to their distress. In this way, tragedies like those that occurred in Sheridan and Fairfax will never happen again.

UKRAINIAN AMERICAN VETERANS' CONVENTION

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. GALLO. Mr. Speaker, as the Member of Congress from the 11th District of New Jersey, I am pleased that the Ukrainian American Veterans of the United States of America and the National Ladies Auxiliary have chosen East Hanover, NJ, as the site of the 43d annual convention, and the 16th annual meeting of the National Ladies Auxiliary during the week of June 15–17.

The convention is dedicated to the memory and honor of all Ukrainian Americans who have served with dignity and distinction in the U.S. Armed Forces in every conflict from the Revolutionary War through Vietnam, and to perpetuate the memory and deeds of those brave individuals who gave their lives to safeguard our cherished freedoms.

The Ukrainian American Veterans' commitment to the principles of justice, liberty, and democracy has been defended with honor from the founding of this great Nation down to the present day.

Throughout its distinguished history, the Ukrainian American Veterans and its members have demonstrated an uncommon measure of public-spirited service to their communities, embodying the unique culture and values of their native Ukraine.

The rolls of membership in the U.S. Armed Forces are replete with the names of Ukrainian Americans who have served their country with honor and valor since colonial times and include Ivan Bohdan who arrived at Jamestown in the New World with Capt. John Smith;

Brig. Gen. John Turchan who led Union forces to victory at the Civil War Battle of Chickamauga; Col. Theodore Kalakuka, the first Ukrainian American graduate of West Point Military Academy, was awarded the Silver Star and two Oak Leaf Clusters posthumously for actions against the Japanese and Pvt. Nicholas Minue of Carterei, NJ, who was posthumously awarded the Congressional Medal of Honor. The most distinguished Ukrainian Americans of recent times to serve the U.S. Armed Forces are retired four-star Gen. Samuel Jasklika, former Assistant Commandant of the U.S. Marine Corps, and Maj. Gen. Nick Krawclw, U.S. Army, commanding 3d Mechanized Infantry Division, presently stationed in Wuerzbrug, Germany.

Mr. Speaker, I ask that my colleagues in the House join with me in recognition of the members and the leaders of the Ukrainian American Veterans and in honor of their meritorious history of service in behalf of the United States of America.

CONGRESSMAN DAN ROSTENKOWSKI HONORED

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Ms. KAPTUR. Mr. Speaker, it is with great pleasure that I place on the RECORD the formal statement accompanying the Diamond Anniversary Award recently presented by the University College at Loyola University, Chicago to the Honorable DAN ROSTENKOWSKI, a Loyola alumnus. In recognizing his lifetime of achievement, the University highlighted one of its most distinguished graduates in order to illustrate the tradition of Jesuit education to those who choose to attend college in a nontraditional manner. Studying nights and working days were the rule for the student ROSTENKOWSKI. That difficult road was excellent preparation for the challenge that faced him in later years in politics and as a key and influential leader in the Congress. In presenting its Diamond Anniversary Award, a representative of Loyola University stated:

Few among us who have lived or studied in Chicago could fail to recognize the name of one of our most distinguished alumni—the Honorable Dan Rostenkowski, Representative from the 8th District of Illinois. Dan Rostenkowski has always tackled life and education with vigor: schooled early in politics at the meetings of the 32d ward which took place in his home, he also lettered in three sports in high school. As a member of the infantry in Korea, he continued to play baseball and considered a career in professional sports. However, under the urging of his father, he enrolled in the University College of Loyola University to pursue his studies. In 1952, Dan Rostenkowski became the youngest person to be elected to a seat in the Illinois House and, in 1954, repeated the feat in the Illinois Senate. Dan Rostenkowski's education continued in what might be described as one of the best extension campuses anywhere—in Mayor Daley's Democratic party.

In November 1958, he won 75 percent of the vote to become, at the age of 31, the youngest Member of the 86th Congress. Since that auspicious beginning, the Congressman has risen to the position of chairman of the House Ways and Means Committee, one of the most powerful chairmanships in the Congress. However, even in this position, Dan Rostenkowski has kept his close ties to his neighborhood, to his ward, to his city, and to his university. The same energy and dedication that he has committed to his constituents in the 8th district has also been committed to Loyola University.

For his extraordinary achievements in government, for his role as a model for other students, and for his loyalty to the university, University College honors Congressman Dan Rostenkowski with its Diamond Anniversary Award.

HONORING THE VETERANS THAT FOUGHT IN THE BATTLE OF THE BULGE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. FORD of Michigan. Mr. Speaker, I rise today at the request of 2d Lt. Linda Huffaker, C.A.P., in observation of the many American and Allied soldiers who bravely fought in the Battle of the Bulge. A ceremony will be held on June 14, 1990 at the Romulus V.F.W. Hall in Romulus, MI, to honor the veterans who fought in this important battle.

THE BATTLE OF THE BULGE

On December 16, 1944, Adolf Hitler waged his final counteroffensive in the wooded hills of southern Belgium. He considered Belgium's Ardennes Forest a weakened juncture in the British and American troop lines. German troops had used the gateway at Ardennes in 1870, 1914, and again in 1940 to seize the bridgeheads over the Meuse River and move onward to Antwerp, the main port of the Allies.

Twenty-five German divisions, led by Field Marshall Gerd von Rundstedt, struck six American divisions at 5 a.m. on December 16, effectively surprising the troops and quickly penetrating the Allied lines. Though the American troops, under the command of Gen. Omar Bradley, tried to hold back the assault, bad weather and English-speaking German troops in American uniforms added to their surprise and confusion. Within 48 hours the Germans had moved 15 miles into Allied territory and by December 24, they had progressed 65 miles deep on a front ranging from 10 to 25 miles.

American and British troops were able to hold the town of Bastogne, and two shoulders, one shoulder in the North held by the U.S. V Corps and one in the south held by the U.S. 4th Division. This narrowed the German front and slowed their progress toward the Meuse, allowing Allied troops time to regroup and send in reinforcements.

Relief came in the form of the 101st Airborne Division, under Brig. Gen. Anthony C. McAuliffe, to stop the Fifth Panzer's Army at Bastogne, and the 82d Airborne Division, under Maj. Gen. Matthew B. Ridgeway, to hold the northern front. In addition, Lt. Gen. George Patton and the U.S. 3rd Army tanks were able to push the Germans back from the Bulge.

Finally, as the weather cleared, the Allies were able to launch an air offensive which cut German supply and fuel lines, and stopped their offensive before they could reach Allied fuel depots and replenish their fuel. Hitler desperately threw troops at the front, but they were ill-trained, and a new Russian assault in the East eventually caused a massive withdrawal.

Over 76,000 Americans were killed, wounded or missing in the Battle of the Bulge. Germany lost 120,000 men, as well as 500 tanks and 1,600 planes. The battle did little to alter, other than prolong, the outcome of the war, but the bravery of American soldiers against overwhelming numbers caused Winston Churchill to call it, "the greatest American battle of the war."

THE 75TH ANNIVERSARY OF ST. JOAN OF ARC SCHOOL, CHICOPEE, MA

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. NEAL of Massachusetts. Mr. Speaker, it is with a great sense of pride that I today recognize the St. Joan of Arc School of Chicopee, MA. Founded in 1914, the school opened its doors 1 year later as part of the St. Rose de Lima Parish, and it is currently celebrating its 75th anniversary.

The main entrance of the St. Joan of Arc School bears the Latin inscription: Verite, Science, Vertue. For years, these qualities of truth, knowledge and virtue have been taught with great success to many elementary grade students. Indeed, St. Joan of Arc School, under the careful supervision of its principal, Sister Florence Falardeau, has a reputation for educational excellence well known throughout the entire diocese.

Beginning in 1915 with 178 students, enrollment steadily grew at St. Joan of Arc. To accommodate the need for more space, then Pastor Lamothe initiated an appeal to build a bigger grammar school. In October 1927, the new St. Joan of Arc School opened with a faculty of 19 Sisters of the Presentation of Mary, and a student body of over 700.

A commitment to a quality education in an active Christian environment has been the enduring legacy of the St. Joan of Arc School. That tradition continues today under the capable leadership of Pastor Leo Leclerc and his associate Father David Raymond. They have successfully managed to uphold the school's high standards, and along with the entire St. Rose de Lima Parish, are beginning to plan for the future.

Mr. Speaker, it is my pleasure to proudly acknowledge the faculty, students and staff of the St. Joan of Arc School on this most auspicious occasion. I am proud to represent this fine institution of learning in the U.S. House of Representatives, and I ask my colleagues to join with me in congratulating the entire St. Rose de Lima Parish on their school's 75th anniversary.

MEETING THE CHALLENGE IN EASTERN EUROPE

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. AuCOIN. Mr. Speaker, on Tuesday of last week, the House Foreign Affairs Subcommittee on International Trade and Economic Policy set about the task of amending the Export Administration Act to conform with the new political, economic, and national security issues confronting our export control system.

I believe the subcommittee did a fine job in facing these issues. In particular, I applaud the subcommittee's recognition that we should not be wasting scarce time and resources in controlling items to our closest and most reliable allies and that the United States should take bold and concrete steps to acknowledge the dramatic changes in Eastern Europe. These two elements were included in a bill that I introduced with Congressman FRENZEL earlier this year. I am delighted that the subcommittee has acted on these issues in a responsible and timely fashion.

A high level meeting of Cocom is scheduled for early June. That time is fast approaching. The subcommittee actions taken last week send a powerful message to the administration that the proposal the administration brings to the Cocom table should meet the challenges of Eastern Europe while continuing to protect our national security. Without such a proposal, our Cocom allies will move ahead without the United States—endangering Cocom itself and putting United States exporters at a further competitive disadvantage in Eastern Europe.

All of us in this body have devoted energy to the cause of human rights for the oppressed people of Eastern Europe. The freedom of movement and communication in Eastern Europe are now politically possible. Without the necessary infrastructure in place however, these freedoms will not be practically possible. Only through significant export control reform will the products be made available to build that infrastructure.

Toward that end, I believe that bolder steps are called for to further unbind America's competitive muscles so that we may take full advantage of the new opportunities emerging in the world market.

Specifically, we must decisively end the turf wars between the State Department and the Department of Commerce that have snarled the export control system for so long. We must also take that extra step in decontrolling trade with the emerging democracies of Eastern Europe, and eliminate the redundant review role of the Department of Defense without impairing national security.

Mr. Speaker, I urge my colleagues to support efforts to achieve export control reforms that step up to the challenges of the world we live in.

SOVIET BREACH OF 1972 ABM TREATY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. WELDON. Mr. Speaker, I rise today with a word of caution. As the Bush administration nears the final stages of START treaty negotiations with the Soviet Union, we find that the Soviets have done nothing about the Krasnoyarsk radar station in Siberia.

You will recall last October, when Soviet Foreign Minister Eduard Shevardnadze admitted to the world what many of us in this chamber had known for years—that Krasnoyarsk represented a material breach of the 1972 ABM Treaty. This body voted overwhelmingly to approve amendments which I introduced in 1987 and 1989 naming Krasnoyarsk as a material ABM breach. Taking its cue from the Congress, the Bush administration has told the Soviets that the U.S. will not sign a START treaty until Krasnoyarsk is torn down.

Edward Rowney, who recently resigned as President Bush's chief arms control advisor, reported that the Soviets have done nothing to satisfy American concerns about Krasnoyarsk. The Soviet representatives at the Standing Consultative Commission have not begun to address the Krasnoyarsk violations.

President Bush is scheduled to meet with Mikhail Gorbachev in June, at which time they will initial a draft of the START agreement. We realize that initialing a draft is not signing a treaty, but I for one am concerned. When the President meets with Gorbachev, he would do well to raise the Krasnoyarsk issue and gain a personal assurance that this problem will be quickly corrected.

We must have this issue resolved before we sign a START treaty. After all, it is only wise to see that previous Soviet arms control violations are remedied before we enter into far-reaching and long-range arms reduction treaties.

TRIBUTE TO GLADYS SANDLIN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Ms. PELOSI. Mr. Speaker, I rise today to commend Gladys Sandlin, a leader in San Francisco's Hispanic community, who has selflessly dedicated her time and energy to the improvement of health and social services for San Francisco's Spanish-speaking community.

Gladys Sandlin immigrated to the United States from Chile approximately 30 years ago. Upon settling in San Francisco, she was instrumental in implementing culturally and linguistically appropriate cancer education in the mission district as program coordinator of the American Cancer Society's education unit from 1974 to 1977. Gladys later coordinated the UCSF/SFGH Perinatal Health Project's Clinic management, eligibility, and social service components; while also serving as patient advocate and community liaison/consultant.

During nearly a decade of participation on the Commission on the Status of Women for the city and county of San Francisco, Ms. Sandlin was a tireless and dynamic advocate for information and service programs for Spanish-speaking women. In 1980, as associate director of the Commission, she developed an innovative outreach program for the Hispanic community. Gladys Sandlin has served as the executive director of the Mission Neighborhood Center since 1983. She has actively sought and secured increased funding for the health center's programs to meet the need for accessible, affordable services for the Latino community.

Dr. Francisco Castillon, the director of the California Health Federation once proudly said, "Gladys' dedication to serving the medically underserved is admirable and never-ending."

Gladys Sandlin has also promoted and facilitated cooperative efforts among health care providers serving Latinos, most notably by organizing the Latino Council of Health and Human Service Providers, which applied for and received Federal funding for an important collaborative community HIV prevention education project. Through her involvement in local, State and national health organizations, Ms. Sandlin has been instrumental in the development of legislation to increase funding for and improve health and social services in California and nationwide.

Today, in celebration of Cinco de Mayo, I commend Gladys Sandlin for her many contributions to the Latino community. She has touched many people through her dedication, her vision, and her many sacrifices in the struggle to provide equal access to quality health care.

LEGISLATION TO PERMIT NONPROFIT ORGANIZATIONS TO PROMOTE DEMOCRACY IN EASTERN EUROPE

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. SCHULZE. Mr. Speaker, under current tax law, nonprofit organizations are prohibited from engaging in political campaigns for elective public office. This is a prudent restriction. Nonprofit organizations should devote their resources primarily to charitable goals, rather than becoming involved in partisan politics.

The participation of nonprofit organizations in foreign political campaigns is an activity which Congress did not consider in detail years ago when it was drafting the current section 501(c)(3) of the Internal Revenue Code. However, the same general principle applies. We should not allow nonprofit organizations to participate in most foreign political campaigns.

However, there are some compelling situations where nonprofit organizations should be allowed to participate in the political process of foreign countries.

In particular, I have in mind the countries of Eastern Europe which are struggling to cast off 50 years of Communist tyranny and establish a true democracy. While the severe repression of Human rights and free enterprise may be changing, the political process in these countries is still at a fragile stage of development. We need to make sure that democracy really takes root in Eastern Europe and is not snuffed out by hardcore Socialist or Communist elements.

There are nonprofit organizations which could play a valuable role in helping these countries develop the strong, democratic political process necessary for success. However, if nonprofit organizations tried to "export" democracy to Eastern Europe, they probably would lose their tax-exempt status because the IRS would assert that they had participated in a political campaign.

I have introduced legislation which would allow nonprofit organizations to help promote the democratic political process in Eastern Europe without jeopardizing their tax-exempt status under the Internal Revenue Code. The legislative change would expire sometime after 1991. This would allow Congress to review this area of the tax law in more detail in 1992 and perhaps reshape these provisions of the law. But until a more detailed review can take place, the legislation which I support is a temporary solution to a pressing need for help in Eastern Europe.

While the administration may not have the budgetary resources to give generous financial aid to Eastern Europe, it should not stand in the way of nonprofit groups who want to use private funds to promote democracy in Eastern Europe.

EL SALVADOR

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. KENNEDY. Mr. Speaker, I rise today to register my support for cutting 50 percent of all military aid to the government of El Salvador in order to achieve a negotiated settlement of the country's civil war. I believe now is the moment to send the strongest message that we can to both sides in this war—that we will no longer finance it—and that we wil condition our financial resources on their willingness to agree to dialog and a negotiated settlement to this war.

This proposal is a reflection of how the entire region is moving toward peace through the use of dialog, negotiations, elections, and other democratic instruments to promote resolution to conflicts. We should finally and firmly be on record as supporting a peaceful resolution to this tragic civil war.

Mr. Speaker, I say we have had enough bloodshed, enough murder, enough coverup, and enough U.S. Government bankrolling of someone else's war. I say give peace a chance. We have given the Salvadoran Government and the FMLN every opportunity to prove themselves, and show their true colors and their ability to govern if they can.

But after 10 years we still have a government incapable of correcting its judicial system, and incapable of disciplining its military. This measure would send a clear message not only to the current government but also to the Salvadoran guerrillas, the FMLN: Let them have their chance at elections and let the world judge their popular support, their ability to peacefully govern the nation, if that is their true goal.

Mr. Speaker, this is a chance for the United States to play a positive role by promoting a cease-fire, and by conditioning further aid on both sides coming to the negotiating table, both the guerrillas and the army, so that we may once and for all bring an end to this horrible civil war.

HUGHES HIGH SCHOOL CLASS OF 1945

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. THOMAS A. LUKEN. Mr. Speaker, I rise today to commemorate Cincinnati, Ohio's Hughes High School Class of 1945 as they prepared to celebrate their 45th high school reunion in June this year.

This is indeed a very special reunion. Members of the Hughes High School Class of 1945 experienced some of the most important and cataclysmic events of the 20th century during their high school years. As freshmen in 1941, these students, along with the rest of the Nation, experienced the shock of Japan's surprise attack at Pearl Harbor. Like many schools throughout the Nation at that time, the students of Hughes High School participated in activities to help the war effort. Students participated in such activities as war bond drives, war stamp sales, and war material collection drives. As seniors, many members of the class of 1945 were in uniform on commencement day.

Members of the Hughes High School Class of 1945 went on to become successful and important members of the Cincinnati community. Graduates of this class distinguished themselves in the medical and legal professions among other things.

Mr. Speaker, it gives me great pleasure to be able to recognize and pay tribute to the members of the Hughes High School Class of 1945 as they gather to relive their high school years together.

HONORING NORMAN HECHT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. GILMAN. Mr. Speaker, the Anti-Defamation Leagues' Americanism Award Tribute for 1990 is being awarded to Mr. Norman Hecht of Orange County, NY. I am pleased to call to the attention of my colleagues the remarkable career of this unselfish man, and the reasons why this recognition is so justly deserved.

Norman Hecht is a long-time resident and businessperson in Orange County's Town of Montgomery. He became active in civic affairs soon after his graduation from Cornell University, working with regional service associations including the Rotary Club and the Newburgh YMCA, for which he served on the board of directors for many years.

Norman is past president of the Walden Jewish Community Center, of Congregation Beth Hillel, of the Wallkill Valley Lodge of the Hudson Valley Council of B'nai B'rith, and the Jewish Federation of Greater Orange County.

Norman also chaired the Israel Bond Campaign in Newburgh, cochaired the Walden Jewish Charities and the United Jewish Appeal in Walden, and is currently a member of the board of trustees of the Hebrew Day School of Orange County and of the Jewish Federation of Greater Orange County.

It is hard to believe that a gentleman who has devoted so much time to charitable and communtiy works could also be a good businessman, but Norman has been successful in all he has attempted. He founded Hecht's Hatchery, one of the largest poultry businesses in the East. His success in that business is reflected by his leadership positions as director of the State poultry industry and secretary for the American Egg Board. Norman sold his poultry business in 1978, but is fondly remembered statewide as an outstanding leader in that industry.

On May 17, Norman Hecht's friends from far and wide are gathering to honor him as he is presented with the 1990 Americanism Award by the Anti-Defamation League. This long-delayed award is a suitable, deserving honor for a man who has personified the best that our Nation has to offer.

REGISTERED NURSES AT STATEVILLE CORRECTIONAL CENTER

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. SANGMEISTER. Mr. Speaker, it is with great pride that I rise today to salute the work of the registered nurses at the Stateville Correctional Center in Joliet, IL. These individuals provide high quality nursing care to about 3,000 inmates and staff at the maximum security adult penitentiary. I am impressed by the professionalism which these nurses demonstrate in working under circumstances and conditions which at times may be extremely unfavorable.

I would like to submit to the RECORD a list of the names of the nursing staff at the Stateville Correctional Center.

Deng Baronia, Mary Beth Engel, Armella Frankowski, Sue Gurley, Laura Healy, Mary Ann Korwin, Jan Leibold, Michelle McGann, Barbara Miller, Mary Patterson, Karen Stanford, and Nancy Zlogar.

I know my colleagues will want to join me in congratulating this outstanding group of professionals for their compassion and dedication to the care of others.

SMALL BUSINESS SET-ASIDES

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. IRELAND. Mr. Speaker, every now and then the subject of small business set-asides is debated in this Chamber. As you know, I have long been a supporter of such programs when they are developed reasonably and based upon a clear record of small business exclusion. Recently I received a study from a well-known small business spokesman—Walter Larke Sorg. In a letter accompanying the study he discusses the results of a 3-year survey of our Nation's dredging industry. I would like to share some of his findings with my fellow Members. He writes:

I recently completed a three-year study of dredging contracts let by the U.S. Army Corps of Engineers. It was undertaken for the American Association of Small Dredging & Marine Construction Companies. Its purpose was to measure performance over a three-year period, and compare FY 89 results with the goals established for the small dredging industry by Section 722 of P.L. 100-656. The task was carried out by qualifying and quantifying the bid offerings of all contracts let by the Corps from 1986 through 1989. Data was supplied by the Corps from 1986 through 1989. Data was supplied by the Corps pursuant to a request under the appropriate provisions of the Freedom of Information Act.

In FY 89, 6.5% of dredging contracts were awarded to emerging small concerns, exceeding the 5% legislative goal established for this newly created category. However, overall small business participation of 15.8% of total dollar value of contracts awarded was 4.2% below the 20% goal established in Section 722. The Corps' top management is not pleased with this result and is deserving of commendation for aggressively pursuing a course of action at the division and district levels which should result in the attainment of the 25% goal in fiscal year 90, and 30% in 91 and 92.

A number of interesting statistics emerged from the study. They disprove the oft-quoted assertion that the small business set-aside program is a preferential, costly, political boondoggle which favors a selected few companies.

Unrestricted bidding (favored by big business) was 11.85% below government estimates in FY 89. Small business set-aside bidding was 13.07% below government estimates. Although the three-year average percentage of savings derived from the small business set-aside program (14.85%) was greater than that derived from unrestricted bidding (13.07%), it is evident from the study that the dredging industry is highly competitive, and that the utilization of two bidding procedures stimulates an environment which ensures the prudent utilization of the taxpayers' money.

Representatives of large dredging companies claim that the small business set-aside program enables a few larger small dredging companies to gain undue competitive strength as compared with other, smaller concerns, which also operate under the set-aside umbrella. Such concentration, they state, is at variance with our competitive enterprise system, and constitutes cause for legislative/regulatory correction. Their argument is disputed by the facts. For example:

The top four large dredging companies accounted for 74.73% of contracts awarded to big business in FY '89 (78.16% over the three year period). Of contracts awarded to small companies, the top four small companies, the top four small dredging companies accounted for 48.74% (42.26% over the three year period), 25.99% less than their big brother counterparts.

The dredging market is dominated by the top two large contractors. They command 61.83% of unrestricted awards in FY '89, averaged 61.33% over the three-year period, and accounted for more than 50% of the total market in each of the past three years. Both of these companies operate hopper dredges. Should they successfully prevail upon the Congress to exclude the dollar value of hopper dredge work from being counted against the goals established in P.L. 100-656, their dominance of the dredging marked will increase significantly.

Although the study was confined to dredging, I believe it is reflective of other industries, and validates the wisdom of assisting small business to participate in the federal procurement market via the small business set-aside program. Small business is performing a useful and competitive service for the taxpayers.

Mr. Speaker, I wish to publicly thank Mr. Sorg for his tireless efforts on behalf of small business.

THE 225th ANNIVERSARY CELEBRATION OF SHOEMAKERSVILLE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. YATRON. Mr. Speaker, today I rise to pay tribute to the borough of Shoemakersville, which is located in the Sixth District of Pennsylvania.

In 1765, Henry and Charles Shoemaker settled in the wilderness beside the Schuylkill River in Pennsylvania. In 1767, Henry married a woman by the name of Barbara Keppner, and Charles married her sister, Maria Keppner. To provide a suitable living for their two young wives, the brothers established a tannery on the banks of the nearby Plum Creek and erected a stone house beside the Schuylkill River.

The two families lived together throughout the Revolutionary War, while both Henry and Charles fought for the freedom of our young Nation. In time, the tiny dwelling became too small for both families, so Henry moved to another piece of land which his family owned in the Muncy Valley. Charles continued to live in the original house until his death. The wilderness beside the Schuylkill River became a village in Perry Township, PA, and in 1921 was made the borough of Shoemakersville, PA.

Today, Shoemakersville is a rural town, comprised of small, family owned industries and small farms. More importantly, Shoemakersville is populated by common, friendly folks, extending their hospitality to anyone who might pass through their beautiful community.

On May 12, 1990, Shoemakersville will celebrate its 225th anniversary with a special ceremony and community parade. The borough plans to further observe this occasion in the months to come with a talent show, an anniversary ball, a homecoming and historical pageant, and a family day.

Mr. Speaker, it is with great pleasure that I recognize this historic anniversary before you and the other Members of the House of Representatives, as well as the rest of the Nation. I congratulate the residents, officials, and friends of the borough of Shoemakersville for their rich historical tradition and wish them continued success and good fortune for the future.

THE SOVIET-AMERICAN WOMEN'S SUMMIT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. WEISS. Mr. Speaker, I would like to call attention to the Soviet-American Women's Summit which will be taking place in several United States cities this month. The board of the National Council of Negro Women's Child Development Center organized this important event, bringing 25 key Soviet women to the United States to meet with leaders of American women's organizations and other American experts.

These women aim to establish long-term working relationships between Soviet and American women. During the summit, they will develop an agenda that will integrate women's needs and aspirations with new global security strategies. This agenda, entitled "From Day-care to Disarmament: A Woman's Vision for the 21st Century," will be presented to both President Bush and President Gorbachev at their June summit.

The Soviet and American women's first meeting will be in New York City. There, Third World women leaders will brief them on the needs of the developing world and the impact of Soviet-American bilateral agreements on those nations. In a public forum at Hunter College, the Soviet women will discuss perestroika and women's role in the Soviet Union. They will visit social service, community, and health centers in the five boroughs, attend meetings with women in politics and study community organizing, all of which have applications to changes now occurring in the Soviet Union.

From May 4 to May 7, the group will be in Washington, DC where it will develop its official agenda. They will focus on issues such as drugs, debt, development, democracy, the environment, equality, human rights, and converting military expenditures to meet human needs. Also in Washington, they will meet with several Members of Congress, other policy leaders, and the press.

Next, teams of Soviet women will travel to eight other States for a 5-day policy exchange with grassroots leaders. These site visits will focus on the use of democratic processes and citizen education.

The importance of this Soviet-American Women's Summit lies in its potential to improve United States-Soviet relations, to solve important social problems, and to work to guarantee an environmentally safe and war-free future for succeeding generations. I commend the National Council of Negro Women for organizing such an important event and wish them success in their endeavors.

AMERICA CAN BENEFIT FROM PRAYER

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. FIELDS. Mr. Speaker, I want to take just a moment to remind my colleagues that tomorrow—May 3—is the National Day of Prayer.

Tomorrow, millions of Americans will pause briefly to recognize the importance of prayer in their lives and in the well-being of our Nation and its people. I will be joining in the observance of the National Day of Prayer—which Congress, in 1988, officially designated as the first Thursday in May. Indeed, these national days of prayer have been observed since they first were established by the Continental Congress in 1775.

America is a nation founded on prayer. Against overwhelming odds, our colonial forefathers fought for and won their independence from Great Britain—obtaining for themselves and for future generations their God-given rights.

As any student knows, our Declaration of Independence states:

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness.

And the Declaration of Independence concludes:

[F]or the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.

That Divine Providence has seen our Nation and our people through 200 years of turmoil and tranquility—two centuries of crisis and calm.

Mr. Speaker, I urge all of my colleagues and all Americans—whatever their religion, whatever their beliefs—to join with me tomorrow in taking a moment to reflect on the importance prayer plays in our individual lives and in the well-being of our Nation; to thank God for the many blessings he has bestowed on our people; and to ask God to continue to bless our Nation, its people, and its leaders.

ALBION MOTHER'S DAY JUBILEE

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. WOLPE. Mr. Speaker, I want to draw the attention of my colleagues to a little known but very significant celebration which has been taking place within my congressional district in southwestern Michigan.

I am speaking about the Albion Mother's Day Jubilee. This commemorative event symbolizes the first known observance of Mother's Day in America which occurred in Albion, MI on the second Sunday in May in 1877—37 years before Mother's Day became a national holiday.

It was an Albion pioneer woman, Juliet Calhoun Blakeley, that set Mother's Day in motion. Her actions were a direct result of the growing temperance movement in Albion, MI, the headquarters for the Prohibition Party National Committee in the 1890's. In May 1877, antitemperance leaders captured three local boys, all sons of prominent temperance leaders, and forced them to spend the night in a local saloon where the boys were induced to indulge in liquor. The next day the youths were let loose among shoppers in the crowded streets.

One of the boys was Charles Daughtery, the son of Methodist clergyman Rev. Myron A. Daughtery, who was the presiding elder at the local Methodist Church where Juliet Blakeley was a member. On Sunday, May 13, which was also Juliet's 59th birthday, Reverend Daughtery began services at church, but, according to Juliet's son Charles Blakeley, "the grief which resulted from finding his son intoxicated the day before made it necessary for him to leave the pulpit ere the services had been concluded."

At this point, Juliet Blakeley stepped up to the pulpit of the Methodist Episcopal Church in Albion and called upon other mothers to join her in assisting in the service, and to support the temperance movement. Thus began the first "Mother's Day Service."

Juliet's son, Charles Calhoun Blakeley, vowed always to return to Albion each year on the second Sunday in May to honor his, and all mothers; and, he persuaded the Albion church to set aside the second Sunday in May to pay special recognition to mothers, and especially to Mrs. Blakeley. Charles made it a practice to urge his business associates across the country to honor their mothers accordingly and even printed special Mother's Day postcards which were distributed throughout the United States.

When Juliet Blakeley died in 1920 at the age of 102, she was known by several titles: "The Original Mother of Mother's Day"; "The First Daughter of Michigan"; "The Mother of Albion Methodism"; and "Albion's Grand Old Lady."

Mr. Speaker, the people of Albion take understandable pride in this very special event, reflective of the community's sense of its own history. It has been my privilege to represent the city of Albion, and I know my colleagues will want to join with me in paying tribute both to the mothers of America and the city of Albion on the occasion of its celebration of the Albion Mother's Day Jubilee.

A TRIBUTE TO ISIDRO LOPEZ "EL INDIO"

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Mr. Isidro Lopez, "El Indio," for his contribution to Tejano/Chicano music.

In culmination of the Buccaneer Days of Corpus Christi, TX, we are honored to celebrate "Cinco de Mayo," by paying tribute to Isidro Lopez, one of the founders of what is today Chicano/Tejano music. Mr. Lopez was born in Bishop, TX. He grew up and attended school in Corpus Christi. His childhood was hard, as he had to pick cotton with his family to survive.

El Indio learned to play the saxophone during his school days in Corpus Christi. Along with the famous Narciso Martinez and his accordion, Isidro incorporated the saxophone into Conjunto music. He went on to become the first Mexican American to pioneer a Tejano sounding orchestra in the 1950's, as well as the first Chicano big band to ever record. El Indio started with a six piece band and later a 15-piece orchestra.

Isidro's most famous recordings are, Diganle, El Tejano Enamorado, Amor Perdido, among many others. He has performed all over the United States and Mexico. Presently, his son, Javier, has taken over the band, and they continue to be very popular.

El Indio's work with Chicano music has given him the title, as the renowned Little Joe said, "Isidro Lopez is the Daddy of them all."

Mr. Speaker, I join my colleagues in commending Mr. Isidro Lopez for his outstanding contributions to the Mexican-American culture.

A CONGRESSIONAL SALUTE TO MELBA MOORE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1990

Mr. FAUNTROY. Mr. Speaker, I rise to take this opportunity to honor a multitalented singer, recording artist, concert performer, and great humanitarian, Ms. Melba Moore.

In recognition and appreciation of her many years in the entertainment industry and for her extensive efforts on behalf of humanitarian causes worldwide, we pay tribute to her special musical talent and celebrate her commitment to and generosity in improving the quality of life for those who suffer.

Rarely do artists pare down to their inner cores, peeling away layers of concepts and ideas gathered along the years. It is always a risk when creators bare their naked souls for the world to see. But with her new LP on Capitol Records, "Soul Exposed," Tony Award winning actress, talent extraordinaire Melba

Moore ripens and proves herself as one of music's most prolific vocalists by introducing on the album a song so dear to African Americans—"Lift Every Voice and Sing," the Negro National Anthem.

The song, originally written by James Weldon Johnson in 1900, was conceived as a celebration of Abraham Lincoln's birthday and sung by a chorus of 500 Negro schoolchildren. This beautiful poem has become known as the Black National Anthem.

Melba Moore has said, "I've been singing this song for a long time because it makes me happy to sing about freedom and victory. But I decided, I didn't want to sing it by myself anymore. So I decided to invite some of my dear friends such as Gerald Albright and Terri Lyne Carrington to help me sing about freedom and cause it to ring."

(Melba Moore) Lift every voice and sing, till earth and heaven ring. Ring with the harmony of liberty. (Dionne Warwick) Let our rejoicing rise, high as the list'ning skies. (Stevie Wonder) Let it resound loud as the rolling sea. Let Freedom Ring! (Melba Moore) Let Freedom Ring, from me to you my sister, let freedom ring. (Dionne Warwick) And from me to you my sister. (Stevie Wonder) And from me to you my brother. (Karen Clark) God of our weary years, God of our silent tears. (Freddie Jackson) Thou who has brought us thus far on our way. (Anita Baker) Thou who has by Thy might, Led us, into the light. (Bobby Brown) Please keep us forever, Lord I pray, Forever in the path, we pray. Let Freedom Ring! Let it ring to the young. (Howard Hewett) Sing, Sing, Sing a song. (Take 6) Full of the faith that the dark past has taught us. (Stephanie Mills) Sing a song. (The Clark Sisters) Full of the hope that the present has brought us. (Bebe and Cece Winans) Facing the rising sun, Another day begun. (Stevie Wonder, Howard Hewett) Let us march on, my joy, my brother, till victory. (Jeffrey Osborne) Let us march on till victory is won. (Karen Clark) Let Freedom Ring! from the mountains of Georgia, Let Freedom ring. (Melba Moore) Freedom! Let Freedom Ring.

Ms. Moore has taken this piece of history and produced it for mainstream America. The world premiere of the Ms. Moore album and Lift Every Voice and Sing video, directed by Debbie Allen, coincides with several dates significant to African-American history. This year marks the 90th anniversary of the "Lift Every Voice and Sing"; the 35th anniversary of the Supreme Court ruling that provided for desegregation; the 50th anniversary of the NAACP/Legal Defense Fund; and the 25h anniversary of the Voting Rights Act.

With a big heart and strong commitment to helping the least of us, Ms. Moore produced "Soul Exposed" and made a commitment to donate funds from the sale of the album to the National Association for Sickle Cell Disease, Inc.; National Association for the Advancement of Colored People; and the United Negro College Fund.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 3, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 4

8:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue consideration of proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

9:30 a.m.
Armed Services
Defense Industry and Technology Subcommittee
To hold hearings on S. 2171, authorizing funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on defense industrial adjustment, and S. 2097, to promote and encourage alternative nondefense facilities and to provide adjustment assistance to communities adversely affected by the termination or curtailment of defense contracts or the closure or realignment of military installations.
SH-216

Joint Economic
To hold hearings on the employment-unemployment situation for April.
2359 Rayburn Building

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
SD-138

Labor and Human Resources
To hold hearings to examine the effects of smoking on world health.
SD-430

MAY 7

9:30 a.m.
Governmental Affairs
To hold oversight hearings on implementation of the U.S.-Canada Free Trade Agreement (P.L. 100-449).
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service and the Office of Surface Mining, Department of the Interior.
S-128, Capitol

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing refugee programs.
SD-138

Select on Indian Affairs
To hold hearings on S. 2203, to settle certain claims of the Zuni Indian Tribe, S. 2075, to authorize grants to improve the capability of Indian tribal governments to regulate environmental quality, and S. 1934, to revise the United States Housing Act of 1937 to provide for the payment of fees for certain services provided to Indian Housing assisted under such Act.
SR-485

MAY 8

9:30 a.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings to examine possible approaches to naval arms control.
SH-216

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
Labor Subcommittee
To hold joint hearings on S. 2548, to revise the Fair Labor Standards Act of 1938 to increase penalties for employers who violate the child labor provisions, and to bar repeated violators from receiving Federal grants and loans and from paying the subminimum training wage.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the National Science Foundation and the upcoming scientific manpower crisis.
SR-253

Governmental Affairs
Business meeting, to consider the nominations of Richard G. Austin, of Illinois, to be Administrator of the General Services Administration, and Jessica L. Parks, of Georgia, to be a Member of the Merit Systems Protection Board.
SD-342

Judiciary
To resume hearings on proposed legislation authorizing funds for fiscal year 1991 for the Department of Justice.
SD-226

2:15 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1848, to implement and provide financial assistance for a research and demonstration program for natural gas and coal cofiring technologies.
SD-366

2:30 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the jurisdiction between the Commodity Futures Trading Commission and the Securities Exchange Commission.
SH-216

MAY 9

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1981, to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment.
SR-253

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on proposed legislation authorizing funds for the highway trust fund and related Federal-aid highway programs and on highway policy issues.
SD-406

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study, on S. 1189, to establish the Office of Ocean and Coastal Zone Management and to require coastal States to implement coastal zone water quality improvement plans.
SR-253

MAY 10

9:30 a.m.
Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1991 for the Federal Election Commission, and to review Senate policy on official mail.
SR-301

Select on Indian Affairs
To hold oversight hearings on initiatives for Indian programs for the 1990s.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans' Administration.
S-126, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

10:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 1400, to regulate interstate commerce by providing for a uniform product liability law.
SR-253

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the B-2 low observability and counter-Stealth analyses.
S-407, Capitol

Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 2268, to revise the Airport and Airway Improvement Act of 1982 (title 5 of P.L. 97-248) to authorize funds for fiscal years 1991 and 1992 for airway improvement.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1767, to reimburse Montana and individuals for expenses incurred to test cattle for brucellosis organisms carried outside Yellowstone National Park by elk and bison, S. 2343, to designate a segment of the Clarks Fork River in the State of Wyoming as a component of the National Wild and Scenic Rivers System, and H.R. 2809, to provide for the transfer of certain lands to the State of California.
SD-366

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration (NASA), focusing on space science and applications.
SR-385

MAY 11

9:30 a.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
To resume hearings to examine possible approaches to naval arms control.
SD-430

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings on the Airborne Self-Protection Jammer (ASPJ) weapons system.
SD-342

Veterans' Affairs
To hold hearings on S. 2483, to improve educational assistance programs for veterans, S. 2484, to improve the housing loan program for veterans, and veterans employment programs, including section 401 of S. 2100.
SR-418

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 1810, to authorize the Attorney General to conduct a pilot program within the Department of Justice to determine compliance with the Fair Housing Act.
SD-226

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

Select on Indian Affairs
To hold oversight hearings on S. 1021, to provide for the protection of Indian graves and burial grounds, and S. 1980, to provide for the repatriation of Native American group or cultural patrimony.
SR-485

MAY 15

9:30 a.m.
Armed Services
Manpower and Personnel Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1991, focusing on medical programs of the Department of Defense.
SR-232A

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for the Department of Defense and to prescribe personnel levels for fiscal year 1991, focusing on the state and capabilities of the U.S. Marine Corps for special operations and low intensity conflict.
SR-222

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review commercial space programs.
SR-253

Energy and Natural Resources
To hold hearings on S. 2415, to encourage solar and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Policies Act of 1978.
SD-366

Environment and Public Works
To hold hearings on proposed legislation to finance environmental protection facilities in small communities, including S. 1296, S. 1331, S. 2184, and S. 1514.
SD-406

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings to examine environmental labeling of consumer products.
SR-253

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:00 p.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 2170, to prescribe the conditions under which contractors receiving operating-differential subsidy of their affiliates may engage in coastwise or intercoastal trade.
SR-253

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on semi-conductors and the future of the U.S. electronics industry.
SR-253

Veterans' Affairs
To hold hearings on titles I and III of S. 2100, Veterans Compensation Cost-of-Living Adjustment Act, S. 1887, to allow for Kentucky Vietnam veterans to receive a one-time bonus from the Commonwealth, S. 2454, to increase the estate limits for certain incompetent institutionalized veterans, S. 2482, to clarify the eligibility of certain minors for burial in national cemeteries and to authorize use of flat grave markers in a section of Florida National Cemetery, S. 2102, to modify certain congressional reporting requirements imposed upon the Secretary of Veterans Affairs for certain administrative reorganizations within the Department of Veterans Affairs, and proposed legislation to expand radiation presumptions for veterans.
SR-418

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Strategic Defense Initiative.
SD-628

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

9:30 a.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Navy shipbuilding and conversion program.
SR-222

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 23

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to review the Administration's technology policy and priorities.
SR-253

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, and the Office of Inspector General.
SD-138

2:30 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on the Department of Energy national security budget request for fiscal year 1991.
SR-253

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings to examine ways to expand U.S. exports abroad.
SR-253

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 7

9:30 a.m.
Judiciary
To hold hearings to examine the effects on judicial nominees belonging to private clubs that discriminate.
SD-226

Veterans' Affairs
To hold oversight hearings on veterans prosthetics and special-disabilities programs.
SR-418

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to examine the Indian health service nurse shortage.
SR-485

JUNE 12

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's satellite programs.
SR-253

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on eastern Europe.
SD-138

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2358, providing U.S. consumers the opportunity to enjoy the technological advancement in sound recording by use of digital audio tape recorders.
SR-253

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's ocean and coastal programs.
SR-253

Veterans' Affairs
To hold hearings on title II and section 402 of S. 2100, relating to veterans physician pay and health issues, S. 1860, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war, S. 2455, to provide for recovery by the U.S. of the cost of medical care and services furnished for a nonservice-connected disability, S. 2456, to extend expiring laws authorizing the Department of Veterans Affairs to contract for needed care and to revise authority to furnish outpatient dental care, and other proposed legislation.
SR-418

JUNE 19

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

JUNE 20

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1974, to require new televisions to have built in decoder circuitry designed to display closed-captioned television transmissions.
SR-253

JUNE 26

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance programs.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance programs.
Room to be announced

JUNE 28

9:30 a.m.
Veterans' Affairs
Business meeting, to consider pending legislation relating to veterans compensation and health-care benefits.
SR-418

JULY 12

9:30 a.m.
Select on Indian Affairs
To hold hearings to examine protective services for Indian children, focusing on alcohol and substance abuse programs.
SR-485

POSTPONEMENTS

MAY 3

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol

HOUSE OF REPRESENTATIVES—*Thursday, May 3, 1990*

The House met at 11 a.m.

The Reverend Dr. Ronald F. Christian, office of the bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Oh God, Creator of all humankind and Father of the whole human race. It is right and proper that we pray to you as a nation and as an individual.

This day, as a nation, we offer our thanks to You for our blessings; we make our petitions to You for protection; we place our trust in You for our eternal benediction.

May we not be so proud of our accomplishments that we forget our dependency on Your divine guidance.

May we not be so self-centered in our own national agenda that we fail in our duty to our fellow human being.

Challenge us to be worthy stewards of our national heritage. Write on our hearts again that the dominion is Yours and that power comes from You.

Keep us steadfast in our responsibilities, resolute in our tasks, and make us always humble in our successes.

Hear our prayer, O God. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MACHTLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. MACHTLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 283, nays 106, not voting 44, as follows:

[Roll No. 95]

YEAS—283

Anderson	Archer	Bartlett
Andrews	Aspin	Bateman
Annunzio	Atkins	Bates
Anthony	AuCoin	Bellenson
Applegate	Barnard	Bennett
Berman	Hansen	Packard
Bevill	Harris	Pallone
Bilbray	Hatcher	Panetta
Boggs	Hayes (IL)	Parker
Bonior	Hayes (LA)	Patterson
Borski	Hefner	Payne (NJ)
Bosco	Hertel	Payne (VA)
Boucher	Hiler	Pease
Boxer	Hoagland	Pelosi
Brennan	Hochbrueckner	Penny
Broomfield	Horton	Perkins
Brown (CA)	Houghton	Petri
Bruce	Hubbard	Pickett
Bryant	Hughes	Poshard
Bustamante	Hutto	Price
Byron	Jenkins	Quillen
Cardin	Johnson (CT)	Rangel
Carper	Johnson (SD)	Ravenel
Carr	Johnston	Ray
Chapman	Jones (GA)	Richardson
Clarke	Jontz	Rinaldo
Clement	Kanjorski	Robinson
Clinger	Kaptur	Roe
Coleman (TX)	Kasich	Rose
Combest	Kastenmeier	Rostenkowski
Condit	Kennedy	Rowland (CT)
Conte	Kennelly	Rowland (GA)
Conyers	Kildee	Roybal
Cooper	Kleczka	Russo
Costello	Kolter	Sabo
Coyne	Kostmayer	Saiki
Davis	LaFalce	Sangmeister
de la Garza	Lancaster	Sarpalius
DeFazio	Lantos	Sawyer
DeLay	Laughlin	Saxton
Derrick	Lehman (CA)	Scheuer
Dicks	Lehman (FL)	Schneider
Dingell	Lent	Schulze
Dixon	Levin (MI)	Schumer
Donnelly	Levine (CA)	Serrano
Dorgan (ND)	Lewis (GA)	Shaw
Downey	Lipinski	Shumway
Durbin	Livingston	Shuster
Dwyer	Lloyd	Sisisky
Dyson	Long	Skaggs
Early	Lowey (NY)	Skeen
Eckart	Luken, Thomas	Skelton
Edwards (CA)	Manton	Slattery
Edwards (OK)	Martinez	Slaughter (NY)
Emerson	Matsui	Smith (IA)
Engel	Mavroules	Smith (NE)
English	Mazzoli	Smith (NJ)
Erdreich	McCloskey	Smith (VT)
Espy	McCrery	Solarz
Evans	McCurdy	Spence
Fascell	McDade	Spratt
Fawell	McDermott	Staggers
Fazio	McEwen	Stallings
Feighan	McHugh	Stark
Fish	McMillen (MD)	Stenholm
Flake	McNulty	Stokes
Foglietta	Meyers	Studds
Ford (MI)	Miller (CA)	Swift
Frank	Mineta	Synar
Gallo	Moakley	Tallon
Gaydos	Mollohan	Tanner
Gejdenson	Montgomery	Tauzin
Gephardt	Moody	Taylor
Geren	Morrison (CT)	Thomas (GA)
Gibbons	Morrison (WA)	Torres
Gillmor	Mrazek	Torricelli
Gilman	Murtha	Towns
Glickman	Nagle	Traficant
Gonzalez	Natcher	Udall
Gordon	Neal (MA)	Unsoeld
Gradison	Neal (NC)	Valentine
Grant	Nielson	Vander Jagt
Gray	Nowak	Vento
Green	Oakar	Visclosky
Guarini	Oberstar	Volkmer
Gunderson	Obey	Walgren
Hall (OH)	Olin	Walsh
Hall (TX)	Ortiz	Washington
Hamilton	Owens (NY)	Watkins
Hammerschmidt	Owens (UT)	Waxman
Weiss	Wilson	Yates
Weldon	Wise	Yatron
Wheat	Wolpe	Young (FL)
Whitten	Wyden	
Williams	Wylie	

NAYS—106

Baker	Henry	Ridge
Bentley	Herger	Roberts
Bereuter	Holloway	Rogers
Billirakis	Hopkins	Rohrabacher
Boehlert	Hunter	Ros-Lehtinen
Brown (CO)	Hyde	Roth
Buechner	Inhofe	Roukema
Bunning	Ireland	Schaefer
Burton	Jacobs	Schroeder
Callahan	James	Schuette
Campbell (CA)	Kolbe	Sensenbrenner
Chandler	Lagomarsino	Shays
Coble	Leach (IA)	Sikorski
Coleman (MO)	Lewis (CA)	Slaughter (VA)
Coughlin	Lewis (FL)	Smith (TX)
Courter	Machtley	Smith, Denny (OR)
Cox	Madigan	Smith, Robert (NH)
Crane	Marlenee	Smith, Robert (OR)
Dannemeyer	Martin (IL)	Snowe
DeWine	Martin (NY)	Solomon
Dickinson	McCandless	Stangeland
Dornan (CA)	McGrath	Stearns
Douglas	McMillan (NC)	Sundquist
Dreier	Michel	Tauke
Duncan	Miller (OH)	Thomas (CA)
Fields	Miller (WA)	Thomas (WY)
Frenzel	Molinari	Upton
Gallegly	Moorhead	Vucanovich
Gekas	Morella	Walker
Gingrich	Murphy	Weber
Goodling	Oxley	Whittaker
Goss	Parris	Young (AK)
Grandy	Pashayan	
Hancock	Paxon	
Hastert	Porter	
Hawkins	Regula	
Hefley	Rhodes	

NOT VOTING—44

Ackerman	Dellums	Mfume
Akaka	Dymally	Myers
Alexander	Flippo	Nelson
Armey	Ford (TN)	Pickle
Ballenger	Frost	Pursell
Barton	Hoyer	Rahall
Bliley	Huckaby	Ritter
Brooks	Jones (NC)	Savage
Browder	Kyl	Schiff
Campbell (CO)	Leath (TX)	Sharp
Clay	Lightfoot	Smith (FL)
Collins	Lowery (CA)	Stump
Craig	Lukens, Donald	Traxler
Crockett	Markey	Wolf
Darden	McCollum	

□ 1124

Mr. GEJDENSON and Mr. GILMAN changed their vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. McNULTY] please come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 198. An act to amend title 17, United States Code, the Copyright Act to protect certain computer programs;

S. 459. An act to amend title 35, United States Code, with respect to the use of inventions in outer space; and

S. 2300. An act to provide financial assistance to the Simon Wiesenthal Center in Los Angeles, CA, for the education programs of the Museum of Tolerance.

PRESIDENT SHOULD ENCOURAGE INVESTMENT

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, for those who are concerned about whether this country is investing enough in its future, I think it is important to look at just a few recent events. For instance, this administration has just announced that it is going to be firing the head of DARPA, which has been conducting much of the research that is important to give us that technological edge in high density TV and other areas.

An OTA report released today shows that once again we are giving away some of that valuable semiconductor research that we ought to be doing.

In infrastructure this administration proposed a budget that actually cut back the amount of money that would be expended for building highways, roads and bridges and airports, resulting in productivity decreases, not increases.

We hear a lot of talk about capital gains, a dubious approach, but the administration opposes real IRA improvements, such as has been offered on the floor.

Whether it is education or the GI bill and in so many areas, we are not increasing like we ought to and fueling the machine of growth and investment. We are cutting back. We know what is best for this country. It was reflected in the budget that was just passed. It is investing.

What is best is to invest, and I urge the administration to move in those directions.

AMERICAN PEOPLE DEMANDING SUPPORT FOR LITHUANIA

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, President Bush is scheduled to meet with the Lithuanian Prime Minister today. Some have criticized the President for not having responded to this matter in more vocal, forcible tones.

In fairness to the President, however, there are limits dictating how far he can go. This situation presents a delicate, fragile balancing act. On the one hand, the Bush-Gorbachev summit continues to develop, while on the other the brave, hardy people of Lithuania struggle for freedom and independence.

We do not want the progress surrounding the summit meeting to collapse as the world watches, but the world watches Lithuania just as anxiously.

Lithuania and Russia must be willing to engage in meaningful dialog, but it is essential that Lithuania not be the recipient of a blind eye, nor a deaf ear from the United States at today's meeting.

□ 1130

HEED THE CALL ON TECHNOLOGY ASSESSMENT REPORT

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, today the Office of Technology Assessment has released its report on superconductivity, the international competitiveness, and it is, Mr. Speaker, a very familiar story.

American leadership in the laboratory is assured. Breakthroughs are taking place by American scientists, and they will redefine international competitiveness in a host of industries.

But the rest of the story also sounds familiar. The Office of Technology Assessment tells us that American corporations are failing to take heed. Their Japanese and German competitors are spending 50 to 100 percent more and threaten to dominate industries that range from shipbuilding to aircraft to electronics to computers to power generation. Mr. Speaker, the contrast is clear.

The message from the administration is to fire the director of DARPA and not to heed the call. Mr. Speaker, the consequences for our industrial leadership are enormous. This is a case where one man in DARPA was right and an entire administration is wrong.

Take heed. The consequences are enormous.

INCREASED ROLE OF CONSTITUENTS IN CAMPAIGN FINANCE

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, Republicans want to restore the primary role of constituents in the financing of congressional campaigns.

We want to limit the flow of campaign cash from PAC's and Washington special interest lobbyists, and return control of the election process to the people of each congressional district.

Not long ago, a bipartisan panel of experts assembled by the Senate made a very interesting suggestion.

They suggested setting limits on out-of-State contributions from PAC's and special interest groups, while party contributions would not be subject to limits. This is based on the fact that party contributions are raised primarily from individuals, and are to a large degree insulated from the influence of special interests.

This would require the candidate to recruit large numbers of donors in a congressional district. If a candidate cannot gain that sort of support from his or her own district they don't deserve election to this high office.

Also, candidates would have to spend more time campaigning for votes rather than being involved in the money chase around the country.

The American people deserve campaign reform this year.

Republicans and Democrats must enter into honest negotiations to reach a truly bipartisan agreement, partisanship will not suffice. The very integrity of the electoral process is at stake.

THE VOTE ON THE BUDGET

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, this week the House did not vote on the President's budget. Many Members wanted to do so. They were thwarted by the actions of the opposition party.

The gentleman from Minnesota, who is ranking member of the Budget Committee, had given his word to the Rules Committee and the Budget chairman that he would offer the President's budget. On Tuesday morning, before we took up the budget in the afternoon, he [* * *] said he would not offer the President's budget. This was undoubtedly done with the acquiescence of the Republican leadership. He did not offer the President's budget, and when the gentleman from New York attempted to do so by unanimous consent, again, the opposition party objected.

Mr. WALKER. Mr. Speaker, I demand the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman will suspend.

□ 1134

The SPEAKER. The Clerk will report the words objected to.

Mr. VOLKMER. Mr. Speaker, the gentleman from Missouri is willing to delete the words, "went back on his word."

The SPEAKER. Without objection, the words are withdrawn.

Mr. WALKER. Mr. Speaker, reserving the right to object, is the gentleman from Missouri [Mr. VOLKMER] withdrawing those particular words?

Mr. VOLKMER. Those specific words.

Mr. WALKER. Which in fact imputed the motives of the Member. At that point then, Mr. Speaker, I will not object, and withdraw my demand.

The SPEAKER. Without objection, the words are withdrawn.

There was no objection.

The SPEAKER. The gentleman may proceed in order.

Mr. VOLKMER. The gentleman from Minnesota did not offer the President's budget, and when the gentleman from New York attempted to offer the budget by unanimous consent, it was objected to by a Member of the opposition party. Therefore, all of us who wanted a vote on this major legislation were thwarted in it by the actions of Members of the opposition party.

Many times my colleagues on the other side of the aisle have complained about not being able to offer a bill or amendment on this floor because of a certain rule. Well, ladies and gentlemen, this time the opposition party and Members thereof have thwarted us who wanted a vote on a major piece of legislation, the President's budget.

JUST DO IT

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, today I want to draw attention to the issue of anti-Semitism in the Soviet Union. I want to discuss the Soviet Union's promise to liberalize its policies. There is no doubt that the number of Soviets allowed to emigrate has increased dramatically. In March alone, 10,501 Jews emigrated from the Soviet Union—and 10,331 went to Israel. I would like to point out, however, that many of the fundamental problems causing Soviet Jews to flee their country are still present and are not being adequately addressed.

While I am pleased at the signs of liberalization, I am aware that they are only signs. The rights of Soviet citizens, religious or otherwise, currently are not guaranteed. We need to encourage that these rights be institutionalized. They need to be legislated and implemented within the framework of Russian law: then most importantly, they must be enforced.

With the new level of openness and partial progress, economic, interethnic, and nationalist tensions have increased dramatically and could threaten the progress that has been made so far. I am very concerned with Mr. Gorbachev's decision to appoint two notoriously xenophobic and anti-Western persons to his innermost Council of advisers. Surely this is not a good indication or Mr. Gorbachev's true feelings.

There has been talk of new laws to be introduced and debated in the Soviet Congress that would reform and democratize basic human rights and freedoms in the Soviet Union. These laws would address freedom of emigration, expression, thought, press, and religious conscience. Freedoms that we have had protected for such a long time that we don't even question them. Soviet citizens should also have these rights, but they don't.

On May 5, it is widely rumored that a program will take place. With the liberalization of glasnost, groups like the nationalistic, anti-Semitic Pamyat, and other hate groups are engaged in an increasingly vicious campaign of anti-Semitism. They blame many of perestroika's shortcomings and inherent difficulties on an already oppressed Jewish minority.

This rumor of an organized persecution of Soviet Jews by such groups as the Pamyat clearly indicates the severity of the situation. How can the Soviet Union expect any commendation for changes taking place in that part of the world, or expect any type of assistance from anyone, when one group of its citizens is allowed—and encouraged by default—to act like common criminals toward another group of its citizens.

We must call upon the Soviet Union to institutionalize and protect policies that will allow basic rights and freedoms. Soviet Jews, and all Soviet citizens, must be given freedoms and rights that will not to be subject to the fears and violence of any individual, or any group. The problem is fundamental, the answer is clear. Mr. Gorbachev, just do it.

MEMBERS WHO DID NOT VOTE ON ANY BUDGET SHOULD RETURN ONE MONTH'S PAY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, there is absolutely no more important issue in front of this country than our budget for the next year, and many people have played very lightly. We have seen a lot of Members who have not voted for any budget at all, and then did not even bring up the President's budget because they wanted it both ways, to not really offend him by not having to turn it down, and to also not having to support him by not having it brought up.

I think that the American people in a representative democracy deserve much more than this. As we prepare to go into a summit, how can we represent Members who have not voted for any budget at all? I would think that would be shameful.

I would like to call upon the Members of this House, of which there is a long list, who voted for no budget at all, to at least return their pay for this month, because I think that would maybe help in the debt. But if they do not have any ideas on the budget at all, all I want to know is what are they doing here and how can they draw their pay in good faith?

GIVE AMERICAN AID TO AMERICANS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, after the war we led Japan to our factories. We gave them blueprints. We gave them our technology. And that was not enough. Ladies and gentlemen, America made loans to Japan and gave grants to Japan. Check it out.

Now Japan has the jobs, Japan has the factories, Japan has the banks, and America, we have got photographs.

If you really want to frost your pumpkin, there is a county in West Virginia that has officially asked Japan for foreign aid. No doubt it is to get the attention of Congress, but guess what? Japan may comply. In fact, Japanese politicians are today and this week considering a Marshall plan for America.

Ladies and gentlemen, we should be ashamed of ourselves. Why not a little bit more foreign aid for El Salvador? How about it? How about Panama? They need some money? Let us make sure we get some for the Philippines. But let us not consider America. Let us let America go to Japan for foreign aid.

I think we should start with that health department in that county in West Virginia, folks.

TRIBUTE TO FRANK V. HALL

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous materials.)

Mr. BILIRAKIS. Mr. Speaker, tonight the District of Columbia Downtown Jaycees will be presenting its 42d

Arthur S. Flemming Awards to honor outstanding young men and women in the Federal Government for professional achievement and community involvement.

This morning, Representative MORELLA and I would like to pay tribute to one of this year's winners: Mr. Frank Hall, a constituent of mine and formerly of Mrs. MORELLA's.

Frank is the director of administration in the U.S. Attorney's Office for the Middle District of Florida, and just one of his responsibilities is administration of the President's Organized Crime and Drug Enforcement Task Force for Region 13.

Among his many achievements are the 18 tireless months of administrative and security support he provided during the trial of Carlos Lehder, a kingpin of the Medellin drug cartel. Today, thanks in part to the efforts of Frank Hall, the most significant member of this cartel ever to be brought to trial in the United States is behind bars.

Frank's achievements have not been restricted to his professional life, either. He is a distinguished instructor in the Presidential Classroom Program, an active participant at his church and in a variety of civic causes.

Mr. Speaker, I urge all of my colleagues to join Mrs. MORELLA and myself in congratulating Frank Hall today, and I insert the letter from U.S. Attorney Robert Genzman nominating Frank for this richly deserved honor in the RECORD.

NOMINATION OF FRANK V. HALL FOR THE 42D ANNUAL ARTHUR S. FLEMMING AWARD FOR ACHIEVEMENTS IN ADMINISTRATION

PROFESSIONAL ACHIEVEMENT

Introduction

It is my pleasure to nominate Mr. Frank V. Hall for the 42d Annual Arthur S. Flemming Award for Achievements in Administration. As the Director of Administration for the Office of the United States Attorney, Middle Judicial District of Florida, Mr. Hall is responsible for a wide-range of litigative support functions which allow the Office to concentrate its primary energies on litigation of crimes under Federal jurisdiction. Mr. Hall either directly or through his staff is responsible for managing a multi-million dollar budget, ensuring the security of senior litigators and staff, ensuring sound personnel management practices and resource decisions are made, management of procurement activities, and management of an extensive computer network within the District. While all of these areas are complex within themselves, the complexity is multiplied by the necessity to provide support in all areas to four fully functioning offices within the District. Due to Mr. Hall's management acumen, the District functions very smoothly in all administrative matters, allowing the U.S. Attorney to concentrate on litigative issues.

A few examples of his extraordinary skills are elaborated upon below:

Support of the Carlos Lehder Prosecution.—Carlos Enrique Rivas Lehder, a kingpin of the Medellin Cartel, was extradited to the United States and tried in the Middle District of Florida. It goes without saying that a case of this magnitude, complexity and length required an administrative support contribution of significant proportions. Mr. Hall worked tirelessly over an 18-month period during trial preparations and throughout the trial and sentencing period to provide outstanding support to the trial team and investigative task force. Administrative issues included the early need for an emergency procurement of task force space and the full furnishing of equipment, furniture, and specialized building security requirements. Other issues which required continuing efforts over a one-year period included task force and trial logistics, litigation support, numerous complex witness situations, foreign travel and foreign witnesses, budgetary support, and most importantly, security. There were a variety of security issues surrounding this case, including heightened specialized security in all four offices, trial security, and personal security issues involving former United States Attorney Robert W. Merkle, his family, and Assistant United States Attorney Ernst Mueller. Many of these requirements were unique, requiring creativity and coordination with multiple organizations including the Drug Enforcement Administration, the Marshal's Service, the Customs Service, the Executive Office for United States Attorneys and the Justice Management Division. Mr. Hall successfully dealt with these issues and was required to travel extensively throughout the District and to Washington, to resolve many issues on an emergency basis. He successfully negotiated the myriad of day-to-day administrative details which were critical to the prosecution. That he was able to accomplish all of these specialized prosecution needs with no sacrifice to other Middle District of Florida operations is a credit to his creativity, dedication, and willingness to work long hours to further the mission of this office. The jury returned verdicts of guilty on all counts, and Carlos Lehder was sentenced to a maximum sentence of life imprisonment plus 135 years. To date, Lehder is the most significant member of the Medellin Cartel to have been extradited, tried, and convicted in the United States.

Growth Management.—Mr. Hall has administratively managed this large, rapidly growing District of 35 counties and 6.7 million residents in a highly effective manner. Five of the nation's 10 fastest growing cities are within the Middle District of Florida, and over the past five years personnel has increased by over 100%. In the past fiscal year alone, resources assigned to this District increased by over 25% due to the President's drug initiatives. In addition, Mr. Hall supervised the establishment of a fourth staffed Division in Ft. Myers which in the past two years has expanded and moved three times. Mr. Hall has the capacity to handle the myriad of details necessary to successfully accomplish massive, multiple expansion projects without sacrifice to the normal high quality of administrative management he provides this District. Further proof of his abilities to successfully manage our growth is evident in the high productivity of this District, simultaneous with its growth, as it continues to respond to its law enforcement mission. For example, in fiscal Year 1988 the District produced the following comparative statistics among the 94 United States Attorney's Offices:

(a) Sixth in number of jury trials;

(b) Sixth in number of trial days;

(c) Ninth in number of district court criminal hours;

(d) Sixth in number of magistrate court hours; and

(e) Seventh in terms of significant cases filed.

Delegations of Authority.—This District completed the administrative de-centralization project which began under former Attorney General Meese and has been completed under Attorney General Thornburgh, by accepting and successfully implementing operational plan budget authority and procurement authority. These authorities, coupled with the previously accepted personnel and fiscal payment authorities, resulted in the delivery of administrative services locally that were previously performed in Washington. All of the above authorities were implemented with a net resource allocation increase to our administrative staff of only three positions. Mr. Hall's effectiveness in successfully implementing these authorities are demonstrated by the following:

Internal and external audits which conclude that we have outstanding administrative programs, effectively managed;

Employee satisfaction which is high, above average according to a recent OPM review; and

Financial resources which were managed effectively, so that we were able to return approximately $600,000 of appropriated funds to the Department for redistribution during FY89.

Mr. Hall's talents have not gone unrecognized by others in the Department. He has been selected in the past as an administrative reviewer, has assisted the Attorney General's Advisory Committee in resolving issues of national concern, and has provided administrative assistance to other U.S. Attorneys and their administrative staff both formally and informally. During the past five years alone, Mr. Hall has received 52 letters of commendation, thanks and appreciation from individuals including the Attorney General, Deputy Attorney General, numerous United States Attorneys and others

Indeed, during my tenure as United States Attorney in this District, Mr. Hall's administrative skills and expertise have aided me immeasurably. It is without question that this District would not have the impact it does in the international drug arena were it not for the expert administrative staff so ably led by Mr. Hall.

Mr. Hall's outstanding achievements in his role as Director of Administration for this District allow the prosecution staff to devote their full attention to combating legal issues of national and international concern. In view of Mr. Hall's achievements in his field, it is a privilege to submit his name to receive the prestigious Arthur S. Flemming Award for "Administrative Excellence".

Community Involvement

Mr. Hall serves his community in a variety of civic, charitable, youth oriented, and other voluntary endeavors. They are briefly listed and described below:

A. Presidential Classroom.—Mr. Hall has been very active in serving as a distinguished instructor with this program on numerous occasions. He has donated his personal time to assist the program for seven different Presidential Classroom programs dating back to 1978. The Presidential Classroom is a senior high school program based in Washington, D.C., which is designed to introduce future leaders of America to the inner workings of the government. The Presidential Classroom has presented Mr.

Hall with several awards in recognition of his volunteer service.

B. Van Dyke United Methodist Church.—Mr. Hall is an active member of his community church and serves on several committees including the Men's Group, Church Growth, and Family Life, where he holds a leadership position.

C. Metropolitan Ministries.—Mr. Hall has served as a volunteer, through his church, to this noteworthy organization which serves the homeless of Tampa Bay.

D. Little League.—Mr. Hall has participated as a volunteer with several Little Leagues and Pony Leagues in his community.

E. Tampa Rotary Club.—Mr. Hall served as Administrative Coordinator to provide Robert Kirk, the Rotary Club's winner of a "Dream Day" contest, an assignment as an honorary member of the United States Attorney's Office. Mr. Hall's efforts to facilitate this program were recognized at a formal luncheon sponsored by the Rotary Club.

F. Basketball Referee.—Mr. Hall is a distinguished member of several basketball referee associations and officiates contests at both the high school and college levels. He has been selected in the past by the NCAA to officiate at their national tournament.

G. Florida AAU.—Mr. Hall has donated his professional services to referee for the Florida AAU.

H. Special Olympics.—Mr. Hall has donated his professional services to referee for the Special Olympics at both local and national levels.

TRIBUTE TO FRANK V. HALL

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, it is with great pleasure and pride that I rise today to recognize Frank V. Hall who is a recipient of the coveted Arthur S. Flemming Award which will be presented today by the Arthur S. Flemming Awards Commission, Expert Scientific and Administrative Consultants, and the Downtown Jaycees.

The Arthur S. Flemming Award is presented to Federal employees under the age of 40 who have performed outstanding and meritorious work for the Government and have demonstrated community service which has enhanced the community. Previous recipients include Paul Volcker, Elizabeth Dole, Neil Armstrong, and PATRICK MOYNIHAN. Frank Hall of the Department of Justice joins this elite membership.

Though I cannot claim Mr. Hall as a constituent now, he was formerly from the Eighth District of Maryland and received his A.A. degree from Montgomery College in 1972. His parents, Mr. and Mrs. Hall, still reside in Kensington, MD, and his sister, Joelle, well-known to us on the House floor, resides in Burtonsville, MD. I know they are justifiably proud of Frank, as well I am.

Our country is rich in the caliber of Federal employees; there are so many who are superbly talented and dedicated that I am sure it is a difficult task to choose the most deserving. Yet, when that determination is made, you can be assured that that individual undoubtedly possesses the highest qualification. I would not do justice to Mr. Hall if I tried to list some of his achievements at this time.

Frank V. Hall, who started as a mail clerk in the U.S. Department of Labor while studying in college, now a recipient of the 42d Annual Arthur S. Flemming Award for his work as director of administration at the U.S. Attorney's Office in the Middle District of Florida. Of him, we say, in the words of Shakespere: "The force of his own merit makes his way."

SAVE THE KLAMATH RIVER

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, in the historic 100th Congress we passed landmark legislation to protect 40 of Oregon's fabulous rivers as national wild and scenic treasures. Oregon gained national recognition as the wild and scenic river capital of the United States.

Unfortunately, in the 101st Congress one of our rivers has again been singled out for national attention. The Klamath River in southern Oregon has been singled out as the most endangered river in America. A private-public cabal has a proposal to dam or dewater the river to build a hydroelectric project to produce power that no one wants, needs, or can afford.

So today, along with the gentleman from Oregon [Mr. AUCOIN] and the gentleman from Oregon [Mr. WYDEN], I am introducing wild and scenic river legislation to protect this last free-flowing stretch of the Klamath River with its fabulous whitewater and wild trout fishing for future generations of Oregonians and all Americans.

My colleagues, please join us in this effort and support this bill to save this beautiful river, or it will soon run dry for all time.

THE DUAL CONSTITUENCY

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, in the upcoming debate on campaign reform, it is crucial that we adopt proposals to make congressional elections local again by encouraging small, local contributions.

Republicans believe that Members should be required to raise a majority of campaign contributions from local sources and that the income tax credit should be restored for small, local contributions to Federal candidates.

This body is called the House of Representatives because we represent our district and its people, the people who elected us.

But when Members accept large amounts of campaign money from outside their district, do they cultivate dual constituencies—one constituency that elects, and another that funds the election?

Unfortunately, individual contributions have declined in recent years, while special interest contributions have increased.

Mr. Speaker, Representatives should serve only one constituency. They should be required to raise a majority of their campaign funds from the people in the district they serve.

□ 1150

EL SALVADOR

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, I rise today to talk about El Salvador.

The three A's of tyranny—abduction, assassination, and abuse—become increasingly commonplace in this war-torn nation.

Over the past decade, the United States has sat back and watched U.S.-trained—and funded—forces commit human rights abuses and atrocities.

Has U.S. money been used to foster democracy? Absolutely not. The Salvadoran armed forces, nurtured with United States dollars, have not hesitated to torture their countrymen or harass United States church workers. Last November, they felt no compunction about brutally murdering six Jesuit priests.

In the next 2 weeks, the House will have the opportunity to vote on legislation that would cut military aid to El Salvador by 50 percent.

Yesterday, news reports indicated that the FMLN attacked San Salvador. Some in this body will try to use this attack to derail the 50-percent cut in aid.

But I say it is time to stop fueling the war.

There is no moral reason for continuing to send one dime to a government that allows coldblooded murder of civilians by its armed forces. We must stop all military aid to El Salvador—and we must stop it now.

WHITBREAD ROUND-THE-WORLD YACHT RACE STOPS IN FT. LAUDERDALE

(Mr. SHAW asked and was given permission to address the House for 1 minute.)

Mr. SHAW. Mr. Speaker, for the first time since the world-famous Whitbread Round-the-World Yacht

Race began 15 years ago, the 1988/1990 series included a stop in the United States, the first stop at a North American port of call. I am proud to say that this stop was in Ft. Lauderdale, FL, my home district.

Crews from 23 nations began arriving in Ft. Lauderdale last month.

In addition to the exciting competition and entertainment that one would expect from an international sailing competition, the Whitbread has provided an unusual chance for the residents of my home district to see international relations up close; indeed, to make international relations.

The sailing competition has been difficult at times, particularly for the Soviet crew who faced financial, material, and human resource problems at sea.

Constituents from my home district graciously assisted the crew by providing them a place to stay, and helping them to raise money to finance the last leg of the race.

It has been exciting to be a part of the international cooperation. It has been exciting for the residents of Broward County, FL to show the true meaning of southern hospitality and American generosity.

STUDENT INCENTIVE ACT

(Mr. McMILLEN of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLEN of Maryland. Mr. Speaker, Today I am introducing the Student Incentive Act, or Studi Act. The bill would encourage school districts to establish a 2.0 grade point average in order for students to participate in extracurricular activities—and reward those schools adopting the standard with a 10-percent bonus in Federal chapter 1 funding.

I have introduced this bill because I believe there is an imbalance in the priorities of young Americans between athletics and academics. For years we have been hearing of abuses in the collegiate athletic system. Athletes becoming All-American linebackers, but who cannot read after 4 years of college. But the problems begin much sooner—in America's high schools and junior high schools.

A recent survey by USA Today reviewed the dismal State requirements of high school students to participate in sports—and showed the average is only a 1.3 to 1.7 grade point average. These D-minus students will not be able to compete in the 21st century international marketplace.

Mr. Speaker, America is sending the wrong signal to our young people—that their athletic skills are more important than their thinking skills. We'll need a better student to compete in an increasingly competitive world—because that's where the real game is played.

CAMPAIGN FINANCE REFORM

(Mr. HILER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILER. Mr. Speaker, it is time that we as a body come together to work to enact substantive campaign reform.

I think most of us would agree, foremost the American people, that our current system of campaign finance has fallen out of balance. The latest statistics show that candidates are relying more and more on political action committees as funding sources for their campaigns, rather than seeking our individual contributions from within their home area. In fact, 52 percent of all House candidate expenditures are now coming from PAC's and 77 percent of all PAC money in the 1988 election went to incumbents who enjoyed a 98-percent reelection rate. It is a system out of balance only to the detriment of challenger candidates.

This funding imbalance leads us to ask whether our institution is truly as close to the people as our Founding Fathers intended. If the combination of campaign finance advantages and incumbent advantages contribute to an invulnerable House membership, public policy suffers.

Let us take action to rebalance the system. Campaign finance reform should include provisions to require more campaign funds to come from local sources, particularly individuals residing within a candidate's local area.

Let us work to ensure greater public participation and reduce the influence of special interests in our system of campaign finance, and increase the competitiveness of our elections. Only then will we have the type of responsive and representative democracy our Founding Fathers envisioned.

GRANTING RECOGNITION TO LITHUANIA

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, this morning in the President's press conference when he was asked a question about Lithuania his response was that they can work out their differences.

Can they work out their differences when Lithuania was taken over by the Soviets 50 years ago and they murdered one-third of the population, killing 350,000 people in one execution?

Can they work out their differences when the Soviets outnumber the Lithuanians 87 to 1?

Can they work out their differences when the Soviets have added more troops in Lithuania?

Can they work out their differences when they cut off their energy supply, and they are now rationing food in Lithuania when all they want is recognition?

They turned to us not to build ships or put ships in the Baltic. They did not turn to us for food or for money. All they want is recognition as a free and independent country, and as a country that represents that dream we should give that dream and that recognition to the people of Lithuania.

VIOLENCE IN EL SALVADOR

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, with today's visit by Lithuania's prime minister, all eyes and attention seem to be focused on the dramatic events to our east.

But we must not ignore the equally dramatic—and volatile—events taking place in our own back yard.

Just as peace talks were about to begin under U.N. supervision, the communist FMLN rebels in El Salvador have once again resorted to terror and violence.

The rebels—whose goal is to destabilize and undermine the democratically elected government in El Salvador—have said their most recent countrywide attacks serve as reminders.

They claim they are willing to negotiate a peaceful settlement—and yet, just as the process of talks reached the brink of progress, the FMLN has renewed its violent assaults, killing innocent civilians and children.

How many more such reminders must the duly elected government and the people of El Salvador endure? Can we really believe that the FMLN is serious about wanting a negotiated settlement to the decade-long conflict—when current evidence shows continued arms smuggling and terrorist aggression?

Mr. Speaker, negotiations require the commitment and good faith of those on both sides. So far, the FMLN had done little to uphold its end of the bargain.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3498

Mr. PAYNE of Virginia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3498.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from Virginia?

There was no objection.

GARAGE DOOR OPENER SAFETY ACT

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, today I am introducing legislation that will save the lives of American kids across the Nation, the Garage Door Opener Safety Act.

What is the deal with garage door openers saving the lives of American kids? Since 1973 faulty garage doors have killed 55 American kids and injured thousands others, and this legislation requires safeguards and a reversal mechanism on them.

With 55 dead kids we cannot just shrug our shoulders and say: "Accidents happen." Some of these doors exert 200 or 300 pounds of pressure, which can fatally injure or horribly maim a kid in a few seconds, turning a friendly open garage door of home into a fearsome death trap.

Parents, businesses, and government each have a life and death responsibility here, but parents have not been informed, businesses have been out for the buck, and government has been in Reagan's deregulated la-la land.

Now as we move toward summer vacation and all of those graduation speeches about "our kids are our future," it is time for Democrats and Republicans, buyers and sellers of garage doors to unite behind this simple, cost-effective legislation to prevent the senseless death of our kids.

GAME OF OPEN SECRETS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, there is an "open secret" reported in the newspapers in Washington that naming India in the Super 301 is a calculated move to appease Senator BENTSEN, who had the courage to speak out about Japan.

The Texans have a saying that applies to the Senator in this situation that, "he didn't come to town on a load of beets." The Senator will understand the game being played, the rest of us do.

By singling out India, it makes it appear that congressional intent of the Omnibus Trade Act of 1987 is not being ignored. I think it is particularly appropriate that the newspaper accounts reported the United States Trade Representative "rolled over" the old citings on India. All of us were rolled on this. In truth, we do not fully understand what we gave up in the SSI talks to meet the 301 deadline, but we know what Japan supposedly gave up. Now India is the example.

This whole exercise of naming India and not Japan in the Super 301 is a perfect example of the old bureaucratic trick of naming a "program goat" as a signal that you don't intend to do a thing. Citing India is a signal to the Japanese they are safe—and to Congress that we have been "rolled over" as India was, just to fulfill the intent of the law.

□ 1200

A FOURTH BRANCH OF GOVERNMENT, THE SUMMIT BRANCH

(Mr. DURBIN asked and was given permission to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, some say it is time to amend our Constitution and recognize the existence of a fourth branch of government. We have the executive, the legislative and judicial branches springing from the wisdom of our Founding Fathers. But today we have another branch of Federal Government more powerful than the other three. Of course I am referring to the summit branch.

The summit branch has extraordinary powers. The summit branch can write Federal budgets, overrule congressional action, bind future Congresses and Presidents and, most importantly, the summit can, with the stroke of a pen and a 10-second sound bit, render 435 Members of Congress and 100 Senators irrelevant.

The summit branch is a great step forward in consolidating power in America. It eliminates many of the cumbersome, clumsy aspects of democracy and replaces them with the efficiency of an edict.

King George III would have loved it.

FINANCE CAMPAIGNS FROM LOCAL CONTRIBUTIONS

(Mr. SMITH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Vermont. Mr. Speaker let us face it. Congress is not real popular with the American people today. Many Americans feel that we listen to them less than we listen to the lobbyists who write campaign checks here in Washington.

But there is a simple way to regain their confidence: Finance campaigns from local contributions requiring candidates to raise a majority of their campaign funds within their districts would send people a message that we are serious about reform.

David Broder of the Washington Post was right when he called money raised from constituents "the healthiest possible source of campaign cash." By requiring candidates to raise most of their campaign funds in-district, candidates would be more dependent on their ability to convince voters to contribute, not just lobbyists.

Candidates would spend more time with their constitutents, and less with special interests. Candidates would be encouraged to draw citizens into the political process, rather than turning them off with media-based negative campaigns.

Let's restore the influence of the American people on Congress. Let's get back to true representative government. Let us require candidates to raise the majority of their campaign funds within their own districts.

CLEAN AIR AND A STRONG ECONOMY TOO

(Mr. APPLEGATE asked and was given permission to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, say it ain't so, Mr. President. Say that we are going to wake up from this nightmare and you are going to make the correction. First of all, the savings and loans in your State of Texas and other States have broken the law. Yet you ask all the American taxpayers to pay for it.

The Japanese have broken all the trade agreements and the laws, and yet you are asking the American economy to pay for it.

Yet we in areas who produce the highest Btu, best fossil energy, the cheapest with the most abundance, who broke no laws at all, you are asking us to pay through the nose through an acid rain bill.

You do not want any other part of the country or the economy to share in the cost. Why not, if you want to breathe clean air?

This is going to be a $25 billion to $50 billion monstrosity. Who is going to pay for those 10,000, 100,000 coal miners and steel workers who will be thrown out of work?

Yet we have a 10-year, $600 million study which says the worst fears of acid rain are unfounded.

Let us use some common sense. We want clean air, but we also want a strong economy, and it is tough in my region to have both.

HUMAN RIGHTS ABUSES IN CUBA

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, this morning the Committee on Foreign Affairs approved my resolution (H.R. 381) which commends the United Nations Human Rights Commission for extending the mandate of the Cuban Working Group with regard to the human rights situation in Cuba. Garnering support in the Commission for continuing the working group is largely and directly attributable to Armando Valladares, U.S.

Ambassador to the Commission, who himself spent 22 years in the Cuban gulag.

The legislation strongly condemns the Government of Cuba for engaging in a consistent pattern of human rights abuses. As noted in the resolution, when the working group visited Cuba in 1988, those hundreds of Cubans who came forward with testimony had been assured by the Cuban Government they would face no reprisals.

Mr. Speaker, we know for a fact that at least 60 Cuban human rights activists who testified and offered information were arrested, detained, and otherwise harassed.

This resolution, Mr. Speaker, will turn up the heat on Fidel Castro's government, and I urge my colleagues to unanimously support it when it comes to the floor.

WHERE ARE THE REST OF THE SOVIET INTERCONTINENTAL BALLISTIC MISSILES?

(Mr. BURTON of Indiana asked and was given permission to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, today the Secretary of State James Baker plans to tell foreign ministers at NATO that the United States will soon withdraw some nuclear artillery from Europe and that it favors prompt negotiations with the Soviet Union to eliminate remaining ground-based nuclear weapons there. Mr. Speaker, while we are talking about doing this, we ought to look at what the Soviet Union is doing.

In 1988, the Soviets built 125 SS-25's, which is a long-range intercontinental ballistic missile, a nuclear missile, which can also be retargeted on short- and intermediate-range targets in Eastern Europe. But last year they doubled that production to 220 SS-25's. United States intelligence cannot account for over half of the Soviet-produced weapons. They have been stockpiled covertly in areas where U.S. electornic and photographic intelligence systems have been unable to search.

Because of the proximity of the Soviet Union to Europe, I think we should be very careful and not make the same mistakes we made prior to World War II.

THE WORD IS SIMPLY: SEX

(Mr. DORNAN of California asked and was given permission to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, what creates cowards out of otherwise stalwart Members of Congress? What is the one issue or category of issues that strikes fear into everyone's heart around here?

We know how contentious the abortion issue is, and you mention the word "homosexual" on the House floor and people flee to the Cloakroom. I think the word is simply: sex.

That one word terrifies people in both Chambers here.

So may we talk about sex for a minute, Mr. Speaker, and keep it clean for the benefit of some of the tender ears that I see up in the Gallery?

We have a hero in the State of Alabama. He is district attorney for the 15th judicial circuit, and his name is Jimmy Evans. I am going to ask him to come to Washington next week so that Members can talk to this decent American law enforcement officer who found teenage girls in that State of Alabama trafficking in hard-core quadruple-XXXX material. Where did they get it? They tape recorded it off their parents' television sets. It was coming into homes all over America, 50 States, off the Tuxedo Channel and other channels, corrupting the public marketplace.

But what does the New York Times say and NBC and CBS and ABC and CNN? They challenge us with the rhetorical statement on the news last night: "Does America want the moral standards of Alabama? Is this infringing on first amendment rights?" America does not want hard-core pornography coming off our satellites, Mr. Speaker. Let us get some courage in this Chamber and fight this battle with District Attorney Jimmy Evans.

THREE MONTHS' TAXPAYER AMNESTY

(Mr. DREIER of California asked and was given permission to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, in the marvelous budget which passed out by a 10-vote margin here just a couple of days ago there was a call for $13.7 billion in new revenues.

Well, of course, we do not know where that is going to come from exactly, but our colleagues on the Committee on Ways and Means will have the responsibility to make that determination.

Well, in legislation which I am introducing today, Mr. Speaker, I have the answer. It is, along with a 15 percent flat-rate tax, a taxpayer amnesty over a 3-months' period beginning July 1, 1991. What this would do is it would dramatically enhance compliance and it would give us a revenue increase without having to actually increase taxes.

I am introducing the bill today, Mr. Speaker, and I hope very much that my colleagues will look at it, especially those on the Committee on Ways and Means.

APPOINTMENT OF CONFEREES ON H.R. 4404, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER ASSISTANCE, FOOD STAMPS, UNEMPLOYMENT COMPENSATION ADMINISTRATION, AND OTHER URGENT NEEDS, AND TRANSFERS, AND REDUCING FUNDS BUDGETED FOR MILITARY SPENDING ACT OF 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4404) making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. CONTE

Mr. CONTE. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Motion to instruct conferees offered by Mr. CONTE: That the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Bill H.R. 4404 be instructed:

(1) to agree to those Senate amendments that respond to budget requests and reestimates of cost submitted by the President subsequent to House action on the bill for Food Stamps (No. 117), the Veterans Loan Guaranty Revolving Fund (No. 119), and the Census (No. 8); and

(2) to insist upon its disagreement to all Senate amendments that provide funding for programs, projects or activities which are not dire emergencies.

□ 1210

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes, and the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I proceed, I want the Members to know that I gave a copy of this motion to the majority to put them on notice prior to this debate. The chairman of the committee and I have worked very closely together on this supplemental and tried to bring out a responsible supplemental. I think we did. We defeated all harmful amendments that were offered here on the floor of the House,

and there was good teamwork between myself and Chairman WHITTEN, and also Chairman NATCHER and all the other members of the committee.

Let me explain my motion.

Mr. Speaker, my motion to instruct the conferees on the supplemental appropriations bill is simple. It directs the conferees to agree to Senate amendments on food stamps, veterans, and census, sums that were recently requested by the President, but it directs our conferees to strip from the bill all Senate amendments which are not dire emergencies. It will be like shooting fish in a rain barrel.

Mr. Speaker, the Senate, in its unmatchable wisdom, added 180 amendments to the House-passed bill. They had a ball. They spent the better part of 5 days on the floor, and they added some real beauties.

Listen to these so-called dire emergencies:

One Samoan ferry boat.

Further design of the Franklin Delano Roosevelt Memorial.

Capitol Police protection for 467 Senate parking spaces in the Union Station garage, spaces which cost $135 each per month, for a total cost of $756,000 per year.

Paying Senate consultants at a rate of $95,715 per year. That's Senate consultants, mind you.

A procurement for the Stuttgart, AR Fish Farm Laboratory.

Recycling New Jersey's batteries.

The famous Shipco claim against the Air Force.

The Beechwood housing project in Pittsburgh, PA.

The $185 million for moving the FBI's fingerprint facility to that hotbed of crime, West Virginia. And talk about a smoking gun—$238 million for an ammunition plant in Louisiana.

Mr. Speaker, while we have kept our nose to the grindstone over here, the Senate had theirs in the cookie jar; or in the catnip.

Mr. Speaker, it is time to clean up the Senate's excesses. Vote for my motion to instruct conferees to do just that.

The SPEAKER pro tempore. The Chair would remind Members to refrain from characterizations of the Senate.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, we are here today on the fiscal year 1990 Dire Emergency Supplement Appropriations Act to begin the process of going to conference with the Senate.

On April 3, the House overwhelmingly passed this bill, H.R. 4404. At that time the bill contained $1.1 billion in dire emergency discretionary funding.

A month later on May 1 the Senate completed action on this bill. The action of the Senate has resulted in 180 amendments to the House bill. Many of these amendments do not deal with dire appropriations matters. We will need to look into these matters closely. But to do that we need to get to conference with all deliberate speed. The country needs this bill.

Mr. Speaker, I hope the House will let your Appropriations Committee proceed with resolving our differences with the Senate.

I shall vote for the motion offered by my colleague, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from New Jersey [Mr. GALLO].

Mr. GALLO. Mr. Speaker, I rise in support of the motion to instruct offered by the gentleman from Massachusetts [Mr. CONTE].

This bill is a dire emergency supplemental, introduced for a specific purpose—to respond to two new democracies in our hemisphere who need our help now. This bill is long overdue. We cannot delay anymore. And we should not divert our attention away from the real purpose of the bill by debating other difficult issues that, frankly, we have not been able to resolve in the past.

This bill has clearly lost its direction in the other body and Mr. CONTE's motion will put it back on track.

I urge support of this motion.

Mr. DUNCAN. Mr. Speaker, I rise in support of the motion to instruct offered by Mr. CONTE.

Mr. Speaker, when the House considered this bill earlier I voted against it. I did so because I believe that we just cannot afford to keep sending millions and billons of dollars, year after year, to help nations around the world.

I wish we could help many of these countries. God knows that Panama and Nicaragua as well as most of the newly born democracies in Eastern Europe need all the support we can muster.

But Mr. Speaker, we have an enormous debt in this country of over $3 trillion.

And now, a bill that began as an $800 million aid request to Panama and Nicaragua has ballooned to more than $3 billion, with an additional $1 billion in other unrelated programs.

I'm sure that many of these add-ons are probably important. For example, the food stamp provision and the Veterans Affairs medical care assistance.

But I just cannot go back to my constituents in east Tennessee and feel good about telling them that their hard-earned tax dollars are going toward a dire emergency of grasshopper eradication, or of so-called peace forums to resolve disputes within an Indian tribe.

Mr. Speaker, I urge my colleagues to support the Conte motion to instruct conferees to eliminate these nonemergency items from the bill.

Mr. CONTE. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. CONTE].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—ayes 388, nays 8, not voting 37, as follows:

[Roll No. 96]

YEAS—388

Anderson	Darden	Hancock
Andrews	Davis	Hansen
Annunzio	de la Garza	Harris
Anthony	DeFazio	Hastert
Applegate	DeLay	Hatcher
Archer	Dellums	Hawkins
Aspin	Derrick	Hayes (IL)
Atkins	DeWine	Hayes (LA)
AuCoin	Dickinson	Hefley
Baker	Dicks	Hefner
Ballenger	Dixon	Henry
Bartlett	Donnelly	Herger
Bateman	Dorgan (ND)	Hertel
Bates	Dornan (CA)	Hiler
Bellenson	Douglas	Hoagland
Bennett	Downey	Hochbrueckner
Bentley	Dreier	Hopkins
Bereuter	Duncan	Horton
Berman	Durbin	Houghton
Bevill	Dymally	Hoyer
Bilbray	Dyson	Hubbard
Bilirakis	Early	Hughes
Billey	Eckart	Hunter
Boehlert	Edwards (CA)	Hutto
Bonior	Emerson	Hyde
Borski	Engel	Inhofe
Bosco	English	Ireland
Boucher	Erdreich	Jacobs
Boxer	Espy	James
Brennan	Evans	Johnson (CT)
Brooks	Fascell	Johnson (SD)
Broomfield	Fawell	Johnston
Browder	Fazio	Jones (GA)
Brown (CA)	Feighan	Jones (NC)
Brown (CO)	Fields	Jontz
Bruce	Fish	Kanjorski
Bryant	Flake	Kasich
Buechner	Foglietta	Kastenmeier
Bunning	Ford (MI)	Kennedy
Burton	Frank	Kennelly
Bustamante	Frenzel	Kildee
Byron	Gallegly	Kleczka
Callahan	Gallo	Kolbe
Campbell (CA)	Gaydos	Kolter
Campbell (CO)	Gejdenson	Kostmayer
Cardin	Gekas	LaFalce
Carper	Gephardt	Lagomarsino
Carr	Geren	Lancaster
Chandler	Gibbons	Lantos
Chapman	Gillmor	Laughlin
Clarke	Gilman	Leach (IA)
Clay	Gingrich	Lehman (FL)
Clement	Glickman	Lent
Clinger	Gonzalez	Levin (MI)
Coble	Goodling	Levine (CA)
Coleman (MO)	Gordon	Lewis (CA)
Coleman (TX)	Goss	Lewis (FL)
Combest	Gradison	Lewis (GA)
Condit	Grandy	Lipinski
Conte	Grant	Livingston
Conyers	Gray	Lloyd
Costello	Green	Long
Coughlin	Guarini	Lowery (CA)
Courter	Gunderson	Machtley
Cox	Hall (OH)	Madigan
Coyne	Hall (TX)	Manton
Crane	Hamilton	Markey
Dannemeyer	Hammerschmidt	Marlenee

Martin (IL)	Petri	Smith, Robert (NH)
Martin (NY)	Pickett	Smith, Robert (OR)
Martinez	Porter	Snowe
Matsui	Poshard	Solarz
Mavroules	Price	Solomon
Mazzoli	Quillen	Spence
McCandless	Rangel	Spratt
McCloskey	Ravenel	Stallings
McCollum	Ray	Stangeland
McCrery	Regula	Stark
McCurdy	Rhodes	Stearns
McDade	Richardson	Stenholm
McDermott	Ridge	Stokes
McEwen	Rinaldo	Studds
McGrath	Roberts	Sundquist
McHugh	Robinson	Swift
McMillan (NC)	Roe	Synar
McMillen (MD)	Rogers	Tallon
McNulty	Rohrabacher	Tanner
Meyers	Ros-Lehtinen	Tauke
Mfume	Rose	Tauzin
Michel	Rostenkowski	Taylor
Miller (CA)	Roth	Thomas (CA)
Miller (OH)	Roukema	Thomas (GA)
Miller (WA)	Rowland (CT)	Thomas (WY)
Mineta	Rowland (GA)	Torres
Moakley	Roybal	Torricelli
Molinari	Russo	Towns
Montgomery	Sabo	Traficant
Moody	Saiki	Udall
Moorhead	Sangmeister	Unsoeld
Morella	Sarpalius	Upton
Morrison (CT)	Sawyer	Valentine
Morrison (WA)	Saxton	Vander Jagt
Mrazek	Schaefer	Vucanovich
Murphy	Scheuer	Walgren
Murtha	Schiff	Walker
Nagle	Schneider	Walsh
Natcher	Schroeder	Washington
Neal (MA)	Schuette	Watkins
Neal (NC)	Schulze	Waxman
Nielson	Schumer	Weber
Nowak	Sensenbrenner	Weiss
Oakar	Serrano	Weldon
Oberstar	Sharp	Wheat
Obey	Shaw	Whittaker
Olin	Shays	Whitten
Ortiz	Shumway	Williams
Owens (NY)	Shuster	Wise
Owens (UT)	Sisisky	Wolf
Oxley	Skaggs	Wolpe
Packard	Skeen	Wyden
Pallone	Skelton	Wylie
Panetta	Slattery	Yates
Parker	Slaughter (NY)	Yatron
Pashayan	Slaughter (VA)	Young (AK)
Patterson	Smith (IA)	Young (FL)
Paxon	Smith (NE)	
Payne (NJ)	Smith (NJ)	
Payne (VA)	Smith (TX)	
Pease	Smith (VT)	
Pelosi	Smith, Denny (OR)	
Perkins		

NAYS—8

Boggs	Mollohan	Staggers
Dingell	Penny	Vento
Holloway	Sikorski	

NOT VOTING—37

Ackerman	Ford (TN)	Nelson
Akaka	Frost	Parris
Alexander	Huckaby	Pickle
Armey	Jenkins	Pursell
Barnard	Kaptur	Rahall
Barton	Kyl	Ritter
Collins	Leath (TX)	Savage
Cooper	Lehman (CA)	Smith (FL)
Craig	Lightfoot	Stump
Crockett	Lowey (NY)	Traxler
Dwyer	Luken, Thomas	Wilson
Edwards (OK)	Lukens, Donald	
Flippo	Myers	

□ 1235

Mr. HOLLOWAY changed his vote from "yea" to "nay."

Mr. GRAY and Mr. DEWINE changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair appoints the following conferees: Messrs. WHITTEN, NATCHER, SMITH of Iowa, YATES, OBEY, ROYBAL, BEVILL, TRAXLER, MURTHA, LEHMAN of Florida, DIXON, FAZIO, HEFNER, CONTE, MCDADE, MYERS of Indiana, and REGULA, Mrs. SMITH of Nebraska, and Messrs. EDWARDS of Oklahoma, GREEN, and ROGERS.

The SPEAKER. Without objection, the Chair reserves the right to appoint additional conferees.

There was no objection.

PERSONAL EXPLANATION

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcall Nos. 95 and 96.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed for 1 minute that I might inquire of the distinguished majority leader the program.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the distinguished gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

We obviously have finished the business for today and the week.

On Monday, May 7, the House will meet at noon, but there is no legislativs business.

On Tuesday, May 8, the House will meet at noon to consider under suspension seven bills. Recorded votes on suspensions will be postponed until after debate on all suspensions. The suspensions are as follows:

H.R. 2793, establishing a program in the Department of Energy to develop ways of using hydrogen as an energy resource.

H.R. 2813, improving information available to emergency response personnel in the field.

H.R. 3656, Coordinated Clearance and Settlement Act.

H.R. 3657, Securities Market Stabilization Act.

H. Res. . Securities Act Amendments of 1990.

H.R. 237, Biological Weapons Act of 1989.

H. Con. Res. 272, regarding the presentation of a portrait of the Honorable William D. Ford.

On Wednesday, May 9, and Thursday, May 10, the House will meet at 2 p.m. on Wednesday and 11 a.m. on Thursday to consider the following matters:

First, there will be a motion to go to conference on H.R. 3, the Childhood and Development Act of 1989.

Then H.R. 2364, conference report on Amtrak Reauthorization and Improvement Act of 1989, 1 hour of debate.

□ 1240

There is H.R. 770, Family and Medical Leave Act of 1990, subject to a rule, and H.R. 4636, Supplemental Assistance for Emerging Democracies Act of 1990, subject to a rule.

I might add that that final piece of business may or may not be on the schedule depending upon the progress in talks and communications that are going on between the administration and the bipartisan group here in the Congress.

Friday, May 11, the House will not be in session.

Mr. MICHEL. Mr. Speaker, I thank the gentleman. I was going to inquire on H.R. 4636; the gentleman partially answered my question in that we have not come to any firm conclusion here. I was going to make the request that we, at least in the minority, be given the opportunity to present whatever substitute we might have from the administration if we do not have an accommodation or an agreement. That is probably more than what the gentleman can formally commit himself to, but at least to put the gentleman's side on notice that that is what is going on on the minority leader's side.

Mr. GEPHARDT. I understand.

Mr. MICHEL. Then, too, could the gentleman enlighten me on the parental leave? Is that the real measure that we are going to be considering, H.R. 770, or did I understand that there may be a substitution there?

Mr. GEPHARDT. If the gentleman will yield further, I am sure that, as I understand it, Members will be going to the Committee on Rules asking for substitutes and amendments. I am not prepared at this point to tell the gentleman exactly what that rule will be like, but I am sure there will be many communications between the parties and many Members on putting that rule together, so there is a fair consideration of the bill.

Mr. MICHEL. Then, finally, just before coming over to the office, I saw on my own desk the schedule for the month of May. Have all of the Members been advised now of that schedule of meetings or votes on Monday?

Mr. GEPHARDT. We have published that calendar. It has the usual procedure on all of the weeks except the week prior to the Memorial Day break in which, I think, we may have votes on Monday through Thursday of that week. As the gentleman knows,

we have the Clean Air Act coming that we would like to get done before the Memorial Day break, so that could be a very active week prior to breaking.

Mr. MICHEL. Since the gentleman mentioned the Clean Air Act and the week before Memorial Day, is that the likely time now for consideration of clean air, or is that the earliest?

Mr. GEPHARDT. I think that it could come up the week of May 16 at the earliest, and at the latest, the week of the 21st.

Mr. MICHEL. Mr. Speaker, I thank the distinguished majority leader.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT TO MONDAY, MAY 7, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ASIAN-PACIFIC AMERICAN HERITAGE MONTH

Mr. KANJORSKI. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the bill (H.R. 3802) designating the month of May as "Asian/Pacific American Heritage Month," and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAUGHLIN). Is there objection to the request of the gentleman from Pennsylvania?

Mr. RIDGE. Mr. Speaker, reserving the right to object, within that reservation, I yield to the gentleman from New York [Mr. HORTON], the prime sponsor of this legislation.

Mr. HORTON. Mr. Speaker, I am honored to be the primary sponsor of H.R. 3802, which calls upon the Congress and the President to set aside the month of May 1990, as Asian-Pacific American Heritage Month.

I am indebted to my colleague, NORMAN Y. MINETA of California, for joining me in this effort. He has been supportive of this legislation from its outset and was an original cosponsor of the first resolution for Heritage Week. As one of his last legislative actions, my good friend, the late Senator Spark Matsunaga, introduced the companion bill, S. 2111, in the U.S. Senate.

With 252 cosponsors, H.R. 3802 would amend Public Law 95–419 and expand the Asian-Pacific American Heritage observance period from a week to a full month.

On June 30, 1977, I had the unique honor and pleasure of introducing House Joint Resolution 540 and later House Joint Resolution 1007, which, for the first time in this Nation's history, asked the Congress and the people of the United States to set aside a period in May as Asian-Pacific American Heritage Week. More than 13 years ago a woman came to my office and told my administrative assistant, Ruby Moy, and me a very compelling and persuasive story. Today, I share the origin of this landmark legislation.

The celebration of Asian-Pacific American Heritage Month has a very deep and personal place for Jeanie Jew and her family. Their story began sometime in the 1800's when a young man, M.Y. Lee, left Toishan, Canton, China, to find a better life in America. Mr. Lee was one of the first Chinese pioneers to help build the Transcontinental Railroad. He later became a prominent California businessman. When the Chinese were having difficulties in Oregon, Mr. Lee traveled to Oregon and was killed during that period of unrest. It was a time of anti-Chinese and anti-Asian sentiment.The revelations about Mr. Lee and the story of Asian Americans led this one woman to believe that not only should Asians understand their own heritage, but that all Americans must know about the contributions and histories of the Asian-Pacific American experience in the United States. Jeanie Jew, the creator of the idea for a heritage month, is the granddaughter of M.Y. Lee, that early pioneer.

The original resolution designated the week beginning May 4 as Asian-Pacific American Heritage Week because that week included two significant occasions in the proud history of Asian Americans. May 10, 1869, or "Golden Spike Day," was the day on which the Transcontinental Railroad was completed, largely by Chinese American pioneers. May 7, 1843, marks the date of the first arrival of the Japanese in the United States. Both dates will fittingly be included in Asian-Pacific American Heritage Month.

I want to commend the two women who made this event possible. Mrs. Jew turned a personal tragedy in her family history into a positive force.

Asian-Pacific American Heritage Month will now be observed by all Americans. I also want to thank Ruby Moy, my administrative assistant, for her efforts to pass this legislation. She holds the highest professional position to a Member of Congress. She is a second generation Asian American.

In 1977, Mrs. Jew and Ms. Moy cofounded the Congressional Asian Pacific Staff Caucus, an organization which collectively worked for the establishment of the first heritage proclamation and supports yearly efforts to perpetuate its recognition. The caucus, a group of professional staff members of Asian descent, periodically discusses and reviews legislation and issues of concern to Asian-Pacific Americans.

Sometime ago, Jeanie Jew discussed the idea of issuing a series of commemorative stamps with several Members of Congress including me. In light of this years historical change to a month-long observance, it is fitting to again request the U.S. Postal Service issue a series of postage stamps commemorating our Nation's Asian-Pacific American heritage. These stamps could depict Heritage Month, individuals, subjects, or places that are significant in Asian-Pacific American history in the United States. As a senior member of the House Post Office and Civil Service Committee, I urge the Citizens' Stamp Advisory Committee to consider issuing a stamp at the earliest possible date.

I hope my colleagues will join me in supporting these stamps and in recognizing the history and contributions of Asian-Pacific Americans, particularly during Asian-Pacific American Heritage Month.

Mr. RIDGE. Mr. Speaker, further reserving the right to object, I do so in order to yield to our colleague, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise in strong support of H.R. 3802, legislation which designates May as "Asian-Pacific American Heritage Month."

I would like to thank Mr. SAWYER, chair of the Subcommittee on Census and Population and Mr. RIDGE for their effective leadership in bringing this bill to the House floor today. I would like to express my appreciation to the gentleman from New York [Mr. HORTON] for his tireless efforts on behalf of this legislation.

Our great friend and distinguished colleague, the late Senator Spark Matsunaga, authored this legislation in the other body. This bill is a tribute to Spark's memory and to his achievements as a statesman, an educator, and a patriot.

During the last decade, there has been increasing visibility of the accomplishments of Asian-Pacific Americans which have benefited this great Nation. The designation of this month is a formal recognition of the important role that the Asian-Pacific American experience plays in our country's history and future.

Americans of Asian and Pacific Island ancestry have made many contributions to the rich and diverse tapestry of American culture.

Asian-Pacific Americans have devoted their energies to promoting equity in many important U.S. policies. They have been leaders in issues like civil rights, education, business, hate crimes, and many others, that are not only important to Asian-Pacific Americans but to all Americans.

A dozen years ago, before Congressman HORTON authored the resolution which established Asian-Pacific American Heritage Week, all too many of the outstanding achievements of Asian-Pacific Americans were unknown to most Americans, much less to the many within the diverse Asian-Pacific American communities. Since then, Asian and Pacific Island Americans have gathered strength through sharing our unique insights and experiences with each other. Now, the designation of Asian-Pacific American Heritage Month will allow us to share even more of our heritage and pride with the whole Nation.

Mr. Speaker, I urge my colleagues to support this resolution.

□ 1250

Mr. RIDGE. Mr. Speaker, continuing my reservation, I yield to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly appreciate the opportunity to say a few words in full support of this legislation. As an original cosponsor of this legislation, I want to commend the distinguished gentleman from New York [Mr. HORTON] for his leadership and sensitivity toward the Asian-Pacific American community and for the leadership that he has taken in bringing about the successful conclusion of this proposed legislation, H.R. 3802. Mr. Speaker, I also want to thank the distinguished gentleman from Pennsylvania [Mr. RIDGE] for allowing me to speak in support of this bill.

Mr. Speaker, as stated earlier by the gentleman from California [Mr. MINETA], this is certainly a tribute to the distinguished gentleman, the late Senator Spark Matsunaga from the State of Hawaii, who certainly has made an outstanding contribution to our Nation, and especially to bringing about a positive recognition of the contributions that the Asian-Pacific American community has provided for our country.

Mr. Speaker, it is noted that the Asian-Pacific region of the world numbers in excess of 60 percent of the world's population, something that our country certainly needs to pay a little more attention to as to its economic, social, and political problems, and especially as it affects our economic and strategic interests in this important part of the world. Mr. Speaker, I submit the Asian-Pacific community throughout this great Nation of ours, are very proud to be Americans. Despite Kipling's pessimistic view that East and West will never meet, Mr. Speaker, I submit our country is probably the only nation in the world that at least attempts to bring East and West together. And it is by this integration process that will only add to our Nation's greatness and strength.

Mr. Speaker, I again want to commend the gentleman from New York [Mr. HORTON] for sponsoring this legislation, and would hope that our colleagues will support it.

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, I just want to echo the congratulations of the previous speakers in lauding the work of the gentleman from New York [Mr. HORTON] in promoting this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 95-419 be amended by—

(1) inserting "annually" in between "proclaim" and "the";

(2) striking "seven-day period beginning on May 4, 1979" and inserting "31-day period beginning May 1, 1990";

(3) striking "Week" and inserting "Month";

(4) inserting "annually" in between "to issue" and "a proclamation";

(5) striking "seven-day period beginning on May 4, 1979" and inserting "31-day period beginning May 1, 1990";

(6) striking "Week" and inserting "Month";

(7) striking "week" and inserting "month";

(8) inserting "programs," in between "appropriate" and "ceremonies".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KANJORSKI

Mr. KANJORSKI. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. KANJORSKI:

Strike all after the enacting clause and insert the following:

SECTION 1. ASIAN/PACIFIC AMERICAN HERITAGE MONTH.

The text of Public Law 95-419 after the resolving clause is amended to read as follows: "That the President may issue a proclamation designating May 1990 as 'Asian/Pacific American Heritage Month' and calling on the people of the United States, especially the educational community, to observe such month with appropriate ceremonies, programs, and activities.".

SEC. 2. CONFORMING AMENDMENT.

The title to Public Law 95-419 is amended to read as follows: "Joint resolution authorizing the President to designate May 1990 as 'Asian/Pacific American Heritage Month'.".

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute by the gentleman from Pennsylvania [Mr. KANJORSKI].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. KANJORSKI

Mr. KANJORSKI. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. KANJORSKI: Amend the title to read as follows: "An Act to designate May 1990 as 'Asian/Pacific American Heritage Month.' "

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KANJORSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 3802.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4641

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4641.

Although the legislative intent of this bill is excellent, provisions in the legislation calling for sanctions against India could have a negative impact on current negotiations between India and Amnesty International.

I insert into the RECORD a letter from Amnesty International's position on this issue.

AMNESTY INTERNATIONAL USA,
Washington, DC, April 25, 1990.

Hon. THOMAS S. FOLEY,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN FOLEY: Amnesty International USA has received a number of inquiries regarding a proposed bill by Congressman Dan Burton that would require the President to report to Congress whether the government of India is implementing its policy of prohibiting representatives of Amnesty International and other human rights organizations from visiting India to gather information and monitor the human rights situation.

In the event that the President reports that India is continuing to bar access to Amnesty International and other human rights organizations, Congressman Burton's bill would terminate all non-humanitarian aid to India given under chapter 1 of the Foreign Assistance Act of 1961.

Amnesty International wishes to go on record as stating that we played no role in the drafting of this proposed legislation. The policies and practices of Amnesty International are governed by our Mandate. The Amnesty Mandate prohibits us from supporting or opposing any economic sanctions that are linked to an improvement in the human rights situation in any country.

Similar legislation was proposed last year by Congressman Herger and Amnesty made clear its position on sanctions at that time. We cannot in any way support such a bill.

Amnesty International has been seeking a constructive dialogue with the government of India on the question of access and the possibility of Amnesty sending a mission to India. Our latest request is still before the government. We trust that the new Indian government will recognize that Amnesty is a non-partisan organization that seeks the protection of all people irrespective of race, ethnic origin or political belief.

Amnesty International has concerns about serious human rights violations in India which we wish to discuss with the Indian government. It is important for the government of India to recognize that Amnesty International has always treated India in the same nonpartisan and objective manner in which it deals with all governments.

Sincerely,

JAMES O'DEA,
Director.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

HOME CARE TAX PROTECTION FOR PERSONS WITH DISABILITIES ACT

The SPEAKER pro tempore (Mr. LAUGHLIN). Under previous order of the House, the gentleman from Iowa [Mr. TAUKE] is recognized for 5 minutes.

Mr. TAUKE. Mr. Speaker, yesterday I joined with four of my colleagues from Iowa in introducing legislation to protect a deserving group of Iowans with disabilities. Our objective is to improve the quality of their care while holding down the cost of such care.

H.R. 4722, the Home Care Tax Protection for Persons with Disabilities Act, would include from gross income amounts received under a State in-home care program by an individual who cares for a family member with disabilities.

Last month, several constituents alerted me to a significant tax problem which threatens the continued in-home care of their relatives.

The Internal Revenue Service wants these Iowans to pay back taxes on State payments they received to care for members of their families with disabilities. Although IRS officials in Iowa told me their intent was to go after nonrelated care providers who were not reporting this income, through inadvertence, the payments to related care providers came up in a computer printout. Nonetheless, IRS has declined a suggestion that the special examination process be restricted to its intended targets.

Frankly, Mr. Speaker, this IRS action is an example of bureaucratic excess, which threatens to institutionalize scores of Iowans with disabilities, many of whom are struggling to remain home with their families.

I asked IRS in March to work with me to find an administrative solution to this problem. So far IRS in Iowa and Washington has not been forthcoming with a favorable response.

The problem stems from Iowa's "In-Home Health Related Care" effort. This program in part provides for payments to individuals whose physical or mental health prevents independent self-care. Some beneficiaries rely on family members for help, rather than hiring doctors or nurses, or entering institutions.

IRS, arguing that these payments or other relatives are providing contractural services within their family, is trying to tax those State payments as income, and also subject them to self-employment tax. This assistance is limited to $368 per month and is not considered taxable income under Iowa law.

The care includes catheterization, dressings changes, monitoring medications and vital signs, helping with bath, hygiene and toileting, and performing incidental household services essential to health care at home and necessary to prevent or postpone institutionalization.

Federal tax policy should not require people who provide continuing care to relatives with disabilities to report such payments for tax purposes.

Therefore, we are introducing this legislation so that the law would be unequivocal and so our revenue laws would recognize the value we place on family members caring for each other. I appreciate the cooperation of my colleagues from Iowa, Congressmen FRED GRANDY, JIM LEACH, JIM LIGHTFOOT, and NEAL SMITH, who have joined me as original cosponsors of this bill, and Senator CHARLES GRASSLEY, who introduced a companion bill in the other body.

The Tax Code already excludes from taxation welfare benefits and other payments for sickness and injury. These families should not be penalized just because the State assistance payments are staying within the family.

An amendment to the 1986 tax act specifically excluded State payments for foster care assistance in the provider's home. In addition to the general foster care payments, "difficulty-of-care payments" are also not included in income. These are additional payments made to foster-care providers of physically, mentally, or emotionally handicapped individuals by a State. No stretch of the imagination is required for blood relatives to be treated comparable to foster families receiving State assistance for handicapped individuals.

This legislation would treat this type of payment the same as State payments for foster care and other assistance: exclude it from the provider's income when within the family. And the bill would make the exclusion retroactive to provide relief for the targets of the IRS collection effort.

I believe this approach resolves a policy conflict between families and taxes in favor of the family. IRS has told me that not taxing this income for assistance within a family would be unfair to those professional health care providers who assist nonrelated clients. However, Federal tax policy already reflects protected treatment for families in such matters as exemptions and the exclusion for foster care assistance, for example.

Enacting H.R. 4722 will also save money. The alternative costs of institutionalization, just for the 59 families in Iowa that have been identified so far, have been quoted as ranging from $4,000 to $9,000 per month, or $48,000 to $108,000 per year. For these 59 families alone, that's an estimated $4.6 million per year that would have to spend on institutional care. What these families are asking instead is that they be permitted to continue to care for their relatives in their own homes and not have the IRS deem that the disabled relatives have supposedly hired them to provide this assistance.

Without this legislation, the Federal tax as collected from these families, which includes both income taxes and self-employment taxes, will not exceed $112,800. This estimate presumes that all beneficiaries are in the 28 percent tax bracket, which is probably quite a stretch for many of them. The trade-off of $112 thousand in tax dollars to save millions of dollars for institutional care seems quite reasonable.

The self-employment tax is being assessed because IRS considers the relative as care provider to be an independent contractor, rather than an employee of the beneficiary who has some disability. An IRS group manager to one of my constituents: "Our position is that the taxpayer is in the trade or business or providing a service to an individual." I'm ashamed that a Federal official would describe the relationship between a parent and child in such terms.

Mr. Speaker, it is an affront to America's concept of family that IRS considers this care which a parent provides to a child with disabilities to be a trade or business taxable or not.

In addition, the provider as the financial guardian of the relative with disabilities is also supposed to issue an annual tax statement to him or herself for this payment.

Until recently, both the Iowa Department of Human Services and the Federal Internal Revenue Service have advised beneficiaries and their families that these assistance payments are not taxable. Perhaps not surprisingly, IRS not takes the position that its staff would not give such advice. However, IRS has told several constituents that penalties for failure to pay these taxes in the past would be waived, since there is no apparent willful failure to file. In fact, the effort by recipients to inquire about tax liability demonstrates good faith efforts to comply with the law.

I still hope to work for an administration solution to this problem. However, Mr. Speaker, the "Home Care Tax Protection for Persons with Disabilities Act" is an appropriate and compassionate solution to an inappropriate and frankly counterproductive policy problem. I urge my colleagues to support prompt enactment of this legislation.

THE "CITIZEN SOLDIER": KEYSTONE TO OUR MILITARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to share with my colleagues a series of articles which appeared in the Roll Call newspaper in the April 30, 1990 edition in a special policy brief, titled "National Guard and Reserves in a Changing World." This brief was developed to describe the roles and missions of the Reserve components and to educate the readers. I wrote the lead article in hopes of generating interest by the readers to learn more about the Guard and Reserve. I commend my colleagues to read these articles to gain a better appreciation of the Guard and Reserve. Today I'm sharing the lead article and over the next few weeks, I will share the remaining articles by the distinguished authors who are Members of Congress, members of the military, or private citizens.

THE "CITIZEN-SOLDIER": KEYSTONE TO OUR MILITARY

(By Rep. Sonny Montgomery)

Since 1636 when settlers organized themselves into companies of militia in the Massachusetts Bay Colony, the "citizen-soldier" has been the keystone of our nation's military.

The aversion to a large standing army came from the colonial extension of early English traditions of providing for the common defense through citizen-soldiers.

In the past 350-plus years the militia system has developed into the Guard and Reserve that now provide substantial capability in meeting worldwide commitments. The modern National Guard and Reserve Forces have evolved as full partners in the Total Force of the U.S. Military.

This militia system has fulfilled two main functions. The initial function was primarily to serve as a state National Guard, available to the state governor to protect life, property, and maintain public safety.

The second was to serve as an augmentation force available for mobilization in times of national emergency. Since the early 1970s, emphasis has been on mobilization.

Since the 1970s, the Guard and Reserve have taken on new significance with the promulgation of the Total Force Policy. In this policy, emphasis is to be given to all components whether Active, Guard, or Reserve to provide a cost effective mix of forces to meet our national security goals.

In practical terms, this meant providing the Guard and Reserve with equipment, personnel, incentives, and training so that they could meet the readiness goals set by the military services.

National emphasis has allowed the Guard and Reserve to capitalize on increased funds and modern equipment, thus enabling them to meet the challenges of early deployment missions and any new roles they are assigned.

Events in Eastern Europe and the ongoing debate about our federal deficit have triggered an effort to redefine the Total Force Policy.

Attempts to adjust a policy that has stood the test of two decades should review the role of the Guard and Reserve prior to 1970: How successful have they been under the Total Force Policy?

Based on that review and in line with our predictions of future requirements, we can determine future roles and missions for the Guard and Reserve.

Today the Guard and Reserve provide tough meaningful training on top-of-the-line equipment. They are manned by the brightest, most capable troops in the history of our military.

No longer are the Reserves in a reinforcing role. The Guard and Reserve have more than 50 percent of the Army's combat missions, 33 percent of the Air Force combat missions, and over 20 percent of the Navy/Marine Corps combat capability.

Another way to put it is this: We cannot go into any level of conflict without some involvement by the Guard and Reserve.

The same circumstances that promulgated the Total Force Policy by Secretaries of Defense Laird and Schlesinger are driving the decision-making process today. The Total Force Policy is sound and should be the foundation for force realignment and new roles and missions for the force as a whole.

What does the future hold? As the Active components are drawn down, we must consider transferring more missions to the Guard and Reserve. We must maintain our maximum capability for the least possible cost consistent with our overall defense strategy. In this context the Guard and Reserve are the best buy for our defense dollar.

So what do we do? We must take a hard critical look at what our future force mix should be, commit the necessary resources—people, training, and equipment—and execute a viable plan to meet our future defense requirements.

To meet Guard and Reserve requirements, the Guard and Reserve must be structured, equipped, and trained just like the Active component and fully integrated into every contingency and mobilization plan.

As we have for the last 350 years, we must take full advantage of our citizen-soldiers. They have been truly "twice the citizens."

DEMOCRATIC POLAND CELEBRATES 199TH POLISH CONSTITUTION DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, today marks the 199th anniversary of the Polish Constitution declared on May 3, 1791, by King Stanislas Augustus and members of the Polish legislature, the Sejm.

This new legal code was an attempt to replace Poland's medieval political system with a modern constitutional monarchy and a more effective parliament. The new law, adapted from Western constitutional principles—including the American Constitution approved only 4 years earlier in 1787—was greeted by weeks of celebration throughout Poland's cities and towns and by acclaim from European and American statesmen.

Just like the rise of the courageous Solidarity trade union in the 1980's, this inspiring document marked a major advance for democracy and political unity in Poland. The new Constitution's ultimate goal, to create a stable and well-organized government to protect Poland from Russian expansionism, is similar to the aspirations of Poland's newly elected leaders who are striving to free their nation from the legacy of over 40 years of Soviet domination.

In 1793, just 2½ years after the declaration of the new Constitution, Poland was partitioned between Russia and Prussia. In contrast, today, Poland stands free, whole, and proud although the Polish nation continues its struggle to revive democracy, maintain its independence, and safeguard its borders against its powerful German and Russian neighbors.

While the United States unfortunately was unable to help Poland significantly in 1791, we are about to respond much more helpfully nearly 200 years later. The generous Support for Eastern European Democracy [SEED] Act, enacted into law last year, was one example of how America can share its technological and economic advances with Poland and other former Soviet bloc nations in Eastern Europe.

Mr. Speaker, on this 199th anniversary of Poland's first democratic constitution, I urge my congressional colleagues to continue to support Poland's transition to a fully democratic political system and a free-market economy.

POLISH CONSTITUTION DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, today marks the 199th anniversary of Poland's May 3, 1791, Constitution, and this Saturday, it will be my pleasure and honor to join with many other public officials, civic and community leaders, and officers of the Polish National Alliance

who will be attending the 99th annual Chicago Polish Constitution Day parade, commemorating this milestone in the history of the Polish people.

The parade is sponsored by the Polish National Alliance, under the able leadership of my friend, Edward J. Moskal, president of the PNA; and the parade's chairperson, Helen M. Szymanowicz, who is also vice president of the PNA, is again working hard to ensure that this year's parade is an overwhelming success.

The Polish National Alliance has maintained an outstanding record of achievement, and has contributed greatly to the strength of America. I would like to take this opportunity to congratulate all of the officers and the members of this fine organization who have worked diligently on behalf of the Polish community and on behalf of the people of Poland.

The parade will step off at 12 noon on Dearborn Street and Wacker Drive in Chicago, and proceed to Van Buren Street, and will be televised live on WLS–TV in Chicago. The theme of this year's parade is "Freedom for All Nations," and will include many colorful floats, marching units, and drum and bugle corps.

The drafting and adoption of the Constitution of 1791 by patriotic Polish leaders marked a turning point in the history of Poland. By creating this significant document, the Poles effected a peaceful change in the structure of their Government without resorting to bloodshed and violence, which accompanied the French Revolution. With the adoption of this Constitution, the Polish leadership led their countrymen from the feudal ways of the Middle Ages to the concepts of individual liberty and responsibility which were characteristic of our own American Constitution of 1787.

During the past year, we have again witnessed a peaceful revolution in the history of the Polish people. Through democratic elections, the Polish people have ousted their Communist oppressors, and have created a new Solidarity-led government, embodying the hopes, aspirations, and democratic values of the May 3, 1791, Constitution.

To help our Polish friends in this effort, I was glad to sponsor legislation to provide assistance in restructuring Poland's political and economic systems, and to reconfirm the inviolability and security of existing borders between Poland and Germany. As a Member of the Congress, I shall continue to do all in my power to make sure that the new democratic Polish Government is secure and will prosper.

Mr. Speaker, on the 199th anniversary of the May 3 Constitution, I join with Polish Americans in the 11th Congressional District of Illinois, which I am honored to represent, and Americans of Polish descent all over this country, in commemorating this stirring event in the history of the Polish people. The May 3 Constitution serves as a source of strength and inspiration to the people of Poland, as they continue to rebuild a new democratic Poland, committed to ideals of justice, self-determination, and freedom.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of spending, credit, and revenues for fiscal year 1990. This is the second report of the second session of the 101st Congress.

The term "current level" refers to the estimated amount of budget authority, outlays, credit authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

Current level reports are intended to provide Members information to compare enacted spending and revenues with the aggregate ceilings on budget authority, outlays, and revenues established in a budget resolution, and also to compare enacted legislation with the allocations of new discretionary budget authority, entitlement authority, and credit authority made to a committee pursuant to subsection 302(a) of the Budget Act. This report compares the spending, credit, and revenue levels in current level with those assumed in the budget resolution for fiscal year 1990 (H. Con. Res. 106), adopted on May 18, 1989.

Current level reports provide information that is necessary for enforcing section 311 of the Budget Act. Section 311(a) prohibits the consideration of a spending or revenue measure if the adoption of that measure would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause revenues to be less than the appropriate level of revenues set forth in the budget resolution.

Section 311(b) provides an exception to the 311(a) point of order for measures that would breach the ceilings on total spending set forth in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of discretionary spending made pursuant to section 302(a) of the Budget Act. Such an exception was first provided by the budget resolution for fiscal year 1985 (H. Con. Res. 280, 98th Cong.). The exception was made permanent by the amendments to the Budget Act included in the Balanced Budget and Emergency Deficit Control Act of 1985 (Pub. L. 99–177, Gramm-Rudman–Hollings). This exception is intended to protect a committee that has stayed within its allocation of discretionary budget authority and new entitlement authority from points of order if the total spending ceilings have been breached for reasons outside of its control. For fiscal year 1990, the 302(a) allocations to House committees made pursuant to the conference report on House Concurrent Resolution 106 were printed in House Report 101–50, May 18, 1989.

Section 311(c) of the Budget Act provides that, for purposes of enforcing section 311, the levels of new budget authority, entitlement authority, outlays, and revenues shall be determined on the basis of estimates made by the Committee on the Budget. Current level reports represent partial fulfillment of this enforcement responsibility of the Budget Committee by providing both estimates of enacted aggregate spending and revenues, and, for purposes of determining the applicability of the section 311(b) exception, estimates of the relationship between the budgetary effect of enacted legislation within a committee's jurisdiction and the allocation of spending authority made to that committee.

The estimates in this report are based on economic and technical assumptions in place at the time of the adoption of the budget resolution, House Concurrent Resolution 106, on May 18, 1989. This is intended to protect committees which acted on the basis of the assumptions of the budget resolution from changes in economic and technical factors over which they have no control. Unless the Congress adopts a subsequent budget resolution for a fiscal year that alters the assumptions concerning legislative actions, committees should be able to expect that measures that conform with the budget resolution will not be subject to points of order for violation of the Budget Act. To do otherwise and base enforcement on constantly changing economic and technical estimates would seriously disrupt the legislative process, penalize committees that are unable to complete work on legislation within a short period after adoption of a budget resolution, and undermine respect for budget enforcement procedures.

In addition to section 311, the Budget Act contains another point of order that requires Budget Committee estimates for enforcement. Section 302(f)(1) of the Budget Act prohibits the consideration of a measure providing new budget authority, new entitlement authority, or new credit authority if the adoption of that measure would cause a committee to exceed its allocation of new spending or credit authority made pursuant to subsection 302(b) of the Budget Act. The 302(b) allocation is a subdivision of the new spending, new entitlement, and new credit authority allocated to a committee pursuant to section 302(a), among either the subcommittees of that committee or among programs over which the committee has jurisdiction. This point of order was added to the Budget Act by the amendments included in the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 302(g) provides that the enforcement of section 302 shall be based on estimates of spending and credit authority made by the Committee on the Budget. The Budget Committee fulfills this responsibility by providing, as necessary, a separate section 302 status report to the Speaker.

For information purposes only, current level reports will continue to include a comparison of the budget and credit authority divided among the Appropriations subcommittees by that committee's 302(b) division with the

actual enacted spending and credit legislation within each subcommittee's jurisdiction.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, May 2, 1990.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under section 311 of the Congressional Budget Act of 1974, as amended, to provide estimates of the current level of revenues and spending.

I am herewith transmitting the status report under House Concurrent Resolution 106, the concurrent resolution on the budget for fiscal year 1990.

In the House of Representatives, the procedural situation with regard to the spending ceilings (total new budget authority and total outlays) and the revenue floor is affected by section 311 of the Congressional Budget Act of 1974, as amended by Public Law 99-177. Section 311(a) prohibits the consideration of a spending or revenue measure which would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause total revenues to be less than the appropriate level set in the budget resolution. Section 311(b) provides an exception to the 311(a) point of order for measures which would breach the ceilings on total spending in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of new discretionary budget authority or new entitlement authority under section 302(a) of the Budget Act.

The intent of section 311(b) of the Budget Act is to protect a committee that has stayed within its spending authority allocations—new discretionary budget authority or new entitlement authority—from points of order if the total spending ceilings have been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on House Concurrent Resolution 106 were printed in the joint explanatory statement of the Committee of Conference in H. Rept. 101-50. (May 15, 1989).

The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary budget authority, new entitlement authority, new direct loan obligations and new primary loan guarantee commitments. The estimates of spending and revenues for purposes of the application of points of order under the Budget Act are based upon the economic and technical assumptions underlying the fiscal year 1990 budget resolution, H. Con. Res. 106.

Sincerely,

LEON E. PANETTA,
Chairman.

Enclosures.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1990 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 106, REFLECTING COMPLETED ACTION AS OF MAY 1, 1990

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,329,400	1,165,200	1,065,500
Current level	1,326,993	1,171,407	1,060,266
Amount under ceilings	2,407		
Amount over ceilings		6,207	
Amount under floor			5,234
Amount over floor			

BUDGET AUTHORITY

Any measure which provides budget or entitlement authority and which is not included in the current level estimate and that exceeds $2,407 million in budget authority for fiscal year 1990, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 106 to be exceeded.

OUTLAYS

Any measure which provides budget or entitlement authority that increases outlays and which is not included in the current level estimate for fiscal 1990, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 106 to be exceeded.

REVENUES

Any measure that would result in a revenue loss which is not included in the current level revenue estimate for fiscal year 1990, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 106.

FISCAL YEAR 1990 BUDGET AUTHORITY—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE PURSUANT TO SEC. 302

[In millions of dollars]

House committee	Current level budget authority
Agriculture	(+604)
Appropriation [1]	(+1,746)
Armed Services	(+177)
Banking, Finance, and Urban Affairs	(+3,491)
District of Columbia	
Education and Labor	
Energy and Commerce	(+331)
Foreign Affairs	
Government Operations	
House Administration	(+4)
Interior and Insular Affairs	(+205)
Judiciary	
Merchant Marine and Fisheries	(+200)
Post Office and Civil Service	(−330)
Public Works and Transportation	
Science and Technology	
Small Business	
Veterans' Affairs	
Ways and Means	(−7,695)
Unassigned (Sequestration)	(−4,288)

[1] See next table for detail.

Committees are over (+) or under (−) their 302(a) allocation for "discretionary action".

FISCAL YEAR 1990 HOUSE APPROPRIATIONS COMMITTEE DISCRETIONARY ACTION—COMPARISION OF CURRENT LEVEL AND BUDGET RESOLUTION SUBDIVISIONS OF THE HOUSE APPROPRIATIONS COMMITTEE PURSUANT TO SECTION 302

[In millions of dollars]

House Appropriations Subcommittee	Current level budget authority	Direct loans	Primary loan guarantees
Commerce, State, Justice	(−45)	(−32)	(+806)
Defense	(−141)		
District of Columbia	(−2)		
Energy and Water	(−38)		
Foreign Operations		(−31)	(+1,959)
Interior			
Labor, HHS, Education	(−1,384)		
Legislative Branch	(−54)		
Military Construction			
Rural Development and Agriculture		(−71)	
Transportation	(+2,113)	(−3)	
Treasury, Postal Service	(+202)		
VA/HUD/Independent Agencies	(+1,095)		
Total	(+1,746)	(−137)	(+2,765)

Subcommittees are over (+) or under (−) their 302(b) subdivisions for "discretionary action".

FISCAL YEAR 1990—ALLOCATION OF NEW ENTITLEMENT AUTHORITY [NEA] PURSUANT TO SECTION 302

[In millions of dollars]

Committee	Allocation	Reported [1]	Enacted [2]	Enacted over (+)/ under (−) allocation
Agriculture	−600	−1,740	−86	+514
Appropriations		+1,676	+1,676	+1,676
Armed Services		+1,953	+2,060	+2,060
Banking, Finance and Urban Affairs	+399	+1,000	+2,000	+1,601
Education and Labor	+15	−24	−25	−40
Energy and Commerce	+200	+256	+151	−49
Interior and Insular Affairs		+205	+205	+205
Post Office and Civil Service	−550	−700	−745	−195
Veterans' Affairs	+457	+453	+458	+1
Ways and Means	−2,700	−4,278	−4,800	−2,100

[1] These figures are used for 401(b)(2) of the Budget Act.
[2] These figures are used for 302(f) points of order.

The figures for the Armed Services and Appropriations Committees represent the full costs of the January 3.6 percent pay raise for Federal military and civilian personnel respectively. The pay raise was assumed in the budget resolution, but New Entitlement Authority [NEA] was not allocated to any committee because the budget resolution assumed that the pay raise would be achieved through administrative action.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 2, 1990.

Hon. LEON E. PANETTA,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays, estimated revenues, and direct and guaranteed loan levels in comparison with the appropriate levels for those items contained in the 1990 Concurrent Resolution on the Budget (H. Con. Res. 106). This report, for fiscal year 1990, is tabulated as of close of business May 1, 1990. A summary of this tabulation follows:

[In millions of dollars]

	Current level	Budget resolution H.Con.Res. 106	Current level +/— resolution
Budget authority	1,326,993	1,329,400	—2,407
Outlays	1,171,407	1,165,200	6,207
Revenues	1,060,266	1,065,500	—5,234
Direct loan obligations	19,118	19,300	—212
Guaranteed loan commitments	114,701	107,300	7,401

Since my last report, dated February 22, 1990, there has been no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER.

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 2D SESS. HOUSE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS MAY 1, 1990

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,059,700
Permanent appropriations and trust funds	937,469	772,111	
Other legislation	583,287	591,457	566
Offsetting receipts	—193,106	—193,106	
Total enacted in previous sessions	1,327,650	1,170,462	1,060,266
II. Enacted this session			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution:			
Salaries of judges	—2	5	
Payment to judicial officers' retirement fund	—4	—4	
Judicial survivors' annuities fund	—3	—3	
Fees and expenses of witnesses	—2		
Justice assistance	—4		
Fisherman's guaranty fund	1	1	
Administration of territories	—1	1	
Firefighting adjustments	—624	—192	
Federal unemployment benefits (FUBA)	5		
Advance to unemployment trust fund	(48)	(48)	
Special benefits	—24		
Black Lung disability trust fund	52	32	
Vaccine improvement program trust fund	7	7	
Federal payment to railroad retirement	1	1	
Retirement pay and medical benefits	—4		
Supplemental security income	263	263	
Special benefits, disabled coal miners	21		
Grants to states for Medicaid	—907		
Payments to health care trust funds	(325)	(325)	
Family support payments to States	84	84	
Payments to States for AFDC work programs	15	15	
Payments to States for foster care	—83		
Health professions student loan insurance fund	—25	—7	
Guaranteed student loans	—175		
College housing and academic facilities loans	—3	—3	
Rehabilitation services	—79		
Payments to widows and heirs	(1)	(1)	
Reimnbursement to the rural electrification fund	111	111	
Dairy indemnity program	(1)	(1)	
Conservation reserve program	720		
Special milk program	—2		
Food stamp program	—800		
Child nutrition programs	—74		
Federal crop insurance corporation fund	(1)		
Agriculture credit insurance fund	342		
Rural housing insurance fund	(1)		

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 2D SESS. HOUSE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS MAY 1, 1990—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Rural communications development fund	(1)		
Payments to the farm credit system financial assistance corporation	—2		
Coast Guard retired pay	—17		
Payment to civil service retirement	(84)	(84)	
Government payments for annuitants	—3	—2	
Readjustment benefits	—62		
Compensation	448	398	
Pensions	—62		
Burial benefits	—4		
Loans guaranty revolving fund	238	238	
Total entitlement authority	—657	945	
Total current level as of May 1, 1990	1,326,993	1,171,407	1,060,266
1990 budget resolution H. Con. Res. 116	1,329,400	1,165,200	1,065,500
Amount remaining:			
Over budget resolution		6,207	
Under budget resolution	2,407		5,234

[1] Less than $500 thousand.

Notes.—Numbers may not add due to rounding. Amounts shown in parentheses are interfund transactions that do not add to totals.

ISSUES OF CONCERN FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, with this early adjournment of the House, just barely after 1 o'clock, only 10:05 in California time, 8:05, early morning in Hawaii and Alaska, I wanted to take this opportunity to cover several subjects. I was unable to address these subjects in the very brief and exciting 1-minute speeches that serve as a steam pressure valve for a lot of our feelings here in the House. We restricted them the other morning, so I am going to take the opportunity here in these very rare special orders to cover several subjects that have been burning inside of me, frankly, the last month. So I want to share them with you, and through you to the American people.

By the way, a little piece of housekeeping, Mr. Speaker, that I promised myself that I would mention at the beginning of any special order. Because of some mail that I get that is what I call sympathy mail, where people will write in and say, "Congressman, we appreciated your remarks on the floor; we agree or disagree with you, but we really felt bad that there is an empty chamber, that no one was listening, except for me."

It is a rather vain thing to think that they are the only people tuned in to the proceedings of the House, as it is extended all the way to Guam, and through cable television to the hotels in Switzerland and Beijing, the Caribbean Islands, the Central American nations. I have watched the House floor, in those locations, sometimes when I have been on a congressional trip. The whole world is actually tuned in to the U.S. Senate and this great deliberative body, and the number now is up to, on C-SPAN alone, Mr. Speaker, about 1 million viewers.

Why do we pan an empty chamber to create that feeling of pseudo-embarrassment for the viewer? It was instituted two Speakers ago by a delightful, colorful friend of all of ours, the great Tip O'Neill of the Commonwealth of Massachusetts. But he did it to get at a young Congressman who was very scholarly in this well, carrying the battle to the majority that our minority or Republican rights were being trampled upon.That Speaker retired. There has been another Speaker in the interim, and that young Republican is not so young anymore. He is the esteemed and distinguished BOB WALKER. So to get at BOB, Tip said let us pan the empty Chamber and try and embarrass people that nobody is listening to him.

Mr. Speaker, through you to the million people that follow the proceedings of their Government, it is a growing audience, here are some subjects I intend to touch on today.

Lithuania. The Hilter-Stalin Pact and the Soviet massacre of almost 15,000 Polish officers, politicians, and dignitaries in the forests of Poland, and Byelorussia, and maybe even further to the east in the Siberian gulag camps of Stalin Russia, and they are still in existence to this day.

Another subject that I mentioned in my 1-minute speech, when we go from the international scence, which seems to be coming the way of freedom, liberty, democracy, we have to think of how are we doing on the streets of America. How are we doing in our streets, our mean streets, and the answer is not too good, because the death toll mounts regularly in our streets. The corruption of the public marketplace by pornographers and child molesters and the sleazy, under-the-rock part, dark side of freedom run wild, we are not doing too well there. And I want to reiterate the story of Jim Evans, Jimmy Evans in Alabama, a district attorney of the 15th Judicial District of the great State of Alabama who has taken on the pornographers of the world who show their ugly, sick, perverted wares through the modern technology of communications. They bounce their triple X films off satellites where they rent time, and is relayed into all of our 50 States. This courageous district attorney of one of our States that only has seven Congressmen, this decent young law enforcement officer said: "Enough."

What embarrasses me is he is a bachelor. He is working off a sense of common decency, and what Western civilization is supposed to be. He does not even have the five children I have, or many of us have, or the seven grandchildren with an eighth on the way, or like two of our colleagues, the gentleman from California [Mr. PACKARD], 23 grandchildren, and my good friend, the gentleman from Utah, HOWARD NIELSON, 26 grandkids and counting, 2 more on the way. That is a flesh and blood extension into the future, and we can no longer expect a sociological support system out there in the malls, the movies that our kids are subjected to, afternoon television, in open, free television, prime time at night. But the ugliest obscenity of all is the hard core, woman-degrading quadruple X. I will elaborate on that just a bit.

The third category is I would like to talk about Planned Parenthood and the National Abortion Rights Action League [NARAL]. These two groups take offense to bishops in our county, who try and use modern advertising skills, to explain to this Nation why it is intrinsically evil and a moral outrage to kill 1,600,000 babies in their mothers' wombs in this country, and how Planned Parenthood has given up any pretense of being a birth control organization. Planned Parenthood has flat out become the Nation's biggest, most powerful abortion-pushing operation for this multibillion-dollar operation. They have funded a candidate against me in my district. This candidate claims she has pulled out of the race because she is the spokesman for Planned Parenthood in southern California, or at least in Orange County and San Bernadino County. But she is endorsed by the Democratic Party structure, and she will win the primary. Then lo and behold, she will make an announcement that she has won the primary without campaigning, and that she had withdrawn because she did not want to be the Planned Parenthood candidate. But she will take a leave of absence from Planned Parenthood, and then on the lone issue of abortion she will proceed to try and unseat yours truly, Congressman ROBERT DORNAN of the 38th Congressional District of the State of California. If my staff can get it over here through our excellent mercurial page system, I will hold up the full-page ad that this woman as the public relations head for Planned Parenthood in San Bernadino and Orange County, devised. I looked at an ad Planned Parenthood constructed that began last November, and wondered if I was being too conspiratorial to assume that it was part of their master plan to enter the primary process against me, and then withdraw so that she would not have to give up her job through the months of March, April, and May. Then on June 5, when she wins the primary because her name is on the ballot, she will go into her high-gear operation with the collusion of the Democratic Congressional Campaign Committee in this town, and all of that big abortion money. My Democratic colleagues think that abortion is the big slam-dunk issue where they are going to pick up another 20 to 50 seats. They have misread the American people if they think that America wants abortion on demand for the most trivial of reasons throughout 9 months.

□ 1310

So we will discuss Planned Parenthood. Then I will close, related to that, with a little discussion about a group called ACT-UP. This is the most violent-oriented homosexual activist group in the country that defamed and desecrated the cathedral in New York where I was baptized in May 1933, where my parents were married in June 1921. I am talking about the incomparable Gothic beautiful cathedral paid for by the dimes of Irish and Italian immigrants in New York City, which was originally built out in the country and which is now midtown Manhattan. I am speaking of St. Patrick's Cathedral.

ACT-UP, the homosexual activist group, was spoken to by people from the National Institutes of Health. I am going to read what was in a British publication. I refuse to accept it on its face because it is too horrible to believe, too Frankensteinish in concept, but according to this British magazine called Nature People, doctors from NIH, paid for with your Federal tax dollars, told this group, ACT-UP, that their best hope for a cure was fetal tissue. This was 2 months before ACT-UP desecrated St. Patrick's Cathedral, spit out or tore up or threw at Cardinal O'Connor several communion hosts, which we Catholics believe is the body and blood of Jesus Christ, our Savior, 2 months before they performed this obscenity at St. Patrick's Cathedral. These homosexuals activists were told by an NIH doctor that the best hope for a cure for them is using live fetal tissue, tissue taken from babies extracted from their mothers' wombs before they are killed, or allowed to die. They can use this tissue and maybe cure AIDS.

Imagine telling people on the verge of a ghastly death where they will shrivel up into their prenatal position, their body covered with every type of opportunistic cancer, particularly Karposi's sarcoma, big black open sores, where they will get dementia attacks upon their brain, heart failure, lung attacks, pulmonary problems galore. Imagine telling these people, "The cure for you if you are HIV-positive, that is if you have already been infected with the disease but it has not manifested itself yet, or if you are an early ARC or if you are early dementia manifestation type, you feel yourself losing your memory or you are starting to lose body weight for no explicable reason," what they call the thinning disease in Africa when AIDS first manifested itself. Imagine somebody telling you that the way to save yourself is "to become active in the abortion movement, kill more babies, get more of those fetuses and use them in medical research, and it will extend your life."

So as a way to justify sodomy or whatever life style, high-risk group, that is the way the medical profession calls it, whatever got you into this mess, the way to get out of it is to get fetuses and use this living tissue to try to extend the life that you have foreshortened by your personal conduct.

Even to tell it to people who are innocent victims like little Ryan White, who just died, who got it through blood tranfusions, either for medical reasons, an accident, something like hemophelia is unconscionable. Doctors tell me that the entire hemophelia group, 10,000 to 15,000 in America, could be at risk because a contaminated blood supply is still possible if the medical professions of this country at the highest levels and the politicians in this and the other body are more interested in public relations, hysteria control, rather than in good normal health policy. In other words, AIDS, an always fatal veneral disease, is treated in a totally different way than we handle the other 58 communicable diseases. In California the diseases are registered, and none of them are fatal, where you have total reportability and contact tracing so that you can get a proper medical handle on any plague, let alone the worst plague to ever strike this country in its 214 years of post-independence history. For that matter all the worst plague to strike than land in the 200 or so years before that—the 300 years before that, since Columbus discovered, for Europeans at least, the New World.

THE KATYN MASSACRE AND OTHERS

All right, back to category 1.

I have just gotten halfway through a book, the first one I was able to get from the Library of Congress on the Katyn massacre, called simply "Katyn," by Louis Fitzgibbon.

This is not the book that I referred to in my special order the other day, entitled "Into the Woods," which is a current book. This was first printed in 1979.

This document on Soviet crimes at the beginning of the Second World War, in April and May, probably a few subsequent months, it is not easy to murder 15,000 strong, brave Polish officers and their Warsaw political infrastructure. It is not easy to murder that many people.

This book on the Katyn massacre and other books that I am going to read tell a story that, although the Soviet Union early in April of this year finally admitted their government under Stalin did this, they are still engaging in a long process of lies. They are acting like all the Polish officers were killed in Katyn and killed, by inference, by a renegade KGB operation or their predecessors before the MVD, which was the NKVD, which came after Stalin's original terror police, the CHEKA. To say that they were all killed and that all the Polish family members that survived the 15,000 murdered people, honorable military people who tried to defend their country from a double attack, from Hitler coming from the west and Stalin coming from the east is not true. The entire issue grows out of the Molotov-Ribbentrop Pact—those were just the foreign ministers—it should be called the Stalin-Hitler pact. I give Stalin top billing because according to the Mikhail S. Gorbachev, the president/general secretary of the Soviet so-called 15 republics, which includes Lithuania against its will, Mr. Gorbachev said that the world's greatest killer, is Stalin. Stalin killed far more people than Hitler because he had 29 years over his reign of terror, where Hitler, thanks to the entry of the United States into World War II, had 12 years of his potential 1,000-year Reich of terror.

Now the Soviet Union tells these Polish relatives, "Go to Katyn to grieve for your missing murdered family members. We only have excavated maybe two-thirds of the graves at Katyn," ironically excavated by Nazis with their own blood on their hands, to make the Soviet Union look bad. By that time the Nazis had in fact turned on Stalin, which is to be expected when you have pacts among killers. There is no honor among thieves, let alone murders. And when Hitler attacked Stalin on June 21, 1941, Operation Barbarossa, as they overran Poland and then overran Lithuania, Latvia, and Estonia, the second invasion for the brave Baltic people in a period of less than a year and a half. It was then the Germans discovered these mass graves at Katyn.

Dachau, the Nazi prison camp, had opened up in 1933, the first year of the 12-year Reich, under its first camp commandante, Hess, the notorious No. 2 man under Hitler, who just died recently as the sole prisoner at the last remaining prison in Germany for German war prisoners, Spandau. Dachau had been in existence for 8 years when the Germans overran these graves.

The Germans brought in the Swiss Red Cross to document that this great massacre had taken place, while Heinrich Himmler, the head of the Gestapo, already was planning to expand Dachau into multiple camps. The number eventually reached over 300 if you count all the satellite camps. So they were already planning a little cover operation. But nevertheless even though the messenger was covered in blood himself, the honorable Swiss Red Cross people who investigated said this is a nightmare of atrocity. And since it came before the major part of the Nazi killing and their extermination, six extermination camps in Poland or the hundreds of work and labor and concentration death camps, the world was shocked. There were investigations by the U.S. Senate, by the House of Representatives in depth, investigations after World War II that persisted right up until the good efforts of the current Cabinet officer, Ed Derwinski, the Secretary of Veterans Affairs, who headed investigations in this House in his freshman and sophomore years. Being of Ukranian heritage, he wanted to get the record straight on Stalin's crimes since at that time we were still conducting and to this day the hunting down properly of Nazi war criminals. Now we have the Soviet Union saying with only 4,400-some of the bodies recovered out of the 15,000, "All you Polish relatives, we admit we did it, probably renegade operation. The people who did it are all retired, living off these Soviet pensions at the expense of the Soviet people. But you go grieve your loved ones in the Katyn woods."

But to do so, you have to travel from Poland into what is now property taken from Poland.

So, "You go grieve for your relatives there. We are not going to tell you what happened to the people from the other two camps like Starblessk."

□ 1320

They may have died in Siberia. They may have been put on massive barges, 2,000, 3,000, 4,000 at a time, taken to the Baltic Sea and sunk, which would be the greatest mass human disaster ever in the history of the recorded world, on the seas. But we are not going to come up with any more evidence. We will continue to lie, and we will do that lying and obfuscating and double talking and insulting Polish survivors through our President, General Secretary, Mr. Gorbachev.

Now, how does this relate to Lithuania? Well, the same Stalin-Hitler pact of incredible horror and war crime tragedy, that same pact signed on April 23, 1939, and the war started 9 days later, no coincidence. Then for Russia, it came home to them less than 2 years later, in June 1941. That Stalin-Hitler pact also divided Poland, and the beginning of the loss of liberty for starting north to south, Estonia, Lativa, and Lithuania.

There is no question around this Chamber, or around this city, or around my State, that I am a strong supporter of George Bush. I was the first Congressman or Senator to endorse him, and it was easy for me. Easy. He and my good friend, another World War II hero, BOB DOLE, are the last of the World War II heroes to ever run for the highest office in our country, and truly to be the leader of the free world. I wanted someone who had shown the grit and the courage that young Ensign and Lt. (jg.) George Bush has shown in World War II, where he flew 48 combat missions and was shot down twice. He then went to fly another 10 missions when it was his prerogative on recuperation in Hawaii to opt to go home to his family. George Bush is a hero to me.

However, as I have tried to convey to the President in private, through staff and from this House floor, finally once last week, to my good friend, our distinguished Secretary of State, Jim Baker, what is all this agonizing over recognizing Lithuania. I will state again a simple statement of fact: The United States of America, during the Hitler invasion of Lithuania, and in the Soviet invasion of Lithuania, we have never unrecognized the Government of Lithuania or its Embassy in this city since it achieved independence. These Baltic States for hundreds of years were part of Poland and Sweden and other duchies and suffered Russian occupation. When they achieved freedom after World War I, we recognized Latvia, Estonia, and Lithuania. In the early 1920's, Estonia made the mistake of moving the Embassy to New York, but Lithuania never left the Embassy, right up the street from the front door of the White House, 1600 Pennsylvania and 16th Streets. Right on 16th Street, about 1 mile north is the Lithuanian Embassy on the western side, and one block over, about a quarter mile away from that, is the Latvian Embassy. I visited them 14 years ago as a freshman. I know they are there. We are having a reception at the Heritage Foundation tonight for Lithuania with dignitaries, and it is set up by their Embassy here in Washington, DC. We can downgrade it now in diplomatic talk. This is a Republican and Democratic sin, and call them a legation, and feel uncomfortable referring to their senior person as an ambassador. But what I told the President, "Mr. President, all you have to say to Mr. Gorbachev," and he knows this is true, "if you are on a first-name basis you can call him Mike, Micky, Gorboman, or Mikhail." Say "My friend, we have never, ever unrecognized Lithuania." We have never accepted your Stalin conquest any more than we would have accepted Hitler's conquest a couple of years earlier of these three tiny Baltic nations who love their freedom.

Technically, they are not Russians, although Russians have infiltrated the country. Lithuania has the least, less than 10 percent, with Russian citizens who are dying to live in the Baltic States. Why? Because as an Intourist guide took me around the Soviet Union, with Bob Leggett of California. This lady Intourist guide, was probably a KGB colonel, as Mr. Leggett used to say. This Intourist guide said, "We love to visit the Baltic States, they are so European. Their food is so good, much better than Russia. Their standard of living so much higher."

These are three captive nations we are talking about, living better than their mother oppressor out of Moscow. Of course, that has been the standard in Hungary, Poland, Czechoslovakia, in the last couple of years. Even in Armenia you can get orange juice and wine, and even in Soviet Georgia. But you cannot get these staples most of the time in Moscow and Leningrad because the Soviets do not know how to run a simple trucking system in the motherland, the so-called Republic U.S.S. Russia, that dominates the other 14. It is worse off in the standard of living, and approaching or on the very eve of bankruptcy, worse than the others.

So Mr. President, all we have to do is study Katyn, the rape of Poland and the rape of Estonia, Latvia, Lithuania, to understand that if we recognize the new government of Poland, recognize a new government, all we have to do with these three gentle Baltic countries is recognize that we never unrecognized them, and let it go from there. Do not put Mr. Landsbergis, their elected democrat, this music history teacher and professor, do not put his back up against the wall and make him say that he feels the United States and Europe are reliving Munich and the betrayal of Czechoslovakia because of Nazi invasions into the Sudetenland. No, we are not necessarily reliving Munich because we have instead of darkness ahead of Members, we feel time is on the side of freedom in Lithuania, but we are only arguing about a timetable here, that we do not want to undercut Mr. Gorbachev. Look, Mr. President, Mr. Speaker, and Members in sound of my voice who are going to read this transcript, Mr. Gorbachev is his own worst enemy. It is not just the so-called conservatives, a deliberate word game played by liberals in this country, because Stalinist and thugs from the past who want to get Mr. Gorbachev out of office can hardly be described as conservatives in modern American or British usage of that word. But the networks understand very well that Gorbachev, by not implementing aggressive, dynamic and immediate economic reforms, is his own worst enemy. They are bankrupt. They are not even a Third World nation anymore, they are a fourth-rate nation with nuclear weapons. Weapons that have not been diminished by so much as one warhead. Their strategic modernization program continues unabated while the free people now yell, "Bread, bread," that sounds like a Czarist period in Russia. They yell, "Bread," at Gorbachev. He was booed on May 1, Communist Day, May Day, Red Day, around the world. He is booed as he stands over Lenin's body, body worship, their godhead to replace the Russian Orthodox Catholic Church as it was driven out of the Soviet Union. As he stands over the remains of Lenin, he is booed by his own people. Do Members know what they were booing him about? Lithuana. In part, the Stalin horrors of the past, like the Katyn Forest massacre. They are saying, "Free Lithuana," on Red Square, to his face. As he lifted the mausoleum lid over Lenin, they screamed, "Resign, resign."

Who are his biggest defenders? The liberal dominant media culture in the United States and a State Department policy that cannot seem to find a way to say the words, "We, the United States, its executive branch and its Congress have never unrecognized Lithuana." So much for foreign policy.

My staff came through for me. To show Members how dynamic this process can be in the well, the first note is, "Your office can't find the Planned Parenthood ads against you." Within 5 minutes, "Article on the way by page." Within 3 minutes, the page arrives.

OK. Here is a full-page ad—excuse me, three-quarter page, designed to save a few dollars, but for all intents and purposes, it looks like a full-page ad. Here is a picture of a very thoughtful, intelligent woman that says, "For women, abortion is a tough decision. For Bob Dornan," at least they used my own PR picture which I do not look too horrible—"for BOB DORNAN it is a snap." Then they have a coupon that says, "Send us money, send the ad to DORNAN." I got about 400 replies, and the responses I received run about 20 to 1 against abortion. They claim most of theirs, which makes sense, was against me.

□ 1330

But the lady who designed this ad is now my opponent. I am not going to give her name. Let her get her own PR. She has now declared for Congress. She pulled her name out of the race, but her name stays on the ballot. I will repeat myself here. She is endorsed by the Orange County Democratic Party within days. She is going to get help from the Nation. Why? Because although I am unopposed in my Republican primary, she has one opponent, a guy that used to be a Republican that I beat way back in 1984. He has now become a Democrat, a LaRouche Democrat. And lo and behold, we do not think the Democrats want somebody representing those people that are giving us all this guerrilla theater, this grand theater out in the streets about "Free Mr. LaRouche, the political prisoner."

This is a guy that started out as a Marxist on the left and a proabortionist, and then reacts very cleverly to the Club of Rome, a big abortion group that started in Rome with a "Club of Life." And he comes up with all these conservative, harebrained, liberal schemes. Now he has all these followers around the country. Where do these people get their money to do all these demonstrations? But they do not want this LaRouche follower, so the Democratic Party will support this Planned Parenthood spokesman for Orange County and San Bernadino County who is still on the Planned Parenthood payroll. An organization that is a tax-exempt, nonprofit organization taking your tax dollars through title 10 grants. And they are running a candidate against this Congressman? What an outrage.

Then, with NARAL they start attacking the Catholic bishops, as they attacked some Protestant heroes around this country who have been carrying the front trench battle against abortion on demand for several years. My friend and my hero, John Joseph O'Conner, the cardinal and archbishop of the archdiocese where I was born and raised, in my first 10 years in New York, is going to spend $5 million to counter these attacks.

This is $5 million for an education campaign to let Americans know what is involved in abortion. Because I believe, strange as it sounds, that 90 percent of the people of this country do not know what an abortion is all about. They do not know that the heart starts beating within a couple of weeks. With an abortion you are extinguishing the sound of a heartbeat that can now be picked up. You could listen to the heartbeat during the abortion and you would know you are stopping a heart, a human heart.

That is why the National Right to Life Organization used the slogan, "Abortion Stops a Beating Heart," in their grossly undercounted march on April 28. At that march, my good friend and colleague, HENRY HYDE said they must have had one-half million people, if the abortion march claims 300,000 from the "Bataan Death March" on April 9, a year ago.

No, the level of ignorance on this issue is incredible.

My daughter-in-law, Theresa Hohenfeld Dornan, drove me to the airport in Los Angeles. She is only 4½-months pregnant. I am driving to give her a rest. There are just the two of us. I see her wince with a smile.

I said, "Is that baby moving already?"

She said, "Oh, this one is much more active than little Haley," my No. 7 grandchild. She said, "very active. Maybe it's a boy."

I said, "Don't let that deceive you. My three girls were more active than my two boys."

And I said, "Let me feel this." I put my hand on her tummy, and here is this baby moving like gangbusters, and I said, "Theresa, you are not 9-months pregnant?" I said, "When is the baby due, in a couple of months?"

She said, "No, late August."

I said, "August?" This was still April, a week ago. I said, "August? Of course. I am thinking about the abortion debate. You are not in your ninth month, your eighth month, your seventh or sixth month. You are just going to start your fifth month."

Well, she is now much bigger than she was with little Haley.

I said, "This is a human being in there." And the abortion people in this country are fighting for abortion on demand for any reason up through the last day of the ninth month. That is their argument.

I say to the American public, "Don't let them tell you they don't. Don't let them tell you there are only a few abortions in the ninth month."

There are 6,000, maybe 15,000 out of the 1,600,000 yearly abortions. Do we understand what 15,000 people is? That is a Katyn massacre.

But they are not arguing about the last trimester. If you bring in the fourth and fifth month, going into that middle trimester, then you are talking about 100,000 moving, living human beings with a heart that has been beating for over 4 months. That is 5, 10, 15 Katyn massacres we are killing in this country. The overall figure is 1½ million. The figure since the evil Roe versus Wade decision of January 22, 1973, is about 25 million Americans killed in their mothers' wombs.

Why do I say, Americans? Because if they were allowed to be born and whether the birthplace was on the Moon, in China, on the Mediterranean, or on a Caribbean cruise, wherever that child is born, if one of the parents is an American, that child is an American. So 25 million Americans are gone, and this decision is not properly debated.

So when the bishops say they are spending a piddling $5 million, what does Planned Parenthood say and what does former Catholic Kate Michaelman say? Her husband deserted her with three children when she was pregnant. What a slimeball he must have been. So her reaction tragically was to kill the fourth child in her womb. There goes a brother or sister to the other three. I feel sorry for her. She is a nice lady. But what does this former Catholic say? She attacks Bishop O'Conner and asks, "How can the church do this?" She is the executive director of NARAL. She said, "He should be spending money on the poor."

The Catholic Church spent almost $1 billion on the poor last year. It is one of their major ministries. If you take into account the money they spend worldwide, it is way over billions. In this country alone, in most of its programs, I think it is $980 million. And guess what? Cardinal O'Conner is not diverting any funds. He does not have to raise any funds. He has already got the funds in hand from wealthy Catholics and non-Catholics who have said, "Here is my $10,000, here is my $20, here is my $50." He has got grants galore from willing people.

So he has the $5 million. He can raise $50 million so he has the $5 million. He can raise $50 million or $100 million if he wants to. He could raise the money if he ever passes the hat nationwide in the churches the way they pass the hat for Catholic U. He could raise the money at a Catholic university where they would pass the hat nationwide. If he passes the hat with humble people putting in money, you watch the money the church is finally going to raise.

Do we know why the Catholic Church and other religions are playing catchup on this? Because the church, against my protestations allowed a Catholic Jesuit priest, a former president of Boston College Law School, to vote for abortion in this House for 10 years without criticism, from 1971 through January 1981. That gave such a bad example to the country that now they are playing catchup, and we have to spend millions of dollars through the advertising firm of Hill & Knowlton to try to educate our people as to what abortion is all about and how many abortions are being performed on children that could live outside the womb. And we cannot diminish it down to a few thousand because there is 1,600,000.

A few thousand children killed in the seventh, eighth, or ninth month of pregnancy is an absolute horror, a massacre, and it would be called a war crime if it were the rape of a village like Lidice in Czechoslovakia if a war was going on.

So enough about Planned Parenthood.

Now, back to this ACT-UP fetal tissue experimentation issue, an issue which helped me make a comback in this Congress in 1984, because I ran against a 10-year incumbent who was in the middle of Orange county, Reagan country, and had voted with 100 other Congressmen to keep living tissue of aborted fetuses for use in medical experiments.

Listen to this. This is from the British magazine, "Nature," and I am going right to the source in NIH, and I am going to pray to God that this is not a true story.

The New York-based lobbying group for AIDS patients, ACT-UP [Aids Coalition to Unleash Power], believes that research involving fetal tissue is one of the most promising fields of AIDS research and has pursuaded the New York Civil Liberties Union to consider taking legal action against the Bush administration for restricting research with potential to treat a life-threatening disease.

Mr. Speaker, this group is the one that trashed and desecrated St. Patrick's Cathedral. This article goes on to say that the enthusiasm of the AIDS community for fetal tissue research was inspired by one of the doctors at the National Institute for Allergy and Infectious Disease, who was a guest speaker at an ACT-UP meeting 2 weeks ago.

Mr. Speaker, let me do a footnote right here. One of the most loathsome things any person in this country can do is to go to a house of God, a Jewish temple, and put the broken cross of the reign of terror of Adolf Hitler on that synagogue, spray-paint it on that synagogue. Whether they call themselves a skinhead or a some kind of perverted right-wing conservative from an Aryan brotherhood group, with any child who would do that, they ought to haul the parents into court. What an offense that is to a synagogue, to a religion and a church with a heritage thousands of years old that suffered the extermination of 6 million of the 14 million worldwide Jewry in the Nazi Holocaust. What would be worse than going in and spray-painting ugly epithets and anti-Semitic slogans and a swastika on a temple? Do we know what would be worse? Yes, of course. Going into the temple and chaining yourself to the pews or going up to the main temple altar and spitting on the Torah, the most sacred thing in a Jewish temple, a house of God.

□ 1340

Mr. Speaker, when a Jewish temple is desecrated on the outside, and some temple schools have been desecrated inside right here in Maryland, when that happens, the dominant media culture properly goes up the wall and characterizes it with the toughest English American language this side of obscenities and scatological language. They characterize these people for the slime that they are.

I ask my colleagues, "Why didn't the dominant media culture: ABC, NBC, CBS, PBS, CNN, the New York Times, L.A. Times, Washington Post; why didn't the dominant media culture use these same strong words of outrage when a group desecrates the cathedral of God, the house of God, in New York, St. Patrick's Cathedral, when they do the equivalent of spitting on the Torah, and that is a noncommu-

nity member taking the host of Jesus Christ into their mouths and spitting it on the floor or of taking it into their hands and breaking it and throwing it at Cardinal O'Connor?"

What did Mario Cuomo of New York say? He said that it was a terrible act, but he understood the provocation. I say, "In God's name, paisan, Mario, give me your rationale for using the word 'provocation.' You mean the 1,900-year-old history of the church, taking it from the Old Testament that says 'sodomy, sex outside of marriage notwithstanding, that sodomy, anal and oral sex between strangers or even consenting adults who barely know one another, bar pickups, that that's OK? And that to go against it with a 1,900-year unbroken standard is provoking this desecration of St. Patrick's? No, that's ACT-UP."

I saw representatives of ACT-UP on Night Line the other day, and they said, "You ain't seen nothing yet." They said they are bringing their outrages to this Capital City.

So, back to an NIH doctor telling ACT-UP the following: That, according to the transcript of the meeting, NIH doctor talking to this radical fringe group of homosexual activists, said, "Fetal liver tissues may very well be able to completely suppress the virus and allow reconstitution of the immune system." I had never heard this in 5 years of my reading and research on the human immunodeficiency virus [HIV]. Never.

Now, this is telling a homosexual community, some of whom are dying, that live fetal tissue liver cells can rebuild your immune system and give you your life back, another 20, 30, 40, 50 years on the planet.

He says, "Asked whether such research might be possible while the administration is staunchly opposed to fetal research," this doctor says, "there may have to be," quote from the transcript, "some serious pressure and some real rethinking about this." The doctor could not be reached for further comment. I am going to reach him.

The House of Representatives Subcommittee on Health and the Environment, chaired by my good friend, fellow Californian, HENRY WAXMAN, who agrees with me on the Katyn massacre and all the Hitler atrocities, will hold hearings on the issue of fetal experimentation. The gentleman from California [Mr. WAXMAN] criticized Dr. Sullivan, the doctor who is now the Secretary of Health and Human Services, the biggest agency and the toughest job in the American Government. The gentleman from California [Mr. WAXMAN], although he thinks well of Dr. Sullivan, he criticized the Sullivan decision not to engage in fetal research. According to this transcript, the gentleman from California [Mr. WAXMAN] is purported to say that it would be tragic to reject the NIH's panel that went 14 to 0 to allow fetal research. Research that is conducted on living babies kept alive after they have been aborted to terminate their lives. This research has been rejected by Dr. Sullivan. The gentleman from California [Mr. WAXMAN] is saying, though, that this research is sensible.

Mr. Speaker, anyone within the sound of my voice or the written RECORD, as abortion politics come down to arguing to defend victims of unsanitary sodomy in this country by killing more babies, or developing what they are worried about in Australia, fetal farms. It is bad enough that we have the first case emerge in a Frankenstein way, that a daughter says, "I will get pregnant and give my fetus or baby to extend my father's life because the rumors abound in the scientific community that keeping little fetuses alive and using their tissue can reverse Alzheimer's disease." I do not know; I may die of that, Parkinson's disease; I may die of that. Other types of nerve disorder diseases.

I know we had a doctor from UCLA, went over to Chernobyl, which the Soviets are finally going to shut down, I understand, and to try to save the worst of the radiated workers at Chernobyl, they were aborting babies, taking fetal tissue from bone marrow, and doing transplants. I said, "How many people did this doctor do this on?"

They said, "Six."

"How many lived?"

"None."

And one of his nurses crying to me, a nervous wreck on tranquilizers, she said, "But then again he has yet to save a single person at UCLA, nor has the team at Columbia who engages in fetal medical research."

My colleagues, I think it is fair when I say the word "Frankenstein" pops in my head. After all, the fiction of Dr. Victor Frankenstein in Mary Shelley's novel; he took dead body parts, built them together, and, in an obvious, harebrained way took electricity from the sky. Somehow or another they thought that was the source of life. Who knows?

As we put the Hubble space telescope up and find out about the outer fringes of the universe, maybe God in His wisdom did use some electrical impulse in some primordial ooze to begin the creation process that evolves in man with an immortal human soul to live forever, for all of eternity. Out of this primordial mud comes eternal creatures with free will.

Who knows what we are going to find out? Maybe electricity is involved.

But Dr. Victor Frankenstein takes the electricity and creates a person out of dead parts. He does not take living people in their most innocent life form in the womb, extract them in a violent procedure, and then use their tissue to take people at the end of their life spectrum. Alzheimer's, Parkinson's, although these diseases get some people in the middle of their life, or a young person shriveled up and dying of Kaposi's sarcoma in their early twenties or teens and say, "The way to give you life is to use this innocent life from the womb."

Mr. Speaker, if my colleagues do not think that we are in for some horrendous debates around here in the 1990's, I say, "You haven't followed the biomedical breakthroughs, advancements, and this whole career called biomedical engineering."

I had a 94-year-old lady approach me at a university auditorium before I came to Congress. That must have been about 1971 or 1972. She approached me, paid me a nice compliment. I remember it vividly because it was rather nice. She said, "We are all the architects of our own image, and you're building a beautiful one. Keep building." And then she said, "Mr. DORNAN, may I tell you something? Be careful of being handed a drink on a stage, or being given food before an appearance anywhere because anybody who speaks as you do, eventually their life is going to be in jeopardy."

I have never followed this advice. My wife thinks it is about time to start following it.

This nice lady also said, "Let me tell you something. I hope you serve in the Congress of the United States someday." I had not mentioned it in my remarks at this college gathering. She said, "We need people like you in the Congress." She said, "But, if you're there, let me warn you of something. The toughest debates in the U.S. Congress will come in the late eighties." She was premature by a handful of years, "and the nineties." She was correct. She said, "It will involve genetic engineering and the whole field of biochemistry where man thinks he can replace God in rebuilding human life and deciding who is not worthy of continued life."

Gov. Richard Lamm, Colorado, older people who are infirm, should do us a favor, and do their duty and die.

Why is euthanasia becoming such a topic of discussion around? Because when you start killing innocent human life in the womb, my fellow Americans and Mr. Speaker, you pull out all the stops. Nobody in this House, or in the other Chamber, can gainsay what I am about to say, although I cannot prove it, but I believe the reason we have a crime wave in this country is, or does, have its roots in abortion. Child abuse, off the charts in this country; rooted in abortion. Euthanasia; rooted in abortion. Violent crimes going off the charts, disregard, abuse of this temple of the Holy Spirit, our human bodies, with drugs, with booze, with promiscuous

sex, with risk behavior life styles, that we cannot seem to pry some of these people apart with crowbars even though they know they are playing Russian roulette with unsanitary sex. All of these issues grow out on the domestic side of the lack of respect for human life, and it started in earnest with the Roe versus Wade decision.

We may be bringing liberty through our example on the national scene to other countries across this world, but, when people, long oppressed, particularly the young, come out of East Berlin to cross the decaying wall, which is now turning into paper weights all over the free world, to cross that hated, dreaded Berlin Wall, the first thing they seek before consumer goods is live sex shows in the liberated West; that is not my idea of freedom.

□ 1350

To turn these countries loose to say in Romania that even Ceausescu was a madman, although he enforced abortion for the first 20 years of his reign. He then got on an ego kick and wanted to drive their 25 million population up to 30 million, so he reverses all gears and starts enforcing childbearing and having undignified criminal assaults and investigations of women to see that they do not abort. Now to have planned parenthood and NARAC and everybody use the abortion horror of Ceausescu's latter regime where they forced people to have babies as a rationale to kill babies in the West is obscene.

The truth is that one of the first things all the Communist countries did was to legalize abortion and go at it so vigorously that in the Soviet Union a woman who had 7, 8, 9, 10 abortions is not rare. That is why they give the silver medal of motherhood to someone with 5 children and the gold medal of motherhood to someone with 10, because they killed off a great percentage of the next generation.

No. Genetic engineering is going to be a tough subject in this House. You are going to hear the words Dr. Frankenstein again and again if this story turns out to be true that doctors who earn their total income on your tax dollars are telling bigoted, prejudiced, violent-oriented defiling groups, like ACT-UP, who ripped up the house of God of my parents' marriage and my baptism as a Christian. If that group is going to be encouraged by federally funded doctors and told that their hope of life is extending, because we are all terminal, extending their years of mortal existence is at the expense of killing babies in their mothers' wombs, look out, folks. It is true, "You ain't seen nothing yet." We are going to have some wild philosophical debates right down to the gut level in this Congress of the United States, and if there is any example of some of the heroes that I know over in the Senate, like Senator GORDON HUMPHREY, who is unfortunately retiring of his own will after 12 years. He brought in the Harvard Medical Textbook that they have used for over a hundred years and read from the chapter, "When Does Life Begin?" If anybody understands basic science, you know when life begins. It is when there is a separate entity with the entire genetic code in place inside the mother and that little tiny heart begins to beat in a few days.

Mr. Speaker, I shall be back with more on all three of these subjects.

LITHUANIAN INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I know the gentlewoman from Maryland will be joining us briefly for a special order of her own.

Mr. Speaker, one of the great benefits of having served as both chairman and cochairman of the Helsinki Commission is that from time to time I have had the opportunity to meet with individuals of great courage and commitment who give testimony to the ongoing quest for freedom, justice, and other values of the Helsinki Final Act.

Just a few hours ago, the Helsinki Commission had the honor of hosting one of those great individuals. The Honorable Kazimiera Prunskiene, the Prime Minister of Lithuania's first democratically elected government in more than 50 years, gave compelling testimony on the future of Lithuania and the crisis that has befallen that small country as a result of their pursuit of the right of self-determination, which is, Mr. Speaker, as all my colleagues know, a right assured them by the Helsinki Final Act.

Dr. Prunskiene spoke eloquently, movingly, and thoughtfully, referring to the challenges confronted by her little nation which was subsumed into the Soviet Union in 1940 under a deal between the dictator, tyrant, and assassinator who was Stalin and his counterpart, another of the two evil men of this century, Adolf Hitler.

Mr. Speaker, it is to the great credit of the United States that we have never recognized the forcible incorporation of the little nation of Lithuania nor of the neighboring Baltic States of Latvia and Estonia into the Soviet Union pursuant to that deal between Stalin and Hitler.

Mr. Speaker, the Prime Minister acknowledges that the de jure sovereignty which the Lithuanian Parliament has declared will require much effort and a certain amount of time in order to be realized de facto. The Lithuanian people are showing calm determination and will not give up their legitimate claim to sovereignty. That was the message of the Prime Minister. That was the message of a representative of the people who have shown such courage in the face of an overwhelming challenge.

Mr. Speaker, Prime Minister Prunskiene made an interesting reference to the cold war, explaining that the Lithuanian people now are confronting a literal cold war as the Soviet Union has cut off energy to that small nation. In 2 weeks, Mr. Speaker, they may be out of energy, unable to heat their homes. Cold spells can still occur in Lithuania, but the people of Lithuania have courage and faith and commitment to freedom. As did our own Founding Fathers in confronting the overwhelming power of their time, the Lithuanian people have committed themselves to attaining the independence that is theirs. Indeed, it is not merely the attainment of independence, but the attainment of freedom that we must support. We have never recognized that the Soviet Union has a legal claim to Lithuania and we do not recognize that today.

Mr. Speaker, Prime Minister Prunskiene will be meeting with the President in a very few minutes. She will be speaking with the leader of the greatest nation on the face of the Earth—a nation that has paid a high price in furthering the freedom of others as well as our own. Prime Minister Prunskiene hopes that we stand with her and with the brave people of Lithuania, Latvia, and Estonia, as they stand for the principles for which our Constitution stands, for which our Declaration of Independence stands and for which the Helsinki Final Act stands.

Mr. Speaker, all of us were proud when Vaclav Havel spoke on this floor just a few weeks ago. That poet-philosopher, now President of Czechoslovakia, spoke of the debt of gratitude that his people have for the people of the United States, for Thomas Jefferson, James Madison, Harry Truman, and for other leaders of our country who have stood for the principle that individuals combined together as peoples should have the right to self-determination.

Mr. Speaker, at this time I will submit for the RECORD the remarks of the Prime Minister of Lithuania, Dr. Kazimiera Prunskiene, made to the Helsinki Commission this day, Thursday, May 3, 1990. It is a short statement, but it is a compelling statement. As I said before, it is a statement of courage, a statement of commitment. I recommend to the Members of this House that they read this statement and that they recommit themselves not only to the Helsinki process, but on the floor of this House and in our communities and in our States and in our neighborhoods to join together

with people who love freedom throughbout the world.

Mr. Speaker, the remarks of the Prime Minister follow:

REMARKS OF THE PRIME MINISTER OF LITHUANIA KAZIMIERA PRUNSKIENE TO THE HELSINKI COMMISSION THURSDAY, MAY 3, 1990

For some time now, Lithuania and her Baltic neighbors have been reminding the world of the fact of their existence and, by doing so, have aroused worry as well as interest.

The Lithuanian question did not arise because it was arbitrarily willed by someone or in order to frustrate someone else's will and desires. The restoration of an independent Lithuanian state was a legal act, expressing the nation's self-determination and its right to full sovereignty. By international agreement, this is a political right of all nations.

The most important preconditions for the restoration of independence were:

1. The Lithuanian nation's long-standing desire, shared by the other two Baltic nations, for independent statehood, which was given expression by its democratically elected parliament.

2. The refusal of other states around the world to recognize the annexation of Lithuania by the Soviet Union.

3. Political changes under Mr. Gorbachev which permitted the Soviet Union itself to declare the Hitler-Stalin pact null and void.

The act entitled "On the Restoration of an Independent Lithuanian State" which was passed by the Lithuanian parliament on March 11 begins to establish our state sovereignty. We have enacted a legal, de jure sovereignty which will require much effort and a certain amount of time in order to be realized de facto.

By no means does the Lithuanian parliament and government believe that de facto independence can be grabbed unilaterally and quickly, especially when dealing with the Soviet Union with its deep-rooted imperial traditions.

Lithuania does not want to burden Mr. Gorbachev with her problems, complicating his situation and raising a danger to his leadership or to perestroika, a danger that has been dramatized around the world. Lithuania also does not want to shift her problems, onto the West. Nevertheless, these three sides—the Soviet Union, Lithuania and the West—are drawn together through the Lithuanian issue. How the question is solved will depend first of all on the people of Lithuania themselves, on their unity, determination, calm and so long as the economic blockage lasts, on their stamina and enterprise as well. The people are showing the world that they do have those qualities.

The roles of East and West in the resolution of the Lithuanian question are complicated by a series of factors:

1. The Soviet Union does not have a balanced equilibrium of political forces. Although the influence of the democratic forces is increasing, it is not yet equal to the other side. The democratic forces are only starting to consolidate and often clash among themselves. From what I have observed, Mr. Gorbachev does not make full use of support from the democratic forces to overcome the reactionaries.

2. The western nations, thanks to whose non-recognition policy Lithuania was able to preserve the legal continuity of her independence, became accustomed to her factual dependence. They valued Mr. Gorbachev's perestroika as a way of ensuring human and national rights to the point that the process began to be valued more than the goal—the realization of these rights.

It is difficult for the West to perceive that pressuring the Soviet Union on the Lithuanian question helps rather than hinders Mr. Grobachev to be a consistent practitioner of democracy; more than that, to overcome the reactionary forces which oppose not only independence for the Baltic states but also political and economic reforms in general. The West's position now, during a period of economic difficulties for the Soviet Union, can be one of the most important arguments for a decisive turn to reform. This argument woud have been ineffective several years ago, for it is only now that the people dare to contradict the government and raise demands.

Lithuania is undergoing a great testing, but so too is the Soviet Union as well as the West. What sort of Russia or Soviet Union will emerge depends in part on how the Lithuanian issue will be resolved. This is understood by the democratic forces supporting us in the various Soviet republics and regions such as Moscow, Leningrad, Sverdlovsk, etc., where the newly-elected governments are sympathetic to us.

As regards the role of the West, we see and understand their desire to have in Mr. Gorbachev a reliable political leader in East-West relations. Here our interests coincide. But, for this we cannot sacrifice everything that is most important—the nation's future and its very existence. Such a sacrifice is senseless and not useful even to the West itself, because Lithuania's sacrifice would not help the Soviet Union enter a new stage of development as a nation of laws and a reliable economic partner for the West.

In other words the Lithuanian question can and must be solved without damage to democracy in the Soviet Union. In fact I would contend that the recognition of Lithuania's independence by East and West would be a tremendous victory for democratization in the Soviet Union within the context of perestroika. This political puzzle belongs to a former stage, since the majority of western states are sympathetic to Lithuanian independence.

You do not have to choose between Lithuania and Gorbachev. The solution is this: Gorbachev together with a breakthrough for democracy in the Soviet Union and an independent Lithuania. These are two compatible and converging sides of the same process, rather than alternatives.

I do not content that Mr. Gorbachev's preferred scenario for Lithuania coincides with Lithuania's own aspirations. I think that he would speak out for Lithuania remaining in federations, although not by force. However, even the world's darling does not have the monopolistic right to decide the fate of other nations. And here we cannot help him at all. For otherwise sympathy degenerates into toadyism, and the later gives birth to a cult.

Lithuania cannot demand support—she has neither the political nor the economic strength to do so. She is also prevented by an understanding of an elementary truth, that every state and its leaders have their own problems and their own interests.

Our hope lies not only in other nations' moral principals but also in the advantage which other states will sooner or later see in Lithuanian statehood and the role that she can play between East and West. This role will be the result both of her geopolitical situation and of the Soviet Union's abandonment of its imperial inertia, which we are testing at great risk and will have helped to shake up, if we are successful.

Even at present, when heads of state are not hurrying to put economic pressure on the Soviet Union or to help Lithuania, the world's attention is already a significant form of support. In such a situation, it is hard to imagine that the Kremlin, blockading us from the East, would succeed in isolating Lithuania from the West as well, preventing us from associating with the rest of the world. This would mean economic destruction, hunger, and the use of cold as a weapon (a literal cold war).

Until the last few days, the Western nations confined themselves to urging both sides to start negotiations. President Mitterand's and Chancellor Kohl's proposal for a temporary suspension of the execution of the Lithuanian Parliament's decisions, as a condition to spur the Kremlin to negotiations, significantly changes the situation. By this act these heads of state became in effect participants or mediators in the solution of Lithuania's problems, although they did not express such an intention. To suggest a course of action means at the same time to take on a certain amount of responsibility.

Lithuania's leadership, understanding that the path of no compromise in the execution of the enacted legislation is impossible, and appreciating the importance of guarantees by other states, is disposed to consider such a formula. But it must be stated without ambiguity or the possibility of different interpretations. We could temporarily suspend the quick and unilateral execution of the passed legislation if there were international guarantees. In no way does this mean a repeal of the acts passed on March 11 or a renunciation of independence. In such a case Lithuania would have to be guaranteed on the basis of international law: the continuity of Lithuanian independence, the continuation of her government and her territorial integrity.

The government of the Republic of Lithuania has proposed more than once to the leaders of the Soviet Union that we start a dialogue in search of compromises, naming a number of possible areas, such as: the reconciliation of military and defense interests, guarantees for civil rights of Soviet citizens in Lithuania, the division of wealth, and so forth. Concrete details would become clear during negotiations. The Soviet side did not express interest in conducting such negotiations. Compromises cannot all come just from one side, or they are no longer compromises, but rather the subjugation of the weaker by the stronger.

The Soviet Union, in demanding that the Republic of Lithuania repeal the acts of March 11, at the same time recognizes their validity, because the Soviet government itself cannot legally annul them. The economic blockage also confirms the factual separation of Lithuania from the Soviet Union, after which any pretensions to Lithuania as part of the Soviet Union's territory are no longer possible.

The attempt to force Lithuania to renounce her independence through economic coercion will not succeed, and will only create new socio-economic and political difficulties for the Soviet Union itself. The people's dissatisfaction with the individuals who made such decisions is growing. Meanwhile, Lithuania, although under very difficult conditions, is looking for alternative sources of needed materials, including those in the eastern market. Only by using the

Soviet army would it be possible to totally interrupt barter exchanges of goods between Lithuania and her eastern trade partners within the Soviet Union. And the path leads from such exchanges to full market relations.

Lithuania is going through difficult times, deprived of oil, most of her gas, metal and other important products. A transportation and banking blockage is in effect. Enterprises are closing, unemployment has appeared. However, there is also some good resulting from all this, for it gives us the chance to develop speed, initiative, enterprise and market methods. We intend to hold out and survive, because there is no road back.

The approaching summit meeting between the American and Soviet presidents—the leaders of the world's largest nations—could make a decisive contribution to the solution of the Lithuanian problem. Fate is giving them the chance to leave an admirable mark in history, starting a new epoch in Europe and in relations between West and East. We trust that they will do so, not only because their nations expect this, but also because they will be guided by the internal moral code of popular, democratic leaders.

□ 1400

REINSTATEMENT OF SPECIAL ORDER

Mrs. BENTLEY. Mr. Speaker, I had a 60-minute special order reserved, and I ask unanimous consent that that be reinstated.

The SPEAKER pro tempore (Mr. HUTTO). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

IS "WHAT'S GOOD FOR GENERAL MOTORS GOOD FOR AMERICA?"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, first, I want to associate myself with the remarks of my colleague, the gentleman from Maryland [Mr. HOYER], and join in with him in urging that this country recognize the efforts of Lithuania to become a free nation once again.

Mr. Speaker, the title of my presentation today is: "Is 'What's Good for General Motors Good for America?' "

The January-February issue of Harvard Business Review has an article entitled "Who Is Us" which is the most wonderful endorsement of the growing purchase and/or establishment of foreign manufacturing operations in this country that I have ever heard.

Written by Robert Reich of Harvard, the thesis appears—on a cursory reading—to be, that as long as Americans are employed, it doesn't matter for whom they work or where the profits go. However, a closer inspection of the article shows gaping holes, not only in what is left unsaid, but in some of the supposedly factual information.

Robert B. Reich came to his professorship at Harvard from a stint served at the Federal Trade Commission. Some of that time was spent under the chairmanship of Michael Pertschuck, one of the toughest enforcers of the antitrust laws that Washington has ever seen.

From that background and his many liberal credentials, I am surprised that Mr. Reich finds any merit in the growing proliferation of multnational cartels—both ours and other nations—when the concern which continues to drive me from a political background, is the increasing lack of political control that any one country over any of these giant, expatriate companies. After the world's bitter experience of the cartelism of the 1930's—the corporate war machines of both Germany and Japan—it seems strange that in Reich's whole article, he presents no down side to a second generation of growth of cartels inside this country, no matter that not one of our antitrust laws which should be a break on this activity, has been repealed, just seemingly ignored by our Justice Department.

In his reiteration that Americans should have jobs no matter the nationality of the company, he never once addresses the many reasons that Americans now need to take jobs with foreign companies. No mention is made of U.S. tax law and foreign trade barriers which encourage U.S. corporate flight. No note is taken of tax forgiveness to foreign companies by a host of State Governors. Tax forgiveness which holds American companies liable for the land tax of their competitors.

He handles the matter of foreign investment and U.S. corporate flight as a given—something which cannot be changed—and therefore is not only to be accepted, but, according to the tone of the article, to be welcomed. His endorsement of the behavior of these giant companies begins to sound like the old quote of Charlie Wilson, when as President of General Motors, he is reputed to have defended his company's actions by saying, "What's good for General Motors is good for the country."

I wondered about that quotation several weeks ago when we were told in the steel caucus of the numerous American companies lobbying our negotiators at GATT to do away with antidumping provisions in the United States—I guess, because it would be good for IBM, or 3M, or Caterpillar, or any one of the transnational corporate giants no matter their country of origin.

But, would it be good for the number of small American companies which cannot flee to foreign nations? Captive American companies which cannot compete with foreign products dumped into our markets below a fair price. Many of these products being produced by government supported industries, or being manufactured in countries where wage and hour laws are nonexistant.

I am really fascinated that a political economist can overlook the well being and fortune of the vast amount of American companies that are truly American—owned and operated by Americans—employing American workers.

What difference does it make to the American employee who employs him? Well, in many instances, it will make a difference as to whether he has an opportunity to get into the top level of management. If he is a skilled employee, in a Japanese transplant, he may never have a highly skilled, highly paid job. Frequently, he will be in an assembly operation—screwdriver jobs.

Proof of that is no farther away than the recent years of staggering increases in imported automotive parts from Japan for the new Japanese auto plants. Each shipment another threat to our shrinking American-owned auto parts industry.

If he is a union member, there's a possibility that the new foreign plant coming in to replace the failed American producer will be nonunion. And, if the foreign plant is union, there is also a strong chance that his union—for the first time in my memory—will begin to appear in Washington lobbying for the interests of management!

As an American taxpayer, there is a probability—over 50 percent—that his taxes, along with his fellow employees, may be the only taxes collected by the government out of the plant operation.

The IRS has reported that at least 50 percent of 38,000 foreign companies have reported no profits on their American operations. And since many of these plants were enticed into the country by forgiveness of tax revenues by the State governments, the American worker—frequently—is carrying a much greater tax burden for his foreign employer than he realizes.

Mr. Reich makes much of the amounts of money donated by the Japanese to local benevolences. I wonder how many small town mayors would prefer that the money go into the school budget rather than into the United Way.

I was heartened to note, however, that Mr. Reich had some reservations. That he—to use his words—did not wish to, "entrust our national competitiveness to any corporation that employs Americans, regardless of the nationality of corporate ownership," because, "Some foreign-owned corporations (who) are closely tied to their nation's economic development—either

through direct public ownership * * * or through financial intermediaries within the nation that, in turn, are tied to central banks and ministries of finance—in particular the model used by many Korean and Japanese corporations."

Because, as he points out, "The primary goals of such corporations are to enhance the health of their nations, and the standards of living of their nations' citizens, rather than to enrich their shareholders."

Since almost every country in the world with whom we trade has a socialist government and many of them contribute directly to their industries and, in some instances, companies like Thomson CSF and Renault are owned by the Government of France, what acceptable foreign companies remain for Mr. Reich to write about?

If Mr. Reich admits that most Japanese firms and Korean companies are tied directly to the national policy of their governments—and therefore may not be constructive employers of American workers—what foreign companies are left now producing in the United States that fit into the criteria of the article? British firms? Canadian companies? Maybe Phillips of the Netherlands. The list is very small. Hardly meriting the length of the article.

However, the thrust of the rest of the piece belies Reich's caveat when he argues later on that Thomson CSF should be eligible for U.S. R&D funds. As I pointed out before, Thomson is owned by Government of France—a fact that Mr. Reich never mentions in his article—even though Thomson fits Reich's criteria of companies which he suggests might not be in the best interests of America to have employing our people.

In his argument favoring foreign participants in United States HDTV research, he not only favors Thomson and Phillips, but also Sony—a Japanese model if there ever was one. If we are to believe Mr. Reich's qualifiers of a freestanding foreign commercial company, of the three which he mentions who should be considered, Phillips is the only one which should be eligible according to his own standards.

I do not agree with Mr. Reich that any foreign company should be receiving our scarce tax moneys for R&D, most particularly in the case of HDTV. It is interesting that Reich seemingly knows very little about the technology involved in high definition television since he refers to only one remaining U.S. television manufacturer in the running for a Government award.

The fight for HDTV R&D moneys is not for the commercial value of having a large, more sharply defined picture for watching ball games, but to have highly defined screens for businesses and defense and air traffic control. The commercial aspects are merely one application for the screens and for that reason, Zenith is but one of many U.S. companies who have been working to perfect the technology.

Mr. Reich is completely in error when he reports that Zenith is the only U.S. firm available for the award. DARPA received 82 applications for development and 49 were deemed worthy of funding.

I'm surprised that Mr. Reich would not do more research before he makes such a blanket statement.

But, there is another point here that bothers me about foreign firms getting into our basic research and walking away with U.S. Government contracts which pay for development of technology—and that is, would Gimbels have told Macy's where it got its best fabric?

In all of the heady atmosphere of high technology, we seem to be forgetting that all of these basic breakthroughs are targeted to one end—the market place and creation of wealth.

This year, it is reported that Thomson of France received the fourth highest amount of moneys awarded by the Defense Department in contracts. It is also well known that France is one of the largest weapons sellers in the world. This puts our Government in a position of subsidizing competition against our own beleaguered defense industries.

And if DOD contracts with France would proscribe the direct sale of those weapons—the many applications of component technology certainly will be used to the advantage of the Government of France, not to enrich the United States.

Mr. Reich hammers the point in his article that it is only by working on the projects that the level of skill and knowledge increases in the work force. On this we agree. But, why should U.S. Government money contribute to this growth in a foreign firm? U.S. moneys should be spent to create the jobs not only for the American worker, but for the American owner, also.

The opening up of HDTV R&D funds to foreign corporations not only will increase the technology base for foreign owners, accruing value to all other related technologies which they market, but in a more immediate way it will have a political effect.

The standards for the commercial performance of HDTV inside the United States will be set by the Federal Communications Commission and the interest and advantage to foreign producers that those standards be either for the EC model or Japanese product has been well known and well lobbied in Washington for a long time.

If, and I pray it comes about, the standards set are for U.S. production, it would mean that we would have an opportunity to regain a great deal of ground in microelectronic production. However, if foreign TV producers are allowed to compete with U.S. industry for scarce R&D government funding—we not only will be telling Macy's where we buy our best fabric, we will be giving them money with which to buy it before it gets there.

These foreign entities—then having been recognized as U.S. companies equal to all others in being eligible for funding—will be in a stronger position to influence the choice of standards.

I am really surprised that Mr. Reich is unaware of all of this. But then, when I read his statements on the Exon-Florio amendment and the Ways and Means proposal made in July of 1989—to tax foreign corporations by withholding a 10-percent capital gains tax and scrapping tax deductibility for interest on loans made by foreign parent companies to American subsidiaries—I realize how little knowledge he has of what is happening in the Congress.

The Exon-Florio amendment, as a deterrent to foreign purchases of strategic U.S. companies, has been one of the great disappointments of all time. The statement by Mr. Reich that "* * * foreign investors must get formal approval from the high-level Committee on Foreign Investments in the United States, comprising the heads of eight Federal agencies, and chaired by the Secretary of the Treasury, before they can purchase an American company" is a misreading of how the law works.

In the first instant, there is absolutely no requirement for foreign investors to notify anyone in the Government of their intent to purchase anything, which is quite different from the impression of Reich's flat-out statement, "* * * foreign investors must get approval * * *. Foreign investors can purchase U.S. companies and do purchase them at will. Any attempt the Congress has made, as in the Bryant bill of last year, to get some kind of registration of foreign ownership, has been knocked down every time.

Second, Exon-Florio offers only an appeal for consideration if and when there should be a challenge—by someone—that a company remain in U.S. hands for national security reasons. Very few U.S. companies under consideration for purchase would qualify under these stringent requirements. The CFIUS Committee which reviews the request, then passes it to the Cabinet who then makes the recommendation to the President.

In its 2 year history, only three recommendations have been made to the President and of those, only one was to stop a sale. Considering that in just 3 months of this year, 209 U.S. companies have passed into foreign ownership, according to business journal reports, proportionately, the law in no

way represents the stumbling block to foreign investment that Mr. Reich would have us believe.

In addition, this section of the article contains a factual error about the Exon-Florio regulations. Exon-Florio does not require eight agencies of the Government to agree on the sale to a foreign entity, it only requires three.

As to the matter of the Ways and Means tax suggestions, I would urge Professor Reich to investigate the concerns of the IRS on the nonpayment of taxes by over 19,000 foreign corporations. I think, were he to have made just one telephone call to Ways and Means—for enlightenment—he would find that the committee was responding to the egregious use by these foreign companies of our tax laws to escape paying taxes to the United States. And at one time, before the mideighties, many foreign investors paid as high as 30 percent before repatriating profits. It is not a new idea. And, considering what is happening now on underpayments, it is not a bad idea.

But, then, maybe I am misjudging Mr. Reich, maybe he desires foreign manufacturers in this country at any cost.

Since Mr. Reich claims to be a serious economist, I am surprised he did not address our growing current accounts balance—the amount of demand that the world can make against us on our trade deficit and on repatriated profits of foreign owners of U.S. assets.

Nomura Securities did a recent study and report on what they estimate our debt to the world will be in 1995—less than 5 years away. The figure they use is $1.2 trillion. Critics of their study suggest the figure is more likely to be closer to $2 trillion. Now, that is money we will owe to the rest of the country.

Despite the 19,000 foreign companies who report no profits from operations in this country, profits and/or money to pay back loans to parent companies from these U.S. transplants are flowing out of this country every year swelling our debt to the world. And this debt only can be satisfied by bartering goods or real assets in exchange.

The recent glowing reports of the shrinking trade deficit with Japan only mirrors the growing number of exports to Japan of products produced in Japanese transplant corporations or of agricultural products being exported from Japanese owned ranches and citrus groves—products whose profits only will increase the debt in the current accounts balance.

It was very interesting to me that the Sony purchase of Columbia Pictures was in cash! Imagine, if you will, $3 billion in cash being piled up at the Coca Cola headquarters. Of course, it wasn't delivered in just that manner. But, since in the West we are not accustomed to such big deals for cash—if we question why it was handled in such a way, the answer! Japan is getting rid of dollars as fast as she can! She wants our assets.

Incidentally, information from Japan says that $2 billion out of the $3 billion for the Columbia purchase was loaned to Sony by the Bank of Japan 1¾ percent interest rate. Who would not borrow billions at that rate? And Mr. Speaker, that 1¾ percent interest tells how Japan incorporated functions. Japan's industries are strongly supported by their banks, and they by their government, a very strong three-legged foundation against which we expect our industries to compete.

This purchase represented a barter for $3 billion of our current accounts deficit. We traded off Columbia Pictures for 3 billion dollars' worth of cars and TV's and VCR's—Columbia Pictures with its power to propagandize, with its library of Americana. A purchase which also represents the completion of a vertical integration of the Sony Corp. by allowing Sony to move into the American software market.

I don't think it was a good trade myself. But, the continued repatriation of the profits of foreign corporations to their home countries only will exacerbate the sale of U.S. assets to foreigners. In the first quarter of this year, as I pointed out before, 209 American companies were sold to foreign owners; representing a growing demand of real U.S. assets against this debt.

Mr. Reich did not address this problem at all. His assertion that some of these companies now are exporting—and that will certainly help the deficit—completely finesses the loss of the profits—the cream which also is being exported every day.

Professor Reich, as an economist, seems to be unaware of the threat of colonization. If so, then he also must be unaware of the Southeast Asia coprosperity sphere—a colonization scheme envisioned by Japan in the early years of this century.

The similarities of operations—including the establishment, in this country, of Japanese schools for the children of the Japanese managers, the elite, should be informative.

Another Japanese plan, to have Silver Colonies—their title—to resettle retired Japanese workers to other countries was under consideration a couple of years ago. There seems to be some thought in that country of not only exporting its products, but also its people.

And I would wish, that before Professor Reich again pontificates he learn a great deal more about history—both ours and the Japanese. We were once a colony of a foreign nation and Japan has a long record of attempted colonization.

That Mr. Reich's attitude has powerful supporters was evidenced by a 3 page ad in the Wall Street Journal headlining the title of his article—"Who Is Us?"—paid for by a Japanese company. The 1 day ad cost in excess of $250,000. That's a lot of support!

And since I am on the Budget Committee, I am more aware than most that ads such as this are yet another deduction from profits made by foreign companies inside this country. In a way, we the taxpayer, financed this public display of support for Mr. Reich's theory.

Although I have found much to disagree with in Professor Reich's welcome to foreign firms, I am delighted that the issue has been raised. I am concerned that this invasion is taking place without a proper airing of what it will mean to the country—not only in jobs creation, but in jobs destruction—of how it will affect the upward mobility of our workers and the impact on the debt, both internal and external. A myriad of issues are involved which convince me that it is necessary that we address it in the broadest terms.

I wish I had more of the answers of how to respond to the challenge to American competitiveness of cartelism and country-owned and operated companies, but there is one thing I do know—just because we haven't yet been able to "lick 'em," we still don't have to join them. It's a shame, but overall, that seems to be the tenor of Professor Reich's thesis. I had hoped for more.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LIGHTFOOT (at the request of Mr. MICHEL), for today, on account of personal reasons.

Mr. STUMP of Arizona (at the request of Mr. MICHEL) for today on account of attending the funeral for the former mayor of Phoenix.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. HASTERT) to revise and extend his remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, each day, on May 7, 8, 9, and 10.

(The following Member (at the request of Mr. KANJORSKI) to revise and extend his remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HASTERT) and to include extraneous material:)

Mr. LEWIS of California.

Ms. ROS-LEHTINEN.

Mrs. BENTLEY.

Mr. LAGOMARSINO.

Mr. MILLER of Ohio in three instances.

Mr. TAUKE.

(The following Members (at the request of Mr. KANJORSKI) and to include extraneous matter:)

Mr. SKELTON.

Mr. DICKS.

Ms. OAKAR.

Mr. ATKINS in two instances.

Mr. TALLON.

Mrs. BOXER.

Mr. CAMPBELL of Colorado.

Mr. LIPINSKI.

Mr. LAFALCE in two instances.

Mr. MONTGOMERY.

Mr. NEAL of Massachusetts.

Mr. LANTOS.

Mr. HUBBARD.

Mr. COLEMAN of Texas.

Mr. STARK.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 198. An act to amend title 17, United States Code, the Copyright Act to protect certain computer programs; to the Committee on the Judiciary.

S. 459. An act to amend title 35, United States Code, with respect to the use of inventions in outer space; to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles.

On May 2, 1990:

H.J. Res. 546. Joint resolution designating May 13, 1990, as "Infant Mortality Awareness Day;"

H.R. 756. An act for the relief of Shelton Anthony Smith; and

H.J. Res. 553. Joint resolution to make technical changes in the Ethics Reform Act of 1989.

On May 3, 1990:

H.R. 1011. An act to provide for the establishment of the National Commission on Wildfire Disasters, to provide for increased planning and cooperation with local firefighting forces in the event of forest fires, and for other purposes.

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, (at 2 o'clock and 30 minutes p.m.) under its previous order, the House adjourned until Monday, May 7, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3115. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-199, "Board of Education Capital Construction Contracting Authority Act of 1990," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3116. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-200, "District of Columbia Family Support Act Federal Conformity Amendment Temporary Act of 1990," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3117. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-201, "District of Columbia Retirement Reform Act of 1979 Amendment Act of 1990," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3118. A letter from the Secretary of Education, transmitting a copy of the annual report of the Helen Keller National Center for Deaf-Blind Youths and Adults [HKNC] for the 1989 program year, pursuant to 29 U.S.C. 1903(b)(2); to the Committee on Education and Labor.

3119. A letter from the Assistant Secretary for Management and Budget, Department of Health and Human Services, transmitting a report of actions taken to increase competition for contracts for fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

3120. A letter from Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3121. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds fo excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3122. A letter from the Comptroller General, General Accounting Office, transmitting a report and recommendation concerning Mr. Norman R. Rick's claim for reimbursement of real estate expenses incurred when he relocated to accept an appointment from the private sector to a manpower shortage position with the Federal Government, pursuant to 31 U.S.C. 3702(d); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROE: Committee on Science, Space, and Technology. H.R. 4522. A bill, to improve the information available to emergency response personnel in the field, and for other purposes (Rept. 101-473). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROE: Committee on Science, Space, and Technology. H.R. 4521. A bill to establish a Hydrogen Research and Development Program, with an amendment (Rept. 101-474). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS:

H.R. 4724. A bill to clarify the evidentiary requirement applicable to establishing foreign state compulsion as a defense to liability under the antitrust laws; to the Committee on the Judiciary.

By Mr. DREIER of California:

H.R. 4725. A bill to amend the Internal Revenue Code of 1986 to provide for a 15-percent income tax rate for all individuals, to repeal most deductions, credits, and exclusions for individuals, and to provide a one-time amnesty from tax penalties for certain taxpayers who pay previous underpayments of Federal tax to the Committee on Ways and Means.

By Mr. ANDERSON (for himself, Mr. Bosco, and Mr. HAMMERSCHMIDT):

H.R. 4726. A bill to require the Administrator of General Services to renovate the Pentagon Federal Office Building and Complex; to the Committee on Public Works and Transportation.

By Mr. STARK:

H.R. 4727. A bill to amend title XIX of the Social Security Act to require payment for prescription drug benefits as part of required Medicare cost-sharing for qualified Medicare beneficiaries; to the Committee on the Energy and Commerce.

By Mr. DEFAZIO (for himself, Mr. AUCOIN, and Mr. WYDEN):

H.R. 4728. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Klamath River in Oregon as a component of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. HYDE:

H.R. 4729. A bill to amend the Federal Deposit Insurance Act to provide the same deposit insurance treatment for deposits of State and local government and nonprofit organization deferred compensation plans as is provided for deposits of Keogh plans and individual retirement accounts; to the

Committee on Banking, Finance and Urban Affairs.

By Mr. LIGHTFOOT:

H.R. 4730. A bill to exempt from the program ineligibility requirements of section 1221 of the Food Security Act of 1985 persons who produce an agricultural commodity on wetlands of two acres or less; to the Committee on the Agriculture.

By Mr. McMILLEN of Maryland (for himself and Mr. TOWNS):

H.R. 4731. A bill to amend the Elementary and Secondary Education Act of 1965 to provide additional grants to schools eligible for grants under chapter 1 of title I of such act that require students to maintain satisfactory grades as a condition of participation in extracurricular activities; to the Committee on Education and Labor.

By Mr. NAGLE:

H.R. 4732. A bill to amend the Farm Credit Act of 1971 to allow borrowers to bring actions against institutions of the Farm Credit System in the Federal courts; to the Committee on Agriculture.

By Mr. PEASE (for himself, Mr. SCHUMER, and Mr. LANTOS)

H.R. 4733. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Education and Labor.

By Mr. SIKORSKI:

H.R. 4734. A bill to prescribe certain requirements for automatic garage door opening systems; to the Committee on Energy and Commerce.

By Mr. TAUKE:

H.R. 4735. A bill to extend and amend programs under the State Dependent Care Development Grants Act; to the Committee on Education and Labor.

By Ms. OAKAR (for herself and Mr. HENRY):

H.J. Res. 562. Joint resolution designating October 21 through 27, 1990 as "National Humanities Week"; to the Committee on Post Office and Civil Service.

By Mr. SCHUETTE (for himself, Mr. DEWINE, Mr. HORTON, and Mr. SLATTERY):

H.J. Res. 563. Joint resolution designating the month of May 1990 as "Courtesy is Contagious Month"; to the Committee on Post Office and Civil Service.

By Mr. DANNEMEYER (for himself and Mr. ROHRABACHER):

H. Con. Res. 320. Concurrent resolution to support democracy in the Republic of Croatia; to the Committee on Foreign Affairs.

By Mr. DREIER of California (for himself, Mr. MURPHY, and Mr. DANNEMEYER):

H. Con. Res. 321. Concurrent resolution to express the support of the House of Representatives for the progress toward democracy taking place in Yugoslavia; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. CONDIT.

H.R. 467: Mr. JONES of Georgia.

H.R. 1134: Mr. MILLER of Washington and Mr. TAUZIN.

H.R. 1249: Mr. SIKORSKI.

H.R. 1570: Mr. THOMAS of Georgia, Mr. DURBIN, Mr. ROE, and Mr. KOLTER.

H.R. 1676: Ms. MOLINARI and Mr. DYMALLY.

H.R. 1807: Mr. MARTINEZ.

H.R. 2460: Ms. SLAUGHTER of New York, Mr. HEFNER, Mr. VALENTINE, Mr. MONTGOMERY, and Mr. GOODLING.

H.R. 3037: Mr. VOLMER, Mr. ATKINS, Mr. ROWLAND of Georgia, Mr. COSTELLO, and Mr. HARRIS.

H.R. 3120: Ms. KAPTUR and Mrs. COLLINS.

H.R. 3270: Mr. WOLPE, Mr. EDWARDS of Oklahoma, Mr. DENNY SMITH, Mr. KANJORSKI, Mr. DICKINSON, Mr. RIDGE, Mr. MURPHY, Mrs. SAIKI, Mr. SLAUGHTER of Virginia, Mr. AKAKA, Mr. GILLMOR, Mr. COSTELLO, Mr. IRELAND, Mr. FOGLIETTA, Mr. COOPER, Mr. BORSKI, Mr. BALLENGER, Mr. TAUKE, Mr. GONZALEZ. Mr. BOUCHER, and Mr. DONNELLY.

H.R. 3389: Mr. CROCKETT, Mr. DIXON, Mr. FAUNTROY, Mr. TRAFICANT, Mr. DELLUMS, Mr. WOLF, Mr. ATKINS, Mr. GILMAN, Mr. MCCOLLUM, Mr. MILLER of California, and Mr. BROWN of California.

H.R. 3802: Mr. GINGRICH.

H.R. 3880: Mr. GIBBONS and Mr. TORRES.

H.R. 4084: Mr. DAVIS, Mr. SAVAGE, Mr. ATKINS, Mr. STOKES, Mr. CONYERS, Mr. CLAY, Mr. MFUME, Mrs. BOXER, Mr. DELLUMS, Mr. HAWKINS, Mr. LEWIS of Georgia, and Mr. FLAKE.

H.R. 4101: Mr. ATKINS.

H.R. 4160: Mr. APPLEGATE.

H.R. 4226: Mr. HASTERT.

H.R. 4254: Mr. RAY.

H.R. 4288: Mr. HAYES of Louisiana, Mr. PICKETT, and Mr. LANCASTER.

H.R. 4300: Mr. BERMAN, Mr. FRANK, and Mr. RANGEL.

H.R. 4564: Mr. PICKETT and Mr. SMITH of Vermont.

H.R. 4565: Mr. TRAFICANT, Mr. PAYNE of New Jersey, Mr. PURSELL, Ms. KAPTUR, Mr. WATKINS, Mr. RAHALL, Mr. HUGHES, Mr. CHAPMAN, Mr. NIELSON of Utah, Mr. TORRES, Mrs. MORELLA, Mrs. SAIKI, Mr. MURTHA, and Mr. VANDER JAGT.

H.R. 4575: Mr. KANJORSKI and Mr. STEARNS.

H.R. 4621: Mr. MCNULTY, Mr. BOSCO, and Mr. MARKEY.

H.R. 4652: Mr. MURPHY and Mrs. JOHNSON of Connecticut.

H.R. 4683: Mr. IRELAND, Mr. BUNNING, Mr. BALLENGER, Mr. ROTH, Mr. HUNTER, Mr. PAXON, Mr. WALSH, Mr. HUTTO, Mr. BARTLETT, Mr. ROBINSON, Mr. BLILEY, Mr. GOSS, Mr. DREIER of California, Mr. FIELDS, Mr. EDWARDS of Oklahoma, Mr. WEBER, Mr. COURTER, Mr. WELDON, Mr. HAMMERSCHMIDT, Mr. DENNY SMITH, Mr. CLINGER, Mr. RITTER, Mr. GINGRICH, Mr. QUILLEN, Mr. DORNAN of California, Mr. MYERS of Indiana, Mr. BUECHNER, Mr. PORTER, Mr. COBLE, Mr. CALLAHAN, Mr. HEFLEY, Mr. SUNDQUIST, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. MCCREERY, Mr. SENSENBRENNER, Mr. SOLOMON, and Mr. RHODES.

H.J. Res. 121: Mr. DONALD E. LUKENS, Mr. MCDERMOTT, Mr. GREEN, and Mr. SERRANO.

H.J. Res. 180: Mr. BLILEY.

H.J. Res. 268: Ms. SCHNEIDER.

H.J. Res. 467: Mrs. MARTIN of Illinois, Ms. OAKAR, Mr. ASPIN, Mrs. LLOYD, Mr. SPENCE, and Mr. DORGAN of North Dakota.

H.J. Res. 476: Mr. BROWN of California, Mr. BUSTAMANTE, Mr. DAVIS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. JOHNSON of South Dakota, Mr. LAGOMARSINO, Mr. LANTOS, Mr. MCEWEN, Mr. NIELSON of Utah, and Mr. PALLONE.

H.J. Res. 487: Mr. BARNARD and Mr. PRICE.

H.J. Res. 512: Mr. ROBINSON, Mr. HILER, Ms. KAPTUR, Mr. MINETA, Mr. HEFNER, Mr. MCMILLEN of Maryland, Mr. SANGMEISTER, Mr. TRAXLER, Mr. BLILEY, Ms. OAKAR, Mr. COOPER, Mr. WOLPE, Mr. MCDERMOTT, Mr. SKELTON, Mr. SERRANO, Mr. YATRON, Mr. GALLO, Mrs. MORELLA, Mr. HARRIS, Mr. VALENTINE, Mr. TOWNS, Mr. APPLEGATE, Mr. BROWDER, Mr. MAZZOLI, Mr. MURPHY, Mr. GEKAS, Mr. MARTINEZ, Mr. SISISKY, Mr. OWENS of Utah, Mrs. COLLINS, Mr. PAYNE of New Jersey, Mr. SAWYER, Mr. OBERSTAR, Mr. DWYER of New Jersey, Mr. MCNULTY, Mrs. BENTLEY, Mr. BEVILL, Mr. DORNAN of California, Mr. CALLAHAN, Mr. LEHMAN of Florida, Mr. ROE, Mr. LEWIS of California, Mr. LANTOS, Mr. OLIN, Mr. HENRY, and Mr. KANJORSKI.

H.J. Res. 519: Mr. COOPER and Mr. JONTZ.

H.J. Res. 527: Mr. FAZIO.

H.J. Res. 543: Mr. INHOFE, Mr. ENGLISH, and Mr. KLECZKA.

H.J. Res. 556: Mr. BROWN of California, Mr. COLEMAN of Texas, Mr. DURBIN, Mr. MATSUI, Mr. MACHTLEY, Mr. LIGHTFOOT, Mr. RICHARDSON, Mr. GALLEGLY, Mr. ATKINS, Mr. HAYES of Illinois, Mr. VALENTINE, Mr. LENT, Mr. MILLER of Washington, Mrs. JOHNSON of Connecticut, Mr. WALGREN, Mr. TRAFICANT, Mrs. UNSOELD, Mr. BERMAN, Mr. CONYERS, Mr. GEREN, Mr. ROSE, Mr. COOPER, Mr. BENNETT, Ms. SLAUGHTER of New York, Mr. GREEN, Mr. STOKES, Mr. CAMPBELL of Colorado, Mr. LEVINE of California, Mrs. SAIKI, Mr. MCDERMOTT, Mr. MINETA, and Mr. VENTO.

H.J. Res. 558: Mr. WELDON and Mr. COX.

H. Con. Res. 178: Mr. LANCASTER, Ms. PELOSI, Mr. SMITH of Vermont, Mr. HORTON, and Mr. BUSTAMANTE.

H. Con. Res. 281: Mr. COYNE.

H. Res. 359: Mr. HASTERT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3498: Mr. PAYNE of Virginia.

H.R. 4641: Mrs. BENTLEY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

162. By the SPEAKER: Petition of the town meetings of Lincoln, MA, relative to the reduction of military spending; to the Committee on Armed Services.

163. Also, petition of the Interior Democrats, Fairbanks, AK, relative to the rights of the Baltic States to self-determination; to the Committee on Foreign Affairs, May 3, 1990.

164. Also, petition of the Interior Democrats, Fairbanks, AK, relative to the use of public funds for abortions for victims of rape and incest; to the Committee on the Judiciary.

165. Also, petition of the town meeting of Lincoln, MA, relative to the unregulated dumping of low-level radioactive waste; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

SENATE—*Thursday, May 3, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the Honorable PAUL SIMON, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*The Spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor; he hath sent me to heal the brokenhearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised * * *.*—Luke 4:18.

Lord God, omnipotent, perfect in all Thy ways, on this National Day of Prayer, our hearts are filled with gratitude at the release of Robert Polhill and Frank Reed. We thank Thee that they were found to be in good health and for the unrestrained pleasure enjoyed by the families upon their release. May Thy blessings attend them as they return to life in their communities.

With heavy hearts, gracious Father in Heaven, we remember those who remain captives. We thank Thee that Thou hast not forgotten them, and we pray that we may never forget until they, too, are free. Give to their families the assurance of Your love, Your sovereign care and remind them and their loved ones in captivity that they are never alone, that You will never leave them nor forsake them.

Grant special wisdom to those who bear the burden of the release of the captives. Touch the lives of the captives with healing and strength; and encourage them every day of Your unfailing providence.

We pray in the name of Him whose mission was to "set at liberty them that are bruised * * *." Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 3, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAUL SIMON, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SIMON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time for the two leaders, there will be a period for morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 10:30 the Senate will begin consideration of S. 135, the Hatch Act reform bill. Senator ROTH will be recognized to offer an amendment. For the information of Senators, rollcall votes are anticipated today relative to amendments which may be offered to S. 135, and votes will occur, possibly throughout the day and well into the evening.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

TASK FORCE ON THE U.S. ECONOMY IN THE 1990'S: PRODUCTIVITY GROWTH AND DEFENSE ADJUSTMENT

Mr. RIEGLE. Mr. President, the ongoing political revolution in Warsaw Pact nations continues to change our world. The simple fact is the United States and its allies have won the cold war. Soviet communism, its political culture, economic system and military alliance, is all disintegrating.

These epic changes mean the end of the postwar era. Since World War II, our overriding goal has been the containment and, if possible, the roll-back of communism. Nothing symbolizes this era's end more than the pending reunification of Germany and potential termination of the four powers' control over Berlin.

These events have prompted a complete strategic review of U.S. national security and foreign policy. It is essential that this policy review lead to needed adjustments to United States strategies and policies because clearly the military threat posed by the Soviet Union—particularly in Europe—has changed fundamentally. There is more talk now of cooperating with the Soviet Government than of containing it. President Bush has been actively searching for ways to assist perestroika.

But while we usually think of the postwar era's end in geopolitical terms, we are coming to understand that, not by coincidence, it has also ended in an economic sense. As recently as the 1970's the United States was a dominating colossus in the world economy. That is no longer true as we enter the 1990's. The continuing slide in our relative standing to Japan and the European Community reflects both the success and the price of our cold war strategy.

During the past 40 years, we Americans have invested much more in international security than have our chief economic competitors. While the investment has paid a handsome return for U.S. foreign policy, it has also contributed to the relative decline of our economic strength. High public investment in the military sector has been accompanied by devoting less capital and technology and human resources to the performance of our civilian economy.

Unless a new major national security threat were to arise, I think we must now recognize that the United States has a golden opportunity to consoli-

date its victory in the global political competition by tending to our now eroding position in the global economic competition, because economic strength is increasingly the bottom line of global influence and leadership.

Our economic strength is what propelled the United States into our leading role in the early years of this century, and whether or not there will be a second American century stretching forward into the 2000's will almost certainly also be determined by our relative economic performance.

For this reason, the end of the postwar era demands a strategic review of economic policy just as much as it demands a strategic review of national security and foreign policy. The distinguished leader, Senator MITCHELL, has shown great foresight by calling for such a formal review. Today, he has announced the creation of a Task Force on the U.S. Economy in the 1990's: Productivity Growth and Defense Adjustment.

I am honored to have been asked to chair the Task Force on the U.S. Economy in the 1990's, which consists of Senator ADAMS, Senator BENTSEN, Senator BINGAMAN, Senator BOREN, Senator CONRAD, Senator EXON, Senator HOLLINGS, Senator KENNEDY, Senator LEVIN, Senator NUNN, Senator PELL, and Senator SHELBY who is here on the floor now.

In short, our task is to study ways of facilitating economic and social adjustment to lower defense spending as well as improving the rate of growth of U.S. productivity and overall economic growth which, of course, are the ultimate determinants of our standard of living and economic strength.

We need a coherent national strategy to manage this transition and capitalize upon the opportunity represented by the peace dividend. Piecemeal reaction to these epic changes will not be sufficient to keep America strong in economic, military, or diplomatic terms.

There have been a number of warning signs over the last decade of the need for a new national economic strategy. One has been our emergence as the world's largest debtor Nation. Our growing foreign debt represents a growing loss of control over our economic destiny. It is felt almost immediately in the area of monetary policy, with the level of our interest rates depending more and more on the willingness of foreigners to buy debt sold by the U.S. Treasury. We are adding international debt today at the rate of $1 billion every 3 days and we are estimated to reach a level of $1 trillion of outstanding foreign debt owed by us to others by 1992.

We have seen this in terms of bargain-basement purchases of critical U.S. assets, natural resources, companies, and technologies by foreign buyers who are often buying those assets with very cheap dollars.

The 1980's also saw an erosion of important segments of our industrial and technological base. In recent years, former and current officials in the defense community have been testifying before Congress that the loss of American technological supremacy in certain key industries is an important and growing factor. Business men and women in many industries continue to feel they are under siege.

Underlying these trends was a continuing pattern of poor performance in productivity. Productivity is the key to our growth and living standards. Between 1968 and 1988, labor productivity rose only by one-third as much as between 1948 and 1968. In 1988, U.S. productivity growth was considerably less than that of each of the six other leading industrial economies.

Perhaps the most alarming warning sign of all to emerge in the 1980's was the change in Americans' perceptions about their country's standing in the world. Recent polls find that only 29 percent of Americans believe the United States to be the world's leading economic power; twice as many, 58 percent, believe Japan to be. Similarly, 64 percent believe the U.S. economy will be dominated by foreign companies within 10 years. Such pessimism is startling; for over 200 years, optimism has defined America.

The end of the postwar era and the emergence of national teamwork can make America the world's leading economic power—with our best efforts—for a long time to come. A significant peace dividend poses new challenges and opportunities for America as we provide for an orderly transition for communities and companies affected by major cuts in defense spending and work to place the economy on a sounder footing. If we do this well we will have the means to deal with the other challenges facing our people and our Nation.

Again, I commend Majority Leader MITCHELL for his initiative and vision. I look forward to working with my colleagues on the Task Force on the U.S. Economy in the 1990's to meet these challenges.

Mr. KENNEDY. Mr. President, today the distinguished majority leader, Senator MITCHELL, announced the formation of a Senate Democratic Task Force on U.S. Economy in the 1990's, on which I welcome the opportunity to serve. The task force is charged with development of a plan whereby the Nation can absorb substantial cutbacks in defense spending in a way that will lead to a revitalized economy, enhanced U.S. competitiveness, and increased jobs, education, and opportunities for all our citizens.

At this watershed in history when our democratic ideals are triumphing around the globe, there is no more pressing challenge than that of restoring U.S. economic strength so that America can solve its pressing domestic problems and fully exert its potential for world leadership. It is unconscionable for the greatest Nation on Earth to have to choose between fully funding Head Start for our inner city children and lending a helping hand to the emerging democracies in Eastern Europe. By treating impending defense cutbacks as an opportunity, rather than a problem, we can focus America's talent and resources on our real economic and social challenges at home and abroad.

My recent trip to the Soviet Union convinced me that the extraordinary changes over the past months are irreversible. There really is a peace dividend, and we must not throw it away. I am confident that we can easily reduce Pentagon spending in real terms by over $20 billion in 1991—and by increasing amounts in each succeeding year through 1995. This will provide the Nation with a peace dividend of more than $200 billion over the next 5 years. And we can devote that dividend to meeting essential domestic needs—without raising taxes on the American people.

To direct that dividend toward meeting national priorities—rather than permitting it to be squandered in a sea of special interests—I have proposed the establishment of a new National Needs Trust Fund. Savings from the military budget should be put there, and spending from the trust fund should be limited to designated, critical investments—such as education, health care, housing, research and development, reviving our faltering infrastructure, and converting military plants to peacetime production—all purposes that reach to the foundation of our economic strength and our true security for the future.

The challenge of economic conversion offers an unparalleled opportunity to turn the talents of our most highly skilled citizens to serve the Nation's highest interest. Engineers and contractors who once built rockets and tanks can now build the bridges, airports, and rapid rail and telecommunications systems that will be the heart of our 21st century economy. Scientists in no-longer-needed defense labs can craft solutions to the massive problems of cleaning the environment, and creating safe—and nonnuclear—energy sources.

Economic conversion is more than adjustment assistance to displaced workers, discarded subcontractors, and disrupted communities—essential as that aid is. It is also the liberation of talent and treasure to revitalize our free enterprise system—and assure that America never becomes an economic colony of Germany and Japan.

Those critics who decry such domestic investments as big spending programs should consider the forthcoming Boston College computer study of the peace dividend. The study simulates the impact on the economy of shifting $20 billion out of defense into education. While defense cuts initially eliminate jobs, spending the same amount for education more than offsets that loss.

If the shift were in effect now, GNP would be $6.3 billion higher; 550,000 more people would be working. And their additional income would provide $1.4 billion more in taxes for the Federal Treasury and $350 million more for States and localities—without any increase in tax rates. And these numbers do not even attempt to measure the long-term benefit to the Nation from a better educated, more productive work force.

All spending is not equal. Military spending is essential to our security, but a drag on our economy. Investing in America is sound social policy—and sound economics, too.

The challenge of economic conversion is great. But the opportunity it affords is even greater. Through skillful economic conversion, we can revitalize the economy, address our unmet domestic needs, and ensure America's leadership role as we enter the unchartered terrain of the post-cold war world.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. BIDEN. I thank the Chair.

(The remarks of Mr. BIDEN pertaining to the introduction of S. 2568 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SHELBY. I thank the Chair.

(The remarks of Mr. SHELBY pertaining to the introduction of Senate Joint Resolution 304 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. KERREY). The Senator from Maine is recognized.

Mr. COHEN. I thank the Chair.

(The remarks of Mr. COHEN pertaining to the introduction of S. 2568 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Illinois.

TINA PANETTA

Mr. SIMON. Mr. President, each of us know how dependent we are on our personal staffs and at least I do not acknowledge that enough in thanking everyone on my staff. It is not only our personal staff and it is not only the committee staff. It is the pages; it is the people who report what we have to say. It is the people who look after security in this body. It is a host of people who are unacknowledged who should be acknowledged.

The other day I was down in the Senate dining room talking with a marvelous Italian-American woman by the name of Tina Panetta, who said that she is going to be retiring later this year. I asked her to put down on paper for me her life story. She is one of these people who have just been very friendly, very helpful to those of us who are in the Senate but also to our constituents and our guests. For 23 years she has been working in the Senate doing a marvelous job. Her life story is a story of America.

She was born in Italy, married over there at the age of 21. She and her husband came to the United States. Her husband preceded her. They have three children who have gone through college. One went through law school. It is a great story. It is not only the Members of the Senate who contribute to seeing that our Government operates. It is all the many other people who do not get recognition. Tina Panetta of our Senate is one of those.

I ask unanimous consent, Mr. President, to have printed in the RECORD the biography that she wrote for me at my request.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF TINA PANETTA

I was born on Nov. 13, 1925 in the region of Abruzzi, Italy, in a small town called Ovindoli. At the young age of 21, I married Ettore Panetta. I had two sons, John who was born April 11th, 1949 and Dino who was born on July 13th, 1951.

Times were hard for us in Ovindoli. Both my father and my brother came to the United States to look for work. My mother remained in Italy. My husband also needed to find some work, so he traveled to Venezuela where the jobs were abundant. He was gone for five years. Soon after my husband's departure my mother also immigrated to the United States to be with her husband. I was left on my own for five years until Ettore returned.

In July of 1955, upon my husband's return, we decided to immigrate to the United States—specifically Washington, DC. After being here one week, Ettore was able to find a job as a bus boy at the Statler Hilton and I found a job at Sholl's cafeteria as a kitchen helper.

The most humiliating thing about coming here to the United States was not knowing how to read and write English. John, our son, was nearly refused acceptance into first grade since he could barely speak English. From that point, my husband and I made a decision that at all costs, we wanted our children to be sent to the best schools. We also decided to make America our home for life and five years after our arrival in this country we became American citizens.

On January 19th, 1961, the day prior to Kennedy's inauguration, I gave birth to our youngest child, Maria Teresa.

In January of 1968, I began to work as a waitress in the Senate Dining Room. Not being able to read and write English made it difficult at first. However, with time I learned the English language and I also learned the menu!

With our many years of sacrifices and much hard work, my husband and I sent our children to Catholic grade school and high school. Two of our children went on to Maryland University. Our oldest son decided to go to Georgetown University and then went on to the University of Miami Law School.

For my husband and me, having been able to finance our children's education has been a great sense of pride. It wasn't easy to do since the language and the country were new to us.

As my retirement approaches, I can look back at my 23 years in the Senate Dining Room as a happy time. Retirement brings mixed emotions to mind. I'll greatly miss everyone. However, I am looking forward to enjoying my grandchildren.

It's been a pleasure to meet and serve many Senators and their families. The recognition that I've received over the years has been heart-warming. I'll always think of all of the Senators that I've met as part of my own family. I hope to enjoy my years of retirement and I look forward to visiting the Hill and keeping in touch with everyone.

Mr. SIMON. When I thank Tina Panetta, what I am doing also is thanking the many others who contribute to the operation of this Capitol Building and this Government.

Mr. President, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN] is recognized.

Mr. LEVIN. I thank the Chair.

(The remarks of Mr. LEVIN pertaining to the introduction of S. 2569 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEVIN. Mr. President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

(The remarks of Mr. LIEBERMAN pertaining to the submission of Senate Concurrent Resolution 126 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. LIEBERMAN. Mr. President, I thank the Chair. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR SPARK MATSUNAGA

Mr. COHEN. Mr. President, when our colleague Spark Matsunaga died on April 15, we lost a great Senator, a war hero, an advocate of peace, a poet, and a friend to all of us.

Spark Matsunaga and I shared in particular a love of poetry. He wrote many poems in the traditional Japanese Haiku form and succeeded in establishing the position of American Poet Laureate.

In remembering Sparky I am reminded of the saying, "You will not find poetry anywhere unless you bring some of it with you." And that he did.

Sparky's personal poetry manifested itself in his warmth and friendship, which he extended to all of us. He saw poetry in the people around him, which led him into the many close friendships he formed over the years.

A clear manifestation of his warmth and generosity was his practice of bringing Hawaiian visitors into the Senate dining room as his guests of honor. It was a familiar sight to see Sparky sitting at the center table surrounded by beaming constituents.

Sparky was a man with intense knowledge of war and a deep commitment to peace. As a highly decorated member of the All-Nisei 100th Battalion of the 42d Regimental Combat Team—the most decorated in the history of the United States—he received the Bronze Star and two Purple Hearts. His familiarity with the pain of war gave him special determination in his fight for peace. He succeeded after 21 years in establishing the U.S. Institute for Peace, which awards graduate degrees to those who help settle disputes within and among nations.

He also worked to compensate those who endured unnecessary pain during World War II by leading the fight for reparations for Japanese-Americans who were interned during that conflict.

Spark Matsunaga will be missed by all of us and will be remembered for his many accomplishments as a soldier and a legislator. But more importantly, Sparky will be remembered for his poetry of the soul, which he shared with all of us.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,874th day that Terry Anderson has been held in captivity in Beirut.

MAJ. GEN. BURTON R. MOORE, DIRECTOR OF AIR FORCE LEGISLATIVE LIAISON

Mr. NUNN. Mr. President, on behalf of the entire Senate Armed Services Committee and particularly Senator WARNER and myself, I want to take this opportunity to recognize Maj. Gen. Burton R. Moore for his distinguished service to our committee and the U.S. Senate. General Moore has served for the last 4 years in Air Force legislative liaison. In that capacity, he was our direct link with the Secretary of the Air Force and the Air Force staff.

In the Armed Services Committee's daily work, access to timely, accurate information is absolutely critical. General Moore was instrumental in providing complete and accurate information to the committeee on the full spectrum of Air Force issues. Whether he was responding to one of the inquiries which we forward on behalf of our constituents or addressing questions regarding a critical weapons system program, General Moore insured that we were fully informed.

Today, more than ever, we must have appropriate facts available to make informed decisions in constructing a balanced defense that ensures quality people and quality forces to provide a credible deterrent. General Moore's thorough understanding of the congressional environment, fiscal constraints and realities, and the intricacies of the legislative process allowed him to coordinate and supervise the highly successful actions of Air Force legislative liaison in that regard.

We have indeed been fortunate to have Burt Moore as our liaison to the Air Force. As the Air Force's ambassador on Capitol Hill, he served with distinction in a demanding and highly visible position. He has earned our gratitude for the contributions he has made to the defense of our country. I know my colleagues on the Armed Services Committee and in the Senate join me in wishing General Moore continued success in his new assignment as Director of Operations of U.S. Central Command.

Senator WARNER and I have written our personal thanks to General Moore but I want to take this opportunity to highlight his service for our colleagues.

THE NEED FOR EXPORT CONTROL REFORM

Mr. CRANSTON. Mr. President, I rise to discuss an issue of great importance to the emerging democracies of Eastern Europe, the unity of our Western Alliance, as well as the exporters of this country. That issue is the need to reform dramatically our export control regime. Two important events relating to this issue have occurred this week that I would like to comment on. Yesterday, the White House announced a proposal to loosen certain controls, and today, the House Foreign Affairs Committee reported out legislation to reauthorize and reform the Export Administration Act [EAA], which expires this September.

Mr. President, I don't think the timing of these two events is any coincidence. The administration has been under pressure from our allies and Congress to come up with new controls for Eastern Europe. The White House doesn't want Congress to micromanage or tie its hands before the Cocom meeting in June. However, the United States has traditionally been the odd-man-out in Cocom, and if the United States doesn't move to loosen its hard line stance, the entire multilateral system could fall apart. I think the action taken by the subcommittee and potential further reforms by the full committee got the administration moving and led to yesterday's announcement. The Congress has played an instrumental role in moving the administration on this issue and must continue to exercise careful oversight.

Mr. President, of the two events which have occurred this week, the administration's proposal is the more amazing, but the House action is the more significant. I must say, I am pleased that the administration has finally seen the light and come up with a meaningful export control proposal. Unfortunately, I don't think it goes far enough toward recognizing the new realities of Eastern Europe. In addition, the proposal is very vague. Many details are yet to be known, and quite frankly, it's details which have done so much harm to our exporters in the past. I am also concerned that, in only creating a favorable consideration zone for computers up to the green line, not only will all licenses still have to go to Cocom—which takes about 4 weeks—but the Defense Department will still have its nose in the process. For too long, DOD has had de facto veto power and has overstepped the bounds of its legitimate role in the process. I might also add that U.S. governing procedures for favorable consideration must be in line with our allies. Otherwise, we are imposing a unilateral control on U.S. exporters. I only hope that the administration will flush out some of these details and will go to Paris with enough flexibility to agree to a new system which is credible to our allies and will loosen the stranglehold on our exporters.

The House, on the other hand, has taken a dramatic step in the direction of a more rational and responsible export control system. I commend

Chairman FASCELL and subcommittee Chairman GEJDENSON for their leadership on this issue. Unlike the typically timed White House response, the Foreign Affairs Committee has taken bold action in creating a license-free Cocom and decontrolling all items up to the China green line. They have also addressed many of the issues which have plagued the system for years, namely, interagency disputes. They have restricted the role of the Defense Department and have created a better process for jurisdictional disputes between State and Commerce.

Mr. President, my bill, S. 2207, makes many similar reforms to the EAA. It is imperative that we take decisive action this year to help the emerging democracies of Eastern Europe, and to keep our exporters competitive in the global marketplace. I look forward to working with my colleagues on the Banking Committee in the coming weeks to ensure that the Senate contributes significantly in our effort to create a more effective and efficient export control regime.

Mr. President, I ask unanimous consent that a letter 10 of my colleagues and I recently sent to the President on this issue appear in the RECORD at the end of my statement.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 27, 1990.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We welcome the statements that you and officials in your administration have made on the need for reform of export controls to Eastern Europe. We firmly believe the new political and economic realities of Eastern Europe should be matched by fundamental reforms of the multilateral export control system. We were encouraged that the February CoCom agreement began the process of easing restrictions on high technology exports to Eastern Europe. We are concerned, however, that if the pace of our response is not accelerated, our CoCom allies will move ahead without us, endangering the very existence of an effective multilateral control system and putting our exporters at a further disadvantage in Eastern Europe.

Thus, we are following the events leading up to the high level CoCom meeting in June with a great deal of interest. As that meeting approaches we urge you to take the steps necessary to ensure that the U.S. brings a proposal to the table that meets the challenges posed by the dramatic developments in Eastern Europe while continuing to protect our national security by ensuring that adequate safeguards are in place to prevent diversion of goods and technology to the Soviet Union.

We are mindful that unnecessary delays and conflicts between the relevant agencies within the Administration could result in the U.S. bringing a "lowest common denominator" proposal to CoCom in June. It is unlikely that such a proposal would pass the credibility test with our allies.

The United States has pressed for human rights for the oppressed people of Eastern Europe for the past four decades. At the heart of those human rights is the ability for the people of Eastern Europe to communicate and travel freely. These freedoms are now politically possible. However, as a practical matter, they cannot be fully realized without the necessary infrastructure in place. Advanced telecommunications equipment and computers for civilian use are needed to develop that infrastructure. We support steps to make these products more readily available to those Eastern European nations that have committed to adopt the necessary safeguards. In addition, we believe that the pace of political and economic freedom in these countries will be advanced by making products in other sectors such as medical equipment, banking, environmental protection, and transportation more readily available as well.

We understand that the National Security Review, aimed at reevaluating the strategic threat posed by the Soviet Union and Eastern Europe, is now complete. With this study in hand, we hope that the U.S. will move forward in formulating a bold and credible proposal for the June CoCom meeting. Failure to formulate such a proposal will not only endanger the unity of CoCom, it will also surely provide added impetus to achieve export control reform through legislation.

We appreciate your consideration of our views on this important issue.

Sincerely,

Alan Cranston, Brock Adams, Bob Graham, John F. Kerry, Donald W. Riegle, Jr., Richard Bryan, Christopher J. Dodd, Mark O. Hatfield, Albert Gore, Jr., Joseph I. Lieberman, Alan J. Dixon.

THE DEATH OF THE MOST REVEREND VINCENT J. HINES

Mr. DODD. Mr. President, the people of Connecticut have lost a beloved religious leader this past week, with the passing of the former bishop of Norwich, Vincent J. Hines.

Bishop Hines was a native of Connecticut. One of five sons of John and Nora Richford Hines, of New Haven, the bishop began his career in the church at age 12, as an altar boy, and after graduation from New Haven High School, he attended St. Thomas Seminary in Bloomfield. After further study at a seminary in France, Reverend Hines served as an assistant pastor of St. James Church in Manchester for 6 years before volunteering as a chaplain in the Army.

In the Army, Father Hines served with Gen. Omar Bradley's 12th Army group as it drove through Europe to Berlin. As one of the first Americans to enter Berlin after Hitler's downfall, he gained an immediate impression of the widespread devastation and suffering left by the war, and he reported this personally to Pope Pius XXII in 1945.

After receiving a doctorate in canon law from the Lateran University in Rome, Reverend Hines returned to Connecticut to serve in a number of capacities with the archdiocese of Hartford. In 1960, he was named bishop of the diocese of Norwich by Pope John XXIII.

As bishop, Reverend Hines saw his flock through difficult times in the sixties and seventies. He attended Vatican II, and he subsequently made ecumenism one of his primary concerns, lecturing on it, and appointing a diocesan commission to promote ecumenical goals. In addition, he oversaw the establishment of three diocesan high schools and the opening of 10 new parishes during his tenure.

Those of us who knew Bishop Hines will long remember his quite, compassionate manner. He was not a fiery orator who enjoyed speaking in front of large crowds. But Bishop Hines' great devotion to the clergy who served under him, as well as to the lay people of his diocese, made him a leader by example. Rarely in this life does one encounter an individual who labors so tirelessly for the well-being of others.

As one fortunate enough to have known Bishop Hines, I am greatly saddened by his passing. But even as I mourn, I cannot help but give thanks for his wonderful work, and for the fine example he set for all of us.

Mr. President, I ask that obituaries from the Norwich Bulletin and the Hartford Courant further detailing the life and accomplishments of Bishop Hines be printed in the RECORD.

There being no objection, the obituaries were ordered to be printed in the RECORD, as follow:

BISHOP VINCENT HINES; LED DIOCESE OF NORWICH

(By Gerald Renner)

Bishop Vincent J. Hines, who served in the Roman Catholic Diocese of Norwich from 1960 to 1975, died Monday at St. Francis Hospital and Medical Center in Hartford. He was 77.

Hines retired for health reasons in 1975. He lived in West Hartford.

As the second bishop of the Norwich diocese, Hines was responsible for the establishment of 10 parishes and three diocesan high schools; Xavier, a school for boys in Middletown; Mercy, a school for girls in Middletown; and St. Bernard's, a coeducational school in the Uncasville section of Montville.

Hines took particular pride in having been a "council father," a distinction won through participation in all sessions of the Second Vatican Council between 1962 and 1965.

He took a special interest in the council's decree on ecumenism and lectured on the subject when he returned to the diocese, which covers four counties in Connecticut and has about 200,000 Catholic residents.

Hines also established a Diocesan Ecumenical Commission to promote Christian unity and a Senate of Priests.

The Most Rev. Daniel P. Reilly, the current Norwich bishop, Monday described Hines as "a devoted and capable priest" known for his kindness and patience who "gave an example of meticulous and tireless labor" to fellow priests.

Hines was named bishop of Norwich by Pope John XXIII, Nov. 27, 1959. He succeeded Bishop Bernard J. Flanagan, the first bishop of Norwich, who was transferred to Worcester, Mass.

Before being named bishop, Hines had earned attention as a church lawyer for the Archdiocese of Hartford in the 1950s. He served in a number of legal positions with the diocesan court system, including presiding judge of the Metropolitan Marriage Tribunal. He later held the two top administrative positions in the diocese—vice chancellor and chancellor.

A native of New Haven, Hines was one of five sons of John and Nora Richford Hines. He was educated at St. Francis Catholic School and New Haven High School. He prepared for the priesthood at St. Thomas Seminary in Bloomfield.

Hines studied philosophy and theology from 1932 to 1937 at the Seminaire St. Sulpice in Issy-les-Moulieaux, France.

He was ordained a priest May 2, 1937, in the seminary chapel.

Returning to the United States, he spent six years as assistant pastor at St. James Church in Manchester.

In 1943, Hines volunteered to serve as a chaplain in the U.S. Army. Fluent in German, he was stationed first at a camp for German prisoners-of-war in Colorado.

Later, he served with a hospital unit in England and on the staff of Gen. Omar Bradley after the Allied invasion in Normandy, France.

Hines was awarded five battle ribbons and the Bronze Star. The bishop of Verdun, France, presented him a Silver Medal for his assistance to the French people.

After the war, he studied at the Lateran University in Rome, earning a doctorate in canon law in 1949.

Hines leaves six nieces, June and Anne Hines, both of East Haven; Mary Walsh of Pittsburgh, Pa.; Margaret Holland of Killingworth; Regina Singer of Old Saybrook; and Josephine Vuolo of New Haven, and three nephews, Vincent and Walter Hines, both of New Haven, and F. Durk Hines of North Haven.

A funeral mass is scheduled for Friday at 11 a.m. in the Cathedral of St. Patrick, 213 Broadway, Norwich. Burial will be in St. Joseph Cemetery on Route 12 in Norwich.

Calling hours are Wednesday from 2 to 9 p.m. at the Bishop's Residence, 274 Broadway, Norwich. The body will be transferred to the cathedral in Norwich Thursday at 2 p.m., and will lie in state until the funeral mass.

Memorial donations may be made to the Bishop Vincent J. Hines Memorial School Scholarship Fund, P.O. Box 527, Norwich 06360.

The Thomas L. Neilan and Sons Funeral Home, 12 Ocean Ave., New London, is handling arrangements.

BISHOP HINES DIES; A "PATIENT SHEPHERD"
(By Susann Viafora)

NORWICH.—Members of the Catholic community were saddened yesterday by news of the death of the Most Rev. Vincent J. Hines, former bishop of the Diocese of Norwich.

Bishop Hines, 77, died yesterday at St. Francis Hospital in Hartford. His health had been steadily worsening over the past few years and had reached a critical point about three weeks ago.

Among the many accomplishments of his 15-year career in Norwich, friends credit Bishop Hines with initiating the construction of five new secondary parochial schools througout eastern Connecticut. In 1962, he was summoned to Rome to attend the Second Vatican Council—but that wasn't the first time he'd been called to Rome on important business.

During World War II, Bishop Hines served as chaplain with the 12th Army Group, which drove through France and Belgium toward Berlin. He was one of the first Americans to reach Berlin after Hitler's fall. Pope Pius XXII soon called on Bishop Hines to brief him on conditions in the city, according to the Rev. Richard Fontaine, who served as the bishop's secretary for 10 years.

On one occasion, Bishop Hines had to fly from Berlin to Paris and continue by train to Rome to meet alone with the Pope for two hours, Fontaine said.

Fontaine remembered Bishop Hines as a "brilliant, kind" person, and "a real churchman." But he also said the bishop was a shy and retiring man, an introvert who did not like to stand up in front of a crowd. "That was a great cross for him," Fontaine said.

"I loved him, I can say that very easily. He was the bishop who loved his priests the most and was responsible for all. He really gave his health to the building of the high schools in the diocese."

In a press statement issued late yesterday, the Most Rev. Daniel P. Reilly, Bishop Hines' successor, described him as "a kind and patient shepherd of his flock. Bishop Hines gave himself completely to the task of serving his people. To his priests he gave an example of meticulous and tireless labor in the Lord's vineyard."

Bishop Hines grew up in New Haven. As a 12-year-old altar boy, he ran errands and did odd jobs after school for a local pharmacist for $5 a week. He was ordained in 1937, and was awarded a doctorate in Canon Law in Rome in 1949. After serving in the Hartford Diocese for several years, he was installed as the Norwich Diocese's second bishop on March 17, 1960—a snowy St. Patrick's Day.

He retired in 1975 in failing health. "That was something that was very painful for him, because mentally, he was as sharp as ever," recalled Monsignor Joseph King, a close friend of the bishop's who served with him as chancellor for 13 years. King is now in residence at St. Francis of Assisi in Middletown.

"Even though he retired years ago, he kept his interest in the diocese, and followed closely the events in the diocese," King said.

King also described Bishop Hines as a kind, gentle man. "His motto was, 'In charity and patience.' He exemplified that in his relationships with his priests and with his people."

"He came to serve," King said. "He had a great high sense of service, where you want to do a job right."

Shortly after assuming his diocesean post, the bishop began to appoint pastors to create eight new parishes in the region, King said.

During the latter part of his career—the turbulent 1960s and '70s—Bishop Hines saw many social and political upheavals as well as a steady decline in the numbers of people entering the priesthood and religious orders. "He had the responsibility of implementing what the Vatican decreed, yet (there were) troublesome times throughout the world," King said.

"He was a pastoral bishop. He thought a lot about the welfare of his people," King said.

The funeral Mass will be Friday at 11 a.m. at St. Patrick's Cathedral, 213 Broadway, Norwich. Principal celebrant will be Archbishop John F. Whealon of Hartford. Burial will follow in the Priest's Plot, St. Joseph Cemetery, Route 12, Norwich. Bishop Hines' body will lie in state at the cathedral on Thursday until the funeral Mass. Bishop Reilly of Norwich will celebrate a Pontifical Mass for the repose of Bishop Hines' soul at 7 p.m. Thursday.

THE S&L BAILOUT TAX

Mr. HOLLINGS. Mr. President, earlier this week, while considering the dire emergency supplemental bill, the Senate engaged in a spirited debate on the issue of working capital to be used to bail out the rascals in the S&L industry. The leadership of the Budget and Appropriations Committees apparently considered it a dire emergency that we approve another $33 billion in bailout bootie—off-budget, outside the Gramm-Rudman-Hollings calculation, out of sight out of mind. We were told, "Don't worry, it is only an accounting technicality. That $33 billion isn't really real, so we don't want to distort things by putting it in the Gramm-Rudman-Hollings calculations." What nonsense.

Of course, Mr. President, that $33 billion is all too real. It is money we will spend on a bunch of dubious S&L assets that nobody else will purchase even at the radical discounts being offered by the Government. The bankers euphemistically call such assets nonperforming, which is a polite way of saying they are an ungodly menagerie of dogs, turkeys, and white elephants. So that $33 billion is going to be spent, but don't believe this hooey to the effect that the $33 billion will come back to the Treasury in future years as the assets are sold off.

Every dime, or, more to the point, every billion we spend on the S&L bailout is money down a rabbit hole. It is an expenditure not an investment. That money is, by and large, gone. The only reason some people want the bailout billions taken out of the Gramm-Rudman-Hollings calculations is because, if they were on-budget, then the nominal deficit would skyrocket and—lo and behold—someone might try to make the case that we should raise taxes in order to pay for all the red ink.

Democrats and Republicans alike prefer the irresponsible, feel-good politics of "read my lips, no new taxes." Of course, this very "read my lips" slogan is a fraud and deceit worthy of any S&L con artist. Because the fact is we are indeed paying taxes for the S&L bailout and for the rest of the run-amok deficit spending of the Federal Government. I am not talking about the shadow taxes proposed by Messrs. Bush and Darman—the whole raft of user fees, ticket surcharges, transaction fees, you name it, adding up to some $13.9 billion in new reve-

nue-raisers proposed by the President for 1991.

No, I am talking about two specific new taxes that are taking untold billions out of the pockets of ordinary working Americans. The first tax is the FICA payroll tax, which was increased yet again on January 1, and is racking up a billion a week in surplus revenues—revenues that are not being spent on Social Security, but on the S&L bailout, on the Pentagon, on welfare, on the whole range of Government programs.

The second tax is even more costly to the American people. It is the tax of higher interest rates—interest rates that have climbed a full percentage point since the Treasury's last refinancing auction. Simply put, to finance the S&L bailout and all the other deficit expenditures of the U.S. Government, the Treasury has become the 900-pound gorilla of world capital markets. It soaks up hundreds of billions of dollars in available capital, crowds out private borrowers, preempts money that would otherwise go to investment and R&D, and runs up the cost of mortgages and other consumer loans. The Treasury has driven up the cost of capital—interest rates—so high and so precipitously that America's and the world's economic prosperity is threatened. Can you imagine a more devastating, regressive, irresponsible tax than these rising interest rates? "Read my lips," indeed.

Mr. President, on this score, I ask unanimous consent to have printed in the RECORD an article from this morning's Washington Post titled "Indirect Costs of S&L Bailout Rise—Treasury Borrowing Seen Boosting Rates." Ponder this article next time you hear that $33 billion for the S&L bailout is only "technical," not real. Ponder it next time you hear some irresponsible politician utter the deceit, "Read my lips, no new taxes."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 3, 1990]

INDIRECT COSTS OF S&L BAILOUT RISE—TREASURY BORROWING SEEN BOOSTING RATES

(By Steven Mufson)

Even though the Bush administration has not raised taxes to pay for the cleanup of the savings and loan industry, Americans are already paying for the S&L bailout in other ways.

Bond traders, economists and government officials agree that the bailout costs are forcing the Treasury to borrow more, pushing up interest rates for the government and consumers alike.

"We're paying for it in higher interest rates," said Lawrence Chimerine, an economic consultant. "Higher interest rates will mean lower investment, lower productivity growth and ultimately lower living standards" Even if the president sticks to his "no new taxes" campaign pledge, Chimerine said, "We pay for it [the bailout] one way or another."

Administration sources concede that the need to borrow money for the savings and loan cleanup is already having "a noticeable effect on interest rates." At a press conference yesterday announcing the government's regular quarterly auction of Treasury bills to cover the deficit, Treasury Undersecretary Robert Glauber said that the cost of the thrift bailout "is obviously a demand on the market for funds."

This comes at a time when interest rates are already being pushed up by a variety of factors other than the bailout.

Since the last Treasury refinancing auction, interest rates in the United States have climbed by more than 1 percentage point, increasing the cost of financing the federal deficit by more than $100 million a year just for next week's $10 billion offering of 30-year Treasury notes, Platt estimated. Mortgage rates have also increased for homeowners.

The need to raise money for the Resolution Trust Corp., the agency responsible for running insolvent thrifts, is "adding to the overall demand for credit and contributing to higher interest rates," agreed Richard Peach, an economist for the Mortgage Bankers Association of America.

Because so many other factors have contributed to rising interest rates recently, however, it makes it difficult for economists—or voters—to pinpoint the price paid for the thrift cleanup. This muffles the political effect.

"It is hard to quantify," said the head government bond trader for a major New York-based securities firm.

Elliott Platt, an economist in the government bond department of Donaldson Lufkin & Jenrette, estimated that $500 million of the $10 billion auction of one-year Treasury bills today will go to finance the RTC. The head trader of another firm estimated that the size of the auctions of one-year Treasury bills would rise by $400 million every four weeks in order to cover the working capital needs of the RTC.

By the end of the year, the Treasury will need to borrow $42.7 billion to cover costs of taking over insolvent thrifts, Glauber said.

Economists caution that much of the money raised for the savings and loan bailout will go back into the nation's savings pool and need not lead to an increase in interest rates. That also makes it difficult to measure the impact of savings and loan bailout borrowing on interest rates. "It is hard to factor out," Glauber said.

But Chimerine said "it would be optimistic to assume there will be no impact whatsoever. Not all of the money goes back to the nation's savings pool, and besides, it has a negative effect on the psychology of the market."

The government bond market is usually a leading indicator for much of the rest of the market, and Peach said the "mood and tone of the market is quite negative."

In a speech at Harvard University's John F. Kennedy School of Government on Tuesday night, the Bush administration's budget director, Richard G. Darman, also mentioned government borrowing for the savings and loan cleanup as one factor raising interest rates.

In the last three months, interest rates overseas have risen to levels that rival U.S. rates and will mean the United States will have to compete more vigorously with other countries for investment funds.

Mr. HOLLINGS. Let me point out, by way of emphasis, the lead line of this article, which says:

Even though the Bush administration has not raised taxes to pay for the cleanup of the savings and loan industry, Americans are already paying for the S&L bailout in other ways. * * *

"We are paying for it in higher interest rates," said Lawrence Chimerine, an economic consultant, formerly with Chase Econometrics, "Higher interest rates will mean lower investment, lower productivity growth and ultimately lower living standards."

Further on in the article, Treasury Under Secretary Robert Glauber said that the cost of the thrift bailout "is obviously a demand on the market for funds."

Going further in the article by way of emphasis:

The need to raise money for Resolution Trust Corp., the agency responsible for running insolvent thrifts is "adding to the overall demand for credit and contributing to higher interest rates," agreed Richard Peach, an economist for the Mortgage Bankers Association of America.

And Elliott Platt is quoted:

"It is hard to quantify," said the head government bond trader for a New York-based securities firm.

Finally, Mr. President, the article states:

In a speech at Harvard University's John F. Kennedy school of Government on Tuesday night, the Bush administration's budget director, Richard G. Darman, also mentioned government borrowing for the savings and loan cleanup as one factor raising interest rates.

So the ruling was not only parliamentarily sound, but judicious.

There is a report in the morning news that the majority leader and the Speaker of the House along with their Republican counterparts, have been invited to meet with the President on Sunday regarding the budget mess. If I were going to write an article on this summit, I would entitle it, "We've Got To Stop Meeting Like This." The sorry fact is that we meet on everything except what is significant or important. And what is significant or important is the bottom line, the baseline, the starting line. What matters is not an argument about the peace dividend, or an argument about social programs and entitlement programs versus defense, or an argument about a few little user fees here or there.

Specifically, let us add it up the looming deficit for 1991. Everyone agrees we are going to have to reduce by at least $37 billion to get to the $64 billion target. Add on some $58.9 billion to compensate for the underestimate by Mr. Darman based on absurdly optimistic economic and technical assumptions. Add on $20 billion to $30 billion in additional spending for the S&L bailout. Tack on $36 billion to pay for the Moynihan rollback of FICA taxes. Plus another $20 billion in unanticipated interest costs. Add another $5 billion to pay for the cap-

ital gains tax cut. So, in essence, we are dealing with a $180 to $185 billion problem. Our difficulty is, Madam President, when we met together in budget summits, as we have met heretofore for the past 10 years, a deal is a deal whether it was with President Reagan or now President Bush, and we chronically and extravagantly lowball the task at hand. We deceive not only the people of America, but we deceive ourselves.

We would be lucky if we could get to this year's target of $100 billion, much less next year's, 1991, target of $64 billion. That is not to say that we should, in order to comply with the target, get down by $180 billion or $185 billion. Economically that would be foolish. But if we can agree on the task at hand, then we can program out, let us say, the $37 billion that the House has found or that the Senate Budget Committee has found or that President Bush recommends in his budget, that amount to this year, and then program it out in revenues for the next 4- or 5-year program.

The most debilitating, devastating thing that occurs is when the President of the United States comes in a State of the Union message and says baldfacedly to the American public that the deficit is going down when in fact it is going up, and "read my lips, no new taxes, we do not need taxes," when we positively do. That misleads the American public. And it misleads us into going into conference thinking it is really a political standoff with a Democratic Congress versus a Republican President and getting together on that basis on a $37 billion task. Next year the crisis will be even deeper, and they will come and say, oh, what we need is a constitutional amendment for a balanced budget or a line item veto. In the meantime, we slide by the 1992 reelection.

Therein is what could occur on Sunday. I hope not. It has occurred now for 10 years running. I hope, if nothing else, we can agree on how you make your cuts or what programs you are going to support or not support or what about the peace dividend. Those are really not the issues.

The challenge is for our leadership to agree on the task at hand. It is a mammoth task, and it has distorted the markets, and it is destroying the opportunity that we have as a people to really take the tide at the flood, with the fall of the Wall in Europe and free elections down in Central America, to really provide the resources that we need domestically for clean air and education and all the other programs, child care and otherwise that we all favor, and really do something for the next generation rather than posturing ourselves, as we have done now off and on, for the next election.

So I hope, Mr. President, that we will have a good get-together. But I hope we will stop meeting like we have in the past, pretending that the problem is a lack of bipartisanship, and that if only we could get together the problem is solved.

The problem will never be solved until we really own up to the task at hand, and it is a mammoth one.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

HATCH ACT REFORM AMENDMENTS OF 1989

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 135, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 135) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware is recognized to offer an amendment.

AMENDMENT NO. 1576

(Purpose: To clarify and simplify regulations regarding the political activities of certain Federal employees)

Mr. ROTH. Mr. President, I send an amendment to the desk in the nature of a substitute.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 1576.

Mr. ROTH. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Office of Personnel Management shall prescribe regulations to clarify and simplify the political activity prohibitions applicable to employees of the Federal Government or the government of the District of Columbia. Such regulations shall supersede determinations regarding political activity made by the Civil Service Commission prior to July 19, 1940, under the rules prescribed by the President, and any subsequent decisions based on such determinations.

"SEC. 2. The provisions of this Act shall take effect on January 1, 1991.".

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1577 TO AMENDMENT NO. 1576

(Purpose: To provide for a plan to educate Federal employees about their rights of policital activity, and for other purposes)

Mr. McCONNELL. Mr. President, I send to the desk a second-degree, perfecting amendment and ask that it be read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 1577 to amendment No. 1576.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike out lines 3 and 4 and insert in lieu thereof:

"SEC. 2. Each agency employing any employee to whom the provisions of subchapter III of chapter 73 of title 5, United States Code, apply shall (in consultation with the Office of Personnel Management, the Office of the Special Counsel established under section 1211 of title 5, United States Code, and any labor organization representing such employees) develop a plan to educate such employees regarding the provisions of the Hatch Act and Federal employees' rights of political activity under the provisions of chapter 73 of title 5, United States Code. Such plan shall be—

"(1) filed no later than two months after the date of the enactment of this Act with the Office of Personnel Management;

"(2) implemented as to new employees immediately after filing; and

"(3) implemented as to existing employees four months after such date of enactment.

"SEC. 3. The provisions of this Act shall take effect on January 1, 1991.".

Mr. McCONNELL. Mr. President, the amendment I am offering this morning is very simple in nature—I propose that all Federal agencies be required to take affirmative steps to educate and inform their work force as to their rights of political activity under the Hatch Act. But before I discuss my amendment any further, I would like to take a moment to compliment my friend and colleague, the senior Senator from Delaware—both for his amendment and, as well, for his excellent job of managing this legislation for this side.

My colleague's substitute cuts through the mass of rhetoric surrounding this issue, and strikes to the heart of the problem—if there is truly a problem at all. The Senator's substitute amendment would require the Office of Personnel Management to prescribe regulations to clarify and simplify the political activity prohibitions applicable to Federal employees.

I am not convinced that these regulations are at all ambiguous. However, I do recognize that some confusion can ensue from regulation of this scope and magnitude. The amendment of

the senior Senator from Delaware will address any need here in a systematic and comprehensive manner.

The amendment of the Senator from Kentucky, my amendment, addresses another branch of the proponents' arguments—namely, that Federal employees are so confused about—and ill-informed—regarding the provisions of the Hatch Act that they are in effect chilled in the exercise of their existing political rights.

I am not sure this argument carries any weight either—during my tenure in the executive branch, workers who desired to participate in political activities knew who to contact for information on whether a particular activity was permissible or not—either within or without the department.

The Office of the Special Counsel has a well-designed series of pamphlets and posters geared toward this end. The Office of the Special Counsel also stands ready to issue advisory opinions upon request. The Federal employee and postal worker unions can and should also do more to educate their memberships.

However, if there is any confusion lingering among Federal employees as to what they can and cannot do, then we should take steps to ensure that they are fully and adequately educated as to their rights. My amendment would accomplish this goal.

I propose that each agency employing "Hatched" workers be required to take steps to educate those employees as their rights of political activity under the Hatch Act. Agencies would be required to develop a plan—in consultation with OPM, the Office of the Special Counsel, and Federal employee unions representing workers at that agency—to educate the work force. The plan would be required to be filed 2 months after the date of enactment with OPM, and would take effect immediately as to new hires. The plan would take effect as to existing work force 4 months after the date of enactment.

I have purposefully left the form of education necessary to carry out this act ambiguous—to allow agencies to tailer their program to their individual needs. However, congressional oversight and those ever-present Federal employee unions will help ensure that the agencies develop and implement their plans in good faith.

Taken together, the Roth and McConnell amendments address the Hatch Act dilemma—if there is any dilemma at all—in a comprehensive, but limited form appropriate to the subject matter. I simply do not understand why we should throw out better than 50 year's worth of experience under the Hatch Act in favor of an unworkable distinction between on- and off-duty activities.

The Roth-McConnell substitute offers the only comprehensive approach to the Hatch Act necessary and appropriate under the circumstances—the only Hatch Act reform the system can bear. I urge my colleagues to join me in supporting these amendments, and rejecting the underlying legislation.

I yield the floor.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1578 TO AMENDMENT NO. 1577

Mr. ROTH. Mr. President, I send a perfecting amendment to the McConnell amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 1578 to amendment number 1577.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 14, strike "1" and insert in lieu thereof "2".

(Mr. KOHL assumed the chair.)

Mr. ROTH. Mr. President, what I am proposing in my basic amendment as a substitution is that we direct OPM to simplify the rules and regulations that have been issued under the Hatch Act.

My reason for doing so is that one of the principal thrusts of objections to the Hatch Act on the part of the majority has been that the Hatch Act, as administered, is too complex, too difficult to understand.

Let me start out by saying that essentially I do not agree with much of their argument. The so-called 3,000 rules that predated the Hatch Act are not part of the regulatory system. The administrative agency has reduced the rules and regulations to 13 do's and 16 don'ts. Yes, some questions come up under them. But there is a hotline to which the Federal employee who has a question can address any question he may have.

On the other hand, I have never yet seen a series of rules and regulations in the Federal Government that could not be improved upon, could not be simplified. So that is the main thrust of our legislation and a matter that I will want to address in greater detail later this morning.

Mr. President, a number of arguments were made yesterday on behalf of S. 135. I have to candidly say that I am more impressed by what they did not say rather than what they did say.

The principal reasons that were given in favor of S. 135 was the point I have just made, the lack of clarity under the current law; the problem that three union presidents, who were on leave of absence from the Federal Government, were prosecuted for violating the Hatch Act. I would point out that ultimately they were cleared of such charges. But because of the concern that has been expressed in this area—and I agree that such individuals should be in a position not to run the risk of such prosecution—we will, undoubtedly, later offer an amendment to address that concern as well.

The third argument made is the constitutional one. The constitutional claim is that the rights of Federal employees are being violated, being violated in that they cannot get involved fully and participate in political activity; that it is an infringement of the first amendment.

I would just point out, as I intend to address this matter in greater detail in just a few minutes, that this question has gone up to the Supreme Court not once but twice, and in both cases the U.S. Supreme Court ruled that the Hatch Act was indeed constitutional.

But, as I said in my opening remarks, I have been more interested in what has not been said by those who are advocating S. 135. And well they might remain silent, because I think when it becomes clear as to what the real thrust of this legislation is, the American people will indeed be concerned.

Let me point out that essentially what this basic legislation would do would be to create what would essentially be a national Federal and postal PAC. It would create the situation where far more money probably could be collected than is currently possible.

And I just would like to point out that these organizations already do pretty well. In yesterday's paper, the Washington Post, it points out in a front-page article that "PAC-Man Pursues Hectic Schedule." George B. Gould, lobbyist for the Letter Carriers Union, goes to a fundraiser at the National Democratic Club. The first paragraph pointed out that "Mr. Gould is a popular man, which is not surprising for someone who last year helped to pass out almost $769,000 to political candidates."

If you turn inside to page 8, you find out who is getting the money. And I must say only one of them is Republican. But 14 different Senators get between $5,000 and $10,000 for their next campaign.

As I said, what the individual has spread is $800,000, so they are doing pretty well already. But the point I am making is that what this legislation

that is before us in S. 135 would do is open the door to even greater PAC collections. Is it not ironic that the advocates of this great expansion, the creation of a national organization that would be free to collect funds from an employee organization—a term that is not defined, and I think is a matter that ought to be looked into with some care—is it not interesting that this problem is raised at the very time, presumably, when the next item on the agenda will be campaign reform?

One of the principal thrusts of campaign reform is to do something about PAC's. PAC's are seen as the evil. So why is the majority proposing we expand PAC's at this time when the legislation is before us and next week we expect the opposite is going to be proposed, hopefully by both sides, to reduce if not eliminate PAC's?

As I said, is it not interesting that at this very time when they are promoting a change in the Hatch Act which has worked so well, that it goes contrary to the kind of reforms we are supposed to be considering next week.

The second matter on which they are very silent, and I can understand why, is what could occur under this S. 135 is the creation of a national network of Federal and postal employees. This legislation provides that Federal employees can campaign—not only "can," but it encourages them to campaign and get involved in partisan politics off duty. What a network.

Let me just point out, we could take the postal employees alone, and they reach into every district and every State, and through their mail delivery service you would have one of the greatest networks ever available to any political organization. We all know, those of us who have campaigned, one of the most difficult things is to deliver your campaign literature to every household in your State or district. Well, under this law, all that would have to be done is to get your postal employees on Sunday, an off duty day, and have them distribute in that day all your literature. What a wonderful natural political organization would be available. And why not? Why not move in that direction?

Well, Mr. President, the purpose of the Federal Government, the Federal laws, are to serve the American people, not the Democrats, not the Republicans, but the American people. The purpose of the Hatch Act has been to ensure to the American people that the laws of the Federal Government will be administered fairly and squarely in a nonpartisan way. Presidents going way back to George Washington have been concerned, deeply concerned that Federal employees might use their position to influence in a partisan way. And they recognized that was a wrong under our form of Government. It was not until 1939 it was corrected. It was corrected by the passage of the Hatch Act that very carefully tried to work out a balance between the interests of the Federal employees to exercise the right to vote as American citizens, and at the same time to ensure the American people that those laws were going to be administered in a fair and nonpartisan manner.

It was a great triumph, and that law, I might say, which was enacted under a Democratic President and a Democratic Congress, has served the American people and has served the Federal employees well for the 60 years it has been in effect. No wonder so many Federal employees do not want any change.

Mr. President, one of the charges that has been made is that it violates the U.S. Constitution. This is a matter of such importance that I think we should deal with this question at some length.

Mr. President, I have heard it suggested a number of times that the Hatch Act is unconstitutional—that it is a violation of the first amendment protections of free speech. While I am a staunch guardian of that right, I must address the issue raised by those who suggest that the Hatch Act is unconstitutional.

On two occasions, the Supreme Court has specifically upheld the constitutionality of the Hatch Act. In one other instance, the Supreme Court upheld a prohibition against Federal employees contributing to or soliciting other Federal employees for political purposes. This legislation would repeal a similar provision in current law.

In 1882, the Supreme Court considered a case Ex parte Curtis, which arose before the major civil service reforms of both the Pendleton Act and the employee protections of the Lloyd-LaFollette Act and the Hatch Act. In this case, the Supreme Court upheld a prohibition against Federal officers or employees contributing to or soliciting other Federal employees for political purposes. The Court held:

If contributions from those in public employment may be solicited by others in official authority, it is easy to see that what begins as a request may end as a demand, and that a failure to meet the demand may be treated by those having the power of removal as a breach of some supposed duty, growing out of the political relations of the parties.

Contibutions secured under such circumstances will quite as likely be made to avoid the consequences of personal displeasure of a superior, as to promote the political views of the contributor * * * the law contemplates no restrictions upon either giving or receiving, except so far as may be necessary to protect, in some degree, those in the public service against exactions through fear of personal loss. No one can for a moment doubt that in * * * these statutes the object was to protect the classes of officials and employees provided for from being compelled to make contributions for such purposes through fear of dismissal if they refused.

In 1947, 8 years after the Hatch Act became law, the restrictions on voluntary, off-duty political activities by Federal employees within the act were directly challenged on constitutional grounds, and the law was upheld by the Supreme Court in United Public Workers, CIO, versus Mitchell.

The Court explained that the case involved a comparison between the statute's "interference with free expression" and the "freedom of the civil servant under the first, ninth, and tenth amendments," as well as the due process clause of the fifth amendment, on the one hand, and "the requirements of orderly management of administrative personnel," on the other.

The Court emphasized that the perceived need for such regulation was a judgment of the Congress and the President, and not one of the Court: "Of course, the question of the need for this regulation is for other branches of Government. * * *" The Court thus deferred to the judgment of the Congress and the President regarding the need for such regulation, and found that such expressed need, on balance, would overcome the interference of the statute in the freedoms of the civil servant:

Again this Court must balance the extent of the guarantees of freedom against a congressional enactment to protect a democratic society against the supposed evil of political partisanship by classified employees of government.

Another Congress may determine that, on the whole, limitations on active political management by federal personnel are unwise. The teaching of experience has evidently led Congress to enact the Hatch act provisions. To declare that the present supposed evils of political activity are beyond the power of Congress to redress would leave the nation impotent to deal with what many sincere men believe is a material threat to the democratic system.

Congress and the administrative agencies have authority over the discipline and efficiency of the public service. When the actions of civil servants in the judgment of Congress menace the integrity and the competency of the service, legislation to forestall such danger and adequate to maintain its usefulness is required. The Hatch Act is the answer of Congress to this need. We cannot say with such a background that these restrictions are unconstitutional.

Commenting on the similarities between the objectives of the provision on contributions reviewed in ex parte Curtis and those of the present provisions of the Hatch Act the court explained:

The Conclusion of the Court, that there was no constitutional bar to regulation of such financial contributions of public servants as distinguished from the exercise of political privileges such as the ballot, has found acceptance in the subsequent practice of Congress and the growth of principle of required political neutrality for classified public servants as a sound element for efficiency. The conviction that an actively partisan governmental personnel threatens

good administration has deepened since Ex parte Curtis.

The provisions of section 9 of the Hatch Act and the Civil Service Rule 1 are not dissimilar in purpose from the statutes against political contributions of money. The prohibitions now under discussion are directed at political contributions of energy by government employees. These contributions, too, have a long background of disapproval. Congress and the President are responsible for an efficient public service. If, in their judgment, efficiency may be best obtained by prohibiting active participation by classified employees in politics as party officers or workers, we see no constitutional objection.

A constitutional challenge to the Hatch Act again reached the Supreme Court in 1973. In a case, National Association of Letter Carriers AFL-CIO versus U.S. Civil Service Commission, the U.S. District Court for the District of Columbia found the provisions of the Hatch Act to constitute and impermissible vague and overbroad intrusion into protected first amendment rights.

The Supreme Court, in a 6-3 decision, reversed the lower court ruling and upheld the statute against the vagueness and overbreadth challenge. The Court first reaffirmed the holding of the Mitchell case, that partisan political activities by Federal employees is a proper subject for regulation by Congress, if Congress decides that, on balance, such restrictions on employees' fundamental rights are needed for the furtherance of the important governmental interest of assuring "fair and effective government" and an "impartial execution of the laws." The Court explained:

As the Court held in Pickering v. Board Education, the government has an interest in regulating the conduct and "the speech of its employees that differ(s) significantly from those it possesses in connection with regulation of the speech of the citizenry in general. The problem in any case is to arrive at a balance between the interests of the employee, as a citizen, in commenting upon matters of public concern and the interest of the government, as an employer, in promoting the efficiency of the public services it performs through its employees."

Neither the right to associate nor the right to participate in political activities is absolute in any event. Nor are the management financing, and conduct of political campaigns wholly free from governmental regulation. We agree with the basic holding of Mitchell that plainly identifiable acts of political management and political campaigning on the part of federal employees may constitutionally be prohibited.

The Court emphasized that the restrictions on political activities, while not necessarily prohibited by the Constitution, are not required by any finding of the Court but rather are in place because of the judgment of Congress and the President as to the restraints needed to assure the integrity of the public service:

Although Congress is free to strike a different balance than it has, if it so chooses, we think the balance it has so far struck is sustainable by the obviously important interests sought to be served by the limitations on partisan political activities now contained in the Hatch Act.

Perhaps Congress at some time will come to a different view of the realities of political life and Government service; but that is its current view of the matter, and we are not in any position to dispute it. Nor, in our view, does the Constitution forbid it.

As to the questions of vagueness, the Court noted that the language of the statute itself, prohibiting one from taking "an active part in political management or in political campaigns," might legitimately raise vagueness questions as to the conduct prohibited and that permitted, but that the duty of the Court was to construe the language of the statute so as to preserve both the intent of Congress and the constitutionality of the provision. The Court found that Congress in an amendment had specifically incorporated by reference within the statute the rulings and the regulations of the Civil Service Commission on political activities which had governed employees in the competitive service prior to the passage of the Hatch Act:

It is to these regulations purporting to construe section 7324 as actually applied in practice, as well as to the statute itself, with its various exclusions, that we address ourselves in rejecting the claim that the Act is unconstitutionally vague and overbroad.

The Court found that the statutory prohibition on active participation in partisan campaigns, incorporating as it did the civil service rules of 1940, was therefore not "open ended," but was "limited to those rules and proscriptions that had been developed under Civil Service Rule I up to the date of passage of the 1940 act." The fact that the conduct under the act was thus frozen or fixed at that which had been prohibited prior to 1940, that the Commission was not authorized to expand the categories of prohibited conduct and that the regulations of the Commission spelled out in some detail that conduct which was permitted and that which was prohibited, allowed the Court to find that such regulations and rulings provided the specificity required of statutory restrictions bearing on first amendment rights.

The issue, Mr. President, of the constitutionality of the basic provisions of the Hatch Act enacted by Congress as its solution to preserving nonpartisan and efficiency in the Federal work force appears to be settled.

In conclusion, Mr. President, let us put to rest the suggestion that the Hatch Act is unconstitutional. The Supreme Court has spoken clearly. The Hatch Act is constitutional. I urge my colleagues to consider that point as they consider this legislation.

Mr. President, I have, of course, sent an amendment to the desk and it has been twice amended. As I have already expressed, I have some very serious reservations about the legislation we are considering today.

The issue raised by S. 135 is indeed important to all Americans and all Federal employees, not just those who favor the amendments, but to those who strive to maintain the current protections.

The Hatch Act protections serve every civil servant day after day. Moreover, these protections serve to provide neutral, nonpartisan Government service, which is, indeed, a right of American citizens in their relationship with their Government.

In 1976, President Ford vetoed Hatch Act so-called reform legislation.

It is clear that this President, our current President's senior advisers, including Attorney General Thornburgh and the Office of Personnel Management Director Connie Newman, would recommend a veto if the Congress chose to enact this legislation.

Mr. President, we are being asked to take a very, very serious step. With all due regard to the sponsors and others, make no mistake about it, this legislation would vastly change the nature of the Hatch Act and permit Federal employees to participate in political campaigns to an extent not seen in more than 50 years. Maybe we can accomplish the sponsor's objectives by simplifying the regulations instead of repealing them.

Since my amendment would supplant S. 135, I believe that it is relevant and important to note some of the problems with the legislation.

Some suggest that the merit system protects the Federal employees so well that the Hatch Act is no longer necessary. The Hatch Act's purpose and function for 50 years has been to ensure that civil service is based solely on merit and not on politics. I, for one, believe it has worked.

I have other concerns. Public identification of Federal employees with partisan politics would indeed erode public trust in their Government. The resulting politically active work force would erode public confidence in Government. I, for one, fear a return to the spoils system. The Hatch Act protects employees now. The Hatch Act reflects the historical and continuing necessity to balance the rights of Federal employees as citizens with the overwhelming public interest in an impartial, politically neutral and independent civil service. The changes being proposed harm that balance.

The truth is that it is human nature to do what is necessary to advance one's self. No superior has to command an employee to get into politics. The employee knows or senses when political activity is a plus for him or her. This legislation simply fails to understand human nature.

I need not speculate about human nature. We have had over a century of

history without a Hatch Act, and we know well the evils of the spoils system that prevailed. We can learn from history, or we can ignore history and suffer its repetition.

Even if all of these problems were corrected, I would still have very serious reservations about this legislation because it tries to achieve the impossible, a work force free to engage in politics without being subject to political pressure.

But there is the argument that the regulations implementing the Hatch Act are confusing. On this point, I find the testimony somewhat persuasive. In spite of the information made available to the Federal work force by the special counsel, there appears to be some confusion.

As I stated yesterday, the regulations governing what is considered permissible and prohibited political activities can be found in 5 CFR 733. There are 13 permissible activities and 16 impermissible activities found in these regulations.

Proponents of reform frequently mention the several thousand administrative decisions of the former Civil Service Commission which predated the passage of the Hatch Act in 1940, and the effect of these rulings on current interpretation and enforcement of the act.

As the Office of Special Counsel has pointed out, "some individuals have erroneously referred to these decisions as 'rules' or 'regulations,' creating the false impression that there are some 3,000 rules and regulations currently governing political activity by Federal employees. Such individuals clearly misapprehend the legal and historical significance of these decisions."

Rejecting the argument set forth by the National Association of Letter Carriers in the aforementioned case, the Supreme Court, of course, ruled the proper subject of inquiry was not—emphasize was not—the "several thousand adjudications of the Civil Service Commission," but rather the regulations that were extracted from them. The Court held that "It is to these regulations purporting to construe section 7234 as actually applied in practice, as well as the statute itself * * * that we address ourselves in rejecting the claim that the act is unconstitutionally vague and overbroad."

In addition, Mr. President, I do not understand the logic of the argument that if the implementation of a law is confusing, the law should be repealed. I believe one would hate to see this argument applied to the Bill of Rights, which has for nearly 2 centuries raised an endless stream of litigation designed to clarify its application. The appropriate response to the argument is to do what is necessary to eliminate the confusion.

This amendment is particularly timely in view of the Biller, Blaylock, and Sombrotto cases prominently mentioned in the committee report and repeatedly referred to by the sponsor of the legislation as one of the main reasons that the Hatch Act legislation is now being considered by the Senate.

Recent Federal Appellate Court cases in the Second and Eleventh Circuits have further clarified the issue of what is and is not permissible political activity. The distinction drawn by the courts appears very straightforward. The court in Blaylock versus U.S. Merit System Protection Board held that the Hatch Act's prohibition against taking an "active part in political management or in political campaigns" encompasses only active participation in, on behalf of, in connection with, organized efforts of political parties or partisan committees, clubs, and candidates. In an effort to clarify the existing regulations in light of these Appellate Court decisions, the Office of Personnel Management, in conjunction with the Office of Special Counsel, should promulgate new regulations to clarify the restrictions on political activity.

Both Appellate Courts interpreted the Hatch Act and the term partisan activity to allow Federal employees to make, publish, and circulate public statements endorsing a political candidate for public office in a partisan election, as long as such activity was independent, that is, involved "personal expressions of political opinion" and was not coordinated, in connection with or on behalf of a candidate, political party or party organization.

Since my analysis has led me to conclude that the Hatch Act is good for the employee, good for the government, and good for the public and since I believe that claims of confusion over the implementation of the Act have some merit, I propose a substitute amendment in lieu of this legislation that the Office of Personnel Management be directed to issue new regulations that would clarify and simplify the guidance that has been given to Federal employees with respect to the Hatch Act. This proposal would satisfy the best argument of proponents for change without risking the benefits of the Hatch Act for American society. Moreover, I am sure that we are all aware that this legislation, if passed, would be vetoed. This proposal, in contrast, would not be.

And, if I might just add as an aside, the Office of Special Counsel revised its booklet on the Hatch Act that the chairman referred to yesterday because of these appellate court rulings.

This amendment is timely because these regulations should be clarified to reflect these appellate court decisions.

In addition, Mr. President, I believe this amendment addresses directly the concerns stated by the proponents of the legislation in the committee report and on the floor that the regulations are confusing and that should be clarified. That is exactly what this amendment does.

We do not have to repeal the entire Hatch Act to meet these concerns. Instead, a carefully crafted amendment which addresses these specific needs should be the subject of our concerns. The choice for the Senate is clear: "do some good or make a major mistake." I urge that we choose to do good and adopt this amendment.

I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut [Mr. LIEBERMAN].

Mr. LIEBERMAN. Thank you, Mr. President.

Mr. President, I rise to oppose the amendment presented by my friend and distinguished colleague from Delaware, and the perfecting amendment offered by the Senator from Kentucky [Mr. MCCONNELL].

But I must say, in the offering of these amendments, there is some encouragement for those of us who feel the Hatch Act is an unacceptable intrusion on the political freedom of 3 million of our fellow Americans who happen to work for the Federal Government.

The good news, the encouragement, is that these amendment acknowledge that there is a problem, that there is at least confusion, and at worst such a maze of conflicting regulations that it ultimately equals a ridiculous state of affairs.

Unfortunately, Mr. President, in introducing these amendments, my colleagues acknowledge that there is a problem, but do not come up with the right cause, because they are building on a system that is inherently inconsistent, and can never avoid the confusion, silliness, and ridiculousness that are part of the existing maze of regulations pursuant to the Hatch Act.

The truth is that the Office of Special Counsel, which promulgates these regulations, has not tried to create rulings to confuse the act; they have tried to clarify the act. Whenever there are vague or general rules in a statute or a regulation, those rules must be applied in actual cases with a large number of factual variations.

What has led to the morass of confusing rulings in the case of the Hatch Act, in my opinion, is the basic problem. It is the tension between the general rule, which is that partisan political activity cannot be indulged in by Federal employees, and the continual desire of those employees to exercise that political freedom in some capacity.

It is the tension between the purposes of the act, which are to limit political freedom, and the strong and

driving strain in our culture and society and government to encourage political freedom and political participation.

It is the tension between the purposes of the act, which are to proscribe political freedom, and the understandable unwillingness of the drafters of the original bill, those who had to live with it, to actually say to Federal employees, "No, there is nothing you can do. You cannot be involved at all in political activities."

Once you begin to say you could be a little involved and have to explain why you cannot be involved in all the other ways, it inevitably leads to confusion and silliness. And, in my opinion, the only answer to that is—in my personal opinion—repeal of the Hatch Act. But it is the purpose of S. 135 before us now at least to improve the situation by moderately reforming the Hatch Act to make for more political freedom for public employees and less confusion.

My colleague from Michigan [Mr. LEVIN] was on the floor yesterday, and discussed, I thought very convincingly, some of the tension and confusion in the current situation with the Office of Special Counsel rulings. A Federal worker may or may not be allowed to invite his or her neighbor to accompany him to political rally, depending on his intention in doing so.

I mean, this is an incredibly offensive intrusion of the Government into the private—forget for a moment political lives—lives of the American people to say that an American citizen has to worry about whether to invite a neighbor to accompany him to a political rally; and the question is, did he intend, in inviting that neighbor, to make that neighbor part of a partisan campaign? And, if he did, he actually may be doing something that is unlawful and be subject to the penalties for that.

Under this existing state of the law and regulation, you can publicly express your opinion about a candidate if you are a Federal employee, but you cannot make a speech for a candidate. What is more fundamental to being an American than the right of political speech?

According to the Office of Special Counsel, you can put a sign on your car or lawn only if this is an expression of personal opinion. What a distinction. Those types of ambiguous rulings come up over and over again under the act, because those who have tried to live with the act and make it sensible cannot do so, because they are not willing to eliminate all expression of political opinion and all exercise of political freedom.

Mr. President, this amendment does not deal with the basic problem. And the basic problem is that Federal employees deserve and want political freedom. Senator ROTH and Senator MCCONNELL are attempting in these amendments to renovate a house that is built on a weak foundation. The fact is, it is built on no foundation. The foundation does not exist, because any time we in America try to limit political freedom, we run against our grain and against our first principles. This amendment is in the nature of a substitute, but it leaves all the existing rules and prohibitions in place, and it simply asks for a little more clarity. I say over and over again that that clarity is simply impossible.

Under S. 135, it is important to say again that Federal employees will not be forced to do anything. It simply allows them to do whatever they want, whatever any of the rest of us who live in this country can decide to do. Nobody is going to be forced to stuff envelopes; nobody is going to be forced, under the example given by my distinguished colleague from Delaware, to deliver pieces of literature. For a supervisor of postal workers to coerce, implicitely or explicitly, his subordinates, off their working hours, to work in a political campaign, let alone deliver literature, would be a violation of the act, after S. 135 is adopted.

Mr. President, it is not clear that this amendment would clarify much, if any, of the confusion. Again, I do not think that can be done without statutory changes. The distinguished majority leader gave a great example yesterday, I thought. Two shipyards in Maine, both building ships for the U.S. Navy; workers are paid with taxpayers money, U.S. Government funds. But the employees in the Navy shipyard have some political rights, very few because of the Hatch Act, while those in the Bath shipyard, privately owned, can participate fully in the political process. That is a ridiculous result, and it would not be changed under the amendment by my colleague from Delaware.

In addition, there are problems with who is covered by the act. I do not think we have clarified that in this debate. For example, a temporary Federal worker is covered by the Hatch Act, even though he has none of the rights or benefits of a civil servant. That is the ruling, the regulation, issued by the appropriate agency. But an intermittent workers, perhaps a consultant, who is doing the same work as a regular Federal employee, is not covered by the Hatch Act when he is working and the Government clock is running on him.

Private contract employees at NASA, for example, may be sitting right next to regular NASA employees, doing the same work, but because they happen to be private contract employees, they are not covered by the Hatch Act; therefore, they can exercise political freedoms. And those Government employees at NASA, who have so much to contribute to our political system, cannot.

An employee on leave or furlough is covered by the Hatch Act, even though they may not have received a Federal paycheck for years. So the reach of these prohibitions goes on even after a person leaves full-time Federal Government service.

Mr. President, the only way to bring clarity at least, if not full political freedom, to Federal employees in this whole area is to pass S. 135, because it changes the balance, it makes clear what is not permitted. Therefore, it opens up much more clearly the rights of Federal employees. It puts the burden where it should be. The burden is on anyone who would claim to limit the political freedom of people in this country.

S. 135 states very clearly that it does not permit employees to engage in political activities while on duty in a Federal building, while wearing a uniform or official insigna, or while using a Government vehicle. It prohibits Federal employees from running for any political office at any level. It still would do that after S. 135 is adopted. It prohibits employees to solicit, accept, or receive political contributions from the general public.

My colleague from Delaware raises fears about what might happen if S. 135 passes with the creation of enormous PAC's, political action committees, of Federal employees, what would happen with the influence of money of Federal employees in political campaigns. Again, it will remain illegal to coerce, explicitly or implicitly, any Federal employee to do anything. But what is allowed when it comes to political contributions under S. 135 is extremely limited. A Federal employee can only solicit a fellow employee in his or her own bargaining unit, own work area, and is not allowed to solicit a subordinate. So we avoid the problem of a superior coercing a subordinate employee.

Though the individual can contribute to a candidate directly himself, a Federal employee cannot solicit another Federal employee to make a check directly to a candidate committee, if S. 135 is adopted. All that is allowed is the solicitation of fellow employees for a multicandidate political action committee, a precircumscribed right, no right to solicit any member of the party for a political contribution.

That will continue to be a prohibition under S. 135. Also, an employee will not be able to give a contribution to any person to vote or to refrain from voting or to give, solicit, or accept a contribution from or to a superior or to give, solicit, or accept a contribution while in a Government building. So at least we make clear what is not permitted and what is per-

mitted, that is, that employees are permitted to participate in a full range of political activities off duty and off the worksite. That puts the burden where it ought to be.

Mr. President, Senator ROTH dealt with the constitutional question—I indicated yesterday at the beginning of the debate that I take some personal pleasure being involved in this debate, because when I was at law school, not a few years ago, by coincidence, I wrote a paper alleging that the Hatch Act was unconstitutional. Unfortunately, the Supreme Court of the United States has not yet reached the same conclusion, but I think it is important to make clear what they did do in the 1947 and 1973 cases.

They clearly recognized that the Hatch Act infringes upon the first amendment rights of public employees. But they applied a balancing test. They weighed those rights against what they said to be the right of Congress to enact laws to protect society against the "supposed evil of political partisanship." They did not accept the evil of that, but they said we in Congress had the right to see such a threat. In striking the balance, they came out not for the correctness of this policy covered in the Hatch Act, but simply to defer to the judgment of Congress and say, if we chose to enact these limitations under the balancing test, they were correct, they were acceptable under the Constitution.

The Court went on to say—and they do not always say that, so I thought it was interesting they did in the 1973 case—"Congress is free to strike a different balance than it has." I think it is important for us to say that, because the Supreme Court has found the Hatch Act constitutional in two cases, does not mean that it is good policy, does not mean that it is the right policy.

In my opinion, and I say this very, very strongly, it is exactly the wrong policy. There were very, very strong dissents in both of those Supreme Court cases and I think they are instructive. In the first case Justice Hugo Black, one of the great Justices in Supreme Court history, not just in this century, argued very, very, very vehemently that the law was unconstitutional on its face. And he emphasized a participation in political activities really is a liberty guaranteed by the first amendment and that any law restricting political liberty should "be so narrowly drawn to meet the evil aimed at."

That is the problem of the Hatch Act: it is not so narrowly drawn to meet the evil aimed at. The laws of the United States are full of specific prohibitions against coercing employees, conflict of interest, coercing anyone implicitly or explicitly that deals with the Federal Government based on political partisanship.

All of the evils that we worry about and that are described by those who oppose S. 135 are illegal now and will remain illegal if S. 135 is adopted. Justice Black was entirely right on that and he said about any law infringing political liberty, that it should affect "only the minimum number of people imperatively necessary to prevent a grave and imminent danger to the public."

Here there has simply been, neither, in my opinion, in the origin of this act in 1939, and certainly not since then or today in this debate, has there been any proof that what we are doing is addressed as a grave and imminent danger to the public. What we have here are fears.

We have no record of any danger, let alone a grave and imminent danger to the public. Justice Black criticized the act as legislation which muzzles several million citizens and, he said, threatens popular government by depriving it of the political participation and interest of such a large segment of its citizens.

I thought it, personally, an outstanding opinion written by Justice Black, not just because I agree with it.

In a later case there was another dissent by Justice Douglas, which harshly criticized the law for having a chilling effect on the political freedoms of Federal employees and he called agressively for revision of the Hatch Act, describing its effect on Federal workers as "self-imposed censorship imposed on many nervous people who live on narrow economic margins," a very personal rendering of the impact of the act.

So, Mr. President, these amendments before us acknowledge a problem, they tinker with it, but they offer no hope of any real relief from the confusion of silliness of the existing Hatch Act. They offer, more importantly, no relief to the 3 million Federal employees who currently live as second-class citizens in this country without justification for that lower censorship when it comes to the exercise of their political freedoms.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes Senator PRYOR.

Mr. PRYOR. Mr. President, I thank the chair for recognizing me. I think this debate that we are finally having, is very healthy. It is extremely constructive. We have waited a very, very long time for the opportunity to look at this issue and to examine it.

Mr. President, during my 11 or so years as a Member of this great body, one of the rare opportunities that I have had is not only serving on the Governmental Affairs Committee but more specifically having the pleasure and the honor of serving as a fellow committee member with my very good friend and colleague from Delaware, Senator ROTH.

That has truly been a distinction, because on many, many occasions I have seen Senator ROTH actually go against the bureaucracy, fighting for the opportunities and right of individuals but, more critically, to seize the opportunity for the legislative branch, which the constitution gives us the right and the duty and the challenge to pursue, and to meet obligations.

Mr. President, in respect I say this to my friend from Delaware, this is one of those times when we disagree on an issue and in this particular case, I am very surprised. In fact, I am flabbergasted that my friend from Delaware has sided basically with a bureaucratic approach to solving a national issue that the Congress, we who are elected, we who are accountable, must solve.

The Roth amendment, and although I can see why Senator ROTH may have envisioned that a bureaucratic solution might be better than a legislative solution, I will not in any way question or impugn his motives which very simply says let the bureaucrats do it.

I would like to ask a question, and I hope at some time during the debate on the Hatch Act that this question can be answered.

I would like to ask, under the Roth proposal, who is going to be writing the regulations; who will be writing those regulations that the Federal employee not only full time but part time be governed by? Who will be doing that? I think the answer is the Office of Personnel Management. The Office of Personnel Management under Senator ROTH'S proposal will be drafting this new set of rules and regulations, do's and don'ts for the Federal employee.

Mr. President, I have had the opportunity to participate in several hearings relative to Hatch Act reform. I do not recall an opportunity during any of those hearings when the Office of Personnel Management has come forward and basically taken up the rights of the Federal employee to participate in our Government. In fact, on the other hand, the Office of Personnel Management historically has been against that right. The OPM has been against that opportunity for the Federal employee to participate in the American political system.

Under Senator ROTH'S proposal we would put the rulemaking, the regulation writing, in the hands of those individuals who oppose the Federal employee's right to participate in our political system.

Mr. President, that is wrong. It is not fair. And one other thing that I think so egregious about the overall result of the Roth proposal is that this proposal, if accepted by this Senate and the other body and signed into law by the President, this particular proposal will send absolutely shock-

waves to every Federal employee, who for generations have wanted to participate in this system, but has been precluded by absolutely crazy rules and regulations which are totally unfair, unclear, and extremely bureaucratic.

The majority leader was on the floor, either today or yesterday talking about the two shipyards. The distinguished Senator from Connecticut just revisited that particular issue: How workers in one shipyard can participate, and right down the street, the workers in the other shipyard cannot, both doing the same job, both getting ultimately paid with Federal taxes. A rewrite of regulations by OPM can not change this strange situation.

One of the concerns that I have had for a decade is the issue of contracting out for government services. I think we contract out too many of our services. I think accountability is lacking. I think it is an open-money sack. I think it is a buddy system.

But all that aside, that contractor who is doing the identical same work as the Federal employee working side-by-side or desk-by-desk apart. You can not even ascertain which is the consultant or contractor and which is the Federal employee sitting next to him or to her. That private contractor, even though engaging in the most sensitive of our Nation's business top secret information, that individual can participate fully in political activities. They can go to rallies. They can have a sticker on their car. They can go in their homes and hold fundraisers for a candidate of their choice. But what about that Federal employee right at the next desk? Absolutely not. They are precluded. They are prohibited. By whom? By the very same people that the Roth amendment would allow to write the "new" set of rules and regulations.

Mr. President, what is going on around here? I think—we have a hard time learning. We have a hard time learning from our mistakes. When do we make our greatest mistakes in the legislative body? If there is a hot issue out there and we do not want to face it or we think it is too complex for us or our staffs, what do we do? We say, let us delegate this to someone else. Let us walk away from our responsibility. Let us abdicate this particular role of the legislative branch of Government. It is too hot. We will get in trouble back home.

But I would say, Mr. President, that the greatest trouble that we have gotten into back home is when we accept this theory of not doing our duty and not meeting our responsibilities.

Example: section 89. I am sure the Senator from Delaware remembers section 89. Was that a legislative act? No. That was a regulation or a set of regulations written by the bureaucracy. What happened? Well, ultimately, of course, we repealed it.

Senator ROTH and I were in the Senate I think before the distinguished occupant of the chair arrived and we had another issue. That issue was on automobile recordkeeping. Does anyone remember the automobile recordkeeping issue around here? Did we enact that legislation, craft it ourselves in this body and send it out to the public? No. We told the Department of the Treasury: "There are some abuses out there in the way people keep records on the business-related use of their automobiles. Now you nice people down at the Treasury Department write some little rules and regulations out there that are going to be fair and will not get us in trouble, where people will have to keep records on their automobiles."

That was done in the fall one year, Mr. President. I will guarantee you, I got in my car in Little Rock, AR, on New Year's afternoon after hearing from my constituents and I drove the 2 days from Little Rock to Washington so I could be the first Member of this Senate to repeal and to nullify that regulation. I found that only about 60 other Senators had the same idea and they beat me to Washington. I become, I think, the 61st cosponsor of the repeal. That was automobile recordkeeping. That was section 89.

Also where we make many of our mistakes, I think—and I am not trying to say what is wrong with this body because much more is right with it than wrong—is when we allow the Internal Revenue Service to write rules and regulations to impose penalties upon taxpayers.

Does the Congress impose penalties upon taxpayers? Probably in about 7 or 8 or 10 instances. Does the IRS? Probably in about 130 instances. Did we write those penalties? No. That was a bureaucratic decision, Mr. President.

Today, the distinguished Senator from Delaware, my friend, who historically and traditionally has been antibureaucracy, is now saying, "Bureaucracy, you write these rules and regulations. You tell these poor Federal employees and these part-time workers what they can do."

Mr. President, the sad fact is that the bureaucracy, OPM, the Office of Special Counsel, the Justice Department, they do not even know what the current rules and regulations are for the Federal employee. They do not know if a Federal employee, a lady who works for the Farmers Home Administration, decides to have a political fundraiser for some even minor candidate in her home, if she can also participate in that fundraiser with anyone else. Can they put up a yard sign? Well, it may have to be 2 feet, or 4 inches, or whatever. They do not know the rules.

Or if a nonfederal worker decides to have a fundraiser or get-together or whatever in their home for a political purpose, can they invite their spouse who works for the Government? Does the spouse have to sit outside, in the garage, or take a walk around the block, or take a drive around town, or go to a movie and come home after the political activity is over? Maybe he could sit back in the kitchen while the rest of them are in the living room.

It is this type of thing, Mr. President, that for 50 years has been on the books. It is this type of absolutely awesome bureaucratic, unjustified, unfathomable regulations and rules that do not make any sense, that the Congress, not the Office of Personnel Management should be dealing with. We must accept that challenge and we must accept it now. And we have an opportunity to do it now.

We have an opportunity to do it now by first defeating Senator ROTH's substitute to a very well-crafted piece of legislation that for 50 years has been waiting, and that after 50 years is finally going to say clearly what the rules of the game are for the Federal employee, the part-time employee, the full-time employee, the spouse of the Federal employee. These are things, Mr. President, that we should do.

The question is whether we do it, whether we accept our responsibility, or whether we abdicate and delegate that responsibility to an agency which opposes—opposes—the right of the Federal employee to participate in the American political system. That is what this issue is about Mr. President.

I thank the Chair for recognizing me. I yield the floor.

Mr. GORE. Mr. President, if it is acceptable to the managers of the bill, I ask unanimous consent to speak as if in morning business for 5 minutes.

Mr. GLENN. Mr. President, reserving the right to object and I will not object, is it the understanding and do we have a ruling of the Chair that the time on the bill will continue running during this?

There is no time limit? I am sorry.

Mr. President, I have no objection.

The PRESIDING OFFICER (Mr. LIEBERMAN). Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. I thank the Chair.

(The remarks of Mr. GORE pertaining to the introduction of S. 2571 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair recognizes the Senate minority leader.

Mr. DOLE. Mr. President, if there is no objection on the part of the managers I would like to use a couple of min-

utes of my leader time to speak on another matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBER COL. BILL HIGGINS

Mr. DOLE. Mr. President, like all Americans, I join in rejoicing over the recent release of two American hostages—Mr. Polhill and Mr. Reed.

As the Senate knows, I led a congressional delegation to the Middle East during the most recent recess. On a stop in Syria, we urged President Assad and Foreign Minister Shaara to do everything they could to assist in winning the release of hostages.

I have subsequently telephoned Mr. Shaara—immediately after the release of Mr. Polhill—to thank him for Syria's constructive role in that endeavor.

As an aside, I note that Iran's President Rafsanjani is complaining this morning that we are not showing enough gratitude toward Iran—for what he implies is its role in winning the release of the two hostages.

I do not know what role, if any, Iran has played. If they have played a constructive role, as an American, I do say: Thank you.

But I also say this: Helping obtain the release of innocent hostages, taken by terrorists, is what all civilized nations ought to do, as a matter of course.

It is what we do, as a nation—and I note that the President, this morning, indicated we are going to do what we can to gain an accounting for four Iranians missing in Lebanon.

There are still seven Americans held hostage, or not finally accounted for in Lebanon, and a number of non-Americans. Iran has a very large amount of influence over at least some of the groups holding those hostages, or knowing of their fate.

Iran—not as a matter of geopolitical bargaining, but as a matter of simple humanity—ought to be doing what it can to obtain information on, and release of, those innocent Americans as well as others from other countries who may be held.

As long ago as his Inaugural Address, President Bush pledged that we would respond to any such moves by Iran. He repeated that pledge today. Hopefully, Iran's leaders will understand President Bush is serious about that pledge.

In any case, this morning, I also telephoned our Ambassador in Damascus, Ed Djerejian—who, by the way, is doing an outstanding job—asking that he again pass on my thanks to Mr. Shaara.

Of course, I took the occasion, too, to urge that we continue to push as hard as we can for the release of the other American and Western hostages. As two families rejoice, too many others still live in anguish.

Speaking both for myself and Senator METZENBAUM—who was part of our Middle East delegation—I also asked Ambassador Djerejian to urge the Syrians to deal justly with three Syrian Jews being held without official charge in Syria. This was another issue we raised in our meeting with President Assad.

But what I really want to mention this morning is another item that I raised with President Assad, and spoke about this morning again with Ambassador Djejerian. That is the matter of Col. William Higgins—the Marine officer taken captive while on duty with U.N. peacekeeping forces in Lebanon.

As the Senate knows, those believed to have held Colonel Higgins have announced to the world that they have executed him. But no one knows for certain.

While the families of Mr. Polhill and Mr. Reed understandably celebrate—and while the families of other hostages at least can take some hope for the release of their loves ones—Colonel Higgins' family knows only frustration and sorrow.

I know Mrs. Higgins—Marine Maj. Robin Higgins. In the past several days, I have received a private note from her.

She is a loving wife, a steadfast marine, and a fine human being. She has borne up remarkably well, under incredible stress. She does not insist that her husband's name be in the headlines every day; she does not demonstrate, or complain, or seek attention for herself or her plight.

But she does not want Col. Bill Higgins forgotten.

We care, equally, about all Americans who have been taken hostage, and all their families.

But Colonel Higgins was there as a member of the American armed services, on official duty—as I said, seconded to the U.N. peacekeeping forces.

As a Nation, we do not—we must not—rest until we have a final accounting of all our military personnel lost, or missing, on official duty. As a people, on a humanitarian basis, we care deeply about those Americans serving their country who have been lost.

That is why we continue to press so hard on the question of our POW-MIA's from the Vietnam era.

That is why we must not forget—why we must not stop, or reduce our efforts—to obtain final and authoritative information on Colonel Higgins. And, should it turn out he is dead, to at least recover his remains, for return to his country and his family.

In his press conference today, President Bush emphasized Colonel Higgins' case.

As I said, I also discussed it with Ambassador Djerejian. and I will continue to raise it, wherever and whenever it might have some effect.

I urge all Americans—as we join in rejoicing over the release of hostages, and in hopeful prayers for the safe release of others—to remember Colonel Higgins; and to remember that our national agenda on hostages will not be fully resolved until his case, too, is fully resolved.

Mr. President, I reserve the remainder of my time, and I thank the managers for permitting me to intervene.

HATCH ACT REFORM AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I regret that this morning I had to chair a hearing and could not be here for a while. I certainly appreciate Senator LIEBERMAN, who is now the Presiding Officer, filling in for me in that particular situation here on the floor.

Mr. President, I was not here when my distinguished Republican colleague submitted his substitute for S. 135, and I would like to make some comments on that.

It says, starting on line 3 of the proposed amendment:

> That the Office of Personnel Management shall prescribe regulations to clarify and simplify the political activity prohibitions applicable to employees of the Federal Government or the Government of the District of Columbia. Such regulations shall supersede determinations regarding political activity made by the Civil Service Commission prior to July 19, 1940, under the rules prescribed by the President and any such decisions based on such determinations.

Mr. President, the Office of Personnel Management has been free to make these clarifications any time they wanted to. We have implored them to do that through the years. We had hearings 2 years in a row and out of those hearings asked them to do this kind of clarification work, and they just have not done it. This does not give them any authority to do anything that they cannot do right now.

These things have been on the books. They are described as the determinations regarding political activity made prior to July 19, 1940. We have pointed these things out repeatedly as needing clarification.

I point out the Hatch Act has been in effect since 1939. Why on earth has it taken 50 years to correct some of these inequities?

Under the present Hatch Act, it is very, very difficult to know even how to make some of these judgments. It is that unclear, and that is what we are trying to clarify, basically, with this legislation. This legislation does not dump the old legislation. This is reform. It is improvement, so it will be

clear enough that people will know clearly what they can and cannot do. Confusion and illogical of some of the current Hatch Act restrictions are serious problems, and they have a very chilling effect on employees participating even in permissible activities.

The amendment of the Senator from Delaware proposes to do exactly what our legislation does, it proposes to clarify the current situation. That is exactly what this legislation, S. 135, does. The Governmental Affairs Committee held hearings in 1988 and in 1989 on the need for clarifying all the confusion surrounding the Hatch Act.

But I submit that it may not be possible to clarify the present law without legislation. Many of those administrative rulings on the Hatch Act are contradictory; and who will decide which is correct? The way to correct it, I believe, is as this legislation does: Here is what is permitted on the job, period, and that is, nothing of a political activity, to answer that statement. There is nothing you can do on the job of a political nature; it is not permitted. You cannot even wear a button under the new legislation. That is permitted now. So for whatever import we give that, we are tightening up on the legislation. We even go down to that level: You cannot do anything on the job, and that is the way it should be.

Right now it is very confusing, what you can do on the job. You can wear a button, you can say something, cannot say something—people throw up their hands and stop trying to figure out what they can and cannot do. It is that contradictory.

Who will decide which is correct? Even if certification were possible, the lack of clear guidelines in the statute, such as those in S. 135, would be likely to lead to a new round of rulings. Lack of clarity means that people cannot decide what to do or not do. I submit that murky laws invite disobedience, either accidental or intentional. What we are trying to do is take murky laws and make them more clear.

What we need are clear statutory guidelines that both limit any restrictions to only what is absolutely necessary and draw very bright, clear guidelines between what is permissible and impermissible activity, and that is what S. 135 does. It does nothing more than that. It does not knock out great chunks of the Hatch Act.

In addition, I need to point out that clarifying rulings does not address all the basic issues involved in reforming the act. Let us take the example the distinguished majority leader gave here on the floor the day before yesterday.

Senator MITCHELL cited the two shipyards in Maine where employees of the Bath Shipyard are free to participate fully in the political process. Employees right nearby of the Navy shipyard in Portsmouth cannot participate. How will making clarifications address this basic inequity?

I gave the example yesterday of one of the things that triggered off the new interest in this law was that regarding the Mondale situation where during the 1984 Presidential election, the presidents of three major postal employees unions endorsed Walter Mondale's candidacy, and their union newsletters encouraged their memberships to vote for him. Was that wrong?

It turns out that the presidents of those three unions were themselves Government employees who were on leave of absence from their regular jobs in the U.S. Government to be the heads of those unions, and that is permitted under Federal law. That is not wrong. That is permitted under Federal law. Of those three, the shortest time any of them had been on that leave of absence was 16 years, but they were still technically on a leave of absence.

So what happened in that particular case? The Merit Systems Protection Board said there is a prohibition against political participation by Federal employees even though they have been off the job 16 years. So they filed suit. They found them guilty and they kicked them off their job for 60 days, a job they had been off for 16 years anyway. So that was not a big deal as far as that part went.

And so they continued in their jobs as heads of the union, still on leave after that 60-day technical suspension. This was appealed and two Federal circuit courts reversed the finding that had gone in favor of the Merit System Protection Board, and they found that no Hatch Act violations had even occurred.

Would the proposal by my distinguished colleague correct that situation? No, I do not think it would. It would not correct it at all, as I see it. But S. 135 would clarify it by saying that if you are on the job, if you are working in a Government job, you are there in the Federal workplace, you cannot participate in political activity. And that is clear. It is well-defined. There is not any doubt about it. You cannot do it or you will have suit filed against you, and rightly so.

That is the intent of it. It is not to weaken the act; it is to clarify it so it will work better, so it gives better protection. It takes away all these indistinct parts of it right now.

At the same time then, how about when you are off duty? Can a person go back to Fairfax or Arlington County or Prince Georges or Montgomery County, wherever, and participate and go to a political meeting of the Republican Party? Can that person vote in the Republican Party matters there? Could that person be free to go, if he or she wanted to, to a national convention? Should they be free to go? Why should they not? And yet right now they are prohibited from doing that.

We keep some protections in this act, some very good protections in this act. The House did not do this in their bill; we do so in ours. Our bill says you cannot run for public elective office; that person cannot sit in a Government job someplace and at the same time run for elective public office where you have to be out campaigning a good part of the time. You cannot do that.

The second thing, you cannot solicit contributions. Two big protections. And so when reference is made to some of these things here on the floor, which has already been done, they are referring in those cases to the House restrictions, to the House knocking out the restrictions, to the House bill saying, yes, you can solicit contributions and, yes, you can run for public office. That is not the intent here.

It was said yesterday on the floor that, well, that is the way we are headed. This person is not headed in that direction. I stick with S. 135, I can tell you that. I think it clarifies things and still keeps the restrictions we need.

Let me go back. I was giving a couple of examples. I gave the one by the distinguished majority leader as to the two shipyards in Maine where employees of Bath Shipyard are free to participate in the political process, while the Navy shipyard in Portsmouth cannot.

I really fail to see how just making clarifications would address that basic inequity.

The amendment, as I understand it, would substitute for the whole of S. 135.

Let us look at another situation. We have many farmers around the country. I do not know how many of them are aware that they may well be in line to have some charges leveled against them. Do you know what they do? They are willing to serve, but they may be violating the Hatch Act by performing a service for their country. Here is what happens.

The Farmers Home Administration needs to make some judgments on loans and other matters involving the administration of Farmers Home loans, and other matters involving the farms, and where do they go for advice on how to do this? I will tell you what they do. The Farmers Home Administration employs farmers who really know what is going on on the farms. They hire farmers on an intermittent basis; usually they work 1 day a month, or sometimes less. They are on the county committees, the Farmers Home county committees, to approve loans and for other matters.

We had testimony on this before the Governmental Affairs Committee last July. Even the Office of Special Coun-

sel was surprised to learn that these employees were "Hatched" by the Department of Agriculture.

In other words, if a farmer has enough public spirit, he is willing to go along with them on this intermittent basis and serve for 1 day a month, or even less than that sometimes, the Agriculture Department says if you are willing to do that for us, the first thing we have to tell you is you are "Hatched," and you cannot take part in any local political process; you cannot do all the other things we know of that have been interpreted under this act.

That does not make any sense to me. How would these employees be addressed by the substitute submitted by my learned colleague? Would all intermittent employees be exempt? Define intermittent first, I guess. And once we were by that hurdle, would we then try to define exactly what they could do? Could they vote on nothing that involves someone in their own political party, or could they join with this group of county executives to say, well, we will cut out this group or that group or something else? That is not what they do. How would they be handled? We do not know.

Let us take another case. This may be slightly farfetched, and I admit that going in, but let us go through it anyway, just to show how this would not address all the problems. Let us take a case where an employee contributes $1,000 to a candidate, but by present rules that person cannot donate his or her time to stuff envelopes in the back room some place. It is a lousy job to begin with. You go down in the back room someplace. You are not permitted to stuff envelopes. You are not permitted to give $1,000 to a candidate, but you cannot stuff envelopes. Does that make any sense? Let me make further nonsense out of this, if I might.

Let us say that this person happens to have a private business in the office service field. The candidate could contract with that firm to stuff envelopes using the $1,000 contribution. Is that legal now, when he cannot stuff the envelopes by hand, but he can use the money to stuff them by machine? And we are trying to define things like that with these rulings. How do you clarify that situation?

Supposedly, employee organizations can prepare and distribute the voting records of congressional Members on issues of concerns to those members of the organization. However—and this actually happened—one member of one organization recently received a warning letter from the Office of Special Counsel. What was the offense? For distributing a flier containing the organization's listing of a candidate's voting record. Therefore, an organization—organization—can distribute voting records, but members of the organization cannot.

Organizations, I submit, are made up of members. How does the new ruling clarify that conflicting set of circumstances?

There has been some talk that Federal employees do not really want these changes in the Hatch Act. I believe that is false. We have more than 30 organizations representing over 2 million employees that strongly support S. 135. If anyone doubts their organizational support for it, all you have to do is go out in the reception room when we are debating the Hatch Act on the floor. The other night the room was two-thirds filled up with those people who are that concerned about S. 135. They want it.

Some individual workers will want to participate in the political process and others will not. Bless them. That is their choice. But no one should be denied that choice. No one should say to them you cannot do this, you cannot do that, unless it is necessary to put some restrictions on them.

I do not think we want the kind of paternalistic view that existed when the Hatch Act was passed back in 1939, and which no longer exists in this country. Back then, about 80 percent of the people were not covered by anything that protected them, and now in this day the figures have been reversed; about 80 percent of the people are fully protected.

Whether those figures mean anything or not, changes we are proposing here in S. 135 protect that 20 percent even better than they have been protected in the past. Because once this is passed, they will then know what they can do; they will know what they cannot do.

So they no longer operate out there in a big, murky area, not knowing what they can do or cannot do.

I do not think the American public believes any longer that people need the kinds of protections that have been talked about here on the floor, because S. 135 will not open this up to where they are not going to be protected. If anything, I see that it makes their protection even stronger.

Mr. President, obviously, I do not agree with the suggested amendment, which basically replaces what I consider to be a long overdue improvement in the Hatch Act, one that makes it better because it is going to be much more clear than it has been in the past. As I said earlier, murky legislation, which the Hatch Act has been for many years, murky legislation, murky laws on the books, only invite disobedience. They invite disobedience by those who would intentionally subvert the political process because they do not think they are going to get caught. The law is that fuzzy and that unclear.

Murky laws also invite disobedience accidentally by people who, quite in good conscience, might stop by a political convention, and they would be wrong in going in, particularly if they are standing there minding their own business, and someone says, "Hold this sign 1 minute for me here while I go make a phone call," and the fellow is standing there holding a sign. That is against the law. He cannot wave that sign. But the person can go outside and put the same sign on his car and it is legal—or in his yard. That is legal. But I would say the murky laws invite disobedience either from those who are intentionally trying to subvert the process or those who accidentally violate the process.

What we need are clear, statutory guidelines so everyone knows exactly where they stand. That is what S. 135 does. That is the reason I oppose the amendment by my distinguished colleague from Delaware.

I yield the floor.

VISIT TO THE SENATE BY THE PRIME MINISTER OF THE REPUBLIC OF LITHUANIA

Mr. BYRD. Mr. President, today the Senate is honored by the presence of a very distinguished visitor, Kazimiera Prunskiene, the Prime Minister of the Republic of Lithuania. She was elected to that office on March 17, 1990, in the country's first democratic election in more than 50 years. She served as deputy director of the Lithuanian's SSR Agricultural Economic Research Institute from 1986 to 1988. In 1988 she was appointed rector of the Institute for Improving Qualifications of Economic Specialists and Managers.

It is a great pleasure for me, on behalf of my colleagues, to welcome the Prime Minister of Lithuania.

[Applause, Senators rising.]

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent, in order that our colleagues may express welcome to this distinguished visitor, that the Senate stand in recess for 3 minutes.

There being no objection, the Senate, at 1 p.m., recessed until 1:03 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

HATCH ACT REFORM AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I have several things I would like to discuss, but when others want to return to the amendment or the bill at hand I will be glad to yield the floor.

In the meantime, may I have unanimous consent to proceed as in morning business until such time as we are prepared to return to the Hatch Act?

The PRESIDING OFFICER. Without objection, it is so ordered.

LITHUANIA

Mr. DIXON. Mr. President, I do not know how many of my colleagues hold my view. Some on the other side, Senator D'AMATO and Senator HUMPHREY, in particular, and others, have expressed their view about our lack of policy about what we are going to do with reference to Lithuania. It bothers me a lot. I suggest in the friendliest terms to this administration that I consider our China policy and our Lithuania policy to be no policy.

I read a column the other day that said the President has said he does not want to make any mistakes with reference to the problem in Lithuania. This columnist wondered whether not doing anything at all cannot be fairly interpreted as being a mistake.

I want to remark about that a little bit, Mr. President. I have here before me a memo from the Lithuanian-American community. These things come to our offices, and unfortunately, I think many of us do not see them; somebody on staff does. But my staff people know how much I am concerned about what we are doing with reference to Lithuania, so this has been brought to my desk. It is one page.

I do not know how many might be watching back in their offices, how many staff people, at least, might be watching. My dear friend, the Senator from Washington, who is a ranking Senator from the Armed Services Committee I see on the floor; at least this will enlighten him. But I want to read this:

Although the government of the Soviet Union announced Sunday, April 29, 1990 that they were easing the blockade by increasing natural gas flows into Lithuania, the actual effect was minimal. The increase in natural gas flow was a 30% increase to one factory at Jonava, which produces fertilizer exported to the Soviet Union. There is no increased natural gas for consumer use or for other factories.

The current effects of the economic blockade imposed on Lithuania by the Soviet Union the week of April 16, 1990 are as follows:

Over 35,000 people are unemployed.

Under conditions of rationing, limited supplies of gasoline are available to individuals. Medical facilities have reduced their services to outlying rural districts. Ambulances have greatly reduced their services.

The electricity "brown-out" has improved a little because one of the two blocks at the Ignalina nuclear power plan is back on-line.

The normal heating season is about to end, but heating to most residential housing was eliminated last week. Households are conserving cooking fuel.

Mr. President, this is a country that wants freedom. This is a country that became a part of the Soviet Union as a consequence of a terrible agreement between Adolf Hitler and Joseph Stalin.

The most difficult conditions are in the hospitals where all surgical, radiological and laboratory testing procedures have been suspended except in life-threatening situations because of a shortage of the most elemental supplies: surgical thread, scalpels, gauze and cotton balls, sterilizing chemicals, surgical gloves, etc. There is no heat for the hospital wards and there is reduced electricity to even the operating rooms.

The blockage of goods is almost total.

Here is a list of products no longer delivered to Lithuania, no longer delivered to a little country of 3.5 million people that only wants to be free. They are not trying to cause trouble in the world. They just want to be free.

Here is a list of products no longer delivered to Lithuania; the list is from a directive issued by the Soviet Minister of Communications, Konarev, on 4/19/90:

Steel and steel sheeting; tin; all types of piping; plastics; phosphate concentrates; all types of rubber products; wood products; including materials for furniture, flooring, etc. prefabricated wood housing; paper; asbestors; various metal and aluminum construction materials; synthetic fibers and textiles; glass packaging materials, gold products and silver, trucks and automobiles, including automotive spare parts; tractors; bulldozers; diesels and diesel generators.

Among food items embargoed: sugar; coffee, tea, cocoa; oils; citric acid; fish and fish products; nuts; liquor products; margarine and dried foods.

Mr. President, I think our policy with reference to Lithuania is a shameful policy. I do not know precisely what the policy ought to be, but for us to enter into a trade agreement, for us to give most-favored-nation status to the Soviet Union, for us to extol the virtues of Gorbachev and elevate him in public esteem at the expense of 3.5 million freedom-loving people who only want to be free, Mr. President—there will be a time in our history when we will be so embarrassed about this page in our history. This is not to our credit.

Mr. President, I ask unanimous consent that the communication from Lithuanian-American Community, Inc. be printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

LITHUANIAN-AMERICAN COMMUNITY, INC., NATIONAL EXECUTIVE COMMITTEE, GOVERNMENT AFFAIRS OFFICE,

Arlington, VA.

To: Supporters of Lithuania.

From: Government Affairs Office, LAC, Inc.

Date: May 3, 1990.

Re: Economic blockade of Lithuania by the Soviet Union.

Although the government of the Soviet Union announced Sunday, April 29, 1990 that they were easing the blockade by increasing natural gas flows into Lithuania, the actual effect was minimal. The increase in natural gas flow was a 30% increase to one factory at Jonava, which produces fertilizer exported to the Soviet Union. There is no increased natural gas for consumer use or for other factories.

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The most difficult conditions are in the hospitals where all surgical, radiological and laboratory testing procedures have been suspended except in life-threatening situations because of a shortage of the most elemental supplies: surgical thread, scalpels, gauze & cotton balls, sterilizing chemicals, surgical gloves, etc. There is no heat for the hospital wards and there is reduced electricity to even the operating rooms.

The blockade of goods is almost total. Here is a list of products no longer delivered to Lithuania; the list is from a directive issued by the Soviet Minister of Communications, Konarev, on 4/19/90:

Steel and steel sheeting; tin; all types of piping; plastics; phosphate concentrates; all types of rubber products; wood products; including materials for furniture, flooring, etc.; prefabricated wood housing; paper; asbestos; various metals and aluminum construction materials; synthetic fibers and textiles; glass packaging materials, gold products and silver, trucks and automobiles, including automotive spare parts; tractors; bulldozers; diesels and diesel generators.

Among food items embargoed: sugar; coffee, tea, cocoa; oils; citric acid; fish and fish products; nuts; liquor products; margarine and dried foods.

Mr. DIXON. Mr. President, I do not understand how we embrace this nonpolicy of the administration. Anyone can examine my record in almost a decade here, and I am one who believes politics stops at the water's edge.

I am a Democrat who has supported the administration on a lot of tough policies, like Contra assistance and other things, where I thought the policy was temporarily unpopular in the country, but in the long term it was the right policy to defend freedom's interests in the world. But twice recently now I have seen a policy that I think is wrongheaded. The China policy and now this policy are wrongheaded.

This is a policy of kowtowing to the powerful at the expense of the weak, the suppressed, and the needy people of the world. I think it is an unacceptable policy.

Beginning tomorrow and for the next several days, a representative of Lithuania will be here. This Senator, along with some of my colleagues on both sides of the aisle, will hear from the Prime Minister and will have an opportunity to visit with her.

I encourage my colleagues to take that opportunity seriously, and have a cup of coffee tomorrow and listen to this lady talk about her country and its needs.

Let me say this. I do not come here advocating some tremendously dramatic and difficult course that could involve tragedy, Mr. President. I respect the President of the United States. I understand his concerns. I want him to be pragmatic and practical in how he does this thing.

I see the problems. But we have to do more for this little country than we are doing. We have to do more than ignore this little country. We have to do more as a great nation to influence the course of historical events than what we are doing now, I think, with respect to Lithuania.

Mr. President, I am prepared to talk briefly on another subject, if no one else has need for the floor. I do not mean to impose. May I say to my good friend and colleague, for whom I have the warmest regards, when anybody comes over here I will be glad to yield immediately.

S&L FRAUD PROSECUTION EFFORT NEEDS MORE RESOURCES

Mr. DIXON. Mr. President, Senators will recall on Monday of this week, I was pleased to cosponsor and support an amendment offered by the distinguished Senator from Colorado, my warm friend and Banking Committee colleague, Senator WIRTH, to the supplemental appropriations bill, which would have provided more money to prosecute S&L crooks.

Senator WIRTH was absolutely correct. As I stated on Monday, the Justice Department has received over 20,000 savings and loan fraud and embezzlement referrals that the Department has not yet followed up on due to inadequate resources. A March 1990, FBI survey shows that 2,327 inactive cases are on the books. Over 1,300 of these cases are classified by the FBI as major cases involving over $100,000 each. The FBI is pleading for additional resources, Mr. President.

Last year, Congress took steps to provide those resources by authorizing $75 million for additional FBI agents and U.S. attorneys. Yet, the administration only asked for $50 million last year, and it is only asking for $50 million again this year.

I think Senator WIRTH did the Senate a real public service, Mr. President, by bringing this sad situation to our attention and by coming up with a sound, workable plan for rectifying the administration's mistake. Frankly, I think it was unconscionable that a procedural device was used to avoid a vote on the Wirth amendment.

Let me make this point absolutely clear. I think it was absolutely unfair and inequitable to use a Budget Act point of order against the Wirth amendment. I want to remind those in the administration who thought this was such a clever ploy that the very same point of order could have been made against the Panama and Nicaragua assistance in the supplemental.

Let me make my point clear. When the other side offered a point of order against the Wirth amendment, a section 302(b) point of order, that we were violating Gramm-Rudman-Hollings by what we did on the Wirth amendment, that same point of order would have applied to the whole question of Panama and Nicaragua assistance in that supplemental bill.

If this Senator or the Senator from Colorado wanted to be mean-spirited, we could have made the same point of order to the bill and required 60 votes to waive the budget to get to the merits of that legislation, which we refrained from doing out of consideration for many on both sides of the aisle and, frankly, out of consideration for the administration.

But process does matter. Senator WIRTH had a good amendment, a budget-neutral amendment, may I point out, and he deserved a vote on the amendment. It simply cannot be right to raise a point against his amendment when the identical point of order could have been made against the Central American money that those who made the point of order against Senator WIRTH were trying to protect; wrong though it was. However, that is what was done.

But additional FBI agents and U.S. attorneys to go after those who looted savings and loans and who cost American taxpayers literally hundreds of billions of dollars were sacrificed in order to protect $30 million for the promotion, Mr. President, of Panamanian tourism. Frankly, I do not see how those who supported the use of that Budget Act device defend that result.

I know the American people do not understand it. They know our priority must be to go after those executives who thought an S&L charter was a license to fleece the public and an invitation to line their own pockets at the Nation's expense.

Mr. President, this is one Senator who intends to do everything he can to see that every single person who committed fraud, who embezzled, or who committed any crime that contributed to this largest financial scandal in all of our history has to face a judge and receive the sentence they so richly deserve.

I want to put the administration on notice, Mr. President, that this issue is not going away. I know that Senator WIRTH will be looking for additional opportunities to get the necessary additional funding for the FBI and the U.S. attorneys, and I intend to help in that effort and to keep working at it until every S&L crook is brought to justice.

We should have taken care of this issue on the dire emergency supplemental. I am afraid, however, that the administration and some in the Senate did not know that the bill was a dire emergency supplemental. I am sure they could not have known, since if they had known, they surely would not or could not have supported funding for Panamanian tourism over prosecuting S&L crooks.

Mr. President, we need more money for the FBI and for the U.S. attorneys' offices around the country to prosecute these cases. There is no emergency more dire than that. I hope and expect that once the Senate understands the mistake it made, it will do the right thing and provide the necessary money we need to accelerate our efforts against savings and loan fraud.

Mr. President, I want to thank my colleague from Washington State and my dear friend, the manager of this bill, the Senator from Ohio, for permitting me to make these remarks.

Unless there is other business, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HATCH ACT REFORM AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. GLENN. Mr. President, I would like to advise people listening in the office or anyone within the sound of my voice that we are available for whatever discussion or amendments to be put on this bill. We are prepared to consider them here, debate them here, and are ready to act on them. We hope people will get over here and get them in if they have amendments. If not, this side is prepared to move to a vote.

We have one amendment on this side that I am aware of, by Senator ROBB, and it involves stiffer penalties for violators of the Hatch Act. The

amendment will be accepted certainly on this side, and I believe the indication by Senator ROTH has been that it will be accepted on his side, also. So we will get that one out of the way.

We have a technical amendment over here that I will propose on behalf of the committee. It makes technical corrections to the bill to make it conform with different portions of the United States Code.

The only amendment I am aware of is one currently before us by the distinguished Senator from Delaware [Mr. ROTH]. So I encourage anyone else with an amendment to get over here.

We all too often complain about being here weekends, Friday afternoons, not being able to get out, and yet, we cannot get people to bring possible amendments to the floor. So I urge anyone who has an amendment to get it to the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1579

(Purpose: To authorize the Office of Personnel Management to prescribe exceptions to certain prohibition regarding employees who reside in certain municipalities, to provide for the enforcement of the provisions of subchapter III of chapter 73 of title 5, United States Code, and to make technical corrections)

Mr. GLENN. Mr. President, I offer an amendment on behalf of myself and Senator STEVENS to makes certain technical corrections to the bill.

The amendment would incorporate provisions currently in law regarding activities of employees residing in impacted areas which were inadvertently omitted.

Also it authorizes special counsel to seek corrective action in the same way as if a prohibited personnel practice were involved.

I believe this is acceptable to the other distinguished floor manager of the bill on the minority side, and with this agreement I urge the amendment be adopted.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself and Mr. STEVENS, proposes an amendment numbered 1579.

Mr. GLENN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 4, strike out "1989" and insert in lieu thereof "1990".

On page 4, line 14, strike out "and".

On page 4, insert between lines 14 and 15 the following new subparagraph:

"(B) not a subordinate employee; and

On page 4, line 15, strike out "(B)" and insert in lieu thereof "(C)".

On page 6, line 3, strike out the end quotation marks and the period following the end quotation marks.

On page 6, between lines 3 and 4, insert the following:

"§ 7325. Political activity permitted; employees residing in certain municipalities

"The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibitions in paragraphs (2) and (3) of section 7323 of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—

"(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

"(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.".

On page 6, at the end of the matter between lines 11 and 12, strike out the end quotation marks and the following period and insert the following before line 12:

"7325. Political activity permitted; employees residing in certain municipalities.".

On page 6, insert after the matter between lines 11 and 12 the following new section:

SEC. 3. AMENDMENT TO CHAPTER 12 OF TITLE 5, UNITED STATES CODE.

Section 1261(c) of title 5, United States Code, is amended to read as follows:

"(c) If the Special Counsel receives an allegation concerning any matter under paragraph (1), (3), (4), or (5) of subsection (a), the Special Counsel may investigate and seek corrective action under section 1214 and disciplinary action under section 1215 in the same way as if a prohibited personnel practice were involved.".

On page 6, line 12, strike out "SEC. 3" and insert in lieu thereof "SEC. 4".

On page 7, line 18, strike out "SEC. 4" and insert in lieu thereof "SEC. 5".

On page 8, line 1, strike out "SEC. 5" and insert in lieu thereof "SEC. 6".

On page 8, line 8, strike out "SEC. 6" and insert in lieu thereof "SEC. 7".

On page 8, line 14, strike out "SEC. 7" and insert in lieu thereof "SEC. 8".

On page 8, line 18, strike out "7327" and insert in lieu thereof "7325".

Mr. GLENN. Mr. President, parliamentary inquiry. I was told a little while ago that I did not need to move to set aside the current amendment to consider another amendment. Is that correct? Or do I need to move to set the Roth amendment aside?

The PRESIDING OFFICER. It depends on the construction of the amendment, if the Senator will give us an opportunity to look at it.

Mr. GLENN. This is not an amendment to the Roth amendment. This is to the bill itself.

The PRESIDING OFFICER. The amendment, then, is in order.

Mr. GLENN. I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. The proposed amendment is satisfactory to the minority side, and we are willing to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 1579) was agreed to.

Mr. GLENN. I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I ask unanimous consent that I may proceed as in morning business for the next 5 minutes.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

WHOLE HERD BUYOUT

Mr. BURNS. Mr. President, I rise in support of a resolution offered last week, by my colleague from Wyoming [Mr. WALLOP].

The Agriculture Committee is currently in the process of marking up the language that will become part of the 1990 farm bill. There is a title for dairy in that farm bill. There will not be a title for beef cattle.

That is precisely the way that those of us involved in the beef cattle industry want it. The dairy industry represents an extremely difficult line of work. Dairymen have to be on the job, twice a day, 365 days a year, year in and year out. The dairy program helps to bring some stability to that line of work.

Cattlemen and women work within their industry just as hard as those in the dairy industry. And they want stability just as badly. To them, the stability comes from keeping the Government out of the cattle business.

That is the goal of this resolution. In 1985, the Food Security Act included provisions for stabilizing the price of milk by allowing for the culling of thousands of dairy cattle from dairy herds. Where did those cattle go?

They went to slaughter. And for all efforts to the contrary, the effect was to depress beef prices and to destabilize an important industry.

I do not want to see a repeat of the developments of 1985. I do not think that anyone in this body wants to inadvertently hurt one segment of our society while trying to help another.

But we need to remind ourselves of that fact once in a while.

I wish the Agriculture Committee the best of luck as it drafts replacement language to the 1985 farm bill. And I remind them just one more time: "A whole herd buyout is in no ones best interest."

I yield the floor.

MIDEAST PEACE PROCESS

Mr. BURNS. Mr. President, I would like to take this opportunity to state my position on the Mideast peace process—a process much discussed by my concerned colleagues.

I want to reassure Israel that we have not forgotten that it is a true ally. I would also like to state both my commitment to Israel's security as well as my respect for Israel's right to make its own decisions as a sovereign state.

We have heard a great deal on the Mideast process, and there are a few things that I would like to have considered at this time. I would like to take this opportunity to offer my support for taking a broad examination of the entire Mideast, not just Israel. As Americans, we expect a great deal from ourselves, as we should. We examine ourselves with a critical eye, as we should.

In turn, we expect a lot from other democracies. We in the Western World have a tendency to view Israel with the same high expectations that we have of ourselves. But we must remember that Israel carries a daily burden that we do not. It is a tiny country, unlike us, surrounded by numerous, hostile factions operating from within neighboring countries.

If we aid these antagonistic factions by caving in to their pressure, then we will have assisted them in achieving their goal of destroying all of Israel. We will have aided in the destruction of a true ally in the Mideast. I know that none of my colleagues wants to see that happen.

Now is not the time to display haste. Pressure has been applied through the media in order to manipulate public opinion. It's working. Israel, on the other hand, is depending solely on the common sense of Western civilization.

Problems with Israel should be discussed as among friends, not in public. Public criticism sends the wrong signals to Israel's antagonists. It sends a false message that United States support is decreasing to Israel or is shifting to Israel's adversaries.

Israel is a proven ally. It is our ally in the United Nations. It is our strategic ally, as well. It is vital to our national interests in the Mideast. As our access to the Mideast shrinks, Israel becomes even more critical as a friend. The aid we give to Israel is aid to a friend. It is aid to keep a democracy in existence. It is aid to further our national interests in that region. It is not an excuse to dictate policy to Israel or to demand that it act as our puppet. Israel is a sovereign state. We would not allow Israel, or any other country, to tell us how to handle our domestic issues.

We want peace in the Mideast, as does Israel. Let us let Israel decide the best path, since it is the one who stands to lose the most. The best thing we can do is to give Israel balanced advice.

A wise man, a man who was once a man of war and later became a man of peace, said, "When the bells of peace ring there will be no hands to beat the drums of war. Even if they existed, they would be stilled." That wise man was Egypt's late President Anwar el-Sadat in his address to the Parliament of Israel in November 1977, and who was brutally assassinated by extremists. For peace to work in the Mideast, it must be right for all parties.

I know that all of my colleagues are committed to a long lasting peace in the Mideast. I hope that they are also just as committed to Israel's survival.

Thank you, Mr. President. I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER (Mr. ADAMS). The Senator from Illinois.

Mr. DIXON. Mr. President, I ask unanimous consent to go forward as in morning business until such time as my friends, the distinguished manager and the distinguished Senator from Delaware, should suggest that they are prepared to go ahead.

The PRESIDING OFFICER. Is there any objection to the request for the extension of time for morning business? There being no objection, it is so ordered. The Senator from Illinois is recognized in morning business.

WES CHRISTOPHERSON—A MAN OF BUSINESS AND PUBLIC SERVICE

Mr. DIXON. Mr. President, I want to take a moment to recognize the outstanding contributions of Mr. Weston R. Christopherson to the State of Illinois. Wes Christopherson has recently retired as chairman of the board and chief executive officer of the Northern Trust Corp. in Chicago, IL. He is an exceptional example of business and civic leadership.

Wes Christopherson was born in North Dakota. After serving in the U.S. Navy and obtaining his undergraduate and law degrees from the University of North Dakota, this outstanding American came to Illinois. Wes began his business career at Jewel Co., a Chicago-based grocery and drug retailer, where he eventually rose to be chairman of the board and chief executive officer.

Six years ago, Wes Christopherson began another career. He joined Northern Trust Co. as chairman of the board and chief executive officer. He recognized that the bank would have to change because old traditional ways were not enough to meet emerging financial challenges. Under Wes's leadership the bank more than met those challenges. While many financial institutions are experiencing difficulties today, I am pleased to say that Northern Trust Corp. just completed a record year.

In addition to his major business accomplishments, Wes Christopherson has been outstanding in his service to our community in a number of roles. He was a founder and has served with me as vice chairman of the Institute for Illinois. I am especially grateful for his leadership role in the institute. In addition, he is a trustee of the University of Chicago, and past director of the MacArthur Foundation, the McCormick Theological Seminary, and Children's Memorial Hospital, as well as other important organizations contributing to the improvement of the quality of life in Illinois.

Mr. President, in all these positions, Wes has executed his responsibilities with integrity, enthusiasm, and dedication.

We are fortunate to have Wes Christopherson in our State.

On behalf of the Illinois congressional delegation, let me take this opportunity to express our sincere appreciation as we say thank you to Wes Christopherson for his personal and public efforts in behalf of his fellow citizens in Illinois.

Mr. President, I would be delighted to talk briefly about my support for things that my chairman of the Armed Services Committee, Senator NUNN, has said here on the floor. But, again, may I say to my colleague on that committee, the manager, whenever he or my distinguished friend from Delaware want to go ahead, I will yield. I can do this at another time.

Mr. ROTH. Go ahead.

REEXAMINING U.S. DEFENSE STRATEGY

Mr. DIXON. Mr. President, I commend the distinguished chairman of

the Senate Armed Services Committee for his comprehensive approach to this year's national security debate. Recently—in two speeches before this Chamber—he took an exhaustive look at the future of U.S. defense strategy, and presented in broad terms his thoughts on a potential corresponding budget.

In the absence of adequate leadership from the President on these vital matters, the chairman has stepped into the void. Importantly, he has grounded his approach upon an assessment of existing and future U.S. national security needs and has avoided the temptation—which I might add many others have succumbed to—of simply making up a new defense budget number. While I may not accept all of Senator NUNN's assumptions or recommendations outlined 2 week ago, I am pleased to say that we are in substantial agreement on many important issues.

For example, Senator NUNN said that we can deter nuclear war with less weapons and greater stability and called for a significant decrease in spending for nuclear modernization. Mr. President, I could not agree more. I have been insisting all along that the administration's defense budget request places far too much emphasis on nuclear weapons modernization, as it makes no cuts at all in these major programs. Senator NUNN is helping push the debate in the right direction. However, I do not necessarily accept the argument that we should continue SDI at the current level of funding, or that we should proceed with two mobile missile programs.

The chairman also suggested that we can ultimately reduce U.S. forces in Europe by a greater number than is not being discussed in the CFR talks. Mr. President, he is right again. I too was impressed by Dr. James Schlesinger's testimony and I am sure that would have been true of my distinguished friend, the Senator from Ohio who is a very important member of the committee. I was impressed by Dr. Schlesinger's testimony before the Senate Armed Services Committee that 75,000 to 100,000 U.S. troops in Europe will eventually be enough. I remind the Senate we have 305,000, with supporting dependents, however, I would add that I believe we can make progress toward this goal immediately. While continuing the CFE talks, we should also withdraw a significant number of troops from Europe now—perhaps 50,000. This is a tangible action that we can take in the near term. It would demonstrate to our citizens, and to the world, that we are serious about dealing with the changing world in which we live.

Mr. President, there are many other areas where I think Senator NUNN has hit the bull's-eye. He has called for greater reliance on the reserves. As for this Senator, he is preaching to the choir. I believe that as we draw down forward deployed forces, we should be transferring missions and capabilities to the Reserves and the Guard, so that we can cost effectively preserve sufficient strength in a time of diminishing threat. The chairman has also argued for maximizing our defense resource allocation by "improving existing platforms and reducing new starts." Again, I could not agree more. As I have said before, "* * * when confronted with a choice between maintaining an existing program that we know works, or sacrificing it for a future program that we might not need, I say we stick with what we have and make gradual improvements as necessary."

Finally, Senator NUNN has emphasized that "preserving a viable defense industrial base"—an issue for which I have long had particular concern—is a key component of a new U.S. defense strategy.

The senior Senator from Georgia also proposed—as part of his new defense strategy—that we should, in his words, "employ a concept of flexible readiness." He defines this concept as "the adjustment of the readiness status of various forces based on the threat; the amount of warning time; the likelihood these forces will go into action; and the ability to transport them to the battle." As chairman of the Armed Services Readiness, Sustainability, and Support Subcommittee, this concept is of particular interest to me.

Senator NUNN believes that a prudent course would be to keep certain high priority forces, such as strategic forces, expeditionary forces, forward deployed forces, special operations forces, and selected intelligence units, at a high state of readiness. In contrast, the chairman suggests that other forces, such as those specifically configured to fight a conventional war in Europe against the Soviet Union, would be kept at adjustable readiness levels. Importantly, Senator NUNN points out that forces such as these should be maintained so that their readiness could be quickly increased if we observe major changes in the threat.

Mr. President, I believe that the chairman's concept of "flexible readiness" represents a sensible approach to adopting our armed services to the diminishing threat. I think he is correct that careful implementation of this type of approach would not result—and this is important—in the hollow military forces that we had in the 1970's. No one wants that again. As chairman of the Readiness Subcommittee, I will make sure that however we proceed in this area, we will not return to those days.

Finally, and I conclude, Senator NUNN made valuable recommendations on what he believes represents a realistic defense spending figure for fiscal year 1991 and the out-years. Now, Mr. President, I am not going to stand here before you today and say that I have my own special defense spending number to throw into the debate. There are already enough numbers flying around, and I will resist adding to the confusion. However, I would like to associate myself with the chairman's basic approach: We must take this year's major defense funding cuts in budget authority rather than outlays. To do otherwise would require immediate and massive cuts in manpower, training, and other day to day military funding areas, and would impose an enormous and unacceptable burden on our Armed Forces.

Mr. President, I yield the floor.

I thank my friend from Delaware and I thank my friend from Ohio for giving me this time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for extension of morning business has been completed with the Senator yielding the floor.

HATCH ACT REFORM AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. We are now once again on the bill and the Chair recognizes the Senator from Ohio.

Mr. GLENN. I thank the distinguished Presiding Officer.

AMENDMENT NO. 1580

(Purpose: To prohibit the coercion of political activity from federal employees)

Mr. GLENN. Mr. President, I send to the desk an amendment to offer on behalf of Senator ROBB. The amendment is acceptable on this side of the aisle and I believe on the other side also.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN], for Mr. ROBB, for himself, and Mr. WARNER, proposes an amendment numbered 1580.

Mr. GLENN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, after line 11, insert the following:

(c) Chapter 29 of title 18, United States Code (18 U.S.C. 592 et seq.), relating to elections and political activities is amended by adding at the end thereof the following new section:

"SEC. 610. COERCION OF POLITICAL ACTIVITY.

"It shall be unlawful for any person to intimidate, threaten, command, or coerce, or

attempt to intimidate, threaten, command, or coerce, any employee of the federal government as defined in 5 U.S.C. 7322(1), as amended, to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.".

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROBB. Mr. President, as a cosponsor of S. 135, the Hatch Act Reform Amendments of 1989, I applaud the commitment of the distinguished chairman of the Government Affairs Committee, Senator GLENN, to developing a reasonable and workable alternative to the current act. I strongly believe that Federal employees should be able to have the same political freedoms currently enjoyed by State and local government employees in my own State of Virginia, free of intimidation by management or labor.

I believe my amendment will complement the chairman's yeoman's work on this important legislation. My amendment includes language specifically prohibiting intimidation or coercion of Federal workers by any individual or group. I believe this amendment is acceptable to the chairman.

Mr. GLENN. I have reviewed the amendment to S. 135 offered by Senator ROBB. The language included in the amendment reflects the committee's strong commitment to protecting Federal workers from intimidation and coercion while, at the same time, allowing them to voluntarily participate in the political process in an off-duty, nonofficial manner. I am, therefore, pleased to accept the amendment.

Mr. ROBB. Mr. President, I appreciate the chairman's kind consideration of this amendment, and I thank him for his leadership in this important area.

Mr. ROTH. Mr. President, I have no objection to the proposed amendment. But prior to its acceptance, I would like to make, if I may, a comment or two.

What the proposed amendment does is to increase the penalties for those who would violate S. 135. The section is entitled "Coercion of Political Activity." While I have no objection to increasing the penalty, I think it is important in doing so that it be clearly understood that it is going to be very difficult, if not impossible, as a general rule, to effectively enforce the law.

As a matter of fact, I have a letter dated July 24, 1989, a copy of a letter from the U.S. Department of Justice, Office of Legislative Affairs, in which it is pointed out that the current bill includes several provisions, specifically 7321 and 7324, which although theoretically intended to prevent abuses will be ineffective in achieving that goal as a practical matter.

Further, these provisions could be virtually impossible to enforce effectively and could invite a flood of litigation by disgruntled employees.

What my concern is, Mr. President, is that, while we are increasing the sanctions, as a practical matter, under S. 135, for reasons spelled out in considerable detail in the letter, it is going to be extraordinarily difficult to enforce the sanctions. Just let me point out that the core argument of proponents of this legislation is that if coercion of Federal employees is the central concern, then proscribing partisan political activity is overkill, particularly when Federal employees can be fully protected by a simple anticoercion statute. Moreover, it is said that some of the States have repealed their Hatch Acts and have adopted anticoercion statutes in their place with good results. No cases of coercion have been found.

While this core argument has a veneer of plausibility, it is rotten at the core. The argument is at odds with reality. Frankly, it misunderstands the nature of coercion. It brings to mind, many centuries ago, when King Henry II of England wondered aloud how he might be rid of "this troublesome priest" and four of his subordinates, having overheard him, rode off and murdered Thomas Becket in Canterbury Cathedral. Were those four coerced? If you were the special counsel, how would you prove that case? What evidence would you offer? Can there be coercion without a coercer?

Suppose there are two GS-15's in the Labor Department who both hope to earn the same promotion. Under this legislation, one of them engages in partisan political activity to please his superior. The other who belongs to the opposite party nevertheless undertakes similar political activity to eliminate his competitor's supposed edge. The superior is, in fact, oblivious to the political activity of either subordinate.

Is the activity of the GS-15, a member of the opposite political party, voluntary? How can it be voluntary when it is something he does not want to do? Is it coerced? As far as the GS-15 is concerned, he has been coerced. Yet no one has coerced him.

This example will recur countless times under this bill. Yet there will be no legal evidence of a coercion violation. No cases will be brought. No cases should be brought, since there are no violations of law, only violations of the values of the first amendment.

I am hardly persuaded that the lack of prosecutions by the various States after repeal of their Hatch Acts is proof that repeal works. Rather, I find the absence of cases rather troubling. It means to me that there are many employees suffering in quiet anxiety, who are engaging in partisan political activity because of subtle pressures "beyond the reach of any anticoercion statute," as President Ford so perceptively observed.

Human nature does not change. It does not matter whether the time or place is England in the Middle Ages, Kentucky in the 1930's, or the Department of Labor next year. People are ever striving to get ahead, to better themselves. That makes them vulnerable to the subtle pressures I have noted.

Congress understood this in 1939 when it enacted the Hatch Act. The central idea, the core principle, of the Hatch Act is that a simple anticoercion statute will not effectively control coercion. That was the lesson—the hard lesson—of history. If we ignore history, we are doomed to repeat it.

Despite my concerns about the general thrust of the legislation, as I said, Mr. President, I have no objection to the adoption of the proposed amendment on behalf of Senator ROBB.

Mr. WARNER. Mr. President, I am pleased to join my Virginia colleague, Senator ROBB, in what we feel will be an important enhancement to the Hatch Act reform amendments.

Among the criticisms of the underlying bill, S. 135, is that it potentially could contribute to increased instances of political coercion of Federal and postal employees. The subtle nature of pressure in the workplace, in our judgment, requires a strong deterrent.

We have proposed, therefore, significant penalties should even an attempt to coerce be made. This would include a maximum fine of $5,000 or a prison sentence of up to 3 years. It is our view that this amendment will help to put teeth into the legislation by thus strengthening the U.S. Criminal Code.

I would like to take this opportunity to express my thanks to the distinguished managers of the bill, Senators GLENN and ROTH, for their assistance in accepting our amendment. I would also like to recognize the leadership of my Virginia colleague, Senator ROBB, in initiating this constructive measure of protection for the Nation's 3 million Federal and postal employees.

Mr. GLENN. Mr. President, I ask for the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment offered by the Senator from Ohio [Mr. GLENN] on behalf of the Senator from Virginia [Mr. ROBB].

The amendment (No. 1580) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR SASSER'S PROPOSALS FOR DEFENSE SPENDING

Mr. HARKIN. Mr. President, I rise today to congratulate our friend and colleague, Senator SASSER, for his leadership and vision as chairman of the Budget Committee. I want to emphasize those two terms: Leadership and vision.

While the Bush administration ignores the realities of Eastern Europe after the collapse of the Warsaw Pact, calling for a status quo cold war military budget, Senator SASSER has recognized the need for bold action to meet the new realities of the decade of the 1990's and beyond.

Senator SASSER has called for major reductions in defense spending next year, in the fiscal year 1991 defense budget, and, through his leadership, the Senate Budget Committee has now approved major reductions.

Of course, Senator SASSER's first responsibility, as chairman of the Budget Committee, is to make sure that we achieve the deficit reduction targets. Given the revolutions sweeping Eastern Europe and the Soviet Union, it is entirely appropriate that major defense cuts contribute to deficit reduction.

I supported Senator SASSER's call for defense outlay cuts of $12 billion below the administration request of $303.3 billion for fiscal year 1991, or a proposed defense outlay of $291 billion. The Budget Committee resolution at $293.9 billion is close to Senator SASSER's recommendation, and we, of course, may be addressing that even further on the floor.

In addition to cutting outlays, I agree with Senator SASSER that we must look beyond the year-to-year Federal budget problems. We must take a long-term view, and this is where the vision and the leadership of our distinguished Budget Committee chairman has really come into play.

Defense spending should depend on real defense needs, not on some arbitrary percentage of last year's budget. Clearly, the military threat from the Soviet Union, which previously justified 60 percent of our military budget, is declining. Everyone from junior high school students to the Director of the Central Intelligence Agency recognizes this reduced threat—everyone, that is, except those who drafted the administration's defense budget.

As one extreme example, the administration's original budget request included funds to develop the followon to the Lance tactical nuclear missile. This short-range missile, which must have a range less than 300 miles under the INF Treaty, could at most reach East Germany, a little bit of Czechoslovakia, or a little bit of Poland. This is a clear example of waste: $112 million requested in the President's budget to prepare a nuclear tip missile to attack Lech Walesa with nuclear weapons. I thought Poland, Czechoslovakia, and East Germany were now our friends. The administration requested $112 million to modify and upgrade this Lance nuclear tip missile.

But this is not an aberration in the Bush-Cheney budget. The top 11 strategic nuclear weapons programs have been increased by an average of 30 percent. This is clearly wasteful and unnecessary as threats are decreasing daily.

We need to recognize the new realities of the 1990's, a world in remarkable and joyous change, one moving toward both democracy and free markets; a world with greatly reduced danger of Soviet military attack. We need to cut out wasteful spending, reduce procurement fraud, and stop buying new weapons that have no rational use in today's world.

Senator SASSER is a true leader in cutting through all of the rhetoric to recognize that the defense budget can and must be significantly reduced and redirected. He has correctly noted that we can provide for our Nation's long-term defense while cutting back from current record peactime spending levels.

But cutting this year's outlays is not enough. We must also stop budget authority for expensive and unneeded new weapons systems, systems started primarily to stop a surprise Soviet attack on Western Europe.

The Bush/Cheney request of $306.9 billion in budget authority would create another bow wave of new weapons procurement commitments—commitments that would come due in future years.

We must terminate unneeded weapons systems and postpone procurements of other weapons until testing is complete and their need is fully justified. Otherwise, we will create wasteful spending and exacerbate outlay problems in the years ahead.

Again, Senator SASSER recognized this need. He initially recommended that defense budget authority be reduced by some $26 billion below the President's request, to a level of $281 billion in 1991. While the budget resolution is slightly higher at $285.6 billion, this is still $21.3 billion less than the President's request and is very close to what Senator SASSER had initially proposed.

I encourage all of our colleagues to support Senator SASSER's proposals for defense. This is the first step in restoring fiscal responsibility while leaving in place a robust military force, fully capable of defending American interests around the globe, with or without Mr. Gorbachev.

Again, Mr. President, I congratulate the chairman of the Budget Committee.

I know I, like all other Senators, get asked all the time when we go back home, is there going to be a peace dividend? I guess the short answer is in this next year, not much. We are going to cut some outlays that Senator SASSER has proposed, but the big peace dividend comes down the way. It comes in 1994, 1995, 1996, and 1997, and the only way it can come is by cutting and reducing budget authority to terminate the procurement of these new and unneeded weapons systems. That is when our country will feel the effect of the peace dividend, and that is when we are going to need it.

We are going to need it for deficit reduction. We are going to need it for health care. We are going to need it for education. We are going to need it for care for the elderly. We are going to need it for biomedical research. But we are not going to have it available unless we follow Senator SASSER's lead in both reducing outlays for next year, which gives us a little bit of the peace dividend next year, but in following his lead in cutting the budget authority to at least the level that the Budget Committee has recommended. That really is the beginning of this country realizing the peace dividend.

Again Mr. President, I want to congratulate the distinguished chairman of the Budget Committee, the Senator from Tennessee, for his vision and his bold actions. Again, Mr. President, I encourage all of our colleagues to follow his visionary lead on this subject. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I want to thank the distinguished Senator from Iowa for his kind words this afternoon on the floor of the U.S. Senate. But more important, I want to thank the Senator from Iowa [Mr. HARKIN] for the foresight that he has displayed on these very critical and crucial issues. These are, indeed, historic times. There is no doubt that there must be major revisions in our outlook on the world.

When the Director of the Central Intelligence Agency, the primary spokesman for assessing the threat to this Nation, states before a Senate committee, "There is little chance that Soviet hegemony could be restored in Eastern Europe," then I think it is

high time that we take heed of that warning.

I point out that our proposals to make what some are calling dramatic reductions in military spending still will leave the United States with a very potent military force. I submit, Mr. President, the most potent military force on the face of this globe.

With the cuts that the Senate Budget Committee is proposing and which have been endorsed on the floor by the distinguished Senator from Iowa [Mr. HARKIN], we would still retain a 14-aircraft carrier battle group, just as the President's budget does. Yes, we might be cutting 1 air wing, but we would still have 35 air wings left.

Yes, we might cut three Active Army divisions instead of the two proposed by the administration. But even if we cut 3 Active Army divisions, there would still be 15 Active Army divisions that would remain, and that does not count the 3 Marine divisions that are also stationed in the United States and abroad; one in Okinawa, if memory serves me correctly.

We might very well have to cut 100,000 troops instead of the 38,000 recommended by Mr. CHENEY. But the United States would still have almost 2 million men and women under arms and available in our United States to defend our interests anywhere in the world.

I would like to congratulate today the distinguished Senator from Iowa [Mr. HARKIN] for his foresight and for his leadership on this critical issue. Senator HARKIN of Iowa was the first of our colleagues in either body to recommend that we cut budget authority for defense now and cut it well below the outlays to prevent the buildup of another so-called bow wave of expensive weapons bills that we do not need that will be coming due 3, 4, 5 years from now.

Back in January, it was Senator HARKIN of Iowa, who was the first to call for cutting the defense budget authority to $282 billion for fiscal year 1991. It was Senator HARKIN who sent the material to me outlining this cut. It was Senator HARKIN who helped to persuade me and countless others in this body that major cuts in budget authority are not only appropriate but prudent in this post cold war era.

In fact, the approach of the distinguished Senator from Iowa outlined several months ago was publicly endorsed by the House and Senate just this past week.

The Budget Committee of the House of Representatives agreed to a $283 billion budget authority figure for defense. That was very close to the number recommended by Senator HARKIN.

I might say, parenthetically, that the distinguished chairman of the Senate Armed Services Committee, Senator NUNN, has also called for major cuts in defense budget authority.

So I say to my friend from Iowa [Mr. HARKIN] that I agree with his long-term perspective. We must cut weapons procurement now. We must cut weapons procurement now in the outyears even if we do not provide significant outlay reductions in the first year. We must have vision. We must cut procurement of many of the next generation of nuclear weapons for which we have no need. We must also end some new conventional weapons that are on the drawing board, intended to stop a surprise Soviet conventional attack that has been rendered absolutely obsolete and militarily untenable by the revolutions that have occurred in Eastern Europe in 1989 and this year.

I might say, Mr. President, that it was our friend from Iowa [Mr. HARKIN] who also called for major long-term reductions in the defense budget, returning to the previous peacetime levels near $200 billion in constant 1990 dollars by 1995. This is not inconsistent with numbers later proposed by the distinguished chairman of the Armed Services Committee, Senator NUNN.

The call by the Senator from Iowa [Mr. HARKIN] for $200 billion by 1996 as an outlay goal in 1990 dollars is a prudent goal, far more realistic for the new realities of the 1990's than the administration's plan for $325 billion in budget authority for 1995.

Even adjusting for inflation, the administration is equivalent to $272 billion in 1990 dollars, far above previous peacetime levels that dipped to $200 billion in 1990 dollars following the Korean and Vietnam wars.

I also compliment the Senator from Iowa [Mr. HARKIN], for his leadership in keeping outer space a weapons-free sanctuary. Now is the time to stop the arms race in outer space, stop it before any nation has taken that first step to putting up the first weapon and, God forbid, the first nuclear weapon.

I am sad to say that the administration's continued push for rapid deployment of a space-based star wars defense could eliminate a unique opportunity to keep outer space a sanctuary for peaceful exploration for all mankind in order that we may further commerce and science.

Mr. President, I would be remiss if I did not tell my colleagues here today that the distinguished Senator from Iowa [Mr. HARKIN], has been a leader on the Defense Appropriations Subcommittee, attempting to prevent a dangerous escalation in antisatellite or so-called Asat weapons development.

The United States depends more and more on satellites for both military and civilian functions. Now that relations are improving between the superpowers, we have a truly unique opportunity to curb the so-called Asat arms race, to protect our assets in space. the Pentagon's own net assessment admits that the threat to our satellites is truly diminishing, and yet, in the face of that, the administration has requested a 181-percent increase in the Pentagon's kinetic energy Asat weapon. Building effective, dedicated Asat weapons would only stimulate the Soviets to develop better Asat weapons themselves that could be used in the future to put our critical satellites at risk.

So I want to congratulate the foresight of the distinguished Senator from Iowa [Mr. HARKIN], for seeking to end the dangerous Asat arms race. I look forward to working with Senator HARKIN in the weeks and months ahead as we attempt to bring the administration's cold war into line with the fiscal and global realities of the decade of the 1990's.

I yield the floor.

Mr. HARKIN. Mr. President, I thank our distinguished chairman of the Budget Committee for his kind remarks and to say to him that I have appreciated very much his openness and willingness to receive the materials that I sent him; his willingness to have his staff people work with me and my staff in developing some of these numbers; and, again, my high esteem for his leadership in crafting and creating the budget that really truly recognizes the new realities.

I look forward to working with the distinguished presiding officer [Mr. ADAMS] not only in that capacity but also as members of the Appropriations Committee—the distinguished presiding officer is also a member of the Appropriations Committee—to make sure that the dollars we appropriate recognize this new reality and fit in accordance with the budget that the Senator from Tennessee has so creatively, and I think with great foresight, developed for us in the Senate.

I thank the Chair. I yield the floor.

Mr. ROTH. Mr. President, I agree with the comments made by the two preceding Senators when they say that there will be a substantial peace dividend. But let me say that I feel it is very important as we achieve this dividend that it be not used for additional Federal spending but be used to return to the taxpayer who for the last 40 years has been bearing the burden of high taxes to support the defense effort.

The distinguished senior Senator from New York has proposed that there be a cut in Social Security taxes on the grounds that the FICA has imposed an unfair tax, a heavy burden on the low and middle income.

I, too, am concerned about that factor. I do not think we want to mess around with Social Security. I do not think the American people want us to

mess around with Social Security. So what I have proposed is an amendment, or legislation that would reduce over 5 years the marginal rate of taxation of the low and median income that would as I say in turn offset the additional burden being paid by those taxpayers under Social Security.

I fear that what will happen is that the peace dividend will be used to increase spending rather than to provide the relief that I personally believe the taxpayers are entitled to.

So while I agree that we will be able to make savings in defense spending, to the extent that is a reality I would hope that we would return it to the American taxpayer.

I yield the floor.

HATCH ACT REFORM AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. GLENN. Mr. President, I ask unanimous consent that the time between now and 4 p.m. be equally divided between myself and Senator ROTH, and that at 4 p.m. I be recognized to table the Roth substitute amendment; that no other amendments or motions be in order prior to the disposition of the Roth substitute amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none. and it is so ordered.

Mr. ROTH. I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. ROBB). Who yields time?

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, I urge everyone whether in the offices or whereever if they have amendments to this bill to please bring them to the floor. I say on the Democratic side, we disposed of the technical amendments, we have disposed of the Robb amendment which the Presiding Officer sent over and we passed a little while ago. That has now been successfully passed. To the best of my knowledge we have no more amendments, no more changes proposed to S. 135 on our side of the aisle.

The only thing I know of pending on the other side of the aisle is the substitute amendment by Mr. ROTH. We will be voting on that at 4 o'clock.

Mr. President, I do not know whether it is going to be possible to have final passage on this bill today. But I urge anyone on either side of the aisle to please bring their amendments over so we can dispose of this.

If that is not to be the case, if we were to have a long string of amendments, we hate to use that nasty word around here, but "filibuster by another means," I think that will become apparent later on. But if that is not the intent, and if that becomes the intent, then the majority leader has already indicated his desire to file cloture on this bill at the earliest possible time so we can get on with the business of the Senate and of this country.

So I urge if that is not the intent on the other side, then let us get the amendments over here, vote them out, and maybe we can have final passage today. We are taking up the Roth amendment at 4 o'clock. If there are no other amendments I hope we can go to final passage by early this evening. We hope that will be possible because we are finished on our side of the aisle on this bill.

With that, I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I yield myself such time as I may take.

Mr. President, as I said this morning I was more impressed by what was said by the proponents of S. 135 than by what we said. As I indicated then, the three principal reasons for this proposed legislation seems to be first, the question of constitutionality.

As I pointed out in a later statement, there is no question about the constitutionality of the Hatch Act. It has been taken to the Supreme Court twice. In both cases it was upheld. One may disagree with those decisions but it is very clear that the Supreme Court feels the Hatch Act is proper, is constitutional, and of course for that reason upheld in both of these cases.

A second reason given for the legislation is because of the so-called confusion or lack of clarity of the regulations under the Hatch Act.

Of course, that is what my amendment before the Senate floor seeks to do, to provide the kind of clarification that will help the Federal employees who must abide by these rules.

A third reason given for the legislation is the fact that three union leaders were a few years ago charged with violating the Hatch Act. As I point out, the courts later found that there was no such violation, so that in fact that question is no longer an issue. But I do intend later to offer an amendment that would make it clear that this kind of situation does not arise again.

I agree that the leaders of the Federal unions who are on leave of absence should not be regulated, should not be subject to the provisions of the Hatch Act. For the reason, at a later time, I will propose that the law be cleared so that situation does not arise again.

But as I said earlier this morning I am surprised that the advocates of S. 135 do not choose to speak about what the proposed legislation is all about. They talk about details. They talk about the arguments I just referred to, but they do not talk about what the adoption of this legislation will really mean.

I must respectfully disagree with my distinguished chairman, when he says S. 135 does not represent a repeal but only an amendment of the basic law.

In my judgment, nothing can be further from the truth. What the Hatch Act has sought to do and has done successfully is to avoid partisan political action on the part of the Federal employee. What we are talking about here is a balance of interest.

Again, I have not heard the advocates of this legislation make any substantial reference to the rights and the interests of the American people. We have two interests which come into conflict here, and what the Hatch Act has sought to do is to arrive at a balance that protects the basic rights both of the Federal employee to participate in the electoral process and to help ensure to the American people that the laws of this land are administered in a neutral, nonpartisan way.

As I have pointed out time and again, this has been a concern, a concern from the earliest days of this Republic. George Washington, the Father of our country, the first President, spoke about his concern with Federal employees trying to influence in a partisan way; likewise, Thomas Jefferson.

Down through the years, even though each succeeding President had expressed concern, it was not until 1939 under President Roosevelt's stewardship the Hatch Act was finally adopted. And for 50 years this legislation has both protected the Federal employee from coercion by his superiors or others, and it has protected the American people in ensuring that the laws are properly administered.

Now some are saying, because there may be some lack of clarity in these regulations, we should throw the baby out with the bathwater. I do not believe that is the case. I believe that would be a serious, critical mistake.'

So what we are proposing by our substitute amendment is that we direct OPM to clarify these rules and regulations. To me, this is the way to address the problem and not to reverse the direction of the policy.

There is no way you can argue that this is merely a matter of reform or amendment, because the present law, the Hatch Act, says to the Federal employee, you will not become involved in partisan political activity. What does S. 135 say? Just the opposite—a

180-degree change. Instead of not being involved, not participating, S. 135 encourages the Federal employee to become involved in partisan political activity.

So what this legislation really means, if it became law, is that you would be creating the potential for a new national political organization, a new national political organization that would reach into every district in every State of the Union, a potential political organization where Federal employees could solicit tremendous sums of money from the others who belong to this organization.

As I pointed out earlier today, the unions already have PAC's with substantial money in it, and that is their right, just as it is the right to have PAC's in other organizations. But it is not ironical, as I said earlier, that at the very time we are talking about campaign reform and a centerpiece of that campaign reform is to revise, modify, if not eliminate PAC's, that we are proposing legislation that will expand PAC's. This week we are going to expand PAC's; next week we are going to eliminate or reduce PAC's. It does not make much sense to me, and I am sure it does not make much sense to the American people.

Second, not only does it provide the potential for a tremendous national organization or make it possible to create a tremendous national organization that can collect funds from every district in every State, but it would provide for a national network of partisan workers. That is the reason this legislation is being proposed, not to clarify the rules or regulations, not because there is concern of the constitutionality, but because it will make for the potential for one of the most effective political organizations in the entire country.

Be that as it may, let me go back to this question of clarification. First of all, let me read what Common Cause had to say. Common Cause, a public organization to protect and promote the public interest, has sent a letter to all Members of the Senate opposing S. 135, and on the question of the clarity of rules and regulations, has this to say:

Common Cause recognizes that the current regulations governing administration of the Hatch Act are complicated. There may be ways to clarify and simplify for workers the degree of participation they are permitted under the Hatch Act without lifting the basic restrictions on partisan activity. We would urge the Senate to instead explore this possibility. As a core principle, however, a careful balance must be struck between an individual's first amendment right of free speech and association and the public's right to impartial administration of government. We believe S. 135 upsets this balance and would open the possibility of a dangerously politicized civil service.

So the question I think is stated so eloquently by this letter from Fred Wertheimer, the president; do we want to go back to the spoils system?

This morning, the distinguished Senator from Arkansas, for whom I have the greatest respect and one with whom I often join hands in legislative matters, particularly in efforts to reduce and minimize fraud, waste, and abuse in the bureaucracy, said that the problem with the amendment is that it would require the bureaucracy, OPM, to redefine the rules and regulations under the Hatch Act. And that is true, that is what we propose. That is their job.

But let me point out that if we adopt the new legislation, the same fact will be true. The new law would be regulated by OPM just the same as in the current law.

Just let me point out there are many ambiguities in the proposed legislation. In fact, I would argue that they are even more serious than those contained in the present law. At one point in the legislation it says an employee may not engage in political activity. What is political activity? No effort is made to define that in the legislation. Does it include only partisan political activity or not? What about nonpartisan political activity; is that included or not?

There is no guidance, no effort to define the legislation in S. 135, so who is going to have the responsibility for doing that? OPM. OPM, the same bureaucracy that the distinguished Senator from Arkansas complained about this morning. But what we are doing is going to give it broader power and opportunity because even less would be known about the new law than the current.

I thought it was interesting on this point that when James T. Bland, Jr., the president of the Federal Bar Association, testified in one of two hearings before our Governmental Affairs Committee on February 23 and 24, 1988, he had the following to say on this very point.

Let me say we are opposed to enactment of H.R. 3400 for three reasons. First, the act fails to define the political activity permitted by Federal employees, instead leaving such definition to subsequent administrative regulation. This duplicates the principal criticism of the present statute. It leaves the operative phrase legislatively undefined and therefore subject to potential regulatory ambiguity, inconsistency and absurdity.

So if, as I understand the arguments of the advocates of S. 135, there is lack of clarity in the present law, instead of improving the situation they are making it only worse.

Now as bad as that situation is, let me point out some other ambiguities.

In the proposed legislation it is provided that in its definition of "partisan political office" it shall not exclude any office or position within a political party or affiliated organizations.

Under this proposed legislation in the Senate side, in contrast to the House, a Federal employee cannot seek a partisan political office. But under the exclusion I just read, that Federal employee can be national, State, or local chairman of either the Republican or Democratic Party. Let me just point out he can be national chairman of one of the political parties at the same time he is a member of the Federal Elections Commission.

Who is going to have any confidence in that individual who at night is a partisan chairman of a party and in the daytime presumably purportedly fairly administers the law, the election laws in a nonpartisan way?

I can guarantee you that that is going to create great doubt, great lack of confidence on the part of the American public in the Federal Government.

But going back to the question of ambiguities, let me point out that the proposed legislation also defines the words "political contribution." Political contribution not only includes money and gifts and subscriptions, but it also includes the provision of personal services.

A Federal employee is forbidden under this proposed legislation to solicit personal contributions, including personal services, which as I have just pointed out is defined as part of political contribution. Then you have the very ridiculous but ambiguous situation where the law explicitly says a Federal employee can be a national chairman of a political party but he cannot direct or solicit volunteers among Federal employees or others to work in a campaign. There is no way a national chairman of a party or a State chairman can function efficiently if he cannot direct the volunteers that partake in the campaign.

So, with one hand we say you can be a national chairman and on the other hand we say, well, yes, but you cannot do all these things; for all practical purposes it would be next to impossible to serve effectively.

So what I am arguing here is that we have language that creates great ambiguity, great conflict, impossible to administer, so that rather than improving the situation, if you buy the argument that all S. 135 does is to clarify the law, instead of clarifying it, it is creating greater confusion, greater ambiguity, and lack of confidence on the part of the American people in its Government.

So, Mr. President, it seems to me that the right way to go is to build on the base we already have, on the law that for 50 years has served the Federal employee, has served the Federal Government, and has served the American public well.

I urge the enactment of my substitute legislation.

I yield the floor.

The PRESIDING OFFICER. Who yield time?

Mr. GLENN. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Ohio is recognized for such time he may require up to 27 minutes and 56 seconds.

Mr. GLENN. Mr. President, I do not quarrel with my distinguished colleague from Delaware one bit on the constitutionality of the Hatch Act. I fail, however, to see how that is brought up as being germane to the discussion here today because no one has questioned the constitutionality of the Hatch Act and we do not try to disturb that constitutionality of the Hatch Act with S. 135 in any way, shape or form. The constitutionality has indeed been upheld by two Supreme Court decisions, and that is fine; it legitimizes it. It has been in effect for 50 years. That is a long time.

I say to my distinguished friend from Delaware who talks about political activity not being adequately defined, political activity is just as defined in this as it has been for the last 50 years. The Hatch Act has worked. And he defends the Hatch Act and I defend the Hatch Act. There has not been a definition of the Hatch Act as far as political activity under the Hatch Act. We know what it is. They administered the written rules and regulations pursuant to what they thought were political activities and it has worked fine, and we do not try to change that one bit.

So once again I do not know quite what the argument is over that. It was not defined before. But it has worked for 50 years, and I would not propose that we disturb that one bit.

What this basic bill itself is about is fairness. We are talking in this bill about correcting the myriad misimpressions, misconceptions, mistaken ideas surrounding the Hatch Act, the ones we have been through over and over again on the floor.

We could go back through some of these things again as to why we think you need a change in the Hatch Act.

Necessary are some of the things that have been interpreted under the Hatch Act, whether there are 3,000 or what. We can debate that, I guess. And most of those 3,000 were before 1940, but they were folded in, they have been changed and added to, and it has led to such an incomprehensible mass of rules and regulations that Federal employees literally do not know what to do.

As I said this morning, when you have murky legislation on the books and murky laws, you are bound to get violations, either from those who intentionally wish to misinterpret those laws, or from those who cannot interpret what it is. So they go ahead and do something, find out they are wrong, and somebody calls them to task, suspends them from their jobs, and penalizes them for something that was so indistinct to begin with, they did not know how to interpret it.

Mr. President, we clarified this. That was the only intent of this thing, to make a workable Hatch Act, not some Alice-in-Wonderland-type thing where everything is blue smoke and mirrors, and we do not know what is going on, and Federal employees do not know what they can or cannot do. That is no way to have laws.

What we do, we clarify this. We say if you are on the job, you are a Federal employee and you are on the job, what political activity are you permitted? None. A one-word answer, no political activity on the job.

Right now, with the Hatch Act, it has been interpreted, through one of these myriad interpretations that we have on the books, that you can wear a campaign button on the job. That would be illegal under our bill, because nothing of a political nature is permitted on the job; I mean nothing.

Should that mean that as an American, when you are off the job, you are home in Arlington County, where the Presiding Officer lives, where I used to live, over in that area, or Fairfax County, over in the northern area of Virginia, that you should not be able to participate in a partisan whatever, school board, election or campaign for someone, or you cannot go to a rally, and wave a sign for this person at that rally?

You can put the sign on your frontyard or automobile, but you cannot hold it, under the present interpretation. It does not make much sense. What we do with S. 135 is not try and add more regulations. We say it is very clear cut. You cannot do anything on the job, but off the job you can do some things, but still with restrictions.

And I still keep hearing on the floor references to the House bill. This is not the bill passed by the House of Representatives, where they would permit, in that bill, going out and soliciting campaign contributions; permit you to run for elective office, as I understand it, public elective office; not just a party, but public elected office.

We think here that is going too far. We considered that in committee, that that is going too far, and I did not go along with that. I do not now. I think we still do have to have these protections in it. So that is not what this bill does.

The thing that we prohibit, if you are off the job, home at night in your community and you want to participate in the county or State—whatever it is—political activities, you still could not run for elective office under S. 135, and you could not solicit anyone for political contributions under S. 135 if you are a Federal employee.

The distinguished Senator from Delaware commented that this would create a new national political organization that woud go into every State. As I gather, it can provide new ways to tap new sources of money. Not by Federal employees; you cannot. No way.

They bring up the things I have heard before about, well, how about the retirees of some of the unions now have who can be used as sort of gofers? They are retired, so they are no longer "Hatched" so they can go out and raise money and give it by some machinations, which would be to get the money raised and give it to some organization.

Well, I would submit that is the case right now. No one permits it right now. If you are retired, not "Hatched," you are not a Government employee. You are on your own to do what you want to do. I do not want to see people like that being used as a conduit to avoid the law and other restrictions. I think all the things brought up here are things that are possible right now, under the existing Hatch Act that we have right now.

The purpose of the Hatch Act, as my distinguished colleague said, was to avoid partisan political action. Well, I would submit I agree with that 100 percent. I have been a big backer of the Hatch Act throughout the years of my own personal public services to avoid partisan political action. Now, on the job, I agree with that 100 percent, and that is what S. 135 contains.

In fact, it makes it more clear so that it is more workable. It makes existing law clear, so people know what they can do and what they cannot do. Right now, they do not have any idea. There are so many rules and regulations, you cannot even keep up with them; thousands of them out there.

Well, we feel that to have a good law on the books, it needs to be made workable. And by workable, that means that you have to be able to know exactly what is expected of you and what you can do and what you cannot do. Is there some lack of clarity, which my colleague referred to? Their certainly is. I buy that 100 percent. There is a lack of clarity. That is the reason for S. 135, to make it very clear what you can and cannot do, not just to put it back again to OPM, which, had they wished to straighten this out, has had 50 years to do it since the Hatch Act came in and these things started being folded in here that were so confusing for the last 50 years.

I frankly do not know how long OPM has been there. Maybe they have not been there 50 years. But whatever the oversight body was in the executive branch of Government, they could have corrected these a long time ago on either Democrat or Republican watches over there, I would

submit, had they wanted to take this on and do it.

And the authority for them to do it is there right now. They can do it today, start this afternoon; start before 4 o'clock, I challenge them if they want to. Get these things clarified even before this passes. That would be a great benefit. Why have they not gotten into this thing? Maybe had they done that through the years, we would not have had to address this with legislation.

Well, what can you do if you are "Hatched"? I have said before, you can wear that campaign button, the infamous campaign button that we have talked about so many times, and you can write a $1,000 check to a candidate, but you cannot give any in-kind of contribution of your time. You cannot go down after you gave that $1,000 and stuff envelopes in the back room. Why not? You can give $1,000, which certainly is going to be reported to the FEC if it is at the Federal rate going over there, and public knowledge—you give it; it is no secret; you tell people about it—but yet you cannot put little letters in envelopes to help out the same person you gave a thousand bucks to?

You cannot wave a political poster at a rally, as I said, but you can put it on your car or front lawn. You can express an opinion about a candidate publicly, but you cannot make a speech or campaign for or against a candidate. If you say something publicly, are you supposed to make sure you say it out there in the open, but nobody is allowed to listen? It is going to look a little goofy, standing out there talking to yourself. But yet that is what the law says you are permitted to do: Say something publicly, but you cannot make a speech or campaign for or against the candidate.

Maybe we should call for definitions in the act now of what a speech is. Does a speech require so many people to listen? Or is a speech if you are just giving it to one person? This is not a joke on this one, I might add, either. I am treating it rather lightly, but let me tell you in the last election it became a serious issue in the State of Washington, during the last election, when Navy shipyard workers were notified they could not actively participate in the State's Presidential caucuses.

Remember, in the primary you can vote absentee, you can go in the booth or put your ballot in, whatever kind of election you have there. But, in a caucus, you have to be there. You either can vote by ballot or some of the caucuses even have a show of hands and you count hands.

The shipyard workers were notified they could not actively participate in the State's Presidential caucuses without violating the Hatch Act. If they had been in a primary State, they would have been able to vote. They were being denied their rights to vote in a caucus State because of the Hatch Act.

Was that intended? No. Now, that scares the devil out of other people, thinking, when they go to a caucus, if they are a Federal employee, can they go to a caucus in those caucus States? That would be clarified in this legislation, that off the job, you can go and you can participate. That is your right as an American citizen. On the job, you are there to do your job, not to politic, and anything you bring up in a political way is wrong.

When we had our hearing, there were so many conflicting interpretations of statutes and regulations that we actually had people laughing at the hearing at the ridiculousness of some of these things.

If we wanted to correct these things by an amendment such as that proposed by my colleagues from Delaware, that could have been done at any time over the last 50 years by anybody at OPM, or whatever, if they wanted to straighten these things out. But they did not do that.

What we have had a problem with really is not defining political activity, the problem has been in determining which political activities are permissible and which are not.

That brings it down to the specific reason why we have S. 135: what political activities are permitted and which political activities are not permitted. This would clarify it. This would say anything on the job is verboten, it is out, it is not permitted. If it has been interpreted under the Hatch Act as being permitted, it no longer is. If you are on duty and you are on the job, that is it, no politics. Off the job, with the restrictions I mentioned of no right to collect money and no right to run for public elective office yourself, with those restrictions, which are very different from the House version of the bill; this would go along ways, I think, toward clarifying what direction we want to go for the future.

There have been abuses under the present Hatch Act, too, that I mentioned before. One of the reasons why this has come up now, as I said before, is because of what happened in the 100th Congress. During the 1984 Presidential election, when the heads of three major Government employee unions endorsed Walter Mondale, suit was filed against them because these three heads of unions were technically Federal employees who were on an extended leave of absence from their Government job. That was permitted under law, fully permitted under law. They were on leave of absence from their jobs to accept the position of heads of their unions. Of the three people involved, the lowest amount of time any of them had been off their Federal job was 16 years. Yet, because their unions endorsed Mondale and because they authorized publication of that and support for Mondale in their union publications, the Office of Special Counsel brought suit against them, asserting they had violated the prohibition against active political participation.

They had been out of their position in Government on leaves of absence for over 16 years. The Merit System Protection Board upheld that OSC finding. Do my colleagues know what they did? They suspended them from their jobs for 60 days. They had been gone already for 16 years and they suspended them for 60 days, as a penalty.

Obviously, it did not really affect them that much to have that kind of a penalty when they were already gone for some 16 years, technically, but it was looked at as establishing a principle. So that was taken to appeal. What happened on appeal? Two Federal circuit courts ruled that the merit system protection order should be reversed, and they reversed it on the findings that no Hatch Act. violations had occurred. The point here is that enforcement under the Hatch Act can be used for its own onerous political purposes. And that is not right.

What would this bill do to correct the situations like that? If they are gone off their Government job, as we say, then they can participate, with the exception they cannot run for public office and they cannot raise money. But, anyway, that is one of the reasons this whole thing has come up, because of that kind of abuse. S. 135, I think, would go a long way toward making certain that that kind of a situation was not so unclear that anyone could use it for whatever political partisan purposes it may or may not have been used before.

Back when the Hatch Act was put in, there were great abuses. No one quarrels with that. It served a noble purpose even though it did not receive much hearing here. It was passed rapidly. Some 300,000 employees of Government at that time had been slap dashed into Government jobs in a very rapid fashion. There really was serious concern that Government rolls were literally loaded up strictly for political purposes. So the Hatch Act was put in. There was very little debate on it. It was passed so fast that what they had to do, Mr. President, is they had to come back in later and correct the original legislation to permit the President, Vice President, and Members of Congress to run for political office.

It was a mistake. My colleague is right, it was a mistake. My colleague is right. I hear him in the background. But it was a mistake.

Anyway, the idea was, if you are already a Federal employee and cannot campaign politically, you cannot run for office again, and it was passed so

fast they did not even pick up things like that. They came back an corrected it. I am not claiming S. 135 corrected that or anything like that because that was a mistake to begin with and we know that. But that is how fast this was passed.

But has it served us well? Yes. Basically it has served us well. But it has been one of the most confusing things on the books in all Federal law as far as how individuals and organizations interpret it. Because almost every instance you find permission to do something, you find another one you can interpret as saying, well, maybe I should not; maybe there is some doubt about that. Law should not be that way. Murky law only invites those who will intentionally use it for their own partisan purposes, or it will lead people of good intent to do something and then find later, unknown to them, there was some obscure interpretation for which they now can be penalized. It is not right to have laws like that on the books.

All S. 135 does—it does not gut this bill. It does not gut the Hatch Act. It strengthens it, because now for the first time things will be very, very clear as to what you can do and cannot do. I think that makes a stronger Hatch Act, not a lesser strength to the original Hatch Act legislation. So, in that respect I think it strengthens Government employees' protections; it does not lessen them.

Mr. President, we could go over all the things we debated here for the last couple of days. I do not plan to do that, obviously, in the limited amount of time that is left. We have about 10 minutes left on the bill. I ask how much time do I have left?

The PRESIDING OFFICER. The Senator controls 6 minutes and 5 seconds.

Mr. GLENN. Mr. President, I do not know whether my distinguished colleague wishes to address us or whether we should put in a quorum call and charge the remaining time equally to both of us.

Mr. ROTH. How much time do I have?

The PRESIDING OFFICER. The Senator from Delaware controls 4 minutes and 3 seconds.

The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I agree with my distinguished chairman when he says the Hatch Act has served us well. It certainly has served all of us well: The Federal employee, protecting him or her from coercion while assuring the American people that their laws are enforced in a neutral, nonpartisan way. I also say I agree there is some confusion in the rules and regulations as stated by the distinguishd chairman.

But where I disagree, Mr. President, is when he would throw out the baby with the bathwater. Instead of trying to correct the problem of the regulations, he wants to repeal the law. I have to disagree very strongly with him when he claims S. 135 is merely an amendment, a reform, because the Hatch Act across the board comes out against partisan political activity on the part of Federal employees.

What this proposed law would do is just the opposite: Encourage partisan political activity, admittedly limited to off duty. But the evil is that coercion can be just as effective off duty as it can on duty.

One of the things that concerns me, Mr. President, is nothing is ever mentioned on the other side about the public good, the public interest. Is it not ironic that a majority, roughly 66 percent of the Federal employees, are either opposed or neutral to modifying the Hatch Act. It seems to me that those figures demonstrate the effectiveness of this law in protecting the Federal employee from being coerced. There is no majority demand that we gut the Hatch Act and adopt something new.

I have to respectfully disagree with my chairman, political activity is not mentioned in the Hatch Act. There is no experience as to what that language means from the Hatch Act. It is a new concept, a new phrase not defined in law that is included in this new proposal.

I also point out that no effort was made to show that there was no ambiguity under the legislation permitting one to be a national chairman but not to solicit voluntarism, so that the new law would create more ambiguity rather than less.

In closing, let me say, Mr. President, my amendment is timely because these regulations should be clarified to reflect the appellate court decisions of Biller, Blaylock and Sombrotto. In addition, I believe my amendment addresses directly the concerns stated by the proponents of the legislation in the committee report and on the floor, that the regulations are confusing and that they should be clarified.

I ask unanimous consent for 30 additional seconds.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 30 additonal seconds.

Mr. GLENN. Take it off my time.

Mr. ROTH. Mr. President, this is exactly what the amendment does. We do not have to repeal the Hatch Act to meet these concerns. Instead, a carefully crafted amendment, which addresses these specific needs, should be the subject of our concerns. The choice for the Senate is clear: Do some good or make a major misake. I urge that we choose to do good and adopt my amendment. I yield back the floor.

The PRESIDING OFFICER. The time controlled by the Senator from Delaware has expired. The Senator from Ohio has 6 minutes remaining.

Mr. GLENN. Thank you, Mr. President.

Mr. President, I do not like to see strawmen set up to be knocked down, and knock them down, supposedly, in opposition to S. 135. This does not repeal the law; it reforms the law. It makes it workable, is what is does, instead of unworkable in its complexities that it has now.

In our discussion before this last discussion here, it was mentioned this bill does not deal with PAC's. It was criticized because it would permit some things under PAC's apparently, but the bill does not deal with PAC's at all. PAC's are not part of this. They are not dealt with in the original Hatch Act, nor in this, really.

Additionally, the public good has been mentioned. I submit, Mr. President, that for the protection of Americans of whatever stripe, in and out of Government uniform, or whether they are civil servants, or whatever they are, or private citizens, it does not bode well for the public good when we take a particular group and artificially restrict their freedoms, any more than is absolutely necessary for the overall public good.

We say it is in the public interest in S. 135 that we not let Government employees run for partisan political office and they cannot go out and solicit contributions.

Outside of that, can they take part in partisan political processes? Why should they not? Why should we artificially restrict public employees beyond what is necessary? We want to do this fairly. We want to say we cannot let them go out and run for public office, we cannot let them go out and raise some money. We differ from the House bill on that.

Let me address another thing brought up about Common Cause. Common Cause says we need simplification. I absolutely agree with Common Cause 100 percent: We need simplification. That is the purpose of this bill. We need simplification. We need to get it down, simplified enough that it is workable; but they also say without lifting the basic provisions of the Hatch Act.

That is exactly what we do. I submit to Common Cause, if they have read this thing and seen how it would operate, I would think an organization like Common Cause would want to support this. It balances free speech and public participation. They do not want a dangerously politicized Government system. I agree with that 100 percent. That is exactly what this bill provides. We provide for protection for the individual and only restrict the individual where we feel they should be restricted.

Mr. President, I appreciate the fact that Senator ROTH says he will submit another amendment later on, I gather, so that we exempt Federal union heads who are on leave from Federal jobs, from other Hatch Act requirements, I guess.

That is fine. I agree with that. That should have been done a long time ago. But I think it has already been taken care of by the court decisions in that regard. I think they have already been exempted by two Federal court cases from the kind of suit that was tossed at them when their particular unions and they personally supported the Mondale campaign. So I do not quarrel with what the Senator is proposing to do. I think it is already covered, is the point I would like to make.

Mr. President, this is basically a bill in fairness. It says to those who have been living under rules and regulations that interpretations of those rules and regulations are so arcane, so complex, so contradictory, that the people they are supposed to limit do not even know what is limited and what is not.

The simplified version of this bill permits absolutely no political activity of any kind on the job. It says off the job you still cannot solicit contributions nor can you run for public political office yourself. That makes it pretty clear. Outside of that, you can participate off the job.

I will not start through, in the limited time left, all the different things that are conflicting that have arisen under this, but we need to correct them and S. 135 does that. Mr. President, I believe my time has almost expired. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 43 seconds remaining.

Mr. GLENN. I yield what time I have left to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 28 seconds.

Mr. ROTH. Mr. President, I would just like to point out section 9(a) of the Hatch Act reads that an employee in an executive agency or employed by the government of the District of Columbia may not take an active part in political management or in political campaigns. S. 135 says just the opposite. It says an employee may take an active part in political management or in political campaigns.

The PRESIDING OFFICER. All time has expired. Under the previous order, the hour of 4 p.m. having arrived, the Senator from Ohio is recognized to make a motion to table the Roth amendment, No. 1576.

Mr. GLENN. Mr. President, I move to table the amendment of the distinguished Senator from Delaware.

Mr. ROTH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Wisconsin [Mr. KOHL] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 30, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—67

Adams	Fowler	Mikulski
Baucus	Glenn	Mitchell
Bentsen	Gore	Moynihan
Biden	Graham	Murkowski
Bingaman	Harkin	Nunn
Boren	Hatfield	Packwood
Bradley	Heflin	Pell
Breaux	Heinz	Pryor
Bryan	Hollings	Reid
Bumpers	Inouye	Riegle
Burdick	Jeffords	Robb
Byrd	Johnston	Rockefeller
Conrad	Kasten	Sanford
Cranston	Kennedy	Sarbanes
D'Amato	Kerrey	Sasser
Daschle	Kerry	Shelby
DeConcini	Lautenberg	Simon
Dixon	Leahy	Specter
Dodd	Levin	Stevens
Domenici	Lieberman	Warner
Durenberger	Lott	Wirth
Exon	McCain	
Ford	Metzenbaum	

NAYS—30

Bond	Gorton	McConnell
Boschwitz	Gramm	Nickles
Burns	Grassley	Pressler
Chafee	Hatch	Roth
Coats	Helms	Rudman
Cochran	Humphrey	Simpson
Cohen	Kassebaum	Symms
Danforth	Lugar	Thurmond
Dole	Mack	Wallop
Garn	McClure	Wilson

NOT VOTING—2

Armstrong	Kohl

So the motion to lay on the table amendment No. 1576 was agreed to.

Mr. GLENN. Madam President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Madam President, the bill stands open for further amendment. I repeat what I said a little while ago. There are no other actions on this side of the aisle, and we welcome the opportunity to keep the amendments coming from the other side so we can dispose of this.

I had hoped to be able to close out business on the bill and have a final vote this evening. It looks as though that may not be possible. But we would appreciate it if those on the other side would bring their amendments to the floor. We have had delays this afternoon, and there have been opportunities for people to speak in support of or against amendments. Nobody showed up. We hope any amendments will be forthcoming, so we can dispose of them and get on with this legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. MURKOWSKI. Madam President, earlier this week, I asked both the minority and majority leader that I be excused from the Senate proceedings on Friday to accompany Ambassador Armacost on the trip to my State.

However, there has been a death in my family, and tomorrow I am going to be attending a funeral in Washington State and going up to Alaska tomorrow night.

For this reason I ask unanimous consent that I be excused from Senate proceedings tomorrow, Friday, May 4. I will be returning sometime on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Madam President, I know we get accustomed to great amounts of patience around here, waiting for things to happen on the floor. Today is certainly no exception.

We had hoped to move the ball along this evening. It has now been, within about a minute, a half-hour since the quorum call was first put in on the bill.

We are all finished, I would say to my friends on the other side. We are all finished with this on our side of the aisle. We have no more amendments of any kind that we know of, or any action to be taken on this bill. I know we want to move this thing along if we possibly can.

I heard the distinguished majority leader in an earlier conversation indicate it was his hope, if we could get through with this today, we probably would not have to have votes or session tomorrow and Monday. But

absent that, we have so much business in the Senate we do have to move along and we cannot wait forever on this.

At one time they were discussing whether cloture was going to be filed on the bill itself once we got to that and once we got past the motion to proceed. Well, that is the situation we find ourselves in right now.

I say for those who wish to be out of here and home campaigning or whatever it is they are going to do on Friday and Monday, if they can possibly influence other people to bring their amendments to the floor so we can get them finished, that is a distinct possibility, that we could be out tomorrow and Monday. But absent that, I think it has been expressed as the will of the leadership, we probably are going to be in tomorrow and Monday. I know that does foul up a lot of schedules for people.

Whatever can be done on the other side to get people to the floor so we can consider these amendments, we are certainly prepared to be here and address these tonight, and hopefully we can get final passage yet tonight. We have not given up on that. I suggested that earlier and did not get agreement from the other side on that, but I am still hopeful, even at this late time, we might get agreement tonight so there is a chance at least we can be out all day on Friday and all day on Monday and have the next session starting on Tuesday.

I think absent that, absent completing action on this bill, that is not likely to occur. So I certainly hope Senators can get their amendments to the floor. We are here ready and waiting.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

AMENDMENT NO. 1581

(Purpose: To provide that the provisions of subchapter III of chapter 73 of title 5, United States Code, shall not apply to certain Federal employees serving as president of a national labor organization, and for other purposes.)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH,] proposes an amendment numbered 1581.

Mr. ROTH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) chapter 73 of title 5, United States Code, is amended by inserting after section 7328 the following new section:

"§ 7329. Employees serving as president of a national labor organization

"The preceding provisions of this subchapter shall not apply to any employee who, during a leave of absence, serves as the president of a national labor organization under the provision of chapter 71 of title 5, United States Code (including the president of any national labor organization representing the United States Postal Service).".

(b) The table of sections for chapter 73 of title 5, United States Code, is amended by inserting after the item relating to section 7328 the following:

"7329. Employees serving as president of a national labor organization.".

Mr. ROTH. Mr. President, if you look at the committee report, you will learn that according to the proponents of the legislation: "Several events combined to make amendments of the Hatch Act a major civil service issue in the 100th Congress." The committee report cites the prosecution of three Federal and Postal Employee Union presidents for alleged violations of the Hatch Act as the impetus for this legislation.

On Tuesday, and again yesterday, the sponsor of the legislation, the chairman of the Governmental Affairs Committee, cited these three cases as one of the fundamental reasons this legislation has been pushed so hard.

I find it difficult to understand, Mr. President, that the prosecution of these union leaders would lead one to conclude that the protections afforded by the Hatch Act should be repealed and replaced with language which encourages Federal employees to become involved in partisan politics, and will allow Federal employees to participate in politics to an extent prohibited for more than 50 years. If this legislation is passed, Federal employees will be able to:

Hold office in a political party;

Distribute campaign literature and solicit votes;

Organize and participate in phone banks;

Organize and participate in political meetings;

Publicly endorse candidates and urge others to support them; and

Solicit contributions to the PAC of a Federal employee organization to which both the employee and the donor belong.

We have heard very little about the need for Federal employees to engage in these activities. We have heard about the vagueness and the complications of the regulations, and the fact that the prosecution of these three individuals was the impetus for this legislation.

Mr. President, my amendment will allow for the continued protection of the Federal employee work force from coercion while addressing the concerns raised by the sponsor of this legislation. This amendment is a substitute amendment which provides that the Hatch Act will not apply to a president of a national labor organization as defined under the provisions of title 5 of the United States Code which governs the civil service. This provision also includes any president of a national labor organization representing the U.S. Postal Service. These employees, like Messrs. Biller, Blaylock, and Sombrotto, will be required to be on leave from their Federal employment when they serve as national union presidents. Just to restate, Mr. President, this amendment would provide the very protection to the individuals stated to be at the very heart of the concerns of those promoting these dramatic changes.

Mr. President, I would like to read from the committee report.

Several events combined to make amendments to the Hatch Act a major civil service issue in the 100th Congress. During the 1984 Presidential election the presidents of three major Federal and Postal employee unions endorsed Walter Mondale's candidacy for the Presidency and in their union newspapers encouraged their members to vote for him. The unions involved were the American Federation of Government Employees, the National Association of Letter Carriers, and the American Postal Workers Union. All three Presidents had been on leave from their Government jobs for more than 16 years.

The Office of Special Counsel brought suit against these three presidents, Messrs. Biller, Blaylock, and Sombrotto and the Merit Systems Protection Board upheld the Special Counsel's finding and penalized the three presidents by suspending them from their jobs for 60 days. Because these employees had been on leave from their jobs as they served as union officials, the suspension had no real effect.

On appeal, the U.S. Appeals Courts for 2d and 11th Circuits overturned the rulings of the Merit System Protection Board and found for Messrs. Biller, Blaylock, and Sombrotto.

Both appellate courts interpreted the Hatch Act and the term "partisan activity" to allow Federal employees to make, publish, and circulate public statements endorsing a political candidate for public office in a partisan election, as long as such activity was independent, that is, involved "personal expressions of political opinion" and was not coordinated, in connection with or on behalf of a candidate, political party, or party organization.

As explained by the Court of Appeals in the Second Circuit in Biller versus U.S. Merit Systems Protection Board:

Although considerable argument is raised relative to petitioners' employment status, we assume for purposes of this appeal that they were not union employees, but were postal employees on extended leave. Since, on that assumption, petitioners are subject to the Hatch Act, the question then becomes whether they violated the Hatch Act.

The concern is that federal employees—through coercion or machine politics—will act in concert and produce an inordinate influence on the way the government executes its laws and provides services. Thus, finding "partisan activity" implicitly requires a nexus between the government employee and the effort to promote the political party or elect its candidate. It is not enough that the federal employee and the candidate pursue the same goals independently; the two must work in tandem or be linked together for there to be a violation of the Hatch Act.

It is undisputed that neither Biller nor Sombrotto acted in concert with a political party or campaign organization. In fact, neither of the petitioners had any connection with a political party. The Board itself conceded that there was no nexus between petitioners and the Mondale campaign or the Democratic Party. The nexus required to establish their activities as partisan under the Act is therefore lacking.

According to the committee report, "The prosecution of Biller, Blaylock, and Sombrotto, on grounds which has never before been asserted, raised the issue of partisan enforcement of the Hatch Act." Mr. President, this amendment will remove any doubt that this specific and particular class of individuals should be exempt from the Hatch Act's provisions.

Now I understand that the courts have said that these union officials did not violate the Hatch Act, but I add my concerns to the concerns of the chairman of the committee and sponsor of the legislation that perhaps there should be a more solid basis on which union presidents can rest assured that they are not violating this law.

That is exactly what this amendment would accomplish. This amendment provides that the Hatch Act will not apply to a president of a national labor organization as defined under the provisions of title 5 of the United States Code which governs the civil service. This provision also includes any President of a national labor organization representing the U.S. Postal Service.

Mr. President, I believe this amendment addresses directly the concerns stated by the proponents of the legislation in the committee report and by the sponsor of the legislation as we turned to this legislation earlier this week. We do not have to repeal the entire Hatch Act to meet these concerns. Instead, a carefully crafted amendment which addresses these specific needs should be the subject of our concerns. I urge the adoption of this amendment.

I yield the floor.

Mr. GLENN. Mr. President, I agree 100 percent with parts of the proposal by the distinguished Senator from Delaware, but the part that I just as violently disagree with is the part which says that this amendment is a substitute for the entire bill before us, all of S. 135. To me, then, that is unacceptable.

If this was made an amendment to S. 135, I would accept it and not even require a vote on it. I would be happy to accept it because I think it does clarify that little part of it. But any amendment that is a substitute for the entire bill before us is certainly not acceptable, and this amendment, like the previous amendment that was defeated by a vote of 67 to 30, just attempts to kill the bill by offering the deal. In this case the deal is we will release from political bondage the heads of the major Federal and postal unions in return for continuing the political bondage of nearly 3 million rank-and-file Government employees. That is not much of a bargain to me, especially when the political bondage of the heads of the Federal and postal unions has already been addressed by the Federal courts and protection for them has come from the judicial system.

So while I am very pleased to see the distinguished Senator from Delaware agreeing that the previous attempted prosecution of the union leaders was unfair and uncalled for, I am at the same time sorry that he feels the need to gut the entire bill, or to eliminate all the rest of the bill and go back to the original Hatch Act we are trying to reform and improve in return for preventing such a grossly unfair and partisan action against the union leaders from happening again.

I do not want to see that happen again either, and I would not mind putting that in the law. In fact, if the Roth amendment was to be submitted as an amendment to S. 135, I would be quite happy to accept it at this time but not as a substitute for the entire bill before us, for all the reasons we have given in the lengthy debate that has already occurred on this bill. I will not start at this time to go back through all the things we have repeated over and over and over again as abuses that still are permitted to occur under the Hatch Act in addition to this one involving the union heads, in addition to what we are trying to correct in S. 135. We are trying to make it very clear what can be done on the job and what can be done off the job with regard to political activity. Take all of this guesswork out of it so more cases do not come up similar to the one that involve union leaders back in that earlier Presidential election.

Mr. President, I must oppose this amendment. I do not know what the wishes of the distinguished Senator from Delaware may be as far as calling for a vote on this, or whether he prefers to debate it for a while. But I am prepared to move to a vote at the present time.

Mr. ROTH. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, the distinguished junior Senator from California is here and he is ready to propose an amendment which I think would be in order under the circumstances.

Mr. GLENN. Mr. President, what is the current business before the Senate?

The PRESIDING OFFICER. Pending is the substitute amendment to S. 135.

Mr. GLENN. What would be required to move to consider the amendment of the Senator from California?

The PRESIDING OFFICER. The amendment is further amendable. By asking unanimous consent, the amendment can be set aside.

Mr. GLENN. Mr. President, the unanimous consent was not asked for I believe; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GLENN. We are still on the amendment of the Senator from Delaware?

The PRESIDING OFFICER. That is true.

Mr. ROTH. Mr. President, since my amendment is a substitute, will not it be in order for an amendment to be offered to the original bill without setting mine aside?

The PRESIDING OFFICER. The Senator is correct. That would be in order.

Mr. ROTH. Mr. President, that is what I was just proposing in my earlier remarks.

Mr. GLENN. Mr. President, at the appropriate time I will move to table the amendment of the Senator from Delaware. I am aware that he wishes to have some more discussion, some more debate on his amendment. Is it possible that we could have a time certain when we could vote on the amendment? Could we say at 6 o'clock.

Mr. ROTH. I am not willing to agree to a unanimous consent at this time.

Mr. GLENN. Could the Senator give us any idea of how long the debate will be on his amendment once we resume on it if we go to the amendment of the Senator from California?

Mr. ROTH. Of course, how long that will take and how many others may want to contribute to the debate I am

not in a position to say. But I thought that in the orderly expeditious handling of the matter we might in effect set aside my amendment and take up the proposal of the Senator from California.

What I am saying, Mr. President, is I agreed to exactly the same thing with respect to two amendments offered by the majority earlier today.

Mr. GLENN. Mr. President, I will object to moving to the amendment of the distinguished Senator from California. I believe under the rules of the Senate he has the right to offer this amendment at this time. All I am trying to do, obviously, is move things along here.

I will repeat what I said about half hour ago. We are completely finished on this side. I hope those who have amendments can bring them to the floor and get them ready so we can dispose of the amendments by the distinguished Senator from Delaware and the distinguished Senator from California and that we would be able to move on. I hope we could get some time agreement even at this late stage to vote tonight.

As I indicated a little while ago, I know it was intended if we could get agreement on this we probably would be out of session tomorrow and out of session Monday. I cannot commit to that, obviously. But I was led to believe that would be what would happen.

So we are going to find ourselves in session all day tomorrow and all day Monday. I hope people will get their amendments to the floor as fast as possible.

Mr. ROTH. I point out, and I agree with the distinguished Senator from Ohio, that we are anxious to have all who have amendments on our side to bring them down which is, of course, the current conduct.

I have brought up an amendment. We are continuing. We have only been on that amendment less than a half hour. The Senator from California is here with his amendment. I thought in the orderly disposition of that, that would be making programs.

I yield the floor.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I take it it is now in order to offer this amendment.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1582

(Purpose: To provide for a report by the General Accounting Office concerning political activities of Federal employees, and for other purposes)

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 1582.

Mr. WILSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, strike out line 14 and insert in lieu thereof:

SEC. 7. GENERAL ACCOUNTING OFFICE REPORT ON UNALLOWABLE POLITICAL ACTIVITY.

(a) GENERAL ACCOUNTING OFFICE REPORT.—(1) Beginning one year after the date of the enactment of this Act, and at intervals of 1 year thereafter for a period of 3 years after such date, the Comptroller General of the United States shall prepare and transmit to the Congress and to the taskforce established under subsection (b) a report describing the results of a review of the implementation and enforcement of this Act during the preceding 12-month period, for the purpose of determining if employees have—

(A) used official authority or influence for the purpose of interfering with or affecting the result of an election;

(B) knowingly solicited, accepted, or received a political contribution from any person, unless such person is—

(i) a member of the same Federal employee organization; and

(ii) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)) of such Federal employee organization;

(C) engaged in political activity—

(i) while such employees are on duty;

(ii) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

(iii) while wearing a uniform or official insignia identifying the office or position of the employee; or

(iv) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof;

(D) engaged in overt or covert action to coerce one or more other employees to engage in political activities;

(E) rewarded (such as a promotion or pay incentives) one or more other employees for action taken in relation to or participation in political activities;

(F) penalized one or more other employees for such employee's refusal to take action in relation to or participate in political activities; and

(G) used official authority or influence to make or to audit Federal grants, awards, or contracts, to implement a Federal policy, or to administer a Federal program, based upon criteria or procedures that are not provided for under applicable Federal law, rules, or regulations.

(2) In each report, the Comptroller General shall make a specific determination as to whether the implementation of this Act has resulted in a pattern of unallowable political activity in the Federal work force.

(3) If the Comptroller General has determined that such a pattern of unallowable political activity has resulted, the report shall include—

(A) a description of the scope of that activity; and

(B) recommendations for such legislation as may be appropriate to deter or remedy such activity.

(b) REVIEW BY TASK FORCE.—(1) The Attorney General, jointly with the Director of the Office of Personnel Management and the head of the Office of the Special Counsel, shall establish a taskforce to review each report of the Comptroller General transmitted under subsection (a).

(2) If the report transmitted includes a determination that the implementation of this Act has resulted in a pattern of unallowable political activity, the taskforce shall, taking into consideration any recommendations in the report, report to Congress recommendations for such legislation as may be appropriate to deter or remedy such discrimination.

(3) The Committee on Post Office and Civil Service of the House of Representatives and the Committee on Governmental Affairs of the Senate shall hold hearings respecting any report of the taskforce under paragraph (2) within 60 days after the date of receipt of the report.

(c) TERMINATION DATE FOR THE ACT IF REPORT OF UNALLOWABLE POLITICAL ACTIVITY AND CONGRESSIONAL APPROVAL.—The provisions of this Act shall terminate 30 calendar days after receipt of the last report required to be transmitted under subsection (a), if—

(1) the Comptroller General determines, and so reports in such report, that a pattern of unallowable political activity has resulted within the Federal work force; and

(2) there is enacted, within such period of 30 calendar days, a joint resolution stating in substance that the Congress approves the findings of the Comptroller General contained in such report.

(d) EXPEDITED PROCEDURES IN THE SENATE.—(1) For purposes of subsection (c), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the period indicated.

(2) Paragraphs (3) and (4) of this subsection are enacted—

(A) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of joint resolutions referred to in subsection (c), and supersede other rules of the Senate only to the extent that such paragraphs are inconsistent therewith; and

(B) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner as in the case of any other rule of the Senate.

(3)(A) If the committee of the Senate to which has been referred a joint resolution relating to the report described in subsection (c) has not reported such joint resolution at the end of 10 calendar days after its introduction, not counting any day which is excluded under paragraph (4) of this subsection, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other joint resolution introduced with respect to the same report which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same report.

(B) A motion to discharge under subparagraph (A) of this paragraph may be made only by a Senator favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(4)(A) A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a joint resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a joint resolution is in order in the Senate.

SEC. 8. EFFECTIVE DATE.

Mr. WILSON. Mr. President, this amendment simply seeks to assure that if S. 135 should become law it will contain sufficient protections for Federal employees so that they may not become the victims of coercion, so that the public may not become the victims of the bill by virtue of the actions of some who would seek either reward or penalize other employees for their political activity.

Mr. President, the existing Hatch Act allows participation of Federal employees, and they cannot only vote and contribute funds but they can attend fundraising events. They are actually given quite a little bit of latitude in terms of their political participation.

Clearly, we do not intend that Federal employees give up the rights of citizenship. But what we are very much concerned with—and the roots of the Hatch Act back to the fears, the very reasonable fears that have arisen repeatedly through the years at all levels of Government, local, State, and Federal—is with respect to the corruption of the process of Government by political influence being exercised from within the very organization of government itself.

The unhappy number of examples go back to the origins of this Republic, we will find, and indeed it was part of the letter from the Justice Department to the Senate Committee on Governmental Affairs; reference made to the concerns of Thomas Jefferson in his own administration. To quote that letter, it states: The Hatch Act was passed in 1939. Its roots are much deeper. For example, the political activities of some of those in the executive branch disturbed Thomas Jefferson who issued an order which stated the right of any Senator to give his vote as a qualified citizen is not to be constrained. However, it is expected he will not attempt to influence the votes of others or take part, any part, in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution and his duties to it.

Those first concerns of Thomas Jefferson were very properly taken because, as time would prove, in the ensuing two centuries since he uttered his concern there have been repeated examples of abuse of the governmental process by its being suborned by the political process.

This amendment is aimed at those very problems, the same concerns stated by Jefferson, the same concerns that moved Carl Hatch on the floor of the Senate to undertake reform.

The kind of things that were happening in those years just before World War II finally created sufficient pressure for reform that led to the enactment of the Hatch Act. Mr. President, let me read to you briefly a statement that was given to the committee on July 25 of last year by the very distinguished Constance Newman, the Director of the Office of Personnel Management.

In her statement to the committee, Ms. Newman set forth what she termed three fundamental principles in what is governing the conduct of the Nation's business for civil service. I think she set them forth very well, very simply, and very clearly. She stated:

> The first principle is that the administration of all laws must be in the public interest and must be nonpartisan. The second prinicple is that selection and advancement of personnel must be based on merit. The third principle is that Federal employees must be protected against any form of coercion for political purposes. Any actions that threaten conformance with those principles cannot be tolerated.

As she pointed out, the Hatch Act grew out of the abuse of Federal employees during both the 1936 and 1938 elections.

> Government employees were forced to change their party registrations, and instead of working in the public interest, Federal employees on the Government payroll devoted official time to pernicious political activities. Patronage was the order of the day, not only in terms of employment but in terms of the allocation of Federal dollars.
>
> Although the Pendleton Act creating the merit system was on the books and President Theodore Roosevelt banned employees from engaging in political campaigns, there were insufficient protections against the politicization of the Federal public service. Hence, the need for legislation to virtually prohibit all employees of the executive branch from engaging in the active management of political campaigns.

Mr. President, let me come back to those three principles she enunciated, that the public interest must be served by the administration of all laws in a way that is nonpartisan. The second principle that she enunciated is that the selection and advancement of personnel must be based on merit. It follows from the first.

If, instead, promotions are based not upon merit, but upon political activity, very clearly you have a corruption of her first principle that the public interest must be served by a nonpartisan administration of all of the laws, and clearly that is what the Pendleton Act was all about. That is what the Hatch Act was all about; it was to prevent either the allocation of Federal tax dollars not upon merit, but upon political coloration of the grantee.

That is the kind of corruption that we need to be concerned with even in this time, even when it may seem to have become a remote concern by virtue of the actual protections that have been afforded us by the Hatch Act in the past 50 years.

Let us not lose sight of the fact that human nature being what it is, that these pervasive pressures for the politicizing and corruption of the process, so that it is not nonpartisan, so that promotions are based not upon merit but upon political activity, has to be as much a concern today as it was in the time of Thomas Jefferson or the time of Boss Tweed, or the time of any political boss who has used the actual employees of Government to be his political machine. That is what we are concerned with.

It is that third principle stated by Ms. Newman, that the Federal employees must be protected against any form of coercion for political purposes, that we must continue to assure. This amendment, I submit, will go a long way toward doing that.

What it states specifically is that in addition to assuring the specific prohibitions set forth in S. 135, there needs to be a constant vigilance, a policing, in order to assure that we do not have the most fundamental kinds of pressures applied to public employees.

Specifically, the amendment is geared to Federal employees. It would authorize the General Accounting Office, and it would in fact direct the Comptroller General, to prepare and transmit to Congress, and to a task force to be established hereunder, a

report describing the results of review of the implementation and enforcement of this act, S. 135, should it become the law, during the preceding 12-month period, and it would require that for a matter of some 3 years.

It is aimed expressly at seeing that there is compliance with the provisions of S. 135, but it goes further, because the report is also to determine whether or not anyone has used a position of authority or influence in the Government of the United States to either reward, through promotion or pay incentives, one or more other employees for action taken in relation to or participation in political activities, or whether such a person enjoying a position of authority or influence shall have used that position to penalize one or more other employees for such employees' refusal to take action relation to or participate in political activities.

It seeks, by its express language, to determine whether or not Federal employees have been engaged in overt or covert action to coerce one or more other employees to engage in political activities.

It seeks to determine whether or not an official authority or influence is used in the making or the auditing of Federal grants, awards, or contracts, to implement a Federal policy, or to administer a Federal program, based upon criteria or procedures that are not provided for under applicable Federal law, rules, or regulations.

What we are trying to do with this amendment is to assure that Federal employees are not coerced, that they are not induced to engage in political activity by promise of reward or of promotion; that they are not coerced by threat or by the actual imposition of some penalty, like the refusal of a promotion that has been earned, because they have refrained from engagining in political activity, the kind which in the most flagrant instance, as described in the letter from which I read, had to do with forcing people to change their registration, to give money to candidates for whom they had no particular allegiance.

There is a pertinent consideration that deserves mentioning at this stage, as well. Congress is expected to act upon legislation reforming the civil service pay system. Many of the current proposals recommend a greater reliance upon merit pay, and upon a system of promotion based upon performance. That is all the more reason to protect employees from coercive influences and to safeguard them from the kind of things that have happened so often in the past at all levels of government.

If the Comptroller General determines that a pattern of unallowable political activity has resulted, he is required to so report to the Congress, specifically to the Committee on Post Office and the Civil Service of the House of Representatives and the Committee on Governmental Affairs of the Senate; and those committees are required to then hold hearings upon the report of the Comptroller General and the task force within 60 days after receipt of report.

As a result of those hearings, what may occur, if it is the judgment of the committees, is that the report and the recommendations contained in it translated into legislation may come forward, but even without legislation, the report would come forward to the floor of the House and the Senate and, specifically, if the Comptroller General determines and so reports in such report that a pattern of unallowable political activity had resulted within the Federal work force and if there is also enacted within a period of 30 calendar days a joint resolution stating in substance that the Congress approves the findings of the Comptroller General contained in such report, then the act would be terminated.

This is, in effect, a sunset condition upon the finding of corruption, to put it in simplest terms, the finding that there has been coercion, the finding that there has been promise of reward or threat of penalty, a finding of unallowable pattern of political activity that undermines those very principles which Director Newman set forth with such great clarity harkening in 1989 the very concerns almost two centuries earlier expressed by Thomas Jefferson.

I really do not see how anyone could vote against this amendment because, if you are for S. 135, clearly you are for what you think is an expansion of the rights of Federal employees. But, certainly, how in the world, having that view, could you oppose anything that seeks to protect them, protect them from coercion and from the threat of penalty that would in fact deny them the basic freedom that they are entitled to enjoy?

If you are opposed to S. 135 and think that the act itself, with good intentions, threatens the undermining of those principles stated by Miss Newman and the process of good government, this will simply give you some assurance that there will be on the books expressed requirements that will lead to an active monitoring of the process to prohibit the very concerns that may actuate members to vote against S. 135.

So it seems to me there are no good reasons to vote against it. I urge my colleagues to vote for it, whichever view they hold. Whether they are for or opposed to S. 135, this is an amendment that all should favor, because it very simply protects the public interest by protecting the freedom of Federal employees and providing protections against coercion. It is that simple, Mr. President, and I urge my colleagues to support it.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, what is the parliamentary situation now? Are we in the mode here where we could vote on the amendment by the distinguished Senator from Delaware or do we have to have a motion to bring it back?

The PRESIDING OFFICER. A motion can be made to table the amendment of the Senator from Delaware. That is the situation at the moment.

Mr. GLENN. Mr. President, I move to table the amendment by the distinguished Senator from Delaware.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

LEAVE OF ABSENCE

Mr. DOLE. Mr. President, the senior Senator from New Mexico [Mr. DOMENICI] is traveling to Santa Fe this evening. Senator DOMENICI has been invited to address a meeting of attorneys general from all over the United States and throughout Mexico. This is the same group of Mexican and United States officials that Attorney General Thornburgh addressed on Wednesday.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio [Mr. GLENN] to table the amendment of the Senator from Delaware [Mr. ROTH]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Wisconsin [Mr. KOHL] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from New Mexico [Mr. DOMENICI] and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

The PRESIDING OFFICER (Mr. BRYAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 66, nays 29, as follows:

[Rollcall Vote No 78 Leg.]

YEAS—66

Adams	Boren	Burdick
Baucus	Bradley	Byrd
Bentsen	Breaux	Conrad
Biden	Bryan	Cranston
Bingaman	Bumpers	D'Amato

Daschle	Jeffords	Nunn
DeConcini	Johnston	Packwood
Dixon	Kasten	Pell
Dodd	Kennedy	Pryor
Durenberger	Kerrey	Reid
Exon	Kerry	Riegle
Ford	Lautenberg	Robb
Fowler	Leahy	Rockefeller
Glenn	Levin	Sanford
Gore	Lieberman	Sarbanes
Graham	Lott	Sasser
Harkin	McCain	Shelby
Hatfield	Metzenbaum	Simon
Heflin	Mikulski	Specter
Heinz	Mitchell	Stevens
Hollings	Moynihan	Warner
Inouye	Murkowski	Wirth

NAYS—29

Bond	Gorton	McConnell
Boschwitz	Gramm	Nickles
Burns	Grassley	Pressler
Chafee	Hatch	Roth
Coats	Helms	Rudman
Cochran	Humphrey	Simpson
Cohen	Kassebaum	Symms
Danforth	Lugar	Wallop
Dole	Mack	Wilson
Garn	McClure	

NOT VOTING—4

Armstrong	Kohl
Domenici	Thurmond

So, the motion to lay on the table amendment No. 1581 was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1582

The PRESIDING OFFICER. The pending question now is amendment No. 1582, the Wilson amendment.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I ask unanimous consent to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mr. D'AMATO. I thank the Chair.

(The remarks of Mr. D'AMATO pertaining to the introduction of S. 2579 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENT NO. 1582

The PRESIDING OFFICER. Who seeks recognition?

Mr. GLENN. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The pending question is the Wilson amendment, 1582.

Mr. GLENN. Mr. President, I believe the distinguished Senator from California wished to have just a few minutes—I understand it will be just a few—to summarize his views before I move to table. I am glad to wait for that length of time.

Does the Senator wish a rollcall vote?

The Senator does wish a rollcall vote. I yield the floor.

Mr. WILSON. Mr. President, I had, when I offered this amendment, fully expected that it would be accepted. The decision I think probably has prompted some Members to leave, so it would be my hope that the leader would be gracious enough to afford a 30-minute rollcall for some people in both parties who have left under the impression that they had cast their last vote for the day.

Mr. President, this is a very simple amendment. Again in addressing the Senate, I quoted the words of Constance Berry Newman, the Director of the Office of Personnel Management. She has set forward simply and clearly what she regards as three fundamental principles governing the conduct of the Nation's business by our civil service. The first she says is that the administration of all laws must be in the public interest and for that to occur must be nonpartisan. The second is that selection and advancement of personnel be based on merit and not political activity. The third is that Federal employees must be protected against any form of coercion for political purposes.

Mr. President, that is what this amendment is all about—coercion. What it says in the simplest possible language is that GAO must seek to determine whether or not there has been, on the part of a superior, action that would be guilty of that superior being construed as having rewarded one or more employees by giving promise of promotion or pay incentives or with having threatened penalty for an employee's refusal to take action.

Mr. President harking back to the time of Thomas Jefferson up to the time of the 1930's when Carl Hatch, on the floor of the Senate, brought us the Hatch Act to prevent corruption, what we have had is the constant reiteration at State and local as well as at the Federal level of Government of the threat of corrupting the process, of politicizing what should be a nonpartisan administration of the law.

There are countless examples in the report, identified in the letter from the Justice Department, to show how the process can be corrupted by a superior seeking to impose his political will upon an employee, encouraging political activity, even the change of registration by the promise of some reward, by the offering of some incentive or more often by threat, as occurred in the example of the Clark County Road Department where people were summarily fired for their refusal to contribute campaign funds to a candidate.

Mr. President, that kind of thing should not happen, and what this amendment provides is that it will not happen. It looks to GAO to perform the same kind of study they have just undertaken and completed with respect to the Kennedy amendment that was offered to the Immigration Reform and Control Act that sought to determine whether or not there was discrimination by employers against those who may speak or sound foreign. They have been through this process. This is a far less demanding task, one of a much lesser magnitude. But this is the kind of law and in fact this is the language that we have just seen them perform and perform very well.

Mr. President, if we are sincere, if we do not intend to create a situation in which Federal employees can be pressured into political activity, then we must simply adopt what are very clear provisions.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN. Mr. President, I rise in opposition to the proposal of the distinguished Senator from California. My remarks will be very short, for those who are waiting to vote, on the substance of the Wilson amendment. I do not disagree with the fact that it might be a good idea to have somebody like GAO look into how this local Hatch Act is working out. But the details spelled out in this bill and what would be required of GAO, unless there is a great deal more clarification than there is in the bill and by the discussion so far, as well be beyond the scope of GAO to perform.

There are some other questions here about whether it is right to or whether it is legal to submit some of these reports and require actions by other agencies in the executive branch. I am sorry we did not get this legislation much earlier on. We might have been able to work out some accommodation by softening some of these things.

Mr. President, I ask unanimous consent that on the upcoming motion to table the rollcall there be a 30-minute rollcall vote.

Mr. ROTH. Reserving the right to object, and I do not plan to object, I ask the distinguished chairman whether he or the majority leader can tell us what we will do upon the completion of that vote.

Mr. GLENN. I do not know the answer to that. I cannot speak for the majority leader. But if that request is made, we will see if we can locate him before I move to table.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Ohio?

Mr. ROTH. Reserving the right to object——

Mr. GLENN. While we are proceeding, I ask unanimous consent that when the vote occurs it be a 30-minute rollcall vote, and I withhold the motion itself until we find out what the majority leaders wants.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Reserving the right to object, what is the purpose of extending the rollcall vote?

Mr. GLENN. That was requested on the other side. Some Members were off the Hill, and they wished to have a 30-minute time period.

Mr. BUMPERS. Does the floor manager know of any other amendments that are ready to be debated and voted on tonight?

Mr. GLENN. No, I do not. I have been imploring the other side to get the amendments to the floor. We have all the business on this S. 135 taken care of, to the best of my knowledge, on the Democratic side.

We had hoped we would be able to finish with this this evening. I know of no other amendments after this.

I address my colleague across the aisle: Are there other amendments available this evening, or can we go to final passage?

Mr. ROTH. My understanding is that there are a number of amendments. How many are for tonight, I cannot say.

Mr. GLENN. Can the distinguished Senator tell me whether they would be willing to enter into time agreements on these amendments?

Mr. ROTH. I am not in a position to answer that. That would have to be addressed to the minority leader.

Mr. GLENN. Can the Senator give us some period this evening when we might be able to get to these amendments?

Mr. ROTH. I know there is at least one amendment that could be debated tonight.

The PRESIDING OFFICER. There is a request pending for unanimous consent for a 30-minute rollcall vote propounded by the floor manager, the Senator from Ohio [Mr. GLENN].

Is there objection? Hearing none, the request is agreed to. The Senator is recognized.

Mr. BUMPERS. Mr. President, I want to ask the distinguished floor manager for information to answer the question of the distinguished Senator from Delaware. I do not see any reason why we could not go ahead and vote.

Mr. GLENN. The Senator had asked as to whether this would be the last vote; what the plans for the evening were. And he wanted to know before the vote started, if possible.

Mr. BUMPERS. There is a little sign they can put down there at any time that says, "This is the last vote today."

Mr. GLENN. We can determine that after the vote is underway. I move to table the amendment of the Senator from California, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the motion of the Senator from Ohio to lay on the table the amendment of the Senator from California.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Kentucky [Mr. FORD] and the Senator from Wisconsin [Mr. KOHL] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Oklahoma [Mr. NICKLES] are necessarily absent.

The PRESIDING OFFICER (Mr LEVIN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 59, nays 35, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—59

Adams	Glenn	Mitchell
Baucus	Gore	Moynihan
Bentsen	Graham	Murkowski
Biden	Harkin	Nunn
Bingaman	Hatfield	Packwood
Boren	Heflin	Pell
Bradley	Hollings	Pryor
Breaux	Inouye	Reid
Bryan	Johnston	Riegle
Bumpers	Kassebaum	Robb
Burdick	Kennedy	Rockefeller
Byrd	Kerrey	Sanford
Conrad	Kerry	Sarbanes
Cranston	Lautenberg	Sasser
Daschle	Leahy	Shelby
DeConcini	Levin	Simon
Dixon	Lieberman	Stevens
Dodd	McCain	Warner
Exon	Metzenbaum	Wirth
Fowler	Mikulski	

NAYS—35

Bond	Gorton	McClure
Boschwitz	Gramm	McConnell
Burns	Grassley	Pressler
Chafee	Hatch	Roth
Coats	Heinz	Rudman
Cochran	Helms	Simpson
Cohen	Humphrey	Specter
D'Amato	Jeffords	Symms
Danforth	Kasten	Thurmond
Dole	Lott	Wallop
Durenberger	Lugar	Wilson
Garn	Mack	

NOT VOTING—5

Armstrong	Ford	Nickles
Domenici	Kohl	

So the motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, are their more amendments to be brought up this evening? I ask my distinguished colleague from Delaware, are there more amendments that we can work on this evening?

Mr. ROTH. I am not aware of any further amendments this evening.

Mr. GLENN. Mr. President, I ask unanimous consent that Senator BRADLEY be added as a cosponsor to the amendment agreed to earlier today. That was the Robb-Warner-Glenn amendment. I do not remember the number of it. Senator BRADLEY asked to be added as a cosponsor of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF POSITION ON A VOTE

Mr. THURMOND. Mr. President, I missed the rollcall prior to the one we just voted on. This was a motion by Senator GLENN to table the Roth amendment, amendment No. 1581.

I ask at this time for unanimous consent to be positioned on that amendment. If I had been here, I would have voted "no" against the motion to table.

I would also like to explain I went to the hospital to visit my wife. Some time ago she broke three bones of her foot playing tennis and she is having some trouble, and I regret that I missed this rollcall. I did not realize it would come as quick as it did.

The PRESIDING OFFICER. Without objection, the Senator's statement will be printed in the RECORD.

Mr. COHEN. Mr. President, I rise to express the basis for my opposition to the legislation that the Senate is now considering, S. 135, the Hatch Act reform amendments.

I truly believe that it is unwise for the Senate to take this step toward politicizing the Federal work force at a time when public confidence in the Federal Government is very low. Over the past few years, the Pentagon has been rocked by allegations that its officials have engaged in favoritism in awarding Government contracts. The public and the Congress are outraged by the revelations of political favorit-

ism and deals that were seemingly rampant throughout the Housing and Urban Development programs during the past administration. The Iran-Contra affair, the savings and loan scandal, and the Wedtech scandal are all still fresh in the minds of the public, leading them to question whether scandal and conflicts of interest have become routine, and just the way the Federal Government does business.

These stories take a great toll on the public's level of confidence in its Government, by signaling to the person in the streets that his or her Government's decisions are clouded by conflicts of interest or partisan political goals, and that the system can be manipulated to further the goals of either personal, financial, or even political gains.

It seems ironic to me that so soon after the Congress has called for tighter ethics laws for all three branches of government, and almost on the eve of the Senate's debate of campaign finance reforms, we are ready to undermine the Hatch Act, a law that has, for decades, been accepted as a major symbol of government integrity. Even beyond irony, I believe that it is very dangerous for the Congress to further erode public confidence in the Federal Government by allowing partisan political activities to become widespread within the Federal civil service.

I am not persuaded that the current law enslaves Federal workers and that the legislation before us is necessary to liberate them from their chains. Instead, it is the Hatch Act itself, in its current form, that protects Federal workers from the subtle coercions and the pressures in the workplace to become involved in partisan politics. In short, the Hatch Act gives the Federal workers the right to "just say no" to the subtle pressures of their superiors who may want them to participate in, or support, partisan politics. It is a system that has worked well, and one that should be retained.

I do not agree with those who argue that other provisions of law provide adequate protections for Federal employees from coercion. Other provisions of law do not adequately prevent the many subtle ways that superiors could retaliate against subordinates for participating, or even refusing to participate, in political activity. Promotions, job assignments, and job evaluations can all be used as means of subtle coercion and retaliation. The current Hatch Act was enacted to prevent such subtle pressures, that usually occur well outside the sight of any witness and which are very difficult to prove, but which are very easy for the Federal employee to feel.

I do believe that there is merit to the claim that the current regulations and opinions issued under the Hatch Act are confusing, and that such confusion may even prevent Federal employees from engaging in political activities that are permissible under the act. The proper response to this argument, however, is to clarify and simplify the guidance that is given to Federal employees on what is acceptable and unacceptable under the existing law, and I am supporting Senator ROTH'S and Senator MCCONNELL'S amendments to direct such clarifications and improve training on the Hatch Act rules and regulations.

To discard the entire Hatch Act simply because its interpretation and implementation needs to be improved would be a gross overreaction and would, in the long run, severely harm the public's trust in, and perception of, its Government.

Ms. MIKULSKI. Mr. President, as a cosponsor of the Hatch Act reform amendments, I strongly urge my colleagues to vote for this bill.

This is a good, reasonable, balanced bill.

It restores to Federal employees the right to participate in political activities in their spare time, while at the same time protecting these employees from undue pressure to participate in partisan activity.

Federal employees are citizens and should possess all the rights of citizens, including the right to participate in the political process.

Under current law, the Secretary who works for FDA and lives in Rockville, MD, cannot go door-to-door on a Saturday afternoon on behalf of her favorite candidate for mayor.

The attorney who works for the FTC cannot host a gettogether in his home for his college roommate who is running for the State legislature.

Why should we impose these unreasonable restrictions on citizens who simply want to have a voice in how their communities are governed?

Mr. President, political participation is dropping off in our Nation.

Voters are tuning out. Citizens feel they do not have the time or the interest to get involved.

That is dangerous. We need the active participation of the citizenry to keep democracy alive.

Meanwhile, we are telling Federal workers—who are among the brightest, best-informed and most public-spirited Americans—that they are not allowed to make their voice heard.

That does not make sense.

We should welcome their active involvement, should they choose to devote their spare time to political activity.

I commend my friend, the chairman of the Governmental Affairs Committee, Senator GLENN, and the other distinguished members of that committee for their work on this bill.

The Governmental Affairs Committee has a full plate this year.

Not only has it worked hard on Hatch Act reform and many other issues, it must now turn its attention to the task of deciding how to reform Federal pay.

There is wide recognition that the growing disparity between private sector pay and Federal pay poses a problem for the ability of the Federal Government to attract, and retain, highly skilled employees.

There is a close relationship between the pay issue and the issue of Hatch Act reform.

The scientist at NIH, the air traffic controller, the accountant at the IRS, the civil rights lawyer in the Justice Department—we are losing too many of these people because they feel that there are just too many tradeoffs involved in working for the Federal Government.

The protection of our citizens—their very lives—depend in many cases upon Federal Government employees. We need to attract the best, and keep them working for the Federal Government.

Let us start today to remove one of the burdens of working for the Federal Government.

Let us restore to these employees the ability to express themselves freely on political matters of concern to them. Let us pass this bill and reform the Hatch Act.

Mr. DODD. Mr. President, I am pleased that the Senate is finally debating S. 135, a bill to reform the Hatch Act. As an early cosponsor, I want to commend Senator GLENN and the Senate Governmental Affairs Committee for the hard work and initiative it took to bring this bill to the Senate floor.

For nearly five decades now, the political lives of Federal workers have been governed by restrictions on their activity put in place by the Hatch Act. The original act was a commendable response to the abuses of the age, but it has become encrusted with regulations which are complicated, inconsistent, and unduly restrictive. This legislation would broaden the range of activities permitted Federal workers while maintaining what is, in my judgment, the cornerstone of the Hatch Act, the prohibition against on-the-job political activity.

I do not minimize the concerns of those opponents of Hatch Act reform who fear that undue, and subtle, political pressure would be brought to bear upon employees working in a changed environment; but I believe that the prohibitions contained in S. 135 provide full protection against direct and indirect coercion. In that regard, the comments of the junior Senator from Connecticut were particularly instructive to me and, I hope, to my colleagues. As Senator LIEBERMAN mentioned during an earlier floor state-

ment, he did extensive research on the Hatch Act while he was in law school, and I want to associate myself particularly with his conclusion that those who would infringe on the basic political rights of a large group of Americans bear a heavy burden of proof that the restriction is justified.

The arguments in defense of the current Hatch Act simply do not meet that test. To suggest that Federal employees need the paternal protection of Federal statute to prevent their enslavement to supervisors is to demean their integrity and their intelligence. Moreover, it flies in the face of the reality of their working lives for decades, since political appointees have always filled Federal high-level management positions.

Finally, I believe there is a particularly compelling case for reform of the Hatch Act at this time. For too many years the Federal work force was cast as a symbol of Government run amok by those who saw Government as the root of all our problems, and who aimed to solve these problems by the simple expedient of shrinking and downgrading the Federal work force. The climate of opinion produced by that attitude has demoralized and degraded a distinguished body of skilled public servants, who have continued to serve their country well in the face of 8 years of pillorying and the diminishing of their pay, benefits, and working conditions.

It is instructive to note that the charges of misuse of public office and corruption which have so dishonored the Government in recent years arose not from the misconduct of the career civil servant, but rather from the cavalier behavior in office of the very individuals whose responsibility it was, under the current Hatch Act, to ensure a pristine and apolitical Federal work force. We are unlikely to see any worse behavior under a revised Hatch Act, and it is quite possible that standards of public behavior will improve.

Finally, I agree with the point made by the majority leader that there is sad irony in the spectacle of our applauding the birth of democracies in Eastern Europe and Central America while denying the full measure of the rights of citizenship to the very people charged with impelementing public policy in our own country. In sum, Mr. President, I believe it likely that reform of the Hatch Act will unleash the civil energies of a group of skilled men and women who will enrich the life of our communities and our Nation, and I urge my colleagues to join with me in supporting S. 135.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanious consent that when the Senate resumes consideration of the Hatch Act reform bill tomorrow, Senator ROTH be recognized to offer an amendment regarding caucuses, and that upon completion of the debate on that amendment, Senator ROTH again be recognized to offer an amendment regarding personal causes of action.

I further ask unanimous consent that when the Senate resumes consideration of the bill on Monday, May 7, the following Senators be recognized to offer first-degree amendments on the subject matter indicated: Senator DOLE, a germane amendment; Senator DOLE, another germane amendment; Senator ROTH, an amendment regarding a ban on holding office within the party; and Senator SIMPSON, an amendment regarding the effective date of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, for the information of Senators, having obtained this agreement and further understanding with the distinguished Republican leader and the managers of the bill, there will be no further rollcall votes this evening. And there will be no rollcall votes tomorrow, or Monday. It is my intention to stack the votes on the six amendments in the agreement to begin at approximately 10 o'clock on Tuesday morning.

So Senators should be aware that two amendments will be debated tomorrow, as indicated in the agreement, four amendments will be debated on Monday, and the votes on or in relation to those amendments or on any second-degree amendments relating thereto will be held Tuesday morning beginning at approximately 10 o'clock. I will announce the precise time hopefully by sometime tomorrow.

Mr. President, this enables us to continue to make progress on the bill and also to accommodate the schedules of many Senators who have other matters to which they must attend on tomorrow and Monday.

I have discussed the pending bill on several occasions with the distinguished Republican leader, and I am pleased that we were able to proceed in making this progress. It is my intention that we be able to complete action on this bill next week because I hope that we will then be able to turn to other matters, including the campaign finance reform bill.

I recognize there are some who are opposed to this bill, but I think the votes so far show a very substantial majority of the Senators favor action on this legislation.

I hope that by Tuesday, following the party caucuses, we will be able to have some indication of when we might move to final passage on the bill, hopefully early next week.

If we are unable to obtain such assurance, I have indicated to the Republican leader that I would then have to consider filing cloture on the bill on Tuesday, with a cloture vote to be held Thursday morning, with the expectation and intention that, once cloture is obtained, the Senate would simply stay in session until we finish the bill as we complete the 30 hours and get final action on the bill. I hope that is not required.

I am attempting to balance the interests of the overwhelming majority of Senators who favor action on this legislation with the legitimate rights of those who oppose it to do so by offering amendments, and debating them and the bill in a fair and full manner.

I believe that the process which I have outlined is the best that we can do to balance those interests in regard to this legislation.

So I thank the distinguished Republican leader for his cooperation in helping us to obtain this agreement as well as the distinguished managers of the bill, Senator GLENN and Senator ROTH, for their cooperation. I repeat just one final time, therefore, that there will be two amendments debated tomorrow, four amendments debated Monday, and all votes on or in relation to those amendments to be stacked to begin early Tuesday morning.

I hope we can complete action on the bill by Tuesday, but, if not, if we are unable to obtain assurance of completion by a time certain next week, I will then consider filing a cloture on Tuesday with a cloture vote Thursday morning and stay in session until we finish the bill.

Mr. President, I yield to the distinguished Republican leader.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DOLE. Mr. President, I concur in most everything the majority leader has to say. I guess the point I would make is we have so far had nothing but germane amendments. Today we lost a couple of hours in quorum calls. It seems to me, if we have the two amendments tomorrow, the four amendments on Monday, we will have policy luncheons on next Tuesday, I will be in a better position to advise the majority leader after the policy luncheons.

Obviously, he can file cloture any time he wishes. We do have problems, as we always have when we get to Friday. Next Friday happens to be a problem with several Members who are going on an official business trip to NATO. So that will be one factor we can discuss privately, and there may be others I am unaware of.

So I thank the majority leader. I thank my colleagues. I guess the burden then is on those of us who have amendments to be here, debate those amendments. It may not take an hour in each case; it may take much less; in some cases it might take more.

Mr. MITCHELL. Mr. President, in the agreement, I did not seek to or obtain specific time limits. It is the ex-

pectation of all concerned that each of these amendments will take about an hour, but since there will be no votes on either day, I thought it best to leave that out so as to permit the parties to use what time they think necessary and appropriate—some may take a little less, some may take a little more—rather than burdening the managers and the offerers of the amendments with the specific time limitations. But for the information of Senators, the debates are expected for about an hour on each of the six amendments that I identified.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LIFTING OF MARTIAL LAW IN TIBET

Mr. PELL. Mr. President, Chinese Premier Li Peng announced on April 30 that martial law will be lifted in Lhasa, the capital of Tibet. This is a welcome move indeed, if following this proclamation, China demonstrably eliminates its policies of what Chinese Politburo member Qiao Shi called merciless repression.

Although the lifting of martial law may have been designed in part to appease the United States Government at a time when China's most-favored-nation trade status is up for review, it nevertheless may also be the most significant action the Chinese leadership has yet taken in the area of human rights since the events of Tiananmen. However, the Chinese leadership must realize that to gain goodwill from the United States they will have to do more than declare an end to martial law: we hope that they will follow this declaration with concrete measures to improve the human rights situation in Tibet.

First, military and police presence should be reduced considerably. Political prisoners, those who have been arrested for merely expressing an opinion or for only the suspicion of holding an opinion, should be released. Religious harassment and the destruction of Tibetan culture should end. I especially agree with the Bush administration recommendation that the Chinese Government resume allowing routine visits to Tibet by foreign diplomats, journalists, and other interested observers.

The lifting of martial law follows a recent period in which there have been many discouraging signs. The Associated Press reported on April 26 that the last monks of the once great monasteries surrounding Lhasa—Sera, Ganden, and Drepung—are being expelled by the Chinese authorities. This is particularly cruel considering that at the end of Mao's Cultural Revolution in 1976, only 8 of Tibet's 6,000 monasteries, once known throughout Asia as centers of intellectual and religious debate, were left standing.

The Tibet Information Network has also reported that houses and other buildings in the Tibetan quarter surrounding the Barkhor Plaza are being bulldozed. This neighborhood is the center of Tibetan life in Lhasa. It is the final destination of Buddhist pilgrims who travel by the thousands each year to reach its more holy shrine, the Jokhang Temple. The religious significance of this historic center is not unlike that of the Holy City of Jerusalem.

If China is sincerely interested in improving relations with the United States, revoking martial law will mean a return at least to the less repressive policies of the middle 1980's, and I hope it will go beyond that to eventually allow more autonomy for the Tibetans. Finally, I hope that the Chinese Government will agree to negotiate with the Dalai Lama and Tibetan leaders in exile. The Dalai Lama has received the Nobel Peace Prize and increasing international support for his overtures to the Chinese Government, and discussion with him and other Tibetan leaders holds the only long-term hope for a peaceful resolution of the problems in Tibet.

AGRICULTURAL PRACTICES EXEMPTION RELATIVE TO THE WETLANDS

Mr. BURDICK. Mr. President, as I indicated earlier this week, the Environment and Public Works Committee has been working with USDA, EPA, the Corps of Engineers, the White House, and Senators PRYOR, BUMPERS, JOHNSTON, and BREAUX to clarify the types of farming and aquaculture activities that are either exempt from regulation or qualify for general permits under section 404 of the Clean Water Act.

In a letter to the chairman of the Agriculture Committee, Senator LEAHY, on April 19, 1990, Assistant EPA Administrator for Water LaJuana Wilcher and Assistant Army Secretary Robert Page had earlier clarified what constitutes normal rice farming and how wetlands determinations are made under the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

However, this letter did not adequately clarify a number of issues concerning normal farming practices and construction of fish ponds, particularly in Arkansas and Louisiana. Now, thanks in large part to the efforts of Senators BUMPERS, PRYOR, BREAUX, and JOHNSTON, the corps and EPA will issue today a memorandum to their field staffs which provides additional, detailed guidance on: First, normal farming activities, including crop rotation, land leveling and rice farming; second, construction of fish ponds; third, consultation with the Cooperative Extension Service and land grant universities; and fourth, enforcement. On the subject of fish ponds, this memo makes reference to a general permit that is expected to be issued by June 1, 1990.

Finally, in a letter to me and the other Senators involved in this matter, Assistant Administrator Wilcher and Assistant Secretary Page have indicated that: First, the corps districts will be asked to issue special public notices providing the information in the memorandum to field staff guidance; second, EPA and the corps will issue press releases to further distribute this information; and third, both agencies will initiate a public outreach process, working through the Extension Service, to ensure that there is a continuing opportunity for dialog between the regulatory agencies and the agricultural community.

I appreciate the efforts of my colleagues from Arkansas and Louisiana to clarify that section 404 does not apply to normal farming activities. I also want to express my appreciation to the administration for its cooperation in resolving this matter.

It is vital to the continued abundant supply of affordable food and fiber and to the continued conservation of wetlands that any uncertainty surrounding the application of section 404 to agricultural activities be eliminated. I hope that the agreed upon guidance to corps and EPA field staff will result in closer cooperation between those agencies and the Department of Agriculture and land grant universities in determining what constitutes normal farming activities in a given area and in communicating information to farmers and others about the 404 program's requirements and exemptions.

I ask unanimous consent that copies of the EPA/corps letter of April 19, 1990, to Senator LEAHY; the EPA/corps memorandum of May 3, 1990; the draft general permit for fish ponds (CELMK-OD-FE 14-General Permit-48); and the EPA/corps letter of May 3, 1990, to me, be printed in the RECORD immediately following this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
OFFICE OF WATER,
DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, April 19, 1990.

Hon. PATRICK J. LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letters of March 27, 1990, to Administrator Reilly and Lieutenant General Hatch concerning implementation of the Section 404 permit program in relation to certain farming activities. As the national program managers for the Clean Water Act Section 404 program, we appreciate the opportunity to respond to your concerns. We share your deep interest in this issue and recognize the need to work expeditiously to provide appropriate clarification.

We strongly agree that it is incumbent upon our agencies to communicate effectively to landowners and farmers how the Section 404 program may apply to their activities. This communication is critical in assuring that the regulated public understands regulatory requirements that may apply, and to minimize any misconceptions and confusion that may exist concerning our program. As your letters recognize, it appears that some misunderstanding has arisen regarding the relationship of the Section 404 program to certain farming operations involving, in particular, rice levees and construction of catfish ponds. We understand these concerns, and have recently initiated several actions that will allow farmers to understand better the regulatory program and provide more efficient and equitable mechanisms for implementing provisions of the Section 404 program. These actions include:

Progress toward developing a general permit authorizing discharges of dredged or fill material associated with the construction of levees and ditches for the construction of catfish ponds.

Initiating a review of the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (Interagency Manual) with the Soil Conservation Service and the Fish and Wildlife Service to determine what, if any, modifications are necessary. As part of this review, we will be holding public meetings to solicit technical comments on the Interagency Manual. The first meeting is scheduled for May 5, 1990 in Baton Rouge, Louisiana.

Initiating development of clear and easily understood information for the agricultural community regarding Section 404 regulatory requirements, focusing on wetlands jurisdictional determinations in agricultural areas and the applicability of the Section 404(f) exemptions to agricultural activities (including the definition of "normal" farming activities). We are currently developing a joint issue paper on this topic.

In addition to these actions, we are committed to continuing to work with representatives of the agricultural community to explore other opportunities to improve the effectiveness of our wetlands protection efforts, remaining ever-mindful of the special needs and concerns of the Nation's farmers. We will work diligently to ensure that the Section 404 requirements are better understood by all participants in the permit process, and are convinced that improve communication is essential to the program's ability to successfully provide fair and equitable protection for the Nation's critical aquatic resources. In that regard, we intend to contact the Department of Agriculture to develop an effective means of distributing information to farmers concerning the relationship between the Section 404 program and agricultural activities.

Your letters also raise a concern regarding the changing environment in the Federal treatment of wetlands under Section 404. There are two issues related to this concern to which we would like to respond. First, it is our position that discharges of dredged material associated with the construction of rice levees in wetlands which are in established agricultural crop production are "normal farming activities" within the meaning of Section 404(f)(1)(A) and are therefore exempt from Section 404 regulation under the following conditions:

The purpose of these levees is limited to the maintenance and manipulation of shallow water levels for the production of rice crops; and

Consistent with current agricultral practices associated with rice cultivation, the height of the rice levees should generally not exceed 24 inches above their base; and the material to be discharged should generally be derived exclusively from the distribution of soil immediately adjacent to the constructed levee.

Second, we understand that concern has been expressed that our agencies may be using only one parameter (i.e., soils) to delineate wetlands in areas currently in agriculture. In fact, all three parameters of the wetlands technical criteria (i.e., hydrophytic vegetation, hydric soils, and wetlands hydrology) must be considered when making a wetlands determination. The definition of wetlands in our regulations (33 CFR 328.3(b); 40 CFR 230.3(t) and 232.2(f)) provides for a three parameter approach in identifying an area as wetlands. Moreover, the Interagency Manual, cooperatively developed by the Corps of Engineers, Environmental Protection Agency, Fish and Wildlife Service, and Soil Conservation Service, describes field indicators for all three parameters (i.e., hydrology, soils, and vegetation) and articulates methods for delineating wetland boundaries. In general, field indicators of all three parameters must be demonstrated in making a wetlands delineation. However, in describing these indicators for determining the presence of the three parameters, the Interagency Manual identifies certain assumptions which may apply. For example, there will be circumstances where the wetlands hydrology indicators (i.e., the hydrological indicators listed in the Interagency Manual, including, for example, visual observations of inundation or soil saturation) are not readily observed in the field (e.g., the site visit is during the dry season). Section 3.37.11 of the Interagency Manual states that "[i]f an area meets the field indicators for hydric soils *and there is no indication of significant hydrologic modification*, then it can be assumed that the area meets the wetland hydrology criterion" (emphasis added).

In routine situations, positive indicators of soils, vegetation, and hydrology are sought. However, there are circumstances where such indicators are not available, for example where wetlands vegetation is not present due to clearing activities or as a result of winter die-off annual vegetation. When this occurs, under the Interagency Manual the type of soils present and the hydrology will indicate the type of vegetation that would be present under normal circumstances. Similarly, the presence of hydric soil indicators and the absence of modifications to the hydrology can indicate the presence of wetlands hydrology.

As provided in the Interagency Manual, while a site is effectively and legally drained to the extent that it no longer meets the regulatory wetlands hydrology criteria (as interpreted by the Interagency Manual), it is not a wetland subject to jurisdiction under Section 404 of the Clean Water Act. In addition, in making determinations, agency staff are required to ensure that hydrology is not determined based solely on soil characteristics in areas currently in agriculture. Areas in agriculture are considered disturbed areas and indicators of all three parameters are evaluated utilizing the "disturbed area" section of the Interagency Manual (Sections 4.20 through 4.23). In making determinations, indicators of all three parameters are evaluated and the hydrology parameter is not assumed to exist based solely on soil characteristics in areas currently in agriculture.

We hope this letter addresses your concerns. If you have any additional questions, please contact us or David G. Davis, EPA Office of Wetlands Protection, (202) 475-7791, or David Barrows, Office of the Assistant Secretary of the Army (Civil Works), (202) 695-1376.

Sincerely yours,

LAJUANA S. WILCHER,
Assistant Administrator for Water, Environmental Protection Agency.
ROBERT W. PAGE,
Assistant Secretary of the Army (Civil Works).

ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF WATER, DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, May 3, 1990.

MEMORANDUM FOR THE FIELD

Subject: Clean Water Act Section 404 Regulatory Program and Agricultural Activities.

A number of questions have recently been raised about the applicability of the Clean Water Act Section 404 Regulatory Program to agriculture. This memorandum is intended to assist Section 404 field personnel in responding to those questions and to assure that the program is implemented in a consistent manner. At the outset, we should emphasize that we respect and support the underlying purposes of the Clean Water Act regarding the exemption from Section 404 permitting requirements for "normal farming" activities. The exemptions (at Section 404(f) of the Act) recognize that American agriculture fulfills the vitally important public need for supplying abundant and affordable food and fiber and it is our intent to assure that the exemptions are appropriately implemented.

What are normal farming activities? Who makes that determination? Can agricultural producers plant crops in wetlands areas that have been farmed for many years? These are questions that have generated significant confusion and concern in the agricultural community. This memorandum will explain the extent of the Section 404 program and clarify some misunderstandings that may exist in the field. Therefore we encourage you to widely distribute this memorandum.

WHAT IS SECTION 404?

The Federal Water Pollution Control Act Amendments of 1972 established the Section 404 Regulatory Program. Under this

Act, it is unlawful to discharge dredged or fill material into waters of the United States without first receiving authorization (usually a permit) from the Corps, unless the discharge is covered under an exemption. The term "waters of the United States" defines the extent of geographic jurisdiction of the Section 404 program. The term includes such waters as rivers, lakes, streams, tidal waters, and most wetlands. A discharge of dredged or fill material involves the physical placement of soil, sand, gravel, dredged material or other such materials into the waters of the United States. Section 404(f) exemptions, which were added in 1977, provide that discharges that are part of normal farming, ranching, and forestry activities associated with an active and continuous ("ongoing") farming or forestry operation generally do not require a Section 404 permit.

With this background in mind, we can now turn to the issues that are the focus of concern. As previously noted, Section 404(f) exempts discharges of dredged or fill material into waters of the United States associated with certain normal agricultural activities. Of course, activities that do not involve a discharge of dredged or fill material into waters of the United States never require a Section 404 permit. Further, as provided in the Interagency Federal Manual for Identifying and Delineating Jurisdictional Wetlands, while a site is effectively and legally drained to the extend that it no longer meets the regulatory wetlands hydrology criteria (as interpreted by the Interagency Manual), it is not a wetland subject to jurisdiction under Section 404 of the Clean Water Act.

WHAT IS THE "NORMAL FARMING" ACTIVITIES EXEMPTION?

The Clean Water Act exempts from the Section 404 program discharges associated with normal farming, ranching and forestry activities such as plowing, cultivating, minor drainage, and harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices (Section 404(f)(1)(A)). To be exempt, these activities must be part of an established, ongoing operation. For example, if a farmer has been plowing, planting and harvesting in wetlands, he can continue to do so without the need for a Section 404 permit, so long as he does not convert the wetlands to dry land. Activities which convert a wetland which has not been used for farming or forestry into such uses are not considered part of an established operation, and are not exempt. For example, the conversion of a bottomland hardwood wetland to crop production is not exempt.

In determining whether an activity is part of an established operation, several points need to be considered. First, the specific farming activity need not itself have been ongoing as long as it is introduced as part of an ongoing farming operation. For exemple, if crops have been grown and harvested on a regular basis, the mere addition or change of a cultivation technique (e.g., discing between crop rows to control weeds rather than using herbicides) is considered to be part of the established farming operation. Second, the planting of different agricultural crops as part of an established rotation (e.g., soybeans to rice) is exempt. Similarly, the rotation of rice and crawfish production is also exampt (construction of fish ponds is not an exempt activity and is addressed on page 5 of this memorandum). Third, the resumption of agricultural production in areas laying fallow as part of a normal rotational cycle are considered to be part of an established operation and would be exempted under Section 404(f). However, if a wetland area has not been used for farming for so long that it would require hydrological modifications (modifications to the surface or groundwater flow) that would result in a discharge of dredged or fill material, the farming operation would no longer be established or ongoing.

As explained earlier, normal farming operations include cultivating, harvesting, minor drainage, plowing, and seeding. While these terms all have common, everyday definitions, it is important to recognize that these terms have specific, regulatory meanings in relation to the Section 404(f) exemptions. For example, plowing that is exempt under Section 404(f) means all mechanical means of manipulating soil, including land levelling, to prepare it for the planting of crops. However, grading activities that would change any area of waters of the United States, including wetlands, into dry land are not exempt. Minor drainage that is exempt under Section 404(f) is limited to discharges associated with the continuation of established wetland crop production (e.g., building rice levees) or the connection of upland crop drainage facilities to waters of the United States. In addition, minor drainage also refers to the emergency removal of blockages that close or constrict existing drainageways used as part of an established crop production. Minor drainage is defined such that it does not include discharges associated with the construction of ditches which drain or significantly modify any wetlands or aquatic areas considered as waters of the United States. Seeding that is exempt under Section 404(f) includes not only the placement of seeds themselves, but also the placement of soil beds for seeds or seedings on established farm or forest lands. Cultivating under Section 404(f) includes physical methods of soil treatment to aid and improve the growth, quality, or yield of established crops. Except as provided under Section 404(f)(2) as explained below, construction or maintenance of irrigation ditches or maintenance of drainage ditches is also exempt.

Recognizing area and regional differences in normal farming practices, EPA and the Corps agree to develop additional definitions or normal farming practices in consultation with the designated Land Grant Colleges and the Cooperative Extension Services. We also further encourage our field staffs to utilize the expertise in these colleges and agricultural services in the ongoing implementation of the Section 404 program.

WHEN THE NORMAL FARMING ACTIVITY EXEMPTIONS DO NOT APPLY

Section 404(f)(2) provides that discharges related to activities that change the use of the waters of the United States, including wetlands, and reduce the reach, or impair the flow or circulation of waters of the United States are not exempted. This "recapture" provision involves a two-part test that results in an activity being considered not exempt when both parts are met: 1) does the activity represent a "new use" of the wetland and, 2) would the activity result in a "reduction in reach/impairment of flow or circulation" of waters of the United States? Consequently, any discharge of dredged or fill material that results in the destruction of the wetlands character of an area (e.g., its conversion to uplands due to new or expanded drainage) is considered a change in use of the waters of the United States, and by definition, a reduction of their reach, and is not exempt under Section 404(f). In addition, Section 404(f)(1) of the Act provides that discharges that contain toxic pollutants listed under Section 307 are not exempted and must be permitted.

However, discharges that are not exempt are not necessarily prohibited. Non-exempt discharges must first be authorized either through a general or individual Section 404 permit before they are initiated.

WHAT ARE GENERAL PERMITS?

Even if farming activity is one that does not fall under an exemption and a permit is required, some farming activities are eligible for General Permits. Section 404(e) of the Act authorizes the Corps, after notice and opportunity for public hearing, to issue General Permits on a State, regional or nationwide basis for certain categories of activities involving a discharge of dredged or fill material in waters of the United States. Such activities must be similar in nature and cause only minimal adverse environmental effects. Discharges authorized under a General Permit may proceed without applying to the Corps for an individual permit. However, in some circumstances, conditions associated with a General Permit may require that persons wishing to discharge under that permit must notify the Corps or other designated State or lcoal agency before the discharge takes place. A list of current General Permits is available from each Corps District Office, as well as information regarding notification requirements or other relevant conditions.

RICE FARMING

Questions have arisen regarding the relationship of the Section 404 program to rice farming. We understand these concerns, and recently have initiated actions that will allow farmers to understand better the regulatory program and provide more efficient and equitable mechanisms for implementing provisions of the Section 404 program.

In an April 19, 1990 letter responding to a request from Senator Patrick J. Leahy, Chairman, and 11 members of the Senate Committee on Agriculture, Nutrition, and Forestry, we stated our position that discharges of dredged material associated with the construction of rice levees for rice farming in wetlands which are in established agricultural crop production are "normal farming activities" within the meaning of Section 404(f)(1)(A) and are therefore exempt from Section 404 regulation under the following conditions:

(1) The purpose of these levees is limited to the maintenance and manipulation of shallow water levels for the production of rice crops; and

(2) Consistent with current agricultural practices associated with rice cultivation, the height of the rice levees should *generally* not exceed 24 inches above their base; and the material to be discharged for levee construction should generally be derived exclusively from the distribution of soil immediately adjacent to the constructed levee.

Land levelling for rice farming in wetlands which are in established crop production also is a "normal farming activity" within the meaning of Section 404(f)(1)(A) and is therefore exempt from Section 404 regulation.

FISH PONDS

We are developing a General Permit authorizing discharges of dredged or fill material associated with the construction of

levees and ditches for the construction of fish ponds in wetlands that were in agricultural crop production prior to December 23, 1985. A draft General Permit has been developed by the Vicksburg District Army Corps of Engineers and should be issued by June 1, 1990. This General Permit should serve as a model permit for other areas of the country and this activity will be considered for a nationwide General Permit.

It should be made clear, however, that the Section 404(f) exemption for "normal farming activities" and the General Permit being developed for fish ponds apply only to the use of wetlands which are already in use for agricultural crop production. These provisions do not apply to 1) wetlands that were once in use for agricultural crop production but have lain idle so long that modifications to the hydrologic regime are necessary to resume crop production or, 2) the conversion of naturally vegetated wetlands to agriculture, such as the conversion of bottomland hardwood wetlands to agriculture.

LIMITATIONS OF THE SECTION 404(f) EXEMPTIONS

It should be emphasized that the use of Section 404(f) exemptions does not affect Section 404 jurisdiction. For example, the fact that an activity in wetlands is exempted as normal farming practices does not authorize the filling of the wetland for the construction of buildings without a Section 404 permit. Similarly, a Section 404 permit would be required for the discharge of dredged or fill material associated with draining a wetland area and converting it to dry land.

ENFORCEMENT

Given that the normal farming practices as described above are exempt from regulation under Section 404, neither EPA nor the Corps will initiate enforcement actions against farmers or other persons for engaging in such normal farming activities. Further, there will be no enforcement against actions that meet the description of activities covered by, and any conditions contained in, general permits issued by the Corps.

CONCLUSION

Proper implementation of the Section 404 program is an issue of extreme importance to the nation. We encourage you to distribute this memorandum not only to your staffs but to the public at large so that there will be a better general understanding of the program and how it operates. If you have any questions regarding this memorandum, please contact us or have your staff contact Suzanne Schwartz in EPA's Office of Wetlands Protection at 202-475-7799, or John Studt in the Headquarters' Office of the U.S. Army Corps of Engineers at 202-272-1785 (temporary number 202-272-1294).

LAJUANA S. WILCHER,
Assistant Administrator for Water,
Environmental Protection Agency.
ROBERT W. PAGE,
Assistant Secretary of the Army.
(Civil Works).

ARMY CORPS OF ENGINEERS,
VICKSBURG DISTRICT,
Vicksburg, MS.

GENERAL PERMIT

For: Regulated activities associated with the construction of ponds (fish ponds, sewage lagoons, and irrigation reservoirs) in cleared wetlands areas.

Where: States of Mississippi, except Mobile district's area of regulatory jurisdiction, and Arkansas and the regulatory jurisdiction of the Vicksburg district in Louisiana.

By Whom: The district engineers of the respective districts on behalf of the general public.

The U.S. Army Corps of Engineers is hereby issuing a General Permit for construction activities in waters of the United States conducted in conjunction with construction of ponds and for the associated discharge of dredged and fill material. These activities include, but are not limited to, construction of levees and ditches associated with construction of catfish ponds, crawfish ponds, minnow ponds, sewage lagoons, and/or irrigation reservoirs. The General Permit is valid only in wetlands which were in agricultural production prior to December 23, 1985.

Since the General Permit is valid in portions of four Corps Districts, subsequent authorizations to proceed with work under this General Permit would be granted by the appropriate District within which the work would be located. A map indicating the District boundaries is enclosed (enclosure 1). Also enclosed are the mailing addresses for each of the Districts (enclosure 2).

This General Permit contains certain limitations and conditions intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, application will be required for individual permits. Construction, dredging, or fill operations not specifically covered by this General Permit are prohibited unless authorized by a separate permit.

This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the United States. These regulations state the Corps of Engineers' responsibility for regulating structures or work in or affecting waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). In compliance with requirements of Section 401 of the Clean Air Act, the Vicksburg District has applied for water quality certifications from the Arkansas Department of Pollution Control and Ecology, the Louisiana Department of Environmental Quality, and the Mississippi Department of Environmental Quality stating that the work authorized by the General Permit will not violate applicable provisions of Sections 301, 302, 306, and 307 of the Act. Copies of the water quality certifications are enclosed (encls 3, 4, and 5).

Note: The use of terms such as prior converted (PC), farmed wetlands (FW), and converted wetlands (CW) are in accordance with the Food Security Act of 1985. The terms are defined as follows:

Prior Converted (PC).—Wetlands that before December 23, 1985, were drained, dredge, filled, leveled, or otherwise manipulated for the purpose, or to have the effect of, making the production of an agricultural commodity possible and an eligible agricultural commodity has been produced at least once prior to December 23, 1985.

Farmed Wetlands (FW).—Crop fields that have been manipulated prior to December 23, 1985, but which continue to meet wetland criteria by being seasonally flooded or ponded for at least 15 consecutive days of the growing season on a 50-percent chance of occurrence.

Converted Wetlands (CW).—Wetlands that have been drained, dredged, filled, leveled, or otherwise manipulated (including any activity that results in impairing or reducing the flow, circulation, or reach of water) for the purpose or to have the effect of making the production of an agricultural commodity possible.

The term wooded wetlands is not defined in the Food Security Act of 1985, but for the purpose of this General Permit is defined as follows:

Wooded Wetlands (WW).—Area of predominant hydric soils vegetated with a prevalence of hydrophytic vegetation.

Request for authorization under the general permit: In order to receive authorization under this general permit, persons proposing the work are required to submit, in writing, the following information to the appropriate district engineer at least 30 days prior to proposed commencement of work:

a. State the number of the General Permit under which the work is to be conducted (CELMK-OD-FE 14-GP-48).

b. A statement that the work will be conducted in compliance with the terms and conditions of this General Permit.

c. Map from the Agricultural Stabilization and Conservation Service (ASCS) showing designation of the land, i.e., prior converted, farmed wetlands, converted wetlands, and wooded wetlands.

d. Description and purpose of the proposed work.

e. Drawing of the proposed levees and/or ditches including dimensions, total length, amounts of excavated and fill material in cubic yards, and total acres impacted.

f. Estimated starting and completion dates.

g. For proposals involving farmed wetlands, a full description of the proposed mitigation plan. (For mitigation requirements refer to Special Condition 10.)

h. For proposals in Arkansas, the applicant must obtain a letter of no objection from the Arkansas Department of Pollution Control and Ecology, Post Office Box 9583, Little Rock, Arkansas 72209. Information required by the Department prior to issuance of the required letter of no objection is listed in enclosure 6. The letter from Arkansas Department of Pollution Control and Ecology must be provided to the Corps with the request for authorization under this General Permit.

1. Name, address, and telephone number of the person applying for authorization.

Eligibility: No after-the-fact authorizations will be granted under this general permit.

No authorization will be granted to any applicant found to be in noncompliance with any prior department of the Army permit or to any applicant with an outstanding section 404 violation until such noncompliance or violation has been resolved.

Special conditions: 1. To be considered eligible for authorization under this General Permit, the proposed project can not impact more than 640 acres of cleared wetlands. If the wetlands include both prior converted cropland designated as wetlands and farmed wetlands as identified by the Soil Conservation Service, not more than 5 percent of the total wetland acreage impacted by the project can fall into the farmed wetland classification; except that for projects impacting 200 acres of wetland or less, the farmed wetland portion may be up to 10 acres and the 5-percent limit will not apply.

2. No work in areas designated as wooded wetlands will be authorized.

3. No work in areas subject to backwater flooding will be authorized.

4. New drainage ditches shall have a side slope of 3 horizontal to 1 vertical or flatter.

5. Drainage ditches will be constructed a minimum distance of 10 feet from the outside toe of the new levee.

6. New drainage ditches will not alter the hydrology of adjacent wooded wetlands.

7. Material excavated from new ditches will be placed between the ditch and adjacent wooded areas (where applicable) to maintain existing hydrology in wooded areas.

8. All new levees will be seeded with a species of grass that is adapted to the area.

9. Buffer strips will be created and maintained between new levees and adjacent wooded areas and/or natural waterbodies.

10. Mitigation requirements: All applications involving farmed wetlands must contain a plan to mitigate the loss of the functions and values of those wetlands. The mitigation plan will remain in effect for the life of the project.

If the mitigation site chosen by the applicant is farmed wetlands, a 1.5:1 mitigation ratio is required. One or more of the measures listed below, a.-c., will satisfy the mitigation requirement in the ratio of 1.5 acres mitigated for each acre converted to non-wetland, upland or open water by construction activities.

a. Increase shallow flooding duration via water control structures/levees November 15 to February 15.

b. Reforest with bottomland hardwoods.

c. Plant annually with millet or other waterfowl food plants.

If the mitigation site chosen by the applicant is prior converted cropland, a 1:1 mitigation ratio is required. One or more of the measures listed below, a, b, will satisfy the mitigation requirement in the ratio of 1 acre mitigated for each acre converted non-wetland upland or open area by construction activities.

a. Provide shallow flooding via water control structures/levees November 15 to February 15.

b. Abandon the site, provided a small levee (12-14 inch height) is constructed to induce ponding on the site.

11. The discharge will not occur in a component of the National Wild and Scenic River System or in a component of a State Wild and Scenic River System without the appropriate Federal or State authorization.

12. The discharge will not occur in a Coastal Zone Management Area without the appropriate State authorization.

13. The discharge will not destroy or endanger the critical habitat of a threatened or endangered species as identified under the Endangered Species Act.

14. If the permittee, during prosecution of work authorized herein, encounters a previously unidentified archeological or other cultural resource within the area subject to Department of the Army jurisdiction, he shall immediately notify the District Engineer. The District Engineer will then contact the appropriate State Historic Preservation Officer for a determination whether or not the site might be eligible for listing in the National Register of Historic Places.

15. The discharge will not adversely affect a public water supply intake.

16. Authorization under this General Permit is valid for 3 years from the date of the authorizing letter.

General Conditions: 1. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition (2) below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this authorization from this office, which may require restoration of the area.

2. If you sell the property associated with the authorization under this General Permit, you must contact this office so that the authorization can be transferred to the new owner.

3. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

4. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

5. This permit does not grant any property rights or exclusive privileges.

6. This permit does not authorize any injury to the property or rights of others.

7. This permit does not authorize interference with any existing or proposed Federal project.

8. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

9. In issuing individual authorization under this General Permit, the government will rely on the information and data which the permittee provides in connection with his permit application. If, subsequent to the authorization, such information and data prove to be false, incomplete, or inaccurate, this authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

This General Permit is valid for 5 years. At the end of that time, the cumulative environmental effects of completed work will be reviewed and reissuance of the permit may be considered. However, if unforeseen adverse environmental effects result from the issuance of this General Permit, it may be modified or terminated at any time.

Copies of this notice are available upon request from:

U.S. Army Corps of Engineers, Vicksburg District, attn: CELMK-OD-F, Post Office Box 60, Vicksburg, Mississippi 39181-0060.

JAMES W. HARRISON, P.E.,
Chief, Operations Division.

Enclosures.

Requests for authorization of work under general permit CELMK-OD-FE 14-General Permit-48 should be forwarded to the district in which your project site is located. The addresses are listed below:

U.S. Army Engineer District, Little Rock, attn: SWLCO-P, Post Office Box 867, Little Rock, Arkansas 72203-0867, Telephone: (501) 378-5295.

U.S. Army Engineer District, Memphis, attn: LMM-CO-G, Clifford Davis Federal Building, Room B-202, Memphis, Tennessee 38103-1894, Telephone: (901) 521-3471.

U.S. Army Engineer District, Nashville, attn: ORNOR-F, Post Office Box 1070, Nashville, Tennessee 37202-1070, Telephone: (615) 251-5181.

U.S. Army Engineer District, Vicksburg, attn: CELMK-OD-FP, Post Office Box 60, Vicksburg, Mississippi 39181-0060, Telephone: (601) 631-7071.

In order to receive the required letter of no objection, applicants proposing work in Arkansas must forward the following information to the Arkansas Department of Pollution Control and Ecology:

I. Aquaculture Ponds.

1. Maps from the Agricultural Stabilization and Conservation Service (ASCS) showing the exact location of the proposed project and the designation of the wetlands: i.e., prior converted wetlands, farmed wetlands, converted wetlands, and wooded wetlands.

2. The applicant shall develop (consistent with Arkansas Soil and Water Conservation Commission guidelines) a water conservation plan which will include, but is not limited to:

a. Description and purpose of proposed project.

b. Determination of specific water needs.

c. A thorough description of the operation and maintenance plan for the proposed project.

d. An alternate site analysis to indicate that the chosen site minimizes environmental impacts.

e. Identify source of fill water.

3. The applicant shall develop (with assistance from either the Soil Conservation Service or a licensed professional engineer) plans and specifications of the project including:

a. Elevations, levee and ditch dimensions, and total length of levee.

b. Amount of excavated and fill material in cubic yards.

c. Volume of impounded water.

d. Stocking and harvest estimates in lbs/acre.

e. Identification of soil types and documentation to support that the soils will not allow leakages. If soils are unsuitable, a synthetic liner to prevent leakage is required.

4. The applicant shall provide estimated starting and completion dates.

5. In the event of a levee breach or failure resulting in a discharge, it shall be the applicant's responsibility to notify Arkansas Department of Pollution Control and Ecology immediately.

II. Irrigation Reservoirs.

1. Conditions 1, 2, and 3(a)(b)(c) in Section I (Aquaculture Ponds) shall apply.

III. Sewage Lagoons.

1. Condition 1 of Section 1 (Aquaculture Ponds), shall apply.

2. The issuance of a Section 401 Water Quality Certification by ADPC&E is for discharge of dredged or fill material only. It should not be interpreted as meeting the National Pollutant Discharge Elimination System (NPDES) permit requirements. The applicant for sewage lagoons shall be required to file an NPDES Permit Application with Arkansas Department of Pollution Control and Ecology.

ENVIRONMENTAL PROTECTION AGENCY,
OFFICE OF WATER,
DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, May 3, 1990.

Hon. QUENTIN N. BURDICK,
U.S. Senate, Washington, DC.

DEAR SENATOR BURDICK: We are pleased to provide you with a copy of the enclosed Memorandum for the Field which the Environmental Protection Agency and the Department of the Army have developed to clarify a number of questions that have recently been raised regarding the relationship between the Clean Water Act Section 404 Regulatory Program and agriculture.

Proper implementation of the Section 404 program is an issue of critical importance to this nation. We hope that wide distribution of this memorandum to field staff, farmers, and the general public will allay the misunderstandings that have been recently generated on the Section 404/agriculture issues. We intend to distribute this memorandum to all Environmental Protection Agency and Corps of Engineers field offices. The Corps Districts will issue special public notices, and both agencies will issue press releases which will further distribute this information. In addition, the American Farm Bureau will include the substance of the memorandum in its newsletters which has a circulation of 3.5 million farmers. Finally, we will be initiating a public outreach process, working through the Agricultural Extension Service, to ensure that there is a continuing opportunity for dialogue between the regulatory agencies and the agricultural community.

We appreciate your personal attention to this matter and look forward to continuing to work with you as these issues are addressed.

Sincerely yours,

LAJUANA S. WILCHER,
Assistant Administrator for Water, Environmental Protection Agency.
ROBERT W. PAGE,
Assistant Secretary of the Army (Civil Works).

WETLANDS

Mr. CHAFEE. Mr. President, I am pleased to join my colleagues from Arkansas and Louisiana in a discussion of the relationship between section 404 of the Clean Water Act and agricultural activities. These remarks follow up our April 30 announcement that the Department of the Army and the Environmental Protection Agency had agreed to issue guidance to their field personnel in order to clarify some of the confusion surrounding these issues.

When Congress reauthorized the Clean Water Act in 1977, section 404 was amended to exempt the following activities: "normal farming, silviculture, and ranching activities such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices." Several other activities relating to farming, such as construction or maintenance of stock ponds, irrigation ditches, and farm roads are also exempt from section 404.

Recently, some farmers have learned for the first time that, based on technical criteria, some of their lands are defined as wetlands. These farmers are concerned that they may be subject to new regulations under section 404. I understand and appreciate this concern.

The Senators from Arkansas and Louisiana raised the concerns of their farmers and asked that the agencies who administer section 404 clarify which activities are exempt from the program. As well, these Senators are interested in improving communication with the agricultural community on section 404.

I wholeheartedly support these efforts and have joined with my colleagues from Arkansas and Louisiana in asking the Department of the Army and the Environmental Protection Agency to issue a clear, understandable memorandum on the section 404 regulatory program and agricultural activities. This memorandum will be sent to all field personnel involved with administering section 404. Further, the corps district offices will issue public notices and both agencies will issue press releases to distribute this information.

The Corps of Engineers and the EPA have also pledged to coordinate a public outreach program with the Cooperative Extension Service. Such a program would likely be the most effective means of clearing up some of the misunderstandings which have arisen in regard to requirements of section 404.

Mr. President, the section 404 regulatory program is one of the most important tools the Federal Government has for protecting our Nation's wetlands. The section 404 permit process is essential in order to reduce harmful impacts on wetlands associated with development and other projects which require disposal of dredged or fill material.

Assistant Secretary of the Army—Civil Works—Robert Page and Assistant Administrator for Water LaJuana Wilcher have been tremendously helpful over the past few days as we worked toward clarifying the exemptions for farming under section 404. In fact, I am pleased to note that, in general, the cooperation and coordination between the Corps of Engineers and the EPA in administering this program has improved significantly in recent years.

While the Memorandum for the Field printed preceding this discussion will help get the word out to the farm community, it is imperative that the agencies increase efforts to cooperate with the agricultural community and to provide clear information to landowners in regard to which activities are regulated and which are exempt under section 404.

Mr. President, I thank the Senators from Arkansas and Louisiana for their efforts to clarify some of the misperceptions that so often surround the section 404 regulatory program.

AGRICULTURAL PRACTICES EXEMPTION TO SECTION 404

Mr. BREAUX. Mr. President, I would like to commend my colleagues for their work on this complex and important issue. The distinguished Senators from Arkansas, Senators PRYOR and BUMPERS, and my senior colleague from Louisiana, Senator JOHNSTON, have been very active and diligent in addressing the uncertain situation faced by our Nation's farmers. Likewise, the chairman of the Committee on Environment and Public Works, Senator BURDICK, and our distinguished ranking member, Senator CHAFEE, have been most helpful in joining with us to clarify the operation of the section 404 program of the Clean Water Act and its effect on agricultural operations.

In recent days we have worked with the Corps of Engineers, the Environmental Protection Agency, the Department of Agriculture, and the White House in a cooperative effort to see to it that farmers receive equitable treatment under the 404 program, to ensure that the regulatory agencies share a common understanding of the application of the program to agricultural activities, and to improve the efforts of the Federal Government to communicate effectively with our farmers on the kinds of activities that are, and are not, within the scope of the program.

Mr. President, the documents that we are including in the CONGRESSIONAL RECORD today will, I hope, significantly clarify for both the farm community and the regulators at the field level the scope and extent of the section 404 program and its application to normal farming activities. The corps and EPA have committed to work actively with the Department of Agriculture through its Cooperative Extension Service to help those involved in agriculture to better understand the 404 program and to see to it that our farmers do not inadvertently violate the law. Congress has provided specific exemptions from the 404 program for normal farming, ranching, and silvicultural activities. With the recent changes in the wetland delineation methodology, it is particularly important that our farmers, many of whom have never previously been affected by the complex regulatory program under section 404, be well informed and be assured that continuing their normal farming practices will not require new burdens or subject them to potential violations of Federal law. I commend these documents to the attention of all of my colleagues.

THE WETLANDS AGREEMENT

Mr. BUMPERS. Mr. President, on April 30, 1990, during consideration of the dire emergency supplemental, Senators PRYOR, JOHNSTON, COCHRAN, CHAFEE, SIMON, and I entered into a colloquy concerning the problems experienced by farmers in the Mississippi River Delta and other areas in the country due to the application of section 404 of the Clean Water Act of 1977. There is a great deal of apprehension about the scope of section 404 and the potential penalties associated with violations. Dire consequences of infractions have been circulated, but no real attempt has been made to help farmers understand what can and can't be done. At the same time, the agencies tapped to administer section 404 did not fully understand the nature of farming in the delta region. For those of us vitally interested in preserving wetlands and in protecting the ability of farmers to make a living, this was an untenable situation.

During the colloquy it was announced that we were meeting with representatives of the White House, OMB, Corps of Engineers, EPA, and the Senate Committee on Environment and Public Works on the development of necessary field instructions for EPA and the corps personnel clearly defining instructions on the 404(f) exemptions concerning normal farming, silviculture, and ranching activities. Section 404(f) was specifically included in the Clean Water Act to protect, among several things, normal farming practices.

After several days of negotiations, an agreement has been reached. None of us pretends that this is a perfect solution, but I believe the field instructions offer a vast improvement, and look forward to monitoring closely how these instructions are implemented in Arkansas over the next few months. One of the biggest problems we faced was the nearly complete lack of reliable information available to our farmers. I am pleased to note that the corps, EPA, and USDA have agreed to initiate an overdue mass information campaign designed to demonstrate to most of our farmers that they have no need to be concerned about the 404 process. Another encouraging note is that the corps and the EPA have agreed to consult the Cooperative Extension Service and the State land grant universities as to what constitutes a normal farming practice.

Today, we are placing in the RECORD three important documents: first, a field memorandum for the corps and the EPA; second, a copy of a draft general permit by the Vicksburg District of the Corps of Engineers on fish ponds that is currently in the proposal stage; and third, a copy of a letter to Chairman LEAHY of the Agriculture Committee from Robert Page, of the corps, and LaJuana Wilcher, of the EPA. This letter, among other very important points, notes that field personnel of the corps will be specifically instructed that all three criteria of delineating wetlands—wetlands hydrology, hydrophytic vegetation, and hydric soils—must be considered before section 404 applies. In routine situations, corps personnel making site visits can make field determinations that there have been significant modifications to the hydrology, such as levees and drainage ditches, thereby placing such land outside the reach of section 404. This part of the process has broken down in my State, and I will work closely with the corps to ensure that the three-parameter approach is communicated to and implemented by the Lower Mississippi Division of the Corps of Engineers.

Mr. President, I would like to thank Senator BURDICK, Senator CHAFEE, Senator BREAUX, and Senator BAUCUS, of the Environment and Public Works Committee, and the EPA, the corps, and the USDA for working with us to reach this agreement. I am very hopeful that the agreement reached will go a long way toward easing the problems experienced by our farmers.

Mr. PRYOR. Mr. President, it is with great pleasure and satisfaction that I join my colleagues today in sharing the content of the agreements reached between several of us and the administration earlier this week on the regulation of wetlands. This agreement is the result of sincere efforts on behalf of those interested in the issue, and the final version now reflects a policy that is guided by a balance in which common sense has prevailed. It could not have been done without the enthusiastic and helpful participation of Senator BUMPERS, Senator JOHNSTON, Senator CHAFEE, Senator BREAUX, Senator BAUCUS, the White House, OMB, USDA, EPA, and the Corps of Engineers.

Before we revisited what exactly constitutes a "normal farming practice" confusion, anxiety, and fear ruled in farm country. No one knew, without a doubt, what could and could not be done. This is no small uncertainty, Mr. President, when one considers the penalties that could be imposed on one who violates section 404 regulations. To think that a farmer might lose all benefits because he built rice levees on land that had been in soybeans the year before is outrageous, yet this was the type of concern farmers were faced with. Just this past weekend a farmer in southeast Arkansas ran off the road while driving his truck and when he came to a stop, he found that he was stuck in the field. Finally, he managed to get his truck out of the field and had some fun repeating the story to some of his neighbors in the coffee shop. In the spirit of the conversation, one of the other farmers jested that he should return to the field and fill in his tire ruts or he might be in violation of draining a wetland. The driver was so concerned after giving it further thought that he returned to the field and did just that. Later, everyone got a good laugh out of it, but the point is this is the type of uncertainty that existed in the countryside, and frankly, I do not think the confusion was only characteristic of areas outside of the beltway. The memorandum of understanding that is being circulated to all local offices of the Corps of Engineers and EPA will clear up the confusion, and inform the farmer that it is now all right to get back in the field and start farming just like they always have farmed.

As negotiations progressed through the day it became quite clear that everyone involved wanted the same thing. All of us want to protect and preserve wetlands, one of our most cherished natural resources, but no one intended to see these regulations restrict the ongoing and usual farming practices that are needed to keep food on our table and clothes on our back. It is somewhat comical to think it took the thought of a floor amendment to the emergency supplemental bill to convene this miniconference so that an understanding could be achieved given that all concerned wanted the same thing. However, the agreement that has been reached and the concerns and goals that were identified should prove to be very helpful to everyone, most of all, the farmer.

Mr. President, I appreciate the willingness of the administration to elaborate on their definition of a normal farming practice so that normal farming as farmers know it can continue. Before, the definition of a normal farming practice that guided the agencies, implementation would not have been enough to keep farmers viable. Now, thanks to the cooperation and good faith of many, the farmer can farm like he always has, and we can continue in the noble effort of preserving wetlands at the same time.

Mr. President, I wish to mention another element of the wetlands controversy not mentioned in the memorandum we are agreeing on today, but an element which I believe we will settle today. This element concerns the indicators that regulators look for when determining an area to be a wetland. While the regulations state that three parameters—hydrophytic vegetation, hydric soils, and wetlands hydrology—must all be identified to classify an area as a wetland, reports are that a wetlands determination is often made when only one indicator, hydric soils, is present. This practice has had a result more egregious perhaps than the inclusion of normal farming operations in the 404 process, namely the

misidentification as wetlands of areas that are by definition not wetlands.

In an April 19, 1990, letter to Chairman LEAHY, the EPA and the Army expressed their intention to more strictly adhere to regulations requiring the identification of all three wetlands parameters. The Corps of Engineers has reinforced its commitment to this stricter inspection standard in conversations with Senator BUMPERS' office. I am grateful to Senator BUMPERS and his staff for their diligent work on this element of the wetlands controversy. Their efforts have uncovered a shortcoming in the wetlands identification process which has often needlessly mired not only farming operations, but also home building, and development projects in the 404 permitting process. I intend to work with Senator BUMPERS to hold the EPA and the corps to their pledge of stricter adherence to the wetlands identification criteria so that this head of the wetlands hydra does not grow back.

Exempting normal farming operations and more strictly adhering to the regulatory definition of wetlands are two very important, immediate steps we can take, but more work must be done to make our national wetlands policy fully viable. A comprehensive, detailed inventory of our Nation's wetlands must be developed so that commercial interests as well as environmentalists will have a clear understanding of just what lands should be protected. In our present condition, commercial interests are often hindered from planning effectively, and environmentalists are often forced to defend areas that are only marginally wetlands because we all lack a clear, comprehensive picture of those lands whose preservation is our objective.

The viability of our wetlands policy will also be enhanced if clear, specific criteria can be developed to guide mitigation efforts when a farmer, builder, or developer wishes to convert a wetlands area. Presently an individual who wishes to convert a wetland area must develop a mitigation plan with almost no guidance, submit the plan to the appropriate regulatory body, and hope for the best. This is no way to do effective, efficient planning, and no way to operate a policy based on a philosophy of "no net loss of wetlands."

There is still work to be done in the ongoing challenge of striking a balance between economic well being and the environment. For now, we can take comfort in knowing the chaos that clouded a farmer's mind earlier has been eliminated in time for the farmer to still work the land as he must in order to continue supplying this country with the cheapest and safest food and fiber supply in the world.

Mr. President, I ask unanimous consent that an article from the New York Times be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 24, 1990]

FOR FARMERS, WETLANDS MEAN A LEGAL QUAGMIRE

(By William Robbins)

MARCELINE, MO.—To the casual visitor, Rich McGown's farm looks like prime cropland, and it does what good farmland should do, yielding more than 150 bushels of corn an acre last year.

To officials of the Army Corps of Engineers, however, Mr. McGown's property is quite different. Solid as it may seem, they say, it is wetland. As wetland it is part of the waters of the United States, coming under the jurisdiction of the Corps.

RISING PRESSURES SEEN

Between those points of view stretches a web of arguments, legal questions, claims and counterclaims involving the Clean Water Act of 1972—a web that has now entangled farmers, environmentalists and Federal agencies in legal disputes across the country. What a runaway bureaucracy wants them to do, farmers say, is convert good cropland into bogs and marshland. Furthermore, they say, the Government is doing this with total disregard of property rights guaranteed under the Constitution.

Farmers say pressures from Federal environmental agencies have increased since the Bush Administration took office and adopted a policy of trying to prevent any net loss of wetlands. But they charge that while officials have been strict with small operators, those with larger resources, like corporations and big developers, have been able to circumvent Administration policy.

And some of the farmers' representatives note that the Administration recently retreated from its own policy in response to concerns of Alaskan officials, who feared that strict application of the policy would inhibit development of oil and other resources.

But Government officials insist they are simply enforcing the law that gives the Corps of Engineers authority over the waters of the United States.

"If my country needs my land for a public purpose, let them have it," Mr. McGown, a 35-year-old farmer, said not long ago as he stood looking out over his rich soil, blackened by overnight rains. "But if they are going to take it for a public purpose, let them do it in a legal way and let the public pay for it, not send individual farmers into bankruptcy by taking away what they have spent much of their lives working for."

Mr. McGown said his farm, 255 acres that is mostly the rich low-lying fields commonly known as bottom land, has never included the "swamps, bogs and marshes" that the Corps has long regarded as necessary to define a wetland. Part of the Government's case to the contrary is based on a Federal agent's discovery of a plant that the official said was typical of wetlands. "What he was calling 'cattails' was a head of grain sorghum," Mr. McGown said, referring to a common crop used for livestock feed.

His complaint, which will soon be addressed in a Federal District Court case in St. Louis, is similar to that of several other farmers.

A neighbor, Allen Moseley, has been sued in the St. Louis court by the Corps, which charged "pollution of waters of the United States" for building a levee to guard his fields against floods. The Corps has proposed a solution under which he would agree to cede half his 187 acres to Federal control for a wildlife easement, plant trees on it and pay a fine of $7,500.

"The agreement they offered me amounted to an agreement to let me hang myself," said Mr. Moseley. "If I accept their plan, I lose the farm. It's that simple. I won't have enough cropland left to pay the mortgage."

A Justice Department lawyer representing the Federal agencies in the cases said he could not comment because they were in litigation, but he provided copies of letters to Representative Trent Lott, Republican of Mississippi, on the McGown case and to Vice President Dan Quayle on the Moseley case.

LETTERS CITE DEFIANCE

Both letters, signed by Morris Kay, regional administrator of the Environmental Protection Agency, asserted that the property in question involved wetlands and that the two farmers, in defiance of the Corps of Engineers, and without first obtaining permits, had performed levee-building and clearing operations violating the Clean Water Act.

The cases involving those landowners and many others are rooted in changing laws, an evolution of attitudes of the United States toward a resource that until recently was regarded as wasteland and an effort to use the Clean Water Act of 1972, an anti-pollution statute, as a device to protect the country's diminishing wetlands.

When the first Europeans arrived in America, what is now the contiguous United States had about 215 million acres of wetlands. The most recent estimates now put that at less than 100 million acres. Much of the wetlands that was converted has been used by land developers, but the biggest parts have been converted by drainage and filling for agriculture.

It was not until the last decade or so that environmentalists were able to persuade Congress, Federal agencies and much of the general public that wetlands had valuable functions, supporting wildlife and fisheries, protecting against floods and droughts and helping clean up pollutants before they could filter into ground water and lakes and streams. In fact, until an executive order on protection of the wetlands was issued in 1977, the Agriculture Department actively aided and subsidized drainage projects.

EXTENSION OF RESTRICTION

Section 404 of the Clean Water Act prohibits the discharge of dredged or fill materials into water without a permit from the Corps. And that restriction has been extended to property Federal agencies have defined as wetlands—even though the word wetlands never appears in the act. While the act does contain an exemption aimed at permitting "normal farming activity," it is the interpretation of what is normal that is causing much turmoil.

The first direct Congressional action to slow the conversion rate of wetlands for agriculture was a little-noticed provisions of the Food Security Act of 1985, the basic farm law. A provision of the law, known informally as the Swampbuster section, bars farm program benefits for farmers who convert wetlands into tilled fields and then plant major annual crops on the converted land.

The authority of the Corps of Engineers comes from the Clean Water Act. Corps officials say that farmers can still plow and

plant crops in wetlands and that if they are willing give up their farm program subsidies, they can even clear forested wetlands for farm fields. But they are prohibited from digging up stumps and taking earth balls with the roots; filling the stump holes and tearing through the fields with machinery, like bulldozers, not normally used in farming.

By the Corps' interpretation, as Mr. McGown put it, "piling dirt on dirt in my fields is polluting the waters of the United States."

FARMER'S PLIGHT BEGINS

Mr. McGown unsuspectingly stepped into his legal quagmire when he bought the 255-acre farm in 1981. He then began to clear old fields, which he said had been in production over much of the last century but had been allowed to revert to brush in recent decades, under an old Agriculture Department program known as the "Soil Bank." That program paid farmers to take land out of production.

As he and farm program executives now tell it, because he had started clearing his fields before passage of the Food Security Act of 1985 he ran into no real problems for a time.

The trouble, he said, began in 1987 when he set out to repair a break in a levee caused by a flood from a small stream and to raise the rest of the levee, which had subsided over the years, to its original height.

At that point, Mr. McGown said, agents of the Corps of Engineers arrived and told him that he was depositing fill in wetlands and that, to do that he would need a permit. If he applied for it, the permit would cost him $10, he was told. He applied.

Except for that action, he said, he has never acknowledged that his fields were wetlands. Meanwhile, he and his lawyer say, the Government's definition of wetlands was changing.

DEFINITION OF WETLANDS

In a letter issued in 1986, the Corps defined wetlands this way: "The term 'wetlands' means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions."

For emphasis it added this sentence: "Wetlands generally include swamps, marshes, bogs and similar areas." "We have listed swamps, bogs and marshes at the end of the definition to further clarify our intent to include only truly acquatic areas."

Never since he has owned it, Mr. McGown says, has his land included those "swamps, bogs and marshes."

Last year, without seeking public comment, a new definition was produced by the Corps and three other agencies: the Fish and Wildlife Service, the Soil Conservation Service and the Environmental Protection Agency. Under that definition, it was sufficient to class a parcel of cultivated fields as wetlands if Federal experts found that the land, if it were not being farmed, would sustain vegetation typical of life in saturated soils.

It was such an expert who found on Mr. McGown's fields the plant that he says is a cattail and Mr. McGown says is grain sorghum.

"That $10 permit could be the costliest paper anybody ever got," Mr. McGown said. To allow him to continue restoration of part of his fields and the protective levees, the Corps has proposed that, in "mitigation" for his damage to wetlands, he cede about 25 percent of his land to Federal control as a wildlife easement. Another condition of the permit is that the easement be written into the property deed as a permanent restriction for the present and all future titleholders.

Mr. McGown and his lawyer, Edwin Harvey, have sued in the Federal District Court in St. Louis asking for a declaratory judgment that his farm is not a wetland and seeking a restraining order requiring that he be let alone to farm his land without hindrance of the Federal agencies.

"Bit by bit and month by month, I have lost the rights to my property," said Mr. McGown. "Bit by bit, they are using the Clean Water Act to capture farmers' property."

The Corps has asked for dismissal of the action, arguing that he is seeking what they cannot give—that they stop enforcing the Clean Water Act.

"I spent $105,000 to buy the farm, $140,000 to improve it and $40,000 so far to fight them," he said. "But if they have their way, what I will have left is little more than the right to walk on it."

MESSAGES FROM THE HOUSE

At 12:23 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3048. An act to designate the Agricultural Research Service, United States Department of Agriculture, animal health research building in Clay Center, Nebraska, as the "Virginia D. Smith Animal Health Research Laboratory";

H.R. 4637. An act to amend Public Law 101-86 to eliminate the 6-month limitation on the period for which civilian and military retirees may serve as temporary employees, in connection with the 1990 decennial census of population, without being subject to certian offsets from pay or other benefits; and

H.J. Res. 490. Joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start.

At 2:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3802. An act to designate May 1990 as "Asian/Pacific American Heritage Month."

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3048. An act to designate the Agricultural Research Service, United States Department of Agriculture, animal health research building in Clay Center, Nebraska, as the "Virginia D. Smith Animal Health Research Laboratory"; to the Committee on Environment and Public Works.

ENROLLED JOINT RESOLUTION SIGNED

The President pro tempore (Mr. BYRD) announced that on today, May 3, 1990, he had signed the following enrolled joint resolution, which had previously been signed by the Speaker of the House:

S.J. Res. 236. Joint resolution designating May 6 through 12, 1990, as "Be Kind to Animals and National Pet Week."

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 3, 1990, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 236. Joint resolution designating May 6 through 12, 1990, as "Be Kind to Animals and National Pet Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2913. A communication from the Deputy Assistant Secretary of Defense for Procurement, Department of Defense, transmitting, pursuant to law, notice of a delay in the production of a report on investment studies of the Department of Defense; to the Committee on Armed Services.

EC-2914. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report entitled "Working Capital Funds of the Department of Defense" for fiscal year 1989; to the Committee on Armed Services.

EC-2915. A communication from the Under Secretary of Defense, transmitting, pursuant to law, notice of an increase in unit cost of the Advanced Medium Range Air-to-Air Missile program; to the Committee on Armed Services.

EC-2916. A communication from the Acting President of the Oversight Board, Resolution Trust Corporation, transmitting, pursuant to law, the semiannual report on the activities of the RTC, the Federal Deposit Insurance Corporation, and the Oversight Board; to the Committee on Banking, Housing, and Urban Affairs.

EC-2917. A communication from the Director of the Administrative Office of the United States Court, transmitting, pursuant to law, a report of applications for delays of notice and customer challenges under provisions of the Right to Financial Privacy Act of 1978; to the Committee on Banking, Housing, and Urban affairs.

EC-2918. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2919. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management

Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2920. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, reports of the Bureau of Land Management and the Fish and Wildlife Service on the implementation of section 318 of the 1990 Department of the Interior and Related Agencies Appropriations Act through April 1, 1990; to the Committee on Energy and Natural Resources.

EC-2921. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a project negotiated under the Department of Energy's Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-2922. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a project negotiated under the Department of Energy's Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-2923. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a project negotiated under the Department of Energy's Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-2924. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the nondisclosure of Safeguards Information for the quarter ending March 31, 1990; to the Committee on Environment and Public Works.

EC-2925. A communication from the Assistant Legal Advisor for Treaty Affairs, U.S. Department of State, transmitting, pursuant to law, a report on international agreements other than treaties entered into by the United States; to the Committee on Foreign Relations.

EC-2926. A communication from the Director of the United States Office of Personnel Management, transmitting a draft of proposed legislation entitled the "Federal Pay Reform Act of 1990"; to the Committee on Governmental Affairs.

EC-2927. A communication from the Director of the National Park Service, Department of the Interior, transmitting, pursuant to law, the 1989 annual report covering the disposal of surplus Federal real property; to the Committee on Governmental Affairs.

EC-2928. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend two sections in Part I of Subtitle E of title V of the Omnibus Trade and Competitiveness Act of 1988 regarding establishment of a National Trade Data Bank to give the Secretary of Commerce greater flexibility in assessing user fees to defray the cost of disseminating data and in developing an index of indicators for measurement of service sector activity; to the Committee on Governmental Affairs.

EC-2929. A communication from the Executive Director of the Committee for Purchase From the Blind and Other Severely Handicapped, transmitting, pursuant to law, the Committee's FY 1989 report under the Inspector General Act Amendments of 1988; to the Committee on Governmental Affairs.

EC-2930. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1989; to the Committee on Governmental Affairs.

EC-2931. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, a report on applications for court orders made to Federal and State courts to permit the interception of wire, oral, or electronic communications during calendar year 1989; to the Committee on the Judiciary.

EC-2932. A communication from the Acting Assistant Attorney General, U.S. Department of Justice, transmitting a draft of proposed legislation entitled the "Forfeiture Act of 1990"; to the Committee on the Judiciary.

EC-2933. A communication from the Acting Assistant Attorney General, U.S. Department of Justice, transmitting a draft of proposed legislation to strengthen a provision of the Civil Rights Act of 1968; to the Committee on the Judiciary.

EC-2934. A communication from the Chief Justice of the United States, transmitting, pursuant to law, amendments to the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

EC-2935. A communication from the Acting Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Commission's Office of Program Operations for fiscal year 1989; to the Committee on Labor and Human Resources.

EC-2936. A communication from the Secretary of Health and Human Resources, transmitting, pursuant to law, a draft of proposed legislation entitled "Food, Drug, and Device Fraud and Abuse Prevention Act of 1990"; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COHEN (for himself and Mr. BIDEN):

S. 2568. A bill to establish the Counter-Narcotics Technology Assessment Center within the Office of National Drug Control Policy, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Mr. SPECTER, Mr. BYRD, and Mr. RIEGLE):

S. 2569. A bill to amend the Trade Act of 1974 to strengthen and expand the authority of the U.S. Trade Representative to identify trade liberalization priorities, and for other purposes; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 2570. A bill to amend title 5, United States Code, to provide higher rates of basic pay for Federal employees within the consolidated metropolitan statistical areas of which the District of Columbia and the city of Baltimore, MD, is a part; to the Committee on Governmental Affairs.

By Mr. GORE:

S. 2571. A bill to amend the Antarctic Conservation Act of 1978 to protect the environment of Antarctica, and for other purposes; to the Committee on Environment and Public Works.

By Mr. THURMOND (for himself and Mr. BIDEN):

S. 2572. A bill to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police; placed on the calendar.

By Mr. RIEGLE (for himself, Mr. HEINZ, and Mr. LEVIN):

S. 2573. A bill to promote fair trade in auto parts, and for other purposes; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. DOMENICI, and Mr. DOLE):

S. 2574. A bill to amend the Social Security Act to improve old age, survivors, and disability insurance benefits and supplemental security income benefits, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. GORE, and Mr. PELL):

S. 2575. A bill to urge the Secretary of State to negotiate a ban on mineral resource activities in Antarctica, and for other purposes; to the Committee on Foreign Relations.

By Mr. METZENBAUM:

S. 2576. A bill to revise the orphan drug provisions of the Federal Food, Drug, and Cosmetic Act and the Orphan Drug Act, and for other purposes; to the Committee on Labor and Human Resources.

S. 2577. A bill to amend the Internal Revenue Code of 1986 to extend the credit for clinical testing expenses for certain drugs for rare diseases or conditions, and for other purposes; to the Committee on Finance.

By Mr. BENTSEN:

S. 2578. A bill to declare certain portions of Pelican Island, TX, nonnavigable; to the Committee on Environment and Public Works.

By Mr. D'AMATO (for himself, Mr. DECONCINI, Mr. MACK, Mr. HELMS, and Mr. SPECTER):

S. 2579. A bill to amend the Export Administration Act of 1979; to the Committee on Foreign Relations.

By Mr. SHELBY:

S.J. Res 304. A joint resolution to designate October 17, 1990, as "National Drug-Free Schools and Communities Education and Awareness Day"; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. SHELBY):

S.J. Res. 305. A joint resolution to designate the month of September 1990, as "National Awareness Month of Children with Cancer"; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Mr. PELL, Mr. METZENBAUM, Mr. DODD, Mr. KENNEDY, and Mr. JEFFORDS):

S.J. Res. 306. A joint resolution to designate the period commencing October 21, 1990, and ending October 27, 1990, as "National Humanities Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for Mr. PELL (for himself, Mr. LIEBERMAN, Mr. SARBANES, Mr. BIDEN, Mr. BOSCHWITZ, Mr. GORE, Mr. DODD, Mr. CRANSTON, and Mr. KERRY):

S. Con. Res. 126. A concurrent resolution calling for a United States policy of promoting the continuation, for a minimum of an additional 10 years, of the International

Whaling Commission's moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale population; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COHEN (for himself and Mr. BIDEN):

S. 2568. A bill to establish the Counter-Narcotics Technology Assessment Center within the Office of National Drug Control Policy, and for other purposes; to the Committee on the Judiciary.

COUNTER-NARCOTICS TECHNOLOGY ACT

Mr. COHEN. Mr. President, I am rising today to join with the distinguished chairman of the Senate Judiciary Committee in introducing legislation that we hope will bring one of our greatest national strengths, namely our technical and scientific prowess, to bear against one of our most implacable national enemies, the scourge of illegal narcotics.

We are all familiar with the rhetoric of the war on drugs, but I think most of us would agree that the rhetoric has often outpaced the reality when it comes to Government action. In previous wars, our Government didn't hesitate to turn to the scientific community for solutions and to generously fund research and development projects when national security was at stake. Indeed, as a nation, we have taken great pride in the discovery and development of such things as computers, lasers, hard plastics, and a wide variety of sophisticated electronics. These technologies have not only helped to protect the country, by keeping us one scientific step ahead of potential adversaries, but they have also produced substantial benefits for the civilian economy.

These technologies and many others were made possible, at least in part, because Congress has provided the funds necessary for government labs to do basic research and because the Defense Department has been well-organized to evaluate and coordinate alternative research projects. While this combination of resources and organization has proven effective in support of our national defense needs, we have yet to undertake similar initiatives to support the civilian law enforcement community in the war on drugs. The only organization presently seeking to coordinate the U.S. counter-narcotics R&D effort is a committee in the Office of National Drug Control Policy that has a skeletal staff, no budget, and minimal authority with regard to the different organizations involved in counter-narcotics research and development. Not only is this committee structure in my view inadequate, but the resources devoted to the problem are inadequate as well.

In the Defense Department, and even among many corporations in the private sector, it is not uncommon for research and development costs to constitute 5 to 10 percent of the total operating budget. With regard to counter-narcotics matters, however, we are only investing about two-thirds of 1 percent of the overall supply-side budget on research and development activities. This is not because of a lack of promising technologies that might help to stem the manufacturing, importation, and distribution of illegal narcotics. Unfunded or underfunded projects that have already been identified include portable, unmanned radars to close gaps in U.S. radar coverage; lasers that can identify emissions from drug processing and manufacturing operations; computer software that can detect money laundering operations; intrusion detectors for remote border areas where narcotics are smuggled; and electronic and chemical tags for raw materials to trace the flow of illegal narcotics from their countries of origin into the Untied States. And we clearly need devices that can more effectively search for illegal narcotics on ships, planes and motor vehicles entering the United States.

In a recent hearing before the Senate Judiciary Committee, to which I was graciously invited by Senator BIDEN, several witnesses indicated that we could easily spend four to eight times the current counter-narcotics research and development budget on worthwhile projects that have the potential to diminish the availability of illegal narcotics. Among those testifying were representatives of the Customs Department, the Los Alamos National Laboratory, the FBI, and the Defense Advanced Research Projects Agency. Several witnesses also expressed support for strengthening the flaccid committee mechanism in Director Bennett's office that is struggling to identify potentially effective technologies, coordinate ongoing efforts, and obtain necessary funding.

None of the witnesses that appeared before the Judiciary Committee on this issue suggested that there is a technical solution to the drug problem, or that there is any substitute for continued efforts to reduce the demand for illegal narcotics. And we are not in any way suggesting today that the nation embark on a law enforcement equivalent of the strategic defense initiative. I believe, as I know most of my colleagues do, that the ultimate success of our efforts to eliminate illegal narcotics will depend on demand reduction. At the same time, however, we must recognize that demand and supply reduction efforts are complementary, and that any reasonable steps we can take to reduce the flow of drugs into the country will help to minimize the temptation faced by millions of U.S. citizens who are confronted by illegal narcotics in their neighborhoods or places of employment.

Mr. President, this legislation seeks to remedy the problems of inadequate organization and funding by establishing a Counternarcotics Technology Assessment Center in the Office of National Drug Control Policy. This measure would also substantially increase the authorization for national counter-narcotics technology initiatives and establish a counter-narcotics technology budget account for the drug czar's office. We believe that taken together, the provisions of this bill would substantially boost the efficiency and effectiveness of U.S. counter-narcotics research and development activities.

As a member of the Senate Armed Services and Governmental Affairs Committees, I have had substantial involvement over the years in organizational initiatives that originated in this body and were sometimes enacted over the opposition of the administration. In this instance, opposition from the administration may not materialize. But my recent experience has taught me that we should not hesitate to modify the organizational structure of the executive branch when there are compelling reasons to do so. For example, as I recall, every single official of the Defense Department who testified before the Senate Armed Services Committee in 1986 opposed the proposed reforms of the Joint Chiefs of Staff which became the Goldwater-Nichols Act. Today, however, these reforms are lauded by the Secretary of Defense and most outside observers. Indeed, as a recent editorial in the Armed Forces Journal stated, "* * * the returns are in now, and Panama makes it clear that Goldwater-Nichols works." This is also a matter of national security in an ongoing war that is causing untold casualties every year. In my view, there is no reason that we should not move forward as vigorously against the threat of drugs as we have against other, more conventional adversaries.

In considering this measure, I believe it is important to point out that we can achieve the benefits of a more coherent and effective national counter-narcotics research and development program without creating a vast new bureaucracy or establishing new laboratory facilities. With regard to personnel, this legislation authorizes Secretary Bennett to add not more than 10 individuals with scientific and technical backgrounds to his staff in order to form the counter-narcotics technology assessment center. This additional staff, together with an increased research and development budget and the authority to allocate funds, should help to give impetus and

direction to the fledgling efforts currently underway to pit an old and invaluable ally, namely technology, against the rapidly evolving threat of illegal narcotics. Let me reiterate, we are not proposing the creation of new facilities or organizations for the conduct of empirical research. Rather, we believe that, by establishing an effective managerial mechanism for counter-narcotics research and development activities, and by increasing funding for the entities that already have research capabilities, it may soon be possible to make drug smuggling a far more difficult and costly enterprise for the Colombian cartels and their counterparts in other countries.

In closing, Mr. President, I would like to openly acknowledge the fact that technology can be used for good or ill. Our intent is to stem the invasion of drugs into this country, not to authorize an invasion of the rights of U.S. citizens. I am convinced, based on the generally favorable record of the law enforcement community, that we can develop procedures to protect our constitutional rights while more effectively protecting the public from the threat of illegal narcotics. I hope that my colleagues will join with Senator BIDEN and I in supporting this effort.

Mr. BIDEN. Mr. President, if Americans have a civic religion it is our belief that science and technology is the answer to many of our problems. Just think about it, Mr. President. Think about the obstacles to America's greatness that have been overcome or beaten by technology: The steam engine, the telephone, the telegraph, all enabled us to overcome the vast dimensions of this great continent to build a single Nation, an economic superpower out of an enormous, vast expanse of land.

Decades later, the discovery of the atom bomb helped put an end to World War II and established us as a global superpower.

From the victory of the electric light over darkness, to the triumph of the Salk vaccine over polio, to the success of the Apollo rockets reaching the Moon, Americans have employed a wide range of technologies to overcome a wide range of challenges through the years. Now, Mr. President, the time has come to apply this same commitment to scientific research and technological innovation.

The battle against the most significant domestic social problem and national security threat facing this country, in my view, is the drug trade.

The ideal of harnessing high technology to combat drug traffickers is not far-fetched. On March 20 of this year I chaired a Judiciary hearing attended by and participated in by Senator COHEN of the Armed Services Committee in which some of the leading scientists of the country previewed their work on advanced counterdrug technologies.

Scientists at Los Alamos National Laboratory are investing in and investigating how lasers can be used to detect remote cocaine processing sites in the Andean jungles, bringing star wars technology to the drug war.

Experts at the Defense Advanced Research Projects Agency, the research arm of the Pentagon, are examining whether super sensors can be used to detect the chemical smell of cocaine in the millions and millions of tons of cargo which are brought into this country every year.

Computer scientists at the FBI are beginning to apply the most powerful supercomputers and artificial intelligence systems ever developed to target the largest international drug trafficking rings.

These are just some of the promising new technologies that may be harnessed in the war on drugs over the next several years. I stress "may" Mr. President, because unfortunately while scientists in the lab have been doing their job to find new technologies to combat drug traffickers, we here in Washington have not been doing our job to adequately support this research.

As a result, much of this promising research remains on the drawing board and may never make it to the front lines in this important battle. The administration's most recent national drug strategy calls for investing only $46 million into research and development for new drug fighting technologies.

The leading corporate executives tell us, Mr. President, that a company should invest at least 10 percent of its budget in research and development. The Pentagon pursues a similar commitment to R&D efforts, and yet less than two-thirds of 1 percent of the Federal drug enforcement budget goes to research and development.

Last year we spent more than 100 times that amount on researching the strategic defense initiative, so-called star wars.

In pursuing star wars we have pursued something that is somewhat illusive and arguably positive. But in pursuing star wars more than finding new weapons to fight international drug wars, it seems to me our priorities are a little backward.

I think that is why an alternative national drug strategy that I released earlier this year should have, and did in fact, include proposing a funding of a full-scale national commitment to developing new technologies to combat drug dealers. This proposal was prompted largely from conversations I had with my colleague, Senator WILLIAM COHEN, whose idea this was and who suggested that the possibilities were vast. He came to me approximately 1 year ago and urged we work together in exploring the promise of high technology weapons in the fight against drug trafficking.

The bill that Senator COHEN and I are introducing today is a culmination of that joint effort. It is designed to commit this country to a major counter-narcotics research and development effort.

Specifically, this legislation will:

Establish a single, unified Counter-Narcotics Technology Assessment Center [CONTAC] in the Drug Director's office to direct and coordinate a national drug enforcement technology research and development effort;

This new Center, headed by a chief scientist with expertise relevant technologies, will have the statutory authority to establish counter-narcotics research and development priorities;

The Center will also have line-item budget authority to ensure that the most promising technologies are fully exploited by U.S. drug enforcement agencies; and

Finally, the bill boosts Federal counter-drug research and development spending to $150 million—three times the current level.

Many of the most promising technologies have already been developed by the Pentagon over the past 10 years for military purposes. U.S. taxpayers have already footed the bill for this research; now it's time to adapt these innovations to our fight against drugs.

In closing, I want to make two observations.

First, although these technologies offer incredible promise, they also raise important questions about privacy and civil liberties issues. Senator COHEN and I raised these concerns during the Judiciary Committee hearing on high technology antidrug weapons, and we will continue to look very closely at these issues during our consideration of this bill.

Second, I want to tell my colleagues and the public that these new weapons, by thesmelves, won't win the fight against drugs.

New weapons to fight drug traffickers are no substitute for comprehensive drug education in our school and adequate treatment slots for drug addicts—efforts to reduce the demand for drugs in the first place. Ultimate victory in the war on drugs cannot come until demand is vanquished.

But until demand can be reduced, our battle against the traffickers must continue. These weapons offer new promise that our undermanned, underarmed, and underfunded forces can fight this war and win—if we have the commitment to give our scientists and researchers the kind of support they need.

Mr. President, let me conclude by saying new weapons to fight drug traffickers are no substitute for comprehensive education in our schools or

adequate treatment slots for drug addicts.

Efforts to reduce the demand for drugs, in the first place, will determine the ultimate victory of this war. These are extremely, extremely beneficial tools that can be used in the war.

Mr. President, I ask unanimous consent that the text of the bill and a fact sheet on the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Counter-Narcotics Technology Act of 1990".

SEC. 2. COUNTER-NARCOTICS TECHNOLOGY ASSESSMENT CENTER.

(a) ESTABLISHMENT.—Title I of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1501 et seq.) is amended by inserting after section 1003 the following new section:

"SEC. 1003a. COUNTER-NARCOTICS TECHNOLOGY ASSESSMENT CENTER.

"(a) ESTABLISHMENT.—There is established within the Office of National Drug Control Policy, the Counter-Narcotics Technology Assessment Center (hereafter in this section referred to as the Center). The Center shall operate under the general authority of the Deputy Director for Supply, Office of National Drug Control Policy, and shall serve as the central counter-narcotics enforcement research and development organization of the United States Government.

"(b) DIRECTOR.—There shall be at the head of the Center, the Chief Scientist of Counter-Narcotics Technology who shall be appointed by the Director of National Drug Control Policy from individuals qualified and distinguished in areas of science, engineering or technology. The Chief Scientist shall be paid at the highest rate of basic pay set under the provisions of section 5382(b) of title 5, United States Code.

"(c) RESPONSIBILITIES OF THE CHIEF SCIENTIST.—The Chief Scientist shall—

"(1) identify and define the short, medium, and long-term scientific and technological needs of Federal, State, and local drug enforcement agencies, including—

"(A) surveillance and tracking;

"(B) electronic support measures;

"(C) communications;

"(D) data fusion, advanced computer systems and artificial intelligence; and

"(E) chemical, biological and other means of detection;

"(2) make a priority ranking of such needs according to fiscal and technological feasibility, as part of a National Counter-Narcotics Enforcement Research and Development Strategy;

"(3) allocate research and development funds to exploit such technologies under subsection (d);

"(4) oversee and coordinate counter-narcotics technology initiatives with related activities of other Federal civilian and military departments; and

"(5) under the general authority of the Director of National Drug Control Policy, submit reprogramming or transfer requests of funds appropriated for counter-narcotics enforcement research and development to Congress.

"(d) COUNTER-NARCOTICS TECHNOLOGY BUDGET AUTHORITY.—Beginning with the fiscal year 1992 budget, the Director of National Drug Control Policy in his budget shall submit a separate appropriations request for expenses relating to all Federal agencies for counter-narcotics enforcement research and development programs. There is established a national counter-narcotics technology account. Such appropriations shall be made to such account for the Director of National Drug Control Policy to make reimbursements to the involved agencies as appropriate.

"(e) PERSONNEL.—Subject to subsections (d) and (e) of section 1003 of this Act, the Chief Scientist shall select and appoint a staff of not more than 10 employees with specialized experience in scientific, engineering and technical affairs. The Chief Scientist may appoint and fix the compensation of such personnel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not to exceed the maximum rate authorized by the General Schedule.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) COUNTER-NARCOTICS TECHNOLOGY ASSESSMENT CENTER.—There are authorized to be appropriated $3,000,000 for fiscal year 1991 and such sums as may be necessary for each year thereafter for salaries and expenses of the Center.

(b) NATIONAL COUNTER-NARCOTICS TECHNOLOGY INITIATIVES.—There are authorized to be appropriated $150,000,000 in fiscal year 1991 and such sums as may be necessary in fiscal years 1992 and 1993 to carry out the purposes of this Act.

THE COHEN-BIDEN CONTAC BILL

The Cohen-Biden Counter-Narcotics Technology Act of 1990 promotes the development of high-technologies that will help the United States secure its borders against narcotics and apprehend those involved in the drug trade.

While private companies typically spend 5–10 percent of their budgets on research and development, the U.S. government currently devotes less than two-thirds of 1% of its supply-side drug funding to R&D. Furthermore, the $46 million that the country did spend on anti-drug R&D last year amounted to only 1% of what is spent on "Star Wars" research. To accomplish its purpose, the Cohen-Biden bill calls for a significant increase in anti-drug technology research.

1. COORDINATION

The bill establishes the Counter-Narcotics Technology Assessment Center (CONTAC), a coordinating body for all high-technology anti-drug initiatives, within the Drug Director's Office. CONTAC will have its own Director (called the "Chief Scientist"), appointed on the basis of scientific, engineering, and technological expertise.

2. FUNDING

The bill consolidates the currently separate counter-drug research and development budgets of the various federal agencies into one budget line-item. Beginning in FY92, Congress will appropriate funds for this specific purpose and CONTAC will allocate the money to every agency doing research. The bill provides an immediate authorization of $150 million for anti-drug research and development—three times the present spending level.

3. AREAS OF RESEARCH

Proposed areas of research to be directed by CONTAC—and examples of burgeoning technology from each—include the following:

Surveillance and tracking—The Los Alamos National Laboratory has combined laser and radar technology into a device that can detect remote drug labs and processing sites. The device shoots a laser at targets and reads the patterns of light they reflect to identify the presence of illicit substances. (Every chemical compound reflects light in a unique way.)

Electronic support measures—The Customs Service is experimenting with a handheld instrument that can detect the presence of illicit and dangerous substances in large cargo containers, without removing their contents. The device measures the density of objects, and researchers can program it to warn Service agents when a shipment contains explosives, drugs, or guns.

Communications—The FBI is experimenting with a secure video communications system that will enable agents to film and relay action from the field to other agents around the country. The relays will be coded to prevent unauthorized viewing of them.

Advanced computer systems—The Los Alamos National Laboratory is developing a super-computer with artificial intelligence capabilities that can collect data on and analyze suspect money flows in American and foreign financial systems. The supercomputer will actually teach itself to uncover money laundering operations.

4. AUTHORITY

CONTAC's Director will identify the short, medium, and long-term scientific and technological needs of this country's drug enforcement agencies. Moreover, the Director will have the budget authority to fund CONTAC's pripority initiatives directly from the anti-drug R&D line-item appropriation.

CONCLUSION

Much of the technology that CONTAC will support has already been developed for military uses. The United States has invested heavily in the R&D, which now offers a good value for the country's drug-fighting dollar. CONTAC will simply have to readapt the technology to anti-drug efforts.

At the Senate Judiciary Committee's March 20 hearing on these high-technology anti-drug weapons, Senator Biden said: "The weapons we will hear about today potentially offer new help for [our] undermanned, underarmed, and underfunded forces who are attempting to fight this [drug] war." Senator Cohen similarly remarked that "there is tremendous promise in these technologies."

By Mr. LEVIN (for himself, Mr. SPECTER, Mr. BYRD, and Mr. RIEGLE):

S. 2569. A bill to amend the Trade Act of 1974 to strengthen and expand the authority of the U.S. Trade Representative to identify trade liberalization priorities, and for other purposes; to the Committee on Finance.

FAIR TRADE AND EXPORT EXPANSION ACT

Mr. LEVIN. Mr. President, I am introducing today along with Senators SPECTER, BYRD, and RIEGEL, the Fair

Trade and Export Promotion Act of 1990.

Last Friday, the Bush administration took Japan off the Super 301 list of priority unfair traders. The administration said, in effect, that despite a record of unfair trading practices by Japan that continues year after year, it will ignore the law that authorizes it to take strong action to end those unfair trading practices.

The Bush administration opted to ignore the record and to stick to the rhetoric which we have heard from Republican and Democratic administrations alike for two decades. Instead of standing up for American workers and American industry, this administration tells them that they must face the battle for this Nation's economic future alone.

What about Super 301, a law that we passed to force action on behalf of our economic survival? Mr. President, Super 301 has become nothing more than "Superficial 301."

The bill that we are introducing today will extend Super 301 and make sure the law lives up to its original name. It will put some teeth back into the law, put some fairness in our trade policy, and provide some relief to the American families losing jobs and our communities losing industries to unfair trade practices.

The bill will replace the administration's rhetoric with action. It will ensure that unfair traders are identified as such under our laws.

Two weeks ago, the administration testified before the Small Business Subcommittee on Innovation, which I chair, that our trade deficit with Japan is "top priority." Those words were theirs. And that our $10.5 billion auto parts trade deficit was a "top priority." Those words were theirs.

On Wednesday of last week, the U.S. Trade Representative herself reiterated that statement before the Finance Committee. She testified that Japan was one of a number of "top priorities." Those words were hers.

Yet, 2 days later, when the deadline arrived under Super 301 for the Trade Representative to identify "trade liberalization priorities," including "priority countries" and "priority practices," Japan was left off the list.

The administration's action in only naming India under Super 301 makes a mockery of both its strong words and, more important, makes a mockery of our law. Rather than using the Super 301 forum to negotiate the elimination of foreign trade barriers, the Bush administration has chosen to return to the old method of toothless negotiating, which has never worked. In contrast, Super 301 has proven to be effective when it has been used. In the three areas with Japan identified in 1989 as Super 301 priorities, agreements have been made for the elimination of barriers by a date certain.

Taking Japan off the list sends absolutely the wrong message. We should be saying to our trade partners who discriminate against our products, "Friends, the free ride is over. It is nothing personal. We admire you as people. But you must either end the discrimination against our auto parts, our steel, our computers, our beans, our fruits, et cetera, et cetera, et cetera, by a specific date or we must place comparable restrictions on your goods."

The administration had an opportunity to do this last week, but it chose not to do it.

The Trade Representative has said that the old method of negotiating works are making progress in negotiations with Japan. We have heard that before. For over 20 years we have negotiated this way with Japan. What we received from it is a $49 billion bilateral trade deficit, and almost 20 pages of Japanese trade barriers in the Trade Representatives' Reports on Foreign Trade Barriers.

Mr. President, for over 20 years, Democratic and Republican administrations have made claims of progress. One administration after another has told the American people what we heard from the Bush administration last Friday. Just listen to this.

President Nixon in 1970 said:

> In November, I met with Prime Minister Sato. He stated Japan's intention to accelerate the reduction and removal of its restrictions on trade and capital.

That was 1970, the promise to remove restrictions on trade came from Japan.

President Carter in October of 1980 said:

> I have stated quite clearly that the United States does not intend to abandon any portion of our share of the domestic auto market.

President Reagan in May 1984 said:

> During the past two years, Japan has made considerable progress in opening its markets further to American products, and we are confident that we'll see more progress in the months ahead.

That was 1984.

In 1987, President Reagan said that "our country has turned the corner on our trade deficit and the situation continues to improve."

Just last week echoed the same words, the same rhetoric, this time from President Bush, saying that our negotiations with Japan and the commitments that we have received from Japan represent a "promising start"; a promising start, in April of 1990, 20 years after President Nixon said that Japan has now promised to accelerate the removal of its restrictions on trade.

Mr. President, the bill that we introduce today moves us from rhetoric to action. It will require Super 301 action against the worst offenders, those countries who discriminate against American products and have a bilateral trade deficit which is 15 percent or more of the total U.S. trade deficit. And it will require Super 301 action on those unfair trade practices associated with a sectoral deficit equal to or exceeding 5 percent of the bilateral trade deficit.

Other countries and practices could also be cited by the Trade Representative but the worst offenders, and the worst practices, the ones that meet those criteria that I have indicated, would have to be cited as trade priorities.

The bill also provides an expedited procedure. Within 15 days after the Trade Representative identifies Super 301 priorities, a Member of Congress could initiate an expedited procedure to list additional trade liberalization priorities. Under this procedure, Congress, by a vote of three-fifths of the Congress, could require Super 301 action on unfair practices which did not qualify for mandatory Super 301 treatment, but merit citing. These unfair practices would merit citing because their elimination has a significant potential to increase U.S. exports, either directly or through the establishment of a beneficial precedent.

If subsequent negotiations were to fail to eliminate those discriminatory barriers against our product, our bill would require equivalent restrictions on other countries' products coming in here, equivalent that is to the restrictions that they place on our exports to them.

A waiver would still be available to the President under certain circumstances.

Our bill will send a strong message to our trading partners, the ones that discriminate against American goods and services. It will put an end to the pleading, an end to the rhetoric, an end to the empty promises, and make clear that if they persist in discriminating against our products that we will place equal restrictions on their products.

Mr. President, it is not anger that leads us to introduce this bill; it is economic necessity, and basic fairness for all Americans.

I urge my constituents not to be angry with Japan or other countries that discriminate against us but to aim their fire here, aim their anger here at us in Washington. We have control over our own economic destiny, and we can exercise it. I tell my constituents: do not be angry at other countries for defending their industry, their jobs, their agriculture; be angry at us.

I tell my constituents not to be angry at other countries that protect and defend their interests, but to aim their fire at us here in Washington for not going to bat with the same fire and the same passion for our constituents' jobs and our industries that

other countries do for their jobs, for their agriculture, and for their industries.

Mr. President, I thank Senator SPECTER, Senator BYRD, and Senator RIEGLE, for cosponsoring this bill.

I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Trade and Export Expansion Act of 1990".

SEC. 2. IDENTIFICATION OF PRIORITIES EXTENDED TO 1995.

Section 310(a) of the Trade Act of 1974 (19 U.S.C. 2420(a)) is amended by striking "calendar year 1990" and inserting "calendar years 1990 through 1995".

SEC. 3. MANDATORY IDENTIFICATION OF PRIORITY PRACTICES AND PRIORITY FOREIGN COUNTRIES.

Section 310 of the Trade Act of 1974 (19 U.S.C. 2420) is amended by adding at the end the following new subsections:

"(e) MANDATORY IDENTIFICATION OF PRIORITY FOREIGN COUNTRY AND PRACTICE.—

"(1) PRIORITY FOREIGN COUNTRY.—For purposes of this section, a country shall be identified as a priority foreign country under subsection (a)(1)(B) and the Trade Representative shall initiate an investigation under section 302(b)(1) with respect to the priority practices of such priority foreign country, if—

"(A) the amount of the trade deficit between the United States and such country for the calendar year for which a report under section 181 is submitted exceeds 15 percent of the amount of the total trade deficit of the United States for such calendar year,

"(B) the practices of such country have been identified under subsection (a)(1)(A) or under section 181(a)(1), and

"(C) such country has not entered into a free trade agreement with the United States.

"(2) MANDATORY IDENTIFICATION OF PRIORITY PRACTICE.—For purposes of this section, a practice shall be identified as a priority practice, and the Trade Representative shall initiate an investigation under section 302(b)(1) with respect to such practice if—

"(A) such practice is identified under section 181(a)(1), and

"(B) such practice is associated with a sectoral deficit (as listed in the National Trade Estimates) of 5 percent or more of the balance of trade between the United States and the foreign country conducting such practice for the calendar year for which a report under section 181 is submitted.

"(f) MANDATORY IDENTIFICATION BY JOINT RESOLUTION OF CONGRESS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a practice shall be identified as a priority practice and a foreign country shall be identified as a priority foreign country under this section, and the Trade Representative shall initiate an investigation under section 302(b)(1) with respect to such practice or country if a joint resolution described in paragraph (2) is enacted into law.

"(2) JOINT RESOLUTION DESCRIBED.—A resolution is described in this paragraph if it is a joint resolution—

"(A) which is introduced in either the Senate or the House of Representatives not later than 15 days after the date the Trade Representative identifies United States trade liberalization priorities under subsection (a)(1),

"(B) which is approved by three-fifths of the duly elected and sworn Members of each of the two Houses of Congress, and

"(C) the matter after the resolving clause of which contains the name of the country identified as a priority country or the practices identified as priority practices, and a finding that elimination of such priority practices is likely to have significant potential to increase United States exports, either directly or through establishment of a beneficial precedent.

"(3) HOUSE PROCEDURES.—(A) The provisions of this paragraph apply to the consideration in the House of Representatives of a joint resolution described in paragraph (2).

"(B) The joint resolution shall, upon introduction, be referred to the Committee on Ways and Means of the House of Representatives.

"(C) If the Committee on Ways and Means has not reported the joint resolution by the end of 30 legislative days after such joint resolution was introduced, the Committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar of the House.

"(D)(i) At any time after the joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the joint resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

"(ii) Debate on the joint resolution shall not exceed 10 hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

"(iii) An amendment to the joint resolution is not in order.

"(iv) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

"(E) As used in this paragraph, the term 'legislative day' means a day on which the House is in session.

"(4) SENATE PROCEDURES.—(A) The provisions of this paragraph apply to the consideration in the Senate of a joint resolution described in paragraph (2).

"(B) A joint resolution shall, upon introduction, be referred to the Committee on Finance of the Senate.

"(C) If the Committee on Finance has not reported such joint resolution at the end of 30 legislative days after its introduction, the Committee shall be discharged from further consideration of such joint resolution and such joint resolution shall be placed on the calendar.

"(D)(i) Notwithstanding any rule or precedent of the Senate, including Rule 22, when the Committee to which a joint resolution is referred has reported, or has been discharged under subparagraph (C) from further consideration of a joint resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member (after consultation with the majority leader as to the most appropriate time for the consideration of that joint resolution) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

"(ii) Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

"(iii) Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

"(iv) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution shall be decided without debate.

"(E) As used in this paragraph, the term 'legislative day' means a day on which the Senate is in session.

"(5) SPECIAL RULE.—In the case of a resolution described in paragraph (2), if, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution with respect to the same matters, originated in that House, then the following procedures shall apply:

"(A) The joint resolution of the other House shall not be referred to a committee.

"(B) With respect to a joint resolution described in paragraph (2) of the House receiving the resolution—

"(i) the procedures in that House shall be the same as if no joint resolution had been received from the other House; but

"(ii) the vote on final passage shall be on the joint resolution of the other House.

"(C) Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution originated in the receiving House.

"(6) RULEMAKING POWER.—This section is enacted by Congress—

"(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in paragraph (2), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.".

SEC. 4. MANDATORY ACTION.

(a) IN GENERAL.—Section 301(a)(1) of the Trade Act of 1974 (19 U.S.C. 2411(a)(1)) is amended—

(1) by striking "or" at the end of subparagraph (A),

(2) by inserting "or" at the end of subparagraph (B)(ii), and

(3) by inserting immediately after subparagraph (B)(ii), the following new subparagraph:

"(C)(i) a priority practice identified under section 310, or

"(ii) a priority practice with respect to a priority foreign country identified under section 310,

Constitutes an act, policy, or practice of a foreign country is unreasonable or discriminatory and burdens or restricts United States commerce;".

(b) CONFORMING AMENDMENT.—Section 304(a)(1)(A)(ii) is amended by striking "(a)(1)(B)" and inserting "(a)(1)(B), (a)(1)(C),".

Mr. SPECTER. Mr. President, today, I join Senator LEVIN in introducing a bill to strengthen the Super 301 provision of the Omnibus Trade and Competitiveness Act of 1988. This bill is in response to the Bush administration's announcement of Friday, April 27, 1990, to remove Japan from the list of priority countries which practice unfair trade policies against the United States.

I am concerned about the effect of Japan's unfair trade practices on United States industries. Japan for the second year in a row led the list of countries maintaining significant barriers to imports of United States products, according to the Office of the United States Trade Representative's [USTR] "1990 National Trade Estimate Report of Foreign Trade Barriers." This report, which is mandated by Congress under the Trade Act of 1974, devotes 19 pages, more than for any other country, to Japan's many trade barriers. These barriers affect U.S. industries ranging from footwear to agriculture to aluminum. Despite these many barriers, Japan was not cited this year as a priority country. This report on foreign trade barriers is used as a basis for the USTR to determine which countries and which practices in those countries pose the most significant barriers to trade, under the Super 301 provision. Super 301 requires the USTR to designate priority foreign trade barriers whose removal would most likely increase U.S. exports.

In addition, I am concerned about Japan's history of breaking its trade agreements with the United States. In 1986, Japan entered into the United States-Japan Semiconductor Agreement, promising to increase foreign producers' share of the Japanese semiconductor market from the 8.5-percent level in 1986 to 20 percent by 1991. Currently, that share sits at a disappointing 13 percent.

Senator LEVIN and I and our colleagues know what is happening in our States. The fact is, we are suffering very badly from Japan's refusal to open its market while we continue to grant Japan free access to ours. The only way we can correct this situation is to ensure that the Super 301 is used effectively, and that is to mandate the USTR to cite those countries whose unfair trade barriers meet certain requirements, and to require the USTR to retaliate if negotiations do not succeed in eliminating these unfair practices.

I believe that the little relief we have had so far has come as a result of the pressure Congress has put on Japan to open its markets. However, we cannot stop here. We need to push Japan and other unfair traders to open their markets further so that we have both free and fair trade. The bill Senator LEVIN and I are introducing today will go a long way in ensuring that this goal is fulfilled.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 2570. A bill to amend title 5, United States Code, to provide higher rates of basic pay for Federal employees within the consolidated metropolitan statistical areas of which the District of Columbia and the city of Baltimore, Maryland is a part; to the Committee on Governmental Affairs.

HIGHER PAY BASED ON LOCALITY

● Ms. MIKULSKI. Mr. President, today, I am introducing legislation on behalf of Senator SARBANES and myself that would extend higher pay based on locality for Federal workers who work within the consolidated metropolitan statistical areas of which the District of Columbia and the city of Baltimore, MD, are a part.

President Bush's budget proposal for fiscal year 1991 proposes an increase in pay for Federal employees for three specific localities: Los Angeles, San Francisco, and New York City. The metropolitan statistical areas of Washington, DC, and Baltimore, MD, are not included in the administration proposal.

If Federal pay is going to be adjusted on the basis of local cost of living, the Federal employees of the Washington and Baltimore area must be represented. This area is recognized as one of the highest cost of living areas in the United States, but the administration has failed to recognize this fact and also the fact that pay for the Federal workers of this area has not kept pace with the private sector.

We must be prepared to pay a fair and reasonable wage if we are to maintain a Federal work force that ably performs the day-to-day functions of Government. This bill will begin that first step in 1991. It will begin to raise Federal pay to a level that is on a par with private sector pay.

The bill I am sponsoring would designate a higher rate of basic pay for Federal employees within the consolidated metropolitan statistical areas of which the District of Columbia and the city of Baltimore, MD, are a part. The rate of basic pay for an employee would be equal to 108 percent of the rate of basic pay which would apply for that employee. The bill would take effect for pay periods beginning on or after January 1, 1991.

I recognize and appreciate the important work that is being done by my colleagues in the Senate Governmental Affairs Committee in the area of Federal pay reform. This bill is intended to contribute to the dialog on pay reform and I offer this bill in the hope that it will be considered along with the other proposals made in this area.

In this time of continued disparity between Federal pay and private sector pay, the Congress should be taking the steps necessary to improve our Government's productivity and efficiency. Pay increases for Federal workers are an important first step. The legislation I am introducing today makes a limited, but serious attempt to meet that goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter VII of chapter 53 of title 5, United States Code, is amended by adding at the end the following:

"§ 5376. Higher pay based on locality

"(a) For the purpose of this section—

"(1) the term 'statutory pay system' has the meaning given such term by section 5301(c) (and includes the pay system under chapter 54); and

"(2) the term 'consolidated metropolitan statistical area' means a consolidated metropolitan statistical area, as established by the Office of Management and Budget as of the date of enactment of this section.

"(b) Effective for pay periods beginning on or after January 1, 1991—

"(1) the rate of basic pay for any employee under a statutory pay system who is employed within a consolidated metropolitan statistical area which includes the District of Columbia (or any portion thereof) or a

consolidated metropolitan statistical area which includes the city of Baltimore, Maryland (or any portion thereof) shall be equal to 108 percent of the rate of basic pay which would otherwise apply, subject to paragraph (2); and

"(2) the maximum rate of basic pay payable to any employee under this section shall be equal to 108 percent of the maximum rate allowable under section 5308.

"(c) For purposes of applying subchapter VI to an employee who changes from a position which is subject to this section to a position which is not, a rate of basic pay payable to such employee, as of any time before the change, shall be determined as if this section had never been enacted.

"(d) The Office of Personnel Management shall prescribe regulations necessary for the administration of this section, including regulations for determining where an individual is employed.

"(e) For purposes of section 5303, rates for pay establishd under this section may be taken into account to such extent as the President (or the Office of Personnel Management or other agency, as applicable) considers appropriate.

"(f) Any rate of pay in effect under this section on the date as of which this section ceases to be effective shall remain in effect until adjusted by or in accordance with law.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 5, United States Code, is amended by adding after the item relating to section 5375 the following:

"5376. Higher pay based on locality."●

By Mr. GORE:

S. 2571. A bill to amend the Antarctic Conservation Act of 1978 to protect the environment of Antarctic, and for other purposes; to the Committee on Enviornment and Public Works.

ANTARCTIC ENVIRONMENTAL PROTECTION ACT OF 1990

Mr. GORE. Mr. President, I rise today to discuss Antarctica, an issue not frequently debated on the floor of the U.S. Senate, and that is the issue of Antarctica. It is an issue that I brought to the Senate last September, when I introduced a resolution calling on the United States to encourage immediate negotiations toward a new agreement among Antarctic Treaty Consultive Parties for the full protection of Antarctica as a global ecological reserve and land of commons. Twenty-four of my colleagues have joined as co-sponsors of that resolution, sending a clear signal to the administration that the Senate, and the American public, are ready to take the steps necessary to protect the extremely fragile and extremely important environment of Antarctica.

More importantly, Mr. President, this question represents a major opportunity to put into effect a new emerging global consensus on the necessity of imaginative, bold measures to protect the world's ecological system.

We have just concluded an international parliamentary conference on the global environment, the results of which I will report to the Senate on a later occasion.

But one of the recommendations of the delegates from 42 nations who met here in Washington for 3½ days, concluding yesterday with the signing of a declaration of environmental interdependence, was that Antarctica be protected from any minerals and mining exploration and exploitation. It is an absolutely unique environmental resource 90 percent of all the ice in the world is in Antarctica. It is a massive source of cold in the Earth's climate system.

Next to the sun and the rotation of the Earth, the Antarctic continent is the most powerful single engine driving the world's climate system, a rich storehouse of historical climate data, and it is the place where the most serious global environmental problems—global warming and destruction of the stratospheric ozone layer—are likely to occur first and most dramatically.

Indeed, as is well known, when the hole in the ozone layer appeared above Antarctica, scientists from nations around the world conducted emergency expeditions there to find out why and to find out more about why global warming is taking place because the early warning signs are there in Antarctica as well.

It remains the most pristine continent on Earth, a place that has so far withstood for the most part the impact of this global ecological crisis.

The ice and snow of Antarctica contain 70 percent of all the fresh water on Earth, and yet the continent receives so little precipitation, it is classified as the world's largest desert. It is dark for 6 months in winter yet still receives more sunlight during its 6 months of summer than the equatorial regions receive during an entire year—light for the most part that is reflected straight back up into space because of the reflectivity of the surface made up of ice and snow.

The cold water surrounding the continent of Antarctica absorbs more carbon dioxide from the atmosphere than all the rain forests of the Earth and create the nutrient-rich bottom water for most of the world ocean of which Antarctica is the epicenter.

Last year the *"Exon Valdez"* disaster in Prince William Sound presented vivid, heartbreaking illustrations of the consequences of environmental disaster in a pristine wilderness. In January 1989, an Argentinian ship, the *Bahia Paraiso*, ran aground in waters off Antarctica. This incident did not attract the widespread public attention of the Valdez spill, partly because the area is so inaccessible to television cameras. It was not a drama played out on the evening news and it was smaller then the Prince William Sound catastrohpe.

But is was disastrous nonetheless, destroying years of research and leaving behind an indelible stain.

Incidentally, the site of the *Bahia Paraiso* accident was also the site of the only research program in the entire world to discover the effects of increased ultraviolet radiation on the ability of plankton in the ocean to absorb CO_2 out of the atmosphere. Three years' worth of baseline data were destroyed by the oil spill and now the world's science community has to start over from scratch on what could turn out to be one of the single most important scientific questions ever investigated by human kind, a vivid example of the dangers of allowing unrestrained exploitation of the Antarctic environment.

Last year, according to the National Science Foundation, there was a leak of more than 50,000 gallons of fuel at the American base at McMurdo Sound. The waters immediately adjacent to the base are among the most polluted in the world. PCB's and other chemicals, dumped years ago, have killed every vestige of life in albeit a small area of McMurdo Sound. But it is, generally, a vivid reminder of why we need to do better.

The bill that I am introducing today in conjunction with other legislation to be introduced today by my colleague, Senator KERRY, is called the Antarctic Environmental Protection Act of 1990. It was introduced in the House of Representatives by my friend Congressman WALTER JONES, the distinguished chairman of the House Committee on Merchant Marine and Fisheries.

Mr. President, I feel that this bill, which amends the Antarctic Conservation Act of 1978, will help to protect Antarctica's environment in ways that existing U.S. laws and institutions have not adequately provided. This bill will provide the additional environmental protection that is needed.

The bill calls for the preparation and annual update of a waste management plan for Antarctica. The plan must include, among other items, a schedule for cleaning up existing U.S. waste disposal sites and abandoned work sites.

The bill also calls for regulations prescribing waste management practices for U.S. activities in Antarctica. One practice requires that all open burning of wastes be phased out and prohibited after December 31, 1991. Another practice requires that landfills at coastal U.S. facilities be phased out and prohibited after December 31, 1991.

The bill requires implementation of a long-term program for the removal of wastes from Antarctica that occurred as a result of U.S. activities. Radioactive materials, batteries, abandoned fuel drums, chemical wastes,

and wastes containing high levels of metals must be collected and removed from Antarctica for proper disposal in accordance with applicable U.S. environmental laws. All plastic wastes have to be removed from Antarctica unless they are incinerated in equipment that neutralizes all harmful air emissions.

The Coast Guard is directed to issue regulations requiring all vessels engaged in or supporting U.S. activities in Antarctica to incorporate compacting, storage, and incineration facilities to properly dispose of waste. Incinerators must also reduce all harmful emissions.

The bill addresses the issue of marine pollution in Antarctica, by making it unlawful to discharge oil or plastic into the marine environment. Food wastes, other garbage, and sewage are prohibited from being discharged within 12 nautical miles of the closest land or ice shelf. There is also language pertaining to marine pollution prevention and liability.

The Coast Guard is called on to issue regulations requiring vessels engaged in or supporting U.S. Antarctic activities, including tourist expeditions, to have contingency plans and equipment to prevent and respond to oilspills. The owner, operator, or individual in charge of a vessel engaged in or supporting U.S. Antarctica activities will be held liable for the removal of oil spilled in Antarctica and the restoration of damages to natural resources. In the event that restoration is not feasible, the person will be liable for the payment of a civil penalty, and any moneys recovered from the assessment of the civil penalty will be used by the United States to manage specially protected areas or sites of special scientific interest.

The bill also provides for monitoring Antarctica's environment, by calling for the implementation of a long-term environmental monitoring program for Antarctica. The program is to include the detection and monitoring of global environmental change, and also should monitor the impacts of waste disposal, scientific bases, and scientific programs on the Antarctic environment.

The bill calls for the creation of new specially protected areas in Antarctica. There are two new types of specially protected areas: one for sites of outstanding scientific or ecological interest and one for outstanding scenic, wilderness, or geographic value. In addition, multiple-use planning areas may be designated.

Finally, the bill makes the National Environmental Policy Act of 1969 applicable to the activities of all agencies of the Federal Government operating in Antarctica, including NSF and the State Department. The bill also requires the Secretary of State, in consultation with other interested agencies, to prepare an environmental impact statement on the Convention on the Regulation of Antarctic Mineral Activities before submitting the Convention to the Senate for its advice and consent.

Now, I want to allay any concern that this bill might force the NSF to divert funds away from science, and toward efforts to comply with the environmental protection measures called for in this bill. It is my strong view that Antarctica should always be open and freely accessible to science. I will always champion that cause, and I will always work within the Congress to fully support the research of U.S. scientists in Antarctica.

At the same time, I know from my own visit to Antarctica and from discussions with scientists on many occasions, that scientists want to protect the environment of Antarctica. After all, it is the scientists who in the first place have alerted us to the fragility and magnificence of Antarctica. But they need the means to protect Antarctica, and that is why this bill is important, because the bill calls for the appropriation of funds to provide those means.

Mr. President, we can measure the future of the Earth in the frozen breezes of Antarctica. As we confront the global ecological crisis, it's time to change our understanding of what is possible. We can't afford to settle for less.

Antarctica is not only a valuable wilderness. It is also a point to which our global perspective ought to be pulled, because it is from Antarctica that the future of the Earth can be seen. In the words of the World Commission on Environment and Development—the Brundtland Commission—the challenge is to ensure that Antarctica is managed in the interests of all humankind, in a manner that conserves its unique environment, preserves its value for scientific research, and retains its character as a demilitarized, non-nuclear zone of peace.

By Mr. THURMOND (for himself and Mr. BIDEN):

S. 2572. A bill to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police; placed on the calendar.

EXTENDED POLICE PROTECTION TO THE SUPREME COURT

Mr. THURMOND. Mr. President, today, I am pleased to join with my distinguished colleague from Delaware, Senator BIDEN, in introducing legislation which will ensure the continued availability of police protection to the U.S. Supreme Court Justices while they are off of the Supreme Court grounds.

Under current law, the Supreme Court Police may provide protection outside of the Court grounds to the Supreme Court Justices, and to any officer, employee, or official guest of the Supreme Court. Unfortunately, this authority expires at the end of this year. This legislation would replace the statute's sunset provision with a permanent authorization for protection which is clearly appropriate.

Mr. President, this provision of law is rarely, if ever, used. Yet, it is vitally necessary. Should events arise which would require the police protection of the Chief Justice or an Associate Justice, protection must be available. In this time of escalating crime, drug trafficking, and narcoterrorism, it is essential that the U.S. Supreme Court Justices and their employees have police protection if, and when, the unfortunate need should arise.

In closing, this legislation was requested by Chief Justice Rehnquist. He has expressed concern that this protection should be available if the need for such protection should ever arise. I believe that it is extremely important that we take this step to enhance the safety of our Nation's highest court.

For these reasons, I urge my colleagues to support this legislation.

Mr. BIDEN. Mr. President, I rise today to join Senator THURMOND in introducing legislation to provide for the extension of authority for the Marshal of the Supreme Court and the Supreme Court Police.

Under current law, the Supreme Court Police have the authority to protect the Justices, Court personnel and official visitors in "any part of the United States."

This authority to provide security for Supreme Court Justices beyond the building and grounds of the Court has existed since 1982, but will expire, through a sunset provision, on December 31, 1990. The legislation introduced today by Senator THURMOND and myself eliminates this sunset provision and makes permanent this important security authority.

The existing authority of Supreme Court Police to accompany the Justices, their guests, and Supreme Court employees on trips beyond the Court grounds is necessary in order to ensure the safety of these individuals. While trips of this nature are infrequent, and usually of relatively short distance, it is important that we provide for the security of Supreme Court personnel in all phases of their service. The recent, tragic events involving a Federal judge serve as an unfortunate reminder of the need for adequate safeguards.

I believe that the authority of Supreme Court Police to provide protection beyond the grounds of the Court is justified and should be made permanent. I encourage my colleagues to support this legislation.

I ask unanimous consent that the full text of the bill be reprinted in the RECORD following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2572

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9(c) of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States", approved August 18, 1949 (40 U.S.C. 13n(c)), is amended by striking the first two sentences.

By Mr. RIEGLE (for himself, Mr. HEINZ, and Mr. LEVIN):

S. 2573. A bill to promote fair trade in auto parts, and for other purposes; to the Committee on Finance.

FAIR TRADE IN AUTO PARTS ACT

● Mr. RIEGLE. Mr. President, last week, the administration made a serious mistake when it failed to identify trade in auto parts and accessories with Japan as a trade liberalization priority under the Super 301 provision of the 1988 Trade Act. Indeed, by failing to name any new trade liberalization priorities, the administration strayed in no uncertain terms from the intent of Congress. The conference report to the Omnibus Trade and Competitiveness Act of 1988 clearly stated that the changes made to Super 301 in conference were "not intended to result in the identification of only token practices and countries."

The administration's decision sends the wrong signal to Japan at a key moment for both the auto parts and semiconductor industries. Ambassador Hills justified her decision on auto parts in part by arguing that negotiations are in process on this topic in the structural impediments initiative talks. Mr. President, auto parts negotiations with Japan have been in progress in one form or another since 1986. After nearly 4 years, American companies continue to wait for significant results. Without further action by their Government, I am afraid their wait will be in vain.

The structural impediments initiative, however well intentioned, is at root little more than another in a long series of promises of future progress by the Japanese Government. The structural impediments initiative talks provide no mechanism to measure whether general promises translate into changes in behavior and increases in American sales. The auto parts industry has already lived through 4 years of promises. It is unacceptable to ask it, as the administration in effect has, to live through another 4 years of empty promises.

The industry does not have 4 more years to wait; it is already on the threshold of a serious crisis. Production by foreign auto companies in North America rose from zero in 1980 to over a million cars in 1988. It is expected to double again—to approximately 2.5 million cars—by the end of this year. At the same time, GM, Ford, and Chrysler have been slashing productive capacity. As a result, in the space of less than a decade, foreign auto manufacturers have taken over more than one-fourth of all auto production in North America.

This change in the auto industry in the 1980's has powerful implications for the parts industry in the 1990's. A 1989 study by the General Accounting Office for Chairman BENTSEN found that Japanese car companies in the United States rely on their family of affiliated suppliers for over 60 percent of their components. By contrast, the Big Three source nearly 90 percent of their components from traditional American companies. Since the transplant assembly operations coming on line are by and large replacing Big Three production, the traditional auto parts industry stands to lose as much as in the next 2 or 3 years as the Big Three have lost in the past five.

It would be one thing if American firms were destined to lose this business on competitive grounds. But there is evidence that the same unfair trade practices that have blocked United States exports to the Japanese market are now blocking United States sales to foreign subsidiaries in our own market. In addition, there is significant evidence that Japanese parts firms are underpricing traditional American firms in the United States market, despite an adverse foreign exchange rate, because they earn higher profits from a captive home market that is maintained by blocking foreign access. This is an all too familiar pattern of Japanese industrial success. Finally, for cyclical reasons, auto sales are expected to be weak in the near term, and a recession would complicate matters even further.

Accordingly, as the foreign share of auto assembly in North America grows, the threat to traditional American upstream industries, like the parts industry, will grow unless steps are taken to ensure that: First, the transplants make procurement decisions in the United States on the basis of the same competitive principles as the Big Three; and second, Japanese parts companies lose the artificial advantage of a closed home market.

Mr. President, we cannot allow the anticompetitive practices that are common in Japan to take root in American soil. The best time to influence this matter is now, as the transplant assembly operations are coming online and still forming their supply relationships. We must exert the necessary pressure before the die is cast. The stakes are too high—in terms of jobs and our technological and industrial base—to take a wait-and-see attitude for another few years.

For this reason, I am pleased to introduce with bipartisan and industry support a bill sending the clear message that the U.S. Government will not be content merely to conclude another round of negotiations. It expects early, meaningful results and will take concrete steps to measure such results, or the lack thereof, in the marketplace.

The bill requires semiannual reports containing data detailing the extent of increases in auto parts sales by traditonal United States firms to Japanese assemblers in both the United States and Japanese markets. The lack of data in this form has hindered the market oriented sector specific negotiations process since its inception in 1986. Without it, progress cannot be measured accurately. And without meaningful public accountability, Japanese companies are under less pressure to mend their ways.

The bill creates Department of Commerce and International Trade Commission reports to produce data on traditional United States company exports to the Japanese market and sales to foreign transplants in the North American market, respectively. The Commerce Department report is not a new report; it is a refinement of the existing reporting requirement of the auto parts provision of the 1988 Trade Act, the so-called Quayle amendment.

In addition to these two reports, the bill requests a study from the Department of Justice to determine whether there is sufficient validity to reports of anticompetitive practices by transplants in the U.S. market to warrant a more formal antitrust investigation.

Finally, the bill calls for a section 301 investigation with respect to auto parts trade with Japan.

Again, Mr. President, the administration made a serious mistake last week in failing to maintain strong pressure on Japan in the critically important area of auto parts trade. Congress should respond by taking these actions in view of the long track record of minimal progress on United States-Japan auto parts trade, the large share of our bilateral trade deficit attributable to auto parts—over one-fifth—the lack of available means in the structural impediments initiative to measure results, and the fact that the industry is at a critical juncture due to the continuing replacement of Big Three plants by transplant operations and a possible recession.

Indeed, this is a pivotal moment both for the U.S. auto parts industry and for U.S. trade policy. Mr. President, this bill is no substitute for the need to extend and strengthen Super 301, which I will continue to work on with my colleagues. Rather, the bill is an effort to take more immediate, practical steps to prevent a crisis in an

industry critical to the industrial base of the United States and the economic base of the State of Michigan.

All too often in this country, trade and industrial policy is reactive. We wait for a crisis to happen, and then cast about for ways to pick up the pieces. I urge my colleagues to try to avoid repeating the same mistake in the auto parts industry by cosponsoring this bill.●

By Mr. CHAFEE (for himself, Mr. DOMENICI, and Mr. DOLE):

S. 2574. A bill to amend the Social Security Act to improve old-age, survivors, and disability insurance benefits and supplemental security income benefits, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY WORK INCENTIVES AND SSI BENEFITS IMPROVEMENT ACT

Mr. CHAFEE. Mr. President, I am pleased to be joined by Senators DOMENICI and DOLE in introducing the Social Security Work Incentives and SSI Benefits Improvements Act. Our legislation would liberalize the Social Security earnings limitation and increase supplemental security income benefits.

Among its major goals, the original Social Security Program provided incentives for older workers to retire, thus making room for younger workers in the labor force. Over the years, benefit expansions, the availability of early retirement, and other features of the program have encouraged older workers to retire at earlier and earlier ages.

Today, given the impending retirement of the baby-boom generation and the prospect of a shrinking labor force, we need the time, talents, and expertise of our older Americans in the work force. Senior citizens, however, are retiring earlier yet living longer.

In 1940, the average age when a person began receiving Social Security benefits was 68, and the average life span was about 63 years. Today, however, the average person begins to collect benefits at age 64, yet the average life span has risen to about 75 years.

Seniors who continue working past the normal retirement age not only contribute toward our continued economic growth, but benefit by keeping their bodies and minds active. People who are productive and fulfilled are often happier and healthier—I believe this is particularly true with regard to older Americans.

The Social Security Program was designed to provide seniors with a degree of financial security in their retirement. Unfortunately, about 3.5 million people over the age of 65 live in poverty, even though virtually all of them receive Social Security benefits.

Social Security was never intended to provide for all of a retiree's income, but rather to supplement a retiree's personal retirement savings and private pension. Yet, today with our increased medical technology, a retiree's private savings are at risk of being depleted due to a catastrophic illness or placement in a nursing home. Some beneficiaries may not have been fortunate enough during their working years to save for their retirement.

Thus, some Social Security recipients supplement their benefits out of necessity. Others work by choice—they may wish to remain active and productive. Unfortunately, two provisions of Social Security law currently discourage older Americans from continuing to work past the normal retirement age: the Social Security earnings test and delayed retirement credit [DRC].

Under the existing earnings limitation, retirees over age 65 have their benefits reduced by $1 for every $3 earned over $9,360. In addition, the current DRC does not treat equitably beneficiaries who choose to delay accepting Social Security benefits. Although the DRC was intended to provide beneficiaries with full credit for the amount that they would have received had they not delayed retirement, it does not provide adequate compensation.

Our legislation would allow seniors to make as much as the average American wage earner—about $23,000 once fully phased-in—without having their benefits reduced. In addition, our bill would accelerate the delayed retirement credit to ensure that people who choose to postpone collecting benefits are treated fairly.

Now, some of my distinguished colleagues would argue that we should repeal the earnings limitation entirely. Others would argue that people who work, even part time, are not retired—therefore a deduction in their Social Security benefits is fully justified. In my view, we cannot afford to subsidize the retirement of high income individuals through the Social Security earnings limitation, which is what full repeal would do. At the same time, we shold not discourage low- and middle-income seniors from supplementing their incomes, particularly if a part-time job is necessary for survival, which is what current law encourages.

Our bill reconciles these issues by raising the earnings limitation to the average wage earnings level. Thus, under our legislation, those individuals earning less than the average worker, are considered to be supplementing their retirement income. Individuals earning more than the average worker, however, have incomes too great to be considered retired; thus, any income above the average wage earnings level would be subject to the earnings limitation.

Based on previous CBO estimates, the liberalization of the earnings limitation in our bill would benefit over 600,000 recipients. Next year, about 85,000 people would no longer be subjected to the earnings limit penalty. Once fully phased-in, well over quarter of a million beneficiaries would have no benefit reduction at all. It is worth noting that a substantial percentage of women would benefit from our proposal. Many are widows, and currently receive monthly benefits at or slightly above the poverty level.

Our bill, however, would not only benefit those who are able and willing to work. We have included an increase in SSI benefits to help improve the lives of some of our most vulnerable and impoverished citizens—those who are aged, blind, or who have disabilities. A $3 benefit increase for an individual and a $5 benefit for a couple, including a cost-of-living adjustment, translates into an annual increase in income of $141 for an individual and $218 for a couple.

The Social Security Work Incentives and SSI Benefits Improvements Act would also provide Social Security retirement, survivors, disability, and Medicare protection for State and local Employees who have no financial or health care retirement security. These employees, many of whom work part time, are currently not covered by either the Social Security and Medicare programs or a State or local retirement program. Our intent is to provide retirement and disability income security for those State and local employees who a State or local government has failed to protect in a retirement plan. As a result of our inclusion of this provision, our bill does something few bills pending in the Senate do—that is to bring in more revenue than is needed to fully cover the cost of an increase in the Social Security earnings test and acceleration of the DRC.

The Republican leader, Senator ARMSTRONG and other Republicans over the past few years have been fervently working to increase the Social Security earnings limitation. Although the Finance Committee approved a substantial increase in the earnings limit and the Senate overwhelming approved three other amendments last year, which I cosponsored, to increase the earnings test, a liberalization of the earnings test was never enacted.

It is my sincere hope that this year we will raise the earnings limitation and in so doing, recognize the important contributions of our seniors, and encourage older Americans to stay active and continue working.

Mr. President, I ask unanimous consent that a summary of the bill, the bill itself, and a letter of support from the American Association of Retired Persons be included in the RECORD as if read.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

The Act may be cited as the "Social Security Work Incentives and SSI Benefits Improvement Act".

SEC. 2. RETIREMENT TEST EXEMPT AMOUNT INCREASED.

(a) IN GENERAL.—Subparagraph (D) of section 203(f)(8) of the Social Security Act (42 U.S.C. 403(f)(8)) is amended to read as follows:

"(D) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual who has attained retirement age (as defined in section 216(l)) before the close of the taxable year involved shall be—

"(i) $996.66 for each month of any taxable year ending after 1990 and before 1992,

"(ii) $1216.66 for each month of any taxable year ending after 1991 and before 1993,

"(iii) $1446.66 for each month of any taxable year ending after 1992 and before 1994,

"(iv) $1686.66 for each month of any taxable year ending after 1993 and before 1995, and

"(v) $1946.66 for each month of any taxable year ending after 1994 and before 1996.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 3. ACCELERATION OF INCREASES IN THE DELAYED RETIREMENT CREDIT.

Section 202(w)(6) of the Social Security Act (42 U.S.C. 402(w)(6)) is amended—

(1) in subparagraph (C), by striking "2005" and inserting "1990",

(2) in subparagraph (C), by striking "and" at the end thereof,

(3) in subparagraph (D), by striking "2004" and inserting "1996",

(4) by redesignating subparagraph (D) as subparagraph (E), and

(5) by inserting after subparagraph (C) the following new subparagraph:

"(D) in the case of an individual who first becomes eligible for an old-age insurance benefit in a calendar year after 1990 and before 1996, a percentage equal to the applicable percentage in effect under this paragraph for persons who first became eligible for an old-age insurance benefit in the preceding calendar year (as increased pursuant to this subparagraph), plus 1/12 of 1 percent; and".

SEC. 4. RETROACTIVE ENTITLEMENTS PROHIBITED.

(a) IN GENERAL.—Section 202(j)(4) of the Social Security Act (42 U.S.C. 402(j)(4)) is amended—

(1) in subparagraph (A), by striking "if the effect" and all that follows and inserting in lieu thereof "if the amount of the monthly benefit to which such individual would otherwise be entitled for any such month would be subject to reduction pursuant to subsection (q).''; and

(2) in subparagraph (B), by striking clauses (i) and (iv) and redesignating clauses (ii), (iii) and (v) as clauses (i), (ii), and (iii), respectively.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for monthly benefits payable on the basis of applications filed after December 1990.

SEC. 5. RECOVERY OF OASDI OVERPAYMENTS BY MEANS OF REDUCTION IN TAX REFUNDS.

(a) ADDITIONAL METHOD OF RECOVERY.—Section 204(a)(1)(A) of the Social Security Act (42 U.S.C. 404(a)(1)(A)) is amended by inserting after "payments to such overpaid person," the following: "or shall obtain recovery by means of reduction in tax refunds based on notice to the Secretary of the Treasury as permitted under section 3720A of title 31, United States Code,".

(b) RECOVERY BY MEANS OF REDUCTION IN TAX REFUNDS.—Section 3720A of title 31, United States Code (relating to collection of debts owed to Federal agencies) is amended—

(1) in subsection (a), by striking "OASDI overpayment and";

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting the following new subsection after subsection (e):

"(f)(1) Subsection (a) shall apply with respect to an OASDI overpayment made to any individual only if such individual is not currently entitled to monthly insurance benefits under title II of the Social Security Act.

"(2)(A) The requirements of subsection (b) shall not be treated as met in the case of the recovery of an OASDI overpayment from any individual under this section unless the notification under subsection (b)(1) describes the conditions under which the Secretary of Health and Human Services is required to waive recovery of an overpayment, as provided under section 204(b) of the Social Security Act.

"(B) In any case in which an individual files for a waiver under section 204(b) of the Social Security Act within the 60-day period referred to in subsection (b)(2), the Secretary of Health and Human Services shall not certify to the Secretary of the Treasury that the debt is valid under subsection (b)(4) before rendering a decision on the waiver request under such section 204(b).

"(3) In lieu of payment, pursuant to subsection (c), to the Secretary of Health and Human Services of the amount of any reduction under this subsection based on an OASDI overpayment, the Secretary of the Treasury shall deposit such amount in the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, whichever is certified to the Secretary of the Treasury as appropriate by the Secretary of Health and Human Services.".

(c) INTERNAL REVENUE CODE PROVISIONS.—

(1) IN GENERAL.—Subsection (d) of section 6402 of the Internal Revenue Code of 1986 (relating to collection of debts owed to Federal agencies) is amended—

(A) in paragraph (1), by striking "any OASDI overpayment and"; and

(B) by striking paragraph (3) and inserting the following new paragraph:

"(3) TREATMENT OF OASDI OVERPAYMENTS.—

"(A) REQUIREMENTS.—Paragraph (1) shall apply with respect to an OASDI overpayment only if the requirements of paragraphs (1) and (2) of section 3720A(f) of title 31, United States Code, are met with respect to such overpayment.

"(B) NOTICE; PROTECTION OF OTHER PERSONS FILING JOINT RETURN.—

"(i) NOTICE.—In the case of a debt consisting of an OASDI overpayment, if the Secretary determines upon receipt of the notice referred to in paragraph (1) that the refund from which the reduction described in paragraph (1)(A) would be made is based upon a joint return, the Secretary shall—

"(I) notify each taxpayer filing such joint return that the reduction is being made from a refund based upon such return, and

"(II) include in such notification a description of the procedures to be followed, in the case of a joint return, to protect the share of the refund which may be payable to another person.

"(ii) ADJUSTMENTS BASED ON PROTECTIONS GIVEN TO OTHER TAXPAYERS ON JOINT RETURN.—If the other person filing a joint return with the person owing the OASDI overpayment takes appropriate action to secure his or her proper share of the refund subject to reduction under this subsection, the Secretary shall pay such share to such other person. The Secretary shall deduct the amount of such payment from amounts which are derived from subsequent reductions in refunds under this subsection and are payable to a trust fund referred to in subparagraph (C).

"(C) DEPOSIT OF AMOUNT OF REDUCTION INTO APPROPRIATE TRUST FUND.—In lieu of payment, pursuant to paragraph (1)(B), of the amount of any reduction under this subsection to the Secretary of Health and Human Services, the Secretary shall deposit such amount in the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, whichever is certified to the Secretary as appropriate by the Secretary of Health and Human Services.

"(D) OASDI OVERPAYMENT.—For purposes of this paragraph, the term 'OASDI overpayment' means any overpayment of benefits made to an individual under title II of the Social Security Act.".

(2) PRESERVATION OF REMEDIES.—Subsection (e) of section 6402 of such Code (relating to review of reductions) is amended in the last sentence by inserting before the period the following: "or any such action against the Secretary of Health and Human Services which is otherwise available with respect to recoveries of overpayments of benefits under section 204 of the Social Security Act".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1991, but shall not apply to refunds to which the amendments made by section 2653 of the Deficit Reduction Act of 1984 (98 Stat. 1153) do not apply.

SEC. 6. OASDI AND MEDICARE COVERAGE OF CERTAIN STATE AND LOCAL GOVERNMENT EMPLOYEES.

(a) SOCIAL SECURITY AMENDMENTS.—

(1) OASDI COVERAGE.—Section 210(a)(7) of the Social Security Act (42 U.S.C. 410(a)(7)) is amended—

(A) in subparagraph (D), by striking "or" at the end thereof,

(B) in subparagraph (E), by striking the semicolon at the end thereof and inserting ", or", and

(C) by inserting after subparagraph (E) the following new subparagraph:

"(F) service performed after December 31, 1990, by an individual whose service is not subject to a retirement system established by a State or local law;".

(2) MEDICARE COVERAGE.—Section 210(p)(3) of such Act (42 U.S.C. 410(p)(3)) is amended—

(A) in subparagraph (B)(iii), by striking "and" at the end thereof,

(B) in subparagraph (C), by striking the period at the end thereof and inserting in lieu thereof "; and", and

(C) by adding at the end thereof the following new subparagraph:

"(D) such service performed after December 31, 1990, is subject to a retirement system established by a State or local law.".

(b) TAX AMENDMENTS.—

(1) OASDI COVERAGE.—Section 3121(b)(7) of the Internal Revenue Code of 1986 (defining employment) is amended—

(A) in subparagraph (D), by striking "or" at the end thereof,

(B) in subparagraph (E), by striking the semicolon at the end thereof and inserting "; or", and

(C) by inserting after subparagraph (E) the following new subparagraph:

"(F) service performed after December 31, 1990, by an individual whose service is not subject to a retirement system established by a State or local law;".

(2) MEDICARE COVERAGE.—Section 3121(u)(2)(C) of such Code (relating to application of hospital insurance tax to Federal, State, and local employment) is amended—

(A) in clause (ii)(III), by striking "and" at the end thereof,

(B) in clause (iii), by striking the period at the end thereof and inserting in lieu thereof "; and", and

(C) by adding at the end thereof the following new clause:

"(iv) such service performed after December 31, 1990, is subject to a retirement system established by a State or local law.".

SEC. 7. SSI BENEFITS INCREASED.

Section 1617(c) of the Social Security Act (42 U.S.C. 1382f(c)) is amended to read as follows:

"(c) Effective January 1, 1991—

"(1) each of the dollar amounts in effect under subsections (a)(1)(A) and (b)(1) of section 1611, as previously increased under this section, shall be increased by $36 (and the dollar amount in effect under subsection (a)(1)(A) of section 211 of Public Law 93-66, as previously so increased, shall be increased by $24); and

"(2) each of the dollar amounts in effect under subsections (a)(2)(A) and (b)(2) of section 1611, as previously increased under this section, shall be increased by $60.".

SEC. 8. INCREASED BENEFITS EDUCATION.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall provide for the dissemination of the benefit changes resulting from the amendments made by this Act to beneficiaries under titles II and XVI of the Social Security Act.

(b) DURATION.—The period of dissemination described in subsection (a) is the 5-year period beginning on the date of enactment of this Act.

(c) AUTHORIZATION TO USE CERTAIN FUNDS.—The Secretary shall provide for the transfer from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Supplementary Insurance Trust Fund in such proportions as the Secretary determines to be appropriate, of not to exceed $30,000,000 for the 5-year period described in subsection (b) for costs in carrying out the dissemination described in subsection (a).

DESCRIPTION OF CHAFEE-DOMENICI BILL

1. Earnings test.—Increase by $2,000 above current law indexing for the next five years. That is more than $2,500 per year. The goal would be to double the exempt amount and eventually reach the average earnings level in economy. The exempt amounts would be:

	1990	1991	1992	1993	1994	1995
Current law	9,360	$9,960	$10,440	$11,040	$11,640	$12,240
Proposal		11,960	14,600	17,360	20,240	23,360

2. Delayed Retirement Credit (DRC).—The DRC is intended to compensate Social Security beneficiaries for benefits lost due to delayed retirement. Recent estimates indicate that an 8 percent benefit increase for each year retirement is delayed is fair, actuarily. The current DRC is 3 percent per year, and being increased gradually. This provision would increase the DRC more quickly so it reaches 8 percent by 1995, not in 2004 as under current law.

3. SSI Benefit Expansions.—The first proposals is a basic benefit increase of $3 per month for individuals and $5 per month for couples. A second expansion would count the lesser of the actual value of in-kind benefits or the current one-third reduction rule against a beneficiary's SSI benefits. (The "one-third" rule requires an individual living in another's household and receiving in-kind support from that household to have their SSI benefits reduced by one-third.)

4. Eliminate retroactive benefits.—This provision was included as an offset to Senator Armstrong's earnings test amendment to the minimum wage bill. This would eliminate an option that allows workers that retire "retroactively" to get extra money up front in exchange for lower future benefits. (Most retroactive benefits were repealed in 1977, but this specific provision was retained.)

5. Income Tax Refund Offset.—This would allow the IRS to withhold income tax refunds from former beneficiaries who consistently fail to repay their outstanding Social Security program overpayments. This proposal is included in the President's Budget.

6. Expand Social Security Coverage.—Effective January 1, 1990, mandatory social security coverage would be extended to those employees of state and local governments who do not currently participate in any state or local retirement system. Currently, about 3.3 million state and local government employees are not covered by OASDI and/or a public employee retirement plan. This makes the bill a deficit reducer, has good equity arguments in favor of it, and will provide added retirement coverage to some.

AMERICAN ASSOCIATION
OF RETIRED PERSONS,
Washington, DC, May 3, 1990.

Hon. JOHN CHAFEE,
U.S. Senate,
Washington, DC.

DEAR SENATOR CHAFEE: The American Association of Retired Persons (AARP) commends you for introducing the Social Security Work Incentives and Supplemental Security Income (SSI) Benefits Improvements Act. Your legislation provides needed assistance to two groups of older Americans: those who collect Social Security benefits and continue working after 65 and those receiving SSI benefits. Your legislation would improve the economic well-being of both these groups in a financially responsible manner.

AARP supports a liberalization of the earnings limit because the current limit of $9,360 for those 65 to 69 is much too restrictive. Moderate income beneficiaries who work out of necessity often must decide between limiting their earnings or losing some or all of their benefits. A $2,000 increase in the earnings limit would enable these beneficiaries to better deal with the rising costs of medical care and other essentials. At the same time, they would be contributing to our economy and maintaining their vigor and vitality.

AARP applauds the proposed acceleration of the Delayed Retirement Credit (DRC) phase-in to the actuarially correct level of eight percent. Since current law does not fully compensate an individual who continues working past 65 instead of collecting benefits, it discourages older workers from remaining in the work force on a full-time basis and penalizes those who make this choice. An eight percent DRC would promote greater work force participation by older persons because they will receive appropriate compensation for their decision to postpone receiving benefits.

Finally, increasing SSI benefits levels is equally important. Even though these increases are modest—$3 for an individual and $5 for a couple—it means that in 1991 (with a cost of living adjustment) the individual receiving an average SSI benefit will see an annual increase in income of $141. A couple receiving the average benefit would see an annual increase of $218. While these amounts are small, the extra income is extremely important to SSI recipients. In fact, these annual amounts are almost equal to the 1989 monthly benefit levels.

AARP believes that the Social Security Work Incentives and Supplemental Security Income Benefits Improvement Act is well-conceived and fiscally responsible. We look forward to working with you to ensure quick action on the bill.

Sincerely,

HORACE B. DEETS.

Mr. DOMENICI. Mr. President, I am here today to do my part to rectify a strong work disincentive that confronts older Americans.

I talk of the Social Security earnings test. The earnings test is poor labor policy, and is becoming even worse labor policy as we enter the decade of 1990's, a decade in which this country could experience increasing labor shortages without changes in policy.

As a result, Senator CHAFEE, myself, and others are introducing legislation that will raise significantly the earnings exempt from the Social Security earnings test. We have carefully crafted the bill so it is achievable in the current deficit environment.

This year, the earnings test reduces Social Security benefits by $1 for every $3 earned above $9,360. This is in addition to income taxes and FICA taxes. As a result, a Social Security recipient earning as little as $10,000 can face an "effective marginal tax rate" in excess of 60 percent.

As labor shortages spread across the country, we certainly cannot afford this type of a work disincentive—one that affects in particular middle-income earners such as educators and nurses. Our country already faces labor shortages in these professions. We cannot discourage such work.

There are relatively few young workers entering the labor force, a trend expected to continue. And we have a ready pool of skilled and valued work-

ers. Our Nation's seniors. Many want to work. Some don't though, because of the earnings test. With our society's demographics changing, we cannot afford to actively discourage older Americans from contributing through the work force. And that's exactly what the earnings test does.

From 1870 to 1930, about 65 percent of the men over age 65 worked, but that percent declined steadily to 32 percent in 1980. Fewer senior citizens work because it is easier to retire now. Income, savings, and wealth have increased. Social Security was created and private pensions became more generous. Many seniors don't need to work. But some do—and work disincentives, such as the earnings test, also have their effect.

A recent nationwide Gallup poll, commissioned by the Employee Benefit Research Institute, found that over half of those interviewed of working age planned to continue working after they began collecting Social Security. However, when told of the Social Security earnings test, 18 pecent of those planning to work said they would not do so because of the Social Security earnings test.

Right now, more than 600,000 beneficiaries are adversely affected by the earnings test. That is composed of the 600,000 recipients who directly have their Social Security checks reduced by the earnings test plus some unknown number of older Americans who choose not to work or hide earnings to avoid reductions in their Social Security checks.

Many want complete repeal of the earnings test. In some respects, I share their desire, but I have concerns about an outright repeal. The cost—over $5 billion per year—will take a big bite out of the Social Security reserves that are now building for the baby boomers' retirement. Gains from a complete repeal will go primarily to high-income senior citizens.

However, I strongly support a raise in the earnings test so it doesn't affect the middle-income working senior. I want to protect the Social Security reserves. The legislation we have drafted protects the reserves, will eventually double the earnings exempt from the earnings test, and reduces the unified budget deficit.

Let me spend just a moment highlighting those features I feel most strongly about:

Earnings test.—Our bill would increase the exempt amount of earnings by $2,000 each year for the next 5 above the indexing under current law. In total, exempt amounts would increase by more than $2,500 per year. The earnings test would increase to over $23,000 by 1995, more than double the current exempt amount.

Delayed retirement credit (DRC).—The DRC is intended to compensate Social Security beneficiaries for benefits lost because retirement has been delayed. Recent estimates indicate that a fair DRC adjustment is an 8-percent benefit increase for each year retirement is delayed. The current DRC is 3 percent per year, and being increased very gradually. Our legislation would increase the DRC more quickly so it reaches 8 percent by 1995, not in 2004 as under current law.

SSI benefit expansions.—Our bill provides for a basic benefit increase of $3 per month for individuals and $5 per month for couples. A second proposal in our bill would count the lesser of the actual value of in-kind benefits or the current one-third reduction rule against a beneficiary's SSI benefits. The "one-third" rule requires an individual living in another's household and receiving in-kind support from that household to have their SSI benefits reduced by one-third. These features are included to help the lowest income elderly, regardless of whether they work or not.

We have also included three proposals to more than offset the costs of the changes alone. Described more completely in the bill description, these proposals include broadening the base for Social Security coverage, eliminating certain retroactive benefits and allowing tax refund offsets to occur in certain circumstances.

Though every offset is difficult these days, these are proposals that all justified to finance the easing of the Social Security earnings test. Our working seniors deserve such an effort.

By Mr. KERRY (for himself, Mr. GORE, and Mr. PELL):

S. 2575. A bill to urge the Secretary of State to negotiate a ban on mineral resource activities in Antarctica, and for other purposes; to the Committee on Foreign Relations.

ANTARCTICA PROTECTION ACT

Mr. KERRY. Mr. President, yesterday over 200 legislators from more than 42 nations concluded the first ever Interparliamentary Conference on the Environment. Resolutions dealing with a sweeping range of environmental issues from global warming to protecting our oceans and waterways were unanimously adopted. Furthermore, a document of legislative strategies to address many environmental issues was agreed to by the participating nations to take back to their respective congresses and parliaments in order to propose domestic legislation that will incorporate these principles into their own domestic policies.

I was the cochairman of the working group on ocean and water resources. In our group we discussed at length the issue of the future of the Antarctic with the helpful leadership of Capt. Jacques Cousteau. Our group, with representation from every hemisphere of the globe, agreed to protect the Antarctic, by extending the current moratorium on exploration and exploitation of mineral and energy resources until we are able to negotiate an ongoing prohibition among the Antarctica Treaty nations. We also agreed that we must grant Antarctica special protective status as a land of science reserve and international wilderness area.

The action taken yesterday at the Conference follows on the heels of Earth Day, when over 2 million citizens from around the globe came together to demonstrate their concern for the environmental future of this planet. These two events should send a very clear message—and that is, that economic and environmental policies are now the driving concern in our definition of national security.

Mr. President, the true measure of the importance of an event like Earth Day and yesterday's conference is not only the overwhelming demonstration that occurred on Earth Day, and the impressive consensus document that was agreed to at the international conference, but even more importantly, our ability and willingness to work to improve our environment through the steps we take in the week, months, and even years to come.

It is said that Earth Day was the kickoff for the newly dedicated "environmental decade of the nineties." Globally, we must translate the feeling of that day into practical sacrifices, substantive actions, and effective policies, to address the needs of the world's environmental safety.

Today, as a response to the feeling generated on Earth Day, and as a response to the specific legislative strategies adopted at the Interparliamentary Conference, I am introducing, along with my colleague, Senator GORE, legislation to protect the pristine and fragile environment of the Antarctic from the harmful effects of mineral mining and exploration. This legislation is companion legislation to a bill already introduced earlier this year by my good colleague from Massachusetts, Congressman SILVIO CONTE.

Mr. President, the Antarctic plays an important and unique role in our global ecosystem. Ninety percent of the Earth's ice and 70 percent of the Earth's fresh water are found there; it is an integral part of the Earth's climate system. The Antarctic supports large populations of marine life from krill and plankton to whales, seals, and sea birds. It holds untold answers to the Earth's evolution and the world's future climate.

In recent years, demand for access and use of resources in Antarctica has grown. As uses grow, so has the potential for environmental degradation. Oilspills and water pollution from toxic chemicals, raw sewage, and solid

wastes have already been reported in this environmentally sensitive area.

If education about the environment has taught us anything, it is an increased awareness of the fragile relationships which sustain life on Earth. Today, we have just begun to understand the vital role the continent of Antarctica plays in regulating the Earth's temperature. In its still pristine state, Antarctica provides science with an as yet unsullied vantage point from which to monitor our changing planet. Too often across this great planet, we have destroyed environmental and scientific treasures, only to realize it when it was too late. Today, we face that challenge with Antarctica. It is imperative that policy markers worldwide protect it before damage is irreparable.

Much of Antarctica remains today as it has for millions of years. Barren and bountiful, a massive ice cap encases all but 2 percent of the continent, while the surrounding oceans brim with life. Unfortunately however, the value of this unique environment as the last wilderness and irreplaceable natural laboratory is under serious threat.

Currently, the United States and other nations face major policy decisions surrounding the development of the Antarctic. Traditionally, Antarctica has remained peaceful because it has few things to fight over. However, several countries are not interested in development. Development of oil and minerals, tourism, fisheries, and increased research, all which has lead to the debate of environmental protection versus inappropriate development.

Many scientists believe that development is likely to cause ice caps to melt, which would not only cause sea levels to rise, but would also reduce the ocean's absorption capacity for carbon dioxide. Currently, oceans take up one-third to one-half of the world's carbon dioxide emissions, which we know to be one of the main greenhouse gases. This change could add significantly to global climate change.

Oil and mineral development first because a concern in the early 1970's when we faced an oil crisis worldwide. Consequently, member nations of the Antarctic Treaty, recognizing the need to address the question of future development, came together to hammer out new rules governing oil and mineral exploration. This resulted in the Wellington Convention, which was agreed upon by the 20 treaty nations in 1988. The purpose of the agreement was to protect Antarctica from the dangerous environmental effects of oil and mineral development. The international agreement establishes a framework under which mining and drilling could take place in the most unspoiled environment on Earth.

Mr. President, while the Wellington Convention admittedly has strong environmental principles, such words, no matter how well-intentioned, will not be able to protect the Antarctic from the inevitable spills which occur when oil drilling takes place. We can look to the *Exxon Valdez* spill in Alaska or numerous others, all which have governing rules on how to transport oil, to see that man cannot escape from the consequences of his own actions no matter how well planned they may be. In my view, this agreement falls far short of its goal. More importantly however, two signatories, France and Australia, have already withdrawn their support from the agreement, and several other nations such as New Zealand will do so soon, and I urge our administration to do the same. Under the Antarctic Treaty system, all agreements must be unanimous. With the wise withdrawal of these nations there is greater need to adopt a new convention which will do as my bill suggests and prohibit mineral mining altogether.

The legislation that I am introducing today will provide the needed protection for Antarctica. It provides an ongoing prohibition on all mineral exploration and development in Antarctica by United States entities, and it directs the Secretary of State to urge other nations to take the same position. It also recommends that the Secretary of State ask other nations to adopt an international accord with grants Antarctica special status as an international reserve-land of science dedicated to wilderness protection, international cooperation, and scientific research.

Mr. President, Antarctica is one of the last examples of nature's untouched beauty. The legislation I am introducing today seeks to preserve that forever. I urge my colleagues to join me in cosponsoring the Antarctic Protection Act of 1990 which will guarantee that human activities in Antarctica be for the good of all and not something that we will regret in the future.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Antarctica Protection Act of 1990".

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term "Antarctica" means the area of the Antarctic convergence as defined in section 303(1) of the Antarctic Marine Living Resources Act of 1984 (16 U.S.C. 2432);

(2) the term "mineral resources" means all nonliving natural nonrenewable resources;

(3) the term "person" means any individual, corporation, partnership, trust, association, or any other private entity existing or organized under the laws of the United States, or any officer, employee, agent, department, or other instrumentality of the Federal Government or of any State or political subdivision thereof, or of any foreign government or political subdivision subject to the jurisdiction of the United States; and

(4) the term "Secretary" means the Secretary of State.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the Antarctic continent and its associated and dependent ecosystems is a distinctive environment providing a habitat for many unique species and offering a natural laboratory from which to monitor critical aspects of stratospheric ozone depletion and global climate change;

(2) Antarctica is protected by a series of international agreements, including the Antarctic Treaty and associated recommendations, the Convention on the Conservation of Antarctic Seals, and the Antarctic Marine Living Resources Convention which are intended to conserve the renewable natural resources of Antarctica and to recognize the importance of Antarctica for the conduct of scientific research;

(3) recurring and recent developments in Antarctica, including increased siting of scientific stations, poor waste disposal practices, oil spills, increased tourism, and the over-exploitation of marine living resources have resulted in serious questions about the adequacy of existing agreements to protect the Antarctic environment and its living marine resources;

(4) the parties to the Antarctic Treaty have recently negotiated a Convention on the Regulation of Antarctic Mineral Resource Activities which the United States has signed but not yet ratified;

(5) the Convention on the Regulation of Antarctic Mineral Resource Activities is not adequate to provide the necessary level of protection for the fragile environment of Antarctica and could actually stimulate movement toward commercial exploitation;

(6) the level of scientific study, including necessary support facilities has increased, in part to justify achieving the status of a consultative party under the Antarctic Treaty, to the point that some scientific programs may be degrading the Antarctic environment; and

(7) the planned 1990 special consultative meeting of parties to the Antarctica Treaty and the imminence of the thirtieth anniversary of the Antarctica Treaty provide opportunities for the United States to exercise leadership toward protection and sound management of Antarctica.

(b) PURPOSE.—It is the purpose of the Act to—

(1) strengthen substantially overall environmental protection of Antarctica;

(2) permanently prevent prospecting, exploration and development of Antarctic mineral resources by United States citizens and other persons or entities subject to the jurisdiction of United States laws; and

(3) urge other nations to join the United States in negotiating a new agreement to provide an ongoing prohibition on all minerals activities in Antarctica and comprehensive protection for Antarctica and its associated and dependent ecosystems.

SEC. 4. PROHIBITION ON ANTARCTIC MINERAL RESOURCE ACTIVITIES.

It is unlawful for any person to engage in, finance, directly or indirectly, or knowingly provide assistance to any Antarctic minerals resource activity.

SEC. 5. INTERNATIONAL AGREEMENT.

(a) It is the sense of the Congress that the Secretary of State should enter into negotiations with the consultative parties described in paragraphs (1) and (2) of Article IX of the Antarctica Treaty, done at Washington on December 1, 1959, for the purpose of concluding an international agreement—

(1) to prohibit Antarctic mineral resource activities by all nations;

(2) to grant Antarctica special protective status as an International Reserve-Land of Science dedicated to wilderness protection, international cooperation and scientific research;

(3) to conserve and protect permanently the natural environment of Antarctica and its associated and dependent ecosystems; and

(4) to ensure that the results of all scientific investigation relating to geological processes and structures be made openly available to the international scientific community, as required by the Antarctica Treaty.

(b) It is the sense of the Congress that any treaty or other international agreement submitted by the President to the Senate for its advice and consent to ratification relating to mineral resources or activities in Antarctica should be consistent with the purpose and provisions of this Act.

SEC. 6. ENVIRONMENTAL IMPACT ASSESSMENT OF UNITED STATES ACTIVITIES IN ANTARCTICA.

All activities conducted or sponsored in Antarctica by any agency of the United States Government or by any private or governmental entity receiving financial assistance from the United States Government shall comply with the provisions of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

SEC. 7. PENALTIES.

(a) CIVIL.—(1) Any person who violates a provision of section 4 shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each such violation.

(2)(A) A civil penalty for a violation of section 4 shall be assessed by the Secretary of State by an order made on the record after opportunity (provided in accordance with this subparagraph) for a hearing in accordance with section 554 of title 5, United States Code. Before issuing such an order, the Secretary shall give written notice to the person to be assessed a civil penalty under such order of the Secretary's proposal to issue such order and provide such person an opportunity to request, within 15 days of the date the notice is received by such person, such a hearing on the order.

(B) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which may be imposed under this subsection.

(3) Any person who requested in accordance with paragraph (2)(A) a hearing respecting the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business.

(4) If any person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with paragraph (3), or

(B) after a court in an action brought under paragraph (3) has entered a final judgment in favor of the Secretary,

the Secretary shall recover the amount assessed plus interest in an action brought in any appropriate district court of the United States. In such an action, the penalty shall not be subject to review.

(b) CRIMINAL.—Any person who knowingly or willfully violates any provision of section 4 shall, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) of this section for such violation, be subject, upon conviction, to a fine in accordance with 18 United States Code, or to imprisonment for not more than 5 years, or both.

SEC. 8. CITIZENS' CIVIL ACTIONS.

(a) IN GENERAL.—Except as provided in subsection (b), any person may commence a civil action—

(1) against any person (including (A) the United States, and (B) any other governmental agency) that is alleged to be in violation of this Act, or

(2) against the Secretary to compel the Secretary to perform any act or duty under this Act which is not discretionary.

Any civil action under paragraph (1) shall be brought in any United States district court. Any action brought under paragraph (2) shall be brought in the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the plaintiff is domiciled. The district courts of the United States shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties. In any civil action under this subsection process may be served on a defendant in any judicial district in which the defendant resides or may be found and subpoenas for witnesses may be served in any judicial district.

(b) LIMITATION.—No civil action may be commenced—

(1) under subsection (a)(1) to restrain a violation of this Act—

(A) before the expiration of 60 days after the plaintiff has given notice of such violation (i) to the Secretary and (ii) to the person who is alleged to have committed such violation, or

(B) if the Secretary has commenced and is diligently prosecuting a proceeding for the issuance of an order under section 7(a)(2) to require compliance with this Act or if the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with this Act, but if such proceeding or civil action is commenced after the giving of notice, any person giving such notice may intervene as a matter of right in such proceeding or action; or

(2) under subsection (a)(2) before the expiration of 60 days after the plaintiff has given notice to the Secretary of the alleged failure of the Secretary to perform an act or duty which is the basis of such action.

Notice under this subsection shall be given in such manner as the Secretary shall prescribe by rule.

(c) GENERAL.—Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of this Act or to seek any other relief.

By Mr. METZENBAUM:

S. 2576. A bill to revise the orphan drug provisions of the Federal Food, Drug, and Cosmetic Act and the Orphan Drug Act, and for other purposes; to the Committee on Labor and Human Resources.

S. 2577. A bill to amend the Internal Revenue Code of 1986, to extend the credit for clinical testing expenses for certain drugs, for rare diseases or conditions, and for other purposes; to the Committee on Finance.

ORPHAN DRUG LEGISLATION

● Mr. METZENBAUM. Mr. President, I rise to introduce two bills which I will refer to as the Orphan Drug Amendments of 1990.

These bills amend the Orphan Drug Act which was adopted, in 1983, to encourage the development of drugs for rare diseases—illnesses affecting less than 200,000 people. The act provides financial incentives for our pharmaceutical industry to invest in drugs that would otherwise go undeveloped. These drugs include drugs that would be unprofitable due to the small patient populations that would use them, as well as drugs that would generate such small profits as to be unattractive economic initiatives.

The act's financial incentives include 7 years of marketing exclusivity, during which time no other company is allowed to market the same drug for the same rare disease, a grant program and a tax credit. Authorization for the grant program expires at the end of fiscal year 1990 and authorization for the tax credit expires at the end of calendar year 1990.

The act has been a tremendous success in assuring that patients with rare diseases finally receive treatment. Since 1983, the Food and Drug Administration [FDA] has granted 333 orphan designations and approved 42 orphan drugs. Of the 42 approved orphan drugs, 8 are for populations of less than 1,000; 18 are for populations of less than 10,000; and only 6 are for populations of more than 50,000. They include such important drugs as hemin for the treatment of porphyria, digibind for the treatment of digitalis toxicity, and gancyclovir for the treatment of cytomegolavirus retinitis—a sight-threatening complication of patients with AIDS. Clearly, the act has given thousands upon thousands of desperately ill people hope for survival and freedom from pain.

When we passed the Orphan Drug Act, we were hopeful it would make a difference. After 7 years of experience, it is now clear that the act has generated far more interest in the development of orphan drugs than anyone envisioned. Simply put, the Orphan Drug Act is a wonderful success story for those with rare diseases, for our drug companies, for the Food and

Drug Administration and for the Congress.

The Orphan Drug Amendments of 1990 will help ensure that the development of drug treatments for rare diseases not only continues, but continues in a more effective manner. The bill reauthorizes the Orphan Drug Grant Program which supports research for those drugs that no company will sponsor. Since the inception of the act, more than 70 grants have been awarded. The reauthorization of the grant program will help ensure that pivotal clinical tests are conducted on the most difficult orphan drugs.

The bill also corrects two problems which have developed with the act. First, the AIDS epidemic has made clear that some drugs will have patient populations that increase with time and eventually exceed the statutory definition limit of 200,000. Under current law there is no mechanism for denying financial incentives to an approved orphan drug when its patient population exceeds 200,000 during the 7-year exclusive marketing period. This bill allows for a product to lose its marketing exclusivity once its patient population exceeds 200,000.

The second problem involves those very few drugs which meet the orphan drug definition, but generate tremendous sales nevertheless.

Under current law, if several companies are simultaneously researching and developing the same drug to treat the same rare disease, the first drug to obtain FDA approval is awarded the 7-year exclusive marketing benefit. This situation has occurred only infrequently, but because of the very high prices that can be charged for some drugs, there have been several cases where multiple companies have sought approval of the same drug for the same disease. In this small number of cases, marketing exclusivity may have resulted in higher prices than if competing products had been allowed on the market. This bill provides for market competition by allowing for approval for all companies that were simultaneously developing the same drug for the same rare disease drug.

Although the act has gone a long way in promoting the development of drugs to treat rare diseases, there still is need for better coordination of the various Government agencies that are involved with orphan drugs and rare diseases. Toward this goal, the Orphan Drug Amendments of 1990 will replace the current interagency task force, known as the Orphan Products Board, with an Office for Orphan and Rare Diseases and Conditions within the Office of the Assistant Secretary of Health.

Finally, the second of these two bills will extend the current tax credit for orphan drug human clinical testing expenses for 3 additional years. In addition, it expands the credit to cover expenses associated with animal studies necessary to orphan drug approval.●

By Mr. D'AMATO (for himself, Mr. DECONCINI, Mr. MACK, Mr. HELMS, and Mr. SPECTER):

S. 2579. A bill to amend the Export Administration Act of 1979; to the Committee on Foreign Relations.

EXPORT ADMINISTRATION ACT AMENDMENT

Mr. D'AMATO. Mr. President, today I introduce a bill on behalf of myself, Senator DECONCINI, Senator MACK, Senator HELMS, and Senator SPECTER. It deals with an announcement which the administration made as it relates to high-technology exports to the Soviet Union.

Mr. President, while the struggle for freedom and liberation is taking place today in Lithuania, the announcement of relaxation of export controls is ill timed. I am not suggesting to you that at no time should the United States lift the embargo on high technology to the Soviet Union. But I am suggesting that lifting controls now certainly sends a signal, the wrong signal, and does not encourage a process of negotiation and peaceful change.

The bill which I am introducing would halt the relaxation of controls on high-technology exports to the Soviet Union until the administration certifies to Congress the following: First, that the Soviet Union has lifted its economic embargo against Lithuania, and second, that the Soviet Union has entered into negotiations with the duly elected representatives of the Lithuanian people with the intended result that the recognition of the independence of the Government of Lithuania will take place in an orderly and expeditious manner.

In other words, it is up to the administration to certify that the economic embargo against Lithuania has ended and that the Soviets are negotiating in good faith.

Mr. President, the President will have that right to make that certification. It will not be a judgment that is make by any one or collective group of Senators. I believe that we have an obligation to say to the Soviets that we are not going to reward you while you are mugging the people of Lithuania, when you are mugging freedom. Strength and perseverance has brought us to a point where we can relax economic sanctions, give most-favored-nation status, but only when and until the rights of all people are adhered to.

Mr. President, today I had the opportunity of meeting with the Prime Minister of Lithuania, a gracious woman, a fine leader, and she made some observations. I would like to share them. She said:

It is difficult for the West to perceive that pressuring the Soviet Union on the Lithuanian question helps rather than hinders Mr. Gorbachev to be a consistent practitioner of democracy; more than that, to overcome the reactionary forces which oppose not only independence for the Baltic States but also political and economic reforms in general.

I find it rather interesting and rather sad that somehow we have come to a point of view that standing up for what is right is considered not to be fashionable and is considered to be risky business. Certainly the Prime Minister of Lithuania understands and knows of what she speaks.

I am just going to share one other sentiment she expressed. It goes right to what I call Gorbymania. Listen to what she states:

I do not contend that Mr. Gorbachev's preferred scenario for Lithuania coincides with Lithuania's own aspirations. I think that he would speak out for Lithuania remaining in federation, although not by force.

Listen to this:

However, even the world's darling does not have the monopolistic right to decide the fate of other nations.

Even Mr. Gorbachev, who we suddenly have said we cannot do anything to imperil, even if it is speaking out for freedom, which she says very poignantly. She says:

And here we cannot help him at all. For otherwise sympathy regenerates into toadyism, and the latter gives birth to a cult.

I am suggesting that is exactly what we are doing. We can say to Mr. Gorbachev if you end your economic aggression against Lithuania we will reward you at the end of that process with most-favored-nation status and yes, we will change the rules as they relate to Cocom and you will be entitled to the kinds of materials, the kinds of sensitive equipment, the kinds of technology that you have never heretofore had.

I think that the Prime Minister of Lithuania is absolutely right. A nation as the United States should not be building a policy on one individual.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2404) is amended by adding at the end the following:

"(r) REMOVAL OF CONTROLS.—On or after May 1, 1990, the President may not revise the list of goods or technology subject to export controls under this section or take any other action with respect to export controls under this section that would decontrol exports to the Soviet Union prior to the date on which the President transmits to the Congress certification that—

"(1) the Soviet Union has lifted its economic embargo against Lithuania, and

"(2) the Soviet Union has entered into negotiations with the duly elected representatives of the Lithuanian people, with the intended result the Soviet recognition of the independence of the government of the Republic of Lithuania in an orderly and expeditious manner.".

Mr. HELMS. Mr. President, yesterday the White House announced its intention to propose to the Coordinating Committee for Multilateral Export Controls [Cocom] a relaxation of restrictions on transfers of technology to the Soviet Union. The legislation being offered today by the able Senator from New York [Mr. D'AMATO]—which I am pleased to cosponsor—would effectively prevent the removal of such restrictions until the Soviet Union lifts its economic embargo of Lithuania and enters into negotiations with elected Lithuanian leaders regarding that Baltic country's redeclaration of independence.

I respectfully hope that President Bush will reconsider the proposed relaxation of restrictions on techology transfers to the Soviet Union. At this very moment, the Soviet Union is still producing strategic offensive weapons systems—including ballistic missiles, nuclear weapons, and submarines. There is no strategic justification to allow the Soviet Union access to the Western production equipment and technology necessary to produce these weapons systems.

The decision announced yesterday will allow the Soviets to close the qualitative gap on which United States defense strategy has depended for decades and to which the American people have contributed billions of their hard-earned tax bollars.

Mr. President, I ask unanimous consent that the text of the White House announcement proposing relaxed Cocom restrictions be inserted in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESS SECRETARY

The President is recommending to the Coordinating Committee for Multilateral Export Controls (COCOM) that significant changes be made in the list of technologies subject to export control. For over 40 years, COCOM controls have helped the Allies protect our technological achievements from being exported to our adversaries. The President initiated a comprehensive study of these controls in January to reflect the changes in Eastern Europe and the Soviet Union, as well as other military priorities that have emerged in the last year or more. The President has concluded that a complete overhaul of the control list is warranted. Therefore, the United States will recommend to COCOM the developement by the end of 1990 a new core list of goods and technologies that is far shorter and less restrictive than the present list.

The President's proposals will continue to protect our advanced technology from being exported to the Soviet Union and other adversaries. In effect, our proposals will build "high fences around fewer goods" by focusing on those items that are the most sensitive in terms of our national security. We will be able to pinpoint a streamlined list of exports that can make a major contribution to Soviet power, while changing the restrictions on items such as personal computers which are readily available throughout the world anyway.

We will propose that of the 120 categories on COCOM's industrial list, 30 will be eliminated completely and the scope of another 13 will be reduced substantially. These changes reflect specific analysis by the Department of Defense that identifies technology of crucial importance to weapons production in the Soviet Union and other countries. They have the unanimous support of all security agencies. Careful study indicates that most of the goods and technolgoies that we currently control to Eastern Europe and Soviet destinations, are of low strategic value and should be decontrolled. These categories include computers, telecommunications equipment, and machine tools. More specifically, these categories will include off-the-shelf personal computers and some mainframe computers for use in banking, airline reservations, etc.

We are proposing greater access for Eastern Europe to modern fiber optics equipment and some microwave telecommunications systems. Access to this technology is dependent on adoption of safegurads against diversion, such as identification of authorized uses, and verification inspections.

The United States will begin consultations immediately with our Allies on these changes. We think it is crucial to be able to provide maximum protection of our highly sensitive technologies, while at the same time giving the Eastern Europeans access to technologies desperately needed to improve their infrastructre and modernize their industrial plants.

By Mr. SHELBY:

S.J. Res. 304. Joint resolution to designate October 17, 1990, as "National Drug-Free Schools and Communities Education and Awareness Day"; to the Committee on the Judiciary.

NATIONAL DRUG-FREE SCHOOLS AND COMMUNITIES EDUCATION AND AWARENESS DAY

Mr. SHELBY. Mr. President, I rise today to introduce a joint resolution that designates October 17, 1990, as "National Drug-Free Schools and Communities Education and Awareness Day." In summary, the resolution states that education and public awareness are necessary to prevent our children and young people from entering into cycles of drug abuse. The Federal Government must enter into true parternships with communities nationwide to work together to address the drug abuse problem that confronts our country.

On April 30, 1990, the National Commission on Drug-Free Schools, of which I am a member, held a hearing at Robert E. Lee High School in Montgomery, AL. Attendees at the hearing included members of the religious community, parents, teachers and administrators, community organizations, and law enforcement officials. The hearing concentrated on the issue of education as a preventive tool, and the issue of teaching effective decision-making to our young people.

During the hearing, the visible commitment from Alabamians to be active participants in the war on drugs was most impressive. We in Government cannot allow the community spirit to be diminished. We must do all that we prudently can to make our country, our communities drug-free zones. For the well-being of all Americans, the existing, but diminishing drug problem must be tackled on all fronts.

Statistics reveal that our children are not strangers to drugs. According to the National Institute on Drug Abuse's high school survey, released in February, 1990, one of every two high school seniors will use an illegal drug before he or she graduates. The survey stated that 35.4 percent of our high school seniors used drugs in the last year and 19.7 percent in the previous month. While these numbers show improvement from the previous year's survey, we still have a long way to go.

Drug abuse destroys its victims. While certain members of our society are at higher risk of becoming drug abusers, the cost of such abuse is borne by everyone. The toll on society can be measured in many ways: through deaths, injuries and disabilities; diminished workforce productivity; increased demands on our health care system, schools, social welfare programs, law enforcement agencies, judicial and corrective systems, and increased violence.

Mr. President, how are we as a community to deal with the harsh reality of drug use? Education is the key. There is a definite correlation between negative attitudes toward drugs and actual drug use.

Education, therefore, is the crucial element in ending the drug abuse cycle for our children and young people before it starts. Prevention activities create an environment where people need not turn to drugs to escape other problems, where we as a community provide opportunities and alternatives to drug abuse, and where drug abuse is neither encouraged nor tolerated.

These goals cannot be achieved by any single group. We need a comprehensive approach to bring together community leaders, parents, teachers, citizens, law enforcement officials, social service providers, and policy makers. A successful prevention program requires public awareness, education, and understanding.

Within my State of Alabama, a number of impressive programs exist where our citizens are working with all segments of the community to create a drug-free Alabama. Many programs act as resources and referral systems and serve as speakers bureaus which match schools and other organizations

with appropriate speakers on substance abuse.

We cannot afford to ignore existing and potential drug abuse in our communities because it is our problem—our responsibility. The war on drugs, like every other war can only be won with everyone pulling their weight.

Additionally, we must recognize that drug use is not confined to young people in certain geographic areas or from particular economic backgrounds. Many young people throughout the country have succumbed to drug use. Thus to break the tide of drug use we must develop comprehensive measures that teach a no-use of drug message, incorporates social responsibility, and provides an alternative to drug use.

Drug abuse is not solely an urban problem. Our rural areas are also touched by the painful and destructive consequences of drug and alcohol abuse. Rural America is home to more than 25 percent of the Nation's population. By virtually every measure rural America is poorer than the Nation as a whole. Thus there is a compelling case for providing additional resources to address the problem of drug use in rural areas. During the coming months I plan to move forward on initiatives that will assist our rural communities in fighting the scourge of drugs.

Mr. President, as a member of the National Commission on Drug-Free Schools, I have been made aware of several significant and successful programs and initiatives. The more I learn, the more I am convinced that the better approach to defeating the scourge of drugs is through building linkages throughout entire communities. We need to combine our efforts to share our expertise and insights. We need to prevent duplication so that we can reach and serve the varying needs of all our citizens.

Each community must become an active participant in the war on drugs. The goal of a drug-free America cannot be achieved by any single group. Drug abuse is everyone's problem and everyone is needed to be part of the solution.

Mr. President, I urge my colleagues to become cosponsors of the joint resolution.

By Mr. SIMON (for himself, Mr. PELL, Mr. METZENBAUM, Mr. DODD, Mr. KENNEDY, and Mr. JEFFORDS):

S.J. Res. 306. Joint resolution to designate the period commencing October 21, 1990, and ending October 27, 1990, as "National Humanities Week"; to the Committee on the Judiciary.

NATIONAL HUMANITIES WEEK

Mr. SIMON. Mr. President, I am pleased to introduce today, in concert with Representative MARY ROSE OAKAR, a joint resolution declaring October 21 to 27 of this year as National Humanities Week. I would like to thank Senator CLAIBORNE PELL, Senator EDWARD KENNEDY, Senator HOWARD METZENBAUM, Senator CHRISTOPHER DODD, and Senator JEFFORDS for joining me as original cosponsors of this joint resolution.

A recent National Endowment for the Humanities study found that two-thirds of American 17-year-olds did not know when the American Civil War occurred. How can we, as a country, expect to compete in a global economy without an understanding of where we've been and what we've accomplished? We must break free from the slavery of ignorance. An understanding of history is essential, if we are to understand and direct the present and plan for the future.

Mr. President, the State Humanities Councils are the bridge to the people from the National Endowment. They provide the resources and the inspiration for Americans to expand their understanding of human experience. I would like to tell you about one paradigmatic project in particular that the Illinois State Humanities Council supported.

The Illinois project is devoted to a subject near and dear to me, to Illinois, and to America—Abraham Lincoln. The project is the Great American People Show [GAPS] in New Salem, IL. GAPS is a wonderful ongoing program that produces original historical dramas concened with Illinois heritage, leaders, and writers featuring Abraham Lincoln. Every year, thousands of people from Illinois and the Nation attend the productions, and many, in fact, plan their summer vacations around the event.

The GAPS project as well as other humanities projects not only entertain, they inspire learning. Many a child's curiosity about their position in the historical scheme of things has been piqued by the dramatization of an historical event, or by an exhibit in a museum. Their interest often leads to a higher sense of self-esteem.

Mr. President, as you know, I have been a strong advocate for education. In the structure of a strong solid education, the study of the humanities is the mortar, locking together core academic disciplines, providing the foundation for a complete and wide understanding of the past, the present, and the future. If America is going to remain a top competitor, then we need to do a better job educating our citizens in the humanities. National Humanities Week will provide the background for a national focus on the importance of the humanities, in addition to celebrating the National Endowment for the Humanities 25th anniversary.

Mr. President, I urge my colleagues to join me in support of National Humanities Week.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. THURMOND, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 34, a bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts.

S. 619

At the request of Mr. SARBANES, the name of the Senator from Florida [Mr. GRAHAM] was added as cosponsor of S. 619, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 670

At the request of Mr. ARMSTRONG, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 670, a bill to recognize the organization know as the Retired Enlisted Association, Inc.

S. 714

At the request of Mr. MCCLURE, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984, through the end of fiscal year 1993.

S. 1860

At the request of Mr. BOREN, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1860, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 2015

At the request of Mr. DODD, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 2015, a bill to amend the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, to apply the same honoraria provisions to Senators and officers and employees of the Senate as apply to Members of the House of Representatives and other officers and employees of the Government, and for other purposes.

S. 2017

At the request of Mr. DOLE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2017, a bill to provide a permanent endowment for the Eisenhower Exchange Fellowship Program.

S. 2044

At the request of Mr. BIDEN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2044, a bill to require tuna products to be labeled respecting the method used to catch the tuna, and for other purposes.

S. 2078

At the request of Mr. WARNER, the names of the Senator from Montana

[Mr. BURNS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Washington [Mr. GORTON], the Senator from Alaska [Mr. STEVENS], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Iowa [Mr. HARKIN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 2078, a bill to recognize the organization known as the Nation Center for Therapeutic Riding.

S. 2111

At the request of Mr. SIMON, the names of the Senator from Illinois [Mr. DIXON] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 2111, a bill designating the month of May as "Asian/Pacific American Heritage Month."

S. 2407

At the request of Mr. BENTSEN, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2407, a bill to amend the Public Health Service Act with the respect to the size of the service areas of qualified organ procurement organizations, and to provide for the establishment of a temporary advisory committee to make certain recommendations with respect to the procurement and transplantation of human organs.

S. 2491

At the request of Mr. PRESSLER, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 2491, a bill to provide a minimum State share for certain housing programs.

SENATE JOINT RESOLUTION 246

At the request of Mr. BOSCHWITZ, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of Senate Joint Resolution 246, a joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

SENATE JOINT RESOLUTION 267

At the request of Mr. THURMOND, the names of the Senator from Ohio [Mr. GLENN], the Senator from California [Mr. CRANSTON], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Joint Resolution 267, a joint resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month."

SENATE JOINT RESOLUTION 271

At the request of Mr. WALLOP, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Iowa [Mr. GRASSLEY], the Senator from Tennessee [Mr. SASSER], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Washington [Mr. GORTON], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Delaware [Mr. ROTH], the Senator from New Mexico [Mr. DOMENICI], the Senator from Arizona [Mr. DECONCINI], the Senator from Alabama [Mr. HEFLIN], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 271, a joint resolution to designate July 10, 1990, as "Wyoming Centennial Day."

SENATE JOINT RESOLUTION 294

At the request of Mr. PELL, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of Senate Joint Resolution 294, a joint resolution to designate May 4, 1990, as "Department of Education Day."

SENATE JOINT RESOLUTION 299

At the request of Mr. JOHNSTON, the names of the Senator from Virginia [Mr. WARNER], the Senator from New York [Mr. D'AMATO], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 299, a joint resolution to designate the period October 1, 1990, through October 1, 1991, as the "Year of the Wetlands."

SENATE CONCURRENT RESOLUTION 112

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Concurrent Resolution 112, a concurrent resolution expressing the sense of the Congress that the United States should seek to obtain an advisory opinion from the International Court of Justice concerning the right of self-determination of the people of Lithuania.

SENATE CONCURRENT RESOLUTION 126—RELATIVE TO AN EXTENSION OF THE BAN ON COMMERCIAL WHALING

Mr. LIEBERMAN (for Mr. PELL, for himself, Mr. LIEBERMAN, Mr. SARBANES, Mr. BIDEN, Mr. BOSCHWITZ, Mr. GORE, Mr. DODD, Mr. CRANSTON, and Mr. KERRY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 126

Whereas whales are a unique marine resource of great esthetic and scientific interest and are a vital part of the marine ecosystem;

Whereas the indefinite moratorium on commercial whale killing adopted by the International Whaling Commission in 1982 to take effect in 1986 is subject to review and reconsideration in 1990;

Whereas this moratorium has not yet resulted in a full cessation of whale killing for commerce;

Whereas there remain great uncertainties as to the true status of whale populations, due to the difficulty of studying them, their slow reproductive rate, and the unpredictability of their recovery even when fully protected;

Whereas whales are subject to grave environmental threats from nonhunting causes such as pollution, loss of habitat, increased shipping, oil and gas exploration, and the use of driftnets and other nonselective fishing techniques, which underscore the need for special safeguards for whale survival;

Whereas the International Whaling Commission has not yet demonstrated its capability for strict and truly international monitoring and enforcement, and for insistence on humane killing methods;

Whereas powerful moral and ethical questions have been raised regarding the killing of whales, for profit; and

Whereas a full decade free of whale killing for commercial purposes is the bare minimum necessary to seek satisfactory answers to the questions, concerns, and uncertainties cited above: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) United States policy should promote the maximum conservation and protection of the world's whale populations;

(2) toward that goal, the United States should work to continue the International Whaling Commission moratorium on the commercial killing of whales and maintain zero catch limits for all whale stocks for at least another decade, that is, to the year 2000 or beyond;

(2) in addition, the United States should work to strengthen the International Whaling Commission as the indispensable organization for safeguarding for future generations the great natural resources represented by the whale stocks, and should encourage the Commission to establish and carry out long-term programs of nonlethal research and comprehensive assessment for all whale stocks on a global basis, including small cetaceans; and

(4) in so promoting the conservation and protection of the world's whale populations, the United States should make the fullest use of diplomatic channels, appropriate domestic and international law, and all other available means.

● Mr. PELL. Mr. President, today along with Senator LIEBERMAN and six other colleagues, I am submitting a concurrent resolution calling for an extension of the moratorium on commercial whaling until the year 2000. At this time, I would like to express my particular thanks to Senator LIEBERMAN who has played a key role in bringing this resolution into being.

Since 1972, U.S. policy has been to achieve a long-term moratorium on commercial whaling. That year, 10 days after the semiannual Stockholm conference on the environment, the United States first proposed a 10-year moratorium on commercial whaling. Unfortunately, the proposal was defeated.

It was only in 1986 that objective of a full moratorium on commercial was achieved.

Now, in 1990, the IWC is preparing to meet to assess the effect of the moratorium on whale stocks and to consider possible modifications to the moratorium.

In my view, this moratorium should be continued for at least another 10 years. Last year, the IWC released a

report indicating that the populations of some whale species are much smaller than previously thought. The decline in the blue whale's population, the Earth's largest animal, was particularly serious, but the population of other species was also found to be far below the expected levels.

Mr. President, in light of these findings, I believe it is crucially important that we continue the moratorium on commercial whaling so as to ensure that this majestic family of animals survives into the 21st century.●

Mr. LIEBERMAN. Mr. President, thank you.

I am proud to rise to join with the senior Senator from Rhode Island, Senator CLAIBORNE PELL, in submitting a concurrent resolution which I have sent to the desk to extend to the year 2000 the international moratorium on the commercial killing of the whales.

Mr. President, timely adoption of this concurrent resolution will send a message to the International Whaling Commission when it meets in June to reconsider the moratorium on the killing of whales which is presently in place. That moratorium, which has been labeled "indefinite," was to give the Whaling Commission 10 years in which to study the world's whale population. By 1990, this year, it was supposed to know whether the cessation of whaling had enabled the whaling population to come back. But according to the New York Times on June 20 of last year a decade-long study by scientists working off the coast of Antarctica found only 453 blue whales in an area where they had expected to find perhaps 10 times that many.

The article goes on to charge that even this figure may be misleading and calls into question some of the methods that have been used to assess our precious world whale population.

To end the moratorium before the International Whaling Commission has gathered the scientific information necessary to determine whether or not commercial whaling is one of the factors pushing whales to the brink of extinction seems to me to be irresponsible.

But there are other reasons to extend this moratorium. The first is that the indefinite status of the moratorium enabled the nations that wanted to kill whales for profit to revisit that issue every year, placing a tremendous drain on those who wanted to be assured that commercial whaling would not place too much of a burden on the whale population.

The second problem is that despite the moratorium, the fact is that the killing of whales has never stopped. Whales are routinely killed for loosely defined scientific reasons and because of a lack of a strong management structure and a lack of enforcement capability by the International Whaling Commission, many killings went on unchecked and in defiance of this moratorium.

Mr. President, this Congress, through the Marine Mammal Protection Act and Endangered Species Act, has already made its views known on the need to protect whales. In the past five American Presidents, Nixon, Ford, Carter, Reagan, and Bush, have all made strong statements in support for whale conservation. The present moratorium is official American policy.

This concurrent resolution therefore would simply lend support to the extension of that policy and it would urge our administration to take a step further, to call for and promote the maximum conservation and protection of whales, to strengthen the International Whaling Commission, and to make use of our powerful diplomatic ties and the appropriate American and international laws to achieve those ends.

Mr. President, this has special significance for us in Connecticut because whaling is an important part of Connecticut's history. One of our State's biggest tourist attractions today is Mystic Seaport which is a reconstructed whaling village that features an actual whaling ship. But that heritage of Connecticut has yielded and given birth to a present-day concern about the health of the world's whale population. That concern was made manifest when our State legislature named the sperm whale as our State animal. The people of Connecticut, some of whose ancestors actually went to sea in search of whales to kill, have now joined ranks with those who want to save one of the greatest of God's creatures.

Personally, Mr. President, I would like to see not a moratorium, or even an extension of a moratorium on the commercial killing of whales. I would like to see a ban, an end, period; no more killing of the world's whales.

It is unconscionable to me that there are still those who persist in killing these great animals for profit. Nevertheless, it seems obvious to me that the decisions we make are only as persuasive as the bases upon which we make them. In this case, therefore, I bow to science as the mediator of our judgment. But I ask in this concurrent resolution that it be true science and that it be given the time and room in which to work, time and room in which we should do all we can to protect the world's whale population.

● Mr. KERRY. Mr. President, I am pleased to be a cosponsor of this concurrent resolution (S. Con. Res. 126) calling for the United States to actively promote an extension of the world moratorium on whaling. I have been a longtime opponent of commercial whaling and believe that this resolution will enhance the global protection and conservation of whale populations.

World whaling is regulated voluntarily through the International Whaling Commission [IWC]. Since its creation, the IWC's objectives have gradually shifted from regulating whale harvests to conserving whale populations. An IWC moratorium on whaling was agreed to in 1982 and went into effect in 1986. Unfortunately, commercial whaling has not stopped. Several nations continue their activities under the guise of scientific research, an activity that is allowed under the moratorium. The moratorium will be reviewed by the IWC this year.

The United States played an integral role in obtaining the IWC moratorium and has actively pushed to restrict lethal scientific research. However, we have not exerted enough pressure on nations to stop whaling, often allowing their activities to continue without proper sanctions.

The resolution that we are introducing today calls for the U.S. Government to take action to extend the IWC moratorium for 10 years and to actively promote the conservation and protection of world whale populations through diplomatic channels and international laws. Let us hope that through these types of efforts, we can put an end to the killing of these unique mammals that we need to protect.

The public's concern for protection of the Earth and its resources is growing. Two weeks ago, 200 million people gathered worldwide on Earth Day to pronounce their desire for environmental protection. In Massachusetts today we are celebrating Whale Awareness Day.

And this week, Mr. President, the first Interparliamentary Conference on the Global Environment was held. Over 200 legislators from 42 countries gathered to define the strategies that parliamentarians should take to protect our global environment. These strategies covered a wide range of problems from global warming to protecting biodiversity. As chair of the Oceans and Water Resources session, I am pleased to report that we identified strengthening the IWC moratorium and reducing whaling under scientific permit as major actions that must be taken.●

AMENDMENTS SUBMITTED

HATCH ACT AMENDMENTS

ROTH AMENDMENT NO. 1576

Mr. ROTH proposed an amendment to the bill (S. 135) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees

from improper political solicitations, and for other purposes, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Office of Personnel Management shall prescribe regulations to clarify and simplify the political activity prohibitions applicable to employees of the Federal Government or the government of the District of Columbia. Such regulations shall supersede determinations regarding political activity made by the Civil Service Commission prior to July 19, 1940, under the rules prescribed by the President, and any subsequent decisions based on such determinations.

"SEC. 2. The provisions of this Act shall take effect on January 1, 1991.".

McCONNELL AMENDMENT NO. 1577

Mr. McCONNELL proposed an amendment to amendment No. 1576 proposed by Mr. ROTH to the bill S. 135, supra, as follows:

On page 2, strike out lines 3 and 4 and insert in lieu thereof:

"SEC. 2. Each agency employing any employee to whom the provisions of subchapter III of chapter 73 of title 5, United States Code, apply shall (in consultation with the Office of Personnel Management, the Office of the Special Counsel established under section 1211 of title 5, United States Code, and any labor organization representing such employees) develop a plan to educate such employees regarding the provisions of the Hatch Act and Federal employees' rights of political activity under the provisions of chapter 73 of title 5, United States Code. Such plan shall be—

"(1) filed no later than two months after the date of the enactment of this Act with the Office of Personnel Management;

"(2) implemented as to new employees immediately after filing; and

"(3) implemented as to existing employees four months after such date of enactment.

"SEC. 3. The provisions of this Act shall take effect on January 1, 1991.".

ROTH AMENDMENT NO. 1578

Mr. ROTH proposed an amendment to amendment No. 1577 proposed by Mr. McCONNELL to amendment No. 1576 proposed by Mr. ROTH to the bill S. 135, supra, as follows:

On page 2, line 14, strike "1" and insert in lieu thereof "2".

GLENN (AND STEVENS) AMENDMENT NO. 1579

Mr. GLENN (for himself and Mr. STEVENS) proposed an amendment to the bill S. 135, supra, as follows:

On page 2, line 4, strike out "1989" and insert in lieu thereof "1990".

On page 4, line 14, strike out "and".

On page 4, insert between lines 14 and 15 the following new subparagraph:

"(B) not a subordinate employee; and

On page 4, line 15, strike out "(B)" and insert in lieu thereof "(C)".

On page 6, line 3, strike out the end quotation marks and the period following the end quotation marks.

On page 6, between lines 3 and 4, insert the following:

"§ 7325. Political activity permitted; employees residing in certain municipalities.

"The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibitions in paragraphs (2) and (3) of section 7323 of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—

"(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

"(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.".

On page 6, at the end of the matter between lines 11 and 12, strike out the end quotation marks and the following period and insert the following before line 12:

"7325. Political activity permitted; employees residing in certain municipalities.".

On page 6, insert after the matter between lines 11 and 12 the following new section:

SEC. 3. AMENDMENT TO CHAPTER 12 OF TITLE 5, UNITED STATES CODE.

Section 1216(c) of title 5, United States Code, is amended to read as follows:

"(c) If the Special Counsel receives an allegation concerning any matter under paragraph (1), (3), (4), or (5) of subsection (a), the Special Counsel may investigate and seek corrective action under section 1214 and disciplinary action under section 1215 in the same way as if a prohibited personnel practice were involved.".

On page 6, line 12, strike out "Sec. 3" and insert in lieu thereof "Sec. 4".

On page 7, line 18, strike out "Sec. 4" and insert in lieu thereof "Sec. 5".

On page 8, line 1, strike out "Sec. 5" and insert in lieu thereof "Sec. 6".

On page 8, line 8, strike out "Sec. 6" and insert in lieu thereof "Sec. 7" and insert in lieu thereof "Sec. 7".

On page 8, line 14, strike out "Sec. 7" and insert in lieu thereof "Sec. 8".

On page 8, line 18, strike out "7327" and insert in lieu thereof "7325".

ROBB (AND OTHERS) AMENDMENT NO. 1580

Mr. GLENN (for Mr. ROBB, for himself, Mr. WARNER, and Mr. BRADLEY) proposed an amendment to the bill S. 135, supra, as follows:

On page 7, after line 11, insert the following:

(c) Chapter 29 of Title 18, United States Code (18 U.S.C. Sec. 592 et seq.), relating to elections and political activities is amended by adding at the end thereof the following new section:

"SEC. 610. COERCION OF POLITICAL ACTIVITY.

"It shall be unlawful for any person to intimidate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce, any employee of the Federal Government as defined in 5 U.S.C. 7322(1), as amended, to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.".

ROTH AMENDMENT NO. 1581

Mr. ROTH proposed an amendment to the bill S. 135, supra, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) chapter 73 of title 5, United States Code, is amended by inserting after section 7328 the following new section:

"§ 7329. Employees serving as president of a national labor organization

"The preceding provisions of this subchapter shall not apply to any employee who, during a leave of absence, serves as the president of a national labor organization under the provisions of chapter 71 of title 5, United States Code (including the president of any national labor organization representing the United States Postal Service).".

(b) The table of sections for chapter 73 of title 5, United States Code, is amended by inserting after the item relating to section 7328 the following:

"7329. Employees serving as president of a national labor organization.".

WILSON AMENDMENT NO. 1582

Mr. WILSON proposed an amendment to the bill S. 135, supra, as follows:

On page 8, strike out line 14 and insert in lieu thereof:

SEC. 7. GENERAL ACCOUNTING OFFICE REPORT ON UNALLOWABLE POLITICAL ACTIVITY.

(a) GENERAL ACCOUNTING OFFICE REPORT.—(1) Beginning one year after the date of the enactment of this Act, and at intervals of one year thereafter for a period of 3 years after such date, the Comptroller General of the United States shall prepare and transmit to the Congress and to the task force established under subsection (b) a report describing the results of a review of the implementation and enforcement of this Act during the preceding 12-month period, for the purpose of determining if employees have—

(A) used official authority or influence for the purpose of interfering with or affecting the result of an election;

(B) knowingly solicited, accepted, or received a political contribution from any person, unless such person is—

(i) a member of the same Federal employee organization; and

(ii) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)) of such Federal employee organization;

(C) engaged in political activity—

(i) while such employees are on duty;

(ii) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

(iii) while wearing a uniform or official insignia identifying the office or position of the employee; or

(iv) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof;

(D) engaged in overt or covert action to coerce one or more other employees to engage in political activities;

(E) rewarded (such as a promotion or pay incentives) one or more other employees for action taken in relation to or participation in political activities;

(F) penalized one or more other employees for such employee's refusal to take action in relation to or participate in political activities; and

(G) used official authority or influence to make or to audit Federal grants, awards, or contracts, to implement a Federal policy, or to administer a Federal program, based upon criteria or procedures that are not provided for under applicable Federal law, rules, or regulations.

(2) In each report, the Comptroller General shall make a specific determination as to whether the implementation of this Act has resulted in a pattern of unallowable political activity in the Federal work force.

(3) If the Comptroller General has determined that such a pattern of unallowable political activity has resulted, the report shall include—

(A) a description of the scope of that activity; and

(B) recommendations for such legislation as may be appropriate to deter or remedy such activity.

(b) REVIEW BY TASK FORCE.—(1) The Attorney General, jointly with the Director of the Office of Personnel Management and the head of the Office of the Special Counsel, shall establish a task force to review each report of the Comptroller General transmitted under subsection (a).

(2) If the report transmitted includes a determination that the implementation of this Act has resulted in a pattern of unallowable political activity, the task force shall, taking into consideration any recommendations in the report, report to Congress recommendations for such legislation as may be appropriate to deter or remedy such discrimination.

(3) The Committee on Post Office and Civil Service of the House of Representatives and the Committee on Governmental Affairs of the Senate shall hold hearings respecting any report of the task force under paragraph (2) within 60 days after the date of receipt of the report.

(c) TERMINATION DATE FOR THE ACT IF REPORT OF UNALLOWABLE POLITICAL ACTIVITY AND CONGRESSIONAL APPROVAL.—The provisions of this Act shall terminate 30 calendar days after receipt of the last report required to be transmitted under subsection (a), if—

(1) the Comptroller General determines, and so reports in such report, that a pattern of unallowable political activity has resulted within the Federal work force; and

(2) there is enacted, within such period of 30 calendar days, a joint resolution stating in substance that the Congress approves the findings of the Comptroller General contained in such report.

(d) EXPEDITED PROCEDURES IN THE SENATE.—(1) For purposes of subsection (c), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the period indicated.

(2) Paragraphs (3) and (4) of this subsection are enacted—

(A) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of joint resolutions referred to in subsection (c), and supersede other rules of the Senate only to the extent that such paragraphs are inconsistent therewith; and

(B) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner as in the case of any other rule of the Senate.

(3)(A) If the committee of the Senate to which has been referred a joint resolution relating to the report described in subsection (c) has not reported such joint resolution at the end of 10 calendar days after its introduction, not counting any day which is excluded under paragraph (4) of this subsection, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other joint resolution introduced with respect to the same report which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same report.

(B) A motion to discharge under subparagraph (A) of this paragraph may be made only by a Senator favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(4)(A) A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a joint resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a joint resolution is in order in the Senate.

SEC. 8. EFFECTIVE DATE.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Public Lands, National Parks, and Forests.

The field hearing will take place May 19, 1990, beginning at 9:30 a.m. and conclude at approximately 12:30 p.m. The hearing will be held in Savannah, GA, at Eichberg Hall in the Central of Georgia Railroad Complex on West Broad Street.

The purpose of the hearing is to receive testimony on the following two measures: S. 1578, to provide for the creation of an independent Historic Preservation Agency and a National Center for Perservation Technology, and for other purposes; and S. 1579, to amend the National Historic Preservation Act, the Historic Sites Act, the Archaeological Resources Protection Act, the Abandoned Shipwreck Act, and certain related acts to strengthen the preservation of our historic heritage and resources and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. It will be necessary to place witnesses on panels and limit the oral testimony to 3 minutes. Witnesses testifying at the hearing are requested to bring 10 copies of their testimony with them on the day of the hearing. Please do not submit testimony in advance. Written statements may be submitted for the hearing record. It is necessary only to provide one copy of any material to be submitted for the Record.

For further information regarding the hearing, please contact Mike Bradford of Senator FOWLER's Atlanta office at (404) 331-0697, or Beth Norcross of the subcommittee staff at (202) 224-7933.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the small business committee will hold a full committee hearing on Wednesday, May 9, 1990, to examine problems in the small business administration's small business investment companies [SBIC] program. The hearing will be held in room 428A of the Russell Senate Office Building and will commence at 9:30 a.m. For further information, please call John Ball, staff director of the committee at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 3, 1990, at 10 a.m. to hold a hearing on the decline of corporate income tax revenues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Wednesday, May 3, 1990, at 10 a.m. to conduct an oversight hearing on modernizing the financial services industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 3, at 2 p.m. to hold a hearing on the environmental agenda for the Houston summit.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 3, 1990, at 9:30 a.m. on NASA aeronautics and space technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, May 3, at 9:30 a.m., for a hearing on the subject: AIDS education for school-aged youth.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet in open session on Thursday, May 3, 1990, at 2 p.m. to receive testimony on ICBM modernization in review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 3, 1990, for a hearing to receive testimony concerning applications received by the Department of Energy for authority under section 3 of the Natural Gas Act to import Canadian Natural Gas to serve markets in the northeastern United States and applications received by the Federal Energy Regulatory Commission for authority under section 7 of the Natural Gas Act to construct and operate natural gas pipeline facilities in the United States to deliver such gas to markets in the northeast.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL COMMUNITY DEVELOPMENT WEEK, 1990

● Mr. LAUTENBERG. Mr. President, the Community Development Block Grant Program is an essential tool in the national effort to improve America's communities. Yet, despite its effectiveness and popularity, the Reagan and Bush administrations have consistently sought to cut funding for CDBG. I have opposed these cuts, and I will continue to do so.

Recently, Mayor Patrick Pasculli of the city of Hoboken, NJ, sent me a copy of a resolution expressing Hoboken's support for the CDBG program. It is an excellent resolution that deserves the serious consideration of my colleagues. I hope they will take the opportunity to read it.

Mr. President, I ask that a copy of the resolution be included in the RECORD at this point.

The resolution follows:

1990 NATIONAL COMMUNITY DEVELOPMENT WEEK RESOLUTION

Whereas the week of April 7-14, 1990, has been designated as National Community Development Week, the City of Hoboken is a participant in the Hudson County Urban County Community Development Program which funds a myriad of social service, economic development and housing programs in the City of Hoboken, and

Whereas the City of Hoboken and in communities throughout the nation, sixteen years of Community Development Block Grant program funding has developed a strong working network of relationships between the City of Hoboken, residents of Community Development target neighborhoods and the many nonprofit agencies which provide services and help make possible our commitment to those neighborhoods, and

Whereas the City of Hoboken recognizes that the Community Development Block Grant program is a partnership of Federal, local government, nonprofit and community efforts, and that the services funded by the Federal CDBG program, administered by the City of Hoboken and often delivered by local nonprofit organizations, relies heavily on the dedication and goodwill of our combined efforts; Therefore be it

Resolved, That during National Community Development Week 1990, the City of Hoboken will give special thanks and recognition to all participants whose hard work and devotion to the neighborhoods and their low and moderate income residents help insure the quality and effectiveness of the Community Development Block Grant program, and be it further

Resolved, That the City of Hoboken along with the service providers and others whose names are appended to this resolution, hereby petition the U.S. Congress and Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant program, its vital importance to the community and to the people who live in its lower income neighborhoods, and be it further

Resolved, That copies of this resolution be conveyed to the appropriate elected and appointed officials in the Federal government and that the City of Hoboken's name and the names of its nonprofit service providers, be added to the roll of those committed to the preservation and full funding of the Community Development Block Grant and maintenance of its essential features over the course of the next Congress.●

JOHN SPARLING, SMALL BUSINESS ADMINISTRATION'S MINNESOTA DISTRICT VETERANS ADVOCATE FOR 1990

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to say a few words about a fine business leader who has devoted many years assisting in the development and growth of small businesses. I am speaking of John Sparling, director of the Small Business Development Center at Pine Technical College in Pine City, MN.

Mr. Sparling has just been chosen as the Small Business Administration's Minnesota District Veterans Advocate of 1990. Throughout his career at Pine Technical College, John has been instrumental in directing efforts for service veterans seeking to be entrepreneurs. In April 1989, he developed and led a veterans conference which was videotaped for use by veterans groups across the State and Nation.

Mr. Sparling espouses the entrepreneurial spirit that is so necessary to establishing and developing a small business. It is through his encouragement and support that many veterans have become small business owners. His commitment to the community is being recognized today as he is chosen as the Small Business Administration's Minnesota District Veterans Advocate of 1990. I congratulate his efforts and wish him continued success.●

THE ANNIVERSARY OF POLISH CONSTITUTION

● Mr. DECONCINI. Mr. President, 199 years ago today, the Polish Parliament adopted its first constitution—one of the first constitutions in Europe. Sadly, that constitution was short lived: Austria, Prussia, and Russia responded to Poland's drive for democracy by partitioning her.

Nevertheless, the justifiable pride of the Polish people in their constitution endured. Throughout years of repression, Poles continued to demonstrate on this anniversary, in remembrance of the democracy they once had, and would someday have again. Today, the hope and endurance of the Polish people lives on. Remarkably, the Poles, who have so little of their own and face serious economic difficulties as they completely restructure their system, have recently begun to organize food and other basic necessities to send to the people of Lithuania.

Against this otherwise positive picture, it is deeply regrettable that West German Chancellor Kohl continues to make statements which lead one to question his commitment to respect Poland's western borders. Even more disturbing, French President Mitterand now seems to be back-tracking on his country commitment. According to the Washington Post last week, President Mitterand suggested that the manner in which the border issue is resolved will be left up to Kohl. Such a suggestion is a departure from France's previous support of Poland and, I believe, counterproductive in the long run.

Mr. President, may I state again for the record: Poland's borders are inviolable and can only be changed by peaceful means. To suggest anything else is to go against the fundamental principles of the Helsinki Final Act. Moreover, Chancellor Kohl's suggestion that West Germany's treaty commitments will not be binding on a reunited Germany undermines all of West Germany's treaty commitments, including its bilateral and multilateral economic obligations and its military commitments within NATO. I urge Chancellor Kohl to put this concern to rest by clearly and unequivocally supporting Poland's current borders.

Matters such as this will not just go away if ignored. If we have not learned this, then we have learned nothing from history. This issue must be addressed squarely and it must be addressed soon, or it may derail the healing which is taking place in Central Europe today.●

RONALD E. SCHMITZ—MINNESOTA SMALL BUSINESS PERSON OF THE YEAR

● Mr. BOSCHWITZ. Mr. President, May 7 through May 13 is Small Business Week. As you know, there are 19 million small businesses whose contribution to our economic well-being is significant. I would like to take this opportunity to say a few words about one fine business leader who has devoted many years assisting in the development and growth of small businesses. I am speaking of Ronald E. Schmitz, president of Ron's Cabinets, Inc., in Sauk Rapids, MN.

Mr. Schmitz has just been chosen as the Small Business Administration's Minnesota Small Business Person of the Year. As president of his 15-year old company, Mr. Schmitz has made significant contributions to the Sauk Rapids community. Mr. Schmitz bought an existing cabinetry shop in 1975, and developed it into a major regional manufacturer of wooden cabinets. He started out with 4 employees and currently employs 55. The growth of his company has been attributed to quality products at competitive prices and complete and timely customer service.

Mr. Schmitz espouses the entrepreneurial spirit that is so necessary to establishing and developing a successful small business. His commitment and contribution to the community is being recognized today as he is chosen as the Small Business Administration's Minnesota Small Business Person of the Year. I congratulate him for his efforts and wish him continued success.●

OPPORTUNITIES IN THE DEFENSE AND SPACE TALKS

● Mr. LUGAR. Mr. President, with so much to consider in current Soviet-American relations, including fast-paced arms control talks like START and CFE, we sometimes overlook the work of our other negotiators in Geneva and Vienna. But these people are doing important work to build a safer world for all of us. Today, I would like to call the attention of my colleagues to emerging opportunities in the defense and space talks underway in Geneva.

Frankly, our defense and space negotiators have a tougher task than many of their colleagues. They are not talking about reducing already existing forces, but about restructuring the future of deterrence in a new and more stable way. It is slow and painstaking work, but the potential payoff is large: The first cooperative transition in the history of United States-Soviet strategic relations.

We are not going to witness such a historic breakthrough in the coming weeks. Still, opportunities which would have been starting just 1 year ago are emerging in the defense and space talks. A U.S. proposal for what are called predictability measures may soon become a reality.

Secrecy is often the most destabilizing aspect of Soviet strategic policy. Openness makes the United States-Soviet strategic relationship more predictable, lessening the prospect of miscalculation and surprise. To shed comparable light on both sides' ballistic missile defense activities, the United States has proposed a set of predictability measures: Annual data exchanges, meetings of experts, briefings, visits to laboratories, observations of tests, and notifications of test satellites.

There is a fair amount of agreement on these measures, but there is still much work to be done. Secretary of State Baker underscored his personal interest in such predictability measures at last fall's Wyoming meetings with Soviet Foreign Minister Shevardnadze when he invited Soviet scientists to visit two United States laboratories conducting SDI research. The Soviet scientists visited laboratories in California and New Mexico last December, and they came to recognize the value of such visits to laboratories as a predictability measure. When the Soviet negotiators returned to Geneva, they accepted this United States proposal.

Just a few weeks ago, U.S. negotiators to the defense and space talks proposed a followup, this time for both sides to run through all the predictability measures for one project on each side. Then, at the recent Washington meetings with Soviet Foreign Minister Shevardnadze, Secretary Baker again took the lead by proposing an early agreement on the full package of predictability measures.

Mr. President, this is not to suggest that there are no problems in the defense and space talks. Nor would I suggest that there are no differences between the two sides on predictability measures. There are. But I would suggest that some rather remarkable opportunities are emerging, and that we should be familiar with them.

Ambassador Dave Smith, who served for several years on the Senate staff, laid out clearly the problems and opportunities in his recent statement to the Geneva Conference on Disarmament. His brief statement provides a thoughtful and informative glimpse into the defense and space talks.

I commend it to my colleagues and ask unanimous consent that it be printed in the RECORD.

The statement follows:

STATEMENT BY AMBASSADOR DAVID J. SMITH

I

Mr. President, I appreciate this opportunity to share with the Conference on Disarmament our perspectives on the Defense and Space negotiations. My predecessor, Ambassador Cooper, spoke with you last August. Since then several positive developments have occurred, although key areas of disagreement remain.

Throughout the five-year history of the Defense and Space Talks the United States has had a consistent objective. We seek to facilitate a cooperative transition to a more

stable deterrence which relies increasingly on nonnuclear defenses against strategic ballistic missiles, should they prove feasible. Today's strategic balance relies almost exclusively on nuclear offensive weapons. Advances in nonnuclear technologies now make it likely that greater reliance on advanced defenses can be combined with stabilizing reductions in strategic offenses to reduce further the risk of war.

To achieve these goals, the United States has a forward-looking approach in the Defense and Space Talks. We seek to assure full testing rights for advanced defensive technologies, as allowed in the 1972 Anti-Ballistic Missile, or ABM Treaty. We seek to free space-based ABM radars and their substitutes from outdated ABM Treaty limits. U.S. proposals would require serious and thorough discussions with the Soviet Union on specific measures for a cooperative transition prior to either Party's future deployment of advanced defenses beyond current ABM Treaty limits. U.S. proposals would also assure deployment rights after those talks. Finally, the United States seeks, through predictability—that is, confidence-building—measures, to avert future technological surprises by encouraging greater openness in both sides' activities in the field of strategic ballistic missile defense.

II

The centerpiece of the U.S. approach is our proposed Defense and Space Treaty, aimed at facilitating a cooperative transition. The U.S. draft, updated last December, retains key understandings reached at the 1987 Washington Summit and takes into account the outcome of the September 1989 Wyoming meeting of Secretary Baker and Foreign Minister Shevardnadze. At that session the Soviet Union dropped its demand for agreement on a period of nonwithdrawal from the ABM Treaty. The Soviet Union also dropped its linkage between signature and implementation of a START Treaty and reaching a new agreement on Defense and Space. The United States welcomed this step.

The U.S. draft Treaty provides for procedures whereby either Party may declare its intent to deploy strategic defenses by giving notice and proposing specific measures for implementing a cooperative transition. The Parties would be required to conduct three years of intensive discussions of the proposed specific measures and the implications for strategic stability. Subsequently, unless agreed otherwise, if a Party decided to commence deployments beyond those allowed by the ABM Treaty, it would have to give a further six months' notice.

This proposed mechanism offers a more stable path for deploying advanced defenses than the current alternative, which is to exercise the supreme interest withdrawal provision of the ABM Treaty. The ABM Treaty permits a Party to withdraw and deploy after only six months' notice. Our proposed new mechanism would help to ensure a meaningful and timely dialogue on how to achieve a stable, cooperative transition.

The revised U.S. draft Treaty also reflects the full rights of the Parties under the ABM Treaty to develop and test advanced space-based ABM systems and components. To build confidence and prevent misperceptions about such testing, the United States offered a Space Testing Assurance in October 1988. It assures the Soviet Union that U.S. space-based ABM testing which is permitted by the ABM Treaty could not constitute a prohibited deployment of defenses. The United States pledged that only from a limited number of ABM Test Satellites would it conduct testing of a component of an ABM system based on other physical principles and capable of substituting for an ABM interceptor missile. Such testing would be to counter a strategic ballistic missile or its elements in flight trajectory. The number of U.S. ABM Test Satellites in orbit simultaneously will not exceed a number well short of that associated with any realistic deployed capability. To build confidence further, the United States has proposed as a predictability measure notifications for launches, tests, changes of orbits, and deorbits of ABM Test Satellites.

The United States has also proposed that both sides be permitted to develop, test, or deploy space-based ABM radars and their substitutes without restriction. This would avoid future definitional and verification problems likely to arise because of advancing space-based technology, and it would encourage the evolution of stabilizing space-based sensors.

Another major concept in the U.S. draft Treaty is ensuring predictability in the development of the U.S.-Soviet strategic relationship in order to reduce the risk of nuclear war. This objective was agreed at the 1987 Washington Summit. In 1988 the United States proposed predictability measures to implement this objective. These measures include annual exchanges of programmatic data, meetings of experts, briefings, visits to laboratories, and observations of tests in the field of strategic ballistic missile defense. These measures would be carried out on a voluntary, reciprocal, and comparable basis. Their purpose is to create a better understanding of each side's ballistic missile defense activities as early as the research stage—years before the appearance of advanced defenses in the field.

At the Wyoming ministerial, Secretary of State Baker began an effort to see whether the areas of agreement on predictability measures could be expanded to become a point of mutual advantage. To stimulate our Soviet colleagues' understanding of the U.S. predictability measure for "visits to laboratories," Secretary Baker offered a first-hand, practical demonstration. He invited a group of Soviet experts to visit two U.S. laboratories conducting SDI research. The visit took place last December and was very successful. Ambassador Youri Nazarkin, who led the group, described the visit as a useful confidence-building measure. The Soviet experts received briefings, saw hardware first-hand, and had an opportunity to ask numerous questions of U.S. scientists conducting the research. The visit was designed both to foster transparency and to stimulate the negotiations on predictability measures. Subsequent to the visit, we were pleased when the Soviet Union accepted the concept of visits to laboratories as a predictability measure.

At the meeting between Secretary Baker and Foreign Minister Shevardnadze in Washington earlier this month, the United States proposed that the two sides agree on predictability measures in the form of a free-standing agreement—not linked to the ABM Treaty. The U.S. draft agreement calls on the Parties to implement the predictability measures outlined above.

To illustrate how such an agreement might work and to inform our negotiations, last month in Geneva the United States proposed reciprocal pilot implementation of the U.S. predictability measures for a single project on each side. The U.S. chose as its project the Infrared Background Signature Survey. We have asked the Soviet Union to select a Soviet project for pilot implementation. The U.S. idea is that the sides should conduct a "try-out" before implementing the free-standing predictability agreement. In this respect the initiative is similar to "try-outs" in other negotiations—the Joint Verification Experiment in the U.S.-Soviet Nuclear Testing Talks, the Verification and Stability Measures in the START negotiations, and the Bilateral Data Exchange and Verification Experiment in the U.S.-Soviet chemical weapons bilateral discussions.

There has been recent and important progress on predictability measures. The sides agree that they should expand and strengthen it. On the remaining issues in our negotiations, much remains to be done to achieve a Defense and Space Treaty that provides for greater stability in the years ahead as new technologies open the way for reducing the threat posed by ballistic missiles. Attaining this goal would contribute to greater security for the entire international community, and be the first cooperative transition in the history of U.S.-Soviet strategic relations.

III

Having spoken about our diplomatic efforts to achieve a cooperative transition to greater reliance on strategic ballistic missile defenses, I thought it would be useful to discuss briefly the U.S. commitment to such defenses and the contributions they could make. On February 7 at the Lawrence Livermore National Laboratory, President Bush stated, "In the 1990s, Strategic defense makes much more sense than ever before. * * *" He added later that day in San Francisco, "Let's be clear: This purely defensive concept doesn't threaten a single person anywhere in the world. God forbid, if it ever had to be used, it would be used against missiles, not against people."

The President's emphasis on the value of defenses is best understood in terms of how they can contribute to international security for the balance of this century and into the next. There are four main reasons why effective defenses can bring about a safer world.

First, preventing nuclear war must remain a fundamental goal. Survivable and effective strategic defenses would strengthen deterrence and reduce the risk of war by significantly complicating the planning and execution of a first strike with strategic offensive forces.

Second, as the United States and the Soviet Union reduce substantially their strategic offensive arms, advanced defenses can play a growing role in ensuring against the consequences of potential abrogation, breakout, and cheating in connection with such reductions.

Third, new threats are emerging against which effective nonnuclear defenses can provide substantial protection. As more countries develop ballistic missiles, along with chemical, biological, and nuclear weapons, threats to the international community will increase.

Fourth, effective defenses can provide protection against accidental or unauthorized launches of ballistic missiles. If such a catastrophic event were ever to occur, the value of defenses in human lives saved would be incalculable.

Taking into account these purposes and their relevance now, the United States is determined to preserve the option to develop and deploy effective, advanced defenses when they are ready, at a measured pace

and in a cooperative way. This is our goal in the Defense and Space Talks.

IV

Mr. President, it has been an honor to appear before the Conference on Disarmament today. I wish you the best for the successful conclusion of the Spring Session, and I hope to have the opportunity to address this body again in the future.

Thank you.●

RETURN ALL HOSTAGES

● Mr. McCONNELL. Mr. President, Robert Polhill and Frank Reed are finally free after having spent a combined period of over 6 years in captivity in the Middle East. I think I speak for all my colleagues—indeed, all of America—in extending a warm and joyous "Welcome Home."

While the nightmarish ordeal is physically over for these men and their families, it is important to keep the remaining hostages in our thoughts and prayers. For them the pain an anguish continues. For them, the dawn of a new day is greeted behind the darkness of a blindfold and the silence of isolation. And their families deeply suffer, Mr. President, these men are husbands, fathers, sons, and brothers.

We must continue to work for the release of the remaining hostages. The goodwill and cooperation of Syria and Iran is vital to this end. America remembers: William Buckley, March 16, 1984; Terry Anderson, March 16, 1985; Thomas Sutherland, June 9, 1985; Joseph Cicippio, September 12, 1986; Edwin Tracy, October 21, 1986; Alann Steen, January 24, 1987; Jesse Turner, January 24, 1987; and William Higgins, February 18, 1988.

My colleagues will take note, Mr. President, that I make specific mention of William Buckley and Rich Higgins. These men were reportedly murdered by their captors, and continue to be held hostage—even in death. We must keep them foremost in mind in working for the return of all our hostages. Let us remember, the pain and suffering their families endure is eternal.●

COMMENDING THE SPIRIT OF VOLUNTARISM OF MONTICELLO, MN

● Mr. BOSCHWITZ. Mr. President, I rise today to recognize the efforts a small town in Minnesota is making to build a community playground. For the next 5 days, the good people of Monticello, MN, will unselfishly pool their talents, time, and resources to construct the exciting Pinewood community playground.

The result of this all-volunteer project will be a 15,000-square-foot wooden play structure. The project truly encompasses the entire community, no matter if the person is young or old, male or female, able bodied or disabled. The project encourages community involvement of all levels. People say that a project such as this is like the old-fashioned barn raisings that proliferated across the landscape of our great land, as symbols of cooperation and good will toward one's neighbor. I am encouraged that this spirit still exists.

Mr. President, one of the most important features of this playground is that it will be totally accessible to children with disabilities. Over 70 percent of the structure will be wheelchair accessible. The architect has constructed six such play structures across the country. The Pinewood community playground will be the most accessible play area in the Upper Midwest. Able bodied and disabled youths can now play side by side.

Mr. President, I am proud to represent in the Senate a community that so exemplifies the spirit of voluntarism. The Pinewood community playground is truly a "point of light." I hope that other communities in our great land will be inspired to follow the example set by the good people of Monticello, MN.●

TRIBUTE TO STATE REPRESENTATIVE FLOYD CLACK

● Mr. RIEGLE. Mr. President, I rise today to pay tribute to State Representative Floyd Clack, who represents the 80th District of Michigan, including a portion of Flint, my hometown.

Representative Clack's talents and dedication have already earned numerous awards and commendations from numerous groups including: the Michigan Education Association, the Metropolitan Chamber of Commerce, the Flint Urban League, the Flint NAACP, the Genessee County Action Agency, and the city of Flint. On May 7, 1990, the citizens of Flint and Genessee Counties will again honor Representative Clack with a special tribute in recognition of his contributions to the community and his achievements as a legislator.

Representative Clack holds a B.S. degree from Texas Southern University and a masters from Eastern Michigan University. Over the years, he has taught in the Houston public schools, the Federal Government Job Corps Center in Wisconsin, and has dedicated 16 years to the Flint Community School System where he taught law, African-American history, government, and consumer economics. Additionally, he has served as president and vice president of the Flint branch of the NAACP, and as president and vice president of the Flint City Council. In 1980, the people of the 80th District elected Floyd Clack to represent them in Michigan's House of Representatives.

Representative Clack's background and employment history display a consistent commitment to community service and also highlight the importance he places on education. These experiences and community involvements have allowed Representative Clack to know his community's needs on a personal and intimate level and have prevented him from becoming the type of legislator who operates from an ivory tower.

One example that comes to mind is Representative Clack's recent work to develop policies to address the social and economic problems confronting the African-American community. Statistics indicate that African-American males comprise 17 percent of the unemployed and 58 percent of the prison population but only 2 percent of the student population at State universities and 3 percent of public colleges enrollment. In response to these disturbing figures, Representative Clack sponsored a resolution which calls for the creation of a commission to study the problems faced by African-American males in Michigan and to make recommendations to the legislature on how to alleviate these problems. This commission would pay particular attention to issues of employment, education, health, and the criminal justice system. Along with recommending new legislative action, the commission would identify existing State, Federal, and local programs that address problems and solutions for the targeted population. This resolution recently passed the Michigan House of Representatives.

In recognition of these and other contributions, I am proud to join family, friends, and constituents in paying tribute to Michigan's State Representative Floyd Clack.●

THE YEAR OF THE AIRBORNE

● Mr. ROBB. Mr. President, the 82d Airborne Division has played a distinguished role in American military history since its founding at Fort Benning, GA, on June 1, 1940. In recognition of 50 years of patriotism and courage of the men of the airborne forces, including the distinguished senior Senator from South Carolina, Virginia's Governor, L. Douglas Wilder, has declared 1990 as "the Year of the Airborne" in Virginia.

Mr. President, I ask that the certificate of recognition signed by Governor Wilder on March 22 of this year be printed in the RECORD.

The certificate follows:

CERTIFICATE OF RECOGNITION

By virtue of the authority vested by the Constitution in the Governor of the Commonwealth of Virginia, there is hereby officially recognized "The Year of the Airborne."

Whereas, the Airborne Forces of the United States Army, composed of the most daring, intrepid, and courageous warriors in the world, was born June 1, 1940 at Fort

Benning, Georgia, by the formation of the original Parachute Test Platoon; and

Whereas, the Airborne Forces were composed of men who parachuted into enemy territory or were transported by gliders into conflict to do battle with the forces of aggression; and

Whereas, many of the original Airborne Forces were trained and developed in camps and training sites in the Commonwealth of Virginia; and

Whereas, Virginians volunteered for the Airborne Forces and these veterans still observe their airborne traditions through their organizations and the many active Airborne Units in Virginia; and

Whereas, men from the Commonwealth in the prime of their life, voluntarily served in the Airborne Forces with pride and gallantry; and

Whereas, to honor 50 years of continuous performance of the Airborne Forces of the United States and to recognize their perseverance, patriotism, and selfless dedication to the ideals of freedom;

Now, therefore, I, Lawrence Douglas Wilder, Governor, do hereby recognize 1990 as "the Year of the Airborne" in Virginia and call its significance to the attention of all our citizens.●

SOUTHERN ILLINOIS SETS THE PACE IN TREE PLANTING

● Mr. SIMON. Mr. President, I would like to bring to the attention of my colleagues an environmental project in and around Carbondale, IL, that offers a good example to other communities.

For the second year in a row, the Southern Illinoisan newspaper and a dedicated corps of volunteers have distributed, free of charge, thousands of young trees for planting throughout the area. This year, distribution sites were set up in 10 communities to distribute 20,000 trees. Hundreds of people showed up and all the trees were distributed, most of them inside of an hour. The project was so successful that the newspaper has tripled the scope of its project, and another 40,000 trees will be given away May 5.

Carbondale, with a population of about 30,000, is one of the Nation's most livable cities. It has received the All-America City Award, and there's always been a strong sense of community spirit and community pride in Carbondale and nearby communities. So let us put this tree-planting project in perspective. In a similar effort, the city of Houston recently gave away 15,000 trees and the city of Dallas gave away 5,000 trees. Some may think things are bigger in Texas. Not in this case. When it comes to tree planting, things are bigger in southern Illinois.

There are many reasons, in both practical and symbolic terms, why large-scale tree-planting projects like this warrant attention and emulation.

As we all know, trees—even entire forests—are being cut down worldwide at a much faster rate than they are being replaced. Southern Illinoisans have particular appreciation for the importance of trees and forests. We are home to the Shawnee National Forest, one of our State's great natural assets and attractions. We know that forests are part of our heritage that we want to pass to future generations.

Trees produce much of the oxygen we breathe. Trees also significantly reduce the levels of carbon dioxide and other air pollutants. In urban settings, trees also perform conservation and cost-saving roles. Trees can cut home energy costs by 10 to 50 percent. And trees stabilize the soil, conserving both water and topsoil, two or our Nation's most valuable resources.

Tree planting has brought stunning changes to the natural character of man-made environments. The annual cherry blossom ritual in the Nation's Capital is an example.

The Simon family lives near Carbondale, in the village of Makanda. We have a family custom of planting a tree each election day. That way we always know that, whatever the election result, something good, something tangable, something constructive, something lasting, will emerge from that day. There's a special satisfaction afterward in watching those trees grow and blossom and become part and parcel of the southern Illinois soil. "I planted that," I say to myself. I'm sure those same feelings will be shared by the thousands of families in southern Illinois who have planted trees this year. Those trees will provide that some kind of satisfaction for years to come.

As I talk with people in town meetings, I have the sense that many yearn to find out more about what they can do, as families and as individuals, to make a difference in improving the environment. That depth of feeling is new. The Southern Illinoisan tree planting project has provided one answer, and it's being met with enormous enthusiasm. It seems to me that an annual custom is being born in southern Illinois. I hope so.

Earth Day was an idea born in the United States, but that day and what it stands for has become an overarching cause that not only unites all Americans but all the people of the world. Citizens of 141 nations participated in Earth Day activities like tree planting.

We are proud of southern Illinois' ambitious venture into tree planting, and we hope it will be an example to other communities. You don't have to be a sprawling metropolis to make a difference for the environment.

The spirit of Earth Day will live on in southern Illinois in part through the thousands of new trees that will take root this year, further gracing one of Illinois' most beautiful regions and improving the quality of life in a variety of ways for thousands of families.●

HUMAN RIGHTS IN YUGOSLAVIA

Mr. RIEGLE. Mr. President, on April 24, the Congressional Human Rights Caucus held a hearing focusing on human rights in Yugoslavia. I was pleased to participate in that hearing and to offer my support to those fighting for human rights in that country, particularly Mr. Dobroslav Paraga.

In testimony presented at the hearing, Mr. Paraga asserted that "Yugoslavia, without pause, continues to trample fundamental human rights and freedoms as they are drawn in the Helsinki Accords and the Universal Declarations of the Rights of Man."

More than 8 months ago, the Senate unanimously adopted Senate Resolution 169, which I submitted, calling for greater respect for human rights in Yugoslavia and commending the work of Mr. Paraga. Congressman WILLIAM BROOMFIELD then submitted identical legislation, House Resolution 240, in the House.

Mr. President, the negative reaction of not only the Yugoslav Government, but, even more disturbing, of our own State Department, to these resolutions, has raised serious questions about the commitment of our Government to supporting respect for fundamental human rights around the globe.

The Congress must resist efforts by the administration to shift the burden of guilt away from the offending government and onto individuals, such as Mr. Paraga, who are simply seeking to practice, and to guarantee for others, fundamental human rights.

Mr. President, last week's Human Rights Caucus hearing made a vital contribution to that effort. I congratulate the caucus chairmen, Congressman TOM LANTOS and Congressman JOHN PORTER, and all members of the caucus for their fine work, and I ask that the text of Mr. Paraga's testimony be printed in full at this point in the RECORD.

The testimony follows:

Dear Members of the Congressional Human Rights Caucus and Members of the Senate:

I, Croatian activist for Human Rights, along with my friends and associates, struggle for a small piece of the freedom and democracy that your citizens in the United States of America enjoy every day.

In many parts of the Yugoslavian Federal country the state of human rights is akin to being in the middle ages, Ethnic Albanians in the south are even more oppressed than Croatians are in the north. Albanians constitute 10 percent of the total population of Yugoslavia, yet they bear as much as 80 percent of the total number of political prisoners.

On the eve of this hearing the Yugoslavian administration fearing this gathering in the U.S. Congress has put a halt to its incredible actions in the Kosovo region, but countless victims and political prisoners remain. One of these Juraj Pilko has just written on his treatment from his jail cell in

Stara Gradiska where he is enduring 6 years of incarceration for sending 6 letters to foreign destinations.

Following S. Res. 169, dated August 4th 1989, and sponsored by Michigan Senator Donald Riegle, the first ever resolution related to Yugoslavia and condemning the trampling of human rights in Yugolslavia, their administration promised to implement a multi-party system which has still not been carried out in 4 out of a total of 6 republics.

Upon Rep. William Broomfield's introduction in Congress of H. Res. 240 for protection of human rights in my country, and during which time he simultaneously sent home visiting Yugoslavian Prime Minister Markovic, who was looking for a handout, emply-handed, the Yugoslavian Secretary of State requested in the Croatian Assembly complete amnesty for political prisoners, a request which not only has been set aside but, in direct contradiction to it, the number of political prisoners rose significantly.

Last week just prior to the very beginning of this hearing, the Yugoslavian administration reached a decision to pardon 108 political prisoners. Among those pardoned is the well-known Albanian writer Adem Demaqi who has spent a total of 29 years incarcerated for the sole reason of having founded one of that regime's impermissible opposition parties. Demaqi was in fact released from prison two days ago into what amounts to be house arrest, as evidenced by the presence of the special forces of the police and the dispersal of the throngs of well-wishers welcoming him home by threats of open fire upon them if they didn't disperse within 20 minutes.

In the meantime thousands of others, not as well-known as Demaqi, remained incarcerated. Likewise in 1977 prior to the conference on European Security and Collaboration in Belgrade, the authorities announced the pardon of 763 political prisoners, of which in reality 26 were released. Among those released was the well-known dissident Mihajlo Mihajlov, who is present here among us today.

In Yugoslavia, moreover, the political police responsible for persecuting millions of the population, for physically liquidating its political opponents, and who perpetuate this reign of terror, have never been disbanded. The secret police is, to this day, the instrument of repression because of its protection of the Communist party and its monopoly on power.

The pinnacle of this kind of manipulative reign is represented by their choice for the President of the Electoral Commission for the first multi-party elections in Croatia in 51 years, which were held 2 days ago. Mr. Milko Gajski, President of the Electoral Commission and now also president of the Supreme Court of Croatia, is directly responsible for my maltreatment in the investigative jail in Zagreb. He is responsible for the torture and death of my friend Ernest Brajder in the same jail, for the hundreds and hundreds of rigged political processes as well as electric shock treatment tortures. He had been the president of the District Court for 20 years in which this jail and torture chamber are located. Just because of this unacceptable fact the conducted multi-party elections in Croatia could not have been orderly or legitimate.

Recently, in Zagreb, I was personally elected by secret ballot, and coincidentally without my presence, into the innermost leadership of one of the newly created political parties in Croatia. Meanwhile according to the regulations governing the organization of parties, I am prohibited from assuming my duties because I presently am under a political sentence, exiled from Croatia to neighboring Slovenia.

Even though the presidents of the Human Rights Caucus, Rep. Tom Lantos and Rep. John Porter on October 26, 1989 wrote the president of the Federal Yugoslavian government, A. Markovic, to ensure respect for human rights and to allow for the investigation of the mysterious death of Ernest Brajder who died in custody in 1980, Markovic, to this day, has not done this, and, furthermore against myself he has not set aside the court sentence of jail and prohibition of public appearances. But then Markovic during his visit to Washington, when addressing members of the Foreign Affairs Committee, declined any kind of guarantees for my undisturbed return to my homeland.

This past month I sent to the address of everyone of the approximately 190 members of this respected caucus photographs and names of the innocent Yugoslavian citizens killed in February of this year, whose only crime was to be on the streets demanding the establishment of a multi-party system and free elections.

Yugoslavia has not at all resolved its problems of respecting basic human rights nor its problem of respecting the equality and national sovereignty of the small nations which, whether they wanted to or didn't want to, reside within her. By this behavior Yugoslavia, without pause, continues to trample fundamental human rights and freedoms as they are drawn in the Helsinki Accords and universal declarations of the rights of man.

While in my country I am forbidden to speak, sentenced to silence. Here in the American Human Rights Caucus and your Senate, you have made it possible for me to speak openly and publicly, welcoming me and all people who dream of freedom and justice in the jails of Yugoslavia. The Human Rights Caucus and the Senate of the United States of America are magnificent examples of how the American nations defends the freedom of the small nameless man as well as the freedom of enslaved nations.

H. Res. 240, introduced by Rep. William Broomfield, is necessary and indispensable because the governing body of Yugoslavia only comprehends this kind of language and also because Yugoslavia, as opposed to the Soviet Union, is completely dependent for its survival upon the economic aid of the United States and the West.

Some members of Congress and some of the administration of the State Department oppose this resolution and unintentionally prolong the continuation of dictatorship in Yugoslavia. From this spot I invite them to a higher understanding to help H. Res. 240 through the election because the path to freedom and justice cannot be stopped by anyone.

Therefore, I am hopeful in the name of all those oppressed and thirsty for respect and human rights that H. Res. 240 will be adopted by you on the floor and that the opposition against it will cease in the subcommittee for Europe and the Middle East.

I would aslo like to express my deepest respect and gratitude to the Human Rights Caucus, particularly to Tom Lantos, William Broomfield, John Porter and William Lipinski and to the Senate of the United States of America, particularly Donald Riegle, Carl Levin, Paul Simon, Alan Dixon, Jesse Helms, John Chafee, and Edward Kennedy for this day today and for all that you have done and are doing for freedom and the defense of the persecuted and humiliated in my homeland and the whole world. Thank you, God Bless America.—Dobroslav Paraga.●

VOTERS PROPOSE TO PUT A LID ON THEIR REPRESENTATIVES

● Mr. HUMPHREY. Mr. President, I would like to share an article from the Sunday New York Times of April 29, 1990, entitled "Voters Propose To Put a Lid on Their Representatives." The article provides a comprehensive report on the term limitation movement to date.

Term limitation is exactly that—a movement. Most legislators will not act except to oppose it, in spite of the fact that Gallup has reported a 70 percent public approval of the idea. Therefore, the public is beginning to take matters into its own hands. The article points out that a number of grassroots groups are marshalling the strong public support for limitation of State and Federal legislators.

The article further cites that State legislators in 16 States will act on resolutions petitioning Congress to adopt a term limitation constitutional amendment. In over 20 States such resolutions have been introduced or requested for introduction.

The air in Congress has grown stale with careerism. Members have manipulated the system to guarantee the seats they occupy. Mr. President, it is time for a fresh breeze to blow the cobwebs out of Congress. It is time for term limitation.

I ask that the article "Voters Propose To Put a Lid on Their Representatives" be inserted into the RECORD immediately following my remarks.

The article follows:

[From the New York Times, Apr. 29, 1990]

VOTERS PROPOSE TO PUT A LID ON THEIR REPRESENTATIVES

(By Robert Reinhold)

LOS ANGELES.—Yet another trend is swelling up from California, and this one is unlikely to make lawmakers anywhere very happy. Since it has become almost impossible to throw the rascals out, a movement is gathering steam in California and elsewhere to shut them out—by limiting the time any legislator can hold the same office.

The issue is showing the same popular appeal as the grass-roots tax revolt of a dozen years ago that swept east from California. Signatures are being gathered now to put two initiatives on the November ballot to limit terms in the state legislature, and they are finding support in both conservative and liberal quarters. Similar efforts are under way in Colorado and Oklahoma, where voters can also make law directly by ballot. Meanwhile, three national groups are pushing for a constitutional amendment to limit members of Congress to 12 years.

Numerous steps have been taken at all levels of government in recent years to impose-limits on outside income, revamp

campaign financing and otherwise police legislators. But limiting the number of terms represents the starkest approach. "Most other remedies are moderate and perhaps palliative," said Alan Rosenthal, director of the Eagleton Institute of Politics at Rutgers University. "But limiting terms gets right to the core of the system. People want to stay in. They like it."

Twenty-nine states limit the terms of their governors and other top officeholders, and Virginia and Kentucky allow only one term for statewide elected office. But no state imposes any limit on legislators.

Legislators do tend to stay. The average tenure in the California Senate is 17 years. In New York, Senate terms average 11 to 12 years. Assembly terms 8 to 9.

THOSE WHO SERVE, AND SERVE, AND SERVE

[Senior Congressmen in the House of Representatives]

	Consecutive 2-year terms
Jamie L. Whitten (D-Miss.)	25
Charles E. Bennett (D-Fla.)	21
Jack Brooks (D-Tex.)	19
William H. Natcher (D-Ky.)	19
John D. Dingell (D-Mich.)	18
Dante B. Fascell (D-Fla.)	18
William S. Broomfield (R-Mich.)	17
Robert H. Michel (R-Ill.)	17
Silvio O. Conte (R-Mass.)	16
Robert W. Kastenmeier (D-Wis.)	16
Dan Rostenkowski (D-Ill.)	16
Neal Smith (D-Iowa)	16
Henry B. Gonzalez (D-Tex.)	15
Morris K. Udall (D-Ariz.)	15
Don Edwards (D-Calif.)	14
Sam M. Gibbons (D-Fla.)	14
Augustus F. Hawkins (D-Calif.)	14
Frank Horton (R-N.Y.)	14
Joseph M. McDade (R-Pa.)	14
J.J. Pickle (D-Tex.)	14
James H. Quillen (R-Tenn.)	14
Edward R. Roybal (D-Calif.)	14

Source: Congressional Research Service

In Washington, too, incumbency is its own reward; in the United States House of Representatives, 98.5 percent of incumbents who ran in 1988 were re-elected, as were 86 percent in the Senate.

Critics say this has produced a class of career officeholders who have cloaked themselves with formidable advantages of incumbency, lost touch with the people they serve and, in some cases, sunk into cynical corruption. The California Legislature is all but paralyzed in dealing with the state's problems and is mired in a vote-selling scandal. Julian Palmer, executive director of New York State Common Cause asserts that in New York more incumbents have been indicted than lost re-election in recent years.

"The good people of this state are saying we have had enough," said John Vernon of Operation New Broom, which is gathering signatures for one of the California initiatives, the conservative-backed Political Reform Act of 1990. It would limit state senators to two four-year terms and Assembly members to three two-year terms. "We are tired of having no access to decision-making in Sacramento," Mr. Vernon said. "This would be a citizen-legislator who serves a few terms and then goes back to live in his community. I would change the dynamics of the political process."

Polls suggest that despite their habit of re-electing officials, people would like the system to change. A New York Times/CBS News Poll released this month found that limits on Congressional terms were favored by 61 percent of the respondents—Democrats and Republicans, liberals and conservatives, whites and blacks, men and women alike. Polls in California asking about the state legislature have produced even larger margins.

The two initiatives circulating in California differ in significiant ways. One comes from Attorney General John K. Van de Kamp, who has made his "Clean Government Act" initiative a keystone of his campaign for the Democratic gubernatorial nomination. Among other things, it would limit legislators to twelve consecutive years—senators to three terms and Assembly members to six—and the Governor to two terms, or eight years.

The other proposal, from the conservative National Tax Limitation Committee, would impose much tighter limits. Its backers say the Van de Kamp measure is weak because it would start the 12-year clock this year, meaning that no incumbent would be forced out before the year 2002.

In Oklahoma, a group called Oklahomans for Legislative Reform hopes to put a measure on the ballot in August to limit legislators to 12 cumulative years. In Colorado, where the state Senate in February rejected term limits, Coloradans Back in Charge is circulating petitions to put a voter initiative on the November ballot limiting service to two consecutive terms.

Nationally, Americans to Limit Congressional Terms has begun a campaign for a constitutional amendment to limit Senators to two consecutive terms and representatives to six. The legislatures in South Dakota and Utah passed resolutions calling for such an amendment, and 16 other states are expected to consider it this year.

All of this makes the average political scientist and even many in Common Cause a little uneasy. Prof. Alvin D. Sokolow, an expert on California government at the University of California, Davis, argues that term limits are an "artificial device, overkill" that would deprive the public of able senior officials. Professor Sokolow, like Mr. Palmer of New York Common Cause, said the better approach is to tighten campaign spending limits, prevent incumbents from redrawing their districts after the census and scale back free mailing privileges, all of which would give newcomers a better shot.

Not unexpectedly the ballot proposals are unpopular in Sacramento. John Vasconcellos, a Democratic Assemblyman from San Jose and Chairman of the select committee on ethics, calls them "simple-minded." Mr. Vasconcellos, who has been in office for 24 years, has said, "I don't have to dump my dentist or my doctor or my car mechanic just because they've been around too long."●

COMPUTER SOFTWARE RENTAL AMENDMENTS ACT OF 1989

● Mr. GORTON. Mr. President, as an original cosponsor of S. 198, the Computer Software Rental Amendments Act of 1989, I am pleased that this legislation passed the Senate. I strongly support it. The computer software industry is an important and dynamic one in this country, and it is incumbent on Congress to create a legal environment under which it can continue to flourish and sustain a world leadership position.

I would like to specifically address one area of concern, however, with regard to the exclusion of video games from the protection of this legislation. Video games are computer software which can be offered to the consumer in either discs or cartridges. The same effort goes into the development of the software, and the capital costs and the risks are the same. Under this bill, identical copyrighted games can be rented if they are in the cartridge format, and cannot without the copyright owner's approval if they are in the disc format. I think that both formats should be treated the same.

For example, Nintendo cartridges are available in almost every video rental store in America. Software for Nintendo is developed not only by the company itself, but also by many small independent companies who are licensees of Nintendo. As is the nature of computer game development, many of these licensees are small startups who risk their entire future on the development of video games. If they don't sell, these firms don't stay in business. Of course, Nintendo, itself, can spend millions before developing a video game that people like.

Clearly, sales of video cartridges are reduced by the practice of video rental outlets offering game cartridges. A single cartridge can be rented hundreds of times. I don't have a problem with consumers being able to rent these game cartridges, however, the copyright owner should at least receive some commercial benefit from the rental. Currently, the copyright owner receives no return whatsoever from these rentals, except from the original sale. I have heard from these developers who believe they should be afforded the same protection with regard to rental as other software developers, and I agree.

I understand that there would be no difference in treatment for video game cartridges if there were more of the cartridge copying technology in America that is now rampant abroad. Well, copying technology is already being demonstrated at U.S. trade shows, and some Senators have seen similar demonstrations of these cartridge copying machines. Cartridges are copied all over the Far East with this technology. It is not fully logical to me that we do not now address an inevitable problem.

As this bill stands as passed by the Senate, it looks like Congress is penalizing companies, like Nintendo, which have developed technology that makes it more difficult to illegally copy their product. Simply put, Nintendo successfully created a security system for its product, while software developers who utilize the disc format have been substantially unsuccessful. My preference would be to protect the intellectual property of all software producers, whether enclosing their technology in disc or cartridge.

Nintendo has suggested that a fair compromise in S. 198 would be a delay in rental of game cartridges for 1 year. This is an eminently reasonable position. In fact, this concept exists with regard to the motion picture industry; consumers cannot rent movies at video stores for a period of time after they are released, giving motion picture studios a chance to receive a return on their investment through theater showings and the sale of broadcast and cable rights.

The committee report notes that it will "carefully monitor developments in this industry to determine if modifications in the act are appropriate" with regard to video games. I am quite sure that in the near future we will look back with a sorrow that we didn't exercise the slightest bit of foresight to include computer data in cartridges under the Computer Software Rental Amendments Act. I only hope that the industry survives the loss of development costs while we take a wait and see approach.●

REFORMULATED GASOLINE

● Mr. DASCHLE. Mr. President, as the Clean Air Act debate shifts to the House of Representatives, I would like to take this opportunity to share with my colleagues some interesting information that recently has been made available on gasoline quality and, in particular, the need to reformulate gasoline.

I first would like to ask that the text of an April 13, 1990, article from the Washington Post entitled, "The Gassing of America," be inserted into the RECORD. The article, written by Francesca Lyman, gives an excellent analysis of the problem of increasing gasoline toxicity. In that article, Ms. Lyman documents the serious environmental and health effects caused by petroleum fuel and discusses how efforts to change the composition of gasoline can mitigate these effects while improving motor vehicle performance.

The second piece of information that I would like to share with my colleagues is an article from the trade publication Oxy-Fuel News, which I ask be printed in the RECORD. The article reports on the recent 26th automotive/petroleum forum in Dearborn, MI. Of particular interest are remarks made by Mr. Joseph M. Colucci, director of the Fuels and Lubricants Research Division of General Motors Corp. In his address to the forum, Mr. Colucci put foward what the Nation's largest automaker considers to be the optimal specifications for a reformulated gasoline. Two of these specifications bear special note: A 25 volume percent cap on aromatics, with no more than 0.8 percent benzene, and an oxygen content of at least, and I stress at least, 2.5 weight percent oxygen.

At this time, our colleagues in the House of Representatives are being subjected to a ferocious lobbying campaign against reformulated gasoline being orchestrated by the oil industry. Central to that campaign is a well-defined sense of that industry's self-interest and an attendant refusal to acknowledge the increased toxiciy of gasoline and the human health threat it has wrought. The information I offer today will help set the record straight.

The articles follow:

[From the Washington Post, Apr. 13, 1990]

ENVIRONMENT: THE GASSING OF AMERICA

(By Francesca Lyman)

Driving a car, to judge from the fantasies presented in television commercials, takes us closer to a state of nature than a trip to a misty mountain peak or a deserted stretch of canyon. Yet the driving privilege, more often than not, can be a far from nontoxic experience, offering us a seat on a congested stretch of freeway or a place on line at the self-serve pump.

Just how toxic cars really are is beginning to emerge from the smoke left behind the last round of debates on the Clean Air Act. New studies portray automobile emissions as playing a bigger role in toxic air pollution and cancer than was earlier thought.

Most people, when they think of toxic chemicals, imagine them spewing out of plants and factories," says Dick Wilson, who heads the Environmental Protection Agency's (EPA) mobile source pollution division. "But it turns out that over half of the cancer incidence is caused by air pollution coming from cars." An analysis by EPA of toxic air pollution reveals that motor vehicles contribute more than 56 percent of the cancer incidence due to toxic chemicals.

Besides adding toxic chemicals to the atmosphere, petroleum fuel contributes more than half the carbon monoxide that pollutes the air (a source of heart problems, among other illnesses), a third of the nitrous oxides and a quarter of the hydrocarbons (both of which form smog and lead to respiratory illnesses), and nearly a third of the carbon dioxide (a leading contributor to global warming).

Just this week, the traffic congestion around the District was named as the possible culprit in an incident involving students who became ill. The group was on its way back to Kentucky when several students had to be treated at a Virginia hospital for weakness, shortness of breath and nausea. They were found to have elevated levels of carbon monoxide in their blood.

New-car technology has greatly cleaned up tailpipe emissions during the last 20 years, but fuels have gotten dirtier. "Cars with catalytic converters are 99 percent cleaner than in 1970," says Counselor to the President C. Boyden Gray, a major supporter of alternative fuels as a clean-air strategy. "But gasoline is far dirtier than in 1970. It doesn't have lead but it is dirtier for aromatics."

Most unleaded gasoline made today contains as much as 35 percent aromatic hydrocarbon compounds, including such hazardous chemicals as benzene, toluene, and xylene (known in the trade as "BTX"). Benzene, a component of crude oil and a product of the refining process, is a known carcinogen. Toluene and xylene mix during combustion to form more benzene.

While most people think of unleaded gasoline as an environmentally more benign fuel, it actually is a mixed blessing. Unleaded gas contains no lead, thus eliminating the hazards of neurotoxic illnesses and brain damage, especially for children. But the major oil companies have replaced lead with octane enhancers potentially far worse. So, says David Lindahl, director of the Department of Energy's alcohol fuels program, we may have traded "less mental retardation for more cancers."

America's thirst for high-octane gas has spurred more and more BTX being added to fuel blends, especially premium blends. Because the government failed to regulate BTX emissions after it forced oil companies to phase out lead emissions, Big Oil invested heavily in technology that would replace the octane loss with increased BTX in the nation's gasoline pool.

Since the lead phase-down more than 10 years ago, aromatic hydrocarbons in gasoline have increased dramatically. According to statistics from HyOx, Inc., a Fallbrook, Calif., independent consulting firm that specializes in analyzing oil refinery operations and composition of fuel, aromatics in the U.S. gasoline pool have gone up from an average of 22 percent of gasoline content in the late 1970s to an average of 33 percent in 1990. Some premium, high-octane blends have been found to contain more than 50 percent aromatic hydrocarbons.

When these aromatic chemicals are burned in car engines, they not only emit carcinogens and toxics into the air but highly volatile, photo-reactive chemicals that contribute to urban smog as well. According to statistics prepared by Safer Air Through Fuel Enhancement and Reformulation ("SAFER"), an ad hoc group composed of alternative fuel supporters, farm groups and environmentalists, gasoline with a 35 percent aromatic content produces 35 percent more carbon monoxide, 10 percent more unburned hydrocarbons and 25 percent more nitrogen oxides, all of which are considered major pollutants in urban area. Gasoline with that level of aromatics, for example, also producers 25 percent more benzene. The cleaner alternative SAFER supports is fuels such as methanol, ethanol and natural gas, which contain less aromatic compounds when burned, and reformulated gasoline blends, so-called "oxygenates," which, by raising gasoline's oxygen content, promote more thorough combustion of fuel, reducing pollution and at the same time raising octane.

Of the five most serious toxic chemicals in the air—benzene, chromium, 1,3 butadiene, formaldehyde and particulate organic matter—most can be traced to the current contents of gasoline, the EPA has found. Of the total benzene found in the atmosphere, for example, 85 percent comes from gasoline; of the 1,3 butadiene found in the air, 98 percent comes from gasoline.

How dangerous are these chemicals? Relatively low exposures to benzene (in the parts per million range) have been associated by epidemiologists with greater risk of leukemia, a blood cancer. And some scientists, such as Samuel Epstein, a professor of occupational and environmental medicine at the University of Illinois, have suggested that no exposure level may be safe: "It is the overwhelming consensus of the independent scientific community that there is no way of setting safe exposure levels or tolerances to any chemical agent such as benzene that can induce genetic damage or cancer," Epstein wrote recently.

So bad is benzene that a California South Coast study concluded that it was the highest-risk carcinogen with which Californians routinely come in contact. According to EPA, environmental sources of benzene have been found to result in 200 added cancer cases each year in the Los Angeles basin alone.

The South Coast Air Quality Management District found that California commuters traveling an average of 1½ hours per day are exposed to about four times as much benzene inside their cars as in the average Southern California air outside their cars as in the average Southern California air outside their cars. According to the EPA's own study, one's risk of exposure to benzene is 14 times greater in large cities than in rural areas.

What are one's risks of exposure in simple car refueling, when benzene and other chemical vapors escape from the pump? "When people are pumping gasoline themselves, they could be exposed to peak levels of 5 to 6 parts per million of benzene," says Peter Infante, an epidemiologist at the Occupatonal Safety and Health Administration (OSHA). There are no levels of exposure set for "mobile sources," and thus ordinary motorists (including gas-station attendants) aren't protected. But, according to Infante, 5 parts per million in any 15-minute period is the maximum "stationary source" exposure limit set for workers in chemical plants. Workers aren't to be exposed to above 1 part per million as an average over an eight-hour day.

Gasoline-station attendants do get warnings on the gasoline they handle, as required by OSHA, although motorists don't find such warnings posted on gas pumps. Chevron's warning, for example, reads: "This product may contain up to 4.9 percent benzene. Repeated or prolonged breathing of benzene vapors has been associated with the development of chromosomal damage in experimental animals and various blood diseases in humans ranging from aplastic anemia to leukemia. All of these diseases can be fatal."

Given the high risks of these chemicals, some critics charge that the oil companies have been irresponsible and that the EPA has been derelict in controlling Big Oil's increasing use of these hazardous aromatics.

"Major oil companies have artificially stimulated demand for high-octane gasoline through high-intensity advertising as a way to increase profits," charges the District-based group Citizen Action, in its November 1989 report, "Cancer at the Pump." Ranking major oil companies by their capacity for producing aromatic chemicals both in the refining process known as "catalytic reforming" and also to some extent in the "catalytic cracking" process, Citizen Action named a "Toxic 10": Exxon, Chevron, Amoco, Shell, Mobil, BP America, Star Enterprises, Atlantic Richfield (ARCO) Sun and USX (Marathon). It should be noted that Sun, ARCO and Marathon have developed reformulated fuels that reduce toxic pollutants. The group blasted these oil companies for deceptive advertising that makes consumers believe "premium" and "high-octane" blends are really better for their cars.

Fuel experts say that a higher-octane fuel isn't necessarily better for the ordinary car—and it may even be worse. The American Petroleum Institute, the oil industry's main trade association, wrote that "in most vehicles, no benefit is gained from using gasoline that has a higher octane number than is needed to prevent knock."

Aromatic hydrocarbons, on the other hand, can foul car engines, bring down fuel efficiency and change the compression ratio in the engine so that a car demands increasingly higher octane fuel to prevent knocking. Volvo Corp., among others, urges its new customers not to buy premium fuel because it has a tendency to clog the fuel injectors. "Most people have been brainwashed by the oil companies to buy high octane fuel," says a Department of Energy official. "They see the tiger jumping off the rock and their natural assumption is that it's better for the performance of their car."

Buying high-octane gas can be as much as 40 percent more expensive than regular yet consumers are getting less mileage per gallon, since more of its content is taken up by octane enhancers. Edwin Rothschild of Citizen Action estimates that consumers are spending more than $1 billion a year more than they should on useless octane. According to Bill Holmberg of SAFER, "a review of the owner's manuals and discussion with experts in the field tell me that no more than 10 percent of the cars on the road require a high-octane gasoline (91-93 octane)." Yet, he points out, more than 33 percent of the gasoline sold is premium fuel. One government official calls this "the greatest rip-off of all time."

Given the manifold problems with toxic chemicals in gasoline, what should the government be doing to protect consumers? Sen. Tom Daschle (D-S.D.) has for the last year prodded the EPA to set standards for aromatic chemicals, writing in a letter to EPA chief William Reilly that he should inaugurate a national strategy to steer the nation's petroleum refiners away from so-called "severe reforming" of crude oil to achieve higher octane and "move to achieve significant reductions in lethal benzene emissions." Citizen Action has asked the Federal Trade Commission to stop what it considers the oil companies' misleading advertising of premium fuels, with no success. And independent ethanol producers filed an antitrust action against most of the big oil companies alleging that the companies conspired to restrain trade (by cornering the market on refining processes to produce higher-octane blends.)

Until now, says Whit Fosburgh of Daschle's office, "the oil companies have gotten a free ride on the Clean Air Act." But all that could change in the future if the new clean air bill passes with strong provisions to encourage reformulated gas, which would significantly reduce aromatic chemicals.

The Senate version of the clean air bill, which passed earlier this month, contains a controversial amendment that is opposed by the oil industry as being too costly. It mandates the sale of cleaner fuels in nine ozone nonattainment areas and also sets ceilings on aromatic chemicals in gasoline, steadily reducing them to a maximum of 30 percent in 1992, 28 percent in 1994 and 25 percent in 1996. With 111 billion gallons of gasoline used to power vehicles throughout the United States each year, this bill would reduce emissions of hazardous chemicals in 26 billion gallons of gasoline. The House is now considering similar amendments.

The use of cleaner, reformulated gasoline—using such alternative octane enhancers as ethanol, methyl tertiary-butyl ether (MTBE) and ethyl tertiary butyl ether (ETBE)—could reduce chemicals in the environment, but since benzene and other chemicals are formed in the gasoline combustion process, there is almost no way to completely remove aromatic chemicals from the air as long as gasoline is used.

An easier way to be rid of aromatic chemicals, as well as many of the other car-related pollutants, suggests White House counsel Gray, could be switching to non-petroleum fuels altogether.

Moving to cleaner alternative fuels—such as methanol, ethanol and compressed natural gas—could pave the way for far greater toxic air pollution reductions in the future. Compressed natural gas, for example, used in about 500,000 vehicles worldwide, is 80 percent cleaner for volatile organic compounds, up to 30 percent cleaner for carbon dioxide, and 100 percent free of aromatics.

"Ultimately we may find it cheaper to convert fuel systems than to take out the aromatics," says Gray.

For now, however, when drivers pull up to the pump they have no nontoxic alternative to "unleaded."

WHAT YOU CAN DO

If you're like most people, you tank up about twice a week and you probably try to save money by pumping the gasoline yourself. You may use premium gas, believing it to be better for your car. But if you're not cautious you may be exposing yourself to potentially hazardous levels of chemicals.

Don't breathe in the fumes if you can help it. "You don't want to be exposed to benzene," says Peter Infante of the Occupational Safety and Health Administration. "If you're going to pump your own gas, stand upwind from it."

Infante also makes these recommendations:

Keep your windows rolled up to prevent fumes from forming pockets in the car. Be especially careful around young children.

Try to keep it off your skin. If any spills on you, wash it off.

Choose stations that have vapor recovery systems on the pumps. They can reduce the fumes by up to 90 percent.

Ed Rothschild of Citizen Action recommends that people support the government in encouraging alternative fuels and gasoline reformulation to reduce chemical emissions. Also, he says, by the level of octane your car needs. Unless your engine knocks there's no reason to use a higher-octane gasoline, says Rothschild.

[From the Oxy-Fuel News, Apr. 30, 1990]

AUTO/OIL INDUSTRIES OFFER ADVICE FOR AN ENVIRONMENTAL DECADE

GM OFFICIAL SAYS REFORMULATED FUEL SHOULD CONTAIN AT LEAST 2.5% (WT.) OXYGEN

Oil companies have plenty of advice for automobile manufacturers and vice versa, judging from comments made by a pair of speakers featured last Wednesday at the 26th Automobile/Petroleum Industry Forum in Dearborn, MI.

Reducing the market demand for premium gasoline, for example, is one step refiners could take to avoid an "octane crunch," according to Joseph M. Colucci, head of fuels and lubricants for General Motors.

Controlling aromatics should not be the result of reducing consumption of premium gasoline, according to Bert C. Striegler, retired manager of technical services for Conoco, Inc.

Oil companies do not set premium gasoline demand, said Striegler. "The truth is, the consumer does." he said. "If the consumer bought less than something like 10% premium gasoline [of all gasoline sales] we probably—because of this infrastructure—

would quit making this stuff, much as we quit making leaded gasoline." The average consumer knows little about gasoline, Striegler added, "but he does know when his engine knocks."

Colucci said that General Motors would recommend the use of sub-octane gasoline if the fuel's detergency and other properties were the same.

In addition to reducing the demand for premium gasoline, Colucci suggested greater use of the following blendstocks and additives to avert an octane crunch: alkylate, oxygenates and additives that reduce octane requirement increase (ORI).

On the subject of oxygenates, Striegler said, "We're not sure we fully understand the need for oxygenates—There's a terrific mix here of science and politics."

Colucci presented a list of suggested properties of reformulated gasoline, which included a 2.5% (wt.) minimum oxygen content. "Oxygenates help reduce carbon monoxide emissions, especially from older vehicles, and they are excellent octane improvers," Colucci said, adding that ethers are preferred over alcohols on the basis of volatility and other reasons. Olefins should be capped at 5% (vol.) initially to help reduce the reactivity of emissions and reduce deposits, he added.

Colucci urged oil companies to provide uniform dosages of detergents in all grades. "Some companies treat premium with better additives than their other grades of gasoline. Deposit control is an environmental issue," Colucci said. "The public should not be forced to purchase premium gasoline and waste octane just to get a supplier's best deposit-control additive treatment."

Striegler, on the other hand, said, "If you converted every gallon of gasoline to deposit intake additive control, the consumer would face about $1.5 million more in daily costs," noting that "the customer continues to drive to the cheapest pump."

"If you need to have aromatics reduced, then we should focus on the real problem, which is aromatics level—not the octane level," Striegler said. Refiners, he continued, "simply have to retain the ability to produce higher-quality fuels if the consumer demands higher-quality fuels."

An aromatics cap of 25% (vol.), Colucci said, "should help reduce the reactivity of vehicle emissions, produce less engine deposits and contribute to lower benzene emissions."

Since 1975, under lead phasedown, gasoline volatility has risen, Colucci said. Lower Reid vapor pressure (Rvp), he said, reduces vehicle evaporative, running losses and refueling emissions. Although reducing Rvp results in a loss of gasoline octane and volume, Colucci said, "the oil industry should accept this as challenge for its researchers to develop processes to combine C_4s to create high-octane paraffinic C^6s. Another option is to build and run more etherification units.

A volatility limit of 9 psi, Striegler countered, eliminates from gasoline "an awful lot of relatively good fuel called butane." Making automotive engines and the fuel distribution system as vapor-tight as possible would enable future gasoline to continue to use the octane value of butane.

He noted refiners want to know how automakers calibrate the spark retardation in knock sensors to produce gasoline with optimum Research Octane Number and Motor Octane Number.●

JEWISH HERITAGE WEEK

● Mr. RIEGLE. Mr. President, I rise today along with many of my colleagues, to commemorate Jewish Heritage Week, a period to reflect upon the history of the Jewish people, their culture, accomplishments, and contributions to society.

While I have the warmest feelings toward the Jewish people and I greatly admire their fortitude through the ages, I seek to raise a more solemn note during this Jewish Heritage Week. Today, in the Soviet Union, there hundreds of thousands of Jews—known to the world as Refuseniks—whose visas to emigrate have been denied.

Denial of emigration rights for Soviet Jews, dissidents and divided families has historically been a topic of widespread international concern because it represents a breach of fundamental human liberties. While the Soviet Union has in the past claimed that Soviet Jews have not been mistreated and have no desire to emigrate, it is clear that Jews in the U.S.S.R. have not only been denied the right to leave their country, but also such basic freedoms as cultural and religious expression.

In the 1980's, emigration of Soviet Jews hit bottom as no more than approximately 1,000 Jews were granted exit visas during each year. Under the leadership of President Mikhail Gorbachev, however, 4,000 refuseniks were allowed to emigrate in 1989. And, in 1990, it anticipated that 100,000 Soviet Jews will be permitted to leave Russia for Israel. The increased rate of emigration for Soviet Jews represents a major breakthrough for the Jewish Community around the world. It marks an important step toward the lifting of the bonds which have for so long held Soviet Jews captive.

Although the release of 100,000 Soviet Jews represents substantial progress over the hardships of the past, we must look beyond this incremental progress to a time when all Jews residing in the Soviet Union are allowed the right to freely observe their religion and have the liberty to move and live wherever they please.

One emigration case exemplifying the gross obstruction of basic human liberties and the recent trend in favor of allowing greater emigration, involves the plight of Leonid Lubman. As a "Congressional Call to Conscience," Mr. President, I feel obligated to inform the Senate of the hardships faced by Mr. Lubman during his struggle as a refusenik and his recent victory over the very forces which for years denied him the right to leave.

After graduating from the Leningrad Engineering-Economic Institute in 1970, Lubman worked for the National Scientific Research Institute for Radio Products and Technology where he authored over 60 publications on the Soviet economy. In 1978, after years of being denied his rights to practice Judaism, Lubman submitted papers asking that he be allowed to emigrate. Unfortunately, only a few short days later, and probably not by simple coincidence, he was arrested for trying to send abroad one of his papers which profiled 30 corrupt Soviet officials. Facing charges of distributing anti-Soviet propaganda and revealing classified material, Lubman was sentenced in a closed court to 13 years in a strict regimen labor camp. Although Lubman was not forced to serve the entire 13 years at hard labor, he did subsequently spend over 700 grueling days imprisoned in one of the so-called reformed Soviet psychiatric hospitals. He was not permitted visitors for a 6-year period beginning in 1983, and was denied proper medical care for chronic physical conditions resulting from abusive tortures.

Over the past few years, several dissident leaders and local activists have spoken out on Lubman's behalf. Nobel Peace Prize laureate, Andrei Sakharov appealed for Lubman's release along with Alexei Smirnov who was quoted as saying, "he [Lubman] is an innocent man. All charges against him are fabrication."

Until today, the State Department had included Lubman on a list of political prisoners and human rights activists on whose behalf it was fighting. But, only today, I have received wonderful news. Leonid Lubman has received his visa to emigrate from the Soviet Union and to travel to Israel.

Today, Leonid Lubman symbolizes the predicament of countless Soviet Jews. While Lubman is an example of how Jews have been needlessly punished for attempting to live their lives according to cultural and religious traditions, he also represents the noticeable improvement in the emigration rate.

So, therefore, this Jewish Heritage Week, I seek to call attention to the continuing plight of Soviet Jews. Although like Lubman, many Jews have emigrated from the Soviet Union, hundreds of thousands have yet to receive permission to leave. We as Americans, must not forget the multitudes who remain. And so today, we must redouble our efforts to be tireless advocates for the rights of those who cannot speak for themselves. Only by remembering the plight of the hundreds of thousands of refuseniks who remain, will we be able to let them know that we are both them, and will be, until they are free.●

THE PRESIDENT'S ASIAN STRATEGIC FRAMEWORK REPORT: THE NEED FOR A CONTINUING UNITED STATES MILITARY PRESENCE IN THE PACIFIC, JAPAN, AND SOUTH KOREA

● Mr. McCAIN. Mr. President, last year I helped to draft several amendments to the fiscal year 1990 Defense Authorization Act designed to both increase allied efforts to assume more of the burden of our common defense, and to develop a clear long-term plan for our future defense in Asia. The Bush administration has now delivered the report these amendments requested, and has provided the Congress with its plans to create a new strategic framework to shape the U.S. military presence in Asia over the next decade.

I have reviewed that report in depth, and I believe that it is responsive to the changing security environment in Asia and to the growing pressures on our defense budget. I also believe that it proposes steps that will ensure that the United States' vital interests in the Asia-Pacific region continue to be protected.

This proposed strategic framework establishes a viable program for reducing the level of U.S. forces in Asia, it seeks the right kind of military commitments from our allies, and it represents a major effort by the Bush administration to obtain the kind of added contributions to the common defense that are needed from Japan and South Korea.

The Bush administration's strategy is based on a search for regional peace and stability that will allow us to reduce our forces in Asia in three carefully planned phases. The first phase will steadily thin out our existing force structure, and begin rearranging our security relationships over the next 1-3 years. This will lead to some significant savings to the United States taxpayer, involve reductions in our bases and facilities in Asia, and withdraw 7,000 men from South Korea, 5,000-6,000 men from Japan, and 2,000 men from the Philippines.

This represents a reduction of roughly 10-12 percent of our forward deployed manpower in these countries. At the same time, it enables us to continue to play the role of honest broker in Asia and exert a stabilizing influence in what is still a very unstable region.

Looking further into the future, if our search for improved regional peace bears fruit, we could then significantly reduce and reorganize our forces in a second phase over the next 3 to 5 years. Finally, the third phase would allow us to consider major force cuts in the mid to late 1990's—depending upon the changes in regional conditions.

The proposed reductions also take account of the fact that maintaining our presence in Asia is an "economy of force operation" for the United States. The report points out that only 135,000 men, or 6.3 percent of our total force structure is forward deployed in Asian countries. This compares with 16 percent which are forward deployed in the far more geographically compact European theater. In fact, the European theater has over two and a half times the number of forward deployed American forces despite the fact that the Asian-Pacific rim and Indian ocean, all of which come under the Pacific command, represents about half of the Earth's surface.

Equally important, more drastic rapid cutbacks would invoke serious unintended consequences. They could fuel Asian perceptions of a major decline in U.S. strength. We must not inadvertently communicate to Pyongyang, Beijing, Moscow, or other countries that we have lessened our commitment to the region.

THE STRATEGIC SITUATION IN THE PACIFIC

The United States is a Pacific power and must remain so. Five of our seven mutual security commitments are in the Pacific. We have fought three major wars in the Pacific region in the past 45 years. Our current trade across the Pacific amounts to $300 billion annually. This is 50 percent more than our volume of trade with Europe. The United States and Japan, our primarily bilateral partner in the region, together account for about 40 percent of gross worldwide production.

U.S. forces in East Asia have played—and must continue to play—a crucial stabilizing role in the region. Neither we nor the overwhelming majority of states in the Pacific view our military presence as a source of tension. Indeed, our presence is welcomed by all nations in Asia, with the exception of North Korea; and possibly the Soviet Union.

We cannot risk precipitate force cuts in a region where our very presence is a key force for stability. We cannot hope to establish a new and more stable partnership with our Asian allies if we act without consulting them. We cannot hope to establish a stable pattern of trade if we deprive ourselves of strategic credibility. I fully agree with the Bush administration that it would be unwise to withdraw more than the proposed 14,000 to 15,000 troops until we have a clearer picture of what the future holds.

Mr. President, events in Europe are advancing at an incredible pace. Asia, however, has not experienced the same dramatic political changes. The overall strategic situation is changing far more slowly.

CONSIDERING SOVIET CAPABILITIES AS WELL AS SOVIET INTENTIONS

Soviet intentions in Asia are no more threatening than those in Europe, but we cannot afford to focus solely on intentions and ignore capabilities. The Soviets are restructuring their forces in Asia. It is true that they have plans to remove a number of ships from their Pacific fleet over the next few years, and reduce their forces along the Sino-Soviet border.

Nevertheless, we must consider Soviet capabilities as well as Soviet intentions. The Soviets unquestionably feel that they must remain a major military power in the Pacific to protect their vital interests in Siberia, and their far eastern provinces. As a result, they are modernizing the remainder of the Soviet Pacific fleet and its supporting forces. The Soviets are building their first real naval aircraft carriers and maritime power projection forces.

These improvements affect a massive mix of Soviet forces. The Soviets still have 48 maneuver divisions and 3 artillery divisions in Asia, equipped with some 11,500 tanks, 12,500 artillery weapons, and 1,100 helicopters. Their air forces in Asia include some 215 bombers, 890 fighters and fighter attack aircraft and 590 air defense fighters. Their Pacific fleet includes some 575 ships and craft, include 26 SSBN's and SSN's, 94 other submarines, two carriers, 11 cruisers, 8 destroyers, 56 frigates, 21 amphibious ships, 345 additional combat aircraft and helicopters, and a full naval infantry division.

Given current Soviet policy, I do not believe we face a serious threat from these Soviet forces. Nevertheless, we cannot ignore their existence and the fact that a precipitous United States withdrawal from the Pacific would increase the strategic significance of these Soviet forces. Potentially, it could yield the Soviets increased influence in the political and economic affairs of the region.

Such an increase in Soviet capability and influence simply is not in our interest, nor is it in the interest of the progressive elements within the Soviet leadership. It is still tempting for at least some elements in the Soviet Union to try to exploit any power vacuum in northeast Asia or the Pacific.

We also are likely to face a significant political challenge from the U.S.S.R., either this year or next. The U.S.S.R. may offer to return the four islands in the Kuriles which it has held since the end of World War II in return for some form of demilitarization or reduction of Japanese and United States Naval Forces.

Under some conditions, this offer could lead to a stable mix of improved economic relations, confidence building measures, and arms control. It is not, however, likely to have such positive effects if Japan feels it cannot trust American strength or American sensitivity to Japan's security needs.

THE CONTINUING RISKS IN THE KOREAN PENINSULA

We also need to take account of the fact that Asia is not Europe. In Europe, two alliances face off against each other on land. This environment has lent itself to relatively straight forward negotiations, and mutual force reductions designed to eliminate tensions. In Asia, many of the major conflicts and tensions that shape politics, military balance, economics, and national interests have never been dominated by a similar confrontation between the superpowers. Indeed, most countries in Asia do not see the Soviet Union as the principle threat to their interests. Instead, they focus on regional competition as the prime source of instability.

This competition is most severe in terms of North and South Korea. The presence of United States forces has acted as a powerful force in preventing a renewal of conflict between the two Koreas—a conflict that would at least peripherally involve Japan, China, and the Soviet Union.

There is still a threat of conflict on the Korean peninsula despite the progress made by our South Korean allies in their defense forces. Unfortunately, the North Koreans continue to add to their combat capabilities by acquiring more sophisticated weapons from the Soviet Union, by a massive investment in domestic production, and by aggressively seeking to manufacture nuclear weapons.

The Department of Defense has recently published figures that show North Korea has nearly twice the uniformed army manpower of South Korea, more than twice as many tanks, roughly two and one half times as many artillery weapons, far more antiaircraft weapons, twice as many combat aircraft, and roughly twice as many combat ships. I have provided these figures in more detail in a table for the record.

These figures make clear that North Korea is still building up its military forces, and remains one of the most threatening military dictatorships in the world. While forgoing social and economic development.

North Korea spends more on military forces than South Korea although its military manpower costs are only a small fraction of the price of similar manpower to South Korea, and the GNP of North Korea is less than one-quarter of the South's. North Korea forces nearly three times as much of its total population into military service. Kim Il-Sung does not care if his people only get meat once a month—or if there is enough rice to go around—only that his million-plus army has guns and bullets.

It is also interesting, Mr. President, to note that even the U.S.S.R. now admits North Korea has consistently played the role of aggressor. Mr. President, I request that a recent interview with Soviet historian Mikhail Smirnov in the Moscow International Service be made part of the RECORD. This interview shows that even the U.S.S.R. now recognizes that it was North and not South Korea that must assume the blame for the Korean war.

Our military presence in South Korea is already limited, and the Secretary of Defense had made it clear that cuts are possible. At the same time, our military presence plays a critical role in persuading North Korea that it cannot safely attack the South, or continue its current efforts to develop nuclear weapons.

THE OTHER THREATS AND PROBLEMS IN ASIA

The Koreas, however, are only part of the story. Ever since the end of World War II, United States forces in Asia and the Pacific have played a power role in deterring conflict and the escalation of regional tensions. The People's Republic of China still has dangerous tensions with Vietnam and the Soviet Union. Many nations in Asia suffer from serious internal instability, and some—like Cambodia and Burma—are in a constant state of low level civil war.

Our overall military position in Asia and the Pacific plays an important role in assuring Vietnam and Cambodia that they cannot resolve their internal problems by launching foreign adventures, and in assuring Japan and Taiwan that they can remain secure without a massive expansion of their military forces or resorting to some form of proliferation.

There are conflicting territorial claims over the potentially oil-rich Spratly Islands in the South China Sea. We must not let the dispute escalate into a conflict that could adversely affect the economic interests of the United States and allied countries in the region. There are a host of latent racial and ethnic conflicts that could erupt into fighting that could involve some of our major partners in trade.

Leadership will soon pass to a new generation in many countries including North Korea, Vietnam, Cambodia, and China. This may lead to an increased emphasis on democracy, human rights, and economic development. It also, however, could lead to internal instability in selected countries that could spread beyond local borders. The resulting changes in the security and economic environment could easily give rise to new regional powers with national interests that could come in conflict with the United States.

Equally importantly, our Pacific command forces—which also deploy to the Indian Ocean and Persian Gulf—guarantee the security of critical lines of communication in the region for the United States and its allies. We must remember that the peace between Iraq and Iran consists of a one-sided cease-fire. The gulf is still the source of over 50 percent of the world's proven oil reserves and 70 percent of the free world's proven oil reserves. Our ability to project power into the Persian Gulf is not only vital to our own interests, but to those of every major industrial power in the free world.

THE IMPACT OF INCREASED JAPANESE AND SOUTH KOREAN EFFORTS ON OUR FORCE LEVELS

These strategic requirements do not, however, mean that our current force levels must be frozen in place or that we must continue to bear the current heavy financial burdens of deploying them in Asia. As I have already noted, one of my major goals in requiring the department of defense to develop its new strategic framework for Asia was to determine whether we can make limited near term reductions in our support and headquarters strength without affecting our impact on regional stability, and whether our Asian allies understand that the time has come for them to bear a proper share of the burden of regional defense.

The Department's report clearly shows that Japan and South Korea are beginning to respond to their changing economic position by expressing a willingness to take up more of the burden of regional defense and economic aid. It shows that they want to be full partners in our efforts to ensure the security of Asia.

Increases in Japanese and South Korean efforts have already helped us to plan limited reductions in our own forces and to ease the financial strain of deploying the United States forces that must remain in Asia. I believe that both nations can still do far more, but I am encouraged that both the Department of Defense and our new Ambassador for Burden Sharing Report that Japan and South Korea are willing to provide more funding for the maintenance of United States forces deployed in their countries.

Hopefully, Japan now understands that our ability to maintain the kind of deployments called for in the Department's strategic framework are heavily dependent on Japan initiating major new burdensharing initiatives during the course of the present Japanese fiscal year and Japan understands it should set out a clear plan for assuming all yen-based costs of United States forces over the next 3 to 5 years. Hopefully, South Korea understands that it should provide a similar package of initiatives for assuming all won costs—especially those of Korean labor and military construction—if we are to maintain the required deployments in South Korea.

Hopefully, both nations now understand they must take the initiative to provide contributions that directly offset the cost of such deployments to

the U.S. taxpayer and the U.S. budget. The political realities of the situation are simple; the United States can only maintain a stable presence in the region if Japan and South Korea take advantage of their growing economic strength to help offset the cost of the disproportionate military efforts of the United States.

I am less sanguine about our ability to remain in the Philippines. I agree that our deployments in that country are of great strategic value, and I share the Department of Defense's hope that we will not be forced out of the Philippines by unrealistic demands for aid. This is an area, however, where I am worried that the Philippine Government doesn't understand that Congress simply will never grant it that major increases in aid that it sought in the past. Also, that the strategic value of such bases is heavily dependent on the government's willingness to create a stable political climate by such measures a major steps in land reform and reductions in corruption.

SUMMARIZING THE IMPACT OF THE PROPOSED STRATEGIC FRAMEWORK FOR THE PACIFIC RIM

In summary, the strategic framework outlined in the Bush administration's Report on the Asian Pacific Rim provides an excellent initial response to the amendments I helped draft to the fiscal year 1990 Defense Authorization Act. It shows that our forward deployed presence in Asia is important and must continue, and that we have too much at stake as a Nation to do otherwise.

At the same time, the framework takes account of greater Japanese and South Korean contributions to our mutual security, but insists that they must do still more in the future. It calls for limited immediate reductions in our present forces and significant near term increases in allied efforts to offset the cost of deploying United States forces.

Finally, the administration's strategic framework provides for a phased, incremental approach to sensibly modify our force structure in Asia. It not only encourages finding alternatives to military force, it demands it. It demonstrates American willingness to take every feasible step to reduce tension in the region. It leaves the door open to further adjustments if other powers are willing to respond with significant changes of their own.

Mr. President, we are in a period of global transition and we should not risk the chances we have to attain a more peaceful world by acting hastily and unwisely. Our primary opponents are not the Soviets, but, as President Bush has said, unpredictability, uncertainty, and instability. In Asia, as elsewhere in the world, we must meet these three challenges with resolution and conviction.

The material requested to be inserted into the RECORD follows:

NORTH KOREAN–SOUTH KOREAN MILITARY COMPARISON—JANUARY 1990

	North Korea	South Korea
Ground Forces:		
Personnel	930,000	550,000
Infantry Divisions	30	21
Independent Infrantry Brigades	4	3
Truck Mobile Divisions/Brigades	1/20	2/0
Armored Brigades	15	1
Reserve Infantry Divisions	26	23
Medium and Light Tanks	3,500	1,500
Armored Personnel Carriers	1,940	1,500
Artillery (Tubes)	7,200	4,000
Multiple Rocket Launchers	2,500	37
Surface-to-Surface Missile Launchers	54	12
Antiaircraft Artillery	8,000	600
Surface-to-Air Missile Sites/Missiles	54/800	34/210
Air Force:		
Personnel	70,000	40,000
Jet Fighters	750	480
Bombers	80	0
Transports	275	34
Helicopters (Including Army)	280	280
Navy:		
Personnel	40,000	60,000
Attack Submarines	23	0
Destroyers	0	11
Frigates	2	17
Corvettes	4	0
Missile Attack Boats	29	11
Torpedo Craft	173	0
Coastal Patrol	157	79
Mine Warfare	40	9
Amphibious Craft	126	52
Total personnel	1,040,000	650,000

Personnel figures shown here are those published in 1989 by the International Institute of Strategic Studies.

SOVIET HISTORIAN VIEWS WHO STARTED KOREN WAR

[Interview with Soviet historian Mikhail Smirnov by an identified reporter; passages between quotation marks are recording of Smirnov in Russian fading into Korean translation by announcer]

We will carry the talk by Soviet historian Mikhail Smirnov. While expressing his completely personal view on the situation leading up to the 1950–1953 Korean War and a lesson from this war, Mikhail Smirnov said:

"Positive military construction based upon partisan units started in North Korea right after the country was liberated. Pyongyang Military School and Central School charged with training security personnel and similar institutes opened in 1945 and 1946. They became the foundation of the Korean People's Army, which was founded on 8 February 1948.

Similar events also took place on the southern half. A law on founding the national armed forces composed of approximately 100,000 was adopted on 30 November 1948 in the ROK. As a result, new military units and combined units were founded with the direct assistance of Americans. President Syngman Rhee did not express any hope for constructive dialogue with Kim Il-song. Rather, he declared on 30 September 1949:

I firmly believe that, from a psychological perspective, now is the most appropriate time to take aggressive measures. We must drive Kim Il-song's personnel into mountainous areas, where we will gradually starve them to death. At that time, our defense line must be strengthened along the Tuman River and the Yalu River.

These events took place in the wake of a military and political confrontation between the United States and the Soviet Union. The two Korean states exercised the jurisdiction of their respective regime upon the other side's territory [as heard]. Also, confrontational spirits prevailed. What served as an indirect momentum that endorsed the assertion that problems be solved militarily was the victory of the Chinese revolution."

Regarding the reporter's question of what he could say about outside forces' role in the preparations of the Korean War, Mikhail Smirnov said:

"It is clear that outside forces played a role. Just like the Soviet Union gave assistance to North Korea in founding its army, the United States gave similar assistance to South Korea. Without such assistance, neither of the Korean states would have been able to found their armed forces. Therefore, this means that the powers got indirectly involved in the preparations of the Korean War. In addition to this, as a result of the withdrawal of the Soviet and U.S. forces from the Korean peninsula, the political groups in the North and South, which were hostile to each other, could act freely in essence. I think that this is one of the most important factors that helped in the start of the war. Also, I would like to stress that the leaders of the two Korean states respectively had a certain degree of political connections with Washington and Moscow. I think that as a result of the 1950 visit to Moscow by Kim Il-song, the Korean leadership may have come to believe that we supported a military solution to the reunification problem. It may have come to believe so also because of the fact that, in carrying out his activities, Stalin had used such a method."

Foreign historic documents on the Korean War doubtlessly prove the notion that the North Korean sides' acts hastened the start of this war. However, Soviet historians have a completely different view. What do you think of this?

Regarding this question, Mikhail Smirnov said:

"The (?Pyongyang) side prepared this war. Over this issue, the study of history in the Soviet Union has had the following view, that is, approximately 10 divisions of the South Korean armed forces launched a surprise attack across the 38th parallel against the North Korean territory early on the morning of 25 June 1950. I think that all of this is contrary to fact. I think the fact that we have persistently maintained this view for many years can only be explained by the fact that ideology has played an excessive role in the overall aspects of the study of history and, in particular, Soviet-Korean relations. If, believing their power, [alleged] aggressors had started the war, how can it explain the fact that the North's forces occupied Seoul as early as 28 June and later occupied almost 90 percent of the territory of the southern half?"

Regarding the question of whether there is a danger of a breakout of a new war on the Korean peninsula, Mikhail Smirnov said:

"As long as there remains a difference in the political attitudes of the two Korean states toward the division of Korea and how to solve this problem, there will exist such a danger. However, a fundamentally different approach to resolving regional disputes in view of the overall political atmospheres of the world has drastically reduced such a threat. I think that an important lesson from the Korean War is that no dispute can be resolved through means of force [sillyoguibangboburonun]. If there is anything that is solved through means of force, a serious and, at times, tragic accident will not be avoided. Big countries had walked painful roads through Vietnam and Afghanistan for a long time until they realized this truth. It will be a dangerous illusion in the

future, too, to continuously adhere to means of force. History has proven to us that we cannot ignore the principle of history and that of social development. There is only one way out, that, is dialogue. The earlier the dialogue starts, the less painful it will be for the reformist procedure participants in such dialogue."●

MEASURE PLACED ON CALENDAR—S. 2572

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 2572, a bill to extend the authorization for the Supreme Court Police, introduced earlier today by Senators THURMOND and BIDEN, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASIAN-PACIFIC AMERICAN HERITAGE MONTH

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3802, designating Asian/Pacific American Heritage Month, just received from the House.

The PRESIDING OFFICER. Without objection. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3802) to designate May 1990 as Asian/Pacific American Heritage Month.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 3802) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL. I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

URGING REPEAL OF U.N. GENERAL ASSEMBLY RESOLUTION 3379

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 472, Senate Joint Resolution 246, regarding the repeal of U.N. General Assembly Resolution 3379.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 246), calling upon the United Nations to repeal General Assembly Resolution 3379.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The question is on passage of the joint resolution.

The joint resolution (S.J. Res. 246) was passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 246

Whereas the United Nations will celebrate the forty-fifth anniversary of its charter on June 26, 1990;

Whereas Article I of the United Nations Charter establishes the United Nations as "a center for harmonizing the actions of nations";

Whereas on November 10, 1990, fifteen years will have passed since the adoption of United Nations General Assembly Resolution 3379 which formally declared Zionism to be "a form of racism and racial discrimination;

Whereas Zionism is a national movement of the Jewish people for self-determination, a legitimate and moral aspiration characteristic of many national groups in the modern world;

Whereas United Nations General Assembly Resolution 3379 has had as its overt purpose the delegitimation of the State of Israel;

Whereas United Nations General Assembly Resolution 3379 has impeded the struggle against real forms of racial bigotry and has had the incendiary effect of stimulating and encouraging anti-semitism;

Whereas United Nations General Assembly Resolution 3379 has been used to justify terrorist attacks against innocent people;

Whereas United Nations General Assembly Resolution 3379 is violative of the principles of the United Nations Charter and makes it impossible for the General Assembly to play a credible role in the peaceful resolution of the Arab-Israeli conflict; and

Whereas Public Laws 99-90 (S.J. Res. 98, 1985) and 100-169 (S.J. Res. 205, 1987) and earlier expressions of congressional concern bearing on this subject demonstrate that the United States condemns, denounces, and repudiates United Nations General Assembly Resolution 3379: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the United States calls upon all member states of the United Nations General Assembly to take immediate action to repeal United Nations General Assembly Resolution 3379;

(2) the President shall periodically report to the Congress on progress made toward the repeal of United Nations General Assembly 3379; and

(3) the Congress commends the President for his commitment to achieving this goal.

Mr. MITCHELL. I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senator from New Hampshire [Mr. HUMPHREY], be recognized to address the Senate for 10 minutes, and upon the completion of his remarks the Senate stand in recess until 9:30 a.m. tomorrow, Friday, May 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

LITHUANIA

Mr. HUMPHREY. Mr. President, this afternoon members of the Foreign Relations Committee had the distinct honor of meeting with the Prime Minister of Lithuania, Mrs. Prunskiene. This is a lady of grace, but also of very great determination and ability.

Later this afternoon she had a meeting with President Bush, and I commend the President for his decision to meet with her. There was some doubt that he would do so, and had he not I think that would have been very unfortunate and would have been taken very badly by the people of Lithuania. So I commend the President.

But it seems to me notwithstanding that meeting this afternoon our policy toward Lithuania is sadly lacking.

Indeed the vote by the Senate of this past Tuesday, 73 to 24, or some such thing, discouraging the President from sending up to the Senate a recently negotiated trade agreement between the United States and the Soviet Union I think is an indication and I take it as an indication that a large number of Senators share my dissatisfaction with the administration's policy.

In my case it is more than dissatisfaction; I am appalled at the utter lack of response by the administration to the crisis in Lithuania. I am utterly ashamed at the nonresponse of this administration while the Soviets place a noose around the neck of Lithuania, tightening it every day, choking the life out of the economy. The Soviet Army and the KGB security forces have sealed off the border, including the seaports, and more than that they are actively disrupting internal rail traffic and other forms of traffic within Lithuania herself.

This means economic hardship increasingly day by day for the people of Lithuania, and we are not just talking about statistics like Lithuania's national product or economic output. We are talking about human beings, out of work, no income, increasingly as the weeks go by. We are talking about human beings. We are talking about empty cupboards, empty stomachs, hungry children. And what is our response? A brushoff for Lithuania, a brushoff.

It is shocking, and it is shameful, and it is unprincipled.

Last week, Mr. President, we were disheartened by the statement of the leaders of West Germany and of France. In their statements, those leaders encouraged Lithuania to postpone independence. And that was disappointing.

But what is even more disappointing and shocking, we learn from the press, at least the press allege, credible press allege, is that the United States, this administration, was behind it; that the United States engineered and encouraged those statements on the part of the leaders of West Germany and France.

Unfortunately, Secretary Baker is out of the country or I would have spoken with him before discussing these allegations on the floor. But they do seem credible.

According to the New York Times, moreover, Secretary Baker, to quote the Times, "came very close to endorsing the Kremlin's plan for a referendum * * *" on Lithuanian independence.

I hope that is not true, Mr. President. I hope the New York Times is mistaken. The Lithuanians have already had their national referendum, let us recall, just a few months ago—the first free, democratic election in that country since it was annexed unlawfully by the Soviets 50 years ago. And they chose their leadership among several factions. They chose for their leadership predominantly those who advocated independence, reassertion of independence. To suggest that they annul that election and submit to some Moscow-run referendum is preposterous.

They had their referendum. It was called a free election. Yet, support or embracing of the Soviet proposal for a referendum appears to be exactly what Secretary Baker is supporting or came near to supporting according to the New York Times.

It is interesting to note the statements of Yevgeny Primakov, one of President Gorbachev's personal advisers on this matter.

On April 27, the day after President Mitterrand and Chancellor Kohl announced their proposal urging that Lithuania suspend its independence, the Soviet Embassy in Washington released the text of an interview with Mr. Primakov.

In that interview, Mr. Primakov repeats a warning to Lithuania that negotiations will begin only if Lithuania returns to March 10. That is the day prior to the assertions of the independence. In that same interview, last Friday, Mr. Primakov also makes an outrageous claim; he states that an economic blockade of Lithuania "simply does not exist. A blockade means closed borders, cut off supplies of electric power and foodstuff—there is nothing of this kind." That is what he said.

Well, perhaps he was a little behind the news, although that seems unlikely given his high position in the government. There is in fact an economic blockade. The borders are sealed. Internal transport is being disrupted.

The Lithuanians are without oil and oil products. Try to run an economy without oil, sheet metal, white metal, and steel band, all kinds of pipes, plastics, all kinds of rubber, tires, and rubber products, timber products, paper, textiles, trucks, cars, and spare parts, tractors, raw materials for sugar, coffee, vegetable fats, fish and fish products, tea, and margarine, and the list goes on and on. These are the things of which Lithuania is being deprived.

What is the response of the Bush administration? The administration points to Gallup polls which show how popular the President is. Well, that is fine; he deserves to be popular. But Gallup polls do not define principle, Mr. President. And narrow national self-interest does not define a great nation.

There are a lot of interests at stake, it goes without saying, in the relations between the United States and the Soviet Union. And certainly it is in our interests to improve relations, provided the Soviets continue their reforms. But at some point we have to ask: At whose expense do we enjoy these benefits? Are we prepared to indulge ourselves in more trade with the Soviets at the expense of leaving Lithuania behind? I hope not, and yet that appears to be the case.

Are we prepared to pursue economic self-interest at the cost of our principles? I hope not, but that appears to be the case.

Mr. President, I hope President Bush's meeting today is the beginning of a change in the situation, the first step in rectifying our shameful conduct over the last several weeks, the beginning of a new principled and courageous and selfless, or at least less selfish policy toward Lithuania.

It is most unbecoming for us to stand by while the life, the economic life of a valiant people is choked away, day by day by day.

The PRESIDING OFFICER. The Chair would remind the Senator that his 10 minutes time has expired.

Mr. HUMPHREY. I thank the Chair for that reminder and I express once again my hope that today's event will mark the beginning of a new policy toward Lithuania.

ORDER FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, Friday, May 4, and that following the time for the two leaders, there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, tomorrow at 10 a.m. the Senate will resume consideration of S. 135, the Hatch Act reform bill, with consideration for the two amendments which I have just described in the previously obtained unanimous consent agreement.

Mr. GLENN. Mr. President, might I ask a question. We had difficulty today in getting a very voluminous amendment, nine pages. We could not even get it. It was very complex, and we are expected to bring it up and have all the answers here. We defeated that.

But I understand now we cannot get copies yet of the two amendments that are going to come up tomorow. I just would question whether these are going to be the same type of amendments that are very lengthy. If so I think we are going to take longer on the floor tomorrow than perhaps the distinguished leader on the Republican side is willing to spend here. I hope these are simple enough so we can understand them in the morning without going into a lot of study on them and put them off until Monday.

Mr. ROTH. I assure the distinguished chairman that we will not be as long as mine were today. They will be very brief amendments.

Mr. GLENN. When will that be available to us tomorrow morning?

Mr. ROTH. We will make them available as soon as we can get the final draft.

Mr. GLENN. That does not answer my question. When might we get copies, because we come in at 9:30, go on the bill at 10? Can we get copies at 8 o'clock?

Mr. ROTH. We have to refer them to the lawyers on the final draft. We will get them to the Senators.

Mr. GLENN. OK. I urge my colleague not to give us something we cannot understand in the morning on those things, not a nine-page thing like we ran into today.

Mr. ROTH. I would point out to the distinguished chairman at the staff level we have discussed what they will contain.

Mr. GLENN. All right. I yield.

Mr. MITCHELL. Mr. President, in any event, I say to our colleague there is no time limit on the amendment tomorrow. So obviously the Senator can take as much time as he wishes.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 9:30 a.m., tomorrow.

Thereupon, the Senate, at 8:08 p.m., recessed until Friday, May 4, 1990, at 9:30 a.m.

EXTENSIONS OF REMARKS

SPEECH OF HIS HOLINESS THE DALAI LAMA TO THE EUROPEAN PARLIAMENT

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. LANTOS. Mr. Speaker, a few days ago His Holiness the Dalai Lama spoke to the members of the European Parliament in Brussels. The forum and the timing were most appropriate.

The European Parliament—the legislative body of the European Communities—has increasingly distinguished itself for its outstanding commitment to human rights. As the chairman of the U.S. congressional delegation which meets semiannually with members of the European Parliament, I have been encouraged and inspired by the willingness of our colleagues in the Parliament to speak out in support of fundamental human rights around the world.

The timing of the address of His Holiness was also most appropriate. Chinese authorities announced just a few days ago that they were lifting martial law in the Tibetan capital of Lhasa. While we welcome this gesture, it is only a gesture and a fundamental change in policy toward the people of Tibet is required. Lifting martial law does not restore freedom of speech to the Tibetan people. Lifting martial law does not mean that foreign journalists and international observers will be permitted to visit Tibet and report on human rights violations there. Lifting martial law does not mean that Tibetans will be permitted to practice their religion without threats, hindrances, and legal obstacles. Lifting martial law does not mean that the Tibetan people will be permitted to practice and enjoy their ancient culture. While we welcome the action of Chinese authorities in lifting martial law, we are equally insistent that Chinese authorities must observe the human rights of the tragic and long-suffering Tibetan people.

Mr. Speaker, the address of His Holiness the Dalai Lama is an outstanding statement of the need for the observance of human rights in Tibet. This powerful message of peace and the need for all men to recognize human rights provides yet another confirmation that His Holiness is most deserving of last year's Nobel Peace Prize.

I insert the statement of the Dalai Lama at the European Parliament in the CONGRESSIONAL RECORD, and I urge my colleagues to give it careful and thoughtful attention:

HIS HOLINESS THE DALAI LAMA'S STATEMENT AT THE EUROPEAN PARLIAMENT, BRUSSELS ON APRIL 25, 1990

Brothers and sisters, we are all one human family, and I believe that we have a universal responsibility to care for each other as human beings and for the planet as a whole. The fact that we come from different continents and area or a different race or speak a different language are only superficial. As human beings we are all part of one large family. I am therefore encouraged by your concern for the suffering and the aspirations of the Tibetan people and feel honoured by your invitation to address the Political Affairs Committee of the European Parliament.

The European Community itself is in one sense an example of what I mean by universal responsibility. Here, people have come together as a result of a greater sense of common responsibility and shared vision. I hope that one day all nations will be drawn together out of compassion for, and human understanding of, one another. For on these depend the survival of the world.

Yesterday and today, you have heard testimonies concerning various forms of human rights violations in Tibet. These are but a part of the larger tragic story of the Tibetan people. Because China has closed Tibet to most foreigners, including and in particular journalists and members of human rights organizations, it is very difficult to obtain accurate information on the true conditions in different parts of Tibet. The little information that we do get is from those refugees who manage to flee Tibet and from a few foreign visitors allowed to enter Tibet.

The Tibetan people have suffered tremendously for the last forty years under China's illegal occupation. Tibet was invaded and occupied by the Chinese People's Liberation Army only a few years after World War II ended. Today, as we witness the changes in Eastern Europe, we should bear witness to the colonial yoke that surrounds Tibet, too.

Despite the unimaginable treatment meted out to the Tibetan people by the Chinese, I wish to reiterate my belief that the Tibetan issue can only be resolved through the development of mutual understanding and trust between the Tibetans and the Chinese. This, in turn, can be achieved only through open and honest discussions keeping in view the aspirations and interests of the six million Tibetans. It cannot be achieved through brutal repression and intimidation. Violence, in my opinion, only breeds hatred and more violence, and cannot form the basis for a lasting solution.

As I am sure you are aware, I have consistently called for earnest negotiations between Tibetan and Chinese representatives. I have proposed this for the benefit of both the Tibetan and Chinese people and not out of concern for my own position or future.

Two and a half years ago, I proposed a Five Point Peace Plan for Tibet which I elaborated on during a visit to the European Parliament in 1988. Although, the Chinese initially agreed to hold negotiations with my representatives at a place and time of my choosing, they have, for one reason or another, always evaded giving a direct response. We have yet to receive a constructive response from the Chinese.

Since June of last year, when the brave Chinese students and their supporters were massacred in Beijing in a manner which is all too familiar to us Tibetans, the hardened Chinese leadership has discontinued even the sporadic contact we had maintained with them. Today, instead of dialogue, there is increased repression in Tibet. The human rights of the Tibetan people are constantly being violated.

The Tibetan people surely have the right to be free and happy. And Tibet which is culturally, racially, geographically and historically distinct from China has the right to decide its own destiny, just as other colonized or victimized peoples do.

The vision we Tibetans have of a future Tibet is that of a peaceful plateau governed in a true democratic manner—where the chief executive, the government, and the parliament are elected by the people; where the rule of law, human rights and democratic freedoms are guaranteed in a constitution adopted by the people; and where the environment is protected and all forms of life respected. This region would eventually have to be demilitarized and denuclearized. A Tibetan zone of peace would benefit not only the Tibetan people, but would also be in the interest of regional peace and stability and of the environment which concerns all of us.

For us Tibetans, the study and practice of Buddhism is very important, because we believe that it has real value in helping us to become better, more compassionate human beings, through the development of inner peace and respect for all forms of life. I further believe that Buddhist principles will enable us to contribute to world peace and the conservation of our planet's environment. However, it is not only the Buddhists who can make such a contribution. It is my conviction that followers of both, of any religion and no religion, can do the same. What is essential to us is that all people must be free to follow their own beliefs as they see fit.

Tibetans who have managed to escape from Tibet in the past decades have learned much from democracy. But even though Tibetans inside Tibet have been deprived of the opportunity to experience or learn about democracy under what the Chinese government calls the "dictatorship of the proletariat", they have developed a keen interest in democracy and long for the rights and freedoms people in other countries enjoy, and sometimes, take for granted.

The changes that have taken place in Eastern Europe, Central Asia and Africa have given us renewed hope and courage. If people, long repressed, can regain their freedom and create democratic and humane societies, why not the Tibetans? The democracy movement in China has also given us reason to be optimistic. If tomorrow's leaders of China truly believe in democracy, how can they fail to respect the Tibetan people's wishes? Imperialism and true democracy are incompatible, and most Chinese students whom I have recently met seem to understand that.

The Tibetan people have waged a non-violent struggle for many years. Throughout this time our determination has not weakened. As I have said, we remain willing and prepared to talk to the Chinese leadership, because I believe that dialogue is important.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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As democratically elected leaders and representatives of the peoples of Europe, you can do much to help bring change to Tibet. Your public expressions of concern for the plight of the Tibetan people and support for their legitimate rights not only give us Tibetans renewed courage, but also remind China that the international community does care about the Tibetan people and that China cannot suppress or eliminate a country and people without being accountable to the international community.

To conclude, I wish to take this opportunity to thank you for your interest, and the interest of the people you represent throughout the European community.

Tashi Delek.

A TRIBUTE TO BROWN ELEMENTARY SCHOOL FOR THEIR NATIONALLY RECOGNIZED DRUG-FREE PROGRAM

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. BUECHNER. Mr. Speaker, the war on drugs has turned the streets of our neighborhoods and playgrounds at our schools into battlefields. If we are to take back our homes, schools, and communities, the battle must be fought on the home front—each and every individual will have to be a soldier.

Recently, the Department of Education announced the selection of 51 schools from across the Nation to be recognized for their outstanding drug-free programs. It is with a deep sense of pride that I pay tribute today to Brown Elementary School in the Hazelwood School District of St. Louis County in my home State of Missouri. The administration and teachers at Brown Elementary School understand the seriousness of the drug war and are supplying their students with the most effective weapon available to defeat the scourge of drugs: education.

The Brown Elementary School's drug prevention awareness program is a well coordinated plan that brings together students, faculty, parents, and the community to take the offense in confronting the issue of substance abuse. Every student from kindergarten through sixth grade learns that they alone must ultimately be responsible for their own mind, body, and spirit.

The faculty at Brown Elementary School have found that children do have a genuine thirst for knowledge, especially when they are involved in the actual process of learning. A key element of the school's program is engendering a sense of self-worth in every student. The school has succeeded in this area by engaging students in activities designed to make learning a more dynamic experience. Activities such as plays, musicals, and other creative programs elicit a sense of accomplishment and confidence in the children. These are essential for building the character required to resist peer pressure and to say "no" to drugs.

Mr. Speaker, the drug problem in America is not one of supply but of demand. As long as people are willing to use and pay for illegal drugs, the drug lords will find a way to provide them. This fight cannot be fought by law enforcement alone. Public attitudes must change the tolerance level of substance abuse to a level of total intolerance.

Brown Elementary School is a beacon of light for our community. They have taken the battle against drugs to the front lines and placed the fate of victory with individual accountability. It's time to enlist everyone in the war against drugs. Only then will we have a fighting chance to win.

WHAT ARE WE WAITING FOR IN HAITI?

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. CROCKETT. Mr. Speaker, in a recent op ed in the Boston Globe, Lester Hyman, former Washington counsel for the Government of Haiti, makes a compelling case for aid to Haiti. He reminds us of the debt we owe the Haitians for their contribution to our revolution of 1776. He goes on to say:

The United States has taken risks before in the name of democracy. Why should we not do so again for a friend just 700 miles from our shores? It is in our national interest to promote democracy in this hemisphere. Haiti came to our aid when we sought our freedom. Now is the time for us to help Haiti seek its freedom.

The situation in Haiti is the best it has been for years. Finally, an interim civilian government, not the military apparatus, has control of Haiti. The interim President, Supreme Court Justice Ertha Pascal-Trouillot, has an uphill struggle ahead of her, and she can not win without resources.

The tragic irony is that it would only take a small amount of money to make a difference in Haiti. The $20 million authorized by the House Foreign Affairs Committee would have gone a long way toward assisting the Haitian people with critical imports and their elections. I am saddened by the fact that instead of $20 million, the appropriations committees will probably settle for $3 million in new money. Meanwhile, they appropriated over $700 million for Panama and Nicaragua.

I am further frustrated by the administration's unwillingness to place Haiti high on the foreign policy priority list. The U.S. Government talks a great deal about promoting democracy around the world. We have supported guerrilla movements to the tune of billions of dollars, and even gone so far as sending U.S. troops to others' shores—all in the name of democracy. Why is it the administration can find discretionary funds for other countries in their times of crisis, can request almost a billion dollars for the emerging democracies of Panama and Nicaragua and yet remain silent on Haiti?

No one's hands are clean on Haiti. And we will only have ourselves to blame if the Haitian people fail in their struggle toward democracy for lack of funds. It is my hope that we will realize the error of our ways before it is too late.

The text of Mr. Hyman's article follows:

[From the Boston Globe, Apr. 23, 1990]

PAYING U.S. DEBT TO HAITI

(By Lester S. Hyman)

WASHINGTON.—The US Congress now is considering a foreign aid package. One possible component is $20 million in aid to Haiti.

It is in our national interest to grant it.

At the dawn of its independence, Haiti sought US recognition—and was rejected.

Now, 187 years later, a new leader of Haiti has been chosen by civilians rather than soldiers. Will the United States reject Haiti again in its hour of need? History tells us we should not.

The two countries' ties, unknown to most Americans, go back to our Revolutionary War and put the United States in Haiti's debt.

In 1778, the French rules of Haiti dispatched a contingent of slaves to Savannah, Ga., where 518 of their number gave their lives to help make America free.

One Haitian slave who fought for the United States, Henry Christophe, realized from his experience that a people could rid itself of oppressive rule.

So Christophe returned to Haiti and led a slave revolution against the bloody abuses of the French.

In 1803, the victorious Haitian slaves established their own nation—the first independent black republic in history.

Yet, when they sought recognition of the very United States they bravely had fought for only a few years before, we not only refused but also slapped a trade embargo on the fledging black republic.

Why? Because in 1803 the United States maintained a slave economy and could not tolerate the thought of a successful slave revolt spreading to our shores.

Deprived of models of governance from the democratic nations of the area, Haiti's contemporary history has been one of coups, dictatorships and instability.

In September of 1988, the enlisted men in the Army installed as president Prosper Avril, who initially took steps to restore the constitution, curb corruption, reduce the transshipment of drugs and, most important, announced elections for next October for a civilian president.

In January, however, Avril inexplicably did an about-face and cracked down on his political critics. His support quickly eroded and on March 10, after 18 months in office, Avril resigned. Now an interim civilian president, Haitian Supreme Court Justice Ertha Pascal-Trouillot, has been installed. Her primary task will be to bring about the free election that Avril promised.

But getting from here to there will be no easy task.

Haiti desperately needs US help to feed its people and build an infrastructure. Oil and wheat are to Haiti what bread and water are to human life, but it lacks the funds for either.

It would take $15 million in US aid to pay for enough fuel and food to get through the national elections in October; $5 million more would underwrite the elections.

Thus far, we have done nothing. And our inaction emboldens the opposition forces.

We say to the people of Haiti: first hold peaceful elections and then we will help. But unless the United States helps now, the chances for peaceful elections become less likely.

What, then, is the problem?

First, the United States, having been burned before (the election disaster of 1987), is afraid to stick its neck out again.

Second, Haiti is a very poor country without a vibrant economic base, so it does not register high on our list of foreign policy concerns.

Third, the Congress and the administration each want the other to go first for fear of taking the blame if something goes wrong.

The United States has taken risks before in the name of democracy. Why should we not do so again for a friend just 700 miles from our shores? It is in our national interest to promote democracy in this hemisphere.

Haiti came to our aid when we sought our freedom. Now is the time for us to help Haiti seek its freedom.

PRESIDENT JIMMY CARTER, PROMOTER OF PEACE

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. SIKORSKI. Mr. Speaker, I rise today to introduce a letter into the CONGRESSIONAL RECORD from a fellow Minnesotan. On April 25, the world witnessed a monumental occasion in Nicaragua. After a free election, a new President has taken office in this impoverished, war-torn country. Under the leadership of Violeta Barrios de Chamorro, peace and democracy may soon become a long-term reality in Nicaragua. This is a tribute to the people of Nicaragua, without whom this peaceful transition could not have happened. This is also a tribute to dedicated efforts of President Jimmy Carter. President Carter worked tirelessly to ensure that the Nicaraguan Presidential election and transition of power were conducted without fraud and manipulation. In the March 25, 1990 St. Paul Pioneer Press, Gordon Oberg wrote of the virtues of our emminent former President. For his unceasing devotion to attain world peace, President Carter should be commended.

JIMMY CARTER, PREACHER, PROMOTER OF PEACE

Recently my wife and I spent a pleasant, meaningful Sunday morning in Plains, Ga. Prior to the morning worship service at the Maranatha Baptist Church, we had the opportunity and privilege of attending the adult Sunday school class taught by former President Jimmy Carter. This gentle, unpretentious man exhibits the attributes of confidence, leadership and wisdom, coupled with the virtues of humility, honesty and integrity. Among American presidents, he stands tall. His gracious wife complements his stature.

Recently President Carter helped monitor the elections in Nicaragua. His work has been lauded by leaders of both our major political parties. In the near future he will be meeting with leaders in Israel, Egypt and Libya. I hope our government will continue to utilize the talents and expertise of this man in helping to promote the cause of peace, justice and human rights among the nations of our world.

RECOGNIZING BEECHER CLARK, NATIONAL BLIND WORKER OF THE YEAR

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. LEVINE of California. Mr. Speaker, I would like to congratulate Mr. Beecher Clark on his selection as winner of the Peter J. Salmon Award recognizing the National Blind Worker of the Year. Mr. Clark's achievements in the face of adversity should serve as an inspiration not only to other physcially challenged people, but to all people.

Legally blind since birth, Mr. Clark has overcome this disability and a painful struggle with alcoholism to become an example and a leader to his fellow workers at Ed Lindsay Industries. He has performed admirably in every department of the company and serves as an employee spokesperson on many issues as a longtime member of the Ed Lindsay Employee Advisory Committee.

In addition, Mr. Clark is an active community leader who has not allowed his disability to prevent him from helping others to overcome the problems with which he has been faced. For the past 18 years he has organized alcohol therapy groups for inmates at Tennessee State Prison and participates in therapy groups at other institutions. He is also active in the Mid-State Association of the Tennessee Council of the Blind, having held local and State offices. In the words of W. Allen Broughton, executive vice president of Ed Lindsay:

The onset of total blindness . . . has not diminished Clark's enthusiasm for producing quality products or actively participating in community activities.

It would be a fitting to the invaluable contributions Mr. Clark and other physically challenged Americans have made to our society if we guarantee the protection of their rights through passage of the Americans with Disabilities Act. This landmark legislation will remove many of the obstables to success which Mr. Clark faced from the path of others like him. There is no greater gift we in Congress can give in recognition of his extraordinary achievements.

I ask my colleagues to join me in recognizing the accomplishment of a remarkable man.

ERIC McNAUGHTON BRACKETT: A LIFETIME OF SERVICE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mrs. LOWEY of New York. Mr. Speaker, I would like to draw the attention of my colleagues to the honor which is being bestowed upon Eric McNaughton Brackett. Mr. Brackett will be honored by the All Islands Association at their annual scholarship luncheon.

Mr. Brackett is being honored for his lifetime of commitment to his community. He was born in the country of Belize where he attended Wesley College. After graduation, he traveled to Guatemala where he worked for the United Fruit Co. until Hurricane Hattie forced its closure by destroying the banana farms in Guatemala.

In 1969 he came to the United States where he visited both Los Angeles and Manhatten before deciding to settle in Mount Vernon. He began his service to his community in 1974 when William B. Johnson asked him for his assistance in reorganizing the South Side Residents Association. He then became involved with the Mount Vernon Community Action Group which led to greater involvement in more community groups.

In 1976, he joined Asbury United Methodist Church where he was asked to be a Sunday school teacher. He has since served in many different capacities in the local church, on the district and conference level. In 1980, he became an American citizen so that he would have all doors opened to him whenever he tried to help any one in need.

Mr. Brackett is a Metropolitan Life Insurance representative. He is currently serving in many positions of prominence throughout his community including: Chairman of the mayor's advisory committee in Mount Vernon; chairman of Westchester's Community Opportunity Program; president of the Housing and Neighborhood Development Institute; and president of the South Side Residents Association. In addition he is a member of the executive committee of the Mount Vernon branch of the National Association for the Advancement of Colored People.

Brackett has been honored by several organizations, including the Mount Vernon Police Benevolent Association, which gave him his first civilian award in 1985, and the Belizean Cultural Society of New York which honored him in 1988.

With regard to his unswerving commitment on behalf of this community, the honor bestowed upon Mr. Brackett is richly deserved. I highly commend the All Island Association for deciding to honor such an outstanding and meritorious American. This is an honor which is richly deserved.

EL CINCO DE MAYO

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. ANDERSON. Mr. Speaker, recent world events have forced this great Nation to reflect upon the profound traditions by which it was formed. We have all watched in awe as many parts of the world have undergone a massive transformation from Communist oppression to the democratic rule of the people. While many of these events have taken place halfway across the globe, in cultures distinctly different from our own, there is a personal understanding of their struggle in each American's heart. After all, this country was founded on the principles of freedom, and the long struggle to obtain them. And while our struggle for freedom and independence from British rule is unique, Mexico, our good neighbor to the south, remembers her own unique struggle.

Cinco de Mayo, the fifth of May, is the anniversary of the 1862 Mexican Battle of Puebla. This day marks the anniversary of the battle in which the Mexican forces, against overwhelming odds, defeated French invaders who tried to change the course of their nation. This much-celebrated battle ensued when French Emperor Napoleon III, eager to establish a centralized monarchy in Mexico under French control, started a campaign of conquest. With 6,000 of his choice troops, the commander of the French forces encroached upon Mexico in what he expected to be an immediate and effortless victory. However, much to his dismay, 2,000 courageous Mexican soldiers drove the men back and won the day.

Although the French eventually conquered the country, the victory was extremely momentous. More important than the triumph itself, however, and its historic significance to the Mexican people is the never-ending message it sent to the world. The Battle of Puebla displayed to all nations the world. The Battle of Puebla displayed to all nations the unbeatable valor of a people committed to their homeland and culture, and the raw power behind a people's commitment to the principles of freedom. This historic battle, fought in Mexico 128 years ago, still rages on today throughout the world. Yet, the Battle of Puebla has shown humanity that the struggle for freedom, and from oppression, must continue. Moreover, Mexico has shown the world that this battle can be won.

Mr. Speaker, let the world honor our good neighbor to the south on Cinco de Mayo. We join with our Mexican friends and neighbors, in the celebration of this great battle and this great victory. It is truly a worldwide celebration of country, spirit, and freedom.

IN RECOGNITION OF STEPHEN R. CHAPIN, JR., U.S. NAVY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mrs. BENTLEY. Mr. Speaker, I would like to take this opportunity to recognize and honor Lt. Stephen R. Chapin, Jr., U.S. Navy, for his outstanding service as liaison officer for the Secretary of the Navy to the House of Representatives.

Hailing from Maryland, Lieutenant Chapin was selected for his demanding and important assignment based on his proven performance as a fully qualified surface warfare officer. He served with distinction as ordnance officer, damage control assistant, and auxiliaries officer in U.S.S. *Doyle* (FFG–39) during several extended deployments to the Mediterranean Sea, Indian Ocean, and Persian Gulf.

During his tour on Capitol Hill, I and many of my colleagues have greatly relied on Lieutenant Chapin's unfaltering dedication to his duties as well as his unique expertise. It is my understanding that upon completion of his current assignment that Lieutenant Chapin will transfer from the active forces to the Naval Reserve and continue his national service as citizen-soldier returning home to the Free State of Maryland. It gives me great pleasure on this occasion to recognize Steve's achievements and to say thank you for a job well done.

CHICOPEE, MA, CENTENNIAL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. NEAL of Massachusetts. Mr. Speaker, it is with great pleasure that I take this opportunity to salute the people of Chicopee, MA, on the occasion of the 100th anniversary of the founding of the city. The Chicopee Centennial Committee has worked hard to prepare for a year-long celebration of this historic occasion. It promises to be quite a memorable year in Chicopee, starting with a major parade this weekend.

The community of Chicopee has a history that stretches back hundreds of years before the city was officially founded in 1890. "Chicopee" is a Nipmuck Indian word meaning Birchbark Place. Throughout history, settlers of many types have favored the beautiful valley where today the city of Chicopee sits. The first settlers were the Nipmuck Indian Tribe. They were followed by the Puritans, who in 1636 received permission from the general court of the Commonwealth of Massachusetts to settle in the valley of the Connecticut River. The area where the Connecticut River meets the Chicopee River was first known for its excellent soil for farming. It attracted the Puritans who settled in the Springfield area and today some of the descendants of these early settlers still live in the Chicopee area. I have included a short history of Chicopee for my colleagues. As in the case of many great cities, the history of Chicopee is the history of people. Over the years Irish, Polish, French, Portuguese, and Italian people, among others, have come to Chicopee to live and to work. It is their hard work that has built Chicopee into the vibrant city it is today. Many great Americans have been born or lived in Chicopee; writer Edward Bellamy, Massachusetts Gov. George Dexter Robinson, Gen. Arthur MacArthur, industrialists Thomas Wright, and Joshua Stevens among them.

I would also like to note the contribution of the city of Chicopee to the U.S. Capitol. The magnificant bronze doors that are on display in the east and west entrances to the Capitol were cast at the Ames Co. of Chicopee in 1865. This massive task took 2 years and was supervised by Silas Mosman. I urge my colleagues to stop for a moment before these doors and note the magnificent craftwork that went into these national treasures. Whenever I see these works of art, I take pride in having the honor of representing the city of Chicopee.

Mr. Speaker, I would also like to take this opportunity to mention the people who make up the Chicopee Centennial Committee: Chairman Richard Wylie, Mayor Joseph Chessey, Jr., Sandra Chessey, John Frykenberg, Claudia Harriman, Lucille Kolish, Robert Motley, Diane Murphy, W. Guy Ormsby, Joseph Wagner, and Shera Cohen. This group, and many others have put together an impressive centennial celebration of events for Chicopee. I intend to join the many people around western Massachusetts who will enjoy this joyous occasion over the coming months. Congratulations to the people of Chicopee on a fine century of achievement.

The "History of Chicopee" follows:

HISTORY OF CHICOPEE

The History of Chicopee is one of continuous immigration. The Nipmuck Indians were the first settlers of the Connecticut River Valley who called the Connecticut River the "Long or Great River." The Swift, Ware and Quabog Rivers merge near the town of Three Rivers to form the Chicopee River. The river was so named by local Indians before the advent of the white man. The word "Chicopee" means Birchbark Place.

In 1636 the General Court of the Massachusetts Bay Colony granted permission to the Puritans to settle in the valley of the Connecticut River.

In 1659, the sons of Deacon Samuel Chapin brought their wives and children to settle and farm the Chicopee Meadows. By 1749 there were 40 voters in the region, a large enough group to warrant the establishment of their own church. A site on Chicopee Street was selected and served as a meeting house as well as a place of worship. The Reverend John McKinstry served as pastor of the First Congregational Church. The present building, constructed in 1826, is the oldest church structure in the city. Chicopee was then called the fifth parish of Springfield.

In 1825, from Eastern Massachusetts, Francis Lowell brought capitalism to the Connecticut Valley. Under a plan devised by Lowell, the cotton mills were to utilize the power loom and consolidate all the various processes of production in one plant. The company, which in 1828 became the Chicopee Manufacturing Co., was more than a cotton mill. It owned a large tract of land, water power, and a machine shop to repair mill equipment. The company laid out streets, set up a school district, and constructed tenements and boardinghouses for the workers.

At the western ford in the Chicopee River, in 1829, Nathan Peabody Ames and James Tyler Ames arrived from Chelmsford. The Ames Company would eventually produce a variety of metal products, both military and industrial.

They were soon joined by Alonso Philips of Hartford, who with Daniel Monroe Chapin developed America's first friction match industry. Benning Levitt started a bobbin shop, and Steven Bemis organized a hardware business here in Factory Village. From Springfield, Edmund Dwight came to develop the Dwight Textile Mills in Cabotville.

In 1832 a number of Irish immigrants came to Chicopee to work on the canals and to help construct the railroad. In 1849, Irish labor helped to construct the Connecticut River Railway. This majestic accomplishment would make Chicopee a first rate industrial center.

In 1845, Thomas Wright and Joshua Stevens came and began producing firearms in Chicopee Falls. The plant has now surrendered to urban renewal. The Stevens Arms Co. produced the famous Maynard Rifle. The Mexican War in 1845 led to increased production. Employment at the company rose to nearly 100.

On April 29, 1848 the Massachusetts General Court approved legislation to establish the town of Chicopee. In 1858 at least 60% of the mill population was Irish and the immigrant Irish, in 1859, constructed a magnificent church on South Street in Cabotville. On the South Street land, the parish soon constructed a school, followed by the construction of a fine rectory. By 1860, Chicopee was a town of only 7,000 people; yet 751 Chicopee soldiers and sailors served the Union cause. The Irish were a substantial part of the town's military contribution.

During the war, The Ames Co. produced weaponry for the North's Armies. The cotton mills manufactured uniforms. The mill sent labor recruiters north to seek mill workers. From the Canadian province of Quebec, girls were brought to Chicopee to work in the cotton mills. Later French-Canadian men were also recruited. The French-Canadian immigrants settled in Willimansett and it wasn't long before the stones of their own churches were set.

One of the greatest accomplishments of the Ames Company was the casting of the bronze doors of the east and west wings at the Capital building in Washington. In 1853, Thomas Crawford, a noted American sculptor was commissioned by the U.S. Government to design doors for the east and west wings of the newly remodeled Capitol building in Washington, D.C. Crawford worked on these designs for several years, until his death. The designs were completed by William Rinehart of Maryland. Once the designs were completed, they were put into storage and never reached the Ames firm until 1865. Silas Mosman, the casting expert, was put in charge of the work. The cast was cut, chased and finished in about two years at a cost of approximately $65,000.

The expanding factory system brought the first Polish Immigrants to Chicopee. The mailboat to Europe carried news of Chicopee and many of their country men were guided to the valley, St. Stanislaus Parish provided safe harbor in a strange new land.

In 1871, Charles E. Parker designed the fine brick and stone building that still serves as the seat of elected power in the city. The design of Chicopee City Hall, patterned after the Palazzo Vecchio in Florence, Italy, is the city's most distinctive landmark. The communities power and influence in state politics produced a governor in 1883. George Dexter Robinson, teacher, lawyer, congressman and bank president became governor of the Commonwealth of Massachusetts.

Rufus Bellamy had been the Baptist Minister in Chicopee Falls for thirty-five years. His son, Edward, was not destined to follow in his father's footsteps. Edward and his brother Charles founded the Springfield Daily News in 1880. Edward served as Editorial Writer for the paper and published in the early 1880's; Looking Backward. published in 1888, sold over a million in its first few years and has been steadily in print all over the Western world ever since.

1890 provided another landmark year for Chicopee. The original Charter of the City of Chicopee was granted by the Massachusetts General Court on April 18, 1890, and adopted by the qualified voters of the Town of Chicopee at a meeting held May 6, 1890. George S. Taylor was inaugurated as Chicopee's first mayor on January 5, 1891.

In 1939, the Tobacco Plains of Chicopee Falls were transformed into the Northeast Air Force Base, Westover Field. Today Westover Field is the home of the free world's largest aircraft, the C5 Galaxy.

(Excerpts From "Chicopee's Yesterdays," by Stephen Jendrysik and Walter Stachura, October 30, 1988.)

THE SEARCH FOR THE DIABETES GENE

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. DE LA GARZA. Mr. Speaker, diabetes affects 12 million Americans and adds an estimated $20 billion annually to our Nation's health care costs. A half million people in this country die of diabetes and its complications each year.

Research has shown that a disproportionately high percentage of Americans affected by diabetes are of African, Native American, Native Hawaiian, or Hispanic ancestry. For example, black women are twice as likely to suffer from diabetes as white women. Aging Hispanics are also more likely to have diabetes than the general population, with one-third of the group between 65 and 74 years of age likely to suffer from the disease.

Diabetes and its complications add an estimated $20 billion annually to our Nation's health-care costs, a significant portion of which includes Federal spending for the Medicare, Medicaid, and Social Security disability programs. Diabetics make up about 30 percent of the new dialysis patients entering the Medicare End Stage Renal Disease [ESRD] program each year. Federal Medicare costs for treatment for diabetes-related ESRD alone runs about $750 million annually.

As chairman of the Congressional Hispanic Caucus, I am deeply concerned about the prevalence of diabetes among my fellow Hispanics and want to ensure that everything possible is being done to find a cure.

On April 26, 1990, I attended the Capitol Hill Conference on Diabetes. This conference was called to focus public attention on the disturbing statistics surrounding diabetes, particularly its prevalence among minorities and its increasing costs in terms of health care.

The conference underscored the opportunity that now exists to use modern technology and genetic research to find the cause and possibly a cure to diabetes by the end of this century. A new research initiative, "The Search for the Diabetes Genes," has been proposed which would commit an additional $50 million in Federal funds for the diabetes genetic research activities sponsored by the National Institute of Diabetes and Digestive and Kidney Diseases [NIDDK], a part of the National Institutes of Health.

Mr. Speaker, I urge my colleagues to continue their support for funding of the valuable research activities currently sponsored by NIDDK. And I strongly recommend we find room in the Federal budget to help fund "The Search for the Diabetes Genes." The opportunity to find the cause and the cure of this disease is an opportunity we should not ignore.

TRIBUTE TO EARTH DAY

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Ms. OAKAR. Mr. Speaker, Sunday, April 22d, was observed as the 20th anniversary of "Earth Day" and it was a truly global celebration.

My memory goes back to the original Earth Day in 1970, when its founder, Senator GAYLORD NELSON, flew from Boston to Washington to the University of Wisconsin at Madison to launch a teach-in on the environment for students at 2,000 colleges, 10,000 secondary schools, and 1,000 communities in America.

This Sunday, an estimated 200 million people in 3,600 communities in 140 countries on 7 continents turned out for a variety of rallies, marches, concerts, festivals, and street fairs. These and other events added up, in the words of the New York Times, to "the largest grass-roots demonstration in history." To me, this means it was a genuine showing of sentiment of the people and by the people, rather than being organized by any government. This makes Earth Day 1990 highly significant, as an indication that the peoples of the earth are ahead of their governments in this vital area.

I would like to join in having the Congress pay tribute to Earth Day and to one of its most distinguished members—Senator NELSON—a former Governor of Wisconsin, a Democrat, a lifelong conservationist, and now, senior counsellor of the Wilderness Society. It was his extraordinary vision and leadership that made Earth Day a reality. In 1970, the Senator told the Wisconsin student body:

> Our goal is an environment of decency, quality, and mutual respect for all other human creatures and for all other living creatures. * * * A tougher challenge than any other war in the history of man. * * *

I would also like to recognize the leadership in and dedication to environmental matters of such organizations as the Audubon Society, Resources for the Future, the Alliance To Save Energy, the Public Interest Research Group, the American Council for an Energy Efficient Economy, the National Resources Defense Council, the Consumer Federation of America, and the Council for Renewable Energy Education. All have contributed substantially to the work of the Subcommittee on Economic Stabilization, which I chair, in exploring the relationships between energy, environment, and long-term national security. As a part of these hearings, we were able to arrange the first presentations of the national energy efficiency platform and a national policy for renewable and alternative fuels for congressional consideration.

There is a parallel in that the original Earth Day was, according to Senator NELSON, prompted by the Santa Barbara oilspill of 1969, and our hearings commenced as a result of the Valdez oilspill of 1989.

My hope is that Earth Day will continue to serve as a focus for the expression of environmental concerns and advocacy in behalf of this planet that all of us share.

An Earth Day editorial by the Washington Post credited environmental campaigns with some ringing successes. It is encouraging that, since the first Clean Air Act of 1970, practically all of the lead emissions have been eliminated and sulfur dioxide emissions have been reduced more than 20 percent.

The Post says that our most important discovery is that "conservation"—which to me means caring for the land—and/or energy efficiency, "is the cheapest, simplest, and most effective way to make progress." An example would be that gasoline mileage has just about doubled since 1973. The proof that environmental progress and economic growth are consistent is that the economy has grown by about three-quarters during this period ("Earth Day," Sunday, April 22, 1990, page B-6).

The New York Times reported that the environmental focus has shifted in the past 20 years from localized concerns, such as the status of the bald eagle—transferred from the "endangered" to the "threatened" list—to problems of the whole Earth, such as the ozone layer, climatic change, clean air, drinking water, the forests, oceans, lakes, and soil "Guarding the Environment: A World of Challenges," by Matthew Wald, April 22, 1990, page 1. And, I might add, urban living conditions—jobs, housing, health, safety, and education.

Much has been done; much more remains to be done.

A lead article in the New Republic Magazine also challenged environmentalists to be critical of mythology in this field, to be respectful about facts and the scientific method, and costs and benefits. "Everything You Know About the Environment Is Wrong," By Gregg Easterbrook, April 30, 1990, page 14. In my opinion observance of these fundamental principles will strengthen environmental policies over the long run as realistic and well managed. An example, that is close to home, would be that all concerned should thoroughly examine the advantages of clean coal technology as part of the current clean air debate.

It is inspiring to me to see millions of people around the world responding to the cause set in motion 20 years ago by a Member of Congress to seek a decent and clean environment for all living creatures.

That kind of people power is needed to win the often technical and always difficult contests necessary to restore a proper balance between mankind and our environment. As columnist William Raspberry pointed out, individuals cannot do it all; sustained environmental improvement requires some responsible governmental action "How Earth Day Failed," Washington Post, April 25, 1990, page A27.

A prime example is the congressional effort—unsuccessful so far—to have the administration to produce a national energy policy. Such a policy was called for by Congress in 1977, in order to provide guidance in reconciling the legitimate interests of energy producers, consumers, and the environment, and to avoid undue dependence on foreign sources of energy. Another is to move forward with a program for greater energy efficiency in building and housing, the largest energy using segment of our society, which I have proposed.

As the glow of Earth Day 1990 fades, I hope the environment remains front page news. I am proud to be part of the environmental tradition, and will be doing all I can in this body to advance this cause.

THE WORLD BANK AND CENTRAL EUROPE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. LaFALCE. Mr. Speaker, perhaps the greatest political event of the past generation is now unfolding in central Europe as citizens are throwing off four decades of Communist rule.

Last year brought dramatic political breakthroughs which are being institutionalized with elections throughout the region during 1990. But it will take the rest of the decade before the countries of central Europe can make a full transformation to market economies and free enterprise.

Last year, the Congress passed the SEED I legislation to help Poland and Hungary make this transition. Next week, we are scheduled to take another step by approving SEED II legislation to expand the programs and coverage to other countries. Both these bills are needed—and much more. As the head of a 13-member congressional delegation which recently visited Yugoslavia, Hungary, Czechoslovakia, Poland, and East Germany, I know just how great is the will, and so limited are the resources in those countries. As a result, I have introduced a Central European Outreach bill (H.R. 4624) which goes beyond both SEED I and SEED II, and offers additional and much-needed help to these deserving countries.

I have also introduced legislation—H.R. 4569—to allow debt for environment swaps in Central Europe, and have proposed an Environmental Trust Fund for the newly established European Bank for Reconstruction and Development.

Central Europe represents both a moral imperative and economic opportunity for the United States at this moment in history. Accordingly, I have been very pleased that the World Bank has been moving aggressively to help countries in central Europe make the difficult transition to market economies. I want to draw particular attention to Members of a recent speech delivered in Warsaw by an esteemed former colleague, Barber Conable, now president of the World Bank, followed by an editorial in the Buffalo News endorsing the work of the Bank.

ADDRESS BY BARBER B. CONABLE, PRESIDENT, THE WORLD BANK GROUP

Ladies and gentlemen, we are meeting at a time when we are acutely aware that history is in the making. We are meeting at a time when, through cooperative efforts, we can secure social and economic progress here in Eastern Europe of a kind which, only a few months ago, appeared to be an impossible dream.

I have come here to pledge the World Bank's commitment to support the process of reform and development which is underway in Eastern Europe.

I have come here to stress that, as we support East Europe's efforts, so we will support with equal vigor the cause of poverty alleviation and economic growth in all of our traditional borrowing countries.

I have come here to volunteer the World Bank's skills to be a constructive, cooperative partner—to be a coordinating leader—with the governments of East and West Europe, with the Bank's shareholders, and with the full array of international organizations. We must combine our efforts to foster freedom and growth in this part of the world.

And I have come here to sign two loans totalling $360 million— the first by the World Bank to Poland—to underscore the importance which the Bank attaches to the courageous reforms the Polish people and government have undertaken.

Poland's program of reform commands our respect and has earned our support. We are proud to join you in the historic enterprise you have launched. We are confident that the path of reform will lead to a healthier, more efficient economy—one that will provide, in the medium-term, an improved quality of life for the Polish people.

This morning, I will focus my remarks on three broad themes:

First, the challenges which the nations of this region must confront in the coming years;

Second, the World Bank approaches and assistance in support of Eastern Europe; and,

Third, the broader international development concerns which must be considered as Eastern Europe moves ahead.

CENTRAL CHALLENGES

The challenges Poland faces are also common to the other countries of Eastern and Central Europe, despite the unique nature of each of these nations and the diversity which chracterizes this complex region. The international community can, and will, be of assistance, but, ultimately, the peoples and their governments must shoulder the major burden of reform and economic modernization.

As Minister Balcerowicz put it so eloquently when he addressed the World Bank and IMF Annual Meetings in Washington last September:

"The support that we expect is not a substitute for our own efforts. This support is needed to increase the chances for success of our own decisive actions."

Achieving Economic Transformation

To be specific, the first challenge every Eastern European country faces is to provide a better economic and social future for its citizens. To achieve this, nothing short of a transformation of the old economic command system is required. A new system is needed which vests economic decision-making in the individual and in private enterprise.

People need to be empowered. They need to be given genuine economic choices and alternatives. Every citizen must be made to realize that their economic future depends on their individual efforts, as much as the protections the government can provide.

Choice already exists in the political sphere and, increasingly, elsewhere in this region. But for the full promise of social and economic change to be realized, choice must be dramatically extended in economic life as well. Only in this way will the queue and the ration card—all too prevalent—be

confined permanently to the trash bin of history. Only in this way will Poland be able to tap its many advantages, such as its educated, skilled and determined people, and its proximity to thriving and newly accessible European markets.

As Edmund Burke put it 200 years ago: "A nation without means of reform is a nation without means of survival." As you strive to transform the old system and to allow economic decision-making and choice to become truly free, you will, necessarily, be effecting great changes in the balance of economic power between the state and the individual.

In Poland and in other countries, the monopoly state enterprise structure—the economic heart of the old system—will need to shed its privileged status. It will have to be drastically restructured to encourage real competition, diversity of asset ownership and private initiative. If this does not change, your bold efforts to stabilize the economy and free prices cannot succeed. Instead, the rigidities of the old system will prevent the movement of labor and capital to more productive uses, and will intensify the twin dangers of prolonged output decline and renewed inflation.

If Eastern European countries are to expand choice and renew growth, they also must reach out to new international partners—for export markets, and for the investment capital, technology and managerial know-how they vitally need.

The first steps toward trade liberalization are already being taken. Much more, though, remains to be done. Western trading partners, too, are making welcome moves to ease restrictions which inhibit convertible currency trade. The Council for Mutual Economic Cooperation (CMEA) is taking the first steps toward the essential drastic overhaul of its structure. These are difficult steps. Our experience in other countries shows, however, that the benefits of more open trade policies are great, and they often begin to flow early in the reform process.

A freer flow of investment capital can also be a powerful stimulus to economic reconstruction and to trade. Foreign investment can help to modernize production—not so much by its financial contribution, but because it brings the vital ingredients of modern technology managerial expertise and access to international markets. The IFC and MIGA—two affiliates of the World Bank which focus on supporting the private sector—can be powerful catalysts here. I believe IFC's participation in your Export Development Bank will demonstrate this.

These changes must be reinforced by laws and institutions which will allow a modern, market-based economy to flourish. Capital and labor must be able to flow easily to where they are most needed and can be most efficiently employed. This requires a capital market and a functioning financial system. It also means changing corporate and labor laws to facilitate the entry and exit of firms, and to strike the right balance between employment security and the needs of the economy.

Poland is already making good headway in many of these areas—reforming the banking system, starting a bond market, freeing private investment, liberalizing joint venture laws, and beginning to subject firms in the socialized sector to tougher budget and credit limits. The World Bank stands ready to work closely with you as you continue to tackle these issues.

Social Protection

The second great challenge confronting Eastern Europe is a social one—to create a new basis for meeting the social needs of the people, both during the immediate adjustment period and in subsequent years. This country is already experiencing the pain of rapidly rising unemployment as it adjusts to economic reality. I strongly endorse the measures the government is taking to protect the most vulnerable in society. In forthcoming operations, World Bank staff will seek ways to provide financial and technical assistance to help Poland deal with unemployment and other social costs of the transformation.

Beyond such emergency measures, the alarming decline in the standard of health in all Eastern European countries must be arrested, education must be modernized, and well-targeted, adequate and financially viable unemployment insurance, pension and social security systems must be set in place.

And, as we all are aware, something must be done about housing. Polish citizens should not have to wait 15 years for an apartment. Despite huge housing subsidies, there are over half a million unfinished housing units in Poland—two-thirds of them in the private sector—and the completion rate has been dropping. As a matter of priority, these houses must be completed, especially the 160,000 in the state sector which has most immediate access to supplies and financing. If the housing market can be progressively freed to reflect the value people place on decent accommodation, I am confident that rapid progress can be made in private sector construction and in rehabilitation as well. The Bank has been working closely with Poland on housing reform, and we are prepared to provide further assistance in this priority area.

The Environmental Challenge

The third great challenge, of which everyone is acutely aware, is the environment. With dying rivers and poisoned industrial cities, Eastern Europe contains some of the most polluted regions on earth. The hazard to people's health and to future growth—in Cracow, in Katowice, and in many cities throughout Eastern Europe—is grave and immediate. Economic progress is a Phyrric victory for those who cannot breathe, or drink the water, or avoid toxic assaults on their physical well-being.

In short, action on the environmental front cannot be postponed to some future date when the economic crisis has been overcome. To quote the French "father of ecology", Rene Dubos, "Man shapes himself through decisions that shape his environment."

Action on the environment must be part and parcel of the process of reform. Economic incentives, new investment, legislation enforcement and public education must combine to pull Poland and other countries back from the brink of environmental disaster.

The World Bank is making a major commitment to its European borrowers in this effort. We are financing the cleaning of rivers and coastal waters in Yugoslavia. We are working with Hungary on a national environmental strategy—of which the Danube waters issue is a key part. We are working with donors in Western Europe to clean Mediterranean waters.

The forthcoming environmental management project in Poland, which we plan to support, will be just the beginning of our effort to assist you in meeting this important challenge. The project will help Poland make environmental improvement an integral part of its economic reform program. The aim of this operation is to ensure that assessment of environmental costs and benefits is built into the process of restructuring industry. In addition, its goal is to ensure that a sound framework exists to guide the major investments in Polish environmental rehabilitation which the government will undertake—with the help of the international community.

In further loans, the World Bank hopes to help Poland develop sustainable technologies, and introduce incentives for much greater energy efficiency and conservation—a critical step to improve the environment.

We must not delude ourselves. Meeting these three fundamental challenges—economic transformation, social protection and environmental clean-up—will require sustained long-term effort. Dismantling the command system, creating a robust financial system, modernizing industry and fostering the emergence of a strong private sector will take years. Re-training millions of workers and establishing a properly financed social protection system is a massive task. Winning back clean air for Eastern Europe's cities and flushing the poison from its rivers is a huge undertaking. But every long journey begins with first steps. The first steps in meeting these challenges must be taken now.

I, however, am an optimist. The American humorist, Mark Twain, describes an optimist as one "who thinks things can't get any worse." I'm the kind of optimist who believes things are going to get better—if Eastern Europe persists in its courageous course. With strong spirit and determination in support of reform, you can count on the World Bank in the tough times ahead, not just in the first euphoric moments of change.

EXPANDED WORLD BANK PROGRAM

This leads me to the second theme of my speech: What the Bank proposes to do to assist Poland and its other member countries in Eastern and Central Europe.

Events are moving so fast that they demand forceful and swift responses by agencies like the World Bank. I assure you that we will be swift, and we will be flexible. We recognize the great differences in political and economic conditions in each of the countries of Eastern Europe, the differences in traditions and cultures and experiences. Our work will be carefully tailored to respect the uniqueness of each nation.

We do not come here with a crisp and simplistic reform recipe for all of Eastern Europe. We come instead with the awareness that to be a useful partner we must be extremely sensitive to the individuality of each sovereign state within Eastern Europe.

What specifically can you expect from the World Bank?

First, we are expanding our capacity on the ground. Poland is a pioneer in this respect. At the invitation of the government, an important World Bank Resident Mission will be operational in Warsaw within three months. We have worldwide experience to share, and the Mission's professional staff will be available to provide close consultation and technical assistance to Polish decision-makers. It will have the authority to respond flexibly, quickly and innovatively to government requests for help.

Second, we are expanding our program of policy advice and technical work, and our effort in research and training directly relevant to the problems facing Poland. This ex-

pansion is designed to meet the specific needs of individual Eastern European countries—including countries which we expect will become active members soon. The new program will deepen our comparative understanding of reform problems.

We will ensure that the fruits of this work will be swiftly available to the reformers—through our resident offices and technical assistance programs, through our continuing dialogue with member governments, and through bigger training and outreach activities by the Bank's Economic Development Institute [EDI].

Third, we are prepared to expand financial assistance from the World Bank Group. I anticipate that the Bank will lend over $5 billion to our current Eastern European borrowers over the next three years—up to $2.5 billion for Poland. Lending to other new members would follow, as and when they join and it is determined that they are eligible for Bank assistance.

IFC is already an active partner in Eastern Europe, and has a major role to play in the development of private sector investment, both foreign and domestic. Our Multilateral Investment Guarantee Agency (MIGA) will be active, as well, as guarantor and promoter of more private foreign investment.

Our lending will focus on restructuring all facets of the economy and market-oriented change. We will seek to provide financial support for economy-wide policy reforms through structural adjustment lending. We will help to finance the transformation of industry and banking—to modernize and expand infrastructure, to support environmental rehabilitation, and to help restructure the social sectors—through well-targeted sector and investment operations.

Creditworthiness is a sine qua non for World Bank lending. Restructuring of the Polish debt, thus, is vital for our involvement and a responsibility for Poland and the international community. We will work with you toward a better structure and management of external debt, and use our own resources wherever possible to help secure co-financing from other public and private sources.

INTERNATIONAL DEVELOPMENT CONCERNS

In conclusion, I wish to place the grand events in this part of the world within a broad international setting. The World Bank has 152 member countries. It is an agency concerned with the alleviation of poverty and has a global mandate. It is a partner with many diverse organizations in the quest for greater economic stability and growth. It has long been a cooperative forum in a world of conflict and controversy.

We are expanding our role in Eastern Europe precisely because of our worldwide responsibilities and experience—and because Eastern Europe's agenda of change, growth and expanded human opportunity makes a compelling claim on our resources.

I am pleased that the Polish government shares this broad vision of development. Despite its own severe financial constraints, Poland has demonstrated its commitment to the worldwide battle against poverty through its membership in, and financial contribution to, the International Development Agency. IDA is the Bank's concessional financing affiliate which helps development efforts in the poorest countries. Poland's contribution to IDA is all the more noteworthy, since IDA is a financial source from which it cannot draw.

In these momentous times in Europe, the international community cannot neglect its pressing obligations elsewhere. It must be responsive to Eastern Europe, but assistance to Eastern Europe should be additional so as not to come at the expense of assistance to other—and poorer—parts of the Third World. We cannot ignore the need to turn around Africa's catastrophic decline and to bring hope and better lives to Asia's hundreds of millions of desperately poor people. We cannot ignore the special problems of the heavily indebted countries in Latin America and elsewhere.

None of the World Bank's financial support for Eastern European countries will come at the expense of poorer countries—or at the expense of any of our borrowers. No country in this part of the world qualifies to receive IDA's concessional funding. And, expanded lending of IBRD funds in Eastern Europe will not crowd out any of our other borrowers, thanks to the Bank's strong capital position and access to funds.

In this context, all of us hope that the momentous changes taking place in international relations will lead to significant reductions in the $600 billion currently spent worldwide each year for military purposes. Against such a magnitude of expenditure, the additional sums needed to avoid diversion of assistance from one needy region to another are miniscule.

Let a peace dividend work for all nations, and especially for those in this part of the world where reduced tensions should permit the redirection of arms expenditures to the major task of reconstruction. Like His Holiness, Pope John Paul II, all governments should ask the question: "Are the children to receive the arms race as a necessary inheritance?"

While Eastern Europe and Poland can count on the World Bank, neither we nor anyone else has the insights and resources to meet all of Eastern Europe's needs. The international community must work together to build networks of effective support. Through these networks, we all can learn from emerging experience and combine our efforts efficiently.

To make sure this happens, the World Bank plans to develop even stronger ties with the European Community, with the new European Bank for Reconstruction and Development, with the OECD and with the UN system. We will also continue to work in close partnership with our sister institution, the International Monetary Fund, here in Poland and in other countries.

The Bank will put its experience and its Eastern European program—including our new Resident Mission in Warsaw—at the service of this vital international cooperative effort. Together, we can reverse the economic decline and environmental degradation which feed on each other to produce social injustice and disintegration. Together, we can put in place systems which reinforce equitable growth and a rehabilitated environment to produce a better quality of life for this and future Polish generations.

You have our firm commitment, and that is the true significance of the first loans to Poland which Minister Balcerowicz and I have signed today.

Conclusion

Ladies and gentleman: We have learned from the events of recent months that the unexpected can happen, and with breathtaking speed. I have come to Warsaw to listen and to learn, to support the process of reform, and to pledge the World Bank's assistance to the cause of development, so that all East Europeans may look to the 21st century with real hopes of a new age of dignity and prosperity.

The great historian, Thucydides, wrote:

"The bravest are surely those who have the clearest vision of what is before them—glory and danger alike—and yet notwithstanding go out to meet it."

I believe future historians will record that the Polish peoples' struggle for a brighter future ranked them among the bravest of the brave.

[From the Buffalo News, Apr. 4, 1990]

A GOOD BANK TO INVEST IN—WORLD BANK'S PAYOFF: PEACE, GROWTH, STABILITY

Much foreign aid has been frittered away in the past, but that is not true in the economic development programs administered by the World Bank, which carefully evaluates economic projects before approving loans. Very few nations have fallen behind in repaying the loans—with interest.

Barber Conable, the former Western New York congressman who now is president of the 152-member World Bank, reports that it has actually earned more than $1 billion a year for the past three years. These earnings are plowed back into new loans.

Now before Congress is the Bush administration's budget request to pay for the U.S. share of the financing of the World Bank and its affiliates for the coming year.

With historic development opportunities now opening up in newly freed Eastern Europe, the World Bank is poised to play a major role in reshaping Eastern Europe, as it helped to rebuild Western Europe after World War II.

World Bank loans are made only if projects are economically sound, and under Conable there has been increasing stress on encouraging free enterprise, as opposed to the impractical, Marxist-oriented projects many underdeveloped nations once favored.

Included in the budget request for the World Bank are additional funds for an affiliate, the International Development Association, which is the world's key organization for assisting the poorest countries. To qualify for IDA loans, a nation must have a per capita income of $580 or less a year. Most recipients register less than $400.

While these loans are long-term and pay the IDA no interest except for a service charge, they are approved under the same tough criteria as regular World Bank loans. Even some of these poor countries have begun repaying.

The U.S. share of the new IDA funds is about $1 billion a year for three years, or 21.6 percent of the total amount contributed by 34 donor nations. This is a highly cost-efficient means of assisting countries, such as India and Pakistan, in which the United States has an interest.

At the economic summit in Paris last July, President Bush urged the multilateral development agencies to put more emphasis on the environment. The World Bank is now stressing more stringent environmental provisions in its projects as well as new incentives for economic performance.

A third objective is reduction of poverty and improvement of quality of life. Conable explained that "to be sustainable, development has to be based on health, literacy, productivity." He also stressed the need for greater efforts to control population growth.

The importance of sending foreign aid to Eastern Europe is obvious in terms of peace, stability and new economic opportunities.

But the underdeveloped world could also be a good economic investment as it develops as a market. Congress should approve the World Bank appropriation.

TRIBUTE TO VIANNEY HIGH SCHOOL ON THE OCCASION OF ITS 30TH ANNIVERSARY

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. BUECHNER. Mr. Speaker, there has been a great deal of attention focused on our educational system in recent years, and we have seen much debate as to what course education should take in years to come. Thus, it seems particularly fitting that on May 6, 1990, St. John Vianney High School in Kirkwood, MO, will celebrate its 30th year of commitment to excellence of every sort; it is with great pleasure that I rise today in tribute to Vianney on its 30th anniversary.

St. John Vianney is a Catholic, all-boys, college preparatory school which was founded and is operated by the Society of Mary. Its academic credentials are noted throughout the St. Louis area, and the Vianney Golden Griffins are respected not only on the athletic field, particularly in soccer, football, and hockey, but also in such intellectual challenges as chess, drama, and music. After 30 years, the school has developed a noteworthy physical facility with its impressive stadium, gymnasiums, and auditorium, among other things. Now, after a successful fundraising campaign, Vianney's future has never been brighter. But while all of these attributes are commendable, they are not what makes Vianney unique.

A school is more than classrooms, gyms, and academic and athletic accomplishment. There is, in most schools, a sense of purpose and a sense of community which define the institution far better than anything that can be described in a brochure. The Marianist Brothers' commitment to shaping boys into men, the desire of the students to excel, the religious principles upon which the school is based; these are the things that set Vianney apart. At the risk of using an overused term, Vianney's most outstanding characteristic is the school's spirit.

Both of my sons were fortunate enough to have worn the black and gold and graduated from Vianney in the past few years. In watching their progress, their experience, and their strong feelings for the school, I came to understand Vianney and its mission, which is, quite simply, to turn boys into educated, successful young men.

Mr. Speaker, Vianney is just beginning to educate its second generation of students—a gift beyond value to the St. Louis area. I am confident that through the next 30 years Vianney will remain true to the principles and traditions that have guided it so successfully since its inception. I ask this assembly to join me today in saluting Vianney High School for 30 years of educational excellence. To all the Golden Griffins, past and present, soar high, reflect the values you were taught, and always be, as the song says, "true to your school."

PEACE CORPS REVIVAL

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. CROCKETT. Mr. Speaker, one of the best pieces of news I have heard recently concerns the revival of the Peace Corps.

Few good ideas have had to suffer more indignities. The Peace Corps has survived attempts to make it an adjunct of our technical assistance programs, to bury it in domestic agencies and, most recently, the neglect of what Washington Post columnist David Broder refers to as "the reigning Reaganites [who] thought of Wall Street as a better venue for youthful ambition." But, as Broder points out, the Peace Corps is making a comeback. The budget is up, recruitment is up, and the Peace Corps is looking forward to the new challenges of the 1990's and beyond.

I know my colleagues will continue their strong support for this fine organization, and I include Mr. Broder's column at this point.

[From the Washington Post, Mar. 25, 1990]

PEACE CORPS REVIVAL

Paul Coverdell gets approximately one-thousandth the publicity and attention Dick Cheney receives. The budget he manages has about the same relationship to that of Cheney's Defense Department.

But Coverdell is not fretting, for his agency is unlike Cheney's in another respect. As much as Congress wants to cut the Pentagon, it seems eager to increase the Peace Corps, which Coverdell heads.

No mystery why. As Coverdell told the House Foreign Affairs Committee, "In many ways, it is as if the Peace Corps has been in training for this historical moment." With democracy and freedom breaking out around the globe, the demand for Peace Corps volunteers is soaring. And eager legislators keep pressing Coverdell with offers of help.

John F. Kennedy's project for sending American volunteers to work with people in poor countries went into deep decline during the '80s, when the reigning Reaganites thought of Wall Street as a better venue for youthful ambition. The Peace Corps struggled to stay alive, with then-vice president Bush offering backstage support to the political ally, Loret Miller Ruppe, whom he had persuaded President Reagan to name as Peace Corps director.

Coverdell, an Atlanta businessman and former Republican legislator, is also a longtime Bush backer. He was, in fact, the first person outside Texas or the Bush family I ever heard talk seriously, back in the '70s, of wanting to see Bush become president.

That Bush would place a man with Coverdell's political credentials and managerial ability at the head of the Peace Corps speaks volumes about his commitment to the agency. He's backed it up with bucks. The $16 million budget increase Bush proposed for fiscal 1991 (to $181 million) is the biggest year-to-year jump the Peace Corps has received in more than 25 years.

It will be needed. Twenty-six additional countries have requested Peace Corps volunteers, and Coverdell is planning to service 15 of them in the next two years. In 18 months, the Peace Corps will expand its range of countries as much as it did in the preceding 20 years.

Poland and Hungary head the list of Eastern European countries that will receive Peace Corps volunteers. But Coverdell is determined not to ignore the nations of Africa, Asia and Latin America. Uganda, Namibia, the Ivory Coast, Chile, Panama and Uruguay are all priorities.

That's where the money is needed. It costs $1 million in overhead to open up a country program and about $29,000 annually to support each volunteer. Unlike other agencies, the Peace Corps has plenty of enthusiastic friends in Congress. Many senators and representatives have learned from their own overseas travels that the volunteers are not only the largest American presence in many countries but the best-loved.

While pushing his slim staff to deal with the challenges of rapid expansion, Coverdell is also trying to reshape its focus—in ways that reflect his own background as well as the changing world. As an urban businessman with a long history of environmental advocacy, the new director is steering more of his programs to burgeoning Third World cities, placing volunteers in social service, environmental and small-business development projects.

"We are maintaining our traditional interest in agriculture, health and education," Coverdell told me. Indeed, the first contingent of volunteers for Poland will be English teachers. "But as we expand our programs, we are going to emphasize urban development, small-business development and environmental action, as so many of those countries wish."

The Peace Corps has never been a massive effort and probably never should be. Its greatest impact lies in the personal interaction between a helping American and the people she or he is inspiring and assisting. In his long-term planning, Coverdell estimates that all foreseeable requests could be satisfied by a Peace Corps with 12,000 volunteers.

The Bush budget aims at adding 1,000 volunteers to the Peace Corps by 1992, taking it up to 7,300, and Coverdell envisages the 12,000 figure by the end of the decade. Some congressional Democrats would like to expand faster. But without creating a cumbersome Washington bureaucracy, there are practical limits on how fast it can grow.

Finding volunteers is not a problem. More than 14,000 applied last year for the 3,200 training slots that were open. Minorities (7 percent) are scarcer than Coverdell and others would like. Rep. Connie Morella (R-Md.) has a bill that would give ROTC-like college subsidies to minority students and others with needed skills in return for two or three years of post-graduation Peace Corps service.

Already, 60 percent of the Peace Corps volunteers have identifiable skills of importance to their hosts. One volunteer out of eight is over 55, and many of those seniors bring years of experience to their tasks.

Peace Corps is no longer a new idea. But old ideas that are sound can gain renewed energy from strong leadership and presidential sponsorship. That's what's happening with the Peace Corps now.

U.S. FINANCIAL COMPETITIVENESS

HON. JOHN J. LaFALCE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. LaFALCE. Mr. Speaker, in the following remarks given by Mr. Hans Angermueller, formerly of Citibank, at a recent conference in New York on the restructuring of the banking industry, Mr. Angermueller makes two very fundamental and compelling points. First, the position of the United States in the new world order that is emerging will be a function of its economic strength, rather than its military might. Second, the competitive disadvantages facing U.S. financial institutions constitute a fundamental threat to that economic strength, and may adversely affect our economic well-being.

I concur with Mr. Angermueller's conclusion that we must move quickly to reform the structure of our financial services industry, and I commend his remarks to the attention of my colleagues.

WILL THE U.S. BANKING INDUSTRY REMAIN COMPETITIVE IN THE GLOBAL MARKETPLACE?—CONCERNS OF AN EX-BANKER

(Remarks by Hans H. Angermueller)

My thesis is quite simple and, if you are an American, quite disturbing. In a world order which is more and more becoming based on economic, and not military might, the efficiency with which a nation's financial institutions can facilitate the flow of capital from the ultimate suppliers to the ultimate users of capital will be a major factor in determining that nation's economic well being and its position in the global marketplace.

In my view, foreign financial institutions are today much better positioned than U.S. financial institutions to mobilize capital and help direct it to its most productive uses. Foreign financial institutions have the flexibility to respond to changes in the marketplace. U.S. financial firms do not.

Foreign financial institutions have the opportunity to diversify and to tap new sources of revenue. U.S. financial institutions do not.

Foreign financial institutions can therefore expect to be stronger and more competitive than U.S. institutions. Consequently in today's global marketplace, U.S. institutions operate at a disadvantage not only in the international markets, but in the United States as well.

This is bad news not only for U.S. financial institutions, but given the pivotal role that financial institutions play, there will be adverse consequences for the U.S. economy.

For almost half a century, the military confrontation between the U.S. and the Soviet Union has led to their respective roles as the world's superpowers. However, it is now becoming increasingly clear that the world leadership role of the U.S. can no longer be based on its rivalry with the Soviet Union. The U.S. must adjust its priorities in a world in which other nations aggressively pursue their own economic interests and are becoming less dependent on U.S. military strength. This means that the U.S. must position itself to remain competitive in the global marketplace which, in turn, means that U.S. financial institutions must be able to operate effectively in that marketplace.

However, that marketplace is undergoing fundamental and irrevocable changes. Today, as we are all aware, major advances in information technology, shifts in savings from depositories to mutual funds and pension funds and the use of options, futures, swaps and other derivative instruments are revolutionizing the business of finance.

As a result, financial institutions can now disassemble any financial asset into its basic risk components and recombine those basic components into a new instrument with completely different maturity, liquidity, interest-rate, foreign exchange and credit characteristics. This enables the users and the suppliers of capital, including intermediaries themselves, to determine how much, and what kind of, risk they wish to bear.

Accordingly, instead of traditional intermediation by banks and insurance companies on the one hand and securities distribution and trading by investment bankers on the other hand, we are moving toward a world of financial engineering and administration—all provided in a highly integrated global marketplace peopled by new investors using new techniques.

What has been the reaction to these basic and continuing changes in the world of finance?

Most OECD countries are in the process of taking, or have already taken, the steps necessary to permit financial institutions in their countries the opportunity to adapt to this changing financial marketplace. They are doing this by permitting their financial institutions to exercise a broad range of powers and thus to offer their customers whatever combination of products and services they may demand and which the institutions feel competent to provide.

These countries are developing a regulatory climate that is hospitable to a global financial services business. The premier example is the U.K. But other countries are also streamlining their financial systems for defensive reasons—to prevent any further erosion of their position. All of them are doing so because it makes good economic sense—they know that job creation, physical investment, and the efficient allocation of scarce capital are all at stake.

In preparation for 1992, countries within the European Community are rapidly dismantling the remaining barriers between banking, securities, and insurance. In a blunt report on where European banking is headed, Sir Leon Brittain, Vice-President of the Commission of the European Communities, recently told a Washington audience that the European Community "in one bound, * * * has moved from twelve fragmented and confusing structures of national (banking) regulation to a single market of a size and simplicity unmatched anywhere else in the world." He took pains to point out that the EC is not taking these steps "merely to benefit banks * * * We are doing it to increase the competitiveness of European industry by giving it access to the cheapest, most efficient, and most innovative financial products in the world. * * * So don't say you weren't warned!"

With incentives like this, the Japanese Ministry of Finance is speeding up the process of exploring options for the future of Japan's financial system. The betting is that Japan will move toward some form of universal banking system soon.

In sum, public policy toward the financial sector in other parts of the developed world is changing rapidly and, from the point of view of their financial institutions and their customers, it seems to be changing for the better.

The result is that today, by and large, foreign banks are better capitalized, more flexible, more responsive, and better rated than are the major U.S. banks. And this has resulted in the markets valuing their shares much higher than those of U.S. banks. That permits them to raise new capital on much more attractive terms which, in turn, facilitates their ability to grow, to acquire, and to compete in the key markets around the world. For example, foreign banks hold more than 25% of the total assets of the U.S. banking system. U.S. banks hold no way near this percentage of assets in any foreign banking system.

What, in contrast, has been happening within the U.S. in response to the basic changes in the world of finance? The short answer is, at best, "basically nothing".

Without a major restructuring of our laws and regulations, I am afraid that U.S. financial institutions will be relegated to playing bit parts on the world financial services stage. Handicapped by a weak domestic franchise, U.S. financial institutions generally, and U.S. banks in particular, face a narrower range of options than do foreign institutions. U.S. banks may withdraw into the United States. Indeed, many U.S. banks have already cut back substantially on their operations overseas. Others may retain a global presence, but only in selected markets or for selected groups of customers. Still others may find it necessary to find a foreign partner or seek adoption by a foreign parent.

Unfortunately, continued Congressional inaction and preoccupation about the federal safety net actually threaten to make matters worse. It is conceivable that further rhetoric about the federal safety net with no action will turn U.S. depository institutions into quasi-public utilities that will serve as the repositories of the nation's junk credits. It is noteworthy that U.S. commercial bank write-offs (excluding LDC reserves) in the last five years were $60 billion. That is more than twice as much as the write-offs during all of the 1950s, 1960s and the 1970s!

Indeed, I see U.S. banks frantically competing within their limited domestic sectors; assuming ever greater risks for ever smaller rewards simply to stay on the top of the league tables; granting their "star" employees extraordinary compensation even when performance has been mediocre or poor; and, at the same time, cutting back on less heralded employees to show some measure of profit. One wonders whether the U.S. economy, in which today 35 large bank holding companies hold about one-half of all U.S. banking assets, really needs all of the 13,000 banks plus 3,000 thrifts that we have. Perhaps a smaller number of larger institutions operating in a national market with greater flexibility and less constraint might be better for the public interest—even though perhaps not for the special interests.

Bad as this picture of U.S. banking may be, it could even get worse, for I see some disturbing parallels between the banking crisis of 1933 and the thrift crisis of 1990.

In 1933, the Congress believed that the securities activities of banks were largely responsible for the stock market boom and bust and contributed to the high rate of bank failures. It did not matter that there was absolutely no evidence to demonstrate that this was true. Everyone acted as if it was. Now, more than 50 years later, it is widely acknowledged that the banks that failed in the 1930s failed primarily because

they were small and undiversified in their activities and assets. These small banks were particularly hit hard by the government's restrictive monetary policy which was largely to blame for turning the recession of 1929 into the Great Depression. Just as they needed liquidity, there was none around.

Hopefully, it will not take another 50 years to understand why thousands of thrifts have failed and why it will cost the U.S. taxpayer more than $300—some now say up to $500-Billion to resolve the problem. In my view, the real villain—as Pogo suggested in his deathless quote "the enemy is us"—is the government itself.

The government allowed hundreds of thrift institutions to continue in operation long after they were insolvent. When these insolvent institutions had exhausted their own capital, they were permitted to continue to raise money from the public by soliciting above market rate insured deposits. With none of their own funds at stake, they had every incentive literally "to bet the bank".

Think for a moment how quickly the thrift crisis could have been averted or brought under control if the Federal authorities had simply refused to extend deposit insurance to cover any new deposits of thrifts whose capital levels were below minimum requirements.

This, however, only explains how the situation was allowed to deteriorate. It does not explain how the thrifts got into so much trouble in the first place.

The origins of the thrift crisis can also be traced to government action. To support the housing industry thrifts were confined to making long-term fixed rate mortgages financed by short-term deposits. In effect, the thrift charter amounted to a license to bet on interest rates. As long as interest rates were relatively stable and the yield curve was positive, these bets paid off. But as interest rates became volatile and the yield curve flipped, the situation changed. After a decade of stop and go monetary policy and spiraling inflation, the Federal Reserve in October 1979 abruptly shifted gears. The result was that in 1980-81, as the Fed caused interest rates went through the roof, the thrift industry went through the floor.

At the same time, the forces that were revolutionizing the financial services industry—the advances in information technology, the institutionalization of savings and the development of new financial instruments—were undermining the unique preferential relationship between thrift institutions and residential finance. The traditional package of thrift services—the origination, the servicing and the funding of home mortgages was becoming unbundled and other firms began to offer one or another of these services. Commercial and mortgage bankers got into the business of making mortgage loans in a big way. Investment bankers packaged pools of mortgages into mortgage backed securities and sold them to the new investors. Competition intensified and large numbers of thrifts struggled to survive.

In response to the higher interest rates and new competitive environment, the Congress first lifted the ceilings on interest rates payable on deposits and broadened the powers that thrifts could exercise. At the same time, thrift supervision and examination staffs were slashed and Congress authorized the regulatory agencies to relax capital standards and to paper over capital deficiencies. So-called new worth certificates and other Mickey Mouse accounting devices were introduced to make the easing of thrift capital requirements look good.

In sum, the thrift crisis was a consequence of the collision of the narrow thrift charter in a competitive world with an abrupt shift in monetary policy. That collision was exacerbated by lax regulation and supervision and compounded by the inability of the FSLIC to close down insolvent institutions.

My fear is that just as the Congress in 1933 found the banks guilty of crimes that they did not commit, so now the Congress will blame broader powers, rather than government policies for the thrift mess. The Congress, which in 1989 under FIRREA has already reimposed activity restrictions on thrifts, may attempt to limit the scope of activities that can be conducted by banks, since both enjoy the benefits of the federal safety net.

In other words, what I am afraid of is that the Congress will come up with a 1990s version of the Banking Act of 1933.

This then brings me to my last subject—what should the Congress do?

As I indicated earlier, the world of finance is in the process of fundamental change. The securitization of financial assets, the globalization of financial markets, and the integration of financial functions are the symbols of that change. And, in that world of change, foreign financial institutions are getting stronger and U.S. financial institutions are getting weaker.

Congress can, as it did in 1933, once again punish U.S. banks for the disastrous consequences of poor public policy. Or Congress can acknowledge the threat facing U.S. financial institutions and enact the kind of structural reform that will permit our financial institutions to compete with each other on equal terms in the United States and with foreign competitors in the global marketplace.

Obviously, I urge the latter course for this time we will not have the luxury of 50 or 60 years for the consequences of Congressional action or inaction to become apparent. In 1933, the world economy was depressed; international trade was at standstill; commercial and financial markets were segmented; and communications were poor. Today, the world economy is growing; international trade is flourishing; commercial and financial markets are integrated; and communications are daily improving. Today, the results of Congressional action or inaction will have immediate consequences—for better or for worse.

It seems to me that Congress must deal with two fundamental issues, deposit insurance reform and structural reform. Whether the issues are dealt with successively or concurrently, the fact is that both issues be addressed and soon. Both, not just one. Deposit insurance reform should be designed to protect the deposit insurance funds and to assure that the U.S. taxpayer is not once again exposed to risk. However, deposit insurance reform, by itself, will do nothing to assure that financial firms will remain competitive and able to generate earnings sufficient to maintain adequate capital. That ability, to generate earnings that maintain and attract capital, is ultimately the best protection for the deposit insurance funds and for the U.S. taxpayer.

There is thus an obvious connection between a strong and healthy depository industry and a solvent deposit insurance system. But structural reform and deposit insurance reform are two distinct issues, and it would be a mistake for Congress to link the two together. Structural reform cannot solve the problems of a federal deposit insurance system that covers all deposits of all depository institutions however poorly or well they are run.

This is not to say that concerns over the extension of the federal safety net are not legitimate. But they should not be addressed through an interlocking web of prohibitions and restrictions, which would largely negate, if not destroy, any benefits of structural reform. Instead, the problems with the deposit insurance system must be confronted and solved directly and independently.

There are a number of ideas as to how to accomplish this. There are proposals to limit coverage to one account per institution; to roll back coverage from its current $100,000 level; to share risk within that coverage; to offer the consumer a choice of low-yield insured deposits or higher yield non-insured deposits; to subject deposits above $100,000 to market risks; to fix "haircuts" on large deposits; to introduce private insurance.

Similarly, the problems with structural reform must be confronted and solved directly and independently. Here too there are a variety of proposals by trade associations such as the ABHC, the FSC and the BCMA as well as by regulators. All warrant consideration. Some have already been introduced in the Congress in legislative form.

Thus, after nearly two decades of debate, reams of Congressional testimony, countless conferences and hundreds, if not thousands of academic papers and studies, the ideas are all here. But where is the political will to implement them?

I began my remarks by pointing out that national rivalries will increasingly be played out on economic, as opposed to military, battlefields. Europe, in the person of Sir Leon Brittain, has warned us to how it intends to conduct the economic battle insofar as financial services is concerned. Will the U.S. Congress rise to this economic challenge of the 1990s as it did to the military challenge of the 1950s?

BILL OF RIGHTS IN ACTION AWARD TO ALAN ROTHENBERG

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. LEVINE of California. Mr. Speaker, each year the Constitutional Rights Foundation presents its coveted Bill of Rights in Action Award to a person who provides an exemplary model of citizenship for our Nation's youth. I would like to join with the community in honoring Alan I. Rothenberg at the 28th annual spring dinner on May 7, 1990.

Throughout his life, Alan I. Rothenberg has displayed dynamic leadership in all of the professional, community and personal endeavors which he has undertaken. In his work he has energetically upheld the ideals manifested in our Bill of Rights, in both the practice and teaching of law. Mr. Rothenberg has also shown great commitment to nonprofit and community organizations through his work with the Los Angeles County Music Center, the Olympic Organizing Committee, the Museum of Science and Industry Foundation,

the Museum of Contemporary Art and Sinai Temple.

Alan Rothenberg is a senior partner in the law firm of Manatt, Phelps, Rothenberg & Phillips and is currently president of the State Bar of California. Active in innumerable civic, charitable and political activities, the diversity of Mr. Rothenberg's interests is broad. In addition to serving on the board of directors of a number of nonprofit organizations, he is also the immediate past president of the Los Angeles Clippers basketball team of the NBA and is presently a television commentator on "Sportslook" on ESPN.

Throughout all his endeavors, Alan Rothenberg has enjoyed the support and love of his wife, Georgina Lee and their three sons, Brad, Richard and Dan. He has been an articulate and loyal spokesman for the educational programs of the Constitutional Rights Foundation and served as the foundations' president from 1987–89. I ask that my colleagues in the U.S. House of Representatives join me in saluting Alan I. Rothenberg as he is honored by his colleagues and friends at this time.

TRIBUTE TO JOHN P. MAHAN OF LEOMINSTER, MA

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. NEAL of Massachusetts. Mr. Speaker, it is my honor today to use this opportuntiy to pay tribute to a fine public servant in my district; City Councilor John P. Mahan. We all know of hardworking men and women that take the time to contribute to their community and John P. Mahan is one of the finest such people in Leominster, MA.

John P. Mahan has served for 25 years on the Leominster City Council. This year, for the fifth time, John is the president of the council. All of the members of the council has signed a city resolution honoring John for these many years of service. As a former city councilor myself, I know how difficult and often thankless this service can be. Leominster has seen good times and difficult struggles over the past quarter century, and John Mahan has been there working to improve his community. He has served as both the ward four councilor and, more recently, as councilor at large. John is known for bringing the personal touch to his work and his home phone is always ringing. Without public servants like John Mahon our communities could not function.

Mr. Speaker, in addition to his public service, John Mahon has been a valuable member of the Leominster community. He has been involved with the Little League, the PTA, and many other community service organizations. He is also known for his impressive baseball card collection. John Mahan is also known as a dedicated family man, married 29 years to his wife, Ann. My congratulation to John, Ann, and their children; Brenda, Jordan, Jr., and Michael. I salute John P. Mahan for his fine record of public service and wish him the best of luck in the future.

A TRIBUTE TO DONALD E. SCHULTZE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. ANDERSON. Mr. Speaker, today I rise to pay tribute to a man who has lived a life of singular service to his community. Donald E. Schultze has lived in the city of Hawaiian Gardens for close to three decades. With his wife, Betty, he has raised six children, Donna, Steven, Karen, David, Kenneth, and Mary.

In addition to this remarkable achievement, he has found the time not only to be successful in running his own contracting business and in raising a family, but to lead his community as well. As the former mayor of Hawaiian Gardens, Donald was not content with one full time job, and somehow found the time to also serve on the board of directors of the Los Angeles County Sanitation District No. 19, and on the special events committee of the California Contract Cities Association.

He has helped shape the future of his city through his service on the Los Angeles County commissioner community and planning commission advisory boards. Working diligencly to improve every facet of community life, he also served on the district attorney's advisory board and received a distinguished service award from the Los Angeles County Sheriff's Department for his efforts to assist local law enforcement. In addition, this man has served a term as president of the Cancer Awarness Foundation, and has received numerous awards from civic and charity organizations including the Killingsworth Junior High PTA and the California Parks and Recreation Society.

Donald has lived a life devoted to his family, his community in Hawaiian Gardens, and his country. My wife, Lee, joins me in recognizing his extraordinary legacy of service and achievements.

NATIONAL HUMANITIES WEEK

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Ms. OAKAR. Mr. Speaker, I am pleased to introduce today, in concert with Senator PAUL SIMON, a resolution declaring October 21 to 27, 1990, as National Humanities Week. I would also like to thank Congressman PAUL HENRY for joining me as an original cosponsor of this resolution.

As you may recall, Congress approved a similar resolution designating a week in February 1986 as National Humanities Week. This resolution honored the National Endowment for the Humanities on its 20th anniversary. It is only fitting that on the 25th anniversary of the Endowment, we honor and recognize the institution in the same way.

In order to promote progress and scholarship in the humanities and the arts in the United States, Congress enacted the National Foundation on the Arts and Humanities Act of 1965. This act established the National Endowment for the Humanities as an independent, grantmaking agency of the Federal Government to support research, education, and public programs in the humanities.

In the act that established the National Endowment for the Humanities, the term "humanities" includes the study of these disciplines: History; philosophy; languages; linguistics; literature; archaeology; the history, theory, and criticism of the arts; comparative religion; and aspects of the social sciences that employ historical or philosophical approaches.

A recent National Endowment for the Humanities study found that two-thirds of 17-year-old Americans did not know when the American Civil War occurred. An understanding of history is essential if we are to understand and direct the present and plan for the future.

Mr. Speaker, the study of the humanities increases our understanding of past traditions and civilizations. The humanities break down the barriers of isolation and allow individuals to communicate regardless of differences in race, gender, or family experience.

Mr. Speaker, the State humanities councils are the bridge to the people from the National Endowment. They provide the resources and the inspiration for Americans to expand their understanding of human experience. Their record of partnership between Federal, State, and local government entities, universities, colleges, businesses, teachers, scholars, and individuals is one to be commended.

Mr. Speaker, I urge my colleagues to join me in support of National Humanities Week. This week will provide the background for a national focus on the importance of the humanities.

INTRODUCTION OF THE AGRICULTURAL RESOURCES CONSERVATION ACT OF 1990

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. DE LA GARZA. Mr. Speaker, our Nation's farmers and ranchers are stewards of much of our country's valuable natural resources. Fertile topsoil and adequate, clean water are the farmer's most precious assets. These natural resources and the efficiency of U.S. agriculture have enabled Americans to a safe, abundant and affordable food supply that is the envy of the world.

As Congress develops the 1990 farm bill, we are faced with the challenge of properly balancing two policy objectives—to maintain the economic health of agriculture and to better protect our natural resources. This challenge calls for initiatives that will improve the environmental framework of agricultural policy and allow farmers to continue being efficient producers of food and fiber.

I have introduced H.R. 4713, the Agricultural Resources Conservation [ARC] Act of 1990, to meet this challenge. This bill presents a comprehensive and integrated policy approach to address the conservation and en-

vironmental issues affecting U.S. agriculture in the 1990's. These are logical steps which can help our Nation's farmers and ranchers better protect our valuable natural resources.

My goal in introducing this legislation is to help focus public debate on what we realistically can achieve in the 1990 farm bill to improve resource conservation and environmental quality in rural America.

The ARC Act presents us with an approach that can help us properly balance the economic health of agriculture with the protection of our natural resources. The ARC Act would provide farmers with the tools and incentives to develop and implement long-range plans for the protection of our soil and water resources.

No one is closer to the land than the farmer who works it from sun up to sun down, who drinks from its waters, and who enjoys the blessings of its lifestyle every day. No one has a bigger stake in protecting the land and the environment both today and for future generations than American farmers.

Major provisions in H.R. 4713, the Agricultural Resources Conservation [ARC] Act of 1990, would:

Modify current conservation programs, including sodbuster and swampbuster, to improve their implementation and effectiveness.

Extend for 5 years enrollment of lands into the Conservation Reserve Program [CRP] and increase the enrollment target up to 50 million acres; lands that could be enrolled into the CRP would include wetlands, endangered species habitat, ground water well head areas and other environmentally sensitive areas.

Establish a long-term conservation easement program to provide more permanent protection of environmentally sensitive lands; create a National Agricultural Wetlands Reserve to promote wetlands preservation.

Expand and enhance current efforts to protect the Nation's water resources, wetlands, and wildlife habitat through development of voluntary, 5-year, agricultural resource conservation [ARC] plans tailored to meet producers' specific conservation needs; included are incentives to farmers for developing ARC plans, including protection of acreage base, cost share and loan assistance, and other benefits. ARC plans could be developed by individual producers to: promote the protection, restoration, and mitigation of wetlands impacted by agricultural practices; or encourage the adoption of alternative agricultural practices on environmentally sensitive lands to protect water quality; or provide agricultural producers technical and financial assistance for the protection and enhancement of fish and wildlife habitat; or as an alternative, a comprehensive ARC plan could be developed and implemented by agricultural producers; this would involve 10-year stewardhip plans to protect soil, water, wetland, and wildlife resources in a comprehensive and integrated manner.

Promote tree planting on set-aside and reserved lands to control soil erosion, improve water quality, provide wildlife habitat and aesthetics and help mitigate the effects of global warming; reauthorize the highly successful Great Plains Conservation Program.

Require on-farm recordkeeping where restricted-use pesticides are applied in agriculture; records would be maintained by producers for a 2-year period following use.

Establish an Office of Environmental Quality within the U.S. Department of Agriculture; the Office would be charged with ensuring that all USDA programs and policies are reviewed for their consistency with the Department's environmental protection goals; the Office would also facilitate better communication and cooperation with other Federal agencies responsible for promoting environmental quality, especially the Environmental Protection Agency.

VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mrs. BENTLEY. Mr. Speaker, today I rise to offer my congratulations to a student residing in Hydes, MD, who recently competed in the VFW's annual Voice of Democracy scriptwriting contest. Last month, Martin Kelley, Jr., a student at Calvert Hall College High School, distinguished himself by receiving 1 of 12 scholarships awarded in the writing contest that drew 137,000 participants from around the Nation.

The Voice of Democracy Scholarship Program was first organized 43 years ago as a collaborative effort, with the Veterans of Foreign Wars assuming sole responsibility for the program after 1961. During the past 29 years, the annual scholarships have been increased to 12, with combined prize money totaling $56,000.

Mr. Speaker, I ask unanimous consent that Mr. Kelly's prize winning essay, entitled: "Why I am Proud of America," be included in the RECORD following my remarks.

WHY I AM PROUD OF AMERICA

(By Martin Thomas Kelly, Jr., Maryland Winner, 1989/90 VFW Voice of Democracy Scholarship Program)

"The land was ours before we were the land's . . . Such as we were we gave ourselves outright . . . To the land vaguely realizing westward, But still unstoried, artless, unenhanced . . . Such as she was, such as she would become".

Bringing poetry to both history and audience at John Kennedy's Inaugural in 1961, American poet laureate Robert Frost expresses why I am most proud of America. Be proud, his words insist, not just because America is beautiful or green or spacious. Be proud because of the story. The ever-unfolding American adventure truly stories, gives art to, and enhances the land. Yes, it is the gift of our American history . . . a story of paradox, people, . . . possibilities . . . of which I am most proud.

Our history is one of paradox, of themes contradictory. Intolerant Puritans cut out the tongues of Quakers, while the descendants of both would pen the 1st Amendment guaranteeing religious liberty and free speech to all. In 1789, compromise characterized the search for constitution, while in the 1860's, an unwillingness to compromise divided nation, freeing the unfree. Ironically, white sheeted knights were not the "goodguys" as they frightened immigrants less America be colored with brogues and bratworst and those always hopeful immigrant eyes. Throughout the American Story, skepticism has usually preceded invitation: yet, Ford's black Model-T rolled across the land, Orville's plane lifted, and Goddard's craft rocketed us to the stars. The shocks, shells, and shrapnel of I promised "a world safe for democracy", while the lingering mushroom clouds of II created doubts and fears there would be no more world. Intolerance . . . tolerance. Compromise . . . belligerence, skepticism . . . invention, hope . . . disillusionment . . . each of these historical paradoxes legacies a thematic gift, offering meaning to America the land, while serving as a lesson to her people. Paradox makes our country what it has been, what it would yet become.

Today, the American people continue the story. You see, this powerful story goes on, and you and I have a chapter to write. I am proud of that opportunity, but what will our chapter be? Many questions demand answers.

How erase the pervasive drug scourge? How house the freezing homeless? What role ethics and morality? How respond to international cries for liberty . . . a link to our own heritage? These are the questions which haunt, dare and taunt, and beckon the American people . . . you and I! How do we responsibly answer these questions sprung from the heart of our story? Let us start by learning from the story already lived. With all its paradoxes, the colorful story can teach us to respond to our questions more faithfully, reasonably, and compassionately. We the people make America what it is, what it will become.

For tomorrow, the possibilities are endless. Future Americans will elaborate, interpret and hopefully continue to learn from the American story. New questions will be asked: Where rid disarmed weapons and plutonium wastes? How preserve green fields, and clean air and water? Can we live on the moon? How protect endangered wildlife? Future generations will be faced with their own possibilities. They will have their own responses and write their own chapters. They will tell the story and the story will tell them. It will be their challenge, our challenge to story, give art to, and enhance our land. Possibilities will make America all that it is yet to become.

Why I am proud of America? Our story is the gift outright, Paradox . . . people . . . possibilities. Yes, I am most proud of the American story, a gift very much our own.

TAXPAYER CONFIDENCE RESTORATION ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. DREIER of California. Mr. Speaker, the Internal Revenue Service [IRS] estimates that Americans will fail to pay at least $100 billion in Federal taxes on legal income in 1990. In addition, a recent survey by Money magazine shows that the public believes, by a 35-percent to 17 percent margin, that the new Federal income tax system is less fair than the pre-1986 system.

In an effort to restore taxpayer confidence in the Tax Code, improve compliance, reduce IRS collection burdens, and raise revenues without a tax increase, I introduced H.R. 4725,

the Taxpayer Confidence Restoration Act. The bill establishes a Federal tax amnesty program, and calls for a flat-rate tax system which broadens the tax base and lowers marginal rates for all individuals to 15 percent.

H.R. 4725 allows taxpayers that voluntarily disclose to the IRS a previous tax evasion to pay the underpayment disclosed and any interest due on that underpayment in exchange for a waiver from criminal or civil penalties. The IRS will have the authority to enter into an offer-in-compromise with certain taxpayers whereby the taxpayer agrees to make a partial payment and the Treasury Department agrees to forgive the balance of taxes, penalties, and interest due.

The IRS will also have the authority to establish installment payment agreements. The IRS would develop national guidelines for IRS district offices to use in handling such offers and contracts. Outside private collection agencies would be contracted to act as collection agents for receipt of the installment payments.

The tax amnesty would be a one-time offer with a 3-month termination date. It will be based on voluntary disclosure. The disclosure must come before the opening of an investigation by the IRS, and the scope of immunity would be extended to only those years in which a disclosure was made.

From 1982 to 1987, State tax amnesty programs collected over $1.2 billion. Estimates of potential revenue increases from a Federal program range from $7 to $10 billion a year for a continuous program. The budget resolution being considered by the House calls for $13.9 billion in new unspecified revenues for fiscal year 1991. A Federal tax amnesty program could provide most of those revenues without a tax increase.

Mr. Speaker, there are millions of honest, hard-working Americans who, for a number of reasons, fail to report taxable income to the IRS. For some, there is an inability to comprehend the Tax Code. For others, it is a Tax Code that creates disincentives to work. Many elderly workers, for example, work for cash because their income is subject to marginal tax rates as high as 100 percent as a result of the Social Security earnings test. Whatever the reason, the success of State amnesty programs shows that a significant number of individuals are willing to step forward if they are not confronted with criminal sanctions.

The combination of a 15-percent flat-rate tax system and a Federal tax amnesty program will do more than just create a code that taxpayers will understand, have confidence in, and perceive to be fair. It will improve the performance of the economy because lower marginal tax rates will create greater incentives for productivity and growth. In addition, lower tax rates will help to reduce incentives for tax evasion in the future.

JOSEPH MERCURIO: COMMUNITY LEADER

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mrs. LOWEY of New York. Mr. Speaker, I would like to draw the attention of my colleagues to the honor that is being bestowed on Joseph Mercurio by the New Rochelle Democratic Party.

Mr. Mercurio is being honored at the New Rochelle Democratic Party's victory dinner for his outstanding commitment and dedication to the party over the course of many long years.

He has held many prominent positions of leadership within the party for many years. These positions include district leader, area leader, and member of the executive board. An active participant in many campaigns, he worked for Vincent Rippa in his race for county legislator and mayor of New Rochelle. Joe was campaign manager for Ron Tocci in his race for county legislator, Judge Tom O'Toole in his city court race, and David Streger in his campaign for mayor. He has also campaigned for Sam Spady in his race for city council and for former Congressman Richard Ottinger. In addition, I recently appointed Joe to serve on the Air Force Academy Review Board.

His activity has not been limited to politics. He has also been extremely energetic in community affairs. Joe is a former chairman of the New Rochelle Parks and Recreation Forum, former president of the New Rochelle Exchange Club, and a former member of the New Rochelle Youth Bureau. Finally, he is a member of the Knights of Columbus No. 339, American Legion Post 8, and a member of the New Rochelle Hall of Fame Committee.

With regard to his unswerving commitment on behalf of his community, the honor bestowed upon Mr. Mercurio is richly deserved. I highly commend the New Rochelle Democratic Party for deciding to honor such an outstanding and meritorious American. This is an honor which is richly deserved.

CENTRAL EUROPE AND THE IMF

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. LAFALCE. Mr. Speaker, this coming weekend, finance ministers, central bankers, and commercial bankers will be meeting in Washington under the auspices of the International Monetary Fund and the World Bank.

Since these officials came together last spring at the annual Interim Committee meeting, the world has changed dramatically—nowhere more so than in central Europe. In January, I led a 13-member delegation to several countries in central Europe to learn first-hand the difficulties facing the courageous people of Poland, Czechoslovakia, Hungary, East Germany, and Yugoslavia.

The United States is in the process of trying to help these countries make the unprecedented transition from Communist rule to democracy and free markets. It will be a long and difficult struggle—particularly on the economic front—and the financial resources of the United States are embarrassingly short at this time.

Therefore, I am very pleased to see that the IMF and the World Bank are taking a leading role in this part of the world. In the last Congress, we approved a general capital increase for the World Bank which doubled its lending resouces over a period of 6 years. Soon, it is expected that the IMF will seek to increase its resources by about 50 percent. When Members are asked to vote on the IMF quota increase, we should keep in mind the critical assistance this important institution is expected to provide to the emerging democracies of central Europe.

In this regard, I would like to share with my colleagues the recent remarks of Michael Camdessus, the managing director of the IMF.

[From the Financial Times, April 20, 1990]

EASTERN EUROPEAN REFORM—BEST OF BOTH WORLDS

(By Michael Camdessus)

The so far peaceful revolution sweeping through eastern Europe raises critical questions. Will all its promise be fulfilled? Will the process of reform be derailed?

Can the people of eastern Europe enjoy the best of both worlds, by reaping the benefits of a market system while retaining some of the apparent security of the planned system? Can reforms be implemented gradually, to reduce the disruption? Most difficult of all: is it possible, after these countries have suffered scarcities for so long, to ask them now to undertake such hard adjustments? No one could pretend to have complete answers to these questions, but experience suggests some pointers.

Attempts to find a "third way" between central planning and a market economy have not been successful. Partial reforms failed in both Hungary and Poland. Both now accept the need for a more fundamental reshaping of their systems.

If the aim is fundamental change in the system, it is probably a mistake to take a piecemeal approach. Because all the elements of the economic system are related, it is desirable, if you want a market-oriented system to work effectively, to introduce all the main elements at the outset.

You will want a price system that sends the right signals to producers and consumers, that reflects relative scarcities, and encourages an efficient allocation of resources. Freeing prices also means moving towards a more flexible system of wage determination. With a freer wage system, you need labour market policies that encourage labour mobility. This also implies giving up some of the job security that has been a customary feature in these countries.

With greater scope for market forces, you will have to allow more decentralized decision-making. Enterprise managers have to learn to be fully accountable for their decisions, in a system that permits both the rewards of success—profits—and the counsequences of failure—bankruptcy. At the same time, a social safety net is needed. These domestic elements of reform will work best if the system is simultaneously reformed to open the economy to foreign competition and the benefits of fuller participation in the world trading system.

It is probably impossible to introduce these and the other necessary institutional and legal changes overnight, and it is important to design them carefully: but proper decision-making will develop more readily if elements of a market-oriented system are put in place from the beginning.

The economic reforms will only produce good results if they take place in an environment of strong financial discipline at all levels—from governments to individual companies. This means giving up long-held

habits such as the tendency to subsidise or protect inefficient or ailing companies. We know all too well from some of the advanced industrial countries how hard it can be to resist pressures for such subsidies—and how costly it is to society if governments fail to stand firm.

The introduction of market reforms in centrally planned economies can unleash pent-up forces that are hard to predict, and that need to be dissipated by appropriate policies. Prices are the most vivid example. Typically the pre-reform price system will contain many prices—for basic food items, housing and fuel, say—that have been kept artificially low for social reasons.

Low administered prices usually conceal a huge amount of repressed inflation—excess money holdings and shortages of goods that are reflected in long queues, black markets, and cumbersome barter arrangements. When these prices are freed, and market forces start to produce a correct structure of relative prices, there is almost always an initial surge of price increases. This can be a relatively short-term phenomenon but only if financial conditions are kept tight enough to absorb the excess liquidity. If financial policies are loose, then inflation can snowball when price controls are lifted, and a price-wage spiral can quickly get out of hand.

Economic reforms alone are not enough. Reforming countries need financial assistance and investment. They will require considerable help from abroad, and a readiness on the part of the advanced industrial countries in particular to expand their trading and financial links with eastern Europe. The EC countries should continue to openly and generously welcome their eastern neighbours.

The IMF is extending substantial financial assistance to some of the reforming countries, to contribute to a closer integration of their economies into the global trading and financial network, and to act as a catalyst for financing from other sources.

Poland may be a test case for the comprehensive approach to reforms. It started from a situation of economic crisis with $40bn of convertible currency debt, and entered the last quarter of 1989 with an inflation rate of more than 30 per cent a month, falling output, and a widening and unsustainable current account deficit. In this difficult position, the newly elected government has introduced, in very short order, a major economic package.

There are grave risks in the Polish programme, but so far the results are encouraging. We had thought that the first three months would be crucial, particularly as regards inflation—and if inflation had remained out of control, then other elements of the package would have been doomed. But prices have stabilised, after an initial spurt in January, when key prices were freed.

On this basis, we are reasonably confident that the Polish programme will succeed, provided that authorities persevere with their reforms and the external support continues.

The years ahead will be difficult for the countries that are introducing reforms. There is much that the international community, including the IMF, can and should do to ease the transition and welcome these countries into a more complete participation in the world economic system. Everything must be done to help them succeed.

INTRODUCTION OF THE GARAGE DOOR OPENER SAFETY ACT

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. SIKORSKI. Mr. Speaker, I am introducing the Garage Door Opener Safety Act today to protect children from unsafe automatic garage door openers.

According to the Consumer Product Safety Commission [CPSC], 55 American kids have died since 1973 from automatic garage door openers that come down and don't reverse. These tragic deaths could have been prevented if the garage doors had been required to comply with the 1982 safety standards maintained by the Underwriters Laboratories, [UL]. The safety standards, however, are only voluntary, and despite warnings from CPSC to disconnect and replace all openers that do not meet the voluntary standards, approximately 10 million unsafe openers are still in operation.

In the past 2 years, three families in my State of Minnesota have lost young children to garage door openers. In one instance a boy was putting away his bicycle when the door descended and knocked him down. He was found by his father—pinned face down under the door. On that same day across town a 6-year-old girl was found crushed by another garage door. She was at home alone and no one witnessed the accident.

Minnesota is not alone. The CPSC has compiled reports from 21 States over the last 8 years and found a host of children between the ages of 2 and 14 who have died from being pinned under garage doors.

We can't just shrug our shoulders and say "accidents happen" when 55 kids have been killed and thousands horribly injured. These accidents could have been easily prevented. With 43 of these deaths having occurred since the 1982 voluntary standards, it is clear that we must do more than volunteer standards that volunteer our kids for harm.

This Garage Door Opener Safety Act, working through the CPSC, establishes minimum Federal safety standards for manufacturing and labeling, and notifies owners of systems of the hazards of entrapment. As a rule of the Consumer Product Safety Commission, the Garage Door Opener Safety Act prevents further killing of kids in four ways. First, the act requires that by January 1, 1991 all new automatic garage door opening systems conform to the requirements of the Underwriters Laboratories, Inc. Standards for Safety-UL 325, third edition, as revised May 4, 1988. These requirements state that door reversal must occur within 2 seconds of contacting a two inch test object whose top inch is resilient and whose bottom inch is rigid. In addition, the 1982 revision requires that the door reopen if the bottom limit switch is not activated within 30 seconds after the control is pressed to start the closing cycle.

Second, the Act further requires by January 1st, 1993, all automatic garage doors sold to include an optical sensor, or a device found by the CPSC to provide equivalent protection which when activated causes a closing door to open. To further protect children, the reversing mechanism must contain a fail-safe device that prevents the system from operating if the reversing mechanism stops working. Without this fail-safe device, parents can be fooled into believing their garage door opener is operating safely when the reversing mechanism is actually defective.

Third, to help consumers make informed purchases, a manufacturer selling or offering for sale an automatic garage door opening system must clearly identify on any container of the system and on the system itself, the month and year the system was manufactured and its conformance with the new requirements. Labeling will help educate the public of the dangers of garage door openers.

Fourth, to warn the owners of the entrapment hazards of existing automatic garage door openers—regardless of date of manufacture—the Garage Door Opener Safety Act requires by July 1, 1991, that manufacturers, through their warranty registration lists, contact and advise owners to test their systems for the automatic reverse feature. Hopefully, notified owners will help replace the old garage door openers, which are the most dangerous because they are not designed to reverse automatically upon striking an obstruction. The life of some garage door openers can be extremely long—there have been systems found that were manufactured more than 40 years ago.

While the Garage Door Opener Safety Act is vital to replacing unsafe systems, it doesn't provide the entire solution. There are at least 20 million openers in operation in America. Possibly as many as 10 million of these do not even meet the 1982 UL voluntary standards, and some are not equipped with safety reverse features. To replace and repair the unsafe old openers, States should follow the example that Minnesota has set. I am proud that my home State has taken the lead by requiring all servicing and repairing of old systems to bring the opener up to the new standards.

I insert a section-by-section analysis in the RECORD:

GARAGE DOOR OPENER SAFETY ACT—SECTION BY SECTION ANALYSIS

SECTION 1. CONSUMER PRODUCT SAFETY RULE

Deems the provisions of Section 2 of this act a consumer product safety rule issued by the Consumer Product Safety Commission under Section 9 of the Consumer Product Safety Act.

SECTION 2. AUTOMATIC GARAGE DOOR SYSTEMS

Part (a). Prohibitions

Prohibits any one from manufacturing for sale, offering for sale, distributing in commerce, or importing into the U.S. for sale in interstate commerce an automatic garage door opener for a residential building that does not comply with the requirements of this act.

Part (b). Requirements

Section (1). Requires by January 1, 1991 all garage door manufacturers to conform to the voluntary requirements of the Underwriters Laboratories, Inc. Standards for Safety-UL 325. The standard states that door reversal must occur within 2 seconds of contacting a two inch test object whose top

inch is resilient and whose bottom inch is rigid. In addition, the 1982 revision requires that the door reopen if the bottom limit switch is not activated within 30 seconds after the control is pressed to start the closing cycle.

Section (2). Requires by January 1, 1993 all automatic garage door openers to include (in addition to Standards for Safety-UL 325) an optical sensor, or a device found by the CPSC to provide equivalent protection from entrapment, which when activated causes a closing door to open. The device must include a fail-safe mechanism that prevents the machine from operating when it malfunctions.

Part (c). Labeling

Requires all automatic garage door openers and their boxes to be identified by the month and year it was manufactured, and its conformance with the requirements of Part (b) by January 1, 1991.

Part (d). Notification

Requires manufacturers, through their warranty registration lists, to notify owners of automatic garage door openers (regardless of date of manufacture) of the hazards of entrapment, and to advise owners to test their system for the safety standards in Part (b).

SECTION 3. PREEMPTION

Only those laws of States or political subdivisions which do not provide a stronger degree of protection from the risk of injury associated with garage door opening systems shall be subject to preemption.

WILLIAM S. MORTENSEN: A TRULY DISTINGUISHED CITIZEN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. LEVINE of California. Mr. Speaker, it is with distinct pleasure that I rise today to express my admiration, respect, and gratitude to a good friend, and devoted family man and a valuable resource in our community. A lifelong resident of Los Angeles, William S. Mortensen has helped our beautiful city grow and prosper through his work in local charities and his position as chairman of the board of First Federal Bank of California. On Wednesday, May 9, Bill Mortensen will be honored by the Anti-Defamation League with its 1990 Distinguished Citizen Award during a banquet in his honor at the Regent Beverly Wilshire.

William S. Mortensen is a hard working and energetic man who has devoted many years to improving our Nation's savings and loan industry. Embarking upon his business career as a teller at First Fed in 1955, Bill was appointed president of the institution in 1969 and chairman of the board in 1983. He is considered one of the most prominent National figures in the thrift industry and frequently testifies before Congress. A leader in the movement to establish a sound and stable thrift industry, Bill serves on the board of directors of the Federal Home Loan Bank Board in San Francisco. He is also past president of the California League of Savings Institutions, the National Council of Savings Institutions and the Conference of Federal Savings and Loan Associations.

Despite numerous obligations to his work, Bill donates his services to many important community organizations. He is a trustee of St. John's Hospital and Health Center Foundation and a member of the board of councilors of the Ethel Percy Andrus Gerontology Center at the University of Southern California. Bill also works on behalf of the Santa Monica Jaycees, the Boys' Club of Santa Monica, local schools, and has held campaign leadership positions with the Los Angeles United Way.

For his many contributions to our community Bill has been honored with the Gold Medallion Award from the Boys' Club of America and the Brotherhood Award and the Humanitarian Award from the national Conference of Christians and Jews. A loving husband and father of six children, Bill has long recognized the need to improve our country's education system. In recognition of Bill's work on behalf of education, Santa Monica High School recently named its library in his honor.

Mr. Speaker, it is for all of these reasons that William S. Mortensen has been presented the 1990 Distinguished Citizen Award by the Anti-Defamation League. I strongly urge my colleagues in the U.S. House of Representatives to join me in honoring my good friend Bill Mortensen for the many years he has selflessly devoted to our community.

A CONGRESSIONAL SALUTE TO VINCE J. TRUDNICH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to one of the most active members of the Los Angeles harbor community, Vince J. Trudnich, upon his being honored May 5, 1990, by the Los Angeles Area Council Boy Scouts of America as the Harbor District Good Scout of the Year.

This occasion gives me the opportunity to recognize the lifelong civic contributions of Vince Trudnich. It is my distinct privilege to pay tribute to him, once again, because his dedication to our community of San Pedro is as strong today as it was nearly 40 years ago. While Vince holds the distinction as being a former honorary mayor of San Pedro, he also is recognized for having volunteered countless years to virtually every civic organization that exists in our community: ranging from the Boy Scouts, Jaycees, and chamber of commerce; to the Lions Club, Yugoslav-American Club and the Retarded Children's Foundation. And, the extent to which Vince has served the harbor area also is reflected in the number of directorships that he has held, as well as the numerous awards that he has earned during these past four decades.

However, Mr. Speaker, the significance behind this service is more than just titles and awards. Vince Trudnich has been and continues to be a valuable leader of our community. As a lifelong San Pedro resident, Vince has returned to our community far more than what he has received from it. Without individuals like Vince, San Pedro simply would not be the home that it is to so many of us. Clearly, in the case of Vince Trudnich, one person has made a difference.

My wife, Lee, and I extend our sincere thanks to Vince for his countless contributions to the Los Angeles harbor area. We deeply appreciate the kindness that he has extended to so many grateful people in our community. Congratulations certainly are in order as Vince is about to earn yet another deserving honor—this time from the Boy Scouts of America. Vince, we wish you, your wife, Lillie, and your children, James, Larry, David, and Mark all the best in the years to come.

HONOR THY FATHER AND MOTHER

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Ms. OAKAR. Mr. Speaker, on Tuesday, May 1, the House Aging Subcommittee on Health and Long-Term Care released its latest report, "Elder Abuse: A Decade of Shame and Inaction," on the status of State and Federal efforts to confront the scandalous problem of elder abuse in the United States. As the title suggests, the findings of Chairman ROYBAL's 50 State survey were extremely disturbing.

Since the late Chairman Pepper first coined the term for this national disgrace in 1978, very little Federal assistance has gone to the states in their efforts to identify and prevent such abuse or assist victims of elder abuse. The report found that 1.5 million—1 in 20—older Americans fell prey to severe abuse or neglect in 1988—a 50-percent increase over the findings of the committee's landmark 1980 study. Most elder abuse occurs in the home and is committed by family members; 40 percent of all reported abuse in the United States is adult abuse—70 percent of adult abuse is elder abuse. Most of the abused are dependent upon their abusers, and many fear reprisal or merely cannot overcome their instinctive love for their children to turn them in.

In 1980, I joined forces with Senator Pepper by introducing legislation intended to set up a National Center on Elder Abuse. Despite a strong bipartisan will, and overwhelming support from the States, Congress has repeatedly failed to pass this modest proposal. CBO estimates the cost of H.R. 220 to be $10 million when fully phased in, and requires State matching funds, which most States already put up. This center would collect data, conduct research, and disseminate, information on elder abuse. Also H.R. 220 would authorize HHS to award grants for demonstration programs and projects. This is very similar to successful programs to combat child abuse in our Nation.

The Aging Committee report, along with adult protective services all across the country, calls for quick passage of H.R. 220. In 1980, this problem was largely unheard of in our country—only 16 States required mandatory reporting of elder abuse at that time. Since then, 43 States have adopted adult protective services. Still, the incidence of elder abuse has increased.

Mr. Speaker, the States have done all that they can. I urge my colleagues to help them fight this horrendous national problem through cosponsorship and passage of H.R. 220 in the 101st Congress. As Chairman ROYBAL stated at the May 1 hearing, this problem "confounds the Commandment, 'Honor thy Father and Mother'." May the findings of this Aging Committee report weigh heavily on the conscience of this Congress and the administration until we take decisive action to deal with this disgrace head on.

POLAND'S STRUGGLE FOR DEMOCRACY AND A FREE MARKET ECONOMY

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. ATKINS. Mr. Speaker, a short time ago, our colleague from New York, Representative STEPHEN J. SOLARZ, delivered one of the most compelling statements I have heard on the immense political and economic challenges Poland faces as she struggles to complete her remarkable transition from the darkness of totalitarianism into the sunshine of freedom.

Representative SOLARZ has also explained in his customary vigorous style why the United States has a huge stake in Poland successfully making this transition.

And because I believe that Mr. SOLARZ' words deserve the widest possible circulation, I now ask that they be included in the RECORD:

ADDRESS BY REPRESENTATIVE STEPHEN J. SOLARZ

Niech żyje Polska niezależna!

Niech żyje Polska demokratyczna!

Once again the fate of Poland is tied to events taking place on its western and eastern borders. To its west it watches with anxiety the process of German unification. To its east it watches with concern the Soviet response to the peaceful pleas of the Lithuanian people for the sovereignty that was taken from them by brute force a half century ago.

How these political developments and diplomatic challenges are resolved will determine, to a significant extent, whether Poland will be able to consolidate its democracy and develop its economy in the future, or whether, as in the past, its hopes for freedom and its aspirations for independence are crushed by the twin and repressive forces of German nationalism and Russian expansionism.

And once again, as in 1939 and 1945, decisions made here in the United States will have an important, perhaps even decisive impact on the outcome.

Forty-five years ago, as Allied armies advanced toward Berlin, the Big Three met in Yalta and Potsdam, without the presence or participation of Polish leaders, to discuss and decide the fate of Poland. For more than four decades, Poland has paid the price of that exclusion in political dictatorship, national despair, and economic deprivation.

We must not make the same mistake again. This time, when the fate and future of Germany is being decided, the representatives of the democratically elected government of Poland must be there.

Fifty years after the beginning of World War II, it would be morally unforgivable and politically unacceptable to exclude from the talks designed to bring a favorable end to the Second World War representatives of the country whose invasion by Germany marked the beginning of the conflict.

I am pleased to tell you that I recently sent a letter to President Bush, signed by almost thirty of my colleagues, democrats and Republicans alike, calling on the President to make sure that Poland participates in these fateful negotiations.

A short while ago, perhaps in response to this and similar demands, it was announced that Polish representatives would, indeed, be included in discussions on the German border. This was good. But it was not good enough.

Poland needs to be included in all discussions involving Polish security, not just those on the German border. And let us make sure that a treaty establishing the Oder-Neisse line as the permanent and irreversible boundary of Poland and Germany is negotiated before rather than after German unification.

But Poland is threatened not just in the west but in the east. At this very moment, soviet forces are moving through the streets of Vilnius, in a blatant effort to intimidate the Lithuanian people. At this critical moment in the history of Baltic republics, we must let the Soviet leaders know that how they resolve this problem will have important consequences for East-West relations in general and U.S.-Soviet relations in particular. If they want the benefits of western trade and technology, it will have to be resolved peacefully.

The Soviet leaders must be made to understand that nations occupied by force cannot be kept by force, and that their best interests, no less than ours, require a peaceful transition to a new and more equitable relationship between Moscow and its constituent republics.

Just as the emancipation of Eastern Europe will ultimately contribute to the security and development of the Soviet Union, so too will the transformation of the existing union of subservient republics into a conferation of independent nations contribute to the security and development of the soviet Union as well.

But even if the process of German unification and the crisis in the Baltics can be peacefully and prudently resolved abroad, Poland still faces enormous social and economic problems at home.

Not content to have led the way to the political reforms which are now transforming one Eastern Europe country after another from a crypto-Stalinist dictatorship into a genuine parliamentary democracy, Poland, under the leadership of Prime Minister Mazowiecki, is also pioneering the path to corresponding economic reform as well. It is now undertaking something which has never been done before—the quick and comprehensive transformation of a state controlled into a free market economy.

It will not be easy. It will not be painless. The situation is likely to get worse before it gets better. whether it succeeds or fails will determine the future prospects for political pluralism and economic prosperity in Poland—and elsewhere in Eastern Europe and the Soviet Union, where this experiment in political and economic reform is being closely watched. And whether it succeeds will depend, to a significant extent, on whether the west is prepared to provide Poland the assistance it will need to translate the promise of democracy and a market economy into a better life for the Polish people.

If we could spend trillions of dollars in the last forty years to defend Western Europe from the threat of Soviet aggression, surely we can invest 20-30 billion dollars, together with our friends and allies in the industrialized world, to guarantee the success of democracy in Eastern Europe.

MOBUTU TO ALLOW OPPOSITION PARTIES

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. BURTON of Indiana. Mr. Speaker, Zaire is undergoing a historic period of change. Apparently, not even Africa is immune to the worldwide tide of freedom. The enclosed article from the Washington Post outlines the changes announced by President Mobutu. The United States ought to encourage and support this process.

[From the Washington Post, Apr. 25, 1990]

MOBUTU TO ALLOW OPPOSITION PARTIES

(By Ntoto Waku)

KINSHASA, ZAIRE, April 24.—Bowing to weeks of pressure, President Mobutu Sese Seko of Zaire said today he has lifted a 20-year ban on opposition parties and will let a multi-party government replace his in a year.

Thousands of Zairians chanting, singing and waiving branches, poured into downtown Kinshasa, the capital, and blocked the streets to cheer the president's decision.

Mobutu, absolute ruler since taking power Nov. 24, 1965, announced in a broadcast speech that he was setting up a transitional government to rule until free elections could be held. No election date was set.

"I am taking leave of the Popular Movement for the Revolution," said Mobutu, 59. He said he would no longer be head of the party that supplanted the government in 1970, but would remain as president "at the request of the people of Zaire."

Mobutu said three parties will be allowed at first. His Popular Movement for the Revolution, which under Zaire's law was the counry's government, no longer will hold special status, he said.

Mobutu said one leading opposition figure, Etienne Tshisekedi, was released from detention today and his Union for Democracy and Social Progress party legalized. He did not say which of several other opposition groups, whose leaders are in exile, would be selected as the third legal party.

He said the constitution will be rewritten and a transitional government established until elections are held. The elections will produce a new government by April 24, 1991, he said.

In recent weeks, Mobutu had been battered by a wave of unprecedented criticism.

He began a tour of the nation in January, seeking public comment on his rule. Thousands of replies were sent in from business groups, churches, unions, students and individuals. Many bitterly criticized the government and Mobutu himself, accusing the president and his cronies of corruption and monopolizing power. The country's Roman

Catholic bishops compared Mobutu's rule to a monarchy.

Mobutu did not reply directly to the criticisms but promised that "the will of the majority will be respected. We will proceed together on the changes wanted by the majority."

Like most African presidents, Mobutu has asserted one-party rule was the only way to avoid tribalism. In the country's first five years of independence, more than 100,000 people died in fighting attributed to ethnic or regional conflicts.

Since 1970, every citizen of Zaire has been automatically registered as a member of the official party. Opposition groups were brutally repressed, and Mobutu claimed 99.99 percent of the vote in presidential elections.

He renamed the country Zaire and ordered Zairians to replace their Christian names with African names. Men were required to replace Western-style suits and neckties with high-necked jackets.

As part of his campaign to replace European influences, Mobutu ordered that people address each other as "citizen," rather than "sir" or "madame." He changed his own name from Joseph Desire Mobutu to Mobutu Sese Seko, translated as "the all powerful warrior."

Perhaps most symbolic about Mobutu's announcement today was his declaration that Western-style suits would no longer be banned, and people could again call each other "sir" or "madame."

After taking power, Mobutu nationalized key industries, including copper production, and replaced expatriate advisers and experts with Zairians.

Production collapsed, along with much of the country's infrastructure. Mobutu was accused of using his plan to plunder the country's wealth. His critics say he amassed several billion dollars.

Twice he needed major Western military intervention to put down revolts, and international organizations and opposition leaders said he brutally repressed any opposition.

But the United States and other Western governments supported Mobutu, who was committed to opposing the expansion of Marxism in the region. Zaire has been a conduit of U.S. aid to anti-Marxist guerrillas in Angola, Zaire's southern neighbor.

STRICT ENFORCEMENT OF FOREIGN TAKEOVER LIMITS NEEDED

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. WALGREN. Mr. Speaker, we should underscore with the administration our increasing concern over the administration's tentative enforcement of the Exon-Florio provision of the 1988 Trade Act which authorizes the President to block foreign takeovers of U.S. companies that may threaten the national security.

Yesterday was the deadline the President gave the export arm of the People's Republic of China, CATIC, to divest itself of Mamco, Inc., an aerospace firm located in Washington State that the Chinese had acquired. To date, CATIC has not responded to the President's order, and it is unclear when divestiture can be expected to occur.

Foreign firms have made a variety of commitments in the process of acquisitions of other U.S. firms, and the administration has no systematic way to know to what extent these commitments are being honored. For example, the West German company, Huels AG, assured Treasury Secretary Brady that it would continue to supply United States companies, including Sematech, when it bought Monsanto's silicon division last year. There is no systematic process in the administration to monitor the situation to determine how this commitment is being fulfilled.

Exon-Florio can only be an effective tool in protecting the national security of the United States, if it is vigilantly enforced. The administration needs to set up a process of review to assure foreign firms comply with obligations imposed under its authority.

To demonstrate the complexity of some of the commitments made in this process, I would like to insert in the RECORD a portion of the Huels letter to Secretary Brady concerning its acquisition of Monsanto's silicon division.

JANUARY 23, 1989.

Hon. NICHOLAS F. BRADY,

Secretary, Department of the Treasury; Chairman, Committee on Foreign Investment in the United States, Washington, DC.

DEAR MR. SECRETARY: To assist the CFIUS review of Huels' acquisition of Monsanto Electronic Materials Company ("MEMC"), I am providing the following information. We would like to emphasize again that Huels intends to run the combined MEMC/DNS entity as an American company that is incorporated in the United States and that has its headquarters in the United States. The majority of the corporate officers (including the chief executive officer) of the company will be U.S. citizens. In addition, a majority of the members of the board of directors will be U.S. citizens. The new entity will compy with all applicable American laws and regulations and with all contractual obligations that MEMC has entered into or that MEMC/DNS will enter into.

We would like to make several points with regard to the proposed acquisition. First, Huels has learned from Monsanto (see Monsanto letter attached) that Monsanto has not to date transferred any 8 inch wafer technology outside the United States.

MEMC/DNS and Huels will comply with all applicable requirements under U.S. export control laws regulating the exportation of technical data and equipment. This does of course include technical data and equipment relating to MEMC/DNS's 6 and 8 inch wafer activities. MEMC/DNS will always apply for whatever U.S. government approval may be required by law before exporting any technical data or equipment in its possession and before disclosing any technical data to foreign nationals in the United States.

Additionally, Huels and MEMC/DNS will not for a period of 5 years transfer MEMC's existing 8 inch wafer production equipment, MEMC's existing technical data related to 8 inch wafer production, or MEMC/DNS 8 inch wafer production technical data that is identifiably derived from MEMC's existing 8 inch wafer production technical data, to third parties (i.e., persons outside Huels and MEMC/DNS) that are not U.S. persons or that are controlled by non-U.S. persons. Our only concern is that MEMC/DNS not be placed at a competitive disadvantage to other American companies that possess the same categories of technical data and equipment as will MEMC/DNS.

Second, we emphasize our desire to supply wafers to SEMATECH, as MEMC has done in the past. We understand that MEMC does not currently have any contractual arrangements with SEMATECH. Should SEMATECH seek wafers from MEMC/DNS, a decision within the control of SEMATECH, MEMC/DNS will faithfully comply with obligations that may be agreed upon by SEMATECH and MEMC/DNS in the future, including appropriate constraints on transfers of SEMATECH technology and SEMATECH specifications to operations outside the United States or to the third parties described in the preceeding paragraph. In this regard, I must repeat that Huels and DNS have numerous arrangements with our customers for the protection of the customers' confidential information and have never had any problem whatsoever in complying with those obligations. Both Huels and DNS are acutely aware of the great need to protect proprietary information.

Third, Huels is prepared to enter into negotiations with SEMATECH for contractual arrangements that will make available to SEMATECH, under appropriate commercial terms, the fruits of future MEMC/DNS research.

Fourth, Huels is prepared to comply with a SEMATECH rule, if permissible under U.S. law, that no SEMATECH supplier, whether under contract or not, can enter into comparable arrangements with any other entity comparable to SEMATECH. However, if SEMATECH permits its suppliers to join, or to do business with such comparable entitites, directly or through a non-U.S. affiliate, then MEMC/DNS should have the same option. In other words, we believe MEMC/DNS must be treated the same as any other U.S. company that supplies SEMATECH.

Fifth, Huels intends not only to maintain MEMC's existing production sites and research activities in the United States but to expand those activities substantially. To this end, we plan to increase MEMC's existing investment plan, by approximately $50 million from Huels, within the next two to three years, for research and capital improvements in the United States, particularly for 8 inch wafer and epitaxial wafer production.

Finally, after the acquisition of MEMC is consummated, Huels will be required under the Hart-Scott-Rodino provisions of U.S. antitrust laws (see 16 CFR 802.51 (1988)) to report to the U.S. Government any change in the control of VEBA, Huels or the combined MENS/DNS. We fully intend to comply with this obligation and with any other notice obligation that may be imposed on us under U.S. law. Huels also will notify the U.S. Government of any proposed changes in the by-laws of VEBA or Huels affecting control over VEBA or Huels at the same time the company must notify its shareholders under German law. While a hostile takeover of a German company is, as a practical matter, inconceivable (e.g., article 21, paragraph 4, of VEBA's by-laws limits any individual stockholder's voting power to five percent of overall votes) and a friendly takeover of VEBA is also, in our view, inconceivable, should either event occur, everyone in the world would know before the fact due to the size and importance of VEBA. As we have said previously, VEBA is, if not the largest, one of the largest holding companies in Germany.

On behalf of Huels and VEBA, I can assure you that Huels and VEBA are committed to the above. I trust that the foregoing will help members of CFIUS conclude that the acquisition of MEMC by Huels will not impair the interests of the United States and will, in fact, promote those interests through creation of a dynamic new wafer production and research company serving the U.S. market. We look forward to working with the U.S. semiconductor industry.

Very truly yours,
Prof. Dr. C.M. KRAUCH,
Chairman of Huels,
Member of the Board of VEBA.

CREATE INCENTIVES FOR PEACE AND HUMAN RIGHTS IN EL SALVADOR

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. BROWN of California. Mr. Speaker, I rise today to urge my colleagues to support the legislation to restructure United States aid to El Salvador that was produced last week by the Foreign Affairs Committee.

The beauty of this legislation is that it puts in place firm incentives for both the Salvadoran Government and the FMLN rebels to negotiate in good faith for peace. To begin with, through this proposal we would send a clear signal to the Salvadoran military and oligarchy that we in Congress will not continue our massive funding for approaches to the civil conflict in El Salvador. We would send that signal by cutting 50 percent of our military aid to the Government and redirecting that 50 percent to fund basic human needs in El Salvador. The proposal would create a clear incentive for the Salvadoran Government to negotiate for peace by conditioning the remaining 50 percent of military aid on their good faith participation in the United States-mediated peace talks.

Mr. Speaker, this legislation represents a balanced approach. As an incentive to the FMLN, we say that if it launches another major offensive against the Government during this time of negotiations or if it does not negotiate in good faith, then we will allow 100 percent of the military aid to flow to the Salvadoran Government. Thus, if the Salvadoran Government is threatened with military overthrow or even if the FMLN receives significant new shipments of outside weaponry, then full military aid will flow to the Government. There is nothing in this legislation which would put the Salvadoran Government at risk if it is sincere when it says it respects human rights and wants negotiations.

Mr. Speaker, some may argue that this legislation will weaken the hand of the Salvadoran Government at a time when talks with the FMLN are beginning and the Government must negotiate from a position of strength. My response is that this legislation only weakens the position of people who do not want negotiations and who want simply to continue making war in El Salvador. In fact, this planned restructuring of military aid to El Salvador would strengthen the hand of those in both the Government and rebel camps who want good faith negotiations for peace. Logically, if Salvadoran President Cristiani really wants to have a strong hand against the extremists in the military and in ARENA, then this aid restructuring will give him the tools and incentives he needs. Cristiani may have to publicly oppose the plan, but if he sincerely wants peace, then I do not see why he would oppose this plan. I also believe that if President Bush truly wants to see peace and human rights in El Salvador, then he too will support this plan.

For 10 years our Government has provided enormous quantities of weapons, financial assistance, and training to the military of El Salvador. With that aid, Congress and the American and Salvadoran people were promised that democracy, judicial reform, human rights, and peace would come to El Salvador. Unfortunately, it is clear that while some progress toward institutionalizing elections in El Salvador has been made, significant progres on the other fronts has not been made. Human rights abuses by members of the Salvadoran military continued and, as the Speaker's task force on the Jesuit murders found, the judicial system in El Salvador continues to be "neither systematic nor just."

In terms of peace, negotiations have been started and have failed several times in the past. That is why it is so important at this early point in a new round of talks to create concrete incentives for both sides to finally bring peace to El Salvador.

Mr. Speaker, the legislation passed by the Foreign Affairs Committee last week incorporates the right kind of incentives for peace in El Salvador and I urge my colleagues to vote for that legislation when it comes to the floor. Thank you.

ADMIRAL McKEE SPEAKS AT CHRISTENING OF U.S.S. "JEFFERSON CITY"

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. SKELTON. Mr. Speaker, on Saturday, March 24, the attack submarine U.S.S. *Jefferson City,* SSN 759, was christened by my wife Susie at Newport News, VA. This was truly a memorable event for the residents of Missouri's capital city, Jefferson City, all Missourians, and the U.S. Navy.

The principal speaker for the evening was Adm. Kinnaird R. McKee, USN, retired. His remarks were so appropriate, not just for the christening of this submarine, but for the critical times through which our country is passing. I wish to share Admiral McKee's address with the Members of this body.

The article follows:

ADMIRAL MCKEE SPEAKS AT CHRISTENING OF U.S.S. "JEFFERSON CITY"

This is a great day for a launching, and a special time to celebrate, in the 90th year of our submarine history, one of our oldest and most honored naval traditions.

This ship will soon be named for the city of Jefferson. Her remarkable young men will carry into the deep ocean the same pioneering spirit that led their forebears to open and settle the Missouri territory and build the city of Jefferson. They will serve in a different environment, but one just as relentless and unforgiving as the Missouri pioneers had to deal with.

And they too will have to do it alone, unsupported, outnumbered and far from the prospect of assistance.

This launching ceremony also marks the beginning of a special bond between this ship and her namesake city; one that will grow stronger and stronger as she is commissioned and goes off into the deep ocean. For Jefferson City, that bond will be unusually strong, because Missouri people and submarine sailors are cut from the same cloth. Tough, bright and skeptical, they live by the same "show me" motto.

They also share other traits. They know what they are about. They have the talent and the inclination not only to go in harm's way, but to live there, day in and day out. They are irreverant, but in the best military sense of the word. By that I mean they understand rank, but they respect proven competence in the field.

They also have to have the right tools to do the job. In our business, that means stealth, mobility, firepower and gumption. Newport News has designed and built the first three of those characteristics into the ship; the fourth is standard equipment in any good submarine crew.

Jefferson City is an attack submarine. Fast and heavily armed, this ship will have the range and endurance to do her work anywhere in the world. Tough and flexible she will be able to take punishment and stay on the line. Silent and deep diving, she will be essentially invulnerable in her own element. Properly handled, she can do things that most people can only imagine. And if conflict should come, she will always meet the competion on her terms.

In the final analysis, this is the most effective warship of its kind in the world today. It is also expensive, but well worth what John Adams once referred to as: "* * * the toil, blood, and treasure it will cost * * * to defend these States."

In fact, this ship is a bargain. At a time when it seems to have become stylish to ridicule the performance of some modern weapons systems, this extraordinarily complex ship works, and works well. At a time when some say the ocean is becoming transparent, this ship will remain invisible at sea.

And at a time when duty and service to country is no longer an experience that has been shared by most of our citizens, her crew will carry an awsome personal responsibility.

They know, that even today, they must remain strong to the task.

The evolution of the European political environment into one that encourages—perhaps a better word is permits—what may one day come to pass, has taken over forty years. The process has not been a natural one, but thus far it seems to have produced favorable, even remarkable results. We are encouraged by all this, but let us not forget that much of what is happening still rests upon a complex foundation made fragile by terrible uncertainty.

Our naval strength and that of our allies are critical factors in the structure of this environment. Major national investments have been required, but for forty-five years we have enjoyed a European peace that is the dividend of that investment. That is the real "peace dividend", not what is described

in the contemporary lexicon of disarmament.

Last week, Betty Ann and I visited old friends in England and Italy. In the course of our journey, I finished the second volume of William Manchester's biography of Winston Churchill. It makes for thoughtful reading, particularly at a time when German politicians once again are called upon to guarantee the Polish border, when a Lithuanian declaration of independence has been rejected, and when in our own country, pressures for disarmament focus less on the question of what is needed than on how quickly the budget can be reduced.

It is useful to consider one of Manchester's early passages in the light of all this. He said: "The hard and bitter truth was that lasting demobilization of Europe could only be advanced steadily by" what Churchill described as "the harassing expense of fleets and armies, and by the growth of confidence in a long peace."

Recent Developments may well have increased prospects for continuing peace, but we are hardly at a point where we can arbitrarily discontinue the "harassing expense" that has helped make it possible.

This is an exciting time, but it is also a time for every thoughtful citizen to wonder: why the rush to judgement in defense matters? How will unseemly haste strengthen or speed what has been set in motion, or guarantee its success? Why not hold fast while thoughtful men structure policies that form the basis for safe navigation through a developing sea of uncertainty?

There may indeed be merit in not further strengthening our defenses, but there is a certain hazard in relaxing when the game is only in the first quarter. There may be less in the fourth quarter, but even then, at least some of the first team will have to stay in the game for the forseeable future.

Ladies and gentlemen, this (submarine force) is the first team.

The officers and men of *Jefferson City* know that very well, and they understand why it is so. They also know what will be asked of them if we are to (in the words of Thomas Jefferson) "* * * Respect (the strength) of others without fearing it."

So take a look at these officers and men, ladies and gentlemen; and also look at the families that support them. Tell your elected representatives about them. Not everyone on the hill understands what we ask of these young people—and how the more we ask, the more they give. Not everybody up there is like Ike Skelton.

An English clergyman once said there is: "* * * only one principle of public conduct. Do what you thing right and take place and power as an accident." That describes Susie Skelton's husband pretty well. He understands the responsibility entrusted to this crew. He also understands the unequivocal commitment that attends that responsibility. His distinguished service in the Congress and his two sons on active duty are eloquent testimony to the depth of his understanding. They are also an unequivocal demonstration of shared commitment.

In contemporary usage, "commitment" is more often a solgan than a way of life. But it was much more than that to the folks who built this country and made her free, remember the scene in the bicentennial play "1776", when John Adam's wife Abagail had to remind him:

"* * * There are only two creatures of value on the face of this Earth. Those who have made a commitment, and those who require the commitment of others."

Ladies and gentleman, what you see over there are indeed "creatures of value". They reflect the remarkable combination of races and creeds that has been the strength of our country since its beginning. Throughout our history, the framework of our civilization, our livelihood and our freedom have depended upon the shared commitment of such individuals. Commitment to do what's right, regardless of the personal consequences, in spite of the inconvenience and the loneliness, often in spite of the conventional wisdom, without asking "what's in it for me?" And without waiting for the other guy.

In 1837, there came a need for volunteers to serve against the Seminoles in Flordia. Today, one might argue the merits of that campaign, But at the time it was considered to be in the national interest and President Van Buren asked Senator Thomas Hart Benton: "* * * Whether Missourians could be induced to travel so far as the swamps of Florida.

Colonel Benton's reply reflects the spirit of the time and of the people he served:

"The Missourians will go wherever their services are needed."

The crew of *Jefferson City* is also ready to: "go wherever their services are needed". I reckon that makes them fit to be called Missourians as well as American sailors.

Watch 'em, folks. They'll made you proud.

MEETING OF VETERANS' ADVISORY COUNCIL

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. SANGMEISTER. Mr. Speaker, as a veteran myself, I would like to take this time to recognize the dedication and commitment of 34 leaders of veteran organizations who make up the Veterans' Advisory Council of the Forth Congressional District of Illinois. On April 21, at the Joliet Holiday Inn, the Veterans Advisory Council held a discussion on "veterans' health care, benefits and eligibility." Steve Young of Hines VA Hospital, John Burlace of Manteno Veterans' Home, and myself answered an array of questions by veterans. As a member of the House Veterans' Affairs Committee, I was tremendously impressed by the large number of veterans who attended and participated in the event. Although I receive many letters from veterans which are very helpful for me to understand the problems they face, I enjoyed the personal communications this meeting has provided for all of us.

This forum also provided me the opportunity to clearly explain my efforts to establish a veterans' clinic in Joliet, to pass a constitutional amendment against flag burning, and my continual support for an increase in veterans' benefits. The success of this meeting was due to the efforts of the following leaders: Robert Touhy, D.A.V. Chapter No. 103; Mary Howard, Task Force Omega; John Hogan, Jr., V.F.W. Post No. 5788; Bill Robinette, Will County Vietnow; Brian Duffy, Illinois Vietnam Veterans Leadership Program; Stanley Tylinski, V.F.W. Post F No. 1493; Les Bacskai, U.A.W. Local No. 588; David Pressler, V.F.W. Post No. 2791; Leon Laplace, V.F.W. Post No. 2825; Louis Geist, American Legion Post No. 398; Leonard Forner, Sr., Amvets Post No. 103; Odean Rosenberg, American Legion Post No. 883; Michael Bembenek, V.F.W. Post No. 9545; John Churilla, V.F.W. Post No. 8141; Bill Edwards, American Legion Post No. 483; Alonzo Rice, American Legion Post No. 798; Gene Glandon, American Legion Post No. 131; R. Thomas Jaros, American Legion Post No. 18; Laverne Schure, Vorture 796; Ross Campbell, American Legion Post No. 675; Dennis Lockett, Military Order of the Purple Heart; Martin Brennan, American Legion Post No. 1198; Fred Delaney, Amvets Post No. 268; Les Lester, American Legion Post No. 84; Clarence Sandberg, American Legion Post No. 1284; Jom Balcer, Vietnam Veterans of America; Jeffrey Mall, V.F.W. Post No. 7452; Ken Shaver, V.F.W. Post No. 3873; Lou Krause, V.F.W. Post No. 367; John Prescott, American Legion Post, No. 43; Chris Tsilis, V.F.W.—Peotone Post; Conrad Bigos, American Legion; and George Madden, American Ex-Prisoners of War of Fox Valley.

VA DOCTORS DEVELOP SKIN GRAFTING TECHNIQUE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. MONTGOMERY. Mr. Speaker, it is my pleasure to again share with my colleagues news of yet another medical science breakthrough achieved by VA researchers.

As reported in the Salem, VA, *Times-Register,* two doctors at the Salem VA Medical Center have made great strides in the development of a grafting technique used to replace diseased skin or lesions, and the worldwide medical community has taken notice.

The article, reported by Ms. Terry Monaghan, follows:

[From the Salem (VA) Times-Register, Apr. 19, 1990]

SKIN GRAFTING INNOVATION—DOCTORS AT SALEM VA MAKE BREAKTHROUGH

(By Terry Monaghan)

The Veterans Administration Medical Center in Salem houses two doctors on the staff who have recently made a worldwide impact in their field with the advanced process and application of fibrin glue in the treatment of skin cancer.

VA doctors Ranes Chakravorty, M.D. and Kenneth M. Sosnowski, Ph.D., have been practicing their skin grafting technique for a year and a half. In December, they published an article "Autologous Fibrin Glue in Full-Thickness Skin Grafting" in the December 1989 journal the Annals of Plastic Surgery. The doctors bought reprints and sent out 125 copies of the article to other medical peers worldwide and have more requests for the article daily.

Dr. Chakravorty, who is the Chief of Surgery at the VA and is also a Professor of Surgery at the University of Virginia, has been studying skin grafting for over 30 years. He said that, "the preparation of fibrin is nothing new; it has been produced from blood for 50 years or so and there are tests to check it.

"Fibrin glue is a biological adhesive consisting of fribrinogen and associated serum components that are converted into fibrin by thrombin, calcium choloride, and early fibrinolysis is prevented by adding an "anti-fibrinolytic agent, according to Dr. Chakravorty.

Applying the theory into an applied practical substance was not difficult accoridng to Dr. Chakravorty. "I got with Ken (Dr. Sosnowski is the Chief of Microbiology at the VA) and I told him what I wanted and he did that."

"It's not the end of the world," said Chakravorty, "it's not a wild innovative technique, because skin grafts have been done for many years and fibrin glue has been used some."

There are two types of skin grafting, which is the removal of skin from another area to replace the diseased skin which was removed. The first is a split-skin graft, which is basically the top layer of skin. This piece of skin is not thick, so it is easy to apply but does not withstand pressure of trauma well.

The second type of graft is the full-thickness. The negative side to this technique is the thicker the skin the less likely the chances are of it surviving because the skin is away from its blood supply. The positive sides are that it looks better, and withstands trauma and pressure better.

For areas of the body such as the ears and the tip of the nose, where suturing is technically difficult to perform, the fibrin glue is simply grafting that is an effective technique.

Autologous fibrin glue is simply fibrin glue made from the patient's own blood. This technique was devised by Dr. Chakravorty and Dr. Sosnowski, and this is what sets them ahead of the rest of their field. Fibrinogen can be bought from some blood banks. The fibrin glue is made by using outdated blood, which is listed by the strictest standards set by the blood bank for the freshness of the blood, from the donors and then tested for the HIV virus and hepatitis. This is a costly and sometimes an inefficient process.

When the patient comes for this type of surgery at the VA now, the lab work is done immediately, and the patient is sent to surgery with the Fibrinogen extract and the Thrombin solution. This creates a jelly effect on the surface to receive the graft. The technician spends only an average of 15 minutes in preparing the Fibrinogen.

After the skin lesion is removed, a full-thickness skin graft is obtained and the two solutions are mixed together and applied to the raw surface area with the skin graft applied with some pressure. Following the procedure a bandage is kept on the graft area for five to seven days for protection. After the sixth day the doctor removes the bandage.

"Cosmetic results are pretty good. In some patient you can't even tell and with some you can, because people heal differently," said Chakravorty. "Applied properly, people seem to think it's a pretty neat technique, and there seems to be a lot of interest in it."

"Fibrinogen has been available in Europe and Canada for more than 10 years," said Chakravorty. Canada has not used it for skin grafting as such.

The positive aspect about obtaining the fibrinogen from the patient in making fibrin glue is the fact that the blood is their own, so there are no costly and time consuming tests done on the blood. Also, only a small amount of blood needed for the surgery is taken at a regular doctor's check up.

When the surgery was still considered experimental the doctors had to follow the standard VA procedure for research until approval was granted from the Clinical Executive Board, which is the final board of approval at the hospital. It is now a clinically approved procedure.

Dr. Charkravorty stated that the hospital has performed the surgery more than 100 times and the doctors are beginning to learn new ways to perform the grafting more efficiently.

"The basic thing is that we are doing it from the patients own blood and it is an all outpatient process," said Chakravorty. He received a $1,500 grant from the Veterans Administration to research the fibrin glue grafting.

Dr. Charkravorty's main training is cancer. He is especially interested in cancer of the head and neck area. Skin cancer is very common and creating new treatment processes interests him.

Chakravorty came to the United States in 1952 on an American Medical Association Scholarship. He initially trained in Chicago, then in New York at the Memorial Sloan Kettering Cancer Center and then at the Post Graduate Surgical Division of the University of London at Hammersmith Hospital.

After further training Dr. Chakravorty went back to his home in Calcutta, India. He came to the US to finish his senior residency. Later he worked nine months in Paris and Belgium in their cancer departments. He came to the Medical College of Virginia in July of 1979, and his family joined him in December.

Dr. Chakravorty moved to Salem in 1974 to become the Chief of Surgery at the VA and to receive a position as Professor of Surgery at the UVA Medical Center. His wife of 34 years is Chitra Chakravorty. He also has two children: a son, Agnes Chakravorty who is currently a lawyer in the valley, and a daughter, Aryaa Chakravorty who is an advertising agent with Southern Bell in Jacksonville, Florida.

HERB DAY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. LAGOMARSINO. Mr. Speaker, modern life has brought many conveniences to American consumers. Microwave ovens, drive-in banking, advertising jingles and Big Macs are a part of everyday life—and not just in Southern California! For that reason I want to call the attention of the House to an event scheduled for the morning of May 15 in Santa Barbara. On that day, scores, if not hundreds of community leaders and ordinary people will gather at breakfast to celebrate "Herb Peterson Day."

Herb Peterson may not be a name that springs to the mind of the average man on the street. Nevertheless, that man, as well as the average woman and child, owe a debt to Herb Peterson, for it was Herb who invented the Egg McMuffin, right there in Santa Barbara in 1971!

How, you may ask, does a man come to make such a mark on the landscape of American business and folklore? Well, in Herb's case, it all started on January 5, 1919, which is Herb's birthday. Herb gave little indication of his potential that day, but a clue to his skills did present itself 22 years later, as Herb was helping to put himself through college by washing dishes at the Phi Psi sorority house at Northwestern University. Herb's budding career in the food industry was cut short—you might say "nipped in the bud"—by World War II, when he joined the Marine Corps and saw duty in the Pacific.

Perhaps it was Herb's experience with Navy chow which provided the germ of inspiration for what was to happen 30 years later. Or perhaps it was Herb's marriage in 1946 to Barbara and the subsequent arrival of twin daughters Sally and Susan, followed by Barbie and David.

In any event, to escape the rigors of the working world, Herb went to work as art director at Young and Rubbicam, the famous ad agency. In 1964, Herb was lured away by Darcy Advertising, where he became art director in charge of the McDonald's account. The rest, as they say, is history.

After helping to develop Ronald McDonald into a star, Herb was offered an opportunity by Ray Kroc, McDonald's founder, to escape to Santa Barbara and open a McDonald's, or two, in that seaside oasis. In 1971, inspiration struck Herb, and voila, as Julia Child would say, the Egg McMuffin was born! After a successful test run, the Egg McMuffin was rolled out nationally and eventually revolutionized the fast food industry. To say nothing of the egg-laying industry. McDonald's, thanks to Herb, is now the largest user of eggs in the world.

Well, they say all good things must come to an end, and today Herb is basking in the glow of billions of Egg McMuffins, to say nothing of his and Barbara's 10 grandchildren.

He has not been setting idle however, and for the past 20 years has been lending a hand with many good causes in Santa Barbara, including the Museum of Art, the Zoological Gardens, the Special Olympics, the Santa Barbara Medical Foundation Clinic, the police department, the Council of Christmas Cheer, the Boy's Club, and Santa Barbara City College—where he serves on the advisory board for the Hotel and Restaurant School, along with Julia Child!

They say, Mr. Speaker, that to make an omelet you have to break a lot of eggs—and Herb has certainly done a lot of that. But he's also given a helping hand wherever possible, making life a little brighter—and breakfast a little faster, throughout our community.

So I ask my colleagues to join me, Mr. Speaker, in extending to Herb Peterson our sincere congratulations on a career filled with sunshine, and a life filled with good works, as we celebrate "Herb Day" in Santa Barbara—appropriately enough, at breakfast—on May 15, 1990. Thanks, Herb!

PURGATOIRE RIVER CANYONLANDS

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. BROWN of Colorado. Mr. Speaker, I am pleased to introduce legislation today which will protect some of our Nation's most valuable and irreplaceable treasures.

After more than 3 years of negotiations, I am introducing the Purgatoire River Canyonlands bill, which directs the Secretary of the Army to transfer the Pinon Canyon Maneuver Site remnant lands to the Secretary of Agriculture for the purpose of protecting the paleontological, archeological, and natural resources on those lands.

Preservation of this land is and always has been the goal of our efforts. The area is home to the world's longest set of dinosaur tracks, Indian pictographs, native fish species, golden eagles, and Colorado bighorn sheep. An historic church and adjacent early Spanish graveyard are located near the canyon's rim. In 1987, after the Army had declared 16,400 acres of the Pinon Canyon Maneuver site as unsuitable for tank maneuvers, we began our quest to preserve the acreage by initiating land exchange talks between the Army and the Forest Service.

When a proposal to swap Forest Service lands in Mississippi for the Army's Pinon Canyon acreage failed to materialize, the overriding need to stablize one of the area's most significant resources, the dinosaur trackway, prompted the introduction of the land transfer legislation. The dinosaur tracks are in danger of continuous erosion. Immediate management of this resource is needed immediately to prevent further deterioration.

Another important component of the legislation is a protection for the people of southeastern Colorado. When Congress approved of the expansion of Fort Carson into the area encompassing Pinon Canyon, the House Armed Services Committee included language in their report authorizing the expansion that prohibited the storage of hazardous or nuclear materials or waste. We want to keep this promise to the people of southeastern Colorado. As the Department of Energy searches for a site to store nuclear waste from Colorado's Rocky Flats Nuclear Weapons Complex, my Purgatoire River Canyonlands legislation will make it clear that this area cannot be considered as an option. The bill specifically prohibits the storage, disposal, or release of waste of any kind within the canyonlands.

The canyon plays an important role in southeastern Colorado's history. It is important for folks to have the opportunity to visit and view the remaining artifacts. It would be in the best interest of cultural preservation and public recreation for the property to be managed by an agency whose sole responsibility is the management of public lands.

INTRODUCTION OF FOREIGN ANTICOMPETITIVE PRACTICES ACT OF 1990

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. BROOKS. Mr. Speaker, I am introducing the Foreign Anticompetitive Practices Act of 1990 to combat a crippling double standard that exists in the antitrust laws to the serious detriment of American businesses and consumers alike. The legislation would ensure that foreign companies are not given any preferential treatment in antitrust cases simply by asserting an often vague and amorphous defense that has come to be known as the foreign compulsion doctrine.

The foreign compulsion doctrine was never created by Congress. It is court-made law that relied on the common law concept of sovereign immunity to insulate government activity from attack under the antitrust laws. But as courts used to make quite clear, antitrust immunity is not to be granted lightly since the competition statutes protect our citizens from competitive harms that tear away at the very fabric of our free enterprise system.

However, in recent years, with the demise of vigorous Federal antitrust enforcement and the abdication of antitrust policy decisions to the State Department, courts have been repeatedly urged by the Justice Department to insulate anticompetitive conduct by foreign firms with little or no showing of actual foreign compulsion to act.

Perhaps, this policy view was motivated by the desire not to humiliate or embarrass foreign countries or their host countries by antitrust suits. But embarrassment and humiliation are weak rationales, to say the least, if their effect is to permit discriminatory treatment against American companies in favor of foreign firms.

Perhaps the most alarming example of this trend was embodied in the infamous Zenith versus Matsushita case—a case involving a predatory pricing conspiracy engaged in by Japanese companies to drive all American manufacturers of color television out of the marketplace in the 1970's. The conspiracy was obviously successful, with only Zenith left as the one U.S.-based television manufacturer. However, when Zenith sued these Japanese companies for their anticompetitive conspiracy, the Justice Department—at the urging of the State Department— actually intervened on behalf of the Japanese defendants and urged the Supreme Court to dismiss the case.

In its 1984 amicus brief, the Justice Department argued that the Japanese companies should be immune from prosecution because they had been directed to act by their host government—the Government of Japan. The Department argued that the so-called foreign compulsion doctrine was applicable, and that all that was required to drop the suit was for the foreign government, either directly or through the State Department, to simply "[inform] the court that the conduct at issue was compelled." In order words, a mere communication to the court from a foreign country would suffice to drop a major antitrust suit that had destroyed an entire American industry and cost American consumers millions of dollars.

My legislation will put an end to such radical and self-destructive notions. At a time when the U.S. marketplace has ceased to be a purely domestic economy, it makes no sense that our courts have reached the anomalous situation of treating foreign-based conspiracies to harm competition differently—and more benignly—than those engaged in by American companies. Certainly, if other countries would extend competitive protections to American companies' activities abroad, then reciprocity of antitrust treatment here in the United States might be in order. But at this time, the current application of the foreign compulsion doctrine is only a one-way street for protecting the anticompetitive behavior of foreign companies.

I would urge the support of this body to correct this flagrant injustice in the application of the antitrust laws.

H.R. 4712, A BILL TO CREATE A NEW FEDERAL DISTRICT IN CALIFORNIA

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. DANNEMEYER. Mr. Speaker, I would like to introduce H.R. 4712, a bill to establish a new judicial district in California to be comprised of Orange, Riverside, and San Bernardino Counties. This bill is similar to H.R. 3163, introduced last August, except that it includes a provision which allows H.R. 4712 to establish a court at a suitable second site to jointly serve the counties of Riverside and San Bernardino, in addition to the original court site of Santa Ana.

This change reflects an intent to establish reasonable access to the Federal courts for the counties of Riverside and San Bernardino. The tri-county, consisting of Orange, Riverside, and San Bernardino Counties, is great in population and area. This bill would not only separate these three counties from the huge central district of California, it would also guarantee that all of the citizens of the tri-county area have reasonable access to a U.S. Federal district court.

Of the four Federal districts in California, the central district is the largest. It represents 51 percent of California's population and serves court. This bill would more evenly distribute the districts in California, reducing the central district's burden to 35 percent of California's residents. The newly created western district would be comprised of 16 percent of the population.

This bill not only looks at today, but tomorrow as well. California's future population distribution can be ascertained by the population increase between 1980 and 1988. During this period, almost 5 million more people became Californians. Approximately one-fourth of those settled in the tri-county area. This bill will assure the future millions of southern Californians better access to the Federal courts.

In addition to this, the caseload of the central district is among the largest nationwide. It leads the Nation in U.S. civil cases commenced, pending, and terminated.

The most egregious characteristic of the central district, however, is the distance that must be traveled by litigants, witnesses, jurors, and attorneys to Federal court. Some tri-county residents must travel over 260 miles one way. That is comparable to driving from Washington, D.C., to New York. These distances, coupled with the congested highways southern California is known for, make participation in the Federal courts burdensome, time-consuming, and an unreasonable alternative to State court.

While Orange County is twice as populous as the other two counties combined, Riverside and San Bernardino Counties span a much greater area than Orange County and are growing in population rapidly. Therefore, it is necessary to give the residents of the tri-county area a new Federal district now. This bill, as amended, will provide the tri-county with the kind of access to the Federal courts that every American should have.

I have attached a copy of the bill for the RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF WESTERN DISTRICT OF CALIFORNIA.

Section 84 of title 28, United States Code, is amended—

(1) in the first sentence—

(A) by striking out "four" and inserting in lieu thereof "five", and

(B) by inserting "Western," after "Central,";

(2) in subsection (c)—

(A) by striking out "Orange, Riverside, San Bernardino,", and

(B) by striking out "and Santa Ana";

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

"WESTERN DISTRICT

"(d) The Western District comprises the counties of Orange, Riverside, and San Bernardino.

"Court for the Western District shall be held at Santa Ana and a suitable site that jointly serves the counties of Riverside and San Bernardino.".

SEC. 2. DISTRICT JUDGES, UNITED STATES ATTORNEY, AND UNITED STATES MARSHAL.

(a) TRANSFER OF DISTRICT JUDGES.—Any district judge of the Central District of California who is holding office on the day before the effective date of this Act and whose official duty station is in Orange, Riverside, or San Bernardino County on such date shall on and after such date be a district judge of the Western District of California. Any other district judge of the Central District of California who is holding office on the day before the effective date of this Act shall remain a district judge for the Central District of California.

(b) UNITED STATES ATTORNEY AND UNITED STATES MARSHAL.—

(1) TENURE OF THOSE IN OFFICE NOT AFFECTED.—This Act and the amendments made by this Act shall not affect the tenure of office of the United States attorney and the United States marshal for the Central District of California who are in office on the effective date of this Act.

(2) APPOINTMENTS.—The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and a United States marshal for the Western District of California.

(c) PENDING CASES NOT AFFECTED.—This Act and the amendments made by this Act shall not affect any action commenced before the effective date of this Act and pending in the United States District Court for the Central District of California on such date.

(d) JURIES NOT AFFECTED.—This Act and the amendments made by this Act shall not affect the composition, or preclude the service, of any grand or petit jury summoned, empaneled, or actually serving in the Central Judicial District of California on the effective date of this Act.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

(b) APPOINTMENTS.—Notwithstanding subsection (a), the President may make the appointments referred to in section 2(b)(2) at any time after the date of the enactment of this Act.

A TRIBUTE TO JULIE WILLIS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. LEWIS of California. Mr. Speaker, in 1982, a bright-eyed preppy came to Washington, DC, sensitive and willing to learn. Even with her confidence, she remained in awe over the big city and indeed, the wonders of the world.

As an intern in the office of her Congressman, Julie began to explore the Nation's Capital and all that makes our Government work. Her first professional responsibility was to serve as receptionist to California Congressman RICHARD LEHMAN. She eventually became executive manager for "Rick's Kids" as she carried out program coordination for an endless string of congressional interns.

Highlighting Julie's stay in Washington was her selection as California's Cherry Blossom Princess and participating in the pomp and pageantry of the 1982 Cherry Blossom Festival. Julie also celebrated her 21st birthday during her Washington tour and Arthur became a part of her life. None of us will ever forget him coming down with "Parvo," or that frantic car ride to the veterinary hospital, and finally a call from Dr. Connell saying "We've saved Arthur." In a very special way, that week reflects the blossoming of a young woman, a growing sense of life's possibilities, and a new level of caring.

Julie came to realize that while there was so much to see and do in this world, there was also much to learn. After working on Capitol Hill, she became convinced that the next chapter in her life's adventure would be school. So, it was back to fundamentals before selecting a final path to conquer the world.

Before turning that page, Julie and her dear friend, Cindy, set a course for the Caribbean for 3 months of water, sun, libation, contemplation, and fun. A friend made during her stay in Aruba suggested a permanent vacation was in order and inspired her to pursue hotel management as a future profession.

It did not take long for San Bernardino Community College at Crafton Hills to learn that Julie was a very special case; there was hardly a course or class in which she was not the Ace. Soon, though struggling a little while applying her God-given talent, she learned that everything is possible to those who will but believe.

After meeting every challenge thrown her way in San Bernardino, Julie became a Red Devil for life at the University of Nevada, Las Vegas. While there, she has been met by success after success and has become one of UNLV's finest.

Mr. Speaker, it is in this spirit of celebration and accomplishment, on the 13th day of our Lord in May 1990, that friends and family will gather together to celebrate the coming out of Julie Willis who, through years of commitment and hard work, will acquire a bachelor of science degree from UNLV's School of Hotel and Restaurant Management.

HONORING JEANNIE DIGGS OF JACINTO CITY, TX

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. FIELDS. Mr. Speaker, I was pleased to read recently that one of my constituents, Jeannie Diggs of Jacinto City, TX, has won the prestigious Thomas Jefferson Award which honors individuals in the greater Houston area who demonstrate outstanding public service benefiting their local communities.

Tomorrow, Jeannie and nine other recipients will be presented with bronze medallions at the 13th annual KTRK-TV awards breakfast. All the recipients will appear on channel 13's "Good Morning Houston" show tomorrow.

I have had the good fortune to know and work with Jeannie since I first entered Congress. Jeannie serves as director of Heritage Hall, a senior citizens community center in Jacinto City. It has been my pleasure to visit Heritage Hall and to talk with the seniors who participate in its many activities on numerous occasions.

I've stopped by to discuss issues affecting senior citizens, I've dropped in to offer assistance to individuals who were having problems with the Social Security Administration, and I've even held town meetings there. I can't remember a time when I visited Heritage Hall when Jeannie wasn't there helping her neighbors and friends.

But Jeannie isn't always at Heritage Hall. She recently began a program designed to teach illiterates how to read, and she also inaugurated a volunteer service that delivers meals to home-bound senior citizens in Jacinto City. And for many years, during the Christmas holiday season, Jeannie coordinates a small army of community volunteers

who put together and distribute food boxes for needy area residents.

Mr. Speaker, Jeannie is truly one of the "thousand points of light" that President Bush has spoken of: an individual dedicated to making her community better, her neighbors happier, through her own volunteer efforts. Jeannie is a remakable woman who has made a remarkable difference in the lives of a remarkable number of men and women. I hope you will join me by taking this time to thank Jeannie Diggs of Jacinto City for her compassionate and caring work.

Thank you, Mr. Speaker.

WE DON'T NEED MORE TAXES TO BALANCE THE BUDGET

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. DUNCAN. Mr. Speaker, the Federal deficit continues to be of great concern, particularly as the Congress formulates the fiscal 1991 budget.

As we engage in this process, I would refer my colleagues to an article in the April 30, 1990, issue of National Review. Harvard Prof. Lawrence B. Lindsey confirms what the President has said, that a tax increase is not necessary in order to balance the Federal budget.

I urge all my colleagues to read Professor Lindsey's article and examine the facts for themselves.

I insert the text of the article in the RECORD:

NO NEW TAXES—THE SURPLUS OF '99

(By Lawrence B. Lindsey)

True or false: To balance the budget in the 1990s we must either increase taxes or cut spending from current levels.

The right answer is "false." If you responded "true," however, I won't take off too many points. There is probably no more widespread myth about the U.S. budget system than the supposed need to raise taxes or cut spending.

Let's consider how the myth got started. We do have a budget deficit of some $160 billion. For the Congress to balance the budget in a single year, it would have to enact some $160 billion in combined tax increases and spending cuts. Since most of our budget is "uncontrollable," in that it is devoted to defense, Social Security, Medicare, and interest on the debt, cutting $160 billion is impossible. So the pundits say we need a major tax increase as well.

The fallacy in this analysis is that no responsible economist would suggest that the United States try to reduce its budget by $160 billion in a single year. The result would almost inevitably be a very sharp recession, or even a depression, as the government desperately sucked spending power out of the economy. Most sensible people favor narrowing the gap by $30 to $40 billion per year, ridding ourselves of the deficit over four or five years. That requires neither raising taxes nor reducing spending below current levels, for the current tax code will automatically provide $75 to $80 billion more in income-tax revenue each year for so long as economic growth continues at its current rate. With an automatic $300-billion revenue increase already scheduled for the next four years, we could increase spending by $140 billion (roughly enough to keep up with inflation) and still bring the deficit down to zero in just four years.

The Congress does not need to raise taxes because taxes are going up anyway. There is no voodoo involved. Both real growth in the economy and continued inflation effectively increase average tax rates and tax revenues over time. In the 1960s Keynesians called this effect a "fiscal drag" or a "fiscal dividend," depending on whether they were advocating more stimulus or arguing that such stimulus was largely self-financing. Table 1 summarizes this relationship for each of the major types of taxes the government collects, in each case showing the effect on tax revenue of a 1 per cent increase in the economy's real output as well as 1 per cent inflation.

TABLE 1.—TAX REVENUE AND THE ECONOMY

Type of tax	Fiscal year 1989 revenue collections [1] (in billions)	Percentage change in revenue with	
		1 percent real growth	1 percent inflation
Personal Income	$425	1.3–1.4	1.0–1.1
Corporate Income	107	1.4	1.4
Social Insurance	364	1.0	1.0
Other	80	0.4	0.0

[1] Estimate from Budget of the United States Government fiscal year 1990 for fiscal year 1989.

BRACKET CREEP

Start with the personal income tax. We are all aware of the phenomenon known as bracket creep, by which inflation pushes us into higher tax brackets without our real income increasing. The indexing provisions of the Economic Recovery Tax Act of 1981 (ERTA) curbed this highly destructive practice. With indexing, if both your income and prices rise 1 per cent, your tax payments—not your tax rate—will also rise 1 per cent, and taxes will take the same percentage of your income as before. As a general rule, therefore, 1 per cent inflation will cause personal-income-tax revenue to rise only 1 per cent. But because not all parts of the income tax are fully indexed, tax revenues do rise slightly faster than inflation.

Of more importance is what happens when you get a real raise, not just an inflationary increase. Since indexing does not apply to changes in real income, you may be pushed into a higher tax bracket when your income rises. Even if your tax bracket does not change, your tax payments will go up because you will be paying on a larger income. Moreover, your average tax rate will rise because a smaller part of your income will be protected by basic exemptions and deductions.

Consider the case of a four-person family earning $30,000 in 1989. It is allowed an exemption of $2,000 for each person plus a standard deduction of $5,000, for a total of $13,000. Its taxable income is then $17,000. The tax rate on taxable income up to $31,000 is 15 per cent, so this family pays a tax of $2,550, which is 8.5 per cent of its total income, for an average tax rate of 8.5 per cent. Now assume the family's real income increases by 10 per cent, to $33,000. Its deductions are unchanged, so its taxable income rises to $20,000. The tax on $20,000, at the standard 15 per cent rate, is $3,000. The family's tax payments rise 17.6 per cent ($450 on top of $2,550) though the family's income went up only 10 per cent. On average, every 1 per cent rise in the family's income caused a 1.76 per cent rise in its tax payments. The family's average tax rate rose from 8.6 per cent to slightly more than 9 per cent. This increase occurred even though the family remained in the same 15 per cent tax bracket. A greater fraction of the family's income was taxed at the 15 per cent rate, and a smaller percentage at the zero rate. Note that this is not a case of bracket creep, in which inflation increases the rate applied to the same real income: this family is paying a higher average rate because it really is making more money. This is fundamental to any progressive tax code. The family is still better off.

If everyone in the United States got a 10 per cent raise, tax revenues would rise about 15 per cent. Ordinarily this would imply that every 1 per cent of real growth would produce about 1.5 per cent extra revenue. But not all real economic growth can be attributed to salary increases for those currently working; about one-third is due to new workers joining the labor force. New workers add to tax revenues, but they do not produce the same average increase per point of economic growth that occurs when existing workers get higher wages. The actual average effect is thus about 1.3 to 1.4 per cent extra tax revenue per point of economic growth.

INTO THE PIPELINE

Corporate income-tax revenues also rise much faster than the economy, as long as the economy is expanding. Corporations pay a flat tax rate, and so are not subject to bracket creep. But corporate taxes are increased both by inflation and by real growth because of the way that the tax system defines corporate profits.

Imagine the production process as a giant pipeline: raw materials, labor, and capital enter one end, and finished products come out the other. Corporate profits are the difference in value between what goes into the pipeline and what comes out, or the difference between costs and final sales. When the economy slows down, fewer finished products are purchased and items build up in the pipeline, a process known as inventory accumulation. Corporations thus incur the costs of producing the inventory without having any final sales, and corporate profits fall.

When, on the other hand, the economy speeds up, existing items in the pipeline, already largely paid for, are ready to move. Final sales increase faster than input costs, and corporate profits rise quickly.

This "pipeline effect" is most dramatic at turning points in the economy. When the economy turns up or down, corporate profits can easily change as much as 3 to 5 per cent for every 1 per cent change in the economy. As business expansion continues, the ratio drops to about 1.4 points of corporate profit for every point of economic growth. Eventually, rising demand for products can be met only by new investment: the pipeline itself must be expanded in order to accommodate the greater flow of products. This is where the tax system plays a part. Suppose a business invests in expanding the capacity of its pipeline by 10 per cent. We might expect sales, profits, and costs, including capital costs, to rise together in proportion and the capital costs of a 10 per cent larger pipeline also to be 10 per cent higher. But the tax system does not allow corporations to deduct the capital costs of the bigger pipeline immediately; these added costs must be depreciated over many years. Because the costs of the expansion cannot be fully counted, profits appear to rise much

more quickly than economic activity expands. Thus corporate profits, and therefore corporate taxes, increase more than point for point with economic activity during periods of real economic growth.

Inflation has a similar effect. Again, consider the goods moving through the pipeline. During periods of inflation, the value of the inventory in the pipeline rises with the general price level. The corporation does not really gain, because the cost of replacing the materials at the beginning of the pipeline also rises. But the tax system views the rising value of inventory as a source of corporate profit. This is particularly true for corporations that use the first-in-first-out (FIFO) method of accounting, under which the cost of products is based on the original cost of materials.

The tax system also fails to take into account the effect of inflation on the capital costs of the pipeline itself. When inflation is high, the depreciation allowances for the cost of the pipeline are far lower than the cost of actually replacing the pipeline at inflated prices. The result, since corporations cannot fully deduct the true capital costs of production from their profits, is an artificial rise in both profits and taxes. All these factors combine to increase corporate tax payments about 1.4 per cent for every 1 per cent increase in the price level. (That 1.4 is a conservative estimate; for the expansions of 1965-9 and 1982-5, the actual figures were 1.6 and almost 1.9.)

Social Security tax payments tend to rise point for point with both real economic activity and inflation, because they are indexed to the price level and have a proportional rather than progressive rate structure. Unless social-insurance tax rates change, these revenues will continue to grow almost exactly as fast as the economy.

Excise taxes, such as those on gasoline, alcohol, and cigarettes, included in "Other" in the table above, are generally levied on a "cents per unit" basis, and so are totally unresponsive to inflation. Sales of goods taxed in this way tend to increase more slowly than the expansion rate of the economy. As a result, revenue from these sources does not rise as fast as overall economic activity. Altogether, however, tax revenues will grow significantly faster than the economy, and this rapid expansion will balance the federal budget if we are at all sensible about spending. The only question is how fast we can expect the economy to grow.

Long-term economic projections are chancy, but let us consider two possibilities. The long-term growth of the U.S. economy since the end of World War II, averaging out recessions and expansions, has been 3.2 per cent year. Though there is no reason to expect that we will do better in the future, there is also no reason to expect that we will do worse. We might reasonably project an average growth of 3.2 per cent over the next twenty years. If we limit our base to more recent years, say from 1981—the peak of the last business cycle—through 1986, which includes the deepest recession we have experienced since the Great Depression, we get an average growth in the economy of only 2.7 per cent per year. Projecting that figure forward would produce what we might call the bearish long-term forecast. The table on this page shows what would happen to revenues with these rates of growth over the next twenty years, assuming inflation continues at the average rate of the past several years, or about 4 per cent. In both cases, revenues grow quickly over time, and an increase of just 0.5 per cent in average real growth adds $530 billion per year by the twentieth year. This is an important indication of just now sensitive the U.S. budget is to continued economic growth.

To reduce the deficit we do not need to cut spending. But we must show some self-control. After all, the Congress could spend every penny collected in revenue and then some. To illustrate the long-term budget needs of the country, the "spending" column in table 2 employes a five-year "flexible freeze" such as President Bush championed during this campaign. The flexible freeze limits spending growth to the level of inflation for five years, then allows real program growth of 2 per cent per year. Thus, program spending rises at a 4.0 per cent annual rate through 1994 and at a 6.1 per cent annual rate thereafter. We assume the interest rate on the national debt, which cannot be frozen, will be about 7.6 per cent annually (that was the average rate of interest paid on outstanding publicly held debt during 1989, according to the 1990 Federal Budget).

TABLE 2.—LONG-TERM FORECAST

[In billions of dollars]

Year	Revenue		Spending [1]	Difference	
	3.2 percent	2.7 percent		3.2 percent	2.7 percent
1989	$976	$976	$1,137	$−161	$−161
1994	1,425	1,386	1,382	+43	+4
1999	2,100	1,982	1,752	+347	+230
2004	3,115	2,853	2,142	+973	+711
2009	4,649	4,127	2,880	+1,769	+1,246

[1] Data for 1989 from the FY 1990 Budget. It shows $971 billion in program spending and $167 billion in interest. Under this scenario the program spending grows with inflation until 1994 and at inflation plus 2 per cent thereafter. Interest payments are calculated as 7.6 per cent of the outstanding debt and are then added to program spending to get total spending.

This table shows that a tax increase is completely unnecessary. If spending is limited to the growth of inflation until 1994, we will have either a balanced budget (with slow growth) or a $40-billion surplus (with average growth). After 1994, a large surplus arises and begins to grow even though spending is allowed to grow faster than inflation. By 2004 we will be showing annual surpluses of roughly $800 billion and will have paid off the existing national debt.

Of course, this will not happen. Given such enormous revenues, the Congress will try to increase spending. Assuming the freeze holds until 1994, both spending and taxes will be 19.5 per cent of GNP in that year. Over the next 15 years, taxes would automatically grow to between 22.3 and 22.9 per cent of GNP. The Congress could drastically increase the size of government and the government's share of the economy if it appropriated all of the extra tax revenue for that purpose.

Instead, the country should insist on a series of tax cuts in the latter part of the 1990s. The $300-billion surplus forecast for 1999 would easily finance a 15 per cent reduction in tax rates across the board. If the entire surplus were applied to reducing the income-tax rates in the current code, the bottom rate would be reduced from 15 per cent to 10 per cent and the top rate reduced from 28 per cent to 20 per cent. Form 2000, the personal-income-tax code I have proposed [cf. "On the Right," April 16], is designed to produce roughly the same amount of revenue as the current code. So if in the early 1990s we adopted Form 2000 with its single rate of 19 per cent, we would be able to reduce that rate even further in the late 1990s. Assuming we control spending for the next five years, the country will be able to afford substantial tax relief by the end of the century.

NO SLEIGHT OF HAND

All of this may seem magical given the headlines about the government's current fiscal crisis. Yet these calculations do not assume any behavioral changes on the part of the public, or any sharp drop in interest rates, or any unusual rate of economic growth. The only magic involved is the magic of normal economic growth compounded year after year, coupled with permanent restraint on the growth of government spending.

Present-day pundits, stuck in their static analysis of a single year's budget, never calculate the effect of revenue growth on the prospects for the U.S. budget. hence the persistent calls for tax increases. But tax increases would tend to slow the rate of economic growth and reduce future revenue growth. Much better to keep taxes at current rates—or lower them—and assure continued economic growth not only for the Treasury but for all Americans.

FISCAL YEAR 1991 BUDGET RESOLUTION

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. DICKS. Mr. Speaker, I reluctantly supported the budget resolution approved by the House on May 1. I did so in recognition of the need to let the process proceed and to allow the Congress to complete its work in a timely manner this year. I have the greatest respect for the chairman of the committee, the gentleman from California, Mr. PANETTA. I know the difficult task he faced in trying to craft a resolution that can meet Gramm-Rudman targets in a balanced manner and still secure sufficient support to pass the House.

I also recognize that the House budget resolution is only the first step in the process. We will have to reconcile differences with the Senate. And at some point, we will have to reach an accommodation with the President that will allow him to sign appropriations bills and to avoid the reckless slashing of sequestration.

I am convinced that the budget authority level included in the resolution for national defense, as reported, is too low in light of the uncertainty that continues in the world. It is unbalanced in a way that will create serious problems in developing balanced and rational defense authorization and appropriations bills. But I expect that given political realities, that the figure will be adjusted upward by the time the process is completed.

The resolution adopted by the House is $32.8 billion below the baseline level for defense budget authority, or about 10.4 percent. If it is not adjusted later in the budget process, it will require drastic decisions today on major modernization programs including widespread cancellations. These decisions could be difficult, or impossible, to rapidly and cost effectively reverse if favorable international trends do not continue. It will also require

force structure cuts, base closing, and reduced operations far in excess of what the administration has proposed, and what I feel this House will be willing to accept.

It is certainly difficult to reach any consensus on a proper figure for defense in the absence of a coherent strategy for the future. But given the fog of the present situation, I am not certain that anyone magically produce such a consensus strategy overnight. That is why I have proposed legislation, H.R. 4383, that would establish an independent commission to work over a 5-year period to initially define, and then refine such a strategy to serve us well into the next century. But for now we have to deal as best we can, and our objective ought to be to foreclose as few options as possible.

The Defense Department has provided a listing of illustrative additional cuts in programs that would be required to meet the figures in this resolution. They include a total cut of another 100,000 military personnel. Force structure cuts could include two more Army divisions, one carrier battlegroup with airwing, a Marine Corps expeditionary brigade, and four more Air Force tactical air wings. The list includes deleting one trident, two SSN-21 submarines, five DDG-51 destroyers, and an LHD ship. The F-15 would be terminated after fiscal year 1990. F-16 production would be reduced. National Guard and Reserve procurement would be cut by $500 million. And the Patriot missile, the SRAM-T, JSTARS and LHX would be terminated. Military construction projects in many States would have to be deleted as well.

It is easy in the abstract to say let's cut defense. But when those of us who have to translate these numbers to real budgets make our decisions, we hear the screams from those who wail, "But we didn't mean cut that." Last year was just a sneak preview of this contradiction. It would occur even if we approved the administration figure. But the threshold of pain under the budget resolution, as reported, would be excruciating.

Instability is, if anything, increasing in the Soviet Union, as evidenced by the escalating crisis in Lithuania. Reports are coming forward that military influence on Gorbachev is growing as the price for acting in the role of domestic enforcer. All this is taking place at a time when 11,000 Soviet nuclear weapons remain targeted on this country.

While remarkable progress has been made in Eastern Europe and I agree that the Warsaw Pact is no longer a viable military organization, these nations have a long way to go before they are stable, economically strong democracies. Romania and Yugoslavia have particular potential to become powderkegs that could reignite world tensions.

At the same time, I agree that the administration budget does not fully reflect the changes that have taken place in the Warsaw Pact, nor the need to strike a proper balance in meeting the painful budget realities of Gramm-Rudman. We can make cuts in the administration request. For this reason I sought the opportunity to offer an amendment to increase the defense function budget authority by $6 billion, to $289 billion. This would still be $17.8 billion below CBO baseline. I expect that the final figure will be close to this number once the process is completed. I did not seek to alter the outlay figure, but my amendment would still have produced a ratio of budget authority to outlay cuts in excess of 2 to 1 in recognition to the need to take steps to begin a reasoned decline in defense spending in the coming years.

However, my amendment was not made in order, and as a result, Members had no opportunity to reflect a position that acknowledges the ability to begin a rational and reasoned reduction in defense spending, while at the same time avoiding precipitous cuts that are based on viewing the world through rose colored glasses. The proper answer to the question of, "Is the cold war over," is not yes or no. It is we hope so, but we don't know yet.

This wait and see attitude is reflected by the American public. In January a CBS-New York Times poll indicated that 48 percent of those surveyed thought defense spending should remain the same, while only 36 percent thought it should decrease. There were even 13 percent who wanted it to increase. A Gallup poll conducted at the same time showed that only 7 percent of the public supported immediate cuts in defense while 78 percent wanted to wait and see.

I intend to work with the leadership of both the House and the Budget Committee as the process proceeds to produce a final budget that will reflect a balanced package that will include significant and rational cuts in defense spending rather than drastic slashing.

S. 2533, FAA CIVIL PENALTY DEMONSTRATION PROGRAM

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. DENNY SMITH. Mr. Speaker, while I acknowledged that the civil penalty program addresses important needs of the FAA, I still have some serious reservations about the fairness of the program.

Under this program, the FAA acts as both prosecutor and judge. This raises the very real possibility of conflict of interest.

The system also places a heavy burden on our Nation's airmen. Airmen that face punishment at the hands of the FAA. This adds further disincentives to remain in general aviation, at a time when we are already suffering from a shortage of qualified personnel.

As we extend this program, we should use this extra time to hold hearings on the concerns raised by many in the aviation industry. While I do not mean to belittle the steps taken by the Administrator to make FAA civil infraction enforcement efforts more responsive, we cannot rely on his good will alone. There must be an independent appeal process to protect the rights of airmen. I look forward to using these hearings to rectify this serious situation.

WHITTEN PRAISED BY COLUMNIST

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. ESPY. Mr. Speaker, on April 8, 1990, a column was published in Mississippi's largest newspaper, the Clarion-Ledger, praising the work of our colleague, Congressman JAMIE WHITTEN. The columnist, Mac Gordon, was right on target when the wrote:

If ever there were a political figure about whom you could honestly say, "he serves the people," it is the opinion here that U.S. Representative JAMIE L. WHITTEN of Charleston fits that description.

It's also the opinion of this Congressman.

Throughout the Magnolia State, we, Mississippians, have benefited from the hard work of Chairman WHITTEN. From Yellow Creek, to Stoneville, to Vicksburg to Jackson and on down to the gulf coast, Chairman WHITTEN'S concern and determination have benefited all of us. I would like to insert into the RECORD some of Mr. Gordon's insights into Chairman WHITTEN'S mark on Mississippi.

The following are portions of Mr. Gordon's column:

Whitten is elected by the residents of Mississippi's First Congressional District, an area of Northeast Mississippi that is bounded by the Tennessee and Alabama lines to the north and east, zigzags, along fringes of the Delta flatland on its western side and falls as far southward as Choctaw County. His geographical district aside, rest assured that in his own mind, Jamie Whitten's "constituency" includes all Mississippians, especially those involved in any form or fashion with agriculture.

You don't have to reside and work in Leland alongside fertile Deer Creek farmlands and in the shadows of one of this country's foremost agricultural research facilities to understand the value, importance and influence of Jamie Whitten on the state and national farm scene, but it sure helps.

Last week at Stoneville, where some of this state's best and brightest gather each morning to conduct the highest scientific levels of ag research, another top official came from Washington's Department of Agriculture to view the proceedings of this unique Mississippi think tank located in what many call "Jamie Whittenland." They do this from time to time, bureaucrats and politicans alike, to see what's new in the research fields just outside Leland.

This time it was Charles E. Hess, an assistant secretary of agriculture who is responsible for general supervision of the USDA's Agricultural Research Service. Hess toured private and public research units in the area, helped a press conference with local reporters and briefed scientists on what's ahead in new research programs and the chances for their funding. He made sure that Whitten's name got mentioned several times in his presentations. No one had to ask afterward just who it is in Congress that is considered agriculture and ag research's "best friend."

It didn't hurt matters any that a large part of Hess's time was spent in the "Jamie Whitten Delta State Research Center" at Stoneville where USDA-ARS laboratory re-

search projects take place. And of course, there was the requisite group photo of Hess and local and state research leaders in front of the bronze Whitten bust in the lobby of the building—one of the few federal edifices named in honor of a still-serving congressman.

All of that may sound like puff, but truth is that the five-story research building, the bust and all the talk of gratitude for Congressman Whitten's positive attitude toward agriculture are tangible signs of the reverence in which he is held in the farm belt.

Work is presently under way in Washington on a new Farm Bill, and when all the various discussions and requests near the action stage are over, it is likely that one member of Congress will wield far more influence over the final measure's language than anyone else in the decisions-making process.

Jamie Whitten isn't called "The Chairman" for nothing.

As a fellow Congressmen from Mississippi, it is my honor to serve with Chairman WHITTEN.

UNNECESSARY LUGGAGE ON A SPECIAL AND FOCUSED BILL

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. HOUGHTON. Mr. Speaker, the House voted to go to conference with the Senate today. The purpose is to resolve differences between the two versions of the supplemental appropriations bill. I would like to add a thought about the process.

When the bill came before the House I supported it. It provided assistance to Panama and Nicaragua. It helped programs which are running out of funding—programs such as veterans' medical care, disaster assistance, unemployment assistance, and others.

When the bill reached the Senate, several nongermane amendments were added. One of them surely will draw a Presidential veto. Although I might support these amendments based on their own merits, I now oppose them since they are unnecessary luggage on this special and focused bill.

I have introduced a resolution this Congress which has 158 cosponsors. The resolution prohibits long-term continuing appropriations bills which usually become bogged down with nongermane issues—the very issues illustrated by this bill.

I have not met a man or woman in the House who thinks privately that huge grab bag bills constitute a responsible way to handle taxpayer money. There is no way to separate the good from the bad. My resolution would not apply to supplemental appropriations bills such as this, yet perhaps there will be a way to include them in years to come. But the same principle applies, and here today we should be able to vote for or against a provision based on its own merit, rather than resorting to these kind of camouflage tactics.

TRIBUTE TO CALDWELL COUNTY (KY) HIGH SCHOOL STUDENTS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. HUBBARD. Mr. Speaker, in this day and age when most young people are more concerned with rock and roll and MTV, I am proud to say that a group of young people from my western Kentucky district have distinguished themselves as being actively involved in learning about our Nation's heritage.

This weekend, a group of students from Caldwell County High School in Princeton, KY, will be in Washington to represent Kentucky in the "National Bicentennial Competition on the Constitution and the Bill of Rights—We the People * * * Congress and the Constitution."

These students have spent a great deal of time studying the basic ideas and philosphies of the framers of the constitution, how the constitution was written, as well as how and why our Government was organized. They have discussed the theories behind the separation of powers and how our system of checks and balances works.

Perhaps most importantly, their studies have emphasized the importance of the role and responsibility of the citizens in a democracy.

Perhaps most importantly, their studies have emphasized the importance of the role and responsibility fo the citizens in a democracy.

I am very proud of these students and their achievements. I salute their efforts, along with those of their teacher, Roy Gene Rogers.

I am confident that through their exposure and participation in this program these young people will be better prepared to assume their role and responsibility as future citizens in this great democracy we know as the United States of America.

MARYLAND CITY ELEMENTARY SCHOOL CELEBRATES ITS 25TH ANNIVERSARY

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to recognize a tradition of excellence in education in Anne Arundel County, MD. This week the Maryland City Elementary School celebrates its 25th anniversary, and I would like to take this opportunity to congratulate the citizens, students, and teachers in Maryland City for their years of dedication and commitment.

To symbolize this commitment, the citizens of Maryland City will dedicate a new media center at the elementary school to Anna Jean Tobin, a devoted educator who served as principal of the school for 17 years. The attractiveness of this school and community is displayed by the fact that adults who attended Maryland City Elementary as children have settled in the area, and now send their own children to the school. This tradition is also embodied in two people who have worked at the school during the past 25 years: Leslie Gwynn and Merle Watts.

Through groups such as the Parent Teacher Organization and the Maryland City Civic Association, the community and the school have grown together. On their 25th anniversary, I commend Maryland City Elementary and the people who have built this community and school, and wish them the best for the next 25 years.

A BILL TO EXTEND MEDICAID PRESCRIPTION DRUG COVERAGE TO ALL LOWER INCOME SENIOR CITIZENS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. STARK. Mr. Speaker, I rise today to introduce the Medicare Buy-In Prescription Drug Coverage Act of 1990. This bill would require State Medicaid programs to extend prescription drug coverage to lower income senior citizens.

This bill is a companion to H.R. 4034, a bill that I introduced earlier this year to extend the Medicare buy-in provisions to beneficiaries with incomes up to 133 percent of the Federal poverty level by January 1, 1993.

The Medicare Buy-In Prescription Drug Coverage Act of 1990 would require State Medicaid programs to cover prescription drugs for all individuals who qualify for the buy-in provision.

The Medicare Catastrophic Coverage Act, Public Law 100–360, enacted in 1988, required States to buy Medicare coverage for all poor elderly and disabled individuals. This provision, intended to provide substantial protection to the neediest Medicare beneficiaries, was retained while other Medicare benefits were repealed.

This Medicare buy-in provision of Public Law 100–360 required States to pay Medicare premiums, deductibles, and coinsurance for all elderly and disabled Medicare beneficiaries with incomes below the Federal poverty level.

Medicare beneficiaries who qualify for buy-in coverage receive Medicare benefits without spending a substantial portion of their limited income for Medicare copayments.

While the buy-in provision offers considerable protection for low-income beneficiaries, it does not help pay for benefits—such as prescription drugs—that are not covered by the Medicare Program.

As a result, individuals who qualify for the new buy-in provision typically lack coverage for outpatient prescription drugs and must pay for their drugs out-of-pocket.

With passage of its companion bill H.R. 4034, this bill would assure that all Medicare beneficiaries with incomes up to 133 percent of the Federal poverty level are eligible for prescription drug coverage offered by State Medicaid programs to other title XIX beneficiaries.

Lack of prescription drug coverage is of particular concern for low-income seniors—especially those with multiple chronic conditions—who spend a substantial portion of their income for life saving medications.

According to the Department of Health and Human Services' [DHHS] May 1989 Report to Congress, "Expenses Incurred by Medicare Beneficiaries for Prescription Drugs," low-income beneficiaries use more prescription drugs and spend more for prescription drugs than the average beneficiary:

Medicare beneficiaries living under the Federal poverty level used more prescription drugs than individuals in higher income groups;

Medicare beneficiaries living under the Federal poverty level spend 14 percent more than the average Medicare beneficiary for prescription drugs; and

More than 12.4 percent of Medicare beneficiaries below the poverty line had expenditures in excess of $700.

The DHHS Report, based upon data from the National Medical Expenditure Study, found that Medicare beneficiaries with Medicaid coverage obtained more prescription drugs than those with only Medicare coverage. This finding supports the value of the proposed expansion of Medicaid prescription drug benefits to this population.

Among the severely disabled elderly, the financial burden of prescription drug coverage is even more alarming. According to a report issued by the Urban Institute, "Severely Disabled Elderly Persons With Financially Catastrophic Health Care Expenses," based upon data from the National Long-Term Care Channeling Demonstration project, out-of-pocket prescription drug expenses are particularly burdensome for lower-income severely disabled elderly persons.

The Urban Institute report found that prescription costs accounted for over 56 percent of out-of-pocket expenses for severely disabled senior citizens.

Severely disabled individuals below the poverty level, with prescription drug expenses, spent on average 66 percent of their income out-of-pocket for their medical care. This compares to 40 percent spent by severely disabled individuals above the Federal poverty level.

Mr. Speaker, with the rising cost of prescription drugs and the lack of drug coverage under the Medicare program, this bill would provide substantial assistance to the most vulnerable senior citizens living below or near the Federal poverty level.

I urge my colleagues to join in support of this bill to extend Medicaid prescription drug benefits to all lower-income Medicare beneficiaries.

TRIBUTE TO JOHN M. "MAC" AICHELE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. GEKAS. Mr. Speaker, I rise to ask my colleagues to join me in recognizing a Pennsylvanian whose accomplishments and contributions to the community are indeed exemplary.

John M. "Mac" Aichele is an example of the spirit of community service. He is retired president and former chairman of the board of the Milton S. Hershey School in beautiful Hershey, PA. This school was founded to provide a home and academic training to orphaned boys. The tradition of dedication to others has continued through the years as countless boys and more recently, girls, have been educated on the school's sprawling campus.

In addition to overseeing the education of his students, Mac has been involved with a long list of organizations, including the Harrisburg Community Threatre, the Hershey Symphony Orchestra Association, the M.S. Hershey Foundation, and the Dauphin County Mental Health/Mental Retardation Board. He currently serves as treasurer of the Mental Health Association of Cumberland, Dauphin, and Perry Counties, and on the boards of the Boy Scouts of America, Family and Children's Service, and Ronald McDonald House.

Clearly, Mr. Speaker, Mac is one of the "points of light" on which our Nation depends. His selflessness represents the very vest that we can be. On behalf of my constituents, I thank him for his work.

CONTINUED UNITED STATES ECONOMIC SUPPORT FOR NICARAGUA DEPENDS ON ALL PARTIES' COMPLIANCE WITH PEACE ACCORDS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. COLEMAN of Texas. Mr. Speaker, as a member of the House Appropriations Subcommittee on Foreign Operations and Export Financing, which has jurisdiction over United States foreign military and economic assistance, I rise to bring to the attention of my colleagues an extremely serious situation that is developing in Nicaragua today: The very real threat from the right and the left to the newly elected government of Violetta Chamorro.

The outgoing Sandinista government and the Chamorro administration have successfully completed the transfer of power and are prepared to go forward in a normal political relationship under a democracy, of government and opposition under the law. While I personally found much of the Sandinista legacy to be distasteful and repressive, the Bush administration certified that election to be fair and open, and as a result the Sandinista Party has finally achieved a measure of electoral legitmacy. At this time, however, the disarmament and demobilization of the contras are essential to peace and stability in Nicaragua.

Arrangements for this demobilization have been made to take place under the supervision of the United Nations and Cardinal Miguel Obando y Bravo, the archibishop of Managua. The Contra leaders themselves formally agreed to these arrangements on April 18, 1990 in what is being called the Toncontin Agreement, which was a follow-on to the original Toncontin agreements regarding the demobilization of the Contras in Honduras. The Contras have since left their sanctuaries in Honduras and moved into designated enclaves inside Nicaragua. According to the demobilization arrangements, they are to remain peacefully in those enclaves while the Nicaraguan Army has pulled back a stipulated distance, until the process of disarmament is completed on June 10.

It was upon all these premises that the House of Representatives voted recently to provide Nicaragua with $300 million in economic assistance. So it is all the more alarming to learn that Contra leaders have been discussing publicly the possibility of going back on their word. There are indications that the Contras are considering not disarming by June 10. Interviews given in to the Nicaraguan press by Contra leaders discuss the possibility of declaring the enclaves to be liberated zones. Equally disturbing, there are reports that the Contras have access to large caches of arms in northern Nicaragua and in Honduras as well as of former Contra leaders leaving the United States and returning to the field in Nicaragua.

At the same time, the United States should be concerned by reports that the Sandinistas are making equally destabilizing threats. They have threatened to shut down the Government, as well as having handed out enormous raises to party workers in the Government bureaucracy. While it is imperative that the Contras disband and demobilize, it is equally critical that the Sandinistas continue to relinquish control of the army and behave responsibly as the transition to democracy takes place, and that includes an end to the threats of staging strikes that would cripple the economy.

Mr. Speaker, I want to send the message loud and clear to all political factions in Nicaragua—the Sandinistas, the Contras, members of the UNO coalition, and the Chamorro government—that the United States Congress fully expects the letter and the spirit of the Toncontin Agreement to be upheld. We are keeping a close eye on the situation and on the activities of all parties concerned. Any breach of the Toncontin Agreements will surely threaten all United States assistance to Nicaragua, including the $300 million in this year's supplemental appropriations bill for agricultural and transportation assistance as well as aid being considered for fiscal year 1991. Many of us are prepared to consider tough restrictions or even an outright suspension of United States assistance to Nicaragua if the Contra demobilization does not take place on schedule and if the Toncontin Agreement is not upheld by all parties concerned.

Mr. Speaker, it is the stated and formal policy of the United States to support the government of Violetta Chamorro. This government is under heavy pressure from all sides. We must let all parties concerned know that the $300 million in U.S. aid in this fiscal year and possible additional aid in the next depends upon the upholding of the Toncontin Agreement and the prompt and complete demobilization of the Contras. Anything less will be considered to be a breach of enormous magnitude, and the consequences will be suffered accordingly.

TRIBUTE TO WALLY PIEKARSKI

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. LIPINSKI. Mr. Speaker, I would like to take this opportunity to recognize the outstanding contributions of Wally Piekarski to the Chicago community. On June 1, 1990, Mr. Piekarski will be honored by the Chicago Park District for his 35 years of dedicated service.

Mr. Piekarski started as a physical instructor with the Chicago Park District in 1955. He then emerged as a leader and initiator of a variety of athletic programs for the city's youth. Some of these programs provided athletic programs to children who would normally not have these opportunities.

He also worked for the Park District as playground supervisor and was later recognized for his extraordinary organizational skills. He was soon appointed tennis director and distinguished himself by arranging for Chicago to host, for the first time, the National Public Parks Tennis Championships in 1969. The success and excellence of this event brought the championships back to Chicago to host the 50th anniversary of the tournament in 1976.

In recognition of his accomplishments for organizing these tournaments, Mr. Piekarski received the Tennis Director of the Year Award in 1976 by the Chicago District Tennis Association and the Service Award in Tennis in 1983, which was presented by Billie Jean King. His exemplary contributions to Chicago's tennis association were honored with the Chicago Park District Tennis Association Service Award in 1987.

In light of his outstanding accomplishments and contributions to the Chicago community, I call upon my colleagues to join in honoring Mr. Wally Piekarski.

IN RECOGNITION OF THE 35TH ANNIVERSARY OF THE 103RD INFANTRY VETERANS ASSOCIATION OF WORLD WAR II

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. BRENNAN. Mr. Speaker, it is with great pleasure that I rise today to honor the 103rd Infantry Veterans Association of World War II on its 35th reunion May 5.

This regiment was part of the Maine National Guard when it was inducted into Federal service in February 1941. During World War II, the 103rd Infantry served in the South and Southwest Pacific, the Philippines, and Japan. While in the Philippine Islands, the 103rd Regimental Combat Team was cited for outstanding performance of duty in action against the enemy.

As a fellow veteran, I take great pride in congratulating the 103rd Infantry Veterans Association on this special occasion.

THE FOSTER GRANDPARENT PROGRAM OF ENTERPRISE, AL

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. DICKINSON. Mr. Speaker, the year 1990 marks the 25th anniversary of the Foster Grandparent Program nationwide. The Foster Grandparent Program [FGP] sponsored by the Human Resource Development Corp., in Enterprise, AL, has been serving the Second District of Alabama since 1981.

The program was expanded to include Ft. Rucker Army Aviation Center, making it one of five FGP's nationwide that serves the special needs of children on military bases. Now they have had many requests from people throughout the wiregrass region to expand the program throughout the second district. They are now pursuing this request and hope to make this a reality in the near future.

In 1989, the local FGP provided 77,414 hours of service to children with problems in their development. At this time, they are providing services and volunteer opportunities to 100 senior adults in three counties.

This organization receives Federal funds through ACTION national volunteer agency under the Older American Volunteer Programs [OAVP], while the State of Alabama provides some funding through the Alabama Association of Retired Senior Volunteer Programs [AARSVP]. Also, donated funds are received each year from local governments, clubs, churches, organizations, and individuals.

The FGP is one of the most respected and well known volunteer efforts in the United States. Through the FGP, low-income and non-stipended overincomed people—60 years of age and older—provide person-to-person service to children with exceptional needs.

In light of a growing senior population, we should realize the importance of providing opportunities like this to assist aging Americans in remaining active and healthier throughout their lifetime. The Foster Grandparent Program has served this purpose well in the Second District of Alabama.

HELP STAMP OUT BREAST CANCER

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mrs. BOXER. Mr. Speaker, over 40,000 women died last year as a result of breast cancer. According to the American Cancer Society, over 150,000 women will be diagnosed with breast cancer this year. Breast cancer is second only to lung cancer as the leading killer of women in this country. Yet, many women are unaware of the steps they can take to detect this deadly disease early, when the survival rate for victims is greatly increased.

I am very pleased to join in a national effort to publicize the importance of regular breast self examination and mammography screening or breast x rays to reducing the cancer death rate.

The American Medical Association, the American Cancer Society, and the National Cancer Institute recommend that asymptomatic women between the ages of 40 and 49 undergo an annual clinical breast examination by their doctor, and mammograms every 2 years. Beginning at age 50, both clinical examinations and mammograms should be performed yearly.

In addition, women of all ages should examine themselves for lumps a day or two after menstruation, keeping in mind that 8 out of 10 lumps are benign. Nonetheless, women should report anything suspicious to their doctor.

Unfortunately, the majority of women do not comply with these life saving measures. Only an estimated 15 to 40 percent of women examine their own breasts each month, and compliance with mammographies is only 15 percent among women of all ages.

I am here to tell the women of this Nation that mammography screening is painless, and delivers less radiation than a mouth x ray. If every woman at risk in this country had a mammogram, then the breast cancer death rate could be reduced by 30 percent, and what a monumental improvement that would be.

THE PEE DEE SPEECH AND HEARING CENTER

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. TALLON. Mr. Speaker, May is "Better Speech and Hearing Month," a time for all Americans to appreciate the ability to communicate, as well as time to reach out to those who cannot.

The Pee Dee Speech and Hearing Center is a nonprofit organization committed to this ideal throughout the year. The Sixth District is fortunate to have the services of this center which provides audiology, speech pathology, and language services, regardless of ability to pay.

Associated with the United Way, the center is the only nonprofit speech and hearing organization accredited in South Carolina. In fact, it was the very first facility of any kind to be accredited in South Carolina.

More than 24 million Americans must live with hearing and speech impairments. While these physical impairments might range from slight to severe, their effect on an individual's life often causes isolation and loneliness.

I applaud the success of the Pee Dee Speech and Hearing Center in helping affected citizens overcome speech and hearing difficulties.

BUREAUCRATIC INDIFFERENCE

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. CAMPBELL of Colorado. Mr. Speaker, to be accused of bureaucratic indifference is as insulting a curse as can be leveled upon a Federal agency. Yet, the understaffed and overworked Social Security Administration is burdened by regulations which oftentimes prevent it from escaping this label.

Take, for example, the case of 13-year-old Jeffrey Zangaris, a profoundly retarded cerebral palsy victim whose mother is being denied SSI payments because the Social Security Administration cannot count against her $1,600 per month gross income the $700 per month medical bills necessitated by Jeffrey's condition.

An administrative law judge in Colorado saw the inequity in this situation, and ruled Ms. Zangaris eligible for SSI payments. He based his decision on language in the Social Security Act which allows the Secretary to allow certain exclusions from income in cases in which it would be inequitable to do otherwise.

His ruling, however, was overturned. The reason: that the Secretary has no authority to make such exclusions in a case-by-case basis, and that there is no allowance for the exclusion of medical expenses in the deeming of income.

I think it is clear to anyone that a single mother trying to raise two children, one of whom is severely handicapped, on $900 per month net income is deserving of more than just praise for her courage. Ms. Zangaris is clearly deserving of the type of assistance that the SSI program was originally designed to provide, yet she has been repeatedly denied payments due to the inflexibility of current law.

It has been suggested that she institutionalize her son, at three times the cost to the Federal Government as SSI payments, but his last experience in an institution nearly killed him.

I am in the process of exploring avenues of assistance for Ms. Zangaris as she struggles to keep her family together. I, like she, am looking for support from Members who recognize the inequity in Jeffrey Zangaris' situation. As I seek to develop a legislative remedy to this problem, I would appreciate the input of any Members who know of similar situations. Together, maybe we can help families caught in this kind of pinch to receive the assistance they need and deserve.

TRIBUTE TO MARTHA DABNEY PETERSON

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. PAYNE of New Jersey. Mr. Speaker, tomorrow, May 4, marks a special day for my constituent, Mrs. Martha Dabney Peterson of East Orange, as she celebrates her 100th birthday.

Mrs. Peterson was born in Richmond, VA, on May 4, 1890. She spent many years as a resident of Newark, NJ, before moving to East Orange where she has resided for 20 years.

Mrs. Peterson is an outstanding person who has been an active member of her church since 1919, generously contributing her time and talents.

Mr. Speaker, I know my colleagues here in the U.S. House of Representatives join me in extending congratulations and very best wishes to Mrs. Peterson on this happy occasion.

HONORING KEW GARDENS SYNAGOGUE ADATH YESHURUN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the Kew Gardens Synagogue Adath Yeshurun, which will mark its golden jubilee with a dinner dance on May 13 at the Beth Sholom Synagogue in Lawrence, NY.

The Kew Gardens Synagogue is one of the oldest Jewish congregations in the central Queens area of New York City. Those who establish the synagogue came from many different ethnic backgrounds, including many who escaped the Holocaust in Europe and were able to come together to establish a congregation that has been a place of prayer and charity for the past 50 years. In that time the synagogue has witnessed its congregation grow from a modest 14 congregants to its now thriving community of 380 active members.

The Kew Gardens Synagogue throughout its 50-year history has been more than a house of worship. Founded by the late David Levine, it has fulfilled the need for community services for Jews and gentiles alike. The services the synagogue provides to the community include a nursery school, youth activities such as little league baseball and sports programs for all children, sabbath youth groups, educational and cultural programs for men and women, including study groups and cultural lectures given by reputed individuals from outside the synagogue. The synagogue has also developed special programs to support single parent families, and assist recent immigrants from the Soviet Union in adapting to life in the United States.

The many programs and activities were expended through the years under the stewardship of many dedicated men and women. I would especially like to honor: board of trustee members David Weil, Richard Koppel and Arnon Hiller; Vice-Presidents Gregory Binkiewicz and Hymen Arbesfeld; Treasurer Eli Mirzoeff; Financial Secretary Noah Diamond; Correspondence Secretary Simon Mietles; and Recording Secretary Nathan Reahimi for their timeless dedication over the years to the Synagogue and the Kew Gardens community. At present, the synagogue is led by President Fred Friedman in partnership with Rabbi Dr. Barnard Rosenweig, the spiritual leader of the Kew Gardens Synagogue. These men, with the help of the other members of the synagogue, have worked diligently to adapt to the ever changing needs of the Kew Gardens community.

The Kew Gardens Synagogue has survived many trials and tribulations during its first half century, but it has survived and prospered as a place the community turns to in times of joy and need. I would like to ask my colleagues to join me in congratulating Kew Gardens Synagogue Adath Yeshurun on its 50th anniversary and to extend the hope that the next 50 years will be as successful as its first.

FEDERAL EMPLOYEE OF THE YEAR

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, today I would like to recognize the 25th Annual Federal Employee of the Year Awards Program. This is deserved recognition for those Federal employees who have made a tremendous effort to promote public service in the greater Miami area. Although all Federal employees warrant commendation for their service, these people have gone beyond the call of duty to demonstrate outstanding job performance.

The ceremony will take place at noon on Friday, May 11, 1990. Last year's ceremonies drew a crowd of over 700 and this year over 800 people are expected to gather at the Radisson Mart Plaza to participate in the event.

The chairperson of the Federal Employee of the Year Awards Program is Haydee Ferrer, who has done a superb job in organizing the ceremony and the Employee of the Year Luncheon which will be held prior to the presentation of the awards. Also adding fruitful efforts to the event is Ms. Cary G. Riusech, program coordinator for the program. Due to Ms. Riusech and Ms. Ferrer's efforts, I am sure the events will be extremely successful.

After a complex and competitive qualifying process, I would like to acknowledge and congratulate the following people who have received nominations for Federal Employee of the Year in the Miami Division. The nominees are Mr. Jacinto Acebal, Mr. Ruben Abella, Ms. Patsy P. Banks, Mr. Carlos [Pepe] Cordero, Mr. Francisco E. Ferrer, and Ms. Rosetta D. Fulmore.

Also nominated are Mr. Stanley M. Gold, Mr. Carolos Gonzalez, Mr. Juan C. Gonzalez, Ms. Karon P. Grunwell, Ms. Lourdes Hormilla, Mr. Rolando D. Jiminez, Ms. Dorothy Johnson, Mr. John Pedersen, Ms. Maria Elena Perez, and Mr. Clyde Young.

I commend the organizers of the program and the nominees for Employee of the Year for their outstanding work. This is a splendid opportunity to recognize those who have displayed great ability and determination in the field of public service.

ADMINISTRATION EXPORT CONTROL PROPOSAL IS A TROJAN HORSE

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. WYDEN. Mr. Speaker, I am concerned that the proposal the administration released yesterday to streamline export controls on dual-use items is a smokescreen meant to divert Congress from making fundamental reforms through legislation.

The administration said its proposal would modernize Cocom export control on telecommunications products, computers, machine tools, and other dual-use items. While the proposal was presented as a major reform of the export control system, it falls short of even the China green line level of technology for both telecommunications and computers.

It seems more than a coincidence that this proposal came just a day before the House Foreign Affairs Committee planned to mark up its reauthorization of the Export Administration Act. It looks to me like a Trojan horse meant to head off more far-reaching reforms in Congress.

The administration proposal would decontrol computers up to half the China green line level of technology, a processing data rate [PDR] of 275 megabits per second [mps], while computers up to the China green line, a PDR of 550 mps, destined for civilian uses will get favorable licensing treatment.

At least one major U.S. computer company introduced this level of technology back in 1966. The administration is saying it's willing to sell 25-year-old computers to Eastern Europe under certain conditions. This defies reality when you can put a more powerful desktop computer in the back of a truck and drive it through what used to be the Berlin Wall.

Similarly, the administration's proposal to allow exports of fiber optic equipment to a transmission rate of 156 megabits to Eastern Europe, under certain conditions, is equally outdated.

The current standard for Western Europe is 565 megabits. The administration proposal will retard the political and economic integration of Eastern and Western Europe by prolonging incompatible telecommunications systems.

In addition, the administration plan appears to offer no significant reform in telecommunications exports to the Soviet Union, even though the free flow of information can only help to speed democratic political development in that country.

The one glimmer of hope—in addition to some significant reform on machine tools—is the administration's promise to develop a core list of fewer items that should be controlled. I fully agreed with this approach.

Given the dramatic changes in the world, a compelling argument can be made that the benefits outweigh the risks of eliminating national security controls under the Export Administration Act on all dual-use items other than state-of-the-art semiconductor manufacturing equipment, state-of-the-art supercomputers, goods for sensitive nuclear uses, and militarily critical arrays of design and manufacturing know-how. I think we should look at this concept during consideration of legislation to reauthorize the Export Administration Act when it reaches the floor later this year.

STATE DEPENDENT CARE DEVELOPMENT AMENDMENTS OF 1990

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. TAUKE. Mr. Speaker, today, I am introducing the "State Dependent Care Development Amendments of 1990" upon request of President Bush.

This program provides funds to States for the planning, development, establishment, expansion, or improvement of dependent care services. Currently 40 percent of the funds must be used for resource and referral for all types of dependent care services ranging from child care to elder care. The remaining 60 percent must be used to develop and expand school-age before and after school care.

The bill I am introducing today will make two changes to current law, allowing for even greater flexibility for States. First, this legislation would remove the required 60–40 split. Given that the program was established in 1984, there may come a time in the next few years when States have a well developed resource and referral system and may not need to allocate 40 percent of their funds to maintain it. This removal of the 60–40 split would allow them to devote more funds to the continued development of care for children who would otherwise remain unsupervised before or after school.

The second change involves broadening categories of entities who may receive grants under this act as well as the allowable settings where programs can be established. Currently, programs may only be funded at public or private schools and community centers. This legislation would open the door to participation by other entities in the community including places of employment, libraries, hospitals, churches, family child care providers, and even public entities like a county council building.

As the need for child care continues to grow, appropriations for this program will likely follow suit. It is vital that it is structured in a way that will provide as many options as possible for families who need day care provided outside of the home.

BUDGET RESOLUTION, 1991

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. FEIGHAN. Mr. Speaker, on Tuesday, May 1, the House of Representatives approved House Concurrent Resolution 310, the budget resolution for fiscal year 1991. This resolution sets sound priorities, makes tough choices, and puts America back on the right track.

I voted for the budget resolution for several reasons but first and foremost because of the significant deficit reduction that would be achieved. House Concurrent Resolution 310 calls for $36 billion in real cuts and meets this year's Gramm-Rudman target of $64 billion. This type of pay-a-you-go approach would restore fiscal sanity to the Federal budget. Though I believe we must make deeper cuts, House Concurrent Resolution 310 is a good first step.

In addition, this resolution returns fiscal honesty to the Federal budget process as it begins to move the Social Security trust fund off budget where it belongs. By 1995, House Concurrent Resolution 310 would balance the Federal budget without raiding the trust fund—a big victory for America's seniors.

I am also proud to support a budget which takes into account the revolutionary changes throughout the world. These changes allow us to redirect our focus and begin to address national security issues here at home such as the budget deficit, the declining quality of America's education system, the devastation of our environment, our inability to compete in the global marketplace, and our inability to end the drug crisis.

In January, I was somewhat surprised with President Bush's budget proposal as it not only made no mention of a peace dividend, but actually called for increased defense spending. House Concurrent Resolution 310 finds the peace dividend, and does so without dismantling our national defense. The defense cuts—$32.8 billion from budget authority, $11.5 billion in outlays, and a 25-percent reduction over 5 years—are reasonable and mandatory if we want to rebuild this Nation.

This budget's priorities are right on the money. It provides $2.5 billion for education over and above inflation for important programs such as dropout prevention, Pell grants, math and science programs, handicapped and compensatory education, ignoring cuts proposed in the Bush budget. The resolution also increases our investment in America's infrastructure, medical and scientific research, and environmental protection.

At the same time, House Concurrent Resolution 310 reaffirms our commitment to those less fortunate in American society. The resolution provides $3 billion more to expand housing assistance and to rehabilitate and construct affordable housing. In addition, this budget preserves the Medicare Program and blocks the deep cuts offered by the Bush budget. House Concurrent Resolution 310 also provides full cost-of-living-adjustments for Federal and military retirees, two groups left out in the cold by the President's budget.

Considering the many competing priorities, I commend the Budget Committee for crafting a well-balanced budget. I urge President Bush to join us in support of this resolution. Together we must get to work on the agenda for the 1990's.

TRIBUTE TO ROSA PARKS

HON. WILLIAM J. HUGHES
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1990

Mr. HUGHES. Mr. Speaker, it is with great pleasure that I stand here today and pay tribute to a woman of unwavering conviction and remarkable courage. I salute the mother of the modern civil rights movement, Mrs. Rosa Parks, not only for her refusal to give up her bus seat on that December 1, 1955, but for her refusal to give up her vital role in the civil rights movement as it continues to be fought every day. Mrs. Parks said "No" to the discrimination of blacks everywhere, and that stunning rejection of the status quo has since then contagiously affected millions of blacks and whites alike.

Her example triggered the boycott of the Montgomery bus system, and involved a little known group led by the late Reverend Martin Luther King, Jr. Within a year, the Supreme Court outlawed the segregation of city buses in Montgomery and one of the first battles in the civil rights movement was won. Mrs. Parks may have lost her job as a result of demanding equal treatment, but she gained a calling instead.

Mrs. Rosa Parks has been actively working to ensure the fair treatment of millions of blacks since even before that infamous day. Born in Tuskegee, AL, but raised in Montgomery, Mrs. Parks worked as a youth adviser for the National Association for the Advancement of Colored People, and was affiliated with a number of other campaigns that sought to rectify racial injustices, including the Scottsboro Boys case. She has aided my distinguished colleague, Congressman JOHN CONYERS, where she worked for 23 years. Today, though retired, she continues to serve others through the Rosa and Raymond Parks Institute for Self-Development, established to promote the advancement of youth.

It is my privilege to be able to join with the Southern New Jersey Chapter of the National Conference of Christians and Jews as they honor Mrs. Parks on May 4, 1990.

SENATE—*Friday, May 4, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable DAVID PRYOR, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by a guest Chaplain, the Reverend David Doyle, of the United Baptist Church of Concord, NH.

The Reverend David Doyle offered the following prayer:

Let us pray:

Heavenly Father, it is with confidence that we approach You today on behalf of those who have been endued with the power of government. We ask that they might be given wisdom, for the task is delicate; that they might be given courage to withstand the pressure of political expediency; and that they might be given stamina for the task is unending.

Thank You for the tasks that stretch us, that cause us to use all of our faculties, and that show us that we are more than we imagined. Such is the task that confronts our Senators.

But as well, Lord, lest they become inflated with the responsibilities, lest they become too concerned with pleasing others, let them remember the needs of our whole country, let the call of statesmanship be upon them, and let the rewards of a job well done be theirs.

We ask for Your favor to be bestowed upon them as they exercise Your authority on Earth. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 4, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time for the two leaders, there will be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 10 this morning, the Senate resumes consideration of S. 135, the Hatch Act reform bill. Under the unanimous-consent agreement granted last night, Senator ROTH will be recognized to offer an amendment regarding caucuses.

Once the debate is completed on that amendment, it will be laid aside in order for Senator ROTH to offer a second amendment regarding personal causes of action. The second Roth amendment also will be debated today. There will be no rollcall votes today. Any votes required relative to the two Roth amendments offered today will occur next Tuesday morning.

The unanimous-consent agreement also provides that on Monday, when debate on the Hatch Act reform bill is resumed, the following Senators will be recognized to offer first-degree amendments: Senator DOLE to offer two amendments; then Senator ROTH and Senator SIMPSON to offer amendments. The amendments offered during Monday's session will be fully debated and any votes required relative to those amendments will also be put off until Tuesday morning.

Therefore, Mr. President, to summarize the schedule for today and Monday and Tuesday morning, there will be no rollcall votes today or Monday. Six amendments to the bill will be offered on today and Monday, and debate completed upon those before the close of business on Monday.

Any rollcall votes relative to those six amendments will occur on Tuesday morning, beginning around 10 o'clock in the morning. Senators should be on notice that while there are no rollcall votes today or Monday, there will be several rollcall votes on Tuesday beginning around 10 a.m.

Mr. President, it is my hope and intention that we will complete action on this bill next week, I hope in the early part of the week. Therefore, Senators should be on notice that the Senate will remain in session next week until we finish this bill, one way or the other, and it is possible that we could have lengthy evening sessions as we attempt to complete action on this bill.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. McCAIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

MANPOWER TRANSITION PLAN

Mr. McCAIN. Mr. President, I rise today to address the need for a comprehensive transition plan to protect the men and women in our Armed Forces.

We now face the most urgent crisis in the way we treat our military personnel since the days in which we carried out massive personnel cuts following World War II. During the next few years, we may have to force nearly half a million volunteers to leave military service, the vast majority against their will. Not since Lewis Johnson faced drastic cuts in the numbers of men and women in the military in 1948 and threatened to completely dismantle the structure of the military, have we faced the reductions that we face today.

The rumors of these cuts are already having a major impact on morale. Military men and women are bewil-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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dered and confused about their future careers. They know that the coming cuts in the all volunteer military are going to be extremely large, but they have no idea of how their lives and those of their families will be affected.

These men and women are volunteers. They joined to serve their country. Most joined to make the military a career. We must act to protect them. We need to show them that we care. We need to show them that their service and sacrifices are appreciated by a grateful country.

This is why I believe we must now address the need to protect the men and women of our volunteer military force. Our current system clearly does not provide the needed protection. It assumes that virtually all military personnel will either leave military service at time of their own choosing, or retire with substantial benefits after making the military their career. It is not set up to deal with the reality that tens of thousands of fully qualified personnel will be forced to leave military service years before they planned to do so, and often with only limited warning.

We need legislation that will take account of this new reality. We need a transition plan that will provide improved separation pay, unemployment compensation, relocation, and outplacement services, priorities in Federal hiring, benefits under the GI bill, and medical insurance. We need to take urgent action to protect our men and women in the military services as we reduce our forces and defense budgets.

THE NEED FOR URGENT ACTION

The problems we face in protecting our service personnel could rise to crisis state at any moment. The Congress and the administration have already failed to come to a timely agreement to reprogram funding for military manpower. I sincerely hope that the current debate over the supplemental to this year's budget will resolve this issue without having to cut 56,000 to 68,000 more men and women from the military services, and massive involuntary cuts in military strength. But we cannot rely on mere hope to solve this dilemma.

Even if we get all the reprogramming we need for this year, we will still have to cut 75,000 to 125,000 men and women from the armed services next year, and possibly even more depending on the level of cuts in that defense budget. Over the next several years we can expect to see cuts of 500,000 to 700,000 people from the armed services.

I think we all recognize that these manpower cuts are necessary, and that additional manpower cuts may be necessary in future years. As I have previously stated before this body, we must reduce our force levels and defense spending as fundamental changes in the threat and the roles and missions of our forces change. But while we face the realities of our changing world, we must also be aware that dedicated and highly competent personnel who are fully qualified to stay in the military, and who, at any other time would be promoted to higher ranks, will be cut from the military. We must make these manpower cuts with conscience and compassion. We must make a comprehensive effort to protect the men and women who will be forced to prematurely end their careers.

OUR RESPONSIBILITY TO THE MEN AND WOMEN IN OUR ALL VOLUNTEER FORCE STRUCTURE

I cannot praise these men and women enough. For the last 17 years, the United States has successfully executed its global mission without a peacetime draft. It has done so only because we have asked a small fraction of our citizens to assume the risks and responsibilities of national defense, and we have built an all-volunteer force of men and women who planned to make the military their profession.

It is thanks in large part to their dedication and sacrifice that we are now on the threshold of realizing the benefits of our defense of democratic ideals over the last 40 years. It is thanks to them, we see free governments being formed in Eastern Europe, and the threat of a major war in Europe decreased to minimal levels. It is thanks to them, that we can now prudently reduce our own forces.

I wish we could make such reductions without forcing men and women out of military service. In fact, the Department of Defense has already indicated that it will make every effort to avoid cutting personnel who want to continue to serve their country. Each military service is planning to accommodate as many reductions as possible through voluntary discharges, retirements, and end of obligated service discharges.

It is clear, however, that such measures will not be enough. The Army is already faced with an immediate need to cut manpower, a need that has been made more difficult because of the failure to authorize reprogramming into the manpower accounts of this year's defense budget. It is forced to cut its end strength by at least 40,000 this year. It will be forced to cut at least 75,000 more personnel next year, and the total could be as high as 125,000.

It is clear the U.S. Army will have to force large numbers of career soldiers out of the military. In fact, "riffed"—the military term for forcing men and women to leave military service in order to reduce force size—is already becoming a common term on U.S. Army posts throughout the world.

These forced cuts in personnel are provoking growing concern among both officers and enlisted ranks, and with good reason. The post Vietnam cuts led to the confused and improper handling of thousands of personnel who had served their country in an unpopular war. Army personnel and their families have no clear guarantee that this neglect will not be repeated.

It is not just the Army that will be affected. Military personnel in all branches of service will face manpower cuts. Even if we make conservative estimate of the coming cuts in defense spending, over the next 5 years the Navy will drop from 480,000 to 597,000. The Marine Corps will drop from 160,000 to 197,000. The Air Force will drop from 428,000 to 571,000.

Unless we provide these dedicated men and women with a comprehensive protection plan, uniformed personnel who are forced to leave the service will do so with few of the options and protection available to those who retire or voluntarily leave the military. Tens of thousands of fully qualified personnel and their families from every State are going to be affected.

Mr. President, we need to be able to deal with this situation in a way where every man and woman currently serving in the U.S. Armed Forces can be certain that they will be properly protected. Even under the worst conditions, we must do whatever we can to ensure that we will never repeat the mistakes we have made in previous personnel cuts.

Our service men and women need to know that the personnel reductions are well thought out and well programmed. It is important that those that we ask to leave understand why and how this reduction is being done. They need to be assured that they will not be forgotten in the rush to meet budget goals or reduce defense expenditures.

A COMPREHENSIVE TRANSITION PLAN

This is why I will soon submit legislation to create a comprehensive transition plan to protect the personnel that will be forced out of the military services. This legislation sets forth specific proposals to improve separation pay, unemployment compensation, relocation services, outplacement services, benefit briefings and health care considerations, Montgomery GI bill enhancements, and other programs that will assist those who are involuntarily separated.

Let me summarize what my legislation calls for in each of these areas:

SEPARATION PAY

First, in the case of separation pay, it is only available to officers at the present time. We need to ensure that it is available to career enlisted personnel as well as career officers.

My legislation will provide all service members, commissioned officers, warrant officers, and enlisted, who are involuntarily but honorably discharged, separated or denied reenlistment with separation pay.

To be eligible, a service member must have served 7 years of continuous and honorable service. This legislation is consistent with the Department of Defense's guidelines on separation pay as they exist today, meaning that the criteria to receive 100 percent of authorized separation pay will remain the same in my legislation as it is currently constructed by DOD policy today.

This legislation will remove the current $30,000 cap so that members having served longer periods of active duty will be better compensated for lifetime losses in retired pay. The separation pay amounts will be based on the amount of time a member has served and their rank.

Mr. President, I ask unanimous consent that a copy of the proposed severance pay plan be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPARATION PAY (CAPPED BY FORMULA ONLY)

Grade/YOS >	7	8	9	10	11	12	13	14	15	16	17	18	19
O-5	24,668	28,192	31,716	36,306	39,937	45,909	49,734	57,154	61,236	70,209	74,597	83,514	88,154
O-4	21,914	26,150	29,419	34,916	38,408	44,254	47,942	53,988	57,845	64,408	68,434	74,462	78,598
O-3	21,329	25,252	28,408	33,271	36,598	41,900	45,391	50,088	53,665	57,243	60,821	64,398	67,976
O-2	18,582	21,237	23,892	26,546	29,201	31,856	34,510	37,165	39,820	42,474	45,129	47,784	50,438
O-3E	21,329	25,252	28,408	33,271	36,598	41,900	45,391	50,828	54,459	58,090	61,720	65,351	68,981
O-2E	18,582	21,908	24,647	28,814	31,696	35,899	38,891	43,032	46,105	49,179	52,253	55,326	58,400
O-1E	15,659	18,556	20,875	24,034	26,437	29,847	32,334	36,404	39,004	41,604	44,205	46,805	49,405
W-4	17,990	21,468	24,151	27,961	30,757	35,899	38,891	43,828	46,958	51,846	55,086	59,888	63,215
W-3	15,841	19,428	21,857	25,700	28,270	31,856	34,510	38,339	41,078	45,124	47,944	52,345	55,254
W-2	14,659	17,669	19,877	22,925	25,217	28,516	30,893	34,418	36,877	40,717	43,262	47,310	49,939
W-1	13,505	16,099	18,112	20,941	23,035	26,166	28,347	31,681	33,944	37,561	39,909	43,714	46,143
E-9				26,060	28,666	31,977	34,641	38,153	40,878	44,600	47,387	51,296	54,145
E-8		17,484	19,670	22,478	24,726	27,687	29,994	33,138	35,505	38,874	41,304	44,738	47,223
E-7	12,797	15,091	16,978	19,469	21,416	24,088	26,096	29,378	31,477	34,525	36,683	39,923	42,141
E-6	11,282	13,360	15,030	17,316	19,048	21,851	23,671	26,289	28,166	31,018	32,956	35,426	37,394
E-5	10,234	12,174	13,695	15,822	17,404	19,682	21,322	23,381	25,051	26,721	28,391	30,061	31,731
E-4	9,420	10,765	12,111	13,457	14,802	16,148	17,494	18,840	20,185	21,531	22,877	24,222	25,568
E-3	8,082	9,236	10,391	11,545	12,700	13,854	15,009	16,163	17,318	18,472	19,627	20,781	21,936

Amounts based on January 1990 Pay Table.

UNEMPLOYMENT COMPENSATION

Mr. McCAIN. Mr. President, unemployment compensation now available to military personnel is different than that offered to other workers. This is not fair. Unemployment compensation should provide the same 26 weeks of compensation available to civilians, and should be available after 1 week. Currently, former military are eligible for only 13 weeks of compensation and have to wait 4 weeks before they become eligible to receive unemployment compensation.

This legislation will repeal UCX, 5 U.S.C. 8521(c).

RELOCATION SERVICES

Third, relocation services are needed to help former military personnel assimilate into a new community. Those who are involuntarily separated will be authorized permissive temporary duty and leave in order to visit areas where they may wish to relocate.

In addition, the program will provide departing service members with information as available about the area where they are considering relocating.

OUTPLACEMENT SERVICES

Under this legislation, the Department of Defense would provide job search and job referral services to those released from active duty and who are eligible for severance pay. Spouses of those involuntarily separated will also be authorized to participate in the outplacement programs.

This legislation will establish procedures to expedite providing names and addresses of those involuntarily separated, and their spouses, who voluntarily agree to make them available to outside entities. In addition, the bill will encourage the President to establish a committee to seek private sector cooperation and job placement.

The legislation will give priority placement to those involuntarily separated service members for Federal jobs. By using these skilled military personnel, those who have demonstrated their capabilities and loyalty, substantial cost savings will be realized through eliminating unnecessary recruiting and background investigation expense.

MONTGOMERY GI BILL

This legislation will allow those service members who are involuntarily separated to become vested in the Montgomery GI bill educational benefit. The service member will pay the $1,200 required to become vested in the program and will be eligible to receive the full educational benefit.

There are those who did not sign up in the program, counting on making the military a career. With that option no longer available, the need for the Montgomery GI bill benefits becomes necessary.

The opportunity to further one's education, particularly under the circumstances that these military men and women face should be greatly encouraged.

HEALTH CARE

Involuntarily separated military and their families will be eligible to CHAMPUS at active duty rates for 3 months after separation from active duty. Individuals enrolling in the uniform services insurance program within that 3-month period will have continued eligibility for documented preexisting conditions. Involuntarily separated service members and family members who are pregnant at the time separation orders are executed will be covered under CHAMPUS at active duty rates.

Additionally, beneficiaries undergoing care and treatment for an injury, illness, or disease, including pregnancy for beneficiaries in their last trimester, at a military facility as of midnight of the member's date of separation from active duty will be entitled to receive continuing care and treatment as designees of the Secretaries of the military departments. Such care and treatment as secretarial designees will be authorized at a military facility with the capability to provide medically necessary and appropriate continuous care. This care will continue until such time as the injury, illness, or disease, including pregnancy, cannot be materially improved by further hospitalization or treatment, or such time as other insurance becomes effective, or after 1 year, whichever is first.

BRIEFING

Finally, the services will be required to establish these programs and to make them available to the service members. Included in the briefing will be relocation and outplacement services, information on reserve components and National Guard programs, veterans benefits, Montgomery GI bill benefits, priority placement, unemployment compensation, life insurance and health care plans. Family members will be encouraged to attend the briefings as well.

Mr. President, I do not wish to give the impression that I have not had help in this effort. I am working with the Office of the Secretary of Defense, with staff of the Senate Armed Services Committee, and the staff of the Veterans' Affairs Committee. Further, I have drawn on several important

pieces of legislation that have been proposed by others. Additionally, I have asked the Military Coalition, a group of 22 military associations, to work with me in developing this package.

The work of Dorsey Chescavage and Sydney Hickey of the National Military Family Association, the efforts of Paul Arcari and Bill Hart of the Retired Officers Association, and Mack McKinney of the Non-Commissioned Officers Association has been particularly useful.

I am still in the process of formulating the exact details of how this plan should be transformed into legislation, and I am glad to listen to additional suggestions and the views of my colleagues.

I want to act today, however, to assure the men and women in the military, that Congress is not ignoring them, and that efforts are already underway to ensure that they will be treated properly if they are forced to prematurely end their chosen career. These men and women met their obligation to us, and I will do everything in my power to ensure that we will meet our obligation to them.

Mr. President, this legislation is necessary and it is necessary now. The incredible ignorance and unrest and concern that exists in the military today about the future of these young men and women cannot be overestimated. They deserve to know what their future holds.

As we find ourselves enmeshed in the macroeconomic issues of today, Mr. President, we cannot neglect those men and women. We must provide them with a clear-cut path that they can pursue as they make this very painful transition, many of them, from military service to civilian life.

I appreciate the indulgence of the Chair in allowing me to address this very complicated, but I think very important issue. I yield back the remainder of my time.

Mr. GLENN. Mr. President, I appreciate Senator McCAIN's effort to come to grips with the uncertainties our military personnel and their families face as our forces build down over the next few years.

I too am concerned that we provide fair and equitable treatment to our men and women in uniform and their families who may be affected by reductions in force—particularly those who have committed to a career in the military and now will not be permitted to have it. I think that the transition services that Senator McCAIN proposes have merit and I certainly expect that we will review them carefully when the Subcommittee on Manpower and Personnel of the Committee on Armed Services meets to mark up the fiscal year 1991 Defense authorization request.

With regard to providing separation pay to personnel who are involuntarily separated, I believe that there may be compensation alternatives that treat our military personnel more fairly. For example, I am exploring the feasibility of vesting military personnel in the retirement system at an earlier date. I do not know whether we can do that or not, but it is certainly worth a try.

Civilian personnel in the Government and in the private sector are vested under various schedules as early as 5 years of employment under the Employee Retirement Income Security Act [ERISA]. I expect to have a military vesting option that builds on the ERISA concept for consideration by the time the subcommittee marks up.

I want to also note that Senator COHEN introduced a bill, S. 2352, on March 28 that would extend involuntary separation pay eligibility to enlisted personnel. This pay is currently entitled to certain officers who are involuntarily separated. So I expect we will consider this proposal, as well as Senator McCAIN's proposal, in our markup.

I share Senator McCAIN's concern that there is a great deal of uncertainty among our military personnel about how big the military strength cuts are going to be in the future and what kind of compensation we will provide to those who are given a pink slip. Right now, I do not have any figures I can lay out. I have asked for figures from the Department of Defense which I have yet to receive. That tells me that the Department of Defense is not sure of what the numbers are at this point. I do know that the way the defense budget is shaping up for fiscal year 1991 that relatively large cuts in near-term strength levels are practically inevitable.

Whatever the reduction though, I am committed to ensuring that our men and women in uniform and their families are fairly treated. I am not sure that any or all of the proposals that have been put forth thus far truly provide equitable compensation on a systematic basis to those who will be adversely affected by the force build down. Of course, these proposals are well intentioned and I believe we should carefully consider all of them. At the same time, I believe we need to make sure we have explored all options, such as vesting to make sure we have a coherent, comprehensive package that in the end is fair to our military personnel and their families.

As chairman of the Subcommittee on Manpower and Personnel of the Committee on Armed Services, I pledge to work to accomplish this end. I look forward to working with Senator McCAIN.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

TAX FREEDOM DAY

Mr. ROTH. Mr. President, May 5 marks Tax Freedom Day for 1990, according to the Tax Foundation. This is the day that the American taxpayer stops paying the Government and starts working for him or herself.

Up to this point in the year, the average taxpayer has worked to earn enough to cover Federal, State, and local taxes. Tomorrow, May 5, the taxpayer can finally begin to enjoy his or her own earnings.

Unfortunately, May 5 is the latest Tax Freedom Day ever. This reflects the 34 percent of income the average American will fork over in taxes during 1990. Tax relief is clearly needed, and could be provided with projected defense savings. But Congress is poised to fritter away the peace dividend on a huge spending spree, pushing tax freedom back further and further in the 1990's.

Instead, we should return the peace dividend to the people by reducing their tax burden. This is why I have introduced S. 2530, the Roth defense rebate.

Over 5 years, my bill would cut the 15-percent bottom tax rate by 20 percent.

It would also trim the 28-percent rate in the next bracket applied to middle-income Americans by 10.7 percent.

Once phased in, my defense rebate would produce annual savings of $600 for a married couple with $20,000 of taxable income, and $1,500 for a married couple with $50,000 of taxable income. By shifting resources back to the private sector, they will be used by savers, investors, and consumers in ways which provide more benefits than costs.

Our economy and taxpayers are already groaning under the weight of financing $1.2 trillion in Federal spending. This spending level is expected to rise to $1.5 trillion by the mid-1990's. Surely, this is a sufficient amount of resources to address our Nation's needs.

By now, it should be clear that none of the peace dividend will actually be used for deficit reduction. It will be spent several times over by the time we are through. By promoting reckless spending, congressional retention of

the peace dividend will enlarge the deficit.

Returning the peace dividend to the taxpayer is the only way to stop the perpetual congressional spending machine and help make Tax Freedom Day come earlier for the taxpayer in the 1990's.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. HOLLINGS. Mr. President, I call to the attention of my colleagues, this morning's Washington Post article entitled "Bush Limits Budget Talks to 'Process'." Mr. President, the substance of the article will be realized right in the last paragraph.

> At his news conference yesterday, Bush said, "We sent a budget up, and, okay, so nobody was too enthusiastic about it. . . . Nobody's so very enthusiastic about the Senate budget. Nobody's very enthusiastic about the House budget, in my view—really enthusiastic." As a result, Bush added, "it seemed like a good time to sit down and . . . see where we go now."

I would only counsel, Mr. President, that we see where we are now. Rather than just limiting the budget talks to process, we should limit it to the truth. If we can determine the problem, then we can determine the solution.

Specifically, as Mark Twain said years ago, "The truth is such a precious thing, it should be used very sparingly." And therein is the answer, why no one is enthusiastic. Certainly no one was enthusiastic about the Bush budget if we adopt it into law, ipso facto, in the next 2 minutes, it would not solve the problem but only compound the problem.

Similarly, for the House budget and the Senate budget, because we start at a starting line designated by Mr. Richard Darman of OMB of some $50.9 billion off the real running deficit for 1991. We know the revenues since that time, in January, when he made the projection are running about $20 billion behind. We looked at the March picture.

We know that there is another $20 billion in FSLIC, or Resolution Trust Company Fund. And we know that there is a majority vote in both Houses for Social Security to be taken off budget and if thievery stopped, namely expenditure of those funds stopped, if you add those all together, sitting down around the table, as grown individuals would do and talking sense to each other, you would come to $135.4 billion lost there. If you give the President equal credit, if we think a majority will vote for Social Security thievery to stop, and, of course, a majority for capital gains tax—I happen to not be in that majority. But it was only prevented from passage by a parliamentary maneuver last year, and I do not think it will go through again.

So Social Security will come up; capital gains will come up. So from that 135 loss there, we would say let us gain for the first year 5 and the outyears you are going to be losing, but give the President credit for his analysis, it is $130.4 billion. Then to come down to what they have said, to $36 billion or $37 billion, to get to that $64 billion target, the task is really 166 to 167.4 rather than 37.

No one in his right mind is going to say let us get together and cut $166 billion out of the budget or, on the other hand, try to raise $166 billion in revenues. But if we can designate and understand, appreciate and agree upon the problem itself, then if we come up with $37 billion the first year and program out a solution over the next 2, 3, 4 years, whatever is realistic, the markets will respond, the deficit will come down, interest rates will come down, and then we will be able to join in the rejuvenation of capitalism the world around, specifically in the United States. We see it in East Europe; we see it down in Central America and everywhere else, but we are finding the failures of capitalism. In the market there, unemployment is on the way up. Real estate is absolutely gone. You cannot get a credit from a bank in this very minute.

We are just grinding to a halt. We are losing thousands of jobs. On the early morning news, it was said we are losing 20,000 to 30,000 jobs a month over this country.

It is all because of us right here in the summit about to take place on Sunday. We used to have a little radio program my children used to listen to on Saturday morning about Big John and Sparkie all the way through life, keep your eye on the donut and not the hole. The hole is process.

It is very convenient to say this has gotten into a terrible process, and Gramm-Rudman-Hollings, and it is terrible. As one of the authors, no one thought that was a well-designed thing, but it sure held the line for a couple of years and would hold the line now if they would tell the truth. They have been able to really get into further trouble by diversions, smoking mirrors, extravagant kinds of economic projections, and everything else of that kind.

So I think the leadership ought to agree on getting together and actually assign and agree upon the problem itself. If we can tell that truth and tell the American people the truth, the monkeyshines would stop and we would begin to look like a Congress of the people up here in Washington. No Governor, no mayor, has been allowed the luxury of the nonsense we have been engaged in for the past 3 or 4 years.

Gramm-Rudman-Hollings did work in 1985, 1986. Since 1987, when we got together at Christmastime in the White House and a deal was a deal, that was a cover, that was a charade. Neither side was going to tell on each other and we were going to get by the 1988 election. Now the game plan is to slide by to get by the 1990 election and then get by the 1992 election, and we get deeper in debt. The economy worsens every minute.

So I will just counsel very strongly, Mr. President, that it is not the process; that the leaders get together and designate the problem and then we can go on a realistic fashion. Then we do not have to worry about Gramm-Rudman-Hollings or any laws, just the laws Stephenson counseled years back of common sense. He said now is the time to talk common sense to the American people. I think if we can do that, then we will be appreciated up here as really representing the hopes and aspirations of the American people.

I thank the distinguished leaders of the measure at hand.

THREE OUTSTANDING KANSAS WOMEN

Mr. DOLE. Mr. President, I want to take a moment to recognize three outstanding women from Wichita, KS. They are being honored by that city tomorrow evening at an extraordinary event given by the Wichita Art Association. I deeply regret not being able to be there. But as a Kansan and an American, I am deeply grateful for their immeasurable contributions.

Mary Clementine Koch, Gladys Wiedemann, and Olive Ann Beech have dedicated their lives to the improvement of the community, the State of Kansas, and the Nation. Each has lived by the credo that America will thrive only, if we give back more than we have received.

So, today, here on the floor of the Senate, I join the Wichita Art Association in commending these women for a lifetime of charitable deeds. They have demonstrated dedication, courage, and vision in their drive to improve the quality of life in their city and State communities.

These gracious ladies have used their positions as community business leaders to champion hundreds of civic projects. They are active members of the Wichita Art Association, the Wichita Symphony and the theater. By funding scholarships and memberships to the Art Association, each has

enabled many to enjoy the richness that art brings to our lives. Their charitable contributions have enhanced hospitals, universities, the YWCA, the Boy Scouts, the Girl Scouts, and the 4-H Club. The list, Mr. President, would fill pages of this RECORD.

Most important, these women have had the insight to realize that the strength of American cultural life is integral to the well-being of society as a whole. Their determination to share the wealth they earned is a reflection of the best of Kansan and American values.

But by sharing the things of truly lasting value, these women have earned in the process something beyond price: The deep gratitude and admiration of their community. Today this Kansan proudly salutes them.

Thank you, Mr. President.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,875th day that Terry Anderson has been held in captivity in Beirut.

TRIBUTE TO ADELA LAGODZINSKA

Ms. MIKULSKI. Mr. President, I was saddened to learn of the death of Ms. Adela Lagodzinska, honorary president of the Polish Woman's Alliance of America. For more than 40 years she served the Polish community in America and fought for the rights of those in Poland. We will all miss her drive and her commitment to the causes of Poland and Polonia. The Glos Polek, the Polish Women's Voice, has published an eloquent tribute to Ms. Lagodzinska, which I would like to have included in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

A TRIBUTE: HONORARY PRESIDENT ADELA LAGODZINSKA, 1895-1990

Adela Lagodzinska, Honorary President of the Polish Women's Alliance of America died on March 20, 1990, at the age of 94.

She had spent the last years of her life in a nursing home in a suburb of Chicago, the anonymity and quietness of her sunset years belying the active and prominent life that preceded them.

She had been Vice President of the PWA for eight years and National President for twenty-four. For over thirty years Adela Lagodzinska was a national officer of one of the largest Polish American fraternal benefit societies in the U.S.

Under the able leadership the PWA rose to the challenge of bringing aid, both material and moral, to a Polish nation torn by war, oppressed by Communist rule and at times forgotten by the rest of the world.

Adela Lagodzinska was also a well known and much respected leader in Polonia, working with the Polish American Congress since its inception in 1944, with the State Department, the US Congress and the Polish Relief Fund, doing all that was possible to help bring Poland back into the family of free and financially independent nations.

She was born in Chicago on December 12, 1895, the daughter of active members of local Polonia. She joined the PWA, Group 239 at age of 24 and at the National Convention, which was held in 1939 in Niagara Falls, was asked to serve as the Secretary of The Convention. At this Convention she was elected to the office of Vice President.

As Vice President she was the Chairperson of the Komitet Oswiaty. At the time, the agenda of this committee was a very busy and varied one. The committee worked out programs which were held for the different celebrations during the year, organized cultural events, supported Polish arts and letters, especially the work of Polish women, and published several books.

Vice President Lagodzinska issued a sharp protest when the Encyclopedia Britannica published its World Atlas in 1943, in which Poland had been eliminated from the map of Europe.

To honor the 80th birthday of Ignacy J. Paderewski and to pay tribute to all that he had accomplished during his busy life, A. Lagodzinska as the head of Komitet Oswiaty, organized a concert on May 2, 1941 in the Chicago Civic Opera House, featuring the famous tenor, Jan Kiepura. The concert, which was meant to raise funds for the Ignacy Paderewski Relief Fund, was widely acclaimed by both the American and Polish press and raised $3,000 for the Relief Fund.

At the 20th National Convention held in Chicago in 1947, A. Lagodzinska was elected President of the PWA. During her first term the PWA celebrated its 50th anniversary which was honored with a very rich and varied program.

When news of Cardinal Wyszynski's arrest reached the U.S. President Lagodzinska sent letters of protest to representatives of the United Nations, to Congressmen, Senators, and to the Secretary of State, F. Dulles. She also testified before The Congressional Committee investigating the Katyn Forest Massacre in 1951.

When the Archdiocese of Philadelphia gave permission in 1955 to Father Michal Zembrzuski for the founding of a new Pauline monastery, the National Board and PWA members, especially from the Eastern states, hurried with their help. Every year on the feast day of Our Lady of Czestochowa, the patron saint of the PWA, a pilgrimage is held for PWA members. On the occasion of the 65th anniversary of our organization, Father Zembrzuski dedicated a Tree of Love on the grounds of the Shrine as a token of gratitude to the PWA. Adela Lagofzinska had been very dedicated to this project and a special relationship exists through the present between the PWA and the Shrine.

On August 15, 1956, A. Lagodzinska took her trip to Poland. On the feast day of Our Lady of Czestochowa she took part in the celebration commemorating the 300th anniversary of King Jan Kazimierz's vows to Our Lady, making her the Queen of Poland. It was a very difficult time in Poland charged with tension after the arrest of Cardinal Wyszynski. In Poznan, Poles were protesting and demanding bread and freedom.

The peoples' response to the persecution of the government was to asemble, two million strong, at Czestochowa to pay tribute to the Queen of Poland and to ask for her protection. President Lagodzinska, in relating her impression from the pilgrimage, said that she would never forget the emotions she felt when two million people, in total concentration and religious dedication, repeated in unison the vows of King Jan Kazimierz, placing themselves, their families and their nation in the care of the Queen of Poland. This was the first, unforgettable meeting of the President with the land of her fathers.

Still under the impression of this first visit, the President organized a pilgrimage of the PWA to Poland. This was the second such pilgrimage in the history of the PWA, the first having taken place in 1928 under the direction of President Emilia Napieralska. Cardinal Wyszynski who was free by the time the pilgrimage took place, spoke to the PWA members at Jasna Gora.

In 1958, during graduation ceremonies at Orchard Lake, Bishop S. Woznicki awarded President Lagodzinska the Fidelitas Medal in recognition of her service for the good of the Church, the United States and Poland. She was the first woman to receive the medal.

In 1959, representatives of the Polish American Congress presented the Secretary of State with two resolutions, dealing with Poland's western borders on the Oder-Niesse line and with proposed loans to Poland. President A. Lagodzinska had participated in the preparation of these resolutions and during the meetings took active part in the discussions, arguing the case for the loans to Poland and supporting her arguments with personal observations made during her trips to Poland.

After acquainting herself with the situation in Europe, A. Lagodzinska initiated aid for displaced persons. She also organized aid for the Catholic University of Lublin, funding the equipment for the Biology Lab and shelves for one of the rooms of the school's library.

During the commemoration of the 50th anniversary of Maria Konopnicka's death in Zarowiec, Poland, she purchased the furniture for four of the classrooms in the Maria Konopnicka School in the town. Thanks to her as well, the PWA bought the furniture for another school, the General Sikorski School in Jalowka.

She worked with the Rada Polonii (Relief Fund for Poland) as Secretary-General. She traveled to Poland to oversee personally if the aid sent by the organization was indeed reaching the intended recipients and to see firsthand what other needs there were. She contributed to the orphanages in Poland run by orders of Sisters and to the Hospital for the Blind in Laski.

In 1971, at the 26th National Convention in Pittsburgh, she was named Honorary President and lifetime delegate to the National Conventions with an advisory vote. For her contributions to the cause of Polonia and the Polish nation, A. Lagodzinska received the Polonia Restituta medal from the President of the Polish Government in Exhile, August Zaleski. Alliance College in Cambridge, PA awarded her an Honorary Doctorate.

Her contributions to the organization, to Poland and to Polonia were many. The PWA was her life and she gave unstintingly of her time and talent to ensure the organization's growth and dedication to the right causes, both in the US and abroad.

She was a third generation Polish American who taught herself to speak and read Polish and who came to love the country of her fathers and its people. She should be remembered and honored for a lifetime of

giving of herself to the PWA and for all that was Polish.

Her favorite cause was Dziecko Polskie and a Memorial was made in her name for this fund. Contributions were made by the National Officers and State Presidents.

Let us keep her memory alive by remembering and supporting her vision of a free Poland and of a PWA that is strong and giving of its time and resources to those who need it.

NEWMAN'S OWN COMMITTED TO IMPROVING SOCIETY

Mr. DODD. Mr. President, when actor Paul Newman joined with his friend, author A.E. Hotchner, in 1982 to create Newman's Own Foods in 1982, they founded a company that not only produced excellent food, but also truly gave something back to the community.

Newman's Own takes pride in the fact that all profits from the sales of its products—salad dressing, spaghetti sauce, lemonade and popcorn—are donated to charity. In just 7 years the company has given away more than $26 million to worthwhile organizations in the United States and throughout the world where its products are sold. Its impact has been felt as far away as Europe, and as close as the community in which it was founded, Westport, CT.

In 1989 Newman's Own gave away $7 million to 320 charities, emphasizing those groups which work with AIDS, benefit the homeless, the elderly, the abused, the sick, and the young.

Newman's Own has been cited by the Council on Economic Priorities as a socially responsible company and has received numerous humanitarian awards for Newman's Own voluntary efforts for its services. Recently, Connecticut Gov. William O'Neill presented Newman's Own with the Governor's Laurel Award for its work on behalf of nonprofit organizations.

In times of national disaster, Newman's Own has responded quickly with much needed contributions. Last October, days after Hurricane Hugo had ripped through the Southeast, Newman's Own sent a $100,000 check to the Red Cross Hurricane Hugo Fund. And when the San Francisco earthquake devastated and displaced millions of bay area residents, the company provided 10,000 pounds of spaghetti sauce to the temporarily homeless in Watsonville, CA, and presented a $250,000 check to the Red Cross Earthquake Disaster Relief Fund.

The largest project Newman's Own has undertaken, the one nearest to my heart, is the Hole in the Wall Gang Camp. The camp, which opened 2 years ago, takes children ages 7 to 15 with cancer and other serious blood-related illnesses. Since 1986, when Paul Newman conceived of the idea of founding a camp, Newman's Own has donated over $8.5 million.

The camp's magnificant setting in the northeastern Connecticut towns of Ashford and Eastford provides children with an opportunity to spend time away from home and hospitals. Built to resemble a small western mining town like the one in Newman's "Butch Cassidy and the Sundance Kid," the camp is free of charge to children and their families.

Serving on the board of the Hole in the Wall Gang Camp has been an education for me. I have seen the fortitude and courage of children attending the camp, their drive to leave their illnesses behind them. Through Newman's Own, Paul Newman has made a substantial difference in the lives of hundreds of children.

Mr. President, through the hard work of a small staff dedicated to producing high-quality products and to giving its profits to charity, Newman's Own has made a major contribution to the local community and to the Nation. I am glad to participate in Paul Newman's endeavors, and glad to honor Newman's Own for its commitment to improving society.

NO ENCOURAGEMENT ON THE PEACE PROCESS

Mr. DOLE. Mr. President, despite earlier hope that the recent meeting between Egypt's President Mubarak and Syria's President Assad might help move forward the peace process—it now appears that no real progress was achieved.

Press reports indicate that—despite Mubarak's urging—Assad gave no sign that he intends any time soon to join the peace process, and agree to direct talks with Israel.

During my recent visit to Syria, I and the other Senators on my delegation pressed Assad hard to respond to the new realities in the Middle East—particularly the drawdown in Soviet support for Syria—by agreeing to join Mubarak and representatives of the Palestinian people in a dialog with Israel.

I can't say that Assad indicated any willingness to do so. He basically stuck to his standard line—that there must be an international conference, and that the PLO was the sole representative of the Palestinians.

Nonetheless, the fact that Assad has finally given up its efforts to isolate Egypt, and agreed to this summit with Mubarak without any concessions from Mubarak offered some hope for a softening of Assad's line.

There has been some small progress in Damascus on at least one front—the release of two of our hostages. I have joined others in expressing appreciation to the Syrian Government for its role in those releases.

But I am disappointed that, for now at least, Syria has not budged from its refusal to join the peace process on any realistic basis.

The other players—Egypt, Israel and representatives of the Palestinians—at least are communicating about the prospects for talking. Syria hasn't even gotten that far.

I regret that, and want to repeat publicly what our delegation privately told Assad: There is now a window of opportunity to really get the peace process started. Every important player in the region has a responsibility to do everything possible not to let this chance be lost.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HATCH ACT REFORM AMENDMENTS OF 1989

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 135, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 135) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware is recognized to offer an amendment.

AMENDMENT NO. 1583

(Purpose: To provide that the provisions of subchapter III of chapter 73 of title 5, United States Code, shall not apply to certain Federal employees, for an educational plan on political activities, for the clarification of regulations concerning such activities, and for other purposes)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 1583.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. EXCLUSION OF CERTAIN EMPLOYEES.

(a) Chapter 73 of title 5, United States Code, is amended by inserting after section 7328 the following new section:

"§ 7329. Exclusion of certain employees

"The proceding provisions of this subchapter shall not apply to any employee who—

"(1) during a leave of absence, serves as the president of a national labor organization under the provisions of chapter 71 of title 5, United States Code (including the president of any national labor organization representing the United States Postal Service); or

"(2) votes for a candidate for national Federal office at a State political caucus.".

(b) The table of sections for chapter 73 of title 5, United States Code, is amended by inserting after the item relating to section 7328 the following:

"7329. Exclusion of certain employees.".

SEC. 2. REGULATIONS RELATING TO POLITICAL ACTIVITIES OF FEDERAL EMPLOYEES.

The Office of Personnel Management shall prescribe regulations to clarify and simplify the political activity prohibitions applicable to employees of the Federal Government or the government of the District of Columbia. Such regulations shall supersede determinations regarding political activity made by the Civil Service Commission prior to July 19, 1940, under the rules prescribed by the President, and any subsequent decisions based on such determinations.

SEC. 3. EDUCATION PLAN FOR FEDERAL EMPLOYEE POLITICAL RIGHTS.

Each agency employing any employee to whom the provisions of subchapter III of chapter 73 of title 5, United States Code, apply shall (in consulation with the Office of Personnel Management, the Office of the Special Counsel established under section 1211 of title 5, United States Code, and any labor organization representing such employees) develop a plan to educate such employees regarding the provisions of the Hatch Act and Federal employees' rights of political activity under the provisions of chapter 73 of title 5, United States Code. Such plan shall be—

(1) filed no later than two months after the date of the enactment of this Act with the Office of Personnel Management;

(2) implemented as to new employees immediately after filing; and

(3) implemented as to existing employees four months after such date of enactment.

SEC. 4. EFFECTIVE DATE.

The provisions of this Act shall take effect on January 1, 1991.

Mr. ROTH. Mr. President, my amendment will address many of the major concerns set forth by proponents as justifying the need for S. 135. I have heard a number of times that individuals were prevented from casting their votes in Presidental caucuses. This amendment addresses that problem.

I have heard a number of times that the Hatch Act is confusing and the regulations governing it are too complicated. Again, this amendment addresses that.

I have heard that the impetus for this legislation is that, according to the committee report, several events combined to make amendment of the Hatch Act a major civil service issue in the 100th Congress. The committee report cites the prosecution of three Federal and postal employee union presidents for alleged violations of the Hatch Act. This amendment addresses that.

This amendment also requires that the agencies of the Federal Government provide an improved educational program for Federal employees to ensure that all employees are familiar with the law. I might parenthetically add, Mr. President, that I believe most employees are familiar with the law and that they obey it and a very significant percentage of Federal employees want to retain it.

Let me briefly explain what this substitute amendment will do. First, it would ensure that under current law Federal employees are provided their right to cast their vote in caucuses for electing nominees for national office in States that use the caucus system instead of a primary.

Proponents have made much of the fact that several employees did not participate in their State's Presidential caucus for fear of violating the Hatch Act. This amendment would address the concern by ensuring this fundamental right to vote. I believe that all who voted for the Hatch Act originally, and those who support the current law, also support the fundamental right of Federal employees to cast their vote.

Second, this amendment provides that the Hatch Act will not apply to a president of a national labor organization as defined under the provisions of title V of the United States Code which governs the civil service. This provision also includes any president of a national labor organization representing the U.S. Postal Service.

Third, the amendment provides that the Office of Personnel Management be directed to issue new regulations that would clarify and simplify the guidance that has been given to Federal employees with respect to the Hatch Act.

This proposal would satisfy the best arguments of proponents for change without risking the benefits of the Hatch Act for American people.

Fourth, Mr. President, this amendment requires the agencies of the executive branch to implement a program to better educate the Federal work force on the do's and the don'ts of the Hatch Act.

Mr. President, this amendment will allow for the continued protection of the Federal employee work force. I believe the amendment addresses directly a concern stated by proponents of the legislation in the committee report. We do not have to repeal the Hatch Act to meet these concerns. Again, Mr. President, I say repeal.

The current law states that an employee may not take an active part in political management or in political campaigns. Let me emphasize again, because this has come up several times, that the current law states that the employees may not, may not take an active part in political management or in political campaigns.

In sharp contrast, S. 135 states that employees may—it does not say "may not"—it says "may" take an active part in political management or in political campaigns. In fact, not only does it change the language from "may not" to "may," but in the opening language it even encourages partisan political activity.

Now, the committee report says section 9(a) is widely regarded as the heart of the Hatch Act.

Mr. President, S. 135, as I have just read, repeals part of section 9(a) of the original law. So here we are. We have the committee saying that section 9(a) is widely regarded as the heart of the Hatch Act, and then we have part of the section being changed from "may not" participate to "may" participate in political activity.

I must respectfully disagree with the chairman of the Governmental Affairs Committee. If that is not repeal, I do not know what is. Instead, what we have here as a substitute is a carefully crafted amendment which meets those specific needs that should be the subject of our concerns.

I stated yesterday the reasons why we should simplify and outline and clarify the regulations. I would like to briefly outline these again. This simplification is timely because these regulations should be clarified to reflect the appellate court decisions in the Biller, Blaylock, and Sombrotto cases.

In addition, Mr. President, I believe this amendment addresses directly the concerns stated by the proponents of the legislation in the committee report and on the floor that the regulations are confusing and should be clarified.

So, Mr. President, what I am seeking to do by this amendment is not, as I have said many times, to throw the baby out with the bath water but retain the basic thrust of the Hatch Act but take care of the legitimate concerns that have arisen.

What we seek to do, as I have already spelled out—and some of these we have offered separately, but we are trying to offer it this morning in one package—is clarify the rules and regulations; second, to ensure that union presidents are in no way harassed in their duties while they are on leaves of absence. And then we are proposing here for the first time that we also take care of the problem of permitting Federal employees to vote in caucuses.

So it seems to me that this is a far better solution to the problem. Let me point out, Mr. President, there is no large demand on the part of the Federal employees that we repeal the Hatch Act, that we no longer protect them from coercion on the job, even though it may take place off the job.

As I said yesterday, I received a letter from FRANK WOLF, who is a Member of Congress representing northern Virginia, where literally tens of thousands of Federal employees live. He says in this letter:

You may be surprised to learn that the majority of Federal employees do not favor changes in the Hatch Act. I surveyed 23,000 of my constituents in 1983, and found that 66 percent favored the existing Hatch Act.

A poll of 10,000 Federal employees published last May by the Federal Employees News Digest found that 70 percent were either neutral or favor current Hatch Act limitations on partisan political activity.

Mr. President, the Federal Executive Institute Alumni Association surveyed their members on a series of issues, including Hatch Act reform. Out of more than 1,300 responses to their questionnaire, over 60 percent indicated their desire that the association not, I emphasize not, support actively Hatch Act reforms.

Then we have the readers of the Federal Employees News Digest. This journal covers Federal employees actively and is read by the Federal employees throughout the country. As part of their 1989 survey, they asked, "How do you feel about the current Hatch Act limitations on partisan political involvement?" Strongly favor, 13 percent; favor, 20 percent; neutral, 36 percent; opposed, 19 percent; strongly opposed, 11 percent.

So you again have roughly 70 percent neutral or opposed to change in the Hatch Act, which for 50 years has protected both the rights of Federal employees and assured the American public—and nobody seems to talk much about the American public—about the need to ensure that the Federal laws are administered in a fair, nonpartisan, and impartial manner.

Then we have a survey from the Government Executive magazine. The question was: "Should the Hatch Act be amended to permit Federal employees to run for office and manage and raise money for campaigns on their own time?"

This is equivalent to the House bill. More than 3,200 Federal employees were interviewed; 60.6 percent said they opposed the reform; only 39.4 agreed with the question.

The Senior Executive Service surveyed their members on a series of issues, including Hatch Act amendments. Their members were asked whether they favor or oppose the House version of the Hatch Act reform. Twenty-one percent of their members responded to the survey. Seventy-four percent oppose reform. That is 74 percent of the senior executives in the Federal Government oppose reform, but only 22 percent favored reform, and 4 percent had no opinion. The majority of 53 percent said the organization should not support the legislation even if it had changes which, of course, the Senate bill does represent certain changes from the House bill.

Mr. President, I ask unanimous consent that a poll that was referred to in a letter dated February 19, 1988, from the Senior Executive Association to Senator DAVID PRYOR, who, of course, is the distinguished chairman of the Subcommittee on Federal Services, Post Office, and Civil Service, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENIOR EXECUTIVES ASSOCIATION,
Washington, DC., February 19, 1988.

Senator DAVID H. PRYOR,
Chairman, Subcommittee on Federal Services, Post Office and Civil Service, Committee on Governmental Affairs, Washington, DC.

DEAR SENATOR PRYOR: In late October 1987, the Senior Executives Association mailed to each of our member a letter which briefly described H.R. 3400, the Federal Employees' Political Activities Act, and requested their views with regard to the bill. The Board of Directors felt that member input was critical with regard to the Hatch Act since strong arguments have been put forth both for and against revision. I believe that you will be interested in reviewing the survey results, which I am enclosing along with a copy of the questionnaire.

You will note that, of the 21% of our members who responded, 74% oppose the bill, 22% favor it, and 4% are undecided. To provide a fuller flavor of the views of Senior Executives, I am enclosing for your further information a transcription of the comments which were provided by the respondents.

We understand that you are holding hearings on this matter next week, and we would appreciate your including in the record of the hearing both this letter and the enclosed survey results.

If you or your staff have any questions, or would like additional informaiton, I would be pleased to provide it.

Sincerely,

CAROL A. BONOSARO,
President.

SENIOR EXECUTIVES ASSOCIATION—HATCH ACT SURVEY RESULTS, AS OF DECEMBER 2, 1987

1. Do you favor or oppose the Hatch Act bill described above?

Favor: 105 (22%);

Oppose: 356 (seventy four percent);

Undecided: 19 (4%).

2. Would you favor the bill if it:

Exempted Federal executives from its coverage?

Yes, 68 (14%); No, 387 (81%); no response, 25 (5%).

Were limited to state, county and city elections?

Yes, 136 (28%); no, 317 (66%); no response, 27 (6%).

Exempted employees of particular agencies, e.g., IRS, Dept. of Justice?

Yes, 39 (8%); no, 373 (78%); no response, 68 (14%).

3. Should SEA support the bill described above?

Yes, 96 (20%); no, 336 (70%); no response, 48 (10%).

Should SEA support the bill with changes?

Yes, 110 (23%) no, 257 (53%); no response, 113 (23%).

Should SEA oppose the bill described above?

Yes, 251 (52%); no, 75 (16%); no response, 154 (32%).

Should SEA take no position on the bill?

Yes, 26 (5%); no, 231 (48%); no response, 223 (46%).

NOTE: Percentages do not necessarily total 100 due to rounding.

Mr. ROTH. Mr. President, I would like to call the attention of my colleagues to the concerns of groups who are vitally interested in this legislation. These groups range over a very broad spectrum, from Common Cause to the Farm Bureau, to the U.S. Chamber of Commerce, to the Federal Bar Association. This is important because who really wants this legislation must be considered. Polls indicate that, if anything, Federal employees on the whole are content with the current law.

The provisions in this legislation would lead directly to the enhancement of certain political action committees, and before we take this monumental step, which I strongly urge against, particularly in view of the fact that next week or in the very near future we are going to be addressing campaign reform—I believe I read in the morning paper that the Democratic Caucus, like the Republican, has come out terminating PAC's for political campaigns.

In any event, certainly the thrust of this campaign reform legislation is that we ought to be doing something about PAC's, not enlarging them, but at least severely restricting them, if not doing away with them in their entirety. Yet, here we are in this legislation that would lead directly to the enhancement of certain political action committees, which I very strongly urge against. But, in any event, we should consider the opinions of groups outside of Government, groups that do not have an immediate vested stake in this legislation.

According to Common Cause, which is a public interest national organization—I am reading from a letter sent to all employees:

This bill seeks to make basic changes in the current Hatch Act restrictions on partisan political activity by Federal workers. In so doing, the legislation opens the door to implicit coercion and abandons the fundamental concept of an unpoliticized civil service. We strongly believe this measure should be rejected. Repeal of the Hatch Act's basic protections, as proposed in S. 135, would increase the potential for widespread abuse and opens the way for implicit coercion against which there is no real protection. But placing restrictions on partisan activity repeal * * *.

I would like to emphasize that, because it underscores what I have been saying, that S. 135 does not represent reform, but it represents repeal, repeal of the Hatch Act. Again, I go back to

what Common Cause in its letter to Members of the Senate says:

• • • restrictions on partisan activity repeal, no procedural or other safeguards will be sufficient to protect against subtle forms of political favoritism or coercion of Federal workers. It is important to recognize that under the current Hatch Act, Federal workers are already permitted to engage in various political activities. For example, they may make political contributions to candidates, they may serve as rank and file members of political parties, and they may engage in nonpartisan political activities. It is only the most active level of partisan participation from which they are currently barred. In drawing this line, we believe that the current Hatch Act strikes an appropriate balance between the Federal workers' ability to participate in political activities and the public's rights to fair and impartial administration of government.

In conclusion, Mr. President, the letter states:

Common Cause strongly opposes S. 135 and other proposals that would repeal necessary prohibitions on partisan political activity by Federal employees.

Another group that has raised concerns about this legislation is the Federal Bar Association. In a letter that the association sent to me outlining their opposition to the legislation, the Federal Bar Association wrote:

The practical application of the proposed legislation might make political abuse of Federal employees more likely notwithstanding its continued proscriptions of superiors pressuring subordinates in any fashion. Currently, generally, all active political work is illegal. So there is little temptation by political partisans to recruit Federal employees to engage in such activities simply because such unlawful acts are easily identified. The present legislation will change the focus from proscribing easily identifiable physical acts to proscribing only those physical acts which are improperly motivated through coercion. In this context, we believe it actually is more likely, as a practical matter, that abuse will occur than under the present statute.

Many other groups have written to me to express their opposition to this legislation. The Chamber of Commerce, for example, wrote:

The Hatch Act was passed 50 years ago to protect Federal workers from political pressure by elected and appointed officials. The purpose was to separate the work force from the elected leadership. In much the same way that the civil service has protected Federal employees from the spoils system, the Hatch Act has protected these workers from exploiting their office or being exploited by others.

It has been a benign barrier to politicizing the Federal work force. The Hatch Act has allowed only nonpartisan political involvement by Federal employees.

The Chamber has several concerns about the Hatch Act. These include the use of Government positions to coerce contractors to contribute to candidates, the exertion of pressure on citizens dealing with the Internal Revenue Service, agencies that dispense grants or loans having undue influence over applicants and, particularly, the potential abuse of the Federal worker.

Congress should act to strengthen government by rejecting the Hatch Act amendments. Federal workers need and want a harassment-free workplace. The American taxpayer deserves no less than top performance. The Hatch Act was passed to cure the serious problem of political coercion in the Federal work force. S. 135 would allow that problem to reemerge.

Others include the National Taxpayer Union, who has expressed its strong opposition to this legislation. The National Taxpayer Union points out that public servants who participated in the political process, if allowed by S. 135, would be known as partisan. Once so identified, they would become the target of political parties. Then political rather than public purposes would be served.

In particular, taxpayers fear government contracts being awarded for political rather than cost and quality consideration; promotions being granted for partisan rather than merit criteria; government time being used for political projects, and workers being pressured to support political rather than public ends.

Finally, Mr. President, I want to bring to the attention of my colleagues the views of the International Personnel Management Association. The association is an organization representing over 1,300 member agencies, including Civil Service Commission, Merit System Board and personnel departments at the Federal, State and local level. They write:

The association is concerned that, one, the involvement of career civil service employees in partisan political activities will erode citizen confidence that their laws and regulations are being impartially enforced, and two, public programs and services continue to be delivered on a nonpartisan basis without regard to the recipients' political beliefs or affiliations.

Administration of the public's business is sufficiently fraught with the opportunity for honest disagreement now, without introducing the notion that governmental decisions, whether favorable or unfavorable to the claimant, petitioner or applicant, are colored by political favoritism.

A number of examples of the potential for unnecessary conflict come easily to mind: Taxpayers contesting Internal Revenue Service decisions concerning tax liabilities; foundations seeking tax exempt or other special tax status; claimants contesting Social Security Administration decisions over benefits or disability determination; mine owners contesting decisions by the Mine Safety and Health Administration; farmers and small-business men contesting decisions over eligibility for Federal or State assistance; grant applicants who are denied funding; unsuccessful bidders on public contracts; unsuccessful applicants for Government employment or career advancement in the Civil Service, and unemployment insurance applicants who are denied compensation.

We believe this change in the law would send the wrong message and that, wittingly or unwittingly, there will evolve the perception that hiring, promotions, development assignments and performance bonuses are best earned by demonstrating the "right politics." IPMA's concern is that the proposed amendments to the Hatch Act will foster the appearance, if not actually create the possibility, that decisions made by career civil servants can and are being made for partisan political reasons. Such a perception would have a severely negative impact on the ability of the career civil servants to carry out their responsibilities to any administration and to the American public, whom they serve.

Mr. President, all of these groups have come to realize the merits of the Hatch Act in protecting Federal employees from coercion and providing the American people with a nonpartisan administration of governmental service. This is the essence of the Hatch Act and why it is so important that we retain its provisions. It is so critically important that rather than repealing the Hatch Act, we make the corrections proposed in my amendment and move forward in strengthening the hand of government.

I ask unanimous consent that the material from which I read be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMON CAUSE,
Washington, DC, September 13, 1989.

DEAR SENATOR ROTH: We are pleased to respond to your request for the views of Common Cause regarding S. 135, the Hatch Act Reform Amendments of 1989. This bill seeks to make basic changes in the current Hatch Act restrictions on partisan political activity by Federal workers. In doing so, the legislation opens the door to implicit coercion and abandons the fundamental concept of an unpoliticized civil service. We strongly believe this measure should be rejected.

The House-passed bill, H.R. 20, would repeal Hatch Act protections and for the first time in almost 50 years allow federal civil service and postal employees to participate in partisan political activity. For example, Federal workers could run as candidates in partisan elections, serve as officers of a political party, raise partisan campaign contributions, manage campaigns, and administer political action committees [PACs]. The only restraint is that the partisan activity would have to occur during off-hours. Common Cause opposed the passage of H.R. 20.

S. 135 also proposes major changes in the Hatch Act, lifting most restrictions on partisan political activity. Like the House bill, a Federal employee would be permitted, among other things, to serve as an officer of a political party or a PAC, become a public campaign official for a candidate, and run as a delegate to a national convention. The Senate bill does prohibit Federal employees from running for partisan political office and from soliciting contributions for partisan candidates. However, it allows government workers to solicit their colleagues for contributions for their own federal employee PACs.

Repeal of the Hatch Act's basic protections, as proposed in S. 135, would increase the potential for widespread abuse and open the way for implicit coercion against which

there is no real protection. With basic restrictions on partisan activity repealed, no procedural or other safeguards will be sufficient to protect against subtle forms of political favoritism or coercion of Federal workers.

It is important to recognize that under the current Hatch Act, Federal workers are already permitted to engage in various political activities. For example, they may make political contributions to candidates, serve as rank-and-file members of political parties, and engage in nonpartisan political activities. It is only the most active levels of partisan participation from which they are currently barred. In drawing this line, we believe that the current Hatch Act strikes an appropriate balance between the Federal worker's ability to participate in political activities and the public's right to fair and impartial administration of government.

Common Cause recognizes that the current regulations governing administration of the Hatch Act are complicated. There may be ways to clarify and simplify for workers the degree of participation they are permitted under the Hatch Act without lifting the basic restrictions on partisan activity. We would urge the Senate to instead explore this possibility. As a core principle, however, a careful balance must be struck between an individual's first amendment right of free speech and association and the public's right to impartial administration of government. We believe S. 135 upsets this balance and would open the possibility of a dangerously politicized civil service.

The Hatch Act was designed to ensure that the Federal Government is administered in a fair and impartial manner. We agree with the U.S. Supreme Court which stated, in upholding the constitutionality of the Act, that "it is in the best interest of the country, indeed essential, that Federal service should depend upon meritorious performance rather than political service. . . ."

Common Cause strongly opposes S. 135 and other proposals that would repeal necessary prohibitions on partisan political activity by Federal employees.

Sincerely,

FRED WERTHEIMER,
President.

FEDERAL BAR ASSOCIATION,
Washington, DC, August 17, 1989.

Senator WILLIAM V. ROTH, Jr.,
Senate Governmental Affairs Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ROTH: The Federal Bar Association, representing attorneys who preside over or practice before Federal Agencies or courts, or are Federal employees themselves, would like to reiterate its views on the Federal Employees Political Activities Act, which the Governmental Affairs Committee reported out on July 26th. As we testified at last year's hearing, we believe that the bill contains three major flaws:

1. The bill does not define "political activity". To the extent that problems exist with the current law, it is due to administrative regulation. Why allow administrative regulation to define this very important point of Hatch Act reform?

2. The practical application of the proposed legislation might make political abuse of Federal employees more likely, notwithstanding its continued proscription of superiors pressuring subordinates in any fashion. Currently, generally all active political work is illegal, so there is little temptation by political partisans to recruit Federal employees to engage in such activity simply because such unlawful acts are easily identified. The present legislation will change the focus from proscribing easily identifiable physical acts to proscribing only those physical acts which are improperly motivated through coercion. In this context, we believe it actually is more likely, as a practical matter, that abuse will occur than under the present statute.

3. The pending legislation contains no provision for excepting therefrom any classes of employees. The nature of the duties and responsibilities of some categories of employees such as law enforcement officials and officers, administrative law judges and other independent adjudicators, requires that such employees be absolutely insulated from any possible risk of improper pressure in order to maintain both fact and appearance of the integrity of the Federal government.

We strongly urge that you not bring the bill to the Senate floor for a vote. However, if the Senate does pass S. 135, we urge you to forcefully insist on your version of Hatch Act reform over the House version. We find the House version too broad and totally unacceptable.

Thank you for your time. If you desire any further information from us, please do not hesitate to call.

Respectfully,

RICHARD J. WIELAND,
President, The Federal Bar Association.

NATIONAL TAXPAYERS UNION,
Washington, DC, July 25, 1989.

DEAR SENATOR: On behalf of the National Taxpayers Union and its 200,000 members, I strongly urge you to vote against S. 135, the "Hatch Act Reform Amendments of 1989." I believe this proposal, if approved, would destabilize existing checks and prohibitions and transform this country's civil service into a politicized mockery of what is now a well-respected, impartial government workforce.

Currently the American public does not harbor a general animosity towards the Federal civil service. NTU believes this is due to current Hatch Act rules which ban partisan political activity by those who have made a choice to pursue a government career. This has been a good system and it has worked to the advantage of the taxpayer by preventing the politicization of government workers.

Despite revisions, NTU believes that S. 135 still would make substantial and unnecessary changes in the Hatch Act. Public servants who participated in the political processes as allowed by S. 135 would be known as partisan. Once so identified, they would become the target of political parties. Then political, rather than public, purposes would be served. In particular, taxpayers fear:

Government contracts being awarded for political rather than cost and quality considerations;

Promotions being granted for partisan rather than merit criteria;

Government time being used for political projects; and

Workers being pressured to support political rather than public ends.

But the taxpayers most fundamental reason for opposing Hatch Act revisions is that the proposed changes would increase the pressure for growth in the Federal government. Government workers already have a phenomenal power to enlarge their bureaucracies, their programs, their pay and their pensions. The proposed Hatch Act revisions would simply skew an already lopsided influence further.

NTU conducted a quick survey of the rules other countries apply to their civil services regarding partisan activities. In those countries with fewer restrictions on partisan activity, such as Bolivia, France and Chile, there have been more problems with corruption. Countries which have established a more nonpartisan civil service, such as Japan and Canada, have experienced fewer problems.

For these and other reasons, NTU encourages you to leave the Hatch Act intact and to vote against revisions proposed in S. 135.

Sincerely,

SHEILA MACDONALD,
Director, Government Relations.

[U.S. Chamber of Commerce, July 25, 1989]

STATEMENT ON HATCH ACT AMENDMENTS BEFORE THE SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS

(By Teri L. Pierce) [1]

(The U.S. Chamber of Commerce is the world's largest federation of business companies and associations and is the principal spokeman for the American business community. It represents nearly 180,000 businesses and organizations, such as local/state chambers of commerce and trade/professional associations.

(More than 93 percent of the Chamber's members are small business firms with fewer than 100 employees, 45 percent with fewer than 10 employees. Yet, virtually all of the nation's largest companies are also active members. We are particularly cognizant of the problems of smaller businesses, as well as issues facing the business community at large.

(Besides representing a cross section of the American business community in terms of number of employees, the Chamber represents a wide management spectrum by type of business and location. Each major classification of American business—manufacturing, retailing, services, construction, wholesaling, and finance—numbers more than 10,000 members. Yet no one group constitutes as much as 32 percent of the total membership. Further, the Chamber has substantial membership in all 50 states.

(The Chamber's international reach is substantial as well. It believes that global interdependence provides an opportunity, not a threat. In addition to the 59 American Chambers of Commerce Abroad, an increasing number of members are engaged in the export and import of both goods and services, and have ongoing investment activities. The Chamber favors strengthened international competitiveness and opposes artificial U.S. and foreign barriers to international business.

(Positions on national issues are developed by a cross section of its members, serving on committees, subcommittees and task forces. Currently, some 1,800 business people participate in this process.)

The U.S. Chamber of Commerce is pleased to have the opportunity to present its views on proposals to amend the Hatch Act.

The Chamber supports the Hatch Act, which protects federal civil service and postal employees from undue political pressure and coercion, and believes that no law should be enacted to permit the solicitation of financial or any other form of support

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[1] Teri L. Pierce is director of public affairs, U.S. Chamber of Commerce.

for political candidates and party or other political organizations by such employees.

The Chamber specifically opposes enactment of S. 135, the Hatch Act Reform Amendments of 1989, now before this Committee.

The Hatch Act was passed 50 years ago to protect federal workers from political pressure by elected and appointed officials. The purpose was to separate the work force from the elected leadership. In much the same way that the civil service has protected federal employees from the "spoils system," the Hatch Act has protected these workers from exploiting their office or being exploited by others. It has been a benign barrier to politicizing the federal work force. The Hatch Act has allowed only nonpartisan political involvement by federal employees.

The Chamber has several concerns about amending the Hatch Act. These include the use of government positions to coerce contractors to contribute to candidates; the exertion of pressure on citizens dealing with the Internal Revenue Service (IRS); agencies that dispense grants or loans having undue influence over applicants; and, particularly, the potential abuse of the federal worker.

It is well known that exertion of political pressure upon and by the New Deal's Works Progress Administration, which became so politicized that the public rebelled against the resulting corruption, prompted the enactment of the Hatch Act in 1939. However, practices prohibited by the act were not unique to that era.

In 1801, President Thomas Jefferson viewed with dissatisfaction government employees' "taking active parts in the election of public functionaries." While upholding the right of such an employee to vote as a qualified citizen, Jefferson said, "it is expected that he will not attempt to influence the vote of others, nor take part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution and his duties to it." Restrictions proposed by the Jefferson Administration were never implemented.

The Pendleton Act of 1883 established the Civil Service Commission (CSC) and provided that federal employees under the classified service were free from political assessment and politically motivated removal and were forbidden to participate in politics. The classified service over which the CSC then had authority constituted about 10 percent of the total executive work force.

In 1901, President Theodore Roosevelt issued Presidential Civil Service Rule No. 1, prohibiting all individuals in the classified service from taking "an active part in political management or political campaigns." Roosevelt was frustrated as a Civil Service Commissioner by the CSC's lack of enforcement authority over a system in which only 25 percent of the federal employees were classified, while the spoils system controlled appointments to 75 percent of all federal offices. This rule became law with the enactment of the Hatch Act in 1939.

In signing the Hatch Act into law, President Franklin D. Roosevelt said, "improper political practices can be eliminated only by imposition of rigid statutory regulations and penalties by Congress."

In 1973, the Supreme Court, in upholding for the third time the Hatch Act's constitutionality, declared, "it is in the best interest of the country, indeed essential, the federal service should depend on meritious performance rather than political service. . . ."

Supporters of the bill are quick to mention penalties for missing the new-found privileges that it would grant. The envisioned enforcement should be compared with the enormously difficult job of enforcing laws relating to sexual harassment. Innuendo and subtlety are extremely difficult to document.

Violations can be expected to occur, and large numbers may be undetected and unsolved. The American taxpayer will suffer because the productivity of the federal work force will suffer.

If the federal worker were truly disenfranchised as a participation in politics, Congressional reformation might be necessary. However, federal workers can actively participate—the law only restricts partisan activity. Under the Hatch Act, federal employees may:

Join political clubs;

Contribute money to political candidates and organizations;

Sign nominating petitions;

Campaign for or against ballot propositions;

Attend political fundraising functions;

Wear badges or buttons;

Register voters;

Express opinions; and

Register and vote.

The major prohibitions of the Hatch Act are:

Soliciting campaign funds from fellow workers;

Using federal office for political purposes;

Taking an active part in partisan campaigns; and

Running for office on a partisan ticket.

Federal workers simply will not have the necessary protection from political harassment if the Hatch Act amendments are adopted. Therefore, if Congress enacts these changes, the Chamber believes that Congress should immediately establish a panel to determine the impact of these amendments on the operation of federal offices. Federal employees should be surveyed in a manner that insures anonymity to ascertain their views on the proposed changes prior to enactment.

In its April 12, 1989 analysis of the impact of amending the Hatch Act, the U.S. Department of Justice said:

Any relaxation of the Hatch Act's politicking ban will substantially dimish the protections which federal employees currently enjoy against political pressure, while affording no realistic expectation that the void thus created can be filled by the federal criminal justice system. The Department of Justice remains convinced that nothing short of an absolute bar on partisan political activities by federal civil service employees will adequately protect the public's interest in the fair and impartial administration of government programs and policies and the employees themselves from more or less subtle pressure by their superiors. Two principles central to the operation of the Executive Branch—the nonpartisan administration and enforcement of federal laws, and the advancement in federal service based solely on merit—would certainly be threatened and could well be extinguished.

The U.S. Office of Personnel Management expressed similar concerns:

Permitting partisan involvement makes an employee vulnerable to indirect influence to support actively the party or candidate favored by his superiors. Thus, voluntary political participation, if permitted, could become required participation. Under current law, it is well known that Federal and Postal Service employees cannot serve partisan political purposes. These employees are secure in the knowledge that they need not respond to political requests or suggestions. Eliminating the prohibitions against partisan political management and partisan political management and partisan political campaigning would destroy this protective fabric. The current restrictions on partisan political participation are indispensable to the efficiency, integrity, and independence of both Federal and Postal employees. Moreover, they provide the most significant protection against political coercion and the encroachment of political influence within the Federal Civil Service as well as the Postal Service.

In the October 12, 1987 Washington Post, a federal worker discussing office contributions of all types concluded, "Please Congress, don't add 'Give to the Party of your choice.' . . . There are lots of emotional pitches to give, and I would rather work at the office and contemplate my political orientation in the privacy of my own home where I don't have to consider what my boss will think." One suspects that this person speaks for a large segment of the government work force.

To remove the protection of the Hatch Act would send the U.S. government back down the road of the spoils system and politicization of federal agencies. In the words of President Gerald Ford, "If this bill were to become law, I believe pressures would be brought to bear on federal employees in extremely subtle ways beyond the reach of any anti-coercion statute. . . ."

The Chamber knows no compelling reason to amend the Hatch Act. While it is true that there are certain restrictions on federal workers' political involvement, it is also true that they are a unique group of employees. their job is the efficient operation of the federal government, with equal treatment of all taxpayers regardless of political persuasion. The Hatch Act amendments will remove protections from federal workers and from taxpayers.

Congress should act to strengthen government by rejecting the Hatch Act amendments. Federal workers need and want a harassment-free workplace. The American taxpayer deserves no less than top performance. The Hatch Act was passed to cure the serious problem of political coercion in the federal work force. S. 135 would allow that problem to reemerge.

STATEMENT OF THE INTERNATIONAL PERSONNEL MANAGEMENT ASSOCIATION ON THE HATCH ACT REFORM AMENDMENTS

The International Personnel Management Association (IPMA) has carefully evaluated the "Hatch Act Reform Amendments" that would permit all off-duty Federal career civil service employees to engage in a variety of partisan political activities currently prohibited by the Hatch Act. We have concluded that the proposed legislation is not in the public interest and should not be enacted.

By way of introduction, IPMA is an organization representing over 1,300 member agencies that include civil service commissions, merit system boards and personnel departments at the Federal, state and local levels of government. The Association also represents 55,000 individuals, primarily human resource professionals and managers in the public sector and educators in the fields of public and personnel administration. IPMA's objective is to develop an interest in sound human resource management

and provide a focus and a forum for the discussion and exchange of views among practitioners and theoreticians throughout the United States and abroad.

The Association is concerned that (1) the involvement of career civil service employees in partisan political activities will erode citizen confidence that their laws and regulations are being impartially enforced and (2) public programs and services continue to be delivered on a nonpartisan basis without regard to the recipients' political beliefs or affiliations.

In passing the Hatch Act originally, the Congress determined that partisan political activity by Federal career civil servants and those in state government who administer Federal grant-in-aid programs must be limited if public institutions are not only to function, but also to appear to function, fairly and effectively. The Congress sought to establish a careful balance between the right of a Federal employee, as an individual, to participate in the political process, and the necessity for the country to have a nonpartisan, politically neutral civil service to administer and implement its laws. It prohibited activities that could coerce Federal career civil servants and their state government counterparts into giving up their political independence in order to retain their employment and advance in their careers. If the proposed legislation is passed, we are concerned that the career civil servant's visible participation in partisan political activities, even when not on duty, will subvert the Congress' initial intent and erode citizen confidence in the impartiality of its civil servants.

Administration of the public's business is sufficiently frought with the opportunity for honest disagreement now, without introducing the notion that governmental decisions, whether favorable or unfavorable to the claimant, petitioner or applicant, are colored by political favoritism. A number of examples of the potential for unnecessary conflict come easily to mind:

Taxpayers contesting Internal Revenue Service decisions concerning tax liabilities;

Foundations seeking tax-exempt or other special tax status;

Claimants contesting Social Security Administration decisions over benefits or disability determinations;

Mine owners contesting decisions by the Mine Safety and Health Administration;

Farmers and small business men contesting decisions over eligibility for Federal or state assistance;

Grant applicants who are denied funding;

Unsuccessful bidders on public contracts;

Unsuccessful applicants for government employment or career advancement in the civil service; and

Unemployment insurance applicants who are denied compensation.

Why even suggest the possibility that those who are responsible for making these kinds of decisions are anything but impartial and a political in their deliberations?

Another concern is the potential effect such a statutory change could have on relationships between political appointees, of any Administration, and the career civil servants upon whom they must rely to carry out their policies and programs. Cooperation between the policy makers and implementers is essential to effective governing. Again, it is not difficult to envision a situation, allowed by the proposed legislation, in which a career civil servant runs for political office as a partisan candidate, is defeated and returns to work. This person may encumber a position that is proximate or reports directly to a political appointee who is of the opposing political party. Will it be possible for the political appointee to have full trust and confidence in that career civil servant? If not, what effect will that have on the ability of the civil servant to function effectively and what impact will this have on the organization's ability to perform its mission?

As an Association, we are concerned with the integrity of legally mandated merit systems. The intent in legislating such systems was to ensure that decisions concerning hiring, development and advancement of its employees be made on the basis of the relative merits of the competing applicants, rather than on the basis of their political affiliations or other nonmerit factors. We believe this change in the law would send the wrong message and that, wittingly or unwittingly, there will evolve the perception that hiring, promotions, developmental assignments and performance bonuses are best earned by demonstrating the "right politics."

We recognize that the proposed legislation attempts to incorporate protections to prevent problems of the kind referred to above. However, the atmosphere in which employees work can contain politically coercive elements even though no legally definitive evidence of coercion can be demonstrated. It is simply not possible to protect career civil servants from reprisal for overt partisan political activities. That protection is not possible in the current environment where political activities are, at most, covert and the statutory protections are strong; how much more difficult will it be to assure that protection in an environment where "off duty" partisan political activity is permitted? Is the political appointee really expected to be able to ignore political activity that is adverse to the interests of his/her party or in conflict with his/her ideological beliefs because it occurred after working hours? We believe that is far too much to expect of anyone.

The principle of political neutrality for career civil servants is a commonly accepted tenet of public employment, both in the United States and in other countries. A study of civil service laws by the United Nations concluded that "the political neutrality of the civil service is a fundamental feature of multi-party democracy and is essential for its efficient operation." [1] Concern over the politicization of the civil service was expressed as far back in our history as the presidency of Thomas Jefferson. The excesses that led to the enactment of the Hatch Act in 1939 are well documented, and the need to insulate the civil service from partisan politics is as compelling today as it was in 1939, if not more so. The Hatch Act does not disenfranchise career civil servants; what it does is preclude them from labelling themselves as Republican or Democrat civil servants and making targets of themselves for public suspicion or political reprisal.

Close to three million Federal career civil servants, and a similarly significant number of state employees, are covered by the Hatch Act. They do not consider themselves second-class citizens and most of them are not petitioning for emancipation. In general, career civil servants accept the terms of their government employment voluntarily. They fear political coercion and unlawful discrimination far more than they covet the chance to engage in partisan political activities by running for office, attending political conventions or managing political campaigns.

While the proposed legislation appears limited to Federal employees, the potential impact of this legislation on state and local government employees can not be overlooked. A number of states and many local governments have laws restricting partisan political activity by their employees, many of them patterned after the Hatch Act. Modifications to the Federal statute can't help but ultimately affect the protections now afforded state and local government employees.

Over the past several years, we have witnessed an erosion in the confidence of the public in all levels of government. Any legislation that impairs the neutrality of the civil service can only result in a further reduction in the public's confidence. As Justice White noted in the case of *National Association of Letter Carriers* v. *United States Civil Service Commission*, "it is not only important that the government and its employees in fact avoid practicing political justice, it is also critical that they appear to the public to be avoiding it if confidence in the system of representative government is not to be eroded to a disastrous extent." [2]

IPMA's concern is that the proposed amendments to the Hatch Act will foster the appearance, if not actually create the possibility, that decisions made by career civil servants can and are being made for partisan political reasons. Such a perception would have a severely negative impact on the ability of career civil servants to carry out their responsibilities to any Administration and to the American public whom they serve.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I have been in the Senate quite a number of years now, some 15 years, going on my 16th year, and I think rarely have I heard so many bad things attributed to a simple reform that does nothing but try to clarify and simplify and make more workable existing laws.

I want to protect the workers. S. 135, I feel, does protect the workers. I want a law that is understood, No. 1, I want a law that is clear. I think if we have a murky, unclear situation, that can be interpreted in a myraid of different ways, that you set up the stage for either one of two things: Those who would subvert the political process of this country can find a reason under existing law to do it, and know that they probably cannot be pinned down. That is, the people that would intentionally misuse what is permitted right now. The others are people who, because of the lack of clarity of this law, accidentally stumble into something they do unintentionally just because the law lacks clarity, and so they get caught up in it.

If the law is that unclear, if the law is sufficiently vague and sufficiently

[1] Vaughn, Robert G., "Restrictions on the Political Activities of Public Employees, The Hatch Act and Beyond," George Washington University Law Review, Vol. 44, 1976, page 532.

[2] 413 U.S.C. 565.

murky, that it results in either opening a door to intentional misuse of the Hatch Act or opens the door to accidental activity that can be interpreted some way as being against the law, then it seems to me we need to clarify the situation.

That is all that this S. 135 does. It does not make great changes; it is not some monstrous repeal. What it does is, it very ill clearly states that even what political activity may be permitted under the Hatch Act now, if you are out there working on the job, that even political activity permitted under the Hatch Act now under this new legislation will be prohibited. You cannot do it. That is a better protection for the workers. If they file suit, 3 years in jail and a $5,000 fine can now be levied, if this legislation passes. It increases the penalty, so we strengthen the protections for Government employees.

At the same time, we say off duty—which has, once again, beem very ill defined—away from the workplace, what can they do? Well, we open some of those things up so they can participate to some degree in the political process, like every other American.

But at the same time, we retain in this Senate legislation a strict prohibition against soliciting for political contributions and we prohibit Federal employees from running for public elected office. They can participate in party matters but they cannot run for public political office. That is a clarification. Common Cause says we are trying to repeal, according to my distinguished colleagues. I do not understand that. There is no repeal involved here. I wonder who has read this thing and who has not.

As I said the other day and what was quoted in the paper this morning, I do not have it in front of me, when the Hatch Act comes up or the lines are drawn, the people put on their helmets and the shots start to be fired, all before we even know what is involved in this. S. 135 to me is a bill that basically clarifies. It does not repeal, whatever anyone may say.

The Federal Bar Association says, I am quoting my colleague a few moments ago, that it might make political abuse more likely. How on earth can clarifying the law make abuse more likely? And of all people to be putting that claim up, the Federal Bar Association. Once again, I wonder if they read this thing and who interpreted it for them. How on earth can it make political abuse more likely by clarifying the law and very clearly stating what can be done on the job and what cannot be done, or what cannot be done off the job?

The Federal Bar Association went ahead and said that it would make illegal acts easily identified. They do not want political action—I guess the statement was that they do not want to see political activity, unlawful political activity—I am not sure what was meant with that one. Anyway, the chamber of commerce goes into all sorts of things about the Government coercing contractors and the contributors in loans, applicants being protected, the abuse of workers, and harassment.

They want a harassment-free workplace. That is in quotes, a harassment-free work place. That is exactly what I want. The chamber of commerce should get on board with us on this so we can create a harassment-free workplace. That is exactly what we are trying to do with this legislation by clarifying what can be done and what cannot be done. And a harassment-free workplace is exactly what this provides because it says you cannot have any political activity in the workplace. That was a quote of what was said a few moments ago. They do not want to see the workers abused. This prevents the abuse of the workers. S. 135 does that. They want a clarified situation, they have said. That is exactly what S. 135 provides, is clarification.

The International Personnel Management Association says they want a nonpartisan administration of Government. I agree with that 100 percent.

I would think these organizations would be the ones that would be backing this instead of taking a knee-jerk reaction when the Hatch Act is mentioned. No change, no change. Even though the Hatch Act now, the administration of it, has been in absolute shambles. We repeated over and over on this floor that we have some 3,000 rules and regulations, and you can prove or not prove almost anything you want by which interpretation of these rules and regulations, which interpretation you wish to use to back up whatever you want to do. And all this does is clarify all of this. So we want that nonpartisan Government also.

I would solicit their activity today to look at this once again. Maybe they can change their provision and support this because I think it does exactly what Common Cause talks about they want, what the Federal Bar Association says they want, what the chamber of commerce says they want, and what the International Personnel Management Association says they want. What they want is exactly what this bill does—simplifies, provides clarification, makes it clear if somebody is doing something in the workplace, they are wrong, it cannot be misinterpreted anymore, cannot be intentionally misused by those who would have their own nefarious purposes, less likely anyone can accidentally stumble into accidentally violating a law they did not know about or was so vague they did not know was on the books.

So, those are some general comments. Now let me get back to the specific amendment that is before us now.

This would add the problem with the caucuses that we talked about a couple of days ago. But it does so along with some other things. It also takes action again, or attempts to take action on the union heads action, union heads vote that we already had before us yesterday. And in the proposal by my distinguished colleague on the other side of the aisle, that proposal was voted down 66 to 29. Now we are bringing it up again in this amendment.

We had another amendment yesterday, an amendment to have OPM clarify and simplify some of these interpretations that we have talked about so much and combine that with an education plan. That amendment was voted on, record rollcall vote, and defeated 67 to 30. So that is brought up again in a proposed amendment.

It does add a clarification on the caucuses, which I think would be corrected by this legislation anyway. Because the bill provides for the kind of thing that would be a protection in the caucuses.

But the part I object to most in this amendment and the basic reason why I will oppose it and do oppose it strongly is that this is a substitute for all of S. 135. It strikes out everything we are trying to do to clarify this and takes these things up one at a time—caucuses, the union heads, OPM clarifying.

If we were to go through all of the different interpretations under the Hatch Act that have been made over a number of decades, if we are to do that, this will be a never-ending task, because interpretations will be probably coming out as fast as we can correct them. We would have at least hundreds of interpretations to be made here on the floor, possibly even thousands. The House would have their activity going on the same way, and people would be sending us messages and letters as to what interpretation has been used against them individually in their particular part of the country and where does that stop. There is no end to it if we go down that route.

Mr. President, S. 135, which this would eliminate, this amendment would basically strike, strikes everything in S. 135 and substitutes these provisions on the caucuses, union heads, and the OPM clarification and education plan, two of which we already voted on yesterday. This would substitute those limited number of things for everything in S. 135. So I must strongly oppose this, Mr. President.

I do not know whether anyone else wishes to debate this or not. I would be prepared to move to a tabling

motion at an appropriate time and we could voice vote this if this is agreeable with my colleague across the aisle

Mr. ROTH. I am ready to proceed.

Mr. GLENN. Mr. President, I move to table the amendment proposed by my distinguished colleague from Delaware.

The PRESIDING OFFICER (Mr. DASCHLE). The question is on agreeing to the motion of the Senator from Ohio [Mr. GLENN] to table the amendment of the Senator from Delaware [Mr. ROTH].

The motion was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1584

(Purpose: To provide a civil private right of action for Federal employees against political coercion)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 1584.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, insert between lines 3 and 4 the following new section:

"§ 7326. Private right of action for employees against political coercion

"(a) In addition to any other available remedy, an employee may file a civil cause of action in any United States district court against any person violating the provisions of section 610 of title 18 relating to such employee.

"(b) An employee filing an action under subsection (a) may be awarded no more than $5,000 in damages for each such violation.".

On page 6, insert between lines 11 and 12, immediately after the matter preceding line 12, the following:

"7326. Private right of action for employees against political coercion.".

Mr. ROTH. Mr. President, the other day the committee chairman admonished us all to read the bill. That is very good advice for those who support this bill as well.

The key provision of the Hatch Act forbids any Federal employee to take an active part in political management or in political campaigns. The key provision of S. 135 does the exact opposite. It expressly authorizes forbidden conduct. It makes virtue out of vice. It encourages what is today forbidden. it states that a Federal employee may take an active part in political management or in political campaigns.

The Hatch Act and the bill contradict one another perfectly. Yet proponents insist on applying a salve to their burning conscience, saying that S. 135 is not a repeal of the Hatch Act but only a reform. Read the bill.

Another fiction is that S. 135 forbids the coercion of a Federal employee to participate in political activity. This will surprise everyone who has not read the bill, which I suspect is just about everyone.

The common line on S. 135 is that it authorizes active participation in political campaigns but forbids the coercion of Federal employees, thus remedying the evil the bill might otherwise cause.

Well, where is the prohibition of coercion? Is it on Page 1 of the bill? Page 2? Page 3? Page 4? Page 5? Page 6? Page 7? Page 8? Page 9? Where is it?

Forced to respond, proponents will point to one little clause on lines 7 through 9 of page 4. It states that an "employee may not use his official authority or influence for the purpose of interfering with or affecting the result of an election.

Where is the word "coercion"? Does not this provision really envision a Department of Labor statistician who provides government data on employment to one Presidential candidate but no the other? If this clause forbids coercion, it is certainly abstruse. Why is not the word "coercion" used if coercion is, in fact, forbidden?

The word in the Cloakroom is that this bill is a political power grab. Now that for the first time in the history of polling a majority of Americans identify themselves as Republicans, the Democrats have decided to perpetuate their majority status through a legislative skewing of the political process. The reasons for the bill that were stated for the record have already been proved false. The committee report only gives two reasons for the bill—only two. The first reason is the prosecution of three union leaders. The second is the confusion over Hatch Act regulations.

Naively, I spent all of yesterday addressing these concerns, assuming that these reasons—the only reasons stated—were the reasons for the bill. But the Senate rejected my amendment to simplify and clarify the Hatch Act regulations. And the Senate rejected my amendment to exempt union presidents from the Hatch Act and thus immunize them from prosecution.

So the only conclusion I can reach is that the cloakroom scuttlebutt is correct. This bill is a political power grab, an attempt to gain partisan political advantage, the opening salvo in the campaign—finance—reform debate.

If these concerns are even partially valid, then one must worry about outside coercion of Federal employees. But read the bill. There is not one word in the bill about outside coercion of employees. Employees are forbidden to use official authority to affect election results. Whatever this means, it clearly does not apply to outside coercion. Read the bill.

There are other defects in this clause as well. The clause, by its terms, does not address the expectations in specific cases that an employee will do what other employees are doing. Read the bill.

The clause, by its terms, does not address the subtle pressures that will inevitably be brought to bear on a particular employee. Read the bill.

The clause, by its terms, does not address post-election reprisals. How could a post-election reprisal affect the result of an election? The clause does not apply. The reprisal may be direct or indirect, harsh or subtle, flagrant, or disguised. It does not matter. Read the bill.

Moreover, the clause if my colleagues read it carefully, may not even reach coercion. We, in opposition, may have conceded too much in suggesting that the evils wrought by the legislation were addressed by a simple anti-coercion statute. But we have not read the bill. If one employee coerces another, how does that "interfere with * * * the result of an election"? Or how does that "affect the result of an election"? Read the bill.

The bill leaves the Federal employee naked against coercion. That is not all that surprising. What surprises me is that the bill does not really try to prohibit coercion in any affective way.

We made all these points before. We made them in our minority views in the Senate report. Read the second paragraph of page 21. We made these observations in our views in the Senate report filed in the 100th Congress.

What surprises me is that the proponents do not care. They do not care about federal employees or the first amendment values not to be politically coerced. This is a power grab. Forget the sentimentality about eliminating discrimination. Proponents wish to build a political machine.

While proponents have their eyes on the political prize, we are deeply concerned about the impact of this legislation on the public, the Government, and the employee.

I have already voiced my concern about the nature of coercion, how subtle and undetectable it can be. Whether we recall the knights who sought to please King Henry II of England or the GS-15's at the Labor Department competing for the same promotion, it is common that one suffer coercion without anyone actually coercing.

But if the majority insists on perpetrating this shameful legislation, something must be done to protect the employee when coercion is overt. The bill does not protect against coercion, as I have demonstrated before. Something must be done to remedy those cases when outright coercion may be proved.

Yesterday, Senator ROBB offered an amendment that offered criminal sanctions against coercion. It is interesting that the author did not make it a crime to violate the provisions of this bill. That would have been almost worthless, as I have made clear. Senator ROBB's analysis, evident in his amendment, validates what I have said. In order to protect Federal employees from coercion, it was necessary to write an entirely new prohibition and make its violation a crime.

I am not sure that is was clear to all what this amendment does. It not only prohibits coercion by Federal employees, it prohibits coercion by any person against Federal employees. At least this amendment tries to do the job of protecting the employee even if that is an impossible mission in the circumstances of this bill.

Now we are all aware that the burden of proof in criminal cases is proof beyond a reasonable doubt—a most difficult standard to meet. Moreover, the isolated case of coercion here or there will probably not come to the fore of the docket of the Justice Department's Criminal Division, which has so many heinous crimes to prosecute.

Therefore, today I offer an amendment to provide a civil remedy—one which the aggrieved employee can bring on his own—to right the wrong of coercion. It tracks the standard of the Robb amendment verbatim but allows the aggrieved party to sue in Federal court to recover damages.

I believe that the amendment fills a gaping hole in this legislation. I am disappointed that the task of improving this legislation falls upon the bill's opponents. However, it appears that only the opponents have read the bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, our rhetoric on this bill is getting a little harsh when we say the people who put the bill together need to read it, implying that we have not read it yet. Let me address what has been read and what has not been read and what has been agreed to.

My learned opponent says we should cover coercion. Where is it covered? Why do we not cover coercion? I ask my distinguished colleague where he was yesterday. Because when an amendment was proposed that dealt specifically with coercion, it was agreed to on a voice vote, I believe with his support, here on the floor yesterday.

We recognized that coercion might come up. Senator ROBB, Senator WARNER, and myself submitted an amendment yesterday. We called it the Robb amendment. It was. He originated it. It applies to the act, but it is a new section which was accepted on a voice vote yesterday. Talk about dealing with coercion, let me read this. It is short. "Section 610. Coercion of Political Activity." That is the title. That section says:

> It shall be unlawful for any person to intimidate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce, any employee of the federal government as defined in 5 U.S.C. 7322(1), as amended, to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate * * *.

Listen to this:

> Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than 3 years or both.

That increases the penalties for violations under the Hatch Act, and specifically violations for coercion. It is even defined here. That was agreed to yesterday and is part of S. 135.

So what is proposed this morning is basically that be altered somewhat just to give some additional rights for direct personal suits from one person to another, an aggrieved party against a supervisor, or whatever, if there is an attempt to coerce.

I think this is adequately covered, Mr. President.

Remarks were made about what is being said in the cloakrooms; that this is the opening salvo of some great campaign to do away with all sorts of things; that this is the beginning of financial reform; that this is a first step to do a lot of dire things that are political in nature themselves. I repeat what I said awhile ago. Rarely have so many bad things been attributed to such a very simple reform bill, and this is one more to put on our list.

There is nothing like that going on. This is not a skewing of the political process. It is a correction so the people will know what the political process is enough that they can know whether they are going to get in trouble by doing something or not. It still keeps the protections in this bill that we have had in the past.

As far as the basic coercion provisions, those are in the original Hatch Act that we are doing nothing but amending with this legislation. That is what the Hatch Act was all about. Whether it is in there or not, we certainly covered it yesterday with the Robb amendment that was agreed to on a voice vote here yesterday afternoon. There were no dissenting comments, I believe, raised; no dissenting votes were recorded after the vote to show anyone felt strongly enough about it to show they wished to be recorded against that voice vote.

Mr. President, I do not see the amendment is necessary at all. We already have covered this, as far as dealing with coercion. I do not believe it is necessary to add this additional power for one person to sue directly against another person when we already provide a $5,000 fine and 3 years in jail, as a possibility, for any person who violates this section. I think if there is going to be a deterrent in law against people taking a false action, that is it.

Mr. President, I do not know whether we are prepared to move to a vote on this or not. I am prepared, unless my distinguished colleague has additional remarks.

Mr. ROTH. Mr. President, I would like to make a few brief remarks.

Mr. GLENN. I yield the floor.

Mr. ROTH. What I said in my opening statement, Mr. President, is that the Robb amendment filled a void in the legislation. It is true that the Robb amendment includes the word "coercion."

My complaint has been that until that amendment was offered, there was no such provision, there was no means of protecting the employee from political coercion.

As good as the Robb amendment is—the Senator is right, in the voice vote, I did approve of the Robb amendment—I think the fact is—and most people I know would share my concern—that by making it a criminal violation, it will offer very little protection to the individual employee, for the reasons I outlined earlier.

Mr. President, the distinguished chairman of the Governmental Affairs Committee and I have sat in many hearings in which we have received testimony and expressed concern that criminal violations are not prosecuted by the Justice Department, for the simple reason that they do not have the personnel or the resources to prosecute every case that comes before them. As a result, in many cases they take no action. And as a result, the wrong, whatever it may be, goes unpunished.

This lapse in legal remedies is what I am seeking to correct in my amendment before the Senate at the present time. Recognizing that the number of prosecutions which can be undertaken

by the Justice Department is limited, we are proposing that the individual employee have the right to bring suit, have the right to be compensated in some way where they are the victims of political coercion.

It seems to me that this is a very simple and fair amendment, one that strengthens the legislation. I am still concerned that the legislation is written in such a manner that it does not outlaw political coercion in any effective way. It brings me back to my basic point that the legislation is a repeal of the Hatch Act. It goes 180 degrees in the wrong direction. The employee is not protected.

Let me reiterate briefly, and then I will close off the debate, Mr. President. Some time ago we enacted legislation entitled the Small Fraud Civil Remedies Act. That very piece of legislation was enacted into law for the same reasons I am discussing here today. There was concern that there were too many abuses and frauds going unpunished because the Justice Department again did not have the personnel and resources to take action. As a result, we set up an alternative civil remedy that would enable, again, these cases to be prosecuted. The reasons for that remedy and this are the same.

Let me also point out, Mr. President, that the same lesson was demonstrated just in the last couple of weeks in the Governmental Affairs Committee, when we held a hearing on the problem of the IGs wanting to do work that the FBI could not do.

So it seems to me that the amendment I propose is a simple one, a desirable one, and a necessary one because it will make effective the enforcement of the provisions of the Robb amendment.

I yield the floor.

Mr. GLENN. Mr. President, before I respond briefly, I would like to make a correction in some remarks I made a little while ago, in response to the distinguished floor manager on the minority side, when I responded to his comments about Common Cause, the Federal Bar Association, the Chamber of Commerce, and the International Personnel Management Associations, and their remarks.

I believe the remarks which they had made about coercing and money, and so on, were made basically on the House bill, on the legislation that has been passed over there. I wanted to note that because if that is the case, I want to point out to those people that their opposition to what we are trying to do here may be ill founded because we are not talking about that legislation. What we are talking about is legislation passed in the Senate. The House bill does some things that are very questionable from the Senate standpoint.

So I want to make sure that that is understood.

Let me respond a little more directly. With the amendment that we have before us by the distinguished Senator from Delaware, it would seem to me that you open the floodgates to the filing of hundreds, perhaps even thousands and thousands, of lawsuits and for no purpose as far as deterring violations under the Hatch Act.

Each time a person does not get a raise, will there be some who will say, "Well, I was coerced and therefore I did not respond to that coercion. And so that is the reason I did not get a raise and that is unfair, and I am filing a suit"? Each time a person does not get an assignment they want, they will say, "Well, that person tried to coerce me, and I would not go along with it. I was Simon Pure on that, and I would not go along with that. And so now I am being penalized, and I will file suit."

Or each time a person does not get a transfer they want to some new place, when there is a new job open someplace and they are refused a transfer, they say, "Well, OK. They tried to coerce me and did not, and they are trying to hold that against me, and I did not get that transfer," or whatever, and so they file suit.

S. 135, with the amendment I read a few months ago, deals very strongly, forcefully, impartially, with anyone who tries to coerce another person in Federal employment, whatever that coercion may be. They can get up to 3 years in jail; they can get a $5,000 fine, and I do not think that is too small. I think that is pretty hefty, and if anything is going to deter prohibited activity under the Hatch Act, increasing the penalty to that amount should certainly do it. That is in the legislation before us.

So, Mr. President, if anyone else wishes to speak on this, I will be happy to have them do so. Otherwise, I would be prepared, at whatever time is agreeable to the distinguished Senator from Delaware, to move to table.

Mr. ROTH. I just have one comment, Mr. President. I would like to point out that the Common Cause letter from which I read was dated September 13, 1989. We have a more recent letter, dated May 2, 1990. The most recent letter, of course, came within the week.

Mr. President, I ask unanimous consent that the letter dated May 2, 1990, from Common Cause be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Common Cause,
Washington, DC, May 2, 1990.

DEAR SENATOR: The Senate is soon expected to take action on legislation to amend the Hatch Act which for 50 years has protected federal employees from inappropriate political pressures. Common Cause strongly urges you to oppose S. 135, the Hatch Act Amendments of 1989. This bill seeks to make basic changes in the current Hatch Act restrictions on partisan political activity by federal workers, opening the door to implicit coercion, and abandons the fundamental concept of an unpoliticized civil service.

The House-passed bill, H.R. 20, would repeal Hatch Act protections and for the first time in 50 years allow federal civil service and postal employees to participate in partisan political activity. For example, federal workers could run as candidates in partisan elections, serve as officers of a political party, raise partisan campaign contributions, manage campaigns, and administer political action committees (PACs). The only restraint is that the partisan activity would have to occur during off-hours. Common Cause opposed the passage of H.R. 20.

S. 135 also proposes major changes in the Hatch Act, lifting most restrictions on partisan political activity. Like the House bill, a federal employee would be permitted, among other things, to serve as an officer of a political party or a PAC, become a public campaign official for a candidate, and run as a delegate to a national convention. The Senate bill does prohibing federal employees from running for partisan political office and from soliciting contributions for partisan candidates. However, it allows government workers to solicit their colleagues for contributions for their own federal employee PACs.

Repeal of the Hatch Act's basic protections, as proposed in S. 135, would increase the potential for widespread abuse and open the way for implicit coercion against which there is no real protection. With basic restrictions on partisan activity repealed, no procedural or other safeguards will be sufficient to protect against subtle forms of political favoritism or coercion of federal workers.

It is important to recognize that under the current Hatch Act, federal workrs are already permitted to engage in various political activities. For example, they may make political contributions to candidates, serve as rank-and-file members of political parties, and engage in nonpartisan political activities. It is only the most active levels of partisan participation from which they are currently barred. In drawing this line, we believe that the current Hatch Act strikes an appropriate balance between the federal worker's ability to participate in political activities and the public's right to fair and impartial administration of government.

Common Cause recognizes that the current regulations governing administration of the Hatch Act are complicated. There may be ways to clarify and simplify for workers the degree of participation they are permitted under the Hatch Act without lifting the basic restrictions on partisan activity. We would urge the Senate to instead explore this possibility. As a core principle, however, a careful balance must be struck between an individual's First Amendment right of free speech and association and the public's right to impartial administration of government. We believe S. 135 upsets this balance and would open the possibility of a dangerously politicized civil service.

The Hatch Act was designed to ensure that the federal government is administered in a fair and impartial manner. We agree with the U.S. Supreme Court which stated, in upholding the constitutionality of the Act, that "it is in the best interest of the

country, indeed essential, that federal service should depend upon meritorious performance rather than political service * * *."

Common Cause strongly believes this important integrity-in-government measure should not be repealed. We strongly oppose S. 135 and other proposals that would repeal necessary prohibitions on partisan political activity by federal employees.

Sincerely,

FRED WERTHEIMER,
President.

Mr. GLENN. If the Senator will yield for a question, did it deal specifically with S. 135, or was it talking in general about this area?

Mr. ROTH. I might say both the new letter and the older letter of 1989 refer specifically to S. 135, and of course the S. 135 reported out in 1989 was the same as the one we have before us.

Mr. GLENN. That is right.

Mr. ROTH. I would also point out that the same is true of the statement of the Chamber of Commerce. It was given in testimony in front of the committee in this Congress. If you read the letter from the Federal Bar Association which we quoted, those points of objection are still contained in S. 135, and are applicable to the current situation.

Mr. President, we have previously included in the RECORD each of these letters.

Mr. GLENN. We will review those. I had some erroneous information then. I stand corrected if those are the dates, and so on, that they specifically referred to S. 135.

The PRESIDING OFFICER. Is there further debate?

Mr. GLENN. Mr. President, I move to table the amendment by the Senator from Delaware.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to lay on the table the amendment of the Senator from Delaware.

The motion was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. PRYOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I rise today to express my support for S. 135, the Hatch Act Reform Amendments of 1989.

For more than a century, the idea that Federal employees should not be involved in partisan politics has been a fundamental element of the civil service system. This concept of neutrality was formalized in the Hatch Act, a wide-ranging prohibition on political participation which was passed in 1939. The act represents the culmination of repeated efforts, which began in the early days of the Nation, to establish a nonpartisan civil service. An underlying rationale for this idea is that efficiency in Government service requires a lack of partisanship in its administration.

The Hatch Act was enacted more than 40 years ago, to prevent political appointees from using political coercion in the workplace. In so doing it restricted the political activities of employees in the executive branch and the U.S. Postal Service.

More than 3,000 regulatory rulings and decisions have been written to implement the act. Unfortunately many of them are confusing and even conflicting. Decisions are not published, nor are they readily available. This further adds to the confusion about what is permitted and what is not permitted. For example, this complex law allows Federal employees to speak publicly on political subjects, but not at a political gathering; they may attend a political convention, but not serve as a delegate; they may sign a nominating petition, but not circulate it; they can place a bumper sticker on their car, but they cannot give one to a friend—and more.

Much has changed since the enactment of the original act. We no longer have a spoils system, and the need for the Hatch Act is no longer apparent. Since the law was originally passed, other more effective civil and criminal statutes have been enacted which protect employees from intimidation and coercion.

To this date, 41 States allow broader political freedoms for State and local public employees: Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

The purpose of S. 135 is to provide for Federal civilian employees to participate voluntarily, as private citizens, in the political processes of the Nation and to protect such employees and the general citizenry from improper political solicitations. Over 51 Members of the Senate, including myself, are cosponsors of this legislation. I believe that this legislation emphasizes the value of political participation by ordinary citizens in a democracy.

The Governmental Affairs Committee held two days of hearings on the Hatch Act in the 100th Congress. Much of the testimony focused on the fact that under current law, Federal civilian and postal workers must comply with some 3,000 separate administrative rulings about what kinds of political activities are permissible or not. Witnesses testified that this set of rulings has become confusing, illogical, and trivial over years. The measure after careful review and scrutiny passed the committee last year by a vote of 10 to 4.

Mr. President, a big problem with the current Hatch Act is its vagueness. Many Federal employees are discouraged from participating in permitted political activities because of the confusion surrounding what is permitted, and what is not permitted. I believe that S. 135 addresses this concern and spells out clearly and simply the guidelines that Federal employees must follow. Also the existing act is no longer necessary to protect employees from improper patronage because the makeup of the Federal work force has changed since the act's inception. No longer are Federal jobs filled through patronage, but rather through the competitive merit system.

I am concerned about possible political coercion and intimidation of the Federal work force that could arise if the current prohibitions are amended or repealed. I also feel strongly that we must ensure the protection of the American public from a politically active bureaucracy. I voiced these concerns at hearings on this issue held by the Governmental Affairs Committee, of which I am a member.

In response to my concerns and those of other committee members, the committee drafted a revised version of the House-passed bill. The Senate measure differs from the House-passed measure in two significant respects. First, Federal employees would not be allowed to run for partisan political offices except within party organizations and affiliated groups. Second, these employees would not be allowed to solicit political contributions, except within their employee PAC as is allowed under current law. In addition, the measure retains the strong prohibitions, which are also in the House bill, prohibiting coercion and intimidation of or by employees.

I believe this measure strikes the proper balance between protecting the public and the Federal work force from politically motivated coercion and providing Federal employees the right to participate more fully in the political process. Therefore, I support this measure.

S. 135 allows employees to participate in a full range of political activities off duty and off the worksite. Such activities include working phone banks, handing out leaflets, voter registration, putting up yard signs, and participating in political caucuses. It allows employees to solicit, accept, or receive a political contribution from other members of the same Federal or postal employee organization for that organization's multicandidate political

action committee, once they are off duty and away from the worksite.

S. 135 does not permit employees to engage in political activities while on duty, in a Federal building, while wearing a uniform or official insignia, or while using a Government vehicle. It does not permit employees to run for any partisan political office at any level; employees to solicit, accept, or receive political contributions from the general public; employees to give a contribution to any person to vote or to refrain from voting; employees to give, solicit, or accept a contribution from or to a superior; and employees to give, solicit, or accept a contribution while in a Government building.

Hatch Act penalties now in place remain and in some cases are strengthened. Anyone violating the restrictions or engaging in prohibited political activities is subject to dismissal from employment, fines, and up to 3 years in jail. These sanctions, coupled with other protections afforded under civil service laws, are strong deterrents.

Mr. President, I urge my colleagues to support this important legislation. It is a step forward in protecting Federal workers and, at the same time, allowing them their freedoms as guaranteed by the Constitution.

Mr. RUDMAN. Mr. President, I rise today to oppose S. 135. As a member of the Senate Governmental Affairs Committee, I have participated extensively in the debate on this issue. I firmly believe that any relaxation in the provisions of this 50-year-old statute will have dire negative effects on Federal employees, the efficient and fair dispensation of Government services, and public confidence in the Federal Government. Our Nation cannot ill-afford to risk these consequences, especially at a time when public confidence is at such a low ebb.

There are many reasons to oppose S. 135, but I will limit myself today to addressing the three main points most frequently cited by its proponents: The Hatch Act is an anachronism which is irrelevant to the modern Federal work force; the Hatch Act is an unconstitutional infringement on the free speech rights of Federal employees; and, by maintaining penalties against coercion or other abuses of political activity, Federal employees are adequately protected.

To state that the Hatch Act is some kind of irrelevant holdover from the spoils system is to disregard not only historical fact, but current political reality. It is true the Federal work force has changed drastically from 1939 when political patronage was rampant. But it has changed with the help of the Hatch Act, not in spite of it.

It is erroneous to imply that the Hatch Act simply responded to the political abuses at the time of its passage. While the particularly egregious abuses in the Works Progress Administration certainly provided fuel for the enactment of the statute, the need for a politically neutral Federal work force has been recognized since the founding of our government. Thomas Jefferson was one of the first to try to address this concern by issuing an order which stated, in part, that—

[t]he right of any officer to give his vote at election as a qualified citizen is not meant to be restrained * * * [however,] it is expected that he will not attempt to influence the votes of others nor take part in the business of electioneering * * *

This is a succinct description of the current law: Federal employees may cast their own votes and express their own opinions, but they may not engage in political campaigning, the nature of which is clearly designed to influence others.

Since Jefferson's expression of concern, additional efforts were made to establish a nonpartisan Federal work force. The Civil Service Act of 1883, also known as the Pendleton Act, included a provision declaring that "no person in the public service is * * * under any obligations to contribute to any political fund, or to render any right to use his official authority or influence to coerce the political action of any person or body." In a 1907 Executive Order, President Theodore Roosevelt amended this provision to prohibit executive civil servants from using their "official authority or influence for the purpose of interfering with an election or affecting the result thereof." As well-intended as these actions were, Jefferson's goal of a truly politically neutral civil service was not obtained until the Hatch Act became law.

Proponents argue that 1990 is vastly different than 1939, and that the Hatch Act is no longer necessary. But even under current law, political coercion occurs. The fiscal year 1989 report of the Office of Special Counsel, the body charged with enforcing the Act, contains a review of such violations. In one example, the OSC filed complaints charging eight employees of the Niagara Frontier Transportation Authority [NFTA] with engaging in a scheme to coerce other NFTA employees to contribute to various candidates for elective office and a political party. The Merit Systems Protection Board sustained the OSC complaints on all counts, and ordered the removal of three persons as a result. It is clear that even under the current Hatch Act, we must be ever vigilant against the abuse of political power.

One need merely look at the last local election in Arlington, VA, for a preview of life in the Federal Government without a strong Hatch Act. That county's 1987 election featured a sheriff being challenged by one of his former deputies. Following the incumbent's reelection, he gave a "retire now or be demoted" ultimatum to seven of his deputies who had publicly supported the challenger.

This action, which was the subject of a judicial challenge and ultimately settled out of court, is noteworthy only for the sheriff's bluntness. In more subtle forms, it will become the norm if S. 135 becomes law. Politics is an emotionally charged enterprise, and it is all too tempting to use whatever tools are available. This was a fact of life in 1939, and the situation has not changed today.

With regard to the assertions that the Act violates the First Amendment freedoms of Federal employees, this has been directly refuted by the Supreme Court. Both times the Court ruled on this issue, it recognized the dangers associated with unfettered political activity in the civil service. In United States Civil Service Commission versus National Association of Letter Carriers, the court concluded that:

Substantial barriers should be raised against the party in power * * * using the thousands or hundreds of thousands of Federal employees, paid for at public expense, to man its political structure and political campaigns.

The Court further noted that—

[n]either the right to associate nor the right to participate in political activities is absolute.

This statement recognizes the careful balance that the Hatch Act draws between the personal freedom and public good. It is important to remember that Federal employees are not limited in personal expressions of opinion. They may vote, make campaign contributions, attend rallies, put up signs or bumper stickers, and write letters to the editor. They may not, however, engage in campaign activities since these have been shown to compromise the impartiality of the civil service, and thus, the public good.

Finally, the proponents of S. 135 assert that the existing criminal statutes such as 18 U.S.C. 601, dealing with coercion, are adequate to guard against occurrences of abuse. This is not the case for several reasons. First, in cases of political pressure or coercion, the victims, usually subordinates, are hesistant to come forward with complaints. This may be because the employee fears retaliation such as job loss or demotion, or because it may be easier to acquiesce to pressure to participate in a phone bank or envelope stuffing operation than to rock the boat.

Second, conviction under these statutes requires proof of guilt beyond a reasonable doubt, as opposed to the preponderance of evidence standard required under the administrative prohibitions regularly enforced by the Office of Special Counsel. Many times, such abuses occur where no witnesses are present and lack other corroborat-

ing evidence is lacking. Furthermore, many of the abuses which will emerge in a civil service unprotected by the Hatch Act will not necessarily be flagrant examples of strong-arming, although some of that will occur. Rather, the abuses will occur on a more subtle level which does not lend itself to prosecution under the criminal code. Peer pressure, while difficult to prove as a matter of fact, is a very real thing with very real effects. Actual pressure from outside parties need not be exerted to create a presumption in favor of political participation. The simple desire to please one's superior may lead an employee to conclude that such participation is necessary for job advancement, or to avoid stagnation or demotion.

The temptation to allow political considerations to interfere with what are supposed to be a political, merit-based decisions will not just lie with an incumbent administration or individual public servants, but also with Members of Congress who are continually running campaigns supported in large part by volunteers. It is easy to imagine some Members, in an effort to help a Federal employee who worked on their campaign, putting pressure on Federal agencies to give those individuals favored treatment. Civil service protections and statutory requirements for decisions on the merits are not much of a hurdle when there are a wide range of subjective factors that must be weighed.

Finally, I would note that most Federal employees, the ostensible beneficiaries of this bill, do not support a change in the status quo. Congressman WOLF, who represents the congressional district with the highest proportion of Federal employees in the Nation, surveyed those employees in preparation for the House debate on this subject. Fully 70 percent of the Federal workers in his district either opposed any change or had no opinion on the matter. The push for this bill is coming from Federal employee union leaders, who represent a minority of the Federal work force, who believe it will enhance their power. What a price to pay for that.

The Hatch Act has worked. This has been recognized by a broad and diverse coalition of individuals and groups, including Common Cause, the American Bar Association, and the Chamber of Commerce. It has also been recognized by President Bush, who has promised to veto this bill. History has shown that the Hatch Act is the only effective way to protect Federal civil servants from political coercion. In addition to the risks this bill poses to Federal employees and the fair dispensation of government services, Congress simply cannot afford to lessen the public's confidence in the Federal Government. Repeal of the Hatch Act would place us firmly on this inadvisable course, and therefore, I strongly urge that the pending legislation be rejected.

Mr. DECONCINI. Mr. President, I rise today to reiterate my strong support of S. 135, the Hatch Act reform legislation which was reported from the Governmental Affairs Committee on a bipartisan, 10-to-4 vote last fall. I am especially pleased that the full Senate is finally moving to consideration of reforming the outdated, unfair, and regressive Hatch Act. The fact that we have reached this point today is due to the strong support for this legislation by the majority leader, Mr. MITCHELL, as well as the leadership of the chairman of the Governmental Affairs Committee, Mr. GLENN, and the strong, vocal support of Senators STEVENS and PRYOR.

Mr. President, we applaud the blossoming of democracy in Eastern Europe and we cheer the elimination of the Berlin Wall which has separated German from German. But what about the blossoming of democracy in this country? We want democracy for the oppressed peoples of Eastern Europe, yet we deny those same democratic principles to the men and women who work for the American government. It is time, Mr. President, to let democracy blossom in the Federal workplace. It is time, Mr. President, to bring down the Berlin Wall which separates the Nation's Government employees from the American people and the democratic process.

In 1976, during my first campaign for the U.S. Senate, I became sensitized to the discriminatory status that Federal and postal employees face when they come to work for the Government. Since my first term, I have been a strong and outspoken supporter of the efforts to reform this unfair law.

In the past decade, the threat of President Reagan's certain veto of any Hatch Act reform legislation prevented the full Senate from making its voice heard on this issue. I was extremely frustrated by this lack of Senate action and attempted, in the closing hours of fiscal year 1988, to offer Hatch Act reform legislation as an amendment to the fiscal year 1989 District of Columbia appropriations bill. The bill before us today is very similar to my amendment to the D.C. appropriations bill. In fact, the amendment I offered that night was the bill which had been reported out of the Governmental Affairs Committee earlier that year. Our efforts at that time were not successful, but those of us who believe in Hatch Act reform persevered. I testified before the Governmental Affairs Committee in support of these reform efforts in 1988 and I submitted testimony to the committee last year. So I am very pleased that we are here today to debate this important piece of civil rights legislation.

Reform of the 51-year-old Hatch Act is a priority issue for this Nation's nearly 3 million Federal and postal employees. The House passed its version of Hatch Act reform a year ago by a vote of 297 to 90. The legislation before us today is not revolutionary by any stretch of the imagination. As I have stated on many occasions, this legislation does not repeal the Hatch Act, as many of its critics would have the citizens of this country believe. Instead, S. 135 clarifies and strengthens a law which has confused and befuddled Federal employees for far too long.

Today, nearly 80 percent of all Federal civilian jobs are covered by the impartial system of merit and examination. The education level achieved by Government workers is at an all time high, with approximately one-third possessing at least a bachelor's degree.

While the original premise for passage of the Hatch Act was to protect the Federal worker from political coercion, today it is seen as a bureaucratic jumble of conflicting and confusing regulations which have the effect of freezing-out Federal and postal employees who might try to exercise those few political rights that they are allowed under the current law.

I cannot blame them for opting out of a system which says that you can wear a button for a political candidate, but you cannot pass them out. Or that says you can sign a nominating petition, but you cannot circulate a petition yourself. This confusion is compounded and the law belittled, when—in the name of the Hatch Act—regulations are implemented stating that a political campaign sign no larger than 15 inches by 30 inches can be placed on an individual's car, and that lawn signs for a candidate can be no larger than 14 by 22 inches. These trivial regulations render the Hatch Act ludicrous. The Hatch Act itself is actually a confusing compilation of almost 3,000 bureaucratic decisions and other regulations similar in scope and questionable wisdom to the example of the campaign posters.

Mr. President, I have previously used the example of a postmaster in my State of Arizona who spends a portion of his time regulating the activities of a postman under his supervision. This postman has a relative who is a county official. During his off-duty time, the postman understandably wants to help his relative get reelected. As a result of the Hatch Act, however, this man's superviser must spend part of his time—time that is better spent making certain the mail is delivered on a timely basis—ensuring that his employee does not run afoul of the Hatch Act. This postmaster, like so many Federal and postal employees in my State, wants me to do

what I can to see that this outdated law is changed.

The bill that is before us is a good, solid, bipartisan piece of legislation. It simply allows Fedreal employees to voluntarily exercise their first amendment rights and engage in political activities on their own time. The two key ideas here are "voluntarily" and "their own time." This Nation's Federal employees are an intelligent group of individuals. They work hard during the day and they will not allow someone else to tell them how they should spend their leisure time.

The Senate bill, of which I am proud to be an original cosponsor, is simple in its application and its reforms. It prohibits Federal and postal employees from engaging in any partisan political activities on the job, in a uniform, or in a Government vehicle or building and allows these employees the choice to engage or not to engage in political activities on their off-duty time. Currently the law has been interpreted to allow certain employees to wear campaign buttons at work. This practice would be prohibited under the Senate bill. Other ambiguities in the current regulations are similarly remedied.

This Nation's Federal employees know the rules and regulations which govern their activities. I know this because they tell me loudly and clearly when Congress is tampering with their benefits or trying to change their retirement. Under a reformed Hatch Act, they would know if someone was trying to coerce them into donating to a particular candidate or engaging in political activity on the job. They would not let someone else do something to spoil one of their hard-earned benefits or make life difficult for themselves and their peers. It a superviser were to try to get them to do something they know is not right under a reformed Hatch Act, they would know where to go to ensure that even this subtle pressure were stopped.

These specific prohibitions make a reformed Hatch Act self-policing. A simplified Hatch Act would provide postal and Federal employees the opportunity to make their concerns known to their elected representatives—if they choose to do so. If we, as elected officials, do not heed their calls they would then have the right to take action to make a change. This is a right that every other American already possesses.

The fact that the vast majority of civil service jobs fall under the merit system should reduce the fears of some that a large body of workers can be mobilized to work for a particular individual or party. As a matter of fact, it was the Reagan administration which chose not to comply with the courts on the issue of formulating full and fair civil service examinations for employment applicants. According to OPM, about 40 percent of the people hired in recent years—almost 4,000 employees in 1987—were hired without the benefit of competitive examination. I find it odd that many of those who have been so loud in voicing their fears of a politicized system under a reformed Hatch Act have been the beneficiaries from the loophole in the civil service system which allows so many political appointees.

This legislation provides strong penalties for violations of the reformed Hatch Act. I have long believed that clearly defined penalties for violating a law are the best deterrent against breaking that law.

Thus, the bill before us today is a good bill. It clarifies the distinction between what on-duty and off-duty activities are allowed. It specifies the penalties for violations of the act. It strengthens the merit system and enhances the self-policing aspects inherent in the bill. And it improves the American political process by allowing one of the most politically engaged segments of the population access to the country's political system.

In conclusion, Mr. President, I urge my colleagues in the Senate to stop treating America's Federal and postal employees as second-class citizens and to embrace this Hatch Act reform legislation. it is a good, balanced, and bipartisan piece of legislation which would restore long denied first amendment rights to a group which serves this Nation daily. To those who fear that Hatch Act reform will bring coercion, I would state that coercion takes many forms and is undoubtedly present today under this ill defined and arbitrary law. Instead, the Senate should put itself on the record as an advocate for good government, fair government, and equitable government.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I wonder if it would be possible at this time to ask the distinguished managers of the bill which is the pending business before the Senate, if I might be allowed to address the Senate on another subject for not to exceed 15 minutes.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. PRYOR] is recognized.

Mr. PRYOR. Mr. President, I thank the Chair. I also thank the distinguished chairman of the Governmental Affairs Committee for allowing me this opportunity, and also the Senator from Delaware [Mr. ROTH].

Mr. President, a couple of weeks ago the noted syndicated columnist George Will sadly noted in his article the S&L debacle is "the sort of murky mess about which there is no focused public opinion. So no polls tell the Bush administration to behave properly. So it does not."

Mr. President, in this morning's New York Times, on the front page, we saw another story about this continuing fiasco, the S&L debacle. Let me, if I might, Mr. President, read a headline from page 1 of the New York Times of this morning: "Bush Names Choice to Succeed Chief of Savings Rescue." A subhead, Mr. President, states "Seidman Given a Nudge."

Mr. President, for some time now, for several weeks, it has been rumored that the Bush administration is attempting to remove Mr. Seidman, who is the Chairman of the FDIC, also Chairman of the RTC, which is part of the regulatory bodies that were created last year to supervise the S&L bailout.

Let me, if I might, quote the article this morning, and I quote from the New York Times. It says:

> Administration officials have said that the White House would like Mr. Seidman, whose term expires next year, to leave.
>
> Despite Mr. Bush's disclaimer, his remarks today amounted to a firm shove to encourage Mr. Seidman to step down. But it was a shove that gave Mr. Seidman at least the face-saving appearance of taking the initiative to leave. Pressure from White House officials has increased steadily since Mr. Bush and Mr. Seidman met personally about two weeks ago.

Mr. President, this is the critical point; this is the critical paragraph in this particular article.

> Mr. Seidman has rankled the White House, administration officials say, by pursuing his own agenda on Capitol Hill and criticizing the Government's performance in handling the savings and loan crisis.

Mr. President, also earlier this week the New York Times had what I thought was a very splendid editorial—I think this editorial was in the Times on Wednesday. Let me quote, Mr. President, from this editorial:

> The savings and loan bailout is already a mess. Why does the Bush administration seem so determined to make the cleanup even slower? Now it is not so subtly nudging out the man who is managing the bailout.

This was in reference, Mr. President, to Mr. Seidman. The editorial goes on:

> F.B.I. Director William Sessions testified that though his agents had found pervasive fraud, that paper trail was so difficult to verify that it would take years to catch the thieves. Last year's S&L bailout legislation authorized $75 million a year for additional agents and Justice Department attorneys for three years. More than 200 have been added, but still more will be needed. Yet the Administration only sought $49 million of new enforcement funds for the first year and contends that $50 million will do for the second.

Earlier this week I know the distinguished occupant of the chair will remember a debate relative to an amendment offered by the distinguished Senator from Colorado, Senator WIRTH, when he rose on the floor of

the U.S. Senate, after having discovered in the Panamanian foreign aid bill a $30 million fund for "Panamanian tourism."

Senator WIRTH, in his wisdom, introduced an amendment to take that $30 million from the Panamanian tourism fund to give to the Government of the United States to help in expediting the prosecution of these people who have literally robbed the savings and loans of this country.

It is sad to say, Mr. President, that the amendment by the distinguished Senator from Colorado did not receive sufficient votes. I assume, therefore, that $30 million is now going to Panama for a tourism fund, and that our country, our Government, is $30 million less well off because we do not have the funds nor the mechanism, but most importantly the desire and the commitment to prosecute these people who have pillaged the savings and loans of this country.

Mr. President, I met on Tuesday morning in my office with about 11 savings and loan executives from my State. Perhaps the distinguished occupant of the chair met with the S&L people as they have been here for their national meeting. This may have been, by the way, their last national meeting. They may not have any more national meetings because there is nothing to meet about.

These people who were in my office, Mr. President, were not the large multibillion dollar financial institutions that have been pillaged, that have been robbed. These were small S&L's from a small rural State who have done nothing except to do what the S&L's were originally chartered to do over five decades ago—to make home loans. One of these small S&L operators told me that in the 53-year existence of his institution in a small rural area of northeast Arkansas virtually the only type of loan he has made is home loans. Community minded, public spirited individuals who today have been castigated because they operate savings and loan chartered to make home loans. They have lived by the rules.

They have lived by the charter, and today they are being wiped out. Another individual in the office that morning, from a small S&L, told me that in 1989 the special assessments, the premiums and the examination costs of this little S&L amounted to $126,000.

Mr. President, that is a lot of money for a small S&L. However, in 1990 they will be sent a bill by the U.S. Government for examination costs, premiums and special assessments, no longer for $126,000, but for $420,000.

Mr. President, these fees have almost consumed the profit of this savings and loan that is doing nothing except making home loans today. What do we have going on in Washington at the same time? We have a bureaucratic morass that has paralyzed, absolutely paralyzed the reason and the justification for these savings and loans to exist in the first place.

These savings and loan presidents and officers told me in my office that they have given up; they cannot get answers; they cannot get responses; they do not know whether it is the OTS or the RTC or FDIC, or who it is they are to answer to. One of the savings and loan presidents in this company, who has been there for almost 60 years, testified that he had gone into a participation agreement with three Texas S&L's, all of which are under RTC control—his is solvent—and they were trying to dispose of an asset which was owned equally by the four institutions. They found a buyer. They could have made a profit of $300,000. They could have taken that asset off the books; the Government would not be liable, and people would start being made whole again.

Did this S&L get the green light? Did these S&L's get the green light to dispose of this particular asset? The answer is no. For 6 months they have been trying to get an answer from the bureaucracy on whether or not they could make this sale to a qualified purchaser. There is no response. There is no answer.

Only last month, Mr. President, we had a debate on the floor of this Senate about the nomination of Tim Ryan. Mr. Ryan is a good individual, but he was not qualified to take over the job of Director of the Office of Thrift Supervision. OTS, as the Chair will remember, was the agency, that part of this bureaucratic morass that is now operating, or not operating, that was chaired by Danny Wall. Danny Wall resigned on December 4.

We debated the nomination of his successor in April. For 4 months this critical position went unfilled. There was no one running the shop. There was no one in control. There was no one to make a decision. There was no one to give an answer. There was no one to supervise. There was no one to regulate. And today we see that in the next 2 to 3 months it is estimated that the taxpayers of this country, who will be bearing the responsibility, will ultimately be asked to pay approximately $1 billion each day to begin the clean-up of the S&L mess.

Mr. President, let me ask if we all might go back once again to the Wirth amendment. Who opposed the Wirth amendment? Who defeated the Wirth amendment? Who said, let us not take $30 million from tourism in Panama and give it where we can impose some enforcement and hire some prosecutors and begin pursuing some of these crooks? Who defeated that amendment?

Mr. President, George Bush defeated that amendment. The President of the United States defeated that amendment. The President of the United States started calling people and said, "We cannot have this amendment." I want to know why. I want to know why there are not prosecutions going on. I want to know why Bill Seidman, who is known as one of the finest banking regulators in this country, has been nudged out of this position. I want to know why Bill Seidman, when he disagreed with the White House and basically said this thing is not going right, why the White House said we are going to find a successor for you, Bill. You step aside and we will make it as palatable as possible.

Mr. President, we are seeing the departure of one of the great public servants of this country in Bill Seidman. This country owes him a debt of gratitute. I only hope that someday, when he has been freed from the shackles of a White House that has censored him and has stopped him from doing what he knows must be done, he can come before a committee of the U.S. Senate, and I hope that he will have the courage and the commitment to tell the individual Senators the true story of what actually has been going on since the bailout bill was signed into law by the President of the United States in the Rose Garden.

It is estimated that there are 20,000 individuals out in our country today who have robbed and looted these S&L's, who today are walking free, who are driving Jaguars and Mercedes and living in mansions.

Mr. President, what are we doing? We are turning the other way. We are nudging out people like Bill Seidman, who has the courage to speak his mind, and we are replacing many of these individuals with fine people, yes, but people who do not have the expertise, who do not have the knowledge, and my fear, who do not have the commitment to do what we need to do.

Mr. President, I think President Bush owes this country an explanation as to what is going on, why Bill Seidman is being nudged out, and exactly what his agenda is for dealing with the largest bailout and one of the greatest fiascos in American history.

It was only 90 days ago or so, Mr. President, that Dan Kearney, who had been brought in from Boston to serve as president of the RTC, stepped down from that job. It shocked everyone. He had just gone into the position.

What reasons did he give? He said, one, he was not given a free hand. Two, he could not fill vacant positions. Three, he could get no direction whatever from the Department of the Treasury or the President of the United States as to which way he should proceed.

Mr. President, if we think this debacle has been bad, it is going to get

worse. It is going to get worse, and all I can say is that I believe—and I call upon the President of the United States—that the President must come forward and explain exactly what has been going on, and tell us what to expect.

I think Mr. Darman ought to go before the committees, and I think he needs to answer this question: Mr. Darman, when you bring up our next bill in the billions and billions of dollars for further bailouts, are you going to ask that this be off budget or on budget? He seems to think that these dollars are not real dollars, that this is "funny money."

Mr. President, there are a lot of questions. The credibility is eroding by the hour. Inasmuch as I have quoted on two occasions, Mr. President, the New York Times, let me give equal treatment to the Washington Post. Let me say that tomorrow there should be a classified ad in the Washington Post, and in that ad it should read something like this:

Chief executive officer wanted for largest Government bailout in U.S. history. Over $200 billion at your disposal. Experience is a plus, but political obedience a must. It will matter not whether you win or lose but how you place the blame.

Mr. President, I ask unanimous consent to have two articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 4, 1990]

WHY SO SLOW ON S&L THIEVES?

The savings and loan bailout is already a mess. Why does the Bush Administration seem so determined to make the cleanup even slower? Now it is not so subtly nudging out the man who is managing the bailout. That comes hard on the heels of Congressional hearings showing Administration stinginess in prosecuting S & L thieves.

An argument can at least be made for retiring William Seidman, chairman of the Federal Deposit Insurance Corporation and of the Resolution Trust Corporation. He's a holder appointee who has said he intends to leave before his term expires next year. But there's no excuse for the insufficient prosecutorial effort.

S & L officers and owners who bled their institutions bankrupt are proving hard to catch. Most of the plunder has been squandered on bad investments and high living. That's the frustrating message from the latest of the House Banking Committee's useful hearings on the scandal.

F.B.I. Director William Sessions testified that though his agents had found "pervasive" fraud, the paper trail was so difficult to verify that it would take years to catch the thieves. Last year's S & L bailout legislation authorized $75 million a year for additional agents and Justice Department attorneys for three years. More than 200 have been added, but still more will be needed. Yet the Administration only sought $49 million of new enforcement funds for the first year and contends that $50 million will do for the second.

Fraud alone did not bring on the crisis, and could not have flourished without lax Federal regulation. Even so, the fraud was widespread and huge. Public anger at paying taxes to bail out thievery is fully justified. Moreover, unpunished fraud undermines confidence in financial institutions.

Henry Gonzales, the Texas Democrat who heads the House committee, has built a valuable record of what went wrong. The most electrifying hearings, on the Lincoln Savings and Loan case in California, spotlighted the Senate's "Keating Five," who took large campaign contributions from Lincoln's chairman, Charles Keating.

Two of the five are the Senate Banking Committee's chairman, Donald Riegle of Michigan, and its ranking Democrat, Alan Cranston of California. That may help explain why the committee hasn't picked up Mr. Gonzalez's lead. All five are under investigation by the Senate Ethics Committee.

The thrift industry's troubles turned into the biggest financial crisis in history while Congress—and the Reagan Administration—looked the other way. To keep looking away is to endorse fraud.

[From the New York Times, May 3, 1990]

BUSH NAMES CHOICE TO SUCCEED CHIEF OF SAVINGS RESCUE—SEIDMAN GIVEN A NUDGE

(By Nathaniel C. Nash)

WASHINGTON, May 3.—President Bush said today that he wanted William Taylor, the Federal Reserve Board's top banking regulator, to succeed L. William Seidman as head of the Government's savings and loan bailout when Mr. Seidman steps down.

At the same time, trying to limit damage to the bailout caused by the Administration's effort to push Mr. Seidman out, the President praised Mr. Seidman's work as chairman of the Federal Deposit Insurance Corporation and the Resolution Trust Corporation, and made a point of noting that Mr. Seidman himself had first raised the question of his leaving.

"I haven't told you I'm anxious to see Bill Seidman leave," Mr. Bush said at a news conference. "I think Seidman has conducted himself with extraordinary grace and great ability."

TERM EXPIRES IN 1991

Mr. Bush said that Mr. Seidman had come to him "a while back" and "said he was not going to fulfill his term." Administration officials have said that the White House would like Mr. Seidman, whose term expires next year, to leave.

Despite Mr. Bush's disclaimer, his remarks today amounted to a firm shove to encourage Mr. Seidman to step down. But it was a shove that gave Mr. Seidman at least the face-saving appearance of taking the initiative to leave. Pressure from White House officials has increased steadily since Mr. Bush and Mr. Seidman met personally about two weeks ago.

TAKING AN INDEPENDENT COURSE

Mr. Seidman has rankled the White House, Administration officials say, by pursuing his own agenda on Capitol Hill and criticizing the Government's performance in handling the savings and loan crisis.

The Administration's effort to push Mr. Seidman out has drawn criticism from Democrats in Congress, who want to make the Bush Administration's handling of the bailout and its cost to the public a major election issue.

Some bankers and industry analysts have expressed concern about the effort to get Mr. Seidman to resign, warning that it could undermine the confidence of the public and investors in the bailout program, driving the cost to the taxpayer even higher. The bailout cost has been estimated at as much as $500 billion over the next three decades.

Mr. Bush said that Mr. Seidman had telephoned him this morning and had suggested that Mr. Taylor would be the best candidate to succeed him. Mr. Taylor is currently on loan from the Federal Reserve to serve as chief executive of the oversight board of the Resolution Trust Corporation.

Industry officials welcomed Mr. Bush's nod to Mr. Taylor. "He's absolutely first rate, a very strong regulator," said Kenneth A. Gunther, executive vice president of the Independent Bankers Association, a Washington-based trade group.

Members of Congress are likely to accept a Taylor nomination. "Seidman's departure will not be well received by Congress, but Taylor's appointment will be supported," said Representative Jim Leach, Republican of Iowa. "But you will have a shift from a spritely personality to a plaid one."

COMPARISON TO A WALTZ

Mr. Leach said he thought the day's events were an odd way for the President to indicate his choice of Mr. Taylor to replace Mr. Seidman. "Seidman annointed his own successor, Bush said nice things about him, but Seidman didn't resign and Bush didn't announce a definitive change," Mr. Leach said. "It's a kind of two waltz to a four-step beat."

Mr. Taylor has been praised for his work as head of bank regulation and supervision at the Federal Reserve, his initial work on forming the oversight board last fall after President Bush signed the bailout legislation into law, and then for taking over as acting chief executive of the board when Daniel P. Kearney abruptly left, in February. Mr. Kearney said privately then that the Treasury was constantly meddling in his work.

Mr. Taylor has forged a strong working relationship with the Treasury—Secretary Nicholas F. Brady is chairman of the oversight board—and with Mr. Seidman and top officials at Resolution Trust. In a sense he is performing a delicate bureaucratic dance, because during the earliest months of the bailout the Treasury and Resolution Trust were often at odds, a situation that slowed the bailout considerably.

FEARS THAT OTHERS WILL LEAVE

Industry experts and members of Congress have been concerned that an untimely departure by Mr. Seidman would cause crucial personnel he appointed to leave the trust corporation, which manages the day-to-day aspects of the bailout. A Taylor appointment, which would be seen more as based on its merits than as a political move, would be less likely to leave the agency crippled at the top, they said.

Today's comments by the President came after two days of intense speculation about the fate of Mr. Seidman, who is considered by many industry experts and members of Congress one of the most capable and independent banking regulators.

Mr. Bush cannot require Mr. Seidman to resign. The bailout law signed last summer designates him, as chairman of the F.D.I.C., as an independent regulator. The President's comments of support and his implication that he was not going to ask for an immediate departure seemed in a different tenor from recent comments by senior Administration officials, who have been saying the Administration would like to be rid of

Mr. Seidman and have its own appointee in place.

The President indicated that Mr. Seidman would remain in the post at least through the end of June.

"We have a significant project that he is in the middle of handling," Mr. Bush said. "We call it the June 30th project, to get a lot more done with a lot of these savings and loans in a short period of time. And he's agreed to enthusiastically tackle that."

Mr. Seidman recently announced an ambitious plan to liquidate or sell off 141 insolvent savings and loan associations by the end of June at an initial cost to the Government of $57 billion. If successful, it would be the first clear sign that the Bush bailout plan has a chance for success.

In a telephone interview, Mr. Seidman said, "The President has asked me to pitch in and get this project done, and that is what I'll do."

Mr. Bush said he was "very high" on Mr. Taylor to take over Mr. Seidman's responsibilities when he leaves. It is likely that once Mr. Seidman gives the signal that he is ready to depart, Mr. Taylor will quickly be nominated.

An assistant to Mr. Taylor said that Mr. Taylor would not comment on the President's remarks today.

It is considered unlikely that Mr. Taylor would turn down the job of directing the overall bailout.

Mr. PRYOR. Mr. President, I yield the floor.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

NEW CONCERNS ABOUT JAPANESE PLUTONIUM PACT

Mr. GLENN. Mr. President, two years ago—almost to the month—the Senate rejected an effort to disapprove a new nuclear cooperation agreement with Japan. Under that agreement, which will be in effect until 2018, the United States will stop performing case-by-case reviews of what Japan does with the weapon-usuable nuclear material produced in the uranium we sell to Japan. As a result of this agreement, Congress and the American people will no longer have the opportunity to read of such activities in the Federal Register.

I opposed that agreement, along with 29 of my Senate colleagues; serious criticisms were also heard from the Nuclear Regulatory Commission, the Department of Defense, the General Accounting Office, most of the members of the Senate Foreign Relations and House Foreign Affairs Committees, and a variety of public interest and environmental groups. The current Vice President of the United States was among the 29 who finally voted against it on March 21, 1988.

That is a very formidable lineup of people who questioned what was being done in this agreement.

I wish to speak today, however, not about the specific terms of this 30-year nuclear accord. The reasons for strong bipartisan opposition to that agreement both on and off the Hill had nothing to do with Japan, but a lot to do with standards governing foreign uses of plutonium produced for United States origin fuel or in United States supplied nuclear reactors. These arguments have already been throughly stated in the RECORD; and many if not most of those reasons continue to be valid. [CONGRESSIONAL RECORD, September 16, 1988, S12763-S12768; March 21, 1988, S2625-S2677; March 3, 1988, S1919; February 4, 1988, S625-S627; and February 2, 1988, S452-S458].

A FLAWED PROCESS OF CONSULTATION AND REVIEW

I rise today, however, not to discuss the substance of that ill-advised agreement, but a new problem that has just come to light concerning the process by which it was negotiated and approved. It is a flawed process of consultation and review.

Successful policies aimed both at nuclear nonproliferation and nuclear cooperation depend heavily upon the level of mutual respect and confidence that exists between the Congress and the executive branch, and upon a healthy recognition that sound policies rely heavily on contributions from diverse Federal agencies that do not always share the same point of view on all issues. These avenues of Federal and interagency conflict are part of our system of government. Such forms of conflict serve to guarantee a full testing of policies both before they are prepared and throughout their implementation. The Soviet Union and nations in Eastern Europe have witnessed the positive value from such democratic processes and are now in the process of copying them because they produce better results.

The process by which the Japan nuclear agrement was negotiated and approved, however, stands as a shining model of what should be avoided. Not only did the Reagan administration fail to consult regularly with Congress during the long period of secret negotiations which led to the agreement; by the time these negotiations were finalized, both the NRC and Defense Department were complaining about having been excluded from the process of reviewing this agreement—some of the very places in government that it should be considered in-depth. Clearly, there was something profoundly wrong with the process by which this agreement was negotiated and approved.

I remember once asking former Assistant Secretary of Defense Richard Perle at a Goverment Affairs Committee hearing on March 5, 1989, to describe the role of the Defense Department in reviewing that agreement. He answered accordingly:

> We crashed the party, Senator, on a number of occasions. * * * We invited ourselves to meetings. We made a general nuisance of ourselves in memoranda and other ways, and ultimately I believe we were successful in obtaining an arrangement.

The Chairman of the Nuclear Regulatory Commission, Lando Zech, similarly wrote to Ambassador Richard Kennedy at the State Department on July 27, 1987, that "The Commission is concerned about its exclusion from essentially all aspects of the negotiations on this agreement." I might add the full text of this letter can be found in the RECORD, February 2, 1988, p. S457.

Evidently not everybody had such problems gaining access to information about the status of the negotiations surrounding this agreement. According to a recent article in the Wall Street Journal, a firm with substantial ties to Japanese nuclear companies evidently participated closely in the governmental processes of preparing, reviewing, and approving this agreement. The company, identified as International Energy Associates Ltd., [IEAL]—now owned by ERC International, was reportedly advising the Department of Energy on political, security, and environmental aspects of the new United States-Japan Nuclear Agreement of Cooperation. For all we know, the firm may now also be helping to implement that agreement.

Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks today the text of an article by John Fialka entitled, "Consultant Doubled as Adviser to Japanese Firms And to the U.S., Playing Its Dual Roles with Ease," March 27, 1990, p. A22 of the Wall Street Journal.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GLENN. The article specifically claims that this firm was analyzing secret portions of the draft nuclear agreement, writing answers to congressional objections to the agreement—including many of my own, no doubt—preparing briefing papers for the incoming Bush administration on the agreement, and even writing the Department of Energy's user's manual for the agreement—all of these activities, while also consulting for a group of Japanese nuclear utilities.

ILLUSTRATION OF POLITICAL CONSULTING

Since publication of this article, my committee staff has unearthed a political assessment prepared by this firm for its corporate clients in Japan on

December 2, 1986, addressing the effects of the 1986 congressional elections on future legislative politics in the field of nuclear nonproliferation. Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks today the full text of this document.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GLENN. I am revealing this document today so that members of the public can make up their own minds about the propriety of the curious triangular relationship that has evidently existed—and may continue to exist—between various offices of the executive branch, IEAL, and a group of nuclear companies in Japan.

The document offers some interesting insights into the legislative process, I must say, especially with respect to nuclear nonproliferation issues. Here is what the report had to say about Senator CRANSTON and myself:

Senators Glenn and Cranston, the two senators most active on nonproliferation matters * * * can be expected to take very cool positions towards reprocessing, plutonium use and long-term approvals of such activities, among other nuclear issues, and both can sway votes. * * * Because each member can specialize in only a few issues, he/she often turns to perceived "experts" on other issues for guidance in voting; Glenn and Cranston enjoy the status of being regarded as experts * * *. Senator Glenn, of course, has made nonproliferation, IAEA safeguards, etc. some of his pet topics with the active assistance of his staff adviser Leonard Weiss. He also has expressed reservations—albeit in a much milder form [than Cranston]—to long-term programmatic approvals [for plutonium use]. As we shall note shortly we expect his influence to be increased as well in the new Senate.

The study then turned to a searching review of likely sources of opposition to the new nuclear agreement; the memo reads like a war plan, complete with a roster of potential enemies and allies:

While an agreement for cooperation would not be referred to his Committee. . . . Glenn could use his [own] committee's oversight of interagency procedures, etc., to monitor, for example whether the Pentagon (which has been "hardline" on plutonium related issues) really is able to influence policy in directions Glenn favors. As is well known, Senator Glenn's staff aide for nonproliferation, Len Weiss, (to whom we already have referred) is a long-standing hard-liner, will become Glenn's Committee staff director and has indicated that Glenn will give nonproliferation high priority next year. Weiss is almost chronically critical of the nonproliferation policy of the Executive Branch and we would expect him to remain in this mode.

The other House hard-liners, such as Cong. Wolpe, and Markey, are coming back. Cong. Gephardt will join them. Gephardt has gone on record as strongly opposed to greater plutonium use and he made a particularly strong speech to this effect at Paul Leventhal's symposium on Nuclear Terrorism that was held in Washington last year.

The report then cautioned that:

The Administration may have to spend a great deal of political capital to achieve its objectives in this area [Japan agreement, PRC nuclear agreement, and Pakistan aid renewal], and even more to avoid the imposition of any additional legislative constraints in the nonproliferation area. This would be difficult enough in a divided Congress; it will be even more so in a Democrat-controlled legislative branch.

Later, the focus shifted back to a more detailed search for sources of likely legislative and interagency opposition to the Japanese nuclear agreement:

At this juncture we anticipate that the nonproliferation/anti-nuclear hard-liners will again try to grab the initiative and that behind the scenes they will be reinforced in their efforts by anti-State Department elements in the Pentagon. . . . It is quite possible that the nonproliferation office at the Pentagon, given its anti-reprocessing, anti-plutonium views, may confront the other Executive Branch agencies and object to the programmatic approval provision as well as the physical protection aspects of the Agreement. . . . If DOD is unsuccessful at this level, the DoD staffers may well turn to their Congressional allies behind the scenes for support. If the balance of the Executive Branch supports the Agreement with Japan as it most certainly will, this will raise the issue of whether the White House working with State Department will be able to successfully discipline the Pentagon to avoid subverting the Administration's policy.

The Nuclear Regulatory Commission was not spared in this assessment:

As we have noted in other reports, the NRC has often been insatiable in its requests for information regarding the adequacy of safeguards applied to sensitive materials and activities. * * * While the NRC is going through a reorganization, we have no reason to believe this will serve to moderate its lust to ask more questions than the executive branch is prepared or able to answer.

Mr. President, I would like to remind my colleagues that the paragraphs above were written by a firm that was simultaneously working for both the U.S. Federal Government and the Japanese nuclear interests.

In December 1987, I testified before the Foreign Relations Committee and called the Japan nuclear agreement perhaps the most significant nuclear cooperation agreement in history. I made that statement because of provisions substantially relaxing standards, not tightening them, relaxing standards covering the use of tons of plutonium under that agreement. Not a few pounds, not a research reactor output, but tons of plutonium.

Now we are hearing that foreign and domestic commercial interests may have had a hand not only in negotiating the agreement but in selling it on Capitol Hill with tactics that included at least one direct approach to a House committee and now realize that my words back in 1987 may turn out to be something of an understatement.

When the United States enters into agreements with other nations covering future uses of U.S.-origin bomb-grade nuclear materials, the American people have a right to expect that such agreements will be concluded to serve the national security interests of the United States, not the corporate interests of business enterprises, both at home and abroad, that stand to benefit from such agreements.

In light of these recent revelations, Congress will clearly have to take a much closer look, not just at this particular agreement, but at the whole process by which such agreements are negotiated and presented to Congress for review.

My colleague, Senator PRYOR, who chairs the Governmental Affairs Subcommittee on Federal Services, has already identified a wide variety of conflict of interest problems involving Government contractors.

In a report by his subcommittee issued last November, the following conclusions were reached about the Energy Department's use of private contractors:

DOE relies on a private workforce to perform virtually all basic government functions. It relies on contractors in the preparation of its most important plans and policies, the development of budgets and budget documents, and the drafting of reports to Congress and Congressional testimony. It relies on contractors to monitor arms control negotiations, help prepare decisions on the export of nuclear technology, and conduct hearings and initial appeals in challenges to security clearance disputes. In addition, a contractor workforce is relied on by the Inspector General.

In chilling words, the report observed: "As Federal officials come and go, often to leave for more rewarding work in contractor organizations, DOE's official memory is fast becoming, and may already be, a corporate memory."

For a full text of this report, see the U.S. Senate, Committee on Governmental Affairs, Subcommittee on Federal Services, Post Office, and Civil Service hearing on "Use of Consultants and Contractors by the Environmental Protection Agency and the Department of Energy," 101st Congress, first session, November 6, 1989.

Mr. President, the Japan agreement provides yet another example of how some essential Government services are evidently being delegated by the agencies to the private sector, in this case, to a firm with foreign clients having significant economic interests at stake and specific policy outcomes.

We all have heard or talked about Japan, Inc. around here. It seems we may well be on our way to a USA, Inc. When the business is plutonium, this is all the more disturbing and unacceptable.

Mr. President, the allegations in this article call for a closer examination of this firm's activities concerning the Japan nuclear agreement. I have

asked my staff on the Governmental Affairs Committee to investigate these recent claims and to report their findings and recommendations to me as soon as possible.

I will ask the Department of Energy what steps it has taken to detect and prevent such potential conflicts of interest and to explain why these steps evidently did not work in this particular instance.

In subsequent weeks, I plan to address in statements on this floor other aspects of this nuclear agreement and, in particular, the arrangements that are contemplated for transporting plutonium from Europe back to Japan. I will also provide any further details that may become available without the possible conflict of interest in this particular agreement.

Finally, I look forward to working closely with Senator PRYOR and his staff to improve Congress' ability to oversee all Government contracting to ensure against such conflicts of interest in the future.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, Mar. 27, 1990]

CONSULTANT DOUBLED AS ADVISER TO JAPANESE FIRMS AND TO THE UNITED STATES, PLAYING ITS DUAL ROLES WITH EASE

(By John J. Fialka)

WASHINGTON.—In the waning summer heat of August 1987, the U.S. Department of Energy grappled with a hot political question: What would happen if a Japan-bound plane full of plutonium crashed in Alaska?

President Reagan needed an environmental assessment quickly, and the job went to International Energy Associates Ltd., or IEAL, a Fairfax, Va., consulting firm. But before the U.S. government made its decision on the environmental problem, a group of Japanese utility executives knew how it would come out.

How did the Japanese get the jump? Simple: They, too, had hired IEAL to provide confidential reports on a pending U.S.-Japan agreement worth billions to Japanese utilities using nuclear fuel, which was under attack in Congress. In a report to the Japanese stamped "Proprietary," IEAL predicted—accurately, as it turned out—that the U.S. government would not find major environmental hazards.

As global economic relations grow closer, the consultants that help shape U.S. policy are in greater demand than ever. A stack of proprietary reports for IEAL's clients, obtained by The Wall Street Journal, show how easily such consulting firms can play both sides of an issue.

Asked to examine the reports, Sen. David Pryor (D., Ark.), whose Senate Government Affairs subcommittee has been probing the federal government's growing reliance on outside consultants, called IEAL's duel roles a "brazen conflict" and a "a classic example of working both sides of the street."

The company says it has done what is required of it. IEAL, which has since changed its name to Environmental & Energy Services Co., or ERC, maintains it has fully complied with federal law, which requires contractors to divulge potential conflicts.

Although it isn't mentioned in the public record of players in the fight over the U.S. agreement to give Japan a blanket 30-year approval to use U.S.-safeguarded nuclear fuel, IEAL left its cleat marks all over the field. Starting in September 1986, it was hired by DOE to analyze secret portions of the agreement, to write answers to objections from critics in Congress and to prepare briefing papers on the issues for the incoming Bush administration. It even wrote the DOE "users manual" for the agreement after it was approved by Congress in 1988.

Throughout the whole process, IEAL worked under a separate contract to keep the prime beneficiaries of the deal—the Japanese utility executives—ahead of the game.

The consulting firm's undisclosed two-hatted role, Sen. Pryor says, may have "tainted" Congress's whole understanding of the agreement with Japan. In a letter to President Bush last week, the senator said "the question is the integrity of one of our most basic governmental processes, the duties of the executive and legislative branches in regards to debating and approving international agreements."

"I was unaware of it," says Peter Brush, an acting assistant secretary at DOE who promoted the IEAL contract, referring to IEAL's regular newsletter reports to Japan. "Had I known about this newsletter, I probably would have taken it down to our procurement people." DOE'S procurement office has told Sen. Pryor that the IEAL contract is one of a number under investigation, where the agency "had not been diligent" in looking for conflicts of interest.

In reply, company Vice President Harold D. Bengelsdorf says: "They [DOE] knew we were writing newsletters and I think they knew we were working for the utilities." Mr. Bengelsdorf says his office worked on both the DOE accounts and the confidential reports. During an interview, Mr. Bengelsdorf, a former State Department official, repeatedly asserted that IEAL didn't help shape the U.S. policy, but merely provided "technological input."

IEAL's own documents, however, present a much less modest view of its activities. One newsletter tells how Mr. Bengelsdorf and another IEAL contributor to the newsletter, Charles Van Doren, made a "direct approach" to a House committee staff member in an attempt to head off a General Accounting Office report that questioned the legality of the Japanese plutonium deal.

In a letter to DOE requesting an additional profit margin for its $178,000 of consulting work, IEAL argued that it had worked on the "most sensitive and controversial aspects of the agreement." DOE turned down the request.

Plutonium is a silvery-gray metal that is created from uranium atoms as they are fissioned or "split" in nuclear reactors. It must be carefully safeguarded because it is used in nuclear weapons. It can also be used as a substitute for the uranium fuel that is used in nuclear power plants, and Japanese utilities have invested billions of yen in plans to recycle the plutonium created in their nuclear reactors.

Their problem is that U.S. safeguards still apply to much of their plutonium because it was created from uranium purchased from the U.S. During the early 1980s, U.S. permission to use the plutonium came only after a slow, case-by-case process. The Japanese wanted something faster. Tons of spent uranium fuel from Japan were stacking up in France, which has a plant that separates the plutonium from nuclear waste.

The U.S. State Department proposed that Japan be allowed regular flights of plutonium from France to Japan, using a polar route over Alaska. The Defense Department and environmental groups sharply disagreed, questioning the legality and the safety of extending blanket authority to the Japanese to move the plutonium.

For the Japanese most concerned, the utilities executives, the narrator of this complex dispute was IEAL, which also sent separate reports to Japan's Power Reactor and Nuclear Fuel Development Corp., a quasi-governmental agency that is preparing Japan's own plutonium-separation facilities.

In their reports, IEAL took aim at foes of the pending deal. "Anti-plutonium hardliners" ranged from the current majority leader of the House, Rep. Richard Gephardt (D., Mo.), to Gerald G. Oplinger, then head of the Pentagon unit studying the U.S.-Japan agreement.

And there are unidentified "responsible administration officials" who gave IEAL advance tips on U.S. policy, nearly all of which turned out to be correct. While there is much well-informed discussion about secret documents in the reports. Mr. Oplinger, who has studied them, says he doubts whether it can be proven that IEAL broke any secrecy laws. A lot of information about the plutonium fight had been leaked elsewhere, he notes.

Still, he believes IEAL's activities were "highly improper." "In effect they were being paid to eavesdrop on internal workings and then to report them to a third party," says Mr. Oplinger, who has since retired from government.

There is much fulmination in the IEAL reports against Paul Leventhal, the head of the private Nuclear Control Institute in Washington, who raised the environmental objections against the plutonium agreement. Mr. Leventhal says the most disturbing apsect to him is that IEAL appears to have been shaping U.S. policy documents and strategy without registering as a foreign agent or as lobbyists. "Imagine," he says, "how the Japanese government would react if American interests sought to do the same thing in Japan."

Asked about this, Mr. Bengelsdorf says his firm received legal advice that it didn't have to register, either as a lobbyist or as a foreign agent. It provided its expertise as a "resource" for the federal government and gave advice to the Japanese, he says, without trading on inside information gained through the DOE contracts.

"It's something of a bum rap to be tagged with some kind of demonic image that we're kind of in there permeating and promoting," asserts Mr. Bengelsdorf. He says he believes that, overall, IEAL's expertise "served the public interest."

EXHIBIT 2

CONGRESSIONAL ELECTION RESULTS

As has been widely reported, the most important outcome of the U.S. 1986 general election was the Democrats assumption of control of the Senate. The Democrats recaptured control of the Senate with a 55-45 margin as compared to the 99th Congress when the Republicans controlled the Senate by a 53-47 margin. In the House, although the Democratic gains were minimal, the Democrats retained solid control with a 258 to 175 margin compared to the 1985 Democratic margin of 253 to 180. As a consequence, President Reagan will no longer be

able to count on the support of the Senate to hold the House in check. This result could have important implications for the Reagan administration's ability to implement its nonproliferation policy. More recently, the furor in Washington over the covert links of the Reagan administration with Iran and the "resignations" and scandals that have since ensued are likely to further cloud and poison the relationships between Congress and the Executive Branch to the detriment of cooperation in several foreign policy areas—including nonproliferation.

The next several months will likely see some Congressional debate over a number of nuclear nonproliferation policy issues. First and foremost among these will be the proposed new U.S.-Japan Agreement for Cooperation which hopefully will reach Congress in late January or February. The overall complexity of this Agreement, including the provisions calling for long-term U.S. programmatic approvals for return of separated plutonium to Japan from France and the UK and for reprocessing (and as a consequence, plutonium use in Japan) can be expected to spark a Congressional debate of considerable magnitude. Some specific observations on the likely Congressional reaction are discussed later in this report.

Another prominent issue will be the implementation of the U.S.-China Agreement for Cooperation. The Administration plans to submit for Congressional review the administrative arrangements for implementing Article 8 of the U.S.-China Agreement, which relates to measures to provide assurance of peaceful use of U.S.-origin materials, equipment, and technology exported to China.

As may be recalled, a number of Democratic Senators found the Agreement with PNC itself objectionable because it lacked a requirement that IAEA safeguards be applied to the activities in the PRC that would be assisted pursuant to the Agreement. (As matters had evolved, the PRC had accepted such a condition in bilateral agreements, with some other supplier countries but not with the U.S.) It is quite possible therefore, that these past opponents of the Agreement will challenge as unsatisfactory whatever formulation the Administration now submits relating to the administrative arrangements.

Another controversial item on the congressional agenda will be the need to renew for another six years the waiver for Pakistan of Section 669 of the Foreign Assistance Act, which otherwise would prohibit U.S. security assistance to Pakistan because that country imported uranium enrichment technology outside of safeguards. Since this waiver must be renewed by September 30, 1987, it too will be an early test of the Congressional reaction to Administration's foreign policy positions in the nonproliferation area.

In addition to these three major issues, there are a number of separate issues that could also cause friction between Congress and the Executive Branch. These include:

Possible further legislative proposals growing out of the responses by the Department of Defense and other Agencies with respect to the adequacy of physical protection of separated plutonium and HEU and the role of DOD with respect to decisions relating thereto;

Implementation of the South Africa uranium import embargo;

Issues related to the export of U.S. nuclear technologies including those related to "sensitive nuclear technology" and the implementation of the amended 10 CFR Part 810 regulations which should be issued shortly;

Further retransfers of U.S.-origin plutonium separated at La Hague back to Switzerland for use in a recycle demonstration program;

The sufficiency of IAEA safeguards.

It seems likely that the after effects of Chernobyl as it affects perceptions of nuclear safety also will be the subject of further hearings, but we would not expect the safety area to be as adversarial between Congress and the Executive Branch as issues in the field of nonproliferation.

Changes in the composition of Congress resulting from the election are likely to affect (1) the relative vigor of Congressional oversight of these and possible other nuclear export policy issues, and (2) the prospects for new legislative initiatives relating to nonproliferation. The disarray in Washington as a result of the "Iranian connection" most likely will materially add to the Congressional mistrust of the Administration and this too could add to the intensity of the debate over nonproliferation issues. On the other hand, moderates in the Congress will be anxious to do what they can to help heal the wounds and embarrassment that the U.S. has suffered over Iran, and this may encourage them to be very selective and cautious as to which issues in the area of foreign affairs they wish to use to force a "showdown" with the Administration.

While it is still too early to speak definitively about reshuffling of Committee assignments and staff members (the Democrats began making their assignments on November 20, the House Democrats on December 8), there is set forth below a preliminary analysis of the potential impact of the election results on members of Congress who have been active on nonproliferation issues, and on the principal committees and subcommittees involved.

A relatively small number of Senators and Representatives (in most cases Democrats) have been primarily responsibile for Congressional activities in recent years relating to nuclear nonproliferation. Thus, the extent to which the November, 1986 elections will have a major impact on Congressional nonproliferation activities will depend largely upon: Which of these activists will remain in the new Congress; what changes take place in the relevant Committees and their leadership; and whether any newly elected members of Congress will choose nonproliferation and civil nuclear cooperation as one of their major interests.

While no predictions on this matter can be made with absolute certainty, the following analysis attempts to describe significant possibilities to watch for.

Senate: Senators Glenn and Cranston, the two senators most active on nonproliferation matters, both stood for re-election in 1986, and both won. Both can be expected to take very cool positions towards reprocessing, plutonium use and long-term approvals of such activities, among other nuclear issues, and both can sway votes. (Because each Member can specialize in only a few issues, he/she often turns to perceived "experts" on other issues for guidance in voting; Glenn and Cranston enjoy the status of being regarded as experts.) Cranston has been particularly hostile to the Reagan Administration and he has been re-elected despite some personal intense efforts on the part of the President himself to unseat him. His special staff assistant for dealing with nonproliferation matters has been Gerry Warburg who is widely viewed within the Executive Branch as an extremely difficult person to deal with on nonproliferation matters. Cranston was one of those Senators who raised objections to the U.S. Agreement with China and he was one of the members in Congress who tried unsuccessfully in the courts to block long-term U.S. approvals of spent fuel retransfers for reprocessing. We can only assume he will present difficulties when the U.S.-Japan Agreement reaches Congress.

Senator Glenn, of course, has made nonproliferation, IAEA safeguards, etc. some of his pet topics with the active assistance of his staff adviser Leonard Weiss. He also has expressed reservations—albeit in a much milder form—to long-term programmatic approvals. As we shall note shortly we expect his influence to be increased as well in the new Senate.

Of the other Senators who have played significant roles on nonproliferation questions, the terms of Senators Proxmire, Lugar, Cochran, Roth, Cohen, Pell and Kennedy, and of Senator McClure (the strongest pro-nuclear Senator) will continue for at least two more years.

Because the November, 1986 elections resulted in a Senate that has a majority of Democratic members, the resulting changes at the Committee level could have considerable impact. The Chairmanship of the Committees and subcommittees in the Senate Foreign Relations and Senate Governmental Affairs Committee will go to a Democrat, and the Republican Senators who would otherwise have been Chairmen thereof will become ranking minority members.

The ratio of Democratic/Republican members on each committee and subcommittee will also be changed to reflect the Democratic majority. It is being predicted that for most Senate Committees, the Democratic/Republican ratio will simply be reversed from the present composition. For example, in the 99th Congress Senate Foreign Relations Committee, Republicans had nine seats while the Democrats had eight, and on the Governmental Affairs Committee, Republicans had seven seats and the Democrats had six. If the prediction holds true and the total number of seats on the Committee remain the same, then the Democrats would have nine seats on the Foreign Relations (Republicans eight) and seven seats on the Governmental Affairs Committee (Republicans six). Committee staffs, likewise, will be shuffled. This obviously means that the Democratic staff members will have more say and greater influence on the priorities and direction of the Committee's activities. (A list of the Senate committees and the vacancies that will need to be filled as a result of the election, and the particular Democratic Senators most likely to assume these chairmanships, if based on seniority is being provided.)

In addition to the changes in Committee chairmanships, party ratios on the committees, committee staff changes, there are some other less obvious changes that will occur in the Senate under Democratic leadership. For example, the Democrats will now be responsible for setting the legislative agenda and dictating which issues take priority particularly as both parties prepare for the 1988 Presidential election. In addition, Democratic Committee chairmen can be expected to exercise increased use of their investigative and oversight powers, and it is quite possible that any Senate con-

firmation proceedings for Administration appointees to senior positions will become more controversial.

In the Senate, there will be eleven new Democratic Senators and two new Republican Senators. Although it cannot be predicted with any certainty whether any of these "freshman" Senators will take an active interest in nonproliferation, it is important to note that the outcome of a few key elections was affected by the candidates' position on nuclear issues.

Within the Senate, Senator Pell will become the Chairman of Senate Foreign Relations (SFRC). Years ago Pell served in the U.S. foreign service and he tends to be moderate in his views. However, Pell is not an energetic leader and likely will not be a strong force in his own right. What may well happen is that the Subcommittee Chairmen could exert considerable power. It also would be significant if the Arms Control Subcommittee is reconstituted (the ongoing Committee Chairman—Senator Lugar—abolished it), as that Subcommittee most likely would have oversight over nonproliferation and Agreements for Cooperation. Senator Cranston, who previously chaired the Subcommittee, might seek that chairmanship again. If the scenario does, in fact, materialize, the significance for the U.S.-Japan Agreement could be significant. In addition, Senator Harkin of Iowa will likely seek one of the additional Committee assignments the Democrats gain by virtue of being the majority party. Harkin is a strong critic of the President's foreign policy, and might well ally with Cranston. These tendencies can now be expected to intensify as a result of the recent Iranian affair.

However, in gauging the impact of the election on the Senate Foreign Relations Committee, it has to be acknowledged that under Senator Lugar the Committee was not especially benign towards the Administration on nonproliferation matters. It also has to be noted that the Committee was not particularly active in the nuclear area. The senior majority staff (all Republicans) were not strong supporters of the Administration policy, nor were they particularly well included towards Ambassador Kennedy, the Administration's lead nonproliferation official, and indeed several worked in favor of tough nonproliferation provisions in the Diplomatic Security Act that was opposed in the Administration. Thus, while things undoubtedly will be significantly tougher under the Democrats, it would be incorrect to assume that had the Republicans retained control the Administration would have had an easy time on nonproliferation.

The second major change in the Senate likely to affect nonproliferation policy is that Senator Glenn will become chairman of the nuclear affairs subcommittee in the Senate Governmental Affairs Committee, as well as Chairman of the overall Committee. This gives him control of a forum for holding hearings on Administration nonproliferation policy. While an agreement for cooperation would not be referred to his Committee, the Senate Foreign Relations Committee and House Foreign Affairs Committee have jurisdiction for such reviews, Glenn could use his committee's oversight of interagency procedures, etc., to monitor, for example, whether the Pentagon (which has been "hardline" on plutonium related issues) really is able to influence policy in directions Glenn favors. As is well known, Senator Glenn's staff aide for nonproliferation, Len Weiss, (to whom we already have referred) is a long-standing hard-liner, will become Glenn's Committee staff director and has indicated that Glenn will give nonproliferation high priority next year. Weiss is almost chronically critical of the nonproliferation policy of the Executive Branch and we would expect him to remain in this mode. There has been speculation that he and Glenn are considering some legislative proposals to further tighten U.S. nonproliferation policies and that this could include formulations directed against the granting of long-term U.S. approvals of reprocessing and retransfers. If such fears materialize, the implications for Japan obviously could be serious. It is still too early to tell what is likely to occur.

While much attention has focused on the changes at the Committee level, one obviously should not overlook the impact of so many more Democrats on votes, such as floor amendments, which come before the full Senate. Where Republicans with no particular political or constituent interest in nonproliferation matters would, in most cases follow the Administration's guidance (if available) on floor votes concerning such issues, many Democrats may naturally be inclined to vote against the Reagan Administration—especially now, given the Iranian situation.

In summary, the Republican control of the Senate did not assure the Administration of an easy time on nonproliferation issues. However, the Democrats will now control the Senate's agenda, call the hearings, hire the majority staff, and in general be in a stronger position to make things difficult. Moreover, their incentive to politicize issues will grow as the 1988 Presidential election draws nearer.

House: In a similar vein, we can look at the impact of the election in the House in terms of (1) the continuance in office of those members of the House who have been most active in nonproliferation matters; and (2) the House leadership and the chairmanship and composition of the relevant committees and subcommittees.

Several hard-liners will not be back. Most notable among these are Congressmen Barnes and Weaver, both of whom lost primary races for their party's nomination in their state's Senate races. They cannot run for the Congress again until 1988. Barnes was a force behind the Diplomatic Security Act, and one of the more active supporters of the other House hard-liners.

The other House hard-liners, such as Cong. Wolpe, and Markey, are coming back. Cong. Gephardt will join them. Gephardt has gone on record as strongly opposed to greater plutonium use and he made a particularly strong speech to this effect at Paul Leventhal's symposium on Nuclear Terrorism that was held in Washington last year. He also might well seek the Democratic nomination for the 1988 presidential election. Thus, he'll likely attack Reagan on every front possible and this could include on the new Japanese Agreement when that accord surfaces.

Individuals like Markey and Wolpe can be expected to be hostile to the Administration's policies in the non-proliferation and nuclear cooperation areas. It is not clear, however, at this juncture as to how many other House members will join these individuals on these issues—bearing in mind that many in Congress view this to be a fairly arcane and specialized field.

No major changes in Committee or Sub-Committee chairmanships are expected, with the possible exception that Markey might leave his subcommittee chairmanship in the House Energy and Commerce Committee. While this would likely be a positive development for the nuclear industry in general since Markey would no longer be in a position to block or muddle certain pieces of nuclear legislation, it is not at all likely that he will completely forget about nuclear issues. Because the Democrats retained control, other changes in Committee chairmanships would occur only if the reelected incumbent wanted to change assignments.

Issues: As noted earlier in this report, what is of key importance is that, unlike previous years, the nonproliferation agenda of the Congress in 1987 will be both more active and the Republicans will no longer control the Senate.

There are three major actions that presumably must be completed next year, all within a relatively compressed time frame: completion of negotiation and review of the U.S.-Japan Agreement for Cooperation, the implementation of the U.S.-China Agreement, and the waiver for Pakistan. Each is controversial in its right; together they could serve to focus Congressional attention on nonproliferation with an intensity not seen in recent years. A strong vote against the President on any of them could pose considerable difficulties for the Administration. Accordingly, the Administration may have to spend a great deal of political capital to achieve its objectives in this area, and even more to avoid the imposition of any additional legislative constraints in the nonproliferation area. This would be difficult enough in a divided Congress; it will be even more so in a Democrat-controlled legislative branch.

There are thus several danger signals now on the horizon. In addition to a more difficult Congress to deal with, there is also the Department of Defense. As discussed in previous reports to the Special Action Group, the "hard-liners" in the Congress have had two recent successes in the form of the legislation enhancing DOD's role: first with the provisions in the "Omnibus Diplomatic Security and Antiterrorist Act" enhancing DOD's role in the review of the adequacy of physical security arrangements for transfers of HEU and plutonium; and secondly, with provisions in the Defense Authorization bill according DOD fuller access to sensitive nonproliferation information possessed by the Departments of State and Energy, and requiring that agency to keep the relevant congressional committees fully and correctly informed.

DOD shows every sign of being ready to engage the State Department, and will have some Congressional allies, like Senator Glenn, in key positions of influence. Cong. Wolpe has already signalled his intent to reintroduce his legislation to close so-called "loopholes" in the NNPA, namely to require full-scope safeguards as precondition for exports of equipment components and Part 810 approvals. In view of the pendency of the U.S.-Japan Agreement, it would not surprise us if someone proposed legislation amending Section 131b of the Atomic Energy Act to require case-by-case reviews of subsequent arrangements and to try to outlaw or severely restrain long-term programmatic approvals of reprocessing and plutonium retransfers. If such a proposal surfaces, it could place elements of the Congress in direct, stark opposition to all of the efforts the U.S. and Japan have had underway these many months to place their relationship on a sounder, more harmonious

footing through renegotiating of the U.S.-Japanese Agreement for Cooperation.

More broadly, the current serious controversy in Washington resulting from the recent revelation of a White House-run program of selling arms to Iran undoubtedly has seriously damaged the President's credibility. At the very least, one can expect the Democrats to attack every foreign policy point where they perceive the President to be on weak ground. It strikes us as highly improbable that the Administration's nonproliferation policy will escape this assault.

When the Senate was in Republican hands, the Administration could rely on its help in preventing such adverse developments for the President. Now the hardliners are in a stronger position, and State Department officials are worried about being able to escape moves toward further legislation or more adversarial Congressional hearings.

Hopefully, in the ultimate analysis, moderate views will prevail especially on issues that are directly associated with Japan, whose strong non-proliferation credentials are held in high regard. However, at this juncture we anticipate that the non-proliferation/anti-nuclear hard-liners will again try to grab the initiative and that behind the scenes they will be reinforced in their efforts by anti-State Department elements in the Pentagon.

Thus, as the most significant action to date in the implementation of the Administration's foreign reprocessing and plutonium use policy of 1982, once the new U.S.-Japan Agreement for Cooperation is initialled, it will have to clear several hurdles in the U.S. system before it can be brought into force. One of the first hurdles will be the interagency review which must take place before the Agreement is submitted to the President for his approval. It is quite possible that the nonproliferation office at the Pentagon, given its anti-reprocessing, anti-plutonium views, may confront the other Executive Branch agencies and object to the programmatic approval provision as well as the physical protection aspects of the Agreement. Indeed, as of this writing the final step in the completion of the negotiations with Japan is being delayed due to the Pentagon. The DOD reportedly is trying to have the annex covering the physical security of plutonium in transit interpreted in a way to accord the U.S. a case-by-case right to approve the transportation plans. There are fears that this could defeat the essence of the long-term approval process. If DOD is unsuccessful at this level, the DOD staffers may well turn to their Congressional allies behind the scenes for support. If the balance of the Executive Branch supports the Agreement with Japan as it most certainly will, this will raise the issue of whether the White House working with State Department will be able to successfully discipline the Pentagon to avoid subverting the Administration's policy.

It is also possible, though not imminent, that the NRC may have some questions, if not adverse reactions, to the proposed Agreement. As we have noted in other reports, the NRC has often been insatiable in its requests for information regarding the adequacy of safeguards applied to sensitive materials and activities. It is also worth recalling that Commissioner Asselstine took exception to the limited programmatic approvals contained in the U.S. Agreements with Sweden and Norway, and he may try to intervene or at a minimum provide dissenting views in this case. While the NRC is going through a reorganization, we have no reason to believe this will serve to moderate its lust to ask more questions than the Executive Branch is prepared or able to answer. (It should be noted that in the past—and when considering proposals for reprocessing at Tokai-Mura—NRC has raised basic questions as to whether larger commercial scale reprocessing plants could be effectively safeguarded in light of the current state of safeguards technology.) They therefore can be expected to look hard at the detailed safeguards understandings in the proposed agreement package with Japan dealing with procedures for approving reprocessing at Japan's commercial scale plant.

When the Agreement is ready for Congressional review, (i.e., the interagency review is completed, the Arms Control and Disarmament Agency has completed its nonproliferation assessment of the Agreement, and the President has approved it) it will be subject to the new procedures for Congressional review set forth in the Export Administration Amendments Act of 1985. Briefly, under these new procedures a distinction is made between Agreements that satisfy the criteria in Section 123 of the Atomic Energy Act and those that the President submits with an exemption from one or more of the criteria. In the former case, (which we expect will apply to the new U.S.-Japan Agreement) the Agreement will enter into force after a Congressional review period of 90 days has elapsed, unless during that period Congress enacts a joint resolution disapproving the Agreement. Where an exemption is involved, however, the Agreement cannot enter into force unless Congress specifically approves the Agreement by enactment of a joint resolution. Under the latter option, the Congress could preclude a new Agreement from ever coming into force simply by refusing to take the necessary positive actions.

The new procedures also provide that the initial 30 days of the 90-day review period are for the Congress to consider whether an exemption of one or more of the Section 123 criteria is necessary or is inherently associated with the terms of the proposed new Agreement for Cooperation. What is not clear is what happens if the President receives Congressional advice that an exemption is needed, but he disagrees. According to the legislative history of the bill, Congress intended for the following to happen:

"For example, if during the 30-day prior consultation period either . . . Committee indicates that in its judgement the proposed arrangement is outside the parameters of the nine section 123(a) nonproliferation criteria, *the Congress expects that the President will submit an exemption.*" [Emphasis added]

"The steps for submitting, consulting, and approving nuclear cooperation agreements . . . need not be taken in any particular sequence. It is up to the President to decide if he wants to authorize the execution of an agreement for cooperation before seeking congressional advice regarding whether an exemption is required, and thus the agreement may or may not be approved and executed prior to submission for the 30-day prior consultation review period. While the President may choose to resubmit an agreement following the 30-day prior consultation period, these amendments do not require separate submissions . . . *The Congress fully expects, however, that the President will resubmit any agreement for which he has not submitted an exemption if either committee during the prior consultation period recommends that an exemption is required.*" [Emphasis added]

As will be seen, the Congress "expects" the President to act in accordance with its wishes but it is not in any particular position to order him to do so.

Based on our understanding of the text of proposed U.S.-Japan Agreement for Cooperation, it does not seem likely that Congress could credibly object to the Agreement on the grounds that it does not satisfy the requirements of Section 123. Nevertheless, this does not mean that such a challenge will not materialize. For example, Senator Glenn is already on record as believing that long-term programmatic approvals are not consistent with the "timely warning" and other provisions of the NNPA concerning subsequent arrangements and the contents of agreements for cooperation. Since a Congressional vote disapproving the Agreement also appears to be an unlikely scenario, the most credible method of Congressional objection to the Agreement, as noted earlier, would be to amend the Atomic Energy Act to require that all subsequent arrangements for reprocessing and retransfers of plutonium be required to go through case-by-case approval. At this juncture, we have no way of predicting whether such a Congressional initiative will be surfaced and whether it would be voted to approval if tabled. If per chance such a proposal ever were enacted, we think it would stand a good chance of being vetoed by the President, given the very adverse effect such a Congressional move would have on U.S. relations with Japan, Sweden, Norway, and on others.

Given this unpredictable climate, the fate and degree of controversy that will be associated with the new U.S.-Japan Agreement for Cooperation are not certain. What does appear certain however, is that those in the Administration who have labored so arduously to develop and negotiate this Agreement will be prepared to defend it with similar diligence.

One other issue on which we have been reporting to the Special Action Group involves the implementation of the Comprehensive Anti-Apartheid Act of 1986 (CAAA) imposing sanctions on South Africa. As will be recalled, the CAAA was enacted over President Reagan's veto on October 2, 1986. The current problem with this legislation, which could be another source of controversy between the Congress and the Administration in the coming months involves the interpretation and implementation of the CAAA's provisions particularly with respect to the uranium import embargo provisions.

On October 27, following passage of this Act—notwithstanding his veto—President Reagan issued an Executive Order delegating to specific Executive Branch agencies authority to implement identified provisions of the Act, and establishing an Inter-Agency Coordinating Committee to monitor that implementation. The Treasury Department (Customs Service) is responsible for implementing the uranium import ban. The Order does not mention the Nuclear Regulatory Commission, which has authority under the Atomic Energy Act to license the import of unenriched uranium, and which is expected soon to amend its Part 110 regulations to make them consistent with relevant provisions of the CAAA.

Questions of interpretation, not resolved by a technical corrections package (H.J. Res. 756) adopted by the Congress just before adjournment, continue to complicate efforts to promulgate implementing regula-

tions. While there seems to be a general consensus between the Executive Branch and NRC that the import ban in section 309 of the CAAA covers only uranium ore and oxide, not UF_6, it remains unclear whether the CAAA affects South African products imported to the U.S. for processing and eventual reexport. There is also some question as to when or whether a product from South African ceases, by reason of processing in a third country, to be South African in origin for purposes of the CAAA's enforcement.

On October 14, Sen. Lugar sent a letter to Secretary of State Schultz to call attention to his views on how the ban should be implemented. Lugar specifically referred in the letter to his August 15 colloquy with Senators McConnell and Ford on the floor of the Senate, noting that:

"It was our mutual understanding that it did not reach uranium imported only for reprocessing and subsequent export. Any other interpretation of this provision would clearly be at odds with our discussion."

Lugar also stated in the letter:

"I am also advised that some question has been raised as to whether the ban extends to uranium hexafluoride. It clearly does not. Had Congress wished to include this item in the list of banned items, it would have done so expressly."

The Lugar letter reinforces the Administrations position on this issue and has reportedly caused some additional thought to be given to the "import for only transit purposes" issue. However, at this point it does not appear to have had a concrete effect on reported government agency views that all imports of South African uranium ore and oxide are included in the CAAA uranium ban. Because the Lugar-Ford-McConnell colloquy has not been printed in the Congressional Record, there is considerable doubt about its legal weight (the colloquy will reportedly be printed in the permanent version of the Congressional Record, but the Lugar-Ford-McConnell exchange obviously would have carried greater weight if it had come immediately to light). Also, the fact that the Democrats won control of the Senate in the November 4 elections and Lugar thus will no longer be chairman of the Senate Foreign Relations Committee in the next Congress may also undermine his potential influence on this issue.

Another factor complicating this situation is Senator Kennedy's recent assertion that the foregoing colloquy does not constitute "valid legislative history" and that imports "whether temporary or permanent" are covered by the CAAA. Senators Kennedy and Bingaman along with five Congressmen (including Rep. Markey), sent a letter to President Reagan objecting to the possibility that the Administration might implement the uranium ban to apply only to uranium ore and oxide. The letter states that such an interpretation would render the uranium sanction meaningless, and that the term uranium oxide is used in the CAAA as "a term of art" intended to encompass all compounds into which uranium oxide can be readily transformed. The letter adds that any other interpretation of the uranium ban would be both "irrational and counterproductive."

This letter does not have any legal force, but it and Kennedy's intervention on the floor of the Senate raise the question of what efforts will be made to addresss the various ambiguities in the provisions of the CAAA by the House of Representatives together with the new Democratic Party majority that emerged in the Senate after the November 4 elections. More specifically, if the Executive Branch implements the uranium ban to allow South African origin uranium in any form except uranium ore and uranium oxide to enter the U.S. (or, despite present indications, decides to allow temporary uranium imports into the U.S.), there is a possibility that Congress could move to amend the CAAA to apply the ban to all South African uranium imports in any form.

Because the CAAA is so full of ambiguities and inconsistencies, it would pose problems of implementation even for an Administration eager to enforce it. Under present circumstances, with enforcement to be conducted by an Administration opposed to the CAAA's enactment, the confusion surrounding implementation is as explicable as it was predictable. No matter what the Administration does in the implementation process, there will be those (in Congress, in the business community, and among anti-apartheid activists) who will criticize it for acting in a manner inconsistent with the law or its intent, as manifested by some portion of the CAAA's legislative history. Implementation activities will have a high visibility in the media, and litigation over some aspects of the Government's enforcement efforts is likely to occur. Thus, this issue too could be added to a number of contentious foreign policy issues that may be identified by the Democrats to attack the credibility of the Reagan Administration.

In the report of the Special Action Group, we have singled out two of the several nonproliferations that we identified earlier that might receive intensive Congressional attention. As we noted, however, at the outset there are others that also could arouse considerable attention ranging from the continuation of U.S. foreign aid to Pakistan, implementation of the U.S.-Chinese Agreement for Cooperation to issues associated with technology transfer.

When IEAL started to collect its thoughts for the preparation of this special report to the SAG, we anticiapted that there could be a likely upsurge in Congressional activity in the non-proliferation area and that still is our view. From an operative standpoint we expect the new U.S.-Japanese Agreement for Cooperation to be a centerpiece of discussion and in later reports we shall focus more specifically on the types of issues and questions that we anticipate will be raised when the Agreement is finally approved by the President and submitted to the Congress.

As of this writing the story about the clandestine U.S. arms sale to Iran and the siphoning off of some of the resulting revenues to the Contras in Nicaragua is creating an absolute furor in Washington. The story is dramatic and dominating the press and one can only speculate what will come next or how the Iranian story will affect the Reagan Presidency. The Administration clearly has been seriously damaged by the recent disclosures, it has not yet successfully put the issue to rest and one simply does not know where the investigations that have just been launched will go over the next several weeks or who will be implicated. Depending upon how bad things get, the course of the discussions and tensions between the Executive Branch and the Congress on nonproliferation issues clearly could be affected. If the President is able to ride out the storm without further serious damage and if an effective head of the National Security Council is appointed to replace Admiral Poindexter, the difficulties might not be significantly greater than those we have attempted to foreshadow in this report. If, however, the Administration suffers further serious damage in the next several weeks it obviously will be weakened in dealing with the Congress on all controversial foreign policy issues—nonproliferation being just one such issue among several. This could embolden the nonproliferation hardliners to be even more strident in pushing their proposals or in opposing initiatives that the Executive Branch puts forward.

Only time will tell, how touch things will really get over the next several months. Hopefully, rational views will prevail and efforts to derail the U.S.-Japanese Agreement or to pass new and unduly restrictive nonproliferation legislation will not prove successful.

It remains to be seen, however, whether our hopes in this regard will be realized.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Republican leader, Senator DOLE.

PUBLIC FINANCING—NO!

Mr. DOLE. Mr. President, yesterday, my colleagues on the other side of the aisle unveiled their campaign finance reform plan. I congratulate them on their efforts.

Although the plan's legislative language is not yet available—and although I have not seen a list of cosponsors—I know that virtually full public financing of Senate campaigns is one of the plan's key elements. I also understand that the Democrat bill does absolutely nothing to curb labor union soft-money abuses.

PUBLIC FINANCING

Last Tuesday, the Senate Republicans unveiled their own campaign finance reform initiative. The initiative now has 34 cosponsors, and I expect additional cosponsors to come onboard next week.

I am pleased that the Republican bill rejects public financing outright. No excuses. No burdens on the American taxpayer. And no taxpayer financing of politicians.

If history teaches us anything, it teaches us that public financing is bad public policy, and it is very, very expensive.

The last three publicly financed Presidential elections ate up more than $500 million in hard-earned taxpayer money—and what is worse, the system just did not work.

Believe me, I have been there. I have seen the Presidential system up close. And, today, I am still being audited by the Federal Election Commission, more than 2 years after my own Presidential campaign folded up its tent for good.

That is why the bipartisan task force commissioned by Senator MITCHELL and myself thought that copying the Presidential system—and opting

for public financing—was not such a good idea after all. And that's why you can bet the house that the American people will simply not stand for yet another congressional raid on our pocketbooks and wallets.

MEETING THE SPENDING LIMIT THRESHOLD

I have had the opportunity to briefly look at the Democrat bill's spending limit proposal. According to the bill, the general election spending limit for my own home State of Kansas would be set at approximately $1 million.

Based upon my calculations, a Senate candidate in Kansas could receive $50,000 from people outside the State and contributions from just 200 Kansans—in $250 increments—and that candidate would qualify for $700,000 in direct public money and 200,000 dollars' worth of something called broadcast vouchers.

Line up $50,000 in out-of-State money, then line up 200 constitutents, and "you are in like Flynt," enjoying a huge taxpayer windfall.

This does not make sense, and it does not encourage participation by the people who ought to count—the people of our States, our constituents.

LABOR-UNION SOFT MONEY

I am also disappointed that the Democrat bill does absolutely nothing to curb the abuses of labor-soft money.

As I have pointed out before, the Labor Department estimates that unions collect more than $3.3 billion in annual dues from members and nonmembers alike—which happens to be greater than the gross national product of more than 75 countries. Needless to say, only a statistics genius can accurately estimate how much of this money actually gets pumped into the campaign finance pipeline.

No campaign finance reform proposal can call itself serious if it does not address this problem. And the best way to address the problem is to codify the principles contained in the Supreme Court's Beck decision.

PAC BAN OR PAC PLAN?

As part of its cafeteria plan approach, the Democrat bill also proposes to ban PAC contributions to Senate candidates.

That is all well and good, and I am pleased to see the Senate Democrats following the Republican lead on this issue.

But what about PAC contributions to House candidates? What about PAC contributions to the National and State parties? And what about PAC contributions to the senatorial and congressional committees?

On the PAC issue, the Republican bill doesn't fool around. It bans PAC's completely from the Federal election process.

No excuses. No loopholes. No PAC's. It is that simple.

NEED FOR BIPARTISANSHIP

Mr. President, serious and comprehensive campaign finance reform can only be achieved at the bargaining table. And it can only be achieved through the good-faith efforts of those who may hold different views about the best way to clean up the campaign finance mess.

Now that both parties of unveiled reform packages, it is time to see where there may be common ground. Senator MITCHELL and I have already talked about this, and we will continue to talk in the days ahead.

I am still optimistic about developing a bipartisan reform package, but no one should expect any miracles from the majority leader and myself. There continue to be many disagreements and many different points of view, but we will try our best to bridge these differences.

Mr. MITCHELL. Mr. President, I want to thank the distinguished Republican leader for his positive comments regarding the possibility of achieving a bipartisan compromise on this subject. He has pointed out some provisions in the Democratic bill with which he disagrees, and as he noted there are likewise provisions in the Republican bill with which we disagree. But I think it fair to say that Members of the Senate on both sides share in common a recognition of the need for action and a desire to act.

It is my hope that that shared view will serve to create a momentum for change which will enable us to achieve a bipartisan result that is good for the country and will permit us to overcome the differences that clearly exist between us and which cannot be wished away or minimized.

The distinguished Republican leader and I have talked and do intend to talk further and in some detail about the subject matter, but as I have indicated on many occasions, neither he nor I is the repository of all wisdom in the Senate. This is an important subject that is of keen interest to every single Member of the Senate. Ordinarily, measures that come before the Senate are of interest to a few, sometimes many Senators, but rarely does every single Senator have a keen and specific and intense interest in the legislation.

I think it is fair to say that is the case with respect to campaign finance reform legislation, for obvious reasons. So we do hope, now that each party has presented a plan, to see if there is some way to bridge the differences between us and to proceed to reach an agreement that can command the support of a substantial majority in the Senate. I look forward to participating in that effort with the distinguished Republican leader. We have reached agreement on many difficult issues in the past. That does not mean we can do so in this case, and we may not. But I want to assure all of our colleagues and those among the American people who are interested that it will not be for lack of a good-faith effort on the part of the distinguished Republican leader and myself.

Mr. President, I yield the floor.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 10:48 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4404) making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. WHITTEN, Mr. NATCHER, Mr. SMITH of Iowa, Mr. YATES, Mr. OBEY, Mr. ROYBAL, Mr. BEVILL, Mr. TRAXLER, Mr. MURTHA, Mr. LEHMAN of Florida, Mr. DIXON, Mr. FAZIO, Mr. HEFNER, Mr. CONTE, Mr. MCDADE, Mr. MEYERS of Indiana, Mr. REGULA, Mrs. SMITH of Nebraska, Mr. EDWARDS of Oklahoma, Mr. GREEN, and Mr. ROGERS as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3248. An act to revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes.

At 12:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3209. An act to modify the boundaries of the Indiana Dunes National Lakeshore, and for other purposes;

H.R. 4380. An act to authorize appropriations for the Superconducting Super Collider, and for other purposes; and

H.R. 4557. An act to amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities, to revise and improve recruitment and retention of nurses in the Department by providing greater flexibility in the pay system

for nurses, to authorize collective bargaining over conditions of employment for health-care employees of the Department of Veterans Affairs, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 310. Concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1991, 1992, 1993, 1994, and 1995.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3209. An act to modify the boundaries of the Indiana Dunes National Lakeshore, and for other purposes, to the Committee on Energy and Natural Resources.

H.R. 4380. An act to authorize appropriations for the superconducting super collider, and for other purposes; to the Committee on Energy and National Resources.

H.R. 4557. An act to amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities, to revise and improve recruitment and retention of nurses in the Department by providing greater flexibility in the pay system for nurses, to authorize collective bargaining over conditions of employment for health-care employees of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3248. An act to revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes.

The following concurrent resolution was read, and referred to the Committee on the Budget; and, pursuant to section 300 of the Congressional Budget Act of 1974, as amended, the Committee on the Budget was discharged from further consideration, and the concurrent resolution was placed on the calendar:

H. Con. Res. 310. Concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1991, 1992, 1993, 1994, and 1995.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KERREY (for himself, Mr. KENNEDY, Mr. PELL, Mr. SIMON, and Mr. LEVIN):

S. 2580. A bill to award grants for the restructuring of schools; to the Committee on Labor and Human Resources.

By Mr. DECONCINI:

S. 2581. A bill to assist the East European countries to establish societies based on democratic institutions, a commitment to human rights, and free market principles; to the Committee on Foreign Relations.

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. DECONCINI, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. SIMPSON, Mr. THURMOND, Mr. SPECTER, Mr. JEFFORDS, Mr. DASCHLE, Mr. GLENN, Mr. BRADLEY, Mr. HEFLIN, Mr. LEVIN, Mr. COCHRAN, Mr. SARBANES, Mr. DOMENICI, Mr. BURDICK, Mr. KERRY, Mr. ADAMS, Mr. PELL, Mr. DODD, Mr. GORE, Mr. REID, Mr. WIRTH, Mr. DOLE, Mr. DIXON, Mr. PACKWOOD, Mr. BENTSEN, Mrs. KASSEBAUM, Mr. D'AMATO, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. DURENBURGER, Mr. SHELBY, Mr. BOSCHWITZ, Mr. RIEGLE, Mr. KOHL, Mr. NUNN, Mr. WARNER, Mr. BOREN, Mr. BURNS, Mr. GARN, Mr. INOUYE, Mr. SANFORD, Mr. HATCH, Mr. BUMPERS, Mr. BRYAN, Mr. JOHNSTON, Mr. WILSON, Mr. ROTH, Mr. SIMON, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. ROBB, Mr. HEINZ, and Mr. COHEN):

S.J. Res. 307. Joint resolution designating November 11 through November 17, 1990, as "National Women Veterans Recognition Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 279. A resolution to direct the Senate Legal Counsel to represent Senator Edward M. Kennedy in the case of Anderson v. Kennedy; considered and agreed to.

By Mr. DECONCINI (for himself and Mr. D'AMATO):

S. Res. 280. A resolution concerning the Latvian decision to seek independence; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. D'AMATO, Mr. METZENBAUM, Mr. HATFIELD, Mr. EXON, Mr. ADAMS, Mr. BRYAN, Mr. PACKWOOD, Mr. LAUTENBERG, Mr. LEVIN, Mr. PELL, Mr. SPECTER, Mr. KERRY, Mr. MOYNIHAN, Mr. LIEBERMAN, and Mr. CRANSTON):

S. Con. Res. 127. Concurrent resolution to express the sense of Congress that Greyhound Lines, Inc., and the Amalgamated Transit Union should pursue meaningful negotiations under the auspices of the Federal Mediation and Conciliation Service and the Secretary of Labor to resolve their dispute and restore vital transportation services to American communities; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERREY (for himself, Mr. KENNEDY, Mr. PELL, Mr. SIMON, and Mr. LEVIN):

S. 2580. A bill to award grants for the restructuring of schools; to the Committee on Labor and Human Resources.

SCHOOLS RESTRUCTURING ACT OF 1990

● Mr. KERREY. Mr. President, today I am introducing the Schools Restructuring Act of 1990 and am pleased to have Senators KENNEDY, PELL, SIMON, and LEVIN join me as original cosponsors.

In the months since the Charlottesville Education Summit there has been a lot of talk about education reform. I believe, however, that the reality has fallen short of the rhetoric at the Federal level. In fact, most of the action has been occurring at the local level where there are hundreds of grassroots experiments being planned or being implemented. I am disappointed with the administration's lack of leadership in this area.

The legislation I am introducing today provides Federal support for local schools and school districts that are interested in pursuing restructuring proposals. This bill is also a recognition that innovation comes from below and that it is our responsibility at the Federal level to support such innovation.

The Schools Restructuring Act establishes a program whereby a school, group of schools, or school district to schools can apply to the already existing Fund for the Improvement and Reform of Schools and Teaching [FIRST] for a 3-year grant. During that 3-year period an applicant would receive no more than $150,000 during the first year for planning purposes and no more than $2 million to implement the restructuring proposal during the second and third year. The program will require a 50-percent match from the applicant. Further, 50 percent of the local match must come from nongovernmental sources such as local community businesses interested in supporting bettering the community's schools.

If school restructuring is to be successful and thrive it will require broad community support. In order to qualify for funding the school or schools applying for funding must demonstrate that they have a plan that will involve parents, teachers, the business community, and other interested parties in their restructuring plan. As discussed above, the project must also receive some financial support from the community.

The program establishes a competitive grant system that provides funding for a broad variety of restructuring proposals that touch on school organization, school management, or instructional programs in elementary and secondary schools.

The legislation is also designed to ensure that the Federal funds are wisely used. The successful applicant will need to submit a plan for the Secretary of Education's approval at the end of the first year of funding in order to qualify for additional assist-

ance. Finally, the schools are required to undergo an independent evaluation that will be made available to the Department and Congress.

Mr. President, this is a modest step, but the hundreds of schools and school districts, in Nebraska and all across the country, currently interested in or involved in restructuring experiments could use a Federal partner that is willing to assist. I hope that this bill will contribute to the burgeoning school restructuring movement where they are occurring—at the local level.●

● Mr. SIMON. Mr. President, I am pleased to join my colleague from Nebraska in introducing the Restructuring Schools Act of 1990. The assistance authorized by this act could go to help ensure the success of the dramatic school reforms taking place in Chicago, and to encourage other districts in need of restructuring to start the planning process.

Though dramatic in scope and complex in implementation, the concept behind the Chicago school reform is simple: each school community—made up of parents, teachers, and other community members—should run its school. But even a plan this simple does not come cheaply. Each school community had to select its leaders by ballot. That meant shifting much of the leadership of 628 schools with 410,000 students from a centralized board to 540 new local schools councils with 5,400 elected parent, teacher, and community members.

Mr. President, it takes dollars to make change, and the changes that we have seen in Chicago have not come without a substantial investment of resources. The election of the councils, the critical first step in Chicago's restructuring effort, cost more than $3.5 million. Candidates needed to be recruited; the election needed to be publicized; buildings had to be kept open; election procedures had to be developed; ballots needed to be printed. Few of these costs could be avoided without jeopardizing the legitimacy of the election, and therefore the success of the shift of power to the parents and teachers.

I am pleased to say that the investment has already yielded dividends. Mr. President, I ask unanimous consent to insert into the RECORD this brief article from "Catalyst: Voices of Chicago School Reform." It tells us a little bit about who the members of the local school councils are.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LSC MEMBERS: WHO THEY ARE

If one individual could be conjured up to typify the mass of parents now in charge of Chicago's public schools, here's how she would describe herself:

A 37-year-old mother with some college education who is not employed outside the home, is a PTA member and ran for the local school council largely at the urging of other parents.

That's the picture painted by responses to a survey of local school council members.

The survey found that 71 percent of all council members, including community members and educators, are female and that their average age is 40. Ages range from 19 to 80, with two-thirds of members between 30 and 46. Parents are the youngest, with an average age of 37, followed by teachers, 45, community members, 47, and principals, 51.

Occupations range just as broadly, including architects and attorneys at the high-income end and laborers and maids at the low-income end. Forty-seven percent of parents and 38 percent of community members listed no employment.

The reported level of schooling was surprisingly high, with 25 percent of parents and 41 percent of community members saying they had bachelor's or graduate degrees. Fifteen percent of parents and 11 percent of community members said they had not graduated from high school.

Responses to the survey indicate that many "old hands" were elected to councils—58 percent had been members of the PTA and 37 percent had been members of local school improvement councils, forerunner to today's LSCs.

About a fourth of the teachers said they are union delegates as well. On average, teachers have 21 years of experience, with an average of 13 in their current schools. On average, principals have 10 years of experience as principals, with 7 in their current schools.

Parents not only hold a majority on councils—6 to 11 seats—but also exerted the most influence in spawning candidacies. Fifty-four percent of parent members, 39 percent of community members and 32 percent of teachers said parents had urged them to run.

Children also played a role: 39 percent of parents and 20 percent of community members noted their encouragement. A boost from a principal was cited by 28 percent of parents, 20 percent of teachers and 15 percent of community members. Seven percent of members said their church had encouraged them to run. Politicians, the Chicago Teachers Union and employers exerted even less influence.

Mr. President, the school council members are the community. They are attorneys and maids, rich and poor, and all of them want to play a leadership role in improving education for the children of Chicago. A majority of the parents on the councils were urged to run by other parents. This is a victory for parental involvement, for parental empowerment.

This is only a beginning, however. The Chicago schools have not been reformed. The councils' work has just begun, and they need our help. They need training in fiscal and personnel management, leadership, group process, and other skills. They need strategies for retraining teachers, reinvigorating students, and involving parents.

Mr. President, one of the key recommendations of the Task Force on Chicago Schools, which I chaired in 1985, was that parental involvement in the schools be increased. In a recent survey, the new school council members also identified this as their No. 1 priority. But again, a simple goal can be difficult to achieve; the councils face real obstacles to success in involving parents in their children's education. For example, a study released by the Hispanic policy development project last week indicated that certain cultural differences require special strategies to increase the involvement of Hispanic parents. The councils need to know about this kind of research, they need help from experts who can give them direction in this dramatic restructuring.

Mr. President, this initiative developed by my colleague from Nebraska, and endorsed by the chairmen of the Labor and Human Resources Committee and its Education Subcommittee, will help to ensure the success of the Chicago school reform effort. And if we can turn around what was once called the worst school system in the Nation, if we can create new structures and processes for school and student success, then we are well on our way to improving education nationwide.●

By Mr. DECONCINI:

S. 2581. A bill to assist the East European countries to establish societies based on democratic institutions, a commitment to human rights, and free market principles; to the Committee on Foreign Relations.

DEMOCRACY FUND ACT OF 1990

Mr. DECONCINI. Mr. President, in August 1975 the leaders of 35 nations met in Helsinki, Finland, to sign the Final Act of the Conference on Security and Cooperation in Europe, commonly called the Helsinki accords.

A mere listing of the principles contained in the agreement does not capture the ideals embodied in this document. If I can be allowed to refer to a statement I made as Chairman of the Helsinki Commission:

The Helsinki process offers a blueprint by which to build a community of nations guided by the hopes and dreams of their citizens. Their voices are urging us, now, to replace a shallow peace of guns and cement barriers with the vision of Helsinki—a lasting security rooted in respect for and protection of human rights and individual freedoms.

At the time that the Helsinki accords were signed, critics maintained that they would merely reinforce the Soviet hold on Eastern Europe, while promises to observe human rights in the totalitarian half of the continent would be cynically ignored.

Indeed, there were many times when these fears appeared justified. In 1981 the former Polish regime, encouraged by a circling ring of Soviet troops, declared martial law and crushed the trade union movement known as Solidarity. The activists of the Helsinki monitoring groups that had sprung up everywhere in Eastern Europe but particularly in Poland were repeatedly

harassed and jailed. Now, only 15 years after the signing ceremony in Helsinki, Eastern Europe is moving toward true independence, democratic elections, and a free market economy. Even the Soviet Union is moving toward changes that no one would have contemplated at the beginning of the last decade.

New structures in Europe are in the process of being formed and it may take some time to see how these changes will affect the framework we established in the post-World War II period. It seems clear, however, that we are going to be facing at least four important and interrelated challenges over the coming decade:

The consolidation of democracy, free market economies, and independence in Eastern Europe;

The evolution of reform in the Soviet Union and the centrifugal forces that these changes have unleashed;

The reunification of Germany; and finally

The greater political and economic integration in the European Community.

It is not yet clear where these changes are taking us, but I am convinced that the United States must be actively engaged in the shaping of the new Europe. If we are going to play a role in this rapidly changing political landscape, we must start with a program to consolidate democracy, free enterprise, and respect for human rights in these newly emerging societies.

There have been many calls in Congress over the past 6 months for a new Marshall plan for the fledgling democracies of Eastern Europe. Other voices, including that of President Bush, have urged caution, complaining that the United States no longer has the resources to play a leadership role in the world.

Ironically, the nucleus of a Marshall plan is already being put into place for Eastern Europe, although changes in the world economy and financial system since World War II have largely obscured this fact. I will be the first to admit that the total amount of financing which will actually be available to Eastern Europe remains a difficult figure to pinpoint. However, even a conservative estimate of the money that will be available over the next 5 to 6 years—from bilateral donors and the international development banks—is in the $20 to $30 billion range.

It is a tragedy that the country that had the vision to create the original Marshall plan is being left behind in the effort to consolidate democracy in Eastern Europe. We have learned from two wars in this century the dangers of remaining on the sidelines while the map of Europe is being reshaped. American leadership is crucial to a successful Western effort.

I am introducing today, a bill to establish a fund for the reconstruction of East European democracies. This bill will authorize the President to spend up to $2 billion over the next 3 years to aid the emerging democracies in Eastern Europe to establish stable democratic institutions and the rule of law, to transform their stagnant economies to a free market system, and to clean up the environmental disaster threatening large areas of these countries and countries that are their neighbors.

Obviously cooperation with the other Western democracies will be critical for a successful program. High priority must be given to obtaining effective coordination for the bewildering assortment of assistance being offered by at least 16 governments, the Paris club, several international development banks and the international monetary fund. I hope that Secretary of State Baker will make a full accounting to the Congress of how the West is cooperating in our efforts in Eastern Europe.

Finally, we must not let the technical complexity of our assistance efforts in the six Eastern European countries obscure the purpose of this assistance. With our severe budgetary shortfalls, it is important to ensure that U.S. dollars are wisely spent and that their use is compatible with U.S. foreign policy objectives. Therefore, this legislation will condition U.S. assistance for Eastern Europe on a certification by the Secretary of State that the recipient nation is making substantial progress in the following areas:

Compliance with the Helsinki commitments regarding respect for human rights, fundamental freedoms, and political reform;

Establishing the rule of law and political institutions responsive to the will of the people;

Achieving monetary and free market reforms and implementing an effective program of privatization.

Mr. President, the changes sweeping Eastern Europe promise to usher in a very different world from the one which shaped our postwar foreign policy. We cannot be content with symbolic support for the historic changes that are transforming the eastern half of the European continent. We must show the vision and boldness that shaped American policy in the immediate postwar period.

The Helsinki process provides us with a flexible framework to guide this fragile transition period. We must be sure that the Helsinki principles, which have carried us so far, continue to underlie our relations with the European continent. This legislation that I offer today, will ensure that our efforts in Eastern Europe will embody these principles.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Democracy Fund Act of 1990."

SEC. 2. STATEMENT OF PURPOSE.

In light of the struggle of the people of Eastern Europe for freedom of expression, human rights, popular sovereignty, and the rule of law as laid out in the Helsinki Final Act and subsequent CSCE documents, it is the policy of the Government of the United States to support the emergence of East European countries as true, functioning democracies. The purpose of this Act is to ensure that United States assistance to Eastern Europe is provided in the context of progress in the attainment of the Helsinki principles, including the development of free market practices, an expansion of individual liberty, and the consolidation of democratic institutions.

SEC. 3. FUND FOR RECONSTRUCTION OF EASTERN EUROPE.

(1) AUTHORITY.—The President is authorized, with respect to East European countries, to assist—

(1) the structural adjustment of the economies of Eastern Europe to promote free market principles, monetary stability, and the orderly disposition of the international debt;

(2) the development of the private sector with special attention to small- and medium-sized enterprises;

(3) the promotion of United States trade and investment, including trade credits and guarantees and investment guarantees and insurance;

(4) the promotion of educational, legal, cultural, and scientific exchanges with special emphasis on the activities of private voluntary organizations;

(5) the protection and restoration of the environment;

(6) international efforts to assist the Eastern European countries in their efforts for political and economic reform; and

(7) support for democratic institutions, political pluralism, and the respect of fundamental freedoms and human rights.

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President of the period beginning October 1, 1991, and ending September 30, 1993, to carry out the provisions of subsection (b), an amount which is—

(A) $2,000,000,000, minus

(B) an amount which is the sum of the amounts authorized to be appropriated by—

(i) the Support for East European Democracy (SEED) Act of 1989 (Public Law 101-179); and

(ii) by the SEED II Act.

(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(3) Appropriations made pursuant to this subsection may be referred to as the "Democracy Fund Act of 1990."

(c) DEFINITIONS.—For purposes of this section, the term "SEED II Act" means a law, or amendments made to existing laws, enacted after November 28, 1989, and before

the date of enactment of this Act which authorize the provision of additional assistance to Eastern Europe.

SEC. 4. ELIGIBILITY FOR UNITED STATES ASSISTANCE.

Notwithstanding any other provision of law, no East European country may be eligible to receive United States assistance—

(1) for fiscal year 1990, unless the Secretary of State has made a certification described in section 6 with respect to such country not later than 30 days after the date of enactment of this Act; or

(2) for fiscal year 1991 or any fiscal year thereafter, unless the Secretary of State has made a certification described in section 6 with respect to such country before the beginning of each such fiscal year.

SEC. 5. UNITED STATES POLICY REGARDING FINANCING BY MULTILATERAL INSTITUTIONS.

The Secretary of the Treasury shall direct the United States executive directors to the International Bank for Reconstruction and Development, the International Development Association, and any other multilateral institution which may extend financing to an East European country to oppose the making of any loan or the extension of any other financial assistance to any East European country which is not eligible for United States assistance.

SEC. 6. CONDITIONS FOR CERTIFICATION.

A certification under section 4 is a certification made by the Secretary of State to the appropriate congressional communities in which he certifies that a specified East European country is making substantial progress in—

(1) complying with commitments made in the Helsinki Final Act and in subsequent CSCE documents regarding respect for fundamental freedoms and human rights, and political, economic, and environmental reforms;

(2) establishing the rule of law and democratic institutions responsive to the will of the people;

(3) achieving monetary stabilization, price reform, and free market-oriented policies; and

(4) implementing measures designed to shift effectively and expeditiously the production of goods, the provision of services, and other economic activities from the state to the private sector of their respective economies.

SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) the term "appropriate congressional committees" means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate;

(2) the term "CSCE" means the Conference on Security and Cooperation in Europe;

(3) the term "East European country" refers to any of the following countries: Bulgaria, Czechoslovakia, East Germany (or successor state), Hungary, Poland, and Romania;

(4) the term "Helsinki Final Act" means the Final Act of the Conference on Security and Cooperation in Europe; and

(5) the term "United States assistance" means assistance under—

(A) the Support for East European Democracy (SEED) Act of 1989 (Public Law 101-179) or any amendment made thereunder;

(B) the Foreign Assistance Act of 1961;

(C) section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), and the Food for Progress Act of 1985 (7 U.S.C. 1736o); and

(D) the Peace Corps Act.

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. DECONCINI, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. SIMPSON, Mr. THURMOND, Mr. SPECTER, Mr. JEFFORDS, Mr. DASCHLE, Mr. GLENN, Mr. BRADLEY, Mr. HEFLIN, Mr. LEVIN, Mr. COCHRAN, Mr. SARBANES, Mr. DOMENICI, Mr. BURDICK, Mr. KERRY, Mr. ADAMS, Mr. PELL, Mr. DODD, Mr. GORE, Mr. REID, Mr. WIRTH, Mr. DOLE, Mr. DIXON, Mr. PACKWOOD, Mr. BENTSEN, Ms. KASSEBAUM, Mr. D'AMATO, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. DURENBERGER, Mr. SHELBY, Mr. BOSCHWITZ, Mr. RIEGLE, Mr. KOHL, Mr. NUNN, Mr. WARNER, Mr. BOREN, Mr. BURNS, Mr. GARN, Mr. INOUYE, Mr. SANFORD, Mr. HATCH, Mr. BUMPERS, Mr. BRYAN, Mr. JOHNSTON, Mr. WILSON, Mr. ROTH, Mr. SIMON, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. ROBB, Mr. HEINZ, and Mr. COHEN):

S.J. Res. 307. Joint resolution designating November 11 through November 17, 1990, as "National Women Veterans Recognition Week;" to the Committee on the Judiciary.

NATIONAL WOMEN VETERANS RECOGNITION WEEK

Mr. CRANSTON. Mr. President, I am introducing today, along with 57 of my colleagues, Senate Joint Resolution 307, a joint resolution designating the week of November 11-17, 1990, as National Women Veterans Recognition Week. This measure is substantively the same as House Joint Resolution 543, which was introduced by Representative BILIRAKIS on April 4.

I have long been a supporter of honoring women who served in our Armed Forces. These women, who served with honor, strength, and commitment, represent a group of veterans who have too often been underestimated, forgotten, or ignored. For far too long, the term "veteran" has meant "male veteran." It is past time to reverse this perception and to recognize the historical and growing contributions of women veterans to our national defense, particularly in times of war when they have been such a vital component of our overall national effort. Women are performing a wider range of tasks in the Armed Forces of the Nation, as demonstrated recently by the activities of women in the military action in Panama.

Because of my commitment to women veterans, I have, for the past 6 years, sponsored legislation, which the Senate and House have passed, designating a week near Veterans Day as National Women's Veterans Week. I am proud to have sponsored this legislation for so long. The principal goals of designating a week to recognize and honor women who voluntarily gave so much of themselves in service to their country are twofold: To make the public more aware of the contributions of women veterans, and to make women veterans themselves more aware of the many benefits available to them because of their service. As chairman of the Committee on Veterans' Affairs, I feel strongly that it is important that we recognize the women veterans of our country and bring to the attention of our citizens the many accomplishments of women veterans, as well as the gender-specific problems they face in obtaining equitable benefits and services.

Women veterans comprise approximately 4.2 percent of the total veteran population, a percentage that is growing as the percentage of women in the active military continues to grow. However, because many of these women veterans are not aware of the implications of their status, they do not apply for various benefits and services, such as health care, education, employment assistance, and home loans, to which they may be entitled. This joint resolution and the designation of the week will continue the momentum built over the last 6 years to bring attention to this important group of veterans who have so often been overlooked.

Mr. President, I hope that the Senate will be able to act on this joint resolution in the near future.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. THURMOND, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 34, a bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts.

S. 2003

At the request of Mr. HOLLINGS, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Colorado [Mr. WIRTH], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 2003, a bill to establish a commission to advise the President on proposals for national commemorative events.

S. 2051

At the request of Mr. HEFLIN, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2051, a bill to amend the Social Security Act to provide for more flexible billing arrangements in situations where physicians in the solo practice of medicine or in another

group practice have arrangements with colleagues to cover their practice on an occasional basis.

S. 2112

At the request of Mr. METZENBAUM, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2112, a bill to amend the National Labor Relations Act to prevent discrimination based on participation in labor disputes.

S. 2150

At the request of Mr. SYMMS, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2150, a bill to set aside a fair proportion of the highway trust fund moneys for use in constructing and maintaining off-highway recreational trails.

S. 2365

At the request of Mr. DECONCINI, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2365, a bill to amend the Controlled Substances Act to prohibit advertisements intended to promote or facilitate the distribution or transfer of a Schedule I controlled substance.

S. 2443

At the request of Mr. ARMSTRONG, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 2443, a bill to amend the Internal Revenue Code of 1986 to provide that the rate of interest on overpayments and underpayments of tax be the same.

S. 2500

At the request of Mr. CHAFEE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 2500, a bill to amend title 23, United States Code, to control billboard advertising adjacent to Interstate Federal-aid primary highways, and for other purposes.

SENATE JOINT RESOLUTION 240

At the request of Mr. SYMMS, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Joint Resolution 240, a joint resolution designating the week of June 10, 1990, through June 16, 1990, as "Multiple-Use Sustained-Yield Week."

SENATE JOINT RESOLUTION 279

At the request of Mr. SPECTER, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Joint Resolution 279, a joint resolution to designate the week of September 16, 1990, through September 22, 1990, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 281

At the request of Mr. DECONCINI, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Michigan [Mr. RIEGLE], the Senator from New York [Mr. MOYNIHAN], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 281, a joint resolution to designate September 13, 1990, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 290

At the request of Mr. ARMSTRONG, the names of the Senator from Missouri [Mr. BOND] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 290, a joint resolution to designate the week of July 22, 1990, through July 28, 1990, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

SENATE CONCURRENT RESOLUTION 127—RELATING TO THE RESOLUTION OF THE GREYHOUND LINES, INC. LABOR DISPUTE

Mr. KENNEDY (for himself, Mr. D'AMATO, Mr. METZENBAUM, Mr. HATFIELD, Mr. EXON, Mr. ADAMS, Mr. BRYAN, Mr. PACKWOOD, Mr. LAUTENBERG, Mr. LEVIN, Mr. PELL, Mr. SPECTER, Mr. KERRY, Mr. MOYNIHAN, Mr. LIEBERMAN, and Mr. CRANSTON) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 127

Whereas since March 2, 1990, 9,300 Greyhound employees have been on strike against Greyhound Lines, Inc., the only nation-wide interstate bus carrier;

Whereas nearly 10,000 communities throughout the United States served by Greyhound have felt the impact of this dispute, including significant reductions in vital bus services;

Whereas for most of these communities bus services is the sole transportation link to the rest of the Nation;

Whereas Congress is concerned about the serious loss of service, especially in rural areas;

Whereas Congress is concerned that this strike causes hardship to Greyhound employees, their families, and to the traveling public;

Whereas Congress deplores the continued incidents of sporadic violence occurring during this dispute; and

Whereas Congress believes that the best way to settle this dispute is for Greyhound and the Amalgamated Transit Union to resolve their differences at the bargaining table: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Greyhound Lines, Inc., and the Amalgamated Transit Union should—

(1) pursue meaningful negotiations under the auspices of the Federal Mediation and Conciliation Service and the Secretary of Labor; and

(2) make every effort to resolve their dispute promptly and restore vital transportation services to American communities.

Mr. KENNEDY. Mr. President, today a bipartisan group of 16 Senators is introducing a sense-of-the-Congress resolution calling upon Greyhound Lines and the Amalgamated Transit Union, as they resume negotiations this weekend, to make every effort to resolve their differences at the bargaining table and bring an end to the protracted strike that has crippled the interstate bus system.

Since the strike began on March 2, 1990, communities throughout the United States—including hundreds that depend on Greyhound as their sole transportation link to the rest of the Nation—have felt the impact of this dispute through significant reductions in bus service. The strike has had its harshest effects on the poor and the elderly, who are disproportionately dependent on bus service as their primary source of transportation. And because Greyhound is a major carrier of emergency medical supplies throughout the country, medical personnel in rural areas have been particularly affected by the disruption in service.

I and my colleagues who have joined me in sponsoring this resolution deplore the sporadic acts of violence that have occurred in the course of this strike. Both the union and Greyhound have repeatedly denounced these acts of violence and have called for those involved to be prosecuted to the fullest extent of the law. I am deeply concerned, however, about the lasting hardships this strike is causing to Greyhound employees, their families, and to the traveling public. This resolution is designed to send a strong message to the parties that it is in the public interest to end this work stoppage and allow for the resumption of normal interstate bus service in our communities.

Just this week, the Director of the Federal Mediation and Conciliation Service and chief negotiators for the company and the union announced that contract talks would resume tomorrow. After 2 months in which there have been no meaningful negotiations between the parties, this is an encouraging development. As both sides prepare for the resumption of bargaining, we call upon them to make every effort to bring about a prompt and fair resolution of this strike and restore interstate bus service to the millions of people who depend upon it.

SENATE RESOLUTION 279—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 279

Whereas in the case of *Anderson* v. *Kennedy*, Case No. 90-0587, pending in United States District Court for the District of Columbia, a pro se plaintiff has asserted a claim against Senator Edward M. Kennedy;

Whereas pursuant to section 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1)

(1988), the Senate may direct its counsel to defend the members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Edward M. Kennedy in the case of *Anderson* v. *Kennedy.*

SENATE RESOLUTION 280—RELATIVE TO SUPPORT FOR THE LATVIAN PEOPLE

Mr. DECONCINI (for himself and Mr. D'AMATO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 280

Whereas the 13 original colonies received support and recognition from the government of France following the declaration of independence from Great Britain on July 4, 1776;

Whereas the government of the United States immediately recognized the newly created, independent state of Israel on April 22, 1948;

Whereas as signatories of the 1975 Helsinki Final Act, both the Soviet Union and the United States committed themselves to "respect the equal rights of peoples and their right to self-determination;"

Where Latvia is not a territory seeking independence, but an occupied country seeking to restore its independence;

Whereas the United States and other Western Governments have never, despite fifty years of Soviet rule over those territories, recognized Lithuania, Estonia, and Latvia as part of the Soviet Union;

Whereas in December 1989, the U.S.S.R. Congress of People's Deputies condemned the secret protocols annexing the Baltic nations;

Whereas in February, 1990, the Latvian parliament also condemned the 1940 Hitler-Stalin Pact that formalized its annexation by the Soviet Union;

Whereas on May 4, 1990 the government of the Republic of Latvia voted 139 to 56 to address a declaration of independence proclaming the beginning of a period of transition leading to full independence, effectively restoring the independence Latvia enjoyed from 1922 until its incorporation by force into the Soviet Union in 1940 under the terms of the illegal Molotov-Ribbentrop Pact; and

Whereas the United States has a long and proud history of supporting freedom and self-determination for oppressed peoples throughout the world: *Therefore be it*

Resolved, That:

It is the sense of the Senate that the government of the United States:

(1) immediately offer its moral support for the Latvian decision to seek its independence from the Soviet Union, and

(2) urge the Government of the Soviet Union to respond to the Latvian offer to enter into negotiations with the elected officials of the Republic of Latvia leading to full independence for the Republic of Latvia.

Mr. DECONCINI. Mr. President, Latvia's first democratically elected parliament in more than 50 years convened yesterday for the first time. Today, they will almost certainly fulfill the mandate of the people of Latvia and declare Latvia's independence from the Soviet Union.

Latvia, like its Baltic neighbors of Lithuania and Estonia, was illegally annexed and occupied by the Soviet Union as a direct result of a secret deal between Josef Stalin and Adolf Hitler in 1939. During the past 50 years, the United States has maintained a consistent policy of nonrecognition of the incorporation of the Baltic States by the Soviet Union.

Over the course of the past 2 years, a period marked by the openness that Soviet President Gorbachev has promoted, the people of Latvia have responded. They have taken forceful democratic votes, for the first time, and elected representatives to go to the parliament. They have voted on a number of different issues, including independence from the Soviet Union.

The demographic situation in Latvia has made the drive for that state's independence far more complicated than that in neighboring Lithuania, where Lithuanians make up over 80 percent of the population. In Latvia, the indigenous population comprises only 53 percent of the population as a whole.

It is clear that sometime today they will vote out the nine-point program toward independence and they will take a cautious approach toward the Soviet Union by asking for a dialog, by giving the Soviets ample time to offer what they think is necessary for a confederation or whatever other arrangement they might have.

Nevertheless, the Latvians have followed closely in the footsteps of the Lithuanians: in December, the parliament abolished the Communist Party's monopoly on power; in February it condemned the Stalin-Hitler pact that paved the way for the Soviet occupation, and last month a large segment of the Latvian Communist Party broke from the Moscow-based Communist Party of the Soviet Union.

Perhaps most significant in the Latvian independence drive were the results of the March 18 parliamentary elections. Pro-independence candidates, largely represented by the popular front of Latvia, won some 140 of the Parliament's 201 seats. It is this faction which will dominate the vote on independence today.

The current conflict between the Soviet and Lithuanian governments over Lithuania's March 11 declaration of independence has not dampened the Latvian will. The Latvian parliament, has, however, decided not to declare unilaterally their independence as did the Lithuanians, but to proclaim the beginning of a period of transition to full independence. In the interim, the proposed declaration calls for negotiations with Moscow.

Anatoly Gorbunov, who yesterday was reelected President of Latvia by an overwhelming vote, has said that he does not expect the West to come running to the defense of Latvia independence. Indeed, it is not our place to force any sort of outcome in the relationship between the Soviet Union and the Baltic States. But our voice must be loud in insisting that these relationships be resolved in full respect of the rights of the Baltic peoples.

The people of Latvia, and their representatives in the parliament, have shown great courage. They have moved peacefully and rationally in their pursuit of self-determination and their right to do so must be defended.

Time and again I have spoken here about the U.S. obligation to fulfill the principles set forth in the 1975 Helsinki Final Act. In particular, our commitment to the self-determination of peoples must be firm. Self-determination means the right of peoples to choose their own path. The people of Latvia today are making a choice. We must offer open support for that choice.

Today, Senator D'AMATO is joining with me to introduce a resolution calling upon the U.S. Goverment to support the Latvian decision to seek its independence from the Soviet Union. Further my resolution urges the Government of the Soviet Union to respond to the Latvian offer to enter into negotiations with the elected officials of the Republic of Latvia leading to full independence for the Republic of Latvia.

Mr. President, going back to Latvia, I have just received word that the Latvian Parliament has voted to begin the independence process by a vote of 138 to 0. I congratulate the Latvian Parliament and the Latvian people for their willingness to continue this bold fight for independence and freedom. I think the United States should stand with them, and hopefully that is exactly what we will do.

I want to also thank Frank Parker, James Fisher, Chip Walgren, and Laurie Sedlmayr of my staff, and others who helped prepare this legislation I introduced on the Eastern European Development Fund.

AMENDMENTS SUBMITTED

HATCH ACT AMENDMENTS

ROTH AMENDMENT NO. 1583

Mr. ROTH proposed an amendment to the bill (S. 135) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. EXCLUSION OF CERTAIN EMPLOYEES.

(a) Chapter 73 of title 5, United States Code, is amended by inserting after section 7328 the following new section:

"§ 7329. Exclusion of certain employees

"The preceding provisions of this subchapter shall not apply to any employee who—

"(1) during a leave of absence, serves as the president of a national labor organization under the provisions of chapter 71 of title 5, United States Code (including the president of any national labor organization representing the United States Postal Service); or

"(2) votes for a candidate for national Federal office at a State political caucus.".

(b) The table of sections for chapter 73 of title 5, United States Code, is amended by inserting after the item relating to section 7328 the following:

"7329. Exclusion of certain employees.".

SEC. 2. REGULATIONS RELATING TO POLITICAL ACTIVITIES OF FEDERAL EMPLOYEES.

The Office of Personnel Management shall prescribe regulations to clarify and simplify the political activity prohibitions applicable to employees of the Federal Government or the government of the District of Columbia. Such regulations shall supersede determinations regarding political activity made by the Civil Service Commission prior to July 19, 1940, under the rules prescribed by the President, and any subsequent decisions based on such determinations.

SEC. 3. EDUCATION PLAN FOR FEDERAL EMPLOYEE POLITICAL RIGHTS.

Each agency employing any employee to whom the provisions of subchapter III of chapter 73 of title 5, United States Code, apply shall (in consultation with the Office of Personnel Management, the Office of the Special Counsel established under section 1211 of title 5, United States Code, and any labor organization representing such employees) develop a plan to educate such employees regarding the provisions of the Hatch Act and Federal employees' rights of political activity under the provisions of chapter 73 of title 5, United States Code. Such plan shall be—

(1) filed no later than two months after the date of the enactment of this Act with the Office of Personnel Management;

(2) implemented as to new employees immediately after filing; and

(3) implemented as to existing employees four months after such date of enactment.

SEC. 4. EFFECTIVE DATE.

The provisions of this Act shall take effect on January 1, 1991.

ROTH AMENDMENT NO. 1584

Mr. ROTH proposed an amendment to the bill S. 135, supra, as follows:

On page 6, insert between lines 3 and 4 the following new section:

"§ 7326. Private right of action for employees against political coercion

"(a) In addition to any other available remedy, an employee may file a civil cause of action in any United States district court against any person violating the provisions of section 610 of title 18 relating to such employee.

"(b) An employee filing an action under subsection (a) may be awarded no more than $5,000 in damages for each such violation.".

On page 6, insert between lines 11 and 12, immediately after the matter preceding line 12, the following:

"7326. Private right of action for employees against political coercion.".

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

MR. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on May 17, 1990, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on measures currently pending before the subcommittee. The measures to be heard are:

S. 1852 and H.R. 3545, to amend the Chesapeake & Ohio Canal Development Act to make certain changes relating to the Chesapeake & Ohio Canal National Historical Park Commission;

S. 1990, to establish the Cliff Walk National Historic Site;

S. 2011 and H.R. 2843, to authorize the expansion of the Tumacacori National Monument;

S. 2067 and H.R. 3834, to amend the National Trails System Act to designate the route from Selma to Montgomery for study for potential addition to the National Trails System;

S. 2072, to authorize a study of nationally significant places in American labor history;

S. 2262, to designate segments of the Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the National Wild and Scenic Rivers System;

S. 2437, to authorize the acquisition of certain lands in the State of Louisiana for inclusion in the Vicksburg National Military Park; and

S. 3566, to redesignate the Sunset Crater National Monument as the Sunset Crater Volcano National Monument.

Because of the limited time available for the hearing, witneses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the Hearing Record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, SD-364, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224-9863.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Friday, May 4, at 10 a.m., for a hearing on "Smoking and World Health."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. MITCHELL. Mr. President I ask unanimous consent that the Armed Services Committee Subcommittee on Defense Industry and Technology be authorized to meet in open session on Friday, May 4, 1990, at 9:30 a.m. to receive testimony on defense industrial adjustment in review of S. 2171, the Department of Defense Authorization Act for Fiscal Year 1991; and S. 2097, the Defense Diversification and Adjustment Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

INSPIRATIONAL VOLUNTEER EFFORTS OF BROWARD COUNTY SENIORS

● Mr. GRAHAM. Mr. President, today I would like to recognize and congratulate a group of outstanding citizens from Broward County. These men and women have each given a great gift to their communities—they have given of themselves.

Their outstanding volunteer efforts are an inspiration to all of us. This month, those efforts will be honored when the 13 following men and women are included in the Dr. Nan S. Hutchison Broward Senior Hall of Fame.

Today, I am pleased to recognize Joanna Bloneva Hayes Bradley, a nurse, school activist and civic leader; Louise and Robert Creider, volunteers for many food programs for the needy; Irvin Footer, a volunteer with the Jewish Community Center, B'nai B'rith and Broward County seniors groups; Nora Goldner, founder of the Senior Foundation of Northwest Broward, Inc.; Esther Grossman, a volunteer at Memorial Hospital who has increased volunteer participation and helped raise hundreds of thousands of dollars; Faye Hollander, a volunteer with mentally and physically handicapped children; Adele Jacobs, who has assisted the blind and worked with many social and service organizations; Gerald Kirschenberg, who uses his HAM radio operation to help out in emergencies and also fundraises for seniors' theatrical productions; Sara Pettis, a volunteer at her church, inside her neighborhood school and

with the foster grandparents program; Rose Sandle, who has focused her activities on aiding veterans; Lester Tussler, and assistant with the Broward County Educators Association as well as with many women's and children's organizations and Marie Young, whose work with the blind has greatly improved the quality of their lives.

Florida and Broward County are fortunate to have these inspiring senior citizens who give so much to their communities. I congratulate them today and wish for them many more productive and healthy years.●

TO ENHANCE RESEARCH ON OSTEOPOROSIS

● Mr. GRASSLEY. Mr. President, next week I intend to introduce a bill which, if it becomes law, should improve the Federal Government's research effort on osteoporosis. I will be introducing this legislation in anticipation of National Osteoporosis Prevention Week, May 14 through 18. Representative OLYMPIA SNOWE, with whom I have collaborated since at least 1985 on osteoporosis initiatives, including osteoporosis commemorative legislation, and with whom I collaborated in the development of this bill, will introduce it in the House of Representatives.

Osteoporosis is one of the major debilitating diseases of old age, affecting especially, but not only, older women. Investment in further research on osteoporosis will lead to greater understanding of the disease and, especially, how to prevent it and how to treat it once it has developed. Given that we face, in the not very distant future, great increases in the number of older people in our society, given that each generation of older people seems to have a higher incidence of osteoporosis, it is clear that we must find ways to reduce or eliminate this disease.

Osteoporosis is a condition, which develops in an individual over many years, characterized by weakening of bones which make those individuals susceptible to fractures of the hip, spine, and wrist.

Over an estimated 27 million Americans have this disease or related bone disorders. Many do not know that they have it, because the condition develops without symptoms until stress on the bones causes fractures. It is estimated that this condition is responsible for as many as 1,300,000 bone fractures annually, including 250,000 hip fractures, 200,000 wrist fractures and 500,000 vertebral fractures.

This disease is an enormous burden for our older population and an enormous burden on the Nation. It is not unusual for those who fracture hips in old age to end up incapacitated and even in nursing homes. Those older people who fully recover mobility after hip fractures are very fortunate.

The direct medical costs of osteoporosis reached an estimated $10 billion in 1988. This figure does not include the cost of family care or lost work for those, usually family members, who are caring for those with the disease.

I will introduce this bill in order to foster more research on this disease within the Federal Government. Currently, the funding for research on this disease at the National Institutes of Health is only a tiny fraction of its direct medical costs. The bill will therefore authorize additional funds for research on osteoporosis for the lead agency on the disease, the National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for the National Institute on Aging, which also conducts research on the disease. The bill will also have several other provisions designed to help eventually eliminate this disease as a public health problem.

I can summarize the bill briefly. It will authorize:

An additional $24 million for research on osteoporosis at the Arthritis Institute and an additional $12 million for such research at the National Institute on Aging for fiscal years 1991 through 1993.

An Interagency Coordinating Council on Osteoporosis and Related Disorders to help coordinate research and priority setting for research on osteoporosis within the Department. No funds are appropriated for this Council.

An advisory panel, comprised of non-Federal experts on the disease, to make recommendations for research and education and other health promotion activities, to the Congress and to the Department. The bill authorizes $200,000 to defray the costs which will be incurred to enable the panel to meet and to conduct business for fiscal years 1991 through 1993.

Three health promotion model projects which will seek to discover the best ways to conduct education and health promotion activities aimed at three key population groups: Young and teenage girls, midlife women, and older men and women. The bill authorizes $375,000 for each of fiscal years 1991 through 1993 for these projects.

A resource center on osteoporosis which will compile information on osteoporosis and disseminate it broadly to interested parties. This authority also provides for a hot line telephone service to make appropriate information available to those who wish to have such information, such as those with the disease and their families, and professionals of various kinds working in the field. The bill authorizes $500,000 for the first year of this activity, $350,000 for fiscal year 1992 and $400,000 for fiscal year 1993. The resource center is also authorized to charge appropriate fees to help defray the cost of providing materials, paying for postage, and running the telephone hot line.

Mr. President, there are many working in the field of osteoporosis who do believe that we have it within our power to eliminate this disease as a public health program. As a lay person, I am unable to say whether this is true. But it does seem to me that efforts to increase the research on osteoporosis and related disorders will help to reduce the burden created by this disease, and I hope that this bill will contribute to that end.●

COMMUNITY SERVICE

● Ms. MIKULSKI. Mr. President, Wednesday's Baltimore Evening Sun contained a brief commentary by author Barbara Gordon that moved me. From my days as a social worker in the neighborhoods of Baltimore, to my service in the Senate, "community service" has been both my calling and my career. I am deeply troubled that community service could now be seen not so much as a selfless commitment to one's neighbors, but as a celebrity alternative to doing hard time.

I'm not saying that community service can't be an appropriate penance. But when rich and famous individuals, shielded by their $100,000 defense teams, use community service as the easy way out of a criminal conviction, both the phrase and the activity are cheapened.

I am proud of my community service record in a way that Zsa Zsa Gabor and Oliver North never will be and never could be. I ask that Ms. Gordon's column be included in the RECORD.

The article follows:

AMERICA'S GRAND CELEBRATION OF LOSERS WHO SOMETIMES GET COMMUNITY SERVICE

(By Barbara Gordon)

Maybe the mists of time have clouded my memory, but I always thought people active in community service were considered public-spirited citizens—role models. Today, the phrase has taken on a whole new meaning: punishment.

Given our overcrowded prisons, the enormous expense of building new ones and the staggering costs of keeping prisoners behind bars, community service is being heralded as a prudent form of punishment: It saves dollars as well as souls.

Oliver North, Leona Helmsley and Zsa Zsa Gabor have all been found guilty of various crimes. Each has been sentenced to perform community service.

Perhaps some adults can make sense of this trend, but how do you explain to a child that North—a man shown to have a fleeting relationship with the truth—had to be ordered to do 1,200 hours of community service instead of going to jail? That a woman found guilty of withholding millions of dollars in taxes was ordered to spend 750 hours helping others (in addition to jail)?

Doesn't the public have a choice? Suppose parents are less than thrilled with the idea of North doing his community service as

part of their children's civics lesson. If Zsa Zsa Gabor paid her debt to society partly by working in a hospital, not all people would be enchanted by having her minister to their loved ones.

And the downtrodden, homeless and needy—how do they feel about swarms of felons swooping down on them. What about their choices?

It's important that people with short memories recall that not so long ago—before Watergate, Iran-contra, junk bonds—community service was inspired only by public-spiritedness and generosity.

Believe it or not, there are people who, without charisma or notoriety, work among the needy, not because they are sentenced to do so by a judge but rather because they are moved by the dictates of their own hearts. They are the real role models.

Barbara Gordon is author of "I'm Dancing as Fast as I Can."●

COMMEMORATING THE 199TH ANNIVERSARY OF POLISH CONSTITUTION DAY

● Mr. SARBANES. Mr. President, I am proud to join with people of Polish descent worldwide in commemorating this very special 199th anniversary of Polish Constitution Day. For nearly two centuries, the spirit of the Polish people has kept alive the fight for freedom, democracy, and the Constitution. It has been a long, arduous struggle, but Poland has once again reclaimed the rights embodied in its Constitution of 1791.

Just 2 years after the adoption of the United States Constitution, this historic Polish document abolished class distinction, established full religious toleration, and declared the equality of all citizens under the law. The 1791 Constitution remains a remarkable achievement in the history of the Polish people, and by the standards of any age or people it remains an eloquent declaration of political freedom and religious tolerance. It is an expression of the courageous spirit which against all odds has survived centuries of violence and oppression, and which has served as a beacon of hope as the Polish people have overcome a repressive government.

Across the country, the Polish American Congress, a national organization with chapters in all major cities, will celebrate this historic event on Sunday, May 6, 1990. In Maryland, the anniversary will be marked by our distinguished Polish community at Baltimore's Polish Home Hall where ceremonies underscoring the meaning and importance of this occasion will take place.

I commend the officers of the Maryland Chapter of the Polish American Congress who have devoted so much time and effort to planning and arranging this important occasion: Melvin Laszczynski, president; W. Milan-Kamski, first vice president; Mieczyslaw Piatek, vice president; Alfred Wisniewski, vice president; Theresa Violanti, financial secretary; Gertrude Jankowiak, recording secretary; Walter Skalniak, treasurer, and Joseph Sempeck, sergeant at arms.

A brave people, long recognized for their chivalry and compassion, the Polish people have for generations struggled for liberty and freedom, a struggle which led them to carry on their national banner the motto "For Our Liberty and Yours." Time and time again their land has been attacked and occupied by aggressive neighbors, yet the proud and noble people of Poland have repeatedly fought bravely against threats to their homeland.

For nearly 130 years, following the partitions of 1792 and 1795, the Polish State ceased to exist. It was literally erased from the globes and atlases of the world, and denied a seat at the world's conference tables. Poland's sovereignty was restored in 1919, but for most of the last century Poland has been subjected to brutal occupation and a harsh and repressive government.

The memories of the past decade are especially vivid. The emergence in 1980 of Solidarity, as the Solidarity Labor Federation is known, was followed a year later by the banning of the labor movement, the imprisonment of its leaders, and the imposition of martial law on the nation. Despite the action taken against Solidarity, however, it was not possible to suppress the spirit which brought Solidarity to life. The working men and women of Poland stood fast. The union and its affiliated organizations became the rallying point in the continuing Polish quest for justice and liberty.

Today, the Republic of Poland is committed to a democratic path, but building democratic institutions is not easy. This is especially true in a time of severe economic constraints and hardship. In Poland, food is in short supply. Factories, housing, schools, hospitals, and the environment have all been ravaged by 40 years of Communist mismanagement, and the economy must be rebuilt from the bottom up. These first courageous steps have been taken as Poland moves to reclaim the precious birthright which the 1791 Constitution represents.

The quest for justice and liberty as promised by the Polish Constitution is at last being realized. With positive leadership, with hope in the future, and faith in the potential of this great nation we once again see a free Poland, ready to fulfill the highest ideals and aspirations of its people.●

TRIBUTE TO NOTA M. WILKERSON

● Mr. SASSER. Mr. President, I rise today to pay tribute to Mrs. Nota M. Wilkerson of Chattanooga, TN.

Mrs. Wilkerson will retire on June 1, 1990, after completing 47 years of Federal Government service. She began her Federal career with the Army Transport Command, U.S. Army Air Force, in June 1943. She transferred to the Social Security Administration in December 1945, where she has served continuously ever since. For the last 10 years, Mrs. Wilkerson has been the congressional liaison contact representative for the Chattanooga Social Security District Office and is fondly referred to as "Mrs. Social Security."

Born and raised in White County (Sparta), TN, Mrs. Wilkerson graduated from Pleasant Hill Academy in Pleasant Hill, TN, and the Edmondson School of Business in Chattanooga. During her 45 years of service with the Social Security Administration she has been a capable and dedicated employee. Her diplomacy and expertise have combined to promote an outstanding working relationship between congressional offices, the Social Security Administration, and the public. The administration formally recognized her excellent work by presenting her with their Superior Service Award in 1986.

Mr. President, good Federal employees like Nota Wilkerson are the backbone of the U.S. Government. She has set an example for other Federal employees to emulate, and we in Congress should recognize her for a job well done. While she will be missed by her friends, colleagues, and the public, her retirement will give her an opportunity to pay more attention to her husband, George, her children, and grandchildren. I commend Mrs. Wilkerson for her outstanding public service and wish her many more years of health and happiness.●

COMMENDING THE UNIVERSITY OF MIAMI'S CHAMPIONSHIP FOOTBALL TEAM GRADUATES

● Mr. GRAHAM. Mr. President, this month, on May 11, the University of Miami holds its graduation ceremonies. Among the students graduating will be 15 senior members of the university's championship football team.

This spring, I had the privilege of meeting those young men at a ceremony in the White House Rose Garden that was held to honor the team's accomplishments during the 1989 season. Those accomplishments included an 11-1 record, a Sugar Bowl victory and, finally, a national championship title.

Today, I want to congratulate the University of Miami football team not only on those on-the-field statistics but, more importantly, on its equally impressive numbers inside the classroom.

Mr. President, 15 of the team's 18 senior members are scheduled to grad-

uate this month. That is a graduation rate of 83 percent. Last year, 16 of 19 senior football players graduated from Miami, an 84 percent rate. The high rate of graduation is well above the national average for top intercollegiate football programs.

This year's graduating seniors are Michael Azer, Andrew Lee Berry, Bernard Clark, Dale Dawkins, Mark Thomas Evans, Robert Garcia, Robert Lee Harden, Jason Hicks, Roderick Holder, Jimmie Jones, Timothy Jon Kalal, Bukasa Kalombo, Dennis Kelleher, Gregory Mark, and Willis Peguese.

That list includes four young men, Bernard Clark, Robert Garcia, Dennis Kelleher, and Gregory Mark, who finished their degree requirements within 4 years. Dale Dawkins, the leading receiver on the 1989 team, is graduating in 4 years after sitting out his freshman year under the proposition 48 requirement. Another senior player, Mike Sullivan, actually completed his undergraduate degree in 3½ years and now is using up his football eligibility while pursuing a master's degree in business.

These young men are a testament both to the University of Miami's commitment to academic excellence and its continued record of athletic achievement. University President Edward T. Foote, Athletic Director Sam Jankovich and Head Coach Dennis Erickson are to be commended for their leadership in ensuring that the University of Miami is truly producing student athletes.●

JERUSALEM

● Mr. LEVIN. Mr. President, I am pleased the majority of the Jewish settlers who have been occupying St. John's Hospice in the Old City of Jerusalem have agreed to leave that site.

I welcome this move because I believe Israel made a mistake in not being responsive to the religious sensitivities involved, and in not being straightforward about Government financing of the settlers' attempt.

Throughout her troubled history, Israel has always deserved and needed friends—and this is no less true today. Events like this recent attempt to forcefully break down longstanding divisions in the Old City do not serve to further Israel's overall interests, or advance the peace process.

It is reassuring that the Israeli court system has the independence to challenge the government. However, it is too bad it is necessary. I hope this matter can be settled quickly, and the property restored to its rightful inhabitants.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Jon Lerner, a member of the staff of Senator BOSCHWITZ, to participate in a program in Germany, sponsored by the Hanns Seidel Foundation, from May 1 to 10, 1990.

The committee has determined that participation by Mr. Lerner in the program in Germany, at the expense of the Hanns Seidel Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Gordon MacDonald, a member of the staff of Senator HUMPHREY, to participate in a program in the Republic of China, sponsored by the Soochow University, from April 8 to 14, 1990.

The committee has determined that participation by Mr. MacDonald in the program in the Republic of China, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Dr. Patricia Ruggles, a member of the staff of the Joint Economic Committee, to participate in a program in Canada, sponsored by the Statistics Canada from April 22 to 24, 1990.

The committee has determined that participation by Dr. Ruggles in the program in Canada at the expense of the Statistics Canada, is in the interest of the Senate and the United States.●

MEASURE INDEFINITELY POSTPONED

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 5, a Senate child-care bill, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Senator DOLE, I send to the desk a resolution on representation by the Senate Legal Counsel and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 279) to direct the Senate Legal Counsel to represent Senator Edward M. Kennedy in the case of Anderson v. Kennedy.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, a pro se plaintiff has filed a lawsuit in the U.S. District Court for the District of Columbia and named Senator EDWARD M. KENNEDY as defendant.

This resolution will authorize the Senate Legal Counsel to represent Senator KENNEDY in this case and to seek dismissal of the complaint.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 279) was agreed to.

The preamble was agreed to.

The resolution and its preamble are as follow:

S. RES. 279

Whereas, in the case of Anderson v. Kennedy, Case No. 90-0587, pending in United States District Court for the District of Columbia, a pro se plaintiff has asserted a claim against Senator Edward M. Kennedy;

Whereas, pursuant to section 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1) (1988), the Senate may direct its counsel to defend the members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Edward M. Kennedy in the case of Anderson v. Kennedy.

Mr. MITCHELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE 25TH ANNIVERSARY OF HEAD START

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 490, commemorating May 18, 1990, as the 25th anniversary of Head Start, just received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 490) commemorating May 18, 1990, as the 25th anniversary of Head Start.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 490) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY POSTPONED—SENATE JOINT RESOLUTION 265

Mr. MITCHELL. Mr. President, I further ask unanimous consent that the Labor Committee be discharged from consideration of Senate Joint Resolution 265, the Senate companion, and the joint resolution then be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator LIEBERMAN be recognized to address the Senate, and that upon the completion of his remarks, the Senate stand in recess order until 11:30 a.m. on Monday, May 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Under the order, the Senator from Connecticut [Mr. LIEBERMAN] is recognized.

MEETING WITH PRIME MINISTER KAZIMIERA PRUNSKIENE

Mr. LIEBERMAN. Mr. President, I have just had the pleasure, along with several of my colleagues in the Senate, of meeting with Prime Minister Kazimiera Prunskiene right here at the Capitol and I am pleased that I had the opportunity to tell her how much the people of Connecticut, particularly the Lithuanian Americans of our State, support her country's quest for freedom.

I hope, too, that she will forgive the reception that she was given at the White House yesterday. I gather that she had to pull up to the gate and show her credentials and walk alone from her car to the door of the White House. One of our constituents who signed up for a tour of the White House would have received a warmer reception, and although I know that our Government has not yet extended diplomatic recognition to the new Government of Lithuania, it seems to me that the Prime Minister, as a leader of a previously oppressed people, struggling for freedom, deserved better treatment from the U.S. Government.

Mr. President, it was nearly 27 years ago that President Kennedy delivered a magnificently eloquent speech on the role of what he called the little nations of the world. He spoke in Dublin, and he said that "no nation, large or small, can be indifferent to the fate of others near or far."

It was in that speech he quoted George Bernard Shaw and said those words that everybody has repeated so many times since then. "We need men who can dream of things that never were, and ask why not."

Today we would do well to listen to the words that immediately followed that oft-quoted line. "It matters not how small a nation is that seeks world peace and freedom," President Kennedy said. "For * * * the humblest nation of all the world, 'when clad in the armor of a righteous cause, is stronger than all the hosts of Error.' "

Mr. President, today Lithuania is clad in the armor of a righteous cause; but unfortunately, the administration of our Government is clad in what might be called a leisure suit of indifference. We encouraged the Lithuanians through the darkest hours of the cold war and urged them to keep their faith in freedom, for one day, we said to them, it will come. Today that day has come, and we are silent, painfully silent.

To hold our tongues at a time when Lithuania cries out for support is, in my opinion, to deny our heritage. Have we forgotten the words that made us free? "When a long train of abuses and usurpations," reads our Declaration of Independence, "evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security."

Mr. President, July 4, 1776, was not a convenient time for the King of England to accept a Declaration of Independence from the American Colonies, just as March 11, 1990, was not a convenient time for President Gorbachev to accept a Declaration of Independence by the Lithuanian people. No time is a good time for oppressors when the oppressed seek to be free.

What would Thomas Jefferson have said, had the King asked the colonists for just 5 more years to work things out? He would have said what he did say. "A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people." So spoke Thomas Jefferson.

The people of Lithuania have endured with "patient sufferance" the rule of communism for half a century. I do not wish to support a policy that asks them to be patient and suffer any longer. That is why I supported the resolution in the Senate that would have called for immediate diplomatic recognition of the new Government of Lithuania, and that, in fact, is what the Prime Minister Kazimiera Prunskiene asked us over and over again, as the most concrete expression of American support. But more than that, the clearest measure of a statement to the Soviet Union, to President Gorbachev, that the Lithuanians are not a people alone, but that other of the great powers of the world stand with them in their quest for freedom.

She made very clear to us her belief that it is possible for the United States, if it exercises strength here, to have both good relations with President Gorbachev and the Soviet Union, and diplomatic relations with the new Government of Lithuania.

That is also why I supported a resolution which passed the Senate by an overwhelming margin, that urges the President not to submit a United States-Soviet trade agreement to this body before the Soviet Union has lifted its embargo against Lithuania and has entered into negotiations with the Lithuanians that will lead to Soviet recognition of that government.

Mr. President, I hope that Prime Minister Prunskiene will take the news of this Senate resolution home with her as evidence that support does exist for the people of her country, and the support is strong and will not waiver.

Thank you, Mr. President. I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. Under the unanimous consent agreement, Senator DECONCINI is recognized.

PRIME MINISTER PRUNSKIENE'S APPEARANCE BEFORE HELSINKI COMMISSION

Mr. DECONCINI. I want to join my distinguished colleague from Connecticut in the strong support and compliments to Prime Minister Prunskiene, and particularly for her testimony both yesterday to the Helsinki Commission here in the U.S. Senate, and her visit with the Foreign Relations and Foreign Affairs Committee, and with different Senators. She made it very clear I think, that the people of Lithuania are a little bit like the people of the United States, wanting their independence. They are hoping that we will not be silent as to this recognition.

It is my firm belief that all of us are grown up enough to know the situation in the Soviet Union could be classified precarious. But it is also important that we not foresake principles that we have stood for for so long, by failing to give public recognition by our Government of the Governments of Lithuania, Estonia, and Latvia.

The history is very clear. We have never recognized the Soviet Union annexation of Lithuania in the Ribbentrop-Molotov secret agreement in 1939. We, in the Western nations, have stood for a long time, not recognizing that annexation. The Supreme Soviet this year went on record indicating that they themselves would not recognize that annexation, or that agreement.

Now for us to stand and say that we are with you, we know you want freedom, we know that it is important, and we are for freedom and we are for independence, but not to voice these sentiments fully with a formal declaration of recognition, is to me a mistake.

I have had the privilege, as many of us have, to listen to Vaclav Havel, the President of Czechoslovakia, to Lech Walesa and Mr. Mazowiecki, the Prime Minister of Poland and other leaders who have come before the Congress. They have met with us, and sometimes we have given joint sessions for them.

I think that Prime Minister Prunskiene laid it out very clearly, that Lithuania realizes the sensitiveness of this issue, that indeed they welcome the French and West German suggestion. But they also feel that once you do suggest, you have some responsibility to be a participant, to find a resolution.

The Lithuania people have offered to negotiate. They have offered to delay any action toward independence and suspend other legislation of their Supreme Soviet, in Lithuania. They realize it is going to take some time, but they have to talk to somebody, and they are here talking to us the American people. And they are here saying, recognize us formally, as you have said all these years honoring Captive Nations Week and as you have said in speeches and in the nonrecognition of the Soviet annexation of those Baltic countries.

I repeat, Mr. President, this body has had the privilege to receive some of the greatest statesman from around the world in the historic halls of our Congress. All Members of Congress had the opportunity to hear Vaclav Havel, playwright, philosopher, and President of Czechoslovakia, when he addressed the joint session of Congress earlier this year. Following the liberation of the Philippine people, we had the privilege to hear from President Aquino. And in that tradition, yesterday I had the privilege of receiving Lithuanian Prime Minister Kazimiera Prunskiene at a hearing I chaired of the Helsinki Commission [Commission on Security and Cooperation in Europe].

Prime Minister Prunskiene, the leader of a small brave country which has long suffered the oppression of the Soviet Union, had remarkable and inspirational things to say about restraint in the face of provocation and her countries determination to regain its independence. Even while facing economic stragulation by the Kremlin, she stood firm on the question of Lithuanian independence. She made clear that the Lithuanian people will never accept the cynical pact between Hitler and Stalin which illegally annexed Lithuania into the Soviet empire.

At the same time, Prime Minister Prunskiene made clear that Lithuania wants to resolve this intolerable state of affairs by dialog and negotiation. She accepted the French and German proposal that Lithuania temporarily suspend implementation of its laws relating to independence while negotiations with the Soviet Union were started. She made it clear that she did not bear a grudge against the country which has long oppressed her homeland when she stated that "the Lithuania question can and must be solved without damage to democracy in the Soviet Union."

I believe that President Bush can benefit from this remarkable woman's clear insight and realistic assessment into the views and thinking of the Kremlin leadership. He should pay attention when she says that "pressuring the Soviet Union on the Lithuanian question helps rather than hinders Mr. Gorbachev to be a consistent practitioner of democracy." The President should take to heart her observation that the West does "not have to choose between Lithuania and Gorbachev." Prime Minister Prunskiene met with President Bush yesterday and I hope the President was listening.

Mr. DECONCINI. I ask unanimous consent that the statement of Prime Minister Prunskiene, as presented to the Helsinki Commission on May 3, 1990, here in the U.S. Senate be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRIME MINISTER OF LITHUANIA, KAZIMIERA PRUNSKIENE TO THE HELSINKI COMMISSION, THURSDAY, MAY 3, 1990

For some time now, Lithuania and her Baltic neighbors have been reminding the world of the fact of their existence and, by doing so, have aroused worry as well as interest.

The Lithuanian question did not arise because it was arbitrarily willed by someone or in order to frustrate someone else's will and desires. The restoration of an independent Lithuanian state was a legal act, expressing the nation's self-determination and its right to full sovereignty. By international agreement, this is a political right of all nations.

The most important preconditions for the restoration of independence were:

1. The Lithuanian nation's long-standing desire, shared by the other two Baltic nations, for independent statehood, which was given expression by its democratically elected parliament.

2. The refusal of other states around the world to recognize the annexation of Lithuania by the Soviet Union.

3. Political changes under Mr. Gorbachev which permitted the Soviet Union itself to declare the Hitler-Stalin pact null and void.

The act entitled "On the Restoration of an Independent Lithuanian State" which was passed by the Lithuanian parliament on March 11 begins to establish our state sovereignty. We have enacted a legal, de jure sovereignty which will require much effort and a certain amount of time in order to be realized de facto.

By no means does the Lithuanian parliament and government believe that de facto independence can be grabbed unilaterally and quickly, especially when dealing with the Soviet Union with its deep-rooted imperial traditions.

Lithuania does not want to burden Mr. Gorbachev with her problems, complicating his situation and raising a danger to his leadership or to perestroika, a danger that has been dramatized around the world. Lithuania also does not want to shift her problems onto the West. Nevertheless, these three sides—the Soviet Union, Lithuania and the West—are drawn together through the Lithuanian issue. How the question is solved will depend first of all on the people of Lithuania themselves, on their unity, determination, calm and so long as the economic blockage lasts, on their stamina and enterprise as well. The people are showing the world tht they do have those qualities.

The roles of East and West in the resolution of the Lithuanian question are complicated by a series of factors:

1. The Soviet Union does not have a balanced equilibrium of political forces. Although the influence of the democratic forces is increasing, it is not yet equal to the other side. The democratic forces are only starting to consolidate and often clash among themselves. From what I have observed, Mr. Gorbachev does not make full use of support from the democratic forces to overcome the reactionaries.

2. The western nations, thanks to whose non-recognition policy Lithuania was able to preserve the legal continuity of her independence, became accustomed to her factual dependence. They valued Mr. Gorbachev's perestroika as a way of ensuring human and national rights to the point that the process began to be valued more than the goal—the realization of these rights.

It is difficult for the West to perceive that pressuring the Soviet Union on the Lithuanian question helps rather than hinders Mr. Gorbachev to be a consistent practitioner of democracy more than that, to overcome the reactionary forces which oppose not only independence for the Baltic states but also political and economic reforms in general. The West's position now, during a period of economic difficulties for the Soviet Union, can be one of the most important arguments for a decisive turn to reform. This argument would have been ineffective several years ago, for it is only now that the people dare to contradict the government and raise demands.

Lithuania is undergoing a great testing, but so too is the Soviet Union as well as the West. What sort of Russia or Soviet Union will emerge depends in part on how the Lithuanian issue will be resolved. This is un-

derstood by the democratic forces supporting us in the various Soviet republics and regions such as Moscow, Leningrad, Sverdlovsk, etc., where the newly-elected governments are sympathetic to us.

As regards the role of the West, we see and understand their desire to have in Mr. Gorbachev a reliable political leader in East-West relations. Here our interests coincide. But, for this we cannot sacrifice everything that is most important—the nation's future and its very existence. Such a sacrifice is senseless and not useful even to the West itself, because Lithuania's sacrifice would not help the Soviet Union enter a new stage of development as a nation of laws and a reliable economic partner for the West.

In other words the Lithuanian question can and must be solved without damage to democracy in the Soviet Union. In fact I would contend that the recognition of Lithuania's independence by East and West would be a tremendous victory for democratization in the Soviet Union within the context of perestroika. This political puzzle belongs to a former stage, since the majority of western states are sympathetic to Lithuanian independence.

You do not have to choose between Lithuania and Gorbachev. The solution is this: Gorbachev together with a breakthrough for democracy in the Soviet Union and an independent Lithuania. These are two compatible and converging sides of the same process, rather than alternatives.

I do not contend that Mr. Gorbachev's preferred scenario for Lithuania coincides with Lithuania's own aspirations. I think that he would speak out for Lithuania remaining in federation, although not by force. However, even the world's darling does not have the monopolistic right to decide the fate of other nations. And here we cannot help him at all. For otherwise sympathy degenerates into toadyism, and the latter gives birth to a cult.

Lithuania cannot demand support—she has neither the political nor the economic strength to do so. She is also prevented by an understanding of an elementary truth, that every state and its leaders have their own problems and their own interests.

Our hope lies not only in other nations' moral principals but also in the advantage which other states will sooner or later see in Lithuanian statehood and the role that she can play between East and West. This role will be the result both of her geopolitical situation and of the Soviet Union's abandonment of its imperial inertia, which we are testing at great risk and will have helped to shake up, if we are successful.

Even at present, when heads of state are not hurrying to put economic pressure on the Soviet Union or to help Lithuania, the world's attention is already a significant form of support. In such a situation, it is hard to imagine that the Kremlin, blockading us from the East, would succeed in isolating Lithuania from the West as well, preventing us from associating with the rest of the world. This would mean economic destruction, hunger, and the use of cold as a weapon (a literal cold war).

Until the last few days, the Western nations confined themselves to urging both sides to start negotiations. President Mitterand's and Chancellor Kohl's proposal for a temporary suspension of the execution of the Lithuanian Parliament's decisions, as a condition to spur the Kremlin to negotiations, significantly changes the situation. By this act these heads of state became in effect participants or mediators in the solution of Lithuania's problems, although they did not express such an intention. To suggest a course of action means at the same time to take on a certain amount of responsibility.

Lithuania's leadership, understanding that the path of no compromise in the execution of the enacted legislation is impossible, and appreciating the importance of guarantees by other states, is disposed to consider such a formula. But it must be stated without ambiguity or the possibility of different interpretations. We could temporarily suspend the quick and unilateral execution of the passed legislation if there were international guarantees. In no way does this mean a repeal of the acts passed on March 11 or a renunciation of independence. In such a case Lithuania would have to be guaranteed on the basis of international law: the continuity of Lithuanian independence, the continuation of her government and her territorial integrity.

The government of the Republic of Lithuania has proposed more than once to the leaders of the Soviet Union that we start a dialogue in search of compromises, naming a number of possible areas, such as: the reconciliation of military and defense interests, guarantees for civil rights of Soviet citizens in Lithuania, the division of wealth, and so forth. Concrete details would become clear during negotiations. The Soviet side did not express interest in conducting such negotiations. Compromises cannot all come just from one side, or they are no longer compromises, but rather the subjugation of the weaker by the stronger.

The Soviet Union, in demanding that the Republic of Lithuania repeal the acts of March 11, at the same time recognizes their validity, because the Soviet Government itself cannot legally annul them. The economic blockade also confirms the factual separation of Lithuania from the Soviet Union, after which any pretensions to Lithuania as part of the Soviet Union's territory are no longer possible.

The attempt to force Lithuania to renounce her independence through economic coercion will not succeed, and will only create new socio-economic and political difficulties for the Soviet Union itself. The people's dissatisfaction with the individuals who made such decisions is growing. Meanwhile, Lithuania, although under very difficult conditions, is looking for alternative sources of needed materials, including those in the eastern market. Only by using the Soviet army would it be possible to totally interrupt barter exchanges of goods between Lithuania and her eastern trade partners within the Soviet Union. And the path leads from such exchanges to full market relations.

Lithuania is going through difficult times, deprived of oil, most of her gas, metal and other important products. A transportation and banking blockade is in effect. Enterprises are closing, unemployment has appeared. However, there is also some good resulting from all this, for it gives us the chance to develop speed, initiative, enterprise and market methods. We intend to hold out and survive, because there is no road back.

The approaching summit meeting between the American and Soviet presidents—the leaders of the world's largest nations—could make a decisive contribution to the solution of the Lithuanian problem. Fate is giving them the chance to leave an admirable mark in history, starting a new epoch in Europe and in relations between West and East. We trust that they will do so, not only because their nations expect this, but also because they will be guided by the internal moral code of popular, democratic leaders.

(The remarks of Mr. DECONCINI pertaining to the submission of Senate Resolution 280 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

(The remarks of Mr. DECONCINI pertaining to the introduction of S. 2581 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DECONCINI. Mr. President, I ask unanimous consent the absence of a quorum be noted.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that I be permitted to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VISIT OF PRIME MINISTER PRUNSKIENE

Mr. MITCHELL. Mr. President, in private conversation today with Lithuanian Prime Minister Prunskiene and listening to her address a group of Senators, I was struck by her composure and conviction and by the evident resolve of the Lithuanian people. I am more convinced than ever of the need for a clear and active United States policy toward Lithuania.

A peaceful diplomatic solution to the crisis can and must be found. The United States must do everything possible to facilitate that goal.

We must make clear to President Gorbachev the need to not only agree to resolve the dispute peacefully, but to take concrete steps toward that end.

I am disappointed by President Gorbachev's actions, which have created new obstacles to a peaceful solution. I am also disappointed by President Bush's failure to respond to those actions. Although the economic embargo is not military force, it was instituted to coerce Lithuanian leaders to accede to Moscow's terms. Clearly, such action does not represent a good-faith effort to facilitate fair and meaningful negotiations.

I believe, as I told President Bush and Prime Minister Prunskiene, that the United States should go beyond condemnation of such actions to concretely demonstrate our objections to the coercive course the Soviet Union has pursued.

In expressing our disapproval of the measures already taken, the United States must make clear our view that further Soviet sanctions would throw into question President Gorbachev's stated commitment to a peaceful resolution of the dispute.

For negotiations cannot be conducted on a fair or reasonable basis if one party continues to attempt to oppose its terms by pressuring the other. As I told President Bush, there cannot be meaningful dialog, let alone negotiations, if one side holds the other by the throat.

There must be a fair exchange of views. There must be an atmosphere of mutual respect. Soviet actions have undermined the basis for such free discussions and a solution based on equity and compromise. The United States seeks a peaceful resolution of current conflict, but we must not leave the impression that we believe a negotiated solution can be borne out of economic coercions.

We should not lead President Gorbachev to infer that the United States supports or condones his decision to cut off supplies of vital raw materials to Lithuania. Yet I fear that the United States, by virtue of President Bush's failure to take concrete steps to express our opposition, may be leading Gorbachev to precisely that conclusion.

The Senate recently passed a resolution that should help clarify its views toward Soviet actions. The Senate resolution made clear that approval for a new commercial trade agreement with the Soviet Union should be withheld until the Soviets lift their economic embargo and enter into meaningful negotiations with Lithuania.

I urge President Bush to consider this approach and to take steps that would reinforce this message to President Gorbachev.

We in America have supported Lithuanian independence for 50 years. We do not intend to take any action that would result in delaying the realization of the Lithuanian people's desire for freedom.

But America must be consistent and American policy must be clear. We must demonstrate to the Soviet Union that economic coercion is incompatible with fair and meaningful negotiation.

We must do everything possible to facilitate a peaceful route to full independence for Lithuania, and neither the United States nor the Lithuanian people should be misunderstood.

Mr. President, I yield the floor.

RECORD TO REMAIN OPEN UNTIL 2 P.M.

Mr. MITCHELL. I ask unanimous consent that the RECORD remain open today until 2 p.m. for the introduction of bills and statements.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDERS FOR MONDAY, MAY 7, 1990

ORDER FOR RECESS UNTIL 11:30 A.M.; MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11:30 on Monday, May 7; and, that, following the time for the two leaders, there be a period for morning business not to extend beyond 12 noon with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, on Monday the Senate will resume consideration of S. 135, the Hatch Act reform bill, at noon, with the following Senators being recognized to offer first degree amendments: Senator DOLE, to offer two amendments; Senator ROTH, to offer one amendment; and then Senator SIMPSON, to offer one amendment. During Monday's session, there will be debate only relative to those amendments with any rollcall votes to occur on Tuesday morning.

Mr. President, the two amendments that were offered today were tabled by voice vote and, therefore, rollcall votes will not be necessary on those amendments on Tuesday morning. The maximum number of amendments, then, which will be voted on on Tuesday morning will be the four amendments to be offered on Monday, if they are not otherwise disposed of on Monday.

I am advised by staff that both majority and minority staff have consulted and determined that the most favorable time for Senators on both sides on Tuesday for votes to commence will be 11:30 a.m. Therefore, it is my intention, unless the distinguished Republican leader or another Senator prefers a different time, to plan to commence those votes, however many are scheduled, and we will not know that until the close of business on Monday, for on or about 11:30 a.m. on Tuesday morning.

Mr. DOLE. We have no objection to that time.

Mr. GLENN. Reserving the right to object, I will not object, would it be possible for us to get copies of those amendments so we can study them over the weekend? We do not have copies yet.

Mr. DOLE. We will try to do that this afternoon. I cannot speak for others, but at least my staff.

Mr. GLENN. I would appreciate it, so we can get them and look at them in advance.

Mr. MITCHELL. Mr. President, I am not putting a unanimous-consent request to the Senate now. I am merely stating my intention to schedule those votes on Tuesday morning. I will do so at the conclusion of business on Monday when we have a specific knowledge on what votes will be required and which amendments.

RECESS UNTIL 11:30 A.M. MONDAY, MAY 7, 1990

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 11:30 a.m., Monday, May 7.

Thereupon, at 1:27 p.m., the Senate recessed until Monday, May 7, 1990, at 11:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, May 7, 1990*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. GRAY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 7, 1990.

I hereby designate the Honorable WILLIAM H. GRAY III to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O gracious God, to see the world not only with the excuses that we so easily recall, but to face our world and our lives with the perspective of the personal responsibility that You have given to us. Holy God, as You have created each of us with responsibility for all we do, may we use that responsibility in ways that serve all humankind. Amen

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arizona [Mr. KYL] please come forward and lead the House in the Pledge of Allegiance?

Mr. KYL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 490. Joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1846. An act to make miscellaneous amendments to Indian laws, and for other purposes; and

S.J. Res. 246. Joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

ANNOUNCEMENT OF PROCEDURES BEFORE COMMITTEE ON RULES REGARDING H.R. 770, FAMILY AND MEDICAL LEAVE ACT OF 1989

Mr. FROST. Mr. Speaker, this is to notify Members of the House of the Rules Committee's plans regarding H.R. 770, the Family and Medical Leave Act of 1989. The committee is planning to meet on Tuesday, May 8, 1990, at 2 p.m. to take testimony on the bill. In order to assure timely consideration on the bill on the floor, the Rules Committee is considering a rule that may limit the offering of amendments.

Any Member who is contemplating an amendment to H.R. 770 should submit, to the Rules Committee in H-312 in the Capitol, 35 copies of the amendment and a brief explanation of the amendment no later than 6 p.m. on Monday, May 7, 1990.

We appreciate the cooperation of all Members in this effort to be fair and orderly granting a rule for H.R. 770.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
May 4, 1990.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received at 10:30 a.m. on Friday, May 4, 1990 the following message from the Secretary of the Senate: That the Senate passed without amendment H.R. 3802.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills earlier today:

H.R. 1472. An act to establish the Grand National Recreation Area in the State of Michigan, and for other purposes; and

H.R. 3802. An act to designate May 1990 as "Asian/Pacific American Heritage Month."

THE FAMILY AND MEDICAL LEAVE ACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, this is a wonderful week in which we will really be able to test whether we are or are not a kinder and gentler Nation. We are going to be taking up the Family and Medical Leave Act, and what we will be doing, if we pass that act, is catching up with every other western industrialized nation.

Mr. Speaker, all this bill will do is give 12 weeks of job protected leave to a young woman or man upon the birth or adoption of a baby to try and solidify that family.

My colleagues, we in America must deplore the fact that our families are breaking apart at a 100-percent faster rate than any other country and that we are not doing something about allowing our families the time to bond together. Every country has done this.

If we pass this act, we will still be doing less than every other country, but at least we will be trying to help young families start building before it all tumbles.

So, Mr. Speaker, I really hope Members pass this legislation. We must catch up. We are in this global economy where we are going to have to have that, and I think we can no longer tolerate the drug rates and crime rates in this country without dealing with the very root cause of what is driving them, as we have seen by study after study.

LATVIANS JOIN THE RANKS OF THOSE WHO PRESS FOR TRUE SELF-DETERMINATION

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, 1989 was a remarkable year—one that witnessed the nations of Central and Eastern Europe cast off the totalitarian dictators who have ruled for over four decades. One by one, Poland, East Germany, Czechoslovakia and the rest embraced democracy and respect for basic human rights. It was a force that could not be stopped.

The year 1990 is provding to be no less remarkable. The Baltic States that were illegally seized by the Soviet Union in 1940 have pushed ever further toward independence. Lithuania, as we all know, has pressed its claim forcefully, and has sought to compel the Soviet Union to grant independence. While less immediate in the details of their demand than Lithuania, Estonia has similarly expressed its clear intention on independence from the Soviet Union. And, last Thursday, May 3, the duly elected Latvian Parliament voted 138 to 0 to declare itself "an independent democratic republic."

The people of Latvia have made it clear that they do not seek confrontation or violence—they wish nothing more than to be free. Latvia's President, Mr. Anatolijis Gorbunovs, has indicated his desire to negotiate a separation from Moscow. He had made it clear that they do not wish to disrupt the East-West dialog. Latvia does not want to push Mr. Gorbachev into a corner and force him to lash out in violence. But they have an unquenchable thirst for freedom. They will no longer be satisfied to take their orders from Moscow.

Mr. Speaker, this Member congratulates the people of Latvia on the occasion of their declaration of independence. Certainly it is clear that the very best wishes of Members of the Congress of the United States enthusiastically go to the Latvian Parliament, which has taken this courageous and unanimous vote, as well as to Latvia's President—the Honorable Anatolijis Gorbunovs. It is this Member's most sincere desire that a negotiated but expedited separation from the Soviet Union can be reached, so that true self-determination for this tiny Baltic State will be restored. All of America wishes them well, but this Member extends the special enthusiasm and support from the strong and significant community of Latvian-Americans in Lincoln, NE.

□ 1210

CHAIRMAN ANNUNZIO PROMOTES COLUMBUS COIN FOR YOUNG SCHOLARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, as the Members know, I have sponsored legislation to honor the greatest explorer in history, Christopher Columbus. More importantly, however, the Christopher Columbus Coin and Fellowship Act legislation will create scholarships to assist new explorers in their search for discoveries which can benefit mankind.

More than half the Members of the House have joined me in sponsoring this bill. Any member who has not signed on is certainly welcome to do so. I hope the House Subcommittee on Consumer Affairs and Coinage, which has already held a hearing on the legislation and at which I testified, will act on the bill shortly and send it to the full Banking Committee for approval. There is no doubt in my mind that the legislation will reach the House floor rapidly and be sent to the Senate where I believe positive action should be taken. The bill would then be sent to the White House for President Bush's signature.

Mr. Speaker, I urge enactment of this legislation which will commemorate the 500th anniversary of the arrival of Columbus in America. The importance of this Italian's discoveries cannot be overstated. Before his discovery, Europe placed its focus on the East. Afterwards, the emphasis was to travel to the West.

There have been many arguments over whether Columbus was the first to reach the New World or whether Etruscans, Phoenicians, Norsemen, or others were the first to come and even settle. Similarly, there are arguments over where Columbus first stepped ashore in the New World.

All these arguments miss what made Columbus' discovery so momentous. It was Columbus' discovery alone which led others to follow in his footsteps, to change the focus on Europe from East to West.

A significant element of the legislation is the funds it will raise for the nonpartisan Christopher Columbus Foundation which will award fellowships to explorers in all fields. The hardest part of the journeys of Columbus was not the sailing but the arranging of the financing for the trips. The Columbus Fellowships will help new explorers who need financial aid.

Our Nation's first commemorative coin was struck in honor of Columbus. It is only fitting that the 500th anniversary of his discovery of America be noted by the striking of a coin which will reward scholars who also want to make their mark on the world.

Mr. Speaker, the legislation calls for the minting of 11 million coins—1 million gold $5 pieces, 4 million silver dollars, and 6 million clad half dollars. The coins will be dated 1991 and 1992, with different designs the second year. The trade publication on coinage, Numismatic News, believes the legislation could well create the largest commemorative issue of coins in history. It is my calculation that if all the coins are sold, more than $69 million would be raised for the Columbus Fellowship Foundation.

The United States is the most innovative country in the world. We have the best thinkers. We have the most creative thinkers. But the gap between us and the rest of the world is narrowing. We must maintain our edge. The Columbus Fellowships are one way to do so. The fellowships will support those individuals whose work may lead to new discoveries in medicine, electronics, engineering, chemistry, or whatever field or profession they choose.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. KYL) to revise and extend his remarks and include extraneous material:)

Mr. EMERSON, for 60 minutes, on May 16.

(The following Member (at the request of Mr. SKAGGS) to revise and extend his remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KYL) and to include extraneous material:)

Mr. GINGRICH.

Mr. BEREUTER, for two instances.

(The following Members (at the request of Mr. SKAGGS) and to include extraneous material:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. COLEMAN of Texas.

Mr. TORRICELLI.

Mr. BONIOR.

Mr. DONNELLY.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 246. Joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported

that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1472. An act to establish the Grand National Recreation Area in the State of Michigan, and for other purposes; and

H.R. 3802. An act to designate May 1990 as "Asian/Pacific American Heritage Month."

ADJOURNMENT

Mr. SKAGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 8, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3123. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of April 1, 1990, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 101-189); to the Committee on Appropriations and ordered to be printed.

3124. A letter from the Assistant Secretary (Civil Rights), Department of Education, transmitting the annual report summarizing the compliance and enforcement activities of the Office for Civil Rights and identifying significant civil rights or compliance problems, pursuant to 20 U.S.C. 3413(b)(1); to the Committee on Education and Labor.

3125. A letter from the Attorney General, Department of Justice, transmitting a copy of a report entitled, "Missing, Abducted, Runaway, and Thrownaway Children in America"; to the Committee on Education and Labor.

3126. A letter from the Chairman, National Foundation on the Arts and the Humanities, transmitting a draft of proposed legislation to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended, and for other purposes; to the Committee on Education and Labor.

3127. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed agreement for the manufacture of a modular air delivered weapon system in Taiwan (Transmittal No. MC-1-90), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

3128. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed authorization for the export of defense articles and defense services sold commercially under a contract in the amount of $50,000,000 or more (Transmittal No. MC-4-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs. May 7, 1990.

3129. A letter from the Director, Defense Security Assistance Agency, transmitting a report of enhancement of upgrade of sensitivity of technology or capability for the Government of the Netherlands (Transmittal No. A-90), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on Foreign Affairs.

3130. A letter from the Director, Defense Security Assistance Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for Saudi Arabia (Transmittal No. C-90), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on Foreign Affairs.

3131. A letter from the Director, Defense Security Assistance Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for Spain (Transmittal No. B-90), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on Foreign Affairs.

3132. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Peter Jon De Vos, Ambassador Extraordinary and Plenipotentiate to the Republic of Liberia, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3133. A letter from the Secretary of State, transmitting the Department's second report on United States-Soviet reciprocity in matters relating to Embassies, pursuant to 22 U.S.C. 4301 nt.; to the Committee on Foreign Affairs.

3134. A letter from the Chairman, Architectural and Transportation Barriers Compliance Board, transmitting an audit of the Access Board's internal administrative practice for fiscal year 1985-88, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3135. A letter from the Administrator, Environmental Protection Agency, transmitting the 1988 national water quality inventory report, pursuant to 33 U.S.C. 1315; to the Committee on Public Works and Transportation.

3136. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Stewart B. McKinney Homeless Assistance Act to extend the Job Training for the Homeless Demonstration Program, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAMILTON: Joint Economic Committee. Report of the Joint Economic Committee on the 1990 Economic Report of the President (Rept. 101-475). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 237. A bill to implement the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes; with an amendment (Rept. 101-476). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEES

The Committees on Agriculture and Merchant Marine and Fisheries discharged from further consideration of H.R. 4610; H.R. 4610 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself, Mr. DICKINSON, Mr. MAVROULES, Mr. HOPKINS, Mr. SKELTON, Mr. BATEMAN, Mr. MCCURDY, Mrs. LLOYD, Mr. SISISKY, Mr. RAY, Mr. SPRATT, Mr. ORTIZ, Mr. DARDEN, Mr. PICKETT, Mr. LANCASTER, Mr. BILBRAY, Mr. TANNER, and Mr. MCNULTY):

H.R. 4736. A bill to reduce the number of reports that the Department of Defense is required by law to submit to Congress, and for other purposes; to the Committee on Armed Services.

By Mr. KASTENMEIER:

H.R. 4737. A bill to amend title 28, United States Code, with respect to habeas corpus, and for other purposes; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. HANCOCK, Mr. EMERSON, Mr. CRAIG, Mr. BUECHNER, Mr. PICKETT, Mr. LAUGHLIN, Mr. DANNEMEYER, and Mr. HUBBARD):

H.J. Res. 564. Joint resolution proposing an amendment to the Constitution of the United States to prohibit the Supreme Court or any inferior court of the United States from ordering the laying or increasing of taxes; to the Commitee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

382. The SPEAKER presented a memorial of the Senate of the State of New Hampshire, relative to Lithuania; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 173: Mr. MATSUI, Mr. CHAPMAN, Mr. MARTIN of New York, Mr. HORTON, Ms. KAPTUR, Mr. LEHMAN of Florida, Mr. GILLMOR, Mr. MOORHEAD, Mr. GINGRICH, Mr. BROWN of Colorado, Mr. ANDREWS, Mr. KASICH, and Mr. COURTER.

H.R. 286: Mr. BURTON of Indiana and Mr. COMBEST.

H.R. 726: Mr. BUECHNER.

H.R. 848: Mr. NIELSON of Utah.

H.R. 1248: Mr. FEIGHAN.

H.R. 1390: Mr. SHAYS.

H.R. 2608: Mr. LEWIS of Georgia.

H.R. 3037: Mr. STENHOLM, Mr. MFUME, Mr. DURBIN, Mr. STEARNS, Mr. BOUCHER, Mr. KOSTMAYER, Mrs. SCHROEDER, Mr. NEAL of Massachusetts, Mr. TORRES, Mr. SERRANO, Mr. LIPINSKI, Mr. PAYNE of New Jersey, Mr. JOHNSTON of Florida, Mr. CAMPBELL of Colorado, Mr. SKAGGS, Ms. OAKAR, and Mr. BILBRAY.

H.R. 3368: Mr. CAMPBELL of Colorado, Ms. KAPTUR, Mr. WEISS, Mr. ATKINS, Mr. ESPY, Mr. SIKORSKI, and Mr. JOHNSON of South Dakota.

H.R. 3440: Mr. FALEOMAVAEGA.

H.R. 3705: Mr. SIKORSKI.

H.R. 3833: Mr. FEIGHAN.

H.R. 3948: Mr. JONTZ, Mr. BILBRAY, Mr. IRELAND, Mrs. COLLINS, Mr. POSHARD, Mr. LEWIS of Georgia, and Mr. THOMAS A. LUKEN.

H.R. 3979: Mrs. JOHNSON of Connecticut.

H.R. 4147: Mr. COYNE.

H.R. 4266: Mr. WOLF.

H.R. 4470: Mr. MINETA.

H.R. 4494: Mr. KANJORSKI, Mr. GALLEGLY, Mr. SPRATT, Mr. LAGOMARSINO, Ms. LONG, Mr. DEFAZIO, Mr. CONTE, Mr. PENNY, Mr. SOLOMON, and Mr. LEHMAN of California.

H.R. 4573: Mr. GALLO, Mr. MONTGOMERY, Mr. MCCURDY, Mr. LANCASTER, Mr. TALLON, Mr. SCHEUER, Mr. YATRON, Mr. MCEWEN, Mr. SHAYS, and Mr. POSHARD.

H.R. 4590: Mr. RANGEL, Mr. ESPY, Mr. KOLTER, Mr. APPLEGATE, and Mr. MFUME.

H.J. Res. 463: Mr. WILSON, Mr. COURTER, Mr. WEBER, and Mr. FORD of Michigan.

H.J. Res. 510: Ms. KAPTUR, Mr. STUMP, Mr. LANCASTER, and Mr. LEWIS of California.

H. Con. Res. 27: Mr. STUMP.

H. Con. Res. 184: Mr. WISE, Mr. BUSTAMANTE, Mr. MRAZEK, Mr. LIPINSKI, Mr. TOWNS, Mr. TORRICELLI, Mr. CHAPMAN, Mr. WOLPE, Mr. TRAXLER, Mr. HARRIS, Mr. JONTZ, Mr. HUGHES, Mr. LANCASTER, Mr. LEWIS of Georgia, Mr. FAWELL, Mr. SAVAGE, Mr. THOMAS A. LUKEN, and Ms. KAPTUR.

SENATE—*Monday, May 7, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 11:31 a.m., on the expiration of the recess, and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

The Reverend John E. Stait, Office of the Chaplain, U.S. Senate, offered the following prayer:

Let us pray:

And in the first year of Darius the Mede, I arose to be an encouragement and protection for him.—Daniel 11:1 NAS.

Father in Heaven, it is so easy to think that only those who are known, chronological leaders are making history. But we consistently read throughout scripture that what Your sons and daughters were doing, quietly and faithfully with no fanfair or applause was what was really making history in antiquity.

Help us today on Capitol Hill to be Your servants. Help us know that no matter how insignificant others may make us feel, we are making history. That we might be an encouragement and protection to those we serve. Help us rest in the assurance that the record is being kept and our labor is not in vain. As it is written; "Yes," says the Spirit, "that they may rest from their labors, for their deeds follow with them."—Revelation 14:13 NAS. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 7, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time for the two leaders, there will be a period for morning business not to extend beyond 12 noon with Senators permitted to speak therein for up to 5 minutes each.

At noon today, when the Senate resumes consideration of S. 135, the Hatch Act reform bill, under the provisions of the unanimous-consent agreement of last week, the following Senators will be recognized to offer amendments.

Senator DOLE will offer two amendments. Then Senator ROTH and Senator SIMPSON will offer one amendment each.

Any rollcall votes which may be needed to dispose of these listed amendments will not occur today but will occur tomorrow morning beginning at approximately 11:30 a.m.

Last Friday the Senate defeated by voice vote two amendments offered by Senator ROTH that were part of the above-mentioned consent agreement. Therefore, on Tuesday only the four amendments listed for today and any relevant second-degree amendments will require rollcall votes if needed to dispose of them.

It is my hope and intention, as I stated last week, to complete action on this bill as early as possible this week. That means that there is the possibility of late-night sessions beginning on tomorrow, should the necessity arise, in order for the Senate to complete its work on this important legislation. And I urge Senators to take that into account in preparing their schedules for the remainder of this week.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve all of the leader time of the distinguished Republican leader.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business not to extend beyond 12 noon today with Senators permitted to speak therein for not to exceed 5 minutes each.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the period for morning business be extended until 12:30 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, in view of the hour, I ask unanimous consent that I might proceed as if in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. The Senate is in morning business from now until 12:30.

Without objection, the Senator may proceed.

Mr. MOYNIHAN. I appreciate that.

THE DEFICIT

Mr. MOYNIHAN. Mr. President, the Senate and the public generally will have seen accounts of the meeting which took place yesterday at the White House among mainly the President, his principal advisers, Mr. Sununu, Mr. Darman, Secretary of the Treasury Brady, and the Senate leaders and House leaders of the Democratic and Republican sides equally.

The announcement in the press is that President Bush and Hill leaders agree to pursue deficit talks. This comes as a change in the position of the administration. The effective position was that there was nothing to talk about. It comes in response at least to two things.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The first is the realization sinking in at the administration and widening in the Nation itself that the budget deficit is in fact much higher than is admitted, much higher than is depicted in the Gramm-Rudman-Hollings discourse or in the President's budget message to us; that as Mr. Stockman said in 1983, the budget deficit is "$200 billion as far as the eye can see." We have, in fact, a $200 billion deficit now rising to about $270 billion at the end of the decade.

The deficit is compounding because the debt is compounding. We tripled the national debt in 8 years. In those 8 years the previous administration borrowed in constant dollars 85 percent of the amount of money borrowed in the Second World War, such a large sum that it now takes nearly half the income tax to pay the debt. More graphically, Mr. President, particularly from your part of the world, it takes all of the income tax collected west of the Mississippi River to pay the interest on the debt now. That is the legacy of the 1980's, the largest transfer of wealth from labor to capital in the history of our political economy. We tax persons' incomes that they acquire by work, and we pay it to bondholders who typically have had the capital which they invested in Treasury securities and receive the interest as return on capital, which is to say wealth from labor to capital, the largest in our history.

The second reason we suddenly have an administration prepared to have talks is that the deficit is even larger than was anticipated. The return of the revenue from the corporate income tax is not what it was expected to be, and there are other factors that I am sure the Senate is familiar with, including the prospect that interest rates will be higher than the rosy scenario usually depicted them as being.

I suggest, Mr. President, there is a much larger overriding fact, and that is the administration is beginning to understand that the Congress may not be willing to let the administration continue to use the revenues of the Social Security system as if they were taxes collected for general purposes. They are not. If anyone would bother to look at their paycheck, they will see a line for the income tax and they will see a line marked FICA. That stands for Federal Insurance Contributions Act.

Those are contributions to a retirement and survivors trust fund, and a disability trust fund. Those are insurance premiums. They are not general revenue. And yet, Mr. President, they are being used as if they were.

The misuse of the trust funds is the most egregious breach of trust with which this Government has involved itself in as long as anyone can recall. It is a new subject. We are learning the subject. There has never been a major surplus in these trust funds. They were a pay-as-you-go system for decades.

In that year, here on this floor, and in the House, we put in place a series of rate increases, the last one of which took effect on schedule on January 1 of this year, which would produce a partially funded system. We would, in fact, save against future, try to create wealth that would throw off income when needed at a time in the third decade of the next century when there will be only three workers actively contributing to the Social Security trust fund for every one retired person.

It is a technicality, but not an inextricably complex one. The technicality is, the only way money can be saved, in an economic sense, is to have a current operating budget that is balanced, such that the Social Security surplus buys down the privately held Treasury debt. That in turn translates into saving in the private sector.

Now, the power of these surpluses, the size—not only the surplus, but the size, Mr. President—the Social Security surplus is now rising at $1 billion a week. By 1995, it will be rising at $2 billion a week. By the year 2000, $4 billion a week; until the year 2015, $8 billion a week.

At the same time, there are certain costs in Government that are going down, principally the military. As the cold war concludes, the Warsaw Pact has disappeared, any country which, has, as we do, 323,000 persons in 14 NATO countries, is going to see that decline.

I point out sir, that the 250th largest school district in the United States is actually located in West Germany, the Federal Republic of Germany.

Those costs are going down. This morning we learned that the most respected chairman of the Joint Chiefs, Gen. Colin Powell, is talking about a time when the military will have a budget a quarter less than it does now.

Now, the combination of a declining defense outlay and a rising Social Security surplus clearly impressed itself on the administration earlier this year, or late last year, I should say. When the administration came to office, they let it be known, they asked for the term slide-by budget, the one that was introduced in January 1989. Get that out of the way. We will have major talks for a grand accord before the calendar year 1989 was over.

But, then the slide-by budget slid by, and there were no talks, no discussions of any kind. A few meetings about the budget agreement, but no effort to put our finances in order.

Why? Well, I do not know and I do not know that any of us does; and I am not sure in the administration they have ever reached a moment of decision. But, surely the basic fact is they saw that the Social Security surpluses, if they could be used as if they were tax revenues, would enable the administration to say they kept a pledge of no new taxes; would, in the phrase of George Will, rent the White House well into the next century.

Well, one does not blame people who see their opportunities. The only blame attaches with those who do not recognize what is going on.

And so, at the end of the last year, Mr. President, I said that we would do what, over and again in 1988 and 1989, the Subcommittee on Social Security heard should be done if the Social Security surpluses are not saved. If they are not saved, they should be returned to the people who pay them, the employers as well; for the simple reason that they are not there as general revenue.

Now, over and again we had the GAO, the General Accounting Office, come and tell us this is what we should do. We had immensely able public men, such as former Chief Actuary, Robert Myers, who was the executive director of the National Commission on Social Security Reform, 1982–83, who said these revenues are not going to be saved so go back to pay-as-you go.

Well, it became clear that the use of these revenues as if they were general revenue and not insurance premiums was going to be challenged in the Senate, as it will be by myself, by others. It has been made clear in the House, as the distinguished Member of the House leadership has said, that if the issue were to come to the House from the Senate, there would be 400 votes for it there.

Now, it is obviously beginning to be clear to the administration that they cannot depend on the unchallenged availability of Social Security premium moneys to be used as if they were general revenues of a general tax. And so they begin now, at long last, to say, "Shall we talk about the public finances?"

Well, fine. And you know it is what you would have hoped was going to happen last year. It did not. It may happen this year.

But, Mr. President, on this side, there was something disquieting in today's account of yesterday's meeting, to wit, that the issue of Social Security seems not to have been raised.

I would have hoped that on our part, the part of the Democratic leaders—and mind, I must say I do not know this to be the case, I only know what was reported—there was a clear caveat which was presented to the President and his advisers saying: Sir, you must know you cannot depend on the continued use of Social Security surpluses as general revenues for general purposes.

Mr. President, I observe the hour. I had asked for a lesser period in morn-

ing business but I also observe that no Senator is seeking recognition. I ask that I might continue as I am doing now.

The PRESIDING OFFICER (Mr. BURDICK). The Senator may continue.

Mr. MOYNIHAN. I thank the Chair.

Mr. President, that point needs to be made from the Senate floor, that any comprehensive budget summit must take into account the fact that there is growing judgment in this body and in the other body that there is a breach of trust involved in using trust funds as if they were revenues, general revenues, tax revenues, when they are a pension system, retirement system, insurance system against disability, and then death.

There was an occasion, Mr. President—I know the Presiding Officer will recall this—when Senator HEINZ from Pennsylvania, our good Republican colleague, was asked did he agree with a characterization I had made that what was going on was thievery. Actually that was a quote from the Rochester Democrat and Chronicle, an editorial about one of the hearings we had held in 1989 on this matter. And Senator HEINZ said: "No. Certainly not. What is going on is not thievery. What is going on is embezzlement."

We can have our choice of terms, but either way this is not something sustainable by a legitimate government, which ours is. You cannot embezzle trust funds.

Obviously, technically it would not be so, but Senator HEINZ was very clear that it is the equivalent of embezzlement in the private sector. Governments do not go to jail.

Although, I note, to this day, Mr. President, there are places for two public trustees on those trust funds. We created those public trustees in 1983. Those positions are vacant. The administration has not given us any names. Can it be they do not want public trustees because they might go public with what is going on? I do not want to characterize motives but, as I pointed out before on this floor, there are no public trustees, which is inexplicable and disquieting.

So I wish to say, Mr. President, as these talks go forward, the participants ought to have in mind that on this floor there will be a vote, and more than one, if need be, to return the Social Security surplus to the Social Security contributors.

There are many cases for this. The most important is simply the elemental matter: You do not abuse trust funds.

But there is another matter, too. Such a move would increase the disposable income of 132 million Americans by upwards of $600 a year. Millions and millions of two-earner families would see their income go up by as much as $1,200 a year. And beyond that, inasmuch as half the Social Security contribution is made by the employer—half employee, half employer—the half that comes from the employer is seen as a wage cost, and it is a wage cost. If that wage cost is cut I think the generality of economists would agree that the savings will be shared between employer and employee. Wages will go up.

It is not something we should ignore. Mr. President, it is strange and striking how much we do ignore the fact that median family income in the United States today is lower than it was 15 years ago. It is lower because the earnings have not increased and Social Security contributions have increased. Using the figures from a year ago, we can calculate the shortfall at $452 less than 15 years earlier. It is probably something less than that today. But, still, it is a period without equal in American history.

Never in our history have there been 15 years, a half a generation, in which the median family saw nothing improved in the way of its income. And that at a time, sir, when millions of wives went to work just to keep the family income where it had been. Last year factory wages were $20 a week less than they were in 1970 in real terms. We never had anything like that happen in our history. It is astonishing to contemplate.

I do not know what is more astonishing, the fact that this has happened or the fact that there is so little comment about it on the Senate floor and in the general political discourse of this time. We do not talk about it. It is because we do not know about it or we are ashamed about it? I do not know which, maybe both and maybe neither.

But, in that setting it really does devolve upon this body to ask, ought we to be using insurance contributions, collected on the first dollar of income but not collected at all after $51,300 of income, the most regressive of payments? If it were a tax it would be the most regressive tax conceivable. The poorest people pay as much as the richest people, and after a point people who are very well off pay nothing, they having paid up to their maximum.

As an insurance premium that is not regressive at all. You get what you pay for. But as a tax it would be intolerable. We amended the Constitution to establish a graduated income tax. Are we going to repeal it by the Social Security Amendments of 1977? We never intended anything of the kind. And that fact, it seems to me, is not the least important. Congress never meant these moneys to be used as revenues for general purposes of Government. They never had been and ought not to be now.

We are using $1 billion a week. And if that were not bad enough that we are using these revenues as if they were taxes, we learn in the morning's press that, and I will simply read the story by John Yang and Steven Mufson in the Washington Post which begins dealing with the idea that there will be no preconditions to these talks. It says:

> For the Democrats, no preconditions would mean a willingness to discuss such politically sensitive items as paring Social Security cost of living increases.

It goes on to say that Mr. Darman, the Director of OMB, has said there that such programs—and there are others, Medicare and farm subsidies—"are taking over the Federal budget."

Mr. President, there is a moment when patience is strained. The idea that the simple commitment that Congress made in 1972 to maintain the value of retirement benefit by adjusting it for cost of living is somehow taking over the Federal budget does not bear close scrutiny.

Here are the facts, Mr. President. We estimate that the 1991 Social Security cost-of-living adjustment will be 4.1 percent. That would come to $7.4 billion in a budget that will be $1.1 trillion or more, much less than 1 percent of the budget. It would be much less than one-tenth of 1 percent of the budget, but, in any event, Mr. President, paid for.

In fiscal year 1991, the Congressional Budget Office estimates that the Social Security surplus will be adding $76 billion to the revenues of the Federal Government, which are not meant to be tax revenues, but money does come into the Treasury. That is all after having paid for the cost-of-living adjustments. The cost-of-living adjustment, as the distinguished Presiding Officer well knows, is not an increase in benefits. It simply makes people whole. It simply offsets when otherwise there is a drop in benefits owing to a rise in prices.

If you come to 1 year, you say it only costs $7.4 billion; that is all we are taking out of the checks of the 39 million Social Security recipients. No, that money comes out every year for the rest of the lives of the pensioners. It is a base they do not have, and so it does not count in future increases. It is gone for good. It is next year, the year after that, the year after that, and the years that follow.

If that is what the budget summit is all about, getting agreement to reduce the cost-of-living adjustments for the Social Security retirees, I do not know whether we should go to such a summit. If the issue of the misuse—the term "embezzlement" has been used—of the trust funds is not to be discussed but, indeed, we are going to talk about how to increase the size, the amounts of moneys being so misused, what is that summit? Is it for us to say we will allow that to happen to

people whose trust we hold, to whom we have made a commitment?

No. From the first, let us be clear. Congress has stipulated in the Social Security Act that the terms of the Social Security payments, the various programs are subject to change and they have, indeed, been changed. But there is a profound moral assumption that the cost-of-living adjustments will be made so that benefits are not cut. Certainly, not as if there is a crises in the funds, we might have to do that and indeed we did for a 6-month period in 1983. We had to get out of a situation that required that kind of responsible judgment, and nobody objected. But now the funds are in enormous surplus and yet we want to cut benefits. That case to be made directly. If the President wants to make that case, he surely can do and has every right to do, and I, for one, would welcome it, to talk about it. But just to let it slide into the discourse on the grounds that the cost-of-living adjustment is taking over the budget? Nonsense, Mr. President.

Let us, by all means, proceed with these discussions but, let them be above board. Let it be understood that the use of Social Security revenues, as if they were general revenues, as if they were taxes—Social Security contributions are not taxes, and if they are going to be used as such, then everybody involved and responsible has to acknowledge what they are doing and admit what is going on. For my part, Mr. President, I do not think such a measure could be sustained. I do not think the American people want it. I think it is a breach of trust. I think it is a misuse of trust funds and abuse of trust funds.

My colleague from Pennsylvania, on the other side of the aisle, said it very well when he said it was not thievery, it was embezzlement. So I, Mr. President, hope that as these budget talks go forward there be some acknowledgment of what has been called embezzlement and no disguising of what is already an unsustainable, unsupportable practice.

Mr. President, I thank the Chair for its close attention, and seeing no Senator seeking recognition at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

DEFICIT REDUCTION

Mr. DOLE. Mr. President, I wanted to comment very briefly on the meeting at the White House last night with four leaders and the President of the United States with reference to deficit reduction, or a so-called budget summit. That word "summit" is overused around here. But first I want to thank and applaud the President for calling us together, and then thank the participants: The Speaker, Congressman FOLEY; the Republican leader in the House, ROBERT MICHEL; our majority leader, my colleague, Senator MITCHELL; and myself; in addition, Secretary Brady; the OMB Director; Dick Darman; Chief of Staff John Sununu, and the President.

It is fair to say that, as has already been reported, if in fact there are negotiations, we first must have some agenda, we must have some goals. Why are we doing it? What is the purpose? It seems to me there are a lot of good reasons we could set out.

One, we are paying about $180 billion a year in interest. Two, we are worried about inflation. Three, we are worried about interest rates. Four, we are worried about a lot of trade problems. There are a number of reasons to try to get together.

So we need to outline our goals, how much we intend to reduce the deficit. There are all kinds of speculative numbers around, but maybe it could be a package as large as $155 billion, which is a lot of money, a lot of reduction, revenues or whatever.

We need to identify who will make up sort of the negotiating A team, which members of the House and Senate will sit down and really start the nitty-gritty work of going through the numbers, and then how we communicate to the rest of our colleagues on both the Republican and Democratic sides so that in addition to the three or four people we may have on the negotiating team, we are able to keep informed other Members who have very important roles to play in the final analysis, in the final product.

So, obviously, yesterday was an hour and a half meeting discussing generally if we wanted to do it, and tomorrow we will ask our Republican colleagues, I understand Senator MITCHELL will ask his Democratic colleagues, and I believe the answer will be in the affirmative; we need to do it.

The American people should be pushing us to sit down and make tough decisions about the deficit. We cannot continue to spend more money and more money and more money and run up the deficit. I hope that the American people will support us when we make some tough decisions and some tough votes.

I happen to think it is good policy and also good politics. And I say politics because this is an election year and the common wisdom around here is that you cannot do it because it is an election year. If we do it and do it fairly quickly, we could complete our action on all this before the August recess—it would seem to me the American people will have an opportunity to understand that we did do the right thing for the right reasons: We are concerned about their children and their grandchildren—then I believe we would have widespread support, bipartisan, nonpartisan support around the country.

So again I congratulate the President for taking the initiative, and I hope that it is just the first meeting in what may be a fruitful conclusion and a meaningful deficit reduction within the next few months.

Mr. President, I reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOUR YEARS AFTER CHERNOBYL

Mr. GLENN. Mr. President, I rise today to commemorate the victims of the explosion of the No. 4 nuclear reactor at Chernobyl, in the Ukraine, in Russia and to call on the Soviet Government to be forthcoming with information regarding the events surrounding this accident, especially regarding the health effects upon those people contaminated by radioactive fallout.

Four years ago last week, the No. 4 reactor at Chernobyl Nuclear Power Plant exploded, ejecting vast amounts of intensely radioactive fission products directly into the atmosphere. As a result, a large portion of the Ukraine as well as significant portions of Western Europe were contaminated with radioactivity.

While Soviet officials have stated that only 31 people were killed from the accident in November 1989, the newspaper Moscow News reported that 250 people who were at Chernobyl during or after the accident have died. In addition, the U.S. National Research Council has estimated that over 70,000 people can be expected to die from cancers caused by Chernobyl.

Over 12 million acres of land in the Ukraine, including some 8.6 million acres of agricultural land, have been heavily contaminated.

As many as 200,000 Soviet citizens have been evacuated from areas surrounding the crippled reactor because their homes have been contaminated. The Soviet Government has recently announced that 14,000 more people will be relocated out of that area, but 200,000 more are still living on land that is still significantly contaminated by radiation.

Mr. President, it is imperative that we learn from the events of Chernobyl. We are not just trying to castigate the Soviets. It is a terrible thing that happened there. We want to learn more about it. No one can promise absolutely that an event of Chernobyl proportions will not occur elsewhere in the world. Should another such disaster happen, the responding country would most certainly benefit from the Soviet Union's experience in the aftermath of the Chernobyl explosion. The world could benefit greatly by hearing about the cleanup and radiation isolation techniques the Soviets developed following Chernobyl. The health and epidemiological data gathered in the wake of this accident could help us understand the effects of radiation from any source, not only from accidents. That kind of information would allow us, for example, to refine models which predict cancer rates from exposure to radiation.

Mr. President, the Soviets have endured at least one other severe radiation accident—in the vicinity of Kyshtym in the Ural Mountains in 1957. I call upon the Soviet Government to make available further information regarding the radiological aftermath of this event as well. We know now that an explosion in a high-level nuclear waste tank at the nuclear weapon production facility released at least 20 million curies of radioactivity into the environment. We do not know the full impact of this accident on the area surrounding the facility nor its effect on the people who were contaminated. Since we have similar waste tanks at Hanford and Savannah River, such a disclosure would be helpful as we continue our oversight of these facilities.

Mr. President, the Ukrainian people have suffered more than any others and will continue to pay for the Chernobyl accident in terms of their health and livelihood for years to come. I believe it is imperative that my colleagues join me in urging the Soviet Government to do all it can to prevent future accidents by acting to lift the veil of secrecy from these past accidents. Putting glasnost into practice in this way helps mitigate the damage should such an accident again happen. By releasing all relevant data from Chernobyl and Khystym events, the Soviets have the opportunity to contribute significantly to a better understanding of radiation and its potentially deadly effects on us when accidents occur.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, today is the 1,878th day that Terry Anderson has been held captive in Lebanon. The question arises, How should this or any nation respond to such cruelty? Mr. President, for more than 200 years this Nation has been committed to the idea that nations must act with law on their side and not simply indignation in their hearts. Lately we have been drifting away from this notion. But, with the cold war coming to an end and a new era of violent ethnic conflict beginning, we must return to the idea that rules are needed to restrain the cycle of violence. Without such rules much of the world may come to resemble Lebanon.

Others have said that the plight of the American hostages in Lebanon is outrageous. It is. More to the point, however, it is illegal. I made this point last August 2 when Col. William R. Higgins was murdered. I made the same point last April 27 when I reminded my Senate colleagues that the Geneva Convention Relative to the Treatment of Prisoners prohibits "at any time and in any place whatsoever" the "taking of hostages." Israel in particular has an interest in making the rules of international law more, not less effective. Some Israelis have been held hostage for as long as 8 years without a word as to their whereabouts or safety. Thus, I am confident that Israel desires to support these norms. Prisoners may—indeed, should—be tried and punished for violating civilized norms. That is one way to strengthen the rules. Not every prisoner is a hostage. But, prisoners held for the express purpose of trading them for persons and other advantages are hostages and should be released.

PLAYING A PRUDENT GAME

Mr. HELMS. Mr. President, I have never met the new Governor of the Commonwealth of Virginia, L. Douglas Wilder, and I do not belong to the same political party. We are of different races. But judging by reports of his policies and statements, he is both wise and courageous in the manner he is searching for solutions to his State's economic problems. It may be that he is in the process of restoring some fundamental principles to not only his political party but to the political process itself, principles which both Democrats and Republicans in Congress should be embracing. As the first black Governor in the history of his State, Governor Wilder is a welcome contrast to some other leaders, white and black, around the country in both parties.

In a column published this morning, the respected syndicated columnist Donald Lambro began by saying that Governor Wilder "thinks his party might have more success in future Presidential elections if it begins emulating his commonsense, largely conservative approach to government."

Mr. President, the political easy way out these days is to demand that President Bush disavow his 1988 campaign commitment, "Read my lips, no new taxes." To my knowledge, Governor Wilder has made no such demand. Instead, the Governor of Virginia has eloquently condemned the tax-and-spend theory of government. Moreover, he has shown courage in opposing new government programs in his State. He has called on institutions in his State to tighten their belts. He has advocated the death penalty for drug crimes, and so on and on.

Mr. President, I know better than to attempt to make a personal assessment from afar of a man I have never met, let alone watched in action firsthand. But based on what I am hearing and reading, I believe Governor Wilder may prove to be a breath of fresh air amidst a cacophony of politicians who are forever taking the easy way out.

I may not agree with all of the Governor's statements and actions, but thus far he is a man who is surely doing a lot of good in a lot of ways. I view him as a man who is a credit to his State, and in the process I hold the notion that he is doing a great deal to build mutual respect among the races. Certainly he is building respect for himself. As the television announcer on one of the commercials puts it, the Governor is doing it the old fashioned way: He is earning it.

Mr. President, I ask unanimous consent that Donald Lambro's column "Playing a Prudent Game" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLAYING A PRUDENT GAME

(By Donald Lambro)

Democratic Gov. L. Douglas Wilder of Virginia thinks his party might have more success in future presidential elections if it begins emulating his common-sense, largely conservative approach to government.

While his gubernatorial colleagues to the north in New York, New Jersey, Connecticut and Massachusetts are sharply raising taxes to dig themselves out from under a mountain of budget deficits, Mr. Wilder is cutting spending, holding the line on taxes and concentrating on stimulating Virginia's economy.

He dealt with a $1 billion budget shortfall this year by asking the state to tighten its belt, instituting across-the-board cuts in spending, and calling on his state's public colleges and universities to hold down their costs and tuitions. In addition, he eliminated the sales tax on non-prescription drugs (he hopes eventually to erase the sales tax on food), created a $200 million rainy-day

fund, opposed the creation of new government programs and fought for the death penalty for drug crimes.

Since his inauguration as the nation's first black elected governor, Mr. Wilder has been eloquently lecturing his party to abandon its old time "tax and spend" religion and champion "mainstream values" instead. He sees economic expansion and prudent fiscal policies to encourage such growth as the path to future Democratic victories at the state and national levels.

His growing popularity on the speaking circuit suggests that there are a lot of Democrats around the country who like what he's selling.

"Lots of times people think that the only way you can do better is to spend more," he told me during a wide-ranging interview in his office in the state capital. "Sometimes you aren't required to spend any more than you have spent, or can spend less."

Instead of more public spending to help the needy, Mr. Wilder emphasizes the importance of political and economic empowerment and the upward mobility that comes from increased economic growth.

While some of his colleagues look to Washington and more federal involvement in the problems of the states, the governor thinks the states must look to themselves for their own economic prosperity.

"We've got to be involved in economic development, period," he told me. "I consider that to be one of the greatest social equalizers."

Mr. Wilder thinks that the nation's political center of gravity has been dispersed from Washington to the state capitals. And with that shift "has come additional responsibilities for funding resources and revenues," he said. "You can't rely on any funding mechanisms but your own to attract and bring businesses into the states."

Like many of his fellow governors, he plans to travel "rather extensively next year throughout Western and Eastern Europe and the Pacific Rim nations in search of new investment and increased trade for his state. Despite a sluggish economy overall, Virginia's tight fiscal policies and lower tax rates have attracted some of the nation's biggest corporations. Mr. Wilder is particularly proud of the state's AAA bond rating.

But it is Mr. Wilder's unorthodox political advice to his party, a party in search of an elusive magic formula to make itself relevant again in the national political arena, that makes the most sense of all.

The political fabric of America is largely made up of voters who are "comfortably in the middle" of the political spectrum, he said. "They are not ideologues in any sense, but they want [candidates] who they feel are not threatening, who are not viewed as tax-and-spend politicians. The party must change."

This, while Democrates like New York Gov. Mario Cuomo are preaching that the party's primary purpose must be to stake out and promote a central role for government, Mr. Wilder preaches that the party's central mission must be to guarantee economic opportunity, not results.

"When I was coming up, one of the things my generation wanted was for government to get out of the way—that the government imposed too many restrictions, too many barriers, too many limitations. We were not asking government for anything for us but to remove itself," he said.

Yet in other areas, he is cautious about signing on to new ideas. He is sympathetic with proposals for school choice to help improve inner-city schools, but he is reluctant to embrace the idea until he sees more proof that it can work. Similarly, he expresses some support for Sen. Daniel Patrick Moynihan's proposal to cut Social Security payroll taxes but wants to first see "where the money is going to come from" to offset the revenue loss.

Because Mr. Wilder is unafraid to take on his party's special interests in a bid to win back mainstream Democratic voters, it is little wonder that he is already being mentioned as a possible presidential or vice presidential candidate.

"I'm keeping my options open," he says.

DANGEROUS MOVES AT HHS

Mr. HELMS. Mr. President, on June 2, 1987, the U.S. Senate voted 96 to 0 to protect the health of the American people by adding the human immunodeficiency virus to the list of "dangerous contagious diseases" for which an immigrant can be excluded from entry into this Nation.

In 1987, the Senate unanimously approved my AIDS immigration amendment because it was, and is, good public health policy. In fact, I offered by amendment on the recommendation of the then Surgeon General, Dr. Koop, and other officials of the Public Health Service. I agreed with General Koop, as did every one of my colleagues, liberal and conservative, Democrat and Republican, that the public health of this Nation will be at risk if the United States continued to allow immigrants with AIDS into this country.

Incredibly, Mr. President, it has come to my attention that officials at the Department of Health and Human Services are now advocating the removal of the AIDS immigration prohibition as well as the prohibitions now placed on all people with sexually transmitted diseases who attempt to enter this country.

I had assumed that very possible political concession had been made to the AIDS lobby, and to the "homosexual rights" movement which fuels it, but what is now going on at HHS is beyond belief.

Is it not enough that the public health agenda of America has been torn apart by the AIDS movement, and that innocent children—like Ryan White—continue to die because the lobby and its allies promote civil rights rather than public safety? Apparently not, because some in the administration are bowing to the incessant cries of the homosexual rights movement to throw open the floodgates which our sensible immigration restrictions have previously kept shut.

The administration at first attempted to appease the homosexual rights fanatics by creating a special immigration waiver policy. Under this policy people with HIV may enter the country for up to 30 days to attend medical conferences, receive medical treatment, or visit family members. In order to gain this waiver, however, the infected individuals must answer questions about their medical condition, including whether or not they are infected with HIV.

Of course, the homosexuals were not happy—and they will never be until homosexuality is elevated to the civil rights equivalent of race and religion—they cried discrimination. They claimed that America is stigmatizing homosexuals and that everyone should be allowed to come into this country without disclosing his or her medical condition.

At the behest of the President's Commission on AIDS and HHS Secretary Louis Sullivan, legislation was introduced in the House to allow HHS to remove the HIV immigration restriction. In addition, on April 13, the administration issued a special 10-day visa to allow anyone who wants to attend so-called medical conferences, such as the AIDS conference in San Francisco later this year, to come into the country.

That means that foreigners can come into this country for a conference even if they have AIDS but, if they have syphilis, or any of the other dangerous diseases on the prohibited list, they will be kept out. What is the logic in treating HIV differently from other dangerous diseases when the great difference between AIDS and the others is that AIDS kills every time?

Mr. President, the Department of Health and Human Services is not promoting a health agenda. It is promoting an agenda skewed to placate the appetite of a radical and repugnant political movement. Once again the politics of AIDS is given priority over common sense and the public good.

Let's once and for all set the record straight: The Helms amendment, as my colleagues affirmed in 1987, is sound policy. And it works.

In late 1989 the House of Delegates of the American Medical Association made it perfectly clear that the AIDS immigration policy makes medical sense. The AMA resolution said:

> Immigrants have historically undergone a health assessment before admission into the citizenship process. To exclude HIV infection from the health assessment of those seeking U.S. citizenship would be a change in long standing U.S. policy and difficult to justify on medical, scientific, or economic grounds.

Although the delegates opposed mandatory testing of all visitors, it is important to note that the Immigration and Naturalization Service does not require AIDS testing for nonimmigrants. Rather, it asks visitors if they have any of the diseases which are on the list of dangerous contagious diseases.

An article in the August 25, 1989 issue of Morbidity and Mortality Weekly Reports [MMWR], a publica-

tion of the Centers for Disease Control, documents cases of HIV-2 infection which have been discovered by public health authorities as a result of the Helms amendment. For the information of Senators, HIV-2, according to the CDC, is rare in the United States, but it is prevalent outside of our borders. In fact the CDC credits the mandatory medical screening process for the detection of the HIV-2 cases. In other words the Helms amendment works.

Mr. President, let no one assume that the AIDS lobbyists will stop here. Each day they grow more strident. Each day they clamor for more special rights and more and more money to be funneled to AIDS programs. There is not a corresponding call for a measured and sensible public health response to this disease.

Congress should put the Department of Health and Human Services, and the AIDS lobby, on notice. The existing immigration law works for the good of all the American people; it must not be treated like a special interest football to be kicked around at the whim of any militant group and its apologists in government. I intend to do everything I can to see that the AIDS immigration prohibition remains in place. If I lose, the American people will lose also.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HATCH ACT REFORM AMENDMENTS OF 1989

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 135) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 1585

(Purpose: To modify the definition of a partisan political office)

Mr. ROTH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 1585.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 7, strike out all after the comma through "organization" on line 9.

On page 4, line 21, insert before the period the phrase "or hold any office or position within a political party or affiliated organization".

Mr. ROTH. Mr. President, this is a very simple, straightforward amendment. It would strike from the bill the ability of Federal employees to hold any office or position within a political party or affiliated organization. If this amendment is approved, it will retain the same law as applies today for this specific issue.

S. 135 would repeal this prohibition and allow Federal employees to hold positions in political parties and affiliated organizations. Proponents ignore the adverse impact of this legislation on the Government and on the American people and focus attention exclusively on the Federal employee. They would have you believe that the Hatch Act oppresses Federal employees and that S. 135 would set them free, when, in fact, the very opposite is the truth. The Hatch Act protects Federal employees from inside and outside coercion. This legislation would, in practice, restrict their freedom.

Mr. President, a similar debate might be held regarding section 603 of title 18, United States Code. That provision, among other things, forbids the staff of the Senate from making campaign contributions to their respective Senators. This provision, it might be argued, robs Senate staffers of the right to contribute to Senate campaigns, a right enjoyed by the entire American populace, except for the oppressed few.

We all know why this provision was passed and has been retained on the books. Section 603 was not enacted to oppress or even to trade employee rights for the honor and privilege of Government service, but to protect the employee. Were it not for section 603 and similar provisions, it might become expected of Senate staffers to make such contributions. Since it is not possible to outlaw expectations, the only way to protect Senate staffers is to prohibit this form of political activity. Similar expectations will arise if Hatch Act protections are removed. It does little to solve the problem to declare against coercion.

After two centuries of trial and error, America and Federal employees have come to appreciate the genius of a politically neutral Federal work force, responsible to an elected President and his political appointees. This system allows Government to be both responsive to popular will, yet fair and impartial in the administration of our laws. This system rests squarely upon the Hatch Act. It is the reason why a politically neutral work force can function subordinate to political appointees without itself becoming politicized.

This legislation is a serious threat to the delicate balance of this much admired system. In his veto message in 1976, President Ford stated that if Hatch Act legislation becomes law, "pressure could be brought to bear on Federal employees in extremely subtle ways, beyond the reach of any anti-coercion statute, so that they would inevitably feel compelled to engage in partisan political activities."

In my opinion, this would be the inevitable result of this legislation. Proponents of this legislation do not seem to appreciate the expectations, the pressure, and the coercion that will spring forth if this legislation is enacted. Few of us would find it appropriate for employees of the Federal Election Commission to be president or treasurer of the Democratic or Republican National Committees at night and then serve as umpires over partisan politics by day. This legislation would allow that. My amendment would prevent it.

Few of us would find it appropriate for an employee of the Internal Revenue Service to be president of the State Democratic or Republican Party organization at night and conducting an audit of a local business by day. This legislation would allow that; my amendment would prevent it.

Few of us would find it appropriate for an assistant U.S. attorney to be chairman of the local Democratic or Republican Party organization at night and prosecuting political corruption during the day. This legislation would allow that. My amendment would prevent it.

These, Mr. President, are but a few examples of what we could expect if this legislation S. 135, is enacted. And what kind of confidence would that inspire in the American people to see these Government officials attempting to administer in a nonpartisan fashion the affairs of government by day and the running of partisan politics at night?

In upholding the constitutionality of the Hatch Act in United Public Workers, CIO versus Mitchell, the Supreme Court considered the question of off-duty political activity. The majority held:

We do not find persuasion in appellant's argument that such activities during free time are not subject to regulation even though admittedly political activities cannot be indulged in during working hours. The influence of political activity by government employees, if evil in its effects on the service, the employees or people dealing with them, is hardly less so because that activity takes place after hours.

This is a very important statement. And this proposed S. 135 attempts to divide or separate political activity by the fact of whether one is on duty or off duty. And, as the Supreme Court points out, I think very succinctly, it makes little difference whether the

evil is applied before or after working hours.

So I would hope that my distinguished chairman would listen with great care and be willing to accept this amendment.

In a letter, I point out, to the Governmental Affairs Committee during the 100th Congress, and I think it is just as accurate today as when it was written, the American Bar Association stated:

> We question the existence of such a clear line. The timing of an employee's permissible activity may be clearly defined, but the employee's possible motivation for such activity is not. Will it be any less an evil in the future than it has been in the past for an employee on his or her own time to actively work for the election of a partisan candidate out of a sense of loyalty to his or her superior or out of pressure from that superior, real or perceived? * * * Participating in partisan political activity as a result of pressure from one's bosses at work is a "freedom" which Federal employees can well live without. The bright line of "on-duty" and "off-duty" of S. 135 is a mirage.

Mr. President, I wish to draw an analogy: Suppose that we were at a baseball game and there were 60,000 fans supporting and cheering loudly for the home team. All of a sudden, all of the umpires join in the cheers. Would they be considered impartial?

Proponents of S. 135 would argue, well the umpires would not be able to cheer "on the job."

Suppose the umpires did not cheer "on the job," but afterward, "off the job," they openly displayed their partisan support for the home team. Even if they called every ball and strike and every out perfectly the next game, every baseball fan would begin to doubt their impartiality.

Just like the umpires in this example, Federal employees who became actively involved in partisan politics, whether it is holding office in the national, State, or local Republican or Democratic Party organization or campaigning for a particular candidate in a partisan election, would become identified with a partisan cause. This will fundamentally alter the public's impression of a nonpartisan civil service.

Mr. President, this amendment would keep the current prohibition on Federal employees from holding office in political organizations. It is a straightforward amendment, and I urge its support.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MOYNIHAN). The Senator from Ohio.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I would like to respond briefly to the opening comments by my distinguished colleague from Delaware and then comment specifically on the amendment that he has proposed.

Mr. President, I would correct once again—this is several times since this debate started on the Hatch Act—that what S. 135 does in no way repeals the Hatch Act. What it does, it amends and it amends to make it workable.

When I say amends to make it workable, to me that means that you have a stronger Hatch Act, not a weaker one, because what you are doing is taking a very vague act, one in which there have been some 3,000 or more interpretations made through the years, a bill so confusing people do not know what they can do and what they cannot do, and you take that vague type legislation that is subject to misuse, if a person wants to intentionally do something that might otherwise be prohibited, or it also protects against the vagueness of the present law by inadvertent violation. So it protects against those who would intentionally subvert the law for their own purposes or those who would inadvertently, just through the complexity and vagueness and murkiness of this legislation that has developed through the years, would inadvertently violate the Hatch Act.

Just a couple of examples which we have given here on the floor before. If "Hatched," you can wear a campaign button on the job. If you are a Government employee right now, you can wear a campaign button on the job. Fine. And you can write a thousand-dollar check to a candidate if you so desire. But you cannot go down and give any in-kind contribution of your time. You cannot even go in a back room, what we call a boiler room, in a political campaign and stuff envelopes. That would be prohibited. It is right now. You cannot do that. It is illegal. Why on Earth is something like that be illegal? It does not make much sense.

You can do some things but you cannot do others. You can go to a political rally, that is permitted, but you dast not get yourself caught with a sign in your hand. You are violating Federal law if you have a sign in your hand. If you are standing back against the wall and somebody comes along and says, "Hey, I have to go out here and pick my son up. Would you hold my sign just a minute while I am gone?" and you hold a sign as a favor to that person, standing their with a sign in your hand, you are in violation of Federal law. Make no mistake about it. Is that right? That was a political poster at a rally.

But now the change is once you get outside the hall, once you are outside the hall, you can take that same political poster, put it up on your lawn, put 50 of them on your lawn, cover your car with them, do whatever you want to do with them, do anything you want to do with those political posters, but you better not get caught standing in a political rally standing with a sign in your hand or you are in violation. Is it any wonder that people are in doubt about what they can or cannot do?

It does not make much sense. It is things like that we are trying to correct. This is not a monstrous repeal of the Hatch Act. This is now knocking out the protection for Federal workers as though we are about to embark on some effort to get into the spoils system. I submit the Democrats are in pretty bad shape as far as getting into the spoils system. The spoils system would be pretty much under the control of the administration, so the spoils system would go to those who are in power. It is not an attempt to do anything like that.

Let me give another example. If you are "Hatched" if you are a Government employee, you may express your opinion about a candidate publicly but, get this, you cannot make a speech or campaign for or against a candidate. Now, what does this mean, express myself publicly? Do I have to go out in the woods to prevent this—before I say I am in favor of such and such a candidate, or I think you ought to vote a certain way—do I have to go out where nobody will hear me, where the sound reverberating from my voice falls on trees and nothing but? Or can I tell this preference of mine to one person? What is the definition of "public"? How about two people? Am I wrong if I do it with two people. Three is a crowd; four is what? Prohibited? I do not know. I do not know the answer to that. But if "Hatched," it says that you can express your opinion publicly but you cannot make a speech or campaign for or against a candidate.

This one is not all just fun and games either, because in the State of Washington during the last election, Navy shipyard workers were notified that they could not even actively participate in the State's Presidential caucuses. That is a caucus State where you have to go and attend. You do not just go to a voting machine. You have to stay at the caucus or your vote is not counted. You either vote by ballot or in some States by hand; it does not always have to be by ballot. So in the last election, Navy shipyard workers were told they could not go to their Presidential caucuses so they were prevented from having a vote in the primary because they were in a caucus State. Is that right? I do not think it is.

This is one that was here until a short time ago. I thought it was pretty good. This one has been corrected. But

until about a year ago, the Hatch Act even extended to the letters to the editor on partisan politics. If "Hatched," you could write one letter to five papers, five letters to one paper, but you could not exceed that. Any wonder that people are a little bit confused about this whole thing?

Well, in the caucus States, to go back to that Washington State example just a minute, and the same thing applies, to some extent, in two shipyards up in the State of Maine that our distinguished majority leader pointed out in his opening remarks on the Hatch Act, where two shipyards, one which is a Government shipyard, the other is a privately owned shipyard. In one, the workers can participate fully, and the other they cannot at all. Does that make sense? They are doing similar work, all Government work, one is private, one is under Government direct employment.

Mr. President, that is what the bill is trying to correct. Nothing more, nothing less.

There is no attempt being made, no matter how many times I have to correct it, there is no attempt being made to repeal the Hatch Act, which I keep hearing over and over again. The bill amends the Hatch Act to make it workable, to give better protection. In fact, some things we restrict are not restricted now. If you are a Federal employee you could go to work this morning with a political button on. I do not think it says what size. So you could have one a foot across if you wanted to, or a tiny one, whatever size you want but you can wear a political button at work. Under the Hatch Act amendments that we propose here, S. 135, you could not do that. You cannot express yourself on the job.

On the job, you are there to do your Government job without fear or favor. That includes not expressing yourself politically on the job. But off the job, we still say you have some restrictions even off the job. Off the job you cannot do any fundraising, any political fundraising. And off the job, you also cannot run for public elective office yourself if you are a government employee. I think those are two good, solid restrictions to remain on.

What is referred to many times and has been referred to a number of times here on the floor is the House bill that takes those last two protections out. Do not confuse the two bills. Our bill says no politics on the job. Off the job, still no fundraising, no running for political office yourself.

That gets us to the amendment by the distinguished Senator from Delaware. Mr. President, the biggest problem with the amendment I see, offhand, is that it would deny Federal and postal employees the right to even be a party delegate. As a result, I feel it denies employees in certain States the right to even participate in basic party politics.

Let me give an example: The State of Connecticut. In Connecticut nominations for office for President, Congress, Governor, State attorney general, State legislator, and for probate court are all decided by delegates to party conventions. This is the difference between running for office or being just a party delegate. And the question is, should Government workers, or even postal workers, be prohibited from even serving as delegates to party conventions and caucuses? I do not think they should be prevented from that.

My interpretation, at least, of the amendment by the distinguished Senator from Delaware would be that they could not run even as a party delegate to conventions and caucuses—that is not for permanent office in the organization—nor run for public political office. They could not even run as party delegate to conventions and caucuses where nominations are made and decided for the offices that I listed a moment ago.

Mr. President, for that reason, I oppose the amendment by the distinguished Senator from Delaware.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. ROTH. Mr. President, in the several days' debate that we have had on the Hatch Act and S. 135, it has been continuously urged by the advocates of this legislation that S. 135 does not represent repeal of the Hatch Act. To the contrary, I have argued and continue to insist that S. 135 takes us 180 degrees around from the direction the law now has us headed.

I would like to read once again, under the current law, section 9(a) of the Hatch Act, which the committee report says is widely regarded as the heart of the act. It reads in pertinent part:

(a) an employee in an executive agency or an employee employed by the Government of the District of Columbia may not—

And I emphasize the word "not."

(2) take an active part in political management or in political campaigns.

The whole purpose of the Hatch Act is to try to strike a balance between the rights of the Federal employee to participate in elections and to protect the rights of the American public who have a right to expect Federal laws will be administered in a neutral, nonpartisan way.

Let me read what S. 135 has to say:

An employee may take an active part in political management or in political campaigns * * *.

That is the very opposite, the very reverse, of what the current Hatch Act provides. My colleague can argue semantics as long as he wants to, but there is no question in the mind of anyone who has read this legislation that the whole purpose is to reverse the Hatch Act.

Not only have I argued this, but a public organization like Common Cause agrees and states that S. 135 represents a repeal and is not just a simple, little change.

As a couple of side remarks, because it really has no direct relevance to my amendment before the Senate, but much has been made about the fact that S. 135 would no longer permit a campaign button to be worn on duty. Currently, it is permitted. For some reason that I frankly cannot understand, this point has been made several times that under S. 135, the proposed legislation, employees could not wear a button. It would seem like the logical reason for underscoring and emphasizing that you want no political activity. Really, in the overall picture, it is a relatively unimportant matter.

Let me point out also a number of times that the point has been made that there are workers in two different shipyards: One privately owned, one Government owned. The one privately owned can campaign, can be involved in partisan politics, even though it may be building a ship for the Government. And those who are working in the shipyard owned by the Government are Hatched. And that is exactly right. There are good reasons for that, because, just let me point out, not only is it true of the right to political activity, but the employees at the Government-owned shipyard have all the other protections that are given Federal employees.

As we well know, there are limitations as to the circumstances as to when a Federal employee can be fired. There are very strict procedures—rights of appeal to Federal employees if he or she is dismissed and if he or she so chooses to use them. The rules that are governing the employment rights of those in the private sector are entirely different. I do not see anybody suggesting that all the rights of the employee in the private sector should be extended to Federal employees or that we should do away with the job protection that is offered in the Government spot.

But the thing that I think is important to understand is that, as I already indicated, the purpose of the Hatch Act is an effort to strike a balance between the needs of the individual and the needs of having our laws administered in a nonpartisan way. This is a

balance that has been worked out over a 50-year period. Generally speaking, I think it has wide acceptance, both in Government and outside Government.

As we indicated last week, roughly 70 percent of the Federal employees are either neutral or do not want the Hatch Act changed. They are satisfied with the current law and the way it is being interpreted.

I have talked about the balance. But let me just, once again, for purposes of the record and for those who are listening, point out what employees may now do. As my colleagues listen, I think it is important once more to understand we are trying to protect the basic rights to vote of the employee and to protect the right of the American people, the American public, to nonpartisan administration of the law.

What may an employee do now? One, he can register to vote; and two, he can contribute money to partisan political campaigns; three, express their views in private and in public, though not in a concerted way to elicit support for a candidate or party.

The distinguished chairman, in discussing this point, tried to give an illustration that was it not ridiculous that you could get up under certain circumstances, carry a sign, and under other circumstances you cannot.

What the law is trying to do is draw a line between where the activity is as a private individual and where he or she is trying to act as part of a political campaign. That is exactly what was involved in the case involving the three union leaders. And when it got to the courts, the courts found these individuals, in putting a letter in a union newspaper was not violating the Hatch Act; that the fact it was in a union newspaper meant that it was not part of a concerted, partisan political activity.

Let me go on to some of the other things. Again, an employee, a Federal employee, can attend conventions, rallies, but only as a spectator. He cannot get up and get involved in the leadership or active participation because that is partisan politics.

Five, an employee can run as an independent candidate in certain partisan contests in designated areas with a high concentration of Federal employees; 6, he or she can assist in nonpartisan voter registration drives; 7, campaign for or against political referendum questions; 8, participate as a nonpartisan poll watcher or election judge; 9, wear buttons off duty, or subject to various agency restrictions on duty; and 10, participate in nonpartisan campaigns.

What this new proposed law would do is, of course, one, permit a person to hold office in a political party; two, distribute campaign literature and solicit votes off duty. As I pointed out, it would provide a tremendous political machine for one side or another. As I mentioned last week, all your letter carriers on Sunday would be off duty and would provide the most marvelous organization to get your campaign literature distributed to every house in the district. I do not blame the Democrats for thinking that is a pretty good idea.

The new law would permit the organization of and participation in phone banks off duty; organize and participate in political meetings off duty; publicly endorse candidates and urge others to support them off duty; solicit contributions to the PAC of a Federal employee organization to which both the employee and the donor belong off duty.

A national organization could potentially be structured so that that would be a tremendous boon in soliciting PAC funds.

Again, as I emphasized last week, it is ironic that as soon as we complete action on the Hatch Act, it is my understanding that the majority leader intends to bring up campaign reform. The centerpiece of campaign reform is to limit, if not outright eliminate, PAC's. To the contrary, this week, this day, we are proposing to expand. It seems inconsistent.

But my amendment that we have before us at this moment would prevent a Federal employee from holding office in a political party. As I said, for example, if you are a member of the elections commission, how can you, off hours, in the evenings, on weekends, whenever you are off duty, act as chairman of a political party—and I do not care whether it is Republican or Democrat—act in a highly partisan way and then when you come back to the job, take over the responsibility of administering the election laws presumably in a bipartisan way. If it is a Republican chairman, are the Democrats going to think that Republican chairman can exercise his discretion impartially on duty? The answer is "No." And the same would be true if it were a Democrat.

So again, it makes no sense to me to permit a Federal employee to be a party chairman, and for that reason we have urged that through my amendment we delete the right of any Federal employee to be a chairman of a party, whether it is at the Federal, State, or local level.

A second reason that I might point out is the inconsistencies, the ambiguities, of S. 135. As now written, S. 135 says, yes, one can hold a job of chairman or any other partisan political job. But in a further section, it defines what is meant by a volunteer or political contribution.

A political contribution is defined under the proposed legislation not only to include money or gifts, loans, contracts, promises, but it includes the provision of personal service for any political purpose.

Under this legislation, one cannot direct, solicit, or administer volunteer workers off duty unless they are part of the same employee organization. Anyone who has followed politics knows that to be a chairman, whether it is State, local, or national, one of your great responsibilities is to secure, to direct, to manage volunteer workers, whether it be the simple job of addressing envelopes or something more difficult.

So here we have a proposed law that in one instance says, yes, Mr. Federal Employee, you can be a State chairman or a national chairman, but then in the next provision says when you are a State chairman or national chairman, you cannot solicit volunteer services unless they are members of your employee organization.

So as I have said, this legislation, if it were to be enacted into law, is going to create far more difficulty in interpretation, in rules and regulations, than the current law.

But the most important reason, Mr. President, is the point I made earlier, and that is that the Federal employees and the American public are, indeed, very satisfied with the current arrangement. Yes, there are some complaints, as there are under any law. Yes, there are some regulations that could be clarified and made simpler. But overall, the fact that 70 percent of the Federal employees are netural or opposed on any amendments to the Hatch Act shows that the law now on the books has served the American people and the Federal employees well.

Mr. President, I urge adoption of my amendment, which would delete the right of Federal employees to chair a partisan political organization.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, could we spell out what the parliamentary situation is here? As I understand it, any votes scheduled for today would be put off until tomorrow. So I presume we can agree among ourselves here that when our debate is completed upon any one amendment we will go on to the next amendment with votes on all amendments put over until tomorrow.

It would be my intention tomorrow on those that I oppose to move to table those amendments. But I presume the parliamentary situation being what it is I must wait until that time to do that because we would also

have time for other people to be involved in the debate tomorrow.

Is that a fair summary?

The PRESIDING OFFICER. The Senator from Ohio is correct. There is not now a formal order establishing the time for the votes tomorrow of those discussed today, but it is certainly within the prerogative of those in the Chamber to set aside various amendments.

Mr. GLENN. Further parliamentary inquiry, Mr. President. It is my understanding that debate can continue tomorrow on any of these amendments that we are debating today even though they are set aside today for voting tomorrow.

Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GLENN. I thank the Chair.

Mr. ROTH. If the distinguished chairman will take a question, I would be happy, at least on this amendment, to cut off debate at practically any time now, but I advise the distinguished chairman that I want to have a rollcall vote unless the distinguished chairman is willing to accept my amendment.

Mr. GLENN. I guess that guarantees a rollcall vote.

I do not propose to speak long on this. I had a couple of remarks, and then, as far as I am concerned, we can move on to the next amendment.

Mr. President, I think very basic to this full discussion over these amendments to the Hatch Act is the fact that Americans should be restricted only where necessary. We are talking about the rights of some 3 million Americans when you are talking about civil service and Postal Service. These are, we hope, among the best and brightest in our country. They are the ones we would look to for a lot of leadership at the local level, county and State level. We are not just talking about big national elections here. We have had the situation here in Washington only in terms of what happens during Federal elections, but, remember, probably the bulk of our political activity is done at the city level, even the township level, the county level, and the State level. That is where our political parties are most active on issues that are not Federal issues. If we keep these same restrictions in that are in force now, then we are unduly restricting some of the best people in our country, some 3 million of them, from even participating at that local level. It has nothing to do with Federal elections.

Mr. President, the largest majority of officials of political parties do not hold national office. They represent their parties on a local county or statewide basis. They are far removed from the Federal Government. A Federal employee's status as an officeholder of a local political party would give him or her no special access to power, no special ability to affect Federal policy, nor would it enable him or her to manipulate the job in such a way as to affect public interest adversely.

Mr. President, we have a list here of a little study done by the Congressional Research Service which shows that 41 States have laws, rules, regulations, and interpretations which permit activity off the job. I have seen no huge national cry that these laws are all being abused by the people at the State and the local level.

So I see no reason why we need to knock them completely out of the political process, which this amendment would do.

Mr. President, I repeat only one more time the fact that the example I gave before of the State of Connecticut is a good example of what can happen. Connecticut has a caucus; it is a convention State. In Connecticut, nominations for President, Congress, Governor, State attorney general, State legislature, and probate court are all decided by delegates to the party conventions.

This would prohibit those people from even participating as delegates to conventions and caucuses. I do not think that is necessary. It does not give us additional protection. Any abuse that would come from that is already covered by law as to what they can do and cannot do if they try to coerce. Anyone attending that convention or caucus cannot ask them for money; they cannot ask for contributions. So they are protected there.

I fail to see what the danger is.

Mr. President, I am prepared to end debate on this particular amendment, and set it aside for further debate or a vote tomorrow, and proceed to any other amendments if they are available to be presented.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I indicated last week I would have amendments to the pending legislation. I will offer those amendments in just a few minutes. I first wish to make a preliminary statement.

SET THE RECORD STRAIGHT

Mr. President, I will be submitting two amendments to S. 135 for consideration which I believe, measurably improve the legislation.

However, before I submit these amendments, I would like to take this opportunity to explain why I oppose any significant revision of the standards set forth in the Hatch act as effected by S. 135.

HATCH ACT WORKS AND IS NEEDED

Mr. President, the proponents of S. 135 say that the Hatch Act is no longer needed—that it is a relic of a bygone political era and should be gotten off the books.

Mr. President, I ask why is the Hatch Act no longer needed? It seems to me that the conditions which necessitated its enactment over 50 years ago still exist in one form or another today. Indeed, has politics really changed that much?

The Hatch Act has deep historical roots and was enacted as a much needed and long overdue remedy to years of increasingly gross patronage abuses within the Federal Government, including the administration of Federal programs. And we are hearing some of that even now in HUD, for example.

I have yet to hear anyone on this Senate floor deny that history—including our country's history before the enactment of the Hatch Act—bears countless examples of political abuses that hurt Government, its employees, and most importantly, the people it is supposed to serve.

To say that things are different than they were in 1939 is to ignore the reality of politics, of government administration, and of the employer/employee relationship.

Indeed, the fact that political abuses are comparatively rare in the Federal system, but not uncommon in many State and local government agencies, is a testament to the need and efficacy of the Hatch Act.

You just have to open any national or local newspaper or go ask the Office of Special Counsel, and you will find many examples where improper conduct and political influence have undermined the fair and impartial administration of government—conduct that the Hatch Act prohibits.

While S. 135 also seeks to prohibit certain cases of impermissible conduct, it has moved the line and opened the floodgates by shifting the presumption from one of prohibition to one of acceptance and permissibility.

HATCH ACT DOES NOT OPPRESS FEDERAL EMPLOYEES

Proponents of S. 135 have also claimed that the Hatch Act oppresses Federal workers and deprives them of their first amendment rights. S. 135 has been touted as a civil rights and free speech bill for Federal employees.

Mr. President, such rhetoric only serves to camouflage the real issues and the real impact of this bill.

HATCH ACT PERMITS FEDERAL WORKERS TO ENGAGE IN POLITICAL ACTIVITIES

The Hatch Act prohibits public employees from using their official authority or influence for the purpose of interfering with or affecting the result of an election and from taking an active part in political management or

in political campaigns. It does not prohibit such employees from voting, expressing their views in private and in public, attending political conventions or rallies as a spectator, campaigning for or against political referendum questions, and a host of other activities.

These rights are real and they are substantial.

S. 135 WILL LEAD TO POLITICIZATION OF GOVERNMENT

If S. 135 is enacted, visible, partisan activity will become legal. Federal workers will be entitled to hold an office in a political party, solicit political contributions, make speeches and distribute campaign material—to name but a few.

Mr. President, such activities may sound harmless enough, but they are anything but that.

Do we really want a section chief in the Criminal Division of the Justice Department—the individual who decides on the prosecution of public employees—to serve as a party official? Do we want IRS or FBI agents—individuals who have access to sensitive and confidential information—to be soliciting campaign contributions?

These two examples represent only some of the very troubling scenarios that will—not may—but will occur if S. 135 becomes law.

COERCION

Backers of this bill say that Federal employees will only be able to engage in such conduct off duty and therefore their activities will not have an effect in the workplace. This is wishful thinking.

Can somebody tell me what off duty is, how it is going to be policed and who is going to decide whether or not it is off duty or whether taking an extra hour or taking some leave or whatever during the lunch hour? I think it is wishful thinking.

Intimidation and coercion do not have to be intentional; they are subtle, psychological, and all powerful.

Consider the employee who is up for a promotion whose boss is an active party participant during his off duty hours. In such a situation is it not likely that such employee will, at a minimum, automatically believe that he might gain a competitive edge on his colleagues by letting his boss know of his support for the party and perhaps even assist the boss in his nature to believe such political endeavors?

Does S. 135 not create an incentive for the employee to make a contribution to support his boss' political efforts?

In short, Mr. President, looking at the realities of the employer-employee relationship, it is only human nature to believe such things and to take such actions.

Let us just assume we want to have a little drive in our office and we called up staff people and said, "Wouldn't you like to contribute to such and such?" I will bet most would say, "Well, I wish I would have thought of that. Yes, certainly. How much?" That is the same sort of subtle coercion you are going to have if this bill ever becomes law.

As Joseph L. Fisher, chairman of the board of trustees of the National Academy of Public Administration testified in February 1988 before the Senate Subcommittee on Federal Services, Post Office and Civil Service,

Those in the civil service would soon come to believe that better assignments, promotions, and bonuses depend in part on partisan political activity. Equally destructive of morale and motivation would be a growing concern that not being promoted or given a preferred assignment was due to having engaged in political activity for the unsuccessful party or candidate or simply not having participated at all.

So they are going to lose either way.

Mr. President, I am proud that we have a civil service founded on merit, and I believe that S. 135 is a dangerous and ill-advised step backward.

I have reviewed testimony from cases of political abuse in the workplace which have been handled by the Office of Special Counsel—examples of coercion—both obvious and not so obvious—in which employees felt obliged, whether to protect their jobs or advance their careers, to assist their superiors in political campaign activity either by working the phone banks or even, believe it or not, taking out bank loans in order to make substantial campaign contributions.

I fear that if S. 135 becomes law, the stack of cases of political abuse will grow dramatically.

All of this, of course, is bad enough, but it gets even worse when the Senate comes to consider an overhaul of the civil service pay structure to make it fully merit—based. I wonder whether partisan politics, at least to some extent, will come to supplant merit.

BIASED IMPLEMENTATION OF FEDERAL LAWS AND PROGRAMS

I also wonder, Mr. President, if we want to introduce a political element into the implementation of our Federal laws and Federal programs.

In a worst case, S. 135 will lead to abuse in the enforcement of our laws and the administration of programs and the disbursement of funds. This happened before the Hatch Act, and it will happen again without the current protections afforded by the Hatch Act.

In a best case, even if no abuses occur, the public's confidence in the fair and impartial administration of government will be compromised. Every decision made will be suspect and rightfully so.

It is hard enough to maintain public confidence in government without having to argue that politics and party affiliation had nothing to do with the particular action that was taken or the decision that was made.

NO MANDATE FOR CHANGE

Finally, proponents of S. 135 say that this bill implements changes that everyone wants. As with everything else the proponents of this bill have claimed, this is simply not the case.

We have all heard on this floor the many organizations—organizations that have historically taken opposite positions on issues—which are today united in their opposition to this legislation. I have letters here from Common Cause and the U.S. Chamber of Commerce expressing their strong objection to S. 135. Only bad legislation brings such diverse groups together.

I would also like to remind all of my colleagues, as we have already heard, that Federal workers do not want this legislation either.

In fact, I am going to try to put together an amendment that says before it can go into effect in any subdivision like the IRS or something you have to have 51 percent of the workers vote for it. Are we trying to make people accept this, even though they do not want it because some labor leaders are lobbying the Halls of Congress with some success?

WHO SUPPORTS S. 135 AND WHY

So why are we debating S. 135 and who really serves to benefit from the repeal of the Hatch Act?

Some public interest advocates of S. 135 base their support on first amendment grounds for Federal workers. And yet the U.S. Supreme Court has repeatedly upheld the Hatch Act's constitutionality saying that "we see no constitutional objection."

The Federal employee unions support this bill on the basis that those whose interests they represent overwhelmingly support S. 135.

So I think we ought to have a provision which would be germane, which we will offer at a later time, to make certain that the majority wants this extension of the Hatch Act, or repeal of the Hatch Act.

However, as various surveys have indicated, this is simply just not the case.

I believe, Mr. President, as my colleague, Senator ROTH, has so articulately said, that this bill is a simple and obvious means to expand the fundraising activities of the Federal employee unions. S. 135, which prohibits the solicitation of campaign contributions except from fellow union members for PAC's, is an open invitation to the unions to bolster their PAC's bank accounts.

At the same time we are talking about banning PAC's, here on the Senate floor we are taking time so we can make it easier to raise PAC money. I do not understand it. Both Democrats and the Senate bill say we

cannot take PAC contributions. In fact, we ban PAC's altogether in the Republican bill. The Democrats' bill, as I understand, says you can still give PAC money to parties and other groups, House candidates, but not Senate candidates. So what we are doing here, the only real purpose of this bill is to make the PAC's fatter, make the PAC's bigger to collect more money, which approximately 88 percent, I might add, goes to members of the other party. And we saw a good example of that just last week when they were talking about Mr. Gould with the Letter Carriers who is doing an outstanding job of raising money and about 90 percent of it went to Democratic candidates.

But you cannot do that now under the Hatch Act, so we are going to take away that prohibition.

Under the Hatch Act, such campaign solicitation by Federal employees is illegal; if S. 135 becomes law, such solicitation would become legal.

This bill amounts to a less-than-subtle means to fatten the Federal unions' and their PAC's pocket books.

As we all know and as I remind my colleagues on this side of the aisle, this money has gone and will continue to go to Democratic candidates even though I assume some of those Members—as I said the other day the letter carriers give about 90-some percent of their money to Democrats. I do not know how much of their mail goes to Democrats.

They deliver the mail to Republicans. They deliver all their money to Democrats. That is one basic difference. And I think they want to deliver more money to Democrats. At the very time we are talking about campaign finance reform we are bringing up a bill that in fact says, Well, there is some kind of hypocrisy going on. We are talking about campaign finance reform eliminating PAC's, what are we doing on the Senate floor? For a week we are trying to make it possible for Federal unions to have bigger PAC's.

So I think the bill flies in the face of the spirit of campaign finance reform. And I would hope that we would keep these things in mind.

Mr. President, I need to be on the House side speaking in about 15 minutes. If I could offer and amend, one amendment, if it is all right with the manager of the other side and he can tell me how good or bad it is while I am gone.

I am going to submit two amendments, but one at a time, which are not going to cure the legislation, but I think might help.

The first amendment is virtually identical to an amendment which Senator BENTSEN cosponsored with me nearly 15 years ago when the topic of Hatch Act reform was before the Senate, except that the scope of this amendment has been expanded to also include employees of the Federal Election Commission. Aside from that, it is just the same as it was 15 years ago.

The amendment passed the Senate by a vote of 68 to 23 and includes the support, among others, of Senators BIDEN, BUMPERS, BYRD, DOMENICI, HATFIELD, HOLLINGS, JOHNSTON, NUNN, PACKWOOD, PELL, ROTH, and STEVENS. Now if their judgment was good 15 years ago, I think it is going to be just as good today.

The amendment I am submitting—that, in fact, I submitted with Senator BENTSEN in 1976—prohibits employees of the Central Intelligence Agency, the CIA, the Internal Revenue Service, the IRS, the Federal Elections Commission, and the Justice Department from giving a political contribution to another employee, a Member of Congress, or an officer of a uniformed service. It also prohibits such employees from requesting and receiving political contributions from any of these persons.

In addition, this amendment prohibits such employees from taking an active part in political management or political campaigns. The restrictions set forth in my admendment are no more limiting than those in effect now for all Federal employees. In fact, the operative language of the amendment carefully tracks language from the Hatch Act as it applies to all Federal workers.

While, as I have stated, I am very concerned that S. 135 will give the green light for partisan political activity to creep into the Federal workplace, I am particularly concerned about the impact that S. 135 would have on agencies handling sensitive or confidential information.

Think of it, the CIA involved in politics. Think of it, the IRS involved in politics. If you were a Democrat who is going to be audited, how would you like to be seated across the table from an auditor wearing a big Bush button.

The FEC—if we ever get around to public financing, which I hope we do not, in campaign finance reform, my colleagues will find out how much influence the FEC can have, and the Justice Department, in civil and criminal investigations. Why should they be involved in partisan political activity on either side?

Active involvement in partisan political activity by CIA, IRS, FEC, and Justice Department employees significantly increases the potential for abuse of privileged and private information about American citizens, not to mention the potential for injecting political considerations into staff promotions and other advancement-related issues.

I fear that given the important, highly sensitive and often controversial matters that employees of these Federal organizations handle, public confidence in the impartial administration of such organizations' business would be substantially undermined and lead to the critical impairment of their ability to effectively serve the American people.

We have already repeatedly heard on the Senate floor of the Justice Department's strong opposition to S. 135.

I also have a letter here from Commissioner Goldberg of the IRS, dated May 4, 1990, which sets forth his many concerns with any bill that would relax the restrictions on political activity set forth in the Hatch Act.

Commissioner Goldberg concludes his letter by saying that "I believe that S. 135 is seriously flawed * * * and I call on the Senate to reconsider its application to employees of the IRS."

I also have a letter, dated May 7, 1990, from Lee-Ann Elliott, Chairman of the Federal Election Commission, in which she states that—

> The perception that commission employees are or may be engaged in partisan political activity, even on their own time, would severely undermine public confidence in our ability to properly and fairly carry out the mandate Congress has given.

Accordingly, Chairman Elliott requests that an exception from S. 135 be created for employees of the FEC.

I think that this Senate has a duty to listen to what the individuals who are responsible for running these very important Government agencies are telling us. They have unequivocally stated that S. 135 will hurt the effective operation of their agencies. That not only hurts the agencies and their employees, it also hurts the American people.

As I said earlier, do we really want CIA, IRS, FEC and Justice Department personnel who have access to sensitive information to feel pressure for political gain to leak such information? Do we really want employees of the FEC—the agency responsible for administering our election laws—to be actively partisan off duty and making supposedly neutral decisions during the day on campaign law issues? Do we really want the American people to have to worry about such things?

AMENDMENT NO. 1586

(Purpose: To provide limitations on the political activities of certain employees of intelligence and law enforcement agencies, and for other purposes)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment will be set aside and the clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1586.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 4, strike out "An employee" and insert in lieu thereof "(a) Subject to the provisions of subsection (b), an employee".

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of the Internal Revenue Service, the Department of Justice, the Federal Election Commission, or the Central Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Internal Revenue Service, the Department of Justice, the Federal Election Commission, or the Central Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

Mr. DOLE. Mr. President, I ask unanimous consent that the text of the letters from the Federal Election Commission dated May 7, 1990; the Department of the Treasury dated May 4, 1990; the Office of the Attorney General dated October 18, 1989; the U.S. Chamber of Commerce dated May 4, 1990; and Common Cause dated May 2, 1990, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follow:

FEDERAL ELECTION COMMISSION,
Washington, DC, May 7, 1990.

Hon. ROBERT DOLE,
U.S. Senator, Washington, DC.

DEAR SENATOR DOLE: During your current deliberations regarding amendments to the Hatch Act, the members of the Federal Election Commission wish to express to you our deep concern about the consequences for this agency of proposed legislation revising "Hatch Act" restrictions upon political activity by federal workers. We would respectfully request that an exception be drawn for emloyees of the Federal Election Commission in any legislation intended to liberalize or relax the rules prohibiting federal employees' participation in political campaigns outside the workplace.

Congress established the Commission as a bipartisan body to administer and enforce federal election laws free of partisan or political considerations. Permitting active political involvement by employees of the Commission, even outside the work environment, could only serve to compromise the capacity of the agency's staff to perform their job responsibilities in a non-partisan manner. The perception that Commission employees are or may be engaged in partisan political activity, even on their own time, would severely undermine public confidence in our ability to properly and fairly carry out the mandate Congress has given us.

The members of the Commission certainly have no objections to those provisions of the act meant to strengthen restrictions upon "on the job" behavior related to political activity. Furthermore, we wish to express no opinion as to the appropriateness of the proposed legislation as it may be applied to and impact upon the federal workforce generally.

We hope, however, you will appreciate our strong reservations about those aspects of the legislation that would, absent a special exception, lift the restrictions upon political activity "off the job" by employees of the Commission. We ask your assistance so that our agency will be able to fulfill our particularly sensitive role in the political process with uncompromised impartiality and credibility.

Sincerely,

LEE ANN ELLIOTT,
Chairman.

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, May 4, 1990.

Hon. ROBERT DOLE,
Office of the Republican Leader, U.S. Capitol, Washington, DC.

DEAR SENATOR DOLE: It has come to my attention that the Senate intends to vote shortly on S. 135, a bill that will permit civilian Federal employees to participate in the political process. This will include the right to compaign on behalf of partisan political candidates and, in limited circumstances, solicit contributions on behalf of partisan candidates.

I am writing you to express my concern about this proposal as it relates to the integrity of the tax administration system. I am extremely concerned about both the appearance and the reality of IRS employees, such as revenue officers and revenue agents, campaigning and soliciting contributions for candidates of a political party. In my opinion, this could seriously undermine the public confidence in the IRS. Many people would not be able to separate IRS employees' private political activities with their public responsibility to administer the tax laws of this country. While I strongly support the right of employees to express their political views, the nature of their employment with an agency such as the IRS—an agency with tremendous access to sensitive personal information and with substantial powers to enforce the tax laws—circumscribes the extent and manner in which those views can be expressed.

I cannot over-emphasize the importance of this issue to tax administration. Our self-assessment system depends on public trust. The public must have confidence that each Internal Revenue employee upholds the highest standard of professional and ethical conduct. Campaigning for a political candidate would also raise questions of impropriety if the IR employee, while campaigning for a candidate, contacts taxpayers who are currently subject to an audit, collection, or other tax administration matter. In my view, taxpayers would seriously question a law which permits such political activity by IRS employees.

I believe that S. 135 is seriously flawed in this manner and I call on the Senate to reconsider its application to employees of the IRS. Thank you for your attention to this matter.

With kind regards.

Sincerely,

FRED T. GOLDBERG, Jr.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, October, 18, 1989.

Hon. WILLIAM V. ROTH, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR ROTH: This is to inform you of our grave and unequivocal objections to S. 135, a bill that would substantially repeal the Hatch Act. If this bill were presented to the President, his senior advisers would recommend that it be vetoed.

The Hatch Act of 1939 prohibits certain partisan political activities by federal government employees. It was enacted to remedy a century of patronage abuses resulting from the "spoils system." Federal programs to help the poor and the dispossessed were often perverted for political purposes. The Hatch Act seeks to guarantee the integrity of the federal civil service by assuring that federal employees are hired and promoted based upon their qualifications and not their political loyalties. It also assures that federal programs are administered on the basis of need, not politics. The Act's ban on active partisan campaigning by federal employees protects them from coercion and patronage abuse. Those protections remain essential to assure the integrity of the federal work force and the administration of federal programs. They also are critical to the public perception and the confidence in the impartial, even-handed conduct of government business.

S. 135 would fundamentally undermine the Merit System by changing a presumption that partisan politicking by federal servants is prohibited into a presumption that such partisan campaigning is to be encouraged. Specifically, the bill would allow federal employees to hold office in political parties, work in partisan political campaigns, and solicit political contributions from other federal employees, including subordinates, who are members of the same federal employee organization. Such a reversal in the role of partisan politics in the ethic of public service would permit virtually unbridled partisan activities by federal employees, which, history shows, would in turn inevitably lead to the politicization of public administration. For example, S. 135 would permit Internal Revenue Service District Managers to serve as political party officers, loan officers with the Department of Housing and Urban Development could organize partisan compaigns after work, and federal law enforcement officers could make television commercials paid for by political committees on behalf of partisan candidates.

We note that the bill provides that these newly authorized partisan activities are not to be conducted while employees are on duty, wearing the insignia of their offices, or otherwise about the government's business. Unfortunately, these prohibitions would be meaningless. They add nothing to existing criminal prohibitions in this area (see, e.g. Chapter 29 of Title 18 of the U.S. Code, and 18 U.S.C. §§ 641 and 872). Moreover, although proponents claim that S. 135 would provide protections against political coercion, the bill would actually repeal the authority of the Office of Special Counsel, found in 5 U.S.C. § 7325, to seek penalties for Hatch Act violations. Finally, the vestige of the Hatch Act left by S. 135 could be easily circumvented. For example, government officials, who belong to employee organizations, could induce subordinates to

join their organizations and then they could extract involuntary political contributions of money or services, as long as this activity occurred during off-duty hours and while the participants were not in government uniforms or on government property.

The inevitable result of S. 135 would be a politicization of the federal work force to the great detriment of federal employees, the programs that these employees administer, and ultimately the public which these programs were enacted to serve. Without the Hatch Act, employees would be inevitably subject to subtle, and not so subtle, pressures to support the partisan agenda in their government offices. It is unreasonable to expect that the few prohibitions listed in S. 135 would have any practical impact on the subtle politicization that would occur in the federal work force. Rank-and-file civil servants would not make federal criminal cases out of supervisors' requests for political contributions or for their off-duty time in support of a candidate. They would find it less costly to be victimized rather than incur the job-related risks that would surely result from a complaint to law enforcement authorities. Moreover, the difficulties inherent in proving even the most patent abuses would render the protections of the criminal justice system illusory. Thinly veiled exploitation and extortion would flourish because the politicized atmosphere of the workplace would make criminal conviction virtually impossible. The resulting impact on federal programs would undermine the public's confidence in the impartial administration of public business.

The Hatch Act ensures an environment wherein federal employees are encouraged to impartially carry out the public's business, rather than being distracted by the demands of political patronage. Under the Hatch Act, promotion is based upon merit, not political loyalty. The Act is understood by the vast majority of federal employees as a bulwark against the political pressures that would inevitably accompany a partisan public work force. Its prohibitions are clearly set forth in the statute and regulations at 5 C.F.R. § 733. The Office of Special Counsel (OSC) is empowered to provide authoritative advice to employees with questions about the application of the statute and regulations to particular circumstances. Last year, OSC processed about 1,400 inquiries from the approximately 3 million federal employees covered by the Act. We believe, on the basis of experience, that most federal employees either understand how the Hatch Act applies or they simply have no desire to politicize their lives and their jobs by engaging in the sort of partisan activity it covers. It is, we think, significant that there has been no groundswell of popular support for this bill from the ranks of federal civil servants.

In sum, the Hatch Act has served to shield federal employees and the programs that they administer from political exploitation and abuse for over fifty years. S. 135, which is being promoted in the Senate as a liberator of federal workers' civil rights, is perceived by many federal workers as stripping them of that shield, and presages that those workers may have to demonstrate a fealty to a political party that they may not otherwise endorse. We are committed to continuing the protections of the Hatch Act and urge you to join us by opposing S. 135.

The Office of Management and Budget has advised that there is no objection to the submission of this report to the Congress and that enactment of S. 135 would not be in accord with the program of the President.

Sincerely,

DICK THORNBURGH,
Attorney General.
CONSTANCE BERRY NEWMAN,
Director, Office of Personnel Management.
MARY F. WIESEMAN,
Office of Special Counsel.

U.S. CHAMBER OF COMMERCE,
Washington, DC, May 4, 1990.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: The U.S. Chamber of Commerce, the world's largest federation of business firms, chambers of commerce, and trade and professional associations, supports the Hatch Act, which protects federal civil service and postal employees from undue political pressure and coercion. The Chamber believes that no law should be enacted to permit solicitation of financial or any other form of support for political candidates, political parties or other political organizations from such employees. The Chamber specifically opposes enactment of S. 135, the Hatch Act Reform Amendments of 1989, now before the Senate.

S. 135 may well undo 50 years of protection of federal workers from political pressure by elected and appointed officials. The purpose of the Hatch Act was to separate this work force from elected leadership. It has protected these workers from exploiting their offices or being exploited by others. It has been a benign barrier to politicizing the federal work force. The Hatch Act has allowed only nonpartisan political involvement by federal employees.

The Chamber knows no compelling reason to amend the Hatch Act. While it is true that there are centain restrictions on federal workers' political involvement, it is also true that they are a unique group of employees. Their job is the efficient operation of the federal government, with equal treatment of all taxpayers regardless of political persuasion.

The U.S. Supreme Court has repeatedly upheld the Hatch Act's constitutionality and in 1973 declared, "it is in the best interest of the country, indeed essential, the federal service should depend on meritorious performance rather than political service. . . ."

The U.S. Senate should act to strengthen government by rejecting S. 135. Federal workers need and want a harassment-free workplace. The Hatch Act was passed to cure the serious problem of political coercion on the federal work force.

Sincerely,

DONALD J. KROES.

COMMON CAUSE,
Washington, DC, May 2, 1990.

DEAR SENATOR: The Senate is soon expected to take action on legislation to amend the Hatch Act which for 50 years has protected federal employees from inappropriate political pressures. Common Cause strongly urges you to oppose S. 135, the Hatch Act Amendments of 1989. This bill seeks to make basic changes in the current Hatch Act restrictions on partisan political activity by federal workers, opening the door to implicit coercion, and abandons the fundamental concept of an unpoliticized civil service.

The House-passed bill, H.R. 20, would repeal Hatch Act protections and for the first time in 50 years allow federal civil service and postal employees to participate in partisan political activity. For example, federal workers could run as candidates in partisan elections, serve as officers of a political party, raise partisan campaign contributions, manage campaigns, and administer political action committees (PACs). The only restraint is that the partisan activity would have to occur during off-hours. Common Cause opposed the passage of H.R. 20.

S. 135 also proposes major changes in the Hatch Act, lifting most restrictions on partisan political activity. Like the House bill, a federal employee would be permitted, among other things, to serve as an officer for a candidate party or a PAC, become a public campaign official for a candidate, and run as a delegate to a national convention. The Senate bill does prohibit federal employees from running for partisan politicial office and from soliciting contributions for partisan candidates. However, it allows government workers to solicit their colleagues for contributions for their own federal employee PACs.

Repeal of the Hatch Act's basic protections, as proposed in S. 135 would increase the potential for widespread abuse and open the way for implicit coercion against which there is no real protection. With basic restrictions on partisan activity repealed, no procedural or other safeguards will be sufficient to protect against subtle forms of political favoritism or coercion of federal workers.

It is important to recognize that under the current Hatch Act, federal workers are already permitted to engage in various political activities. For example, they may make political contributions to candidates, serve as rank-and-file members of political parties, and engage in nonpartisan political activities. It is only the most active levels of partisan participation from which they are currently barred. In drawing this line, we believe that the current Hatch Act strikes an appropriate balance between the federal worker's ability to participate in political activities and the public's right to fair and impartial administration of government.

Common Cause recognizes that the current regulations governing administration of the Hatch Act are complicated. There may be ways to clarify and simplify for workers the degree of participation they are permitted under the Hatch Act without lifting the basic restrictions on partisan activity. We would urge the Senate to instead explore this possibility. As a core principle, however, a careful balance must be struck between an individual's First Amendment right of free speech and association and the public's right to impartial administration of government. We believe S. 135 upsets this balance and would open the possibility of a dangerously politicized civil service.

The Hatch Act was designed to ensure that the federal government is administered in a fair and impartial manner. We agree with the U.S. Supreme Court which stated, in upholding the constitutionality of the Act, that "it is in the best interest of the country, indeed essential, that federal service should depend upon meritorious performance rather than political service. . . . "

Common Cause strongly believe this important integrity-in-government measure should not be repealed. We strongly oppose S. 135 and other proposals that would

repeal necessary prohibitions or partisan political activity by federal employees.

Sincerely,

FRED WERTHEIMER,
President.

Mr. DOLE. Mr. President, I did not mean to offer the amendment, but I have a duty to be on the House side to speak at 2:45. I could either set it aside or have the Senator present his argument.

The PRESIDING OFFICER. Does the Senator from Kansas yield the floor?

Mr. DOLE. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I sometimes think people are considering a different piece of legislation here on the floor than the one that has been proposed from the committee and the one we are debating here, because S. 135 is Hatch Act reform. The statement was made that proponents of S. 135 say the Hatch Act is not needed. Nothing could be further from the truth. That just is not a correct statement at all. I feel the Hatch Act is still needed. I certainly am not proposing we do away with the Hatch Act.

What S. 135 does is it calls for fairness. It calls for fairness. It says if Americans do not have to have restrictions put on them for any good purpose then we will keep those restrictions just to what is needed. And what is needed is clarification in the current situation.

The constitutionality was brought up. I never have questioned the constitutionality of the Hatch Act nor has anyone on this side of the aisle as far as I know during this debate.

History, indeed, as the distinguished Senator from Kansas said, does show there have been political abuses in the past. Those political abuses were dealt with by passing the Hatch Act. Back in 1939, the days when the Hatch Act was passed, there were some 300,000 recently appointed employees in a much smaller Government work force and they were flat-out political appointees. There was not any doubt about it. They were expected to work politically. And that is what the Hatch Act was to address. It was to stop abuses such as were occurring then.

What grew up were a number of interpretations in the Hatch Act that came from old civil service law, prior to the Hatch Act even coming in in 1939. It is all those interpretations, and the others that have been made through the years since the Hatch Act was passed, that we are trying to make some sense out of now with this particular legislation.

What we say is, take all these confusing differences of what you can do on the job and what you can do off the job, what you can do publicly, what you cannot do publicly, a whole host of things that has left a situation like this. Those who would intentionally subvert the act to their own particular purposes can find a ruling or interpretation somewhere to do just about what they want to do, probably. On the other hand there are those who would inadvertently violate one of these interpretations of the Hatch Act not even knowing they have done it.

So all we do with this S. 135, it is very simple, we will try to clarify this. We clarify by saying, on the job, you cannot do anything on the job. Even some of the things that are permitted now you cannot do on the job. So that tightens up somewhat on the Hatch Act. Off the job it is a different thing. You should be permitted to participate as much as possible, with some protections still in there, but as much as possible, like any other American.

We still say, off the job, no collection of money, period. You cannot go out and solicit the general public campaign contributions at all, period.

And you cannot run for public office. That is prohibited under this legislation. We keep hearing references to things that I believe are in the House bill, so I hope we are not confusing those on the floor this afternoon.

It was stated that S. 135 seeks a lot of prohibitions. No, it just tries to make some sense out of prohibitions that are in there right now. We do not prohibit employees' right to vote or express public opinion.

Mr. President, the proposal that the Department of Justice, the Internal Revenue Service, the FBI, and the Federal Elections Commission be protected because these jobs are sensitive positions where information gained in line of duty, if you are an employee of one of those agencies, could be used in a way that was never intended to gain campaign contributions.

Mr. President, laws right now prohibit that and prohibit misuse of that information. The Department of Justice is not permitted to use internal information they have developed in their normal line of work to go out and do anything outside, let alone use threats in order to raise money. They, in turn, themselves at the Department of Justice can be locked up if they misuse internal information right now for any purpose outside of a particular case or whatever the information has been developed to do.

It is the same with the IRS. Does anyone think that right now the IRS, with the passage of S. 135, would suddenly be able to use information from your income tax return and come and threaten you with that information or action on that information if you did not make a contribution? The use of IRS information developed internally on the job cannot be used for any purpose outside. Right now, IRS agents can be locked up, as I understand it, if they do misuse that information.

The same with the FBI. They cannot develop information inside and then come out and use it outside for any purpose, whether for campaign contributions or anything else. The same with the Federal Elections Commission. The Federal Elections Commission has written some special prohibitions against that in their own internal administration already, and S. 135 would not change that one iota.

So what are the protections we need for the Department of Justice, IRS, FBI, and FEC? Under penalty of law, they cannot use any of that internal information from any of those agencies or departments for outside purposes right now.

It was asked: Could the boss then use this information to go ask for contributions? And the answer is no; absolutely no. He could not use it for any of those purposes at all, with or without S. 135.

The Civil Service System is, indeed, based on merit, and should be based on merit. There have been violations of that in the past. We know that. The statement was made we did not want partisan politics supplanting merit. I agree with that.

What we do with S. 135 is not change any of the basic protections. What we do is make some sense out of it by saying on the job you cannot do anything politically, period. Nothing. Off the job, you still cannot ask for contributions; you still cannot run for elected political office if you are a Government employee. But why should you then not be permitted anything else, as far as participating in the American political system, like any other citizen?

All this tries to do is clarify the myriad of over 3,000 rules and regulations and interpretations, all of which have been so confusing that they either let those who would subvert the system have a fertile field for operating or those who are within the system sometimes inadvertently making some kind of mistake because they did not understand a certain rule applies. It has been that complicated.

Mr. President, the distinguished Senator from Kansas referred to the bill 15 years ago, and I submit that the bill that was being considered 15 years ago is a very different bill than the one we have before us now. At that time, what was proposed was a bill that would have allowed, specifically allowed, Federal employees to solicit money from the general public. That was a far cry from what we are trying to do here today.

I just believe the Senator from Kansas was just not correct in his remarks when he said that if this passes, the IRS could solicit campaign money under the terms of S. 135. They cannot. That just is flat not the case. It does not permit that.

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Mr. President, I agree with my distinguished colleague from Kansas that we need full public confidence in our Federal system. I do not agree that public confidence would be reduced if S. 135 passed. In fact, I think public confidence would be increased, because then we would have on the books legislation that clarifies all these thousands of different interpretations and rulings for the first time.

It makes it a workable bill. It makes it so people cannot deliberately misuse the Hatch Act, nor will they be likely to inadvertently make a mistake under the Hatch Act. So when you clarify things, it seems to me that public confidence is going to be increased, not decreased.

Letters from organizations were mentioned. I appreciate that. There are letters on both sides. At the appropriate time, we will print a number of letters in the RECORD also from a number of organizations who are concerned that we do pass this; they feel it is high time we finally bring some clarity and common sense to the Hatch Act and how it has been administered.

A statement was also made that this would expand fundraising activity that would benefit the PAC's. S. 135 does not really change the ability to raise money or not raise money under the PAC's. We still come under, basically, the same rules. It still says raising money for PAC's, as is provided now, if you are a retired member or elected leader of an organization, you can ask a fellow employee to contribute to that PAC if you are both members of that organization. I do not see that this really changes things that much.

The amendment 15 years ago, it was stated, would be changed in such a way that the Hatch Act would be weakened and would permit the CIA to be involved in politics. Not true. That the IRS could now, if we pass S. 135, be involved in politics. Not true. It does not do that at all; the FEC, Department of Justice, all four organizations—CIA, IRS, FEC, Department of Justice—could be involved in politics if S. 135 passes, and that just is flat not the case.

It was stated they have access to specific and special information, and it could be misused if S. 135 passes. But nothing could be further from the truth than that. Any misuse of information gained in those agencies on the job could not be used against anyone outside for any purpose because that is prohibited under another law right now that has nothing to do with the Hatch Act.

So anyone who is in one of those agencies would be violating other law than the Hatch Act if they ever tried to use any of that information for any other purposes.

Mr. President, for all those reasons, I oppose the amendment by the distinguished Senator from Kansas and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I would like to make a few additional comments with regard to the statement and the amendment submitted by my distinguished colleague from Kansas, the minority leader in the Senate.

Mr. President, the claim is made that employees should continue to be "Hatched" because they have access to extremely sensitive information and there is the possibility they can misuse it for political purposes; sensitive information that these employees are privy to make them inherently threatening to the general public, and, if you had to say no to them, that would be a little bit difficult.

Mr. President, last year the Governmental Affairs Committee asked the American Law Division of the Congressional Research Service to comment on the issue of agency regulations subsequent to our proposal to reform the Hatch Act. There are several agencies which might merit special attention in the area of allowable political activity and agency missions. Perhaps the most notable example is the Federal Election Commission, which has its own set of separate political rules.

The Congressional Research Service responded to the committee's request with the conclusion that Federal agency rules, even if they reach beyond the provisions of S. 135 and limit first amendment rights, are legitimate if closely drawn within the context of statutory functions and duties of an agency.

Mr. President, that CRS study cited the regulations of the Federal Election Commission as an example of agency regulations which restrict employee political activities even beyond current law, beyond Hatch Act provisions. The regulations of the Federal Election Commission provide, for example, in section 57.11, Political and Organization Activity:

A. Due to the Federal Election Commission's role in the political process, the following restrictions on political activities are required in addition to those imposed by the Hatch Act, 5 U.S. Code 7324:

1. No commissioner or employee should publicly support a candidate, political party, or political committee subject to the jurisdiction of the commission.

No commissioner or employee should work for a candidate, political party, or political committee subject to the jurisdiction of the commission.

Commissioners and employees should be aware that contributing to candidates, political parties, or political committees subject to the jurisdiction of the commission is likely to result in a conflict of interest.

The Central Intelligence Agency, on the other hand—another what one might consider a sensitive agency—has not prescribed any special restrictions of its employees' political rights. Therefore, CIA intelligence employees in sensitive jobs can right now, if they want, wear political buttons on the job, put bumper stickers on their cars, signs in their front yards.

We defeated an amendment in committee to exempt Federal employees who are engaged in intelligence activities from the provisions of S. 135. The vote on that was 8 to 5. This amendment was defeated for several reasons. There are already numerous statutes in titles 5 and 18 of the United States Code which provide criminal and civil penalties for the misuse of classified or confidential information by any Federal employee. They have nothing to do with the Hatch Act or with S. 135, and nothing in S. 135 will affect those prohibitions and those penalties. That is in law now.

Furthermore, I want to point out that the people with the greatest access to sensitive information, the agency heads, the Secretaries of Departments, Presidential appointees confirmed by the Senate, are currently exempt from any Hatch Act restrictions and can participate in political campaigns and fundraising activities fully. That is provided for now. In addition, the identities of CIA and other intelligence employees are closely protected, and it is not reasonable to expect these employees to go around broadcasting their identities when participating in the political process.

We defeated the amendment because S. 135 is a very moderate proposal. S. 135 strictly prohibits all Federal employees from using his or her official influence or authority in this way. For IRS auditors, specifically 26 U.S.C. 7214, provides penalties for anyone who:

• • • demands or accepts or attempts to collect directly or indirectly as payment or gift or otherwise any sum of money or other thing of value except as expressly authorized by law.

The penalties are:

To be dismissed from office or discharged from employment and, upon conviction thereof, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

Let us suppose an IRS auditor wants to misuse someone's tax return for political purposes. Again, 18 U.S.C. 1905, 2071, and 5 U.S.C. 552(a) provide criminal and civil penalties for the disclosure of confidential Government information, and 26 U.S.C. 6103 specifically prohibits the disclosure of tax return information.

While that IRS tax auditor can wear a campaign button on the job today, he or she could not wear a political button while working, if S. 135 is enacted into law.

Mr. President, the fact is that 41 State governments now have more liberal Hatch Acts than the Federal Government. Those States collect taxes, and they enforce the law. There are few bits of evidence that those State employees in sensitive positions use their position to influence political activity.

Mr. President, the purpose of S. 135 is to clarify the confusion and the illogic of current law governing the political activities of Federal and postal employees—to make the law fair, to make it workable, make it one where all the confusion surrounding the myraid interpretations no longer exists, by stating very, very clearly what can be done on the job, and what cannot be done on the job, which is, nothing political can be done on the job.

We also clarify what can be done off the job; no fundraising, no running for elective political office.

Mr. President, at the appropriate time tomorrow, when we have votes, I will move to table the amendment of the Senator from Kansas.

I suggest the absence of a quorum.

I withhold that request.

AMENDMENT NO. 1587

(Purpose: To delay the effective date of the act until bans on PAC contributions and soft money are enacted)

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I thank the Senator from Ohio. I listened with interest to his remarks and know the sincerity that he brings to the cause in every sense, just as he does with every issue with which he is involved.

In accordance with the unanimous-consent request previously, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for himself and Mr. DOLE, proposes an amendment numbered 1587.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, after line 5, inset:

(d) In no event shall the amendments made by this Act take effect before the date on which there is enacted into law provisions—

(1) which prohibit contributions or expenditures for the purposes of influencing an election for Federal office by any person other than an individual or political party committee; and

(2) which prohibit contributions or expenditures to be made in connection with an election for Federal office, unless such contributions and expenditures are subject to the source and dollar limits, and the reporting requirements, of the Federal Election Campaign Act of 1971.

Mr. SIMPSON. Mr. President, I rise to propose an amendment to S. 135. The bill, of course, would revise and reform the Hatch Act. I did not use the word "repeal." I understand that has a very negative connotation to the sponsor. Therefore, revisions and reform I believe is the appropriate phrase.

I offer this amendment out of great concern for the bill, which is really in dire need of amending, more so, I should say, than is the Hatch Act itself. In this "frenzied rush"—and of course I have heard that term used especially on immigration reform. We had not done anything for 35 years but they said it was a "frenzied rush to judgment." This is a frenzied rush to judgment after 50 years of a law being on the books.

But, in this rush to reform, and revise this 51-year-old Hatch Act, we have heard any number of justifications for passing this bill. But when you get right down to it, of all of these various and sundry reasons, they can really be all boiled down into two. The first being the allegation that the Hatch Act represents an abridgment of first amendment rights. That has a real ring to it. The second being that the Hatch Act is too confusing and, must be simplified.

I will grant some proponents of S. 135 this much—there certainly is some confusion about the Hatch Act. I would say that those who are crying "first amendment" on this one are either confused themselves or are surely trying to confuse others, because the Hatch Act does not abridge the freedom of political expression of any Government employee, nor does it abridge any other first amendment right. But that opinion does not originate with me. It is the judgment of the U.S. Supreme Court which for over half a century now has declined to strike down the act. On two occasions they ruled that the act was constitutional, even that it was necessary—more than constitutional; it was necessary.

In 1947 in United Public Workers versus Mitchell, and in 1973 in U.S. Civil Service Commission versus Letter Carriers, those were the cases.

Let me quote one sentence from one of those decisions:

It is in the best interest of the country, indeed essential, that Federal service should depend upon meritorious performance rather than political service.

I ask my colleagues to think about that for a moment. During that period of great leaps forward in all facets of the first amendment protection, our very highest court in the land saw fit to leave the Hatch Act untouched, untrammeled.

So we are left with a rather astounding claim now by those who call the act an abridgment of first amendment rights that somehow the Warren court, which was probably more attentive to so many rights of our citizens in those years, would not even take up a case challenging this act—and they would not—was unable to discern all of these ways in which the Hatch Act infringed upon basic democratic freedoms, and it is thus up to the 101st Congress to now correct them.

Now, come on. That certainly sounds confused to me. It prompts the question as to where that confusion is coming from. But it is out there, no question about it. Some certainly feel that they have a pretty big stake in spreading it around.

I know there are folks out there who think they are not permitted to participate in the political process, and that the sole reason for that is the Hatch Act. The Hatch Act is to blame. I meet with them all the time. Postal workers, for example, come to my office to say, "Senator, boy we want to get involved in our great political system, but because of the Hatch Act we cannot." That is what they have been told by somebody. That is what they believe. That is pretty sad.

So I have a standard response to that. I ask them just what it is they would like to do that they believe they cannot do. I have then a list always ready of activities which are permitted under the Hatch Act.

After I finish telling them that they are permitted to be politically active in the manner in which they mentioned, I then read the rest of the list. Here is what they can do. They can register and vote; they can register voters; they can express political opinions; they can participate in political campaigns where none of the candidates represent a political party; they can contribute money to political organizations; they can attend political fundraisers; they can wear political badges and buttons and display political stickers; they can attend political rallies and meetings, join political clubs and parties, sign nominating petitions, and campaign regarding referendum questions, constitutional amendments, and municipal ordinances.

Do you know what they do after I read them that list? They look at me with astonishment and say, "we can do all those things?" That is the invariable reply. And the answer is," yes, they can, and a lot more" There certainly has been ample political participation by civil servants during this particular debate. I can tell you that. Do not go out in the hall; you will get

your shoes ripped off during the debate. There they are just lined out across this expanse into the next marvelous piece of public ground. They are in it hip deep.

So I read them the list, and they listen and there certainly has been a unique and remarkable amount of political participation by civil servants during this particualr debate. Is anybody missing that? How curious this is. That is what is allowed under current law. That is just the way it should be. When we go through this phalanx as we leave our Chamber, there they are, the citizens petitioning their Government. That is perfect, and that is the way it is, and I like that.

Last Wednesday the Washington Post ran a story about the National Association of Letter Carriers contributing $769,000 to political efforts last year. It does not sound to me like any poor souls are being excluded from the political process by the Hatch Act.

So the issue here is not political participation or the first amendment or freedom of expression. It never has been, my colleagues. The issue is coercion. That is the issue. There is no other issue. The others are just a tissue of things tacked together to give it a good old taste.

The issue is coercion. Coercion of Government employees to perform political activity, to be quite specific. We tend to forget that, because we have not had to worry about it since the Hatch Act was passed. But at one time, Mr. President, we sure did have to worry about it, and that is why the act was passed.

Years ago, my dear father was elected Governor of Wyoming, and he served here in the U.S. Senate, and I remember that campaign so distinctly. I referred to it a bit in previous debate. The minions of his party, Republican, went through the parking lots of the State Capitol to be sure that they had observed who had ripped off the bumper sticker of the opposing candidate. Who had been involved? Who had given a dollar or $5 to the campaign?

I remember one of the Republican faith coming up to him, one of his political allies that helped him get elected, and he had a list in his hand, and he was trembling with anticipation and glee, and he said, "Here is the list of those people who ought to be sent packing." My father asked why they should be dismissed, if they had been there 20 or 30 years and they were good workers. Why should that be? I know that is an unheard of thing for a politician to say. He was told simply that even though they were darn good workers, and some of them had received many awards, they had been on the other side. That is all. It did not matter one whit how good they had been or how poor they had been; they were on the other side.

I am proud to say that my father refused to take any part in that game. He was later defeated as he ran for reelection. Part of it, I am sure, was that he did not favor the death penalty, which is a pretty hazardous place to be when you represent the State of Wyoming. But you better believe that plenty others were ready to play that game, even though he was not, and the game was played. They rolled them out of that State capitol in spades. Before the Hatch Act was passed, that was the way the game was played. It is called coercion. There is no other fancy or less fancy name for it.

So these folks who come to see me, who are worried about political expression, the first amendment—and I commend them for seeking full participation—should also be really thinking of one other thing. They should be plenty worried about their jobs. They should not really worry about this and what they are doing up here redressing and petitioning their Government. They ought to worry about their jobs, if this bill becomes law, because some very mysterious and subtle little things will happen.

It does not matter how you outline coercion in this bill, and I have read that. It is a nice idea, a thoughtful idea. It should not give anybody too much pleasure that it will work, because it will not work. These mysterious things will start happening to these people when we make these changes in the Hatch Act.

They might not be told in any sense that they must solicit political contributions come election time. They will not be told that. I suppose they will sign papers and do all sorts of remarkable things to assure that. But those that do solicit political contributions at election time, off duty, and score up their little list and hustle on down to their superviser with it, and then they will get their brownie points. I can tell you that those that do this are going to start getting some remarkable assignments, which are a little bit more desirable, and they are going to get promoted a little bit more swiftly. The rest of them are going to get a little smaller office, the worst assignments, no window on the Mall.

That was a nice office you had, perhaps, but no more. There will always be some other reason for it. Always. Like poor old Fred, he just does not work as hard any more as he did. Or he is not a team player. Or, gosh, he lost his zip. Or he is not willing to go the extra mile. Or, gee, he was one of my favorites, but I do not know, he is just not like he used to be. That is the sort of thing we will hear, and it will seem perfectly reasonable and perfectly legal.

Mr. President, I am not conjecturing. I am stating that that is exactly what did happen before we passed the Hatch Act to protect our Government employees. Lobbyists for Hatch Act reform believe that times have changed. We have heard that ringing comment. Times have changed, and protection from such abuses is no longer necessary, thank heaven, in this enlightened age. Well, times have changed, but human beings have not. The ones that have really not changed and have increased in intensity are partisan pinheaded people that you and I know all over the United States.

Times have changed, but only because our institutions have changed as a result of the Hatch Act. Human nature has not changed. There are some very small-minded politicians, pinheaded yahoos, small-minded Democrats and small-minded Republicans. Weasel-like political people will take the latitude, and they will run with it. And it will be the latitude that we will give them in this legislation, and they will use it, and they will abuse it like a large club with a nail right in the end of it. They will use if for raw political purposes, at the expense of some pretty fine public servants.

Look at some of the polling being done now. I think it will help us when we get to the sustaining of the veto. When we pick up about three or more votes, and we will be able to give this one a burial at sea. The real sincere public official does not want this at all. Seventy percent, sixty-five, pick your poll. They do not want this change.

Who does?

Well, you have seen them right out here in the wall. Their eyes are kind of glazed over and they are raring to go, cannot wait to get into the saddle and ride right on into the night. They are going to use it and they are going to abuse it. Humans are remarkable creatures, but they are no closer to moral perfection in politics and whacking on the other side of the aisle, especially in public employment, than they were 100 years ago when the abuses came which necessitated the Hatch Act and put it on the books. The abuses lasted for 45 years and they were appalling. The people of America were appalled by the those abuses.

There are a few postal employees, I am certain, who chose not to contribute to the $769,000 pot which the National Association of Letter Carriers collected last year, and they did not have to think twice about it when they did not kick into the pot. But under S. 135 workers would be allowed to ask fellow union members for campaign contributions to political action committees, to PAC's, off duty. Of course, no one would dare do that by the watercooler. We know, of course, they would not, purity being what it is, pure as the water in the cooler. When your boss mentions at a weekend

picnic that you might want to contribute some money to his favorite PAC, it does get your attention, I think, without threat. Just its mention. Surely, you cannot believe that that will not happen.

Who does not know that the $769,000 pot is going to get a lot bigger under that system? That will be the pot at the end of the rainbow, and it will be filled. Out in the private sector it sure happens, too. Let us not leave that out. Certainly it does happen. There is no getting around it.

Businesses do take political stances and enlist the support of their employees. And who is to say whether some of that support is not very reluctantly given out of a belief that it is better to be safe than sorry? But when this starts happening in government, it is an abosolutely intolerable situation. When it happens in business, it is bad enough. But when it happens in government, it is absolutely intolerable.

We can argue about how political leanings to various corporations may tangentially impact the general citizenry. But the citizen's right to impartial administration of government is absolute. The Internal Revenue Service and the Post Office, for example, are there to serve all of us in the population with a "D" behind our names, or an "R" behind our names or a "I" behind our names. And every citizen must believe that governmnet employees are absolutely neutral in the performance of their duties. That is not some novel principle. We can all relate to that.

The man or woman who goes in for an IRS audit should not be met by some fellow sitting behind the desk wearing a Dukakis button or a Bush button or a Simpson button, either. It is not the first amendment at stake, and it is not being able to participate in your government. It is called coercion by small-minded people. No amount of integrity displayed by that person is going to be able to overcome the appearance of bias, plain old political bias. I think all of us ought to be very concerned about that.

So that leaves me wondering what possible reason there could be for passing S. 135 this time. Those who know the Hatch Act know that is constitutional and, therefore, does not violate first amendment rights in any way. But, boy, we have had that pumped in our head now for the last few years.

The spoils system reigned in this country, in American politics, before institutional changes such as the Hatch Act were put in place. It redressed some of the excesses and unfortunate chapters in our history—like Tammany Hall, rule or ruin. That is why the Hatch Act came about.

The Hatch Act has been indispensable in insuring that government functions are administered in a very fair, unbiased, nonpartisan, and impartial manner. What possible purpose other than election year politics could such a remarkable revision and reformation come upon us in these enlightened times? Pressure—Pressure with a capital P, that is what this is, nothing more, not one shred more. The possibility that PAC's are going to go down the tube and the hypocrisy of ringing up the scorecard on this side is what this is all about.

Well, let us be honest in the debate. Let us talk about pressure, plain, old political pressure. As to a lot of these Federal unions, the employees are right here, they all live here—they are in the District of Columbia, they are in Virginia, they are in Maryland and they can clog up the place in minutes. They are good at their craft. Pressure, political pressure with a 1990 election year twist. Is this election year politics? Sure. What else?

It did not come up in 1989; it did not come up in 1981; I do not remember it in 1983. I have been here 12 years. It just lies there until election year.

So repeal of the Hatch Act—and we will not call it that, we will call it reform and revision of the Hatch Act—along the lines of S. 135 would enable Federal employee union members to solicit campaign contributions from one another. That is what this says and they most assuredly will and, as I say, that little, old pile of $769,000 collected last year is going to swell and grow and we know perfectly well where it is going to go.

Now we get into the realities of a little touch of partisanship here. The political action committee contributions from the American Federation of Government Employees, the American Postal Workers Union, the National Association of Letter Carriers, the National Rural Letter Carriers, the National Treasury Union Employees, the National Association of Postal Supervisors, the National Association of Postmasters, the National League of Postmasters—and get this, the postmasters have two organizations. Do not ask me why. I guess one wants more than the other one. I do not know. But there is some reason. There must have been a falling out there.

When taken in combination, those groups I have just described have expressed mailed 88.1 percent of their moneys to the Democrats in the years 1987 and 1988. Now we can get down to some silly old facts here. I hate to do that, but I think we ought to, which, to tell the truth, was a more evenhanded distribution in 1985 and 1986 when 92.2 percent of the moneys went to Democrats. Now that is what this bill is about.

And they do have a unique way of giving to Republicans every once in a while, but only if the Republican is so far ahead you could not catch him with a freight. Then they give money, 2,000 or 4,000 or 5,000 bucks to any poor wandering Republican who is in the polls up 75 to 25 percent.

That is the way they play their game. That is not news to anybody here. The actual figures might be, but the qualitative truth of that is well known to us all.

If we give the go ahead to those who seek to lean on our civil servants to contribute to these PAC's, we are going to fatten considerably the coffers of the Democratic Party. I assure you that the Republicans will be treated like poor relatives, in spades.

So I hope we do not have to hear too much more about patriotism and good government being the primary motivator. I just shared with you the figures and these are the heavy hitters. They are the persons who are at the town meetings. The irony of it is, if the bill becomes law some of those are going to lose their job because they were not pure enough or in tune enough. They were just doing their work; they did not dream somebody so small minded could give them the old deep 6, but they are going to learn that. Those are some things I want to share with you.

You know we should not attribute 100 percent of the zeal which so many have to reform the Hatch Act to the political profit which the Democratic Party stands to reap for the enactment of this bill but we should not shy away from the facts either. The impact on the upcoming elections will be very real and it will be sizable. Whether intended or not this is a bill with awesome political ramifications and the most awesome ones are against the party that I am proud to be a member of for all of my political life.

Now there is a substantial motivation for the Democratic Party to be off and running right now, to be seeking at this time all of the help they can get.

There is a reason. For the first time in generations, a plurality of Americans have identified themselves as Republicans—48 percent, according to the figures released in March, as opposed to 43 percent calling themselves Democrats; 41 percent of Americans now identify the Republican Party as the party most able to deal with problems facing the United States as opposed to 29 percent naming the Democrats.

That is undoubtedly of rich and serious concern to many in the Democratic Party, as it would be to anyone in that situation. I am certain that they would welcome the additional influx of funds that would be the result of passing this legislation. Who would not?

I do hope my colleagues on both sides hear me out on the matter because those facts do represent and present a problem to this legislative

body. Here we are in the midst of a great debate about another great issue, campaign finance reform. That is the next locomotive on the track. We have election ethics legislation before us which will establish spending limits on Senate election campaigns, prohibit PAC contributions to Senate candidates, ban the use of soft money which is now being referred to as sewer money. I am helping to do that.

I am a beneficiary of PAC's. It is an election year for me and, I presently get my share of PAC contributions, but they are connected with Wyoming; they are connected with oil and gas and mining and industry and agriculture. But I have a hunch that we are going to get rid of PAC's this year, at least in the Senate. I do not know if the House would ever unleash itself from a dependency on PAC's. But I have a hunch that when the heat comes on from the American public, they are really going to begin to scratch and claw, because they are a pervasive influence and they have lost their way. PAC's have lost their way. They use to make contributions to support somebody with ideologically shared views. Now they just give to anybody who is an incumbent regardless of how they vote.

We ought to help them find their way. We will just close off the exit from the woods, because they are lost in there. So we will cut them off. We will get rid of soft money and phone banks that get cranked up on the edge of towns to whack it on the old Republicans. We will have some fun with that.

So, here we go. We are going to deal with contributions for activities which affect Federal elections and undercut negative campaign advertising. We are going to talk about the cost of campaigns. That is coming up next week, our leader tells us. We are probably going to delay the effective date of campaign finance legislation because we do not want to do anything here which will unduly affect the election immediately coming up. In fact, some of the horror stories I am grasping from those on the other side of the aisle go like this: "Good lord, can't we set that back until 1994 or 1992? Get the heat off of me. I don't want to get ground up in that process."

So that is fine. We'll set that up for 1992 or 1994, but we'll do the heavy lifting this year. I think we are going to get that done. There is nothing wrong with that. But when people look at this vote on campaign ethics, we do not want them to be able to say we were inappropriately influenced by our own reelection prospects when we were drawing it up. And that is what this legislation does.

For the same reasons, we cannot in good conscience implement any sweeping revision of the Hatch Act under these same circumstances. I personally doubt the necessity of passing S. 135 at all, obviously, but there is no way you can honestly pass this now and implement it, and leave campaign finance reform to take effect later on. The public is going to see right through that one. That is a total inconsistency. Here we are working on this legislation to eliminate PAC's, at some date after these elections. At the same time we are getting ready to pass this bill which is going to fatten up one party's PAC contributions just in time for the same elections. There is one thing the American people understand; it is called fairness. There ain't nothing fair in that game at all.

This body cannot even approach the appearance of sincerity and openness and candidness on that basis. The public is going to ask us why we felt it was necessary to give those PAC's a big boost in the rear right now, leaving their legislative death to take place in the future. Come on.

I would like to quote from a speech given in this Chamber by our present distinguished Republican leader back in 1976 when he carried our banner. In it, Senator BOB DOLE warned of the danger of implementing a

> • • • drastic alteration of long-established principles in the midst of a campaign period, and only months before a major national election takes place. At best, a good deal of confusion would result among Federal employees regarding permissible political activities. At worst, serious violations of prohibited campaign activity would occur on a wide scale, endangering the careers of Federal employees and the outcome of some elections. It is important that congressional approval of this bill neither now or later be construed as having an inappropriate impact upon the November 1976 elections.

The Republican leader was as persuasive in his oral arguments then as he always is now. He was absolutely right in questioning the propriety of taking such drastic action in the midst of a campaign season. The real pro does not want a thing to do with this. The real guy who does his work for this Federal Government—and we do bash them, we all bash them, the bureaucrats, but I notice that we are willingly with them most of the day talking about things with our constituents, striving to see if we cannot get something done, whether we are dealing with the Interior Department or Justice or Energy. The real pro who works here in Washington and out in region 8 or region 4 does not want this bill. He or she does not want to see those goofy 100 percent partisan people wander into his shop and mess him up. He does not want that. She does not want that. That is just exactly what they are going to get. They are going to get it in spades.

For similar reasons I am introducing this amendment which will delay the effective date of this legislation until the reforms regarding PAC's and soft money, sewer money, which we expect to pass as part of campaign reform take effect. I think that S. 135—whatever you call it, revision, reform, not repeal, enlightenment—is a very, very bad idea and will result in no end of mischief, just plain mischief. And that will be the lightest word that applies.

It is going to result in the destruction of careers, of people who suddenly, for no reason—mind you, there will never be any fingerprints on these activities—fall along the wayside. All because they just did not quite do it like they should.

Well, I hope that the proponents of the measure would at least pursue a consistent policy of not taking action which will directly influence the outcome of the coming elections. Because that is what this will do; boy, will it.

It is the fair and the right thing to do. It will enhance the credibility of this body in our efforts to straighten out the campaign ethics laws. I ask my colleagues to give full consideration to these concerns, and I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, my distinguished colleague from Wyoming talks about "Let us deal with the facts." And that is exactly what I want to do. Because the facts are that it does not materially affect the fundraising capability in any way for political action committees.

My distinguished colleague and I talked briefly here on the floor the other day about what this act really provides. The facts are that the ability to collect money under S. 135 is not changed one bit from current law. We do not change that.

He may be referring to the House bill. This is not the House bill. This bill prohibits any Federal employee still from running for a political office per se, and it specifically prohibits asking for contributions or soliciting contributions from the general public.

The facts are that this does not change the ability of PAC's to raise money at all. All this great wave of money that was put forward here—that if we have $796,000, oh boy, just wait and see what comes up after this passes—that money was raised under current law, and S. 135 does not address that at all except to say that whatever law benefits whoever right now continues in effect right now. So that does not change.

It does not change for the Chamber of Commerce or the unions; it does not change for anybody they may choose to give their money out of those multicandidate PAC's.

A great thing was made about the Government employees' unions that contributed the percentages they contributed to Democrats and Republicans and how, if you like that, just wait until you see what happens under

S. 135. Well, S. 135 does not change that.

Mr. President, I, too, want to see campaign reform. I want to see it very much. We are putting together those campaign packages on both sides of the aisle and, as I understand it, in just a few days when we dispose of this particular legislation, we will then be considering what limitations we want to make on campaigns: campaign finance reform, ethics reform, and whatever.

At that time we will deal with the soft money and whether PAC's will be voted out, whether there will be limitations placed on them. But that is not addressed with S. 135, and we are mixing apples and oranges here. We are mixing two different things.

My distinguished colleague says this is a frenzied rush. What has happened is we have had hearings for several years on this. Every time it came up in hearings, we heard all these horror stories about how there were so many interpretations of the Hatch Act and the rules and regulations under it that nobody could make sense out of it, so people really did not know, sometimes, whether they were violating a particular interpretation or not.

And, on the other hand, those who had wished to interpret for their own nefarious purposes in a particular direction could find some way to do it.

So we asked OPM to clarify these things. They could have done it if they had wanted to. They have had several years, and nothing has happened.

So we finally decided to take this very modest action that we had taken in S. 135. Some of the dire consequences my friend from Wyoming points out in this, I do not know where those things come from. But they are in no way intended, nor will they happen, as I see it, under S. 135. Particularly, if S. 135 passed, he implied, we would go back to the spoils system. In an election year, this was a political measure only. There was pressure with a capital "P" that would be exerted to raise all this money.

This does not change the ability to raise money. This does not alter it, and no amount of saying that it does will change the facts.

We do not change the PAC law that says PAC's are legal, and we do not change the fact that certain persons within a PAC can ask other persons in that same organization for a contribution to that PAC. But they cannot go outside. They cannot go to the public and put the pressure on them for a contribution. That is just not what S. 135 does. So I think there is a great deal of misunderstanding here about what S. 135 does.

The issue of constitutionality keeps coming up. I never questioned that, nor does anyone that I know of, and nothing in S. 135 addresses the constitutionality or tries to change that one bit. So that is a straw man, as far as I am concerned. I do not know why that keeps coming up, for speaker after speaker here on the floor, that we set up this constitutional thing and how we are trying to change that with S. 135. That is just not the case. We do not adress that at all.

The Court has ruled that the Hatch Act is legal. I agree with that, and agree with the Court 100 percent. We are not trying to change that. Constitutionality is not at issue here at all.

What has been at issue is that we have had a very confusing Hatch Act. The Hatch Act is supposed to back up the civil service merit system, and that is exactly what we want it to do. We hoped we could work out some of these conflicting differences in the interpretation of the Hatch Act, but that does not seem to have been the case. So we are addressing it with S. 135, this legislation.

The issue, we are told, is coercion, so that Government employees can go out and be political hatchet men of some kind. And I firmly admire the father of our distinguished minority floor leader in that he would not go along with some of those things being proposed. But the statement then is made that people are going to have to worry about their jobs if S. 135 passes; that some mysterious thing will happen, that there will be forced contributions.

I do not really know where that comes from because nothing in S. 135 changes the ability of anybody to make forced contributions. In fact, we continue those prohibitions against going out and leaning on anyone in the public. The only thing that is permitted is if you are a member of PAC, you can ask somebody else for a contribution to the PAC. That is just people inside the same organization.

It does not change the PAC's ability to raise funds, and that does not change for the chamber of commerce or any of the national business associations. It does not change for the labor unions. It does not change for anybody. That is the way the PAC's run right now, and we are going to have legislation, as my colleague says, on the floor shortly to address that. We will debate the limitations on PAC's at that time, and properly so. I expect to be active in that debate.

So, you cannot make these forced contributions. No one, if we pass S. 135, will be given additional authority to go out and push for contributions from anybody that all PAC's are not free to solicit contributions from right now.

I repeat once again, I think there is a great deal of confusion between what the House has passed, where they specifically permit political contributions to be solicited, and where they specifically permit people to run for public political office. We do not do that in this bill. So let us debate S. 135 and not the House bill.

My colleague said we have had 51 years of the Hatch Act, and that is correct. It has served us well. We passed it in 1939 at a time of great need. There was a spoils system before that. Everyone recognizes that, admits to it, and the Hatch Act was supposed to correct that.

What happened through the years? A lot of the things were rolled into the Hatch Act from the old civil service days, and some of the interpretations that caused a great deal of confusion have been corrected; a lot have not. I have read into the record a number of times in this debate, and I will not repeat it now. Some of the things still on the books as to what you can do on the job and off the job—yard sign; you can go to a political rally, stand there, and not do anything else. The Hatch Act was interpreted to mean you could not attend a caucus in a State in one case and a whole host of things I have read into the record a number of times that are still in issue and have not been straightened out yet. That alone is what S. 135 is supposed to do. It is not supposed to solve all the problems of campaign finance reform. It does not change those. It is not supposed to change all the PAC law that needs changing. Sure, I agree with my colleague on that. This is not addressed to that. This is a different piece of legislation, a different subject. Are they related? Sure, they are related. But we deal with this now, and we deal with that when it comes down the pike, which I understand will be in a week or so, as soon as we dispose of this.

It was stated how would you like to sit across the table from an IRS auditor wearing a Dukakis button who is looking at your tax return? Now that is a good one, because let me just address that, under S. 135, if I could.

What is the situation right now? The interpretations of the Hatch Act right now prohibit a person from dealing in political activity on the job, but—and if I could have my colleagues' attention for one moment—but that person under current law can wear a campaign button, that IRS agent can wear a campaign button and sit there and, if he is for Dukakis, you would be sitting there looking at him with your Bush button on, and what do you think you would get? I do not know. I hope you would get fairness. Is there a little bit of partisanship exhibited there? Yes.

Under S. 135, that person is not permitted to wear a button on the job. So this would correct the very inequity the Senator from Wyoming is talking about. So we are correcting that one that gave the Senator from Wyoming a lot of heartburn a while ago. I would not want him staring at a Dukakis button, so we are going to correct that

for him in S. 135. I guess he will be grateful and maybe willing to vote for S. 135 once we make clear what it does and does not do.

We heard repeated again that the Hatch Act is constitutional and does not involve the first amendment. I agree with that. The wretched history of our spoils system, which I also agree with, and with Tammany Hall, and I am sure we could add a few other cities to this where the cities had spoils system problems, but S. 135 is not election year politics. S. 135 is trying to bring some clarity out of the Hatch Act so we will know what we are trying to live up to or where we may go wrong in making an error and creating a violation of existing regulation or law or interpretation.

The Senator said he would like us to be honest that what this is about is pressure in a 1990 election year. What this does is clarify things so we will know what applies in an election year and every other year. I repeat once again, the facts are that whether it was 1981 or 1983 or 1989, or whenever that PAC's made contributions both on the Republican side, the Democratic side, or whatever sources, that this does not change that ability of PAC's to raise money one bit. It does not make it easier; it does not make it harder. We will address that in other legislation.

Will campaign contributions be possible from one another—from one another, were the words—within PAC's, within members of those organizations that have PAC's? Is there campaign solicitation done to put money into those multicandidate PAC's? Yes, there is right now. If we are going to change that, let us change that as we debate it on the floor next week. But would S. 135 change that and make it more possible for the unions that were named to raise money? It would not change that one bit. I repeat once again that I think what is being referred to is the House version of Hatch Act reform which goes a considerable distance beyond anything that we provide in S. 135.

I share the concern of my distinguished colleague when he talks about soft money and ethics and campaign finance reform, but that legislation will come in its own time. What we are trying to do now is deal with the existing Hatch Act. We do not open up the floodgates. We in no way propose that additional fundraising capability be provided. In fact, in this legislation, we specifically prohibit any Federal employee going out and publicly soliciting money. The only money that could be solicited would be within the PAC membership; and that is all. If we are going to change that, let us change it as we take up changes in the political action committee structure or limit them when that legislation comes along in a few days.

The statement was made why give PAC's a big boost with S. 135? As I said, it does not do that. I addressed earlier in the debate today, I believe, before the distinguished Senator from Wyoming was on the floor, the Dole situation when he made some speeches on the floor regarding the Hatch Act back in 1976. That was at a time when the Hatch Act was going to be virtually put out of existence. It was not completely eliminated, but it was really going to be gutted. That is what was being addressed at that time by Senator DOLE. So I do not think the same situation applies today.

The amendment which would delay the effective date of S. 135 until the Campaign Reform Act is passed I do not believe is warranted, I say, any more than we would tie a lot of other things on here, too.

As far as one of the final remarks, I believe was made, regarding S. 135 would be the destruction of careers, I submit just the opposite. I say now people are going to know what the law is, and we are going to sort out some of these interpretations of it. We are going to simplify things so that the destruction of careers is less likely going to happen than people inadvertently stumbling into a violation of the Hatch Act because they do not know the correct interpretation of the law.

Mr. President, I hope we will be talking from now on about the Senate version of the bill, because the Senate version of the bill says you cannot run for public office if you are a Government employee, and it also says you cannot go out and raise funds from the public; that current law continues on where PAC's can get their money.

At the appropriate time tomorrow, Mr. President, when we do have votes on this, I will be prepared to move to table it. I understand we will have time to debate all these amendments tomorrow before the votes occur, and, at the appropriate time, I will move to table the amendment of the distinguished Senator from Wyoming. I yield the floor.

Mr. SIMPSON. Mr. President, I always enjoy a good, rich discussion with my friend from Ohio. There is no one more energized on issues, as I learned that when we came here and dealt with nuclear proliferation. The things he believes in he believes in deeply. He is doing a splendid job of floor managing this legislation. I admire him and always have long before I came here.

It is important that we indeed get to facts. I like that. That is where we must be. So if we can, let us go a little richer than just the word "facts." Let us go to the law of the United States of America, the present law. Let me read one particular section. This section will be repealed by this bill. Here is what it says:

> An employee in an executive agency, except one appointed by the President by and with the advice and consent of the Senate, may not request or receive from or give to an employee, a Member of Congress or an officer of the uniformed service, a thing of value for political purposes. An employee who violates this section shall be removed from office.

Now go to the criminal code. This part will not be repealed. It says, "A person receiving any salary or compensation for services by money derived from the Treasury of the United States." This part I read to you now will be repealed:

> * * * to knowingly solicit any contribution within the meaning of section 301 of the Federal Election Campaign Act of 1971 from any other such officer, employee or person. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than 3 years or both.

So, when my friend from Ohio says there is not much change, then let us go right to the bill. I like that—first remembering that the present law of the United States, the present Hatch Act says that a Federal employee is forbidden to solicit or handle political contributions or organize partisan fundraising activities. That is from a letter from the Justice Department to the committee telling why the legislation should be rejected. It is also included within the minority views dated October 17, and signed by a representative of the Justice Department, Carol T. Crawford, Assistant Attorney General.

But even if you do not want to deal with that, let us go to the bill. Let us go not to the House bill. Let us go to the Senate bill now before us, Calendar No. 295, S. 135, and go to page 4. Here is what it says. And if this is not a change in law, well, I remember that anecdote I used with Senator KENNEDY one time on the immigration bill about when my father and another lawyer in Cody, WY, handled every case on either side of the docket for about 30 years. Finally, in a burst of enthusiasm, this remarkable other attorney said, "If that's not the law, I'll eat the statute book." And my father stepped up to the plate and said, "If he does, he'll have more law in his gut than he's got in his head."

Now, that is not the case with my nonlawyer colleague from Ohio, whose skills are evident, both on Earth and outside the Earth. Here is what the bill says. Here it is, page 4, line 4:

> An employee may take an active part in political management or in political campaigns, except an employee may not—
>
> "(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;
>
> "(2) knowingly solicit, accept, or receive a political contribution from any person, unless—

And here is the kicker—

> such person is

"(A) a member of the same Federal employee organization."

Now, if that is not a change in the law, I am lost, because there is the opener right there. It is so clear. It is blatant. It is real.

Then go on, where we also say "unless the solicitation is for a contribution to the multicandidate political committee as defined under the Federal Election Campaign Act of such Federal employee organization."

There it is. Now, we cannot use the sophistry of words and say there is no change because that is obviously a change, and it is dramatic. You have just under this bill repealed those two sections I read and then you have put in here that a person, indeed, may knowingly solicit, accept or receive a political contribution from any person if that person is a member of the same Federal employee organization.

That is what we are talking about. That gives us the creeps, because it does not have to be done on the job. That is fine. But off the job it is going to get done. And it is going to get done in ways that you could never legislate against in any possible way.

I will be glad to work with the Senator from Ohio as to how we might meet the intent which both of us have because he has stated it clearly. If there is no change, then there is no change. Then there is no change. Gertrude Stein could not do any better than that.

So let us work toward that. I am ready to assist because I like what he is saying. The only trouble is I have to stick with page 4, line 15, 16; line 13, line 14 of the bill. There it is—off the hook. It says they can do this. So we have something here which expands the rights of the Federal workers. It expands the rights of him to solicit, to get political contributions, and that is where we are. I wish it were not so. That is why I am here. But if that is not the purpose of the Senator from Ohio, I would like to pledge to work with him and see if we can resolve it. It is going to pass. It is going to go through here. Those of us who reject the bill and its provisions will have to urge the President to veto it and hope to sustain the veto with 34 votes. We certainly do not have 40.

Certainly these are things that I want to bring to the attention of the Senate. We can talk about apples and oranges. Both parties have now said we want to limit PAC's. We have kind of pounded our chest and run through the village the last few days, saying we want to get rid of PAC's. I assume there will be about 10 PAC receptions tonight, and as long as they're legal, many of us will still be going.

So both parties say they want to limit PAC's in their bills. The Republicans would eliminate them. The Democrats seriously cut them back. And then this bill, this curious bill would expand the coffers of certain PAC's, which under the Democratic bill on campaign reform can still contribute to the Democratic Party.

Why not wait until after the dust settles on what we do to the PAC's before we do these reforms? That is what I am asking. That is the purpose of my amendment. I know that the argument is made many times that coercion is still prohibited. At least we have put to bed the issue of constitutionality, because my friend from Ohio concedes that the Hatch Act is legal and that constitutionality is not an issue. And that is good.

I have been hearing about the abridgment of political expression. I have been hearing about the violation of the first amendment. That is in the Constitution. So, since I had, I just assumed that we were saying the Hatch Act was unconstitutional. I am ready to concede, and I appreciate that point. It is a constitutional thing and I agree. I do agree.

So here we are. Coercion, that is the issue for me. Coercion and pressure and political year. That is how we are here on this floor at this moment, no other reason.

There is no other reason to be here.

I guess I would just say can prohibit coercion all you want to under the law. I do not think it really does a good job of that. But that will not do when you expand permitted politicking because when you expand permitted politicking you expand expected politicking. That is what you do. It will not be a spoken requirement but an unspoken one. That is the way it was before for decades before we corrected it—no fingerprints, except bad government.

Then I must say, and I will admit there is a partisan shelling from the edge of the hills. Why is it that the only sponsors of this legislation are the unions of America, and the ACLU? I do not know. Nobody has ever answered that. Common Cause is on our side. That causes people a lot of concern in my party, some of them, although I was a member of Common Cause at one time. I sent in my five bucks, and studied their issues. I thought they did a lot of good things and some bad, but I got out just like I did with the ACLU when they got into racist issues in Skokie, IL. Those are real things.

But let us try to stick to what we are trying to do. If I would accept at face value what my friend from Ohio is saying, I would get on their bill as a cosponsor. And I would believe it. But I am constricted as a lawyer-legislator of some 25 years of duration to know I know what this says. I know that this is the ability to knowingly solicit, accept or receive a political contribution from any person who is a member of the same Federal employee organization, that is, the union. I think that is wrong. I think it is disgusting.

Thank you.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I believe what the distinguished Senator from Wyoming said is exactly what I said. I believe—I do not know that we disagree particular—they can raise money now. But the language was changed basically under the bill which is in the committee report on page 16, down where we take out a section under title 18 of the bottom of page 16, the bracketed action, top part of that. Solicitation of political contributions. It shall be unlawful for, and then a number of things. Then it says a person receiving any salary or compensation for services for money derived from Treasury of the United States. Then we took out this part that says to knowingly solicit the contribution, within the meaning, so and so, on top of page 17, and then added other legislation which was basically intended and which I do believe spells out better what can be done.

That is what is in the legislation. That is what is on page 4 and page 5. It was mainly in drafting. It was not meant to weaken it. It refers back to the bottom of that section at the top of page 17, under B, references back to section 7323 and 7324 of the title.

Those are political activities, prohibitions and so on in those earlier sections. I think that does clarify. It was not that it does not open anything up. The Federal employees can—employee organization leaders—solicit contributions now. Retired members of those employee organizations can solicit contributions, but PAC employee organization leaders right now can ask for money. That is not anything new in the law. Maybe I could see how there could possibly be an interpretation, but it was not really intended I guess where one member can solicit another as opposed to being limited only to the organization or retired members. I just do not see how that is important.

So what was mainly intended by redoing the language here was mainly to clarify things and spell it out better so people would not be in any doubt about what they can do and what they cannot do.

I just do not want to offer below this particular part of what the change was. The change was intended to help clarify that. I think it can be better clarifying language. We certainly are willing to consider that.

Mr. SIMPSON. Mr. President, it is very helpful to me to hear the sponsor's comments. That is most important.

This is a curious exercise in scalpel work here. If there is no change in present law, what are all the words for? This is a good question. If there is no change in the Federal law, is this a

creature of staff here overwrought and overworked, padding around in their padded chamber, did they cook this up? Is this one of those cooked jobs by creative frustrated people who are thinking, "Wait a minute, got to do it in a way where those of us like the Senator from Ohio and myself want to do it." And if I heard what he said, I am ready to do that. But that is not what this says.

This bill takes out a provision of existing law under section 602, and then comes around, using the italicized language on page 17 of the report which says the prohibition in subsection (a) shall not apply to any activity of an employee as defined under section 7321 of title 5 or any individual employed under the U.S. Postal Service or the Postal Rate Commission unless that activity is prohibited by section 7323 or 7324.

What is it all about? Because if the issue is really that you really do not want to make any change in existing law, I have a great idea. Let us not do it. They just leave this off, and say this. Will somebody join me in this? Because then I can get close to listening to what we are trying to do here. If somebody can tell me why we do not put in this bill that "you cannot knowingly solicit, accept, or receive a political contribution from any person who is a member of the same Federal employees' organizations." Is anyone ready to do that? I am ready to do that. I hear that is what everybody else wants to do. If that is the case, let us do it. That is where I am.

Mr. GLENN. Mr. President, I point out to my distinguished colleague that if he reads down to the bottom of that part on the top of page 17, after all the things permitted there, unless that activity is prohibited by section 7323 or 7324 of that title, go back to page 15 and 16, and it spells it out directly, or in the part of the bill here that is 7323 and 7324. It is spelled out specifically what they can do.

So I still do not see where there is such a big change here that would make such a difference in what PAC's can or cannot do. How does this make a change in the amount that the PAC's can collect, what they are authorized to do, or what they can collect now, or what they can collect later, or how people can be forced into a contribution or not? It does not change that one bit, nor was it intended to.

Mr. SIMPSON. Mr. President, let me inquire of my friend from Ohio. The question is—and I ask it again—let us redirect to the member of the same Federal employee organization. My question—and I just asked it—was this: Is the Senator from Ohio saying—and I hear him saying that there has been no change in the law, and yet now, under this bill proposed, we are going to allow an employee to take an active part in political campaigns—that is what this says—and we are going to allow him or her to knowingly solicit, accept, or receive a political contribution from any person who is a member of the same Federal employee organization.

Does the sponsor of the bill embrace that language?

Mr. GLENN. Yes, that is correct.

Mr. SIMPSON. Mr. President, if that is the case, then that would be what current law is, except that is not what is said here. Why, then, have we gone about repealing the section I read previously several minutes ago, and then why have we gone and repealed the section on—the two sections I related to were the sections on page 13 of the report language and page 16 of the report language. What is the purpose of repealing that? And the Common Cause letter, I have to believe that they do good legal work.

Archibald Cox was a professor of mine. You see these things coming out of my background which are dazzling. He was a professor of mine in labor law at Colorado University when I was using the GI bill. I have great respect for Arch Cox. They say in their letter that S. 135 "proposes major changes in the Hatch Act, lifting most restrictions on partisan political activity. It allows Government workers to solicit their colleagues for contributions for their own Federal employee PAC's. It would increase the potential for widespread abuse, and with basic restrictions on partisan activity repealed, no procedural or other safeguards will be sufficient to protect against the subtle forms of political favoritism or coercion of Federal workers."

That is the statement from Common Cause, signed by Fred Wertheimer, a remarkable individual who does good things in many cases, and that is their legal interpretation of this bill.

I am ready to sit down, and we will be glad to work in the evenings or the days to get to what I think is being said but is not reflected in this legislation by a very deft use of in one side then out and around the horn. That is not going to sell.

Mr. GLENN. Mr. President, let me spell it out exactly as to what you can and cannot do. Under current law, one employee cannot solicit another employee for a contribution to a PAC. The employee organization leader can, and the retired members of the same employee organization can solicit contributions. Where the employed leaders have had to do this personally, all this does is open up so they can designate other people to run the PAC for the organization. That is true, whatever it is, whether it is the Chamber of Commerce or a business organization or labor or whatever. That was not intended. Nor do I see it operating in a way that is some great loophole that will mean that additional millions and millions will be levied or coerced out of members of whatever organization. That was all that was intended by that part, all that was written into it, and any other interpretation of it goes well beyond anything that I see that is warranted.

The things that are still prohibited are the things that are listed in sections 7323 and 7324 of the earlier titles in S. 135. So I do not see how any of those changes can be construed to result in opening the floodgates, as my distinguished colleague had indicated he feels might be the case.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming [Mr. SIMPSON].

Mr. SIMPSON. Mr. President, let me ask the sponsor, in legislation of this nature, and in his excellent work with the Governmental Operations Committee as chairman, have we ever had a definition like this in legislation, where we have this new phrase, a "Federal employee organization"? Because that is the one that gets to me. There are probably 3 million people who could fit a "Federal employee organization," if you were to mention labor union, which is what that kind of legislation usually states. I could understand it then. But if it is going to say "Federal employee organization," what does it mean? Who is covered under this? Is this a spectrum of 3 million people or 800,000 people?

I guess my question is, without question, it seems to me, as one who has tried to come current on this, it is obvious, is it not, that this expands current law and, therefore, if it expands current law into 400,000 more people or 800,000 more people or the potential pool of 3 million people, is it not then, obviously, a change in the law?

Mr. GLENN. Mr. President, I am told that OPM made a definition of "Federal employee organization," but we do not have it here at the moment. We will get that. To me, if you go back in the definition section, 7322, it says employee means "any individual, other than the President or Vice President, employed or holding office in an executive agency, other than GAO, or a position within competitive service which is not in an executive agency but does not include a member of the uniformed services."

I presume that—I should not presume anything until we get what OPM has said about Federal employee organization. We will get that. I think the general interpretation is that it would be employee organization or union within the Government. They all qualify as unions, I believe. This would apply to that.

Mr. SIMPSON. Mr. President, I do not have any problem, I guess, with people participating. Let me say that very clearly. If more people want to

participate in government, that does not send any rigors through me. But what is the purpose and why is it so essential to allow more people to solicit? That is the question I have next.

Mr. GLENN. Mr. President, I would respond by saying that the intention was, right now, only the elected union leaders could do this, and for a large organization to let them delegate that to some of the other people, I think it only makes common sense that that is what would be done under other PAC's, I believe.

I see no reason they should be prohibited here. I do not think you are going to see under this any great flood of people where everybody is dunning everybody else within a particular union or employee organization for money. That was not the intent, nor would it actually operate that way.

So this was not meant to open any floodgates, nor do I see how it would. I read the specifics here a moment ago as to exactly who can and who cannot solicit money now, and who would or would not be able to solicit funds after S. 135 is passed, and it does not vary hardly at all. So I do not see the difference here.

Mr. SIMPSON. Mr. President, I do see the difference. What is the purpose other than to see how many union people can be designated? Is that the whole union? That is what this is. When you consider that the only people crying for this bill are the unions, and a very limited amount of unions really, the heavy hitters, the 3 million of them who we really take awfully good care of because, as I say, they live right here and so for decades they have been well taken care of because they live in Virginia, the District, and Maryland and they are tough, tough, tough. When they come in here they usually get what they want. This is the ultimate want list right here.

If the purpose is to allow participation, as I say, I am fine, then we could just strike the provision about the expansion of minions, surrogate union leaders which can go out into the campus and solicit money.

How did 55 cosponsors come on this if there is no change in the law in this area, while they are whacking us to shreds? It looks like John Coulter trying to get out of the West when he was apprehended in 1805. You have to run down through here to get out of the building because there they are. What is the purpose of that, if there is not much change?

I am willing to let them participate. I do not know why we need to have surrogate union leaders to dun on them at Sunday picnics to get money for the unions and PAC's when we have the hypocrisy that we are going to get rid of the the PAC's within a few weeks.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Ohio.

Mr. GLENN. Mr. President, we may or may not get rid of PAC's in a few weeks. I do not know. That is a subject of other legislation.

I would say I think it is akin to what we run into in our own Senate campaigns here. I am sure the distinguished Senator from Wyoming is not the person who every time he wants to raise money does it absolutely personally and receiving every single dollar and asks for it personally.

That is why fundraisers do not force people to give it. It is voluntary. They can ask them to give if they want to. That will be what is done with the people involved carrying out what the leaders have to do right now and then have to rely on that, has been ruled to be legit. They have used retired members of the organizations and so have at this time contributions. Should that not be changed? I do not know. That may be part of what we want to discuss here on the floor when all this PAC legislation comes up.

But I do not see that is any different from us delegating fundraising activities to somebody else in the organizations, and that is all you are talking about here. This is not supposed to open up any huge floodgates.

Let me just say, in response to commenting about the civil service, I do not know whether the Senator from Wyoming was talking about the civil service people being well taken care of, if that is what he was talking about. But having been through a number of hearings on the Governmental Affairs Committee about what happened to our civil service in this country, I do not believe he can be talking about how well we have been taking care of civil servants, because over the last 10 years they are some 26 percent behind the civilian counterparts in salary raises and current salaries. We have yet to deal with that, largely because of our own inability to deal with our own pay problems right here on the floor, as the distinguished Senator from Wyoming is aware. We have not addressed that.

So when he talks about civil servants being well taken care of, I respectfully disagree; we have not dealt with that. We are getting far enough behind the civilian counterparts now. Unless we deal with that soon, that is going to be a serious problem in Government. That is not directly part of this, but I wanted to make that comment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I hear that argument. I have heard that one in my 12 years. I am always just as intrigued with it as the Senator from Ohio, in a different way. We are saying unless we raise the salaries of those of us in Congress no one will run. There are a lot of people waiting to run for my seat. They do not care what the salary is. They just want to come and retool things or bring their own agenda and get cracking. They are not interested in the money.

So, you come to this situation: How come it is then when you advertise in the communities of America, there is a Federal job open in the Postal Service and 2,500 people come and stand in line? Somebody tell me why that is.

The reason is that it is a good job, with security and benefits that are not there in the private sector. They just aren't.

Everything sounds good in debate until you open a civil service job numbered G or whatever it is, so and so, and advertise for it and then watch the human beings in America come toward it because they would quit their job to get that job, and that is reality.

It has been a good debate and I appreciate the indulgence of the Chair and sponsor who I greatly admire. Now the mask is really off because you increase the number of union designated collectors of money and that is what this does. You increase the number of Federal employee organizations. That is what this does. You have then unmasked the bill.

This is why these unions have been beating our brains out for years and finally how they got here to this point where they could do this final act in an election year with the pressures of reform. Here we are, right in the face of campaign reform problems increasing the number of union-designated collectors of money.

I tell you and I say to my friend from Ohio, you bet I do that. I am a partisan. And, boy, I have to go raise money. I hope I can get delegates. I might like to find 5,000 surrogates to go raising money for my campaign.

But my job is political and these people, their sworn duty is to run the U.S. Government. That is their duty. They have no other duty but to assist us in running the Government of the United States. They are charged. That is their charge, to administer this Government impartially and without partisanship. This is a direct—you can call it anything you want to—a direct and appalling spear into that bosom, and I will tell you it is, and it is unattractive and that is why the Hatch Act had been there for 51 years and that is why I hope it will be there for 51 more years. If it is not there for 51 more years it will not be 51 years before we come back here to change it. It will be about two. And the people of America are going to say, good Lord, I never dreamed what I was dealing with.

You should have seen the squirrel that came to see me the other day from the department of so and so, gave me the biggest line about George Bush or Dukakis or whoever. I did not

have to listen to that stuff. I am not paying that guy.

That is where we are. I am a partisan. Federal employees are not supposed to be partisan.

The PRESIDING OFFICER. The Senator from Ohio [Mr. GLENN].

Mr. GLENN. Mr. President, I think we have about exhausted things on both sides. I shall respond one more time. As far as my reference to congressional pay, and now we deal with civil servants, it was that in the past, as the distinguished Senator from Wyoming is well aware, there has been a linkage between the salary of Members of Congress and the salary of Government employees. I am fully aware that people are out there looking for our jobs, running against us, and spending millions to get here even though the pay is not the main thing, and I know that. But the problem in referring to civil service, what I was referring to was that our pay here has been linked to what civil service gets. They have not hired a top bioscientist, for instance, for 10 years out at NIH. NASA has difficulty attracting good people in the Government these days, good scientists and people to do the experimental work that needs to be done. It is a similar thing across the board on top-level Government salaries. They are tied to ours by custom, by precedent and not by legislation.

But we have always been unwilling to delink and consider the other needs of Government separate from our own, and so the civil service salaries overall have been, over the past 10 years, about 26 percent behind the civilian counterparts. Are there people willing to take those jobs? Yes. Do people stand in line for postal jobs which are pretty good jobs? Yes; they sure do.

Some of the other civil service jobs are not quite that good, but until we find people to fit in those jobs—of course, we can find bodies to fill the jobs at whatever salary we are willing to pay.

But I would submit at the same time that we talk about a $1.2 trillion or $1.3 trillion or $1.4 trillion budget, we do not want to fill those jobs with just anybody, any old body that we can get to accept that particular salary, whatever it is. We should be competitive with the people who are good people. So I do not agree with this whole thing.

Finally, increasing collectors was not meant that this was a great, huge increase in capability. It was meant to broaden it out a little bit, as we do in our own offices here. As far as applying terms to it, such as unmask, and appalling, and a spear in the bosom, that just overstates it considerably.

You are right, the Federal employees have their duties, which is to run the Government. And I think where it can be done they also have a right to participate in our political processes, where it does not interfere with that running of the Government.

That is all this tries to do, is straighten out some of the difficulties with the Hatch Act that have grown up through decades of abuse and misuse, and clarify what can be done on the job and what can be done off the job, so that all these hundreds and thousands of interpretations that have been confusing to people are taken care of. We only do this in S. 135 because OPM and those people in Government have not addressed this and really tried to straighten it out. Otherwise, this legislation would not have been necessary. It does not go beyond that in its purpose.

Mr. SIMPSON. Mr. President, I do think that this has been a good debate. I have always enjoyed that with the Senator from Ohio, and this again. I thank him for that opportunity.

I still say that I would be very pleased to try to work with the Senator from Ohio. Realizing that I do not work from a huge power base on this particular bill, I can feel the train coming through. But, still, some of the things he has said in the debate, I agree with totally, and I would like to see them borne out in the language.

But the part that gives me the continuing pain and concern is our Government. It does not matter who is President, George Bush or Michael Dukakis. And that is the number of people who are going to be expanded under this bill to be able to solicit their fellow man in Federal employee organizations. It does not even say union. Let us say union; that is more honest.

But expanding this to 400,000 people, who will be the new political solicitors. That is Federal employees, plus 600,000 postal workers. That is the new pool of political solicitors in the United States. I think that is very wrong. I think it is a real mistake to have the people that haul the mail—and they are in some difficulty politically on this floor as they continue to ask us for more money, they continue to ask for the rate raises, and we never see any increase in productivity.

They want to get off budget. Who does not? If you get off budget, you get more money. Does anybody know why everybody wants to get off budget around here? So you can get more bucks, whether you are Social Security, postal, the Federal Financing Bank, or the REA. Get off budget. Good for America, Yes, that is why the debt limit is $3 trillion 122 billion.

I just have a grave thought that it is not the appropriate time to suddenly expand solicitors of political money with that many new solicitors who are surrogates of the union, I guess. I do know what else to say. And as I say, we are dramatically changing the law. Let us just say that we are then, because we are. If this bill passes, we have dramatically changed the law.

We have put together an army of solicitors, all of them paid by the Federal Treasury, to go out and walk around in their own membership off duty. I do not think that is what the Founding Fathers had in mind. But we let it happen for years. Then Congress got so disgusted with it, it was cut off. That is why the Hatch Act is on the books.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I first want to offer the second amendment that I indicated to the distinguished Senator from Ohio I would offer and then, maybe, go back to discuss the first amendment I offered. Mr. President, I ask unanimous consent that the other amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1588

(Purpose: To amend chapter 73 of title 5, United States Code, to provide for penalties for employees violating certain prohibitions on political activities)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1588.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, insert between lines 3 and 4 the following new section:

"§ 7326. Penalties

"Any employee who has been determined by the Merit Systems Protection Board to have violated on two occasions any provision of section 7323 or 7324 of this title, shall upon such second determination by the Merit Systems Protection Board be removed from such employee's position, in which event that employee may not thereafter hold any position (other than an elected position) as an employee (as defined in section 7322(1) of this title).".

On page 6, insert between lines 11 and 12, immediately after the matter preceding line 12, the following:

"7326. Penalties.".

Mr. DOLE. Mr. President, the Hatch Act currently provides in section 7325 that—

An employee or individual who violates section 7324 of this title shall be removed from his position, and funds appropriated for the position removed thereafter may not be used to pay the employee or individual. However, if the Merit Systems Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board.

Mr. President, if S. 135 becomes law, this particular provision, which both helps with the enforcement of Hatch Act violations and also serves as a deterrent to illegal conduct, will no longer be law.

When S. 135 was reported out of committee, it contained no significant penalty provisions. Not only had the drafters of S. 135 gutted the Hatch Act of any meaningful limitation on partisan political activity by Federal employees, they also gutted it of any meaningful penalty provisions.

On the Senate floor, we have the amendment which was offered by Senator GLENN, the manager of the bill, and agreed to which is basically jurisdictional in nature—it authorizes special counsel to seek corrective action in the same way as if a prohibited personnel practice were involved. No mandatory penalties are imposed for violations of the Hatch Act as a result of this amendment.

There has also been an amendment to S. 135 which has been agreed to which provides certain penalties for coercive political activities.

I do not believe that either of these amendments goes far enough:

The one amendment offered by the distinguished manager of the bill, Senator GLENN, leaves disciplinary action completely at the discretion of the Office of Special Counsel. The other amendment, offered by the distinguished Presiding Officer, Senator ROBB, applies only to coercion and not other violations of the Hatch Act.

The amendment that I am submitting for consideration mandates permanent suspension from employment by the Government of the United States of any employee found guilty on two occasions of violating any of the prohibited activities set forth in sections 7323 and 7324.

As with my previous amendment, this amendment is identical to the one I offered in 1976, in connection with Hatch Act reform legislation and which passed the Senate by a vote of 53 to 38. This amendment was also supported by almost all the same Senators who supported the amendment to exclude IRS, CIA, and Justice Department employees from the relaxed standards of the reform amendments.

Again, I will notify each other of the Senators who supported the amendment to exclude the IRS, the CIA, the Justice Department, and now the Federal Elections Commission. My view is they should be taken out of this act.

While I believe that some flexibility is merited for first time offenders, a strong mandatory penalty should be stipulated for repeated violations. The penalty, permanent dismissal from the Civil Service, would serve both to send a strong deterrent message to those tempted to violate the Hatch Act and to terminate those employees who willfully break the law after they have had fair warning of their prohibited conduct.

Mr. President, I suggest this amendment would help solve the problem. That is all I have to say on the second amendment.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Ohio.

Mr. GLENN. Mr. President, the amendment by the distinguished Senator from Kansas, I believe, would remove an employee from the Government if the Merit Systems Protection Board deems them to have violated section 7323. They would be removed after the second offense; is that correct?

Mr. DOLE. 7323 and 7324.

Mr. GLENN. I am very much in sympathy with this. I would probably be moved to accept his amendment if we could make sure by either adding language or by legislative history right here on the floor when those violations come before the Merit Systems Protection Board, that that employee has the right of appeal to Federal court he or she normally would have, to appeal an MSPB ruling.

That is the way it is now. If they disagree with the MAPB ruling, then they can take it to Federal court if they feel they have been dealt with unfairly. We were not proposing to change any of that here, of course. The way it is worded:

Any employee who has been determined by the Merit Systems Protection Board to have violated section 7323 and subsequently is determined by the board to have violated such section shall, on second determination, be removed from Federal service.

I presume, in reading that, that the intent would be the employees would still have all the protections of law, they can appeal and go to Federal court, and if they got a favorable ruling in Federal court, that that would expunge from the record then the earlier violation as deemed to be a violation by the Merit Systems Protection Board.

Mr. DOLE. If the Seantor will yield, that is certainly the intent. It may be we need to clarify it with some language. I do not want to deprive anyone of their rights. I want to make certain if it happens a second time and it is appealed as far as the appeal is permitted and it is still found he or she violated 7323 or 7324, then that person would be suspended.

Mr. GLENN. Mr. President, if we can have that understanding, or perhaps since we are goint to vote on it until tomorrow anyway, maybe we can insert a clause that would make that Federal appeal over into the judicial system, if we can spell that out so it makes very clear that an MSPB decision can still be appealed to the court then.

Mr. DOLE. Maybe we might just withhold final action on the amendment to see if we cannot get our staff to reach an agreement. I think it would be very easy to do.

Mr. GLENN. As far as kicking out a two-time violator, that is fine with me. There should not be a one-time violator. Two times around, that is enough. Their appeals process is in place if they feel they have a just case. I probable would be willing to accept this.

Mr. DOLE. I just make one or two points. As I understand it, this is still the pending amendment. We will try to modify it, and if we can reach some agreement, the amendment will be accepted. If that is the case, then there would still be one amendment pending.

I would like to touch on a few points the distinguished Senator from Ohio raised in his response to my statement earlier on that first amendment.

The manager says that the employees of these agencies will not wrongfully use this information since they are prohibited by law from doing so. It seems to me that we need more of a safeguard, because politics will create strong additional pressures, to leak or otherwise use such information against whatever.

We are not supposed to leak information in the Senate, but look what happened to Tim Ryan who was the nominee for high office here just a few weeks ago. Somehow something was leaked on his FBI report.

It seems to me we need to provide all the safeguards, and that is why I think these very sensitive areas—CIA, FBI, the IRS and the Federal Elections Commission—ought to be out of this bill. There should not be any reason for them to be kept.

I agree with the Senator from Ohio who reaffirmed the civil service should be, and always should be, based on merit. While I disagree S. 135 advances that cause because I think, again, in my view, and in the view of Senator SIMPSON and others who may misread it or read it differently than the Senator from Ohio, this will introduce politics into the workplace.

It has also been said that S. 135 really clarifies any confusion on the do's and don'ts currently under the Hatch Act. I know the distinguished Senator from Delaware [Mr. ROTH] had a bill which would have directed the Office of Personnel Management to issue regulations to clarify what is legal and illegal under the Hatch Act.

It seems to me that would be the best thing we could do: Keep the

present law, eliminate the confusion, because there is confusion, as pointed out by the Senator from Ohio, and the confusion pointed out, I guess, in my statement when I talked about the bottom. The Senator from Ohio is correct, the Senator from Kansas is inaccurate.

The distinguished manager also indicates that S. 135 does not permit employees of IRS, CIA, Justice, and FEC to solicit campaign contributions. If that language is in the bill, my staff has not been able to find it, because we are informed that employees of the same labor unions can solicit one another off hours for contributions to the PAC's. Members of the same labor unions or employees of the same, say they are AFGE or postal workers, can solicit one another off hours for contributions to their PAC. An employee can get on the phone at night, whenever the hours end, 5:30, 6, whatever, and solicit. If that is not the case, then I think that is important and I hope we can find the language that can be pointed out to us.

I think there is the overriding fear that once you can do all the things you are going to do under the S. 135, there is no way you are going to keep politics out of the workplace, and the Congressional Research Service study, which has been printed in the RECORD, deals with the statutory authority of agencies to issue their own regulations restricting political activity.

I quote just one paragraph in that study. It is talking about cases, American postal workers and others. This is the Congressional Research study, page CRS 4:

> The implication from these cases would appear to be that an agency would need some statutory basis of authority, a provision adopted by Congress, to further limit first amendment rights of individuals, including its own employees. This would appear to be consistent with previous cases concerning agency authority and due process which noted that a Federal agency, to limit first amendment rights and other fundamental liberties of individuals, needs a clear and precise delegation of that authority from Congress.

So it would seem to me they are, in effect, buttressing the argument we made. The thrust of the study is, in order to have authority to issue such regulations, there must be some way, some statutory language to authorize, and S. 135 eliminates the statutory language that we have. I have just read that quotation from the report.

I think the distinguished Senator from Wyoming, Senator SIMPSON, and the Senator from Ohio, have had a long discussion on political action committees and why we are debating this bill when we are supposed to be eliminating political action committees. Why are we trying to make it easier for Members to be solicited and contribute to political action committees or Federal employee unions? I assume in the campaign finance reform we ban all PAC's and there would not be much demand for this bill.

I think if we ban PAC's, as I hope we will in the Senate, then there may be an amendment even to this bill to ban all political action committees. That would be a nongermane amendment that may not be offered to this bill. It may be just to indicate we cannot have it both ways. We cannot pass legislation that says we ought to beef up PAC's and talk about at the same time banning PAC's.

That debate will follow the deliberation of this bill or could come on this particular measure sometime later this week.

So with those responses, it is my understanding that the vote on this amendment will occur—I guess they occur in sequence starting tomorrow morning at 11 or 11:30?

It has not been set. If it has not been set, I would hope that there might be some brief opportunity on this particular amendment to have at least 5 or 10 minutes of discussion tomorrow morning on the amendment.

I think it is an important amendment. I indicated before that I offered it in 1976 along with Senator BENTSEN and it was supported by at least a dozen Members who now support S. 135, a dozen members who are still here. The amendment was adopted by a vote of 68 to 23. It was a very lopsided margin. And I really do not believe there has been that much change since 1976.

The CIA is still a special category. The IRS is still in a special category. The Justice Department is certainly in a special category. The only change is that since 1976 we now have the Federal Elections Commission, and these are the very people dealing with cases involving all of us right on the Senate floor and Congress, our contributors, whatever. I do not really believe we want to politicize those agencies. I have letters from the Attorney General, from the IRS Commissioner, and from the FEC Chairman in opposition. They do not want to be a part of this. But I guess they can be forced to do it in any event, though I will offer an amendment tomorrow that will require a referendum in each division. The IRS union covering that group, at least there ought to be a majority before they are forced into this particular measure.

Mr. GLENN. Mr. President, I have one correction. I think there has been a little misunderstanding on who can solicit whom if S. 135 passes. One of the earlier amendments we passed after the bill came to the floor added a section under 7323. (A) says "a Member of the same Federal employee organization" and then that (B) was changed to "not a subordinate employee."

In other words, the distinguished Senator from Kansas said if we pass this the boss would be able to solicit a subordinate. That is specifically prohibited by the addition of the early amendment after we came to the floor.

The (B) on this is solicitation for a contribution to multicandidate. That was moved down to section C. So I believe we have taken care of that particular issue and we can discuss that later, if the Senator likes.

Mr. DOLE. If the Senator will yield, I will be happy to have my staff examine it. They can get together when they are looking at our amendment.

Mr. GLENN. Good. We have a copy of it here.

Mr. DOLE. That is an important area that should be addressed.

Mr. GLENN. I agree with the Senator 100 percent. That was addressed in the committee and was supposed to be part of that when it came to the floor. That was an oversight here.

The minority leader's remarks included reference to a similar amendment that was passed in 1976, but I would point out that that amendment was to a bill which would have allowed Federal employees to solicit money from the general public, and that is illegal under S. 135. You cannot do that.

The House bill is different. Under this bill, S. 135, to go out and solicit money from the general public would be strictly illegal.

Back in those days, his amendment to that same bill would have allowed Federal employees to run for partisan political office. Now that also is illegal under S. 135. You cannot do that. The House bill once again is, I believe, being confused with this one. It has been brought up a number of times in the debate. I think there is some confusion on it. But under S. 135, you would not be permitted to raise funds from the public, nor could you run for partisan political office.

A similar amendment to that of the minority leader involving intelligence agency employees was considered by the Governmental Affairs Committee during its markup. The amendment was defeated in committee because the bill does not allow any Federal employee to raise money from the public or to hold partisan political office. Except for these activities, there is little reason to restrict intelligence agency employees or IRS employees or any other Federal employees from other kinds of political activities.

So just to sum up, I do not agree with the amendment by the distinguished Senator from Kansas. I am against it because it addresses a problem that I feel does not exist. It is applicable to a 15-year-old bill that was different in very major respect from S. 135.

Mr. DOLE. Mr. President, I thank the Senator from Ohio. We certainly will take a look at the statements he has made. I am advised by staff that the definition of superior and subordinate in letter carriers is fairly difficult to make. I am also advised this bill will open up approximately 400,000 more Federal employees who can solicit from each other, 400,000 Federal employees and 600,000 postal employees. That is a million Federal employees who are going to be able to solicit now who could not solicit before. Do not tell me, if that is the case—I am going to check the accuracy—that is not going to bring in millions, and millions, and millions of dollars of new PAC money. If you can turn a million people loose who could not heretofore solicit and say now you can solicit, it would seem to me to open up a big, big pot of gold for the Democratic Party.

I can understand why the Democrats want to rush this through. If it is effective this year, it may be of some help to somebody. But it does not mean it is good legislation. I do not know whether the Senator will quarrel with the 1-million person figure or not.

Mr. GLENN. I would reply to the distinguished minority leader that we debated this a while ago when Senator SIMPSON was on the floor. It was never the intent of this bill that every employee is going to be out soliciting every other employee in the Civil Service.

I would be quite happy to accept some limitation on that.

As I pointed out a little while ago, union leaders right now are the only ones permitted to solicit for a contribution to a PAC. It has also been interpreted that retired members of the same employee organizations can solicit contributions. All that was intended with this was as we do in our own Senate offices; we do not all make every single phone call asking for money or for solicitation. That can be assigned to a committee or it can be assigned to some other people to help out in that regard. That is what was intended with this particular provision.

So to take the total number of union members and say they are all going to be soliciting each other, there is going to be a mighty big solicitation job when they get done with that one.

That was never what was intended. Perhaps we can come together in some colloquy or legislative language there will spell out what was intended, but that raises the specter of everybody almost soliciting everybody else, all within that organization now. Nobody can go outside. Under S. 135 you cannot go outside and solicit from the general public. In the House bill you can. In the House bill you can do that, and in the House bill you can also run for office, run for partisan political office. We do not do that in this bill. So you could not go outside your organization and you could not put people to work out there. You could not have this 400,000 out there soliciting from the public because in this bill solicitation from the public is prohibited by anyone who is "Hatched."

Mr. DOLE. If the Senator will yield, I think you could create some umbrella organization, just say Federal employees' PAC. Then it is not to any one Member. It is just one big organization, which in my view would even be worse than I thought.

I think maybe we can address that section if it is not the intent. Maybe again staff can look at it. If the bill is going to pass, we want to make certain it passes as intended by the distinguished chairman and by some of us who feel it should not pass. It will probably pass. Some would not like to fix it up. I would like to fix it up in case it could pass so that it has precisely the intended results that the chairman has indicated. I think that is the chairman's purpose.

Mr. GLENN. I do not object to that at all. I think one of the earlier interpretations that came out in some of our debate, I believe last week, indicated that some people I think felt that what we are creating here was everybody in the union could descend on the public and ask for money. That is not part of this bill. In fact, that is, specifically in this bill, prohibited from going outside. So it is much more limited.

Mr. DOLE. Somebody indicated today that every letter carrier in America could descend on the public on a Sunday before the election as volunteers. They all know their routes. So you just get them altogether, say, OK, give 90 percent of your money to the Democrats, we are going to go out on Sunday, and we are going to make a mail drop. You all show up and go through your regular route. I cannot believe that is the intent. But that can be done.

Do not say it will not happen. These people are pretty sharp. Why should they not all show up on Sunday? It is after working hours. They do not deliver mail on Sunday. But they go around their regular routes, drop off who knows what on every household. If they want to drop in on the Democratic households, maybe that would be all right. But they will drop in on Republican households, too. Maybe we can tighten that up, too.

Mr. GLENN. We might be able to.

Mr. DOLE. People have a lot of imagination around here.

Mr. GLENN. If the letter carriers became that organized, and they are out making their rounds, I imagine probably someone in the Chamber of Commerce——

Mr. DOLE. They do not know the route.

Mr. GLENN. Would be right along behind them in a follow-up vehicle and deliver the same thing. That is possible, too.

Mr. DOLE. As far as I know, the Chamber of Commerce does not have a route.

Mr. GLENN. They will follow the postal workers in that case.

As I understand the parliamentary situation, all the votes will be put off until tomorrow. I will establish a quorum call in just a moment. I believe the majority leader still wishes to be heard this afternoon. I do not know whether he will be back or not. But I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might proceed as though in morning business for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

JACOB WETTERLING

Mr. DURENBERGER. Mr. President, the Senate is honored by two visitors in the Public Gallery this afternoon, Patty and Trevor Wetterling, the mother and brother of Jacob Wetterling of St. Joseph, MN, a few miles from where I grew up in Stearns County, MN. As my colleagues and much of our viewing audience today knows, Jacob is the 11-year-old young man abducted by a stranger with a handgun outside St. Joseph, MN, 7 months ago. Jacob's photograph is on the front of my podium here. They are here in our city to participate in a broadcast of the "Larry King Live" show, which will be broadcast this evening over the CNN network at 9 p.m. eastern daylight time.

They are here on Jacob's behalf, and also on behalf of the thousands of children abducted each year in America. The Justice Department last week released a report entitled "Missing, Abducted, Runaway, and Thrownaway Children in America." That report makes frighteningly clear the magnitude of the threat faced by children in this society, and calls on us to put more study and resources into reducing this terrible trauma. Excerpts of the report appear at the end of my statement today.

The focus today is on Jacob; but what this report tells us is that there are about 4,000 Jacob Wetterlings in America each year. That is more than

one abduction by a stranger for each person in Jacob's hometown of St. Joseph, MN. We need to face this serious national problem, and we need to get to work on solutions.

Ironically, Mr. President, there are many ways in which the tragedy of Jacob's abduction has demonstrated the higher qualities that our fellow Americans possess.

First, there has been the courage of Jacob's family. Their love and concern for their son and his brother has powerfully endured over these many weeks, and is the force behind the efforts to bring him home. Their advocacy on behalf of other children, and in the whole area of child safety, has been both inspirational and practical in preventing future abductions.

The efforts of Jacob's neighbors in central Minnesota has been equally awe-inspiring. On Friday it was announced that a reward of up to $200,000 had been raised for information leading to Jacob's safe return and the arrest of a suspect in the case was raised in that community. But the money is only the most visible representation of this community's reaching out to the Wetterlings. Countless hours have been freely donated by ordinary people to raise both funds and public awareness around the country, to multiply the eyes and ears on this case. This poster, or one like it, is in thousands of stores, offices, and other public places around the country because of people who care enough to set aside their normal tasks and to go to work to find Jacob Wetterling.

Also, Mr. President, I want to pay special tribute this afternoon to the law enforcement people who have done more than is humanly possible to find Jacob, and bring him home. Jacob has had a virtual army of law enforcement officials from local to State to Federal, working day and night—and I mean literally day and night—on his behalf. These highly skilled and conscientious professionals have brought every resource of criminology to this case. Someday, the names of the heroes of this effort will be brought before us all to thank them for their successful effort in bringing Jacob home. The coordination among the various agencies on the national, State and local level has been exemplary; the incredible amount of resources which have been made available—literally hundreds of people and thousands of man hours—have been carefully and wisely managed for maximum impact.

For today, these law enforcement officials prefer that I not use their names. The reason is that they want every bit of attention focused on the task, and none of them. And that says quite a bit about this outstanding group and about the cause.

Let me just express my gratitude and that of the Wetterling family and all the people of central Minnesota and all of the people of Minnesota, for your outstanding work to date and for the sacrifices that you and law enforcement people will continue to make until this case is solved.

Mr. President, the New Testament teaches that: "Greater love has no man than this: that he lays down his life for his friends." Jacob Wetterling, by that definition, has many, many great friends. And that, in the end, is what is going to bring him home to St. Joseph.

For those who are watching this proceeding outside the Senate, I would ask that you take a minute to look at this photograph or to make a mental note to be on the lookout for Jacob Wetterling. He is 11 years old, about 5 feet tall—although his mom says he's probably taller by now—after 7 months and weighed about 75 pounds at that time, and may have put on a little weight since then. He has blue eyes, brown hair, and a mole on his left cheek. If you have any information, please contact the Stearns County Sheriff's Department at 612-251-4240 or Crime Stoppers toll free at 1-800-255-1301.

Mr. President, I thank my colleagues for their attention and would ask that various materials about this matter, newspaper stories, and information on the Jacob Wetterling Foundation, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 29, 1990]

KIDNAPPING TORMENTS TRUSTING TOWN

(By Dirk Johnson)

ST. JOSEPH, MN, April 25.—Trevor Wetterling and his big brother, Jacob, were nearly inseparable. Where Jacob went, Trevor followed. Their parents even looked for activities that the boys could pursue separately, to foster independence.

On a Sunday night six months ago, Trevor, Jacob and another boy rode their bicycles to a neighborhood store to rent a videotape. On the way home, a man with a gun stopped the boys. He took the 11-year-old Jacob with him and told the other boys to run into the nearby woods or he would shoot them. That was the last that Trevor Wetterling has seen of his big brother.

Trevor, who is 10 years old, does not sleep well anymore. He does not want to go to school. When he is in the classroom, he does not want to participate.

"The class will be reading a story, and Trevor will say: 'Who cares about this? My brother is missing,'" said his mother, Patty Wetterling.

UNCERTAINTY OF EACH DAY

"And I don't know how to answer him," she went on her eyes welling with tears, "except to tell him that he's got to get through the fourth grade."

Getting through is about all the Wetterling family can be expected to do these days.

If there is any pain as crushing as the aduction of a child, it is the relentless, numbing anxiety that comes with the uncertainty of each day.

"I don't lose hope, but I haven't lost touch with reality either," Mrs. Wetterling said, sitting on the living room couch in the family's brick and cedar house, where outside dozens and dozens of trees are festooned with white ribbons, a symbol of hope. "But it doesn't do me any good to think of the things that could be happening to Jacob, to think that maybe he's not coming home."

Jacob Wetterling has moved off the front page. His name is mentioned less and less on the television news.

Two agents of the Federal Bureau of Investigation are working virtually full time on Jacob's case, but once there were two dozen. The Stearns County Sheriff's Department has cut the number of investigators on the case to 12 from 30.

"The number of leads has decreased," said Jim Kostreba, chief deputy sheriff in Stearns County. "The number of calls has diminished."

St. Joseph, a town of about 2,500 people in the quiet farm country of southern Minnesota, is the kind of place that conjures the lower, safer, kinder vision of rural America. It is the kind of place where people often do not lock their doors; rather, it was that kind of place.

Some parents here now barely let their children out of their sight. The children, too, have become less trusting, a bit more cynical about a smile or wave from a stranger.

In fact, Patty Wetterling said she was probably more liberal with her three other children than most other parents here. "It's no good for parents to become neurotic," she said. "We can only teach our children so much. We can't take away their freedom. For a child, freedom is like food and water. Little kids shouldn't be worrying about a bad man out there somewhere. They should be chasing butterflies."

24,655 MISSING SINCE 1984

Mrs. Wetterling said it was important for children to understand that a kidnapping like Jacob's—an armed stranger lurking in the background—was not common.

Indeed, of the 24,655 children reported missing in the United States since 1984, "fewer than 1 in 25 were taken by someone other than a family member, according to the National Center for Missing and Exploited Children. Runaways are the most numerous among the missing children, followed by those taken by a family member, often a parent in a custody dispute.

The Federal Department of Justice is conducting a study on missing children, to be released next month. Among other things, it addresses whether small towns are safer from abductions that are big cities, whether regions of the country differ in the numbers of abductions and whether boys or girls are most often the target.

"We don't know yet the probabilities that are involved in child abductions," Ms. Cartwright said. "But we do know that it happens in New York City and that it happens in rural Minnesota."

Jacob's father, Jerry Wetterling, a chiropractor, did not return to work for five weeks after his son was taken. Then, for two months, he worked a half day each week. In January, he returned to work nearly full time. Mrs. Wetterling travels to give talks about missing children, and tries to keep her son's name and photograph in the public eye.

Jacob's older sister, Amy, 14, has been coping with the loss by keeping busy with school and chores, her mother said. She is

getting A's, acting in a school play and helping around the house. Amy's sister, Carmen, 8, does not fully understand what has happened, Mrs. Wetterling said, yet understands some things in ways that no 8-year-old child should have to understand.

Trevor is doing the best he can. He has talked a lot with the family counselor, who has made sure to stress that Trevor should feel no guilt about what happened to Jacob, a reaction his parents had feared.

Jacob is 12 now. On his birthday, Feb. 17, hundreds of people gathered at the banks of Lake George, in nearby St. Cloud, and released balloons with handwritten messages to Jacob.

Around town nearly every mailbox is wrapped with a white ribbon. Some people have erected signs in their front yards for Jacob, or placed his picture in their windows. A sign at the local Phillips 66 gasoline station reads, "Please let Jacob come home."

The Wetterlings have received letters and calls from around the world. Someone sent a photograph of Jacob's name painted in large letters on the Berlin wall, and enclosed a chunk of the wall for Jacob when he gets home. A woman wrote of traveling in the Bahamas and entering a chapel in a tiny town where a candle burns next to a newspaper photograph of Jacob.

Canada's Prime Minister, Brian Mulroney, called Mrs. Wetterling and promised, "If he's in Canada, we'll get him home to you."

A letter from Barbara Bush arrived the other day. Mrs. Wetterling had written the President's wife, asking her to speak out for the welfare of children. "Your letter and your words of anguish over the abduction of your precious Jacob tore my heart," Mrs. Bush wrote. "Keep fighting, shouting and keep on hoping."

A $50,000 reward has been put up for Jacob's return. The boy has blue eyes, light brown hair and a mole on his left cheek. When he was taken, he weighed 75 pounds and was 5 feet tall.

"But it's been so long," Mrs. Wettering said. "I'm sure he's taller now."

[From the Washington Post, May 4, 1990]

U.S. RELEASES FIRST STUDY ON MISSING CHILDREN

(By Patricia Davis)

As many as 4,600 children were abducted nationwide by non-family members in 1988, and more than 100,000 were the targets of attempted abductions, primarily by passing motorists, according to the first comprehensive study of the number of children missing in the United States.

The study, released yesterday by the Justice Department, also estimated that more than 350,000 children were abducted by family members during the same time, most often in connection with child custody cases. The number was at least three times as great as previous estimates, according to the report.

Many of the abductions involving non-family members ended within hours, often after sexual assaults, but 200 to 300 children disappeared for longer periods or were killed, according to the study.

Despite widespread publicity about specific child abduction cases—including the July 1989 Northern Virginia slaying of 10-year-old Rosie Gordon and the disappearance in December of 5-year-old Melissa Brannen—efforts to develop public policy and allocate funds have been severely hampered by a lack of knowledge about the problem.

Police generally do not categorize crimes by the age of the victim, and most nationwide data on child abductions have been compiled by private child-welfare organizations.

The study, called "Missing, Abducted, Runaway, and Thrownaway Children in America," was mandated by Congress in 1984. Prepared by the Office of Juvenile Justice and Delinquency Prevention, it attempted to compile the number of crimes in one year against all children younger than 18.

Although most child abductions involve family members, the estimated 3,200 to 4,600 cases involving non-family members were significant, researchers and child-welfare advocates said.

"That's the size of a small town," said John Walsh; host of the TV show "America's Most Wanted" and father of Adam, the 6-year-old boy abducted from a Florida store and slain. "The Justice Department had some guts to come out and do what they did, it finally puts a handle on the fact that kids are exploited in this country."

Andrea J. Sedlak, one of three authors of the study, said yesterday that "the biggest surprise to us" was the number of children abducted by family members. Previous estimates, based primarily on guesswork, have ranged from 25,000 to 100,000, she said.

Sedlak, a social psychologist and senior study director of WESTAT, a private research firm in Rockville, said the number perhaps can be explained by the high divorce rate in the country. There were an estimated 63 million children in the country during the period studied.

In addition to the number of children abducted, Sedlak said another goal of the study was to estimate the number of runaways in 1988. For that category—the only one that previously had been scientifically studied—the estimate was nearly 450,000, representing little change since 1975, she said.

The study also looked at two distinct groups that previously have received little attention, including "thrownaways," or children who have left home involuntarily, and a group called "lost, injured or otherwise, missing," Sedlak said. The estimates for those categories were as high as 127,100 and 438,200, respectively, she said.

The study said thrownaways fell into two categories. One group, estimated in number at 127,100, had been cut off from their family in one of four ways: They had been told to leave the household; taken from the home and a caretaker refused to allow the child's return; had run away but the caretaker made no effort to recover the child; or had been abandoned or deserted.

The second group, estimated at 59,200, was without a secure and familiar place to stay during some portion of the episode, such as spending the night in a car. All abandoned children fell in this category.

"One of the most important conclusions we can draw is that missing children is not a single problem," Sedlak said. The study underscored the need to research, analyze and treat each of the five categories separately, she said.

Data for the study were collected from six sources, including a telephone survey of 34,822 randomly selected households, which yielded interviews with 10,544 caretakers about the experiences of 20,505 children. Numbers also were gleaned from a re-analysis of 12 years of FBI homicide data, and a police records study of 83 law-enforcement agencies.

The study, which was co-authored by David Finkelhor of the University of New Hamsphire and Gerald Hotaling of the University of Lowell, also said that obtaining clear figures is impeded by the lack of clearly defined crime categories. For example, definitions of abduction vary and there are no federal laws requiring reporting of the crime by age, Sedlak said.

In most family abductions, the abductors were men, non-custodial fathers and father figures. Most victims were ages 2 to 11, with slightly more at younger ages and relatively few infants and teenagers. Half the largest estimate in the this category involved unauthorized takings; the other half involved failures to return the child after an authorized visit.

Ernest E. Allen, president of the Arlington-based National Center for Missing and Exploited Children, praised the study, saying it underscores the need for a federal mandate requiring that all cases of missing children be reported. Said Allen: "This confirms the fact that American children are at risk and that we have to do more to protect them."

"This is really the first time the Justice Department has really come through in a solid way," said Sen. Paul Simon (D-Ill.), who sponsored the Missing Children's Act while in the House. "I have been prodding, but up until this point we have not had this sort of data. When you look at these numbers, you have a much more concrete feel for the kind of problems we face in the country.

[U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention]

MISSING, ABDUCTED, RUNAWAY, AND THROWNAWAY CHILDREN IN AMERICA

(First Report: Numbers and Characteristics, National Incidence Studies)

EXECUTIVE SUMMARY

	Estimated number of children in 1988
Family abductions:	
Broad scope	354,100
Policy focal	163,200
Non-family abductions:	
Legal definition abductions	3,200–4,600
Stereotypical kidnapings	200–300
Runaways:	
Broad scope	450,700
Policy focal	133,500
Thrownaways:	
Broad scope	127,100
Policy focal	59,200
Lost, injured, or otherwise missing:	
Broad scope	438,200
Policy focal	139,100

Because of definitional controversies, each problem is estimated according to two possible definitions.

These estimates should not be added or aggregated.

Major Conclusions

What has in the past been called the missing children problem is in reality a set of at least five very different, distinct problems. Each of these problems needs to be researched, analyzed, and treated separately.

Many of the children in at least four of these categories were not literally missing. Caretakers did know where they were. The problem was in recovering them.

Because of definitional controversies and confusion about the concept of missing children, public policy still needs to clarify the domain of this problem. Which children and which situations should be included, what do they have in common and what are they to be called?

Family Abduction appeared to be a substantially larger problem than previously thought.

The Runaway problem did not appear to be larger in 1988 than at the time of the last national survey in 1975.

More than a fifth of the children who have previously been termed Runaways should actually be considered Thrownaways.

There were a large group of literally missing children who have not been adequately recognized by previous research and policy concerning missing children. These were children who were missing because they got lost, injured, or because they miscommunicated with caretakers about where they would be or when they would be home.

OVERALL CONCLUSIONS

NISMART drew two important conclusions concerning the overall "missing children" problem.

(1) Although the five problems studied here are often grouped together as one—"missing children"—in fact, they are extremely dissimilar social problems. They affect different children and different families. They have very different causes, different dynamics, different remedies, different policy advocates, and different types of institutions and professionals who are concerned. They could not be lumped together for meaningful scientific analysis.

(2) There was a second serious obstacle to grouping these five categories of children under the rubric "missing children": not all these children were literally missing. As the studies revealed, a large proportion of the caretakers knew where their children were most of the time during the episodes. For example, in the case of family abductions, only 17 percent of the children had their whereabouts not at all known to caretakers (see Figure RE-2). Many caretakers knew that the children were at the home of their ex-spouse, but they could not get them back. In the case of runaways from households, only 28 percent of the children were entirely missing. Most runaways were known to be a the homes of friends or relatives. Even in the case of non-family abductions, most episodes were so short-lived, as in the case of an abduction and rape, that the child may not have been missed by anyone.

Thus, we determined that it was not possible to develop a meaningful and useful global figure for the "number of missing children." First, because of the profound differences among the problems, it did not make sense from a scientific standpoint to add together such disparate episodes as runaways, stranger abducted children, parentally abducted children and so forth, or even some portion of each of these problems, into a single number of so-called missing children. Second, children in these categories were "missing" in different senses, and in many cases, as we pointed out earlier, not missing at all. Finally, when such numbers as these have been lumped together in the past, it has created a great deal of confusion. People have assumed that missing children meant children who had been abducted or who had permanently disappeared. Thus, all the statistical findings and conclusions of this study are made about the five distinct social problems, and there are no global figures. We specifically discourage anyone from trying to create or use such a global number on the basis of NISMART statistics.

RECOMMENDATIONS

(1) Public policy around what has become known as "missing children" needs to clarify its domain. It needs to be more specific about which children and which situations are included, why they are included, and what they are to be called. If the five problems studied here need an overarching framework, we propose the compound term "Missing and Displaced," rather than the simple term "Missing."

(2) Public policy needs to more clearly differentiate each of the separate social problems included under the so-called "missing children" umbrella.

(3) We recommend increased attention to the problem of Family Abduction. The incidence of this problem proved larger than earlier estimates, and its 163,200 Policy Focal cases were the most numerous of all Policy Focal categories. Family Abductions may well be on the rise and yet could be readily amenable to prevention.

(4) We recommend that all policy, publication, and research on the problem of Runaways take into account the difference between Runaways and Thrownaways. Thrownaways are a large group with different dynamics; they suffer from being lumped together indiscriminately with Runaways.

(5) We recommend special attention and an increased policy focus on the problem of children who run away from institutions. These children are among the most chronic runaways and the ones at highest risk of becoming crime victims and perpetrators; they need a specialized approach.

(6) We recommend new attention to the problems of children who fell into our category of Lost, Injured, or Otherwise Missing. This group, as numerous in total as Runaways, experienced substantially more physical harm than any other category except those who were victims of Non-Family Abductions. The 139,000 children reported to police in this category are almost as numerous as the Runaways reported to police. Some of the children in this category probably experienced quite minor episodes, but others were very serious cases. A policy about missing children needs especially to include the serious group in this category.

(7) We recommend that another set of incidence studies be undertaken 5 years from now, conducted largely along the lines of the present approach with a few modifications. These modifications would include a more comprehensive canvass of police records, a more direct sample of juvenile facilities, and a planned coordination with future child abuse and neglect incidence studies. In addition, we urge that interim methodological studies be undertaken to improve the future incidence efforts.

(8) We recommend that the Department of Justice consider the possibility of ongoing data collection systems, for example, using the National Crime Survey or a police-based "sentinel" system that could provide yearly incidence statistics for some categories of missing and displaced children.

[From the Jacob Wetterling Foundation]

REWARD OF UP TO $200,000 OFFERED IN THE JACOB WETTERLING ABDUCTION

ST. CLOUD, MN, May 4, 1990.—The Jacob Wetterling Task Force, consisting of the Stearns County Sheriff's Department, the F.B.I., and the State Bureau of Criminal Apprehension (BCA), today announced an increase in the reward fund of the Jacob Wetterling abduction.

A reward of up to $100,000 is being offered for information leading to the arrest of the suspect in the abduction of Jacob Wetterling. An additional reward of up to $100,000 is being offered for information leading to Jacob's safe return. Money for the reward is being provided by the Jacob Wetterling Foundation, Crimestoppers, and anonymous donations.

The Task Force is especially interested in hearing from a caller who first contacted them on November 1, 1989. The caller had specific information involving a possible suspect in Jacob's abduction and it was indicated that the call was being made from within a few miles of the abduction site. The caller said a second call would possibly be made, but as of this date, the caller has not called back.

The Task Force encourages this caller or any other persons having information regarding Jacob Wetterling's abduction to contact them at the Stearns County Sheriff's Department (612) 251-4240; Crime Stoppers (612) 255-1301 or toll free 1-800-255-1301.

Jacob Wetterling was abducted on Sunday, October 22, 1989, from the 91st Avenue South in St. Joseph, Minnesota at approximately 9:15 p.m. He and his brother and a friend were approached by a male subject wearing dark clothing and carrying a handgun. Jacob's brother and friend were allowed to leave but Jacob was forced to remain. No vehicle was seen. Jacob is five feet tall, 75 pounds, and has brown hair, blue eyes and a mole on his left cheek.

MISSING (STRANGER ABDUCTED)

A $200,000 reward is being offered for information leading to the safe return of Jacob Wetterling to his home.

Jacob was abducted on Sunday, October 22, 1989, from 91st Avenue South of St. Joseph, Minnesota at approximately 9:15 p.m. He and his brother and a friend were approached by a male subject wearing dark clothing carrying a handgun. Jacob's brother and friend were allowed to leave but Jacob was forced to remain. No vehicle was seen. Jacob is five feet tall, 75 pounds, brown hair, blue eyes, mole on left cheek, wearing a red hockey jacket with an orange vest, blue sweat pants, and Nike high top tennis shoes.

If you have any information, please call the Stearns County Sheriff's Department at 612-251-4240 or Crime Stoppers at 612-255-1301 or toll free 1-800-255-1301.

An account has been established at the First State Bank of St. Joseph as a reward fund and search fund. Your support would be much appreciated.

THE JACOB WETTERLING FOUNDATION—IN SERVICE TO CHILDREN ABDUCTED BY A STRANGER

BACKGROUND

Since the National Center for Missing Children began keeping records in mid-June 1984, 871 children have been reported kidnapped or abducted by a stranger. Out of these, only 189 children have been found alive and returned to their families, 115 were found deceased, and the remaining 567 are still missing. It is unknown how many cases have gone unreported.

Specialists in the field report that the predominant motive for a stranger to abduct a child is to sexually assault the child. This danger to our children must be eliminated.

MISSION

As a non-profit organization, we have several missions: to assist and support the rescue effort, to educate the public on stranger abduction issues, to develop a national database to assist in the immediate dissemination of information when a stranger abduction occurs.

RESCUE

Once an abduction has occurred, authorities agree that time is the most critical element. All participating organizations must be mobilized within minutes of the abduction. A key element is the immediate dissemination of information about the abduction and accompanying photographs and visuals to enhance identification and apprehension, and secure the safe return of the child.

The Jacob Wetterling Foundation may assist in the investigation as a member of the rescue team—enhancing the flow of information to the media thereby gaining valuable leads for the investigation. Our track record in gaining leads for investigators is outstanding.

EDUCATION

Education can play a significant role in reducing the chance of stranger child abductions. Children can learn ways to correctly respond to stranger intrusions, adults can learn what situations and freedoms are age appropriate for their children, and workshops and seminars can be given to organizations and agencies who work with child abduction events.

Our education programs will reach out to these specific groups:

Children, especially ages 5 to 15,

School teachers and administrators,

Adults,

Service organizations, and related agencies,

Law enforcement professionals

Where appropriate, materials will be developed for each of these groups which will address the various stages of the abduction process: pre-abduction, abduction event, post-abduction.

Indeed, there are many victims where an abduction takes place: the abducted child, family, friends, schools, community, and the region around where the abduction took place. Programs and materials need to be developed to help people deal with the issues related to their feelings, safety, there sense of loss, and the investigative process.

PUBLICITY

Aside from law enforcement investigative process, publicity is the next most critical element to rescuing an abducted child.

During the movement of the child from place to place, there is a chance that an innocent observer may come in contact with or see the abducted child or his abductor. If that observer has had prior exposure to photographs, illustrations, or descriptions of the child or the abductor, then they will be equipped to respond to authorities. Proper communications will alert the public of the abduction event, the victim and suspect, and call them into action.

The Jacob Wetterling Foundation has both the experience and the contact network to be effective in this area. The Foundation's ability to interest and sustain media coverage of a stranger abduction event is unprecedented.

INFORMATION SERVICES

With time being such a critical element in the rescue of an abducted child, it is imperative that the picture of the abducted child and any suspects be distributed in a consistent and methodological manner: first with broad local coverage, to regional coverage, then to national and international coverage as the investigation dictates.

The need for highly developed databases of: every local, regional and national law enforcement office; road-side rest stations, gas stations, and convenience stores; hotel and motel locations, however remote—all points of contact that an abductor may come in contact with as he may move the child around in an attempt to avoid apprehension—all should be a ready point of contact within minutes of an abduction.

STAFF

Ron Marotte, Executive Director/CEO.

Ann Scherer, Promotions & Publicity Coordinator.

Rose Ann Faber, Education Programs Coordinator.

LOCATION

Jacob Wetterling Foundation, 32 First Avenue North West, P.O. Box 639, St. Joseph, MN 56374-0639, Ph 612-363-0470, Fx 612-363-0473.

Jacob Wetterling Foundation Board Members: Vern Iverson, Ron Marotte, Scott Meyer, Sr. Mary Reuter, Kay Vinje, Jerry Wetterling, and Patricia Wetterling.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HATCH ACT REFORM AMENDMENTS OF 1989

Mr. HELMS. Mr. President, I am convinced that America's civil service is the best in the world. while there are isolated instances of corruption, on the whole our Nation is not plagued with the public corruption endemic to so many other nations.

Nonetheless, Mr. President, I regret that the bill now pending would tear down one of the pillars on which the integrity of the civil service has been built. In fact, the very success of the Hatch Act in eliminating political corruption from the Federal work force has led this bill's proponents to assume that it is now safe to essentially do away with it.

I do not doubt their sincerity, but they are making a grave mistake. While science and the times may change, human nature does not. The prevalence of political corruption in the 1930's made obvious the necessity of the Hatch Act's enactment then; it should now warn us just as clearly that it would be unwise to repeal or modify it. Public corruption will not revisit America tomorrow if we do, but it is certain to resurface much more quickly than the years that were required to eradicate it.

Mr. President, I feel it is important to emphasize what Federal employees can and cannot do under current law.

Under the Hatch Act Federal employees may: Frist, register to vote; second, voluntarily contribute money to partisan political candidates; third, attend political conventions as spectators; fourth, assist in voter registration drives; fifth, participate as election judges or poll watchers; sixth, attend political fundraising events; seventh, wear political buttons off duty; and eighth, run as nonaffiliated candiates in partisan elections in areas with high concentrations of federal employees.

The Hatch Act does prevent a Federal employee from taking an active role in partisan political activities. He or she cannot: First, run as a partisan political candidate for public office; second, hold office in a political party; third, solicit or handle political contributions; fourth, organize partisan political fundraising activities; fifth, make partisan political speeches for candidates; sixth, work in the political campaign of a partisan candidate; and seventh, pass out partisan political campaign literature.

Mr. President, almost nothing has been said in this debate about the fact that in exchange for imposing restrictions on Federal employees' engaging in partisan political activities, the Federal Government has in turn guaranteed career civil service employees that they may not be fired for partisan political reasons.

Are the two unavoidably linked? If Federal employees really demand unfettered participation in the political process—in effect to campaign for candidates whom they prefer to be their superiors—and against those they do not want—then should they not be prepared to accept an equally unfettered political process whereby those whom they opposed in the political campaign may dismiss them when elected, if elected?

Mr. President, the real question here is whether the spoils system is to be resurrected. Have we forgotten history? Do we not know that such a system led to graft and corruption within government? I do not want to return to the days of the spoils system, but neither do I want to enter a new era where Federal employees can participate in political and emotional campaigns against their elected superiors and then have the public expect that their performance on the job—as well as their service to the public—will not be affected if and when they lose. That is too much to expect of human nature.

For instance, what President could have confidence that his policies will be faithfully carried out by a Federal

agency when the agency's senior executives were prominent supporters of his political opponent?

Mr. President, while I am opposed to this particular bill, I am not insensitive to the concerns of the many Government workers who have discussed this issue with me. I am convinced that a compromise can be worked out where they could participate in political campaigns by distributing literature off the job and various other specified activities.

However, I cannot—as this bill does—endorse the concept that Federal employees may: First, hold office in either of the political parties; second, solicit or handle political contributions from either the public or their coworkers; or third, make public speeches in support of partisan candidates so that the public confuses the Federal employees' political views off the job with their official duties on the job.

I reiterate, I am not opposed to some relaxation of the Hatch Act, but the pending bill is just too one sided. For example, under this bill Federal employees would be allowed to solicit political contributions only—repeat: only—for the Political Action Committees [PAC's] of Federal employee unions. As Al Smith used to say: Look at the record. Clearly, the Federal employee unions have never distributed PAC funds on a nonpartisan basis.

Mr. President, the proponents of the pending bill seek to enable the various unions to raise funds from the Federal work force for partisan political purposes even as they argue that Federal employees no longer need to fear such political coercion. It is precisely that kind of coercion that led to the enactment of the Hatch Act in the first place.

As a result, employee unions, will be allowed to pressure Federal employees for partisan campaign purposes. The bottom line is that Federal employees will once again be pressured for political purposes, and, presto: The spoils system is back again in full force.

Mr. President, we need to remember that in addition to protecting individual Federal employees from political coercion, the Hatch Act serves to protect the general public from political intimidation by a politically partisan Federal bureaucracy. It is significant that the most egregious public corruption in the 1930's occurred in a Federal benefit program—the Works Progress Administration—where what amounted to a public assistance job was jeopardized when individuals did not support—with their time as well as their money—candidates endorsed by their superiors.

As John R. Bolton wrote in his article, "The Hatch Act, a Civil Libertarian Defense":

> Government workers have a right to be free from political coercion—particularly from any systematic solicitation by either their superior or their co-workers. Since the power the coerce derives in substantial amount from the power vested in government, the Hatch Act is, in effect, a case of the government restraining itself. Non-governmental employees have similar First Amendment rights—the right not to have their freedom to engage in political activity "chilled" by political activists who also administer government programs and regulatory law-enforcement agencies. The most acute government responsibility is that government not allow itself to be used to skew the political process.

Mr. President, Congressman J. Will Taylor of Tennessee stated, during the original Hatch Act in 1939:

> No one in this country ever dreamed that the time would come in the United States when public money, appropriated for the alleviation of human distress, could be sabotaged and prostituted as it was [to extort votes] * * * to a greater or lesser degree in every State in the Union.

Mr. President, just as no one dreamed it could happen then, no one dreams that it can happen now. But, Mr. President, I know that just as it did in fact happen 50 years ago, it will happen again if we pass this bill.

Mr. President, ultimately this bill and the Hatch Act are about preserving a free ballot. This bill as currently written threatens it while the Hatch Act currently protects it. Therefore, I urge Senators to vote for a free ballot and against this bill as now written.

The bottom line is this: The pending bill and the Hatch Act—which this bill would gut—raise the question of whether Congress wants to preserve the free ballot. This bill, as currently written, threatens it. The Hatch Act protects it. Therefore, I hope Senators will vote for a free ballot and against this bill.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on May 7, 1990, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 1472. An act to establish the Grand National Recreation Area in the State of Michigan, and for other purposes; and

H.R. 3802. An act to designate May 1990 as "Asian/Pacific American Heritage Month."

Under the authority of the order of January 3, 1989, the enrolled bill H.R. 3802 was signed on May 7, 1990, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

The enrolled bill H.R. 1472 was signed on May 7, 1990, during the session of the Senate by the Acting President pro tempore [Mr. BINGAMAN].

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on Environment and Public Works, with amendments and an amendment to the title:

S. 2068: A bill to designate the U.S. courthouse located at 1800 Fifth Avenue North in Birmingham, AL, as the "Robert Smith Vance United States Courthouse" (Rept. No. 101-280).

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

H.R. 922. A bill to designate the building located at 1515 Sam Houston Street in Liberty, Texas, as "M.P. Daniel and Thomas F. Calhoon, Senior, Post Office Building."

H.R. 2890. A bill to redesignate the Federal buildings and courthouse located in East St. Louis, IL, as the "Melvin Price Federal Courthouse."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN:

S. 2582. A bill to amend the act entitled "An Act to extend the Wetlands Loan Act" to provide for the expansion of the Stewart B. McKinney National Wildlife Refuge; to the Committee on Environment and Public Works.

By Mr. BOSCHWITZ:

S. 2583. A bill to provide that taxpayers may rely on Internal Revenue Service guidelines in determining the funding limits for pension plans; to the Committee on Finance.

By Mr. BOREN (for himself, Mr. SYMMS, Mr. PRYOR, Mr. CHAFEE, and Mr. WALLOP):

S. 2584. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for State and local income and franchise taxes shall not be allocated to foreign

source income; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN:

S. 2582. A bill to amend the act entitled "An Act to extend the Wetlands Loan Act" to provide for the expansion of the Stewart B. McKinney National Wildlife Refuge; to the Committee on Environment and Public Works.

CONNECTICUT COASTAL PROTECTION ACT OF 1990

● Mr. LIEBERMAN. Mr. President, the late Congressman Stewart B. McKinney considered his successful efforts to protect Connecticut's shoreline among his most important accomplishments. Today, I am introducing legislation which would expand what is now known as the Stewart B. McKinney National Wildlife Refuge, a series of islands, preserved wetlands and nesting areas in Long Island Sound, by approximately 1,000 acres.

At 338 acres, the McKinney Refuge is the smallest in the country, and yet because of its position in the East Coast Flyway, it is one of the most important. To Milford Point, Sheffield, Chimon, and Falkner islands, the legislation would add 690 acres known as the Great Meadows Marsh, in Stratford, CT; 230 acres at the Menunketesuck River marsh and Menunketesuck Island in Westbrook, CT; and approximately 80 acres in the vicinity of Norwalk Harbor in Norwalk, CT. In addition, this legislation would enable the Secretary of the Interior to manage the Salt Meadow National Wildlife Refuge as an element of the Stewart B. McKinney National Wildlife Refuge.

Newly protected as a result of this bill will be salt marsh, barrier beach, freshwater wetlands, uplands and several coastal islands. Waterfowl, shore birds, wading birds, and songbirds, including several federally and State listed threatened and endangered species rely on these habitats in the face of the rapid development of Connecticut's shoreline. In addition, the salt marshes of this proposed expansion support 23 species of finfish. Offshore shellfish beds in all of the proposed areas support oysters, quahogs, clams, mussels—an important and abundant food supply for many migratory birds.

The U.S. Fish and Wildlife Service supports this expansion. Its environmental assessment of the areas in question, published last November, recommended inclusion of all the areas listed above. The Nature Conservancy has worked closely with the U.S. Fish and Wildlife Service to assemble many of the parcels currently in the refuge, and has pledged to assist the Service in the protection of these new areas.

The consolidation of the Salt Meadow and McKinney refuges will make the entire ecosystem easier to manage. Last year, the Interior appropriations bill dedicated $630,000 for the purpose of building a headquarters and visiting center for the McKinney refuge. Once complete, and if this legislation passes, the McKinney and Salt Meadow refuges will be managed on site, rather than as they are now, from facilities in Rhode Island.

The protection, preservation, and wise management of our Nation's natural resources is one of our greatest responsibilities as legislators. I urge my colleagues to support this contribution toward that objective. As Congressman McKinney was known to say, "a victory for nature is a victory for us all."

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Connecticut Coastal Protection Act of 1990".

SEC. 2. EXPANSION OF REFUGE.

The Act entitled "An Act to extend the Wetlands Loan Act" (98 Stat. 2774) is amended—

(1) in section 205—

(A) by striking "SEC. 205." and inserting "SEC. 208."; and

(B) by striking "$2,500,000" and inserting "such sums as may be necessary to carry out this Act"; and

(2) by inserting after section 204 the following new sections:

"EXPANSION

"SEC. 205. The Secretary may acquire for addition to the refuge—

"(1) approximately 690 acres of land and water known as the Great Meadows Marsh, in Stratford, Connecticut;

"(2) approximately 230 acres of land and water at the Menunketesuck River marsh and Menunketesuck Island, in Westbrook, Connecticut; and

"(3) approximately 80 acres of land and water in the vicinity of Norwalk Harbor, Connecticut,

as such lands and waters are depicted on the map entitled 'Steward B. McKinney NWR Expansion', dated September 1989 and on file with the United States Fish and Wildlife Service.

"CONSOLIDATED MANAGEMENT

"SEC. 206. The Secretary shall manage the Salt Meadow National Wildlife Refuge as an element of the Steward B. McKinney National Wildlife Refuge.

"FUTURE EXPANSION

"SEC. 207. The Secretary shall report to Congress from time to time concerning proposals to acquire additional lands for the refuge.".●

By Mr. BOSCHWITZ:

S. 2583. A bill to provide that taxpayers may rely on Internal Revenue Service guidelines in determining the funding limits for pension plans; to the Committee on Finance.

SMALL PENSION PLANS

● Mr. BOSCHWITZ. Mr. President, I rise today to introduce legislation which, if enacted, will prevent certain audit practices of the Internal Revenue Service. If these practices remain unchecked, it could result in the termination of thousands of small business defined benefit plans.

Mr. President, as a small businessman and the ranking member of the Senate Small Business Committee, I have for some time been concerned that Federal legislation and accompanying regulations slowly but surely are forcing small business owners to terminate their pension plans. I hear regularly from constituents and their accountants about the burdens imposed under Federal law simply to keep an existing plan in place. What with complicated paperwork and expensive and time-consuming filing requirements, it's surprising that small businesses even attempt to keep up.

Although, I believe that the IRS should prevent abuse of the Tax Code by all taxpayers, I am not supportive of retroactive changes in audit standards which have the effect of placing thousands of plans sponsored by small businesses at risk.

The legislation I am introducing today targets practices which lack regulatory authorization and conflict with the past policies of the IRS. In essence, small businesses are being targeted for audits under new IRS policies which are being applied retroactively. These audits will be expensive and time consuming. Many small businesses lack the resources to fight back.

Let me summarize the issue: Federal standards for defined benefit plans have been developed over a period of about 15 years through IRS revenue rulings, notices, and regulations. These standards are found in the audit guidelines which were issued by the IRS in 1984. Now, these longstanding guidelines are being scrapped, at least for small businesses. And new guidelines, developed without benefit of any public comment or congressional involvement, are being applied retroactively.

Currently, when an employer establishes a defined benefit plan, it is obligated to pay each eligible employee a predetermined benefit when the employee retires, dies, becomes disabled, or terminates employment. Given that, the employer assumes the entire burden of being able to meet the actuarial assumptions of the plan; it bears responsibility for assuring that sufficient funds are invested in the plan to assure that the specified benefit will be available as employees retire.

For about the past 15 years, the IRS has taken the position that actuarial assumptions must be reasonable; an

interest rate of 5 to 6 percent and estimated retirement age of 55 has been held to satisfy this requirement. Now, the IRS has unilaterally altered its standard and requires an assumed interest rate of 8 percent and retirement age of 65. The obvious implication of doing so will be to reduce the deduction claimed by businesses arising from mandatory plan contributions, resulting in an increase in Federal tax revenues.

Mr. President, the bill I am introducing today is very simple. It simply provides that if a small business relies on the actuarial guidelines promulgated by the IRS, such assumptions shall be deemed reasonable until such time as they are formally amended. Presumably, in the event of amendment, small businesses will be invited to submit comments about the changes in advance. Unilateral, unpublicized changes are so destructive and instill distrust in American citizens regarding the operations of the Federal Government, including the Internal Revenue Service.

I want to thank the small business organizations who have brought this issue to the attention of the Senate. I look forward to pursuing this subject through hearings in the Small Business Committee and, hopefully, here on the floor of the Senate.

I ask unanimous consent that the full text of my legislation be printed in the RECORD at the conclusion of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) GUIDELINES FOR ACTUARIAL ASSUMPTIONS.—For purposes of section 412(c)(3) of the Internal Revenue Code of 1986 and section 302(c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(3)), actuarial assumptions used by a plan shall be treated as reasonable if such assumptions are within the guidelines set forth in the Actuarial Guidelines Handbook (Internal Revenue Manual 7(10)5(10), as in effect on December 12, 1984).

(b) PERIOD PROVISION IN EFFECT.—The provisions of subsection (a) shall apply for all plan years ending after December 12, 1984, and beginning before such time as modifications to the guidelines become final; provided that such modifications shall be applied prospectively.

(c) RELIANCE ON PROFESSIONAL GUIDANCE.—If a plan lacks sufficient experience to fall within the purview of the Actuarial Audit Guidelines Handbook, then deference shall be given to the judgment of the plan's Enrolled Actuary with respect to the selection of the actuarial assumption.●

By Mr. BOREN (for himself, Mr. SYMMS, Mr. PRYOR, Mr. CHAFEE, and Mr. WALLOP):

S. 2584. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for State and local income and franchise taxes shall not be allocated to foreign source income; to the Committee on Finance.

ALLOCATION OF DEDUCTION FOR STATE AND LOCAL INCOME AND FRANCHISE TAXES

● Mr. BOREN. Mr. President, the ability of American businesses to compete with their foreign counterparts is the greatest challenge facing them today in the world marketplace. There have been no shortage of speeches and hearings in Congress about this problem. There has, however, been a shortage of meaningful action. As Congress debates what more might be done, rules and regulations impose additional costs on U.S. businesses competing in the world marketplace.

In response to this situation, today I am introducing legislation along with my colleagues Senators SYMMS, PRYOR CHAFEE, and WALLOP, which provides that U.S. corporations can allocate all deductions for State and local franchise taxes to U.S. source income.

The IRS, after several major changes in position, is requiring U.S. multinationals to allocate a portion of their deduction for State taxes to foreign source income. IRS regulations on this matter were first issued in 1977. Then, a 1979 revenue ruling interpreting those regulations held that a franchise tax measured by income should not be allocated to foreign source income, because it is the cost of the "privilege of doing business" in the State. However, in 1987, this ruling was reversed, retroactively for U.S. corporations and prospectively for foreign corporations. Finally, in December 1988, the IRS issued new regulations, retroactive to 1977, requiring even more extensive allocation of State tax to foreign source income. These regulations have been severely criticized by many taxpayers and States. Nevertheless, the IRS is considering finalizing them.

The IRS position adversely impacts the competitiveness of the U.S. multinationals in world markets. U.S. corporations competing with foreign corporations have an additional cost of doing business when they are in effect, unable to fully deduct their State income taxes. Their foreign competitors operating in the United States, however, are generaly able to obtain the full credit the deduction for State taxes.

The IRS position inequitably subjects U.S. multinationals to inconsistent taxing regimes. States, which are constitutionally prohibited from taxing income attributable to foreign activities, believe they are taxing income attributable to in-State activities. The Supreme Court has affirmed this belief in the face of taxpayer challenges to State taxes. This IRS position, however, is that States are taxing foreign source income. U.S. multinationals are caught in the middle. They are subject to State tax on the grounds the tax is not on foreign source income, but are required to allocate a portion of the tax on the grounds that the tax is on foreign source income. This inconsistent treatment is unjustified and needs to be resolved.

The problems cause by the IRS positions are particularly acute for taxpayers with business operations in States using a factor formula method of taxation. Corporations operating in these States have higher after-tax costs than their competitors operating in other States. The IRS position, therefore, discriminates among State base on their method of taxation.

The legislation I am introducing today solves the problems of the IRS position by providing that all deductions for State and local income and franchise taxes are allocated to U.S. source income for foreign tax credit purposes. The legislation will, in effect, give full deduction for State income taxes, relieve the inequity of subjecting taxpayers to inconsistent taxing regimes, and improve the competitiveness of U.S. multinationals.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. ALLOCATION OF DEDUCTION FOR STATE AND LOCAL INCOME AND FRANCHSE TAXES FOR FOREIGN TAX CREDIT PURPOSES.

(a) IN GENERAL.—Subsection (b) of section 904 of the Internal Revenue Code of 1986 (relating to taxable income for purpose of computing limitation) is amended by adding at the end thereof the following new paragraph:

"(5) DEDUCTION FOR STATE AND LOCAL INCOME AND FRANCHISE TAXES.—For purposes of computing taxable income under this subpart, and deduction for any State and local income or franchise tax shall not be allocated or apportioned to gross income from sources without the United States."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1976.●

ADDITIONAL COSPONSORS

S. 659

At the request of Mr. SYMMS, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 659, a bill to repeal the estate tax inclusion related to valuation freezes.

S. 1076

At the request of Mr. BURDICK, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1076, a bill to increase public under-

standing of the natural environment and to advance and develop environmental education and training.

S. 2051

At the request of Mr. HEFLIN, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2051, a bill to amend the Social Security Act to provide for more flexible billing arrangements in situations where physicians in the solo practice of medicine or in another group practice have arrangements with colleagues to "cover" their practice on an occasional basis.

S. 2146

At the request of Mr. DOMENICI, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 2146, a bill to clarify the authority of the Small Business Administration to make disaster assistance loans to small businesses in case of disasters determined by the Secretary of Agriculture.

S. 2150

At the request of Mr. SYMMS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2150, a bill to set aside a fair proportion of the Highway Trust Fund moneys for use in constructing and maintaining off-highway recreational trails.

S. 2159

At the request of Mr. BOSCHWITZ, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2159, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 2215

At the request of Mr. HARKIN, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 2215, a bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes.

S. 2256

At the request of Mr. HARKIN, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wisconsin [Mr. KOHL], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 2256, a bill to amend title XIX of the Public Health Service Act to clarify the provisions of the allotment formula relating to urban and rural areas, and for other purposes.

S. 2467

At the request of Mr. ARMSTRONG, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2467, a bill to amend the Internal Revenue Code of 1986 to provide civil damages for certain careless collection actions.

S. 2497

At the request of Mr. DECONCINI, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 2497, a bill to establish a demonstration program to allow drug-addicted mothers to reside in drug abuse treatment facilities with their children, and to offer such mothers new behavior and education skills which can help prevent substance abuse in subsequent generations.

S. 2520

At the request of Mr. CHAFEE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2520, a bill to establish permanent Federal and State drug treatment programs for criminal offenders, and for other purposes.

S. 2526

At the request of Mr. BOSCHWITZ, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2526, a bill to establish a program to improve access by small and large private businesses to technical information and expertise within the Federal Government and selected States.

S. 2538

At the request of MR. CHAFEE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2538, a bill to amend titles XVIII and XIX of the Social Security Act to improve the delivery of services at federally qualified health centers and rural health clinics, and for other purposes.

S. 2571

At the request of Mr. GORE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 2571, a bill to amend the Antarctic Conservation Act of 1978 to protect the environment of Antarctica, and for other purposes.

SENATE JOINT RESOLUTION 248

At the request of Mr. BOSCHWITZ, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 248, a joint resolution to designate the month of September 1990 as "International Visitor's Month."

SENATE JOINT RESOLUTION 272

At the request of Mr. COCHRAN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 272, a joint resolution to designate March 30, 1990, as "National Doctor's Day."

SENATE JOINT RESOLUTION 279

At the request of Mr. SPECTER, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 279, a joint resolution to designate the week of September 16, 1990, through September 22, 1990, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 284

At the request of Mr. BYRD, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of Senate Joint Resolution 284, a joint resolution to designate the week beginning September 16, 1990 as "National Give the Kids a Fighting Chance Week."

SENATE JOINT RESOLUTION 286

At the request of Mr. RIEGLE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Joint Resolution 286, a joint resolution to designate the week beginning May 6, 1990, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 290

At the request of Mr. ARMSTRONG, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. D'AMATO], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Mississippi [Mr. COCHRAN], the Senator from Rhode Island [Mr. PELL], the Senator from Oklahoma [Mr. BOREN], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 290, a joint resolution to designate the week of July 22, 1990, through July 28, 1990, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

SENATE JOINT RESOLUTION 304

At the request of Mr. SHELBY, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 304, a joint resolution to designate October 17, 1990, as "National Drug-Free Schools and Communities Education and Awareness Day."

SENATE CONCURRENT RESOLUTION 96

At the request of Mr. HOLLINGS, his name was added as a cosponsor of Senate Concurrent Resolution 96, a concurrent resolution to urge the Administration in the strongest possible terms not to propose civil air transport services for inclusion under the General Agreement on Tariffs and Trade (GATT), or the proposed General Agreement on Trade in Services (GATS), and to actively oppose any proposal that would consider civil air transport services as a negotiation item.

AMENDMENTS SUBMITTED

HATCH ACT REFORM AMENDMENTS

ROTH AMENDMENT NO. 1585

Mr. ROTH proposed an amendment to the bill (S. 135) to amend title 5,

United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, as follows:

On page 3, line 7, strike out all after the comma through "organization" on line 9.

On page 4, line 21, insert before the period the phrase "or hold any office or position within a political party or affiliated organization".

DOLE AMENDMENT NO. 1586

Mr. DOLE proposed an amendment to the bill S. 135, supra, as follows:

On page 4, line 4, strike out "An employee" and insert in lieu thereof "(a) Subject to the provisions of subsection (b), an employee".

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of the Internal Revenue Service, the Department of Justice, the Federal Election Commission, or the Central Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Internal Revenue Service, the Department of Justice, the Federal Election Commission, or the Central Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

SIMPSON (AND DOLE) AMENDMENT NO. 1587

Mr. SIMPSON (for himself and Mr. DOLE) proposed an amendment to the bill S. 135, supra, as follows:

On page 9, after line 5, insert:

(d) In no event shall the amendments made by this Act take effect before the date on which there is enacted into law provisions—

(1) which prohibit contributions or expenditures for the purposes of influencing an election for Federal office by any person other than an individual or political party committee; and

(2) which prohibit contributions or expenditures to be made in connection with an election for Federal office, unless such contributions and expenditures are subject to the source and dollar limits, and the reporting requirements, of the Federal Election Campaign Act of 1971.

DOLE AMENDMENT NO. 1588

Mr. DOLE proposed an amendment to the bill S. 135, supra, as follows:

On page 6, insert between lines 3 and 4 the following new section:

"§7326. Penalties

"Any employee who has been determined by the Merit Systems Protection Board to have violated on two occasions any provision of section 7323 or 7324 of this title, shall upon such second determination by the Merit Systems Protection Board be removed from such employee's position, in which event that employee may not thereafter hold any position (other than an elected position) as an employee (as defined in section 7322(1) of this title).".

On page 6, insert between lines 11 and 12, immediately after the matter preceding line 12, the following:

"7326. Penalties.".

NATIONAL ASSESSMENT OF CHAPTER 1 ACT

KENNEDY (AND OTHERS) AMENDMENT NO. 1589

Mr. MITCHELL (for Mr. PELL, for himself, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. JEFFORDS, Mr. RUDMAN, Mr. MURKOWSKI, Mr. SIMON, Mr. LEAHY, Mr. STEVENS, Mr. HUMPHREY, Mr. SANFORD, Mr. BINGAMAN, and Mr. CONRAD) proposed an amendment to the bill (H.R. 3910) to require the Secretary of Education to conduct a comprehensive national assessment of programs carried out with assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as follows:

At the appropriate place in the bill, insert the following:

SEC. . IMPACT AID.

(a) AMOUNT OF PAYMENTS.—(1) Subparagraph (A) of section 3(d)(2) of Public Law 81-874 is amended to read as follows:

"(A)(i) Except as provided in clause (ii), for any fiscal year after September 30, 1988, funds reserved to make payments under subparagraph (B) shall not exceed $25,000,000 from the funds appropriated for such fiscal year.

"(ii) In the event that the payments made under subparagraph (B) in any fiscal year are less than $25,000,000, such remaining funds as do not exceed $25,000,000 shall remain available until expended for the purpose of carrying out the provisions of subparagraph (B). Such remaining funds shall not be considered part of the funds reserved to make payments under subparagraph (B), but shall be expended if funds in excess of $25,000,000 are needed to carry out the provisions of subparagraph (B) in any fiscal year.

"(iii) If for any fiscal year the total amount of payments to be made under subparagraph (B) exceeds $25,000,000 and the funds described in clause (ii) are insufficient to make such payments, then the provisions of clause (i) shall not apply.".

(2) Subparagraph (B) of section 2(b)(2) of Public Law 101-26 is hereby repealed, and Public Law 81-874 shall be applied and administered as if such subparagraph (B) (and the amendment made by such subparagraph) had not been enacted.

(b) ADJUSTMENTS FOR DECREASES IN FEDERAL ACTIVITIES.—Section 3(e) of Public Law 81-874 is amended to read as follows:

"(e)(1) Whenever the Secretary of Education determines that—

"(A) for any fiscal year, the number of children determined with respect to any local educational agency under subsections (a) and (b) is less than 90 percent of the number so determined with respect to such agency during the preceding fiscal year;

"(B) there has been a decrease or cessation of Federal activities within the State in which such agency is located; and

"(C) such decrease or cessation has resulted in a substantial decrease in the number of children determined under subsections (a) and (b) with respect to such agency for such fiscal year;

the amount to which such agency is entitled for such fiscal year and for any of the 3 succeeding fiscal years shall not be less than 90 percent of the payment such agency received under subsections (a) and (b) for the preceding fiscal year.

"(2) There is authorized to be appropriated for each fiscal year such amount as may be necessary to carry out the provisions of this section, which remain available until expended.

"(3) Expenditures pursuant to paragraph (2) shall be reported by the Secretary to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Human Resources of the Senate within 30 days of expenditure.

"(4) The Secretary shall make available to the Congress in the Department of Education's annual budget submission, the amount of funds necessary to defray the costs associated with the provisions of this subsection during the fiscal year for which the submission is made.".

(c) APPLICATION.—Section 5(a) of Public Law 81-874 (Impact Aid) (hereafter in this section referred to as "the Act") is amended to read as follows:

"(a) APPLICATIONS.—(1) Any local educational agency desiring to receive the payments to which it is entitled for any fiscal year under sections 2, 3, or 4 shall submit an application therefor to the Secretary and file a copy with the State educational agency. Each such application shall be submitted in such form, and containing such information, as the Secretary may reasonably require to determine whether such agency is entitled to a payment under any of such sections and the amount of any such payment.

"(2) The Secretary shall establish a deadline for the receipt of applications. For each fiscal year beginning with fiscal year 1991, the Secretary shall accept an approvable application received up to 60 days after the deadline, but shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid. The Secretary shall not accept or approve any application submitted more than 60 days after the application deadline.

"(3) Notwithstanding any other provision of law or regulation, a State educational agency that had been accepted as an application for funds under section 3 for fiscal years 1985, 1986, 1987 and 1988 shall be permitted to continue as an applicant under the same conditions by which it made application during such fiscal years only if such State educational agency distributes all funds received for the students for which application is being made by such State educational agency to the local educational agencies providing educational services to such students.".

(d) ADJUSTMENTS.—Section 5(c)(2) of Public Law 81-874 is amended by inserting

at the end thereof the following new subparagraph:

"(C) For the purpose of determining the category under subparagraph (A) that is applicable to the local educational agency providing free public education to secondary school students residing on Hanscom Air Force Base, Massachusetts, the Secretary shall count children in kindergarten through grade 8 who are residing on such base as if such students are receiving a free public education from such local educational agency.".

(e) SPECIAL RULE.—The Secretary of Education shall consider as timely filed, and shall process for payment, an application from a local educational agency that is eligible to receive the payments to which it is entitled in fiscal year 1990 under section 2 or 3 of the Act, if the Secretary receives the application by June 29, 1990, and the application is otherwise approvable.

(f) DEFINITION.—Section 403(6) of Public Law 81-874 is amended by inserting the following new sentences at the end thereof: "Such term does not include any agency or school authority that the Secretary determines, on a case-by-case basis—

"(A) was constituted or reconstituted primarily for the purpose of receiving assistance under this Act or increasing the amount of that assistance;

"(B) is not constituted or reconstituted for legitimate educational purposes; or

"(C) was previously part of a school district upon being constituted or reconstituted.

For the purpose of carrying out the provisions of section 3(a), such term includes any agency or school authority that has had an arrangement with a nonadjacent school district for the education of children of persons who reside or work on an installation of the Department of Defense for more than 25 years, but only if the Secretary determines that there is no single school distict adjacent to the school district in which the installation is located that is capable of educating all such children.".

SEC. . BILINGUAL EDUCATION.

Awards made by the Secretary of Education to the Franklin-Northwest Supervisory Union of Vermont under the Bilingual Education Act (20 U.S.C. 3221 et seq.), in amounts of—

(1) $388,076.56 for the period of fiscal year 1984 through fiscal year 1986 (for programs of bilingual education, however characterized),

(2) $400,061.00 for the period of fiscal year 1984 through fiscal year 1986 (for programs of bilingual education, however characterized), and

(3) any expenditure of funds by the Franklin-Northwest Supervisory Union pursuant to the awards described in paragraphs (1) and (2),

shall be treated as if they were made in accordance with the provisions of the Bilingual Education Act for purposes of any claims for repayment asserted by the Secretary of Education.

SEC. . STUDENT LITERACY CORPS.

Section 146 of the Higher Education Act of 1956 is amended to read as follows:

"SEC. 146. AUTHORIZATON OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out the provisions of this part $10,000,000 for fiscal year 1991.".

SEC. . THE HEAD START ACT AND CHAPTER 1 OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

(a) FINDINGS.—The Senate finds that—

(1) one in every five children in America, some 12,600,000 youngsters under the age of 18, live in poverty;

(2) the Head Start program and programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 are proven early education programs that offer the best opportunity to break the cycle of poverty;

(3) since 1980, spending by the Federal Government for education has decreased by 4.7 percent in real terms;

(4) $1 invested in high-quality preschool programs like Head Start and chapter 1 of title I of the Elementary and Secondary Education Act of 1965 saves $6 in lowered costs for special education, grade retention, public assistance, and crime;

(5) children who enroll in Head Start are more likely than other poor children to be literate, employed, and enrolled in postsecondary education;

(6) children who enroll in Head Start programs are less likely than other poor children to be high school dropouts, teen parents, dependent on welfare, or arrested for criminal or delinquent activity;

(7) children who enroll in programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 experience larger increases in standardized achievement scores than comparable students who did not enroll in such programs;

(8) low funding levels for the Head Start Act limit the participation in Head Start programs to less than 20 percent of the eligible population; and

(9) low funding levels for chapter 1 and title I of the Elementary and Secondary Education Act of 1965 limit participation in programs assisted under such Act to less than 50 percent of the eligible population.

(b) SENSE OF SENATE.—It is the sense of the Senate that appropriations for the Head Start Act should be increased to fully serve the potential, eligible population under such Act by fiscal year 1994 and that appropriations for chapter 1 of title I of the Elementary and Secondary Education Act of 1965 should be increased to the authorization level of such Act by fiscal year 1994.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. PRYOR. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on Wednesday, May 9, 1990. The focus of the hearing will be the annual report of the Postmaster General. The Postmaster General will present his report.

The hearing is scheduled to begin at 9:30 a.m., in room 342 of the Senate Dirsken Office Building. For further information, please contact Ed Gleiman, subcommittee staff director, on 224-2254.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on fraud and abuse in employer sponsored health benefit plans.

This hearing will take place on Tuesday, May 15, 1990, at 9 a.m. in room 342 of the Dirsken Senate Office Building. For further information, please contact Eleanore Hill of the subcommittee staff at 224-3721.

Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a field hearing on "Drug and Violence: The Criminal Justice System in Crisis."

The hearing will take place on Monday, May 21, 1990, in Portland, ME. For further information please contact Eleanore Hill of the subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Armed Services Committee by authorized to meet in open session on Monday, May 7, 1990, at 2 p.m., to receive testimony of defense science and engineering education programs in review of S. 2171, the Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on May 7, 1990, beginning at 2 p.m., in 485 Russell Senate Office Building, on S. 2203, a bill to settle Zuni land claims and S. 1934, the U.S. Housing Act of 1937.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REGARDING THE DEPARTURE OF ROBERT L. BENDICK FROM THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

● Mr. CHAFEE. Mr. President, I would like to take a moment to pay tribute to an outstanding public servant, who has been a primary force in the protection of the environment in Rhode Island. I am referring to Robert L. Bendick, who has been the director of the Rhode Island Department of Environmental Management since 1982. Bob will be leaving DEM to take a position with the State of New York.

Over the past two decades Bob Bendick and I have worked together on environmental issues in nearly every corner of the State. Bob has a vision, a

vision of open fields and well planned cities, and of bays and rivers free from pollution.

Unlike many others, Bob has acted on his vision, and worked tirelessly to turn it into reality. An example is Bob's work along the Blackstone River. Bob started the effort to protect the environmental and historical importance of the Blackstone River nearly 20 years ago while he was a planner in Woonsocket. I worked closely with Bob to develop and introduce national legislation to create the Blackstone River Valley National Heritage Corridor. Due largely to his efforts and the passage of this legislation, the Blackstone is being transformed into a place where visitors can enjoy the natural environment in the midst of an urban setting.

Rhode Island has done more on open space protection than any other State in the country, and much of the credit for this belongs to Bob Bendick. On a per capita basis, Rhode Island spends more on preserving open space than any other State. In just the past 4 years, Rhode Islanders have approved the expenditure of over $200 million for open space protection and recreation development.

Equally, Bob has had a great deal to do with the improvement of Narragansett Bay. Just a few years ago the bay was threatened with irreversible contamination. His work in establishing the bay as a national estuary and the creation and development of the Narragansett Bay Project has been crucial to the bay's resurgence. During the last 5 years, under Bob's direction, Narragansett Bay has made great strides. According to the U.S. Environmental Protection Agency, over 90 percent of Narragansett Bay is swimable and fishable. According to DEM data, five major wastewater treatment facilities achieved a dramatic decrease in conventional pollutants being discharged into Narragansett Bay. In 1988, more than $22.9 million in Federal and State funds were spent on municipal wastewater treatment facilities. Bob has been a leader in these efforts.

Also Bob was instrumental in establishing Rhode Island as a leader in solid waste management. Presently, more than one-third of the State is participating in a source separation program, and by the end of this year more than 60 percent of the State will be recycling its solid waste. This innovative program would not have been realized without the efforts of Bob Bendick.

Rhode Island owes Bob Bendick a debt of gratitude. He is leaving Rhode Island a healthier, more environmentally sound place than he found it, and for that, we deeply grateful.●

JACK W. CARLSON, SMALL BUSINESS ADMINISTRATION'S MINNESOTA ACCOUNTANT ADVOCATE

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to say a few words about a fine business leader who has devoted many years assisting in the development and growth of small businesses. I am speaking of Jack W. Carlson, attorney with the Thomsen-Nybeck law firm.

Mr. Carlson has just been chosen as the Small Business Administration's Minnesota District Accountant Advocate of 1990. For many years, Jack has selflessly given of his time and expertise to various community and civic activities geared toward promoting small business. Jack's expertise in tax and financial matters has been an invaluable asset to those whom he counsels on a voluntary basis.

Mr. Carlson espouses the entrepreneurial spirit that is so necessary to establishing and developing a successful small business. His commitment and contribution to the community is being recognized today as he is chosen as the Small Business Administration's Minnesota District Accountant Advocate of the Year 1990. I congratulate him for his efforts and wish him continued success.●

NATIONAL NURSES' DAY

● Mr. HATFIELD. Mr. President, I rise today to briefly share with my colleagues the deep respect I have for this Nation's 2 million registered nurses. The National Nurses' Association has declared today National Nurses' Day, and I think the true footsoldiers of health care across this country deserve our recognition.

As health care professionals, nurses are on the front of the frontlines. We may hear the statistics of increasing gunshot wounds, drug addiction, and child abuse, but nurses see those statistics in individual human lives.

Mr. President, nurses see the individual human faces of suffering every single day. They know the handicapped child whose mother could not afford proper prenatal care, the mentally ill person whose life on the street has led to disease and malnutrition, and the Alzheimer's victim left unsure what to do when she fell on the ice. Nurses bring their professional skills to bear, but they also bring their compassion to bear on those individual people and millions more.

Within the next decade, we will need an additional 600,000 nurses in hospitals and a wide variety of nonhospital settings. In the months and years ahead, we no doubt will consider various Federal and State initiatives to encourage more young men and women to choose a career in nursing. But today, I rise simply to offer my deep gratitude and respect to those who already have.●

DONALD E. BERG, SMALL BUSINESS ADMINISTRATION'S MINNESOTA ACCOUNTANT ADVOCATE

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to say a few words about a fine business leader who has devoted many years assisting in the development and growth of small businesses. I am speaking of Donald E. Berg, audit partner with KPMG Peat Marwick.

Mr. Berg has just been chosen as the Small Business Administration's Minnesota District Accountant Advocate of 1990. For many years Don has devoted his time and energy to promoting small businesses, especially those engaged in high technology, health care, and medical technology. In 1984 Don was one of the founders of the well-respected Medical Alley Association. This association has promoted interest and investment in Minnesota as a major center of health care research and innovation.

Mr. Berg espouses the entrepreneurial spirit that is so necessary to establishing and developing a successful small business. His commitment and contributions to the advancement of small business is being recognized today as he is chosen as the Small Business Administration's Minnesota District Accountant Advocate of the Year 1990. I congratulate him for his efforts and wish him continued success.●

FORMER MEMBER OF CONGRESS SAMUEL H. YOUNG ENDORSES CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, many people argue that lack of aggressive, inspiring challengers are a big reason why voters do not turn out at the polls and why today's incumbents spend so much time in office.

Unfortunately, this argument simply does not hold water. If challengers are so lacking, why do incumbents barrage their districts and States with franked, mass mailings in an election year? Why are huge campaign war chests amassed prior to every election cycle?

The reason is that incumbents need these resources to entrench themselves. Job security is a natural craving, and today's Members see their public service as a career. Consequently they utilize any possible tools to cling to office, and unfortunately they have stacked the deck in their favor. Eager staff, easy media access, the frank, pork barrelling all add up to a permanence of 98.5 percent in the House.

If a good person wishes to serve, he or she is effectively prohibited. It is no surprise that Texas alone has 12 out of 27 uncontested House races this year.

As public servants, we have to realize that careerism undermines our mission. Term limitation will eliminate the need to ensure reelection, and thereby allow each Member to exercise the political courage and intellectual honesty our Nation's problems so desperately need.

I ask that a letter I have recently received from former Member Samuel H. Young be printed in the RECORD immediately following my remarks.

The letter follows:

LAW OFFICES,
SAMUEL H. YOUNG,
Lincolnwood, IL, April 15, 1990.

Re constitutional amendment limiting congressional terms—S.J. Res. 235.

Hon. GORDON J. HUMPHREY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HUMPHREY: May I acknowledge your recent letter concerning the proposed constitutional amendment to limit terms that persons may serve in the U.S. Congress.

I strongly support your Joint Resolution and the proposed amendment.

Limiting the terms of Congressmen to 12 years in the House and 12 years in the Senate will be a tremendous step toward a more responsive and democratic Congress. It will help preserve the citizen legislator attitude of Congressional members, and it will decrease the motivation to continually increase the size and amount of staff personnel and office expenditures.

Please use my name in support of such S.J. Res. 235. You may also note that I am a former Member of Congress from the 10th Congressional District of Illinois serving in the 1973-1974 Congress.

Yours truly,

SAMUEL H. YOUNG.●

JOHN H. STOUT, SMALL BUSINESS ADMINISTRATION'S MINNESOTA MINORITY BUSINESS ADVOCATE

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to say a few words about a fine business leader who has devoted many years assisting in the development and growth of minority-owned small businesses. I am speaking of John H. Stout, attorney with Fredrikson & Byron law firm.

Mr. Stout has just been chosen as the Small Business Administration's Minnesota District Minority Business Advocate of 1990. For many years John has made a commitment to the development and success of minority-owned businesses. Through his efforts with the Metropolitan Economic Development Association, John was instrumental in assisting in the formation of the Milestone Growth Fund, a venture capital fund that invests in minority-owned businesses. Mr. Stout serves as chairman of the board.

Mr. Stout espouses the entrepreneurial spirit that is so necessary to establishing and developing a successful small business. His commitment and contribution to the community is being recognized today as he is chosen as the Small Business Administration's Minnesota District Minority Business Advocate of the year 1990. I congratulate him for his efforts and wish him continued success.●

NATIONAL NURSES' DAY

● Mr. DURENBERGER. Mr. President, I rise today to give special mention to National Nurses' Day, an event which recognizes the care, competence, and compassion provided by our Nation's 2 million registered nurses, including the 40,000 in my home State of Minnesota.

During a time when many Americans say they are dissatisfied with our health care system, I hope they still appreciate the outstanding level of nursing care they receive in this country. During my Senate career, I have come to appreciate nursing as the glue which holds our fragmented health system together for patients, physicians, and other health professionals. I look to the nursing profession to help us in Congress find innovative ways to improve access to health care while controlling costs.

Mr. President, I would also like to give special mention to the Minnesota Nursing Task Force Group, which I formed in 1989. This group is comprised of Barbara O'Grady of Waterville, MN, Sharon Price Aadalen of St. Paul, Marliyn Molen of East St. Paul, Barb Tebbitt or Shoreview, Dodie Russell of St. Paul, Sonya Meyerholz of St. Paul, Annette McBeth of Mankato, Mary Balzer of St. Paul, Jeannine Bayard of St. Paul, Marge Jamieson of St. Paul, LaVohn Josten of Minneapolis, Sue Stout of St. Paul, Gayle Hansen of Fairmont, Betty Sheppard of Willmar, and Bernadine Feldman of Minneapolis.

The task force has both educated me about advances in nursing and given me a vision of how nursing—working with physicians and community leaders—can improve our health care system. I am pleased to note that this group is developing a community based model for acute and long-term nursing care which will be managed by nurse practitioners and block nurses. My hope is that this managed care model can be used in medically underserved areas throughout the country.

Mr. President, in closing, I want to thank our Nation's registered nurses for their professionalism, their contributions to health care in this country, and their ability to continually adapt to their evolving role in health care delivery.●

FRANK KILIBARDA, SR., SMALL BUSINESS ADMINISTRATION'S MINNESOTA EXPORTER OF THE YEAR

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to say a few words about a fine business leader who has devoted many years in the community of Mankato, MN, building and expanding his export business. I am speaking of Frank Kilibarda, Sr., president of Minnesota Hardwoods, Inc.

Mr. Kilibarda, Sr., has just been chosen as the Small Business Administration's Minnesota District Exporter of the Year. Through hard work and determination, Frank's company has experienced a 600-percent growth in export sales since 1986. This growth has had a postive impact on the economic environment in Mankato by a doubling of employment at Frank's company.

Mr. Kilibarda, Sr., espouses the entrepreneurial spirit that is so necessary to establishing and developing a successful small business. His commitment and contribution to the community is being recognized today as he is chosen as the Small Business Administration's Minnesota District Exporter of the Year. I congratulate him for his efforts and wish him continued success.●

HIGH SCORES FOR AMERICAN COLLEGE TESTING IN WISCONSIN

● Mr. KASTEN. Mr. President, it is with great pride that I rise today to give high—and well-deserved—praise to the students in my home State of Wisconsin. The students in Wisconsin have once again outperformed students in all other States on American College Testing [ACT] test scores.

Over the last several years, Wisconsin students have consistently worked hard to achieve high ACT scores. In 1987, Wisconsin took the top spot for the highest average test score on the ACT. In 1988, Iowa held first place, with Wisconsin trailing slightly. Last year, and once again this year, Wisconsin tied for first place with Iowa.

Mr. President, the schoolteachers, school administrators, and parents of Wisconsin deserve a lot of credit for this outstanding achievement. This is yet another example of how strong parental guidance, community and school support produce excellent results. And they have certainly made Wisconsin a model of excellence for America's schools.

Finally, Mr. President, let me repeat how proud I am of the outstanding job our students have done. These students are being the best they can be—so once again, hats off to them.●

JILL J. JOHNSON, SMALL BUSINESS ADMINISTRATION'S MINNESOTA YOUNG ENTREPRENEUR

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to say a few words about a fine business leader who exemplifies the American entrepreneurial spirit that is so essential to the development and growth of small business. I am speaking of Jill Johnson, owner of Johnson Consulting Services.

Ms. Johnson has just been chosen as the Small Business Administration's Minnesota District Young Entrepreneur of 1990. In 1987, Jill founded Johnson Consulting Services, specializing in business planning, market research and strategic development. With hard work and determination, Jill's company has shown a profit every year since it has opened its doors. That is quite an achievement and I commend her for her success.

Jill willingly shares her business knowledge with other aspiring entrepreneurs. Her commitment and contribution to the advance of small business is being recognized today as she is chosen as the Small Business Administration's Minnesota District Young Entrepreneur of the Year 1990. I congratulate her for her efforts and wish her continued success.●

RETIREMENT OF REV. DR. ROGER MARLIN STRESSMAN

● Mr. BRYAN. Mr. President, I rise today to commemorate the work of one of Nevada's outstanding citizens. Since the Reverend Dr. Roger Marlin Stressman entered the ministry 48 years ago, he has been offering guidance and support to people throughout the country. Now, upon his retirement, I want to thank Reverend Stressman for the wisdom, dedication, and love he has shown over the years to all those he has known and counseled.

Reverend Stressman was the first-ever district superintendent of the United Methodist Church in Nevada, and formed the north district which includes northern Arizona, eastern California, and southern Nevada. Consequently, though we in Las Vegas have only had the privilege of knowing the Reverend and his wife, Jane, since 1985, he has had a tremendous impact on our community.

Mr. President, the Reverend Dr. Stressman served his Lord, his parishioners, and his community faithfully, with great love and dedication. On behalf of all those who know him personally and even those who may not be aware of his impact, I thank the Reverend and his family for joining our community and helping to make it as healthy and prosperous as it is.●

THE 40TH ANNIVERSARY OF MARYMOUNT UNIVERSITY

● Mr. WARNER. Mr. President, it is my pleasure today to recognize the 40th anniversary of a fine academic institution, Marymount University. Located in Arlington, VA, it was founded in 1950 by the Religious of the Sacred Heart of Mary as a 2-year liberal arts college for women.

Although the first graduating class had only 9 members, Marymount has grown into a coeducational 4-year university with a student body of nearly 3,000. Academic programs today include both undergraduate and graduate studies in education-human resources, nursing, arts and sciences, and business administration.

This success is due in large part to the 30 years of outstanding leadership of Sister Majella, who is now the longest tenured woman president in the country.

It is indeed an honor to salute Marymount University on this happy occasion. I wish the students, faculty, and administration continued growth and success in this 40th anniversary year as well as in the years to come.●

MIKE KENNEDY, SMALL BUSINESS ADMINISTRATION'S MINNESOTA MEDIA ADVOCATE

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to say a few words about a fine business leader who had devoted many years assisting in the development and growth of small businesses. I am speaking of Mike Kennedy, former business editor, St. Cloud Daily Times.

Mr. Kennedy has just been chosen as the Small Business Administration's Minnesota District Media Advocate of 1990. For many years Mike wrote articles for the St. Cloud Daily Times that served to bring the small business and the consumer together on a common ground. Mike sought to educate the small business owner on current issues and trends and to educate the consumer on the value of small businesses to the community. Both efforts resulted in a heightened overall awareness and appreciation of both groups within the community.

Mr. Kennedy's commitment and contribution to the advancement of small business is being recognized today as he is chosen as the Small Business Administration's Minnesota District Media Advocate of the year 1990. I congratulate him for his efforts and wish him continued success.●

FEDERAL RETIREES EMPLOYMENT IN CONNECTION WITH 1990 CENSUS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4637, a bill related to Federal retirees employment in connection with the 1990 census just received from the House.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4637) to amend Public Law 101-86 to eliminate the 6-month limitation on the period for which civilian and military retirees may serve as temporary employees, in connection with the 1990 decennial census of population, without being subject to certain offsets from pay or other benefits.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill.

There being no objection, the Senate proceeded to the consideration of the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment.

The bill (H.R. 4637) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REIMBURSEMENT FOR TRAVEL EXPENSES RELATED TO RELOCATION OF FEDERAL EMPLOYEES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 498, S. 1424, to provide travel expense reimbursement to relocated Federal employees.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1424) to amend chapter 57 of title 5, United States Code, to provide that reimbursement for certain travel expenses related to relocation of Federal employees shall apply to all stations within the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to the consideration of the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 5724a(a)(2) of

title 5, United States Code, is amended by striking out "continental".

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ASSESSMENT OF CHAPTER 1 ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 466, H.R. 3910, regarding a national assessment of programs under title I of the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3910) to require the Secretary of Education to conduct a comprehensive national assessment of programs carried out with assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1589

Mr. MITCHELL. Mr. President, on behalf of Senators PELL, KASSEBAUM, KENNEDY, and JEFFORDS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine Mr. MITCHELL, (for himself and Mr. PELL): MRS. KASSEBAUM, Mr. KENNEDY, Mr. JEFFORDS, Mr. RUDMAN, Mr. MURKOWSKI, Mr. SIMON, Mr. LEAHY, Mr. STEVENS, Mr. HUMPHREY, Mr. SANFORD, Mr. BINGAMAN, and Mr. CONRAD, proposes an amendment numbered 1589.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . IMPACT AID.

(a) AMOUNT OF PAYMENTS.—(1) Subparagraph (A) of section 3(d)(2) of Public Law 81-874 is amended to read as follows:

"(A)(i) Except as provided in clause (ii), for any fiscal year after September 30, 1988, funds reserved to make payments under subparagraph (B) shall not exceed $25,000,000 from the funds appropriated for such fiscal year.

"(ii) In the event that the payments made under subparagraph (B) in any fiscal year are less than $25,000,000, such remaining funds as do not exceed $25,000,000 shall remain available until expended for the purpose of carrying out the provisions of subparagraph (B). Such remaining funds shall not be considered part of the funds reserved to make payments under subparagraph (B), but shall be expended if funds in excess of $25,000,000 are needed to carry out the provisions of subparagraph (B) in any fiscal year.

"(iii) If for any fiscal year the total amount of payments to be made under subparagraph (B) exceeds $25,000,000 and the funds described in clause (ii) are insufficient to make such payments, then the provisions of clause (i) shall not apply.".

(2) Subparagraph (B) of section 2(b)(2) of Public Law 101-26 is hereby repealed, and Public Law 81-874 shall be applied and administered as if such subparagraph (B) (and the amendment made by such subparagraph) had not been enacted.

(b) ADJUSTMENTS FOR DECREASES IN FEDERAL ACTIVITIES.—Section 3(e) of Public Law 81-874 is amended to read as follows:

"(e)(1) Whenever the Secretary of Education determines that—

"(A) for any fiscal year, the number of children determined with respect to any local educational agency under subsections (a) and (b) is less than 90 percent of the number so determined with respect to such agency during the preceding fiscal year;

"(B) there has been a decrease or cessation of Federal activities within the State in which such agency is located; and

"(C) such decrease or cessation has resulted in a substantial decrease in the number of children determined under subsections (a) and (b) with respect to such agency for such fiscal year;

the amount to which such agency is entitled for such fiscal year and for any of the 3 succeeding fiscal years shall not be less than 90 percent of the payment such agency received under subsections (a) and (b) for the preceding fiscal year.

"(2) There is authorized to be appropriated for each fiscal year such amount as may be necessary to carry out the provisions of this section, which remain available until expended.

"(3) Expenditures pursuant to paragraph (2) shall be reported by the Secretary to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Human Resources of the Senate within 30 days of expenditure.

"(4) The Secretary shall make available to the Congress in the Department of Education's annual budget submission, the amount of funds necessary to defray the costs associated with the provisions of this subsection during the fiscal year for which the submission is made.".

(c) APPLICATION.—Section 5(a) of Public Law 81-874 (Impact Aid) (hereafter in this section referred to as "the Act") is amended to read as follows:

"(a) APPLICATIONS.—(1) Any local educational agency desiring to receive the payments to which it is entitled for any fiscal year under sections 2, 3, or 4 shall submit an application therefor to the Secretary and file a copy with the State educational agency. Each such application shall be submitted in such form, and containing such information, as the Secretary may reasonably require to determine whether such agency is entitled to a payment under any of such sections and the amount of any such payment.

"(2) The Secretary shall establish a deadline for the receipt of applications. For each fiscal year beginning with fiscal year 1991, the Secretary shall accept an approvable application received up to 60 days after the deadline, but shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid. The Secretary shall not accept or approve any application submitted more than 60 days after the application deadline.

"(3) Notwithstanding any other provision of law or regulation, a State educational agency that had been accepted as an applicant for funds under section 3 for fiscal years 1985, 1986, 1987 and 1988 shall be permitted to continue as an applicant under the same conditions by which it made application during such fiscal years only if such State educational agency distributes all funds received for the students for which application is being made by such State educational agency to the local educational agencies providing educational services to such students.".

(d) ADJUSTMENTS.—Section 5(c)(2) of Public Law 81-874 is amended by inserting at the end thereof the following new subparagraph:

"(C) For the purpose of determining the category under subparagraph (A) that is applicable to the local educational agency providing free public education to secondary school students residing on Hanscom Air Force Base, Massachusetts, the Secretary shall count children in kindergarten through grade 8 who are residing on such base as if such students are receiving a free public education from such local educational agency.".

(e) SPECIAL RULE.—The Secretary of Education shall consider as timely filed, and shall process for payment, an application from a local educational agency that is eligible to receive the payments to which it is entitled in fiscal year 1990 under section 2 or 3 of the Act, if the Secretary receives the application by June 29, 1990, and the application is otherwise approvable.

(f) DEFINITION.—Section 403(6) of Public Law 81-874 is amended by inserting the following new sentences at the end thereof: "Such term does not include any agency or school authority that the Secretary determines, on a case-by-case basis—

"(A) was constituted or reconstituted primarily for the purpose of receiving assistance under this Act or increasing the amount of that assistance;

"(B) is not constituted or reconstituted for legitimate educational purposes; or

"(C) was previously part of a school district upon being constituted or reconstituted.

For the purpose of carrying out the provisions of section 3(a), such term includes any agency or school authority that has had an arrangement with a nonadjacent school district for the education of children of persons who reside or work on an installation of the Department of Defense for more than 25 years, but only if the Secretary determines that there is no single school distict adjacent to the school district in which the installation is located that is capable of educating all such children.".

SEC. . BILINGUAL EDUCATION.

Awards made by the Secretary of Education to the Franklin-Northwest Supervisory Union of Vermont under the Bilingual Education Act (20 U.S.C. 3221 et seq.), in amounts of—

(1) $388,076.56 for the period of fiscal year 1984 through fiscal year 1986 (for programs of bilingual education, however characterized),

(2) $400,061.00 for the period of fiscal year 1984 through fiscal year 1986 (for programs of bilingual education, however characterized), and

(3) any expenditure of funds by the Franklin-Northwest Supervisory Union pursuant to the awards described in paragraphs (1) and (2),

shall be treated as if they were made in accordance with the provisions of the Bilingual Education Act for purposes of any claims for repayment asserted by the Secretary of Education.

SEC. . STUDENT LITERACY CORPS.

Section 146 of the Higher Education Act of 1956 is amended to read as follows:

"SEC. 146. AUTHORIZATON OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out the provisions of this part $10,000,000 for fiscal year 1991.".

SEC. . THE HEAD START ACT AND CHAPTER 1 OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

(a) FINDINGS.—The Senate finds that—

(1) one in every five children in America, some 12,600,000 youngsters under the age of 18, live in poverty;

(2) the Head Start program and programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 are proven early education programs that offer the best opportunity to break the cycle of poverty;

(3) since 1980, spending by the Federal Government for education has decreased by 4.7 percent in real terms;

(4) $1 invested in high-quality preschool programs like Head Start and chapter 1 of title I of the Elementary and Secondary Education Act of 1965 saves $6 in lowered costs for special education, grade retention, public assistance, and crime;

(5) children who enroll in Head Start are more likely than other poor children to be literate, employed, and enrolled in postsecondary education;

(6) children who enroll in Head Start programs are less likely than other poor children to be high school dropouts, teen parents, dependent on welfare, or arrested for criminal or delinquent activity;

(7) children who enroll in programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 experience larger increases in standardized achievement scores than comparable students who did not enroll in such programs;

(8) low funding levels for the Head Start Act limit the participation in Head Start programs to less than 20 percent of the eligible population; and

(9) low funding levels for chapter 1 and title I of the Elementary and Secondary Education Act of 1965 limit participation in programs assisted under such Act to less than 50 percent of the eligible population.

(b) SENSE OF SENATE.—It is the sense of the Senate that appropriations for the Head Start Act should be increased to fully serve the potential, eligible population under such Act by fiscal year 1994 and that appropriations for chapter 1 of title I of the Elementary and Secondary Education Act of 1965 should be increased to the authorization level of such Act by fiscal year 1994.

Mr. PELL. Mr. President, one of the provisions of the amendment before us today makes an important technical change to the manner in which the Department of Education is authorized to handle late applications under the Impact Aid Program. Under current law, a district that misses the application deadline loses its eligibility for impact aid funds. This can cause severe hardship for districts with large numbers of federally impacted students. I am told that this year there could be as many as 141 school districts in this predicament, including the Newport School District in my own home State of Rhode Island.

Last year and again with the amendment before us today, we have had to rectify this situation by passing special legislation to extend the application deadline. This should not be necessary. Therefore, in addition to an extension for this year, the amendment before us would establish a permanent system for handling late applications.

After the filing deadline, the Department of Education would notify any district that normally receives an impact aid payment if the district's application had not been received. It is our intent that this be done within 30 days of the deadline. Districts could then submit their applications, but would receive a 10-percent penalty for late filing. Any application received after 60 days of the initial deadline would be considered ineligible for assistance.

Mr. President, I believe we can all agree that this is a very reasonable solution to a very technical problem. I thank my colleagues for their support in rectifying this situation.

Mrs. KASSEBAUM. Mr. President, I am pleased to join a number of my colleagues in cosponsoring this package of technical amendments which make much needed corrections to the Impact Aid Program.

The Impact Aid Program is very important to Kansas. In particular, Fort Leavenworth and Fort Riley are heavily dependent upon the Federal moneys that this program brings to their school districts. Fort Riley, which is located in Junction City Unified School District, has a 70 percent federally connected student population which means that last year, they received close to $4.5 million in Federal impact aid funds.

The other district which I mentioned is the Fort Leavenworth School District in Fort Leavenworth, KS. To my knowledge, there is no other school district in the country quite like Fort Leavenworth. Fort Leavenworth is a coterminous school district with a 100-percent federally connected population—99 percent of which are "A" students. There is a military college for officers located at Fort Leavenworth which offers 1-year military training, so the Fort Leavenworth schools have a 70 percent annual turnover rate in their school population.

Currently, the teacher-student ratio at Fort Leavenworth is 1:17—higher than the majority of Kansas schools. In smaller school districts throughout the State, this ratio dips as low as 1:7. Seven classes at Fort Leavenworth have 27 students each this year, and the first grade classes had 23. The educators at Fort Leavenworth are not extravagant or asking that their students receive an education that is better than the rest of the State. Rather, they are trying to make sure that the students at Fort Leavenworth are treated equally.

The figures above highlight the need that exists for impact aid funds at Fort Leavenworth, in particular, the necessity for 3(d)(2)(B) payments. Section 3(d)(2)(B) is the only section in the impact aid law that is based on need. These funds are awarded to districts which are severely impacted by Federal activities—over 50 percent of their student population are federally connected children. Section 3(d)(2)(B) payments are the first payments made under section 3 of the Impact Aid Program because these districts are considered the most needy.

Last year, officials at the Department of Education withheld $50 million from section 3 for section 3(d)(2)(B) payments. Although they expected payments to be around $10 million or $12 million, they wanted to withhold $50 million in case other districts became eligible for 3(d)(2)(B) payments. This added withholding of funds created a burden on "b" payments by reducing their pool of money by $36 to $40 million—the amount of money being overwithheld by the Department of Education. Officials at the Department of Education would not free up the $36 million without some type of legislation. To help solve this dilemma, staff at the Department of Education Impact Aid Office suggested limiting or capping the amount of money withheld for section 3(d)(2)(B) payments to $14 million. This number, $14 million, was the largest sum of final payments the Department had made for section 3(d)(2)(B) to date. At that point, Department officials indicated that future payments for section 3(d)(2)(B) would not likely exceed $14 million and were confident that a $20 million cap would never be reached.

I had serious reservations about placing a limit on the 3(d)(2)(B) section since Fort Leavenworth often qualifies for these payments, and because Fort Leavenworth is so dependent upon Federal impact aid funds for survival. A compromise was reached which raised the tax effort provision from 80 to 95 percent—preventing a large influx of new districts qualifying for section 3(d)(2)(B) payments—and added a $20 million cap on the 3(d)(2)(B) section. The $20 million figure was a $6 million cushion over the Department's $14 million estimate. Negotiators of this compromise also agreed to revisit this issue if a problem occurred where payments were projected to exceed the $20 million cap.

Unfortunately, these estimates have already proven to be inaccurate. The final cost for section 3(d)(2)(B) was re-

cently computed for 1988 and was $20.2 million—already over the $20 million cap. The estimate for 1989 is projected to be $13.5 million. The estimate for 1990 is $19.7 million which does not include a number of districts expected to qualify for these payments. When these districts are included, the cost of 3(d)(2)(B) goes as high as $27.8 million.

I appreciate the help of Senator PELL and his staff in finding a solution to this problem which is so very important to 3(d)(2)(B) districts. I am particularly happy that the commitment made by negotiators 1 year ago to revisit this issue if a problem arose was honored.

The language included today in H.R. 3910 raises the 3(d)(2)(B) cap to $25 million and creates a reserve pool of funds to help with potential shortfalls in the 3(d)(2)(B) section. This means that when payments for section 3(d)(2)(B) are less than $25 million for a given year, the money is set aside in an emergency fund for when payments for another year exceed the $25 million cap. I have been told that this combination of funding mechanisms should provide full funding for all eligible 3(d)(2)(B) districts until the 1992 reauthorization. Due to the highly variable nature of these figures, it is difficult to be absolutely positive that the funding mechanism I have described above will guarantee full payments to all eligible 3(d)(2)(B) districts. Because of this factor, the amendment includes language which removes the $25 million cap if payments for section 3(d)(2)(B) go over the $25 million reserve figure and the reserve pool does not have enough money to meet the payment obligations of section 3(d)(2)(B).

In the 1984 reauthorization of the Impact Aid Program (Public Law 98-511), language was included which prevented the Secretary from prorating payments made to local education agencies [LEA's] under section 3(d)(2)(B). Last year when the $20 million cap was placed into law, it was not intended that these payments would ever be prorated and that the language would in any way confuse or contradict the 1984 language. The language included in H.R. 3910 today insures that the language and intent of the 1984 legislation as well as the basic intent of the original legislation, Public Law 81-874, is carried out.

Mr. RUDMAN. Mr. President, I am pleased to join the distinguished chairman and ranking Republican member of the Education Subcommittee in cosponsoring an amendment to correct a problem which has arisen with impact aid payments to school districts affected by the Base Closure and Realignment Act (Public Law 100-526).

In 1974, Congress recognized that the failure to provide a gradual reduction in impact aid payments to school districts experiencing a sudden decrease in the enrollment of Federal students resulting from the closure of military bases would create havoc with the budgets of those school districts. As a result, the Education Amendments of 1974 included language to provide phase-down assistance over a period of 4 years to such school districts. This language entitled local education agencies meeting certain criteria to receive phase-down assistance equal to 90 percent of the agency's previous year's entitlement, thereby providing a gradual reduction in their impact aid assistance payments.

Mr. President, these hold harmless provisions have not been used since the last round of base closures during the mid to late 1970's. In preparing for the new round of base closures under the Base Closure and Realignment Act, I have discovered that a recent interpretation of the 1974 statute by general counsel at the Department of Education will result in a precipitous loss of payments to school districts attempting to cope with base closures.

Portsmouth, NH, will be the first community in the country to cope with the closure of a military base. According to information provided by the Department of Education and based upon this new general counsel interpretation of the statute, impact aid payments to Portsmouth would decrease from $2,361,500 in the 1989-90 school year to $318,800 in the 1990-91 school year, the first school year following the closure of Pease Air Force Base. In other words, this general counsel interpretation undermines the intent of the statute's phase-down provision.

Mr President, I have used Portsmouth as an example because it is the one school district for which there is reasonably accurate data on the number of affected students. However, while Portsmouth will be the first community in the Nation to cope with the closure of a military base, it certainly will not be the last. I believe it is critical that we do not abandon these districts who have been educating our military children for many years on the basis of what I believe to be an erroneous general counsel determination. Congress clearly intended to provide a gradual and orderly phase down of Federal assistance when it adopted this hold harmless provision in 1974 and I believe that it is critical that we maintain the commitment made at that time.

I have carefully reviewed the legislative history surrounding the enactment of the 1974 statute, and as I indicated, I do not believe that the Department of Education is correct in its interpretation. However, the willingness of my distinguished colleagues to work with me to uphold the original intent of the statute, makes the approach taken by this amendment preferable to a contentious and drawn out debate with the Department over the need to protect these affected districts. This amendment makes minor changes in section 3(e) of Public Law 81-874 to clarify that school districts coping with base closures are in fact entitled to gradual phase-down assistance over a period of 4 years.

Mr. President, the amendment authorizes appropriations necessary to carry out the phase-down provision to ensure that payments to school districts affected by base closings will not adversely affect other impacted school districts, which have not incurred a loss of students. The amendment also directs the Secretary of Education to make available to the Congress, in annual budget submissions, the amount of funds necessary to defray the costs associated with the phase-down provision. If Congress is to adequately address the needs of the affected school districts, it must have information concerning the number of affected districts and students and associated costs.

Finally, I would like to thank Senators PELL and KASSEBAUM and their staffs for their assistance and willingness to resolve this problem in an expeditious fashion.

Mr. HUMPHREY. Mr. President, I would like to voice my strong support for the pending amendment to section 3(e) of the impact aid statute.

We are all familiar with section 3 of Public Law 81-874, which provides financial assistance for local education agencies in areas where Federal activities increase the number of children a district must educate. Section 3 payments are allocated based on enrollment of two types of students: students whose parents live and work on Federal property (category A), and students whose parents live or work on Federal property (category B).

However, section 3(e), which authorizes phase-out entitlements to school districts losing a substantial number of Federally connected children due to a reduced Federal presence, is often overlooked. Specifically, section 3(e) provides eligible school districts with a 3-year phase-down of hold harmless payments to minimize the trauma of large scale Federal reductions. These payments are calculated at 90 percent of the prior year's category 3(A) and 3(B) entitlement.

The fact that section 3(e) is often overlooked is somewhat understandable considering that more than a decade has elapsed since it was last applied. However, the imminent closure of several military bases, as mandated by the Base Closure and Realignment Act, has renewed public interest and attention toward the Impact Aid Program. This scrutinty has identified a significant inequity within section 3(e) which, if uncorrected, will wreak eco-

nomic havoc on many of our Nation's communities.

The Department of Education interprets section 3(e) to direct that hold harmless payments be calculated at 90 percent of a district's prior year payment, based on a category B student classification. Since the Department has prioritized impact aid funds to primarily benefit category A group schools, category B payments are calculated at a substantially reduced percentage of entitlement. As a result, certain districts affected by a base closure, who are eligible for section 3(e) funding, will suffer a dramatic and substantial decrease in impact aid funding. This is clearly at odds with the gradual phase-down intended by the authors of the impact aid statute.

Mr. President, Pease Air Force Base, NH, is the first installation to close under the Base Closure and Realignment Act. The Federally-connected children from Pease attend Portsmouth District Schools. According to the Air Force, the vast majority of these schoolchildren will depart prior to the September 1990 census. Although Portsmouth is eligible for hold harmless payments under section 3(e), the projected payments will defray only a fraction of the educational costs associated with the base closure. In fact, the Department of Education has estimated that, under the current system, Portsmouth's impact aid allocation will fall from $2.2 million in fiscal year 1990, to approximately $300,000 in fiscal year 1991. This hardly represents a gradual phase-down.

Mr. President, the pending legislation simply amends section 3(e) of Public Law 81-874 to clarify what was obviously the intent of the original statute's authors: to ensure economic and educational stability in the wake of Federal reductions. Specifically, the amendment provides that hold harmless payments under section 3(e) shall not be less than 90 percent of the school district's prior year impact aid payments. Thus, Portsmouth, NH, and other districts affected by base closures are assured of appropriate funding during these difficult transitions.

I commend the chairman and ranking member of the Education Subcommittee for their prompt action, and I urge my colleagues to adopt this important amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1589) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments? If not, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 3910), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

RECESS UNTIL 11 A.M., MORNING BUSINESS; RESUMPTION OF CONSIDERATION OF S. 135

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate recesses today, it stand in recess until 11 a.m., Tuesday, May 8; that following the recognition of the two leaders under the standing order, there be a period for the transaction of morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes each; and that at the expiration of morning business, the Senate resume consideration of the pending business, S. 135.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on, or in relation to, the Roth amendment No. 1585, occur at 12 noon on Tuesday, May 8, without intervening action or debate, and that no amendments to the Roth amendment No. 1585, or the language proposed to be stricken by the Roth amendment, be in order; that upon the conclusion of the vote relative to the Roth amendment, the Senate then proceed to vote, without any intervening action or debate on or in relation to the following amendments in the order listed:

The Dole amendment No. 1586, and the Simpson-Dole amendment No. 1587; that no amendments to amendments Nos. 1586 and 1587, or the language proposed to be stricken by these amendments, be in order; that no points of order be waived; that each succeeding vote following the first rollcall vote relative to the Roth amendment No. 1585, be 10 minutes in duration; that upon the conclusion of the vote relative to Simpson-Dole amendment No. 1587, the Senate stand in recess until 2:15 p.m.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, reserving the right to object, I think I missed something. There will be a little time in there to talk about the amendments from 11:30 to 12?

Mr. MITCHELL. Yes.

Mr. DOLE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time for debate on S. 135 tomorrow prior to the noon vote be equally divided and controlled between Senators GLENN and ROTH.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and if no other Senator is seeking recognition, I ask unanimous consent the Senate stand in recess under the previous order until 11 a.m. tomorrow.

There being no objection, the Senate, at 5:52 p.m. recessed until Tuesday, May 8, 1990 at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate May 7, 1990:

DEPARTMENT OF STATE

WILLIAM BODDE, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

JOSEPH EDWARD LAKE, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE MONGOLIAN PEOPLE'S REPUBLIC.

DEPARTMENT OF JUSTICE

GARY E. SHOVLIN, OF TEXAS, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF 4 YEARS VICE MATTHEW CHABEL, JR.

DEPARTMENT OF VETERANS AFFAIRS

STEPHEN ANTHONY TRODDEN, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF VETERANS AFFAIRS (NEW POSITION).

FEDERAL EMERGENCY MANAGEMENT AGENCY

WALLACE ELMER STICKNEY, OF NEW HAMPSHIRE, TO BE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE JULIUS W. BECTON, JR., RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. LARRY D. WELCH, [redacted] U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. MICHAEL F. SPIGELMIRE, [redacted] U.S. ARMY.

EXTENSIONS OF REMARKS

CONGRESSMAN IKE SKELTON'S ADDRESS TO WORLD CHURCH CONFERENCE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. SKELTON. Mr. Speaker, on April 1, I addressed the World Church Conference at the Reorganized Church of Jesus Christ of Latter Day Saints in Independence, MO, regarding the inspirational role of religion during this time of political reform in Eastern and Central Europe. I am submitting this address for inclusion in today's CONGRESSIONAL RECORD.

CONGRESSMAN IKE SKELTON'S ADDRESS TO WORLD CHURCH CONFERENCE

In April of 1968, I recall Senator Stuart Symington, Missouri's senior Senator, spoke at this distinguished gathering. At that time, I thought that Senator Symington had received one of the highest honors of his career. Today, I have that same privilege of addressing this prestigious body, and I treasure this honor as a highlight of my public service career.

A number of years ago in my church in Lexington, MO, our young minister approached the pulpit at the point in the service designated sermon. He paused for a moment and said, "God has not spoken to me this week, thus, I have nothing to say," and sat down.

Today, I know that most of you realize that today is April 1st—April Fools' Day—and that you have a politician scheduled to address you. I assure you that I do have a message and that I will not say "April Fools" and sit down.

There's the old hymn, one of my mother's favorites, that has the refrain, "Count your many blessings, count them one by one." Were we to follow this advice, undoubtedly the top of the list would be the blessing of living in our country and being an American. God has truly smiled on our Nation, a country that enjoys certain constitutional guarantees. The first amendment to the Constitution provides freedom of religion, freedom of speech, freedom of press, the right of assembly, and the right to petition the Government for a redress of grievances. As a result, we are the bastion of freedom on this globe. And all too often we take these freedoms and liberties for granted. Would it be that these rights be granted to every living human being on this globe. But that is not the case.

There is the ancient Chinese curse, "May you live in interesting times." Well, whether it be a curse or not, we do live in interesting times. Rather, as I prefer, times of challenges and opportunities.

During my lifetime the world has witnessed war, destruction, and oppression, much of which is too horrible to describe. But the world is changing—at least parts of it.

On November 11, 1989, the 71st anniversary for the ending of the First World War, a portion of the Berlin Wall dividing East and West Germany was torn down by Germans on each side of the wall. Since then, the Communist governments of each of the Eastern European states have been toppled. East Germany, Hungary, Poland, Romania, Czechoslovakia, and Bulgaria are now led by transitional and newly elected noncommunist governments. Even within the Soviet Union, there are massive movements to social and economic reform underway. One of the Soviet States, Lithuania, has just declared its independence.

Thus, we can agree that we do live in interesting times—times of rapid change—times of reform—and times of uncertainty. Alexis de Tocqueville said, "The most dangerous time in history is when a government is trying to reform itself." De Tocqueville's warning is applicable to these present days because the people in these countries who are breaking off their shackles of the past will have high expectations—expectations for freedom—and expectations for economic opportunity. Most of these countries do not understand the concept of freedom. For instance, in Bulgaria, freedom means to most ethnic Bulgarians that they have the right to throw out the Bulgarians of Turkish descent. Concerning economics, there is little understanding of entrepreneurship and the work ethic has been suppressed by a generation of repression.

In a word, we have won the cold war. The containment of communism doctrine, orginally established by Independence's own President Harry Truman, has succeeded. The walls of tyranny are crumbling. But unfulfilled high expectations hang like the sword of Damocles over the heads of Europe and the free world.

A few weeks ago, I heard someone say in a sermon, "It is not the love of power, it is the power of love" that gives men and women the motivation to aspire and to build a better world, closer to the ideals of the Kingdom of God, a world from which fear, oppression, and cruelty will be banished.

History repeats this message in various forms over and over again. On a plaque on the stairwell of the pedestal of the Statute of Liberty, the timeless words of Abraham Lincoln are penned,

"Our reliance is in the love of liberty which God has planted in our bosoms. Our Defense is in the preservation of the spirit which prizes liberty as the heritage of all men, in all lands, every where. Destroy this spirit, and you have planted the seeds of despotism around your own doors."

If the newly emerging democracies are to succeed—to realize their expectations, they must find this power of love and this spirit of liberty. If they are to do so, they must first achieve true religious freedom.

In the U.S., religious freedom is guaranteed by law to all. We have the right to teach religion to adults and children; to publish religious materials; charity work is encouraged; and we do not have so-called "recognized" or "unrecognized" religions. Religious faith surrounds us. It expresses our values. Our children are raised with it. Religion is a part of everyday life.

Let's glance quickly at the situation in the countries of Eastern Europe as they move toward religious freedom.

The role of religion in Eastern Europe is in a State of flux, marked by unprecedented concessions on the part of the State, what many regard as an irreversible movement toward religious freedom. At the heart of the religious movement, much work is being done on legislation that limits or denies the rights of religious organizations and of believers.

In Hungary, religious affairs have been strictly regulated by the Hungarian Communist Party since the late 1940s. Until recently, some Hungarians have been confined as "prisoners of conscience." Now this is ending. New legislation is being framed which would give religious bodies legal status, establish the right to pubish journals and periodicals, provide equal taxation for all citizens, and guarantee the right to teach religion.

In Poland, the Roman Catholic Church, representing 95 percent of the Polish population, has been the front-line force in the changes that have taken place in Poland for the past ten years. The Communist government has never been able to harness the Catholic Church but this past spring, the government recognized the Roman Catholic Church, reinstating rights lost by the church after the Communist takeover. Now, as the mediator between the people and government authorities, the church may publish newspapers, it may operate schools, hospitals, and communications networks—all without interference from the state. Laws assuring freedom of worship have been formed.

For almost half a century, evangelical charity, and missionary work has been prohibited in Czechoslovakia. Now, these religious rights are permissible, and restrictions on literature are slowly loosening.

In Romania, largely Romanian Orthodox with a growing congregation of Baptists and Pentecostals, Lutheran Minister Lazslo Tokes was a key leader in the overthrow of the brutal Communist leader Nicole Ceausescu in December.

A couple of months ago, a colleague of mine, Chet Atkins, was in Romania travelling with a delegation from the Unitarian Church to visit church leaders and leaders of the new government. Only three weeks before his visit, the people had been forbidden to speak with a foreigner or discuss the government in church. Congressman Atkins preached in reformed and unitarian parishes that were overflowing with hundreds of people. He said the experience was highly emotional and moving. He saw memorials in the streets, wreaths, candles, flowers * * * all testimony of the presence of religion and the power of God. And in the faces of the people, he saw something more than the absence of oppression, he saw an entirely new spirit of religion developing, a spiritual awakening in the springtime of religious liberties.

And in East Germany, this past Christmas was the first time since the Communist takeover that Christmas bells are sounded in Berlin. The people of Berlin attended

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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joint services for the first time since the Wall went up in 1961. Like the bells of liberty we hear every day and the bells of church services which ring across our Nation each Sunday, the sound of church bells ringing through East Germany ushered in hope—and freedom.

In the Soviet Union, for the first time in 70 years, Bibles are being imported. And where the word of God is freely read and listened to, freedom cannot be extinguished.

Let me mention two thoughts that come to mind when I consider the momentous changes that are going on in our world.

During these last few months, we have had three powerful leaders come to the Congress and speak. These three men came representing the emerging freedoms about which I have already spoken.

Lech Walesa came to the Capitol of the United States in November and addressed a joint session of the Congress. As he entered the Chamber of the House of Representatives, there was applause, applause like I have not heard since I came to Congress. The people in the balconies stood and clapped their hands in joyful approval—Members of the House and Senate, Republicans and Democrats, liberals and conservatives, men and women from every one of the fifty States, the President of the United States and members of the President's Cabinet, the Joint Chiefs of Staff, the Diplomatic Corps—everyone standing and cheering, resounding applause, for this humble electrician from Gdansk as he stood ready to give his speech.

Lech Walesa had said before his speech that he was not a professional politician—that he was just an electrician, and if the lights were to go off in the building, he could fix them! And then he proceeded to give words of achievement and hope.

In February, the President of Czechoslovakia, Vaclav Havel, came to address another joint meeting. Again, the thunderous applause, the shouts of approval. He said in his speech that he had not gone to school for Presidents—he had been to prison, under arrest, and now he spoke before the Nation with the oldest Constitution, and he spoke of freedom and of hope.

And just recently, on the 15th of March, the Reverend Lazslo Tokes, gave the opening prayer at the session of the House of Representatives. This humble minister, only 37 years old, prayed * * * "We long after love and peace—please change our minds and feelings, make us capable to 'not love in word or speech, but in deed and in truth.'"

All these new leaders—one an electrician, another a playwright, and another a minister—are now called by free people to lead them into the world of hope.

The first point I would make is that each of these men came from the ranks of the people. They represented change from the people up to the Government. They are the symbols of the desires of the people to reclaim what God had originally given to them, the right to believe and practice their faith, to worship their God as they choose. The people called out, they stood with their bodies on the line, they had sacrificed and were ready to stand up to the dictators, now they were free.

Three seemingly ordinary men armed only with the tools of their trades—one an electrician who was trained to weld steel together, one a playwright armed with only his pen, and the third a minister, armed with his faith.

But they had dedicated their lives to something greater than their trades or their professions—they were dedicated to being the people that God would have them be. And God blessed them as they guided the people out of darkness into light.

My second point is simple. How is it that these brave men and their people are bound together one with another, and how are we in solidarity with them?

It is through prayer. We may support them in other ways, but it is through prayer we become one people under God. Prayer is the only instrument that crosses all boundaries without limitation or restraint, without language or tradition, without common cultures or experiences. Prayer unites, prayer sustains, prayer makes us one people, prayer gives hope, prayer brings us into a power much greater than ourselves. Prayer transcends all our personal limitations, forgives our shortcomings, encourages us to be as God would have us be.

There will be initiatives coming from the Congress as to ways we can better help these people, but I would share with you today something of power that each one of you already knows—the power and reality of prayer.

As I stand here in front of this assembly of people of prayer, I ask you to join with me in remembering these leaders and their nations with fervent hope that God will continue to bless them in the days ahead. Reverend Lazslo Tokes used in his prayer before the House of Representatives—"Bless our lives. Bless our faith and deeds. Bless our countries and people. Give us freedom and Peace."

Alfred Lord Tennyson wrote this great truth: "More things are wrought by prayer than this world dreams of."

God bless you.

REFORMING THE EXPORT ADMINISTRATION ACT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. BEREUTER. Mr. Speaker, last week the Foreign Affairs Committee completed consideration of H.R. 4653, to reauthorize the Export Administration Act of 1979.

The international marketplace has become very competitive, and the survival of many U.S. firms is dependent on their ability to compete in global markets. International competition is daunting and the deficit in our balance of trade continues to be a major concern.

In spite of these important challenges and difficulties, inappropriate elements and procedures related to our own export controls continue to give our competitors additional advantages and inhibit the ability of our own firms to export. These problems with the implementation of our controls also impair the ability of U.S. companies to gain economies of scale necessary for them to survive in a competitive international marketplace. This unfortunate scenario not only reduces employment opportunities in the short run, but has also contributed to our declining preeminence in many high technology industries.

We must streamline this process and remove the barriers which place our critical export industries in a disadvantageous position relative to our international competitors. Petty bureaucratic infighting and blatant disregard of congressional directives by various parts of the executive branch charged with managing our export controls have in the past done incredible damage to high technology and defense industries of the United States.

Mr. Speaker, the following article appeared in the April 20, 1990, Journal of Commerce. It was written by Carole Grundberg, a highly capable and respected former staff director of the International Economic Policy and Trade Subcommittee of the House Foreign Affairs Committee. In this editorial, Ms. Grundberg explains well some of the problems faced by our exporters as a result of an export licensing system. This Member asks the executive branch to recognize these and other current difficulties, and work with the members of the House Foreign Affairs Committee and the Congress to fix the system. While we must limit the flow of critical technologies to potential adversaries, we cannot continue to destroy our high technology and defense industries by pointlessly frustrating the efforts of exporters and thereby assisting their competitors.

[From the Journal of Commerce, Apr. 20, 1990]

MAKE COCOM FACE THE FUTURE

(By Carole A. Grunberg)

American high-tech exporters are about to take on anti-Soviet hard-liners once again in the struggle over the future of export controls.

The battlefield is Capitol Hill, where Congress is considering the renewal of the Export Administration Act, which expires in September. This law is the president's primary authority to regulate exports to protect national security, foreign policy and other interests.

High-tech companies and their congressional advocates already have fired opening salvos in a series of bills that would radically restructure U.S. and multilateral export control regimes. Paralyzed by differences among various agencies, the Bush administration has responded by proposing a simple one-year extension of current law.

Export controls affect at least half of the more than $365 billion annual sales by U.S. aerospace, business equipment, computer, machine tool and telecommunications companies.

The National Academy of Sciences conservatively estimated in 1987 that the annual direct cost of export controls to American businesses ran upwards of $9 billion. Indirect costs in terms of lost opportunities range far higher, and are in part responsible for the 30% decline in the U.S. share of the world electronics market since 1985.

Simply put, there are too many older products on the control list, and the United States unilaterally restricts exports of thousands of goods that are in wide circulation throughout the world.

Although product life cycles in high-tech industries typically average 24 months, thousands of items first produced in the 1970s remain subject to controls. The control list, which contains the items whose export is regulated by the 17-nation Coordinating Committee on Multilateral Export Controls, or Cocom, incudes many technological dinosaurs. For example:

In March, the administration proudly announced that it was proposing to lift controls on certain machine tools only to dis-

cover that U.S. companies no longer manufacture those older models.

The administration retained controls for years on low-level digital Microvax II computers destined for Eastern Europe despite the fact that Hungary, East Germany and Czechoslovakia all had counterfeit models.

Since the development of the first Winchester disk drive in the 1970s, the storage capacity has jumped from 6 megabytes to 1 gigabyte. Millions of drives are produced around the world every year, yet Cocom still controls the older generation 45 megabyte Winchester.

Every Cocom country uses the Cocom list to regulate exports to Eastern Europe, the Soviet Union and China. However, the United States is alone in extending the list to cover exports to non-communist nations. According to the Commerce Department, 35% of U.S. export license applications are for shipments to our Cocom partners that include Japan, Australia and most West European nations. Less than 15% are for shipments to China, Eastern Europe and the Soviet Union.

Moreover, the U.S. licensing process is notoriously slow compared to those of our competitors. U.S. manufacturers typically must wait 120 days for a license that would be approved in four days in Japan and in two weeks in Europe. An Oregon-based high-tech company recently testified that it spent 18 months designing and developing its product, but needed 19 months to obtain an export license!

Changes in the global strategic and economic balance make bold reforms not only desirable but imperative. The cold warriors who persist in defending a system that has changed little since its birth in 1949 are out of touch with reality.

More Americans now perceive Soviet military prowess as a lesser threat than Japan's economic might. Democracy is replacing communism as the political currency of Eastern Europe. As East and West Germany move to reunite, export controls have been abandoned on goods flowing cross Berlin's former checkpoints, and Bonn has informed its allies that Cocom export restrictions will not apply once Germany is reunited.

For starters, Congress should immediately codify a license-free zone for shipments to Cocom member nations, and then move to lift restrictions on all shipments that are not Cocom-controlled to Free World destinations. This would eliminate approximately 85% of the licensing burden on U.S. exporters.

Consistent with the relatively short product life of state-of-the-art technology, the United States should propose dropping from the Cocom list all items that have been on it for more than three years unless all members agree to keep controls in place. For the items then remaining on the list, exports to Eastern Europe and to non-military end users in the Soviet Union should be approved routinely.

Cocom's decisions affect the plans of thousands of companies and the livelihoods of their employees, but the executive branch keeps a shroud of secrecy around the group. Like the Great Oz, Cocom hides behind a curtain, dictating rules and intimidating exporters. It is time to pull back the curtain. The United States should take the initiative to publish the Cocom list and all Cocom decisions.

A tall order? Hardly. The House of Representatives approved some of these proposals in previous years, and all are under serious consideration in the respective congressional committees. The rising tide of reform in Eastern Europe will carry the fortunes of America's exporters only so far. It is incumbent upon Congress to bring the export control regime into the 21st century.

CONGRATULATIONS TO NEW JERSEY WAVE SWIM TEAM

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to the members of the New Jersey Wave Swim Team.

The New Jersey Wave Swim Team was established in 1974 and is a club consisting of young men and women between the ages of 10 and under through high school. It is a comprehensive program dedicated to excellence not only in swimming, but also in discipline, good health, and dedication to the ideals of the American way of life. The team is broken down into instructional novice, advanced novice, age group, junior group, senior silver, senior prep, senior gold, and the national team.

During the 1989-90 season, the New Jersey Wave Swim Club was ranked seventh in the Nation. They won the New Jersey State Junior Olympics and numerous other State and National meets. The team was first in the national regional meet, the Northern New Jersey Invitational, the Trenton Holiday Classic, and the Connecticut/American AA Swim Meet.

Mr. Speaker I am proud to join in paying tribute to this exceptional group and extend my best wishes to them.

TRIBUTE TO EVELYN SCHENGRUND

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. LEHMAN of Florida. Mr. Speaker, North Dade County, home of the 17th Congressional District, is fortunate to have one of the most informed and active citizenries in the country. Among the very best is a woman who combines the qualities of boundless hard work and noble idealism—my good friend, Evelyn Schengrund.

Especially in Northeast Dade, Evelyn has long been a determined force for the good of the community. A woman of quiet dignity and infectious enthusiasm, she is a strong believer in and practitioner of the politics of inclusion. Evelyn works hard to get as many people as possible involved in the governmental process. A firm believer that policy improves with greater citizen participation, Evelyn sets high standards for herself and never shirks doing whatever is necessary to make our democratic government function as well as possible.

Mr. Speaker, I would like to share with my colleagues an article on Evelyn Schengrund that appeared in the Spring edition of Aventura magazine:

EVELYN SCHENGRUND

(By Carol Romano)

"My job is not to be popular, my job is to get things done for the party." But Democratic Party Executive Committeewoman Evelyn Schengrund has ample proof that within Democratic circles she could win a popularity contest hands down.

A tiny woman whose smartly tailored shoulders bear the responsibility for getting folks fired up enough to get out and vote in 5 districts, Schengrund's appearance belies her strength. Beyond that soft-spoken lady facade resides a fiercely loyal, determined and politically savvy woman who brings years of business acumen and the passion of a concerned—yes, she allows the use of the "L" word—liberal, to the service of Dade's Democratic machine.

Schengrund's political life began in earnest when she retired from her third career. A retail business had led her into real estate ventures which, in turn propelled her into the role of developer. Retiring in 1976 from her position as president of Princeton Colonial Park in Princeton, New Jersey, she decided to move closer to her sister and begin a new life in Dade County. Dade County has never been the same!

"My Jewish immigrant parents imbued me from early childhood with a love for America that remains with me today. A respect for business success was a part of their ethic as well as an understanding of the power of politics. The political arena is, in my opinion, where America is at its best." Contending that political activism is the key to a strong, healthy democracy, Schengrund has little patience with apathy. "One must defend oneself against any denigration of enthusiasm" she insists. "I won't allow apathy to exist around me. I infect with my enthusiasm and that's how I get people involved in all sorts of movements."

Sometimes the causes for which she fights are minor ones, a conveniently placed bus stop or postal box, the cleanup and beautification of an abandoned lot near the entrance to her condominium, but just as often her issues are vital ones. Schengrund co-chaired a coalition sponsoring corporate child care centers in the workplace and lobbied strongly on the pro-choice question. She organized Seniors For Choice in the Aventura community. Without exposing these more fragile activists to the rigors of long, hot hours on the streets of the Capitol, Schengrund's flair for statement gave them a chance to publicly state their views in a packed meeting held in the auditorium of their high-rise. The turnout, a mini rally with hundreds of senior men and women, received broad media coverage.

"Organization is my forte," she says. "I feel that this community has great representation—all Democratic of course," (a touchingly girlish giggle accompanies that remark) "and I want to keep it that way. People want to keep Aventura the gem that it is. They are proud to be part of the growth here and they know that good political connections are of great value. As their political activist I am always available to the people of this community. They can come to me with any problem."

Indeed, interest in politics and government is high here. There is an outstanding turnout for elections, as high as 70% in gen-

eral elections; impressive numbers which far exceed the national average. That doesn't mean that party workers like Schengrund rest on their statistics. "I wake up and start my day by reading the paper from cover to cover. By 9 a.m. I'm on the phone, arranging, programming, scheduling meetings between candidates and constituents, fulfilling my duties as committeewoman. Every day I lunch with constituents to keep in touch with their concerns. I'm a widow, I'm free and I'm used to doing things my way. That's how my life revolves now and I wouldn't have it otherwise."

1990 is shaping up as an exciting time for Schengrund. Catastrophic health care, the fight to lower insurance rates, continuing the struggle for quality child care, all are on her agenda; but most important of all is to play her part in seating a Democrat in the Governor's mansion.

TRIBUTE TO BONNER UPSHAW

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Mr. Bonner Upshaw. Mr. Upshaw is being honored by the Bonner Upshaw Testimonial Committee for his hard work as a Mount Clemens police officer.

Mr. Upshaw was born in Mount Clemens, MI, where he attended public schools until he graduated from Mount Clemens High School in 1951. After a year at the University of Michigan, Bonner enlisted into the U.S. Navy in 1952. Beginning in 1958, after serving 4 years in the U.S. Navy, Bonner played semiprofessional football with the South Macomb Arrows for 3 years. In 1960, Bonner became the first African-American police officer in the history of Mount Clemens.

Mr. Upshaw served on the police force for 25 years, during which he was a detective for 9 years. He retired in 1985, after a distinguished career in law enforcement.

Mr. Upshaw opened doors for others to follow. It is my privilege to honor such a leader in our community. I wish Mr. Upshaw the best. He will long be remembered as a true friend to the city of Mount Clemens.

ATLANTA FAA ARTCC FACILITY RECOGNIZED

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. GINGRICH. Mr. Speaker, the Sixth District of Georgia is proud to be the home of the Atlanta air route traffic control center [ARTCC] located in Hampton. This year we are particularly honored because the Federal Aviation Administration [FAA] has recently chosen the airways facilities sector at the Atlanta ARTCC for its 1989 Airway Facilities Sector of the Year award.

An ARTCC is a center which controls all air traffic beyond 50 miles of an airport. A sector is that department within an air traffic control center responsible for maintaining the computerized radar and communication equipment used for air traffic control. The prestigious designation of 1989 ARTCC Sector of the Year comes from the FAA as a result of Hampton's successful competition with America's other 20 regional ARTCC's.

Every year the FAA reviews nomination packages submitted by participating ARTCC's. After screening the applications, the ARTCC's are rated by a scoring process. The score sheet takes into consideration three areas. "General Programs," such as cost efficient measures taken and emergency conditions dealt with or avoided, count 13 percent toward the overall score. "Human resource management programs," including personnel development practices and opportunities for personnel to express their ideas, opinions, and concerns about the work environment and sector operations, count 37 percent. And, the most heavily weighted, "facility performance," a quantitative measure of how often and how long the computerized radar at an airways facility is down—out of operation—counts 50 percent toward the overall score.

When the results were in, the sector maintenance employees at the Atlanta air route traffic control center were ranked first in the Nation because of their outstanding performance during 1989. I am sure I speak for all sixth district residents when I offer my congratulations and praise to Mr. Gene Nobles, sector manager of the Atlanta ARTCC, and the entire team of sector maintenance employees at the Atlanta ARTCC for their commitment to excellence.

In a very real way, these professionals hold the flying public's safety in their hands. They keep our air traffic computers up and running, and the Atlanta sector ARTCC employees are rated top in the nation for doing so. That is something Georgia can be very proud of. The reward for the Hampton team, however, is not only this official recognition by the FAA, but also the thanks of countless air passengers who have traveled safely due to the outstanding sector service provided in Hampton, GA.

I urge my colleagues to join me and my constituents in commending the sector maintenance employees at the Atlanta air traffic control center for the fine work they are doing. On June 26, 1990, there will be a ceremony in Hampton for the sector team. At that time representatives from the FAA will present a plaque in honor of the group's achievement. But our thanks and congratulations go out today, to every one of the sector employees at Hampton for a job well done and a job done well every day.

TWENTIETH ANNIVERSARY OF VOCA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. BEREUTER. Mr. Speaker, today, this Member would like to congratulate Volunteers in Overseas Cooperative Assistance, known as VOCA, for 20 years of service to farmers and cooperatives around the world. Almost 200 volunteers will be gathering in Washington from all over the country this week to celebrate and share their experience as volunteers in helping others help themselves.

VOCA sends experienced senior cooperative executives and agricultural experts overseas to provide short-term technical assistance to cooperatives, private sector agricultural enterprises and government agencies in developing countries.

Since its founding in 1970, VOCA has completed more than 800 projects in some 87 developing nations, and has passed on appropriate U.S. technology and American technical know-how to tens of thousands of farmers and cooperators. Working side-by-side with their local counterparts, VOCA volunteers help improve crop production, processing, storage, marketing, agribusiness development as well as strengthen cooperative operations and management.

All of VOCA's work is done at the request of the organizations in developing countries which insures that the projects are needed and demonstrates a willingness to implement the recommendations.

For VOCA volunteers, often a husband and wife team, their out-of-pocket, air fare and housing expenses are covered; the local organization provides in-country administrative support. This makes VOCA one of the most cost-effective technical assistance organizations of our U.S. foreign assistance program.

Under the SEED legislation, VOCA is implementing a Farmer-to-Farmer Program in Poland which is revitalizing farmer cooperatives and developing private agribusiness. Two teams of U.S. volunteers have already provided critical advice on the management and business operations as Polish farmers reclaim their former state-controlled cooperatives. More than 100 U.S. farmers and agriculturalists will be providing hands-on expertise as the Polish economy shifts to a free market economy.

Of particular satisfaction to this Member is the role of VOCA in addressing international food and hunger needs through implementing the Farmer-to-Farmer Program which I authored in the 1985 farm bill. VOCA provides a valuable people-to-people link in finding practical solutions to world hunger. Because of this outstanding work, President Bush awarded VOCA a Presidential End Hunger Award in 1989.

As we consider the 1990 farm bill, I hope my colleagues will join with me in reauthorizing the Farmer-to-Farmer Program for another 5 years.

Finally, let me say to those VOCA personnel and supporters assembled in Washington that those of us in Congress who know of your great work appreciate what you have done to make the world a better place. We congratulate you. To VOCA and its small staff, I personally wish you well as you begin another decade of excellent service to mankind. You are truly carrying our best commodity to those abroad: American generosity, personal commitment, technical know-how, and a can-do spirit.

COMDR. RUSSELL HARRIS' ADDRESS TO THE MISSOURI STATE SENATE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. SKELTON. Mr. Speaker, recently the Captain of the submarine U.S.S. *Jefferson City,* Comdr. Russell Harris, visited Missouri's capital city. While there, he addressed the Missouri State Senate and the Missouri House of Representatives. Senator James Mathewson, president pro tem of the Senate, was kind enough to invite me to introduce Commander Harris to the body in which I formerly served. Commander Harris' address to the Missouri State Senate is set forth herein:

Senator Mathewson, members of the Missouri State Senate, ladies and gentlemen: Thank you for the invitation to speak this morning to discuss the birth of the submarine *Jefferson City.* As I talk about the submarine *Jefferson City* and her people, be tolerant when I speak of my ship and my crew. I have spent my adult life pursuing submarine command. Consequently, you will find no one more proud or more possessive of *Jefferson City* and her people than I.

The crew of *Jefferson City* will ultimately consist of 13 officers and 120 enlisted men.

Approximately half of them are currently abroad. The remainder will report aboard during the course of the next 10 months as we prepare to make our first venture to sea.

Those currently aboard consist primarily of nuclear propulsion plant operators. They will operate propulsion plant systems throughout an arduous and demanding period of testing, aligning, and proofing.

I wish you could meet these men. You will not find a more dedicated, hard working bunch anywhere. They range in age from 20 to 47. The average age is 27 and they come from 24 different states including 4 from the State of Missouri.

The sacrifices they and their families have made and will make have no equivalence outside the nuclear submarine navy. They are true heroes of the cold war and keepers of the peace.

I am sure if you knew them as I do you would be as proud of them as I am. They will do justice to the ship which bears the heritage of hard working, honest folks such as those of her namesake city and state.

Jefferson City will be:

362 feet long;

33 feet in diameter;

And displace 6,000 tons.

She will travel at speeds in excess of 20 knots and dive to depths greater than 400 feet.

She will be equipped with the latest in submarine weaponry, including:

Advanced combat control and acoustic systems;

Heavyweight torpedoes;

Harpoon antiship missiles; and

Tomahawk cruise missiles.

She will have engineering enhancements which will allow her to operate quieter, more reliably, and with improved survivability.

She will be capable of surfacing through the Arctic ice canopy. Most important of all she will be able to operate with unrivaled stealth in any ocean anywhere in the world.

In time of war she will seek out and destroy enemy submarines and surface ships. She will strike targets ashore with her land attack variants of the Tomahawk cruise missile. She will operate unescorted and unsupported. She will carry the battle to the enemy and fight in his own waters at his own doorstep.

In time of peace or limited conflict she will prowl the depths at will in any ocean with complete impunity, her presence unknown to our adversaries. She will be ready to surveil and strike with surprise and awesome strength if so directed in our national interest.

I hope it is clear to all of you that the submarine *Jefferson City* will be a class all her own:

A true pillar for America's security;

A ship truly worthy to be named for the city of Jefferson.

On the eve of *Jefferson City*'s christening a newspaper reporter asked me: "Why build this ship now that peace is breaking out all over?"

It is not my role to address the controversies surrounding the military budget. Those are decisions for our national leaders. I hope they make wise decisions for us all.

I will however say this—peace did not start breaking out by accident or as a result of paper and good intentions. It was born from American strength, American conviction, and American political acumen.

I found the following words by the author Alexander Kent in a sea novel about the early days of the American Navy. I find them particularly relevant to the construction of the submarine *Jefferson City.* It reads:

"When Thomas Jefferson suggests a thing you don't argue too much * * * power is heady medicine."

My answer to the reporter's question was simple—The *Jefferson* must be built to ensure peace keeps breaking out all over.

Those who share feelings of romance. awe, and adventure toward ships and the sea know that a ship is more than steel and wire. A ship has a life and a spirit of her own. The nature of that spirit comes from the men who sail her.

Mrs. Skelton gave the *Jefferson City* life.

My men have given her a spirit which you can all relish.

Like it or not, I, the men of *Jefferson City,* and our families are now Missourians regardless of our backgrounds. Therefore, I ask you to ponder these words of John Owen:

God and the sailor we alike adore
But only when in danger, not before:
The danger o' er, both are alike requited,
God is forgotten and the sailor slighted.

Please do not forget us when we dive into the silent sea. We are now part of your history forever.

Fair winds and following seas to you all.

NATIONAL ODYSSEY OF THE MIND

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to the students of Fairmount School for becoming the New Jersey State champions in the National Odyssey of the Mind Tournament. Fairmount School students from grades K–5 won first place in each of the three problems they competed in on Saturday, April 28, 1990.

The Odyssey of the Mind Program is a creative problem solving competition. The first tournament took place in 1978, under the auspices of the New Jersey State Department of Education and has since spread to nearly all 50 States, Canada, China, Mexico, and recently, the Soviet Union. Internationally, over 350,000 students participate in the Odyssey of the Mind Program.

Hackensack students won in three areas, omitronic humor, classics—the seven wonders of the world, and recycle. The omitronic humor team was required to develop and perform a comedy routine or a skit about a comedy routine. In addition the team had to design, build, and operate an original animated character that showed specific reactions and emotions. This omitronic character had to smile, shed tears, look surprised, look bored, and show two reactions or emotions of the team's choosing. The second team won in the area of classics—the seven wonders of the world. This problem required the students to create and present a performance based on the seven wonders of the ancient world. The third winning team was required to develop a nonverbal communication system to guide blindfolded team members through a course laden with trash and obstacles. One team member was the dispatcher. Three blindfolded members had to pick up trash and take it to one of three transfer stations. The other blindfolded team member, had to collect the trash from the transfer stations and take it to the recycling center. The team had to place one container of hazardous waste in the hazardous wastesite.

The three Hackensack teams will now be part of a 13-contingency team representing the State of New Jersey at the Odyssey of the Mind World Finals to be held at Iowa State University from May 20 to June 3.

Mr. Speaker I am proud to join in paying tribute to this exceptional group and extend my best wishes to them in the upcoming Odyssey of the Mind World Finals.

ASSASSINATION OF COLOMBIAN PRESIDENTIAL CANDIDATE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. RANGEL. Mr. Speaker, Colombia last week was horrified by the assassination of Presidential candidate Carlos Pizarro Leon Gomez. He was brutally gunned down with an automatic pistol on a crowded commercial aircraft while on the campaign trail. The "Extraditables", the major Colombian drug traffickers wanted for trial in the United States, quickly took credit for the assassination. Mr. Pizarro was the third presidential candidate to be assassinated by the drug traffickers during this election campaign.

My heart goes out to the family, friends and supporters of Mr. Pizarro, as they mourn the

loss of a friend and leader. I also share the outrage that the Colombian people must feel at such heinous attacks on their democracy and freedom.

It is almost impossible for us to imagine the daily horrors and tragic sacrifices of our Colombian friends, who remain bravely steadfast in their commitment to fight the drug traffickers. We must admire the tremendous courage displayed by so many Colombian men and women, and we must do our best to support their efforts.

Colombian President Barco has been most appreciative of the moral support as well as resources the United States has provided to Colombia. However, he has made clear to us the types of long-term assistance that Colombia needs from the world community in order to attain victory over the drug cartels:

Stopping the flow into the Andes of essential chemicals used for the manufacture of cocaine;

Stopping the flow into the Andes of weapons, such as the automatic pistol used against candidate Pizarro;

Depriving drug traffickers of their profits, by conducting financial investigations and cracking down on money laundering; and

Reducing the demand for drugs.

Mr. Speaker, we must continue our support of our friends in Colombia, especially during this difficult time, and we must do more to work with the international community to achieve the long-term goals as outlined by President Barco. These goals will benefit the entire community of nations, and failing to achieve them will be a tragedy for us all.

THE 63D APPLE BLOSSOM FESTIVAL

HON. D. FRENCH SLAUGHTER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. SLAUGHTER of Virginia. Mr. Speaker, this past weekend Winchester, VA, celebrated the 63d Apple Blossom Festival. The festival was a wonderful success. For those of you who were not able to be there for the festivities, I would like to submit the following remarks for the benefit of all Members and readers of the RECORD. They were given by Sallie Forman, vice president for government relations of the National Broadcasting Company [NBC].

SHENANDOAH APPLE BLOSSOM FESTIVAL

I'm flattered and delighted by this invitation. There can't be a lovelier setting for making a speech than here among the apple trees in the Shenandoah Valley.

As a representative of network television, I was a little surprised to be asked to address an apple blossom festival. We in the networks love apples as much as anybody, but sometimes in carrying out our journalistic duties we have to report on the occasional worm.

I know that a lot of people would prefer that TV news focus more on other aspects of the apple, like how shiny and red it is. But that might be because it had been sprayed with alar, and we'd have to report that too. There's no way conscientious journalism can avoid getting into controversy and making some folks mad.

The alar controversy is an example of how, even with the best intentions, people step on toes. It's an occupational hazard that both the media and people in government have in common. President Bush, for example, has an extremely low popularity rating on the broccoli farms of this Nation.

Government and the media find themselves in the role of adversaries a lot of the time. And that is as it should be in a democracy. But in a way, we're both in the same boat.

We're both dealing with a society full of change, conflict, and contradictions. The U.S.A. is always on the move, and always transforming itself, and the national media have to try to keep up with it. We in the networks are caught in the never-ending task of trying to figure out our pluralistic society, so that we can meet its ever-new requirements in information and entertainment.

This year NBC is celebrating 50 years as a television network, and the story of the half-century is really the story of a long and bumpy love affair with the public. We've wooed the American people in a hundred ways, and in a hundred costumes.

When NBC-TV and the other networks started out in the late forties with a regular schedule of programs, we tried TV versions of hit radio shows like "The Goldbergs". We literally took the radio script and had actors read it on camera. But it soon became apparent that what drew people to this newfangled video gadget was something to look at, not to listen to.

And what caught their attention was pretty silly stuff: Milton Berle all gussied up in an evening gown—or wearing only a barrel and suspenders. That buck-toothed comic on "The Texaco Star Theater", using vaudeville sight gags, skyrocketed the sales of TV sets and helped establish television as the prime national pastime. (By the way Uncle Miltie's technique still can be seen on NBC—if you've ever caught Willard Scott dressed as Carmen Miranda).

The Texaco Theater ultimately ran out of gas, and in the fifties NBC devised a host of other formats: The tiny puppet theater of "Kukla, Fran and Ollie", the huge sound stage of the "the Kraft Television Theater", and the two-hour extravaganza of "Your Show of Shows". It was one of the most fertile periods of TV history. Two of our experiments turned out to be particularly durable: The early-morning information show, "Today", and the late-night and entertainment show, "Tonight".

Then came a phase when the public developed a huge craving for TV westerns—in one season there were as many as 30 horse operas on the air; NBC came with one of the best and longest-running: "Bonanza", on the tube for 14 years.

The westerns have ridden off into the sunset. But there is one area of programming where the public's interest has never been in doubt: sports. We've been reminded of that throughout the decades.

In 1947 NBC telecast the world series for the first time and drew the first real mass audience in TV history, nearly four million people—most of then sitting in bars. Another indicator was the famous time in 1968 when NBC cut from the last crucial minutes of a New York Jets/Oakland Raiders football game to show a movie "Heidi". Well maybe we didn't disappoint the children's audience, but our switchboard was swamped with protests as never before or since. And there's one sure reminder of the huge popularity of TV sports; whenever there's a commercial break in the Super Bowl, water pressure goes down in cities all across the land.

Television and society went through a sea of change in the late sixties and early seventies. That was when the rending issues of Vietnam and civil rights bred so much doubt and division in the Nation. Our programming reflected that, and by reflecting it we sometimes drew the change that television itself was to blame for the dissension. There was a temptation to blame the messenger for the message. That was understandable. America in those years was steering an unfamiliar course, and television news was the window on a stormy present and uncertain future. People sat in their living rooms in front of their TV sets and saw history happening suddenly and violently before their eyes—from the rice paddies of Vietnam to the streets of Birmingham and Chicago.

But in its best moments television stepped in to forge unity and consensus. It could unite the Nation in grief, as on the weekend of John Kennedy's death. Or it could unite people in laughter. "Rowan and Martin's Laugh-In" scored a great hit on NBC by holding up many of our most cherished institutions to ridicule; even Richard Nixon appeared on the show saying "Sock It To Me". A few years later, that became a rather prophetic remark.

The 1970's brought in the age of "relevance" in entertainment programming. In dramatic series, "The Bold Ones" showed a new breed of senator, lawyer and doctor challenging the old ways of doing things. NBC was the first network to introduce black performers as stars of their own TV series, with Bill Cosby in "I Spy" and Diahann Carroll in "Julia". And NBC's miniseries "Holocaust" stirred the conscience of millions by dramatizing the moral issue of genocide.

News took on an importance it never had in the days of 15-minute news casts by John Cameron Swayze. NBC lengthened its evening newscasts to half an hour, and the team of Chet Huntley and David Brinkley on NBC brought a new intelligence and wit to political reporting.

Since then, television has gone on serving the mood and need of the time. It can serve up something as trivial and zany as "Late Night With David Letterman". Or it can make gripping drama out of social issues on "L.A. Law", or in the docudrama "Roe vs. Wade".

With satellite transmission, miniaturized cameras and eletronic editing now commonplace, TV news is more capable than ever of bringing far-off reality into the living room. Last year we saw the Berlin Wall suddenly turned into "The Berlin Mall". East Germans were milling past the Brandenburg Gate for a look at freedom. It was a great moment . . . and our cameras were there. Even before the world's leaders had time to react, American viewers were sharing the euphoria as it was happening.

So, all in all, as we look back on this 50-Year affair between television and the public, we can say we've surmounted the hurdles. Televison networks and their hundreds of affiliated stations around the country such as NBC affiliates WRC-TV, Channel 4 in Washington and WHAG-TV Channel 25 in Hagertown that serve your area have engaged in a tireless effort to program to national and local tastes, and to bring audiences to advertisers.

The result has made the American system of free over-the-air televison the most successful in the world, and today we see many other nations emulating us—shifting from state control to free competition in broadcasting.

But the current decade, the decade of the nineties, presents a new kind of change that the networks have to deal with. It's a change not in public tastes, but in the marketplace. The competitive environment of the networks has been transformed by the growth of alternative ways of delivering television to the viewer.

In the space of just ten years, independent television stations have grown from 120 to more than 400. Cable penetration has expended from 21 to 56 percent of television homes. There are upwards of 30 very sizeable cable networks. VCR's comparatively rare ten years ago, are now in two out of every three homes. Video stores have become as prevalent as pizza parlors.

So the three major networks have become part of a much larger crowd competing for the viewer's attention. Ten years ago, a TV viewer had an average of 10 channels to choose from. Today it's more than 30. With so many more programming choices, it's natural that the networks' share of TV audience has eroded. The networks have lost nearly a quarter of their audience share since 1980. It's down to 65 percent today, likely to go lower.

When audience share goes down so does advertising revenue, and so do profits. ABC, CBS and NBC depend almost entirely on advertising income to pay for their programming. Cable on the other hand, can finance itself from two sources—subscription fees and advertising. That may be one reason why the total revenues of the cable industry now surpass those of all broadcast stations, and their cash flow is running more than double that of broadcasters.

Besides the competition for audience and ad revenues, these alternative media compete for program sources. It's now a seller's market in the sale of program rights and sports rights, and the price of getting something to put on a network schedule as gone sky high.

"The Cosby Show" for instance is great television, but is doesn't come cheap. NBC just signed that top-rated show for the 7th season. Shortly after we signed, one of the "Cosby" producers went out and bought the San Diego Padres.

Sports rights are through the roof and into the stratosphere. To get the 1992 Barcelona Summer Olympics, NBC is paying half a billion in rights and production costs. CBS paid an astounding $1.1 billion for major league baseball over the next four years.

And all that news coverage that everybody expects from the networks is a growing burden on the network budgets—not just the regular newscasts but the specials on everything from a space launch to a summit meeting. More has to be spent on satellite leasing and the high-tech hardware. NBC alone has lost close to half a billion dollars on its news operations over the last decade.

Increasing competition, a diminishing share of audience and ad revenues, rising costs—it all adds up to a very different world for the networks in the nineties—a much less friendly environment. What to do when you find yourself in a change situation? Adapt.

That's what NBC is doing. The peacock has always been an adaptable bird. Just as our programming has changed with the countless changes in public tastes over the years, so our business activity is reforming itself to the realities of the new marketplace.

First, we recognize a new role for our company. While our core business remains—and will remain—over-the-air networking, we see ourselves primarily as a programming company. In the spirit of the times, we recognize that there is not just one way of getting programming to the home screen. There are many ways. And, as for as regulations permit, we are trying to program for a variety of video services.

We also recognize that the traditional boundaries that separate one kind of media company from another are gone. In a media world that produces vertically-integrated combinations like Time-Warner and the Rupert Murdock empire, and Sony-Columbia, there are no hard-and-fast barriers.

So the peacock is growing some new feathers. We're not allowed under current regulations to get into some areas of the business many of our competitors are in, like syndication, financial interest in programs, cable system ownership. But we are branching out and trying to broaden our base.

We've taken major steps into the cable business. NBC has a programming partnership with one of the Nation's leading systems operators, Cablevision, Inc. We share an interest in 12 different cable program services. One of these is one we launched ourselves just one year ago—CNBC, the consumer news and business channel.

This network-cable marriage has opened some exciting new opportunities for service to the public. In Olympics coverage. Added to our free over-the-air coverage of 160 hours of the Barcelona games, we'll offer a package of 600 additional hours over several cable channels, on a pay-per-view basis, we think the Barcelona Olympics will be an eye opener to everybody on how broadcast and cable TV can enhance each other to viewer benefit.

Another example is a proposed venture into outer space, into the still unrealized realm of direct broadcast satellite. We've reached a tentative agreement with three partners to launch a DBS service in late 1993, and we're calling it sky cable. Sky cable would be different from previous ventures in DBS; it would beam from a satellite transmitter so powerful that as many as 108 channels can be received in the home on an antenna the size of a table napkin. The device could be bought for only about $400 dollars.

Just as we've crossed barriers to do business in cable and DBS, we're also venturing into new arrangements overseas—with visnews in the U.K., for added strength in world news coverage, and we've tied in with new broadcast affiliates in Australia and New Zealand.

None of this signifies an abandonment of NBC's traditional role in free over-the-air network service, our most important contribution to the life of America for five decades.

In today's vastly changed communications marketplace, it has become imperative to broaden our business base in order to preserve the health and viability of our basic network service.

We do have a number of disadvantages.

The networks, as some of you may know, are just about the only business in today's free-wheeling media world that are subject to heavy government regulation. Deregulation never happened for us, and as I noted a few moments ago, this bars us from some of the most profitable areas of television today.

Under what are called the financial interest and syndication rules, a network cannot share in the profits of a program after its network showing. It can't engage in syndication. And its right to produce its own programming has been severely limited. These measures were adopted 20 years ago, when the networks were thought to dominate the television market. Hollywood studios have an interest in keeping the rules in force, and so far their lobbying effort has prevailed.

Why should the public care whether the networks are freed of these regulations?

For one thing, it makes little sense to hamper the competitiveness of America's most important media companies at a time when foreign owners are free to move in and buy up chunks of our entertainment industry.

It seems absurd that Sony and Murdock are free to form vertically integrated structures and controlling both program production and distribution, and yet the three American network companies cannot do the same. There should be a level playing field for everyone.

The U.S. network system provides a unique grass-roots connection to local communities through affiliated stations. There is no other medium that provides this kind of local and national service to a mass audience. And there is no other medium that serves the economy so well as a mass marketing tool.

Finally, the networks help us to cohere as a nation. Through programs like "Roots" and "All In the Family" and "The Cosby Show", network viewing helps remind us that we are united in our diversity. It has been a force for tolerance, sympathy and understanding in modern America. Television news has helped us through some of our roughest and tensest moments as a nation.

With our society fractionalizing into ever smaller and more private worlds, there are fewer and fewer occasions that bring our country together. The Presidential elections is one of them. And simultanenous viewing of free over-the-air network television is another. It's hard these days to think of many more.

Whether it's something as serious as a speech from the White House or as breezy as a Bob Hope special, whether it's nightly news or a Super Bowl spectacular, it is a common experience that Americans everywhere can share.

Sharing in the good things is what makes this country great. In fact, it's what we're doing here today at the Shenandoah festival. I don't want to keep you any longer from the pleasures of the day, so I'll say thank you again for hearing me and for letting me be a part of this lovely occasion.

THE WEYMOUTH COUNCIL ON AGING: CELEBRATING 30 YEARS OF SERVICE TO THE COMMUNITY

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. DONNELLY. Mr. Speaker, I rise today to pay a special tribute to the people of the Weymouth Council on Aging, of Weymouth, MA,

who today are celebrating the 30th anniversary of their creation.

The resolution creating the Weymouth Council on Aging was unanimously adopted at the annual town meeting in 1960. The council was formed to coordinate and carry out programs designed to meet the problems of the aging, in conjunction with the State Council on Aging. The 11 member council is made up of local elected officials and appointed residents of the town of Weymouth.

The Council on Aging provides numerous services to the senior citizens on the Weymouth community. It provides information and referral on existing programs, and offers outreach and counseling services to area seniors. It runs an Alzheimer's support group and health screening clinics. The council also coordinates transportation to various programs and locations in the community for area seniors. This service is particularly important because it allows senior citizens to retain their freedom and independence.

Mr. Speaker, these are just a few examples of the many important programs that the council has provided to the senior citizens of Weymouth during its first 30 years. It has been my great pleasure to work with the people of the Weymouth Council on Aging. I am confident that the council will continue to provide quality services to the Weymouth community for many years to come.

HABEAS CORPUS REVISION ACT OF 1990

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. KASTENMEIER. Mr. Speaker, I am pleased today to introduce a bill that would revise the procedures by which State prisoners may seek habeas corpus relief in the Federal courts. Habeas corpus is an issue that has long been of interest to me, and to the Subcommittee on Courts, Intellectual Property, and the Administration of Justice, which I chair. My subcommittee will hold 2 days of hearings on the issue on May 16 and May 24.

A habeas corpus proceeding is the vehicle by which prisoners can obtain judicial review of the process that culminated in their incarceration. It has been a mainstay of our Nation's judicial system for more than a century. Over the course of the past two decades, habeas corpus litigation has given rise to an increasingly complex, confusing, and sometimes unfair body of law.

My bill recognizes that States and the American public have a legitimate interest in ensuring that this country's criminal laws are effectively enforced, that criminal cases move through the system efficiently and with appropriate speed, and that these cases be thoroughly considered and fairly decided.

There is virtual unanimity of opinion among interested observers that the time has now come for Congress to revisit and revise the habeas corpus laws, in particular as they relate to prisoners who have been sentenced to death. The efforts of several illustrious groups reflect the need to enhance the fairness and efficiency of these laws. The Powell Committee, composed of several esteemed Federal judges and chaired by retired Supreme Court Justice Lewis Powell, issued its report last fall. The full judicial conference reviewed and revised the Powell Committee's report, and made its recommendations early this year. An American Bar Association task force, comprised of representatives of all sectors of the legal community, held a series of hearings around the country, and reported its results last fall. In addition, there are several bills pending in both houses of Congress that would revise the habeas corpus rules in a variety of ways.

My bill accepts three major premises of these various proposals. First, the death penalty will continue to be imposed for certain crimes. Second, the Federal habeas corpus review process is an important part of our criminal justice system. Third, there are serious problems with the current process and it must be revised so that it is more efficient, expeditious, consistent, and fair.

None of the proposals will completely eliminate delay between a sentence of death and final review of that sentence. Delay is appropriate. No civilized society would want to impose a death sentence without knowing that it was fairly and fully considered and imposed. All of the proposals recognize, therefore, that while they will reduce delay somewhat, they will not eliminate it entirely.

These groups and individuals also agree that the Congress needs to address certain key issues and my bill does so. For example, current law does not sufficiently encourage timely initiation of habeas proceedings, so my bill provides a 1-year statute of limitations in capital cases.

In order to complete all appropriate stay and Federal review processes, prisoners facing death sentences must now seek stays of execution on a haphazard, case-by-case basis. To avoid these frenzied eleventh-hour efforts to obtain stays, my bill requires automatic stays until all review is completed.

It is in everyone's interest that all legitimate issues be raised and thoroughly aired as early in the process as possible. The bill therefore encourages the resolution of all claims in the trial courts, rather than through Federal habeas corpus proceedings. In particular, it clarifies the circumstances in which a prisoner will be deemed to have defaulted for failure to raise a claim in State proceedings. It promotes resolution of any remaining claims that are not resolved by the States in a single habeas proceeding, rather than by multiple petitions.

The bill dispenses with the requirement that a court certify appeals of denials of habeas petitions, since in capital cases these appeals are always appropriate.

The better the legal assistance in the first instance, the less need prisoners will have to later attack their convictions. The bill therefore creates a mechanism for the appointment of qualified counsel in capital cases. This provision not only makes judicial proceedings fairer, but it also conserves scarce judicial resources.

The other bills that are pending were introduced before all of the expert analysis on the habeas corpus issue had been completed. Some were introduced before the ABA task force reported, some before the full judicial conference acted, and some even before the Powell Committee issued its recommendations. My bill capitalizes on the collective wisdom of all of the groups and individuals that have studied habeas corpus law extensively. I believe that it is therefore the optimal proposal for a much needed revision of the law. I look forward to the hearings on May 16 and 24, and to a fair and prompt resolution of this complex issue.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Habeas Corpus Revision Act of 1990".

SEC. 2. LIMITATIONS PERIOD IN CAPITAL CASES.

Section 2254 of title 28, United States Code, is amended by adding after subsection (f) the following:

"(g)(1) In the case of an applicant under sentence of death, any application for habeas corpus relief under this section must be filed in the appropriate district court within one year from the following date, whichever is appropriate:

"(A) The date of denial of a writ of certiorari, if a petition for a writ of certiorari to the highest court of the State on direct appeal from the conviction and sentence is timely filed in the Supreme Court.

"(B) The date of issuance of the mandate of the highest court of the State on direct appeal from the conviction and sentence, if a petition for a writ of certiorari is not filed in the Supreme Court.

"(C) The date of issuance of the mandate of the Supreme Court, if on a petition of a writ of certiorari the Surpeme Court, upon consideration of the case, disposes of it in a manner that leaves the captial sentence undisturbed.

"(2) The time requirements established by this section shall be tolled—

"(A) during any period in which the applicant is not represented by counsel as described in section 8 of the Habeas Corpus Revision Act of 1990;

"(B) during the period from the date the applicant files an application for State postconviction relief until final disposition of the application by the State appellate courts and the Supreme Court, if all filing deadlines are met;

"(C) during any period authorized by law for the filing of any petitions for rehearing and similar petitions, if all filing deadlines are met; and

"(D) during an additional period not to exceed 90 days, if counsel moves for an extension in the district court that would have jurisdiction of a habeas corpus application and makes a showing of good cause.

"(3) The sanction for failure to comply with the time requirements established by this section shall be dismissal, except that the time requirements shall be waived if—

"(A) the applicant presents a colorable claim, not previously presented, of factual innocence or ineligibility for a capital sentence; or

"(B) other exceptional circumstances warrant a waiver.".

SEC. 3. STAYS OF EXECUTION IN CAPITAL CASES.

Section 2251 of title 28, United States Codes, is amended—

(1) by inserting "(a)(1)" before the first paragraph;

(2) by inserting "(2)" before the second paragraph; and

(3) by adding at the end the following:

"(b) In the case of an individual under sentence of death, a warrant or order setting an execution date shall be stayed upon application to any court that would have jurisdiction over an application for habeas corpus under this chapter. The stay shall be contingent upon reasonable diligence by the individual in pursuing relief with respect to such sentence and shall expire if—

"(1) the individual fails to apply for relief under this chapter within the time requirements established by section 2254(g) of this title;

"(2) upon completion of district court and court of appeals review under section 2254 of this title, the application is denied and—

"(A) the time for filing a petition for a writ of certiorari expires before a petition is filed;

"(B) a timely petition for a writ of certiorari is filed and the Supreme Court denies the petition;

"(C) a timely petition for a writ of certiorari is filed and, upon consideration of the case, the Supreme Court disposes of it in a manner that leaves the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel qualified under section 2257 of this title, and after being advised of the consequences of the decision, an individual waives the right to pursue relief under this chapter.".

SEC. 4. SUCCESSIVE PETITIONS IN CAPITAL CASES.

Section 2244(b) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) In the case of an applicant under sentence of death, a second or successive application presenting a claim not previously presented by the applicant in an application under this chapter shall be dismissed unless—

"(A) the failure to raise the claim previously is—

"(i) the result of interference by State officials;

"(ii) the result of Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(iii) the result of the discovery of facts that could not have been discovered previously by the exercise of reasonable diligence; or

"(B) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the applicant's guilt of the offense or offenses for which the capital sentence was imposed or the appropriateness of that sentence; or

"(C) consideration of the application is necessary to prevent a miscarriage of justice.

"(3) In the case of an applicant under sentence of death, a second or successive application under this chapter shall be dismissed unless the interests of justice would be served by reconsideration of the claim.".

SEC. 5. CERTIFICATES OF PROBABLE CAUSE.

The third paragraph of section 2253, title 28, United States Code, is amended to read as follows:

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, unless the justice or judge who rendered the order or a circuit justice or judge issues a certificate of probable cause. However, an applicant under sentence of death shall have a right of appeal without a certificate of probable cause, except after denial of a second application.".

SEC. 6. LAW APPLICABLE IN CHAPTER 153 PROCEEDINGS.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"§ 2256. Law applicable

"(a) Except as provided in subsection (b) of this section, each claim under this chapter shall be governed by the law existing on the date the court considers the claim.

"(b) The court may decline to apply a new rule if applying that new rule would—

"(1) fail to serve the purpose of the new rule;

"(2) upset State authorities' reasonable reliance on a different rule; and

"(3) seriously disrupt the administration of justice.

"(c) For purposes of this section, a new rule is a sharp break from precedent that positively changes the law from that governing at the time the claimant's sentence became final. A rule is not new merely because, based on precedent existing before the rule's announcement, it was susceptible to debate among reasonable minds.

"(d) For purposes of this section, a claimant's sentence becomes final at the conclusion of State court appellate and collateral litigation on the claimant's conviction and sentence and any direct review in the Supreme Court of the United States.' "

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"2256. Law applicable in Federal proceedings.".

SEC. 7. PROCEDURAL DEFAULT IN STATE COURT.

Section 2254 of title 28, United States Code, is amended by adding after the subsection added by section 2 of this Act the following:

"(h) A district court may decline to consider a claim under this section if—

"(1)(A) the applicant previously failed to raise the claim in State court at the time and in the manner prescribed by State law;

"(B) the State courts, for that reason refused to entertain the claim; and

"(C) such refusal would constitute an adequate and independent State law ground that would foreclosure direct review of the State court judgment in the Supreme Court of the United States; and

"(2) the applicant fails to show cause for the failure to raise the claim in State court and predjudice to the applicant's right to fair proceedings or to an accurate outcome resulting from the alleged violation of the Federal right asserted, or that failure to consider the claim would result in a miscarriage of justice.

"(3) For purposes of this subsection, cause is an explanation for procedural default not attributable to an intentional decision to ignore a State's procedural rules. An applicant may establish cause by showing that—

"(A) the factual or legal basis of the claim could not have been discovered by the exercise of reasonable diligence before the applicant could have raised the claim in State court, or was not discovered or asserted because the applicant's counsel failed to exerice reasonable diligence;

"(B) the claim relies on a retroactive proposition of law announced after the applicant might have raised the claim in State court;

"(C) the failure to raise the claim in State court was due to interference by State officials; or

"(D) the failure to raise the claim in State court was due to counsel's ineffective assistance in violation of the United States Constitution.".

SEC. 8. COUNSEL IN CAPITAL CASES.

(a) REQUIREMENT.—A State in which capital punishment may be imposed shall provide legal services to—

(1) indigents charged with offenses for which capital punishment is sought;

(2) indigents who have been sentenced to death and who seek appellate or collateral review in State court; and

(3) indigents who have been sentenced to death and who seek certiorari review in the United States Supreme Court.

(b) ESTABLISHMENT OF APPOINTING AUTHORITY.—The State shall establish an appointing authority, which shall be—

(1) a statewide defender organization, appointing staff attorneys, members of the private bar, or both; or

(2) a resource center, appointing staff attorneys, members of the private bar, or both.

(c) FUNCTIONS OF APPOINTING AUTHORITY.—The appointing authority shall—

(1) recruit attorneys qualified to be appointed in the proceedings specified in subsection (a);

(2) draft and annually publish rosters of qualified attorneys;

(3) draft and annually publish procedures by which attorneys are appointed and standards governing the qualifications and performance of counsel appointed; and such standards shall include—

(A) membership in the bar of the jurisdiction or admission to practice *pro hac vice*;

(B) knowledge and understanding of pertinent legal authorities regarding the issues in capital cases in general and any case to which an attorney is appointed in particular;

(C) skills in the management and conduct of negotiations and litigation in capital cases;

(D) skills in the investigation of capital cases, the background of clients, and the psychiatric history and current condition of clients;

(E) skills in trial advocacy, including the interrogation of defense witnesses, cross examination, and jury arguments;

(F) skills in legal research and in the writing of legal petitions, briefs, and memoranda; and

(G) skills in the analysis of legal issues bearing on capital cases;

(4) periodically review the rosters, monitor the performance of all attorneys appointed, and delete the name of any attorney who—

(A) fails satisfactorily to complete regular training programs on the representation of clients in capital cases;

(B) fails to meet performance standards in a case to which the attorney is appointed; or

(C) fails otherwise to demonstrate continuing competency to represent clients in capital cases;

(5) conduct or sponsor specialized training programs for attorneys representing capital clients;

(6) appoint two attorneys, lead counsel and cocounsel. to represent a client in a capital case at the relevant stage of proceedings, promptly upon receiving notice of the need for the appointment from the relevant State court; and

(7) report such appointment or the client's failure to accept counsel in writing to the court requesting the appointment.

(d) DETERMINATION OF COMPETENCY AND WAIVER.—Upon receipt of notice from the appointing authority that an individual entitled to the appointment of counsel under this section has declined to accept such an appointment, the court requesting the appointment shall conduct, or cause to be conducted, a hearing, at which the individual and counsel proposed to be appointed under this section shall be present, to determine the individual's competency to decline that appointment, and whether the individual has knowingly and intelligently declined it.

(e) ROSTERS.—

(1) IN GENERAL.—The appointing authority shall maintain two rosters of attorneys: one roster listing attorneys qualified to be appointed for the trial and sentencing stages of capital cases, the other listing attorneys qualified to be appointed for the appellate, collateral and certiorari stages. Each of the rosters shall be divided into two parts, one listing attorneys qualified to be appointed as lead counsel, the other listing attorneys qualified to be appointed as cocounsel.

(2) LEAD COUNSEL AT TRIAL OR SENTENCING STAGE.—An attorney qualified to be appointed lead counsel at the trial or sentencing stages shall.

(A) be a trial practitioner with at least 5 years of experience in the representation of criminal defendants in felony cases;

(B) have served as lead counsel or co-counsel at the trial or sentencing stages in at least 3 homicide cases tried to a jury and in at least one case in which a capital sentence was sought;

(C) be familiar with the law and practice in capital cases and with the trial and sentencing procedures in the relevant State;

(D) have completed, within one year prior to the appointment, at least one specialized training program in the representation of capital defendants at the trial or sentencing stages; and

(E) demonstrate the proficiency and commitment necessary to the provision of legal services to capital clients.

(3) CO-COUNSEL AT TRIAL OR SENTENCING STAGE.—An attorney qualified to be appointed co-counsel at the trial or sentencing stages shall—

(A) be a trial practitioner with at least 3 years of experience in the representation of criminal defendants in felony cases;

(B) have served as lead counsel or co-counsel at the trial or sentencing stages of at least 2 homicide cases tried to a jury; and

(C) meet the standards in paragraph (2) (C), (D), and (E) for lead counsel at the trial or sentencing stages.

(4) LEAD COUNSEL AT APPELLATE, COLLATERAL, OR CERTIORARI STAGE.—An attorney qualified to be appointed lead counsel at the appellate, collateral, or certiorari stages shall—

(A) be an appellate practitioner with at least 5 years of experience in the representation of criminal clients in felony cases at the appellate, collateral, or certiorari stages;

(B) have served as lead counsel or co-counsel at the appellate, collateral, or certiorari stages in at least 3 cases in which the client had been convicted of a homicide offense and in at least one case in which a capital sentence had been imposed;

(C) be familiar with the law and practice in capital cases and with the appellate, collateral, and certiorari procedures in the relevant State courts and the United States Supreme Court;

(D) have completed, within one year prior to the appointement, at least one specialized training program in the representation of capital clients at the appellate, collateral, and certiorari stages; and

(E) demonstrate the proficiency and commitment necessary to the provision of legal services to capital clients.

(5) CO-COUNSEL AT APPELLATE, COLLATERAL, OR CERTIORARI STAGE.—An attorney qualified to be appointed co-counsel at the appellate, collateral, or certiorari stages shall—

(A) be an appellate practitioner with at least 3 years of experience in the representation of criminal clients in felony cases at the appellate, collateral, or certiorari stages;

(B) have served as lead counsel or co-counsel at the appellate, collateral, or certiorari stages in at least 2 cases in which the client had been convicted of a homicide offense; and

(C) meet the standards in paragraph (4) (C), (D), and (E) for lead counsel at the appellate, collateral, or certiorari stages.

(f) APPOINTMENT OF NONROSTER ATTORNEYS IN CERTAIN CASES.—An attorney who is not listed on the relevant roster shall be appointed only on the request of the client concerned and in circumstances in which the attorney requested is able to provide the client with high quality legal representation and justice would be served by the appointment.

(g) PAYMENT OF ATTORNEYS FROM PRIVATE BAR.—

(1) IN GENERAL.—Attorneys appointed from the private bar shall be—

(A) compensated for actual time and service, computed on an hourly basis and at a reasonable rate in light of the attorney's qualifications and experience and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases;

(B) reimbursed for expenses reasonably incurred in the representation of the client; and

(C) reimbursed for the costs of law clerks, paralegals, investigators, experts, or other support services reasonably needed in the representation of the client.

(2) COMPUTATION OF CERTAIN PAYMENTS.—Payments under subsection (g)(1)—

(A) with respect to law clerks and paralegals, shall be computed on an hourly basis reflecting the local market for such services; and

(B) with respect to investigators and experts, shall be commensurate with the schedule of fees paid by State authorities for such services.

(h) PROMPT PAYMENT OF ATTORNEYS FROM PRIVATE BAR.—Appointed attorneys from the private bar shall receive prompt payment for legal services and reimbursement for expenses and support services upon the submission of periodic bills, receipts, or other appropriate documentation to the appointing authority or other appropriate State agency. The appointing authority shall promptly resolve any disputes with respect to such bills. Attorneys appointed as staff counsel for a defender organization or resources center shall be entitled to the support services listed in subsection (g)(1) (B) and (C) at public expense.

(i) SANCTIONS.—

(1) IN GENERAL.—If—

(A) a State fails to provide counsel in a proceeding as required under this section; or

(B) such counsel fails to meet the performance standards established by the appointing authority; subsection (h) and section 2254(d) of title 28, United States Code, shall not apply with respect to such proceeding in a case under chapter 153 of title 28, United States Code.

(2) CHAPTER 153.—The court may in its discretion provide relief under chapter 153 of title 28, United States Code, with respect to any failure described in paragraph (1).

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of title 28, United States Code, is amended by adding after the item added by section 6 the following:

"2257. Counsel in capital cases.".

SEC. 9. EXHAUSTION OF STATE REMEDIES.

Section 2254 of title 28, United States Code, is amended by striking subsections (a) through (b) and inserting the following:

"(a) An individual may apply for a writ of habeas corpus under this chapter if the individual is in custody pursuant to a State court criminal conviction and sentence obtained in violation of the Constitution or laws or treaties of the United States.

"(b) A claim for relief under this section may be dismissed if the petitioner has failed to exhaust available and effective State court remedies before presenting the claim in Federal court. Any dismissal for failure to exhaust State court remedies shall be limited to a claim with respect to which currently available remedies have not been exhausted and shall be without prejudice to further application after such exhaustion.".

FESTA ITALIANA

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1990

Mr. RINALDO. Mr. Speaker, over 20 million American citizens make up the Italian community throughout the United States, including many who live in my home State of New Jersey.

From one generation to the next, they have enriched our State's culture, social and business life, and strengthened their communities through many acts of public service.

For the 20th year, Italian-Americans in New Jersey will join together to celebrate their heritage at the Festa Italiana at the Garden State Arts Center. Italian food, music, art, dance, and artifacts will be on display as part of this 2-day festival on June 16 and 17.

It will attract thousands of residents of the Garden State and raise funds to enable senior citizens, the handicapped and disabled, veterans, and disadvantaged schoolchildren to attend dance and music performances at the Garden State Arts Center.

The Festa Italiana calls attention to the contributions and assimilation of millions of Italian-Americans in our society. As one of the largest ethnic groups in New Jersey, Italian-Americans have contributed to our State's rich heritage in education, medicine, science, business, the professions, the arts, and building trades.

Italian-Americans rank first in New Jersey with some 831,000 residents claiming to be born of Italian parents, according to the New Jersey State Data Center.

New Jersey is indeed proud that we have elected the first Italian-American as our Governor. A former Member of Congress, Governor James Florio proudly identifies himself as an Italian-American whose roots are a remind-

er of the efforts, sacrifices, and struggles of Italian immigrant families in becoming citizens of this country and in the success of their children and grandchildren in fulfilling the American dream.

In recognition of the achievements of Italian-Americans and of Christopher Columbus' discovery, Congress last year designated the month of October as "Italian-American Heritage Month." All across this Nation, festivals, concerts, and a celebration of the arts took place to honor the Italian-American people. As we approach the 500th anniversary of Columbus' historic journey to America, we take pride in our traditions and pass on our heritage to future generations.

The Festa Italiana on June 16 and 17 is due to the efforts of many Italian-American organizations in bringing together the skills, traditions, and creative talents of New Jersey residents who take pride in our State and in their Italian heritage.

I extend to the Festa Italiana committee men and women and the participating organizations my best wishes for another successful event that celebrates the accomplishments and history of Italian-Americans in the State of New Jersey.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 8, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 9

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1981, to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings to review the annual report of the U.S. Postmaster General.
SD-342

Small Business
To hold hearings to review the Small Business Administration small business investment companies program.
SR-428A

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on proposed legislation authorizing funds for the highway trust fund and related Federal-aid highway programs and on highway policy issues.
SD-406

Foreign Relations
European Affairs Subcommittee
To hold hearings to examine the future of NATO's military policy, focusing on eastern Europe and the German reunification negotiations.
SD-419

Labor and Human Resources
To hold hearings on proposed legislation on homelessness prevention and community revitalization.
SD-430

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on S. 2171, authorizing funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Trident missile and submarine programs.
SR-222

Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study, on S. 1189, to establish the Office of Ocean and Coastal Zone Management and to require coastal States to implement coastal zone water quality improvement plans.
SR-253

MAY 10

8:30 a.m.
Office of Technology Assessment
Board Meeting, to consider pending business.
EF-100, Capitol

9:15 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Rear Admiral William J. Kime, to be Commandant, and Martin H. Daniell, Jr., to be Assistant Commandant, both of the United States Coast Guard.
SR-253

9:30 a.m.
Governmental Affairs
To hold hearings on S. 1951, to establish the Interagency Council on Science, Mathematics, and Technology Education.
SD-342

Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1991 for the Federal Election Commission, and to review Senate policy on official mail.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans' Administration.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

Foreign Relations
To hold hearings on the nominations of Frank D. Yturria, of Texas, and Norton Stevens, of New York, each to be a member of the Board of Directors of the Inter-American Foundation.
SD-419

10:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 1400, to regulate interstate commerce by providing for a uniform product liability law.
SR-253

11:00 a.m.
Judiciary business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the B-2 low observability and counter-Stealth analyses.
S-407, Capitol

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1991 for the National Transportation Safety Board.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1767, to reimburse Montana and individuals for expenses incurred to test cattle for brucellosis organisms carried outside Yellowstone National Park by elk and bison, S. 2343, to designate a segment of the Clarks Fork River in the State of Wyoming as a component of the National Wild and Scenic Rivers System, and H.R. 2809, to provide for the transfer of certain lands to the State of California.
SD-366

Foreign Relations
To hold hearings on the nomination of Alan P. Larson, of Virginia, to be the U.S. Representative to the Organization for Economic Cooperation and Development, with the rank of Ambassador.
SD-419

Select on Indian Affairs
To hold hearings on the nomination of Anthony J. Hope, of California, to be Chairman of the National Indian Gaming Commission, Department of the Interior.
SR-485

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration [NASA], focusing on space science and applications.
SR-385

MAY 11

9:15 a.m.
Commerce, Science, and Transportation
To hold hearings on challenges facing the U.S., focusing on policies to foster competitiveness.
SR-253

9:30 a.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
To resume hearings to examine possible approaches to naval arms control.
SD-430

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings on the Airborne Self-Protection Jammer (ASPJ) weapons system.
SD-342

Veterans' Affairs
To hold hearings on S. 2483, to improve educational assistance programs for veterans, S. 2484, to improve the housing loan program for veterans, and veterans employment programs, including section 401 and 404(c) of S. 2100, Veterans Compensation Cost-of-Living Adjustment Act.
SR-418

Select on Indian Affairs
To hold oversight hearings on initiatives for Indian programs for the 1990s.
SH-216

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 1810, to authorize the Attorney General to conduct a pilot program within the Department of Justice to determine compliance with the Fair Housing Act.
SD-226

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

Select on Indian Affairs
To hold oversight hearings on S. 1021, to provide for the protection of Indian graves and burial grounds, and S. 1980, to provide for the repatriation of Native American group or cultural patrimony.
SR-485

MAY 15

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine fraud and abuse in employer-sponsored health benefit plans.
SD-342

9:30 a.m.
Armed Services
Manpower and Personnel Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1991, focusing on medical programs of the Department of Defense.
SR-232A

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for the Department of Defense and to prescribe personnel levels for fiscal year 1991, focusing on the state and capabilities of the U.S. Marine Corps for special operations and low intensity conflict.
SR-222

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review commercial space programs.
SR-253

Energy and Natural Resources
To hold hearings on S. 2415, to encourage solar and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Policies Act of 1978.
SD-366

Environment and Public Works
To hold hearings on proposed legislation to finance environmental protection facilities in small communities, including S. 1296, S. 1331, S. 2184, and S. 1514.
SD-406

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings to examine environmental labeling of consumer products.
SR-253

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on S. 2171, authorizing funds for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the space launch and command, control, communications and intelligence programs.
S-407, Capitol

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 2170, to prescribe the conditions under which contractors receiving operating-differential subsidy of their affiliates may engage in coastwise or intercoastal trade.
SR-253

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on semi-conductors and the future of the U.S. electronics industry.
SR-253

Veterans' Affairs
To hold hearings on titles I and III of S. 2100, Veterans Compensation Cost-of-Living Adjustment Act, S. 1887, to allow for Kentucky Vietnam veterans to receive a one-time bonus from the Commonwealth, S. 2454, to increase the estate limits for certain incompetent institutionalized veterans, S. 2482, to clarify the eligibility of certain minors for burial in national cemeteries and to authorize use of flat grave

markers in a section of Florida National Cemetery, S. 2102, to modify certain congressional reporting requirements imposed upon the Secretary of Veterans Affairs for certain administrative reorganizations within the Department of Veterans Affairs, and proposed legislation to expand radiation presumptions for veterans.
SR-418

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Strategic Defense Initiative.
SD-628

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1852 and H.R. 3545, to revise the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission, S. 1990, to establish the Cliff Walk National Historic Site, S. 2011 and H.R. 2843, to authorize the expansion of the Tumacacori National Monument, S. 2067 and H.R. 3834, to designate the route from Selma to Montgomery for study for potential addition to the National Trails System, S. 2072, to authorize a study of nationally significant places in American history, S. 2262, to designate segments of the Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the National Wild and Scenic Rivers System, S. 2437, to authorize the acquisition of certain lands in Louisiana for inclusion in the Vicksburg National Military Park, and S. 2566, to redesignate the Sunset Crater National Monument as the Sunset Crater Volcano National Monument.
SD-366

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

9:30 a.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Navy shipbuilding and conversion program.
SR-222

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 23

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to review the Administration's technology policy and priorities.
SR-253

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, and the Office of Inspector General.
SD-138

2:30 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on the Department of Energy national security budget request for fiscal year 1991.
SR-253

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings to examine ways to expand U.S. exports abroad.
SR-253

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 7

9:30 a.m.
Judiciary
To hold hearings to examine the effects on judicial nominees belonging to private clubs that discriminate.
SD-226

Veterans' Affairs
To hold oversight hearings on veterans prosthetics and special-disabilities programs.
SR-418

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to examine the Indian health service nurse shortage.
SR-485

JUNE 12

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's satellite programs.
SR-253

Select on Ethics
To hold hearings on matters relating to the investigation involving Sen. Durenberger.
SH-216

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on eastern Europe.
SD-138

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2358, providing U.S. consumers the opportunity to enjoy the technological advancement in sound recording by use of digital audio tape recorders.
SR-253

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's ocean and coastal programs.
SR-253

Veterans' Affairs
To hold hearings on title II and section 402 of S. 2100, relating to veterans physician pay and health issues, S. 1860, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war, S. 2455, to provide for recovery by the U.S. of the cost of medical care and services furnished for a nonservice-connected disability, S. 2456, to extend expiring laws authorizing the Department of Veterans Affairs to contract for needed care and to revise authority to furnish outpatient dental care, and other proposed legislation.
SR-418

JUNE 19

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

JUNE 20

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1974, to require new televisions to have built in decoder circuitry designed to display closed-captioned television transmissions.
SR-253

JUNE 26

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance programs.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance programs.
Room to be announced

JUNE 28

9:30 a.m.
Veterans' Affairs
Business meeting, to consider pending legislation relating to veterans compensation and health-care benefits.
SR-418

JULY 12

9:30 a.m.
Select on Indian Affairs
To hold hearings to examine protective services for Indian children, focusing on alcohol and substance abuse programs.
SR-485

SENATE—*Tuesday, May 8, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 11 a.m., and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, the Reverend Dr. Roger Fredrikson, retired, American Baptist from Sioux Falls, SD.

PRAYER

The Reverend Dr. Roger Fredrikson, retired, American Baptist of Sioux Falls, SD, offered the following prayer:

Let us pray:

But they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk, and not faint.

We come to You the living God of Abraham, Isaac, and Jacob and the Father of our Lord and Savior Jesus Christ, grateful for Your steadfast faithfulness and for Your loving mercy which is new every morning. We acknowledge our dependence on You, the everlasting God.

Bless our beloved country and all its people—the rich and the poor, the great and the small. Bind us together as a family of hope. Heal our brokenness, cleanse our public life, and restore to us a spirit of righteousness.

Lord, bless the men and women of the Senate called to high, demanding responsibilities. Fill them with Your spirit of wisdom and humility and grace. Grant them a vision of Your kingdom and the courage to do what is right for the common good of all people.

In the name of Christ. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 8, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time for the two leaders there will be a period for morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 11:30, the Senate will resume consideration of S. 135, the Hatch Act reform bill; the time between 11:30 and 12 noon will be for debate on that bill, equally divided and controlled by Senators GLENN and ROTH.

At noon today the Senate will begin voting on three amendments which were debated yesterday. Those are amendments numbered 1585, 1586, and 1587. The first vote beginning at noon will be a 15-minute vote. The two succeeding votes will be 10 minutes in duration.

Upon the conclusion of the rollcall vote on the third such vote, that is on amendment No. 1587, the Senate will recess until 2:15 p.m., in order to accommodate the party conference luncheons.

At 2:15, when the Senate resumes in session, consideration of the Hatch Act reform amendments will continue.

As I stated previously on several occasions, including yesterday, it is my intention to complete action on this measure this week, hopefully in the early part of the week.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve all of the leader time of the Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

THE GUEST CHAPLAIN, THE REVEREND DR. ROGER FREDRIKSON

Mr. PRESSLER. Mr. President, I am very proud the prayer in the Senate today was given by Dr. Roger Fredrikson, of South Dakota. I am pleased to say that his lovely wife, Ruth, and Merle and Sharon Johnson were in my office earlier this morning.

He is the previous pastor of the First Baptist Church of Sioux Falls, having previously been pastor of the First Baptist Church of Wichita, KS. I note the presence of our colleague from Kansas here.

He is active in the Baptist World Alliance and American Baptist Churches.

His son, Randy Fredrikson is pastor of the First Baptist Church in Brookings, SD. I first met his son Randy in, I believe, 1968 or 1969. I lived, in 1968, at Cambridge, MA, when I was at Harvard Law School, and he was in the divinity school. So it is a family that has devoted itself to the service of our people and we are just very proud to have Dr. Roger Fredrikson in our midst today.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISPOSING OF REAL ESTATE HELD BY THE FEDERAL GOVERNMENT

Mr. BOSCHWITZ. Mr. President, I see in the morning paper that the RTC is going to go forward in disposing of the real estate that has been accumulated by the Federal Government through the failure of many of the savings and loans around the country. There are many, many billions of dol-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

lars that the Government holds in real estate. Mention is made that of the vast holdings of repossessed lands, in the event they are sold, that the buildings will drag down prices of privately owned property and further depress real estate markets.

That is an interesting comment, and I would like to talk about one of the possible solutions to that that I have spoken about with various members of the RTC and the Treasury as well. I would not personally like to own a piece of real estate that I have survived some difficult times with and suddenly find the adjoining piece of real estate sold at a much lower price and have my piece not able to compete rentwise with my new neighbor.

I felt that one of the ways of reducing the loss that the RTC will surely suffer is to restore some of the old tax rules, the passive tax rules that preceded the 1986 tax law to these properties. In the event that a person buys these properties and would be able to deduct the passive losses of these properties against other incomes as is not now allowed by the tax law but which was allowed, additional value would inure to the piece of property that is being sold by the RTC and the losses of the RTC and the Government would thereby be less.

Or, for instance, it might be that special capital gains rules are applied to the buildings, the real estate that is sold by the RTC and that, too, will make that property more advantageous and more appealing to prospective buyers and, as a result, perhaps more could be realized for those properties by the RTC with a resulting lower loss to taxpayers and also with greater equity to other landowners who find property around them now owned by the Federal Government sold at distressed prices and at prices so low that those who, as I say, have worked their way through a difficult period now find themselves with a neighbor with whom they are unable to compete.

So the idea of restoring some of the passive loss rules to this property and the idea of allowing special capital gains rates to apply to this property might be most helpful. There are some problems, however. What happens to the transfer of that property? Would the passive loss rules follow the property or would they only be available to the first owner? It is not clear in my mind what the answer to that question should be; furthermore, whether or not the passive loss rules could continue for a specific period of time rather than only with the initial owner.

I think those are the kind of things that have to be worked out, but it may, indeed, be a most useful and most positive idea to not only reduce the RTC losses but to make these properties more valuable and make these properties not a drag on people who have, as I say, seen their own properties through difficult times and who really do not deserve to have a new neighbor foisted upon them by low prices from the RTC that makes them noncompetitive. I am going to work on these ideas, Mr. President, together with my staff and see if we cannot flesh them out a little bit and present them to the RTC in a more, perhaps, complete method. I yield the floor.

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa [Mr. GRASSLEY].

SMALL BUSINESS WEEK 1990

Mr. GRASSLEY. Mr. President, this week, May 6 to May 12, has been designated as Small Business Week in honor of our Nation's 20 million small businesses. America's small business owners make great contributions to the economy by taking risks, making personal sacrifices, and persisting until their own version of the American dream comes true.

According to information from the Small Business Administration, small businesses employ 6 of every 10 workers, account for the majority of new jobs created, and provide 2 of every 3 workers with their first jobs. Also, more than half of all innovations developed during the 20th century were due to the efforts of small businesses.

Mr. President, this is indeed a very impressive listing of accomplishments. And I am confident America's small businesses will with equal success conquer new challenges—increasing productivity, developing new markets, and competing in the international marketplace.

Congress needs to be mindful of the challenges faced by America's small business owners and we should not create more obstacles or problems for them. Increasing Government regulations and paperwork requirements are some of the overwhelming challenges which all small business owners must face. Congress, unfortunately, has been responsible for this mountain of paperwork and therefore must take an active role in alleviating the burden.

To recognize outstanding small business owners, SBA has selected a notable entrepreneur from each State, the District of Columbia, and Puerto Rico/Virgin Islands as the State Small Business Person of the Year. I want to congratulate these individuals and recognize Iowa's Small Business Person of the Year, Mr. Vernon "Barney" Roberts, chairman of Iowa Office Supply, located in Storm Lake, IA. The company he and his wife began in their home in 1967 has grown tremendously—from 2 employees to 55, and sales which have increased from $95,000 to $8.5 million.

Along with Mr. Roberts, all of Iowa's small business owners are to be commended for contributing to the economic stability of our State, for their pioneering spirit in developing our rural communities, and for truly making Iowa "a place to grow."

"Small Business: Leading America into the 21st Century" is the theme for this year's Small Business Week. This appropriately reflects the leadership role small businesses have as our Nation enters the next century. Small businesses, facing the challenges of the future, will continue to create new jobs, new opportunities and new innovations for America.

Mr. President, I am taking this opportunity not only to honor our small businesses as the backbone of our Nation's economy, but to also remind my colleagues of the importance of restraining our actions so that we do not stifle the success of our small business owners.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ABOLISHING POLITICAL ACTION COMMITTEES

Mr. BOREN. Mr. President, we have pending before us when the Senate begins to vote later on this morning an amendment offered by the distinguished Senator from Wyoming, Mr. SIMPSON, and the minority leader, Mr. DOLE.

This amendment provides that the reforms included in S. 135 pending before us would not be allowed to take effect, in essence, until all political action committees are abolished, the theory being that there is too much money going into political action committees and I suppose the theory being the political action committees specifically formed by those who are Federal employees have an influence on the political system that is not wholesome.

Mr. President, taken in isolation, I certainly have never opposed any amendment which would reduce the influence of political action committees on the political process. Almost 9 years ago the then Senator from Arizona, Barry Goldwater, and I introduced the first piece of legislation that would have done away with the right of political action committees to make contributions to influence campaigns. For almost a decade I have attempted

to lead an effort to do exactly that through the legislative process.

There have been several other campaign reform bills introduced including one offered by myself and the President pro tempore of the Senate, the Senator from West Virginia [Mr. BYRD]. We had a record number of cloture votes attempting to pass that legislation. A clear majority of the Members of the Senate favored it, but unfortunately, because of a filibuster on the other side of the aisle, we were not able to bring it to a final vote for passage. If we had done so, we would have already taken action to stop the runaway spending in campaigns, to reduce the influence of special interests in campaigns.

Mr. President, we have a cancer that is eating away at the heart of the political process. That cancer is composed of two main elements: Too much money being pumped into the election process, and too much of it coming from special interest groups.

When I first ran for the Senate 12 years ago, the average cost of a winning U.S. Senate race was $600,000. This last year, the average cost of a winning U.S. Senate race in an average, small State was well over $4 million. This means, Mr. President, that Members of the Senate, if they are to raise just the average amount—not the amount it takes in a large State where the figures have been as high as almost $20 million but just in the average size State—must raise $15,000 in campaign contributions every single week without exception for 6 years.

Mr. President, that increase in campaign spending has been fueled by an increase of money coming from special interests. Over half the Members of Congress who were elected last time received more than half of their contributions not from individuals in their home States, not from people at the grassroots, but from special interest groups, political action committees, and others outside their home States aimed at influencing the political process.

At the same time, in that 12-year period while campaign spending has soared, the amount of money pumped into the process from political action committees has increased from about $40 million to about $160 million. Clearly, the increase of money coming from special interests has been the principal source fueling this runaway spending on campaigns, spending which means that Members of Congress are spending their time not taking care of the people's business, not grappling with the challenges we face, but figuring out how in the world they are going to raise the money to get reelected. This is a process that also makes it difficult for challengers with new ideas to have a chance to get elected. In the last election cycle, incumbents outspent challengers by more than two to one because of a greater ability to raise money.

No Senator feels stronger than I that we ought to put an end to this money chase, an end to this runaway spending in campaigns, an end to special influence in campaign funding. But this is not the right way to do it.

Mr. President, for us to go ahead and begin to piecemeal, take every single sector and treat them differently, and, say, all right, until political action committees are abolished these reforms which really limit the rightful political activity of Federal employees will not take effect. That is not a fair way to proceed. In my opinion, it also reduces the likelihood that we will be able to get reform on a comprehensive basis.

Mr. President, we have a serious national problem. We do not need to nibble away at it. We do not need to try to piecemeal it. We need to build pressure for comprehensive reform. We need a comprehensive plan that will in essence do away with the influence of all political action committees, that will end undue influence by all special interest money in politics, and will get overall spending under control in the process.

We have introduced a bill on our side of the aisle. The distinguished majority leader, Senator MITCHELL, and others have introduced a bill. A bill has been introduced on the other side of the aisle. The distinguished minority leader, Senator DOLE, and others have introduced it. Both bills in essence would remove all political action committees from the process of trying to influence elections in an effort to reduce the influence of special interest money.

I think we reduce the possibility that we will get comprehensive reform by linking one bill to another. It is not fair anyway, as long as the process is going to be one that has political action committees in it; it is not fair to say to one group you alone cannot have this weapon in the political process but everyone else will still have it. The only way to deal fairly with the system is comprehensively. That is what we need, comprehensive reform, everyone on the level playing field, and one special interest group not given any special advantage over another.

So, Mr. President, while I certainly am sympathetic with the effort to reduce the influence of political action committees, this is not the way to do it.

I am opposed to this amendment because I believe that its passage would reduce our ability to get comprehensive reelection reform instead of increase our ability to get reform that the entire system so badly needs.

I thank the Chair.

ASHA SERVICE AWARD

Mr. PELL. Mr. President, during March of this year one of our colleagues received a very important award. I would like all of us to be aware of the recognition Senator TOM HARKIN, of Iowa, has received for his outstanding leadership in increasing the public's understanding of communication disorders. He has been honored for his tireless advocacy for people with communication disorders and related disabilities. Senator TOM HARKIN was awarded the American Speech-Language-Hearing Association's highest honor, the Distinguished Service Award.

Approximately 24.5 million Americans currently have communication disorders, including 3 million schoolage children with speech and language impairments and 9 million elderly citizens with hearing impairments.

For nearly 65 years, the American Speech-Language-Hearing Association [ASHA] has been the organization responsible for training, research, and service in the area of communicative disorders. Approximately 60,000 members of ASHA work in a wide range of settings including public schools, colleges and universities, hospitals, clinics, rehabilitation and home health agencies, Veterans' Administration and Department of Defense facilities, and in private practice.

ASHA has played an important role as an advocate for improving opportunities, access, and services for individuals with disabilities. Given ASHA's organizational goals, Senator TOM HARKIN was a natural choice for the ASHA Distinguished Service Award. The Senator from Iowa is the chairman of the Senate Subcommittee on Disability Policy. He is the author and chief sponsor of the Americans With Disabilities Act. He led the fight to establish the National Institute on Deafness and Other Communication Disorders. Senator HARKIN has drawn attention and funding to the development of assistive device technology for people with disabilities. Senator HARKIN's efforts in these areas and others reflect his legislative abilities, his political leadership, and his special sensitivity about the needs of individuals with disabilities.

Senator HARKIN is one of only seven Members of Congress who have received the Distinguished Service Award during the past 30 years. The late Congressman, Claude Pepper, received the Distinguished Service Award in 1982.

In presenting the ASHA Distinguished Service Award to Senator TOM HARKIN, ASHA's Dr. John W. Folkins of the University of Iowa stated:

It is a pleasure to present to you the American Speech-Language-Hearing Association's Distinguished Service Award.

Each year, the American Speech-Language-Hearing Association, on behalf of its 60,000 members, recognizes individuals and institutions that have made significant contributions in the area of communication disorders.

Since 1960, when the Distinguished Service Award program began, the award has been given to such organizations as the Deafness Research Foundation, the National Association of American Business Clubs, and the Sertoma Foundation; and to such individuals as Grey Panthers Founder Maggie Kuhn, and former Senator Lowell Weicker.

ASHA is proud to present the 1989 Distinguished Service Award to you in recognition of your outstanding efforts in increasing the public's understanding of communication disorders and because of your leadership on federal legislation benefitting people with communication disorders and other disabilities.

It is my pleasure to represent the Executive Board of ASHA which has formulated the following resolution to award our highest recognition:

"Whereas, Senator Tom Harkin serves as the Chairman of the Senate Committee on Labor and Human Resources Subcommittee on Disability Policy and has been influential in promoting the concerns of the disabled and the health professionals who serve them, and

"Whereas, Senator Harkin led successful efforts to establish the National Institute on Deafness and Other Communication Disorders and to provide assistive technology to persons with disabilities, and

"Whereas, Senator Harkin is leading efforts to assure full access to opportunity through the Americans with Disabilities Act, and

"Whereas, Senator Harkin has brought personal experience and sensitivity to his responsibilities, especially his familiarity with deafness; therefore

"Resolved, That the American Speech-Language-Hearing Association presents the Distinguished Service Award to Senator Tom Harkin."

Mr. President, I know all of my colleagues join me in congratulating Senator HARKIN for his service to people with communication disorders and this special recognition from the American Speech-Language-Hearing Association.

SENATOR BOREN'S SPEECH TO THE NATIONAL PRESS CLUB

Mr. NUNN. Mr. President, I rise today to call the attention of the Senate and the American people to the remarks recently made by our colleague Senator DAVID BOREN to the National Press Club.

Senator BOREN's wise leadership as chairman of the Senate Select Committee on Intelligence has given him a unique, valuable perspective from which to analyze the threats to our national security interests, which he ably did in his Press Club speech. Senator BOREN's conclusion, which I find very persuasive, is that—

The gravest threat to the future security of this country is our failure to adjust our thinking to all the changes in the world around us.

Mr. President, I'm sure we all recall the words of Czechoslovak President Havel before a joint session of Congress last February, when he noted that changes in Eastern Europe have been so rapid that "we literally have not time even to be astonished." Senator BOREN points out that we must overcome our future shock and adjust to an emerging new global setting. He then suggests a number of creative ways in which we might do this—in the Nation at large, in our foreign policy, in the intelligence community, and in the Congress.

I have been privileged to serve on the Intelligence Committee under Senator BOREN's leadership and to benefit from the experience and judgment he brings to this important post. These qualities are reflected in his speech to the National Press Club, which I commend enthusiastically to my colleagues and to the American people.

I ask unanimous consent that a copy of Senator BOREN's speech be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR DAVID L. BOREN, NATIONAL PRESS CLUB, APRIL 3, 1990

There is no time to waste. We urgently need to put into perspective the changes that are going on in the world around us—what those changes mean for us and what they mean about the need to repair our political institutions.

I'm often asked, as Chairman of the Intelligence Committee, to name the greatest threat to our national security interests. I suppose that most people would expect me to talk about terrorism; to talk about military imbalances; to talk about the fact that there is still the possibility of a major attack by strategic nuclear weapons against the United States; to talk about the proliferation of nuclear and biological and chemical weapons; or those things because they all constitute a very real threat to the United States which cannot be ignored.

But if I were to focus on what I think is the greatest single challenge facing us today, I truly wouldn't name one of those. I would say that the gravest threat to the future security of this country is our failure to adjust our thinking to all the changes in the world around us.

Einstein, soon after the atomic bomb was detonated for the first time, was asked for a comment. He said, "Everything in the world has changed except our way of thinking." Our thinking had simply not been able to keep up with the pace of change in the world. All of us are struggling, whether we're on the policy side or on the journalism side, to sort through what all of the changes in the world around us mean—what they mean for the United States, what they mean for our future international role and what assets we will need to survive in this new world environment.

All of this came home to me just before Christmas when I had to grapple very quickly with the meaning of this change. In a weak moment during the Panama situation I had agreed to an interview on The CBS Evening News with Bob Schieffer, who was off in New York. They put me in a tiny little room in Washington with no windows, no ventilation and no one in the room with me—just the camera and a digital clock.

I was sitting there watching the digital clock, knowing we were about to go on the air. It was down to one minute and thirty seconds and, all of a sudden, a lady came bounding through the door and handed me a sheet of paper. She said, "Senator, this just came off the wire. You'd better read it right now. You might be asked about it on the air." So I started to read. It said that the Central Committee of the Communist Party of Hungary had just completed its meetings and they had voted to abolish the Communist Party, change its name to the Socialist Party, call for free elections, and allow a multi-party system.

As I got through reading the paper, I looked at the digital clock. It said that there were forty-seven seconds before air time. Then a voice came through my ear-piece from New York saying, "Senator, did you just read that wire copy?" And I said "Yes, I just glanced at it." The voice replied, "Good. When we go on the air, Mr. Schieffer is going to ask you about the historical significance of this development."

I remember thinking to myself that forty-seven seconds was probably a little longer than most of us in Washington take to reflect upon these changes in the world before pontificating about their importance.

But it demonstrates how fast the changes are coming, and how they are affecting us without our being able to sort through what they mean. We need to pause and consider what they mean to the United States and to our role in the world and we need to do it immediately. We need to come to an understanding of where we're headed.

In one way, we've had a strange and symbiotic relationship with the Soviet Union. It may sound like an odd thing to say, but I don't think that we fully understand the implications of the decline of the Soviet Union for ourselves: their decline could very well lead to the decline of the United States as well.

Why would I say that? Well, when you think about it, the European countries, Japan, and others have been willing to follow the lead of the United States over the past few decades. Why? Because they needed us. As long as there was an external Soviet threat, as long as there was a threat from the Warsaw Pact, as long as we were providing the shield of military protection for them—and paying for that shield—they needed the United States. So they were willing to follow our lead.

But what about now, in these changed circumstances? Are they going to need us as much as they once did? They're economically strong: the GNP of the European Community is larger than ours; the per capita income of Japan is higher than ours and last year they invested twice as much for every new job created as we did in the United States. Will they be as willing, in this new environment, to follow the lead of the United States as they were just a few short months ago? I don't think so. This feeling came home to me in a chilling way as I was listening to testimony in the Intelligence Committee two or three weeks ago when we were speaking with some of those who are responsible for our intelligence programs around the world.

As I was talking with them, one of them said, "You know, Senator, we have some real problems." And I said, "What do you mean? He said, "Well down at the operational level—not at the highest government levels, but down at the operational

level—people are already looking at us and saying, 'Why are you still here?' People we've been involved with during joint operations in the past. 'Why are you still here? We don't need you anymore. When are you going home?'" So already—even at the operational level—there is a change of attitude, a change in the willingness to follow the United States.

What does this mean? It means that our influence in the next century is going to be determined by very, very different assets than it was in the twentieth century. It means that our influence is going to rest upon other factors—such as economic strength—in a way that it has not for the last three or four decades when it has rested primarily upon our military strength. Our influence is also going to rest upon our moral leadership: the model we present for other nations to follow in terms of our political system.

If that is the case, where do we stand? Where do we stand in terms of the economic strength of this country? We're in a very different position from where we stood in 1950, at the beginning of the Cold War. Then we had nine of the ten largest banks in the world; now we have none of the top twenty. Then we had a seventy percent share of world assets and world markets; now we are down to the eighteen and nineteen percent range. It follows that we have an urgent need to restore the economic strength of this country if we're going to play a leadership role in the next century—if we are to have as great an impact on the world as we did in this century.

If you doubt that the world is shifting from primarily military to primarily economic competition, look at the targets for foreign intelligence operations. It's very interesting that as the arms race is winding down, the spy race is heating up. Where is the growth area in espionage activity? It's against private commercial targets in the United States—carried out not by foreign companies, but by foreign governments. More and more the aim of espionage is to steal private commercial secrets for the sake of national economic purposes—rather than to steal military secrets for building military strengths in the spying countries.

So we have shifted, and we have to change our thinking to adjust to the changed circumstances in which we are living. But what should we do? Are we simply so far behind—is our economic strength eroded to such a degree—that we should just throw up our hands and say, "Well, I guess that's all we can do. I guess we just have to give up. I guess the United States, which has led the world, is going to become a bit player in the next century"? I don't think so. There are things we can do. There are opportunities that we have, opportunities for shifting resources, for building the kinds of assets and the kinds of strengths which will take us into a leadership position in the next century.

But it's a critical time. If we let this decade go by without understanding what we need to do to get ready for a new environment, we do so at our own peril.

What should we do? In the first place, we're going to have to make some solid decisions in the domestic realm to improve our ability to conduct foreign policy. We have to make sound economic decisions here at home. That means changes in tax policy, for example. How in the world do we think that we can write a tax policy for this country in a vacuum without considering how that policy affects our ability to compete in the world marketplace? Every governor of every state in this country understands that when you change the tax law in a state, you affect the ability of that state to grow and develop economically since you're in competition with other states. Why can't we understand that as a nation?

Why don't we understand that if we want to get our savings rate up, the investment rate up, and the cost of capital down to encourage exploitation of technologies to create new jobs and to maintain those jobs, we're going to have to look at what the competition is doing to encourage investment with their tax policy.

Why don't we realize that we urgently need to enter into negotiations about an environmental clean-up and about bearing the costs of that clean-up worldwide? We're debating the Clean Air Act right now. We realize that if we're going to make the improvements that we need to make, other countries are going to have to follow suit or the United States will be disadvantaged in world competition with higher costs of production. There has to be international negotiation and international environmental policy. The United States cannot do it alone any more than we can write our tax policy alone.

We have to think about how we shift a primarily military economy—or one where we view military expenditure as paramount—to a civilian-oriented economy. Who is thinking about that? Who's helping us to decide how to ease that transition? Are we going to help defense contractors apply the research and development investments they have made towards non-military fields through some kind of tax credit? Are we going to take those troops that will be coming home from Europe sooner or later and put them to work rebuilding the infrastructure of this country, the water systems, the transportation systems, the environmental infrastructure that is so badly in need of repair? We have to think about the domestic decisions that we need to make in light of conducting foreign policy and strengthening our world position in the future.

What about foreign policy itself? And intelligence policy? What kind of changes are we going to have to make in our approach as the world around us is changing if we're to continue to play a leading role? What should we do?

Most important, I think, is the need to reevaluate how this country gives foreign aid. We need to make a revolutionary change in the way that aid is given. We're approaching a time when the United States is being asked to do more and more. How in the world are we going to meet all of the requests that are before us and still maintain our traditional commitments to countries that we've helped in the past?

The developments in Eastern Europe, the developments in Panama will be debated on the floor of the Senate in the next few days. How do we persuade the American people to do more in terms of foreign aid when, according to the latest poll, opposition among the American public to foreign aid is at the highest it has ever been? Eighty percent of the American people strongly oppose an increase in foreign assistance. What are we going to do?

I think we have to shift. I think we have to move towards what I would call a "Buy America" program. Look at what's happened, for instance, to aid given to Poland and Hungary by West Germany and Japan. We gave $800 million. How did we give it? Mainly cash: about eighty percent of it had no strings attached. How did they give the $2.1 billion they gave? They gave it with strings attached. Ninety-four percent of it was credits that could only be used to buy goods produced in their own countries. Now we have to think about that. I believe if we are to continue to play a role we have to switch to a "Buy American" approach. Offer American goods when they're rebuilding their infrastructure, when they're building their transportation system, building new plants. It should be American equipment that goes into those plants, American equipment that goes into the transportation system, American equipment that goes into the telecommunication systems.

If we adopt such a program, then in the future, when those countries need spare parts, they will be American spare parts produced with American labor. They will be American service contracts when repairs need to be made. This is a way for us to play a role and for the taxpayers to see some return on their investment in terms of creating more jobs here at home. We have to realize that when we talk about burden-sharing with others—when we say to others, principally the West Germans and the Japanese, "Come in and help us bear a large share of the burden; we only want to be a small player in helping Eastern Europe or Central and Latin America," that burden-sharing is also influence sharing.

If we want to maintain a share of influence, if we want to take this opportunity while encouraging others to develop markets for our products in the future, then we have to be prepared to play a larger role. And I think the only way we're going to be able to play a larger role is to shift the way we give foreign aid to a "Buy American" approach to create jobs and income here in this country and to develop economic relationships abroad. So we need to shift to a "Buy American" approach.

Second, we also have to shift the way the foreign policy establishment of this country views its role—particularly those who are serving us in the foreign service overseas, both in diplomatic and intelligence fields. We must begin to regard our embassies not only as outposts for American political influence but we must begin to regard them as outposts for American economic influence as well.

It is extremely important that we begin to bring people into the foreign service who have abilities in the field of economics—who have degrees in business; who have experience in business; who understand the importance of using our embassies to develop economic opportunities and economic relationships for our country in the future. That's extremely important.

I see Ambassador Perkins here today, the Director-General of the Foreign Service. He's a visionary man; we're very fortunate to have him in his position at this time. He realizes we have to change the attitude of our embassies. We can no longer regard the commercial section as something that ought to be in the basement or preferably in an annex—something that really shouldn't be in the embassy at all. A commercial section must become part and parcel of the total operation and commercial skills are essential in our diplomatic missions around the world if we're going to spread American influence and keep that influence in the future.

Third, I think we need a massive increase in student exchange programs in the United States, and I'm working with Senator Pell and others to achieve this. It becomes a

matter of exerting America's influence and leadership in the world. Why do I say that? Why do I believe that we should begin by adding at least 10,000 more exchange students at the undergraduate level going in both directions, between the United States and the Soviet Union, Eastern Europe and, in particular, Central America? First of all, it creates bonds between the future leaders of those parts of the world, bonds of friendship and understanding of our system and our values and ourselves.

We want to make the changes that are occurring in Eastern Europe and the Soviet Union irreversible. The best way to do that is to bring the future leaders from those countries here to study. Expose them to American values, expose them to American institutions—it is so important. I'll never forget being in El Salvador a couple of years ago, where we're spending $800 million a year in military and economic aid, and having our ambassador call me aside. He said, "I need your help with something." I thought he was probably going to say, "Well, we need some more military aid. We need an additional package." He said, "Could you help me find forty student exchange slots to bring forty student leaders in El Salvador to the United States to study? The other side is taking 800 identifiable student leaders off to Cuba and elsewhere to study and is changing their outlook."

We need to bring them into the United States in order to have an opportunity to educate them here. But it's a two-way benefit. It isn't just the need to bring those leaders who, for example, will be playing a role in a united Germany and parts of Eastern Europe. It's also the need to get American students overseas. One of the greatest needs we have in this country, as we enter a new world environment, is to internationalize the thinking of the next generation of Americans.

How in the world are we going to go out and compete economically, how are we going to be politically involved if we don't speak the languages of the world, if we don't understand the cultures of the world? If you just look at the statistics about the number of exchange students coming into this country—and about seventy percent of them are from the Orient—and the number of American students who are venturing out—or not venturing out—to the rest of the world, it's really astounding.

Last year 356,000 students from other countries came to study in the United States. Now, in contrast, how many American students do you think went to other countries to learn other languages and be exposed to other cultures? While 356,000 students came here, only 24,000 American students ventured out into the rest of the world to live, to study, and to have that kind of learning experience in another culture. The number of Americans studying abroad is less than the 25,000 students who came from Maylasia alone, a country of 14 million people, to study in the United States.

Look at what's happening in our study of foreign languages. By the year 2000, the European Community has set as a goal that every single sixteen-year-old will be able to speak two languages in addition of their own. We are now struggling to get thirty percent of the college and high school students in this country to study at least one foreign language.

Last year, of the students that graduated from high school in Japan, one hundred percent of them were fluent in English. They had to take six years of English to graduate from high school in Japan. In contrast, two one-hundredths of one percent of American students had any exposure whatsoever to or study of the Japanese language.

How in the world are we going to be ready to go out into a new international environment and hold our own when the next generation of Americans doesn't seem to have an understanding that it's an international environment in which they're going to be living and competing? We must change.

We also have to change the emphasis that we're giving in the intelligence community in terms of services and the kinds of skills that we need. In this changing world what we need from the intelligence community is also changing. When we're looking at the foreign policy of the country, when we're looking at the intelligence policy of the country, one of the things we have to guard against is the tendency for bureaucracies to sanctify the present and ignore the future.

There's always a tendency to protect today's programs instead of reaching out to meet tomorrow's challenges. We're in exactly that situation today in the intelligence community.

Obviously, we're going to be far less concerned in the future about any kind of threat from the Warsaw Pact; about any possibility of a massive attack across the borders of Eastern Europe. That has all changed.

We're going to be in lower forward positions around the world in the future. We're not going to have bases in all the places we've been before. We're not going to have as many troops in forward positions.

What does this mean for intelligence? It means we're very unlikely to have another brush-fire situation or a regional conflict like Panama where we already have our troops on the scene, ready to move in; where we already have a lot of intelligence; where we already know about the various personalities and players, the economic situation and other factors.

It means that we're going to have to have intelligence, good human intelligence, to tell us about the intentions of leaders in advance so that we can begin to move forces early on in any crisis. We're going to have to shift our intelligence so that it will be readily usable by tactical commanders who have to move troops from long distances into situations all the way around the world, where we don't have bases like we have in Panama or the Philippines or other places. It's going to take a whole new kind of intelligence.

We're going to have to know about foreign governments' intentions for oil production levels, exchange rates and trade policies. We're going to have to protect our own commercial enterprises against the theft of commercial secrets. We're going to have to think about the role that we want our own intelligence service to play in terms of protecting America's economic and commercial interests around the world. We have to ask how far it should go, what is appropriate for our government intelligence agencies to do to look after our commercial and economic interests in a free enterprise system, in a democracy.

When we think about terrorism, when we think about laundering of drug money, when we think about nuclear proliferation—again we must think of improving human intelligence. The training and the beefing up of our human intelligence capability become all-important in terms of finding out what is going on around the world.

We have to think the unthinkable. We have to think about the fact that our intelligence job is going to change if we have to deal with a Soviet Union that is primarily democratic instead of a Soviet Union that is a closed society as it has been in the past.

We need different intelligence skills, focuses not so much finding out what went on at the Politburo meeting between a narrow range of decision makers, but what is going on with the people—finding out how these influences will come to change a system which is becoming increasingly democratic.

Thus, there are many things that we have to think about in terms of changing the intelligence capabilities of our country. I think you can see from what I'm saying that we're going to have to put great emphasis on the improvement of our human intelligence capability because intentions, changes of policy, and changes of public attitude are going to be far more important to us than they have been, particularly in Eastern Europe and the Soviet Union.

It is a new world; we have to stop and think about our role in it; we have to have a vision for it. It's been said that those who mill around at the crossroads of history do so at their own peril. We are there—there's no doubt about it. If we don't understand that, we're going to place our nation at risk. If we don't understand that we're going to have to have a whole new set of assets to lead the world in the twenty-first century than we had in the twentieth century, we place our nation's role at risk.

If we're going to do that, if we're going to have that kind of focus, if we're going to come up with plans, if we're going to have the vision, our own domestic political institutions must work well. I think we realize that our political institutions here at home have severe problems. Reforms need to be made. Look at the fact that in these newly emerging democracies—Nicaragua, for example—over ninety percent of the people went to the polls in the recent elections. When you look at East Germany, over ninety-five percent of the eligible voters went out to vote in the last election.

Then look at the United States, where we struggle to get up to the fifty percent level in presidential elections, and we're down to the twenty and thirty and forty percent level, if we're lucky, in Congressional elections. There is a cynicism growing among American citizens about politics that is driving them away from the voting place. We have to do something about it.

When Congress should be grappling with the changes in the world, approaching them with vision, coming up with a blueprint to share with the American people, and asking the American people to be a part of that blueprint, more and more of congressional time is spent in reelection efforts and raising the funds necessary to run a political campaign.

Even the daily schedule of Congress is driven not by policy issues, not by these changes in the world, not by clean air issues or aid to Panama and Nicaragua—the schedule is driven by the need for political fundraising. No votes on Mondays, particularly on Monday nights. Those are political fundraising nights, as everyone in Washington knows. No votes pass on Friday because members have to go all around the country—to California, Florida, New York—to raise the necessary funds. The time and attention that should be spent on solving the nation's problems are going into raising the money necessary to run for reelection.

If you just look at the figures, it's easy to see the kind of problems that we have. Since 1976, the cost of winning a United

States Senate race has gone up 570 percent. From $600,000 in that year to an average $4 million in the last election cycle. That means that the average Senator has to raise $15,000 in campaign contributions every single week for six years to find the amount of money necessary to defend his or her seat in the coming election.

Where is that money coming from? Is it coming from the grass-roots? Is it coming from the people back home, from the home state or district of that Congressman? Absolutely not. Again, in the last twelve years, contributions from political action committees, mainly headquartered here in Washington, have gone from $22 million to $147 million. In the last election, well over half of the members reelected to Congress received far more than fifty percent of all their campaign contributions not from the people back home, but from the people here in Washington, D.C. who control political action committee money.

I was once interviewed at a meeting of PAC managers, and they asked a very serious question of me. One of them said, "Senator, don't you think that's a good development? One congressman told me, 'You know, I feel good about it, because now I can just raise all my money up here in Washington in three or four nights, and I don't have to go back and inconvenience those people at home, my friends, and embarrass myself by having to ask them for contributions to my campaign.' "

My answer to that was, "Thank God the Constitution requires it, or we could just conduct the election here in Washington too and not inconvenience the people to participate in the political process in any way whatsoever."

What has the infusion of all this money done to the system? What has it done in terms of allowing young people to come into the political process, with fresh ideas and new concepts about how to solve our nation's problems? We all know that not only is more money being spent and more of that money coming from special interests, more and more of the money is going to incumbents. In the last election cycle, the political action committee gave to incumbents at a rate of four-to-one in the Senate and the rate of eight-to-one in the House. On average, incumbent members of Congress were able to outspend their challengers by a ratio of two-to-one.

What are we going to do about it? We have a real opportunity and a pressing need to deal with these problems in our own political institutions as we look out at a world that is changing, look out at a world that calls for us to face it with new vision and new understanding. I think we have a real opportunity this year. There's been a seachange in attitude. Part of it has to do with the number of ethics cases that are now pending in Congress. Part of it has to do with increased public awareness. Almost eighty percent of the American people, according to recent polls, now say they support overall spending limits in political campaigns. The people want something done.

We were very close to passing a bill two years ago, as you know, and I think we could take S. 137, the bill that I've introduced with Senator Byrd and Senator Mitchell, and probably pass it through the Senate as it is now. We had fifty-five votes for our bill last time. We were only five short of cloture. With all of the changes that have taken place, I'm convinced that we have already picked up the five votes that are necessary.

But we don't want to push through a bill—I do not want to do it, Senator Mitchell doesn't want to do it—that is principally sponsored by only one political party. We want a bipartisan approach. This is a problem for all Americans. We don't seek any political advantage. We don't want to write a bill that tips the scales in favor of the Democratic Party or the Republican Party. We want to solve the problem.

That's why we're working very hard towards a consensus. Right now I'm working with a number of Republican senators; Senator Stevens, the ranking Republican on the Rules Committee, has been very active in this effort to work out a bipartisan compromise so that when we take this issue to the floor a week or two after the Easter recess, we'll be able to have a strong bipartisan vote and a bipartisan consensus.

I think we can do it around several principles. One, overall spending limits that have to be voluntary under the Supreme Court decision. An overall limit that candidates can receive from PACs in the aggregate, and an overall limit on the amount that candidates can spend in the aggregate. There would only be one exception to the aggregate spending limit. I was suggested by a special committee of experts which was appointed to give us new ideas and try and break the deadlock about spending limits. They came up with an idea that they call flexible spending limits. Since Republicans have always been traditionally opposed to any kind of complete and total limit on spending, these experts suggested to us that we make an exception. They suggested we have an overall limit, but it would not apply to small in-state contributions raised from individuals. That's the kind of participation in the political process that we want to encourage.

I believe that a combination including an overall spending limit, overall limits on amounts coming from PACs, along with the so-called flexible limits exception of allowing unlimited amounts to come from small in-state contributors gives us a way to break the partisan stalemate on this issue.

We also, of course, are going to have to deal with the problem of bundling. We're going to have to deal with the problem of reforming the Federal Election Commission so that it can break the present three to three deadlock and actually make some decisions. And we have to come up with a package of incentives which will make it attractive enough for people to accept the voluntary spending incentives.

I think we've included such incentives in the proposal we're putting together. We have, for example, said that those who accept the voluntary spending limits will get lower mailing rates and a lower broadcast rate. Senator Danforth has come forward with a very fine suggestion that we're going to include that would allow a very, very low cost broadcast rate, almost free time, for two and five minute segments for those candidates that accept spending limits, to allow for real debate and not just negative thirty second spots.

We've also come up with a disclaimer so that those who refuse to accept the spending limits will have to put on all of their ads, including those on television. "This candidate does not accept spending limits," for the whole time it is on the air. We think that's something which will be a strong inducement to candidates to accept limits given the change of public attitude.

We're almost there. We have a real chance to do something meaningful for our country through real campaign reform.

We have a real chance to make people believe in the political system again, to make them keen to participate in elections, since the elections will once again be decided on issues and the qualifications of candidates, and not on who can raise the most money.

So here we are. I think we all realize, perhaps in a way people have not realized it before, that we're playing out a role in history. With all the changes that are around us, we have to change our thinking, as Einstein said. It is absolutely vital for us to adjust our thinking, to realize that we are at the crossroads of history, that we cannot afford to mill around. We have to seize these opportunities, because they may not come again. In order to seize them, in order to prepare this country to lead in the twenty-first century, we need to get our own house in order. We intend to do it. This is the year when Congress must face up to that responsibility.

Thank you for letting me come and visit with you today.

FINANCIAL DISCLOSURE REPORTS

Mr. MITCHELL. Mr. President, financial disclosure reports required by the Ethics in Government Act of 1978 and Senate rule 34 must be filed no later than close of business on Tuesday, May 15, 1990. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records Office will be open from 8 a.m. until 6 p.m. to accept these filings. Written acknowledgment will be provided automatically for Senators' reports, and upon request for staff members. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Wednesday, May 30. Advance requests for copies of full sets of 100 Senators' reports are now being accepted by the Public Records Office. Any questions regarding the availability of reports or their purchase should be directed to that office (224-0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224-2981).

THE CONTINUING AIDS CRISIS

Mr. MOYNIHAN. Mr. President, on April 27 I introduced S. 2536, the Medicaid AIDS and HIV Amendments of 1990. Four Senators joined me in that effort—Senators ADAMS, KENNEDY, DODD, and INOUYE—which, in part, would provide Medicaid outpatients services—primarily prescription AIDS drugs such as AZT and aerosolized pentamidine—to those who have the human immunodeficiency virus [HIV] but who have yet to become symptomatic with the various opportunistic disease which define the acquired immune deficiency syndrome or AIDS.

Of added significance, our proposed legislation—first introduced in the House of Representatives by a pioneer in such matters, Congressman HENRY WAXMAN—would provide an enhanced Medicaid payment to hospitals which serve a disproportionate number of AIDS patients. I outlined in my statement the impact both the AIDS and crack epidemics are having on our health care institutitions whch are primarily our hospitals. Five percent of our Nation's hospitals serve over 50 percent with AIDS more and more of whom are or will become Medicaid dependent. But only when hospitalized. Currently, we do not provide Medicaid reimbursement for preventive health care services which would delay if not prevent hospitalization.

In my view, the prognosis for this disease will not soon improve. We will develop better treatments but how, when, and where we will provide them will continue to present an enormous challenge, one with both ethical as well as economic ramifications. This epidemic will not soon disappear. It will not remain in the coastal urban areas of this country where it has already so tragically impacted our gay and minority communities. Indeed, the disease will continue to appear throughout the country. The numbers may not be as dramatic, but they will persist. We will and we must respond to this epidemic. How we choose to do so will be defined by the numbers of people who will or will not die from it.

Mr. President, I ask unanimous consent that an editorial from the May 5, 1990, issue of the Washington Post entitled "AIDS: An Expanding Emergency" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 5, 1990]

AIDS: AN EXPANDING EMERGENCY

Each year the sobering figures move inexorably higher. As of March 31, it is estimated that about a million Americans are infected with the virus that causes AIDS. More than 128,000 cases of full-blown AIDS have been reported, and more than 78,000 people have died. By the end of this year, public health experts expect that another 50,000 cases will be diagnosed. By next year, AIDS will be the leading cause of death for Americans between 25 and 44.

The toll on individuals is, of course, indescribable. But there is a public health impact, too, and it must be addressed, or the nation's hospitals—particularly the large, urban, public facilities—will collapse under the weight of this burden. The problem is concentrated: 13 metropolitan areas—Washington is one—have 55 percent of all reported AIDS cases, and 5 percent of the nation's hospitals care for half of all AIDS patients. Fortunately, emergency legislation is now moving through Congress to deal with this crisis. In the Senate, a bill with 65 cosponsors has been reported unanimously by the Labor and Human Resources Committee, and in the House, another proposal has been reported unanimously by the Health subcommittee of the Committee on Energy and Commerce. Both bills would authorize federal grants of $300 million a year to help cities with severe AIDS problems. The Senate measure would include hospital care, and the House bill would limit assistance to outpatient services and hospices. Both bills also provide money—the Senate $300 million, and the House $500 million—for services including counseling and testing, early intervention help and drugs. Only the House provision is means tested.

On another track, Rep. Henry Waxman and Sen. Daniel P. Moynihan have introduced bills to broaden the Medicaid program to include HIV-infected poor people before they become disabled and to provide new subsidies to hospitals that bear a disproportionate share of caring for AIDS Medicaid patients. When the epidemic was in its early stages, about half of all patients were covered by private insurance. Now, as the number of patients who are drug abusers and generally uninsured increases, the demands on Medicaid have doubled. Funding must be increased and eligibility standards adjusted to account for these developments.

The principles that underlie these bills are clear: help those suffering from this devastating disease who have neither resources nor insurance. Provide early intervention that can delay the onset of the disease. Promote the development of alternatives to expensive hospital care when clinics, home health services and hospices are preferable. And save the big city hospitals that can no longer cope with the crisis unaided.

LETTER FROM PRESIDENT CHAMORRO

Mr. DOLE. Mr. President, I want to take a moment to share with the Senate a letter I received yesterday from President Violeta Chamorro of Nicaragua.

As we all know, President Chamorro was inaugurated on April 24 as Nicaragua's first democratically elected national leader. I noted in a floor statement on that date the enormous challenges she faces, trying to put her country back together again—after years of war and Sandinista mismanagement.

I ask to have the full text of President Chamorro's statement included in the RECORD—and I want to briefly summarize it.

The message is "short but not so sweet." Unless the United States provides substantial aid to Nicaragua very soon—she says, within 2 weeks—there will be an increasing possibility of what she terms "serious instability."

She specifically asks for help in two areas: Jump-starting Nicaragua's agricultural economy, as the planting season reaches full swing; and helping with the reintegration of the democratic resistance forces—the so-called Contras—tens of thousands of whom are coming back into Nicaragua, looking for homes and jobs.

In my view, President Chamorro is not crying wolf. Nicaragua's needs are urgent. The pressure of the problems she cites, and the continuing alertness of many Sandinista diehards to find chances to sow public discontent and unrest, means her new government must deliver—and deliver fast.

It is not only our responsibility to help—it is very much in our interest. We can make no greater contribution in our own security in this hemisphere than by helping her government succeed.

The mechanism to help is obvious to us all. We have passed an emergency supplemental, responding to Nicaragua's needs. The House has passed its own version of the bill. The provisions on Nicaragua are practically identical.

I hope the conference will move swiftly on this critical bill; will deal effectively with the controversial provisions which would slow its final passage; and will give us a product we can approve as soon as possible—and hopefully within the 2-week timeframe laid out by President Chamorro.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 5, 1990.

Hon. Senator ROBERT DOLE,
Minority Leader, the Senate, U.S. Congress, Washington, DC.

DEAR SENATOR DOLE: The people and the Government of Nicaragua face serious economic social and political problems inherited from the past. Our people have taken the first fundamental step, through a democratic election, to solve these problems and find solutions through peaceful means, within a context of reconciliation and economic recovery.

As we take decisive steps to bring about the demilitarization of our country in order to simultaneously tackle the economic and social problems, we face the reality of a government nearly bankrupt. This fact jeopardizes the progress that has been made, and threatens the opportunities that have opened to the Nicaraguan people to consolidate democracy and peace.

The disastrous policies of the outgoing government have left a legacy of hyperinflation, but we have not shied away from making difficult economic decisions. We hope to have this cancerous inflation under control by the end of the summer. Until then, we need immediate help. The Legislative package you have before you granting aid to Nicaragua, will provide that assistance. Unless we can use some of that aid in the next two weeks, we run the prospect of serious instability problems driven by our lack of funds to pay for critical imports.

There are certain areas that are particularly urgent. Our agricultural cycle for staple crops and cotton, which are vital to our economy, begins with planting at the end of May. In order to increase the planting areas of these crops—corns, beans, sorghum, and especially cotton—we urgently need your aid. My Government's ability to increase agricultural production this year, creating jobs, food and exports, thus bringing some measure of stability to my country after so many years of war and dictatorship, depends in great measure on your timely help.

I must mention one other area where your help is vital. As you know the forces of the Nicaraguan Resistance have returned to Nicaragua to initiate the process of demobilization. The OAS is responsible for feeding

them, but their funds for this purpose are virtually exhausted. If the peace and demilitarization process is not to be jeopardized, new funding, as provided by the referred legislation is needed.

In sum, the legislation before you is crucial not only for economic recovery but for peace. It is because these problems are so serious, that I have taken the opportunity to write to you directly and ask for your help and assistance in the timely passage of this important legislation.

Sincerely,

VIOLETA B. DE CHAMORRO.

HOSTAGES

Mr. REID. Mr. President, we are all happy to see Frank Reed and Robert Polhill home in America. But we should not express gratitude to Iran for their role in this situation. Perhaps they helped get Reed and Polhill released, but let us not forget that they were also responsible for their capture, detention, and ill-treatment.

Mr. Polhill was released after 39 months of captivity, Mr. Reed was released after 43 months, Colonel Higgins was brutally murdered and six Americans are still being held. Yet, President Rafsanjani pronounced the United States a "stubborn and spoiled child" for not thanking his country.

On demanding an exchange of prisoners, the Iranian President is missing a vital point: American captives are innocent victims whereas the prisoners being held by Israel are criminals. What were the crimes committed by Reed, Polhill, and Higgins? Their only crime is having been Americans. What are the crimes of Sheik Abdul Karim Obeid, who is being held by the Israelis? His crimes include murder, abduction, and torture.

For this Rafanjani wants gratitude?

Mr. President, we cannot forget that hostages remain and that their detention is a barbaric and illegal act. And we cannot rest assured that this type of activity will cease. I ask unanimous consent that an article written by Mike O'Callaghan, from the Las Vegas Sun, dated May 3, be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. REID. Former Governor O'Callaghan asks the questions:

Are we to celebrate the recent return of Reed and Polhill and forget about Terry Anderson who has been a hostage since 1985? When all is said and done, are we just going to forget about the brutal murder of William Higgins?

Mr. President, I suggest that the answer should be a resounding "No."

EXHIBIT 1

WHERE I STAND

(By Mike O'Callaghan)

War is hell, and so is being held a hostage in Lebanon by Islamic militants! But why were almost the first words out of released hostage Frank Reed's mouth critical of his own country? Reed, on Syrian television, almost immediately criticized the U.S. for not acting fast enough for his release.

Was Reed on some special U.S. mission like the late USMC Lt. Col. William Higgins was with the United Nations when Islamic terrorists seized and later killed him? No, Reed was living very comfortably in Muslim West Beirut where he, a Muslim convert, lived with his Syrian wife and young son.

Despite all of the previous kidnappings of Americans and violence, Reed continued to run a private school. He was on the way to a country club to play golf that September morning in 1986 when he was abducted. He has lived a life of hell since that day and all of us are happy to see him released to rejoin his wife and child.

Reed, to me, is just one more of many private citizens who ignored warnings about the dangers of being taken hostage by Muslim extremists. Most of them were captured after Terry Anderson, a working Associated Press correspondent still being held, was taken hostage.

So much for two hostages being released with still six more Americans being held. Some loud voices now cry for President Bush to give official recognition to the kidnappers along with Iran and Syria, the countries that have great influence with them. Best these people back off and let Bush continue to demonstrate his skills in international relations. He hasn't done too bad after being in office little more than a year.

Don't expect Israel to release a large number of Arab prisoners until all Israelis have found their way home and out of the hands of terrorists. Israel has traded hostages in the past and will continue to do so. One time they released almost a thousand Arabs for but a handful of Israeli soldiers.

In the meantime, Israel will continue to hold Hezbollah Sheikh Abdul Karim Obeld who was a ranking terrorist in his own right. The Hezbollah (Party of God) is the outfit that took Terry Anderson hostage three years before Obeld was taken by Israel.

Are we to celebrate the recent return of Reed and Polhill and forget about Terry Anderson who has been a hostage since 1985? When all is said and done, are we just going to forget about the brutal murder of William Higgins? Who's going to pay for this heinous crime? Unless something is done to the killers, there's no notice going out that other American citizens working and playing over the world had better be treated with greater respect.

President Bush is right, we are nowhere near a point of light where we can let down our guard against terrorists and happily celebrate. There are more to be released and some debts we owe for the brutal slaughter of several U.S. citizens including Marine Lt. Col. William Higgins.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The period for morning business is now closed.

HATCH ACT REFORM AMENDMENTS OF 1989

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume the pending business, S. 135.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 135) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Roth amendment No. 1585, to modify the definition of a partisan political office.

(2) Dole amendment No. 1586, to provide limitations on the political activities of certain employees of the intelligence and law enforcement agencies.

(3) Simpson amendment No. 1587, to delay the effective date of the Act until bans on PAC contributions and soft money are enacted.

(4) Dole amendment No. 1588, to provide for penalties for employees violating certain prohibitions on political activities.

The ACTING PRESIDENT pro tempore. Under the previous order the time between now and 12 noon is divided equally and controlled by the Senator from Ohio [Mr. GLENN] and the Senator from Delaware [Mr. ROTH].

Who seeks recognition?

Mr. ROTH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Delaware [Mr. ROTH].

Mr. ROTH. Mr. President, I yield myself 3 minutes.

AMENDMENT NO. 1585

Mr. President, the first amendment on which we will be voting this morning is a very simple, straightforward amendment. It would strike from the bill the ability of Federal employees to hold any office or position within a political party or affiliated organization. If this amendment is approved, it would retain the same law as applies today to this specific issue.

In his veto message in 1976, President Ford stated that if Hatch Act legislation became law, "pressure could be brought to bear on Federal employees in extremely subtle ways beyond the reach of any anticoercion statute so that they would inevitably feel compelled to engage in partisan political activity." In my opinion, this would be the inevitable result of this legislation. Proponents of this legislation do not seem to appreciate the expectations, the pressures, and the coercion that will spring forth if this legislation is enacted.

Few of us would find it appropriate for employees of the Federal Election Commission to be president or treasurer of the Democratic or Republican National Committee at night and serve as umpires over partisan politics by day. This legislation would allow just that. My amendment would prevent it.

Few of us would find it appropriate for an employee of the Internal Reve-

nue Service to be president of the State Democrat or Republican party organization at night and conducting an audit of a local business by day. This legislation would allow that. My amendment would prevent it.

Few of us would find it appropriate for an assistant U.S. attorney to be chairman of the local Democratic or Republican Party organization at night and prosecuting political corruption during the day. This legislation would allow just that. My amendment would prevent it.

These, Mr. President, are but a few examples of what we could expect if this legislation is enacted. And what kind of confidence would that inspire in the American people to see these Government officials attempting to administer in a nonpartisan fashion the affairs of Government by day and the running of partisan politics at night?

In a letter to the Governmental Affairs Committee during the 100th Congress, and I believe is as accurate today as when it was written, the American Bar Association stated:

> We question the existence of such a clear line. The timing of an employee's permissible activity may be clearly defined, but the employee's possible motivation for such activity is not. Will it be any less an evil in the future than it has been in the past for an employee on his or her own time to actively work for the election of a partisan candidate out of a sense of loyalty to his or her superior or out of pressure from that superior, real or perceived? * * * Participating in partisan political activity as a result of pressure from one's bosses at work is a "freedom" which Federal employees can well live without. The bright line of "on-duty" and "off-duty" of S. 135 is a mirage.

Mr. President, I would like to draw an analogy: Suppose that we were at a baseball game and there were 60,000 fans supporting and cheering loudly for the home team. All of a sudden, all of the umpires join in the cheers. Would they be considered impartial? Now proponents of S. 135 would argue, well the umpires would not be able to cheer on the job. Well, suppose the umpires did not cheer on the job, but afterward, off the job, they openly displayed their partisan support for the home team. Even if they called every ball and strike and every out perfectly the next game, every baseball fan would begin to doubt their impartiality.

Just like the umpires in this example, Federal employees who become actively involved in partisan politics, whether it is holding office in the national, State, or local Republican or Democratic Party organization or campaigning for a particular candidate in a partisan election, would become identified with a partisan cause. This will fundamentally alter the public's impression of a nonpartisan civil service.

Mr. President, my amendment would keep the current prohibition on Federal employees from holding office in political organizations. It is a straightforward amendment and I urge its support.

I yield the remainder of my time.

Mr. GLENN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Ohio [Mr. GLENN] is recognized.

Mr. GLENN. Mr. President, I yield myself such time as I may use.

Mr. President, the basic problem with the Hatch Act through the years has been that it is so murky, it is so unclear, that people do not know what they can d- on the job or off the job.

It is not that some things are permitted in the Hatch Act and not permitted in other places. It is that all these different interpretations have grown up through the years, so the people are not even sure what they can do on the job or off the job.

The basic purpose of S. 135, which I think we have done, is it clarifies this; it says specifically, you cannot do anything politically on the job. We even take away the right to wear buttons, which we have talked about a lot here over the past several days. We cannot do anything on the job.

But off the job, we say you can do some things. But still off the job, there are certain things that you cannot do, absolutely cannot. One of those things off the job, you cannot run for elective public office yourself. You are prohibited from raising money from the public. The only fundraising you can do is what is permitted right now with regard to raising money for a PAC from within that known organization; but you cannot go out and solicit funds from the public.

Outside of that, should people be permitted to run for or hold office within a political organization on their own time, at night or whenever, weekends, whether it is a local Democratic work club, or whether it is being a precinct committeeman, or whatever.

I see nothing wrong with that. Every American has a right to have a political interest, and every American should have those political interests cutback only where absolutely necessary. That is what this does. This is not a repeal of the Hatch Act. That comes up every day. It is not a repeal of the Hatch Act. What it does is it revises the Hatch Act only to the extent that I just outlined.

In other words, it makes clear what has been a very, very uncertain area, where there are literally thousands of interpretations, so that people do not really know what they can do and what they cannot do. All S. 135 does is clarify it. It makes it workable. It makes it workable so people will know off the job specifically what they can do, and they cannot exceed certain limits. It makes sure what they can do on the job, which is nothing, politically. So it takes away all this uncertainty that the Federal employees have been saddled with for so many years.

Mr. President, at the appropriate time, I will move to table. I believe we are going to have these votes, it is my understanding, stacked, and vote on them one right after the other; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct. The votes will begin at 12 noon.

Mr. GLENN. At the appropriate time, I will move to table this amendment and the others to follow. We will discuss the following amendments.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. GLENN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided from both sides of the aisle.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1587

Mr. SIMPSON. Mr. President, let me briefly summarize the crux of the matter on which we will be voting with regard to the Simpson amendment. I want to respond, too, to my friend, Senator BOREN, who spoke this morning, and say very clearly, I am not proposing to deal with PAC's one special interest at a time, in response to his remarks. I am proposing not to change the laws governing Federal employee union PAC's.

My amendment pursues the exact goal of doing all PAC reform simultaneously. That is what I am up to. S. 135 would enact the change in the law governing Federal union PAC's, not my measure. I wanted to clarify that.

Yesterday, my good friend from Ohio and I conducted, I thought, a very good dialog of debate on the merits of the case.

I think it was a discussion which I think swept away a lot of side issues and irrelevancies and did a great deal to clarify a few points in disagreement.

I commend him for that, and I enjoyed that opportunity, and I take him at his word when he says there is no intention on his part to enact a sweeping repeal of the Hatch Act. Those are his words. He is talking about the reformation provision and that type of activity.

We both agree that the Hatch Act is legal. It is quite constitutional. It is so. We agree that our IRS auditors

should not do their business while wearing campaign buttons, either Bush or Dukakis buttons, or whatever you wish, and there is a lot of common ground here, and Senator GLENN is doing a great job of piecing it together.

Here is the fundamental point of contention to deal with in this bill. It is the fact that this bill would expand the numbers of those who are permitted to solicit—that is the word—solicit contributions to Federal employee union political action committees. It is right there on page 4 of the bill. The bans on soliciting, it says, do not apply when the target is "a member of the same Federal employee organization and the solicitation is for a contribution to the multicandidate political committee." That is a PAC.

That is the new definition of Federal employee organizations. I do not know what that means. You want to get honest. Let us use the word "union." It is at least less painful for those of us who are going to legitimize the process where 92 percent of the money that comes into the kitties are going to elect Democrats. That is a little twisted view of fairness.

So there is a change in the law being proposed here, let us admit that, because we say it is, and we say it is substantial. It is an expansion of the number of PAC contribution solicitors, limited only now by the size of the Federal work force, and that is 2.9 million people. That is what you got here; there is no limit given to the number of folks who will suddenly become designees. What a marvelous phrase for a surrogate, for a union boss as a designee of the the union leadership, who can now go forward, the day after work, of course, probably on the Sunday before election would be an awfully good time to turn lose 600,000 postal employees who could take their own sacks with them. It is a day off, and you have every right then to go your route. I cannot imagine anything more grotesque for people who are hired on to do the public business and not be involved in partisan politics like we are. So there is no limit to the impact this could have on this year's Federal employee union PAC revenues.

We are opening it all up with that change, because I promise you that newly permitted political activities are going to become the unspoken prerequisites to career success in those jobs.

My colleagues who disagree with me about that will, I hope, still be concerned abut the absolute inconsistency of giving these PAC's a big boost now, just in time for the election while giving lip service to the ideal of their legislative death somewhere down the road, like next week, as we deal with campaign reform. How are you going to sell that one? We will take one step backward now, before November, and promise to take two steps forward in 4 years? That is the way to let off all the people running this year. I do not think that is going to fly at all.

Why do we not wait until the dust settles on the action we ultimately take on PAC's and soft money before we enact these so-called Hatch Act reforms? How can we justify allowing Federal employee PAC's to grow by our actions this week and possibly eliminating them the next? I note, parenthetically, that under the Democratic campaign reform plan, such PAC's would still exist and could still contribute large sums to the traditional beneficiary of 90 percent of their largesse, which is the Democratic Party. I conclude, Mr. President, and ask my colleagues to think about that and pass this amendment which would add to this bill the limited virtue of resolving these related issues all at the same time. Thank you.

The ACTING PRESIDENT pro tempore. Who yields time?

The Chair recognizes the Senator from Ohio [Mr. GLENN].

Mr. GLENN. I yield myself 2 minutes.

Mr. President, when the Hatch Act was passed, there were no such things as PAC's. They are not even addressed in the Hatch Act. I agree thoroughly with the Senator from Wyoming that we need campaign reform. I think we also need to make the Hatch Act something workable. That is exactly what this bill does. It says all vagaries that have come out through the years with all the different things under the Hatch Act will now be clarified, because now, for once and for all, you will be able to know exactly what you can do on the job, which is nothing, and off the job what you can do, which is limited, but you still cannot make solicitation for political contributions to the general public nor can you run for elective office. That is all it does.

Mr. President, I do not want to see us tie these two things together. I think it is unwarranted. That is the reason I opposed the proposal by the distinguished Senator from Wyoming. There is no reason to wait. The Hatch Act needs reform even if there is never a campaign reform bill, which I think there is going to be, and I understand it is going to be brought up shortly. Whether or not there is a campaign reform bill, we need the changes made by S. 135 to the Hatch Act. That is the reason I oppose this particular legislation.

I know we are going to start voting in about 4 minutes here. I do not know if the Senator from Wyoming wishes to address the third amendment, if it is going to be brought up or not. We only have about 4 minutes. I ask the Chair how much time is remaining on both sides.

The ACTING PRESIDENT pro tempore. The Senator has 4 minutes, 18 seconds remaining. The Senator from Delaware used all the time allocated under the previous order.

Mr. GLENN. All right. I am willing, if he wants to talk about it, to yield the Senator 1 minute.

Mr. SIMPSON. Mr. President, I do not control the time. I appreciate the courtesy of the Senator from Ohio. I have no further remarks on the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Ohio retains the floor.

Mr. GLENN. Mr. President, the third one is the one that Senator DOLE is going to bring up. I believe that he submitted it yesterday and it involves putting additional restrictions on to Government employees of FEC, IRS, CIA, and Department of Justice. Laws restricting those people and what they can do are already on the books. I see no need to repeat them here. I read into the RECORD yesterday all the different things in the United States Code right now involving what they can do and cannot do and that they cannot use their official positions or information gained on the job, such as IRS, CIA, FBI, Department of Justice, they cannot use information gained on the job to go out and use it politically. If they do, they are in trouble under other parts of the United States Code, and should be. This bill does not open up any avenues for them whatsoever. It does not take away any restriction from other legislation at all.

Mr. President, I am prepared to yield back all time and go to the vote and start the vote. I believe the first vote is 15 minutes with two 10-minute votes to follow; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEAHY. Mr. President, as a cosponsor of S. 135, I feel strongly that reform of the Hatch Act is long overdue. I have worked hard since my arrival in the Senate to restore political rights of Federal workers.

In 1976, as a freshman Senator and a member of the Post Office and Civil Service Committee, I supported legislation that would have provided broader Hatch Act reforms than those in the bill we are presently debating. Unfortunately, President Ford successfully vetoed that bill.

Opponents of Hatch Act reform have been able to prevent Congress from taking up this important issue until now. Under the leadership of Senator GLENN, the Senate is finally once again ready to approve legislation to ease the restrictions on political activities of Federal workers.

Mr. President, when the Hatch Act was originally passed in 1939, political patronage was the rule rather than the exception for employment in the

civil service. The bill prohibited Federal employees from taking an active role in partisan political activities in order to ensure the civil service remained nonpartisan.

The civil service, however, has changed dramatically since the passage of the original bill. The patronage system no longer exists. The majority of Federal jobs are now filled by the objective merit system. We can afford to remove the restrictions on political rights of Federal workers without jeopardizing the quality and effectiveness of our civil service.

The Supreme Court reviewed the constitutionality of the Hatch Act in 1947 and again in 1973. In both cases, the Court upheld the law but recognized that the rights of Federal workers were infringed. In the latter case, the court commented that Congress could "strike a better balance than it has."

Hatch Act reform does precisely that. Under this legislation, Federal workers will no longer be discouraged from expressing their political beliefs. Hundreds of thousands of civil service workers will be able to do more than just vote at the polls.

This legislation also decreases the already unlikely opportunity for coercion under the current merit system. Restrictions for on-time political activities are tightened and procedures for punishing those who violate the Hatch Act are strengthened.

Mr. President, there is no reason why Federal workers should be deprived of their rights. They deserve similar political rights as their counterparts in the private sector. I support the passage of S. 135 and urge the President not to veto this legislation.

AMENDMENT NO. 1585

Mr. GLENN. Mr. President, what is the first vote?

The ACTING PRESIDENT pro tempore. The first vote, under the previous order, will occur on the amendment proposed by the Senator from Delaware, amendment No. 1585.

Mr. GLENN. Mr. President, I move to table the amendment.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. All time has expired. Under the previous order, the question occurs on the amendment of the Senator from Delaware [Mr. ROTH] amendment No. 1585. The question is on agreeing to the motion of the Senator from Ohio [Mr. GLENN] to table the amendment of the Senator from Delaware [Mr. ROTH]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Dakota [Mr. CONRAD], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN] and the Senator from California [Mr. WILSON] are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 32, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—64

Adams	Fowler	Mikulski
Baucus	Glenn	Mitchell
Bentsen	Gore	Moynihan
Biden	Graham	Nunn
Bingaman	Harkin	Packwood
Boren	Hatfield	Pell
Bradley	Heflin	Pryor
Breaux	Heinz	Reid
Bryan	Hollings	Riegle
Bumpers	Inouye	Robb
Burdick	Jeffords	Rockefeller
Byrd	Johnston	Sanford
Cranston	Kasten	Sarbanes
D'Amato	Kennedy	Sasser
Daschle	Kerrey	Shelby
DeConcini	Kerry	Simon
Dixon	Kohl	Specter
Dodd	Lautenberg	Stevens
Domenici	Leahy	Warner
Durenberger	Levin	Wirth
Exon	Lieberman	
Ford	Metzenbaum	

NAYS—32

Armstrong	Gorton	McConnell
Bond	Gramm	Murkowski
Boschwitz	Grassley	Nickles
Burns	Hatch	Pressler
Chafee	Helms	Roth
Coats	Humphrey	Rudman
Cochran	Kassebaum	Simpson
Cohen	Lott	Symms
Danforth	Lugar	Thurmond
Dole	Mack	Wallop
Garn	McClure	

NOT VOTING—3

Conrad	McCain	Wilson

So the motion to lay on the table amendment number 1585 was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1586

The PRESIDING OFFICER (Mr. KERRY). Under the previous order, the question is on agreeing to amendment No. 1586 proposed by the Senator from Kansas.

Who seeks recognition?

Mr. DOLE. Mr. President, I have cleared this with the majority leader. We would like to ask unanimous consent for 2 minutes on a side to touch on this amendment.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. DOLE. Mr. President, the amendment prohibits employees of the Central Intelligence Agency, the Internal Revenue Service, the Federal Election Commission, and the Justice Department from giving a political contribution to another employee, a Member of Congress, or an officer of a uniformed service. It also prohibits such employees from requesting or receiving political contributions from any of these persons.

In addition, this amendment prohibits such employees from taking an active part in political management or in political campaigns.

The basic effect of this amendment is to exclude employees who work for these particular agencies—the IRS, CIA, FEC, and Justice Department—from the relaxed standards on partisan political activity set forth in S. 135—and to impose standards which are the same as such employees are currently required to abide by.

In short, Mr. President, this amendment would have the effect of maintaining current Hatch Act law with respect to these special Federal workers.

ACCESS TO CONFIDENTIAL INFORMATION

It is not a secret limited to those inside the beltway that personnel of these agencies have access to—and deal on a regular basis with—very sensitive information. IRS, CIA, Justice Department, and even FEC employees have access to all kinds of information that is extremely personal—such as financial records and criminal investigations—information that is not intended for public dissemination and that would be extremely harmful and embarrassing—to say the least—if wrongfully released.

The distinguished Senator from Ohio has said that these employees are prohibited by law from disclosing such information and denies that there is anything to worry about. I say there is plenty to worry about.

To allow such individuals to actively engage in partisan political activities is to expose them to the temptation to use whatever means are at their disposal to advance their political candidate or their political cause—temptations that are strong and emotional and that would not exist but for S. 135.

For more than 50 years, such employees have been shielded from such irresistible temptations. I do not understand why we are seeking to change a policy that has historically worked and continues to work so well.

If S. 135 becomes law and this amendment is not part of that law, there will inevitably be leaks and scandals and this Senate will probably find itself looking at legislation to fix the many problems that the passage of this bill would unleash. This amendment fixes at least some of those problems.

AGENCY CHIEFS OPPOSE S. 135

Mr. President, I also want to remind all of my colleagues of the letters from the Attorney General, the Commissioner of the IRS, and the Chairman

of the FEC which I introduced into the RECORD yesterday. Each of these individuals clearly and unequivocally stated his or her opposition to S. 135.

Not only is there concern over the impact that politics will have on the fair and impartial implementation of Federal programs and Federal laws, but as Attorney General Thornburgh, Commissioner Goldberg, and Chairman Elliott indicate, the very fact that their employees will be able to actively engage in political activities will undermine public confidence in the agency's ability to do its job.

In short, S. 135 hurts these agencies by compromising the American public's perception of the impartially of those who are responsible for administering their day-to-day affairs.

If S. 135 becomes law, whenever the IRS announces a controversial tax ruling or the Justice Department initiates a controversial investigation, such decisions would be able to be attacked as partisan. This is not good for the agencies or for the American people. It is simply not good law.

SAME AMENDMENT APPROVED IN 1976

Finally, Mr. President, I want to remind my colleagues that this is the same amendment that was cosponsored by Senator BENTSEN and which passed the Senate by a vote of 68 to 23 back in 1976 when the Senate was considering Hatch Act reform legislation.

If a strong majority of Senators—a majority that included Senators BIDEN, BUMPERS, BYRD, DOMENICI, HATFIELD, HOLLINGS, JOHNSTON, NUNN, PACKWOOD, PELL, ROTH, and STEVENS—thought this was a good amendment in 1976, I do not understand why it is not a good amendment today. The distinguished Senator from Ohio says that the bill we were considering in 1976 was a different bill but this is irrelevant.

The amendment approved in 1976 basically kept IRS, CIA, and Justice Department employees subject to the original standards set forth in the Hatch Act—the same as my amendment.

The fact that the bill we were considering in 1976 and S. 135 have different standards with respect to political partisan activity for other workers has nothing to do with the fact that the amendment which passed in 1976 and the amendment we are considering today both limit the activity of IRS, CIA, and Justice Department personnel in exactly the same way.

The only difference is that my current amendment includes personnel of the Federal Election Commission which was not around in 1976. Indeed, if the FEC did exist, it would have been included in that amendment and I am sure that the vote would have been exactly the same.

CONCLUSION

In conclusion, Mr. President, I ask that my colleagues carefully review my amendment and they will see that there is nothing tricky or unusual in it. All it does is keep certain very special groups of Federal employees subject to the same rules they are required to follow today.

The policy reasons for this are obvious and compelling.

Even the distinguished Senator from Ohio has acknowledged that perhaps certain groups should be isolated for special rules when it comes to partisan political activity.

Senator GLENN indicated that this could be effected by regulations issued by the agencies themselves. He refers to the Congressional Research Service study which was introduced into the RECORD. I say this is not the right approach.

As the CRS study said, case authority clearly states that there needs to be a statutory basis for the promulgation of such regulations and in my opinion, S. 135 provides no such basis.

The only way to ensure that these employees will not engage in such partisan political activities is to write it into the law. This is what I urge my colleagues to do when they vote on my amendment.

In summary, Mr. President, in 1976, in legislation dealing with reform of the Hatch Act, I offered an amendment to except the Justice Department, the CIA, and the IRS. That amendment carried by a large majority. It was cosponsored by the Senator from Texas, Mr. BENTSEN, and those who voted for it included Senators BIDEN, BUMPERS, BYRD, DOMENICI, HATFIELD, HOLLINGS, JOHNSTON, NUNN, PACKWOOD, PELL, ROTH, and STEVENS.

The only difference in this amendment today is that I added the FEC. They are the ones who look over our shoulders all the time. I do not think we want to politicize the FEC.

I know my colleague will say that was a different time and a different piece of legislation. But the amendment is identical except for the addition of the FEC.

Do you want the CIA and the FBI and the IRS and the FEC to be politicized? I do not think so. That amendment passed—I do not have the vote here now—68 to 23 in 1976. I do not believe anything has changed. I think it is a good amendment. I think it would help this legislation, and I rest my case.

Mr LEVIN. Mr. President, I am voting to table the amendment offered by the minority leader, Senator DOLE.

I cast this vote not because I disagree with the basic premise of the amendment offered by my distinguished colleague. I agree that it is appropriate and necessary that agencies possess the authority to set separate standards for those employees of the Federal Government who operate in sensitive areas and are privy to sensitive information. However, those agencies currently have the authority to use their own discretion to restrict political activity by regulation. In fact, its also my understanding that the Federal Election Committee and the Department of Justice currently impose tougher restrictions on certain sensitive employees than those imposed by the current Hatch Act law.

S. 135 does nothing to change that authority of the agencies and, therefore, would continue the ability of these agencies to set appropriate and effective standards for individuals employed in sensitive areas.

Therefore, it would be redundant at best and confusing at worst to pass the amendment offered by Senator DOLE. Under S. 135 the authority currently provided to agencies with regard to sensitive employees would remain in place and I encourage agencies to responsibly use this authority to ensure that sensitive Government activities and, as a result, the American public is protected.

Mr. BIDEN. Mr. President, in 1976 I voted in favor of a Dole amendment to a Hatch Act reform bill which would have excluded employees of the Justice Department, Central Intelligence Agency, and the Internal Revenue Service from reforms of the Hatch Act. I believed it was unwise to permit employees of agencies with access to confidential information on individual Americans to engage freely in partisan political activity including the solicitation of campaign contributions from individuals. Today, however, I am voting against the similar Dole amendment to S. 135 which now also excludes Federal Election Commission employees. The tighter, more restrictive reforms in S. 135 than in the 1976 bill, in combination with laws on the books to prohibit Federal employees from misusing the influence of their offices, reassure me that the Dole amendment is not required on the pending legislation.

The 1976 bill would have allowed Federal employees to solicit campaign contributions from other individuals. S. 135, prohibits Federal employees from soliciting or accepting a political contribution from anyone other than another member of the employee's union.

Currently, all Federal employees are prohibited from: First, soliciting or accepting a political contribution from anyone other than a member of the same Federal employee organization; second, using official influence or authority for political purposes; and third, disclosing confidential Government information. (18 U.S.C. 201, 203, 205, 207, 208, 209; 18 U.S.C. 594, 595, 600, 601, 606; and 18 U.S.C. 1905, 2071; 5 U.S.C. 552a.)

Internal Revenue Service employees are subject to criminal penalties if they: First, receive anything of value

for the compromise, adjustment, or settlement of a charge; and second, disclosing tax return information. (26 U.S.C. 7214; and 26 U.S.C. 6103.)

In addition, the Commissioner and employees of the Federal Election Commission are prohibited from publicly supporting a candidate subject to the jurisdiction of the FEC. (5 U.S.C. 7324 et seq.)

Therefore, I am voting against the Dole amendment because I believe current law and the differences in this bill versus the 1976 bill are sufficient to assure me that my previous concerns have been addressed.

Mr. GLENN. Mr. President, I yield myself such time as I might use.

The minority leader's remarks included a reference to a similar amendment passed in 1976. He did not mention, however, that his amendment was to a bill that would have allowed Federal employees to solicit money from the general public. That is illegal under S. 135.

It would also have allowed Federal employees to run for partisan political office, which is also illegal under S. 135. A similar amendment to that of the minority leader involving intelligence agency employees was considered by the Governmental Affairs Committee during its markup. The amendment was defeated in committee because the bill does not allow any Federal employee to raise money from the public in any event or to hold partisan political office.

So except for these activities there is little reason to restrict intelligence agency employees or IRS employees, any other Federal employees from other kinds of political activities—misconduct on their part, using information from their agencies is already covered under other legislation.

To sum it up, the Dole amendment should be defeated because it addresses a problem that does not exist. It is applicable to a 15-year-old bill that is different in very major respects from S. 135.

I yield back the remainder of my time.

Mr. DOLE. Mr. President, let me repeat, the amendment is the same. You can still solicit if you do not have this exception. IRS employee union members can solicit other members of the same employee union. You can still be active politically, heading political organizations. I do not really believe it belongs in this bill. I hope that we would not table—I guess the Senator is going to move to table—the amendment. I think it would be making a big mistake.

Mr. GLENN. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The Senator from Ohio moves to table.

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. McCAIN] and the Senator from California [Mr. WILSON] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. WILSON] would vote "no."

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—51

Adams	Ford	Mikulski
Baucus	Fowler	Mitchell
Bentsen	Glenn	Moynihan
Biden	Gore	Nunn
Bingaman	Harkin	Packwood
Bradley	Hatfield	Pell
Breaux	Inouye	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Riegle
Burdick	Kerrey	Robb
Byrd	Kerry	Rockefeller
Conrad	Kohl	Sanford
Cranston	Lautenberg	Sarbanes
Daschle	Leahy	Sasser
DeConcini	Levin	Simon
Dodd	Lieberman	Stevens
Exon	Metzenbaum	Wirth

NAYS—46

Armstrong	Gorton	McClure
Bond	Graham	McConnell
Boren	Gramm	Murkowski
Boschwitz	Grassley	Nickles
Burns	Hatch	Pressler
Chafee	Heflin	Roth
Coats	Heinz	Rudman
Cochran	Helms	Shelby
Cohen	Hollings	Simpson
D'Amato	Humphrey	Specter
Danforth	Jeffords	Symms
Dixon	Kassebaum	Thurmond
Dole	Kasten	Wallop
Domenici	Lott	Warner
Durenberger	Lugar	
Garn	Mack	

NOT VOTING—2

McCain	Wilson

So the motion to table amendment No. 1586 was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1587

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment of the Senator from Wyoming.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. McCAIN] and the Senator from California [Mr. WILSON] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. WILSON] would vote "nay."

The PRESIDING OFFICER. Are there are other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—61

Adams	Exon	Lieberman
Baucus	Ford	Metzenbaum
Bentsen	Fowler	Mikulski
Biden	Glenn	Mitchell
Bingaman	Gore	Moynihan
Boren	Graham	Nunn
Bradley	Harkin	Pell
Breaux	Hatfield	Pryor
Bryan	Heflin	Reid
Bumpers	Hollings	Riegle
Burdick	Inouye	Robb
Byrd	Jeffords	Rockefeller
Conrad	Johnston	Sanford
Cranston	Kasten	Sarbanes
D'Amato	Kennedy	Sasser
Daschle	Kerrey	Shelby
DeConcini	Kerry	Simon
Dixon	Kohl	Warner
Dodd	Lautenberg	Wirth
Domenici	Leahy	
Durenberger	Levin	

NAYS—36

Armstrong	Gramm	Murkowski
Bond	Grassley	Nickles
Boschwitz	Hatch	Packwood
Burns	Heinz	Pressler
Chafee	Helms	Roth
Coats	Humphrey	Rudman
Cochran	Kassebaum	Simpson
Cohen	Lott	Specter
Danforth	Lugar	Stevens
Dole	Mack	Symms
Garn	McClure	Thurmond
Gorton	McConnell	Wallop

NOT VOTING—2

McCain	Wilson

So the motion to lay on the table amendment No. 1587 was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:55 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of North Carolina, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HATCH ACT REFORM AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1588

Mr. GLENN. Mr. President, the distinguished Senator from Kansas, the minority leader, had an amendment that I was prepared to accept with a small change which had been made. I want to compliment him on doing what he is doing because he toughens up on violations of people who have been determined by the Merit Systems Protection Board to have violated on two occasions any provision of the law of this title. If people have violated it twice, then they will be removed from employment, and that is that.

That particular person would not be able to hold any position as an employee of the Government. Elected position would be all right if the people so decide. That is fine. My only concern with this was that the Merit Systems Protection Board normally has recourse to the courts.

If you are convicted under MSPB, or you are called for a violation, you would have a right to appeal that into the Federal court system and have it before a judge and jury. We wanted to make certain that protection for employees was still in this.

The distinguished minority leader, the author of the amendment, suggested that we just add a little sentence to it: "Such removal shall not be effective until all available appeals are final."

That is excellent. I think it is a good addition to this effort. We will be happy to accept it.

Mr. DOLE. Mr. President, I want to thank the distinguished Senator from Ohio [Mr. GLENN] for his cooperation and his staff working with staff on our side to make the necessary change. I do believe it is an amendment that should be adopted.

My view of this bill is I may not support it, but if it is going to happen, I want to make sure it is in the condition that it should be: To protect certain groups, and also make certain someone in this case who violates the law and through all the appeals is still found guilty of a violation twice, then that person no longer serve in the Government. This amendment will make that provision. I am pleased it will be accepted.

The PRESIDING OFFICER. The modification has not yet reached the desk.

AMENDMENT NO. 1588, AS MODIFIED

Mr. DOLE. I send the modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. The amendment is so modified.

The amendment, as modified, is as follows:

On page 6, insert between lines 3 and 4 the following new section:

"§ 7326. Penalties

"Any employee who has been determined by the Merit Systems Protection Board to have violated on two occasions any provision of section 7323 or 7324 of this title, shall upon such second determination by the Merit Systems Protection Board be removed from such employee's position, in which event that employee may not thereafter hold any position (other than an elected position) as an employee (as defined in section 7322(1) of this title). Such removal shall not be effective until all available appeals are final.".

On page 6, insert between lines 11 and 12, immediately after the matter preceding line 12, the following:

"7326. Penalties."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1588), as modified, was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, if the distinguished manager has a moment before he moves to the next amendment, I ask unanimous consent to speak briefly on another subject unrelated to the bill as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CONTINUING TURF WAR: SEC AND CFTC

Mr. DIXON. Mr. President, I hope the majority leader, who I see leaving the floor, could hear this just for one moment because it is a matter of interest to the administration, I think, and the distinguished Republican leader is one who has always been willing to express his own point of view. I think many times that is beneficial to the administration, and they have learned a great many things from the Republican leader, who I consider to be one of the well-informed Members of the Congress on this and other subjects.

I hold in my hand, Mr. President, a story which will now appear in news media around the country, and I would like to read from it a little to inform my colleagues about this continuing argument about a turf war between New York and Chicago and the question of whether the SEC ought to gobble up the CFTC or whether there should be some major bureaucracy over the SEC and the CFTC.

I quote directly from the story:

The shadow financial regulatory committee has advised against a merger of the Securities and Exchange Commission with the Commodity Futures Trading Commission.

A single regulator would tend to stifle innovation in financial markets combining the two agencies wouldn't address—

Would not address, I underscore

any of the problems cited by critics of the existing regime, the group said.

The shadow committee, composed of academics and industry participants—

In other words, Mr. President, the people who know, not the people in Government, the people who know.

academics and industry participants, meets periodically to discuss topics pending before financial regulatory agencies and publishes its conclusions in the form of position papers.

Commenting on a piece of legislation pending on Capitol Hill that would merge the SEC and the CFTC into a single agency to be called the Markets and Trading Commission, the committee said it couldn't identify—

I want to stress, it couldn't identify—

any serious problems that would be remedied by such an arrangement.

"The current regulatory framework has fostered a competitive and innovative financial system," the panel said, adding that while some regulatory inefficiencies may exist in the prevailing setup, they are a small price to pay for the innovative markets that have developed.

In general, the shadow committee cochaired by George Kaufman, a Loyola University of Chicago professor, and Lawrence Connel, a lawyer with Prather, Seeger, Doolittle, and Farmer, said it believes that markets governed by a monolith regulatory structure display less innovation and "competitive creativity" than do those which are not so regulated.

I also said that given the SEC's past record, it appears highly unlikely that many successful markets in financial futures would have been born.

This is a committee outside the Government, Mr. President, may I say to my distinguished friend, the Republican leader, who has shown an incisive attitude about this in the past.

Again, it also said:

SEC Chairman Richard Breeden has recently been attempting to make exactly the opposite case, arguing that split jurisdiction between stocks and their derivative products is impeding innovation.

"We think that in fact is the reverse of reality," said committee member Franklin Edwards, a Columbia University professor.

Mr. President, I am so pleased that my dear friend, the distinguished Republican leader, is kind enough to have stayed and listened. I just want to say to this administration again, it is listening to people within the administration who want to get involved in a turf war between the city of New York and the city of Chicago and two different markets. Every single sensi-

ble, intelligent analysis of the situation by everybody in the industry, all the scholars, all the academicians who have looked at it, says that we have become innovative, we have become competitive, we have become the strongest market in the world because we are doing it right. Why do we want to fix something that is not broke?

Everytime I go to town meetings back home, people get telephone bills out of their pocket and say, "How come they fixed the telephone system; it always worked better before. Everytime we have something that works good, we go try to fix it."

Mr. President, we have the best markets in the world. The Japanese copy from us, and even after copying they are not as good in this kind of a marketplace. Everybody wants to change it. Why do they want to change it?

Mr. President, I only want to conclude by saying here is a study. I expect the administration will see this study. I hope that my friends in Treasury and the SEC and other places who are advocating this ill-conceived idea will read this study as well. It is a profoundly bad idea.

Mr. DOLE. Will the Senator yield?

Mr. DIXON. I thank the Senator. I do yield, may I say to my friend from Kansas.

Mr. DOLE. I agree with the article just referred to, and certainly I think a merger would be a total mistake. It would stifle competition. I do believe that this is not going to happen.

Now, there are some other options that the administration has talked about. I have been in contact with the Treasury Secretary; I feel strong about this. I told him I want to be helpful, but I did not think I saw anything so far that looked as if it might be of interest. There may be some areas we can compromise to make certain that some of the fears that the Secretary of the Treasury has will not arise.

I have discussed that with the Senator from Illinois and Members who have an interest from Chicago. But I certainly share the view that as far as the merger is concerned, that is not going to happen. In my view, there would not be support; there would be bipartisan opposition, and I would be pleased to join the Senator from Illinois.

Mr. DIXON. Mr. President, I only want to say in response that the Senator from Kansas, the distinguished Republican leader, knows of my personal affection and my high regard for him and my view of his outstanding service to his State and this Nation.

I thank him for that response, and say again, in conclusion, that I think this is perhaps the worst, most ill-conceived idea I have ever heard around this place, and I hope that some who continue to return to it on every occasion before every forum would abandon the idea, get the country moving forward again, and turn their attention to other matters of greater import.

I thank the Chair and yield the floor.

Mr. GORE. Mr. President, parliamentary inquiry. Is it necessary to ask unanimous consent to speak as if in morning business?

The PRESIDING OFFICER. Yes, the Senator will have to ask unanimous consent.

Mr. GORE. I ask unanimous consent to speak as if in morning business for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRATEGIC WEAPONS DECISIONS

Mr. GORE. Mr. President, I rise in order to draw the attention of my colleagues to a brandnew report just prepared by the Congressional Research Service. It is entitled "Ballistic Missile Forces Under START, Critical Issues for Congress in FY 1991." It answers a request that I put to the Library of Congress for an analysis of how the prospective START agreement impinges upon decisions about strategic weapons—decisions that we will soon face in Congress.

The report also contains a short but extremely interesting section which looks ahead at aspects of a follow-on agreement to START, or START II, in terms of its possible impact on decisions which will soon occupy us.

Although Soviet strategic forces are outside the scope of CRS's report, let me begin there. We have been told already that the Soviet Union appears to be shaping its strategic forces around the limitations it anticipates will be part of a START agreement. This means that their decisions about specific weapons are part of a complete concept for Soviet strategic forces.

If the Soviets are really proceeding in this manner, their approach stands in sharp contrast to our own. Neither the administration nor the Congress has begun to make plans for our strategic forces that reflect the numerical limits of a START agreement. And yet if we get such a treaty and if we do not take START into account, then choices we shall be making over the next year can commit us to costly and avoidable steps in the future. We can also discover that myopic planning can impair negotiating approaches the United States may wish to pursue for strategic arms agreements beyond START I.

We need to pay attention to the arithmetic of START. Under START, the United States will have a limit of 4,900 ballistic missile warheads and it will probably have 7 years in which to reach that total. However, even if the United States gets rid of all its warheads on older submarine-launched ballistic missiles and all of the Minuteman II's we will have difficulty accommodating the 4,900 limit to our modernization plans.

Under these plans and taking into account retirements, the Air Force could end up with a force comprising at least 2,000 ballistic missile warheads. At the same time, the Navy is planning a submarine launch force of over 4,000 warheads. Clearly, something has to give.

Moreover, the onset of this problem is not very far in the future. We will be committed to a forced tradeoff between land-based and sea-based systems as of the moment the United States deploys its 15th Trident submarine. The money for that submarine was appropriated several years ago. It is expected to enter the force in about 5 years.

In fact, as you will recall, Mr. President, the Navy wants to be able to have 12 Trident boats accountable under START. Ten are already in service. Congress has authorized full funding for the construction of the next seven, and the fiscal year 1991 budget request includes funds for the 18th boat and long lead funds for the 19th and 20th. We can, of course, worry about the implications of START for our weapons programs after a START agreement is in force. But if we do this, there is a risk that we will have to do some very drastic things. For example, if we deploy 21 START-accountable Trident submarines, the Congressional Research Service points out that the mathematics of a START agreement require that our ICBM force be cut from today's level of 2,450 to less than 900 warheads.

Under these circumstances, the United States would be heavily dependent on its future force of SLBM's to carry out all kinds of missions for ballistic missiles. We would be putting all of our eggs in one basket. And there is reason for some discomfort with that idea. Based on factors such as the need to assume certain improvements in the performance of SLBM forces, the need to assume that future SLBM forces never experience any serious systemic failures, and the need to assume that our submarine forces cannot indefinitely be as survivable at sea as they are today, with all of the advances in science and technology, it would be foolhardy to assume that submarine survivability will continue indefinitely just as it exists today.

In light of these concerns, it would be theoretically possible to design a force posture that favors ICBM's rather than sea-based missiles. CRS presents a case for such an option, but I think it is there mainly for the sake of completeness. We are much more

likely to look for practical guidance to a third model option presented by CRS, which would continue roughly the present ratio of land- and sea-based ballistic missile warheads. Under this option, the United States would end up with 1,400 ICBM warheads and no more than 18 START-accountable submarines.

Some will regard this approach as attractive because it allows the United States to spread mission requirements across a broader base of weapons. As I mentioned earlier, however, funds for the 18th Trident submarine may well be approved by the Congress during the coming year. After that, with each successive Trident that Congress approves, the less accessible CRS' third option becomes and the more firmly we will commit the strategic forces of the United States to a fundamental realignment of missions.

There are ways to offset that problem. For example, we are seeking to negotiate an agreement with the Soviets whereby the weapons attributable to the two or three ballistic missile submarines that will be in drydock at any time will not count against START totals. Even if we agree with this, however, we need to take note that Congress is entering a zone of decision on strategic forces within which START totals matter a great deal.

Meanwhile, it is fair to say that talks on a second START negotiation have already begun. The indications are that if we actually get into such a negotiation in earnest, which I expect we will later this year, both sides might be interested not only in further reductions but in deMIRVing some portion of their ballistic missile forces. Indeed, Soviet spokesmen have already said on numerous occasions that will be their objective. The Scowcroft Commission years ago pointed the United States in that direction as well.

In any event, if that happens, there are already some things we need to be thinking about in connection with pending decisions on strategic weapons. For example, even if we only have another 1,000 ballistic missile warheads from START levels, there could be serious problems ahead for us, depending upon what weapons Congress funds in the near future.

Suppose, for the sake of argument, we opt now for a force of 21 START-accountable Trident submarines. Then a very modest follow-on reduction agreement would force us to destroy at least 3 Trident submarines in order to make the new total. This assumes that we also wind up with an ICBM force of just 500 warheads concentrated on only 50 MX missiles, period.

These numbers give us a disquieting, but useful and timely, warning. The decisions Congress is shortly going to make must not only fit intelligently into a START agreement, but must potentially accommodate a range of possible options for a START II agreement, a follow-on agreement. Not every force posture that fits well into START will fit well into START II. Any option that works well only in START but that clearly does not offer flexibility for the longer term should be filtered out now to avoid wasting money and effort. Any option that works well both in START and which also offers us flexibility in a subsequent negotiation, START II negotiation, is one that ought to interest us a great deal right now.

In this connection, I draw one very important conclusion from my reading of CRS' analysis of the potential follow-on agreement, tentative as that analysis is. The conclusion I draw is that the United States will need the flexibility and survivability of single-warhead, mobile ICBM's as the means to organize a balanced nuclear deterrent in a successor agreement to START.

From this I conclude that any decision that Congress makes which eliminates this option now not only weakens the forces we will have after a START agreement, but casts a long and spreading shadow over our ability to pursue strategic arms control beyond START.

At any rate, Mr. President, let me conclude by urging my colleagues to turn their attention to this CRS report. Unlike so many other documents, it is not an analysis of where we went wrong; it is a warning about mistakes we may yet make and an opportunity to avoid making those mistakes.

I ask unanimous consent that the text of the CRS Report be printed in the RECORD. It is not very long. I commend it to the attention of my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[CRS Report for Congress, May 3, 1990]

BALLISTIC MISSILE FORCES UNDER START: CRITICAL ISSUES FOR CONGRESS IN FY 1991

(By Amy F. Woolf, Steven A. Hildreth, Jonathan Medalia, Paul Zinsmeister, Foreign Affairs and National Defense Division)

SUMMARY

The United States and Soviet Union will probably complete a START agreement before the end of 1990. According to the framework currently under negotiation, this agreement will limit the United States and Soviet Union to 4,900 warheads on ballistic missiles. The United States currently deploys over 8,000 warheads on its intercontinental ballistic missiles (ICBMs) and sea-launched ballistic missiles (SLBMs). If the Air Force and Navy proceed with their planned strategic modernization programs, the United States will exceed the 4,900 limit throughout the 1990s, even if it dismantles its oldest ballistic missile systems. Consequently, the United States will apparently have to alter its planned modernization programs so that it can reduce the number of warheads on its ballistic missiles.

This report identifies three hypothetical ballistic missile forces that the United States might deploy under a START agreement and reviews how the strategic modernization programs might change to accommodate these forces. The Findings, on pages 2 and 3 of this report, summarize these forces. These three forces presume that the United States would deploy all 4,900 ballistic missile warheads permitted by START. It also presumes that the military distinctions between ICBMs and SLBMs would narrow as mobile ICBMs acquire the survivability usually associated with SLBMs and Trident submarines and D-5 missiles acquire the accuracy and responsiveness usually associated with ICBMs. Consequently, the report assumes that each force could provide the United States with a credible deterrent, even though they include widely different mixes of ICBM and SLBM warheads.

In the first force, the United States would emphasize SLBMs and sharply reduce the number of warheads carried on its ICBMs. The Navy would be able to proceed with its planned Trident modernization program. With 4,032 warheads deployed on survivable SLBMs, the United States might not need to deploy mobile ICBMs to improve the survivability of land-based forces. In the second force, the United States would emphasize ICBMs and sharply reduce the number of warheads carried on Trident submarines. To match the number of survivable warheads deployed in the first force, the Air Force would have to deploy both planned mobile ICBMs. With fewer than 3,000 SLBM warheads, the Navy would have to reduce either the planned number of Trident submarines in the fleet or the number of warheads carried on each submarine. In the third force, the United States would maintain a balance of ICBM and SLBM warheads similar to the balance in the force today. This force would include a greater number of survivable SLBM warheads than the second force, so the Air Force might only need to deploy one type of mobile ICBM to match the number of survivable warheads in the first force. Nonetheless, with fewer SLBM warheads than the first force, the Navy would have to alter its plans for the Trident program, although not as severely as in the second force.

(This report was originally prepared at the request of the Honorable Albert Gore, Jr. and is released for general congressional use with the permission of the Senator.)

INTRODUCTION

President Bush and President Gorbachev have both endorsed an early signing of a Strategic Arms Reduction Treaty (START). It seems likely that the countries will complete the agreement before the end of 1990. According to provisions currently under negotiation, the countries will have seven years to bring their forces into compliance with the treaty once it is ratified.

The START limit on ballistic missile warheads is likely to be of chief concern to the Bush administration and Congress. The countries have agreed that each side can deploy up to 4,900 warheads on submarine-launched ballistic missiles (SLBMs) and land-based intercontinental ballistic missiles (ICBMs). At this point, however, it appears that Navy and Air Force plans for their respective ballistic missile forces are not mutually compatible with this limit. Consequently, if the current START limits are adopted, the United States will have to decide about how to apportion its ballistic

missile warheads between SLBMs and ICBMs.

Congress need not plan for U.S. forces under START or alter strategic programs during FY1991. However, it will have more choices, and a greater influence over the composition of U.S. strategic forces at the end of the 1990s, if it considers possible changes in strategic programs during the coming year. Because research, development, and procurement funds are invested in programs several years before weapons are actually deployed, Congress may find that the resource commitments it makes early in the 1990s will sharply constrain the deployment choices available by the middle of the decade. In addition, Congress might find it difficult to influence changes in force structure after new weapons are deployed.

This report begins with a brief description of the planned strategic modernization program and shows the need for changes in U.S. ballistic missile forces under a prospective START agreement. The report then describes three illustrative ballistic missile force structures that include at least 4,000 warheads deployed on survivable systems: one that emphasizes sea-based systems and sharply reduces ICBMs, one that emphasizes ICBMs and sharply reduces the number of warheads on Trident submarines, and one that maintains a balance of ICBM and SLBM warheads that is roughly equal to the balance existing today. In each case the report identifies changes in the modernization programs that would lead to the described mix of ICBM and SLBM warheads and reviews the advantages and disadvantages of these changes.

FINDINGS

1. If the START ceiling of 4,900 ballistic missile warheads is adopted, the United States must alter its plans for strategic forces during the 1990s because, under current programs, the number of warheads on U.S. ballistic missiles will exceed that limit.

2. The United States can dismantle older missile systems, such as Poseidon submarines and single-warhead Minuteman II missiles, to reduce warheads on its ballistic missiles. However, these changes alone would not bring the ballistic missile force into compliance with START. Additional reductions in either ICBMs, SLBMs, or both will be needed. The needed reductions may require changes in the planned ballistic missile modernization programs.

3. If, as Defense Department officials have indicated, the distinctions between the military capabilities of ICBMs and SLBMs are narrowing, as mobile ICBMs take on the survivability characteristics of SLBMs and SLBMs achieve the accuracy and prompt response characteristics of ICBMs, the United States could maintain a credible deterrent with a number of different ballistic missile forces. Figure 1 summarizes the ballistic missile force alternatives examined in this report.

4. The United States could deploy a ballistic missile force that emphasizes SLBMs and sharply reduces the number of existing warheads on ICBMs. (This is Force 1 on Figure 1.) This force would not require any changes in the modernization plans for SLBMs; the United States could continue to deploy one Trident submarine each year through the turn of the century. With 4,032 warheads deployed on survivable sea-based systems, the United States might decide it did not need the added survivability of mobile ICBMs. As a result, this force could lead to major changes in the modernization plans for U.S. ICBMs.

[Charts are not reproducible in the RECORD.]

5. The United States could deploy a ballistic missile force that emphasizes ICBMs and requires sharp reductions in the planned number of warheads on SLBMs (Force 2). To match the number of survivable warheads provided by Force 1, the United States would have to deploy mobile ICBMs. The United States might then sharply reduce the planned number of Trident submarines indicated under Alternative 1. Alternatively, to enhance the survivability and flexibility of the Trident fleet, it could build more Tridents by exempting the launchers on three additional submarines from the START limits (a U.S. START proposal) and/or by reducing the number of warheads on each submarine, as indicated by Alternatives 2 through 4.

6. The United States could deploy a ballistic missile force that maintains a balance of ICBM and SLBM warheads roughly equal to the balance existing today (Force 3). This would require reductions in the number of warheads on ICBMs and SLBMs, although not as severe as indicated for Force 1 or Force 2. Again, to match the number of survivable warheads provided for in Force 1, the United States would have to deploy mobile ICBMs. Even so, it may not need to deploy two types of mobile ICBMs. The alternative force structures for the Trident program would be similar to those in Force 2.

This report examines these ballistic missile forces in more detail. It examines the affects that each might have on the capabilities and costs of U.S. strategic systems.[1]

CHOOSING A BALLISTIC MISSILE FORCE STRUCTURE

The Ballistic Missile Modernization Programs

In the FY 1991 budget, the Bush administration has requested more than $6 billion for continued modernization of the U.S. ballistic missile force. The administration has not outlined publicly how the United States would apportion these forces between sea-based systems—ballistic missile submarines (SSBNs) and SLBMs—and land-based systems (ICBMs) under the limits in a prospective START agreement.[2] The Air Force and the Navy seem to be proceeding independently with their modernization programs, without regard for START. If these programs continue through the 1990s, the U.S. ballistic missile forces could eventually consist of:

For the Navy: Up to 24 Ohio class (Trident) ballistic missile submarines, with each carrying 24 8-warhead Trident II (D-5) SLBMs. The Navy has deployed nine Tridents, taken delivery of one other, and begun construction of seven more. It eventually plans to request funding for up to 24 Tridents. The FY1991 budget requests about $3.2 billion for the Trident submarine procurement (including the procurement of the 18th ship and long lead funds for the 19th and 20th) and the Trident II missile (including procurement of 52 missiles).

For the Air Force: 50 10-warhead MX missiles deployed on trains. (These missiles are currently deployed in silos.) The FY 1991 budget requests $2.8 billion to begin the procurement of trains for this system and to fund continued MX production.

Up to 500 single-warhead small ICBMs (Midgetman) deployed on road-mobile launchers. During testimony in support of the FY1990 budget, Secretary of Defense Richard Cheney said that the small ICBM force would contain 300–500 missiles. In the FY1991 budget, the administration requested $202 million for the continued development of this system.

Some number of older Minuteman missiles deployed in silos (there are currently 450 single-warhead Minuteman II missiles and 500 three-warhead Minuteman III missiles).[3]

Figure 2 displays how the number of warheads carried on this ballistic missile force would change through the year 2000. It illustrates the direction that the modernization programs would take if they proceeded according to the plans outlined by the Department of Defense, not adjusting these forces to comply with the limits in a prospective START agreement. New weapons enter and old weapons leave the force in accordance with the assumptions and schedules described in Appendix A.

Figure 2 illustrates the margin by which planned warheads on U.S. ballistic missiles would exceed the likely 4,900 limit in START throughout the 1990s.[4] The decline in warheads evident on the graph reflects the retirement of the Poseidon ballistic missile submarines. The Navy plans to remove all of these from its fleet by the end of the decade. The subsequent increase in warheads is caused by the addition of Trident submarines with their 24 8-warhead Trident II missiles at the rate of one per year.

The START Limit on Ballistic Missile Warheads

Figure 3 demonstrates that the United States could not comply with the START limit of 4,900 ballistic missile warheads by dismantling only the oldest ballistic missile systems that are slated for retirement during the 1990s. The graph excludes all the warheads on Poseidon submarines, because these would be retired graudally during the 1990s. In addition, the graph excludes all the warheads on Minuteman II missiles, because Secretary of Defense Cheney has stated that the United States would eliminate these missiles under START. The remaining warheads include those from the Navy's planned Trident submarines and those on an ICBM force of 50 MX missiles and either 500 Minuteman III missiles or a combination of Minuteman III missiles and Small ICBMs, for a total of 2,000 ICBM warheads. START will probably permit both countries to reduce their forces over a period of 7 years, and the report assumes the countries would begin to implement the treaty in 1991, so the United States would have to be in compliance with these limits by 1998. This is the year in which the United States would deploy the 20th Trident submarine. However, the figure shows that the United States would exceed the 4,900 limit, if it retained 2,000 ICBM warheas, when it deploys the 15th Trident submarine.

Figure 3 graphically illustrates that the Defense Department and Congress will have to decide how the ballistic missile force should be brought into compliance with the START limit on ballistic missile warheads. The problem is more than one of simply reducing warhead numbers. Indeed, the critical issue is one of force configuration, how the United States will apportion the ballistic missile force between the Navy and the Air Force. The choices range from a force that would hold the Navy to 15 Trident submarines (with 24 8-warhead missiles on each) and permit the Air Force to deploy

[1] Footnotes at end of article.

2,000 ICBM warheads, to a force that would require the Air Force to reduce its ICBM warheads by almost 70 percent so the Navy could deploy 21 Trident submarines that would count under START. One could construct other forces between these two.

Choosing Among Ballistic Missile Force Structures

The mix of ballistic missiles that the United States deploys under a START agreement will reflect judgments about the force structure that the United States needs to maintain deterrence. The essence of U.S. strategic doctrine is to deter a Soviet attack by maintaining "a diverse mix of survivable and capable strategic nuclear offensive forces that hold at risk those assets most valued by Soviet leaders and provide a range of options in response to attack." [5] This requirement has provided the rationale for the maintenance of a strategic triad. The different basing modes for bombers, land-based ballistic missiles, and sea-launched ballistic missiles has contributed to force survivability by complicating Soviet efforts to launch a coordinated attack against U.S. strategic systems. The Soviet Union presumably would not be able to launch a strike that would simultaneously destroy ICBMs and bombers, and it would not be able to destroy U.S. submarines at sea.[6]

In addition, Defense Department officials have stated that, to be seen as a credible deterrent, U.S. strategic forces must combine survivability with the accuracy, yield, and flexibility needed to deliver an effective retaliatory response.[7] This requirement has also supported the strategic triad because, until recently, each of the legs possessed unique capabilities that were needed in a retaliatory force. For example, ICBMs combined the accuracy and yield needed to attack all of the hardest Soviet targets with the high alert rates, responsiveness, and flexibility needed to ensure a prompt and effective response. But their survability has been in doubt for some time. In contrast, SLBMs have lacked accuracy and, some believe, responsiveness, but they possessed the survivability and endurance needed to ensure that the United States would be able to retaliate against large numbers of Soviet targets.

Secretary of Defense Cheney has said that, if the United States continues with its planned strategic modernization program, both ICBMs and SLBMs will possess the characteristics needed to survive a Soviet attack and retaliate against "nearly all of the hardest Soviet targets." [8] If the Air Force moves its MX missiles from silos to rail-garrison basing and deploys the new road-mobile Small ICBM, ICBMs could gain the survivability and endurance associated with the SLBM force. At the same time, the Navy has stated that the new Trident submarine and the Trident II missile system will combine the accuracy and prompt responsiveness associated with ICBMs.[9] As the traditional distinctions between ICBMs and SLBMs blur, it would appear that decision makers must use different criteria when choosing the mix of ICBMs and SLBMs in the U.S. ballistic missile force.

The United States could wait until the middle of the 1990s to adjust its forces to comply with the limits in START, but its choices would be more constrained then. Alternatively, it could plan ahead, identifying the mix of ICBM and SLBM warheads that it would like to deploy in 1998, and build towards that force during the decade. This report identifies broad choices that Congress could consider in the latter context. It focuses on three hypothetical forces that the United States might build toward during the 1990s. In the first, the United States would emphasize SLBMs; it would continue to deploy one Trident submarine each year and would reduce its forces by eliminating warheads carried on ICBMs. In the second, the United States would emphasize ICBMs; it would retain 2,000 warheads on its ICBMs and would then reduce its forces by cutting the number of warheads carried on Trident submarines. In the third force, the United States would retain the balance of ICBM and SLBM warheads that exists in the current mix, with approximately one-third of the ballistic missile warheads on ICBMs and two-thirds on SLBMs. In this case it would have to reduce the number of warheads on both ICBMs and Trident submarines.

FORCE 1: EMPHASIZE SLBMS, REDUCE ICBMS

As one alternative, the United States could deploy a ballistic missile force that consisted primarily of SLBM systems. In this case, the United States would continue to deploy Trident submarines at the rate of one per year so that it would have 21 Tridents deployed by the end of the 1990s and three more under construction for deployment after 2000. With 24 8-warhead missiles on each of these 21 submarines, the Trident fleet would carry over 4,000 warheads, or more than 80 percent of the ballistic missile warheads permitted under START. (This compares with approximately 67 percent today.) The United States would then have to reduce its ICBM force from 2,450 today to fewer than 900 warheads to comply with the limit of 4,900 ballistic missile warheads. This ICBM force could include 50 ten-warhead MX missiles, with the remaining warheads deployed on either older Minuteman missiles or new Small ICBMs.[10]

By deploying this type of force, the United States would signal a change in the missions, as they have been defined historically, of U.S. ICBMs and SLBMs. With the sharp reduction in ICBMs, the United States would have to rely largely on the responsiveness of the Trident submarines and the accuracy of the Trident II missiles for prompt attacks against the range of hardened targets in the Soviet Union. The United States could still rely on ICBMs to attack a smaller number of targets. For example, with their high accuracy and responsiveness, the 500 warheads on MX missiles could be used to attack some high priority, closely spaced targets, such as Soviet ICBM silos. The remaining Minuteman missiles or Small ICBMs, with one to three warheads on each missile, could be used to attack more isolated targets, such as command posts or individual targets during the conflict.

At the same time, the large Trident fleet would continue to ensure that the United States deployed several thousand warheads that could survive and retaliate in the event of a Soviet first strike.[11] And, with more than 4,000 survivable warheads on submarines, Navy spokesman contend that the U.S. ballistic missile force would retain the lethality generated by the current ballistic missile force of more than 8,000 warheads, if submarines can launch their missiles while they are in transit to their stations, even though the United States would reduce the number of deployed warheads to comply with the START limits. This objective, retaining at least 4,000 ballistic missile warheads on survivable systems, could serve as a benchmark for U.S. forces under START.

Implications for Strategic Modernization Programs

The Trident Submarine Program

A ballistic missile force that relies heavily on submarine-based systems would not require any change in the planned Trident program.[12] In the most recent Five Year Defense (FYDP), the Navy outlined plans to deploy 21 Trident submarines, with one submarine being authorized each year through FY1994 and one submarine entering the force each year through the end of the 1990s. In recent congressional testimony, Vice Admiral Daniel Cooper, Deputy Chief of Naval Operations for Undersea Warfare, testified that the Navy would like to build 24 Tridents, of which 3 would be in overhaul at any one time and would not count under the START ceilings.[13]

The United States began to deploy the new Ohio class (Trident) ballistic missile submarine in 1982. Ten of these submarines had been delivered to the Navy by the end of 1989, and Congress had authorized full funding for the construction of an additional seven submarines. The first eight submarines were initially deployed with the Trident I (C-4) missile, but they will be modified during the 1990s to carry the larger and more accurate Trident II missile. Beginning with the ninth submarine, which was deployed in March 1990, the Tridents are being equipped with the Trident II (D-5) missile. Both the Trident I and the Trident II missile would carry and count as eight warheads under a START agreement.[14] As a result, each Trident submarine would carry 192 ballistic missile warheads and the fleet of 21 Tridents would carry 4,032 warheads.

Program Alternative—Slow Trident Production

Congress might choose to slow the Trident program so that the Navy would acquire one new submarine every two years, or possibly two every three years, rather than one new submarine every year. This option would slow the pace at which the United States would have to eliminate ICBMs and it would provide the administration and Congress with more time to determine whether warheads on Trident submarines could accomplish the missions usually associated with ICBMs. A slower production rate could also offer near-term, annual savings in the Trident program. However, the Navy estimates that slowing the program, so that the United States produced one Trident submarine every two years, could increase the cost of each $1.4 billion submarine by up to $180 million.

The ICBM Modernization Programs

This ballistic missile force structure, with its sharp reduction in the number of warheads carried on U.S. ICBMs, could lead to changes in the ICBM modernization programs. The Bush administration plans to move the 50 10-warhead MX missiles from fixed silos to rail-mobile launchers between 1992 and 1994.[15] It also plans to deploy up to 500 single-warhead Small ICBMs on road-mobile launchers.

Figure 4 depicts how the deployment of Trident submarines, and the limit of 4,900 ballistic missile warheads, would affect the U.S. ICBM force. With up to 20 Trident submarines, the United States could comply with the START by eliminating Minuteman II missiles and reducing the number of warheads carried on Minuteman III missiles. However, if it deploys all 21 Tridents planned for in the current FYDP, the United States would have to eliminate all of

its Minuteman missiles and deploy fewer than 500 of the new Small ICBMs.[17] If the Navy builds 24 Trident submarines, and all count under START, the United States could deploy no new Small ICBMs and it would have to dismantle 21 of the 50 MX missiles.

The deployment of a ballistic missile force then left room for 368, or fewer, Small ICBMs, which appear on Figure 4 with the deployment of 21 or more Trident submarines, may raise questions about the viability of the Small ICBM program. Some analysis indicate that as the number of missiles declines, the survivability, and therefore effectiveness, of the Small ICBM force might also decline.[18] The level of survivability of a reduced Small ICBM force might be maintained if the Air Force continued to base the missiles at a large number of locations. However, if Congress determined that a Small ICMB force that deployed fewer than 500 missiles would not be cost-effective, it could choose to cancel the program.

However, if the United States does not deploy a single-warhead missile, the ballistic missile force would lose the flexibility needed to attack certain targets efficiently. The missiles in the deployed force—the Trident II, MX, and Minuteman missiles—would all carry multiple warheads. From a planners perspective, some warheads might have to be "wasted" if there were not enough targets within the "footprint" of the MIRVed missiles.[19] Such a circumstance may not be acceptable under START, when the United States would be limited to 4,900 ballistic missile warheads. Consequently, if the United States does not proceed with the Small ICBM program, it may choose to reduce the number of warheads carried on each Minuteman III missile. By removing one or two warheads from each missile, the United States would be able to retain a greater number of missiles and it would be able to strike a larger number of discrete targets. These missiles, though, are based in vulnerable silos, so they could only be used at start of a conflict.

If the Trident submarines and their Trident II missiles can attack the full range of hardened targets with the prompt responsiveness and accuracy usually associated with ICBMs, this type of force mix could provide the United States with a credible deterrent force that satisfies the criteria outlined by the Department of Defense. Nonetheless, if the United States deploys more than 80 percent of its ballistic missile warheads on a single type of missile and submarine, the force could become vulnerable in the future. For example, the availability of U.S. ballistic missiles could drop sharply if Trident submarines, Trident II missiles, or their warheads developed problems that raised questions about the reliability of the entire system.[20] In addition, some analysts believe that the Soviet Union might eventually develop a means to track and destroy U.S. ballistic missile submarines. Consequently, even if SLBMs could accomplish the same missions as ICBMs, the United States might prefer to retain a greater number of warheads on ICBMs as a hedge against problems with the Trident systems and improvements in Soviet ASW capabilities.

FORCE 2: EMPHASIZE ICBMS, REDUCE SLBMS

The United States could retain most of the warheads currently deployed on ICBMs. It would then have to reduce the number of warheads on SLBMs to bring its forces into compliance with the prospective START limit of 4,900 ballistic missile warheads. In this case, the United States might dismantle its Minuteman II missiles, then maintain a force of 2,000 ICBM warheads on MX missiles, Small ICBMs, and Minuteman III missiles. With the submarine-based systems reduced to 2,900 warheads, U.S. land-based ballistic missiles would carry more than 40 percent, as compared with the approximately 30 percent in the current force, of the ballistic missile warheads permitted under START.

By maintaining a robust ICBM force, this potential force structure would preserve the traditional concept of sustaining deterrence through a balanced triad of strategic forces. The maintenance of a significant force of ICBM warheads could be justified as a hedge against the possibility of a Soviet breakthrough in antisubmarine warfare or the possibility that Trident submarines could not receive timely communications during a Soviet nuclear attack. Military considerations, in particular an effort to deploy at least 4,000 ballistic missile warheads on survivable systems, might argue for an ICBM force with survivability comparable to that of an SLBM force. To accomplish this objective, the United States would have to deploy mobile ICBMs in this force mix.

Implications for Strategic Modernization Programs

The Trident Submarine Program

The deployment of 2,000 warheads on ICBMs within a START framework would require changes in the Navy's planned structure for the Trident fleet. This section discusses possible alternative Trident force structures.

1. Reduce the Number of Planned Trident Submarines.

If the United States decided to retain 2,000 ICBM warheads under START, and further chose to deploy each Trident with 24 8-warhead missiles, it could only deploy 15 Trident submarines. This Trident fleet would carry 2,880 warheads. Because Congress has already authorized funding for 17 Trident submarines (seven of which are in various stages of construction), the Navy would have to halt construction and cancel contracts for the last two ships.

Because each submarine with its 24 missiles costs approximately $3 billion dollars, the production of 15, rather than 24, submarines might in theory save over $20 billion. However, in the past, Navy spokesman have stated that the Navy would like to deploy more Trident submarines to maintain confidence in the suvivability of the fleet, so this alternative could raise questions about the survivability of U.S. submarines. In addition, this alternative would close down the Trident production line, making it difficult for the Navy to produce additional Trident submarines if the threat or the arms control environment were to change. Moreover, the United States has incurred substantial costs in the construction and long-lead funding for Tridents beyond the 15th. These costs, when combined with contract cancellation penalties, would be expected to reduce the savings of this option. Consequently, the administration and Congress might explore several alternatives that would permit the production of additional Trident submarines, but would alter the way the warheads on these submarines would count against the limits in START.

2. Authorize Funding for Three "Non-START" Tridents

At the START negotiations in Geneva, the United States has proposed that a START agreement not count the warheads on some ballistic missile submarines, on the principle that both countries have several submarines in overhaul each year. The U.S. proposal would exclude the warheads carried on up to 72 SLBM launchers (the number on three Trident submarines), and the warheads on a like number of launchers on Soviet submarines if the submarines were undergoing overhaul, conversion, or modification. Under this counting scheme, the United States would be able to build 18 Trident submarines, rather than 15, along with its 2,000 warheads on ICBMs. With this alternative, the Navy could complete the Trident submarines that are under construction and Congress could provide the requested funding for the 18th Trident in the FY 1991 defense budget. At the same time, Congress would not fill the FY 1991 request for long-lead funds for the 19th and 20th ships.

This proposal would provide the Navy with three additional Trident submarines that might hedge against uncertainty in both the negotiations and the future threat. This option would also keep the production line for Trident submarines open for a few more years, which would provide a hedge against possible changes in the Soviet Union and the arms control environment.

On the other hand, a START provision permitting the United States and Soviet Union to build launchers for several hundred ballistic missile warheads that would not count against the agreement's limits would reduce the depth of the cuts in strategic forces under START. Because START is portrayed as limiting the countries to 6,000 warheads, the increase in the number of remaining weapons could fuel cynicism and weaken support for the agreement. It might also provide the United States and the Soviet Union with a modest breakout potential. For example, the Soviet Union would have several additional submarines available to add to its fleet if the negotiation faltered or the threat to the Soviet Union changed. It may place a high value on these submarines because it will probably have to reduce the number of submarines in its force sharply to comply with START.[21]

3. Reduce the Number of Launchers on Trident Submarines

If the Navy removed 6 launch tubes from each submarine, so that each Trident carried 18 8-warhead missiles, the United States could deploy 20 Trident submarines along with the 2,000 ICBM warheads. The Navy could explore several options to reduce the number of launchers on each submarine, including welding shut some launch tubes or physically removing a section of tubes from the submarine. Appendix C describes these options in more detail.

Although this alternative would permit the deployment of a greater number of Trident submarines, it could entail unacceptable costs for the United States. For example, as Appendix C describes, physically altering submarines to remove launch tubes would be costly and technically challenging; it may prove to be an impractical idea. The Navy might also have to remove submarines from service for at least a year, which would temporarily reduce the number of operational submarines. On the other hand, if the United States (or the Soviet Union) reduced the number of operational launch tubes without actually removing them from the submarines, the countries would possibly have to permit intrusive inspections to

ensure that the launchers had not been restored to an operational status.

4. Reduce the Number of Warheads on SLBMs

The Navy could reduce the number of warheads carried on its Trident submarines by reducing the number of warheads carried on each SLBM. For example, if each Trident missile carried 6, rather than 8, warheads the Navy could deploy 20, rather than 15, Trident submarines. The United States and Soviet Union have agreed that the Trident missiles would count as eight warheads under START. However, START probably will permit the countries to reduce the number of warheads carried on their missiles if they are willing to permit short notice inspections to confirm that the missiles actually do carry the lower number of warheads. Navy spokesmen have stated that these inspections could occur aboard Trident submarines in port, with proper procedures and security measures.[22]

Removing warheads from SLBMs would not impose the costs or the time in overhaul that would be needed for the Navy to remove launch tubes from a Trident submarine. However, this alternative could create risks for the United States because it might provide the Soviet Union with a way to break out of the limits in START if it also reduced the number of warheads counted on its missiles. Random inspections would probably deter Soviet efforts to add warheads on a day-to-day basis, but they might not deter this action if the Soviet Union felt that war was imminent or it was preparing to launch a first strike.[23]

ICBM Modernization

A ballistic missile force that included around 2,000 ICBM warheads probably would not require changes in the Bush administration's proposed ICBM modernization program because the warheads added under this plan, which calls for the deployment of two mobile ICBMs, could fit within the START limits.[24] The MX missiles moved to rail-garrison basing and 500 single-warhead Small ICBMs would be deployed on road-mobile launchers. These missiles could be based on military reservations in the southwest or at Minuteman launch facilities [25] during peacetime, but they would be able to move away from those sites in a few minutes if the United States believed the Soviet Union had launched an attack against U.S. strategic forces.

According to the administration's modernization plans, the Small ICBM program would receive relatively low levels of funding during the first half of the 1990s. The administration requested $100 million for the Small ICBM in FY1990, and plans to request a total of $2 billion through FY 1994.[26] Funding would then increase sharply in 1995, so that the first missiles could be deployed in 1997. The total acquisition cost of 500 missiles and their mobile launchers is expected to be around $30 billion (FY1988 dollars).

Congress could continue to provide funding for the Small ICBM according to the schedule outlined by the Bush administration. This program would add to the survivability of U.S. ICBMs, and it would provide the United States with a single warhead system needed for targeting flexibility. This program could also provide the United States with a credible response if the Soviet Union attempted to break out of the limits in START. The United States could accelerate production to deploy the missiles sooner than had been planned and it could alter their basing scheme to improve their survivability in the face of added Soviet warheads.

Although the costs of the program will remain relatively low during the next few years, the amount of funding would increase rapidly during the middle of the 1990s. This type of spike in funding occurs in all programs when they reach the acquisition stage. Moreover, if defense budgets continue to decline, it may be difficult for Congress to approve the needed funds and continue the program. As an alternative, Congress might choose to accelerate the Small ICBM program, and provide additional funding during the next few years, so that the program would gain the momentum needed for it to continue through the middle of the 1990s. Of course, to accelerate the Small ICBM program, Congress would have to increase the funding for this program during the next few years.

A U.S. ICBM force that included the MX missile in rail-garrison basing and the new Small ICBM on mobile launchers should provide a credible deterrent. With 1,000 warheads on mobile ICBMs and 2,880 warheads on SLBMs, the United States would deploy approximately the same number of survivable warheads as it would in the force that included over 4,000 warheads on Trident submarines.

Congress may choose this type of force mix without funding the deployment of two mobile ICBMs. The Small ICBM program might be particularly vulnerable to budget pressures. The MX in rail-garrison costs much less than the Small ICBM, so it might survive budget contractions. However, many have questioned whether this program would provide the United States with a truly mobile, survivable system. The trains carrying the missiles would have to disperse onto the nation's rails several hours before an attack occurred. In theory, the trains would be dispersed as one of the many actions that the United States takes during a heightened alert for U.S. forces. Yet, some critics believe the United States may be slow to disperse the trains if it did not want to exacerbate a crisis or risk accidents on the rails. In that case, even if the missiles are moved to railroad cars, the United States may not deploy a truly mobile system.

FORCE 3: MAINTAIN CURRENT BALANCE OF ICBMS AND SLBMS

The United States could deploy a ballistic missile force that approximates the current mix of ICBM and SLBM warheads: roughly one-third on ICBMs and two-thirds on SLBMs. This mix would correspond to that shown in Figure 4 with the 18th Trident submarine; that is, 1,444 ICBM warheads (30 percent) and 3,456 SLBMs warheads (70 percent). The administration's FY1991 defense budget requests funds to procure the 18th Trident.

Because the United States would reduce the number of warheads carried on its ICBMs, it would have to rely more on the responsiveness of the Trident submarines and the accuracy of the Trident II missiles for prompt attacks against the range of hardened targets in the Soviet Union. And, because the United States would reduce the number of warheads carried on its SLBMs, it would have to deploy a significant portion of its ICBM warheads on mobile missiles to reach the benchmark of 4,000 survivably-based ballistic missile warheads.

On the other hand, this force structure would not demand as great a change of missions as either of the other two force structures. With over 1,400 warheads deployed on ICBMs, as compared with less than 900 in the first force structure, the U.S. ability to strike promptly at Soviet hardened targets would not rest so heavily on the responsiveness, reliability, and continued survivability of Trident submarines and Trident II missiles. And, with over 600 additional SLBM warheads, this force structure would not be as dependent on the survivability of mobile ICBMs as would the second force structure.

Implications for Strategic Modernization Programs

The Trident Submarine Program

By retaining the current balance of ICBM warheads and SLBM warheads, the ballistic missile force could not include 21 Trident submarines, with 24 8-warhead missiles on each submarine. Congress might consider several of the alternatives described in the preceeding section (Force 2) to structure the Trident fleet.

For example, Congress might stop funding the Trident program at 18 submarines. With 24 8-warhead missiles on each submarine, this Trident fleet would carry 3,456 warheads. In this case, Congress could approve the Navy's request for funding for the 18th submarine during the coming year, then stop the program. This alternative could save some money when compared with a fleet that would include up to 24 submarines. On the other hand, if the Soviet Union accepts the U.S. proposal to exempt the warheads on 3 submarines from the limits in START, the United States could build 21 Trident submarines within the agreement's limits on ballistic missile warheads. This option could also provide the United States with a hedge against changes in the arms control negotiations or the Soviet threat because the production lines for Trident submarines would remain open for three more years.

The United States could also deploy more than 18 submarines if it reduced the number of launchers on each submarine. By removing 4 launchers from each submarine, the United States could deploy 21 Trident submarines with 3,360 warheads, which is a little less than the 3,456 warheads that had been deployed on just 18 submarines. As an alternative, the Navy could reduce the number of warheads carried on each SLBM. For example, by deploying each Trident missile with 6, rather than 8, warheads the Navy could deploy 24 Trident submarines within the limit on ballistic missile warheads. The United States would not need to exclude the warheads on 3 submarines from the limits in START to complete the Trident program with 24 submarines. And both of these alternatives would hedge against changes in the threat or arms control environment by continuing Trident production throughout the 1990s.

ICBM Modernization

A ballistic missile force that included around 1,450 warheads on ICBMs might not require changes in the planned ICBM modernization program. The United States could move the 500 MX missiles from silos to rail-garrison basing and complete the deployment of 500 new Small ICBMs. The remainder of the force could consist of older Minuteman III missiles.

Because this force would reduce the number of warheads carried on submarine-based systems, the United States would need to deploy mobile ICBMs if it wanted to have some 4,000 survivable ballistic missile warheads under START. However, because this force would include more SLBM war-

heads than the second force structure, it might also include fewer warheads on mobile ICBMs. Consequently, Congress could choose to cancel one of the two mobile ICBM programs. The cancellation of the rail-garrison program could save approximately $5 billion. Without the MX in rail-garrison, the United States would have to rely on the new Small ICBM to enhance the survivability of the ICBM force. However, the MX missiles could remain in silos, so the United States would still deploy 1,000 warheads on new ICBMs. If Congress chose to cancel the Small ICBM program, it could save around $23 billion in remaining acquisition costs for this system. It would reply on the MX missile in rail garrison to disperse so that it could survive a Soviet first strike.

Following the criteria outlined by the Department of Defense, this type of force structure would provide the United States with a credible deterrent if the Trident submarines and their Trident II missiles can indeed attack the full range of hardened targets with the prompt responsiveness and accuracy usually associated with ICBMs, and if ICBMs have the mobility needed to gain the survivability usually associated with SLBMs. However, because this force structure retains more ICBMs than the first force structure, it might provide a greater hedge against possible technical or survivability problems in the Trident fleet. In addition, with a greater number of SLBM warheads than the second force structure, this force would reduce the demands placed on the survivability of the U.S. ICBMs. Consequently, although the United States would have to expect more from both types of ballistic missiles than it currently does in the absence of START, this third force structure could relieve some of the pressure that the other forces would place on a single leg of the strategic triad.

CURRENT OPTIONS AND FUTURE CHOICES

This report assumes that the United States would have to fit its ongoing strategic modernization programs into the current START framework by the end of the 1990s. However, future arms control negotiations (such as START II) could further complicate the force mix choices described in this report. Although the United States and Soviet Union have not yet completed the text of a START I agreement, continued improvements in the relationship between the two countries would make it likely that they will discuss further reductions in their strategic forces during the 1990s.

Although it is too early to speculate on an outline for a second START agreement, many observers believe that such an agreement will mandate further reductions in ballistic missile warheads. The Bush administration has indicated that it would like to discuss limits on land-based MIRVed missiles and focus on a possible ban on mobile MIRVed ICBMs. These types of limits, if combined with the strategic modernization programs pursued during the 1990s, would add to the difficult force mix choices that the United States will have to make to bring its forces into compliance with arms control limits.

Further reductions in ballistic missile warheads might sharply reduce the number of U.S. ballistic missile submarines, even if the United States chose to emphasize SLBM warheads, as in the first force structure described in this report. For example, if START II eliminated an additional 1,000 ballistic missile warheads, and the United States deployed approximately 80 percent of the 3,900 warheads on ballistic missile submarines, the United States might have to dismantle five submarines. If the Navy wanted to retain its submarines, it would have to remove two warheads from each missile, or six missiles from each submarine. If START II reduced the number of ballisitc missile warheads permitted in START I by an additional 50 percent (to approximately 2,500) and each Trident carried 24 8-warhead missiles, the United States could deploy only 10 or 11 submarines. Even if it removed 6 launchers from each submarine or 2 warheads from each missile, the United States could only deploy around 14 Tridents. If this reduction in the number of Trident submarines were to threaten the survivability of the Trident fleet, the United States might consider developing a new SLBM with fewer warheads, or a new submarine with fewer launchers, so that it could continue to deploy a greater number of submarines.[27] Because it will take many years to develop, test, and deploy new systems, Congress might have to consider such an option during the next few years, before the United States has to comply with START I.

Further reductions in ballistic missile warheads, and possible limits on MIRVed ICBMs, might also affect the choices that Congress makes during the next few years for the U.S. ICBM force. The administration has requested funding for two mobile ICBMs: the MX in rail-garrison basing and the Small ICBM on road-mobile launchers. The declining defense budget casts doubt about whether Congress will fund both programs. Cost considerations, and interest in the quick deployment of a mobile system, may argue for continued funding for the MX rail garrison program. However, if the United States has to reduce its ICBM warheads further under a second START agreement, and START II banned MIRVed mobile ICBMs, the remaining U.S. ICBM force could consist of 50 10-warhead MX missile in silos. The United States would not have gained the survivability it expected from the deployment of a mobile system. And, with ten warheads on each vulnerable missile, some believe the remaining ICBM force could pose a threat to stability, particularly in a crisis.[28] In addition, as the number of U.S. warheads and the number of clustered Soviet targets declines, the United States might want to deploy missiles with one, or a few, warheads each to enhance the targeting flexibility of the ballistic missile force. Hence, under these circumstances, a single warhead small ICBM in either silos or mobile basing might appear more attractive, even though it would cost more to deploy than the MX in rail-garrison basing.

This glance ahead towards a START II agreement indicates that a START II agreement could affect the U.S. forces chosen under START I by changing the relative value of additional Trident submarines, the MX rail-garrison program, and the Small ICBM. Further reductions in ballistic missile warheads, and a possible ban on MIRVed mobile ICBMs, might force the United States to dismantle systems that it invests in during the 1990s. To avoid the cost of deploying, then dismantling, new systems, the United States might consider changes in the strategic programs during the next few years.

APPENDIX A

Table I details U.S. ballistic missile deployments and current Defense Department modernization plans through the 1990s. It does not adjust those forces to comply with the limits in a prospective START agreement. The numbers in this Table were used to generate Figures 1 through 3 in the report. The following assumptions were used in generating this Table:

Retirement of Older U.S. Strategic Weapons Systems

The United States is currently planning to retire its Poseidon submarines as they reach the end of their service lives; the last is scheduled for retirement in the late 1990s. Because submarines are taken out of service, and dismantling begins, a few years before the official retirement date, none of these submarines would be accountable under START by the latter part of the decade.

Submarines and SLBMs

Trident submarines will begin to count under the START limits when they begin sea trials. This is 2-3 months before their scheduled delivery. The report assumes that a total of 24 Trident submarines will be authorized by FY1996 and that the last Trident will be delivered in FY2002.

The number of warheads attributed to Trident II (D-5) missiles includes those on missiles backfitted on 8 Trident submarines between FY1993 and FY1998, and those on new START-accountable Trident submarines. The report assumes that both the Trident II and the Trident I (C-4) missiles count as 8 warheads, in accordance with the Joint Statement issued following the U.S.-Soviet summit in Washington in December 1987.

ICBMs

The report assumes that the initial operational capability (IOC) for the Small ICBM occurs in 1997, as per the Defense Department schedule.

The report assumes that the Air Force will attempt to maintain a number of ICBMs that is as close to the present force of 1,000 ICBMs as possible. As a result, when it retires the Minuteman II missiles, it will replace them on a one-for-one basis with the Small ICBM.

TABLE 1.—PLANNED U.S. BALLISTIC MISSILE DEPLOYMENTS

	Fiscal year—										
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
NAVY											
SSBN's:											
Ohio-class:											
C-4	8	8	8	8	8	7	6	5	4	3	2
D-5	3	4	5	6	8	10	12	14	16	18	20

TABLE 1.—PLANNED U.S. BALLISTIC MISSILE DEPLOYMENTS—Continued

	Fiscal year—										
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Poseidon:											
C-3	14	11	11	10	6	5	1	0	0	0	0
C-4	12	12	12	12	12	9	8	4	0	0	0
Total SSBNs	37	35	36	36	34	31	27	23	20	21	22
SLBM Launchers:											
C-3	224	176	176	160	96	80	16	0	0	0	0
C-4	384	384	384	384	384	312	272	184	96	72	48
D-5	72	96	120	144	192	240	288	336	384	432	480
Total SLBM Launchers	680	656	680	688	672	632	576	520	480	504	528
Total SLBM warheads	5,888	5,600	5,792	5,824	5,568	5,216	4,640	4,160	3,840	4,032	4,224
AIR FORCE											
ICBM's:											
Minuteman II	450	450	450	450	450	450	450	400	350	300	250
Minuteman III	500	500	500	500	500	500	500	500	500	500	500
MX	50	50	50	50	50	50	50	50	50	50	50
Small ICBM	0	0	0	0	0	0	0	50	100	150	200
Total ICBM's	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Total ICBM warheads	2,450	2,450	2,450	2,450	2,450	2,450	2,450	2,450	2,450	2,450	2,450
Totals:											
Total SNDV's	1,680	1,656	1,680	1,688	1,672	1,632	1,576	1,520	1,480	1,504	1,528
Total Ballistic missile warheads	8,338	8,050	8,242	8,274	8,018	7,666	7,090	6,610	6,290	6,482	6,674

APPENDIX B

TABLE 2.—NATIONAL BALLISTIC MISSILE FORCE STRUCTURES

	Service plans	Force 1 (1)	Force 2 (1)				FORCE 3 (1)			
			ALT 1	ALT 2	ALT 3	ALT 4	ALT 1	ALT 2	ALT 3	ALT 4
Warheads:										
ICBM's	2500	868	2000	2000	2000	2000	1444	1444	1444	1444
SLBM's	4608	4032	2880	2880	2880	2880	3456	3456	3456	3456
Total	7108	4900	4880	4880	4880	4880	4900	4900	4900	4900
Trident SSBN's:										
Accountable (2)	NA	21	15	15	20	20	18	18	24	24
Nonstart	NA	3	0	3	3	3	0	3	0	0
Total	24	24	15	18	3 23	4 23	18	21	3 24	4 24
ICBM's (5)										
MX:										
Silo	0	50	0	0	0	0	0	0	0	0
Rail	50	0	50	50	50	50	50	50	50	50
Mobile SICBM	Up to 500	0	500	500	500	500	or 500	or 500	or 500	or 500

(1) The forces outlined here correspond with the forces described in the report:
Force 1: Emphasize SLBMs, reduce ICBMs.
Force 2: Emphasize ICBMs, reduce warheads on SLBMs.
Alternative 1: Reduce the number of Trident submarines.
Alternative 2: Reduce the number of Trident submarines; deploy three that do not count under START.
Alternative 3: Reduce the number of warheads carried on Trident submarines by removing launch tubes.
Alternative 4: Reduce the number of warheads carried on Trident submarines by removing warheads from SLBMs.
Force 3: Maintain a balance of ICBMs and SLMB warheads roughly equal to the existing balance. Alternatives 1–4 are the same as those in Force 2.
(2) The United States has proposed that the warheads on launchers on three Trident submarines not count against the limits in START. This row indicates the number of submarines that would count under START in each force.
(3) The United States could deploy a greater number of submarines if it reduced the number of missiles carried on each submarine. This alternative assumes that each submarine would carry 18, rather than 24 missiles.
(4) The United States could deploy a greater number of submarines if it reduced the number of warheads carried on each missile. This alternative assumes that each missile would carry 6, rather than 8 warheads.
(5) Each force includes some number of warheads on older Minuteman III missiles. These account for the difference between the total number of ICBM warheads and the number on MX missiles and Small ICBMs.

APPENDIX C

There are several approaches to reducing the number of SLBM launch tubes on Trident submarines in order to reduce the number of warheads on the Trident fleet. These approaches differ in terms of engineering complexity, reversibility, cost, time required, and the ability of national technical means to verify the reduction.

The simplest means of reducing the number of launch tubes is to weld shut the doors of the tubes that are to be disabled, or to remove the doors and weld a metal plate over each tube. The missiles in the tubes would be replaced by ballast cylinders. This approach is fast, cheap, and simple. The countries may wish to use on-site inspections to confirm that the tubes have been sealed shut. The problem with this approach is that it can be reversed easily and relatively quickly. Consequently, even if the countries inspect the submarines periodically, it might be possible to unweld or replace missile tube doors and to replace ballast cylinders with missiles quickly for breakout.

A second approach is to cut out the upper part, or headworks, of perhaps six tubes on each submarine. This would remove the door and the door seat for each tube. Rebuilding the headworks would probably take several months, so a country could not reverse this process rapidly. In addition, the countries probably would not need to confirm this change with on-site inspections because the area involved is roughly 20 feet in width by 30 feet in length, which is large enough for observation with national technical means. However, if the fairing—the part of the hull above the pressure hull that permits the submarine to carry a missle whose length exceeds the hull diameter—covers the headworks, the countries may want to conduct periodic inspections to verify that the headworks had not been replaced. In Trident submarines, the fairing extends well back of the missile tubes and extends a few feet above the pressure hull. If the fairing is simply replaced after the headworks have been removed, a country might try to reconstruct the headworks under the fairing. Periodic inspections could deter this effort. If a notch were left in the fairing so that the destroyed headworks were visible, satellite observation would suffice. This notch, though, would interrupt the flat surface of the fairing, so it might be a source of noise, which would increase the Trident's vulnerability to Soviet antisubmarine warfare.

Before the United States could remove the headworks so that some number of launch tubes would not count under START, the Soviet Union would have to accept this procedure in the START negotiations. The Soviet Union might find this approach advantageous if it wanted to reduce the number of launch tubes on its submarines and increase the number of SSBNs it could retain under START. On the other hand, historical precedent may make the Soviet Union reluctant to permit the United States to employ this solution. When the Soviet Union wanted to convert some of its Yankee submarines from SSBNs to cruise missile carriers, it wanted to remove the headworks from the launch tubes so that the submarines would not count under SALT. The United States, however, insisted that the entire missile compartment be removed. The Soviet Union converted one Yankee in this manner.

A third approach to reducing the number of SLBM tubes counted under START is the physical removal of the tubes. Under this approach, the Navy would slice out a section of the hull containing perhaps six missile tubes. It would then insert and reweld another section without missile tubes. This section would be needed because the section to be removed contains space for uses other than missiles, such as crew berthing, and because removal of about 30 feet of the submarine would affect its trim and steering.

Although "detubing" is a straightforward engineering matter, its execution would be complex. For example, Trident submarines are designed to specifications that silence naturally-occurring resonsances. Breaking apart and reassembling the ship without changing the design to account for changes in the submarine could result in radiated noise. Care must also be taken to avoid "sound short-circuts" (means by which sound can travel directly from the intenal equipment to the hull), and to ensure that the hull segments are perfectly round to minimize noise as the submarine passes through the water. If the refit were done at the same time as a major overhaul, little added time might be needed. (All Tridents except the lead ship, *Ohio*, under a 12-month nonrefueling overhaul lasting 18 months.) In 1994, Tridents will begin overhaul at the rate of roughly one a year. At issue in a START environment would be whether one "detubing" each year, during the overhaul, would convert enough Tridents to meet START ceilings by the time these ceilings entered into force.

The Navy has not studied the cost of removing launch tubes from submarines. In March 1986, however, it estimated that it would cost around $410 million to overhaul, refuel, and convert a Poseidon submarine to a cruise missile carrier. (This compares with $142-$166 million for the overhaul and refueling alone). To convert the submarine to a cruise missile carrier, the Navy apparently would have removed the SLBM compartment and inserted a compartment capable of carrying and launching cruise missiles. The cost of removing six tubes from a Trident would presumably be lower because the new segment would be shorter and would not contain missile launch tubes.

Because it would take many months for a country to remove launch tubes from a submarine, and the process could be readily observed by national technical means, on-site inspection would not be required. (The United States was satisfied that the Soviet Union had removed the missile compartment from a Yankee submarine on the basis of national technical means of verification.) The advantage of "detubing" is that reversing it—removing the new segment and reinserting a segment with missile tubes—would be time-consuming and visible, so it would not provide a ready opportunity for breakout by either side.

FOOTNOTES

[1] The forces correspond with the forces described in the report and detailed in Table 1:

Force 1: Emphasize SLBMs; reduce ICBMs

Force 2: Emphasize ICBMs; reduce warheads on SLBMs

Alternative 1: Reduce the number of Trident submarines

Alternative 2: Reduce the number of Trident submarines; build three that do not count under START

Alternative 3: Reduce the number of warheads on Trident submarines by removing launch tubes (detube). This assumes that each Trident submarine would carry 18, rather than 24 missiles.

Alternative 4: Reduce the number of warheads on Trident submarines by reducing warheads from SLBMs (demirv). This assumes that each missile would carry 6, rather than 8 warheads.

Force 3: Maintain a balance of ICBM and SLBM warheads roughly equal to the existing balance; Alternatives 1-4 alter the Trident force in the same way as described in Force 2.

[2] For the past few years, Congress has asked the administration to identify the forces, with the preferred mix of ICBM and SLBM warheads, which the United States might deploy under a START agreement. Both the Reagan and Bush administrations have declined to identify a preferred ballistic missile force structure because they believed such a force might limit U.S. flexibility at the negotiations in Geneva. They also did not want Congress to limit U.S. flexibility, in Geneva or in its modernization programs, by committing the United States to that force with legislation or the budget process. As a result, the Bush administration responded to Congress with a report that outlined several possible force structures, each of which would comply with the limits in START. See U.S. President (Bush). Report to the Congress on the Analysis of Alternative Strategic Nuclear Force Postures for the United States Under a Potential START Treaty. Washington. July 25, 1989.

[3] Although President Bush rejected an Air Force proposal to retire the Minuteman II force during the next few years to save on maintenance and operating costs, Secretary Cheney has stated that the Air Force would dismantle these missiles when the United States and Soviet Union conclude a START agreement. The 450 missiles would be eliminated at a steady rate of 64 each year during the 7-year elimination period in the treaty. See Fulghum, David. Scrapping Old ICBMs Rejected. Air Force Times. January 29, 1990, p. 27. See also Adams, Peter Cheney Seeks Hold on Minuteman II Improvements. Defense News. February 12, 1990. p. 42.

[4] Under the prospective provisions, START will limit the countries to 6,000 warheads on ballistic missiles and heavy bombers. Planned U.S. forces will also exceed this limit on total warheads. However, if it reduces its forces to comply with the limit on ballistic missile warheads, the United States will come into compliance with the limit on total warheads.

[5] U.S. Department of Defense. Report of the Secretary of Defense to the President and Congress, January 1990. Washington, 1990. p. 2. Emphasis added.

[6] U.S. Department of Defense. Annual Report to Congress, Fiscal Year 1989. Frank C. Carlucci, Secretary of Defense. Washington, U.S. Govt. Print. Off., 1988. p. 54. See also U.S. President's Commission on Strategic Forces. Report of the President's Commission on Strategic Forces. (Washington: 1983), p. 7-8.

[7] U.S. Department of Defense. Report of the Secretary of Defense to the President and Congress, January 1990. Washington, 1990. pp. 30-32.

[8] Ibid. p. 32.

[9] Ibid. p. 32. See also Vice Admiral Bruce DeMars, USN, Assistant Chief of Naval Operations for Undersea Warfare. Prepared Statement. In U.S. Congress. House. Committee on Armed Services. Subcommittee on Seapower and Strategic and Critical Materials. Hearings on National Defense Authorization Act for Fiscal Year 1989—HR 4264 and Oversight of Previously Authorized Programs. HASC No. 100-70. (Washington: USGPO, 1988), p. 313-317, and the testimony of Capt. Harry Dyck, USN, ibid., p. 225.

[10] This study assumes that the United States would dismantle Minuteman missiles and reduce the Small ICBM force before dismantling MX missiles for the following reasons. The Minuteman missiles are more than 20 years old and would probably be dismantled before more accurate, powerful, and modern MX missiles. In addition, the MX would probably be preferred over the Small ICBM because the MX is already deployed in silos and can be converted readily to a mobile mode with only minor modifications. The remaining acquisition cost to convert the 50 MX missiles, currently deployed in silos, to rail-garrison basing is about $5.4 billion, as compared with $23.5 billion (FY88 dollars) to deploy 500 small ICBMs.

[11] Tridents are highly survivable in the face of open-ocean antisubmarine warfare. They are extremely quiet in an environment in which sound is by far the most effective way of conducting large area searches. However, Tridents could be more vulnerable as they transit out of their bases at Kings Bay, GA and Bangor, WA if the Soviet Union attempted to track them with attack submarines or destroy them with mines. The fewer Tridents deployed, the easier the Soviet Union might find it to track Tridents. In addition, the loss of just a few could have a significant effect on the lethality of the Trident force. In past testimony to Congress, Navy officials have indicated that these risks could call into question the survivability of the Trident fleet if it deployed fewer than 21 Tridents. See the responses of Admiral C.A.H. Trost, Chief of Naval Operations, in U.S. Congress. Senate. Subcommittee of the Committee on Appropriations. Department of Defense Appropriations for Fiscal Year 1989. Hearings, 100th Congress, 2nd Sess. Part 1, Washington, U.S. Govt. Print. Off., 1988. pp. 356-357.

[12] For detailed description of the Trident program see U.S. Library of Congress. Congressional Research Service. Trident Program. Issue Brief IB73001, by Jonathan Medalia. Washington, regularly updated.

[13] Fitzgerald, John F. Top Submariner Tells Congress Budget Ceilings Will Shrink Fleet. Hartford Courant. March 8, 1990. p. 9. At the START negotiations in Geneva, the United States has proposed that a START agreement not count warheads on up to 72 SLBM launchers in overhaul, the number of

three Tridents, on the principle that the countries will have several inoperative submarines in overhaul each year.

[14] Regarding START, "The sides proceed from the assumption that existing types of ballistic missiles are deployed with the following numbers of warheads . . . Trident I: 8, Trident II: 8 . . ." Soviet Union—United States Summit in Washington, DC, Joint Statement, December 10, 1987. In U.S. Office of the Federal Register. National Archives and Records Administration. GPO. Weekly Compilation of Presidential Documents, Dec. 14, 1987, vol. 23, no. 49, p. 1494.

[15] Information provided by the Office of Legislative Affairs, U.S. Navy, February, 1990.

[16] The missiles would be deployed on 25 trains, with two missiles per train, and the trains would be located at seven Air Force bases.

[17] A force of fewer than 500 Small ICBMs may be consistent with the administration's plans. 500 missiles has always been considered the maximum size for the force.

[18] The Air Force has indicated that if a smaller number of missiles were deployed, they would probably be based at a smaller number of locations. Hence, they would disperse into a smaller area during a Soviet attack. The Soviet Union might be able to barrage the area and destroy a significant percentage of the missiles. For more details see U.S. Library of Congress. Congressional Research Service. Mobile ICBM Choice: Military and Survivability Implications of the Bush Administration Proposal. Report No. 89-499 F, by Steven A. Hildreth, Washington, 1989.

[19] The footprint is the elliptical ground area within which a MIRVed missile can disperse its warheads.

[20] For examples of failures in nuclear warheads that raised questions about the military value and reliability of most or all of certain classes of weapons see U.S. Department of Energy, Office of International Security Affairs. Some Little-Publicized Difficulties with a Nuclear Freeze. Prepared by J.W. Rosengren, October 1983. pp. 13-25. Reprinted in U.S. Congress, Senate. Committee on Foreign Relations. Nuclear Testing Issues. Hearings, 99th Congress, 2d Session. Washington, U.S. Govt. Print. Off. 1986.

[21] In a post-START environment, the Soviet SLBM force is likely to be small, consisting of perhaps between 13 and 18 (down from over 60 today) of their newest ballistic missile submarines. Concerns about command and control, force reliability and availability, and U.S. anti-submarine warfare have in the past, limited Soviet reliance on SLBMs. Instead, the Soviets have long emphasized land-based ballistic missiles, and are likely to continue to do so under START with the deployment of a new version of the SS-18 in silos, along with mobile SS-24 and SS-25 missiles. See U.S. Library of Congress. Congressional Research Service. START: A Current Assessment of U.S. and Soviet Positions. Report No. 88-400 F, by Steven A. Hildreth, Al Tinajero, and Amy Woolf. Washington, 1988.

[22] While acknowledging that warhead inspections could be performed aboard (that is, on top of) Trident submarines, Navy spokesmen said the process would not be trivial. It could take several hours and require changes in Navy policies and procedures. It should be noted that onboard inspection of SLBM warheads could be required under START even if the number of warheads on missiles is not reduced. Discussion, Office of Legislative Liaison, United States Navy, December, 1989.

[23] The Soviet Union probably could not restore those warheads to its missiles while they were at sea. Discussion, Office of Legislative Liaison, United States Navy, December, 1989.

[24] For a detailed description of the programs, see the U.S. Library of Congress. Congressional Research Service. MX, "Midgetman," and Minuteman Missile Programs. Issue Brief No. IB77080, by Jonathan E. Medalia, regularly updated, Washington, DC.

[25] Minuteman launch facilities are the two-acre fenced sites containing a Minuteman silo and some surveillance equipment. The plan is to park two small ICBM mobile launchers inside the fence, but away from the silo, at the launch facilities.

[26] Congress authorized a total of $2.147 billion for ICBM modernization in FY1990. It did not specifically authorize $100 million for the small ICBM, but it did acknowledge that this amount could be taken from the total amount available for the ICBM programs.

[27] In its 1983 report to President Reagan, the Scowcroft Commission recommended that the Navy begin research on a new submarine with fewer missiles. U.S. President's Commission on Strategic Forces. Report of the President's Commission on Strategic Forces. (Washington: 1983), p. 11.

[28] If some number of warheads are deployed on a small number of missiles (such as ten warheads on each of 50 MX missiles) and these missiles are deployed in a vulnerable basing mode, such as ICBM silos, an attacker could destroy any of these warheads with just a few of his own weapons. In this situation, an attack becomes theoretically attractive, especially in a crisis. By deploying a given number of warheads on a larger number of missiles, so that each individual missile is a less attractive target, this potential instability can be reduced.

Mr. GORE. Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1590

(Purpose: To provide military personnel the same political freedoms as Federal civilian employees)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1590.

On page 3, strike out lines 1 and 2; and insert in lieu thereof:

"or

(C) any member of the uniformed services, including any National Guard or reserve personnel;"

Mr. GRAMM. Mr. President, this is a straightforward amendment. This subject has been indirectly debated on many occasions on the Senate floor. I think I can be brief in arguing for the amendment.

A case has been argued that repeal of the Hatch Act in terms of political involvement of the civil service will in no way disrupt decades of merit system selection and operation of the Federal Government. Proponents claim that there is no inherent conflict in the fact that people working for the Federal Government also who have a kind of tenure which only the Federal Government can give, may become heavily involved politically, too.

Let me make it clear I am not swayed by that logic, or lack thereof, but I do see an overriding flaw in the legislation before us. The problem is that this bill chooses among different people who work for the Federal Government. It says that letting the FBI become involved in politics, perhaps encouraging the local FBI agent be a precinct chairman, allowing the Federal Election Commission staff director to be involved in partisan politics as, say, a campaign manager, is OK. But this same bill does not allow the young men and women who stand guard all over the world, who have brought us to the verge of winning the cold war, to exercise the same political rights as people at the FBI or the FEC.

Mr. President, it seems to me that if you went out into the countryside and asked, "are you more concerned about the first sergeant at Fort Hood being able to be involved in the political process, soliciting money from his fellow Federal employees, being a precinct chairman, being a campaign director, or are you more concerned about the local head of the IRS being similarly involved in partisan politics," I submit that the vast majority of the people of America would say, "Well, if we are going to let the IRS be involved, we ought to let people who serve in the Armed Forces of the country be involved."

So what this amendment says is that if we are going to grant these new political rights for partisan involvement to our civil employees, that the same rights should be extended to those who wear the uniform of our country.

It is also clear, that if the safeguards in this bill against coercion are sufficient for Federal civilian employees, then they would be sufficient so far as the military is concerned.

Mr. President, I cannot understand why anybody would oppose this amendment. If our objective is to alter the decades-old system that precludes partisan politics from operating within the Federal Government, it seems to me that we should remove those restrictions from the people who wear the uniform of the country, who help defend the very freedoms that we claim to be promoting here.

So, Mr. President, my amendment is clear and simple. It treats uniformed services the same way you treat the Federal Election Commission, the same way you treat the CIA, the same way you treat the FBI, the same way

you treat the local IRS agent. If they can be involved in partisan politics, those who wear the uniform of the country should have that right as well.

I am hopeful there will not be much debate. If this amendment fails, I guess I am going to begin to wonder if maybe there is an objective here to pick and choose, based on the plain, old, partisanship, or at least somebody's projection as to what the political feelings of the various members of the branches of our Government might be.

I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment proposed by my friend from Texas, and I do so with a certain sense of mixed feelings, because as I have indicated here earlier in this debate, I personally believe, unlike I guess the Senator from Texas, that the restrictions on the political freedom of 3 million Americans, because they happen to work for the Federal Government, are unwarranted, inconsistent, and ultimately un-American, because they deprive these 3 million of our fellow citizens of the essential definition of what it means to be an American, which is political freedom, the right to be involved in affecting the course of the Government which so deeply and dearly affects our lives. That feeling that I have would go for all categories of public employees, both civilian and military.

The Senator from Texas talked about the 100 years of Civil Service in our Nation and the development of this outstanding Civil Service System we have—and I certainly believe that is true—and all the tradition that is involved in that. But there is another tradition that we ought to give some deference to, and not act hastily to break that tradition. It is the tradition of separating the treatment of the military employee from the treatment of the civilian governmental employee, when considering legislation or rules governing employment or retirement, including benefits. And I think that that tradition is one that ought to be respected and not changed hastily and dramatically as a result of an amendment proposed on the floor during debate on this bill.

Military service is, and in many ways should be, put in a separate category from other employees of the U.S. Government. Let me just go over some of the ways in which we have created the separation and, in fact, one would be hard put to find ways in which there is not separation, the way we treat military employees from civilians.

The system of pay is different and separate. The system of retirement is different and separate. The system of health insurance and health care is different and separate. The system of promotion and employment perks is different and, again, it is separate.

Obviously, there is nothing to prevent the Department of Defense from proposing changes in the military system that might bring some rules and regulations in line with those in the civilian sector and nothing to prevent those who represent and speak for the enlisted men and women in our armed services, both active and those who are retired, from coming forward and recommending changes of that kind. In fact, they have already done something just along that line with regard to the present Hatch Act.

Should they wish to make changes to these rules, if the bill before us, S. 135, becomes law, I am sure that the Armed Services Committee of this Congress would be interested in examining such proposals and what their consequences might be. These are some questions that I think, just on brief consideration of the amendment of the Senator from Texas, ought to be considered and answered before we act.

For instance, is a military person on the job for 24 hours a day? We know that inherently the nature of military service is different from civilian service—at least almost every category of civilian Federal employ I can think of. A military employee is essentially on call 24 hours a day and has to be ready to respond to a call to duty.

If that is true, under this bill, S. 135, that employee presumably, it may be argued, could engage in no political activity at any time, including fundraising, because they were essentially on duty 24 hours a day. Another question that might be asked is, If the amendment offered by the Senator from Texas should pass, will there be organizations established of military personnel that can form a political action committee and solicit money and contribute money?

Those are serious questions. They are questions that involve dramatic change in the way life has been conducted in the military for a long time in our country. And they are questions that suggest, I respectfully submit, that one should look at this amendment pretty carefully. In fact, hearings ought to be held on it; testimony ought to be received, and then we can all decide in a more methodical and thoughtful manner where we ought to go.

The fact is that this amendment was not considered by any Government Affairs Committee, which has reported this bill. It has some obviously serious consequences that have not been examined in a deliberative way. I just do not think we should open up at this point this particular box without considering all the ramifications.

As I understand it—and we are checking on this now—the fact is that the military, the Department of Defense has, over the years in the rules it has promulgated for political action by military employees, roughly tracked the Hatch Act. If that is so—and we will check that—I would guess that the intent of the proposal by the Senator from Texas may indirectly be achieved, and that the changes we would enact would roughly be tracked.

But before we break the tradition of separate treatment of the military, because the military is different, in this impetuous act, I think we ought to step back and do some thinking on it. That is why I respectfully suggest that this amendment is unacceptable and should be defeated.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think I can be brief on this in my response. First of all, the FBI and CIA are on duty 24 hours a day and, yet, this amendment says that they can be involved in partisan politics. Nothing in my amendment would eliminate the prohibition against labor unions for the uniformed services, something that I oppose.

Mr. President, the bottom line is this: If we are gong to let people who work for the Internal Revenue Service, who have a profound impact on the lives of thousands of our citizens, become politically involved, then why do we want to preclude the military from having similar freedoms?

Mr. President, there is no single reason in the world that someone would do that unless they felt that somehow they were going to be benefited by politicizing the civil service, but that they were going to lose by politicizing the military service.

I guess the question we have to ask ourselves here is, are we reforming or are we really engaged in partisan politics on the floor of the U.S. Senate? If it makes good sense to politicize the Internal Revenue Service, if it makes good sense to politicize the FBI, if it makes good sense to politicize the CIA, then clearly it makes good sense to let some staff sergeant who is standing guard in Europe or Asia, who is helping to win the cold war, it makes perfectly good sense to allow that staff sergeant to say: "Yes, I am a Republican. Yes, I support a strong national defense. No, I am not in favor of raising taxes on working men and women in America." But clearly my dear colleague from Connecticut does not want that soldier to be involved.

Mr. President, if in fact we are going to make a step toward politicizing employees of the Federal Government, which I deeply question in terms of its wisdom, there is no logic whatsoever to denying that right to people who

wear the uniform of the country. How does it make sense to say that some civilian employee doing exactly the same job in the Pentagon as a uniformed service employee can be involved in partisan politics, but the person who wears the uniform cannot be involved?

Mr. President, I do not think it does make sense. I think the only way you can make that argument is if you want to be selective. The view of this amendment is if you are going to politicize the civil service, we ought to allow people who wear the uniform of this country to be involved in partisan politics. My view is that if one policy makes sense, both policies make sense, and the only real logic for denying the ability of the uniformed services to be involved is if those who want to deny them that ability have confidence they will benefit politically from the involvement of civilian employees but also have confidence they will lose from the political involvement of soldiers, sailors, airmen, or marines.

My view is if you are going to give political involvement to one group you ought to give it to both.

I think the amendment speaks for itself and I for one am ready to vote on it.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, the distinguished Senator from Connecticut I thought made a good case. I was listening to it on the speaker in the other room while I was out of the Chamber for a little while.

I take drastic exception to my distinguished colleague from Texas saying we are trying to politicize the CIA, trying to politicize the FEC, trying to politicize the IRS, trying to politicizing everybody. We are not. What we are trying to do with S. 135 is very simple. What we are trying to do is make some sense out of the present Hatch Act. It has so many different rulings and interpretations to it that nobody knows what it does and does not do.

What we say is on the job you can do nothing. Off the job you still cannot raise money, you cannot run for public office yourself. We keep those protections in.

That is pretty simple and straightforward and takes away a lot of this murky aspect that has been so confusing with regard to the Hatch Act. It does not politicize anybody. It does not force anybody to be political. It does not politicize any function in Government whatsoever.

Now, let me talk about the military because that is a little bit different, and for this reason. We talk about on duty, off duty with regard to Government employees. In the military you are technically on duty 24 hours a day. You are subject to call any time day or night. There is no such thing as strictly off duty unless you are on leave.

Should we permit the military if they wish to be politically active on leave or whatever? I have no quarrel with that, given the same function as everybody else, the same right to do what everybody else has during those time periods. But your normal time around the base you are on duty for 8 hours a day, but when you go home you are still on call. You are still on call. That is different. So, realizing that what we have done through the years is say, military, you are the ones in charge. You are the ones that know your local situation. You are the ones that know what has to be done in your particular service. Therefore, you make up the rules.

What have they done? What they have done in this. They have said OK, the Hatch Act is the rule for Government employees and for everybody else, and so we will pattern our regulations in the military to reflect the Hatch Act as much as we can. But we still at the same time recognize we are in a very special situation with special responsibilities; special calls may be made on people to come back to the base in the middle of the night, or whatever. And granted that does not happen very often. I know. I spent 23 years under rules like that in the Marine Corps. It does not happen; occasionally it does. But the military has tried to basically follow the Hatch Act, but change it enough so that that is adapted to the military situation specifically.

So I would hate to see us pass something that says, military, you have to take the Hatch Act, period. That is it, no matter what.

Maybe the military if we asked them can come back to us and show us where this particular amendment would be OK with them or not OK with them. I do not know. But to just force it on them when we know out of the past that the military has in the past adapted their own version of what could be called the Hatch Act, in effect they have based it on the Hatch Act. We have a list here of some of the things. I will not bother reading through them now. I will be glad to provide a copy to the minority side if they so like. That is the main reason why I would oppose this amendment.

One thing I do want to make very, very clear. No one is trying to politicize the CIA. S. 135 does not politicize the CIA, does not politicize the FEC, does not politicize the Department of Justice, does not politicize anyone. What it does is clarify current law basically. So to say what you can do on duty, which is nothing, you cannot even wear the infamous campaign button we brought up a hundred times here and you cannot wear that if a public employee now if you are on duty. Off duty you should be able to do anything that anybody else in this country does. As an American you should not have your rights unduly restricted. You should not have your rights restricted more than necessary to accomplish whatever the good purpose is, and that is basically what this bill does.

So, Mr. President, I agree with my distinguished colleague from Connecticut who was floor managing a few moments ago and will be back shortly. I agree with what I heard him say and I rise to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes Senator GRAMM.

Mr. GRAMM. Mr. President, let me be brief by simply saying you can write a long list of civilian employees who are on call 24 hours a day from FBI and CIA agents to the firefighter who is working at a military base. So, granted, there is a special facet to the relationship between military personnel and the Government, but it is far from unique.

I cannot understand the passion of our dear colleague from Ohio for assuring the political freedom for civilian employees but no passion whatsoever for the similar freedoms for those who defend the freedoms for everybody else. Either this bill makes sense for all Government employees or it makes sense for no Government employees.

How do our military personnel feel about repeal of the Hatch Act? I do not know. Let me also say I do not know how civil service feels either. I know how public employee labor unions feel. I am not aware anybody has done any kind of effective survey that indicated that rank and file civilian employees want a protection which they have always had against pressure to be involved in partisan politics removed.

My guess is that the vast majority of our civilian employees do not want the Hatch Act repealed. But my point is one of logical consistency, and I think the amendment stands or falls on that argument alone.

Does it make sense to allow all of these other Government employees to be involved in partisan politics and not allow the uniformed services similar involvement? I say no. Either this bill is wrong for everybody or it is right for everybody, and that is the question posed by this amendment.

I yield the floor.

Mr. GLENN. Mr. President, this has come up on the floor repeatedly during this debate. The opponents of the bill keep referring to this as the Hatch Act repeal. That just is flat not right. That just does not state it correctly. We keep hearing that over and over again. This is not a Hatch Act repeal. I wish we would stop hearing that. It gives the wrong opinion.

I certainly will not accuse my good friend from Texas of any such thing, but I think this has come up so many times I am beginning to believe that it is being deliberately misstated, perhaps, by some people because this is in no way, shape, or form a Hatch Act repeal. All you have to do is read it.

what it does is bring some sense out of the Hatch Act which has had so many interpretations through the years, some 3,000 or so that were incorporated into it under the old civil service rules when this thing was passed back in 1939, so many interpretations that if anybody wants to go through them again, I will be happy to debate those again because I can give some examples. And that is all that we tried to do was correct some of these crazy things that have come out under the Hatch Act through the years.

Mr. President, we talk about the infamous campaign button that you can wear to work but you cannot do anything else there. You can give a $1,000 contribution but you cannot attend a rally. You cannot stuff envelopes. Now you could take that $1,000 check and you could, if you were a member of a firm that does mailing, you could use that $1,000 to pay for people to do a professional mailing job, but you could not go stuff envelopes yourself. That is one of the interpretations under this act. Does that make any sense? No, it does not, not to me.

Let us say we are all in Dallas. We are going to have a big Republican rally down there and you have a Government employee who wants to come stand in the back. George Bush is going to be there. There is going to be a big whoop-de-do. This is a big rally for Republicans.

Now this Federal employee comes in the back of the room and wants to see what is going on. Now I think that is great. What does he do? He stands back in the back of the room and somebody says "I have to go out and repark my car. It is on the meter. Hold my sign for a minute."

He says "OK. Fine. I am leaning back here and I will hold this fellow's sign." Do you know he is violating the law? He could be penalized by interpretations under the present Hatch Act because he holds that sign back there waiting for somebody to come back. But he is at a political rally and he is holding a political sign, and that is wrong under the Hatch Act. That is wrong.

Now take him outside that political rally hall. What can he do when he goes back home? He can plaster his car all over. He can have George Bush, Ronald Reagan stickers, stickers of every candidate, if he wants to, all over his car and the windows. He can put the big placards on the side of his car, put them in his front yard. But if he gets caught holding one at a political rally, he is in violation. He can be penalized for that. That is under the present Hatch Act.

If your "Hatched" you can express your opinion about a candidate publicly. What is publicly? But it goes ahead to say you cannot make a speech or campaign for or against a candidate.

Now what is speaking publicly? If I am going to be heard by somebody when I speak, that is speaking publicly, I guess. But when does it become a speech? I am not sure that it turns into a speech if one other person shows up. I have had some rallies like that, incidentally, too, about two or three people there. But when does it become a speech? When does it become something that goes beyond just expressing myself publicly? Is it one, 2, 4, 100 people. What is it? I do not think anybody has defined that.

It is more than just a joke, too, because, as we have said before on the floor here, in the State of Washington, Navy shipyard workers were notified they could not actively participate in the State's Presidential caucuses—caucuses now, not a primary, but caucuses—because they were going to violate the Hatch Act.

There are a couple of other things, too, one of which is you cannot exceed writing one letter to five newspapers or five letters to one newspaper. Why a limitation like that? Yet that is the interpretation under the present Hatch Act that that is what people are permitted or not permitted to do.

Do these things make sense, just these few, little examples? I do not think they do. And that has happened under the Hatch Act. It has been so fuzzy, so murky, about what people could or could not do, so people do not know what they could do. And people have been caught in violations and they did not even know they were violating anything.

Others have used the murkiness, the uncertainty of this law, in turn, for their own nefarious purpose, whatever it was, to scare people in or out of politics. Is it right that we have a system like that, that is in the law, that is called the Hatch Act?

All we are trying to do with S. 135 is not to politicize anybody, not to politicize anything, not to say anyone has to take any political action whatsoever. We are saying if you wish to have a limited amount of political activity, which we provide for here, to do that, you absolutely cannot do anything on the job, even wear that infamous campaign button.

The distinguished Senator from Wyoming yesterday said how would a Republican feel going in sitting down and the person across from him with the IRS sheets in front of him that is going to monitor his account, the fellow is sitting there with a bid Dukakis button? That was the example used yesterday afternoon.

Well, you know what we do in this bill, we improve the Hatch Act in that respect because under this legislation, you could not do that. You cannot wear identification of your preferences to work if you are a civil servant, Federal employee. But off the job, off the job that evening, there is still some things you cannot do. You cannot raise money, you cannot go solicit contributions from the general public. And you also cannot declare and run for public office yourself. Outside of that, why should people not, off the job, be able to participate?

And so it clearly defines the lines so that there will not be the misunderstanding that has hampered people up to now. Are we forcing anyone into any kind of political activity? Are we encouraging them to do anything they do not want to do? Absolutely not. That is all we try to do.

Now there are all sorts of weird things you can dream up of what if, what if, what if, what if. I guess we come down to some common sense, finally. But when people keep getting up on the floor and talk about us politicizing organizations, politicizing IRS, politicizing FEC, politicizing all kinds of different Government organizations, they are not forced into one single iota of politicization that they do not have right now. Because all S. 135 does is it clarifies what they can do and what they cannot do on the job and off the job. It takes away all these myriad interpretations that have left some of the silly restrictions that I read off just a few moments ago here. And that is all the bill does.

It increases the penalties. We had an amendment the other day here for violations. I want to see that continue. I supported that the other day here. I became a cosponsor of it, as a matter of fact. The amendment was put in by Senators ROBB and WARNER. Senator ROBB initiated that, I believe, and Senator WARNER became an original cosponsor. I signed on all also. That increased the penalties to 3 years and a $5,000 fine, potentially. So that is where we stand.

It is for those reasons that I oppose the amendment by my distinguished colleague from Texas. At the appropriate time, I guess, he will move to a vote on that amendment.

The PRESIDING OFFICER. The Senator from Delaware [Mr. ROTH].

Mr. ROTH. Mr. President, I congratulate my distinguished colleague from Texas on offering an amendment that proposes to put the military personnel in exactly the same position that S. 135 would place civilians. Those advocating S. 135 have based their repeal—and I emphasize the word repeal and not reform—for civilian employees on grounds that they, the civilian employees, are being denied a very fundamental right of

participating in the political process. Some have even argued so far that it is a denial of their constitutional rights.

If we accept those arguments—and as I have pointed out on prior days, the Supreme Court has, of course, held the Hatch Act to be constitutional—if we buy the theory that it is improper to deny civilian Federal employees the right to participate in the political process, it is just as true of military personnel. There is absolutely no reason for extending it to one group and not to the other group. Those who serve in the defense of our country, those who serve in the Army, Navy, and Air Force are citizens just exactly as civilian employees are, entitled to the same rights and protection of the Constitution that civilian employees are entitled to.

So, as I said earlier, I applaud the junior Senator from Texas for offering this amendment because, if S. 135 is to become law, then it seems only just and fair and right that the same opportunities to participate in the political campaigns ought to be extended to the military.

The distinguished chairman, is opposing this amendment, has used a number of arguments that have been used in opposition to other amendments. Let me say again, S. 135 does not only simply amend the Hatch Act, it represents a basic repeal of the Hatch Act.

Again, if we read the language of the current law, the Hatch Act, we will find that it is diametrically opposite to what S. 135 provides. The current law, section 9(a) of the Hatch Act, which the committee says, "is widely regarded as the heart of the Act," according to the majority report, provides:

An employee in an executive agency or an individual employed by the government of the District of Columbia may not—

Not "may," "may not"—

take an active part in political management or in political campaigns.

It is a complete prohibition; a complete restriction on the rights of those who are employed by the Federal Government to become involved in partisan political activity.

What does S. 135, the legislation before us, provide? Section 7323, "Political Activity Authorized; Prohibitions," says:

An employee may—

It does not say "may not," which is what the law now provides, but it says—

may take an active part in political management or in political campaigns.

If that does not represent repeal of the basic concept of the Hatch Act, I really do not know what does. I might say, many other distinguished organizations, such as Common Cause and the American Bar, as well as others, agree that this represents a repeal and not a simple clarification.

The distinguished chairman of the Governmental Affairs Committee refers to what he calls some of the confusions written into the present law. I maintain that while these rules and regulations can always be improved upon, can always be simplified, the concept is very simple as to what they are saying.

What the Hatch Act provides is that, yes, you, as a Federal employee, may express your personal opinion, not once, not twice, but five times, if that is your desire, so long as it is your personal opinion. What you cannot do is become invovled in a political campaign, a partisan action whereby you are promoting or demoting some political candidate. That is a very simple but important distinction.

The Office of Special Counsel has written a pamphlet to help guide Federal employees. In one section the question is:

May an employee write a letter to the editor of a local newspaper, expressing an opinion on a partisan issue?

And the answer is:

Yes. But employees may not write letters in connection with political parties or partisan groups or candidates.

That is a very important distinction and one, in my judgment, that ought to be maintained. But, again, an employee can write one letter, two letters, or eight letters, so long as he is expressing a personal opinion and is not part of a political campaign.

Mr. President, the purpose of this legislation is to protect the employees, the Federal employees, protect the Government and protect the public, and that is what the Hatch Act has done so well for the past 50 years. One of the concerns has been to protect employees from political coercion, from being subject to subtle pressures, direct or indirect, to take political activity in one form or another, whether or not the employee is on duty or off duty.

What S. 135 would try to do is to draw a distinction between what one does on duty and off duty. Let me say, it is very clear that a Federal employee can be coerced by a superior, by a fellow employee, off duty as well as on duty.

The threat or promises, the opportunity for promotion or demotion are just as real, whether the promises or threats occur directly or indirectly, off duty or on duty. The enactment of S. 135 is not going to eliminate the so-called ambiguities, the conflicts, the need for clarification of the Hatch Act. It is only going to make it much more complicated, much more difficult.

So, Mr. President, let me conclude by going back to the major thrust of my good friend and colleague from Texas, who is arguing with great merit that the Federal employee and the Federal military personnel should be treated the same when it comes to partisan political action. If we are going to let the civilian participate, then we should permit the military to participate. The precise, exact arguments can be made with respect to the fundamental rights of participating in the political process for the military that exists for the civilians.

So I urge my colleagues to vote for the Gramm amendment, an amendment which brings equity and fairness to S. 135, particularly if one accepts the proposition that all personnel of the Federal Government should be entitled to the same opportunity to be involved in partisan political activity. I yield back the floor.

Mr. GLENN. Mr. President, I do not know whether there are others who wish to speak on this subject or not. That can be ascertained. I will be prepared at the appropriate time to move to table the amendment. I do not want to cut off debate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I move to table the amendment of the Senator from Texas.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Texas. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Arizona [Mr. MCCAIN], and the Senator from California [Mr. WILSON] are necessarily absent.

The PRESIDING OFFICER (Mr. DODD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 30, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—66

Adams	Byrd	Fowler
Armstrong	Coats	Glenn
Baucus	Conrad	Gore
Bentsen	Cranston	Graham
Biden	Danforth	Harkin
Bingaman	Daschle	Hatfield
Boren	DeConcini	Heflin
Boschwitz	Dixon	Heinz
Bradley	Dodd	Hollings
Breaux	Domenici	Inouye
Bryan	Durenberger	Jeffords
Bumpers	Exon	Johnston
Burdick	Ford	Kassebaum

Kennedy	Metzenbaum	Robb
Kerrey	Mikulski	Rockefeller
Kerry	Mitchell	Sanford
Kohl	Moynihan	Sarbanes
Lautenberg	Nunn	Sasser
Leahy	Pell	Shelby
Levin	Pryor	Simon
Lieberman	Reid	Warner
McConnell	Riegle	Wirth

NAYS—30

Bond	Hatch	Packwood
Burns	Helms	Pressler
Cochran	Humphrey	Roth
Cohen	Kasten	Rudman
D'Amato	Lott	Simpson
Dole	Lugar	Specter
Garn	Mack	Stevens
Gorton	McClure	Symms
Gramm	Murkowski	Thurmond
Grassley	Nickles	Wallop

NOT VOTING—3

Chafee	McCain	Wilson

So the motion to lay on the table amendment No. 1590 was agreed to.

Mr. MITCHELL. I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio.

Mr. GLENN. Mr. President, we have been waiting for other amendments to be brought to the floor. There has been a great deal of delay. Can the Chair tell me when the last vote ended?

The PRESIDING OFFICER. The last vote was concluded at 4:06 p.m.

Mr. GLENN. At 4:06. So, we have waited a half-hour now for the next amendment. I do not know, Mr. President, whether there is an intentional delay here or not. We have seen a number of amendments talked about here or we discussed them privately on the floor here. But, if they are serious about this and not just trying to delay the work of the Senate, those amendments should be brought out and debated.

We have debated a number of amendments to the bill since we started considering it. We have had, I guess, 9 or 10 votes on them up to today, 5 or 6 last week. We are here ready to dispose of these things.

I ask if the other side would indulge me, if they could tell me how soon we might have an amendment?

Mr. McCONNEL. Will the Senator yield? I had planned to offer an amendment a few moments ago. We should be ready shortly. It is certainly not the intention of the Senator from Kentucky to delay. There may be others who might like to offer an amendment. I shall be ready fairly shortly. But, it is certainly not the intention of the Senator from Kentucky to delay the business of the Senate.

Mr. GLENN. Can we have an advance copy of the amendment so we can look at it, because we, too, have to look at it and study it.

Mr. McCONNELL. As soon as it is finalized, I will furnish it, at that time, to the Senator from Ohio.

Mr. GLENN. I ask the floor manager, in the meanwhile are there any other amendments that we can bring up while we are waiting for the distinguished Senator from Kentucky?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. Is the Senator seeking recognition in his own right?

Mr. GLENN. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, while we are waiting for the distinguished Senator from Kentucky to finalize his amendment, I do have a matter that I would like to respond to.

Mr. President, I would like to respond to the argument that the loosening of the Hatch Act restrictions on State and local employees has not caused any problems at the State and local level.

The Federal Election Campaign Act of 1974 repealed most of the Federal restrictions on partisan political activity by non-Federal Government employees working for State and local jurisdictions which had been enacted in 1940. Within 1 year, abuses at the State and local level had become so strong that Congress re-examined the adequacy of Federal criminal laws dealing with patronage abuses within the ranks of the ministerial civil servants.

Congressional proceedings uncovered graphic examples of laborers, fire fighters, emergency medical technicans, and the like, who were routinely required to perform political work for the incumbent political authority who employed them. In many instances, they were fired or punitively transferred because they refused to kickback a portion of their salaries to political bosses. The outcome of these hearings was Public Law 94-453, which expanded the scope of 18 U.S.C. 600 and 601, two Federal criminal laws pertaining to patronage abuses in the administration of Federal programs at the State and local levels.

However, this legislative action was not sufficient to stem the tide of abuse. In the second half of the 1970's, the Supreme Court was required to address the extent to which the Bill of Rights protected rank-and-file government workers from being harmed in their employment on account of their political associations, their political activity, or the lack thereof.

In 1976, the newly elected sheriff of Cook County, IL, abruptly terminated a large number of line deputy sheriffs merely because they had either been registered in the political party of the old sheriff, or because they had failed to work for the new sheriff's election. The Supreme Court in Elrod versus Burns held that the first amendment right of association protected rank-and-file public employees from being fired merely because of their political affiliations. In 1980, in Branti versus Finkel, the Supreme Court was once again required to visit this issue, and held this time that the principle propounded in Elrod applied to assistant public defenders in New York State, who were terminated by a newly elected chief public defender because of their membership in the "wrong" political party.

The prevalence of this practice of firing local deputy law enforcement officers who fail to support the campaign of an elected chief is underscored by the fact that just such a situation occurred 2 years ago in Arlington County, VA, where the incumbent sheriff first demoted, and then eventually fired several line deputy law officers who had supported the sheriff's opponent in a recent election.

According to the Department of Justice in its views to the committee on S. 135:

> Several examples of patronage abuses at the state and local level which have been investigated by this Department illustrate the magnitude of the problem the Hatch Act has successfully kept from the Federal doorsteps.

In 1975, Congressman J. Edward Roush of Indiana testified before a House subcommittee in support of increased penalties under 18 U.S.C. 600 and 601, at which time he provided the Congress with several examples of specific written demands from the party in power in his home State to rank and file government personnel, many of them firemen, road laborers, and the like, for the political donation of a percentage of their Government salaries.

In 1985, a special Federal grand jury in the Northern District of Illinois, Chicago, issued a report on the dynamics of the fraudulent election practices for which Chicago has, until recently, been infamous. After several years of hearing testimony, and after returning over 65 indictments charging Chicago officials with fraudulent voting practices, this grand jury determined that the driving force behind voter fraud in Chicago was the quest for patronage—the power of the winning political faction to control the jobs of rank and file municipal personnel and award benefits to its friends. This vicious patronage system produced corrupt government, and required aggressive political work by

even the most mundane public employees in order to obtain or retain municipal jobs.

Two county commissioners in Clark County, IN, were indicted and convicted in Indianapolis during 1986 for overtly threatening a large group of highway laborers with the loss of local county jobs if they did not agree to make political contributions to the party in power. Several laborers who refused to contribute were either summarily fired, or simply left their jobs on their own accord knowing that termination was the inevitable consequence of refusing to go along with such demands. This investigation also uncovered several other situations where Clark County employees—including at least one paramedic—were punitively transferred to job sites that were far removed from their homes and children because of the employees' lack of support for the incumbent political faction.

Within the past 2 years, the Criminal Division of the Department of Justice has transferred two major patronage matters to the Office of Special Counsel [OSC] for administrative enforcement under the so-called Little Hatch Act. Extensive criminal investigations, however, failed to produce sufficient evidence to support criminal charges in these cases—mainly because coercive activity is inherently difficult to prosecute at the criminal level which requires a beyond-a-reasonable-doubt burden of proof. Both of these matters involved superior political appointees soliciting political contributions—usually in the form of dinner tickets—from clerks and administrative personnel. In one of these cases OSC succeeded in obtaining meaningful penalties, including debarment from future public employment, against the director of personnel of the Akron Municipal Housing Authority and two of her subordinates.

In the other case, Office of Special Counsel was recently successful in seeking similar penalties against several political and senior supervisory employees of the Niagara Frontier Transportation Authority for doing much the same thing. In both these instances, OSC has been successful in obtaining administrative sanctions against plainly unlawful behavior largely because the Little Hatch Act is on the books, and the evidentiary requirements of this administrative statute are far less demanding than those applicable to criminal proceedings under statutes such as title 18.

Finally, Mr. President, a Federal jury in Newark recently convicted the mayor and the city council chairman of Guttenberg, NJ, for using their authority to hire and fire police officers and school crossing guards to extract involuntary political activity from incumbent holders of such ministerial public service jobs. In one case an elderly school crossing guard was fired when one of his relatives announced his desire to run against an incumbent city councilman. In order to get his job back, the guard had to persuade the relative to withdraw from the race. Several highly qualified police officers had their contracts terminated when they failed to perform election day work for the mayor. The jury found that the defendants violated 18 U.S.C. 666, a relatively new Federal felony statute.

Mr. President, the facts are clear. There have been cases of political corruption since 1974. But even if there were not any such cases, the need for the Hatch Act at the Federal level is still clear. Coercion can be very, very subtle and very difficult to detect. It does not surprise me that the surveys of State attorneys general that the Senator from Connecticut referred to did not reveal widespread prosecutions of political coercion violations. In addition, just because the law fails to achieve any prosecutions does not mean that it is a law which should be repealed. Suppose, Mr. President, the Justice Department failed to prosecute any drug cases. Does that mean that the drug enforcement laws should be repealed?

Mr. President, the Hatch Act was enacted to defend against the spoils system. It has succeeded. I urge that we retain current law.

Mr. President, I yield back the floor.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I want first to praise the Senator from Ohio [Mr. GLENN] for his leadership on this measure and for his guidance on the floor in reaching the point where we now are where we should be: Reasonably close to enacting a very important measure, important to our democracy.

Mr. President, the freedom of Americans to participate in the political process of our country is at the heart of our democracy. It is a compelling irony that as the Iron Curtain collapses under its own weight and as Eastern European nations look to our democracy as a beacon in their struggle toward freedom, the freedom of our own Federal employees continues to be severely circumscribed.

The Hatch Act blocks Federal employees who wish to exercise some of the liberties offered by our political system. While the nature of Government employment mandates some limitations where political activity is concerned, the well-intentioned Hatch Act is too rigid, too draconian, and unreflective of America.

The right to participate in the political process is one of our most valuable fundamental rights. Although there is a basis for some limitations where competing needs arise—in this case, the need to maintain a nonpartisan Federal work force—we must take special care to use the least intrusive limitation upon this fundamental right. The strength of S. 135 is that it succeeds in striking the balance between promoting and protecting the individual liberties of Federal workers, and the important policy goal of maintaining strict political neutrality in the Federal workplace.

Mr. President, if S. 135 is enacted, Federal employees would be able to participate in our political process in ways much more representative of their status as citizens. For example, Federal workers would have the right to distribute campaign literature, work a phone bank, participate as a delegate in a political caucus, and hold office within a political party. These activities would be permitted only when they are away from the work site and during off-duty hours. I stress that all of these activities would be permissible only during off-work hours.

Mr. President, S. 135 is not a blind leap in the dark. In the past few years, a number of States have eased their Hatch Act-type provisions and now allow for broader political freedoms for their State and local employees. The empirical evidence from these States show no loss in professionalism nor any increase in partisanship. By enacting this legislation, we can achieve a better balance between the rights of all citizens to participate in the process of democracy and the need to maintain a nonpartisan Federal workplace.

Mr. President, Government employees are representative of our Nation. They are diverse, not monolithic; they are reflective, not an unthinking voting bloc; they have families and other nonwork obligations and thus are faced with the same time constraints on outside activities as are other workers. The vast majority of these dedicated public servants approach their jobs with professionalism and pride. As much as anyone else, they want to ensure a nonpartisan work environment. S. 135 serves to ensure a politically neutral work force while simultaneously extending reasonable opportunities for participation in our democracy. Its time is long overdue.

Mr. GLENN. Mr. President, I rise to reply to the comments by my distinguished colleague from Delaware.

Mr. President, I am not quite sure what we are talking about. We seem to get peaches and apples and oranges and bananas, a lot of things, all mixed up. There are an awful lot of difficulties around the country that my learned colleague refers to that have nothing whatsoever to do with S. 135.

He talks about patronage in Chicago and kickbacks in the late 1970's, the

Supreme Court, and how the Bill of Rights was judged to protect workers from bias as to jobs and political influence, how the sheriff in Cook County fired employees illegally—a whole group of things that have nothing whatsoever to do with S. 135.

Former Congressman Roush says that he ran into a situation where a percentage of an employee's government salary was expected to be kicked back. That is the traditional State flower fund as it is called back home anyway.

The point I am making is these are illegal acts. They do not have anything to do with the Hatch Act. They do not have anything to do with S. 135. We might also have added you cannot vote tombstone names. You cannot stuff ballot boxes. You cannot steal a driver's license to go and be identified. These things have nothing whatsoever to do with S. 135 and the legislation that we have before us today.

My colleague says that there are little Hatch acts out there, there are minis that have been passed by the States that back up what the Federal Hatch Act does. That is exactly right. That goes to the employees in that State. Many of them copy the Hatch Act. S. 135 does make the Hatch Act finally comprehensive from all the different interpretations that have been put on it so that even those little Hatch acts are probably going to work better.

My colleague talked about Newark, NJ, the authority hired and fired school crossing guards for political purposes, an elderly guard got fired because he was going to run against an incumbent. That is illegal. The Hatch Act or S. 135 or changes thereto do not have one single thing to do with that, not one iota.

So we could go on all afternoon listing crimes the Hatch Act does not apply to and that S. 135 does not apply to if that is what we want. I do not see that anything we do here alters drug possession laws or drug sales laws or bank robbery, SEC fraud, auto speeding, or drunk driving. This does not change FDA or income tax laws or appropriations for the Department of Defense. Let us not bring up a lot of straw men to try to knock down when they do not apply to what it is we are talking about in this Chamber.

I appreciate the point my distinguished colleage from Delaware is making, that little Hatch acts out there have done a lot of good. We do not want to see them threatened. I agree with that premise entirely.

What we are doing with S. 135 I believe, and believe firmly, is strengthening the way the Hatch Act will work because we are finally making sense out of it. We are clarifying it. That is all. We are not repealing the Hatch Act. We are not repealing it. What we are doing is clarifying it so that people will know what they can and cannot do—there will not be inadvertent violations of the Hatch Act, nor can those who would intentionally subvert the Hatch Act to their own purposes have such vague interpretations of law all over the place that they can pick one here and say I can do it and get away with it because of this particular interpretation, where if they go over here they say they could not have done it that way. This clarifies it. That is all it does.

Mr. President, I would submit to my colleagues that these are all specious arguments that were brought up with regard to this because State laws apply within those particular States. What the Cook County sheriff did was against the law. I hope he was put in jail for it. Political kickbacks, as former Congressman Roush indicated, I hope somebody went to jail for that. They would not be affected in one way or another by S. 135 which is before us today.

Mr. President, I yield the floor.

Mr. ROTH. Mr. President, once again, my distinguished colleague asserts that S. 135 does not repeal the Hatch Act. As I have said on several occasions when he made this assertion, not only do I strongly disagree with that conclusion but many other distinguished organizations, including the American Bar and Common Cause disagree. They call it a repeal.

I wonder if my distinguished colleague would say, if we were to change the Ten Commandments by eliminating the word "not," that was not a repeal of the commandments. One of the Ten Commandments, for example, states that "Thou shalt not commit adultery."

Now, if one deletes the word "not," so it reads "Thou shall commit adultery," would the distinguished chairman argue that is not repeal of the commandment? I think it is. I think it is a 180-degree difference.

Mr. GLENN. Will the Senator yield for a question?

Mr. ROTH. Yes, I will be happy to yield.

Mr. GLENN. To use the example of my distinguished colleague, is it his interpretation then that changing one word in 1 commandment changes all 10?

Mr. ROTH. I am just saying it would change that one commandment. Let me point out, in answer to the distinguished Senator, what the Hatch Act provides. The committee report says that section 9(a) is "widely regarded as the heart of the act."

And it is that part of the Hatch Act that is changed by elimination of the word "not." Just as in my illustration that "Thou shalt not commit adultery," S. 135 would eliminate the word "not."

Current law provides that employees in an executive agency or individuals employed by the government of the District of Columbia may not take an active part in political management or in political campaigns. Of course, the direct opposite is said in S. 135 and section 7325, where it specifically provided that an employee may take an active part in political management or in political campaigns.

So it is a direct reversal of direction, and not a mere simple change.

The distinguished chairman made reference to my earlier comments on the problems of corruption at the State level. He said he did not see the relevance of those provisions. But in my judgment, they are in point.

What we are concerned about, and what anyone who reads the specific language of S. 135 will be concerned about, is that we are setting up the circumstances, the conditions that could bring back a return to the spoils system where your promotions, your employment, and your future can be influenced by political activity.

Many distinguished commentators, both before the committee and in writing, have said time and again that trying to draw the line between permissible political activity and impermissible by the fact that one is on duty or off duty just will not work. A fellow employee can be just as much coerced directly or indirectly by fellow Federal employees off duty as he can on duty.

So that the division is not significant. It will not eliminate the possibility of a return to a spoils system. Instead, it will make it possible. And why should we be changing the system which has functioned so well for 50 years? There is no loud, crying demand by a majority of employees, Federal employees, for such change.

But in any event, I would like to go back to the problems of S. 135 as seen by a number of distinguished public officials, including the Attorney General, Dick Thornburgh; the Director of the Office of Personnel Management, Constance Berry Newman, who was of course the one primarily responsible for administering the laws affecting personnel; and Mary F. Wieseman, special counsel, Office of Special Counsel in this letter to me, and I quote:

> This is to inform you of our grave and unequivocal objections to S. 135, a bill that would substantially repeal the Hatch Act. If this bill were presented to the President, his senior advisers would recommend that it be vetoed.
>
> The Hatch Act of 1939 prohibits certain partisan political activities by federal government employees. It was enacted to remedy a century of patronage abuses resulting from the "spoils system," Federal programs to help the poor and the dispossessed were often perverted for political purposes. The Hatch Act seeks to guarantee the integrity of the federal civil service by

assuring that federal employees are hired and promoted based upon their qualifications and not their political loyalties. It also assures that federal programs are administered on the basis of need, not politics. The Act's ban on active partisan compaigning by federal employees protects them from coercion and patronage abuse. Those protections remain essential to assure the integrity of the federal work force and the administration of federal programs. They also are critical to the public perception and confidence in the impartial, even-handed conduct of government business.

S. 135 would fundamentally undermine the Merit System by changing a presumption that partisan politicking by federal servants is *prohibited* into a presumption that such partisan campaigning is to be *encouraged.* Specifically, the bill would allow federal employees to hold office in political parties, work in partisan political campaigns, and solicit political contributions from other federal employees, including subordinates, who are members of the same federal employee organization.

The latter point, of course, insofar as subordinates, has now been amended so that that aspect of the letter is no longer appropriate.

Such a reversal in the role of partisan politics in the ethic of public service would permit virtually unbridled partisan activities by federal employees, which, history shows, would in turn inevitably lead to the politicization of public administration. For example, S. 135 would permit Internal Revenue Service District Managers to serve as political party officers, loan officers with the Department of Housing and Urban Development could organize partisan campaigns after work, and federal law enforcement officers could make television commercials paid for by political committees on behalf of partisan candidates.

We note that the bill provides that these newly authorized partisan activities are not to be conducted while employees are on duty, wearing the insignia of their office, or otherwise about the government's business. Unfortunately, these prohibitions would be meaningless. They add nothing to existing criminal prohibitions in this area. (*see, e.g.* Chapter 29 of Title 18 of the U.S. Code, and 18 U.S.C. §§ 641 and 872). Moreover, although proponents claim that S. 135 would provide protections against political coercion, the bill would actually repeal the authority of the Office of Special Counsel, found in 5 U.S.C. § 7325, to seek penalties for Hatch Act violations.

I might say that one also was taken care of in the committee amendment.

Finally, the vestige of the Hatch Act left by S. 135 could be easily circumvented. For example, government officials who belong to employee organizations could induce subordinates to join their organizations, and then they could extract involuntary political contributions of money or services, as long as this activity occurred during off-duty hours and while the participants were not in government uniforms or on government property.

The inevitable result of S. 135 would be a politicization of the federal work force to the great detriment of federal employees, the programs that these employees administer, and ultimately the public which these programs were enacted to serve. Without the Hatch Act, employees would be inevitably subject to subtle, and not so subtle, pressures to support the partisan agenda in their government offices. It is unreasonable to expect that the few prohibitions listed in S. 135 would have any practical impact on the subtle politicization that would occur in the federal work force. Rank-and-file civil servants would not make federal criminal cases out of supervisors' requests—

Again, that has been taken care of.

• • • They would find it less costly to be victimized, rather than incur the job-related risks that would surely result from a complaint to law enforcement authorities. Moveover, the difficulties inherent in proving even the most patent abuses would render the protections of the criminal justice system illusory. Thinly veiled exploitation and extortion would flourish because the politicized atmosphere of the workplace would make criminal conviction virtually impossible. The resulting impact on federal programs would undermine the public's confidence in the impartial administration of public business.

The Hatch Act ensures an environment wherein federal employees are encouraged to impartially carry out the public's business, rather than being distracted by the demands of political patronage. Under the Hatch Act, promotion is based upon merit, not political loyalty. The Act is understood by the vast majority of federal employees as a bulwark against the political pressures that would inevitably accompany a partisan public work force. Its prohibitions are clearly set forth in the statute and regulations at 5 C.F.R., paragraph 733. The Office of Special Counsel is empowered to provide authoritative advice to employees with questions about the application of the statute and regulations to particular circumstances. Last year, OSC processed about 1,400 inquiries from the approximately 3 millioin Federal employees covered by the act. We believe, on the basis of experience, that most Federal employees either understand how the Hatch Act applies or they simply have no desire to politicize their lives and their jobs by engaging in the sort of partisan activity it covers. It is, we think, significant that there has been no groundswell of popular support for this bill from the ranks of Federal civil servants.

In sum, the Hatch Act has served to shield Federal employees and the programs that they administer from political exploitation and abuse for over 50 years. S. 135, which is being promoted in the Senate as a liberator of Federal workers' civil rights, is perceived by many Federal workers as stripping them of that shield, and presages that those workers may have to demonstrate a fealty to a political party that they may not otherwise endorse. We are committed to continuing the protections of the Hatch Act and urge our colleagues to join us by opposing S. 135.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC.

Hon. WILLIAM V. ROTH, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR ROTH: This is to inform you of our grave and unequivocal objections to S. 135, a bill that would substantially repeal the Hatch Act. If this bill were presented to the President, his senior advisers would recommend that it be vetoed.

The Hatch Act of 1939 prohibits certain partisan political activities by federal government employees. It was enacted to remedy a century of patronage abuses resulting from the "spoils system." Federal programs to help the poor and the dispossessed were often perverted for political purposes. The Hatch Act seeks to guarantee the integrity of the federal civil service by assuring that federal employees are hired and promoted based upon their qualifications and not their political loyalties. It also assures that federal programs are administered on the basis of need, not politics. The Act's ban on active partisan campaigning by federal employees protects them from coercion and patronage abuse. Those protections remain essential to assure the integrity of the federal work force and the administration of federal programs. They also are critical to the public perception and confidence in the impartial, even-handed conduct of government business.

S. 135 would fundamentally undermine the Merit System by changing a persumption that partisan politicking by federal servants is *prohibited* into a presumption that such partisan campaigning is to be *encouraged.* Specifically, the bill would allow federal employees to hold office in political parties, work in partisan political campaigns, and solicit political contributions from other federal employees, including subordinates, who are members of the same federal employee organization. Such a reversal in the role of partisan politics in the ethic of public service would permit virtually unbridled partisan activities by federal employees, which, history shows, would in turn inevitably lead to the politicization of public administration. For example, S. 135 would permit Internal Revenue Service District Managers to serve as political party officers, loan officers with the Department of Housing and Urban Development could organize partisan campaigns after work, and federal law enforcement officers could make television commercials paid for by political committees on behalf of partisan candidates.

We note that the bill provides that these newly authorized partisan activities are not to be conducted while employees are on duty, wearing the insignia of their offices, or otherwise about the government's business. Unfortunately, these prohibitions would be meaningless. They add nothing to existing criminal prohibitions in this area (*See, e.g.* Chapter 29 of Title 18 of the U.S. Code, and 18 U.S.C. §§ 641 and 872). Moreover, although proponents claim that S. 135 would provide protections against political coercion, the bill would actually repeal the authority of the Office of Special Counsel, found in 5 U.S.C. § 7325, to seek penalties for Hatch Act violations. Finally, the vestige of the Hatch Act left by S. 135 could be easily circumvented. For example, government officials, who belong to employee organizations, could induce subordinates to join their organizations and then they could extract involuntary political contributions of money or services, as long as this activity occurred during off-duty hours and while the participants were not in government uniforms or on government property.

The inevitable result of S. 135 would be a politicization of the federal work force to the great detriment of federal employees, the programs that these employees administer, and ultimately the public which these programs were enacted to serve. Without the Hatch Act, employees would be inevitably subject to subtle, and not so subtle, pres-

sures to support the partisan agenda in their government offices. It is unreasonable to expect that the few prohibitions listed in S. 135 would have any practical impact on the subtle politicization that would occur in the federal work force. Rank-and-file civil servants would not make federal criminal cases out of supervisors' requests for political contributions or for their off-duty time in support of a candidate. They would find it less costly to be victimized rather than incur the job-related risks that would surely result from a complaint to law enforcement authorities. Moreover, the difficulties inherent in proving even the most patent abuses would render the protections of the criminal justice system illusory. Thinly veiled exploitation and extortion would flourish because the politicized atmosphere of the workplace would make criminal conviction virtually impossible. The resulting impact on federal programs would undermine the public's confidence in the impartial administration of public business.

The Hatch Act ensures an environment wherein federal employees are encouraged to impartially carry out the public's business, rather than being distracted by the demands of political patronage. Under the Hatch Act, promotion is based upon merit, not political loyalty. The Act is understood by the vast majority of federal employees as a bulwark against the political pressures that would inevitably accompany a partisan public work force. Its prohibitions are clearly set forth in the statute and regulations at 5 C.F.R. § 733. The Office of Special Counsel (OSC) is empowered to provide authoritative advice to employees with questions about the application of the statute and regulations to particular circumstances. Last year, OSC processed about 1,400 inquiries from the approximately 3 million federal employees covered by the Act. We believe, on the basis of experience, that most federal employees either understand how the Hatch Act applies or they simply have no desire to politicize their lives and their jobs by engaging in the sort of partisan activity it covers. It is, we think, significant that there has been no groundswell of popular support for this bill from the ranks of federal civil servants.

In sum, the Hatch Act has served to shield federal employees and the programs that they administer from political exploitation and abuse for over fifty years. S. 135, which is being promoted in the Senate as a liberator of federal workers' civil rights, is perceived by many federal workers as stripping them of that shield, and presages that those workers may have to demonstrate a fealty to a political party that they may not otherwise endorse. We are committed to continuing the protections of the Hatch Act and urge you go join us by opposing S. 135.

The Office of Management and Budget has advised that there is no objection to the submission of this report to the Congress and that enactment of S. 135 would not be in accord with the program of the President.

DICK THORNBURGH,
Attorney General.
CONSTANCE BERRY NEWMAN,
Director, Office of Personnel Management.
MARY F. WIESEMAN,
Special Counsel, Office of Special Counsel.

Mr. ROTH. I yield the floor.

Mr. GLENN. Mr. President, I was surprised to hear the reference to the Ten Commandments and the Biblical references, and one word changing, permitting or not permitting adultery. I only respond to say that to the 10 commandments of the Hatch Act, I add an 11th. It would read as follows:

Thou shalt not politicize thy Government job, lest S. 135 rise up to smite thee and thine employment shall be forever banned unto the ends of Government civil service.

Mr. HEINZ. Mr. President, I rise today to express my strong support for S. 135, the Hatch Act Reform Amendments of 1989. This Senator believes Congress should encourage and support the free, uncoerced participation of all Americans in our political process, including the men and women who make Government work, those who are most directly affected by the restrictions of the Hatch Act.

We should be concerned about the political rights of Federal employees. With over 3,000 separate administrative rulings, about what kinds of political activities are permissible or not, many of my constituents simply do not understand the complex restrictions upon them. Federal employees may only use a bumper sticker of certain dimensions, and a yard sign in the front yard can only be so large. If it is in the backyard, well, that's an entirely different case.

Mr. President, there are now 2.5 million Federal employees covered by the Hatch Act, and in my home State of Pennsylvania, there are over 130,000 men and women who serve in various agencies. I remember the story of one of my constituents—the wife of a letter carrier—who wanted to run for city council in Erie, PA. The woman wanted to use a family photograph in her campaign literature but the picture included her husband.

After making efforts to learn if using it would be allowed or not under the Hatch Act she was told that the safest thing was not to include him. As a result, her marital status became an issue in the election. I would certainly like to know how public policy is advanced through strict regulations of the off duty, private lives of the men and women at the post office.

Two weeks, ago, a letter carrier from Pittsburgh, PA, visited my office and explained how on two occasions neighbors have approached him and asked his help in their campaigns for elected offices in the community. He had to explain that he was unable to fully participate because of Hatch Act restrictions. This man's neighbors simply could not understand why our Federal Government still prevents our public servants from being fully involved in public service.

The civilian Federal work force of today is much different than that of 50 years ago when the Hatch Act was implemented. The spoils system that once permeated it is gone. Today, nearly 80 percent of all Federal civilian jobs are covered by the impartial system of merit and examination. Given these characteristics, there is no reason why we should not extend to Federal workers the same political freedoms civilian employees enjoy as long as protection against coercion is maintained.

During debate on S. 135, opponents have asserted that passage would lead to a politicization of the Federal work force. This will not occur. The legislation before us contains prudent and necessary potections against the coercion that would result in a politicized workforce. Federal employees are strictly prohibited from using their authority or influence or affect political activity, voting or political fundraising. Further, Federal and postal employees are not permitted to engage in any political activity while on the job, at the workplace, in uniform, or while otherwise representing the Federal Government. There is nothing ambiguous about these restrictions.

Penalties for violating the current Hatch Act can range from a minimum penalty of suspension without pay for 30 days to the most severe penalty of removal. S. 135 will put in place stronger safeguards against coercion. Under S. 135, violation of the Hatch Act could result in a maxium fine of $5,000 or a prison sentence of up to 3 years.

Last month, I had the opportunity to visit several Eastern European nations which have recently won their own political freedoms. A popular poster which hangs throughout the region shows the back of a fat-necked Soviet soldier as he heads home after years of occupation. The caption, in Russian, reads "Comrades, it's finished." The freedoms these people have been fighting for are now being returned to them and the time of Communist domination is finally over. It is time Congress said "It's finished" to Hatch Act restrictions and allowed Federal employees the same rights of political participation now being lauded with the fall of the Iron Curtain.

Mr. President, this Senator certainly understands the concerns that surround the legislation before us but they are essentially problems of free speech and political participation. The reforms embodied in S. 135 properly address these while ensuring the highest possible level of confidence and trust in Federal employees.

Mr. GLENN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BREAUX). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

COST OF PRESCRIPTION DRUGS

Mr. PRYOR. Madam President, I rise this afternoon with good news and bad news. The bad news is that we face a smoldering national crisis. The good news is that I believe I have at least part of the solution in a bill I will introduce on Thursday.

The crisis I am referring to has been created by years of excessive increases in prescription drug prices. It is a crisis of affordability. I am sure there are many reasons for it, but in my mind one central reason has been the greed of drug manufacturers.

During my early years as a member of both the House and the Senate, we watched drug prices bump upwards a little bit at a time, at about the same rate as prices in the rest of the economy. That was until the hyperinflation of the 1980's. Over the past decade, if we looked at drug prices in the United States, we might think we were in Argentina. These prices rose at a rate three times faster than the rate of general inflation.

Many of my constituents, especially older persons, began to write and call me and complain that they cannot afford their medications. Governors also wrote in, asking for help in controlling drug prices in their Medicaid programs. Pharmacists wrote to ask for relief from the desperate attempts to save money by cutting back reimbursement.

The only people not complaining about drug prices are the drug companies. As a result, I have grown increasingly concerned about the cost of prescription drugs. I know I am not the first one to look at this industry. Senator Kefauver came long before me, and then there was Senator Gaylord Nelson, who held hearings on this problem for 10 years. More recently, Congressman HENRY WAXMAN fought hard to get good cost data from drug companies and to protect retail pharmacies from taking the blame for drug costs. The fact is, Congress has repeatedly uncovered one example after another of pricing abuses by the industry, but has had little success in devising a solution.

With this disappointing history, we may now find a practical solution to the most intractable part of this problem—finding a fair way of negotiating the price of patented drug products. My approach, which I will describe in more detail later, does not rely on government dictates or simply passing on exorbitant costs to taxpayers, but is based on widely accepted business principles. Let me explain how I came to this solution.

After assuming the chairmanship of the Special Committee on Aging in January 1989, I made prescription drug prices a top priority: I wanted to know why drug prices are so high, and why we cannot seem to get them under control. I asked the staff of the Aging Committee early last year to find some new answers to the old questions.

I felt the need for action was urgent. Ordinary citizens are forced to go to extraordinary lengths to find less expensive drug treatment. Some find they must spend their life savings on prescription drugs. Then last year, at a time when drug costs were the highest out of pocket health care cost for three out of every four older Americans, Congress repealed the new Medicare prescription drug insurance plan.

During the time when we were trying to save the prescription drug benefit, Senators and constituents voiced their concern that we could not control the cost of prescription drugs. They pointed to the raising costs and they said, "How can we afford to keep up with these increases?" In large part, their arguments were sound. And, as a result, the 70 percent of the elderly who have no public or private insurance coverage of prescription drugs must bear the entire weight of drug cost increases all by themselves. In my view, it is our job to find a solution, not just wash our hands of the problem.

I found out during our hearings at the Aging Committee that it is not just older Americans who are suffering. The Medicaid drug insurance program—the Government's $3.5 billion health insurance safety net for the very poorest Americans—just barely survived the last 10 years.

I would like to outline briefly for my colleagues the current sad state of Medicaid. Many of you already know that Medicaid protects fewer than half of the poor in this country. We may not be aware that Medicaid nevertheless has been the fastest rising cost in State government with the single exception of the corrections budget. And within the Medicaid budget, since 1984, prescription drug costs have grown faster than any other major component of the program. According to testimony presented at the July hearing of the Aging Committee, fully 97 percent of drug cost increases during the 1980's were due to price inflation. Only 3 percent was caused by increased use of drugs.

Today, drug spending is the third largest category of Medicaid spending—at $3.5 billion, far ahead of physician payments. For 10 years, State Medicaid programs have coped by chopping and chiseling at drug coverage. States have raised copayments on the poorest poor, cut benefits, imposed coverage restrictions, and have repeatedly cut back on pharmacy reimbursement. In fact, Government has done just about everything but find a way to get manufacturers to stop raising their prices at a rate three times faster than inflation.

With tax dollars increasingly difficult to find, and taxpayers fed up with our inability to spend their money wisely, we can no longer afford to tolerate 88 percent increases in prescription drug prices, while the cost of just everything else is going up by 28 percent.

Our historical approach has been cutting back benefits and reimbursement. The problem with this strategy is that it is no strategy. In addition, it is unfair. Even though they have been targeted for cutbacks, it is not the poor people or the elderly or the community pharmacists who are causing this problem—and they cannot fix it. It is Government's responsibility—our responsibility—to find a way to get drug costs down to a reasonable level. We must find the cause of the problem and address it.

During the past decade, some 15 State Medicaid agencies have recognized that drug manufacturer prices were the source of their problem, and tried to set up price negotiations with drug companies. But rather than negotiate, in 12 of those States, the drug industry lobby defeated the Medicaid administrators in the State legislature. In the three States where negotiations have been authorized, the drug companies adopted a new tactic: They refused to compete for the State's business. They would not submit price bids.

Yet, with all this going on for years now, whenever people like me complained about high drug prices, the drug manufacturers have been able to forestall action in Congress by telling us, in effect, "Senator, you get what you pay for." I wish that were true. I wish most new drugs really were worth 50 percent more than the drugs they are marketed to replace. But it is not true. What I have learned over the past year is that we pay what they ask for.

Before I conducted my investigation, I did not realize what the companies were getting away with, or how they were doing it. When the pharmaceutical manufacturer lobbyists and CEO's come to Capitol Hill to lobby, all they talk about is how they are investing millions in cures for Alzheimer's disease, AIDS, and cancer. The price increases, they tell us, are necessary to feed the golden goose of research and development. Let us look at the facts: The drug companies' own figures reveal that only one-third of all the money they make off of price increases goes to research and development. Where does the rest of it go? Much of it goes to marketing the drugs they make.

But let us stay with the research and development budget. Where does that

one-third of dollars raised by price increases get invested? How productive are they in spending consumers and R&D taxpayer-subsidized dollars? Did they tell us that the typical drug company spends only 15 to 30 percent of its research dollars on high-risk investigation of breakthrough drugs? This fraction of their research and development budget may be worth its weight in platinum for PR purposes. But it is going to take a long time to invent a cure for Alzheimer's disease at that rate.

And the rest of the research and development budget? We know from industry insiders that 50 to 55 percent goes to inventing so-called me-too drugs that duplicate, rather than improve upon, drugs already on the market.

Madam President, it is time for us to stop listening to all the industry propaganda about how much they spend on research and development and start paying attention to the outcome of the research, in terms of real improvements in the health and safety of American citizens. I invite you to look, as I have, at the independent judgments of thousands of practicing doctors and pharmacists who review patient outcome studies to determine which drugs really make a new contribution to the marketplace. They confirm what the Food and Drug Administration has found: The majority of new drugs add little or nothing to existing drug therapies.

I believe all of us already know what the drug companies cannot afford to admit: We can and should be bargaining over the price of these me-too drugs. My bill, the Pharmaceuticals Access and Prudent Purchasing Act of 1990, will change the way drug companies do business with the Government. It may very well change the way that insurance companies and employee benefits plans deal with drug companies. With luck, the Government and perhaps someday all consumers will buy according to the value of a drug product, rather than the asking price of the manufacturer. Until consumers and Government purchasers of prescription drugs learn to be prudent purchasers, we will never have a truly competitive market.

If we can get a fair price for these drugs, it will take the cost-cutting pressure off of pharmacists and beneficiaries. It means that in some States next year, Medicaid will not have to cut off funding for such programs as prenatal care.

I think we can all agree that it is our responsibility to spend wisely each taxpayer dollar the Treasury collects. The question is how are we going to accomplish this? I hope we will also agree that it is a lot better to save money by making the drug companies negotiate drug prices than to keep punishing the victims of high drug prices through further repeals and cutbacks, as we have been.

Is directly negotiating with the drug companies a new idea? No. The Department of Veterans Affairs does it; almost every hospital does it; and the majority of HMO's do it. What it all boils down to is this: How can it be that Medicaid—a program serving medically indigent poor people—pay $24 for an antiasthma drug when the DVA pays $8—one-third less—for the very same drug?

Madam President, every year we hear from the Governors about how difficult it is to manage the skyrocketing costs of their Medicaid programs. If we do not pass legislation to assist States demand better prices, it will be harder to fault the drug manufacturers for gouging our extremely limited Medicaid budgets.

There is reason for optimism. Already, the mere fact that there is increased Federal and State outrage over prescription drug manufacturers pricing policies has produced some important results. Merck, the world's largest drug manufacturer, proposes to give State Medicaid programs their lowest price and this represents a major victory. It represents an acceptance that they are charging too much for a program that serves sick and poor people. It also is important in that it is breaking to shreds the industry's historical position of no deals.

Yes, we all should be happy with the Merck development, but we cannot rest on our laurels. We all know this proposal would not have ever emerged without the pressure of recent Federal and State legislative proposals. Based on past experience, how can anyone of us believe that all the companies will follow suit and will keep their promise to always charge the program the lowest price? The industry's track record in this area can only produce skepticism.

It is important to remember, that what my legislation provides is insurance and flexibility. The Merck proposal and my legislation can be very complementary. The legislation would assure that drug manufacturers—all drug manufacturers—have the incentives to negotiate.

If all of them follow Merck's lead, then we all win. My bill allows for that, encourages it and, I think, assures it. Without the stick of my legislation, however, I do not believe we have any reason to trust that all manufacturers will, out of the goodness of their hearts, give the State Medicaid programs better deals.

Madam President, on Thursday, I will introduce legislation to assure that our States and their Medicaid programs have access to better prescription drug prices. I believe this bill, the Pharmaceuticals Access and Prudent Purchasing Act of 1990 [PAPPA] will achieve substantial savings, relieve cost saving initiatives aimed at the retail pharmacist and the poor, and assure and improve access to all needed and necessary medications. The bill accomplishes this by focusing cost-saving efforts, through direct negotiating, on the cause of the increased program outlays—the drug manufacturer.

The procompetition message of this legislation has been perceived as threatening by many drug manufacturers. In fact, I understand that many Aging and Finance Committee members have heard from drug manufacturers lobbying against this proposal even before the bill's specifications were written. In all the years I have been in the Senate, I have never seen such an extensive lobbying campaign against an idea that has yet to be formally introduced.

Madam President, I ask my colleagues one favor. Please read and evaluate my proposal and not be misled by speculation about my intent or the industry's dire predictions. I believe this initiative reflects my having taken into account most, if not all, of the substantive objections the industry has raised.

As my colleagues review the proposal, please remember who is not calling or writing to oppose it. It is not those who have had to carry the burden of difficult cost containment approaches aimed at reducing skyrocketing State Medicaid prescription drug expenditures—the Medicaid recipients, the Federal Government, the States, the pharmacists and other health care providers. Rather; it is the one participant of the Medicaid prescription drug program that has escaped all cost containment initiatives—the prescription drug manufacturers.

It is time to change this unacceptable situation in a way that is fair to every American. I believe my bill accomplishes this goal. Having said this, I know of no major bills that have been signed into law without changes being made throughout the legislative process. Along these lines, I request one favor. Before any of my colleagues make a final decision about this legislation, I welcome and request the opportunity to discuss this legislation with them.

In an effort to provide our colleagues and staff with additional information about this issue, I ask unanimous consent to print in the RECORD following my statement a factsheet about prescription drug costs.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. Madam President, we have a long way to go before we can assure our constituents access to affordable prescription drugs. However, if we never take the first step, we certainly will never attain that goal.

EXHIBIT 1

PRESCRIPTION DRUG PRICE FACTSHEET

PRESCRIPTION DRUG PRICE INFLATION AND ITS IMPACT

From 1980–87, 97% of increased spending on prescription drugs was directly the result of price increases. During this period, only 3% of the increase in spending on prescription drugs was due to increase use of drugs by the public.

Prescription drug prices more than tripled the general inflation rate in the last decade. From 1981 through 1988, prescription drug prices rose by 88% while general price inflation rose only 28%.

Skyrocketing drug price increases have contributed to public and private insurers' hesitancy to provide insurance to cover these costs.

The Congress repealed the Medicare Catastrophic Coverage Act, and the outpatient prescription drug program, largely because of the fear of out-of-control costs. (Note: Drug costs represent the highest out-of-pocket cost for three of four older Americans, and over 15 percent of the elderly report that they cannot afford the medications they need.)

The fact that over 60% of the elderly do not have private prescription drug insurance protection suggests that private insurers have been unable to offer insurance to cover the increasing cost of medications.

The price of a brand name drug product in a European country is, on average, one-third less than the U.S. price.

IMPACT OF DRUG PRICE INCREASES ON MEDICAID

By 1988, Medicaid paid $3.3 billion for prescription drugs, more than for physician payments, making it the third highest category of Medicaid spending.

As costs of Medicaid prescription drug programs have increased at faster rates than almost any other covered item or service, only limited cost cutting success has been achieved, almost entirely at the expense of those least responsible for cost increases—beneficiaries (through increased cost-sharing and restrictions on benefits) and pharmacists (through caps on reimbursement).

In another response to skyrocketing costs, at least 22 states have implemented drug formularies (limited lists of preferred drug products). Medicaid formularies have been generally ineffective as cost control measures largely because they are rarely used to negotiate better prices with drug manufacturers.

Many states have made their formularies more restrictive but without adequate medical and scientific analysis. An unacceptable outcome has been that many poor people cannot get needed drugs through their state Medicaid programs. Since they also cannot afford drugs out-of-pocket, these restrictions can deny access to appropriate therapy and result in more expensive hospitalizations.

HCFA has put increasing pressure on State Medicaid agencies to decrease drug product reimbursement to pharmacists. These pressures could force pharmacists to drop out of the Medicaid program, creating further access problems for beneficiaries—particularly in rural areas.

PHARMACEUTICAL INDUSTRY RESEARCH AND DEVELOPMENT

In 1988, the average new drug was priced 50% higher than the drug product(s) it was marketed to replace. There is substantial evidence, however, that most of these products of industry research and development add little or nothing in terms of therapeutic advantages over already-marketed drug therapies.

U.S. pharmaceutical manufacturers contend that they need high profits to fund research and development efforts. In the past, Congress has agreed, providing billions of dollars in tax breaks to the pharmaceutical industry and additional billions in excessively high prices through Medicaid, the health insurance program for the poorest Americans. However, the great majority of this taxpayer-subsidized research is producing high-priced therapeutically equivalent "me-too" drug products with little or no potential for therapeutic gain over existing therapies.

For example, 60% of the new molecular entities brought to market by the 25 largest U.S. drug manufacturers between 1981 and 1988 were evaluated by the Federal Food and Drug Administration (FDA) as "C"-rated, having "little or no" potential for therapeutic gain over existing drug therapies. FDA's finding of widespread therapeutic duplication is independently affirmed by thousands of hospital and HMO formulary committees across the United States.

In the period 1980–87, U.S. drug companies spent at least $15 billion on research and development of new drugs with little or no therapeutic advantage over existing drug therapies, the so-called "me-too" drugs.

According to industry insiders, only about 20–30% of the typical brand name drug manufacturer's research and development budget is spent on discovering new, innovative, breakthrough chemical entities. Another 25–30% is spent on further development of currently-marketed drug products (for example, developing new dosage forms or new uses for existing products.) About 50% is spent on R&D for new "me-too" products.

BUSINESS PRACTICES IN THE UNITED STATES PRESCRIPTION DRUG MARKET

There are two domestic markets in U.S. for most big-selling prescription drugs: a price-competitive market, characterized by deep discounts off the published list price (benefitting the Department of Veterans Affairs, hospitals, and managed care plans, such as HMOs) and a high-priced market where retail customers, Medicare, and Medicaid purchase their prescription drugs.

In the high-priced, non-competitive market, once the patent on a brand name drug product expires and generic drug competition is introduced, the price of the brand name product does not fall; it generally increases and remains high. In contrast, however, in the price-sensitive market, buyers have succeeded in getting brand name drugs at generic drug prices.

Similarly, in the high-priced market, when a new patented therapeutically interchangeable drug (not a generic) comes onto the market, it is priced at an amount equal to or greater than its patented brand name competitor(s), whether or not it represents a significant therapeutic advance. Yet, in the price sensitive market, buyers have forced manufacturers of therapeutically interchangeable drugs to compete for market share by offering price discounts of 40% or more.

INNOVATIVE COST CONTROL STRATEGIES FOR HIGH DRUG PRICES

Hospital and Managed Care Initiatives

Physicians and pharmacists in over 90% of the nation's hospitals and at least 42% of U.S. health maintenance organizations (HMOs) have independently concluded that many prescription drugs are therapeutically interchangeable when used to treat patients suffering from the same ailment.

Using this information, hospitals and HMOs have employed limited lists of preferred drugs (formularies) and group purchasing to successfully negotiate prices with drug manufacturers that have yielded discounts in excess of 40% off the published wholesale prices.

In effect, the Medicaid program is indirectly benefiting from this negotiating process since hospitals have already implemented these sound business negotiating approaches. State Medicaid recepients, pharmacists, and other providers would further benefit from a similar negotiating process for Medicaid's outpatient prescription drug program.

Initiatives of the Department of Veterans Affairs (DVA)

The Department of Veterans Affairs (DVA) negotiates with manufacturers and obtains valuable discounts on drug products without centralized purchasing and distribution of these drug products.

DVA achieves an average discount of 41% off the manufacturer's published "Average Wholesale Price" (AWP) for single source drugs and an average of over 60% off the AWP for multiple source drugs. In contrast, Medicaid programs, in almost all cases, pay top-dollar (or at best, AWP minus 10%) for drug products.

DVA obtains these substantial discounts by negotiating low prices from the brand name drug manufacturers, aided by the use of a preferred drug list.

DRUG MANUFACTURERS' RESPONSE TO THE MEDICAID COST CRISIS

Despite the fact that Medicaid purchases over 10% of the prescription drugs in the U.S., and ignoring Medicaid's critical public mission to serve the indigent, drug manufacturers have almost without exception refused to directly negotiate better prices with the States. In fact, drug manufacturers have waged an all-out national campaign to undermine and frustrate State efforts to negotiate lower prices for therapeutically duplicative drugs.

In late April 1990, following Federal and State threats of legislative intervention, Merck, Sharp and Dohme proposed to give States their lowest price for MSD drugs if the State would agree to list all of the firm's drugs on the state formulary (if it had one). This is significant because Merck has broken away from the rest of the drug manufacturing industry and, in doing so, has acknowledged the unacceptability of the financial crisis facing state Medicaid programs.

Merck's proposal, however, is likely to have little effect on the remainder of the industry. Because other drug companies offer much greater discounts than Merck, it is extremely unlikely that many companies will (voluntarily) follow suit. Pressure from the Congress, in the form of price negotiation legislation, offers the surrest prospect of industry-wide price reductions.

OBJECTIVES OF THE PHARMACEUTICAL PRODUCT ACCESS AND PRUDENT PURCHASING ACT OF 1990 (PAPPA)

(1) Focus cost-saving efforts on the cause of increased program outlays—manufacturer's escalating drug prices—rather than on the retail pharmacist and the poor, who cannot control drug prices;

(2) Create an opportunity for States to establish money-saving Medicaid drug price

negotiating programs of their own design. (Aging Committee staff estimate that such a program could save between $100–$200 million annually on a nationwide basis);

(3) Preserve successful marketplace mechanisms for enhancing drug price competition, by building on time-honored business practices already in widespread use in the market (by the VA, hospitals, and managed care providers);

(4) Restore and enhance access to medically necessary pharmaceuticals for the poor who rely on Medicaid;

(5) Preserve the physician's prerogative to prescribe medically necessary medications for individuals in their care; and

(6) Provide incentives for more manufacturers to offer discounts on drug products to State Medicaid programs.

Mr. PRYOR. Madam President, I thank the Chair for recognizing me. At this point I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 2591 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered. The Senator may proceed.

Mr. BUMPERS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending business is the Hatch Act.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be allowed to proceed for not to exceed 10 minutes on an unrelated matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPARK MATSUNAGA

Mr. BUMPERS. Mr. President, I have been considering for several days how I would speak on the floor regarding our departed brother, Spark Matsunaga. No. 1, I wanted to speak extemporaneously from the heart and not from prepared script. No. 2, I wanted to say something that might convey to his lovely wife, Helene, the immense respect that Spark commanded in this body. Sometimes I think that wives of Senators do not have a full appreciation for what their husbands do here, and I guess that is understandable. Certainly they do not have any reason to have a full and keen appreciation for the respect in which their husbands are held or, should I say, maybe disrespect on occasion.

But here was a dimunitive, rather small of stature man, who had a remarkable childhood: Son of a Buddhist priest, obviously very bright, and he was offered a magnificent education if he would convert to Christianity and renounce Buddhism. He did not want to do that and certainly he was not about to do it until he consulted with his father.

I may be wrong about this, but I think it turned out that he got his education and I am not sure he was required to meet the requirement that was first offered; that is, that he renounce Buddhism. I do know he was a graduate of Harvard Law School. He was in law school, I believe in the same class with my brother, at Harvard.

When he first came to the Senate, I knew who he was, although, I did not know much about him. I have sat endless hours listening to him tell me how he loved poetry, letting him read some of his poetry to me which was not top flight. He was a lot better Senator than he was poet. He told me the story about his childhood. I remember he told me a story that he was a commanding officer of a National Guard company, and he was stationed on the island of Molokai when the Japanese attacked Pearl Harbor. I think he was a first lieutenant.

We will recall the Japanese used two-man submarines in that attack. Several of them were destroyed; one of them was destroyed, but one lonely Japanese sailor in that two-man submarine survived and walked to shore on that island. By this time, Spark's company was trying to cover the shores and do whatever they could during the attack. His company captured this lone Japanese sailor, so far as I know, that was the only prisoner taken at Pearl Harbor.

Subsequent to that time, the Army took their rifles away from them and gave them wooden guns. They were very suspect because virtually all of them were Japanese. Also at that time, we will recall one of the disgraceful chapters in the history of this country, we began to intern Japanese in this country; many of them American citizens. We took American citizens and put them in what would today be called concentration camps.

As time went by, these men in this company that Spark commanded wondered what was going to happen to them. One day they were told, "You are going to the States." They got on a boat and came to the United States. They got on a train in San Francisco and they pulled all the shades down and told them not to raise the shades. Five days later, about midnight, they pulled in some place, he knew not where, and stopped. They said, "Now you can pull the shades up." They pulled the shades up and Spark told me that there were klieg lights everywhere, barbed wire fences, high fences, and dogs.

He assumed they were all going to be placed in one of these internment camps. As it turned out, that was not the case. They were in Wisconsin, I believe, at Camp McCoy. This was a POW camp, and the duty of this company was to guard prisoners. The only prisoner there was that lonely Japanese prisoner that Spark's company had taken who walked up on that shore. Spark said what a relief it was to know that we were not going to be put in prison.

I could have gone back and done a lot of research about his heroism and the Italian campaign, I believe, in Sicily. Talk about a genuine certified war hero, Spark Matsunaga was one. But he was more than that.

He was a real role model for everybody in the U.S. Senate. Everybody knew that when Spark voted, he was voting right from the heart and the head. He never compromised. No other Senator, in my opinion, with the possible exception of Senator INOUYE, could have ever gotten that Japanese reparations bill through here. A lot of Senators here were apprehensive about the political consequences of voting to give all those people who had been interned $20,000. People said, let us just apologize to them because we violated their constitutional rights, and let it go at that.

I heard a lot of people I never dreamed would cosponsor that bill say, "I did that for Spark." As I say, I do not know that anybody else could have ever gotten it done.

I remember back in 1982 when peace was a dirty word. That is when the Soviet Union was the evil empire. I remember when my own wife started her own peace organization called Peace Links.

I thought it was going to be devastating to me politically and told her so. But in any event, she did it. It was a very risky business to talk about peace back in 1982. People who talked about peace anytime except Christmas, when you were saying joy to the world, peace on Earth, good will toward men, became suspect.

I remember I offered a resolution one day to establish a peace day, and

it generated a firestorm in this body—just one day a year to celebrate peace. I have never thought about it much since. You could probably get 100 votes—no, you could probably not get 100—but you could get a lot of votes for such a day today.

Despite that firestorm which was essentially provoked by one Senator, Spark Matsunaga was never deterred. He had a bill to establish a Peace Academy. He said if we could spend $200 or $300 billion a year on weapons to make war, surely we can have one little institution to teach people conflict resolution and that you do not have to fight and kill each other to resolve every problem.

Nobody jumped on Spark, because they knew it would just be like water off a duck's back. He believed very firmly in that Peace Academy. Do you know how he accomplished that? He lobbied everybody, but a lot of people who did not want to vote for it did it because of Spark.

He was, to put it briefly and as concisely as I know how, a Senator's Senator in many, many ways—a man so full of heart and compassion, understanding, always trying to do something for the underdog, always willing to listen to any argument, no matter how crazy, from any Senator who wanted to present it.

I remember when his health began to fail. Interestingly enough, that was not the thing which ultimately killed him.

I remember when we were reorganizing the Senate after the 1988 elections; Spark had lost weight. He had obviously lost some of his hair. He told me he had Shanghai flu and shingles, and that was true. A lot of people were saying that Spark probably had cancer because he really looked like he might be terminally ill. But then he came back in the fall of 1988. We were voting on a new majority leader over in the old Senate Chamber, and in walked Spark as hale and robust and healthy looking as I had ever seen him.

I remember I rose to nominate my colleague, DAVID PRYOR, to be secretary of the Democratic conference, and I started off before I spoke on DAVID'S behalf about how pleasing and gratifying it was to see Spark back and in good health. The applause was just instantaneous and deafening, because everybody thought that whatever had been wrong with him, he was well, and we were all so pleased.

It was not long after that it became a downhill battle.

I sometimes wonder, in this body, does anybody really care what you do? I want the world to know that I cared about what he did, and I want Helene and his children to know that he was a great man in the eyes of everybody in this body I have ever talked to about him. We will miss him greatly.

Mr. President, I yield the floor.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET SUMMIT CONFERENCE

Mr. ARMSTRONG. Mr. President, there is sort of a buzz and chatter around the Chamber, the cloakrooms, and in the corridors of the Capitol today. Everybody is talking about budget summit conferences. These things seem to go in cycles. We have a budget summit conference and the results do not seem to live up to expectation. The next year people come back and say, no, we have to make the process work, we have to buckle down and do this job ourselves. That does not seem to work and the next year, they come back and say, by gosh, the only way we will ever get this under control is the budget summit conference. It may have been Vince Lombardi who said the more things change, the more they stay the same. It was not Vince Lombardi, I guess. Anyway, somebody said that.

Mr. President, with all this talk about a budget summit conference, it occurs to me that it might be useful, before we pin all our faith and hopes on a group of negotiators to somehow bring order out of chaos, if we looked at where we have been, because the reality is that the budget crunch we find ourselves in is not as a result of some natural disaster, it is not like an earthquake or a flood or lightning striking or a hurricane. We brought it on ourselves. In fact, within the last few days we passed another in a very long series of swollen appropriations bills. The so-called dire emergency supplemental is just another example of the kind of legislation that has now produced a situation in which some people feel we have a crisis.

We do have a crisis, but it is not a crisis that is mysterious in its origin; it is caused by the fact that year after year, in the collective judgment of Congress, we have passed spending measures far in excess of the growth rate of the economy, far in excess of the natural growth of the revenue agreement. As a consequence now, some of the sophisticates are spreading the word that the only thing to get us off the hook is a tax increase or some other kind of drastic measure.

Mr. President, I do not necessarily believe that that is true. In fact, as the prospect of a budget summit conference I gather will be officially confirmed in the next day or two, looms on the horizon, I want to make a few points, and then insert in the RECORD an overview of where we have been and where we are going on the budget deficit.

First of all, it is very, very clear that any kind of historical analysis, whether you look at the last 5 or 10 or 20 years, the budget deficit which now is approaching again truly stupendous proportions, is a result of runaway Federal spending. It is not, in my view at least, by any reasonable standard, attributable to a lack of taxes. I do not think this country is undertaxed. I think we are overspent.

It is also clear as you review the figures of the last 20 years that the lion's share of Federal spending has gone to entitlements and mandatory spending, and it has not gone to defense. The national defense has been a large expenditure, but it has been a declining fraction for a number of years and, in fact, has been declining in real terms after adjusting for inflation also for several years.

This year we have the pleasant prospect of the so-called peace dividend. I believe in the minds and hearts of many people, that as a result of the improving international association and reduction of tensions between this country and the Soviet Union, that we can safely afford to spend less for national defense. So this would seem to be an opportunity to apply those savings, of whatever magnitude they turn out to be, to reducing the overall level of Federal spending, or if that proves to be an elusive goal, at least to reducing the rate of increase in Federal spending. But instead of that, when we have the likelihood or at least the projection of an increase in Federal revenues in the next fiscal year over this fiscal year, in excess of $100 billion, plus some savings as a result of the peace dividends, instead of hearing some talk about how we are going to use this revenue stream and the savings from a lessened need for national defense to reduce the Federal budget deficit, we are told the opposite, that somehow an inevitable force is dragging us toward the tax increase.

Well, I think a review of the numbers which I am going to put in the RECORD in a moment will show that, on the contrary, we are spending plenty—in fact, so much that it is impossible for any revenue stream, even propelled by a vigorous growing national economy, to possibly keep up with it.

Mr. LOTT. Will the Senator yield?

Mr. ARMSTRONG. I am happy to yield.

Mr. LOTT. I was listening to the Senator's remarks and agreeing very strongly with his sentiments and also thinking about the fact that we are talking about a budget in the next fiscal year of $1.24 trillion. I do not

know if the Senator mentioned that particular number, but we are talking about astronomical numbers, $1.24 trillion. With that amount of spending, when we look at what we are trying to deal with in meeting the Gramm-Rudman targets, whether it is $35 billion or $60 billion, it is dwarfed by that amount of money.

It seems that clearly the problem is not that we do not have insufficient revenue; it is that we are still spending too much money, and again, to emphasize, at a time when we are seeing defense spending reduced below just a freeze, by a substantial amount of money, and revenues increasing by over a $100 billion projection in the next fiscal year, why in the world we would be then dealing also with a $56 or $60 billion deficit is beyond me. It is very simple. The Congress is still committed to unending increases in spending every year over the previous year.

The answer to our deficit problems should be to cut and control spending. And I am not talking about below what we spent in the past; just freeze it. Every year we have had an increase across the board almost in every program. I share the Senator's sentiments on these numbers.

Mr. ARMSTRONG. I appreciate the observations of the Senator from Mississippi. I recall that I was elected to the Congress of the United States in 1972. It was the same year, I believe, that the Senator from Mississippi came to Capitol Hill as a Member, though he served with distinction as a member of the staff of the Congress. He and I were elected to the House at the same time. I wonder if the Senator remembers how much the Federal budget was in that year. It was less than $300 billion. So just in the few years since we have been here, Federal spending has quadrupled.

I wonder if the Senator remembers a decade ago, more or less, Ronald Reagan, that tightfisted master of the hardnosed budget, was elected President of the United States, and all through the decade of the 1980's we listened to the wails and moans of those who thought we were not spending that. Every year we were told about the draconian cuts, the hacking, slashing of Federal programs. Why, to hear the rhetoric, one would have assumed you could go into the Chamber of either House and see blood flowing through the Chamber, bits and pieces of Federal programs laying around, strewn as debris in the Chamber.

I wonder if any of our colleagues have ever stopped to think that during this decade of drastic spending reductions, we increased Federal spending from $590 billion to more or less $1.1 trillion.

Mr. LOTT. If the Senator will yield further, Mr. President, certainly I do not feel very good hearing these numbers, because we have been here during this time when the increase has been going up. We have argued against these increases year after year. As a matter of fact, when it was made to appear that we were devastating programs, we were marginally lowering the rate of increase in spending programs, whether it was domestic spending or entitlements, or for that matter, defense, and it is a very sad commentary that we cannot control our appetite any more than that.

Mr. ARMSTRONG. The Senator is right. And the only reason I cite this print and remind my colleagues about what happened over the last decade is that we are about to begin another round of budget summit negotiations. And I do not know yet what is going to come out of that, but somehow I think it is going to be something like this: In order to curtail the deficit we are going to have a tax increase; we are going to have some modest reductions in the rate of increase in domestic programs, have a sharp reduction in the rate of increase, and possibly an actual reduction in defense spending, and some cosmetic reform of the budget process.

How do I know this or why do I think I know? Because that happened before. I hate to say it, but that is what summit conferences are likely to produce.

Mr. LOTT. That is exactly what happened in the past, Mr. President. The history is very clear. We have gone through this in the past. The Senator also makes the point that in all probability there is going to be a move toward raising taxes, new taxes in addition to $13.9 billion in revenue that was in the original budget proposals that came up here to the Congress from the administration, which has generally been accepted by people in both bodies of both parties.

My question then gets to be, well, a lot of people say that there is a need for additional taxes. I do not buy that. For the sake of discussion, where do they suggest the taxes come from? Are they talking about individual tax rate increases or about gasoline taxes?

I will raise concern right now about that, because if we have gasoline tax increases anywhere, it should go into the Highway Trust Fund, not be going into the General Treasury. We should not do that anyway.

The quick answer is excise taxes. I raise the question: Who do they think pays for these excise taxes? I would like for all of us to remember, if you ask the people if they support tax increases, they will tell you overwhelmingly "No; cut spending." I just hope that our negotiators, whomever they may be, will remember that admonition as they go into these negotiations.

Mr. ARMSTRONG. Mr. President, the Senator is right and, of course, we have had not only a rapid increase in the amount of Federal spending in the last few years, but we have also had a rapid increase in the amount of Federal taxes. Despite a rate reduction on personal taxes, the actual dollar amount of tax collections by the Federal Government has more or less doubled in the last decade. In fact, literally, Mr. President, in fiscal 1980 we collected $517 billion. In fiscal 1990 we are expecting to collect $1.73 trillion.

So there has been a wonderful increase. It is not that this economy has stagnated. It is not that the people of the country are not doing their part. The reality is that just by a natural process, a strong, growing economy has produced a good revenue stream.

What we have not shown is that Congress has the ability to live within this revenue stream, nor frankly is there any persuasive evidence that at any level of taxes we would live within that stream of revenue.

Mr. President, to be specific, revenues grew an average of 8.6 percent per year since 1983. However, between 1975 and 1980, Federal spending rose 78 percent. From 1980 through 1985, outlays grew another 60 percent.

That is exactly the kind of runaway spending that prompted Congress, in an uncharacteristic display of fiscal responsibility, to enact the Gramm-Rudman budget restraint, exactly the legislation which now imposes a deadline and a constraint on the Congress, exactly the provision of law which sooner or later this year we are going to have to decide whether we want to waive, because that does impose in a very crude, imperfectly designed manner, some outside limitation on spending.

If we go above the limits set by the Gramm-Rudman-Hollings Act, as Senators know, there will be what is called a sequester. That is automatically, as a process of law, everything will be cranked down, or at least everything except a few selected, favored programs that were exempted will be cracked down to meet the budget target. The target is not a balanced budget. It is, in fact, this year the furtherest thing from a balanced budget. But we cannot even meet the interim target that is set out.

Some people have implied that the reason Federal spending has grown so rapidly is because of inflation. However, the growth in government spending is not primarily or entirely inflation. Measured in real terms, that is after adjusting for inflation, Federal spending grew 19 percent between 1975 and 1980; 22 percent between 1980 and 1985; and 7 percent, even during these draconian years of Gramm-Rudman-Hollings, 7 percent from 1985 to 1990.

That is, after adjusting for inflation, during the same 5-year intervals, inflation-adjusted revenues grew at different rates between 1975 and 1980 when inflation was clouding economic judg-

ment and bracket creep clobbering taxpayers of the country. Revenues advanced 24 percent, but the price of inflation was stagnation and recession.

As a result, we had a decline in real receipts in 1981 and 1983. They rebounded in 1984 and 1985 by 14 percent, and with the economy running full steam ahead, real revenues grew at 24 percent between 1975 and 1980.

Mr. President, the point is very clear: revenues, almost every year of our lifetime, have gone up. There have been a couple of years, a couple of blips in the Government's receipts when recession hit, when we had a modest decline. For the most part, they have gone up year after year after year. In any 5-, 10-, or 20-year period, they have gone up enormously. And let me say it again, the real revenues, before adjusting for inflation, the nominal revenues doubled during the decade of the 1980's.

Mr. President, let me also make the point that Federal spending as a percentage of our national economic product has continued to rise. Since 1960, outlays have averaged about 21 percent. During a certain period of time, we managed to reduce Federal spending as a percentage of the gross national product.

It has now begun rising again and has gone down in 1986 to 18.4 percent. It has been rocking along above, and we got it from 18.6 in 1985 to 18.5 in 1986. Subsequent to that in 1987, Federal tax receipts rose to 19.3; in 1988, 19.0; and in 1989, 19.2.

In the meantime, Federal spending just rode along on the crest of that 1 or 2 percentage points above receipts every year.

It is almost as if Federal spending was ratcheted not to an absolute number, but just to a percentage above whatever the tax revenues were.

Mr. President, I shall send to the desk a report by the Republican Policy Committee which reviews not only the boxcar totals of Federal spending and receipts, but which also puts into perspective the categories of Federal spending showing where we have been spending the money year by year, the portion of it that has gone to national defense and that which has gone to entitlements and/or programs.

I commend this to my colleagues' attention, and I do ask unanimous consent that it be printed in the RECORD at this time.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[U.S. Senate Republican Policy Committee, April 26, 1990]

A REVIEW OF THE BUDGET, 1970-90

The Federal budget is an enormous document. The President's Fiscal Year 1991 proposal alone is 1569 pages. Who knows how many numbers it contains. Add to that the publications of the Congressional Budget Office and the House and Senate Budget committees, and you're really swimming in numbers. Fortunately, a picture is worth a thousand words. This paper is a collection of charts tracking the Federal budget from 1970 to 1990. (Charts not reproducible in the RECORD.)

As the deliberations of the FY91 budget proceed, the following charts and talking points may be useful. This presentation of the budget looks at spending and revenues in nominal and inflation-adjusted dollar amounts, as percentages of spending and revenues, and as percentages of GNP. These summary observations provide information on fiscal trends and developments over the past 20 years.

Several points recur from chart to chart, including:

The budget deficit is the result of runaway spending, and not due to a lack of taxes.

The lion's share of funding increases have gone to entitlements and mandatory spending over the past 20 years.

Considerable progress has been made on deficit reduction, in terms of both inflation-adjusted dollar amounts, and as a percent of GNP. Further progress should come from spending restraint.

Republican fiscal policy in the future should include the goal of continued reduction of the Federal sector's share of the whole economy, thereby promoting greater opportunity and prosperity for all through the primary source of economic growth—the private sector.

The fiscal discipline resulting from Gramm-Rudman does make a difference.

THE FEDERAL BUDGET: OUTLAYS, RECEIPTS, AND DEFICITS

Despite growing revenues, the Federal Government has run a deficit in every year since 1969.

Revenues fell 2.8% between 1982 and 1983 due to the recession ending in 1982. Critics claim the Reagan-era tax cuts caused revenues to fall. But the tax rate cuts weren't fully implemented until 1984. The fact is, revenues have grown rapidly on the strong economic growth caused by Republican policies.

Revenues have grown an average of 8.6% per year since 1983, yet opponents of Republican economic policy continue to blame the deficit on not enough tax revenue.

The deficit problem lies squarely on runaway spending. Between 1975 and 1980, outlays grew 78%. From 1980 through 1985, outlays grew another 60%. Spending restraint was given a boost because of the discipline of the Gramm-Rudman-Hollings balanced budget act. Between 1985 and 1990, spending has grown 46%, far slower than the 10 years prior to 1985.

Much progress has been made on the budget deficit, which peaked in 1986. Our fiscal goal for further deficit reduction should be continued spending restraint.

FEDERAL OUTLAYS, RECEIPTS, AND DEFICITS

[Billions of current dollars]

Fiscal year	Outlays	Receipts	Deficit
1970	$195.6	$192.8	−$2.8
1975	323.3	279.1	−53.2
1980	590.9	517.1	−73.8
1981	678.2	599.2	−78.9
1982	745.7	617.8	−127.9
1983	808.3	600.6	−207.8
1984	851.8	666.5	−185.3
1985	946.3	734.1	−212.3
1986	990.3	769.1	−221.2
1987	1,003.8	854.1	−149.7
1988	1,064.0	909.0	−155.1

FEDERAL OUTLAYS, RECEIPTS, AND DEFICITS—Continued

[Billions of current dollars]

Fiscal year	Outlays	Receipts	Deficit
1989	1,142.6	990.7	−152.0
1990 [1]	1,197.2	1,073.5	−123.8

[1] 1990 is January estimate. The deficit is expected to be $8–20 billion higher. CBO predicts a deficit of $138 billion.

Note: All tables subject to rounding.

Source: OMB.

THE FEDERAL BUDGET ADJUSTED FOR INFLATION

Growth in government is not just inflation—far from it. Real outlays grew 19% between 1975 and 1980; 22% between 1980 and 1985; and 7% between 1985 and 1990. The slowdown in growth reflects progress made from Gramm-Rudman.

During the same five-year intervals, inflation-adjusted revenues grew at different rates. Between 1975 and 1980, when inflation was clouding economic judgment and "bracket creep" was clobbering taxpayers, revenues advanced 24%. But the price of inflation was stagflation and recession. As a result, real receipts fell 10% between 1981 and 1983. They rebounded a strong 14% between 1983 and 1985. With an economy running full-steam-ahead, real revenues grew another 24% between 1985 and 1990.

The inflation-adjusted deficit peaked at $199.2 billion (1982 dollars) in 1983, a figure nearly reached again in 1986, which was the year of the largest nominal deficit.

FEDERAL OUTLAYS, RECEIPTS, AND DEFICITS

[Billions of constant (1982) dollars]

Fiscal year	Outlays	Receipts	Deficit
1970	$509.4	$502.0	−$7.4
1975	586.0	492.1	−91.9
1980	699.1	611.7	−87.3
1981	726.5	642.0	−84.6
1982	745.7	617.8	−127.9
1983	775.0	575.8	−199.2
1984	788.1	616.6	−171.5
1985	849.6	659.1	−190.6
1986	868.0	674.2	−193.9
1987	858.0	730.1	−127.9
1988	879.6	751.4	−128.2
1989	907.1	786.5	−120.6
1990 [1]	912.2	817.9	−94.3

[1] 1990 estimate subject to revision.

Source: OMB.

THE FEDERAL BUDGET AS A PERCENT OF GNP

Since 1960, outlays have averaged about 21% of GNP. In every year since 1974, outlays have exceeded 21%. Since 1960, revenues have averaged about 18.5% of GNP. For eight of the past 11 years, revenues have exceeded that average. Clearly, this shows that excessive spending is the cause of the deficit.

The deficit as a percent of GNP peaked in 1983, at 6.3%. It has diminished steadily since then, reaching 2.9% in 1989. It will likely fall below 2.5% in 1990.

Republican economic policy in the 1980s created a record-breaking economic expansion, now in its 8th year. Strong economic growth permitted a growing Federal sector even though the Federal government's size relative to the whole economy has diminished in recent years. However, government's share of GNP is still larger than the post-1960 average.

FEDERAL OUTLAYS, RECEIPTS, AND DEFICITS

[As a percent of gross national product]

Fiscal year	Outlays	Receipts	Deficit
1970	19.8	19.5	−0.3
1975	21.8	18.3	−3.5
1980	22.1	19.4	−2.8
1981	22.7	20.1	−2.6
1982	23.8	19.7	−4.1
1983	24.3	18.1	−6.3
1984	23.1	18.1	−5.0
1985	23.9	18.6	−5.4
1986	23.7	18.4	−5.3
1987	22.7	19.3	−3.4
1988	22.2	19.0	−3.2
1989	22.2	19.2	−2.9
1990 [1]	21.8	19.6	−2.3

[1] 1990 estimate subject to revision.

Source: OMB.

FEDERAL SPENDING BY CATEGORY

Entitlements and mandatory spending has grown the most in dollar amounts, rising over $200 billion in the 1970s, and rising another $300 billion in the 1980s. By contrast, defense grew about $60 billion in the 1970s and another $170 billion in the 1980s. Entitlements and mandatory programs today are almost twice the size as defense. In 1970, entitlements were about four-fifths the size of defense.

Increases in entitlements and mandatory spending exceeded increases in defense spending in every year but two of the Reagan defense build-up years.

Financing deficits has caused interest payments to soar. Interest payments tripled in the 1980s.

Nondefense discretionary spending more than tripled in the 1970s, but grew just 11.7% from 1981 to 1989.

FEDERAL OUTLAYS BY MAJOR CATEGORY

[Billions of dollars]

Fiscal year	Total outlays	Entitlements and mandatory spending	National defense	Nondefense discretionary	Net interest	Offsetting receipts
1970	$195.6	$66.2	$81.7	$45.0	$14.4	−$11.6
1975	332.3	156.4	86.5	84.7	23.2	−18.5
1980	590.9	277.2	134.0	157.6	52.5	−30.3
1981	678.2	320.4	157.5	170.8	68.7	−39.2
1982	745.7	356.0	185.3	156.6	85.0	−37.2
1983	808.3	398.8	209.9	156.0	89.8	−46.1
1984	851.8	394.7	227.4	163.9	111.1	−45.3
1985	946.3	437.3	252.7	174.9	129.4	−48.0
1986	990.3	454.8	273.4	173.2	136.0	−47.0
1987	1,003.8	472.4	282.0	165.1	138.6	−54.2
1988	1,064.0	502.7	290.4	177.2	151.7	−58.0
1989	1,142.9	543.6	303.5	191.0	168.9	−64.2
1990 [1]	1,205.0	584.0	297.0	205.0	180.0	−60.0

[1] 1990 is the budget baseline estimate.

Source: CBO.

FEDERAL SPENDING AS A PERCENT OF GNP

Total outlays peaked at 24.3% of GNP in 1983, and are fallen to an estimated 22.1% in 1990.

Entitlements and mandatory spending peaked at 12.0% in 1983, and have fairly steady in the 10.5% to 10.7% range over the past four years.

National defense peaked at 6.5% of GNP in 1986, but levels much higher than that prevailed in the years prior to the mid-1970s.

Net interest is the only category to have steadily increased as a share of GNP during the 1980s.

FEDERAL OUTLAYS BY MAJOR CATEGORY

[As a percent of gross national product]

Fiscal year	Total outlays	Entitlements and mandatory spending	National defense	Nondefense discretionary	Net interest	Offsetting receipts
1970	19.8	6.7	8.3	4.5	1.5	−1.2
1975	21.8	10.3	5.7	5.6	1.5	−1.2
1980	22.1	10.4	5.0	5.9	2.0	−1.1
1981	22.7	10.7	5.3	5.7	2.3	−1.3
1982	23.8	11.3	5.9	5.0	2.7	−1.2
1983	24.3	12.0	6.3	4.7	2.7	−1.4
1984	23.1	10.7	6.2	4.4	3.0	−1.2
1985	23.9	11.1	6.4	4.4	3.3	−1.2
1986	23.7	10.9	6.5	4.1	3.3	−1.1
1987	22.7	10.7	6.4	3.7	3.1	−1.2
1988	22.2	10.5	6.1	3.7	3.2	−1.2
1989	22.2	10.6	5.9	3.7	3.3	−1.2
1990 [1]	22.1	10.7	5.4	3.7	3.3	−1.1

[1] 1990 is baseline estimate.

Source: CBO.

GROWTH IN FEDERAL SPENDING

Growth in government has not been uniform among the categories over the years.

Net interest outlays have grown the fastest in each of the past three 5-year time intervals. Fortunately, that rate of growth slowed in the late 1980s, thanks to lower interest rates and smaller deficits.

Contrary to critics' complaints of the dominance of defense, growth in defense outlays exceeded entitlement outlays in only the 1980–85 interval.

In the last 15 years, entitlements and mandatory spending grew 273% compared to 243% for defense.

Discretionary spending skyrocketed during the Carter years and nearly halted in the early 1980s. In the late 1980s, it was the only category to have its growth rate increase. However, discretionary growth remained the lowest of all categories.

GROWTH IN FEDERAL SPENDING BY MAJOR CATEGORY

[Percentage increases for 5-year intervals, 1975–90]

Interval	Total outlays	Entitlements and mandatory spending	National defense	Nondefense discretionary	Net interest
1975 to 1980	77.8	77.2	54.9	86.1	126.1
1980 to 1985	60.2	57.8	88.6	11.0	146.5
1985 to 1990	27.3	33.6	17.5	17.2	39.1
1975 to 1990	262.6	273.4	243.4	142.0	675.9

Note: 1990 baseline estimate is used.

Source: CBO.

CHANGING BUDGET PRIORITIES

Interest payments doubled their share of the budget between 1970 and 1990.

Nondefense discretionary spending increased its share of the budget in the 1970s, and then lost ground in the 1980s.

Defense's share of the budget fell to 21.6% in 1980, then rose with the Reagan buildup, peaking at 26.7% in 1987. Since then, its share has fallen to an estimated 23.5% in 1990.

Entitlements and mandatory spending increased its share by 14.2 percentage points between 1970 and 1990, and accounts for just under half the budget in 1990.

MAJOR CATEGORY SPENDING

[As a percent of total outlays]

Fiscal year	Entitlements and mandatory spending	National defense	Nondefense discretionary	Net interest
1970	31.9	39.4	21.7	6.9
1975	44.6	24.7	24.1	6.6
1980	44.6	21.6	25.4	8.5
1981	44.7	22.0	23.8	9.6
1982	45.5	23.7	20.0	10.9
1983	46.7	24.6	18.3	10.5
1984	44.0	25.3	18.3	12.4
1985	44.0	25.4	17.6	13.0
1986	43.8	26.4	16.7	13.1
1987	44.6	26.7	15.6	13.1
1988	44.8	25.9	15.8	13.5
1989	45.0	25.1	15.8	14.0
1990 [1]	46.1	23.5	16.2	14.2

[1] 1990 is baseline estimate.

Note: Percentages do not include offsetting receipts.

Source: Based on CBO data.

FEDERAL RECEIPTS

Total receipts doubled in the 1980s.

A growing economy that created over 18 million jobs and raised personal income over 65% since 1982 naturally elevated Federal revenues.

Corporate and individual income tax revenues declined between 1982 and 1983 due to a recession, not because of tax rate cuts.

Since 1983, individual income taxes have risen $200 billion. Social Security payroll taxes have risen $175 billion.

Excise tax revenue has not changed much in the 1980s.

FEDERAL RECEIPTS

[In billions]

Fiscal year	Individual income tax	Corporate income tax	FICA tax (Social Security)	Excise taxes	Other taxes	Total receipts
1970	$90.4	$32.8	$44.3	$15.7	$9.5	$192.8
1975	122.	40.6	84.5	16.6	15.0	279.1
1980	244.1	64.6	157.8	24.3	26.3	517.1
1981	285.9	61.1	182.7	40.8	28.7	599.3
1982	297.7	49.2	201.5	36.3	33.0	617.8
1983	288.9	37.0	209.0	35.3	30.3	600.6
1984	298.4	56.9	239.4	37.4	34.4	666.5
1985	334.5	61.3	265.2	36.0	37.0	734.1
1986	349.0	63.1	283.9	32.9	40.2	769.1
1987	392.6	83.9	303.3	32.5	41.9	854.1
1988	401.2	94.5	334.3	35.2	43.7	909.0
1989	445.7	103.6	359.4	34.1	47.9	990.7
1990 [1]	489.4	112.0	385.4	36.2	50.5	1,073.5

[1] 1990 estimate subject to revision.

Source: OMB.

FEDERAL RECEIPTS ADJUSTED FOR INFLATION

From 1983 to 1990, total receipts have grown 41.3% after inflation.

From 1980 to 1990, total receipts have grown 33.4% after inflation.

Real total receipts during the 1975-80 expansion years grew 4.7% per year. In the post-1982 expansion, receipts have grown 5.1% with lower tax rates in effect. This shows that sound economic policies have contributed positively to our fiscal affairs.

FEDERAL RECEIPTS

[In billions of constant (1982) dollars]

Fiscal year	Individual income tax	Corporate income tax	FICA tax (Social Security)	Excise taxes	Other taxes	Total receipts
1970	$217.9	$79.1	$106.9	$37.8	$22.9	$464.6
1975	212.5	70.5	146.8	28.7	26.0	484.5
1980	288.2	76.3	186.3	28.7	31.1	610.5

FEDERAL RECEIPTS—Continued

[In billions of constant (1982) dollars]

Fiscal year	Individual income tax	Corporate income tax	FICA tax (Social Security)	Excise taxes	Other taxes	Total receipts
1981	307.1	65.7	196.3	43.9	30.8	643.7
1982	297.7	49.2	201.5	36.3	33.0	617.8
1983	277.3	35.5	200.6	33.9	29.1	576.4
1984	275.8	52.6	221/2	34.5	31.8	615.9
1985	300.0	55.0	237.8	32.3	33.2	658.3
1986	304.8	55.1	247.9	28.8	35.1	671.7
1987	332.7	71.1	257.0	27.5	35.5	723.8
1988	329.9	77.7	274.9	29.0	35.9	747.5
1989	315.8	81.8	283.7	26.9	37.8	781.9
1990 [1]	371.4	85.0	292.5	27.4	38.3	814.7

[1] 1990 subject to revision.

Source: OMB, inflation adjustment used implicit GNP deflator; numbers will vary somewhat from other sources.

RECEIPTS SHOWN AS A PERCENTAGE OF TOTAL RECEIPTS

Between 1970 and 1980, the share of receipts coming from Social Security taxes increase 7-½ percentage points, and another 5-½ points between 1980 and 1990.

The rapid rise in Social Security caused the relative size of other sources of revenue to fall. For example, excise and other taxes as a share of all receipts plummeted from 13.1% in 1970 to 8.1% in 1990, even though inflation-adjusted revenues increased $5 billion during those 20 years.

Individual income tax revenue has remained in the 45% to 48% range over the past 20 years, even though it grew 70%, or over $150 billion in real terms, during that time.

Corporate receipts in 1990 will be higher than either 1980 or 1970, even though its share has fallen from 17.0% to 10.4%.

SOURCES OF REVENUE AS A PERCENTAGE OF TOTAL RECEIPTS

Fiscal year	Individual income tax	Corporate income tax	FICA tax (Social Security)	Excise taxes	Other taxes	Total receipts
1970	46.9	17.0	23.0	8.1	4.9	100
1975	43.9	14.6	30.3	5.9	5.4	100
1980	47.2	12.5	30.5	4.7	5.1	100
1981	47.7	10.2	30.5	6.8	4.8	100
1982	48.2	8.0	32.6	5.9	5.3	100
1983	48.1	6.2	34.8	5.9	5.0	100
1984	44.8	8.5	35.9	5.6	5.2	100
1985	45.6	8.4	36.1	4.9	5.0	100
1986	45.4	8.2	36.9	4.3	5.2	100
1987	46.0	9.8	35.5	3.8	4.9	100
1988	44.1	10.4	36.8	3.9	4.8	100
1989	45.0	10.5	36.3	3.4	4.8	100
1990	45.6	10.4	35.9	3.4	4.7	100

[1] 1990 estimate subject to revision.

Source: OMB.

Between 1980 and 1985, inflation-adjusted Federal outlays grew at a 5.0% annual rate. Between 1985 and 1990, inflation-adjusted outlays grew just 1.4% per year.

In nominal dollars, outlays grew an average of 9.9% per year from 1980 to 1985. Between 1985 and 1990, that annual growth rate was halved (4.8%).

The slowdown in Federal spending has been accompanied by a steady rise in revenues due to economic growth. This combination creates a "glide path" to a balanced budget without any need for tax increases.

If outlays after 1985 had grown at the same rate as the 1980-85 period, 1990 outlays would be about $1,517 billion, instead of the projected $1,197 billion—a difference of $320 billion! In inflation-adjusted terms, 1990 outlays would have been about $1,033 billion, instead of $912 billion (1982 dollars). In this light, the discipline encouraged under Gramm-Rudman has made a remarkable contribution to our fiscal affairs.

Fiscal year	Nominal outlays	Percent change from previous year	Nominal outlays at 9.9 percent growth	Real outlays (billion)	Percent change from previous year	Real outlays at 4 percent growth
1980	$590.9			$699.1		
1981	678.2	14.8		726.5	3.9	
1982	745.7	10.0		745.7	2.6	
1983	808.3	8.4		775.0	3.9	
1984	851.8	5.4		788.1	1.7	
1985	946.3	11.1		849.6	7.8	
1986	990.3	4.6	$1,040.0	867.6	2.1	$883.6
1987	1,003.8	1.4	1,142.9	857.8	−1.1	918.3
1988	1,064.0	6.0	1,256.1	879.6	2.5	955.7
1989	1,142.6	7.4	1,380.4	907.1	3.1	993.9
1990 [1]	1,197.2	4.8	1,517.1	912.2	0.6	1,033.7
1980–85 Average spending growth		9.9			4.0	
1986–90 Average spending growth		4.8			1.4	

[1] 1990 estimate subject to revision.

Source: OMB. Inflation adjustment is in 1982 dollars.

Mr. ARMSTRONG. Mr. President, this is not an academic exercise. It is simply to say that whatever is going to happen in that budget summit and events which follow is not yet at least on auto pilot; it is still up to us. If some of us who are concerned about this issue are willing to provide alternatives that cut Federal spending instead of raise taxes, that is still a viable alternative.

In fact, as the Senator from Mississippi pointed out, anyplace but Washington, DC, such proposals would be passed by overhwelming majority, in any kind of audience, Republican, Democrat, independent, in Mississippi, in Colorado, at the Rotary Club, the League of Women Voters, any church in America.

I do not think you could find, which I am sure is some consolation, an audience where you put the base proposition, shall we balance the budget by raising taxes or cutting spending to any group in America, probably some evenings, where you would not get a strong majority answer, "Cut Federal spending."

The question is, what is going to happen here? If you are a cynic and you just look at history, you will say, well, the fix is in. We are going to have a summit conference. That means a little less spending, a little more taxes, and some kind of cosmetic reform of the budget process.

But since I am not a cynic, I do not say that. I say the outcome is still in our hands, and there is no sense bellyaching about it later. Let us bellyache now and change the outcome.

Mr. President, I see no other Senator seeking recognition. I, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HATCH ACT REFORM AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes:

George Mitchell, John Glenn, Tom Daschle, Jim Sasser, Pat Leahy, Alan J. Dixon, Charles S. Robb, Paul Simon, Frank R. Lautenberg, Herb Kohl, David Pryor, Wendell Ford, Daniel K. Inouye, Dennis DeConcini, J.J. Exon, Bob Kerrey.

Mr. MITCHELL. Mr. President, I ask unanimous consent that I be permitted to withdraw the cloture motion that I just filed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, there will be no further rollcall votes this evening. The distinguished Republican leader and I have been discussing the pending legislation with the managers of the bill, and I have just filed a cloture motion, which if not withdrawn will ripen for a vote 1 hour after the Senate convenes on Thursday.

I have just obtained unanimous consent to withdraw that, which I intend to do tomorrow if we can work out an agreement with respect to the final disposition of this bill and amendments pending thereto. We have been working on that this evening with the managers and the distinguished Republican leader, and will resume that effort tomorrow.

I am pleased to yield now to the distinguished Republican leader.

Mr. DOLE. Mr. President, let me indicate to the majority leader, I hope we can have final disposition of this bill on Thursday. If that is the case, then there would not be any reason

for a cloture vote. I think cloture will be invoked. We still have 30 hours and can offer germane amendments.

I understand on this side, there may be as many as four nongermane amendments being considered. I have not talked to each one of my colleagues who have those amendments. They may or may not offer those to this bill.

If one is offered tomorrow, for example, I assume the manager on the other side will wait for the cloture vote to ripen and if cloture is invoked, the nongermane amendment falls.

We then can offer germane amendments during the 30 hours preceding cloture.

But this will give us an opportunity to see how much we can do tomorrow. We do have a number of germane amendments. All we offered today were germane amendments. There has been no effort to frustrate the managers. We have had some little lapses of time.

The manager on this side, Senator ROTH, I believe, is prepared to start tomorrow morning. Senator MCCONNELL has a germane amendment. I will have a germane amendment. I think there are other germane amendments.

We would like to have a period of time between 11:45 and 12:15 to talk about campaign finance reform and introduce a bill.

Mr. MITCHELL. Mr. President, I am certainly willing to accommodate the distinguished Republican leader and our colleagues.

The managers have indicated they would be prepared to be back on the bill about 10 o'clock tomorrow morning, so we can expect amendments to be offered and debate and discussion at that time.

We will tomorrow morning accommodate the distinguished Republican leader by setting aside the period from 11:45 until 12:15 for the introduction of the Republican campaign finance bill and the discussion related thereto at that time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FORD). Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,879th day that Terry Anderson has been held in captivity in Beirut.

With the hope that none forget what each hostage might daily endure, I ask unanimous consent to have printed in the RECORD at this point an article appearing in yesterday's New York Times which recounts the utter inhumanity of Frank Reed's captivity in Lebanon.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 7, 1990]

FREED HOSTAGE DESCRIBES HIS ORDEAL

(By Robert Pear)

WASHINGTON, May 6.—Frank Herbert Reed, the American hostage freed last week after more than three years in captivity, said today that he had been savagely beaten in the face, ribs and feet after he tried twice to escape.

"Thank God they didn't kill me," said the former hostage, who was the American director of the Lebanese International School in Beirut. He was kidnapped in September 1986.

At a news conference here with relatives of other hostages, Mr. Reed provided extraordinary detail about 43 harrowing months in captivity, an experience he described as "endless time."

Mr. Reed, 57 years old, asked, "Why was my nose broken, and why was my jaw broken and why was my face beaten?" He answered his question, saying, "Twice, I tried to escape from the clutches of Hezbollah, and twice obviously I was caught."

UMBRELLA GROUP FOR MILITANTS?

Hezbollah, or the Party of God, is widely believed to be the umbrella organization for groups that have taken hostages in Lebanon. The party is backed by Iran, and its members are fundamentalist Shiite Muslims who want to convert Lebanon into an Islamic state on the Iranian model.

Mr. Reed said he was hit more than 200 times in the head and body after the first escape attempt, the date of which he did not specify. After the second attempt, two days later, his captors jabbed him in the back with Kalashnikov rifles, and "my kidneys bled," Mr. Reed reported.

The kidnappers repeatedly struck his feet with metal rods of the type used to reinforce concrete, Mr. Reed said. As a result of this punishment, he said, "my feet have been slightly broken."

WAYS HE SURVIVED

"I have been lying on my back literally for three and a half years, chained either to a wall or a radiator. We were blindfolded 24 hours a day. We slept with our blindfold on because if we had any collateral with our keepers, we didn't want to lose it by letting them see our eyes."

Mr. Reed described the mental maneuvers and physical exercises he used to retain his sanity and strength. He said that other hostages—John McCarthy, a British television journalist, and Brian Keenan, an Irish teacher of English—were voracious readers and sometimes watched television.

But Mr. Reed said, "I—for whatever it is worth, and I am certainly no hero and I am not looking for any kind of recognition—I refused to read and refused to watch television as my protest that you're not going to entertain me while you're taking away something as precious as my freedom."

Mr. Reed was released on April 30, eight days after the release of Robert Polhill, a 55-year-old professor of accounting at Beirut University College. Sixteen Westerners, including six Americans, are still missing and assumed to be held in Lebanon.

Mr. Reed said that another hostage, Terry A. Anderson, appeared to be in excellent physical condition when he last saw him more than a year ago. Mr. Anderson, now 42, was the chief Middle East correspondent of The Associated Press when he was kidnapped in March 1985.

"ONE OF THEIR PET BOYS"

Mr. Reed said he was chosen by the kidnappers for harsh treatment. "I was one of their pet boys, their pet whackers," he said. "As a result, I spent over two years probably in solitary confinement by myself. I was often chained double when the others were chained single."

Soon after his escape attempts, Mr. Reed recalled, "I was in the toilet at peace with myself, I thought, and decided I would wash my jersey because it was rather filthy."

"I took off my blindfold and was washing away, and somebody hit that door open and I was staring at two Hezbollah. I was immediately taken into my cell and again beaten—I don't know how many times—in the face. Then my feet were beaten again to teach me a lesson."

About a year later, he said, "one pig of a man, who constantly haggled me and raggled me, broke my ribs, kicked my ribs on the right side, and I managed to somehow push them back."

Mr. Reed said he and the other hostages slept on thin foam rubber mattresses. He tried to maintain his strength by doing push-ups. At first, he said he could do only 6, but he worked up to 75 and once did "a record 103."

EXERCISE AS THERAPY

In the weeks immediately after his abduction, Mr. Reed said, he was "a layabout." He wondered idly about his family and friends and the school where he had taught. But he quickly realized that if he did not worry about himself, "there ain't going to be any Frank Reed." So he started his exercise regimen.

In addition, he said, he used the carbon from burned matches to draw a picture of his son on the back of the door to his cell. His captors could not see the picture when they opened the door. Likewise, he said, he drew a picture of his wife on the ceiling above his bed, and he was admonished for that. "But this is one of the ways that I had to kind of remind me, keep myself going," Mr. Reed said.

He spoke at length about "the Arab mind" and kidnapping as a form of vengeance in the Middle East. He said leaders had an "absolute duty" to negotiate with kidnappers if such talks were required to save lives. "What we want is our lives," he said, expressing irritation and impatience with "geopoliticians" who think they can stop terrorism by refusing to negotiate.

In a related matter, the Iranian representative at the United Nations, Kamal Kharazi, said today that the United States could show its gratitude to Iran for securing the release of Mr. Polhill and Mr. Reed, by encouraging Israel to free several hundred Arab prisoners. He made the comment on

the ABC television news program "This Week."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 4:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 4637. An act to amend Public Law 101-86 to eliminate the 6-month limitation on the period for which civilian and military retirees may serve as temporary employees, in connection with the 1990 decennial census of population, without being subject to certain offsets from pay or other benefits; and

H.J. Res. 490. Joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2937. A communication from the Secretary of Energy transmitting, pursuant to law, the annual report on the operations of the Office of Alcohol Fuels for fiscal year 1989; to the Committee on Energy and Natural Resources.

EC-2938. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, the 1988 National Water Quality Inventory Report; to the Committee on Environment and Public Works.

EC-2939. A communication from the Chairman of the Architectural and Transportation Barriers Compliance Board transmitting, pursuant to law, the annual report of the Board for fiscal year 1989; to the Committee on Environment and Public Works.

EC-2940. A communication from the Assistant Secretary of State (Legislative Affairs) transmitting, pursuant to law, the second report on United States-Soviet Reciprocity in Matters Relating to Embassies; to the Committee on Foreign Relations.

EC-2941. A communication from the Assistant Secretary of Health and Human Services (Management and Budget) transmitting, pursuant to law, the fifth annual report on competition advocacy; to the Committee on Governmental Affairs.

EC-2942. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, copies of D.C. Act 8-199 adopted by the Council on April 10, 1990; to the Committee on Governmental Affairs.

EC-2943. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, copies of D.C. Act 8-200 adopted by the Council on April 10, 1990; to the Committee on Governmental Affairs.

EC-2944. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, copies of D.C. Act 8-201 adopted by the Council on April 10, 1990; to the Committee on Governmental Affairs.

EC-2945. A communication from the Director of the Woodrow Wilson International Center for Scholars transmitting, pursuant to law, the annual report of the Center on fulfillment of the audit and investigative provisions of the Inspector General Act Amendments of 1988; to the Committee on Governmental Affairs.

EC-2946. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on implementation of certain requirements of the Indian Self-Determination and Education Assistance Act Amendments of 1988; to the Select Committee on Indian Affairs.

EC-2947. A communication from the Attorney General of the United States transmitting, pursuant to law, a report entitled "Missing, Abducted, Runaway, and Throwaway Children in America"; to the Committee on the Judiciary.

EC-2948. A communication from the Chairman of the National Kidney and Urologic Diseases Advisory Board transmitting, pursuant to law, a report entitled "National Kidney and Urologic Diseases Advisory Board 1990 Long-Range Plan: window on the 21st Century"; to the Committee on Labor and Human Resources.

EC-2949. A communication from the Chairman of the Board of the Student Loan Marketing Association transmitting, pursuant to law, the annual report of the Association for fiscal year 1989; to the Committee on Labor and Human Resources.

EC-2950. A communication from the Secretary of Education transmitting a draft of proposed legislation to revise and extend the authority to award endowment grants to Howard University, and for other purposes; to the Committee on Labor and Human Resources.

EC-2951. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the Helen Keller National Center for Deaf-Blind Youths and Adults for the 1989 program year; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-480. A joint resolution adopted by the Legislature of the State of California; to the Committee on Banking, Housing, and Urban Affairs.

"ASSEMBLY JOINT RESOLUTION No. 7

"Whereas both the Public Employees' Retirement System and the State Teachers' Retirement System hold significant amounts of corporate bonds; and

"Whereas the incidence of leveraged buy outs is increasing in both frequency and size; and

"Whereas old debt as represented by existing bonds suddenly appears much more risky due to huge amounts of new debt caused by leveraged buy outs; and

"Whereas the buy outs tend to jeopardize corporate bond ratings in general and decrease their price, even those of corporations which are not targets of leveraged buy outs; and

"Whereas this process represents a debasement of previously high quality investment-grade bonds, reducing them to "junk bonds" virtually overnight; and

"Whereas various attempts to safeguard the bondholder who purchases corporate bonds in good faith have failed to provide needed protection; and

"Whereas the retirement benefits provided by the Public Employees' Retirement System and the State Teachers' Retirement System are of the "defined benefit" variety, which must, by law, be paid even if the retirement systems do not have sufficient funds to pay them; and

"Whereas it would be the taxpayers of California who would be called upon to meet those retirement obligations if a financial shortfall were caused by the above-mentioned effects of leveraged buy outs, or other causes; now, therefore, be it

"*Resolved, by the Assembly and Senate of the State of California, jointly,* That the Legislature of California respectfully memorializes the President and the Congress of the United States to amend federal law to require that the Securities and Exchange Commission determine and make public the following information concerning any proposed leveraged buy out:

"(1) Has any old debt been paid in full.

"(2) Does sufficient collateral exist to satisfy any remaining old debt.

"(3) Has a substantial portion of the old debt been paid and does sufficient capital or collateral exist to satisfy the remaining obligation; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-481. A resolution adopted by the Senate of the State of Minnesota; to the Committee on Energy and Natural Resources:

"RESOLUTION

"Whereas in the 1930's and 1940's, the Civilian Conservation Corps engaged in many public works including constructing public buildings; and

"Whereas many of these buildings are now considered historic buildings and quite a few of them are still in use in public parks such as Itasca State Park and other public areas; and

"Whereas the buildings are now fifty and sixty years old and in need of repair and restoration; and

"Whereas the cost of such an undertaking is great, but these buildings are important public resources and should at all costs be

preserved as part of the American heritage: Now, therefore, be it

"Resolved by the Legislature of the State of Minnesota, That it urges the President and the Congress of the United States to appropriate the necessary funds to aid in the restoration and preservation of the Civilian Conservation Corps buildings: Be it further

"Resolved, That the Secretary of the Senate of the State of Minnesota is directed to prepare certified copies of this memorial and transmit them to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and Minnesota's Senators and Representatives in Congress."

POM-482. A petition from a citizen of New York, New York, praying for a redress of grievances; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1128. A bill for the relief of Richard Saunders (Rept. No. 101-281).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 1738. A bill to convey certain Oregon and California Railroad Grant Lands in Josephine County, Oregon to the Rogue Community College District, and for other purposes (Rept. No. 101-282).

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2388. A bill to provide for the striking of medals in commemoration of the Centennial of Yosemite National Park.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM:

S. 2585. A bill to amend the Food Security Act of 1985 to provide farm program payment fairness and equity and married couples when both the husband and the wife contribute active personal management or labor to be operation of a farm enterprise, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2586. A bill for the relief of the estate of Dr. Beatrice Braude; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 2587. A bill to establish demonstration projects to provide direct services to homeless youth, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. STEVENS (for himself, Mr. GLENN, Mr. PRYOR, and Mr. SASSER):

S. 2588. A bill to amend section 5948 of title 5, United States Code, to reauthorize physicians comparability allowances; to the Committee on Governmental Affairs.

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 2589. A bill to amend the National Agricultural Research Extension and Teaching Policy Act of 1977 to establish a Southeast Food Sciences Nutrition Research Center, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND:

S. 2590. A bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropratic officers in the Armed Forces; to the Committee on Armed Services.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. HOLLINGS):

S. 2591. A bill to amend title XVIII of the Social Security Act to provide relief from certain regulations relating to physicians' services; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. MCCONNELL, and Mr. MCCAIN):

S. 2592. A bill to implement United States policy toward El Salvador and to provide for conditions on assistance to El Salvador; to the Committee on Foreign Relations.

By Mr. BRADLEY (for himself, Mr. REID, and Mr. LIEBERMAN):

S. 2593. A bill to reduce the amount of lead contamination in the environment; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN:

S. 2594. A bill to establish a national program to identify contaminated sediment in the Great Lakes and in coastal waters and to restore the quality of these sediments; to the Committee on Environment and Public Works.

By Mrs. KASSEBAUM:

S.J. Res. 308. Joint resolution to designate the month of June 1990, as "National Huntington's Disease Awareness Month"; to the Committee on the Judiciary.

By Mr. BIDEN (for himself and Mr. THURMOND):

S.J. Res. 309. Joint resolution designating the month of October 1990 as "Crime Prevention Month"; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. MURKOWSKI):

S.J. Res. 310. Joint resolution to designate June 25, 1990, as "Korean War Remembrance Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN:

S. Con. Res. 128. Concurrent resolution concerning human rights, democracy, and illicit narcotics production and trafficking in Burma; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM:

S. 2585. A bill to amend the Food Security Act of 1985 to provide farm program payment fairness and equity to married couples when both the husband and the wife contribute active personnel management or labor to the operation of a farm enterprise, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM SPOUSE FAIRNESS AND EQUITY ACT

Mrs. KASSEBAUM. Mr. President, today I am introducing legislation to provide farm program fairness and equity to married couples by correcting problems with current Agricultural Stabilization and Conservation Service regulations.

In my view, classifying spouses as one person, as under current ASCS regulations, can create serious inequities. For example, family members, except the spouses of farmers, can be eligible for separate payment limitations as long as they make a significant contribution of active personal management or labor. In some cases, spouses of farmers may inherit farmland far from the original farm but still be ineligible for a separate payment limitation. I find this very troubling, as many spouses of farmers contribute as much or more than other eligible family members. Mr. President, these problems indicate to me that current ASCS regulations are unfair.

Finally, this legislation also addresses a problem with payment limitation requirements relating to the Conservation Reserve Program. Under current regulations, a person who is receiving the maximum payment limitation and inherits land which is under a CRP contract cannot receive the rental payments from the inherited land. Given that land in the Conservation Reserve Program is under contract, I firmly believe that the owner of the land should receive the rental payments regardless of any payment limitation.

Mr. President, I would like to stress that this legislation is not intended to be a giveaway to farmers nor is it intended to provide more opportunities for abuse of current payment limitation requirements. The sole purpose of allowing spouses to be eligible for separate person status is to address the unfairness and inequity in current ASCS regulations.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2586. A bill for the relief of the estate of Dr. Beatrice Braude; to the Committee on the Judiciary.

RELIEF OF THE ESTATE OF DR. BEATRICE BRAUDE

Mr. MOYNIHAN. Mr. President, I rise today on behalf of myself and Mr. D'AMATO to introduce a private relief bill for the estate of Dr. Beatrice Braude. Dr. Braude was dismissed from her employment at the U.S. Information Agency in 1953, and was subsequently unable to work for the Federal Government until 1982, when she obtained a part-time position with the CIA's language school. Dr. Braude spent years fighting her McCarthy-era dismissal as a security risk until her death on October 16, 1988. This bill takes no position on the merit of her

estate's claim but would allow her estate to obtain a judicial hearing on the matter.

At the time of her dismissal, Dr. Braude was told that it was a result of budget cuts. After enactment of the Privacy Act of 1974, she obtained her personnel files and discovered that she was considered a security threat and was fired on the grounds of this unfounded suspicion. I would point out here that Dr. Braude had worked for the State Department as a Foreign Service staff officer and had been stationed at the American Embassy in Paris before going to work at the USIA. Imagine her surprise at being told she would receive a raise and promotion and then being fired only a day later.

When she discovered the real reason for her dismissal, in 1976, she filed suit when the U.S. Court of Claims to clear her name and obtain reinstatement and damages. A divided Court of Claims dismissed her suit as untimely under a 6-year statute of limitations. This bill would waive the statute of limitations and allow her estate to have a hearing on the merits of her claims.

I introduced similar legislation in the 100th Congress. Since then, sadly, Dr. Braude has died leaving her name still tainted by false accusations and slander. In brief, this bill merely grants Dr. Braude's estate a day in court to attempt to clear her name.

Dr. Braude's case is not new to the Senate. In 1979, Senator Javits and I introduced a similar bill which the Senate passed by voice vote. Unfortunately, the House of Representatives did not take action on this bill before the end of the 96th Congress.

Adoption of this bill will finally permit a citizen's name—one who devoted much of her life to Government service—the full protections of the law. I would note that Congressman GREEN of New York introduced similar legislation at the beginning of this Congress.

I ask that Dr. Braude's obituary be printed in the RECORD following these remarks. I also ask that the full text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT TO SUIT.

Notwithstanding any statute of limitations, lapse of time, or bar of laches, the Court of Claims shall have jurisdiction to hear, determine, and render judgment upon any claim for back pay by the estate of Dr. Beatrice Braude against the United States arising out of the termination of Dr. Braude's employment at the United States Information Agency on December 30, 1953.

SEC. 2. RESTRICTIONS UPON SUIT.

Suit upon any such claim may be instituted at any time within 1 year after the date of enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided in this Act, proceedings for the determination of such claims, and review and payment of any judgment or judgments thereupon shall be had in the same manner as in the case of claims over which such court has jurisdiction under section 1491 of title 28, United States Code.

[From the Washington Post, Oct. 21, 1988]

BEATRICE BRAUDE, RETIRED PROFESSOR OF FRENCH, DIES

Beatrice Braude, 75, a retired professor of French at the University of Massachusetts and a former employee of the U.S. Information Agency who spent years fighting her dismissal as a security risk, died of cancer Oct. 16, at the Hebrew Home of Greater Washington in Rockville.

Miss Braude was fired from her USIA position as an analyst of French newspapers in 1953, shortly after joining the agency. She had previously been assistant cultural affairs director at the U.S. Embassy in Paris and a staff member of the State Department's Office of Research and Intelligence. She began her government service in Washington with the Office of Strategic Services during World War II.

At the time of her dismissal, Miss Braude was told she was being let go because of a reduction in force. Three years later a friend told her that USIA had described her to a prospective employer as a security risk, and a lawyer for the agency confirmed in subsequent legal proceedings that, in fact, she was fired because the agency considered her a security risk.

Miss Braude spent the rest of her life in an unsuccessful battle against that allegation. When she was young she had known another woman convicted of being a Soviet spy, and she was a member of a Washington bookstore that was suspected of being a gathering place for leftists. But a loyalty board and a State Department internal investigation had cleared her of being a security risk.

After the passage of the Privacy Act of 1974, she obtained the records of her federal employment and began legal proceedings to clear her name. The proceedings continued without resolution until her death.

During the 1950s and the 1960s, Miss Braude earned a doctoral degree in French from Columbia University and taught at several institutions of higher learning in New York City.

During the early 1970s, she worked for WGBH-TV in Boston. She later created and produced a radio program, "Tout en Francais," which was broadcast over station WFCR in Amherst, Mass.

She joined the faculty at the University of Massachusetts in 1974. She retired in 1981 and moved back to the Washington area.

Miss Braude was born in New York City and graduated from Hunter College.

Survivors include a brother, Theodore Braude of New York City.

By Mr. CRANSTON:

S. 2587. A bill to establish demonstration projects to provide direct services to homeless youth, and for other purposes; to the Committee on Labor and Human Resources.

HOMELESS YOUTH DEMONSTRATION PROJECT ACT

Mr. CRANSTON. Mr. President, today I am pleased to introduce S. 2587, the Homeless Youth Demonstration Project Act of 1990. This legislation is designed to demonstrate the effectiveness of assisting private and public agencies in areas with heavy concentrations of homeless youth to work together to provide this vulnerale population with access to a system of comprehensive services.

Mr. President, homelessness is devastating for any individual, but it is even more acute for certain very vulnerable segments of the population. For young Americans it is an almost unbearable problem. Tragically, a large portion of the homeless population on our streets is now comprised of youth. We are seeing young people in our cities and towns without adequate food, shelter, health care, or financial support. In many instances these young people have histories of physical, sexual, or emotional abuse at home, or are simply the victims of gross neglect. Many have also been abandoned or forced out of their parental homes. There is little adult supervision or support, and, for most, the prospects for family reunification are extremely bleak.

Mr. President, almost every aspect of the lives of these troubled young people is in need of attention, whether it be their social, health, mental health, education, or employment needs. Unfortunately, due to serious underfunding of important Federal programs, the urgent attention is either not forthcoming or is available to only a lucky few. Nowhere is this more apparent than in areas which are inundated with a large number of homeless youth. In my State of California, the Los Angeles area is clearly one such mecca for homeless youth. While the statistics are hard to collect, an estimated 10,000 youth are on the streets in Los Angeles County at a given moment, and this number is estimated to swell to 20,000 during the summer months of July and August.

CALIFORNIA EXPERIENCE

In August 1988, the presiding judge of the Los Angles County Superior Court Juvenile Division convened a task force of public and private agencies to examine how to maximize and distribute better the services available to homeless youth in the Los Angeles area. The task force, in a report issued in December 1988, found an acute lack of drug detoxification facilities, mental health beds, health services, access to employment and education services, access to legal assistance, and access to programs that promote transitions to independent living. A comprehensive system of care, the task force concluded, was urgently needed. The task force specifically recommended "a coordinated policy includ-

ing both public and private sectors and access to an array of programs which will meet a variety of needs" as the only way to respond adequately to the situation.

Mr. President, my bill is based on the excellent recommendations made by the Los Angeles task force. We are faced with the enormous challenge of making efficient use of scant resources. We need to fill gaps in certain services and prevent the duplication and overlapping of other services. We must knit together a comprehensive system of care so no young person falls through the cracks to be relegated permanently to the ranks of the chronically homeless.

EXISTING PROGRAMS

Mr. President, I have always been and will continue to be a strong supporter of programs authorized by the Runaway and Homeless Youth Act, title III of the Juvenile Justice and Delinquency Prevention Act. The system of care that would be provided by my legislation would complement these existing programs. My bill would authorize $2.5 million for the purpose of establishing up to three demonstration projects in areas with high concentrations of homeless youth. Demonstration grant recipients would contract out with public and private agencies to provide services which would include medical, mental health, legal, educational, employment, social, and emergency services to homeless youth. Under the network, eligible youth would have access to programs funded under the auspices of the Runaway and Homeless Act, and in turn these programs could make other network services available to their charges.

Mr. President, the demonstration programs that would be authorized by this bill would also be subject to a stringent evaluation of the process, outcome and effectiveness of each project. It is my hope that upon demonstration of the projects' effectiveness in maximizing limited resources, other impacted areas will be able to institute similar systems of comprehensive care.

Mr. President, a network approach would ensure a more even delivery of services in areas with large numbers of homeless youth. It makes sense that each service program be part of a larger integrated system of care, rather than operating autonomously, and perhaps competing with other programs for scarce resources. The true winner in a network approach is the homeless youth who gets a full compliment of services, and, hopefully, an opportuity to reintegrate with society.

Mr. President, tomorrow morning the Labor and Human Resources Committee will hold a hearing on the Homeless Prevention and Community Revitalization Act, which was proposed by the chairman of the Labor Committee, the Senator from Massachusetts [Mr. KENNEDY], who has been a tireless advocate of addressing the problems of homeless Americans. This bill complements my own National Affordable Housing Act, by providing funding for support services to the residents of public and assisted housing. My good friend from Massachusetts will also be introducing the Stewart McKinney Reauthorization Act later this year. I am very optimistic that as the committee moves forward with addressing the pressing needs of the homeless, my proposal in this area will receive favorable consideration.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—As used in this section:

(1) HOMELESS YOUTH.—The term "homeless youth" means an individual who is 21 years of age or younger, is in need of services, and lacks a permanent place of shelter that provides appropriate supervision and care for such individual or who resides in a group home on a temporary basis.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Secretary shall establish not to exceed three demonstration projects that are designed to assist private and public agencies and organizations in working together to provide a network of comprehensive services, including medical, mental health, health, legal, social, outreach, and emergency services, to homeless youth.

(2) GRANTS.—

(A) IN GENERAL.—The Secretary shall award grants to not to exceed three private, nonprofit organizations with demonstrated success in providing direct services to homeless youth, in subcontracting for such services, and in coordinating the provision of such services with other agencies, as referred to in paragraph (1).

(B) LOCATION.—In awarding grants under subparagraph (A), the Secretary shall select organizations that are located in urban areas with a high concentration of out-of-city, out-of-county, and out-of-State homeless youth.

(C) ABILITY TO PROVIDE SERVICES.—To be eligible for a grant under subparagraph (A), an organization shall demonstrate to the Secretary the ability of such organization, or another competent organization with which such organization has a subcontract, to provide a comprehensive network of each of the services described in paragraph (1).

(D) PREFERENCE.—In awarding grants under subparagraph (A), the Secretary shall give preference to organizations that would involve a network of public and private agencies in the delivery of services to homeless youth.

(3) EVALUATION OF DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—The Secretary shall monitor each demonstration project established under paragraph (1) to determine whether such project is complying with the requirements of this section.

(B) INDEPENDENT EVALUATOR.—

(i) IN GENERAL.—The Secretary shall contract with an independent evaluator to evaluate the process and outcome of each demonstration project established under paragraph (1), and to make suggestions for the implementation of other similar demonstration projects in other areas of the country.

(ii) STABILITY OF HOMELESS YOUTH.—The independent evaluator referred to in clause (i) shall assess the stability of homeless youth that are served by a demonstration project established under paragraph (1) after such youth are either reunited with family or settled in a stable environment.

(4) ELIGIBLE YOUTH.—

(A) IN GENERAL.—Except as provided for in subparagraph (B), an individual wishing to receive services under this section shall be not more than 21 years of age.

(B) EXCEPTION.—The Secretary may grant waivers to provide services under this section to individuals who are 22 through 24 years of age for not more than 10 percent of the funds awarded for grants under paragraph (2).

(5) LENGTH OF DEMONSTRATION PROJECTS.—Each of the demonstration projects established under paragraph (1) shall not exceed a period of 3 years.

(6) AUTHORIZATION OF APPROPRIATION.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this section $2,500,000 for each of the fiscal years 1991, 1992, and 1993.

(B) INDEPENDENT EVALUATOR.—Of the amounts authorized to be appropriated under subparagraph (A), not to exceed $500,000 shall be utilized for the contract referred to in paragraph (3)(B).

SEC. 2. This Act may be cited as the "Homeless Youth Demonstration Project Act of 1990".

By Mr. STEVENS (for himself, Mr. GLENN, Mr. PRYOR, and Mr. SASSER):

S. 2588. A bill to amend section 5948 of title 5, United States Code, to reauthorize physicians comparability allowances; to the Committee on Governmental Affairs.

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE AMENDMENT

● Mr. STEVENS. Mr. President, the Federal Physicians Comparability Allowance Act of 1978 enabled the heads of executive agencies to offer service agreements to certain categories of Government physicians and dentists in order to alleviate recruitment and retention problems experienced by the agencies. The allowance, which was reauthorized in 1979, 1981, 1983, and 1987, is used only where there are significant recruitment and retention problems, and the amount of the allowance is limited to the minimum amount necessary to deal with those problems. The 1987 revisions included increases in the amounts payable under the act. Currently, payments may not exceed: $14,000 per annum if, at the time the agreement is entered into, the physician has served for 24 months or less as a Government physi-

cian; or $20,000 per annum if the physician has more than 24 months of service. The act will expire September 30, 1990.

The Department of Health and Human Services, in a September 1989 study entitled "Physicians Comparability Allowance Program, An Analysis of Market Conditions and Utilization," reported that the 1988 turnover rate for physicians receiving the allowance was 5 percent. Information collected by the Office of Management and Budget as part of the fiscal year 1990 budget shows that in fiscal year 1988, 32 percent of nondefense physicians eligible for the physicians comparability allowance actually received an allowance; in fiscal year 1989, 35 percent of those eligible received an allowance. The average comparability allowance payment in fiscal year 1988 was $13,697, and in fiscal year 1989 it was $14,691.

It is also interesting to note that the average pay received by physicians in 1989, as reported by the American Association of Medical Colleges, was $136,900. By comparison, the average Federal physician receiving an allowance was paid $82,290 during fiscal year 1989. The maximum salary, for a GS-15 physician receiving an allowance, was $94,303. Even with the physicians comparability allowance, it is obvious that a significant disparity exists.

Mr. President, we must continue to attract and retain the very best physicians to the Federal Government. The best solution is to reform the Federal pay system to adequately compensate Federal employees and enable Federal agencies to compete effectively for the most talented candidates. Four bills are currently pending in the Congress to do just that; two in this body and two in the House. These bills would provide comprehensive reform of the Federal white collar pay structure, including physicians salaries. However, until such reform is enacted, the need persists to retain quality medical personnel in the Federal system.

The allowance paid to Government physicians has been an effective mechanism for achieving that objective. Therefore, I am submitting a bill today which will reauthorize the Physicians Comparability Allowance Act for 3 more years, through September 30, 1993.

I urge my colleagues to join with me in supporting and continuing this important program.●

By Mr. THURMOND:

S. 2590. A bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces; to the Committee on Armed Services.

APPOINTMENT OF CHIROFRACTORS AS COMMISSIONED OFFICERS IN THE ARMED FORCES

Mr. THURMOND. Mr. President, I rise today to introduce legislation which would allow doctors of chiropractic to be appointed commissioned officers in the armed services.

Currently, some members of the health care profession including doctors of medicine, doctors of osteopathy, dentists, optometrists, pharmacists, psychologists, physical therapists, occupational therapists, dieticians, and physician assistants may serve as commissioned officers in the armed services. However, doctors of chiropractic, whose educational credentials match or exceed some of the above-listed groups, are noticeably absent from this list.

Commissioning doctors of chiropractic in the armed services would give our service members the opportunity to receive chiropractic treatment from persons specifically trained in this specialty. Further, commissioning of doctors of chiropractic would help to ease the current shortage of health care professionals in the armed services.

This legislation I am introducing today will serve to ensure that members of the armed services have a full range of health care services available. I am aware that some are opposed to the commissioning of doctors of chiropractic. I hope that introduction of this bill will serve to bring about a full discussion on this important issue. I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPOINTMENT OF CHIROPRACTORS AS COMMISSIONED OFFICERS

(a) ARMY.—Section 3068 of title 10, United States Code, is amended—

(1) by inserting "(a) MEDICAL SERVICE CORPS.—" before "There is";

(2) in paragraph (5)—

(A) by striking out "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) the Chiropractic Section; and"; and

(3) by adding at the end the following new subsection:

"(b) APPOINTMENT OF CHIROPRACTORS.—Chiropractors who are qualified under regulations prescribed by the Secretary of the Army may be appointed as commissioned officers in the Chiropractic Section of the Medical Service Corps of the Army.

(b) NAVY—(1) Chapter 513 of such title is amended by inserting after section 5138 the following new section:

"§ 5139. Appointment of chiropractors in the Medical Service Corps

"Chiropractors who are qualified under regulations prescribed by the Secretary of the Navy may be appointed as commissioned officers in the Medical Service Corps of the Navy.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5138 the following new item:

"5139. Appointment of chiropractors in the Medical Service Corps.".

(c) AIR FORCE.—(1) Section 8067 of such title is amended—

(A) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively; and

(B) by inserting after subsection (f) the following new subsection (g):

"(g) Chiropractic functions in the Air Force shall be performed by commissioned officers of the Air Force who are qualified under regulations prescribed by the Secretary and who are designated as chiropractic officers.".

(2) Section 8579 of such title is amended—

(A) by striking out "or biomedical sciences officer" and inserting in lieu therefore "biomedical sciences, or chiropractic officer"; and

(B) by striking out "or (i) of section 8067" and inserting in lieu thereof "(g), or (j) of section 8067".

(3) Section 8848(b) of such title is amended by striking out "section 8067 (a)-(d) or (g)-(i); and inserting in lieu thereof "any of subsections (a) through (d) or (g) through (j) of section 8067".

SEC. 2. SPECIAL PAY FOR CHIROPRACTIC OFFICERS

(a) SPECIAL PAY REQUIRED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 302e the following new section:

§ 302f. Special pay: chiropractors

(A) VARIABLE, ADDITIONAL, AND BOARD CERTIFICATION SPECIAL PAY.—(1) An officer is entitled to special pay in accordance with this subsection if the officer is—

"(A) designated as a chiropractic officer in the Medical Service Corps of the Army or Navy or designated as a chiropractic officer in Air Force; and

"(B) on active duty under a call or order to active duty for a period of not less than one year.

"(2) An officer described in paragraph (1) who is serving in a pay grade below pay grade 0-7 is entitled to variable special pay at the following rates:

"(A2) $1,200 per year, if the officer is undergoing chiropractic internship training or has less than 3 years of creditable service.

"(B) $2,000 per year, if the officer has at least 3 but less than 6 years of credible service and is not undergoing chiropractic internship training.

"(C) $4,000 per year, if the officer has at least 6 but less than 10 years of credible service:

"(D) $6,000 per year, if the officer has at least 10 but less than 14 years of creditable service.

"(E) $4,000 per year, if the officer has at least 14 but less than 18 years of credible service.

"(F) $3,000 per year, if the officer has 18 or more years of credible service.

"(3) An officer described in paragraph (1) of this subsection who is serving in a pay grade above pay grade 0-6 is entitled to vari-

able special pay at the rate of $1,000 per year.

"(4) Subject to subsection (b), an officer who is entitled to variable special pay under this subsection is entitled to additional special pay for any 12-month period during which the officer is not undergoing chiropractic internship training. Such additional special pay shall be paid at the following rates:

"(A) $6,000 per year, if the officer has at least 3 but less than 14 years of credible service.

"(B) $8,000 per year, if the officer has at least 14 but less than 18 years of credible service.

"(C) $10,000 per year, if the officer has 18 or more years of credible service.

"(5) An offficer who is entitled to variable special pay under this subsection and who is board certified is entitled to additional special pay at the following rates:

"(A) $2,000 per year, if the officer has less than 12 years of credible service.

"(B) $3,000 per year, if the officer has at least 12 but less than 14 years of credible service.

"(C) $4,000 per year, if the officer has 14 or more years of credible service.

(b) ACTIVE DUTY AGREEMENT.—An officer may not be paid additional special pay under subsection (a)(4) for any 12-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

"(2) Under regulations prescribed by the Secretary of Defense under section 303a(a) of this title, the Secretary of the military department concerned may terminate at any time an officer's entitlement to the special pay authorized by subsection (a)(4). If such entitlement is terminated, the officer concerned is entitled to be paid such special pay only for the part of the period on active duty that the officer served, and the officer may be required to refund any amount in excess of that entitlement.

(c) REGULATIONS.—Regulations prescribed by the Secretary of Defense under section 303a(a) of this title shall include standards of determining—

"(1) whether an officer is undergoing internship training for purposes of paragraphs (2) and (4) of subsection (a); and

"(2) whether an officer is board certified for purposes of paragraph (5) of that subsection.

"(d) FREQUENCY OF PAYMENTS.—Special pay payable to an officer under paragraph (2), (3), and (5) of subsection (a) of this section shall be paid monthly. Special pay payable to an officer under paragraph (4) of that subsection shall be paid annually at the beginning of the 12-month period for which the officer is entitled to such payment.

"(e) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—An officer who voluntarily terminates service on active duty before the end of the period for which a payment was made to such officer under subsection (a)(4) of this section shall refund to the United States an amount which bears the same ratio to the amount paid to such officer as the unserved part of such period bears to the total period for which the payment was made.

"(f) EFFECT OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 shall not release a person from an obligation to reimburse the United States required under the terms of an agreement described in subsection (b) of this section if the final decree of the discharge in bankruptcy was issued within a period of 5 years after the last day of a period which such person had agreed to serve on active duty. This subsection applies to a discharge in bankruptcy in any proceeding which begins after September 30, 1990.

"(g) DETERMINATION OF CREDITABLE SERVICE.—For purposes of this section, creditable service of an officer is computed by adding—

"(1) all periods which the officer spent in chiropractic internship training during which the officer was not on active duty; and

"(2) all periods of active service—

"(A) in the Medical Service Corps of the Army or Navy as a chiropractic officer; or

"(B) as an officer of the Air Force designated as a chiropratic officer.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302e the following new item.

"302f. Special pay: chiropractors.".

(b) ADMINISTRATION AND IMPLEMENTATION.—Section 303a of title 37, United States Code, is amended

(1) by striking out "303, and 311" both places it appears and inserting in lieu thereof "302f, and 303"; and

(2) by inserting "302f," after "302e," in subsection (b).

SEC. 3. REGULATIONS

Regulations under section 303a of title 37, United States Code, shall be prescribed not later than 180 days after the date of the enactment of this Act for the administration of the amendments made by this Act.

SEC. 4. EFFECTIVE DATE

The amendments made by this Act shall take effect on October 1, 1990, and shall apply only with respect to duty performed on or after that date.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. HOLLINGS):

S. 2591. A bill to amend title XVIII of the Social Security Act to provide relief from certain Medicare regulations relating to physicians' service; to the Committee on Finance.

MEDICARE PHYSICIAN REGULATION RELIEF AMENDMENTS

Mr. BAUCUS. Mr. President, I rise today with Senators GRASSLEY and HOLLINGS to introduce the Physician Regulatory Relief and Improvement Act of 1990. This legislation will lessen the burden that Medicare places on our Nation's physicians. Our bill is similar to legislation introduced by Congressman ROY ROWLAND and others last month.

Medicare is one of the most important Federal programs we have today. In terms of the effect it has had over the years in improving quality of life for its beneficiaries, Medicare has virtually no competition. For our Nation's seniors, Medicare has meant freedom from worrying about how to pay hospital and doctor bills.

But there is a downside to Medicare. More and more, physicians and patients across the country are becoming demoralized over the increasing amount of Government regulation in Medicare. In spite of all that is good about Medicare, it is rife with rules that benefit none and are a constant burr in the shoe of many. These nonsensical rules excessively burden our health care system and threaten to undermine the quality of care of which we are so proud.

Mr. President, increasing red tape—much of it unnecessary and sometimes even harmful—is the end result of a budget-driven system which substitutes short-term economic paper gains for long-term sensible health policymaking.

Excessive regulation is destroying the close personal relationship doctors have traditionally had with their patients. It's interfering with good medicine by denying procedures to patients which they request, and which physicians feel are needed. Red tape is inundating doctors with paperwork causing many others to withdraw from Medicare participation, making health care less accessible to many people. Even many prospective doctors are deterred by red tape, which is cited as a major factor in a 25-percent decrease in medical school applications over the past 5 years.

In a time when many parts of the country—including half the counties in my home State—are suffering serious physician shortages, this overzealous regulation can have very grave consequences for access to health care.

An article from a recent series in the New York Times on medical payment and practice changes in the 1980's captured the physician's perspective:

> The feeling of being shackled by rules and overseers is nearly universal among doctors today, experts inside and outside the profession say. Doctors say they are overwhelmed by paperwork, prohibited by insurance companies from doing procedures and subjected to scrutiny by group employers like health maintenance organizations that can even include scheduling of restroom breaks.

Mr. President, this bill is badly needed to reduce the regulatory burden that Medicare imposes on well-intentioned physicians who are respected by their patients but are always suspect in the eyes of Medicare. The changes we are proposing are few, and relatively minor, but together they can help restore an environment of faith and confidence that in the past has always characterized the country's health care system.

The legislation proposes the following changes:

To require the mandatory release of medical parameters and screens that are used to determine which Medicare claims might need individual review.

To prohibit Medicare carriers from charging physicians for information or documents that are reasonably needed to comply with Medicare statutory and regulatory requirements.

To allow physicians in solo practice and those in another group practice to

cover Medicare patients for each other, and to allow the personal physician to bill for services provided by the covering physician.

To amend Medicare reconsideration and appeal requirements to allow State medical societies or other professional organizations to file actions on behalf of the entire class of aggrieved physicians.

To establish a physicians advisory group to review Medicare administrative requirements and their implementation prior to initiation of new policies.

Mr. President, I hope many of our colleagues will join me in this important effort. Our Nation's physicians, and all Medicare beneficiaries, deserve better than the maze of regulations they suffer under today.

I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Physician Regulation Relief Amendments of 1990".

SEC. 2. RELEASE OF INFORMATION BEFORE NOTICE OF DENIAL OF PAYMENT.

(a) IN GENERAL.—Section 1842(l)(2) of the Social Security Act (42 U.S.C. 1395(l)(2) is amended by adding at the end the following: "Before sending such denial notice to a physician or individual, the carrier or organization must release to the physician the medical review screen or the associated screening parameter describing the criteria upon which the denial of payment may be made.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to notices of denial sent after the date of the enactment of this Act.

SEC. 3. FLEXIBILITY IN BILLING ARRANGEMENTS IN CASES OF CERTAIN PHYSICIANS "COVERING" FOR OTHER PHYSICIANS ON AN OCCASIONAL BASIS.

(a) PURPOSE.—The purpose of the amendments made by this section is to permit physicians in solo practice and those in another group practice to "cover" medicare patients for each other and to make it possible for the personal physicians of such patients to bill and receive reimbursement for professional services rendered by their colleagues who "cover" for them.

(b) IN GENERAL.—The first sentence of section 1842(b)(6) of the Social Security Act (42 U.S.C. 1395u(b)(6)) is amended—

(1) By striking "and" before "(C)", and

(2) by inserting before the end the following: ", and (D) payment may be made to a physician who arranges for services to be provided to an individual by a second physician on an occasional basis in situations where (i) the first physician is unavailable to provide such services, (ii) the individual has arranged to receive medical care services from the first physician, and (iii) the claim form submitted to the carrier indicates that the claim is for such 'covered' services".

EFFECTIVE DATE.—The amendment made by subsection (b) shall be effective for services provided on or after the date of the enactment of this Act.

SEC. 4. RELEASE OF CERTAIN CARRIER INFORMATION WITHOUT CHARGE.

(a) IN GENERAL.—Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) is amended—

(1) by adding "and" at the end of subparagraph (L), and

(2) by inserting after subparagraph (L) the following new subparagraph:

"(M) will provide physicians, upon request and without charge, with carrier-generated information (including the identifier number of other code of a referring physician, a list of maximum allowable charges, and coding protocols) needed by physicians to submit a claim for payment or to respond to a carrier inquiry under this part;".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to information provided on or after the date of the enactment of this Act.

SEC. 5. MEDICAL SOCIETY REPRESENTATION OF PHYSICIANS IN APPEALS.

Section 1869 of the Social Security Act (42 U.S.C. 1395ff) is amended by adding at the end the following new subsection:

"(c) Notwithstanding any provision of this title regarding standing, a medical society or other professional organization representing physicians may represent a group or class of physicians as to determinations, reconsiderations, or appeals under this section.".

SEC. 6. PRACTICING PHYSICIANS ADVISORY COUNCIL.

Title XVIII of the Social Security Act is amended by inserting after section 1876 the following new section:

"PRACTICING PHYSICIANS ADVISORY COUNCIL

"SEC. 1877. (a) The Secretary shall appoint, based upon nominations submitted by national medical organizations representing physicians, a Practicing Physicians Advisory Council (in this section referred to as the 'Council') to be composed of 15 physicians, each of whom has submitted at least 250 claims for physicians' services under this title in the previous year. At least 11 of the members of the Council shall be physicians described in section 1861(r)(1) and the members of the Council shall include both participating and nonparticipating physicians.

"(b) The Secretary shall consult with the Council concerning—

"(1) changes in the scope of coverage, benefits, and operation of the program under this title, and

"(2) proposed changes in regulations and carrier operation policies (including carrier manuals, instructions, letters, and other forms of policies).

"(c) The Council shall meet at least 6 times each year.

"(d) Members of the Council shall be entitled to receive reimbursement of expenses and per diem in lieu of subsistence in the same manner as other members of advisory councils appointed by the Secretary are provided such reimbursement and per diem under this title.".

"HASSLES" IN THE MEDICARE PHYSICIAN REIMBURSEMENT PROGRAM

Mr. GRASSLEY. Mr. President, I am pleased to be the primary cosponsor of a bill introduced today by my colleague from Montana [Mr. BAUCUS].

The bill in question is called "The Physician Regulatory Relief and Improvement Act," and its purpose is to relieve some of the truly unbelievable regulatory hassles to which we have subjected the practice of medicine.

In summary, it would:

Require the mandatory release of medical parameters and screens that are used to determine which Medicare claims might need individual review;

Allow attending physicians to bill Medicare for services provided to a patient by a professional colleague who is covering temporarily for the absent attending physician;

Prohibit Medicare carriers from charging physicians for information or documents that are reasonably needed to comply with Medicare statutory or regulatory requirements;

Allow State medical societies to file actions on behalf of an entire class of aggrieved physicians;

Establish a physicians advisory group to review Medicare administrative requirements and their implementation prior to initiation of new policies.

In my opinion, such legislation is long overdue. The Medicare program has become a regulatory nightmare, and is seen as such by virtually all who have anything to do with it.

As I am sure is the case for many of my colleagues, I receive a great deal of mail from physicians in my State complaining about the paperwork hassles they have to put up with in the program. One group of internists in my State complain that they routinely receive reimbursement rejection letters from their carrier, complaining that reimbursement forms are incorrectly filled out, although it subsequently becomes clear that they are not incorrectly filled out. They receive rejection letters requesting the wrong information or letters requesting that a claim be resubmitted on a part A health care financing administration form, even though, obviously, they have provided part B services. In the past, physicians have been required to tell patients that certain tests or procedures that they wish to use are medically unnecessary in the event that Medicare would not cover those services. The hassles connected with the unworkable MAAC program are notorious.

One of the physicians in my State wrote to me as follows:

Practicing medicine with ever-increasing Federal intrusion, regulations and bureaucratic stipulations has become worse than a nightmare. The confusion arising in Washington is abominable and is adversely affecting the quality of medicine practiced in this country. I find myself instead of reading and studying medical literature to keep myself current and abreast in the field of medicine now spending my time filling out forms, reading government directives, corresponding with Federal bureaucrats and studying information as to how to handle government edicts.

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Many will say so what, we can expect physicians to complain since they are the ones most directly affected by the way the physician reimbursement program works. And anyway, they say, they brought it on themselves.

The problem with this attitude is that the buredensomeness of Medicare regulations create a number of problems. Insofar as regulatory burdens cost money, that cost is liable to be passed on to other, non-Medicare payers and patients. Insofar as these burdens are particularly heavy for rural physicians due to the large share of their caseload represented by Medicare patients, they become once more disincentive to practice in rural areas. They may even discourage physicians from taking Medicare patients. We have already had one physician in Iowa essentially turn in his Medicare number and refuse to accept any more Medicare patients because of the hassles involved, and other physicians who have decided not to see any new Medicare patients.

But it is not only physicians who are complaining about the program, Mr. President. Beneficiaries are also frustrated. And one of the area agencies on aging in my State has undertaken a project designed to examine the way the program works and to see if something cannot be done about reducing the degree of regulatory hassle an dysfunctional outcomes characteristics of the program.

I do not want what I am saying to be construed as a criticism exclusively of the Health Care Financing Administration, the agency responsible for writing the regulations for the Medicare program, or the other organizations in the Medicare reimbursement pipeline, such as the peer review organizations and the Medicare intermediaries and carriers. No, indeed. There's plenty of blame to go around, starting right here in the U.S. Congress. Essentially, it was the Congress, for instance, that required physicians to inform their patients that certain tests or procedures were medically unnecessary.

In our search for budgetary savings, we now seem to require changes in the Medicare program on an annual basis. It is probably something of a minor miracle that the Health Care Financing Administration, and the other organizations involved, can keep up with the annual rejiggering of program requirements.

Nevertheless, if cost containment efforts will continue to be a part of the Medicare landscape, and who can doubt that they will be, we need to find ways to make the resulting program requirements bear down less cumbersomely on practitioners and beneficiaries. I hope that this bill might be a step in that direction.

Mr. HOLLINGS. Mr. President, I am pleased to join my colleagues today in legislation to begin the reversal of a trend in Medicare regulation that greatly disturbs me. In our frustration at being unable or unwilling to control health care costs, we have instituted a number of measures—some through legislation and some through administrative procedures—that unduly burden physicians and confuse beneficiaries but provide no corresponding improvement in either cost or quality of care. This has transcended red tape and has taken on an increasingly punitive nature: we won't tell you what the rules are, then we can "getcha" when you violate them. This attitude only serves to punish those providers who are trying to deliver quality care at reasonable cost and leaves virtually untouched the few real villains. Further, it does nothing to enlighten beneficiaries and, all too often, creates impressions about the physicians that are totally incorrect at the precise time when confidence in that provider could do much toward improving the outcome of the illness.

Mr. President, I am told that the administration opposes this bill, that staff of the Health Care Financing Administration tells us release of medical parameters and screens to physicians and providing them documents at a reasonable cost would give them one up on gaming the system. I find this attitude appalling. We all know that an individual whose goal is gaming the system will find some way to do it, but the presumption here is that all physicians are guilty. We politicians should be particularly sympathetic to this situation, and I would hope would immediate remedy the matter if it applied to us. Suppose for a moment that we are not told the limits on political contributions, but the Federal Election Commission has an unpublished list of questionable contributors and a screen of dollar amounts beyond which the contribution would be subject to justification, but they will not disclose the names or the amounts. We would scream long and loud that we need to know the rules if we are to play by them and that we are too busy to be harassed in this manner. Among this body are those who push the limits, and that will assuredly always be true. But most of us are proud of our chosen profession and greatly resent the attitude that all politicians are crooks by nature. And this is exactly what physicians are saying—about refusal to disclose Medicare parameters and screens, excessive charges for documents needed to comply with statutory and regulatory requirements, and other methods devised to keep them ignorant of what is expected of them to participate in Medicare. I can only hope and believe that the attitude expressed by certain HCFA staff in this matter is not that of the new Administrator or the Secretary and that they will take aggressive action to disclose the rules so that honest, hard-working physicians can get out of the paperwork business and back to caring for patients.

The Physician Regulatory Relief and Improvement Act of 1990 will certainly not eliminate all the useless regulation currently imposed on physicians, but it does open up the process by addressing some of the more egregious offenses and moving us in the right direction. I recommend it for your consideration and hope for its expeditious passage.

By Mr. LUGAR (for himself, Mr. MCCONNELL, and Mr. MCCAIN):

S. 2592. A bill to implement United States policy toward El Salvador and to provide for conditions on assistance to El Salvador; to the Committee on Foreign Relations.

EL SALVADOR PEACE, SECURITY, JUSTICE, AND DEMOCRACY ACT

● Mr. LUGAR. Mr. President, I am introducing a bill which I believe will contribute to the end of the armed conflict in El Salvador. My bill is designed to put pressure on the principal parties involved to wind down the protracted conflict that has ravaged that beleaguered country for far too long. It also looks to a postwar transition period in which reconciliation and adjustment will take place throughout Salvadoran society.

The prospects for peace, economic growth and greater respect for human rights in El Salvador have never been better. With this in mind, I am submitting a bill that includes incentives and disincentives for all parties to cooperate in finding a path to reconciliation and peace.

There have been remarkable developments in furthering democracy and open markets throughout Latin America in recent years. These political and economic changes have not bypassed Central America. Indeed, they have been accelerated in the past few months. Panama and Nicaragua have both embarked on a new, exciting and challenging reversal of repression and backward economic growth in which the people of both countries suffered greatly. Now, more than any time in memory, an era of peace may be coming to the Central American region. We should aid and abet that prospect.

Nicaragua, Panama, Honduras, Guatemala, El Salvador, and Costa Rica have each made progress toward democracy over the past several years. But the internal conflict in El Salvador remains lethal and threatens to undermine the political progress that had taken place in the 1980's. Everyone knows that the pain and suffering of the people of El Salvador will not end unless there is an acceptable end

to the internal conflict. Reform that is so desperately needed in El Salvador will not be possible until the internal conflict is ended.

The war in El Salvador must end, but it must end in a way that is acceptable to all parties. A solution must not create worse problems. U.S. policy should help set into motion the foundations and institutions for a more just society. But, it must not set conditions that allow the insurgents to shoot their way into power against a democratically elected government. It must provide incentives for compromise and for restraint by both parties to the conflict. It should be forward looking and yet mindful of recent events such as the murder of the six priests and their housekeeper and her child as well as the November military offensive by the FMLN as negotiations on reaching a cease-fire with the Salvadoran Government were about to commence.

With this in mind, Mr. President, the bill aims to do the following:

It articulates a series of foreign policy goals for the United States in continuing our assistance to El Salvador. These goals include promotion of democracy, human rights, judicial reform, peace negotiations through the intermediary role of the U.N. Secretary-General, separation of civilian police from the military command structure, strengthening of civilian authority, and the vigorous investigation of recent murders of Salvadorans.

The bill authorizes $85 million in military assistance for fiscal year 1991, but conditions this assistance on the performance of both the Government of El Salvador, including the armed forces, and the actions of the FMLN.

Specifically, U.S. military assistance funds would be divided into two tranches: no more than 60 percent of the $85 million would be available during the first 6 months of fiscal year 1991, with the remaining $35 million available after April 1, 1991. In addition, 20 percent of the first tranche and 40 percent of the second tranche would be placed in an escrow account in the U.S. Treasury. These escrowed funds would be available for furthering the process of reconciliation, repatriation, cease-fire monitoring, and the readjustments that would be required once the President determines that peace negotiations have been successfully completed.

However, the Government of El Salvador would receive no military assistance if it fails to: participate in good faith negotiations to end the conflict and support the intermediary role of the United Nations Secretary General; undertake a thorough investigation of recent murders in El Salvador; take steps to separate civilian law enforcement functions from the military command; or initiate steps to protect constitutionally guaranteed rights of the Salvadoran people.

At the same time, each of the conditions, including the placement of funds in escrow and the tranching of fiscal year 1991 military assistance funds, would be waived if the FMLN: fails to engage in good faith negotiations to end hostilities; fails to accept the intermediary role of the U.N. Secretary General; launches a sustained military offensive; fails to cooperate in investigations of murders of Salvadoran people; or continues to receive significant quantities of lethal military equipment from outside El Salvador.

Mr. President, these provisions place strong conditions on both the legal authorities and armed forces of El Salvador and on the FMLN. Both parties should know just what they need to do to help end hostilities and what actions would further the conflict and the fighting in El Salvador. The bill makes that clear.

The bill also contains a provision which would prohibit the expenditure of any U.S. military assistance funds without the prior approval of the democratically elected President of El Salvador. This provision reinforces and strengthens the role of civilian authority without, in my judgment, undermining the ability of the Salvadoran Armed Forces to meet its constitutional mandate for the defense of the country.

Finally, the bill authorizes $10 million in economic support funds for the purpose of actively promoting democratic processes, free and fair elections, human rights, an independent judiciary and more respect for human and civil rights.

Mr. President, I hope the United States can be helpful in bringing to a close the long nightmare of conflict and suffering in El Salvador. This bill is intended to contribute to that end.●

● Mr. McCONNELL. Mr. President, there is an expression familiar to all of us: Where there is a will, there is a way. Events, and individuals, in El Salvador seem to turn this expression on its head: No will, no way. No way will there be peace—no way will there be justice—no way will there be democracy. And that, Mr. President, is not what the citizens of El Salvador deserve.

For 10 years, El Salvador has been torn apart by a civil war that has spared no sector and no citizen. Schools, roads, health clinics, the country's entire infrastructure has suffered decline, damage and destruction.

But, I haven't come to the floor to point a finger of blame. Instead, I want to explain why I think the bill Senator LUGAR, Senator MCCAIN and I have introduced may offer a way out of the box we find ourselves in.

For years, we have tried to advance certain principles along with the democratic process, but the devastating loss of life and property along with the major offensive last December tell me something isn't working in our policy. I feel the time has come to come to terms with our mistakes and shift our policy emphasis if not our direction.

Extremism is the guts of the problem in El Salvador and armed extremism has paralyzed prospects for peace and prosperity. When I considered our options, my paramount concern was making clear my strong support for the democractically elected government of President Cristiani. Having observed that election, I was overwhelmed by the turnout in the face of FMLN threats, intimidations and their effectively shutting down all public transportation. There is no doubt in my mind, nor was there a single dissenting view in the delegation that I chaired, that the elections were open, fair and brought the people's choice to office.

President Cristiani deserves our support, but the people within the military and the guerrilla forces who choose to undermine his legitimate mandate with the ruthless use of terror and force must be stopped. I believe President Cristiani has the political will to reach a resolution to the crisis his country and people face, but his way is obstructed by individuals within the Salvadoran armed services. The shocking brutality of the murder of the Jesuits serves no democratic purpose, it serves the shortsighted agenda of a few power hungry traitors to their nation.

But my anger is not one-sided. In part, individuals in the military who have carried out acts of terror are responding to the political inflexibility and violent agenda of the FMLN. When the final toll is taken, who will judge whether using the desperate and poor civilians of San Salvador's barrios as a human shield against government forces is more or less offensive than the assassination of the Jesuits?

Mr. President, the cycle of violence has lasted too long and taken too many lives. While I am hopeful the U.N. mediated negotiations will produce a durable, meaningful solution to El Salvador's crisis, I believe we should demonstrate our commitment to peace and democracy with a new statement of our purpose and a new agenda of action.

The bill we are introducing today turns that policy corner. Pressure is exerted where pressure is needed, on the military to control abuses, on the FMLN to engage in the peace process and on the Government to participate in the cause of reconciliation and the building of a just society in El Salvador.

Mr. President, several years ago, I felt a similar combination of hope and

despair when I examined the conflict in South Africa. At that time, against the views of my President, I introduced what eventually became the Comprehensive Anti-Apartheid Act. I was joined in that effort by Senators ROTH and DODD and believe that it was the bipartisan nature of the deep concern which brought about significant change in our policy.

El Salvador, closer to home, warrants the same commitment, concern and bipartisan solution. I hope my colleague will join us in paving the way for encouraging all participants in the conflict to find the political will to promote peace, democracy, and the justice each Salvadoran deserves.●

● Mr. McCAIN. Mr. President, I accept the general thesis that U.S. assistance to any country, in addition to serving U.S. security interests, should encourage respect for American values. Those values, Mr. President, are reverence for life, for the rights of man, and for the political system that best serves these values—democracy. These values should be always the primary object of our support to other countries.

At a minimum, our assistance should support opposition to any extreme political element in the society we are aiding whose purposes are antithetical to our own. Whether these extremists are located to the far left or far right of the political spectrum, the United States must stand in opposition to their progress. We must neither suspend nor abridge our support for human rights and our opposition to forces whose cause is the subordination of the many to the few. We are a free people, and the promotion of that condition throughout humanity is our cause.

We are entering what may come to be called the new age of enlightenment. As much of the world adopts the values we have always served, let us take special care that in our relations with other nations we support, not impede, their continued ascendancy. Mr. President, I believe my support for conditioning United States military assistance to El Salvador is consistent with my support for our national values.

I am pleased to be an original cosponsor of the resolution introduced by my friend from Indiana, Senator LUGAR. It was designed to encourage respect for democracy and to promote a peaceful resolution of armed conflict in El Salvador. This resolution has no other purposes. It does not seek to promote military solutions over political solutions to Salvador's problems. It does not take the crimes of some terrorists more seriously than the crimes of others. This legislation does not distinguish between right wing terrorists and left wing terrorists. It has no double standards. It is intended only to aid the great majority of Salvadorans in the struggle to impose their sovereign will, as expressed in five free elections, over all extremists who would deny them their freedom.

This legislation recognizes Salvador's great progress toward building a sound democracy. Yet, we are not blind to the persistent attempts of some Salvadorans to subvert that democracy in the interest of personal empowerment and enrichment. We recognize the legitimacy of the democratically elected Government of El Salvador. We recognize that the legitimate Government of El Salvador has long struggled with a grave military threat from the Communist terrorists of the FMLN. But we recognize also, that some other elements in El Salvador have added to the bloodshed of this awful conflict to settle their personal scores and to impose their own antidemocratic persuasion on the rest of the country.

What we are witnessing in El Salvador is an alliance of terror between the FMLN and the death squads that has brutal consequences for the rest of the country. The rest of El Salvador—from President Cristiani to the leftist politicians who participate openly in Salvadoran democracy, from the children of government officials to the children of campesinos, from the neighborhoods to which the FMLN has brought war and terror to the humble altars of the church where service to mankind is repaid with torture and murder—the rest of El Salvador is trapped between the twin creeds of the extreme left and right. The creeds that teach their adherents to express themselves politically with violence. The creeds that preach contempt for human life. The creeds of the FMLN and the death squads.

By introducing this legislation, we seek to discourage these extremists from further torturing their country. We seek to hold El Salvadorans accountable to the same standards of decency. Further, we hope to contribute to the process of reconciliation in El Salvador. We are mindful that United States policy should enhance the prospect of a peaceful resolution of the Salvadoran conflict, not remove that prospect further from realization. And we understand that if debate in Congress on our involvement with El Salvador succumbs to the temptations of reflexive partisanship, then we will make peace in El Salvador even more elusive than it is already.

Mr. President, our legislation conditions military assistance to El Salvador on the government's good faith participation in peace negotiations and the acceptance of U.N. mediation. It is conditioned on a professional and thorough investigation of recent murders for which elements of the military are alleged to be responsible. It is conditioned on further democratic progress in El Salvador. We insist that the separation of police functions from the military begin immediately and that the constitutional rights of the Salvadoran people be protected. Also, Mr. President, we seek to strengthen civilian authority in El Salvador by requiring that the democratically elected President of El Salvador give final approval to the use of military assistance funds.

The resolution represents absolutely no weakening of United States support for the Government of El Salvador's resistance to the Communist insurgency. But it does recognize that challenges to lawful government in El Salvador do not all originate in the cells of the FMLN. We hope to use our aid as a vehicle to stiffen resistance to all of these challenges, while at the same time supporting the peaceful settlement of Salvadoran fratricide. For these reasons, this legislation directs that some of the funds marked for military assistance be placed in an escrow account to be used for the purpose of reconciliation should a peace agreement be concluded.

Mr. President, this resolution is an expression of hope for El Salvador. It does not indicate U.S. weariness for the cause of liberty in that troubled country. We are faithful to our commitment to that just cause. Our solidarity requires that we be evenhanded as we help Salvadorans build a free society. We must hold all elements of Salvadoran society—the government, the armed forces, the FMLN—to the same standards of justice and simple human decency. If one party rejects these conditions, then the other parties will not be obliged to observe them.

The FMLN will also be expected to professionally and thoroughly investigate human rights abuses for which it is allegedly responsible. Moreover, we have not forgotten the FMLN's past cynical practice of participating in peace negotiations while preparing to launch another offensive. This resolution wisely waives conditions on U.S. military assistance should the FMLN engage in this practice again or prepare to do so by receiving large arms shipments from outside the country.

By remaining carefully balanced and fair in this good faith effort to advance the cause of peace and democracy in El Salvador, I would hope that we have encouraged balanced and fair consideration of our resolution. As I have stressed before, it is imperative that we avoid signaling El Salvador that we are divided in our support for peace and democracy there. I cast no doubt on anyone's sincerity as they offer proposals to help Salvadorans attain the better life they deserve. What concerns me is that we will let out honest differences cause us to lapse into another partisan foreign policy contest. We would risk encour-

aging Salvadoran extremists to associate themselves with the success or failure of our various efforts. And should one side prevail in Congress, will that victory be interpreted as U.S. approval for one variety of terrorism over another? Surely, we can all agree that our efforts should have better consequences than this horrible prospect envisions.

Let us work together for the benefit of El Salvador. Our history is defined by our long support for liberty and our defense of human rights. Let us add to that great history by not overlooking the desperate struggle of this small nation. Let us not reward the savagery of the FMLN and the death squads. Their purposes are antithetical to ours and we must not unwittingly serve them. We must not perpetuate the suffering of Salvadorans. We must help them maintain their rightful place in the community of free nations. We must endure the trials of the moment and stay focused on our only objectives—the success of liberty and peace in El Salvador.●

By Mr. BRADLEY (for himself, Mr. REID, and Mr. LIEBERMAN):

S. 2593. A bill to reduce the amount of lead contamination in the environment; to the Committee on Environment and Public Works.

LEAD BAN ACT

● Mr. BRADLEY. Mr. President, it is a fact that very low levels of lead contamination are known to be dangerous. It's time to reduce the threat of lead and legislation I am introducing today, with Senators REID and LIEBERMAN as cosponsors, tackles headon what is now an unacceptable threat to many, many people in our society—most notably, our children.

I have long sought to reduce our exposure to lead. In 1985, evidence of lead contamination in drinking water in New Jersey led me to introduce legislation which banned the use of lead solder in drinking water systems. This legislation, which became known as the Lead Ban, was signed into law in late 1986.

Mr. President, in recent years, the evidence of a health threat at very low exposures to lead has become well documented. The Center for Disease Control [CDC] is now examining the need to lower the definition of elevated blood lead levels below the current level of 25 micrograms of lead per deciliter [μg/dL]. I am informed that CDC is likely to lower the threshold to the 10–15 μg/dL level within a year.

Lowering the CDC threshold is consistent with actions recently taken by the Environmental Protection Agency [EPA]. EPA's Clean Air Scientific Advisory Committee recently concluded that "blood lead levels above 10 μg/dL clearly warrant avoidance, especially for development of adverse health effects in sensitive populations." The National Institute for Environmental Health Services has conclusively shown that adverse behavioral effects on the fetus and child begin with blood levels of 10–15 μg/dL; they may even be present at lower levels.

To understand how dramatic this change will be, it should be noted that the median lead levels in all children in the United States is estimated at around 7 μg/dL. Lead poisoning should not be considered as a problem confined to inner-city areas. Many children all over the United States will be over the threshold.

Sadly, the younger the child, the more serious is the potential damage from lead. According to CDC, even low levels of lead in young children result in decreased intelligence as well as developmental and behavioral disturbances. A report in the New England Journal of Medicine noted in January that having high lead exposure led to a sevenfold increase in the risk of nongraduation from high school, and a sixfold increase in the risk for reading disability. And these effects occurred in children who showed no obvious symptoms of lead poisoning in childhood.

Mr. President, lead enters the environment—and our children—from many sources. It's not just the paint chips; it's not just drinking water—although either of these can be particularly harmful. All lead exposure is additive. As the threshold for dangerous exposure is lowered, basically any of a number of avenues presents a problem.

Lead exposure is a complex problem: lead is in the water we drink, in the air we breathe, and in what we eat. This legislation will deal with lead in a comprehensive fashion. Kids in our Nation shouldn't have to drink lead, breathe it, or eat it. And that's my goal. Here's my plan:

ELIMINATE LEAD IN OUR WATER SUPPLY

First. Make sure all States are following through on the 1986 lead ban: EPA has no documentation on who has complied. We need to know who is following through and who isn't.

Second. Strengthen the lead ban:

Permanent labeling or color coding of lead solders to prevent inadvertent use of lead solders by homeowners or illegal use on the job site is too easy. Lead and nonleaded solders look too similar.

Further restrictions on lead in the brass alloy that make faucets and fittings. The lead ban allows continued use of 8 percent lead alloys in fittings and faucets. The New Jersey school testing program confirmed that faucets are in fact a major source of lead contamination. EPA will be required to perform a technical evaluation of the safety of these alloys and make recommendations on a new standard.

REDUCE OR ELIMINATE LEAD IN THE AIR

First. Ban lead in gasoline in urban areas immediately and nationwide in 2 years. An exemption would be provided for farm vehicles. Nearly 10 percent of the gasoline sold nationwide contains lead. Over 1 million pounds of lead is still going out the tailpipe yearly.

Second. Reduce lead in the waste stream: Increasingly, our solid wastes are incinerated. Lead, when incinerated, can enter the air and water. My bill would:

Ban lead in product packaging—with a 4-year phase-in. Lead pigments are still used in many printer inks. Substitutes are widely available.

Require EPA to develop a program for 100 percent recycling of lead storage batteries—for example, car batteries; 78 percent of the U.S. lead production of 2 billion pounds goes into storage batteries. Industry claims an 80 to 90 percent recycling rate. Anything less than 100 percent is unacceptable. My bill calls for grants to the States to close the loop on lead in batteries; 200 to 400 million pounds of lead shouldn't disappear every year. And, the grants program is paid for by a 5-cent-per-pound fee—roughly $1 per car battery.

STOP EATING LEAD

First. Ban lead in food processing and cans. Over 1 billion food cans are still marketed with leaded solder seams. This number is down 80 percent since 1985, providing substitutes are widely available. It's time to eliminate lead in the cans. Additionally, lead has been used in the past in chemical compounds applied to foods. For instance, lead arsenate has been used as a maturing agent in citrus fruit. Lead compounds should not be applied to foods.

Second. Ban lead in cosmetics. Certain cosmetic products—notably some types of imported eyeliner—have traditionally contained lead. Certain hairsprays and hair colorings contain lead acetate. Consumers need products that are lead-free.

Third. Require new standards and increased testing of lead in ceramic ware. You can have a pitcher that meets existing standards, yet when left holding orange juice overnight can give a kid in one 8 oz. glass 625 micrograms of lead, or 6 times what we have said is the maximum allowable daily intake. We import nearly 1 billion pieces of ceramicware. In 1987, only 811 were tested. And of these, 16 percent exceeded the guidelines. In a well-documented case of lead poisoning, a middle-aged woman was nearly killed by habitual use of an illegal, poorly glazed coffee mug.

Fourth. Reduce the risk from lead paint through research and new techniques. Leaded paint, which was not banned for residential use until the early 1970's, remains a huge reservoir

of lead that flakes and weathers and settles into soils or our rugs and furniture. Removal of the threat has to be done in a way that's cost effective and efficient. Right now, we're working with age-old chemical or mechanical stripping techniques. We need to update this technology. We need to identify when lead paint is not a threat. We need a strategy and a message for the many millions of homeowners who will have to face the problem. A $30 million, 3-year EPA research program, with the possibility of grants to States or localities is justified and overdue.

Mr. President, I ask unanimous consent to have the text of my bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lead Ban Act of 1990".

SEC. 2. REPORT.

Prior to the expiration of the 90-day period following the date of the enactment of this Act, the Administrator of the Environmental Protection Agency and the Chairman of the Consumer Product Safety Commission shall report to the Congress with respect to the administration of the provisions of part F of the Safe Drinking Water Act, with particular emphasis on the administration of the provisions of section 1462 of such Act relating to enforcement.

TITLE I—REDUCTION OF LEAD IN THE ENVIRONMENT

SEC. 101. REGULATIONS.

Prior to the expiration of the 180-day period following the date of the enactment of this Act, the Administrator of the Environmental Protection Agency (hereinafter in this Act referred to as the "Administrator"), shall issue such regulations as may be necessary to require a system for identifying lead solders sufficient to prevent the inadvertent or unlawful use of lead solders by individuals engaged in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption which is connected to a public water system.

SEC. 102. STUDY.

(a) Within the 180-day period following the date of the enactment of this Act, the Administrator shall conduct a study for the purpose of determining the extent to which the use of lead alloys in the manufacture of faucets and fittings can be reduced or eliminated.

(b) The Administrator shall report the results of such study, together with his recommendations, to the Congress within 30 days following the completion of such study.

(c)(1) If, on the basis of such study, the Administrator determines that the amount of lead alloy which can be lawfully used in connection with the manufacture of such faucets and fittings can and should be reduced or eliminated in order to protect human health, the Administrator shall issue such regulations as may be necessary to require such reduction or elimination.

(2) Regulations issued pursuant to paragraph (1) shall not take effect until after the expiration of a 90-day period following the date on which the report required by subsection (b) is submitted to the Congress.

SEC. 103. LEADED GASOLINE BAN.

(a) Effective 60 days following the date of the enactment of this Act, the Administrator, by regulation, shall prohibit the selling or offering for sale, in a metropolitan statistical area or consolidated metropolitan statistical area (as defined by the United States Office of Management and Budget) with a 1980 population of 250,000 persons or more, for use as a fuel in any motor vehicle, any gasoline which contains lead or a lead additive.

(b) Effective 24 months following the date of the enactment of this Act, the Administrator, by regulation, shall prohibit the selling, offering for sale, or introduction into commerce, for use as a fuel in any motor vehicle, any gasoline which contains lead or a lead additive.

(c) For purposes of this section, the term "motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway, except that such term shall not include farm combines, tractors, and other off-road vehicles used for agricultural purposes.

SEC. 104. LEAD STORAGE BATTERIES RECYCLING PROGRAM.

(a) Prior to the expiration of the 180-day period following the date of the enactment of this Act, the Administrator shall establish, by regulation, a program to encourage the several States to establish and implement programs to foster the recycling of lead storage batteries.

(b) The Administrator shall establish such program to encourage and assist State programs which would focus on the recycling of all lead storage batteries within the jurisdiction of such programs.

(c)(1) Any program established by the Administrator pursuant to this section shall require the Administrator to impose and collect, from the manufacturer or importer of each lead storage battery, a fee for each such battery sold by the manufacturer or imported by the importer. Such fee shall not exceed 5 cents per pound of lead in each such battery. No fee shall be collected pursuant to this section after the expiration of the 42-month period following the date of the enactment of this Act.

(2) There is established in the Treasury of the United States an account to be known as the "Lead Contaminant Reduction Account", which shall consist of all fees collected by the Administrator pursuant to this section. Moneys in the account shall be available, in such amounts as are hereafter provided for in appropriation Acts, to the Administrator for the purpose of carrying out the provisions of this Act.

(d)(1) Subject to the availability of funds from the account established by subsection (c), the Administrator is authorized to make grants to any State for the purpose of assisting such State in developing and carrying out a program for the recycling of lead storage batteries in accordance with this Act.

(2) Applications for grants under this subsection shall be in such form and require such information as the Administrator shall prescribe.

(3) Grants under this subsection shall be in such amounts, and subject to such conditions, as the Administrator shall prescribe.

(4) Each State shall submit an annual report to the Administrator setting forth how all moneys from grants pursuant to this subsection were expended during the 12-month period preceding the date of the submission of such report.

(e) There are authorized to be appropriated from the account established by this section such sums, not to exceed $35,000,000 in fiscal year 1991, $40,000,000 in fiscal year 1992, and $45,000,000 in fiscal year 1993, as may be necessary to make grants under this section. Moneys remaining in the account on the date of termination of the provisions of this Act shall be returned to the general revenues of the Treasury.

SEC. 105. LEAD IN FOOD PROCESSING AND CANS.

Prior to the expiration of the 12-month period following the date of the enactment of this Act, the Administrator, by regulation, shall prohibit the use in food processing and marketing of containers with leaded solder seams, and the use of lead in chemical compounds applied to foods.

SEC. 106. LEAD IN COSMETICS.

Prior to the expiration of the 12-month period following the date of the enactment of this Act, the Administrator, by regulation, shall prohibit the use of lead in the manufacturing of cosmetics, including hair sprays and hair coloring.

SEC. 107. STANDARDS AND TESTING OF LEAD IN CERAMIC WARE.

(a) Prior to the expiration of the 12-month period following the date of the enactment of this Act, the Administrator, by regulation, shall establish such standards and testing procedures with respect to lead in ceramic ware as may be necessary to protect public health.

(b) Prior to the expiration of the 15-month period following the date of the enactment of this Act, the Administrator shall report to the Congress with respect to the standards and procedures established pursuant to this section.

SEC. 108. LEAD PAINT REMOVAL.

(a) The Administrator is authorized to conduct, or cause to be conducted, research for the purpose of developing strategies to reduce the risk of contamination from lead paint in housing and technology which will accelerate the process of lead paint removal in a safe, cost-effective, and efficient manner.

(b) In carrying out such research, the Administrator is authorized, in such amounts as are hereafter provided in appropriation Acts, to enter into contracts or other agreements.

(c) There are authorized to be appropriated from the account established by section 104 such sums, not to exceed $9,000,000 in fiscal year 1991, $10,000,000 in fiscal year 1992, and $11,000,000 in fiscal year 1993, as may be necessary to carry out the provisions of this section.

TITLE II—LEAD IN PACKAGING AND PACKAGING COMPONENTS

SEC. 201. LEAD REDUCTION IN THE WASTE STREAM.

(a) The Congress finds and declares that—

(1) the management of solid waste can pose a wide range of hazards to public health and safety and to the environment;

(2) packaging comprises a significant percentage of the overall solid waste stream;

(3) the presence of heavy metals in packaging is a small part of the total concern in light of their likely presence in emissions or ash when packaging is incinerated, or in leachate when packaging is landfilled;

(4) lead, on the basis of available scientific and medical evidence, is of particular concern; and

(5) it is desirable as a first step in reducing the toxicity of packaging waste to eliminate the addition of lead to packaging.

SEC. 202. DEFINITIONS.

As used in this title, the term—

(1) "package" means a container providing a means of marketing, protecting, or handling a product, and includes a unit package, an intermediate package, unsealed receptacles such as carrying cases, crates, cups, pails, rigid foil, and such other trays, wrappers and wrapping films, bags, tubs, and shipping or other containers, as the Administrator, by regulation, may define;

(2) "distributor" means any individual, firm, corporation, or other entity who or which takes title to goods purchased for resale;

(3) "packaging component" means any individual assembled part of a package such as, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels.

SEC. 203. PROHIBITIONS.

(a) No package or packaging component shall be offered for sale or for promotional purposes by its manufacturer or distributor, which includes, in the package itself, or in any packaging component, inks, dyes, pigments, adhesives, stabilizers, or other additive to which any lead has been intentionally introduced as an element during manufacturing or distribution as opposed to the incidental presence of lead.

(b) No product shall be offered for sale or for promotional purposes by its manufacturer or distributor in a package which includes, in the package itself or in any of its packaging components, inks, dyes, pigments, adhesives, stabilizers, or other additive to which any lead has been intentionally introduced as an element during manufacturing or distribution as opposed to the incidental presence of lead.

(c) Notwithstanding subsection (a) of this section, the aggregate of the concentration levels, from any incidental presence of lead present in any package or packaging component shall not exceed the following:

(1) for the second 12-month period following the date of the enactment of this Act, 600 parts per million by weight (0.06 percent);

(2) for the third 12-month period following such date of enactment, 250 parts per million by weight (0.025 percent);

(3) for the fourth 12-month period following such date of enactment, 100 parts per million by weight (0.01 percent); and

(4) for each 12-month period thereafter, 1 part per million by weight (0.0001 percent).

(d) No package or packaging component shall be offered for sale or for promotional purposes by its manufacturer or distributor, and no product shall be offered for sale or for promotional purposes by its manufacturer or distributor in a package, if such package or packaging component exceeds the level provided under subsection (c) of this section.

SEC. 204. CERTIFICATE OF COMPLIANCE.

(a) A certificate of compliance stating that a package or packaging component is in compliance with the requirements of this Act shall be furnished by its manufacturer or distributor to the purchaser or intended purchaser of the package or packaging component.

(b) In any case in which compliance is achieved because of an exemption under section 303, such certificate shall state the specific basis upon the exemption is claimed.

(c) A certificate of compliance shall be signed by an authorized official of the manufacturer or distributor, as the case may be.

(d) The purchaser shall retain the certificate of compliance for as long as the package or packaging component is in use, a copy of such certificate shall be kept on file by the manufacturer or distributor of the package or packaging component.

TITLE III—MISCELLANEOUS

SEC. 301. REPORT.

(a) The Administrator shall report to the Congress with respect to the effectiveness of this Act prior to the expiration of the 36-month period following the date of its enactment. Such report shall be submitted prior to the expiration of the 24-month period following such effective date.

(b) Such report may include the views and recommendations of the Administrator as to whether or not the sale or distribution of packaging or packaging components containing other toxic substances should be prohibited in order to further reduce the toxicity of packaging waste, and whether or not the provisions of section 303 should be modified or repealed.

SEC. 302. ENFORCEMENT.

(a) Any person who violates a regulation issued pursuant to section 101, 102(c), 103, 104, 105, 106, 107, or 204 shall be subject to a civil penalty of not more than $25,000 for each such violation.

(b) Any person who violates the provisions of section 203 shall be subject to a civil penalty of not more than $50,000 for each such violation.

(c) The Administrator may commence a civil action to assess and recover any civil penalty prescribed in subsection (a) or (b) of this section. Any action under this subsection may be brought in the district court of the United States for the district in which the violation is alleged to have occurred or in which the defendant resides or has his principal place of business, and such court shall have jurisdiction to assess such civil penalty. In determining the amount of any civil penalty to be assessed under this subsection, the court shall consider the seriousness of the violation, the economic benefit or savings (if any) resulting from the violation, the size of the violator's business, the violator's history of compliance with this title, any good faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require. In any such action, subpoenas for witnesses who are required to attend a district court in any district may run into any other district.

SEC. 303. EXEMPTIONS.

(a) The Administrator may exempt the following from the provisions of this Act—

(1) a package or packaging component manufactured prior to the effective date of section 203 of this Act, and displaying a code, prescribed by the Administrator, indicating that such package or component was manufactured prior to such date; and

(2) a package or packaging component to which lead has been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of Federal law.

(b)(1) No such exemption shall be made under this section except pursuant to an application to the Administrator submitted in such form and containing such information as he shall prescribe.

(2) No exemption shall be granted pursuant to paragraph (3) of subsection (a) after the expiration of the 48-month period following the date of the enactment of this Act.

SEC. 304. EFFECTIVE DATES.

The provisions of section 203 of this Act shall take effect upon the expiration of the 12-month period following the date of the enactment of this Act. All other provisions of this Act shall take effect upon the date of its enactment.●

By Mr. MOYNIHAN:

S. 2594. A bill to establish a national program to identify contaminated sediment in the Great Lakes and in coastal waters and to restore the quality of these sediments; to the Committee on Environment and Public Works.

GREAT LAKES AND COASTAL SEDIMENT ASSESSMENT AND RESTORATION ACT

● Mr. MOYNIHAN. Mr. President, I present today along with my distinguished colleague, Senator SYMMS, to the Senate for its consideration a bill entitled "The Great Lakes and Coastal Sediment Assessment and Restoration Act." A long name for a bill that addresses a complex subject.

This bill will be the first serious effort to address the matter of sediment contamination. Such sites have been identified in a number of States, although very little has been done about them. In a few, cleanups have been planned, but none has progressed very far. The sites that have received attention have been treated as Superfund cases. In large part, the structure of Superfund is unsuited to underwater contamination, and no cleanup has been done.

To get these sites cleaned up, we must determine the extent to which sediment pollution problems are present and may be affecting water quality in the Nation's lakes, rivers, harbors, and other water bodies. We have a lot to learn. To date, there have been no comprehensive survey of contaminated aquatic sediments.

The problem is staggering given the historic use of our waterways as disposal areas. The United States has 39.4 million acres of lakes, 1.8 million miles of rivers, 32,000 square miles of estuaries, 23,000 ocean coastline miles, and hundreds of thousands of square miles of near-shore, Continential Shelf habitat. Even if only a small percentage of these have polluted sediments, and we suspect many do, we will need a major effort to correct them.

More than any other, one serious problem has obstructed attempts to deal with contaminated sediments. This is, what to do with contaminated material once it is found. Do we move it? Try to treat it in place? Leave it alone? The truth of the matter is we just don't know. To fill the gaps in our understanding, this bill proposes to establish a program of research and development for the management of contaminated sediments. We have the ability to do these things. We have

made some progress toward the understanding of toxic waste sites on land. Let us do the same for those under water.

Mr. President, the Clean Water Act has set standards for ongoing toxic pollution discharge into our waters. The Superfund Program and its site designation system has focused on direct human health hazards on land. Unfortunately, neither deals directly with the problems caused by contaminated sediments, and neither helps to document or mitigate them. Many standards exist for acceptable water quality, but none are in place to define unacceptable sediment quality. Our bill would correct this situation by directing the Administrator of the Environmental Protection Agency to develop sediment quality criteria and standards.

With the start of industrialization, the simplest and most common method of disposal for any particular industrial waste product was to dump it into the nearest body of water. Out of sight was truly out of mind, and this has left us with an unknown number of underwater slag heaps.

The U.S. Army Corps of Engineers and the Environmental Protection Agency need to develop guidelines for sediment restoration. Once those guidelines are established the Corps should be directed to implement restoration techniques on identified projects. The Corps has a long history of maintaining the harbors and channels and it would not seem unreasonable that while conducting maintenance work, the Corps addresses contaminated sediment problems as well.

Mr. President, contaminated sediments can be cleaned up. This is a worthy effort and one we ought not delay.

I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. (a) SHORT TITLE.—This Act may be cited as the "Great Lakes and Coastal Sediment Assessment and Restoration Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.
Sec. 4. National Sediment Contamination Task Force.
Sec. 5. Sediment survey and monitoring.
Sec. 6. Sediment restoration research.
Sec. 7. Sediment quality criteria and standards.
Sec. 8. Sediment restoration guidelines.
Sec. 9. Sediment restoration project identification.
Sec. 10. Sediment restoration project statements.
Sec. 11. Contaminated sediment account.
Sec. 12. Intergovernmental coordination.
Sec. 13. Authorizations.

PURPOSE

SEC. 2. The purposes of this Act are to—

(a) establish a national program of research and technology development for the management, removal, and restoration of contaminated sediment;

(b) provide for a comprehensive national survey of sediment contamination in Great Lakes and coastal waters of the United States;

(c) direct the Environmental Protection Agency to develop sediment quality criteria and standards to clearly identify sediments which are contaminated;

(d) direct the Environmental Protection Agency and the Army Corps of Engineers to develop guidelines for the implementation of contaminated sediment restoration projects; and

(e) to direct the United States Army Corps of Engineers to implement contaminated sediment restoration projects in certain areas.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "Secretary" means the Assistant Secretary of the Army for Civil Works.

(3) The terms "coastal waters" or "coastal waterbody" refer to estuaries, waters of the estuarine zone, and any other waters seaward of the historic height of tidal influence to the outer boundary of the territorial sea.

(4) The term "Great Lakes" has the meaning established in subparagraph 118(a)(3)(B) of the Federal Water Pollution Control Act.

(5) The term "Great Lake and coastal sediment" refers to sediments underlying Great Lake and coastal waters.

(6) The term "contaminant" means any solid, liquid, semisolid, dissolved solid, gaseous material or disease causing agent which upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

(7) The term "Great Lakes and coastal States" means States which border on waters of the Great Lakes or coastal waters.

(8) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands.

(9) The terms "release", "remedial action", and "hazardous substance" shall have the meaning provided in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act as amended.

NATIONAL CONTAMINATED SEDIMENT TASK FORCE

SEC. 4. (a) ESTABLISHMENT.—There is established a National Contaminated Sediment Task Force.

(b) FUNCTIONS.—The Task Force shall—

(1) advise the Administrator and the Secretary in the implementation of this Act;

(2) review and comment on reports concerning the extent and seriousness of sediment contamination throughout the Nation;

(3) oversee programs for the research and development of sediment restoration methods, practices, and technologies;

(4) monitor the selection of contaminants for development of sediment criteria and standards and the schedule for the development of such criteria and standards;

(5) advise appropriate officials in the development of guidelines for restoration of contaminated sediment; and

(6) oversee the implementation of sediment restoration projects.

(c) MEMBERSHIP.—(1) The membership of the Task Force shall include representatives of—

(A) the Environmental Protection Agency;

(B) the Army Corps of Engineers;

(C) the National Oceanic and Atmospheric Administration;

(D) the Fish and Wildlife Service;

(E) the Geological Survey; and

(F) the Department of Agriculture.

(2) Ex officio members of the Task Force shall be selected by the Administrator, with the concurrence of the Secretary, and shall include—

(A) not less than three representatives of Great Lakes and coastal states;

(B) not less than three representatives of Great Lakes and coastal ports and harbors; and

(C) not less than three representatives of environmental organizations with a demonstrated interest in sediment contamination.

(3) The Administrator and the Secretary shall serve as cochairmen of the Task Force.

(d) SUPPORT.—Such clerical and technical assistance as may be necessary to discharge the duties of the Task Force shall be provided for by personnel of the Environmental Protection Agency and the Army Corps of Engineers.

(e) COMPENSATON.—The ex officio members of the Task Force shall, while attending meetings or conferences of the Task Force, be compensated at a rate to be fixed by the co-Chairmen, but not to exceed the daily equivalent of the base rate of pay in effect for grade GS-15 of the General Schedule under section 5332 of title 5 of the United States Code, for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Task Force. While away from their homes or regular places of business in the performance of services for the Task Force such members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

SEDIMENT SURVEY AND MONITORING

SEC. 5. (a) NATIONAL SEDIMENT CONTAMINATION SURVEY.—Section 115 of the Federal Water Pollution Control Act (33 U.S.C. 1265) is amended by—

(1) inserting "(a) following "Section 115"; and

(2) adding at the end thereof the following:

"NATIONAL SEDIMENT CONTAMINATION SURVEY

"(b)(1) The Administrator of the Environmental Protection Agency shall conduct a comprehensive national survey of data regarding bottom sediment contamination in Great Lakes and coastal waters of the United States. The administrator shall com-

pile all existing information on the quantity, chemical and physical makeup, and geographic location of contaminated sediments, including the probable source of contamination.

"(2) Not later than twenty-four months after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall report to Congress the findings of such survey.".

(b) AUTHORITY.—The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration and in consultation with the Secretary, shall conduct a program to further identify and monitor contaminated sediments in the Great Lakes and coastal waters.

(c) PROGRAM ELEMENTS.—The monitoring program conducted pursuant to this section shall, at a minimum—

(1) identify the location of contaminated sediments in Great Lakes and coastal sediments;

(2) identify the extent of contamination of sediments and whether contaminants are present in concentrations in excess of standards adopted pursuant to section 7 of this Act;

(3) establish the methods and protocols for monitoring the physical, chemical, and biological effects of contaminated sediments;

(4) develop a system for the management, storage, and dissemination of data concerning sediment quality;

(5) provide an assessment of sediment quality trends over time; and

(6) identify locations where contaminated sediments may pose a threat to the quality of drinking water supplies.

SEDIMENT RESTORATION RESEARCH

SEC. 6. (a) AUTHORITY.—The Administrator and the Under Secretary shall conduct research related to the restoration of contaminated sediments.

(b) AREAS OF INVESTIGATION.—The Administrator and the Secretary shall conduct or assist research, investigations, studies, surveys and demonstrations with respect to, but not limited to—

(1) the range of contaminants found in sediments and the location of such contaminated sediments;

(2) the effects of sediment contaminants on aquatic ecosystems, and aquatic life;

(3) the effects of sediment contaminants on human health as a result of direct exposure, exposure through the food chain, and any other exposure;

(4) the effects of sediment contaminants on water quality;

(5) methods for the measurement and assessment of contaminants in sediments including sediment classification methodologies;

(6) processes effecting sediment cohesion, resuspension and deposition and modeling of sediment transport;

(7) transport of sediment in aquatic environments, including partitioning of contaminants among sediments, soils, water, organisms, and atmosphere;

(8) practices, methods, techniques, and processes for removal of contaminants in sediment;

(9) practices, methods, techniques, and processes for in place management of contaminants in sediment; and

(10) practices, methods, techniques, and processes for treatment of contaminants in sediment including bioremediation, chemical treatment, and thermal destruction.

(c) RESEARCH PLAN.—Within one year of the date of enactment of this Act, and biennially thereafter, the Administrator and the Secretary, in consultation with the Task Force established pursuant to section 4 of this Act, shall prepare and submit to the Congress a report describing research conducted under this section in the previous three fiscal years and identifying research priorities for the following three fiscal years.

SEDIMENT CRITERIA AND STANDARDS

SEC. 7. (a) CRITERIA.—(1) The Administrator shall publish criteria and information for contaminants in Great Lake and coastal sediment.

(2) Criteria documents published pursuant to this section shall provide information on the impacts of the contaminant on human health and the aquatic environment and shall be sufficient to support the promulgation of sediment standards pursuant to this section.

(3) In the case of any pollutant for which criteria and information are published pursuant to subsection 304(a) of the Federal Water Pollution Control Act, the Administrator shall, within twelve months of the date of enactment of this Act, revise and republish such criteria and information as necessary to support the development of sediment standards pursuant to this section.

(4) In the case of a pollutant for which criteria and information have not been published, any person may petition the Administrator to develop and publish such criteria for Great Lake and coastal sediment. Any petitioner shall provide evidence of the negative effect of the pollutant on human health and the aquatic environment. The Administrator shall approve the petition if he determines that the pollutant is preventing the attainment of a balanced, indigenous population of fish, shellfish, and wildlife or preventing recreation in and on the Great Lakes or coastal waters of three or more States. Within six months of the receipt of a petition, the Administrator shall publish a notice in the Federal Register approving or denying the petition. If the Administrator fails to announce a decision pursuant to this paragraph, such petition shall be deemed approved. In the case of approval of a petition pursuant to this paragraph, the Administrator shall, within twenty-four months of the date of such decision, publish criteria and information for such pollutant pursuant to this section.

(b) SEDIMENT QUALITY STANDARDS.—(1) The Administration shall promulgate numerical standards for Great Lake and coastal sediment quality.

(2) Standards promulgated pursuant to this section shall assure the protection of human health and the protection and propagation of a balanced, indigenous population of fish, shellfish and wildlife and provide for recreation in and on the water.

(3) The Administrator shall promulgate sediment standards for contaminants for which sediment criteria are published pursuant to this section at the time such criteria are published, but in no case later than three months of the date of publication of such criteria.

(4) The Administrator may establish by regulation, and in consultation with the Task Force established pursuant to section 4 of this Act, a method of assessing the extent and seriousness of sediment contamination which recognizes the cumulative effect of individual contaminants and provides a comprehensive perspective on the ecological and human health impacts of such contaminants. Such methods shall be applied in addition to, and not in place of, numerical contaminant standards established pursuant to this section.

SEDIMENT RESTORATION GUIDELINES

SEC. 8. (a) AUTHORITY.—The Administrator, in cooperation with the Secretary, shall, within twenty-four months of the date of enactment of this Act, publish guidelines for restoration of contaminated sediment.

(b) RESTORATION ALTERNATIVES.—(1) Guidelines published pursuant to this section shall address methods and practices of contaminated sediment restoration and management.

(2) At a minimum, guidelines shall be published addressing—

(A) removal of contaminated material and disposal at an upland site;

(B) removal of contaminated sediment and disposal of such material at an aquatic disposal site;

(C) in-place management of contaminated sediment including capping, sediment solidification, and sediment stabilization);

(D) chemical treatment of contaminated sediment;

(E) bioremediation of contaminated sediment; and

(F) thermal destruction of sediment contaminants.

(3) The Administrator may develop and publish guidelines for additional sediment restoration methods.

(c) CONTENTS.—Guidelines published pursuant to this section shall—

(1) describe the best available technique for the implementation of the restoration method or practice;

(2) identify practices to mitigate impacts on other environmental media;

(3) identify the expected period of effectiveness of the restoration practice or method;

(4) identify the expected costs of implementing the restoration practice or method in a range of circumstances; and

(5) establish minimum standards for determining the short and long term effectiveness of the practice or method.

(d) REVIEW AND REVISION.—The Administrator shall review and revise guidelines published pursuant to this section not less often then every five years.

SEDIMENT RESTORATION PROJECT IDENTIFICATION

SEC. 9. (a) CONTAMINATION ASSESSMENT.—(1) In the case of any project to be conducted by the Secretary in waters of the Great Lakes or coastal waters in whole or in part with funds from the Harbor Maintenance Trust Fund established pursuant to section 9505 of subchapter A of chapter 98 of the Internal Revenue Code of 1954, the Secretary shall conduct tests of sediment to determine whether there are present in sediment to be dredged contaminants in concentrations in excess of standards adopted pursuant to section 7 of this Act.

(2) In any case in which the Secretary determines, pursuant to paragraph (1) of this subsection, that material to be dredged is contaminated, the Secretary shall conduct such additional surveys and tests as necessary to determine, pursuant to section 7 of this Act, the extent and degree of contamination in sediment in the area adjacant to any sediment to be dredged and, at a minimum, shall determine the degree of contamination of sediment in the area within two thousand five hundred feet of the outer boundry of the area to be dredged.

(3) In any case in which the Secretary determines that sediment adjacant to sediment to be dredged or within two thousand

five hundred feet of the outer boundry of the area to be dredged is contaminated pursuant to section 7, the Secretary shall expand the project scope and boundry of the project to include the area of contamination.

(4) In any case where the Secretary determines pursuant to paragraph (1) of this subsection that sediment is contaminated, the Secretary shall prepare a Sediment Restoration Project Statement pursuant to section 10 of this Act and shall implement such project in accordance with such statement.

(b) DEMONSTRATION PROJECTS.—(1) Within one year of the date of enactment of this Act and in each of the following four years, the Administrator, in consultation with the Secretary, shall identify a sediment restoration project which will demonstrate the development of innovative and effective sediment restoration technology, measures, and practices including technology, measures, and practices developed pursuant to section 6 of this Act.

(2) Projects identified pursuant to this section shall be in water of the Great Lakes or coastal waters and shall be at sites other than sites at which a project funded with funds from the Harbor Maintenance Trust Fund may be implemented.

(3) The Administrator shall assure that, of the sediment restoration demonstration sites identified pursuant to this subsection, not less than one site shall be—

(A) in the waters of the Great Lakes,

(B) in coastal waters of the Gulf of Mexico, and

(C) Onondaga Lake, New York.

(4) Within one year of the identification of a project pursuant to this subsection, the Secretary shall complete a Sediment Restoration Project Statement pursuant to section 11 of this Act. The Secretary shall begin implementation of the Sediment Restoration Project Statement within one year of approval of such statement.

SEDIMENT RESTORATION PROJECT STATEMENTS

SEC. 10. (a) AUTHORITY.—The Secretary, in consultation with the Administrator, shall develop Sediment Restoration Project Statements for each project in which contaminated sediment is identified pursuant to section 9 of this Act.

(b) ELEMENTS.—Statements prepared pursuant to this section shall include, at a minimum—

(1) identification of the contaminants present in the sediments and a statement of the standard of clean up to be achieved for that contaminant;

(2) assessment of restoration, treatment, and management alternatives applicable to the site, including an assessment of environmental impacts expected to be caused by implementation of an alternative;

(3) selection of the restoration and management practices which will assure attainment of applicable sediment quality standards at the least cost;

(4) monitoring necessary to determine the long term effectiveness of the restoration project; and

(5) identification of sources of contaminants in the sediment and recommendations for revisions to pollution control programs, including any permits issued pursuant to section 402 of the Clean Water Act or any nonpoint pollution control programs approved pursuant to section 319 of the Clean Water Act, which are necessary to assure that contamination in the sediment does not exceed the standards established pursuant to section 8 of this Act.

(c) MINIMUM REQUIREMENTS.—Any restoration program developed pursuant to this section shall, at a minimum—

(1) be consistent with the guidelines developed pursuant to section 8 of this Act;

(2) assure the attainment and maintenance of sediment quality standards established pursuant to section 8 of this Act;

(3) assure that, following project completion, sediments will not cause the violation of any water quality standard adopted pursuant to section 303 of the Federal Water Pollution Control Act, or where no such standard has been adopted for such contaminant, the criteria for a contaminant published pursuant to section 304 of such Act; and

(4) be consistent with all applicable Federal laws and regulations, including requirements for land disposal of wastes.

(d) SELECTION.—In selecting a contaminated sediment restoration option, the Secretary shall—

(1) give preference to restoration options in which treatment which will permanently and significantly reduce the volume, toxicity and mobility of contaminated sediment is a principal element; and

(2) provide for a cost-effective response, taking into account the total short and long-term costs of such actions, including the costs of operation and maintenance for the entire period for which such activities will be required.

(e) PUBLIC REVIEW.—The Secretary shall provide for public review and comment on draft Sediment Restoration Project Statements. At a minimum, the Secretary shall—

(1) hold not less than one public hearing in the State in which the project is located to hear comments on the draft statement; and

(2) include in the statement a summary of the comments on the draft statement and any changes made to the statement in response to the comments.

(f) CONSISTENCY.—A project implemented pursuant to a Sediment Restoration Project Statement shall be deemed to be consistent with the National Contingency Plan of the Comprehensive Environmental Response, Compensation, and Liability Act for the purposes of determining liability for the costs of restoration.

(g) APPROVAL.—(1) The Secretary shall provide a copy of a final proposal Sediment Restoration Project Statement to the Administrator and the Governor of the affected State.

(2) The Administrator shall, within ninety days, approve such statement or make such amendments or revisions to such statement which, in the judgement of the Administrator, are necessary to assure the protection of human health and the environment and to comply with the requirements of this section and the objectives of this Act. If the Administrator has not acted pursuant to this paragraph within the prescribed time, such statement shall be deemed approved.

(3) The Governor of a State shall, within ninety days, approve such statement or make such amendments or revisions to such statement which, in the judgement of the Governor, are necessary to assure protection of human health and the environment and to comply with the requirements of State law. If the Governor has not acted pursuant to this paragraph within the prescribed time, such statement shall be deemed approved.

CONTAMINATED SEDIMENT ACCOUNT

SEC. 11. (a) Section 210(a) of the Water Resources Development Act of 1986 is amended by—

(1) striking out "and" at the end of paragraph (1);

(2) striking out the period at the end of paragraph (2) and inserting "; and" in lieu thereof; and

(3) adding a new paragraph (3), as follows:

"(3) from the Contaminated Sediment Account, 100 percent of the costs of implementing the Great Lakes and Coastal Sediment Assessment and Restoration Act.".

(b) Section 9505 of the Internal Revenue Code of 1986 is amended by—

(1) inserting "which shall contain a separate 'Contaminated Sediment Account'," in subsection (a) before "consisting";

(2) inserting ", provided that the Secretary shall deposit 8 percent of amounts received from the Treasury in the Contaminated Sediment Account" before the period at the end of subsection (b); and

(3) by striking from subsection (c) the portion in parentheses.

INTERGOVERNMENTAL COORDINATION

SEC. 12. (a) STATE CERTIFICATION.—Projects conducted pursuant to this Act shall be considered a Federal activity requiring a permit or license for the purposes of state certification pursuant to section 401 of the Federal Water Pollution Control Act.

(b) STATE REQUIREMENTS.—Nothing in this Act shall prevent or preclude a State from establishing a more stringent standard or limitation with respect to the removal, disposal, or management, of contaminated sediment.

(c) OTHER LAWS.—Nothing in this Act shall preempt or preclude authorities to restore the quality of sediment pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended.

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. (a) There are hereby authorized to be appropriated to the Administrator from the Contaminated Sediment Account—

(1) $2,000,000 for the purposes of implementing subsection 5(a), relating to a National Contaminated Sediment Survey; and

(2) $10,000,000 for the purpose of implementing sections 4, 5 [other than subsection (b)], 6, 7, 8, 9, and 10.

(b) There are hereby authorized to be appropriated to the Secretary from the Contaminated Sediment Account—

(1) $10,000,000 for the purposes of carrying out sections 4, 5, 6, 8, and 9; and

(2) such sums as may be available in such account for the purposes of carrying out section 10.

SECTION-BY-SECTION ANALYSIS—THE GREAT LAKES AND COASTAL SEDIMENT ASSESSMENT AND RESTORATION ACT

SECTION 1—SHORT TITLE

The "Great Lakes and Coastal Sediment Assessment and Restoration Act."

SECTION 2—PURPOSE

Sets out the five principle goals of the bill:

(1) establish a program of research and technology development for management of contaminated sediments;

(2) provide for a comprehensive national survey of contaminated sites;

(3) direct the EPA to develop sediment quality criteria and standards to clearly identify sediments that are contaminated;

(4) direct the EPA and the Corps to develop guidelines for sediment restoration projects; and

(5) direct the Corps to implement contaminated sediment restoration projects in certain areas.

SECTION 3—DEFINITIONS

Defines the terms "coastal waters", "Great Lakes", "contaminant", and others.

SECTION 4—NATIONAL SEDIMENT CONTAMINATION TASK FORCE

To coordinate federal efforts on contaminated sediment, the bill established a National Sediment Contamination Task Force made up of the EPA, the Corps of Engineers, NOAA, the Fish and Wildlife Service, the U.S. Geological Survey, and the Department of Agriculture.

The Task Force shall have ex officio membership consisting of three of more representatives of Great Lakes and coastal states, three or more representatives of Great Lakes and coastal ports and harbors, and three or more environmental organizations.

The EPA Administrator and the Assistant Secretary of the Army for Civil Works shall co-chair the Task Force.

SECTION 5—SEDIMENT SURVEY AND MONITORING

Subsection (a) is taken from Senator Moynihan's bill S. 1210, and would direct the EPA to make a comprehensive national survey of sites with contaminated sediment. EPA would report to Congress after 2 years.

Subsections (b) and (c) grant EPA general authority to further monitor and identify sites of sediment contamination.

SECTION 6—SEDIMENT RESTORATION RESEARCH

The EPA and the Corps of Engineers are directed to investigate the nature and behavior of sediments, the effects of sediment contamination on water quality, aquatic life, and human health, and possible methods for management of contaminated sediments.

SECTION 7—SEDIMENT CRITERIA AND STANDARDS

The EPA is directed to develop criteria for determining sediment contamination. These criteria would be translated into specific sediment quality standards for various contaminants identified by the Administrator. Standards would be set to "assure the protection of human health, and the protection and propagation of a balanced indigenous population of fish, shellfish and wildlife, and provide for recreation in and on the water." Once issued, these standards would apply to any sediment remediation project.

SECTION 8—SEDIMENT RESTORATION GUIDELINES

Based on the research carried out pursuant to sections 5 and 6, and the standards developed pursuant to section 7, the EPA and the Corps of Engineers will develop specific guidelines for restoring or otherwise managing contaminated sediment. In developing these guidelines, the agencies must consider at least the following techniques:

(1) removal of contaminated material and disposal at an upland site;

(2) removal of contaminated material and disposal at an aquatic site;

(3) in place management of contaminated material, including capping, solidification and other methods of stabilization;

(4) chemical treatment of contaminated material;

(5) biological treatment of contaminated material; and

(6) thermal destruction of contaminated material.

For each of these methods, the guidelines must describe the best technology available, practices to minimize environmental impacts, the expected period of effectiveness, and the costs. The EPA and the Corps are to revise the guidelines as new information and technology become available.

SECTION 9—SEDIMENT RESTORATION PROJECT IDENTIFICATION

This section identifies two sets of projects for which funding will be available.

Subsection (a) provides that, for any project undertaken by the Corps of Engineers for navigation dredging in US ports and harbors, the Corps must test the sediment to be dredged to determine if it exceed standards issued pursuant to sectrion 7. If contamination is found, the Corps shall determine the degree of contamination of the sediments within 2500 feet of the proposed dredging. The Corps' work on the navigation channel shall be enlarged to remove or otherwise manage contaminated sediments in the adjacent area.

Subsection (b) provides for the selection of 5 non-harbor areas to demonstrate innovative sediment restoration techniques. These sites will be chosen by the EPA and the Corps at a rate of one per year. One site is to be Onondaga Lake, New York, and the others must be within the waters of the US coastline or the Great Lakes.

SECTION 10—SEDIMENT RESTORATION PROJECT STATEMENTS

Before any sediment project may go forward, the Corps, in consultation with the EPA, must prepare a Sediment Restoration Project Statement. Along with a specific description of the project to be carried out, this Statement must identify other options considered and rejected, why such options were rejected, and possible sources of ongoing sediment contamination, and what existing Clean Water Act authority could be invoked to assure that sediments will not be re-contaminated.

Once a Project Statement is prepared by the Corps of Engineers, the EPA Administrator and the Governor of the State in which the project is located each have 90 days to review the project. If neither party raises an objection, the project may proceed.

SECTION 11—CONTAMINATED SEDIMENT ACCOUNT

This section amends the Internal Revenue Code to create a Contaminated Sediment Account within the Harbor Maintenance Trust Fund, and specifies that 8 percent of the money deposited in the Trust fund shall be credited to the Contaminated Sediment Account. (It is expected that the Harbor Maintenance Fee will be raised from 0.04 percent to 0.125 percent. Eight percent of 0.125 percent is 0.01 percent.)

In addition, this section amends the Water Resources Development Act of 1988 to specify that sediment restoration projects developed pursuant to the Great Lakes and Coastal Sediment Assessment and Restoration Act are eligible to be funded out of the Contaminated Sediment Account of the Harbor Maintenance Trust fund.

SECTION 12—INTERGOVERNMENTAL COORDINATION

This section specifies that:

(1) sediment projects shall be considered a federal activity for the purpose of the state certification under section 401 of the Clean Water Act;

(2) States are not limited from setting standards more strict than federal standards; and

(3) new authority created by this bill does not limit the authority for remediation of contaminated sediment under Superfund.

SECTION 13—AUTHORIZATION OF APPROPRIATIONS

All authority refers to expenditures from the Contaminated Sediment Account. Authorizes $2 million to the EPA for the National Contaminated Sediment Survey, and $10 million for other activities.

Authorizes $10 million to the Corps for research, and such sums as are available in the Contaminated Sediment Account for sediment projects.●

By Mrs. KASSEBAUM:

S.J. Res. 308. Joint resolution to designate the month of June 1990, as "National Huntington's Disease Awareness Month"; to the Committee on the Judiciary.

NATIONAL HUNTINGTON'S DISEASE AWARENESS MONTH

Mrs. KASSEBAUM. Mr. President, I am pleased to introduce a joint resolution designating next month as "National Huntington's, Disease Awareness Month."

More attention is needed for Huntington's, and this joint resolution will help promote better education about this rare disease. Huntington's disease is a fatal, hereditary, neurological disorder afflicting 25,000 Americans. At present, there is no cure for Huntington's disease, and an additional 125,000 Americans remain at risk.

Persons affected by Huntington's require total personal care in the later stages of the disease, very often resulting in financial devastation for the entire family. However, recent advances in the field of molecular genetics have enabled scientists to define the approximate location of the Huntington's disease gene, giving victims and their families renewed hope.

We need to continue to support such developments. In 1983, Congress passed the Orphan Drug Act, which has led to the development and marketing of vital treatments for rare diseases such as Huntington's. As an original sponsor of the Orphan Drug Act, I have a particular interest in seeing that our efforts against rare diseases do not flag.

Mr. President, I urge all of my colleagues to join me in cosponsoring this joint resolution, and, I would ask unanimous consent that the text of the legislation be printed in the RECORD:

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 308

Whereas 25,000 Americans are victims of Huntington's Disease, a fatal, hereditary, neurological disorder;

Whereas an additional 125,000 Americans have a 50 percent chance of inheriting the gene responsible for Huntington's Disease from an affected parent, and are considered to be "at-risk" for the disease;

Whereas tens of thousands of other Americans experience the destructive effects of the disease, including suffering from the social stigma associated with the disease, assuming the difficult role of caring for a loved victim of the disease, witnessing the prolonged, irreversible physical and mental deterioration of a loved one, and agonizing over the death of a loved one;

Whereas at present there is no cure for Huntington's Disease and no means available to retard or reverse the effects of the disease;

Whereas a victim of the later stages of Huntington's Disease invariably requires total personal care, the provision of which often results in devastating finanical consequences for the victim and the victim's family;

Whereas recent advances in the field of molecular genetics have enabled scientists to locate approximately the gene-site responsbile for Huntington's Disease;

Whereas many of the novel techniques resulting from these advances have also been instrumental in locating the gene-sites responsible for familial Alzheimer's Disease, manic depressaion, kidney cancer and other disorders;

Whereas increased Federal funding of medical research could facilitate additional advances and result in the discovery of the cause and chemical processes of Huntington's Disease and the development of strategies to stop and reverse the progress of the disease;

Whereas Huntington's Disease typifies other late-onset, behavioral genetic disorders by presenting the victim and the victim's family with a broad range of biomedical, psychological, social, and economic problems; and

Whereas in the absence of a cure for Huntington's Disease, victims of the disease deserve to live with dignity and be regarded as full and respected family members and members of society; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of June 1990, is designated as "National Huntington's Disease Awareness Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

By Mr. BIDEN (for himself and Mr. THURMOND):

S.J. Res. 309. Joint resolution designating the month of October 1990 as "Crime Prevention Month"; to the Committee on the Judiciary.

CRIME PREVENTION MONTH

● Mr. BIDEN. Mr. President, I rise today to introduce a joint resolution designating the month of October 1990 as "Crime Prevention Month."

A companion resolution has been introduced in the House by Congressman DAVID PRICE. Mr. President, this joint resolution has the support of the National Crime Prevention Council. The council has organized the 130-member Crime Prevention Coalition, which also supports the resolution. The coalition's membership includes the Justice Department's Office of Juvenile Justice and Delinquency Prevention, the Federal Bureau of Investigation, the National Governors' Association, the U.S. Conference of Mayors, and State crime prevention associations.

The National Crime Prevention Council and local and State crime prevention groups will organize and implement a variety of educational and recreational activities to raise public awareness about crime prevention during the month of October. These activities will include organizing neighborhood watch programs and instituting drug abuse curricula in schools.

In my own State, New Castle County organizes more than two dozen different programs to prevent crime. Law enforcement officers teach children bicycle safety. One program, "Sergeant Sam," takes a robot to elementary schools and shares a variety of safety tips with young students. Adults receive safety tips, too—about guns, property identification, home and office security, and rape prevention. Special programs have also been designed for senior citizens and entire neighborhoods.

The commemoration of October as "Crime Prevention Month" will also help highlight current National Crime Prevention Council programs, including Community Responses to Drug Abuse; Teens, Crime and the Community; Youth as Resources; and Teens as Resources Against Drugs. These programs pull together local residents and local law enforcement agencies, businesses, and churches to help educate local communities about crime prevention techniques. In 1989, the council trained 500 crime prevention specialists and community organizers. These specialists will, in turn, train many concerned citizens in crime prevention techniques.

Mr. President, 1990 also marks the 10th anniversary of the award-winning crime prevention campaign of McGruff, the Crime Dog. The McGruff campaign is designed to teach children and adults crime prevention techniques. The campaign teachers children about the dangers of drugs and how to avoid possible dangerous situations. The McGruff campaign provides adults with information on securing their homes and guidelines to follow when developing neighborhood watch programs.

The McGruff campaign's success was illustrated during a Brookfield, CT, Police Department investigation of a child sexual assault case. The investigators discovered that the only person the 5-year-old victim would talk to was McGruff, the Crime Dog, who had visited the boy's school several times. The State attorney's office agreed that any disclosures made to McGruff would be admissible in court and that McGruff would be allowed into the courtroom if the boy had to testify. McGruff, the Crime Dog, and the McGruff campaign are currently recognized by 99 percent of children, 94 percent of teens, and 75 percent of adults.

Mr. President, it is my hope that "Crime Prevention Month" will highlight the current crime prevention efforts in our communities and help promote a productive relationship between our law enforcement agencies and local residents.

The purpose of this joint resolution is to promote current crime prevention techniques and to develop innovative programs aimed at reducing the level of crime in our cities and towns. I invite my colleagues to join me and Senator THURMOND in this effort to promote effective and innovative crime prevention techniques.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was order to be printed in the RECORD, as follows:

S.J. RES. 309

Whereas it has been proven that community crime prevention efforts are reducing victimization by crime and helping to rebuild a sense of mutual responsibility and shared pride in community;

Whereas the National Citizens' Crime Prevention Campaign, featuring McGruff the Crime Dog and promoted by the United States Department of Justice, the National Crime Prevention Council, the Advertising Council, and the Crime Prevention Coalition, helps spur diverse local partnerships among law enforcement agencies, citizens, businesses, and government which work to reduce crime and improve community life throughout the Nation; and

Whereas the 10th anniversary of McGruff the Crime Dog as a symbol of the Nation's fight against crime and drugs will be celebrated in October 1990: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1990 is designated as "Crime Prevention Month," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.●

By Mr. CRANSTON (for himself and Mr. MURKOWSKI):

S.J. Res. 310. Joint resolution to designate June 25, 1990, as "Korean War Remembrance Day"; to the Committee on the Judiciary.

KOREAN WAR REMEMBRANCE DAY

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs I am introducing today, on behalf of myself and the ranking minority member of the committee, Mr. MURKOWSKI, Senate Joint Resolution 310, a joint resolution to designate June 25, 1990, as "Korean War Remembrance Day."

The 25th of June is an appropriate day to recall the Korean war and honor its veterans. Forty years ago on that day, in 1950, the Communist

army of North Korea invaded South Korea, igniting the Korean war. For the first time in history, a United Nations command was created. With the United States as the executive agent and main participant, the U.N. command thwarted the invasion.

Many have called the Korean war America's forgotten war, but those who served and their families have never forgotten. Likewise, our Nation should never forget those who fought and died in Korea for the cause of freedom. Almost 6 million American servicemen and servicewomen were involved directly or indirectly in the war, and the freedom and independence they ultimately ensured for the South Korean people came at great sacrifice. American casualties during the 3 years of active hostilities totaled 54,246 dead—of which 33,629 were battle deaths—and 103,284 wounded. Over 300 prisoners of war have never been accounted for.

Mr. President, the value of their sacrifice has never been more in evidence than now, as we witness the power of democracy to break down walls that have far too long divided the peoples of the world. Senate Joint Resolution 310 is one tangible way of honoring the service and commitment of those who endured the rigors of combat and the extremes of a hostile climate under the most trying conditions and still prevailed to preserve the independence of the Republic of Korea.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. CRANSTON, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 15, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 585

At the request of Mr. LAUTENBERG, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 585, a bill to implement the national objective of pollution prevention by establishing a source reduction program at the Environmental Protection Agency, by assisting States in providing information and technical assistance regarding source reduction, and for other purposes.

S. 732

At the request of Mr. BREAUX, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 732, a bill to implement the recommendations of the Interagency Committee and the Technical Study Group on Cigarette and Little Cigar Fire Safety, and for other purposes.

S. 1384

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1384, a bill to amend title XVIII of the Social Security Act to provide direct reimbursement under part B of Medicare for nurse practitioner or clinical nurse specialist services that are provided in rural areas.

S. 1422

At the request of Mr. FOWLER, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1422, a bill to provide for the improved management of the Nation's water resources.

S. 1770

At the request of Mr. JEFFORDS, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1770, a bill to assess the suitability and feasibility of including certain Shenandoah Valley Civil War sites in the national park system, and for other purposes.

S. 1890

At the request of Mr. THURMOND, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 1890, a bill to amend title 5, United States Code, to provide relief from certain inequities remaining in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes.

S. 1911

At the request of Mr. DODD, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1911, a bill to provide assistance in the development of new or improved programs to help younger individuals through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; to provide for a White House Conference on Young Americans; and for other purposes.

S. 2003

At the request of Mr. HOLLINGS, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 2003, a bill to establish a commission to advise the President on proposals for national commemorative events.

S. 2017

At the request of Mr. DOLE, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 2017, a bill to provide a permanent endowment for the Eisenhower Exchange Fellowship Program.

S. 2051

At the request of Mr. HEFLIN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2051, a bill to amend the Social Security Act to provide for more flexible billing arrangements in situations where physicians in the solo practice of medicine or in another group practice have arrangements with colleagues to "cover" their practice on an occasional basis.

S. 2058

At the request of Mr. BRYAN, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 2058, a bill to amend the Federal Deposit Insurance Act to regulate certain marketing activities engaged in on the premises of deposit-taking facilities of insured depository institutions.

S. 2078

At the request of Mr. WARNER, the names of the Senator from Virginia [Mr. ROBB], the Senator from Tennessee [Mr. GORE], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 2078, a bill to recognize the organization known as the National Center for Therapeutic Riding.

S. 2156

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2156, a bill to promote the planting and renovation of windbreaks, shelterbelts, wildlife corridors, and trees, and for other purposes.

S. 2229

At the request of Mr. DODD, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 2229, a bill to reauthorize the Head Start Act for fiscal years 1991 through 1994, and for other purposes.

S. 2337

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2337, a bill to amend the Trade Act of 1974 to provide for review by the Trade Representative of compliance by foreign countries with trade agreements.

S. 2400

At the request of Mr. ARMSTRONG, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 2400, a bill to amend section 7430 of the Internal Revenue Code of 1986 with respect to eligibility of taxpayers to receive attorney fees and other costs.

S. 2443

At the request of Mr. ARMSTRONG, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 2443, a bill to amend the Internal Revenue Code of 1986 to provide that the rate of interest on overpayments and underpayments of tax be the same.

S. 2452

At the request of Mr. ARMSTRONG, the name of the Senator from Idaho

[Mr. SYMMS] was added as a cosponsor of S. 2452, a bill to amend the Federal Rules of Evidence to establish a tax preparer's privilege.

S. 2509

At the request of Mr. PRYOR, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Ohio [Mr. GLENN], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 2509, a bill to improve the nutrition of elderly Americans, and for other purposes.

SENATE JOINT RESOLUTION 248

At the request of Mr. BOSCHWITZ, the names of the Senator from Washington [Mr. GORTON] and the Senator from Utah [Mr. GARN] were added as cosponsors of Senate Joint Resolution 248, a joint resolution to designate the month of September 1990 as "International Visitor's Month."

SENATE JOINT RESOLUTION 254

At the request of Mr. GORE, the names of the Senator from Washington [Mr. ADAMS], the Senator from Texas [Mr. BENTSEN], the Senator from Delaware [Mr. BIDEN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Jersey [Mr. BRADLEY], the Senator from Louisiana [Mr. BREAUX], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from Alabama [Mr. HEFLIN], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Florida [Mr. MACK], the Senator from Idaho [Mr. MCCLURE], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Rhode Island [Mr. PELL], the Senator from Nevada [Mr. REID], the Senator from North Carolina [Mr. SANFORD], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], the Senator from Alabama [Mr. SHELBY], the Senator from Illinois [Mr. SIMON], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 254, a joint resolution designating May 1990 as "National Digestive Disease Awareness Month."

SENATE JOINT RESOLUTION 263

At the request of Mr. HELMS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Joint Resolution 263, a joint resolution to designate October 11, 1990, as "National Society of the Daughters of the American Revolution Centennial Day."

SENATE JOINT RESOLUTION 267

At the request of Mr. THURMOND, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Pennsylvania [Mr. HEINZ], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 267, a joint resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month."

SENATE JOINT RESOLUTION 273

At the request of Mr. BREAUX, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Joint Resolution 273, a joint resolution to designate the week of October 7 to 13, 1990 as "National Health Care Food Service Week."

SENATE JOINT RESOLUTION 274

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Joint Resolution 274, a joint resolution to designate the week beginning June 10, 1990 as "National Scleroderma Awareness Week."

SENATE JOINT RESOLUTION 282

At the request of Mr. WILSON, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from West Virginia [Mr. BYRD], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 282, a joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Child."

SENATE JOINT RESOLUTION 284

At the request of Mr. BRYD, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Joint Resolution 284, a joint resolution to designate the week beginning September 16, 1990 as "National Give the Kids a Fighting Chance Week."

SENATE JOINT RESOLUTION 290

At the request of Mr. ARMSTRONG, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Joint Resolution 290, a joint resolution to designate the week of July 22, 1990, through July 28, 1990, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War.

SENATE JOINT RESOLUTION 292

At the request of Mr. PELL, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 292, a joint resolution to designate the year 1991 as the "Year of the Lifetime Reader."

SENATE JOINT RESOLUTION 299

At the request of Mr. JOHNSTON, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Hawaii [Mr. INOUYE], the Senator from Texas [Mr. BENTSEN], the Senator from Tennessee [Mr. SASSER], the Senator from Pennsylvania [Mr. SPECTER], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Nebraska [Mr. EXON], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Rhode Island [Mr. PELL], the Senator from Delaware [Mr. BIDEN], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 299, a joint resolution to designate the period October 1, 1990, through October 1, 1991, as the "Year of the Wetlands."

SENATE CONCURRENT RESOLUTION 128—RELATING TO CONDITIONS IN BURMA

Mr. MOYNIHAN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 128

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. FINDINGS.

(a) HUMAN RIGHTS AND DEMOCRACY IN BURMA.—The Congress finds that—

(1) the people of Burma continue to be ruled by an unelected military government that does not govern by the consent of the people;

(2) the Burmese Government has violently suppressed prodemocracy demonstrations, killing or imprisoning thousands of demonstrators and forcing others to flee for their lives;

(3) the Government of Burma has pledged to hold free and fair elections in Burma on May 27, 1990;

(4) despite this commitment—

(A) thousands of persons connected with the prodemocracy movement remain imprisoned, and the government continues to arrest opposition figures engaged in peaceful political activities;

(B) independent human rights monitors report that the Burmese authorities have

continued to engage in abuses against civilians that include rape, torture, extrajudicial execution, and forced porterage;

(C) prominent civilian leaders who might represent a significant electoral challenge to the military regime's monopoly of power have been imprisoned or placed under house arrest and prevented from standing for elections; and.

(D) the State Law and Order Restoration Council has announced a set of national election campaign restrictions that provide the authorities with nearly unlimited discretion to restrict free and open debate on political issues;

(5) despite these obstacles to a free and fair election, the presence of impartial international observers both prior to and during the elections in Burma would signal the international community's strong interest in democracy in Burma, and might encourage fairness and help ensure that accurate judgments are made about the integrity of the electoral process; and.

(6) economic and military cooperation between the Government of Burma and other foreign governments, including arms sales and cooperation with Burmese troops operating in border areas, has strengthened the position of the military regime, and has helped enable it to restrict the process of political reform and continue its abuses of human rights and haumanitarian law.

(b) ILLICIT NARCOTICS PRODUCTION AND TRAFFICKING IN BURMA.—The Congress also finds that—

(1) Burma is the largest producer and exporter of illicit opium in the world, with narcotics production nearly doubling since the current military regime came to power in September 1988;

(2) increases in narcotics production since September 1988 have been faciliated by a Burmese Government practice of accommodation and cooperation with major narcotics producing and trafficking organizations;

(3) this accommodation with drug traffickers has helped enable the Government of Burma to direct military energies and resources against opposition groups challenging the government, resulting in a wide range of human rights abuses;

(4) almost all United States-supported antinarcotics efforts in Burma were suspended in September 1988;

(5) a recent report by the United States General Accounting Office determined that the results of the United States-supported antinarcotics program in Burma prior to September 1988 had been seriously deficient;

(6) this report found that the current political situation in Burma precludes a resumption of United States antinarcotics programs; and

(7) a resumption of United States antinarcotics assistance at this time would be interpreted as a slackening of the United States Government's opposition to the repressive nature of the current Burmese regime and the widespread abuse of human rights carried out by that regime.

SEC. 2. POLICY STATEMENTS.

(a) ELECTIONS IN BURMA.—The Congress calls upon the Government of Burma to establish the conditions necessary to ensure free and fair elections by taking actions to—

(1) release all persons imprisoned or otherwise restricted for the peaceful expression of their views;

(2) permit all Burmese citizens committed to peaceful participation in the political process the opportunity to contest the elections;

(3) lift electoral campaign restrictions that provide the authorities with nearly unlimited power to limit free and open debate on political and economic issues;

(4) end the involvement of the State law and Order Restoration Council in the formulation and administration of electoral regulations, and establish for that purpose an impartial election commission that had independent authority to establish and administer election rules; and

(5) permit access to Burma for international election observers, including those associated with intergovernmental as well as nongovernmental organizations concerned about human rights and political reform.

(b) RESPECT FOR BASIC HUMAN RIGHTS IN BURMA.—The Congress calls upon the Government of Burma to demonstrate a commitment to basic human rights by taking action to—

(1) abandon martial law restrictions on the right to a fair trial and provide all persons charged with crimes with access to lawyers and family members, adequate time to prepare defenses, and the opportunity to have cases heard by imparial tribunals; and

(2) end the practices of rape, torture, extrajudicial executions, and forced porterage of civilians, and order thorough investigations of reports of abuses and pursue prosecutions against those believed to be responsible.

(c) ACTIONS BY THE INTERNATIONAL COMMUNITY.—The Congress—

(1) calls upon the international community to withhold foreign assistance from the Government of Burma and to end all military cooperation with the Burmese Government, including arms sales and cooperation with Burmnese troops operating in border areas; and

(2) calls upon the President—

(A) to undertake efforts to discourage other countries from providing foreign assistance to Burma and engaging in military cooperation with the Burmese Government, and

(B) to encourage international observation of the election process.

(d) DRUG TRAFFICKING IN BURMA; UNITED STATES ANTINARCOTICS ASSISTANCE.—The Congress—

(1) denounces the practice of accommodation and cooperation with drug traffickers followed by the current Government of Burma;

(2) calls upon the Government of Burma to end its tolerance of the production and trafficking of illicit narcotics and to take vigorous actions to implement effective antinarcotics programs;

(3) declares its unwillingness to support an expansion of United States antinarcotics efforts in Burma, which—

(A) might be viewed by the Burmese Government or the Burmese people as indicating a lessening of United States opposition to the human rights practices of the current regime in Rangoon; and

(B) hold out little realistic hope of substantially reducing the production and trafficking of illicit narcotics in Burma; and

(4) urges the President to—

(A) use all measures at his disposal to pressure the Burmese Government to cease its cooperation with drug traffickers and to pursue more vigorous antinarcotics policies;

(B) use his position to focus international scrutiny on Burma's reprehensible antinarcotics record; and

(C) refrain from expanding United States antinarcotics programs in Burma until such time as the Government of Burma has demonstrated both a willingness to respect the basic human rights of its citizens and a sincere interest in combatting the sourge of narcotics.

● Mr. MOYNIHAN. Mr. President, in less than 3 weeks the military government in Burma, now known as Myanmar, will go through the charade of holding elections. Yet every prominent civilian leader who might mount a genuine campaign has been imprisoned or placed under house arrest. This exercise in public relations is not likely to fool anyone. The world has watched for years as dictatorships around the world routinely produced 99 percent favorable election returns.

I am submitting today a concurrent resolution on the current state of affairs in Burma. In addition to discussing the up-coming elections, it also discusses the deplorable situation concerning illicit opium trafficking in Burma. Today Burma's economy is a shambles, but opium is the one product that it produces and exports in abundance. Indeed. Today Burma is the largest producer and exporter of illicit opium in the world. Narcotics production has nearly doubled since the current military regime came into existence. I recently introduced a provision, which has been adopted by the Senate, to prohibit the importation of all products from Burma. Unfortunately, however, Burma's most prolific product—illegal opium—continues to flood the American market despite its illegal status.

Mr. President, a very important part of this resolution involves coordinating the efforts of the entire international community. Burma's military government has ruined Burma's economy, but recent trade agreements entered into with the companies outside of Burma have replenished the Government's coffers. As a first step, the resolution calls upon all nations to refrain from providing any foreign assistance to the government in Rangoon and to help monitor the upcoming elections. Perhaps with the united efforts of the international community, and the continued bravery of the people of Burma, that unfortunate nation will join the growing ranks of newly free nations.●

AMENDMENTS SUBMITTED

HATCH ACT REFORM AMENDMENTS

GRAMM AMENDMENT NO. 1590

Mr. GRAMM proposed an amendment to the bill (S. 135) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political process of the Nation, to protect such employees

from improper political solicitations, and for other purposes, as follows:

On Page 3, strike out lines 1 and 2; and insert in lieu thereof:

"or

"(C) any member of the uniformed services, including any National Guard or reserve personnel;".

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a confirmation hearing on Thursday, May 10, 1990, beginning at 2 p.m., in 485 Russell Senate Office Building to confirm Anthony J. Hope as Chairman of the National Indian Gaming Commission.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding an oversight hearing on Friday, May 11, 1990, beginning at 9:30 p.m., in 485 Russell Senate Office Building on initiatives for the 1990's.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding an oversight hearing on Monday, May 14, 1990, beginning at 2 p.m., in 485 Russell Senate Office Building on S. 1021, the Native American Grave and Burial Protection Act, S. 1980, the Native American Repatriation of Cultural Patrimony Act, and the Heard Museum Report.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a confirmation hearing on Monday, May 21, 1990, beginning at 1 p.m., in 485 Russell Senate Office Building to confirm Carl J. Kunasek as Commissioner of the Navajo and Hopi Relocation Commission.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Committee on Veterans' Affairs, which I am privileged to chair, is scheduled to hold a hearing on Friday, May 11, 1990, in SR-418 at 9:30 a.m., to consider veterans employment (including sections 401 and 404(c) of S. 2100), education (S. 2483), and housing (S. 2484, except for sections 2, 3(a) (1) and (2), 8(b)(1), and 13) legislation.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on May 23, 1990, beginning at 2 p.m. The purpose of the hearing is to receive testimony on the "Report of the Interagency Scientific Committee to Address the Conservation of the Northern Spotted Owl." The Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service, will be invited to testify.

The hearing will be held in room SD-366 of the Senate Dirksen Office Building in Washington, DC. Because of the limited time available for the hearing, only administration witnesses will be invited. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, SD-364, Washington, DC 20510.

For further information regarding the hearing, please contact Beth Norcross of the subcommittee staff at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate 9:30 a.m., May 8, 1990, for a hearing to receive testimony on S. 1848, the Natural Gas Cofiring Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 8, 1990, at 10 a.m., to hold a hearing on the Department of Justice authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUD INVESTIGATIONS SUBCOMMITTEE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the HUD Investigations Subcommittee of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Tuesday, May 8, 1990, at 10 a.m. to conduct an oversight hearing on congressional oversight of the Department of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, May 8, 1990, at 2:30 p.m. to hold a hearing on the issues related to the jurisdiction of the CFTC and the SEC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PROJECTION FORCES AND REGIONAL DEFENSE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Projection Forces and Regional Defense of the Armed Services Committee be authorized to meet in open session on Tuesday, May 8, 1990, at 9:30 a.m. to receive testimony on possible approaches to naval arms control.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 8, 1990, at 10 a.m. to hold a hearing on training scientists and engineers for the year 2000 and beyond.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PROJECTION FORCES AND REGIONAL DEFENSE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Armed Services Committee Subcommittee on Projection Forces and Regional Defense be authorized to meet in open session on Tuesday, May, 15, 1990, at 10 a.m. to receive testimony on the state and capabilities of the U.S. Marine Corps for special operations and low intensity conflict in review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, May 8, at 10 a.m., for a markup on pending legislation including S. 1742, the Federal Information Resources Management Act; and S. 612, the National Capital Transportation Amendments of 1990; and pending nominations of: Richard Grant Austin, to be Administrator, General Services Administration; and Jessica Louise Parks, to be a member of the Merit Systems Protection Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 100TH ANNIVERSARY OF CHICOPEE, MA

● Mr. KERRY. Mr. President, I would like to share with my colleagues the fact that Chicopee, MA, recently celebrated its 100th anniversary as a city. The town sponsored numerous events including a centennial parade and a major fireworks display in Szot Park.

Chicopee is known for its rich history and an abounding sense of community, which has sustained the town's traditional values, superb educational standards, and intellectual strengths, and has contributed to a high quality of life in Chicopee over the years.

I want to offer my sincere congratulations to Mayor Joseph J. Chessey, and Richard E. Wylie, chairman of the Chicopee Centennial Committee, and all the residents of Chicopee on this happy occasion.

I ask that a short history of Chicopee excerpted from "Chicopee's Yesterdays" by Stephen Jendrysik and Walter Stachura, be printed in the RECORD at this point.

The article follows:

HISTORY OF CHICOPEE

The History of Chicopee is one of continuous immigration. The Nipmuck Indians were the first settlers of the Connecticut River Valley who called the Connecticut River the "Long or Great River." The Swift, Ware and Quabog Rivers merge near the town of Three Rivers to form the Chicopee River. The river was so named by local Indians before the advent of the white man. The word "Chicopee" means Birchbark Place.

In 1636 the General Court of the Massachusetts Bay Colony granted permission to the Puritans to settle in the valley of the Connecticut River.

In 1659, the sons of Deacon Samuel Chapin brought their wives and children to settle and farm the Chicopee Meadows. By 1749 there were 40 voters in the region, a large enough group to warrant the establishment of their own church. A site on Chicopee Street was selected and served as a meeting house as well as a place of worship. The Reverend John McKinstry served as pastor of the First Congregational Church. The present building, constructed in 1826, is the oldest church structure in the city. Chicopee was then called the fifth parish of Springfield.

In 1825, from Eastern Massachusetts, Francis Lowell brought capitalism to the Connecticut Valley. Under a plan devised by Lowell, the cotton mills were to utilize the power loom and consolidate all the various processes of production in one plant. The company, which in 1828 became the Chicopee Manufacturing Co., was more than a cotton mill. It owned a large tract of land, water power, and a machine shop to repair mill equipment. The company laid out streets, set up a school district, and constructed tenements and boardinghouses for the workers.

At the western ford in the Chicopee River, in 1829, Nathan Peabody Ames and James Tyler Ames arrived from Chelmsford. The Ames Company would eventually produce a variety of metal products, both military and industrial.

They were soon joined by Alonso Philips of Hartford, who with Daniel Monroe Chapin developed America's first friction match industry. Benning Levitt started a bobbin shop, and Steven Bemis organized a hardware business here in Factory Village. From Springfield, Edmund Dwight came to develop the Dwight Textile Mills in Cabotville.

In 1832 a number of Irish immigrants came to Chicopee to work on the canals and to help construct the railroad. In 1849, Irish labor helped to construct the Connecticut River Railway. This majestic accomplishment would make Chicopee a first rate industrial center.

In 1845, Thomas Wright and Joshua Stevens came and began producing firearms in Chicopee Falls. The plant has now surrendered to urban renewal. The Stevens Arms Co. produced the famous Maynard Rifle. The Mexican War in 1845 led to increased production. Employment at the company rose to nearly 100.

On April 29, 1848 the Massachusetts General Court approved legislation to establish the town of Chicopee. In 1858 at least 60% of the mill population was Irish and the immigrant Irish, in 1859, constructed a magnificent church on South Street in Cabotville. On the South Street land, the parish soon constructed a school, followed by the construction of a fine rectory. By 1860, Chicopee was a town of only 7,000 people; yet 751 Chicopee soldiers and sailors served the Union cause. The Irish were a substantial part of the town's military contribution.

During the war, The Ames Co. produced weaponry for the North's Armies. The cotton Mills manufactured uniforms. The mill sent labor recruiters north to seek mill workers. From the Canadian province of Quebec, girls were brought to Chicopee to work in the cotton mills. Later French-Canadian men were also recruited. The French-Canadian immigrants settled in Willimansett and it wasn't long before the stones of their own churches were set.

One of the greatest accomplishments of the Ames Company was the casting of the bronze doors of the east and west wings at the Capitol building in Washington. In 1853, Thomas Crawford, a noted American sculptor was commissioned by the U.S. Government to design doors for the east and west wings of the newly remodeled Capitol building in Washington, D.C. Crawford worked on these designs for several years, until his death. The designs were completed by William Rinehart of Maryland. Once the designs were completed, they were put into storage and never reached the Ames firm until 1865. Silas Mosman, the casting expert, was put in charge of the work. The cast was cut, chased and finished in about two years at a cost of approximately $65,000.

The expanding factory system brought the first Polish Immigrants to Chicopee. The mailboat to Europe carried news of Chicopee and many of their country men were guided to the valley, St. Stanislaus Parish provided safe harbor in a strange new land.

In 1871, Charles E. Parker designed the fine brick and stone building that still serves as the seat of elected power in the city. The design of Chicopee City Hall, patterned after the Palazzo Vecchio in Florence, Italy, is the city's most distinctive landmark. The communities power and influence in state politics produced a governor in 1883. George Dexter Robinson, teacher, lawyer, congressman and bank president became governor of the Commonwealth of Massachusetts.

Rufus Bellamy had been the Baptist Minister in Chicopee Falls for thirty-five years. His son, Edward, was not destined to follow in his father's footsteps. Edward and his brother Charles founded the Springfield Daily News in 1880. Edward served as Editorial Writer for the paper and published in the early 1880's; *Looking Back-ward*, published in 1888, sold over a million in its first few years and has been steadily in print all over the Western world ever since.

1890 provided another landmark year for Chicopee. The original Charter of the City of Chicopee was granted by the Massachusetts General Court on April 18, 1890, and adopted by the qualified voters of the Town of Chicopee at a meeting held May 6, 1890. George S. Taylor was inaugurated as Chicopee's first mayor on January 5, 1891.

In 1939, the Tobacco Plains of Chicopee Falls were transformed into the Northeast Air Force Base, Westcover Field. Today Westover Field is the home of the free world's largest aircraft, the C5 Galaxy.●

SUCCESS AT MOUNT DESERT ISLAND, ME, HIGH SCHOOL

● Mr. COHEN. Mr. President, I would like to take this opportunity to call the attention of my colleagues to an article from Down East magazine about Mount Desert Island High School.

Mount Desert is a small island off the coast of Maine, best known as the home of Acadia National Park. As this article points out, it should be just as well known for its quality high school.

In an area where approximately 10 percent of the population is below the poverty line, MDI High School continually strives to set new goals for itself. While the national average high school dropout rate is 1 in 4, this school graduates 9 out of every 10 students. These young men and women represent their school proudly, consistently scoring in the top 20th percentile on national achievement tests and going on to some of the finest postsecondary institutions in the Nation. Despite an enrollment of less than 500, the school also shines outside the classroom by maintaining excellent drama, music and athletic departments.

The high school's principal, Larry Coughlin, and its faculty and staff, deserve credit for this success. Mr. Coughlin arrived at the school 10 years ago. His support team system has allowed the school to keep track of, and assist, troubled students. The group of administrators, teachers, the school nurse, psychologist and the home coordinator meet weekly to discuss how to reach students who need help. From here, a troubled student is directed to a specific support group for

the specific problem troubling him or her. Support groups exist for students suffering from eating disorders, drug and alcohol abuse or poor academic performance. For other students, the chance to talk out their anxieties with a teacher, counselor or a fellow student, trained as a peer helper, put worries and fears in perspective. At MDI High School each student knows that others are there to help and that problems need not be faced alone.

I would like to commend the administrators, faculty and staff of Mount Desert Island High School for all they have done to support and educate the youth of MDI. I would also like to commend the students for all they have done to achieve such excellence.

The article follows:

[From Down East magazine, March 1990]

GO FOR IT!

A raw late-winter day is dawning on Mount Desert Island, that fabled piece of scenic real estate where wealthy summercators used to gather to bask in the pine-scented breezes and where millions now flock to the splender of Acadia National Park each summer. The weather is not propitious. A chill wind whips in from the Atlantic, crystallizing the few remaining piles of old snow by the roadside. Gray skies darken the damp, leafless landscape. But all over the island, in the communities of Bar Harbor, Southwest Harbor, Mount Desert, and Tremont—as well as in Trenton just across the causeway on the mainland—early-rising teenagers prepare for another day of high school. On the outer islands of Frenchboro, Swans, Great Cranberry, Little Cranberry, others who arose even earlier climb aboard ferryboats for the watery half of their journey to school.

Waiting for the bus on Mount Desert Island, Aimee, a senior, uses this time to study once again a few college brochures, excited by the knowledge that most of the schools she is interested in would be more than happy to have her attend.

Tony, already on his way to school, ignores his books for a moment and stares out the window, daydreaming about tonight's swim meet. It's hard to blame him, considering that his team is one of the best in the state.

Meanwhile, across town, Stacy jams her English, math, and science textbooks into her large carryall, then adds a few Pampers, a bottle of formula, swings her eight-month-old son onto her hip and heads off for Mount Desert Island High School set high on a granite ledge a few miles from the head of Somes Sound, smack-dab in the middle of the island. Elsewhere, she may not have had the courage to continue her education—pressured into dropping out by community disdain, or even forced out by the lack of a school day-care facility. But this is no ordinary school. Nor, for that matter, is it an ordinary community. And Stacy, like Aimee and Tony and the majority of her classmates, is more than eager to press on with her education. There is something about this place she is not willing to give up.

Most Maine educators will tell you there are a lot of good things about Mount Desert Island High School, which is why it's been singled out as one of the top high schools, not only in the state, but in the nation. At a time when the dropout rate for high-school students in both the state and nation is one in every four, Mount Desert manages to graduate nine out of every ten of its approximately 500 students, year after year. In addition, more than half of the school's graduates continue on with their education—many at first-rate universities. Last year, for instance, 62 percent of the graduating class went on to further education, some in job training, but most to colleges and universities, including the likes of Stanford, Harvard, Dartmouth, Georgetown, and Bowdoin.

In national achievement tests, the Mount Desert students consistently score in the top twentieth percentile and produce several National Merit Scholars a year. In addition to an excellent swim team, with some individual members ranked among the best in the country, the school also boasts one of the best drama and music departments in all New England.

This is not affluent Scarsdale, New York, Shaker Heights, Ohio, or even cape Elizabeth, Maine, where such performances can be expected in a "you gets what you pays for" society. This is an island in Down East Maine made up of four essentially rural communities where a good 10 percent of the nearly 10,000 population lives below the poverty line.

By the same token, Mount Desert Island can hardly be called a typical rural Maine island. Most of the year, it's a quiet, provincial place where the majority of islanders still earn their living in fishing, boatbuilding, and other trade industries. During the off-season, tumbleweeds don't actually blow down the main streets of Bar Harbor, but the boarded-up shops and darkened restaurants can, on a bleak winter day, make the island's largest community look like a ghost-town. Come summer, however, this all changes. The scenic beauty of Acadia National Park and a flourishing array of cultural and social events draw millions of summer visitors and seasonal residents like bees to buttercups. The island has also attracted more than its share of top-notch professionals—doctors, scientists, lawyers, writers, artists, and teachers—who, weary of city life and energized by the island's natural beauty, have chosen to make this their year-round home.

This seasonal flux and the mix of people, events, and environment have created an unusually cosmopolitan atmosphere on this Maine island. Although many native residents regard the summer onslaught as an unwanted invasion, they do adapt. And with the world literally coming to their doorstep every year, island children are exposed to ideas and options that go way beyond the traditions of their families and communities. No doubt this helps drive home the benefits of a good education.

But it takes more than wishes to make winners. There are plenty of similarly cosmopolitan communities across the country, and few are as successful as the communities of Mount Desert in motivating such a diverse group of students to learn—and learn well.

So how did this little island school come to be picked a few years ago by the National Board of Educators as one of the 200 best public high schools in the country? Why is Stacy sticking it out despite the added hardships of being a single parent? Why do Aimee and many of her classmates have so many good college opportunities from which to choose?

Perhaps it has something to do with Larry Coughlin, principal of Mount Desert Island High School, and a diagram he is quick to sketch on a piece of paper. The diagram is in the shape of a starbust with a square hub and a number of radiating spokes. The hub is labeled Support Team and each of the spokes represents one of the many specialty support groups that have been created at the school to meet a variety of student needs.

"This is a concept I brought with me when I came here ten years ago," Coughlin says. "The Support Team, which is made up of administrators, classroom teachers, special-ed teachers, the school nurse, psychologist, and the home coordinator, meet every week and discuss particular students who are what we call 'troubled' or 'troubling.' During the discussion we try to figure out what might be causing the troubled behavior and which special support group might help."

There are plenty of groups to choose from—sixteen at present with new ones being formed as new needs arise. Most are concerned with problem solving. If a student has an eating disorder, suffers from depression or stress, has academic problems, drug or alcohol problems, is constantly truant or constantly disruptive, there is a support group or person ready to swing into action. Sometines it's a teacher or professional counselor, other times it's fellow students from several different volunteer peer groups who have been trained in academic tutoring or simply in lending a sympathetic ear.

When Stacy finds it hard coping with her dual role as mother and high-school student, she knows someone will be there to help her sort things out. And although only a few student parents are enrolled at Mount Desert High each year—this year, two single mothers and an expecting couple—Coughlin made sure that when a space became available, it was set up as a nursery where students can leave their babies while they attend class.

"If it weren't for this, I'd be out of school," says Stacy earnestly, as she stores her baby's bottle and lunch in the nursery refrigerator before heading off to class. Although it's taken her longer than four years, Stacy now needs only one more credit to get her diploma, and is confident she will stay the course.

There are other, more problematic students than Stacy—ones with particularly intractable behavior problems. But even these Coughlin is determined to deal with. "We don't ignore the crisis our kids are facing today, and we're not looking for ways to get rid of disruptive kids," Coughlin says. "We're doing everything we can to find a way to help them stay." In fact, in Coughlin's entire ten years here, he has expelled only one student.

Nor does the school overlook the kids who merely suffer in silence. Although Coughlin acknowledges that what he calls midlevel performers—kids who are neither top achievers nor chief trouble-makers—sometimes get overlooked, it is a problem he is actively addressing. He has organized numerous workshops for his staff with all manner of guest experts where teachers are taught key signs to look for—clues that suggest a well-behaved student may be struggling alone with some burden.

Coughlin also arranges a series of assemblies for the students on extracurricular topics such as AIDS prevention, stress management, and drug abuse, aimed at stopping trouble before it starts. "Sure this takes extra time and effort, time that might be used toward planning new academic pro-

grams," the principal acknowledges. "But if we don't try to help these kids get control of their lives, they're going to end up with the social service or law enforcement agencies. Of course we don't always win but we've got to try—because they're kids, and kids get into trouble. They deserve a chance and then another chance."

Coughlin pauses for a moment then remarks quietly, "You know, I didn't always feel that way, I was a gung-ho football-coach type. If I got a square peg on my team, I'd ram it through a round hole any way I could. But my son was born autistic and I learned from him how a child suffers when he wants so much to succeed and is overwhelmed by obstacles. My son graduated from high school and got a standing ovation from his classmates—it was the most wonderful day in my life. But if he hadn't been encouraged and supported by a lot of people along the way, it never would have happened.

"Most of these troubled kids want to succeed too, they want to graduate," Coughlin insists, "but they need help getting over the obstacles."

If Larry Coughlin's support network serves as a bridge to help students surmount those obstacles, the teaching staff he has put together provides the electricity to light their way. His teaching team consists of approximately fifty classroom teachers, the majority of whom have their master's degrees. Several of his teachers predate him at Mount Desert, but Coughlin says the programs he has started here have been enthusiastically embraced by his staff. Although the turnover rate is minimal (most staff members stay on until retirement), Coughlin says he looks for more than academic excellence when he does have to hire a new staff member.

"It's important for a teacher to know his or her stuff," he says, "but I'm looking for that extra quality that tells me this person knows kids too. Maybe they've had some experience with anorexia or drug-abuse counseling—something that tells me they are just as interested in helping a student as they are in teaching their subject." Coughlin adds that several of his new staffers are themselves graduates of Mount Desert High.

Chemistry teacher, Dr. Joan D'Agastino (the school's one Ph.D.) is a good example of the sort of professional that Coughlin seeks. Arguably the most dynamic of Mount Desert High's teaching staff, D'Agastino has, for the past decade, been inspiring her students to take an interest in the arcane disciplines of physics and chemistry. Her students have gone on to major in sciences at such prestigious universities as MIT, Cal Tech, and Stanford. A recent recipient of a Presidential Award and a special grant for her outstanding science teaching, D'Agastino is taking a year off from her high-school duties to observe the science classes in the island's four elementary schools. One wonders how such a big fish, a former tenured professor at a private college in Florida, landed in such a small pond.

"Maine," she says, anticipating the question before it's asked. "I was all set with my nice private college, big salary, tenure, and then I took a vacation one summer in Maine—that was it." D'Agastino says she has no regrets about leaving the comforts of the college campus. She has found the atmosphere at Mount Desert High one in which she can flourish—if not financially, at least creatively.

"The school board here puts a tight cap on what they will pay a teacher, but if you can come up with a good program, they'll bend over backward to get you funding for it," she says. "I have small classes, around fifteen students or so, and I'm given a great deal of leeway to develop my own curriculum, which is how I operate best."

Down the hall is Rob Marshall's Daedalus class, a special course this English teacher devised to offer advanced students the opportunity to have open discussion about topics not covered in the usual high-school texts.

"This is a situation where kids have what they say and think treated with respect," says Marshall, a fifteen-year veteran of the school. "Sometimes it's difficult for them and for me, the instructor, to make the adjustment. So often I'm at the head of a classroom telling them what other great minds have said or written and what it means. Here, what I say, even though I may have more knowledge about the subject, weighs no more than my students' opinions."

Although there is a definite structure to Marshall's course—specific readings, such as Kafka and Camus, to be covered—the students are free to choose the topics they want to discuss, as long as those topics are related to the literature. "Sometimes the whole class wants to pursue the same topic, other times each kid has a different interest he or she wants to present to the class," Marshall says. "My job is to run around trying to facilitate things for them. I may suggest reading, movies, or people who might enhance their understanding of the subject."

The high achievers are not the only students who get the benefit of special programs and learning opportunities at Mount Desert. A newly created writing lab offers all English students a pleasant atmosphere where they can work on their term papers, essays, or creative-writing projects. Even after school, several students and one teacher are usually sitting at the eight or so available Apple computer terminals banked against the walls of this large sunny room.

Even those who are not so motivated to take advantage of these opportunities are exposed to new ideas by occasional guest lecturers in the classroom. By inviting Jackson Lab scientists, educators from the College of the Atlantic (the small private college in Bar Harbor specializing in what it calls human ecology), and other professionals in the community, students get an opportunity to learn about a variety of subjects from screenwriting to genetic engineering to whale behavior.

And of course there are the trips. To broaden her language students' horizons, Susan Vafiades-Diaz takes a group of her students (at their own expense) to Europe. She is also a chief organizer of several international exchange and work-study programs. The drama students, too, were given a taste of theatrical history a few years ago when their teacher, Joyce Higgins, took them on a tour of theaters in England.

Where some schools boast of their outstanding sports team—and Mount Desert High has several of these as well, most notably swimming, tennis, and track—this school is equally proud of its theatrical and musical accomplishments. Continuing a tradition of dramatic excellence set by George Demas who retired two years ago, Higgins' students still come up with winning productions at the state drama festivals. And the year that Dick Ordway's band doesn't take top honors at the state jazz festival will probably be the year the swallows forget to return to Capistrano. "Did you know that out of 470 students, 120 participate in the band, and many of the others are involved in extracurricular drama and art programs? Isn't that something?" principal Coughlin asks, shaking his head as if it were a thing too good to be true.

Is it all too good to be true? Well, in some areas, yes it is.

There are still some weak spots in the system. Coughlin says he is not satisfied with the school's job-training program and is disappointed by the relatively few students who choose to improve their business or trade skills and instead take jobs right out of high school. Those midlevel students he mentioned before sometimes fall through the holes in the net, and he would also like to see more parents involved with their child's progress—or lack of it.

There are also cliques in the student body. Jocks and preps, punks and latter-day hippies, and even regional divisions of students who display some animosity and prejudice toward one another. But D'Agastino says there is enough diversity in the school to offer almost any type of student a group—if only a small one—to belong to. Mount Desert may not be one big melting pot, but it seems to have a big enough stove to heat a number of different pots.

Lucy, who is now a successful freshman at the Rhode Island School of Design, was definitely of a "different pot." With her layers of multilength skirts, loops of chains, swathes of scarves, and razor blades dangling from her abundantly pierced ears, she was determined, from the day she walked into the school as a ninth grader, not to fit into the mainstream. She wanted to carve her own creative channels and found, somewhat to her surprise, that Mount Desert High was flexible enough to let her do so. (The razor blades, however, had to go.)

"If Lucy had been at any other school they probably would have clamped down on her hard or ostracized her," her mother says. "Instead she was allowed to do what she wanted and given a tremendous amount of support."

One of Lucy's English teachers, Beth Lyons, had encouraged her to apply to Breadloaf, the Vermont workshop for aspiring writers, and when Lucy was accepted Lyons got the school to pay her way. By the time Lucy was a senior she was editor of the school's literary magazine and was given an unusual amount of latitude in developing her own course of study. "When she demonstrated that she could direct a positive course for herself," her mother says, "they respected her decisions even if those decisions were outside what the school had to offer."

And when Lucy got accepted into Rhode Island School of Design without financial aid from the college, her high school and the community went to bat for her. "In many schools and towns someone as outrageously different as Lucy would not have been considered fit to represent the community," her mother says. "But my daughter wouldn't be at college now if it weren't for the $6,000 in scholarship money she received either directly from the school and community or from sources that her guidance counselor, Cliff Olsen, found for her."

Lucy is just one of the many students who has received this kind of support. When Mount Desert students graduate each spring, the island community is there to congratulate them with more than $140,000 in scholarships from seventy-two different sources. Lucy received scholarship money

from such diverse sources as the Kebo Valley Golf Club, Bar Harbor Banking and Trust, and her own hometown. Other funds for other students have been raised by local service organizations, senior citizen groups, and both year-round and seasonal residents. There is even a scholarship fund established by the organizers of Pignick, an annual summer beer bash and barbecue held in Southwest Harbor.

So it seems that when envious parents, school administrators, and taxpayers from other school districts in the state ask why it is that Mount Desert Island High School is so successful in an age of lagging educational achievement nationwide, they will find the answer in the unique combination of administrative excellence, inspirational teaching, and an enlightened and supportive community. In particular, they will find a school and community willing to go that extra mile, yard, or inch—whatever it takes—to help each Mount Desert Island student receive the kind of education all of Maine's—and the nation's—children deserve.●

HONORING STUDENTS OF THE CONSTITUTION

● Mr. KASTEN. Mr. President, I rise today to honor some young Wisconsinites who really know the meaning of citizenship.

These distinguished students are representing Wisconsin in the National Bicentennial Competition of the Constitution and the Bill of Rights. Please join me in recognizing the achievement of students Guy Russ, Ryan Buch, Phoua Chang, Shelly Kloehn, Tim Rice, Scott Pepke, Josh Schuch, Ivan Richwalski, Ann Marie Schultz, Jenny Koshak, Troy Viegut, Tammi Bartel, Keith Rothenberger, and Shara Zabawa—along with their teacher, William L. Mundt.

All the staff and parents of Northland Lutheran High School in Wausau, WI, have good reason to be proud of these young people. They have taken the time to master that great inheritance that we call the American system of government—and I, for one, am very proud to welcome them to the Nation's Capital.●

FORMER MEMBER OF CONGRESS STUYVESANT WAINWRIGHT II ENDORSES CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, I ask that a letter I have recently received from former Member Stuyvesant Wainwright II, a Member of the House for four terms, in support of congressional term limitation appear in the RECORD. Congressman Wainwright is one of many former Members who have expressed support for this important reform.

I again encourage my colleagues to examine Senate Joint Resolution 235, which Senator DECONCINI and I have introduced. The resolution proposes a constitutional amendment to limit terms of House Members to six and Senators to two.

The letter follows:

APRIL 10, 1990.

Hon. GORDON J. HUMPHREY,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR HUMPHREY: Please include my name as a supporter of Joint Resolution #235.

I was a member of the House for four terms and believe that is just about long enough.

Faithfully yours,

STUYVESANT WAINWRIGHT II.●

COMPUTER SOFTWARE RENTAL AMENDMENTS ACT OF 1989

● Mr. GORTON. Mr. President, as an original cosponsor of S. 198, the Computer Software Rental Amendments Act of 1989, I am pleased that this legislation passed the Senate. I strongly support it. The computer software industry is an important and dynamic one in this country, and it is incumbent on Congress to create a legal environment under which it can continue to flourish and sustain a world leadership position.

I would like to specifically address one area of concern, however, with regard to the exclusion of video games from the protection of this legislation. Video games are computer software which can be offered to the consumer in either discs or cartridges. The same effort goes into the development of the software, and the capital costs and the risks are the same. Under this bill, identical copyrighted games can be rented if they are in the cartridge format, and cannot without the copyright owner's approval if they are in the disc format. I think that both formats should be treated the same.

For example, Nintendo cartridges are available in almost every video rental store in America. Software for Nintendo is developed not only by the company itself, but also by many small independent companies who are licensees of Nintendo. As is the nature of computer game development, many of these licensees are small startups who risk their entire future on the development of video games. If they don't sell, these firms don't stay in business. Of course, Nintendo, itself, can spend millions before developing a video game that people like.

Clearly, sales of video cartridges are reduced by the practice of video rental outlets offering game cartridges. A single cartridge can be rented hundreds of times. I don't have a problem with consumers being able to rent these game cartridges, however, the copyright owner should at least receive some commercial benefit from the rental. Currently, the copyright owner receives no return whatsoever from these rentals, except from the original sale. I have heard from these developers who believe they should be afforded the same protection with regard to rental as other software developers, and I agree.

I understand that there would be no difference in treatment for video game cartridges if there were more of the cartridge copying technology in America that is now rampant abroad. Well, copying technology is already being demonstrated at U.S. trade shows, and some Senators have seen similar demonstrations of these cartridge copying machines. Cartridges are copied all over the Far East with this technology. It is not fully logical to me that we do not now address an inevitable problem.

As this bill stands as passed by the Senate, it looks like Congress is penalizing companies, like Nintendo, which have developed technology that makes it more difficult to illegally copy their product. Simply put, Nintendo successfully created a security system for its product, while software developers who utilize the disc format have been substantially unsuccessful. My preference would be to protect the intellectual property of all software producers, whether enclosing their technology in disc or cartridge.

Nintendo has suggested that a fair compromise in S. 198 would be a delay in rental of game cartridges for 1 year. This is an eminently reasonable position. In fact, this concept exists with regard to the motion picture industry; consumers cannot rent movies at video stores for a period of time after they are released, giving motion picture studios a chance to receive a return on their investment through theater showings and the sale of broadcast and cable rights.

The committee report notes that it will "carefully monitor developments in this industry to determine if modifications in the act are appropriate" with regard to video games. I am quite sure that in the near future we will look back with a sorrow that we didn't exercise the slightest bit of foresight to include computer data in cartridges under the Computer Software Rental Amendments Act. I only hope that the industry survives the loss of development costs while we take a wait and see approach.●

RECOGNITION OF DRIVER APPRECIATION WEEK

● Mr. D'AMATO. Mr. President, I rise today with great pleasure to express my enthusiasm and support for the recognition of Driver Appreciation Week. It is an insightful and appropriate action on the part of the National School Bus Service, Inc. to designate a week to recognize their team of professional drivers in the Rochester, NY, area.

As the students of America leave their homes every morning to attend

school, it is imperative that their transportation by bus, van or specialized vehicle affords them the greatest safety and comfort available. We cannot take for granted the kindness and care that these professionals display when providing safe and timely service to the students in the greater Rochester area community. As we all know, education is the foundation of our future, and it is our sacred obligation to ensure that all of our young Americans arrive to school safely.

It gives me great pleasure to have this opportunity to support the National School Bus Service, Inc. and its desire to make this week, of deserved recognition an annual event.●

NATIONAL TEACHER DAY

● Mr. BOSCHWITZ. Mr. President, I rise today to take a moment to salute a group of people who work tirelessly each year in one of the most noble endeavors I know of—educating our young people.

Today is National Teacher Day, Mr. President, and I want to take a moment to pay tribute to the thousands of educators around the country who really have one of the most important jobs in our society.

We entrust our teachers with our very future. The minds that they mold belong to those who will be the leaders of tomorrow. The youngsters who sit at school desks today represent many things. They are the scientists who will take us into the 21st century. They are the researchers who will find cures for aids and for cancer. They are the architects who will design new cities. They are the political leaders of tomorrow.

None of these children, however, will achieve these things without the help of their teachers. Without good teachers, Mr. President, our future, and the future of our children, is bleak indeed.

We ask so much of our teachers that I often wonder how they cope with the burden. We not only ask them to teach basic skills, but we ask them to challenge young minds, to open our childrens' eyes to the bright possibilities of the future. We ask them to give our children a sense of hope and wonderment. And we ask all of this in a time when the basic support unit for a child—the family—is under increasing stress.

It takes a special individual to teach, Mr. President. It takes a selfless person who is willing to invest years of his or her life in helping others. It's often a thankless job, and I hope that all of us in this body with children have taken the time over the years to express our appreciation to those who have taught our youngsters.

We pass a great many commemoratives in this body, Mr. President, special days for this group or that group, and too often the day goes by without notice. I didn't want that to happen today, and I simply wanted to take a moment to express the appreciation that I think all the Members of the U.S. Senate should feel for those in the teaching profession.●

REMOVAL OF OLDER CARS FROM THE ROAD

● Mr. ROTH. Mr. President, I rise today to bring to the attention of my colleagues an innovative program recently announced by the Unocal Corp. The company proposes to do on a voluntary basis what I have been advocating for quite some time now, to remove older vehicles from the road.

Mr. President, the use of motor vehicles generates more pollution than any other single human activity. In the United States we have long recognized that, and spurred on by the smog battles in southern California in the 1950's, legislative initiatives have been introduced and enacted which would attempt to reduce the emissions from motor vehicles. As a nation we have made significant strides to reduce automobile emissions, and just this year the Senate passed a comprehensive clean air bill, which would restrict automobile emissions still further.

Every year we emit 20 million tons of hydrocarbons, of which 50 percent comes from the transportation sector, of which 4 to 5 million tons come from the automobile. However, a significantly larger portion of pollutants come from the older vehicles than from the newer model vehicles. For example, pre-1971 vehicles pollute from 18 to 20 times more than 1990 models.

I have always felt that we must employ basic and voluntary methods to get rid of the older vehicles and have taken several initiatives that are efficient, cost effective and will make significant contributions to our clean air efforts. The clean air bill that the Senate recently passed includes an amendment that I added which directs the Administrator of the Environmental Protection Agency, and the Secretary of the Department of Transportation to develop a transportation control measure which encourages the voluntary removal from the road of pre-1980 light duty vehicles and light duty trucks. I have also introduced legislation (S. 2239) which would give cars manufacturers credits to their CAFE averages, provided a customer voluntarily traded in a pre-1980 car for a new car and the old car was then destroyed by the manufacturer or car dealer. The credit would be based on the difference between the mile-per-gallon of the old car and the mile-per-gallon of the new car.

I am therefore very pleased that Unocal is voluntarily undertaking the three-tiered initiative they announced back on April 26. It may remove up to 23 million pounds of air pollutants annually in the Los Angeles basin. First, there is project "scrap" which is a pre-1971 old-car buy-back program. Unocal will pay $700 a piece for 7,000 pre-1971 vehicles registered in the basin. Second, the corporation will offer free smog checks and low-emission tuneups for pre-1975 cars at participating service stations, and finally a program will be initiated which will aid stranded drivers.

I ask that the news release issued by Unocal, and articles which appeared in the New York Times, USA Today, the Los Angeles Times, and the Washington Times on this issue be printed in the RECORD at this point.

The material follows:

UNOCAL NEWS RELEASE

LOS ANGELES, April 26.—Unocal today announced an innovative series of programs designed to rid the air in the Los Angeles Basin of up to 23 million pounds of air pollution annually.

In one program, called SCRAP, Unocal will spend more than $5 million to eliminate—by paying for any scrapping 7,000 older care—6 million pounds of air pollution. A second program, called Smog-Fighter, which helps older cars run cleaner, could rid the basin of up to another 17 million pounds of air pollution each year.

"Unocal is inititating a series of pollution-control programs that strike at the heart of the air quality problem in the Los Angeles Basin," said Richard J. Stegemeier, Unocal chairman, president and chief executive officer. "We want to demonstrate ways of reducing smog that are efficient and cost-effective."

Termed SCRAP (South Coast Recycled Auto Program), Smog-Fighter and Protech Patrol, the three clean air programs target vehicle emissions, which cause at least 60 percent of the area's smog according to the California's Air Resources Board, (Residential, commercial, industrial and manufacturing sources make up the remaining 40 percent.)

Under SCRAP, Unocal will pay $700 apiece for 7,000 pre-1971 vehicles registered in the Los Angeles Basin. These 7,000 vehicles each year emit approximately 6 million pounds of carbon monoxide, reactive organic gases and nitrogen oxides. (Pre-1971 vehicles pollute from 18 to 20 times more than 1990 models.) The initiative will cost Unocal more than $5 million.

"With SCRAP, we want to take the heaviest polluters off the road and hand them over to a scrap yard, which will shred and recycle the metal," Stagemeier said.

The second initiative, Smog-Fighter, offers free Smog Checks and low-emission tune-ups to drivers of pre-1975 cars at participating Unocal Protech stations in the great Los Angeles area. The program will be offered to drivers in the "off" year of the biennial mandatory Smog Check operated by the state's Bureau of Automotive Repair. The free low-emission tune-up, with adjustment to timing, idle speed and air/fuel mixtures, will enable checked cars to run cleaner and get better gasoline mileage.

Such tune-ups could annually reduce emissions by about 17 million pounds of pollutants (carbon monoxide, reactive organic gases and nitrogen oxides), if all eligible Los Angeles Basin motorists use the free service. If new parts are needed and the vehicle

owner agrees, the driver will be responsible for that cost. Smog-Fighter could cost Unocal more than $5 million.

Protech Patrol, the program's third facet, will circulate specially equipped vehicles on the area's freeways to aid stranded motorists.

"Clogged traffic causes more pollution than free-flowing traffic," Stagemeier said. "Getting stranded cars back on the road helps eliminate stalls in the traffic flow and cuts the level of harmful emissions."

Protech Patrol's free services include jump-starting batteries, helping motorists change flat tires and providing air, water or gasoline to get drivers to the next service station. The cooperative venture between Unocal and its Protech dealers will initially cost Unocal about $300,000. Six vans will begin patrols, with up to four to be added later.

"These Unocal initiatives show that creative efforts, focused in the right areas, can have an impact on the air quality in the Los Angeles Basin," Stagemeier said. "Unocal wants to remain a leader of such programs."

Unocal will gather pertinent emissions data from SCRAP and Smog-Fighter to share with the South Coast Air Quality Management District, the State Air Resources Board, university researchers, environmental groups and other interested organizations.

[From the New York Times, Apr. 27, 1990]

A BID FOR SCRAP, TO CUT POLLUTION—CALIFORNIA OIL COMPANY PLANS TO REMOVE 7,000 OLD CARS FROM LOS ANGELES AREA

(By Matthew L. Wald)

For years clean air experts, from government officials to academics, have suggested half in jest that the cheapest way to cut pollution was to scrap old cars that do not meet today's emission standards. Yesterday a California oil company said it would spend $5 million to do just that.

The Unocal Corporation, based in Los Angeles, offerd to buy 7,000 of the oldest and dirtiest cars in the Los Angeles area. Each owner will get $700 and a one-month bus pass. The cars, which probably have a market value far less than that, will be recycled.

Unocol is taking the step on its own and not to meet any government requirement. But it is not acting in a vacuum; it made the announcement as many oil companies, including several competitors, are moving voluntarily to change the recipe of their gasoline to reduce air pollution in Los Angeles and add to good will.

Recipe changes are premature, said Unocal's chairman and chief executive, Richard J. Stegemeier, who noted that the oil companies and automobile manufacturers recently began joint testing of a variety of combinations of fuel and hardware changes to reduce emissions.

HEARING FROM EVERYBODY

But Unocal felt it must do something, he said in a telephone interview, adding, "We're hearing from everybody—our customers, our shareholders and the communities in which we live—that corporations need to pay their dues, so to speak, for the operations that we engage in."

Scrapping old and dirty cars has long been seen as a cheaper way to cut air pollution than requiring that new cars, which are already relatively clean, be made even cleaner. Experts said yesterday that no one had yet initiated a program of buying and scrapping cars before the era of pollution controls.

Regulations have largely left drivers alone and focused on steps to be taken by big corporations, like making new cars better, and more recently, making gasoline cleaner. Unocol's demonstration bounty program, with enough financing to buy 1.7 percent of the older cars in the region, is a different approach, involving tinkering with the used-car market.

"It's a neat idea," said Alan Van Arsdale, an air pollution expert at the Northeast States for Coordinated Air Use Management, in Boston, a group that has forced gasoline changes in New England, New Jersey and New York. "It's an idea that a lot of people have been talking about."

THE INGREDIENTS OF SMOG

Cars built before the introduction of the catalytic converter, in 1975, produce substantially larger amounts of carbon monoxide, a poison, and nitrogen oxides and unburned hydrocarbons, two major ingredients of ground-level ozone. (The third is sunlight, of which Los Angeles has a surfeit.)

Cars without catalytic converters can produce 50 grams or more of carbon monoxide for every mile they are driven, but cars built in 1975 and later are designed to produce no more than 20.7 grams a mile, and those built to current California standards produce 1.8 grams a mile.

Unocal's solution is to offer a flat $700 per car for pre-1971 models, a price the company believes represents a substantial premium above market value in many cases.

The company plans to advertise its program in English and Spanish, Unocal said, and will have up to 30 people at a junkyard to handle up to 12 cars an hour, 40 hours a week. The car must have been registered in the Los Angeles Basin for at least six months, the company added.

If the buyout program achieves its goal of 7,000 vehicles, that would represent only 1.7 percent of the 410,000 pre-1975 vehicles registered in the area. Thus, Unocal said, the program is not a solution to air pollution, but a demonstration program that may inspire other companies to do the same.

"Sixty percent of smog comes from mobile sources, cars and trucks," Mr. Stegemeier said. "Thirty percent is coming from pre-1975 automobiles. If you want to make a big impact in a hurry, this is by far the quickest and most cost-effective way."

Unocal also said it would offer free tune-ups for pre-1975 cars. The tune-up program could cost more than $5 million, depending on how many drivers participate, the company said.

California cars must pass a "smog check" test every other year, and the free tune-ups would be offered in the "off" year. Labor would be free but parts would be extra, and would be installed only with the driver's permission, Unocal said.

Company officials acknowledged that the free offer could generate extra paid business at its Unocal Protech service stations.

[From USA Today, Apr. 27, 1990]

CLEANING UP L.A.: CASH FOR CLUNKERS

(By James R. Healey and Sally Ann Stewart)

The Unocal Corp. oil company has a proposition for Los Angeles: Junk pollution-spewing older cars for cash.

Starting Wednesday, owners can make appointments with Los Angeles-based Unocal to scrap pre-1971 cars. Unocal will pay $700 each for the first 7,000 turned in.

That'll hardly put a dent in smoggy L.A.'s 410,000 pre-'71 cars, but the program should cut "the worst of the worst," says Unocal chairman Richard Stegemeier.

He says older cars cause up to 30 times the pollution of newer models. To help more:

Some L.A. Unocal stations will offer free emission inspections and anti-pollution adjustments on pre-'75 autos.

Unocal vans will patrol freeways to get traffic-clogging stranded motorists rolling again, minimizing extra pollution from traffic jams.

The plan could cost $10 million in the next two years. But Stegemeier says it's worth it: "We live here, too."

Unocal's plan is the boldest in a new movement: finding ways to cut pollution that are easier, quicker, cheaper than clean-air proposals being debated on Capitol Hill.

Opponents say those would boost car prices by hundreds of dollars, and apply only to already clean newer cars.

"If people would just maintain their cars according to the owners' manuals, it would cut emissions by 50 percent right away," says David Cole, transportation expert at the University of Michigan.

[From the Los Angeles Times, Apr. 27, 1990]

CASH IN A CLUNKER FOR CLEAN AIR

(By Larry B. Stammer)

At a time when oil companies are under pressure to become environmentally conscious, Los Angeles-based Unocal has come up with a different idea to fight air pollution.

Instead of selling cleaner-burning gasoline, as two competitors are doing, Unocal said Thursday it will buy 7,000 old, heavily polluting cars and get them off the road, beginning June 1.

Unocal says there's $700 in it for the first 7,000 owners of pre-1971 cars who want to dump their clunkers. Unocal will then dispatch the old cars—which are not equipped with smog-reducing catalytic converters—to the scrap heap and provide the seller with a free bus pass for a month.

Company officials expect owners of old cars will jump at the chance to get rid of their vehicles. They estimate that it will take just 10 to 15 weeks to round up the 7,000 cars.

Unocal President Richard J. Stegmeier said the sellers could use the $700 toward purchase of cars built after 1975 that are equipped with catalytic converters.

The buy-out program is one of three enviornmental initiatives costing a total of $10 million over a two-year period announced Thursday by the company.

"This program . . . is a good-faith effort of this company to help improve the quality of life," Stegemeier told a downtown Los Angeles press conference, held on the roof of a company building to provide a view of the smog. But Stegemeier conceded that the program "is just a beginning."

The 7,000 vehicles account for less than 2% of the 410,000 pre-1971 cars on the road in the four-county Los Angeles Basin, the nation's smoggiest.

Moreover, the pollution reduction achieved by sending 7,000 clunkers to the junkyard would amount to only 0.12% of air pollution from all cars and trucks in the basin.

The Unocal program pales in comparison to air quality gains achieved by marketing cleaner-burning, reformulated gasoline.

For example, when Arco introduced its new EC-1 reformulated fuel last September for pre-1975 cars, the company estimated that the reduction in tailpipe emissions

would be comparable to taking 100,000 old cars off the road. Those figures were verified by air pollution authorities. And unlike the one-time benefit of the Unocal program, the benefits of burning cleaner gasoline are ongoing.

Still, Unocal's South Coast Recycled Auto Program—SCRAP—was generally applauded by state and regional air pollution officials, as well as environmental groups, as a modest step forward. However, they agreed that, while any effort to junk older cars is welcome, it is no substitute for developing cleaner fuels.

"I certainly don't think they should substitute one for the other," said Jan Chatten Brown, president of the Coalition for Clean Air. She said it was "absolutely outrageous" that Unocal and other oil companies had not taken Arco's offer to share its formula for EC-1. Shell Oil Co. recently introduced a reformulated premium gasoline.

Stegemeir said Thursday that, like most oil companies, Unocal is awaiting the results of cleaner-gasoline research program undertaken jointly by major oil companies and automobile makers. He said that, depending upon the recommendations, it could take as long as 1½ to two years to market a new product.

Mary Nichols of the Natural Resources Defense Council said, "What Unocal is dong is demonstrating without any quid pro quo a strategy for turning over the automotive fleet more rapidly and getting some of the worst polluters off the road, which has been advocated by many companies and some government agencies over the years."

Unocal also announced two other programs to reduce air pollution. It promised free smog checks and low-emission tune-ups for all pre-1975 cars at participating Unocal Protech stations in the Los Angeles region. The emission tests and tune-ups would be done in the "off" years, when the state's mandatory smog check certificate is not required.

It said the tune-up program could reduce another 7,589 tons of air pollutants per year.

Some environmentalists applauded the smog check and tune-up programs, saying they will provide detailed information on the tailpipe emissions of older cars. The information could lead to an expansion of the old car buy-out program by other companies or by government agencies.

In addition, Unocal said it will use six service vans as part of a rush hour "Protech Patrol," offering free services to stranded motorists, including jump starts, gasoline to get to the next service station, water and flat-tire changes.

The company said vehicle owners interested in selling their old cars can call Unocal beginning May 2.

Unocal said a number of conditions must be met before a car will be purchased. For example, there must be no outstanding liens on the car, the owner must have the original pink slip, be at least 18 years old or have a parent or guardian present, and provided that the car has been registered by them in the Los Angeles Basin for at least the last six months.

[From the Washington Times, May 7, 1990]

OIL FIRM OFFERS TO BUY OLD CARS

(By Stephen Chapman)

An oil company offering ideas for improving the environment customarily gets about the same reaction as a convict pushing prison reform: skepticism mixed with outright hostility. But some ideas are too good to ignore, and one of those is Unocal Corp.'s offer to buy some of the dirtiest cars in Los Angeles and grant them the merciful death they've earned.

Cars built before 1981 account for less than half of the miles driven by Americans, but they produce more than 80 percent of the auto pollution. That's because they were made before Washington imposed today's strict regulations on what comes out of your car's tailpipe.

These regulations have produced an undisputed environmental success. New cars are pure as a Rocky Mountain stream compared to the cars of 20 years ago. Federal rules have eliminated 96 percent of the carbon monoxide emissions and 76 percent of the nitrogen oxides.

So which vehicles get tough new emissions controls in the Clean Air Act now before Congress? You guessed it: new cars. Old cars are mostly ignored, which means millions of them may keep spewing gunk to their carburetors' content. This is like deciding that Americans are too fat on average and then ordering all the skinny people to go on a diet.

Unocal, by contrast, has adopted the biblical view: It's not the healthy who need a physician, but the sick. If old cars are doing the worst harm to the air, why not do something about old cars? It's offering to buy7,000 of the worst ones at the handsome price of $700 each—plus a one-month bus pass.

Junking just 7,000 of the several million vehicles clogging the highways of Southern California won't do a lot for the long-suffering lungs of Angelenos. But the plan exemplifies a simple, cheap approach to cleaner urban air, unlike the complicated, expensive method that has been embraced on Capitol Hill.

The basic approach could take several forms. One is for local governments to buy old cars at a modest premium just to get them off the road once and for all. Scrapping even a small minority of the worst polluters would produce overnight gains in air quality.

Another is to recognize that few corporations will follow Unocal's selfless example purely out of devotion to Mother Earth. Robert Hahn of the American Enterprise Institute says we should give them a more powerful incentive: Polluting companies could be allowed to meet their clean air obligations by purchasing old cars instead of, say, cleaning up factory emissions.

If an oil company finds it frightfully expensive to eliminate so many tons of emissions from its refineries, it might be allowed to eliminate an equal or greater amount of pollution from the highways instead. As long as the corporation has to clean up the air, why not let it use the cheapest method?

Another expert, Fred Smith of the Competitive Enterprise Institute, argues that what counts is not how much pollution a car is capable of producing, but how much it actually produces. A dirty car that is driven 1,000 miles a year churns out fewer fumes than a clean one that travels 30,000.

His answer: a pollution tax. In most big cities, cars are now subject to regular inspections to make sure they meet emissions standards. By checking odometers as well, inspectors could easily guage how much pollution a car puts out every year—and lighten the owner's wallet accordingly.

This policy has two advantages over Congress' approach: It's cheaper, and it eliminates more pollution. You see, making new cars cleaner makes them more expensive as well. The more expensive they are, the longer people will hold on to their old cars. The longer they hold on to their old cars, the dirtier the air will be.

Unlike stricter new-car controls, a pollution tax would discourage unnecessary driving by forcing the driver to pay for it. Unlike stricter new-car controls, it would give owners a financial reason to trade in their smoke-billowing jalopies for pristine new models. Unlike stricter new-car controls, it would allow places with no smog to have less exacting rules than places with lots of smog.

In fact, the only drawback of the pollution tax is that it violates the favorite theme of federal environmental rules: Corporations must change their behavior so ordinary people don't have to change theirs.

A lot of Americans are committed to clean air only if the commitment can be paid for out of the profits of General Motors, Exxon and Bethlehem Steel. If we're serious about protecting the environment, we'll have to do better than that.●

UNIVERSITY OF SOUTH CAROLINA PRESIDENT SAYS UNITED STATES ISN'T READY FOR "EUROPE 1992"

● Mr. HOLLINGS. Mr. President, I commend to my Senate colleagues a recent speech by Dr. James B. Holderman, president of the University of South Carolina, to the National Academy of Sciences. Dr. Holderman is chairman of the National Science Board's "Task Force on EC-91," a group mandated to examine the implications for U.S. science, technology, and education resulting from the rapid integration of West Europe's economies and financial systems. "Everywhere the alarm bells are ringing," he told some 200 top scientists, engineers, educators, and Government leaders in the March 5 speech, "but we're not reacting with any sense of urgency."

Mr. President, Dr. Holderman's speech is a timely wakeup call to our public education system, to our Government, to our research labs, and to corporate America. I ask that it be printed in the RECORD for the benefit of our colleagues.

The remarks follow:

REMARKS BY DR. JAMES B. HOLDERMAN

WE ARE NOT READY

It is a special pleasure to be able to address this distinguished audience, and to share this panel with such expert speakers.

In preparing for this visit, I was reminded of how successful a forum the Academy Industry Program has been. Since 1983, time and time again you have enjoyed many provocative and interesting addresses.

I look forward to breaking up that monotony.

As one coming from academia to address the business community, in the home of government, I do feel a little out of place.

It makes me wonder what Frank Press was thinking when he invited me. Perhaps since cocktail hour is next, he figured it didn't really matter—as long as I didn't talk so long that the ice would melt. Not to worry.

I checked it out, and they have plenty of ice.

But I will speak briefly.

Frank encouraged us to speak directly at this conference.

At this momentous time, that is what is needed—the courage of candor.

As this forum addresses the science and technology challenges of 1992, I feel a special obligation as a representative of both the National Science Board and higher education generally.

I can think of no challenges greater than the fact that we are not educating people who can handle what 1992, and so many other events, have thrust upon us.

In confronting this fact, I want to stress three things:

First, the broader nature and implications of the extraordinary changes occurring around the world.

Second, how our universities and our entire educational system have failed to adapt.

And third, how we can change that for the better. Events of just the last year make the need to change obvious.

One year ago, the reunification of Germany seemed an impossibility. Now, it is inevitable.

One year ago, in good conscience, South Africa and freedom could not be spoken in the same sentence.

Now, freedom in South Africa is on all our lips.

And who would have imagined a year ago, even a month ago, that Violeta Chamorro could be elected president in Nicaragua.

In effect, it is a world that has undergone paradigm shifts in loyalties.

In the Soviet Union, loyalty to obsolete political ideals moves in favor of loyalty to progress.

In Eastern Europe, loyalty—albeit imposed—to personality cults is transformed by loyalty to individual freedom.

In Western Europe, loyalty to parochialism and loyalty to unity work together.

Such transformations in loyalty underlie the social and political upheavals around the world, when we already face a world offering challenges enough:

A world beset by AIDS, poverty, and family dilemmas such as divorce, abortion and abuse.

A world in which ice storms strike Tokyo, London is besieged by hurricane-force winds, and in which rain forests disappear by the equivalent of almost a football field per second.

It is a world in which some of the gloomiest predictions say global warming could one day leave all but the torch of the Statue of Liberty under water.

Who else but our universities, with their tremendous resources of people and capital, can address these matters?

In the midst of all this comes Project 1992.

Elsewhere, the integration of individual freedom and politics has set the pace.

But in Western Europe, it is an economic integration, and it is just as significant and courageous.

Yet, while the world has shifted toward integration, our universities remain trapped in ideas which no longer serve.

We have not adapted.

If Europe was suffering from Eurosclerosis, we have became prisoners of our own "United Stasis."

As a result, we are unable to provide the help that Europe, and other nations, require.

Which leads to my next concern.

Our distinguished guests from Europe have not come to this beautiful hall with its precious legacy to see Americans wash their dirty laundry.

But what better place to acknowledge our problems?

In the very building where scientists and engineers gathered to provide leadership on the Marshall Plan.

In the very building where the American scientific community met to respond to Sputnik, and where the crucial questions of nuclear deterrence have been debated.

In this special time, and especially in this place, the truth demands our attention.

The American educational system, the main source of talent to resolve today's greatest dilemmas, is crippled:

It is crippled when 50% of high school students in urban areas drop out, and when our high school students are last in math, physics, chemistry and biology compared to other industrial nations.

It is crippled when the public school compensation system protects teachers not for their contributions as educators, but for their ability to survive, and for their seniority.

And it is crippled when universities continue to reward the specialist disproportionately, while the world integrates.

Elementary schools are separate from secondary schools, secondary schools are separate from universities, and university departments separate themselves from one another.

Akio Morita and Shintaro Ishihara, in their recent book "The Japan That Can Say 'No'," were right when they said Americans have forgotten how to change.

How strange that is for a country whose greatest strength was once its dynamism.

Of course, in basic science, our universities still lead the world.

American basic science is why in some fields more foreign students get advanced degrees in the U.S. than our own students—an incredible irony.

Unfortunately, such specialized success has blinded us to other possibilities.

How many times has someone else come along and turned our know-how into their technological advances?

The academy leadership itself has warned us that preoccupation with a single discipline is dangerous.

Last spring, Erich Bloch reminded us that after World War II, England's computer engineering and computer science programs were among the best.

But universities and industries did not work together, and now Britain's universities are endangered by the country's larger economic problems.

Frank Press himself has called for "full consideration of economic, environmental, and socio-political consequences."

Demographics already suggest that in a few years such integrative talents will be even more important.

These shifts will end a 500-year epoch in which "white men" in a few countries controlled the world.

And in speaking of "white men" and integration in the same breath, surely none of us misses some critical double entendres.

At this conference, integration means primarily economic integration on one continent, mainly with white men in charge.

But in another context, the meaning of integration makes America's glib talk of helping the EC ring hollow.

How can we help provide an educated corps of young people from all races when 63% of black students drop out of college.

How can we help when we have not prepared for an America, where by 2001, only 15 percent of the new labor force will be white males.

How can we help in an America that is producing a generation whose most notable quality just might be its ignorance.

With each day of inaction, we leave the future more and more to people unable to figure out what to do with it.

But what can and must we do, ourselves, now?

What can we do when change is not only in the air, it is remaking the earth and the relationship between all its inhabitants.

Commitments to react have been made time and time again in recent years, but with little follow-through.

Yet, ours is a rare gathering—a complex mosaic of leaders from 2 great continents, candidly discussing our mutual concerns.

That one continent, nearly half-a-century ago, helped the other recover from the ravages of a terrible war tells us we can overcome grave challenges.

With that in mind, we can work to insure that domestic crises don't impede America from again becoming a true scientific and technological compatriot.

Such a sharing is not yet futile, and it is on that note that I want to close today.

The domestic chaos does not have to destroy our mutual hope.

First, we know inspired young people have overcome such chaos before.

Religion, athletics, poetry, finance, industry, even the chance to save this planet, can be such an inspiration again.

We must alert young people that such inspiration is very real, and very important.

Consider the European Community's own example—Jean Monnet, the Frenchman known as the father of the common market, who showed us all the potential of economic integration.

Or consider this Academy, which has inspired so many universities to become first-class research institutions.

Or people from Berlin to Capetown, from Nelson Mandela to Vaclav Havel, turning the world on its ear.

We must help our young people draw inspiration and courage from such examples.

That is the first path to a solution.

Second, we must make education in grades K through 12 exciting again.

We must find feeder mechanisms by which the resources of our universities can modernize and recast our educational system.

Third, and finally, and most importantly, our universities must change their role in society, and they must begin to do so immediately.

Building from their strength in basic research, universities must develop professionals, scientists, and teachers who can recreate secondary and elementary education.

Our universities must integrate across disciplines, across levels of education, across all sectors of our culture.

The new world we have entered requires that kind of integated training.

Our young people, our love for them, and our loyalty not to yesterday, but to our future and to their future, demands that we do all these things beginning now.

Everywhere, the alarms have gone off loud and clear.

They are ringing in Europe and the Soviet Union, in Latin America and South Africa.

In our skies and in our oceans, and in our schools and in our factories.

In our streets and in our homes, and they are ringing louder with each passing day.

They are the alarms which tell us to get up and to act.

The courage to act, and act decisively must come from all of us.

We must enable our educational system to meet the needs of your companies and of your industries. We are not ready.

We must enable the United States to work with the European community where it is needed. We are not ready.

We must enable our teachers, our researchers and our children to appreciate the integrated world we have entered. We are not ready.

To get ready, to make these things happen, we must change the university's role in society, and we must begin now.

Making all this possible is our challenge, and it is our hope, and I look forward to making it a reality with you.

Thank you.●

A.M. CASTLE, FRANKLIN PARK, IL

● Mr. DIXON. Mr. President, I would like to take this opportunity to congratulate A.M. Castle, of Franklin Park, IL, on its 100th anniversary. A.M. Castle is one of the Nation's largest suppliers of specialty metals to manufacturers, and employs over 500 people in Illinois and more than 3,300 in the United States.

I am proud that A.M. Castle represents our State of Illinois with its initiative and high quality of work. A.M. Castle's 100 years of success is a testament to the great pride and care the staff takes in its work. Other businesses can look to A.M. Castle as a shining example of an efficient American company able to successfully compete with others while contributing to the economy.

I am grateful for the contributions A.M. Castle has made to the Illinois economy. The over 500 jobs this company provides are essential to the well being of many households in suburban Chicago. I applaud A.M. Castle on 100 years of business success and service to Illinois, and I look forward to many more years of good work.●

DR. HARDING NOBLITT

●Mr. BOSCHWITZ. Mr. President, I rise today to salute a respected college educator and Minnesotan as he retires from a distinguished career; one that has spanned over four decades.

Dr. Harding Noblitt, an outstanding teacher and shaper-of-minds, will soon be ending his tenure at Concordia College in Moorhead, MN. As a professor of political science, Dr. Noblitt has amazed students and colleagues alike with his incredible memory and grasp of the foundations and workings of our Nation's political system.

Clearly among the most loved and revered instructors at Concordia, Dr. Noblitt once considered a career in law. However, this self-described ham preferred the captive audience of the classroom to the less responsive audience of the courtroom. During his tenure at Concordia, he has been awarded the college's first Great Teacher Award 1960, the Wije Distinguished Professorship for 1979–82, and the Flatt Distinguished Service Award for 1982–85.

Mr. President, as a specialist in constitutional law, political philosophy, and American diplomacy, Dr. Noblitt has propelled many of his students to careers as educators in schools and universities, as attorneys in a number of different specialities, and as public servants in local, State, and National Government. Several of my staff members have studied under him and have cultivated a better perspective of our Government and our political process from his teachings.

Dr. Noblitt is also known as a real history buff, often recalling pertinent facts and anecdotal tales from every Presidential election since 1924. While officially retiring from Concordia, he plans to continue amassing his store of knowledge by visiting and observing nearby State legislatures. Dr. Noblitt also plans to continue to research and write about the political history of the Red River Valley.

Therefore, Mr. President, it is with great pride and pleasure that I join with my fellow Minnesotans who declare April 29, 1990 as "Harding Noblitt Day," to honor this steller educator and outstanding Minnesotan on his well-deserved retirement. Best wishes for continued happiness, Dr. Noblitt.●

THE UNIVERSITY OF SOUTH CAROLINA'S GRADUATE INTERNATIONAL BUSINESS PROGRAM: NO. 1 IN THE NATION

● Mr. HOLLINGS. Mr. President, a number of recent articles—most recently, in the Washington Post this past Sunday—have highlighted the tremendous success of the University of South Carolina's graduate program in international business. Last year, the Academy of International Business ranked it the top program of its kind in the United States.

Mr. President, that ranking has been richly earned. This year, America's 2,000 business schools will award some 67,000 masters in business administration degrees. However, precious few of those newly minted MBA's will be equipped intellectually and linguistically to play a credible role in the international business arena. Among that internationally oriented elite will be the latest crop of graduates from the University of South Carolina's business school.

USC has been the pioneer in developing a graduate business curriculum with a strong international focus. In the mid-1970's, USC created the International Business Graduate Degree Program by combining traditional business courses with the study of a country's politics, culture, and language, plus an internship abroad. Other universities have tried to emulate the University of South Carolina's program, but only USC requires a 6-month foreign internship plus fluency in a foreign language in order to graduate. As a result, the USC Business School has been a magnet for top talent, both on the faculty and in the student body. USC is providing the foot soldiers—or, more accurately, the officer corps—for an intensified U.S. presence in overseas markets and ventures.

My hat is off to Jeffrey S. Arpan, director of the international business program at USC, and to the many superb teachers, students, and administrators down through the years who have demanded and produced excellence in the USC Graduate International Business Program. The entire State of South Carolina takes pride in what they have accomplished.

Mr. President, I request that two articles on the USC program from the "State" newspaper in Columbia, SC, be reprinted in the RECORD.

The articles follow:

TEAMWORK HELPS PROGRAM ATTAIN HIGHEST RANKING

(By Beverly S. Shelley)

In 1974, a group of professors at the University of South Carolina rounded up the money and resources to create an international business program unlike any other in the nation.

They contacted companies the world over, seeking the necessary ingredients for the ideal training program.

What developed was the Master of International Business Studies degree, a graduate-level program weaving business courses and the study of a country's language, culture, history, geography and politics with an internship abroad. Ten different departments at USC and more than 100 companies became involved.

The academic world soon acknowledged the program's strengths. In 1984, MIBS was ranked the second best graduate international business program in the United States by members of the Academy of International Business. Last year, the academy ranked it No. 1.

But it wasn't until last month that MIBS hit the big time.

U.S. News & World Report in its March 19 issue ranked the international business department of USC's College of Business Administration the best in the country, ahead of the Wharton School, Harvard and other high profile programs.

While the earlier accolade was prestigious, few knew of it outside the academic community. The seal of approval USC received from U.S. News & World Report, on the other hand, will reach coffee tables and magazine racks in offices, living rooms and school libraries across the country.

The timing couldn't have been better.

The emerging global economy—Europe 1992—and world events—the reunification of Germany—point to the need for strong programs in international business.

USC administrators said they hope the attention that the magazine ranking generates will help them attract even better faculty and students and increase corporate support for the program.

"The recognition gives us so much more visibility with major corporations. It will help with student placements. It will help us get internships. It will help us raise money for the program. It will help us attract stronger students," said James F. Kane, dean of USC's business school.

"It really kind of shoots us into the big time," Kane said.

Actually, USC's College of Business Administration was the only one which had a department ranked among the top five but failed to make U.S. News & World Report's list of top 25 business schools.

But that doesn't bother Jeffrey S. Arpan, director of the international business department at USC since 1985.

"The idea was to come up with a program that would be so unique that it would gain national and international recognition even if the university or the college as a whole never was considered in the top 10," he said.

MIBs represents a team effort involving seven departments in the business school, three departments in the College of Humanities and Social Sciences and more than 100 companies that provide internships each year, Arpan said.

He cited three other reasons for the high ranking by U.S. News & World Report:

The international business department has a large doctoral program.

It is home to and co-editor of the quarterly Journal of International Business Studies, the leading academic publication in the field. The 1,600-member Academy of International Business selected USC as the publication's editorial base in 1982.

The College of Business Administration last year was designated a center for international business education and research by the U.S. Department of Education. It is one of five such centers in the United States serving as a resource for governmental, academic and professional communities.

Nonetheless, MIBS remains the flagship of the department's armada, Arpan said.

Executives agree.

"Quite frankly, we believe the program that is offered by USC is unique throughout the world," said Jim Phelan, executive for international administration for Chase Manhattan Bank.

"It offers a combination of superb academic training in business the first year and then an excellent internship, here in the U.S. for foreign students and overseas for U.S. students. It gives them experience that they couldn't get in other graduate school programs," Phelan said.

Phelan serves on the advisory board for the new center for international business at USC, as does W. Robert Clay, vice president of Imaging Systems for E.I. DuPont DeNemours & Co.

Of MIBS, Clay said, "We need people coming out with an education—an understanding and openmindedness toward other countries—that business isn't done that same way worldwide. MIBS (gets) into what we've been trying to do in terms of globalization."

It does so for much less than what students pay at better-known institutions. Most MIBS students enter a two-year program that costs about $15,000, including tuition, housing, books and the internship.

By comparison, two-year programs at Harvard University, Columbia University and the Wharton School at the University of Pennsylvania can run up to $64,200.

MIBS studies tied to Arabic, Korean and Japanese require three years to complete because the languages are more difficult to master. These programs cost more—up to $42,000, Arpan said.

In many cases, a company will pay the intern a stipend.

The required six-month internship abroad is one aspect that distinguishes MIBS from similar specialized programs.

Internships are as varied as the companies that sponsor them. A student may work on a single project—for instance, studying the feasibility of exporting a product to a region of the world—or on a series of smaller assignments, Arpan said.

"We had a student several years ago that looked at financing a project for a Japanese company in the United States as his internship. The company subsequently adopted the plan with some modifications when it built its manufacturing facility in the U.S.," he said.

Internship sponsors over the years have included American Express, BASF, Bell South, DuPont, Fluor, Honeywell, Kraft, Michelin, Price Waterhouse, R.J. Reynolds, Rockwell International, Sony, Unisys and Westinghouse.

South Carolina-based companies participating have included Policy Management Systems and Sonoco Products.

Arpan said the idea of an internship was a relatively easy sell to U.S. companies but more difficult to firms overseas. The very word doesn't exist in the Japanese vocabulary.

"In many cases, we have had to define the kind of internships we want and then get companies to see the benefits, particularly if they're not U.S. affiliates," he said.

Another aspect that sets MIBS apart is the intensive foreign language component. Study begins in the summer before business course work. Students participate in language classes from 8:30 a.m. to 5 p.m., five days a week.

MIBS began with three language tracts—German and Spanish for American students and English for those from abroad. Today there are eight tracts including French and Portuguese, Arabic, Korean and Japanese.

Italian will be added this summer. Mandarine Chinese and Russian will be added in summer 1991.

The French tract draws the most applicants, but the German tract typically has the largest enrollment, Arpan said. West Germany has one of the world's strongest economies. It has significant investment in the United States, and German companies have been willing to support internships.

But demand for the Japanese tract is increasing, he said.

Other courses vary depending on the student's particular interest, such as finance, marketing or management.

There is also a guest speaker series which adds "a real world dimension to the curriculum," Arpan said. It in turn introduces business executives to MIBS, opening the door for corporate support.

"We typically have about a dozen each year from the international business community or the political community, ambassadors or people of that nature," Arpan said.

Twenty-two students comprised the first MIBS graduating class. This year, 130 students will graduate.

More than 1,000 students request applications each year. Five hundred apply. About 140 are selected.

The typical student is 24 to 25, has had a year or two of work experience and some foreign language training, although that is not a requirement.

In a typical graduating class, 60 percent will be male. Fifty percent will have business undergraduate degrees, 40 percent humanities undergraduate degrees and the rest technical degrees in such areas as engineering and chemistry.

The average student's score on the Graduating Management Admissions Test is 575 and his grade point ratio is 3.3 on a 4.0 scale.

Seventy-five percent of the students are American. The remainder break out equally from European, Asian and Latin American countries. The program draws students from more than 30 states and a dozen foreign countries.

"What sets our students apart is that they are all very interested and committed to the international business community. They're very highly motivated, very bright and very serious in their intent," Arpan said.

In the early years of the program the dropout rate was high—about one of every two students.

The improved caliber of student that the program draws today has cut that rate to between 5 percent and 10 percent, Arpan said, "and almost all of that occurs in the first six months, either in the language program in the summer or in the first semester of the business curriculum."

"It is a very intensive, high pressure program. Even though students may have the intellectual capacity, it's hard to gauge their ability to handle that pressure," he said.

An estimated 1,200 MIBS graduates work in 40 countries, including the United States. Well over half are based in this country in positions with international responsibility.

The average salary among 1989 graduates was $42,000, Arpan said. Salaries vary depending on prior work experience, the language track and the industry.

Several graduates have become presidents of foreign companies, although none a major international fixture. There are graduates who hold senior positions at Chase Manhattan and Citicorp. One is the director of one of Argentina's largest banks.

ALUMNI BOOSTING PROGRAM'S CLOUT

(By Beverly S. Shelley)

The University of South Carolina's graduate program in international business doesn't have the clout enjoyed by Harvard or the Wharton School.

Terry Johnson, Eric Adams, Carol Zajac and Andrew Stouffer are working to change that.

They are among a growing number of USC alumni whose presence in the international business arena promotes the Masters of International Business Studies program and may create new opportunities for future graduates.

Johnson, a 1984 MIBS graduate who specialized in German, is a manager for product strategies development for General Motors Corp.'s European operation.

The company had offered a MIBS internship for many years. Last year, Johnson encouraged the company to sponsor two interns. Next year, GM likely will sponsor three, Johnson said.

"The MIBS program has established a strong reputation. We're able to slot interns into active roles in the department as junior product managers. We give them responsibility right off the bat," he said.

"We can in a relatively short time give the interns a high amount of responsibility without a long initiation period."

Johnson said graduate international business programs have gained recognition only in the past few years. In the international setting, he said, "the Ivy League schools are the ones everyone knows about. After that, it starts getting very hazy. As a state, (South Carolina), nobody knows we're here, and the program has no recognition."

General Motors typically recruits only from the nation's top five schools. Johnson said he hopes to use the No. 1 ranking given USC's international business department by U.S. News & World Report as leverage for recruiting more MIBS graduates.

Johnson said one of the most valuable lessons he learned while in the MIBS program was teamwork.

"There was the accelerated environment through which you go through the course work—12 months of intensive study," he said. "It was a lesson in teamwork, in prioritization. If you work as an individual, you're lost. You're dead. The only way to manage the course work is to start delegating and come together as a team."

Adams, a 1988 MIBS graduate, is project coordinator for Fresenius, one of the largest pharmaceutical and hospital supply companies in Germany with annual sales of $450 million.

Adams' job is to help identify potential acquisitions across Europe for Fresenius. He is also responsible for helping coordinate activity among the parent company and its five subsidiaries.

The 26-year-old Indiana native was instrumental in getting Fresenius to sponsor a MIBS intern program last year.

He's active in MAD—MIBS Alumni Deutschland—a group of about 30 MIBS alumni in Germany. The group meets about twice a year to share ideas ans promote the program, he said.

"MIBS brings to an education the attitude that you have to be flexible and open minded or you're not going to be able to get anywhere," Adams said.

"If you're not open minded, you're not going to make it through MIBS, and you're not going to make it in an international business environment."

Ms. Zajac, a 1980 graduate, works for Digital Computers' German subsidiary as a finance manager.

For the Philadelphia native, attending MIBS was risky and rewarding. "I had never heard of South Carolina," she said.

After attending a graduate seminar and visiting the campus, she said she was convinced USC offered what she wanted.

"The enthusiasm was contagious," she said.

Also, she was sold on the MIBS internship.

"I wouldn't have dared to come over here without having done the internship," she said, adding that the focus on such topics as international market and international finance were also important.

The program covered topics "that when you work in Europe you can really use, for example, currency fluctuations and doing business across borders."

Ms. Zajac said Digital has sponsored two interns during her tenure and she's ready to take another if there's a need.

Stouffer's MIBS studies focused on Portuguese. He is a planning and control analyst for Champion International Corp. in Brazil, which exports to more than 50 countries.●

REREFERRAL OF A BILL—S. 2513, THE CONGRESSIONAL RECYCLING ACT OF 1990

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 2513, which was incorrectly referred to the Governmental Affairs Committee, be discharged and rereferred to the Rules and Administration Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL PHYSICAL FITNESS AND SPORTS MONTH

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 267, designating May 1990 as National Physical Fitness and Sports Month, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 267) to authorize and request the President to designate May 1990 as "National Physcial Fitness and Sports Month."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. THURMOND. Mr. President, I am pleased that we are acting today on my joint resolution (S.J. Res. 267) which designates the month of May 1990 as "National Physical Fitness and Sports Month."

We no longer view physical exercise as solely for entertainment purposes. In the past few decades, a large segment of the population of this country has become conscious of, and involved in, the evergrowing fitness movement. Physical activity should be an important part of life each day for persons of all ages and abilities. Personally, I have benefited greatly from the effects of physical exercise. Each morning, I do calisthenics for a half hour, lift weights, and I swim one-half a mile three times a week.

Interest in sports begins at an early age. Nearly 30 million boys and girls take part in age-grouped team sports and other organized out-of-school physical activity. More than 6 million teenagers and over 600,000 college students compete in interscholastic and intramural athletic programs.

One of every two adults in the United States engages regularly in some type of exercise and/or sports. A third of us swim; a fourth ride bicycles; and a fifth play one of the racquet sports. More than 20 million people in this country run. The number of physically active women and men has doubled in 10 years and continues to grow rapidly.

Not only are fitness and sports programs a source of pleasure and personal satisfaction by which we refresh and strengthen ourselves, but they also have good preventive programs of health care.

Last year during May, as part of the celebration of National Physical Fitness and Sports Month, 1,139,902 persons participated in some form of physical activity, from 5-kilometer walks to track meets and superstars contests. This number is only a small part of the American population. We must make all Americans aware of the benefits offered with such programs increasingly available to everyone. Accordingly, I introduced this joint resolution which requests President Bush to declare May 1990 as "National Physcial Fitness and Sports Month."

Mr. President, I urge my colleagues to join with me and support the final passage of this resolution.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 267) was engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 267

Whereas there is an increase in the number of adults in our country who regularly participate in exercise and sports;

Whereas the number of physically active men and women continues to grow rapidly, especially since the 1970s;

Whereas there is great support for the importance of daily exercise for youth and children regardless of physical capabilities or limitations;

Whereas there is continued growth in senior citizens' physical activity participation which increases their enjoyment and quality of life;

Whereas today we recognize that physical activity is an important part of daily life for children, adults, and senior citizens of both sexes;

Whereas physical activity is vital to good health and is a rich source of pleasure and personal satisfaction;

Whereas our physical fitness and sports programs are one of the primary means by which we strengthen our bodies and refresh our spirits; and

Whereas it is essential that we make fitness and sports programs increasingly available in the schools, at the workplace, and during leisure time so that all of our citizens will be able to experience the joys and benefits they offer: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of May 1990 as "National Physical Fitness and Sports Month", and to call upon Federal, State, and local government agencies, and the people of the United States to observe

the month with appropriate programs, ceremonies, and activities.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

RECESS UNTIL 10:30 A.M., JOURNAL OF THE PROCEEDINGS TO BE APPROVED; RESUME CONSIDERATION OF S. 135.

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10:30 a.m. tomorrow, Wednesday, May 9; that following the prayer, the Journal of proceedings be deemed approved; that the time for the two leaders be reserved for their use later in the day; that, following the reservation of the leader time, the Senate resume consideration of S. 135, the Hatch Act reform bill; and that at that time Senator MCCONNELL be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess under the previous order until 10:30 a.m. on Wednesday, May 9, 1990.

There being no objection, the Senate, at 7:57 p.m., recessed until Wednesday, May 9, 1990, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 8, 1990:

THE JUDICIARY

KAREN LECRAFT HENDERSON, OF SOUTH CAROLINA, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT VICE KENNETH W. STARR, RESIGNED.

A. RAYMOND RANDOLPH, OF MARYLAND, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT VICE SPOTTSWOOD W. ROBINSON III, RETIRED.

DEPARTMENT OF AGRICULTURE

JAMES R. MOSELEY, OF INDIANA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE GEORGE S. DUNLOP, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) WILLIAM A. OWENS, U.S. NAVY, xxx-xx-xxxx

HOUSE OF REPRESENTATIVES—*Tuesday, May 8, 1990*

The House met at 12 noon.

Rabbi Arthur Schneier, Park East Synagogue, New York, NY, offered the following prayer:

You have delivered my soul from death.—(Psalm 116).

You have saved me from the Holocaust and, 43 years ago today, on May 8, 1947, You brought me to the land of freedom and opportunity, the Nation of immigrants. This year you have given me the privilege to preside over the centennial of my congregation, Park East Synagogue, a major spiritual center in New York.

God bless America that gave so many of us a new lease on life and remains the beacon of hope and faith for those deprived of human dignity and freedom, the home of churches and synagogues, where each one of us can worship freely and gain strength through moral values.

The ideology that sought to bury us is now on its death bed. And You, oh Lord, are very much alive in the hearts of millions, who are hungry not only for food but yearn for spiritual sustenance. "In God we trust" is now proclaimed by nations of the velvet revolutions. The spirit of America has captured the hearts and minds of people throughout the world and, as they grope to find their way from totalitarianism to democracy—sometimes impassioned by nationalism and ethnic strife—may we share with them the benefits of pluralism and tolerance and the blessing of unity in diversity.

God bless America * * * Stand beside her and guide her.

THE JOURNAL

The SPEAKER. The chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BUNNING. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BUNNING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 263, nays 106, answered "present" 1, not voting 63, as follows:

[Roll No. 97]

YEAS—263

Ackerman	Fish	McCrery
Akaka	Flake	McCurdy
Anderson	Ford (MI)	McDade
Andrews	Frank	McDermott
Annunzio	Gallo	McEwen
Anthony	Gaydos	McHugh
Applegate	Gejdenson	McMillen (MD)
Archer	Gephardt	McNulty
Aspin	Geren	Meyers
Atkins	Gibbons	Miller (CA)
AuCoin	Gillmor	Mineta
Barnard	Gilman	Moakley
Bartlett	Glickman	Montgomery
Bateman	Gonzalez	Moody
Bates	Gordon	Murtha
Bellenson	Gradison	Myers
Bennett	Grant	Nagle
Berman	Gray	Natcher
Bevill	Green	Neal (NC)
Bilbray	Guarini	Nielson
Bonior	Gunderson	Nowak
Borski	Hall (OH)	Oberstar
Bosco	Hall (TX)	Obey
Boucher	Hamilton	Olin
Boxer	Hammerschmidt	Ortiz
Brennan	Harris	Owens (UT)
Broomfield	Hatcher	Packard
Brown (CA)	Hayes (IL)	Panetta
Bruce	Hayes (LA)	Patterson
Bryant	Hefner	Payne (NJ)
Bustamante	Hertel	Payne (VA)
Byron	Hoagland	Pease
Callahan	Hochbrueckner	Pelosi
Campbell (CO)	Horton	Penny
Cardin	Hoyer	Perkins
Carper	Huckaby	Petri
Carr	Hughes	Pickett
Chapman	Hutto	Pickle
Clarke	Jenkins	Porter
Clement	Johnson (CT)	Poshard
Clinger	Johnson (SD)	Price
Coleman (TX)	Jones (GA)	Quillen
Combest	Jones (NC)	Ravenel
Condit	Jontz	Ray
Conte	Kanjorski	Richardson
Conyers	Kasich	Rinaldo
Cooper	Kastenmeier	Ritter
Costello	Kennedy	Rose
Coyne	Kennelly	Rostenkowski
Darden	Kildee	Roth
Davis	Kleczka	Rowland (GA)
de la Garza	Kolter	Roybal
Dellums	Kostmayer	Russo
Derrick	LaFalce	Sabo
Dicks	Lantos	Saiki
Dixon	Laughlin	Sangmeister
Donnelly	Leath (TX)	Sarpalius
Dorgan (ND)	Lent	Sawyer
Downey	Levin (MI)	Saxton
Duncan	Levine (CA)	Scheuer
Durbin	Lewis (GA)	Schiff
Dwyer	Lipinski	Schneider
Dymally	Livingston	Schulze
Dyson	Lloyd	Serrano
Early	Long	Sharp
Eckart	Lowey (NY)	Shumway
Edwards (CA)	Manton	Shuster
English	Markey	Sisisky
Erdreich	Martinez	Skaggs
Espy	Matsui	Skeen
Evans	Mavroules	Skelton
Fascell	Mazzoli	Slattery
Fazio	McCloskey	Slaughter (NY)
Feighan	McCollum	Smith (FL)
Smith (IA)	Tallon	Walsh
Smith (NE)	Tanner	Washington
Smith (NJ)	Tauzin	Waxman
Smith (VT)	Taylor	Weiss
Solarz	Thomas (GA)	Weldon
Spence	Thomas (WY)	Wheat
Staggers	Torres	Whitten
Stallings	Torricelli	Williams
Stark	Towns	Wise
Stearns	Traficant	Wolpe
Stenholm	Unsoeld	Wyden
Studds	Valentine	Yates
Swift	Vander Jagt	Yatron
Synar	Walgren	

NAYS—106

Armey	Hefley	Paxon
Baker	Henry	Regula
Ballenger	Herger	Rhodes
Barton	Hiler	Ridge
Bereuter	Holloway	Roberts
Bilirakis	Hopkins	Rogers
Bliley	Houghton	Rohrabacher
Boehlert	Hunter	Ros-Lehtinen
Brown (CO)	Inhofe	Roukema
Buechner	Jacobs	Schaefer
Bunning	James	Schroeder
Burton	Kyl	Sensenbrenner
Chandler	Lagomarsino	Shays
Clay	Leach (IA)	Slaughter (VA)
Coble	Lewis (CA)	Smith (TX)
Coleman (MO)	Lewis (FL)	Smith, Denny (OR)
Coughlin	Lightfoot	Smith, Robert (NH)
Cox	Lowery (CA)	Smith, Robert (OR)
Crane	Machtley	Snowe
Dannemeyer	Madigan	Solomon
DeLay	Marlenee	Stangeland
DeWine	Martin (IL)	Stump
Dickinson	Martin (NY)	Sundquist
Douglas	McCandless	Tauke
Dreier	McGrath	Thomas (CA)
Edwards (OK)	McMillan (NC)	Upton
Fields	Mfume	Vucanovich
Gallegly	Michel	Walker
Gekas	Miller (OH)	Weber
Gingrich	Miller (WA)	Whittaker
Goodling	Molinari	Wolf
Goss	Moorhead	Young (AK)
Grandy	Morella	
Hancock	Murphy	
Hansen	Oxley	
Hastert	Parris	
Hawkins	Pashayan	

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—63

Alexander	Hyde	Rahall
Bentley	Ireland	Rangel
Boggs	Johnston	Robinson
Brooks	Kaptur	Roe
Browder	Kolbe	Rowland (CT)
Campbell (CA)	Lancaster	Savage
Collins	Lehman (CA)	Schuette
Courter	Lehman (FL)	Schumer
Craig	Luken, Thomas	Shaw
Crockett	Lukens, Donald	Sikorski
Dingell	Mollohan	Spratt
Dornan (CA)	Morrison (CT)	Stokes
Emerson	Morrison (WA)	Traxler
Engel	Mrazek	Udall
Fawell	Neal (MA)	Vento
Flippo	Nelson	Visclosky
Foglietta	Oakar	Volkmer
Ford (TN)	Owens (NY)	Watkins
Frenzel	Pallone	Wilson
Frost	Parker	Wylie
Hubbard	Pursell	Young (FL)

□ 1224

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair will ask the gentleman from Indiana [Mr. MCCLOSKEY] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. MCCLOSKEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4637. An act to amend Public Law 101-86 to eliminate the 6-month limitation on the period for which civilian and military retirees may serve as temporary employees, in connection with the 1990 decennial census of population, without being subject to certain offsets from pay or other benefits.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3910. An act to require the Secretary of Education to conduct a comprehensive national assessment of programs carried out with assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1424. An act to amend chapter 57 of title 5, United States Code, to provide that reimbursement for certain travel expenses related to relocation of Federal employees shall apply to all stations within the United States.

WELCOME TO RABBI ARTHUR SCHNEIER

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, it gives me great pleasure to welcome my friend, Rabbi Arthur Schneier, of the Park East Synagogue in New York City, who gave today's opening prayer.

Rabbi Schneier's visit today is part of the commemoration of the 100th anniversary of this synagogue, which was founded in 1889.

As Rabbi Schneier noted, today is also the 43rd anniversary of his arrival in the United States as a refugee from Europe.

The Park East Synagogue is renowned for its contributions to Jewish life in New York City as well as throughout the United States and abroad. The synagogue, its rabbi, and its congregation have contributed to interreligious harmony and have been in the forefront of concern for Soviet and Eastern European Jewry and the State of Israel.

The Park East Synagogue has benefited from the spiritual leadership of Rabbi Schneier for the past 28 years. Rabbi Schneier also leads the highly respected human rights organization, the Appeal of Conscience Foundation. This group of leaders from the Roman Catholic, Protestant, Greek Orthodox, Armenian Orthodox, and Jewish faiths has visited many countries including the Soviet Union, Hungary, and China in an effort to protest repression of religious activity.

On behalf of all of my colleagues, I extend a warm welcome to Rabbi Schneier and those members of the Park East Synagogue who made the trip to Washington to witness this extraordinary occasion. I should also like to thank Rabbi Schneier for giving the prayer today and for his dedication to the worldwide Jewish community and to interreligious accord.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4641

Mr. STALLINGS. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 4641.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

FAMILY—THE REAL ISSUE IN THE FAMILY AND MEDICAL LEAVE ACT

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, the real issue in our consideration of the Family and Medical Leave Act is in the bill's first word: Family. This is a bill about giving American families a chance.

A recent Gallop Poll shows that four out of five Americans feel employees should be with their children during the first weeks of life and should be able to care for severely ill family members, without risk of losing their jobs. Americans believe in family.

This bill will not burden business. It responds to the legitimate concerns of employers by providing for only unpaid leave. In fact, GAO estimated that the annual cost of the bill would average only $5.30 per employee. Additionally, this legislation will encourage employers to invest in an experienced, well-trained, high morale work force.

It seems that everyone these days is bemoaning the decline of the American family and the loss of an experienced, motivated American work force. Well, Mr. Speaker, this bill encourages businesses to retain our most experienced workers. And, most of all, this bill responds to the concerns of America's most important group—our families.

□ 1230

KEEP THE DOLLAR BILL

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, a bill now lurking in the Subcommittee on Coinage and Consumer Affairs would replace the American dollar bill with a copper coin.

Beware of it: it does not simply add a dollar coin—it eliminates the dollar bill completely. It is a bad, bad idea.

Think of all the change we'd have to carry. We would have to strap coin dispensers to our belts and walk around like gas station attendants or popcorn vendors.

But even if we got used to that, the whole idea is shameful. Imagine taking away the dollar bill—the symbol of prosperity, the image of our country's greatness, the emblem of American economic might—and replacing it with a giant penny.

A giant penny, Mr. Speaker.

What a pathetic statement of American decline. Why not make whiffleball the national pastime, or change the Statue of Liberty for a statue of Bozo the Clown while we're at it?

Mr. Speaker, the dollar bill is just like the American flag. It is a symbol of our country. Let's keep it.

SUPPORT FAMILY AND MEDICAL LEAVE

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, today less than 10 percent of the population represents the kind of family we used to see on "Ozzie and Harriet." Today most of our children have mothers who work outside the home.

When these children suffer a serious illness, mothers and fathers must too often choose between keeping their jobs or caring for their children.

As a physician, I have seen parents agonize over this decision. We all know that such a conflict benefits neither the family nor the employer—and certainly not the patient. Whether you are young or old, illness is a time when you need your family the most. No one should have to live with the grief and guilt of abandoning a child or parent in a time of need. No responsible employer should ask that of an employee.

The Family and Medical Leave Act will guarantee working families a chance to care for their loved ones. This legislation will not cost the Federal Government one penny, and the average annual cost to employers is estimated at about $5 per employee.

We are not often presented with legislation that offers sensible, cost-effective, and compassionate solutions. The Family and Medical Leave Act is one of these, and I urge the President to support it.

NO COMPROMISE ON FEDERAL MANDATES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the Family and Medical Leave Act (H.R. 770) or a similar bill will be considered by the House later this week. I encourage my colleagues to vigorously oppose H.R. 770 or any so-called compromise.

The central problem with any legislation is simply a matter of policy. The Federal Government should not adopt a policy that mandates benefits for businesses. Instead, it should leave these decisions to businesses and their employees. I recognize the value of family and medical leave benefits; however, I do not believe the Federal Government should mandate these benefits to the exclusion of others deemed more valuable by various segments of the work force.

I believe the Federal Government should continue to allow companies the flexibility to provide their workers with the benefits they choose. My company in Hickory, NC, is a good example of business offering a benefit mix that helps the business and meets the desires of the workers. We provide a number of employee benefits, including health insurance, life insurance, a retirement plan, and maternity and family leave.

Congress should continue to encourage employers to provide flexible packages. However the decision on what is in the package should not be made by Washington politicians and bureaucrats.

Vote "no" on mandated leave!

CUT AID TO A CORRUPT MILITARY IN EL SALVADOR

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, it has been reliably reported that several items of evidence in the slayings of six Jesuits and two women in El Salvador have mysteriously disappeared and at least four soldiers with potentially incriminating evidence have been sent abroad. Reportedly they will be unavailable to testify.

Perhaps these latest outrageous developments could comprise at least one of the final straws ultimately causing a not so mysterious disappearance of U.S. aid to a substantially corrupt military.

These revelations hopefully will generate support this week in this Chamber for the provisions in the supplemental foreign assistance bill to withhold 50 percent of the El Salvador military aid remaining in 1990 and in 1991.

TAX ASSISTANCE FOR BUSINESSES UNDER AMERICANS WITH DISABILITIES ACT

(Mr. DeLAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeLAY. Mr. Speaker, the Americans With Disabilities Act has been reported from four committees and it is now headed for the House floor for consideration.

Both Republicans and Democrats have attempted to amend provisions they have found objectionable. However, the momentum behind this bill has been a major factor in defeating amendments which would clarify and improve the bill.

There is however, Mr. Speaker, one issue that has not yet been considered in any of the four committees, and that is the issue of providing tax assistance for businesses who will be required to make accommodations under the bill.

Mandating access for the disabled is a reasonable requirement. Mandating that a business spend money to provide that access is something different. But to leave the spending mandate open-ended—with the courts determining how much small businesses must spend to accommodate the disabled—is unheard of!

Mr. Speaker, this Congress cannot pass the ADA unless it also allows for a tax credit for businesses who will be forced to spend money on accommodations for the disabled.

PRESIDENT MUST PRESENT A TAX LIST TO THE AMERICAN PEOPLE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1988 Candidate Bush said "Read my lips: no new taxes." Now the President is singing a different tune. He is saying, "What I really meant was no new income taxes."

Tricky, tricky, tricky. I guess now the President is saying that raising old taxes is OK, or inheritance taxes is all right, or sales taxes, that is all right as well, and maybe even a few hidden taxes.

This is a joke. A tax is a tax is a tax. It is time for the President to prepare that tax list and send it to the American people so they can check it twice.

Mr. Speaker, Candidate Bush said "Read my lips." He did not tell the American taxpayers to read his mind. Democrats should stand here and make sure he presents that tax list to the American people.

SATELLITE VIEWERS' RIGHTS ACT OF 1990

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, tomorrow I will introduce the Satellite Viewers' Rights Act of 1990. As dish sizes shrink and cable rates inflate, the future of the satellite dish industry brightens. The thought of having the diversity of cable programming delivered through a satellite to a flat dish receiver no bigger than a dinner napkin is absolutely revolutionary. Revolutionary, but also very real. Investors large and small are lining up to take their best shot at this new medium. From telecommunications giants like NBC to entrepreneurs like Dan Garner of Little Rock, AR, men and women of vision see the opportunity in the future of direct broadcast satellite services.

Through this napkin-sized antenna, citizens of Japan and Germany are already receiving satellite programming.

And it is coming to America soon.

□ 1240

I believe that we must encourage this technology for the United States. Technology demands that we look at the future and encourage fair, competitive, and aggressive marketplace competition through access to programming at prices that are fair and competitive for consumers, and apply these technologies in those competitive terms to Ku-Band direct broadcast satellite service, as I have done in the Satellite Viewer's Rights Act of 1990.

The sky is opening to new television opportunities. Our bill will keep those skies open and keep prices fair and competitive.

UNBRIDLED'S SUCCESS AT TARTAN FARMS, OCALA, FL

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, great stretch runs are the stuff of legends in the Kentucky Derby, but few winners

have ever finished as powerfully as Unbridled did Saturday.

The colt flew the final quarter mile at Churchill Downs in the fastest time since Secretariat to win the 116th running of America's most famous race.

I take considerable pride in the success of Unbridled. He was born and bred at Tartan Farms in my hometown of Ocala, FL.

Mr. Speaker, Unbridled's success is also a success for Florida's thoroughbred breeders. The thoroughbred industry has more than $4 billion invested in Florida and provides more than 30,000 jobs.

Unbridled is the fourth Florida bred colt to win the Kentucky Derby. The honor also went to Needles in 1956, Foolish Pleasure in 1975, and Affirmed in 1978. Of course Affirmed went on to win the Triple Crown with victories at the Preakness and Belmont Stakes.

I am delighted that Unbridled is continuing Florida's tremendous thoroughbred reputation.

SOUTH CAROLINA COMMUNITY EXTENDS THANKS TO STATE OF MARYLAND

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, I rise today to extend a warm thank you to the State of Maryland from a community in South Carolina that was practically destroyed by Hurricane Hugo this past September.

In the days and weeks immediately following the hurricane, help began to arrive from all over the country. This help came in many forms and from many sources, but the help that came from Gov. William Donald Schaffer and the State of Maryland was especially helpful and meaningful to the Berkeley County community of St. Stephen.

Mayor Robert Hoffman of St. Stephen has repeatedly praised the outstanding assistance that his town received from Governor Schaffer and the people of Maryland. The compassion and heart-felt support that Governor Schaffer offered was a tremendous boost in St. Stephen's first steps toward recovery from the devastation of the hurricane.

In these days of budget constraints and the attitude of looking out for one's own interests, the people of Maryland proved to the community of St. Stephen that human compassion comes first.

I join the people of St. Stephen in publicly thanking Governor Schaffer and the people of Maryland for their outpouring of help, both in material supplies and human understanding.

FAIR REDISTRICTING NEEDED

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, we have heard a lot of talk lately about the need for campaign finance reform.

I agree that we need finance reform, but finance reform will not result in true campaign reform if legislatures can continue to gerrymander districts.

If a district is noncompetitive in voter registration, like many districts are today, there is no reform.

The Republican campaign reform plan would prohibit State legislatures from dividing cities, counties, and other governmental units to create new district boundaries unnecessarily.

This legislation would prevent State legislatures from freely gerrymandering districts for partisan political advantage.

Mr. Speaker, this legislation is long overdue.

The American people deserve fair redistricting after the 1990 census, and fair redistricting is essential to campaign reform.

HAVE A HEART, MR. BUSH

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, consider this situation: The mother of a dying child, after years of suffering, finally realizes that the end is near. She goes to her employer of several years and asks for leave without pay for several weeks to be with her dying child. The employer tells her that he cannot guarantee her job when she returns. After the child's death, she comes back to find the employer refuses to rehire her.

In George Bush's view of America, our Government should have no voice in this brutal decision to punish a grieving mother. In George Bush's view of America, this mother who is faced with a cruelty of life now faces a cruel treatment from her employer with no legal recourse.

President Bush's threat to veto the Family Medical Leave Act betrays any notion that there is a kinder and gentler bone in this administration.

Have a heart, Mr. Bush. Support the American family during those tragic moments which can face any of us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would observe that the President should be addressed through the Chair and not directly.

ADVERSE EFFECTS OF CLEAN AIR ACT

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, following up on my friend, the gentleman from Ohio [Mr. TRAFICANT]: "Read my lips," Mr. Bush said, "no new taxes."

Yet the clean air bill that is before us is one of the biggest tax increase bills in the history of this country. Call it whatever you want to call it, taxes, increased bills, but there is going to be an 18- to 40-percent increase in utility bills, there is going to be an increase in the cost of products we are going to have to pay for. There is going to be an increase in the amount of foreign imports, and there are going to be hundreds of thousands of jobs in the steel industry and the coal industry that are going to be lost, and there are going to be lost Federal taxes.

Dr. Wilbur Steger, a professor at Carnegie Mellon Institute in Pittsburgh, who wrote an analysis of jobs at risk and job losses resulting from the proposed Clean Air Act amendments said that he is perplexed that anybody could support this bill when his analysis shows its passage could have a detrimental effect on 240,000 jobs in West Virginia and Ohio alone.

So what I am saying, Mr. Bush, is common sense must prevail. Take a look at the economic impact. Do not devastate a region. Help us.

DISCONTINUE AID TO EL SALVADOR ONCE AND FOR ALL

Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, unfortunately our Government seems to have become a bit ho-hum about strange doings in El Salvador. Despite thousands of opposition and labor leaders mysteriously having disappeared or been murdered, we have dumped nearly $100 million a year into military aid and hundreds of millions more into other assistance for El Salvador.

When the six Jesuits and their housekeeper were brutally murdered last fall, it seemed things might change and our level of tolerance had finally been exceeded. But now it seems it is back to business as usual, or perhaps unusual in El Salvador.

First we heard that the colonel arrested in the killing of the six Jesuits was taking vacations with his family in a resort in the south of the country on a beach. It is tough when you are put in jail, and he needs those vacations.

Then we heard that the colonel's notebooks had mysteriously gone on vacation, and then the log book for

the night of the killings disappeared, and now the four key, material witnesses have abruptly gone overseas to study, perhaps with U.S. aid.

Mr. Speaker, with all of these mysterious disappearances, unscheduled vacations, and unanticipated overseas trips, it is time that military aid for El Salvador disappeared once and for all.

SEVERE PROBLEMS REMAIN WITH U.S. MERCHANT MARINE

(Mr. PICKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKETT. Mr. Speaker, last year the National Commission on Merchant Marine and Defense issued its final report documenting the severe decline in the U.S. merchant marine industry and recommending action to reverse this trend. Neither Congress nor the President has acted on the recommendations to begin correcting this extremely serious deficiency in U.S. military and industrial policy.

Without an adequate U.S.-flag fleet of commercial vessels and the people to man them, we risk finding the United States in the position of being unable to transport needed troops, supplies, and vital equipment across the oceans in a national emergency. Additionally, effective competition in world trade will be hampered if we depend upon others to carry more than 95 percent of all U.S. oceanborne commerce.

With a dwindling number of ships, fewer licensed seamen, and a severe deterioration in the U.S. shipbuilding and ship repair industries, it is essential that we move quickly to rebuild our maritime resources. With the lessening of East/West tensions, the time is ripe for us to turn our attention to an effective sealift capability and a renewed effort to restore this Nation's merchant marine fleet.

As a first step, our distinguished colleague from Florida, Mr. BENNETT, has introduced H.R. 2463 to implement the recommendations of the Commission, and I urge others to join in this effort.

□ 1250

FAMILY AND MEDICAL LEAVE

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, Donita Mellon was a nurse in a Los Angeles hospital. After a full year of unsuccessful treatment for an enlarged cystic ovary and a fibrous uterus, she was advised to have a hysterectomy and told she would need 8 weeks for recuperation.

When Ms. Mellon asked her supervisor for the time off, he told her that because he wanted her to work during the holidays, she could either have the surgery in October or wait until after the new year. Otherwise, she would lose her job. Unfortunately, the earliest the surgeon was available to operate was in November.

As promised, when she returned to work, her job was gone.

But Ms. Mellon was lucky in one sense. During the surgery, doctors discovered that her condition had been malignant. Had she waited until the new year, she might have lost her life.

Donita Mellon should never have been forced to choose between her health and her job. Nor should anyone. I urge my colleagues to prevent this from happening again by supporting H.R. 770, the Family and Medical Leave Act.

Mr. Speaker, I urge the President to reconsider his unfortunate threat to veto this much needed and humane legislation.

MANDATED FAMILY AND MEDICAL LEAVE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I have heard a number of liberals come to the floor today suggesting people vote in favor of the Family and Medical Leave Act. These are some of the same people who have come to the floor over the last several weeks and told us about all the threats we face from increased competition. Yet this very bill, this mandated bill, will impose such costs on American business that will render them even more unable to compete in the world economy.

What this will mean is that thousands of Americans nationwide will lose their jobs because of our inability to meet foreign competition.

Mr. Speaker, it is not compassionate, in my view, to have thousands upon thousands of Americans out of a job as a result of actions we take here in the Congress.

It may well be that medical leave and family leave is one thing that an employer wants to consider in their dialog with their own employees. That may be something that should be done as part of the collective bargaining agreement arrangement. But it is not something the Government should mandate.

We ought not be in the business of mandating thousands of people to lose their jobs in this country.

TRIBUTE TO THE LATE ISIAH FREDERICKS

(Mr. TAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR. Mr. Speaker, I come today to express the sorrow of the people of south Mississippi at the loss of State Representative Isiah Fredericks. Representative Fredericks, like many Mississippians, spent most of his life serving his country, first in Korea and then in Vietnam.

He was a true statesman and dedicated public servant. He served in the Mississippi House of Representatives for 11 years. He stayed in touch with the people who gave him the privilege of serving in public office and made their concerns known in Jackson.

In the words of one Biloxi city councilman who knew him well, Representative Fredericks "was a forceful and dynamic type of person. He was able to work effectively in building a consensus." People respected Fredericks' frankness and truth and they believed in what he said.

Representative Fredericks knew that leadership and public service went hand-in-hand. His lists of accomplishment go on and on. He was a compassionate and generous man who led by example and restored in others the will and conviction to carry on in his absence.

Representative Fredericks was the first black to register to vote in Pearl River County. He was a leader for civil rights and played an important role in our State's progress from confrontation to cooperation. He served his county well in the Air Force, both in Vietnam and Korea.

I was proud to call him friend.

THE FAMILY AND MEDICAL LEAVE ACT IS NOT MANDATED

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I think it is very important to answer some of the charges that have been leveled here today at family medical leave. Many people were talking about how this is mandated, mandated, mandated. This is not mandated at all. Any family that does not want this leave does not have to take it.

The only thing it does is empower America's families for the first time to be able to take that leave if they need it.

Right now there is a press conference going on outside where many people are talking about how they have been the victims of employers firing them because their child had leukemia and was dying and they wanted to take time off, or employers firing them because they adopted a baby and they wanted and needed some time.

This is a chance for us to truly be kinder, gentler. This is a real issue of the special interests versus the family

interests in this country. You do not have to look at statistics to know families have been losing in this country. This is a chance to empower them a bit.

They are not mandated to do a thing, but it may really help, and I really hope that people will look at this sincerely and take this issue on.

FAMILY AND MEDICAL LEAVE ACT WILL CAUSE JOBS TO BE LOST.

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, again we enter into the dialog about mandated parental leave.

Mr. Speaker, I have to reiterate that if you are being kinder and gentler to the American families, it is not being kinder and gentler to take away jobs, to prevent and build walls for women to come in and to be able to have access to jobs because of the problems that this bill would propose.

If we want to be kinder and gentler to the American family, we need to give them the opportunity to work, to earn for this country, to be productive, for this country to be competitive throughout the world.

When you start to put mandates and shackles on the American economy, you are not being kinder and gentler to anybody; you are fooling the American public, Mr. Speaker.

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM AND GOVERNMENT LIFE INSURANCE AMENDMENTS

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1805) to amend title 5, United States Code, to allow Federal annuitants to make contributions for health benefits through direct payments rather than through annuity withholding if the annuity is insufficient to cover the required withholdings, and to make a technical correction relating to the life insurance program, with Senate amendments thereto, concur in Senate amendments numbered 1 and 3, disagree to the Senate amendment numbered 2, and disagree to the Senate amendment to the title.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 4, line 4, strike out "indivdual" and insert "individual".

Page 5, after line 2, insert:

SEC. 3. UNIFORM TERMINATION OF LIFE INSURANCE COVERAGE.

Section 8706(a) of title 5, United States Code, is amended in the first sentence by striking out "or 12 months after discontinuance of his pay, whichever is earlier".

Page 5, after line 2, insert:

SEC. 4. REDUCTION IN AGE REQUIREMENT FOR WIDOWS AND WIDOWERS FOR RECEIVING CERTAIN COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION SYSTEM.

Chapter 81, of title 5, United States Code, is amended—

(1) in section 8133(b)(1) by striking out "age 60" and inserting in lieu thereof "age 55"; and

(2) in section 8135(b) by striking out "age 60" and inserting in lieu thereof "age 55".

Amend the title so as to read: "To amend title 5, United States Code, to allow Federal annuitants to make contributions for health benefits through direct payments rather than through annuity withholdings if the annuity is insufficient to cover the required withholdings, to make a technical correction relating to the life insurance program, and to provide for the termination of life insurance coverage uniformly.".

Mr. ACKERMAN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments, be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to the request.

Mr. ACKERMAN. Mr. Speaker will the gentleman yield?

Mrs. MORELLA. I yield to the gentleman from New York.

Mr. ACKERMAN, Mr. Speaker, on November 6, 1989, the House passed H.R. 1805 by voice vote and 6 months later, on April 26 of this year, the Senate also passed the legislation by voice vote. However, the Senate added three amendments to the bill.

The first amendment corrects a spelling error in the bill.

The second amendment would eliminate the current provision for the termination of Federal Employees Group Life Insurance coverage 12 months after the discontinuance of an individual's pay. In a recent report, the General Accounting Office recommended enactment of such a change in the life insurance program. However, the House Committee on Post Office and Civil Service has not had the opportunity to hold hearings on this issue. In addition, it is unclear how this amendment would affect current employees in nonpay status and how it would alter the contribution structure of life insurance program. For these reasons, the committee cannot agree to this amendment.

The third Senate amendment would reduce the age requirement for widows and widowers who remarry, who would otherwise be eligible to receive compensation under the Federal Employees Compensation Act, from 60 years of age to 55 years of age. I have been advised that the majority and minority of the Education and Labor Committee have no objection to this amendment.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

□ 1300

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1805, and the Senate amendments thereto.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4, of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules.

MATSUNAGA HYDROGEN RESEARCH AND DEVELOPMENT ACT

Mr. TORRICELLI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4521) to establish a Hydrogen Research and Development Program, as amended.

The Clerk read as follows:

H.R. 4521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Matsunaga Hydrogen Research and Development Act".

TITLE I—HYDROGEN PRODUCTION AND USE

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress finds that—

(1) due to the limited quantities of naturally occurring petroleum-based fuels, viable alternative fuels and feedstocks must be developed;

(2) with a growing concern over the many environmental problems affecting the planet, priority should be given to the development of alternative fuels with universal availability;

(3) hydrogen is one of the most abundant elements in the Universe, with water, a primary source of hydrogen, covering three-fourths of the Earth;

(4) hydrogen appears promising as an alternative to finite fossil fuels;

(5) hydrogen can be transported more efficiently and at less cost than electricity over long distances;

(6) renewable energy resources are potential energy sources that can be used to convert hydrogen from its naturally occurring states into high quality fuel, feedstock, and energy storage media; and

(7) it is in the national interest to accelerate efforts to develop a domestic capability to economically produce hydrogen in quantities which will make a significant contribution toward reducing the Nation's dependence on conventional fuels.

(b) The purpose of this title is to—

(1) direct the Secretary of Energy to prepare and implement a comprehensive five-year plan and program to accelerate research and development activities leading to the realization of a domestic capability to produce, distribute, and use hydrogen economically within the shortest time practicable;

(2) direct the Secretary of Energy to implement a technology assessment and information transfer program among the Federal agencies and aerospace, transportation, energy, and other market-driven entities; and

(3) develop renewable energy resources as primary energy sources to be used in the production of hydrogen.

COMPREHENSIVE MANAGEMENT PLAN

SEC. 102. (a) The Secretary shall prepare a comprehensive five-year program management plan for research and development activities which shall be conducted over a period of no less than five years and shall be consistent with the provisions of sections 103 and 104. In the preparation of such plan, the Secretary shall consult with the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, the Hydrogen Technical Advisory Panel established under section 107, and the heads of such other Federal agencies and such public and private organizations as he deems appropriate. Such plan shall be structured to permit the realization of a domestic hydrogen production capability within the shortest time practicable.

(b) The Secretary shall transmit the comprehensive program management plan to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate within six months after the date of the enactment of this Act. The plan shall include—

(1) the research and development priorities and goals to be achieved by the program;

(2) the program elements, management structure, and activities, including program responsibilities of individual agencies and individual institutional elements;

(3) the program strategies including technical milestones to be achieved toward specific goals during each fiscal year for all major activities and projects;

(4) the estimated costs of individual program items, including current as well as proposed funding levels for each of the five years of the plan for each of the participating agencies;

(5) a description of the methodology of coordination and technology transfer;

(6) the proposed participation by industry and academia in the planning and implementation of the program; and

(7) the relationship to other ongoing solar and renewable energy programs.

(c) Concurrently with the submission of the President's annual budget to the Congress for each year after the year in which the comprehensive five-year plan is initially transmitted under subsection (b), the Secretary shall transmit to the Congress a detailed description of the current comprehensive plan, setting forth appropriate modifications which may be necessary to revise the plan as well as comments on and recommendations for improvements in the comprehensive program management plan made by the Hydrogen Technical Advisory Panel established under section 107.

RESEARCH AND DEVELOPMENT

SEC. 103. (a) The Secretary shall establish, within the Department of Energy, a research and development program, consistent with the comprehensive five-year program management plan under section 102, to ensure the development of a domestic hydrogen fuel production capability within the shortest time practicable.

(b)(1) The Secretary shall initiate research or accelerate existing research in areas which may contribute to the development of hydrogen production and use.

(2) Areas researched shall include production, liquefaction, transmission, distribution, storage, and use. Particular attention shall be given to developing an understanding and resolution of all potential problems of introducing hydrogen production and use into the marketplace.

(c) The Secretary shall give priority to those production techniques that use renewable energy resources as their primary energy source.

(d) The Secretary shall, for the purpose of performing his responsibilities pursuant to this title, solicit proposals for and evaluate any reasonable new or improved technology, a description of which is submitted to the Secretary in writing, which could lead or contribute to the development of hydrogen production technology.

(e) The Secretary shall conduct evaluations, arrange for tests and demonstrations, and disseminate to developers information, data, and materials necessary to support efforts undertaken pursuant to this section.

(f) The Secretary shall submit, as a separate line item in the annual funding request to Congress of the Department of Energy, the funding requirements for carrying out this section.

DEMONSTRATIONS AND PLAN

SEC. 104. (a) The Secretary shall conduct demonstrations of hydrogen technology, preferably in self-contained locations, so that technical and nontechnical parameters can be evaluated to best determine commercial applicability of the technology. Such demonstrations shall include industry and government joint ventures to produce hydrogen for use as public transportation fleet fuels and utility turbine fuels.

(b) The Secretary shall, in consultation with the Secretary of Transportation, the Administrator of the National Aeronautics and Space Administration, and the Hydrogen Technical Advisory Panel established under section 107, prepare a comprehensive large-scale hydrogen demonstration plan with respect to demonstrations carried out pursuant to subsection (a)(1). Such plan shall include—

(1) a description of the necessary research and development activities that must be completed before initiation of a large-scale hydrogen production demonstration program;

(2) an assessment of the appropriateness of a large-scale demonstration immediately upon completion of the necessary research and development activities; and

(3) an implementation schedule with associated budget and program management resource requirements.

TECHNOLOGY TRANSFER PROGRAM

SEC. 105. (a) The Secretary shall implement a program designed to accelerate wider application of hydrogen production, storage, utilization and other technologies available in the near term as a result of aerospace experience as well as other research progress. The Secretary shall direct the program with the advice and assistance of a panel of industry, academia, government, and other hydrogen-related interests with the intent to disseminate information with respect to relatively near-term business and research opportunities that can lead to a long-term increase in hydrogen production and utilization. The objective in seeking this advice is to increase participation of private industry in the demonstration of near commercial applications.

(b) The Secretary, in carrying out the program authorized by subsection (a), shall—

(1) undertake an inventory and assessment of hydrogen technologies and their commercial capability to economically produce, store, or utilize hydrogen in aerospace, transportation, electric utilities, petrochemical, chemical, merchant hydrogen, and other industrial sectors; and

(2) develop a National Aeronautics and Space Administration, Department of Energy, and industry information exchange program to improve technology transfer for—

(A) application of aerospace experience by industry;

(B) application of research progress by industry and aerospace;

(C) application of commercial capability of industry by aerospace; and

(D) expression of industrial needs to research organizations.

The information exchange program may consist of workshops, publications, conferences, and a data base for use by the public and private sectors.

COORDINATION AND CONSULTATION

SEC. 106. (a) The Secretary shall have overall management responsibility for carrying out the program under this title. In carrying out such program, the Secretary, consistent with such overall management responsibility—

(1) shall use the expertise of the National Aeronautics and Space Administration and the Department of Transportation; and

(2) may use the expertise of any other Federal agency in accordance with subsection (b) in carrying out any activities under this title, to the extent that the Secretary determines that any such agency has capabilities which would allow such agency to contribute to the purpose of this title.

(b) The Secretary may, in accordance with subsection (a), obtain the assistance of any department, agency, or instrumentality of the executive branch of the Federal Government upon written request, on a reimbursable basis or otherwise and with the consent of such department, agency, or instrumentality. Each such request shall identify the assistance the Secretary deems necessary to carry out any duty under this title.

(c) The Secretary shall consult with the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Hydrogen Technical Advisory Panel established

under section 107 in carrying out his authorities pursuant to this title.

TECHNICAL PANEL

SEC. 107. (a) There is hereby established a technical panel of the Energy Research Advisory Board, to be known as the Hydrogen Technical Advisory Panel, to advise the Secretary on the program under this title.

(b)(1) The technical panel shall be appointed by the Secretary and shall be comprised of such representatives from domestic industry, universities, professional societies, Government laboratories, user groups, environmental, and other organizations as the Secretary, in consultation with the Chairman of the Energy Research Advisory Board, deems appropriate based on his assessment of the technical and other qualifications of such representatives. Appointments to the technical panel shall be made within ninety days after the enactment of this Act. The technical panel shall have a chairman, who shall be elected by the members from among their number.

(2) Members of the technical panel need not be members of the full Energy Research Advisory Board.

(c) The activities of the technical panel shall be in compliance with any laws and regulations guiding the activities of technical and factfinding groups reporting to the Energy Research Advisory Board.

(d) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the technical panel in carrying out the requirements of this section and shall furnish to the technical panel such information as the technical panel deems necessary to carry out this section.

(e) The technical panel shall review and make any necessary recommendations on the following items, among others—

(1) the implementation and conduct of the program under this title; and

(2) the economic, technological, safety, and environmental consequences of the deployment of hydrogen production and use systems.

(f) The technical panel shall prepare and submit within one year after the date of enactment of this Act to the Energy Research Advisory Board a written report of its findings and recommendations with regard to the program under this title. The report shall include—

(1) a summary of the technical panel's activities for the preceding year;

(2) an assessment and evaluation of the status of the program; and

(3) comments on and recommendations for improvements in the comprehensive five-year program management plan required under section 102.

(g) After consideration of the technical panel report and within thirty days after its receipt, the Energy Research Advisory Board shall submit the report, together with any comments which the Board deems appropriate, to the Secretary.

(h) The Secretary shall provide such staff, funds, and other support as may be necessary to enable the technical panel to carry out the functions described in this section.

(i) Unless otherwise requested by the Secretary, the Hydrogen Technical Advisory Panel established under subsection (a) shall be disbanded within 3 months after completion of the report required under subsection (f). The Energy Research Advisory Board shall revise such report annually after its initial completion.

INCREASED USE OF HYDROGEN

SEC. 108. The Secretary shall work with the Administrator of the Environmental Protection Agency, the Chairman of the Federal Energy Regulatory Commission, and such other Federal officers as are appropriate, to ensure that the laws of the United States, including regulations issued thereunder, are carried out in a manner favorable to the increased use of hydrogen.

DEFINITIONS

SEC. 109. As used in this title—

(1) the term "Secretary" means the Secretary of Energy; and

(2) the term "capability" means proven technical ability.

AUTHORIZATION OF APPROPRIATIONS

SEC. 110. There are hereby authorized to be appropriated to carry out the purpose of this title—

(1) amounts authorized by section 4(c)(1)(C), (2)(C), and (3)(C), of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 for fiscal years 1991, 1992, and 1993, respectively;

(2) $15,000,000 for fiscal year 1994; and

(3) $20,000,000 for fiscal year 1995.

TITLE II—HYDROGEN-FUELED AIRCRAFT RESEARCH AND DEVELOPMENT

FINDINGS AND PURPOSE

SEC. 201. (a) The Congress finds that—

(1) long-term future decreases in petroleum-base fuel availability will seriously impair the operation of the world's air transport fleets;

(2) hydrogen appears to be an attractive alternative to petroleum in the long term to fuel commercial aircraft;

(3) it is therefore in the national interest to accelerate efforts to develop a domestic hydrogen-fueled supersonic and subsonic aircraft capability, including the hypersonic National Aero-Space Plane and its derivatives; and

(4) the use of liquid hydrogen as a commercial air transport fuel has sufficient long-term promise to justify a substantial research, development, and demonstration program.

(b) The purpose of this title is to—

(1) direct the Administrator of the National Aeronautics and Space Administration to prepare and implement a comprehensive five-year plan and program for the conduct of research, development, and demonstration activities leading to the realization of a domestic hydrogen-fueled aircraft capability within the shortest time practicable, coordinated with the National Aero-Space Plane and its derivatives;

(2) establish as a goal broad multinational participation in the program; and

(3) provide a basis for public, industry, and certifying agency acceptance of hydrogen-fueled aircraft as a mode of commercial air transport.

COMPREHENSIVE MANAGEMENT PLAN

SEC. 202. (a) The Administrator shall prepare a comprehensive five-year program management plan for research, development, and demonstration activities consistent with the provisions of sections 203, 204, 205, and 206. In the preparation of such plan, the Administrator shall consult with the Secretary of Energy, the Secretary of Transportation, and the heads of such other Federal agencies and such public and private organizations as he deems appropriate. Such plan shall be structured to permit the realization of a domestic hydrogen-fueled aircraft capability within the shortest time practicable, and shall include activities of the National Aero-Space Plane Program.

(b) The Administrator shall transmit the comprehensive five-year program management plan to the Committee on Science, Space, and Technology of the House of Representatives and the Committees on Commerce, Science, and Transportation and Energy and Natural Resources of the Senate within six months after the date of the enactment of this Act. The plan shall include (but not necessarily be limited to)—

(1) the research and development priorities and goals to be achieved by the program;

(2) the program elements, management structure, and activities, including program responsibilities of individual agencies and individual institutional elements;

(3) the program strategies including detailed technical milestones to be achieved toward specific goals during each fiscal year for all major activities and projects;

(4) the estimated costs of individual program items, including current as well as proposed funding levels for each of the five years of the plan for each of the participating agencies;

(5) a description of the methodology of coordination and technology transfer; and

(6) the proposed participation by industry and academia in the planning and implementation of the program.

(c) Concurrently with the submission of the President's annual budget to the Congress for each year after the year in which the comprehensive five-year plan is initially transmitted under subsection (b), the Administrator shall transmit to the Congress a detailed description of the current comprehensive plan, setting forth appropriate modifications which may be necessary to revise the plan as well as comments on and recommendations for improvements in the comprehensive program management plan made by the Hydrogen-Fueled Aircraft Advisory Committee established under section 208.

RESEARCH AND DEVELOPMENT

SEC. 203. (a) The Administrator shall establish, within the National Aeronautics and Space Administration, a research and development program consistent with the comprehensive five-year program management plan under section 202 to ensure the development of a domestic hydrogen-fueled aircraft capability within the shortest time practicable.

(b) The Administrator shall initiate research or accelerate existing research in areas which may contribute to the development of a hydrogen-fueled aircraft capability.

(c) In conducting the program pursuant to this section, the Administrator shall encourage the establishment of domestic industrial capabilities to supply hydrogen-fueled aircraft systems or subsystems to the commercial marketplace.

(d) The Administrator shall, for the purpose of performing his responsibilities pursuant to this Act, solicit proposals for and evaluate any reasonable new or improved technology, a description of which is submitted to the Administrator in writing, which could lead or contribute to the development of hydrogen-fueled aircraft technology. Any such proposals must be coordinated with the National Aero-Space Plane Research and Development Program.

(e) The Administrator shall conduct evaluations, arrange for tests and demonstrations and disseminate to developers information, data, and materials necessary to support efforts undertaken pursuant to this section.

NATIONAL AERO-SPACE PLANE PROGRAM

SEC. 204. As part of the comprehensive five-year program management plan prepared under section 202, and as part of the research and development program established under section 203, the Administrator shall incorporate the goals, directions, and activities of the National Aero-Space Plane Program. In accordance with section 207, the Administrator shall closely coordinate activities under this title with those of the National Aero-Space Plane Program.

FLIGHT DEMONSTRATION

SEC. 205. (a) Concurrent with the activities carried out pursuant to section 203, the Administrator shall, in consultation with the Secretary of Transportation, the Secretary of Energy, and the Hydrogen-Fueled Aircraft Advisory Committee established under section 208, prepare a comprehensive flight demonstration plan, the implementation of which shall provide confirmation of the technical feasibility, economic viability, and safety of liquid hydrogen as a fuel for commercial transport aircraft. The comprehensive flight plan shall include—

(1) a description of the necessary research and development activities that must be completed before initiation of a flight demonstration program;

(2) the selection of a domestic site where demonstration activities can lead to early commercialization of the concept;

(3) an assessment of a preliminary flight demonstration to occur concurrently with the later stages of research and development activities; and

(4) an implementation schedule with associated budget and program management resource requirements.

(b) The Administrator shall transmit such comprehensive flight demonstration plan to the Congress within two years after the date of the enactment of this Act.

HYDROGEN PRODUCTION AND GROUND FACILITIES

SEC. 206. (a) The Administrator, in consultation with the Secretary of Transportation and the Secretary of Energy, shall define the systems, subsystems, or components associated with the production, transportation, storage, and handling of liquid hydrogen that are specifically required for and unique to the use of such fuel for commercial aircraft application.

(b) The Administrator shall structure the research and development program pursuant to section 203 to allow the development of the systems, subsystems, or components defined pursuant to subsection (a) of this section.

(c) The research and development program for hydrogen production, transportation, and storage systems, subsystems, and components which are suitable for inclusion as part of a fully integrated hydrogen-fueled aircraft system, but which are not being specifically developed for such application shall be the responsibility of the Secretary of Energy. Such activities shall be included as part of the program established pursuant to title I of this Act, and shall be so conducted as to ensure compliance with hydrogen-fueled aircraft system constraints.

COORDINATION AND CONSULTATION

SEC. 207. (a) The Administrator shall have overall management responsibility for carrying out the program under this title. In carrying out such program, the Administrator, consistent with such overall management responsibility—

(1) shall utilize the expertise of the Departments of Transportation and Energy to the extent deemed appropriate by the Administrator, and

(2) may utilize the expertise of any other Federal agency in accordance with subsection (b) in carrying out any activities under this title, to the extent that the Administrator determines that any such agency has capabilities which would allow such agency to contribute to the purposes of this title.

(b) The Administrator may, in accordance with subsection (a), obtain the assistance of any department, agency, or instrumentality of the executive branch of the Federal Government upon written request, on a reimbursable basis or otherwise and with the consent of such department, agency, or instrumentality. Each such request shall identify the assistance the Administrator deems necessary to carry out any duty under this title.

(c) The Administrator shall consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Hydrogen-Fueled Aircraft Advisory Committee established under section 208 in carrying out his authorities pursuant to this title.

ADVISORY COMMITTEE

SEC. 208. (a) There is hereby established a Hydrogen-Fueled Aircraft Advisory Committee, which shall advise the Administrator on the program under this title.

(b) The committee shall be appointed by the Administrator and shall be comprised of at least seven members from industrial, academic, user groups, environmental, and other organizations as the Administrator deems appropriate. At least one member shall be knowledgeable in hypersonic technology or related National Aero-Space Plane technology. Appointments to the committee shall be made within ninety days after the date of enactment of this Act. The committee shall have a chairman, who shall be elected by the members from among their number.

(c) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the committee in carrying out the requirements of this section and shall furnish to the committee such information as the committee deems necessary to carry out this section.

(d) The committee shall meet at least four times annually.

(e) The committee shall review and make any necessary recommendations on the following items, among others—

(1) the implementation and conduct of the program under this title; and

(2) the economic, technological, and environmental consequences of developing a hydrogen-fueled aircraft capability.

(f) The committee shall prepare and submit annually to the Administrator a written report of its findings and recommendations with regard to the program under this title. The report shall include—

(1) a summary of the committee's activities for the preceding year;

(2) an assessment and evaluation of the status of the program; and

(3) comments on and recommendations for improvements in the comprehensive five-year program management plan required under section 202.

(g) The Administrator shall provide such staff, funds, and other support as may be necessary to enable the committee to carry out the functions described in this section.

DEFINITIONS

SEC. 209. As used in this title—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "capability" means proven technical ability; and

(3) the term "certifying agency" means any government entity with direct responsibility for assuring public safety in the operation of the air transport system.

AUTHORIZATION OF APPROPRIATIONS

SEC. 210. There are hereby authorized to be appropriated to carry out the purpose of this title—

(1) $10,000,000 for fiscal year 1991;
(2) $15,000,000 for fiscal year 1992;
(3) $20,000,000 for fiscal year 1993;
(4) $25,000,000 for fiscal year 1994; and
(5) $30,000,000 for fiscal year 1995.

TITLE III—BUY AMERICAN REQUIREMENT

BUY AMERICAN REQUIREMENT

SEC. 301. (a) DETERMINATION BY SECRETARY OR ADMINISTRATOR.—If the Secretary, with respect to title I, or the Administrator, with respect to title II, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Secretary, with respect to title I, or the Administrator, with respect to title II, is authorized to award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Secretary, with respect to title I, or the Administrator, with respect to title II, shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by this Act to be made available; and

(2) solicitations for bids are issued after the date of enactment of this Act.

(d) REPORT TO CONGRESS.—The Secretary, with respect to title I, and the Administrator, with respect to title II, shall report to the Congress on contracts covered under this section and entered into with foreign entities in fiscal years 1991 and 1992 and shall report to the Congress on the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party. The Secretary, with respect to title I, and the Administrator, with respect to title II, shall also report to the Congress on the number of contracts covered under this Act and awarded based on the parameters of this section.

(e) DEFINITIONS.—For purposes of this section—

(1) the term "Secretary" means the Secretary of Energy;

(2) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(3) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States; and

(4) the term "foreign firm" means a business entity not described in paragraph (3).

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New Jersey [Mr. TORRICELLI] will be recognized for 20 minutes and the gentleman from Florida [Mr. LEWIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the chairman of the Committee on Science, Space, and Technology, my good friend and colleague, Mr. ROE, for his support in moving this legislation.

I would also like to recognize Congresswoman LLOYD of Tennessee, who chairs the Energy Research and Development Subcommittee. Mr. LEWIS of Florida and Mr. MORRISON of Washington, the ranking members of our respective subcommittees are also to be recognized for their efforts on behalf of this bill.

Mr. Speaker, H.R. 4521, the Matsunaga Hydrogen Research and Development Act was originally introduced by my good friend and colleague from California, Mr. BROWN.

The bill has as its primary purpose to provide for a comprehensive Federal research and development program with DOE and NASA to accelerate the use of hydrogen as a fuel.

Hydrogen, as the most abundant element in the universe, has long been recognized as a potential replacement for petroleum-based fuels. It burns clearly. The main product of combustion is water. It is readily available from a variety of abundant domestic sources, including sea water, natural gas or coal.

It represents the obvious fuel of choice for the future where environmental concerns and availability will eventually terminate the burning of oil and gasoline.

Mr. Speaker, blankets of smog cover our major cities and our trade imbalance continues to soar. This dual threat to the health of our people and to our economy is driven by our tremendous thirst for oil.

Our ever-increasing dependence on imported oil is becoming an addiction. Earlier this year, consumption from foreign sources reached 54 percent of total U.S. use.

Clearly its time we invested in our future, our health and our economy. This bill will start the process toward a fuel for the 21st century.

The main impediments to using hydrogen as a fuel lie, primarily, in the economics of production and the relevant infrastructure for use of hydrogen. For example, production costs for hydrogen are roughly four to six times as high as that for producing gasoline for cars. However, continuing breakthroughs in relevant technology continues to drive down these costs.

Currently only about $3 million is being spent by the Department of Energy for research directly related to the production and use of hydrogen.

NASA while having more money devoted to research on the use of hydrogen, such as in the National Aerospace Plane Program, has no research directed to the use of hydrogen as a fuel for conventional aircraft. Where the need is just as compelling as with terrestrial applications.

This compares to efforts in Japan and Germany to use hydrogen as a fuel amounting to $20 million and $50 million, respectively.

During the 1970's a substantial effort on hydrogen R&D took place with DOE. With the onset of the Reagan administration these programs were sharply curtailed.

Since then congressional action has been limited. It is only the vision and persistence over 10 years of my colleague GEORGE BROWN and the late Senator Matsunaga that has brought us to this point today.

Mr. Speaker, the Matsunaga Hydrogen R&D Act is long overdue. It directs both DOE and NASA to develop and implement 5-year, coordinated research and development programs to accelerate the production and use of hydrogen as a fuel.

The bill authorizes $10 million in fiscal year 1991 and increasing amounts over the next 5 years for a total expenditure of $150 million over that period.

Mr. Speaker, this legislation takes the first step in moving toward the use of hydrogen in place of environmentally damaging and health-threatening conventional fuels. I strongly urge my colleagues to vote in favor of this important legislation.

Mr. LEWIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, hydrogen is an extremely efficient fuel, producing more than double the energy per pound of conventional fuels. Not only is it nonpolluting, there is virtually an inexhaustible supply.

However, the current Federal hydrogen research programs are not well coordinated. The Matsunaga Hydrogen Research Act, H.R. 4521, addresses this problem and also accelerates the DOE and NASA research programs directed toward the use of hydrogen as a fuel.

The science subcommittees of jurisdiction and the Science Committee passed unanimously the Matsunaga Hydrogen Research and Development Act. I want to thank Chairman ROE and Vice Chairman WALKER for their strong support of this legislation and for their leadership in bringing this bill to the floor in such a timely manner. I also want to thank Mr. BROWN, who introduced the legislation and who has taken the leadership role in the House in promoting research on hydrogen as a fuel. He and the late Senator from Hawaii, Mr. Matsunaga, are responsible for keeping this issue in the legislative forefront.

As an original cosponsor, I believe that the time has come to implement a coordinated Federal research program that will address the utilization of hydrogen for both ground and air transportation.

Hydrogen has the great potential of being an abundant and clean automotive fuel. Yet much more research must be conducted before it will replace fossil fuels. An article in today's Washington Post points out the problems with alternative motor fuels. The article concludes "* * * new fuels or combinations of fuels will come into widespread use in this decade." With the passage of this legislation, hydrogen may also be included as a viable alternative fuel.

Hydrogen can also be utilized as a highly efficient hypersonic flight vehicle fuel that could also be used as a cooling agent. The national aerospace plane will use hydrogen as a fuel and a coolant. Today's New York Times reports that the Europeans, and possibly United States companies, are planning a faster and better Concord. That aircraft will most likely use hydrogen as a fuel, if the full potential of this legislation is implemented.

I believe the American public will be well served by an aggressively coordinated research program that addresses these long-range transportation needs.

I urge my colleagues to support this important hydrogen research legislation, H.R. 4521.

Mr. Speaker, I reserve the balance of my time.

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Mr. TORRICELLI. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BROWN] under whose initiation this legislation has come forward.

Mr. BROWN of California. Mr. Speaker, I appreciate this opportunity to make a few remarks about this bill, and let me express my gratitude to both the gentleman from New Jersey [Mr. TORRICELLI] and the gentleman from Florida [Mr. LEWIS] for their kind remarks about my long interest in this. I do not particularly wish to emphasize my own role here because, as a matter of fact, it was Senator Matsunaga who has carried the ball

for this over many, many years, and it is very appropriate that this legislation be named in his honor. And of course our colleague, the gentleman from Hawaii [Mr. AKAKA] has, in the tradition of Senator Matsunaga, continued that very strong interest, and I want to express my appreciation to him and to the various other primary cosponsors of this legislation.

Mr. Speaker, as has been said, hydrogen is the ideal clean fuel of the future. It has a multitude of uses, some of which my colleagues have heard described here. The gentleman from Florida [Mr. LEWIS], for example, has described the vital importance of hydrogen for aircraft propulsion, and it will become even more important in the future. It can and will be used as an automobile propulsion fuel. It is ideal for the transportation and storage of energy for any purpose. It has ideal characteristics for that, and many have envisioned for years the utopian day when we would actually have what has been called a hydrogen economy in which most of our major energy needs, and energy transportation and storage needs were met by hydrogen.

The breakthrough that we need, of course, is in low-cost production. Then some additional work in creating the service infrastructure and meeting some of the safety problems that may exist.

Mr. Speaker, we are in a position to do this much sooner than many people think, and it is my hope that this legislation, which really does not spend any additional amount of money—it proposes some slight increases in authorization over a 5-year period—but basically it is aimed at taking the money that we are spending now, the programs that we have going in several different departments, and creating one hydrogen research program with the same goal for each department. That is the goal of achieving some breakthroughs in the cost of hydrogen production so that we can move into that day when we can totally eliminate carbon-based fuels.

Today the major difference between 15 and 20 years ago, or even 10 years ago, is that we recognize, and in fact it has become a global political issue, but that we recognize the need to begin thinking about phasing out carbon-based fuels, and we probably will have to do this within the next 50 years at the outside, and probably sooner. We are talking about holding international conferences today to consider ways to reduce the use of carbon fuels. We will, to be ready for that day—we not only have to have alternative fuels that produce less carbon monoxide, and most of the alternative fuels do—but we have to ultimately have a fuel that produces no carbon monoxide, and that is what we have with hydrogen fuel.

So, Mr. Speaker, I feel that this is an extremely important, very forward looking piece of legislation. As I say, it is not a big budget item, but it is one which says to the administration, "Recognize the importance of this. Create a program. Set goals. Begin to set benchmarks so that we will know that we are making progress so that we can achieve what we hope to achieve with this kind of legislation."

I urge support of all the Members of the House for this bill.

Mr. Speaker, hydrogen is the clean fuel of the future for several key reasons. It is one of the most abundant elements on Earth. It burns clean, producing only water vapor, and it burns efficiently, providing more than twice as much energy per pound than conventional fuels. Therefore, it is vital that the Federal commitment to hydrogen improve significantly in order to advance hydrogen research and development.

One of the most promising near-term applications of hydrogen is its use as an aircraft fuel. Hydrogen is already the preferred fuel for launching rockets into space. Hydrogen fuel is an important element of the National Aero-Space Plane [NASP] Program. The NASP Program, run jointly by NASA and the Department of Defense, will culminate in the construction of hydrogen fueled aircraft which will not only fly at hypersonic speed, but will also be able to rocket into low-Earth orbit. Europe and the Soviet Union are also aggressively developing hydrogen aircraft technology.

Hydrogen is ideal for use in fuel cells. Fuel cell technology combines a hydrogen-rich gas with air, and converts the chemical energy of this mixture directly into electricity—with no intermediate combustion step. Because fuel cells transform fuel directly to electricity without an intermediate conversion to heat, less waste heat is produced and very high conversion efficienies—in the range of 40 to 60 percent—are achieved.

Thus, a hybrid vehicle system combining hydrogen fuel cells with an electric motor could prove to be a desirable interim technology, which could be used before a full hydrogen system is implemented.

Another promising application of hydrogen is its use as an electric storage medium. Virtually all forms of energy, such as coal, nuclear, or natural gas, could take advantage of hydrogen for transporting energy over long distances. After 300 to 400 miles, hydrogen as a storage medium becomes increasingly cheaper than transmission through electric wires.

Arguably, environmental concerns are the most important reason for developing alternative energy sources. We cannot indefinitely mine or drill for the world's limited fossil fuel reserves. Evidence is mounting which indicates that so-called "greenhouse gases" from fossil fuel combustion are causing global climate change. The emission of chlorofluorocarbons is destroying the Earth's protective ozone layer. The recent oilspills, however, remind us that the environmental impact of oil goes beyond harmful emissions. If we are ever going to take responsibility for the environment, we will have to dramatically change the manner by which we generate energy for our society. The dream of a hydrogen economy includes using renewable energy sources to produce clean-burning hydrogen fuel.

Unfortunately, interest in alternative energy sources declined dramatically in the 1980's as the Arab oil embargo of a decade ago gave way to an oil glut and low gas prices. Thus, this energy abundance has created a false sense of security. Circumstances are quickly developing which could place the United States in a vulnerable position in the world energy market. Oil imports are increasing steadily as domestic energy production declines.

In our competitive society, the current U.S. hydrogen effort stands as yet another example of shortsighted Federal policies which could have a harmful economic impact. Current Federal hydrogen research and development programs are funded principally through the Department of Energy at a level of about 3 million—this can hardly be considered a comprehensive effort. Although the work being done is relevant, the Nation lacks a coordinated effort for hydrogen research and development.

As in so many areas of enormous economic potential, hydrogen fuel is being aggressively pursued by other nations which recognize the significant contribution hydrogen can make to their economies. Hydrogen research programs are presently underway in some 17 countries. Last year, West Germany spent $50 million on hydrogen research as compared to the United State's mere $3 million. If the United States is not careful it may be buying technology and infrastructure element from abroad.

It is inevitable that traditional energy sources will become more expensive over time and eventually will be depleted. The transition to a hydrogen economy will depend largely on today's energy suppliers. Such a transition involves risk and a considerable investment in new technologies.

Therefore, the individuals and institutions who support the necessary research and development and who search for hydrogen market niches will have a distinct advantage over those who sit back and wait for someone else to take all the risks and inevitably the lead. Let us not fall into that trap. Let us vote in favor of this important legislation.

Mr. LEWIS of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I appreciate the gentleman from Florida [Mr. LEWIS] yielding to me.

Mr. Speaker, I rise in support of this bill. It is a good bill, and I am a cosponsor of it, and I want to congratulate those who had the foresight to bring it to the floor: the gentleman from Florida [Mr. LEWIS], the gentleman from New Jersey [Mr. TORRICELLI], the chairman of the subcommittee, and others who worked on it in their respective subcommittees. The gentleman from North Carolina [Mr. VALENTINE] had previously been the chairman of this subcommittee, and he worked very hard on the bill, and of course, the chairman of the full committee, the gentleman from New

Jersey [Mr. ROE]. All of those people really contributed a great deal to making certain that this bill comes to the floor, and I think it is a very good bill. It deserves the support of the membership across the board.

Mr. Speaker, this is a bill that the administration has some problems with, but they do not disagree in substance with the bill. They disagree in some detail, and primarily that relates to the authorization schedule, but I think, if they look closely at the authorizations on the bill, what they will find is that this is a bill that falls within the authorizations already in place. We made certain, as we created the bill, that in the initial years here that the authorizations were out of that money which had been previously authorized in the renewable energy bill last year.

So, I think that in fact this is a bill that should have the wholehearted support amongst those in the administration responsible for implementing it.

I just want to say some of the same kinds of things that the gentleman from California [Mr. BROWN] just mentioned, and he has certainly been a leader on the issue and someone that needs to be listened to about it. This is a fuel source which is environmentally clean and offers unlimited potential for our future. It is an energy source where the United States does not want to fall behind the rest of the world in terms of making certain that we are prepared to take advantage of it for transportation fuels and for other kinds of uses in our future.

Already, if my colleagues take a look at the research being done around the world, they will find that Germany, Japan, and Canada have recognized the inherent value of developing hydrogen technologies to address the future and have really done a lot more work in this area than we have. We need to get ourselves on a par with those countries and, in fact, exceed them because this particular fuel is one that holds great promise in aviation, in automobiles, in everything that we presently use fossil fuel energy for. This is a bill which does that by having a coordinate program of hydrogen research over a period of the next 5 years. I think for that reason it deserved the support of the House, and I would urge all my colleagues to vote in favor of this very worthwhile legislation.

Mr. TORRICELLI. Mr. Speaker, I yield 5 minutes to the gentleman from Hawaii [Mr. AKAKA] who has carried on the work of the late Senator Matsunaga and in his own way has contributed importantly to this legislation.

Mr. AKAKA. Mr. Speaker, I rise in support of the Spark Matsunaga Hyrogen Research and Development Act, and ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I am pleased that legislation to establish a research and development program for hydrogen has reached the floor of the House. Many people worked to make this legislation possible, but no one labored longer or harder on behalf of hydrogen research than Senator Matsunaga. That is why this legislation bears his name.

Spark Matsunaga was a man of vision. So it should come as no surprise that he introduced the first hydrogen research bill in 1981. I only wish he could be here today to see this bill pass the House.

He knew, as we are now learning, that America is not doing enough to provide for its future energy security. Hydrogen may not be the only answer, but it can be an important part of the energy solution.

Our action today may do more to improve America's long-term energy security than any other legislation we consider during the 101st Congress. That's because this bill will do something to provide an answer to the question: What do we do when we run out of oil?

Each day we come closer and closer to the point where we can no longer rely upon yesterday's sources of energy to fuel the America of tomorrow. And evidence is mounting that the day of reckoning is coming sooner than we think.

The U.S. Geological Survey recently cut by 40 percent its estimate of how much conventional oil and gas remain to be discovered in the United States. Not only may there be less oil and gas out there, but what remains will become harder and harder to extract. That's why research on a new generation of fuels such as hydrogen is so important.

Future generations of Americans will live in a world where all the coal, natural gas, and oil have long since been consumed. What will they use to power their cars and trucks, light their lamps and warm their houses? Hydrogen could be the answer to these energy needs.

As any high school chemistry student can tell you, hydrogen is one of the most abundant elements on Earth. It can be produced using solar and other renewable sources of energy. Once produced, hydrogen can be stored and consumed in either a solid or liquid form. And finally, what makes it most attractive is that when burned, hydrogen produces only water vapor. In this regard, hydrogen is an environmentalist's dream come true.

My colleagues, other countries have already come to recognize the potential of hydrogen fuels. And, just as with other areas of technology, it appears that our competitors are already passing us by.

For example, the Soviets have retrofitted a conventional jet to burn hydrogen fuel. The German auto manufacturer, Mercedes-Benz, is actively investigating hydrogen fueled cars. And our neighbors in Canada are studying methods of using surplus hydroelectric power to produce hydrogen as a fuel for their nation's bus fleets. Similar moves to convert bus systems to hydrogen fuels are being examined in Hamburg, West Germany, and Milan, Italy.

Mr. Speaker, the time to pass this legislation is now. I urge you to support this bill.

□ 1320

Mr. LEWIS of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennslyvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, I join my colleagues in rising in strong support of H.R. 4521, the Hydrogen Research and Development Act.

If we can overcome obstacles to cleaner production, safer storage, and use in air and mass ground transportation, hydrogen offers the promise to virtually unlimited highly efficient pollution-free source of energy.

H.R. 4521 is a coordinated long-term commitment by the Federal Government with specific objectives. It would allow research on making hydrogen from more efficient sources, such as photovoltaic cells. Title I will also promote research in the development of fuel cells powered by hydrogen.

The defense and aerospace industries are working on advanced aircraft that could be powered by hydrogen, and Title II of this bill would coordinate that development. One major application is the National Aerospace Plane [NASP].

The research supported by this bill will spur private sector development of hydrogen technology. Already there have been some small-scale efforts to convert cars and trucks to hydrogen use, demonstrating that hydrogen could be a good fuel for vehicles.

The ability to use hydrogen in a mass way in autos could revolutionize the transportation sector. Appropriate production methods could provide an auto fuel of unparalleled environmental cleanliness and efficiency.

Mr. Speaker, I am proud that the company which could eventually supply the hydrogen for many of these uses is located in my congressional district. The Lehigh Valley is home to one of America's largest producers of hydrogen, Air Products and Chemicals, Inc., which has supplied hydrogen to NASA since the 1950's, which was the originator of the hydrogen fuel economy that supports the space shuttle.

Air Products is a pioneer in the uses of hydrogen technology and is dedicated to broadening its use in America.

The time is now to extend the transportation use of hydrogen beyond the space program to air and ground transportation. For a limited Federal investment, hydrogen offers the possibility of an enormous payback.

Mr. Speaker, I urge my colleagues to support H.R. 4521.

Ms. SAIKI. Mr. Speaker, I rise today to add my support for H.R. 4521, to establish a Hydrogen Research and Development Program, recently named the Matsunaga Hydrogen Research and Development Act.

Since the industrial revolution this Nation has been critically dependent on fossil fuels. This dependence is true nowhere more than Hawaii, where the development of alternative energy technologies has been a priority.

My home state of Hawaii is nearly completely dependent on oil, which must be shipped in from various parts of the world, for all its energy needs. It has long been our hope to become energy self-sufficient. Over the past 15 years Hawaii decisionmakers have invested in research to develop all varieties of energy alternatives.

The development of hydrogen energy was a primary goal of Spark Matsunaga. He envisioned this to be an ideal source of energy. Hydrogen is one of the most abundant elements in the world—found in water which covers three-quarters of the planet, and extremely clean—water is the primary byproduct of this form of energy.

We are rapidly approaching the 21st century. We can no longer sit back and rely solely on traditional energy supplies. Fossil fuel resources are in short supply and are the root of our air-pollution problems.

This legislation to develop hydrogen as an energy resource is definitely a positive step toward a secure energy future. I believe the funds for this program will be a very worthwhile investment in the future.

I regret that Senator Spark Matsunaga is not able to see this day, but the fact that this proposal has come this far is an indication that through his efforts to see hydrogen energy receive greater acceptance, he is with us today in this bill.

I urge my colleagues to show strong support for H.R. 4521.

Mrs. LLOYD. I rise in support of H.R. 4521, the Matsunaga Hydrogen Research and Development Act. The bill seeks to establish a coordinated national research and development program to find less expensive methods to produce hydrogen thereby increasing our ability to use this energy option more effectively.

Our committee has been in the forefront in calling for action on the increased use of hydrogen and promoting the research and development that needs to be accomplished to take advantage of one of our most abundant elements. Last year our committee successfully enacted legislation that called for a separate hydrogen research program at the Department of Energy. As we bring the bill forward today, we build upon our initial success. We are expanding the Federal program to include the Department of Energy, the National Aeronautics and Space Administration, the Department of Transportation, and the Environmental Protection Agency. With passage of this legislation, I hope the United States will begin on a course of action that will enable us to expand our domestic hydrogen fuel production and utilization capabilities within the shortest time practicable.

In closing, I want to recognize the efforts of our committee chairman, Mr. ROE of New Jersey, and my fellow subcommittee chairman, Mr. TORRICELLI of New Jersey, in bringing this legislation to the floor. In addition, I would like to applaud the longstanding support of Mr. BROWN of California, in sponsoring this legislation. Finally, I think it is fitting that the bill has been renamed the Matsunaga Hydrogen Research and Development Act. Our late colleague, Senator Spark Matsunaga of Hawaii, was a tireless supporter of increased U.S. emphasis on the use of hydrogen. I am pleased that today we are passing this legislation that may lead to the realization of a hydrogen program as envisioned by Senator Matsunaga. I urge my colleagues to join us in their support of H.R. 4521.

Mr. ROE. Mr. Speaker, I rise in support of H.R. 4521, the Matsunaga Hydrogen Research and Development Act. I want to commend my colleagues on the committee for their outstanding work in bringing this legislation to the floor for consideration here today.

The chairman of the Transportation, Aviation, and Materials Subcommittee, my good friend and neighbor from New Jersey, Congressman TORRICELLI and the chairman of the Energy, Research, and Development Subcommittee, my esteemed colleague from Tennessee, Congresswoman LLOYD are to be congratulated for expeditiously moving this legislation.

I also want to recognize the strong support of our minority members, including Mr. WALKER of Pennsylvania, the full committee ranking minority member, and Mr. LEWIS of Florida and Mr. MORRISON of Connecticut, ranking minority members of the respective subcommittees. Finally, I want to recognize the efforts of my esteemed colleague from California, Mr. BROWN, the sponsor of this bill, for his farsightedness and persistence in pursuing this issue over the past decade.

Mr. Speaker, it was my privilege to introduce the amendment in our full committee markup that changes the name of this bill to honor our late friend and colleague from Hawaii, Senator Spark Matsunaga. As I am sure many of you know, Spark Matsunaga together with Congressman AKAKA of Hawaii, was instrumental in promoting hydrogen as an alternative energy source.

Senator Matsunaga's first bill on hydrogen was introduced almost 10 years ago when energy and environmental issues were not at the forefront of everyone's agenda. It is a privilege to honor his memory in this way.

Mr. Speaker, as already noted, this bill provides for a federally coordinated research and development program with clearly defined goals to increase our Nation's ability to use hydrogen as a fuel.

Substituting hydrogen for conventional fossil fuels eventually could save the Nation billions of dollars in health and environmental costs. However, we need to find more efficient and economical ways to produce and use this extraordinary fuel. H.R. 4521 provides a framework from which to begin the necessary research and development to accomplish these goals.

I strongly urge my colleagues to vote in favor of this measure.

Mr. LEWIS of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TORRICELLI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New Jersey [Mr. TORRICELLI] that the House suspend the rules and pass the bill, H.R. 4521, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TORRICELLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 4521, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FIREFIGHTERS' SAFETY STUDY ACT

Mr. VALENTINE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4522) to improve the information available to emergency response personnel in the field, and for other purposes.

The Clerk read as follows:

H.R. 4522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Firefighters' Safety Study Act".

SEC. 2. REVIEW.

The Administrator of the United States Fire Administration (hereinafter in this Act referred to as the "Administrator") shall conduct a review of existing response information used by emergency response personnel at the State and local levels to evaluate its accuracy and consistency, and to determine whether it is properly expressed. Such information should clearly communicate to emergency response personnel the probable hazards which they must contend with in an emergency situation involving hazardous materials, and the appropriate response to those hazards.

SEC. 3. WORKING GROUP.

For the purpose of carrying out section 2, the Administrator shall establish a working

group which shall, at a minimum, consist of—

(1) program officials from each of—

(A) the Environmental Protection Agency;

(B) the National Oceanic and Atmospheric Administration;

(C) the Department of Transportation;

(D) the Occupational Safety and Health Administration; and

(E) the Bureau of Alcohol, Tobacco, and Firearms,

who develop and disseminate hazardous materials identification and response data, and who collect, collate, analyze, and disseminate hazardous materials incident data;

(2) State and local operational officials with emergency response or relevant regulatory responsibilities; and

(3) representatives of companies engaged in the manufacture and processing of chemicals.

SEC. 4. REPORT AND RECOMMENDATIONS.

The working group established under section 3 shall, within 1 year after the date of enactment of this Act, submit a report to the Administrator and to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate presenting the results of the review carried out under this Act, along with recommendations to ensure that response information disseminated to emergency response personnel is appropriate for operational personnel at the local level.

SEC. 5. ANNUAL REVISION OF RECOMMENDATIONS.

After the submission of the report cited in section 4, the working group established under section 3 shall meet as needed, but at least once every 12 months, to review and recommend changes and additions to the report cited in section 4, that are necessary and appropriate for operational personnel at the local level.

SEC. 6. DEFINITION.

As used in this Act, the term "emergency response personnel" means personnel responsible for mitigation activities in a medical emergency, fire emergency, hazardous material emergency, or natural disaster.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina [Mr. VALENTINE] will be recognized for 20 minutes, and the gentleman from New York [Mr. BOEHLERT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on June 29, 1989, Representative JAN MEYERS introduced H.R. 2813, a bill to improve the information available to emergency response personnel in the field. The bill was referred to the Committee on Science, Space, and Technology. On April 18, 1990, H.R. 4522, a bill that was virtually identical to H.R. 2813, was introduced by Representative JAN MEYERS and 26 cosponsors. H.R. 4522 superseded H.R. 2813.

I want to thank Mr. WALKER the ranking Republican member of the Committee on Science, Space, and Technology and Mr. BOEHLERT the ranking Republican member of the Subcommittee on Science, Research and Technology, for their efforts to bring this bill to the floor.

H.R. 4522, the Firefighters' Safety Study Act, was introduced by Congresswoman MEYERS, because of a tragedy that occurred on November 29, 1988. While responding to a fire at a State highway construction site in Kansas City, MO, six firefighters died in an explosion of hazardous materials. The firefighters had been told that there might be explosives on the site; however, they were not told of the type, location, or quantity of explosives that were stored on the site.

The tragedy could have been avoided if a system had been in place to provide the firefighters with clear and reliable information about the hazardous chemicals and explosives at the site. The U.S. Fire Administration recommended that a review be undertaken of Federal training and field operation guidance materials commonly used by firefighters, to ensure that the materials are both accurate and clear. H.R. 4522 would carry out that recommendation.

The bill would direct the administrator of the U.S. Fire Administration to review existing emergency response information nationwide to evaluate its accuracy and consistency, determine whether information is properly expressed for firefighters in an emergency situation, and how to improve information for emergency response. To conduct the review and make recommendations, the administrator would be required to form a working group consisting of Federal, State and local officials, and representatives from the chemical industry that would submit a report to the administrator and appropriate congressional committees in 1 year. The working group would be required to meet as needed, but at least once a year after the issuance of the report to review implementation and recommend changes if necessary.

I support passage of this important legislation. Firefighters and other emergency response personnel risk their lives to protect us. They should have the best materials and training available to effectively carry out their dangerous responsibilities and to protect the communities in which we live.

This bill would help to ensure that the Government provides the best—for the Nation's best, our firefighters and emergenmcy response personnel.

I want to commend Congresswoman MEYERS for introducing this important legislation and I urge my colleagues to support H.R. 4522, the Firefighters' Safety Study Act.

COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY,
Washington, DC, May 8, 1990.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter on H.R. 4522, the Firefighters' Safety Study Act.

This legislation is designed to improve the information available to emergency response personnel in the field. The Administrator of the U.S. Fire Administration is to review and evaluate existing response information used by emergency response personnel at the State and local levels. To accomplish this goal, the Administrator is to establish a working group to assist with the review and provide recommendations.

As you requested, I wish to clarify the issues you raised:

First, since the outcome of the bill will be a report of the working group, the report cannot in itself change laws, regulations, agencies, or programs under the jurisdiction of the Energy and Commerce Committee or any other Committee of the House.

Second, Section 2 specifies that the evaluation conducted by the working group of the accuracy and consistency of existing response information used by emergency response personnel should clearly communicate the probable hazards and the appropriate response to those hazards. The working group is an advisory body to review existing response information and in that capacity would not have legal authority to direct changes in the communication or presentation of that information. Likewise, the Administrator of the U.S. Fire Administration is not granted new authority to change the communication or presentation of information.

Third, H.R. 4522 relates generically to all response information used by emergency response personnel and is not intended to specifically address emergency responses to hazardous materials transportation accidents, environmental releases, or medical emergencies per se. The Committee on Science, Space, and Technology has jurisdiction over the U.S. Fire Administration and the National Fire Academy which provides emergency response training.

I would gladly include our exchange of correspondence on this matter in the Record during consideration of the bill. Thank you for your cooperation.

Sincerely,

ROBERT A. ROE,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, May 7, 1990.

Hon. ROBERT A. ROE,
Chairman, Committee on Science, Space, and Technology, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On April 18, 1990, the Committee on Science, Space, and Technology ordered reported H.R. 4522, a bill to improve the information available to emergency response personnel in the field, and for other purposes. The bill appears to contemplate a review of existing response information used by emergency response personnel at the State and local levels. This review is to be conducted by the United States Fire Administrator, acting through a working group composed of representatives of several agencies, including the Environmental Protection Agency and the Department of Transportation. The term "emergency re-

sponse personnel" is defined in the bill to mean personnel responsible for mitigation activities in a medical emergency, fire emergency, hazardous material emergency, or natural disaster.

I am writing to express my concern that the legislation as reported affects matters within the jurisdiction of the Committee on Energy and Commerce in several respects. Under section 23 of H.R. 3520, the Hazardous Materials Transportation Uniform Safety Amendments Act of 1990, reported by our Committee on April 3, 1990, the Secretary of Transportation would be required to conduct a major study of emergency response capabilities, including in part the information apparently sought by H.R. 4522. Under section 116 of the Hazardous Materials Transportation Act (HMTA), the Secretary of Transportation and the Director of the Federal Emergency Management Agency have in the past evaluated the very matters addressed by H.R. 4522. Moreover, extensive regulations issued under HMTA prescribe precisely what information must be provided to emergency responders at the scene of hazardous materials transportation accidents.

Similarly, section 305 of the Superfund Amendments and Reauthorization Act of 1986 authorize funds and prescribe programs for emergency training and review of emergency systems involving certain extremely hazardous substances. In addition, pursuant to our public health jurisdiction, our Committee has acted on legislation regulating and improving trauma care systems. These trauma care systems typically include an emergency response component.

While I have no objection to the goals of H.R. 4522, I believe it is important to clarify several issues relative to the legislation.

First, it is my understanding that the bill will not effect any substantive changes in laws, regulations, agencies, or programs under the jurisdiction of the Energy and Commerce Committee.

Second, I read the second sentence of section 2 of the bill to describe the criteria against which the working group will be measuring existing emergency response information, not to grant any legal authority to the working group or the Fire Administrator to direct changes in the communication or presentation of that information.

Third, I do not understand the Committee on Science, Space, and Technology to be asserting jurisdiction over emergency response information, training, or other activities generally, at least insofar as hazardous materials transportation accidents, environmental releases, or medical emergencies are concerned. We understand that the initial referral of H.R. 4522 is based on your Committee's jurisdiction over the U.S. Fire Administration and the National Fire Academy, which provides emergency response training.

I understand that your Committee has requested floor consideration of H.R. 4522 under suspension of the rules on Tuesday, May 8, 1990. I would have no objection to your proceeding in this manner if you would be so kind as to confirm to me by letter your agreement with the three points stated above and agree to insert this exchange of correspondence in the Record during consideration of the bill. Thank you for your cooperation.

Sincerely,

JOHN D. DINGELL,
Chairman.

□ 1330

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4522, and I want to praise my colleague from Kansas, Mrs. MEYERS, for offering this bill. It will ensure that the Government takes the simple, obvious first steps that are needed to prevent a recurrence of a tragedy like the one that killed the six firefighters in Kansas City—steps that still have not been taken, to my knowledge, a year and a half after that explosion.

The working group set up under this bill make recommendations that should improve the information firefighters receive to determine how to respond to an emergency.

We have heard some concerns that this bill will be viewed as a substitute for other, more specific measures that deal with hazardous materials. Let me assure everyone that is not the case. I am a co-sponsor, for example, of Mr. APPLEGATE's bill which deals with the tracking of hazardous materials. H.R. 4522 would not undercut that bill in any way.

H.R. 4522 also would not interfere with the execution of any existing hazardous material statutes. Neither the working group nor the U.S. Fire Administration has any authority to order other agencies to take any action.

But what H.R. 4522 would set in motion is a thorough review of the information firefighters rely on in responding to emergencies. The six deaths in Kansas City ought to be adequate testimony that such review is needed.

I urge my colleagues to support H.R. 4522.

Mr. Speaker, I want to compliment my colleague, the chairman of our subcommittee, the gentleman from North Carolina [Mr. VALENTINE], for his leadership. I particularly wish to compliment the gentlewoman from Kansas [Mrs. MEYERS]. She has come up with a very good idea. We all have said to ourselves over the last couple of weeks, "Why did I not think of it?" We did not, and she did, and she deserves the credit.

I urge my colleagues to support H.R. 4522.

Mr. VALENTINE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in support of H.R. 4522, the Firefighter Safety Study Act. Let me first say that I extend my thanks and appreciation to Chairman ROE and Ranking Republican WALKER for reporting this bill out of committee and bringing it to the House floor. I also thank Congressmen VALENTINE and BOEHLERT for their support in subcommittee.

I introduced this bill in an attempt to rectify one of the issues raised by the United States Fire Administration in its report concerning the tragic fire and explosion in Kansas City on November 29, 1988, when 45,000 pounds of ammonium nitrate in a burning trailer exploded at a highway construction site, killing six firefighters. The bill would require formation of an interagency working group to review and coordinate the information provided to emergency responders involving hazardous materials.

There are currently 14 Federal agencies involved in the national contingency plan for hazardous materials accidents. They include the Environmental Protection Agency, National Oceanic and Atmospheric Administration, the Department of Transportation, the Bureau of Alcohol, Tobacco and Firearms, and the U.S. Fire Administration. In addition, the Occupational Safety and Health Administration is responsible for the material safety data sheets that go to local emergency planning committees.

The principal problem with the materials currently in use in the field is that while generally accurate, they are not written from the perspective of first responders since sometimes this is not their intended audience. For example, the Department of Transportation's Emergency Response Guide—DOT-P 5800.4—is used by chemical companies, shippers, and carriers, as well as emergency responders. The material safety data sheet required by title III of Superfund were designed for the guidance of workers during normal operations, not emergencies.

But there are occasional contradictions in these materials. The MSDS for ammonium nitrate recommends immediate evacuation of the area for any fire involving it, while the emergency response guide says to fight a truck or equipment fire involving ammonium nitrate with water. But under the next subheading, it recommends that the area be evacuated in the case of a cargo fire.

The USFA staff felt that even if the six firefighters who died had known the contents of the burning trailer, they might have acted the same based on the guidance contained in the emergency response guide, a copy of which was found at the scene. The problem in this instance was not with the accuracy of the information, but rather the manner of its presentation which could be subject to misinterpretation, particularly by operational personnel who have to make an immediate decision on the scene of an incident at 3 o'clock in the morning, trying to decide whether a fire is an equipment fire or a cargo fire.

Subsequent to the release of USFA's report, last winter the Department of Transportation held routine hearings to update their emergency response guide. During the course of these hearings, both the International Association of Fire Fighters and the International Association of Fire Chiefs raised serious questions concerning the adequacy of the emergency response guide in meeting the needs of firefighters at the scene of an incident involving hazardous materials.

The information that is prepared for responders to hazardous materials incidents has to be considered from an operational perspective, as opposed to a transporter's or one who works with the hazardous materials. Attention must be paid to the people who will be using it in the field. I believe the strongest part of my legislation is the requirement that representatives of State and local emergency response personnel be members of the working group. Firefighters are the ones who can advise on how best to present the information. They can also point out what information is not needed and how to guard against an overload of information. If there is too much information available, it can be difficult to find the right information in time.

Taking all this into consideration, and wishing to do everything possible to prevent the recurrence of the tragedy in Kansas City, this bill proposes that the U.S. Fire Administrator, the spokesman for the Nation's fire service in the executive branch of the Federal Government, be charged with the responsibility of reviewing existing hazardous material response information with appropriate assistance from the other involved Federal and local agencies. This is necessary to ensure that the brave men and women who protect us against the threat of fire and hazardous materials accidents have the best possible information with which to do their dangerous job and better protect the communities in which we all live.

Mr. BOEHLERT. Mr. Speaker, I yield such time as he may consume to our colleague, the gentleman from Pennsylvania [Mr. WALKER], a member and vice chairman of the full Committee on Science, Space, and Technology.

□ 1340

Mr. WALKER. Mr. Speaker, I thank the gentleman from New York [Mr. BOEHLERT] for yielding, and would also like to add my commendations to the Members responsible for bringing this bill to the floor, the gentleman from North Carolina [Mr. VALENTINE], the chairman of the full committee, the gentleman from New Jersey [Mr. ROE], the gentleman from New York [Mr. BOEHLERT], who ably handles this subcommittee, and especially to the gentlewoman from Kansas [Mrs. MEYERS], for being the Member who conceived the idea, came up with the legislation, and then persistently went after assuring that it comes to the place where it is going to get passed on the floor here today. She not only through her work was able to highlight the growing dangers that our firefighters face, but through this legislation was instrumental in seeing to it that something got done about it.

Mr. Speaker, our emergency response personnel need the most up-to-date information on hazardous materials. We must also ensure the dissemination of that information down to the operational personnel at the local level. Moreover, I believe this bill demonstrates that the Federal Government can assist our firefighters in a beneficial way without great cost to the taxpayer.

Mr. Speaker, I urge colleagues to support the legislation.

Mr. BUECHNER. Mr. Speaker, there seems to be a strong proclivity here on Capitol Hill to learn lessons the hard way; the area of hazardous materials handling exemplifies this well. It is tragic that six Kansas City firefighters had to die in order for us to recognize the need for additional scrutiny in the area of hazardous materials.

However, the least we can do is learn from the mistakes of the past. It is now apparent that we have inadequate information as to the disposition of hazardous materials; six gravestones in Kansas City testify to this. Congresswoman MEYERS' bill provides the groundwork for solving this problem through careful analysis of the information at hand. Accordingly, I congratulate Congresswoman MEYERS for introducing a bill that accomplishes what should have been done years ago. I ask my colleagues to support this bill before the lesson becomes any more costly.

However, I believe that further action is required to protect the American people, and emergency response personnel in particular, from the possibility of further hazardous materials tragedies. Accordingly, Congresswoman CARDISS COLLINS and I have introduced H.R. 2549, the Comprehensive Hazardous Materials Transportation Safety Act in the hope that we might greatly reduce the threat of hazardous materials accidents—that we might learn the easy way for once.

The bill began as a result of our concern that State and local governments lack the funds to adequately prepare for, and deal with hazardous materials accidents. As you know, title III of the Superfund Reauthorization Act of 1986 [SARA] established State and local emergency planning committees to better prepare and plan for hazardous materials accidents. However, this act failed to provide sufficient and continuing funds to carry out these activities.

Many fire departments currently contend that SARA has placed an inordinate burden on the local community to plan for and respond to hazardous materials incidents. They cite, among other things, the lack of funding and guidance for training. It is widely estimated that some 35,000 fire departments nationwide—a vast majority—cannot fund adequate training for their personnel.

Our bill establishes a grant program for State and local governments to improve planning and training for emergency response personnel. Although the Secretary of Transportation will have the authority to award the grants, the Secretary is urged to consult with the Director of the Federal Emergency Management Agency as well as the Administrator of the Environmental Protection Agency before the grants are awarded. Experts have widely lauded the idea of intergovernment cooperation in addressing this area; this is a central feature of H.R. 2549. The grants, although authorized at the Federal level would be administered at the State and local level to ensure their effective and timely usage.

Emergency response planning and training activities must involve a partnership between Federal, State, and local officials. Therefore, the bill ensures that 75 percent of these grants must be passed on to local and regional authorities, thus ensuring that funds reach the grassroots level. As we know, grassroots activities, such as the local firefighters, are usually the first responders to hazardous materials transportation incidents.

In essence, this grant program will not only promote regional cooperation—a key theme you heard voiced yesterday—but will help ensure that State and local governments will have the resources to conduct their responsibilities under SARA—title III—as well as provide firefighters, police, and emergency medical technicians with the needed training to meet the challenge of a hazmat emergency.

More importantly, this grant program is unique because it integrates State and local administrative structures established under SARA, OSHA training requirements, and regional cooperation into the Hazardous Materials Transportation Act. If Congress seeks governmental coordination, it must design an integrated program.

The bill also improves Federal requirements relating to industry training as a means to prevent hazardous materials accidents. The Department of Transportation's general training regulations for hazmat handlers are vague, at least in the area of highway transportation. They do not specify the frequency, content, objectives, and length of the required training. Consequently, our bill requires DOT to improve its training regulations. The bill mandates new training standards on a wide range of issues including placarding, labeling, handling procedures, health and safety risks, emergency response, communication procedures, as well as other factors which will improve the overall safety record. The bill further requires documentation proving that hazardous materials handlers have been properly tested. This is consistent and compatible with the hazardous materials requirements of the commercial drivers licensing law.

In sum, the bill would implement a comprehensive policy involving: Increased cooperation between Federal, State, and local authorities; increased funding for emergency response preparation and training; nationally uniform standards for hazmat training and transportation; and increased guidance for

local emergency response committees, among other things.

Mr. Speaker, I find it encouraging that this assembly is considering Congresswoman MEYERS' bill, for it represents an important first step in addressing the threat of a hazardous materials accident—an important lesson learned the hard way. I further ask that we pass the Comprehensive Hazardous Materials Transportation Safety Act, so that just once, we might learn the easy way. I am confident our bill, or something very like it will eventually be passed by Congress. The question in my mind is whether that will be the prevention of a tragedy, or the response to one.

Mr. ROE. Mr. Speaker, every day, firefighters are called upon to respond to a variety of emergencies. We assume that they are given adequate materials and proper training to help them respond appropriately in these situations, particularly where hazardous materials such as explosives are involved.

The quality of the materials and training provided by the Government to our firefighters is critical to their ability to protect our citizens, as well as themselves. The tragic explosion that took the lives of six firefighters and that led to the introduction of this bill by our colleague, JAN MEYERS of Kansas, indicate that the data available need improvement.

The bill that we are considering today would require an assessment of the adequacy of federally developed and disseminated training and guidance materials that address immediate problems faced by local firefighters in operational environments. The legislation also requires recommendations for improvement of these materials where judged necessary. I recommend that my colleagues support this initiative before us.

Mr. ANDERSON. Mr. Speaker, I support H.R. 4522, the Firefighters Safety Study Act. I want to congratulate Chairman ROE and other sponsors of H.R. 4522 for their quick work on this legislation.

The goals of enhancing emergency preparedness both for the safety of the public and of firefighters is of keen interest to the Committee on Public Works and Transportation. Improving the accuracy and quality of emergency response data is extremely important.

The Committee on Public Works and Transportation is now preparing legislation to amend the Hazardous Materials Transportation Act. Included in that legislation will be amendments related to emergency response for accidents and incidents involving the transportation of hazardous materials. We have discussed the Public Works and Transportation Committee's intentions and jurisdiction in an exchange of letters with Chairman ROE, in which we agreed that our efforts are complementary and that current efforts to address emergency response concerns in the context of the Hazardous Materials Transportation Act are in no way affected by H.R. 4522.

Again, I urge my House colleagues to support H.R. 4522.

Mr. BOEHLERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VALENTINE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from North Carolina [Mr. VALENTINE] that the House suspend the rules and pass the bill, H.R. 4522.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. VALENTINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 4522, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

COORDINATED CLEARANCE AND SETTLEMENT ACT OF 1990

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3656) to amend the Securities Exchange Act of 1934 to improve the clearance and settlement of transactions in securities and related instruments, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coordinated Clearance and Settlement Act of 1990".

SEC. 2. COORDINATED CLEARING.

Section 17A(a)(2) of the Securities Exchange Act of 1934 (145 U.S.C. 78q-1) is amended to read as follows:

"(2)(A) The Commission is directed, therefore, having due regard for the public interest, the protection of investors, the safeguarding of securities and funds, and maintenance of fair competition among brokers and dealers, clearing agencies, and transfer agencies, to use its authority under this title—

"(i) to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities (other than exempt securities); and

"(ii) to facilitate the establishment of linked or coordinated facilities for clearance and settlement of transactions in securities, securities options, contracts of sale for future delivery and options thereon, and commodity options;

in accordance with the findings and to carry out the objectives set forth in paragraph (1) of this subsection.

"(B) The Commission shall use its authority under this title to assure equal regulation under this title of registered clearing agencies and registered transfer agents. In carrying out its responsibilities set forth in subparagraph (A)(ii) of this paragraph, the Commission shall coordinate with the Commodity Futures Trading Commission and consult with the Board of Governors of the Federal Reserve System.

"(C) The Securities and Exchange Commission, in consultation with the Commodity Futures Trading Commission, Board of Governors of the Federal Reserve System, and other relevant regulatory authorities, shall examine progress toward establishing linked or coordinated facilities for clearance and settlement of transactions in securities, securities options, contracts of sale for future delivery and options thereon, and commodity options, and shall submit to the Committees on Energy and Commerce and Agriculture of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Agriculture, Nutrition, and Forestry of the Senate, not later than 2 years from the date of enactment of this subparagraph, a report detailing and evaluating such progress.".

SEC. 3. TRANSFER AND PLEDGE OF SECURITIES.

Section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1) is amended by adding at the end the following:

"(f)(1) Notwithstanding any provision of State law, if the Commission makes each of the findings described in paragraph (2)(A), the Commission may adopt rules concerning—

"(A) the transfer of certificated or uncertificated securities (other than government securities issued pursuant to chapter 31 of title 31, United States Code, or securities otherwise processed within a book-entry system operated by the Federal Reserve Banks pursuant to a Federal Book-entry regulation) or limited interests (including security interests) therein; and

"(B) rights and obligations of purchasers, sellers, owners, lenders, borrowers, and financial intermediaries (including brokers, dealers, banks, and clearing agencies) involved in or affected by such transfers, and the rights of third parties whose interests in such securities devolve from such transfers.

"(2)(A) The findings described in this paragraph are findings by the Commission that—

"(i) such rule is necessary or appropriate for the protection of investors or in the public interest and is reasonably designed to promote the prompt, accurate, and safe clearance and settlement of securities transactions;

"(ii) in the absence of a uniform rule, the safe and efficient operation of the national system for clearance and settlement of securities transactions will be, or is, substantially impeded; and

"(iii) to the extent such rule will impair or diminish, directly or indirectly, rights of persons specified in paragraph (1)(B) under State law concerning transfers of securities (or limited interests therein), benefits of such rule outweigh such impairment or diminution of rights.

"(B) In making the findings described in subparagraph (A), the Commission shall give consideration to the recommendations of the Advisory Committee established under paragraph (3), and it shall consult with and consider the views of the Secretary of the Treasury and the Board of Governors of the Federal Reserve System. If the Secretary of the Treasury objects, in writing, to any proposed rule of the Commission on the basis of the Secretary's view on the issues

described in clauses (i), (ii), and (iii) of subparagraph (A), the Commission shall consider all feasible alternatives to the proposed rule, and it shall not adopt any such rule unless the Commission makes an explicit finding that the rule is the most practicable method for achieving safe and efficient operation of the national clearance and settlement system.

"(3)(A) Within 90 days after the date of enactment of this subsection, the Commission shall (and at such times thereafter as the Commission may determine, the Commission may), after consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.). The Advisory Committee shall be directed to consider and report to the Commission on such matters as the Commission, after consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, determines, including the areas, if any, in which State commercial laws and related Federal laws concerning the transfer of certificated or uncertificated securities, limited interests (including security interests) in such securities, or the creation or perfection of security interests in such securities do not provide the necessary certainty, uniformity, and clarity for purchases, sellers, investors, financial intermediaries, and lenders concerning their respective rights and obligations.

"(B) The Advisory Committee shall consist of 15 members, of which—

"(i) 11 shall be designated by the Commission in accordance with the Federal Advisory Committee Act; and

"(ii) 2 each shall be designated by the Board of Governors of the Federal Reserve System and the Secretary of the Treasury.

"(C) The Advisory Committee shall conduct its activities in accordance with the Federal Advisory Committee Act. Within 6 months of its designation, or such longer time as the Commission may designate, the Advisory Committee shall issue a report to the Commission, and shall cause copies of that report to be delivered to the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System.".

The SPEAKER pro tempore. Is a second demanded?

Mr. RINALDO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. RINALDO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of the passage of H.R. 3656, the Coordinated Clearance and Settlement Act of 1990. I urge my colleagues to support this important bill that stems from the October 19, 1987, market crash. This measure contains a crucial reform to safeguard the stability of our financial markets by reducing unnecessary credit demands on market participants during periods of market stress.

I would like to thank my good friend and colleague and ranking minority member of the Subcommittee on Telecommunications and Finance, the gentleman from New Jersey [Mr. RINALDO] for his help in bringing this measure to the floor. This bill enjoys widespread bipartisan support, both in the Committee on Energy and Commerce, through Chairman DINGELL and ranking minority member LENT; and in the Committee on Agriculture through the leadership of Chairman DE LA GARZA.

I would especially like to thank Mr. DE LA GARZA and his staff for their timely and expert assistance. My colleagues on the Committee on Agriculture have suggested several improvements to this bill which have been enthusiastically accepted and are reflected in the amended bill before us today. In the spirit of cooperation, Mr. DE LA GARZA has agreed to waive his committee's rights to a sequential referral of H.R. 3656 in order to allow for prompt legislative action on this bill. I thank my colleagues for their consideration and for their support in this matter.

The gentleman from Michigan [Mr. DINGELL] and all members of the committee appreciate the cooperation which we are receiving in our efforts to coordinate with the Committee on Agriculture so we can get at the root of some of these problems that exist in the financial marketplace.

The need for coordinated clearance and settlement systems sounds somewhat esoteric, but in actuality the concept is quite simple. This bill enables our regulators to lessen the need for large cash payments to flow back and forth among market participants and diverse clearing houses during times of market stress, thereby lessening the likelihood of a credit crisis tipping the financial markets into disarray.

The October 19, 1987, market crash of 508 points was the largest 1-day drop in the stock market's history. In that one day alone, $1 trillion in value evaporated from the face of corporate America. The major studies which examined the crash reiterated a well-known, but until then, little-appreciated fact of financial life—the stock, options, and stock index futures markets operate as a unified market. Market participants hold positions across these linked markets, yet they are treated as if their cross market positions are of no financial consequence. This lack of sophistication in the clearing and settlement system posed a sizable threat to the stability of the Nation's financial system during the October 1987 crash. The Brady Commission's report the blue ribbon panel put together by President Reagan summed up our brush with disaster:

The complexity and fragmentation of the separate clearing mechanisms in stocks, futures and options—in conjunction with massive volume, violent price volatility, and staggering demands on bank credit—brought the financial system to the brink on Tuesday, October 20 * * * This crisis of confidence raised the spectre of a full-scale financial system breakdown and required the Federal Reserve to provide liquidity and confidence. The complexity of the clearing and credit mechanisms, rather than a substantive problem of solvency, was at fault.

The magnitude of the credit demands on October 19, 1987, were indeed staggering. The Options Clearing Corp. demanded $1.8 billion in payments by its members. The Chicago Mercantile Exchange demanded $2.5 billion of its members. Unfortunately, market participants were denied the ability to offer the gains they realized on one financial product to offset their losses with another.

□ 1350

The demands for instant cash payments and unnecessary cash payments robbed the market of badly needed liquidity when it was needed most.

Since October 1987, limited reforms have been implemented which graphically demonstrate the benefits of coordinated clearance and settlement. A pilot project between the Options Clearing Corp. and the Chicago Mercantile Exchange calling for cross-margining was in effect during the October 13, 1989 minicrash. Cross-margining allows for the reduction of margin payments by those who hold hedge cross-market positions. Two participants in the program found their margin payments reduced by $164 million during the minicrash by virtue of their participation in the program. These savings would be greatly enhanced by the legislation which is before us today.

Following the crash, the Securities and Exchange Commission, then under the leadership of Chairman Ruder, proposed the reforms we have before us today. Now, under the leadership of Chairman Breeden of the SEC and Chairman Gramm of the Commodity Futures Trading Commission, we anticipate passage of the first in a series of market reform measures. H.R. 3656 strengthens our clearance and settlement system in several ways. First, the bill directs the Securities and Exchange Commission to facilitate the establishment of linked or coordinated facilities for clearance and settlement of transactions in securities, securities options, and futures. Second, the SEC is directed to coordinate with the CFTC in developing such a system, and also to consult with the Federal Reserve Board. Third, the SEC, in consultation with the Federal Reserve Board and the CFTC, is required to report its progress on developing a coordinated clearance and settlement system to Congress within 2 years of enactment. Fourth, the SEC

is authorized to promulgate rules to preempt State laws concerning the transfer and the perfection of a security interest only after the SEC makes a determination that such a preemption is necessary to fulfill the goal of a coordinated clearance and settlement system. fifth, recognizing the complexity of State law in this area, the SEC is directed to establish an advisory committee to guide the SEC in its deliberations.

Once again, I want to thank my colleagues on the Energy and Commerce Committee. I would like to express the gratitude we all share for the work of the Agriculture Committee and their staff on this bill. Without their cooperation, this would not have been possible.

This is a major step forward in ensuring that we do have linked markets, that we do have better coordination, and I hope that this House deems fit to receive this piece of legislation unanimously today, so that we can move it on to deliberations with the Senate.

Mr. Speaker, I reserve the balance of my time.

Mr. RINALDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3656, the Coordinated Clearance and Settlement Act.

The chairman of the subcommittee, Mr. MARKEY, and I, along with Mr. RICHARDSON and Mr. BRYANT introduced this legislation, because of the importance of the clearance and settlement process of our Nation's securities markets. We heard what the bill does from the chairman of the subcommittee.

When an investor cannot get an order executed on the floor of an exchange, he may be upset at this lost opportunity. His concern is a fraction of what he would feel, however, if he could not receive payment or stock certificates from a transaction that did occur. That is what clearance and settlement is all about.

The huge volume of trading that occurred during the October 1987 market correction created equally large customer margin and settlement obligations. Customer orders often simultaneously involved the stock, option, and futures markets. When an investor does business in the stock and futures market at the same time, he is required to post separate margins with both brokers, and these brokers with their clearing agents.

During the 1987 market crisis this involved extraordinarily large cash payments, larger than would have been required if clearance and settlement in these markets were coordinated. The additional moneys that were tied up pursuant to regulation margining the component parts of a combined transaction, deprived the trading markets of additional liquidity at a time when they needed it most.

H.R. 3656 would direct the SEC to facilitate the establishment of linked and coordinated facilities for clearance and settlement of transactions in securities and related financial instruments. Furthermore, the legislation would give the SEC the authority to adopt rules concerning the transfer and pledge of securities overriding existing State laws that impede efficient operation of the clearance and settlement system.

Mr. Speaker, though technical in nature, the impact of coordinated clearing and settlement on our markets can be dramatic. This legislation is the beginning of the process of reorganizing the structure and regulation of our securities, options, and commodities markets along the lines in which business has been evolving for the last two decades. It is the first step, but it is not a small one.

Mr. Speaker, I want to take this opportunity to compliment the gentleman from Massachusetts [Mr. MARKEY], chairman of the subcommittee, for his leadership on this important bill. Once again his balanced approach to the legislative process, ensuring that the input of the minority is considered as well as of our colleagues on the full committee, led by the gentleman from Michigan [Mr. DINGELL], and the gentleman from New York [Mr. LENT], was evident.

This is legislation at its best. It is a needed bill. It is a bill that the SEC and the administration strongly support, and it is a truly valuable bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I rise today in support of H.R. 3656, the Coordinated Clearance and Settlement Act, and I urge my colleagues to support it.

Before I get into my formal remarks I would like to personally recognize the leadership of the chairman of the Subcommittee on Telecommunications and Finance for what I consider an excellent job of putting together a very difficult piece of legislation, complicated, yes, and also difficult in many ways in trying to seek the goals that all of us wanted in the area of settlements that are so important to our markets. If it were not for his ability to stick with the issue and to work out compromises, we would not be here today.

I would also want to pay tribute to my friend, the gentleman from New Jersey [Mr. RINALDO], the ranking member, for also working very closely with all of us in putting this bill together. As the gentleman from New Jersey stated, this is indeed legislation at its best.

This legislation directs the Securities and Exchange Commission to address the need for coordinated clearance and settlement of securities and commodities transactions. It requires the SEC to consult with appropriate regulatory authorities and report its progress to Congress not later than 2 years after enactment of the law.

The bill also directs the SEC to establish a Federal Advisory Committee. This committee will consider the important issue of the conflict between State commercial laws and related Federal laws. These laws regard the transfer of certificated and uncertificated securities, and the perfection of security interests. The Balkanized system in place today does not provide the necessary certainty or uniformity to make clear to investors, financial intermediaries, and lenders their respective rights and obligations.

We live in a time when we must reexamine the relationships between regulators of our financial markets, and this bill directs study of two important facets of the issue. One is the relationship of the SEC, the CFTC and the Federal Reserve Board concerning clearing transactions that include securities, commodities, and bank payments. Over the course of the last decade a number of commodities products have been introduced that are based on securities or other financial, as opposed to agricultural, products. These commodity futures are used to hedge stock positions taken by block traders on behalf of institutions. The financial service provided by the commodities market has made possible deeper and more liquid stock markets. Unfortunately, the current structure of margin regulation treats a securities purchase which is hedged by a commodity future as two transactions, requiring two separate margin deposits. In fact there is only one transaction. It may be possible, after careful study of the issue as mandated by H.R. 3656, to devise rules that will allow a single margin deposit reflecting the hedged nature of the transaction and reduced risk. This would free up millions of dollars of trading capital and our financial markets would become even deeper and more liquid.

The second focus of the bill is the relationship of SEC regulation and Federal securities law to State regulation of securities. In markets that are already national and are increasingly international in nature, situations arise in which the comprehensive Federal system of regulation is interfered with by the imposition of 50 State laws upon it. State commercial laws that interfere with clearance and settlement of securities transactions may be such an area. In this situation, it may be desirable for the Federal Government to preempt State regulation. This would be done to the minimum extent possible to make our national system work, and to keep us competitive in the global markets that are de-

veloping. Congressional direction to the appropriate regulatory agencies to study the issue is wise.

I urge my colleagues to vote in favor of H.R. 3656.

□ 1400

Mr. RINALDO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume to conclude for one final moment.

I would like to consume that moment by thanking the gentleman from Ohio [Mr. OXLEY] for all of his help in helping us to make it possible to put together a bipartisan piece of legislation and one which I think solves the problem in a pragmatic, nonideologic way. Also, the gentleman from New Mexico [Mr. RICHARDSON], the gentleman from Texas [Mr. BRYANT], the gentleman from Louisiana [Mr. TAUZIN], and the gentleman from Tennessee [Mr. COOPER], for all of their help as well in making it possible for us to put together this piece of legislation.

I would like to thank the legislative counsel, Steve Cope.

I would like to thank the SEC staff who has worked very closely with us in making it possible to draft a piece of legislation which was acceptable to that agency and would meet the needs of the agency when it is being implemented.

I would also like to thank the minority staff, Steve Blumenthal, of the committee. He has made it personally very easy for us to develop a strong working relationship.

I think it is fair to mention the Committee on Agriculture as well because their staff has been absolutely marvelous in helping us to draft this bill.

I would like particularly to single out Bill Cherry and Fred Clark for their work in making this piece of legislation possible and all the members of their committee as well.

I would like to thank Consuela Washington, the full committee staff counsel, for all of her work on this legislation. I would like to thank Howard Homonoff and Herb Brown, subcommittee staff director, and especially Nancy Smith of our staff who over the last couple of years has dedicated hundreds of hours to this piece of legislation and others in trying to draft legislation which would be acceptable to all parties.

Finally, once again to my friend, the gentleman from New Jersey [Mr. RINALDO] for his ongoing friendship and cooperation in drafting this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 3656, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 3656, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

BIOLOGICAL WEAPONS ANTI-TERRORISM ACT OF 1989

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 237) to implement the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes, as amended.

The Clerk read as follows:

H.R. 237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Biological Weapons Anti-Terrorism Act of 1989".

SEC. 2. PURPOSE AND INTENT.

(a) PURPOSE.—The purpose of this Act is to—

(2) implement the Biological Weapons Convention, an international agreement unanimously ratified by the United States Senate in 1974 and signed by more than 100 other nations, including the Soviet Union; and

(2) protect the United States against the threat of biological terrorism.

(b) INTENT OF ACTION.—Nothing in this Act is intended to restrain or restrict peaceful scientific research or development.

SEC. 3. TITLE 18 AMENDMENTS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 9 the following:

"CHAPTER 10—BIOLOGICAL WEAPONS

"Sec.
"175. Prohibitions with respect to biological weapons.
"176. Seizure, forfeiture, and destruction.
"177. Injunctions.
"178. Definitions.

"§ 175. Prohibitions with respect to biological weapons

"(a) IN GENERAL.—Whoever knowingly develops, produces, stockpiles, transfers, acquires, retains, or possesses any biological agent, toxin, or delivery system for use as a weapon, or knowingly assists a foreign state or any organization to do so, shall be fined under this title or imprisoned for life or any term of years, or both. There is extraterritorial Federal jurisdiction over an offense under this section committed by or against a national of the United States.

"(b) DEFINITION.—For purposes of this section, the term 'for use as a weapon' does not include the development, production, transfer, acquisition, retention, or possession of any biological agent, toxin, or delivery system for prophylactic, protective, or other peaceful purposes.

"§ 176. Seizure, forfeiture, and destruction

"(a) IN GENERAL.—(1) Except as provided in paragraph (2), the Attorney General may request the issuance, in the same manner as provided for a search warrant, of a warrant authorizing the seizure of any biological agent, toxin, or delivery system that—

"(A) exists by reason of conduct prohibited under section 175 of this title; or

"(B) is of a type or in a quantity that under the circumstances has no apparent justification for prophylactic, protective, or other peaceful purposes.

"(2) In exigent circumstances, seizure and destruction of any biological agent, toxin, or delivery system described in subparagraphs (A) and (B) of paragraph (1) may be made upon probable cause without the necessity for a warrant.

"(b) PROCEDURE.—Property seized pursuant to subsection (a) shall be forfeited to the United States after notice to potential claimants and an opportunity for a hearing. At such hearing, the government shall bear the burden of persuasion by a preponderance of the evidence. Except as inconsistent herewith, the same procedures and provisions of law relating to a forfeiture under this section. The Attorney General may provide for the destruction or other appropriate disposition of any biological agent, toxin, or delivery system seized and forfeited pursuant to this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense against a forfeiture under subsection (a)(1)(B) of this section that—

"(1) such biological agent, toxin, or delivery system is for a prophylactic, protective, or other peaceful purpose; and

"(2) such biological agent, toxin, or delivery system, is of a type and quantity reasonable for that purpose.

"§ 177. Injunctions

"(a) IN GENERAL.—The United States may obtain in a civil action an injunction against—

"(1) the conduct prohibited under section 175 of this title;

"(2) the preparation, solicitation, attempt, or conspiracy to engage in conduct prohibited under section 175 of this title; or

"(3) the development, production, stockpiling, transferring, acquisition, retention, or possession, or the attempted development, production, stockpiling, transferring, acquisition, retention, or possession of any biological agent, toxin, or delivery system of a type or in a quantity that under the circumstances has no apparent justification for prophylactic, protective, or other peaceful purposes.

"(b) AFFIRMATIVE DEFENSE.—It is an affirmative defense against an injunction under subsection (a)(3) of this section that—

"(1) the conduct sought to be enjoined is for a prophylactic, protective, or other peaceful purpose; and

"(2) such biological agent, toxin, or delivery system is of a type and quantity reasonable for that purpose.

"§ 178. Definitions

"As used in this chapter—

"(1) the term 'biological agent' means any microorganism, virus, or infectious substance, capable of causing—

"(A) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

"(B) deterioration of food, water, equipment, supplies, or material of any kind; or

"(C) deleterious alteration of the environment;

"(2) the term 'toxin' means, whatever its origin or method of production—

"(A) any poisonous substance produced by a living organism; or

"(B) any poisonous isomer, homolog, or derivative of such a substance;

"(3) the term 'delivery system' means—

"(A) any apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector; or

"(B) any vector; and

"(4) the term 'vector' means a living organism capable of carrying a biological agent or toxin to a host.".

(b) WIRE INTERCEPTION.—Section 2516(c) of title 18, United States Code, is amended by adding "section 175 (relating to biological weapons)," after "section 33 (relating to destruction of motor vehicles or motor vehicle facilities),".

(c) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 9 the following new item:

"10. Biological Weapons..... 175.".

The SPEAKER pro tempore. Is a second demanded?

Mr. SMITH of Texas. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. KASTENMEIER] will be recognized for 20 minutes, and the gentleman from Texas [Mr. SMITH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Speaker, I yield myself 6½ minutes.

Mr. Speaker, as the House sponsor of legislation, H.R. 237, to implement the Biological Weapons Convention, I am pleased to rise in support of this legislation.

I want to commend the gentleman from Connecticut [Mr. MORRISON], chairman of the House Judiciary Subcommittee on Immigration, Refugees, and International Law and a cosponsor of H.R. 237, for his effective leadership in expediting House consideration of this legislation. Also, I am proud that my Senator, the junior Senator from Wisconsin, HERB KOHL, seized the initiative in the Senate on this issue by introducing a companion measure, S. 993, and winning Senate approval of this bill.

Mr. Speaker, three decades have passed since I proposed a congressional resolution on no first-use of biological weapons. Progress on the biological warfare issue has always been slow.

In 1969, President Nixon unilaterally renounced the use of biological weapons and pledged to destroy the existing U.S. stockpile. In 1972, the Nixon administration endorsed the Biological Weapons Convention, and by the time the Senate ratified the Convention in 1974, all the biological weapons in our possession had been destroyed.

The Biological Weapons Convention requires each signatory to take all measures necessary to prevent and prohibit within its territory, under its jurisdiction or under its control anywhere, the activities prohibited by the Convention. Although 14 years have passed since the ratification of the Convention, the United States, however, has not yet passed legislation to accomplish this purpose. There presently are no Federal statutes that prohibit and provide penalties for the development, production stockpiling acquisition or retention of, first biological agents or toxins of types and in quantities that have no justification for peaceful purposes and, second, weapons, equipment, and means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

On two occasions, the executive branch tried to have legislation enacted to implement the Convention. In 1973, a bill was introduced in the Congress but it failed to receive consideration because of the delay in ratifying the Convention. Another effort was made in 1980, but the congressional session came to an end before any action could be taken.

The Reagan administration held that extensive existing legislation controlled certain private actions concerning the items and actions prohibited by the Convention. Such legislation included the Arms Export Control Act, the Export Administration Act, the Hazardous Material Transportation Act, the Toxic Substances Control Act, the Public Health Service Act, and the Federal Insecticide, Pesticide and Rodenticide Act. These existing laws, however, are deficient in several main aspects since they do not cover biological agents and toxins described by the Convention in its various articles. Also they fail to implement the Convention goal of eradicating all agents or toxins that have no peaceful purpose. Simply stated, no statute exists for prohibiting citizens from making biological weapons.

This administration, reflecting the President's stated support for banning biololgical weapons from the face of the Earth, supports this legislation.

Mr. Speaker, we are in the age of the biotechnology revolution where genetic engineering has made it possible for the scientific community to design fundamental aspects of living organisms to make them produce beneficial products for society. The legislation to implement the Biological Warfare Convention will not interfere with legitimate research and development and the commercial applications of new organisms. But, there is a dark side to the biotechnology revolution, and that is the ability to create an infinite variety of deadly mircobes, toxins, and other agents of biological mass destruction has been made easier. The technology that makes it possible to produce miracle drugs also makes it possible to create microorganisms that can cause deadly diseases for which no cures exist.

Biological weapons are abhorrent. The fear of the creation of doomsday bacterial or viral weapons use is equal to that associated with a nuclear holocaust. We must do everything in our power to prevent the use of biological weapons. We have an international obligation to do so, and by passing this legislation we are letting the rest of the world know that we are serious in our desire to stop biological terrorism.

This legislation prohibits the possession or development of germ warfare devices and authorizes the punishment of those who engage in such activities as well as those who attempt to help foreign nations acquire such weapons.

Mr. Speaker, I urge House passage of H.R. 237, the Biological Warfare Convention implementation legislation.

□ 1410

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 237 the Biological Weapons Act of 1990 would implement the Biological Weapons Convention signed by the United States on April 10, 1972.

The bill gives the Attorney General the discretion and authority to seize and destroy any biological agent, toxin, or delivery system deemed to be developed for nonpeaceful purposes.

The Senate unanimously passed a similar bill on November 21, 1989. That bill, S. 993, was supported by the administration.

I urge my colleagues to support H.R. 237, which mirrors S. 993, and has the administration's support.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KASTENMEIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut [Mr. MORRISON], chairman of the subcommittee that handled the bill, who also testified in the Senate on this measure. We are indebted to the gentleman for his contribution.

Mr. MORRISON of Connecticut. Mr. Speaker, let me start by commending my colleague, Mr. BOB KASTEN-

MEIER, for introducing this important bill. I also salute our esteemed chairman, JACK BROOKS, chairman of the full Judiciary Committee, for his leadership in shepherding this bill through the committee process.

The purpose of H.R. 237, the Biological Weapons Anti-Terrorism Act, is to implement the 1972 Biological Weapons Convention, signed by 111 nations including the United States and the U.S.S.R.

The Senate gave its advice and consent to ratification of the Biological Weapons Convention in December 1974, and the treaty entered into force in March 1975. Under the convention each nation undertakes, "never in any circumstances," to develop, produce, stockpile, acquire or retain microbial or other biological agents or toxins, whatever their origin or method of production, unless there is a peaceful justification.

The convention has been interpreted to bind only governments, not their respective populations. H.R. 237 is necessary to fulfill the obligation each nation has under article IV of the convention to take necessary measures to prevent and prohibit the development or retention of biological weapons within its territory.

Although implementing legislation was introduced by former Chairman Peter Rodino in the 96th, 99th, and 100th Congresses, and although several statutes already exist regulating bioweapons like the Toxic Substances Control Act and the Arms Export Control Act to date there is no comprehensive legislation prohibiting the manufacture or possession of biological weapons. Nor is there legislation prohibiting Americans from assisting other nations in acquiring such weapons.

On May 1, 1990, the subcommittee held a hearing on the bill. Witnesses included Senator KOHL, author of the Senate bill, S. 993; Tom Graham, general counsel to the U.S. Arms Control and Disarmament Agency, and Prof. Matthew Meselson, professor of biochemistry and molecular biology at Harvard University. All of the witnesses endorsed the bill. Supporting written testimony was also received from Dr. Will Carpenter, vice president for technology, Monsanto Agriculture Co. and the Honorable James F. Leonard, the former ambassador who headed the U.S. delegation during treaty negotiations. On May 2, 1990 the full committee marked up an amendment in the nature of a substitute to H.R. 237 that is identical to S. 993.

H.R. 237 is needed to prevent the proliferation of biological weapons and to prevent the possibility of their falling into the hands of terrorists. In the words of former Assistant Secretary of State, H. Allen Holmes, "* * * if the proliferation of bio-weapons continues, it may only be a matter of time before terrorists do acquire and use these weapons."

As a graduate of M.I.T. in chemistry, and a former graduate student in chemistry at the University of Illinois, I probably have some special understanding of the potential horrors of biological and chemical warfare. In reality, however, I suspect that whether trained in science or not, we cannot, any of us, begin to comprehend the possible disasters that could result from the unchecked development of biological and toxin weapons.

The Biological and Toxin Weapons Convention bans the development, production, possession, and transfer of all biological and toxin weapons. The treaty stands as a unique arms control agreement because of its sweeping provisions. It outlaws not only the use and stockpiling of biological weapons, but their development as well.

There is, of course, always the possibility that some individual, engaged in clandestine biological weapons research, will develop some deadly agent that could pose a threat of a massive epidemic or accident that endangers the public. Concerns about such activities have increased recently because of heightened interest in both chemical and biological warfare in the world community. There has been significant evidence of chemical weapons use in the Iran-Iraq War, and evidence too that western companies may have aided the efforts of a number of Third World countries to develop chemical weapons. The spread of biological and chemical weapons to many countries could have disastrous long-term implications for the world. Combining these weapons of mass destruction with advanced long-range missile technology provide fearful opportunities to cause death and destruction. The unleashing of biological weapons could mean Armageddon in our lifetimes.

Passage of this implementing legislation will not completely resolve the threat of biological weapons proliferation. Nonetheless, it will signal renewed American commitment to diminish the chance that other countries will develop these weapons. it is my hope too that in the future the U.S. will explore international efforts to strengthen the Convention.

Since the early seventies, when the Convention was hailed as a model agreement, new techniques in genetic engineering have been developed, making possible a whole new generation of biological destructive capability. The nature of biological weaponry is such that it doesn't take large volumes to render wholesale destruction. The ease with which these deadly materials can be made is cause for serious international concern and requires speedy action.

I urge my colleagues to vote for this important bill. The langauge of H.R. 237 reflects accommodation and agreement between the Congress, the administration, academia, and private sector researchers, and manufacturers. Great care was taken to ensure against interference with legitimate research for peaceful purposes. The language of H.R. 237 is identical to S. 993 as it passed the Senate on November 21, 1989. It is our hope that the Members will pass S. 993 right after thay have voted in favor of H.R. 237, so that this legislation can be sent directly to the President for signature. I thank the chairman and my colleagues for their support.

Mr. OWENS of Utah. Mr. Speaker, with the advent of sophisticated delivery systems and genetically engineered or other highly infectious agents, the prospects of a biological war are more terrifying than ever. Our best deterrent against proliferation of these weapons is the 1972 biological weapons convention, to which the United States and 100 other countries are signatories.

The Biological Weapons Act of 1989 demonstrates after 18 years that the United States is fully behind this convention. Secrecy surrounding our own biological defense research program coupled with more than a 400-percent increase in funding over the past 9 years has contributed to the problem of biological weapons proliferation. By establishing criminal penalties for those who develop, produce, or stockpile biological weapons, we allay fears in the international community which serve to propel this horrific arms race.

This is an important bill which comes at a time when the Third World is developing the means to produce and deliver these instruments of uncontrollable destruction. I strongly urge your support.

Mr. BROOKS. Mr. Speaker, I rise in strong support of H.R. 237, as amended by the committee.

This is not complicated legislation. Rather, it does nothing more than establish criminal penalties against anyone who manufactures, possesses, transfers, or uses biological weapons. Guilty parties can be imprisoned for up to life or fined in accordance with title 18 of the United States Code, or both.

Biological weapons are the equal of nuclear weapons in terms of the death, destruction, and permanent alteration of the environment that they can cause. Despite their potency, however, the fact is that from a military standpoint they are relatively useless. They are difficult to store, their effects are often unpredictable, and they cannot be used with the pinpoint accuracy that modern military demands call for. For these reasons, as well as others, the United States unilaterally destroyed all its biological weapons in 1969 and agreed never to produce them again. Since they serve no useful military purposes, the only possible purpose they can serve is a mischievous, dangerous one.

Such weapons can be made inexpensively and secretly. They can be used for purposes of extortion, coercion, and terrorism. These are the dangers that H.R. 237 is designed to prevent and that is why the measure has received the support of the administration, the

Judiciary Committee, which I am honored to chair, and has been passed in identical form by the Senate.

Finally, I should mention that in 1975 the United States became a party to the Biological Weapons Convention—an agreement signed by 111 nations. This convention obligates signatory nations not to produce, stockpile, or ever use biological weapons. The convention also requires each signatory state to take whatever measures may be necessary to prevent the production or use of biological weapons within its own territory. This bill, therefore, also serves the very important purposes of furthering the objectives of the convention and in demonstrating our resolve to honor its terms in full.

I urge my colleagues to support this extremely meritorious legislation.

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for H.R. 237, the Biological Weapons Act of 1989. This important measure imposes criminal penalties against those who knowingly develop, produce, stockpile, acquire, retain, or possess any biological agent, toxin or delivery system for use as a weapon or assist any foreign state or any organization to do so.

The proliferation of biological weapons in the Third World has added a new and even more ominous tool to the world's arsenals of mass destruction. Biological weapons are even more insidious and even more horrific than chemical weapons. That is because biological weapons are capable of reproducing on their own.

International limitations on biological weapons are necessarily more comprehensive than the control of chemical weapons. In 1969, President Nixon unilaterally ended the U.S. biological weapons program, terminating all research and destroying all stockpiles of weapons. The Biological and Toxin Weapons Convention was signed in 1972 and ratified by the United States in 1975. Today most countries are signatories to the convention.

In the fall of 1986, progress was made in openness and verification of the Biological Weapons Convention when the 5 year review conference reached an agreement on exchanges of informatoin about all high containment biological research facilities and all unusual outbreaks of disease or toxin-related illness. Both the United States and the Soviet Union released their biological facility declarations in October 1987.

Mr. Speaker, with the growing number of nations that have active biological weapons programs, this is an appropriate measure. I commend the gentleman from Wisconsin [Mr. KASTENMEIER] for his work on this measure. It is supported by the administration. Accordingly, Mr. Speaker, I urge its adoption.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 237, the implementing legislation for the Biological Weapons Convention. For practical, legal, and moral reasons, it is imperative that we pass this bill into law.

First, it is a practical step which will help block proliferation of biological weapons. When we signed the Biological Weapons Convention in 1972, we committed ourselves to halt development and production, and renounce the use of biological weapons. But without this implementing legislation, we cannot impose legal penalties against American citizens who try to develop these weapons for themselves, or who help a foreign country in its attempts to develop them.

The recent reports that Iraq—a country whose rulers have used poison gas against Iranian soldiers and Iraqi civilians, despite Iraq's previous signature of the Geneva Convention against chemical warfare—may be experimenting with biological weapons shows that this is not simply a theoretical problem. It is a reality we confront today. If we cannot punish American citizens who attempt to develop biological weapons on their own or in concert with foreign governments, the force of our signature to the convention will be diminished.

Second, as a signatory of the convention, the United States is legally bound to support it and to do whatever we can to achieve its goal—to ensure that the worldwide ban on biological warfare is never broken. Making development or production of biological weapons a Federal crime moves us toward this aim, and encourages other governments to take the same step.

Finally, regardless of practical virtue or legal necessity, we have a moral obligation to prevent biological warfare. Modern warfare is terrible and deadly enough without extending its horrors into the realm of disease. There is no military or moral justification for the use of biological weapons. And the best way to make sure they never are used is never to make them.

With this bill, the United States puts the world on notice that its citizens and elected leaders will not tolerate the development, production, or use of the plague bacterium, the AIDS virus, or any other biological agent as a weapon of war. The legislation has been a long time coming, but it is welcome nonetheless.

I commend Representative KASTENMEIER for the effort he has made in crafting the bill and bringing it to the floor, and I ask all my colleagues to support it.

□ 1420

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in addition to commending the gentleman from Connecticut [Mr. MORRISON] for his eloquent statement, I would also like to commend the gentleman from Texas [Mr. SMITH] for the very constructive, supportive role he played with respect to this legislation, and to commend the members of the subcommittee.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Wisconsin [Mr. KASTENMEIER] that the House suspend the rules and pass the bill, H.R. 237, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

REGARDING THE PRESENTATION OF A PORTRAIT OF HON. WILLIAM D. FORD

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 272) authorizing printing of the transcript of proceedings of the Committee on Post Office and Civil Service of the House of Representatives incident to presentation of a portrait of Hon. WILLIAM D. FORD, as amended.

The Clerk read as follows:

H. CON. RES. 272

Resolved by the House of Representatives (the Senate concurring), That the transcript of proceedings of the Committee on Post Office and Civil Service of the House of Representatives on March 21, 1990, incident to presentation of a portrait of the Honorable William D. Ford, shall be printed as a House document, with illustrations and suitable binding.

SEC. 2. In addition to the usual number, 125 casebound copies of such document shall be printed for the use of the Committee on Post Office and Civil Service of the House of Representatives.

The SPEAKER pro tempore. Is a second demanded?

Mr. ROBERTS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman from California [Mr. BATES] will control the time.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. BATES] will be recognized for 20 minutes, and the gentleman from Kansas [Mr. ROBERTS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. BATES].

Mr. BATES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 272 to authorize the publication which summarizes the proceedings of the presentation-of-the-portrait ceremony in honor of BILL FORD. The portraiture ceremony recognized WILLIAM D. FORD's first 25 years of distinguished service in the House of Representatives and his tenure as chairman of the Post Office and Civil Service Committee.

BILL FORD has represented Michigan's 15th Congressional District for over 25 years. As chairman of the House Committee on Post Office and Civil Service since 1981, Congressman

FORD has been an advocate for the U.S. Postal Service and civilian agencies, and has championed improvements in employee pay and benefits. Under his leadership, the committee has been in the forefront fostering and promoting the public service.

A major accomplishment during Mr. FORD's decade as chairman was the fashioning of a complete new Federal pension system. He has also fought strongly to make the wages of Federal workers comparable to those in the private sector despite frequent and prolonged attacks from the executive branch. He is currently confronting the task of rebuilding the health insurance system for Federal employees and their families.

Congressman FORD is also the ranking majority member of the Committee on Education and Labor. He has helped to write every piece of Federal education legislation since the 89th Congress. In the 97th Congress, Mr. FORD played a major role in developing the Job Training Partnership Act; and in the 100th Congress, he won a 14-year battle when his plant-closing bill overcame Presidential opposition and became law.

BILL FORD is admired by his colleagues, and appreciated by all those he has worked with and helped. It is an honor for me to rise today in support of House Concurrent Resolution 272, the publication of BILL FORD's portraiture ceremony.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 272, authorizing the printing of the transcript of the proceedings of the Committee on Post Office and Civil Service of the House of Representatives incident to the presentation of a portrait of Hon. WILLIAM D. FORD.

Since November 3, 1964, Mr. FORD has been a diligent Representative of his home State of Michigan. Among other accomplishments, his service on the Post Office and Civil Service Committee is worthy of merit and proclamation of praise before his peers. Mr. FORD has served as chairman of the Committee on Post Office and Civil Service since 1980, and during that time he has vigorously promoted the U.S. Postal Service and civilian agencies and has adamantly demanded improved pay and benefits for those employed by our Postal Service and other Government agencies. He has led his committee to the forefront of public service and, in so doing, has earned the respect and admiration of those with whom he has worked. The official unveiling of Mr. FORD's portrait on March 21, 1990 was a timely occasion to honor a man who has done so much for his Government and his fellow man.

In recognition of these auspicious accomplishments, I urge my colleagues to support House Concurrent Resolution 272.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. BATES. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 272, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate having been concluded on all motions to suspend the rules, pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4522, by the yeas and nays; and

H.R. 237 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

FIREFIGHTERS' SAFETY STUDY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4522.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. VALENTINE] that the House suspend the rules and pass the bill, H.R. 4522, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 23, as follows:

[Roll No. 98]

YEAS—410

Ackerman	Duncan	Kastenmeier
Akaka	Durbin	Kennedy
Alexander	Dwyer	Kennelly
Anderson	Dymally	Kildee
Andrews	Dyson	Kleczka
Annunzio	Early	Kolter
Anthony	Eckart	Kostmayer
Applegate	Edwards (CA)	Kyl
Archer	Edwards (OK)	LaFalce
Armey	Emerson	Lagomarsino
Aspin	Engel	Lancaster
Atkins	English	Lantos
AuCoin	Erdreich	Laughlin
Baker	Espy	Leach (IA)
Ballenger	Evans	Leath (TX)
Barnard	Fascell	Lehman (CA)
Bartlett	Fawell	Lehman (FL)
Barton	Fazio	Lent
Bateman	Feighan	Levin (MI)
Bates	Fields	Levine (CA)
Bellenson	Fish	Lewis (CA)
Bennett	Flake	Lewis (FL)
Bentley	Foglietta	Lewis (GA)
Bereuter	Ford (MI)	Lightfoot
Berman	Frank	Lipinski
Bevill	Frenzel	Livingston
Bilbray	Frost	Lloyd
Bilirakis	Gallegly	Long
Bliley	Gallo	Lowery (CA)
Boehlert	Gaydos	Lowey (NY)
Boggs	Gejdenson	Luken, Thomas
Bonior	Gekas	Machtley
Borski	Gephardt	Madigan
Bosco	Geren	Manton
Boucher	Gibbons	Markey
Boxer	Gillmor	Marlenee
Brennan	Gilman	Martin (IL)
Broomfield	Gingrich	Martin (NY)
Browder	Glickman	Martinez
Brown (CA)	Gonzalez	Matsui
Brown (CO)	Goodling	Mavroules
Bruce	Gordon	Mazzoli
Bryant	Goss	McCandless
Buechner	Gradison	McCloskey
Bunning	Grandy	McCollum
Burton	Grant	McCrery
Bustamante	Gray	McCurdy
Byron	Green	McDade
Callahan	Guarini	McDermott
Campbell (CO)	Gunderson	McEwen
Cardin	Hall (OH)	McGrath
Carper	Hall (TX)	McHugh
Carr	Hamilton	McMillan (NC)
Chandler	Hammerschmidt	McMillen (MD)
Chapman	Hancock	McNulty
Clarke	Hansen	Meyers
Clay	Harris	Mfume
Clement	Hastert	Michel
Clinger	Hatcher	Miller (CA)
Coble	Hayes (IL)	Miller (OH)
Coleman (MO)	Hayes (LA)	Miller (WA)
Coleman (TX)	Hefley	Mineta
Combest	Hefner	Moakley
Condit	Henry	Molinari
Conte	Herger	Mollohan
Conyers	Hertel	Montgomery
Cooper	Hiler	Moody
Costello	Hoagland	Moorhead
Coughlin	Hochbrueckner	Morella
Courter	Holloway	Morrison (CT)
Cox	Hopkins	Morrison (WA)
Coyne	Horton	Mrazek
Crane	Houghton	Murphy
Crockett	Hoyer	Murtha
Dannemeyer	Huckaby	Myers
Darden	Hughes	Nagle
Davis	Hunter	Natcher
de la Garza	Hutto	Neal (NC)
DeFazio	Hyde	Nielson
DeLay	Inhofe	Nowak
Dellums	Ireland	Oberstar
Derrick	Jacobs	Obey
DeWine	James	Olin
Dickinson	Jenkins	Ortiz
Dicks	Johnson (CT)	Owens (UT)
Dingell	Johnson (SD)	Oxley
Dixon	Johnston	Packard
Donnelly	Jones (GA)	Pallone
Dorgan (ND)	Jones (NC)	Panetta
Dornan (CA)	Jontz	Parker
Douglas	Kanjorski	Parris
Downey	Kaptur	Pashayan
Dreier	Kasich	Patterson

Paxon	Scheuer	Stump
Payne (NJ)	Schiff	Sundquist
Payne (VA)	Schneider	Swift
Pease	Schroeder	Synar
Pelosi	Schulze	Tallon
Penny	Schumer	Tanner
Perkins	Sensenbrenner	Tauke
Petri	Serrano	Tauzin
Pickett	Sharp	Taylor
Pickle	Shaw	Thomas (CA)
Porter	Shays	Thomas (GA)
Poshard	Shumway	Thomas (WY)
Price	Shuster	Torres
Pursell	Sikorski	Torricelli
Quillen	Sisisky	Towns
Rangel	Skaggs	Traficant
Ravenel	Skeen	Traxler
Ray	Skelton	Unsoeld
Regula	Slattery	Upton
Rhodes	Slaughter (NY)	Valentine
Richardson	Slaughter (VA)	Vander Jagt
Ridge	Smith (FL)	Vento
Rinaldo	Smith (IA)	Volkmer
Ritter	Smith (NE)	Vucanovich
Roberts	Smith (NJ)	Walgren
Roe	Smith (TX)	Walker
Rogers	Smith (VT)	Walsh
Rohrabacher	Smith, Denny (OR)	Watkins
Ros-Lehtinen	Smith, Robert (NH)	Waxman
Rose	Smith, Robert (OR)	Weber
Rostenkowski	Snowe	Weiss
Roth	Solarz	Weldon
Roukema	Solomon	Wheat
Rowland (CT)	Spence	Whittaker
Rowland (GA)	Spratt	Whitten
Roybal	Staggers	Williams
Russo	Stallings	Wise
Sabo	Stangeland	Wolf
Saiki	Stark	Wolpe
Sangmeister	Stearns	Wyden
Sarpalius	Stenholm	Yates
Savage	Studds	Yatron
Sawyer		Young (AK)
Saxton		Young (FL)
Schaefer		

NAYS—0

NOT VOTING—23

Brooks	Kolbe	Schuette
Campbell (CA)	Lukens, Donald	Stokes
Collins	Neal (MA)	Udall
Craig	Nelson	Visclosky
Flippo	Oakar	Washington
Ford (TN)	Owens (NY)	Wilson
Hawkins	Rahall	Wylie
Hubbard	Robinson	

□ 1450

Mr. DANNEMEYER changed his vote from "present" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1452

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

BIOLOGICAL WEAPONS ANTI-TERRORISM ACT OF 1989

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 237, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. KASTENMEIER] that the House suspend the rules and pass the bill, H.R. 237, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 25, as follows:

[Roll No. 99]

YEAS—408

Ackerman	Cox	Green
Akaka	Coyne	Guarini
Alexander	Crane	Gunderson
Anderson	Crockett	Hall (OH)
Andrews	Dannemeyer	Hall (TX)
Annunzio	Darden	Hamilton
Anthony	Davis	Hammerschmidt
Applegate	de la Garza	Hancock
Archer	DeFazio	Hansen
Armey	DeLay	Hastert
Aspin	Dellums	Hatcher
Atkins	Derrick	Hayes (IL)
AuCoin	DeWine	Hayes (LA)
Baker	Dickinson	Hefley
Ballenger	Dicks	Hefner
Barnard	Dingell	Henry
Bartlett	Dixon	Herger
Barton	Donnelly	Hertel
Bateman	Dorgan (ND)	Hiler
Bates	Dornan (CA)	Hoagland
Beilenson	Douglas	Hochbrueckner
Bennett	Downey	Holloway
Bentley	Dreier	Hopkins
Bereuter	Duncan	Horton
Berman	Durbin	Houghton
Bevill	Dwyer	Hoyer
Bilbray	Dymally	Huckaby
Bilirakis	Dyson	Hughes
Billey	Early	Hunter
Boehlert	Eckart	Hutto
Boggs	Edwards (CA)	Hyde
Bonior	Edwards (OK)	Inhofe
Borski	Emerson	Ireland
Bosco	Engel	Jacobs
Boucher	English	James
Boxer	Erdreich	Jenkins
Brennan	Espy	Johnson (CT)
Brooks	Evans	Johnson (SD)
Broomfield	Fascell	Johnston
Browder	Fawell	Jones (GA)
Brown (CA)	Fazio	Jones (NC)
Brown (CO)	Feighan	Jontz
Bruce	Fields	Kanjorski
Buechner	Fish	Kaptur
Bunning	Flake	Kasich
Burton	Foglietta	Kastenmeier
Bustamante	Ford (MI)	Kennedy
Byron	Frank	Kennelly
Callahan	Frenzel	Kildee
Campbell (CO)	Frost	Kleczka
Cardin	Gallegly	Kolter
Carper	Gallo	Kostmayer
Carr	Gaydos	Kyl
Chandler	Gejdenson	LaFalce
Chapman	Gekas	Lagomarsino
Clarke	Gephardt	Lancaster
Clay	Geren	Lantos
Clement	Gibbons	Laughlin
Clinger	Gillmor	Leach (IA)
Coble	Gilman	Leath (TX)
Coleman (MO)	Gingrich	Lehman (CA)
Coleman (TX)	Glickman	Lehman (FL)
Combest	Gonzalez	Lent
Condit	Goodling	Levin (MI)
Conte	Gordon	Levine (CA)
Conyers	Goss	Lewis (CA)
Cooper	Gradison	Lewis (FL)
Costello	Grandy	Lewis (GA)
Coughlin	Grant	Lightfoot
Courter	Gray	Lipinski
Livingston	Patterson	Smith (IA)
Lloyd	Paxon	Smith (NE)
Long	Payne (NJ)	Smith (NJ)
Lowery (CA)	Payne (VA)	Smith (TX)
Lowey (NY)	Pease	Smith (VT)
Luken, Thomas	Pelosi	Smith, Denny (OR)
Machtley	Penny	Smith, Robert (NH)
Madigan	Perkins	Smith, Robert (OR)
Manton	Petri	Snowe
Markey	Pickett	Solarz
Marlenee	Pickle	Solomon
Martin (IL)	Porter	Spence
Martin (NY)	Poshard	Spratt
Martinez	Price	Staggers
Matsui	Pursell	Stallings
Mavroules	Quillen	Stangeland
Mazzoli	Rangel	Stark
McCandless	Ravenel	Stearns
McCloskey	Ray	Stenholm
McCollum	Regula	Studds
McCrery	Rhodes	Stump
McCurdy	Richardson	Sundquist
McDade	Ridge	Swift
McDermott	Rinaldo	Synar
McEwen	Ritter	Tallon
McGrath	Roberts	Tanner
McHugh	Roe	Tauke
McMillan (NC)	Rogers	Tauzin
McMillen (MD)	Rohrabacher	Taylor
McNulty	Ros-Lehtinen	Thomas (CA)
Meyers	Rose	Thomas (GA)
Mfume	Rostenkowski	Thomas (WY)
Michel	Roth	Torres
Miller (CA)	Roukema	Torricelli
Miller (OH)	Rowland (CT)	Towns
Miller (WA)	Rowland (GA)	Traficant
Mineta	Roybal	Traxler
Moakley	Russo	Unsoeld
Molinari	Sabo	Upton
Mollohan	Saiki	Valentine
Montgomery	Sangmeister	Vander Jagt
Moody	Sarpalius	Vento
Moorhead	Savage	Volkmer
Morella	Sawyer	Vucanovich
Morrison (CT)	Saxton	Walgren
Morrison (WA)	Schaefer	Walker
Mrazek	Schiff	Walsh
Murphy	Schneider	Watkins
Murtha	Schroeder	Waxman
Myers	Schulze	Weber
Nagle	Schumer	Weiss
Natcher	Sensenbrenner	Weldon
Neal (NC)	Serrano	Wheat
Nielson	Sharp	Whittaker
Nowak	Shaw	Whitten
Oberstar	Shays	Williams
Obey	Shumway	Wise
Olin	Shuster	Wolf
Ortiz	Sikorski	Wolpe
Owens (UT)	Sisisky	Wyden
Oxley	Skaggs	Yates
Packard	Skeen	Yatron
Pallone	Skelton	Young (AK)
Panetta	Slattery	Young (FL)
Parker	Slaughter (NY)	
Parris	Slaughter (VA)	
Pashayan	Smith (FL)	

NAYS—0

NOT VOTING—25

Bryant	Kolbe	Schuette
Campbell (CA)	Lukens, Donald	Stokes
Collins	Neal (MA)	Udall
Craig	Nelson	Visclosky
Flippo	Oakar	Washington
Ford (TN)	Owens (NY)	Wilson
Harris	Rahall	Wylie
Hawkins	Robinson	
Hubbard	Scheuer	

□ 1458

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S.

993) to implement the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

□ 1500

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Wisconsin?

Mr. McCOLLUM. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Wisconsin to explain what the procedure is.

We have just passed a bill and the gentleman has made a request, and I am not exactly sure what that request means.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I am glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, the request is to take from the Speaker's table the Senate bill, S. 993, which is precisely identical to the bill which just passed the House by a vote of 408 to 0, and to proceed to the immediate consideration of the Senate bill for the purpose of sending that bill directly to the President rather than back to the Senate.

Mr. McCOLLUM. Mr. Speaker, with that explanation, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The clerk read the Senate bill, as follows:

S. 993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biological Weapons Anti-Terrorism Act of 1989".

SEC. 2. PURPOSE AND INTENT.

(a) PURPOSE.—The purpose of this Act is to—

(1) implement the Biological Weapons Convention, an international agreement unanimously ratified by the United States Senate in 1974 and signed by more than 100 other nations, including the Soviet Union; and

(2) protect the United States against the threat of biological terrorism.

(b) INTENT OF ACT.—Nothing in this Act is intended to restrain or restrict peaceful scientific research or development.

SEC. 3. TITLE 18 AMENDMENTS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 9 the following:

"CHAPTER 10—BIOLOGICAL WEAPONS

"Sec.

"175. Prohibitions with respect to biological weapons.

"176. Seizure, forfeiture, and destruction.

"177. Injunctions.

"178. Definitions.

"§ 175. Prohibitions with respect to biological weapons

"(a) IN GENERAL.—Whoever knowingly develops, produces, stockpiles, transfers, acquires, retains, or possesses any biological agent, toxin, or delivery system for use as a weapon, or knowingly assists a foreign state or any organization to do so, shall be fined under this title or imprisoned for life or any term of years, or both. There is extraterritorial Federal jurisdiction over an offense under this section committed by or against a national of the United States.

"(b) DEFINITION.—For purposes of this section, the term 'for use as a weapon' does not include the development, production, transfer, acquisition, retention, or possession of any biological agent, toxin, or delivery system for prophylactic, protective, or other peaceful purposes.

§ 176. Seizure, forfeiture, and destruction

"(a) IN GENERAL.—(1) Except as provided in paragraph (2), the Attorney General may request the issuance, in the same manner as provided for a search warrant, of a warrant authorizing the seizure of any biological agent, toxin, or delivery system that—

"(A) exists by reason of conduct prohibited under section 175 of this title; or

"(B) is of a type or in a quantity that under the circumstances has no apparent justification for prophylactic, protective, or other peaceful purposes.

"(2) In exigent circumstances, seizure and destruction of any biological agent, toxin, or delivery system described in subparagraphs (A) and (B) of paragraph (1) may be made upon probable cause without the necessity for a warrant.

"(b) PROCEDURE.—Property seized pursuant to subsection (a) shall be forfeited to the United States after notice to potential claimants and an opportunity for a hearing. At such hearing, the government shall bear the burden of persuasion by a preponderance of the evidence. Except as inconsistent herewith, the same procedures and provisions of law relating to a forfeiture under the customs laws shall extend to a seizure or forfeiture under this section. The Attorney General may provide for the destruction or other appropriate disposition of any biological agent, toxin, or delivery system seized and forfeited pursuant to this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense against a forefeiture under subsection (a)(1)(B) of this section that—

"(1) such biological agent, toxin, or delivery system is for a prophylactic, protective, or other peaceful purpose; and

"(2) such biological agent, toxin, or delivery system, is of a type and quantity reasonable for that purpose.

§ 177. Injunctions

"(a) IN GENERAL.—The United States may obtain in a civil action an injunction against—

"(1) the conduct prohibited under section 175 of this title;

"(2) the preparation, solicitation, attempt, or conspiracy to engage in conduct prohibited under section 175 of this title; or

(3) the development, production, stockpiling, transferring, acquisition, retention, or possession, or the attempted development, production, stockpiling, transferring, acquisition, retention, or possession of any biological agent, toxin, or delivery system of a type or in a quantity that under the circumstances has no apparent justification for prophylactic, protective, or other peaceful purposes.

"(b) AFFIRMATIVE DEFENSE.—It is an affirmative defense against an injunction under subsection (a)(3) of this section that—

"(1) the conduct sought to be enjoined is for a prophylactic, protective, or other peaceful purpose; and

"(2) such biological agent, toxin, or delivery system is of a type and quantity reasonable for that purpose.

"§ 178. Definitions

"As used in this chapter—

"(1) the term 'biological agent' means any micro-organism, virus, or infectious substance, capable of causing—

"(A) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

"(B) deterioration of food, water, equipment, supplies, or material of any kind; or

"(C) deleterious alteration of the environment;

"(2) the term 'toxin' means, whatever its origin or method of production—

"(A) any poisonous substance produced by a living organism; or

"(B) any poisonous isomer, homolog, or derivative of such a substance;

"3) the term 'delivery system' means—

"(A) any apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector; or

"(B) any vector; and

"(4) the term 'vector' means a living organism capable of carrying a biological agent or toxin to a host.".

(b) WIRE INTERCEPTION.—Section 2516(c) of title 18, United States Code, is amended by adding "section 175 (relating to biological weapons)," after "section 33 (relating to destruction of motor vehicles or motor vehicle facilities),'.

(c) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 9 the following new item:

"10. Biological Weapons..... 175.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 237) was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 993, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcalls 97, 98, and 99.

PERSONAL EXPLANATION

Mr. CAMPBELL of California. Mr. Speaker, I was privileged to be invited to give testimony before the Semiconductor Industry Advisory Committee in my district. The relative decline of that industry is of great importance to our country, and especially to the citizens of my district, Silicon Valley in California. It was imperative that I participate in those hearings and in the better interest of my constituents that I did so, even though it required my missing votes on that day.

Had I been present, I would have voted against approving the House Journal of May 7—Rollcall No. 97; in favor of H.R. 4522, to improve the information available to emergency response personnel in the field—Rollcall No. 98; and in favor of H.R. 237, to prohibit the development or possession of biological weapons—Rollcall No. 99. As the latter two votes were unanimous, and the first vote procedural only, I believe I made the right choice in staying in my district on May 8.

Thank you for the opportunity to clarify my voting record.

NATIONAL DIGESTIVE DISEASE AWARENESS MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 453) designating May 1990 as "National Digestive Disease Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I certainly do support this effort, but I have retained this reservation of objection to yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to rise in strong support of House Joint Resolution 453 designating May 1990, as "National Digestive Disease Awareness Month" and commend the gentleman from California [Mr. ROYBAL] who is the chief sponsor of this resolution.

Mr. Speaker, chronic digestive diseases constitutes one of our Nation's most serious health problem, effecting over 20 million Americans. More than 14 million cases of active digestive diseases are treated each year, and more Americans are hospitalized with digestive ailments than any other type of disease. Expenditures on digestive diseases in the United States, alone, are over $17 billion annually and rank third in total economic cost in our Nation.

This resolution will serve to raise public awareness to recognize prevention and treatment of diseases to the digestive system as a major health priority. We may be reminded on this occasion of our late, most distinguished colleagues, Claude Pepper, originator of this commemorative dedicated to educating Americans of the devastating effects of digestive diseases, who ironcially succumbed to colon cancer. In his legacy, I urge my colleagues to join me in supporting this important resolution.

Mr. Speaker, I also want to commend the gentleman from Ohio [Mr. SAWYER], the chairman of our subcommittee, as well as the ranking member, the gentleman from Pennsylvania [Mr. RIDGE], for their guidance in bringing this measure to the floor.

Mr. RIDGE. Mr. Speaker, I want to thank the gentleman from New York for recognizing the work of the gentleman from California [Mr. ROYBAL], who is the chief sponsor, as well as his predecessor as chairman of the Select Committee on Aging, Senator Pepper. This was an important measure to him and continues to be to the gentleman from California [Mr. ROYBAL] and all of the Congress.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES 453

Whereas digestive diseases rank third among illnesses in total economic cost in the United States;

Whereas digestive diseases represent one of the Nation's most serious health problems in terms of discomfort and pain, personal expenditures for treatment, working hours lost, and mortality;

Whereas twenty million Americans suffer from chronic digestive diseases;

Whereas more than fourteen million cases of acute digestive diseases are treated in this country each year, including one-third of all malignancies and some of the most common acute infections;

Whereas more Americans are hospitalized with digestive diseases than any other type of disease;

Whereas digestive diseases necessitate 25 per centum of all surgical operations;

Whereas digestive diseases are one of the most prevalent causes of disability in the work force;

Whereas in the United States, digestive diseases cause yearly expenditures of over $17,000,000,000 in direct health care costs and a total annual economic burden of nearly $50,000,000,000;

Whereas more than one hundred different digestive diseases, and other disorders of the gastrointestinal tract, each cause more than two hundred thousand deaths each year;

Whereas there has been interest on the part of the research community in the causes, cures, prevention, and clinical treatment of digestive diseases and related nutritional problems;

Whereas the people of the United States should recognize prevention and treatment of digestive diseases as a major health priority;

Whereas national organizations, such as the Digestive Disease National Coalition, are committed to increasing awareness and understanding of digestive diseases in the health care community and among members of the general public;

Whereas the National Institutes of Health, through the National Digestive Disease Information Clearinghouse and the National Digestive Diseases Advisory Board, is committed to encouraging and coordinating such educational efforts;

Whereas the National Digestive Disease Education Program is a coordinated effort to educate the public and the health care community on the seriousness of digestive diseases and to provide information relative to the treatment, prevention, and control of digestive diseases; and

Whereas May 1990 marks the eighth anniversary of the National Digestive Disease Education Program: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1990 is designated as "National Digestive Disease Awareness Month", and the President is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 453, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FAIR CONGRESSIONAL REDISTRICTING MUST BE ASSURED

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. CLINGER. Mr. Speaker, 2 years ago today the Washington Post printed a column by David Broder entitled "An Unchanging House" in which he argued that gerrymandering is a critical first step in insulating House Members from competition. As we prepare to debate proposals to restore fairness to the elections process, namely campaign finance reform, this column deserves our attention.

If we are genuinely committed to reforming the system, to reestablishing the preeminence of the voter in the American electoral process, then we cannot continue to allow Congressional district lines to be drawn with artistic flair. Modern art should be seen in

museums, not on maps of Congressional districts.

Any reform package approved by this body must include guidelines which guarantee congressional districts are of equal population, compact and contiguous, and limit the needless subdivision of local government units.

Finally, Mr. Speaker, we must keep an eye on the clock. With the 1990 census already underway, the redistricting issue cannot be separated from other reform issues with the vague hope that it will be taken up at some other time, for that would mean the year 2000.

Mr. Speaker, I include for the RECORD the column by Mr. Broder.

[From the Washington Post, May 8, 1990]

AN UNCHANGING HOUSE

(By David S. Broder)

In the past dozen years, party control of the White House has changed twice, going from the muted conservatism of Jerry Ford to the muted liberalism of Jimmy Carter and back to the right with Ronald Reagan. Control of the Senate and its key committees has also turned over two times, with such dramatic effects as the Judiciary Committee chairmanship switching from Ted Kennedy to Strom Thurmond and back to Joe Biden.

In all of this period of upheaval in American government, a time when even the "changeless" Supreme Court welcomed a new chief justice and four new associate justices, the one constant has been the House of Representatives. It has remained steadily, reliably, irresistibly or (some would say) irredeemably Democratic for 34 years.

Whether George Bush or Michael Dukakis wins the White House in November, the expectation—indeed, the near certainty—is that the House will be little altered. The part of the federal government which the Founders intended to be most sensitive to shifts in political climate has instead become the most immune to change.

The numbers portrayed in the American Enterprise Institute-Congressional Quarterly volume, "Vital Statistics on Congress," are startling. In 1986, 393 House members sought reelection. Two were defeated in primaries; six in the November voting. That translates to a 98 percent success ratio—a virtual guarantee of tenure. The average swing between the parties has declined from 45 House seats per election in the first four elections of the postwar period to fewer than 20 seats in the last four.

At a briefing on 1988 House contests the other day, SEI's Norman Ornstein observed, "You really have to stretch to find 50 districts which are in contest in any year." One of his coauthors on "Vital Statistics," Thomas E. Mann of the Brookings Institution, pointed out: "In 1982, with unemployment the worst since the Great Depression, Democrats were able to gain only 24 seats, when you might have expected a shift double or triple that size. In 1984, when Ronald Reagan won a 49-state landslide, Republicans picked up only 14 seats. In 1986 the five-seat change in the House was smaller than the swing in the Senate," though only 34 Senate seats were at stake and (theoretically) all 435 House seats were up for grabs.

The effects of the "frozen" makeup of the House are manifold and mostly negative, as I'll show in a future column. What needs to be understood first is why the House elections have lost the competitive character that the Constitution assumed and a healthy governmental system requires.

The answer, simply, is the entrenchment of incumbents, most of whom happen to be Democrats. It starts with the drawing of district lines, where state legislators (again, mostly Democrats) insulate friends from competition while maximizing their partisan advantage. Once elected from these user-friendly districts, House members find the whole system operates to keep them in office as long as they wish. As David Mayhew, the Yale political scientist, has written, if Congress were designed "with the goal of serving members' re-election needs year in and year out, they would be hard-pressed to improve on what exists."

The modern congressional office is a highly efficient constituent-service agency. Its enormous resources are devoted to maintaining the proprietor in office—no matter what happens to his party in any given election.

"Vital Statistics" documents much of the change. In the postwar period, the number of House staff members has gone up almost six-fold. A steadily increasing number of them—almost half, now—work not in Washington but in the districts. There are members of the House with as many as five different permanent district-office locations. People in places like Sylva, N.C. (pop. 1,699), Kerman, Calif. (pop. 4,249) and Shalimar, Fla. (pop. 404) don't have to leave town to talk to someone on their representative's staff.

Each of these offices is, in effect, a local campaign headquarters. But today's House member has many other ways of reminding constituents of his presence. In 1954, 43.5 million mailings left the Capitol; in 1986, almost 759 million pieces—a 17-fold increase.

But the real inflation has come in what the House members spend on their campaigns. As recently as 1974, as rough parity existed between resources for challengers and incumbents. The average incumbent spent $56,000, the average challenger $40,000 that year. But by 1986, the gap was almost 3 to 1 in the incumbents' favor: $334,000 for the average House member, $124,000 for the typical challenger.

The gap will almost certainly grow again this year. In the first 15 months of the election cycle, through March 31, the Federal Election Commission reported last week, House incumbents raised more than $75 million, while their challengers collected only $10 million.

That's not competition; that's like a lifetime-guaranteed contract. It's no service to the country to take the House of Representatives out of competitive politics.

JEFFERSON MEMORIAL SPEECH BY MR. E.D. HIRSCH, JR.

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SLAUGHTER of Virginia. Mr. Speaker, not long ago I was at Monticello near Charlottesville, VA, for a small ceremony. At the ceremony Mr. E.D. Hirsch, Jr., delivered a brief speech that I thought was excellent. I believe it would be appropriate and useful to share with my colleagues and readers of the CONGRESSIONAL RECORD the remarks Mr. Hirsch delivered:

JEFFERSON MEMORIAL SPEECH—JEFFERSON'S GRAVESIDE, MONTICELLO

(By E.D. Hirsch, Jr.)

Ladies and Gentlemen: I cannot think of any person in history that I would more desire to honor than Jefferson. And I cannot imagine an honor that I shall treasure more than the invitation to discuss Jefferson's ideas about education here at Monticello, at his grave, and on the anniversary of his birth. I am grateful to the Trustees of the Thomas Jefferson Memorial Foundation for inviting me to address this uniquely Jeffersonian subject which once again seems so momentous for the well-being of our country.

I am doubly grateful, because the prospect of this occasion has led me to range more widely in Jefferson's writings than I had before. To read his amazing letters has been a bracing, even a thrilling experience. During the past few weeks, Jefferson has instructed me in such matters as the moral doctrines of Epicurus, which, he argues with great persuasiveness, were highly misrepresented by the Stoics, and even by Cicero, and he helpfully provides an analysis of Epicurus's moral principles that he had made some years before. That analysis was, he says "the work of two or three nights only, at Washington, after getting through the evening task or reading the letters and papers of the day."

Can you picture the scene? President Jefferson, having disposed of affairs of state, having sent cabinet members and ambassadors off to bed, and composed letters and signed documents, turns his restless mind to the foundational principles of morality and the scholarly disputes surrounding them. I will not ask you to imagine any recent president engaged in such after-hours diversions. It is unfair even to allude to such a fantasy, since no other president in our history combined so much learning and acumen with so much intellectual energy and moral passion.

But I find a poignancy in this occasion. Free public schooling for all was one of Jefferson's dearest political aims, yet it was not an achievement that he was able to memorialize upon his tomb. In case you do not see the writing from where you are, and in case you do not remember the epitaph he composed, it reads: "Author of the Declaration of Independence; of the Statute for Religious Liberty in Virginia, and Founder of the University of Virginia." He allows us no doubt that if he had succeeded in putting through his education bill "for the More General Diffusion of Knowledge," he would have listed four, rather than three, achievements on his tombstone. But here we find no proud mention of his authorship of that bill. As finally enacted, the bill was in his eyes so watered-down as to be useless. It left up to each district court (dominated of course by the wealthy) the decision whether the rich would pay for the schooling of the poor—an option in the law which Jefferson correctly saw as equivalent to having no law at all.

No mention, then, on this stone of his authorship of the Virginia bill for the more general diffusion of knowledge. The failure of its key component—universal free schooling—was one of the bitterest disappointments of his political life. And it is fair to say that the educational arrangements that Jefferson envisioned have never been truly realized in our nation.

Lest you feel that I exaggerate the importance Jefferson attached to his statute, or that I wrongly place it on the same footing with the three accomplishments he memorializes in his epitaph, let me read from a letter he wrote to George Wythe from Paris in 1786, three years before the fall of the Bastille.

"I think by far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom and happiness. If anybody thinks that kings, nobles or priests are good conservators of the public happiness, send him here [that is, to Paris]. It is the best school in the universe to cure him of that folly. . . . Preach my dear Sir a crusade against ignorance; establish and improve the law for educating the common people. Let our countrymen know that the people alone can protect us against these evils, and that the tax which will be paid for this purpose is not more than the thousandth part of what will be paid to kings, priests, and nobles who will rise up among us if we leave the people in ignorance."

In 1813, almost 30 years after writing those words, he praised in a letter to John Adams several Virginia abolishing primogeniture and other pseudo-aristocratic principles, and went on to say:

"These laws, drawn by myself, laid the axe to the root of pseudo-aristocracy. And had another which I had prepared been adopted by the legislature, our work would have been complete. It was a bill for the general diffusion of learning, . . . to establish in each ward a free school for reading, writing, and common arithmetic. . . . The law for religious freedom . . . having put down the aristocracy of the clergy . . . this on Education would have raised the mass of people to the high ground of moral respectability necessary to their own safety, and to orderly government. . . . Altho this law has not yet been acted on but in a small and inefficient degree, it is still considered as before the legislature. . . . I have great hope that some patriotic spirit will at a favorable moment call it up and make it the key-stone of the arch of our government."

The great scandal of American education today is not that our 14-year-olds score last among the developed nations in science, geography, and mathematics; that is an embarrassment and a hindrance to our well-being. The scandal of our public education is its perpetuation of the social injustice that Jefferson deplored: namely that our educational system unjustly favors the rich over the poor, and thus perpetuates the pseudo-aristocracy of money and birth over the true aristocracy of character and talent that he saw as the foundation of a durable and just republic.

Jefferson would have been delighted to know that 97 per cent of our children now finish seventh grade. But he would be amazed to learn that 20 per cent of our adults are nonetheless considered to be functionally illiterate. If he were to ask from the grave, "How can anyone be functionally illiterate who has finished seventh grade?" how could we explain the anomaly to him? How can we explain it to ourselves? Today, we do have universal free education; Jefferson's bill finally has been enacted. Yet still it is mainly the children of the educated who are fully enabled to read and learn in school, while it is still the children of the illiterate who remain untransformed by education, and who go on to become adult illiterates.

To explain this puzzle we must turn from Jefferson's concern with educational laws to the realities of the schools themselves. No longer conceived as agencies for "the more general diffusion of learning," our schools consider themselves instruments for the imparting of skills. Since the 1940s it has been believed (and still is in many American colleges of education) that school should be a place where children learn how to learn. The term of approval has been the term "process." The proposed strategy has been to inculcate skills by whatever materials are engaging and interesting to children.

If this "process" theory had worked, we should wish to follow it as being both pleasant and motivational. But, in fact, from the moment our schools ceased being agencies for the diffusion of learning and became agencies for the training of skills, the children who have been injured most have been the least advantaged. Children of the educated classes still receive much of the information they need from their homes, but those who must imbibe such knowledge only from the schools have been starved and humiliated by a mistaken, anti-Jeffersonian theory.

If we do not openly reproach our schools with full responsibility for widespread adult illiteracy, it may be because we have misunderstood the concept of literacy in the modern world. Literacy is often conceived as an ability to sound out words and compose writing with reasonable correctness—goals that our schools do achieve. But that narrow view of literacy is as unJeffersonian as it is mistaken. The purely mechanical tools of reading and writing are worthless unless they serve complex learning and communication, both of which require the diffusion of knowledge. Knowledge builds upon knowledge. The more you know, the more you can learn. The more lierate a person is, the more apt a learner he or she will be.

Our diluted curriculum is especially unfair to rural and minority students, and to all students who must learn about the wider world mainly in school. Even advantaged children are hindered by a lack of basic contextual knowledge, but the handicap is especially severe for children who have little access to literate information outside of school. The goal of "learning to learn" can only be attained through the general diffusion of knowledge that Jefferson desired—the very goal that most public schools have rejected in favor of the "process" approach. The skills of learning to learn can only be gained through the kind of knowledge-based curriculum that Jefferson envisioned.

A few weeks ago there took place in Charlottesville a conference of educational reformers from some twenty states who hammered out an agreement about a core of knowledge that all children across the land should acquire, year-by-year during the first six grades of schooling. Pilot programs for this knowledge-based curriculum are being planned in some of the nation's largest school districts. Participants in the conference thought it fitting that this particular reform should emanate from Jefferson's home town. If this plan for the diffusion of knowledge in the early grades does begin a sea change in our public education, it will mark true progress towards the ideals that Jefferson envisioned. We may still achieve those Jeffersonian goals if we persist, as persist we shall, if only we are able to catch the contagion of that great man's inextinguishable hopefulness.

DIRTY WORDS, AMERICA'S FOUL-MOUTH POP CULTURE

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, many times I have come to this well to talk about the corruption of the public marketplace and the decline of our society from within.

On the cover of last week's Time magazine, dated May 7, 1990, it says "Dirty Words, America's Foul-Mouth Pop Culture."

I read this article on an airplane.

The article epitomizes the liberal philosophy. The application of liberal philosophy, supported by the ACLU, has brought music, television, motion pictures, comedy, to the lowest gutter level imaginable. It has reached the point where the disgusting debauchery of the English language is promoted and the corruption of our public marketplace in front of our children is commonplace.

Time did a nice job documenting this decline, but I disagree with the summation, which says that we in Government should not be the high school hall monitors.

I am going to send this article to every single Member of the House in a dear colleague letter. And if you do not find anything wrong with this, you do not belong in the Congress of the United States of America.

The article referred to follows:

[From Time magazine, May 7, 1990]

X-RATED

(By Richard Corliss)

He struts onstage, and 17,000 New Yorkers start to cheer. Andrew Dice Clay tells jokes for a living—dirty jokes, stag-party jokes, jokes designed to singe a churchgoer's soul and turn a feminist's stomach—but he attracts crowds whose size and ardor would thrill a rock star. In sold-out Madison Square Garden, he looks like a samurai biker, with Brando's pout, Elvis' sideburns and a sequined jacket, it's back stitched with the phrase DICE RULES. And he does too. He is America's rajah of comic raunch, ready to beguile fans who dress like him and talk like him and who have memorized his earlier routines from hit records and HBO specials. "I know you know the old s——," he slurs between drags of a cigarette. "But it's a new decade, and I got new filth for ya." And he does too. Again the crowd roars.

So are the '90s destined to be the Filth Decade? What has happened to comedy, not to mention the English language, if a scoundrel like Clay can twist these fine old instruments to touch minds and make a mint? Clay may be at the rough edge of popular entertainment, but he stands there proud as well as profane, and he does not stand alone.

There's an acrid tang in nearly every area of modern American pop culture. Heavy-metal masters Motley Crue invoke images of satanism and the Beastie Boys mime masturbation onstage. Rap poets like N.W.A. and the 2 Live Crew call for the fire of war against police or the brimstone of explicit,

sulfurous sex. Comedians like Sam Kinison and Howard Stern bring locker-room laughs to cable TV and morning radio. On network television, sitcom moms get snickers with innuendos about oral sex. In movies, the F word has become so common, like dirty wallpaper, the industry's conservative ratings board doesn't even bother to punish the occasional use of it with a restrictive R rating.

Words and ideas formerly on the extremes have engulfed the cultural mainstream. But have they polluted it? Many people think so. The moral right wing surely does, and it has friends in powerful places. Senator Jesse Helms fights to force artists to forswear any unwholesome intentions before receiving Government support. Alfred Sikes, the new chairman of the Federal Communications Commission, leans on radio disk jockeys to clean up their acts. No less than the FBI sends a warning letter to a rap group. Susan Baker (wife of the Secretary of State) and Tipper Gore (wife of the Tennessee Senator), founders of the Parents' Music Resource Center, lobby for proscriptive labeling of certain albums. John Cardinal O'Connor, the Roman Catholic Archbishop of New York, inveighs against an Ozzy Osbourne song whose theme is suicide.

Stranded in the middle are the majority of Americans. They wonder at the effluence of raw language and worry about its impact on old-fashioned notions of civilized discourse. Is there room for subtlety and gentility in a culture overrun by expressions of gross intolerance? And what impact will this culture have on the first generation to grow up within it? Does this stuff have artistic merit? Is it tonic or toxic? Can we dance to it or comfortably laugh at it? Should we march against it or just sit back and enjoy it?

The understandable response would be to ignore the whole thing. But ignorance is not an option. The clash, however angry and ominous, is not just the usual dustup between raucous young stars and the professional squares who oppose them. It's not just about dirty words and bad attitude. The battle over pop raunch reflects a crucial fissure in American social and political culture that was born a long generation ago and came of age in the Reagan-Bush era.

On its face—and as cued by the smiling faces of its Presidents—the U.S. has breezed through a feel-good decade of peace and prosperity. The official culture is breezy too. A look at our most popular movies and TV shows suggests we are a nation of superheroes and pretty women, of Cosby kids and caring, thirtysomething L.A. lawyers. We make funny home videos and vacation in Disney World. And, at our peril, we let the rest of the real, dirty world go by.

Too often official America seems willing to let the rest of its own society go by too. It pretends the tabloid atrocities on TV news shows are aberrations. It either closes its eyes to the human street litter—the homeless, the junkies, the insane—or blames them for not getting with the program of self-help economics. It largely ignores the ghetto, where the black underclass has built its own furious culture on the slag heap of Great Society failures. It discounts much of the young white working class, in tattered towns and trailer parks, who feel left out of bland sitcom America.

The makers of the new pop do not ignore this rage. They embrace, exploit and transform it. As the California rap group N.W.A. announces at the start of its album *Straight Outta Compton:* "You are now about to witness the strength of street knowledge." What they know from the street may not be what the heartland wants to hear. The message may be cleansing or hateful; the lyrics and limericks may expand or debase the language. And if X-rated pop adheres to writer Theodore Sturgeon's useful rule that "90% of everything is crud," most of it may be awful—just dirty, not funny or erotic. But even at its grossest, the form is a vital expression of the resentments felt by a lot of people. Get used to it, America: we live in a four-letter world.

The evidence is especially strong in two areas:

POP MUSIC

"There's no message to heavy metal," says Penelope Spheeris, director of a documentary on the music. "It's about being rich and famous and getting laid." Nonetheless, metal has taken heat for a decade, with its electrified invitations to head banging and hell raising. Now other groups are taking the flak. Example: Guns N' Roses, the talented but loutish rockers whose album *Appetite for Destruction* has sold almost 9 million copies. Their song *One in a Million* says, "Police and niggers, that's right, get outta my way./Don't need to buy none of your gold claims today . . ./Immigrants and faggots, they make no sense to me./They come to our country and think they'll do as they please./Like start some mini-Iran, or spread some f—— disease./They talk so many goddam ways, it's all Greek to me."

Gore of P.M.R.C., which is in favor of labeling but not censorship, talks of 14 million children "at risk" and in need of counseling thanks to the "graphic brutality marketed to these kids through music and television." Lawmakers in 19 states went further; they considered proposing warning labels for any song dealing with such topics as drugs, incest, murder and suicide, which would conceivably outlaw depraved works like *I Get a Kick Out of You, Die Walküre, Frankie and Johnny* and *Tosca.* The music industry quickly forestalled such legislation by decreeing that record companies will decide which material is controversial and alert consumers with a label that reads PARENTAL ADVISORY: EXPLICIT LYRICS.

Whatever heavy metal can do to provoke censure, rap can outdo. Whereas metal is mostly suggestive, this urban-black music is often politically or sexually explicit. N.W.A. (Niggers With Attitude) won an admonishing letter from the FBI for their song *F—— Tha Police,* in which the singer warns the ghetto's occupying force: "Ice Cube will swarm/On any m—— f—— in a blue uniform . . ./A young nigger on the warpath,/And when I finish it's gonna be a bloodbath." Another group, Public Enemy, has been charged with anti-Semitism in their lyrics and statements to the press. But their songs are also critical of blacks who reject their roots, of the brothers and sisters too busy partying to see the problem. P.E.'s new album, *Fear of a Black Planet,* qualifies as dance music that is dense music: soul with a vengeance and the most challenging street art that rap has to offer.

COMEDY

Stand-up comedy, once relegated to nightclubs and TV variety shows, is now big business. Its practitioners work comedy clubs, the concert circuit and cable TV, where their material is available to children. One way to get attention, to appear hip, to make a provocative point or just to give a joke some taboo oomph, is to talk dirty. Plenty of comics don't; the most popular TV comedian of the '80s is clean (and funny) Jay Leno. But plenty do. Just watch them on HBO or Showtime. Sam Kinison, a kind of defrocked evangelist of red-neck rage (and also, in spurts funny), provoked the condemnation of gay spokesmen with his jokes about AIDS. On his new album, *Leader of the Banned,* Kinison declares that his motto is "family entertainment," then proceeds to put the knock on gays, Dr. Ruth, Jerry Lewis' "kids" and the worldwide female dictatorship. Family entertainment? Right: the Manson family.

Even on radio, where the most common four-letter vulgarisms are verboten, a host of popular "shock jocks" consider giving offense is Job One. Their humor is guy talk, kid division. The victims of their gags are familiar from the schoolyard: racial and sexual minorities, scheming females, body parts and bodily functions. A few years back, a D.C. radio host was censured for observing, on Martin Luther King Day, that "killing four more" would get Americans the rest of the week off.

Jokes like these gave the FCC an excuse to muscle and perhaps muzzle the shock jocks, notably New York City's morning maven Howard Stern. Was Stern hurt by this notoriety? Not at all: his show is now aired also in Philadelphia and Washington. Turn him on, and odds are you can't gulp down your morning coffee before you hear him say "penis." Last year, in the guise of his comic superhero Fartman, he placed a call to Iran and mercilessly berated the poor Shi'ite who picked up the phone. Fans of shock-jock jokery highly prize this rude dude. Trouble is, anyone scanning the radio dial can accidentally alight on his malice. You can't put a lockbox on a radio.

Or on Andrew Dice Clay's mouth. A few years ago, Clay was playing small clubs and working as a supporting actor. Now he is poised between stand-up and stardom. He is top-lining in two summer movies, one a comedy concert film, the other a detective spoof called *The Adventures of Ford Fairlane.* With his suave prole looks and his studded, studied cock-of-the-Brooklyn-walk demeanor, Clay wears the aura of danger that Hollywood wants in a movie star. So maybe he'll be one. That still leaves doubts about his popular appeal.

In Clay's comedy, woman is only a sexual convenience, a sentimental slag, a "dishrag hoo-er." For him, all romantic encounters hover between mechanical sex and date rape. "So I say to the bitch, 'Lose the bra—or I'll cut ya.' Is that a wrong attitude?" The obvious answer is yes. Nearly everything he says is wildly heinous. Clay knows this, and so do his fans; their laughter is a release at hearing forbidden thought twisted into jokes. Says Leonard R.N. Ashley, an English professor at Brooklyn College: "Because the seven dirty words are in now common usage, there are different standards. The new pornography is violence, often sexual violence. And the new obscenity is race. For most people, it's O.K. to call someone a bastard but not a nigger or a kike. But Clay is saying the taboo words we don't dare use. That's why he's popular. He's telling the secrets we keep inside us."

Clay spills his latest secrets on a double comedy album, *The Day the Laughter Died,* which, the warning label advises us, "contains filthy language and not jokes!!!" Talk about truth in advertising: in 100 minutes of banter there are not a half a dozen good dirty jokes. Yet some of the loudest laughter comes from women. Good sports at their own immolation, they giggle and groan along with their beaux. Perhaps proving

they are tough is as important to them as it is to men. Others have found the spectable less edifying. One woman at Madison Square Garden listened to Clay's sluice of abuse and said she felt like a Jew at the 1934 Nuremberg rally. Remember, she said, when pop culture was not naughty but nice?

Once there was a single official pop culture: white, middle-class, mid-cult, status quo. Pretty much everybody hummed the same tunes, saw the same movies, laughed at the same genteel jokes. That changed in the '50s with rock 'n' roll. The new music took rhythm, danger and sexuality from the underground black culture, cranked the volume up, electrified it and handed it to a brand new consumer group: white teenagers. The young connoisseurs of metal and raunch are similarly adrift from the entertainment that amuses or moves today's adults.

So the mainstream is now two streams: one traditional and tranquil, the other torrential and caustic. To kids, the old culture looks hopelessly square, sounds like Muzak, tastes like cardboard. To parents, even those who grew up with Little Richard and *Louie Louie,* the new culture offers cause for alarm. Besides, how can they monitor what their kids are listening to without having to hear it themselves? "The price we pay for freedom of expression is that some things will be considered vile by some people," says Danny Goldberg, a manager of rock acts and chairman of the A.C.L.U. Foundation of Southern California. "But what's vile to a Mormon family in Utah is not vile to a black family in South Central Los Angeles."

The debate keeps coming back to language and race. Just as rhythm and blues helped create '50s rock 'n' roll, so does black slang contribute to the linguistic pungency of today's pop culture. As Brooklyn College's Ashley notes, "In the early years of the century, the tastemakers of our language were the English and Irish. Now taste is being defined by different groups. When times get tough for many people, they seek some outlet to give them a sense of freedom. This time, the rebellion is coming out in language." White soldiers in Vietnam picked up blacks' raw vocabulary, in which "m——f——" is routinely used as abuse or endearment, for emphasis or just filler. Richard Pryor proved that black anger and slang could find a large audience. Eddie Murphy, the top movie star of the '80s, turned the anguish into preening. In his concert film *Raw* and his period comedy *Harlem Nights,* Murphy had nothing new to say, so he said it dirty. It was raunch with no reason.

"They're trying to shock my generation," filmmaker John Waters says of the new crew, "by doing what we did to try to shock our parents' generation." Waters, who made his early rep with the scandalous comedy *Pink Flamingos,* makes a distinction between "good bad taste and bad bad taste. Good bad taste is always fueled by rage and anger with humor thrown in. Bad bad taste is fueled by stupidity and ignorance, and it comes out as anger." This is precisely what turns some liberal parents off about the new culture: not the language but the sneering attitude. Liberals are tolerant of everything but intolerance.

Whatever they do, they are unlikely to stop the spiral of taste from class to crass. For the history of 20th century art is the history of a flight from middle-class gentility. Two flights, really, in opposite directions, but from the same despised point of departure. High art moved toward abstraction and fragmentation and settled in the museums and concert halls. Popular art went the other way; it frolicked in the profane and did so on records and movie screens. High culture confused the middle class; pop culture shocked it. One culture was created by the intelligentsia, the other by the underclass, but both groups had the same goal: *épater la bourgeoisie,* which loosely translates as "gross out your parents." Your mamma can't dig modern dance, and your daddy can't rock 'n' roll. The movements were not so much revolutionary as rebellious. They proved their value and hipness by excluding the largest group of consumers; the middle-aged middle class.

And they created a huge new multi-billion-dollar market—of kids and the underclass—to buy their product. Parents and other guardians of tradition are as concerned about the audience for X-rated pop as they are about the perpetrators. If pop weren't popular, fewer people would worry about its impact. No one has mounted a campaign against Randy Newman's songs about racial and sexual bigotry, for example, because Newman's audience is relatively small and well educated. The artful photographs of Robert Mapplethorpe, some to which depict homosexual acts and sadomachochism, took a while to raise legal hackles because, after all, they were displayed in museums, where nice people have always looked at pictures of naked people.

"There's a tired old distinction that bright people will not be corrupted, but that the working classes will," says Clive Barker, the English horror writer whose books have never been banned but whose films must be trimmed to get a R rating. "Therefore, television must be scrutinized more vigorously than pop music, pop music more than pop movies, pop movies more than art-house movies. Books needn't be watched at all. If people are reading, after all, they must be bright and won't be affected by all this stuff."

Maybe so, but even booksellers have come under fire. For months, the Rev. Donald Wildmon's American Family Association, based in Tupelo, Miss., has campaignd to get stores to remove *Playboy, Penthouse* and similar magazines from their shelves. Last week the 1,300-store Waldenbooks chain, the nation's largest, launched a counterattack in the form of full-page ads in 32 U.S. newspapers, denouncing "censorship efforts" and "an increasing pattern of intolerance."

Books were hot stuff 30 years ago, when *Lady Chatterley's Lover* and *Tropic of Cancer* broke censorship barriers and hit the best-seller lists. At the same time, Lenny Bruce set the four-letter standard for comics, and the '70s Pryor and George Carlin brought it to the masses, where it belonged, *Midnight Cowboy,* which won an Oscar for best picture of 1969, was rated X, and so were other lauded films, such as *Medium Cool, Performance* and *The Devils.* Explicit lyrics have been in the pop mainstream since the late '60's; the Jefferson Airplane sang "Up against the wall, m————f————s," and they sang it on *The Dick Cavett Show.*

There are differences worth noting. Raw culture of the '60's was a political response to a system seen by many artists as repressive and, in Vietnam, genocidal. They championed the underdog by kicking the top dog. And for the first time, thanks to Supreme Court decisions liberalizing the definition of obscenity, performers were able to use whatever words they chose. Bruce, the gifted, tortured pioneer of this mode, aptly titled his autobiography *How to Talk Dirty and Influence People.* In the book's foreword, critic Kenneth Tynan praised Bruce as "an impromptu prose, poet who trusted his audience so completely that he could talk in public no less outspokenly than he would talk in private," But Bruce suffered for that trust. His scabrous truth telling got him arrested in the U.S. and evicted from Britain. He died in 1966, perhaps the last American performer for whom notoriety was not a career move.

Lenny Bruce's triumph was posthumous, and maybe Pyrrhic: because of him, Andrew Dice Clay can make millions reciting dirty nursey rhymes in public. Clay and the other new raunch artists, most of them, are only incidentally subversive. They don't believe for a moment, most of them, what they're saying. Metal musicians are no serious Satanists; their concerts are just theater pieces—*Cats* with a nasty yowl. Clay is not the pathetic strutting stud he seems onstage; that's just a character (Was Jack Benny really stingy? Is Pee-wee Herman really a goony child?) Bruce said what he thought; Clay says what his character thinks. So Clay and other entertainers on the edge are playing out fantasies—their own and their audience's—of the baddest boy in school, of the kid your parent prayed to God you would never become.

In the wonderfully gross, fiercely moralistic movie *Heathers,* a nasty teen queen is asked, "Why are you such a megabitch?" Her answer: "Because I *can* be." Because of freedom of expression, comics and musicians can now be as nasty as they wanna be. And nasty is the word. In the erotic masterpieces of literature, sex was an expression of pleasure, and often of love, between equals. Today's sex talk, from Kinison and Clay and the 2 Live Crew, is almost exclusively from the male-pig viewpoint. A woman's role, their line goes, is only to serve and service a man.

The new comics' barbs at minorities are just as rank and rankling. But there is nothing novel about immigrant baiting in America. It flourished a century ago—when humor directed at Irish, Italian, Polish and Jewish newcomers was a music-hall staple—and continued unabated in Hollywood's racially derisive treatment of blacks. The reason then was the same as it is today: people felt threatened by the outsiders and so made fun of them. In the new version, a rauch artist taps into the grudge a white working-class male may hold against the beneficiaries of affirmative action and liberal sympathy: minorities, the handicapped, gays. They get all the breaks, he figures; now what about me? His counterattack is to bad-mouth them with paranoid intensity. And that's where the sick threat and thrill come in.

But is this thrill a threat to the public weal? Since the traumas of the Kennedy assassination and Vietnam, many Americans have gradually closed off their minds to the nature of atrocity. They cope with the world's horror by numbing themselves to pain. They can shed tears over cute-tender stories of stranded whales or a baby in a well, but all too often everything else—from a politician's promise to the Chernobyl disaster—is so much show biz, ironized with shrugs and sick jokes. Today's children were bred in this atmosphere. With many of their parents past caring, how can the kids not be past shock?

Lisette, 13, a seventh-grade in Mamaroneck, N.Y. loves heavy metal and doesn't understand what all the fuss is about. Read

her the lyrics to *One in a million,* and she shurgs, "It's just a song." She loves Motley Crüe's *You're All I Need,* but "sometimes it's hard to understand the word because of the beat. And that's what I like about heavy metal bands. Besides, they're gorgeous! A lot of adults don't like them because when they're married and settled down, they don't think about having action or talking dirty. But teenagers do because of this sexual peak. If songs have curses in them, they're not going to bother kids. Everyone knows swear words by the third grade. My advice to parents is to let your kid grow up and do what they want to do." What burns Lisette is the idea that her music should be censored."I wouldn't ban classical music," she says magnanimously.

Talk to a lot of kids Lisette's age; few will say they are harmed by rock. And few are, according to a study commissioned by the Carnegie Council on Adolescent Development. Children do spend hours each day with music. But most prefer mainstream music, and whatever style they listen to, few are tempted by the siren call to excess. "Kids take it in stride," says Stanford University's Donald F. Roberts, who helped conduct the research. The survey should reassure parents that somehow their child will survive pop culture about as successfully as they did.

Perhaps today's youth is unshockable. And perhaps that fact should be shocking. "One of the things we all seek," says Clive Barker, "is the visionary experiences we had as children. We seem to have forgotten that those experiences are not soft and gentle, but often harsh and intense." For several American generations, a child's first entertainment experience was a Disney cartoon, with its wrenching traumas of betrayal, abandonment, a mother's death. An animated film could thrill a child to pieces or scare him near to death. And it introduced him to the beautiful and frightening banquet of popular culture.

That has always been the role of art: to shock, not just to ratify the prejudices of the generation in power. And no jolt is greater than the shock of the new. Original styles almost always look crude and excessive: Picasso's in painting ("My three-year-old could draw better!"), Brando's in acting ("He's got marbles in his mouth!"), Elvis' in music ("Photograph him from the waist up!"), Bruce's in comedy ("Book him!"). In their first outrageousness, these artists seemed to signal the end of the world; instead, they were heralding a new one. "A creator is not in advance of his generation," said Gertrude Stein, "but he is the first of his contemporaries to be conscious of what is happening to his generation." Like them or not, today's blue comics and shock rockers know what is happening to this generation and are speaking to it. That is why they are popular.

And that is why, by any close reading of the law, X-rated pop deserves its First Amendment cloak. No one can predict whether, in a cool retrospective glance a decade or so from now, today's raunch will give evidence of artistic value. Odds are that, as in any group portrait, the members of the blue brigade will soon emerge as individuals, some gifted, some not. But because it speaks from the gut of disenfranchised America, and because it has raised the crucial issue of freedom of expression vs. public propriety, the form already has political value. And clearly, because of its popularity, it does not offend "contemporary community standards": a lot of the community is laughing and singing along.

Other Americans are outside picketing, agitating and getting agitated. That is, last time anyone checked, still the American way. You may despise the work of Clay or Mapplethorpe, Crüe or the Crew, and still embrace the concept of an America that allows them to find or lose an audience. They have the right to offend; you have the right to be offended.

You can be excited by their work and still care about the future of children. You can mourn the fact that the end of innocence now arrives at about the age of reason—that toxic pop culture, not just from entertainment but from school and home, from the news and the street, reaches young children. If you are a parent, you can take responsibility for steering them toward maturity. It's your job and nobody else's.

After that, you're on your own. Entertainers shouldn't have to act as baby-sitters or Sunday school teachers. And the government should quit playing hall monitor to blue comics, mental defectives, rap randies—and the real artists among them who, through subtlety or obscenity, will help us navigate our trip into the 21st century.

X-METAL

Rock 'n' roll was born an outlaw. With heavy metal, it grew up to be outlandish. Concerts given by Motley Crüe, a longtime metal favorite from Los Angeles, play like big-budget Halloween parties: spooky stories in rhyme, about sex and death, illustrated with Grand Guignol tableaux.

Some of the Crüe's songs possess a certain lumpen poetry. From *Wild Side:* "I carry my crucifix/ Under my deathlist./ Forward my mail to me in hell." This is the sort of thing that might be written by that cool-creepy high school kid who reads a lot of Poe and William Burroughs. It's forthright exaggeration, often with a wicked grin, as in the Crüe's top-of-the-charts ballad *You're All I Need,* about a man in a padded cell reminiscing about his late girlfriend: "Laid out cold./ Now we're both alone./ But killing you helped me keep you home." Is there anyone out there besides Tipper Gore who doesn't see that it's a joke?

Metal musicians promote themselves as the beyond-bad boys of rock, and they make good on the promise. These guys are performers, and their audiences get revved up on the lurid theatricality. That same zest for overstatement may explain the puppy lust that metal's young fans lavish on their heroes. Some years back, a San Antonio radio station offered free concert tickets for the best reply to the question "What would you do to meet the Crüe?" A 16-year-old girl provided an elaborate sadomasochistic scenario. A boy, 14, said he would give the band his mother. A 13-year-old girl wrote, "I'd leave my tits to Motley Crüe." Hey—bring back Menudo.

X-MOVIES

It used to be the director's job to yell "Cut!" Now it is the movie censor's. The ratings board of the Motion Picture Association of America, which routinely awards R ratings to rancid slasher movies and airheaded teen sex comedies, has recently slapped X ratings on three serious, accomplished films: John McNaughton's *Henry: Portrait of a Serial Killer,* Peter Greenaway's *The Cook the Thief His Wife & Her Lover* and, last week, *Tie Me Up! Tie Me Down!* from the lauded Spanish auteur Pedro Almodóvar. Since an X rating means that fewer theaters will play the film and fewer newspapers advertise it, distributors for *Henry* and *The Cook the Thief* have chosen to release the works unrated. Almodóvar, whose new film features an urgent but tender three-minute scene of lovemaking, has decided to do the same.

Some critics have proposed a new rating. "A," to designate adult films that deal with violent or erotic themes but do not contain the explicit sex of pornographic films. The A would put films off-limits to those 17 and under; the current R rating allows that age group to attend only in an adult's company. M.P.A.A. president Jack Valenti is opposed to the new rating: "I do not think that mortal man or woman can make the distinction between what is a *serious* film featuring incest, cannibalism, bestiality, sadomasochism, necrophilia or undisguised sex, and what is not."

Hollywood used to be accused of making movies for twelve-year-olds. If Valenti prevails, it will keep making films that its censors deem acceptable for 17-year-olds.

X-RAPPERS

Rap music is ghetto machismo you can dance to. If the singer isn't picking a fight with imaginary police, he's coming on like a bulldozer to any girl in the neighborhood. The *reductio ad obscenitatem* of this attitude can be found in the lyrics of the Miami quartet the 2 Live Crew. They are numbingly, impossibly blunt—or not so blunt, depending on which Crew you listen to. The group released a sanitized version of their double album *As Nasty As They Wanna Be* called *As Nice As They Wanna Be;* predictably, the hard copy has outsold the soft, 1.3 million to 400,000. The titles of some *Nasty* cuts *(Dick Almighty, Bad Ass Bitch, Me So Horny)* give only a hint of the songs' grossness. The posture is one of menacing studhood that expects every woman to lie down and submit in silence.

Florida Governor Bob Martinez has denounced the group's lyrics and asked a prosecutor to investigate. After a Sarasota record dealer sold *Nasty* to an eleven-year-old girl, a state circuit court declared the album obscene and banned all sales—the first such ruling against a musical group in the U.S. Two weeks ago, the Crew was threatened with arrest if they performed their *Nasty* lyrics in Gainesville, but they appeared anyway, and no action was taken. Luther (Luke Skywalker) Campbell, the group's leader, at first enjoyed the notoriety, but now he's angry. He was one of the first to have a cover warning. "And I'm the only one who makes a clean version."

Take the 2 Live Crew's songs as street talk, piled thick and spat out. Just be grateful if it's not the street where you live.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

[Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE HISPANIC COMMUNITY AFFAIRS COUNCIL AWARDS 30 SCHOLARSHIPS THIS YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I rise today to commend the Hispanic Community Affairs

Council of Alameda County [HCAC] on their contribution to Hispanic students of Alameda County in California's Ninth Congressional District. HCAC is an organization dedicated to assisting Hispanic students obtain a college education in order to prepare them for future positions as leaders and skilled professionals. They award scholarships to qualified Hispanic students in Alameda County who are planning to enter a college or university in the fall of 1990.

HCAC's motto continues to be "Education Creates Opportunity" and their goal is to assist as many students as possible achieve their potential. This year alone, HCAC has received 104 scholarship applications and they plan to award at least 30 of these students with a $1,000 scholarship. Last year, HCAC was able to award 26 scholarships of $1,000 each. Most of last year's recipients said that the primary value of the award was not the money but the mentor program that the Community Affairs Council provides to help steer them through the next 4 years.

HCAC's scholarship program has expanded rapidly since it was founded in 1985—only three scholarships were awarded the first year and six in 1986. A total of 10 scholarships were presented in 1987, 15 in 1988, and 26 last year.

Winners are selected on the basis of a three part formula combining scholastic achievement with financial need and leadership ability as demonstrated in an oral interview. Past winners have had grade point averages of at least 3.5 on a 4.0 scale.

Mr. Speaker, I would like to take this opportunity to read the names of this year's schoalrship finalists:

Kimberly Alaniz, Rosy Alvarez, Roger Analya, Oscar Bermudez, Luis Bustamante, Jr., Christopher Cabrales, Julie Calderon, Luis Camacho, Victoria Choate, Jennifer Denoncourt, Elizabeth Elizondo, Emma Garcia, Angelica Gonzales, Martha Guzman, Jennifer Herrera, Norma Jimenez, Geraldo Lara, Mildred Leon, Andrea Lopez, and Vanessa Maitland.

Gabriel Martinez, Jr., Guadalupe Martinez, Joel Martinez, Lorena Montenegro, Veronica Morelos, Guadalupe Munoz, Jorge Munoz, Karen Natal, Raymond Parra, Enrique Perez, Jr., Leah Perez, Desiree Reed, Veronica Roderick, Lilia Rosas, Eduardo Suarez, Dionisia Torrez, Michael Vigil, Jr., and Maya Ynostroza.

I would like to congratulate this year's finalists and to commend the Hispanic Community Affairs Council of Alameda County for their dedication to the preservation of Hispanic culture and the education of Hispanic youth.

THE 150TH ANNIVERSARY OF PENNOYER SCHOOL, NORRIDGE, IL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on Monday, May 18, 1990, the Pennoyer School, District No. 79, 5200 North Cumberland Road, Norridge, IL, will celebrate the 150th anniversary of its founding.

In 1839, the community saw a need for a school. Pulling together, they agreed that every adult would contribute $5 for materials and would pitch in to help build the school on land donated by John Pennoyer. A one-room schoolhouse which was heated by a wood stove was completed and used until 1893 when the one room was enlarged. An updated facility was built on the site in 1922, and with the population boom of the forties and fifties, additional rooms were put on the building. In 1955, even more expansion was needed and construction began on a state-of-the-art facility at the present site.

Today, the Pennoyer School consists of two preschool classrooms, two-full-day kindergarten rooms, elementary first through eighth-grade classrooms, plus special education programs for the learning disabled coupled with programs for the average and the gifted students. Microcomputers for the students in kindergarten through eighth grade enrich the school programs as well as do the performing arts classrooms.

As a teacher by profession, I know that it is just the structure of brick and mortar that makes a school, it is the community, students, teachers, administrators, and staff. The Pennoyer School has been blessed through the years with individuals who recognized the changing needs of their community and who were not afraid to act—with students eager to learn when given an environment in which they were free to excel—with teachers who, while teaching basics, were not scared to allow the minds of their students to stretch beyond the so-called highest limits—with administrators who allowed teachers and students to go past the artificial barriers of conventional educational institution—end with staff who provided invaluable support for the work of teachers and administrators while being sympathetic to students needs.

Mr. Speaker, today many talk about commitment to educational excellence, but 150 years ago of the Pennoyer School community did more than just talk. They took responsibility and positive action for the education of their young citizens, and that heritage of assuming responsibility for providing quality education continues to this day.

As the Member of Congress representing the 11th Congressional District of Illinois where Pennoyer School is located, I congratulate Dr. Deno F. Fenili, superintendent of District 79, and the students, teachers, parents, administrators, and staff of the Pennoyer School on the 150th anniversary of its founding. I take pride in their achievements and extend my best wishes for continuing success in their endeavors in the years ahead.

WHOSE MONEY GAME, THEIRS OR OURS?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, the recent flood of stories about the United States and what we need to do to "clean up our act" to be competitive has in effect been a relentless assault on the self-esteem of the American people.

We hear that we must improve our productivity, that American businessmen only think short term so therefore, we are falling behind our friendly ally, Japan. The conclusion we are to draw is Americans are only interested in what used to be called the almighty dollar.

Recently, I heard more of this reasoning from Mr. Akio Morita, who is chairman of the Sony Corp. on "Nightline" television program. TV clips used on "Nightline" pointed out that Mr. Morita is much admired for his achievements in business. I won't dispute that. In fact, I gave a speech a year ago which was called "We Agree With One Another." In that speech I quoted extensively from Mr. Morita on what we need to do to have a strong industrial economy.

I do part ways with him about the affects of foreign investment in the country—and the brashness of his book "The Japan That Can Say No," which was heavy handed in its criticism of the United States. I also do not agree with his comments on "Nightline."

On the program Mr. Morita again explained his view of the difference between Japanese and American businesses. He said the American banks were just in a money game. The implication of course, is the Japanese are not.

He explained that the Japanese care about their workers and American businessmen buy and sell companies in disregard of the workers. I believe he called the relationship of businessmen to their workers a human rights problem.

Ted Koppel, the host of "Nightline" asked Mr. Morita why the Sony Corp. bought CBS Records. Originally an American company, it is the oldest recording company in the world, and it has now been renamed Sony Classical and has been moved to Hamburg, Germany, with a German as president.

Mr. Morita explained that Sony bought CBS Records because they wanted to make it a "happy company." When questioned further he revealed the real reason for the purchase. Morita said, "software music is one of the strongest industries of America to gather the money from all over the world."

Now, that sounds like someone playing a money game if your emphasis is on the way "to gather the money from all over the world." At that remark, my dad would have quoted the Bible to me that "out of the fullness of a man's heart he speaketh." In this instance it was money that was speaking.

I thought about this as I was rereading Karl Van Wolfgren's article "Japan's Money Machine" which was

published in November in the Washington Post.

That article explained the real money machine is Japan's and, more importantly why we are in an economic war with the Japanese.

Wolfgren wrote:

The Japanese have devised a mechanism that allows them in principle to buy whatever the rest of the world is willing to sell. More important, than the raw fact of this enhanced buying power is the leverage that the Japanese have gained over the global financial system. The money machine is not merely economic but political in character, and its existence provides important insights into the aims and attitudes that drive Japan's industrial dealings.

He explained:

Japan has been the only advanced industrial power to allow this type of funding which originated in wartime measures to ensure an unimpeded flow of funds to manufacturers of war materiel. The financial institutions selected for this emergency purpose became the postwar keiretsu banks, the money pumps for Japan's economic miracle.

What is a keiretsu? T. Boone Pickens simple explanation of a keiretsu says it all. He said:

Keiretsus are the interlocking relationships formed among Japanese corporations and the suppliers, distributors, bankers, insurance companies and even competitors. The keiretsus have successfully locked American competitors out of Japan and now they are getting ready to do the same thing on American soil without regard for U.S. antitrust laws.

How the keiretsu works has also been detailed in a recent report of Japan's fair trade system. That should be worthwhile reading.

Using this system, the Japanese apparently are still carrying on their wartime emergency purpose—only now they have substituted commerce for weapons of war and are able to buy our businesses, charities, home mortgages, government bonds, high tech companies, schools, and the list goes on.

According to Karl Von Wolfgren, the money machine operates this way:

Paper wealth, horrendously inflated stocks and land prices—provides the fuel. In 1987—the last year for which data are available—the increase in the nominal value of financial stock and land holdings in Japan is 40 percent larger than that year's entire gross national product. Stocks on the Tokyo exchange routinely sell at multiples of more than 70 times earnings compared with an average multiple of about 13 percent on the New York Stock Exchange.

Land Prices are even more inflated: By the spring of last year (1988) the total value of all Japanese land was more than 4 times larger than the value of all U.S. land, even though Japan has only one-fifty-seventh (1/57th) of the habitable land.

The money machine operates by using paper wealth as collateral for loans. Novel financing techniques are further applied to reduce the real cost of the created capital to almost nothing. These techniques developed from the "overloans" of the mid-50's that let commercial banks expand lending to firms without having proportionate deposits with the central bank.

With Japan having 10 of the top banks in the world and the United States having only 1 in 28th place—I ask you—who is running a money game? It certainly isn't the Americans. So what is the game?

Obviously, according to Von Wolfgren's description, it is the Japanese who are still using the wartime economic system to conduct trade in what is supposedly friendly competition.

I heard something very revealing about this friendly competition in a story on the "MacNeil/Lehrer Report" on February 15. The story was about the February 8 sale of U.S. Treasury notes. In that sale the Japanese withheld investing until they had driven up the Government bonds from 8.4 percent to 8.5 percent. Doesn't sound like much, but with each one-tenth of a point rise, it cost each one of us $30. With the rise being five times, it cost each one of us $150 apiece before the Japanese finally bought our Treasury notes.

In that same report, MacNeil/Lehrer showed a recent Japan Society meeting in New York city a reporter questioned Kazuo Nukazawa, Managing Director Keidanren, Japan's largest business organization about the February 8 Treasury note sale.

He asked Mr. Nukazawa about the sale and why did the Japanese continue to invest in the United States if they thought it was sick. Nuakazawa replied, "We will continue to invest in you until you are incurably ill." The reporter asked, "how do you define incurably ill?" Nukazawa replied, "you see, it is a tautology, you will know you are incurably ill when I stop investing."

My immediate reaction was shock at the answer and then to wonder why is Japan investing until we are incurably ill? From his remark it sounds like a goal to me.

Then I remember an earlier speech of mine of which explained the viewpoint of a Japanese official in competing with the United States. That speech was on the "Shadow Warriors" of Japan. It explained the Japanese tradition of hiring someone closely resembling them to fight for their values.

In that speech I quoted Mr. Yoshio Terasawa from an article written by Edward Klein in Manhattan, Inc. magazine. Mr. Terasawa who is rumored to be the first Japanese to head the World Bank, now a vice president of the bank and heads the Multilateral Emergency Guarantee Agency [MEGA] at the World Bank. He said:

I have heard the argument that the Japanese won't succeed here in America because of the peculiarity of our culture and its homogeneity.

He went on:

But, I don't agree with this argument at all. We are not a religious people, so we have no transcendent precepts or principles that bar us from taking whatever action is necessary. We can be terribly immoral if necessary.

He further stated:

Now, in order to make more money and be more competitive, Japanese businessmen will do anything they have to. There are no limits. They may talk about Americanizing their companies to please their American employees, but that is not what they will really do. Big Japanese corporations are going to acquire big American corporations and let them run things so that the Japanese owners will not be visible.

Before going on with my remarks—I want to question why someone expressing those values would serve in such an important position. I can just imagine what would happen to a Presidential appointee at confirmation hearings in the Senate confessing he could be as immoral as he wanted to be. I believe we must set standards for service in this position beyond technical experience.

Back to my speech. The remarks of Misters Terawasa and Morita, along with Mr. Morita's book, "The Japan That Can Say No" certainly make me wonder about their goals in this economic war. It seems to me their goals are apparent.

The current Ambassador to the United States, outlined their views in his 1985 book, "Between Friends." He said that the United States is too concerned with principles and morals, "One must deal with reality, and when doing so, one should not be overly concerned with moralistic concepts like fairness."

Lee Iacocca, chairman of Chrysler has best described the competition with the Japanese. He was quoted in a recent Newsweek article that—

If you read any history of Japan, their idea of competition is always highly adversarial, and its objective is * * * to destroy the competition—not to compete, but to wipe it out.

From the remarks of the Japanese gentlemen and the assessment of their actions by Mr. Iacocca, it appears their money game is to wipe out the competition regardless of the area and the friendship. Competition is one thing, but economic warfare is another.

How can they criticize Americans for spending and ask the U.S. officials as part of the trade talks for the Government to limit Americans to just two credit cards? Do they mean a long distance telephone card and a gas credit card?

I particularly wonder why they are asking to limit Americans credit cards just at the time the largest Japanese credit card company, JBC—which stands for Japan Credit Bureau—is expanding into the United States now.

Are they targeting our credit card business? Does this mean that one of the two cards would be Japanese or

perhaps the demand would be relaxed if the JBC card became popular with American merchants.

I also question the Japanese request that Government do away with the homeowners tax credit. This tax deduction has enabled us to have a home ownership that is the marvel of other nations. It has also been an engine for generating capital for small entrepreneurs and moving up economically in our society. Home ownership has been a dream for Americans since the first Pilgrim stepped foot on Plymouth Rock.

Do the Japanese want us to change and be like them and pass on home ownership debt to second, third, and fourth generations—for 100 years, as they do in Japan?

Since the Japanese have been buying so many of our Ginny Maes, this is a curious request. At least 10 percent and sometimes more than 60 percent of our Ginny Maes home mortgages are purchased by Japan.

According to the Wall Street Journal:

> The Industrial Bank of Japan claims to be the biggest buyers of U.S. mortgage securities, and says it will more than double its purchases this year, to an amount one official puts at several billion dollars.

I do know the Japanese have not been pleased to have the mortgages paid off early. Makes you wonder who owns your home—your bank or the Japanese?

So who's money game is this—theirs or ours? What are their intentions?

A recent article by Donald Conover in the Journal of Commerce gave another view of the Japanese money game. Mr. Conover explained in "Low Dollars Sells Out America," that the overall trade deficit worsened in devaluation of the dollar, "Because foreign investors particularly the Japanese, out maneuvered the policy."

He stated:

> To avoid the problem that their products were more expensive in dollars terms, the Japanese simply started exporting companies instead of products.

Mr. Conover explained:

> Devaluing the dollar has undermined the very fabric of our national economy, causing great costs to companies, consumers and American labor alike.
>
> One need only to look to Japan to see a country making a strong currency work for its citizens. Let's stop exporting our standard of living, and insist on a strong currency.

So with all the shortcomings Americans have, I don't believe our businessmen engage only in money games. I believe they have been fighting for their lives and ours. I have been in public life, in business too long, and also as a media reporter and producer covering maritime and business affairs to accept this criticism.

The money game has been Japan's so far—but this too can change. It must. The American people are friendly and fair minded but they weren't born yesterday. When challenged they will overcome all obstacles. I place my faith in the American people. We will win this competition and beat the Japanese money game. All we need to do is sign up on the team to win.

□ 1520

THE CLEAN AIR DEBATE

The SPEAKER pro tempore (Mr. PAYNE of New Jersey). Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, I come to take this special order for many reasons, but I think it is time that we started the debate on this floor on the Clean Air Act before we get into the bill itself that will be coming to us in just a few short weeks. it seems, under the hype and hysteria that has been going on in the last few weeks, if not months, it is very frightening to me, and I feel that some questions need to be asked about this hysteria. Some people have been writing some excellent things, and they ought to be recognized by Members on this floor, so I want to put some things in the RECORD that seem to reflect a different point of view than what most people are seeing on their televisions recently, and have been seeing on their televisions for the last few weeks, especially on Earth Day.

I will never forget, when I turned on the television on Earth Day Sunday evening, I turned to a program that was a special being run and sponsored by Time-Warner, and it was the most depressing, most frightening program that I have ever witnessed in my 43 years on this Earth. I have never seen such propaganda, with absolutely no refutation of the points being made.

□ 1530

Mr. Speaker, the program was a play where they took actors, and situation comedies and all the types of programs and linked them together with the central theme, being "Mother Earth is in the hospital and dying," and they portrayed everyone that had any authority, anyone that would dare question some of the hysteria and the doom and gloom that had been put out, anyone that had an alternate view, or a reasonable view, in the way they approach cleaning up our environment, as devils, as idiots, as the most ridiculous people that you can imagine, and it frightened me.

And then, Mr. Speaker, the next morning I got up and watched a program, "The Today Show," in the morning as I was getting ready to go to work, and they started off their program with Bryant Gumbel presenting the picture that the entire world was already gone to hell and that people were dropping like flies from the raping and pillaging of industry in America, and of course, as most liberals do, they blamed Ronald Reagan for destroying our environment over the last 8 to 9 years, and it was all his fault, when in fact the facts show that the environment, our water, our air, many things in our environment have been steadily improving over the last 10 to 15 years and that the Clean Air Act of 1970 was indeed working, and things were better. Yet in the "Today" program that I witnessed there was no credit whatsoever given to this Congress or anyone else that had been working very hard and private initiatives by private companies and private individuals that had been working over the years to continue the effort of cleaning up our environment.

So, Mr. Speaker, I take this special order to try to point out certain issues that have been brought to light that are not getting paid a whole lot of attention by Members of this House, and I think it is very important because there is a lot of doom and gloom out there.

I can remember and recall some of the quotes in the Earth Day of 1970 where people, esteemed people like Dr. Paul Ehrlich who claimed that the United States would be dying of thirst by the year 1984, and we all know that that is not the fact, and that people, millions and millions of people, would be dying of starvation all over the world by the year 1989, and we know that not to be the fact.

The height of doom and gloom was perpetrated out here on The Mall, right outside our doors, during Earth Day. Mr. Speaker, you would think that we might as well just give up because it is all over anyway, and there are a lot of problems going on with the objectivity of those that are claiming to be experts in this field.

I take a quote from an article by Austin Chase on November 17, 1989, that I think points out the problem that we face here on the floor in trying to sift through the emotionalism and get to those policy decisions that we have to make based upon scientific fact, and Mr. Chase quotes climatologist Stephen Schneider, who is a leading proponent of the greenhouse theory; Mr. Schneider was quoted in Discover magazine as saying that scientists, such as himself, quote, "need to get some broad-based support to capture the public's imagination. That, of course, entails getting loads of media coverage, so we have to offer up scary scenarios, make simplified, dramatic statements and make little mention of any doubts we might have. Each of us has to decide what the right balance is between being effective and being honest."

Mr. Speaker, that is very frightening when we have scientists in our country that are more interested in the emo-

tionalism and firing people up than being effective, than being honest, and I think that is what is happening a lot in this debate over the Clean Air Act in that we have a lot of rhetoric, a lot of hysteria, a lot of emotionalism, and a lot of it is based on little or no scientific fact.

On April 3, 1990, the Senate voted 89 to 11 to approve S. 1630, a 689-page clean air bill. Two days later, on April 5, 1990, the House Committee on Energy and Commerce passed its clean air bill, H.R. 3030, by a vote of 42 to 1.

Now the clean air issue has always embodied numerous controversial assumptions and opinions, and conservatives agree that our environment is the most precious resource that deserves wise management and protection. However, there is a continuing debate regarding the size of any problem, the source of any harm to our environment and the best approach for making improvements. There has been a lot of rhetoric available decrying damage to our water, our air and our forests, but only recently have we seen articles which offer scientific data to support what calmer minds may have long suspected, that in this case rhetoric and reality are worlds apart.

First, I would like to consider that the 1970 clean air bill is working. The current Clean Air Act, and this is a quote from the gentleman from Pennsylvania [Mr. RITTER] in an article that he wrote, "Smoggy ideas are cleaning up the air."

"The current Clean Air Act passed in 1970, and amended in 1973 and 1977, has been very successful, and it continues to improve air quality. According to the EPA, from 1978 to 1987 air pollution was noticeably reduced. Lead levels in our ambient air fell 88 percent. Sulfur dioxide levels came down 37 percent. Nitrogen oxide levels, down 12 percent. Carbon monoxide levels, down 32 percent. Particulates, down 21 percent. And ozone levels, down 16 percent. This cleaner air came along with record levels—record levels—of economic growth and an expanding number of automobiles. The average sulfur content of coal purchased and burned has decreased almost 33 percent by the electric power industry since 1973. Its sulfur dioxide emissions have decreased almost 29 percent during this period. This has been achieved while coal use has increased more than 80 percent. Congress's own 10-year, half-billion-dollar study has been purposely ignored. Clean coal technology is given short shrift, and critics point to poor air quality standards that are not met," and yet in the district of the gentleman from Pennsylvania [Mr. RITTER], Allentown, Bethlehem, and Easton, he exceeded the national air quality standards an average of only 10 times in the last 1,825 days. Most came during the record-breaking heat of the summer of 1988.

Mr. Speaker, studies have indicated that the real problem is not so much the new car as it is the older, dirtier emission vehicle, the newer automobile, whose emission control systems are out of tune and the concentration of cars in urban areas, and yet there remains a near obsession with more expensive brandnew car emission standards, even though the bulk of pollution does not come from them, and in the bill reported out by the Committee on Energy and Commerce they spend all their time on new controls on new cars that do not do anywhere near the polluting that old cars do and do very little to control the pollution emitted by older cars.

□ 1540

It is sort of like one reporter had the analogy that that is sort of like recognizing that Americans are all overweight, yet we pass rules to mandate that skinny people go on diets.

The rational solution is not tightening new car regulations, but on-road detection systems to locate growth polluters and get them back into tune, whether new or old, as purported by the distinguished gentleman from Texas [Mr. BARTON].

Senator DIXON, an Illinois Democrat, has pointed out from economists' estimates that 3.7 million jobs in 20 States are at risk from the proposed Clean Air Act.

Are taxpayers going to be called to ante up benefits if those jobs are lost to foreign competition?

The legislative process is moving like a speeding bullet. There is virtually no sunshine on the process. Hundred-page documents are presented for votes moments after they are written by small cliques. The deals has been cut and the American worker, consumer, motorist, ratepayer and taxpayer are not part of this process.

In speaking out for commonsense environmentalism, the gentleman from Pennsylvania [Mr. RITTER] is working to inject into the proposed Clean Air Act amendments that brings some accountability to the American people. They pay the bills and they have the right to demand their money's worth.

Let us just take a couple of these myths, that because of the limit on time that I have this afternoon I must keep brief. Take the global warming myth. The following is copied from an article in the Washington Times of March 30, 1990, and from Representative BILL DANNEMEYER's Dear Colleague letter of April 2, 1990. I have a chart to submit for the RECORD that shows no proof of global warming, which was published in the Washington Times article, and I would like to present it for the RECORD. The source of the information for the chart is from Science magazine, and the chart itself is by Henry Christopher of the Washington Times.

Researchers reviewed mountains of data from NASA's TIROS-N satellite and concluded that over the last 10 years there has been no long-term warming or cooling trend.

The chart that I submit for the RECORD shows how widely ground and atmospheric temperatures fluctuate over a 10-year period, and the NASA study offers strong evidence that there is no greenhouse effect. This is not just a little old pest control operator from Houston, TX, that has a degree in biology and chemistry. This is a study done by NASA. Even as we put the finishing touches on massive expansion of the Clean Air Act, which economists now estimate will cost as much as $50 billion a year and place hundreds of thousands of American jobs at risk, environmental extremists are making an issue out of several unusually warm years in the 1980's to solve a problem that, as the NASA study shows, just does not exist.

From an article published in the Washington Post on March 30, 1990, comes this quotation:

> Ten years of temperature measurements by weather satellites have failed to find any evidence of global warming from the greenhouse effect, scientists said in a published report. At least another decade of measurements will be needed to draw a firm conclusion.

Dr. Roy W. Spencer of the Marshall Space Flight Center in Huntsville, AL, said:

> We found that the earth's atmosphere goes through fairly large year-to-year changes in temperature and over that 10-year period we saw no long-term warming or cooling trend.

John R. Christy, Spencer's coinvestigator of the University of Alabama, Huntsville, said "The northern hemisphere goes up slightly during those 10 years and the southern hemisphere goes down slightly. The net effect for the globe is basically zero."

Conventional temperature measurements have found the 1980's to have been the warmest decade on record, but also do not show a strong warming trend within the decade.

Climatologist Patrick Michaels said the global warming study, "Merely confirms something that people who've examined the records have known for a long time—that it did not warm up in the 1980's." He added, "When are we going to come down on the side of reason and logic? The policy cart is way ahead of the science horse on this."

The following is taken from an article entitled "No Global Warming Signs Spotted," published in the New York Times on March 30, 1990.

> The data from weather satellites show no evidence of global warming in the 1980s, scientists say, but it will take at least another

decade of measurements to draw a firm conclusion.

The following is taken from an article published in the Washington Times on March 30, 1990. The article is entitled "Nuclear Issue Splits Environmentalists" and is written by Joyce Price.

Dr. Patrick J. Michaels, a global warming skeptic and professor at the University of Virginia, raised the issue during his remarks on ABC-TV's "This Week with David Brinkley" on March 15, 1990. He said "The same people who busted the nuclear industry (after the calamities at Pennsylvania's Three Mile Island nuclear power plant and the Soviet Chernobyl plant) are the ones bringing us global warming." He predicted this issue could cause a schism in the environment movement.

Senator Timothy Wirth, Colorado Democrat, was "treated like a Chernobyl potato" according to Dr. Michaels when Senator Wirth suggested in 1988 that the United States might have to reconsider its anti-nuclear position as a means of averting the "catastrophe of global warming."

At a World Energy Conference in Montreal in September, 1989, speaker after speaker said the cure for the greenhouse effect would be a major shift away from fossil fuels to nuclear-generated power.

In October, 1989, at a meeting of nuclear industry executives, government officials, energy experts, and environmentalists in Sundance, Utah, overall testimony indicated the future will need both conservation and more nuclear power.

The following is taken from an article published in the New Republic on March 30, 1990.

Conservatives say that those who want Congress to do something on global warming, even before the verdict on global warming is in, would shut down the industrial state on sheer speculation.

Of the Western powers only France is not a major carbondioxide producer. France is the world's most energy-efficient state—its economic output per BTU input is double that of the United States.

But "enviros" do not talk up France because its low fossil fuel consumption is achieved mainly by greater reliance on nuclear power than any other nation.

The following is taken from Warren Brooks' column entitled "Global Warming Benefits?" published in the Washington Times on March 12, 1990.

An Intergovernmental Panel on Climate Change (IPPC) workshop, during Sept. 11 to 14, 1989, of world-class agronomists, geologists, and environmental scientists meeting in Berkeley Springs, West Virginia, concluded the benefits of global warming, should it even occur, far outweigh its costs. (An IPCC panel in Finland said the same thing.)

The U.S. Panel assumed that the carbondioxide level in the atmosphere would double by 2050 and raise the temperatures by 2 degrees Celsius. Even so, using sophisticated models from the National Oceanographic and Atmospheric Administration and the Agricultural Department, the panel found this climate change would:

Increase total U.S. food output 15 percent more than the natural trend, a present value of $12 billion.

Increase total U.S. water resources by about 9 percent, worth $30 billion to $50 billion per year at current water prices.

Increase total U.S. forest volume 10 percent or 80 billion cubic feet, with theoretical stumpage value of more than $500 billion.

The net benefits of global warming, if it occurred, would be equally big for the Soviet Union, China, Europe, Australia, and South America.

Agriculture Department research physicist Sherwood Idso writes "The whole face of the planet will likely be radically transformed—rejuvenated as it were—as the atmospheric carbon-dioxide content reverses its long history of decline and returns . . . to conditions much closer to those characteristics of the Earth at the time when the basic properties of plant processes were originally established."

The Soviet Union's internationally renowned climatologist Mikhail Budyko argues that carbon-monoxide doubling will bring "an Eden" and shouldn't be stopped.

Climatologist emeritus Robert Pease of University of California at Riverside wrote in the Wall Street Journal "The higher temperatures combined with more carbon dioxide will favor crop and plant growth and could well provide more food for our burgeoning global population."

□ 1550

I am not advocating the further emissions of more carbon dioxide. I just point out the fact that there are many different theories as to what is happening to our environment, and we should not be making policy based upon emotionalism.

Taken from an Executive Memorandum dated February 7, 1990 entitled "Global Warming; How Much, How Soon, How Dangerous" by Kent Jeffries. Published by the Heritage Foundation.

There is even evidence indicating that *the atmosphere is cooling.* (italic added). A study by University of Virginia Professor of Environmental Science, Dr. Patrick Michaels, found that from 1918 to 1958, there were only five winters during which outbreaks of arctic air swept as far as the Southeastern United States. Since 1958, however, this has happened in 21 of the 31 winters. Because of a general global cooling trend from the 1940s through the 1960s, many scientists even were predicting the advent of another ice age.

Records of temperature trends in the U.S. give no indication of a warming trend. Meteorologist Thomas Karl of the National Climatic Data Center headed a 1988 study that finds "no statistically significant evidence of an overall increase in annual temperature or change in annual precipitation for the contiguous U.S. (between) 1895-1987.

In light of the uncertainty concerning the degree of global warming and the inaccuracy of predictions made only two years ago, it is very premature to propose policies that would restrict severely the burning of fossil fuels. Such policies, afterall would impose huge costs on all Americans and on American living standards and competitiveness. They would shut down many American factories, throw great numbers out of work, and raise the cost of production and of fuel for every factory and household.

As Members can see, what is happening in America today is that we are trying to make policy based on emotionalism rather than on scientific fact, policy on a presumed risk out there. Presumed by whom? We do not know. We have as many scientists on one side of the issue as there are scientists on the other, and we as policymakers look at the data presented to us and make up our minds. I think the jury is still out on the global warming issue.

Mr. Speaker, in the time remaining I want also to approach the issue of acid rain, and what I call the great acid rain flim-flam, and quote from people who have done extensive studies.

In fact, the United States has spent over $600 million on a 10-year study on acid rain, and yet we want to pass a clean air act before we even see the final conclusions on this study. Yet we are starting to hear rather than in the normal conclusions some of the things that have been found in the NAPAP study that suggest that issues are otherwise than some are purporting them to be, and some of the doom and gloom about acid rain.

Taken from an article by Dr. Edward C. Krug and Dr. Charles R. Frink entitled "Acid Rain on Acid Soil: A New Perspective." Published in Science, Vol 221, August 5, 1983.

Factors commonly considered to make landscapes susceptible to acidification by acid rain are the same factors long known to strongly acidify soils through the natural processes of soil formation.

From its inception, soil formation in humid temperature climates is an acidifying process, mediated by the classic factors of geology, climate, biology, topography, and time.

The factors thought to make landscapes sensitive to acid rain are those that develop some of the most acid soils in the world. The results of natural soil formation are those attributed to acid rain: leaching of nutrients, release of aluminum, and acidification of soil and water.

From Policy Review, Spring 1990, Heritage Foundation, "Fish Story, The Great Acid Rain Flimflam," Dr. Edward C. Krug, Illinois State Water Survey, Illinois Department of Energy and Natural Resources.

It is largely to reduce the acid in rain that President Bush's Clean Air legislation calls for a 50% reduction in sulfur dioxide emissions (10 million tons) by the year 2000, at an estimated cost of $4 billion to $7 billion per year.

The Environmental Protection Agency's National Acid Precipitation Assessment Project (NAPAP) study estimates that all Adirondack lakes and ponds more acidic than pH 5.7 can be limed for $170,000 per year. Extrapolating this study to the entire Northeast, all acid lakes in New England and New York could be limed for under $500,000 per year.

Liming would kill the sphagnum mosses that grow deep in the bottoms of these lakes so environmentalists don't want to lime. The question is whether we want spahgnum mosses or fish; we usually can't have both. The response among most American and Canadian votes is almost certainly to be fish.

The notion that acid rain is responsible for acidity in lakes and streams is also contradicted by the existence of highly acidic surface waters in regions without acid precipitation. Fraser Island, Cooloola National Park, and Tasmania in Australia, and the Westland area of New Zealand have no acid rain, yet are filled with highly acidic lakes and streams.

The magnitude of acidic surface waters in areas without acid rain dwarfs that of areas supposedly 'devastated' by acid rain. In the Amazon basin, a river system the size of the Mississippi, the Rio Negro, is naturally acidic and fishless. The naturalist and explorer Alexander von Humboldt wrote about these 'rivers of hunger' nearly 200 years ago, definitely predating industrial activity in this part of the world.

The NAPAP study concluded that acid rain had caused acidification in some small lakes, but the median acidity of all Adirondacks lakes has gone down since preindustrial times.

Studies of the fossil records in lake sediments reveal that many lakes that are acidic today have been highly acidic for centuries, except for several decades in the late 19th century and early 20th century when they were unnaturally alkaline.

Massive cutting of trees and burning of stumps by lumberers reduced the acidity of the forest floor, and soil runoff made it possible for species such as trout and salmon to survive. After lumbering and burning came to an end, forest grew back, and the soil runoff, and hence the waters, returned to their natural acidity.

There is similarly no evidence of widespread forest decline in North America related to acid rain. Indeed, U.S. Forest Service statistics indicate that northeastern forests appear to be the most robust in the country.

Widespread acid rain probably began by the 1940's in the Northeast. It peaked around 1973, when national sulfur dioxide emisssions were measured at 31 million tons. Since then, sulfur dioxide emissions have fallen to 23 million tons in 1985, partly as a result of pollution controls and conservation, and replacement of older, more heavily polluting factories and power plants by state-of-the-art facilities as mandated under the Clean Air Act of 1970.

Most lakes in the Northeast are not highly acidic, even though acid precipitation falls on the entire area. In 1980, before it studied the situation, the EPA asserted that the acidity of northeastern lakes had increased 100-fold (a decrease of two pH units) as a result of acid rain. But a 1984 NAPAP lake survey found that only 240 of New England's and New York's more than 7,000 lakes are "acid-dead"—that is, have a pH of 5.0 or lower.

The NAPAP survey found that in the whole eastern United States there are only 630 acid lakes, representing 35,000 of the approximately 200,000,000 acres of water in the East, or less than 1/50 of 1% of the water. Over half the acid lake capacity—20,000 acres—is in Florida, which does not receive high rates of acid rain.

The acidity of lakes in the Adirondacks and Nova Scotia results not from acid rain but from acid soil and an absence of natural buffering.

□ 1600

From the Wall Street Journal, March 6, 1990. "The Answers on Acid Rain Fall on Deaf Ears," by Dr. S. Fred Singer.

The proposal to control emissions that could spur acid rain could cost $5 billion to $10 billion a year; the benefits, in terms of reduced damage, are uncertain and, at best, quite small.

America's best-kept secrets: From 1973 to 1988, sulfur dioxide emissions decreased 23% to 24 million tons, despite a 45% increase in coal use, nitrogen oxides have declined 14% since a 1978 peak. Both decreases are the result of current clean-air laws.

Accordingly to James Mahoney, director of NAPAP, in October testimony before Congress. "No apparent trend in the acidity of rainfall has been detected. Because of complex atmospheric reactions, percentage reductions in emissions may not result in similar percentage reductions in depositions. Thus the relationship is not all proportional—as was claimed in the 1983 National Academy of Sciences report, widely uses as the basis for proposals to cut sulfur dioxide emissions, including the Senate bill.

Acid rain has become a symbol of national sin—the sin of prosperity—calling, it seems for national expiation. We offer in sacrifice jobs and economic growth. Scientific evidence no longer seems to matter; nor does an analysis of the cost of controls vs. the benefits that might be achieved.

The current improvements due to existing clean-air laws should be speeded up by easing certain restrictions rather than imposing new ones. For example:

Encourage policies that lead to a more rapid replacement of old power plants and of older, heavily polluting cars.

Allow a free choice of technology or of any other measure to reduce emissions, coupled with an expanded system of flexible emissions trading.

Increase the utilization of existing nuclear plants.

Conserve more energy wherever it makes economics sense.

From Regulation magazine, February 1990, Dr. Lawrence Kulp, former director of the National Acid Precipitation Assessment Project [NAPAP].

The crash effort to reduce emissions . . . is estimated to cost on the order of $100 billion over the next 20 years, and will not permanently solve the problem because it would preclude the use of advanced technologies now being developed.

From the Washington Times, March 29, 1990, "Acid Rain's Cost Cloudburst," by Warren Brookes.

The acid-rain section of the Senate Clean Air bill (Title IV) will force utilities and industry to spend up to $7 billion a year in a crash program to remove 10 million tons of sulphur dioxide annually from their emissions by the year 2000.

We could lime all the acidic lakes in the U.S. Northeast for $1 million a year or 0.02 percent of the cost of the Bush/Senate bill.

James Mahoney, current director of the 10-year $600 million NAPAP study admitted to the Senate Environment Committee last October:

Concerning forests: "Acidic deposition has not been shown to be a significant factor contrubuting to current forest health problems in North America. There is no evidence of widespread forest damage from current levels of acidic rains in the United States.

Concerning crops and vegetation: "Acidic precipition at ambient levels in the United States is not responsible for regional crop yield reduction. Sulfur dioxide is rarely associated with crop damages near point sources and is not a regional scale problem."

Concerning lakes and streams: "Acidic lakes were a relatively small percentage of the National Surface Water Survey. The percentage of total lake surface area that was acidic (was) 2.1 percent. . ."

Now this is the NAPAP study that we have spent $600 million on and 10 years trying to complete, and is yet to be completed. But we want to pass a bill before its final conclusion.

The NAPAP study concluded that while acid rain had caused some small-lake acidification, it also showed the median acidity of all Adirondacks lakes has gone down since pre-industrial times.

The crash program to be forced by the Senate bill degrades the ecosystem by forcing limestone scrubbing in old plants instead of allowing utilities to phase in new clean coal-burning technologies.

The crash program will generate three tons of sludge for every ton of sulfur dioxide removed—generating a 30-million ton disposal problem costing $2.5 billion per year—$80 to $90 a ton.

The crash program will put an added ton of carbon dioxide into the atmosphere for every ton of sulfur dioxide removed. Worse, it makes it economically impossible to substitute the reduction of the much more environmentally dangerous nitrous oxide for sulfur dioxide cuts.

From the Washington Times, April 2, 1990, "Co-opting the Left's Agenda," by Patrick Buchanan.

For a few million bucks, every one of those 750 lakes which are acidified could be limed, with better results. Why, then are we killing West Virginia's soft coal industry?

□ 1610

From the New Republic, April 30, 1990, by Gregg Easterbrook, in an article entitled "Everything You Know About the Environment is Wrong":

Little known note: in the past fifteen years national sulfur dioxide emissions have already fallen by about one-quarter even as coal use increased nearly fifty percent, owing to controls under the old Clean Air Act and to the construction of new power plants with superior technology.

Second note: recent studies, including a ten-year $500 million federal project show acid rain effects to be considerably less than theory predicts. Only high-altitude red spruce trees, not forests generally, so far display acid rain damage.

Although some environs projected that a majority of Eastern U.S. lakes would by now be too acidic for most life, the Federal study found that only four percent have crossed this threshold.

Mr. Speaker, I will not take any more of the time of the House. I just wanted to lay out a predicate for the American people and the Members of this House to start looking at both sides of the issue before they make political decisions based on little or no scientific fact and be sure to under-

stand that what we are doing here is not a political exercise. What we are doing here has the potential of shutting down America's economy and for putting up to 3.7 million jobs at risk and our economy and our standard of living as we know it at risk.

Mr. Speaker, we can do both. We can continue to clean up our air and our water while we continue building and rebuilding our economy and increasing our standard of living. We can do both, but not under a bill like the one that was passed by the Senate or the one that was passed out by the Committee on Energy and Commerce.

THE ISSUES OF THE FAMILY AND MEDICAL LEAVE ACT OF 1989

The SPEAKER pro tempore (Mr. PAYNE of New Jersey). Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 60 minutes.

Mrs. SCHROEDER. Mr. Speaker, I am very pleased to have this time to talk a bit about this very historic legislation that we are going to take up this week, and that is the Family Medical Leave Act. I would like to start by asking a question of people, and that is this: What do the Sudan, Burkina, Guinea-Bissau, and South Africa have in common with the United States? The one thing that those 5 countries have in common is that not a one of them has a family medical leave act. Every other country on the planet enacted some sort of a family medical leave act years and years and years ago.

Furthermore, if this bill that we are considering passes this week and becomes law, then the positively amazing thing is that we are still going to be at the very bottom of benefits that are offered. But it is a very, very important first step, and I hope that people support it. If we looked at the television today and if we read the newspaper this morning, we got the administration's view of why family medical leave is not important. Both Mr. Sununu and Mr. Fitzwater have been quoted as saying that if women get fired for having a baby, they can go and get another job. Well, there is a lovely solution. There is a pro-family administration for you if I have ever heard one.

Let us think about that. If women get fired for having or adopting a baby, they can go and get another job. How terrific. In the interim, if they got fired and they had health benefits, those health benefits would be gone. What are they supposed to do if the child was a premature baby and they are running all sorts of bills? I guess they can look for another job that has health benefits that they can take up right away. If anyone knows where those jobs are, they can please ring up the White House, because my guess is that women are going to be very incensed reading about that kind of insensitivity coming out of the executive branch.

What the family and medical leave bill does is, it does not mandate anything. It says for the first time that workers have a right when they have a baby or adopt a baby, or if they or their spouse becomes chronically ill—and it takes a doctor's certificate; we are not talking about the flu, we are not talking about a head cold, we are talking about a very serious medical illness—or if a dependent child or a dependent parent has a stroke or a very critical illness, that employee could be entitled to up to 12 weeks of unpaid leave. I emphasize the word, "unpaid."

Now, the thing we hear about this is, number one, that it is mandated. We hear this—mandated, mandated. No, it is not mandated vis-a-vis the employee. No employee is mandated to take the leave. The only thing that happens is that the employers must offer the leave. What a wonderful switch that is. For once employees have some rights rather than employers having all the rights.

It is no wonder that yesterday, in front of all the business lobbyists, Sununu said they would veto any bill even if it gave them 1 day at the birth of a baby. Well, that says something about the kinder, gentler, White House does it not? I find that absolutely outrageous.

I think this is really set up to benefit special interests, that is, all the business lobbyists that control all the PAC's and all the money in this town versus over 80 percent of the American people. Gallup tells us that over 80 percent of the American people believe that employees should be with their children during the first few weeks of their life, that they should be allowed job-protected leave with family members during very serious illness, and that they should not have the risk of losing their jobs hanging over their heads and they should not have someone telling them they can just go and get another job if they get fired, that if that happens, tough. So it is 80 percent of the American people versus all the people who hand out campaign money. It is going to be a real interesting shootout come next Tuesday, and I can hardly wait. This is a very important issue for women, I think, because all these statistics show us that constantly women are the care-givers in this society, and that more and more women are also being pushed into the work force to try and maintain the family's standard of living.

So we have dual pressure. We have women getting a message that they cannot be a good employee and a good family member, and yet they are also being told that for their family to be able to maintain a certain standard of living, they have to be a good employee and get out there and get a good job. It absolutely tears people apart as they watch, say, their elderly father have a stroke and they cannot leave, or they watch one of their children have leukemia, as we had a man testify today. His baby had leukemia, and he knew she was dying, so he applied for leave. They told him he could not get it because he had not given them a month's notice. He told them it was just then that the doctor had told her that she had just days to live. So he was faced with the terrible choice of whether he would stay with his baby the last few very painful days or whether he would keep his job.

What a ridiculous position to be put in. What an outrageous position for a government that calls itself pro-family. And just think about it, only five other countries on the planet, none of them being ones that I think I would stand up and salute, take that position.

If we look at the number of working mothers in the work force, I think everyone knows that it has increased significantly. The number of mothers working full time has increased 52 percent since 1979, and the reason it has increased is because the mortgage payments are higher in America than they used to be. My goodness, what most people pay for a car now is more than what my husband and I paid for our first home. So if you have those kinds of mortgage payments, it takes two salaries to make that payment.

People still want automobiles, and obviously the price of automobiles has gone up. And children have this habit of wanting to go to college, and, of course, we want our children to go to college, but if we look at college tuitions, we know it is very hard to do it on a single income.

So we have many, many more women moving into the work force to keep that middle class standard of living.

□ 1620

Mr. Speaker, the interesting thing is many States have already passed family medical leave, and, as we have seen, these States that passed it, they have not gone back and asked the businesses, "Gee, did this force you out of business," because my colleagues are going to hear some horror stories here on Thursday. This will be the end of American business, everything will shut down, it is going to be all over, and it is going to be great drama, great theater.

However, Mr. Speaker, in these States that passed it, guess what? Businesses are still functioning, they are not fleeing from the State, they are all doing very well, and most of

them have not reported any increased costs as well.

The General Accounting Office estimated that the national cost of the bill that we are going to be talking about this Thursday would be only $5.30 per employee annually. Well, how could GAO come up with a cost like that? Well, they look at the number of people in America affected that will qualify for such a leave, and then they figure the benefit package, and then they work it all out. To me that is a very, very, very low cost.

When my colleagues look at our competitors who are knocking our socks off in trade, western Europe, Japan, all those places, they all have paid family medical leave for a much longer period than we are talking about. Now I do not think Americans are inferior to those countries. I think one would find that we could pass this and still compete in the international market.

In fact, Mr. Speaker, employers who have put this in have found that they are much more productive because an employee who is very upset because they had to leave their baby before they were prepared to or that their parent has had a stroke and they cannot be with them, they have to be at work instead; let me tell my colleagues that that is not a productive employee. That employee's mind is elsewhere. That is an angry employee, and I would think that the goal of all American business should be focused on productive employees.

One of the biggest problems we have had in this country, in all honesty, is we have constantly communicated to people, "You cannot be a good employee and a good family member." Well, what every other industralized country has found out is that we must find ways to be good employees and good family members because that is what the world is going to look like.

Now, if my colleagues look at America's family statistics, we, unfortunately, are No. 1 on the planet in everything we do not want to be No. 1 in. We are No. 1 in drug and alcohol abuse. We are No. 1 in divorce. We are No. 1 in adolescent everything. I think it is because we do less for families than any other country that has much better statistics in the line of those family issues.

Let us talk about this a little further. I hate to portray family medical leave as an anticrime and antidrug bill, however, my colleagues, it truly is. My colleagues may look at all the pediatric studies that have been done, and what do they show? They show within the first couple days of birth; we do not know why, but a baby recognizes its mother's voice, and it recognizes its father's voice. Those are its first two very important connects to this outside world. Now, if that baby does not make that connect, how do they then connect to the bigger unit, and the bigger unit and, finally, to society?

As we have seen from all the studies done on these new children without conscience, what we have found is those connections never happened. We never got the bonding started, and, if we do not get the bonding started, it is very difficult to ever make it up later on in life.

Mr. Speaker, I would think, with the kind of statistics we are running into, and with the number of single-parent families, and all the dual working families and all the problems we have, this country would be very concerned about getting families off to a better start. How do we get them off to a better start? Family medical leave is a great way.

Mr. Speaker, for the first time employers would not be able to say to young parents, "It's your baby or your job. Either show up here for work, or you're out."

Of course, as the White House said today, they can go find another job. Well, that is a little stressful; is it not? I say, "You've got a new baby, all sorts of new obligations, and you lose your job, and now you're out looking for one."

Come on. Give me a break. That is not what we are talking about.

My colleagues are also going to hear horror stories about how this is going to affect small business. Well, we have exempted small business. Anyone with 50 employees or less is not covered by this.

In addition my colleagues will hear horror stories that once again we are doing this to the private sector and not the public sector. Wrong. In this bill we are covering Federal employees, State and local employees are congressional employees because we feel this is such an important first step for America's families, America's care givers and everyone else.

Mr. Speaker, I think that these facts are things that we want dealt with and not the other things that are going to be thrown out here on the floor during the next couple days as we talk about this.

I cochair the Congressional Caucus on Women's Issues with the gentlewoman from Maine [Ms. SNOWE]. We have been trying to ge in to see President Bush with our bipartisan Congressional Caucus on Women's Issues of 150 members since he got elected. And they do not want to let us in at all. They have let in everyone else, but apparently they do not want to talk to us about family medical leave and why we think it is so important, and they did not want to talk to us about child care, and apparently they do not want to talk to us about choice and family planning issues or anything else that comes along. I do not think we can keep having kinder and gentler rhetoric pouring out of the White House as we see meaner and meaner acts vis-a-vis working families coming out of the White House.

So, I think we have a chance this week to really make a phenomenal step. It is also an interesting week in that we are getting ready to prepare for Mother's Day. It is the big day that everybody tries to buy out their guilt by running down and getting flowers, or a card, or chocolates or something else. Well, we have a real chance to say to America's parents, "We're going to do something more than that. We're going to give you some job protected leave. Now, if you've got your life together, and you can get back to work the next day, fine. This doesn't mandate that you can't. If you have a premature baby, and your wife is in the hospital having all sorts of problems, then we're saying that the father has the option, if he wants to, to ask for job protected leave, or the mother, whatever."

Mr. Speaker, this is a very important precedent, and the Government cannot foresee what is going to happen in each and every situation, but we think it is very critical for people to get off to a good start, and we really should permit this for the first time.

So, yes, the business lobbies will be here. The big bucks will be here. They will be making all sorts of threats against Members, and I am sorry to see that.

But many of the other groups that originally have opposed this have now changed their tune. The latest is the National School Board Association. They started out thinking they were not for this, but I think the more they looked at America's children, the more they realized, boy, if there is anything we need to do in this country, it is get families back together. As my colleagues know, we have to look at what is driving the drugs and the crime.

Mr. Speaker, I define a family as, "Wherever you go at night and they have to let you in." Well, take all those little places where everyone goes at night, and that is the foundation of this society, and, if those little building blocks are crumbling, this whole country is crumbling, and guess what? The building blocks are crumbling faster than any other on the planet, and I think we all feel the crumbling effects, of it, and there really is not a whole lot the Federal Government can do to rebuild families, but we can make rules so that families can be having some kind of protection as they attempt to build themselves up, and to feel good about themselves and to be care givers for each other rather than to be constantly conflicted between their employment and their family duties.

Mr. Speaker, this bill is a very, very, very important beginning for that, and

so I really hope people have their voice heard rather than we just see this place continuing to be the coin operated legislative machine we have seen of the past. The only people who get the legislation out are the people who have the coins to put in. I realize that there are not any big family action PAC's, and toddlers do not have PAC's, newborns do not have PAC's, but let us hope that people without PAC's still have a voice.

□ 1630

There is another very important precedent in here that I think absolutely must be set, and that is the precedent of treating adopted families the same as we treat natural families. Many of us who have had people who have saved and saved and worked and gone down to an adoption agency, spent lots of money, gotten all ready to adopt a child and then found out their employer would give them no leave because they do not consider an adopted parent the same as a natural parent.

Well, they also found out that agencies will not allow you to have a child unless there is some time to bond. Adoption agencies know that the baby and the mother do not bond and the baby and the father do not bond in the reception room of the adoption agency, that it takes a little time to make that connectiveness, to put that together, so they do not want to go right back to work.

Well, if they find out that their employer does not treat them the same, they are then in conflict. Do they lose their jobs and go with the adoption or do they lose the adoption that they worked so hard to try to get?

This bill says you should not look at how a family is started and discriminate against them because they were natural versus they were adopted, that everybody has the right to get that foundation, to get that basic family foundation started and going.

So this thing, I think goes right to the values, the family values that so many have come to this well and espoused. This is really whether you are going to enact them or whether you are just going to keep talking about them. So I say let us not do any more kinder, gentler rhethoric until we see some kinder, gentler legislation, and until we see some empowerment of America's families. This bill will empower America's families to be able to become stronger, and that is what we have to do. The Federal Government cannot mandate they become stronger, but we can give them the tools and the empowerment in the work place so they can be both a good employeee and a good family member.

I hope all Members will consider this as they looked at this very serious vote that we are going to be dealing with on Thursday.

SIKH-KASHMIR HUMAN RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, at the outset I would like to state that some of my colleagues would like to participate in this special order and they may not be able to get here because of other commitments, so I will make this request for general leave.

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the subject of my special order this afternoon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana.

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, many in this country are cheering the exciting and positive events in Eastern Europe.

Unfortunately, brutality and oppression in other parts of the world continue to go unnoticed.

In India, thousands of government critics are being held without charge or trial under the Terrorist and Disruptive Activities Act.

According to Amnesty International, there are reports of widespread torture, and allegations that prisoners have died in custody as a result of torture.

Yet, Amnesty can't even enter India to confirm these reports.

Why? Because India, the world's largest so-called democracy, will not let them.

It's easy to understand why India continues to ban Amnesty.

In March, when the Honorable Max Madden, a British Member of Parliament, went to the Punjab and Kashmir, he reported that barbaric atrocities were being committed against the Sikh and Kashmiri communities by the India regime.

Madden reported, "I shall not forget the Young Sikh who was shot as a terrorist after he stood with his arms above his head in a field for 5 minutes."

The police later admitted that they had made a mistake.

"I shall not forget the relatives of the young man who was shot while marching in a Sikh religious festival," Madden said.

The police again admitted that they had made a mistake.

In Indian-occupied Kashmir, the human rights situation continues to deteriorate.

India's colonial Governor in Kashmir has ordered Kashmiri newspaper editors to stop publishing.

India shut down its own state television and radio stations when Kashmiri employees demanded the freedom to report the tragedies in Kashmir.

Not even the Red Cross has been allowed access to Kashmir.

Once again, India's decision to exclude the press from Kashmir is perfectly understandable.

The Indian Peoples Union for Civil Liberties [PUCL] recently reported that scores of barbaric acts are being committed by the Indian security forces in Kashmir.

The PUCL observed, "* * * that civil liberties, legal norms and civilized values have been grossly violated by the Indian security forces * * *"

On March 14, these forces killed scores of Kashmiri women when they fired live bullets in an attempt to break up a protest march.

I hope Prime Minister V.P. Singh can bring peace to India.

But there will be no peace until all groups inside India regain the basic freedoms that people all over the world are striving for.

It's time to knock down the wall, which hides India from the scrutiny of the human rights community.

It's time to hold India to the same human rights standards to which we hold every other democracy in the world.

To achieve these goals, I have introduced H.R. 4641.

This legislation terminates United States developmental assistance for India, unless India allows human rights organizations into their country in order to monitor the human rights situation in the Punjab and elsewhere.

Mr. Speaker, I call on all my colleagues to support this legislation and become cosponsors.

Mr. Speaker, I am very concerned about this. I have seen pictures of the atrocities that have taken place in the Punjab. I am now getting information and pictures and reports about what is happening in the Kashmir, and these people want freedom and democracy and human rights like the rest of us want around the world, and particularly in the United States of America. We should be insisting that they get these human rights.

India is a great democracy. It is a great nation, but they must observe universal human rights in Kashmir and in the Punjab and elsewhere in that country. If they do not, then I think the United States as a humanitarian Nation has an obligation to put whatever pressure we can upon that government until they bring about positive change and allow human rights, universally accepted human rights, in both Kashmir and in the

Punjab and throughout the entire nation.

The bill referred to follows:

H.R. 4641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEVELOPMENT ASSISTANCE FOR INDIA.

(a) REPORT ON ACCESS OF HUMAN RIGHTS MONITORING ORGANIZATIONS.—Not later than 60 days after the date of enactment of this Act, the President shall report to the Congress whether the Government of India is implementing a policy which prevents representatives of Amnesty International and other human rights organizations from visiting India in order to monitor human rights conditions in that country.

(b) TERMINATION OF DEVELOPMENT ASSISTANCE PROGRAMS.—If the President reports to the Congress, either pursuant to subsection (a) or at any other time, that the Government of India is implementing a policy which prevents representatives of Amnesty International and other human rights organizations from visiting India in order to monitor human rights conditions in that country, all assistance for India under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) shall be terminated, except for assistance to continue the vaccine and immunodiagnostic development project, the child survival health support project, and the private and voluntary organizations for health II project.

(c) RESUMPTION OF ASSISTANCE.—Assistance terminated pursuant to subsection (b) may be resumed only if the President reports to the Congress that the Government of India is no longer implementing a policy which prevents representatives of Amnesty International and other human rights organizations from visiting India in order to monitor human rights conditions in that country.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

[Mr. GONZALEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

[Mr. DORNAN of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. NAGLE] is recognized for 60 minutes.

[Mr. NAGLE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE BALTIC STATES: "THE LAND OF HEROES HOARY"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 60 minutes.

Mr. LEACH of Iowa. Mr. Speaker, there are times in the affairs of states when moral stands must be taken despite their inconveniences or short-term negative consequences. The poignant struggle for independence in the Baltic States, most particularly in Lithuania today, presents such a circumstance.

Lest there be doubt where America stands, this Congress, this administration, the American people, are four-squarely behind the principle of self-determination.

This great Republic, this shining beacon of liberty, must resist the moral obliquity implied by a seductive real politik, and make it abundantly clear that we hold as self-evident truth that the Baltic States were never legally incorporated into the Soviet Union.

A dirty deal made 50 years ago by two dirty men—Hitler and Stalin—should not be honored by civilized people, within or without the Soviet Union.

I address myself today, with darkening misgivings, to the weltering deadlock in the Baltics, and in particular to the unequal struggle over Lithuanian independence. One might well ask, by what extraordinary shifts and violent upheavals in the fortunes of states has this incredible circumstance come to pass; where three small countries—with a total combined population of only 8 million—stoutly proclaim their right to exist coequally with their historically domineering neighbor, today's most formidable power on the Eurasian landmass?

From a geopolitical perspective, one can point with evident relief to a most remarkable diminution in the capacity, and even the willingness, of the Kremlin to project imperialist power. Over the last 12 months the United States and its NATO allies have witnessed, in an astounding, inexorable cataract of events, the triumphant culmination of 40 years of steadfast alliance diplomacy. Communism is in retreat, pellmell. This is particularly true in Eastern Europe where the decrepit monuments to and of a fraudulent Stalinist polity have collapsed, perhaps irreversibly.

On the other hand, the philosophical taproot of the changes taking place in the world—from Eastern Europe to the Baltic States; from Afghanistan to Tiananmen Square; from Nicaragua to South Africa—is a happy recognition that it is Jeffersonian democracy—the premise that governments derive their powers from the consent of the governed, from individuals endowed by a Creator with inalienable rights—that provides the most revolutionary, adventuresome, and humane model for political and economic organization in recorded history.

But there are other seething, subterranean subplots to this compelling and still unfolding human drama. Certainly there is the clamant, indomitable, but uniformly nonviolent societal demand for self-determination. Who would deny that the Baltic peoples have behaved very calmly, very coolly, and very courageously in peacefully asserting their right to be free from a sinister political system which, lest we forget, used human beings as guinea pigs for three-quarters of a century of blasphemous social experimentation with state-sponsored coercion?

An appreciation for the plight of the Baltic peoples requires reference to some rudimentary historical guideposts, to an understanding of a geographical circumstance that places three sparsely populated republics next to powerful neighbors: the Germans, the Poles, and to the east, the brooding presence of Russia. This background is not only helpful to understanding American foreign policy, but—because Baltic political history, particularly in this century, is deeply interwoven with war and revolution, fascism and communism, tyranny, and liberation—it also sheds light on the ever widening fissures threatening to shatter the multinational framework of the Soviet empire.

HISTORICAL OVERVIEW THROUGH THE FIRST WORLD WAR

In the first instance, it should be understood that the Baltic region—which today stretches from Tallinn on the Gulf of Finland in the north to the historic Niemen River in the south, bounded in the west by the Baltic Sea and in the east by the Russian and Byelorussian Soviet Socialist Republics—is not culturally, politically, or socially a product of the oriental despotism practiced by Ghengis Khan and his heirs, which held much of Russia in its icy grip as late as the time of Charles V in the mid-16th century. Generally speaking, the Baltic people looked neither to Constantinople nor Moscow as the lodestar of historical destiny; rather, they looked west: to Stockholm, to Konigsberg, to Warsaw, to the European heart of the old Holy Roman Empire.

The Baltic nations have never naturally gravitated toward Russia. Despite extended periods of Russian domination since the late 18th century, the various peoples of the Baltic region have historically adopted a Western orientation and outlook. A powerfully flowing current of Western influence found historic outlets principally through the expansionism of both the Baltic Germans and Swedes, and in the case of Lithuania, through association and partial accommodation with Poland.

By the mid-14th century, both Estonia and Latvia became stamping grounds for the order of the Teutonic

Knights, the crusading Germanic forerunners of the Hohenzollern Junkers and Prussian military might. By the Reformation, German Lutheranism was the common faith of the region. Culturally and economically, the northern Baltic peoples fell under the civilizing shadow of the Hanseatic League, and their principal German cities of Bremen, Lubeck, and Hamburg.

After the Thirty Years' War and the decline of Teutonic power, the peoples of Estonia and Latvia—the latter known at the time as Livonia—fell under the control of King Gustavus Adolphus and the transient authority of Swedish metropolitan power. Sweden's rule proved to be as enlightened as it was brief. According to scholarly authority, a reasonably well-developed educational system was established by the Swedes, and the peasantry of Estonia and Latvia were even granted the extraordinary right of action to sue their landed masters in courts of law.

Lithuania, on the other hand, has historically been intimately associated in culture, politics, and religion with Poland. Lithuanian-Polish ties date back at least as far as the end of 14th century, when the Lithuanian Grand Prince accepted the Polish crown and catholicism. A powerful Polish-Lithuanian army inflicted a decisive defeat on the Knights of the Teutonic Order at the Battle of Tannenberg in 1410, halting Germanic expansion. Lithuania achieved a remarkable measure of power and prestige in east-central Europe, both independently and in association with Poland. Even as late as 1772, the territory of Lithuania stretched from Courland on the Baltic to just east of Smolensk in White Russia, with its southern extremities skirting Kiev and the mighty Dnieper River in the heart of the Ukraine.

But by the beginning of the 18th century, the ponderous exertion of Russian expansionism had begun to make a weighty impression. Under Peter the Great, Russia acquired Estonia and Latvia from Sweden and thereby secured a strategic outlet to the Baltic. By the end of the century, the final of three successive partitions of Poland resulted in the Russian Empress Catherine II's annexation of Lithuania, as well as the extinction of Polish independence for well over 120 years.

Russian rule can be summed up in a phrase which—with the one exception, perhaps, of the era of great reforms in the mid-19th century—encapsulated the Kremlin's imperious attitude toward non-Russian peoples: autocracy, orthodoxy, and subjugation of national identities. These policies embodied a rigid, reactionary and autocratic outlook in Moscow which sought forcibly to imprint a peculiarly great Russian conception of politics, culture, and society throughout the vast expanse of the empire.

Thus the seeds of the movement for political and cultural independence, for all that we know broadly as the self-determination of nations and peoples, were sown in the Baltic States as much by the stultifying imperial ukases proclaimed by the Tsars, as by the specious dialectic of an arrogant Soviet commissar claiming to ride and interpret a crest of historical forces.

It is the harsh Russification policies of the ancient regime which serves both as the historic well-spring of Baltic enmity toward Russian rule and the current distrust of any modified approach to sovereignty, as proposed by Gorbachev or envisioned by allegedly practical geostrategists in the West.

INDEPENDENCE IN AFTERMATH OF WORLD WAR I

The near simultaneous overthrow of the Romanov Monarchy in Russia and the defeat of Imperial Germany in 1917-18 created a trenchant opportunity for the Baltic States to press their independence aspirations.

When Lenin and his Bolshevik collaborators came to power in November 1917, not only did they affect to support—through stunningly elliptical theoretical pronouncements—the principle of national self-determination; but the right of self-determination was actually conceded in the first official act of the new Soviet Government. On the very day of the revolution, the fledgling Soviet regime issued a decree of peace in which it proposed to all belligerent peoples the immediate opening of negotiations for what the Bolsheviks described as a just and democratic peace * * * an immediate peace without annexations that is, the seizure of foreign lands or the forcible incorporation of foreign nations—and indemnities."

However much Lenin the theorist was prepared to recognize the right of self-determnination, in practice Lenin the dictator was often ruthlessly opposed. Finland and the Ukraine learned first hand of the great repudiator's repudiation of high-minded ideals: Both were the bloodied recipients of Bolshevik invasions in early 1918; both were freed from the grip of a Red Terror only by Teutonic intervention, White Terror, and German military occupation.

Russia concluded a separate peace with Imperial Germany in March 1918. This armistice agreement, the Treaty of Brest-Litovsk, sheared the Russian Empire of all the western provinces conquered by the Tsars. The Kaiser's negotiators, aiming at the creation of a vast chain of buffer states under Berlin's sway, stripped Russia of Poland, Finland, Lithuania, and Courland, of Estonia and Livonia—Latvia; of the Ukraine; and of the Transcaucasus.

With characteristic clarity Lenin reportedly noted that the Bolsheviks "must have the courage to face the unadorned bitter truth, we must size up in full to the very bottom the abyss of defeat, partition enslavement and humiliation into which we have been thrown." As Winston Churchill scathingly observed about Lenin's thoughts at the time: "It is not possible to better these descriptions of the first boon which Lenin conferred upon the Russian nation."

American intervention on the continent, which precipitated the defeat of the Central Powers in November, 1918, soon rendered impossible the Wilhelmstrasse's conception of a German-dominated security system in east central Europe. Instead, the collapse of German martial influence created a power vacuum.

The path to national independence, otherwise obstructed by the polished jackboots of a stern Prussian Junker or the surly growl of the Russian bear, was now open and accessible to nations from the Baltic to the Black Sea. Estonia declared independence on November 28, 1917; Finland on December 6; the Ukraine on December 18; Latvia on January 12, 1918; and Lithuania on February 16. On April 9, 1918, Bessarabia formed a union with Romania. On April 22 the Transcaucasian Council declared its complete independence, and by the end of May the Transcaucasian Federal Government had dissolved into its constituent republics: Georgia, Armenia, and Azerbaijan.

THE INTERWAR YEARS

The withdrawal of allied military forces from Russia, the end of civil war, and peace with Poland allowed Lenin to consolidate Soviet power over the interior of the Russian empire. Azerbaijan was reoccupied in April 1920; Armenia in December; and in February 1921 Georgia was compelled to accept Moscow's political authority.

In the meanwhile, the Soviet Union attempted to break its diplomatic isolation by establishing normal relations with the Baltic States. Estonia became the first non-Communist country to enjoy the patina of diplomatic normalcy with Bolshevik Russia, when it signed a treaty to this effect with the Soviet Union in February 1920. Later in the same year similar agreements were concluded with Latvia, Lithuania, and Finland. As George F. Kennan has written:

> It is ironic to reflect that these little countries, the first to establish normal relations with Moscow, should also have been, together with Poland, the first to be swallowed up again by Moscow in 1939, when Russia and Germany moved together to smash the European order established by Versailles.

THE HITLER-STALIN PACT

The terms of the infamous agreement negotiated by Molotov and Ribbentrop on behalf of the Soviet and

Nazi dictators in August 1939 are well known to all. The Nonaggression Pact, made public to a reeling and flabbergasted Western world, provided for a mutual renunciation of aggression and for observation of neutrality by the unengaged party in case either side was attacked by a third country.

More sinister was the attached secret protocol, which effectually embodied an agreement cold bloodedly to divide Eastern Europe into spheres of influence. In the event of "territorial and political rearrangement," as the protocol euphemistically referred to the imminent destruction of Poland, the sphere of exclusive Soviet influence was to include Finland, Estonia, and Latvia, approximately half of Poland, as well as the Romanian province of Bessarabia. One month later, at Soviet request, this line was modified to include Lithuania within the Soviet zone of control. In return, Germany received a larger slice of Poland.

When it became apparent to a stunned Kremlin that Hitler's blitzkrieg would crush Poland in a matter of weeks, Stalin moved with brutal alacrity. First, he undertook a military occupation of the "Soviet zone" of Poland. Next, he demanded that the Baltic States accept Soviet bases and garrisons on their respective territories. This brazen conduct was ostensibly legalized by mutual assistance treaties, which Estonia and Latvia had—under duress—concluded with Moscow by the fall of 1939.

Lithuania was accorded slightly different treatment. In late September 1939 the Soviet Union unconditionally offered the Lithuanians their capital of Vilnius, which the Poles had captured in their 1920 war against the Soviet Union and which was now, following Poland's defeat and last partition, under Red army control. Sorely tempted, Lithuania accepted. Soon thereafter, however, Moscow began to press Lithuania to accept an Estonian-style Mutual Assistance Treaty. After some resistance, and a realization that the West would not intervene, Lithuania too, gave in, and in October 1939 yielded to a Soviet military presence.

Stalin's next move against the Baltic States arose in the context of Kremlin consternation over the speed and ease of new German military triumphs, this time in the low countries and France. in May and June 1940, the Soviets shamelessly accused their small Baltic neighbors of conniving with the West and each other to undermine the letter and spirit of their alliances with the Soviet Union. On the same day Nazi armies entered Paris—June 14, 1940—Lithuania was presented with an ultimatum demanding the creation of a pro-Soviet regime. Two days later Estonia and Latvia received similar ultimatums, and a Soviet orchestrated transfer of power to so-called people's governments was achieved shortly thereafter.

Following swift mass purges of the non-Communist political elements in all three countries, egregiously unrepresentative "People's Diets" were elected. Each met on July 21, 1940. Each proclaimed, unanimously and by acclamation, the conversion of their respective countries into Soviet Socialist Republics. By August 1940, the Soviet bear had devoured the Baltic countries, each having been proclaimed union republics of the Soviet Union.

Here I quote again from one of our most distinguished diplomatic historians, Mr. Kennan:

> We cannot appreciate the full significance of the division of eastern Europe unless we visualize the extent of the catastrophe it spelled for the affected peoples. Delivery into the hands of either of these great powers, Nazi Germany or Stalinist Russia, was a calamity of the first order for almost everyone concerned. Acting from quite different ideological motives, both Germans and Russians perpetrated appalling cruelties in their respective spheres of influence. The Germans practiced their usual measures of sadism and extermination against the Jews and deliberately reduced the entire Polish population to a state of material misery and terror. The Russians took their customary reprisals against "class enemies" and deported innocent people to the interior of Russia in such numbers and with such callous brutality that hundreds of thousands of them appear not to have survived the ordeal. For the three Baltic countries, this division eventually meant the end of national independence. In the case of the Estonians, in particular, it meant the deportation and permanent dispersal of a large portion of the population—the literal removal of much of a nation from its homeland. For the Finns, it meant a bloody and terrible war.

In fact, some 60,000 Estonians, 35,000 Latvians, and 34,000 Lithuanians are reliably believed to have been deported to the Soviet Union in 1940 alone—most of them, including many women and children, never to return. Such was the execrable conduct of the Soviet occupation forces that when the Nazis invaded the U.S.S.R. in June 1941, many Baltic citizens revolted against their Communist tormentors and joined the Germans. In turn, the Baltic States were rewarded for their troubles with brutal political oppression at the hands of the Nazi gangsters.

Thus Baltic independence had lasted 22 years, with a half century of grievous vigil to follow.

1945 TO 1985

The defeat of Nazi Germany and the return of the Red Army in 1944-1945 brought in its train fresh Soviet brutality. Between 1945 and 1949 some 600,000 Baltic citizens were forcibly deported to the Soviet Union, a figure which, given a total population at the time of about 6 million, and given the implications of the "gulag" to which they were largely sentenced, approaches genocidal proportions.

Neither passively not pacifically did the Baltic peoples submit to crude Soviet denationalization policies. An active partisan resistance was carried on in all three Republics against the Soviet occupiers from the fall of 1944 until 1952. In Lithuania, such was the scale and intensity of the guerrilla war against Moscow that some 30,000 partisan fighters controlled the countryside for several years. Following the military pacification of the region, the Soviets collectivized agriculture, nationalized all commerce and industry, integrated the Baltic economies into the Stalinist-style centralized command system, and commenced the brazen Russification policies which have had the consequence of dramatically altering the postwar demographics of each of the Baltic States, particularly Latvia and Estonia.

THE PRESENT CRISIS

It is against this illegal, malevolent, and unconscionable Soviet hegemony that the Baltic people have valiantly striven since the close of World War II. Even at the height of Soviet oppression, Baltic nationalism was never fully submerged. But it was only with the rise of the Solidarity movement in Poland, combined with the reformist policies begun within the Soviet Union by Mikhail Gorbachev—symbolized by glasnost and perestroika—that a reflowering of grassroots popular fronts, Sajudis, and other mass demonstrations of heightened national consciousness burst forth with such intensity.

Moscow's attitude today toward the Baltic States is schizoid at best, Stalinist at worst. Earlier this year Gorbachev seemed resigned to accept, albeit reluctantly, not only the dismantlement of the Soviet empire in Eastern Europe, but the partial dismemberment of the Soviet state. For example, this past January Baltic pressure for enhanced economic autonomy resulted in the Soviet Union granting the Baltic States limited economic independence.

As former Secretary of State George Shultz has pointed out, it appeared as though earlier this year Gorbachev had astutely laid the predicate for accepting Lithuanian independence—but in so doing differentiating the Baltic circumstance from the demands of other Soviet Republics for independence—when Moscow denounced both the Hitler-Stalin Pact and its secret protocols. The Supreme Soviet even went so far as to declare that the annexation of Lithuania and the other Baltic States in 1940 was illegal.

In a February 27 meeting with Dr. Kazimiera Prunskiene, the current Prime Minister of Lithuania, Gorbachev implicitly seemed to have concluded there was no path back, even

jokingly telling her as she departed that perhaps one day they would meet again at an international forum.

But in recent months Mr. Gorbachev has dramatically backtracked from this sapient course, and made it clear that there are limits beyond which Moscow is not prepared to go. The Soviet Union, he has pointed out in words and described more poignantly in action, still retains authority over oil and gas lines, the armed forces in the region, and other facilities allegedly of "all-Union importance."

In March of this year Gorbachev asserted that the economic price of Lithuanian independence would be $34 billion in hard currency, as back payment for Soviet capital investment and goods. To this egregious assumption that freedom could be ransomed, the Lithuanians have understandably countercharged that Moscow should compensate them for the cruel deportation and criminal execution of thousands of their citizens, for nationalizing their economy, and for the environmental damage wreaked by Stalinist industrial plans.

Gorbachev's increasingly strident warnings have not deterred the three freely elected non-Communist Baltic Parliaments, which have approved plans for economic autonomy and declared independence as their current status and/or ultimate goals. In fact, even as the Lithuanian crisis continued to escalate, Estonia declared independence on the basis of its pre-Soviet constitution. And last Friday, May 4, Latvia declared its independence from the Soviet Union and in so doing reinstated symbolically compelling provisions of its 1922 constitution.

Unlike Lithuania—which some commentators have criticized for allegedly having presented Moscow with a closely held fait accompli before asking for negotiations on independence—the Government in Riga has proposed a transition period to full independence, during which the bulk of its 1922 constitution will be deemed to be in suspension. Gorbachev, however, has not responded favorably to the somewhat less confrontational Latvian independence movement, and Tass has reported that no negotiations can begin until the status quo ante May 4 is restored. Retaliatory measures by Moscow are expected to be in the offing.

But Lithuania remains the focus of the current crisis. The first free elections in 50 years were held in Lithuania in February 1990. The elections resulted in a convincing victory for Sajudis, which captured roughly 60 percent of the seats in the Lithuanian Parliament. The new Parliament elected Vytautas Landsbergis, the Sajudis leader, as the new President of Lithuania. Shortly thereafter, on March 11, 1990, Lithuania's Parliament formally declared Lithuania's independence from the Soviet Union.

As we all have come to understand, this declaration precipitated a crisis with Moscow. Gorbachev responded by insisting that Lithuania rescind its independence declaration. Soviet military forces began ominous maneuvers on Lithuanian soil, with armored vehicles clanking their menacing way through the peaceful streets of Vilnius, and aircraft buzzing low over the city. Soviet military forces then occupied the Lithuanian Communist Party buildings and the Justice Ministry. The Lithuanian prosecutor was ousted and replaced by a new prosecutor appointed by Moscow. Some Lithuanians who had deserted from the Soviet Army were physically assaulted and arrested by Soviet troops.

When these churlish, bullying tactics failed to intimidate Lithuania, Gorbachev imposed an economic embargo on April 16. The embargo included oil and other energy supplies, as well as some foodstuffs. President Gorbachev stated that the embargo would not be lifted until Lithuania rescinded its independence declaration, revoked legislation to introduce citizen identity cards, reconsidered its decision to boycott the Soviet's spring military draft, and accepted as well Soviet constitutional law as the supreme law of the land.

Superficially, Moscow appears to be pursuing a precise strategy of coercive diplomacy, or compellance, employing the use of threats and limited force to persuade Lithuania to rescind its declaration of independence and accept the legality of Soviet constitutional rule. But as the diplomatic scholars Gordon A. Craig and Alexander George have noted, "In contrast to pure coercion, coercive diplomacy typically requires negotiation, bargaining, and compromise."

No serious observer of Soviet affairs would question that Gorbachev's brand of hardball is considerably milder than that practiced by his predecessors. But even if the West should take certain solace in Gorbachev's relative moderation in the use of force, it must not acquiesce in any coercion nor condone obvious Russian intransigence on Baltic independence. Despite slightly varying formula proposed in Moscow for a resolution of the circumstance, the fact remains that it is Lithuania which has to date proposed all the major concessions—going so far as to be open to the use of Paris and Bonn, two countries which have seemingly identified more with Moscow than with Vilnius, to broker a negotiated compromise that would suspend Lithuanian independence—while Gorbachev has so far refused to negotiate with Lithuanian emissaries sent to Moscow for that very purpose.

It is appropriate at this juncture to express the historic posture of the United States toward Lithuanian independence, and what President Franklin Roosevelt accurately described as Moscow's "annihilation of the political independence and territorial integrity" of the Baltic States.

For five decades, the diplomacy of the United States has been animated by one guiding, unimpeachable principle: That America does not recognize the forcible incorporation of Estonia, Latvia, and Lithuania into the U.S.S.R. The United States maintains full diplomatic relations with representatives of the last free governments of those states. Those states are represented by three Charges d'Affaires resident in the United States. Their flags fly at the Department of State. And now the Lithuanian Prime Minister has had a private meeting, in the White House, with the President of the United States. While the formalities as well as the discussion may not have provided as forthcoming assurances as the Government in Vilnius might have preferred, the fact of the meeting was of legitimizing significance.

Thomas Paine, in his polemic "The Rights of Man" in words later paraphrased in the acceptance speech of a Republican Presidential candidate, once noted that: "Moderation in temper is always a virtue; moderation in principle is always a vice."

Just as we are a people that have prided ourselves in forming a government of laws and not men—that is, where constraints of constitutional procedure take precedence over the potentially capricious judgments of individual leaders—we are a society that must give precedence to following our principles in policy, rather than shirking our most deep-seated values to give cover to a particular foreign leader. If the political position of Gorbachev or any Soviet head of state is threatened by our allegiance to our values, such an eventuality would be unfortunate, but that fact can't dictate an American waffling on the values inherent in the Declaration of Independence. In that document, our architect of freedom, Thomas Jefferson wrote, "when a long train of abuses and usurpations pursuing invariably the same object, evinces a design to reduce them under absolute despotism it is their right, it is their duty to throw off such a government and provide new guards for their future security."

It is the democracy of Thomas Jefferson and Thomas Paine, not Mikhail Gorbachev, that Americans should reflect upon and identify with today.

By holding to such a revolutionary perspective, I don't intend to suggest that President Bush isn't correct to be properly concerned for restraint and dialog. The President's decision not to rush to confront is designed to ensure that we not precipitate a counterproductive bloodletting. By underscoring that Lithuania—indeed all of the

Baltic States—are issues of indigenous self-determination, the Bush administration is wise to refuse to allow courageous peoples to be used as pawns in an East-West conflict. Conscious of the Hungarian experience three decades ago, the President simply cannot in good conscience give Lithuania false hope of American intervention.

Nonetheless, just as we cannot by an overt act place ourselves in the position of precipitating bloodletting, we cannot by failing to articulate our principles identify with the bloodletters. While the administration may be prudent in not hastily recognizing the Landsbergis government, it must take care not to renounce our heritage, our commitment to the right of self-determination. The real question should not be "whether" to recognize an independent Lithuania but "when;" not whether to embarrass gratuitously Gorbachev, but how to acknowledge carefully the coincidence of our own values and Baltic aspirations.

The Dutch architect Mies vander Rohe developed a theory of architecture around simplicity of design and the observation that "less is more," that is, that the cluttering of design with fixtures and flourishes too often represents imperfection. Likewise, less can sometimes be more in foreign policy. Given the fact that the United States is not in a strategic position to lend either military or even much economic assistance to breach a Soviet blockade of the Baltic States, honesty as much as prudence dictates that the only credence-laden policy is one of thoughtful articulation of values, rather than belligerency of deed.

Here, it is important how little is being asked of us. In her visit last week, Lithuanian Prime Minister Prunskiene asked not for a handout, but simply that the United States hold its hand up for freedom and take the modest step of recognizing her government. With one polite observation—the notion that in one sense Lithuania was freer today than even the United States—she delivered a devastatingly powerful critique of American foreign policy.

Asked by one of our foremost intelligence advisers at a Carnegie-sponsored colloquium I participated in what compromises with Moscow on future independence she envisioned, Prunskiene said: "We believe in some ways we are more free today than any Western state because we are free to take positions that apparently the Western states are constrained by Moscow not to." The unstated implication was clear: Lithuanians were prepared to risk their lives for a freedom for which some in the West weren't willing to risk their pocketbooks.

With the impending summit and negotiations on the future of Germany as well as force levels in Europe, now is neither the time for sabre rattling nor heightened East-West confrontation. Nevertheless, it must be understood that the background of the progress that has been made in arms control and in the effectuation of revolutionary change in Eastern Europe is steadfast allegiance to principle and collective understanding of the common fate of common peoples. We have stood unequivocally for the individual rights of minority groups within the Soviet Union; we can do no less for the national rights of the Baltic republics. Calmly and carefully the United States Congress must make it clear that the progressive change we all desire in our relationship with the Soviet Union is jeopardized by Soviet coercion in the Baltics.

The United States is not in a position to intervene; we do not visualize the Baltic States to be part of a cold war equation, nor East-West confrontation; we simply hold that individual peoples have inalienable rights that deserve being respected. If they are not, the U.S. Congress cannot be expected to sanction civilized discourse with an uncivilized nation.

Specifically, the Soviet Union must come to understand that increased coercion in the Baltics will at a minimum, make less likely progressive financial and trade ties with the United States. Export-Import Bank guarantees, Overseas Private Investment Corporation insurance, Soviet loans from or membership in the International Monetary Fund and World Bank, United States commercial bank loans to the Soviet Union, relaxation of Cocom export controls, the granting of most-favored-nation trade status, the extension of tariff benefits under the generalized system of preferences—all become jeopardized.

Historically, the strength of our foreign policy has been most evidenced when we have stood solidly for advancing abroad the principles and ideals upon which our society at home are based. Principles shouldn't be shortchanged for short-sighted objectives or short-sighted leaders, even Gorbachev.

With this observation I don't intend to be cavalier about the prospect of perestroika's failure or Mr. Gorbachev's possible political demise. Every responsible American leader is conscious that the political policies initiated by Mr. Gorbachev represent a radical break with the Soviet past and, more importantly, have generally redounded to the benefit of our own as well as the Soviet people. Indeed, the very independence of the Baltic States which Gorbachev appears now to be intent on blocking has been made possible in part because he has unlocked the door and thrown away the key. Thus, President Bush has been careful not to posture excessively or to undermine unintentionally Gorbachev. Instead, the President has gone out of his way to reassure the Soviet Union that the United States will not exploit the prodigious changes in Eastern Europe to Soviet disadvantage.

But respecting the legitimate security interests of the Soviet Union should not—as one foreign policy analyst has suggested—extend to placing the imprimatur of the United States behind a legitimization of the mutual security treaties, and Soviet military base rights, foisted on the Baltic States in 1939. Why should the United States: First, appear to endorse treaties negotiated under duress; and second, endorse the retention of formidable Soviet military forces in the Baltic Military District? A more principled and self-interested approach to the security dimension of the Baltic question would involve treating the three republics as nonaligned, neutral countries—like Austria—and, if Moscow needs additional reassurance, limiting their arms by international treaty and providing guaranteed rights of access to Kaliningrad [Konigsberg].

As to Gorbachev's secession crisis, in contrast with the United States, Lithuania is showing the world that the Soviet Union is a collection of nation states, a boiling, rather than a melting pot.

At first blush it might be argued that the Lithuanian struggle finds precedent in two juxtaposed themes in American history: the imperative for self-determination implicit in the Revolutionary War and the imperative of union—an undivided house—implicit in the Civil War. Yet few analogies are more flaccid, more fatally flawed. Only one of the seceding States, Texas, had formerly been a sovereign country; all had entered the Union voluntarily. Even more important, the analogy to our war between the States is flawed because the purpose of the Civil War was to end slavery, to advance the cause of human freedom, rather than restrict individual rights and aspirations.

As Members of Congress understand, article 72 of the Soviet Constitution gives all 16 Soviet republics the explicit right of secession. Until early this April, no enabling legislation had ever been adopted. Now that the Supreme Soviet has enacted a law on secession, however, it very much looks as though it is designed as a catch-22, an approach which recognizes a right but then stifles its implementation. Indeed, as Mr. Sergei Stankevich—a progressive member of the Congress of People's Deputies of the Soviet Union, as well as a member of the Supreme Soviet—noted before a House Foreign Affairs Subcommittee last week, the procedures under the law are totally unrealistic. They make the right to secession unrealizable.

Put more succinctly by Mrs. Prunskiene: "It is not a law of secession, but

a law to prevent secession." For the Baltic States, she points out, "Soviet law can't be used as a basis to leave or it would imply we came in legally."

From the Soviet perspective, the issue is the principle of secession as constrained by Soviet law and the Soviet Constitution. From the Baltic perspective, it is national self-determination based on indigenous history. Freedom is not considered a right granted and thus removable by Soviet law; it springs from the people.

More important therefore for the Baltic States than the domestic law of the Soviet Union, which in this instance seems regressively out of step with a constitution not known for its progressivity, is international law and the legal norm of nations. Here, Mrs. Prunskiene notes another paradox. Lithuania would rather not consider the option of presenting its case to the International Court of Justice at The Hague until the government in Vilnius receives formal recognition by Western governments. Western justice apparently seems dicey to Vilnius without the value laden imprimatur of Western recognition. Such a case, legal scholars note, would be fraught with problematic issues, including border definition disputes, but it is precisely for problems of this nature that the International Court was established. The West shouldn't shy away from advocating its utilization.

Nor should the West shy away from labeling the recently passed law on secession incontrovertibly Stalinist. It and the new law on national demonstrations give authorities the right to utilize whatever mechanisms they might choose to restrain the expression of nationality sentiment.

To conclude, to the extent that face is at issue, the West ought to have no qualms in helping take Gorbachev off the hook, in helping advance a dialogue that does not appear to compel Moscow with too much embarrassment to back down. But we ought to be very clear about the importance we place on our values. The quid pro quo for Western negotiating assistance must be the early coming to fruition of independence of each of the Baltic States. Otherwise, it will be impossible for the United States and our allies to respect the Soviet constitutional process, and thus impossible for the West to take any stand except one increasingly confrontational with Moscow on Baltic independence as well as a host of other issues. New Muscovite coercion in the Baltics should be understood as a tripwire for formal recognition in the West of the fledgling governments, not the reverse.

We have, after all, with our tawdry silence demonstrated for all Soviet citizens to see that we have not precipitated this crisis, that it is a matter carved from Baltic history and wrought from the courage of indigenous populations. It is a crisis made in the Baltics, not conjured or conspired from Washington, London or Bonn. It is therefore Gorbachev's personal, irreducible choice whether to embrace the Stalinist mantle. Unprovoked by the West, he cannot expect any sympathy by pretending either that his hand was forced by uncontrollable forces within Russia or that his cards are played with more finesse than they might have been by his predecessors or potential successors.

One of the few constants of Soviet foreign policy has been the theme of virtually every Soviet head of state that more oppressive alternatives loom on the horizon and that the West has an obligation to bolster the credibility of Soviet status quo leadership rather than risk the abyss of the unknown. Sometimes, perhaps even now, this theme must be factored into Western strategic calculations, but on an issue of such historical import, individual accountability must be assigned in the East and repercussions weighed in the West.

Gorbachev holds in his own hands the choice of whether to bring a halt not only to glasnost but perestroika, and while the United States cannot guarantee that Lithuania and the other Baltic States will regain their sovereignty, it can guarantee that it will not lend its voice to illegitimate Soviet claims nor lend a hand to Soviet designs for significant Western economic assistance if it refuses to respond to the voices of freedom.

With regard to Eastern Europe, the West appears on the verge of winning World War III without firing a shot. Importantly, the loss of the empire has reflected well on the loser. Like the much revered last Shogun of Japan, Tokugawa Keiki, who surrendered to the Emperor's forces before, rather than after a cataclysmic battle could erupt, Gorbachev recognized that history demanded retreat.

In the sixties, it was cute, if not profound for critics of our most embarrassing war to have suggested that the United States should simply declare victory and get out of Vietnam. What Gorbachev has done in Eastern Europe and Afghanistan is declare not victory, but vision, and helped accelerate the inevitable. Whether he is capable or willing to continue to preside autocratically over the Baltic States is yet to be seen. He may think of himself as a unique combination of Jefferson and Lincoln. His fellow countrymen may suspect there is too much Lenin or Tsar.

The Lithuanian poet Solomene Neris, once wrote that "Lithuania is like a drop of amber in my hand." Lithuanian amber has been burned into the consciousness of free people everywhere. It is the amber of freedom, the symbol of life, liberty, and the pursuit of happiness * * * for the courageous people of the Baltic States as well as a somber, watchful West.

While Neris, like so many artists subjected to totalitarian controls, compromised her own principles with a poetic abomination in praise of Stalin, the Lithuanian people have increasingly harkened back to their cultural as well as historical roots and looked to a European class of intellectuals for leadership.

A poem by one of the profoundest voices of Lithuanian nationalism, now a member of the Lithuanian Parliament, Justinas Marcinkevicius, ties the present with the past:

When of our homeland we would speak
First let the fallen have their say.
It is their breath that like a breeze unfurls
our banners.
It is they whose hands bless all our deeds
and dreams,
Whose eyes are watching us like stars,
Whose words bear fruit upon the earth.
They're seen in bird song, cherry blossom, a
woman's smile, a baby's mirth;
It is their right hand that upholds our
homeland's present and her future.
In words of truth, lets speak of her
And let the fallen understand us.

The Lithuanian National Anthem, written in 1889, has been banned for many years but is being sung since the declaration of freedom. Freely translated, it reads:

Hail Lithuania, a true friend.
Land of heroes hoary.
From the past days sons may ever draw
their strength and glory.
May the children ever follow their undaunted fathers in devotion to their country
and goodwill to others.
May the sun of our loved shore shine upon
us evermore.
May our faith and truth keep our pathway
lighted.
May the love of fatherland make us strong
of heart and hand.
May our land ever stand peaceful and
united.

The people of the United States have no choice but to join lustily in the choir.

May Lithuania, with its children following undaunted fathers, ever stand sovereign. A true friend, this land of heroes hoary, deserves to be peaceful and united.

For the United States the dilemma posed by Baltic aspirations should not be wrenching. We simply have to harken to our heritage and hold to the exhortative beacon of thought encapsulated in the Lithuanian anthem.

May our faith and truth keep ours as well as their pathway lighted.

□ 1720

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 770, FAMILY AND MEDICAL LEAVE ACT OF 1989

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-479) on the reso-

lution (H. Res. 388) providing for the consideration of the bill (H.R. 770) to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees; employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave, which was referred to the House Calendar and ordered to be printed.

ORDER OF BUSINESS

Mr. DREIER of California. Mr. Speaker, I ask unanimous consent to allow the gentleman from Florida [Mr. IRELAND] to precede my special order and I will follow.

The SPEAKER pro tempore [Mr. DYMALLY]. Is there objection to the request of the gentleman from California?

There was no objection.

SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. IRELAND] is recognized for 60 minutes.

Mr. IRELAND. Mr. Speaker, I rise to pay tribute to the men and women who comprise our Nation's small business community. Congress has designated May 6 to 12 as "National Small Business Week" to recognize the contributions of America's 20 million small businesses.

I would like to take the next few minutes to put before my colleagues some fundamental ideas about the role of small business—and the role of government toward small business—in our society.

Our Nation's entrepreneurs, perhaps more than any group in the country, represent—the true spirit of individual economic and political freedom;

The true spirit of social and personal responsibility; and

The true spirit of our great country.

Their individual and collective contributions to their communities have improved the quality of life for all of our citizens. What's more, they set an example for the rest of the country—and even the rest of the world—to follow.

We all fulfill different roles in our daily lives—as family members, as employers or employees, as members of our communities and as citizens of the United States.

Part of what has made our country the most powerful in the world is that we understand the value of working together, of assuming various individual roles in order to achieve a common goal. And we do those things well.

We recognize that some people, and some organizations, are better equipped than others to perform certain functions—and we take advantage of those unique abilities and that knowledge.

I think that the Federal Government has a unique and important role in shaping our country, as well. But I think we have lost sight of just what that role should be.

You know, for years now, a powerful contingent in this body has tried to convince the American public that they must choose between ineffective, government-based, bureaucratic solutions to the problems we face as a society, and ignoring those problems altogether. They have done a masterful job of shaping public perception of domestic policy issues in those terms.

Here's how this concept works:

If you don't think that the Federal Government should be in the business of regulating and managing child-care centers, then you don't care about working parents and their children—or so this group wants us to believe.

If you don't believe that mandated benefits will magically provide affordable health insurance for every American, then you don't care about workers and their families—or so they want us to believe.

Now, the small-business community knows better than that. They've understood for years what some people in this country are just coming to realize: that big-government proposals just won't solve the very real and serious problems confronting our Nation today.

The record is clear on this point: big government just doesn't work. More and more people, all over the world, are driving that point home every day. They're proving it in Eastern Europe, in Central America, in the U.S.S.R.—and, yes—even in the United States.

Here at home, virtually all of our major cities are living proof of the failure of bureaucratic solutions to problems ranging from education to homelessness to drug abuse.

But our Nation's entrepreneurs also know that it is not enough to simply point out the failure to these bureaucratic policies.

We need to do more than just say "no, no, no!" to every bureaucratic-based solution proposed by those who believe that social engineering is more effective than free enterprise.

We must do more than simply scoff at proposals which rely on elite bureaucracies—rather than everyday people—to solve the very real social problems facing our communities.

Our Nation's small businesses know that it's not enough just to show that bureaucratic solutions don't work—that's easy!

They understand that they have an obligation to put forward ideas and solutions that will address these problems and to do so within the framework of the free-market policies that have made this country great. Policies that allow people the freedom to choose what works best for them, and for their families, their businesses and their communities.

Small business owners are a very special breed. Their belief in themselves, in their products and services, and in their employees is strong enough that they are willing to put everything on the line in order to see their businesses succeed.

We in the Federal Government need to begin to apply that kind of commitment, that kind of energy, and that kind of caring into addressing social problems we can no longer ignore.

We need to find ways to apply the same free enterprise, free market concepts that have made this country an economic superpower to the serious social problems we face.

And, we need to safeguard those free enterprise concepts that in the past have been threatened by unnecessary regulations, a counterproductive tax structure, and an attitude that small business should bear the economic burden of expensive, ineffective and bureaucratic solutions to social problems.

We have achieved major reforms in the regulatory process through the Regulatory Flexibility Act. But we need to do more along those lines. We need to give the act some teeth by subjecting agencies that fail to comply to full judicial review. I have introduced legislation that would achieve this goal.

The Regulatory Flexibility Act needs to apply to the Internal Revenue Service, as well. We all remember the nightmare of compliance problems caused by IRS initiatives concerning section 89. We all remember the simplified W-4 Forms brought to us courtesy of the IRS, and we all remember the auto log rules, and well.

Each of these fiascos could have been avoided if the IRS had simply been subject to the terms of the Regulatory Flexibility Act—terms that other Federal agencies have been working under for some time.

I understand that the Ways and Means Committee is seriously considering legislation to subject the IRS to the Regulatory Flexibility Act, and I applaud their efforts. It would mean substantial relief for our Nation's small businesses, and it would bring more accountability to the Government, as well.

Congress also needs to enact legislation to permanently authorize the White House Conference on Small Business. In the past, these forums have provided invaluable information on the needs and concerns of the entrepreneur. It is a dialog that we cannot afford to end.

The small business community is sending a message to our Nation's policymakers: there is a better way to solve the serious problems we face as a nation. But, small businesses, individuals, and local communities need to be part of the solution.

Instead of pouring our energies and resources into bloated, topheavy and out-of-touch bureaucracies in the name of social reform, we need to find innovative, effective solutions to the problems that we face and we must take advantage of the knowledge and experience of our Nation's entrepreneurs.

Small business people know from experience that people who are out of work do not need an unemployment system that discourages them from even trying to find a job.

They need training and skills to prepare them for the job market of the 1990's. Your practical knowledge could be put to work to help solve the problem nationwide.

Small business people know from working with their own employees that working parents don't need a "national nanny" to care for their children. They need safe, reliable, daycare alternatives within their communities—at a price they can afford.

Small business people know from experience in the workplace that we cannot conquer drug and alcohol abuse with yet another Federal program. Education, awareness and good old-fashioned values are the weapons with which we will win our war against drugs.

Small business people know that the answers to these and many other social problems will be found close to home, in our small businesses and in our local communities—not in an office full of bureaucrats who have never confronted the realities of the day-to-day world.

And small business people know that we need to develop—and implement—an activist strategy if we are to solve our national problems. A strategy that identifies creative, effective, and efficient solutions.

So, during this National Small Business Week, let us all remember that our Nation's entrepreneurs are the source of our prosperity and a living monument to the success of free market policies and individual freedom.

□ 1730

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I rise simply to congratulate the gentleman from Florida [Mr. IRELAND] on his fine effort in taking out this special order during this very important week as we honor those men and women who epitomize the backbone of the free market process, those small business people.

The gentleman talked about a number of very important issues, from child care to the drug and alcohol problem, and, of course, regulatory flexibility. But I think that one of the most important things that the gentleman referred to at the outset was the issue of encouraging the proliferation of the small business sector in these emerging democracies, in Eastern Europe, for example.

I think that it is very important for us to recognize that the small business community clearly is the backbone of this country. Not many people are aware of the fact that 95 percent of the new jobs created and innovations which come into society emanate from the small business sector of our economy. That is why it is extraordinarily fitting that this week be designed to salute those businessmen and women who do epitomize that small individual who is struggling to make this process work.

Mr. Speaker, I thank the gentleman for yielding and congratulate him for his special order.

Mr. IRELAND. Mr. Speaker, I thank the gentleman for his words and the analogy that what is happening in Eastern Europe is certainly a great tribute to the free enterprise entrepreneurial activity that has been generated in America, and that has come to the attention of those that have labored under socialism and its failed ideology for so long.

So if we remember then that our Nation's entrepreneurs are the source of this prosperity and are literally a living monument to the success of free market policies and individual freedom, ideals and policies that literally the world is rushing to emulate, as they learn, as the gentleman from California [Mr. DREIER] said, from experience, that socialism does not work, under these times, let us admit that three decades of big government, bureaucratic solutions, administering to our social problems, has not worked. Let us turn to individuals and small businesses for solutions to these problems, to people who know local conditions, to people who know how to treat people as customers, not as dependent clients, and people who know how to make things work.

National Small Business Week is the time to start making that change.

□ 1740

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. I am happy to yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding and join in commending him for bringing up this special order honoring our small business men and women.

It is interesting what is happening in Eastern Europe. Not only did the European people rise up and throw out communism, but in the votes in every country that has held a vote since that time they have also rejected socialism. They have opted for the kinds of policies that the gentleman and the small business community have been supporting and fighting for for years and years. So I think that is something that speaks very clear and very loudly.

There are those in this country who apparently have not gotten the message, but the people over there sure have, so I thank the gentleman.

Mr. IRELAND. Absolutely. The gentleman is quite right.

Mr. BLAZ. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. I yield to the gentleman from Guam.

Mr. BLAZ. Mr. Speaker, I just want to commend the gentleman from Florida [Mr. IRELAND] for that very fine presentation. I should like to add that for the first time in history, my congressional district was permitted a representative in the Small Business Administration activities such as we have had this week, and it is also very significant for us and indeed for our representative, Mr. Bill Thomasson. I just wanted to go on record as saying they did a magnificent job of setting the record straight on this very important community of small business people and I thank the gentleman for giving me the opportunity to congratulate him and to insert this little footnote, because it is a first for my territory of Guam.

I thank the gentleman for yielding.

Mr. IRELAND. I thank the gentleman from Guam for his fine words.

Mr. JAMES. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. I yield to the gentleman from Florida.

Mr. JAMES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to thank my friend and colleague Congressman IRELAND for bringing this special order to the floor today. Small business has been one of the most important sectors of the American economy since the inception of our republic. For many people around the Nation, the ability to own a small business is the embodiment of the American dream. It is capitalism at its best, allowing men and women with new ideas and innovative services to offer them to the public and working hard to make an honest dollar. Small businesses provide thousands of jobs and pay millions of tax dollars each year. There is little doubt that small business is a major contributor to the American economy and a big part of the American way of life.

I am sure that most of my colleagues here in the House would strongly

agree with what I just said. Yet, by our actions in Congress, it seems that we want to cripple this vital part of America. Congress continues to burden small businesses with costly paperwork, mandated benefits, and nearly unintelligible regulations. In addition, our current economic policies make the economic climate much more difficult for small businesses to operate well. Our taxation policies and our deficit spending raise the cost of capital as well as interest rates, choking off needed capital flows to small business. That in turn makes our businesses less competitive, making them more vulnerable to foreign competition and raising the spectre of even greater imports of foreign goods. My friends, no one needs to tell us that we already have a trade deficit that is huge and getting bigger. For the health of the American economy, we simply cannot afford to continue this course of action.

The solutions to these problems are diverse, and they will not be easy to implement. However, they are easy to identify. We must cut the tax on capital gains so that savings and investment will be encouraged. We must realize that we cannot continue to pass along mandated policies and benefits to small businesses without a loss of jobs, greater inflation, and a weaker competitive position for America. We must cut our budget deficit, so that interest rates will decline, the cost of capital will decrease, and our trade position will improve. We must cut unnecessary paperwork and regulations that burden the small businessperson beyond what is necessary. In short, we must exercise smart business policies.

Small business faces a crossroads today. If we want to avoid a nation of conglomerates, if we want to keep the American dream alive, if we want to provide jobs and build a strong economy, then we must work for small business. The time for action is now, so let's do what is right.

Mr. IRELAND. I thank the gentleman from Florida for his words.

I end as I began and thank the gentleman from California [Mr. DREIER] for allowing this special order to come before his. He is a distinguished member of the Small Business Committee, and one who labors hard and long in that field for the entrepreneur.

Mr. Speaker, I yield back the balance of my time.

Mr. DWYER of New Jersey. Mr. Speaker, I would like to thank my colleague, Congressman IRELAND, for arranging time today so that we might pause to commemorate Small Business Week.

As part of the celebration of Small Business Week, I wish to congratulate a small businessman from my district, Mr. Arthur Brady of Arthur Brady Associates, Inc. in Perty Amboy, NJ. Mr. Brady has been named the "Regional Small Business Subcontractor of the Year for Region II," having been nominated for this award by a client, Hughes Aircraft.

A decade ago, Arthur Brady established a commercial materials testing laboratory with one employee. His company, Arthur Brady Associates, has grown since 1980 into a firm with 10 employees who operate not only the testing lab but also a manufacturing division to make solder for electrical equipment, specifically for printed circuit boards.

"A dynamic team of creative problem solvers" is how Mr. Brady describes his employees, but is clear that such creativity and dynamism flows from the company's founder. Mr. Brady, who previously worked for AT&T and General Motors as a chemist, is originally from Jamaica, and has become an American citizen. He has worked hard to publicize his company's products and has built a client base which includes such customers as ITT, Allied Signal, DuPont, and IBM. His success stems from quality service, fair pricing, and consistency in the delivery of a good product. These attributes have enabled the Department of Defense to qualify his company for the Qualified Products List, a designation within DOD of high-quality products.

He has contributed to his community not only by the product he provides but through the jobs he has provided in both Middlesex and Union County, NJ. I am proud to congratulate Mr. Brady and his employees on their efforts and wish them continued success in the future.

Mr. STEARNS. Mr. Speaker, I rise today in order to pay tribute to America's small business community. As a small businessman myself, let me say I am especially honored to have this opportunity to recognize the industrious spirit of my small business peers.

As American's, we have all benefited from the innovation and industry of our entrepreneurs. It is only appropriate that we set aside this week to celebrate their accomplishments and recognize the attributes of their enterprise. The success of American small business is at the heart of our Nation's unprecedented history of peace and prosperity. Our acclaimed traditions of ingenuity and productivity are embodied by the daily efforts of our small business people, and are envied by people the world over.

As the walls of isolation and oppression crumble throughout the globe, it is appropriate that this year's theme suggests the continuation of American business leadership into the 21st century. Today, opportunity for innovation and industry is tantamount. New challenges associated with the emerging democracies and the need for environmental technology beckon for American ingenuity. As legislators, we must encourage small business participation, and enlist their expertise as we assist in the transition of Eastern Europe to democratic, free enterprise states.

I thank my colleague, Congressman IRELAND, for taking the initiative to recognize the small business community. I for one, am pleased to add my support for Small Business Week, and I hope that my colleagues in the House will add their support as well.

GENERAL LEAVE

Mr. IRELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the subject of my special order today.

The SPEAKER pro tempore (Mr. DYMALLY). Is there objection to the request of the gentleman from Florida?

There was no objection.

HUMAN RIGHTS VIOLATIONS IN INDIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER of California. Mr. Speaker, I very much appreciate the fact many of my colleagues have joined me here for this important special order. I would like to begin by associating myself with the remarks of my friend, the gentleman from Iowa [Mr. LEACH] who was speaking just a few minutes ago about the various serious situations that exist in Eastern Europe.

Mr. Speaker, it is apparent that we spend a great deal of time in this House talking about some very serious situations and human rights violations which have taken place in many different parts of the world. We have focused, of course, a great deal in recent weeks, and will later this week, on the situation in Central America. We have been speaking during the special order of the gentleman from Florida [Mr. IRELAND] about the situation in Eastern Europe. We are often talking about a wide range of places, but very tragically there is a part of the world that too often has been forgotten, and I know that my friend from Indiana [Mr. BURTON] has earlier this afternoon been talking about the situation as it exists in India, and the horrible, reprehensible violations of human rights which have taken place there.

I have a great many points which I hope to make over the next few minutes, Mr. Speaker. I am going to talk in detail about some of the tragic human rights violations which have taken place in Kashmir and other parts of India, but I do have many colleagues who have chosen to join me during this special order.

Mr. Speaker, I begin by yielding to my very good friend, the distinguished delegate from Guam, and I am speaking of course of General BLAZ. I am happy to yield to my friend from Guam.

Mr. BLAZ. Mr. Speaker, I thank the gentleman for yielding to me and appreciate it very much.

When I told some of my friends I was going to the floor today to speak on behalf of the Sikhs and Kashmiris, somebody asked me what I was doing

in that part of the world, and my response was, having experienced violations of human rights myself and my own people not too long ago, I felt an obligation to champion the cause of political self-determination, freedom, and those basic things that we all take so much for granted in our country. That is the reason I am here.

I am not here to offer an apology to anybody. On the question of human rights, nobody should offer an apology to anybody, any time.

If we cannot ensure that protection of human rights to citizens everywhere, we have our priorities pretty well mixed up, and we probably should not even be here.

Mr. Speaker, many of my colleagues have spoken out on the continuing repression in India against the Sikhs in Punjab and the Kasmiri Muslims.

□ 1750

Mr. Speaker, that situation appears to have worsened in recent days when the Prime Minister of India, V.P. Singh, issued a statement urging the Indian people to "prepare psychologically" for war. Rather than preparing for war, India should prepare to end any repression and grant freedom to the Sikhs and Kashmiris.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the organization which leads the Sikh struggle for freedom worldwide, recently issued an open letter to Prime Minister Singh in which he states that if Mr. Singh's saber-rattling succeeds in provoking a war, the Sikhs and Kashmiris will fight alongside Pakistan to insure their freedom from India and its continuing repression. This would be a disaster for India and for the subcontinent.

The Sikhs have every reason to seek their freedom. Sources indicate that over 80,000 Sikhs have been killed in India since the Indian Government's action against the Golden Temple, Sikhism's holiest shrine, in June 1984. I have been led to believe that another several thousand are still in Indian jails for political offenses—allegedly being held without charge, trial, or access to legal counsel. If this is indeed true, then they are being denied basic civil rights by the continuing application of the repressive 1984 Terrorist and Disruptive Activities Act, which permits the security forces to arrest and detain indefinitely anyone they arbitrarily decide is a terrorist. Yet, to my knowledge, no supposed Sikh terrorist has ever been brought to trial. Instead, they reportedly die in police custody or in extrajudicial killings known as fake encounters.

The Punjab Human Rights Organization, chaired by the respected former Justice of India's High Court, Ajit Singh Bains, is apparently claiming that extrajudicial killings by the security forces have increased since Mr. Singh took office. This organization maintains that some 7,000 Sikh youths have been killed by the security forces in the past 2 years alone. Again, if true, this is so despite Mr. Singh's supposed promises of reconciliation. Furthermore, reports indicate that two Sikh Members of Parliament were allegedly beaten and injured in February while participating in a supposedly peaceful demonstration. Again, on December 28, 1989, the Hon. Jagdev Singh Khudian, a Sikh Member of Parliament, is said to have been kidnaped by the security forces—while I have been told that the authorities announced 5 hours later that he had committed suicide. Interestingly, when his body was found 5 days later an autopsy is said to have revealed that he had been dead for only 20 hours. The cause of death was allegedly a blow to the abdomen which could not have been self-inflicted.

If these atrocities have in fact taken place, the Sikh nation has reason to fight India for their freedom. Indeed, on October 7, 1987, they reportedly declared themselves the independent nation of Khalistan. I am on record as saying that Khalistan is the only solution to the Punjab problem. But apparently, Prime Minister Singh would rather blame Pakistan and fan the flames of war. I believe that Khalistan would like to settle the issue peacefully, by sitting down with the Singh government and negotiate the boundary between Khalistan and India.

The situation in Kashmir is said to be just as bad. Reports indicate that the regime has recently imposed a permanent curfew and an economic boycott more stringent than that which the Soviets recently imposed on Lithuania. Two recent massacres in the Kashmiri capital city of Srinagar have supposedly killed hundreds of people. I am told that the media has been completely banned from Kashmir. Nevertheless, it is my understanding that India publicly agreed in 1949 to let the Kashmiri people decide their future by plebiscite. Yet they apparently continue to impose a reign of terror on those innocent people who—according to the reports—only seek their right to self-determination.

I am even told that the Indian regime is so eager to cover its brutal repression that it will not allow Amnesty International or other human rights organizations to investigate the situation. Even Castro's Cuba is said to permit Amnesty International to operate in the country, but India, which allegedly claims to be the world's largest democracy, apparently does not.

The open letter by Dr. Aulakh will further enlighten my colleagues on the terrible situation there, and I am including it in the RECORD with these remarks. I hope that the United States will take the principled stand and try to help achieve freedom for Khalistan and self-determination for Kashmir by peaceful means. Further war is not in anyone's interest.

The letter referred to is as follows:

COUNCIL OF KHALISTAN,
Washington, DC, April 17, 1990.

WAR WITH PAKISTAN WOULD BE DISASTER FOR INDIA; KHALISTANIS, KASHMIRIS WILL FIGHT ALONG WITH PAKISTAN

DEAR PRIME MINISTER SINGH: Your recent statement urging the Indian people to "prepare psychologically" for war with Pakistan was irresponsible and inflammatory. It is not Pakistan which is responsible for your troubles in Punjab and Kashmir. No, instead of preparing for a futile war with Pakistan, you should be preparing the Indian people to give freedom to the Sikh nation and self-determination to the Kashmiris.

The peoples of Kashmir and Khalistan don't want Indian suppression and genocide. Your regime must stop these imperialist, terrorist policies. The massacres at Srinagar and the recent killing and brutal beating of Sikh Members of Parliament have only made our people more determined to throw off the yoke of oppression.

In 1949, India committed to a plebiscite in Kashmir. But if the Kashmiris dare to ask for that promise to be fulfilled, they are brutalized and murdered by your security forces. The Sikh nation of Khalistan declared its independence for India on October 7, 1987, and severed all ties to the Indian constitution. Your response has been to murder our leaders like Jagdev Singh Khudian, continue the policy of genocide against our people which has resulted in over 90,000 deaths since your terrorist attack on the Golden Temple—our most sacred shrine—in June, 1984, and the arrest and detention of another 14,000 Sikhs without charge, trial, or access to legal counsel—basic human rights which any democracy grants to all its citizens.

Your regime has committed untold atrocities against our people. As Max Madden, A British MP who has recently returned from India, reports, "I shall never forget the Sikh father whose daughter was raped and drowned by a police officer. The father was brutally beaten by police three times over two days. He was seeking the return of his daughter's body for cremation. He was warned that if he did not stop complaining, what had happened to his 14-year-old daughter would happen to his 7-year-old daughter. The father is refusing to wear shoes until he gets justice. I shall not forget the young Sikh who was shot as a terrorist after he stood with his arms above his head in a field for five minutes. The police later admitted that they had made a mistake. Senior police officers saluted at the young man's cremation. His family is still waiting for the compensation that it was promised. I shall not forget the relatives of the young man who was shot while marching in a Sikh religious festival. Again, the police admitted a mistake. His brother has been warned off pressing for police officers to be punished."

"There were men and women who showed us bruises, scars, broken arms and broken legs which were the result of police interrogation. I shall never forget the men and women who complained of systematic police harassment, with regular house searches, property smashed, goods and money stolen, and threats of extortion of money to avoid imprisonment", Madden reported. These

acts are typical of the policies of your regime.

According to the Punjab Human Rights Organization (PHRO), chaired by the respected Justice Ajit Singh Bains, 7,000 Sikh young men have been killed by police in extrajudicial killings in the last two years alone. These killings have increased under your regime.

As President of the Council of Khalistan, I warn you that this time if you go to war with Pakistan, the Sikh nation will fight alongside the Pakistanis to liberrate our homeland, Khalistan, and alongside the brave Kashmiris to insure their right to self-determination. This will mean an embarrassing loss for India.

Punjab belongs to the Sikhs. We ruled it from 1770 until the British annexation in 1849. When the British quit India, they recognized three nations which were to receive power: the Hindus (India), the Muslim League (Pakistan), and the Sikh nation. The Sikhs opted to take our share within India on the solemn assurance of Nehru and Gandhi that we would be treated as equals and no law would be enacted which was not acceptable to the Sikhs. Nehru promised that "in the north of India, the brave Sikh people will know the glow of freedom." But from the achievement of independence, the Indian government has betrayed us. Instead of the glow of freedom, we have known only the dark cloud of oppression and genocide. Just as India sought to be free from British control, now Khalistan seeks to be free from Indian control. You have betrayed all your promises to the Sikh nation.

Freedom is the birthright of all people and all nations. Khalistan and India are neighbors. Isn't it better for your security to live in peace with your neighbors, rather than trying to suppress their desire from freedom through brutality and genocide? Recent experience should show you the futility of your efforts to bend your neighbors to your will by force. If 50,000 Indian troops cannot suppress the Tamils in Sri Lanka, do you think you can continue to suppress the freedom of the Sikh nation in Khalistan. Do you think you can forever deny the Kashmiris their right of self-determination?

If three million brave Lithuanians can claim their freedom from the Soviet Union, how can you imagine that your troops can keep 17 million Sikhs suppressed any longer?

Your calls for war are opening the way for a disaster, Mr. Prime Minister. Continuing your repressive, terrorist, and genocidal policies will only further the erosion of India's tattered image around the world. In spite of your best efforts, the truth about your regime is coming out. Isn't it time to sit down and peacefully demarcate the bounaries between India and Khalistan? Isn't it time to let the Kashmiris decide their own fate, as India promised to do in 1949? Or is a futile war and massive bloodshed what you and your Hindus fundamentalist oligarchy prefer? Please do not do this to the region, Sir. Please end this peacefully by peacefully demarcating the boundaries between India and Khalistan, and withdrawing our occupying army from Khalistan. Your people and ours demand it. Humanity demands it.

Sincerely,

Dr. GURMIT SINGH AULAKH,
President, Council of Khalistan.

Mr. BLAZ. Mr. Speaker, as one who has participated in more than my share or more than I would have cared to in this business of war, it was with a great deal of thought and consciousness that I decided to retire and turn in my sword for the pen that I now hold here in this House.

War is a lousy solution.

But let me commend so many people who have led this movement before me so that I do not want anyone thinking that somehow I deserve any kind of credit. I am talking about the distinguished gentleman from Indiana [Mr. BURTON], the distinguished gentleman from California [Mr. DREIER], and the distinguished gentleman from California [Mr. LAGOMARSINO], who come to this floor to make this case in behalf of human rights.

You know, it would be a lot easier not to get involved but I always thought back on my own experience and wonder what would happen to me if someone like the Burtons, the Lagomarsinos and the Dreiers of life had not been involved.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DREIER of California. Mr. Speaker, I thank my friend, the gentleman from Guam, General BLAZ, for his very able contribution. He does not give himself credit appropriately. He is certainly one of the most decorated heroes, having struggled over decades in behalf of the freedom which we all enjoy, and he understands very clearly what it is that the people of India are desperately seeking.

Now, Mr. Speaker, I would like to thank my colleague, the gentleman from California [Mr. LAGOMARSINO] for joining us, and yield to him at this time, the former mayor of Ojai.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman in the well, the gentleman from California [Mr. DREIER] for taking out this special order and thank the gentleman from Indiana [Mr. BURTON] for having an earlier special order on the same subject. Of course, I join the gentleman in the well in commending our distinguished colleague, General BLAZ, for his efforts and for his comments here this afternoon.

Mr. Speaker, for years, many of us in the Congress have lamented the tendency among some of our liberal colleagues to hold a double standard on human rights, by denouncing human rights violations by authoritarian regimes or rightist military regimes but ignoring those violations by leftist or totalitarian regimes.

There are also those in this body who hold a double standard on human rights depending on whether the offending country is an ally or not or a democracy or not.

If you truly support the protection of human rights, then you must speak out about abuses and repression wherever they occur. Being an ally or being a democracy should not grant a nation immunity from criticism for human rights abuses.

Such is the case with India. In terms of population, it is considered to be the largest democracy in the world.

Yet, human rights abuses do occur in India, particularly in the State of Kashmir and in the Punjab among the Sikh and Muslim populations.

Anyone who has followed closely the events in India in recent years knows the tensions and the tragedies that have prevented the peaceful coexistence of the peoples inhabiting that northern Indian State and the Punjab.

Without attempting to reconstruct all the charges and countercharges on each side, I believe it is important at this point for all sides to realize that further provocative acts by the Government and by the opposition will only produce greater bloodshed without achieving a peaceful resolution of the problems confronting the people of Kashmir and the Punjab and the Government of India.

One way to help reduce the tension and the atmosphere of distrust and confrontation would be to permit a respected organization devoted to the protection of human rights to review the situation in the State of Kashmir and the Punjab and in India. By allowing such an organization, like Amnesty International, to assess the human rights situation in India, it might be possible to develop an impartial basis on which to advance a dialog between the groups in conflict.

Only through peaceful dialog will it ultimately be possible to resolve the differences confronting those who are being persecuted and those who are abusing the rights of a significant minority.

All of us who seek protection of human rights must join together in calling on the Government of India to allow human rights observers to review the situation in India and to offer our support for a peaceful resolution of the crisis affecting the competing sides in India.

□ 1800

Mr. DREIER of California. Mr. Speaker, I thank my friend, the gentleman from California, for his contribution and the efforts he has put forth over the years in behalf of this very important issue.

We have with us two Members who have been extraordinarily active in behalf of this cause over the past several years, Mr. Speaker, and I will mention the legislation which has recently been offered in the form of the Human Rights in India Act, H.R. 4641. That legislation has been introduced by my colleague, the gentleman from Indiana [Mr. BURTON] and my colleague, the gentleman from California [Mr. HERGER], who has been working

with our good friend, Dr. Aulakh, over the years in behalf of such cause.

Mr. Speaker, I first yield to my friend, the gentleman from Indiana [Mr. BURTON], who has spoken earlier today on this issue but who I know has other important contributions to make.

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague, the gentleman from California, who really is a fighter for human rights around the world, for taking this special order. I am rather glad that the gentleman took this special order because if he had not, we would not have had the opportunity to hear from some of our other colleagues because my special order ended so quickly. I really appreciate the gentleman doing that, and I know my colleagues from the Punjab and Kashmir appreciate his efforts as well.

I think, speaking in generalities, particularly when our colleagues are listening or other people who are interested are listening, sometimes it does not hit the mark, so what I would like to do is for just a couple of minutes talk about specific atrocities that are taking place in Kashmir and the Punjab so that my colleagues who are paying attention will know precisely what we are talking about. Let me just give the Members a few examples.

Mr. DREIER of Califorina. Mr. Speaker, as the gentleman knows, we have a litany of examples. I have an entire file folder filled with examples here. When the gentleman said, "I have a few examples," let me point out that we know the situation is so tragic that there are many examples.

Mr. BURTON of Indiana. There are thousands, literally thousands of examples. But I think my colleague and I agree that it is important to specify these few examples.

Mr. DREIER of California. Absolutely.

Mr. BURTON of Indiana. It is important to specify them so people will know how bad it is.

Indian troops attacked a peaceful protest rally staged by girl students in February in Srinagar—I hope I pronounced that right—and they beat those students severely.

Indian occupation forces shot and killed a 7-year-old boy in Srinagar in Indian-occupied Kashmir on January 10, 1990, for displaying a Pakistani flag. We are told a 7-year-old boy was killed just because he was showing a flag.

This is really an atrocity. Indian occupation forces who have heightened their terror campaign in occupied Kashmir cut into pieces—listen to this—cut into pieces the bodies of 37 Kashmiris and have strewn these pieces of their bodies over a wide area. Not only is that an atrocity, that is unthinkable. It is unthinkable that they would do that sort of thing.

Kashmiri lawyers boycotted the courts recently because they had been ransacking the offices of permanent lawyers and trying to control what they do in the courts. Indian troops brutalized Kashmiri women in Rishra.

Indian occupation forces shot dead over a dozen Kashmiri demonstrators on January 8, as the freedom struggle attained new intensity. Indian occupation administration has rearrested Bashmir Ammad Bat, Secretary General of the Masash Abadi recently. They are holding him without trial for up to 2 years. Not only are they committing these atrocities, they are holding people without trial.

Then we talk about our good friends, the Sikhs. This gentleman, Max Madden, from the House of Commons reports that there was a Sikh father whose 14-year-old daughter was raped and drowned by a police officer, and then the father was brutally beaten by police three times over the next 2 days. He was seeking the return of his daughter's body for cremation, and he was warned that if he did not stop complaining, what happened to his 14-year-old would happen to his 7-year-old daughter, that she would be raped and drowned.

This Mr. Madden went on to say, "I shall not forget the young Sikh was shot as a terrorist after he stood with his arms over his head in a field for 5 minutes." The guy had surrendered. I mentioned this earlier in my remarks. And he said he should not forget the relatives of the young man who was shot while marching in a Sikh religious festival.

They admitted that it was a mistake. What kind of a mistake is that when they had taken a life?

He said he should not forget the 500 prisoners in Amritsar security prison who were lined up in the Sun to meet him and his team. Each one was holding his record papers. There were more than 300 held on very petty offenses without bail, and the youngest was a boy of 14. And they are holding these people for up to 2 years.

Then he talks about the scores of people he met when he was over there, men and women and children who showed him bruises and scars and broken arms and legs that were the result of police interrogation and torture.

Then he talked about the widows and the orphans who were suffering because of their loved ones, their husbands and fathers that had been killed and tortured and not accounted for.

So I just say to my colleague that I think these specific examples may emblazon upon the hearts and minds of our colleagues and the people who are paying attention to this special order the magnitude of this torture and tragedy that is taking place over there.

We in America live in a democracy supposedly not unlike the democracy that exists in India, and we believe in human rights and we believe that atrocities like this should not take place anywhere in the world, but especially not in a country that proposes to have a democracy.

Mr. DREIER of California. Mr. Speaker, if I may reclaim my time for just a moment, I think the gentleman makes a very good point.

As has been pointed out by a number of our colleagues, this is supposedly the largest democracy in the world. We constantly hear that, and we know that last November, with the election of Prime Minister Singh, there were many people who believed that although human rights violations had been ignored under the goverment of Rajiv Gandhi, many held out a great deal of hope that under the Singh government there would be a greater recognition of these human rights violations. But tragically, we have gotten to the point where there has been very little, if any improvement, and in some areas, as we all know, for those seeking freedom in Kashmir it has gotten worse with the kinds of curfews that have been imposed, along with these extraordinary examples.

One of the points that needs to be made, of course, is that when we heard from Mr. Madden, who is the member of Parliament, a member of the House of Commons who entered the statement to which my colleague referred in the March 22 issue of the record kept in Parliament, it was very clear that that was his finding, because we know that we do not have the independent finding of Amnesty International.

In fact, India is the only democracy on the face of the earth which has not allowed Amnesty International to go in and observe the kinds of atrocities that are taking place, and I think the fact that they have violated it leads us to recognize the fact that human rights violations are going on.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield further?

Mr. DREIER of California. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I do not know why they will not let Amnesty International or any human rights group in there, but what really mystifies me is, as I understand it, the fact that they will not even let the Red Cross in there. That is a very humanitarian organization that has no political ties to anybody. They are just there for humanitarian reasons. I think that is an indictment of the Indian Government, that they are keeping human rights groups out, and even more so, it is a greater indictment because they will not let the Red

Cross in to help those people who are suffering over there.

□ 1810

Mr. Speaker, that is a very good point that the gentleman from Indiana [Mr. BURTON] makes.

As we continue to look at some of the other atrocities; I was just looking at one of the examples here where 88 policemen were involved in rapes in one single village raid.

Mr. BURTON of Indiana. Now wait a minute. Let me get that straight. Eighty-eight?

Mr. DREIER of California. Absolutely.

Mr. BURTON of Indiana. Eighty-eight policemen were involved in this?

Mr. DREIER of California. Eighty-eight policemen were involved in the rapes during one single raid in a village.

Now, if we were to see this kind of atrocity taking place in almost any other part of the world, we would see outrage expressed all over the floor of this Congress, and that is why I implore my colleagues to recognize that these kinds of things are taking place, and we should not stand by while this government does this.

Mr. Speaker, we have also seen on top of these atrocities assistance going to the government which we have been fighting throughout the past decade, and 1.5 million people have lost their lives for. That is the government of Dr. Najibullah of Afghanistan.

Mr. BURTON of Indiana. Right.

Mr. DREIER of California. Mr. Speaker, the Indian Government has continued to provide backing for that Soviet-backed regime there which has overthrown the people of Afghanistan, forced a third of their population into refuge, into Iran and Pakistan, and they now have the support of this government which is standing by and tolerating these kinds of human rights violations in their own country of India.

Mr. BURTON of Indiana. The gentleman from California [Mr. DREIER] is right, and, if the gentleman will yield——

Mr. DREIER of California. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I would just like to send a message to the new Prime Minister of India. I mean he has been in a short time. His predecessor, Mr. Gandhi, was looked upon by many Members of this body with a great deal of disfavor because of the atrocities and human rights violations that were taking place in the Punjab, and Kashmir and elsewhere, and I would just say that Mr. Singh has a tremendous opportunity to bring about positive change in creating a new human rights image for the country of India, if he will but do it. Many of the Indian people who are not Sikhs, who are not Kashmiris, share our concerns about the human rights violations, and I think that Mr. Singh could be one of the most popular leaders India has ever had if he would forthrightly say to the people of that country, "We're going to do away with terror. We're going to do away with these human rights atrocities and human rights violations and make sure that everybody is treated humanely."

Mr. DREIER of California. The gentleman from Indiana [Mr. BURTON] is absolutely right. There is no doubt about that, but the tragic thing is the record, as has been developed over the past several months since the election in November, it is atrocious.

The day before yesterday on the front page of the Los Angeles Times, a paper which I read naturally, there was an article which says, "For Kashmiris, Uprising Brings Fear, Pain, Deaths," and in this article it says:

India's security forces launched a bloody crackdown on the Kashmiri uprising for independence, hundreds have been killed, thousands have been beaten, tens of thousands have been searched and hundreds have been jailed.

Mr. Speaker, it goes on to say that doctors and nurses say that their ambulance drivers have been beaten, and hospital staff members have been arrested and tortured. And this is all in this article in the Los Angeles Times, and, Mr. Speaker, I ask unanimous consent that I be able to incorporate this article from our hometown newspaper in the RECORD at this point.

The SPEAKER pro tempore (Mr. DYMALLY). Is there objection to the request of the gentleman from California?

There was no objection.

The article referred to is as follows:

[From the Los Angeles Times, May 6, 1990]

FOR KASHMIRIS, UPRISING BRINGS FEAR, PAIN, DEATHS

(By Mark Fineman)

SRINAGAR, INDIA.—In the shadow of the snow-capped Himalayas, beside the tourist houseboats that ring Kashmir's legendary Nagin Lake, Prof. Mohammed Yusuf watched in disbelief last week as Indian soldiers beat his only son.

"At least 200 of them fell on him and started beating on him with their fists and sticks," the 70-year-old retired school principal said, his voice cracking.

"I thought he was dead. But I threw myself on him to save his head. I took two strokes on my back before they pulled me off. And then they just kept beating him and beating him and beating him until he passed out."

And all because of four letters hand-painted on an old chinar tree just outside Yusuf's family house—that, and his son's defiance when the soldiers ordered him to lick each letter off with his tongue.

The letters were J.K.L.F.—the ever-present signature of the armed Jammu and Kashmir Liberation Front secessionist force. And the drama that unfolded on the banks of the lake that was once a mecca for international tourists was typical of a litany of horrors that has transformed India's majestic northern most state into a nightmare in paradise.

In the two months since the state government expelled foreign journalists from Jammu and Kashmir and India's security forces launched a bloody crackdown on the Kashmiri uprising for independence, hundreds have been killed, thousands have been beaten, tens of thousands have been searched and hundreds have been jailed.

Reliable numbers are impossible to obtain. Few journalists have ventured into the embattled state since it was declared off-limits to the press.

But, for three days last week, a Times reporter quietly toured Kashmir's war-torn capital of Srihagar by bicycle, interviewing dozens of Kashmiris, ranging from truck drivers to doctors, and witnessing the daily "cross-firings" between Kashmiri urban guerrillas and Indian troops. These clashes have left scores of civilian bystanders dead and spread panic throughout this once-idyllic Himalayana city.

The visit found a once-rich region that is suffering physically and all but dying economically. Tourism, which once provided 80% of all revenue, is non-existent. And everyone said they are living in fear—either of mukhbirs, military informants, or of moujahedeen, Islamic holy warriors from any one of half of dozen armed Kashmiri insurgent groups.

"We only have two choices now," one prominent Kashmiri businessman said, asking not to be named. "Either you become mukhbir or moujahedeen. And, in either case, maybe you die. But, even then, almost everyone is moujahedeen now. Everyone wants independence."

The uprising, in which Kashmir's overwhelming Muslin population is demanding secession from Hindu-dominated India, has assumed grave international importance in recent weeks. India has accused its Islamic neighbor, Pakistan, of training and arming Kashmiri insurgents across the state's international border, and Indian Prime Minister Vishwanath Pratap Singh has warned his nation to prepare for its fourth war with Pakistan in 30 years.

Fighting over the territory in 1947-48 resulted in a division of the Kashmir region, with India controlling the southern part and absorbing it as an Indian state, and Pakistan administering the northern part. Indian and Pakistani troops face each other along a cease-fire line across the region.

Even if the current conflict stops short of war, something most analysts hopefully predict, Kashmir has become a critical test case for India's claim as the world's largest secular democracy.

Already, Indian human rights groups have harshly condemned the army's brutal crackdown, which is being carried out largely by Hindu troops and presided over by the state's appointed Hindu governor, Jagmohan.

Most independent analysts in New Delhi agree that much of the Kashmiris' anger and frustration is well-founded—the result of decades of political manipulation and broken promises by national politicians in New Delhi, who are bound by a 1947 accord that granted the Kashmiris full autonomy in all fields except defense, communcations and foreign affairs. That guarantee was the basis of Kashmir's original decision to join India rather than Pakistan during the partition of the subcontinent.

Even several senior army officers involved in the crackdown told the Times privately

that they blame the New Delhi government for failing to defuse the unrest politically before resorting to what one army general called "territory bitter medicine."

"The Kashmiri problem was created by the failure of the political process," said Indian political analyst Rajni Kothari, who serves on the governing planning commission and signed a recent published appeal for peace between India and Pakistan.

"The movement in Kashmir is toward democracy and independence, and there is simply no wishing it away."

Despite the Indian military campaign to force Kashmiris to remove the pro-independence and anti-Indian graffiti from the walls, trees and lampposts of Srinagar, the city remains covered with the written code of anger and secession.

"I.D.G.B." is the most common scrawl on walls throughout the city. It stands for, "Indian Dogs Go Back."

Thousands of house-to-house searches have failed to unearth major arms caches or break the militants' inner-city underground network.

In daylight and just yards away from Indian sentries, a reporter was taken to the home of a top leader of the Jammu and Kashmir Hezbollah Moujahedeen, the less popular pro-Pakistan faction of the two major armed groups in the militant alliance. There, with an AK-47 assault rifle that was once part of a U.S.-financed arms shipment to Afghan moujahedeen rebels at his side, the leader pledged to intensify the Kashmiri rebellion later this year by using more sophisticated weapons. These, he said, would include U.S. Stinger anti-aircraft missiles that he said the Kashmiris are buying in Pakistan.

"Until then," he said, "we'll continue using just grenades and small arms" to carry out daily attacks on Indian army bunkers and convoys, which he called "a catch 'em while they're sleeping" tactic.

Despite the presence of thousands of Indian soldiers and paramilitary forces in a city that has suffered longer under curfew than any other Indian city in recent memory, scores of Kashmiris openly greeted a passing reporter with such phrases as "those bloody Indian dogs" and "all we want is freedom."

Everyone interviewed at length told a personal tale of torture or deprivation.

Maulvi Mohammed Hussain Turibi, the imam (preacher) at the Batamaloo Sahib Mosque in Srinagar's old city described how he and his son were beaten, kicked and punched by soldiers intermittently for an entire day while being forced to walk through the neighborhood, using their bare hands to cover wall slogans with cow manure.

"I had been preaching what the prophet used to say," Turibi said when asked why he and his family were singled out. "I used to preach that we are slaves, that we should get liberated.

"But we are being terrorized now, and I feel that if I speak out again, I will again be taken and beaten."

At a hospital, several surgeons and physicians, all of whom asked not to be named, gathered in the chief surgeon's office and described the human toll of 15 consecutive days of round-the-clock curfew, followed by an intermittent curfew last week.

Diabetics and heart patients have died for lack of medicine, they said. Pregnant women delivered stillborn babies because they couldn't reach the hospital. Children have died of acute gastroenteritis. And a continuing meningitis epidemic has claimed the lives of many others.

Conceding their support for the armed liberation movement, the doctors said they are being followed by "Indian agents." They said that their ambulance drivers have been beaten and hospital staff members have been arrested and tortured.

"Look what this government has done," one of the doctors said. "A bureaucrat is a suspect. An engineer is a suspect. A doctor is a suspect. A lawyer is a suspect. My god, a policeman is a suspect.

"If we are all suspects, then who is with them [the Indians]?"

Gov. Jagmohan, who was appointed by New Delhi and given almost unlimited power to resolve the Kashmiri crisis in February, insisted that his harsh strategy is working and that most of the Kashmiris are now against the militants. He denied that the movement is an uprising.

"This is not my perception," he told two American journalists after they emerged from Srinagar's political "underground" Friday. "My feedback is entirely different. . . . When the people meet us now, they say; Thank God you saved us from these terrorists.' "

Rejecting the reporters' observations that entire neighborhoods of Srinagar are still thick with liberation front flags and discounting firsthand reports of the army's harsh campaign against the wall slogans, Jagmohan added, "There is hardly any flag of the militants flying in this city, and the slogans are no longer there on the walls. The people themselves are removing the slogans.

"All these things show there has been tremendous positive gain."

The governor, who had enjoyed wide popular support from the Kashmiris after his first term during a less-troubled time in the 1980s, insisted that the crackdown was regrettable but necessary.

"How many people did Abraham Lincoln have to kill to preserve the American union?" Jagmohan said in justifying the Indian campaign to retain one of it most strategic border states.

"I don't think the people are that upset by the searchers and all—well, maybe some, yes—but we had no other option but to go in for this," he said, interrupting the interview at one point to angrily tell an official of state-run television over the telephone, "Why can't you go film in some remote areas where life is normal and show that."

But there were no film clips of Kashmir on the state-run news that night. There was only an announcer reading from a TelePrompter—one paramilitary soldier shot dead and three others wounded when "terrorists" opened fire on a convoy of troops.

The announcement was followed by a long interview with India's home affairs minister, Mufti Mohammed Sayeed. A Muslim, Sayeed took office last November with Prime Minister Singh's moderate, National Front coalition government, which is under increasing pressure from its coalition partner, the strongly Hindu Indian People's Party, to continue the Kashmir crackdown.

"The National Front government is here to give the healing touch to Kashmir," Sayeed said on the screens of thousands of TV sets throughout Srinagar on Friday night. "Kashmir is a paradise on earth. • • • Kashmir must remain a part of India. • • • India is a multi-ethnic, multicultural, multilinguistic, multi-religious democracy. • • • Kashmir is a symbol of Indian secularism."

In the curfew-closed neighborhoods of Srinagar, however, few felt "healed" by Minister Sayeed, and many simply laughed sardonically and switched off their sets.

But the old professor, Mohammed Yusuf, whose son was nursing his many bruises and paralyzed left arm, simply sighed through his tears and said, "Now, I want to run away from this place, away from my beautiful home. They are killing people daily here. I can't stand it. I just can't stand it. I can't watch my children dying one by one."

Mr. DREIER of California. Mr. Speaker, I would like to yield further to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I just have one final comment, and that is, first of all, I want to thank my good friend and colleague, the gentleman from California [Mr. DREIER] for taking this special order, and I would just like to say that I know our hearts bleed for the people of Kashmir and the Punjab who are suffering these atrocities, this inhuman action, these indecent acts against humanity, and I hope and pray that through some way we can get a message to the Indian Government to bring about some change that will end these things, these horrible things that are happening over there, and I would just say to our friends in the Punjab and Kashmir that we will not give up this fight until things change over there. We are going to be on this floor for as long as we are in Congress fighting for human rights, not only in other parts of the world, but in the Kashmir and Punjab as well.

Mr. DREIER of California. Mr. Speaker, I thank my friend, the gentleman from Indiana [Mr. BURTON] for his very able contribution and the fact that he has been struggling throughout his entire tenure here in the Congress on behalf of the cause of freedom, wherever it is in the world.

As my friends know, we have been joined by our very good colleague, the gentleman from California [Mr. HERGER] who is also a cosponsor of the human rights legislation for India, and I am happy to be with him, and I am very happy that he is a Californian, and, with all due respect to my friend, the gentleman from Indiana [Mr. BURTON], he is from the other part of the State, and he is the one who also trained for me my very able foreign affairs legislative assistant, Mr. Riggs, who has helped in putting this together. I am happy to yield to my friend from California.

Mr. HERGER. Mr. Speaker, I thank my colleague, the gentleman from southern California [Mr. DREIER] for holding this special order today and allowing us to bring out some of the numerous, alarming facts that are so very prevalent and are coming more and more to the attention of the American people and to the world of what is going on in India and, particularly, within the Punjab. My concern

is one that is very strong and very strong for the fact that some 15,000 Sikhs live within my district in northern California, and I have been hearing of their plight, the plight of their relatives and their friends who are within India and within the Punjab for many, many years now. So, again I want to thank my colleague, the gentleman from Indiana [Mr. BURTON] and my colleague, the gentleman from California [Mr. DREIER] and so many others who are helping to bring to the forefront the great atrocities that are indeed taking place.

As was mentioned earlier, presently, every single democracy in the world allows independent human rights groups such as Amnesty International to visit their country; that is every democracy except India.

Even the Soviet Union and Cuba have allowed Amnesty International to conduct its investigations within their borders.

It's time for glasnost to reach India.

It's time for Amnesty International to be allowed inside of the world's largest democracy.

The reports I receive as to who is responsible for the tragic civil violence are contradictory.

As expected, each side blames the other.

The Indian Government blames religious radicals. Representatives of the Sikh community blame agents of the state. Those of us on the outside are left to weigh the claims of one side against the other.

If the Indian Government is correct about the source of the terrorism, it should have nothing to hide and therefore should change its policy and allow Amnesty International and other private human rights groups to conduct their investigations.

This last Sunday, the Washington Post reported several incidents of human rights abuses inside India. The story mentioned that the Indian Government believes such reports are concocted by propagandists for those who want a separate state.

But the report also said that "physical evidence of abuses by security forces—in the form of scars, bruises, smashed windows and charred buildings—is widely visible."

After the change of Government in India last December, many believed that there was a chance for hope, hope that a new era of human rights could begin in India.

It was a truly dramatic event last year, when almost 300 million Indian citizens participated in the election of a new government.

The ability to vote, however, is only one aspect of freedom. True democracy involves more than the ability to cast ballots or change administrators. True democracy involves freedom of speech, freedom of the press, freedom of religion, freedom from persecution.

I believe it is interesting to compare what happened in El Salvador, for example, when six Jesuit priests were gunned down. The media was filled with the news of the tragedy, and the voices of condemnation of the Salvadoran Government were loud.

Salvadoran President Cristiani was called upon to conduct a serious and thorough investigation. President cristiani promised justice, and since then, an extensive investigation was conducted. Technical assistance was given by the FBI, Scotland Yard, and the Canadian and Spanish police departments.

In India, however, the investigation into the murder of Mr. Khudian, a newly elected member of the Indian parliament, produced no charges at all. The Indian Government merely stated that they suspected the murder was committed by religious extremists.

The Punjab human rights organization is one of the few sources of information for events occurring inside of the Punjab aside from the Indian press.

□ 1820

I am curious as to why there has not been a worldwide outcry over the behavior of the Indian military during recent violence in Kashmir.

When the Government of China fired on unarmed demonstrators last summer, there was justifiable outrage throughout the free world.

When the Chinese Government restricted the movement of the international press last year after the crackdown in Tiananmen Square, it was front page news.

But when India fires on unarmed demonstrators and removes the news media from Kashmir, the world is relatively silent, and aside from scattered reports in the news media, the international community seems to have ignored the events in Kashmir.

It is my hope that in the future the international community will give the kind of attention to India that it has given to China.

The world's largest democracy deserves the same level of scrutiny that is given to the world's most populous nation.

In closing, I want to reiterate the fact that every democracy in the world allows independent human rights groups to conduct their investigations, every democracy, that is, except India.

I must say that it was interesting to see free Romanians tearing down a statue of Lenin, especially in light of the fact that a bronze statue of Lenin still stands in the Indian capital.

There is definitely irony in this. Romanians have had enough of Lenin, and are moving toward a free market and openness.

India still honors Lenin with a bronze statue on a bronze pedestal, and refuses to allow international human rights groups to visit.

Again I thank the gentleman from California for bringing about this opportunity for us to bring more to the forefront, and hopefully that type of positive pressure to the nation of India to bring about these human rights that are so deserved by the people who live there.

Mr. DREIER of California. Mr. Speaker, I thank my friend for his fine contribution.

I could not help think as he was referring to the situation in Romania how we all watched that statue of Lenin being torn down, and to think that today that statue of Lenin still exists in India is a very tragic irony.

The gentleman has worked long and hard in behalf of the cause of freedom, and I was not aware of the fact that he had 15,000 Sikh constituents, so this is obviously an interest which is very near and dear to his office, because I am sure that many Sikhs have come in to visit and discuss in detail this situation with him, so I congratulate the gentleman for his fine work on behalf of the cause of freedom and his constituents.

Another Californian has joined us and I am very pleased that our great new freedom fighter, he has been a long-time freedom fighter, but still considered for just another few months a freshman Member of Congress, but soon he will be graduating into the spot of seniority come January 1991. I am very happy to yield to my friend, the gentleman from Long Beach, CA [Mr. ROHRABACHER].

Mr. ROHRABACHER. I am pleased to join with our colleagues today in voicing our outrage over continued human rights abuses in India, as well as India's refusal to permit human rights organizations, like Amnesty International, from coming in to investigate the charges of human rights abuses and the brutality that we hear exists and is going on, continuing to go on in the subcontinent.

We talked a moment ago about Romania and how difficult it was, or we talked about the tearing down of the statue of Lenin, but my colleagues did not mention how difficult it was to tear down that statue. It took days and days of hard work on the part of the Romanians to tear down that ugly reminder of tyranny that had cast its shadow so long in that country.

Well, the same is true in India. India, of course, is now suffering from some of the products of British colonialism of 100 years ago. One wonders what the natural boundaries of India actually are, when you think that the British colonists came in and drew lines regardless of the natural ethnicities of the people and absent those considerations, but instead on their own political considerations of the

day. I believe that much of the violence and chaos that is now going on in different parts of the subcontinent, especially in the northern part of India, can be traced back to that colonialism.

To solve these problems, the Indian Government cannot just resort to brutality and raw violence. These are the types of problems that call for a commitment to human rights and democracy. This is what should bring out the best in democratic government. Instead, the Indian Government seems to be going in the opposite direction. It seems to be looking for a more totalitarian model of repression as a solution to problems, rather than the opening of dialog and the recognition and the respect for human rights.

I am happy to join with my colleagues. I thank the gentleman from California [Mr. DREIER] for his leadership on this issue to make sure that our country and our Congress go on record and support not just freedom against Communist governments, but in favor of freedom in all countries, whether it is India, which is not a Communist government, or Burma, which is not a Communist government, or South Africa, which is not a Communist government; but Americans stand for freedom not simply because we are against communism, but because it is totally consistent with our ideals as a nation.

Mr. DREIER of California. I think the gentleman makes a very good point which really does need to be underscored, and that is we have, through the revolution of 1989, been talking about the victory of freedom over communism. I cannot help but think of a number of comments which have been made about our goal constantly of defeating communism.

I remember when Richard Nixon addressed our conference, he said,

> We really have seen the defeat of communism now, but your challenge is even a greater one. It is the victory of freedom and liberty which is going to be an even greater one, and as we pursue that goal of freedom and liberty, of course it means ensuring it over other types of government which have been repressive.

So yes, the gentleman is absolutely right. We are seeking an end to human rights violations, whether they come from the right, the left, the middle, above, below, wherever, and that is a goal to which the gentleman has aspired to, and I am pleased that he is working on behalf of it.

I am happy to yield further to the gentleman.

Mr. ROHRABACHER. I would hope that the Government of India, as well as the Government of Pakistan, begin their dealings to solve some of the problems in the Kashmir in a spirit of good will that has been absent until this time.

I would just like to place my voice on record as suggesting that both, because Pakistan has been a tremendous friend of the United States and India has been a tremendous example of democracy for the entire world, let those two nations and those two peoples try to solve this program peacefully.

In terms of India itself, I think that we have the right to expect from the world's most populous democracy a better recognition of human rights for their own people and a better assurance to their own people that they can express opposition to some fundamental issues and some fundamental issues are at hand in dealing with the Sikhs and in the Kashmir as to where those boundary lines will be drawn, but their people deserve the right to speak without fear of repression and bloodshed and brutality.

I would like to commend the gentleman again for the leadership he has shown to make sure that America is foursquare on the side of freedom and liberty and good will and respect for human rights.

Mr. DREIER of California. I thank my friend for his very able contribution.

I would like to make a couple of comments in closing along the exact same lines.

It is very important that the United States of America work to ensure strong relations with the Government of India, Mr. Speaker. We know that last November, India's people did experience, as the gentleman said, in that democratic form of government, a free and fair election.

The thing is we do not want to challenge the decision that has been made, but there is no doubt whatsoever that we do have an obligation to challenge violations of human rights, and that is exactly what we are doing here today. We want to see India live up to the claims of democracy and to give single Indian individual the opportunity to determine his or her fate and to feel that they are free of the worries of human rights violations.

I cannot help but think of the quote that was delivered by Mahatma Gandhi when he said:

> Nonviolence is the first article of my fate. It is also the last article of my creed. The pursuit of truth does not permit violence being inflicted on one's opponent, but that he must be weaned from error by patience and sympathy.

□ 1830

I hope very much, Mr. Speaker, that the government of Prime Minister Singh will follow the example and these great words of Mahatma Gandhi. I hope my friends from India and around the world will join in this cry for the recognition of human rights of these brave people.

Mr. Speaker, I would like to incorporate an article from the Christian Science Monitor about brutality that exists there, an article from India Abroad, the Charhdi Kala newspaper, the Tribune, and the New York Times at this point in the RECORD.

Mr. Speaker, I thank the Members for their contribution and yield back the balance of my time.

[From the New York Times, Mar. 7, 1989]

INDIA TO PROVIDE AID TO GOVERNMENT IN AFGHANISTAN

(By Barbara Crossette)

NEW DELHI, March 6.—India agreed today to provide what a Government spokesman described as humanitarian and technical aid to President Najibullah's Government in Afghanistan, the Press Trust of India reported.

The Government statement, which gave no details, followed a news conference today in which the Afghan Foreign Minister, Abdul Wakil, said he had come to India to ask for material and diplomatic assistance. Afghanistan, now under a state of emergency, is trying to cope with food and fuel shortages as well as an unstable security situation after the withdrawal of Soviet troops on Feb. 15.

Mr. Wakil also said his Government needed help in putting pressure on Pakistan to stop arming the Muslim guerrilla armies trying to topple the Najibullah regime.

AFGHAN MINISTER ASSAILS IRAN

The Indian spokesman did not say what kind of assistance New Delhi might give to Kabul.

India has been alone in South Asia in support of the Soviet-backed Najibullah Government in Afghanistan. India, a nonaligned nation that has generally supported Soviet foreign policies in Asia. continues to maintain a diplomatic presence in Kabul, although all Western and several Eastern European embassies have withdrawn.

At the news conference Mr. Wakil also attacked Iran for wanting to establish a fundamentalist Islamic regime in Kabul. He accused Teheran of being in league with Pakistan in supporting the guerrilla armies.

Iran's role is seen by most other regional nations, however, as more uncertain and problematic following high-level Iranian visits to Moscow and a visit to Teheran by the Soviet Foreign Minister, Eduard A. Shevardnadze.

Iran and Pakistan have apparently not been in total agreement on policies for post-Soviet Afghanistan. Many Pakistanis believe that Iran and Saudi Arabia are competing for influence in Afghanistan, despite the embarrassment this might cause Islamabad, which tries to maintain good relations with both countries.

In Kabul today, an Indian news agency reported, a weekly magazine appeared on the streets carrying an article and the first picture of the former Afghan King, Mohammad Zahir Shah, to appear since his ouster in 1973. Afghanistan, the Soviet Union and India have all tried to persuade Zahir Shah to return as head to a neutral, possible interim, administration in Kabul.

Some of the more powerful, conservative Islamic opposition groups are opposed to the former King's return.

[From the Daily Tribune, July 8, 1989]

CONSTABLE RAPES, KILLS 2 MINORS

SRIHARGOBINDPUR, July 7—A gruesome incident of rape and murder of two minor girls, allegedly by a Punjab armed Police

constable who was deployed at the special police officers (SPO) picket in Bham village, 9 km from here, has left the people of this sensitive area of Batala police district shocked and agitated.

The decomposed bodies of Sarabjit (14) and Salwinder (13), a class VIII student, who had disappeared under mysterious circumstances from the village on June 11, were recovered by the police from a water-filled drain near here on June 16. The parents of the victims and a section of the villagers whom this correspondent met yesterday alleged that the two were kidnapped by the said police constable who strangled them to death after brutally raping them. Later, he disposed of their bodies.

The persistent refusal of the police to register an FIR against the policeman, whose name figures in the preliminary complaint lodged by the parents, and attempts to "hush up" the case have led to strong resentment among the villagers. When repeated requests and representations by the aggrieved parents to police officials from the SHO to the SSP level failed to bring the culprit to book, a delegation of panchayat members tried to meet the Punjab Governor, Mr. S.S. Ray, who was in the nearby town of Kalanaur on June 19. However, the police did not allow them to meet the Governor.

Agitated, the villagers went to the Deputy Commissioner, Mr. S.S. Sadharao, demanding a probe into the incident and also action against those policemen who added insult to injury by severely beating up the father of one of the girls when he refused to give in writing that it was a suicide case. Taking serious note of the incident, the Deputy Commissioner wrote to the SSP, Mr. Gobind Ram, to conduct an enquiry into the circumstances leading to the death of the two girls who belonged to poor families. He also asked the police chief to register an FIR.

Although the police has rounded up two persons—Purshotam Dev, a PAP constable, and Roshan Lal, an SPO—no case has yet been registered against them. Mr. Gobind Ram has deputed Mr. Aml Kumar Sharma, SP (Headquarters), to probe into the incident.

Narrating the sequence of events, Mr. Joginder Singh, a retired army man and father of Salwinder, said his daughter, along with her friend Sarabjit had gone to the outskirts of village to take clay from the dry canal bed on June 11. The two, however, did not turn up by the evening. When frantic search by the worried parents led to nowhere, they lodged a complaint in the police station here. They expressed suspicion against a police constable who was in charge of the SPO picket in the village before it was removed by the police officials on persistent complaints by the villagers. The said constable was seen roaming under mysterious circumstances near the village hours before the girls disappeared by Mr. Makhan Singh, father of Sarabjit.

Later, Mr. Gobind Ram admitted that he had received complaints of drinking and eve-teasing by the SPO men during a surprise visit to the village in the first week of June.

Holding back his tears Jogunder Singh said that despite a number of visits to the police station by him and panchayat members, no FIR was registered against the suspect on the plea that the case would be registered after the girls were recovered—alive or dead. On June 16 a police party took the parents of the missing girls for identification of the two bodies which were recovered in the evening.

True to the fears of the parents, the bodies of their daughters. The police did not even bother to cover the bodies, which were without clothes and decomposed. "I took off my turban to cover the naked girls," said Jogunder Singh, sobbing uncontrollably.

In order to complete the postmortem formalities, the bodies were taken to the Civil Hospital Batala, on June 17, when the accompanying police party tried to force the parents not to lay claim to the bodies and declare them as unidentified in front of the hospital doctor. However, the parents refused to do so and approached the SDM for handing over the bodies.

All this while the police party contacted the municipal committee of the town and asked for the cremation of the "unidentified and unclaimed" bodies of the two girls. When Makhan Singh, father of Sarabjit, and Singh, brother of Salwinder, resisted the lifting of the bodies from the mortuary, the police party beat them up in the hospital premises. It was only after their hue and cry and intervention by the people around that the police relented and left the place. Later, the SDM intervened and the bodies were handed over to the parents.

A farm labourer, Makhan Singh was picked up from the village on the same night and was again beaten up in the police station at Srihargobundpur. Showing his legs to show the torture marks, the dazed Makhan Singh said policemen were forcing him to give in writing that the girls had committed suicide. When the police failed to have its way he was released the next day. The parents again approached the SSP, demanding action against the culprits, but to no avail. "Our hopes for justice were dashed to the ground when the police did not allow us to meet the Punjab Governor of Kalanaur," said Makhan Singh.

Mr. Gobind Ram, however, feigned ignorance about the beating up of the parents of the deceased girls by the police but assured to look into this. He persisted that no attempt was made to hush up the case. The sustained interrogation of the PAP constable, he said, had not revealed anything except that he had an affair with the one of the girls.

[Translation from the Charhdi Kala, a Punjabi Newspaper, May 18, 1989]

17-YEAR-OLD SIKH GIRL GANGRAPED AT POLICE STATION

A resident of village Leharka Gurmit Kaur has said in a public statement that she was blindfolded stripped of her clothes and sexually assaulted by Police of Kathunangal Police station in Amritsar. She was speaking to the press reporters in the district court after she had seen her father S. Swaran Singh and brother lodged in jail since two years. Under charges of sheltering Sikh freedom fighters. Student of grade ten was pale with bandages on her body when she was relating the story of her misery.

On April 21, 1989 when she went to their farm with her mother and sister, police took into custody. After interrogation. They were let free in the evening. Next day she was again arrested and took to village Thiriyewal for identification of few persons. She said she knew none of the persons. Then her sister was released and she was separated from her mother and then blindfolded and beaten up with belts. Powdered chillies and fertilizer was put in to her eyes and was hung upside down.

Gurmit Kaur said that drunken Policemen entered her room between 9 and 10 P.M. raped her after blindfolding and removing all her clothes. For two hours she suffered and cried for help but nobody rescued. So she fainted and found herself stark naked when she came to senses.

On April 23rd at 8 A.M. she again fainted when hung upside down. Later in midday summer heat she was stripped beaten and raped repeatedly and was laid out naked in Police station yard in the evening. Many passers by saw her.

Gurmit Kaur told that after her release from Police station she had to stay in Thiriyewal Hospital for many days.

It May be recalled that since the spearheading against the present Sikh movement in April 1978 (by the neo-Nirankaries) atrocities like that against Gurmit Kaur have not come to light when the baptized Sikh Gurmit Kaur was relating her tale of woes to the reporters tears flew even from the eyes of legal professionals there. Bite marks infected by the teeth of cruel policemen were still visible on her face and body. Her face was blushed with insult and anger and said "I will personally avenge this injustice as a true daughter of my Guru who had said that when morality and honour are at stake the use of arms is inevitable."

WHO ARE THE TERRORIST

Is it the peace loving peasants or police in the Punjab? Where statements are written later on blank papers signed coercion threats of life and torture. Teenagers are subjected to Inhuman treatment to get incriminating statement from innocent people who are held responsible for alleged actions of their relatives.

Canadians who may or may not have read the news of Balkar Singh Ontario will please read the above news published in Indian Newspapers like The Tribune based on the press conference held in District courts Amritsar. This has also been noted by Punjab Human Rights Commission.

PANEL ALLEGES "STATE TERROR" IN PUNJAB—OFFICIALS' ASSAULT ON INNOCENT PEOPLE ALIENATING SIKHS, IT SAYS

(By Shantanu Ray)

NEW DELHI.—Continued repression and brutality unleashed by the police and intelligence officials on innocent people in Punjab has alienated members of the Sikh community from the masses, an independent fact-finding mission said in a recent report.

The report, "State Terrorism in Punjab," was compiled by a team of two lawyers, a journalist and a film maker, all members of the Committee for Information and Initiative on Punjab. It accused the state police personnel and officials of the Central Investigation Agency of terrorizing people, particularly villages near the Pakistan border, while trying to trace terrorists and extremists.

The villagers, mostly farmers, are normally forced to shelter the ultras, who carry out their hit-and-run attacks at night from the area. The poor villagers, the report said, are in a quandry because they cannot afford to incur the wrath of either the militants or the police personnel.

"Persons are first whisked away by unidentified men, then taken to undisclosed places for interrogation and killed either due to torture or in so-called encounters," the report said, adding: "No cause on earth can be used to justify intentional killings of innocent people."

The police atrocities mentioned in the 61-page report were similar to those witnessed in West Bengal during the abortive Maoist

uprising in the late 1960s when paramilitary troops, in their efforts to trace the Naxalites, terrorized innocent residents of neighborhoods frequented by the youths.

Citing an incident, the report said a cab driver in Chandigarh, Balwinder Singh, was picked up by intelligence men more than a year ago. Gurdey Singh, Balwinder's father, still knows nothing about what happened to his son. He was told by a neighbor that Balwinder was being detained at Patiala and "severely tortured."

"Together with the elected members of his village and village head Ajayab Singh, Gurdev Singh met the then Director-General of Police, Julio F. Ribeiro, in the first week of April," the report said. "Mr. Ribeiro directed him to see the senior superintendent of police at Patiala, Sital Das. When they met Das at his house in Patiala, Das denied that Balwinder Singh was in his custody and expressed his inability to help them. Several months after his abduction, Balwinder Singh remains untraced."

The report puts much of the blame for the atrocities on Govind Ram, the controversial Senior Superintendent of Police of Batala town in Gurdaspur district bordering Pakistan.

CAMPAIGN OF TERROR

The committee members, who toured the entire district, found that most of the villagers had been terrorized and tortured by the chief of police and his subordinates on the pretext of searching for terrorists.

"We were visiting a primary school—Guru Nanak Dev Academy—in Batala . . . Fifteen children studying in the school had lost their fathers in so-called encounters. At this school, we learned about the campaign of terror which Govind Ram has been carrying out in the village within his domain, ostensibly to demoralize the Sikh militants," the report said.

"Many women of the village Sarchur in the district had left their homes in panic to live with their relatives elsewhere," the report continued. "People gave us many specific instances of police atrocities which, in their magnitude and relentlessness seemed to surpass what we had learned so far of the state terror in Punjah."

Citing one such incident, the report said Ram rounded up 400 villagers and threatened them for "harboring terrorists" and accused their women of cohabiting with terrorists. "He then ordered all young men in the assembly to fall on their bellies on the ground," the report said, "and asked his men to beat them with leather belts, bamboo poles and batons. The public falgellation lasted for more than an hour."

The report declared: "Those who lack the necessary discipline and self-control to refrain from committing such excesses, no matter how emotionally compelled they may feel in their ire, cannot claim the right to rule.

"Such excesses, more than providing the state with an excuse for enhancing its own atrocities, ultimately serve to corrupt the moral sensibilities of those very men who may have started with morally sound motives."

The committee, which lists more than a dozen such incidents in the report, concluded: "We believe that the character of the repression and brutality unleashed by the state indiscriminately on the Sikhs and the moral lowliness of the officials at the helm of affairs have contributed, more than anything else to the growing disaffection among the Sikhs for the Indian state."

The report was prepared by Tapan Bose, documentary film maker; Ashok Aggaral and Nitya Ramakrishnan, lawyers, and Ram Naravan Kumar, a freelance journalist.

[From the Christian Science Monitor, Aug. 23, 1989]

ARRESTING INDIAN'S POLICE BRUTALITY—AWARENESS IS GROWING AMONG GOVERNMENT AND POLICE OFFICIALS OF THE NEED FOR REFORM

(By Sheila Tefft)

Last November, the Delhi police hauled Ram Swaroop and seven other poor laborers from their huts and ordered them to work without pay.

The drunken policemen beat the workers, then took Mr. Swaroop away. His body was found in a nearby canal. Human-rights lawyers sued the police and won a Supreme Court order of $3,000 compensation for his family.

They also ordered a rare admission of guilt from police officials investigating the killing. The five policemen involved are being prosecuted for murder.

The tragedy of Ram Swaroop highlights the problem of police brutality in India, for which Indian police have gained a widespread reputation during more than 40 years of independence, human rights activists say.

The incident also points to a new awareness among government and police officials of the need for reform.

"The common perception is that police are bullies who beat people at the slightest provocation and are corrupt," says Rajavijay Karan, Delhi's police commissioner and architect of a new reform campaign aimed at improving the police's image. "We need to change the culture, ethos, and personality of the police."

Today, more than ever, security forces play a pervasive, often troubling role in this diverse, contentious democracy of 800 million people.

In the northern, violence-torn province of Punjab, the police are armed with special powers to combat terrorism and backed by the Army and central paramilitary police. These forces have led an extensive crackdown on Sikh separatists and on innocent people in their path.

Throughout India, from remote corners in the south to crowded urban pockets in the north, the police and increasingly the paramilitary have been called on to douse a level of social conflict and communal violence not seen since the 1950s.

And in major cities like Delhi, exploding population growth, overcrowding, and unemployment have triggered an upsurge in crime and urban discontent.

Government officials say they have been forced to resist the forces tearing at India's delicate social fabric. During the last six years, the central paramilitary police force has grown by 30 percent and now costs the government about $600 million annually. A current expansion program will raise their numbers to more than 400,000 by 1991.

In the states and territories, which control local law enforcement, police forces have burgeoned. For example, since 1984 when Delhi was first hit by a wave of terrorism and communal violence, the police have grown from 32,000 to more than 50,000, the world's largest metropolitan police force.

But police forces here are still hard-pressed. Those demands have buttressed long-standing pressures that have eroded police discipline and deeply politicized law enforcement: ethnic and religious divisions, corruption, and political interference.

Poor training, low pay, long hours, and frustrations in winning court convictions also prompt police to turn to more drastic methods, observers say.

Even the central paramilitary, made up of recruits from throughout the country and sent in as a more neutral check on local police, is now buffeted by similar pressures, due to overuse, fatigue, and lack of time for training.

"The police bring to the force the attitudes, values, and prejudices that are there [in society]. Overnight you can't inculcate different attitudes," says P. Chidambaram, the government official in charge of internal security. "Over the years, the image has suffered because training has been a casualty."

Many social observers, however, claim India is becoming a police state because the central government is grabbing more power and responding to trouble with force rather than deeply needed social and economic reform.

In many places, the police form a nexus with corrupt politicians and wealthy landlords and businessmen and are a tool of brutal oppression.

In what is widely seen as political expediency, the central government has yet to complete an investigation of police complicity in the disappearance of dozens of Moslems in 1987 communal riots in the northwestern town of Meerut.

In Bihar—a state seared by hopeless poverty, class conflict, and police atrocities—police raped, looted, and plundered villagers in Pararia last year. In March, a court acquitted 14 policemen and security guards and chided the village women for poor character.

Recently, New Delhi commentator Khushwant Singh wrote that he had met many Punjabi villagers whose one refrain was "we can deal with the terrorists, you save us from the police."

Amnesty International has repeatedly taken the Indian government and security forces to task for human-rights violations in Punjab as well as elsewhere. The criticism is a touchy subject with government officials, who consider the reports meddlesome and exaggerated and insist India has its own procedures to handle grievances.

I'm not denying there are cases where the police have acted in excess. But there is no situation like Punjab anywhere else in the world," says Mr. Chidambaram, the security official. "It is more than protecting the people. It is protecting the integrity of the country. The very survival of India is at stake."

The police are also deeply mired in spreading corruption and political meddling. The extent of this was highlighted last year in the confrontation between Deputy Police Commissioner Kiran Bedi and Delhi's powerful legal community.

The lawyers were incensed by Ms. Bedi's arrest of an attorney for theft, a police assault on protesting attorneys, and police inaction while a mob stoned their officers and cars.

"Over time, they had been getting a lot of concessions by throwing their weight around. They were getting police officers suspended at the drop of a hat," Bedi says. "Bringing down corruption is the biggest task of a senior officer. You can't root it out but you can make it more difficult for the corrupt to operate."

While social and political changes are difficult in tradition-bound India, police experts say better training and more education can make a difference. Over the last five years in some areas, the government has improved police pay and benefits.

In Delhi, police chief Karan has launched a well-publicized effort to end police torture, purge corrupt officials, add more women to the force and reward strong police performance.

"What we have come to believe is that the country needs a police force that is dreaded by the people, with officers at the top who have been selected for their ability to wink at brutality and corruption," writes K. R. Rustamji, a prominent police expert. "A sense of alienation among the people can help the police in achieving its tasks."

COSPONSORS OF INDIA HUMAN RIGHTS BILL, 1989

Wally Herger (R-CA), Tony Coelho (D-CA), Bill McCollum (R-FL), Les Aspin (D-WI); Bob McEwen (R-OH), Albert Bustamante (D-TX), Helen Delich Bentley (R-MD), Vic Fazio (D-CA), Christopher Shays (R-CN), Major Owens (D-NY), Norman Shumway (R-CA), Jim Moody, (D-WI), Donald Lukens (R-OH), Dan Burton (R-IN), Kweisi Mufume (D-MD) Bob Dornan (R-CA), Jim Bilbray (D-NV), Jim Lightfoot (R-IA), George Miller (D-CA), David Dreier (R-CA), Jim Chapman (D-TX), Ben Blaz (R-Guam), Jack Fields (R-TX), Sam Gejdenson (D-CN), Phil Crane (R-IL), Jim Bates (D-CA).

THE ANDEAN AID PACKAGE AND ASSOCIATED ISSUES

The SPEAKER pro tempore (Mr. DYMALLY). Under a previous order of the House, the gentleman from Florida [Mr. SMITH] is recognized for 20 minutes.

Mr. SMITH of Florida. Mr. Speaker, I would like to take this opportunity to share with my colleagues and the public a history of the $125 million in military aid which has been made available for the three Andean countries of Bolivia, Colombia, and Peru, and the oversight of the use of these funds carried out by the House Foreign Affairs Committee.

On September 5, 1989, the Director of National Drug Control Policy, Hon. William Bennett, submitted the drug strategy required by the Anti-Drug Abuse Act of 1988. Accompanying that strategy were a budget amendment requesting $125 million in military aid for the Andes, and several legislative amendments which were submitted on September 20. The committee held a hearing on September 12 on the strategy, followed by a hearing by the committee's Task Force on International Narcotics Control on November 7 with other executive branch witnesses. On November 8, the committee approved legislation to implement the executive request, H.R. 3611, which was approved by the House by voice vote on November 13, and amended by the Senate by voice vote on November 15. The conference report was approved by the House on November 21 and by the Senate on November 22. The legislation was signed into law by the President on December 13 (Public Law 101-231) as the International Narcotics Control Act of 1989.

At the time the committee considered the executive branch request, a number of issues were unresolved, including who in the executive branch would be responsible for managing the $125 million, how the money would be allocated between the three countries, what items would be provided, how much of the funds would be for foreign militaries and how much for foreign police forces, and so forth. Nor had the implementation plan for the strategy been finalized, although both Dirctor Bennett and Assistant Secretary of State for International Narcotics Matters Melvyn Levitsky assured us that the plan would be submitted in a matter of days. The committee therefore included in the bill a number of safeguards which limited how the funds could be spent, and would ensure that the Congress was kept fully informed of the use of the funds as plans to implement the strategy were developed.

First, section 3(a) of Public Law 101-231 emphasizes that the military aid shall be designed to enhance the ability of the three governments to control illicit narcotics production and trafficking, and to strengthen respect for internationally recognized human rights and the rule of law in efforts to control illicit narcotics production and trafficking. Second, section 3(c) limited to $6.5 million the amount of funds which could be used to provide training to law enforcement agencies or other units organized for the specific purpose of narcotics enforcement, and for the expenses of deploying DOD mobile training teams upon the host country's request to conduct in-country training. This ceiling was also cross-referenced to the fiscal year 1990 Appropriations Act. Third, section 3(d) limited to $12.5 million the amount of funds which could be used to provide weapons to law enforcement agencies or other units organized for the specific purpose of narcotics enforcement. This ceiling was also cross-referenced to the fiscal year 1990 Appropriations Act. Fourth, section 3(e) conditioned the provision of military aid on the host country having a democratic government, and exhibiting respect for human rights. Fifth, section 3(g) specifies that section 502B(c) of the Foreign Assistance Act—relating to country-specific human rights reports upon the request of the Foreign Affairs Committees—applies to the countries being assisted by this aid. Sixth, section 3(h) required that the military aid be coordinated with antinarcotics aid provided by the Department of State. Finally, section 3(f) required that not less than 15 days before funds are obligated pursuant to this section, the Congress be notified of the type and value of the assistance, the law enforcement agencies or other units that will receive the assistance, and an explanation of how the proposed assistance will achieve the purposes specified.

I would note, Mr. Speaker, that even though the $125 million in military aid was requested as an urgent matter, and the Congress approved the request within 8 weeks, the President took almost a month simply to sign the measure. It took another 2 months for the Defense Department to notify us of their preliminary intentions as to how they intended to spend the $125 million. On February 9, the committee received a notification from Hon. Glenn Rudd, Acting Director of the Defense Security Assistance Agency, which contained general information on the allocation of funds for Bolivia, Colombia, and Peru, but which did not meet the specific reporting requirements of section 3(f) of the law outlined above. Staff of the DSAA and the committee met on February 20 to review this notification and associated legal issues. On February 21, Chairman FASCELL responded to DSAA with a letter clarifying that the February 9 notification did not meet the requirements of the law. I ask unanimous consent that both of these letters, along with subsequent correspondence I will discuss later, be entered in the RECORD.

On March 12, almost 4 months after Congress had approved the President's $125 million aid request, the committee received a further notification from DSAA on how these funds would be utilized. While the cover letter and the allocation amounts were unclassified, the detailed list of equipment to be made available was submitted in classified form. Further, the implementation plans—the game plan, if you will—which would explain the context in which this equipment would be used, had still not been finalized, even though Director Bennett had assured us the previous fall that they would be ready by October. I therefore wrote to Chairman FASCELL and requested that the committee put a hold on the aid to be provided under the notification until the implementation plan was finalized and the committee was briefed on it. On March 15, the chairman wrote to DSAA and requested that the notification be placed on hold until the committee was briefed on the implementation plans and had the opportunity to raise concerns on some of the specific items to be provided. The chairman stressed in his letter, as I had in my letter to the chairman, that it was not the committee's intention to unduly delay provision of the assistance, and that we welcomed the opportunity to meet with the executive branch at the earliest possible date to resolve these issues.

The following week, we were informed that the long-overdue implementation plan was finally ready, and on March 22 the Task Force on International Narcotics Matters immediately held a closed, on-the-record classified briefing with officials from the Office of Drug Control Policy, the National Security Council, the Department of State, and the Department of Defense. At the briefing, which all members of the Foreign Affairs Committee were invited to attend, we spent several hours going through both the items listed in the classified notification line by line and item by item, and the somewhat lengthy implementation plan which we saw for the first time that day.

Out of that meeting, three principal concerns emerged. First, although human rights considerations were included in the mechanisms designed to evaluate the effectiveness of our military aid, they did not have quite the prominence that some would have wished. We therefore requested the executive branch to revise the implementation plan to highlight this concern. Second, there was continuing concern that this military aid be focused on counternarcotics objectives and not be permitted to become a counterinsurgency program. I would refer Members to the report language included in the report on H.R. 3611 (Report 101-342, part I) addressing this concern and

stating the committee's intentions in this regard. We therefore requested written assurance from the executive branch that they agreed with this principle. Finally, a legal issue arose concerning the provision of aircraft to these countries, a matter I will go into later at some length. Although the executive branch, which by now had taken 6 months to pull together a concrete plan to implement the strategy announced last September, was quite anxious that we immediately release the $125 million, I stated that I would recommend keeping a hold on the aid package until these three concerns had been resolved. I also submitted a set of detailed questions on the items contained in the DOD notification; I would ask that the answers to those questions, submitted in an unclassified form on April 16, be included in the RECORD as well.

The issue of human rights was fairly rapidly resolved with a revision of the implementation plan. However, it took until April 9 for the executive branch to produce written assurances on the counterinsurgency issue. On that same day, Chairman FASCELL, at my request, wrote to DSAA releasing all of the funds except for those related to aircraft.

In the meantime, in order to ensure that the committee understand all of the elements of the Andean strategy and all of the U.S. Government actors involved in providing support to the strategy, the task force held a classified briefing with the Commander-in-Chief of the U.S. Southern Command, Gen. Maxwell Thurman. That briefing took place on April 4.

Frankly, Mr. Speaker, it has been difficult to keep all of my colleagues fully informed of all of these developments because virtually all of the relevant documents have been classified by the executive branch. There are some good reasons why at least initially we have needed to conduct these discussions in a closed forum, but I have informed the executive branch that at some point we need to have open and public debates over some of the concerns various parties have if the strategy is to maintain the support of the Congress and the American people. I have also requested the executive branch to declassify the notification on the $125 million and the implementation plan, and we are working with DOD to declassify the very helpful briefing we received from General Thurman so that that information will be available as well. In the meantime, I wanted to take this opportunity to bring my colleagues up to date on the oversight conducted by the Foreign Affairs Committee so that no one is under the illusion that we have ignored this important new program.

I would also note that I applaud the executive branch for its commitment to the Foreign Affairs Committee to have regular consultative briefings so that we can stay informed of developments related to the Andean program and that both sides can raise concerns and problems as we move forward with the program. Over the past year we have had a number of informal meetings with the executive branch to discuss the strategy, and we have now formalized this process. This is one case where the executive branch has taken steps to ensure that the committee is fully informed and consulted on our policy.

Finally, let me turn to the issue of aircraft titling, to which I previously alluded. One news report has referred to the holdup of the $7 million in aircraft acquisition as an inside-the-beltway "squabble." It is far more than that, however. It is an issue with important policy implications which if we ignore it will be at our own risk.

Under current law, the United States must retain title to any aircraft provided to a foreign country for antinarcotics purposes. If we require the United States to retain title to antinarcotics aircraft provided, we have some capability of monitoring the use of the aircraft and of recalling them if they are misused. This is not only an issue of ensuring aircraft are used appropriately and efficiently for antinarcotics purpose—such an ensuring that spray aircraft are spraying herbicides and not water as occurred in Mexico in the 1980's. It also protects us from having them used for nonnarcotics purposes, such as counterinsurgency campaigns. Given the situation we face in some of the Andean countries, this is not an frivolous matter.

Let me provide some background information on this issue. In 1986, due to concerns over misuse of aircraft we had previously provided for antinarcotics purposes to several countries. I sponsored an amendement to the Foreign Assistance Act of 1961 which became section 484 of that act. Section 484 reads as follows:

Any aircraft which, at any time after the enactment of this section, are made available to a foreign country under this chapter, or are made available to a foreign country under this chapter, or made available to a foreign country primarily for narcotics-related purposes under any provision of law, shall be provided only on a lease or loan basis.

This very straightforward language, which has now been in the law for 4 years, was designed to ensure that if aircraft were misused the United States would have the ability to withdraw them and use them elsewhere. While the executive branch originally opposed this provision strenuously, it has since come to see the protection this provides all parties. Last November, for example, Assistant Secretary of State Melvyn Levitsky stated that the law "now is a very valuable tool that provides us flexibility for policy purposes to help these countries wherever we can." The State Department inspector general testified in April of this year that "I think the Congress made a wise decision in not transferring title on additional aircraft to other countries * * * I think it is proper that the U.S. Government retain title to the aircraft." Further, a General Accounting Office report on Burma issued in September 1989 noted that for aircraft provided to Burma prior to the 1986 law, the State Department could not adequately monitor or ensure the effectiveness of the activities of the aircraft, and recommended that the U.S. Congress not resume an aid program until the Burmese Government allowed such monitoring. The report also found that the State Department could not ensure that the aircraft were not being used for counterinsurgency purposes.

Despite this extensive and useful experience with this provision, we discovered during our March 22 meeting that the Department of Defense—which, for the first time, was providing these aircraft instead of the State Department through the Bureau of International Narcotics Matters—proposed to transfer title of the aircraft in question to the host countries. I immediately pointed out that transferring title would violate section 484. The executive branch promised to take this issue under advisement, and to get back to us.

On March 26, at the executive branch's request, I again met with their representatives to discuss the issue. They proposed that they revise our agreements with the host country to permit the United States to reacquire the aircraft if we found they were being misused. While this may reflect the spirit of the law, it would still not meet the requirements of section 484 that aircraft be "provided only on a lease or loan basis" and would therefore still be a violation of the law.

On April 17, at my request, staff of the executive branch and the committee met to review a draft proposal which had my approval and would have, for future fiscal years, encoded into law essentially the executive branch's March 26 proposal for provisional titling if the Congress was notified in advance. We were at this time informed that DOD believes that it is forced to grant title to foreign countries because DOD does not have the authority to use the $125 million Andean assistance package to finance leases. This is an unintended consequence of the decision to provide all military aid under the Arms Export Control Act instead of under the Foreign Assistance Act. On April 23, we received an unsigned interim response which rejected our proposal but offered no legislative solution in return.

Because the executive branch has been unable or unwilling to propose or endorse any legislative solution to this problem, and because in the meantime the aircraft in question are being held up from delivery, I will be offering an amendment to the first appropriate legislative vehicle to solve this problem for fiscal year 1990 while we discuss a more generic solution. I have taken this time to go into this issue in some detail to demonstrate that the Congress has acted in good faith, and that we have searched for solutions expeditiously. I also want to stress the long-term implications of this issue. Our decisions on titling affect not only the control issue and the counter-insurgency issue. A decision to allow host country titling on military aid would over the long term lead to "dueling air wings" between the State Department and the Defense Department, with two logistical tails, two operational managers, et cetera. We need to give very serious thought before changing the current requirement for the United States to retain title to antinarcotics aircraft. We are still very hopeful that a satisfactory solution can be found and agreed to with the administration.

Mr. Speaker, I hope these remarks clarify the current status of our antinarcotics efforts under the Andean plan.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, February 9, 1990.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 3(f) of the International Narcotics Control Act of 1989 (P.L. 101-231) and the proviso to

section 602 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (P.L. 101-167), we are providing written notification concerning the funds appropriated by section 602 for counter-narcotics programs. The Department of State has allocated $39.728 million for Bolivia, $48.789 million for Colombia, and $35.945 million for Peru.

These funds will be used to finance the full range of equipment and services for use by the regular military forces and law enforcement agencies of those countries, including communications equipment, command and control equipment, individual field equipment and weapons, ammunition, helicopters and other aircraft, aircraft parts and spares, riverine craft and other vessels (including spares), training, publications, and vehicles, for use in controlling illicit narcotics production and trafficking.

This assistance will provide substantially increased support to counter-narcotics programs in the principal cocaine source countries—Colombia, Peru, and Bolivia. Specifically, military and law enforcement counter-narcotics elements will be more capable of securing cocaine production regions and interdicting the flow of cocaine from those regions to the United States.

Sincerely,

GLENN A. RUDD,
Acting Director.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, February 21, 1990.

Hon. GLENN A. RUDD,
Acting Director, Defense Security Assistance Agency, Washington, DC.

DEAR MR. RUDD: I am writing with respect to the $125 million authorized for Peru, Bolivia and Colombia for antinarcotics purposes by Public Law 101-231, the International Narcotics Control Act of 1989. As you know, this authorization is subject to certain conditions and detailed congressional notification before obligations can be made.

The Committee on Foreign Affairs received a notification (I-00217/90) from you on February 9, 1990 which raised some concerns as to whether the notification requirements of the law were being met. In informal discussions with your office and the Bureau of International Narcotics Matters, our staffs reached agreement that: (1) the February 9 notification was in fact a pre-notification of your intent to obligate funds; (2) it does not constitute notice under section 3(f) of the Public Law 101-231; and (3) that when final decisions are reached concerning the exact nature of the assistance to Peru, Bolivia, and Colombia the Committee will receive a formal notification pursuant to section 3(f) containing all of the information required in that section.

In addition, the issue of transferring $16.5 million of the $125 million total was discussed. As you know, INM funds can be used without the restrictions imposed on aid to law enforcement agencies by section 660. The Committee has some concerns that after these funds are transferred, the authority for the Department of Defense to provide up to $19 million in law enforcement assistance, without section 660 restrictions, would remain in force. However, as the Committee does not wish to unduly restrict the ability of the Administration to most effectively use this assistance, we do not object to this transfer with the understanding that any of these funds provided for police related activities by INM would be counted against the ceiling of $19 million, so that combined DOD/INM assistance for police training and equipment for the three countries in question would not exceed the $19 million ceiling.

We appreciate your courtesy in providing the Committee with the pre-notification letter, and look forward to working with you as the process of implementing the Andean initiative moves forward.

With best wishes, I am,

Sincerely yours,

DANTE B. FASCELL,
Chairman.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, March 12, 1990.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to the letter from the Chairman of HFAC, dated February 21, 1990, to the acting director of the Defense Security Assistance Agency, I am providing additional information to supplement the information provided in my February 9, 1990, letter to you regarding the $125 million authorized for counter-narcotics purposes for Colombia, Bolivia, and Peru. As indicated in the earlier letter, the Department of State has allocated grant assistance in the amounts of $39.728 million for Bolivia, $48.789 million for Colombia, and $35.945 million for Peru.

A detailed explanation is attached for our intended use of the funds authorized by Section 3 of the International Narcotics Control Act of 1989 (P.L. 101-231) and appropriated by section 602 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (P.L. 101-167). This explanation includes the country to which assistance is being provided, the type and value of the assistance to be provided, the law enforcement agencies and other units that will receive the assistance, and an explanation of how the proposed assistance will achieve the purpose for which the funds were authorized.

Sincerely,

GLENN A. RUDD.

Attachment as stated.

FISCAL YEAR 1990—FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT (PUBLIC LAW 101-167, SECTION 602)—MILITARY AND LAW ENFORCEMENT ASSISTANCE FOR COLOMBIA, BOLIVIA, AND PERU

[Amounts in millions of dollars]

	Appropriation	Byrd amendment .43 percent reduction	Totals
Colombia	49.000	.211	48.789
Bolivia	39.900	.172	39.728
Peru	36.100	.155	35.945
Totals	125.000	.538	124.462

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, March 15, 1990.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR DANTE: The Committee today received a classified notification from the Defense Security Assistance agency regarding the $125 million in military aid authorized and appropriated last fall for Bolivia, Colombia, and Peru. As you may recall, in section 3 of the International Narcotics Control Act of 1989 we required the executive branch to notify us under 634A procedures as to the type and value of the assistance to be provided, the law enforcement agencies which would receive the assistance, and an explanation of how the proposed assistance will achieve the purposes for which the funds were authorized. This notification attempts to meet those requirements.

However, the notification by itself gives no real indication of how this assistance will fit into the Andean implementation plans which have been under development for a number of months in the executive branch. These plans lay out how the Andean strategy will be implemented in the field and what the goals, objectives, and measures of effectiveness will be. The executive branch has repeatedly promised to brief us on these plans when they are completed, but the process of approving those documents has fallen behind the aid notification. It is therefore difficult to make sense of the use of the equipment proposed in the notification without some understanding of the overall implementation plan.

It is my understanding that the implementation plans should be completed in the next week or two. Given the sensitivities associated with this military aid, I would respectfully request that you ask the executive branch to "hold" this notification until the Committee can be briefed on the implementation plans. I have already informed the Administration that I will ask for either a briefing or a hearing on the implementation plans in order to address the questions raised by the notification.

It is not my intention, Dante, to slow up this process. On the contrary, we have been actively pushing the Administration to submit the notification and the plans so that the aid can go forward. But I feel we owe it to ourselves to be fully informed on the nature, purposes, and implementation of the aid before we sign off on it.

Thank you for your consideration.

With best wishes,

Sincerely yours,

LAWRENCE J. SMITH,
Chairman, Task Force on International Narcotics Control.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, March 15, 1990.

Hon. GLENN A. RUDD,
Acting Director, Defense Security Assistance Agency, The Pentagon, Washington, DC.

DEAR MR. RUDD: I am writing in response to your letter of March 12 (I-001207/90) concerning the notification of $125 million in military aid for Bolivia, Colombia, and Peru.

The Committee has two major concerns with this notification. The first is that the Committee has neither nor been briefed on the implementation plans for the Andean initiative. In the absence of information on how the overall strategy will be implemented, it is difficult to assess how the provision of the equipment contained in the notification will support the implementation plan.

A separate concern is the nature of some of the items listed in the notification. While the classification of the notification precludes a listing in this letter of specific concerns, I would note in particular that the Committee has done extensive oversight on the problems associated with equipment we have provided in support of riverine operations in South America.

Given these concerns, I would request that you place this notification on "hold" until (1) the Committee is briefed on the implementation plans, and (2) the Committee has had the opportunity to discuss its con-

cerns on some of the specific items proposed in the notification. It is not our intention to unduly delay the assistance proposed in the notification; it is my understanding that the implementation plans will be completed shortly, and we would welcome the opportunity to meet with the executive branch at the earliest possible date to resolve these outstanding issues.

Thank you for your cooperation. We look forward to working with you to ensure that appropriate aid is provided to these countries in an expeditious manner.

With best wishes.

Sincerely yours,

DANTE B. FASCELL,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 9, 1990.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: Following discussions with members of your Committee we are providing further information regarding the relationship between establishing military assistance programs for counternarcotics purposes and the fight against insurgents in the Andean countries.

The President's National Drug Control Strategy recognizes that the governments of the cocaine producing countries require a means to pursue anti-drug military and law enforcement operations more effectively. In order to fulfill these ends, the U.S. Congress determined, in the International Narcotics Control Act of 1989, that enhanced training and additional equipment resources would be necessary to undertake intensified operations against transportation, processing and cultivation areas.

The first priority of our international drug control strategy, as reflected in Section 3(a)(1) of P.L. 101-243, is to enhance our counternarcotics programs in the Andean region in order to increase the effectiveness of the Andean governments in combatting the growing threat of cocaine production and trafficking. While U.S. assistance will focus on enhancing the capabilities of police and other law enforcement activities, only active involvement by the host nation armed forces will enable the governments fully to engage the drug traffickers and to inflict major damage on the cocaine trade. A key focus of our plans therefore is to work with these countries to develop the necessary infrastructure to enable their military forces to assume a greater role in counternarcotics activities, and in particular to enhance the role of host country militaries in remote and inaccessible parts of the country that are beyond the reach of the smaller police organizations.

As the Committee pointed out in its Report on P.L. 101-243 (H. Rpt. No. 101-342, November 8, 1989), the counternarcotics efforts in these countries are frequently conducted simultaneously with counterinsurgency programs. In certain areas, counternarcotics activities are threatened by insurgent groups whose control over the areas prevents any effective government action to combat narcotics trafficking, and whose activities are inextricably intertwined with those of the narcotics traffickers.

In order effectively to attack the narcotics threat, the capabilities of the armed forces of all three countries must be enhanced and training intensified, in order to permit them to regain control over the most important coca growing and transshipment areas, provide protection to police forces on counternarcotics operations from guerrilla insurgents, and develop the capability to strike directly at drug trafficking organizations. While the ultimate purpose of the military assistance, including equipment and training, provided to the Andean countries under this plan is to combat narcotics trafficking and production, it is inevitable that counternarcotics activities will at times require counter-insurgency efforts to regain government control over certain areas.

That said, we share the concern expressed in the Committee's report that assistance provided under P.L. 101-243 not "be used as a new spigot for counter-insurgency aid." In no case do we intend that the assistance will be used for counter-insurgency operations independent of counternarcotics purposes. The agreements pursuant to which the assistance will be provided will make clear that the assistance is being made available only for counternarcotics purposes. By doing so, we can control, to a significant degree, how the host nations use what we provide. These agreements will specify, for instance, monitoring by U.S. personnel and restrictions on the types of equipment and training supplied. In addition, the normal case review process for equipment provided under the U.S. military assistance program will be supplemented by monitoring activities of the international narcotics control program.

I hope that this letter clarifies this important issue.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, April 9, 1990.

Hon. GLENN A. RUDD,
Acting Director, Defense Security Assistance Agency, The Pentagon, Washington, DC.

DEAR MR. RUDD: I am writing in further reference to my letter of March 15, 1990 regarding your letter of March 12 (I-001207/90), concerning $125 million of military aid for Bolivia, Columbia, and Peru.

The Committee has now received and been briefed on the implementation plan, as requested. It has further received clarifications in writing regarding concerns raised on evaluations of military aid effectiveness in light of human rights performance, and on the use of this aid for counter-insurgency purposes versus counter-narcotics purpose. However, questions continue over what are perceived as conflicting provisions in section 484 of the Foreign Assistance Act of 1961 (which requires that all aircraft provided for narcotics control purposes after 1986 under that Act or any other provision of law be on a lease or loan basis), and section 23 of the Arms Export Control Act, regarding sales of military equipment. It continues to be the Committee's view that the law requires the United States to retain title of all aircraft provided for narcotics control purposes.

The Committee is therefore prepared to support the obligation of funds of that portion of the $125 million which is not related to aircraft acquisition. However, until legal issues surrounding the titling question are resolved, none of those funds should be obligated for aircraft acquisition.

It is the Committee's intention to prepare legislative language to address this issue, and to enact such a change as expeditiously as possible, in order that further delays and confusion are avoided. Thank you for your cooperation in this matter.

With best wishes, I am

Sincerely yours,

DANTE B. FASCELL,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 16, 1990.

Hon. LAWARENCE J. SMITH,
Chairman, Task Force on International Narcotics Control, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: This is in response to questions given to Melvyn Levitsky, Assistant Secretary of State for International Narcotics Matters, regarding your concerns about $125 million appropriated by the Congress for U.S. military assistance for counternarcotics programs in Bolivia, Colombia and Peru. Enclosed are answers to your detailed questions.

I share your concerns and assure you that we will continue to work closely with the Congress, the Department of Defense and other appropriate government agencies to ensure the success of this important counternarcotics initiative.

Please do not hesitate to contact me if you need further information.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

Enclosure: Questions and answers.

DETAILED QUESTIONS ON $125 MILLION

Of the $125 million, $16.5 is being transferred to INM for law enforcement purposes. When will you carry out this reprogramming, and when will we be notified as to what that money will be spent for?

COLOMBIA

1. The notification indicates that we will provide $4.5 million for a radar command center and radar site security, and $4.4 million for a forward operating base.

Does this include the cost of acquiring the radar? If not, are the Colombians providing the radar? What kind of radar will this be? what area will it cover?

How is the "forward operating base" connected with the radar? (or, if it's not connected to the radar, what is it for?)

2. We are providing $10.3 million to train and equip Army "strike companies".

Are these new companies? are they specifically dedicated to narcotics control activities, or do they have other responsibilites as well?

3. The equipment list includes $2.12 million for rifles for the Colombian Army. It has been our understanding that the Colombian military is already quite well-equipped and had no need for more arms. Is that not the case?

4. The ammunition we would provide includes 60 millimeter white phosphorous ammo. Should we be concerned about possible hazards for civilians? how would this be used?

5. You propose $2 million to support operations and maintenance for riverine patrol craft.

Is this for boats we have provided, or for those already in the Colombian inventory?

What record have these existing patrol craft had in riverine operations? have they had any results in interdicting precursors?

6. You also propose to spend $500,000 on upgrading the weapons systems on the Bell 212 helicopters. What kind of upgrade is proposed, and for what purpose?

7. You also propose $3 million for secure communications for the military. Will this

system be interoperable with whatever system the Colombian police have?

BOLIVIA

8. The notification includes $1.85 million for the Bolivian "National Counternatcotics Command". What is this? does it exist? who runs it?

9. The notification includes $12.8 million to train and equip various unspecified Bolivian Army units.

Can you provide us more detail on what equipment will be provided?

The footnote to this item indicates that this is for Bolivian Army support for "expanded border operations to interdict precursor chemicals". Isn't $12.8 million quite a lot of money for this purpose? do most of the chemicals move on land or on the rivers?

10. There is quite a bit of money (a total of $4.1 million) to support the C-130 transport planes. How many C-130's are in Bolivia? what accounts for the high costs of this support ($3.2 million for depot maintenance alone).

11. What specific role will the AT-33's ($4.9 for repairs) and the T-33's ($1.2 million for repairs) play?

12. You propose $1.5 million to repair and arm PC-7s. How will the PC-7s be armed?

PERU

13. The level of detail you have provided on equipment for Peru is not very specific.

Can you tell us how you would spend the $2.7 million for "troop support"?

There is $3.2 million for a "training center". Where will this be, and who will be trained to do what?

You propose $522,000 for "light anti-tank weapons". Why are these needed?

14. You are proposing $6.1 million to acquire and support riverine patrol craft.

You indicate that you would spend $3 million for "up to six patrol craft". That would be $500,000 per craft. What types of boats would you provide? would these costs include spare parts, or shouldn't they be included under the $3.1 million for "riverine craft support"?

You indicate you would provide aid for operational base facilities. Where would this base be located?

15. Out of the funds proposed for the Peruvian Army, you indicate you want to construct a secure base to conduct counternarcotics training. Where would this base be located, who would be trained, how much would it cost? is this in addition to the Santa Lucia base we have already built?

16. You propose $7.2 million for spare parts for A-37's and Bell 212's.

How many A-37's are there? how useful are A-37's for counternarcotics activities?

Why do we have both Bell 212 helicopters and your proposed Huey helicopters? wouldn't it make operations and maintenance easier if you used the same kind of helicopter?

Q: Of the $125 million, $16.5 is being transferred to INM for law enforcement purposes. When will you carry out this reprogramming, and when will we be notified as to what that money will be spent for?

A: The request to transfer $16.5 million ($10 million for Colombia and $6.5 for Bolivia) of FY 1990 Foreign Military Financing funds to the INM account is being processed in accordance with provisions of Section 610 (transfer between accounts) of the Foreign Assistance Act. Informal consultations with the Office of Management and Budget and the Congress have been completed. The formal request to transfer the funds is being forwarded to the Secretary of State for approval and submission to the White House.

COLOMBIA

Q: The notification indicates that we will provide $4.5 million for a radar command center and radar site security, and $4.4 million for a forward operating base. Does this include the cost of acquiring the radar? If not, are the Colombians providing the radar? What kind of radar will this be? What area will it cover?

A: The funds are for operational costs to integrate radar information obtained from existing programs.

The purpose of the center is to integrate radar information developed by two Caribbean Basin Radar Network sites (developed with U.S. support) and two domestic Colombia radars. Projected FMF funding for the project totals $7 million ($3.5 million from FY 1990 funds and $3.5 million from FY 1991 funds).

Over the near term, radar will be utilized to inderdict air traffic over northern regions of Colombia.

Q: How is the "forward operating base" connected with the radar (or, if it's not connected to the radar, what is it for?)

A: The purpose of the forward operating base is to position counternarcotics aircraft toward the southern border to interdict inbound trafficker flights. Information developed by the radars and operations center will be used to direct interdiction missions from forward bases.

Q: We are providing $10.3 million to train and equip Army strike companies." Are these new companies? Are they specifically dedicated to narcotics control activities, or do they have other responsibilities as well?

A: A total of 10 new companies is being formed in the Colombian Army with a specific mission to conduct counternarcotics operations.

Q: The equipment list includes $2.12 million for rifles for the Colombian Army. It has been our understanding that the Colombian military is already quite well-equipped and had no need for more arms. Is that not the case?

A: The rifles for the Colombian Army are for the new Army companies being formed for counternarcotics missions. The Colombian Army is armed mainly with GALIL and HK 7.62 millimeter rifles, both of which are heavy, older weapons systems best suited for conventional conflict in a Middle Eastern or European environment.

Q: The ammunition we would provide includes 60 millimeter white phosphorous ammo. Should we be concerned about the possible hazards for civilians? How would this be used?

A: The 60 millimeter mortar white phosphorous round is used to mark a target or create smoke for protective cover and concealment while maneuvering toward a target, such as a known cocaine laboratory site. Employed in this manner by the professional and well-trained Colombian Army, the round will not pose a threat to innocent civilians.

Q: You propose $2 million to support operations and maintenance for riverine patrol craft. Is this for boats we have provided, or for those already in the Colombian inventory?

A: This is to support river patrol boats given to Colombia as part of the $65 million provided under the recent 506(a) emergency drawdown.

Q: What record have these existing patrol craft had in riverine operations? Have they had any results in interdicting precursors?

A: The existing patrol craft are being utilized as training platforms for the Colombian Marines. Counternarcotics missions should commence when FY 1990 funds become available to complete training and support operations on the rivers.

Q: You also propose to spend $500,000 on upgrading the weapons systems on the Bell 212 helicopters. What kind of upgrade is proposed, and for what purpose?

A: This is in response to a Columbian request to upgrade their six Bell 212's by installing mini-gun systems. The purpose of the upgrade is to enhance the capability of the helicopters to respond to hostile situations while supporting operations in high altitudes.

Q: You also propose $3 million for secure communications for the military. Will this system be interoperable with whatever system the Colombian police have?

A: The goal is to provide a secure, interoperable communications system to the Colombian military and National Police. A U.S. military assistance communications survey team will be tasked with performing a survey of both Colombian military and National Police communications. The team will review and evaluate existing hardware and frequencies.

BOLIVIA

Q: The notification includes $1.85 million for the Bolivian "National Counternarcotics Command." What is this? Does it exist? Who runs it?

A: This new centralized center will establish a national level command and control capability to encourage Bolivian interagency cooperation and coordination in the fight against narcotics trafficking.

Q: The notification includes $12.8 million to train and equip various unspecified Bolivian Army units. Can you provide us more detail on what equipment will be provided?

A: Two light infantry battalions, each with a medical section for civic action, an engineer battalion, a transport battalion, and a service section. These units will be formed, equipped and trained to support counternarcotics operations in conjunction with the police. They will destroy cocaine laboratory facilities and narcotrafficker infrastructure, control illicit activities in growing areas and engage in civic action programs including medical and civil construction projects. The transport and service units will assist in movement of military and police units in support of counternarcotics operations.

Q: The footnote to this item indicates that this is for Bolivian army support for "expanded border operations to interdict precursor chemicals." Isn't $12.8 million quite a lot of money for this purpose? Do most of the chemicals move on land or on the rivers?

A: Efforts to block the shipment of precursor chemicals, increase the effectiveness of military activities, isolate key coca growing areas, destroy existing laboratories and processing centers, and control key air corridors include expanding riverine capacity and operations, enhancing communications networks and capacity to automate and process data, equipping light infantry, engineering and transport battalions, and participating in interdiction operations.

Precursor chemicals are transported to Bolivia via air, rail and road. Once in Bolivia, precursors are transported to the major coca growing region in the Chapare by road and to cocaine hydrochloride (HCL) process-

ing laboratories in the Beni region primarily by river.

Q: There is quite a bit of money (a total of $4.1 million) to support the C-130 transport planes. How many C-130's are in Bolivia? What accounts for the high costs of this support ($3.2 million for depot maintenance alone)?

A: Bolivia purchased seven excess C-130A's from the U.S. in 1988, adding to the two commercial versions of C-130 aircraft already in the Bolivian inventory. Of the seven C-130A's, four are in operation, two are being used for spare parts and one was lost in an accident.

The Bolivian Air Force has no capacity to provide other than basic maintenance. Spare parts, overhaul expertise and technical expertise of depot level maintenance are expensive.

Q: What specific role will the AT-33's ($4.9 million for repairs) and the TR-33's ($1.2 million repairs) play?

A: The T-33 is a jet trainer utilized by the Bolivian Air Force and can be converted to AT-33 configuration with the capacity to be used to intercept narcotrafficker aircraft traveling in the Chapare and Beni regions.

$4.9 million will be used to upgrade up to eight T-33 aircraft to AT-33 configuration.

$1.2 million will be used to repair T-33 aircraft to be used as a trainer platform.

Q: You propose $1.5 million to repair and arm PC-7's. How will the PC-7's be armed?

A: The PC-7 fire control systems will be replaced with equipment to accept standardized rockets and NATO ammunition.

PERU

Q: Can you tell us how you would spend the $2.7 million for "troop support"?

A: This is to fund individual and small unit field equipment for six infantry battalions, consisting of approximately 625 individuals in each battalion, to be assigned to the Upper Huallaga Valley. The U.S. Army estimates the cost of equipping a soldier with personal field gear, excluding weapon, is $345. Additional equipment, such as compass, binoculars, body armor, costs approximately $275 per soldier.

Q: There is $3.2 million for a "Training center." Where will this be, and who will be trained to do what?

A: A training base will be built in the Upper Huallaga Valley to train military units assigned to counternarcotics operations.

Q: You propose $522,000 for "light anti-tank weapons." Why are they needed?

A: The Light Anti-Tank Weapon (LAW) is being provided for tactical application against armored vehicles (e.g., commercial vehicles with protective armor inserts) and cocaine laboratories.

Q: You indicate that you would spend $3 million for "up to six patrol craft." That would be $500,000 per craft. What types of boats would you provide? Would these costs include spare parts, or shouldn't they be included under the $3.1 million for "riverine craft support"?

A: The patrol craft recommended for counternarcotics operations in the extensive river systems of Peru is a 40-foot river boat with armament. The proposed amount includes procurement, crew training, spare parts and maintenance for approximately two years.

Q: You indicate you would provide aid for operational base facilities. Where would this base be located?

A: The Peruvian Navy is requesting that funds be utilized to upgrade several existing riverine bases.

Q: Out of the funds proposed for the Peruvian Army, you indicate you want to construct a secure base to conduct counternarcotics training. Where would this base be located, who would be trained, how much would it cost? Is this in addition to the Santa Lucia base we have already built?

A: The proposed site of the secure training base is in the Upper Huallaga Valley. The site would be a secure training facility for Peruvian Army troops assigned to units invovled in counternarcotics operations. It is estimated that the base could be built for approximately $8 million.

Q: You propose $7.2 million for spare parts for A-37's and Bell 212's. How many A-37's are there? How useful are A-37's for counternarcotics activities?

A: There are 27 A-37 aircraft in Peru which can be employed in interdiction operations.

Q: Why do we have both Bell 212 helicopters and your proposed Huey helicopters? Wouldn't it make operations and maintenance easier if you used the same kind of helicopter?

A: The initial plan to provide UH-1H helicopters to Peru has been cancelled at the request of the Ambassador, so that we will continue to support the same kind of helicopter.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

[Mr. GINGRICH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. COLLINS (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of personal injury.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PAXON) to revise and extend their remarks and include extraneous material:)

Mr. LEACH of Iowa, for 60 minutes, today.

Mr. IRELAND, for 60 minutes, on May 9.

(The following Members (at the request of Mr. DONNELLY) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. SCHROEDER, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. NAGLE, for 30 minutes, today.

Mr. SMITH of Florida, for 30 minutes, today.

Mr. FRANK, for 60 minutes, June 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CLAY, and to include extraneous matter not withstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $1,479.

Mr. VALENTINE, to include extraneous material following his statement on H.R. 4522 today.

(The following Members (at the request of Mr. PAXON) and to include extraneous matter:)

Mr. BROOMFIELD.
Mr. THOMAS of California.
Mr. ARMEY.
Mr. LAGOMARSINO.
Mr. MILLER of Washington.
Mr. LOWERY of California.
Mr. MACHTLEY in five instances.
Mr. RHODES.
Mr. CRANE.
Mr. SCHUETTE.
Mr. COBLE.
Mr. CONTE.
Mr. LENT.
Mr. ROWLAND of Connecticut.
Mrs. BENTLEY in two instances.

(The following Members (at the request of Mr. DONNELLY) and to include extraneous matter:)

Mr. FOGLIETTA.
Mr. RICHARDSON.
Mr. MRAZEK.
Mr. LEHMAN of Florida.
Mr. YATRON.
Mr. LEVIN of Michigan.
Mr. GRAY.
Mr. MILLER of California.
Mr. MAZZOLI.
Mr. PANETTA.
Mr. DE LUGO.
Mr. COLEMAN of Texas.
Mr. DOWNEY.
Mr. SOLARZ in two instances.
Mr. ROE.
Mr. FAZIO
Mr. MATSUI in three instances.
Mr. FAUNTROY.
Mr. TRAXLER in two instances.
Mr. HOYER.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1424. An act to amend chapter 57 of title 5, United States Code, to provide that reimbursement for certain travel expenses related to relocation of Federal employees shall apply to all stations within the United States; to the Committee on Government Operations.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bill and joint

resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4637. An act to amend Public Law 101-86 to eliminate the 6-month limitation on the period for which civilian and military retirees may serve as temporary employees, in connection with the 1990 decennial census of population, without being subject to certain offsets from pay or other benefits, and

H.J. Res. 490. Joint resolution, commemorating May 18, 1990, as the 25th anniversary of Head Start.

A BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On May 7, 1990:

H.R. 3802. An act to designate May 1990 as "Asian/Pacific American Heritage Month."

ADJOURNMENT

Mr. DREIER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 31 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 9, 1990, at 2 p.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3656. A bill to amend the Securities Exchange Act of 1934 to improve the clearance and settlement of transactions in securities and related instruments, and for other purposes; with an amendment (Rept. 101-477). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 44. A bill to provide that certain service of members of the United States merchant marine during World War II constituted active military service for purposes of any law administered by the Veterans' Administration and to establish a mechanism to provide for nonprofit organizations for merchant marine memorials; with amendments (Rept. 101-478, Pt. 1). And ordered to be printed.

Ms. SLAUGHTER of New York: Committee on Rules. House Resolution 388. Resolution providing for the consideration of H.R. 770, a bill to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave (Rept. 101-479). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DYSON (for himself and Mr. JONES of North Carolina):

H.R. 4738. A bill to amend the Federal Water Pollution Control Act to encourage States to establish a uniform system for managing nontidal wetlands, to conserve unique and high value tidal and nontidal wetlands, to encourage restoration of converted wetlands, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ASPIN (for himself and Mr. DICKINSON) (both by request):

H.R. 4739. A bill to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes; to the Committee on Armed Services.

By Mr. BATES:

H.R. 4740. A bill to authorize the Secretary of Commerce to make loans for research into the development of dolphin-safe tuna catching equipment, to ban the import of tuna products caught with equipment which involves the taking of dolphins, to call for an international convention to protect dolphins, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Ways and Means, and Foreign Affairs.

By Mr. BOSCO:

H.R. 4741. A bill to amend title 5, United States Code, to improve the ability of the United States to attract and retain qualified air traffic controllers by offering controllers premium pay for Saturday work, by raising the controller differential from 5 to 15 percent, and by eliminating the age limitation on the voluntary retirement of controllers with 20 years of service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. BOXER:

H.R. 4742. A bill to amend section 218(n) of the Social Security Act to provide for a transition in the case of voluntary agreements for coverage of State and local employees under Medicare; to the Committee on Ways and Means.

By Mr. COBLE (for himself, Mr. CONTE, Mr. BALLENGER, Mr. JONES of North Carolina, Mr. HEFNER, Mr. ROSE, Mr. HENRY, Mr. UPTON, Mr. KLECZKA, Mr. COOPER, Mr. MCMILLAN of North Carolina, Mr. VALENTINE, Mr. NEAL of Massachusetts, Mr. SCHUETTE, Mr. PRICE, Mr. BUSTAMANTE, and Mr. TANNER):

H.R. 4743. A bill to amend title 18, United States Code, to govern participation of Federal Prison Industries in Federal procurements, and for other purposes; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 4744. A bill to amend the Federal Home Loan Bank Act to make the Resolution Trust Corporation subject to the Federal acquisition regulation; jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

By Mr. CONTE (for himself and Mr. SKELTON):

H.R. 4745. A bill to amend title 10, United States Code, to permit the Secretary of a military department to transfer excess industrial plant equipment to small business concerns; to the Committee on Armed Services.

By Mr. CONTE (for himself, Mr. SKELTON, and Mr. LANCASTER):

H.R. 4746. A bill to direct the Administrator of the Small Business Administration to station a traditional procurement center representative at the Department of Agriculture, the Navy Sea Systems Command, and the Environmental Protection Agency; to the Committee on Small Business.

By Mr. HENRY:

H.R. 4747. A bill to require the Administrator of the Environmental Protection Agency to conduct research on, and establish uniform standards for, the measurement of solid waste and to develop and maintain a uniform data base on solid waste generated in the States and the Nation; to the Committee on Science, Space, and Technology.

By Mr. JACOBS:

H.R. 4748. A bill to authorize a suitability and feasibility study of designating the home of President Benjamin Harrison as a unit of the National Park System; to the Committee on Interior and Insular Affairs.

By Mr. JONES of North Carolina:

H.R. 4749. A bill to authorize the transfer of Coast Guard property to Dare County, NC; to the Committee on Merchant Marine and Fisheries.

By Mr. LEVIN of Michigan (for himself, Mrs. JOHNSON of Connecticut, Mr. HENRY, Ms. KAPTUR, Mr. JONTZ, and Mr. ECKART):

H.R. 4750. A bill to promote fair trade in auto parts, and for other purposes; to the Committee on Ways and Means.

By Mr. MOLLOHAN (for himself, Mr. RAHALL, Mr. STAGGERS, Mr. MCCLOSKEY, and Mr. APPLEGATE):

H.R. 4751. A bill to extend the moratorium on interest owed by the black lung disability trust fund to the U.S. Treasury; to the Committee on Ways and Means.

By Mr. SCHUETTE:

H.R. 4752. A bill to amend the Low-Level Radioactive Waste Policy Act to prohibit the siting of low-level radioactive waste disposal facilities in areas with more than 18 inches annual rainfall, and for other purposes; jointly to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. THOMAS of California (for himself and Mr. MATSUI):

H.R. 4753. A bill to amend the Internal Revenue Code of 1986 to provide for fair treatment of small property and casualty insurance companies; to the Committee on Ways and Means.

By Mr. MCNULTY (for himself, Mr. HORTON, Mr. FEIGHAN, Mr. BUSTAMANTE, Mr. KASICH, Ms. OAKAR, Mr. YOUNG of Alaska, Mr. PAYNE of Virginia, Mr. SCHEUER, Mr. PANETTA, Mrs. UNSOELD, Mr. RANGEL, Mr. LANCASTER, Mr. LAGOMARSINO, Mr. ANDERSON, Mr. BLAZ, Mr. MADIGAN, Mr. EVANS, Mr. MARTIN of New York, Mr. SERRANO, and Mrs. BENTLEY):

H. Con. Res. 322. Concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Martha Raye; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself, Mr. YATRON, Mr. LEACH of Iowa, Mr. SMITH of New Jersey, Mr. FALEOMA-

VAEGA, Mr. BLAZ, Mr. ROSE, Mr. CLARKE, and Mr. LANTOS):

H. Con. Res. 323. Concurrent resolution concerning human rights and democracy in Nepal; to the Committee on Foreign Affairs.

By Mr. SOLARZ (for himself, Mr. LEACH of Iowa, Mr. ROHRABACHER, Mr. BLAZ, Mr. ROSE, Mr. YATRON, Mr. SMITH of New Jersey, Mr. FALEOMAVAEGA, Mr. CLARKE, and Mr. LANTOS):

H. Con. Res. 324. Concurrent resolution concerning human rights, democracy, and illicit narcotics production and trafficking in Burma; to the Committee on Foreign Affairs.

By Mr. SOLARZ (for himself, Mr. SMITH of New Jersey, Mr. LEACH of Iowa, Mr. BLAZ, Mr. FALEOMAVAEGA, Mr. ROSE, Mr. CLARKE, and Mr. LANTOS):

H. Con. Res. 325. Concurrent resolution expressing the sense of the Congress that the United States remains firmly committed to its Mutual Defense Treaty with the Republic of Korea, and is steadfastly dedicated to the promotion of security and peace on the Korean peninsula; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. SAIKI introduced a bill (H.R. 4754) for the relief of Ikechukwu J. Ogujiofor, Joy I. Ogujiofor, and Godfrey I. Ogujiofor; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 220: Mr. FORD of Tennessee, Mr. RICHARDSON, Mr. LEVINE of California, Mr. RANGEL, Mr. ACKERMAN, Mrs. SAIKI, Mr. FAUNTROY, and Mr. FASCELL.

H.R. 262: Mr. WALKER.

H.R. 467: Mr. DIXON, Mr. MCHUGH, Mr. JACOBS, Mr. ANNUNZIO, and Mr. MCMILLEN of Maryland.

H.R. 802: Mr. MOODY, Mr. PETRI, Mr. TALLON, Mr. ASPIN, Mr. JONTZ, Mr. JOHNSON of South Dakota, Mr. BROWN of California, Mr. KLECZKA, and Mr. JONES of North Carolina.

H.R. 844: Mr. HILER.

H.R. 965: Mr. OWENS of New York.

H.R. 990: Mr. MCNULTY, Mr. LANTOS, Mr. BROWN of California, Mr. CAMPBELL of Colorado, Mr. HUGHES, Mr. JONTZ, and Mr. EMERSON.

H.R. 1163: Mrs. LOWEY of New York, Mr. DWYER of New Jersey, Mr. Wheat, Mr. SAXTON, Mr. EMERSON, Mr. EVANS, Mr. ENGEL, Mr. SMITH of Florida, Mr. DELLUMS, and Mr. LEWIS of Georgia.

H.R. 1352: Mr. BURTON of Indiana.

H.R. 1381: Mr. DELLUMS.

H.R. 1400: Mr. VANDER JAGT, Mr. BOUCHER, Mr. GOSS, Mr. MARLENEE, Mr. HUBBARD, Mr. MCMILLAN of North Carolina, Mr. DWYER of New Jersey, Mr. REGULA, and Mr. SLATTERY.

H.R. 1617: Mr. WALSH.

H.R. 1634: Mr. FAUNTROY, Mr. WILLIAMS, Ms. PELOSI, Mrs. BOXER, Mr. LEWIS of Georgia, Mr. BORSKI, Mr. EVANS, Mr. ESPY, Mr. JONTZ, and Mr. ATKINS.

H.R. 1635: Mr. FAUNTROY, Mr. WILLIAMS, Ms. PELOSI, Mrs. BOXER, Mr. LEWIS of Georgia, Mr. BORSKI, Mr. EVANS, Mr. ESPY, Mr. JONTZ, and Mr. ATKINS.

H.R. 1784: Mr. JOHNSON of South Dakota.

H.R. 1875: Mr. PENNY and Mr. LANCASTER.

H.R. 2274: Mr. SISISKY and Mr. TORRES.

H.R. 2319: Mr. MCEWEN, Mr. CONYERS, Mr. DAVIS, Mr. CLINGER, and Mr. MILLER of Washington.

H.R. 2351: Mr. FAZIO.

H.R. 2383: Mr. UPTON.

H.R. 2403: Mr. POSHARD.

H.R. 2460: Mr. SENSENBRENNER, Mr. HAYES of Illinois, Mr. HALL of Texas, Mr. ESPY, Mr. TAUZIN, and Mr. MYERS of Indiana.

H.R. 2505: Mr. FAUNTROY, Mr. BROWN of California, Mr. WHEAT, and Mr. WALSH.

H.R. 2584: Ms. OAKAR.

H.R. 2740: Mr. HAYES of Louisiana.

H.R. 2881: Mr. DELAY.

H.R. 2951: Ms. LONG, Mr. LEVINE of California, and Mrs. SAIKI.

H.R. 2952: Ms. LONG, Mr. LEVINE of California, and Mrs. SAIKI.

H.R. 2973: Mr. JOHNSON of South Dakota, Mr. DERRICK, Mr. THOMAS of Wyoming, Mr. PASHAYAN, Mrs. MARTIN of Illinois, and Mr. SARPALIUS.

H.R. 3112: Mr. MARLENEE and Mr. SCHUETTE.

H.R. 3122: Mr. LEVINE of California.

H.R. 3267: Mrs. JOHNSON of Connecticut.

H.R. 3412: Mr. OWENS of Utah.

H.R. 3604: Mr. STUMP.

H.R. 3643: Mr. GOSS.

H.R. 3719: Mr. ATKINS and Mr. LANCASTER.

H.R. 3732: Mr. GILLMOR, Mr. WATKINS, Mr. MORRISON of Washington, Mr. WISE, Mr. BEREUTER, Mr. CALLAHAN, Mr. STALLINGS, Mrs. BYRON, Ms. SNOWE, Mr. HILER, Mr. PANETTA, Mr. HUCKABY, Mr. JAMES, Mr. JAMES, Mr. LEWIS of California, and Mr. ROWLAND of Georgia.

H.R. 3735: Mr. DEWINE.

H.R. 3772: Mr. TOWNS, Mr. LEWIS of Florida, and Mr. NEAL of North Carolina.

H.R. 3821: Mr. STEARNS.

H.R. 3859: Mr. DELLUMS, Mr. LENT, and Mr. MARKEY.

H.R. 3863: Mr. DWYER of New Jersey, Mr. SAXTON, Mr. TRAFICANT, Mr. DEFAZIO, and Mr. RICHARDSON.

H.R. 3880: Mr. WISE and Mrs. SCHROEDER.

H.R. 3914: Mr. HUNTER, Mr. RUSSO, Mr. ROYBAL, Mr. COSTELLO, Mr. SOLOMON, Mr. MCGRATH, Mr. EVANS, Mr. UDALL, Mr. ANDERSON, Mr. DORNAN of California, and Mr. DIXON.

H.R. 3935: Mrs. JOHNSON of Connecticut, Mr. BOEHLERT, Mr. OWENS of Utah, Mr. LANTOS, Mr. HORTON, Mr. RAVENEL, Mr. DORGAN of North Dakota, Mr. JONTZ, and Mr. COSTELLO.

H.R. 4075: Mr. HUGHES, Mr. RANGEL, Mr. RAVENEL, Mr. PALLONE, and Mr. FLAKE.

H.R. 4103: Mr. MILLER of Washington.

H.R. 4104: Mr. MILLER of Washington.

H.R. 4105: Mr. MILLER of Washington.

H.R. 4138: Mr. CONTE, Mr. GILMAN, Ms. ROS-LEHTINEN, and Mr. FAUNTROY.

H.R. 4161: Mr. MORRISON of Washington, Mr. THOMAS of Wyoming, Mr. DORGAN of North Dakota, and Mr. DERRICK.

H.R. 4164: Mr. BATES.

H.R. 4237: Mr. JOHNSTON of Florida.

H.R. 4250: Mr. OBERSTAR, Mr. BENNETT, Mr. EMERSON, and Mr. RITTER.

H.R. 4254: Mr. PAYNE of Virginia and Mr. COBLE.

H.R. 4258: Mr. JONES of North Carolina, Mr. BILBRAY, Mr. HARRIS, Mr. TAYLOR, Mr. SMITH of Vermont, Mr. OLIN, Mr. STEARNS, and Mr. KASTENMEIER.

H.R. 4268: Mr. LEVIN of Michigan, Mr. HUGHES, Mrs. MEYERS of Kansas, Mr. ECKART, Mr. LANCASTER, Mr. VENTO, and Mr. ROTH.

H.R. 4269: Mr. LEVINE of California, Ms. PELOSI, Mr. EMERSON, Mr. LANCASTER, Mr. GILLMOR, Mr. EVANS, Mr. POSHARD, Mr. SMITH of Vermont, Ms. MOLINARI, Mr. CONDIT, and Mrs. BOXER.

H.R. 4287: Mr. CARDIN, Mr. DERRICK, Mr. FORD of Michigan, Mr. GALLO, Mr. GINGRICH, Mr. MCMILLEN of Maryland, Mr. SCHAEFER, Mr. SISISKY, Mr. SUNDQUIST, Mr. WALSH, Mr. WHITTAKER, and Mr. WOLF.

H.R. 4310: Mr. MARTINEZ, Mr. TALLON, Mr. MAZZOLI, Mr. STUDDS, and Mr. KOSTMAYER.

H.R. 4311: Mr. TOWNS, Mr. RANGEL, Mr. AUCOIN, Mr. FAUNTROY, Mr. SMITH of Florida, Mr. FUSTER, and Mr. MINETA.

H.R. 4344: Mr. HAYES of Illinois.

H.R. 4347: Mr. HAYES of Louisiana, Mr. HORTON, and Mr. CONDIT.

H.R. 4353: Mr. HORTON and Mr. TOWNS.

H.R. 4355: Mr. DUNCAN, Mr. HORTON, and Mr. MONTGOMERY.

H.R. 4361: Mr. SMITH of Florida, Mr. LEHMAN of Florida, Mr. ATKINS, Mr. SAVAGE, Mr. FOGLIETTA, Mr. FAUNTROY, Mr. WASHINGTON, Mr. LANTOS, and Mr. HORTON.

H.R. 4418: Mr. BRYANT.

H.R. 4425: Mr. HALL of Texas.

H.R. 4460: Mr. BEVILL, Mr. BONIOR, Mr. NAGLE, Mr. EMERSON, Mr. FORD of Michigan, Mr. BUSTAMANTE, and Mr. ROSE.

H.R. 4488: Mr. HERGER and Mr. NEAL of North Carolina.

H.R. 4492: Mr. SAXTON, Mr. LIPINSKI, Mr. SOLARZ, and Mr. MARTINEZ.

H.R. 4494: Mr. SISISKY, Mr. EMERSON, Mr. ROBERTS, Mr. BLAZ, Mr. BUSTAMANTE, Mr. COSTELLO, Mr. DWYER of New Jersey, and Mr. WISE.

H.R. 4498: Mr. MORRISON of Washington, Mrs. PATTERSON, Mrs. MEYERS of Kansas, Mr. SIKORSKI, and Mr. EVANS.

H.R. 4509: Mr. WALSH and Mr. TOWNS.

H.R. 4512: Mr. MATSUI.

H.R. 4520: Mr. ECKART, Mr. GILLMOR, Mr. RIDGE, Mr. BEREUTER, and Mr. BUSTAMANTE.

H.R. 4528: Mr. BONIOR, Mr. NEAL of North Carolina, Mr. FISH, Mr. RINALDO, Mr. ATKINS, Ms. OAKAR, and Mr. TOWNS.

H.R. 4530: Ms. KAPTUR, Mr. MILLER of California, Mr. RANGEL, and Mr. FAUNTROY.

H.R. 4531: Mr. FAZIO, Mr. BOSCO, and Mr. BATES.

H.R. 4548: Mr. RANGEL, Ms. PELOSI, and Mr. CROCKETT.

H.R. 4555: Mr. SHAYS.

H.R. 4562: Mr. HOUGHTON.

H.R. 4575: Mr. EMERSON and Mr. JAMES.

H.R. 4594: Mr. ECKART, Mr. STUDDS, Mr. SMITH of New Jersey, and Mr. SABO.

H.R. 4631: Mr. BENNETT and Mr. BONIOR.

H.R. 4641: Mr. INHOFE, Mr. WEBER, Mr. DANNEMEYER, Mr. WELDON, Mr. HORTON, Mr. MATSUI, and Mr. ROHRABACHER.

H.R. 4650: Mr. HOCHBRUECKNER, Mr. SERRANO, and Mr. VALENTINE.

H.R. 4684: Mr. SCHEUER, Mr. WEISS, Mr. SOLARZ, and Mr. DURBIN.

H.R. 4721: Mr. STENHOLM and Mr. MONTGOMERY.

H.J. Res. 81: Mr. OXLEY and Mr. BROOMFIELD.

H.J. Res. 156: Mr. ENGEL.

H.J. Res. 482: Mr. HORTON, Mr. MCGRATH, Mr. HAWKINS, Mr. LEWIS of California, Mr. HOYER, Mr. NATCHER, Mr. DREIER of California, Mr. SCHUETTE, Mr. DE LA GARZA, Mr. CHAPMAN, Mr. HAYES of Louisiana, Mr. CONYERS, Mr. GRAY, Mr. ORTIZ, Mr. LOWERY of California, Mr. BEVILL, Mr. THOMAS of Georgia, Mr. ROHRABACHER, Mr. HOAGLAND, Mr. SARPALIUS, Mr. SHUSTER, and Mr. DURBIN.

H.J. Res. 486: Mr. HOYER, Mr. WHITTEN, Mr. RHODES, Mr. DE LA GARZA, Mr. EARLY, and Mr. PICKLE.

H.J. Res. 496: Mr. ANDERSON, Mr. ANDREWS, Mr. BILIRAKIS, Mrs. COLLINS, Mr.

EMERSON, Mr. HERGER, Mrs. MEYERS of Kansas, Mr. OXLEY, Mr. SCHAEFER, Mr. SHUMWAY, Mr. SKEEN, Mr. SWIFT, Mrs. UNSOELD, Mr. FALEOMAVAEGA, Mr. RHODES, and Mr. GOODLING.

H.J. Res. 509: Mr. SPRATT, Mr. WALSH, Mr. EMERSON, Mr. HEFLEY, Mr. FAZIO, and Mr. SAXTON.

H.J. Res. 517: Ms. OAKAR, Mr. DELAY, Mr. EMERSON, Mr. GEREN, Mr. SMITH of Vermont, Mr. GUNDERSON, Mr. SHAYS, Mr. PICKETT, Mr. WASHINGTON, Mr. BALLENGER, Mr. AKAKA, Mr. BUSTAMANTE, Mr. STENHOLM, and Mr. REGULA.

H.J. Res. 519: Mr. CROCKETT.

H.J. Res. 522: Mr. BOEHLERT, Mr. JACOBS, Mr. SAWYER, and Mr. ORTIZ.

H.J. Res. 525: Mr. CROCKETT, Mr. PANETTA, Mr. FROST, Mr. GEJDENSON, Mr. SAXTON, Mr. STOKES, Mr. BATES, Mr. APPLEGATE, Mrs. BENTLEY, and Mr. BILIRAKIS.

H.J. Res. 533: Mr. BOSCO, Mr. LANTOS, Mr. FOGLIETTA, Mr. BORSKI, Mr. SKAGGS, Mr. PARRIS, Mr. DICKS, Mr. NEAL of North Carolina, Ms. PELOSI, Ms. OAKAR, Mr. SCHAEFER, Mr. BATES, Mr. LEWIS of California, Mr. JENKINS, Mr. BEVILL, Mr. FUSTER, Mr. COSTELLO, Mr. MCDERMOTT, Mr. DURBIN, Mr. ALEXANDER, Ms. SLAUGHTER of New York, Mr. LEHMAN of Florida, Mr. CARDIN, Mr. STUDDS, Mr. ACKERMAN, Mr. LEHMAN of California, Mr. LIPINSKI, Mr. GINGRICH, Mr. GRAY, Mr. HARRIS, Mr. WHITTAKER, Mr. BROOKS, Mr. WYDEN, Mr. GUNDERSON, Mr. PERKINS, Mr. VOLKMER, Mr. HAMILTON, Mr. WOLPE, Mr. PANETTA, Mr. AUCOIN, Mr. LEWIS of Georgia, Mr. NIELSON of Utah, Mr. PRICE, Mr. STAGGERS, Mr. CAMPBELL of Colorado, Mr. STARK, Mr. CLEMENT, Mr. UPTON, Ms. LONG, Mr. TORRES, Mr. CHAPMAN, Mr. HOCHBRUECKNER, Mr. DE LUGO, Mr. SMITH of Florida, Mr. DYMALLY, Mr. FAUNTROY, Mr. KOLTER, Mr. OWENS of New York, Mr. OLIN, Mr. RANGEL, Mr. MINETA, Mr. SAWYER, Mr. LANCASTER, Mr. HEFNER, Mr. HORTON, Mrs. COLLINS, Mr. PALLONE, Mr. CHANDLER, Mr. BLILEY, Mr. WILSON, Mr. CARPER, Mr. VALENTINE, Mr. PAYNE of Virginia, Mr. FEIGHAN, Mr. ENGEL, Mr. DARDEN, Mr. ESPY, Mr. UDALL, Mr. WEISS, Mr. PARKER, Mr. TALLON, Mr. ECKART, Mr. FLAKE, Mr. ROBERT F. SMITH, Mr. STALLINGS, Mr. KENNEDY, Mrs. PATTERSON, Mr. LAFALCE, Mr. BENNETT, Mr. BERMAN, Mr. DENNY SMITH, Mr. TRAFICANT, Mr. MCMILLAN of Maryland, Mr. NAGLE, Mr. HOAGLAND, Mr. MRAZEK, Mr. JONTZ, Mr. FORD of Michigan, Mr. SCHUMER, Mr. DE LA GARZA, Mr. KILDEE, Mr. WISE, Mr. LEVIN of Michigan, Mr. MAZZOLI, Mrs. UNSOELD, Mr. MILLER of Washington, Mr. GONZALEZ, Mr. FAZIO, Mr. BUSTAMANTE, Mr. DONNELLY, Mr. HERGER, Mr. ROSE, Mr. ATKINS, Mr. FASCELL, Mr. VENTO, Mr. HUCKABY, Mr. MAVROULES, Mr. LAUGHLIN, Mr. MILLER of California, Mr. CLARKE, Mr. DERRICK, Mr. FAWELL, Mr. HAWKINS, Mr. MARTINEZ, and Mr. GRANDY.

H.J. Res. 551: Mr. KOLTER, Mr. MCDERMOTT, Ms. KAPTUR, Mr. HORTON, Ms. PELOSI, Mrs. BOXER, Mr. LANCASTER, Mr. BUSTAMANTE, Mr. QUILLEN, Mr. FAZIO, and Mr. DWYER of New Jersey.

H.J. Res. 554: Mr. SPENCE, Mr. DAVIS, Mr. BLILEY, Mr. MOAKLEY, Mr. MONTGOMERY, and Mr. SMITH of Florida.

H.J. Res. 558: Mr. Ballenger and Mr. MILLER of Washington.

H. Con. Res. 5: Mr. FRANK.

H. Con. Res. 7: Mr. LAGOMARSINO.

H. Con. Res. 62: Mr. NAGLE, Mr. BOEHLERT, Mr. MCHUGH, and Mr. KANJORSKI.

H. Con. Res. 172: Ms. LONG, Mr. LEVINE of California, and Mrs. SAIKI.

H. Con. Res. 252: Mr. ROYBAL, Mr. EVANS, Mr. MCGRATH, Mr. UDALL, and Mr. SOLOMON.

H. Con. Res. 288: Mr. CAMPBELL of California and Mr. CONDIT.

H. Res. 374: Mr. HERGER, Mr. GILLMOR, and Mr. EMERSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4641: Mr. STALLINGS.

EXTENSIONS OF REMARKS

SMALL BUSINESS WEEK 1990

HON. SILVIO O. CONTE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. CONTE. Mr. Speaker, upon the occasion of Small Business Week, May 6–12, 1990, I rise to pay tribute to America's small businesses. This is the 26th year we have so honored small business. The theme of small business week this year is "Small Business: Leading America into the 21st Century."

Over the years, much has been said and printed about small business: How small businesses employ 55 percent of all workers, create 66 percent of all new jobs, provide 50 percent of all major innovations, and produce 40 percent of the gross national product. It has been said that American small business produces so many goods and services that it can claim to be the world's fourth greatest economic power. Indeed small business is indispensable to a health economy and full employment in this country.

I firmly believe that strong, sustained small business activity is the keystone to a healthy economy, which is why I serve with pride on the Small Business Committee. I first joined the committee in 1965. From 1969 to 1978, I was the ranking minority member during which the committee was upgraded from a select committee to a permanent select committee in 1971 to a standing committee in 1975. It has been my great honor to serve with and lead my distinguished colleagues on a committee rich with history and accomplishments. As ranking minority on the Procurement Subcommittee, I am particularly concerned with small business Federal procurement opportunities. And I would like to address that issue today.

Mr. Speaker, in reviewing the statistics for fiscal year 1988, I note that small business firms accounted for $26 billion of the $174 billion in all Federal prime contract purchases, or 15 percent of total prime contract procurement. Further, small business subcontractors won about $27 billion in awards from prime contractors on Federal projects. In addition, for those contracts under $25,000, which totaled $21 billion, small business won $10 billion, or 46 percent. The combined total of small business participation in Government contract awards is $63 billion or 32 percent of the $195 billion in total awards. This is a 1-percent increase over last year's 31 percent. Impressive as that figure is, I believe we need to renew our efforts to increase small business participation in Federal procurement.

I firmly believe that small business will lead America into the 21st century. Strengthening small businesses participation in Federal procurement will provide America with the necessary competitive capability. As small business champions, we must ensure that small business participation in Federal procurement achieves parity with their contribution to the gross national product, which is now 40 percent. That parity or 8-percent increase should come from prime contracting actions which I believe we can achieve by providing greater opportunities and more competition.

Consistent with that goal, I have authored legislation in 1988 that became section 110 of Public Law 100–590 changing the appeal process of Breakout Procurement Center Representatives to mirror that of Traditional Procurement Center Representatives. BPCR's are advocates of competition in the procurement process. They identify and "breakout" items for competition. They also counsel and encourage small business to compete for the breakout. Last year, breakouts saved the government $260 million. They are cost effective and encourage small business participation.

In the first session of this Congress, I authored H.R. 2274, the Small Business Protection Act and H.R. 2351, the Women's Business Equity Act. Technically, H.R. 2274 codifies Federal Acquisition Regulation subpart 19.202–1 to encourage greater small business participation in acquisitions. It does this by amending section 15(a) of the Small Business Act to provide for a "small business impact statement" whenever contracts currently serviced by small business are proposed for a procurement that would exceed economical ordering and quantities conducive to small business participation. In other words, the Small Business Protection Act defends against "umbrella" contracts—an agency practice that combines several small contracts into one large multi-function contract.

This practice of contract aggregation, also known as "bundling" or "bid consolidation" is, by its very nature, inimical to small business participation in Federal contracting. Contracts that are "bundled" effectively eliminate small business as prime contractors because only large businesses with the concomitant financial and technical resources can respond.

The House Small Business Committee has been concerned about this problem since 1983, when it considered H.R. 2133, an omnibus small business procurement bill. Unfortunately, because of other issues, that bill never came to the floor. Bundling cropped up again in 1985, when former chairman Mitchell sent a letter to then Secretary of the Army, John Marsh, requesting that the Army suspend seven consolidated contracts because they were unduly restrictive of competition, that is, small business was being locked out. In 1987, the committee had a modicum of success when it convinced the Appropriations Committee to report language on H.J. Res. 395, the fiscal year 1988 continuing appropriation, expressing concern about bid consoldation. H.R. 2274, therefore, continues and refines the committees legislative effort to preserve small business prime contracting opportunities.

In 1988, Congress passed Public Law 100–656. Section 502 mandates a governmentwide small business participation goal of not less than 20 percent of the total value of all prime contract awards for each fiscal year. In fiscal year 89, DOD only achieved 19 percent. DOD's actual first quarter 1990 small business prime contracting participation rate is an embarrassing 16 percent. Currently DOD is negotiating with the SBA on its 1990 goal. Reportedly, they are offering only a 17 percent goal.

Mr. Speaker, I have a copy of a letter from Mr. Horace Crouch, Chief SADBU, DOD on this very issue. He lists a number of reasons why DOD cannot increase small business participation—reasons No. 7 and No. 8 are important so I will quote directly "7. The consolidation of smaller construction requirements in the Army Job Orders Contract [JOC] Program and a similar Air Force Program of Simplified Acquisition of Base Engineering Requirements [SABER] placing many of these consolidated requirements beyond the capabilities of small construction firms to satisfy." and "8. The increased use of large single umbrella contracts which aggregate many small tasks previously performed by small business." DOD clearly admits that consolidation will adversely impact upon small business prime contracting opportunities.

Small business participation has already suffered as a result of title VII of Public Law 100–656, the so-called Competitiveness Demonstration Program. Further, as we cut back on the defense budget, the procurement mix will undoubtedly change to favor buildups in the non-small business areas. The time for action is now! The Small Business Act states unequivocally that it is the policy of Congress to insure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the government be placed with small business enterprise. H.R. 2274 is consistent with that intent. Bid consolidation is not.

While H.R. 2351, the Women's Business Equity Act, is a multifaceted bill, several provisions are important from a procurement point of view. H.R. 2351 requires the head of each Federal agency to establish goals for Women's Business Enterprise participation. Goals shall be jointly established by the SBA and the agency and shall be a realistic reflection of WBE capabilities. Any goaling disagreement shall be submitted to OFPP. The head of each agency shall strive to expand WBE participation in each industry category utilized by the agency.

H.R. 2351 reaffirms Federal procurement policy that promotes maximum practicable opportunities in contracts and subcontracts for WBE participation. It also requires prompt payment from prime contractors to subcontractors. For contract purposes it defines WBE's and requires awarding authorities to certify maximum opportunity for WBE's on subcon-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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tracting. H.R. 2351 further requires offerors/bidders to describe WBE efforts and requires the SBA to submit an annual subcontracting report to Congress on plans/agencies not in compliance. Finally, H.R. 2351 requires each agency to make affirmative efforts to identify and solicit offers from WBE's. H.R. 2351 requires each agency to include at least one bid from a WBE for all purchases under $25,000.

I think it is important to remember that while WBE's are the fastest- growing segment of business today in America, and now in fact account for over 30 percent of all businesses, they only receive about 1 percent of all Federal procurement dollars. Most WBE's will tell you that they have never been awarded a contract because of goals. They got a contract because they were the low bidder and could deliver a quality product within specific timeframes. However, they would never have had the opportunity to bid if it was not for goals. The provision in H.R. 2351, mandating that at least one WBE bid be considered for all purchase orders under $25,000, should open the market to women-owned businesses that are suppliers, manufacturers, or in the service industry. Again, the requirement of having at least one WBE bid is not a set-aside, but merely a way to open the market to WBE companies. The WBE still needs to be the lowest responsible bidder and provide the service or material in a timely manner. This is a crucial provision since the vast majority of all Federal contract actions, about 98 percent, are for amounts of $25,000 or less. This is also the most common point of entry for small business in the Federal procurement process. If enacted and successfully implemented, this provision will greatly increase WBE contracting opportunities.

Mr. Speaker, this week, "Small Business Week—1990," I am introducing three important bills to further small business contracting opportunities with the Federal Government. The first bill is entitled "The Resolution Trust Corporation Procurement Regulation Act of 1990." Simply, this bill would subject the Resolution Trust Corporation to the Federal Acquisition Regulation issued under section 25(c)(1) of the Federal Procurement Policy Act. The Resolution Trust Corporation [RTC] is the agency created to sell assets of the insolvent savings and loan industry.

The agency started gearing up early this year and expects to continue for at least 6 more years. RTC states that 90 percent of its funds are nonappropriated and that though they are not required to follow the FAR, they use FAR guidelines for much of their procurement. RTC has the authority to offer a 3-percent price differential to minority and woman-owned businesses up to $2 million in acquisition dollars for fiscal year 1990. The agency also offers bonus points on technical evaluations to minority and woman-owned business and has a minority and woman-owned business program director in Washington and representatives in their regional offices. RTC has no small business set-aside program. My concern is that since the RTC is not required to follow FAR, they may not implement small business programs such as making small business set-asides, making referrals to the 8(a) program, the requirement for subcontracting plans, certificates of competency, etc.

For most of their work RTC acts as receiver or conservator. Due to the uncertainty of the actual number of assets being taken over, RTC's procurement budget could reach over $1 billion. Approximately half of that amount is expected to be for legal work and the remainder for asset management and repairs to real property and construction. Without my bill, Mr. Speaker, I am afraid small business will be locked out of procurement opportunities with the RTC. It is a well-known maxim that competition drives down prices. My bill would open up the RTC procurements to small business participation—increasing the number of bidders/suppliers and thus maximizing the budget of the RTC.

My second bill, Mr. Speaker, would require the SBA to employ a traditional procurement center representative at each awarding authority in the Washington metropolitan area whose procurement budget exceeds $600 million annually. Currently, the SBA is three PCR's short of this objective. My bill authorizes residency and a budget to correct this critical shortfall.

The Washington metropolitan area is currently covered by 7 traditional PCR's, plus one PCR who travels from Philadelphia to cover two installatons in Maryland. By the addition of three TPCR's, SBA could expand its coverage so that it included the seven Cabinet-level civilian agencies with the largest acquisition budgets, all over $600 million annually. Three additional TPCR's would enable SBA to better monitor the small business programs at all Federal agencies in Washington.

SBA would assign resident coverage to the Department of Agriculture—over $600 million annually; the Navy Sea Systems Command—over $11 billion annually; and the Environmental Protection Agency, with an annual budget over $1.5 billion—including the Superfund program. The first two installations are now covered on a liaison basis and the third has not had a PCR for several years. A resident PCR at these installations should significantly increase their opportunities for small business concerns. The additional TPCR's would also have liaison assignments at 6 to 10 agencies not currently covered.

Finally, Mr. Speaker, I am offering the Small Business Machine Tool Access Act of 1990 to provide for small business access to excess industrial plant equipment at DOD. The transfer of excess IPE would increase small business participation in DOD contracts, assist DOD in meeting its annual small business goal and improve the defense mobilization base.

Manufacturing is the life blood of a nation—it is the measure of a nation's sophistication and capability. To manufacture is to control your destiny. America needs to strengthen her manufacturing capability. I would like to quote from a fascinating book on the state of the American machine tool industry today, called When the Machine Stopped by Max Holland. Machine tools are in fact the "mother" or "master" machines, the machines that make all machines. Every manufactured product is made either by a machine tool or by a machine that was made by a machine tool. Machine tools, for example, take all the metal forgings that go into an automobile and fashion them into a finished car. But unlike cars, or any other machines they make, machine tools also reproduce themselves. Thus, at the heart of the industrial health of any nation is its machine tool industry, and for decades this industry was the very badge of U.S. manufacturing prowess. The correspondence between the emergence of the American machine tool industry and the American economy in the 20th century was no coincidence.

It is also no coincidence that the erosion of the U.S. machine tool industry parallels the decline in domestic manufacturing. In 1965, U.S. tool builders were the most productive anywhere, with more than 28 percent of total worldwide production. By 1986, the U.S. share was less than 10 percent, and foreign manufacturers supplied 49 percent of all the machine tools used in the United States. In 5 short years, from 1981 to 1986, the number of U.S. machine tool plants shriveled by one-third because of bankruptcies, takeovers, and reductions in capacity. That figure, moreover does not include the number of firms that went "hollow," that is, became importers and salesmen for machines produced in Asia and elsewhere."

While small business is the backbone of manufacturing, many small businesses cannot afford to buy new, costly machine tools available in today's market. They can, however, if my bill is adopted, buy used machine tools from the government and upgrade to CNC or machine cell capabilities. The Army alone has about 41,000 items of excess IPE of which only 3.5 percent are of foreign manufacture. Making this huge inventory available to small business will recycle important machine tools and boost the manufacturing base of America.

Mr. Speaker, we are in a global battle for market dominance. America's small business, the fourth greatest economic power in the world, plays the pivotal role in deciding America's future. I urge all my colleagues to support America's small business through the adoption of my bills. Let us all work together to make small business week every week of the year. Then small business will truly have the capability to lead America into the 21st century.

"JOURNEY TO FREEDOM," BY NICHOLAS DIMA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today, approximately 2 weeks prior to the national elections that are to take place in Romania, to pay tribute to Nicholas Dima, author of the insightful book Journey To Freedom.

Journey to Freedom describes the history of communism in Romania through the life of the author. It documents the dramatic effects of Communist subjugation on the average individual and the entire nation and, at the same time, demonstrates the complete devastation of the Romanian culture by Communist dictators. In order to survive, individuals were forced to forsake their families to seek accommodation with the political system. Journey to Freedom is one man's personal struggle

against totalitarianism that has taken root in his native nation.

As the May 20 national elections approach, the Romanians have a chance to choose their own political system, one that is not at odds with their traditional values. The United States should help ensure that those elections are fair and free by sending a delegation there to monitor them. As the center for the free world, the United States should consider such an initiative a responsibility.

Of all East European nations that have taken the path toward freedom and democracy, the Romanian people have sacrificed the most. Mr. Dima's book outlines the unique Communist experience in Romania and demonstrates just how much Romanians have suffered over the past 40 years. Throughout those years, Romanians were extremely disillusioned with the West because no move was made by any Western nations to free them from their subjugation. On the eve of Romania's first elections since World War II, we shouldn't let them down again. The least we can do is send a delegation there to help ensure that those elections are fair and free.

INTRODUCTION OF THE SMALL PROPERTY AND CASUALTY INSURANCE COMPANY EQUITY ACT OF 1990

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. MATSUI. Mr. Speaker, I rise today to join with my colleague from California, Mr. THOMAS, who is introducing The Small Property and Casualty Insurance Company Equity Act of 1990.

As a Californian, I am painfully aware of the personal and financial hardships that were caused by the massive Loma Prieta earthquake last fall. I also sympathize with those who have been harmed by hurricanes, tornados, floods, and other natural disasters.

While I realize that we cannot control Mother Nature, we can at least ameliorate some of the financial costs of natural disasters and accidents through property and casualty insurance. We should strive, therefore, for a system where property and casualty insurance is available to those that want it at competitive prices.

Competition in the property and casualty insurance industry is clearly enhanced by small-sized insurance companies. Small companies often provided much needed coverage which is otherwise unavailable, particularly in periods of coverage shortages as was experience in the mid-1980's.

This legislation provides a mechanism to allow small companies to compete. This bill extends to small property and casualty insurance companies the same tax treatment that has been available to small life insurance companies since 1984. Under this legislation, small companies with assets of less than $500,000,000 could deduct from insurance company income 60 percent of the first $3,000,000 of insurance company income earned each year. That deduction would decrease by 15 percent of every insurance dollar earned in excess of $3,000,000, until the deduction phased out when insurance company income reached $15 million. In determining eligibility for the deduction, small property and casualty insurance companies would be subject to the same rules for determining insurance income and assets as are small life insurance companies.

Mr. Speaker, I am pleased to cosponsor this legislation introduced by Mr. THOMAS, and I urge my colleagues to join us in this worthwhile effort.

GOOD NEWS FROM THE PHILIPPINES

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. SOLARZ. Mr. Speaker, I rise to bring to the attention of the Members an excellent article, which recently appeared in the Wall Street Journal, concerning the foreign investment climate in the Philippines.

At a time when it sometimes seems as if the only news in the American media about the Philippines is bad news, I think it is important that we don't ignore the good news or become overly pessimistic about the situation in that country.

In this article, Elliot Richardson, who is President Bush's special representative to the Multilateral Assistance Initiative to the Philippines and who has traveled to the Philippines several times over the past few months, indicated that the principal aid donors remain confident about Philippine economic prospects and are unlikely to reduce their levels of support.

Mr. Richardson, who has an outstanding record of distinguished public service spanning several decades, including several Cabinet positions, further commented that foreign investors are still considering investments in the Philippines, despite last December's coup attempt. After visiting Hong Kong, Mr. Richardson noted that private investors there, as well as in Taiwan, were particularly interested in investing in the Philippines.

I commend this article to my colleagues.

[From the Wall Street Journal, Apr. 30, 1990]

RICHARDSON SAYS AID DONORS UPBEAT ABOUT PHILIPPINES

(By Steven Jones)

HONG KONG.—The principal aid donors to the Philippines remain confident about the country's economic prospects and are unlikely to reduce their levels of support, special U.S. aid representative Elliot Richardson said.

Despite a power shortage affecting most of the main island of Luzon and continuing rumors of another coup attempt, "I still think the Philippines is an attractive place to invest," he said in an interview in Hong Kong, where he was traveling on business.

A former U.S. attorney general and defense secretary and now a Washington based lawyer, Mr. Richardson is the special representative of President Bush to the Multilateral Assistance Initiative for the Philippines, a World Bank-led consortium of 19 donor countries and a half-dozen multilateral agencies. The group was formed in July 1989 to coordinate foreign-aid programs and attract more overseas investment to alleviate poverty in the Philippines.

The group pledged $3.3 billion in economic aid for the Philippines in 1990; it will hold a pledge meeting for 1991 aid sometime in this year's second half. Japan is the biggest donor, with about $1 billion pledged, followed by the World Bank and the Asian Development Bank.

The Bush administration pledged $200 million to the assistance initiative this year, but Congress approved only $160 million. However, with military aid, the U.S. is contributing $545 million in direct assistance.

Mr. Richardson said the Bush administration is proposing $200 million in direct assistance.

Mr. Richardson said the Bush administration is proposing $200 million for 1991. He plans to take up the proposal with congressional leaders soon.

The renegotiation of a lease on U.S. military bases in the Philippines won't affect the Bush administration's economic aid program, he said. However, he acknowledged that Congress may cut economic assistance if the U.S. is required to provide more military aid in return for extending the bases agreements beyond the 1991 expiration date. Preliminary talks on the leases are to begin May 14.

Mr. Richardson, who was in Manila at the onset of the coup attempt in December, repeated earlier warnings from Washington that U.S. aid to the Philippines will be cut off by law if there is a successful coup against President Corazon Aquino. He said other donors likely would halt aid too.

But Mr. Richardson said the likelihood of a successful putsch diminishes as the 1992 presidential election grows nearer. He also said the Philippine business community "is increasingly well aware that the prospects for the Philippine economy are good if they can sustain progress along present lines. There is great potential for disaster if a coup attempt should succeed."

Since coming to power in 1986, the Aquino government has beaten back six coup attempts by rebel soldiers. The December coup was the most serious, claiming more than 100 lives. Mr. Richardson likened rebel leaders, several of whom remain at large, to 1930s Italian fascists, "whose only program was to make the trains run on time."

Despite persistent rumors of a seventh coup, Mr. Richardson said foreign companies are still considering investments in the Philippines, attracted by the country's educated, largely English-speaking work force. He cited continued interest especially from companies in Taiwan and in Hong Kong, where he met with territory-based investors during his visit.

However, Mr. Richardson called the electricity shortage that has led to a temporary four-day workweek in Manila an "embarrassing development" that should have been foreseen by the Aquino government when it shelved a controversial nuclear power plant.

But he said the power shortage was correctable" in time, adding that much of the foreign aid is aimed at improving infrastructure.

TRIBUTE TO DR. JAMES BIERDEN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize an outstanding professor at Rhode Island College who is receiving this year's Faculty Award from the Rhode Island College Alumni Association.

Dr. James Bierden, of North Providence, RI, began teaching math at Rhode Island College in 1969 as an assistant professor. In 1973, Dr. Bierden became an associate professor. In 1977, he became the assistant dean of arts and sciences, and in 1980, he became the associate dean of arts and sciences. In 1982, Dr. Bierden was named as professor of math and secondary education. He is a member of the Rhode Island Math Teachers Association, the Association of Math Teachers in New England, and the National Council of Teachers of Mathematics.

Dr. Bierden has clearly shown his commitment and dedication to academic excellence while at the Rhode Island College community over the years. Dr. Bierden has also contributed countless hours of service to local groups within Rhode Island. Dr. Bierden currently serves as chairman of the Community Way Allocations Committee for the United Way of Southeast New England. He has been a member of the United Way since 1979.

It is with great pleasure that I congratulate Dr. Bierden for all his outstanding efforts on behalf of Rhode Island College and his community. I wish him continued success in the future.

TRIBUTE TO ART McDOLE

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to a tireless public servant and a truly outstanding man from the 16th Congressional District of California, Art McDole. I am pleased to have this opportunity to recognize the accomplishments and lifelong service of this truly exceptional citizen of Monterey County.

Art McDole has been a member of the Associated Public-Safety Communications Officers [APCO] for more than 40 years. During this time he served as chairman of the APCO Regulatory Review Committee for 10 years, and has personally guided the progress of the association and provided a universal and balanced public safety perspective for APCO from the standpoint of Federal, State, county, municipal, and local government entities. Throughout his years of service, Art directed the formation of numerous community projects. Art led the effort to establish an Emergency Broadcast System for Monterey County, installed an educational television system for the county office of education, installed the county's medical network for emergency medical care, and was instrumental in the advent of 9-1-1 service for Monterey County and the entire State of California.

Art McDole has provided leadership and contributed significantly to emergency planning procedure formulation and effectiveness of the operation of APCO throughout his decades of service. He has freely and predominately without compensation offered his unique advice and expertise on public safety matters to members of APCO and all others interested in the furtherance of the goals and objectives of APCO.

Throughout his career, Art McDole has demonstrated exemplary personal and professional dedication at home, in his work, and in every instance which called for his assistance. As a result, he has received virtually every honor which APCO can bestow upon one of its members.

I am sure my colleagues are pleased to join me in recognition of Art's lifetime of public service. Mr. Speaker, it is with great pride and respect that I rise to salute the lifelong accomplishments and selfless dedication of Art McDole.

CONGRESS HELD IN LOW ESTEEM

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. LOWERY of California. Mr. Speaker, never in the history of our great country has Congress been held in such low esteem by the American people. This unfortunate fact has given rise to much agonizing over rationales, solutions, and cure-alls.

Some point to former Speaker Wright and other cases of ethical misconduct as the cause. So, in a flurry, we rush to judgment and pass broad, new ethics laws.

Others tout the apathy of the average American voter and cite lower and lower voter turnout statistics. So we rush to pass a uniform poll closing bill, blaming apathy on inconvenience.

Still others compare our reelect ratios with the Supreme Soviet, conveniently ignoring those Members who retire, run for other office, or pass away. Their complaints have taken root in a movement to limit congressional terms.

Yet, if we are to regain the respect of the American people, we must be willing to face the underlying and fundamental flaw in our system: the gerrymander.

The gerrymander locks incumbents into place, stifling the accountability our founding fathers built into the Constitution, and encouraging a mood of invincibility. The gerrymander destroys competition. Noncompetitive elections invariably lead to voter apathy and low participation.

The 1991 redistricting will set the tone for a decade. Will we rescue this great institution from the depths of public disgrace by insisting on a fair and equitable process? I certainly hope so.

DR. RICHARD DeLAUER PASSES AWAY

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. TRAXLER. Mr. Speaker, I rise in sadness today to share with my colleagues the news of the passing away of Dr. Richard DeLauer, chairman of the board and chief executive officer of Fairchild Space & Defense Corp. His loss especially struck me because I had my first opportunity to meet him only a few short weeks before his death, a meeting that was characterized by his vitality, his depth, and range of experience, and his "tell it like it is" spirit. I had looked forward to many similar meetings with him in the years ahead. I know my colleagues will join with me in expressing sorrow to Dick DeLauer's family and his colleagues in the aerospace and defense industries. Fairchild's announcement of Dr. DeLauer's death follows:

Dr. Richard D. DeLauer, Chairman of the Board and Chief Executive Officer of Fairchild Space & Defense Corporation, Germantown, Maryland, passed away in Los Angeles, California, on April 22, 1990. He was born September 23, 1918, in Oakland, California, and has been a resident of Los Angeles since 1958.

From 1981 through 1984, Dr. DeLauer served as Under Secretary of Defense for Research and Engineering in the Department of Defense. He subsequently organized his own defense counseling firm, The Orion Group, Ltd., before assuming his position with Fairchild in 1989.

A graduate of Stanford University in 1940, he received his Ph.D. from the California Institute of Technology in 1953. He served as an Aeronautical Engineering Officer in the U.S. Navy from 1943 to 1958, and participated in experimental development of nuclear rocket propulsion technology while at the Los Alamos Scientific Laboratory. He is the co-author of two books on nuclear rocket flight.

From 1958 until 1981, Dr. DeLauer was an Executive Vice President and member of the Board of Directors of TRW, Inc., during which time he was instrumental in the development and implementation of systems engineering and technical direction methodology for the Air Force intercontinental ballistic missile programs and various space, defense, and electronic systems.

He was a member of the National Academy of Engineering, a Fellow of the American Institute of Aeronautics and Astronautics and of the American Astronautical Society, and had served since 1972 as a member of the Defense Science Board in the Office of the Secretary of Defense. He was currently a member of the NASA Advisory Council, the Air Force Scientific Advisory Board, the Air Force Studies Board of the National Research Council, and the California Council on Science and Technology. He formerly served as a member of the Board of Governors of the Aerospace Industries Association, the Board of Trustees of the University of Redlands, the Engineering Advisory Council of the University of Southern California, the Advisory Committee of the Stanford University School of Engineering, the Advisory Committee of the Institute for the Advancement of Engineering, the Board of

Visitors of the Defense Systems Management College, the Naval Research Advisory Committee, and the Associates of Caltech. He also served as regional chairman for the National Alliance of Businessmen and as a Director of the Los Angeles Area Chamber of Commerce. He was Vice Chairman of Governor Reagan's Task Force on California Transportation in 1968, and was founding Chairman of the American League for International Security Assistance. He was currently a member of the Board of Directors of Gencorp. Inc., Akron, Ohio, and the MacNeal-Schwendler Corp., Los Angeles, California.

He is survived by his wife, Ann, son Richard Jr., daughter-in-law, Beverly, two grandchildren, Allison and Adam DeLauer, and two brothers, Clifford and Leland DeLauer.

Private services will be held in Los Angeles, California.

THE MARCH OF THE LIVING

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, on Holocaust Memorial Day, April 22, 3,500 Jewish teenagers from around the world reenacted the forced march Jews had once made on the way to their death camps in Poland. They marched 2 miles between Auschwitz and Birkenau, two of the more notorious Nazi death camps in Poland.

The March of the Living, which included 130 south Florida students, was part of a 12-day tour of Poland and Israel. The idea of touring Poland was to enable the students a sense of reality of the Holocaust. The tour of Israel, enhanced the students comprehension of the modern country Jews founded within 3 years of the Holocaust.

Concerned with American Jewry and the continuity of Jewish traditions, the Central Agency for Jewish Education in Miami, the agency and local groups worldwide, chose students to participate in their second trip in many years. The purpose of the trip was for the students to enhance their vision of Jewish history.

With many fundamental issues of concern to the Jewish community today, educating the young generation with a firsthand experience is worthy of every effort. I commend Gene Greenzweig, the director of the Central Agency for Jewish Education in Miami, for his time and effort in putting together a remarkable event.

THOUSAND POINTS OF LIGHT

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. GINGRICH. Mr. Speaker, I would like to call my colleagues' attention to a recent column by Durwood McAlister, editor of the Atlanta Journal editorial page, praising President Bush's thousand points of light.

We only need to look around to see the great work that is being done by individuals and groups to make this a better country. These people are deserving of the recognition they receive from the President's program, and we owe it to them and to the country to promote their work.

Mr. McAlister is right. Thousand points of light may be idealistic, but it is working.

BUSH'S IDEA LIGHTS FLAME IN HEARTLAND

(By Durwood McAlister)

President Bush's call for a "kindler, gentler" nation and his romantic notion of giving it form by putting the presidential stamp of approval each day on another of his "Thousand Points of Light" have drawn the sneers of sophisticates and the jeers of the jokemakers.

Like Diogenes searching for an honest man, Mr. Bush is ridiculed for trying to find and recognize selflessness in a selfish society. In the comedy clubs of New York and among the jaded insiders of Washington, the president's "daily point of light" is a source of great hilarity.

But it's a different story out where most of America lives. There, where the remembered ethic of looking out for your neighbors and helping those who need help is still valued, Mr. Bush has struck a responsive chord.

In small towns and cities all across the country, attention is being focused on successful efforts to address significant social problems through community service by individuals, businesses, families, and organizations.

In announcing his "points of life" initiative, Mr. Bush urged all Americans to make serving others central to their life and work. "If you have a hammer," he said, "find a nail. If you know how to read, find someone who can't. If you're not in trouble, seek out someone who is. Because everywhere there is a need in America, there is a way to fill it. . . . There is no problem in America that is not being solved somewhere."

Last week, President Bush singled out a non-profit Smyrna organization called "Hands, Feet and Mouth" for recognition as a "Daily Point of Light." The group provides academic support and drug counseling to underprivileged children and helps unemployed parents find jobs. It is making a difference in Smyrna's Rose Garden Hills community. It is solving a problem.

The Smyrna group is the 115th recipient of the president's notice. Those honored earlier include:

An Oklahoma City doctor and nurse team, both afflicted with multiple sclerosis, who operate a free medical clinic that has treated some 43,000 indigent people since it opened 15 years ago.

A former illiterate adult in Wind Falls, Ind., who now teaches others how to read.

Newspapers in Memphis, Tenn., and Lawrence, Mass., that have begun their own community-service recognition programs.

The entire town of Hope, N.M., where citizens joined forces in a community-wide improvement program.

Seventeen-year-old Kelley Renee Edwards, of Lilburn, Ga., who works with physically and mentally disabled children and has led efforts for a drug-free coalition in her high school.

A Minnetonka, Minn., high school social studies teacher who has implemented a special, innovative course that makes service to others a fundamental part of their school work.

In those communities, and dozens of others, the president's recognition has inspired others to make their own contribution, to combat drug abuse, homelessness, environmental threats, AIDS, hunger, illiteracy and the myriad other problems that afflict all parts of society.

Mr. Bush's "Thousand Points of Light" may be idealistic, even naive. But the idea is working. And that's no joke.

THE FAIR TRADE IN AUTO PARTS ACT OF 1990

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. LEVIN of Michigan. Mr. Speaker, today I join several of my colleagues in introducing the Fair Trade in Auto Parts Act of 1990. This legislation takes long-overdue steps to assist United States auto parts manufacturers in gaining fair access to foreign markets, especially the Japanese market.

It is also designed to ensure that U.S. firms are not excluded from competing fairly with foreign parts suppliers in bids for contracts with foreign auto firms doing business in the United States.

This bill is the culmination of 5 years of congressional effort to open the Japanese auto parts market to United States goods. That effort started with a trip I with other Members of Congress made to Japan in 1985, during which we discussed with Japanese car makers the negligible amount of Japanese purchases of American auto parts.

It continued as some of us in Congress convinced the administration to include auto parts in market oriented sector specific talks with Japan, only to be disappointed by how little was achieved through the MOSS process. Some positive steps have been taken over the past 5 years, but each step forward seems to have been overshadowed by three steps backward. Most recently, members of the Congressional Auto Parts Task Force, which I chair with Representative MARCY KAPTUR, led the effort to have Japanese auto parts practices designated for priority negotiations under the Super 301 provision of the trade law. Once again, the administration refused to act.

There is little doubt that United States firms have been systematically blocked from selling auto parts in Japan by a variety of collusive and exclusionary Japanese business practices—conduct that has been regularly tolerated by the Japanese Government.

Many Japanese parts suppliers and auto manufacturers have close corporate ties, with Japanese car companies often owning substantial equity interest in auto parts firms. This system—known by the Japanese term Keiretsu—acts to exclude United States auto parts firms from bidding for contracts with Japanese auto companies both in Japan and now in the United States.

Like other sectors of the U.S. economy, U.S. auto parts firms must continue to focus on making the highest-quality goods at competitive prices if they are to compete in international markets. But there are systemic barriers to even the most competitive United States auto parts products entering the Ja-

panes market, and this has helped fuel a United States auto parts deficit with Japan that reached $5.5 billion in 1989.

While Japanese auto parts firms have been given free access to the United States market, United States suppliers as of 2 years ago had penetrated less than 1 percent of the $60 billion a year Japanese auto parts market.

My bill directs the United States Trade Representative to initate an investigation under section 301 of the United States trade law in an effort to eliminate any unreasonable Japanese practices that limit United States exports of auto parts to Japan.

Quite frankly, the United States got precious little out of the MOSS process—not even enough data to determine the true level of United States penetration of the Japanese auto parts market. Members of the Congressional Auto Parts Task Force last year requested that Japanese officials provide the United States with complete data detailing United States auto parts sales to Japan, but were denied adequate information.

From the information provided under the MOSS agreement, the United States has no way of knowing whether United States auto parts purchased by Japanese manufacturers are destined for factories in Japan or for Japanese-owned plants in the United States. Nor can we determine whether Japanese car makers are purchasing parts from United States-owned subsidiaries of Japanese auto makers' traditional family of suppliers.

My bill directs the Department of Commerce to issue a report every 6 months detailing the extent and nature of United States auto parts sales to Japan. It also requires a semi-annual report by the International Trade Commission detailing the pattern of procurement by foreign auto parts companies conducting business in the United States.

In addition, my bill seeks to curb possible anticompetitive relationships between foreign car makers and their suppliers by directing the U.S. Attorney General to conduct a study of the pattern of procurement of auto parts by foreign automobile companies operating in the United States.

The administration's recent failure to designate Japanese auto parts practices as a priority under the Super 301 provision of the trade law represents the latest shortcoming in a decade of inaction on this issue. The result has been a staggering auto parts deficit with Japan. This legislation takes a much-needed step to help correct that imbalance.

I request that the text of this legislation be included in the CONGRESSIONAL RECORD, immediately following this statement.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Trade in Auto Parts Act of 1990".

SEC. 2. NEGOTIATIONS.

(a) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the United States Trade Representative shall initiate an investigation pursuant to section 302(b) of the Trade Act of 1974 (19 U.S.C. 2412(b)) with respect to—

(1) the elimination of any unreasonable acts, policies or practices of Japan that limit the importation of United States-made auto parts and accessories into Japan, and

(2) increasing access for United States-made auto parts and accessories to Japanese markets.

(b) DEFINITION OF JAPANESE MARKETS.—For purposes of this section, the term "Japanese markets" has the same meaning as such term has under the Fair Trade in Auto Parts Act of 1988.

SEC. 3. EXPANSION OF INITIATIVE ON AUTO PARTS SALES TO JAPAN.

Section 2123 of the Fair Trade in Auto Parts Act of 1988 (15 U.S.C. 4702) is amended—

(1) by inserting "and" at the end of subsection (b)(5);

(2) by striking "; and" at the end of subsection (b)(6) and inserting a period,

(3) by striking paragraph (7) of subsection (b), and

(4) by adding at the end the following new subsection:

"(c) SEMIANNUAL REPORT ON EXPORTS OF AUTO PARTS TO JAPAN.—Not later than January 1, 1991, and every 6 months thereafter, the Secretary shall submit a written report to the Congress on the extent of increases in the sale of United States-made auto parts and accessories in Japanese markets, including the extent to which long-term, commercial relationships exist between United States auto parts manufacturers and Japanese automobile manufacturers. The report shall distinguish between original equipment and after-market equipment to the extent possible. The report shall also include separate information with respect to exports of auto parts and accessories that are reexported from the United States, exports of auto parts and accessories by United States affiliates of Japanese companies, and exports by auto parts manufacturers which are more than 50 percent owned by United States citizens or have been engaged in the manufacture of auto parts and accessories for 10 years or more in the United States. In collecting data and market information for any report required by this subsection, the Secretary shall solicit information on a voluntary basis from those auto parts manufacturers which are more than 50 percent owned by United States citizens or have been engaged in the manufacture of auto parts and accessories in the United States for 10 years or more."

SEC. 4. DEPARTMENT OF JUSTICE STUDY.

The Attorney General of the United States shall conduct a study of the pattern of procurement of auto parts and accessories by foreign automobile manufacturers operating in the United States to determine if there may be unfair methods of competition in connection with the procurement of auto parts and accessories by foreign automobile manufacturers. Not later than January 1, 1991, the Attorney General shall transmit a written report to the Congress detailing the results of the study and a determination of whether an investigation into such unfair methods of competition is warranted.

SEC. 5. INTERNATIONAL TRADE COMMISSION REPORT.

(a) IN GENERAL.—Not later than January 1, 1991, and every 6 months thereafter, the Chairman of the United States International Trade Commission shall submit a written report to the Congress with respect to the pattern of procurement of auto parts and accessories by foreign automobile manufacturers operating in the United States. The report shall distinguish between original equipment and after-market equipment to the extent possible and shall include information with respect to the extent of increases in procurement from auto parts manufacturers which are affiliated with foreign automobile manufacturers operating in the United States and from auto parts manufacturers which have no such affiliation. In collecting data for any report required by this subsection, the Chairman shall require foreign automobile manufacturers to estimate the percentage of imported auto parts and the percentage of United States-made auto parts they use on automobiles manufactured in the United States and shall include that estimate in the report.

(b) SUNSET.—No report shall be required after January 1, 1996.

NEW COOPERATION IN THE WAR AGAINST TERRORISM IN THE AIR

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. BROOMFIELD. Mr. Speaker, the U.S. airline industry recently joined our Government's war against terrorism in the air by offering to pay up to $1 million for information about terrorist attacks against American airliners. This effort supplements an existing Federal rewards program and represents welcome cooperation between the private sector and the U.S. Government. Cooperation is critical in the war on international terrorism and I salute this prudent decision on the part of the airline industry.

On May 1, the Air Transport Association [ATA], a trade organization that represents 23 major U.S. airlines, announced that its members had agreed to augment existing Federal rewards for information leading to the arrest of terrorists, or contributing to the prevention of criminal attacks against the association's member companies.

The payment would supplement U.S. Government rewards of up to $2 million that are already available for information about terrorism. The ATA's payment would bring the reward for an individual providing information about planned terrorist attacks to $3 million.

The House Foreign Affairs Committee was instrumental in introducing the concept of a rewards payment and last year increased the original payment from an earlier $500,000 to $2 million.

The airline fund can be used at the State Department's direction to supplement funds paid to informants about potential airline terrorism overseas.

Cooperation is the key element in defeating terrorism. The nations of the world who have been victimized by this menace must work closely together in coordinating counterterrorism efforts. In the United States, our Government agencies responsible for antiterrorism activities must closely cooperate and share information with each other. The ATA's recent decision marks a new era of cooperation between the private sector and the U.S. Govenent in this aspect of the war on terrorists.

I commend the following statement by Robert J. Aaronson, president of the ATA, to my colleagues in the Congress.

OPENING REMARKS OF ROBERT J. AARONSON, PRESIDENT, AIR TRANSPORT ASSOCIATION

Good afternoon, and thank you for coming. The task of improving airline security is an ongoing challenge. The chief executive officers of the major U.S. airlines have been, and continue to be, in the forefront in meeting that challenge. Those CEOs have now made an important decision that it is my privilege to announce to you today. They have agreed to pay up to one million dollars for information about terrorist activities directed against any of their operations worldwide. The objective is to deter new acts of terrorism, but the reward applies to past incidents as well, such as the sabotage of Pan Am 103—a tragedy still fresh in our minds. The U.S. airline industry is committed to using every resource at its disposal to make its passengers the safest in the world, and if that means offering a bounty, we'll do it.

The reward is structured to supplement a two million dollar reward fund recently approved by Congress and administered by the State Department. ATA will match any reward the State Department makes—up to one million dollars—for information concerning criminal activities against ASTA member airlines. Three million dollars—the total combined reward—should be a powerful incentive for people within, or close to, terrorist organizations to reveal plots before they are hatched.

Acts of international terrorism are directed at governments and government policies, but airlines occasionally become surrogate targets, and innocent victims, of these crimes. So we are dedicated to doing all that we can to defend ourselves. U.S. airlines have taken a number of steps in the past year-and-a-half to tighten what was already the world's best security system. For example, they now X-ray or physically inspect all checked luggage on flights from 45 foreign airports in Europe and the Middle East. They have assigned additional security personnel to foreign airports, and have adopted more comprehensive procedures for questioning passengers as they check in. These new steps are in addition to extraordinary procedures that were in effect already—procedures to search and guard aircraft, inspect aircraft service workers, match baggage with passengers and accept baggage only from ticketed passengers.

The U.S. government also has taken important steps in recent months to assist the airlines with their security programs. For instance, at the urging of the airline industry, FAA is stationing more of its security personnel in Europe and the Middle East. The airlines continue to believe the government can, and should, do more to assist the airlines, but we believe the government is moving in the right direction.

I mention all of this to give you some perspective on the tremendous effort undertaken by industry and government over the past year to protect airline passengers, flight crews, and aircraft. We are strongly committed to making it as difficult as possible for terrorists to carry out their heinous plans. The reward we are announcing today is an additional feature to this enormous security effort. We want to do more. We mean business, and we want people to know it.

I now want to introduce several distinguished indivduals who have taken a personal interest in the airline reward fund and, in some cases, have played key roles in bringing the idea to fruition.

First, Ambassador Morris Busby, Coordinator for Counter-Terrorism, U.S. State Department.

Senator FRANK MURKOWSKI from the State of Alaska.

Congressman WILLIAM BROOMFIELD from the State of Michigan.

Administrator James Busey, FAA.

Assistant Director William Baker, Criminal Investigation Division, FBI.

Capt. Bruce Smith, a pilot with Pan American who lost his wife in what is probably the most infamous act of terrorism against an aircraft. Captain Smith was the first to propose the airline reward and has been the driving force behind the concept. The industry admires Captain Smith's dedication and perseverance in making this important reward a reality.

THE PROPOSED POSTAL RATE INCREASE IS TOO MUCH—TOO SOON

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. ARMEY. Mr. Speaker, I commend this outstanding monograph by Richard L. Lesher, president of the U.S. Chamber of Commerce, to my colleagues. Mr. Lesher has addressed the impending rate increase by the U.S. Postal Service.

THE PROPOSED POSTAL RATE INCREASE IS TOO MUCH—TOO SOON

(By Richard L. Lesher, president, U.S. Chamber of Commerce)

A nearly 20 percent postal rate hike is unreasonable and unjustified. If the recent proposed increase is approved, postal costs will have risen 46 percent faster than the rate of inflation between April 3, 1988, the date of the last increase, and next January, when the new rates would be effective. The unchecked practice of raising revenue by increasing rates must stop.

To add insult to injury, the Postal Service recently unveiled a plan to lower its first-class delivery standards. Approximately 5 percent of the mail now delivered overnight will take two days, and about 5 percent of the mail delivered in two days will take three days. This must be the greatest intentional slowdown in postal history. Mail service that gets worse as it gets more expensive should not be accepted.

The proposed slowdown in service is a great leap backward for the Postal Service. It is sending the wrong message to the mailing public and postal workers: If you can't meet the standards—lower them.

The Postal Service has tried to appease the public by saying the rate increase will cost consumers only $10 more a year. This figure is misleading to say the least.

Because postage costs are part of almost every item we buy, the actual cost of the increase will be $8 billion, or about $88 per household. This includes the generally higher costs of business, such as postage for magazine subscriptions and mail-order purchases, which would be passed on to the consumer.

Postal costs have been out of control for too long, and business can no longer bear the burden. According to the Postal Rate Commission, the hike will cost business at least $6.2 billion in direct costs. Small and mid-size businesses that rely on direct-mail marketing will be hardest hit by an increase. Many may go out of business. If the rate goes up 20 percent, and a business sends out 20 percent fewer mailings, for some, that's equivalent to losing one in five prospective customers.

Big mailers began exploring alternative delivery options after the last increase, as indeed they would after any supplier of goods or services raised prices inordinately. Many of them have already put systems in place that bypass the Postal Service.

If postal rates continue to rise in an era of electronic transfer, personal computers and fax machines, the Postal Service may wake up to find itself bypassed by technology and priced out of the market.

Answers to the Postal Service's problems are not easy. Postmaster General Frank has made a valiant attempt at managing the Postal Service with a strategic plan that calls for reducing inflation in postal costs from twice the consumer price index to two points below it by 1995. We support this goal, but at the same time we are skeptical that this can be accomplished. The Postal Service has not kept the growth in postal rates below the inflation rate since the Postal Reorganization Act of 1970.

To turn the Postal Service around, two tasks must be accomplished. First, management must reassert control over its labor force. Second, productivity and service quality must increase.

The current collective bargaining agreement of the American Postal Workers Union and the National Association of Letter Carriers is clearly out of line with the needs of the Service at this time.

Under the agreement, no employee may be laid off during the three years it covers. In addition, permanent job tenure has been granted to anyone employed prior to 1978, and to anyone hired since then who has worked six consecutive years.

Another bizarre element of the agreement includes a one-time purge of disciplinary letters from personnel files. If the Postal Service's aim is to increase service, what could be the point of erasing the records of problem workers?

A steady stream of pay raises has put total compensation cost per worker at more then $40,000 a year, twice the average for all workers in the private sector. Escalating wages can be justified only in a competitive environment if there is a corresponding increase in productivity.

So far, postal productivity has been flat or actually has fallen in each of the last three years. More than $1 billion has been spent on automation, yet only one-third of the expected saving has been realized. These dismal figures may be explained by the Postal Inspection Service study which found 20 of 22 areas surveyed had workers using less-efficient machines and manually processing the mail to keep clerks busy because union contracts specify that 90 percent of the work force work full time.

In testimony before Congress, the General Accounting Office said, "In its estimate of 1989 costs, the Service expected that it would save about $748 million in reduced clerk and mail handler work hours by installing labor-saving equipment such as automated sorting machinery. Although the equipment was put in place, clerk and mail handler costs exceeded the planned level by $761 million. The Service's savings estimates were not backed up with actions to achieve them."

For the Service to survive, it is imperative it negotiate with labor for more flexibility and accountability from workers.

The U.S. Chamber believes there is no future for an organization whose business strategy calls for being the highest cost/lowest quality provider of any service. The Postal Service needs to decide first and foremost that its priority is to provide quality service to consumers and businesses at the lowest responsible costs. Simply imposing higher rates will drive profitable mail out of the postal system when it is needed most. Before the Postal Service receives another rate increase, it must first realize the other two-thirds of the saving anticipated from automation.

TRIBUTE TO F.A. SEBRING ELEMENTARY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to F.A. Sebring Elementary of my 17th Congressional District of Ohio. F.A. Sebring Elementary will be celebrating its 40th birthday on May 16, 1990, as well as announcing the successful completion of their Million Minutes Reading Program.

F.A. Sebring Elementary began their Million Minutes Reading Program at the beginning of the 1989–90 school year. The goal of the program was to get the 40 students of Sebring Elementary to read for 1 million minutes during the school year. If a student reads more than 100 minutes in a month their name would be put in a drawing for the book of the month. Area businesses and the local parent association donated the book and also a bicycle which was given as a grand prize.

The students kept track of the minutes read by placing stickers in the hallway of the school. This enabled the students to keep track of their total minutes read as well as visualize what a million really looks like. The students were also allowed to have reading partners outside the school who could donate minutes read to the contest. One of these partners was First Lady Barbara Bush.

Mr. Speaker, I would like to take this opportunity to congratulate F.A. Sebring Elementary on both their 40th birthday and on the completion of their Million Minutes of Reading. Education is the cornerstone of our country and programs such as a Million Minutes of Reading help promote higher standards of learning in our school systems.

JOHN SLOAT BASIC ELEMENTARY SCHOOL'S SECOND ANNUAL CELEBRATION OF READING

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. MATSUI. Mr. Speaker, it gives me great pleasure to rise today and call attention to John Sloat Basic Elementary School's second annual Celebration of Reading. Additionally, I would like to voice my support for the school's efforts in stressing the importance of reading to our children.

It is imperative that we all learn the value of education and the ability to be able to read. The number of adults who may not be able to read, write, speak, or otherwise communicate competently enough to meet the demand of modern society, has increased significantly. It is through Federal, State, and local efforts, such as the Celebration of Reading, that we can work to combat this problem and reinforce in our young people the importance of learning to read.

I am always pleased to hear of individuals, such as those participating in the Celebration of Reading, who have helped to show young people how reading is important in their lives. The students, parents, and staff of John Sloat Basic School also are to be commended on their efforts to help make this special celebration a success.

RT. REV. MSGR. ACHILLE J. D'ANCA: A MAN OF PEACE AND VISION

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. SOLARZ. Mr. Speaker, I take great pleasure in rising today to pay deserved tribute to Rt. Rev. Msgr. Achille J. D'Anca. Monsignor D'Anca has been a priest for 45 eventful years for the Diocese of Brooklyn. For the past 12 years, he has been pastor of St. Francis of Paola in the Greenpoint-Williamsburg section of my congressional district.

The monsignor's fruitful service to his faith and his community is best recognized by the recent honor bestowed on him by Pope Paul John II. He was made a knight commander of the St. Sylvester, Pope—an ancient papal order. This was not the first honor awarded Monsignor D'Anca by the Pope: In 1983, he was created a domestic prelate with the title of Right Reverend Monsignor.

Monsignor D'Anca has been a member of the priest senate for 3 years and has been a board of director member of the diocese's Catholic newspaper, the Tablet, for the past 22 years. For the past 12 years he has been vice-president of the Tablet. The monsignor has also served as a counselor for priests at St. Savior's High School and has been a speaker for vocation speaking at all the high schools in the Diocese of Brooklyn.

In addition to his extensive pastoral duties and obligations, Monsignor D'Anca has served on Community Planning Board No. 1 in Brooklyn for the past 12 years and has been a mediator for the Brooklyn Mediation Center in Brooklyn's Municipal Building for the past 7 years.

Monsignor D'Anca was born in the Tremont section of the Bronx on March 3, 1919. He was baptized at St. Joseph Church and attended St. Joseph Elementary School. His family moved to Brooklyn when he was 8 years old. He then attended Our Lady of Guadalupe Grammar School and later graduated from St. Michael's Diocesan High School in 1938.

The monsignor graduated from St. John's University in 1941, with a B.A. degree in history and English. He then entered the Immaculate Conception Seminary in Huntington, NY, and was ordained a priest on April 3, 1945. He later received his master's of divinity degree from the seminary.

His first assignment was at Sacred Heart-St. Stephen's Parish in Brooklyn where he served from 1945–1958. He was then assigned to our Lady of Guadalupe's Parish before being made pastor of St. Francis of Paola.

Monsignor D'Anca will retire as pastor this coming September and will move to Florida. I am honored to be able to make note of the monsignor's distinguished and rich record of service, and I know his thousands of friends and acquaintances are thankful for his many deeds and wish him Godspeed.

CONGRATULATIONS, DR. MITCHELL MALACHOWSKI

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to congratulate Dr. Mitchell Malachowski who is being recognized by the Rhode Island College Alumni Association for his outstanding career achievements.

Dr. Mitchell Malachowski graduated from Rhode Island College in 1977 with a degree in chemistry. He attended the University of North Carolina where he received his Ph.D. in chemistry in 1983. While at the University of North Carolina, Dr. Malachowski received the Outstanding Teacher Award for 1981.

In 1983, be began teaching at Gettysburg College as an assistant professor in chemistry. In 1984, Dr. Malachowski went to the University of San Diego as an associate professor of chemistry; and in 1989, Dr. Malachowski was named the associate dean of arts and sciences. During his academic career, Dr. Malachowski has been published several times and has received numerous research grants in the field of chemistry. He is a member of the American Chemical Society, the National Science Teachers Association, and the National Academic Advising Assocation.

It is with great pleasure that I salute Dr. Mitchell Malachowski for his outstanding achievements in the field of chemistry. I wish him continued success in the future.

TRIBUTE TO HENRY J. MELLO

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. PANETTA. Mr. Speaker, I rise today to recognize the accomplishments and efforts of an untiring public servant of the State of California, State Senator Henry Mello. I am grateful to have this opportunity to express my gratitude and appreciation for his tireless work

in behalf of the people of California, and especially Santa Cruz County.

Henry Mello has served the people of California in many capacities for over two decades. This dedicated man began his career in public service by serving for 8 years as a Santa Cruz County supervisor. In 1976, Henry served as assemblyman for Monterey and Santa Cruz Counties before being elected State Senator in 1980. Henry is currently majority whip and chairs the Subcommittee on Aging, the Subcommittee on Economic Problems Facing Agriculture, the Senate Select Committee on Bilingual Education, Joint Committees on the Arts and the 1992 Quincentennial, and vice chairman of the Senate Select Committee on California's Wine Industry and Agriculture and Water Resources.

I have worked with Henry on many occasions. His efforts in the wake of the Loma Prieta earthquake helped quell the effects of this tragic disaster. He was truly instrumental in opening and maintaining channels of communication and ensuring remedial action and recovery efforts were swiftly undertaken. This is just one example of the many times I have witnessed the resolve and dedication of Henry to the community.

It is truly rare to encounter a person so dedicated to the betterment of the community. Henry has selflessly devoted his time to the people he has represented since entering public service in 1968. I am extremely lucky to have the pleasure of working with a man so committed to serving the residents of Santa Cruz and Monterey Counties.

I am sure my colleagues are pleased to join me in recognition of Henry's public service and appreciation for his continuing efforts. It is with great pride and respect that I rise to pay tribute to Henry Mello.

IN HONOR OF PRINCIPAL JIM VLASSIS

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. LOWERY of California. Mr. Speaker, I rise today to call your attention to Mr. Jim Vlassis, the man responsible for one of the most dramatic turnarounds in the history of the San Diego County School System. On June 13, Mira Mesa High School will recognize its graduating seniors for their achievements and contributions during the past 4 years. I would like to make certain their principal is recognized on that day as well.

When Jim Vlassis arrived at Mira Mesa High, he inherited a program that was clearly one of the worst in San Diego County. Test scores were low, absentee and dropout rates were high, graffiti scarred the walls, and student and teacher morale had declined to intolerable levels. In short, Mira Mesa suffered from the disease which now plagues too much of American education.

Yet in only 3 years, Jim Vlassis, or "Mr. V," as he is known, has instilled a sense of confidence and commitment which has transformed Mira Mesa High from a decayed, city school into a closeknit, thriving community. Under his leadership, faculty and students have united to create one of the best schools in the county.

Today, the words self-respect and persistence have meaning to every student in every activity at the school. Test scores have risen to surpass the national average, absentee and dropout rates are now the lowest in the county, and the athletic program has won more championships in the last 3 years than the previous 7 combined. The school, once covered with graffiti, has won the campus beautiful contest 3 years running.

Mira Mesa's resurgent pride and enthusiasm recently received national attention when Vice President DAN QUAYLE decided to stop at the school on his last trip to California. All 2,500 students filled the gymnasium and greeted the Vice President with thunderous applause and a deafening display of spirit. Vice President QUAYLE praised the students' accomplishments and encouraged them to carry our Nation to a more prosperous, more productive future.

Mr. Speaker, Jim Vlassis believes in a better future, and his successes prove that our Nation's schools can and will return to excellence. Let his leadership and his vision serve as an inspiration to educators and students everywhere.

SALVATION ARMY CENTENNIAL IN SAGINAW

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. TRAXLER. Mr. Speaker, I rise today to inform the House of the century anniversary of the Saginaw County chapter of the Salvation Army. The image of the Salvation Army is not just of a service worker ringing bells at Christmas time or feeding people during emergencies. It is a lot more than that. The Salvation Army reaches all populations as a community-wide rescue mission.

The Salvation Army opened its chapter in Saginaw County in 1890 just 10 years after it officially began work in the United States. The Saginaw chapter is now 100 years old. That's quite an accomplishment. Last year, it worked hard for the needs of 31,000 underprivileged. Since 1890 it has gone beyond providing the necessities of food, clothing, and shelter and emergency service. In 1939, on North Baum Street it opened the first day care center which is still thriving today. In 1959, it opened the first home for the elderly in the United States—Eventide, that existed until 1982.

The Salvation Army in Saginaw provides special assistance to low-income and sick residents. Often, hospitals ask the Army to provide walkers, canes, bandages, prescriptions, and special equipment such as hearing aids and vaporizers. More than 55,000 people use its recreation center and gymnasium yearly. Its day care, preschool, and infant care start at 6:15 a.m. and provide care for 73 children and babies aged 2 months and older. Eight-year-old children come after school for a few hours until their working parents pick them up at 5:45 p.m.

More than 2,500 white, black, and Hispanic youths come to the different social adjustment programs offered by the Salvation Army. These programs focus on drug prevention, gang wars, and single parent family stress. Of course, the Salvation Army also helped out in the emergencies of the great flood in 1986 by opening its gym to serve meals and provide clothing. When the GM plant in Saginaw was severely damaged by fire, the Salvation Army opened its canteen to feed GM workers.

I am very proud of the 22 staff members of the Salvation Army in Saginaw, located at 2030 North Carolina. I am proud to tell my colleagues of the enormous help it has given Saginaw. Please join me in wishing a successful centennial celebration to the Saginaw chapter of the Salvation Army May 18–20.

MIAMI-DADE CHAMBER OF COMMERCE AWARDS BANQUET

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, the Miami-Dade Chamber of Commerce will be holding their annual awards banquet which acknowledges those people and businesses who have demonstrated outstanding ability. In keeping with their tradition of furthering the best interest of the community, the chamber utilizes money collected from the banquet to encourage economic growth within the black community.

The awards banquet will be held Thursday, May 31, at Studio One–83 in Miami with the renowned group, the Manhattans providing entertainment. Many Miami businesses have placed advertisements in the banquet souvenir booklet to remember the event and to financially assist the chamber. The efforts of Dorothy Baker, president of the Miami-Dade Chamber of Commerce and Marty Pinkston, souvenir booklet chairperson, must be applauded. Their hard work will certainly be seen on May 31.

I commend the Miami-Dade Chamber of Commerce for all of their accomplishments within our community. They have repeatedly displayed initiative in promoting economic development in Miami as well as maintaining the support of the business community. I take great pleasure in recognizing their achievements.

BEYOND FOLK SONGS AND FLOWERS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. GINGRICH. Mr. Speaker, as we prepare to debate and vote on the clean air bill, I wanted to share with my colleagues a column by David Broder.

Mr. Broder's column appeared in the Washington Post on Earth Day and offers an inter-

esting perspective to the current clean air debate.

[From the Washington Post, Apr. 22, 1990]

BEYOND FOLK SONGS AND FLOWERS

(By David S. Broder)

If the Earth is not tilting off its axis today, it's not because the Earth Day promoters haven't tried. Rarely has a publicity campaign of such massive proportions been unleashed on—or on behalf of—an unsuspecting world.

Hard to remember that 20 years ago, this thing was just a figment of Gaylord Nelson's imagination. The former Wisconsin governor and senator was flying from Santa Barbara, where he'd looked at the damage of an oil spill, to Berkeley, where he had to improvise a speech. On the way, he pulled out a copy of the radical magazine, Ramparts, in which he read about the "teach-ins" the antiwar movement was using to mobilize sentiment for a withdrawal from Vietnam.

Searching for something to spice his campus talk, Nelson came up with the idea of an environmental teach-in. And eight months later, Earth Day was born.

Now, Earth Day is an extravaganza. The only thing unchanged from 1970 is Nelson himself, a blithe spirit, as uninhibited and funny as ever, puncturing pomposity as he did in his Senate days. But as that first simple Earth Day of 1970 metamorphosed into Earth Week 1990, with every politician, scientist, entertainer and self-promoter trying to get into the act, it began to look like a gimmick that ate the world.

At one level, the environmentalists have swept away all opposition. The "conservative ethic" has become one of the fixed guiding stars of American politics—a "value question" that permits only one answer from anyone who hopes to be part of the public dialogue. It is the current age's version of "God, Flag and Motherhood." Jerry Brown ran for president with the mantra, "Respect the Earth—Serve the People." He didn't win, of course, but his slogan was flawless.

The sure sign that a cause has prevailed comes when its opponents adopt the very tactic that's aimed at them. When Michael Dukakis started his rallies in 1988 with the Pledge of Allegiance, you knew George Bush had made his point.

Well, on Tuesday of Earth Week, I went to a press conference with the National Association of Manufacturers, the Business Roundtable and the representatives of many of the industries the environmentalists love to hate—coal, chlorine, chemicals, compressed gas, electric power, plastics and rubber. They were gathered to proclaim their pride in the environmental advances of the past 20 years. Alexander Trowbridge, former secretary of commerce and former NAM president, said: "A clean enviornment is not just a desired. . . but a realistic goal, to which American industry is committed."

Banished, at least for the moment, were 20 years of business warnings that environmental standards could be achieved only at a huge cost in jobs, in productivity and in competitiveness. Environmental protection "is good business," Trowbridge declared. The current NAM head, Jerry Jasinowski, went further, describing anti-pollution programs as essential parts of the drive for "quality improvement and . . . reducing waste in the production process."

All is not that benign, of course. As the business spokesmen readily conceded, they will be hard at work in the House of Representatives trying to weaken some provisions of the Senate-passed Clean Air bill. Their recognition that the values embodied in Earth Day have prevailed actually puts them in a better position to challenge the environmentalists in specific cases.

Because this Earth Day got so overblown, because the environmental message was so hyped with song and slogan, even the press and television, which normally give short shrift to the other side of the argument, were shamed into admitting that not all these issues offer neat solutions.

There was far more in the press in the last few days about the major NASA study, questioning the global-warming alarms, than there had been when it was published. I saw popular journals expressing skepticism for the first time about the need for the costly asbestos-removal program. A few iconoclasts, like Berkeley's Aaron Wildavaky, even were quoted as suggesting that some in the political Left are simply using environmentalism as a handy tool for achieving more government control of the economy.

The best dissection of what is real and what is phony or dangerous in environmentalism that I read was Gregg Easterbrook's article in the April 30 New Republic magazine. He wrote that the Earth Day extravaganza encouraged "a growing sense that the only socially respectable attitude toward the environment is pushing the panic button."

Given the real progress of the past 20 years, Easterbrook is right in warning that, "Fashionable alarmism may eventually create a Chicken Little backlash: As the years pass and nature doesn't end, people may stop listening when environmentalists issue warnings. The tough-minded case for environmental protection is ultimately more persuasive than the folk song and flowers approach."

What all this suggests is that the argument is no longer about values. That's over, and the environmentalists have won. The argument now is about policies. And those with the best evidence and the best arguments, not just the purest hearts, will prevail.

THE COMMUNISTS DON'T WANT A SOLUTION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. CRANE. Mr. Speaker, I think it is interesting that while the West seems to view Mikhail Gorbachev as some sort of hero deserving of the title "Man of the Decade", he is perceived quite differently in his own country. Admittedly, there have been a good number of positive changes in the Soviet Union under Mr. Gorbachev; however, we cannot lose sight of the fact that the Soviet economy was in such a shambles when he came into power that he had little recourse other than to implement such changes.

Before we heap too much praise on the man, and before we allow ourselves to alter our foreign policy to please him, we positively must take into account his recent actions in Lithuania, as well as those taken during the Azerbaijan-Armenia conflict. The fact of the matter is, that while the Soviet Union says it has changed, it continues down the same repressive path as always. Meanwhile, here in the West we continue to allow ourselves to be brainwashed into believing that the cold war has ended.

Please take the time to read the following article which highlights a number of thought-provoking statements by one of the Soviet Union's most famous citizens, world chess champion Gary Kasparov.

[From the Wall Street Journal, Mar. 29, 1990]

THE COMMUNISTS DON'T WANT A SOLUTION

(By Gary Kasparov)

(At the age of 26, Gary Kasparov may be the greatest chess player of all time. He is also one of the most eloquent advocates of democracy inside the Soviet Union.)

(A dazzling series of victories in his late teens won Mr. Kasparov the right to challenge Anatoly Karpov, then 33, for the world chess championship in 1984. An observer described the match as a contest between "the apparatchik and the artist": Mr. Karpov, an ethnic Russian and the holder of an Order of Lenin, was known for the correctness and risk-aversion of his game and his politics; Mr. Kasparov, who is half-Armenian and half-Jewish was already showing signs of unorthodoxy and insubordination.)

(After 48 games, Mr. Kasparov was on the verge of defeating Mr. Karpov, when the Soviet-controlled World Chess Federation suddenly called off the match. A new championship match was arranged for the fall of 1985, which Mr. Kasparov won, as he did the rematch in 1986. All the while, he was becoming increasingly alienated from the Soviet authorities.)

(Mr. Kasparov is now touring the United States to promote his plan to set up profit-making chess schools in this country, and sell chess software. He visted the Journal's New York office on Monday; here are some extracts from his remarks, which were made in English.)

The human rights situation in the Soviet Union is far from the ideal. There's still no free press in Soviet Union, television is still under state control, there's no private property in the country and nobody expects it soon, and we're a dictatorship. How can you call it democratization when all power is being gathered into the hands of one man?

* * * * *

I don't believe that Mr. Gorbachev had anything specific in mind when he started these reforms, except to save the system however he could. The Soviet Union was about to die as a state—economically, morally and ecologically. Why do you always give him credit for what happens? He didn't repeal Article 6 [the article of the Soviet constitution that confirmed the Communist Party's "leading role"], because he wanted to, but because nationwide strikes, mass demonstrations and powerful national movements forced him to. The Soviet peoples don't understand how a man so unpopular at home can be so popular in the West.

* * * * *

Mr. Gorbachev promised to bring good people onto the presidential council to achieve reforms. But he didn't include the prime minister, [Nikolai] Ryzhkov—he included the minister of defense, the KGB chief and the minister of the interior. Very significant. Plus Dmitri Yarin and Valentin Rasputin. These five people show that future policy won't be very democratic.

What can be your goals if you want to use the army, the KGB, the police plus neo-communist organizations like the United Workers' Front, which Mr. Yarin runs, and chauvinist groups like Pamyat, of which Valentin Rasputin is the godfather?

* * * * *

It's a joke to imagine that Mr. Gorbachev is in some kind of danger from Mr. Ligachev. Whenever there's a conflict among the Soviet leaders, Mr. Gorbachev wins easily. He's the only hope of the apparatus. They're very smart. They didn't vote for Mr. Gorbachev to destroy the system; but only because any other move would lose the game. They're playing just so they will not lose right away.

The only goal they have is to keep power, especially our leader. The government will use force if necessary, anywhere in the Soviet Union.

Why not use force in Lithuania? People were killed in Georgia one year ago, and there was no reaction in the West. When people were killed in Tiananmen Square, there was a reaction, but it passed, it was forgiven. I saw people killed in Azerbaijan, and there was no reaction. There were many Western networks that didn't show the tapes from Baku, not to upset the Western public and Mr. Gorbachev. Why not again? The Soviets have been occupying Lithuania for 10 days, and there's no reaction. Why not use force? Maybe it won't happen, but I don't think it's very wise just to sit and watch and wait.

* * * * *

You [the U.S.] cannot prevent Gorbachev from sending troops in to kill people, but you can react accordingly. We heard many good statements warning of what would happen if the election in Nicaragua was manipulated—a blockade, a break in relations. But with China and the U.S.S.R. nothing happens. It looks as if American policy depends on the size of the communist country—if you're a big communist country, nothing happens.

* * * * *

The Soviet troops that are withdrawn from Poland, Czechoslovakia and Hungary are coming to Lithuania, Latvia, Estonia, the western Ukraine, Moscow. Troops from Afghanistan went to Baku. Forty-five years ago the Soviet nations saved the East European countries from fascism by our lives; now the same thing is happening, we're saving them from communism by our lives again.

* * * * *

The Soviet people do not care about Mr. Bush's opinion. They cannot live under communism anymore. The problem is, the people will rremember that in the very tough days, the Western democratic countries supported the dictatorship in the Soviet Union.

* * * * *

There was not civil war in Azerbaijan. There was an Armenian genocide in Baku. It continued for six days. People were killed. And 12,000 troops watched as these people were killed. And when it was over, they brought the troops in. [Defense Minister Dmitri] Yazov said, they went to Azerbaijan to save Soviet power. Mr. Sheveradnadze [the Soviet foreign minister] said, they went to save Armenians. I believe Mr. Yazov. They used the Armenian genocide as an excuse to save Soviet power. Even more, I am ready to prove that they organized it.

The KGB armed these Moslem fundamentalists. This war was provoked in Moscow, because they need a reason, a good reason, to keep troops. This was an example for other republics, and they wanted the genocide in order to get full support from the West. When they occupied the city, they didn't arrest the leaders of the Moslem fundamentalists; they arrested the leaders of the national democratic movement immediately.

* * * * *

All the national fronts in the republics consist of different political forces: social democrats, conservatives, ultra-chauvinists, everybody. To find the real majority, you need to get rid of communism and have free elections.

* * * * *

How could it happen that this territorial conflict could lead to civil war? Who armed all these people? Who gave them weapons? Who started the press campaign? Who encourages these people to fight each other? There's only one answer—it's so convenient for the central government. Without Moscow, all sides could find a peaceful agreement. With communist governments there, it will be impossible to find a solution because the communists don't want a solution.

* * * * *

An organization like Pamyat is very noisy, but they always lose elections—even in Leningrad, where they looked especially strong. But they're very useful for the government.

* * * * *

What do I want? Democracy in Russia. An end to the monopoly of power. Basic rights, including property rights. Removal of the old forces from government. And free choice for the national republics. Myself, I'd like a confederation of democratic republics in the Soviet Union, but that may no longer be possible.

The leadership cannot survive if they lose the empire. The democratic mentality believes that all the republics must have free choice; the communists cannot give them up. They promise decentralization and free choice, yes, but I see no sign of new rights for the republics. Mr. Gorbachev announced that a new law about secession is on the way, to give any republic the right to leave after five years. This law is written in a typically communist way: so many obstacles, so much delay, so many conditions, it could not be considered a serious law. And yet I believe that, unless Moscow is willing to kill people, by the end of the year, Latvia and Estonia will also leave and probably Georgia, Azerbaijan and Moldavia too.

* * * * *

I'm half Armenian and half Jewish. I was born in Baku. I saw the growing tensions, I saw people killed. If necessary, our government would not hesitate to kill thousands or hundreds of thousands of people. When I escaped from Baku and got to Moscow, I gave a press conference. I realized that I had some obligations, some duties. These people in my country who are fighting for democracy have no choice of being listened to in the West. Maybe I was the only man who could speak on their behalf, who could help them to be heard—not to stop bloodshed, for I'm not able, but just to talk about it, just to tell another vision of the events in the Soviet Union.

"A CELEBRATION YOUTH" ESSAY WRITING CONTEST

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. FAUNTROY. Mr. Speaker, I rise today to pay tribute to a group of bright, talented and determined young people who distinguish themselves as the winners of "A Celebration of Youth" Essay Writing Contest. The contest participants were presented a theme and were instructed to construct an essay incorporating within the context of same, goals and dreams that they wish to fulfill for themselves and for the world. This year's theme was, "What Can I do to Make a Positive Difference in my Life and in the World!" The following are excerpts from the winning essays:

Upper Elementary First Place Winner, Joyce Chapman, grade 4, Teacher, Mrs. Lucrishann Tolbert, Draper Elementary School, Principal, Mr. Joseph A. Carter, Jr.

"If you set a goal, work toward it and believe in yourself; you will achieve it! Sure, I can and will be a doctor or lawyer one day."

Upper Elementary Second Place Winner, Joshua Hutchins, grade 6, Teacher, Mrs. J. Baker, Alexander Shepherd Elementary School, Principal, Mrs. Edith R. Smith.

"I can make a positive difference in my life by believing in myself, being confident in myself, and by trying to do my best in everything I do."

Upper Elementary Third Place Winner, Angela Hackett, grade 6, Teacher, Mrs. Anita Lee, Alexander Shepherd Elementary School, Principal, Mrs. Edith R. Smith.

"I will always do my best so that people will judge me by what I do, not by the color of my skin * * * with a good education I should be able to get a job that pays me enough money so that I won't be poor and homeless."

Junior High First Place Winner, Meredith Watson, grade 8, Teacher, Ms. Sharon Graham, Eliot Junior High School, Principal, Dr. Rosella M. Bradley.

"I can make a positive difference in my life by empowering myself for success * * * I have been taught to be proud of myself, to set goals, and to work to achieve them. With strong values, I can be the best that I want to be."

Junior High Second Place Winner, Keith Lamman, grade 9, Teacher, Mrs. J. Smith, Alice Deal Junior High, Principal, Mr. Reginald Moss.

"Making a positive difference in my life is going to take a lot of work. I am not what you would call an angel and I need some work in a couple of areas. This is not going to be easy but with some hard work I think that I will be able to handle it."

Junior High Third Place Winner, Kesha White, grade 9, Teacher, Ms. Rachel Hicks, Jefferson Junior High School, Principal, Ms. Vera White.

"Through education, community involvement and encouraging my friends not to become involved in drugs and to look on the positive side of life, I can make a positive difference in my life and the world."

This annual writing competition is sponsored by The Committee on Promoting Global Harmony Through Personal Excellence, under the leadership of Mrs. Dodie Brady and Ms. Charlotte Travieso. The vision and commit-

ment of the committee members is to "assist youth in bringing greater self-esteem, confidence, and sense of positive purpose to people in all walks of life."

Mr. Speaker, I know that my colleagues join me in congratulating this outstanding group of young men and women and in saluting their accomplishments.

THE FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. COBLE. Mr. Speaker, we are all aware of our trade deficit and the need to lower it. We have heard many speeches in this very Chamber about unfair foreign trade practices which translate into lost American jobs. This is an important issue which Congress must continue to address, but there is another cause of lost Americn jobs which receives little, if any, attention. More shocking still, this impediment to private sector growth is not an overseas corporation playing by a different set of rules. As a practical matter, it is a taxpayer-subsidized corporation backed by our Government. It is called the Federal prison industries [FPI], or UNICOR.

UNICOR has provided prison inmates with work since the mid-1930's by manufacturing products and selling them to Federal agencies. The concept behind the program—to keep prisoners busy and teach them some work skills which might be applied later in life—was, and still is, a good one. But UNICOR operations have grown to the point where the very workers and companies which support the program with their tax dollars are being driven out of business.

In fact, the problem will become far worse unless we correct it now, as 1989 UNICOR sales—$360 million—are expected to mushroom to $620 million by 1992. This is particularly alarming to me, since more than 40 percent of all UNICOR products compete with goods manufactured by textile, apparel, and furniture workers. North Carolina is the Nation's leading manufacturing State, and there are thousands of workers employed in these very industries in my district.

How has this happened? Under the current system, UNICOR is essentially accorded a super preference when contracting with a Government entity. This preference forces Federal purchasing agents to buy products from UNICOR without soliciting bids from the private sector. Not only does this take jobs away from taxpayers and taxpaying companies, but, by eliminating the bid system, prevents agencies from comparing prices to ensure that UNICOR's are fair market prices. Along with the General Services Administration, UNICOR claims that its products meet the same standards imposed on private sector businesses; but neither organization can document this point.

It is time to level the playing field between UNICOR and the private sector, and legislation which I am introducing today, the Federal Prison Industries Competition in Contracting Act, does just that. My bill would restrict the use of FPI's super preference to give Federal agencies the purchasing flexibility they were intended to have in the original FPI legislation enacted in the early 1930's. It would allow an agency to buy products pursuant to Federal Supply Schedule contracts already negotiated with suppliers, or give agencies the option to solicit offers from FPI and other vendors. FPI, like all other offerors, would be subject to the same agency requirements on price, quality, safety, and delivery.

FPI could invoke its super preference, however, if it were not likely to compete successfully, had not captured more than 10 percent of the Federal market for the specific product to be purchased, and it needed the award to: First, prevent a significant decline in inmate employment in the workshop which fabricates the product, or second, enable FPI to diversify into labor-intensive fabrication of a new product.

American industry is not asking for the elimination of FPI operations, but for a fair opportunity to compete with this Government-sponsored corporation. To this end, Mr. Speaker, I urge support of the Federal Prison Industries Competition in Contracting Act.

SIXTH GRADER'S SCIENCE TEACHES LESSON

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. MILLER of California. Mr. Speaker, sometimes we can learn important lessons from kids.

I would like to bring to the attention of my colleagues a story which appeared in the Lahontan Valley News on April 11, 1990.

Kevin Bell, a sixth grader at E.C. Best Elementary in Churchill County, NV, has shown us that effective science does not necessarily mean spending thousands of dollars to reach accurate conclusions. It only takes imagination, resourcefulness, and an eye for a problem in need of study.

We should all commend Kevin for his initiative in taking on the project, and for his first place showing in his school's science fair.

[From the Lahontan Valley News, Apr. 11, 1990]

SIXTH GRADER'S STUDY MATCHES ONE DONE BY AGENCY THAT TOOK MONTHS

(By Susan Goldsmith)

In 1989 the National Fisheries Contaminant Research Center looked at the toxicity of the irrigation drainwater flowing into the Stillwater Wildlife National Refuge. The study took one month and cost approximately $25-30,000, according to Bob Hallock of the U.S. Fish and Wildlife Service in Reno.

Kevin Bell, 12, a sixth grader at E.C. Best Elementary, was interested in the same question and knew nothing about the previous government study.

So, for his Churchill County Science Fair project, Kevin pursued his interest and did a study on the water spilling out of the TJ Drain into the Stillwater Wildlife Refuge.

And Kevin's project, which cost approximately $25, came to the same conclusion as the exhaustive 55-page government study.

According to Ron Anglin, Stillwater Wildlife Refuge Manger, both studies found that the water flowing out of the drain into the refuge is highly toxic.

Anglin describes Kevin's project as "a complicated scientific study" which demonstrates that an "inquisitive mind can do science experiments and get good results." And the project recently took first place for sixth graders at the Western Nevada Regional Science Fair held last week in Reno.

Kevin tested the effects of the water on beans, snails, daphnia (small water insects) and three species of fish.

The results of his report showed that in the first five minutes snails that were placed in 100 percent TJ Drain died. Similarly, within the first five minutes 100 percent of the daphnia were dead in 100 percent drain water. And all the other plants and animals tested failed to thrive in the toxic water.

Kevin said he also observed many animals had an instinct to stay away from the water.

The results show that the water flowing out of the TJ Drain "is very bad water," Kevin said. And the government's study concluded that water from the TJ Drain "is acutely toxic to all species tested."

Anglin said both reports suggest there is a strong need to do something about the toxic water contaminating the refuge. While the government study made no recommendations, Kevin said he thinks it's important "to close the TJ Drain," an idea Anglin supports.

While he has no immediate plans for his next study, Kevin said he's sure that he wants to "be a scientist and study nature."

ASIAN/PACIFIC AMERICAN HERITAGE MONTH

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. MATSUI. Mr. Speaker, it gives me great pleasure to stand before my colleagues today and call their attention to the designation of the month of May as "Asian/Pacific American Heritage Month." I believe that Asian/Pacific American Heritage Month is a special time. It is a time not only to reaffirm and renew our bonds with our past, but to recognize the formation of new ties which beckon toward our future. Heritage Month also is a time for all Americans to reflect on the accomplishments and contributions made by Asian/Pacific Americans. Although the Asian/Pacific American community has faced some tremendous obstacles in the past, over the last several years, through collective work and responsibility, we have overcome many of these difficulties.

Each Asian/Pacific American community has its own distinct legacy of cultural heritage. While we are proud Americans dedicated to our lives within this great land of opportunity, we take the time during Asian/Pacific American Heritage Month to participate in the celebration of our Asian cultures. Heritage Month will lead to a more thorough understanding of today's needs and concerns of Asian/Pacific

Americans across the country. At the same time, our celebration helps to contribute to a growing appreciation for diversity, not only among Asian/Pacific Americans, but among all Americans.

I am confident that Asian/Pacific American Heritage Month will be both enjoyable and entertaining for all those fortunate enough to take part. I highly commend the Asian/Pacific American Heritage Council for their important role in working to create a greater understanding of Asian/Pacific Americans and their role in society. I am proud to be associated with this organization and I am sure that the hertiage council will continue to enrich all of our lives.

TRIBUTE TO LOUIS YOSINOFF

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to congratulate a member of my community who is being recognized as Rhode Island College's 1990 Alumnus of the Year.

Louis Yosinoff, of Pawtucket, RI, is receiving the Alumnus of the Year Award for his outstanding fundraising work for the class of 1940's golden anniversary fund. Louis is a retired math teacher who taught in the Providence, RI, school system from 1956 until his retirement 1984. Louis remains an active teacher by volunteering at the Nathan Bishop Middle School.

Louis also actively contributes to his local community beyond the teaching profession as a volunteer at Miriam Hospital in Providence, RI. He also makes regular visits to residents of the Jewish Home for the Aged. Louis is also a member of the Men's Club of Temple Emannu-El, where he received recognition for his exemplary service in 1988.

It is with distinct pleasure that I congratulate Louis Yosinoff as this year's Rhode Island College Alumnus of the Year. I wish him all the best and continued success in the future.

INTERNATIONAL HISPANIC THEATRE FESTIVAL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to share with my colleagues a special cultural event, that will be taking place in my congressional district of Miami, FL. It is a privilege to be part of the honorary committee for the Fifth International Hispanic Theatre Festival.

The festival, which is being hosted by Teatro Avante in conjunction with the city of Miami, the University of Miami, the James L. Knight International Center, and the downtown Miami Hyatt Regency Hotel, runs from May 18 to June 10 and is an international celebration of Hispanic theatrical arts. The multinational program includes performances from Argentina, Chile, Costa Rica, Colombia, Mexico, Spain, and the United States.

This festival continues the grand tradition of Hispanic drama that has existed throughout the centuries. Hispanic drama, which has its birthplace on the Iberian peninsula, followed Spanish exploration to the New World and blossomed in its own right. The drama presented in this festival depicts the emotions of the human condition with a Latin flavor. It is important for our community to increase its cultural awareness so that our economic development may also advance. The International Hispanic Theatre Festival is one prime example of such a cultural-business relationship.

Mr. Speaker, I would like to recognize the chairpersons of the gala committee, Wilfredo and Marilyn Borroto and Fausto and Nancy Marquez, as well as all those who serve on the gala committee and the friends of the festival committee, for their dedication and efforts to bringing the best of Hispanic theater to Miami.

TRIBUTE TO KAREN CABE GIBSON'S CLASS AT R.B. STALL HIGH SCHOOL BICENTENNIAL COMPETITION STATE WINNERS

HON. ARTHUR RAVENEL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. RAVENEL. Mr. Speaker, all of us are aware of the startling statistics of voter apathy in our Nation—a nation to which countless millions struggling for that very right look for inspiration. All of us are aware of the growing constitutional illiteracy in our Nation—a nation to which countless millions struggling to create free and truly constitutional governments look as a model and as a beacon of hope.

It is, therefore, heartening to know that there are dedicated educators throughout our country working together to see that we have the informed citizenry the founders knew was an essential component of our experiment in Republicanism.

I am proud to stand before you today to honor such an educator, Karen Cabe Gibson, and her pupils at R.B. Stall High School. Together they have represented my State of South Carolina in the National Bicentennial Competition on the Constitution and Bill of Rights. It was a pleasure to have my picture made with the students on the Capitol steps this morning. While I missed seeing Mrs. Gibson this year who is awaiting the birth of her child, I was glad to once again greet Principal Mike Turner and the other chaperones. The following young people are shining examples of a new generation of leadership for our Nation, educated in and committed to the fundamental principles and values of our democratic institutions:

April Lynn Armstrong, Jennifer Ann Beers, Jennifer Ruth Brantley, Stephanie Michelle Brown, Ky Ngoc Chau, Michele Clayton, Karen Marie Cronin, Kathryn Verdice Dobbs, Donn Marie Franklin, James Armond Howell, Lori Crystal Lee, Rebecca Lynn Lunsford, and Erik James Martin.

Also Samuel Andrew Mathews, Llarra D. Miller, Thomas Vincent Panganiban, Angela L. Paradis, Jennifer M. Petrusak, Francine C. Plunkett, Guy Richards, Jessie Cleveland Rowe, Angela Allison Stewart, Carolyne Anne Stratford, Amy E. Tomberlin, Samuel Keith Walker, and Mariah Mann Windham.

Due to the voluntary efforts of my coordinators, Susan Boykin and Pam Tuttle of the South Carolina Department of Youth Services, these students and others who participated in this program at the elementary, middle, and secondary levels now have a greater understanding of the appreciation for the Constitution, the Bill of Rights, and the principles and values they embody. And, as these students increase their knowledge, they also become aware of the responsibilities which accompany the rights of citizenship in a democracy.

This is truly an exemplary program and while the primary attention belongs to the educators and students at R.B. Stall High School, without the backing and support of the South Carolina Department of Youth Services, Clara Heinsohn and other members of the Bicentennial Advisory Council, and the many volunteers who served as judges, timekeepers, and runners during the program, it would be impossible to have a quality event. For this you have my sincere gratitude.

GERTRUDE VAN KIRK—SENIOR CITIZEN OF THE YEAR

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. DOWNEY. Mr. Speaker, as you know, May has been proclaimed by the President as "Older Americans Month." This is a time we set aside to formally acknowledge the contributions that are made for and by senior citizens in our communities. I am very proud that in my congressional district of Suffolk County, NY, we are honored to have one particular senior citizen who has done so much for the benefit of our seniors. Ms. Gertrude Van Kirk of Lindenhurst is an outstanding individual whose reputation as a leader and as an advocate for the aged has led her to receive many honors throughout New York. I am especially pleased that Ms. Van Kirk was recently selected as the Senior Citizen of the Year by the New York State Legislature and was honored at a special luncheon on May 1 in Albany.

As the chairman of the House Select Committee on Aging's Subcommittee on Human Services, I know that advocacy at the grassroots level is the most successful form of advocacy, especially for senior issues. Ms. Van Kirk has demonstrated outstanding leadership qualities and advocacy services to senior citizens throughout her very full career. She has repeatedly directed her efforts to promote meaningful initiatives and activities as well as to provide a reservoir of resources for the elderly.

Gertrude's expertise and interest in policy making and in improving the quality of life for seniors was nationally recognized when she was appointed by Gov. Hugh Carey to participate as a delegate in the 1981 White House

Conference on Aging. White House conferences on aging, ordinarily held every 10 years, have been essential in setting the Nation's aging policy agenda for the next decade.

Volunteers throughout our Nation have made great strides in responding to the critical needs of individuals and communities. Gertrude Van Kirk is certainly no exception. She has devoted nearly four decades to service as a volunteer on behalf of New York State's elderly, youth, disabled, and has been politically involved as well. She has worked tirelessly toward improving the Suffolk County community by keeping her fellow citizens informed and aware of issues of concern. Her accomplishments are innumerable, ranging from her having served on a variety of boards to chairing fundraising drives for worthy causes such as the American Cancer Society and the March of Dimes. She serves or has served as a member of the Suffolk County Democratic Committee, the New York State Democratic Committee, a delegate at State conventions, vice chairperson of the Babylon Town Democratic Committee, secretary and cochair of the Lindenhurst Village Democratic Committee. She has attended all Presidential national conventions as a delegate or alternate since 1964.

For the last 10 years, Gertrude Van Kirk has been extremely involved in senior citizen issues within Suffolk County. She has worked with the New York Statewide Senior Action Council and the Suffolk County Office on Aging, the New York State Conference of Mayors and Municipal Officers, and the Geriatric Psychiatrist Admission Services of Central Islip Hospital. In addition she is the founder and charter member of United Seniors from Babylon, and serves on the boards of the AARP, Senior Citizens Leaders Associations of Suffolk, the National Council on Senior Citizens, Bi-County Alliance of Seniors, Town of Babylon Senior Citizens, and the Older Women's League.

As the U.S. Representative of the Second Congressional District of New York I am glad to have Gertrude Van Kirk on my side. Her knowledge, expertise, enthusiam, and compassion have helped me to better understand the needs of the seniors I represent. I not only consider Gertrude a personal friend, but a valued adviser on many of the issues of concern to Suffolk County.

Gertrude Van Kirk's achievements are testimonials to a life that has been dedicated to the needs of others. It is this type of unselfishness that has set her apart from others and that enables her to guide others in her footsteps. The selection of Gertrude Van Kirk as Senior Citizen of the Year was an inevitable one, and I wish to take this opportunity to congratulate her and wish her many more years of success.

THE NEW SHILOH BAPTIST CHURCH: A TRADITION

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. MFUME. Mr. Speaker, it is with a great sense of pride that I rise today to pay tribute to one of Baltimore's oldest religious institutions, the New Shiloh Baptist Church.

The last 25 years of the church's spiritual life has been spent under the pastorate of Rev. Dr. Harold A. Carter. His exemplary spiritual leadership of a dedicated and committed church family has unceasingly promoted and enhanced outreach ministries to a grateful community eager for support and guidance.

Dr. Carter is well renowned, having preached the Gospel in 25 different countries, including the Philippines, Romania, east and west Africa, Europe, and the Caribbean. He is heard as a preacher in major American denominations including Southern Baptist, American Baptist, Progressive Baptist, Methodist, Assemblies of God, Presbyterian, and other denominational families.

Mr. Speaker, on Sunday, May 27, 1990, Rev. Dr. Harold A. Carter will lead his congregation of New Shiloh Baptist Church into a new edifice. The church broke ground for this building in April 1984 and has been looking forward to this moment of victory ever since.

After all that it has done for the community over the years, New Shiloh struggles to do more. After continuous ministries of mission and evangelism. After better than 12 years of maintaining multistaffed ministries, including minister of music and minister of Christian education. After having some 80 percent enter the Gospel ministry in the 25-year pastorate of Dr. Carter, and 17 of whom have been ordained and now serve as ministers. After continuous production of a weekly Radio Miistry that reaches thousands for Christ and an innovative Saturday church school * * * New Shiloh seeks to do more.

The "new" New Shiloh Baptist Church will be multipurposed, having a program of worship, evangelism, clinics, community services, cafeteria, Christian education, and academic nurture. The pastor and congregation are motivated by the theme, "A People Determined To Live With Christ!"

The ecumenical relay of New Shiloh Baptist has seen three strong spiritual leaders since its birth. Rev. Dr. Whit W. Allen pastored from 1902 until 1942, Rev. Dr. J. Timothy Boddie from 1942 until 1963, and from 1967 until present Rev. Dr. Harold A. Carter has carried the Christian baton. Church family and friends, as well as the community at large, have been blessed with New Shiloh's unique ministry.

It all began October 1902, just 2 years into a new century, black people were migrating by the thousands to the urban north, seeking jobs and economic emancipation. Reverend Whit Allen called a prayer meeting that autumn and was joined by two other persons. At that time their agenda was to seek the guidance of God as to whether a church might be founded in His name. History reveals God's approval and the Shiloh Free Baptist Church was originally organized. The three that gathered in His name at that meeting wanted the word "Free" to be expressive of a people powerless in many respects, socially, economically, politically, and educationally, but indomitably free in their profound relationship with God.

From his church base of spiritual fervor, Reverend Allen marshaled under the power of God and moved forward with a definite vision and saw the initial prayer band grow from three persons in 1902 into a church with a following numbering 5,000 a few years later. Dr. Allen's warm personality gave birth to a church with a mass congregational flavor devoid of noticeable class status or social standings. Members were drawn from neighborhoods all around its location, including Harlem Avenue, Myrtle Avenue, Clifton Avenue, Pennsylvania Avenue, and many areas beyond the immediate boundary of the church.

After 5 years of rapid growth, on February 11, 1907, the membership of the church changed its name to Shiloh Baptist Church, deleting the word "Free." The church continued to grow by leaps and bounds, and on July 19, 1926, along with the decision to move into a new building, the congregation also decided to add "New" to the name, thus becoming the New Shiloh Baptist Church.

Mr. Speaker, the remaining pages in the history of the New Shiloh Baptist Church are testimony to the continuation of this living record of a seed of faith planted and nurtured by a loving pastor and congregation.

Reverend Allen's death on Palm Sunday, 1942, brought Dr. J. Timothy Boddie to the pulpit of New Shiloh. The building of faith continued to rise under Dr. Boddie, and even today, the story of the church's faith is the story of the strong gospel foundation laid by Dr. Allen and by Dr. Boddie.

When Dr. Harold A. Carter was called to minister to the congregation 25 years ago, he was careful to follow the tradition of the church and today still reaches out to the community in the true spirit of brotherhood and Christian love. Reverend Carter and his wife, Dr. Weptanomah W. Carter, are one in team ministry. Together, their work personifies positive Christian and civic growth. I applaud them for having brought the New Shiloh Baptist Church to this place in time.

Mr. Speaker, Reverend Carter and his congregation have overcome many obstacles through the years and have persevered in their service to the Christian community, continuing the tradition. I rise before this body to ask my colleagues to join me in congratulating the church family and friends of the New Shiloh Baptist Church on this triumphant occasion.

WASTE ISOLATION PILOT PROJECT LAND WITHDRAWAL ACT

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. LENT. Mr. Speaker, today I am pleased to join with my colleagues, Messrs. SPRATT, KYL, and CRAIG to cosponsor the Waste Isolation Pilot Project Land Withdrawal Act. This bill withdraws Department of the Interior land in New Mexico from public use, so that the waste isolation pilot project, known as WIPP, can proceed with testing and experimentation. This testing will determine whether WIPP will become the Nation's repository for defense wastes.

No one doubts that a suitable disposal site is needed for wastes generated by the Nation's defense nuclear facilities. Tons of this waste are presently being stored temporarily in above-ground facilities. Such temporary storage is not a desirable solution, since it is less well protected that it would be in a permanent repository. Moreover, State-imposed limitations on waste storage threaten to shut down the production facilities that maintain our Nation's nuclear deterrent.

In 1970 Congress ordered the Atomic Energy Commission to find a way to safely dispose of this waste. In response, the AEC and its successor agencies designed a technological tour-de-force: A vast series of underground caverns mined from a salt dome located near Carlsbad, NM. If WIPP functions as intended, it will isolate these wastes from the environment for at least 10,000 years. After several fits and starts, WIPP is ready to begin accepting waste to test its behavior while in the repository. If this testing is successful, WIPP will become the environmentally safe means of disposing of our defense waste. But before WIPP can begin testing, the land on which it is located must be withdrawn from public use and turned over to the Department of Energy. That land withdrawal is the purpose of the legislation that I am cosponsoring today.

I recognize that this land withdrawal has not been without controversy and that the final terms of the land withdrawal may not be exactly what is in this bill. I also recognize that the record of the Department of Energy in taking steps necessary to open WIPP has not been sterling. I do believe that the leadership of Secretary Watkins will quickly drive DOE to take the steps necessary to open WIPP for testing and I intend to monitor the situation to make sure that this occurs. But the problem will not disappear if this land is not withdrawn, and Congress must face this issue sooner or later. It is in the Nation's best interest to proceed expeditiously toward the opening of a repository for the safe disposal of radioactive and mixed wastes. This bill is an important step in this process and I am pleased to cosponsor it.

TRIBUTE TO MR. DAVID K. MURPHY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to a good friend and distinguished citizen of Sacramento, Mr. David K. Murphy. Dave, an outstanding community leader and entrepreneur, will be honored this evening by the Sacramento Area Chapter of the American Red Cross for his dedication and consistent support for their organization.

Dave's commitment to professional excellence and dedication to serving his fellow man has greatly contributed to the enrichment of the Sacramento community. Dave has provided his leadership, skills, and talent to a variety of service organizations and extends from education and the arts to basic human needs. Through his selfless efforts, he has been an invisible friend to thousands of area residents.

Not only has Dave lent his professional and organizational skills to the American Red Cross, but has excelled in raising funds on behalf of the local chapter. During the winter of 1986, Sacramento was deluged with flood waters which caused millions of dollars in damages and rendered thousands of families homeless. In that time of crisis, Dave's tireless fundraising efforts on behalf of the American Red Cross was instrumental in the Sacramento region's recovery from the terrible disaster. Dave currently serves the American Red Cross as chairman of their capital campaign whose mission is to raise funds for a new home for the Red Cross. Under Dave's leadership, the chapter recently relocated to a new building and the capital campaign is on the fast track to success.

Mr. Speaker, there are many words that I can use to describe Dave Murphy. A devoted father and husband. An outstanding businessman. A community leader. A friend. But perhaps one of the most accurate and admirable statements that embodies the persona of Dave Murphy is echoed in the words of Jim McColm, chapter excecutive for the American Red Cross: "excellence and organization." I congratuate Dave and ask that my colleagues join me in saluting him for his outstanding service.

TRIBUTE TO KATHRYN SASSO

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. MACHTLEY. Mr. Speaker, I rise to today to congratulate a member of my community who is being recognized by the Rhode Island College Alumni Association for her outstanding efforts as a member of the Rhode Island College staff.

Kathryn Sasso, of Esmond, RI, graduated from Rhode Island College in 1969. She began working for Rhode Island College in 1970 as a conference coordinator. Kathryn held that position for 10 years until 1980 when she became the director of conferences and special events for Rhode Island College. She currently holds this position and has continued her involvement with the Rhode Island College community. Kathryn is a charter member of the Rhode Island College Staff Association Executive Board and currently serves as the secretary for the association.

Kathryn is also an active member of her community outside of Rhode Island College. She is a member of the Greater Providence Convention and Visitors Bureau. Kathryn has been the chairperson of the executive council for Thompson Congregational Church, where she also performs in the choir.

It is with great pleasure that I congratulate Kathryn Sasso for her efforts on behalf of Rhode Island College. I wish her continued success in the future.

THE DOLPHIN PRESERVATION ACT OF 1990

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. BATES. Mr. Speaker, today I am introducing the Dolphin Preservation Act of 1990, an important piece of legislation designed to reduce the number of dolphins killed as a result of harvesting tuna stocks.

Every year, approximately 100,000 dolphins are killed in the eastern tropical Pacific by tuna fishermen using purse seine nets. This figure does not take into account the thousands of dolphins that drown each year in the 40-mile drift nets used by foreign tuna boats in the western Pacific.

These numbers are astounding and reflect the gap between reality and the established mortality goals of the Marine Mammal Protection Act.

The problem of needless slaughter of dolphins has spread from this country to the foreign fleet because our U.S. tuna fleet has reduced the dolphin kill, dramatically.

Dolphins drown in tuna nets, are crushed in equipment used to haul nets back into the boat, or fall victim to sharks after being weakened by attempts to escape from the tuna nets.

To reduce the kill recently, many solutions have been offered, the labeling of tuna products being the current favorite, yet still hundreds of thousands of dolphins die each year. And because of the canneries decision to stop buying all tuna caught with current netting methodology, more and not less dolphin will die.

The numbers assist us in putting the issue of dolphins killed in tuna nets into perspective. The U.S. tuna fleet is actively engaged in developing techniques and new nets that have allowed them to reduce the number of dolphins killed in their nets to 12,500 in 1989, well below the ceiling of 20,500 allowed under the MMPA.

Foreign tuna boats fishing in the ETP account for the remaining 87,500 dolphins killed each year. What type of accountability can we expect from the foreign fleet, with observers aboard only 30 percent of these vessels?

Every 1 of the 28 U.S. tuna boats has an observer from the National Marine Fisheries Service aboard every time that vessel leaves port to record dolphin kills.

The U.S. tuna fleet has responsibly complied with every requirement imposed on them. How are they rewarded? By being forced out of business by the U.S. tuna canneries. Will labeling save the dolphins? Not likely. More dolphins will die because the U.S. tuna fishermen will likely choose to sell their boats to the foreign fishermen where dolphin kills are skyrocketing or sell dolphin-unsafe tuna to foreign markets. Dolphins will continue to die.

With labeling, we can assume every consumer will choose to pay more for a "dolphin safe" product and less for a "dolphin-unsafe" product. Regardless of their choice, without a U.S. fleet leading the industry in dolphin-safe

methods and developing promising new equipment, many will choose to save money and more dolphins will die.

We should support the U.S. tuna fleet. These are people who have drastically reduced the number of dolphins killed in tuna nets, who have risked their lives to save dolphins entangled in nets. I offer my support in the form of the legislation I am introducing today. I believe that given additional resources the U.S. tuna fleet can reduce dolphin mortality even further.

Let us not open the world's largest market for canned tuna products to only foreign tuna fishermen. To do so is to reward the people who are killing 80 percent of the dolphins.

My legislation offers help. The development of dolphin-safe equipment will not be arduous or expensive, but time consuming and some modest incentives are needed. My legislation would authorize the Secretary of Commerce to make low interest loans to aid this net or equipment development.

If in the interim it becomes necessary for the U.S. fleet to relocate to the western Pacific my legislation would facilitate this relocation by urging the Secretary of State to renegotiate treaties that set access caps on the number of U.S. boats that can fish these waters. Also, legislation would authorize the Secretary of Commerce to authorize relocation allowances for this purpose.

Encouraged by the success of the International Whaling Commission, my legislation calls upon the President to instruct the U.S. Permanent Representative to the United Nations to prepare, and open for signature and ratification an international convention that would establish a system of international regulation to ensure proper and effective conservation of dolphin stocks.

I encourage all of my colleagues who wish to protect these incredible marine mammals and ensure the viability of a $2 million domestic industry to become cosponsors of the Dolphin Preservation Act of 1990.

THE 100TH ANNIVERSARY OF THE CLEVELAND TRINIDAD PAVING CO.

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. FEIGHAN. Mr. Speaker, I rise today to congratulate the Cleveland Trinidad Paving Co. on the 100th anniversary of its founding. It gives me great pride to know that this Cleveland business is one of the largest paving companies in the Nation. Its projects dot the country from the Avenue of the Americas in New York City, to cities in the Oklahoma panhandle, to the mighty bridges of San Francisco.

One reason for Cleveland Trinidad's longevity and continued success is that it has always been a pioneer in the industry. In 1927 the company introduced the central mixing of concrete which not only produced higher quality cement but also gave us the cement mixer truck. Cleveland Trinidad is also credited for building one of the first of the superhighways, which runs from Canton to Akron, in 1931. It was also one of the first environmentally conscious companies in America and proved this when it began the recycling of asphalt in Ohio in 1978. Not only does this recycling save huge quantities of petroleum and stone, but it reduces the cost of improving the Nation's infrastructure and it produces higher quality asphalt. Today Cleveland Trinidad remains a pioneer in that it is among the most technologically advanced firms in its field.

Central to the firm's continued success is the man presently at the top. My good friend Gary Helf took over the presidency of Cleveland Trinidad in 1968 when he was only in his twenties. Through intense study, he has acquired knowledge of all aspects of the industry. He runs the company with a personal, hands-on, style of management in which the firm seems more like a small, family business than the large company it is. He tells me that he is blessed with a highly dedicated and hard-working staff, without which Cleveland Trinidad would not have been able to achieve the level of success that it has.

So congratulations Cleveland Trinidad Paving Co.—here's to another 100 years of helping keep Ohio industry tops in the Nation.

GUS SAVAGE, UNREPENTANT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. CLAY. Mr. Speaker, for more than a year, the media has gone to unreasonable lengths to portray one of our colleagues, GUS SAVAGE, as a scoundrel, buffoon, criminal, and ignoramus. In many instances, their behavior has been scandalous, if not criminal. They have maligned Mr. SAVAGE without sufficient evidence of culpability. The preponderance of this negative coverage has impacted adversely on Mr. SAVAGE and definitely prejudiced some of our colleagues against him.

Mr. Speaker, I am not an apologist for anyone who engages in unethical or illegal activities, and do not encourage the same. Mr. Speaker, I do not have, nor do any of my colleagues have firsthand knowledge of Mr. SAVAGE's engaging in any such conduct. On the other hand, I am very much aware of the subjective nature of the media and its propensity for distorting facts, smearing public officials and spreading malicious gossip.

Therefore, Mr. Speaker, I feel compelled to share a different story about GUS SAVAGE; one which might elicit a fairer and more enlightened opinion of our colleague. I recommend the following article written by David Jackson, which appeared in the *Chicago magazine*, November 1989.

[From the Chicago magazine, Nov. 1989]

GUS SAVAGE, UNREPENTANT

(By David Jackson)

You know Augustus Alexander Savage. He's the 63-year-old congressman who tried to have his way with a 28-year-old Peace Corps worker in the back seat of an embassy limo in Zaire. "He grabbed me," she said. "He put his arms around me. He pulled me up against him. . . . He forced me to kiss him, physically, forced me, pulled my mouth to his, felt my body."

She said he told her she was "a traitor to the black movement if I didn't go along."

The next day, when a reporter approached him, Savage said, "Stay the——out of my face." He shouted, "You heard what I said. Stay the——out of my face."

He bragged about his masculinity at a rally. "Ain't nothing wrong with a full-grown black single man making love, is it?" he asked. "Don't get me wrong, I know how to love."

The media were part of a racist conspiracy, he claimed, one designed to throw him out of office. He referred to specific reporters by name, calling WBBM-TV's Mike Flannery a "faggot."

This is all vintage Savage. Few legislators have been so notorious for so long. Newspaper columnists have been describing him, for almost a decade, as the owner of one of the worst attendance records in Congress, a legislator who has written no meaningful laws, delivered nothing to his district, and voted in a fog when he bothered to vote at all.

He's been given some choice nicknames—"Gashouse Gus," "Our Fool on the Hill," "the Cartoon Congressman." Whole columns have been devoted to rehashes of his wildest remarks.

The only thing the newspapers can't explain is Savage's broad, unshakable popularity.

He gets standing ovations at rallies where Gus Savage Forever T-shirts are sold. He has the unalloyed endorsement of political wheels such as First District Congressman Charles Hayes, who calls Savage "exemplary."

He has the quiet, longstanding support of intellectuals like novelist and editor Herman Gilbert: "Every struggle of the period from the fifties through now, there's never been one he wasn't involved in," Gilbert says. "He is a bona fide civil rights leader," says circuit court judge William Cousins. "He has always been at the forefront."

In next year's election, he faces a talented young opponent, Mel Reynolds, who trails just behind him in the polls. State senator Howard Brookins may also stay in the race. But Savage "will eat his opponents up," predicts South Side newspaper publisher Hurley Green, a long-time Savage critic.

"I'm not a politician, I'm an anti-politician," Savage says. "I don't represent a district. I represent an international movement."

He says, "I beat the Machine five times. Never been a member of the Regular Democratic Organization. Refuse to accept endorsements. But yet I win."

He says, "The Gus Savage the media describes does not exist."

And he's right.

He is, in reality, anything but the buffoon you read about in the *Sun-Times*. A streetwise social critic with uncanny organizational skills, the real Gus Savage has a solid place in the city's political landscape. Former staffers describe him as a tough taskmaster who will fire people rather than tolerate mistakes. In interviews, he comes off as a man whom you must question with authority or be prepared to listen to at great length.

But he does have things to say.

To examine Gus Savage as a man and a phenomenon, I pored through his congressional and campaign records, tracked down a couple of dozen of the allies and enemies

who've played behind-the-scenes roles during his 40 years in public life, and engaged Savage in an extended interview, during which he spoke frankly about his politics and his life. He talked about childhood street fights, his family, his feelings toward whites, the quarrel he had and lost with Martin Luther King, Jr., the one he won with the police department's "Red Squad." And, of course, he spoke about what happened in the back seat of the limo.

His is an astonishing tale, one that covers the sweep of black politics in this half of the city's century.

When the interview was over, he remarked that he had stopped returning phone calls from writers and reporters. "I'm a warrior," he said. "I don't give a damn what you write."

Yeah, I think you can call him the architect of the black independents. I mean, you have to give Gus his due: He mapped out the whole path that led to the election of a black mayor.—Political consultant Sid Ordower.

When you think of the struggle for black political empowerment, you probably think of Harold Washington. By all accounts, without Savage there would have been no Mayor Washington.

Most of the battles Savage fought have been forgotten now, but for a time, they captured black Chicago's imagination. He first made the news in 1946, when he led a protest over the condition of veterans' housing. He helped organize the 1948 packinghouse workers' strike, along with Charles Hayes, labor activist Addie Wyatt, and Sam Parks, now a pillar of the 20th Ward Regular Democratic Organization.

Almost every year after 1950, Savage managed the campaign of a black independent challenger to the Regular Democratic Organization. "In those days the strategy was, they knock you down and you come right back with another candidate," says political organizer Richard Barnett.

Some of Savage's forays were audacious: He put together Lemuel Bentley's 1959 run for city clerk—the first major black attempt at a citywide office—which won 60,000 primary votes; he managed Harold Washington's pathbreaking 1977 mayoral bid, which went wholly unnoticed in publications like the one you're reading now.

But sometimes he won: Savage led a contingent of distinguished Chicagoans to Gary, Indiana, to persuade political consultant and newspaper editor Chuck Stone to drop his support for Richard Hatcher's opponent, thus allowing Hatcher to become the first black big-city mayor in the United States. "It was his consciousness that aroused us," says activist Timuel Black. Savage later helped lead the fight to break the race line in the Chicago Transit Authority's largest union.

He also is credited with a founding role in the Chicago League of Negro Voters. "He was gigantic in the movement," says former steelworker and union activist Ola Kennedy. "He had the ability to excite, motivate, and organize people at a time when they needed inspiration. The real testament to him is what we were able to do under his guidance." He was instrumental in persuading Washington to run again in 1983, according to political consultant Don Rose, who helped run that campaign.

Savage ran for office five times himself and lost before he ran five times and won. Through it all he staunchly refused to have any truck with the Regular Democrats. "He comes from the bowels of black Chicago," says 15th Ward aldermanic chief of staff Bruce Crosby, who ran against Savage in 1982 but supports him today. "He has relationships that have stood from the day he was born to today. That's what made Harold Washington a star, and it's what's going to re-elect Gus Savage."

Savage and Washington both were students at Roosevelt University in 1950. Their stamping ground was a little restaurant called Annie's across the street from the school in the Pick-Congress Hotel. Their associates included playwright and singer Oscar Brown, Jr., Timuel Black, and Dempsey Travis, now a real-estate mogul and local historian. Over french tries at Annie's, they traded licks in heady, perpetual verbal jam session. "We used to have the damndest arguments," says Travis. Black recalls that Annie's owner let them hang out all afternoon, but he wouldn't seat them for lunch. "Strange as it may sound, at the time, blacks were not welcome at most Loop restaurants," Black says.

Savage fashioned a response: He organized black and white students to troop into Annie's at ten every morning, take over the booths, and sip coffee until the luncheon crowd had been driven away. "His method was simple," says Black. "Go in there and do not move."

In a way, it was a family legacy.

He does have roots.—Political activist Richard Barnett.

When Savage's son, Thomas, married, he gave his bride, Drella, the wedding ring that Savage's great-grandfather Alexander gave to his bride in the late 1860s. Alexander and his wife had been slaves on a plantation outside of Macon, Georgia, until Union general William T. Sherman marched through the area, freeing slaves and reducing plantations to cinders. Savage's father, Thomas, their grandson, brought his wife north during the First World War, when Northern packinghouses were recruiting blacks from Southern farms. "They had no idea they were strikebreakers," Savage says. "All they knew was, get in that boxcar and get out a day later with a paying job."

Savage's mother scrubbed floors. His father retired as a skilled steelworker and union grievance officer. He was "fiery and courageous—too much so, "Savage says. "The kind of guy who would not take shit off anybody. And I mean anybody."

The family—ten in all—lived in the rear half of a "chop-up" apartment at 4212 South Cottage Grove Avenue. At the time, the east side of Cottage was white, the west side black. "To get to the lake to swim, you had to fight," Savage says. After sneaking into Comiskey Park, "you had to fight your way out of Bridgeport."

His father "would caution me that he did not want anything to happen to me, but he would not admonish me or chastise me. I realize in hindsight that he felt a little pride."

At 42nd and Cottage, Savage fell in with a local gang who called themselves the El Reys, and eventually became their leader. He says, "When I came up, you didn't have any ambitions. You didn't have any role models. All the things you aspired to were antisocial. The same things you see black kids aspire to now."

He says, "I was always in a fistfight with everybody."

He says he entered high school at the top of his class, but graduated from Wendell Phillips High School 243rd out of a class of 243. He had one saving grace: "I was artistically inclined." One of his art teachers talked the administrators at Wilson Junior College (now Kennedy-King College) into giving him a second chance. But at Wilson, "I was no less of a troublemaker."

Fortunately, he was drafted, he says, "before they kicked me out." In the army, he scored high on military aptitude tests and was "thrown in with something I never thought existed: blacks who had achieved things."

Savage began reading voraciously to catch up with his bunkmates. He recalls making his father send him, one book at a time, a 24-volume set called World's Greatest Poetry.

It surprises even him that he fell so hard for verse. He says, "With all the hostility that was in me, the belligerence, and the violence, there was always a lot of dreaming. I spent a lot of time by myself. I had a large family, but I always found ways to hide away and think and dream."

One book awakened him: Gunnar Myrdal's American Dilemma, a pioneering analysis of racism. Before reading it, Savage had joined black servicemen in protests against discrimination on the base, but he calls those "visceral" battles. "I was simply embittered about the question of race, and I carried that into the service from my childhood." American Dilemma "taught me how much I didn't know about what I should know the most about," he says. "I came out of the service with an attitude: I wanted to learn."

He went through Roosevelt on the GI Bill and was offered a stipend to say on as a teaching assistant in the Department of Philosophy, but went to Kent law school, where he was an intercollegiate debating champ his first year. He was forced out during his second year after getting into an argument with a professor in which, Savage concedes, "I was disrespectful."

Gus and Harold would get mad and call each other blankety-blanks, but they wouldn't let anybody else say that about them.—Former city department head Brenetta Howell Barrett.

The most interesting thing about any politician is the relationships he forges over time. Savage has attracted steadfast loyalists, such as Herman Gilbert and Brenetta Howell Barrett—who ran the city Department of Consumer Services under Mayors Washington and Eugene Sawyer. They both wrote for community newspapers he published, helped him organize campaigns, and served on his congressional staff.

More interesting are the friendships that had their spells of rivalry. Savage has had many friends to whom he has taken exception, and enemies of whom he has spoken fondly.

Wilson Frost, for one. For the past 30 years, ward committeeman Frost has kept the Regular Democratic Organization alive in Savage's Second District—where it used to be Savage who ran the hostile outpost. Frost, a classmate at Wendell Phillips High, has beaten Savage twice in aldermanic races, beaten his son, Tommy, but unsuccessfully sponsored two candidates to run against Savage for Congress. Frost reportedly will back Savage's opponent Mel Reynolds this time. "Despite how constantly and bitterly we have opposed each other," Savage says, "he knows me."

"Gus is a formidable opponent, a fighter," Frost says. "His rhetoric in the sixties was substantially the same as it is today. And he still enjoys controversy."

The controversy extends to his friendships—as illustrated by his off-and-on support from a network of white activists. In

his first aldermanic campaign, he was actually scored by one of his black opponents for the "outside help he brought in from Hyde Park": liberal whites such as Sid Ordower, Sam Ackerman, David Canter, and Rose.

Except for Rose, they've drifted away and are hesitant to speak on the record about Savage. One recalls Savage writing newspaper columns in which he listed the officers of the then Independent Voters of Illinois, pointing out which ones were white and Jewish. Another says, "Sure, he's got certain white friends, but down deep, there is a very strong nationalistic feeling. It's hard for him to overcome that. He thought of me as a 'different' white, but in the final analysis, every white can't be like that."

Rose says, "At times he's impossible, but we've been friends long enough that it tends to roll off. His worst quality politically is that over the years he has lost many supporters with one or another feud. He and David Canter fell out over the make-up of the front page of a newspaper they were doing for Richard Hatcher in 1967. He's an extremely difficult personality."

He adds that since Savage's wife died, in 1981, "there is an erratic quality to him. Highly emotional. He'll get on a tangent and just develop a blindness around that." Rose calls Eunice, who helped run the newspapers and offered Savage constant counsel, "his true gyroscope."

Savage's thorniest friendship was with Harold Washington. Savage says they were the two main student leaders at Roosevelt. Although the student body was more than 80 percent white, Washington was elected president of the student council, Savage says, "because I was the alternative."

In 1980, both were elected freshmen congressmen. A year later, after the 1980 census was completed, Washington proposed a new legislative map that strengthened his incumbency by taking middle-class precincts away from Savage, and pushing Savage's district into the near southern suburbs. "This wasn't just another of the spats one might have with Gus over the course of 20 years—it produced a serious rupture," says Rose, who had worked closely with both men.

With some modifications, Washington's map prevailed, though some say the remap ultimately worked to Savage's benefit. The black suburban working poor have proved to be a loyal constituency. "It may have been the best thing for him," Gilbert says, "because the more middle class you are, the less you like people like Gus." Rose concurs. He says that although Savage and Washington said many of the same things, "in style and mode, the rising middle class doesn't want to hear too much of Gus's anti-white rhetoric. It's perceived as an embarrassment, while working- and lower-class blacks probably care less about the style, because he is expressing hostilities and political views which they share."

As for Washington, Savage says, "He was looking out for himself as a politician would. Don't forget, he was a professional politician"—meaning, apparently, someone who, unlike Savage, joined a Regular Democratic ward organization. By the time Washington died, Savage says, they had become friends again. He pauses, then adds, "I can't say I could have beaten him. I can't say that about Harold."

The relationship that gets you to the core of Savage's racial views is his short, tempestuous term of service to Martin Luther King, Jr. "We ended up differing, King and I," Savage says, "The fact that I lost did not deter me in the least from supporting the position he ended up taking."

Savage had marched with King in the South. By 1966, when King came to Chicago, Savage was well enough established that King sought him out. King had dispatched his aide James Bevel to the city a month earlier, to scout out the place he should live and the issue he should focus on. Bevel and King's other aide Andrew Young were leaning toward a dilapidated stretch of West Lawndale, and felt that slum housing was the issue that most vividly belied the myth of integration in this prosperous Northern city. But before he settled in, King arranged for the issues to be debated in a small meeting held just outside the city. Young and Bevel faced Savage, who says he "was invited to be there as a representative of . . . the militant wing of the black movement in Chicago."

Savage laid out an argument that, in Rose's words, "turned out to be quite accurate and predictive." He said that middle-class South Siders were in a better position to lead the fight for racial equality; the West Side's welfare-dependent poor would not have the means to stick with King through the stormy years to come. He said that the crucial issue, of which slum housing was just an adjunct, was the exclusion of blacks from political power. That should be addressed first, Savage said, and unlike slum housing, it was a battle that could be won.

When he'd said his piece, King "came up on stage and supported Andy and Jim Bevel and that, of course, won the day," Savage says. "Once King spoke, that was it."

King struck the West Side like angelic lighting, but, "as I predicted," Savage says, King failed to change housing conditions. "The people in the building he rehabbed wouldn't even pay him rent."

More fundamentally, says Savage, "I have a question about integration as a means of liberation. It's a means but not the only means. The Irish in Northern Ireland are not pushing for integration. I think blacks in America should also consider—I don't say adopt, but consider—the strategy of independence. But blacks need more power before they're in a position to decide. We're not in a position to integrate or separate right now. King sacrified his life but the schools in Chicago and the housing in Chicago are more segregated than ever—because he did not have the authority to integrate. Just as Elijah Muhammad and Marcus Garvey did not have the power to separate. The immediate problem is gaining enough authority to be able to decide."

He says, "I also questioned King's tactics of nonviolence, but that's another question."

The King debate marked a chapter of renewed vigor in Savage's life. He began to run for office himself, creating the model for a type of campaign that would later serve Harold Washington and Jesse Jackson: He eschewed the traditional mechanisms of ward organization, and built power around block clubs and community newspapers. After starting an unsuccessful West Slide weekly, and editing Bruce Sagan's Bulletin Newspapers, Savage founded the South Side Citizen Newspapers, which thrive today under the guidance of his friend William Garth. "He was a strong believer in using the paper to boost people he liked," says Hurley Green, who runs the competing Bulletin Newspapers. "Anyone who went against [Mayor Richard J.] Daley, he backed."

Savage wrote a column, "Uh-Ruh," which offered detailed critiques of neighborhood businesses, pointing out which were owned by blacks, and which gypped customers. This proved to be a community service, and also built a network of influencial business people. Today, says Green, the Citizen papers do "better than any other of the black weeklies. A lot of that has to do with the connection between Gus and Jesse Jackson, who pushes a lot of advertising business into the paper."

Savage also spent a great deal of energy inspiring and linking together block clubs and became well known in the process. By 1977, when he was walking through the streets of the South Side with mayoral candidate Harold Washington, he was so familiar that people would stop them, Herman Gilbert recalls, "and say, 'Hey, Gus! Who's that you've got with you?' "

But Washington became mayor of playing coalition politics, and it's clear that Savage does not. His current opponent Mel Reynolds has a labor liasion who pitches Reynolds to labor leaders by stressing one theme: "Trade unions have to deal from a coalition basis, and that includes all nationalities, Gus, with his rhetoric, has not been one to build coalitions across the line."

Interestingly, those people who are probably most often exposed to this rhetoric—the congressmen and congressional aides who work beside Savage daily on Capitol Hill—see his fiery racial speeches as essentially just a prop in his political theatre, not as the full measure of the man. Congressman Marty Russo says, "I've seen Gus and worked with Gus and I fly back and forth with Gus, and my botton line with Gus is, I think he uses the black-white issue in an inflammatory way. He plays to a certain constituency and I think he would be much more effective if he didn't. But one-on-one, he is a totally different person. He's a bright guy, funny, articulate. On issues, he knows what he's talking about."

As for his attendance record, it was the worst in the House during Savage's first year, and he made no apologies about that. He said he was elected to agitate as well as legislate. But since then his voting participation has reached 90 percent.

He receives, to no one's surprise, excellent ratings from the American Civil Liberties Union, the National Abortion Rights Action League, and the AFL-CIO, among others. And he has introduced a fair amount of legislation that created jobs—primarily by increasing minority set-asides from the Department of Defense, Federal Highway Administration, and other contracting agencies of government. In 1984 he also wrote laws mandating that the Department of Housing and Urban Development spend 15 percent of its advertising dollars in black-owned media.

It's not surprising that many of these programs benefitted his constituents; in that respect, he acts as a good, traditional congressman. I couldn't determine by press time if any HUD spending went to the *Citizen* papers—publisher Garth wouldn't return my calls—but it wouldn't be unusual: There have been many instances in which Savage has created business for minority companies—and his boosters. He helped secure a defense contract potentially worth $268 million—the largest ever awarded to a minority firm—for the Sonicraft Corporation, which, according to Brenetta Barrett, employs people from his district. In 1985, Sonicraft's president, Jerry Jones, co-chaired a fund-raiser for Savage that was held at Sonicraft's headquarters.

Savage also was responsible for laws authorizing the construction of the new 27-story Federal office tower that will go up on Clark Street and Jackson Boulevard; among the beneficiaries of the $44 million in set-asides for minorities and women on this project as Globetrotter's Engineering, a minority-owned company that has contributed frequently to his campaigns.

There is no indication that any of these companies perform shoddy work or evade the bidding process. But the fact that money flows to them *does* suggest that Savage uses his legislative position to help minority-owned businesses whenever possible. (In fact, he was in Zaire to make connections for black U.S. exporters when the limo incident occurred.)

This political agenda hasn't prevented him from having what insiders describe as an especially open relationship with Congressman William Lipinski—even though Lipinski rose through the ranks of the Regular Democratic Organization and is considered Congress's spokesman for white ethnics. One legislative aide recalls seeing Savage and Lipinski flying to Chicago together after they'd argued tooth and nail on the television show *Newsmakers:* "They were on the plane joking about it."

The more you know about Savage, the more you see why the media can't seem to get a handle on him. He's an utter contradiction: a Chicago pol without a single precinct captain, a U.S. representative who considers the separation of blacks from the United States government to be an open question, an opinion maker who could care less how the major media covers him.

And perhaps you can see why he treated the Zaire scandal as a joke—and one that he's heard before: Through most of the 1950s, Savage was subjected to surveilance by the police Intelligence Division Subversive Activities Unit, or 'Red Squad," and through the 1960s by the Federal Bureau of Investigation. He won possession of his own files. He says they show that for ten years the police "followed me to every meeting where I spoke, wherever I went socially, every tavern I went to. They followed me when I left home in the morning and all the way back. For ten years. And found nothing."

It is salient, he says, that the congressional hearings on the King assassination revealed that the FBI routinely compiled clandestine information on the black leader, fed it to the scoop-hungry media, then announced that it was open investigations based on the published press reports.

That seems to be the pattern in this case. The Peace Corps worker, who has not been named, has never filed any type of charges. The story was leaked to the Washington Post by an anonymous tipster, then confirmed by government officials. Based on the Post story, Congressman Barney Frank filed charges with the House Ethics Committee. (Frank would later admit to hiring a male prostitute to work in his office, then allowing the prostitute the use of his apartment, which became a haven for nongovernment business.)

As for what happened in Zaire, Savage is unrepentant. "What's wrong with a grown single man making a pass at a grown single women and vice versa?"

He says, "Let's say that I advanced on her heavyhandledly. That's not a crime! I'm a single grown man. She's a single grown woman. And she was not alone where she could be pressured. We were in the company of others."

He goes so far as to point out that the embassy entourage made several stops, and he and the woman were constantly in and out of the car. "She kept getting back in the same damn car—and she didn't want to?"

Before the story broke, he adds, Washington columnists Rowland Evans and Robert Novak reported that Republican leaders, furious at finding one of their own snagged in an ethics conflict, had drawn up a "hit list" of Democratic congressman who could be similarly smeared, and Savage was at the top. Five days after that, the U.S. Attorney General opened an investigation into an apparent conflict involving Savage's son, Tommy, who had been paid as an aide to Walter Fauntroy, the District of Columbia delegate to Congress, while simultaneously campaigning in Chicago for the Illinois house of representatives. (Tommy, like Jesse Jackson, Jr., is viewed around town as a rising young star or as a mere ride-along, depending on whom you talk to.) According to witnesses who will testify—probably this month—the hearings will focus less on Tommy than on the fact that Savage has required his congressional staffers to do campaign work for him.

Then the limo scandal broke, and then came press reports—which changed substantially over time—that Savage had acted bizarrely while on a congressional fact finding mission in China, and wound up locking himself in his room.

The newsbreaking Washington Post devoted a recent editorial to the upcoming ethics hearings on Savage, Frank, and Congressman Donald Lukens, who faces censure for having been convicted of having sex with a minor. The Post passed over the obvious distinction between the cases—Savage has not been convicted of any crime, or even charged, and has not had the chance to cross-examine his accuser—and decided that the difference between them was that Frank and Lukens had the consent of the people with whom the broke the law, while the complaint against Savage involved an allegation of assault. The Post urged the ethics committee to go lightly on Frank and Lukens, and voters to throw Savage out of office.

That advice may have an opposite result. It has stiffened the resolve of Savage's supporters, and brought anxiety to his rivals. "I live in the district, I talk to a lot of people, and even if it's one on one, in my judgment, Gus will win this race," says Alderman Robert Shaw, who has supported Savage's opponents in the past. "The media comes off as a bunch of white folks who are going to pick a congressman for black folks, and black folks tend to reject that. And I agree with them."

Tim Black says, "I think his constituency, looking at his overall record and his behavior on the question of the empowerment of black people, is not going to ask whether it's true or not. They're going to vote for Gus Savage because they believe in what he does."

Richard Barnett says, "The community will slap Gus's hand and tell him, If this is that important to you, you've got to have a little more decorum."

As for Savage, he says, "I give less than a damn" about what the various reporters write. He says he's been interviewed in South Africa and Huntsville, Alabama, and "The Washington Post is more racist." He says, "I don't go down to the white papers, the Tribune and Sun-Times, to be questioned for an endorsement. I'd rather stick it up their ass."

TRIBUTE TO TRUDY COXE

HON. RONALD K. MACHTLEY

OF RHODES ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute to a member of my community who is being recognized for her outstanding contributions to both Rhode Island and our Nation.

Trudy Coxe, of Edgewood, RI, will receive the 1990 Alumni Service Award from the Rhode Island College Alumni Association. This award is presented annually to an outstanding citizen who has made an important contribution to Rhode Island or our Nation which reflects Rhode Island college's ideals of service to humanity.

Ms. Coxe's environmental efforts are well known throughout Rhode Island but perhaps not so across our Nation. Since 1977, she has worked for an outstanding national environmental organization based in Rhode Island called Save The Bay. Since 1979, Ms. Coxe has served as the executive director of Save The Bay, responsible for all activities of the 13,000-member volunteer group. Under her direction, this small, local group has developed into a major presence in the environmental community throughout New England. Ms. Coxe, together with the many members of Save The Bay, has helped preserve and protect our Nation's environmental and natural resources.

Ms. Coxe has truly dedicated her life to saving our environment. She has published several books on environmental protection and has received awards for her past efforts. Among these citations are the Environmental Merit Award from the Environmental Protection Agency in 1984, and the 1987 Woman of the Year from the Rhode Island Women's Political Caucus.

It is with great pleasure that I congratulate Trudy Coxe for her outstanding and exemplary efforts on behalf of our environment. Her continued concern for the environment is a model for us all. I wish her continued success in the future.

SKELTON SPEAKS AT CHRISTENING OF U.S.S. "JEFFERSON CITY"

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. SKELTON. Mr. Speaker, on March 24, at Newport News Shipbuilding in Norfolk, VA, my wife, Susie Skelton, christened a nuclear submarine in honor of Missouri's capital, Jefferson City. The U.S.S. *Jefferson City* is a Los Angeles class nuclear attack submarine which will sail strong and true for many years, through the depths of distant seas but close to the heart of Missouri. I submit the address that I delivered at this ceremony for inclusion in today's CONGRESSIONAL RECORD.

Distinghished guests, fellow Missourians, officers, men and families of what will be

known as the U.S.S. *Jefferson City*, and employees of Newport News Shipyard. Today, every Missourian is a Jefferson Citian. This is a great day for Missouri's capital city. This is a great day for Missouri. This is a great day for the U.S. Navy.

All Missourians were honored when the then Secretary of the Navy James Webb designated the name of this ship to be the U.S.S. *Jefferson City*. For my wife Susie to have been chosen by the former Navy Secretary Will Ball to sponsor this ship is the honor of a lifetime.

This is the first namesake naval vessel of the capital city of the State of Missouri, and tonight the eternal partnership begins between the people of Jefferson City and the officers and men of this nuclear-powered attack submarine.

On another day, in another place, out of the past, another great American ship was christened. The immortal poem of Henry Wadsworth Longfellow entitled "The Building of a Ship," commemorated the launching of the U.S.S. *Constitution*, Old Ironsides, which played an important role in the defense of our Nation in the War of 1812.

"Build me straight, O worthy master!
Stanch and strong, O goodly vessel,
That small laugh at all disaster,
And with wave and whirlwind wrestle!"

Those words are as appropriate today as they were in the day of the great ships of sail.

This ship, the U.S.S. *Jefferson City*, will guard our Nation's sea-lanes and protect American interests on the high seas. This ship is to be named for a great city, populated by great people whose roots are in the heart of our Nation. They are a strong people, a kind people, and a patriotic people, grateful to the U.S. Navy for selecting the name of their community for a ship that has such a high calling in our national defense. With this ship go the hopes and prayers of the people of Jefferson City and of the people of our State of Missouri. May this ship be an instrument of peace enabling the dreams and desires of all Americans to come true in a world of peace and democracy.

To the Captain of this Ship, Cmdr. Russell E. Harris, we wish you well as you lead your men through the rigorous task of preparing this vessel for its first journey to sea—to the officers and men of this ship, we wish you safety and success as you compete the difficult task ahead—and to the wives and families of the men who will go to sea in this ship, we give our heartfelt thanks, because your support is so crucial to the well-being of these men as they set about their awesome tasks.

You officers and men of the U.S.S. *Jefferson City* will do your duty much the way former generations of sailors did theirs. We know the hours are long and the tasks are arduous, but we want you to know that you carry the pride of the people of Jefferson City and of the Great State of Missouri as you are entrusted with the mission of protecting America's freedom.

Freedom is never free. It comes with a price. There is a monetary price to build this ship. There is a price for those skilled hands who made this ship. There is a price of officers and men who will sail this ship into the darkness of the depths—the price of wives and families whose husbands and sons will be gone for countless months away from home. Through the years, Americans have paid the price for freedom, just as we see it being done today. This was done with a sense of duty, to keep our country as the bastion of freedom down through the decades. Just as we rely on our country to be the bulwark of those liberties that we enjoy daily, this ship, the U.S.S. *Jefferson City*, will be a protector of our country that embodies those freedoms.

Just as the freedom of our Nation may well depend on this ship and its officers and men doing their duty, freedom in other parts of the world depends upon the United States to maintain the beacon of liberty shining for all humanity. Whether we speak of this ship or whether we speak of our Nation, Longfellow said it best when he penned the timeless words:

"Thou, too, sail on, O ship of State
Sail on, O Union, strong and great
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!"

May God be with you. May God be your companion on all of your voyages.

RHODE ISLAND SMALL BUSINESS OWNERS OF THE YEAR

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Ms. SCHNEIDER. Mr. Speaker, I rise to take note of the selection of an outstanding business as the Small Business Administration's Rhode Island Small Business Owner of the Year. I am particularly proud of this year's Rhode Island winners because Jason and Susan Dittelman of East Greenwich Photo have served me personally.

The small business owner is the backbone of the American system. By investing their own money and sweat, they create jobs and wealth for the Nation. The story of the Dittelman's rise to success is a story that has been repeated from our country's beginning. Starting with their own labor, they have added 10 new jobs to the Rhode Island economy.

The Dittelman's store has also grown nearly tenfold in its floor space as they have added such features as custom frames, camera repair, electronic goods, darkroom equipment, and photo restoration work.

Like many other small business owners, Jason and Susie have been very active in their community. In addition to raising their two children, they have been active in the Boy Scouts, the Rhode Island Special Olympics, Little League, the East Greenwich Chamber of Commerce, and the East Greenwich Rotary Club.

Mr. Speaker, the entrepreneurial spirit demonstrated by Susan and Jason Dittelman represents an outstanding example for all Americans. I am proud to have them as constituents an even prouder to have them as neighbors. They have consistently gone beyond what is necessary in giving of themselves to their family, to their business and to their community.

A TRIBUTE TO FARGO SOUTH HIGH SCHOOL

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. DORGAN of North Dakota. Mr. Speaker, I rise today to congratulate the students of Fargo South High School for their outstanding achievement in the State and National Bicentennial Competition on the Constitution and Bill of Rights.

Fourteen students in Cheryl Watkins' advanced placement U.S. Government class won the North Dakota State championship, excelling on tests about content, principles, and applications of the Constitution. Fargo South went on to win a unit award in political philosophy at the national championship held in Washington on May 5–7.

These hard-working students make me proud of my State and optimistic for its future: Sarah Conyers, David Engberg, Heather Himmerick, Jessica McNair, Lance Myxter, Eric Pederson, Jeffery Roberts, Justin Schardin, Shad Thurlow, Melissa Tuomihen, Brandon Volbright, Caroline Wagner, Maria Winters, and Aaron Yeater. In addition, the State bicentennial competition could not have been possible without the dedicated and voluntary efforts of district coordinator Karen Montgomery.

Once again, I am pleased to salute the outstanding effort and achievement of North Dakota's delegation to the National Bicentennial Competition on the Constitution and Bill of Rights. Good job Fargo South! Your knowledge of and care for the Constitution will help to keep its legacy strong.

A TRIBUTE TO DR. CLOTILDE P. GARCIA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. ORTIZ. Mr. Speaker, I rise today to give praise and credit to Dr. Clotilde P. Garcia of Corpus Christi, a doctor, teacher, and author. In addition to all these things, she is also the founder and president of the Spanish American Genealogical Association [SAGA], which explores the heritage of great Spanish Americans.

SAGA will soon host a Texas gala historical reception to honor Dr. Garcia, at which time she will be awarded Spain's Royal American Order of Isabella the Catholic, ordered awarded by His Majesty the King Don Juan Carlos I.

To further the honor, I submit herewith the following proclamation:

Whereas, Dr. Clotilde P. Garcia has made enormous contributions to the poor and disadvantaged citizens of Corpus Christi and Nueces County as a physician, as a past Regent Board member of Del Mar College for twenty-one years, as a mother; and

Whereas, Dr. Garcia founded the Spanish American Genealogical Association, and as the Genealogist and Historian that rediscov-

ered Texas' Last Frontier as well as authoring many books on the Rediscovery; and

Whereas, Clotilde P. Garcia will be presented with Spain's Royal American Order of Her Majesty the Queen Isabella The Catholic, ordered awarded by His Majesty the King Don Juan Carlos I;

Therefore, let it be known that the United States House of Representatives joins with the State of Texas in proclaiming May 16, 1990, "Clotilde P. Garcia, M.D. Day."

A TRIBUTE TO MAY MORGAN ROBINSON

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to May Morgan Robinson, one of my constituents who recently passed away. Mrs. Robinson was a true leader of our community and her presence will be sorely missed. She was an inspiration to all who knew her.

Raised in Yonkers, NY, she began her extraordinary lifetime of service when she became active in voter registration campaigns as a teenager. She developed a strong sense of moral, social, and political awareness as a young person that was to guide her in her quest for justice and equal rights for all Americans.

She was a founding member of the first black democratic club in Yonkers as well as the Nepperhan Community Center which she began in her home.

In the early 1950's, she was a volunteer chaperon for the Yonkers Service Club, where she escorted young people to U.S. army bases and West Point to entertain military personnel. She was also a foster mother for unwed mothers, sharing her home with young women in desperate need of a helping hand.

In the early 1960's, May Robinson was arrested for taking part in a demonstration at Yonkers City Hall where a sit-in was being staged to aid 40 families left homeless by fire. In 1963, she organized a caravan of 10 buses for the Civil Rights March on Washington. She was also elected as the first Black delegate from what was then the 25th Congressional District to a National Democratic Convention.

In 1974, the National Urban League appointed her to head its voter registration program in Yonkers. Mrs. Robinson continued until her death to campaign for candidates who are proponents of peace, women's rights, nuclear freeze, and equality and justice for all.

Mr. Speaker, May Robinson made outstanding contributions through her involvement in organizations that make our community a better place to live. Mrs. Robinson was an extraordinary American, and she will be greatly missed. Her service to our Nation has left an imprint—a better world for future generations.

HONORING KEW GARDENS SYNAGOGUE ADATH YESHURUN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the Kew Gardens Synagogue Adath Yeshurun, which will mark its golden jubilee with a dinner dance on May 13 at the Beth Sholom Synagogue in Lawrence, NY.

The Kew Gardens Synagogue is one of the oldest Jewish congregations in the central Queens area of New York City. Those who established the synagogue came from many different ethnic backgrounds, including many who escaped the Holocaust in Europe and were able to come together to establish a congregation that has been a place of prayer and charity for the past 50 years. In that time the synagogue has witnessed its congregation grow from a modest 14 congregants to its now thriving community of 380 active members.

The Kew Gardens Synagogue throughout its 50-year history has been more than a house of worship. Founded by the late David Levine, it has fulfilled the need for community services for Jews and gentiles alike. The services the synagogue provides to the community include a nursery school, youth activities such as little league baseball and sports programs for all children, sabbath youth groups, educational and cultural programs for men and women, including study groups and cultural lectures given by reputed individuals from outside the synagogue. The synagogue has also developed special programs to support single parent families, and assist recent immigrants from the Soviet Union in adapting to life in the United States.

The many programs and activities were expended through the years under the stewardship of many dedicated men and women. I would especially like to honor: board of trustee members David Weil, Richard Koppel and Arnon Hiller; Vice-Presidents Gregory Binkiewicz and Hymen Arbesfeld; Treasurer Eli Mirzoeff; Financial Secretary Noah Diamond; Correspondence Secretary Simon Mietles; and Recording Secretary Nathan Rahimi for their timeless dedication over the years to the Synagogue and the Kew Gardens community. At present, the synagogue is led by President Fred Friedman in partnership with Rabbi Dr. Barnard Rosenweig, the spiritual leader of the Kew Gardens Synagogue. These men, with the help of the other members of the synagogue, have worked diligently to adapt to the ever changing needs of the Kew Gardens community.

The Kew Gardens Synagogue has survived many trials and tribulations during its first half century, but it has survived and prospered as a place the community turns to in times of joy and need. I would like to ask my colleagues to join me in congratulating Kew Gardens Synagogue Adath Yeshurun on its 50th anniversary and to extend the hope that the next 50 years will be as successful as its first.

FOURTH ANNIVERSARY OF CHERNOBYL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. HOYER. Mr. Speaker, with each passing anniversary of the April 26, 1986, Chernobyl nuclear disaster, we learn more and more about the devastating toll on the surrounding population and environment. Within the last few months, information about the full extent of this tragedy, previously concealed by the Soviet Government, is slowly coming to light.

The devastating consequences of Chernobyl, Mr. Speaker, are found everywhere. The consequences are found in the poisoning of the surrounding environment, with many places unfit for human habitat; farm animals born deformed; deadly crops, berries and mushrooms. They are found in the astounding economic consequences which, according to estimates by Soviet economists, amount to over $300 billion.

But much more importantly, the consequences are found in the devastating effect on human beings. They are found in lives lost—some 300, according to Yuriy Shcherbak, a deputy chairman of the U.S.S.R. Supreme Soviet's Environmental Subcommittee. They are found in the deterioration of the health of thousands upon thousands among the surrounding population in Ukraine, Byelorussia and the Russian republic, as the incidences of leukemia, thyroid cancer and other radiation-related illnesses among the population have grown dramatically and continues to grow. The consequences are also found on the faces of these surrounding populations—faces which display fear, uncertainty, and anxiety about the future. Indeed the psychological effects of Chernobyl—both on those who were uprooted and evacuated from their homes and on the many thousands who stayed unknowingly when they should have been evacuated—may be as traumatic as the physical effects. And, Mr. Speaker, the consequences are found in a crisis of trust in official Soviet bodies that confused or hid the full tragedy of Chernobyl.

At long last, Soviet officials are beginning to recognize the profound crisis of trust that Chernobyl engendered and are beginning to address its effects. The Ukrainian ministry of health, with its new head, Yuriy Spizhenko, is increasingly revealing Chernobyl's medical consequences. And on April 22, the U.S.S.R. Council of Ministers accepted a new 16-billion-ruble plan to assist Chernobyl's victims over the next 3 years.

That the truth is emerging about Chernobyl and some action is being taken is due to persistent pressure by independent groups such as green world and the popular movement Rukh in Ukraine which fought to break through the Soviet Government's "conspiracy of silence." In the Ukrainian capital of Kiev, 80 miles from Chernobyl, 70,000 people turned out for a commemorative meeting on the April 26 anniversary sponsored by Rukh. Leaders of the demonstration called for a drastic reduction of the nuclear energy industry and

stressed the importance of securing genuine sovereignty for Ukraine. In the Byelorussian city of Gomel, workers went on strike to demand that their region be declared a disaster zone. Mr. Speaker. There is growing recognition that the consequences of Chernobyl, and perhaps even the catastrophe itself, might have been avoided if the people of Ukraine and Byelorussia had a greater role in determining their own fate. The recent republican elections in Ukraine and Byelorussia, with significant victories by democratic, progressive candidates, given cautious hope that the horrible consequences of Chernobyl will be dealt with in a more rational, humane way than they have in the past.

TRIBUTE TO LEE AND ROSE ELDER

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. GRAY. Mr. Speaker, I rise today to bring to the attention of this body two great African-Americans whose accomplishments and achievements are worthy of note, particulary at this juncture in our history. I am speaking of Lee and Rose Elder, the consummate golf professional and his business manager and wife.

This year the Elders will celebrate the 20th anniversary of the Lee Elder Invitational Tournament, August 17-19 in Nashville, TN. This is a phenomenal tradition that has continued in the face of numerous obstacles for 20 consecutive years. I invite you to join me in offering congratulations to them for this stellar accomplishment.

In 1974, the Elders created the Lee Elder Scholarship Fund. The scholarship fund was established primarily to provide financial scholarships to qualified, deserving, and financially disadvantaged minority youths. Since its inception, over 85 scholarships have been awarded, and the Lee Elder Invitational Tournament has been the prime source of financial support for those awards and the scholarship fund.

The tournament is an excellent example of the commitment of Lee and Rose Elder. VIP's, celebrities, professionals, and amateurs from the world of sports, entertainment and the arts, politics, education, religious, and business along with the other guests sensitive to the need to help youths achieve their educational goals have been consistent supporters of this tradition. They have shared in the ultimate triumph of the Lee Elder Tournament—generating funds for academic scholarships through quality tournament productions which have created youth training experiences, as well as good times, fond memories, and lasting friendships for the participants.

The Elders have taken the lead in creating programs to provide opportunities for youth advancement and development in education, in sports and in the business of sports. Their emphasis on youth education, business training, personal development, and pursuit or excellence come directly out of their life experiences.

Robert Lee Elder was born in Dallas, TX, July 14, 1934. While still a child, he moved with his family to Los Angeles, CA, where he resided until 1966 when he moved to Washington, DC. Here he met and later married Rose Harper of Washington, DC, a noted golfer in her own right. Her perspicuity and business training enabled her to be his business manager.

Lee Elder became a professional golfer in 1959, seasoning his play by participating in tournaments throughout the United States sponsored and conducted by the United Golfers Association. In the fall of 1967, he attended the Professional Golfers Association training school. Successfully completing its course, he became a member of the prestigious PGA Tour.

In his first full year as a tour rookie, Lee Elder made his dramatic entrance onto the professional circuit finishing in the top 60 money winners in the country—a first for a black golfer.

His outstanding play had a marked impact on the Nation. Finishing in the money in his first nine events, he found himself 1-on-1 with Jack Nicklaus in a nationally televised historic tournament playoff. Although Nicklaus eventually prevailed, Lee Elder became an instant star and a household word.

Lee Elder has been recognized both in the United States and abroad for his professional and personal achievements. He serves on the National Advisory Board of Goodwill Industries of America and on the board of directors of the D.C. Metropolitan Police Boys Club. He has been honorary chairman of the annual March of Dimes Golf Tournament for 5 years. He is also a member of the Grambling University Athletic Foundation, Concerned Athletes Against Apartheid, a life member of the National Association for the Advancement of Colored People and he is a Mason.

Although the demands of a touring professional golfer are strenuous, they have never kept Lee Elder away from providing exhibitions and clinics for youth in the District of Columbia and around the country. These events are designed to stimulate interest in golf, to raise scholarship funds for disadvantaged and underprivileged youth, or to guide youth toward more positive and constructive ways of living. He has been consistently instrumental in securing thousands of dollars worth of equipment and convincing and coordinating other professional golfers to donate their time to these programs.

Rose Elder is an accomplished businesswoman and entrepreneur in the fields of special events management, golf tournament direction, foundation management, and public and media relations. She was a U.S. delegate to the 1988 Seoul Summer Olympics. In addition to being the president and chief executive officer of Rose Elder & Associates, Inc., she is the executive director and founder of ESMII—Elder Sports Management and Instructional Institute. ESMII was established in 1986 under the Lee Elder Scholarship Fund and is designed to increase minority participation in jobs and career opportunities in the sports industry, rather than on the playing courts and fields. It provides exposure, information, training, and experience for the interested youth and is a catalyst in finding part-time, full-time, and internship opportunities in sports related organizations.

One program of which Rose Elder is particularly proud was the historic ESMII Youth Delegation to the 1988 Olympics in Seoul, Korea. This program was designed to expose minority American youth to the experiences and operations of the 1988 Seoul Summer Olympic Games and made the youth available as volunteers to the Seoul Olympic Organizing Committee [SLOOC]. The youth participated in the Youth Camps organized by the SLOOC Youth Camp Directors, which allowed them to interact with the young adults from the other Olympic nations.

Rose Elder is involved in a variety of civic and community organizations. She is a member of the board of trustees of the City National Bank in Washington, DC, a member of the board of trustees of the Lincoln Theater Foundation, and a member of the board of trustees of the National Association of Christians and Jews. She is a commissioner of the D.C. Baseball Commission, a member of the board of directors of Junior Achievement of Metropolitan Washington, Inc., and a member of the D.C. Stadium Advisory Committee. Mrs. Elder is also a player-manager of the PGA Tour and a member of the International Protocol Association.

Please join me in congratulating these two people for their good works and their involvement for the betterment of our society.

"CARESAVE"—A NEW WAY TO CUT HEALTH COSTS

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. STEARNS. Mr. Speaker, the No. 1 overriding concern that I hear when I meet with my constituents, whether it is at the town meetings, in the office, or on the phone, is the continuing rise in health care cost. The cost of health care in America comprises almost 10 percent of the GNP. This cost has been shifting from employer to employee. It seems that lately we cannot turn on the television or read a newspaper without a news item concerning the cost of health care. The cost of health insurance is getting more and more expensive which is causing many individuals and businesses to go without any health insurance or with a deductible so high it's like not having any insurance at all.

But there is relief in sight. There is a company in my district by the name of CareSave Outpatient Center, Ltd. that is reversing the rising tide of health care cost.

CareSave is a one-stop community-owned outpatient diagnostic and treatment center, community partners working together in health care services.

The CareSave concept is an idea whose time has come. It allows individuals to own an interest in private medical facilities, to share in the financial success of the company while at the same time controlling the cost of health care services.

CareSave puts health care into the hand of those who need it the most, the residents,

self-insured employers, HMO's, and private industry.

CareSave is a prime example of what the American enterprising spirit can do, by seeing a problem and a need and solving that problem and need through hard work, long hours, and self-sacrifice.

CASA PROGRAM: CHAMPIONS FOR CHILDREN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. MAZZOLI. Mr. Speaker, late last month I attended the opening session of the annual conference of the National Court-Appointed Special Advocate Program [CASA], held in New Orleans.

Our colleague in the House—a great and charming person—Representative LINDY BOGGS attended the session and extended a warm and gracious Louisiana welcome to all the conferees.

I was honored to receive the president's award at the CASA conference for my support for CASA over the years and especially for having aided in obtaining a $650,000 line item for CASA in the fiscal year 1991 Justice Department Appropriation.

A whole lot of the credit for this funding, however, should go to the chairman and ranking member of the Appropriations Subcommittee, Representatives NEAL SMITH and HAL ROGERS. They have been extraordinarily receptive and supportive of CASA over the past few years. Credit, too, goes to Judge Tom McDonald, the president of the National CASA Association and juvenile court judge in my district.

For those of our colleagues who are not familiar with CASA, it is a program which provides volunteers to help neglected and abused children who are in the court system. Too many of the Nation's young people are not served by today's overworked and overburdened court system, and their guardians-ad-litem and their caseworkers cannot take up the slack.

CASA volunteers usually have only one child to look after and nurture. All evidence indicates that CASA kids fare better in court, have more chance to avoid institutionalization and eventually function in today's society because of CASA caseworkers. Typically, these are volunteer workers, and, subsequently, the CASA program is more cost effective than traditional child advocacy programs.

Our Louisville CASA Program, under the strong leadership of Sally Erny, has grown in tandem with the other 393 grassroots CASA organizations which have opened all over the country.

CASA programs do good work, and I urge my colleagues to visit their local CASA program to see these champions for children in action.

DEDICATED TEACHER INTERESTS STUDENTS IN CONSTITUTION AND BILL OF RIGHTS

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mrs. BENTLEY. Mr. Speaker, these are truly amazing times in which we live. It seems as if almost daily history is being made across the globe. The cry for freedom and democracy has been seen in the most unlikely places and has prevailed over even the most oppressive of regimes.

Today's generation of Americans indeed are fortunate for we have never had to endure nor experience a struggle for freedom as our forefathers did or as much of the world is undergoing today. Undoubtedly, history has many lessons to provide. Perhaps freedom's greatest safeguard against ever having to experience such a struggle again is a knowledge, a willingness, and an ability to learn from previous experiences and mistakes.

For this reason it is with great respect and admiration that I commend the efforts of Ms. Roberta Richardson, a reading teacher with the Baltimore County schools. Through the voluntary efforts of Ms. Richardson, thousands of schoolchildren will learn about the formation of our Nation and the Constitution as a result of the We the People * * * Bicentennial Programs on the Constitution and the Bill of Rights.

This program along with the We the People * * * text will introduce students to the philosophical ideas of our Founding Fathers and the forces which shaped and influenced the writing of our Constitution.

Indeed, there could not be a more appropriate time to study the formation of our country as around the world people struggle to achieve independence and self-determination. Through the efforts of such people as Ms. Roberta Richardson, students will achieve a greater understanding of the struggle and hardships that so many endured to secure our freedom.

All too often, we are too quick to forget the sacrifices others have made for us. Because of the hard work and dedication of persons like Ms. Roberta Richardson, future generations will be conscious of how and why our Nation was created and the foundation upon which it stands. With such knowledge, the chance of losing that freedom is much more unlikely, for we must remember that we are all charged with the responsibility of ensuring that freedoms reign both today and in the future. The cost of freedom is a precious one and its maintenance demands the greatest of care. As Thomas Paine said, "Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it."

Unfortunately, we often become apathetic in our care and attention to the freedoms which we so greatly enjoy. Hopefully, due to the efforts of such people as Ms. Richardson, we can encourage greater participation and interest in the governing of our great land. Sadly enough, only a minority of the voting public takes advantage of that right. It is even more discouraging when one considers that a lower turnout can be expected on election days when it rains. Yet, in many nations, voter turnout is over 90 percent despite violence and threats to voters. Sadly, we have become a nation which neglects its right to vote because of rain, while in other countries voters are literally dodging bullets to cast their vote. I only can hope that this trend does not continue and that more individuals such as Ms. Richardson realize the need to teach our Nation's young people about the values, responsibilities, and opportunities this great Nation has to offer.

Mr. Speaker, it is with great respect and admiration that I commend Ms. Roberta Richardson for her dedication and commitment to teaching Baltimore County students the importance and need for active and responsible citizenship. Through her efforts, she not only has made this a better community but a better Nation as well.

FARMERS HOME ADMINISTRATION AND WOMEN'S COALITION TEAM UP TO BUILD BETTER FUTURE FOR ST. CROIX

HON. RON de LUGO

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. DE LUGO. Mr. Speaker, since Hurricane Hugo swept through the U.S. Virgin Islands nearly 8 months ago, the people of the Virgin Islands have been tremendously busy recovering and rebuilding. With the help of Government agencies, they have been rebuilding thousands and thousands of houses, businesses, and community facilities.

In this flurry of activity, I recently received word of one very important Federal loan on the island of St. Croix that stands out in my mind. This relatively modest loan of $95,000 represents great hope for some of the most troubled people in the Virgin Islands and shows the immense potential when Government agencies and private community groups work together for the common good.

I am speaking of a loan from the U.S. Farmers Home Administration to the Women's Coalition of St. Croix. This loan will enable the women's coalition, which does a superlative job of counseling and helping battered women and children, buy a building for its office and crisis intervention services. It is just a small loan, but it will make a big difference for these people who are rebuilding their lives and deserve all the help we can provide.

This loan represents teamwork on the part of two of the most outstanding public and private agencies in our community. The women's coalition, under the courageous leadership of Mary Mingus, has been providing valuable services under tough conditions for many years now. Relying on volunteers and local support, it has been able to offer comfort, counseling, and new strength to women and children trying to rebuild their lives. I am pleased to see the women's coalition getting this assistance from the Federal Government so it can expand its service.

I am not surprised that, with all the lending agencies in the Virgin Islands, it is the Farmers Home Administration that is making this loan. I have been very impressed by Farmers Home since Hurricane Hugo hit our islands. This Agency, under the able leadership of Regional Director Bernice Murray, responded to the hurricane with determination and creativity. Despite innumerable obstacles in the days when we had no power or phone or communications in the Virgin Islands, Farmers Home shipped in supplies and personnel and reached out to provide services that are essential to rebuilding. Bernice Murray saw the need and she made sure that Farmers Home met that need to the very best of its abilities.

It gives me great pleasure to see the women's coalition and Farmers Home Administration working hand in hand to provide a better future for our community.

TRIBUTE TO CONGREGATION BETH SHALOM OF POMPTON LAKES, NJ, ON ITS 55TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. ROE. Mr. Speaker, it is with the deepest revence and sense of pride that I rise today to salute an outstanding house of worship which, for more than a half century has been a spiritual focal point and a beacon of faith for countless numbers of worshipers of the Jewish faith in the greater northern New Jersey area.

I am speaking of Congregation Beth Shalom of Pompton Lakes, NJ, which is celebrating its 55th anniversary this year. In honor of this historic occasion, Congregation Beth Shalom is holding a gala dinner-dance on Saturday, May 12. I know this event will be a great success, which will be a tribute to the dedicated efforts of the 55th anniversary committee: Dora Mester, general chairperson; Louis H. Katz, cochairman; Dr. Louis M. Lees and Brain Gordon, ad-journal; Barbara Goll, Debbie Lees, and Sandra Yenk, dinner; Geri Klinger, ad-journal pictures, and Nahum Mester, member-at-large.

Mr. Speaker, I know, too that the success of this landmark event will also be an enduring tribute to Congregation Beth Shalom's guiding spiritual force, Rabbi Bernard Schecter, who has helped lead the congregation to this fine moment in its history.

Mr. Speaker, Congregation Beth Shalom had its beginnings in 1933, when a small number of Jewish families in the Pompton Lakes area gathered for a wedding celebration. Initially, the congregation met in a room in the Washington Building on Wanaque Avenue and later in Schlessinger's Hotel on Wanaque Avenue. The idea of Jewish families sharing cultural and religious activities grew to the point that a formal center was needed.

Jennie Wecht Feinbloom was a guiding light at this time. The solution to this need for a center was to have a religious school and social functions in an apartment in the Risden Building on Wanaque Avenue, which was tragically destroyed by fire 2 years ago. At first, there were weekend rabbis. The first full-time Hebrew schoolteacher was the late Dave Goldberg.

When these facilities became inadequate, the home of Henry Hershfield on Wanaque Avenue was purchased and renovated so that it contained a sanctuary, classrooms, and meeting areas. When the Hershfield facility, in turn, became inadequate, a new building was needed. It was indeed my honor and privilege to be in attendance when ground was broken for the new building in 1967.

Mr. Speaker, at this juncture the name of the congregation became Beth Shalom, and a modern building was erected on Passaic Avenue in Pompton Lakes. Several years ago, a Holocaust Torah was rededicated at Beth Shalom and has been a constant reminder of the past and a link to future generations.

Today, Congregation Beth Shalom continues to maintain an excellent Hebrew school, a hard-working auxiliary, social and social action committees, religious services, and all the other activities spearheaded by the dedicated congregation officers and board members.

Mr. Speaker, I appreciate the opportunity to present the history of this distinguished congregation that has become a vital part of the lives of so many people of the Jewish faith in the northern New Jersey area. As Congregation Beth Shalom celebrates its 55th anniversary, I know that you and all of our colleagues here in Congress will want to join me in extending our warmest greetings.

COMMENDATION OF FRANK J. PASQUERILLA

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay special tribute to Frank J. Pasquerilla as he is about to be honored by the Sons of Italy. Frank Pasquerilla embodies the American dream come true. Mr. Pasquerilla is a self-made man, rising through the ranks of the Crown American Corp. to become its sole owner.

In addition to Mr. Pasquerilla's devotion to his business interests and family, he has made extensive community and philanthropic investments. Mr. Pasquerilla was State president of Pennsylvania Jaycees, trustee of the University of Pittsburgh, delegate to the Pennsylvania Constitutional Convention from the 35th Senatorial District, president of the Greater Johnstown Chamber of Commerce, chairman of the Economic Development Corp: Johnstown Area Regional Industries, Inc., trustee of Notre Dame University, and a trustee of International Council of Shopping Centers. This is only a small sampling of his achievements.

The breadth of Frank Pasquerilla's contributions can be matched only by the recognition and exaltation he has received for his endeavors. Frank was the recipient of the Prime Minister's Silver Anniversary Medal from the State of Israel, Government of Italy, recipient of the Assisi Award from St. Francis College, Loretto, PA, and he received the Arthur Young/Venture Magazine Entrepreneur of the Year Award.

Mr. Speaker, on May 12, 1990, Mr. Pasquerilla will be honored at the Purple Aster Ball, by the Grand Lodge of Pennsylvania. I wish to extend both my sincere congratulations and whole-hearted thanks for Mr. Frank J. Pasquerilla's service to Pennsylvania as well as the Nation.

RESOLUTION REGARDING GRAZING ON PUBLIC LANDS FROM THE ARIZONA CATTLE GROWERS' ASSOCIATION

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. RHODES. Mr. Speaker, today I am placing in the CONGRESSIONAL RECORD a resolution signed by 4,256 Arizona individuals representing 120 different occupations who are concerned about misleading media reports about the impact of livestock grazing on America's public lands.

I am a cosponsor of House Joint Resolutions 496, designating the week of June 10 through June 16, 1990, as "Multiple-Use Sustained-Yield Week." Cattle and other livestock grazing on our public lands is a historic use which helped to build and strengthen America during its westward expansion. Livestock grazing remains a fundamental and important use of public lands.

On behalf of the Arizona Cattle Growers' Association, I am pleased to present for my colleagues attention, the text of the resolution presented to me:

RESOLUTION REGARDING GRAZING ON PUBLIC LANDS

Whereas, Cattle Grazing on the Public Lands of the western states is a significant part of a healthy economy in those states; and

Whereas, beef calves raised on Public Lands of the west are a significant part of the American Food Chain as well as America's agricultural economy; and

Whereas, contrary to the opinion of environmental activists, the western livestock industry is not an isolated, freestanding, expendable segment in America; and

Whereas, false information on cattle grazing in the west is being presented as truth to the American public and was so presented on January 9, 1990, on NBC's Today Show: Now therefore, be it

Resolved, That state and federal legislators be informed that removal of cattle from public lands would be disruptive to the economy of the western states as well as the American food chain and would adversely affect the Consumer Price Index; and be it

Further resolved, That these legislators be informed of the determination of the undersigned that management of public lands should continue for multiple-use, including cattle grazing, as a practice vital to the preservation of resources, the continued productivity of those rangeland resources and the well being of wildlife.

(Signed by 4,256 signatures representing 120 different occupations.)

TRIBUTE TO DR. DAVID FARBER

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to a great friend and humanitarian from Reading, PA, Dr. David Farber. I am pleased to inform my colleagues in the House that Dr. Farber has been selected to receive the 1990 Maimonides Award of the Israel Bonds Committee. Dr. Farber will receive the Maimonides Award at a special dinner at the Berkleigh Country Club in Kutztown, PA, on June 7, 1990.

Dr. Farber was born in Cleveland in 1914 and earned his bachelor of arts and doctor of medicine degrees at the Ohio State University. He then went on to serve in the Coast Guard during the Second World War. After completing his residency in Philadelphia in 1947, Dr. Farber settled in Reading, and we have been blessed with his presence these past 33 years.

Dr. Farber is a model citizen, actively and intimately involved in community affairs. For instance, he has served as president of the Berks County Medical Society, the Reading Jewish Federation, the Kesher Zion Synagogue, and the Berkleigh Country Club. Professionally, he has been an active member of the American Medical Association, the American College of Surgeons, the American Academy of Ophthalmology, and a diplomate of the American Board of Ophthalmology. Thus, Dr. Farber's devotion to his fellow man and community is beyond doubt.

Mr. Speaker, although this listing alone is reason enough to understand why Dr. Farber was chosen as the 1990 recipient of the Maimonides Award, it is in the areas of foreign policy that Dr. Farber's expertise and concern for humanity is most immediately felt. Deeply alarmed by the proliferation of nuclear weapons, Dr. Farber has been active with various groups in increasing societal awareness about nuclear proliferation and the impact this might have upon the international system as we now know it. Having cultivated a tremendous insight into the intricacies of foreign policy, Dr. Farber is constantly developing, refining, and promoting workable solutions to the toughest problems confronting diplomats and presidents. He is also a staunch defender of human rights and principled government. Finally, his unwavering support for Israel can serve as a guideline for us all as we try to foster real and permanent solutions to the interweaved national, religious, and economic problems which plague the Middle East. If more citizens followed Dr. Farber's lead in struggling with these tough issues, there is no doubt that our job as legislators in Congress would be made much easier.

Mr. Speaker, it is indeed an honor for me to count Dr. Farber as one of my close and personal friends, and I want to congratulate him on this most auspicous occasion. I am sure that the rest of my colleagues join me in extending our best wishes to Dr. Farber, and we look forward to working with him as we strive to construct a more humane and just world order.

INTRODUCTION OF THE SMALL PROPERTY AND CASUALTY INSURANCE COMPANY EQUITY ACT OF 1990

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. THOMAS of California. Mr. Speaker, I am today joining Mr. MATSUI in introducing the Small Property and Casualty Insurance Company Equity Act of 1990, in order to correct a gross inequity that exists between the current tax treatment of small property and casualty insurance companies and the current tax treatment of small life insurance companies.

Small casualty and property insurance companies play an essential function in the insurance industry, by enhancing the level of competition within the industry and by providing coverage in areas where other companies often fear to tread. However, small property and casualty companies are more at risk than are the large diversified companies to the vagaries of nature—massive earthquakes and damaging hurricanes, such as those suffered recently by California and our Southeastern States. Small property and casualty insurance companies also are subject to surplus requirements that limit the amount of premiums they can write, thus making it difficult for such companies to grow.

Instead of imposing an impediment to the existence of small property and casualty companies, the tax law should at least provide a level playing field for such companies in relation to small life insurance companies.

Life insurance companies have the benefit of acturial tables to aid in the prediction of losses, which makes the life insurance business inherently less risky than the property and casualty business. Small life insurance companies—those with total assets of less than $500,000,000—are entitled to the small life insurance company deduction under section 806 of the Internal Revenue Code.

This legislation will put small property and casualty insurance companies and small life insurance companies on an equal footing for tax purposes. Under the bill, the small company deduction now applicable to life insurance companies would be made available to property and casualty companies of similar size. Thus, a small property and casualty company with asset of less than $500 million would be entitled to exclude from its insurance company income 60 percent of the first $3 million of insurance company income earned each year. The special deduction would be decreased by 15 percent for every insurance dollar earned in excess of $3 million. Thus, the small company deduction would phase out once insurance income reached $15 million for the year.

The same limitations that currently apply to small life insurance companies, for purposes of determining their assets and their insurance income, would apply to the deduction allowable to small property and casualty companies.

I strongly encourage my colleagues to cosponsor this important legislation and to work for its prompt enactment, so that small property and casualty companies and small life insurance companies will be subject to equal tax treatment.

LOW LEVEL RADIOACTIVE WASTE POLICY ACT AMENDMENTS OF 1985

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. SCHUETTE. Mr. Speaker, today I am introducing legislation to amend the Low Level Radioactive Waste Policy Act of 1980, as amended by the Low Level Radioactive Waste Policy Act Amendments of 1985. Few are unaware of the frustration States within the Midwestern compact, to which my home State of Michigan belongs, and in other compacts, have experienced under the Federal mandates of this legislation. Yet, the Federal Government has little role under the act beyond the purely technical advisory role, and that of rebate collector, assigned to the Secretary of the Department of Energy.

However, experts including the Office of Technology Assessment have reported recently that the volume of radioactive waste generated in this country has been reduced by half in the past decade, and is expected to further decline. Currently, 19 total sites are planned to house waste which could be more than adequately stored by at most 5, and more likely, 2, sites.

Thus, my legislation would prohibit the siting of low level radioactive waste facilities in areas with more than 18 inches of annual rainfall. Not only should this result in an optimum number of sites, this concept is advocated by many environmental organizations in order to protect water supplies from contamination. Furthermore, my bill would pursue other sound environmental policies by prohibiting shallow land burial in areas of eligibility, and putting responsibility for class C waste squarely on the shoulders of the Federal Government, where waste with a radioactive half life of 500 years belongs.

In order to protect compacted States, my legislation would indemnify them from any financial and legal liability which resulted from its provisions. Furthermore, in order to protect the taxpayers of both sited and other compacted States, it would create a $150 million fund to be used at the Secretary of Energy's discretion for the purpose of paying claims such as those which might be put forward by members of a compact against a site State. This is an appropriate use of Federal dollars, since the requirements themselves were made by our Federal Government.

However, the bill would retain the current surcharge structure and final milestone. It sets site location criterion which would allow some States which are currently furthest along in the siting process to continue. Thus, it would leave in place incentives for the current sites to remain open, while resulting in an optimal number of two to five sites put forward by experts. Indeed, experts also point out that most projected sites plan to recoup their capital and operating cost by raising fees for disposal;

thus a higher waste volume at each site should reduce fees to generators.

I hope I may have the support of my colleagues not only from Michigan and the Midwest compact but that of those who represent other compacts as well. If so few sites are needed, the Federal Government can and should intervene to ensure they are placed in the environmentally safest areas.

BUSH IS RIGHT ON LITHUANIA AND JAPAN

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. RICHARDSON. Mr. Speaker, many on both sides of the aisle have criticized the President recently for his decisions to exempt Japan from our unfair traders list as well as his refusal to impose economic sanctions on the Soviet Union for its Lithuania policy. Mr. Speaker, President Bush is right on both of these issues and instead of being criticized he should be commended for his courageous action and supported on a bipartisan basis.

Mr. Speaker, one of the strengths of the Democratic party should be to support the President when he makes the right decision, especially on foreign policy.

The bottom line on the Lithuania issue is that we cannot undercut Gorbachev at a time that he is trying to reform the Soviet system and negotiate arms control treaties with the United States. While we strongly support self-determination for the Lithuania people, we cannot jeopardize our entire relationship with Gorbachev by weakening him with sanctions.

Mr. Speaker, in the future the United States and Japan will be key players on the world scene. Antagonizing Japan by placing them on a list of unfair traders at a time when we are negotiating with them to remove trade barriers to United States products would be counterproductive especially after Japan has already made some internal structural economic adjustments to lower their exports to the United States. Instead of bashing Japan, let us start working with them. Again, the President, should be supported strongly.

SMALL BUSINESS IN AMERICA: GOOD NEWS AND BAD NEWS

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. ROWLAND of Connecticut. Mr. Speaker, I am honored to have this opportunity to share with colleagues my thoughts regarding the state of small business in America. As this is Small Business Week, it is fitting that we examine the issues facing small business in America.

On a national level, the state of small business—in both the number of new business formations and business failures—was very healthy in 1989. The total number of new business formations was 677,394 in 1989, very close to the 685,095 in 1988, and marking the fourth year in which new incorporations averaged at least 675,000 per year. Business failures witnessed the third straight year of decline with only 49,719 in 1989. This is particularly impressive given the large number of new business formations over the past few years.

While the news for small business nationally is good, on a regional basis the news is both good and bad. In New England, and my home State of Connecticut, the news has not been very good. New England new business formations declined by 12.3 percent, while business failures increased by 22.3 percent. Given the impending reductions in the defense budget, and the high per capita defense spending in New England, the outlook does not hold great promise.

The question which we must address, Mr. Speaker, is how to spur economic growth in areas like New England where small business is being hit the hardest. The urgency surrounding this issue rests completely on the fact that without a vibrant small business environment, economic growth cannot be sustained, let alone bolstered. For example, while we in Congress congratulate ourselves on tackling the savings and loan crisis last year, we are now learning the full ramifications of one definitely unintended consequence of this legislation. I am sure that many of my colleagues have heard from small businessmen and businesswomen in their districts who are being denied llines of credit, or badly needed loans by their banks. And most of these businesses have been exemplary borrowers, never missing a payment or defaulting on any loans.

Currently, there are several issues pending in Congress with which small business is keenly interested, family and medical leave, health insurance availability, repeal of section 2036(c), funding for the Small Business Innovative Research [SBIR] Program to name just a few. These are important issues, Mr. Speaker, and will be addressed. However, if we do not act quickly to ease the financial crisis which has already begun to force many small businesses into failure and left thousands of others teetering on the brink of failure, there will be no small businesses around to care.

The intrinsic value of small business to the U.S. economy and our proud free market heritage demands that we take action now. The money supply and credit must be eased in a coordinated, careful, but expedited fashion. Not next month, or next year, but today. If we allow our small businesses to go under, we will only exacerbate the regional effects of declining defense spending, the number of insolvent thrifts and banks, and bring to an abrupt halt the 7 years of economic growth which we have enjoyed this decade.

THEIR CONTRIBUTIONS WILL NOT BE FORGOTTEN

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. MRAZEK. Mr. Speaker, I rise today to bring to the attention of my colleagues the upcoming retirement of nine teachers at J. Taylor Finely Junior High School in Huntington, Long Island. This distinguished group of educators will be honored on May 22, and the gratitude of their community is in order for the day because of the scores of years they collectively have brought to their jobs and the thousands of lives they have touched during their tenures.

The nine are William J. Boyd, Jr., Charles F. Carcano, Remo A. Cavalluzzi, Ronald B. Cuppernull, David P. McGrath, William H. Moles, Lucy Kang Sammis, Peter J. Shelfo, and Stanley C. Vansant.

Mr. Speaker, the American historian Henry Brooks Adams once wrote, "A teacher affects eternity; he can never tell where his influence stops." Indeed, the contributions of these nine teachers will go far beyond the classes they held or the papers they graded. They have affected the minds, hearts and souls of the young people of Huntington. It is difficult to imagine a more worthwhile or gratifying calling in life.

I'm sure that my colleagues join me today in wishing the best to each of these individuals as they move forward in life. Their contributions will not be fogotten.

TRIBUTE TO A.A. MILLIGAN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. LAGOMARSINO. Mr. Speaker, it gives me special pleasure to rise today to pay tribute to an outstanding citizen and valued friend Arthur Achille "Bud" Milligan, who is being honored, on May 19, by the Ventura County Economic Development Association, for his contributions as a visionary community leader, entreprenuer, and philanthropist.

Bud Milligan entered the economic and philanthropic community in 1940, after completing business studies at Stanford University, when he began work at the bank his grandfather founded in 1882. Two years later, he answered his country's call, entering the U.S. Navy where he served through the end of World War II.

In 1955, Bud became president of the Bank of A. Levy, and in the following 23 years, under his stewardship, the bank grew from one office and $14 million to 20 offices and over $329 million.

This tremendous growth came as a result of Bud's committment to putting the bank's resources to work locally. The bank played a large part in financing the Oxnard Frozen Food Cooperative, assuring that millions of dollars in farm income would be used to benefit the local community.

With Bud Milligan as president the bank earned a national reputation. He was appointed to the Select Task Force to Fight Inflation under President Jimmy Carter. In 1977, he was elected president of the American Bankers Association, becoming the leader of the country's 14,000 banks.

Bud Milligan has made numerous contributions to the community. He has served as president, trustee, chairman, and director of

more than a dozen philanthropic and community groups and agencies, including president of the Thatcher School, and the Ventura County chairman of CARE, Inc. Bud was also instrumental in the merging of the Community Chest and AID Givers into the United Way of Ventura.

In 1959, Bud and the board of directors established a foundation, the Achille Levy Foundation, which has donated more than $1 million to local community philanthropic organizations and scholarships to graduating high school seniors.

Mr. Speaker, across our country, communities are struggling with social and economic problems. I would suggest that had these communities had the benefit of their own version of Bud Milligan, this country would be far ahead. Bud is a man who understands the value of service, and is respected as much for his compassion, as his superior business skills.

On May 19, Bud will become the second recipient of the Ventura County Economic Development Association's "Hall of Fame Award." Mr. Speaker, it has been my privilege to have known and worked with Bud in both a personal and professional capacity. For many years, he chaired my reelection committee, and for many more, he provided wise and sage advice. Please join me in honoring Bud Milligan and his wife Jean for their service and leadership both to his community and country. He has truly enriched the lives of those who know him and many that do not, and I will always value his friendship.

HUMAN RIGHTS IN INDIA

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. FAZIO. Mr. Speaker, the principles of individual and national freedom and the elimination of racial, ethnic, and religious discrimination have been guiding principles for the development of democracy in India, the world's most populous democracy. All of us who support these key democratic principles wish India success in achieving the full implementation of these key principles as quickly as possible.

In recent years, however, India has been plagued with increasing religious and ethnic violence in many sections of the country, most notably in Punjab and Kashmir. In response to sectarian violence, the Government of India has unfortunately resorted to violence and brutal repression. I rise today to reaffirm my strong belief that all parties in these disputes must recommit themselves to condemn all acts of violence and terrorism, whenever they occur and regardless of who the perpetrators may be. There is no room for violence and terrorism, on any side, in this process. These can only serve to undermine a true and lasting peace between all the peoples of India. Just and lasting settlements in these disputes can be achieved only through peaceful negotiations, conducted in good faith, between the Indian Government and the ethnic minorities in Punjab, Kashmir and elsewhere in India.

The press, both Indian and worldwide, and nonpartisan human rights organizations, including Amnesty International, have repeatedly documented human rights abuses in Punjab and Kashmir. In seeking to suppress dissent and separatism, the Government of India has resorted to violence and has forgotten the principles of democracy upon which India was founded. I call upon the Government of India to renounce the use of excess force, to stop the human rights abuses, and to honor the commitments for regional autonomy which were an integral part of the formation of India in 1947.

Today, the Government of India persists in a deplorable policy of prohibiting the world's press and human rights organizations, including Amnesty International, from areas such as Punjab and Kashmir. This self-destructive policy allows unsubstantiated rumors to fan the flames of extremism. To regain the respect and support of the international community, as well as the respect and support of ethnic minorities, the Government of India must not fear to conduct its administration of government in an open and public manner. The world's press and nonpartisan human rights organizations must be allowed full access to Punjab, Kashmir and other regions of India.

By declining to open these areas to responsible scrutiny, the Government of India further substantiates the widespread reports of government violence and government abuses. By showing good faith and allowing press and human rights organizations access, India could calm fears and reduce speculations, exaggerations and distortions. Therefore, I call upon the Government of India to open all areas of the country to the world's press and human rights organizations.

CONGRATULATIONS TO REED HIGH SCHOOL

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mrs. VUCANOVICH. Mr. Speaker, today I would like to congratulate the team from Reed High School in Sparks, NV, for finishing among the top 10 finalists in this year's National Bicentennial Competition on the Constitution and Bill of Rights.

The members of this outstanding team from my district included Michael Armitage, Kimberly Arnott, David Bernardi, Ralph Cinfio, Brenda Degn, Jason Dunphy, Genevieve Gaustad, Steve Gill, Jenny Harcourt, Joella Harlan, Todd Hudson, Brian Irvine, Kevin Johnson, Kris Jussila, Wendy Krajewski, Michelle Ludwig, Mark Mendenhall, Allison Miller, Tricia Nelson, Adam Pearl, Nicole Pereos, Andrea Rivas, Tamaron Smith, Stephanie Trow, Robert Trowe, and Kim Zimmerman. Their sponsoring teacher was Denton Gehr, and the district coordinator was Judy Simpson.

I am very proud of the Reed High School team for doing such a fine job in a very tough competition. Students are expected to become real experts on the Cosntitution and the Bill of Rights, and are questioned by some of the leading constitutional authorities in the country during their final rounds.

These days, we read so much about voter apathy and lack of interest in the political process. Yet more than 2 million students participated in the program during the past year, and more than 33,000 teachers were willing to take extra time beyond their required cirriculum to implement the bicentennial competition in their schools.

These outstanding young people and their teachers provide an inspiring example to their peers, indeed, to us all.

KOONTSES TO RETIRE AFTER 71 YEARS AT ERSKINE

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1990

Mr. DERRICK. Mr. Speaker, I rise today to pay tribute to two very distinguished educators, Dr. and Mrs. J. Calvin Koonts.

The Koontses are retiring at the close of this academic year after a combined 71 years of service on the faculty of Erskine College in Due West, SC.

Now a professor of education, Dr. Koonts joined the Erskine faculty in 1949 and is currently senior faculty member. He headed the school's department of education until 1987. Under his leadership, the Erskine teacher education program received an Excellence in Teacher Education Award in 1966 from the American Association of Colleges for Teacher Education. He is a former member of the South Carolina Board of Education and has authored several books of poetry.

His wife—Cortlandt—came to Due West in 1951 and she has three decades of service in Erskine's department of music. She has written reviews for The American Music Teacher, the official journal of the Music Teachers National Association. Now a professor of music, Mrs. Koonts is a highly acclaimed concert organist and pianist. In that capacity, she traveled to Eastern Europe to study an organ played by Bach to prepare for a special concert in honor of the composer's tricentennial birthday celebration in 1985.

I join the Koontses' family, many friends, and colleagues in wishing them a happy and healthy retirement. Their seven decades of service to Erskine is an impressive achievement. Beyond that, the couple's numerous academic and musical contributions will not be soon forgotten by any of us who have had the pleasure of knowing them.

SENATE—*Wednesday, May 9, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Run ye to and fro through the streets * * * and seek in the broad places thereof, if ye can find a man, if there be any that executeth judgment, that seeketh the truth * * *.*—Jeremiah 5:1.

Almighty God, Your command to Jeremiah brings to mind a prayer by J.G. Holland:

God, give us men! A time like this demands
Strong minds, great hearts, true faith and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demagogue
And damn his treacherous flatteries without winking!
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking;
For while the rabble, with their thumb-worn creeds,
Their large professions and their little deeds,
Mingle in selfish strife, lo! Freedom weeps,
Wrong rules the land and waiting Justice sleeps.

Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 9, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERBERT KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

HATCH ACT REFORM AMENDMENTS OF 1989

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume the pending business, S. 135, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (S. 135) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky [Mr. MCCONNELL] is recognized to offer an amendment.

AMENDMENT NO. 1591

(Purpose: To protect employees from political activities of Federal employee labor organizations)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1591.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 4, at line 4, insert "(a)" before "An" in section 7323.

On page 4, between lines 21 and 22 in section 7323, insert the following:

"(b) No employee may knowingly solicit, accept, or receive a political contribution from any person for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)) of the employee's Federal employee organization, unless that organization—

"(1) provides, at least once annually, to all employee within the labor organization's bargaining unit or units (and to new employees within 30 days after commencement of their employment) written notification presented in a manner to inform any such employee—

"(A) that an employee cannot be obligated to pay, through union dues or any other payment to a labor organization, for the political activities of the labor organization, including, but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns;

"(B) that no employee may be required actually to join any labor organization;

"(C) that an employee who elects to be a full member of the labor organization and pay membership dues is entitled to a reduction of those dues by the employee's pro rata share of the total spending by the labor organization for political activities;

"(D) that the cost of the labor organization's exclusive representation services, and the amount of spending by such organization for political activities, shall be computed on the basis of such cost and spending for the immediately preceding fiscal year of such organization; and

"(E) of the amount of the labor organization's full membership dues, initiation fees, and assessments for the current year; the amount of the reduced membership dues, subtracting the employee's pro rata share of the organization's spending for political activities, for the current year; and the amount of the agency fee for the current year.

"(2) the labor organization provides (for purposes of verifying the cost of such labor organization's exclusive representation services) to all represented employees an annual examination by an independent certified public accountant of financial statements supplied by such organization which verify the cost of such services; except that such examination shall, at a minimum, constitute a special report as interpreted by the Association of Independent Certified Public Accountants.

"(3) the labor organization maintains procedures to promptly determine the costs that may properly be charged to agency fee payors as costs of exclusive representation, and explains such procedures in the written notification required under subparagraph (1).

"(4)(A) a labor organization that does not satisfy the requirements of subparagraphs (1), (2), and (3) shall finance any expenditures specified in subparagraphs (A), (B), or (C) of paragraph (2) only with funds legally collected under this Act for its separate segregated fund.

"(B) For the purposes of this paragraph, subparagraph (A) of paragraph (2) shall apply only with respect to communications expressly advocating the election or defeat

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

of any clearly identified candidate for elective public office.".

At the end of the bill, add the following new title:

TITLE II—PROTECTION FOR EMPLOYEES FROM POLITICAL ACTIVITIES OF LABOR ORGANIZATIONS

SEC. 201. PROTECTION OF EMPLOYEES FROM POLITICAL COERCION BY LABOR ORGANIZATIONS.

(a) AMENDMENT OF TITLE 18 UNITED STATES CODE.—Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"SEC. 611. POLITICAL COERCION BY LABOR ORGANIZATIONS.

"(a) It shall be unlawful for an officer, employee, or agent of a Federal employee labor organization to intimidate, threaten, coerce, or address an order to, or to cause to be expended any dues, fees, or assessments levied on the membership of the labor organization for the purpose of intimidating, threatening, coercing, or addressing an order to—

"(1) an employee within the labor organization's bargaining unit for the purpose of interfering with the right of an employee to vote as the employee may choose;

"(2) an employee within the labor organization's bargaining unit for the purpose of causing an employee to vote or to refrain from voting for any candidate or any measure in an election;

"(3) an employee within the labor organization's bargaining unit to make or refrain from making a contribution to a candidate, political party, or committee, or political cause of any kind; or

"(4) an employee within the labor organization's bargaining unit to engage in or refrain from engaging in any legal form of political activity.

"(b) A person who violates subsection (a) shall be fined not more than $5,000, imprisoned not more than 3 years, or both.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"611. Political coercion by labor organizations."

Mr. McCONNELL. Mr. President, during the course of this debate, I have discussed at length my concerns regarding S. 135. At root, we have before us a political bill, brought before us for partisan reasons, and with partisan timing, which ultimately would engender a partisan advantage at the expense of the other party—to say nothing of the S. 135's assault on the integrity of the civil service.

Let me say again, that this is bad legislation which should be opposed by all those who care about the integrity of both the civil service, as well as of the political arena. I will vote against S. 135, and if it passes this body, and is subsequently before the President, I will certainly support what in all likelihood will be the second Presidential veto of Hatch Act legislation.

While this bill is before us, however, I believe it is important that we discuss every issue fairly raised. Several of my colleagues have previously discussed the campaign finance implications of this legislation—particularly the legislative machinations which will only allow Federal employee union members to solicit PAC contributions from each other. In effect, this legislation creates a private preserve in which Federal employee union members can solicit PAC contributions from other union members for later delivery in the form of a PAC check to, as the statistics indicate most likely, candidates for the Democratic Party.

I think all PAC's should be banned, and still believe that a good amendment to S. 135 would ban PAC's either universally, or specifically in the context of Federal employee union PAC's. However, that is not the amendment that the Senator from Kentucky is proposing—at least not at this time. Instead, my amendment seeks to address the threat to Federal Employees' political freedom that will surely arise if S. 135 is enacted into law.

This threat stems from the government-like powers that have been conferred upon Federal and Postal Union and union officials through statutes enacted in recent years—statutes that were not around when the Hatch Act was enacted in 1939. Let me explain.

The Civil Service Reform Act of 1978 gave Federal employee unions the power to become the exclusive bargaining representative for all Federal employees in a particular bargaining unit. Under the Civil Service Reform Act, a union can become the exclusive bargaining agent for all employees in a bargaining unit without even having to demonstrate support from a majority of all employees in the unit. The union bargains with the appropriate Federal agency over working conditions, grievances, and other issues vital to Federal employment. Once the Federal union gains exclusive representation—no other group—and no individual employee—not even a nonmember of the union—is allowed to negotiate with management.

The Postal Unions have even more power over our civil servants working in the Postal Branch. Postal Union officials are granted similar exclusive bargaining powers through the Postal Reorganization Act, which put postal workers' collective bargaining under the National Labor Relations Act. However, Postal Union officials also have the exclusive power to bargain for pay. Thus, Postal Unions not only control postal employees' condition of employment, they also control their livelihoods.

Mr. President, opening up the Hatch Act now in this new environment of powerful Federal and Postal Unions would open up a Pandora's Box of problems. For example, what happens to the union member who, when contacted by a fellow employee who is a member of the union's collective bargaining committee, refuses to contribute to the union's political action committee? Will his grievance languish?

And what about the nonunion member who refuses to put up a Dukakis or Bush sign in his front yard? Would the union organize its members to orchestrate subtle, but real pressure against workers work do not support the union's agenda?

Nobody knows for sure, but I submit, Mr. President, that one point is clear—the aggregation of power in the hands of a few people is certain to attract corruption. If we are going to create an environment where the exclusive powers of Federal union officials would have an opportunity to corrupt our civil service, we ought to at least take some steps to lessen the dangers.

Mr. President, the amendment I am offering today would take two modest steps to address this danger.

First, my amendment would give Federal union members who object to the political agenda of their union leadership the option to pay only for their share of the direct costs of collective bargaining. Under my amendment, the union cannot collect dues to pay for the costs of running their PAC's, for advocacy mailings, or for get-out-the-vote drives, unless union members voluntarily choose to pay these dues. Union members who choose not to pay for political purposes would maintain their union status, and thus their right to vote on collective bargaining and other vital employment issues.

At this juncture, Mr. President, it might be appropriate to discuss some of the questions raised by the Supreme Court in its Beck decision, and the progeny that have followed that decision.

In the 1988 Supreme Court case, Communication Workers of America versus Beck, workers paying compulsory union dues faced a choice of either resigning from their union, or having dues go to political causes with which they disagreed (in violation of first amendment rights). The Supreme Court ruled that workers could receive a partial rebate of union dues if they objected.

The union member would resign, and then pay reduced dues for direct cost of representation. The worker would lose the right to vote on collective bargaining and other vital employment issues.

In the U.S. District Court for the district of Maryland's decision this year in Kidwell versus Transportation Communications International Union, railroad workers paying union dues faced a choice of either resigning from their union, or having dues go to political causes with which they disagreed. Although these dues were voluntary under some circumstances—depending on the place of employment—these dues were, in fact, coercive in nature because workers could not affect terms of employment unless they paid dues.

The court ruled that railroad workers could be full members of their union, but need not pay for political activities with which they disagreed.

Federal and Postal workers face a situation somewhat analogous to that of the worker in the Kidwell case I just referred to. Although Federal employee unions cannot collect compulsory union dues, Federal employees are faced with the choice of forfeiting their vote on collective-bargaining matters vital to terms of employment in order to avoid paying union dues for candidates and causes they oppose. My amendment would provide workers the opportunity—just the opportunity—to refuse to pay dues for political purposes they oppose without losing their right to vote on collective-bargaining matters.

In fact, my amendment follows a comment made by Justice Thurgood Marshall in the majority opinion for the Supreme Court in the Austin versus Michigan Chamber of Commerce case. Justice Marshall said that a union may not compel union members to financially support union activities that infringe on their first amendment rights. Although it is not yet clear if the Supreme Court is prepared to adopt the holding in the Kidwell decision, that decision—and my amendment—are clearly the coming trend in the law.

The second provision of my amendment is designed to protect workers from political coercion. Although I note with interest the addition of the Robb-Glenn amendment earlier in the debate purporting to ban the coercion of political activity from Federal employees, I respectfully state that—in this Senator's opinion—it simply does not reach far enough. The Senator from Kentucky is not aware of any other provision, either in this bill or the United States Code, which bans coercion of political activity from Federal employees by Federal employee unions or union agents. The second part of my amendment corrects this oversight.

Mr. President, I note that this provision simply extends the same ban against political coercion of civil servants by Federal managers to the Federal and Postal union officials with exclusive control over collective bargaining. Since Federal and Postal union officials have been granted this quasi-governmental power, it seems only fair that they, too, be prohibited from coercion. If there is no intent by union officials to coerce Federal employees, then they and their Senate allies should have no objection to this proposal.

Mr. President, the Hatch Act has served this country well for more than 50 years by shielding our Federal work force, and the American taxpayers, from the corrupting influence of machine politics. If the Senate insists on voting to gut the Hatch Act, it should at least adopt my modest and reasonable proposal to curb some of the abuses of our civil servants' political freedom that will most surely arrive should the Senate take this unwise step.

Mr. President, I yield the floor.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GLENN. Mr. President, one of the difficulties in dealing with the Hatch Act on the floor has been a difficulty in getting some of the very involved amendments enough in advance that we could comment on them intelligently once they were officially offered. Once again, that has proven to be the case. This amendment put forth by the distinguished Senator from Kentucky does have some ramifications to it that we wish to study. I had requested all day yesterday that we be given the amendment just as early as possible when I knew the Senator from Kentucky was going to offer it. We could not get a copy of it yesterday, so we are going to have to take a little bit of time this morning to look at it before I know exactly what we want to do.

Mr. McCONNELL. Will the Senator yield on that one point?

Mr. GLENN. Certainly.

Mr. McCONNELL. When I reached the floor yesterday, the Senator from Kentucky discovered that the amendment might not be germane, and since we had all wanted to proceed on this bill with germane amendments, it took some time yesterday afternoon to make it germane. It is germane this morning, and I apologize for not being able to get it to my friend from Ohio yesterday.

Mr. GLENN. All right, I understand. Let me make just a couple of comments off the top of my head while we have staff giving this a little more thorough look than we have been able to do so far.

Mr. President, Federal employees are already protected by statute from paying union dues for use in any activities to which they may object. Under section 7102 of title 5 of the United States Code, each employee shall have the right to join any labor organization or refrain from joining without fear of penalty or reprisal. Furthermore, a labor organization which has been accorded exclusive recognition in a unit must represent all employees of that unit without regard to whether they are members of that labor organization as stated in section 7114 of title 5.

When we discussed some of these things yesterday very briefly, I believe this was a followup to the Beck decision in the Supreme Court. That particular decision was directed at protecting employees who were forced to pay union dues because of the union's bargaining agreement. In other words, they had a closed shop, union shop, everybody had to be a member to work at that particular place, and then could employees' political contributions be used properly or not in that situation where they were forced into a union because of the contract with that particular company.

So this is a different situation because Government unions, employee unions are strictly voluntary. That is provided for in law.

Now, 5 U.S.C. 7102, employees' rights, says:

> Each employee shall have the right to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and each employee shall be protected in the exercise of such right. Except as otherwise provided under this chapter, such right includes the right—
>
> (1) to act for a labor organization in the capacity of a representative and the right, in that capacity, to present the views of the labor organization to heads of agencies and other officials of the executive branch of the Government, the Congress, or other appropriate authorities, and
>
> (2) to engage in collective bargaining with respect to conditions of employment through representatives chosen by employees under this chapter.

Another part of 5 U.S.C. 7114:

> Representation rights and duties.
>
> (a)(1) A labor organization which has been accorded exclusive recognition is the exclusive representative of the employees in the unit it represents and is entitled to act for, and negotiate collective bargaining agreements covering all employees in the unit. An exclusive representative is responsible for representing the interests of all employees in the unit it represents without discrimination and without regard to labor organization membership.

It goes on with some other things there. So it would appear at least after a first look at this it probably is already covered under existing law, but we wish to look into it in more detail. Then I will decide whether we wish to accept this or dispose of it by whatever means the distinguished Senator from Kentucky might wish.

Mr. McCONNELL. Mr. President, the problem as the Senator from Kentucky understands it is simply this. Under current law, the employee has a Hobson's choice; he can pay dues and get to vote on the collective-bargaining agreement, or he cannot pay dues and have no vote. What the Senator from Kentucky is trying to cure is that problem. We would like for this Federal employee to be able to pay that portion of his dues related to the job of

negotiating the terms of employment and not, if he chooses not to, have to be charged for political activities with which he might disagree.

That is the purpose of the amendment of the Senator from Kentucky.

Mr. GLENN. Mr. President, would the distinguished Senator from Kentucky want to make this applicable not only to Government employees but to all employees, wherever, there was a similar employment situation in business or industry; that those employees would be given the right with their company or with whatever the organization is, business PAC's or whatever, to make the same limitation?

I do not see why we would necessarily say that Government unions are bad except that it is the perception on the other side of the aisle that they only contribute to Democrats, which happens to be not right. But there are a lot of PAC's out there that from a Democratic viewpoint mainly contribute to Republicans and Republican causes, too.

Would the distinguished Senator from Kentucky want to apply the same standards to all unions for whatever political purposes and not limit it just to Government employees?

Mr. McCONNELL. I say to my friend from Ohio, the Senator from Kentucky would like to do precisely that, but it is his hope to keep the amendments on this bill germane. Later today, as a matter of fact, the distinguished Republican leader and myself will be introducing a McConnell-Dole Republican alternative on campaign finance which will do precisely that. But it has been our goal, as this discussion has unfolded on this bill, not to have the campaign finance debate on the Hatch Act reform proposal, and so the amendment of the Senator from Kentucky is narrowly crafted to be germane to this bill.

But it certainly would be my view that this should be applied more broadly, and such an effort will be made at a subsequent time.

Mr. GLENN. We are having staff look at this and go through it right now, and we will decide what our position will be on it. I just wanted to raise those few comments starting out. I am sorry we did not have it available for overnight study, but we will get at it as fast as we can and get it disposed of.

Mr. President, I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. (Mr. KERREY). The Senator from Illinois.

Mr. DIXON. Mr. President, I ask unanimous consent that I may proceed as though in morning business on another subject for a brief period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCUMBENT ADVANTAGES: A MYTH THAT SHOULD NOT CONTROL CAMPAIGN FINANCE REFORM DECISIONS

Mr. DIXON. Mr. President, the Senate will soon take up the issue of campaign finance reform. I hope some of my colleagues may be listening right now or that their staffs will be because I am going to report on some facts that I think may be surprising to many Senators.

I strongly support sound reform, and I intend to work hard to see that the Senate achieves final action on a workable, effective reform package. I do not want to take the time of my colleagues now to discuss the specific issues we will be considering. There will be time for that later.

Instead, Mr. President, I would like to talk for a moment about the myth of incumbent advantage—the theory that campaign reform should be structured to protect challengers, who now find it impossible to compete with entrenched incumbents. I am sure all my colleagues have seen the stories:

Incumbents have all kinds of staff, who do nothing but spend time burnishing their image;

Incumbents have the frank, and mail ever-increasing volumes of junk mail to their constituents, giving them real electoral advantages over their potential opponents; and,

Incumbents have access to their own TV and radio facilities, and command much more press attention than challengers.

Story after story goes on and on in this vein. Frankly, if I took any of them seriously, I would never have run for office in the first place.

These reports often sound convincing, and because of sheer repetition, a lot of people seem to think that they are true. The fact, however, is that our electoral system is very competitive, and the theory of incumbent advantage is not supported by the facts, at least, Mr. President, not in the Senate.

That the incumbent advantage is a myth in the Senate becomes obvious when one takes a few moments to review the last several Senate elections, starting with 1978.

I admit 1978 is a somewhat arbitrary choice, but I chose it for three reasons:

One, because it allows a review of six Senate elections, two full 6-year terms' worth;

Two, because it includes two elections when the President of the United States was a Democrat; and,

Three, because starting with the 1978 election instead of earlier avoids any aberrations that might have been caused by the Watergate scandal.

Mr. President, in 1978 there were 35 seats up for election. Ten Members of the Senate retired that year. Ten incumbent Senators were defeated that year, three in primaries, and seven in the general election.

What that means is that looking only at the contested seats, only 60 percent of the incumbents—60 percent, Mr. President—running for reelection were, in fact, returned to office by the voters. Stated another way, challengers won 40 percent of the seats contested by incumbents.

Those figures alone, convincingly demonstrate, I think, that incumbency was of no advantage that year. Sixty percent is a far cry from the 98-percent retention rates that are talked about so very much. However, it is worth remembering, Mr. President, that even the 60 percent figure tends to understate challengers' real competitiveness. After all, some incumbents retire because they do not believe they can win reelection.

It is worth stating the statistic one other way. Based on the percentage of freshmen elected to the Senate in that election cycle, and on that basis, Mr. President, freshmen won 57 percent of the seats at stake. In other words, over half of the seats at stake that year, 1978, were not retained by incumbents.

And, 1980 was, if anything, even more dramatic. That year, of course, control of the Senate shifted from the Democrats to the Republicans; 34 seats were contested in that election. Only 5 incumbent Senators resigned, but 13 incumbents were defeated, 4 in primaries, 9 in the general election.

Again, looking at only the seats contested by incumbents, challengers defeated incumbents in 45 percent of the seats contested by incumbents. Fifty-three percent of the seats at stake went to freshmen, and were not retained by incumbents.

In 1982, although we were in a deep recession, it was a more proincumbent year; 33 seats were at stake. Only three Senators retired, only two incumbents were defeated. So challengers won only about 6 percent of the contested seats. In 1982, therefore, Senate incumbents achieved a 94-percent retention rate.

Looking at the overall numbers, however, incumbents only retained 85 percent of the seats at stake, newcomers won five.

Although 1984 was not as kind to incumbents as the prior election, it was still much less dramatic than the 1978 and 1980 elections.

In 1984, there were 33 seats up for election; 4 Senators retired, 3 incumbents were defeated. Interestingly all three of these incumbents, two Republicans, and one Democrat, outspent their challengers. More money though, did not save them from defeat. Ten percent of the seats contested by incumbents were won by challengers, and freshmen won 21 percent of the overall seats at stake.

After two relatively status quo elections, 1986 was another poor year for incumbents. Control of the Senate

came back to the Democrats; freshmen won 38 percent of the 34 seats up for election. Six Senators retired, seven incumbents were defeated; six of the seven defeated incumbents outspent their challengers once again. But again, having more money did not save them. Incumbents retained only 75 percent of contested seats, challengers won 25 percent.

The most recent Senate election in 1988 again demonstrated how competitive Senate races are. Newcomers won over 30 percent, over a third of the 33 seats at stake. Sixty-seven Senators retired, and four incumbents were defeated in the general. Challengers, therefore, won 15 percent of the contested seats. Two of these incumbents outspent their successful challengers.

In the other two races, the challengers and the incumbents had essentially equal amounts of money to work with.

I have cited a lot of figures because the figures are important. They make a compelling case that there is no particular incumbent advantage in the Senate. In the six elections I reviewed only once was the incumbent retention rate over 90 percent. In at least two elections newcomers won over 50 percent of the seats at stake. Incumbents retained 60 percent or less of the contested seats.

Senators serve 6-year terms and only one-third of the Senate, therefore, faces the voters in any given election year.

Mr. President, that makes it even more significant that there are only 55 Senators here today that were also here in 1978. Slightly more than half of the Senate—think of it. Slightly more than half was here in 1978. During that time period 34 incumbents retired, 39 were defeated by their challengers. What this means is that, believe it or not, Senators have only slightly better than a 50–50 chance on average of staying in the Senate more than two terms. I think it is fair to say, then, that the Senate therefore bears no resemblance to the "incumbents' protection club" we always read about. It is in fact already extremely competitive—a fact that we should carefully keep in mind, in my view, as we work to achieve the necessary consensus on campaign reform.

Mr. McCONNELL. Will the Senator yield?

Mr. DIXON. Mr. President, I will yield to the Senator.

Mr. McCONNELL. I was listening to the Senator with some interest. I think his speech was outstanding, and it is certainly the case that under existing law the Senate has been a dynamic, competitive place. It has changed hands twice in terms of the majority, and I think the Senator made an outstanding speech which pointed out how competitive the Senate elections are, on the whole, under the existing legislation. I simply want to commend the Senator from Illinois for a fine speech.

Mr. DIXON. Mr. President, I want to respond to my friend by saying that I appreciate those remarks. The only thing that compelled me to make this speech was that I keep reading all these 98 percent figures, and I kept wondering how that could occur when this Senator, who is only in his ninth year, is about in the middle of seniority in the Senate, and I am thinking, there has to be some flaw in this figure.

When I had my folks research it, I was frankly astounded to find that this Senator who came here in 1980, had he come in 1978 would be in the upper half of his class probably. So quite obviously, while I cannot comment and do not know the numbers on the House side, I think it is pretty clear it is competitive over here.

I want to say to my colleague, because I think we have a substantial difference of opinion about campaign finance limitations, that I do not think that does anything to change the position of some of us, which I understand my friend from Kentucky does not share, that we ought to put caps on campaign spending. I genuinely believe, without regard to all the other things that are done, on the question of PAC's, whether you limit PAC's or eliminate PAC's altogether or soft money and all the other things, I say to my colleague, I genuinely believe that if we do not have campaign spending limitations that meet the standards somehow of the Supreme Court in the most recent case, I would want a strong nonseverability clause to see that part of the bill become law and the rest fail. If we do not have caps, I believe we are going to have some major scandals around here. This money-chasing around the country is an outrage—not just by incumbents but by challengers as well.

When you see that kind of money being spent in the country, it is an outrage. I say to my colleague that I believe people are going to get in trouble if we do not do something about it.

If I recall the bill that we have—and I understand there is an honest difference of opinion, and I hope we ultimately get some kind of an accommodation, but my recollection roughly of the bill we have is that my State of Illinois would permit candidates on both sides to spend $4.5 million, maximum, in the campaign spending limit we have in our bill, and then would permit another 20 percent under that flexible rule, money raised in your own State in increments of small amounts, which would be roughly $5.5 million.

I have to tell my friend, and others in the room, that is not an unreasonable number for my State. It is more than I have spent any time I have run. My colleague spent more, but he was running against an incumbent the last time. Perhaps he and his opponent will spend more this time. I suspect he and his opponent could live within a cap of about $5.5 million.

I do not want my speech misinterpreted. I did not come here to say that the existing law is OK. I came here to say that it is not true that we need to figure out some way to make this a level playing field, because I suggest there is already fairly much of a level playing field, and what I further urge is that we have that in mind when we craft the bill. I have to say once again what I deeply and truly feel, that is, there needs to be campaign spending limits.

I think—no offense meant to any Senator—any bill that one passes here that does not have a cap on it is not effective. It is, in my view, not sufficiently responsive to the needs of the country. But I understand—and I say this in the warmest way to my colleague—that we may have some honest differences of opinion around here about that.

I thank the Chair.

Mr. McCONNELL. Mr. President, one further brief observation. We can have the campaign finance debate later, but I want to point out further that the Senator from Illinois makes an important point, that under the existing law, the Senate has been a competitive place and the House has not. People typically mix apples and oranges when they talk about a lack of competition. They use House statistics to argue for Senate revisions. I, too, am not a defender of the status quo and think there ought to be dramatic changes in the way we handle campaign finance in the country.

I will offer later a bill that does just that. I do not intend to begin debate on that here this morning. Rather, I want to say that the Senator from Illinois made an important contribution to raising the level of understanding regarding an issue about which there is appalling ignorance in this body and outside among those who follow the issue. I thank the Senator from Illinois for the contribution.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HATCH ACT REFORM AMENDMENTS OF 1989

The Senate continued with consideration of the bill.

Mr. GLENN. Mr. President, it is going to take some time for the staff

and for us to study the proposal by the distinguished Senator from Kentucky. What I would like to suggest, if there are other amendments that can be brought to the floor, we could temporarily set this aside while we consider other amendments, so we make the best use of the Senate's time. That way we can move the bill along more expeditiously.

It will require a little while to study this particular amendment. If others can be brought to the floor, and people in the offices could bring them over here now, we would be glad to consider them while we give this a bit more study. I suggest that as a way of moving this along.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, over the last 5 or 6 days that we have been dealing with these reforms of the Hatch Act, we have given some of the purposes of this change many times, but I would like to give them one more time here and then specifically address the proposal by my distinguished colleague from Kentucky.

Mr. President, S. 135, the Hatch Act reform amendments are exactly that, they are reform. They are not the repeal that keeps being referred to, nor do letters from particularly interested organizations referring to this as a repeal act add any validity whatsoever. They are not repeal at all.

There have been a number of abuses under the Hatch Act that have been permitted through the years in some cases by some 3,000 interpretations of what could or could not be done that were folded into the Hatch Act in 1939 that came out by previous interpretations and applied to the civil service system. They were incorporated. They are very confusing. It has left many Federal employees not knowing what they can do or what they cannot do.

S. 135 proposes changes that would allow these civil servants to participate voluntarily—they cannot be coerced; that is prohibited in the law now; it does not change that at all; voluntarily—as citizens in the Nation's political process.

Another misconception of this bill that has come out repeatedly in the debate is reference to some of the dire things in the House bill. This is not the House bill. It does not do the same things. The House bill specifically permits Federal employees to go out and to solicit contributions and permits Federal employees to run for elected public office.

We specifically prohibit that in this. We are going to have a great conference when we get together, once this passes, with the House. That is another subject, and we will deal with that in its time.

We view S. 135 as a very modest proposal which tries to bring some order so people will know where they are violating law and where they are not violating law and specify, make more clear, what can be done on the job and what cannot be done on the job or off the job. It would eliminate many of the complicated and restrictive rulings that presently govern the political activities of Federal civilian and postal employees.

The committee held 2 days of hearings on the Hatch Act in February of 1988, and one in July of last year. Much of the testimony focused on the fact that under current law, as I indicated, civilian and postal workers must comply with some 3,000 separate administrative rulings about what kinds of political activities are permissible or not.

Witness after witness testified that the set of rulings have become so confusing and illogical and trival over the years that they do not know what to do.

I admit to being very lukewarm going into the discussion about whether there should be any changes to the Hatch Act or not. It worked reasonably well. Nobody is really happy with it or that unhappy with it. A few people are, but I doubted whether I should get involved in it or not.

The more I got into it, the more I looked at some of these differences of interpretation under the law, I finally came to be a firm believer that we have to do something just in simple fairness to bring a little bit of understanding to what the Hatch Act provides.

Let me give some examples. Those who have followed the floor action have heard these before. So bear with me if you are hearing it for the second, third, or fourth time.

But if "Hatched" right now, what can you do? You can wear a campaign button on the job. As my distinguished colleague from Wyoming pointed out the other day, how would you like to be a dyed-in-the-wool, card-carrying Republican, walk into the IRS office, and the IRS agent who is there to audit your account has a big Dukakis button on? It would not give you much confidence that you are going to get a square shake, perhaps.

Or to put it the other way around, I walk in, and here is a fellow with a big 3-inch Bush-Reagan button on. Am I going to get a fair shake? I hope I will. I, as an American citizen, should not just hope in a situation like that.

So you can wear a campaign button on the job, and that person, as a Government employee, can write a $1,000 check to a candidate. That is fine. But do you know what he cannot do? That same person cannot go down and stuff envelopes in a back room someplace. He cannot put things in to be mailed: he cannot contribute any of his time. He can take part of that $1,000 and hire a professional firm to do that and that would be legal, but he cannot do it himself.

Those are the rulings. I did not make them up. They are there. Is that right? It seems a little crazy.

Let me add another example. If you are "Hatched" right now, under some of these 3,000 interpretations, you cannot go to a rally and hold a political poster. You cannot do that; that is illegal. But I can go outside and put 50 of those posters on my car and drive around, or I can go to my home and put all sorts of signs up in the yard. Does it make any sense to have a restriction in one area but not in another?

What if I am at a political rally and a friend of mine comes by? I am "Hatched"; I am a Government employee. I am standing in the back of the room. I am permitted to be at the rally, but I am not permitted to participate. A friend comes by and says, "I have to repark my car; it is on a meter. Will you hold my sign"—that has somebody's name on it—"for me a minute until I come back in a few minutes?"

So I, being a good friend, hold the sign. I am in violation of Federal law, by present interpretation. I can be cited for that. I can receive a penalty for that. I can be suspended for a certain length of time from my job for temporarily holding a sign. That is prohibited under the interpretations. Is that right? I cannot imagine we really want to put that kind of an interpretation on this.

Another example: If you are "Hatched," you may express your opinion about a candidate publicly, but it goes on to say you cannot make a speech or campaign for or against a candidate. What is meant by that? People do not have any idea what is meant by that.

If I make a speech, but it is not to anybody—I am going to have to be out in the middle of the woods someplace—is it a speech or is it not a speech? I do not know.

My distinguished colleague at the moment says he recommends I go out in the middle of the woods and give that speech. Maybe that is the general consensus. But if I go out in the middle of the woods and I have one other person there, does that become a public speech? Am I required to have three, four, or five people present? What is the definition of a public speech?

This is not all that ridiculous, because one of the things that came up

during the last election was in the State of Washington, Navy shipyard workers were notified they could not actively participate in the State's Presidential caucuses, State caucus, where you have to be there for the duration of the caucus. Some vote by hand; some vote by ballot. But you have to stay there. You do not have a vote unless you stay. They could not even attend without violating the Hatch Act, they were told. It seems to me that denies them rights that every American citizen has a right to expect.

The current Hatch Act, up until about a year ago, even extended to the letters to the editor. You could write not more than five letters to one newspaper, or one letter to five newspapers on a political matter without being in violation of the Hatch Act.

Those are just some examples, and they are not ridiculous examples. They are things that some 3 million Federal workers right now have to live with, and they try to make interpretations and try to decide what they can do and cannot do. That does not make much sense.

So the changes we are making do not make great sweeping changes in the Hatch Act. They are not a repeal of the Hatch Act. What they are trying to do is bring some sense and order out of a situation like this.

The right of American citizens in good standing to participate in the politics of the Nation is a serious and an important constitutional right.

We first started this debate the other day. It kept being stated over and over again that the Hatch Act does not violate the Constitution. I agree with that 100 percent. The Supreme Court has ruled on that, and I agree with that. That did not have anything to do with our debate here, really.

But I submit that this constitutional right that people have is a right that, if restricted, which we do with the Hatch Act, should be restricted only to the extent necessary to prevent more profound violations from occurring.

When the Hatch Act was passed some 50 years ago, the development of a professional civil service was being undermined and seriously undermined by patronage appointments.

At that time—this was back in the Great Depression days, the days of the New Deal and WPA and all of those things—more than 60 new Federal agencies had been created by the end of 1934—60 new Federal agencies—to deal with the dire economic straits this country found itself in at that time. But do you know how many of those 60 new Federal agencies had been put under the jurisdiction of the Civil Service Commission? Only five. So this meant that the majority of these agencies were being staffed on the basis of political patronage rather than merit competition, and that rapid growth of patronage jobs, 300,000 we estimate now—300,000 jobs, straight patronage jobs, straight patronage jobs—created congressional concern that some civil servants might be working for partisan rather than national interests. I think that was a very legitimate concern.

So in 1939, a special Senate investigation disclosed that political appointees in the WPA had, in fact, coerced relief workers into making political contributions in return for their jobs, a flat out deal, and that was wrong.

The Hatch Act was quickly passed. It was passed without congressional hearings, with little debate, in order to protect the Federal employees. That was very fast action. In fact, the Senate vote on the act was so hasty, so hasty, that a subsequent amendment had to be offered on the House floor to exempt the President, the Vice President, and Members of Congress from Hatch Act restrictions that would have prevented them from even seeking reelection because they were Government employee and could not have done anything politically to run for reelection. A ridiculous situation. That is how fast it was passed.

In passing the Hatch Act, Congress attempted to guard the civil service from undue political influence by prohibiting Federal workers from engaging in partisan political activities altogether. Fifty years later we have a dramatically different situation. We have an established professional civil service hired on a competitive merit basis. We also have a system of checks and balances to guard against political abuses. I believe that a compelling case has been made for revamping restrictions on the political liberties of today's work force. At the same time, I am acutely aware of public concern that too dramatic a change in the Hatch Act might serve to repoliticize the civil service and expose workers to coercion.

So what we face in proposing reform of the Hatch Act is a balancing act; we balance a need to protect the integrity of the civil service with our duty to protect the constitution right of all citizens to participate to the greatest permissible extent in the Nation's political processes.

How do we do this? We do it by being very careful about what can be done on the job and what can be done off the job. That is where much of the confusion has arisen through the years over these some 3,000 or more interpretations with which civil servants have to try to live.

Under the bill, "Hatched" employees would enjoy more freedom after hours by being allowed to wear voluntarily—voluntarily, could not be coerced, that is in the law now—as private citizens for the candidates and causes of their choice. Could they carry a poster at a political rally or stuff envelopes or participate in voter registration drives and distribute campaign material while off the job? Why not? These are basic rights that other Americans take for granted. However, we do not just open up everything off the job. We keep some restrictions on off-the-job activities. For instance, first, current law prohibitions against Federal and postal employees soliciting campaign contributions from the general public would remain in force— no campaign contributions solicitation from the public. That is permitted in the House bill. It is not permitted in this bill.

Second, this bill would keep current law prohibitions against Hatched employees running for partisan elective office. The House bill would permit that; the Senate bill does not.

At the same time, it would allow them to participate in local party organizations or affiliated groups, precinct chairmen, committee men, whatever. They cannot do that today, but I think that should be permitted. This bill provides it.

S. 135 would ensure the continued protection of Hatched employees from political coercion by making a very, very clear distinction between activity on the job and activity away from work on an employee's own time.

On the job, nothing, no political activity. Off the job, we still keep the prohibitions of not running for elective office and no solicitations, no contributions solicitations. Outside of that, should people be able to enjoy the same political freedom as everyone else? Why not? I do not see any reason why not.

The Department of Justice and other opponents of the bill have charged that provisions of S. 135 intended to prevent abuses will be ineffective in achieving that goal as a practical matter because of the difficulties inherent in proving even the most patent abuses.

That is true right now under existing law. The problem right now is that some of those abuses people do not even know are abuses because of the confusion in the law itself. On the other hand, such a statement by the Justice Department that we should not have a law because of difficulties inherent in proving abuses is a little bit astounding because it is incredible that these officials, having the primary responsibility for upholding the laws of our country, would maintain that criminal statutes are ineffective because of difficulties in proving the charges. Such difficulties are often the case, but surely Justice officials would not advocate repealing the statutes involved in those cases because it is difficult to bring a case under certain law.

Mr. President, I urge my colleagues to give Federal workers the right to participate more fully in the political process. This is a right that has been

denied to them for over 50 years. We bring some clarity to the law with S. 135. That is all it does.

I believe that this action by the Senate is long overdue.

Mr. President, let me address briefly and make a few remarks regarding the amendment before us by my distinguished colleague from Kentucky.

I point out that the provisions he makes in this amendment apply to Government unions. They are not the same as the Supreme Court Beck case where some employees brought a case to the court to point out that they were forced in a union shop, or a closed shop, to join the union to get a job. They did not like their money being used for political purpose, and they sued under that.

Now, this is not the same as the Beck case. Government unions are all voluntary. There is no closed shop, no union shop for Government employees. Let us take the provisions that the distinguished Senator from Kentucky is proposing and say that we will apply them to outside corporations. What happens to outside corporations? Are they permitted political activity? Yes, they are to some extent under certain rules. They quite often fund foundations that take political views or can even take a political position.

We have all seen the Mobil Gas Co. ads, the ads in the paper in which they make straightforward political statements. They lobby—political statements, public policy.

What happens to the stockholders of that company? If the stockholders do not like that, they cannot say, "Wait a minute, Mobil. I'm a stockholder, so I want you to not use my part of what might otherwise be dividend money, I want you to send my part back on a pro rata share because I do not agree with your share that was in the paper." No. What is the procedure if a stockholder has a beef against a company? He cannot just say, "I want my part of that back." What he does, if he does not like the ads, he goes to the stockholders' meeting and he gets a majority vote to agree with his opinion, if he can do so.

Similarly, inside the Government, it would appear to me that Government employees who join the union on a voluntary basis, completely voluntary, can do exactly the same thing. These unions that are voluntary unions inside Government cannot force anybody to join. Government employees can go to meetings and change the internal way that union operates if they can get the votes. These unions operate on a majority vote of their members.

Why is that not adequate? There is no infringement of rights here.

Let us look at the costs. If we went ahead with the costs put forward by my distinguished colleague from Kentucky, we have some 3 million Government employees I believe. The mailing he suggests would have to go to every one of them every year. Let us say the cost of postage being what it is right now at 25 cents, I guess that means we would have some $750,000 cost just to do the mailing every year. It costs at least that much again to prepare the letters, have them printed, and have them sent out.

I guess we are probably asking for $10.5 million, and for what purpose? I do not see it really accomplishes that much.

Let me add that at the hearings we had where people came in and expressed themselves who were in opposition to S. 135, not a single person, to my memory, and I was at all of the hearings, brought up anything like this. Nothing was even brought up that indicated that there is any problem at all. I would think if this is such a major issue that this would have been brought up at those hearings.

Mr. President, I further say to my distinguished colleague from Kentucky that title II deals with coercion. I support very fully that same feeling he has that coercion should absolutely not be permitted in any way, shape, or form. But I would also submit that is covered in the bill in that you cannot coerce anybody for any reason period, and that is it. It is illegal to do that. So, I do not know whether we need to repeat it again in title II. I do not believe we do.

As I indicated earlier, we are still studying the proposal here. But I wanted to make these few remarks on it from the review that I have made of the proposal by the Senator from Kentucky so far.

Mr. President, staff just gave me a copy of a bill, a copy out of the morning paper, Wednesday, May 9, by Bell Atlantic in which it is basically a political ad. It is lobbying people to support a particular piece of legislation that Senator HOLLINGS has put in. "Mr. HOLLINGS' bill would stimulate more telecommunications breakthroughs, it will promote healthier competition, provide better phone service"; a lengthy article here on the page, strictly political.

What if somebody does not agree with the Hollings bill and they are a stockholder in Bell Atlantic? Should they be able to go out and say, Bell, send me my pro rata share of that, deduct it or add it on to my next dividend check?

I hardly think so. That is the situation we find ourselves in.

We will continue our study of the amendment. If there are other amendments to be brought forward, we can set this aside and continue with it. As soon as we are prepared to make a more complete statement, I will seek recognition to do exactly that.

Mr. President, I yield the floor.

Mr. McCAIN. Mr. President, I am pleased to support the amendment of the Senator from Kentucky [Mr. MCCONNELL]. This amendment will serve to add additional protection for Federal workers. Further, it will give employees of the Federal Government both the ability to be represented by union leadership at the bargaining table, and independently choose if they want the union to represent them in the political arena.

The Federal worker, I believe, deserves the freedoms the Hatch Act reform bill seeks to give them. However, we must make these freedoms equitable. Due to a unique situation that exists within the Federal work force, many workers have no choice but to accept collective-bargaining representation by union officials. Workers may choose to join a union because of this negotiating power—the choice to do so being a personal one—but those choosing against such an option must not be penalized.

The dues paid to the union are used to represent the worker at the bargaining table, but additionally, they are often used to further the union's political agenda. A Federal employee wanting to have a grievance mediated may be forced to utilize union services, and because of that may join a labor organization. However, the civil servant may not agree politically with the union that represents him or her at the negotiating table. Because of the monopoly status the unions enjoy in this area, the individual civil servant should have the right to join that union, but maintain the right to choose what political causes he or she wishes to financially support.

Additionally, this amendment adds important language to S. 135 to explicitly prohibit any form of political coercion of Federal civil servants by union officials. I believe that both proponents of the bill and those opposed to this legislation agree that we must take every step to ensure that coercion be eradicated from the Federal workplace. This amendment takes important steps to give our civil servants the security of knowing that any person who attempts to coerce them, either union or Government official, will face severe penalties.

Mr. President, the civil servants of this country are vital to our Nation's continued well being and prosperity. Their importance cannot be underestimated, and they should not be penalized for serving our Nation. S. 135 seeks to restore to these individuals certain freedoms that the private sector now enjoys. This amendment furthers that goal, and I believe is important to make sure that we do not cause unforseen and inappropriate pressures in our Federal work force. I urge my colleagues to support this amendment and ensure that the civil

servants of our Nation are given the opportunity to work in an environment free of coercion and one that cherishes the freedom of choice.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. McCONNELL].

AMENDMENT NO. 1591, AS MODIFIED

Mr. McCONNELL. Mr. President, I send a modification amendment to the desk. This modification will replace the previous amendment entirely. It will not change the substance of the amendment. It is purely procedural in nature.

Mr. GLENN. Mr. President, would the Senator yield for a moment for a parliamentary inquiry? Was the agreement last night that we would proceed to campaign finance reform at 11:45? Was that set aside, or have we gone beyond the time?

Mr. McCONNELL. There was an understanding, if I may.

The PRESIDING OFFICER. It was an understanding, not an order.

Mr. GLENN. I gather we are not proceeding to campaign finance reform at 11:45. Is that correct?

The PRESIDING OFFICER. It is an understanding. The Senator from Kentucky does have the right to modify the amendment. The amendment is so modified.

The amendment (No. 1591), as modified is as follows:

On page 4, after line 2 strike through line 21 and insert the following:

"§ 7323. Political activity authorized; prohibitions

"(a) An employee may take an active part in political management or in political campaigns, except an employee may not—

"(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;

"(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is—

"(A) a member of the same Federal employee organization;

"(B) not a subordinate employee; and

"(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal employee organization; or

"(3) run for the nomination or as a candidate for * * *

"(b) No employee may knowingly solicit, accept, or receive a political contribution from any person for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)) of the employee's Federal employee organization, unless that organization—

"(1) provides, at least once annually, to all employees within the labor organization's bargaining unit or units (and to new employees within 30 days after commencement of their employment) written notification presented in a manner to inform any such employee—

"(A) that an employee cannot be obligated to pay, through union dues or any other payment to a labor organization, for the political activities of the labor organization, including, but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns;

"(B) that no employee may be required actually to join any labor organization;

"(C) that an employee who elects to be a full member of the labor organization and pay membership dues is entitled to a reduction of those dues by the employee's pro rata share of the total spending by the labor organization for political activities;

"(D) that the cost of the labor organization's exclusive representation services, and the amount of spending by such organization for political activities, shall be computed on the basis of such cost and spending for the immediately preceding fiscal year of such organization; and

"(E) of the amount of the labor organization's full membership dues, initiation fees, and assessments for the current year; the amount of the reduced membership dues, subtracting the employee's pro rata share of the organization's spending for political activities, for the current year; and the amount of the agency fee for the current year.

"(2) the labor organization provides (for purposes of verifying the cost of such labor organization's exclusive representation services) to all represented employees an annual examination by an independent certified public accountant of financial statements supplied by such organization which verify the cost of such services, except that such examination shall, at a minimum, constitute a "special report" as interpreted by the Association of Independent Certified Public Accountants.

"(3) the labor organization maintains procedures to promptly determine the costs that may properly be charged to agency fee payors as costs of exclusive representation, and explains such procedures in the written notification required under subparagraph (1).

"(4) (A) a labor organization that does not satisfy the requirements of subparagraphs (1), (2), and (3) shall finance any expenditures specified in subparagraphs (A), (B), or (C) of paragraph (2) of 316(b) of the Federal Election Campaign Act only with funds legally collected under this Act for its separate segregated fund.

"(B) for the purposes of this paragraph, subparagraph (A) or paragraph (2) shall apply only with respect to communications expressly advocating the election or defeat of any clearly identified candidate for elective public office."

SEC. 7323A. PROTECTION OF EMPLOYEES FROM POLITICAL COERCION BY LABOR ORGANIZATIONS.

(a) AMENDMENT OF TITLE 18 UNITED STATES CODE.—Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"SEC. 611. POLITICAL COERCION BY LABOR ORGANIZATIONS.

"(a) It shall be unlawful for an officer, employee, or agent of a Federal employee labor organization to intimidate, threaten, coerce, or address an order to, or to cause to be expended any dues, fees, or assessments levied on the membership of the labor organization for the purpose of intimidating, threatening, coercing, or addressing an order to—

"(1) an employee within the labor organization's bargaining unit for the purpose of interfering with the right of an employee to vote as the employee may choose;

"(2) an employee within the labor organization's bargaining unit for the purpose of causing an employee to vote or to refrain from voting for any candidate or any measure in an election;

"(3) an employee within the labor organization's bargaining unit to make or refrain from making a contribution to a candidate, political party, or committee, or political cause of any kind; or

"(4) an employee within the labor organization's bargaining unit to engage in or refrain from engaging in any legal form of political activity."

"(b) A person who violates subsection (a) shall be fined not more than $5,000, imprisoned not more than 3 years, or both."

(b) CONFORMING AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"611. Political coercion by labor organizations."

Mr. McCONNELL. Mr. President, if I may——

Mr. GLENN. That was not part of this. This was to set aside the Hatch Act considerations as I understood it at 11:45 to 12:15 so that the campaign finance reform from the Republican side could be introduced on the floor. I do not want to impinge on that time, if they are ready to proceed. It is my understanding that was the agreement last night.

The PRESIDING OFFICER. That is the anticipated procedure with the understanding.

Mr. ROTH. Mr. President, it is my understanding that the distinguished minority leader is on his way back and should be here within a very few minutes. So we could just proceed.

Mr. GLENN. The distinguished minority leader has arrived.

Mr. ROTH. I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, will the distinguished minority leader and our colleague from Kentucky—do I understand this will take until 12:15 or will it go longer?

Mr. DOLE. If the Senator will yield, we had 30 minutes. It will probably take until about 12:30 now, at least. We are late getting started.

Mr. METZENBAUM. There are some others who want the floor.

Mr. DOLE. Does the Senator want to cosponsor our package? I will let him speak first.

Mr. METZENBAUM. I want to consider that.

Mr. DOLE. Mr. President, the majority leader is on his way back. I do not think he will have any objection to extending the time since we are starting late. But I will wait until he returns. He can make the request. I would be happy to yield the floor. I

think other Senators have been waiting, Senator PACKWOOD, and Senator MCCONNELL. I will speak last.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Kentucky.

Mr. METZENBAUM. Will the Senator from Kentucky be willing to yield 3 minutes to the Senator from Ohio for the the purpose of introducing a bill at this point?

Mr. MCCONNELL. I am happy to yield.

Mr. METZENBAUM. I thank the Senator.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. I thank the Chair.

(The remarks of Mr. METZENBAUM pertaining to the introduction of S. 2602 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

COMPREHENSIVE CAMPAIGN FINANCE REFORM ACT OF 1990

Mr. MCCONNELL. Mr. President, I rise today on behalf of myself, the Republican leader, Senator PACKWOOD, Senator NICKLES, and 30 other Senators to introduce the most comprehensive campaign finance reform bill ever introduced in the history of our country, including 34 different points.

Mr. President, covering some of the highlights of this measure, there is in the proposal that we are introducing today a complete ban on contributions from political action committees. Mr. President, this puts the PAC's out of business.

If the American people have an interest in this issue, and we think they do, their interest is in special interest funding of political campaigns. This measure is the most comprehensive measure ever introduced on this subject.

In addition, the American people are concerned that money that comes into campaigns be limited and disclosed. One of the great scandals of American politics has been the so-called soft money, particularly, Mr. President, those who hide behind the Tax Code and who benefit from that tax exemption and go out and get involved heavily in political campaigns.

The bill we are introducing today would ban non-party soft money entirely. Also, Mr. President, the bill we introduce today draws a distinction between those who can vote for a candidate and those who cannot, in terms of the amount of their individual contribution. This bill makes that distinction and lowers the limit on contributions from those outside of the candidate's State.

In addition, this bill eliminates Keating-style bundling and also closes the millionaires' loophole. All of us have been frustrated, on both sides of the aisle, by the growing tendency in recent years of people of great wealth simply writing out a check for political campaigns. It is not possible to entirely eliminate that problem, because there is a constitutional difficulty in eliminating millionaire contributions, but there are other ways of getting at it.

This bill requires that if a candidate is going to spend more than a quarter of a million dollars of his own money in a race, he must so notify the FEC, and thereby his opponents, who are given then the opportunity to raise up to $5,000 per individual for their own campaigns. Further, if an individual expects to spend in excess of $1 million on his own behalf, then there would be no individual contribution limits whatsoever for his opponents.

In addition, Mr. President, this bill has a significant broadcast discount, from 50 to 70 percent for every contested race for television and radio time. It is simply not possible to get a handle on campaign costs without a significant reduction in the rates for broadcast time.

This bill requires that 60 days before the general election and 45 days before the primary candidates be allowed to buy fixed time, that is time that will certainly run at the time purchased for the lowest time cost available during that period.

I might say, Mr. President, that later as this debate unfolds, I expect other suggestions will be offered by others to further lower the cost of broadcasting to political candidates. I think those ought to be looked at very carefully.

The final point I make, of the 34 points contained in this bill, this bill provides a ban on franked mail during election years. No franked mail whatsoever during election years.

So we, as the campaign finance debate unfolds, some time later this week, or next week, will be looking forward to debating all of these issues that will be before us. The Republicans are in large measure unified behind the bill that we introduced today. And at this point I yield to my friend and colleague from Oregon [Mr. PACKWOOD].

Mr. PACKWOOD. Let us look at what we are trying to achieve by campaign reform. What are the charges now made against campaigns? One, PAC's, political action committees, are allegedly evil. They are controlling money, they are getting an ear, they have an unfair advantage, and they are skewing honesty in politics. That is a charge that is made. Two, sewer money, or soft money, as some people call it, money outside of the spending limitations, goes to State parties, and it is all lumped together in some people's minds as sewer money, but it is not subject to any serious restraints under present law. That is the charge.

Three, bundling. You can give me $1,000 for my primary campaign. You can give me a thousand for my general election, too. If you as a PAC officer go around to everybody in your industry and gather up $100,000 in checks and hand me $100,000, you have not violated the $1,000 limit, because they are 100 separate checks at $1,000 apiece from different people. Bundling is an evil.

Four, campaign costs. Campaign spending costs too much, or we spend too much. There is that charge. We are too beholden to out-of-State people. There is that charge.

Now, without arguing as to whether or not those charges are right or wrong, the charges are there. So what does this bill do to address these charges?

One, PAC's are out. They cannot give to candidates. They cannot give to parties. They are out of business.

Two, bundling is prohibited. It is easy enough to define and prohibit it. It is out. You can no longer go around to an industry and collect a $100,000 check and give a candidate $100,000.

Three, sewer money is out. Four, campaigns are too expensive. This bill puts a $500 limit on out-of-State contributions. That is going to be a serious impingement for some people from smaller States where they do not have a sufficient population base to raise sufficient money in a campaign to run a campaign. We are saying they are going to have to do that. Henceforth, you have to be more proportionately dependent than you used to be on people in your State. Those in-state contributions can still give $1,000 each.

What is going to be the effect of this? If you have no PAC's, no bundling, no soft money, and lower the out-of-State limit to $500, the inevitable result, at least for the next two or three election campaigns will be that spending is going to go down, because almost everyone in the Senate and Congress to this point has taken the easy way to raise money—the easy way is to raise it in large contributions from relatively few people or few PAC's. We are going to be forced now under this bill to go out, and I think it is a good step, and raise money in smaller amounts from many, many more people.

We are going to have to broaden our base. Instead of $5,000 PAC contributions from one source, we will have to seek much smaller contributions from many sources. If you want the $5,000 now that you used to get from PAC's, you are going to have to find five individuals who will give you $1,000 apiece to make up $5,000. My hunch is you are going to have a lot of people give you $50 apiece. When you finally get

100 of them, it adds up to $5,000—but you have to involve 100 people in your campaign.

Now, what is the criticism of what this bill does? Because if anyone were to look at it on its face they would say, "Well, you get rid of PAC's, you get rid of bundling, you reduce spending costs for the campaign, you reduce the contributions from out of State." It does all those things.

Where does the criticism come from? And in fairness the criticism is partisan because this bill does not have spending limits in it; it does not have some kind of enforceable mechanism whereby, on this side of the aisle, we are forced to give up some of our rights now in exchange for accepting a spending limit.

I would maintain there is in this bill a de facto reduction in spending; that is what people want, a reduction in spending. I have been in this business of elective politics since 1962. I am willing to stake my knowledge of politics on this fact. If this bill passes, less money will be spent on Senate campaigns in 1994 and 1996, less money will be spent in those years for Senate campaigns on average than will be spent in 1992.

Mr. McCONNELL. Mr. President, will the Senator yield for a quick observation?

Mr. PACKWOOD. Yes.

Mr. McCONNELL. That will continue the trend that has already begun.

Mr. PACKWOOD. Yes.

Mr. McCONNELL. Because spending will be down all right, down from 1986 to 1988. The Senator is on the mark; that will decline campaign spending.

Mr. PACKWOOD. I think it will take us, in my judgment, four or five elections to get back to the spending level that we had in 1988. If we do get back to it, the only way we will get there is by broadening the base so dramatically that we are raising literally the same amount of money from 100,000 people that we used to raise from 20,000 people, the same amount of money. But what it means is that you will have found lots and lots of people to give you $20, $30, $40. If they will give you $20 or $30 or $40, they will also probably come out and man a phone bank one night a week or help put up lawn signs on Saturday afternoon, and probably help register voters in their office. That is not wrong. That is good for politics. I think if we could get 30 million to 40 million people—and I think we can, 30 or 40 million people in this country to give $20 or $30 or $40, to a campaign—that is a step in the right direction, not a step in the wrong direction. You are hard pressed to say you are beholden to some special interest when the special interest is 20,000 or 30,000 or 40,000 people giving you $20 apiece. There is no uniform, single interest in those 20,000 or 30,000 or 40,000 people. You have diverse interests. You have some that are pro choice on abortion and some antichoice on abortion. You have some who work for mutual insurance companies and some work for stock insurance companies and have opposing views on how insurance companies should be taxed.

Some work for trucking outfits and some work for railroads, and each thinks the other side has advantage and all of them, if they have given $20 or $30 or $40, may hope that you vote with them. This situation cannot be likened to PAC giving, some 20 or 30 PAC's each of which may give up to $5,000, and all of which have roughly a similar interest.

So the only objection to this bill that I have found, because I think I can say this in fairness and honesty, the only objection one could possibly find to this bill is that it does not have spending limits in it. That is a touchstone difference, and make no mistake, spending limits are dependent on some kind of Federal largess. It may not necessarily be money directly from the Treasury, but it will be some form of Federal largesse in exchange for agreeing to spending limits: It will be reduced mail rates or free television time or free something else if you agree to the spending limits. Public financing of campaigns whether it be direct or indirect, is not in this bill, and that is a touchstone difference between the Republicans and the Democrats. The Republicans are very adverse to asking the taxpayers to fund our campaigns when we are running $150 billion deficits. Whether it is direct payment from Treasury, as in Presidential campaigns, or subsidized mailing rates, it is still money from the Government. When we are running $150 billion deficits, we should not be asking on top of that for taxpayers to fund our campaigns, either fully or partially.

Democrats, by and large, say the only way you can have meaningful reform is if you have some quid pro quo: Agree to spending limits in exchange for the incentive of Federal Government largess, a big incentive it turns out to induce a candidate to adhere to those spending limits.

I contend, and I will say this once more, when you have gotten rid of PAC's and sewer money, when you have gotten rid of bundling and lower the out-of-State contribution limit to $500, the effect will be to drive campaign spending down.

And it will stay down until we learn how to raise the equivalent amount of money that we spend now from hundreds of thousands of tens of millions of people instead of a few people in large amounts.

So I would hope that the Senate would accept this. Apart from this spending limit issue, I think most people of good conscience can say these reforms go in the right direction. I would hope that this reform would not get hung up on the sole issue of spending limits and the assertion that if there are no spending limits, there will be no reform at all.

Mr. President, I ask unanimous consent that my formal statement be inserted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. PACKWOOD. Mr. President, I rise today to join with my colleagues in introducing a very far-reaching, comprehensive campaign finance reform bill. This measure goes farther than any other reform proposal to date. It achieves what I believe should be the goals of campaign finance reform. Those goals are twofold.

First, if PAC's are an evil, then ban PAC contributions altogether. If the special interest spending is troublesome, and more and more people across the nation seem to think it is, then we can do something about it. That something is, in my view, doing away with PAC contributions. Whatever may have been the public perception of campaign financing in the past, there is today widespread feeling that elections are principally financed by groups who have a very narrow interest as opposed to a broad public interest. In a democracy, the public must perceive the law to be fair or confidence is severely undermined. The obvious way to respond to the growing perception that Members of Congress are "bought and paid for" by the special interests is to eliminate all PAC contributions—corporate, labor, trade association, and independent. The bill we are introducing today does this.

Second, any campaign finance reform bill should encourage massive participation in campaigns. You don't accomplish this with expenditure limits. Such limits simply drive a candidate to raise money in the least expensive, quickest way possible and with the least effort. The candidate contacts a minimal number of contributors who are able to give the largest amount until the contribution limits are reached. I don't think this is what we want to achieve. Our goal should be to encourage millions of people to give small financial contributions directly to campaigns. If we can encourage 10 to 20 million people to give $5, $10, or $50 directly to a campaign, we will ensure the massive voter participation we are trying to achieve. While the bill before us does not go as far as I would like in this regard, it is a good start. We cut in half (from $1,000 to $500) the individual contribution limit for out-of-state contributions. The in-state individual contribution limit is left unchanged at $1,000.

I do not believe most candidates have explored the extent to which they can finance a campaign through small contributions. In every instance where candidates have tried to collect small contributions, they have succeeded. In my campaign for re-election in 1986, I had over 161,000 contributions—95 percent of those were contributions of $50 or less.

The challenge, then, is to create a device that will seek to make congressional campaigns more competitive, less dependent on large contributors, and financed by a broader segment of the population. This bill provide the means by which to accomplish this. If we force candidates to finance their campaigns with thousands and thousands of small contributions, then the candidate will

have to go door to door; they will have to be involved at the grassroots level.

Ironically, the candidates this will favor the most are not incumbent United States Senators or Representatives, who of necessity must spend most of the year in Washington, DC. Rather it will favor their challengers, who can stay in the state all year long, who will have a good base of support, and who will have hundreds of followers who believe in them and will help them raise money through small donations. The link between voters and candidates is strengthened by this grassroots approach. Candidates are made aware of voters' concerns and are hence more responsive once elected. The bill we are introducing today puts people back into the political process.

In addition, the bill contains a number of other sweeping and, I believe, very necessary reforms. We get rid of soft money contributions. We limit bundling and independent expenditures. We eliminate the "millionaire's loophole." A candidate should work hard to get elected. He or she should earn the seat.

What we really want to accomplish with campaign reform legislation is voter participation, a galvanization of grassroots volunteers, and money raised in small amounts. This would be good for the voters, good for our states, good for politics, and good for challengers who are in local politics in our home states. you than have every benefit without having to resort to PACs, soft money or bundling. At the same time, you are able to run a successful campaign without one penny of public funds.

Mr. President, it is time to put aside partisan differences and ambitions and correct the flaws in our campaign finance system. There is genuine bi-partisan agreement on a number of the proposed solutions. The time has come, and I believe we have the commitment, to enact comprehensive, meaningful reform, reform which will foster competition and encourage broad-based individual participation in our nation's political process.

Mr. PACKWOOD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I rise today in conjunction with our colleagues, Senators DOLE, MCCONNELL, and PACKWOOD, and others in support of the bill we are introducing which is significant campaign reform.

I might note I would venture to say that every Senator has said, "Yes, I am for campaign reform." But that is where the similarities cease. The Republican bill, which we are introducing—I call it the Republican bill because we do not have any Democrats on it yet. I hope we will. It is significant campaign reform. It does ban PAC's. I have heard Common Cause and others say, wait a minute, we have too much special interest money, and too much of that money is all biased toward incumbents. I looked at the figure in 1988, the PAC's, the PAC community gave $118 million to incumbents. They gave $18.7 million to challengers. That is about a 6-to-1 ratio for incumbents. We talked about it.

Under the Democrat bill, they do not reduce the amount of money PAC's can give. They give $5,000 per election, that would be $10,000. Republicans said ban them. Some people say it is unconstitutional. We also put a provision if determined unconstitutional and we reduce the amount PAC's can give from $5,000 to $1,000, the same amount an individual can give. So we would significantly reduce the amount of money that PAC's are giving which would again restore some balance for challengers. But we make some other changes, too.

We reduce the amount of money that out-of-State persons can give to one half. They can only give $500 per election, $500 for primary, $500 for the general. Right now they can give $1,000. So that would reduce a lot of out-of-State special interest fundraisers.

Again, incumbents have the power or the authority to command, and very few challengers do. So that would reduce some of the special interest money.

Then we go a giant step further—and this is a very significant reform in this Senator's opinion, one of the most important—we ban unsolicited mass mailings in an election year.

If my colleagues have paid any attention whatsoever to the cost of mass mailings, this is a very significant, very real reform that needs to happen if we want to allow challengers a real chance at winning a seat to the U.S. Congress or to the U.S. Senate.

In 1988, $113 million were spent on mass mailings. Again, in an election year we have mass mailings pouring out. In the House they are building new buildings to house new printers. It costs millions of dollars to crank out the mail. So we need to limit mass mailings, particularly in an election year, so they cannot be abused by incumbents. We do that in our bill.

We either ban PAC's or limit PAC's. We cut the amount of money that can be raised from individuals out of State by one half. We ban mass mailings in election years. Those are real reforms. I think Common Cause and people who are really interested in reforms should take a look at that proposal and say, "Yes, that is a good idea; let us do it."

We also ban soft money. We ban soft money. I have heard some people use the term sewer money. I do not call it that, but we do ban undisclosed, unreported, undocumented money. We require all of those contributions to be documented. We require all of them to be disclosed.

It is interesting. In the Democrat bill they ban party soft money, but they do not ban any soft money coming from unions or corporations. That is crazy.

They say, well, we ban PAC money to individuals. But then the PAC's can give money to other parties, to other organizations, and they can contribute. So what the Democrat bill does on PAC's, it allows a gigantic filtering system for hidden money. We should not be trying to hide the money. We should be trying to increase disclosure and we should be encouraging individual contributions, not discouraging individual contributions.

The Republican bill tries to limit PAC's. We try to limit soft money. We try to ban those. We try to cut down on the amount of money from outside interests. The Democratic bill does just the opposite. It tells PAC's, well, you give money to different groups, State party organizations and so on, and they will give it to the candidates. Soft money is fine from unions and corporations; that is fine. They do not have any restrictions on that. I think that is ridiculous.

Then they come with the ultimate insult to taxpayers: Under the Democratic bill they say, we want the taxpayers to pay 90 percent of the cost of general elections. I find that to be an outrage. I think if the taxpayers knew that was a serious proposal they would either laugh or they would be quite upset.

I took a look at what that would do in my State of Oklahoma. It is very interesting. In my State of Oklahoma, if a gentleman or women won the election for the primary, if they raised $55,000 in State and $55,000 out of State, they are going to be the beneficiary of $1 million coming from Uncle Sam. And that does not even count the amount of money for the discounted mail. They get the mail at one-fourth the cost the rest of the citizens in this country pay. What a subsidy that is. We are going to increase the mail cost again.

I find that to be an outrage. To think a person can raise $110,000 and get over $1 million from Uncle Sam, from the taxpayers, to subsidize their campaign, I find that to be an outrage.

Then at the same time they are going to limit what individuals from that Senator or Congressman's district can contribute.

Why should we tell somebody, no, you cannot contribute any more to a campaign, to a person you happen to agree with. We are going to limit that. No, you cannot contribute to them. We are going to take care of it from the public trough. I do not think the public is going to support it.

We are going to have increased deficits, so we will have a fund that does not have any funds there. How are we going to write these $1 million checks when there is no money there? It is not that popular even on the Presidential level. It is estimated we will not be able to finance all the people on the 1992 or 1996 race for President. Yet the Democrats want to have the

people pay 90 precent of the general cost of an election.

I do not think it is a serious proposal. I think what they are doing is jockeying for position or something, because they cannot be serious that they want the taxpayers to pay 90 percent of the costs of a general election.

I cannot really think they are serious, that they want the taxpayers to subsidize mail costs for election purposes to where somebody running for office would only have to pay one-fourth the postal expense that other individuals pay. I find the Democrats' proposal to be an outrage and it should not be accepted. It is not even a serious proposal.

On the other hand, the Republican proposal is serious. It does ban PAC's and reduces PAC's from $5,000 to $1,000. It limits out-of-State contributions, cuts that in half. It bans the use of unsolicited mass mailings in an election year. It is a serious proposal, a good proposal, and one I think we should pass this year.

Mr. DOLE. Mr. President, it's the witching hour for campaign finance reform.

Those of us in Congress have talked about reform for quite some time. During the past several months, we have done our share of posturing. And both parties in the Senate have unveiled their own comprehensive reform proposals.

Now it is time for us in Congress—and in the Senate—to either put up or shut up. It is time for us to grab the legislative mop and clean up the campaign finance mess, and clean it up now.

REPUBLICANS WANT REFORM

Despite what you may read in the liberal press, Senate Republicans have always been committed to meaningful campaign finance reform.

Senate Republicans wanted meaningful reform last year when we introduced S. 7. We wanted reform when we introduced the President's bill, S. 1727. And we want reform today.

That is why Senate Republicans last week unveiled the Comprehensive Campaign Finance Reform Act of 1990. And that is why I am joining with 33 of my Republican colleagues in formally introducing the bill today.

HIGHLIGHTS OF THE INITIATIVE

The Republican reform initiative is bold, it is broad, and it has a very simple and straightforward goal—to put the beltway special-interest peddlers out of business for good.

Comprehensive in scope and daring in approach, the Republican initiative adopts the following three core principles.

One, political action committees lie at the heart of the special interest problem now plaguing Congress. PAC's are not shy in their efforts to influence Congress on behalf of their own special interest agendas. And, frankly, Congress should not be shy in response.

The Republican initiative zero's-out PAC's from the Federal election process entirely. No exceptions. No loopholes. No PAC's. It is that simple.

I am pleased to see the Senate Democrats following the Republican lead on this issue. But unlike the Democrat bill, the Republican initiative goes all the way, and it does not contain any gaping PAC loopholes.

Not only does the Republican initiative ban PAC contributions to Senate candidates, it bans PAC contributions to House candidates, to the national and State parties, and to the senatorial and congressional committees.

Two, the tide of unreported and unregulated soft money—or sewer money, as it is now fashionably called—continues to rush through the campaign finance pipeline.

The sewer money stinks up the political system, and it links political success with a candidate's coziness with the special interest soft money operators.

The Republican initiative takes a heads-on approach to the soft-money problem by banning soft money outright.

It prohibits all tax-exempt 501(c) organizations from engaging in partisan activities on behalf of a specific candidate for Federal office. It codifies the Supreme Court's Beck decision. It prohibits unions and corporations from engaging in get-out-the-vote campaigns aimed at their members or stockholders. It requires all party committees to disclose their Federal and State accounts with the Federal Election Commission. And it ensures that party activities benefiting Federal candidates are, in fact, financed with hard Federal dollars.

Three, last February, Senator MITCHELL and I commissioned a six-member bipartisan panel of experts to review our current system of campaign financing. One idea offered by the panel was the now famous flexible spending limit, which proposed a cap on PAC money and on money from out-of-State sources.

Like the panel, the Republican initiative recognizes how important it is for campaigns to be financed primarily by the people who ought to count in the campaign process, our constituents. And it recognizes that congressional campaigns should not be financed exclusively by a litter of fat cats living thousands of miles away from a candidate's home State.

As a result, the Republican reform initiative cuts in half—from $1,000 to $500—the maximum contribution that an out-of-State resident may make to a congressional campaign.

By putting a premium on individual in-State contributions, the Republican initiative adopts the approach of the bipartisan panel. And by banning PAC contributions—in addition to reducing the limits on out-of-State contributions—the Republican initiative takes the panel's approach one step further.

OTHER PROVISIONS

Mr. President, the Republican reform initiative contains many other important proposals that will increase competition in politics and reduce the costs of campaigns.

The initiative, for example, incorporates a seed money mechanism that would allow the national parties to match—up to $100,000—the in-State contributions raised by a candidate challenging an incumbent. This proposal will obviously increase political competition by giving viable Senate and House challengers a well-deserved and much-needed jump-start in the early stages of their campaigns.

The initiative incorporates the broadcast discount provision, originally proposed by Senator DANFORTH. This provision would allow candidates to purchase nonpreemptible television time at the cheapest price a television station offers for preemptible time.

No doubt about it, the broadcast discount will significantly reduce the cost of television advertising, which is today the most expensive component of any congressional campaign.

The Republican initiative also contains a provision, originally proposed by Senator DOMENICI, that will close the millionaire's loophole that now exists in the Federal election law.

It goes without saying that no person should be able to buy a seat in Congress. By raising the contribution limits for the challengers of those candidates who intend to finance their campaigns with personal funds in excess of $250,000, this provision will help level the playing field for wealthy and nonwealthy candidates alike. And it will help ensure that the initials M.C. do not become shorthand for the millionaire's club.

PUBLIC FINANCING—NO!

Let me just say a few words about what the Republican bill will not do.

The Republican bill rejects outright the public financing of congressional campaigns.

If history teaches us anything, it teaches us that public financing is bad public policy, and it is very, very expensive.

In case you have not noticed, we have an enormous Federal budget deficit, and it is a deficit that is, unfortunately, not getting any smaller.

During these difficult budgetary times, the American people want their money spent on programs that work. They want their money spent on programs that are tried and tested.

And you can bet the house that the American people are not interested in the taxpayer-financing of politicians.

THE NEED FOR BIPARTISANSHIP

Mr. President, last week, I pointed out that I was optimistic about the propsects for developing a bipartisan reform package, particularly now that both parties have unveiled their respective campaign finance bills.

Today, I remain optimistic, though no one should expect any miracles from the majority leader and myself. There continue to be many disagreements and many different points of view.

We will try our best to bridge these differences in the days ahead, as we get down to the business of serious bipartisan negotiations. It is my hope that these negotiations will produce some common ground upon which we can build a serious, a comprehensive, and a bipartisan, campaign finance reform package.

Mr. President, I thank my colleagues, the Senator from Oklahoma, the Senator from Kentucky, and the Senator from Oregon, and I know others who will not be speaking but will be speaking when the bills are before us, maybe this Friday or Monday or sometime soon.

I think the point is that we have talked about campaign reform on both sides of the aisle for a long time. I am not certain the American people have really followed this closely. I do not know what percent of the American people even contribute to campaigns. But I have a feeling, if they have followed it, they would be wanting us to do something to reform the system. So, I reiterate, I think it is time for us to pick up the legislative mop and try to clean up the mess we are in.

I must say it is going to take a lot of give and take on both sides. We are not close to anything yet.

We think we have a good bill and we are introducing that bill today. We wanted reform last year when we introduced S. 7 and when we introduced the President's bill, S. 1727. And we want reform today.

We did unveil last week what I think has been already addressed here in detail, so I will not repeat them, a comprehensive campaign finance reform plan. We now have 34 sponsors. We hope to have more.

Some of our colleagues who are with us but are not for every provision will not be cosponsors, but I think it is fair to say somewhere around hopefully 40 on this side feel pretty much the same.

I also want to particularly thank the Senator from Kentucky [Mr. McCONNELL] for his tireless efforts, daily, weekly, monthly efforts, the past 2 or 3 years, just to bring us this far. He has been able to work with other Republicans and I hope we can work together now with Democrats in the weeks ahead and see if we can put something together.

Political action committees go to the heart of it. I think it is rather amusing, in a way, we have a bill on the floor that is going to make Federal employees' PAC's bigger. Instead of trying to eliminate PAC's, we are going to try to make it possible to have bigger pots of gold where 90 percent of the money goes to my colleagues on the other side of the aisle.

We eliminate PAC's, as opposed to the Democratic bill which is sort of a money-laundering bill. You cannot give it to the Senate candidates but you can give it to the committees and the candidates and everybody else in the country so they will end up giving the money to the candidates. We zero out PAC's.

Then there are some political action committees who think this is a bad idea. I would say most PAC's are probably legitimate. They reflect the views of a lot of their members. It was a hard decision to make, but we made a decision.

Maybe there is some way to compromise it. I do not know. But, I say again, our initiative goes all the way and it does not contain any gaping loopholes. We not only ban PAC contributions to Senate candidates but we ban PAC contributions to House candidates, to the national State parties and senatorial-congressional committees. All the Democratic bill does is ban PAC contributions to Senate candidates. Everything else, you can have a PAC or you can contribute to one.

Also, as has been indicated by the Senator from Oregon at length, we do go after the so-called sewer money, the soft money, the sort of money that stinks up the political system. You do not have to disclose it or account for it or tell anybody how much you spent.

I think we will be able to show after we get into debate in a number of States, a lot of money was dumped into States, never reported, never disclosed, and had the same impact as all the other money in the campaign. It had to be reported and it made a difference, changing some of the races. So we take a head-on approach to that.

I also commend at this time the so-called bipartisan panel of experts. Senator MITCHELL picked three. As Republican leader, I picked three. These people deal in campaigns and campaign financing all the time. They have different ideas.

One idea offered by the panel is the now famous flexible spending limit which proposed a cap on PAC money, on money from out-of-State sources. Like the panel, the Republicans recognized how important it is for campaigns to be financed primarily by the people who ought to count in the campaign process, our constituents, and recognized congressional campaigns should not be financed exclusively by fat cats living thousands of miles away from a candidate's home State.

What we try to do is to encourage candidates to go back to their States to raise money, rather than to the New York Times; 90 percent of their money was coming from outside their State. There are a lot of good reasons for that.

In any event, we say in our bill the most you can receive from an individual out-of-State is $500, compared to $1,000 in-State. So we put a premium on in-State contributions.

We adopt the approach of the bipartisan panel, and by banning PAC contributions, in addition to limiting out-of-State contributions, we take the panel's approach one step further.

So we think we have addressed many of the areas that should be addressed. We also have television provisions in our proposal so we can spend less money. It is always kind of interesting to watch during the day some TV stations around the country. They are running spots for Democrats and Republicans in all kinds of races. Then at night, at 10 o'clock, they have an editorial saying we are spending too much on campaigns, when 60 to 70 percent of the money goes to the electronic media. Again, they may have it both ways, but we hope we can reduce the cost of television.

Finally, I think the biggest problem with the Democratic bill is I do not think they can pass it. If we did nothing but stand here, they could not get 51 votes for public financing. Maybe I am wrong, but I doubt it. I do not believe there are that many Democrats who think the only answer is to turn it over to the Federal Government and let the Government pay for it.

That is why we have a $3.2 trillion debt. We have been turning too much over to the Federal Government. Now we want to get the Federal Government involved in funding our campaigns. Despite all the things you can say—that will eliminate all the special interests, eliminate all the temptation—I do not really believe that with the deficit problem we have we are going to end up with public financing. I would be surprised if some of the Democrats, maybe half the Democrats, not many more than half, vote for that.

Let me make the same statement I have made before. When it is all over, it is going to take bipartisanship, and we have to have enough Members on each side of the aisle willing to forget about their own particular situation. If we try to draft a campaign bill that protects 100 Senators, we are not going to have one. So we have to find some broad general guidelines and agree to those.

If it makes it more difficult to raise money or makes it more difficult if you are an incumbent, but makes it easier for a challenger, in my view, those are all positive things. But if we

do not bite that bullet, then we probably are not going to be able to put campaign finance reform together.

There are some who do not want it. They may talk about it and say they want it, but they really do not want it. They like the present system.

In my view, you should not have to spend, even in the smallest States, $3 or $4 million to be elected to the U.S. Senate. In some of the other States, it will be $12 million, $15 million, maybe $20 million before long unless we find some way to limit campaign spending.

So, again, I thank my colleagues on this side. I thank the majority leader. He has indicated a willingness after we have a couple day's discussion of these bills, the Democratic bill and the Republican bill, that we then start some negotiations perhaps a small group of four or five Members on each side, to see if they can find common ground or common cause. Common ground I guess is a better word.

In any event, we look forward to working with our colleagues on the other side. Again, I thank my Republican colleagues.

It is my understanding the Senator from Kentucky is now prepared to introduce the bill.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I want to thank the Republican leader and the others who have worked so hard on this issue. Next week when we begin the debate, I think it ought to be clear that Republicans are not in favor of the status quo. We would like to see change. But in the course of the debate, I do think it is important that we deal with facts and not certain mythology that has arisen.

For example, on the floor of the Senate just yesterday, it was said that Senators have to raise $15,000 a week every week. The fact, Mr. President, is that only six Senators have raised an average of $15,000 or more a week since their last election.

In fact, Mr. President, 83 percent of the total campaign receipts of incumbent Senators up for reelection in 1988 was raised in the last 2 years of the cycle.

How many times have you heard around here about the money chase; that people are not doing anything but raising money? The fact of the matter is the only people who are raising any money to speak of are those who are in the last 2 years of their cycle.

We did a study of the class of 1988. As I am sure is typical of any class, 6 percent of the money raised by the class of 1988 was raised in the first 2 years, only 8 percent in the second 2 years, and 83 percent in the last 2 years.

In fact, what is happening, Mr. President, is people are raising money only in the last 2 years before their election, and they are only doing it if they have a challenger, or are running for President.

I think it is important we deal with reality and not myth. The final myth is we will soon be spending, it was said yesterday, $40 million, $50 million, $60 million on campaigns. In fact, campaign spending is going down. It went down 5 percent from 1986 to 1988. The trend line is already down.

So, Mr. President, as the debate unfolds next week, we will try to deal with reality and not mythology.

Mr. President, I rise today to offer the most comprehensive bill which has ever been introduced on the subject of campaign finance reform. I am joined in this effort by 33 of my colleagues who will serve as the initial cosponsors of this legislation.

Republicans are tired of being accused of obstructing reform of our campaign laws. It is an outrageous assertion. As the minority party in both the House and the Senate, we have a very strong interest in rewriting the rules which govern campaigns and elections. However, we believe that any new rules should be developed in a truly bipartisan manner and not through a process where the controlling party perpetuates its majority by trying to railroad a bill through the Congress.

We organized a filibuster against the original Byrd-Boren spending limits bill because it did not represent true reform. Instead, it was designed as a partisan measure which advanced Democratic objectives at the expense of the Republican Party. It was ludicrous for anyone to think that our party would stand by and let that happen to us shortly before the important 1992 elections.

For the last 3 years, Democrats in the Senate have been trying to sell the concept of spending limits as the only way to reform the campaign finance laws. Let me tell you why they are doing this—because it serves the partisan interests of the Democratic Party. And these partisans have been aided in their effort by one tax-exempt organization, Common Cause, whose members act more like they are an arm of the Democratic Party than bipartisan advocates for true reform.

As an incumbent Senator, I should vote for the Byrd-Boren spending limits bill. It is clearly going to ensure that I never have a competitive race again in the State of Kentucky. With a State-by-State spending limit, my opponent will have to run a shorter campaign and will never be able to overcome my name recognition and incumbency advantages. We will see more challengers lose close races and a lot of us will be free to stay in the Senate until we decide it is time for a comfortable retirement.

I don't support a concept which is in my own best interests as an incumbent because I think it is important for us as officeholders to encourage competition in politics. I think it is our responsibility to avoid enacting laws which create barriers to public office. Instead, we should be encouraging people to run for public office and suporting policies which stimulate policital debate and the expression of ideas.

I am not asserting this proposition because I believe that—in every case—a challenger must spend more than an incumbent to win. Rather, the problem is that good challengers must be able to reach voters and convince them it is time for a change. And that is no small task in a race if you are facing an incumbent who has built a statewide organization and has all of the perks of office at his disposal.

The Byrd-Boren spending limits bill will limit the ability of challengers to mount effective campaigns. If the State-by-State limits in that bill applied to the last three election cycles, 8 of the 13 successful challengers who won close races would not be here because they would have had to spend more than the limit assigned to their State. Look at what PAUL SIMON and TOM HARKIN spent in 1984. What TOM DASCHLE, BOB GRAHAM, and DICK SHELBY spent in 1986. And what DICK BRYAN, BOB KERREY, and JOE LIBERMAN spent in 1988. All of these challengers had to exceed the Byrd-Boren limits to win. These races were very close and an arbitrary limit on the challenger's spending ability probably would have saved most, if not all, of the incumbents they were facing.

I think the time has come for us to stop trying to build on those advantages we enjoy as officeholders and try to approach this issue in a sensible and bipartisan manner. The real problem in campaign finance is the source of political money, not how much spending is necessary.

The advocates of the Byrd-Boren bill use the spending limits concept to address every problem in campaign finance. Yet the bill directly curtails Republican fundraising advantages while conveniently excluding from any disclosure or limitations many activities by special interest sources which benefit Democratic candidates.

If we really want to tackle the campaign finance issue, we should be looking at where political money is coming from and where it is being spent. We need to look at:

The special interest influence of political action committees [PAC's];

The soft money activities of unions and other tax-exempt organizations; and

The activities of large out-of-State contributors.

A second area we need to explore is why some Federal races are not competitive. I think this is primarily a problem in the House of Representa-

tives, where the reelection rate is an astounding 98 percent. By contrast, the Senate has been a fairly competitive place. In the last decade, we have sworn in many new Senators and majority control has turned over twice.

Challengers in the House, unfortunately, do not stand a chance. Norman Ornstein has described the process as a 100-yard dash where the incumbent starts from the 50-yard line. The incumbent has a large staff, can mail numerous franked newsletters to everyone in his or her district throughout the election cycle, appears frequently on television, radio, and in the local newspapers to discuss issues of importance, and can raise a huge campaign warchest from special interest groups.

These practices have turned the House of Representatives into the House of Lords. We need to look at measures which will limit incumbent advantages and help challengers mount effective and competitive campaigns.

A third area we need to look at is the cost of campaigns. The reason we have to spend so much time fundraising is primarily because the cost of television advertising is escalating higher and higher.

Let us face it, a modern Senate campaign is a television event. It requires, on average, 50 percent of the budget of a competitive candidate and the cost is skyrocketing. In my race for reelection this year, our media consultant has estimated that my television costs will be double what I spent in 1984 for the same amount of advertising time. We need to deal effectively with this problem so we can reduce the fundraising pressures on everyone.

The Republican alternative is designed to deal with these three areas in campaign finance. The bill is a 30-point plan which combines a variety of legislative ideas, old and new. We even have incorporated almost all of the ideas presented by the bipartisan panel of experts commissioned by Senators MITCHELL and DOLE to offer suggestions for reform.

This bill has three titles. The first title is designed to curtail the influence of special interests on congressional elections. In this title, the bill sponsors propose:

The elimination of all political action committees, including leadership PAC's;

A ban on all soft money from being used by unions, corporations, tax-exempt organizations, and parties to influence a Federal election;

A substantial reduction in the amount, from $1,000 to $500, that an out-of-State individual can contribute to a Senate candidate;

Provisions which were recommended by the Mitchell-Dole panel report to strengthen the role of political parties;

The elimination of Keating-style bundling and fundraising activities; and

More regulation over independent expenditures.

The second title of the bill is designed to increase competition in all Federal elections. In this title, the sponsors propose:

The creation of a seed money mechanism to help qualified House and Senate challengers obtain more party money at an early stage in the campaign;

A provision which prohibits an incumbent from supplementing official office expense accounts with campaign funds;

Special protections for individuals who are facing millionaire candidates;

A prohibition on using the congressional frank for mass mailings during an election year;

Limitations on gerrymandering activities; and

New provisions to combat election fraud at all levels of government.

The third and fourth title of this bill deal with campaign costs and FEC enforcement. The most important provision in this title provides a meaningful discount for television and radio advertising 45 days before a primary and 60 days before a general election. In my opinion, this is the most important provision in the bill because it deals directly with the reason that Senate campaigns are so expensive: the cost of television.

Let me conclude my remarks with several additional observations. First, this bill is the most comprehensive piece of legislation which has ever been offered to solve the problems in campaign finance. We have assembled ideas which have been offered by many Senators, House Members, the administration, campaign finance scholars, and the recent report by the Mitchell-Dole panel of experts.

Second, the provisions of this bill, taken together, demonstrate that Congress can legislate true reform in this area without the need for spending limits. It was not even necessary to adopt the concept of flexible spending limits recommended by the Mitchell-Dole panel. Instead, we decided to limit more directly the two less-favored sources of political money which would be capped by flexible spending limits: PAC's and out-of-State money. Rather than establish a large limit on how much of a candidate's money can be derived from these two sources, we have abolished one source completely—PAC's—and have reduced by one-half the contribution limit for out-of-State donations.

Finally, this bill is an attempt at a bicameral solution to the campaign finance issue. I think everyone recognizes that we should not have two separate campaign finance systems in the Congress. We have tried to address certain issues which are unique to the House in addition to proposing a comprehensive plan for our own institution. I will not say we have drafted perfect solutions to every problem, but this bill can serve as a useful starting point for what I hope will be meaningful bipartisan negotiations in both Houses of Congress. It is time we reform the campaign finance laws and I call on my colleagues in both bodies to stop playing partisan politics with this issue and get on with enacting sensible reforms to our campaign finance laws.

I ask unanimous consent that a copy of this bill and a section-by-section summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF FECA; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Campaign Finance Reform Act of 1990".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of FECA; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Elimination of Political Action Committees From Federal Election Activities

Sec. 101. Ban on activities of political action committees in Federal elections.

Subtitle B—Ban on Soft Money in Federal Elections

Sec. 111. Ban on soft money.
Sec. 112. Restrictions on party committees.
Sec. 113. Protections for employees.
Sec. 114. Restrictions on soft money activities of tax-exempt organizations.
Sec. 115. Denial of tax-exempt status for certain politically active organizations.
Sec. 116. Contributions to certain political organizations maintained by a candidate.

Subtitle C—Other Activities

Sec. 121. Modifications of contribution limits on individuals.
Sec. 122. Political parties.
Sec. 123. Contributions through intermediaries and conduits.
Sec. 124. Independent expenditures.

TITLE II—INCREASE OF COMPETITION IN POLITICS

Sec. 201. Seed money for challengers.
Sec. 202. Use of campaign funds.
Sec. 203. Candidate expenditures from personal funds.
Sec. 204. Franked communications.
Sec. 205. Limitations on gerrymandering.
Sec. 206. Election fraud, other public corruption, and fraud in interstate commerce.

TITLE III—REDUCTION OF CAMPAIGN COSTS
Sec. 301. Broadcast discount.
TITLE IV—MISCELLANEOUS PROVISIONS
Subtitle A—Federal Election Commission Enforcement Authority
Sec. 401. Elimination of reason to believe standard.
Sec. 402. Injunctive authority.
Sec. 403. Time periods.
Sec. 404. Knowing violation penalties.
Sec. 405. Court resolved violations and penalties.
Sec. 406. Private civil actions.
Sec. 407. Knowing violations resolved in court.
Sec. 408. Action on complaint by Commission.
Sec. 409. Violation of confidentiality requirement.
Sec. 410. Penalty in Attorney General actions.
Sec. 411. Amendments relating to enforcement and judicial review.
Sec. 412. Tightening enforcement.
Subtitle B—Other Provisions
Sec. 421. Disclosure of debt settlement and loan security agreements.
Sec. 422. Contributions for draft and encouragement purposes with respect to elections for Federal office.
Sec. 423. Severability.
Sec. 424. Effective date.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Elimination of Political Action Committees From Federal Election Activities

SEC. 101. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office."

"(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof;

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year; and

"(D) any committee jointly established by a principal campaign committee and any committee described in subparagraph (B) or (C) for the purpose of conducting joint fundraising activities."

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraphs (B) and (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder."

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period in which the limitation under section 324 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a) and (b) shall not be in effect; and

(2) it shall be unlawful for any person that—

(A) is treated as a political committee by reason of paragraph (1); and

(B) is not directly or indirectly established, administered, or supported by a connected organization which is a corporation, labor organization, or trade association,

to make contributions to any candidate or the candidate's authorized committee for any election aggregating in excess of $1,000.

Subtitle B—Ban on Soft Money in Federal Elections

SEC. 111. BAN ON SOFT MONEY.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end thereof the following new subsection:

"(i) BAN ON SOFT MONEY.—(1) It shall be unlawful for the purpose of influencing any election to Federal office—

"(A) to solicit or receive any soft money; or

"(B) to make any payments from soft money.

"(2) For purposes of paragraph (1), the term 'soft money' means any amount—

"(A) solicited or received from a source which is prohibited under section 316(a);

"(B) contributed, solicited, or received in excess of the contribution limits under section 315; or

"(C) not subject to the recordkeeping, reporting, or disclosure requirements under section 304 or any other provision of this Act."

SEC. 112. RESTRICTIONS ON PARTY COMMITTEES.

(a) DISCLOSURE OF INFORMATION BY POLITICAL COMMITTEE.—(1) Subsection (c) of section 302 of FECA (2 U.S.C. 432(c)) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting "; and", and by adding at the end thereof the following new paragraph:

"(6) each account maintained by a political committee of a political party (including Federal and non-Federal accounts), and deposits into, and disbursements from, each such account."

(2) Subsection (b) of section 304 of FECA (2 U.S.C. 434(b)) is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting "; and", and by adding at the end thereof the following new paragraph:

"(9) each account maintained by a political committee of a political party (including Federal and non-Federal accounts), and deposits into, and disbursements from, each such account."

(b) ALLOCATION OF EXPENDITURES FOR MIXED ACTIVITIES.—Title III of FECA, as amended by section 101(a), is amended by adding at the end thereof the following new section:

"REQUIRED ALLOCATION OF CONTRIBUTIONS AND EXPENDITURES FOR MIXED ACTIVITIES BY POLITICAL PARTY COMMITTEES

"SEC. 325. (a) REGULATIONS REQUIRING ALLOCATION FOR MIXED ACTIVITIES.—Not later than 180 days after the date of the enactment of this section, the Commission shall issue regulations providing for a method for allocating the contributions and expenditures for any mixed activity between Federal and non-Federal accounts.

"(b) GUIDELINES FOR ALLOCATION.—(1) The regulations issued under subsection (a) shall—

"(A) provide for the allocation of contributions and expenditures in accordance with this subsection; and

"(B) require reporting under this Act of expenditures in connection with a mixed activity to disclose—

"(i) the method and rationale used in allocating the cost of the mixed activity to Federal and non-Federal accounts; and

"(ii) the amount and percentage of the cost of the mixed activity allocated to such accounts.

"(2) In the case of a mixed activity that consists of a voter registration drive, get-out-the-vote drive, or other activity designed to contact voters (other than an activity to which paragraph (3) or (4) applies), amounts shall be allocated on the basis of the composition of the ballot for the political jurisdiction in which the activity occurs, except that in no event shall the amounts allocated to the Federal account be less than—

"(A) 33⅓ percent of the total amount in the case of the national committee of a political party; or

"(B) 25 percent of the total amount in the case of a State or local committee of a political party or any subordinate committee thereof.

"(3) In the case of a mixed activity that consists of preparing and distributing brochures, handbills, slate cards, or other printed materials identifying or seeking support of (or opposition to) candidates for both Federal offices and non-Federal offices, amounts shall be allocated on the basis of total space devoted to such candidates, except that in no event shall the amounts allocated to the Federal account be less than the percentages under subparagraph (A) or (B) of paragraph (2).

"(4)(A) In the case of a mixed activity by a national committee of a political party that consists of broadcast media advertising (or any portion thereof) that promotes (or is in opposition to) a political party without mentioning the name of any individual candi-

date for Federal office or non-Federal office, amounts allocated to the Federal account shall not be less than—

"(i) 50 percent of the total amount in the case of advertising in the national media market; and

"(ii) 40 percent in the case of advertising in other than the national media market.

"(B) In the case of a mixed activity by a State or local committee of a political party or any subordinate committee thereof that consists of broadcast media advertising (or any portion thereof) described in subparagraph (A), costs shall be allocated on the basis of the composition of the ballot for the political jurisdiction in which the activity occurs, except that in no event shall the amounts allocated to the Federal account be less than 33⅓ percent of the total amount.

"(5) Overhead and fundraising costs of a political committee of a political party for each 2-calendar year period ending with the calendar year in which a regularly scheduled election for Federal office occurs shall be allocated to the Federal account on the basis of the same ratio which—

"(A) the aggregate amount of receipts and disbursements of such political committee during such period in connection with elections for Federal office, bears to

"(B) the aggregate amount of receipts and disbursements of such political committee during such period.

"(c) MIXED ACTIVITY.—(1) For purposes of this section, the term 'mixed activity' means an activity the expenditures in connection with which are required under this Act to be allocated between Federal and non-Federal accounts because such activity affects 1 or more elections for Federal office and 1 or more non-Federal elections.

"(2) Activities under paragraph (1) include—

"(A) voter registration drives, get-out-the-vote drives, telephone banks, and membership communications in connection with elections for Federal offices and elections for non-Federal offices;

"(B) general political advertising, brochures, or other materials that include any reference (however incidental) to both a candidate for Federal office and a candidate for non-Federal office, or that urge support for or opposition to a political party or to all the candidates of a political party;

"(C) overhead expenses; and

"(D) activities described in clauses (v), (x), and (xii) of section 301(8)(B).

"(d) ACCOUNTS.—For purposes of this section—

"(1) the term 'Federal account' means an account to which receipts and disbursements are allocated to elections for Federal offices; and

"(2) the term 'non-Federal account' means an account to which receipts and disbursements are allocated to elections other than non-Federal offices."

SEC. 113. PROTECTION FOR EMPLOYEES.

(a) CONTRIBUTIONS TO ALL POLITICAL COMMITTEES INCLUDED.—Paragraph (2) of section 316(b) of FECA (2 U.S.C. 441b(b)(2)) is amended by inserting "political committee," after "campaign committee,".

(b) APPLICABILITY OF REQUIREMENTS TO LABOR ORGANIZATIONS.—Section 316(b) of FECA (2 U.S.C. 441b(b)) is amended by adding at the end thereof the following new paragraph:

"(8)(A) Subparagraphs (A), (B), and (C) of paragraph (2) shall not apply to a labor organization unless the organization meets the requirements of subparagraphs (B), (C), and (D).

"(B) The requirements of this subparagraph are met only if the labor organization provides, at least once annually, to all employees within the labor organization's bargaining unit or units (and to new employees within 30 days after commencement of their employment) written notification presented in a manner to inform any such employee—

"(i) that an employee cannot be obligated to pay, through union dues or any other mandatory payment to a labor organization, for the political activities of the labor organization, including, but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns;

"(ii) that no employee may be required actually to join any labor organization, but if a collective bargaining agreement covering an employee purports to require membership or payment of dues or other fees to a labor organization as a condition of employment, the employee may elect instead to pay an agency fee to the labor organization;

"(iii) that the amount of the agency fee shall be limited to the employee's pro rata share of the cost of the labor organization's exclusive representation services to the employee's collective bargaining unit, including collective bargaining, contract administration, and grievance adjustment;

"(iv) that an employee who elects to be a full member of the labor organization and pay membership dues is entitled to a reduction of those dues by the employee's pro rata share of the total spending by the labor organization for political activities;

"(v) that the cost of the labor organization's exclusive representation services, and the amount of spending by such organization for political activities, shall be computed on the basis of such cost and spending for the immediately preceding fiscal year of such organization; and

"(vi) of the amount of the labor organization's full membership dues, initiation fees, and assessments for the current year; the amount of the reduced membership dues, subtracting the employee's pro rata share of the organization's spending for political activities, for the current year; and the amount of the agency fee for the current year.

"(C) The requirements of this subparagraph are met only if, for purposes of verifying the cost of such labor organization's exclusive representation services, the labor organization provides all represented employees an annual examination by an independent certified public accountant of financial statements supplied by such organization which verify the cost of such services; except that such examination shall, at a minimum, constitute a 'special report' as interpreted by the Association of Independent Certified Public Accountants.

"(D) The requirements of this subparagraph are met only if the labor organization—

"(i) maintains procedures to promptly determine the costs that may properly be charged to agency fee payors as costs of exclusive representation, and explains such procedures in the written notification required under subparagraph (B); and

"(ii) if any person challenges the costs which may be properly charged as costs of exclusive representation—

"(I) provides a mutually selected impartial decisionmaker to hear and decide such challenge pursuant to rules of discovery and evidence and subject to *de novo* review by the National Labor Relations Board or an applicable court; and

"(II) places in escrow amounts reasonably in dispute pending the outcome of the challenge.

"(E)(i) A labor organization that does not satisfy the requirements of subparagraphs (B), (C), and (D) shall finance any expenditures specified in subparagraphs (A), (B), or (C) of paragraph (2) only with funds legally collected under this Act for its separate segregated fund.

"(ii) For purposes of this paragraph, subparagraph (A) of paragraph (2) shall apply only with respect to communications expressly advocating the election or defeat of any clearly identified candidate for elective public office."

SEC. 114. RESTRICTIONS ON SOFT MONEY ACTIVITIES OF TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) DENIAL OF TAX-EXEMPT STATUS FOR ACTIVITIES TO INFLUENCE A FEDERAL ELECTION.—An organization shall not be treated as exempt from tax under subsection (a) if such organization participates or intervenes in any political campaign on behalf of or in opposition to any candidate for Federal office."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any participation or intervention by an organization on or after September 1, 1990.

SEC. 115. DENIAL OF TAX-EXEMPT STATUS FOR CERTAIN POLITICALLY ACTIVE ORGANIZATIONS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax), as amended by section 114, is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) DENIAL OF TAX-EXEMPT STATUS FOR CERTAIN POLITICALLY ACTIVE ORGANIZATIONS.—

"(1) IN GENERAL.—An organization shall not be treated as exempt from tax under subsection (a) if—

"(A) such organization devotes any of its operating budget to—

"(i) voter registration or get-out-the-vote campaigns; or

"(ii) participation or intervention in any political campaign on behalf of or in opposition to any candidate for public office; and

"(B) a candidate, or an authorized committee of a candidate, has—

"(i) solicited contributions to, or on behalf of, such organization; and

"(ii) the solicitation is made in cooperation, consultation, or concert with, or at the request or suggestion of, such organization.

"(2) CANDIDATE DEFINED.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'candidate' has the meaning given such term by paragraph (2) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(2)).

"(B) MEMBERS OF CONGRESS.—The term 'candidate' shall include any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress unless—

"(i) the date for filing for nomination, or election to, such office has passed and such individual has not so filed, and

"(ii) such individual is not otherwise a candidate described in subparagraph (A)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act, but only with respect to solicitations or suggestions by candidates made after the date of the enactment of this Act.

SEC. 116. CONTRIBUTIONS TO CERTAIN POLITICAL ORGANIZATIONS MAINTAINED BY A CANDIDATE.

(a) CONTRIBUTIONS BY PERSONS IN GENERAL AND BY MULTICANDIDATE POLITICAL COMMITTEES.—(1) Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking "candidate and his authorized political committees" and inserting "candidate, a candidate's authorized political committees, and any political organizations (other than authorized committees) maintained by a candidate,".

(2) Section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) is amended by striking "candidate and his authorized political committees" and inserting "candidate, a candidate's authorized political committees, and any political organizations (other than authorized committees) maintained by a candidate,".

(3) Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by section 101(c), is amended by inserting at the end thereof the following new paragraph:

"(10) For the purposes of paragraphs (1)(A) and (2)(A), the term 'political organization maintained by a candidate' means any non-Federal political action committee, non-Federal multicandidate political committee, or any other form of political organization regulated under State law which is not a political committee of a national, State, or local political party—

"(A) that is set up by or on behalf of a candidate and engages in political activity which directly influences Federal elections; and

"(B) for which that candidate has solicited a contribution."

(b) CONTRIBUTIONS BY NATIONAL BANKS, CORPORATIONS, AND LABOR ORGANIZATIONS.—(1) Section 316(b)(2) of the FECA (2 U.S.C. 441b(b)(2)) is amended by striking "candidate, campaign committee" and inserting "candidate, political organization (other than an authorized committee) maintained by a candidate, campaign committee,".

(2) Section 316(b) of FECA (2 U.S.C. 441b(b)), as amended by section 113(b), is amended by inserting at the end thereof the following new paragraph:

"(9) For the purposes of paragraph (2), the term 'political organization maintained by a candidate' means any non-Federal political action committee, non-Federal multicandidate political committee, or any other form of political organization regulated under State law which is not a political committee of a national, State, or local political party—

"(A) that is set up by or on behalf of a candidate and engages in political activity which directly influences Federal elections; and

"(B) for which that candidate has solicited a contribution."

(c) DATE OF APPLICATION.—The amendments made by subsections (a) and (b) shall apply to contributions described in sections 315 and 316 of FECA (2 U.S.C. 441a and 441b) made in response to solicitations made after January 24, 1990.

Subtitle C—Other Activities

SEC. 121. MODIFICATIONS OF CONTRIBUTION LIMITS ON INDIVIDUALS.

(a) INCREASE IN CANDIDATE LIMIT.—Subparagraph (A) of section 315(a)(1) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking "$1,000" and inserting "the applicable amount".

(b) APPLICABLE AMOUNT DEFINED.—Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by section 116(a)(3), is amended by adding at the end thereof the following new paragraph:

"(11) For purposes of subsection (a)(1)(A)—

"(A) The term 'applicable amount' means—

"(i) $1,000 in the case of contributions by a person to—

"(I) a candidate for the office of President or Vice President or such candidate's authorized committees; or

"(II) any other candidate or such candidate's authorized committees if, at the time such contributions are made, such person is a resident of the State with respect to which such candidate seeks Federal office; and

"(ii) $500 in the case of contributions by any other person to a candidate described in clause (i)(II) or such candidate's authorized committees.

"(B) At the beginning of 1991 and each odd-numbered calendar year thereafter, the Secretary of Labor shall certify in the same manner as under subsection (c)(1) the percent difference between the price index for the preceding calendar year and the price index for calendar year 1989. Each of the dollar limits under subparagraph (A) shall be increased by such percent difference and rounded to the nearest $100. Each amount so increased shall be the amount in effect for the calendar year for which determined and the succeeding calendar year."

SEC. 122. POLITICAL PARTIES.

(a) ITEMS NOT TREATED AS CONTRIBUTIONS OR EXPENDITURES.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(A) in clauses (x) and (xii), by inserting "national," after "the payment by a"; and

(B) in clause (xii), by inserting "general research activities," after "the costs of".

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended—

(A) in clauses (viii) and (ix), by inserting "national," after "the payment by a"; and

(B) in clause (ix), by inserting "general research activities," after "the costs of".

(b) AGGREGATE LIMITS NOT TO APPLY TO PARTY COMMITTEES.—Section 315(a)(3) of FECA (2 U.S.C. 441a(a)(3)) is amended by inserting "to political committees which are not established and maintained by a national, State, or local political party" after "$25,000 in any calendar year".

SEC. 123. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.

Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate.

"(B) If a contribution is made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

"(C) No conduit or intermediary shall deliver or arrange to have delivered contributions from more than 2 persons who are employees of the same employer or who are members of the same trade association, membership organization, or labor organization.

"(D) No person required to register with the Clerk of the House of Representatives or the Secretary of the Senate under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), or an officer, employee or agent of such a person, may act as an intermediary or conduit with respect to a contribution to a candidate for Federal office."

SEC. 124. INDEPENDENT EXPENDITURES.

(a) ATTRIBUTION OF COMMUNICATIONS; REPORTS.—(1) Section 318 of FECA (2 U.S.C. 441d) is amended by adding at the end thereof the following new subsection:

"(c)(1) If any person makes an independent expenditure through a broadcast communication on any television or radio station, the broadcast communication shall include a statement—

"(A) in such television broadcast, that is clearly readable to the viewer and appears continuously during the entire length of such communication; or

"(B) in such radio broadcast, that is clearly audible to the viewer and is aired at the beginning and ending of such broadcast,

setting forth the name of such person and, in the case of a political committee, the name of any connected or affiliated organization.

"(2) If any person makes an independent expenditure through a newspaper, magazine, outdoor advertising facility, direct mailing, or other type of general public political advertising, the communication shall include, in addition to the other information required by this section—

"(A) the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.'; and

"(B) a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization, and the name of the president or treasurer of such organization.

"(3) Any person making an independent expenditure described in paragraph (1) or (2) shall furnish, by certified mail, return receipt requested, the following information, to each candidate and to the Commission, not later than the date and time of the first public transmission of the communication:

"(A) Effective notice that the person plans to make an independent expenditure for the purpose of financing a communication which expressly advocates the election or defeat of a clearly identified candidate.

"(B) An exact copy of the intended communication, or a complete description of the contents of the intended communication, including the entirety of any texts to be used in conjunction with such communication, and a complete description of any photographs, films, or any other visual devices to be used in conjunction with such communication.

"(C) All dates and times when such communication will be publicly transmitted."

(2) Section 318(a) of FECA (2 U.S.C. 441d(a)) is amended by striking "Whenever" and inserting "Except as provided in subsection (c), whenever".

(b) DEFINITION OF INDEPENDENT EXPENDITURE.—Paragraph (17) of section 301 of FECA (2 U.S.C. 431(17)) is amended—

(1) by striking "(17) The term" and inserting "(17)(A) The term"; and

(2) by adding at the end thereof the following new subparagraph:

"(B) For the purpose of subparagraph (A), an expenditure shall be considered to be made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, authorized committee, or agent, if there is any arrangement, coordination, or direction by the candidate or the candidate's agent prior to the publication, distribution, display, or broadcast of a communication, and it shall be presumed to be so made when it is—

"(i) based on information about the candidate's plans, projects, or needs provided to the person making the expenditure by the candidate, or by the candidate's agents, with a view toward having an expenditure made; or

"(ii) made by or through any person who is, or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees;

"(II) serving as an officer of the candidate's authorized committees; or

"(III) providing professional services to, or receiving any form of compensation or reimbursement from, the candidate, the candidate's committee, or agent."

(c) HEARINGS ON COMPLAINTS.—Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end thereof the following new paragraph:

"(13) Within 3 days after the Commission receives a complaint filed pursuant to this section which alleges that an independent expenditure was made with the cooperation or consultation of a candidate, or an authorized committee or agent of such candidate, or was made in concert with or at the request or suggestion of an authorized committee or agent of such candidate, the Commission shall provide for a hearing to determine such matter."

(d) EXPEDITED JUDICIAL REVIEW.—Section 310 of the FECA (2 U.S.C. 437h) is amended by adding at the end thereof the following new sentence: "It shall be the duty of the courts to advance on the docket and to expedite to the greatest possible extent the disposition of any matter relating to the making or alleged making of an independent expenditure."

TITLE II—INCREASE OF COMPETITION IN POLITICS

SEC. 201. SEED MONEY FOR CHALLENGERS.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 111, is amended by adding at the end thereof the following new subsection:

"(j)(1) Notwithstanding subsection (a)(2), the congressional campaign committee or the senatorial campaign committee of a national political party, whichever is applicable, may make contributions to an eligible candidate (and the candidate's authorized committees) which in the aggregate do not exceed the lesser of—

"(A) $100,000; or

"(B) the aggregate qualified matching contributions received by such candidate and the candidate's authorized committees.

"(2) Any contribution under paragraph (1) shall not be treated as an expenditure for purposes of subsection (d)(3).

"(3) For purposes of this subsection, the term 'qualified matching contributions' means contributions made during the period of the election cycle preceding the primary election by an individual who, at the time such contributions are made, is a resident of the State in which the election with respect to which such contributions are made is to be held.

"(4) For purposes of this subsection, the term 'eligible candidate' means a candidate for Federal office (other than President or Vice President) who does not hold Federal office."

SEC. 202. USE OF CAMPAIGN FUNDS.

Section 313 of FECA (2 U.S.C. 439a) is amended by inserting "(a)" before "Amounts" and inserting at the end thereof the following new subsection:

"(b) Notwithstanding subsection (a), a holder of Federal office may not transfer any amounts received as contributions or other campaign funds to any account maintained for purposes of defraying ordinary and necessary expenses in connection with the duties of such Federal office."

SEC. 203. CANDIDATE EXPENDITURES FROM PERSONAL FUNDS.

(a) Section 315 of FECA (2 U.S.C. 441a), as amended by section 201, is amended by adding at the end thereof the following new subsection:

"(k)(1)(A) Not less than 15 days after a candidate qualifies for a primary election ballot under State law, the candidate shall file with the Commission, and each other candidate who has qualified for that ballot, a declaration stating whether the candidate intends to expend for the primary and general election an amount exceeding $250,000 from—

"(i) the candidate's personal funds;

"(ii) the funds of the candidate's immediate family; and

"(iii) personal loans incurred by the candidate and the candidate's immediate family in connection with the candidate's election campaign.

"(B) The declaration required by subparagraph (A) shall be in such form and contain such information as the Commission may require by regulation.

"(2) Notwithstanding subsection (a), if a candidate—

"(A) declares under paragraph (1) that the candidate intends to expend for the primary and general election funds described in such paragraph an amount exceeding $250,000;

"(B) expends such funds in the primary and general election an amount exceeding $250,000; or

"(C) fails to file the declaration required by paragraph (1),

the limitations on contributions under subsection (a), and the limitations on expenditures under subsection (d), shall be modified as provided under paragraph (3) with respect to other candidates for the same office who are not described in subparagraph (A), (B), or (C).

"(3) For purposes of paragraph (2)—

"(A) the limitation under subsection (a)(1)(A) shall be increased to $5,000; and

"(B) if a candidate described in paragraph (2)(B) expends more than $1,000,000 of funds described in paragraph (1) in the primary and general election—

"(i) the limitation under subsection (a)(1)(A) shall not apply;

"(ii) the limitation under subsection (a)(2) shall not apply to any political committee of a political party; and

"(iii) the limitation under subsection (d)(3) shall not apply.

The $5,000 amount under subparagraph (A) shall be adjusted each calendar year in the same manner as amounts are adjusted under subsection (a)(11)(B).

"(4) If—

"(A) the modifications under paragraph (3) apply for a convention or a primary election by reason of 1 or more candidates taking (or failing to take) any action described in subparagraph (A), (B), or (C) of paragraph (2); and

"(B) such candidates are not candidates in any subsequent election in the same election campaign, including the general election,

paragraph (3) shall cease to apply to the other candidates in such campaign.

"(5) A candidate who—

"(A) declares, pursuant to paragraph (1), that the candidate does not intend to expend funds described in paragraph (1) in excess of $250,000; and

"(B) subsequently changes such declaration or expends such funds in excess of that amount,

shall file an amended declaration with the Commission and notify all other candidates for the same office within 24 hours after changing such declaration or exceeding such limits, whichever first occurs, by sending a notice by certified mail, return receipt requested.

"(6) Contributions to a candidate or a candidate's authorized committees may be used to repay any expenditure or personal loan incurred in connection with the candidate's election to Federal office by a candidate or a member of the candidate's immediate family only to the extent that such repayment—

"(A) is limited to the amount of such expenditure or the principal amount of such loan (and no interest is paid); and

"(B) is not made from any such contributions received after the date of the general election to which such expenditure or loan relates.

"(7) For purposes of this subsection, the term 'immediate family' means—

"(A) a candidate's spouse;

"(B) any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of a person described in subparagraph (B).

"(8) The Commission shall take such action as it deems necessary under the enforcement provisions of this Act to ensure compliance with this subsection."

SEC. 204. FRANKED COMMUNICATIONS.

(a) AMENDMENT OF TITLE 39, UNITED STATES CODE.—(1) Section 3210(a)(6)(A) of title 39, United States Code is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) if the mass mailing is mailed during the calendar year of any primary or general election (whether regular or runoff) in which the Member is a candidate for reelection; or"; and

(B) in clause (ii)(II), by striking "fewer than 60 days immediately before the date" and inserting "during the year".

(2) Section 3210(a)(6)(C) of title 39, United States Code, is amended by striking "fewer than 60 days immediately before the date" and inserting "during the year".

(3) Section 3210(a)(6) of title 39, United States Code, is amended—

(A) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (G), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph:

"(D)(i)(I) When a Member of the Senate disseminates information under the frank by a mass mailing, the Member shall regis-

ter annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary of the Senate a copy of the matter mailed and providing, on a form supplied by the Secretary of the Senate, a description of the group or groups of persons to whom the mass mailing was mailed.

"(II) The Secretary of the Senate shall promptly make available for public inspection and copying a copy of the mail matter registered and a description of the group or groups of persons to whom the mass mailing was mailed."

"(ii)(I) When a Member of the House of Representatives disseminates information under the frank by a mass mailing, the Member shall register annually with the Clerk of the House of Representatives such mass mailings. Such registration shall be made by filing with the Clerk of the House of Representatives a copy of the matter mailed and providing, on a form supplied by the Clerk of the House of Representatives, a description of the group or groups of persons to whom the mass mailing was mailed.

"(II) The Clerk of the House of Representatives shall promptly make available for public inspection and copying a copy of the mail matter registered and a description of the group or groups of persons to whom the mass mailing was mailed.

(b) AMENDMENT OF STANDING RULES OF THE SENATE.—(1) Paragraph 1 of Rule XL of the Standing Rules of the Senate is amended by striking "less than sixty days immediately before the date" and inserting "during the year."

(2) This subsection is enacted—

(A) as an exercise of the rulemaking power of the Senate; and

(B) with full recognition of the constitutional right of the Senate to change the rules at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

SEC. 205. LIMITATIONS ON GERRYMANDERING.

(a) REAPPORTIONMENT OF REPRESENTATIVES.—Section 22 of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress," approved June 18, 1929 (2 U.S.C. 2a), is amended—

(1) by striking subsection (c); and

(2) by adding at the end thereof the following new subsections:

"(c)(1) In each State entitled in the One Hundred Third Congress or in any subsequent Congress to more than one Representative under an apportionment made pursuant to the second paragraph of the Act entitled "An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting", approved December 14, 1967 (2 U.S.C. 2c), as in effect prior to the date of enactment of this subsection, there shall be established in the manner provided by the law of the State a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only by eligible voters from districts so established, no district to elect more than 1 Representative.

"(2) Such districts shall be established in accordance with the provisions of this Act as soon as practicable after the decennial census date established in section 141(a) of title 13, United States Code, but in no case later than such time as is reasonably sufficient for their use in the elections for the One Hundred Third Congress and in each fifth Congress thereafter.

"(d)(1) The number of persons in congressional districts within each State shall be as nearly equal as is practicable, as determined under the then most recent decennial census.

"(2) The enumeration established according to the Federal decennial census pursuant to article I, section II, United States Constitution, shall be the sole basis of population for the establishment of congressional districts.

"(e) Congressional districts shall be comprised of contiguous territory, including adjoining insular territory.

"(f) Congressional districts shall not be established with the intent or effect of diluting the voting strength of any person, group of persons, or members of any political party.

"(g) Congressional districts shall be compact in form. In establishing such districts, nearby population shall not be bypassed in favor of more distant population.

"(h) Congressional districts boundaries shall avoid the unnecessary division of counties or their equivalent in any State.

"(i) Congressional district boundaries shall be established in such a manner so as to minimize the division of cities, towns, villages, and other political subdivisions.

"(j)(1) It is the intent of the Congress that congressional districts established pursuant to this section be subject to reasonable public scrutiny and comment prior to their establishment.

"(2) At the same time that Federal decennial census tabulations data, reports, maps, or other material or information produced or obtained using Federal funds and associated with the congressional reapportionment and redistricting process are made available to any officer or public body in any State, those materials shall be made available by the State at the cost of duplication to any person from that State meeting the qualifications for voting in an election of a Member of the House of Representatives.

"(k) Nothing in this section shall be construed to supersede any provision of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

"(l)(1) A State may establish by law criteria for implementing the standards set forth in this section.

"(2) Nothing in this section shall be construed as limiting the power of a State to strengthen or add to the standards set forth in this section, or to interpret those standards in a manner consistent with the law of the State, to the extent that any additional criteria or interpretations are not in conflict with this section."

"(m)(1) The district courts of the United States shall have exclusive jurisdiction to hear and determine any action to enforce subsections (c) through (l).

"(2) A person who meets a State's qualifications for voting in an election of a Member of the House of Representatives from the State may bring an action in the district court for the district in which the person resides to enforce subsections (c) through (l) with regard to the State in which the person resides.

"(3) Notwithstanding any other provision of this section, the district courts of the United States shall have authority to issue all judgments, orders, and decrees necessary to ensure that any criteria established by State law pursuant to this section are not in conflict with this section.

"(4) With the exception of actions brought for the relief described in paragraph (3), the district court for the purposes of this section shall be a three-judge district court pursuant to section 2284 of title 28, United States Code.

"(5) On motion of any party in accordance with section 1657 of title 28, United States Code, it shall be the duty of the district court to assign the case for briefing and hearing at the earliest practicable date, and to cause the case to be in every way expedited. The district court shall have authority to enter all judgments, orders and decrees necessary to bring a State into compliance with this Act.

"(6) An action to challenge the establishment of a congressional district in a State after a Federal decennial census may not be brought after the end of the 9-month period beginning on the date on which the last such district is so established.

"(7) For the purposes of this section, an order dismissing a complaint for failure to state a cause of action shall be appealable in accordance with section 1253 of title 28, United States Code.

"(8) If a district court fails to establish a briefing and hearing schedule that will permit resolution of the case prior to the next general election, any party may seek a writ of mandamus from the United States Court of Appeals for the circuit in which the district court sits. The court of appeals shall have jurisdiction over the motion for a writ of mandamus and shall establish an expedited briefing and hearing schedule for resolution of the motion. Such a motion shall not stay proceedings in the district court.

"(9) If a district court determines that the congressional districts established by a State's redistricting authority pursuant to this Act are not in compliance with this Act, the court shall remand the plan to the State's redistricting authority to establish new districts consistent with subsections (c) through (l). The district court shall retain jurisdiction over the case after remand.

"(10) If, after a remand under paragraph (9), the district court determines that the congressional districts established by a State's redistricting authority under the remand order are not consistent with subsections (c) through (l), the district court shall enter an order establishing districts that are consistent with subsections (c) through (l) for the next general congressional election.

"(11) If any question of State law arises in a case under this section that would require abstention, the district court shall not abstain. However, in any State permitting certification of such questions, the district court shall certify the question to the highest court of the State whose law is in question. Such certification shall not stay the proceedings in the district court or delay the court's determination of the question of State law.

"(12) With the exception of actions brought for the relief described in paragraph (3), an appeal from a decision of the district court under this section shall be taken in accordance with section 1253 of title 28, United States Code. An appeal under this paragraph shall be noticed in the district court and perfected by docketing in the Supreme Court within thirty days of the entry of judgment below. Appeals brought to the Supreme Court under this paragraph shall be heard as soon as practicable.

"(13) For purposes of this section, the term "redistricting authority" means the officer or public body having initial responsi-

bility for the congressional redistricting of a State."

(b) CONFORMING AMENDMENTS AND REPEALER.—(1) The first sentence of section 1657 of title 28, United States Code, is amended by striking "chapter 153 or" and inserting "chapter 153, any action under subsection (m) through (l) of section 22 of the Act entitled 'An Act to provide for the fifteenth and subsequent censuses and to provide for apportionment of Representatives in Congress,' approved June 18, 1929 (2 U.S.C. 2a), or".

(2) Section 141(c) of title 13, United States Code, is amended by adding at the end thereof the following: "In circumstances in which this subsection requires that the Secretary provide criteria to, consult with, or report tabulations of population to (or if the Secretary for any reason provides material or information to) the public bodies having responsibility for the legislative apportionment or districting of a State, the Secretary shall provide, without cost, such criteria, consultations, tabulations, or other material or information simultaneously to the leadership of each political party represented on such public bodies. For purposes of this subsection, the term 'political party' means any political party whose candidates for Representatives to Congress received, as the candidates of such party, 5 percent or more of the total number of votes received statewide by all candidates for such office in any of the 5 most recent general congressional elections. Such materials may include those developed by the Census Bureau for redistricting purposes for the 1990 Census."

(3) The second paragraph of the Act entitled "An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting", approved December 14, 1967 (2 U.S.C. 2c), is repealed.

SEC. 206. ELECTION FRAUD, OTHER PUBLIC CORRUPTION, AND FRAUD IN INTERSTATE COMMERCE.

(a) ELECTION FRAUD AND OTHER PUBLIC CORRUPTION.—(1) Chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 225. Public corruption

"(a) Whoever, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of such State, political subdivision, or Indian tribal government shall be fined under this title, or imprisoned for not more than 10 years, or both.

"(b) Whoever, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, runoff, special, or general election—

"(1) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(2) through paying or offering to pay any person for voting;

"(3) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(4) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title or imprisoned for not more than 10 years, or both.

"(c) Whoever, being a public official or an official or employee of a State, political subdivision of a State, or Indian tribal government, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the right to have the affairs of the State, political subdivision, or Indian tribal government conducted on the basis of complete, true, and accurate material information, shall be fined under this title or imprisoned for not more than 10 years, or both.

"(d) The circumstances referred to in subsections (a), (b), and (c) are that—

"(1) for the purpose of executing or concealing such scheme or artifice or attempting to do so, the person so doing—

"(A) places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(B) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(C) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(D) uses or causes to use of any facility of interstate or foreign commerce;

"(2) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed so affect, interstate or foreign commerce; or

"(3) as applied to an offense under subsection (b), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have some authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the twelve-month period immediately preceding or following the election or date of the offense.

"(e) Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or person who has been selected to be a public official shall be fined under this title or imprisoned for not more than 10 years, or both.

"(f) Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or any State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal any scheme or artifice described in this section, shall be fined under this title or subject to imprisonment of up to 5 years or both.

"(g)(1) An employee or official of the United States or any State or political subdivision of such State who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against because of lawful acts done by the employee as a result of a violation of subsection (e) or because of actions by the employee or official on behalf of himself or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and shall be entitled to all relief necessary to make such employee or official whole. Such relief shall include reinstatement with the same seniority status that the employee or official would have had but for the discrimination, 3 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including reasonable litigation costs and reasonable attorney's fees.

"(2) An individual shall not be entitled to relief under paragraph (1) if the individual participated in the violation of this section with respect to which relief is sought.

"(3) A civil action brought under paragraph (1) shall be stayed by a court upon the certification of an attorney for the Government, stating that the action may adversely affect the interests of the Government in a current criminal investigation or proceeding. The attorney for the Government shall promptly notify the court when the stay may be lifted without such adverse effects.

"(h) For purposes of this section—

"(1) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States;

"(2) the terms 'public official' and 'person who has been selected to be a public official' have the meaning set forth in section 201 and shall also include any person acting or pretending to act under color of official authority;

"(3) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in an Indian tribal government or the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) includes any person who has been nominated, appointed or selected to be an official or who has been officially informed that he or she will be so nominated, appointed or selected;

"(4) the term 'under color of official authority' includes any person who represents that the person controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official; and

"(5) the term 'uses any facility of interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce."

(2)(A) The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following item:

"225. Public Corruption.".

(B) Section 1961(1) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(C) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

(b) FRAUD IN INTERSTATE COMMERCE.—(1) Section 1343 of title 18, United States Code, is amended—

(A) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility of interstate or foreign commerce"; and

(B) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(2)(A) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(B) The chapter analysis for chapter 63 of title 18, United States Code, is amended by striking the analysis for section 1343 and inserting the following:

"1343. Fraud by use of facility of interstate commerce.".

TITLE III—REDUCTION OF CAMPAIGN COSTS

SEC. 301. BROADCAST DISCOUNT.

(a) FINDINGS.—The Congress finds that—

(1) in the 45 days preceding a primary election, and in the 60 days preceding a general election, candidates for political office need to be able to buy, at the lowest unit charge, nonpreemptible advertising spots from broadcast stations and cable television stations to ensure that their messages reach the intended audience and that the voting public has an opportunity to make informed decisions;

(2) since the Communications Act of 1934 was amended in 1972 to guarantee the lowest unit charge for candidates during these important preelection periods, the method by which advertising spots are sold in the broadcast and cable industries has changed significantly;

(3) changes in the method for selling advertising spots have made the interpretation and enforcement of the lowest unit charge provision difficult and complex;

(4) clarification and simplification of the lowest unit charge provision in the Communications Act of 1934 is necessary to ensure compliance with the original intent of the provision; and

(5) in granting discounts and setting charges for advertising time, broadcasters and cable operators should treat candidates for political office at least as well as the most favored commercial advertisers.

(b) AMENDMENT OF COMMUNICATIONS ACT.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in subsection (b)(1), by striking "class and";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting immediately after subsection (b) the following new subsection:

"(c) A licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased such use pursuant to subsection (b)(1)."

TITLE IV—MISCELLANEOUS PROVISIONS

Subtitle A—Federal Election Commission Enforcement Authority

SEC. 401. ELIMINATION OF REASON TO BELIEVE STANDARD.

Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by striking the first sentence and inserting the following: "Except as otherwise provided in subparagraph (B), if the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities determines, by an affirmative vote of 4 of its members, that an allegation of a violation or from pending violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986 states a claim of violation that would be sufficient under the standard applicable to a motion under rule 12(b)(6) of the Federal Rules of Civil Procedure, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such vote shall occur within 90 days after receipt of such complaint."

SEC. 402. INJUNCTIVE AUTHORITY.

Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)), as amended by section 401, is amended by adding at the end thereof the following new subparagraph:

"(B) The Commission may petition the appropriate court for an injunction if—

"(i) the Commission believes that there is a substantial likelihood that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) such expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction."

SEC. 403. TIME PERIODS.

Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended—

(1) in clause (i) by—

(A) striking ", for a period of at least 30 days,"; and

(B) striking "90 days" and inserting "60 days"; and

(2) in clause (ii) by striking "at least" and inserting "no more than".

SEC. 404. KNOWING VIOLATION PENALTIES.

Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "may require that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "shall require that the person involved in such conciliation agreement shall pay a civil penalty which is not less than the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation, except that if the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 has been committed during the 15-day period immediately preceding any election, a conciliation agreement entered into by the Commission under paragraph (4)(A) shall require that the person involved in such conciliation agreement shall pay a civil penalty which is not less than the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation."

SEC. 405. COURT RESOLVED VIOLATIONS AND PENALTIES.

Section 309(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(6)) is amended—

(1) in subparagraph (A) by—

(A) striking "Commission may" and inserting "Commission shall";

(B) striking "including" and inserting "which shall include"; and

(C) striking "which does not exceed the greater of $5,000 or an amount equal to any" and inserting "which equals the greater of $10,000 or an amount equal to 200 percent of any"; and

(2) in subparagraph (B) by—

(A) striking "court may" and inserting "court shall"; and

(B) striking ", including" and inserting "which shall include"; and

(C) striking "which does not exceed the greater of $5,000 or an amount equal to any" and inserting "which equals the greater of $10,000 or an amount equal to 200 percent of any".

SEC. 406. PRIVATE CIVIL ACTIONS.

Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)), as amended by section 405, is amended—

(1) by inserting "(i)" after "(6)(A)"; and

(2) by adding at the end thereof the following new clause:

"(ii) If, by a tie vote, the Commission does not vote to institute a civil action pursuant to clause (i), the candidate involved in such election, or an individual authorized to act on behalf of such candidate, may file an action for appropriate relief in the district court for the district in which the respondent is found, resides, or transacts business. If the court determines that a violation has occurred, the court shall impose the appropriate civil penalty. Any such award of a civil penalty made under this paragraph shall be made in favor of the United States. In addition to any such civil penalty, the court shall award to the prevailing party in any action under this paragraph, all attorneys' fees and actual costs reasonably incurred in the investigation and pursuit of any such action, including those attorneys' fees and costs reasonably incurred in bringing or defending the proceeding before the Commission."

SEC. 407. KNOWING VIOLATIONS RESOLVED IN COURT.

Section 309(a)(6)(C) of FECA (2 U.S.C. 437g(a)(6)(C)) is amended by striking "may impose a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "shall impose a civil penalty which is not less than the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation, except that if such violation was committed during the 15-day period immediately preceding the election, the court shall impose a civil penalty which is not less than the greater of $15,000 or an amount equal to 300 percent of any contribution or expenditure involved in such violation".

SEC. 408. ACTION ON COMPLAINT BY COMMISSION.

Section 309(a)(8)(A) of FECA (2 U.S.C. 437g(a)(8)(A)) is amended—

(1) by striking "act on" and inserting "reasonably pursue";

(2) by striking "120-day" and inserting "60-day"; and

(3) by striking "United States District Court for the District of Columbia" and inserting "appropriate court".

SEC. 409. VIOLATION OF CONFIDENTIALITY REQUIREMENT.

Section 309(a)(12)(B) of FECA (2 U.S.C. 437g(a)(12)(A)) is amended—

(1) by striking "$2,000" and inserting "$5,000"; and

(2) by striking "$5,000" and inserting "$10,000".

SEC. 410. PENALTY IN ATTORNEY GENERAL ACTIONS.

Section 309(d)(1)(A) of FECA (2 U.S.C. 437g(d)(1)(A)) is amended by striking "exceed" and inserting "be less than".

SEC. 411. AMENDMENTS RELATING TO ENFORCEMENT AND JUDICIAL REVIEW.

(a) TIME LIMITATIONS FOR AND INDEX OF INVESTIGATIONS.—Section 309(a) of FECA (2 U.S.C. 437g(a)), as amended by section 124, is amended by adding at the end thereof the following new paragraphs:

"(14) The Commission shall establish time limitations for investigations under this subsection.

"(15) The Commission shall publish an index of all investigations under this section and shall update the index quarterly."

(b) PROCEDURE ON INITIAL DETERMINATION.—Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)), as amended by section 402, is amended by adding at the end thereof the following: "Before a vote based on information ascertained in the normal course of carrying out supervisory responsibilities, the person alleged to have committed the violation shall be notified of the allegation and shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person on the basis of the information. Prior to any determination, the Commission may request voluntary responses to questions from any person who may become the subject of an investigation. A determination under this paragraph shall be accompanied by a written statement of the reasons for the determination."

(c) PROCEDURE ON PROBABLE CAUSE DETERMINATION.—(1) Section 309(a)(3) of FECA (2 U.S.C. 437g(a)(3)) is amended by adding at the end thereof the following: "The Commission shall make available to a respondent any documentary or other evidence relied on by the general counsel in making a recommendation under this subsection. Any brief or report by the general counsel that replies to the respondent's brief shall be provided to the respondent."

(2) Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended by adding at the end thereof the following new clauses:

"(iii) A determination under clause (i) shall be made only after opportunity for a hearing upon request of the respondent and shall be accompanied by a statement of the reasons for the determination.

"(iv) The Commission shall not require that any conciliation agreement under this paragraph contain an admission by the respondent of a violation of this Act or any other law."

(d) ELIMINATION OF EN BANC HEARING REQUIREMENT.—Section 310 of FECA (2 U.S.C. 437h), as amended by section 124(d), is amended by striking ", which shall hear the matter sitting en banc".

SEC. 412. TIGHTENING ENFORCEMENT.

(a) REPEAL OF PERIOD OF LIMITATION.—Section 406 of FECA (2 U.S.C. 455) is repealed.

(b) SUPPLYING OF INFORMATION TO THE ATTORNEY GENERAL.—Section 309(a)(12) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(12)(A)) is amended by adding at the end thereof the following new subparagraph:

"(C) Nothing in this section shall be deemed to prohibit or prevent the Commission from making information contained in compliance files available to the Attorney General, at the Attorney General's request, in connection with an investigation or trial."

Subtitle B—Other Provisions

SEC. 421. DISCLOSURE OF DEBT SETTLEMENT AND LOAN SECURITY AGREEMENTS.

Section 304(b) of FECA (2 U.S.C. 434(b)), as amended by section 112, is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting a semicolon, and by adding at the end thereof the following new paragraphs:

"(10) for the reporting period, the terms of any settlement agreement entered into with respect to a loan or other debt, as evidenced by a copy of such agreement filed as part of the report; and

"(11) for the reporting period, the terms of any security or collateral agreement entered into with respect to a loan, as evidenced by a copy of such agreement filed as part of the report."

SEC. 422. CONTRIBUTIONS FOR DRAFT AND ENCOURAGEMENT PURPOSES WITH RESPECT TO ELECTIONS FOR FEDERAL OFFICE.

(a) DEFINITION.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended by striking "or" after the semicolon at the end of clause (i), by striking the period at the end of clause (ii) and inserting "; and", and by adding at the end thereof the following new clause:

"(iii) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of drafting a clearly identified individual as a candidate for Federal office or encouraging a clearly identified individual to become a candidate for Federal office."

(b) DRAFT AND ENCOURAGEMENT CONTRIBUTIONS TO BE TREATED AS CANDIDATE CONTRIBUTIONS.—Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by this Act, is amended by adding at the end thereof the following new paragraph:

"(12) For purposes of paragraph (1)(A) and paragraph (2)(A), any contribution described in section 301(8)(A)(iii) shall be treated, with respect to the individual involved, as a contribution to a candidate, whether or not the individual becomes a candidate."

SEC. 423. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision, and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 424. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on November 7, 1990 and shall apply to all contributions and expenditures made after that date.

THE COMPREHENSIVE CAMPAIGN FINANCE REFORM ACT OF 1990

By Mr. McConnell (for himself, Mr. Dole, Mr. Packwood, Mr. Bond, Mr. Boschwitz, Mr. Burns, Mr. Chafee, Mr. Coats, Mr. Cochran, Mr. Domenici, Mr. Garn, Mr. Gorton, Mr. Gramm, Mr. Grassley, Mr. Hatch, Mr. Hatfield, Mr. Heinz, Mr. Jeffords, Mrs. Kassebaum, Mr. Lott, Mr. Lugar, Mr. Mack, Mr. McCain, Mr. McClure, Mr. Murkowski, Mr. Nickles, Mr. Roth, Mr. Rudman, Mr. Simpson, Mr. Specter, Mr. Symms, Mr. Thurmond, Mr. Wallop, and Mr. Wilson)

SECTION-BY-SECTION SUMMARY

Section 1. *Short Title.*—This act may be cited as "The Comprehensive Campaign Finance Reform Act of 1990".

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

SUBTITLE A—ELIMINATION OF POLITICAL ACTION COMMITTEES FROM FEDERAL ELECTION ACTIVITIES

Section 101. *Ban on Activities of Political Action Committees in Federal Elections.*—This section eliminates all "special interest" political action committees (corporate, union, and trade association PACs). This section also bans all non-connected or ideological PACs and all "leadership" PACs. [Note: if a ban on non-connected PACs is determined to be unconstitutional by the Supreme Court, the legislation will subject non-connected PACs to a $1000 contribution limit.]

SUBTITLE B—BAN ON SOFT MONEY IN FEDERAL ELECTIONS

Section 111. *Ban on Soft Money.*—This section *bans* all "soft" money from being used to influcence a federal election. "Soft" money is the raising and spending of political money outside of the source restrictions, contribution limits, and disclosure requirements of the Federal Election Campaign Act and its regulations.

Section 112. *Restrictions on Party Committees.*—This section establishes new rules for political party committees to ensure that "soft" money is not used to influence federal elections, including:

(1) the requirement that national, state and local political parties establish a separate account for activities benefiting federal candidates and a separate account for activities benefiting state candidates;

(2) the requirement of full disclosure of *all* accounts by any political party committee that maintains a federal account; and

(3) the establishment of minimum percentages of federal funds which must be used for any party building program (*e.g.* voter registration, get-out-the-vote, absentee ballot, ballot security) which benefits both federal and state candidates.

Section 113. *Protections for Employees*—This section codifies the Supreme Court decision in *Beck* and provides certain rights for employees who are union members. [S. 1645 (McConnell); S. 1727 (Bush); House Republican Task Force]

Section 114. *Restrictions on Soft Money Activities of Tax-Exempt Organizations.*—This section prohibits tax-exempt, 501(c) organizations from engaging in any activity which attempts to influence a federal election on behalf of a specific candidate for public office. This section accomplishes this goal by extending to all 501(c) organizations the current prohibition on campaign activity which applies to 501(c)(3) charities. [Note: the effective date for this provision will be September 1, 1990.]

Section 115. *Denial of Tax-exempt Status for Certain Politically Active Organizations.*—This section restricts tax-exempt organizations from engaging in voter registration or GOTV activities (which are not candidate-specific) if a candidate or Member of Congress solicits money for the organization. [S. 2148 (McConnell)]

Section 116. *Contributions to Certain Political Organizations Maintained by a Candidate.*—This section restricts federal activities by state PACs created by Members of Congress [S. 2148 (McConnell)]

SUBTITLE C—OTHER ACTIVITIES

Section 121. *Modification of Contribution Limits on Individuals.*—This section reduces from $1000 to $500 the maximum allowable contribution by individuals residing outside of a candidate's state.

This section also indexes the individual contribution limit ($1000 per election for in-state contributions or $500 per election for out-of-state contributions) for Congressional candidates using the Consumer Price Index; adjustments would be rounded to the nearest $100. [Mitchell/Dole Panel Recommendation (modified)]

Section 122. *Political Parties.*—This section exempts certain organizational activities (research, GOTV, voter registration) from coordinated or other limitations; requires disclosure and allocation for these activities; and retains the same coordinated expenditure limits for media expenditures. [Mitchell/Dole Panel Recommendation]

This section also exempts contributions to political parties from the $25,000 annual limit. [Mitchell/Dole Panel Recommendation]

Section 123. *Contributions Through Intermediaries and Conduits.*—This section prohibits "bundling" by registered lobbyists, unions, trade associations, corporations, and other employers. Bundled contributions which are permitted must be made payable to the candidate and disclosed to the candidate and the Federal Election Commission. [Mitchell/Dole Panel Recommendation; S. 1727 (Bush)]

Section 124. *Independent Expenditures.*—This section requires all independently-financed political communications to disclose the person or organization financing it; requires that disclosure be complete and conspicuous; and requires timely notice to all candidates of the communications' placement and content. [S. 7 (Dole-McConnell-Stevens); House Republican Task Force]

This section also defines "independent expenditure" to prohibit consultation with a candidate or his agents; requires the FEC to hold a hearing within 3 days of any formal complaint of collusion between an independent expenditure committee and a candidate. [S. 7 (Dole-McConnell-Stevens); House Republican Task Force]

Finally, this section creates an expedited cause of action in federal courts for a candidate seeking relief from expenditures which are not "independent". [Mitchell/Dole Panel Recommendation]

TITLE II—INCREASE OF COMPETITION IN POLITICS

Section 201. *Seed Money for Challengers.*—This section permits political party committees to use a special coordinated expenditure fund to "match" early, in-state contributions by challengers to help begin a campaign. Party committee matching funds would be permitted to a maximum of $100,000 for any House or Senate candidate who is a challenger. [Ornstein (modified)]

Section 202. *Use of Campaign Funds.*—This section prohibits Members from supplementing their official office accounts with campaign funds. [S. 1727] (Bush)]

Section 203. *Candidate Expenditures From Personal Funds.*—This section requires Congressional candidates to declare upon filing for an election whether they intend to spend or loan over $250,000 in personal funds in the race; raise the individual contribution limit to $5000 per election from $1000 for all opponents of a candidate who declares such an intention. No limits would apply to individual contributions and expenditures by party committees if a candidate spends more than $1 million in personal funds. [S. ___ (Domenici); S. 7 (Dole-McConnell-Stevens)(modified)]

This section also prohibits candidates from recovering personal funds or loans used in their race from contributions raised after the election. [S. 332 (McConnell)]

Section 204. *Franked Communications.*—This section prohibits franked "mass mailings" during the election year of a Member of Congress.

This section also requires more disclosure of the use of the frank for unsolicited mailings. [House Republican Task Force]

Section 205. *Limitations on Gerrymandering.*—This section requires new standards for Congressional reapportionment and redistricting, including the full and fair enforcement of the Voting Rights Act. This provision will: (1) codify current case law and maintain previous statutory requirements that Congressional districts be of equal population, and be contiguous and compact in form; (2) repeal current statutory provisions permitting multi-member Congressional districts and require single-member Congressional districts; and (3) limit the division of county and political subdivision boundary lines, as well as redistricting egregious partisan gerrymandering. [S. 1727 (Bush); House Republican Task Force]

Section 206. *Election Fraud and Other Public Corruption.*—This section creates a new public corruption statute which codifies current case law and increases the authority of the U.S. Justice Department to combat election fraud at all levels of government. [S. ___ (Biden-McConnell)]

TITLE III—REDUCTION OF CAMPAIGN COSTS

Section 301. *Broadcast Discount.*—This section allows Presidential and Congressional candidates to purchase non-preemptible time at the lowest unit rate for preemptible time, in the last 45 days before a primary and the last 60 days before the general election. [S. 1009 (Danforth-Hollings); S. 744 (McConnell); S.7 (Dole-McConnell-Stevens)]

TITLE IV—MISCELLANEOUS PROVISIONS

SUBTITLE A—FEDERAL ELECTION COMMISSION ENFORCEMENT AUTHORITY

Section 401. *Elimination of Reason to Believe Standard.*—This section eliminates the "reason to believe" standard. The Commission, upon receiving a complaint, will have to investigate a complaint if the identity of the complainant is known, and the complaint is sufficient on its face. [S. 1655 (McConnell-Reid)]

Section 402. *Injunctive Authority.*—This section provides the FEC the authority to seek injunctive relief to stop certain violations or an impending violation. [S. 1655 (McConnell-Reid)]

Section 403. *Time Periods.*—This section streamlines the administrative procedures for a complaint brought by the Commission by eliminating the minimum waiting period of 30 days and lowering the maximum period for post-probable cause conciliation bargaining to 60 days. [S. 1655 (McConnell-Reid)]

Section 404. *Knowing Violation Penalties.*—This section increases the penalties for knowing and willful violations which are resolved informally and requires these penalties to be mandatory. [S. 1655 (McConnell-Reid)]

Section 405. *Court Resolved Violations and Penalties.*—This section increases the penalty for violations that must be resovled in court and requires the penalty to be mandatory. [S. 1655 (McConnell-Reid)]

Section 406. *Private Civil Actions.*—This section permits a candidate, or a person authorized by a candidate, to sue on a complaint whenever the Commission declines to pursue an alleged violation by a tie vote. In such an action, the complainant may bring suit in U.S. District Court and any monetary award would be made in favor of the United States. The prevailing party would collect attorney's fees from the loser to discourage frivolous suits. [S. 1655 (McConnell-Reid)]

Section 407. *Knowing Violations Resolved in Court.*—This section increases the penalties for knowing and willful violations resolved in court. [S. 1655 (McConnell-Reid)]

Section 408. *Action on Complaint by Commission.*—This section reduces the time period by which the Commission must act on a complaint from 120 to 60 days. [S. 1655 (McConnell-Reid)]

Section 409. *Violation of Confidentiality Requirement.*—This section increases the fines for violations of the confidentiality requirement. [S. 1655 (McConnell-Reid)]

Section 410. *Penalty in Attorney General Actions.*—This section increases the penalties for violations of the election laws where the Attorney General separately prosecutes. [S. 1655 (McConnell-Reid)]

Section 411. *Amendments Relating to Enforcement and Judicial Review.*—This section implements several procedural recommendations proposed by the Mitchell/Dole Panel on Campaign Finance Reform. This section will:

Provide the Commission with more authority to informally resolve both complaint- and internally-generated investigations before any determination by the Commission;

Provide respondents with more access to documents provided by third parties in an investigation;

Provide respondents with access to any report submitted to the Commission by the General Counsel after the respondent has filed his or her brief;

Provide respondents with the right to present oral arguments before a Commission finding of probable cause;

Eliminate the ability of the Commission to routinely require admissions by the respondent that a violation has occurred; and

Establish time limits for investigations and require the Commission to publish an index of all investigations which have been concluded. [Mitchell/Dole Panel Recommendation]

Section 412. *Tightening Enforcement.*—This section repeals the shortened 3 year statute of limitations for violations of the Act and returns to the general 5 year statute of limitations. This section also permits the Attorney General to have access to FEC compliance files pursuant to a criminal investigation or trial. [S. 1727 (Bush)]

SUBTITLE B—OTHER PROVISIONS

Section 421. *Disclosure of Debt Settlement and Loan Security Agreements.*—This section clarifies FEC rules on campaign credit, loans, and debt settlement. [House Republican Task Force]

Section 422. *Contributions for Draft and Encouragement Purposes With Respect to*

Elections for Federal Office.—This section 3 defines "contribution" to include donations made to draft or exploratory committees advocating that a clearly identified individual becomes a candidate for federal office. [House Republican Task Force]

Section 423. *Severability.*—This section provides that if any portion of this Act is found to be invalid, then the remaining portions of the Act shall continue in full force and effect.

Section 424. *Effective Date.*—This section requires the Act to be effective on November 7, 1990, unless a specific section provides otherwise.

Mr. DOMENICI. Mr. President, I wish to state my strong support for the Comprehensive Campaign Finance Reform Act of 1990, and to commend the Senator from Kentucky, Mr. MCCONNELL, the Republican leader, Mr. DOLE, and others who worked so very hard to bring together this package of true and meaningful reforms to the way we finance congressional campaigns.

This is progressive legislation. This is a bill that offers real reform, not partisan reform. It is fair to say that this bill makes it tough on Republicans and Democrats alike. That is the way it should be.

Frankly, the bill does not achieve everything I would have sought, but this bill provides some thoughtful changes to solve some very difficult issues.

If Democrats and Republicans in the Senate are truly serious about campaign reform, they should adopt this bill. It is legislation that gives no candidate or party an inherent advantage. Certainly, incumbents would no longer carry any advantage.

I want to discuss several specific initiatives in the McConnell-Dole bill, as many are quite close to provisions that I introduced two months ago in S. 2265, the Grassroots Campaigning and Election Reform Act of 1990.

As this Senator sees it, the most important components of the McConnell-Dole bill are those totally outlawing political action committees [PAC's] and what has come to be called "soft money," but has been more aptly termed "sewer money" by the New York Times.

I support those prohibitions. Both were in my bill. Both are critical if we are to have real campaign reform. Without those prohibitions, I do not see how we can ever pass a reform bill.

Many Members in the Senate—and many so-called experts inside the Washington Beltway—want to put arbitrary spending limits on campaigns, and then provide an option for funding campaigns out of the Federal Treasury. Others want to bully the American taxpayer into direct financing of our campaigns.

I reject both concepts. They are wrong.

It is interesting that most of those same reformers would continue to allow contributions from PAC's, and would allow the open sewer of soft money, by which they have lived for decades, to continue to spew out funds.

With that said, and recognizing the desire of some to use campaign reform for strictly partisan advantage, this Senator believes there are two fundamentals we ought to be able to agree upon:

Removal of the undue influence that could be exercized by PAC's and other big-spending institutions, and

Returning campaign financing to our constituents, to the grassroots.

The McConnell-Dole bill achieves both of these goals. It would wring a lot of money out of the system, but in a natural way that leaves all candidates playing on a level field.

Let me describe several of the very basic changes contained in the McConnell-Dole bill, changes I support enthusiastically.

Section 101 eliminates PAC's.

When the American people are asked about campaign financing, they state their strongest concerns over the role of PAC's.

We must listen, and this bill does. Under the McConnell-Dole bill, when an individual wants to give, he or she must give directly to a candidate, no longer using a high-powered intermediary.

Section 111 of the McConnell-Dole bill eliminates soft money, contributions for voter registration drives and other forms of spending designed to assist one party or one candidate.

That prohibition is total and absolute. I support that. Since soft money expenditures, according to some experts, exceeded $500 million—half a billion dollars—during the 1988 election cycle, this prohibition could well be the most significant reform of all. It certainly is critical to my support for this bill or any bill.

Section 203 includes an initiative I suggested several years ago to create a strong disincentive to a superwealthy candidate overloading a campaign with family money.

Under section 203, if a superrich candidate opens the family coffers—committing more than $250,000 to a campaign—the opponent or opponents get a fighting chance with higher per-person giving limit for their donors. This is only fair. Further, section 203 tracks my proposal prohibiting anyone from recovering large loans he or she gave to his or her own campaign.

Section 204 prohibits all franked mass mailings during any candidate's election year, another excellent and progressive step.

Section 205 places restrictions on gerrymandering of House districts, which we all know has been a major factor in the near invincibility of House incumbents over recent years.

The one area where the McConnell-Dole bill fails to go as far as I would like appears in section 121. This is the provision involving individual contribution limits.

Under the McConnell-Dole bill, an in-State donor is permitted to give $1,000, plus inflation, after passage of the bill, per election to each congressional candidate running in the donor's home State. A donor would be limited to a $500 contribution, plus inflation, to any candidate running in another State.

When I introduced S. 2265, I included a flatout prohibition on House and Senate candidates raising money outside their home State. The $500 out-of-State limit in this legislation moves in the right direction, but not far enough. If we are to have out-of-State giving, I would have preferred limits of $100 or $200 per candidate.

Nevertheless, I support the compromise approach in the McConnell-Dole bill. This is an outstanding reform bill, and it deserves the Senate's full support.

This bill clearly restrains campaign spending, limiting sharply the sources of available funds. Importantly, it limits campaign spending in a natural way, not using some arbitrary, federally imposed ceiling.

Nor does this approach use tax dollars to underwrite our campaigns.

I think the time has come for the Senate to adopt legislation that really reforms our system of campaigning. We achieve that goal with this bill.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I still have my leader's time reserved?

The PRESIDING OFFICER. The Republican leader has his leader time reserved.

DEFICIT REDUCTION

Mr. DOLE. Mr. President, I will take a minute and a half to indicate we did meet again this morning with President Bush, the four leaders: my colleague, the majority leader; myself; the Speaker of the House; and the Republican leader in the House, Congressman MICHEL.

We did, again, discuss getting underway an effort to reduce the deficit. It is not going to be easy. I know that some of my colleagues are already positioning themselves to oppose anything that might not suit their fancy.

Let me say on the other side, I hope my colleagues will not lock themselves in. The easiest answer around here is:

"I am not going to do it; we will let somebody else do it; or, I will vote no and hope enough people will vote yes, and nobody is going to blame me for being part of the problem." What I think is, we should be responsible.

Let me say, the President is dedicated to moving ahead with a bipartisan approach on deficit reduction. The four leaders have pledged to the President they were willing to cooperate, as long as it is totally nonpartisan, bipartisan, everything is subject to negotiations, "everything on the table."

That means process reform, which is very important. If we are going to have any meaningful, long-range deficit reduction or any discipline, we have to have process reform.

We must agree on some figure. How much are we going to reduce the deficit? We have not agreed on that yet. Is it going to be multiyear? We have not agreed on that. What do we do with defense? What do we do with mandatory programs? What do we do when it comes to revenues? All those areas have not yet been specifically addressed.

In my view, to make it a very positive package, it must provide different provisions that would, in fact, encourage economic growth.

If we want the support of the American people, we need to make certain that they understand that the primary purpose of the deficit reduction package, in addition to being responsible and being good fiscal policy, is that it is going to provide economic growth, by reducing long-term interest rates and increasing investment and productivity.

So these are the goals that we have in general. We want to increase investment. We want to increase productivity. We want it to be bipartisan. We want to make certain we have substantial deficit reduction. It has to be a bold package so that the American people understand that we finally were serious in the Congress about the most serious problem that has been overlooked for the past dozen years—or swept away every year for the last dozen years.

So I again congratulate the President. It is not an easy choice for him, I might add. If you read the papers or watch television, he is being bombarded from all sides about taxes, taxes, taxes. I think he has decided that the first thing you must consider is future economic growth in America—jobs, opportunities for those who now have jobs, for young people coming into the job market. We need to address inflation. We need to be more competitive around the world. We need to reduce the cost of capital. We need to do all these things that, in my view and the view of the President, hinge on an impressive deficit reduction package.

So I assume there is some talk about a meeting next week of the group of 25 or whatever it will be, 25 or 26, and that will initiate what we hope will be a successful beginning and will have a successful ending, and we have to do it very quickly.

One thing I think frustrates the American people is that Congress never seems to do anything quickly. We take forever; what we might do in 2 or 3 weeks, we do in 2 or 3 months. We do not have that much time. We did not set any deadline. There were no deadlines set. But the leaders agree with the President that we ought to move as quickly as we can if we are going to implement this package and have it have an impact yet this year and the outyears.

So, Mr. President, I thank my fellow leaders in the House and Senate and the President of the United States and the members of my staff. I think we are prepared to begin. We may succeed. It is like I said, putting Humpty Dumpty back together again. It is not impossible but it is almost. We will need public support. We will need to reach out to our colleagues on both sides of the aisle. But the bottom line is let us not lock ourselves in. Let us give the President a chance if you are a Republican, or if you are a Democrat, let us give the Democratic leadership a chance. But above all, let us give the American people the opportunity to improve the economy and to sustain economic growth so that their lives will be better. In my view, we are on the right track.

Mr. President, I reserve the remainder of my time.

Mr. GLENN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRYAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HATCH ACT REFORM AMENDMENT OF 1989

The Senate continued with the consideration of the bill.

Mr. ADAMS. Mr. President, I rise today to speak in favor of S. 135, the Hatch Act reform bill. I particularly have waited to this point because several times during this debate there has been mentioned a particular thing that happened in the State of Washington, where certain Federal employees really had their rights, political rights and, as such, their constitutional rights of free speech infringed upon the provisions and the way in which the Hatch Act was enforced.

So I want to state my strong support for the reforms brought to us by the chairman of the committee and for S. 135. I also want to state that, as a former Federal prosecutor and a Senator whose constituents have been adversely affected by current restrictions, I am well aware of the history and controversy involved with the enactment of the Hatch Act and its implementation.

The question before us is not whether or not the Hatch Act should be reformed. I believe the answer to that question is a most emphatic yes.

As a Senator whose constituents' freedom of speech has been adversely affected by the current law, I believe the reforms provided in S. 135 are necessary and warranted. So it is not just a question of should we do it but yes, we should, and this is the vehicle to do it.

As my colleagues know, the Hatch Act was enacted in 1939 after investigations revealed that political appointees of the Works Progress Administrations coerced Federal employees into political contributions in return for jobs. Back then only 32 percent of the Federal work force was under the classified merit system and Federal jobs were being increasingly awarded on a patronage basis. However, today, close to 80 percent of the jobs are covered and protected by the Civil Service system. Today, both the employees and the public are insulated from political influence and coercion by a system based upon merit.

Mr. President, it is apparent that times have changed and that the Federal employee should be given many of the political freedoms currently denied by a hastily enacted and now badly outdated measure and badly outdated regulations which, as the chairman has repeatedly stated, are confusing due to their number and to the manner in which they are applied.

This body has already heard some of the confusing and illogical rules that currently govern political activities of Federal employees resulting from the Hatch Act, and these rules have directly affected the first amendment rights of my constituents. In 1988 Federal employees at the Puget Sound Naval Shipyard in Bremerton, WA, were astonished to learn that they could attend party caucuses but that regulations implementing the Hatch Act prohibited them from addressing the caucus in support of or in opposition to a particular partisan candidate once the caucus began its deliberations for the purposes of choosing a candidate. In other words, the employees are required by law to remain passive observers during one of the most important and purposeful parts of the caucus.

As expected, many Federal employees were confused as to exactly what they could or could not do. Washington State is a caucus State. These caucuses were to select the person that would be supported by the delegates

from the State of Washington at the Presidential nominating convention and would be in a position to hopefully participate in the choosing of the next President of the United States. These caucuses are an affair where you must vote for a particular candidate and your vote is then tallied with the other votes in the caucus. Those are then gathered together to select delegates and these delegates then go to another convention in the State and those delegates eventually go to the national convention. So this is a direct political right to select a Presidential candidate.

The Puget Sound Naval Shipyard is not a small institution. It varies with employees from 6,000 to over 15,000 employees. In one area it is of course completely dominant. So you can imagine that removing from a whole congressional district this number of people or at least confusing them to a point where they did not participate was certainly a violation of their constitutional first amendment rights and, yes, could skew the election by skewing the nomination of delegations selected from that particular area.

Such uncertainty breeds frustration and hesitation reduces involvement even in allowed activities. They did not know what they could do, and as has been pointed out by the chairman of the committee, there was confusion at that time as to whether or not they could wear buttons. I had that case when I was a Federal prosecutor in 1960 and it was decided people could wear buttons but none of us were sure by 1988 whether the button rule was on or off. The chairman of the committee has described many times about how you can put a sign on your car but cannot put a sign a lot of other places.

Indeed, our employees, having been warned of substantial penalties associated with this exercise of free speech, the many shipyard workers just simply did not attend their caucuses and many leaders of both parties believed this skewed the outcome of the Presidential caucuses in Washington State. Under the current Hatch Act, Federal employees who choose to speak their minds run the risk of losing their careers.

The bill we are considering today addressed the problem I just described. It provides for a Federal employee's full expression during political caucuses, rallies, and running for party office such as delegate or chairman and for other off-time political events. At the same time, it keeps restrictions prohibiting fundraising and running for partisan political office. It also increases the range of penalties for coercion and intimidation.

Mr. President, at this time when the Iron Curtain is lifting from Eastern Europe resulting in greater political freedoms in that part of the world, it is ironic that an archaic curtain of silence stills hangs over American Federal employees, barring them from participating in legitimate and reasonable acts of political expression.

Civil service should not carry with it a vow of silence when the subject is politics. Government and postal workers are decent, thoughtful, and patriotic individuals who deserve our respect. Our Federal and postal employees have put up with this unfair law for over 50 years. It is time to make the reforms necessary to bring these several million citizens back into the mainstream of American life.

I urge my colleagues to support this legislation because it would be tragic if American civil service employees had fewer rights than the new parties and people in Eastern Europe who are now beginning for the first time to exert their political rights in the selection of the delegates to their conventions and caucuses and eventually their government.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

Mr. WIRTH. Mr. President, I ask unanimous consent to address the Senate for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHERE IS THE PRESIDENT

Mr. WIRTH. Mr. President, it is time for the end of this good cop/bad cop business that has been going on related to the White House on environmental issues. The bad cop is obviously the Chief of Staff of the White House, John Sununu, and we can all justifiably beat up on Mr. Sununu. That is a very convenient relationship for the White House to have.

All the hatcheting gets done by Sununu, and the President benignly says, "I am the environmentalist. I do not know anything about this."

It is time to end the good cop/bad cop, Mr. President. And it is time for us to ask the question: Where is the President? We can say it more derisively—which I do not want to do—as it was done during the campaign: Where is George? But where is the President?

The issue before us right now is the issue of chlorofluorocarbons, and the reluctance, unwillingness, and refusal of the administration to participate in the world fund, to work with developing countries, particularly India and China, to help them through the economic problems they are going to face as we phase our chlorofluorocarbons, an absolutely imperative position for us to take.

That one has been addressed here earlier today. It was recommended by Mr. Riley, recommended by the State Department, and turned down by the bad cop. Where is the President on that? Where is President Bush on this issue? Where is the President on the issue of global warming?

During the campaign, he said, "Don't worry about the greenhouse effect; watch the White House effect." We have not seen anything of that. Why? Because again, the bad cops got involved in this, vetoed, intervened with, tried to wear down with a lot of revisionist science the evidence that is very clear on the subject of global warming, and the administration has backed off of its earlier position. Where is the President on that?

On the issue of wetlands, probably as difficult an issue we face in the United States, and enormously important for the development of the whole food chain, the administration has espoused a policy of no net loss of wetlands. But that has been eroded away, too. The bad cops have gotten involved in that, and the Office of Management and Budget and the Office of Chief of Staff of the White House have once again eroded away the no net loss of wetlands policy. Where is the President on that?

The World Bank, Mr. President, met in town during just this last week. There was a major commitment by the World Bank to a $300 million fund focused on particular environmental issues in the developing world of crucial nature to the whole of the world. World financial institutions all got together and agreed to participate in that $300 million fund, except for one major country: Embarrassingly, the United States of America. Where is the President on that issue?

World population: The conference that was here this last week, which was attended by more than 300 delegates from around the world and more than 42 countries, focused on issues of the environment. At the top of the agenda was the issue of population growth and the need for us to again urge the United States to again resume the position that we had in the sixties and seventies of world leadership on population, making sure we do all the variety of things that have to be done in providing population planning information, empowerment of women, a whole series of things that have to be done.

But the U.S. participation in that has eroded as well very sharply. Presi-

dent Bush, who used to be in a very enlightened position on that subject as a member of the U.S. House of Representatives, has now apparently done a "180." We ought to ask the question on population as well, Mr. President: Where is President Bush?

These issues stack up and become clearer and clearer and clearer. From this morning's very disturbing and embarrassing news about the U.S. position on chlorofluorocarbons to the issue of global warming to the issue of wetlands to our responsibilities to the World Bank to the population issue, the good cop/bad cop routine continues.

I think what we must do, Mr. President, is continue to ask the question: Where is President Bush on this? He says that he is an environmentalist. He says: Look for the White House effect. He tells us with all the good stuff, he is an environmental advocate, but his administration is doing just the opposite.

I hope my conclusion is wrong. I hope the President is an advocate. I hope the President's environmental policy is more than "Do not eat broccoli." I hope the President is involved in this issue. He certainly must be.

The issue is not Sununu. Sununu works for the President, and we have to ask the questions on these terribly important issues of the future: Where is President Bush? Where do we see his influence? He is the only elected official downtown. Where is President Bush?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DIXON). Without objection, it is so ordered.

HATCH ACT REFORM AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. McCONNELL. Mr. President, it is my understanding that the manager of the bill is shortly going to go to a vote. Let me just summarize.

First, there was an excellent article on the Beck case by columnist James J. Kilpatrick recently. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Lexington (KY) Herald-Leader, May 2, 1990]

PLAYING HARDBALL POLITICS WITH SOFT MONEY: IT'S TIME TO REFORM

WASHINGTON.—In the hardball league of big-time politics, "soft money" constitutes a key element of the game. This is the money that goes not directly to a candidate, but only generally for such gauzy purposes as "voter education."

As Congress nudges its way toward election reform, the topic of soft money cries out for attention. How much money are we talking about? No one knows, because soft money is not reported. It is well established, however, that the great bulk of it comes from labor unions. Congressional Quarterly quotes one estimate that unions spent "at least $45 million" in the 1988 elections, all but $5 million on activities that favored Democrats.

To be sure, corporations and trade associations also may contribute soft money to voter education and registration, but industry tends to the timid side. Its soft money—there isn't much of it—generally is spent as a manifestation of civic virtue. When unions mount a campaign to get out the vote, it's nonpartisan in name only.

Sen. Mitch McConnell of Kentucky heads a Republican task force on campaign finance. He wants to write a provision into the pending bill for election reform that would compel disclosure of soft money spending. He proposes "to regulate and restrict it," a goal more easily promoted than achieved. Democrats understandably oppose the idea.

Republicans will mount a companion effort to add another desirable amendment to the bill. This would write into law the salutary substance of what is known as the "Beck decision." It is an effort that merits more attention.

The Beck case dates from 1976, when 20 employees of AT&T and its subsidiaries brought formal charges against the Communications Workers of America (CWA) and four of its local unions. Harry Beck and the other plaintiffs were not members of the union; but under a union shop contract, they were compelled to pay fees and dues equivalent to those paid by union members. Their complaint was that most of these payments went to purposes that were irrelevant at best and odious at worst.

Specifically, Beck and his coworkers objected to spending by the CWA in support of causes and candidates they opposed. They contended that their payments, wrested from them under the coercion of a union shop contract, could be used only for the legitimate purposes of collective bargaining, contract administration and grievance adjustment. To spend their fees for other purposes violated their First Amendment rights of free speech.

The case was bitterly fought. In the union's view, the relevant provisions of the National Labor Relations Act put no restrictions whatever upon their spending. If Harry Beck didn't like it, so what? He could join the union and argue his position from within.

The trial court was not persuaded. It insisted upon a detailed accounting of CWA expenditures. After months of haggling, an astonishing figure emerged: Only 21 percent of the outlays were for purposes reasonably related to collective bargaining with AT&T and its subsidiary companies. The other 79 precent went for other union activities—for publications, for entertainment, for lobbying, for organizing workers in other companies and so on.

Twelve years after the suit began, it reached the Supreme Court. In June 1988, Justice William Brennan spoke for a five-member majority. The law, he said, does not leave unions free "to exact dues equivalents from non-members in any amount they please, no matter how unrelated these fees may be to collective bargaining activities." Non-members may be compelled to pay fees intended to defray the costs of bargaining in their behalf—they cannot derive benefits as free riders—but beyond that limit, no. The excess must be refunded.

Regrettably, the court did not reach the constitutional issue. The National Right to Work Legal Defense Fund, which supported Beck's suit, contended that under the peculiar circumstances of a union shop contract, the union functions in effect as an agency of the state. No state may abridge a right of free speech. Harry Beck's right was plainly being abridged, but the high court put off the questions.

The statutory interpretation enunciated in Brennan's opinion ought to be written into law. Union members, of course, have a right to form voluntarily a political action committee and support any candidate they like. They have no right to hijack non-members.

Mr. McCONNELL. Mr. President, the McConnell amendment, the one that we will be voting on shortly, has the following purpose: It is to protect Federal employees from political activities of Federal employee labor organizations and to protect Federal employees from political coercion by Federal employee labor organizations. The scope of this amendment is that it applies to all Federal employees and postal workers.

Mr. President, the Federal employee and postal unions would have to inform their members of their constitutional right not to pay for such political activities as "get out the vote," political communications to members, and expenses of PAC fundraising. Members would have then a right to a partial refund of dues if they object.

This is based on the 1988 Supreme Court case, Communication Workers of America against Beck, and on the U.S. District Court for the District of Maryland 1990 decision in Kidwell versus Transportation Communications International Union.

This amendment would prohibit labor organizations or their agents from engaging in political coercion against Federal employees and postal workers. Protected worker activities would include the right of an employee to vote as the employee may choose; the voter may refrain from voting for any candidate or any measure in any election, to make or refrain from making campaign contributions, to engage or refrain from engaging in any legal form of political activities. There will be political penalties—fines of not more than $5,000, or imprisonment for not more than 3 years, or both.

Let me further say, Mr. President, that I strongly support extending this concept to other labor organizations including, for that matter, other segments of society.

Federal and postal workers presently must finance through their union dues political causes that they, in fact, may not support. The differences between this situation and that considered by the Supreme Court in the Beck case is illusory at best. The Beck case involved compulsory union dues. Here dues are voluntary. However, precisely the same coercive element at issue in Beck is present here.

Federal and postal workers are presented a Hobson's choice—pay union dues and gain the right to vote on terms of employment. But under present law a portion of their dues may go to support, through soft money, a candidate or candidates the worker may vehemently oppose.

The other part of the Hobson's choice is you do not pay the union dues, and you do not provide financial assistance to candidates that you continue to support. Only now under present law you will lose your voice on vital terms of employment issues.

My amendment would lift the burden of that Hobson's choice from the shoulders of Federal and postal workers.

It is somewhat ironic that we are discussing what purports to be workers rights legislation and a majority apparently does not want the support of this workers rights amendment. Indeed one of the issues that delayed the Senate last night was that my amendment was too expansive in terms of workers rights, and it had to be limited.

So I again urge passage of this narrowly crafted amendment which is germane to the bill.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, first, I ask the distinguished Senator from Kentucky, can I have a copy, please, of the Kilpatrick article that he referred to? I would like to look at it.

Mr. President, the distinguished Senator from Kentucky remarked about the debate on this last night, or discussion of this last night. It must have been in the Republican Cloakroom that that occurred, because I could not get a copy of the amendment last night. It must have been at some other place. I do not believe we made any comment on the floor.

Mr. McCONNELL. Will the Senator yield?

Mr. GLENN. Yes.

Mr. McCONNELL. I did not mean to imply we were discussing it on the floor. We were trying to make the amendment germane yesterday afternoon, is what I was referring to.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, the amendment by the distinguished Senator from Kentucky, my colleague, Senator McCONNELL, is a six-page amendment. It is a little complicated. I am sorry for the delay this morning but we did not get copies of it until the Senator from Kentucky proposed it this morning. We have had time to look through it and analyze it.

I just basically do not see the need for the amendment. The amendment has two basic parts.

The first part provides that no Federal employee labor organization can operate a multicandidate PAC unless that organization gives written notification annually to all Federal employees eligible to be represented by the organization that—you have to notify all Federal employees—those employees are not required to join the organization and then they can withhold part of their dues if they do join to the extent that those dues are used in part for political purposes.

The political purpose is not very clearly defined in the amendment. It is not defined at all. But, quite apart from that, this would mean that unless there was written notification to all Federal employees, all 3 million of them, each year would not be just to those who are union members; it would be to all Federal employees, telling them basically what they already know: They do not have to join the union to begin with.

The reason I do not think this is necessary is that is a fact within the Federal service that all these people are aware of already and the reason I object to it is this: This is not a cheap thing to do. It is not easy. You are talking about going out to some 3 million people. Just the cost of the postage for that is going to be about $750,000, probably duplicate that again in the cost of preparing the material and putting it out, and you are talking about $1.5 million or so just to make that kind of notification of something that they already know about.

This part of the McConnell amendment attempts to track a Supreme Court decision that was directed at protecting employees who were forced to pay union dues because they had a union shop. There is no analogy to the Federal employee organizations because they are completely voluntary.

A statement by columnist Mr. Kilpatrick was entered in the RECORD a few moments ago and in it he makes a good point. He talks about the need for something like that in those cases as I understand it, and I have not had a chance to really study this, and he points out that this was a union shop contract. But that is not what we have with Government employment. There is no union shop in Government. So it is a completely different situation than applied in the Beck case.

Federal employees are already protected by statute from paying union dues for use in any activities to which they may object. Under section 7102 of title 5 of the United States Code, each employee shall have the right to join any labor organization or refrain from joining without fear of penalty or reprisal.

Furthermore, a labor organization which has been accorded exclusive recognition in a unit must represent all employees of that unit without regard to whether they are members of that labor organization as stated in section 7714 of title 5.

My friend from Kentucky says he wants Federal employees who belong to a union to be able to vote on collective-bargaining agreements and still be able to withhold part or all of their union dues if they disagree with any expenditures for political activity, again a term that is not really defined in the amendment.

Mr. President, whether we are talking about unions or corporations or business or whatever we are talking about, we do not allow people who choose to invest or people who are in other unions outside the Government to say that majority will not rule, that they could come in and say I want back part of my whatever it is, union dues or purchase price of stock or whatever, and Federal employees I do not believe should have this kind of restriction placed on them unnecessarily because they do not have to join the union to begin with. That is the main point.

They do not have union membership as a requirement for their employment. So I do not see how this applies.

I think it is ludicrous to think that Federal employees do not know they are not required to join a union in order to work for the Federal Government.

What the amendment does is say we have to spend $1 million, $1½ million, $2 million, whatever it will require to send a letter to every Government employee each year to tell them what they already know.

The law says that any Federal employee may or may not join the union; it is that person's choice. In places where there is a union, he will be represented by that union in any case. If he wants to vote, then he pays dues just like a citizen who wants to vote at a corporation annual meeting or union

outside where a person has a vote in union affairs and if those persons feel they do not like what is going on with the representation of that union, they have a full right to address that in their union meetings and by majority vote try and change whatever the union is doing.

The first part of the McConnell amendment is already covered by existing law. No Federal employee must join or pay any dues to a union. The second part of the amendment deals with preventing political coercion by labor organizations. Once again, there is nothing in this part which is not already covered by existing law, particularly title 42, United States Code, sections 1971 and 1973, as well as title 18, United States Code, section 594 and section 597.

Mr. President, even if those things were not included in existing law, in this legislation we already had an amendment which I cosponsored. It was submitted by Mr. ROBB for myself and Mr. WARNER and it is now part of this bill, part of S. 135, and it deals very specifically with coercion. It is section 610. I will read this so there cannot be any doubt about how coercion is prevented, and I think it preempts what the distinguished Senator from Kentucky is trying to do here.

Let me read this. Section 610. Coercion of Political Activity.

And I would say that is in or out of government. It does not limit it just to this.

It shall be unlawful for any person to intimidate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce, any employee of the federal government as defined in 5 U.S.C. 7322(1), as amended, to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

Mr. President, I think these things are already covered. I do not want to cut off debate if there are other speakers, but at the appropriate time I will move to table the amendment by the Senator from Kentucky.

I hope we can get on with the other amendments this afternoon. I discussed some of these procedures with the majority leader a short time ago and I know it is his intent to go to a vote tomorrow morning on the cloture motion. At that time, as he indicated to me, if the vote is favorable, we would continue on the 30 hours permitted under cloture at that time and run it right around the clock. We would be continuous for 30 hours of Senate session to run it off.

I know this interferes with some of the plans that people have for certain travel and so on, but that is what has been indicated. So I hope we can get some of these things out of the way this afternoon. I also hope we can get copies of any other amendments to be brought up so we can look at them so we do not have to wait and wait; we can consider them. We have now wasted half a day on this one when, if we had had it yesterday, we could have taken action on it and we would have been much further on today.

Let me just say, before we vote on this, S. 135, once again, what it does, it does not repeal anything. What it does, it takes a whole mass of very confusing and conflicting statements, interpretations that have built up under the Hatch Act over many years. Some of the ones I read into the RECORD again this morning, and it has been several times I read those in.

If you are "Hatched" you can wear a campaign button on the job and write a $1,000 check, but you cannot give any in-kind donation of any kind. You cannot go down and stuff envelopes. You can take the $1,000 and hire a professional firm to stuff them if you wanted to, but you could not do it yourself. You can go to a political rally, but you cannot hold a sign at that rally. If I am standing in the back of the hall as a Government employee and someone hands me a sign and says, "I have to go check my car. It is parked outside. I have to put another dime in the meter," and I am caught holding that man's sign for 5 minutes, I am in violation. I can be suspended from my job for a period of time. Those are interpretations under the Hatch Act now.

We have asked them year after year after year to correct some of these things which are ludicrous. But they do not seem to want to do it.

You cannot hold that sign at the rally but you can put all kinds of signs on your car and drive around or you can post a sign in your yard at home.

If asked, you can express your opinion about a candidate publicly. What is publicly? One person listening to you? Two people? Five? Fifty? That is not defined.

So people do not really know what they cannot do and what they can do. That is the biggest problem we heard about at the two hearings we held on this subject.

This became a serious issue in the State of Washington during the last election when shipyard workers were notified they could not actively participate. It was published, given to them, that they could not participate in the Presidential caucuses without violating the Hatch Act. They could not even go and vote, something you can do in a primary State. In a caucus State it is different, you have to go and stay there, personal presence. Well, that was one of the interpretations of the Hatch Act. Then it was later corrected.

This has created all sorts of confusion. Letters to the editors. Until it was corrected about a year ago, you could send five letters to one paper, one letter to five papers, and if you went beyond that you were in violation of the Hatch Act under some of these 3,000 interpretations that were folded into the Hatch Act out of the old civil service experience when the Hatch Act was passed in 1939.

There are many examples like that we can go into. The reason I read these once more is because all we do in this is try to clarify this. This is not a repeal. And to clarify what can be done, we say on the job you cannot do anything, period. That is it. No political activity. Nothing.

That political button there, as my distinguished colleague from Wyoming said on the floor here yesterday—how would you like to come in as a diehard, died-in-the-wool Republican, and sit down and the IRS auditor across the table from you has a big Dukakis button on? That would stop people. If it were reversed, the other way around, a Democrat coming in and the Republican button there, I suppose that would give people pause. That is permitted now. You can do that now. But with S. 135, that will be prohibited because on the job you cannot do anything politically; it is prohibited, and that is that.

Off the job what do we do? We are contrary to our colleagues over in the House. They would permit you, in the House bill that has been passed, to run for elective political office. And they permit solicitations of campaign funds from the public under the Hatch Act. I cannot go along with that, and we do not in this legislation. We say you cannot run for public office and you cannot solicit contributions. Those are two mighty big protections and those are big differences between the House version and our version here.

I think we give those protections. Outside of that, should a person be able to be over in Arlington County, next to Washington, DC, and participate as the local—whatever, board chairman or precinct captain or something like that? Well, why not? Why restrict things if not necessary. Because every other protection of law, as far as coercion protection or raising money, is already prohibited.

The very basic principle here is we should not restrict unduly, unless there is a reason to restrict. I think we fit that kind of a balance here. What we do is we do not change the basic Hatch Act. We clarify it so people, perhaps inadvertently, will not make a mistake and violate the Hatch Act. It is so confusing now, with all these interpretations, they do not know what they can do. And for those who would deliberately subvert the Hatch Act for their own nefarious purposes, what-

ever they might be, it makes it more difficult for them to operate also.

I wanted to give that little bit of background here. At the appropriate time, when all debate is done on this particular amendment, I will move to table the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment of the Senator from Kentucky and to identify myself strongly with the remarks of the Senator from Ohio, my distinguished chairman of the Committee on Governmental Affairs.

This amendment pending now that has been offered by the Senator from Kentucky [Mr. MCCONNELL] really does compound the basic inequity that we are trying to deal with in S. 135. The inequity is that we are treating 3 million plus of our fellow Americans who happen to be employees of the Federal Government in a way that deprives them of their political rights, the same rights that you and I and all the rest of us have who are privileged to be citizens of this country, just because they work for the Federal Government.

We do that in spite of the fact that there is a litany of laws that protect the public from any possible mixing of politics and governmental service. There is a long list of laws that protect individual Federal employees from any mixing of politics and their public service. For instance, it protects them from being coerced or influenced by their superiors based on their political activities. And still the Hatch Act says after all those specific wrongs are protected against, we are going to tell you, you cannot participate in exercising your political liberties.

We treat the Federal employees differently than we treat everybody else. We treat them, in a sense, as second-class citizens. I suggest this amendment perpetuates that in a slightly different way by taking a court decision, the Beck decision, which related to employees of the private sector, and applying the principles through a codification that would be carried by this amendment to employees of the Federal Government who are distinguished from their counterparts in the private sector who belong to unions primarily by this factor.

Membership in a public employee association, Federal Government employee association, is not mandatory. They have the liberty to come and go as they want. So the additional options and limitations on their associations that is being carried out, and would be carried out by this amendment, would really further inhibit the opportunity for those associations to adequately represent their members and put burdens on those Federal employee associations in their attempt to exercise some of the same opportunities for political involvement that are exercised repeatedly by unions of workers who work in the private sector and by all the rest of us who are privileged to be citizens of this country.

Mr. President, it is time to give some measure of equal rights to the 3 million plus Federal employees.

S. 135 will do so. This amendment by the Senator from Kentucky would not and I, therefore, oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky yields the floor.

Mr. GLENN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I have listened with great care, both this morning and this afternoon, to what my distinguished chairman of the Governmental Affairs Committee has to say about this legislation, as well as the distinguished Senator from Connecticut.

One of the allegations is that it is not fair; it is not equitable to have the Hatch Act in place because it prevents 3 million Federal employees from participating in the political process.

If one buys that argument, is it not ironic that yesterday no concern was shown about the military, who likewise are not able to participate in the political process? All of them, whether they are civilians or military, are, of course, citizens of this great country and should enjoy the same political rights.

But it seems to me that if the advocates really believed what they were saying, they would have supported the Gramm amendment, which proposed that we extend to the soldiers, those in uniform, the right to participate exactly the same as they are proposing for the civilians.

Mr. President, that is not really what is behind this legislation. This legislation is essentially a political grab, a political thrust. What we are suddenly doing is letting Federal employees off duty become involved in partisan political events. The Hatch Act, of course, forbids that.

For 50 years, the Hatch Act, which was enacted by a Democratic Congress under the stewardship of a Democratic President, has been on the books and has served the Federal employees and the Government and the American public very well, indeed; so well that, in fact, we have little demand for repealing the Hatch Act, as S. 135 would do. And make no mistake about that.

But the thing that bothers me in talking about the impact of the Hatch Act on the Federal employee is that nothing is said about the rights of the American public. We are all in agreement that Federal employees, like those in the private sector, should have the right to exercise his or her vote; a very important right, indeed.

I think we should also be in agreement that it is critically important in the administration of the Federal laws that they be administered in not a political or partisan manner, but in a neutral, nonpartisan manner.

The reason for the Hatch Act became law in 1939, was because people were weary of the spoils system. It not only involved those in the private sector but in the public sector. One of the principal purposes of the Hatch Act is to protect the Federal employee from coercion, direct or indirect, blatant or subtle. Time after time, there were examples where the way the Federal personnel system was administered depended upon the political activity or lack of political activity of a public servant.

That was a principal reason for the law. It was to prevent the Federal employee from becoming involved in partisan political activity, but also to protect him from being coerced, from being required to make political contributions, to participate in the political process.

As I said, we have several objectives. One is to protect the Federal employee; another is to protect the public. And when you try to strike a balance with these competing goals, one has to draw a line somewhere, and that is exactly what the Hatch Act did.

The advocates of this legislation keep arguing that the law is so complex, and they refer time and again to 3,000 administrative decisions that were made prior to the Hatch Act. They know as well as I that those old decisions are not part of the rules and regulations of today.

Essentially, we have distilled from the various rules and regulations, or the administration has, 29 rules and regulations that are relatively simple in context. People like to sit back and say it is too complex. It reminds me of years ago when I went to law school and the professor, wherever you drew the line, tried to take a case very close to where that line was drawn to show how complex the law was. But there is nothing that complex about the Hatch Act. It guarantees that the employees has the right to be involved in the sense of voting and registering, but it is also very clear he or she does not have the right to become involved in partisan political activity.

That means that there are some lines to be drawn. As a Federal employee, one can write a letter to the local newspaper or 5 letters or 10 letters on a partisan issue saying where he or she stands. This is taken as part of a private right. What you cannot do is to become part of a partisan effort, so that if you are writing those letters as a part of a candidate's campaign, it is forbidden. It is a pretty simple line to draw.

I think in most cases, the Federal employees know whether or not they are coming up close to that line or not. But if they have any question as to what they are doing, as to whether it is lawful or prohibited, there is a hotline which they can reach and propound their question and get an answer.

Mr. President, just let me recite what Federal employees may do now.

As I said:

First, they can register to vote and vote.

Second, a Federal employee can contribute money to partisan political campaigns.

Third, they can express their views in private and in public, though not in a concerted way to elicit support for a candidate or party.

Fourth, they can attend conventions and rallies but only as a spectator. That means that they cannot carry banners and run around in a demonstration. That is part of partisan political action. But they can attend a convention.

Fifth, they can run as an independent candidate in certain partisan contests in designated areas with a high concentration of Federal employees.

Sixth, they can assist a nonpartisan voter registration drive.

Seventh, they can campaign for or against political referendum questions.

Eighth, they can participate as a nonpartisan poll-watcher or election judge.

Ninth, they can wear buttons off duty or on duty subject to various agency restrictions.

Tenth, they can participate in nonpartisan campaigns.

Additional activities that Federal employees could do under S. 135:

First, hold office in a political party.

Second, distribute campaign literature and solicit votes, off duty.

Third, organize and participate in phone banks, off duty.

Fourth, organize and participate in political meetings, off duty.

Fifth, politically endorse candidates and urge others to support them, off duty.

Sixth, solicit contributions to the PAC of a Federal employee organization to which both the employee and the donor belong, off duty.

This latter list of activities is, as I said, a repeal, a 180-degree change in direction of the law, if enacted. Today the Federal employee cannot become involved in partisan political action. What S. 135 proposes to do is reverse that trend and encourage—not permit but encourage—Federal employees to indulge in partisan political activity.

I yield the floor.

Mr. GLENN. Mr. President, I will reply briefly and then at the appropriate time move to table the amendment. I do not believe anybody else wants to speak.

Mr. McCONNELL. If the Senator from Ohio will yield, I will need 30 seconds and I am through.

Mr. GLENN. That is fine.

Mr. President, let me respond to the remarks of my colleague from Delaware. Once again we hear this rhetoric being trotted out that this is some kind of political grant. I never heard anything any more ridiculous, when all we are trying to do is clarify some of the uncertainties of the law right now.

Of course, the Hatch Act is needed. I agree with that. But I want to make it workable. I want to make it do something, not be so confusing that nobody knows what is occurring. So, once again, to refer to S. 135 as a repeal of the Hatch Act is just not true. I have corrected this quite a number of times.

We are talking about the rights of the American public to vote. Of course, they need Federal laws administered in a nonpartisan manner. I agree with that 100 percent, and that is exactly what S. 135 does. It says that on the job you cannot do one single thing that is political. That tightens up the law.

Under a spoils system which existed at one time, the Hatch Act was passed to protect people from coercion. I agree with that 100 percent. There already is protection against coercion in law. What we do specifically in this bill is exactly the same thing—the amendment by Mr. ROBB.

The objective is, indeed, to protect the employee and protect the public, and what we do is make that a workable line so that people will understand what is happening.

The 3,000 interpretations that we refer to, those were folded into the Hatch Act when it was passed and have not all been done away with yet, as witness the examples I have given on the floor many times. They have not all been distilled down to where there are very clear rule and regulations. Otherwise, why would we need something like a hotline for Federal employees to call to get an interpretation of whether they can or cannot do something? Is it not a ludicrous situation that the law is that unclear? And yet that is what we have. We have to establish a hotline so people can call in and say, can I stuff envelopes, or am I going to be charged with a violation if I stuff some envelopes down here in the boiler room some place? Or can I go to a political rally? What can I do? We have to have a hotline to try to describe these different interpretations that have grown up and been there under the Hatch Act through a good part of its existence since 1939.

All this bill tries to do is clarify some of that so that, exactly as the Senator from Delaware said, the public is protected, the employee is protected because they now will know without benefit of a hotline that they cannot do anything political on the job, that they cannot even wear that infamous buttons we have talked about on the floor repeatedly. So we tighten it up in that respect.

On the other hand, we keep some of the restrictions outside, such as no raising of political funds from the general public and not running for public office. The House bill permits both of those. This is a long-needed revision that S. 135 has made.

Mr. President, with regard to the amendment by the Senator from Kentucky, the basic point is we do not need all the same things, and that is what took us so long, we had to research this. We were trying to go through line by line and search whether each item in there is covered in some way under existing law. As I said in my remarks a few moments ago, we have determined that they are covered under other law so we do not need this amendment. That is the reason I rise to oppose it. Whenever the sponsor of the amendment has finished, I will be prepared to move to table.

Mr. McCONNELL. Mr. President, in conclusion, it is the view of the Senator from Kentucky that the present law does not cover this situation. Federal and postal workers presently must finance, through their union dues, political causes that they in fact may not support. My amendment is about the Hobson's choice that Federal and postal workers currently are presented. The Hobson's choice, Mr. President, is this: Pay union dues and gain the right to vote on terms of employment. But under present law, a portion of their dues may go to support, through soft money, a candidate or candidates that the workers may vehemently oppose. That is the first choice. If you pay your dues in order to gain the right to participate in a collective-bargaining agreement, your money can be diverted to political causes in which you may not believe, or as a Federal worker or postal employee, you choose not to pay the dues because you do not want to provide financial assistance to those whose views you do not support. Only under present law you lose your voice on vital terms of employment issues.

So the purpose of the McConnell amendment is to eliminate the Hobson's choice and to eliminate in the

future the possibility that, against the will of the Federal or the postal employee, his dues money can be diverted for the purpose of supporting political causes with which that union member may not agree.

So, Mr. President, I urge adoption of my amendment. I yield the floor.

Mr. GLENN. Mr. President, I point out one last time that this is not the same as the situation under Beck where, for employment, a person was required to join the union or they would not have any employment.

They will not have any employment. The Government employees have full choice on whether to join the union or not. If they object to any of the union rules, then they do not have to join. Yet they are represented by that union. That is required by law.

They do not have to join. They can go their own way and still be represented. If they want to join—and under the rules, each union has set up what they are going to do if they want to join the union—work from inside on the majority rule in a situation like that to change the what the union is doing, that is permitted. That is not only permitted but encouraged. That is democracy at its best.

Let me read one other statement into the RECORD. Then I will move to table.

As the Supreme Court has recently explained, the Federal statutes authorizing union security agreement, that is, agreements that require the payment of dues or fees as a condition of employment, have been construed in a way that "does not permit a union, over the objection of nonmembers, to expend compelled agency fees on political causes." *Communications Workers* v. *Beck*, — U.S. —, 108 S.Ct. 2641, 2648 (1988). These decisions rest on the principle that putting all other considerations aside, employees who choose not to join the union should not be compelled to contribute financially to the union's political activities.

Union security agreements are not allowed in the Federal sector. A Federal employee may choose to join the union acting as a collective bargaining representative and pay dues, or may choose not to join and not to pay anything. And the union is required by the Federal law to fairly represent each and every employee in the bargaining unit whether or nor the employee joins the union and whether or not the employee pays a penny in union dues. Thus, the problem addressed in cases such as Beck simply does not arise in the Federal sector, because there are no "compelled agency fees," and therefore no danger of Federal sector unions "expend[ing]" such fees "on political causes" "over the objection of nonmembers * * *." *Communications Workers* v. *Beck*, *supra*, 108 S.Ct. at 2648.

The Supreme Court, in defining the right of objecting nonmembers to prevent the expenditure of their agency fee payments on political causes, also took care to note that the majority "has an interest in stating its views without being silenced by the dissenters." *Machinists* v. *Street*, 367 U.S. 740, 773 (1961). To express their views, the majority of employees who support the union must be allowed to freely associate in that organization as members. And this freedom of association has always been understood to include the right through proper democratic processes first to adopt the organization's goals and programs and second to establish membership rules that ensure that all who join will meet their financial obligations to the organization.

A public law that requires the majority to take employees in as members who refuse to accept the union's rules, including its dues requirements, would, in other words, be contrary to the most basic notions of free association. So far as I am aware, neither the Federal Government nor any State legislature has intruded in the affairs of a voluntary private association in that way.

In short, Federal employees who disagree with a union's political positions can simply refuse to join—or if they have joined, can resign—and they will suffer no adverse consequences, because the union must fully represent members and nonmembers alike. Thus, there is no reason to allow such employees to join the union on some terms other than those normally required for membership. On the other hand, forcing the majority of employees who have freely joined the union to accept into their ranks employees who wish to join on their own terms is contrary to the essential tenets of freedom of association.

The PRESIDING OFFICER. Does any Senator seek recognition.

Mr. GLENN. Mr. President, if there is no other discussion of this amendment, I move to table the amendment of the distinguished Senator from Kentucky.

Mr. ROTH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. GRAHAM). The question is on agreeing to the motion of the Senator from Ohio to lay on the table the amendment of the Senator from Kentucky.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from California [Mr. WILSON] is necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. WILSON] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—63

Adams	Exon	Levin
Baucus	Ford	Lieberman
Bentsen	Fowler	Metzenbaum
Biden	Glenn	Mikulski
Bingaman	Gore	Mitchell
Boren	Graham	Moynihan
Bradley	Harkin	Nunn
Breaux	Hatfield	Pell
Bryan	Heflin	Pryor
Bumpers	Hollings	Reid
Burdick	Inouye	Riegle
Byrd	Jeffords	Robb
Cohen	Johnston	Rockefeller
Conrad	Kassebaum	Sanford
Cranston	Kasten	Sarbanes
Daschle	Kennedy	Sasser
DeConcini	Kerrey	Shelby
Dixon	Kerry	Simon
Dodd	Kohl	Stevens
Domenici	Lautenberg	Warner
Durenberger	Leahy	Wirth

NAYS—35

Armstrong	Gramm	Murkowski
Bond	Grassley	Nickles
Boschwitz	Hatch	Packwood
Burns	Heinz	Pressler
Chafee	Helms	Roth
Coats	Humphrey	Rudman
Cochran	Lott	Simpson
D'Amato	Lugar	Specter
Danforth	Mack	Symms
Dole	McCain	Thurmond
Garn	McClure	Wallop
Gorton	McConnell	

NOT VOTING—1

Wilson

So the motion to lay on the table amendment No. 1591, as modified, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. BRADLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, we stand ready for any other amendments now. We had a long delay getting this one. We understand we have a couple more. We would like to get them on the floor as rapidly as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order. Those who have business other than that before the Senate will please adjourn to the cloakroom.

Mr. GLENN. Mr. President, I just wanted all my colleagues to know that in discussions earlier this morning with the majority leader, it is his intention that if we cannot resolve this and get amendments to the floor and if there is delay such as we have experienced, it is his intention, so stated this morning, to move tomorrow to cloture; and if that is necessary and cloture is invoked, it is his intention to go right around the clock for 30 hours. I know what this does to some of the travel plans for many Senators on the other side of the aisle who have important meetings that are taking place outside the country, but that is the intention.

So I hope that anyone with additional amendments would get them to the floor so we can consider them. We are ready to consider the amendments and that is the plan that was expressed this morning.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum have been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1607

(Purpose: To provide that the employees of each department and agency may select either current law or the proposed amendment to subchapter III of chapter 73 of title 5, United States Code, to apply, and for other purposes)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1607.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, insert between lines 13 and 14 the following new section:

SEC. . EMPLOYEE REFERENDUM ON APPLICABLE LAW.

(a) Notwithstanding any other provision of this Act, each department and agency shall conduct a referendum of all employees (as defined under section 7322(1) of title 5, United States Code, as amended by section 2(a) of this Act) in such department or agency to determine the provisions of law to apply to the political activities of such employees.

(b) The provisions of law described under subsection (a) shall be limited to—

(1) the provisions of subchapter III of chapter 73 of title 5, United States Code, in effect before the effective date of this Act; or

(2) the provisions of such subchapter as amended by this Act, and the other provisions of this Act.

(c) The Office of Personnel Management shall promulgate regulations—

(1) governing procedures and other matters for the conduct of such referendum which shall occur—

(A) no later than 120 days after the date of the enactment of this Act; and

(B) at such regular intervals, thereafter, as determined by the Office of Personnel Management, but in no event more often than every 5 years;

(2) providing that a majority of those employees voting in such a referendum shall determine which provisions of law shall apply; and

(3) informing and educating employees of the standards for political activities that apply to their department or agency.

(d) For any department or agency in which employees select the provisions of subchapter III of chapter 73 of title 5, United States Code, in effect before the effective date of this Act to apply in accordance with a referendum under this section, such provisions shall apply with the same force and effect of law as though the amendments in this Act had never been enacted.

(e) The provisions of this section shall take effect on the date of the enactment of this Act.

Mr. DOLE. Mr. President, this is the all-American amendment. The purpose is simple: To provide employees of each department and agency of the Government the opportunity to select either current law or S. 135, the embodied law, within their particular agency or department.

The amendment does not change in any way any of the permitted activities and prohibited activities set forth in S. 135. It does not do a thing to that. It is simply an amendment affording employee groups the right to choose specifically, and this is how the amendment would work: Prior to the effective date of S. 135, the employees of each Government agency, of the department, would pull a referendum pursuant to which employees would vote whether they want their particular agency or department to be governed by the stricter limitations on political activity as currently embodied in the Hatch Act—in other words, under the present law or under the much looser standards set forth in S. 135.

If more than 50 percent of the employees who vote cast ballots in favor of S. 135, then their political activities will be judged on the basis of S. 135. That is it. If not, they are judged under current law. We direct the Office of Personnel Management to promulgate regulations governing the procedures and other matters with respect to the conduct of such referendum and also to undertake the task of informing and educating the employees of the standards for political activities that apply to each agency or department.

Finally, the Office of Personnel Management would be directed to issue regulations with respect to the holding of subsequent referendums on partisan political standards which referendums would occur no more frequently than every 5 years. The work force changes that there ought to be another referendum in 5 years, because those opposed might be in favor of participating under S. 135.

The purpose is simple. You would have referendums at regular intervals. You could look down the road. It also ensures the initial vote of the employee, agency, or department will not bind the agency forever. One obvious reason for this is the turnover of employee staffs, and one group of employees should not bind a different group of employees 5, 10, 15 years down the road.

Mr. President, we heard repeatedly from proponents of this legislation saying that this is something the workers want. I must say, if they want it, they are being very quiet about it. My phone is not ringing off the wall. It probably will be because I said that, because somebody can generate phone calls. I learned that fast.

I have been advised one Senator who has his office in a Federal building has not been contacted by a single Federal employee. This is another one of these things put together by the labor leaders saying it is something their members want, when surveys indicate that over half the members do not want this, and 70 percent of the SES employees do not want this.

So it seems to me the Senator from Ohio and others would consider this, and consider the survey of the Senior Executive Service, which indicated that 70 percent of such workers prefer current law. So if we really believe that this is something the workers want, why not give them a chance to vote? We do that in agriculture programs. We say, oh, this is what the farmers want.

We started having referendums and we started finding out farmers did not want what Congress thought they wanted, or what some leader of a farm organization thought they wanted. So what the workers may want will probably be left alone in most cases, not having to be dragged into partisan political activity or not having to make contributions to some political campaign under the fear of intimidation by some superior.

My amendment just lets the workers within each agency vote and decide for themselves.

I cannot think of any more democratic way, anything more fair. If the workers want to keep politics out of the office and they discover it, because

they will know before we know—let us say they have a referendum; 51 percent of the people say we want to go to S. 135, the looser bill. Let us say 5 years later the employees, whoever they may be, Democrats, Republicans, Independents, notice a lot of this political activity going on that is never going to be reported. We know it is never going to be reported—a lot of intimidation, maybe some coercion, maybe at least some perception of that. Then you had another referendum. It would give the employees a right to protect themselves without having their jobs threatened, without having to go through some complaint procedure. All they would do is simply vote in a referendum, a secret vote.

So it seems to me this is a good way to sort of police whatever happens, either for or against S. 135. This would be a self-policing mechanism, because I have to believe that if the good Federal employees—and they are good Federal employees—are going to make decisions, they do not want to make some that might cost them a job, a promotion, a transfer. So they are going to be very cautious, if S. 135 passes without some safeguard like this.

So, if the primary purpose of this act is to get rid of the rules and regulations that they claim are inconsistent, this ought to be a way to clarify it. I cannot believe this is an amendment that will not be agreed to. It probably will not be agreed to, but I hope it will be adopted on a broad bipartisan basis.

I am told that some of the labor leaders say they do not care; they are going to win every election anyway. Let us find out. I do not think they are going to win the election within the FBI or the IRS or the Federal Election Commission or the DIA or the CIA. All these sensitive agencies are now going to be involved in partisan political activity. They may not win the election of the postal workers or whatever.

But in any event, it is a commonsense amendment, something we think we have in the Midwest. We would like to share it with our friends around the country. We believe in fairness; we believe in democracy. We believe Federal workers ought to have a right to vote whether or not they want to engage in more political activity, and it just adds a new section to the bill that provides that referendums will be held and the time they are going to be held.

I cannot say much else about it. It seems to me it is a great idea, even though I may have thought of it. So I hope it might be well received by my colleagues on the other side and this side of the aisle. I am prepared to vote as soon as the Senator from Ohio has made his argument either for or against the amendment.

Mr. GLENN. Mr. President, we have just received a copy of this as we came on the floor, so we once again need a little time to make sure what we are doing. My first look at it is that I will, indeed, oppose it. I regret that is the case, but if the Senator will give us a few more minutes, we will be prepared to make a statement and then move on it.

I also hope that any other people who have amendments will bring them over, so we have a chance to look at them in advance, so we do not have to sit with staff and try to go through these things word by word, line by line, and consider them right here on the floor. We appreciate having them in advance so we can really get them through in a more expeditious manner.

I will speak on this in a few moments.

Mr. DOLE. Will the Senator yield?

Mr. GLENN. Yes.

Mr. DOLE. Let me indicate I share that view. I have managed bills. It is pretty hard to manage the bills if you do not know what the amendments are. You do not need a surprise party every 30 seconds around here, so I have advised my staff as soon as they are drafted to make them available.

Mr. GLENN. There has been some late drafting going on around here.

Mr. DOLE. I agree. I think the Senator should have them in advance.

Mr. GLENN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, the proposal by the distinguished minority leader, if applied across the board, would mean that we would have, not just Federal employees but in other areas of Government or our society, groups getting together to decide a referendum on what laws would apply to them and what laws would not apply to them. I do not believe that when the Hatch Act was passed originally there was a vote to say whether it would be or would not be. There was abuse that was seen and action was taken to correct that abuse, and that was the Hatch Act. It corrected a lot of these abuses, but it would create confusion in what is going to be administered, what is going to be done with it, how it is interpreted, and that is what we are trying to correct.

As my distinguished friend from Kansas says, this is not a looser law in any way, shape, or form. It is not a repeal of the Hatch Act. In some respects, in fact as far as what people can do in the workplace, it is a tighter law. It tightens up the law and gives the people better protection in their agencies or wherever they work for the Federal Government. Better protection is tighter job restrictions, which they probably like.

As far as the comments about intimidation or coercion, those are already prohibited by law, so we are not talking about that. As to the farmers, the Senator talked about, when we pass a national agriculture bill, it applies in California as well as Kansas, as well as Louisiana, as well as my home State of Ohio, and every other State, and we do not say whether you opt in or opt out, depending on what the biggest advantage is for you when we pass whatever law it is we are passing. We make it as fair as we possibly can, and then we apply it to everyone. That is what this does.

To let each agency have a choice of which laws they will prefer to be governed under just balkanizes this thing, makes it even more confusing because at that point we would have employees who in one agency would vote one way and employees in another would perhaps vote another and we have not simplified things, which is the objective of S. 135. We would have, indeed, complicated them much more than they are right now.

So, for those reasons, Mr. President, at the appropriate time, whenever debate is finished, I will move to table the amendment by the Senator from Kansas. I do not know who else wishes to speak on this or if he wishes to respond, but at the appropriate time I will move to table.

Mr. DOLE. I thank the Senator from Ohio. I just wanted to point out what we have done. We have a couple of charts which show what you can do under current law and what you can do under S. 135. There is no doubt about which is the looser law.

Under S. 135, you can solicit contributions to the PAC of a Federal employee's organization to which both the employees and the donor belong. You can campaign for or against a candidate or slate of candidates in partisan elections. You can make campaign speeches or engage in other partisan activities to elect partisan candidates. You can distribute campaign material in partisan elections. You can register voters for one party only. You can organize or manage political rallies or meetings. You may hold office in political clubs or parties, and you may circulate nominating petitions.

That is what we have as opposed to what we have today, current law, which is much less limited. Under current law, you can contribute money to political organizations or attend political fund raising functions. You may participate in campaigns where none of the candidates represent a political

party. You may assist in nonpartisan registration drives. You may display political badges, buttons, or stickers. You may attend political rallies or meetings. You may join political clubs or parties.

You may sign nominating petitions, you may campaign for or against referendum questions, constitutional amendments, municipal ordinances, and, or course, you can register and vote as you choose.

That is a much tighter provision than contributing to the PAC, or a Federal employees organization, to which both the employee and the donor belong, and you can campaign for or against a candidate or slate of candidates in partisan elections. It is a whole rewrite to repeal what we have now and a whole substitute to broaden the political partisan activity or Federal employees who belong to different unions.

Some do not want to do it. If we are going to take the democratic way and mandate that this law passes, you are going to be subject to all of this stuff, you are going to be asked to give money, and you are going to be frightened if you are a Federal employee somewhere. It may be somebody asking you who might have some influence on whether or not you are going to have your job or be promoted or whatever.

What I have done is try to come up with an amendment that at least you have a majority of the Federal employees in an agency say yes or no. It seems to me it makes a great deal of sense. Referendums are being used all over Eastern Europe now. People are getting their freedom and are having referendums. They are deciding what kind of government they are going to have. Somebody is not mandating what kind of government they are going to have. It is precisely when it gets into an area like this, in my view, that a referendum is a good idea.

I am sorry to hear that the Senator from Ohio, after reflection by a narrow margin, is opposed to the amendment. Maybe it is not a narrow margin. But I am prepared to vote, in any event.

Mr. GLENN. Mr. President, I move to table the amendment.

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio to lay on the table the amendment of the Senator from Kansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from California [Mr. WILSON] is necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. WILSON] would vote "nay."

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—62

Adams	Fowler	Lott
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Graham	Mitchell
Bingaman	Harkin	Moynihan
Bradley	Hatfield	Nunn
Breaux	Heflin	Packwood
Bryan	Heinz	Pell
Bumpers	Hollings	Pryor
Burdick	Inouye	Reid
Byrd	Jeffords	Riegle
Conrad	Johnston	Robb
Cranston	Kasten	Rockefeller
Daschle	Kennedy	Sanford
DeConcini	Kerrey	Sarbanes
Dixon	Kerry	Sasser
Dodd	Kohl	Shelby
Domenici	Lautenberg	Simon
Durenberger	Leahy	Stevens
Exon	Levin	Wirth
Ford	Lieberman	

NAYS—36

Armstrong	Garn	McConnell
Bond	Gorton	Murkowski
Boren	Gramm	Nickles
Boschwitz	Grassley	Pressler
Burns	Hatch	Roth
Chafee	Helms	Rudman
Coats	Humphrey	Simpson
Cochran	Kassebaum	Specter
Cohen	Lugar	Symms
D'Amato	Mack	Thurmond
Danforth	McCain	Wallop
Dole	McClure	Warner

NOT VOTING—1

Wilson

So the motion to lay on the table amendment No. 1607 was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that I and others who may wish to join may proceed as if in morning business for 20 minutes?

The PRESIDING OFFICER. Is there objection?

Without objection, we return to a period for morning business.

The Senator from New York is recognized for a period up to 5 minutes.

THE BUDGET

Mr. MOYNIHAN. Mr. President, I rise to call the attention of the Senate to what appears to this Senator, and I believe to some others, a hugely unfortunate statement which was made yesterday by the House Republican whip, Representative NEWT GINGRICH of Georgia, in the context of the upcoming meetings of the President, the majority leader, and Republican leader here in the Senate, the Speaker and the Republican leader in the House, having to do with the budget for the coming fiscal year in the context of new numbers, if I may put it that way, that the Office of Management and Budget has issued which show the deficit to be much greater than ever it was said to be in the President's original budget which was even then not accepted and even now seems to me to have a very serious credibility problem.

Mr. President, it is well established, as clear as anything will ever be in our city, that the President asked for these meetings. The President approached Members of the House side, I believe, first and then the Senate side. On Thursday, in a policy meeting of the Democratic Policy Committee, the majority leader spoke with us about this matter and asked the counsel of his colleagues. We said, "By all means, go to that meeting on Sunday and see what the President has in mind."

And now in subsequent meetings it has been agreed that these discussions, this summit as the term is, will go forward—a clear initiative from the administration and followed up by a statement by the White House Press Secretary that everything would be on the table—to that effect, I do not quote Mr. Fitzwater—followed by information coming from the Office of Management and Budget to say that the deficit is much larger than was first projected. No news to anyone in this body, I should not think, and I do not think it is much news to anybody in the administration, even in the Office of Management and Budget. That has become an annual ritual, as the distinguished Senator from Tennessee, the chairman of the Budget Committee, has said, a budget to arrive from the administration filled with the familiar rosy scenario only to have them then disprove it before it is even voted upon.

In the House of Representatives, the opportunity was available to offer the President's budget. It was declined. We now hear of increased outlays for the savings and loan disaster, increased interest rates, the budget deficit is up and up again. And that deficit includes as its general revenues the surplus of the Social Security trust funds, a matter about which I have spoken before and others have done.

Well, the Government has to go forward and there is nothing in the least the matter with the negotiations between the congressional leadership and the President.

However, what is one to think, with this record as clear as it can be, to read in this morning's New York Times, for which I express my appreciation as a New Yorker, Mr. GINGRICH saying that, and I will read the full paragraph.

Despite White House efforts to reassure the opposition, Representative Newt Gingrich of Georgia, the House Republican whip, sought to stigmatize the Democrats as the true authors of the current thinking about a tax increase.

And then this:

I don't think there's any question in this country which party is addicted to tax increases and which party is reluctantly willing to negotiate.

"Reluctantly willing to negotiate" is the way the Republican whip in the other body characterizes the President's request that the congressional leadership come to the White House to talk with him at the summit, as that term is now used.

This raises anxiety. I want to make clear in no sense do I question the good faith of the President, the Secretary of the Treasury, the Director of OMB. But this fact is here in front of us. The meetings have not even begun when a member of the Republican leadership on the other side—not this body—clearly distorts the process by which the meetings got underway and already seeks to characterize any outcome that might involve taxes as the work of the parties invited to talk as against those who did the inviting.

That raises questions of good faith, good faith in the large political sense of will we come together in these matters or will they be used as a setting for the character assassination of the Democratic Party?

We, sir, have been in this body for 4 months now, raising the question of how can Social Security trust funds be used as general revenue, without ever charging bad faith; saying this activity, in which both the Congress and the executive branch are now involved, does raise the question of good faith with the American people, with the 132 million people who pay a Federal Insurance Contributions Act payment. It is not an income tax. On the payroll it says FICA; it is a contribution to insurance. It was never remotely conceived by the authors, President Roosevelt, Members of the House and Senate in the 1930's, to be Federal revenue for general purposes.

In a specific document in the Roosevelt papers talking about this matter, for example, Luther Gulick, of Columbia University, who was working in the Government in 1941, specifically suggested to the President it might be time to merge these revenue streams.

"No," said Franklin D. Roosevelt, "that is a separate source of money that goes to an insurance fund. Credits are made to individual accounts." There is a number on every dollar in the trust fund. It is yours, or mine, or our wives' or our brothers', our cousins'. Every dollar in that trust fund has somebody's name on it. These are not general revenues.

Yet already in the presentations by Mr. Darman, we include the surpluses, running at about $75 billion this year, as if they were part of the revenue base of the Treasury. They are not. Or at least in the judgment of this Senator they are not.

That enormity apart, as if that were not enough that we are being asked to begin our discussions by conceding the not-conceded point that insurance contributions are revenue to be used for everything from battleships to paperclips, what you will, as against revenue to be used only for benefits and the very small administrative costs of running the program—now, for it to be said that on top of this the discussions begin by, I will say again, "the party addicted to tax increases," to wit this party, on this side, and "reluctantly" entered into on the other side, is to at the very least cause apprehension and concern.

Mr. CRANSTON. Will the Senator yield?

Mr. MOYNIHAN. I will be happy to yield to the majority whip.

Mr. CRANSTON. May I see that quotation?

Mr. MOYNIHAN. Certainly. The New York Times, the newspaper of record.

Mr. CRANSTON. I am delighted the Senator from New York has called this to the attention of the Senate and to the public. This is an absolutely outrageous statement by the number two leader of the Republican Party in the House, and I want to repeat the quote that the Senator from New York just read.

Representative NEWT GINGRICH of Georgia, the House Republican whip, quoted in the New York Times as seeking "to stigmatize the Democrats as the true authors of the current thinking about a tax increase. 'I don't think there's any question in this country which party is addicted to tax increases and which party is reluctantly willing to negotiate.' "

To come from a man who is in the leadership, who is presumably involved in the negotiations, and knows perfectly well who asked for the negotiations, the President of the United States, to state that the Republican Party is the reluctant one, since they have initated the negotiations, is obviously a falsehood.

I do not know how negotiation can be carried on in good faith with people who resort to such statements. The actual fact is that the Democrats have been somewhat reluctant to enter into these negotiations. We believe the President and his Mr. Darman are driven by economic facts to wonder about the necessity of a tax increase. What they hope to do is to blur who is responsible for that by having any such proposal come out of a meeting where Democrats are participants, That is obviously the plan that is involved in these negotiations being proposed.

The Republicans are embarrassed by the President's statement, "Read my lips, no new taxes," since the economic facts of life may well be driving him to a decision that new taxes are in order.

It seems to me to have honest negotiations, or straightforward negotiations, the President should state the facts as he sees them about a tax increase, about any other aspect of the budget process that must be considered, and then we can have a meeting where the cards are plainly on the table.

I want also to applaud the Senator from New York for his leadership on the issue of Social Security. This administration, like its predecessor, seeks to use Social Security funds to balance the budget. The Senator is leading the battle to see to it that process is brought to a halt. I am delighted to be one who is working with him in that effort.

Mr. MOYNIHAN. I thank, so very much, the distinguished senior Senator from California.

I would say to the Presiding Officer that we would hope to have some respect. It is not out of order to have us say on the floor today: Could we not hear from the executive branch that they do not share this view, that they do not endorse the statement of Mr. GINGRICH? For, if no comment is made, with what measure of trust will these negotiations go forward? What is likely to be the outcome if it is said in advance how the outcome will be characterized; if any mutual agreement will be characterized as a position imposed by one party on the other reluctant party? Well, there is not likely to be an agreement, or if one emerges, it is not likely to be well received when it returns to this body or to the other body, I would think.

On this matter of Social Security; no new taxes? On the first of January, the last of the rate increases for Social Security contributions, OASDI, the old-age and survivors and disability insurance program put in place in 1977 in anticipation of a very rapid changed demographic situation in our country beginning the third decade of the next century—that increase took place. It was treated immediately as if it were just another tax increase. Revenue is now available for general purposes, as against social insurance.

That statement reported in the New York Times, that is the equivalent of your 30-second attack commercial. Wham, out of nowhere; bop, disappeared.

At least it had a name attached to it. I will concede that. But it is that attack mode, that accusatory mode that is poisoning and paralyzing our political governmental processes. If we cannot trust in the essential attachment to fact on the other parties, we cannot trust to make any opening proposal or respond to opening proposals, in turn.

Bryce Harlow, a great adviser to Dwight D. Eisenhower, one of the finest public men ever to serve Presidents in this city in the second half of the 20th century, said it very well. He said, "Trust is the coin of the realm." And he meant the trust among the elected Representatives.

And where that leaches away, the realm is accordingly deprived of the vigor and directed capacity that makes political choice possible. John F. Kennedy used to say, and I have heard him say it—nothing put in a speech, but at a meeting—to govern is to choose.

We have to make some choices here. We have avoided them for the better part of a decade. To seriously impair that effort even before it has begun is scarcely, it seems to me, a service to the President, much less to the Congress.

Mr. President, I yield the floor. I thank the Chair.

Mr. NICKLES. Will the Senator yield for a quick question?

Mr. MOYNIHAN. I am happy to yield.

Mr. NICKLES. Mr. President, I appreciate my colleague's comments. I say, as one who sits on the Budget Committee and happened to sit in on the leadership meeting yesterday with the White House, I expressed to the President that I thought the revenues were growing quite well.

As a matter of fact, under the Senate Budget Committee approach that is approved by the Budget Committee, revenues are anticipated to grow by $112 billion, or 11 percent. That is a big increase already budgeted, already anticipated. Some of that has new revenues, about $15 billion.

I will just ask my colleague a question. We talk about making tough choices. The Senator from New York made an interesting proposal for cutting Social Security taxes, stating the Social Security bill in 1983 raised taxes too dramatically. I agree with the statement, or at least that is my statement that the 1983 so-called bipartisan Social Security solution had dramatic tax increases, and possibly too much. I voted against it in 1983 for that reason.

But there are enormous surpluses. The Senator from New York said make it pay as you go, so we have a big tax cut. But I have not heard the Senator's position on how we would make up for the deficit. I heard him talk about making tough decisions. I have not heard the second part of that. I would like to support his effort, but I do not want a similar increase in the deficit.

If we are going to have a massive cut in Social Security taxes, I am not really interested in having a massive increase in the deficit. I am not really interested in raising taxes in other areas in like amount. I would be happy to hear the Senator if he has made some of those tough decisions. If he has made the decision, I would like to know about it, and maybe others would like to sponsor it.

Mr. MOYNIHAN. May I say I see the distinguished Senator from Delaware has returned, and I believe they would like to return shortly to this measure.

To my friend from Oklahoma, first of all, in my view, these are not taxes. They are insurance premiums paid into a trust fund.

Second, I say to my colleague, those increases were not put in place in 1983; they were put in place in 1977. I was here. I voted for them.

Third, with respect to the proposal I made, the Senator will have a chance to vote on it, I assure him.

I see the Senator from Connecticut.

Mr. DODD. Will my colleague yield? I want to commend my colleague from New York, as a member of the Budget Committee. Like most of us here, when the President suggested there be a summit meeting on this matter, my first reaction was, of course, I presume the President will be submitting a revised budget proposal.

I do not know how we conduct a negotiation unless both sides place on the table their respective positions. That would be the first order of business.

Mr. MOYNIHAN. The Senate committee has reported a budget resolution.

Mr. DODD. That is correct; as well as the House committee. Both committees have reported budget proposals. The Senate proposal was bipartisan in that one Member of the minority supported that particular effort. But, nonetheless, a budget proposal. There are critics of it, I am sure, but, nonetheless, a position the committee had taken. The House has done the same.

I presume that the President and the administration would lay down their revised proposal. I found it somewhat disingenuous that they would not even allow a vote in the House on the President's budget proposal. They did not even want a vote on that. My first point would be I hope that is the case.

But secondly, I must say, and I commend my colleague from New York for raising this point, you cannot begin a process like this with one of the leaders of the minority, in this case in the House, taking the position that this is once again an effort to raise taxes, or this summit proposal was initiated by the Democrats, and expect the kind of atmosphere to prevail which would allow for an intelligent discussion about what needs to be done to put this house in order. If we are going to begin on that note, then I suggest we are not going to get very far.

Certainly, I hope we will not pursue negotiations or pursue a summit when the President's party and those who are leading it take the position that this is an effort by the Democrats to raise taxes. Nothing could be further from the truth, and it is not the kind of environment which is conducive to negotiations.

So I hope the President will submit that proposal. I will be shocked if we enter negotiations with only one proposal on the table, and that is from the legislative branch.

I thank my colleague for raising the issue.

Mr. MOYNIHAN. The Chair has been very patient. I thank the President and the Senator from Delaware, who graciously gave us this interval.

The PRESIDING OFFICER. The time for morning business under the unanimous consent order has expired.

The Chair recognizes the Senator from Delaware [Mr. ROTH].

HATCH ACT REFORM AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. ROTH. Mr. President, S. 135 would prohibit any Federal employee from knowingly soliciting, accepting, or receiving a political contribution from any person, with one exception. That exception is for the solicitation of any other person who is a member of the same Federal employee organization, and of a contribution that is solicited for a PAC of such organization.

This language makes clear the overt partisan nature of this legislation. Today, Federal employees may not solicit political contributions at all, and that is the way it should be. The bill accepts this principle, but makes one glaring exception for Federal employee PAC's.

Last week, a front-page story on "PAC-man" George Gould, which I have referred to earlier in this debate, reveals what this provision is all about. Make no mistake regarding this provision. It creates an additional political power for Federal employees organizations, an awesome power. Like many of the key operative words in the bill, the term "Federal employee organization" is not defined in the bill or, as far as I am aware, in law.

Thus, there is no legal requirement the Federal employee organization be limited to membership to only Federal employees. Title 5, Definition of Labor Organization for Civil Servants, refers

to an organization composed in whole or in part of employees. In whole or in part; that means that employees and nonemployees alike can both be members of the organization.

What this means is that this exception to the ban on soliciting political contributions is not as narrow as many believe. In addition, while many assume that the impact of this exception is limited because Federal employee membership is fragmented among several organizations, the bill does not codify this assumption.

There is nothing in the bill that prevents the formation of a single nationwide network consisting of Federal employees and others who might wish to join. There is nothing that prevents Federal employees from forming one giant network with members of, for example, the AFL-CIO. Or it could be some entirely newly constituted organization.

Under the scenario, any member of the network can solicit contributions, pledges, payments for services, or services themselves from any member of the network, whether or not they are members or Federal employees.

By law, Congress will have created a major political force: Postal employees, Federal employees, and other union employees.

On the basis of the Washington Post article last Wednesday, contributions were made on the basis of 90 percent to the Democratic Party, 10 percent to the Republicans, so it would appear that a new political force would devote its efforts, on the basis of this information, to electing Democratic Party candidates. This bill is overly political. The adoption of the amendment that I will offer would eliminate the most outrageous aspect of this legislation. The amendment does not cure the coercion problem; only preservation of the Hatch Act can do that. But this amendment and its disposition will show the public what has brought the bill to the Senate floor.

AMENDMENT NO. 1608

(Purpose: To prohibit Federal employees from soliciting, accepting, or receiving a political contribution from any person)

Mr. ROTH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 1608:

On page 4, line 11, beginning with the comma strike out all through line 19 and insert in lieu thereof "; or".

Mr. ROTH. Mr. President, my amendment would strike from the bill the ability of Federal employees to solicit political contributions from other Federal employees who belong to the same employee organization. This is not current law. Federal employees cannot solicit from other Federal employees today. This amendment would conform S. 135 to current law. I believe, if this amendment fails and the current provisions are retained in S. 135, we are setting a very dangerous precedent permitting political contribution solicitation by Federal employees.

More than 100 years ago, the Supreme Court upheld a prohibition against Federal employees contributing to or soliciting other Federal employees for political purposes. This legislation would repeal a similar provision in current law.

In 1882, the Supreme Court considered a case, Ex parte Curtis, which arose before the major civil service reforms of both the Pendleton Act and the employee protections of the Lloyd-LaFollette Act and the Hatch Act itself. In this case, the Supreme Court upheld a prohibition against Federal officials or employees contributing to or soliciting other Federal employees for political purposes. The Court held that:

If contributions from those in public employment may be solicited by others in official authority, it is easy to see that what begins as a request may end as a demand, and that a failure to meet the demand may be treated by those having the power of removal as a breach of some supposed duty, growing out of the political relations of the parties. Contributions secured under such circumstances will quite as likely be made to avoid the consequences of personal displeasure of a superior, as to promote the political views of the contributor . . . the law contemplates no restrictions upon either giving or receiving, except so far as may be necessary to protect, in some degree, those in the public service against exactions through fear of personal loss. No one can for a moment doubt that in * * * these statutes the object was to protect the classes of officials and employees provided for from being compelled to make contributions for such purposes through fear of dismissal if they refused.

Mr. President, I have been more interested in what has not been said by those who are advocating S. 135 than by what has been said, and well they might remain silent, because I think when it becomes clear as to what the real thrust of this legislation is, the American people will, indeed, be concerned.

Let me point out that essentially what this basic legislation would do would be to create the potential for national Federal and postal PAC's. It would create the situation where far more money could be collected than is currently possible, and I would just like to point out that these organizations already do pretty well, as we have already pointed out from the recent Washington Post article; something like a total of $769,000 was passed out to political candidates by one group—$769,000. That is, indeed, a lot of money. And that, I might point out, is only one of the union PAC's. As I have said before, it is ironical to me that we have legislation before us at this stage to expand PAC's to make it possible for Federal employees to dun other employees if they are members of the same employee organization at the very time it has been announced that the next, or at least in the next few days we will be considering legislation to reform campaigns. And central to that campaign reform is to eliminate, or at least to reduce, PAC's. And yet here we have a legislative proposal to expand PAC's.

I might point out, if you look at this chart, what we are really talking about is a number of postal and Federal unions that have contributed very substantially in recent elections. For example, take the case of the American Federation of Government Employees. In the last election, it donated $195,000 to Democrats, $15,000 to Republicans. Or, to break it down by percentage points, 92.5 to Democrats, 7.5 to Republicans; the American Postal Workers Union, 93 percent Democrat, 7 percent Republican; National Association of Letter Carriers, 90 percent Democrats, 10 percent Republicans; National Rural Letter Carriers, 81 percent Democrats, 18.8 percent Republicans; National Treasury Union employees, 94.2 percent Democrats, 5.8 percent Republican; National Association of Postal Supervisors, 85.8 percent Democrats, 14.2 percent Republicans; National Association of Postmasters, 72.7 Democrats, 27.3 Republicans; and National League of Postmasters, 67.5 Democrats, 32.5 Republicans.

I just would point out according to this chart, that means of the total money given in 1987, 1988, 88 percent went to Democrats, 11.9 to Republicans; in 1985-86 92.2 percent was given to Democrats, 7.8 percent by Republicans.

I might say, Mr. President, these PAC's, like other PAC's have done very well in collecting funds. Of course, they certainly have the right to donate or contribute to whoever they want. But what concerns us here is twofold: First, there is a growing consensus that something ought to be done to limit PAC's; not to expand but to limit, if not to limit them outright. But instead of reducing, instead of limiting, S. 135 expands. I think this chart shows very well why that is the goal and the objective.

I might also point out that it would mean at least these numbers are probably not as large as they could be, because there are 680,000 postal employees, in the unions, and 300,000 Federal employes in the unions.

So it is entirely probable, at least possible, that considerable funds, more funds will be collected as a result of this legislation if it were to become law. As I said, it is ironic that this is at the very time when we are considering

legislation to reduce, if not outright eliminate PAC's.

A second matter on which the advocates of this legislation are very silent—and I can understand why—is what could occur under S. 135 is the creation of a potential for a national network of Federal and postal employees. This legislation provides that Federal employees can campaign—I might say not only can, but it encourages them to campaign—and get involved in partisan politics off duty. And what a network.

Let me just point out we could take the postal employees alone. They reach into every district, into every State, and through their mail delivery service you would have one of the greatest networks available to any political organization.

We all know, those of us who have campaigned, that one of the most difficult things is to deliver your campaign literature to every household in your State or your district. Under this law, all that would have to be done is to get your postal employees on Sunday, an off-duty day, and have them distribute on that day all your literature. What a beautiful natural political organization would be available. Why not? Why not move in that direction?

Mr. President, the purpose of the Federal Government, the purpose of the Federal laws, is to serve the American people—not the Democrats, not the Republicans, but the American people. The purpose of the Hatch Act has been to assure the American people that the laws of the Federal Government will be administered fairly, and squarely, and in a nonpartisan way.

Presidents, going way back to George Washington, have been concerned, deeply concerned that Federal employees might use the position to influence in a partisan way. They recognize that it was wrong, under our form of Government, to permit that kind of Federal influence.

It was not until 1939 that it was corrected. It was corrected by the passage of the Hatch Act, that very carefully worked out a balance between the interests of the Federal employees to exercise their right to vote as American citizens, and at the same time to ensure the American people that their laws were going to be administered in a fair and nonpartisan manner.

As I have said in a number of cases, you know, how would you feel trying to get a Government contract, where the individual responsible for awarding the contract has been, in off-duty hours, very involved in either Democratic or Republican politics? Assuming that you are of the opposite party, and that is a well-known fact, are you going to have much confidence in the administration of the laws when the person responsible for determining who will be awarded the contract is an active participant in the opposite political party? The answer is no.

So that S. 135 just opens a whole door to a return of spoils politics.

Let me say the enactment of the Hatch Act was a great triumph. That law, I might say again, was enacted under a Democratic President, and a Democratic Congress. It has served the American people well, and it has served the Federal employees well for the 50 years it has been in effect. No wonder we have so many employees who do not want to change. Roughly 70 percent of the Federal employees either oppose or are neutral about any change, so that it becomes very clear that there is no mass movement among the Federal employees for enactment of S. 135.

As I said earlier, the idea of a neutral nonpartisan Federal bureaucracy is something that has been seen as important from the days of George Washington. I think it is interesting to see that Thomas Jefferson, the Nation's third President, was among the first to express concern about the issue of political activity on the part of Government employees. In response to Jefferson's concerns, the heads of the executive department issued an order which stated that while it is the right of any officer, that is Federal employee, to give his vote in elections as a qualified citizen, it is expected that he will not attempt to influence the vote of others nor take part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution.

It was deemed inconsistent with the Constitution at the beginning of our Republic. There is nothing that really has changed the situation today.

Our distinguished chairman of Governmental Affairs said last week, that the legislation before us, S. 135, does not significantly expand the ability to collect funds for PAC's. To be specific he said:

> Mr. President, I would respond by saying that the intention was right now only the elected union leaders could do this, and for a large organization, to let them delegate that to some of the other people. I think it only makes common sense that that is what would be done under any other PAC's, I believe.
>
> I see no reason they should be prohibited here. I do not think you are going to see under this any great flood of people, where everybody is dunning everybody else within a particular union or employee organization for money. That was not the intent. Nor would it actually operate that way.

So this was not meant to open any floodgates, nor do I see how it would. I read the specifics here a moment ago as to exactly who can and who cannot solicit money now, and who would and would not be able to solicit funds after S. 135 is passed. And it hardly varies at all. So I do not see the difference here.

Well, Mr. President, I have to respectfully, but strongly, disagree with that statement. This legislation would open the floodgates.

Just let me, once again, emphasize and underscore that under current law, no Federal employee can solicit contributions from a fellow employee on duty or off duty, whether they are a member of the same union or employee organization or not. The prohibition is clear. What S. 135 provides is that the Federal employee can, so-called off duty, dun his fellow employee for voluntary contributions, whether it be in the form of money or services, or whatever.

Let me point out, I cited in the figures a few minutes ago that you have in the postal unions 680,000 employees. That means that they would be eligible under S. 135 to solicit off duty contributions from their fellow employees, whether it is a request to make a financial contribution, to buy a ticket to a campaign dinner, or whether it is for some kind of services. Maybe it is just filling envelopes or, as I said, it could be on Sunday to deliver the campaign mail of a candidate. You also have 300,000 employees in Federal employee unions. So you have roughly a million employees who under this legislation would, for the first time in modern times, be able to be solicited from.

So this is a very, very significant change. I can understand why the members of the other great party would be favorably disposed, but I think it is a mistake at this juncture, at this moment of history, when we will be addressing the problem of campaign reform, to make these major changes in who could collect PAC's.

I want to point out that my amendment does not abolish or limit PAC's. We are hoping that is going to be done in the next week or two when it becomes part of the campaign reform legislation. What my amendment does, it eliminates from this bill the provision which expands the role and significance of Federal employee organization PAC's. I urge my colleagues to support this legislation. I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. Senator GLENN is recognized.

Mr. GLENN. No matter how many times it is said from the other side that this expands or loosens the Hatch Act, it just does not do that. My distinguished colleague from Delaware has made a big thing out of the fact that we have PAC contributions here from some of the Government employee unions, and it shows very decidedly, I admit—I give that going in—that these people feel that their interests have been best served by the Democratic Party, obviously, or they would not give that kind of money.

I think it would be far more fair if we trotted out all the different PAC's. When labor came up with PAC's years ago, it was followed immediately by business PAC's. I did not bring with me today a listing of all the PAC's and who they have given to, but I submit I can trot out charts like this all day and all night that show different organizations of business and other interests to whom the lopsided contributions are just as much in favor of the Republicans as this is in favor of the Democrats.

So to pick out one particular item here—I do not think it is one particular group of unions like this, although they are involved with the Hatch Act and are Government employees; but to think that we are trying to somehow set up a situation where they are going to be benefited enough and this is the reason for this, as was charged here on the floor the other day, that we are trying to set this up because it is an election year, and this is somehow supposed to tremendously benefit the Democrats is just ludicrous.

How about NCPAC, Chamber of Commerce, NAM, AMA, and a bunch more. I do not have a complete listing. To whom do they give the bulk of their funds? At least some of those organizations are very heavy contributors to Republicans, and much lighter contributors to Democrats. So this business of playing games with which PAC contributes to whom is something that I think we ought to be careful with.

I was handed a list here, and I have not read it myself. But I am told that among the top 50 money raisers in 1987 and 1988 were the National Security PAC; they did the Willie Horton ad. Remember that one? The American Medical Association, NRA, Political Victory Fund, National Congressional Club—that, one of our distinguished Senators has—Campaign America, National Auto Dealers Association, National Conservative PAC, NCPAC, RUFF PAC, National Right To Life PAC, Congressional Victory '88, Citizens for the Republic. All of these are ones I believe that would show close to the same benefit to the Republicans that you show for Democrats on this particular chart here in front of me. We could get information on the rest of them.

Mr. President, just as an aside, it would be my intention however to talk for about another 7 or 8 minutes and be prepared to move to table the amendment at an appropriate time. I do not wish to cut off debate, but perhaps we can agree on an approximate time that will occur. Can the distinguished floor manager on the Republican side give me an estimate of how much time he may need to speak yet on this before we vote?

Mr. ROTH. I say to the distinguished chairman, I am not in a position to say how much longer. I share his interest and concern in trying to bring a vote as rapidly as possible.

Mr. GLENN. I understand that. It would be my intention, unless there is serious objection, to move to table at, say, 5:45. And people who want to speak on this can come to the floor, and they can be advised that is probably what we will do, unless there is serious objection. I do not want to force a vote, if we are really exchanging views and are going to illuminate the subject more. I hope we can move to table this by 5:45.

Mr. ROTH. Mr. President, if that is in the form of a request, I am compelled to object, and I do object. But as I said, it is my intent and hope to expedite action on this amendment, as the chairman desires.

Mr. GLENN. Mr. President, S. 135 does retain restrictions on political fundraising activities by Federal workers. All these boogeymen we seem to trot out here on the floor in debate just are not realistic. Some think, to use the words of my distinguished colleague, that this is going to result in a giant network across the country of fundraising capability never before seen, a national network he referred to even after that, and I submit whatever networking can be done can be done right now. That is not prohibitive for these particular organizations now, I do not believe, if there is to be any great networking, because what we permit within this bill is not something like that at all, beyond anything that they could do right at this moment. S. 135 does not expand the capability in any way.

To the extent to which Federal employees would be able to engage in any political fundraising activity it would be strictly limited under this legislation. Federal workers would not be able to solicit political contributions from anyone except other members of their employee organizations.

Furthermore, solicitations could only be made on behalf of their organization's political committee. And under S. 135 Federal employees cannot solicit funds on behalf of individual candidates nor can they solicit funds for other PAC's or political parties. Fundraising cannot be conducted while the employee is on duty, while in uniform, or while using a Government vehicle.

What does this mean? It means that Federal employees cannot solicit general contributions from the general public. It means that a Federal worker will not be able to solicit contributions on behalf of the candidate of their choice from anyone. You are still limited. It means that no partisan political activity can occur during working hours even if it involves two members of the same Federal employee organization. What more protection can there be than that? So this does not open things up.

There has been considerable rhetoric from the other side, the big scare, if you will, concerning just what S. 135, the Hatch Act reform bill, provides in the solicitation of campaign contributions and the operation of political action committees.

Let us just set the record straight on both current law and on S. 135. Under current law, the Hatch Act does not mention political action committees at all. The reason for this is that PAC's as such did not exist when the law was enacted in 1939. The rules governing the establishment and operations of PAC's are the Federal Election Campaign Act of 1971. That governs PAC's, not the Hatch Act.

As we all know, under the 1971 act, any group of individuals, management or union employees of a private company, Federal employees, any group of individuals with a common interest—for example, the conservatively leaning individuals who joined together to form what was called NCPAC, a group I am sure my colleagues on the other side of the aisle remember—any group could band together to form a PAC.

Once again the rules for establishing and operating a PAC are not in the Hatch Act. They are in the Federal election laws. Among the authorities vested in a PAC under the Federal elections laws is the authority for each PAC to decide on its own rules concerning which of its members may solicit contributions for the PAC. This is covered under the FEC now, under the Federal election laws, not under the Hatch Act. They set their own rules. That is provided in law.

However, when it comes to the involvement in PAC operations by a Federal employee, be it a PAC operated by a Federal employee group or a PAC such as NCPAC to which a Federal employee belongs, a provision of the Hatch Act does come into play because the Hatch Act prohibits Federal employees from active—active—participation in partisan political activities.

Somewhere among all those 3,000 rules that we have talked about is one that concludes that soliciting for a PAC or rather soliciting others to become members of a PAC which is different and constitutes active participation.

Let me read that again. There is a rule that concludes that soliciting for a PAC or rather soliciting others to become members of a PAC constitutes active participation.

So what we have now is a set of laws. One allows any group of individuals including Federal employees to band together to form a PAC and another which says that while Federal employees can join or band together among

themselves or with others, they cannot play an active role in the PAC.

That Federal employees currently participate in or have PAC's has been well established by my colleagues who have been waving around certain articles from the Washington Post. But, of course, they did not need a newspaper to tell them about those Federal employee PAC's. A good many of them have, including several of my very worthy opponents on the matter before us have, in fact, received money from those PAC's. But we will not discuss that here today nor is it really that pertinent as I see it.

But what does S. 135 do? What does it change? Well, it is very simple. S. 135 simply allows current Federal employees to play an active role in the operation of any PAC to which they may belong—only the operation of the PAC to which they may belong—so long as that PAC is comprised solely of Federal employees.

Further, S. 135 simply provides that a Federal employee PAC will no longer have to go through the charade of seeking out a retired member or hiring someone to operate their PAC. S. 135 simply puts the Federal employee PAC on an equal footing and allows them to operate under the same rules as any other PAC which is determined by the Federal Election Commission. S. 135 does not allow Federal employees to participate actively in PAC's having other than Federal employees and retirees as members. In other words, you cannot use this to go off and raise money and do things in other PAC's someplace. It does not allow Federal employees to participate actively in PAC's having other than Federal employees—it could not be outside, for instance—and retirees as members.

A Federal employee who belongs to NCPAC still will not be able to actively participate in that PAC because it has members who are not Federal employees. The bill does not allow employees to solicit private citizens. It does not increase the money pool for Federal employee PAC's. And it does not usurp from the election laws the rules governing who may or may not establish PAC's. That is determined by the FEC and this has nothing to do with that.

Federal and postal employees have PAC's right now. S. 135 simply allows them to operate the way other PAC's operate in accordance with Federal law. If we vote to change current law, then these Federal and postal employee PAC's would operate in accordance with those changes. And if we voted to change Federal law to ban all PAC's, then these PAC's would also cease to exist.

Mr. President, I obviously rise in opposition to this amendment. What we do in S. 135 in no way opens up all these floodgates of giant networks and national networks and things beyond what people have been capable of doing up to now under existing law.

So this is not any great opening up at all. It is, as I have said many times on the floor here, basically a clarification of very confusing Hatch Act interpretations. This will sort all that out by saying that there are still restrictions on Federal employees. They cannot go outside on their off-duty time when they are not on the job. They cannot run for public office. They cannot solicit for contributions outside by the general public. And on the job then they cannot do anything politically. Now that clarifies it.

We do not need that hotline for people. We do not need a law on the books and interpretations on the books so confusing. As my colleague indicated a while ago, there is a hotline that Government employees can call to find out what they are permitted to do and not do. Now, what a law. What a law. It has been interpreted so many different ways we have to establish a Government hotline and pay for it with taxpayer dollars. I do not know how much that costs, but we now have a national network where people can call in and find out: "Can I hold a poster at a political campaign? Can I contribute something or can I not? May I stuff envelopes? Or am I prohibited?"

Well, that and a thousand other questions will be asked on the hotline.

What we try to do with S. 135 is very simply set this whole thing up with a way where it will be simple, it will be very straightforward, it will be understandable and people will not need that hotline to find out whether they are breaking the law or not. That is the purpose of S. 135.

Mr. President, I do not know whether other speakers are available. I know there are none on our side of the aisle. I would be prepared to vote on this as soon as the distinguished author of the amendment is prepared to do so.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware [Mr. ROTH].

Mr. ROTH. Mr. President, first let me point out that what we seek to do by my amendment is very simple. What we are seeking to do is eliminate any reference to PAC's. As I said earlier, the next major piece of legislation presumably to come before the Senate is the question of campaign reform. If we are going to either expand or reduce or modify—or eliminate them, as I hope we will—then I think any reference to PAC's ought to be eliminated in the legislation before us.

We all know one of the major thrusts of campaign reform is to make major changes in PAC contributions. Those reforms should apply to all PAC's. I agree they should apply to PAC's that substantially give to Republicans just as much as they apply to those that give substantially to Democrats. What we are trying to do is create, in campaign reform, an approach that will have the support and confidence of the American people.

So it seems ironic to me, as I said earlier, that as we get ready to address the problem of campaign reform, PAC reform, that we have legislation before us that would expand PAC activity—admittedly for Federal employees—but of PAC's that are also, obviously, seen to benefit the Democratic Party.

Ninety percent of the contributions of the PAC's that would be affected by the legislation under discussion today goes to Democrats; 10 percent to Republicans. So from the partisan political point of view I can well understand why they are seeking to expand the opportunity of these PAC's to increase their contributions. Perhaps that should be done. I think not. I think the American consensus is that we ought to at least restrict, if not outright prohibit, PAC's. But in any event we ought to consider the whole ball of wax when campaign reform comes up and not as part of the Hatch Act.

My distinguished chairman says in his opinion the legislation before us does not change the treatment of these PAC's. It takes me back to a statement I made several days ago: Read the legislation. Read the legislation, because this proposed law will very substantially change the method of operation of PAC's sponsored by Federal union employees.

Under the current law it is very clearly said that an employee may not seek a political contribution from a fellow employee. In section 7323 the Hatch Act currently provides that a Federal employee, except when appointed by the President by and with the advice of the Senate, "may not request or receive from or give to an employee, a Member of Congress, or an officer of a uniformed service, a thing of value for political purposes."

It goes on to say that "An employee who violates this section shall be removed from the service."

So we have an outright, total prohibition against a Federal employee soliciting funds from another employee. And that is exactly what this proposed law, S. 135, proposes to change. It would permit a Federal employee to solicit a fellow employee who is off duty and a member of the same employee organization.

Let me point out the term "employee organization" is nowhere defined. The distinguished chairman says that a Federal employee would not be permitted, if I understood him correctly, to solicit funds from any non-Federal employee when, in fact, under the vague and ambiguous language of S. 135, it would be possible.

What S. 135 provides is that a Federal employee can solicit funds from

other members of employee organizations. It does not say all the members of the organization have to be employees. They can be nonemployees. Under this specific language of this S. 135, the Federal employee could solicit from those nonemployee members of the organization.

But more important is the fact that we have at least 1 million individuals who are members of these employee organizations who cannot, today, solicit from each other. And I agree with the distinguished chairman, these PAC organizations have done very well, and well they might. They are operating perfectly legally and according to their goals and desires.

But what we are trying to prevent is Federal employees from soliciting each other. And that is exactly what S. 135 would permit to be done.

So, again, S. 135 represents a very major change in the treatment of PAC's of Federal employee organizations. It is not just a slight little modification but one that would enable them to not only, let me point out, solicit from their fellow employee contributions, cash contributions, but services as well.

Again, I repeat, it will make a wonderful political organization because under this proposal, under S. 135, on Sunday it would be permissible for the postal carrier to deliver campaign mail to every house in the United States, something I think either political party would love to have at their beck and call.

Let me address one additional point. It is not true that employees can network today. Because under the Hatch Act, it forbids an employee from taking part in political management or political campaigns, and that, of course, would include networking. Under S. 135, the contrary is true.

But again I would like to point out to my distinguished colleague, the chairman of the Governmental Affairs Committee, and to my colleagues in the Senate, that what we seek to do by my amendment is very simple.

We would strike all reference to PAC's. We would ensure that it remains neutral on that score so that next week or whenever we take up campaign reform, PAC's could be treated in its entirety, whether they are Government PAC's or private industry PAC's or public service PAC's.

I urge my colleagues adopt my amendment.

Mr. GLENN. Mr. President, there have been many misrepresentations made about S. 135 since the beginning of this debate. But no misrepresentation is greater, I believe, than the one uttered by my distinguished colleague from Delaware when he said S. 135 would expand the PAC's currently operating.

Let us examine this claim. I could ask a series of questions. I could ask: Does S. 135 require any Federal or postal employee to contribute to a PAC? The answer is no. Current law does not require it. In fact, S. 135 creates additional stiff penalties for attempted coercion in this area.

The word "coercion" has been brought up many times in this debate. We have applied stiffer penalties for coercion. We have that written into S. 135. The Robb amendment did that the other day. It is now included as part of S. 135. So it is tougher than the Hatch Act in that regard.

Another question: Does S. 135 make it easier to form another Federal employee PAC? The answer is no. The rules for forming employee organizations or PAC's are not addressed by S. 135 at all. In fact, it is not even in the Hatch Act. That is covered by the Federal Elections Commission.

Another question: Does S. 135 allow solicitation of PAC contributions at times that are currently prohibited under the Hatch Act? The answer is no. S. 135 allows no political activity, including solicitation. No political activity, no political contributions, no nothing by Federal employees while they are on the job. That is tougher.

Mr. President, I submit that there is no merit to the claim that S. 135 expands existing PAC's in any way. I believe the amendment is based on a false claim. I believe it stems from general opposition to any political activity by Federal employees. For that reason, I feel it should be defeated.

So, Mr. President, I do not plan to prolong this. I am prepared, as I indicated earlier, to move to table the amendment at 5:45. It is now 5:45. I would like to know if there is any further discussion on the other side before I move to table the amendment.

Mr. ROTH. Mr. President, let me just underscore one more time what I have been saying, because the distinguished chairman, in my judgment, sets up certain straw men and then knocks them down.

For example, he says, No. 1, it does not change the rules or laws on how PAC's can be formed. On that, we agree. I never argued that this particular legislation changed the process for creating PAC's.

No. 2, the distinguished chairman says that that sets up the straw man that I apparently said that employees can solicit campaign contributions on duty. I never made that charge. It is true that S. 135 specifically provides that you may not solicit campaign contributions while on duty.

What I have said is that it makes a very significant difference in the fact that today Federal employees cannot solicit voluntary contributions either on duty or off duty. But what S. 135 permits is for Federal employees to solicit contributions from each other, as well as other members of employee organizations, off duty. That is a very significant change. What its impact exactly will be, no one will know until it becomes law and, hopefully, that will not happen.

But what I seek to do here is to neutralize S. 135 with respect to PAC's, to strike the language that would expand the ability or enable the employees to solicit each other so that when we take up campaign reform next week, or whenever, we can deal with the problem of PAC's in its entirety, and not piecemeal, as would be provided under the current version of S. 135.

Mr. President, I am ready for a vote.

Mr. GLENN. Mr. President, I move to table the amendment of the distinguished Senator from Delaware.

Mr. ROTH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the motion to table the amendment of the Senator from Delaware.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from California [Mr. WILSON] is necessarily absent.

The PRESIDING OFFICER (Mr. GORE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—63

Adams	Ford	Lieberman
Baucus	Fowler	McCain
Bentsen	Glenn	Metzenbaum
Biden	Gore	Mikulski
Bingaman	Graham	Mitchell
Boren	Harkin	Moynihan
Bradley	Hatfield	Nunn
Breaux	Heflin	Pell
Bryan	Heinz	Pryor
Bumpers	Hollings	Reid
Burdick	Inouye	Riegle
Byrd	Jeffords	Robb
Conrad	Johnston	Rockefeller
Cranston	Kasten	Sanford
Daschle	Kennedy	Sarbanes
DeConcini	Kerrey	Sasser
Dixon	Kerry	Shelby
Dodd	Kohl	Simon
Domenici	Lautenberg	Stevens
Durenberger	Leahy	Warner
Exon	Levin	Wirth

NAYS—35

Armstrong	Gorton	Murkowski
Bond	Gramm	Nickles
Boschwitz	Grassley	Packwood
Burns	Hatch	Pressler
Chafee	Helms	Roth
Coats	Humphrey	Rudman
Cochran	Kassebaum	Simpson
Cohen	Lott	Specter
D'Amato	Lugar	Symms
Danforth	Mack	Thurmond
Dole	McClure	Wallop
Garn	McConnell	

NOT VOTING—1

Wilson

So the motion to lay on the table amendment No. 1608 was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, there will be futher rollcall votes today.

Under the current schedule, a cloture vote on the bill will occur 1 hour after the Senate convenes tomorrow morning.

I have been discussing with the distinguished Republican leader and the managers of the bill an agreement which would permit us to withdraw the cloture motion and proceed to a vote on final passage of the bill sometime tomorrow during the day which agreement would also include limitation and identification of the remaining amendments to the bill so that any Senators who have an interest in this matter should be alert to that fact, and we are going to attempt to get that agreement shortly. Any Senator who has an interest should make his interest known or be present on the floor.

Mr. President, I suggest the absense of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanmous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture vote scheduled for tomorrow, Thursday, be vitiated and that no later than 4 p.m. on tomorrow, Thursday, May 10, the Senate proceed to third reading of S. 135; that the Governmental Affairs Committee then be discharged of H.R. 20; that all after the enacting clause be stricken and the text of S. 135, as amended, be substituted in lieu thereof and the Senate then proceed without any intervening action or debate to third reading and final passage of H.R. 20; that no motions to recommit be in order; and that the following be the only first-degree amendments remaining in order to S. 135 and that they be subject to relevant second-degree amendments. Those amendments are: An amendment by Senator DOLE regarding agency exceptions, NSA; an amendment by Senator DOLE, regarding agency exceptions, IRS, No. 1595; an amendment by Senator DOLE regarding agency exceptions, FEC, No. 1596; an amendment by Senator DOLE regarding agency exceptions; Department of Justice, No. 1597; an amendment by Senator DOLE regarding agency exceptions, CIA, No. 1598; an amendment by Senator DOLE regarding agency exceptions, DIA, No. 1599. Senator DOLE reserves the right to offer these amendments either separately as listed or combined in some form.

An amendment by Senator DOMENICI regarding return to current law re:PAC's and eliminate certain agencies; an amendment by Senator DOMENICI regarding intelligence and law enforcement agencies; an amendment by Senator SIMPSON regarding the striking of Federal employee organizations and insertion of Federal labor organization, No. 1606; an amendment by Senator GLENN regarding restrictions on activities and/or certain employees.

If by 4 p.m. on tomorrow any of the above listed amendments have not been disposed of, the Senator offering the amendment be recognized to offer the amendment which would then be debated for 10 minutes equally divided and in the usual form; and that, if a second-degree amendment is offered to any such amendment, the second-degree amendment be subject also to a 10-minute time limitation on debate equally divided and in the usual form.

I further ask unanimous consent that the majority leader, after consultation with the Republican leader, may at any time proceed to the consideration of Calendar No. 485, S. 137, the campaign finance reform bill; that prior to the close of business on Friday, May 11, the majority leader be recognized to move to proceed to Calendar item No. 523, S. 2240, the AIDS, CARE bill, and at that point, a cloture motion will be filed on the motion to proceed; that following the period for morning business on Monday, May 14, the Senate resume consideration of the motion to proceed to S. 2240 for debate only; that the cloture vote on the motion to proceed to S. 2240 occur at 10 a.m. on Tuesday, May 15, and that the live quorum under rule XXII be wavied.

Mr. President, I am authorized to state that this agreement has been cleared by and approved by the distinguished Republican leader who had to leave the floor because of another engagement and that this has been cleared by the Republican leader, I am advised by his staff at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That on Thursday, May 10, 1990, when the Senate resumes consideration of S. 135, the Hatch Act reform amendments, the following amendments be the only amendments in order, that they be first degree amendments only, and that they be subject to relevant second degree amendments:

Dole—Agency exceptions,NSA;

Dole—Agency exceptions,IRS No. 1595;

Dole—Agency exceptions,FEC No. 1596;

Dole—Agency exceptions,Dept. of Justice No. 1597;

Dole—Agency exceptions,CIA No. 1598;

Dole—Agency exceptions,DIA No. 1599;

Domenici—Return to current law re: PAC's and eliminate certain agencies;

Domenici—Intelligence and law enforcement agenices;

Simpson—Strike Federal employee organization and insert Federal labor organization No. 1606; and

Glenn—Restriction on activities and/or certain employees.

Ordered further, That the Senator from Kansas (Mr. Dole) reserves the right to offer his above listed amendments separately or in any combination thereof.

Ordered further, That no later than 4 p.m. on Thursday, May 10, 1990, the Senate proceed to third reading of S. 135, that the Governmental Affairs Committee be discharged from further consideration of H.R. 20, the House companion bill, that all after the enacting clause be stricken, that the text of S. 135, as amended, be substituted in lieu thereof, and the Senate, without any intervening action or debate, proceed to third reading and final passage of H.R. 20.

Ordered further, That if by 4 p.m. on Thursday, any of the identified amendments have not yet been offered, then the Senator may be recognized to offer the amendment on which there will be 10 minutes debate, to be equally divided and controlled in the usual form, with 10 minutes debate on any second degree amendment.

Ordered further, That no motions to recommit be in order. (May 9, 1990)

Ordered further, That the majorty leader, after consultation with the Republican leader, be authorized to proceed to the consideration of S. 137, the Campaign Financing Reform Act. (May 9, 1990)

Ordered further, That prior to the close of business on Friday, May 11, 1990, the majority leader be recognized to move to proceed to S. 2240, the AIDS C.A.R.E bill, and at that point a cloture motion will be filed on the motion. (May 9, 1990)

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

USAF COL. CHARLES E. SHELTON, OWENSBORO, KY

Mr. FORD. Mr. President, today many Americans assume that the Vietnam conflict is over and that it offi-

cially ended in May 1975, some 15 years ago. However, this is not totally true. There are approximately 2,000 American men unaccounted for, of which all but one have been declared officially dead in accordance with the Missing Persons Act, title 37, United States Code.

This American's name is Col. Charles Ervin Shelton, Serial No. 401384899FV, from Owensboro, KY, who served admirably in the U.S. Air Force.

Mr. President, on April 29, 1965, Colonel Shelton's 33d birthday, he was piloting a RF101C during a routine reconnaissance mission over the Sam Neau Province of Laos. At 11:58 a.m. on that date, Shelton was shot from the sky by hostile fire. Another American pilot witnessed Shelton parachuting to the ground, but Shelton informed the pilot by radio contact that he was safe. Shelton waited at this spot for 3 days to be rescued, as the weather was too severe for the Army helicopters. However, the rescue did not occur, and according to a village witness, Shelton was captured by Pathet Lao Forces. This capture was later confirmed by U.S. rallier reports.

Three years after his capture, according to a CIA report, Shelton was escorted to a North Vietnamese Army Office by three Communist soldiers. The soldiers were attempting to chain Shelton to a desk when he managed to obtain the chain and killed them in self-defense.

In 1971, Colonel Shelton and another American were briefly rescued, but were later recaptured by the Vietnamese. Later that year, Shelton's wife Marian and Louisville Courier-Journal newspaper reporter entered Laos in search of Shelton. However, their search was unsuccessful.

No, Mr. President, the Vietnam war will not be truely behind us until we can account for the nearly 2,000 missing Americans. Their families, and the entire American public, deserve to know the exact disposition of these Americans who honorably served their country in an unfavorable situation at home. They did their part, and we owe them the same in return.

There are those in our Government who say that Colonel Shelton has been allowed to remain the sole American POW for symbolic reasons. However, there are others who indicate there is a possibility that he may be alive. The U.S. Treasury continues to issue monthly checks to Shelton's wife, made payable to Charles E. Shelton. Shelton was a captain in the Air Force when he was shot down. Today, after numerous promotions, he holds the rank of colonel. Because it is uncustomary to promote or pay deceased soldiers, many believe Shelton may be alive.

Mr. President, today I urge President Bush to issue a directive that all appropriate steps will be taken to account for those missing in Southeast Asia. May 24, 1990, will mark the 25th anniversary of Shelton's capture.

Furthermore, I would urge that the President proclaim May 24, 1990 as Col. Charles E. Shelton Day, in memory of Shelton and all other missing American servicemen who served in Vietnam. It would serve as a reminder that we have not forgotten them and the honorable service they gave to this country.

Col. Charles E. Shelton, you are not forgotten.

Thank you, Mr. President.

SMALL BUSINESS: LEADING AMERICA INTO THE 21ST CENTURY

Mr. SANFORD. Mr. President, I rise today in recognition of the outstanding achievements and contributions the small businesses of America have brought to our society. The zealous and innovative spirit which led out pioneers across this uncharted continent leads our small business owners today in a business climate that offers new challenges and practices in this new global marketplace.

The theme for this week is "Small Business: Leading America Into the 21st Century", I believe it is appropriately named as the small businesses are demonstrating their creative and inventive talents in adapting to global markets and new product designs. In the wake of the political changes in Eastern Europe are new economic freedoms. The changing Eastern European countries are turning to the small business community in the United States to study how the free enterprise system works in a democratic society.

I am very proud of the accomplishments of small business in the United States. With over 20 million small businesses in America today, small businesses employ 6 out of every 10 working people. Small businesses also "account for the majority of new jobs and are more immediately responsive to changing demographics, economic patterns, and shifting markets than larger firms."

The pioneers and the entrepreneurs of small business should be commended this week, and should be remembered as we draft and pass legislation which affects the business community. In speaking with business leaders in North Carolina I have come to understand how our spending priorities affect our small businesses. I have heard complaints from small business owners that there is a lack of adequately skilled and literate workers. I have heard complaints from small business owners that there is insufficient roadway systems for consumer and manufacturer accessibility. I have also heard complaints from business leaders about the increasing costs of capital.

I would hope that we in Congress adopt the spirit of the small business person and strive to be creative and innovative in providing funding for our human resource and education programs to ensure that our public is literate and employable. And I also hope we possess the courage of the pioneers as we work to deal with the increasing Federal deficit and growing budget problems.

Lastly, Mr. President, I would like to congratulate every small business person in America, and express my appreciation to them for their determination and their many achievements. I especially would like to extend my congratulations to Mr. Tony A. Pope, president of Catawba Transportation Group, Inc., of Claremont, NC, the State small business winner from North Carolina. Mr. Pope, through his family business, exhibits the dedication and drive that is so characteristic of small business leaders. I hope that we continue to recognize the many benefits brought to our society through the small businesses of America, and try our best in Congress to emulate their courage and conviction to purpose.

MUST SIGNAL SUPPORT OF COLOMBIAN DEMOCRACY

Mr. HATCH. Mr. President, the recent foiled plan by the Medellin drug cartel to purchase sophisticated stinger antiaircraft missiles and other advanced United States weapons demonstrates the degree to which the drug cartels will go to undermine and destabilize democracy in Colombia.

According to reports, the suspects involved in the scheme expressed an urgent need to have the weapons delivered before the May 27 Presidential elections; and by their own admission, these stingers were to be used "to shoot down Colombian Government helicopters" and "to send a message because the Government was getting too close to Pablo Escobar." It is clear the drug cartels will do whatever is necessary to build a public consensus against the Colombian Government's antinarcotic efforts, even if it means bringing down the Government.

Three Presidential candidates already have been assassinated by the drug cartels. How many more must be murdered? Hundreds of police officials, judges, and innocent men, women, and children have been murdered by the drug traffickers. How many more must be victimized by this callous disregard for democratic rule, disrespect for the rule of law, and indifference to human rights?

Mr. President, it should be clear by now that the drug cartels will go to any extreme to satisfy their ambitions.

Despite these actions and threats, the government of President Virgilio Barco and the Colombian people refuse to be intimidated. Their courage to fight the drug cartels demonstrates their commitment to democracy and respect for human rights. The U.S. commitment to assist these efforts should be no less. We have an obligation to give the Colombian people the best possible assets to fight the drug cartels. Moreover, we have an obligation to protect our own law enforcement personnel and equipment already helping in this effort. To further this endeavor, the Senate unanimously passed one of my amendments last week to H.R. 4404, the emergency supplemental appropriations bill. My amendment directs the President to use his authority to lease Cobra gunship helicopters to the Colombian National Police to fly cover and protect government aircraft and antinarcotic operations. These helicopters are desperately needed to meet this threat. In a letter supporting my amendment, Colombian Ambassador Victor Mosquera Chaux wrote:

Your proposal is very timely. The drug trafficking organizations are continuing to wage a campaign of terror and violence against Colombian society, and the government must press harder in its attempts to dismantle these groups. The Cobra gunships would provide much needed firecover to our transport helicopters when flying missions into dangerous territory. Unarmed transport helicopters can become easy targets for automatic weapon or missile fire and have a higher inherent risk of loss of equipment and human lives. The Cobra escort helicopters would decrease the dangers involved in drug interdiction operations conducted by our security forces.

Mr. President, I urge my colleagues in the Senate and House who are conferees to the supplemental appropriations bill to make my proposal part of the conference report. This timely action will send the signal to the drug cartels that the United States is committed to supporting the Government of Colombia's efforts to maintain democracy, rule of law, and respect for human rights.

TERRY ANDERSON

● Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,880th day that Terry Anderson has been held in captivity in Beirut.

I would also like to bring tothe attention of the Senate a most unfortunate statement issued yesterday by the leader of the Islamic Amal, a faction of Lebanon's Hezbollah movement. Reconfirming our worst fears of the hostage-takers' Hussein Mussawi, siad that the release of three Israeli soliders thought to be held captive was "impossible" and that prospects for the release of the remaining foreign hostages did not look good.

I ask unanimous consent that the Washington Post article containing the report of Mr. Mussawi's remarks be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[Los Angeles Times]

HEZBOLLAH AIDE REJECTS FREEING ISRAELI SOLDIERS

NICOSIA, Cyprus, May 8—A top official of lebanon's pro-Iranian Hezbollah militants declared today that freedom for three captive Israeli servicemen is "impossible" and expressed doubt that the ordeal of the remaining foreign lostags in Beirut will end soon.

Hussein Mussawi, instrumental in the release of two American hostages last month, told the Voice of Lebanon, the Communist Part radio station, that the issue of the hostages has "turned into a very complicated case because of the negative American stand. . . . This year may not witness a solution."

Iranian demands that the United States make a tangible response to the release of the two hostages have focused on Lebanese Shiite prisoners held by Israel.

Israel has reaffirmed its policy against unconditional releases but has said it is prepared to deal on exchanges of prisoners and hostages. It demands the return of the three servicement believed held by Hezbollah in Lebanon.

Mussawi, who heads the Islamic Amal faction, said that American pressure on the Israelis would "have positive effects" but that a swap of the israeli servicement of Shiite and Palestinian prisioners in "impossible." He did not explain his statement, according to Beirut press reports.●

ANNUAL REPORT ON OCCUPATIONAL SAFETY—MESSAGE FROM THE PRESIDENT—PM 117

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with section 26 of the Occupational Safety and Health Act of 1970 (Public Law 91-596; 29 U.S.C. 675), I transmit herewith the 1988 annual reports on activities of the Department of Labor, the Department of Health and Human Services, and the Occupational Safety and Health Review Commission.

GEORGE BUSH.

THE WHITE HOUSE, *May 9, 1990.*

MESSAGES FROM THE HOUSE

At 2:46 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 993. An act to implement the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4521. An act to establish a Hydrogen Research and Development Program;

H.R. 4522. An act to improve the information available to emergency response personnel in the field, and for other purposes; and

H.J. Res. 453. Joint resolution designating May 1990 as "National Digestive Disease Awareness Month."

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 272. Concurrent resolution authorizing printing of the transcript of proceedings of the Committee on Post Office and Civil Service of the House of Representatives incident to presentation of a portrait of the Honorable William D. Ford.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4521. An act to establish a Hydrogen Research and Development Program; to the Committee on Energy and Natural Resources.

H.R. 4522. An act to improve the information available to emergency response in the field, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 272. Concurrent resolution authorizing printing of the transcript of proceedings of the Committee on Post Office and Civil Service of the House of Representatives incident to presentation of a portrait of the Honorable William D. Ford; to the Committee on Rules and Administration.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore (Mr. BYRD) announced that on today, May 9, 1990, he had signed the following enrolled bill and joint resolution which had previously been signed by the Speaker of the House:

H.R. 4637. An act to amend Public Law 101-86 to eliminate the 6-month limitation on the period for which civilian and military retirees may serve as temporary employees in connection with the 1990 decennial census of population, without being subject to certain offsets from pay or other benefits; and

H.J. Res. 490. Joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MCCONNELL (for himself, Mr. DOLE, Mr. PACKWOOD, Mr. BOND, Mr. BOSCHWITZ, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. DOMENICI, Mr. GARN, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HATFIELD, Mr. HEINZ, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCLURE, Mr. MURKOWSKI, Mr. NICKLES, Mr. ROTH, Mr. RUDMAN, Mr. SIMPSON, Mr. SPECTER, Mr. SYMMS, Mr. THURMOND, Mr. WALLOP, and Mr. WILSON):

S. 2595. A bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes; to the Committee on Rules and Administration.

By Mr. DASCHLE:

S. 2596. A bill to amend the Federal Noxious Weed Act of 1974 and the Food Security Act of 1985 to provide for improved weed and pest management activities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2597. A bill to amend the Act of June 20, 1910, to clarify in the State of New Mexico authority to exchange lands granted by the United States in trust, and to validate prior land exchanges; to the Committee on Energy and Natural Resources.

By Mr. GRAMM:

S. 2598. To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to make grants (in conjunction with the Secretary of Defense) for the establishment of research centers at qualifying medical schools to carry out medical research in areas of interest to the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 2599. A bill to authorize a certificate of documentation for the vessel *Angelos*; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HATFIELD, Mr. MITCHELL, Mr. CRANSTON, Mr. ROCKEFELLER, Mr. ADAMS, Mr. INOUYE, Mr. LIEBERMAN, Mr. BRADLEY, Mr. PELL, Mr. HARKIN, Mr. KERRY, Mr. JEFFORDS, Mr. SANFORD, Mr. BURDICK, Mr. JOHNSTON, Mr. CONRAD, Mr. MOYNIHAN, Mr. SIMON, and Ms. MIKULSKI):

S. 2600. A bill to combat homelessness through the establishment of housing-based family support centers, through the provisions of housing-based services to elderly individuals with chronic and debilitating illnesses and conditions, through the provision of residence-based outpatient mental health services, and through the use of grants for the improvement of community development corporations, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE (for himself and Mr. KASTEN):

S. 2601. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize deductions a deduction for charitable contributions to the extent in excess of $100 per year; to the Committee on Finance.

By Mr. METZENBAUM (for himself, Mr. PRESSLER, Mr. GRASSLEY, Mr. HATFIELD, and Mr. GRAHAM):

S. 2602. A bill to amend the Public Health Service Act to provide assistance for biomedical and health services research, treatment programs and for other purposes relating to Alzheimer's disease and related disorders; to the Committee on Labor and Human Resources.

By Mr. HOLLINGS:

S. 2603. A bill to establish a National Trade Council within the Executive Office of the President, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. ADAMS, Mr. BINGAMAN, Mr. BURDICK, Mr. BURNS, Mr. CHAFEE, Mr. COCHRAN, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DASCHLE, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. GARN, Mr. GORE, Mr. GORTON, Mr. HATCH, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. REID, Mr. RIEGLE, Mr. SHELBY, Mr. STEVENS, and Mr. WIRTH):

S.J. Res. 311. Joint resolution to designate the month of November, 1990 as "National American Indian and Alaska Native Heritage Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 281. Resolution to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Select Committee on Ethics in In re American Continental Corporation/Lincoln Savings and Loan Securities Litigation; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself, Mr. DOLE, Mr. PACKWOOD, Mr. BOND, Mr. BOSCHWITZ, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. DOMENICI, Mr. GARN, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HATFIELD, Mr. HEINZ, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCLURE, Mr. MURKOWSKI, Mr. NICKLES, Mr. ROTH, Mr. RUDMAN, Mr. SIMPSON, Mr. SPECTER, Mr. SYMMS, Mr. THURMOND, Mr. WALLOP, and Mr. WILSON):

S. 2595. A bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes; to the Committee on Rules and Administration.

(The remarks of Senators on the introduction of this legislation and the text of the legislation appear earlier in todays RECORD.)

By Mr. DASCHLE:

S. 2596. A bill to amend the Federal Noxious Weed Act of 1974 and the Food Security Act of 1985 to provide for improved weed and pest management activities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WEED CONTROL ACT

Mr. DASCHLE. Mr. President, today, I am introducing legislation that will improve the control of noxious weeds and reduce their spread. The primary purpose of this bill is to improve the Federal Noxious Weed Act of 1974, which aimed to prevent the further spread and introduction of noxious weeds into the United States. As currently written and interpreted, this law provides only partial protection from the invasion and spread of designated species, and new noxious weeds continue to enter the United States at an alarming rate.

Many people may not realize the serious nature of weed problems in our country. Greater emphasis is often placed on controlling insect and disease outbreaks because farmers and landowners see the immediate impact that these organisms have on crops and their land. However, weeds can cause serious long-term economic damage to cropland and natural ecosystems. Many landowners in the Great Plains have been forced to abandon land because it is so seriously infested with noxious weeds. Natural ecosystems are threatened by the introduction and rapid spread of noxious weeds. When these natural areas are infested they no longer benefit wildlife or man.

Conservation Reserve Program [CRP] acreage is also becoming infested with noxious weeds. Many landowners have inadequately controlled weeds on their CRP land. Uncontrolled weeds on CRP are causing aggravation for neighboring landowners and are adding to long-term weed problems. The legislation that I am introducing addresses the failure to control weeds on CRP. Controlling these weeds will require landowner cooperation with Federal, State, and local officials.

Senators BAUCUS and CONRAD have also recognized the serious nature of the noxious weed problem and have introduced legislation to improve control of noxious weeds. I hope to create a package of noxious weed legislation that can improve current law and be part of the new farm bill.

Mr. President, I ask unanimous consent that the full text and a summary of the bill be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Weed Control Act of 1990".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) noxious weeds are not being adequately controlled on Federal, State or private lands;

(2) noxious weeds and other weeds and pests are proliferating on land that is enrolled in the conservation reserve program established under subtitle D of title XII of the Food Security Act of 1985;

(3) weeds are responsible for control costs and losses to agricultural production of over $18,000,000,000 annually;

(4) Federal noxious weed control programs have been under funded; and

(5) noxious weeds are entering and being spread in the United States through methods that cannot be managed under the present scope of the Federal Noxious Weed Act of 1974.

(b) PURPOSES.—It is the purpose of this Act—

(1) to amend the Federal Noxious Weed Act of 1974 to improve its scope and control authority; and

(2) to improve the management options for weeds and other pests that are found on land enrolled in the conservation reserve established under subtitle D of title XII of the Food Security Act of 1985.

TITLE I—FEDERAL NOXIOUS WEED ACT OF 1974

SEC. 101. DEFINITION OF NOXIOUS WEED.

Section 3(c) of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2802(c)) is amended—

(1) by striking out "or not widely prevalent in"; and

(2) by inserting "natural ecosystem" after "fish or wildlife resources".

SEC. 102. NOXIOUS WEED TECHNICAL ADVISORY GROUP.

The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 17. NOXIOUS WEED TECHNICAL ADVISORY GROUP.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish within the Department of Agriculture a Noxious Weed Technical Advisory Group (hereinafter referred to in this section as the 'Group') to make recommendations to the Secretary concerning actions taken under this Act.

"(2) COMPOSITION.—The Group shall be made up of representatives of Federal, State, and local agencies and private sector organizations that are involved in the control of noxious weeds.

"(3) DUTIES.—The Group shall—

"(A) develop noxious weed classification criteria and make recommendations concerning which noxious weed species should be included or excluded from such classifications;

"(B) make recommendations to the Secretary concerning methods for improving noxious weed control strategies;

"(C) make recommendations to the Secretary concerning actions to be implemented under this Act; and

"(D) annually prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, reports concerning the implementation of this section and the Act.

"(4) DESIGNATION AS NOXIOUS WEEDS.—

"(A) IN GENERAL.—The Secretary, acting through the Group, shall approve plant species recommended by the Group for designation as Federal Noxious Weeds.

"(B) PUBLICATION.—Proposed species that are recommended for designation as a Federal Noxious Weed under subparagraph (A) shall be listed in the Federal Register for a period of 90 days for public comment, and the Secretary shall provide the opportunity for a public hearing on such recommendation if such is necessary.

"(b) FOREIGN WEED NOT LISTED AS A FEDERAL NOXIOUS WEED.—

"(1) EMERGENCY AUTHORITY.—The Secretary shall have the authority to prohibit the importation of a noxious weed even though such weed is not included on the Federal Noxious Weed List.

"(2) NOTICE.—The Secretary shall provide public notice of the prohibition on the importation of a weed under paragraph (1), and shall include the reasons for such prohibition in such notice.

"(3) REQUEST BY AGENCIES OR INDIVIDUALS.—State agencies, or members of the general public, who are aware of the importation of a noxious weed that is not included on the Federal Noxious Weed List may request that the Secretary take emergency action under paragraph (1) to prohibit the importation of such weed.

"(4) REVIEW.—The Group shall review all decisions to prohibit the importation of any weed under paragraph (1) during the previous year, to determine whether any weed that is subject to such a prohibition should be placed on Federal Noxious Weeds List.

"(c) CLASSIFICATION OF NOXIOUS WEEDS.—

"(1) DEVELOPMENT.—The Secretary shall develop a list of noxious weeds that will allow for an understanding of the status and level of action being taken against specific noxious weeds that shall be based on the following classification system.

"(A) CATEGORY I.—Federal Noxious Weeds identified as such in the United States for which Federal funding for the control or eradication of such through Federal or State cooperative projects has been appropriated prior to the date of enactment of this section.

"(B) CATEGORY II.—Federal Noxious Weeds identified as such in the United States for which Federal funding for the control or eradication of such has not been appropriated prior to the date of enactment of this Act.

"(C) CATEGORY III.—Federal Noxious Weeds that are not known to occur in the United States.

"(D) CATEGORY IV.—Weeds designated on a State noxious weed list that are not classified under subparagraphs (A), (B), or (C).

"(E) CATEGORY V.—Weeds that appear to meet the criteria for designation as Federal Noxious Weeds but that have not yet been designated as such.

"(2) FEDERAL STATE COOPERATION.—

"(A) IN GENERAL.—The Secretary, or any other Federal agency involved with noxious weeds and their control, shall cooperate with State agencies in carrying out noxious weeds programs.

"(B) NOTICE.—If the Secretary intercepts a noxious weed designated as category IV under paragraph (1), the Secretary shall notify the appropriate State agencies affected.

"(3) EMERGENCY ORDER.—Action shall not be taken against weeds designated as category V under paragraph (1) except under an emergency order under section 4(d).".

SEC. 103. INTERSTATE MOVEMENT OF NOXIOUS WEEDS.

Section 4 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2803) is amended by adding at the end thereof the following new subsection:

"(d) Prohibitions on the movement of a noxious weed under this section shall include movement by any means, including by vehicles, air transportation, through the mails, and human movement, unless a special permit for such movement is issued by the Secretary.".

SEC. 104. REGULATION OF IMPORTED AGRICULTURAL AND VEGETABLE SEEDS.

Section 12 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2811) is amended by striking out "not apply to shipments" and all that follows through "Seed Act" and inserting in lieu thereof "be applied independently of the provisions of the Federal Seed Act concerning noxious weeds".

TITLE II—LAND ENROLLED IN THE CONSERVATION RESERVE PROGRAM

SEC. 201. PROGRAMS TO CONTROL THE SPREAD OF WEEDS AND PESTS.

Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1246. TECHNICAL GUIDES.

"(a) IN GENERAL.—The Secretary, in consultation with State experiment stations, the Administrator of the Extension Service, the Chief of the Soil Conservation Service, and State pest and weed control boards, shall make available to owners and operators of land that is subject to a contract under subtitle D, weed and pest control technical guides that address common weed and pest problems and programs to control weeds and pests found on acreage enrolled in the conservation reserve program.

"(b) EFFECTIVE CONTROL ON NEW CONTRACTS.—If the Secretary determines that effective control of weeds is not achieved, as a result of not following the recommendations in the weed control technical guides provided under subsection (a), on acreage enrolled in the conservation reserve program under subtitle D, and following review by the Administrator of the Agricultural Stabilization and Conservation Service, local committees, State and local weed and pest control boards, or other agencies responsible for carrying out the conservation reserve program or local weed and pest laws the owner or operator of the acreage that is subject to the contract under such subtitle shall—

"(1) be subject to fines assessed by the Secretary for failing to control weeds on land enrolled in such program that shall be based on the entire acreage that such owner or operator has enrolled in such program.

"(c) REGULATIONS.—Not later than 60 days after the date of enactment of this section, all owners and operators of land that is subject to a contract under subtitle D shall be provided with notice and information concerning the availability of technical guides under subsection (a) and any new regulations that apply to such.".

SUMMARY—WEED CONTROL ACT OF 1990

(Senator Tom Daschle, South Dakota, Chairman, Agriculture Subcommittee on Research and General Legislation)

This legislation is designed to improve the scope and purpose of the Federal Noxious Weed Act of 1974. The intent of the 1974 law was the spread and entry of noxious weeds into the United States. However, as currently written and interpreted, this law provides only partial protection from the invasion and spread of designated species, and new noxious weeds are still entering the U.S. at an alarming rate.

Title 1. The current definition of noxious weed is modified to include natural ecosystems. Natural areas often have some of the most serious noxious weed problems. The present definition is also modified to allow for control activities to be conducted on noxious weeds that are already in this country.

A noxious weed technical advisory group is established. The technical advisory group would have the responsibility of recommending noxious weed control management strategies and developing noxious weed classification criteria. The group would have responsibility for approving plant species for designation as Federal Noxious Weeds. Emergency authority would also be granted to the Secretary to prohibit the importation of a noxious weed that is not included on the Federal Noxious Week List.

A new classification system for noxious weeds is established. The new classification system outlines categories for control based on the extent of control activities that are being conducted by USDA. The new system allows for coordination with States, which may have their own noxious weed lists that may be considerably different than the Federal listing.

Interstate movement of noxious weeds would be prohibited by any means including, vehicles, air transportation, and by mail, unless a special permit is issued by the Secretary. Many noxious weeds are currently being sold in aquatic magazines and at nurseries.

The Federal Noxious Weed Act is modified so that the regulation of imported agricultural and vegetable seeds would fall under the jurisdiction of the Act. Noxious weeds are entering the United States through seed shipments from foreign countries. The bill requires foreign seed shipments to meet noxious weed regulations.

Title 2. This title establishes a program to improve the control of weeds and pests on acreage that is enrolled in the Conservation Reserve Program (CRP). The Secretary is instructed to work with the Extension Service, Soil Conservation Service and State and Local authorities to develop weed and pest control guides for CRP contract holders. New CRP contracts would have a penalty system for failing to control weeds or pests, based on the entire acreage in contract.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2597. A bill to amend the act of June 20, 1910, to clarify in the State of New Mexico authority to exchange lands granted by the United States in trust, and to validate prior land exchanges; to the Committee on Energy and Natural Resources.

NEW MEXICO ENABLING ACT AMENDMENTS

● Mr. DOMENICI. Mr. President, I rise today to introduce legislation to grant the consent of Congress to an amendment to the New Mexico Enabling Act. The amendment would permit the State of New Mexico to exchange for beneficial purposes lands granted or confirmed to it by the United States when New Mexico was admitted to the Union.

In 1910, Congress passed the Enabling Act that led to statehood for New Mexico. Subsequently, the people of New Mexico consented to the Enabling Act, and it became a part of New Mexico's fundamental law as if it had been incorporated directly into the New Mexico Constitution.

Pursuant to the Enabling Act and other acts, the Federal Government transferred approximately 13 million acres of land to the State of New Mexico to be held in trust for certain specific purposes. These lands are managed and administered by the State Land Commissioner.

Congress placed very strict limits on the disposal of the trust lands granted under the Enabling Act to New Mexico and Arizona—stricter limits than it had placed on any other States. Under the Enabling Act, the State Land Commissioner can only dispose of trust lands by sale or lease to the highest bidder at a public auction, which must be advertised for 10 weeks. Prior to the auction, the lands must be appraised, and no sale or lease can be made for less than the appraised fair market value of the land. Any sale or lease of trust lands that does not conform with the requirements of the Enabling Act is null and void.

New Mexico has not amended its Enabling Act to permit such exchanges, except for the limited purposes of exchanging trust lands for National Forest lands.

The New Mexico Attorney General has issued a written opinion that the State Land Commissioner lacks the authority to exchange trust lands for other lands—except for National Forest lands—because of the Enabling Act's requirements of appraisal and public auction.

The State Land Commissioner seeks to conduct land exchanges with the Anthony, Los Lunas, and Moriarity School Districts for school sites, with the city of Roswell for an airport expansion, with the Bureau of Land Management for wilderness areas, and with other Federal and State agencies, cities, Indian tribes, and other groups for a multitude of beneficial purposes.

The New Mexico Attorney General and the State Land Commissioner have determined that the only way to permit such exchanges is to amend the Enabling Act.

Amendment of the New Mexico Enabling Act requires the consent of the Congress and a State constitutional amendment.

The bill I am introducing today would grant the consent of Congress to the amendment of the Enabling Act. It would permit the State of New Mexico to exchange State trust lands with the Federal Government, State agencies, city governments, Indian tribes, institutions for whom the lands are held in trust, and private entities.

Exchanges would be permitted only where: First, the land that the State is to receive is of equal or greater value than the land that the State is to convey; and second, the exchange is beneficial to the interests of the institution from whom the land is held in trust.

In order to assure that exchanges that have been conducted in good faith since 1910 are not invalidated, the bill makes the Enabling Act amendment retroactive to 1910.

The New Mexico State Legislature has already approved the constitutional amendment necessary to amend the Enabling Act. The constitutional amendment will be submitted to the voters for their ratification in November.

Mr. President, I ask unanimous consent that a joint memorial of the legislature of the State of New Mexico regarding the amendment of the Enabling Act be inserted in the RECORD at the end of my remarks.

Mr. President, this amendment to the New Mexico Enabling Act is long-overdue. I hope that the U.S. Congress will grant its consent expeditiously.

I am pleased to be joined in introducing this legislation by my colleague from New Mexico, Mr. BINGAMAN, and the senior Member of the House of Representatives from New Mexico, Mr. SKEEN.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO EXCHANGE LAND.

Section 10 of the Act of June 20, 1910 (36 Stat. 563), is amended by inserting after the ninth paragraph thereof the following new paragraph:

"The State commissioner of public lands may exchange any land granted or confirmed by this Act for any land of the United States or an agency thereof, a State agency or political subdivision, a beneficiary of lands granted or confirmed by this Act, an Indian tribe or pueblo, or a private entity when the commissioner finds, after consultation with the chief administrative officer of the affected beneficiary of lands granted or confirmed by this Act, that—

"(1) based upon appraisals of the true value thereof, the value of the land to be received by the State is equal to or greater than the land to be conveyed by the State; and

"(2) the proposed exchange is beneficial to the interests of the affected beneficiary.".

SEC. 2. EFFECTIVE DATE.

(a) FINDING.—The Congress finds that the retroactive application of the amendment made in section 1 to approve, validate, and ratify land exchanges made prior to the effective date of the amendment will not prejudice the interests of any person and will benefit the interests of the parties to such exchanges, the beneficiaries of land granted or confirmed under the Act of June 20, 1910, and the public.

(b) RETROACTIVE APPLICATION.—On the date that the Secretary of State of the State of New Mexico certifies that the people of the State of New Mexico have consented to this Act by amendment of article XXI of the constitution of the State of New Mexico, the amendment made in section 1 shall be effective as of June 20, 1910, so as to approve, validate, and ratify all exchanges made after that date of lands granted or confirmed to the State of New Mexico after that date.

SEC. 3. CONSENT TO CONSTITUTIONAL AMENDMENTS.

The consent of Congress is given to amendments to article XXI of the Constitution of the State of New Mexico to consent to the amendment made in section 1, to become effective as of June 20, 1910, as provided in section 2.

JOINT MEMORIAL—STATE OF NEW MEXICO

Whereas, in the Federal Land Exchange Facilitation Act of 1988, Congress found that land exchanges are a very important tool for State land managers to consolidate land holdings for more efficient management and to secure important State objectives; and

Whereas, the Enabling Act for New Mexico, of June 20, 1910, ch. 310, 36 stat. 557, provides guidelines for exchange of lands granted to New Mexico by Congress in that case of reclamation projects or national forests but does not expressly address the State's exchange authority in other situations; and

Whereas, although the State has completed, in good faith, thousands of acres of exchanges for purposes other than reclamation and national forests pursuant to its interpretation of the Enabling Act for New Mexico and general trust principles, reasonable minds may differ as to the authority of the State to make such exchanges; and

Whereas, clarification of the status of such prior exchanges could avoid potential hardship and harm both to the State and the other parties to the exchanges; and

Whereas, the increased interest in exchanges manifested by the Federal Land Exchange Facilitation Act of 1988 demands that the State's power to exchange lands granted to it by Congress be clarified so that the purposes of the land grant are secured; now, therefore, be it

Resolved by the legislature of the State of New Mexico, that the Congress of the United States be respectfully petitioned to amend section 10 of the Enabling Act for New Mexico, as amended, to limit the exchanges of lands granted to the State by Congress, whether such exchanges be with the United States or an agency thereof, with a State agency or political subdivision, with a land grant beneficiary, with an Indian tribe or pueblo or with a private entity, to those exchanges where the commissioner of public lands after consulting with the chief administrative officer of the affected land grant beneficiary, funds, based upon an appraisal of the true value thereof, that the value of the land to be received is equal to or greater than the value of the land to be conveyed by the State and that the proposed exchange is beneficial to the interests of the affected beneficiary; and

Be it further resolved, that the Congress of the United States be respectfully petitioned to consent to an amendment of article 21 of the constitution of New Mexico as amended November 1, 1911, to effectuate the clarification of exchanges as provided herein and to clarify the status of prior exchanges of lands granted or confirmed by the Enabling Act for New Mexico and made by the State prior to January 1, 1990, by validating, ratifying and confirming such exchanges as being in substantial compliance with the provisions of section 10 of the Enabling Act for New Mexico; and

Be it further resolved, that copies of this memorial be sent to the President of the United States Senate, the Speaker of the United States House of Representatives and the New Mexico Congressional Delegation.●

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HATFIELD, Mr. MITCHELL, Mr. CRANSTON, Mr. ROCKEFELLER, Mr. ADAMS, Mr. INOUYE, Mr. LIEBERMAN, Mr. BRADLEY, Mr. PELL, Mr. HARKIN, Mr. KERRY, Mr. JEFFORDS, Mr. SANFORD, Mr. BURDICK, Mr. JOHNSTON, Mr. CONRAD, Mr. MOYNIHAN, Mr. SIMON, and Ms. MIKULSKI):

S. 2600. A bill to combat homelessness through the establishment of housing-based family support centers, through the provision of housing-based services to elderly individuals and individuals with chronic and debilitating illnesses and conditions, through the provision of residence-based outpatient mental health services, and through the use of grants for the improvement of community development corporations, and for other purposes; to the Committee on Labor and Human Resources.

HOMELESSNESS PREVENTION AND COMMUNITY REVITALIZATION ACT

Mr. KENNEDY. Mr. President, today I join with 20 of my colleagues in the Senate and Congressmen JOE KENNEDY and DALE KILDEE in the House of Representatives to introduce the Homelessness Prevention and Community Revitalization Act of 1990. This legislation is intended to lay the foundation for a long-term policy to deal with the worsening tragedy of homelessness in America.

Our policy toward the homeless is at a crossroad. Three years ago Congress enacted the Stewart B. McKinney Homeless Assistance Act, which has provided worthwhile emergency assistance to homeless men, women, and children across the Nation. But now, it is time to do more.

According to the best estimates, as many as 2 million Americans are homeless today. But the overall statistics do not begin to describe the dimensions of the tragedy.

The number of homeless families doubled over the last decade.

The fastest growing group among the homeless today consists of families with children.

As many as one in four homeless persons is a child.

Homeless women are often victims of sexual assault and rape.

Homeless people are at higher risk of traumatic injuries, such as contusions, fractures, and lacerations. They are also at a higher risk of tuberculosis and other respiratory diseases, skin diseases and infestations, and medical problems related to exposure, such as frostbite and hypothermia.

Mental illness and emotional disorders, alcoholism, and drug abuse, well-known as causes of homelessness, are also exacerbated by homelessness.

Poverty, the root cause of homelessness, afflicts 32 million Americans, 13 million of whom are children.

Meanwhile, the gap between rich and poor in our society is larger than at any time since the census Bureau first began collecting this information.

This bill is intended to address the need for support services and social service networks in our attempts to assist today's homeless and prevent homelessness tomorrow. This measure will provide $215 million a year in Federal grants to public and private nonprofit agencies for vitally needed services to people in low-income housing and communities. It will also provide $50 million in grants to Community Development Corporations to enable them to contribute to the construction and operation of low-income housing.

The bill has three major goals. The first is to encourage low-income housing to provide a safer and more positive environment for the families and individuals who live there. Low-income communities are often plagued by drugs, violence, and hopelessness. This proposal is intended to provide resources to help revitalize low-income housing developments and communities.

The second goal is to reduce the number of families and individuals who are currently homeless and are living on our city streets and in shelters. The bill accomplishes this goal by providing family support services, health and mental health services onsite in low-income housing so that troubled families and those suffering from health problems and mental illnesses can leave the shelters without leaving the supportive services they need.

The third goal is to prevent poor or precariously housed families from sinking into homelessness. These families also need support services to ensure that they do not join the ranks of the homeless. This legislation will provide the health, job training, counseling, and case management services that at-risk families and individuals need before a crisis occurs.

The causes of homelessness are numerous, and the homeless population itself is diverse. Many of the homeless are victims of poverty. Some are single heads of households struggling to support their families. Others have lost their jobs and even their homes due to layoffs, illness, economic changes or disability. Often faced with such a crisis in their lives, they have nowhere to go for help.

The problem is especially acute for families with children, who suddenly find themselves without any source of support. Title I of this bill provides funds for family support centers to provide the services and helping hand that these poorest and most vulnerable families need. These services will include drug and alcohol abuse treatment and counseling, parenting classes, family and community violence counseling, child care and health care. These are precisely the services needed to move homeless families off the streets—and keep poor families from becoming homeless.

Other Americans are homeless or at risk of long-term institutionalization in a nursing home or hospital because of a serious health condition. This group, which includes the frail elderly, people with AIDS, and those with disabilities, need special assistance with housing if they are to lead independent lives. Title II provides the key services that can make the difference such as transportation, meals, and ready access to health care including emergency health services.

Finally, perhaps the best known cause of homelessness is mental illness. In this case the road into the present crisis has been paved with good intentions. In recent years, large numbers of the mentally ill have been released from State mental hospitals, in an attempt to reduce the unnecessary and often cruel consequences of institutionalization. Part of the promise of that reform, however, was not kept. Needed outpatient health clinics, half-way houses, and support networks were never established.

Many of those released from institutions were capable of living independently in the community, with a little extra help. They found the doors of the institutions open—but the doors of the community closed. Countless number of these citizens now call the streets their home. Title III of this bill is a step toward promise by providing needed resources in the group home setting. Services to be provided under this title will include mental health care, drug and alcohol abuse treatment and counseling, job training, and case management.

The Homelessness Prevention Act does not stop at the provision of services. Over the past decade, Federal funding for low-income housing has declined by more than 75 percent and this decline has directly contributed to the rise of homelessness. It is imperative that Congress act this year to expand the Nation's supply of housing for our lowest income citizens. Both the Senate and House Banking Committees are working tirelessly to address the housing needs of low-income Americans. Title IV of this bill adds to that effort by providing $50 million in grants to Community Development Corporations for the planning, operation and construction of low-income housing. CDC's represent successful examples of public-private partnerships and can make a unique contribution to the goal of expanding housing opportunities for low-income communities.

We must expand the supply of low-income housing, but housing alone is not enough. We must provide support services to go with it. We must make low-income housing accessible to individuals with special needs. We must encourage housing that anticipates the need for health and mental health care, education, transportation, and family counseling.

This legislation is designed to address all of the underlying causes of this senseless tragedy. Homelessness must not become something that America accepts as a fact of life. By acting now, we can begin to deal with these problems more effectively. I urge my colleagues to support this measure, and I ask unanimous consent that the text of the bill may be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Homelessness Prevention and Community Revitalization Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.

TITLE I—FAMILY SUPPORT CENTERS

Sec. 101. Definitions.
Sec. 102. General grants for the provision of services.
Sec. 103. Planning grants.
Sec. 104. Training and retention.
Sec. 105. Amounts of grants.
Sec. 106. Family case managers.
Sec. 107. Evaluations.
Sec. 108. Report.
Sec. 109. Construction.
Sec. 110. Authorization of appropriations.

TITLE II—PROVISION OF SERVICES TO ELDERLY INDIVIDUALS AND INDIVIDUALS WITH CHRONIC AND DEBILITATING ILLNESSES AND CONDITIONS

Sec. 201. Establishment of program.

TITLE III—MENTAL HEALTH SERVICES GRANTS FOR GROUP HOMES FOR THE HOMELESS

Sec. 301. Establishment of program.

TITLE IV—COMMUNITY DEVELOPMENT CORPORATION IMPROVEMENT GRANTS.

Sec. 401. Community development corporation improvement grants.

TITLE V—PLAN FOR COOPERATION

Sec. 501. Plan for cooperation.

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) help create safe, positive environments for families, children and individuals in low income housing and neighborhoods;

(2) reduce homelessness by making permanent housing accessible and hospitable to low income families and individuals of special needs; and

(3) prevent additional homelessness by providing on-site social services and case management to families and individuals who are at risk of homelessness due to income level, illness, mental illness or lack of social and economic support networks.

TITLE I—FAMILY SUPPORT CENTERS

SEC. 101. DEFINITIONS.

As used in this title:

(1) ADVISORY COUNCIL.—The term "advisory council" means the advisory council established under section 102(d)(2)(K).

(2) ELIGIBLE AGENCY.—The term "eligible agency" means a Head Start agency, any community-based organization, public housing agencies as defined in section 3(b)(6) of the United State Housing Act of 1937, State Housing Finance Agencies, and in addition includes an institution of higher education, a public hospital, a community development corporation, a community health center, and any other public or private nonprofit agency or organization specializing in delivering social services.

(3) FAMILY CASE MANAGERS.—The term "family case managers" means advisers operating under the provisions of section 106.

(4) GOVERNMENTALLY SUBSIDIZED HOUSING.—The term "governmentally subsidized housing" means any rental housing that is assisted under any Federal, State or local program (including a tax credit or tax exempt financing program) and that serves a population that predominately consists of very low income families or individuals.

(5) HOMELESS.—The term "homeless" has the same meaning given such term in the subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302(a) and (c)).

(6) INTENSIVE AND COMPREHENSIVE SUPPORTIVE SERVICES.—The term "intensive and comprehensive supportive services" means—

(A) in the case of services provided to infants, children and youth, infant and child primary and health services designed to enhance the physical, social, emotional, educational and intellectual development of such infants and children and that shall include, where appropriate, screening and referral services, child care services, early childhood development programs, early intervention services for children with, or at-risk of developmental delays, drop-out prevention services, after-school activities, job readiness services, education and support services for youth, and nutritional services;

(B) in the case of services provided to parents and other family members, services designed to better enable parents and other family members to contribute to their child's healthy development and that shall include, where appropriate, substance abuse education, counseling and treatment or referral for treatment, employment counseling and training as appropriate, life-skills

training, education, parenting classes, health care and mental health services, peer counseling and crisis intervention services; and

(C) in the case of services provided by family case managers, needs assessment and support in accessing social services, referral for substance abuse counseling and treatment or referral for treatment, family violence counseling services, violence intervention counseling and peer support services, and family advocacy services.

(7) LOW INCOME.—The term "low income" when applied to families or individuals means a family or individual income that does not exceed 80 percent of the median income for an individual or family in the area, as determined by the Secretary of Housing and Urban Development, except that such Secretary may establish income ceilings that are higher or lower than 80 percent of the median for the area on the basis of a finding by such Secretary that such variations are necessary because of prevailing levels of construction costs or unusually high or low individual or family incomes.

(8) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(9) VERY LOW INCOME.—The term "very low income" when applied to families or individuals means a family or individual income that does not exceed 50 percent of the median income for an individual or family in the area, as determined by the Secretary, except that the Secretary may establish income ceilings that are higher or lower than 50 percent of the median for the area on the basis of a finding by the Secretary that such variations are necessary because of unusually high or low individual or family incomes.

SEC. 102. GENERAL GRANTS FOR THE PROVISION OF SERVICES.

(a) AUTHORITY.—The Secretary is authorized to make grants to eligible agencies in rural and urban areas to pay the Federal share of the cost of programs designed to encourage the provision of intensive and comprehensive supportive services that will enhance the physical, social, emotional, educational, and intellectual development of low-income families, especially those very low income families who were previously homeless and who are currently residing in governmentally subsidized housing or who are at risk of becoming homeless.

(b) AGREEMENTS WITH ELIGIBLE AGENCIES.—The Secretary shall enter into contracts, agreements, or other arrangements with eligible agencies to carry out the provisions of this section.

(c) CONSIDERATIONS BY SECRETARY.—In carrying out the provisions of this section, the Secretary shall consider—

(1) the capacity of the eligible agency to administer the comprehensive program for which assistance is sought;

(2) the proximity of the agencies and facilities associated with the program to the low-income families, especially those very low income families that were previously homeless or at risk of becoming homeless and are currently residing in governmentally subsidized housing, to be served by the program or the ability of the agency to provide offsite services;

(3) the ability of the eligible agency to coordinate its activities with State and local public agencies (such as agencies responsible for education, health and mental health services, substance abuse services, social services, child care, nutrition, income assistance, and other relevant services), and with appropriate nonprofit private organizations involved in the delivery of eligible support services;

(4) the management and accounting skills of the eligible agency;

(5) the ability of the eligible agency to use the appropriate Federal, State, and local programs in carrying out the program; and

(6) the involvement of project participants and community representatives in the planning and operation of the program.

(d) REQUIREMENTS.—

(1) IN GENERAL.—Each eligible agency desiring to receive a grant under this section shall—

(A) if a planning grant application has been approved for such agency under section 103(b), have such application on file with the Secretary;

(B) have experience in providing services such as those required under this section; and

(C) submit an application at such time in such manner and containing or accompanied by such information, including the information required under paragraph (2), as the Secretary shall reasonably require.

(2) APPLICATION.—Each application submitted under paragraph (1)(C) shall—

(A) identify the population and geographic location to be served by the program;

(B) provide assurances that services are closely related to the identifiable needs of the target population;

(C) provide assurances that each program will provide directly or arrange for the provision of intensive and comprehensive supportive services;

(D) identify the referral providers, agencies, and organizations that the program will use;

(E) describe the method of furnishing services at offsite locations, if appropriate;

(F) describe the extent to which the eligible agency, through its program, will coordinate and expand existing services as well as provide services not available in the area to be served by the program;

(G) describe how the program will relate to the State and local agencies providing health, nutritional, job training, education, social, substance abuse, and income maintenance services;

(H) provide assurances that the eligible agency will pay the non-Federal share of the cost of the application for which assistance is sought from non-Federal sources;

(I) collect and provide data on groups of individuals and geographic areas served, including types of services to be furnished, estimated cost of providing comprehensive services on an average per user basis, types and nature of conditions and needs identified and treated, and such other information as the Secretary requires;

(J) describe the manner in which the applicant will implement the requirement of section 104;

(K) provide for the establishment of an advisory council that shall provide policy and programming guidance to the eligible agency, that shall consist of not more than 15 members that shall include—

(i) prospective participants in the program,

(ii) representatives of local private industry;

(iii) individuals with expertise in the services the program intends to offer;

(iv) representatives of the community in which the program will be located;

(v) representatives of local government social service providers;

(vi) representatives of local law enforcement agencies; and

(vii) representatives of the local public housing agency;

(L) describe plans for evaluating the impact of the program;

(M) include such additional assurances, including submitting necessary reports, as the Secretary may reasonably require;

(N) contain an assurance that if the applicant intends to assess fees for services provided with assistance under this section, such fees shall be nominal in relation to the financial situation of the recipient of such services; and

(O) contain an assurance that amounts received under a grant awarded under this section shall be used to supplement not supplant State and local funds currently utilized to provide services of the type described in this section.

(e) FAMILY SUPPORT CENTER.—Each program that receives assistance under this section shall establish at least one family support center that shall operate out, or in the immediate vicinity, of governmentally subsidized housing. Such centers shall be the primary location for the administration of the programs and the provision of services under this title.

SEC. 103. PLANNING GRANTS.

(a) IN GENERAL.—The Secretary is authorized to make planning grants to eligible agencies to enable such entities to develop and submit plans and applications for grants under section 102.

(b) APPLICATION.—Each eligible agency desiring to receive a planning grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary shall reasonably require. Each such application shall—

(1) describe the capacity of the eligible agency to provide or ensure the availability of the intensive and comprehensive supportive services pursuant to this title;

(2) describe the low-income families to be served by the program including the number to be served and information on the population and geographic location to be served;

(3) describe how the needs of individuals identified under paragraph (2) will be met by the program;

(4) describe the intensive and comprehensive supportive services that program planners intend to address in the development of the plan;

(5) describe the manner in which the program will be operated together with the involvement of other community groups and public agencies;

(6) specify the agencies that are intended to be contacted and the activities to be coordinated during the planning phase;

(7) contain assurances that the applicant will establish a planning phase advisory council, that may become the council required under section 102(d)(2)(K)), that shall include—

(A) prospective participants in the program,

(B) individuals with expertise in the services the program intends to offer;

(C) representatives of the community in which the program will be located;

(D) representatives of local government social service providers;

(E) representatives of local law enforcement agencies; and

(F) representatives of local public housing agencies;

(8) describe the capacity of the eligible agency to raise the non-Federal share of the costs of the program and such other information as the Secretary may reasonable require;

(9) contain an assurance that the agency will use funds received under this section to prepare a plan as described in this subsection and submit such plan in an application for a grant under section 102; and

(10) contain an assurance that amounts received under a grant awarded under this section shall be used to supplement not supplant State and local funds currently utilized to provide services of the type described in this section.

(c) ADMINISTRATIVE PROVISIONS.—

(1) TERM OF GRANT.—No planning grant may be for a period longer than 1 year.

(2) MAXIMUM NUMBER OF GRANTS.—Not more than 20 planning grants may be made under this subsection.

(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to those applications that demonstrate that the applicant would not have the financial resources available to prepare a plan and application for a grant under section 102 unless such applicant receives a grant under this section.

(d) MAXIMUM AMOUNT OF GRANT.—No grant awarded under this section to a single eligible agency may exceed $50,000.

SEC. 104. TRAINING AND RETENTION.

The Secretary shall require that agencies that receive a grant under section 102 use not less than 5 percent of such grant to improve the retention and effectiveness of staff and volunteers through appropriate service delivery training programs.

SEC. 105. AMOUNTS OF GRANTS.

(a) IN GENERAL.—The Secretary shall pay to an eligible agency having an application approved under section 102 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—The Federal share shall be 80 percent for each fiscal year.

(c) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of payments under this section may be in cash or in kind fairly evaluated, including equipment or services.

(2) PRIVATE CONTRIBUTIONS.—Of the non-Federal share, 25 percent of such amount shall be provided through contributions from private entities.

(d) PAYMENTS.—Payments under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

SEC. 106. FAMILY CASE MANAGERS.

(a) REQUIREMENT.—Each program that receives a grant under section 102 shall employ, subject to subsection (e), an appropriate number of individuals with expertise in family social service delivery, child development and welfare services, substance abuse services, and family crisis intervention matters to serve as family case managers for the program.

(b) NEEDS ASSESSMENT.—Each low-income family that desires to receive services from a program that receives assistance under this title shall be assessed by a family case manager on such families initial visit to such program as to their need for services.

(c) CONTINUING FUNCTIONS.—Family case managers shall formulate a plan based on the needs assessment for each family. Such case manager shall carry out such plan, and remain available to provide such family with counseling and services, including school advocacy services), to enable such family to become self-sufficient. In carrying out such plan the case manager shall conduct monitoring, tracking, and follow-up activities.

(d) SPECIAL SERVICES.—Case managers shall provide comprehensive services as required under the application submitted under section 102, that places special emphasis on services relating to substance abuse and domestic violence.

(e) LIMITATION.—No family crisis adviser shall carry a caseload of in excess of 20 families.

SEC. 107. EVALUATIONS.

(a) IN GENERAL.—The Secretary shall require that programs that receive assistance under this title are evaluated, by a third party with expertise in the types of services to be provided under this title, on an annual basis.

(b) INFORMATION.—Each eligible agency receiving a grant under this title shall furnish information requested by evaluators in order to carry out this section.

(c) RESULTS.—The results of such evaluations shall be provided to the eligible agencies conducting the programs to enable such agencies to improve such programs.

SEC. 108. REPORT.

Not later than October 1, of each fiscal year, the Secretary shall prepare and submit, to the Committees on Education and Labor, and Banking of the House of Representatives and the Committees on Labor and Human Resources, and Banking of the Senate, a report—

(1) concerning the evaluations required under section 107, together with such recommendations, as the Secretary considers appropriate; and

(2) describing any alternative sources of funding utilized or available for the provision of services of the type described in this title.

SEC. 109. CONSTRUCTION.

Nothing in this title shall be construed to modify the Federal selection preferences described in section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) or the authorized policies and procedures of governmental housing authorities operating under annual assistance contracts pursuant to such Act with respect to admissions, tenant selection and evictions.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, $100,000,000 for each of the fiscal year 1991, and such sums as may be necessary in each of the fiscal years 1992 through 1995.

TITLE II—PROVISION OF SERVICES TO ELDERLY INDIVIDUALS AND INDIVIDUALS WITH CHRONIC AND DEBILITATING ILLNESSES AND CONDITIONS

SEC. 201. ESTABLISHMENT OF PROGRAM.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end thereof the following new part:

"PART L—PROVISION OF SERVICES TO ELDERLY INDIVIDUALS AND INDIVIDUALS WITH CHRONIC AND DEBILITATING ILLNESSES AND CONDITIONS

"SEC. 399B. DEFINITIONS.

"As used in this part:

"(1) ADVISORY COUNCIL.—The term 'advisory council' means the advisory council established under section 399C(d)(2)(K).

"(2) ELIGIBLE AGENCY.—The term 'eligible agency' means any community-based organization, State or local agency, community health center, or other institution that will provide or arrange for the provision of nursing care, health care, meal services, visiting services, or other social services to elderly or seriously ill individuals.

"(3) GOVERNMENTALLY SUBSIDIZED HOUSING.—The term 'governmentally subsidized housing' means any rental housing that is assisted under any Federal, State or local program (including a tax credit or tax exempt financing program) and that serves a population that predominately consists of low income families or individuals.

"(4) HOMELESS.—The term 'homeless' has the same meaning given such term in subsection (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302(a) and (c)).

"(5) LOW INCOME.—The term 'low income' when applied to families or individuals means a family or individual income that does not exceed 80 percent of the median income for an individual or family in the area, as determined by the Secretary of Housing and Urban Development, except that such Secretary may establish income ceilings that are higher or lower than 80 percent of the median for the area on the basis of a finding by such Secretary that such variations are necessary because of prevailing levels of construction costs or unusually high or low individual or family incomes.

"(6) VERY LOW INCOME.—The term 'very low income' when applied to families or individuals means a family or individual income that does not exceed 50 percent of the median income for an individual or family in the area, as determined by the Secretary of Housing and Urban Development, except that such Secretary may establish income ceilings that are higher or lower than 50 percent of the median for the area on the basis of a finding by such Secretary that such variations are necessary because of unusually high or low individual or family incomes.

"SEC. 399C. GENERAL GRANTS FOR THE PROVISION OF SERVICES.

"(a) AUTHORITY.—The Secretary is authorized to make grants to eligible agencies to pay the Federal share of the cost of programs designed to encourage the provision of eligible services to low-income elderly or low-income seriously ill individuals, especially those very low income elderly or seriously ill individuals who were previously homeless or who are at risk of becoming homeless or at risk of institutionalization.

"(b) AGREEMENTS WITH ELIGIBLE AGENCIES.—The Secretary shall enter into contracts, agreements, or other arrangements with eligible agencies to carry out the provisions of this section.

"(c) CONSIDERATIONS BY SECRETARY.—In carrying out the provisions of this section, the Secretary shall consider—

"(1) the capacity of the eligible agency to administer the comprehensive program for which assistance is sought;

"(2) the proximity of the agencies and facilities associated with the program to the low-income individuals to be served by the program, or the ability of the agency to provide offsite services;

"(3) the ability of the eligible agency to coordinate its activities with State and local public agencies (such as agencies responsible for health and mental health services, social services, nutrition, and other relevant services), and with appropriate nonprofit private organizations involved in the delivery of eligible support services;

"(4) the management and accounting skills of the eligible agency;

"(5) the ability of the eligible agency to use the appropriate Federal, State, and local programs in carrying out the program;

"(6) the involvement of program participants and community representatives in the planning and operation of the program; and

"(7) the demonstrated or potential effectiveness of the eligible agency in serving the populations or subpopulations intended to be served under this section.

"(d) REQUIREMENTS.—

"(1) IN GENERAL.—Each eligible agency desiring to receive a grant under this section shall submit an application at such time in such manner and containing or accompanied by such information, including the information required under paragraph (2), as the Secretary shall reasonably require.

"(2) APPLICATION.—Each application submitted under paragraph (1) shall—

"(A) identify the population and geographic location to be served by the program;

"(B) provide assurances that services are closely related to the identifiable needs of the target population;

"(C) provide assurances that each program will provide directly or arrange for the provision of eligible services of the type described in section 399D;

"(D) identify the referral providers, agencies, and organizations that the program will use;

"(E) describe the method of furnishing services at offsite locations, if appropriate;

"(F) describe the extent to which the eligible agency, through its program, will coordinate and expand existing services as well as provide services not available in the area to be served by the program;

"(G) describe how the program will relate to the State and local agencies providing health, nutritional, social, and income maintenance services;

"(H) provide assurances that the eligible agency will pay the non-Federal share of the cost of the application for which assistance is sought from non-Federal sources;

"(I) collect and provide data on groups of individuals and geographic areas served, including types of services to be furnished, estimated cost of providing comprehensive services on an average per user basis, types and nature of conditions and needs identified and treated, and such other information as the Secretary requires;

"(J) describe the manner in which the applicant will implement the requirement of section 399F;

"(K) provide for the establishment of an advisory council that shall provide policy and programming guidance to the eligible agency, that shall include—

"(i) prospective participants in the program,

"(ii) individuals with expertise in the services the program intends to offer;

"(iii) representatives of the community in which the program will be located;

"(iv) representatives of local government social service providers;

"(v) community based organizations with a history of providing service to participants;

"(vi) representatives of local public housing agencies; and

"(vii) representatives of local health care professions;

"(L) describe plans for evaluating the impact of the program;

"(M) include such additional assurances, including submitting necessary reports, as the Secretary may reasonably require;

"(N) contain an assurance that if the applicant intends to assess fees for services provided with assistance under this section, such fees shall be nominal in relation to the financial situation of the recipient of such services; and

"(M) contain an assurance that amounts received under a grant awarded under this section shall be used to supplement not supplant State and local funds currently utilized to provide services of the type described in this section.

"(e) HOME HEALTH SERVICE PROGRAM.—Each recipient that receives assistance under this section shall establish at least one home health service program that shall operate out of, or in the immediate vicinity of, governmentally subsidized housing. Such programs shall be the primary location for the administration of the programs and the provision of services under this part. Such programs may operate out of existing family support centers.

"SEC. 399D. PLANNING GRANTS.

"(a) IN GENERAL.—The Secretary is authorized to make planning grants to eligible agencies to enable such entities to develop and submit plans and applications for grants under section 399C.

"(b) APPLICATION.—Each eligible agency desiring to receive a planning grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary shall reasonably require, including—

"(1) a description of the capacity of the eligible agency to provide or ensure the availability of services pursuant to this part;

"(2) a description of the low-income elderly or low income seriously ill individuals to be served by the program including the number to be served and information on the population and geographic location to be served;

"(3) a description of the needs of individuals identified under paragraph (2) that will be met by the program;

"(4) a description of the services that program planners intend to address in the development of the plan;

"(5) a description of the manner in which the program will be operated together with the involvement of other community groups and public agencies;

"(6) a specification of the agencies that are intended to be contacted and the activities to be coordinated during the planning phase;

"(7) assurances that the applicant will establish a planning phase advisory council, that may become the council required under section 399C(d)(2)(K), that shall include—

"(A) prospective participants in the program,

"(B) individuals with expertise in the services the program intends to offer;

"(C) representatives of the community in which the program will be located;

"(D) representatives of local government social service providers;

"(E) representatives of local housing agencies, if appropriate;

"(8) a description of the capacity of the eligible agency to raise the non-Federal share of the costs of the program and such other information as the Secretary may reasonably require;

"(9) an assurance that the agency will use funds received under this section to prepare a plan as described in this subsection and submit such plan in an application for a grant under section 399C; and

"(10) an assurance that amounts received under a grant awarded under this section shall be used to supplement not supplant State and local funds currently utilized to provide services of the type described in this section.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) TERM OF GRANT.—No planning grant may be for a period longer than 1 year.

"(2) MAXIMUM NUMBER OF GRANTS.—Not more than 20 planning grants may be made under this section.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to those applications that demonstrate that the applicant would not have the financial resources available to prepare a plan and application for a grant under section 399C unless such applicant receives a grant under this section.

"(d) MAXIMUM AMOUNT OF GRANT.—No grant awarded under this section to a single eligible agency may exceed $50,000.

"SEC. 399E. ELIGIBLE SERVICES.

"(a) IN GENERAL.—Grants awarded under this part shall be used to provide services of the type described in subsection (b) to low-income elderly or low income seriously ill individuals, especially those very low income elderly or seriously ill individuals who were previously homeless, or who are at risk of becoming homeless or at risk of institutionalization.

"(b) SERVICES.—Agencies receiving grants under this part shall use such grants to provide comprehensive services, in accordance with the service plan, that shall include, where appropriate—

"(1) 24-hours nursing supervision services;

"(2) case management services;

"(3) home health care services;

"(4) homemaker services;

"(5) meal provision services;

"(6) attendant services;

"(7) volunteer visiting services;

"(8) adult day care service;

"(9) treatment for substance abuse;

"(10) hospice services;

"(11) post hospitalization respite care services;

"(12) transportation services;

"(13) mental health services; and

"(14) any other services determined appropriate by the Secretary.

"(c) COORDINATION.—Programs that receive assistance under this part shall be coordinated with a local hospital or community health center that regularly provides emergency medical care services.

"(d) SET-ASIDE FOR ELDERLY.—The Secretary shall require that at least 20 percent of the grants made under this part shall be setaside for the provision of subsidized housing-based services to elderly individuals, especially those very low income elderly individuals who were previously homeless or who are at risk of becoming homeless or at risk of institutionalization.

"SEC. 399F. TRAINING AND RETENTION.

"The Secretary shall require that agencies that receive a grant under section 399C use not less than 5 percent of such grant to improve the retention and effectiveness of staff and volunteers through appropriate service delivery training programs.

"SEC. 399G. AMOUNTS OF GRANTS.

"(a) IN GENERAL.—The Secretary shall pay to eligible agencies having applications approved under section 399C the Federal share of the cost of the activities described in the application.

"(b) FEDERAL SHARE.—The Federal share shall be 80 percent for each fiscal year.

"(c) NON-FEDERAL SHARE.—

"(1) IN GENERAL.—The non-Federal share of payments under this section may be in cash or in kind fairly evaluated, including equipment or services.

"(2) CASH.—At least 25 percent of the non-Federal share under paragraph (1) shall be in the form of cash.

"(d) PAYMENTS.—Payments under this part may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"SEC. 399H. EVALUATIONS.

"(a) IN GENERAL.—The Secretary shall require that programs that receive assistance under this part are evaluated, by a third party with expertise in the types of services to be provided under this part, on an annual basis.

"(b) INFORMATION.—Each eligible agency receiving a grant under this part shall furnish information requested by evaluators in order to carry out this section.

"(c) RESULTS.—The results of such evaluations shall be provided to the eligible agencies conducting the programs to enable such agencies to improve such programs.

"SEC. 399I. REPORT.

"Not later than October 1, of each fiscal year, the Secretary shall prepare and submit, to the Committees on Education and Labor, and Banking of the House of Representatives and the Committees on Labor and Human Resources, and Banking of the Senate, a report—

"(1) concerning the evaluations required under section 399H, together with such recommendations, including recommendations for legislation, as the Secretary considers appropriate; and

"(2) describing any alternative sources of funding utilized or available for the provision of services of the type described in this part.

"SEC. 399J. CONSTRUCTION.

"Nothing in this part shall be construed to modify the Federal selection preferences described in section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) or the authorized policies and procedures of governmental housing authorities operating under annual assistance contracts pursuant to such Act with respect to admissions, tenant selection and evictions.

"SEC. 399K. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $100,000,000 for fiscal year 1991, and such sums as may be necessary in each of the fiscal years 1992 through 1995.".

TITLE III—MENTAL HEALTH SERVICES GRANTS FOR GROUP HOMES FOR HOMELESS INDIVIDUALS.

SEC. 301. ESTABLISHMENT OF PROGRAM.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end thereof the following new part:

"PART F—MENTAL HEALTH SERVICES GRANTS FOR GROUP HOMES FOR HOMELESS INDIVIDUALS

"SEC. 571. DEFINITIONS.

"As used in this part:

"(1) ADVISORY COUNCIL.—The term 'advisory council' means the advisory council established under section 572(d)(2)(K).

"(2) CHRONICALLY MENTALLY ILL INDIVIDUAL.—The term 'chronically mentally ill individual' means an individual who has been diagnosed as having a major mental illness that causes significant disability that occurs, or is expected to occur, over a period of at least several months.

"(3) ELIGIBLE AGENCY.—The term 'eligible agency' means any community-based organization, or public or private agency that specializes in providing mental health care, or services relating to substance abuse to low income chronically mentally ill individuals.

"(4) GROUP HOME.—The term 'group home' means any small service supported residential facility designed to house individuals with special needs, such as chronic mental illnesses.

"(5) HOMELESS.—The term 'homeless' has the same meaning given such term in subsection (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302 (a) and (c)).

"(6) LOW INCOME.—The term 'low income' when applied to families or individuals means a family or individual income that does not exceed 80 percent of the median income for an individual or family in the area, as determined by the Secretary, except that the Secretary may establish income ceilings that are higher or lower than 80 percent of the median for the area on the basis of a finding by the Secretary that such variations are necessary because of prevailing levels of construction costs or unusually high or low individual or family incomes.

"SEC. 572. GENERAL GRANTS FOR THE PROVISION OF SERVICES.

"(a) AUTHORITY.—The Secretary shall establish a demonstration program to make grants to eligible agencies to pay the Federal share of the cost of programs designed to encourage the provision of housing based services to low-income chronically mentally ill individuals who were previously homeless who will reside in a group home.

"(b) AGREEMENTS WITH ELIGIBLE AGENCIES.—The Secretary shall enter into contracts, agreements, or other arrangements with eligible agencies to carry out the provisions of this section.

"(c) CONSIDERATIONS BY SECRETARY.—In carrying out the provisions of this section, the Secretary shall consider—

"(1) the capacity of the eligible agency to administer the comprehensive program for which assistance is sought;

"(2) the proximity of the agencies and facilities associated with the program to the low-income individuals to be served by the program, or the ability of the agency to provide offsite services;

"(3) the ability of the eligible agency to coordinate its activities with State and local public agencies (such as agencies responsible for health and mental health services, and other relevant services), with appropriate nonprofit private organizations involved in the delivery of eligible support services;

"(4) the management and accounting skills of the eligible agency;

"(5) the ability of the eligible agency to use the appropriate Federal, State, and local programs in carrying out the program; and

"(6) the involvement of program participants and community representatives in the planning and operation of the program.

"(d) REQUIREMENTS.—

"(1) IN GENERAL.—Each eligible agency desiring to receive a grant under this section shall submit an application at such time in such manner and containing or accompanied by such information, including the information required under paragraph (2), as the Secretary shall reasonably require.

"(2) APPLICATION.—Each application submitted under paragraph (1) shall—

"(A) identify the population and geographic location to be served by the program;

"(B) provide assurances that services are closely related to the identifiable needs of the target population;

"(C) provide assurances that each program will provide directly or arrange for the provision of eligible services of the type described in section 574;

"(D) identify the referral providers, agencies, and organizations that the program will use;

"(E) describe the method of furnishing services at offsite locations, if appropriate;

"(F) describe the extent to which the eligible agency, through its program, will coordinate and expand existing services as well as provide services not available in the area to be served by the program;

"(G) describe how the program will relate to the State and local agencies providing health and mental health services, including substance abuse services;

"(H) provide assurances that the eligible agency will pay the non-Federal share of the cost of the application for which assistance is sought from non-Federal sources;

"(I) collect and provide data on groups of individuals and geographic areas served, including types of services to be furnished, estimated cost of providing comprehensive services on an average per user basis, types and nature of conditions and needs identified and treated, and such other information as the Secretary requires;

"(J) describe the manner in which the applicant will implement the requirement of section 575;

"(K) provide for the establishment of an advisory council that shall provide policy and programming guidelines to the eligible agency, that shall consist of—

"(i) prospective participants in the program;

"(ii) individuals with expertise in the services the program intends to offer;

"(iii) representatives of the community in which the program will be located;

"(iv) representatives of local government social service providers and mental health professions; and

"(v) representatives of local law enforcement agencies;

"(L) describe plans for evaluating the impact of the program;

"(M) provide an assurance that the applicant has access to appropriate facilities to use as a group home to provide services under this part for the term of the grant;

"(N) include such additional assurances, including submitting necessary reports, as the Secretary may reasonably require;

"(O) contain an assurance that if the applicant intends to assess fees for services provided with assistance under this section, such fees shall be nominal in relation to the financial situation of the recipient of such services; and

"(P) contain an assurance that amounts received under a grant awarded under this section shall be used to supplement not supplant State and local funds currently utilized to provide services of the type described in this section.

"(e) HOME-BASED MENTAL HEALTH CARE.—Each program that receives assistance under this section shall establish a mental health services program that shall operate out of, or in the immediate vicinity of, a group home. Such group home shall be the primary location for the administration of the programs and the provision of services under this part.

"SEC. 573. PLANNING GRANTS.

"(a) IN GENERAL.—The Secretary is authorized to make planning grants to eligible agencies to enable such entities to develop and submit plans and applications for grants under section 572.

"(b) APPLICATION.—Each eligible agency desiring to receive a planning grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary shall reasonably require, including—

"(1) a description of the capacity of the eligible agency to provide or ensure the availability of the services pursuant to this part;

"(2) a description of the low-income chronically mentally ill individuals that were previously homeless and are to be served by the program, including the number to be served and information on the population and geographic location to be served;

"(3) a description how the needs of individuals identified under paragraph (2) will be met by the program;

"(4) a description of the services that program planners intend to address in the development of the plan;

"(5) a description of the manner in which the program will be operated together with the involvement of other community groups and public agencies;

"(6) a specification of the agencies that are intended to be contacted and the activities to be coordinated during the planning phase;

"(7) assurances that the applicant will establish a planning phase advisory council, that may become the council required under section 572(d)(2)(K), that shall include—

"(A) prospective participants in the program,

"(B) individuals with expertise in the services the program intends to offer;

"(C) representatives of the community in which the program will be located;

"(D) representatives of local government social service providers;

"(E) representatives of local law enforcement agencies; and

"(F) representatives of local housing agencies;

"(8) a description of the capacity of the eligible agency to raise the non-Federal share of the costs of the program and such other information as the Secretary may reasonable require;

"(9) an assurance that the agency will use funds received under this section to prepare a plan as described in this subsection and submit such plan in an application for a grant under section 572; and

"(10) an assurance that amounts received under a grant awarded under this section shall be used to supplement not supplant State and local funds currently utilized to provide services of the type described in this section.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) TERM OF GRANT.—No planning grant may be for a period longer than 1 year.

"(2) MAXIMUM NUMBER OF GRANTS.—Not more than 15 planning grants may be made under this section.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to those applications that demonstrate that the applicant would not have the financial resources available to prepare a plan and application for a grant under section 572 unless such applicant receives a grant under this section.

"(d) MAXIMUM AMOUNT OF GRANT.—No grant awarded under this section to a single eligible agency may exceed $50,000.

"SEC. 574. ELIGIBLE SERVICES.

"(a) IN GENERAL.—Grants awarded under this part shall be used to provide mental health services in group homes for low income chronically mentally ill individuals who were previously homeless who will reside in such group home.

"(b) SERVICES.—Services provided under subsection (a) shall include, where appropriate—

"(1) health care services offered by providers that operate from regular office hours from the home-based mental health center established with the grants provided under this part;

"(2) emergency mental health services;

"(3) substance abuse counseling and treatment;

"(4) outpatient drug therapy conducted under the oversight of a staff psychiatrist;

"(5) job training and life skills counseling for individuals who are determined to be in need of such services as a prerequisite for reentering the workforce;

"(6) intensive case management services provided by case managers that have a caseload of not more than 15 individual; and

"(7) any other services determined appropriate by the Secretary.

"(c) DUAL DIAGNOSIS.—Agencies that receive grants under this part shall provide services with an emphasis on treatment for individuals suffering from both substance abuse and a chronic mental illness.

"SEC. 575. TRAINING AND RETENTION.

"The Secretary shall require that agencies that receive a grant under section 572 use not less than 5 percent of such grant to improve the retention and effectiveness of staff and volunteers through appropriate service delivery training programs.

"SEC. 576. AMOUNTS OF GRANTS.

"(a) IN GENERAL.—The Secretary shall pay to eligible agencies having applications approved under sections 572 the Federal share of the cost of the activities described in the application.

"(b) FEDERAL SHARE.—The Federal share shall be 80 percent for each fiscal year.

"(c) NON-FEDERAL SHARE.—

"(1) IN GENERAL.—The non-Federal share of payments under this section may be in cash or in kind fairly evaluated, including equipment or services.

"(2) CASH.—At least 50 percent of the payments required under paragraph (1) shall be in the form of cash. The value of any residence or other housing facility provided under this subsection shall be included in meeting such 50 percent requirement.

"(d) PAYMENTS.—Payments under this part may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"SEC. 577. EVALUATIONS.

"(a) IN GENERAL.—The Secretary shall require that programs that receive assistance under this part are evaluated, by a third party with expertise in the types of services to be provided under this part, on an annual basis.

"(b) INFORMATION.—Each eligible agency receiving a grant under this part shall furnish information requested by evaluators in order to carry out this section.

"(c) RESULTS.—The results of such evaluations shall be provided to the eligible agencies conducting the programs to enable such agencies to improve such programs.

"SEC. 578. REPORT.

"Not later than October 1, of each fiscal year, the Secretary shall prepare and submit, to the Committees on Education and Labor, and Banking of the House of Representatives and the Committees on Labor and Human Resources, and Banking of the Senate, a report—

"(1) concerning the evaluations required under section 578, together with such recommendations, including recommendations for legislation, as the Secretary considers appropriate; and

"(2) describing any alternative sources of funding utilized or available for the provision of services of the type described in this part.

"SEC. 579. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $15,000,000 for fiscal year 1991, and such sums as may be necessary in each of the fiscal years 1992 through 1995.".

TITLE IV—COMMUNITY DEVELOPMENT CORPORATION IMPROVEMENT GRANTS

SEC. 401. COMMUNITY DEVELOPMENT CORPORATION IMPROVEMENT GRANTS.

Part 4 of subchapter A of the Community Economic Development Act of 1981 (42 U.S.C. 9814 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 634. COMMUNITY DEVELOPMENT CORPORATION IMPROVEMENT GRANTS.

"(a) PURPOSE.—It is the purpose of this section to provide assistance to community development corporations to upgrade the management and operating capacity of such corporations and to enhance the resources available to enable such corporations to increase their community economic development activities.

"(b) SKILL ENHANCEMENT GRANTS.—

"(1) IN GENERAL.—The Secretary of Health and Human Services shall make grants to community development corporations to enable such corporations to attain or enhance the business management and development skills of the individuals that manage such corporations to enable such corporations to seek the public and private resources necessary to develop low-income housing and to develop community economic development projects.

"(2) USE OF FUNDS.—Grantees may use funds obtained under this section—

"(A) to purchase training and technical assistance from agencies or institutions that have experience in the construction, development and management of low-income housing or experience in community economic development; or

"(B) to purchase such assistance from other highly successful community development corporations.

"(c) OPERATING GRANTS.—

"(1) IN GENERAL.—The Secretary of Health and Human Services shall make grants to community development corporations to enable such corporations to support an administrative capability for planning, developing, constructing and managing low-income housing, and for other community economic development projects.

"(2) USE OF FUNDS.—Of amounts made available in any fiscal year for operating grants under this subsection, the Secretary of Health and Human Services shall use—

"(A) 40 percent of such amounts to assist in starting up community development corporations; and

"(B) 60 percent of such amounts to assist established community development corporations.

"(3) TERMS AND CONDITIONS.—Assistance provided through operating grants under this subsection shall be of sufficient size and duration, including multiyear grants where appropriate, to enable a community development corporation receiving such assistance to have an appreciable impact on the area or areas to be served.

"(d) GRANTS FOR COMMUNITY DEVELOPMENT CORPORATION EQUITY ACCOUNTS.—

"(1) IN GENERAL.—The Secretary of Health and Human Services shall make grants to any nongovernmental, nonprofit entity that is principally involved with the development, construction or management of low-income housing, or to community development corporations, to enable such entities to establish and maintain equity accounts with which such corporations may plan, develop, construct and manage low-income housing.

"(2) TERMS AND CONDITIONS.—Assistance provided through equity account grants under this subsection shall be of sufficient size and duration, including multiyear grants where appropriate, to enable a community development corporation receiving such assistance to have an appreciable impact on the area or areas to be served.

"(e) APPLICATIONS.—Community development corporations that desire to receive assistance under this section shall prepare and submit, to the Secretary of Health and Human Services, an application at such time, in such form, and containing such information as the Secretary shall reasonably require. Such Secretary shall not require project-specific information for applications for assistance under subsections (b), (c) and (d).

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 1991, and such sums as may be necessary in each of the fiscal years 1992 through 1995.

"(2) USE.—The Secretary of Health and Human Services shall use—

"(A) 20 percent of the amounts appropriated under paragraph (1) in each fiscal year to make grants under subsection (b);

"(B) 30 percent of the amounts appropriated under paragraph (1) in each fiscal year to make grants under subsection (c); and

"(C) 50 percent of the amounts appropriated under paragraph (1) in each fiscal year to make grants under subsection (d).

"(3) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(g) DEFINITION.—As used in this section, the term 'community development corporation' means a nonprofit entity of the type described in this section and that meets the resident control and governing body requirements of 42 U.S.C. 9807(a)(1).".

TITLE V—PLAN FOR COOPERATION

SEC. 501. PLAN FOR COOPERATION.

(a) IN GENERAL.—Not later than the date on which regulations necessary to carry out title I of this Act, part L of title III of the Public Health Service Act (as added by title II), part F of title V of the Public Health Service Act (as added by title III), or section 634 of the Community Economic Development Act of 1981 (as added under title IV) are issued, the Secretary of Health and Human Services and the Secretary of Housing and Urban Development shall prepare and submit, to the Committees on Education and Labor, and Banking of the House of Representatives and the Committees on Labor and Human Resources, and Banking of the Senate, a plan concerning the programs to be carried out under such title, parts, and section.

(b) CONTENTS.—The plan prepared under subsection (a) shall—

(1) describe the method in which the Secretary of Health and Human Services and the Secretary of Housing and Urban Development shall consult with one another in implementing and administering the programs described in subsection (a) and coordinate the implementation of such programs with other relevant programs and Acts (including the programs established under the Stewart B. McKinney Homeless Assistance Act, or the amendments made by such Act, and under Federal housing Acts);

(2) contain an assurance that such Secretaries will consult with one another on an ongoing and continuous basis in such implementation; and

(3) contain procedures, developed by the Secretary of Housing and Urban Development, for granting priority in the provision of rehabilitation or renovation assistance by such Secretary, to applicants that receive grants under the title, parts, and section referred to in subsection (a).

Mr. DODD. Mr. President, I am very pleased to speak this afternoon to lend enthusiastic support to the Homelessness Prevention Community Revitalization Act of 1990. This important legislation is an innovative and cost-effective approach to prevent homelessness. The prevention of homelessness, Mr. President, may well be the best means of remedying it.

We are all familiar with the scope of the problem as well as its rate of growth. The Urban Institute estimated that the homeless in March 1987 numbered between 500,000 and 600,000—about double the figure reported by the Department of Housing and Urban Development in 1983. Estimates from the National Coalition for the Homeless are far higher.

What we sometimes don't appreciate, however, is that the homeless are not a distinct, defined, nor fixed segment, of our population. The overtly homeless are in frequent flux—merging in and out of a far larger group of hidden or borderline homeless. These "hidden homeless" are composed of individuals and families living on the edge. They may be doubled, or even tripled up, with relatives or friends. They are technically domiciled for the moment, but they may have been homeless last year. And they have a good chance of becoming frankly homeless in the next few months.

While the stereotypical homeless individual remains a single adult man, families and children have become the fastest growing segment among the homeless. Families with children account for 40 percent or more of the homeless population in Chicago, Kansas City, Louisville, and Philadelphia. For children, the insecurity, instability, and disruptions often result in irreparable harm to growth, development, and maturation.

This legislation, Mr. President, recognizes that the problem of homelessness goes beyond simple lack of shelter. Homelessness is the end result of varied and complex social ills. Poor education, inadequate or outdated vocational skills, mental health problems, lack of community and support systems, personal instability or disorganization, single parenting with poor parenting skills—these are the substrate that give rise to homelessness. The provision of shelter alone is not the answer. Finding housing for the homneless and calling it a solution is like finding a hospital bed for a cancer patient and calling it a cure.

This bill would strike at the root causes of homelessness. It would assist the homeless, but—as importantly—also serve the hidden or prehomeless. First, this legislation would establish "family support centers" in or near low-income housing. These centers would provide comprehensive and continuous services including: health and mental health services, nutritional services, drug and alcohol counseling, family crisis and domestic violence counseling, child development programs, child care, job training, and parenting classes. The family support centers are designed to help their beneficiaries cope. They would provide the very skills needed to forestall and prevent homelessness.

Second, this act would establish home health services in low income neighborhoods. Individuals with chronic and debilitating diseases would receive support services in coordination with a local hospital or Community Health Center. These would include home health care, homemakers and meals, mental health and substance abuse services, and nursing supervision.

A third important provision would be directed toward individuals who are chronically mentally ill and who were previously homeless. This would include substance abuse counseling, outpatient drug therapy, job and life-skills training, and mental health care provided by a health care provider in a group home setting.

Implicit throughout is the recognition of the need to reach out and intervene in the low income neighborhoods. Many of those who are or will be homeless are unfortunately dysfunctional. Entire families and segments of our society are becoming dysfunctional. They don't have the means or wherewithal to act in their own, nor their childrens, best interests. The worrisome and dramatic fall in children's immunizations is but one striking example of this fact. Services that are passive, that require considerable initiative on the part of the beneficiary, are not succeeding.

This legislation constitutes an important step toward restoring function. It is as, and perhaps even more, important than providing a bed and a room. This bill addresses the need to

bring the disenfranchised and incapable back into the mainstream of those who are able and self-sufficient. I am pleased to support this act and strongly urge its passage.

Mr. HATFIELD. Mr. President, I am pleased to join my colleagues as a cosponsor of the Homelessness Prevention and Community Revitalization Act of 1990. This legislation is an excellent complement to the initiatives contained in the McKinney Act.

Too often in this body we fail to address the root causes of the myriad problems we face. This legislation, however, is different. It is designed to prevent homelessness. Shelters, of course, are a necessary component of the solution to homelessness, but shelters do little to actually confront the root causes of homelessness.

The solution to homelessness is complicated and involves many needs that have to be met. This legislation authorizes discretionary grant money to provide social services to three specific populations: Families with young children; persons with debilitating health problems; and the chronically mentally ill. Grants are also authorized to promote Community Development Corporation involvement in the provision of low income housing.

I am particularly excited about the family support center concept contained in this legislation. Various housing authorities around the country have begun to develop such centers, including the Housing Authority of Portland, and I am pleased to join in this effort to encourage further development of such centers. These centers would be established in or near low-income housing. They are designed to provide an array of social services to very low income families, particularly those families that have been homeless or are likely to become so.

Services to be provided would include health and mental health services, nutritional services, drug and alcohol counseling, family crisis and domestic violence counseling, child development programs, child care, job training, and parenting classes. By encouraging the provision of such services to low income families, we go a long way toward preventing such families from losing their homes. We are adopting clear measures that address the root causes of homelessness.

This legislation also begins to address the needs of those low income persons with chronic or debilitating health conditions who have been or are at risk of becoming homeless. Specifically, grants would be authorized to provide health services to low-income elderly, those who are HIV infected, and the chronically mentally ill. Services would include home health care, case managemnt, meal services, substance abuse counseling and other care.

The Homelessness Prevention and Community Revitalization Act of 1990 will not solve this country's homeless problem. It will, however, assist in providing the infrastructure necessary to prevent people from becoming homeless. An individual or family on the brink of losing their home needs to know that services are available to bring them back from the brink. This legislation, I believe, will begin to provide the reassurance and stability that the homeless so badly need.

Mr. ROCKEFELLER. Mr. President, I am proud to join Senator KENNEDY, Senator DODD and other colleagues in supporting the Homelessness Prevention and Community Revitalization Act of 1990. This bill is a compassionate measure designed to extend support and assistance to families and individuals who are hovering on the brink and at grave risk of becoming homeless.

Homelessness is a national tragedy. No State, no community is immune. Repeatedly, we see in the national news the tragic picture of families and individuals living on the streets of New York and Washington. We read about families struggling to raise children in temporary shelters. The Affordable Housing Institute estimates that between 4 to 14 million families live "on the knife edge of homelessness." Unfortunately, West Virginia has its own stories of homeless people. We also have too many families struggling in substandard housing, on the brink of homelessness.

Americans recognize the tradegy of homelessness. National surveys show that people want to do something about this problem. For example, a recent Washington Post-ABC News poll indicated that 2 out of 3 Americans believe homelessness is a major national problem, and 7 out of 10 said that they would even pay more taxes to build shelters for the homeless in their areas.

This legislation is an important step toward combating homelessness. It follows the old saying, an ounce of prevention is worth a pound of cure. The bill seeks to prevent homelessness by offering support and assistance to those most vulnerable—families living in public housing, individuals suffering from chronic or debilitating illness, and others in need.

This measure seeks to establish family support centers in or near low-income housing. The centers would provide a wide variety of services to individuals and families to prevent vulnerable people from slipping into homelessness. The centers would offer health and nutritional services, drug and alcohol counseling, family crisis and domestic violence counseling, child development programs, job training, education and parenting classes. These are basic needs that should be met.

The bill also includes home health services targeted to low-income housing and neighborhoods to provide support services necessary to give people the option of living at home rather than entering a nursing home or institutional care facility. I am a strong proponent of home health care. With some help—a visiting nurse, periodic visits by a homemaker, or respite care relief for the primary caregiver—many Americans would be able to stay in their own homes rather than enter a nursing home or some type of institutional care. People want to stay in their own homes. It is more comforting. It is more compassionate. It is an important health care option that should be expanded.

This bill is an important, positive step toward preventing homelessness. I am pleased to support this measure which is aimed at helping low-income families and individuals stay off the streets, and I believe it is a wise investment.

I also recognize that our Nation must invest in more affordable housing to meet the needs of families, seniors and others struggling to keep a roof over their heads. There is much to be done to prevent homelessness and revitalize our communities and neighborhoods. The Homelessness Prevention and Community Revitalization Act is a solid step forward.

Mr. HARKIN. Mr. President, today I join my distinguished colleagues, Senator KENNEDY, chairman of Labor and Human Resources Committee, and Senator DODD, chairman of the Subcommittee on Children, Family, Drugs and Alcoholism, in introducing the Homelessness Prevention and Community Revitalization Act of 1990. This important legislation will offer much needed assistance to the growing number of Americans who are homeless.

Mr. President, the problem of homelessness is growing in my State of Iowa. A study by researchers at Drake University for the State of Iowa which was released this past December, identified a much larger homeless and near homeless population in Iowa than in previous studies. The study found that 15,713 Iowans are homeless. And what is the largest group within the homeless population? Tragically, it's children. 8,405, or well over half of all homeless Iowans are children. This study also found that the number of people who are near homeless—those who would be homeless without entitlements such as fuel or rent assistance—has reached over 68,000. Of these near homeless, over 25,000 are children.

Homelessness is a very complex problem with many interwined causes. Another recent study indicates that homelessness in my State is largely rooted in economics. A 1986 report by

the Des Moines Coalition for the Homeless cited five root causes of homelessness in Iowa:

First, general economic pressure forced by the farm crisis;

Second, lack of low-income housing;

Third, rising utility costs;

Fourth, low levels of support for social and economic aid programs; and

Fifth, deinstitutionalization of State mental health population.

Mr. President, the legislation being introduced today will take important strides toward preventing homelessness by providing critical social services to three target populations: Families with young children, individuals with debilitating health conditions, and the chronically mentally ill. These services can mean the difference between being able to remain in one's home or apartment and being out on the street or in a shelter.

For many older people and others with disabilities, often living alone, getting some help in their homes can keep them out of nursing homes. For this reason, I was very pleased to work with Chairman KENNEDY on provisions in this bill which will establish grants to provide home health services. Services to be provided include: Home health care services, case management, meal services, 24-hour nursing supervision, services for HIV infected individuals, respite care services, mental health services and substance abuse treatment.

Mr. President, although homelessness is not often thought of as a rural problem, smaller towns and communities in Iowa and across the Nation have significant and growing homeless populations. I want to thank Chairman KENNEDY for agreeing to specifically address the problem of homelessness in rural areas and assuring that an equitable number and amount of grants established by the legislation are awarded to eligible agencies serving rural areas.

I was very pleased that we were able to win approval of two important provisions addressing the growing homelessness problem in the supplemental appropriations bill. Health care for homeless Americans is woefully inadequate. As chairman of the Subcommittee on Labor, Health and Human Services, Education, I was able to gain approval of a provision providing $2.3 million for projects to provide critical health care services to homeless individuals, including funds to maintain the People's Community Health Clinic's homeless health care program in Waterloo, IA. In addition, we won passage of an emergency appropriation of $50 million to help people in States like Iowa who faced unexpectedly high home heating bills last winter. Assistance like this, added to the kind of help offered by the legislation we are introducing today, should bring meaningful help to many thousands of Americans in need.

Mr. JEFFORDS. Mr. President, the great number of homeless demonstrates that we have failed as a nation to provide the very basic human needs that allow individuals to live in dignity, and in true freedom. No one is free who does not know where they will find the next meal for their children, or a doctor to treat their illness, or decent shelter they can afford. The multiple social problems we face—a lack of affordable housing, affordable health care, and decent jobs, have manifested themselves in the condition of so many homeless.

Homelessness has had a long-term cause, and therefore requires a long-term solution. Homelessness is not just a singular condition. It is a series of pre-existing conditions that have contributed to an individual becoming homeless. It is compounded when a homeless person then does not have access to the kind of care that will alleviate his or her situation.

The bill we are introducing today authorizes $215 million in grant money to provide needed social services for three target groups: families with young children, individuals with debilitating health conditions, and the chronically mentally ill. In order to get communities more involved in the construction of low-cost housing, an additional $5 million will be authorized in grants to Community Development Corporations. We have formulated this legislation with existing State and local services in mind. The problems of the homeless are universal, but only individual communities know where the real gaps are in their services. The needs of communities in my rural State of Vermont will be very different from those, for example, in the greater Los Angeles area.

Our bill, in five parts, creates a comprehensive prevention program to attack the root causes of homelessness:

Family support centers, to provide services to families who are at risk of becoming homeless or who have already been homeless. Health and mental health services, nutrition, drug and alcohol counseling, family counseling, job training, and education would be provided. Programs established through grants to eligible State and local agencies.

Home health services programs, via grants to eligible agencies, to establish home health services to low-income housing and neighborhoods. $100 million in 1991, through 1995, with 20 percent matching from recipient agencies.

Group home services for the chronically mentally ill. Discretionary grants to agencies to target those at risk of becoming homeless, or previously homeless individuals. Would provide mental health and substance abuse counseling, job and life skills training, extensive case management. $15 million in 1991, through 1995, with 20 percent matching from recipient agencies.

Community Development Corporation improvement grants provides $50 million in 1991, through 1995, in discretionary grants to Community Development Corporations, for operation, enhanced business training for individuals operating CDC's, and equity grants to those involved in low-income housing.

Federal cooperation—requires the Secretaries of Health and Human Services and Housing and Urban Development to coordinate on administering the programs outlined in the bill. Plans submitted to Congress by the agencies must include a proposal for grants to recipients under the bill for renovation and rehabilitation grants available through HUD.

There are already existing a great many agencies and organizations in every State that have worked hard to help prevent homelessness. But the need has become so great that an extra helping hand is needed. Our hope is that this bill, as a prevention program, will help meet the needs of potentially homeless persons before they hit the streets. Great credit is due to those who work and volunteer at the soup kitchens and the shelters. But I look forward to the day when at least some of these can close their doors, for lack of homeless people to serve. That will be our measure of success.

By Mr. INOUYE (for himself and Mr. KASTEN):

S. 2601. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize deductions a deduction for charitable contributions to the extent in excess of $100 per year; to the Committee on Finance.

DIRECT CHARITABLE DEDUCTIONS

● Mr. INOUYE. Mr. President, today Senator KASTEN and I offer a bill to amend the Internal Revenue Code to allow a tax deduction for charitable contributions to taxpayers who do not itemize their deductions. This allowance would apply to contributions in excess of $100. Passage of this bill will increase fairness, promote a worthwhile social policy, and allow charitable organizations to recoup losses incurred due to a decrease in governmental aid.

From fiscal year 1982 to fiscal year 1988, Federal spending in the six budget functions of greatest concern to nonprofit organizations, exclusive of Medicare and Medicaid, declined. A cumulative total of $100.1 billion was foregone, compared to what would have been spent had earlier spending levels been maintained. This in turn reduced Federal support to private,

nonprofit organizations by an estimated total of $26.7 billion over the same period. I feel that it is important to support charitable and nonprofit organizations at a time in which Federal support is diminishing. President Bush speaks highly of our Nation's charitable organizations, referring to them as the thousand points of light. We must at least support charitable organizations by not hindering their efforts to raise funds privately. Without such support, these thousand points of light will go out.

America's most generous contributors to charity are low-income individuals. Studies have shown that taxpayers with incomes under $10,000 a year gave 2.8 percent of their household income while taxpayers with incomes of $75,000–$100,000 gave 1.5 percent of their household income. In fact, two-thirds of all charitable contributions come from families with annual incomes under $40,000. Many of these families cannot deduct their charitable contributions because they do not itemize their tax. Seven out of ten taxpayers, about 77 million people, do not itemize their income tax. The majority of nonitemizers are lower- and middle-income taxpayers. Ninety-one percent of all nonitemizers have incomes under $30,000 a year. Ninety-seven percent have incomes under $40,000 a year.

The Tax Code has allowed charitable deductions to itemizers since 1917. As the number of taxpayers who itemize their deductions declined in the late 1970's, the charitable contributions deduction was extended to nonitemizers to maintain a broad base of support for charitable organizations. The 1986 Tax Reform Act ended all deductions for charitable contributions by people who do not itemize their tax forms. Mr. President, the bill Senator KASTEN and I introduce for consideration today would allow both nonitemizers and itemizers to take a charitable contributions deduction. It is only fair to treat itemizers and nonitemizes alike.

Permitting low- and modest-income taxpayers to take a deduction for their charitable contributions serves important social needs. Nonitemizers give to causes which serve low- and middle-income taxpayers such as food programs for the homeless; drug prevention programs; aid to the elderly, the disabled, and victims of crime. They give to schools, churches and synagogues, and the Boy Scouts.

Mr. President, these worthy causes and others deserve more encouragement and consideration than the present tax policy allows. I urge my colleagues to support our measure.●

By Mr. METZENBAUM (for himself, Mr. PRESSLER, Mr. GRASSLEY, Mr. HATFIELD, and Mr. GRAHAM):

S. 2602. A bill to amend the Public Health Service Act to provide assistance for biomedical and health services research education, treatment programs and for other purposes relating to Alzheimer's disease and related disorders, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT

Mr. METZENBAUM. Mr. President, I rise today to introduce legislation that launches a decisive attack on Alzheimer's disease, one of our gravest public health problems.

That legislation is the Comprehensive Alzheimer's Assistance, Research and Education Act—the Alzheimer's care bill.

I am proud to join today with my very distinguished colleagues in introducing this bill: Senator CHARLES GRASSLEY, of Iowa, Senator LARRY PRESSLER, of South Dakota, and Senator MARK HATFIELD, of Oregon. Senator GRASSLEY and I have worked closely on previous Alzheimer's bills, including the one we introduced together last year that is the basis of our new bill. Senators PRESSLER and HATFIELD have helped deepen our understanding of this issue not just with their own legislation, but with personal and profound experience with Alzheimer's disease.

I am also pleased to have the support of Senator BOB GRAHAM, of Florida, as an original cosponsor.

You do not see the five of us together often. I have yet to hear anyone complain that the Metzenbaum-Grassley-Pressler-Hatfield-Graham gang is at it again, scheming up another plan. Our committee assignments, our political philosophies, our States, and our specialties vary widely.

But on the question of Alzheimer's disease, we are absolutely united.

And I know I speak for all of us when I say that we intend to do everything we can to pass this bill and have a fighting chance against a disease that seemed to come out of nowhere and now feels like it is everywhere.

Our legislation attacks this cruel disease on many fronts: stepping up research including testing of drugs to treat Alzheimer's reaching out to the families of Alzheimer's victims, and spurring States to take their own initiatives on this disease.

I am hopeful that this sweeping approach will yield significant and measurable results for America's 4 million Alzheimer's victims and their loving and exhausted families.

And I speak with a great sense of urgency. Because if we do not make progress soon, some 14 million Americans will be stricken with this dread disease in the next century.

Mr. President, if we do not act now on this most urgent problem, our already strapped health care system may crumble under the pressure.

Alzheimer's is costing us some $90 billion a year in Medicare nursing home payments and family resources. Just last week, a study in the Journal of the American Medical Association projected that increases in the number of elderly Americans with Alzheimer's and other diseases will cause Medicare payments for the aged to soar to $212 billion by the year 2040.

Our legislation costs less than half a billion dollars in its first year. With that, we might identify safe drugs to alleviate Alzheimer's devastating symptoms. We could help families learn to cope with the heavy burden of caregiving. Our research could one day cure Alzheimer's disease. Mr. President, even if this bill resulted in just one scientific breakthrough in the near term—an accurate and inexpensive tool to diagnose Alzheimer's—we'd save $1 billion a year in Medicare costs.

Few investments hold so much promise to stem so much suffering.

At an Alzheimer's hearing that Representative EDWARD ROYBAL and I chaired last month, I said that we could double our Federal spending on Alzheimer's research and spend about as much as the wings and wheels of just one B–2 stealth bomber. I hope our leaders in Congress and the President keep this in mind as they work out the broad parameters of our Federal budget.

Mr. President, the choice is clear. We can—and we must—move forward on Alzheimer's disease.

Representatives ROYBAL, OLYMPIA SNOWE, and others are introducing companion legislation in the House of Representatives. I am grateful to them for their cooperation and leadership. And I am most grateful to my colleagues here in the Senate, who have worked so diligently in developing this bipartisan consensus legislation.

With the distinguished Senators at my side today, I urge our colleagues to take action now and support this critical Alzheimer's legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Alzheimer's Assistance, Research, and Education Act of 1990 (CARE)".

SEC. 2. FINDINGS.

The Congress finds that—

(1) best estimates indicate that between 4,000,000 and 5,000,000 Americans presently have Alzheimer's disease or related dementias and that 14,000,000 Americans will have

Alzheimer's by the middle of the 21st century;

(2) estimates of the number of individuals afflicted with Alzheimer's disease and related dementias are unreliable because current diagnostic procedures lack accuracy and sensitivity and because there is a need for epidemiological data on incidence and prevalence of such disease and dementias;

(3) studies estimate that between one-half and two-thirds of patients in nursing homes meet the clinical and mental status criteria for dementia;

(4) the care for individuals with Alzheimer's disease and related dementias falls primarily on their families, and such care is very often financially and emotionally devastating;

(5) the cost of caring for individuals with Alzheimer's disease and related dementias is great, and conservative estimates range between $80,000,000,000 and $90,000,000,000 per year solely for direct costs;

(6) although substantial progress has been made in recent years in identifying possible leads to the causes of Alzheimer's disease and related dementias and more progress can be expected in the near future, given adequate research funding, the research community may find itself on the verge of a breakthrough in the foreseeable future which would eliminate or substantially reduce the number of individuals with such disease and dementias or the difficulties of caring for such individuals;

(7) attempts to reduce the emotional and financial burden of caring for dementia patients is impeded by a lack of knowledge about such patients, how to care for such patients, the costs associated with such care, the effectiveness of various modes of care, the quality and type of care necessary at various stages of the disease, and other appropriate services that are needed to provide quality care;

(8) the results of the research that has been undertaken concerning dementia has been inadequate or the results have not been widely disseminated;

(9) more knowledge is needed concerning—

(A) the epidemiology of, and the identification of risk factors for, Alzheimer's disease and related dementias;

(B) the development of methods for early diagnosis, functional assessment, and psychological evaluation of individuals with Alzheimer's disease for the purpose of monitoring the course of the disease and developing strategies for improving the quality of life for such individuals and their families or caregivers;

(C) the understanding of the optimal range and cost-effectiveness of community and institutional services for individuals with Alzheimer's disease and related dementias and their families, particularly with respect to the design, delivery, staffing, and mix of such services and the coordination of such services with other services, and with respect to the relationship of formal to informal support services;

(D) the understanding of optimal methods to combine formal support services provided by health care professionals with informal support services provided by family, friends, and neighbors of individuals with Alzheimer's disease, and the identification of ways family caregivers can be sustained through interventions to reduce psychological and social problems and physical problems induced by stress;

(E) existing data that are relevant to Alzheimer's disease and related dementias; and

(F) the costs incurred in caring for individuals with Alzheimer's disease and related dementias;

(10) it is imperative to provide appropriate coordination of the efforts of the Federal Government in the provision of services for individuals with Alzheimer's disease and related dementias;

(11) it is important to increase the understanding of Alzheimer's disease and related dementias by the diverse range of personnel involved in the care of individuals with such disease and dementias; and

(12) it is critical that the Federal Government provide leadership and support public education regarding, and promote the awareness of, Alzheimer's disease and related disorders.

TITLE I—AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 101. BIOMEDICAL RESEARCH.

Section 445, which applies to the National Institute on Aging, of the Public Health Service Act (hereafter in this title referred to as the "Act") is amended to read as follows:

"(a) ALZHEIMER'S DISEASE RESEARCH CENTERS.—(1) The Director of the Institute shall award grants to and enter into cooperative agreements with public and private nonprofit entities to pay all or part of the cost of planning, establishing or strengthening not less than 15 Alzheimer's Disease Research Centers (hereinafter referred to as the "Centers") which shall support any part of the full range of research and development from very basic to clinical. Such research and development may involve—

"(A) biomedical and behavioral studies;

"(B) ancillary supportive activities necessary to the primary research or the research and development effort, such as protracted patient care; or

"(C) a multidisciplinary attack on a specific disease entity or biomedical problem area.

"(2) The Centers may also serve as regional or national resources for special research purposes.

"(3) Funds available pursuant to this subsection may be used for construction to expand or renovate Centers which the Director of the Institute determines inadequate to carry out the provisions of this subsection.

"(4) Support of a Center may be for a period of not to exceed five years. Such period may be extended by the Director of the Institute for additional periods of not more than five years each if the operations of such Center have been reviewed by an appropriate technical and scientific peer review group established by the Director of the Institute and if such group has recommended to the Director of the Institute that such period should be extended.

"(b) USE OF FUNDS.—Grants awarded under subsection (a) shall be used—

"(1) to conduct basic and clinical research, education, and training, including longitudinal and consortium-type multidisciplinary studies and clinical trials;

"(2) to operate tissue banks and patient registries;

"(3) to demonstrate advanced diagnostic, prevention, treatment, and management methods;

"(4) to conduct programs in community education; and

"(5) for staffing and other basic operating costs, including such patient care costs as may be required for research.

"(c) CENTER CORE GRANTS.—The Director of the Institute shall award center core grants or enter into cooperative agreements to support shared resources for categorical research by a number of investigators from—

"(1) different disciplines who provide a multidisciplinary approach to a joint research effort; or

"(2) the same discipline who focus on a common research problem.

"(d) SATELLITE DIAGNOSTIC AND TREATMENT LOCATIONS.—The Director of the Institute shall award grants to or enter into cooperative agreements with entities receiving financial assistance under subsections (a) and (c) to assist such entities in providing high-quality research and services in the diagnosis and treatment of Alzheimer's disease and related disorders at locations other than Centers established pursuant to subsection (a).

"(e) INVESTIGATORS AND TRAINING.—The Director of the Institute shall award grants to or enter into cooperative agreements with public and private nonprofit entities to—

"(1) attract new or young investigators to careers in fields involving research on the biomedical, behavioral, and social aspects of Alzheimer's disease; and

"(2) develop institutional training programs within the general guidelines of the National Research Service Awards program which shall emphasize—

"(A) training of individuals at the postdoctorate level; and

"(B) training of women and groups underrepresented in such research.

"(f) APPLICATION.—Each entity desiring to receive a grant or enter into a cooperative agreement under this section shall submit an application to the Director of the Institute at such time, in such manner and accompanied by such information as the Director may reasonably require.

"(g) CONSULTATION AND COORDINATION.—(1) The Secretary and the Director of the National Institute shall consult with the Director of the National Institute on Neurological Disorders and Stroke and the Director of the National Institute of Mental Health in carrying out the provisions of this section.

"(2) The Secretary shall coordinate research efforts assisted under this section with the Alzheimer's Disease Coordinating Committee of the National Institutes of Health and the Council on Alzheimer's Disease.

"(3) The Director of the Institute shall coordinate the research activities of the Centers described in subsection (a) with the activities of the satellite locations described in subsection (d).

"(h) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated $30,000,000 for fiscal year 1991, $40,000,000 for fiscal year 1992, and $50,000,000 for fiscal year 1993 to carry out the provisions of subsection (a).

"(2) There are authorized to be appropriated $20,000,000 for fiscal year 1991, $30,000,000 for fiscal year 1992, and $40,000,000 for fiscal year 1993 to carry out the provisions of subsection (c).

"(3) There are authorized to be appropriated $15,000,000 for fiscal year 1991, $20,000,000 for fiscal year 1992, and $25,000,000 for fiscal year 1993 to carry out the provisions of subsection (d).

"(4) There are authorized to be appropriated $2,000,000 for fiscal year 1991, $4,000,000 for fiscal year 1992, and $6,000,000 for fiscal year 1993 to carry out the provisions of subsection (e).".

SEC. 102. AWARDS AUTHORIZED.

Section 445B of the Act is amended by inserting at the end thereof the following new subsection:

"(f) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1991 through 1993 to carry out the provisions of this section.".

SEC. 103. AWARDS FOR LEADERSHIP AND EXCELLENCE.

Section 445C of the Act is amended—

(1) in paragraph (1) of subsection (b) by—

(A) striking "Within 6 months after the date of enactment of the Alzheimer's Disease and Related Dementias Services Research Act of 1986, the" and inserting "The"; and

"(B) inserting "annually" before "prepare";

(2) in paragraph (2) of subsection (b) by—

(A) striking "Within one year after transmitting the plan required under paragraph (1), and annually thereafter, the" and inserting "The"; and

(B) inserting "annually" before "prepare"; and

(3) by inserting at the end thereof the following new subsection:

"(d) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1991 through 1993 to carry out the provisions of this section and section 445D.".

SEC. 104. CLEARINGHOUSE AND DISSEMINATION PROJECT.

Section 445E of the Act is amended by inserting the following new subsection at the end thereof:

"(d) There are authorized to be appropriated $1,000,000 for each of the fiscal years 1991 through 1993 to carry out the provisions of this section and section 445F.".

SEC. 105. FAMILY SUPPORT AND STATE SERVICES.

Subpart 5 of part E of title V of the Act is amended by inserting at the end thereof the following new sections:

"SEC. 445G. FAMILY SUPPORT RESEARCH AND DEMONSTRATION PROJECTS, AND BASIC CLINICAL RESEARCH.

"(a) DEMONSTRATION.—The Secretary, through the Commissioner on Aging, is authorized to make grants to, and enter into contracts with, public and private nonprofit entities to enable such entities to—

"(1) conduct demonstration projects which help educate the families of individuals with Alzheimer's disease or related disorders regarding methods for providing appropriate care to such individuals; and

"(2) assist such families in managing the stress associated with caring for family members with such disease or related disorders.

"(b) LONG-TERM CARE.—The Director of the Institute is authorized to award grants to, and enter into contracts with, public and private nonprofit entities to enable such entities to conduct long-term care research, including the evaluation of best practices for the development of appropriate standards, with respect to Alzheimer's disease and related disorders and with respect to the coordination of such long-term care services.

"(c) SUPPORTIVE SERVICES.—The Secretary, through the Director of the National Institute of Mental Health, the Administration on Aging, and the National Center for Nursing Research, is authorized to make grants to, and enter into contracts with, public and private nonprofit entities to enable such entities to conduct research with respect to developing methods for improving the delivery of supportive services to individuals with Alzheimer's disease or related disorders, including the delivery of such services by the families of such individuals. Such research shall include determining the methods of delivery most appropriate to various ethnic and cultural groups, and rural and innercity populations.

"(d) APPLICATIONS.—(1) Each public or private nonprofit entity desiring a grant or entering into a contract pursuant to subsection (a) or (c) shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

"(2) Each public or private nonprofit entity desiring a grant or entering into a contract pursuant to subsection (b) shall submit an application to the Director of the Institute at such time, in such manner and accompanied by such information as the Director of the Institute may reasonably require.

"(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated $12,000,000 for fiscal year 1991, $12,500,000 for fiscal year 1992 and $13,000,000 for fiscal year 1993 to carry out the provisions of subsection (a).

"(2) There are authorized to be appropriated $12,000,000 for fiscal year 1991, $12,500,000 for fiscal year 1992 and $13,000,000 for fiscal year 1993 to carry out the provisions of subsection (b).

"(3) There are authorized to be appropriated $5,000,000 for fiscal year 1991, $6,000,000 for fiscal year 1992 and $7,000,000 for fiscal year 1993 to carry out the provisions of subsection (c).

"SEC. 445H. STATE ALZHEIMER'S DISEASE PROGRAM.

"(a) IN GENERAL.—(1) The Secretary shall make grants to States to enable such States to—

"(A) coordinate the development and operation, with public and private organizations, of services including diagnosis, treatment, care management, respite care, legal counseling, and education to individuals with Alzheimer's disease or related disorders and to the families and care providers of such individuals;

"(B) provide home health care, personal care, day care, companion services, short-term care in health facilities, and other respite care to individuals with Alzheimer's disease or related disorders;

"(C) provide to health care providers, individuals with Alzheimer's disease or related disorders, the families of such individuals, organizations established to serve such individuals and such families, and the general public, information regarding diagnostic services, treatment services, and related services available to such individuals, sources of assistance in obtaining such services (including assistance under entitlement programs), and the legal rights of such individuals and such families;

"(D) coordinate the development and operation of training programs and continuing education programs for health care providers on the diagnosis, treatment, and care management of Alzheimer's disease and related disorders;

"(E) review State policies on the financing of and reimbursement of the costs of health care, including long-term care, for individuals with Alzheimer's disease or related disorders;

"(F) review State regulations that apply to the care of such individuals, and identify policy changes that can improve the care provided to such individuals; and

"(G) coordinate with any Federal programs relating to Alzheimer's disease or related conditions.

"(2) The public and private organization described in subparagraph (A) of paragraph (1) shall include—

"(A) the Institute;

"(B) the Veterans' Administration;

"(C) the Centers described in section 445(a); and

"(D) organizations representing individuals and families of individuals with Alzheimer's disease or related disorders.

"(b) AWARD BASIS.—Grants under subsection (a) shall be awarded on a competitive basis.

"(c) APPLICATIONS.—Each State desiring a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

"(d) RESTRICTIONS ON USE OF FUNDS.—(1) Amounts provided pursuant to a grant under subsection (a) may not be used to—

"(A) make cash payments to individuals with Alzheimer's disease or related disorders or to the families of such individuals; or

"(B) purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

"(2) Not less than 25 percent, and not more than 50 percent, of a grant under subsection (a) may be used in any fiscal year to provide respite care.

"(e) DURATION OF GRANT.—A grant made under subsection (a) shall be made for 3 years, subject to annual evaluation by the Secretary.

"(f) AMOUNT OF GRANT.—The amount of a grant under subsection (a) may not—

"(1) be less than $250,000; and

"(2) exceed one-half of the costs of the research for which the grant is made.

"(g) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) unless—

"(1) an application for the grant is submitted to the Secretary;

"(2) with respect to carrying out the purpose for which a grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

"(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

"(h) EVALUATIONS BY SECRETARY.—(1) The Secretary shall annually evaluate the activities and services conducted pursuant to each grant awarded under subsection (a).

"(2) The Secretary may enter into a contract with a private entity to conduct each evaluation described in paragraph (1).

"(3) If the Secretary enters into a contract to conduct an evaluation described in paragraph (1), the cost of such evaluation for the first year a grant is awarded under subsection (a) shall not exceed 2 percent of the amount of such grant.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for fiscal year 1991, $100,000,000 for fiscal year 1992, and $125,000,000 for fiscal year 1993 to carry out the provisions of this section.

"SEC. 445I. BASIC AND CLINICAL RESEARCH.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the National Institutes of Health and the Director of the National Institute of Mental Health, may award grants to and enter into contracts with, public and private nonprofit entities for the purpose of enabling such en-

tities to conduct basic and clinical research with respect to Alzheimer's disease and related disorders.

"(b) REQUIREMENT OF CERTAIN CONSULTATIONS IN ADMINISTRATION OF PROGRAM.—In carrying out this section, the Secretary shall consult with the Director of the Institute, the Director of the National Institute of Neurological and Communicative Disorders and Stroke, and the Director of the National Institute of Allergy and Infectious Diseases.

"(c) ALLOCATION OF CERTAIN APPROPRIATIONS AMONG AGENCIES.—For purposes of carrying out subsection (a), the Secretary shall, as appropriate in the determination of the Secretary, allocate between the Director of the National Institutes of Health and the Director of the National Institute of Mental Health any amounts appropriated pursuant to the authority of subsection (d)(3).

"(d) AUTHORIZATION OF APPROPRIATIONS.—(1) For the purposes of carrying out this section there are authorized to be appropriated to the Director of the National Institutes of Health $187,000,000 for fiscal year 1991, $244,000,000 for fiscal year 1992, and $303,000,000 for fiscal year 1993.

"(2) For the purposes of carrying out this section there are authorized to be appropriated to the Director of the National Institute of Mental Health $23,000,000 for fiscal year 1991, $31,000,000 for fiscal year 1992, and $38,000,000 for fiscal year 1993.

"(3) For the purposes of allocations under subsection (c), there are authorized to be appropriated to the Secretary $23,000,000 for fiscal year 1991, $31,000,000 for fiscal year 1992, and $38,000,000 for fiscal year 1993.".

TITLE II—AMENDMENTS TO THE ALZHEIMER'S DISEASE AND RELATED DEMENTIAS SERVICES RESEARCH ACT OF 1986

SEC. 201. FUNCTIONS OF COUNCIL ON ALZHEIMER'S DISEASE.

Section 912 of the Alzheimer's Disease and Related Dementias Services Research Act of 1986 (hereafter in this title referred to as the "Act") is amended—

(1) in paragraph (1) of subsection (b) by striking "Not later than 9 months after the date of enactment of this Act, the Council shall" and inserting "The Council shall annually";

(2) in subparagraph (A) of paragraph (1) of subsection (b) by striking "1987, 1988, 1989, 1990, and 1991" and inserting "1991, 1992, and 1993"; and

(3) in paragraph (2) of subsection (b) by striking "Within 1 year after the date on which the report required by paragraph (1) is transmitted to the Congress, and annually thereafter, the Council shall" and inserting "The Council shall annually".

SEC. 202. ESTABLISHMENT OF THE ADVISORY PANEL ON ALZHEIMER'S DISEASE.

Subsection (b) of section 921 of the Act is amended by striking "within 90 days after the date of enactment of this Act".

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 923 of the Act is amended by—

(1) striking "100,000" and inserting "150,000"; and

(2) by striking "1988 through 1991" and inserting "1991 through 1993".

SEC. 204. NATIONAL INSTITUTE OF MENTAL HEALTH.

(a) IN GENERAL.—Section 931 of the Act is amended—

(1) in subsection (a) by inserting "and specialized care" after "services";

(2) in paragraph (1) of subsection (b) by—

(A) striking "Within six months after the date of enactment of this Act, the" and inserting "The"; and

(B) inserting "annually" before "prepare";

(3) by amending clause (iii) of subsection (b)(1)(A) to read as follows:

"(iii) the optimal range, types and cost-effectiveness of community, residential and institutional services and specialized care, particularly with respect to the design of such services and care, appropriate staffing for the provision of such services and care, the timing of such services and care during the progression of such disease or dementias, and the appropriate mix and coordination of such services and specialized care;";

(4) in clause (iv) of subsection (b)(1)(A) by inserting "the evaluation of best practices for the development of" before "appropriate";

(5) in clause (v) of subsection (b)(1)(A) by striking "and nursing home services" and inserting "nursing home services and other residential services and care"; and

(6) in clause (vii) of subsection (b)(1)(A) by striking "and nursing home services" and inserting "nursing home services, and other residential services and care".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 933 of the Act is amended by striking "$2,000,000 for each of the fiscal years 1988 through 1991" and inserting "$25,000,000 for fiscal year 1991, $26,000,000 for fiscal year 1992 and $28,000,000 for fiscal year 1993".

SEC. 205. AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

(a) AMENDMENT TO TITLE.—The heading to subpart 2 of part D of the Act is amended to read as follows:

"Subpart 2—Agency for Health Care Policy and Research".

(b) AMENDMENTS TO TEXT.—Section 934 of the Act is amended—

(1) by striking "Director of the National Center for Health Services Research on Health Care Technology Assessment" each place such term appears and inserting "Administrator of the Agency for Health Care Policy and Research";

(2) in paragraph (1) of subsection (b) by striking subparagraphs (A) through (E) and inserting the following:

"(A) provide for research on improving the organization, delivery, and financing of services for individuals with Alzheimer's disease and related dementias and their families, including research on the design, staffing, and operation of special care units for Alzheimer patients in institutional settings;

"(B) provide for research concerning the costs incurred by individuals with Alzheimer's disease and related dementias and their families in obtaining services, particularly services which are essential to such individuals and which are not generally required by other patients under long-term care; and

"(C) provide for research on the costs, cost-effectiveness and effectiveness of various interventions to provide services for individuals with Alzheimer's disease and related dementias and their families."; and

(3) by inserting after paragraph (2) of subsection (b) the following new paragraph:

"(3) Within six months after the date of enactment of the Comprehensive Alzheimer's Assistance, Research, and Educational (CARE) Act of 1990, and annually thereafter, the Administrator of the Agency for Health Care Policy and Research shall prepare and transmit to the appropriate committees of Congress a plan for the research to be conducted pursuant to subparagraphs (A) through (C) of paragraph (1).".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 936 of the Act is amended by striking "$2,000,000 for each of the fiscal years 1988 through 1991" and inserting "$5,000,000 for fiscal year 1991, $6,000,000 for fiscal year 1992, and $7,000,000 for fiscal year 1993".

SEC. 206. TRAINING AND EDUCATION OF HEALTH CARE PROFESSIONALS.

(a) AMENDMENT TO TITLE.—The title of section 962 of the Act is amended to read as follows:

"TRAINING OF HEALTH CARE PROFESSIONALS".

(b) AMENDMENT TO TEXT.—Section 962 of such Act is amended to read as follows:

"(a) IN GENERAL.—(1) The Director of the National Institute on Aging (hereafter in this section referred to as the "Director") in consultation with the Administrator of the Bureau of Health Professions is authorized to award grants to eligible entities to enable such eligible entities to provide training programs and continuing education programs with respect to health care for individuals with Alzheimer's disease or related disorders.

"(2) The Director shall award grants under this section on the basis of merit.

"(b) ELIGIBLE ENTITY.—For the purpose of this section, the term 'eligible entity' means—

"(1) an educational institution providing training and education in medicine, psychology, nursing, social work, gerontology, or health care administration;

"(2) an educational institution providing prepatory training and education of personnel for nursing homes, hospitals, and home or community settings; or

"(3) an Alzheimer's Disease Research Center described in section 445(a) of the Public Health Service Act.

"(c) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Director shall ensure that grants awarded under this section are distributed among the principal geographic regions of the United States.

"(d) APPLICATION.—Each eligible entity desiring a grant under subsection (a) shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. Each such application shall—

"(1) contain assurances that the eligible entity will make the training programs and continuing education programs described in this section available to health care professionals, health care paraprofessionals, and family caregivers; and

"(2) contain assurances that the eligible entity will coordinate such training programs and continuing education programs with the Alzheimer's Disease Research Centers described in section 445(a) of the Public Health Service Act.

"(e) CURRICULA.—(1) The Director is authorized to award grants to eligible entities to assist such eligible entities in developing curricula for the training programs and continuing education programs described in subsection (a) including obtaining the most recent relevant research data available.

"(2) Each eligible entity desiring a grant under this subsection shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

"(f) NATIONAL EDUCATION PROGRAM.—The Director, in consultation with the Council on Alzheimer's Disease and the Alzheimer's

Disease Education and Referral (ADEAR) Center, shall establish the National Alzheimer's Education Program to—

"(1) provide coordination and leadership, working with public and private organizations, in the federal education and promotion effort for the general public, individuals with Alzheimer's disease and related disorders and the families of such individuals, health and long-term care providers, and other public agencies, including Federal, State and local public agencies regarding Alzheimer's disease and related disorders;

"(2) develop and distribute educational materials on Alzheimer's disease and related disorders, including print and electronic materials, for the general public, individuals with such diseases and disorders and the families of such individuals, and health and long-term care providers;

"(3) encourage and work with the print and electronic media to provide information on Alzheimer's disease and related disorders, sources of assistance to individuals with such diseases and disorders and the families of such individuals, progress in research, and the availability of preventive, diagnostic, treatment and supportive services;

"(4) encourage and work with public and private efforts to develop models for education, training and assistance programs for individuals with Alzheimer's disease and related disorders; and

"(5) provide technical assistance, using model programs and services, to public and private organizations, including agencies and organizations providing services to individuals with Alzheimer's disease and related disorders and the families of such individuals, and agencies and organizations representing such individuals and the families of such individuals, to help in the development of programs and services to—

"(A) educate the general public, individuals with Alzheimer's disease and the families of such individuals, and health and long-term care providers;

"(B) train and educate health and long-term care providers; and

"(C) assist individuals with such diseases and disorders and the families of such individuals in the areas of preventive, diagnostic, treatment and supportive services as such services become available.

"(g) EDUCATION.—(1) The Director is authorized to make grants to public and nonprofit private entities to assist such entities in establishing programs to educate health care providers and the families of individuals with Alzheimer's disease or related disorders on caring for individuals with such diseases or disorders, and on the availability in the community of public and private sources of assistance, including financial assistance, for caring for such individuals.

"(2) Each public or private nonprofit entity desiring a grant under this subsection shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 964 of such Act is amended by—

(1) inserting "(a)" after "964."; and

(2) inserting the following new subsections at the end thereof:

"(b) There are authorized to be appropriated $10,000,000 for fiscal year 1991, $10,500,000 for fiscal year 1992, and $11,000,000 for fiscal year 1993 to carry out the provisions of subsection (a) of section 962.

"(c) There are authorized to be appropriated $2,000,000 for fiscal year 1991, $2,000,000 for fiscal year 1992, and $2,000,000 for fiscal year 1993 to carry out the provisions of subsection (e) of section 962.

"(d) There are authorized to be appropriated $2,000,000 for fiscal year 1991, $2,500,000 for fiscal year 1992, and $3,000,000 for fiscal year 1993 to carry out the provisions of subsection (f) of section 962.

"(e) There are authorized to be appropriated $10,000,000 for fiscal year 1991, $10,500,000 for fiscal year 1992, and $11,000,000 for fiscal year 1993 to carry out the provisions of subsection (g) of section 962.".

Mr. PRESSLER. Mr. President, I am pleased to join my distinguished colleagues, Senators METZENBAUM, HATFIELD, and GRASSLEY in introducing the Comprehensive Alzheimer's Disease Assistance, Research and Education Act of 1990 [CARE]. This bill is introduced at a critical moment in history when scientists are on the verge of unlocking the secret that affects millions of people. How vitally important that the Federal Government support a comprehensive policy on Alzheimer's research and education. Alzheimer's disease has skyrocketed. More than 4 million people are affected by it. The cost of caring for the victims alone is $90 billion. That translates into an annual average cost of $22,500 per person. Yet, only $32 per person, with Alzheimer's disease, is expensed on research.

Biomedical and health services research must be increased substantially if we are to unlock the mystery that victimizes people with this disease. More funds for Alzheimer's research should be a higher priority. In research lies the solution to reducing the societal costs of Alzheimer's and improving the quality of life for patients and caregivers.

Recently, a lady whose husband has had Alzheimer's disease for 5 years wrote to me:

We had early intervention and availed ourselves of the means of learning to manage this devastation that has come to us. I feel sure that our lives, after 5 years of living with the insidious disease, are far better than I ever could have expected they would be at the outset of Alzheimer's disease. We entered research for medication and are part of a psychotherapy group for early Alzheimer's patients. Federal grants have given us these opportunities.

A comprehensive approach to conquering Alzheimer's would include training, education, and support for health care providers and caregivers. The compassionate efforts by families and friends of Alzheimer's patients are costly. Our entire society is affected as victims and their families are removed from the mainstream of society. Much human productivity is channeled into caring for those with Alzheimer's. Caregivers and health providers would benefit from educational programs that provide them with a better understanding of the disease, methods of treatment, and psychosocial means of coping with the behavior or Alzheimer's victims.

I have been working on legislation in this area for nearly 12 years. Progress has been made in the field of biomedical research. But a much more concerted effort is required to control the devastation of Alzheimer's disease. I support that effort and will work with my colleagues in the Senate and House to develop a comprehensive national program on Alzheimer's disease.

In conclusion, I would ask unanimous consent to include in the RECORD an article from the Wall Street Journal, May 2, 1990, titled "Life With Alzheimer's Is Often the Hardest on Families of the Sick." This article is excellent testimony in support of CARE.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SLOW DEATH: LIFE WITH ALZHEIMER'S IS OFTEN THE HARDEST ON FAMILIES OF THE SICK

(By Brent Bowers)

PISCATAWAY, NJ.—Florence Jordan sits, bewildered, as her three children talk about how her Alzheimer's disease has made a hell of their lives.

Chris, the middle child and a recent college graduate, moved back in with her 54-year-old mother in Old Bridge, N.J., after seeing her pull a flaming dishrag from the oven, drop it onto the living-room rug and leave it there to burn.

"You find yourself thinking about [Alzheimer's] every hour," says Jimmy, 22, who is still in college." It takes over your mind."

Alzheimer's disease insidiously corrodes its victim's brains. Over a period of years, it progressively destroys their memories, their ability to reason and their hold on reality. Before it kills them, it robs them of speech and makes them incontinent. Some four million Americans are afflicted; about that many people are said to suffer other forms of dementia.

As the illness progresses, most victims cease to grasp fully what is happening to them. And that, mercifully, tempers their suffering. But it doesn't temper the suffering of the relatives and friends who feed, bathe and nurse them, who watch over them day and night, and who mourn their slow deaths. The families often suffer more than the victims do.

In Piscataway, the state-financed Copsa Institute for Alzheimer's Disease and Related Disorders is bringing relief both to dementia victims and to the husbands, wives and children who care for them. For the patients, it offers a day-hospital program that allows them to socialize, exercise, play games and practice simple mental tasks. It has a diagnostic clinic and, for relatives, it provides counseling, information and a desperately needed six-hour reprieve—several times a week—from exhaustion and despair.

A look at the Copsa Institute's experience shows a way of life that may well await tens of millions of Americans.

At 9:45 one Friday morning, about a dozen patients troop into a room and take their places at an oblong table. (The institute requested that only first names of most patients be used in this story.) A majority of them meet clinical criteria for "probable Alzheimer's disease," officials say, while the rest suffer dementias from vascular or other

causes. A definite diagnosis of Alzheimer's, a degenerative illness of the brain and nervous system with no known cause or cure, is made only in a post-mortem examination of brain tissue.

GETTING REACQUAINTED

Today, participants have spent half an hour outside in the lobby getting reacquainted, exchanging pictures of themselves and pinning on name tags. Decorative paper snowflakes dangle from the ceiling.

Staff nurse Sandy Egan opens the daily orientation period with questions about time and place. "What day is this?" she asks. "Friday," several voices pipe up. "Good!" Ms. Egan writes the word "Friday" in large letters on a board. On a calendar, she crosses out yesterday's date. "What day of the month is today?" she asks. This time, there is a pause, and only two or three hesitant replies.

After questions about famous movie actors, patients' birthdays, this and that, the group moves to a smaller room to have their thought-processes jogged. They are shown colorful pictures of improbable scenes—a worker drilling a hole in a library floor, a man walking upside down on a ceiling, an outsize telephone plunked onto a small table.

"What do you think of this one?" asks Lisa Berbig, the program's coordinator.

"It's a good picture," a man named Bill replies.

Esther says: "I think the little girl is going to the library, and he is doing some drilling."

Nobody mentions the giant phone.

FILLING IN THE BLANK

The group has better luck with aphorisms. Asked to complete the phrase, "Absence makes the . . .", several voices cry out happily, ". . . heart grow fonder."

Next comes a 15-minute walk, followed by group psychotherapy. Pauline describes her favorite photo, in which she is sitting in her grandmother's lap. Rinalda remembers how she used to crack the whip with her own daughter and seven—or was it eight?—sons. "I'd call their names in Italian," she says, her face crinkling into a grin. "They'd say, 'C'mon, let's get outta here. Mom's mad.' "

Lunch is chicken soup, rolls, manicotti and green beans, with peaches for dessert. To avoid confusion, patients each get just one utensil to eat with. Some patients sing along to tapes of old favorite songs.

After a rest period, health specialist Florence Meyers, the mother of seven and the widow of an Alzheimer's victim, leads an exercise period. Next comes dance time, and Ana, who has seemed quite reserved, seizes two bright scarves provided for the occasion and sashays about, swiveling her hips. Bill asks Ms. Egan, the staff nurse, to dance.

The Copsa Institute's day-hospital program was the first in New Jersey when it opened in 1982, and it has been a model and training ground for many of the 32 such facilities that have since sprung up in the state. While day-care facilities remain relatively rare in the U.S., people in the field predict they will be commonplace in the next century as the ranks of the elderly swell, to 68 million people over 65 in the year 2040, from 30 million now.

As this session comes to a close, the blinds are drawn to prevent pandemonium at the sight of arriving relatives. Ms. Berbig leads the group in imitating chickens—pressing hands to nose to form a beak, flapping elbows like wings and squawking. There's more singing and dancing, then "wrap-up" time, a review of the day's activities.

As people pick up the patients for the night, Florence Jordan—the woman who lives with her 23-year-old daughter Chris—struggles to get into her coat. Though her left arm is in one sleeve and Ms. Berbig is holding the other for her, she gropes around the back of her neck, searching in vain for the opening. After several seconds, Ms. Berbig guides her hand.

One of the biggest blows to Florence's son and daughters, they say, has been the abandonment of the family by some of their close relatives. Once, desperate for assistance, "we went begging" to them for a few hours of their time, says Florence's 26-year-old daughter Kathy Ciacciarelli, "but they didn't want to get involved." She, like her brother and sister, is active in her mother's care.

There have been some pleasant surprises, too. Florence Jordan's former husband, now remarried, helps out with money. The Jordans' children are closer to one another now because of their 54-year-old mother's situation. And while they no longer can have sensible conversations with her, they try to make sure she enjoys herself. She likes going to movies, taking walks and eating Chinese food.

As a guest is about to leave Mrs. Jordan's apartment, Jimmy, a thick-chested former football player, walks over to his mother and gives her a squeeze. "Hey, Ma, how you feeling?" he asks, grinning. She beams.

Florence Jordan's own parents are still living. After spending a day at their apartment in a high-rise for the elderly in Sayreville, she is eager to go home. Once she has left, her father, 84-year-old Joe Colombo, shakes his head. "As soon as she got here this morning, she wanted to leave," he says.

Mr. Colombo used to take his daughter for walks, but he recently had heart surgery and he has arthritis. When he and his 86-year-old wife, Vera, discuss their daughter, one question keeps coming up: Why? "Sometimes I ask God why he did this," Mr. Colombo says, adding quickly that he doesn't blame God. Vera rejects any suggestion that the disease was inherited. Joe seems to disagree: "It could be a little gene that snuck in," he says.

Mrs. Colombo brightens when she remembers Florence as a little girl. "She had eyelashes that turned way up," she says. "She was always running."

It is late afternoon, and Jule Sloane, a jaunty grandmother in plaid slacks, heavy silver earrings and wire-rimmed glasses, pours glasses of chilled white wine for herself and a guest at her home in Summit.

As her 72-year-old husband, John, a grandson of Thomas Edison, mutters on a couch nearby, she speaks about the happy years of her marriage. Mr. Sloane, a Yale graduate, went to war after they were married in 1942. When he returned from his service in England, Italy and North Africa, he took a job as a writer for a house organ at Westinghouse Electric Corp., translating scientific jargon "into plain English," she says.

"He was a quiet guy," she says. "He never looked rushed. But everything always got done. He was very funny in a dry way, always punning."

She talks about her husband's deteriorating mental state and the loss of his personality. His condition has been described as "senile dementia of the Alzheimer's type," but Mrs. Sloane believes his illness has been complicated by strokes. He began to show signs of disorientation in the early 1980s, forgetting what errands had brought him to town, for example. Recently, she has had to withdraw him from a day-care program because his behavior was becoming disruptive; he was always trying to leave the place.

Mrs. Sloane observes: "I don't say, 'Why me?' I say, 'Why him?' " He peers at his wife, frowning, searching for words. He is a handsome man—tall, slim, and nattily dressed in a plaid shirt and blue suspenders. His wife goes to him, gives him a hug. "Its OK, honey, now you just don't be upset," she says, and kisses his cheek.

At a spouse-support group meeting at the Piscataway center, a dozen men and women ranging in age from mid-50s to late 70s sit in a circle and talk about their anguish.

Once, they had dreamed of retirement as a reward for lives of hard work. Now, instead of traveling and spending time with friends, they stay at home and feed and dress their husbands and wives. The fatigue is evident in their faces. The ailments of old age plague them. They are angry at what they see as government favoritism for the poor over the middle class; they feel Alzheimer's disease, the nation's No. 4 killer (after heart disease, cancer and stroke) gets short shrift from the media. They wonder if they will ever enjoy life again.

One husband gets nods of understanding when he says he has fantasies about asphyxiating himself and his wife by "going into the garage and turning on the key" to the ignition of his car. A wife says she has devised "three ways" to kill herself.

A man named Gus says, "I'm at the end of my rope." His wife is 60 years old but is "going back to her childhood, when she was seven or eight," he says. "Sometimes, she gets violent." Roger says his wife can get "kinda tough." He goes on: "She might strike me, or throw water." Tears well up. Though seated, he is panting, nearly out of breath. "I get a little emotional," he says. "I myself have emphysema. So it's extremely difficult."

Other participants murmur their support. Here, people have empathy.

They also offer practical, tough-minded advice. There is a lively discussion about the best locks to use for foiling Alzheimer's patients' midnight wanderlust. Larry Benjamin, who was an advertising-makeup man for the New York Times Magazine before he retired, has been caring for his wife for about 15 years. He continues to feed her twice a day, though she has been in a nursing home since 1988. Mr. Benjamin, who is 74, gently urges younger participants in the group not to get their hopes up about the possibilities of new drugs, and not to look askance at restraining-devices for agitated dementia victims. "Restraint isn't cruel," he says. "It's [just] a bit of netting. You have to modify your thinking on this."

Several participants chastise Gus for letting his wife get him into arguments he can't win. Gus says he keeps telling her she will never find things she has "lost" because they don't exist.

"You're already in trouble," scolds Milton. "You can never win by reasoning with an Alzheimer's patient." Several people urge Gus to bring his wife to the Piscataway day-care center, and they suggest ways of overcoming her resistance to the idea. One says he tricked his wife into such a move by telling her they were going to church. By the time they arrived, she had forgotten the purpose of the trip.

Everyone laughs. The horror stories have their comic side. The laughter is easy because families see their own experience in the stories others tell. They laugh when

Ana, who married her husband 11 years ago, in late middle age, describes how he poured Coke into a jar of grated cheese and started drinking it. They laugh when Gus says he has read all the handbooks on coping with Alzheimer's patients but, unfortunately, "the books say one thing, and my wife does another."

Legal-services attorney Janice Chapin tells a crowded room of dementia victims' families how to cope with Medicaid rules that can gobble up all of one's savings in return for a place in a nursing home. One recommendation: Set up a big burial account free from the state's grasp, bequeath the unused portion to yourself or your children, and order a cheap funeral when the time comes.

No, she tells a gnarled old man, the eligibility information he got from a Medicaid office was wrong. A bureaucrat's mistake might have cost him thousands of dollars.

The questions at the lecture organized by the Copsa Institute go into the nuts and bolts of nursing-home placement and reimbursement. Standing chalk in hand next to a blackboard, Ms. Chapin explains that the assets, but not the earnings, of a healthy spouse can disqualify a patient from Medicaid. But, she says, some assets, like a home in which the healthy spouse is living, can't be touched.

"So what am I going to do?" asks one exasperated member of the audience. "Bury the money in the cellar?"

Ms. Chapin replies: "Basically, you've got to spend it all." Instead of putting it in the bank, she suggests, why not "buy a new roof for your house?"

William E. Reichman, the youthful, bearded medical director of the Copsa Institute, sits at his cluttered desk and talks about Alzheimer's. Dr. Reichman describes it as a "familial disorder." As a researcher, he seeks more-effective drugs to treat the disease, especially the hallucinations and psychotic behavior relatives find even more upsetting than the memory loss (Sample: the impostor syndrome, in which a spouse becomes a feared intruder.) As a psychiatrist, Dr. Reichman tries to guide families "through a grieving process" as Alzheimer's eats away at a loved one's very identity.

The day center, he says, gives participants "their peer relationships back." The elaborate structure of the activities is crucial; long after Alzheimer's patients have lost reasoning power, they still seem to know how to act in familiar situations.

Most Friday afternoons, Dr. Reichman examines dementia victims in nursing homes where few other psychiatrists venture. Consultations are difficult, and the state is stingy about paying doctors.

"As soon as I show my face in a nursing home to see Mrs. X, the nurses start grabbing me, begging me to look at patients Y and Z," Dr. Reichman says.

He tries to maintain a physician's professional detachment from the suffering he sees, but it isn't always possible. "Some families are remarkably powerful at pulling you in," he says. In California, where he got his early training at UCLA's Neuropsychiatric Institute, the teen-age son of an Alzheimer's patient interviewed him for a school report. Dr. Reichman got a copy of the essay in the mail as a gift, and he keeps it in his office. He reads excerpts:

"My father was a very bright man. He worked on developing the space shuttle. . . . What was once a sweet, kind, caring personality is now almost completely gone. . . . There isn't a moment of any day that he isn't on my mind. . . . From writing this paper, I also learned to deal with my own feelings. . . . I thought I was going to have a nervous breakdown."

In a nursing home a few miles' drive from Piscataway, Mary lies sedated and stretched out on a special restraining "geri-chair" in her room, a towel wrapped around a swollen left leg. Mary, who is about 80, suffers from Alzheimer's and from an injury to her head sustained in a car accident. She habitually becomes agitated at about this time—5:30 in the afternoon—but today she is still asleep. A nurse's aide bends over her, shouting, "Mary, wake up, the doctor's here." Mary, wake up, the doctor's here." Mary stirs. 'Oh, God," she moans.

This is Alzheimer's in its last, worst stages. Typically, the disease strikes people in their 70s and 80s—though the middle-aged aren't immune—and it results in death, often from pneumonia or other infections, five to 20 years after its onset.

Dr. Reichman examines Mary. He asks her to look at him, then loudly repeats the request. She stares vacantly. A nurse, Merlene, smoothes Mary's hair and gives her a hug. "How are you today, honey?" she coos.

Leaving the room, the doctor explains that the trick is to hit the "exact balance" of all the drugs Mary is taking. Then, she would be able to sleep well yet stay composed in her waking hours. But administering proper dosages is tricky: Sloppy record-keeping, often by poorly trained or overburdened nurses with little or no guidance from psychiatrists, is a big problem in nursing homes.

In a tiny alcove, Dr. Reichman pores over log books and barks questions at nervous personnel about patients' reactions to medications.

There are some slivers of light in the Alzheimer's nightmare.

There is Florence Meyers. Nursing her husband in the late 1970s and early '80s while raising seven children was so physically strenuous, she says that when she finally checked her husband into a clinic and got a few days' respite, "it hit me like a truck. My entire body ached from all that release." Today, as a health specialist at the Piscataway facility, she lights up the faces of the patients with her joshing, her hugs and an occasional tickle.

There is Tom Johnson, Copsa's clinical coordinator, whose uncle and aunt had Alzheimer's and who acknowledges that he is "obsessed" about his own prospects of getting the disease. Many of the sons and daughters of patients, he says, wonder if they are condemned by their genes to their parents' fate. Researchers say only about one in six patients suffer the variety of Alzheimer's that runs in families. Mr. Johnson feels that counseling gives people hope. "I see that life goes on, the world doesn't cave in," he says. "In the narcissism of being well, we say, 'Oh God, I'd kill myself.' But in the thick of the disease, people cope. They suffer—but they cope." What strikes him is the stubborn love families show victims even in the final states of Alzheimer's disease.

There is Carmine Cascella, a retired factory production-department superintendent who does volunteer work at the institute two afternoons a week for the satisfaction of thinking "maybe I've made [patients] a little happier." He says that "after a while, they sort of recognize you. You dance with them. You sing with them," Before he came to Copsa 2½ years ago, he had no idea what Alzheimer's was. Giving a helping hand, he says, "is like I'm giving something back" to society.

There is Mildren Potenza, who organized a grass-roots organization in the late 1970s to lobby the state to set up the Copsa program. Her duties as the institute's resource-center coordinator include fielding questions from all over New Jersey on an 800 line. She often talks to worried relatives "for half an hour or more. Even if I can't offer anything concrete, they feel much better."

Finally, there are all the exhausted husbands, wives and children whose love shines through. The wife of a former schoolteacher, married to him for nearly 60 years, and herself once a professional musician, struggles to remember how many children she has. Finally, she stammers, "Three, no two boys * * * and a girl." He gently corrects her: "No honey, it's two girls and a boy. You're doing just fine."

THE PATHS OF ALZHEIMER'S RESEARCH AND INQUIRY

Etiology: Possible causes of disease

Heredity is considered the cause of about 10 percent of Alzheimer's cases. Disease is thought to be linked to chromosome 21, the same one responsbile for Down's syndrome.

Environment studies show that certain toxins produce the same brain changes as are present in Alzheimer's patients.

Virus research has failed to show a direct viral relationhip to the disease, though scientists still regard it as possible.

Pathogenesis: How the disease manifests itself in the body

Cholinergic deficiency is evident in some people who have Alzheimer's. They lose the nerve cells in the basal nucleus, which makes acetylcholine. This may be a chemical basis for the loss of memory.

Amyloid accumulation in the center of plaques and in the walls of blood vessels of the brain is present in some victims of the disease. Research shows that the gene for amyloid sits on that same chromosome 21.

Nerve growth deficiency occurs in some Alzheimer's victims who lack other chemicals in the hippocampus and the cerebral cortex, which help the nerve cells make new connections. This deficit affects the temporal lobes, causing memory loss.

Mr. HATFIELD. Mr. President, I am tremendously pleased to join my colleagues today in introducing the second version of the CARE bill—the Comprehensive Alzheimer's Assistance, Research, and Educational Act of 1990.

Senators METZENBAUM, PRESSLER, GRASSLEY, and I have combined our various proposals for increased Federal support of Alzheimer's disease into this bipartisan piece of authorization legislation. We join forces on the Senate floor today to send a clear signal to those Americans currently wrestling with this devastating illness—we at the Federal level recognize the immediate need to elevate the war on Alzheimer's disease.

Alzheimer's disease is truly one of the most devastating diseases of our century. More than 100,000 individuals die of Alzheimer's disease annually, which makes it the fourth leading cause of death in adults, after heart disease, cancer and stroke. It is a progressive, degenerative disease that attacks the brain and results in impaired

memory, thinking, and behavior, in over 4 million American adults. Most of those who have it die within a decade.

It is no coincidence that the acronym of the Comprehensive Alzheimer's Assistance, Research, and Education Act is CARE. From the homes of Alzheimer's victims and their families to the research laboratories at the National Institutes of Health, millions of men and women across this country share a commitment to treating this disease and caring for its victims.

Alzheimer's disease already has touched 1 of every 3 American homes, and threatens to touch many more if an effective treatment is not found. Alzheimer's most often affects the Nation's elderly population. In only 50 years, the number of Americans 65 and older will more than double from 30 million today to an estimated 64 million in 2040.

Although millions of families have been coping with the disease and its effects for many years, Government efforts to develop a treatment to Alzheimer's and respond to the needs of its victims and their families are relatively recent. When I became chairman of the Appropriations Committee in the Senate, only $13 million was being spent for Alzheimer's research. Today, $148 million has been appropriated by this Congress for research and treatment of Alzheimer's disease.

That dramatic increase is an important first step, but annual Federal research spending still amounts to $1 for every $500 in the cost society pays for this debilitating disease. And funding for heart disease, AIDS, and cancer research each total between $600 million and $1.45 billion annually, continuing to outpace our research efforts in Alzheimer's disease. Much more can and should be done.

It was nearly 1 year ago that Senator PRESSLER and I introduced the original CARE bill in the Senate [S. 1321] and our colleagues, Congressmen ROYBAL, WAXMAN, STARK, and DOWNEY introduced companion legislation in the House [H.R. 1490]. Our intent was to quadruple Federal Alzheimer's research funding by 1992. Since that time we have been working with our Senate and House colleagues and the National Alzheimer's Association to refine the legislation. Today we are united in our efforts and our commitment to increase Federal support of research and assistance for Alzheimer's disease

Our legislation proposes to triple Federal biomedical and services research funding for Alzheimer's and related disorders to $571 million by 1993. In support of this effort, the bill reauthorizes the Council on Alzheimer's disease and the Advisory Panel on Alzheimer's disease and authorizes the Alzheimer's disease research centers, center core grants, and satellite diagnostic/treatment locations.

This will allow us to deploy our brightest research minds and our best facilities, with the support of Federal, State, and private funds, to fight Alzheimer's disease today before it paralyzes our country tomorrow.

Perhaps the most important part of the legislation, however, is its focus on the unsung heroes of our national battle against Alzheimer's: the caregivers. In addition to authorizing a number of family support and service delivery research and demonstration projects, the CARE bill would make matching grants available to every State in the country for Alzheimer's diagnostic, treatment, care management, legal counseling, and educational services.

Of course the various provisions of the CARE bill complement initiatives currently underway across the country. Of the Nation's 4 million Alzheimer's victims, at least 50,000 are in my State. Thanks to the leadership of a number of committed individuals and organizations, one of the most innovative programs in the country already is responding to the needs of Oregon's Alzheimer's victims and their families.

In 1987, the Alzheimer's Disease Center of Oregon [ADCO] was created as a joint project of the Columbia-Willamette chapter of the Alzheimer's and Related Disorders Association, the Veterans' Administration Hospital, Good Samaritan Hospital and Medical Center, and the Oregon Health Sciences University. This center is not a building, but a coalition. ADCO focuses on coordinating and interrelating the research, clinical care and educational activities in place, and developing needed programs that do not currently exist.

The desire of all four participating organizations is to foster collaboration throughout the region to benefit the overall campaign against Alzheimer's Disease. In so doing, ADCO provides the opportunity for: First, the development of enhanced research programs throughout Oregon; second, involvement statewide of scientists and clinicians in research and medical care related to Alzheimer's disease; third, expanded and more accessible clinical services throughout the State; and fourth, expanded educational activities for professionals and for the community and more importantly, better family support.

The Oregon Legislature immediately understood the potential benefits of the center, and provided funding for a brain bank to store and research brain tissue as well as for the development of a research data base. The legislature also agreed to put a check-off box on the Oregon income tax form, allowing 29,000 Oregonians to contribute $140,000 in tax returns to the center last year.

Only in Oregon will a Federal, a State and a private medical center and a nonprofit support group be working together to attack Alzheimer's disease on all fronts. But this is a model that can and should be replicated.

The shared goal of the Alzheimer's Disease Center of Oregon and other efforts across the country is the development of a treatment for Alzheimer's disease. As we work toward that goal, however, the fact remains that the disease continues to take a very large toll on millions of people across this country.

As we work toward a treatment tomorrow, CARE is what we can do today.

Mr. GRASSLEY. Mr. President, I am very pleased to be a part of this very comprehensive initiative today with my colleagues Senators METZENBAUM, PRESSLER, and HATFIELD.

This bill, the Comprehensive Alzheimer's Assistance, Research, and Education Act of 1990 [CARE], contrasts markedly with the first small steps that we were taking in 1983 when we began in the Subcommittee on Aging of the Committee on Labor and Human Resources to hold hearings on the Alzheimer's disease problem. In May 1983, I held what I believe was the second hearing by an authorizing committee in the U.S. Senate devoted exclusively to Alzheimer's disease. I believe that the first hearing on Alzheimer's disease by an authorizing committee was also held by the Subcommittee on Aging in July 1980 under the chairmanship of Tom Eagleton. We held a second hearing on research on Alzheimer's in October 1984. Senator METZENBAUM held a field hearing of the subcommittee in Ohio in November 1984. And also in 1984, Senator METZENBAUM, with a floor amendment to a Labor/HHS appropriations bill, secured funds for three Alzheimer's disease research centers.

The bill we are introducing today represents the merger of two major legislative initiatives with respect to Alzheimer's disease, and shows, I believe, that we have come a long way in developing a substantial Federal effort on Alzheimer's disease and are in a good position to build on that effort.

One of these legislative initiatives was S. 1255, a bill introduced earlier in this session by Senator METZENBAUM and myself, which was based primarily on recommendations of the national advisory panel on Alzheimer's disease. That advisory panel was created by the Alzheimer's Disease and Related Dementias Services Research Act of 1986, title IX of Public Law 99-660, which was authored by myself and Senator METZENBAUM during the 99th Congress. Serving on the advisory panel is Dr. Kathleen Buckwalter, who is a faculty member in the college of nursing at the University of Iowa, and

who is an authority on how services can be provided to those with Alzheimer's disease.

S. 1255 called for increases in funding for biomedical research on Alzheimer's disease, including expansion of the National Institute on Aging's Alzheimer's Research Centers Program, increases in funding for research on services and how they are financed, and a reauthorization of the provisions of the Alzheimer's Disease and Related Dementias Services Research Act of 1986.

The other legislative initiative contributing to the bill we are introducing today was S. 1321, the Comprehensive Alzheimer's Assistance, Research, and Education Act, introduced by Senators PRESSLER and HATFIELD.

The bill we are introducing today:

Authorizes a substantial increase in effort for basic and clinical research on Alzheimer's disease and related disorders.

Contains a number of innovative additions to the Alzheimer's Disease Research Centers Program. The National Institute on Aging, the agency which has managed in an outstanding manner the development from three centers to the current group of 15 centers, is to create satellite diagnostic facilities and is to award research center core grants. The satellite centers and the core grants will work in a coordinated fashion with the 15 research centers and should thus greatly speed advances in knowledge about Alzheimer's disease.

Authorizes a substantial new research effort, by several Federal agencies, devoted to learning how families can be better assisted in their efforts to take care of family members with Alzheimer's disease.

Authorizes a State Alzheimer's disease program which would help States develop services which could help those with the disease and their families. In my own State of Iowa, a Governor's task force on Alzheimer's disease has recently made recommendations to the Governor. There are around 40,000 people in Iowa currently suffering from this disease. Iowa has the largest and fastest growing group of those 80 years of age and older of any State. Clearly, we in Iowa will have increasing numbers of people suffering from this disease. I believe that the State grant program called for in our bill would go a long way to helping States like Iowa implement improved services for Alzheimer's disease victims and their families.

Finally, I am particularly pleased that the bill reauthorizes the Alzheimer's Disease and Related Dementias Services Research Act of 1986, an act for which I, with Senator METZENBAUM, was primarily responsible. I believe that this act has been successful. I have already noted the work of the advisory panel. I understand that the National Institute on Aging has developed diagnostic protocols, called for by the act, which are widely used in the United States, and in which considerable interest has been shown in Europe. The resource center called for in the act is up and running.

Mr. President, I believe that we are introducing a piece of legislation with many exciting provisions. If enacted, and if those who appropriate funds can find the money for it, it should bring us closer to the day when we can prevent people from getting this disease, or can cure it.

By Mr. HOLLINGS:

S. 2603. A bill to establish a National Trade Council within the Executive Office of the President, and for other purposes; to the Committee on Governmental Affairs.

NATIONAL TRADE COUNCIL ACT OF 1990

Mr. HOLLINGS. Mr. President, no problem we face—and we face many—holds more peril to our future than the growing noncompetitiveness of the U.S. Government in the global economic contest. In calendar year 1989, we suffered a trade deficit of $108.6 billion, and this year that will rise easily, unless we sober up and straighten out our Government's twisted sense of priorities. Just as surely as $200 billion budget deficits have busted the Federal Government, our gigantic trade deficits are breaking the ecomony. Indeed, this Nation of once huge trade surpluses—this country of Yankee traders, hard bargaining, and world commerce—has come a cropper. We are now, believe it or not, the largest debtor in the world, in hock to everyone else. Worse, at the whim of the world, for if these other investing countries decide to pull the plug on America and take the billions they have invested here home, we would be washed right down the money drain.

There is no mystery as to the cause of our trade malady. Oh, some will tell you that it's because other peoples have surpassed the American worker in productivity. That is profoundly false. The Bureau of Labor Statistics and the chamber of commerce both agree that the American worker is still the most productive worker in the world. While the rates of increase here the past few years have lagged behind increases elsewhere, in absolute terms we are still measurably ahead in the productivity index. Others will argue that we lack the research and technology and this is wherein America fails. While it is true we have exported much of our expertise, America still has the lead in creativity, research, know-how, and industrial innovation. Nor is our problem any lack of competitive zeal among our business leaders and their employees. The captains of American industry have been retooling, modernizing, finding new ways to compete. Unfortunately, for want of encouragement to produce here at home, many have taken this know-how—and the jobs it produces—offshore. Not because they are unpatriotic, but because they are denied the help of their Government in the international trade competition.

This is the nub of the problem. All around this world of ours, countries are throwing their resources into taking over America's markets and picking off America's jobs. Governments everywhere work with business people to give them the advantage. They erect every sort of barrier imaginable—structural, legal, institutional—to keep our products out of their markets and they confer on their producers every advantage imaginable to corner our markets. Tax rebates on exported goods, complicated licensing requirements, lengthy inspection practices at the foreign dock, remote port facilities overseas, direct and indirect subsidies, government research and planning, government-backed loans, government procurement, government financing, government monetary and trade policies—you name it and it's being used against us even as we speak.

While other nations are down on the field competing for jobs, dollars, and markets, America sits up in the stands with our leaders caterwauling free trade, protectionism, free trade, protectionism as if the world hadn't moved on since the turn of the century. Their debate is as remote from the realities of today's world competition as the clipper ship is to the world of modern commerce. For in truth, what is at issue here is simple and stark. At issue are our jobs, our standard of living, our national security.

JOBS

Every billion dollars in America's trade imbalance is 25,000 lost jobs. Figure it out. Last year's trade deficit translates into 2,715,000 job opportunities lost to the United States.

STANDARD OF LIVING

The shirt I am wearing can be produced in Shanghai for 24 cents an hour. Would the free traders reduce America's standard of living to 24 cents an hour? Public policy exacts of America's industry certain costs of doing business. We require a minimum wage, a safe working place, product liability for defects, unemployment compensation, Social Security, clean air, clear water—together they constitute the American standard of living. Impose these standards on others and their costs rise too. But others don't require that standard. Safeguarding it is not undercutting any overseas comparative advantage. In this modern world, any product can be produced anywhere. The point is, we produce in a society where production must meet certain high standards vital to us all.

NATIONAL SECURITY

The United States is the leader of the free world. Upon the success of our economy rests the future of enterprise, the future of freedom. The world's leader cannot denude itself of the capacity to produce and still expect to lead. As a world power, we must have the capacity to produce steel, rubber, glass, textiles, machine tools, automobiles, rolling stock. You cannot deliver your wheat on an optic fiber. You cannot go to war in foreign uniforms. We cannot sustain without basic industry. We must disenthrall ourselves. What has been visited on basic industry is now experienced by every sector of American enterprise, including the electronics, computers, and high technology which were supposed to be our salvation.

Mr. President, Congress over the years has responded to our growing trade vulnerability. It has enacted statutes to protect against dumping, foreign subsidization, and other unfair and illegal trade practices being deployed against America. We have on the books a host of remedies which, if enforced, would level the field of play and give America's business and America's workers the chance to compete and show their stuff. We have countervailing duties, antidumping duties, section 301 actions, Super 301 actions, and section 337 actions. We have had escape clauses, peril points, and trigger prices put on the books. We have establishing agencies and tribunals to monitor America's trade condition. We have armed ourselves to compete.

Unfortunately, Presidents come to town and refuse to use the weapons provided. They get caught up in the State Department mentality of turning the other cheek whenever somebody infringes our markets. Because, after all, if we aren't nice to everyone, we won't have any friends left. This sounds nonsensical and is nonsensical, but that's been standard operating procedure down in Foggy Bottom and standard operating procedure in the Oval Office, too. And nowadays, that mentality is further entrenched by an overlay of free trade ideology making this administration and the Reagan administration even blinder than most of their dim-eyed predecessors.

Mr. President, after World War II, with communism on the march and America's well-being threatened, we instituted in the President's office the National Security Council. It was formed to coordinate the bureaucracies of the State and Defense Departments, to evaluate and distill the conflicting advice and competing constituencies of all the agencies of the Government involved in our national security. The object: to give the President the unvarnished facts and unbiased perspective from which to act quickly and effectively in the national interest. That procedure has served America well.

Now it is time to be equally serious about our dismal performance in the global economic contest. For on the outcome of this contest hinges perpetuation of our jobs, our standard of living, our very national security.

Today I introduce legislation to establish a Trade Council in the White House, analogous to the National Security Council. My legislation is patterned directly on the legislation which authorized the National Security Council. The Trade Council would coordinate all those departments and agencies of Government, and they are legion, who dip into trade policy. It would coordinate the Departments of State, Treasury, Commerce, Defense, Labor, Agriculture, and the U.S. Trade Representative into a coherent and competitive trade policy. Just as there is an assistant to the President for National Security Affairs, so would there be an assistant to the President for Trade Policy. The Council would be charged with advising the President on the totality of our competitive position and mandated to consider the standard of living and national security ramifications of America's trade policy.

The Trade Council would call on America's best and brightest in its deliberations. This legislation would provide an advisory board from science and education to counsel on research and technology. There would be an advisory council of business and labor to understand that in the enforcement of our laws, investments should go for jobs and increased productivity, and to ensure consideration of America's standard of living in all trade deliberations. There would be a food and fiber board advising the Trade Council so that once again we can become a reliable supplier of foodstuffs the world around.

A Trade Council brings a focus to trade decisions and provides the President with the unvarnished facts and the unbiased advice that only a council within the White House can provide. It makes no sense to continue down the road we have been traveling, with one agency deciding on relief only to have a bureaucrat in another agency or a Cabinet head in another department reverse the decision. A Trade Council confers on trade the high priority it demands. Don't come with suggestions simply to move the deck chairs around on the *Titanic*. That may improve the appearance of the ship on the surface, but the ship is sinking. America is sinking, and unless trade is given the focus and the priority attention which only a Trade Council can provide—unless there is a Trade Council above the bureaucratic fray to give the President what he needs to act—then we continue to sink until we are out of sight and out of breath.

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. ADAMS, Mr. BINGAMAN, Mr. BURDICK, Mr. BURNS, Mr. CHAFEE, Mr. COCHRAN, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DASCHLE, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. GARN, Mr. GORE, Mr. GORTON, Mr. HATCH, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. REID, Mr. RIEGLE, Mr. SHELBY, Mr. STEVENS, and Mr. WIRTH):

S.J. Res. 311. Joint resolution to designate the month of November 1990, as "National American Indian and Alaska Native Heritage Month"; to the Committee on the Judiciary.

NATIONAL AMERICAN INDIAN AND ALASKA NATIVE HERITAGE MONTH

● Mr. INOUYE. Mr. President, I am pleased today to introduce a Senate joint resolution designating the month of November, 1990, as the "National American Indian and Alaska Native Heritage Month."

As we near the 500th anniversary of the discovery by Columbus of American Indians, the time has come for American Indians and Alaska Natives, the original peoples of this land, to be honored and recognized by our country with the designation of a National American Indian and Alaska Native Heritage Month.

For the past 4 years, Congress has enacted legislation designating American Indian Heritage Week, thus ensuring eligibility for the establishment of a month of celebration. Our first Americans deserve a special month to honor their contributions as much as other Americans are recognized with a commemorative month every year.

One of the most important themes now being addressed by contemporary American Indians focuses on "the future of our children seven generations to come." This traditional approach to future planning brings to light historical and cultural approaches to protecting our environment, reinforcing our families, and preserving our rich, cultural heritage.

One goal is to bring elders together with the children so our senior citizens can benefit by teaching, while the children can benefit by learning traditional knowledge and the principles of respect. Together—young and old—we can go hand in hand, to ensure a brighter future for the coming generations.

A full month of celebration of the contributions of native Americans is necessary to assist educators, Indian and Alaska Native communities, and certain Federal agencies with their regular annual scheduling of cultural

events. There exists a growing need to help coordinate a united effort between schools, native American communities, and society as a whole in this celebration. Activities are planned that will focus on native American contributions, culture, religion, history, language, and art.

At schools across the country, native American speakers, artists, dancers, crafts people, story tellers, and Indian elders share their skills and knowledge with younger generations of Indians and non-Indians. For the Indian and Alaskan Native students, the positive benefits are increased pride and self-awareness. For the non-Indian students, the benefits are renewed appreciation of the culture and heritage of their first American friends and a better understanding of our shared history.

The month designated is during a time when fall harvest ceremonies are conducted by native Americans to give thanks for a good year's crop. National American Indian and Alaska Native Heritage Month will mark a time in which we as a nation can express our gratitude and appreciation for the contributions of the first Americans, the native Americans.●

ADDITIONAL COSPONSORS

S. 682

At the request of Mr. SIMON, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 682, a bill to amend chapter 33 of title 18, United States Code, to prohibit the unauthorized use of the names "Visiting Nurse Association," "Visiting Nurse Service," "VNA," "VNS," or "VNAA," or the unauthorized use of the name or insignia of the Visiting Nurse Association of America.

S. 798

At the request of Mr. DOMENICI, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 798, a bill to amend title V of the Act of December 19, 1980, designating the Chaco Culture Archaeological Protection Sites, and for other purposes.

S. 814

At the request of Mr. DOMENICI, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 814, a bill to provide for the minting and circulation of one dollar coins, and for other purposes.

S. 1214

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1214, a bill to provide that ZIP code boundaries may be redrawn so that they do not cross the boundaries of any unit of general local government.

S. 1349

At the request of Mr. PRYOR, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 1349, a bill to amend the Internal Revenue Code of 1986 to exclude small transactions and to make certain clarifications relating to broker reporting requirements.

S. 1628

At the request of Mr. BENTSEN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1628, a bill to amend the Internal Revenue Code of 1986 to authorize a deduction for the expenses of adopting a special needs child and to amend title 5, United States Code, to establish a program providing assistance to Federal employees adopting a special needs child.

S. 1629

At the request of Mr. SPECTER, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 1629, a bill to establish clearly a Federal right of action by aliens and United States citizens against persons engaging in torture or extrajudicial killings, and for other purposes.

S. 1925

At the request of Mr. SPECTER, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1925, a bill to amend the Higher Education Act of 1965 to require colleges and universities to establish and disclose campus security policies and to inform students and employees of campus crime statistics, and for other purposes.

S. 1981

At the request of Mr. HOLLINGS, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1981, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment and for other purposes.

S. 2003

At the request of Mr. HOLLINGS, the names of the Senator from Idaho [Mr. SYMMS], the Senator from North Carolina [Mr. SANFORD], and the Senator from Maine [Mr. COHEN] were added as a cosponsors of S. 2003, a bill to establish a commission to advise the President on proposals for national commemorative events.

S. 2013

At the request of Mr. BRYAN, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Hawaii [Mr. INOUYE], the Senator from Georgia [Mr. FOWLER], and the Senator from Montana [Mr. BAUCUS] were added as a cosponsors of S. 2013, a bill to require that the surplus in the Highway Trust Fund be expended for the Federal-Aid Highway System.

S. 2017

At the request of Mr. DOLE, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2017, a bill to provide a permanent endowment for the Eisenhower Exchange Fellowship Program.

S. 2058

At the request of Mr. BRYAN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2058, a bill to amend the Federal Deposit Insurance Act to regulate certain marketing activities engaged in on the premises of deposit-taking facilities of insured depository institutions.

S. 2111

At the request of Mr. MATSUNAGA, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 2111, a bill designating the month of May as "Asian/Pacific American Heritage Month."

S. 2158

At the request of Mr. PRYOR, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 2158, a bill to direct the Secretary of Health and Human Services to promulgate regulations to require that an individual telephoning the Social Security Administration has the option of accessing a Social Security Administration representative in a field office in the geographical area of such individual, and for other purposes.

S. 2187

At the request of Mr. COCHRAN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 2187, a bill to amend the Public Health Service Act to make grants to encourage States to establish Offices of Rural Health to improve health care in rural areas.

S. 2240

At the request of Mr. KENNEDY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 2240, a bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes.

S. 2356

At the request of Mr. SYMMS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2356, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 2545

At the request of Mr. BIDEN, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 2545, a bill to amend title 18 of the United States Code, to in-

crease the term of imprisonment for offenses involving driving while intoxicated when a minor is present in the vehicle.

S. 2579

At the request of Mr. D'AMATO, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 2579, a bill to amend the Export Administration Act of 1979.

SENATE JOINT RESOLUTION 240

At the request of Mr. SYMMS, the names of the Senator from Texas [Mr. GRAMM], the Senator from Georgia [Mr. FOWLER], the Senator from Oklahoma [Mr. BOREN], the Senator from North Dakota [Mr. BURDICK], the Senator from Mississippi [Mr. COCHRAN], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Joint Resolution 240, a joint resolution designating the week of June 10, 1990, through June 16, 1990, as "Multiple-Use Sustained-Yield Week."

SENATE JOINT RESOLUTION 276

At the request of Mr. LIEBERMAN, the names of the Senator from New Mexico [Mr. DOMENICI], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 276, a joint resolution designating the week beginning July 22, 1990, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 278

At the request of Mr. ROCKEFELLER, the names of the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Joint Resolution 278, a joint resolution designating July 19, 1990 as "Flight Attendant Safety Professionals' Day."

SENATE JOINT RESOLUTION 281

At the request of Mr. DECONCINI, the names of the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. MACK], the Senator from Pennsylvania [Mr. HEINZ], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Colorado [Mr. WIRTH], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Joint Resolution 281, a joint resolution to designate September 13, 1990, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 286

At the request of Mr. KERRY, his name was added as cosponsor of Senate Joint Resolution 286, a joint resolution to designate the week beginning May 6, 1990, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 290

At the request of Mr. ARMSTRONG, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Colorado [Mr. WIRTH], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 290, a joint resolution to designate the week of July 22, 1990, through July 28, 1990, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

SENATE JOINT RESOLUTION 293

At the request of Mr. RIEGLE, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Wyoming [Mr. SIMPSON], the Senator from Delaware [Mr. ROTH], the Senator from Missouri [Mr. DANFORTH], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 293, a joint resolution to designate November 6, 1990, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 297

At the request of Mr. SIMON, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KERRY], the Senator from Connecticut [Mr. DODD], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 297, a joint resolution designating September 1990 as "National Craft Month."

SENATE CONCURRENT RESOLUTION 91

At the request of Mr. HATFIELD, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Concurrent Resolution 91, a concurrent resolution expressing the sense of the Congress with respect to achieving common security in the world by reducing reliance on the military and redirecting resources toward overcoming hunger and poverty and meeting basic human needs.

SENATE CONCURRENT RESOLUTION 96

At the request of Mr. FORD, the names of the Senator from Illinois [Mr. DIXON], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senator Concurrent Resolution 96, a concurrent resolution to urge the Administration in the strongest possible terms not to propose civil air transport services for inclusion under the General Agreement on Tariffs and Trade [GATT], or the proposed General Agreement on Trade in Services (GATS], and to actively oppose any proposal that would consider civil air transport services as a negotiation item.

SENATE RESOLUTION 281—DIRECTING AN APPEARANCE BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 281

Whereas in In re American Continental Corporation/Lincoln Savings and Loan Securities Litigation, MDL—834, pending in the United States District Court for the District of Arizona, the ability of the Select Committee on Ethics to preserve the confidentiality of a preliminary inquiry into unsworn allegations of misconduct of Members of the Senate has been placed in issue;

Whereas pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288*l*(a) (1988), the Senate may direct its Counsel to appear as amicus curiae in the name of a committee of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Select Committee on Ethics in In re American Continental Corporation/Lincoln Savings and Loan Securities Litigation, in support of the interest of the Senate in preserving the confidentiality of preliminary inquiries of the Select Committee on Ethics.

AMENDMENTS SUBMITTED

HATCH ACT REFORM AMENDMENTS

McCONNELL AMENDMENTS NO. 1591

Mr. McCONNELL proposed an amendment which was subsequently modified, to the bill (S. 135) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, as follows:

On page 4, after line 2 strike through line 21 and insert the following:

"§ 7323. Political activity authorized; prohibitions

"(a) An employee may take an active part in political management or in political campaigns, except an employee may not—

"(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;

"(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is—

"(A) a member of the same Federal employee organization;

"(B) not a subordinate employee; and

"(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal employee organization; or

"(3) run for the nomination or as a candidate for * * *

"(b) No employee may knowingly solicit, accept, or receive a political contribution from any person for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of the employee's Federal employee organization, unless that organization—

"(1) provides, at least once annually, to all employees within the labor organization's bargaining unit or units (and to new employees within 30 days after commencement

of their employment) written notification presented in a manner to inform any such employee—

"(A) that an employee cannot be obligated to pay, through union dues or any other payment to a labor organization, for the political activities of the labor organization, including, but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns;

"(B) that no employee may be required actually to join any labor organization;

"(C) that an employee who elects to be a full member of the labor organization and pay membership dues is entitled to a reduction of those dues by the employee's pro rata share of the total spending by the labor organization for political activities;

"(D) that the cost of the labor organization's exclusive representation services, and the amount of spending by such organization for political activities, shall be computed on the basis of such cost and spending for the immediately preceding fiscal year of such organization; and

"(E) of the amount of the labor organization's full membership dues, initiation fees, and assessments for the current year; the amount of the reduced membership dues, subtracting the employee's pro rata share of the organization's spending for political activities, for the current year; and the amount of the agency fee for the current year.

"(2) the labor organization provides (for purposes of verifying the cost of such labor organization's exclusive representation services) to all represented employees an annual examination by an independent certified public accountant of financial statements supplied by such organization which verify the cost of such services, except that such examination shall, at a minimum, constitute a special report as interpreted by the Association of Independent Certified Public Accountants.

"(3) the labor organization maintains procedures to promptly determine the costs that may properly be charged to agency fee payors as costs of exclusive representation, and explains such procedures in the written notification required under subparagraph (1).

"(4)(A) a labor organization that does not satisfy the requirements of subparagraphs (1), (2), and (3) shall finance any expenditures specified in subparagraphs (A), (B), or (C) of paragraph (2) of 316(b) of the Federal Election Campaign Act only with funds legally collected under this Act for its separate segregated fund.

"(B) for the purposes of this paragraph, subparagraph (A) or paragraph (2) shall apply only with respect to communications expressly advocating the election or defeat of any clearly identified candidate for elective public office."

SEC. 7323A. PROTECTION OF EMPLOYEES FROM POLITICAL COERCION BY LABOR ORGANIZATIONS.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"SEC. 611. POLITICAL COERCION BY LABOR ORGANIZATIONS.

"(a) It shall be unlawful for an officer, employee, or agent of a Federal employee labor organization to intimidate, threaten, coerce, or address an order to, or to cause to be expended any dues, fees, or assessments levied on the membership of the labor organization for the purpose of intimidating, threatening, coercing, or addressing an order to—

"(1) an employee within the labor organization's bargaining unit for the purpose of interfering with the right of an employee to vote as the employee may choose;

"(2) an employee within the labor organization's bargaining unit for the purpose of causing an employee to vote or to refrain from voting for any candidate or any measure in an election;

"(3) an employee within the labor organization's bargaining unit to make or refrain from making a contribution to a candidate, political party, or committee, or political cause of any kind; or

"(4) an employee within the labor organization's bargaining unit to engage in or refrain from engaging in any legal form of political activity."

"(b) A person who violates subsection (a) shall be fined not more than $5,000, imprisoned not more than 3 years, or both."

(b) CONFORMING AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"611. Political coercion by labor organizations."

SIMPSON AMENDMENT NOS. 1592 AND 1593

(Ordered to lie on the table.)

Mr. SIMPSON submitted two amendments intended to be proposed by him to the bill S. 135, supra, as follows:

AMENDMENT No. 1592

On page 4, line 13, strike out all beginning with "Federal" through "organization" on line 14 and insert in lieu thereof "Federal labor organization as defined under section 7103(4) of this title".

AMENDMENT No. 1593

On page 4, line 19, strike out "Federal employee organization" and insert in lieu thereof "Federal labor organization as defined under section 7103(4) of this title".

DOLE AMENDMENT NOS. 1594 THROUGH 1599

(Ordered to lie on the table.)

Mr. DOLE submitted six amendments intended to be proposed by him to the bill S. 135, supra, as follows:

AMENDMENT No. 1594

On page 4, line 4, strike out "An employee" and insert in lieu thereof "(a) Subject to the provisions of subsection (b), an employee".

AMENDMENT No. 1595

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of the Internal Revenue Service (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Internal Revenue Service (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

AMENDMENT No. 1596

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

AMENDMENT No. 1597

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of the Department of Justice (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Department of Justice (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President."

AMENDMENT No. 1598

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of the Central Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Central Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940,

by determinations of the Civil Service Commission under the rules prescribed by the President."

AMENDMENT No. 1599

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of the Defense Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Defense Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President."

DOMENICI AMENDMENTS NOS. 1600 THROUGH 1604

(Ordered to lie on the table.)

Mr. DOMENICI submitted five amendments intended to be proposed by him to the bill S. 135, supra, as follows:

AMENDMENT No. 1600

On page 9, insert after line 5 the following new subsection:

(d)(1) Notwithstanding the provisions of subsection (a), the provisions of this Act and amendments made by this Act shall not take effect until the date on which the Office of Personnel Management submits a report to Congress that—

(A) includes the results of a scientifically based sampling survey of all employees to whom the provisions of subchapter III of chapter 73 of title 5, United States Code, (as amended by this Act) applies on whether such employees support the modifications on political activities as provided by the amendments of this Act; and

(B) such survey demonstrates that a majority of such employees favor modifications.

(2) No later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall conduct the survey described under paragraph (1) and report to the Congress.

AMENDMENT No. 1601

On page 4, line 4, strike out "An employee" and insert in lieu thereof "(a) Subject to the provisions of subsection (b), an employee".

On page 4, line 11, strike out all beginning with the comma through "organization" on line 19.

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of any department or agency described under paragraph (3) (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of any department or agency described under paragraph (3) (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) The departments and agencies to which the provisions of this subsection apply are:

"(A) Department of Justice

"(B) Central Intelligence Agency

"(C) Internal Revenue Service

"(D) Federal Election Commission

"(E) National Security Council

"(F) National Security Agency/Central Security Service

"(G) Merit Systems Protection Board

"(H) Office of Special Counsel

"(4) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.".

AMENDMENT No. 1602

On page 4, line 11, strike out all beginning with the comma through "organization" on line 19.

AMENDMENT No. 1603

On page 9, insert after line 5 the following new subsection:

(d)(1) Notwithstanding the provisions of subsection (a), the provisions of this Act and amendments made by this Act shall not take effect until the date on which the Office of Personnel Management submits a report to the Congress that—

(A) includes the results of a scientifically based sampling survey of all employees to whom the provisions of subchapter III of chapter 73 of title 5, United States Code, (as amended by this Act) applies on whether such employees support the modifications dealing with soliciting, accepting or receiving political contributions as provided in section 7323 of this Act and by the amendments of this Act; and

(B) such survey demonstrates that a majority of such employees favor modifications.

(2) No later than 120 days after the date of the enactment of this Act, the Office of Personnel Management shall conduct the survey described under paragraph (1) and report to Congress.

AMENDMENT No. 1604

On page 9, insert after line 5 the following new subsection:

(d)(1) Notwithstanding the provisions of subsection (a), the provisions of this Act and amendments made by this Act shall not take effect until the date on which the Office of Personnel Management submits a report to the Congress that—

(A) includes the results of a scientifically based sampling survey of all employees to whom the provisions of subchapter III of chapter 73 of title 5, United States Code (as amended by this Act), applies on whether such employees support the modifications dealing with soliciting, accepting or receiving political contributions as provided in section 7323 of this Act and by the amendments of this Act; and

(B) such survey demonstrates that a majority of such employees favor modifications.

(2) No later than 120 days after the date of the enactment of this Act, the Office of Personnel Management shall conduct the survey described under paragraph (1) and report to Congress.

SIMPSON AMENDMENTS NOS. 1605 AND 1606

(Ordered to lie on the table.)

Mr. SIMPSON submitted two amendments intended to be proposed by him to the bill S. 135, supra, as follows:

AMENDMENT No. 1605

On page 4, line 13, strike out all beginning with the word "Federal" through "organization" on line 14 and insert in lieu thereof:

"Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1990 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(a)(4))".

AMENDMENT No. 1606

On page 4, line 19, strike out "Federal employee organization" and insert in lieu thereof:

"Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1990 had a multicandidate political commiteee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))".

DOLE AMENDMENT NO. 1607

Mr. DOLE proposed an amendment to the bill S. 135, supra, as follows:

On page 8, insert between lines 13 and 14 the following new section:

SEC. . EMPLOYEE REFERENDUM ON APPLICABLE LAW.

(a) Notwithstanding any other provision of this Act, each department and agency shall conduct a referendum of all employees (as defined under secion 7322(1) of title 5, United States Code, as amended by section 2(a) of this Act) in such department or agency to determine the provisions of law to apply to the political activities of such employees.

(b) The provisions of law described under subsection (a) shall be limited to—

(1) the provisions of subchapter III of chapter 73 of title 5, United States Code, in effect before the effective date of this Act; or

(2) the provisions of such subchapter as amended by this Act, and the other provisions of this Act.

(c) The Office of Personnel Management shall promulgate regulations—

(1) governing procedures and other matters for the conduct of such referendum which shall occur—

(A) no later than 120 days after the date of the enactment of this Act; and

(B) at such regular intervals, thereafter, as determined by the Office of Personnel Management, but in no event more often than every 5 years;

(2) providing that a majority of those employees voting in such a referendum shall determine which provisions of law shall apply; and

(3) informing and educating employees of the standards for political activities that apply to their department or agency.

(d) For any department or agency in which employees select the provisions of subchapter III of chapter 73 of title 5, United States Code, in effect before the effective date of this Act to apply in accordance with a referendum under this section, such provisions shall apply with the same force and effect of law as though the amendments in this Act had never been enacted.

(e) The provisions of this section shall take effect on the date of the enactment of this Act.

ROTH AMENDMENT NO. 1608

Mr. ROTH proposed an amendment to the bill S. 135, supra, as follows:

On page 4, line 11, beginning with the comma strike out all through line 19 and insert in lieu thereof "; or".

NOTICES OF HEARINGS

SUBCOMMITTEE ON EXPORT EXPANSION

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee's Subcommittee on Export Expansion will hold a field hearing in Baltimore, MD, on Monday, May 14, 1990. The subcommittee will examine internal barriers to small business exports. The hearings will commence at 10 a.m. in the Constellation Room of the World Trade Center. For further information, please call Annie Lesher of Senator MIKULSKI's staff at 224-4654.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Commitee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 9, 1990, at 2 p.m., to receive testimony on the Trident missile and submarine programs in review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. GLENN. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, May 9, 1990, at 9:30 a.m. The committee will hold a hearing on the Small Business Administration's Small Business Investment Companies Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 9, at 10 a.m., to hold a hearing on the future of NATO strategy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, May 9, 1990, to receive the annual report of the Postmaster General.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, May 9, beginning at 10 a.m., to conduct a hearing on the highway trust fund, related Federal-Aid Highway Program financing and policy issues, and certain legislative proposals.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 9, 1990, at 9:30 a.m. to hold a hearing on S. 1981, legislation to lift the manufacturing restriction on the Bell operating companies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation and the national ocean policy study, be authorized to meet during the session of the Senate on May 9, 1990, at 2 p.m. to hold a hearing on the Coastal Zone Management Act and S. 1189, the Coastal Zone Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GLENN. Mr. President, I ask unanimous consent that Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, May 9, at 10 a.m., for a hearing on the Homelessness Prevention and Community Revitalization Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A TEST-TUBE TOAST TO ROGER BRANDT

● Mr. SIMON. Mr. President, I would like to bring to your attention a unique individual who is working to excite Illinois youth about education. Mr. Roger Brandt is a resident of St. Charles, IL, and a volunteer at the Wild Rose Elementary School. He is a senior citizen and the adopted grandfather of a fourth grade class at the Wild Rose School. Twice a month he supplements their regular science class with new concepts and experiments that he ties into the curriculum.

Mr. Brandt integrates his working knowledge of science with a sense of responsibility to inspire the students in this area. He feels that students need to be carefully introduced to science so that they will be excited rather than intimidated by it. Mr. Brandt gives to his community in a way that few individuals do, he shares his time, energy, and knowledge in order to stimulate an interest in science among his adoptive fourth grade class.

The dedication of one man has enhanced the educational experience of a whole class of students. I urge my colleagues to recognize the outstanding achievement of Mr. Brandt and to note the success that can be gained through human commitment. I ask that a letter from the fourth grade class be printed in the CONGRESSIONAL RECORD.

The letter follows:

WILD ROSE ELEMENTARY SCHOOL,
St. Charles, IL, April 2, 1990.

Senator PAUL SIMON,
230 South Dearborn,
Chicago, IL

DEAR SENATOR SIMON: We are fourth grade students at Wild Rose School in St. Charles, Illinois. Mrs. Janice Rey is our science teacher.

A man named Roger Brandt comes to our science class twice a month to teach us concepts in science. He is a senior citizen who lives in St. Charles and is our adopted grandfather. He is a great man. He gives us his time and has inspired us to strive forward in science.

We are writing to you to request a letter of recognition for Mr. Roger Brandt, who volunteers his time so that we might know more about our world.

We appreciate your taking the time to read our letter. We hope that you will respond with a letter of appreciation for Mr. Brandt.

Sincerely,

4R WILD ROSE SCHOOL.●

HONORING THE 100TH BIRTHDAY OF MAY DAY PAGE

● Mr. HATFIELD. Mr. President, I want to call the Senate's attention to a momentous event which occurred on Tuesday, May 1, 1990. On that day, May Day Page, widow of former

Oregon Supreme Court Justice E.M. "Max" Page, celebrated her 100th birthday.

The Supreme Court of the State of Oregon has issued an order honoring Mrs. Page and has requested that this order be printed in the CONGRESSIONAL RECORD. It is indeed an honor to comply with this request.

Mrs. Page currently resides in Salem, OR, a few blocks from the Supreme Court Building where her late husband served as an Associate Supreme Court Justice from July 1949, through January 18, 1950, when ill health forced him to resign. From January 1941, until his appointment to the Supreme Court, Justice Page served as a circuit court judge in the Third Judicial District (Marion County) of Oregon. He served with great distinction in each of these positions.

May Day Tate married Everill Maxwell Page on December 31, 1922. They had one son, Richard Max Page and one granddaughter, Martha Ann Page. It is with great joy that I extend congratulations and best wishes to Mrs. Page and her family on the occasion of her 100th birthday.

I ask that the order of the Oregon Supreme Court offering their congratulations to Mrs. Page on her 100th birthday be printed in the RECORD immediately following my remarks.

The order follows:

THE 100TH BIRTHDAY OF MAY DAY PAGE, WIDOW OF FORMER SUPREME COURT JUSTICE E.M. "MAX" PAGE

The Court joins the family and friends of May Day Page in recognizing the occasion of her 100th birthday on Tuesday, May 1, 1990. Mrs. Page currently resides in Salem, Oregon, a few blocks from the Supreme Court Building where her late husband, E. M. "Max" Page served as an Associate Supreme Court Justice from July, 1949, through January 18, 1950, when ill health forced him to resign. From January, 1941, until his appointment to the Supreme Court, Justice Page served as a circuit court judge in the Third Judicial District (Marion County) of Oregon.

May Day Tate married Everill Maxwell Page on December 31, 1922. They had one son, Richard Max Page and one granddaughter, Martha Ann Page: It is

Ordered, That this order be published in the Oregon Reports and copies forwarded to May Day Page and her son, Richard Max Page: It is further

Ordered, That a copy of this order be forwarded to the Honorable Mark O. Hatfield, United States Senator for the State of Oregon, for inclusion in the Congressional Record.

Dated this 27th day of April, 1990.

EDWIN J. PETERSON,
Chief Justice.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $3.5 billion in budget authority, and over the budget resolution by $4 billion in outlays. Current level is under the revenue floor by $5.2 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $114.6 billion, $14.6 billion above the maximum deficit amount for 1990 of $100 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC., May 7, 1990.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of congressional action on the budget for fiscal year 1990 and is current through May 4, 1990. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 concurrent resolution on the budget (H. Con. Res. 106). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the 1986 first concurrent resolution on the budget.

Since my last report, dated April 30, 1990, there has been no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 101ST CONG., 2D SESS., AS OF MAY 4, 1990

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 106	Current level +/− resolution
FISCAL YEAR 1990			
Budget Authority	1,325.9	1,329.4	−3.5
Outlays	1,169.2	1,165.2	4.0
Revenues	1,060.3	1,065.5	−5.2
Debt subject to limit	3,011.6	3,122.7	−111.1
Direct loan obligations	19.1	19.3	−.2
Guaranteed loan commitments	114.7	107.3	7.4
Deficit	114.6	[2] 100.0	[3] 14.6

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 106. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions. In accordance with Sec. 102(a) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act (101 Stat. 762) the current level deficit amount compared to the maximum deficit amount does not include asset sales.

[2] Maximum deficit amount [MDA] in accordance with section 3(7)(E) of the Congressional Budget Act, as amended.

[3] Current level plus or minus MDA.

THE CURRENT LEVEL REPORT 101ST CONG., 2D SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS MAY 4, 1990

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,068,600
Permanent appropriations and trust funds	954,917	791,226	
Other legislation	639,255	638,374	566
Offsetting receipts	−237,825	−233,738	
Total enacted in previous sessions	1,356,347	1,195,862	1,069,166
II. Enacted this session			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution:			
Salaries of judges	−2	5	
Payment to judicial officers' retirement fund	−4	−4	
Judicial survivors' annuities fund	−3	−3	
Fees and expenses of witnesses	−2		
Justice assistance	−4		
Fisherman's guaranty fund	1	1	
Administration of territories	−1		
Firefighting adjustments	−624	−192	
Federal unemployment benefits (FUBA)	5		
Advances to unemployment trust fund	(48)	(48)	
Special benefits	−24		
Black Lung disability trust fund	52	32	
Vaccine improvement program trust fund	7	7	
Federal payment to railroad retirement	1	1	
Retirement pay and medical benefits	−4		
Supplemental security income	263	263	
Special benefits, disabled coal miners	21		
Grants to States for Medicaid	−907		
Payments to health care trust funds	(325)	(325)	
Family support payments to States	84	84	
Payments to states for AFDC work programs	15	15	
Payments to states for foster care	−85		
Health professions student loan insurance fund	−25	−7	
Guaranteed student loans	−175		
College housing and academic facilities loans	−3	−3	
Rehabilitation services	−79		
Payments to widows and heirs	(1)	(1)	
Reimbursement to the rural electrification fund	111	111	
Dairy indemnity program	(1)	(1)	
Conservation reserve program	720		
Special milk program	−2		
Food stamp program	−800		
Child nutrition programs	−74		
Federal crop insurance corporation fund	(1)		
Agriculture credit insurance fund	342		
Rural housing insurance fund	(1)		
Rural communication development fund	(1)		
Payments to the farm credit system financial assistance corporation	−2		
Coast Guard retired pay	−17		
Payment to civil service retirement	(84)	(84)	
Government payments for annuitants	−3	−2	
Readjustment benefits	−62		
Compensation	448	398	
Pensions	−62		
Burial benefits	−4		
Loan guaranty revolving fund	238	238	
Disaster relief	−1,100	−883	
Total entitlement authority	−1,757	62	
VI. Adjustment for Economic and Technical Assumptions	−28,685	−26,763	−8,900
Total current level as of May 4, 1990	1,325,905	1,169,160	1,060,266
1990 budget resolution H. Con. Res. 106	1,329,400	1,165,200	1,065,500
Amount remaining:			
Over budget resolutions		3,960	
Under budget resolutions	3,495		5,234

[1] Less than $500 thousand.

Notes.—Numbers may not add due to rounding. Amounts shown in parenthesis are interfund transactions that do not add to totals.●

FORMER SENATOR HIRAM L. FONG ENDORSES CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, I would like to share with all Senators a letter I have recently received from former Senator Hiram L. Fong of Hawaii, in support of congressional term limitation. His tenure of 18 years proves again that there is nothing inconsistent in supporting term limitation and staying in Congress. No Senator should bind him or herself to a rule that does not apply to all others, and no State should be disadvantaged in that way.

The most recent cosponsor of Senate Joint Resolution 235 is Senator THURMOND, who is running for his seventh term. I ask that former Senator Fong's letter appear in the RECORD immediately following my remarks, and I urge all Senators to join in this urgent reform.

The letter follows:

APRIL 9, 1990.

Hon. GORDON J. HUMPHREY,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUMPHREY: I have your letter of March 29, 1990.

I do support Senate Joint Resolution 235 limiting Senators to two six-year terms and Representatives to six 2-year terms.

With warmest aloha,

Sincerely,

HIRAM L. FONG,
U.S. Senator, Retired,
Hawaii 1959-77.●

EL SALVADOR PEACE, SECURITY, JUSTICE, AND DEMOCRACY ACT OF 1990

● Mr. LUGAR. Mr. President, I ask that the text of my bill, S. 2592, to implement United States policy toward El Salvador and to provide for conditions on assistance to El Salvador be printed in the RECORD.

The text of S. 2592 follows:

S. 2592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "El Salvador Peace, Security, Justice, and Democracy Act of 1990".

SEC. 2. STATEMENT OF POLICY.

It shall be the policy of the United States—

(1) to strengthen democratic institutions and practices, encourage economic growth, and promote a lasting negotiated settlement to the armed conflict in El Salvador;

(2) to support the Declaration of San Isidro and the Central American presidents' call to the Farabundo Marti National Liberation Movement (FMLN) to cease all hostilities, restart the peace dialogue, and to renouce all violence affecting the civilian population;

(3) to promote greater respect for human rights by both sides in the armed conflict and to condition United States assistance on the determination by both sides to investigate thoroughly, and cooperate in the prosecution of those responsible for, the murders of Salvadorans, including those murdered at the University of Central America and San Sebastian and the murders of officials in the Government of El Salvador;

(4) to support the separation of all police functions from the command and control of the Armed Forces of El Salvador and to reconstitute the police force as a civilian force directly responsible to, and under the control of, civilian authority;

(5) to support the call of the Central American Presidents for a regional reduction in the military balance upon completion of successful negotiations to terminate the armed conflict in El Salvador;

(6) to promote reform of the judicial system in El Salvador leading to the establishment of a strong, independent justice system; and

(7) to condition and redirect United States assistance to further these goals, to strengthen the role of civilian authority, and to ensure that all United States assistance is administered effectively and efficiently for the purposes for which it was intended.

SEC. 3. CONDITIONS ON MILITARY ASSISTANCE FOR EL SALVADOR.

(a) IN GENERAL.—Military assistance provided for El Salvador for fiscal year 1991 shall be subject to the limitations and restrictions made by this section.

(b) LIMITATION.—No more than $85,000,000 in United States military assistance may be provided to El Salvador in fiscal year 1991.

(c) RESTRICTIONS.—No military assistance shall be provided to the Government of El Salvador if that Government—

(1) declines to participate in good faith negotiations with the FMLN to terminate the hostilities;

(2) fails to support an active role of the Secretary General of the United Nations in these negotiations;

(3) fails to conduct a thorough and professional investigation into, and prosecution of those responsible for, the murders of Salvadorans, including the eight murders at the University of Central America;

(4) has not taken concrete steps to separate law enforcement forces from the Armed Forces of El Salvador; or

(5) has not taken appropriate measures to protect the constitutionally guaranteed activities of all groups in El Salvador.

(d) OBLIGATION OF FUNDS.—Of the military assistance funds made available for fiscal year 1991, no more than $50,000,000 may be obligated to the Government of El Salvador after October 1, 1990, and before April 1, 1991, and no more than an additional $35,000,000 may be obligated after April 1, 1991.

(e) ESTABLISHMENT OF ESCROW ACCOUNT.—(1) Twenty percent of the funds allocated to the Government of El Salvador on or after October 1, 1990, and before April 1, 1991, and forty percent of those funds allocated to the Government of El Salvador after April 1, 1990, pursuant to subsection (d), shall be withheld from obligation or expenditure and shall be covered into a separate escrow account to be established in the Treasury of the United States and to be used only in accordance with paragraph (2).

(2) Whenever the President determines that negotiations to terminate the armed conflict in El Salvador and to reintegrate FMLN forces into Salvadoran society have been successfully completed, the President is authorized to use the funds described in paragraph (1) for the purpose of assisting the process of reconciliation, cease-fire monitoring, and the repatriation, retraining, and reemployment of former members of the Armed Forces of El Salvador and the FMLN.

(f) WAIVER OF LIMITATIONS AND RESTRICTIONS.—Military assistance may be provided to El Salvador without regard to any limitation contained in subsection (b), (c), or (d), and any funds covered into the escrow account established by subsection (e) shall be available for military assistance to El Salvador without regard to subsection (e), if the FMLN—

(1) declines to participate in good faith negotiations with the Government of El Salvador to end the armed conflict in El Salvador;

(2) fails to support an active role for the Secretary General of the United Nations in these negotiations;

(3) conducts a sustained military offensive which increases the risk to noncombatants in El Salvador;

(4) fails to cooperate in investigating and prosecuting those members of the FMLN responsible for human rights abuses, including politically-motivated murders of Salvadorans; or

(5) is continuing to acquire or receive significant quantities of lethal military equipment from outside El Salvador, as determined from evidence obtained by the United States Government, and this evidence is shared with the Congress.

(g) SUPPORT FOR THE CIVILIAN GOVERNMENT OF EL SALVADOR.—No United States military assistance funds provided in fiscal year 1991 (including available appropriations from a previous fiscal year) shall be obligated or expended by the Armed Forces of El Salvador without the prior approval of the democratically-elected President of El Salvador or his civilian designee.

SEC. 4. PRESIDENTIAL REPORTS.

(a) CONTENT OF REPORTS.—Not later than November 1, 1990, and not later than May 1, 1991, the President shall submit a detailed report to the Congress describing the extent to which the Government of El Salvador and the FMLN are each contributing to United States policy goals set forth in section 2 and meeting the conditions described in section 3. These reports shall also describe actions of the government of El Salvador, including the Armed Forces of El Salvador, and of the FMLN that are having significantly positive or negative impact on the basic human rights of the Salvadoran people.

(b) CONSULTATION WITH PRIVATE ORGANIZATIONS.—To the extent practicable, the President should consult with informed, private organizations in the United States and Central America in preparing reports under this section.

SEC. 5. SUPPORT FOR DEMOCRACY PROGRAM.

(a) IN GENERAL.—The Secretary of State, through an agreement with the National Endowment for Democracy or other qualified organizations, shall establish and carry out a program of education, training, and dialogue for the purpose of strengthening democratic political and legal institutions in El Salvador. The program shall be designed—

(1) to assist and involve all prodemocratic sectors of El Salvador in efforts to strengthen civilian control over the armed forces;

(2) to establish an effective independent judicial system;

(3) to facilitate the free, fair, and open exchange of political views;

(4) to provide for monitoring of elections; and

(5) to increase respect for basic civil and human rights.

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President $10,000,000 for fiscal year 1991 to carry out this section consistent with the authorities of chapter 4 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund).

(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 6. DEFINITION.

For purposes of this Act, the term "military assistance" means—

(1) assistance under chapter 2 (relating to military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961; and

(2) sales, credits, or guarantees under the Arms Export Control Act.●

PEACE AND DEMOCRACY IN EL SALVADOR ACT

● Mr. HARKIN. Mr. President, on February 21, Czechoslovakia's President Vaclav Havel, in a historic address before Congress, described to us these "historic times * * * which leave us no time to be astonished."

The wave of freedom that has swept over Eastern Europe the past year is now rushing toward the shores of El Salvador.

The most significant development of the past several years in El Salvador occurred on April 4 when the Salvadoran Government and Farabundi Marti Liberation Front [FMLN] announced they had agreed to negotiations mediated by the United Nations. At those negotiations, the warring parties will discuss an end to the 10-year civil war and the creation of conditions under which the rebels will lay down their arms and participate in national elections scheduled for next March.

Equally important—in terms of our domestic politics—United States Secretary of State James Baker has begun discussions with congressional leaders to reach a bipartisan approach to El Salvador. However, in their zeal to achieve consensus on United States policy, key negotiators, from both Congress and the State Department, must not lose sight of the harsh realities of El Salvador.

Specifically, negotiations between President Cristiani and the rebels should not be used as a ploy to continue current United States policy of writing blank checks to the Salvadoran military.

We must not forget that the Salvadoran security forces, which 10 years of United States assistance has helped transform into the most powerful political and economic force in El Salvador, poses one of the most significant threats to peace, stability and democracy in that country. Ironically, the Salvadoran military, which we funded in order to save El Salvador from communism, has become one of the biggest obstacles to the creation of democracy in that country.

The State Department and Congress may not face the consequences of their amnesia. But the Salvadoran people—who have endured the deaths of 70,000 of their brothers and sisters, most at the hands of the Salvadoran Army—will suffer because of their ignorance.

Just 5 months ago, while Nicolae Ceausescu and his hated security forces were being hounded from power in Romania, members of the Salvadoran Army assassinated six Jesuit priests, their housekeeper and her daughter.

Several weeks following the November 16 murders, President Cristiani, in an act which surprised but pleased many of his critics in Congress, arrested and indicted three officers, five enlisted men, and a colonel for their role in the crime.

But Cristiani's power to buck the Salvador military appears shortlived. Colonel Benavides, who allegedly ordered the massacre, has not been stripped of his rank, still draws full pay, is held at a comfortable apartment at National Police Headquarters, and has even been seen sunning himself at the beach.

To make matters worse, Cristiani has publicly expressed his doubts that Colonel Benavides will be convicted.

The New York Times of May 7 reports that the Salvadoran military has created more obstacles to the investigation of the Jesuits' murder by transferring abroad four soldiers who may have evidence linking Colonel Benavides and other high officers to the murders. Also missing are Benavides' diaries.

Should we be surprised? Are we shocked that the Salvadoran military would flaunt its power, embarrass President Cristiani, and, despite international attention and outrage, press for the release of the highest ranking officer in the Jesuits' case?

We should not be. For 10 years, the United States Government has tolerated equally horrific behavior by the Salvadoran security forces, as well as the Salvadoran Government.

After 10 years, 70,000 deaths, United States aid still flows, totaling more than $4.5 billion. Simply, when it comes to United States administrations' concerns over human rights, the Salvadoran military has learned not to read United States officials' lips but to count their checks.

Despite United States officials' public statements, the Salvadoran military knows it can count on United States dollars, which continue to pour into its pockets, Salvadoran banks, as well as its Miami bank accounts.

Mr. President, how is that $1 billion in aid to the Salvadoran military being used? On this point, the Interim Report of the [House] Speaker's task force on El Salvador, also known as the Moakley task force, found that seven of the nine soldiers charged in the Jesuits case were trained just 3 days before the murders by a United States Special Forces Detachment.

The seven, all of whom were members of a special commando unit of the Atlacatl Battalion, received instruction from November 11 to 13 in "techniques of fire and maneuver, rapid fire techniques, M16 zero fire, and preparation of arms and equipment for a patrol."

U.S. training may have succeeded in making these men better killers, but we should not be in the business of training death squads.

After 10 years and $4.5 billion, the United States has helped transform a 14,000 strong security force, which served to protect the Salvadoran oligarchy, into a 52,000 army which is now an economic rival to the business sector.

It is an armed force that equals Ceausescu's hated police forces in terms of brutality.

And an army which rivals Noriega's defense forces in terms of corruption.

Yet, the Reagan and now the Bush administration has protected these security forces from scrutiny and from conditions.

Serious questions can be raised concerning the administration's efforts to uncover those who ordered, not just carried out, the Jesuits' murder.

We know that the Salvadoran high command, including Army Chief of Staff Ponce, former Air Force Commander General Bustillo, as well as Colonel Benavides, held a meeting on the evening of November 15, several hours before the Jesuits were murdered in the early morning hours of the 16th.

At that meeting, several issues were discussed, and several conclusions were reached concerning the military's response to the rebel offensive that had begun several days earlier. The army command, according to several sources, decided to make greater use of air power to thwart rebel advances in San Salvador, and, according to sources, issued a blanket order to wipe out those who sympathized and gave succor to the FMLN.

On February 8, I questioned Assistant Secretary of State for Inter-American Affairs Bernard Aronson about what we know of the November 15 meeting, and asked for the list of

those officers who attended that meeting, and whether any of those have taken a lie detector test. To this date, I have not received a response. But to my knowledge, none of the members of the high command who attended that meeting has received such a test.

Yet Lucia Cerna, the first witness to the massacre, has not only been given several lie detector tests but has been forced to endure 4 days of severe questioning by United States officials and a Salvadoran officer, without benefit of counsel.

Furthermore, Maj. Eric Buckland, who was told in December by a Salvadoran colonel that Colonel Benavides was responsible for the Jesuits' slaying, has been given lie detector tests.

United States officials, pointing to the results of Mrs. Cerna's tests, spread the word in El Salvador that her testimony was worthless. They have also tried to discredit Buckland by painting him as emotionally unstable.

Yet, the United States has not compelled the Salvadoran high command to similar tests, and the highest ranking officer in the Jesuits case suns himself on the beach.

Is it no wonder that the Salvadoran military thinks that Benavides can walk without suffering the consequences?

United States unwillingness to tame Salvadoran security forces and compel them to accept the rule of law is not new.

Remember the kidnap-for-profit ring?

Early in 1986, the Salvadoran Government broke a multimillion dollar kidnap ring, arrested several members of the Salvadoran security forces, and detained then Lt. Col. Roberto Mauricio Staben.

As the State Department is well aware, Staben, an associate of retired Maj. Roberto D'Aubuisson, was an active participant in right wing death squad operations carried out during the early years of this decade. In April 1986, he was described in a sworn statement by fellow conspirator Rodolfo Lopez Sibrian, as the intellectual chief of the kidnap-for-profit ring.

Despite this allegation, and despite his past crimes, no disciplinary or legal action of any kind has ever been taken against Colonel Staben. Recently, Staben has been reassigned to the Salvadoran Embassy in Honduras.

Staben never took a lie detector test.

Staben is still a full colonel in the Salvadoran Army.

Another case which Secretary Baker should not forget is that of Col. Elmer Gonzalez Araujo.

According to the Justice Department prosecutor in the Nordac case, involving the purchase by the Salvadoran Army of defective ammunition from the Nordac Manufacturing Co., in Virginia, Colonel Araujo received bribes in connection with the ammunition sale as a result of his position as chief of the Salvadoran buying commission.

Previously, Araujo had served as military commander of Sonsonate Department where, in February 1983, he ordered officers under his command to murder dozens of unarmed compesinos involved in a land dispute—the Los Hojas massacre.

Despite his involvement in the Los Hojas and Nordac cases, no legal or disciplinary action against Araujo has been taken.

Araujo and Staben are not the only participants in this network of corruption and murder infesting the Salvadoran military. Tragically, the U.S. aid program has contributed to the problem.

Instead of fostering reform, the American money has been absorbed into a network of corruption and patronage that has grown up over half a century, and has made the Salvadoran military an empire unto itself.

This is one of the conclusions of Joe Melman in his December 1989 New York Times Magazine piece.

Melman presents a picture of the Salvadoran military as a powerful institution grown untouchable on the spoils of a lucrative war.

It is a military that has grown so wealthy that it owns its own bank, with $100 million in reserves. It owns an oceanside resort, and is developing a 500-lot housing development.

It even has investments in the funeral business.

With United States aid, the Salvadoran military has transformed itself into the most powerful economic and political force in El Salvador. But it has fallen far short of U.S. planners' expectations when it comes to performance on the battlefield.

United States policymakers contribute to a conspiracy of silence about the real situation in El Salvador. They spout bright shining lies about democracy and about a military under civilian control.

But these lies carry little weight in El Salvador, where people must endure the tragic truths stemming from the bankruptcy of United States policy.

I consider it more critical now, as talks among Salvadorans are underway, for some in Congress to expose the deception underlying United States policy and not once again be seduced into silence by the prospect of bipartisan policy toward El Salvador.

For this reason, I have decided today to become a cosponsor of Senator KERRY's Peace and Democracy Act, S. 2083. This bill would cut off all United States military aid and most economic aid to El Salvador unless and until that country undertakes long overdue reforms and takes seriously negotiations to end the civil war.

This legislation is directed not at President Cristiani but at the Salvadoran military which holds the ultimate veto over Cristiani and his efforts to bring peace to El Salvador. The Kerry bill signals the Salvadoran military that it's time that it adopt the rule of the civilized world and accept the establishment of a civil society in El Salvador.

Vaclav Havel spoke of democracy and how democratic ideals stirred the imagination and the actions of his fellow Czechs and Slovaks to abandon communism and return to their humanistic traditions.

In El Salvador, the United States has betrayed those democratic values. And our policymakers have undermined their professed concern for democracy, human rights and the rule of law by consistently tolerating the violation of those principles by the Salvadoran military.

The reason for this inconsistency is simple.

For 10 years, the United States has sacrificed our democratic ideals to our fear of communism. Now, the cold war is over. And the winds of freedom sweeping Communists from power in Eastern Europe are destroying the last defense of the Salvadoran military and its excesses.

For the sake of peace, for the safety of the real democrats in El Salvador, that cord linking the Salvadoran military to the United States must soon be cut.

This legislation sends a signal that the Salvadoran military must enter the civilized world and accept the creation of a civil and democratic society in El Salvador.

I ask that certain articles be printed in the RECORD.

The articles follow:

[From the Des Moines Register, Apr. 21, 1990]

CUT OFF THE COLONELS

President Bush is asking Congress to provide another $66 million in military assistance to El Salvador, along with $229 million in economic aid. How much should Congress approve? Perhaps a substantial chunk of the economic assistance, but not a penny of military aid until the San Salvador government can demonstrate that it is committed to negotiating an end to the country's civil war, and to bringing to justice the persons who are responsible for killing six Jesuit priests last November.

The collapse of the Sandinista government in Nicaragua has opened new opportunities for peace throughout Central America, including El Salvador. But so far there's been too little indication that El Salvador's civilian government is fully in control of its military and its justice system.

Rebel leaders and government officials have agreed to enter United Nations-sponsored talks early next month. But demands made by the rebels—the prosecution of officers accused of civil-rights violations, and a separation of the military from the country's internal security forces—in return for peace concessions haven't been accepted by the military. Perhaps when the officers realize that such short-sightedness will cost

them U.S. assistance, they'll be a little more willing to come to terms.

Similarly, even El Salvador's president, Alfredo Cristiani, says it is unlikely that the colonel accused of masterminding the slaughter of the Jesuits will be convicted. Again, the military is so powerful that it may prevent the justice system from considering the case against the colonel.

Congress, which soon will take up the El Salvadoran question, has before it proposals to reduce if not eliminate the Bush military-aid proposal. Supporters of military aid say it is necessary to keep the rebels from prevailing. But that's what they've been saying for years. Now, 70,000 deaths and $4.5 billion U.S. dollars later, the two sides have battled to a draw. The government still has been unable to reduce sufficient reforms to gain the support it needs from the Salvadoran people.

Clearly, pouring money into a corrupt military structure has served only to prolong the agony. Ending U.S. military support will send a strong message to Cristiani's government and the country's military leaders that Washington is serious about the cause of justice and human rights throughout Central America.

[From the Washington Post, Feb. 22, 1990]

COLONEL CHARGED IN JESUIT KILLING LIVES IN LUXURY

(By Douglas Farah)

SAN SALVADOR.—Col. Guillermo Alfredo Benavides, accused of ordering the killing last November of six Jesuit priests, is being held in a luxury apartment in the National Police headquarters, rather than a prison cell, and receives regular visits from fellow officers helping to plan his defense, according to U.S. and Salvadoran officials.

Senior military officials also say Benavides has been seen in recent days in a luxury hotel owned by the military on the Pacific Coast, indicating that he is not confined to the National Police headquarters as officially reported.

The special treatment accorded Benavides has angered not only the U.S. Embassy and government officials, the sources said, but younger officers, because the three lieutenants also charged in the case are not receiving the same treatment, although they have not been jailed, either.

Benavides is a member of the large and influential military academy class, or tanda, of 1966, known as the Tandona. His classmates hold most of the top command positions in the military.

"I understand Benavides is not suffering in captivity, that he has all the comforts," said a senior U.S. Embassy official here. "He is visited regularly by his Tandona mates, who give him comfort. I find that kind of shocking. The Tandona certainly must recognize how it appears to be gathering around and protecting at all costs a member who may have committed such a heinous crime. It is not to the Tandona's credit that they are doing that."

Six Jesuit priests, their housekeeper and her daughter were killed Nov. 16, and nine members of the army, including Benavides and the three lieutenants, have been charged in the case.

"If Colonel Benavides gave that order, he should be punished," said U.S. Ambassador William Walker. "If his fraternity of officers does not understand that, they should all go on to second careers."

The United States gives El Salvador $438 million a year in direct economic aid, credits and military aid to support the government against a Marxist-led insurgency.

Benavides "has a private apartment. He receives private visits and special food," a senior government official said, "He is very comfortable."

He said the lieutenants were being held in much smaller quarters and accorded far fewer privileges, following the letter of military law. He said this has angered their classmates, who fear that Benavides will be freed because of Tandona pressure and that the junior officers will be punished for murders they say they were ordered to carry out.

The official said President Alfredo Cristiani is not happy with the comfort afforded Benavides but that Cristiani feels the situation is tolerable as long as Benavides remains confined.

This latest clash comes as the high command, mostly members of the Tandona, is under great institutional pressure. There is a growing feeling among senior officers that the U.S. Embassy and younger officers are conspiring to get rid of them.

The internal conflict is not just a result of the handling of Benavides and the investigation into the Jesuit killing but goes to the heart of the traditional military system, which is based on the tanda structure.

"I am more and more convinced the great impediment to the greater professionalization of the armed forces is the tanda system, where the tanda is the first loyalty, not the institution or the country," the senior U.S. official said. "That is what the Tandona support for Benavides shows." Younger officers, who have been clamoring for a greater say in running the war, were stunned at the end of January with the announcement of long-awaited military changes that were supposed to open the way for them.

Instead of moving out Tandona members who are viewed as corrupt or incompetent, members of the Tandona were reshuffled among different commands, and no commands were given up.

"Those changes were a direct slap in the face to the rest of the army," said one top military officer.

The officer under the most pressure is Col. Rene Emilio Ponce, military chief of staff and Tandona leader, who has promised to move up younger officers but is having difficulty doing so because of his loyalty to his classmates. Ponce is well-liked by the United States and respected by other officers, but he has antagonized many of his classmates in the latest infighting, military sources said.

The tension inside the military could turn into a major political problem for Cristiani.

Senior government officials said Ponce, who was to become minister of defense in January, has been told by Cristiani that the colonel will not be promoted until he moves out his Tandona mates who have not performed well or have heen involved in human rights abuses or corruption.

The officials said that, for the moment, younger officers were giving Cristiani the benefit of the doubt on his ability to restructure the military, and that Cristiani believes Ponce could pull it off.

"But they could lose confidence in the president," said one source close to Cristiani. "That could provoke an institutional coup d'etat, and that would be crisis."

The crisis already has almost reached the boiling point, according to senior military officials. In early February, older officers, angry at being pushed aside by the Tandona, tried to ally with younger officers to throw out members of the Tandona, but the move was blocked. At the same time, the air force, considered essential to the war against Marxist-led insurgents, is publicly feuding and split into two factions, each pushing its leader as the next commander.

[From the New York Times magazine, Dec. 10, 1989]

EL SALVADOR'S ARMY: A FORCE UNTO ITSELF

(By Joel Millman)

It was a scene Salvadorans had hoped they would never see again. On Nov. 16, while a full-scale battle raged between the Salvadoran Army and leftist rebels in the streets of the capital, the bodies of six Jesuit priests murdered in the night lay strewn across a university campus. A witness said the killers had been soldiers in uniform.

Overnight, El Salvador had been pulled back to its awful past. For a decade, American military advisers, diplomats and reporters had been proclaiming that the Army had improved, that it was growing better able by the day to fight a difficult war. The Salvadoran armed forces, which during the early 1980's had been blamed for the murders of four American churchwomen and scores of Salvadoran civilians, were now described as mature, democratic and reformed.

After 10 days of fierce fighting in the capital, the Army managed to turn back the guerrilla offensive—but at a tremendous cost in resources and its own prestige. Once again, it had misjudged the strength of the rebel Farabundo Marti National Liberation Front and ignored its own intelligence reports suggesting the guerrillas were moving their forces into the city. Despite the $1 billion in military aid the United States had given during the last decade, Washington could no longer claim that the Salvadoran military would be able to end the war soon.

But though the Army's reputation as a "mature" military force had been shattered, its political power remained undiminished. Throughout the offensive, the civilian President, Alfredo Cristiani, promised his people repeatedly that the soldiers would respect the lives of noncombatants—promises that were belied by the Army's tactics.

The Army bombed and strafed the neighborhoods of the capital, killing and wounding hundreds of civilians. These casualties, together with Cristiani's reluctance to even acknowledge the possibility of Army involvement in the Jesuits' murders—he suggested, against all evidence, that the rebels were responsible—convinced many Salvadorans of what they had suspected all along: Despite claims of "reform" and "progress," in El Salvador no civilian government controls the military.

"I love that word, 'progress,'" said Col. Robert M. Herrick, until 1987 the head of an American Army think tank monitoring the war. "We've had 'progress' every year since the war began. The war should have been over a long time ago."

One billion dollars in American military aid seems to have bought an army big enough to survive its own mistakes, and powerful enough to resist any effort to reform it—to end pervasive corruption or weed out corrupt officers. Instead of fostering reform, the American money has been absorbed into a network of corruption and patronage that has grown up over half a century, and has made the Salvadoran military an empire unto itself.

Officially, the Salvadoran military denies charges of systemic corruption. After more than a year spent studying the empire, however, including interviews with many senior Salvadoran officers—most of whom would speak only on condition that they not be named—a picture emerges of an already powerful institution grown virtually untouchable on the spoils of a lucrative war.

At first glance, El Salvador's military academy, the Escuela Militar Capitán General Gerado Barrios, could be the athletic complex of a large Midwestern university. Instead of trophies, there are polished brass shells and the seals of Army units. Along one wall, the framed face of each academy comandante stares implacably from behind his pane of glass: Prussian and Chilean officers dominated during the early years, then came Americans, and finally Salvadorans.

A plaque recalls the 50th anniversary of the school's 1936 class—the men who fought with Maximilliano Hernández Martinez to suppress a peasant revolt, leaving 20,000 campesinos dead and General Hernández in power for more than a decade. In 1944, rival officers overthrew him, and so began the 35-year coup-begets-coup cycle that until this decade defined Salvadoran politics, and gave Escuela Militar its nickname: "School of the Presidents."

It is a tough school. Many more cadets are accepted than can ever rise to positions of power, so attrition begins the first day. There are forced marches, beatings, all-night calesthenics—ordeals designed to reduce each class to a hardened core of officers. The soft boys from the good families go first, followed by the scholars—those most equipped for success outside the military. The survivors are cloistered in the academy, isolated from a civilian world they are taught to view as decadent, amoral and corrupt.

Absolute obedience to authority and loyalty to one's own tanda—or academy class—are the foundations of the cadet's training. By graduation, the entering class has been reduced to perhaps one-fourth its size, and unbreakable alliances have formed among the survivors.

In a country of great scarcity, a military career is a poor boy's only sure path to the middle class. "Their goals are largely materialistic," Armando Interiano, a retired officer, says of the recruits. "It comes from growing up poor." Immediately after graduation, the cadet receives his first payoff: the right to import a car duty-free, a privilege he oftens sells to civilians. To insure their futures, cadets try to attach themselves to prosperous mentors, military or civilian.

Throughout the 1970's, military officers not only controlled the Presidency, but exercised, through the military's own political party—the Party of National Conciliation—a virtual monopoly on the country's political discourse. Officers fighting for promotions saw command positions as the equivalents of elected office.

An officer taking command of one of the three regional brigades had at his disposal a vast system of patronage and graft, with countless opportunities for enrichment. Colonels leased troops as guards or laborers to local businessmen, or even, in some cases, as hired killers to insure labor peace. And there was always money to be siphoned off from the base's payroll and food budgets.

The top commanders distributed the take among their allies. A captain or major waited patiently for his share. With coups almost always determining succession, every tanda pushed its most capable officers toward brigade commands, where they generated wealth to spread among the allied tandas, and guaranteed each clique enough firepower to survive changes at the top. "When I left in 1977," says one senior American diplomat now serving a second tour in El Salvador, "corruption was so prevalent, it was just about inconceivable that an officer would rise to a senior level wihout being corrupt."

During the early 1980's, as El Salvador's rebel insurgency grew and the American aid program expanded, American advisers arrived, bent on reform. The Americans encouraged rapid expansion of the officer corps, hoping to dilute institutional corruption by weakening the power of individual cliques. During the 1970's, 600 Salvadoran officers had ruled 15,000 troops. To these were now added more than 1,000 new officers drawn from the ranks of enlisted men and trained by Americans in the United States or Panama. Graduates of these "quickie officer candidate schools," it was hoped, would flood the Salvadoran Army with new leaders and begin eliminating the corrupt standards of the past.

It didn't work out that way. As the officer corps grew, so did the number of commands and the pool of enlisted men. The Army is now 57,000 strong. Instead of three brigades for the tandas to jockey for, there are now seven, and seven provincial commands, called detachments, with some 2,000 men in each. Each of the brigade and detachment commanders of El Salvador's 14 regional departments—the "Fourteen Warlords"—now commands as many men as the top three brigade commanders did during the 1970's.

"You're seeing second lieutenants with BMWs," says Capt. Joaquin Ventura, now retired from the Army. "Once you had to be a colonel to get rich, now even the lower ranks steal." The patronage system remains intact; indeed, the Tammany Hall-style rituals have become even more refined.

A visit with a partrol in the eastern garrison of San Miguel reveals the system at work. Of 12 soldiers interviewed, 11 were local compesinos who had been picked up by Army controls and forced into uniform. Only one was a veteran, a man who had re-enlisted voluntarily. Though many soldiers might choose to re-enlist—jobs are scarce in Salvador—and the salary of a re-enlistee is nearly double that of a conscript—few commanders seem to care about retaining experienced soldiers.

In fact, many commanders do fill these re-enlistment slots—with plazas ficticias, or "ghost soldiers." These are nonexistent soldiers, names added to the brigade's roster that draw salaries divertable into the brigade slush fund. Since the Salvadoran Army has no central roster, every year the 14 commanders divide 20,000 pay slots among them, to be assigned at the commander's discretion.

"Just about every brigade lists at least one 50-man company that isn't there," says one major. "Each of those 50 pay slots brings 500 colones"—equivalent to about $100—each month. Times 12 months that's $60,000."

It's more cost-effective to create imaginary re-enlistees than poorly paid recruits. Thus, the Army does little to encourage re-enlistment, and some commanders actively discourage it; battlefield experience is sacrificed for graft. Meanwhile, every time a soldier deserts, or dies in action, the commander can add to his list of ghost soldiers, earning himself yet another salary.

The rapid growth of the officer corps, far from eliminating such abuses, has actually worsened them. With more and more eager young officers pushing for promotions, commands are changed more frequently. Senior brigade officers seldom command for more than 12 months, a fact that encourages them to enrich themselves quickly. The large cash flow from the ghost soldiers allows top commanders to amass a "retirement fund" quickly.

After being forced to enlist, a recruit is often further abused by descuentos obligatorios—mandatory deductions—that are siphoned from his salary. A soldier in San Miguel, for example, pays $20 a month for food, and another $5 for boot polish, toothpaste and oil to clean his rifle. Several times a year, he has to buy uniform accessories—a $10 black beret, for example.

In other commands, soldiers are made to pay for sneakers, soccer uniforms, blue jeans—even the barracks television, which remains the property of the brigade. "These are like a commission for the lower officers," explains one officer. "Like on Independence Day, a captain or major will decide everyone must wear a brigade T-shirt in the parade. You can say, 'Sir, I only want one T-shirt,' but they sell you three. And that's an order. In a brigade of 3,000 men, someone is making real money."

Commander Miguel Antonio Méndez's deduction of $1 from each of his troops to build a wall around his Third Brigade base is one of the legends of the 1980's. "Seeing that, the way the men had to pay for their own defense," says one American colonel based in El Salvador, "It made our stomachs churn."

Colonels still rent our soldiers—so-called *supernumerarios*—to guard coffee plantations, factories and bus lines, charging from $200 to $300 per man per month. Eventually, the various schemes merge into a seamless web, as a Salvadoran lieutenant colonel now serving abroad explained "You go to headquarters and say you need a money order for food for a two-week operation. The supply officer signs for the order, but you only put your men out for one week. Or maybe only half the men guard a coffee farm, where the owner is already paying, and providing food for the troops. What they don't eat you sell to the men on base."

The money flows into the brigade slush fund; cash raised for legitimate expenses like food commingles with funds pocketed, or passed on to other officers to forge a reform-proof unit. Some commanders even tap the fund to "buy" officers from other brigades, building their personal following while furthering their clique's rise to a more lucrative command.

The Americans' goal was to eliminate all this, of course, but the effort has been undermined by the command structure, and the fierce loyalty within the *tandas*. "Peer pressure is too great," says one American Army officer, who was based in the eastern war zone during the mid-1980's. "When they try to execute good leadership principles they get slam-dunked unmercifully." Powerful *tandas* shove the American-trained upstarts aside, and reform, meant to rise from below, is suppresed.

In August, two teams of junior Salvadoran officers began researching the problem of mismanagement. They produced a report, "Considering the Conduct of the War," that detailed many of these abuses. When asked about the report, Army Chief of Staff Col. René Emilio Ponce, appearing more interested in who had leaked it than in its con-

tents, said that the researchers overemphasized "isolated" abuses, particularly the padded rosters. Colonel Ponce's powerful *tanda*, called the *Tandona* (or "Big Class"), is considered among the most corrupt of the military cliques.

American officials in El Salvador and Washington acknowledge the endemic corruption, but argue that improving battlefield performance has necessarily been a higher priority. Some American diplomats and military advisers even speak hopefully of following the "Argentine Model"; first defeat the insurgency, then concentrate on building democracy.

But in Argentina—or Panama, a better comparison—the armed forces have also resisted change, responding to each crisis with a grab for even greater power. In El Salvador, the military's power is abetted by civilian politicians who match the corruption of the old military regimes. Even before the guerrillas' recent offensive, the failure of civilian leadership and the rebels' propensity to attack civilian as well as military targets had produced a climate of insecurity for the Army to exploit, making businessmen eager to hire the Army's troops.

"As soon as I got a brigade command," says retired Col. Sigfredo Ochoa, now a top man in the ruling ARENA party, "businessmen would approach me, offering to put me on their board of directors, or sell me shares in their company. I would say, 'But I have no money.' They would say, 'Don't worry about that.'"

Ochoa—who many say was not immune to corruption while in uniform—points to El Salvador's fishing industry as an example of the officer-businessman alliance. Shrimpers on the Pacific coast always enjoyed friendly relations with the armed forces; they routinely gave Navy officers a "tax," a few hundred pounds from each catch. Occasionally, fleet owners would pay an additional fee to the port captain for guarding the coastline.

That was when shrimping was a $100-million-a-year industry. Now, battered by capital flight and labor strife, and hurt by the fact that two of the country's important ports—El Triunfo and La Unión—lie in the eastern war zone, the fishing industry has dwindled to a fraction of its former size. And the Navy has become the industry's silent partner.

According to dock workers, fishermen and local politicians, active and retired officers hold controlling shares in many of the big export firms. In El Triunfo, where a three-year strike has idled 40 boats of one large consortium, a rival company, Atarraya, is thriving, reportedly under military protection.

Up the coast, the port of Acajutla has been purged of unions, and revitalized by the influx of new, military-controlled fleets. Navy chief Col. Humberto Villalta berths four of his own shrimpers in Acajutla, under the banner of the Promarisal fishing company. According to port officials, the military fishing companies—"the pirates," the locals call them—don't pay municipal taxes, or Social Security taxes for their sailors. In both Acajutla and El Triunfo, according to local fishermen, Colonel Villalta's control of navigation licenses gives him final say over who can fish.

Colonel Villalta refuses to discuss his fishing business; when I asked him about it, he hung up the telephone. But the company itself is not so shy. "The military man is the true Salvadoran," Mauro Granados, Promarisal's business manager, told me, "Why should I invest with a doctor or an engineer, someone who is going to leave El Salvador? The military man cares about the development of the country."

Other businessmen are not so sanguine. Many have complained for years about competition from the Cooperative de la Fuerza Armada in San Salvador, the Salvadoran Army's post exchange. In 10 years, it has grown from a small shop to a shopping mall, complete with a supermarket and a three-story department store, and, according to veteran officers, it acts as a conduit for contraband goods brought into the country duty free.

All this is small change when set against the Army's main cash reserve, a Social Security fund called the Social Provision Institute of the Armed Forces (IPSFA). With the war business booming in El Salvador, the fund has become one of Latin America's financial success stories. It deducts a percentage from every subscriber's salary; every soldier who finishes his two-year hitch pays $150 into an IPSFA account, but only the disabled, or families of the dead, receive any payments.

Enriched by the 20,000 new recruits that pass into the brigades each year, the fund has become a money tree, growing from less than $2 million in reserves in 1980, to more than $100 million by the end of 1988.

"They're the biggest source of liquid capital in the country," says one Salvadoran businessman. "They've got so much money they don't know where to put it."

So the military has been buying property; estates once belonging to the Duefias and de Sola families, pillars of the old oligarchy; prime real estate in San Salvador's suburbs. Here, the question of corruption is practically irrelevant. With credit tight and long-range financial planning almost impossible, only the Army has the cash to develop such properties, or convert the oligarchy's land wealth into liquid assets.

This year, the military paid $2 million for an oceanside resort, the Pacific Paradise, and is developing a 500-lot housing development in the suburbs. A second parcel will become its new corporate headquarters, and, at one famous old estate, it is building a combination veterans community and rehabilitation center.

Projects like this let the Army build new alliances with construction firms, suppliers and builders' unions. It is already invading the financial markets; IPSFA makes mortgage and car loans to members and their families and now co-signs small-business loans issued by two civilian banks. There is also a military funeral home, and military farms that market produce at low prices for members.

For the past two years, IPSFA has been negotiating with the government for permission to allow it to invest in joint ventures with multinational corporations. There are plans for an IPSFA insurance company and land bank. IPSFA has even purchased—for $5 million—a 13-story office tower for the new Bank of the Armed Forces, which it expects to open next year.

If the armed forces do open their new bank, the profits from fishing and duty-free television sets will be pocket change, and the balance of power between soldiers and civilians will be permanently altered. "The day an officer can go to his own bank for a loan," says Luigi Einaudi, United States Ambassador to the Organization of American States, "he escapes the landowner. Instead of being a tool of one class, he becomes his own master. And, potentially, the master of the state."

In El Salvador, the "Fourteen Warlords" have replaced the "Fourteen Families." The country's president may no longer be an officer, but more power than ever rests with the military, One of Alfredo Cristiani's first acts after becoming President was to order that all institutional funds, including IPSFA's, be deposited in the country's central bank. When the military balked, he backed down.

Despite his appeal to rightwingers and his ARENA party's recruitment of many former officers, Cristiani is discovering that he is a fringe player when it comes to Army affairs. "He's like our George Bush," says one officer. "Army officers like to be ordered. He consults."

Cristiani may well find that the pattern set in the early years of the war—civilian control of the government together with American-sponsored autonomy for the military—marginalizes his efforts, especially now that the war is heating up again.

Under José Napoleón Duarte, President until June of this year, "the military and the government were like a married couple," says another former President, Alvaro Magaña. "They didn't love each other, and they rarely talked. Sometimes they would sit and watch the same television show, but they mainly went separate ways. I'm afraid the Army has learned it likes that relationship, and doesn't want to change."

Indeed, Cristiani's difficulties with the military began even before he took office, almost provoking a coup in May. Air Force officers, hoping their commander would be chosen as Defense Minister, grounded aircraft at Ilopango Air Force Base for two days, threatening to boycott the war. A few days later, during Soldier's Day celebrations, Air Force jets buzzed the reviewing stand of the outgoing Defense Minister, Gen. Vides Casanova, drowning out his speech and embarrassing officers and diplomats alike.

President Cristiani vacillated publicly over the nomination of a successor, settling finally on a compromise choice—Gen. Rafael Larios—who, because of his lack of support within the institution, was virtually a lame duck the moment he assumed office.

Determined not to permit November's "Battle of San Salvador" to become this war's Tet Offensive, the United States will no doubt move swiftly to shore up the military. In the showdown over the Defense Minister appointment, the United States encouraged Cristiani to bow to Army pressure, avoiding a challenge to powerful officers and thus reaffirming the military's role as an untouchable institution.

But a militarized El Salvador will not yield easily to civilian initiatives.

"It's the same mistake we made in Vietnam," says Colonel Herrick. "Military aid is easy; all you have to do is give the bucks, and all they have to do is take them. But we got ourselves into a position where we have no leverage, so we have been acquiescing for years in corruption and methods of operations we don't believe in, all because of the Realpolitik of winning the war."

"The U.S. equated a professional armed forces with democracy," says opposition political leader Rubén Zamora. "They're not synonymous. What the U.S. has done is teach the Army it's better to be owner of the country than a landlord of a building. Instead of their own party, they control the whole political system."

LAWYERS COMMITTEE
FOR HUMAN RIGHTS,
New York, NY, April 12, 1990.

Re Status of the investigation of the Jesuit Murders in El Salvador.

To: U.S. Jesuit Conference, Association of Jesuit Colleges and Universities, Jesuit Secondary Education Association.

From: Martha Doggett, Scott Greathead.

This memorandum is based on research conducted by Martha Doggett in El Salvador from November 2-22, 1989 and most recently from February 9 to March 28, 1990, and by Scott Greathead, who visited El Salvador from February 12-15, 1990 and again from March 16-24, 1990. It is also based on the fact-finding of Margaret Popkin, Assistant Director of the Human Rights Institute of the Central American University (IDHUCA), who serves as a consultant to the Lawyers Committee.

This memo updates the status of the case and poses questions which, in our judgment, warrant further examination. The memo is divided into three parts. Part I contains a narrative summary of the crime based on the investigative record and other sources. Part II describes the status of the official investigation. Part III discusses several unresolved issues, including the weakness of the case against Col. Benavides and the failure to investigate higher authorities.

I. SUMMARY OF THE CRIME

At 8 p.m. on Saturday, November 11, 1989 forces of the Farabundo Marti Front for National Liberation (FMLN) launched their strongest urban offensive of the 10-year-old civil war. While military intelligence ultimately detected the rebels' planned attack, the Armed Forces were clearly unprepared for the strength of FMLN forces and the guerrillas' ability to hold large sections of the capital for days. A number of military and diplomatic analysts contend that the Salvadoran Armed Forces performed poorly and were in essence caught off guard. Salvadoran military sources as well as civilians with knowledge of the inner workings of the military describe it as an institution in disarray during the first days of the FMLN offensive. Col. Ponce, the head of the High Command, and other ranking officers were reported to have said that the military seriously considered the possibility that they could lose power, or that San Salvador could become a divided capital, much like Beirut.

Over the next few weeks, a pattern of harassment emerged against Salvadoran humanitarian and church workers attempting to attend to the needs of civilian victims of the fighting. This campaign began with attacks on church clinics and shelters providing refuge to civilians fleeing the fighting; it entered a second phase with the arrests and deportations of foreign church workers; next targeted were Salvadoran Christians and church employees, some of whom remain jailed. Some parishes and church clinics were machinegunned or hit by grenades. Then early on Thursday morning of the first week of the offensive, November 16, the attack on the church culminated with the killings of the Jesuits and two women at the Central American University (UCA).

Earlier that week, several threats against the Jesuits were broadcast over the nationwide radio network. Father Ignacio Ellacuria, the UCA rector, was threatened in particular, and it was suggested that the Jesuits be thrown out of the country. These threats were in keeping with a history of attacks, abuse, and violence directed against the members of the Society of Jesus in El Salvador since the late 1970s. On March 12, 1977 Father Rutilio Grande, S.J. was murdered along with two laymen in Aguilares. In 1977, the entire community was threatened with death if they failed to leave the country within a month. Flyers distributed throughout the country read "Be a patriot. Kill a priest." Jesuit residences and the campus of the Central American University (UCA), where the November assassination took place, have been bombed fourteen times since 1977. The UCA printing press was bombed twice during 1989; one attack caused $70,000 in material damages. On July 3, 1989, a rightist organization linked to ARENA issued an open letter to President Cristiani calling for arrest and "summary justice" for Segundo Montes and Ignacio Ellacuria, two of those Jesuits murdered on November 16.

On Monday November 13, Father Ellacuria returned from Spain where he had been given a human rights award. He entered the campus by the main gate and, before proceeding up the hill, was questioned by soldiers. Since the FMLN offensive began, the campus had been encircled by troops; UCA staff arriving on Tuesday morning for an emergency meeting were denied access to the campus.

Shortly after curfew on November 13, 35 members of the Atlacatl Battalion entered the campus and searched the priests' residence. The men were led—as they would be on the night of the killings—by Lt. Ricardo Espinoza Guerra and Sub. Lt. Gonzalo Guevara Cerritos. When Father Ellacuria challenged the soldiers' right to conduct the search, a lieutenant answered that state of emergency provisions allowed them to do anything they wanted. According to the testimony of military personnel, "informers" had told the Armed Forces that "an undetermined number of D/T [1] had penetrated the installations of the UCA and had been seen firing on a unit of the Armed forces of El Salvador which passed by the UCA. . . ."

The troops scaled the walls surrounding the university and banged on the doors of the Pastoral Center, where the men had been living for the last few months. Father Juan Ramón Moreno, whom these soldiers would kill some 48 hours later, offered to open the doors for them. Witnesses described the search as "correct," observing that unlike earlier searches of Jesuit quarters the military was not interested in books and papers, only in the building and the people. Atlacatl commander Col. Oscar Alberto Leon Linares reported that "no D/Ts whom the source said had fired on the Army patrol were found in said place, and our personnel headed back to the Gerardo Barrios Military Academy." Father Ellacuria is known to have felt more secure following the search because the Army, according to his analysis, had seen for themselves that they were hiding nothing "subversive." [2]

On Wednesday, November 15, the military continued to patrol the area surrounding the UCA. That morning an officer told one of the Jesuits that in the afternoon or evening there would be "a lot of movement."

According to court records in San Salvador, the Jesuits were killed by members of a special commando unit of the Atlacatl Battalion, itself an elite rapid reaction battalion. This commando unit spent most of the first 24 hours of the guerrilla offensive at their barracks in La Libertad because they were receiving a Special training course. According to a member of the Atlacatl commando unit who has not been detained in connection with the case but whose testimony as a witness was taken by the SIU, the Atlacatl commandos were being trained by "some Americans." They arrived in San Salvador at about 4 p.m. on Monday November 13. The enlisted men went to the Military Academy while the lieutenants reported directly to the High Command headquarters, where they were given the order to search the Jesuit residence. Later that morning after the killings, the men rejoined their unit, which was fighting in Zacamil.

Accounts in the U.S. press have focussed on two gatherings of top military officers held on November 15 and 16, 1989. The first, on the evening of Wednesday November 15, convened some 20 members of the High Command, the heads of each branch of the Armed Forces, plus "Zone Commanders," officers given special authority for a certain area of the city during the rebel offensive.

Col. Ponce told a group of visting U.S. Jesuits in February that their analysis of the situation lead them to conclude that stronger measures had to be taken to beat back the FMLN offensive. Col. Ponce and Major Chávez Caceres, who sat in on the meeting, told the visiting Jesuits that at the end of the meeting the officers joined hands and prayed. Major Chávez Caceres said: "If I believed that the decision to kill the Jesuits had been taken at that meeting, I wouldn't be here today. We are not so cynical that we would pray to God and then go out and kill priests."

One decision taken at that meeting was to step up the air war and President Cristiani, who often slept at the High Command during those days, was awakened at 10:30 p.m. to sign a bombing order. Over the next few days use was made of bombs, as well as rockets and strafing from machine guns which had been in use from November 11.

The second key gathering was the daily meeting of the National Intelligence Directorate (DNI), an intelligence body, which was reportedly interrupted early on the morning of November 16 by a junior officer who announced that Father Ellacuria had been killed resisting arrest. According to accounts in the U.S. press, the men cheered and clapped.[3] Captain Luis A. Parada, assistant defense attaché at the Salvadoran Embassy in Washington, told a congressional group in late March that he attended the meeting in which the killings were announced but that there was no reaction from the officers in attendance. Accounts of the meeting suggest that officers knew the Armed Forces were responsible within hours of the priests' deaths. U.S. Embassy officials in San Salvador confirm that the Central Intelligence Agency has office space at DNI headquarters and that CIA agents generally attend these meetings. When asked if the CIA was represented at the November 16 meeting, Amb. Walker told a group of U.S. Jesuits: "I have asked the question and they tell me no."

II. THE INVESTIGATION

Members of the Special Investigative Unit (SIU), a U.S.-funded and trained investigative body, arrived on the murder scene be-

[1] The military refers to members of the FMLN as "D/T," which stands for "delinquent terrorists."

[2] See *ECA, Estudios Centroamericanos,* Ano XLIV, #493-494, Noviembre-Diciembre 1989, p. 1140.

[3] The Boston Sunday Globe, February 4, 1990.

tween 9:30 and 10:00 a.m. on November 16, some three hours after the bodies were found. The State Department reported that the SIU sealed the crime scene as soon as the agents arrived that morning.[4] In fact, the crime scene was not sealed off until some time during a memorial service on Saturday morning.

All SIU agents are drawn from the Security Forces (National Police, Treasury Police, National Guard), which in El Salvador form part of the Armed Forces. The unit was designed to investigate sensitive human rights crimes in which the military and Security Forces are implicated. Created in 1984, the unit's track record in investigating acts of political violence by the Armed Forces is poor.

It has in fact concentrated on common crime and corruption. The SIU has an inherent conflict of interest in investigating human rights crimes in that members of the armed Forces are assigned to investigate their fellow soldiers.

In the Jesuit case, the SIU's major contribution to the investigation was successful completion of ballistics tests and fingerprint analysis. The SIU also took initial declarations in which the suspects confused aspects of what happened on the night of the November 13 search of the Jesuit quarters with what happened on the night of the killings. For example, there was electricity in the neighborhood on the night of November 13, but it was blacked-out on November 15-16. Some suspects said there was no light on the night of the search, leading investigators to conclude that those who conducted the search had also been involved in the killings.

On Janury 7, the UIS turned over its findings to a Military Honor Commission made up of ranking officers and some civilians, whose identities have not been made public. At that point SIU questioning had focussed on 47 of the Atlacatl troops billeted at the Military Academy. The Military Honor Commission interviewed the 47 men in the Atlacatl Battalion identified by the SIU and narrowed the suspects to the nine men now facing prosecution. Others participated in the attack on the Pastoral Center and the killings who have not been named.

Judge Ricardo A. Zamora, on San Salvador's Fourth Penal bench, was assigned the case virtually from the beginning. According to the State Department,[5] Dr. Zamora and the prosecutors began to review the evidence on January 3. On January 19, he found that the evidence was sufficient to order the provisional detention of the nine defendants.

One defendant, Jorge Alberto Sierra Ascencio, reportedly fled his unit in late December and will be tried *in absentia*. Rumors have circulated in El Salvador as well as the United States that Sierra overheard one of the lieutenants communicating by walkie talkie with Col. Juan Orlando Zepeda, the Deputy Minister of Defense. According to these unconfirmed accounts, the lieutenant is alleged to have reported to Col. Zepeda that two women had also been found and asked what they should do. The answer came back to kill them. While it would have been a breach of security to use names in such radio communication, it is credible that the men would have been surprised to find the cook and her daughter. The women did not normally sleep in the Jesuit residence and were not there on the night of the Monday search.

Those arrested include six members of the Atlacatl, a lieutenant assigned to the Military Academy and Col. Benavides. The eight remain on active duty and presumably continue to receive a military paycheck. The suspects are reportedly in police custody and the military is not obligated to cashier them until the case reaches the trial stage.

Based on information circulating in San Salvador, we believe that members of the *tandona*, the large 1966 graduating class from the Military Academy which today dominates the military, are still taking an active interest in protecting their classmate, Col. Benavides. He is said to be receiving regular visits and calls from fellow officers, who according to *The Washington Post* are "helping to plan is defense. . . ."[6] *The Washington Post* also reported in late February that Col. Benavides had been spending time at a luxury beach resort on the Pacific Coast owned by the military. Unlike his codefendants, Col. Benavides has consistently denied his participation in the killings.

The Instruction Phase

The case is now in the period known as the instruction or investigation phase, which is scheduled to end in mid to late May 1990.[7] According to Article 123 of the Criminal Procedure Code, this phase should last 90 days but may be extended when necessary to 120 days. The judge, having already established sufficient evidence to order the preliminary detention of the defendants, presides over the evidence-gathering process and can request technical assistance of the Special Investigative Unit (SIU). It is during this period that the judge would typically attempt to build a solid case against the eight[8] detainees. It is particularly important during this period for the judge to gather further evidence against Col. Benavides. It is also within his authority during this stage to add defendants or additional charges to the case.

The judge's work consists largely of interviews of witnesses called to give their "declarations." Also present at these sessions are attorneys for the defense and prosecutors representing the Attorney General's (Fiscal General) office.

Challenges from the Defense

The investigation phase in the Jesuit case has already been extended beyond the 90-120 days in response to appeals, known as recursos, filed by the defense attorneys. Under the Salvadoran system, the defense has the prerogative of making interim appeals which put the investigation period on hold while the appeal is under consideration. Criminal investigations in El Salvador regularly exceed the 120-day deadline. While the Salvadoran Criminal Procedure Code, the statute regulating how criminal cases are handled, provides for a nominal fine if the judge exceeds the established timetable, these fines are rarely if ever levied.[9]

A case as complicated and sensitive as the Jesuit murders can be expected to go well beyond the established timeline, subject to political constraints. It is not unusual for an investigation to last as long as a year or more. To cite a few other examples: the case of the killing of four U.S. churchwomen in December 1980 entered the investigation phase in February 1982 and reached the plenary or trial stage in May 1984. The San Francisco murder case in which 10 peasants were killed by the Army in September 1988, has to date not entered the trial stage. Other cases, such as the killing of Archbishop Romero in 1980, never reached the trial stage.

The first set of recursos filed by the defense on January 22 challenged the judge's ability to order the provisional detention of the defendants arguing that he had violated the 72-hour deadline for completing this initial stage of the process. The defense also challenged the order to detain Col. Benavides on the grounds that the only evidence against him was in fact inadmissible. These challenges were dismissed by Judge Zamora on January 26.

Defense attorneys have also filed to transfer the case to Santa Tecla, arguing that the murders, committed in Antiguo Cuscatlan where the campus lies, should be tried in the First Instance Court in Santa Tecla. Observers believe that the defense attorneys are "judge shopping," presumably feeling that they will get a more sympathetic hearing from a presiding judge in Santa Tecla.

On April 6, the Attorney General's office ruled that while crimes committed around the UCA do fall within the jurisdiction of Santa Tecla, the judge himself should rule on the defense attorneys' petition to transfer the case.[10] The Attorney General's ruling came in response to a request from Judge Ricardo A. Zamora, who is expected to rule shortly on the jurisdiction question.

III. UNRESOLVED ISSUES

1. Weakness of the case against Col. Benavides

In El Salvador the possibility that the colonel—the highest ranking officer ever detained in connection with a human rights crime—will ever even be tried is considered remote. In mid-February, both the nation's Attorney General (*Fiscal General de la Nación*), Mauricio Eduardo Colorado, and the legal advisor (Dr. Hugo Banos Sanchez) to the Special Investigative Unit, which investigated the killings, told a delegation of the Association of Jesuit Colleges and Universities that based on current evidence, Col. Benavides is unlikely to be convicted. The only evidence on the public record against Col. Benavides is contained in the extrajudicial confessions made by the lieutenants held in connection with the case. Yet under Salvadoran law, the testimony of a participant in a crime is not admissible as evidence against another participant.

One option to overcome the inadmissibility of this evidence is to drop charges against one of the accused lieutenants so that his testimony could be used against Col. Benavides. Although this option has been discussed widely by U.S. legislators and

[4] See K. Larry Storrs, "El Salvador—Legal System, Judicial Reform, and Major Human Rights Cases Involving the Military: A Compilation from State Department Reports and Other Sources," March 23, 1990, p. 13.

[5] Storrs, see p. 16-17.

[6] *Washington Post*, February 22, 2990; *Miami Herald*, February 23, 1990.

[7] The Storrs document prepared for a congressional seminar offers two different dates for the termination of the instruction phase, May 12 and May 19. See P. 20 and 21. An Embassy official in San Salvador told the Lawyers Committee the phase should end on May 22, 1990. In any case, the phase is sure to extend well beyond any of those dates.

[8] As noted above, charges were brought against seven members of the Atlacatl Battalion, one lieutenant assigned to the Military Academy, and Col. Benavides. One suspect, Jorge Alberto Sierra Ascencio, fled his unit in late December and his whereabouts are unknown.

[9] Article 124.

[10] *El Mundo*, April 6, 1990.

officials, it is not considered a strong option by Salvadoran lawyers or observers of the legal system. We have not been able to identify any clear precedent for this type of action in any previous cases in El Salvador.

It should also be noted that countries which adhere to the Civil Law system, such as El Salvador, often do not allow plea bargaining or similar agreements where charges are reduced or dropped in exchange for testimony. Further, any such arrangement may be inconsistent with the principles underlying El Salvador's Criminal Procedure Code which regards co-defendant testimony as unworthy of belief.

There are, however, two provisions in the Criminal Code which allow for a defendant to mitigate his criminal responsibility by confessing and cooperating with the authorities.[11] These provisions could be considered by investigators as a means to encourage the lieutenants to amplify their existing testimony which could lead to evidence which may be admissible against Col. Benavides or other more senior officials.

2. The Buckland-Avilés Story

One possible thread of evidence which might help convict Col. Benavides as well as shed light on the investigation conducted by the military-dominated Special Investigative Unit and the role of the U.S. Embassy concerns the testimony of a U.S. Army major attached to the U.S. Embassy. Major Eric Buckland, a member of the U.S. military group at the Embassy, has stated that he was told by Salvadoran Colonel Carlos Armando Avilés in late December that Col. Benavides was responsible for the Jesuit assassinations. As has been reported in the U.S. press,[12] Buckland subsequently told his superior, who then confronted Salvadoran military officials with the information.

According to Aviles, Col. Benavides first confessed his role in the crime to Col. Rivas, the head of the U.S.-funded Special Investigative Unit, and asked him for assistance. His words to Rivas reportedly were, "I did it. What can you do to help me?" Col. Rivas appears to have failed to act on this key piece of information. If these reports are accurate, Col. Rivas' testimony of Col. Benavides' confession would be admissible as evidence against Benavides under Salvadoran law since Col. Rivas did not participate in the crime.

Equally important are the implications of Col. Rivas' reported failure to act on Benavides' confession. If Col. Rivas in fact is withholding this information, he is involved in a cover-up which seriously calls into question the integrity of the investigation.

In response to questions about whether this allegation is being investigated, the State Department has noted that:[13]

"The U.S. MilGroup major learned from Col. Aviles that Col. Benavides had approached Rivas; Aviles heard the story from Col. Lopez y Lopez. At best, we had uncorroborated third-hand information. The U.S. officer and Col. Aviles both failed polygraphs trying to establish this point."

3. Failure to pursue information suggesting the involvement of higher ranking officers, and the existence of a cover-up.

At present it appears information neither Salvadoran nor U.S. officials are pursuing an investigation designed to explore the question of a broader conspiracy, namely, whether Col. Benavides was acting on higher orders. Col. Rivas told the Lawyers Committee in late March that the SIU is no longer actively working on the case, except in response to specific requests from the judge. U.S. Embassy officials insist that Col. Benavides was acting on his own, perhaps having misunderstood orders, and that the military as an institution is in no way implicated. In late March, one U.S. church group was told by U.S. officials—in stark contrast to the testimony of hundreds of eyewitnesses—that the UCA campus was actually not surrounded by troops the night the eight were killed, and that Col. Benavides' men could actually have slipped through military lines. One explanation suggested by U.S. as well as Salvadoran officials is that Benavides, known as a measured, thoughtful man, simply lost control, perhaps in response to the guerrilla offensive and because of the illness of his son.

There appears to be no serious effort to pursue a number of troubling issues, including the following:

1. According to the State Department, Col. Benavides would have reported to Col. Zepeda, Vice Minister of Defense, or to Chief of Operations Col. Joaquin Arnoldo Cerna Flores on the night of November 15-16. In April 1989 Col. Zepeda charged in the Salvadoran press that the UCA "is a refuge for terrorist leaders, where strategies are mapped out for attacks against Salvadorans."[14] Despite this statement, and his link to Col. Benavides in the command structure, Col. Zepeda has apparently not been questioned in connection with this case. When we have asked U.S. and Salvadoran officials why Col. Zepeda has never been questioned, we are told simply that there is no reason to regard him as a suspect.

Why has Zepeda not been questioned? Are steps now being taken to question him about what he knows and what he was doing during the period of the crime? Are efforts being made to question Col. Cerna Flores, who, to our knowledge, has never been questioned.

2. No one at the First Brigade was ever questioned about its sound truck which passed the Archdiocese on the afternoon the priests were killed, November 16, announcing: "Ellacuria and Martin-Baró have fallen. We are going to continue killing Communists."

3. Col. Benavides is said to have given the order to kill the Jesuits directly to three lieutenants. What about other officers (lieutenant colonels, majors, captains) who are in the normal chain of command? Who would have been in the chain of command on November 15-16? Where were each of them that night? Have any of these people now been questioned?

4. Col. Benavides made an entry in his November 16 book of operations concerning a 12:30 a.m. attack by the FMLN on the Pastoral Center where the Jesuits were killed. No such attack ever occurred. There is no indication that the military responded, and the question remains how Col. Benavides even knew of the alleged attack. This entry appears to be an early attempt at a cover-up. The Jesuit killings happened two hours later. What has the military done to investigate this fraudulent report? Did Benavides act alone in filing a false report?

5. Under whose authority were the Atlacatl troops operating in the days surrounding the murders? The lieutenants who commanded the Monday search and the assassination were given orders to conduct the search directly from the High Command. In the soldier's testimony mention is made of a captain attached to the Military Academy who is said to have been in charge that night at the Academy. Col. Ponce and others have repeatedly stated that Col. Benavides was responsible for these members of the Atlacatl from Monday November 13. What role did Atlacatl commander Col. Oscar Alberto León Linares play?

6. The court record indicates that on November 17 the SIU interviewed members of the Monserrat Battalion of the National Police who were stationed at the Democracy Tower, at the edge of the UCA campus, on the night of November 15-16. These soldiers testified that at about midnight they saw tanks and personnel of the Atlacatl Battalion pass by on the highway known as Autopista Sur, which forms one parameter of the campus. Why did the SIU not follow up immediately on this important lead?●

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I have a number of matters which require unanimous consent, and I am authorized to state that each of these has been cleared by the distinguished Republican leader, who of necessity had to leave the floor for another matter.

REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution to direct the Senate legal counsel to appear as amicus curiae in the name of the Select Committee on Ethics in a proceeding in the U.S. District Court for the District of Arizona. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution, (S. Res. 281) to direct the Senate legal counsel to appear as amicus curiae in the name of the Select Committee on Ethics, in In Re *American Continental Corporation* v. *Lincoln Savings and Loan Securities Litigation.*

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, under its rules of procedure, the Select Committee on Ethics may undertake a preliminary inquiry into unsworn allegations of misconduct on the part of Members of the Senate. A preliminary inquiry may consist of interviews, depositions, and other investigatory steps which the chairman and vice chairman of the committee believe are necessary to determine whether further proceedings are warranted. Al-

[11] Article 41 (8a) covers circumstances which modify criminal responsibility and mentions a judicial confession made before the case reaches the plenary stage. Article 70 Section 4 addresses possible modification of penalties for those who confess and cooperate with the judge.

[12] See Los Angeles Times, January 12, 1990; Washington Post, February 6, 1990.

[13] See Storrs, p. 19.

[14] Diario de Hoy, April 20, 1989.

though the committee may determine at any stage of its investigative process to hold public hearings, preliminary inquiries have been conducted on a confidential basis.

On December 22, 1989, the committee announced that it would undertake a preliminary inquiry into allegations relating to Senators CRANSTON, DECONCINI, GLENN, MCCAIN, and RIEGLE. The committee has retained a special outside counsel, Robert S. Bennett, to assist in the inquiry.

The collapse of various enterprises related to Charles H. Keating, Jr., has resulted in a considerable amount of civil litigation which has been consolidated for pretrial proceedings in the District of Arizona. One of these lawsuits is a class action brought by purchasers of unsecured securities of the American Corp. which the purchasers allege were sold by techniques that made them appear to be insured certificates of deposit.

The question has arisen in that litigation whether one of the defendants may use civil discovery to compel government officials, who have provided statements to investigators for the Select Committee on Ethics, to describe over the objections of those officials the questions that have been asked of them by committee investigators. The witnesses are free, of course, to answer relevant questions about their personal knowledge of the facts at issue in the litigation. The purpose of this resolution is only to safeguard the committee's separate investigation. It would authorize the Senate Legal Counsel to appear as amicus curiae in the name of the committee to protect the Senate's interest in maintaining the confidentiality of this preliminary phase of the committee's inquiry.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 281) was agreed to.

The preamble was agreed to.

The resolution and its presumable are as follows:

S. RES. 281

Whereas, in In re American Continental Corporation/Lincoln Savings and Loan Securities Litigation, MDL-823, pending in the United States District Court for the District of Arizona, the ability of the Select Committee on Ethics to preserve the confidentiality of a preliminary inquiry into unsworn allegations of misconduct of Members of the Senate has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288l(a) (1988), the Senate may direct its Counsel to appear as amicus curiae in the name of a committee of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Select Committee on Ethics in In re American Continental Corporation/Lincoln Savings and Loan Securities Litigation, in support of the interest of the Senate in preserving the confidentiality of preliminary inquiries of the Select Committee on Ethics.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to and move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Orders No. 534, 535 en bloc; that the committee amendments, where appropriate, be agreed to; that the bills, as amended, where amended, be deemed read a third time and passed; that the motion to reconsider the passage of these bills be laid upon the table; and that the title amendment, where appropriate, be agreed to.

I further ask unanimous consent that any statements relating to these calendar items appear at the appropriate place in the RECORD, and that the consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROBERT SMITH VANCE UNITED STATES COURTHOUSE

The Senate proceeded to consider the bill (S. 2068) to designate the U.S. courthouse located at 1800 Fifth Avenue North in Birmingham, AL, as the "Robert Smith Vance United States Courthouse," which had been reported from the Committee on Environment and Public Works, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States courthouse located at 1800 Fifth Avenue North in Birmingham, Alabama, shall hereafter be designated as the "Robert Smith Vance *Federal Office Building and* United States Courthouse". Any reference in a law, regulation, map, document, *paper or other* record**[**, or other paper**]** of the United States to that building shall be deemed to be a reference to the Robert Smith Vance *Federal Office Building and* United States Courthouse.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to designate the United States courthouse located at 1800 Fifth Avenue North in Birmingham, Alabama, as the 'Robert Smith Vance Federal Office Building and United States Courthouse' ".

M.P. DANIEL AND THOMAS F. CALHOON, SENIOR POST OFFICE BUILDING

The bill (H.R. 922) to designate the building located at 1515 Sam Houston Street in Liberty, TX, as the "M.P. Daniel and Thomas F. Calhoon, Senior, Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

MELVIN PRICE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (H.R. 2890) to designate the Federal Building and United States Courthouse located at 750 Missouri Avenue in East St. Louis, at the "Melvin Price Federal Building and United States Courthouse," was considered, ordered to a third reading, read the third time, and passed.

NATIONAL CORRECTIONAL OFFICERS WEEK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 286 designating the week of May 6, 1990, as "National Correctional Officers Week," and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 286) to designate the week of May 6, 1990, as "National Correctional Officers Week."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 286) and its preamble are as follows:

S.J. RES. 286

Whereas American correctional officers who work in our jails and prisons are currently responsible for containment and control of over 600,000 prisoners;

Whereas correctional officers must protect inmates from violence while encouraging them to develop skills and attitudes that can help them become productive members of society following their release;

Whereas the morale of correctional officers is affected by many factors, and the public perception of the role of correctional officers is more often based upon dramatization rather than factual review;

Whereas good job performance requires correctional officers to absorb the adverse attitudes present in confinement while maintaining themselves as professionals in order to have their actions appreciated and accepted by the public at large;

Whereas correctional officers had been similarly honored by many States and localities;

Whereas correctional officers had been similarly honored by a joint resolution in the State and House of Representatives of the United States in Congress assembled in 1984, 1985, 1987, and 1989; and

Whereas the attitude and morale of correctional officers is a matter worthy of serious congressional attention: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 6, 1990, is hereby designated "National Correctional Officers Week", and the President of the United States is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed and move to table that motion.

The motion to lay on the table was agreed to.

NATIONAL DIGESTIVE DISEASE AWARENESS MONTH

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 453 designating May 1990 as "National Digestive Disease Awareness Month" just received from the House.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 453) designating May 1990 as "National Digestive Disease Awareness Month."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 453) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, shall it pass?

The joint resolution (H.J. Res. 453) was passed.

The preamble was agreed to.

Mr. MITCHELL. I move to reconsider the vote by which the joint resolution was passed and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 254, the Senate companion, and that the joint resolution then be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, I would like now, for the information of Senators, to review the situation we are in and the schedule for the next several days and the reasons for proceeding as we will under this agreement.

First, as Senators now should be aware, a cloture vote on S. 135, previously scheduled for tomorrow, Thursday, 1 hour after the Senate convenes, has been vitiated. Instead, there will be a vote on final passage of the bill not later than 4 p.m. tomorrow.

In the agreement which has just been agreed to, there are 10 amendments remaining for consideration in connection with the bill. It is my expectation and the expectation of the managers and the distinguished Republican leader, that those amendments will be debated and voted on during the day tomorrow prior to 4 p.m. If, however, we get to 4 p.m. and not all of the amendments have yet been offered and disposed of, the Senator offering the amendment will have the opportunity, if he so chooses, to offer the amendment at that time subject to a 10-minute time limitation on debate and, if a second-degree amendment is offered, also a 10-minute time limitation on debate.

So it is conceivable that we could go beyond 4 p.m. if there are some of these amendments that have not yet been disposed of, although I do not anticipate that will occur. I believe it is the expectation of the managers and the hope of myself and the distinguished Republican leader that we will complete action on this bill by 4, if at all possible, and possibly earlier.

Mr. President, it is then my intention, using the authority granted me under this agreement, to call up the campaign finance bill on Friday. That will be for debate only. There will be no amendments offered, no votes. It is understood, in discussion between the parties, that this being an important matter, each party now having prepared and presented a bill, that it would be appropriate for the benefit of the Senate and the public that there be a full exposition of both bills and debate on them. That will occur throughout the day on Friday.

Then before the close of business on Friday, I will move to proceed to the emergency AIDS legislation. It had been my hope that we could proceed directly to consideration of that bill, but I regret that objection to that has been made by a Republican Senator, which makes it impossible for us to proceed to that bill at that time. As a consequence, I will then file a cloture motion to terminate debate on the motion to proceed. That will be debated on Monday, and the cloture motion will be voted on Tuesday morning at 10 a.m. Senators should understand that will merely get us to the AIDS bill. We will then have to proceed with discussion of the AIDS bill. I hope it will not be necessary to have a cloture vote on the AIDS bill itself, particularly as it is my hope that there will be a strong and even overwhelming vote in favor of proceeding to the bill.

During the time that the Senate is considering the AIDS bill, it is my hope and expectation that there will be discussions among our colleagues, both Democrats and Republicans, on the campaign finance matter with a view toward reaching what I hope will be a bipartisan agreement on that important subject.

This enables us to get that bill up; in the meantime, while we are discussing that, to proceed to take action on the very important emergency AIDS bill, and then hopefully be in a position to get back to and dispose of the campaign finance reform bill next week, hopefully, with a bipartisan agreement, which we will seek to obtain during that time that the AIDS bill is being considered.

So I hope my colleagues now have a clear picture of the schedule for the days ahead. These are important measures, and we have organized them in a manner that is the most advantageous to the schedule of various Senators. Accordingly, there will be no votes on Friday or Monday, but we will still be in a position to proceed with respect to two very important matters.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

RECESS UNTIL 9:30 A.M.; MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it

stand in recess until 9:30 a.m., tomorrow, Thursday, May 10; that, following the time for the two leaders, there be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. On tomorrow, the Senate will resume consideration of the Hatch Act reform bill at 10 a.m. The unanimous-consent agreement just ordered provides that action will be completed on this measure no later than 4 p.m. on tomorrow with rollcall votes anticipated throughout tomorrow's session.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess under the previous order until 9:30 a.m. tomorrow, Thursday, May 10.

There being no objection, the Senate, at 7:08 p.m., recessed until Thursday, May 10, 1990, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, May 9, 1990*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 9, 1990.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker, House of Representatives.

PRAYER

The Reverend Dr. James W. Hackney, First Baptist Church, Gulf Breeze, FL, offered the following prayer:

Eternal God, our Father, we thank You for the privilege of service in this great period of history. We thank You, Father, at this time and place, we may serve our God, our country, and our fellow man.

Give us wisdom to discern the future; give us spiritual courage to do what is right; and give us compassion to see beyond our own selfish interests.

In the beauty and vitality of this day, help us to accept the reality of a fallen universe, yet to grasp the hope of a better tomorrow. Help us to dedicate ourselves to the finding of the best possible solutions through our governmental process. We pray to keep always the individual person, God's creation, in the heart of our interest and concerns.

In the name of Christ our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PAXON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PAXON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 298, nays 108, not voting 27, as follows:

[Roll No. 100]

YEAS—298

Ackerman	Dyson	Kastenmeier
Akaka	Early	Kennelly
Anderson	Eckart	Kildee
Andrews	Edwards (CA)	Kleczka
Annunzio	Engel	Kolter
Anthony	English	Kostmayer
Applegate	Erdreich	LaFalce
Archer	Espy	Lancaster
Aspin	Evans	Lantos
Atkins	Fascell	Leath (TX)
AuCoin	Fawell	Lehman (CA)
Ballenger	Fazio	Lehman (FL)
Barnard	Feighan	Lent
Bartlett	Fish	Levin (MI)
Bateman	Flake	Levine (CA)
Bellenson	Foglietta	Lewis (GA)
Bennett	Ford (MI)	Lipinski
Berman	Ford (TN)	Livingston
Bevill	Frank	Lloyd
Bilbray	Frost	Long
Boggs	Gallo	Lowey (NY)
Bonior	Gaydos	Luken, Thomas
Borski	Gejdenson	Manton
Bosco	Gephardt	Markey
Boucher	Geren	Martinez
Boxer	Gibbons	Matsui
Brennan	Gillmor	Mazzoli
Brooks	Gilman	McCloskey
Broomfield	Gingrich	McCollum
Browder	Glickman	McCrery
Brown (CA)	Gonzalez	McCurdy
Bruce	Gordon	McDade
Bryant	Gradison	McDermott
Bustamante	Grant	McMillan (NC)
Byron	Gray	McMillen (MD)
Callahan	Green	McNulty
Campbell (CO)	Guarini	Meyers
Cardin	Gunderson	Mfume
Carper	Hall (OH)	Miller (CA)
Carr	Hall (TX)	Mineta
Chapman	Hamilton	Moakley
Clarke	Hammerschmidt	Mollohan
Clement	Harris	Montgomery
Clinger	Hatcher	Moody
Coleman (TX)	Hayes (IL)	Morella
Combest	Hayes (LA)	Morrison (WA)
Condit	Hefner	Mrazek
Conte	Hertel	Murtha
Conyers	Hoagland	Myers
Cooper	Hochbrueckner	Nagle
Costello	Horton	Natcher
Darden	Houghton	Neal (MA)
Davis	Hoyer	Neal (NC)
de la Garza	Hubbard	Nielson
DeFazio	Huckaby	Nowak
Dellums	Hughes	Oakar
Derrick	Hutto	Oberstar
Dicks	Jenkins	Obey
Dingell	Johnson (CT)	Olin
Dixon	Johnson (SD)	Ortiz
Donnelly	Johnston	Owens (NY)
Dorgan (ND)	Jones (GA)	Owens (UT)
Dornan (CA)	Jones (NC)	Packard
Downey	Jontz	Pallone
Durbin	Kanjorski	Panetta
Dwyer	Kaptur	Parker
Dymally	Kasich	Patterson
Payne (NJ)	Saxton	Tallon
Payne (VA)	Scheuer	Tanner
Pease	Schiff	Taylor
Pelosi	Schneider	Thomas (GA)
Penny	Schulze	Torres
Perkins	Schumer	Torricelli
Petri	Serrano	Towns
Pickett	Sharp	Traficant
Pickle	Shaw	Traxler
Porter	Shumway	Unsoeld
Poshard	Shuster	Valentine
Price	Sisisky	Vander Jagt
Quillen	Skaggs	Vento
Rahall	Skeen	Visclosky
Ravenel	Skelton	Volkmer
Ray	Slattery	Walgren
Richardson	Slaughter (NY)	Walsh
Rinaldo	Smith (FL)	Washington
Ritter	Smith (IA)	Watkins
Roe	Smith (NE)	Waxman
Rose	Smith (NJ)	Weiss
Rostenkowski	Snowe	Weldon
Roth	Solarz	Wheat
Roukema	Spence	Whitten
Rowland (CT)	Spratt	Wilson
Rowland (GA)	Staggers	Wise
Roybal	Stallings	Wolpe
Russo	Stark	Wyden
Sabo	Stenholm	Wylie
Saiki	Stokes	Yates
Sangmeister	Studds	Yatron
Sarpalius	Swift	
Sawyer	Synar	

NAYS—108

Armey	Hefley	Regula
Baker	Henry	Rhodes
Barton	Herger	Ridge
Bereuter	Hiler	Roberts
Bilirakis	Holloway	Rogers
Billey	Hopkins	Rohrabacher
Boehlert	Hyde	Ros-Lehtinen
Brown (CO)	Inhofe	Schaefer
Buechner	Ireland	Schroeder
Bunning	Jacobs	Schuette
Burton	James	Sensenbrenner
Campbell (CA)	Kolbe	Shays
Chandler	Kyl	Sikorski
Clay	Lagomarsino	Slaughter (VA)
Coble	Leach (IA)	Smith (TX)
Coleman (MO)	Lewis (CA)	Smith (VT)
Coughlin	Lewis (FL)	Smith, Denny (OR)
Courter	Lightfoot	
Cox	Lukens, Donald	Smith, Robert (NH)
Crane	Machtley	
Dannemeyer	Madigan	Smith, Robert (OR)
DeLay	Marlenee	
DeWine	Martin (IL)	Solomon
Douglas	Martin (NY)	Stangeland
Dreier	McCandless	Stearns
Duncan	McGrath	Stump
Fields	Michel	Sundquist
Frenzel	Miller (OH)	Tauke
Gallegly	Miller (WA)	Thomas (CA)
Gekas	Molinari	Thomas (WY)
Goodling	Moorhead	Upton
Goss	Murphy	Vucanovich
Grandy	Oxley	Walker
Hancock	Parris	Weber
Hansen	Pashayan	Whittaker
Hastert	Paxon	Wolf
Hawkins	Pursell	Young (AK)

NOT VOTING—27

Alexander	Emerson	Morrison (CT)
Bates	Flippo	Nelson
Bentley	Hunter	Rangel
Collins	Kennedy	Robinson
Coyne	Laughlin	Savage
Craig	Lowery (CA)	Tauzin
Crockett	Mavroules	Udall
Dickinson	McEwen	Williams
Edwards (OK)	McHugh	Young (FL)

□ 1422

Mr. COSTELLO and Ms. KAPTUR changed their vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MURTHA). The Chair will ask the gentleman from Washington [Mr. CHANDLER] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. CHANDLER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 267. Joint Resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month."

WELCOME TO REV. DR. JAMES W. HACKNEY

(Mr. HUTTO asked and was given permission to address the House for 1 minute.)

Mr. HUTTO. Mr. Speaker, it is with great pleasure that I take this opportunity to welcome Dr. James Hackney who delivered the opening prayer for today's session of the House of Representatives. Dr. Hackney is pastor of the First Baptist Church in Gulf Breeze, FL, which is in my congressional district. He has served in that position for 12 years. Before coming to Gulf Breeze, he pastored several churches in Missouri which is his home State. Dr. Hackney attended the New Orleans Baptist Theological Seminary, Southwest Baptist University in Bolliver, MO, and Union University in Jackson, TN. His distinguished career includes service on the Southern Baptist Convention's foreign mission board and has conducted preaching missions in Africa and Australia. Dr. Hackney also served as the director of evangelism for the Missouri Baptist Convention. He and his wife, Marjorie, are the parents of three children, and they have four grandchildren. Mr. Speaker, it is truly a pleasure having them here in Washington today.

INTRODUCTION OF LEGISLATION TO EXPAND TAX DEDUCTION FOR CHARITABLE CONTRIBUTIONS

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, today, the gentleman from North Dakota [Mr. DORGAN], and I are introducing legislation to expand to all taxpayers the Federal tax deduction for charitable contributions. Under current law, only those taxpayers who itemize are given incentives to make donations to charities. This is out of line with Congress' efforts to establish a fair and equitable Tax Code.

Seven out of ten taxpayers do not itemize their deductions. These 72 million people are generally in low- and middle-income families earning under $40,000. Yet, these individuals donate a higher percentage of their income to charities. I think it is wrong that the Tax Code treats these people unfairly on the mere basis that they do not itemize their tax returns.

Congress recognized in 1981 that taxpayers who did not itemize were not receiving a full tax benefit for their contributions to charity. It was also noted that allowing nonitemizers to deduct their contributions would stimulate broader based charitable giving to nonprofit organizations, many of which provide human services that otherwise might have to be provided by the Federal Government. After enactment of this change, nonprofit gifts surged.

In 1986, however, this policy was abruptly repealed. Nonitemizers experienced a sharp increase in the cost of giving. I do not believe this was fair to the taxpayers who are essentially penalized for making charitable contributions unless they are able to itemize.

The changes made in 1986 were also unfair to nonprofit organizations which had come to depend on the increased gifts resulting from the changes made to the Tax Code in 1981. These organizations are now experiencing a sharp decline in the rate of increase in giving at the same time the Federal Government has reduced spending on human services. However, the real victims in this case are the people served by the organizations to which taxpayers contribute.

I strongly encourage my colleagues to join Mr. DORGAN and I in our effort to reinstate fairness in the Tax Code.

WHAT HAS CHANGED?

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. President, read our lips: Democrats will not initiate any new taxes. And, Mr. President, we have a question for you: What has changed?

In the State of the Union, a mere few months ago, you said everything was on track, the economy was moving, there was prosperity, everything was good. Your Budget director, Mr. Darman, has come before us time and time again and said that things are on the right track; we should just proceed ahead. And all of a sudden, Mr. President, you summon our leadership to the White House and you ask——

Mr. WALKER. Mr. Speaker, regular order.

The SPEAKER pro tempore. The gentleman should address the Chair and not address the President in the second person.

Mr. SCHUMER. All of a sudden, the President summons our leadership to the White House and says that things are changed and all of a sudden major leaders of the Republican Party start talking about value-added taxes and sales taxes and beer taxes and wine taxes and lotteries.

What has changed?

□ 1430

LET US BE KINDER AND GENTLER ON SMALL BUSINESSES

(Mr. COMBEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COMBEST. Mr. Speaker, today I rise to discuss another well-intentioned but severely misguided Federal mandate on the small business owner.

The parental and medical leave legislation has sputtered and backfired its way back onto the floor for another try. This bill reminds me of an old used car that nobody will buy, so the owner repaints it, throws on new tires and hopes to find a sucker to buy it.

The fact is even with the new paint job this bill is still a real lemon.

Proponents of parental leave will proudly state that this new model has broad bipartisan support. The facts are that 12 out of 13 Republicans on the Education and Labor Committee voted against the medical and parental leave bill. The administration is strongly opposed to mandating parental leave but most importantly, 84 percent of small business owners are opposed to Federal mandates for parental leave.

I am opposed to it too. I urge my colleagues to vote no on mandated parental and medical leave legislation.

WHERE DID ALL THE MONEY GO?

(Mr. GLICKMAN asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, where did all the money go? The savings and loan debacle is becoming our worst nightmare—a financial black hole of galactic proportion. There is no more pressing need for swift, resolute justice in our country than prosecuting the fraud that may cost each of us thousands of dollars and rob us of the opportunity to meet the challenges of the 21st century.

This enormous bailout is driving the President to seek a budget summit and to seek spending cuts and new taxes to, probably focused on working Americans, to get us out of the fix we are in. Reports say the ultimate cost of the S&L bailout may be upward of $500 billion—half a trillion dollars—and that the Federal deficit may exceed $200 billion largely as a result of the S&L bailout.

It could be a half a trillion dollars, Mr. Speaker. Where did all the money go? It is one of the single most expensive undertakings ever of this Government, and the cost seems to be growing geometrically each day. $2,500 from each and every U.S. citizen chasing sour loans, shoring up shaky deals, paying for self-dealing and fraud instead of being invested in our children's education, improving our health care system, meeting the needs of rural America, and keeping U.S. industry the most competitive in the world.

The S&L calamity, not prudent fiscal policy, is forcing the White House to seek a budget summit to slash spending and raise taxes. The S&L tiger we are riding has got to be brought under control; those responsible must be brought to justice.

"FREEDOM TO WORK" RALLY

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, on Wednesday, May 16, at 10 a.m., I will be hosting a "Freedom To Work" rally on the grounds of the Capitol.

The purpose of this rally will be to demonstrate support for repealing the Social Security earnings test. As many of you know, the earnings test is a limit placed on the amount of income seniors who collect Social Security benefits can earn. For 1990, that limit is $9,360.

Currently, seniors are penalized $1 in benefits for every $3 over the limit they earn. When combined with other taxes seniors must pay, the earnings test puts seniors at an effective marginal tax rate of 56 percent, twice what we tax our Nation's millionaires.

The earnings limit penalty is one of the most insidious and counterproductive taxes the Government places on seniors. It's ridiculous to have a tax policy determining whether people will be productive.

I encourage all my colleagues to attend the rally on May 16. I know many of our Nation's seniors will be.

CUT NATO AND FOREIGN AID, NOT RAISE TAXES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, first we had a bailout. Now we have a sellout: $17 billion of seized savings and loan assets are going to go on the block. That is right, we will have clearance sales, garage sales, bake sales, flea markets. But do you honestly believe that is going to do anything? Taxpayers will spend $500 billion before it is over, and we all know it.

But here is what is bothering me today. Democrats are actually considering taking the President off the hook with this "read my lips" tax fiasco. I say Democrats should stand for no new taxes, no more taxes, no hidden taxes, and let the President come through with a program.

Ladies and gentlemen, this is not a nation of bankers, for bankers, and by bankers. We are not a discount house. We are Congress. Let us cut NATO and foreign aid, let us not raise taxes.

THE OLDER AMERICANS' FREEDOM TO WORK ACT

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, the White House and congressional leaders now finally appear willing to work together to tackle the widening Federal budget deficit. A simple beginning is to repeal the Social Security earnings test. Eliminating the penalty on seniors' earnings would actually generate Federal revenue by encouraging older Americans to continue working and paying more income taxes.

My Arizona constituents are asking me why Congress does not understand the implications of this antiquated law. The following excerpts from retirees' letters demonstrate that seniors know what is best for themselves, as well as the national economy.

From Mr. George Ashle of Mesa, AZ:

Removal of the limit on earnings for retirees would be a boon to the nation's economy since Social Security tax income would be increased as a result and a greater windfall to the government through increased income taxes.

From Mr. R. Kelly Hocker of Tempe, AZ:

Workers should not be penalized for drawing their Social Security * * * there are many retirees who really must supplement their Social Security in order to have a decent standard of living. The benefit to the country * * * is a wealth of knowledge and expertise in older workers that we may need in order to compete with foreign countries.

Let's make this a priority. Please join the 214 of us who have already cosponsored this legislation, and join us for the "Freedom To Work" rally here on May 16.

IF CONGRESS IS WALKING, THE PRESIDENT MUST START TALKING

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, what happened? The President has called a budget summit. But while talking starts with the Congress, how about some answers for the public? Particularly when taxpayers will pay the tab for this meeting.

For the first question, what happened, Mr. President? For months the Budget Committee relied upon the President's economic estimates. No White House alarms ever rang. Now we hear the economic tidal wave that is coming.

Second question, what happened, Mr. President? Is it the savings and loan crisis that is getting worse? Every American taxpayer already pays $1,000 for this foulup. Is the President now hinting that the taxpayers should pay more?

The third question, what happened, Mr. President? He gave Congress a budget in January, said nothing for 4 months, offered no changes, and finally offered no budget. Either he knew and did not tell, or did not know that he did not know.

If to the White House summit Congress is walking, then to the American people the President should be talking.

MAKE BUDGET SUMMIT A SUMMIT ABOUT ECONOMIC GROWTH

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, a couple of Members have just asked what changed? Why is the President now seemingly for taxes?

The President has not said he is for taxes. This is the hope of liberal Democrats. It is not President George Bush.

As a matter of fact, I think the President feels about taxes a lot like he feels about broccoli. You can put it on the table in front of him, but he is not going to eat it.

Mr. Speaker, this budget summit should be a summit about economic growth. How can we get economic growth? Not by raising taxes. As a

matter of fact, if we are heading for a recession, the worst thing we can do is increase taxes.

It is like the old medical practice of leeching, leeching the blood, sucking the blood from the victim. Sucking more taxpayer dollars from our businesses and our people is not the way to strong economic growth in this country.

Mr. Speaker, I believe President Bush when he says that he is not going to support new taxes. He understands economic growth. If somebody is going to propose new taxes, it is going to have to be somebody other than President George Bush.

SUPPORT THE FAMILY AND MEDICAL LEAVE ACT

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, I rise in strong support of the Family and Medical Leave Act.

The issue we will be asked to decide later today is very simple: Are we going to recognize the reality that American families today are under increasing strain—with parents finding it more and more difficult to meet both their work and their family responsibilities?

Why should working parents be forced to choose between caring for the loved ones—be it their children or their aging parents—and keeping their jobs? That is all this legislation is about: Guaranteeing a very minimum amount of leave—unpaid leave—for compelling family need.

Mr. Speaker, it is incomprehensible that, in this day and age, this legislation should be considered controversial; 95 percent of all employers will not even be touched by this bill.

Mr. Speaker, the United States is one of only two industrialized countries in the world that do not provide for a national family leave standard. It is my hope that today the Congress will approve this long-overdue legislation, and that the President will take back his ill-considered veto threat and reaffirm his commitment to the American family.

THE PRESIDENT WILL STAND FIRM IN COMMITMENT NOT TO RAISE TAXES

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, you ought to see the excitement on the floor this morning. It is absolutely amazing. The big spenders on the Democrats' side of the aisle are all just slobbering and drooling all over themselves thinking they have got George Bush right where they want him, that he is going to raise taxes so they can continue to spend. But they did not read the President's lips. He has not said anything about raising taxes.

I remember in my hometown, Houston, TX, on October 12, 1987, Mr. Bush said:

> There are those who say we must balance the budget on the backs of the workers and raise taxes again. But they are wrong. I am not going to raise your taxes, period.

□ 1440

Do not forget what he said at the Republican convention in August 1988:

> I'm the one who won't raise taxes. My opponent now says he'll raise them as a last resort, or a third resort. When a politician talks like that, you know that's one resort he'll be checking into. My opponent won't rule out raising taxes. But I will. The Congress will push me to raise taxes, and I'll say no, and they'll push, and I'll say no, and they'll push again, and I'll say to them, "Read my lips: no new taxes."

I believed the President. The American people believed the President. Do not get out your checkbooks and credit cards too soon. My President is not going to raise new taxes.

PRESIDENT BUSH SHOULD SIGN THE FAMILY AND MEDICAL LEAVE ACT

(Mr. BRENNAN asked and was given permission to address the House for 1 minute.)

Mr. BRENNAN. Mr. Speaker, workers have a responsibility to their families as well as to their employers. When a child is sick, when an elderly parent is ill, when a baby comes home from the hospital, they need care and attention. But when someone—and it is usually a woman—cares for them; we tell her boss—it is OK if you fire her. That is not right. It is long past time this Nation pass a Family and Medical Leave Act to protect working people who need to care for their families. My State of Maine has such a law—and it works.

The reality today is that both parents need to work—and neither men nor women should be forced to choose between their jobs and families. If we truly care about the family in this country, If we truly care about children—and it is not just a lot of sentimental rhetoric—we will pass the Family and Medical Leave Act and President Bush will sign it.

LIMITATION OF POLITICAL ACTION COMMITTEES

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, in 1988, political action committees accounted for 28 percent of an incumbent's contributions, with just 14 percent for challengers. Individual contributions have declined from 73 percent to 46 percent. In 1974, PAC money as the principal source of campaign funding stood at 17 percent; by 1988 it rose to 40 percent.

PAC money is up 300 percent since 1980. The problem with congressional elections is that too many special interest groups have flooded our elections with money.

It would seem that PAC's have become the personification of an old adage, "He who has the gold, makes the rules," and we have received a lot of gold from a lot of PAC's. It is no wonder that Americans look at Congress through jaundiced eyes.

The Republican prescription to the present ills of the campaign finance system are straightforward: first, reduce PAC contributions; second, prohibit the practice of bundling; third, prohibit PAC fund transfers; fourth, the elimination of leadership PAC's.

We must choose, the special interests or the American people.

THE FAMILY AND MEDICAL LEAVE ACT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, one of the most significant changes in our society over the past 30 years has been the increasing participation of women in the work force. Despite this revolution, the United States remains, along with Iran and South Africa, without a national family leave policy. As a result, many workers are forced to make a decision between financial security and caring for family members. That's a choice families should not have to make in the United States of America in the 20th century.

The State of Oregon, which has more small businesses per capita than any other State in the Union, has already implemented parental leave legislation. Oregon law requires businesses with 25 or more employees to provide 12 weeks of parental leave in the first year following the birth or adoption of a child.

Given the State's dependence on small businesses, there was considerable debate and concern regarding the potential impact on small businesses, prior to passage of the law. A strong bill was passed in Oregon which covers almost 70 percent of the private work force in the State. This is a much higher percentage than H.R. 770 will cover.

The Oregon law has been in effect for more than 2 years. The Oregon Department of Labor and the Ford Foundation have found, through data collected from employers, that businesses are not having trouble complying with

the law. And they aren't going out of business or leaving the State as a result of the law.

The medical leave coverage under H.R. 770 will complement the Oregon parental leave law and other laws that are already on the books in other States. The bill will also guarantee the ability of family members to care for one another during illness in States that don't have any parental leave or medical leave laws in effect. I urge my colleagues to support American families by supporting the bipartisan compromise bill.

RADIO AND TV ADVERTISING OF CASINO GAMBLING

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, legislation has been introduced in the other body that would permit casinos—like the Trump Taj Majal or Bally's or the Tropicana—to advertise gambling in any State in the country, even if gambling is illegal in that State.

When this issue last came before Congress in 1988, an agreement was reached with those interested in lifting restrictions on gambling advertising that longstanding Federal restrictions on interstate gambling advertisements by private for-profit groups, such as casinos, would remain in place.

Advertising by radio or television of casino gambling was to be prohibited.

The legislation pending in the other body is inconsistent with that agreement and its intent is bad public policy.

Under the proposed legislation, for the first time in this century, casinos—Merv Griffin's Resorts International, Trumps Marina, the Golden Nugget, Ceasars Palace, Harrah's—will be able to hire slick Madison Avenue advertising agencies to develop gambling ad campaigns to attract business from around the country—even from areas where gambling is illegal.

This is simply bad public policy. The attorney general of the State of Louisiana in a letter to me—dated July 2, 1984—stated:

> I cannot support legislation which recruits gambling customers from within States where gambling is illegal.

Similar views were stated by attorneys general from many other States.

I will close, Mr. Speaker, with comments from the attorney general of the State of Arizona when this issue first came before Congress in 1984. He said:

> If Nevada and New Jersey wish to allow casino gambling in their States, that is their right to do so, but for these two States to be allowed to advertise * * * their type of gambling into states that have laws prohibiting such type of gambling would be wrong.

Mr. Speaker, the new Senate legislation should be rejected.

SUBCOMMITTEE ON OVERSIGHT'S INVESTIGATION OF TAX UNDERPAYMENTS BY U.S. SUBSIDIARIES OF FOREIGN COMPANIES

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, on February 22, 1990, I announced that the Ways and Means Committee's Subcommittee on Oversight, which I chair, was examining noncompliance with Federal tax laws by U.S. subsidiaries of foreign-owned companies and other related compliance issues. Given the great interest in this matter, I would like to take a minute to share with my colleagues the subcommittee's progress to date and our plans for the future.

It is my plan that the Oversight Subcommittee hold a hearing in June 1990, to disclose the findings of its investigation of noncompliance with section 482 of the Internal Revenue Code generally, as well as specific allegations of improprieties by foreign-owned companies in the automobile manufacturing and electronics industries. In addition, the subcommittee has been investigating related issues involving the U.S. Customs Service and the Department of Commerce.

At that hearing, the subcommittee will receive testimony from representatives of the Department of the Treasury, the Internal Revenue Service, the U.S. Customs Service, the Department of Commerce, the U.S. General Accounting Office, tax and economic experts in the field, and other invited witnesses.

During the last 9 months, the subcommittee has been investigating the extent to which foreign-owned U.S. subsidiaries are underpaying corporate income taxes in the United States, how it is being done, and the exent to which other Federal laws under the committee's jurisdiction are being violated. This investigation has included an extensive review and analyses of IRS records, and other information filed by foreign-owned subsidiaries in the United States.

At the hearing, I plan to lay out the facts and let them speak for themselves. While the tax issues involved can be very complex, I believe that the fundamentals at issue are relatively simple: Certain foreign-owned companies operating in the United States are gaming our system. The Congress and the American public should know how it is being done. While testimony at the hearing will need to be quite extensive and detailed, I think the facts about what has been going on should be comprehensively revealed.

THE IMPACT OF PROPOSED LEGISLATION ON SMALL BUSINESS

(Mr. HOLLOWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLLOWAY. Mr. Speaker, I rise today to take note of the irony which Congress has created during this, Small Business Week. As Congress pays formal recognition to the small businesses which are the backbone of America's economy, we have also chosen to consider the Family Medical Leave Act, a measure which could add immeasurably to the burdens of individual businesses struggling to survive.

Mr. Speaker, the Congress is preparing to mandate that our businesses provide certain employee benefits—despite a recommendation by the recent White House Conference on Small Business that such mandated benefits be avoided.

Mr. Speaker, it is past time that we in Washington let American businesses do business, with a minimum of Government mandates, regulations, and interference. Government mandates are not a solution. They are already part of the problem.

Mr. Speaker, I rise here to state without reservation that Congress should not mandate, it should not require, it should not direct American businesses. Congress should mind its own business and let businesses do business.

THE FAMILY AND MEDICAL LEAVE ACT OF 1989

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I am delighted to follow the last speaker into the well, because I think it is very important to point out that what the small business community asked us we dealt with, and in this new compromise proposal no one is covered unless they have over 50 employees. Small businesses have been removed.

We also put in key business proposals and all sorts of things.

So I think that Members should read the compromise before they attack it.

Let me also please ask the President to listen to groups who want family medical leave. So far he has only heard one group, the special interest business group.

As Members know, it was all the business lobbyists that were called to the White House. I have in my office a stack of letters at least this deep from every State in the Union of young couples who have had all sorts of problems with their employers when they

had a child or adopted a child or had some chronic illness in the family.

I would hope that the President of the United States would also listen to these people. We are taking about balancing these interests, and he should listen to both sides.

□ 1450

THE EVILS OF PUBLIC FINANCING

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, public financing of Federal campaigns would be a big step, but it would be a step in the wrong direction. While nations all over the globe move toward less encumbered and freer elections, some within the Beltway want to impose more taxes, more regulations, more government control, and more costs for our Federal elections.

Of course, creating a new tax to pay for our campaigns appeals to some in Congress. Public financing is Congress' standard top-down, nonsolution to a grassroots issue. Taxpayers already finance the franking privilege, travel expenses, and professional staff which inevitably assist an incumbent's campaign. Public financing of campaigns is just another nail in the coffin of any challenger candidate.

Indeed, it is estimated that the cost of a campaign public financing program encompassing the House, the Senate, and the existing Presidential Campaign Fund would cost the taxpayers over a billion dollars for each 4-year cycle.

It is no accident that we have seen a dramatic decline in taxpayer participation in the Presidential Campaign Fund. We'll only be fooling ourselves or deliberately deceiving the public to follow this pied piper toward more Government spending, and more bureaucratic laws which will discourage grassroots participation in our representative process.

ANOTHER MULTIBILLION-DOLLAR MESS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, Congress is being sucked into another situation which it will regret later. Then it will be called upon to bail out another multibillion-dollar mess.

The Department of Commerce estimates that Americans now pay $32 billion a year for the 1970's Clean Air Act. Hundreds of thousands of jobs lost. Add $50 billion more if the bill before us passes.

It will increase inflation by .2 percent.

America's trading partners today are laughing at us because we are so stupid, because we are doing ourselves out of many, many jobs. We are pricing ourselves out of the international market.

But they keep rooting for us and they keep lobbying for us. The Carnegie-Mellon University said that this bill would put 2 million jobs at risk and we will lose over 350,000 jobs if this bill passes.

The Senate's bill will double it by losing 750,000 jobs and 4 million jobs at risk.

Mr. Speaker, we cannot afford extremism; common sense must prevail.

H.R. 770, THE FAMILY AND MEDICAL LEAVE ACT

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLAUGHTER of Virginia. Mr. Speaker, today, we will be considering legislation which will order Government intervention into the internal affairs between employers and employees in this Nation's businesses. Instead of assisting businesses to expand current types of benefit programs to meet the different and constantly changing needs of employees, Congress has decided that one, and only one, uniform employee leave policy should exist nationwide and has assumed that all employees will benefit equally from the same benefit. We all know what happens when one assumes.

The Family and Medical Leave Act which will appear today for a vote will not only discriminate against employees in deciding what employer benefits best suit their needs, it will result in the discontinuation of benefits to other employees in order to provide for the specific mandates in this bill. I urge my colleagues to vote against this legislation.

ARE TAXES REALLY ON THE TABLE?

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, this is really confusing. The President calls for a summit saying that all is on the table. Then some of my Republican colleagues come here on the floor and say it is not so; taxes really are not on the table.

It is time to end the doubletalk. On January 31, President Bush said in his State of the Union message that his budget proposal meets the Gramm-Rudman target, brings that deficit down further and balances the budget by 1993 with no new taxes.

In a few short months he has gone from an atmosphere of complacency to an air of crisis. The American people will respond to a crisis if they believe it is real and understand its nature.

The President owes it to the people to say what has happened. A summit cannot be a screen behind which the President hides from the press or the people. It is incumbent upon the President, whether in a joint session or at least a national press conference, to tell the American people what is the problem and what is his proposed answer.

TAX REVENUE HAS INCREASED 92 PERCENT IN THE LAST DECADE

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, here we go again. Those advocates of higher and higher tax burdens on working Americans now are suggesting at a summit conference that we ought to have higher taxes and that ought to be the way to balance the budget.

Let us look at the facts, Mr. Speaker. The reality is in the last decade we have increased tax revenues 92 percent. The reason we have a deficit does not have anything to do with our failure to raise revenues. It is up an incredible 92 percent.

But, Mr. Speaker, spending is up 94 percent. We should not increase taxes to simply fund more and more Federal waste.

Mr. Speaker, before we even talk about taxes, let us eliminate some of the scandalous waste this House authorizes and appropriates every year.

DOES MR. FITZWATER THINK THAT 90 MILLION NONUNION WORKERS SHOULD FIND OTHER JOBS OR JOIN LABOR UNIONS?

(Mr. CLAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLAY. Mr. Speaker, I would like to cite an article that appeared in today's Washington Post. It says:

White House spokesperson Marlin Fitzwater, defending the Bush Administration's threat to veto parental leave legislation, was asked yesterday what workers should do if their employer refuses to provide leave or they are not protected by a union. Fitzwater: They should look for another job if they cannot negotiate an appropriate relationship with their company.

Question: I just want to make sure I understand, Mr. Fitzwater. Are you telling American women who are pregnant and find that they have no job when they want to come back, to go look for other jobs? Fitzwater: No, I am telling women they should have parental leave. We urge all companies

to provide it for them, and they should urge their unions to negotiate it for them.

Mr. Speaker, unions only represent 15 percent of the work force and most of their members are already covered by adequate family and medical leave.

Mr. Speaker, does Mr. Fitzwater think that 90 million nonunion workers not covered by this kind of leave should find other jobs or join labor unions?

RULES COMMITTEE PLANS REGARDING H.R. 2273, AMERICANS WITH DISABILITIES ACT OF 1989

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, this is to notify members of the Rules Committee's plans regarding H.R. 2273, the Americans with Disabilities Act of 1989. The committee is planning to meet on Tuesday, May 15, 1990, at 10:30 a.m. to take testimony on the bill. In order to assure timely consideration on the bill on the floor, the Rules Committee is considering a rule that may limit the offering of amendments.

Any Member who is contemplating an amendment to H.R. 2273 should submit, to the Rules Committee in H 312 in the Capitol, 35 copies of the amendment and a brief explanation of the amendment no later than 6:00 p.m. on Monday, May 14, 1990.

A base text substantially incorporating all prior committee considerations is being prepared. Members should instruct legislative counsel to draft their amendments to conform to the base text.

The committee appreciates the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 2273.

TAXES: THE ECONOMIC EQUIVALENT OF THROWING GASOLINE ON A FIRE

(Mr. DOUGLAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOUGLAS. Mr. Speaker, any time that this city starts talking about taxes, it is the economic equivalent of throwing gasoline on a fire. The last thing we need is to talk about taxes.

What we have got to do is start talking about balancing the budget. Two hundred and forty-five Members of this House have cosponsored the balanced budget amendment, but the taxers and the spenders, those who run this place, are they going to let us vote on it? No. They want to go to a summit and talk about what kind of new taxes they can extract from the American people.

If we are going to have a summit, there had better be on the table the line item veto and the balanced budget amendment to the Constitution or the taxpayers are going to get burned once again.

REPUBLICAN MEMBERS PREDICTING THE PRESIDENT WILL NEVER RAISE TAXES

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, you heard it here today: Republican Member after Republican Member taking the floor, predicting that the President will never raise taxes.

I am here to predict that he will raise taxes. And, Mr. Speaker, we are both right because no doubt, for the President's friends, for those of privilege in America, he will never raise taxes.

□ 1500

But for you and for me and for the overwhelming majority of Americans, he is—he says that he is going to, and he is about doing it. It isn't, Mr. Speaker, that the President is intellectually dishonest * * *. It is about the fact that he has a $500 billion——

Mr. WALKER. Mr. Speaker, I ask that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. MURTHA). The Clerk will report the words objected to by the gentleman from Pennsylvania.

□ 1510

The Clerk read as follows:

It isn't, Mr. Speaker, that the President is intellectually dishonest * * *. It is about the fact that he has a $500 billion * * *.

The SPEAKER pro tempore. The Chair is of the opinion that to imply dishonesty on the part of the President is not in order.

While the Chair is not certain or clear that "intellectual dishonesty" necessarily suggests a charge of bad motives, the Chair believes that the statement of the gentleman from New Jersey [Mr. TORICELLI] transgresses proper debate. The precedents relating to references in debate to the President permit criticisms of official policy actions and opinions, but do not permit personal abuse, innuendo, or ridicule and require that proper rules of decorum must be followed during any debate relating to the President.

In referring to the President during debate a Member shall abstain from "terms of approbrium," such as calling the President a "liar"—V, 5094, VIII, 2498.

Without objection the gentleman from New Jersey [Mr. TORRICELLI] may proceed in order.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Does any Member move that the gentleman from New Jersey [Mr. TORRICELLI] may proceed in order?

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OBEY. Mr. Speaker, if the gentleman from New Jersey [Mr. TORRICELLI] at this point is not recognized, would it be in order for me to ask unanimous consent to address the House for 1 minute?

The SPEAKER pro tempore. Does the gentleman from Wisconsin [Mr. OBEY] wish to move that he proceed in order?

Mr. YATES. Mr. Speaker, I make that motion.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois [Mr. YATES].

The question was taken; and on a division—demanded by Mr. WALKER—there were—ayes 18, noes 13.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent members.

The SPEAKER pro tempore. This is not a quorum call. The Clerk is trying to change the computer so we can go to a vote. The quorum call is off the board.

The vote was taken by electronic device, and there were—yeas 246, nays 167, answered "present" 1, not voting 19, as follows:

[Roll No. 101]

YEAS—246

Ackerman	Carr	Fascell
Akaka	Chapman	Fazio
Anderson	Clarke	Feighan
Andrews	Clay	Flake
Annunzio	Clement	Foglietta
Anthony	Coleman (TX)	Ford (MI)
Applegate	Conyers	Ford (TN)
Aspin	Cooper	Frank
Atkins	Costello	Frost
AuCoin	Coyne	Gaydos
Barnard	Darden	Gejdenson
Bates	de la Garza	Gephardt
Bellenson	DeFazio	Geren
Bennett	Dellums	Gibbons
Berman	Derrick	Glickman
Bevill	Dicks	Gonzalez
Bilbray	Dingell	Gordon
Boggs	Dixon	Gray
Bonior	Donnelly	Guarini
Borski	Dorgan (ND)	Hall (TX)
Bosco	Downey	Hamilton
Boucher	Durbin	Harris
Boxer	Dwyer	Hatcher
Brennan	Dymally	Hawkins
Brooks	Dyson	Hayes (IL)
Browder	Early	Hayes (LA)
Brown (CA)	Eckart	Hefner
Bruce	Edwards (CA)	Hertel
Bryant	Engel	Hoagland
Bustamante	English	Hochbrueckner
Campbell (CO)	Erdreich	Hoyer
Cardin	Espy	Hubbard
Carper	Evans	Huckaby

Hughes	Mollohan	Schroeder
Hutto	Montgomery	Schumer
Jacobs	Moody	Serrano
Jenkins	Morrison (CT)	Sharp
Johnson (SD)	Mrazek	Sikorski
Johnston	Murphy	Sisisky
Jones (GA)	Murtha	Skaggs
Jones (NC)	Nagle	Skelton
Jontz	Natcher	Slattery
Kanjorski	Neal (MA)	Slaughter (NY)
Kaptur	Neal (NC)	Smith (FL)
Kastenmeier	Nowak	Smith (IA)
Kennedy	Oakar	Solarz
Kennelly	Oberstar	Spratt
Kildee	Obey	Staggers
Kleczka	Olin	Stallings
Kolter	Ortiz	Stark
Kostmayer	Owens (NY)	Stenholm
LaFalce	Owens (UT)	Stokes
Lancaster	Pallone	Studds
Lantos	Panetta	Swift
Laughlin	Parker	Synar
Leath (TX)	Patterson	Tallon
Lehman (CA)	Payne (NJ)	Tanner
Lehman (FL)	Payne (VA)	Tauzin
Levin (MI)	Pease	Taylor
Levine (CA)	Pelosi	Thomas (GA)
Lewis (GA)	Penny	Torres
Lipinski	Perkins	Torricelli
Lloyd	Pickett	Towns
Long	Pickle	Traficant
Lowey (NY)	Poshard	Traxler
Luken, Thomas	Price	Unsoeld
Manton	Rahall	Valentine
Markey	Rangel	Vento
Martinez	Ray	Visclosky
Matsui	Richardson	Volkmer
Mavroules	Roe	Walgren
Mazzoli	Rose	Watkins
McCloskey	Rostenkowski	Waxman
McCurdy	Rowland (GA)	Weiss
McDermott	Roybal	Wheat
McHugh	Russo	Whitten
McMillen (MD)	Sabo	Wilson
McNulty	Sangmeister	Wise
Mfume	Sarpalius	Wolpe
Miller (CA)	Savage	Wyden
Mineta	Sawyer	Yates
Moakley	Scheuer	Yatron

NAYS—167

Archer	Gilman	McCollum
Armey	Gingrich	McCrery
Baker	Goodling	McDade
Ballenger	Goss	McGrath
Bartlett	Gradison	McMillan (NC)
Barton	Grandy	Meyers
Bateman	Grant	Michel
Bereuter	Green	Miller (OH)
Billirakis	Gunderson	Miller (WA)
Bliley	Hammerschmidt	Molinari
Boehlert	Hancock	Moorhead
Broomfield	Hansen	Morella
Brown (CO)	Hastert	Morrison (WA)
Buechner	Hefley	Myers
Bunning	Henry	Nielson
Burton	Herger	Oxley
Callahan	Hiler	Packard
Campbell (CA)	Holloway	Parris
Chandler	Hopkins	Pashayan
Clinger	Horton	Paxon
Coble	Houghton	Petri
Coleman (MO)	Hunter	Porter
Combest	Hyde	Pursell
Conte	Inhofe	Quillen
Coughlin	Ireland	Ravenel
Courter	James	Regula
Cox	Johnson (CT)	Rhodes
Crane	Kasich	Ridge
Dannemeyer	Kolbe	Rinaldo
Davis	Kyl	Ritter
DeLay	Lagomarsino	Roberts
DeWine	Leach (IA)	Rogers
Dornan (CA)	Lent	Rohrabacher
Douglas	Lewis (CA)	Ros-Lehtinen
Dreier	Lewis (FL)	Roth
Duncan	Lightfoot	Roukema
Fawell	Livingston	Rowland (CT)
Fields	Lowery (CA)	Saiki
Fish	Lukens, Donald	Saxton
Frenzel	Madigan	Schaefer
Gallegly	Marlenee	Schiff
Gallo	Martin (IL)	Schneider
Gekas	Martin (NY)	Schuette
Gillmor	McCandless	Schulze
Sensenbrenner	Smith, Robert (NH)	Thomas (WY)
Shaw	Smith, Robert (OR)	Upton
Shays	Snowe	Vander Jagt
Shumway	Solomon	Vucanovich
Shuster	Spence	Walker
Skeen	Stangeland	Walsh
Slaughter (VA)	Stearns	Weber
Smith (NE)	Stump	Weldon
Smith (NJ)	Sundquist	Whittaker
Smith (TX)	Tauke	Wolf
Smith (VT)	Thomas (CA)	Wylie
Smith, Denny (OR)		Young (AK)

ANSWERED "PRESENT"—1

Byron

NOT VOTING—19

Alexander	Edwards (OK)	Robinson
Bentley	Emerson	Udall
Collins	Flippo	Washington
Condit	Hall (OH)	Williams
Craig	Machtley	Young (FL)
Crockett	McEwen	
Dickinson	Nelson	

□ 1537

Messrs. BARTLETT, FAWELL, IRELAND, and RAVENEL, and Mrs. JOHNSON of Connecticut changed their vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

CLARIFICATION OF RULING BY THE CHAIR

The SPEAKER pro tempore (Mr. MURTHA). If the Chair could have order, let the Chair clarify his ruling.

The Chair would like to clarify his earlier ruling on the words of the gentleman from New Jersey.

The Chair does not believe that an allegation of intellectual inconsistency is necessarily unparliamentary.

However, to whatever extent the phrase "intellectual dishonesty" may connote an intent to deceive, the Chair believes that it does tend to be personally offensive and therefore unparliamentary.

The House has voted to allow the gentleman to proceed in order. The gentleman has 16 seconds remaining.

Mr. TORRICELLI. Mr. Speaker, let me be clear. I believe that the President has committed intellectually inconsistent acts. Before an election, he promised to never raise taxes. After an election, he clearly intends to raise taxes. It is not fair to the American voters.

I understand why the Republicans in this House do not like to hear the words. I would not want to hear them about my party either. But what I am saying is what every American is thinking.

□ 1540

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Pennsylvania will state his parliamentary inquiry.

Mr. WALKER. If I understand correctly what just happened in the course of events, it was that the Chair did rule that the gentleman's words were inappropriate, is that correct?

The SPEAKER pro tempore. The Chair did so rule.

Mr. WALKER. And the penalty for such a ruling would normally be that the gentleman would not be allowed to speak for the rest of the day in the House Chamber, is that not correct?

The SPEAKER pro tempore. The House permitted him to proceed in order.

Mr. WALKER. Under the rules, Mr. Speaker, the rules state that someone having had the Chair so rule is not permitted to speak in the House for the rest of the day, is that not correct?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WALKER. So by taking the action which the party did a few minutes ago, the majority party did, what they did was basically overrule the rules with regard to the penalty for having words taken down.

The SPEAKER pro tempore. The motion to allow the gentleman to proceed is a proper parliamentary motion under the same rule.

Mr. WALKER. Yes. I understand. But the effect of the action, the effect of the motion, was to override the rules of the House.

The SPEAKER pro tempore. Under the rules of the House the Chair cannot say that one part of the rule has precedence over the practice of the House paramount to that rule.

Mr. WALKER. Well, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. If the motion had not been made, the gentleman would not have been permitted to speak for the rest of the day, is that correct?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WALKER. So the effect of the motion was to allow the gentleman to do something which the rules would otherwise not permit him.

The SPEAKER pro tempore. The House has followed the normal practice. There are two aspects to the rule. The House proceeded under the rules, and both procedures are proper. The House voted and the gentleman was allowed to proceed for 16 seconds.

Mr. WALKER. I have a further parliamentary inquiry. So in other words what the Chair is saying is that the will of the majority can prevail, even though it is over and above the rules that are adopted by the——

Mr. YATES. Mr. Speaker, regular order.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. YATES] is absolutely correct. That is not a parliamentary inquiry.

BUDGET SUMMIT ESSENTIAL

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, first of all I want to thank you all for coming over here to hear me.

Mr. Speaker, there are a lot of Members around here saying we should not go to a summit. They are saying we ought to play partisan games.

That is the worst of all possible worlds. If we do not go to a summit, you know what happens. Come October 1, we walk right into sequester, a sequester of gigantic proportions, $56 billion, cutting every program an estimated 25 percent across the board.

Do you want to know what will happen? I will tell you.

All of the education programs: Pell grants; chapter 1; handicapped education; impact aid; cut 25 percent.

The war on drugs: Coast Guard interdiction; Customs; FBI; DEA; grants to State and local law enforcement; cut 25 percent.

Air traffic controllers, none of you will want to fly home; food safety inspectors; mine safety; job safety; cut 25 percent.

Research on AIDS, cut 25 percent.

Space programs, cut 25 percent.

Agricultural payments, cut 25 percent.

Food donations to the poor, cut 25 percent.

Hot meals for the elderly.

Homeless programs.

Literacy programs.

Tax collections by the IRS.

Veterans' medical care.

Securities investigations.

Housing for the poor.

EPA.

Federal employment.

Job training.

The entire Defense Department, cut 25 percent.

Take these programs and many, many more and imagine what happens to them when they are cut 25 percent across the board. If you thought 1981 was tough, you ain't seen nothing yet.

That is why we need a summit. That is why we need leadership. And that is why we need to stop this partisan bickering and games on both sides of the aisle. Let us get together. Let us talk it over under the guidance of our joint leadership.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] be given an additional 16 seconds.

The SPEAKER pro tempore. The gentleman from Massachusetts may complete his statement.

Mr. CONTE. Mr. Speaker, I will end by saying, "Read my lips." Let us all get together here for the good of the country and for those programs that I talked about. Let us get to the summit and let us quit our bickering.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3736 AND H.R. 3737

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Virginia [Mr. OLIN] as a cosponsor of H.R. 3736 and H.R. 3737.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FAMILY AND MEDICAL LEAVE ACT NOT GOOD FOR AMERICAN BUSINESS AND INDUSTRY

(Mr. VALENTINE asked and was given permission to address the House for 1 minute.)

Mr. VALENTINE. Mr. Speaker, my remarks will not have anything to do with the recent controversy. I hate to have to be here to follow that splendid act, but that is the way it happens.

Mr. Speaker, over the years the Federal Government has insinuated itself more and more into the everyday lives of the American people and American business. Contrary to what some say, Mr. Speaker, this is not a completely bad circumstance. Among the positive results are a Federal minimum wage, a requirement that overtime wages must be paid for overtime work, a safer workplace, and some protection from discrimination.

Up until now, Mr. Speaker, American business has not been required to pay people for work they did not perform. Up until now American business has not been required to pay people for idleness.

If the House passes H.R. 770, this will change, Mr. Speaker, and for the very first time Congress will have said to the American business and industry, "You must pay some of your people for work they do not perform."

It will be a historic occasion.

□ 1550

"EVERYTHING" ON THE BUDGET TABLE MEANS EVERYTHING

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, we are about to enter a budget summit that could be very, very important for this country. One of our colleagues on the Democratic side was talking about intellectual consistency. Let me just suggest to every Member of the House that if everything is on the table, then everything is on the table, every appropriation, every piece of pork, all the micromanagement, all of the various built-in, mandated waste that over the last 35 years have accrued in the way the Congress deals with the Government.

It seems to me we ought to start first by trying to clear out everything that is unnecessary waste and unnecessary expenditure and unnecessary redtape and unnecessary mandate, and then if we get around to the need for revenues, there may be a time to get to it. But we have a long number of sessions in that summit looking at everything before we start defining the word "everything" to mean only taxes.

So intellectual consistency is going to require that everybody on both sides mean by the word "everything" everything.

APPOINTMENT OF CONFEREES ON H.R. 3, EARLY CHILDHOOD EDUCATION AND DEVELOPMENT ACT OF 1990

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3) to authorize appropriations to expand Head Start programs and programs carried out under the Elementary and Secondary Education Act of 1965 to include child care services, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. ARCHER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3 be instructed to reject the new "Act for Better Child Care" grant program proposed in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER]

will be recognized for 30 minutes, and the gentleman from California [Mr. HAWKINS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House debate on day care has now continued for more than 2 years. We have argued about day care quality and regulations, about new bureaucracy, about supply shortages, about committee jurisdiction, and about money.

Even though the House passed a bill, significant differences of opinion exist within this body regarding most of those issues.

But I think the House did settle one issue emphatically. It does not support the ABC provisions of the Senate bill.

My motion simply instructs the House conferees on that particular issue to support the existing clear House position by rejecting those Senate provisions. It underscores the existing clear House position. No more. No less.

It's very troubling to hear now that the conferees being named today may not, in fact, constitute a working majority in support of the House position on this cornerstone issue. That's why this motion to instruct is so important.

The House rejected the ABC approach for good reason. The Federal Government already has 28 day care programs.

We do not need a 29th, in the form of a redundant new preschool program which has the potential to create an elaborate new bureaucracy at the Federal and State levels.

We already have a preschool grant mechanism that has been in existence for nearly 30 years. The title XX grant program—which is part of the Social Security Act—provides the States with $2.8 billion to spend on social programs of their choice. In practice, every State but one spends title XX money on day care.

Here's what title XX supports: A Federal mechanism to send the money to the States; a State mechanism to receive the Federal money and allocate it to day care providers or local governments; mechanisms at the local level to allocate the money to providers; an elaborate set of rules and procedures at the State and local levels governing who has the right to apply for the money, what they must do to apply, how it is decided who gets the money and how much, and what the money can be used for; and a mechanism to assure that day care financed by title XX dollars is in accord with State and local quality standards.

The point is, the House chose not to create a redundant, costly new preschool day care grant program when we already have one with the inherent flexibility of the title XX program.

I would have strongly preferred that the Speaker appoint conferees who will support the House position on the ABC Program.

Absent that commitment, it's vital that we remind our conferees through these instructions that we, as the Members of the House they're representing in conference, in fact, expect them to fulfill their responsibility to us.

Mr. Speaker, I reserve the balance of my time.

Mr. HAWKINS. Mr. Speaker, the chairman of the Committee on Education and Labor has no requests for time, and I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. ROSTENKOWSKI], chairman of the Committee on Ways and Means.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in strong support of the motion to instruct conferees on a child care bill. As many of my colleagues know, I rarely support such motions. However, today is one of those extraordinary occasions where it is important—if not essential—that we support the motion to instruct. Prior to going to conference, the conferees need to know the position of the House on the ABC provisions contained in the Senate amendment.

Mr. Speaker, I have only one goal in the upcoming child care conference, and that is to produce a bill that will be enacted into law so that millions of children and their parents will receive much-needed child care assistance. To do this, the conferees must produce a bill that the President will sign. No one will benefit—not one child, not one family—if all we produce from conference is a political issue for the fall elections.

The President has repeatedly made clear his intention to veto a child care bill that contains the ABC provisions of the Senate amendment. I want to avoid a circumstance in which the House rejects, or the President vetoes, a child care conference report because of its inclusion of the Senate's ABC provisions. I have absolutely no interest in playing chicken with the President or jeopardizing approval of the conference report on the House floor. Better for the House to express its will clearly and emphatically on this motion to instruct, rather than reject the conference report later.

Mr. Speaker, the House bill was supported by 265 Members, and provides child care assistance through a significant expansion of the existing Title XX Program. It creates no new or duplicative bureaucracy as does the Senate amendment through its new ABC Program. The motion to instruct merely reaffirms the position of the House and directs its conferees to faithfully represent that position in opposition to the Senate's ABC provisions.

My colleagues, if you share my commitment to provide much-needed child care assistance to millions of children and their parents—if you share my commitment to action, rather than rhetoric—if you share my desire to enact a good child care bill, rather than merely create a campaign issue of empty promises—you'll vote in favor of this motion to instruct.

Mr. Speaker, I urge the House to support this motion to instruct and send a strong bipartisan message to our conferees that we all want a bill the President can sign—a bill that will deliver on all our promises and all our rhetoric; most importantly, a bill that will deliver essential child care assistance to millions of American families.

Vote aye on the motion to instruct.

Mr. MILLER of Washington. Mr. Speaker, I rise today to urge my colleagues to vote in favor of the motion to instruct conferees on H.R. 3, the Early Childhood Education and Development Act. This motion would instruct conferees to reject the provisions in the Senate-passed bill which create a new Federal child care bureaucracy. The Senate-passed bill discriminates against poor families who deserve the right to choose church-based child care.

We must support the provisions in H.R. 3 which protect the rights of families and stay-at-home mothers. Families don't want a federally driven child care bureaucracy. It's important that we allow the use of vouchers for church-based child care, permit church members to work as child care employees, and expand tax credits for parents. The House bill is clearly superior to the Senate's. If the conference adopts major parts of the Senate bill or if responsible fiscal provisions are not contained in the final bill, I will oppose this bill when it comes back to the House for final passage. We need more and better day care in this country, but it must be based on sound principles. The issue here is choice. Choice will strengthen our families.

Mr. SHAW. Mr. Speaker, as the House agrees to go to conference with the Senate, it is painfully clear that we're back to the exact place we reached a year ago. Ironically, the conflict is not over whether we should give States some money to expand and improve day care, but over how we should give them the money. The fundamental conflict within the House for 2 years now has been the desire of the Education and Labor Committee to use the ABC grant mechanism—as opposed to the desire of the Ways and Means Committee to use the title XX grant mechanism. If we had resolved this conflict last year, parents, States, and localities could be well on their way to implementing this bill by now.

Finally, the House decided to use the title XX mechanism when it passed H.R. 3 a month ago. Now the matter is about to become even more complicated, because the Senate appears to want the ABC bill. Moreover, the Democratic leadership in the House has arranged the conference so that it appears nearly inevitable that the conference will

approve the ABC bill. As a result, the conference report would include both the ABC bill and title XX.

This is a ridiculous result. The point of the bipartisan motion to instruct conferees is simply to remind our conference managers that the House has already spoke on this matter. By passing H.R. 3 with an excellent new title XX program and without ABC, the House made a clear choice. Now we are simply instructing our conferees to stick by our choice.

We have already allowed this conflict to deprive the Nation of good social legislation for more than a year. The President has said repeatedly he will veto any day care bill that includes ABC. Let's send our conferees and the Senate conferees an overwhelming message by this vote today. We want to stick with the decision we already made to support title XX. We want a bill that will be signed into law. Vote "yes" on the motion to instruct.

Mr. ARCHER. Mr. Speaker, does the gentleman from California [Mr. HAWKINS] intend to speak? We have the right to close debate, I believe.

The SPEAKER pro tempore. The gentleman is correct.

Mr. HAWKINS. Mr. Speaker, I think there is much ado about nothing. The gentleman on this side intends to support the motion.

I have no requests for time, and in order to conserve time, I simply yield back the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

□ 1600

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Texas [Mr. ARCHER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ARCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 411, nays 0, answered "present" 1, not voting 21, as follows:

[Roll No. 102]

YEAS—411

Ackerman	Ballenger	Bliley
Akaka	Barnard	Boehlert
Anderson	Bartlett	Boggs
Andrews	Barton	Bonior
Annunzio	Bateman	Borski
Anthony	Bates	Bosco
Applegate	Bellenson	Boucher
Archer	Bennett	Boxer
Armey	Bereuter	Brennan
Aspin	Berman	Broomfield
Atkins	Bevill	Browder
AuCoin	Bilbray	Brown (CA)
Baker	Bilirakis	Brown (CO)
Bruce	Grant	McDade
Bryant	Gray	McDermott
Buechner	Green	McGrath
Bunning	Guarini	McHugh
Burton	Gunderson	McMillan (NC)
Byron	Hall (OH)	McMillen (MD)
Callahan	Hall (TX)	McNulty
Campbell (CA)	Hamilton	Meyers
Campbell (CO)	Hammerschmidt	Mfume
Cardin	Hancock	Michel
Carper	Hansen	Miller (CA)
Carr	Harris	Miller (OH)
Chandler	Hastert	Miller (WA)
Chapman	Hatcher	Mineta
Clarke	Hawkins	Moakley
Clay	Hayes (IL)	Molinari
Clement	Hayes (LA)	Mollohan
Clinger	Hefley	Montgomery
Coble	Hefner	Moody
Coleman (MO)	Henry	Moorhead
Coleman (TX)	Herger	Morella
Combest	Hertel	Morrison (CT)
Condit	Hiler	Morrison (WA)
Conte	Hoagland	Mrazek
Conyers	Hochbrueckner	Murphy
Cooper	Holloway	Murtha
Costello	Hopkins	Myers
Coughlin	Horton	Nagle
Courter	Houghton	Natcher
Cox	Hoyer	Neal (NC)
Coyne	Hubbard	Nielson
Crane	Huckaby	Nowak
Crockett	Hughes	Oakar
Dannemeyer	Hunter	Oberstar
Darden	Hutto	Olin
Davis	Hyde	Ortiz
de la Garza	Inhofe	Owens (NY)
DeFazio	Ireland	Owens (UT)
DeLay	Jacobs	Oxley
Dellums	James	Packard
Derrick	Jenkins	Pallone
DeWine	Johnson (CT)	Panetta
Dicks	Johnson (SD)	Parker
Dingell	Johnston	Parris
Dixon	Jones (GA)	Pashayan
Donnelly	Jones (NC)	Patterson
Dorgan (ND)	Jontz	Paxon
Dornan (CA)	Kanjorski	Payne (NJ)
Douglas	Kaptur	Payne (VA)
Downey	Kasich	Pease
Dreier	Kastenmeier	Pelosi
Duncan	Kennedy	Penny
Durbin	Kennelly	Perkins
Dwyer	Kildee	Petri
Dymally	Kleczka	Pickett
Dyson	Kolbe	Porter
Early	Kolter	Poshard
Eckart	Kostmayer	Price
Edwards (CA)	Kyl	Pursell
Edwards (OK)	LaFalce	Quillen
Engel	Lagomarsino	Rahall
English	Lancaster	Rangel
Erdreich	Lantos	Ravenel
Espy	Laughlin	Ray
Evans	Leach (IA)	Regula
Fascell	Lehman (CA)	Rhodes
Fawell	Lehman (FL)	Richardson
Fazio	Lent	Ridge
Feighan	Levin (MI)	Rinaldo
Fields	Levine (CA)	Ritter
Fish	Lewis (FL)	Roberts
Flake	Lewis (GA)	Roe
Foglietta	Lightfoot	Rogers
Ford (MI)	Lipinski	Rohrabacher
Ford (TN)	Livingston	Ros-Lehtinen
Frank	Lloyd	Rose
Frenzel	Long	Rostenkowski
Frost	Lowery (CA)	Roth
Gallegly	Lowey (NY)	Rowland (CT)
Gallo	Luken, Thomas	Rowland (GA)
Gaydos	Lukens, Donald	Roybal
Gejdenson	Madigan	Russo
Gekas	Manton	Sabo
Gephardt	Markey	Saiki
Geren	Marlenee	Sangmeister
Gibbons	Martin (IL)	Sarpalius
Gillmor	Martin (NY)	Savage
Gilman	Martinez	Sawyer
Gingrich	Matsui	Saxton
Glickman	Mavroules	Schaefer
Gonzalez	Mazzoli	Scheuer
Goodling	McCandless	Schiff
Gordon	McCloskey	Schneider
Goss	McCollum	Schroeder
Gradison	McCrery	Schuette
Grandy	McCurdy	Schulze
Schumer	Solomon	Upton
Sensenbrenner	Spence	Valentine
Serrano	Spratt	Vander Jagt
Sharp	Staggers	Vento
Shaw	Stallings	Visclosky
Shays	Stangeland	Volkmer
Shumway	Stark	Vucanovich
Shuster	Stearns	Walgren
Sikorski	Stenholm	Walker
Sisisky	Stokes	Walsh
Skaggs	Studds	Washington
Skeen	Stump	Watkins
Skelton	Sundquist	Waxman
Slattery	Swift	Weber
Slaughter (VA)	Synar	Weiss
Smith (FL)	Tallon	Weldon
Smith (IA)	Tanner	Wheat
Smith (NE)	Tauke	Whittaker
Smith (NJ)	Tauzin	Whitten
Smith (TX)	Taylor	Williams
Smith (VT)	Thomas (CA)	Wilson
Smith, Denny (OR)	Thomas (GA)	Wise
	Thomas (WY)	Wolf
Smith, Robert (NH)	Torres	Wolpe
	Torricelli	Wyden
Smith, Robert (OR)	Towns	Wylie
	Traficant	Yates
Snowe	Traxler	Yatron
Solarz	Unsoeld	Young (AK)

NAYS—0

ANSWERED "PRESENT"—1

Roukema

NOT VOTING—21

Alexander	Emerson	Nelson
Bentley	Flippo	Obey
Brooks	Leath (TX)	Pickle
Bustamante	Lewis (CA)	Robinson
Collins	Machtley	Slaughter (NY)
Craig	McEwen	Udall
Dickinson	Neal (MA)	Young (FL)

□ 1618

So the motion to instruct conferees was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise their remarks and include therein extraneous material on the motion to instruct conferees on H.R. 3.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. THOMAS of California. Mr. Speaker, parliamentary inquiry.

The SPEAKER. The gentleman from California will state the parliamentary inquiry.

Mr. THOMAS of California. Mr. Speaker, in light of the unanimous vote of the House in instructing the conferees on rejecting the provision known as the ABC portion, would it not be intellectually inconsistent for the Speaker to appoint conferees that are not in agreement with that position? My assumption is, since all Members are in agreement by virtue of the vote that no one would vote that way, and it certainly would be intellectually consistent to appoint conferees who would so vote.

The SPEAKER. The Chair will advise the gentleman that the motion to instruct will not bind Senate confer-

ees. Second, that the position of the House, the Chair assumes, will be upheld in the course of the initial position of the House in the conference. Furthermore, the gentleman states that every Member of the House has voted, except for one voting "present," for the instruction; therefore, it would deem that no one would be disqualified by disagreement with the instruction.

□ 1620

Mr. THOMAS of California. I am inquiring further, Mr. Speaker, if, in fact, someone did, would they be intellectually consistent?

The SPEAKER. In the opinion of the Chair, the gentleman from California [Mr. THOMAS] is not now starting a parliamentary inquiry.

The SPEAKER. The Chair appoints the following conferees on H.R. 3, the Early Childhood Education and Development Act of 1989:

From the Committee on Education and Labor, for consideration of the House bill—except titles III and VI—and the Senate amendment—except for titles II and III—and modifications committed to conference: Messrs. HAWKINS, FORD of Michigan, CLAY, MILLER of California, KILDEE, WILLIAMS, MARTINEZ, OWENS of New York, HAYES of Illinois, PERKINS, SAWYER, and PAYNE of New Jersey, Mrs. LOWEY of New York, Mrs. UNSOELD, and Messrs. WASHINGTON, JONTZ, GOODLING, PETRI, GUNDERSON, BARTLETT, TAUKE, HENRY, GRANDY, BALLENGER, and FAWELL.

From the Committee on Ways and Means, for consideration of titles III and VI of the House bill, and title II of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, DOWNEY, FORD of Tennessee, PEASE, and MATSUI, Mrs. KENNELLY, and Messrs. ANDREWS, ARCHER, VANDER JAGT, CRANE, and SHAW.

From the Committee on Ways and Means, for consideration of title I—except section 125—of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, DOWNEY, and ARCHER.

From the Committee on Ways and Means, for consideration of title III of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, JACOBS, and BROWN of Colorado.

From the Committee on Energy and Commerce, for consideration of section 124 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, WALGREN, and LENT.

The SPEAKER. Without objection, the Chair reserves the right to appoint additional conferees.

There was no objection.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "yea" on rollcall No. 100, No. 101, and No. 102.

APPOINTMENT OF CONFEREES ON H.R. 7, APPLIED TECHNOLOGY EDUCATION AMENDMENTS OF 1989

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7) to amend the Carl D. Perkins Vocational Education Act to improve the provision of services under such act and to extend the authorities contained in such act through the fiscal year 1995, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. HAWKINS, FORD of Michigan, MILLER, of California, KILDEE, WILLIAMS, MARTINEZ, PERKINS, HAYES, of Illinois, SAWYER, OWENS of New York, and PAYNE of New Jersey, Mrs. LOWEY of New York, Mr. POSHARD, Mrs. UNSOELD, and Messrs. RAHALL, GOODLING, FAWELL, GRANDY, SMITH of Vermont, BARTLETT, GUNDERSON, and PETRI, Mrs. ROUKEMA, and Mr. COLEMAN of Missouri.

The SPEAKER. Without objection, the Chair reserves the right to appoint additional conferees.

There was no objection.

AUTHORIZING ADDITIONAL COSPONSOR OF H.R. 2273

Mr. HOYER. Mr. Speaker, I ask unanimous consent that I may be granted authority to add a cosponsor to H.R. 2273, the Americans with Disabilities Act.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF HUNGARY

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1594) to extend nondiscriminatory treatment to the products of the Peoples' Republic of Hungary for 3 years, with Senate amendments thereto, concur in the Senate amendment to the test with an amendment, and concur in the Senate amendment to the title.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendments, as follows:

House amendment to Senate amendment:

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Sec. 347. Broenner's acid.
Sec. 348. D salt.
Sec. 349. 2,4-Diaminobenzenesulfonic acid.
Sec. 350. Paramine acid.
Sec. 351. Tamoxifen.
Sec. 352. K-acid.
Sec. 353. O-anisidine.
Sec. 354. 2-Amino-4-chlorophenol.
Sec. 355. Ornithine.
Sec. 356. Demap.
Sec. 357. 7-Anilino-4-hydroxy-2-naphthalenesulfonic acid.
Sec. 358. 1,4-Diamino-2,3-dihydroanthraquinone.
Sec. 359. TFA LYS PRO in free base and tosyl salt forms.
Sec. 360. Levodopa.
Sec. 361. 1-Amino-2-bromo-4-hydroxyanthraquinone.
Sec. 362. ADC-6.
Sec. 363. L-Carnitine.
Sec. 364. Quizalofop-ethyl.
Sec. 365. Acetoacet-para-toluidide (AAPT).
Sec. 366. Naphthol as types.
Sec. 367. N-[[(4-chlorophenyl)-amino]carbonyl]-2,6-difluorobenzamide.
Sec. 368. Anis base.
Sec. 369. Acetoacetsulfanilic acid, potassium salt.
Sec. 370. Iohexol.
Sec. 371. Iopamidol.
Sec. 372. Ioxaglate.
Sec. 373. 4-Aminoacetanilide.
Sec. 374. D-Carboxamide.
Sec. 375. 2,6-dichlorobenzonitrile.
Sec. 376. Octadecyl isocyanate.
Sec. 377. 1,6-Hexamethylene diisocyanate.
Sec. 378. 1,1-Ethylidenebis-(phenyl-4-cyanate).
Sec. 379. 2,2-Bis(4-cyanatophenyl-1,1,1,3,3,3-hexafluoropropane.
Sec. 380. 4,4-Thiodiphenyl cyanate.
Sec. 381. 2[(4-Aminophenyl)sulfonyl]ethanol, hydrogen sulfate ester.
Sec. 382. Dimethoate.
Sec. 383. Diphenyldichlorosilane and phenyltrichlorosilane.
Sec. 384. Bendiocarb.
Sec. 385. Rhodamine 2C base.
Sec. 386. 2,5-Dichloro-4-(3-methyl-5-oxo-2-pyrazolin-1-yl)benzenesulfonic acid.
Sec. 387. Nimodipine.
Sec. 388. BPIP.
Sec. 389. 2,2,6,6-Tetramethyl-4-piperidinon and amino hydroxy- and imido derivatives.
Sec. 390. Norfloxacin.
Sec. 391. Ciprofloxacin and ciprofloxacin hydrochloride.
Sec. 392. 6-Methyluracil.
Sec. 393. 2,4-Diamino-6-phenyl-1,3,5-triazine.
Sec. 394. Amiloride hydrochloride.
Sec. 395. Trimethyl base.
Sec. 396. Ala pro.
Sec. 397. Thiothiamine hydrochloride.
Sec. 398. Ethyl 2-(2-Aminothiazol-4-yl)-2-Hydroxyiminoacetate(ATHAET).
Sec. 399. Ethyl 2-(2-Aminothiazol-4-yl)-2-Methoxyiminoacetate(ATMAET).
Sec. 400. 7-Nitronaphth[1,2]-oxadiazole-5-sulfonic acid.
Sec. 401. Ceftazidime tertiary butyl ester.
Sec. 402. Chemical intermediate.
Sec. 403. Sulfachloropyridazine.
Sec. 404. Mixed ortho/para toluene sulfonomide.
Sec. 405. Herbicide intermediate.
Sec. 406. N-[4-[[(2-Amino-5-formyl-1,4,5,6,7,8-hexahydro-4-oxo-6-pteridinyl)methyl]amino]benzoyl]-1-glutamic acid.
Sec. 407. Theobromine.
Sec. 408. (6R-(6a,7B(Z)))-7-(((2-Amino-4-thiazolyl)((carboxymethoxy)imino)acetyl)amino)-3-ethenyl-8-oxo-5-thia-1-azabicyclo(4.2.0) oct-2-ene-2-carboxylic acid (CEFIXIME).
Sec. 409. Teicoplanin.
Sec. 410. Carfentanil citrate.
Sec. 411. Calcium acetylsalicylate.
Sec. 412. Resolin red F3BS.
Sec. 413. Certain acid black powder and presscake.
Sec. 414. Pigment red 178.
Sec. 415. Pigment red 149 dry and presscake.
Sec. 416. Solvent yellow 43.
Sec. 417. Solvent yellow 44.
Sec. 418. Modeling pastes.
Sec. 419. Mono- and dibenzyl toluenes.
Sec. 420. Chemical light activator blends.
Sec. 421. Polymin p and polymin p hydrochloride, and polymin SNA 60.
Sec. 422. Specialty thermoset resin.
Sec. 423. Hydrocarbon novolac cyanate ester.
Sec. 424. Chlorinated synthetic rubber.
Sec. 425. Wicker products.
Sec. 426. Certain plastic web sheeting.
Sec. 427. Protective sports apparel.
Sec. 428. Garments specially designed for handicapped persons who are not ambulatory.
Sec. 429. Gripping narrow fabrics.
Sec. 430. In-line roller skate boots.
Sec. 431. Self-folding collapsible umbrellas.
Sec. 432. Glass bulbs.
Sec. 433. Drinking glasses with special effects in the glass.
Sec. 434. Certain glass fibers.
Sec. 435. Articles of semiprecious stones.
Sec. 436. Luggage frames of aluminum.
Sec. 437. Molten-salt-cooled acrylic acid reactors.
Sec. 438. Zinc printing type.
Sec. 439. Impact line printers.
Sec. 440. Machines used in the manufacture of bicycle parts; certain bicycle parts.
Sec. 441. Motor vehicle parts.
Sec. 442. Parts of generators for use on aircraft.
Sec. 443. Magnetic video tape recordings.
Sec. 444. Certain infant nursery monitors and intercoms.
Sec. 445. Certain machined electronic connector contact parts.
Sec. 446. Certain piston engines.
Sec. 447. Timing apparatus with opto-electronic displ‹y only.
Sec. 448. Furniture and seats of unspun fibrous vegetable materials.
Sec. 449. Christmas ornaments.
Sec. 450. 3-dimensional cameras.
Sec. 451. Operatic scenery, properties, including sets.
PART 2—EXISTING TEMPORARY DUTY SUSPENSIONS
Sec. 461. Extension of certain existing suspensions of duty.
Sec. 462. Extension of, and other modifications to, certain existing suspensions of duty.
Sec. 463. Termination of existing suspension of duty on c-amines.
Subtitle B—Other Tariff and Miscellaneous Provisions
PART 1—TARIFF CLASSIFICATION AND OTHER TECHNICAL AMENDMENTS
Sec. 471. Certain edible molasses.
Sec. 472. Certain woven fabrics and gauze.
Sec. 473. Classification of certain articles in whole or part of fabrics coated, covered, or laminated with opaque rubber or plastics.
Sec. 474. Gloves, mittens, and mitts.
Sec. 475. Chipper knife steel.

Sec. 476. Elimination of inverted tariff on cantilever brakes and brake parts for bicycles.
Sec. 477. Bicycles having 26-inch wheels.
Sec. 478. Processing of certain blended syrups.

PART 2—MISCELLANEOUS PROVISIONS

Sec. 481. Renewal of existing customs exemption applicable to bicycle parts in foreign trade zones.
Sec. 482. Rail cars for the State of Florida.
Sec. 483. Reliquidation of certain entries.
Sec. 484. Protest relating to certain entries.
Sec. 485. Effective dates.

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Customs and Trade Act of 1990".

TITLE I—TRADE AGENCY AUTHORIZATIONS, CUSTOMS USER FEES, AND OTHER CUSTOMS PROVISIONS

Subtitle A—Trade Agency Authorizations for Fiscal Years 1991 and 1992

SEC. 101. UNITED STATES INTERNATIONAL TRADE COMMISSION.

Section 330(e)(2) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended to read as follows:

"(2)(A) There are authorized to be appropriated to the Commission for necessary expenses (including the rental of conference rooms in the District of Columbia and elsewhere) not to exceed the following:

"(i) $41,170,000 for fiscal year 1991.

"(ii) $44,052,000 for fiscal year 1992.

"(B) Not to exceed $2,500 of the amount authorized to be appropriated for any fiscal year under subparagraph (A) may be used, subject to the approval of the Chairman of the Commission, for reception and entertainment expenses.

"(C) No part of any sum that is appropriated under the authority of subparagraph (A) may be used by the Commission in the making of any special study, investigation, or report that is requested by any agency of the executive branch unless that agency reimburses the Commission for the cost thereof.".

SEC. 102. UNITED STATES CUSTOMS SERVICE.

Section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)) is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) FOR NONCOMMERCIAL OPERATIONS.—There are authorized to be appropriated for the salaries and expenses of the Customs Service that are incurred in noncommercial operations not to exceed the following:

"(A) $510,551,000 for fiscal year 1991.

"(B) $536,079,000 for fiscal year 1992.

"(2) FOR COMMERCIAL OPERATIONS.—There are authorized to be appropriated from the Customs User Fee Account for the salaries and expenses of the Customs Service that are incurred in commercial operations not less than the following:

"(A) $672,397,000 for fiscal year 1991.

"(B) $706,017,000 for fiscal year 1992.

"(3) FOR AIR INTERDICTION.—There are authorized to be appropriated for the operation (including salaries and expenses) and maintenance of the air interdiction program of the Customs Service not to exceed the following:

"(A) $143,047,000 for fiscal year 1991.

"(B) $150,199,000 for fiscal year 1992.".

SEC. 103. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 217(g)(1)) is amended to read as follows:

"(g)(1)(A) There are authorized to be appropriated to the Office for the purposes of carrying out its functions not to exceed the following:

"(i) $23,250,000 for fiscal year 1991.

"(ii) $21,077,000 for fiscal year 1992.

"(B) Of the amounts authorized to be appropriated under subparagraph (A) for any fiscal year—

"(i) not to exceed $98,000 may be used for entertainment and representation expenses of the Office; and

"(ii) not to exceed $1,000,000 shall remain available until expended.".

Subtitle B—Customs User Fees

SEC. 111. CUSTOMS USER FEES FOR FORMAL ENTRIES MADE DURING FISCAL YEAR 1990.

(a) IN GENERAL.—Section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is amended—

(1) by inserting "(except fiscal year 1990)" after "1987" in paragraph (10); and

(2) by adding at the end thereof the following new paragraph:

"(11) For the processing of any merchandise (other than an article described in subparagraph (A), (B), or (C) of paragraph (9)) that is formally entered, or withdrawn from warehouse for consumption, during fiscal year 1990, a fee (not exceeding $575) in an amount equal to—

"(A) 0.17 percent ad valorem, or

"(B) an ad valorem rate which the Secretary of the Treasury estimates will provide a total amount of revenue during fiscal year 1990, equal to—

"(i) the total amount authorized to be appropriated for such fiscal year to the United States Customs Service for salaries and expenses incurred in conducting commercial operations during such fiscal year, reduced by

"(ii) the excess, if any, of—

"(I) the total amount authorized to be appropriated for such salaries and expenses for such fiscal year, over

"(II) the total amount actually appropriated for such salaries and expenses for such fiscal year,

except that if appropriations are not authorized for fiscal year 1990, the fee imposed under this paragraph with respect to that year shall be in an amount equal to 0.17 percent ad valorem or $575, whichever is less.".

(b) CONFORMING AMENDMENTS.—Section 13031 of such Act of 1985 is further amended as follows:

(1) Subsection (b) is amended—

(A) by striking out "(a) (9) or (10)" in paragraph (8)(A) and inserting "(a) (9), (10), or (11)";

(B) by amending paragraph (10) to read as follows:

"(10) The fee charged under subsection (a) (10) or (11) of this section with respect to goods of Canadian origin (as determined under section 202 of the United States-Canada Free-Trade Agreement Implementation Act of 1988) shall be in accordance with article 403 of the United States-Canada Free-Trade Agreement."; and

(C) by inserting at the end thereof the following:

"(11) No fee may be charged under subsection (a) (10) or (11) with respect to products of Israel if an exemption with respect to the fee is implemented under section 113 of the Customs and Trade Act of 1990.

"(12) For purposes of applying subsection (a)(11)(B), expenses incurred in conducting commercial operations do not include costs incurred in—

"(A) air passenger processing;

"(B) export control; and

"(C) international affairs.".

(2) Subsection (f)(2) is amended—

(A) by inserting "(A)" after "(2)",

(B) by striking out "(other than costs for which direct reimbursement under paragraph (3) is required)" and inserting "(other than costs described in subparagraph (B))", and

(C) by adding at the end thereof the following:

"(B) The following costs may not be funded with money contained in the Customs User Fee Account:

"(i) Costs for which direct reimbursement under paragraph (3) is required.

"(ii) Costs for any of the following services (other than a service for which direct reimbursement is made under paragraph (3)):

"(I) Any service for which a fee exemption is provided by reason of subsection (b)(10).

"(II) Any service for which a fee exemption is provided by reason of the determination referred to in section 113 of the Customs and Trade Act of 1990.

"(III) Any service provided in processing during fiscal year 1990 air passengers and articles described in subparagraph (A), (B), or (C) of subsection (a)(9).".

SEC. 112. ENFORCEMENT AUTHORITY.

Section 13031(g) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(g)) is amended—

(1) by amending the side heading to read as follows: "REGULATIONS AND ENFORCEMENT.—"; and

(2) by adding at the end the following new paragraph:

"(3) Except to the extent otherwise provided in regulations, all administrative and enforcement provisions of customs laws and regulations, other than those laws and regulations relating to drawback, shall apply with respect to any fee prescribed under subsection (a) of this section, and with respect to persons liable therefor, as if such fee is a customs duty. For purposes of the preceding sentence, any penalty expressed in terms of a relationship to the amount of the duty shall be treated as not less than the amount which bears a similar relationship to the amount of the fee assessed. For purposes of determining the jurisdiction of any court of the United States or any agency of the United States, any fee prescribed under subsection (a) of this section shall be treated as if such fee is a customs duty.".

SEC. 113. EXEMPTION OF ISRAELI PRODUCTS FROM USER FEES.

If the United States Trade Representative determines that the Government of Israel has provided reciprocal concessions in exchange for the exemption of the products of Israel from the fees imposed under section 13031(a) (10) and (11) of the Consolidated Omnibus Budget Reconciliation Act of 1985, such fees may not be charged with respect to any product of Israel that is entered, or withdrawn from warehouse for consumption, on or after the 15th day (but not before October 1, 1989) after the date on which the determination is published in the Federal Register.

SEC. 114. GAO REPORT.

The Comptroller General of the United States, within 180 days after the effective date of this section, shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the costs incurred by the Customs Service in conducting commercial operations and on appropriate fees to be charged to the beneficiaries of such services.

SEC. 115. EXTENSION OF CUSTOMS USER FEE PROGRAM.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking out "September 30, 1990" and inserting "September 30, 1991".

SEC. 116. EFFECTIVE DATES.

This subtitle (except section 113) takes effect October 1, 1989. Section 113 takes effect on the date of the enactment of this Act.

Subtitle C—Miscellaneous Customs Provisions

SEC. 121. CUSTOMS FORFEITURE FUND.

Section 613A of the Tariff Act of 1930 (19 U.S.C. 1613b) is amended as follows:

(1) Subsection (a)(1) is amended—

(A) by striking out "and" at the end of subparagraph (D);

(B) by striking out the period at the end of subparagraph (E) and inserting "; and"; and

(C) by adding at the end thereof the following new subparagraph:

"(F) equitable sharing payments made to other Federal agencies, State and local law enforcement agencies, and foreign countries under the authority of section 616(c) of this Act or section 981 of title 18, United States Code.".

(2) Subsection (a)(2) is amended—

(A) by inserting "(A)" after "(2)"; and

(B) by adding at the end thereof the following:

"(B) Any payment made under subparagraph (F) of paragraph (1) with respect to a seizure or forfeiture of property shall not exceed the value of the property at the time of disposition.".

(3) Subsection (c) is amended by inserting "forfeited currency and" before "proceeds".

(4) Subsection (e)(1) is amended—

(A) by striking out "and" after the semicolon at the end of subparagraph (A);

(B) by amending subparagraph (B)—

(i) by striking out clause (ii),

(ii) by redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively,

(iii) by striking out "and" after the semicolon in clause (iv) (as so redesignated); and

(iv) by striking out the period at the end thereof and inserting "; and"; and

(C) by adding at the end thereof the following new subparagraph:

"(C) a report containing, for the previous fiscal year—

"(i) a complete set of audited financial statements (including a balance sheet, income statement, and cash flow analysis) prepared in a manner consistent with the requirements of the Comptroller General, and

"(ii) an analysis of income and expenses for cases closed showing the revenue received or lost—

"(I) by property category (general property, vehicles, vessels, aircraft, cash, and real property) and

"(II) by type of disposition (sales, remissions, cancellations, placed into official use, sharing with State and local agencies, and destructions).".

(5) Subsection (f) is amended to read as follows:

"(f)(1) Subject to paragraph (2), there are authorized to be appropriated from the Fund not to exceed $20,000,000 for each fiscal year to carry out the purposes set forth in subsections (a)(3) and (b) for such fiscal year.

"(2) Of the amount authorized to be appropriated under paragraph (1), not to exceed the following shall be available to carry out the purposes set forth in subsection (a)(3):

"(A) $14,855,000 for fiscal year 1991.

"(B) $15,598,000 for fiscal year 1992.".

SEC. 122. INCREASE IN VALUE SUBJECT TO ADMINISTRATIVE FORFEITURE; PROCESSING OF MONEY SEIZED UNDER THE CUSTOMS LAWS.

Section 607 of the Traiff Act of 1930 (19 U.S.C. 1607) is amended—

(1) by striking out "$100,000" in subsection (a)(1) and inserting "$500,000";

(2) by striking out "or" at the end of subsection (a)(2);

(3) by inserting "or" after the semicolon at the end of subsection (a)(3);

(4) by inserting after paragraph (3) of subsection (a) the following new paragraph:

"(4) such seized merchandise is any monetary instrument within the meaning of section 5312(a)(3) of title 31 of the United States Code;";

(5) by adding at the end thereof the following new subsection:

"(c) The Commissioner of Customs shall submit to the Congress, by no later than February 1 of each fiscal year, a report on the total dollar value of uncontested seizures of monetary instruments having a value of over $100,000 which, or the proceeds of which, have not been deposited into the Customs Forfeiture Fund under section 613A within 120 days of seizure, as of the end of the previous fiscal year."; and

(6) by striking out "$100,000" in the section heading and inserting "$500,000".

SEC. 123. ANNUAL NATIONAL TRADE AND CUSTOMS LAW VIOLATION ESTIMATES AND ENFORCEMENT STRATEGY.

(a) VIOLATION ESTIMATES.—Note later than 30 days before the beginning of each fiscal year fiscal year 1991, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (hereafter in this section referred to as the "Committees") a report that contains estimates of—

(1) the number and extent of violations of the trade, customs, and illegal drug control laws listed under subsection (b) that will likely occur during the fiscal year; and

(2) the relative incidence of the violations estimated under paragraph (1) among the various ports of entry and customs regions within the customs territory.

(b) APPLICABLE STATUTORY PROVISIONS.—The Commissioner of Customs, after consultation with the Committees—

(1) Shall, within 60 days after the date of the enactment of this Act, prepare list of those provisions of the trade, customs, and illegal drug control laws of the United States for which the United States Customs Service has enforcement responsibility and to which the reports required under subsection (a) will apply; and

(2) may from time-to-time amend the listing developed under paragraph (1).

(c) ENFORCEMENT STRATEGY.—Within 90 days after submitting a report under subsection (a) for any fiscal year, the Commissioner of Customs shall—

(1) develop a nationally uniform enforcement strategy for dealing during that year with the violations estimated in the report; and

(2) submit to the Committees a report setting forth the details of the strategy.

(d) CONFIDENTIALTY.—The contents of any report submitted to the Committees under subsection (a) of (c)(2) are confidential and disclosure of all or part of the contents is restricted to—

(1) officers and employees of the United States designated by the Commissioner of Customs;

(2) the chairman of each of the Committees; and

(3) those members of each of the Committees and staff persons of each of the Committees who are authorized by the chairman thereof to have access to the contents.

SEC. 124. REPORTS REGARDING EXPANSION OF CUSTOMS PRECLEARANCE OPERATIONS AND RECOVERY FOR DAMAGE RESULTING FROM CUSTOMS EXAMINATIONS.

(A) CUSTOMS PRECLEARANCE.—The Secretary of the Treasury, in consulation with the Secretary of State, shall assess the advisability of expanding the use of preclearance operations by the United States Customs Service at foreign airports. The Secretary of Treasury shall submit a report on the assessment to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (hereafter in this section referred to as the "Committees") no later than February 1, 1991.

(b) RECOVERY FOR CUSTOMS DAMAGE.—

(1) The Secretary of the Treasury, in consultation with the Attorney General, shall determine and evaluate various means by which persons whose merchandise is damaged during customs examinations may seek compensation from, or take other recourse against, the United States Customs Service regarding the damage.

(2) No later than February 1, 1991, the Secretary of the Treasury shall submit to the Committees a report on the evaluation required under paragraph (1), together with any legislative recommendation that the Secretary considers appropriate.

(c) MERCHANDISE DAMAGE STATISTICS.—The Commissioner of Customs shall keep accurate statistics on the incidence, nature, and extent of damage to merchandise resulting from customs examinations and shall provide an annual summary of these statistics to the Committees.

SEC. 125. ELIGIBILITY OF CZECHOSLOVAKIA AND EAST GERMANY UNDER THE GENERALIZED SYSTEM OF PREFERENCES.

The table in section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended by striking out "Czechoslovakia" and "Germany (East)".

SEC. 126. EXTENSION OF TIME FOR PREPARATION OF REPORT ON SUPPLEMENTAL WAGE ALLOWANCE DEMONSTRATION PROJECTS UNDER THE WORKER ADJUSTMENT ASSISTANCE PROGRAM.

Section 246(d) of the Trade Act of 1974 (19 U.S.C. 2318(d)) is amended by striking out "3 years" and inserting "6 years".

SEC. 127. TECHNICAL AMENDMENTS REGARDING NONDISCRIMINATORY TRADE TREATMENT.

(a) WAIVER AUTHORITY.—

(1) Subsection (d) of section 402 of the Trade Act of 1974 (19 U.S.C. 2432(d)) is amended to real as follows:

"(d) If the President determines that the further extension of the waiver authority

granted under subsection (c) will substantially promote the objectives of this section, he may recommend further extensions of such authority for successive 12-month periods. Any such recommendation shall—

"(1) be made not later than 30 days before the expiration of such authority;

"(2) be made in a document transmitted to the House of Representatives and the Senate setting forth his reasons for recommending the extension of such authority; and

"(3) include, for each country with respect to which a waiver granted under subsection (c) of this section is in effect, a determination that continuation of the waiver applicable to that country will substantially promote the objectives of this section, and a statement setting forth his reasons for such determination.

If the President recommends the further extension of such authority, such authority shall continue in effect until the end of the 12-month period following the end of the previous 12-month extension with respect to any country (except for any country with respect to which such authority has not been extended under this subsection), unless before the end of the 60-day period following such previous 12-month extension a joint resolution described in section 153(a) is enacted into law disapproving the extension of such authority generally or with respect to such country specifically. Such authority shall cease to be effective with respect to all countries on the date of the enactment before the end of such 60-day period of a joint resolution disapproving the extension of such authority, and shall cease to be effective with respect to any country on the date of the enactment before the end of such 60-day period of a joint resolution disapproving the extension of such authority with respect to such country.".

(2) Subsection (a) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193(a)) is amended to read as follows:

"(a) CONTENTS OF RESOLUTION.—For purposes of this section, the term 'resolution' means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on with respect to .', with the first blank space being filled with the appropriate date, and the second blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the clause beginning with 'with respect to' being omitted if the extension of the authority is not approved with respect to any country.".

(3) Subsection (b) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193(b)) is amended—

(A) by striking out ", and, in the case of a resolution related to section 402(d)(4), 20 calendar days shall be substituted for 30 days" in paragraph (2),

(B) by striking out "an except clause, in the case of a resolution described in subsection (a)(1), or" in paragraph (3),

(C) by striking out ", in the case of a resolution described in subsection (a)(2)" in paragraph (3),

(D) by striking out "an except clause, in the case of a resolution described in subsection (a)(1), or" in paragraph (4), and

(E) by striking out ", in the case of a resolution described in subsection (a)(2)" in paragraph (4).

(4) Subsection (c) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193) is amended by striking out "in subsection (a)(1)" and inserting "in subsection (a)".

(b) BILATERAL COMMERCIAL AGREEMENTS.—

(1) Subsection (c) of section 405 of the Trade Act of 1974 (19 U.S.C. 2435(c)) is amended to read as follows:

"(c) An agreement referred to in subsection (a), and a proclamation referred to in section 404(a) implementing such agreement, shall take effect only if a joint resolution described in section 151(b)(3) that approves of the agreement referred to in subsection (a) is enacted into law.".

(2) Section 151 of the Trade Act of 1974 (19 U.S.C. 2191(b)) is amended—

(A) by amending paragraph (2) of subsection (b) to read as follows:

"(2) The term 'implementing revenue bill or resolution' means an implementing bill or approval resolution which contains one or more revenue measures by reason of which it must originate in the House of Representatives.",

(B) by striking out "concurrent" in subsection (b)(3) and inserting "joint",

(C) by striking out "revenue bill" each place it appears in subsection (e)(2) and inserting "revenue bill or resolution", and

(D) by striking out "such bill" each place it appears in subsection (e)(2) and inserting "such bill or resolution".

(3) Subsection (c) of section 407 of the Trade Act of 1974 (19 U.S.C. 2437(c)) is amended—

(A) by striking out paragraphs (1) and (2) and inserting the following new paragraph:

"(1) In the case of a document referred to in subsection (a), the proclamation set forth in the document may become effective and the agreement set forth in the document may enter into force and effect only if a joint resolution described in section 151(b)(3) that approves of the extension of nondiscriminatory treatment to the products of the country concerned is enacted into law.", and

(B) by redesignating paragraph (3) as paragraph (2).

(c) COMPLIANCE REPORTS.—

(1) Paragraph (2) of section 407(c) of the Trade Act of 1974 (19 U.S.C. 2437(c)(2)), as redesignated by subsection (b)(3)(B) of this section, is amended—

(A) by striking out "either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution of disapproval (under the procedures set forth in section 152)" and inserting "a joint resolution described in section 152(a)(1)(B) is enacted into law that disapproves", and

(B) by striking out "the adoption" and inserting "the enactment".

(2) Subparagraph (B) of section 152(a)(1) of the Trade Act of 1974 (19 U.S.C. 2192(a)(1)(B)) is amended to read as follows:

"(B) a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve transmitted to the Congress on .', with the first blank space being filled in accordance with paragraph (2), and the second blank space being filled with the appropriate date.".

(3) Paragraph (2) of section 152(a) of the Trade Act of 1974 (19 U.S.C. 2192(a)(2)) is amended—

(A) by adding "and" at the end of subparagraph (A),

(B) by striking out "407(c)(3)" in subparagraph (C) and inserting "407(c)(2)",

(C) by striking out subparagraph (B),

(D) by redesignating subparagraph (C) as subparagraph (B).

(4) Subsection (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(f)) is amended to read as follows:

"(f) FINAL PASSAGE IN THE SENATE.—A resolution that has passed the House of Representatives shall, when received in the Senate, be placed on the calendar. The procedures in the Senate with respect to a resolution introduced in the Senate that concerns the same matter as the resolution that passed the House of Representatives shall be the same as if no resolution had been received from the House of Representatives, but the vote on final passage in the Senate shall be on the resolution that passed the House of Representatives.".

(5) Subsection (b) of section 154 of the Trade Act of 1974 (194 U.S.C. 2194(b)) is amended by striking out ", 407(c)(2), and 407(c)(3)" and inserting "and 407(c)(2)".

TITLE II—CARIBBEAN BASIN ECONOMIC RECOVERY

Subtitle A—Short Title and Findings

SEC. 201. SHORT TITLE.

This title may be cited as the "Caribbean Basin Economic Recovery Expansion Act 1989".

SEC. 202. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) a stable political and economic climate in the Caribbean region is necessary for the development of the countries in that region and for the security and economic interests of the United States;

(2) the Caribbean Basin Economic Recovery Act was enacted in 1983 to assist in the achievement of such a climate by stimulating the development of the export potential of the region; and

(3) the commitment of the United States to the successful development of the region, as evidenced by the enactment of the Caribbean Basin Economic Recovery Act, should be reaffirmed, and further strengthened, by amending that Act to improve its operation.

Subtitle B—Amendments to the Caribbean Basin Economic Recovery Act and Related Provisions

PART 1—AMENDMENTS TO CARIBBEAN BASIN ECONOMIC RECOVERY ACT

SEC. 211. REPEAL OF TERMINATION DATE ON DUTY-FREE TREATMENT UNDER THE ACT.

Section 218 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2706(b)) is repealed.

SEC. 212. DUTY REDUCTION FOR CERTAIN LEATHER-RELATED PRODUCTS.

(a) IN GENERAL.—Section 213 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703) is amended by adding at the end thereof the following new subsection:

"(h)(1) The rate of duty on any handbag, luggage, flat good, work glove, or leather wearing apparel that—

"(A) is a product of a beneficiary country; and

"(B) was not designated on August 5, 1983, as an eligible article for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

is a rate equal to 50 percent of the general column 1 rate of duty under the HTS that would apply to such article but for this paragraph.

"(2) The President shall proclaim the rates of duty imposed under paragraph (1).

"(3) The duty applied under paragraph (1) to an article is in lieu of the duty provided

for that article under general column 1 of the HTS.".

(b) CONFORMING AMENDMENT.—Section 213(b) of such Act is amended—

(1) by striking out ", handbags, luggage, flat goods, work gloves, and leather wearing apparel" in paragraph (2);

(2) by striking "or" at the end of paragraph (4);

(3) by striking out the period at the end of paragraph (5) and inserting "; or"; and

(4) by adding at the end thereof the following new paragraph:

"(6) articles to which reduced rates of duty apply under subsection (h).".

SEC. 213. WORKER RIGHTS.

Section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) is amended—

(1) by striking out "and" after the semicolon at the end of subsection (b)(5);

(2) by striking out the period at the end of subsection (b)(6) and inserting "; and";

(3) by adding at the end of subsection (b) the following new paragraph:

"(7) if such country has not or is not taking steps to afford internationally recognized worker rights (as defined in section 502(a)(4) of the Trade Act of 1974) to workers in the country (including any designated zone in that country).";

(4) by amending the last sentence in subsection (b) by striking out "and (5)" and inserting "(5), and (7)";

(5) by amending subsection (c)(8) to read as follows:

"(8) whether or not such country has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally recognized worker rights."; and

(6) by adding the following new subparagraph at the end of subsection (e):

"(3) Not later than January 4, 1991 and biennially thereafter, the President shall conduct a general review of eligible countries based on the considerations described in subsections (b) and (c).".

SEC. 214. REPORTS.

Section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) is amended by adding at the end thereof the following new subsection:

"(f) On or before October 1, 1992, and the close of each 3-year period thereafter, the President shall submit to the Congress a complete report regarding the operation of this title.".

SEC. 215. APPLICATION OF ACT IN EASTERN CARIBBEAN AREA.

It is the sense of the Congress that there should be undertaken special efforts in order to improve the ability of the Organization of Eastern Caribbean States countries and Belize to benefit from the Caribbean Basin Economic Recovery Act.

PART 2—AMENDMENTS TO THE HARMONIZED TARIFF SCHEDULE AND OTHER PROVISIONS AFFECTING CBI BENEFICIARY COUNTRIES

SEC. 221. SUGAR IMPORTS FROM BENEFICIARY COUNTRIES.

(a) ALLOCATIONS TO BENEFICIARY COUNTRIES.—Paragraph (c) of additional U.S. note 3 of chapter 17 of the Harmonized Tariff Schedule of the United States is amended—

(1) by inserting after note 2 of subparagraph (i) the following:

"NOTE 3: The Secretary shall determine whether any country is not utilizing fully the base quota amount allocated to it for a quota year and any amount determined to be unused during such year shall be reallocated on a pro rata basis among the countries listed in general note 3(c)(v) (hereinafter in this paragraph referred to as the 'CBI countries') receiving base quota allocations for such year. The unused quota amount reallocated to any CBI country under this note for any quota year is in addition to any reallocation made under subparagraph (iv) to that country for such year. No portion of any reallocation made to a CBI country for a quota year under this note or subparagraph (iv) that is unused at the close of such year is available for use in any other quota year";

(2) by amending subparagraph (iii) to read as follows:

"(iii) Notwithstanding any authority given to the United States Trade Representative under paragraphs (e) and (g) of this note, in allocating any limitation imposed under any paragraph of this note on the quantity of sugars, syrups, and molasses described in the subheadings cited under paragraph (a) of this note which may be entered—

"(A) the percentage allocation made to the Philippines under this paragraph may not be reduced,

"(B) no allocation may be made to the Republic of South Africa, and

"(C) the aggregate of the amounts of the base quota allocations to the CBI countries for any quota year beginning after December 31, 1988, may not be less than 371,449 metric tons, raw value."; and

(3) by adding at the end thereof the following new subparagraphs:

"(iv) If under law authorizing such an action for purposes of dealing with a threat to the national security or foreign policy of the United States, the allocation under subparagraph (i) for any quota year is suspended or terminated with respect to any country, the amount of the suspended or terminated allocation shall be reallocated on a pro-rata basis among the CBI countries receiving allocations for that year. Any quota amount reallocated to any CBI country under this subparagraph for any quota year is in addition to any reallocation made under note 3 of subparagraph (i) to that country for such year.

"(v) The President may enter into trade agreements with foreign governments for purposes of granting appropriate compensation, and may proclaim such compensation, if any action taken by the United States under the authority of note 3 of subparagraph (i), subparagraph (iii)(C), or subparagraph (iv) is found to be inconsistent with the international obligations of the United States (including the General Agreement on Tariffs and Trade). Before offering compensation under this subparagraph, the President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the reasons for taking the action concerned and the compensation proposed to be offered.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to the quota year in effect on the date of the enactment of this Act and to quota years thereafter.

SEC. 222. INCREASE IN DUTY-FREE TOURIST ALLOWANCES.

(a) DUTY-FREE ALLOWANCE FOR RETURNING RESIDENTS.—Subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by inserting the following new note at the end of the notes to such subchapter.

"4. As used in subheadings 9804.00.70 and 9804.00.72, the term 'beneficiary country' means a country listed in general note 3(c)(v)(A).";

(2) by striking out "subheading 9804.00.65 or 9804.00.70" and all that follows thereafter in the superior article description to subheadings 9804.00.65 and 9804.00.70 and inserting "subheadings 9804.00.65, 9804.00.70, and 9804.00.72 within 30 days preceding his arrival, and claims exemption under only one of such items on his arrival.";

(3) by striking out "$800" in subheading 9804.00.70 and inserting "$1,200";

(4) by inserting "or up to $600 of which have been acquired in one or more beneficiary countries" before the parenthetical matter in subheading 9804.00.70; and

(5) by inserting after subheading 9804.00.70 the following new subheading with the article description for the new subheading having the same degree of indentation as subheading 9804.00.70:

"9804.00.72	Articles whether or not accompanying a person, not over $600 in aggregate fair market value in the country of acquisition, including—. (a) but only in the case of an individual who has attained the age of 21, not more than 1 liter of alcoholic beverages or not more than 2 liters if at least one liter is the product of one or more beneficiary countries, and. (b) not more than 200 cigarettes, and not more than 100 cigars. If such person arrives directly from a beneficiary country, not more than $400 of which shall have been acquired elsewhere than in beneficiary countries (but this item does not permit the entry of articles not accompanying a person which were acquired elsewhere than in beneficiary countries)	Free	Free."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to residents of the United States who depart from the United States on or after the 15th day of the enactment of this Act.

SEC. 223. DUTY-FREE TREATMENT FOR ARTICLES ASSEMBLED IN BENEFICIARY COUNTRIES FROM COMPONENTS PRODUCED IN THE UNITED STATES.

(a) IN GENERAL.—U.S. Note 2 of subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking out "2. Any" and inserting "2. (a) Except as provided in paragraph (b), any"; and

(2) by adding at the end thereof the following new paragraph:

"(b) No article (except a textile or apparel article) may be treated for purposes of this Act as a foreign article, or as subject to duty, if—

"(i) the article is—

"(A) assembled in whole of fabricated components that are a product of the United States, or

"(B) processed in whole of ingredients (other than water) that are a product of the United States, in a beneficiary country; and

"(ii) neither the fabricated components or ingredients, after exportation from the United States, nor the article itself, before importation into the United States, enters the commerce of any foreign country other than a beneficiary country. As used in this paragraph, the term 'beneficiary country'

means a country listed in general note 3(c)(V)(A).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) applies with respect to goods assembled or processed abroad that are entered on or after the 15th day after the date of the enactment of this Act.

SEC. 224. RULES OF ORIGIN FOR BENEFICIARY COUNTRY PRODUCTS.

(a) IN GENERAL.—For purposes of administering the Caribbean Basin Economic Recovery Act and subject to subsection (b), the President may proclaim new rules, to take effect on January 1, 1991, for determining whether articles originate in beneficiary countries.

(b) CONSULTATION AND LAY-OVER REQUIREMENTS.—Rules of origin may not be proclaimed under subsection (a) unless—

(1) the President has obtained advice regarding the proposed rules pursuant to consultation with—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974,

(B) the governments of the beneficiary countries,

(C) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, and

(D) other interested parties;

(2) the President has submitted a report to such Committees that sets forth the rules proposed to be proclaimed and the reasons thereof;

(3) a period of at least 90 calendar days that begins on the first day on which the President has met the requirements of paragraphs (1) and (2) with respect to such action has expired; and

(4) the President has further consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

SEC. 225. CUMULATION INVOLVING BENEFICIARY COUNTRY PRODUCTS UNDER THE COUNTERVAILING AND ANTIDUMPING DUTY LAWS.

(a) MATERIAL INJURY.—Section 771(7)(C)(iv) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(c)(iv)) is amended to read as follows:

"(iv) CUMULATION.—

"(I) IN GENERAL.—For purposes of clauses (i) and (ii) and subject to subclause (II), the Commission shall cumulatively assess the volume and effect of imports from two or more countries of like products subject to investigation if such imports compete with each other and with like products of the domestic industry in the United States market.

"(II) CBI EXCEPTION.—When the imports subject to investigation are products of a country designated as a beneficiary country under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.), the volume and effect of imports from such country may only be cumulatively assessed with imports of like products from one or more other countries designated as beneficiary countries.".

(b) THREAT OF MATERIAL INJURY.—Section 771(7)(F)(iv) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(F)(iv)) is amended by striking out "(C)(v)," and inserting "(C)(iv)(II)and (v),".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) apply with respect to investigations initiated under section 720 or 732 of the Tariff Act of 1930 on or after the date of the enactment of this Act.

SEC. 226. ETHYL ALCOHOL AND MIXTURES THEREOF FOR FUEL USE.

(a) DETERMINATION OF INDIGENOUS PRODUCTS.—Section 423(c) of the Tax Reform Act of 1986 (19 U.S.C. 2703 note) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by striking out paragraph (2) and inserting the following:

"(2) Ethyl alcohol or a mixture thereof that is produced by a process of full fermentation in an insular possession or beneficiary country shall be treated as being an indigenous product of that possession or country.

"(3)(A) Ethyl alcohol and mixtures thereof that are only dehydrated within an insular possession or beneficiary country (hereinafter in this paragraph referred to as 'dehydrated alcohol and mixtures') shall be treated as being indigenous products of that possession or country only if the alcohol or mixture, when entered, meets the applicable local feedstock requirement.

"(B) The local feedstock requirement with respect to any calendar year is—

"(i) 0 percent with respect to the base quantity of dehydrated alcohol and mixtures that is entered;

"(ii) 30 percent with respect to the 35,000,000 gallons of dehydrated alcohol and mixtures next entered after the base quantity; and

"(iii) 50 percent with respect to all dehydrated alcohol and mixtures entered after the amount specified in clause (ii) is entered.

"(C) For purposes of this paragraph:

"(i) The term 'base quantity' means, with respect to dehydrated alcohol and mixtures entered during any calender year, the greater of—

"(I) 60,000,000 gallons; or

"(II) an amount (expressed in gallons) equal to 7 percent of the United States domestic market for ethyl alcohol, as determined by the United States International Trade Commission, during the 12-month period ending on the preceding September 30;

that is first entered during the calendar year.

"(ii) The term 'local feedstock' means hydrous ethyl alcohol which is wholly produced or manufactured in any insular possession or beneficiary country.

"(iii) The term 'local feedstock requirement' means the minimum percent, by volume, of local feedstock that must be included in dehydrated alcohol and mixtures."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to calendar years after 1989.

SEC. 227. CONFORMING AMENDMENT.

Section 503(b) of the Trade Act of 1974 (19 U.S.C. 2463(b)) is amended to read as follows:

"(b)(1) The duty free treatment provided under section 501 shall apply to any eligible article which is the growth, product, or manufacture of a beneficiary developing country if—

"(A) that article is imported directly from a beneficiary developing country into the customs territory of the United States; and

"(B) the sum of (i) the cost or value of the materials produced in the beneficiary developing country or any 2 or more countries which are members of the same association of countries which is treated as one country under section 502(a)(3), plus (ii) the direct costs of processing operations performed in such beneficiary developing country or such member countries is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States.

"(2) The Secretary of the Treasury, after consulting with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this subsection, including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this title, an article must be wholly the growth, product, or manufacture of a beneficiary developing country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary developing country; but no article or material of a beneficiary developing country shall be eligible for such treatment by virtue of having merely undergone—

"(A) simple combining or packaging operations, or

"(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.".

Subtitle C—Scholarship Assistance and Tourism Promotion

SEC. 231. CARIBBEAN-CENTRAL AMERICAN SCHOLARSHIP PARTNERSHIP.

(a) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—The Administrator of the Agency for International Development shall establish and administer a program of scholarship assistance, in cooperation with State governments, universities, community colleges, and businesses, to provide scholarships to enable students from eligible countries in the Caribbean and Central America to study in the United States.

(b) GRANTS TO STATES.—In carrying out this section, the Administrator may make grants to States to provide scholarship assistance for undergraduate degree programs and for training programs of one year or longer in study areas related to the critical development needs of the students' respective countries.

(c) CONSULTATION WITH STATES.—The Administrator shall consult with the participating States with regard to the educational opportunities available within each State and on the assignment of scholarship recipients.

(d) FEDERAL SHARE.—The Federal share for each year for which a State receives payments under this section shall be not less than 50 percent.

(e) NON-FEDERAL SHARE.—The non-Federal share of payments under this section may be in cash, including the waiver of tuition or the offering of in-State tuition or housing waivers or subsidies, or in-kind fairly evaluated, including the provision of books or supplies.

(f) FORGIVENESS OF SCHOLARSHIP ASSISTANCE.—The obligation of any recipient to reimburse any entity for any or all scholarship assistance provided under this section shall be forgiven upon the recipient's prompt return to his or her country of domicile for a period which is at least one year longer than the period spent studying in the United States with scholarship assistance.

(g) PRIVATE SECTOR PARTICIPATION.—To the maximum extent practicable, each participating State shall enlist the assistance of the private sector to enable the State to meet the non-Federal share of payments under this section. Wherever appropriate, each participating State shall encourage the private sector to offer internships or other

opportunities consistent with the purposes of this section to students receiving scholarships under this section.

(h) FUNDING.—Any funds used in carrying out this section shall be derived from funds allocated for Latin American and Caribbean regional programs under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund).

(i) DEFINITIONS.—As used in this section—

(1) The term "eligible country" means any country—

(A) which is receiving assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) or chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund); and

(B) which is designated by the President as a beneficiary country pursuant to the Caribbean Basin Economic Recovery Act.

(2) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 232. PROMOTION OF TOURISM.

(a) CONGRESSIONAL FINDING.—The Congress finds that the tourism industry must be recognized as a central element in the economic development and political stability of the Caribbean Basin region because of the potential that the industry has for increasing employment and foreign exchange earnings, establishing important linkages with other related sectors, and having a positive complementary effect on trade with the United States.

(b) FEDERAL AGENCY PRIORITY.—It is the sense of the Congress that increased tourism and related activities should be developed in the Caribbean Basin region as a central part of the Caribbean Basin Initiative program and, to that end, the appropriate agencies of the United States Government should assign a high priority to projects that promote the tourism industry in the Caribbean Basin.

(c) STUDY.—The Secretary of Commerce shall complete the study begun in 1986 regarding tourism development strategies for the Caribbean Basin region. The study shall include—

(1) information on the mutual benefits received by the United States and the Caribbean Basin economies as a result of tourist activity in the area; and

(2) proposals for developing increased linkages between the tourism industry and local industries in the region such as the agro-business.

SEC. 233. PILOT PRECLEARANCE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subject to subsection (b), the Commissioner of Customs shall carry out, during fiscal years 1990 and 1991, preclearance operations at a facility of the United States Customs Service in a country within the Caribbean Basin which the Commissioner of Customs considers appropriate for testing the extent to which the availability of preclearance operations can assist in the development of tourism.

(b) RESTRICTIONS REGARDING PROGRAM.—

(1) The Commissioner of Customs may not consider a country within the Caribbean Basin to be appropriate for the testing referred to in subsection (a)—

(A) if preclearance operations are currently carried out by the United States Customs Service in that country; or

(B) unless immigration preinspection operations are currently carried out in that country with respect to individuals traveling to the United States.

(2) Preclearance operations may not be commenced in the country selected for testing under subsection (a) unless the Commissioner of Customs and the Commissioner of Immigration and Naturalization jointly certify that—

(A) there exists a bilateral agreement between the United States Government and the government of such country which protects the interests of the United States and affords diplomatic protection to United States employees working at the preclearance location;

(B) the facilities at the preclearance location conform to Federal Inspection Services standards and are suitable for the duties to be performed therein;

(C) there is adequate security around the structure used for the reception of international arrivals;

(D) the government of such country grants the United States Customs Service and the United States Immigration and Naturalization Service appropriate search, seizure, and arrest authority; and

(E) United States employees and their families will not be subject to fear of reprisal, acts of terrorism, and threats of intimidation.

(c) REPORT.—As soon as practicable after September 30, 1991, the Commissioner of Customs shall submit to the Congress a report regarding the preclearance operations program carried out under subsection (a). The report shall include—

(1) a summary of the preclearance operations, including the number of individuals processed, any administrative problems encountered, and cost of the operations;

(2) an evaluation of the extent to which the preclearance operations contributed to—

(A) the stimulation of the tourism industry of the country concerned, and

(B) expedited customs processing at United States ports of entry;

(3) the opinion of the Commissioner of Customs regarding the efficacy of extending preclearance operations to other countries within the Caribbean Basin that are developing tourism industries, and if the opinion is affirmative, the identity of those countries to which such operations should be extended and the estimated costs and results of such extensions; and

(4) such other matters that the Commissioner of Customs considers relevant.

TITLE III—TARIFF PROVISIONS

SEC. 301. REFERENCE.

Whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

Subtitle A—Temporary Suspensions and Reductions in Duties

PART 1—NEW DUTY SUSPENSIONS AND TEMPORARY REDUCTIONS

SEC. 311. CASTOR OIL AND ITS FRACTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"990215.15	Castor oil and its fractions (provided for in subheading 1515.30.00)	Free	No change	No change	On or before 12/31/92".

SEC. 312. CERTAIN JAMS, PASTES AND PUREES, AND FRUIT JELLIES.

Subchapter II of chapter 99 is amended—

(1) by adding at the end of the U.S. notes thereto the following:

"10. (a) The general column 1 rate of duty for goods provided for under heading 9902.20.07 is a rate equal to the column 1 rate of duty that would have applied to such goods under the Tariff Schedules of the United States (19 U.S.C. 1202) on the day before the effective date of this schedule.

"(b) If the President determines that appropriate trade concessions, including the correction of errors and oversights in foreign tariff schedules, have been obtained, the President may proclaim such modifications to the column 1 rates of duty on jams, pastes, and purees, and fruit jellies of peaches, apricots, or cherries, classified in subheading 2007.99 as are necessary and practicable to restore with respect to such goods the tariff treatment that applied under the Tariff Schedules of the United States (19 U.S.C. 1202) on the day before the effective date of this schedule.";

(2) by inserting in numerical sequence the following new heading:

"990220.07	Jams, pastes, and purees, and fruit jellies, the foregoing of peaches, apricots, or cherries (provided for in subheading 2007.99)	The rates of duty prescribed in U.S. note 10(a) to this subchapter	No change	No change	On or before the earlier of—(1) 12/31/92 or (2) the effective date of the rates proclaimed under U.S. note 10(b) to this subchapter".

SEC. 313. MERCURIC OXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.28.25	Mercuric oxide (provided for in subheading 2825.90.60)	Free	No change	No change	On or before 12/31/92".

SEC. 314. HEXYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.07	1-Chlorohexane (hexyl chloride) (CAS No. 544–10–5) (provided for in subheading 2903.19.50)	Free	No change	No change	On or before 12/31/92".

SEC. 315. TERTIARY-BUTYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.08	2-Chloro-2-methylpropane (tertiary-Butyl chloride) (CAS No. 507–20–0) (provided for in subheading 2903.19.50)	Free	No change	No change	On or before 12/31/92".

SEC. 316. HEXACHLOROBUTADIENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.09	Hexachlorobutadiene (provided for in subheading 2903.29.00)	Free	No change	No change	On or before 12/31/92".

SEC. 317. DMBS AND HPBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.30.10	4,4-Isopropylidenedicyclohexanol (CAS No. 80–04–6) (provided for in subheading 2903.19.00)	Free	No change	No change	On or before 12/31/92;" and
"9902.30.83	Bis-O-[(4-methylphenyl)methylene]-D-glucitol (CAS Nos. 54686–97–4 and 58956–31–3) (dimethyl-benzylidene sorbitol) (provided for in subheading 2932.90.41)	Free	No change	No change	On or before 12/31/92".

SEC. 318. MBEP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.11	2-(1,1-Dimethylethyl)-4-ethylphenol (CAS No. 96–70–8) (provided for in subheading 2907.19.50)	Free	No change	No change	On or before 12/31/92".

SEC. 319. 6-T-BUTYL-2,4-XYLENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.12	6-t-Butyl-2,4-xylenol (provided for in subheading 2907.19.50)	Free	No change	No change	On or before 12/31/92".

SEC. 320. 4,4'-METHYLENEBIS-(2,6-DIMETHYLPHENYLCYANATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.13	4,4'-Methylenebis-(2,6-dimethylphenylcyanate) (CAS No. 101657–77–6) (provided for in subheading 2907.29.50)	Free	No change	No change	On or before 12/31/92".

SEC. 321. NEVILLE AND WINTER'S ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.14	1-Naphthol-4-sulfonic acid and the monosodium salt (CAS Nos. 84–87–7 and 6099–57–6) (provided for in subheading 2908.20.10)	Free	No change	No change	On or before 12/31/92".

SEC. 322. 7-HYDROXY-1,3-NAPHTHALENEDISULFONIC ACID, DIPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.15	7-Hydroxy-1,3-naphthalenedisulfonic acid, dipotassium salt (CAS No. 842–18–2) (provided for in subheading 2908.20.50)	Free	No change	No change	On or before 12/31/92".

SEC. 323. 7-ACETYL-1,1,3,4,4,6-HEXAMETHYLTETRAHYDRONAPHTHALENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.16	7-Acetyl-1,1,3,4,4,6-hexamethyltetrahydronaphthalene (CAS No. 1506–02–1) (provided for in subheading 2914.30.00)	Free	No change	No change	On or before 12/31/92".

SEC. 324. ANTHRAQUINONE (AQ).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.17	Anthraquinone (CAS No. 84–65–1) (provided for in subheading 2914.61.00)	Free	No change	No change	On or before 12/31/92".

SEC. 325. 1,4-Dihydroxyanthraquinone.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.18	1,4-Dihydroxyanthraquinone (CAS No. 81–64–1) (provided for in subheading 2914.69.50)	Free	No change	No change	On or before 12/31/92".

SEC. 326. 2-ETHYLANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.19	2-Ethylanthraquinone (CAS No. 84–51–5) (provided for in subheading 2914–69.50)	Free	No change	No change	On or before 12/31/92".

SEC. 327. CHLORHEXANONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.20	1-Chloro-5-hexanone (CAS No. 10226–30–9) (provided for in subheading 2914.70.50)	Free	No change	No change	On or before 12/31/92".

SEC. 328. P.TOLUIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.21	p-Toluic acid (provided for in subheading 2916.39.50)	Free	No change	No change	On or before 12/31/92".

SEC. 329. NAPHTHALIC ACID ANHYDRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.22	Naphthalic acid anhydride (CAS No. 81–84–5) (provided for in subheading 2917.38.10)	Free	No change	No change	On or before 12/31/92".

SEC. 330. DIFLUNISAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.23	2',4'-Difluoro-4-hydroxy-3-biphenyl-carboxylic acid (provided for in subheading 2918.29.40)	Free	No change	No change	On or before 12/31/92".

SEC. 331. DIPHENOLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.24	4,4-Bis(4-hydroxy-phenyl)-pentanoic acid (CAS No. 126–00–1) (provided for in subheading 2918.29.40)	Free	No change	No change	On or before 12/31/92".

SEC. 332. 6-HYDROXY-2-NAPHTHOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.25	6-Hydroxy-2-naphthoic acid (CAS No. 16712–64–4) (provided for in subheading 2918.29.40)	Free	No change	No change	On or before 12/31/92".

SEC. 333. METHYL AND ETHYL PARATHION.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.26	0,0-Diethyl-O-(4-nitrophenyl) phosphorothioate and 0,0-Dimethyl-O-(4-nitrophenyl) phosphorothioate (provided for in subheading 2920.10.20)	Free	No change	No change	On or before 12/31/92".

SEC. 334. N-METHYLANILINE AND M-CHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.42.20	N-Methylaniline (provided for in subheading 2921.32.20)	Free	No change	No change	On or before 12/31/92".
"9902.30.28	m-Chloroaniline (provided for in subheading 2918.42.50)	Free	No change	No change	On or before 12/31/92".

SEC. 335. 4,4'-METHYLENE-BIS-(3-CHLORO-2,6-DIETHYL ANILINE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.29	4,4'-Methylene-bis-(3-chloro-2,6-diethylaniline) (CAS No. 106246–33–7) (provided for in subheading 2921.42.30)	Free	No change	No change	On or before 12/31/92".

SEC. 336. 4.4'-METHYLENE-BIS-(2,6-DIISOPROPHYL ANILINE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.30	4,4'-Methylene-bis-(2,6-diisoprophyl-aniline) (provided for in subheading 2921.42.50)	Free	No change	No change	On or before 12/31/92".

SEC. 337. 2-CHLORO-4-NITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.31	2-Chloro-4-nitroaniline (CAS No. 121–87–9) (provided for in subheading 2921.42.50)	Free	No change	No change	On or before 12/31/92".

SEC. 338. 4-CHLORO-α-α-α-TRIFLUORO-O-TOLUIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.32	4-Chloro-α-α-α-trifluoro-o-toluidine (CAS No. 445–30–4) (provided for in subheading 2921.43.10)	Free	No change	No change	On or before 12/31/92".

SEC. 339. TRIFLUOROMETHYLANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.33	Trifluoromethyl-anline (CAS No. 98–16–8) (provided for in subheading 2921.43.50)	Free	No change	No change	On or before 12/31/92".

SEC. 340. 5-AMINO-2-NAPHTHALENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.34	5-Amino-2-naphthalene-sulfonic acid (CAS No. 119–79–9) (provided for in subheading 2921.45.10)	Free	No change	No change	On or before 12/31/92".

SEC. 341. 7-AMINO-1,3-NAPHTHALENEDISULFONIC ACID MONOPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.35	7-Amino-1,3-naphthalene-disulfonic acid, monopotassium salt (CAS No. 842–15–9) (provided for in subheading 2921.45.10)	Free	No change	No change	On or before 12/31/92".

SEC. 342. 4 AMINO-1-NAPHTHALENESULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.36	4-Amino-1-naphthalenesulfonic acid, sodium salt (CAS No. 130–13–2) (provided for in subheading 2921.45.20)	Free	No change	No change	On or before 12/31/92".

SEC. 343. 8-AMINO-2 NAPHTHENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.37	8-Amino-2 naphthenesulfonic acid (CAS No. 119–28–8) (provided for in subheading 2921.45.20)	Free	No change	No change	On or before 12/31/92".

SEC. 344. MIXTURES OF 5- AND 8-AMINO-2 NAPHTHALENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.38	Mixtures of 5- and 8-amino-2 naphthalenesulfonic acid (CAS No. 119–28–8) (provided for in subheading 2921.45.30)	Free	No change	No change	On or before 12/31/92".

SEC. 345. 1-NAPHTHYLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.39	1-Naphthylamine (CAS No. 134–32–7) (provided for in subheading 2921.45.50)	Free	No change	No change	On or before 12/31/92".

SEC. 346. 6-AMINO-2-NAPHTHENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.40	6-Amino-2-naphthenesulfonic acid (CAS No. 93–00–5) (provided for in subheading 2921.45.50)	Free	No change	No change	On or before 12/31/92".

SEC. 347. BROENNER'S ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.41	2-Naphthylamine-6-sulfonic acid (CAS No. 93–00–5) (provided for in subheading 2921.45.50)	Free	No change	No change	On or before 12/31/92".

SEC. 348. D SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.42	2-Naphthylamine-1,5-disulfonic acid and its monosodium salt (CAS Nos. 117–62–4 and 19532–03–07) (provided for in subheading 2921.45.50)	Free	No change	No change	On or before 12/31/92".

SEC. 349. 2,4-DIAMINOBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.43	2,4-Diaminobenzenesulfonic acid (CAS No. 88–63–1) (provided for in subheading 2921.51.50)	Free	No change	No change	On or before 12/31/92".

SEC. 350. PARAMINE ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.44	1,4-Diaminobenzene-2-sulfonic acid (CAS No. 88–45–9) (provided for in subheading 2921.59.50)	Free	No change	No change	On or before 12/31/92".

SEC. 351. TAMOXIFEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.45	Tamoxifen citrate (provided for in subheading 2922.19.10)	Free	No change	No change	On or before 12/31/92".

SEC. 352. K-ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.46	1-Amino-8-hydroxy-4,6-naphthalenedisulfonic acid, monosodium salt (CAS No. 85292–32–2 (provided for in subheading 2922.21.20)	Free	No change	No change	On or before 12/31/92".

SEC. 353. O-ANISIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.47	1-Amino-2-methoxybenzene (o-Anisidine) (CAS No. 90–04–0) (provided for in subheading 2922.22.10)	Free	No change	No change	On or before 12/31/92".

SEC. 354. 2-AMINO-4-CHLOROPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.48	2-Amino-4-chlorophenol (CAS No. 95–85–2) (provided for in subheading 2922.29.10)	Free	No change	No change	On or before 12/31/92".

SEC. 355. ORNITHINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.49	L-Omithine, ethyl ester (L-2,5-Diaminopentanoic acid, ethyl ester) (CAS No. 84772–29–2) (provided for in subheading 2922.49.50)	Free	No change	No change	On or before 12/31/92".

SEC. 356. DEMAP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.50	m-Diethylamino-phenol (CAS No. 91–68–9) (provided for in subheading 2922.29.15) ...	Free	No change	No change	On or before 12/31/92".

SEC. 357. 7-ANILINO-4-HYDROXY-2 NAPHTHALENE-SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.51	7-Anilino-4-hydroxy-2-naphthalene-sulfonic acid (CAS No. 119–40–4) (provided for in subheading 2922.29.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 358. 1,4-DIAMINO-2,3 DIHYDROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.52	1,4-Diamino-2,3 dihydroanthraquinone (CAS No. 81–63–0) (provided for in subheading 2922.30.30) ...	Free	No change	No change	On or before 12/31/92".

SEC. 359. TFA LYS PRO IN FREE BASE AND TOSYL SALT FORMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.53	Trifluoroacetyl-L-lysine-L-proline in free base and tosyl salt forms (provided for in subheadings 2922.49.50 and 2922.49.30, respectively) ...	Free	No change	No change	On or before 12/31/92".

SEC. 360. LEVODOPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.54	3-Hydroxy-L-tyrosine (provided for in subheading 2922.50.25) ...	Free	No change	No change	On or before 12/31/92".

SEC. 361. 1-AMINO-2-BROMO-4-HYDROXYANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.55	1-Amino-2-bromo-4-hydroxyanthraquinone (CAS No. 116–82–5) (provided for in subheading 2922.50.40) ...	Free	No change	No change	On or before 12/31/92".

SEC. 362. ADC-6.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.56	3-Amino-2-(1-hydroxethyl) pentanedioic acid, 5-methyl ester (provided for in subheading 2922.50.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 363. L-CARNITINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.57	L-Carnitine (CAS No. 541–15–1) (provided for in subheading 2923.90.00) ...	Free	No change	No change	On or before 12/31/92".

SEC. 364. QUIZALOFOP-ETHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.58	2-[4-[(6-Chloro-2-quinoxalinyl) oxy)-phenoxy]propionuc acid, ethly ester (Quizalofop-ethyl) (provide for in subheading 2924.21.15) ...	Free	No change	No change	On or before 12/13/92".

SEC. 365. ACETOACET-PARA-TOLUIDE (AAPT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.59	Acetoacet-para-toluidide (AAPT) (CAS No. 2415–85–2) (provided for in subheading 2924.29.09) ...	Free	No change	No change	On or before 12/31/92".

SEC. 366. NAPHTHOL AS TYPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.60	3-Hydroxy-2-naphthanilide (CAS No. 92–77–3); 3-hydroxy-2-naphtho-o-toluidide (CAS No. 135–61–5); 3-hydroxy-2-naphtho-o-anigidide (CAS No. 135–62–6); 3-hydroxy-2-naphtho-o-phenetidide (CAS No. 92–74–0); 3-hydroxy-2-naphtho-4-chloro 2.5-dimethoxyanilide (CAS No. 4273–92–1); and N,N'-bis(acetoscetyl-o-toluidine) (CAS No. 91–96–3) (provided for in subheading 2924.29.14) ...	Free	No change	No change	On or before 12/31/92".

SEC. 367. N-[[(4/CHLOROPHENYL)-AMINO]CARBONYL]-2,6-DIFLUOROBENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.30.61	N-[[(4-chloro-phenyl)-amino]carbonyl]-2,6-difluorobenza-mide, 90% or more (provided for insubhead 2924.20.19	Free	No change	No change	On or before 12/31/92". and
"9902.38.13	mixtures of N-[[(4-chloro-phenyl)-amino]carbonyl]-2,6-difluorobenza-mide and inert substances (provided for in subheading 3808.10.20	Free	No change	No change	On or before 12/31/92".

SEC. 368. ANIS BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.62	3-Amino-methoxyben-zanilide (CAS No. 120–35–4) (provided for in subheading 2924.29.25) ...	Free	No change	No change	On or before 13/31/92".

SEC. 369. ACETOACETSULFANILIC ACID, POTASSIUM SALT.

SUBCHAPTER II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.63	Acetoacetsulfanilic acid, potassium salt (CAS No. 70321–85–6) (provided for in subheading 2924.29.40)	Free	No change	No change	On or before 12/31/92".

SEC. 370. IOHEXOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.64	N,N'-Bis(2,3-dihydroxpropyl)-5-[N-(2,3-dihydroxpropyl)-acetamido}-2,4,6-truodoisophthalamide (iohexol) (provided for in subheading 2924.29.,40)	Fee	No change	No change	On or before 9/30/90".

SEC. 371. IOPAMIDOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading;

"9902.30.65	1.3-Benzenedicarboxa-mide (provided for in subheading 2924.29.40)	Free	No change	No change	On or before 9/30/90".

SEC. 372. IOXAGLATE.

Subchapter II of chapter ii is amended by inserting in numerical sequence the following new item:

"9902.30.66	N-(2-Hydroxyethyl)-2,4,6-truodo-5-[2(2,4,6-truodo-3(N-methylacetamido)-5-(methylkcarbamoyl)-abenzamidoaceta-mido}-isophthalamic acid (provided for in subheading 2924.29.40)	Free	No change	No change	On or before 9/30/90".

Sec. 373.4-AMINOACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.67	4-Aminoacetanilide (CAS No. 122–80–5) (provided for in subheading 2924.29.45)	Free	No change	No change	On or before 12/31/92".

SEC. 374. D-CARBOXAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.68	2,2-Dimethylcyclopropylcarboxamide (CAS No. 75885–58–4) (provided for in subheading 2924.29.50)	Free	No change	No change	On or before 12/31/92".

SEC. 375. 2,6-DICHLOROBENZONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.69	Mixtures of 2,6-dichlorobenzonitrile and inert substances (provided for in subheading 2926.90.10)	Free	No change	No change	On or before 12/31/92".

SEC. 376. OCTADECYL ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.70	Octadecyl isocyanate (provided for in subheading 2929.10.40)	Free	No change	No change	On or before 12/31/92".

SEC. 377. 1,6-HEXAMETHYLENE DIISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.71	1,6-Hexamethylene diisocyanate (provided for in subheading 2929.10.50)	Free	No change	No change	On or before 12/31/92".

SEC. 378. 1,1-ETHYLIDENEBIS-(PHENYL-4-CYANATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.72	1,1-Ethylidenebis-(phenyl-4-cyanate) (provided for in subheading 2929.90.10)	Free	No change	No change	On or before 12/31/92".

SEC. 379. 2,2',BIS(4-CYANATOPHENYL)-1,1,1,3,3,3-HEXAFLUOROPROPANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.73	2,2'-Bis(4-cyanatophenyl)-1,1,1,3,3,3-hexafluoropropane (CAS No. 32728–27–1) (provided for in subheading 2929.90.10)	Free	No change	No change	On or before 12/31/92".

SEC. 380. 4,4'-THIODIPHENYL CYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.74	4,4'-Thiodiphenyl cyanate (CAS No. 101657–79–8) (provided for in subheading 2930.90.20)	Free	No change	No change	On or before 12/31/92".

SEC. 381. 2[(4-AMINOPHENYL) SULFONYL]ETHANOL, HYDROGEN SULFATE ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.75	2-[(4-Aminophenyl) sulfonyl]ethanol, hydrogen sulfate ester (CAS No. 2494–89–5) (provided for in subheading 2930.90.20)	Free	No change	No change	On or before 12/31/92".

SEC. 382. DIMETHOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.76	0,0-Dimethyl-S-methylcarbamoyl-methyl phosphorodithioate (provided for in subheading 2930.90.40	Free	No change	No change	On or before 12/31/92".

SEC. 383. DIPHENYLDICHLOROSILANE AND PHENYLTRICHLOROSILANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.77	Diphenyldichlorosilane and phenyltrichlorosilane (provided for in subheading 2931.00.40)	... Free	No change	No change	On or before 12/31/92".

SEC. 384. BENDIOCARB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.78	2,2-Dimethyl-1,3-benzodioxol-4-yl methylcarbamate (Bendiocarb) (provided for in subheading 2932.90.10)	... Free	No change	No change	On or before 12/31/92".

SEC. 385. RHODAMINE 2C BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.79	Rhodamine 2C base (CAS No. 41382-37-0) (provided for in subheading 2932.90.45)	... Free	No change	No change	On or before 12/31/92".

SEC. 386. 2,5-DICHLORO-4-(3-METHYL-5-OXO-2-PYRAZOLIN-1-YL) BENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.80	2,5-Dichloro-4-(3-methyl-5-oxo-2-pyrazolin-1-yl) benzenesulfonic acid (CAS No. 84-57-1) (provided for in subheading 2933.19.42)	... Free	No change	No change	On or before 12/31/92".

SEC. 387. NIMODIPINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.81	Nimodipine (provided for in subheading 2933.39.35)	... Free	No change	No change	On or before 12/31/92".

SEC. 388. BPIP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.82	Hexamethylene-bistriacetonediamine (provided for in subheading 2933.39.47)	... Free	No change	No change	On or before 12/31/92".

SEC. 389. 2,2,6,6-TETRAMETHYL-4-PIPERIDINON AND AMINO HYDROXY- AND IMIDO DERIVATIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.83	2,2,6,6-Tetramethyl-4-piperidinone (CAS No. 61260-55-7); 2,2,6,6-Tetramethyl-4-piperidylamine (CAS No. 36768-62-4); 2,2,6,6-Tetramethyl-4-piperidinol (CAS No. 2403-88-5); 3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidyl)-pyrrolidin-2,5-dione (CAS No. 79720-19-7); 3-Dodecyl-1-(1,2,2,6,6-pentamethyl-4-piperidyl)-pyrrolidin-2,5-dione (CAS No. 106917-30-0); and 3-Dodecyl-1-[1-acetyl-(2,2,6,6-tetramethyl-4-piperidyl)-pyrrolidin-2,5-dione (CAS No. 106917-31-1) (the foregoing provided for in subheading 2933.39.47)	... Free	No change	No change	On or before 12/31/92".

SEC. 390. NORFLOXACIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.84	(1)3-Quinolinecarboxylic acid, 1-ethyl-6-fluoro-1,4-dihydro-4-oxo-7-(1-piperazinyl) (provided for in subheading 2933.59.27)	... Free	No change	No change	On or before 12/31/92".

SEC. 391. CIPROFLOXACIN AND CIPROFLOXACIN HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.85	Ciprofloxacin and ciprofloxacin hydrochloride (provided for in subheading 2933.59.27)	... Free	No change	No change	On or before 12/31/92".

SEC. 392. 6-METHYLURACIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.86	6-Methyluracil (CAS No. 626-48-2) (provided for in subheading 2933.59.50)	... Free	No change	No change	On or before 12/31/92".

SEC. 393. 2,4-DIAMINO-6-PHENYL-1,3,5-TRIAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.87	2,4-Diamino-6-phenyl-1,3,5-triazine (CAS No. 91-76-9) (provided for in subheading 2933.69.00)	... Free	No change	No change	On or before 12/31/92".

SEC. 394. AMILORIDE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.88	N-amidino 3,5-diamino-6-chloropyrazinecarboxamide monohydrochloride dihydrate (provided for in subheading 2933.90.36)	... Free	No change	No change	On or before 12/31/92".

SEC. 395. TRIMETHYL BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.89	(1,3,3-Trimethylindolin-2-ylidene)-acetylaldehyde (CAS No. 118-12-7) (provided for in subheading 2933.90.39)	... Free	No change	No change	On or before 12/31/92".

SEC. 396. ALA PRO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.90	L-Alanyl-L-proline (CAS No. 13485-59-1) (provided for in subheading 2933.90.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 397. THIOTHIAMINE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.91	Thiothiamine hydrochloride (CAS No. 2443-50-7) (provided for in subheading 2934.10.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 398. ETHYL 2-(2-AMINOTHIAZOL-4-YL)-2-HYDROXYIMINOCETATE (ATHAET).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.92	Ethyl 2-(2-aminothiazol-4-yl)-2-hydroxyiminoacetate (ATHAET) (CAS No. 64485-82-1) (provided for in subheading 2934.10.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 399. ETHYL 2-(2-AMINOTHIAZOL-4-YL)-2-METHOXYIMINOACETATE (ATMAET).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.93	Ethyl 2-(2-aminothiazol-4-yl)-2-methoxyiminoacetate (ATMAET) (CAS No. 64485-88-7) (provided for in subheading 2934.10.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 400. 7-NITRONAPHTH]1,2]-OXADIAZOLE-5-SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.94	7-Nitronaphth[1,2]-oxadiazole-5-sulfonic acid (CAS No. 84-91-3) (provided for in subheading 2934.90.06) ...	Free	No change	No change	On or before 12/31/92".

SEC. 401. CEFTAZIDIME TERTIARY BUTYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new item:

"9902.30.95	(6R,7R)-7-[(Z)-2-(2-Aminothiazol-4-yl)-2-[(2-tert.-butoxycarbonyl) prop-2-oxyiminol acetamido]-3-(1-pyridinium-methyl) ceph-3-em-4-carboxylate (provided for in subheading 2934.90.25) ...	Free	No change	No change	On or before 12/31/92".

SEC. 402. CHEMICAL INTERMEDIATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.96	(6R, 7R)-7-amino-3-chloro-8-oxa-5-thal-1-azabicyclo[4-2-0]oct-2-ene-2-carboxylic acid, (4-nitrophenyl) methyl ester (provided for in subheading 2934.90.40) ...	Free	No change	No change	On or before 12/31/92".

SEC. 403. SULFACHLOROPYRIDAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new item:

"9902.30.97	Sulfachloropyridazine (provided for in subheading 2935.00.39) ...	Free	No change	No change	On or before 12/31/92".

SEC. 404. MIXED ORTHO/PARA TOLUENE SULFONOMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.98	Mixed ortho/para toluenesulfonamide (provided for in subheading 2935.00.47) ...	Free	No change	No change	On or before 12/31/92".

SEC. 405. HERBICIDE INTERMEDIATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new item:

"9902.30.99	N-(2,6-Dichloro-3-methylphenyl)-5-amino-1,3,4-triazole-2-sulfonamide (provided for in subheading 2935.00.47) ...	Free	No change	No change	On or before 12/31/92".

SEC. 406. N-[4-[[(2-AMINO-5-FORMYL-1,4,5,6,7,8-HEXAHYDRO-4-OXO-6-PTERIDINYL)METHYL]AMINO]BENZOYL]-L-GLUTAMIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.00	N-[4-[](2-Amino-5-formyl-1,4,5,6,7,8-hexahydro-4-oxo-6-pteridinyl)-methyl]amino]benzoyl]-L-glutamic acid (provided for in subheading 2936.29.20) ...	Free	No change	No change	On or before 12/31/92".

SEC. 407. THEOBROMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.01	Theobromine (provided for in subheading 2939.90.10 or 2939.90.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 408. (6R-(6a,7B(Z)))-7-(((2-AMINO-4-THIAZOLYL)((CARBOXYMETHOXY)IMINO)ACETYL)AMINO)-3-ETHENYL-8-OXO-5-THIA-1-AZABICYCLO(4.2.0) OCT-2-ENE-2-CARBOXYLIC ACID (CEFIXIME).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.02	(6R-(6a,7B(Z)))-7-(((2-amino-4-thiazolyl)((carboxymethoxy)imino)acetyl)amino)-3-ethenyl-8-oxo-5-thia-1-azabicyclo(4.2.0)oct-2-ene-2-carboxylic acid (cefixime) (provided for in subheading 2941.90.50)...	Free	No change	No change	On or before 12/31/92".

SEC. 409. TEICOPLANIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.03	Teicoplanin (provided for in subheading 3004.20.00)...	Free	No change	No change	On or before 12/31/92."

SEC. 410. CARFENTANIL CITRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.04	Carfentanil citrate (provided for in subheading 3004.90.60)...	Free	No change	No change	On or before 12/31/92."

SEC. 411. CALCIUM ACETYLSALICYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.05	Calcium acetylsalicylate, put up in measured doses or in forms or packings for retail sale (provided for in subheading 3004.90.60)...	Free	No change	No change	On or before 12/31/92."

SEC. 412. RESOLIN RED F3BS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.05	N-[2-[2,6-dicyano-4-methylphenyl)azo]-5-(diethylamino)phenyl]methanesulfonamide and N-[2-[(2,6-dicyano-4-methylphenyl)azo[-5-(di-1-propylamino)-phenyl]-methanesulfonamide (provided for in subheading 3204.11.20)...	Free	No change	No change	On or before 12/31/92."

SEC. 413. CERTAIN ACID BLACK POWDER AND PRESSCAKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.06	Acid black 210 powder and acid black 210 presscake (CAS No. 112484-44-3) (provided for in subheading 3204.12.40)...	Free	No change	No change	On or before 12/31/92".

SEC. 414. PIGMENT RED 178.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.07	Pigment red 178 (CAS No. 3049-71-6) (provided for in subheading 3204.17.10.....	Free	No change	No change	On or before 12/31/90".

SEC. 415. PIGMENT RED 149 DRY AND PRESSCAKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.08	Pigment red 149 dry and pigment red 149 presscake (CAS No. 4948-15-6) (provided for in subheading 3204.17.50.....	Free	No change	No change	On or before 12/31/90".

SEC. 416. SOLVENT YELLOW 43.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.09	Solvent yellow 43 (CAS No. 19125-99-6) (provided for in subheading 3204.19.15.....	Free	No change	No change	On or before 12/31/92".

SEC. 417. SOLVENT YELLOW 44.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.10	Solvent yellow 44 (CAS No. 2478-20-8) (provided for in subheading 3204.19.19.....	Free	No change	No change	On or before 12/31/92".

SEC. 418. MODELING PASTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.34.07	Modeling pastes (provided for in heading 3407.00.00)...	Free	No change	No change	On or before 12/31/92".

SEC. 419. MONO- AND DIBENZYL TOLUENES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.38.24	Mono- and dibenzyl toluenes (provided for in subheading 3823.90.29.....	Free	No change	No change	On or before 12/31/92".

SEC. 420. CHEMICAL LIGHT ACTIVATOR BLENDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.38.25	Mixtures of dimethyl phthalate, t-butanol, hydrogen peroxide, and sodium salicylate (provided for in subheading 3823.90.29.....	Free	No change	No change	On or before 12/31/92".

SEC. 421. POLYMIN P AND POLYMIN P HYDROCHLORIDE, AND POLYMIN SNA 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.39.08	Polymin SNA 60 (CAS No. 28825-79-8) (provided for in subheading 3908.90.00)...	Free	No change	No change	On or before 12/31/92". and
"9902.39.10	Polymin P and polymin P hydrochloride (CAS Nos. 9002-98-6 and 26338-45-4) (provided for in subheading 3911.90.50)...	Free	No change	No change	On or before 12/31/92".

SEC. 422. SPECIALTY THERMOSET RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.39.11	Hydrocarbon cyanate ester (provided for in 3911.90.30)...	Free	No change	No change	On or before 12/31/92".

SEC. 423. HYDROCARBON NOVOLAC CYANATE ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.39.12	Hydrocarbon Novolac Cyanate ester (provided for in subheading 3911.90.30.....	Free	No change	No change	On or before 12/31/92".

SEC. 424. CHLORINATED SYNTHETIC RUBBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.39.13	Chlorinated synthetic rubber (provided for in subheading 3913.90.50)...	Free	No change	No change	On or before 12/31/92".

SEC. 425. WICKER PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.46.02	Wicker products (provided for in subheading 4602.10.11, 4602.10.13, 4602.10.19, 4602.10.40, or 4602.10.50)...	Free	No change	No change	On or before 12/31/92".

SEC. 426. CERTAIN PLASTIC WEB SHEETING.

(1) by adding at the end of the U.S. notes thereto the following new note:

"11. For purposes of heading 9902.56.01, the term 'nonwoven fiber sheet' means sheet comprising a highly uniform and random array of polyester fibers 1.5 to 3.0 denier, thermally bonded and calendered into a smooth surface web having—

"(a) a thickness of 3.7 to 4.0 mils;

"(b) a basis weight of 2.5 oz. per sq. yd.;

"(c) a machine tensile strength of 30 lb. per sq. in. or greater,

"(d) low cross-direction tensile (approximately ⅓ of MD tensile strength); and

"(e) a Frazier air permeability of 1.0 to 1.5 cfm per sq. ft."; and

(2) by inserting in numerical sequence the following new heading:

"9902.56.01	Nonwoven fiber sheet (provided for in subheading 5603.00.90)...	Free	No change	No change	On or before 12/31/92".

SEC. 427. PROTECTIVE SPORTS APPAREL.

Subchapter II of chapter 99 is amended—

(1) by adding at the end of the U.S. notes thereto the following:

"12. The general column 1 rate of duty for goods provided for under heading 9902.62.01 is a rate equal to the column 1 rate of duty that would have applied to such goods under the Tariff Schedules of the United States on the day before the effective date of this schedule."; and

(2) by inserting in numerical sequence the following new heading:

"9902.61.10	Goods provided for under subheading 6201.93 or 6203.43 which because of their design, fabric, construction and special features provide protection to athlete participants against the hazards of a sport such as injury from blows, falls, flying objects, road burns, or fire..	The rates of duty prescribed in U.S. note 12 to the subchapter.	No change	No change	On or before 12/31/92".

SEC. 428. GARMENTS SPECIALLY DESIGNED FOR HANDICAPPED PERSONS WHO ARE NOT AMBULATORY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

	"Garments, however provided for under heading 6203. 6204, or 6205, of cotton or of man-made fibers, specially designed for use by handicapped persons who are not ambulatory:.				
"9902.62.10	Dresses that open at the back, have hook and loop closings, and are cut so there is no fabric beneath the seated wearer.....	Free	No change	No change	On or before 12/31/92.
9902.62.15	Pants designed with a 60 angle at the hip area to provide for comfortable seating and— (i) are too low in front, too high in back, and too full in seat to be worn by the ambulatory, or (ii) have no seat and are designed to be put on a seated individual without lifting.....	Free	No change	No change	On or before 12/31/92.
9902.62.20	Blouses or shirts that open at the back, have hook and loop closings, and have large side gussets for comfortable sitting...	Free	No change	No change	On or before 12/31/92".

SEC. 429. GRIPPING NARROW FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.58.06	Fastener fabric tapes of man made fibers (provided for in subheading 5806.10.20)...	7%	No change	No change	On or before 12/31/92".

SEC. 430. IN-LINE ROLLER SKATE BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.64.02	Skating boots actually used in the manufacture of inline roller skates (provided for in subheading 6402.19.10)...	Free	No change	No change	On or before 12/31/92".

SEC. 431. SELF-FOLDING COLLAPSIBLE UMBRELLAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.66.01	Self-folding telescopic shaft collapsible umbrellas chiefly used for protection against rain (provided for in subheading 6601.91.00) ...	Free	No change	No change	On or before 12/31/92".

SEC. 432. GLASS BULBS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.70.11	Monochrome glass envelopes with both (1) gray, tinted skirted faceplates, and (2) either a video display diagonal of 14 inches and under or a transmission level of 37% or less (provided for in subheading 7011.20.00) ...	Free	No change	No change	On or before 12/31/92".

SEC. 433. DRINKING GLASSES WITH SPECIAL EFFECTS IN THE GLASS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.70.14	Drinking glasses decorated with metal flecking, glass pictorial scenes, or glass thread-like or ribbon-like effects, any of the foregoing embedded or introduced into the body of the glassware prior to its solidification; millefiori glassware (provided for in subheading 7013.29.10 or 7013.29.20) ...	6.6%	No change	No change	On or before 12/31/92".
9902.70.15	Drinking glasses colored prior to solidification, and characterized by random distribution of numerous bubbles, seeds, or stones, throughout the mass of the glass (provided for in subheading 7013.29.10 or 7013.29.20) ...	20%	No change	No change	On or before 12/31/92".

SEC. 434. CERTAIN GLASS FIBERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.70.19	Cord, yarn or woven fabric, all the foregoing of electrically nonconductive continuous glass fiber filaments measuring 9 or 10 microns in diameter, impregnated, coated or covered with resorcinol formaldehyde latex (provided for in subheadings 7019.10.10, 7019.10.20, 7019.10.60, 7019.20.10, 7019.20.20, or 7019.20.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 435. ARTICLES OF SEMIPRECIOUS STONES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.71.16	Graded semiprecious stones (except rock crystal) strung temporarily for convenience of transport (provided for in subheading 7116.20.20) ...	21%	No change	No change	On or before 12/31/92".

SEC. 436. LUGGAGE FRAMES OF ALUMINUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.76.16	Luggage frames of aluminum (provided for in subheading 7616.90.00) ...	Free	No change	No change	On or before 12/31/92".

SEC. 437. MOLTEN-SALT-COOLED ACRYLIC ACID REACTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.19	Molten-salt-cooled acrylic acid reactors and their associated parts, accessories, and equipment (provided for in subheadings 8419.89.50, 8419.90.30 or 8419.90.90), when imported as an entirety	Free	No change	No change	On or before 12/31/92".

SEC. 438. ZINC PRINTING TYPE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.30	Zinc printing type (provided for in subheading 8442.50.90) ...	3.7%	No change	No change	On or before 12/31/92".

SEC. 439. IMPACT LINE PRINTERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.65	Impact line printers using band drive mechanisms and which are capable of printing speeds of not less than 1,300 lines per minute (provided for in subheading 8471.92.65) ...	No change	No change	3.75%	On or before 12/31/92".

SECTION 440. MACHINES USED IN THE MANUFACTURE OF BICYCLE PARTS; CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.79	Wheelbuilding, wheeltruing, rim punching, tire fitting and similar machines suitable for use in the manufacture of wheels for bicycles (provided for in subheading 8479.89.90) ...	Free	No change	No change	On or before 12/31/92"; and

"9902.87.15	Bicycle handlebar stems wholly of aluminum alloy (including their hardware of any material), valued over $2.15 each (provided for in subheading 8714.99.90)	Free	No change	No change	On or before 12/31/92".
"990287.16	Bicycle handlebar stem rotor assemblies (provided for in subheading 8714.99.90)	Free	No change	No change	On or before 12/31/92".

SEC. 441. MOTOR VEHICLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.83	Motor vehicle parts, however provided for in heading 8483 and subheading 7014.00.20	Free	No change	No change	On or before the effective date of a Presidential proclamation extending duty free treatment under general column 1 to such motor vehicle parts".

SEC. 442. PARTS OF GENERATORS FOR USE ON AIRCRAFT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.85.03	Parts of generators suitable for use on aircraft (provided for in subheading 8503.00.60)	Free	No change	No change	On or before 12/31/92".

SEC. 443. MAGNETIC VIDEO TAPE RECORDINGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.85.24	Video tape recordings of a width exceeding 6.5mm but not exceeding 16mm, in cassettes of United States origin as certified by the importers, and valued at not over $7.00 per pre-recorded cassette unit (provided for in subheading 8524.23.10)	Free	No change	No change	On or before 12/31/92".

SEC. 444. CERTAIN INFANT NURSERY MONITORS AND INTERCOMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.85.25	Infant nursery monitor systems, each consisting in the same package of a radio transmitter, an electrical adapter, and a radio receiver (provided for in subheading 8504.40.00, 8525.10.60, or 8527.39.00)	Free	No change	No change	On or before 12/31/92".
"9902.85.26	Infant nursery intercommunication systems, each consisting in the same package of a pair of transceivers operating on frequencies from 49.82 to 49.90 mHz and an electrical adapter (provided for in subheading 8504.40.00)	Free	No change	No change	On or before 12/31/92".

SEC. 445. CERTAIN MACHINED ELECTRONIC CONNECTOR CONTACT PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.85.35	Machined electronic connector contact parts, ½ inch or less in diameter suitable for use in aerospace or military equipment applications (provided for in subheading 8538.90.00)	Free	No change	No change	On or before 12/31/92".

SEC. 446. CERTAIN PISTON ENGINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.07	Internal combustion piston-type engines, of a cylinder capacity exceeding 50 cc but not exceeding 1,000 cc (provided for in heading 8407.32.20 or 8407.33.20), to be installed in vehicles specially designed for traveling on snow, golf carts, non-amphibious all-terrain vehicles, and burden carriers, (provided for in subheading 8703.10.00, 8703.21.00 or 8704.31.00)	Free	No change	No change	On or before 12/31/92".

SEC. 447. TIMING APPARATUS WITH OPTO-ELECTRONIC DISPLAY ONLY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.91.06	Apparatus for measuring, recording or otherwise indicating intervals of time, with clock or watch movements, battery or AC powered and with opto-electronic display only (provided for in subheading 9106.90.80)	3.9% on the apparatus + 5.3% on the battery.	No change	No change	On or before 12/31/92".

SEC. 448. FURNITURE AND SEATS OF UNSPUN FIBROUS VEGETABLE MATERIALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.94.01	Furniture seats and parts thereof, of cane, other, bamboo or other similar materials, including rattan (provided for in subheading 9401.50.00, 9401.90.25, 9403.80.30, or 9403.90.25.....	Free	No change	No change	On or before 12/31/92".

SEC. 449. CHRISTMAS ORNAMENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.95.05	Christmas ornaments other than ornaments of glass or wood (provided for in subheading 9505.10.25)...	Free	No change	No change	On or before 12/31/92".

SEC. 450. 3-DIMENSIONAL CAMERAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.90.06	Cameras incorporating 4 fixed lenses which together are capable of producing a 3-dimensional effect (provided for in subheading 9006.53.00)...	Free	No change	No change	On or before 12/31/92".

SEC. 451. OPERATIC SCENERY, PROPERTIES, INCLUDING SETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.44.21	Operatic scenery and properties, including operatic sets (provided for in subheading 4421.90.90, 5907.00.10, 5907.00.90, 9701.10.00, 9706.00.00, or 9813.00.65.....	Free	No change	No change	On or before 12/31/92".

PART 2—EXISTING TEMPORARY DUTY SUSPENSIONS

SEC. 461. EXTENSION OF CERTAIN EXISTING SUSPENSIONS OF DUTY.

(a) EXTENSIONS UNTIL JANUARY 1, 1993.—Each of the following subheadings or headings is amended by striking out the date in the effective date column and inserting "12/31/92":

(1) Subheadings 9902.06.10 and 9902.05.11 (relating to crude feathers and down).

(2) Heading 9902.08.07 (relating to fresh cantaloupes).

(3) Heading 9902.09.04 (relating to mixtures of hot red peppers and salt).

(4) Heading 9902.29.04 (relating to p-Toluene-sul-foynl chloride).

(5) Heading 9902.29.05 (relating to certain menthol feedstocks).

(6) Heading 9902.29.06 (relating to Dicofol).

(7) Heading 9902.29.11 (relating to triethylene glycol dichloride).

(8) Heading 9902.29.13 (relating to 2,6-Dichlor-obenzaldehyde).

(9) Heading 9902.29.14 (relating to Dinocap).

(10) Heading 9902.29.21 (relating to m-Hydroxy-benzoic acid).

(11) Heading 9902.29.22 (relating to d-6-Meth-oxy-a-methyl-2 napthaleneacetic acid and its sodium salt).

(12) Heading 9902.29.24 (relating to 3-amino-3-methyl-l-butyne).

(13) Heading 9902.29.30 (relating to 8-Amino-1-naphthalenesulfonic aid and its salts).

(14) Heading 9902.29.31 (relating to 5-Amino-2 (p-aminoarrilino) benzenesulfonic acid).

(15) Heading 9902.29.33 (relating to 1-Amino-8-hydroxy-3,6-naphthalenedisulfonic acid; and 4-Amino-5-hydroxy-2.7-naphthalenedisulfonic acid, monosodium salt (H acid, monosodium salt).

(16) Heading 9902.29.43 (relating to 1-Amino-2,4-dibromoanthraquinone).

(17) Heading 9902.29.44 (relating to Broma-mine acid).

(18) Heading 9902.29.51 (relating to N-(7-Hydroxy-1-naphthyl)acetamide).

(19) Heading 9902.29.57 (relating to N,N-Bis(2-cyanothyl)aniline).

(20) Heading 9902.29.60 (relating to trial-late).

(21) Heading 9902.29.64 (relating to 6-(3-Methyl-5-oxo-1-pyrazolyl-1,3-naphthalenedisulfonic acid (Amino-J-pyrazolone) CAS No. 7277-87-4); and 3-Methyl-1-phenyl-5-pyrazolone (Methylphenyl-pyrazolone)).

(22) Heading 9902.29.66 (relating to m-Sulfa-minopyrazolone (m-Sulfamidophenyl-methylpyrazo-lone)).

(23) Heading 9902.29.76 (relating to suspension of the day on 2-n-octyl-4-isothiazolin-3-one, and mixtures of 2-n-octyl-4-isothiazolin-3-one and application adjuvants).

(24) Heading 9902.29.79 (relating to 2-Amino-N-ethylbenzenesulfonanilide).

(25) Heading 9902.32.04 (relating to methylene blue).

(26) Heading 9902.38.06 (relating to mixtures of dinocap with application adjuvants).

(27) Heading 9902.38.07 (relating to mixtures of mancozeb and dinocap).

(28) Heading 9902.38.08 (relating to mixtures of maneb, zineb, mancozeb, and metiram).

(29) Heading 9902.38.10 (relating to mixtures of 5-chloro-2-methyl-4-isothiazolin-3-one,2-methyl-4-isothiazoline-3-one, magnesium chloride and stabilizers, whether or not containing application adjuvants).

(30) Heading 9902.38.11 (relating to mixtures of dicofol and application adjuvant).

(31) Heading 9902.39.14 (relating to Cholestyramine resin USP).

(32) Heading 9902.40.11, 9902.73.12, 9902.73.15, 9902.85.12, and 9902.87.14 (relating to certain bicycle parts).

(33) Heading 9902.51.11 (relating to certain wools).

(34) Heading 9902.62.10 (relating to disposable surgical gowns and drapes).

(35) Heading 9902.84.42 (relating to certain narrow weaving machines).

(36) Heading 9902.84.45 (relating to certain wool carding and spinning machinery).

(37) Heading 9902.84.48 (relating to certain knitting machines designed for sweater strip or garment length knitting).

(38) Heading 9902.84.50 (relating to certain lace braiding machines).

(39) Heading 9902.95.01 (relating to stuffed dolls and doll skins).

(b) EXTENSION UNTIL DATE OTHER THAN JANUARY 1, 1993.—Heading 9902.61.00 (relating to certain knitwear fabricated in Guam) is amended by striking out "10/31/92" and inserting "10/31/96".

SEC. 462. EXTENSION OF, AND OTHER MODIFICATIONS TO, CERTAIN EXISTING SUSPENSIONS OF DUTY.

(a) CORNED BEEF IN AIRTIGHT CONTAINERS.—Heading 9902.16.02 is amended—

(1) by striking out "3%" and inserting "Free"; and

(2) by striking out "12/31/89" and inserting "12/31/92".

(b) CERTAIN JEWELRY.—Heading 9902.71.13 is amended—

(1) by amending the article description to read as follows: "Toy jewelry provided for in subheading 7117.19.10, 7117.19.50, 7117.90.40 (except parts) or 7117.90.50 (except parts) valued not over 5¢ per piece; and articles (except parts) provided for in heading 9502, 9503, or 9504 or subheading 9505.90 (except balloons, marbles, dice, and diecast vehicles), valued not over 5¢ per unit"; and

(2) by striking out "12/31/90" and inserting "12/31/92".

(c) ELECTROSTATIC COPYING MACHINES.—Heading 9902.90.90 is amended—

(1) by inserting "and accessories," after "Parts,"; and

(2) by striking out "12/31/89" and inserting "12/31/92".

(d) TOY FIGURES.—

(1) Heading 9902.95.02 is amended—

(A) by striking out "toy figures of animate objects (except dolls)" and inserting "toys representing animals or nonhuman creatures,"; and

(B) by striking out "12/31/90" and inserting "12/31/92".

(2) Heading 9902.95.03 is repealed.

(3) Heading 9902.95.04 is amended—

(A) by striking out "toy figures of animate or inanimate objects" and inserting "toys representing animals or nonhuman creatures"; and

(B) by striking out "12/31/90" and inserting "12/31/92".

SEC. 463. TERMINATION OF EXISTING SUSPENSION OF DUTY ON C-AMINES.

Heading 9902.29.29 is repealed.

Subtitle B—Other Tariff and Miscellaneous Provisions

PART 1—TARIFF CLASSIFICATION AND OTHER TECHNICAL AMENDMENTS

SEC. 471. CERTAIN EDIBLE MOLASSES.

Additional U.S. notes 2, 3, and 4 of chapter 17 are each amended by striking out "170.90.40," each place it appears therein.

SEC. 472. CERTAIN WOVEN FABRICS AND GAUZE.

(a) WOVEN FABRICS OF CARDED WOOL OR CARDED FINE ANIMAL HAIR.—Heading 5111 of chapter 51 is amended—

(1) by inserting after subheading 5111.11.10 the following new subheading with the article description having the same degree of indentation as the article description in subheading 5111.11.10:

"5111.11.20	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%"

(2) by inserting after subheading 5111.20.05 the following new subheading with the article description having the same degree of indentation as the article description in subheading 5111.20.05:

"5111.20.10	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%" and

(3) by inserting after subheading 5111.30.05 the following new subheading with the article description having the same degree of indentation as the article description in subheading 5111.30.05:

"5111.20.10	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%"

(4) by inserting after subheading 5111.90.30 the following new subheadings with the article descriptions having the same degree of indentation as the article description in subheading 5111.90.30:

"5111.90.40	Tapestry fabrics and upholstery fabrics of a weight not exceeding 300 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
"5111.90.50	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%"

(b) WOVEN FABRICS OF COMBED WOOL OR OF COMBED FINE ANIMAL HAIR.—Heading 5112 of chapter 51 is amended by striking out subheadings 5112.11.00 through 5112.90.60, inclusive, and inserting the following with the article descriptions for subheadings 5112.11 and 5112.19 having the same degree of indentation as the article description in subheading 5111.90.60 and with the article descriptions for subheadings 5112.20, 5112.30, and 5112.90 having the same degree of indentation as the article description in subheading 5111.90:

"5112.11	Of a weight not exceeding 200g/m²:			
5112.11.10	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.11.20	Other	36.1%	13.2%(IL) 32.4%(CA)	68.5%
5112.19	Other:			
5112.19.10	Tapestry fabrics and upholstery fabrics	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.19.60	Other	36.1%	13.2 (IL) 32.4% (CA)	68.5%
5112.20	Other, mixed mainly or solely with man-made filaments:			
5112.20.10	Tapestry fabrics and upholstery fabrics of weight exceeding 300 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.20.20	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% 6.3% (CA)	68.5%
5112.20.30	Other	48.4¢/kg-%38%	19.2¢/kg-%15.2% (IL) 43.6¢/kg-%34.2% (CA)	48.5¢/kg-%68.5%
5112.30	Other mixed mainly or solely with man-made staple fibers:			
5112.30.10	Tapestry fabrics and upholstery fabrics of a weight exceeding 300g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.30.20	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.30.30	Other	48.5¢/kg-%38%	19.2¢/kg-%15.2 (IL) 43.6¢/kg-%34.2% (CA)	48.5¢/kg-%68.5%
5112.90	Other:			
5112.90.30	Containing 30 percent or more by weight of silk or silk waste, valued over $33/kg	7.8%	3.1% (IL) 7% (CA)	80%
5112.90.40	Tapestry fabrics and upholstery fabrics of a weight exceeding 300 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.90.50	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.90.60	Other	33%	3.4% (IL) 29.7% (CA)	68.5%

(c) GAUZE.—Chapter 58 is amended by striking out subheading 5803.90.10 and inserting the following with the superior heading to subheadings 5803.90.20:

	Of wool or fine animal hair:			
"5808.90.11	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
5803.90.12	Other	33%	13.2% (IL) 24.7% (CA)	68.5%

SEC. 473. CLASSIFICATION OF CERTAIN ARTICLES IN WHOLE OR PART OF FABRICS COATED, COVERED, OR LAMINATED WITH OPAQUE RUBBER OR PLASTICS.

Chapter 42 is amended—

(1) by striking out "Additional U.S. Note" and inserting "Additional U.S. Notes"; and

(2) by inserting after additional U.S. note 1 the following:

"2. For purposes of classifying articles under subheadings 4202.12, 4202.22, 4202.32, and 4202.92, articles of textile fabric impregnated, coated, covered or laminated with plastics (whether compact or cellular) shall be regarded as having an outer surface of textile material or of plastic sheeting, depending upon whether and to the extent the textile constituent or the plastic constituent comprises the exterior surface of the article.".

SEC. 474. GLOVES, MITTENS AND MITTS.

The article description in subheading 6116.10.10 6116.92.10, 6116.93.10, 6116.99.30, 6216.00.10, 6216.00.34 or 6216.00.44 is amended to read as follows: "Gloves principally designed for sports use, including ski and snowmobile gloves, mittens and mitts".

SEC. 475. CHIPPER KNIFE STEEL.

Subchapter XV of chapter 72 is amended by striking out subheadings 7226.91.10 and 7226.91.30 and inserting the following with the article description for subheading 7226.91.05 having the same degree of indentation as subheading 7226.91.50:

"7226.91.05	Of chipper knife steel	Free		34%	
	Other:				
"7226.91.15	Of a width of 300mm or more	9.6%	Free (E, IL) 8.6%(CA)	29%	
"7226.91.25	Of a width of less than 300mm	11.6%	Free (E,IL) 10.4% (CA)	34%	".

SEC. 476. ELIMINATION OF INSERTED TARIFF ON CANTILEVER BRAKES AND BRAKE PARTS FOR BICYCLES.

The following provisions are amended as follows:

(1) Subheading 8714.94.20 is amended by striking out "Caliper brakes" and inserting "Caliper and cantilever brakes and parts thereof".

(2) Heading 9902.73.12 is amended by inserting "and Cantilever" immediately after "caliper".

(3) Heading 9902.87.14 is amended by inserting "cantilever brakes," immediately after "caliper brakes,".

SEC. 477. BICYCLES HAVING 26-INCH WHEELS.

Chapter 87 is amended—

(1) by striking out "65 cm" in subheadings 8712.00.10 and 8712.00.20 and inserting "63.5 cm"; and

(2) by striking out "4 cm" in subheading 8712.00.20 and inserting "4.13 cm".

SEC. 478. PROCESSING OF CERTAIN BLENDED SYRUPS.

U.S. note 2 to subchapter IV of chapter 99 is amended by adding the following at the end thereof:

"(e) Blended syrups of heading 9904.50.20, if entered by a foreign trade zone user, to the extent that the annual quantity entered into the customs territory does not contain an amount of sugar of nondomestic origin greater than that authorized by the Foreign Trade Zones Board for processing by such user during calendar year 1985.".

PART 2—Miscellaneous Provisions

SEC. 481. RENEWAL OF EXISTING CUSTOMS EXEMPTION APPLICABLE TO BICYCLE PARTS IN FOREIGN TRADE ZONES.

Section 3(b) of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c(b)), is amended by striking out "before January 1, 1991" and inserting in lieu thereof "on or before December 31, 1992".

SEC. 482. RAIL CARS FOR THE STATE OF FLORIDA.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Secretary of the Treas-

ury shall admit free of duty each bi-level rail passenger car that was—

(1) entered after March 14, 1988, and before January 1, 1989, and classified under item 690.15 of the Tariff Schedules of the United States (19 U.S.C. 1202); and

(2) designed for, and is for the use of, the Department of Transportation of the State of Florida.

If the liquidation of the entry of any such rail car has become final before the date of the enactment of this Act, the entry shall, notwithstanding any other provision of law, be reliquidated in accordance with the provisions of this Act and the appropriate refund of duty made.

SEC. 483. RELIQUIDATION OF CERTAIN ENTRIES.

(a) CERTAIN ANTIDUMPING DUTIES.—(1) Notwithstanding section 514 of the tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to paragraph (2), the entries listed in paragraph (3) shall be reliquidated, without liability of the importer of record for antidumping duties, and if any such duty has been paid, either through liquidation or compromise under section 617 of the Tariff Act of 1930 (19 U.S.C 1617), refund thereof shall be made within 90 days after reliquidation.

(2) reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the appropriate customs officer within 180 days after the date of the enactment of this Act that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

(3) The entries referred to in paragraph (1) are as follows:

Entry number	Date of entry
74-222089	May 7, 1974.
74-225275	June 17, 1974.
76-237223	July 9, 1976.
76-247178	October 1, 1976.
79-251251	September 11, 1979.
80-223851	October 9, 1979.
80-224447	November 27, 1979.
80-224448	November 27, 1979.
80-225842	April 29, 1980.
80-225843	April 29, 1980.
80-225844	April 29, 1980.
80-225845	April 29, 1980.
80-226742	August 13, 1980.
80-226748	August 13, 1980.

(b) DIGITAL PROCESSING UNITS.—(1) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer within 180 days after the date of the enactment of this Act, any entry of a processing unit that—

(A) was classified under item 676.15, 676.54, 945.83, or 945.84 of the Tariff Schedules of the United States (19 U.S.C. 1202);

(B) occurred after January 16, 1986, and before July 2, 1987; and

(C) was unliquidated as of December 31, 1987; shall be liquidated as free of duty.

(2) For purposes of this subsection, the term "processing unit" means a digital processing unit for an automated data processing machine, unhoused, consisting of a printed circuit (single or multiple) with one or more electronic integrated circuits or other semiconductor devices mounted directly thereon.

(c) CERTAIN OTHER ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer within 180 days after the date of the enactment of this Act—

(1) any entry of 1-(3-Sulfopropyl pyridinium hydroxide (provided for in item 406.39 of the Tariff Schedules of the United States (19 U.S.C. 1202)) that occurred after September 30, 1988, and before January 1, 1989, shall be reliquidated as free of duty;

(2) any entry of brussels sprouts (provided for in item 903.29 of such Schedules (19 U.S.C. 1202)) that occurred after December 31, 1987, and before November 11, 1988, shall be liquidated at the rate of 12.5 percent ad valorem; and

(3) any entry of 1,6-Hexamethylene diisocyanate (provided for in subheading 2929.10.50 of the Harmonized Tariff Schedule of the United States) that occurred after December 31, 1988, and before the effective date defined in section 10686(a)(1) shall be liquidated or reliquidated at the rate of 7.9 percent ad valorem.

SEC. 484. PROTEST RELATING TO CERTAIN ENTRIES.

For purposes of section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), and notwithstanding any other provision of law, Protest Numbered 1801-000027 shall be deemed to have been filed with the appropriate customs officer within 90 days of the liquidation of entries 81-103533-2 and 81-103789-3.

SEC. 485. EFFECTIVE DATES.

(a) DEFINITIONS.—For purposes of this section:

(1) The term "effective date" means the 15th day after the later of—

(A) October 1, 1989; or

(B) the date of the enactment of this Act.

(2) The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(3) The term "entry" includes any withdrawal from warehouse.

(b) IN GENERAL.—

(1) Except as otherwise provided in this section, the amendments made by this Act apply with respect to goods entered on or after the effective date.

(2) The amendments made by sections 461(a) and 462(a)(2), (b)(2), and (c)(2) apply with respect to goods entered after December 31, 1990.

(3) The amendment made by section 461(b) applies with respect to goods entered after October 31, 1992.

(4) The amendment made by section 478 applies with respect to goods entered after December 31, 19988.

(c) RETROACTIVE APPLICATION OF CERTAIN AMENDMENTS—

(1) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officers on or before the 90th day after the effective date of entry of any good described in paragraph (2) shall be treated as provided in such paragraph.

(2)(A) In the case of the application of any amendment made by section 311, 312, 401, 427, 429, 433, 435, 437, 438, 439, 441, 442, 443, 446, 447, 462(c)(1), 472, 474, 475, or 477 to any entry—

(i) which was made after the applicable date and before the effective date; and

(ii) with respect to which there would have been no duty or a lesser duty if the amendment made by such section applies to such entry;

such entry shall be liquidated or reliquidated as though such entry had been made on the effective date.

(B) For purposes of subparagraph (A), the term "applicable date" means—

(i) in the case of sections 401 and 443, January 1, 1988,

(ii) in the case of section 439, October 1, 1988;

(iii) in the case of sections 311, 312, 427, 429, 433, 435, 438, 441, 442, 446, 447, 462(c)(1), 472, 474, 475, and 477, January 1, 1989; and

(iv) in the case of section 437, July 1, 1989.

(d) STAGED RATE REDUCTIONS FOR CERTAIN GOODS.—

(1) Any stated rate reduction of a rate of duty set forth in subheading 5111.19.10 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before the effective date and takes effect after the effective date also applies to the corresponding rates of duty set forth in subheadings 5111.11.20, 5111.20,10 5111.30.10, 5111.90.40, 5111.90.50, 5112.11.10, 5112.20,10, 5112.20,20, 5112.30,10, 5112.30.20, 5112.90.40, 5223.90.50, and 5803.90.11 (relating to certain woven fabrics and gauze) of such Schedule (as added by section 472).

Any staged rate reduction proclaimed by the President before the effective date that would—

(A) take effect after the effective date; and

(B) apply, but for any amendment made by section 472 (relating to certain woven fabrics) or 475 (relating to chipper knife steel), to a rate of duty set forth in any subheading of the Harmonized Tariff Schedule of the United States that is listed in column A;

applies to the corresponding rate of duty set forth in the subheading of such Schedule that is listed in column B opposite such column A subheading:

Column A	Column B
5112.11.00	5112.11.20.
5112.20.00	5112.20.30.
5112.31.00	5112.30.30.
5112.91.10	5112.90.12.
7226.91.10	7226.91.15
7226.91.30	7226.91.25

(3) The amendments made by section 472 shall not affect any staged rate reduction of a rage of duty set forth in subheadings 5112.19.10, 5112.19.60, 5112.90.30, 5112.90.60 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before the effective date.

Mr. ROSTENKOWSKI (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Illinois?

Mr. ARCHER. Mr. Speaker, reserving the right to object, and I shall not object, I do so in order to ask the gen-

tleman from Illinois [Mr. ROSTENKOWSKI], the chairman of the Committee on Ways and Means, if he would explain the House amendment to ensure that we have an understanding of this.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. Mr. Speaker, the Senate has passed and sent to the House an amendment to H.R. 1594 that contains various trade provisions as a substitute for the original revenue bill passed by the House last year. The Senate amendment, however, omits certain House-passed provisions, and includes provisions for which there is no House counterpart.

The amendment that I have sent to the desk consists exclusively of provisions that have previously passed the House by overwhelming margins. First, the amendment consists of the trade provisions that passed the House by a vote of 333 to 91, as part of last year's budget reconciliation bill, as well as the provisions of H.R. 4328, the trade agencies authorization bill, which passed the House last month under suspension of the rules by a unanimous vote of 424 to 0. The only changes that have been made to these provisions previously passed by the House are technical and conforming changes. The provisions in the 1989 budget reconciliation bill that subsequently became public law in two trade bills enacted in December have been deleted. Two provisions in H.R. 4328 have been substituted for earlier versions in the reconciliation bill. Finally, I have included certain technical and conforming changes required to consolidate the two prior bills.

The amendment at the desk includes authorizations of appropriations for the major trade agencies—the U.S. Customs Service, the Office of the U.S. Trade Representative, and the International Trade Commission. The amendment also includes an expansion of the Caribbean basin initiative and a revision of customs user fees. The amendment also incorporates a large number of miscellaneous tariff and customs provisions sponsored by many Members on both sides of the aisle. Finally, the amendment fixes the constitutional problem associated with the present Jackson-Vanik procedures.

I urge adoption of this amendment to preserve the House position for the upcoming conference with the Senate.

Mr. ARCHER. Mr. Speaker, further reserving the right to object, I appreciate the explanation of the gentleman from Illinois. It is in keeping with our understanding.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4308

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to delete the name of the gentleman from Virginia [Mr. SLAUGHTER] as a cosponsor of H.R. 4308. His name was mistakenly included.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1594, EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF HUNGARY

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1594) to extend nondiscriminatory treatment to the products of the People's Republic of Hungary for 3 years with a House amendment to the Senate amendments thereto, insist on the House amendment to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees:

From the Committee on Ways and Means, for consideration of the House amendment to the Senate amendment, and the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, JENKINS, DOWNEY, PEASE, RUSSO, GUARINI, ARCHER, VANDER JAGT, CRANE, and FRENZEL.

As additional conferees, solely for consideration of title II of the House amendment to the Senate amendment, and for title II of the Senate amendment, and modifications committed to conference: Mr. PICKLE and Mr. SCHULZE.

From the Committee on Agriculture, for consideration of titles VI and VII of the Senate amendment, and modifications committed to conference: Messrs. DE LA GARZA, VOLKMER, BROWN of California, OLIN, STALLINGS, MORRISON of Washington, ROBERT F. (BOB) SMITH, and HERGER.

From the Committee on Interior and Insular Affairs, for consideration of titles VI and VII of the Senate amendment, and modifications committed to conference: Messrs. UDALL, VENTO, WILLIAMS, DEFAZIO, MCDERMOTT, YOUNG of Alaska, CRAIG, and DENNY SMITH.

From the Committee on Foreign Affairs, for consideration of titles VI and VII of the Senate amendment, and modifications committed to conference: Messrs. FASCELL, WOLPE, GEJDENSON, KOSTMAYER, FEIGHAN, BROOMFIELD, ROTH, and MILLER of Washington.

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The SPEAKER. The Chair reserves the right to appoint additional conferees.

There was no objection.

CONFERENCE REPORT ON H.R. 2364, AMTRAK REAUTHORIZATION AND IMPROVEMENT ACT OF 1990

Mr. THOMAS A. LUKEN. Mr. Speaker, I call up the conference report on the bill (H.R. 2364) to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. WEISS). Pursuant to the rule the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of May 2, 1990.)

The SPEAKER pro tempore. The gentleman from Ohio [Mr. THOMAS A. LUKEN] will be recognized for 30 minutes and the gentleman from Kansas [Mr. WHITTAKER] will be recognized for 30 minutes.

Mr. WALKER. Mr. Speaker, is one of the two gentlemen opposed to the legislation?

The SPEAKER pro tempore. Is the gentleman from Kansas opposed to the legislation?

Mr. WHITTAKER. No, I am not, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman from Ohio opposed to the legislation?

Mr. THOMAS A. LUKEN. I am not opposed to it, Mr. Speaker.

Mr. WALKER. Mr. Speaker, then under the rules, I demand a division of the time for opposition.

The SPEAKER pro tempore. The time will be divided three ways, and the gentleman from Pennsylvania [Mr. WALKER] will have 15 minutes of the time.

The Chair recognizes the gentleman from Ohio [Mr. THOMAS A. LUKEN].

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield myself such time as I may consume.

It was nearly 1 year ago when I introduced H.R. 2364. Last fall, the full House voted by an overwhelming majority—296 to 93—in favor of the bill. When our colleagues from the other body passed the bill later in the year, they made only minor revisions to it. I am pleased to report that conferees from both Houses have now reached a consensus on this important measure.

Amtrak was created in 1970 when Congress passed the Rail Passenger

Service Act. By piecing together operations from private companies—which no longer found passenger service profitable—Amtrak gradually put together the framework for a national rail passenger system. Today, Amtrak operates about 220 intercity trains each day over 24,000 miles of track in nearly every State of the Union. It provides service to over 480 communities across the United States. It is the only intercity rail passenger carrier in the United States.

It should come as no surprise to any of us that the administration is threatening to veto this bill. President Bush doesn't want Congress to give Amtrak any financial support. It's the same old song and dance we have heard for many years now. Year in and year out, Presidents Reagan and Bush have shown us what their idea of a national transportation policy for Amtrak is by telling Congress we should abandon Amtrak.

And what would happen if we agreed with the President? Amtrak would go under, pure and simple. This country would lose its national rail passenger service.

Let us take a look at some of the facts about Amtrak. Over the last decade, Amtrak has taken great strides in providing a cost-effective operation. In 1981, its revenue-to-cost ratio was only 48 percent. In each year since, Amtrak has improved its ability to generate revenues and hold the line on its cost. Last year—the second year in a row that Amtrak earned more than $1 billion in revenues—its revenue-to-cost ratio had increased to 72 percent.

At the same time, Federal support for Amtrak has decreased dramatically. In 1981, Amtrak's appropriation was almost $900 million. For the current fiscal year, Amtrak's appropriation is about $600 million. In other words, Federal funding for Amtrak has declined about 35 percent in nominal terms, and more than 50 percent in real terms, since the bgeinning of this decade.

But the fact of the matter is that we have been allowing Amtrak to bleed, slowly but surely. If this slow but inevitable trend continues, Amtrak will eventually fail. While Amtrak continues to set records—last year, ridership and passenger miles reached all-time highs—the system is straining to keep up with its increased demands.

At our subcommittee's hearing last year, Amtrak's President, Graham Claytor, told us that Amtrak needs to replace and augment its current fleet of passenger cars in order to meet the growing demands on Amtrak's passenger operations. About one-third of Amtrak's existing fleet of passenger cars consist of cars acquired from freight railroads which were constructed before 1971. These old cars are expensive to maintain and operate. To upgrade and replace a portion of its aging fleet of cars, Amtrak estimates it will need to acquire about 450 cars during the next 5 years.

Without these and other improvements, Amtrak's ability to generate revenues through increased ridership will be jeopardized. Amtrak's systemwide on-time performance has faltered during this decade. A major reason for this is the company's necessary strategy of conserving funds by deferring maintenance on its locomotives, which in turn results in more enroute breakdowns.

If left unchecked, this shortage of capital funds ultimately threatens safety on the railroad. As one advertisement says, "You can pay me now or pay me later." We can stop the downward spiral caused by deferred maintenance, outmoded equipment, and inadequate capital. By making modest short-term investments now, we can help make Amtrak more self-sufficient over the long haul.

We need to invest in the future of our Nation's transportation needs by making prudent decisions now. When you look at the billions and billions of dollars we regularly pour into our Nation's highways and airports, one must wonder at the relatively modest investment we are making in Amtrak. With increasing highway and airport congestion, concerns for our environment, and the need for safe and efficient transportation, Amtrak's role in our national transportation system is more important than ever. H.R. 2364 provides enough assistance to Amtrak to keep the trains rolling while we face the fiscal constraints.

The simple fact of the matter is that some level of Government assistance is required to sustain a national rail passenger operation. Other countries, such as Germany, Great Britain, France, and Japan, have made a much greater financial commitment to rail passenger service than we have in the United States. For example, the 12 members of the European Community have embarked upon a $50 billion capital improvement program to improve rail passenger service over the next 6 years. Our financial commitment to Amtrak pales by comparison.

A few weeks ago, President Bush and Secretary Skinner unveiled the much-touted national transportation policy. The policy recognizes that our country faces a deteriorating transportation infrastructure with increasing demand and burgeoning congestion, particularly on our Nation's highways and airports. Given these stark realities, it seems logical that modest investments in Amtrak will help to relieve congestion, improve utilization of our transportation resources, and save all of us money in the long run. The President's policy recognizes the tremendous strides Amtrak has made in becoming more efficient and self-reliant.

And the President's policy specifically recognizes Amtrak's need to replace locomotives and cars. But what is the President's national transportation plan for Amtrak, based on these findings? He recommends no Federal funding for Amtrak. Today, we need to demonstrate our commitment to a plan that makes sense, instead of gutting the resources which can make a difference in our national transportation system.

I want to comment very briefly on one other provision in this bill that allows the Interstate Commerce Commission to review acquisitions of major railroads. This provision was developed on a bipartisan basis. It merely closes a loophole in existing law. Do not be persuaded by the red herring arguments the administration has raised in opposition to this legislative clarification.

The conferees on this bill received a letter from Secretary Skinner last week that says that this provision constitutes unnecessary regulation. With all due respect, Mr. Secretary, you have got to be kidding.

Without this provision, we will be faced with the ludicrous result that the ICC will have the authority to review and approve a 1-mile sale of railroad line, but not a takover of a Fortune 500 railroad system. The ICC will be able to review and approve any railroad merger, consolidation, lease or line sale between carriers, but not the sale of one of the 14 largest railroads in the country. The ICC will be able to review and approve the proposed purchase of two or more carriers, but not the takeover of one of our class I railroads.

We should not allow any investor to ignore the public interest and use major railroad companies as cash cows that can be milked at the public's expense. Our bill recognizes this fact and merely provides an expedited and limited administrative fitness review of proposals by nonrailroads to buy major railroad companies.

Let us not overlook the difference between railroads and other modes of transportation that use public rights-of-way. If an airline or trucking company goes belly up, some other company can come in and provide service. The air routes and highways are not torn up.

But if railroad tracks are abandoned, the shippers and communities they serve are out of luck. The tracks will not be built again.

This bill simply recognizes the overriding public interest we have in our major railroad companies that employ over 200,000 workers and which serve thousands of cities and shippers. Again, do not be persuaded by the administration's rhetoric that this provision somehow changes the face of railroad regulation. It does not. It merely

provides a mechanism, consistent with current law, for recognizing the public interest in continuing rail service.

This report represents the combined bipartisan efforts of many Members of the House. I commend the chairman and ranking member of the full committee, Mr. DINGELL and Mr. LENT, for their leadership in crafting this measure, as well as Mr. WHITTAKER, the ranking member of our subcommittee, Mr. BOUCHER, Mr. BLILEY, Mr. SWIFT, Mr. MADIGAN, Mr. TAUKE, Mr. SLATTERY, Mr. ECKART, and others who have played an active role in producing the bill which comes before the House today.

I also wish to express my appreciation to Chairman BROOKS, Mr. MOORHEAD, and other members of the Judiciary Committee who have worked diligently with us in reaching a final resolution on certain aspects of this bill.

Next year, Amtrak will celebrate its 20th anniversary. Let's give Amtrak, and the country which it serves, a nice birthday present by voting for a bill which will ensure that Amtrak trains will continue to carry passengers for years to come.

Mr. Speaker, I urge my colleagues to support the conference report and I reserve the balance of my time.

Mr. WHITTAKER. Mr. Speaker, I yield myself such time as I may consume. I will reserve the balance of my time at the conclusion of my speech for other speakers.

Mr. Speaker, as an original cosponsor of this transportation legislation, I am proud to reaffirm the Nation's commitment to Amtrak as part of our national transportation system. As we begin to survey the condition of the Nation's transportation infrastructure, and to consider the economic and environmental costs of various forms of transportation, Amtrak's role as a passenger carrier of high energy efficiency and low environmental impact becomes even more important than before. I know that in my own part of the country, with the severe shrinkage of the intercity bus system, Amtrak has become even more important as a vital transportation link for our small- and medium-sized communities, many of which do not have air transport service. In fact, there are literally scores of such communities around the country, where Amtrak is one of the few remaining transportation links connecting these towns with the rest of the Nation. More than one out of every five communities served by Amtrak has no air service; another one in five has no bus service. For these towns, Amtrak is truly a vital connection to the economic and social fabric of the Nation.

I also want to stress that Amtrak is almost unique among Federal programs, in that it has managed to increase its level of service to the public, while cutting its Federal funding roughly in half in constant dollars over the last decade. How many other Federal efforts can we name that have achieved that kind of efficiency and productivity? These results are also a tribute to the outstanding management skills of Graham Claytor, Amtrak's president during most of that time period.

Sadly, I have to acknowledge that despite the bipartisan support for this Amtrak legislation, the administration is on record as opposing it—primarily, and to all appearances, exclusively, because of a provision giving the Interstate Commerce Commission the power to screen takeover bidders who are not already in the railroad business, before they are allowed to proceed with a bid for control of a major rail carrier.

I can only say that I have to conclude that much of this opposition is due to being misinformed. This provision, which closely tracks a bipartisan bill drafted in the Energy and Commerce Committee, only closes a nonsensical gap in the current law. A company or an individual who wants to go into the railroad business on a small scale by buying even a few miles of track from a major railroad must seek ICC approval. But if the same person or company wants to enter the railroad business by taking control of a major railroad in a single stroke, the ICC has no effective means of scrutinizing the bidder and protecting the transportation system from a possible railroad bankruptcy or similar disaster.

The takeover provision in the Amtrak bill addresses this situation in a moderate, carefully targeted way. First, the ICC is not put in charge of determining the outcome of control contests: It is merely authorized to screen multiple bidders for fitness; the takeover contest will be determined by the shareholders and the marketplace. Second, the ICC is given a limited 90-day window in which to conduct this screening—not the 2½ years that are available in mergers or acquisitions within the railroad industry. Finally, although the ICC should consider the effect of a given proposal on employees, there is no statutory requirement for so-called labor protection payments to displaced employees. In contrast to this moderate provision, current law gives employees displaced by a multicarrier merger or acquisition up to 6 years of full pay, as a matter of Federal law. I think these facts speak for themselves: This is a very moderate piece of legislation that leaves the critical aspects of takeover contests in the free market, while protecting the public from the possible loss of critical links in our national transportation system.

One final note, Mr. Speaker. We are likely to hear a good deal from certain quarters about this takeover provision rolling back the Staggers Act or reregulating the railroad industry. That is flatly untrue. As one of the staunchest defenders of the Staggers Act against efforts to roll back the genuine improvements in market-oriented ratemaking, I know reregulation when I see it. And in this case, the takeover matter, we are dealing with provisions of the Interstate Commerce Act whose coverage was not affected one iota by the Staggers Act. Instead, we are correcting an anomaly in the statute that was there long before 1980, but which became all too apparent within the last year or so as major railroads became the targets of noncarrier takeover bids. So I ask that our Members reaffirm their support for this measure, as they did last September by a vote of 296 to 93, and continue to evaluate this bill on its merits, not on the basis of slogans and rhetoric.

Mr. Speaker, I urge support for the conference report.

□ 1640

Mr. WALKER. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, the conference report we have before us is a bill that the committee has worked hard on, and I certainly do not in any way want to indicate that I am at all opposed to the hard work and the efforts that they put into this bill, but I do believe that we need to focus on what we are about to do here.

I think it needs to be understood why some opposition to this bill is very much in order. Let me state at the outset, as I have tried to say on many occasions on the floor, and I have found the debate deteriorated, I am not opposed to railroads. I do not think anybody should responsibly be opposed to railroads in this country. Railroads contribute a great deal to the economy of the country both in terms of freight service and in terms of passenger service, so I am not opposed to passenger rail service.

What I have begun to question very seriously is whether or not Government-subsidized passenger service serves the best interests of this country. There are some who have come to the floor today with a bill which they say Government subsidies are the only way that we can run passenger rail in the country. I do not believe that to be true.

I think it is important that we look at other options as a way of dealing with passenger rail for our future. I also think it needs to be pointed out that the administration is opposed to this bill. The President would like to veto this bill, and I think he has a number of reasons that the membership ought to be aware of before coming to the floor and voting on a

bill that supposedly preserves the passenger rail for the country.

First of all, we are talking about absolutely massive subsidies. We are not talking about a little bit of money. We are talking about a figure of $605 million to cover Amtrak's continuing annual losses in fiscal 1990, which is a $28 subsidy to each of Amtrak's passengers. One may say that that is a good idea; we ought to subsidize all of those poor people who are riding the rails. The fact is that every study we look at indicates it is not the poor we are subsidizing. It is very well-to-do people for the most part are the people we are subsidizing for $28 every time they ride the rails. They are people who make $40,000 a year or more. This is one of the massive subsidies we are giving to the very well-to-do in this country. It is costing us $605 million in 1990.

Yet, despite the massive deficit that the country faces, despite the nature of the deficit in this bill, we are going to raise that figure in this particular bill to $684 million in 1991, and then to $712 million in 1992. That is an 18-percent increase in just 2 years under the provisions of the bill that we have before us.

I have heard a lot of discussion in the course of our deliberations today already about deficits and all the problems we have, and some people came to the floor suggesting that we are going to have to have a big tax increase. People will say: "Why?" Here is the reason: If anyone wants to know why it is we end up spending a lot more money than we have, it is because of these kinds of programs. This is a program that the administration, in its budget, said should be completely eliminated.

Congress proposes to spend $600 million this year, $684 million next year, $712 million the next year. That is where deficits come from. That is part of the problem.

Also, if Amtrak is going to become self-sufficient as everybody seems to say it should be, it is going to have to have some reforms, and the fact is that this bill before us gives us none of the reforms that are necessary. For example, the American taxpayer should not be asked to continue to subsidize Amtrak's continual losses without requiring Amtrak's management or employees to adopt cost-of-living reforms necessary for Amtrak to achieve true self-sufficiency.

Somewhere along the line we ought to ask the railroad to begin to operate like it was a real business rather than like it was operating only for Government subsidies, and yet this bill does not carry us in that direction. This bill simply states that we are going to pour ever more Government subsidies into a losing proposition.

Then the thing that disturbs me, I think, most about this bill is that it is a two-fer. The administration not only wants to eliminate Amtrak as a budget item for the American taxpayer, it wants to eliminate the ICC. It thinks that both are outmoded in terms of taxpayer expense.

One of the things that it is moving toward is the elimination of ICC. What does this bill do?

□ 1650

This bill says not only do you keep Amtrak, not only do you subsidize it for more than it has been subsidized in the past, but now we also want to tighten the ICC's regulatory grip at the same time that the administration is proposing to terminate that agency.

In other words, what this bill proposes to do is not only keep Amtrak, but keep another wasteful bureaucracy in the Government, the ICC. Well, in this bill you are getting a two-fer. You are not only going to preserve one bureaucracy, you are going to have two of them saved in one bill.

Finally, despite what the gentleman from Kansas said, I have to say that in examining what they have done here, one has to come to the conclusion that this is a step back into more burdensome Government regulation. This legislation is a step back to the days of oppressive Government regulation that drove substantial segments of the railroad industry into bankruptcy. Railroads like the Rock Island Line, the Penn Central, and others, were driven out of business by Government regulation. This bill is designed to take us right back to those bad old days when railroading could not survive because of Government regulations.

Now, if one thinks it is a good thing to come here and support a bill that is for more regulation, that preserves two massive bureaucracies and does so at increasing expense to the taxpayer at a time of deficits, you will love this bill. I would suggest to you that many of us should not love this bill. We ought to support what the President wants to do, oppose the bill, and save the taxpayer $600 to $700 million.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 5 minutes to the gentlemen from Michigan [Mr. DINGELL], the chairman of the full committee.

Mr. DINGELL. Mr. Speaker, I thank my good friend and colleague, the gentleman from Ohio [Mr. THOMAS A. LUKEN] for yielding me this time. I rise in strong support of the conference report on H.R. 2364, the Amtrak reauthorization bill. A number of the members of this committee deserve particular thanks and commendation for what they have done: the chairman of the subcommittee, the gentleman from Ohio [Mr. THOMAS A. LUKEN]; the ranking Republican members of the committee and subcommittee, the gentleman from New York [Mr. LENT] and the gentleman from Kansas [Mr. WHITTAKER]; the gentlemen from Virginia [Mr. BLILEY] and [Mr. BOUCHER]; the authors of the amendment on ICC jurisdiction adopted in the committee and carried through in the conference report, the gentleman from Ohio [Mr. ECKART] and the gentleman from Iowa [Mr. TAUKE]; the gentleman from Washington [Mr. SWIFT] and the gentleman from Illinois [Mr. MADIGAN], who made important contributions to the legislation before us; and I want to commend also my good friend, the chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], for the way he worked with us in regard to the commuter rail provision of this legislation.

I listened with some interest to the remarks of my good friend, the gentleman from Pennsylvania [Mr. WALKER]. It is indeed regrettable that the gentleman did not talk to the committee, because had he done so, it would sound more like he were discussing the legislation now before us.

The harsh fact of the matter is that the comments of the gentleman from Pennsylvania [Mr. WALKER], who just immediately preceded me, and for whom I have the utmost respect, do not relate to the legislation before this body at all. The interesting thing is that the Amtrak subsidy over the last 8 years has declined on a continuous basis. Today the subsidy is $450 million less than it was in 1981. Today the revenues are double what they were in 1981, $1.2 billion as opposed to $600 million.

The hard fact of the matter is, Amtrack has come a long way. Today it has a better ratio of revenues to costs than any other passenger railroad in the whole of the world, not just the United States. It has improved steadily since 1981.

What is needed here is capital funds. Amtrak is today turning aside passengers who want the service, and they cannot carry those additional passengers unless they get the capital investment that is needed for them to bring their service into relationship with the demand which exists.

This bill is going to increase rail safety by providing for the purchase of new and better and safer equipment. It will enable improved efficiency, lead to modernization, attract more passengers, increase revenues. This is an investment bill, and it is a prudent bill.

Mr. Speaker, what we should do here is provide the means for Amtrak to continue the advancement to which I have been referring in my comments, rather than seek to cut back. The cost of additional service is substantial. This is going to cost money in the short run, but it is going to continue to reduce the deficit in the long run.

Graham Claytor, the President of Amtrak, has pointed out that by the year 2000, if he gets the cooperation of Congress, he will reduce the Federal operating subsidy to zero.

There is here a special provision which will enable Amtrak to provide additional service in the northern Virginia commuter corridor, sponsored by the distinguished members of the Virginia delegation, led by the gentlemen from Virginia who sit on the committee, Mr. BOUCHER and Mr. BLILEY.

I would observe that there is one provision which the gentleman from Pennsylvania [Mr. WALKER] refers to as a return to the dark ages of regulation. If the gentleman would take the trouble to read that particular provision, he would know what it does.

Under current law, selling off or closing down 1 mile of rail track is subject to ICC approval, selling off one railroad to another railroad is subject to ICC approval, but selling off an entire railroad company to a nonrailroad is not. This is most curious. The adverse impact upon communities, upon States, upon customers of rail service, and upon persons absolutely dependent, such as grain users, haulers or purchasers of heavy commodities like coal or iron ore or lumber or something of that kind, is absolutely appalling. In fact, the farmers of the Midwest are desperate to have an opportunity to have sell-offs of entire railroads reviewed because of the potential for the loss of service to them.

Mr. Speaker, this is a good bill. It is one which assures that Amtrak will continue to grow, to provide service, and to assure that the cost of that service is going to continually decline through the acquisition of newer and better equipment and providing service to people now being turned away.

Mr. Speaker, this is not a partisan bill. The bill came out of committee by an overwhelming vote. It is supported by the leadership on both sides of the committee and by Members on both sides of the aisle. And something else must be observed. The major provisions which were complained of by the gentleman from Pennsylvania [Mr. WALKER] were sponsored by Members on both sides of the aisle. In summary, Mr. Speaker, this is an excellent conference report that is bipartisan and noncontroversial. It was signed by every House conferee. It deserves the support of every Member of this House, and I hope it will receive that support. Mr. Speaker, I ask that a table showing Amtrak's progress since 1981 be inserted in the RECORD at this point.

NATIONAL RAILROAD PASSENGER CORPORATION

[Comparison of financial and performance data]

	1981	1989	Change (percent)
Total revenues in current dollars (millions)	$612.2	$1,269.1	+107
Total revenues (1981 dollars, millions)	$612.2	$921.5	+51
Revenue to cost ratio	0.48	0.72	+50
Total Federal grant (1981 dollars, millions)	$896	$442.1	−53
Federal operating grant in current dollars (millions)	$675.8	$553.8	−18
Federal operating grant (1981 dollars, millions)	$675.8	$402	−40
Federal capital grant in current dollars (millions)	$221	$30	−84
Revenue to short-term avoidable cost ratio	0.73	1.20	+73
Revenue to long-term avoidable cost ratio	0.60	0.91	+52
Passenger miles (millions)	4,762	5,859	+23
Passenger miles per train mile	155	188	+22
Total Federal support as a percentage of U.S. budget	0.1	0.05	−50
Managerial staff as proportion of work force	0.15	0.12	−20

Mr. WHITTAKER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I rise in strong support of the conference report on H.R. 2364, the Amtrak Reauthorization and Improvement Act. This bipartisan legislation is an important part of our effort to strengthen a key component of our Nation's transportation system; namely, passenger rail service.

Today, Amtrak spans the country with a 24,000-mile system that operates through 43 States and serves over 500 stations and 22 million passengers annually. Importantly, Amtrak is providing this service in a more self-reliant matter. In fiscal year 1981, Amtrak relied on the Federal Government to provide more than half of its expenses. In fiscal year 1988 their share had dropped to 30 percent.

This positive trend will continue as environmental pressures cause our communities to rely more heavily on passenger rail transportation. This legislation correctly addresses the need to make rail transportation a more viable option by resolving an important liability question that has stalled the startup of commuter rail service in northern Virginia. I want to recognize the efforts of my colleague from Virginia, Mr. BOUCHER, for raising this issue at the subcommittee level, as well as the efforts of two of my other colleagues from Virginia, Mr. PARRIS and Mr. SLAUGHTER, who have labored long and hard to make Virginia commuter rail a reality. And of course, a special word of appreciation to the chairman of the full committee, Mr. DINGELL, and the chairman of the subcommittee, Mr. LUKEN, and ranking members, Mr. LENT and Mr. WHITTAKER for their support. Finally, I would like to thank Mr. BROOKS, the chairman of the Judiciary Committee for his advice and assistance.

Mr. Speaker, I would like to address one of the issues that has been raised as an objection to this legislation—the ICC provision. Contrary to many statements, this is not an antitakeover provision. This gentleman believes that shareholders own publicly traded companies. I have not supported antitakeover legislation in the past and in voting for this legislation I am not doing anything to change that record. This provision is in my mind more closely related to a technical amendment—a loophole closer. This provision simply eliminates the anomaly in current law that requires ICC review if a nonrailroad wishes to acquire a few miles of track from a railroad, but requires no such review if the nonrailroad buys the entire company on the stock exchange. It is a good provision, it levels the field and ensures that the same rules apply regardless who is buying and how they are buying—what some of us call fairness.

Mr. Speaker, I urge my colleagues to support this conference report. By a more than 3-to-1 margin this House approved almost identical legislation in September. Let's send this bill to the President and I for one believe that despite threats to the contrary, the President will sign this bill.

□ 1700

Mr. WALKER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, the Nation's Capitol is awash today in talk of tax increase, so it is appropriate that we are talking railroads, today, because the American taxpayer seems to be destined to be railroaded one way or another.

This conference report is a prime example of why we are hearing the unfortunate talk of a tax increase. America is being nickeled and dimed to death, and unfortunately we are not talking about nickels and dimes, we are talking about hundreds of millions of dollars.

The administration has asked that Congress begin to phase out the subsidy for Amtrak. Congress is about to do the opposite.

This conference report authorizes $630 million for fiscal year 1989, $656 million for 1990, $684 million for 1991, and $712 million in 1992. The Congress is going in the wrong direction. The President has asked us to phase out this program, not to pad its budget with increases, and no one seems to care that we are on the verge of a financial crisis.

I care, and I am going to vote against this type of spending wherever and whenever it rears its ugly head. In fact, Members should join me in opposing such programs that are not absolutely necessary for the health and safety of our people.

That is how we can balance the budget. That is the formula that will bring down this high level of deficit spending.

There are ways out of this budget mess, and they all encompass doing

more to bring down spending. The gentleman from Ohio [Mr. KASICH] offered us a viable and sensible alternative to raising taxes and spending again and again. He called for an overall freeze in discretionary spending including domestic programs and defense spending without reducing COLA's or entitlements.

Without real constraints or spending reductions, Congress will continue to spend money like a drunken sailor and American will be pushed down that slippery slope of tax increases into the pit of recession. I want no part of it.

With the amount of spending contained in the budget the House passed last week, it is no wonder that the only talk that is going around today is the talk about balancing the budget by only increasing taxes, not bringing down spending. I do not know one reputable economist who advocates that we increase taxes at a time when recession threatens our country. Increasing taxes as a means of balancing the budget is like bleeding a patient to cure an illness. Higher taxes siphon the strength from the economy. Higher taxes give the Government more and more money to create more and more programs to hire more and more Government employees who are likely to use that money to bleed the patient again.

But those who continue to vote for measures to increase spending, even though our President wants them phased out, should not be shedding crocodile tears and talking about the problem and the threat of the high level of deficit spending.

My point is simple. The only cure for deficit spending is to cut that spending. I know it is a difficult task. I cannot even get the National Endowment for the Arts to stop spending money for sexually graphic art.

We must stop spending the taxpayers' dollars for projects that are not absolutely necessary, and this program, the subsidization for Amtrak, the subsidization for high-income passengers is not absolutely necessary for the health and safety of the United States of America, and we can no longer afford such spending.

There are proposals throughout the United States to spend money on rail transportation in the private sector, financed totally in the private sector. This continued subsidization of Amtrak deters this type of private sector spending.

I know in my own area there is a proposal for a magnetic levitation train between Anaheim and Las Vegas that is being financed totally with private sector money. This is the type of innovation, this is the type of spending for transportation we need, not more Government mandates and more Government spending and higher taxes for our people and a higher deficit for our country, and recession for the country.

Mr. Speaker, the American people are being taken for a ride. The destination is economic oblivion. They want to get off the train, and so do I.

Vote no on the conference report.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BOUCHER], a member of the subcommittee and the full committee.

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Ohio for yielding this time, and commend him and the chairman of the full committee, Mr. DINGELL, as well as the chairman of the Committee on the Judiciary, Mr. BROOKS, for their outstanding assistance in crafting that part of this measure that will remove the barriers to the commencement of commuter rail service in northern Virginia. For northern Virginia commuters, this has been a very long-awaited moment.

The conference report contains a provision that limits the liability of Conrail for accidents occurring on the tracks involving trains that will be operated by the Virginia Railway Express, which is the new northern Virginia commuter authority, to the amount of insurance coverage in force at the time that an accident occurs. It also requires that insurance in the amount of at least $200 million be in force at all times, and that will be a fund sufficient to cover any injuries that are likely to occur in accidents on that rail line.

The enactment of this provision will result in Conrail making available to the commuter services access on its tracks across the Potomac River, and then on to Union Station, removing the last significant barrier to the commencement of this long-awaited and much needed commuter service in northern Virginia.

We now anticipate that the service could begin as early as 1991 with 18 trains daily beginning at Manassas and at Fredericksburg, making stops along the way, and then terminating at Union Station. It will accommodate some 4,000 riders on a daily basis, fully 75 percent of whom will have destinations on Capitol Hill or in southwest Washington.

For all of those who today are enduring the daily rush hours on Interstates 95 or 66, this is particularly good news. Commuter rail service will have the effect of adding one full lane of travel on both of those interstates and dramatically reducing the traffic congestion that now exists.

Mr. Speaker, I want to extend my sincere thanks to the gentlemen from Virginia, Mr. BLILEY, Mr. PARRIS, Mr. SLAUGHTER, and Mr. WOLF for their outstanding help and support as we crafted this measure, and once again to the subcommittee chairman, the gentleman from Ohio [Mr. THOMAS A. LUKEN], the gentleman from Michigan [Mr. DINGELL], and the gentleman from Texas [Mr. BROOKS], chairman of the full Judiciary Committee for their outstanding help in obtaining approval.

I also want to commend the local governments in northern Virginia and the officials of the Virginia Railway Express, of Conrail and of Amtrak for their outstanding help in this effort.

Again, I thank the gentleman for yielding time to me.

Mr. WHITTAKER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Speaker, there has been some controversy about a provision of the legislation that is before us relating to railroad takeovers. I believe that those of the Office of Management and Budget who singled out this provision as a reason for Presidential veto of the legislation are frankly a little off the beam.

This is not a step toward reregulation of railroads. It is not anything at all onerous. It is an attempt to make a little sense out of existing law. When Japonica was talking about taking over the Chicago Northwestern, we discovered something very curious in the law, and it was essentially that if you had a railroad buying another railroad, it was subject to ICC review to ensure that the public interest would be served. If you had a railroad buying a line of another railroad, it was subject to ICC review.

□ 1710

If you had a nonrailroad buying a line of another railroad, it was subject to ICC review, all to insure that the public interest could be served. But if you had a nonrailroad buying an entire railroad, in other words if they had enough money so they could buy the whole thing, no ICC review, no need to insure that the public interest was being served.

Now, what possible justification can there be for saying that when you have 16 class I railroads and a railroad would want to buy 1 of the 16, that that should be subject to review, but if somebody has never run a railroad before, comes in and wants to buy it, then we do not have to worry about the public interest being served?

Everybody who is in this Congress undoubtedly has communities where there are industries that are dependent on the running of the railroads, and if somebody comes along and screws up the running of the railroads, that puts a lot of people out of business.

Now, the fact of life is that this is a very minimal requirement, but it does insure that some public interest will be served.

Mr. WALKER. Mr. Speaker, I yield myself 4 minutes for the purpose of a

colloquy with the gentleman from California [Mr. Cox].

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from California [Mr. Cox].

Mr. COX. Mr. Speaker, following up on the comments of our colleague from Iowa, I would like to ask whether it is the understanding of the gentleman from Pennsylvania that as a result of legislation that would be passed through the approval of this conference report, the ICC would be given the authority that it does not presently have to restrict purchases and sales of railroad securities?

Mr. WALKER. Well, it is certainly my understanding in the bill that we are granting to the ICC additional authority over and above that which it now has with regard to railroads. And it extends not only to Amtrak but to the broad base of railroads across the country.

So my reading of the committee's report certainly does suggest that the ICC is being given additional powers despite the fact that the administration wants to abolish the ICC completely.

This bill would increase the powers of an agency that the administration wants to abolish.

Mr. COX. So instead of moving toward deregulation, we are moving toward more regulation? Right now the ICC does not have this authority although it does already possess extensive regulatory authority to review line sales, abandonments, the issuance of securities by a carrier when acquired by a noncarrier. We are giving them even more, broader powers that can only be used for anticompetitive purposes.

Mr. WALKER. That would certainly be my interpretation. This is certainly, in my view, a move to try to further regulate any kind of free enterprise approach to railroads. The problem is that what we have done is that we have clamped down and totally eliminated the free enterprise in passenger rail with Amtrak and we have a wholly subsidized rail service there.

It appears to me that in order to protect that kind of philosophy we are now moving toward more regulation of the privately run railroads with this kind of opportunity.

It is surprising that as Eastern Europe moves away from command economies, we in this body seem to be taking the different route of trying to move the Government back into trying to run aspects of our economy, despite the fact that those parts of the economy may be perfectly healthy.

Mr. COX. In fact, there are a lot of failing railroads, and if we have healthy companies outside the railroad industry that might be in the transportation industry or elsewhere, this is now an additional regulatory burden that those purchases, potential purchases, must overcome if they are going to inject their capital into the railroad industry, is that not right?

Mr. WALKER. Precisely. It is my understanding if they wanted to purchase a failing railroad and keep it running, they would now have to get ICC approval in order to be able to do that.

So that you could have a situation where the whole railroad system goes under, where people are denied the ability to have rail service, where whole businesses have to shut down because there is no rail service, because the ICC is still reviewing to find out whether or not this is a proper buyer for a rail system.

Mr. COX. So the Federal Government might say "yes" in the end, but in the meantime you have got to go through all the Federal rigmarole in order to accomplish that.

Mr. WALKER. The gentleman is absolutely right. The problem then becomes that the Federal Government has a long history of doing exactly that.

When you look back at the history of the Rock Island Line, the Penn Central and others, it was precisely that kind of regulation which drove those companies out of business.

So what we are doing is returning to that kind of process in railroading, and we well may find that at some point in the future we will have driven out railroads rather than preserve railroads under the language we are adopting here today.

Mr. COX. I think we might say, in conclusion, that nothing in this provision preserves existing rail service or adds any new capital to existing rail service. But what this provision does do is create an additional regulatory barrier to anyone who wants to come in and buy an existing railroad.

Mr. WALKER. This is more regulation, pure and simple.

Mr. COX. I appreciate the clarification.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I rise in support of the bill and of the distinguished chairman.

I rise in support of the conference report on H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1990. I particularly wish to address my comments to section 3 of the conference report. Members of the House Judiciary Committee were appointed as conferees on a provision of H.R. 2364 dealing with limitation on liability for commuter rail service from Virginia to the District of Columbia. The House provision, which was drafted in conjunction with the Judiciary Committee and was graciously accepted by the Energy and Commerce Committee, limited the liability of railroads for commuter operations on their tracks to the amount of insurance coverage carried by the Commuter Rail Authority. The bill also requires the authority to carry 200 million dollars' worth of coverage.

The Senate adopted our language and added a provision stating that it would go into effect only if an operating agreement was concluded between the Commuter Rail Authority and the railroads whose tracks the authority would use. It is my understanding that such an agreement has, indeed, been concluded.

Section 3 of the conference report embodies the House-passed language and incorporates the additional Senate provision. It is carefully and narrowly drawn to strike a reasonable balance between accommodating the concerns of railroads over the additional liability that might result from commuter rail service on their tracks, and protecting the rights of passengers and other parties. Enacting this provision will permit this worthwhile commuter rail operation from Virginia into the District of Columbia to go forward, and I urge approval of the conference report.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I just wanted to quickly say that I strongly support this legislation. Rail service is extremely important to this country, and will be more important in the future for economic reasons, for environmental reasons, and for energy reasons. And the agency, Amtrak, has been put on a much stronger financial basis and is continuing in that direction. We would be very foolish to cast aside the progress that has been made, and it has been made at the expense of employees and others interested in this service going forward for the American people.

I thank the gentleman for yielding.

Mr. Speaker, the Amtrak authorization conference report before us today is a sound bill which is necessary for maintaining a balanced, efficient national transportation system. It is the product of a great deal of bipartisan work and deserves our overwhelming approval.

Few agencies have experienced the intense public scrutiny over the last 10 years as Amtrak has faced. And few have achieved a better record of fiscal management. Amtrak's revenues now cover 75 percent of its operating costs—a remarkable improvement over the 48-percent level in 1981 when the level of the Federal contribution began to decrease. In real dollars, Federal operating support has declined more than 50 percent during that period. Its non-Federal revenue has doubled in 9 years and Amtrak management wants to eliminate the need for any Federal support by the end of this decade.

That goal is a worthy one. It has, however, had a price. Amtrak's employees have made major sacrifices to help management turn the

corner. Wages and salaries have not kept up with rail industry levels.

I represent southern Indianapolis and the city of Beech Grove which has a maintenance facility employing 1,325 of the company's nearly 2,000 employees in Indiana. This facility performs maintenance work on Amtrak equipment as well as on privately owned cars and equipment. Amtrak has deferred a substantial amount of maintenance on its rolling stock that should not be postponed any longer. Capital investment is needed for Amtrak to keep reliable rail service and to meet the growing public demand. Any prudent business would make such an investment when it sees potential customers turned away due to lack of capacity. Additional revenues from capital improvements could also be invested in its work force which is a key factor in Amtrak's outstanding performance. I urge Amtrak management to seriously consider these points in its allocation of admittedly limited resources.

Mr. SWIFT. I thank the gentleman from Indiana.

Mr. Speaker, this is the thesis of my remarks: I think there are some people who can understand business principles but cannot apply them when Government is involved.

For example, I think everybody knows that businesses have to make investments if they are going to survive. Those very same people sometimes think that if Government makes an investment, they see it only as an expenditure.

Now here is the point: Last year Amtrak turned away one customer for every customer it served. If you ran a shoe store and you were turning away as many customers as you were able to sell shoes to, you would say, "I had better invest in some expansion."

The fact is that Amtrak has unmet demand equal to the demand it can meet.

What it calls for, really, is investment in the rolling stock to be able to meet that demand. I have talked with the head of Amtrak who tells me that with a nationwide system able to meet the demand, the subsidy to Amtrak could disappear by the end of the decade.

Now that is thinking like a business.

This bill does not provide that, but the fact is, what astonishes me, is that there are those who would either kill this or would even reduce the investment which I suggest is not only not good business thinking, it is not good thinking at all.

Mr. SLATTERY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I will not take the time of the House to elaborate, allude further to the arguments made on behalf of this measure by other previous speakers in regard to a parochial but fundamentally important and critical aspect of this legislation, which is the commencement of commuter rail in northern Virginia.

This was a complicated process. We had to negotiate access, rights-of-way agreements with five separate railroads, we drafted a regional compact agreed to by seven impacted independent political jurisdictions, negotiated the use of privately owned property for rail stations and commuter parking lots, secured a section 3 capital demonstration grant, and the balance.

But finally the passage of this legislation will allow the northern Virginia commuter rail service to become a reality.

I take this time, Mr. Speaker, simply to express, as have others, my appreciation to the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL], the chairman of the subcommittee, the gentleman from Ohio [Mr. THOMAS A. LUKEN], the ranking Republican member, the gentleman from New York, the gentleman from Michigan [Mr. DAVIS], the gentleman from Texas [Mr. BROOKS], the chairman of the Committee on the Judiciary, and particularly my two Virginia colleagues [Mr. BOUCHER] and [Mr. BLILEY] for their stalwart assistance in the solution of a critically important measure that will be of benefit to all of those who attempt to commute into the Nation's Capital every day.

Mr. Speaker, I rise in strong support of the conference report on H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1990. The principal reasons for my support are twofold.

There can be no question that Amtrak, America's railroad, represents a vital component of our Nation's transportation infrastructure. Nor can there by any question that Amtrak's management has vastly improved the efficiency of its operation in recent years; thereby significantly reducing the amount of funds required from the American taxpayers. As a matter of fact, it is the efficiency with which Amtrak has been operated that has led to the near miraculous resurgence of passenger rail travel as a viable alternative to the automobile.

There is serious doubt that that viability can be sustained without the critically important infusion of capital for the replacement of Amtrak's aging rolling stock which would be authorized by passage of this bill.

My other reason for supporting this conference report, while admittedly somewhat more parochial, is no less important. One provision, included during subcommittee consideration, would effectively deal with the punitive liability problem which has been the one remaining hurdle preventing the initiation of a commuter rail service in northern Virginia.

Mr. Speaker, I first advocated the establishment of such a service more than 20 years ago, as a member of the Fairfax County Board of Supervisors. Then, in 1973, as a first-term Member of Congress, I ran a demonstration train up the RF&P tracks from Fredericksburg to Washington to show the viability of such a service. Then in May 1985, I organized another focused effort and we have been planning ever since.

In December 1985, I established the Congressional Task Force on Commuter Rail which was made up of State transportation officials and the locally elected officials from all seven political jurisdictions to be impacted by commuter rail. I asked the committees of my task force to concentrate on finding solutions to specific problems which we had to overcome before our goal could be realized.

Specifically, we had to negotiate access and right of way agreements with five different railroads; draft a regional compact to be agreed upon by the seven impacted independent political jurisdictions on funding of the service's operating deficit; negotiate for use of privately owned property for rail stations and commuter parking lots; and secure a section 3 capital demonstration grant from the Federal Urban Mass Transportation Administration. All of these tasks were accomplished within a relatively short period of time.

The one problem whose solution has eluded us for nearly 4 years, however, is that of insurance. The problem has been the procurement of an insurance portfolio which satisfies the indemnification requirements of the various railroads granting the service access to its track, but which is also affordable. The local quasi-governmental authority coordinating the planning for this service has put together a $200-million per occurrence insurance portfolio.

The legislation before us would place a $200 million cap on punitive damages against Amtrak and other commuter authorities—effectively solving our insurance crisis. Passage of this legislation will finally allow the northern Virginia commuter rail service to become a reality. The reality of a successful commuter rail is that it would carry as many commuters into the Nation's Capital as would the construction of an additional lane on I-95/I-395 between Fredericksburg and Washington.

In closing, I would thank the chairman of the committee, Mr. DINGELL, for all of his critical support and assistance in this matter. I would also thank and commend the efforts of my two colleagues from Virginia, Mr. BOUCHER, a member of the subcommittee, and particularly Mr. BLILEY, who brought this matter to the attention of the chairman.

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Mr. WHITTAKER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. SLAUGHTER].

Mr. SLAUGHTER of Virginia. Mr. Speaker, I rise in support of the conference report on H.R. 2364, the Amtrak Reauthorization and Improvement Act, and commend the conferees for completing work on this legislation in a timely manner. The conference report on H.R. 2364 includes a provision critical to the operation of the Virginia Railway Express commuter rail system by limiting liability for punitive damages should an accident occur on certain tracks and bridge spans between northern Virginia and Washington, DC.

The promise of a viable commuter rail operation in Virginia will bring a measure of relief to many of our citi-

zens who travel daily in bumper-to-bumper traffic from Manassas and Fredericksburg into northern Virginia or the District of Columbia. It is expected that 4,000 round trip commuters will ride the Virginia Railway Express daily. I commend the leadership of the House Energy and Commerce Committee and the efforts of the Virginia congressional delegation to ensure the full operation of the Virginia Railway Express, and urge my colleagues to join me in supporting the conference report on H.R. 2364.

Mr. WALKER. Mr. Speaker, with trepidation with regard to the position I am advocating, I yield 1 minute to the gentleman from Colorado [Mr. CAMPBELL].

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. CAMPBELL]

Mr. CAMPBELL of Colorado. Mr. Speaker, rail service is a vital link to urban areas for my constituents and I am appreciative of the service Amtrak provides to western Colorado. I do not believe, however, that this service should come at the expense of public health.

Over the past few years I have become increasingly concerned about Amtrak's refusal to adequately deal with the issue of the dumping of untreated human waste in our communities. I have contacted Amtrak numerous times asking them to end this primitive practice or, at the very least, to provide adequate alternatives to their actions. I have yet to receive a satisfactory answer.

Amtrak's practice of dumping untreated human waste, often in highly populated areas and while stopped at stations, is protected by an exemption Amtrak has been granted from the Rail Passenger Service Act. The act requires all other U.S. rail carriers to have self-contained waste disposal systems.

Amtrak's arrogance and foot dragging on this issue have reached the level of the absurd. Their tactic of threatening termination of service when State health agencies voice opposition to raw sewage being dumped in their communities only serves to discourage cooperation.

Although Amtrak assures me they are conducting research on this issue, I am concerned at the length of time this research is taking. When I have discussed this issue with Amtrak, first in 1987, and most recently at the beginning of this year, I have received the same response: "We're conducting research; you and your constituents will just have to wait." The communities of my district are eager to work with Amtrak to come to a workable and mutually agreeable solution. When we agree to this legislation today, we need to also send a message to Amtrak that our constituents are disgusted at Amtrak's refusal to listen to their voices and to put a stop to this primitive practice of taking taxpayers' money and then dumping on our towns, is not my idea of a good neighbor policy.

Mr. Speaker, I yield back the balance of my time.

Mr. WHITTAKER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Speaker, I have a prepared statement which I will insert at the end of my remarks, but I would like to say in the 2 minutes that my friend from the minority side has so graciously given me, just that I have personal experience with Amtrak. I recently, with my wife, had occasion to take a 2,800-mile trip from Cleveland to San Antonio, TX, to New Orleans, and back to Cleveland again. I must say we enjoyed that trip very much. I came away impressed, very impressed with the courteous service provided by the Amtrak personnel, by their friendliness, which is evident among not only the staff but also the passengers of Amtrak trains, by the great scenery we were able to see along the way, and yes, by the efficiency of the management of Amtrak.

I believe that Graham Claytor and his entire management team are doing a magnificient job of running Amtrak, given the financial constraints under which they are working. But as my colleague from Ohio [Mr. THOMAS A. LUKEN] has pointed out before, there comes a point when we need to get new equipment to maintain service and to extend service. Amtrak is at that point. It is long past that point. It desperately needs to be able to invest some money in new equipment so it can provide more service, get more customers, and reduce even further the subsidy which is now provided by the Federal Government.

This conference report addresses that need. I very much urge all my colleagues to give their support to this conference report, and take the occasion, when they can, to ride Amtrak themselves. I think they will find it an exemplary means of transportation.

Mr. Speaker, I'd like to say a few words about an energy efficient, environmentally safe form of transportation: Amtrak. Two weeks ago on Earth Day 300,000 people showed up here at the Capitol to demonstrate their support for practices and policies that nurture, not harm, the environment. Hundreds of thousands more demonstrated at other locations across the country. My colleagues JOE KENNEDY, JIM MCDERMOTT, BART GORDON, and I road bicycles from here to Freedom Plaza on Bike to Work Day.

Environmentalism has reached all corners of our great Nation. Everywhere, people are learning how changing their individual behavior can make a real difference in the quality of the environment. As elected officials, we need to support policies that provide citizens with environmentally friendly options.

One way that we can do that is to provide adequate funding for Amtrak. The conference report on Amtrak reauthorization, which we will vote on today, would authorize around $700 million per year for Amtrak operations. These amounts are miniscule when compared to what we spend on highways. Last year, we spent over $13 billion on our highway system, and even that amount was not adequate to keep up with the growing demand for these roads.

The Washington to New York corridor is a prime example of how convenient train travel can be. Because of heavy usage, trains run frequently and a number of express lines are available. For anyone who has made the same trip by car, where traffic is often bumper to bumper, it is no wonder why people would prefer to go by train. I would speculate that, if the rail system were improved between Boston and New York, many travelers would choose rail over cars and also over air travel, given the heavy congestion at Logan Airport.

Mr. Speaker, by supporting Amtrak we're investing in our Nation's future. I urge support for the conference report before us today. Thank you.

Mr. WHITTAKER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Speaker, I rise in enthusiastic support for reauthorization of Amtrak. In 8 years, Amtrak has increased ridership by 40 percent and has doubled revenues with current revenues covering 72 percent of its operating costs, Amtrak has set a goal of self-sufficiency by the end of the decade. This goal is feasible with growing public support for a viable national train network.

This support is nowhere better evidenced than Evansville and southwestern Indiana. People there are placing high hopes on an Amtrak feasibility study for a Chicago to Florida rail line. One route would include Evansville as a connector city.

Evansville area residents must drive 2 hours to travel by train. Despite this AAA of southern Indiana booked $150,000 in Amtrak tickets in 1989. More than 800 residents recently attended "Amtrak Night" sponsored by AAA. A newspaper poll found 82 percent of respondents would use the rail service if brought to Evansville.

The future of a successful nationwide transportation system lies with advantages train travel can provide.

Reauthorization of Amtrak will help ensure their future in Indiana and throughout the Nation.

Mr. WALKER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. WEISS). The gentleman from Pennsylvania has 3¾ minutes remaining.

Mr. WALKER. Mr. Speaker, when the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL] got up a while ago, he said that my speech before did not reference the report.

Well, I think this is the report. When I go through that report, I find a number of things in it that are exactly what I talked about previously. I talked about the fact that this is not a report and a piece of legislation that reduces the subsidies further, this is a report that takes what we are spending in 1990, $605 million, raises it to $684 million in 1991, and raises it to $712 million in 1992. I am not creating those figures. I am reading them out of the report. This is their report.

It tells Members we are not reducing the subsidies, we are increasing the subsidies. That is the problem. Now, I also appreciate the words of the gentleman from Colorado. The fact is, that this rail system is an environmental disaster. As those trains rush across the country with the passengers aboard them, every time someone goes into the head and flushes, it is coming right out onto the tracks. Is there anything in this report about that environmental disaster? Not a word.

We also had a lot of talk here recently about safety in Amtrak. Amtrak has been involved in a number of accidents within the last few weeks. Is there anything in this report with regard to safer operating of Amtrak? I cannot find a word. I have read the report, and I have to say that we are spending $712 million by 1992, and I cannot find that we are going to do anything about flushing onto the tracks, and I cannot find we are going to do anything about improving the safety.

□ 1730

Mr. Speaker, I have got to say to the Members that if in fact what we are talking about is capital investment—and this is what I hear so much about here on the floor—we ought to be thinking a little bit about how the rest of businesses would go about capital investment. Would they come to the taxpayers and suggest that the taxpayers have to ante up? No, they would go to the banks. They would say, "Look, we have the potential for a lot more in the way of passengers in the future." The banks lend money on that kind of a basis, and then they would figure that into their rates.

What does Amtrak do? It does the same kind of thing that would be done in a state-run rail system in Europe or the Soviet Union or other places. It comes to the taxpayers. The taxpayers are supposed to ante up for this purpose.

I would suggest that this is the wrong bill at the wrong time. When we are faced with massive deficits, the taxpayers do not need additional subsidies imposed upon them.

Mr. PEASE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Ohio.

Mr. PEASE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to mention that on the train trip I recently took, I was told that on the Amtrak system, once toilets are used, it is set up for it to be held in tanks and for it to be aerated and not discharged unless the train is going at least 30 miles an hour.

Mr. WALKER. Mr. Speaker, I thank the gentleman for that understanding. The fact is that that may be the case on that train, but the policy across the country is that we have a lot of trains that are not doing that and they are flushing onto the tracks, including in urban areas, as the gentleman from Colorado pointed out a minute ago.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman very much for yielding.

Mr. Speaker, as we all know, today there has been lot of talk about intellectual consistency in this Chamber, and I would just like to top this off by saying that I believe it is intellectually inconsistent for politicians in this town to tell the American people that there is no alternative to raising their taxes in order to bring down this high level of deficit spending when we continue to spend money on a multitude of projects like that, which could be better done by the private sector.

Mr. WALKER. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I would simply sum up by saying that this particular bill is a very extensive subsidy that ought to be voted down.

The SPEAKER pro tempore (Mr. WEISS). The Chair will state that the gentleman from Ohio [Mr. THOMAS A. LUKEN) has 1¾ minutes remaining.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill represents the overriding public interest we have in our major railroads. We are talking about major railroads of over $88 million in size which could be gobbled by by nonrailroad interests. We are talking about the ICC protecting that, not the colloquy that we heard before, which was an adventure in fantasy. We are talking about buying new equipment. Mr. Riley, the former FRA administrator, warned that if we cannot acquire enough capital over time to maintain this fleet with a normal schedule, we will be turning away from safety. We want to follow the FRA injunction here and invest sufficiently.

Mr. Speaker, I want to thank the gentleman from Kansas [Mr. WHITTAKER] for his efforts in making this a bipartisan bill. That is what we have here, despite some of the conversation. It is a bipartisan bill. In this year of the environment, it is a bipartisan bill. In this year, when we recognize now that the airlanes are limited and that the highways are limited, it is not symbolic, and people are becoming aware that Amtrak is there. It is serving an environmental purpose. People are becoming aware of it, and it is becoming more popular. It is being used in its proper function, and passenger rail traffic is coming back.

Mr. ECKART. Mr. Speaker, I rise today to pledge my full support for the conference report on H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1990. As a House conferee, I believe that this is a true consensus and bipartisan bill and one that has the full support from both the House and the Senate. I urge my colleagues to join me in passing this report.

When Congress created the National Rail Passenger Corporation in 1970, most commonly referred to as Amtrak, it provided a way of preserving the bare bones, the core rail passenger system for the nation. Since that time, Amtrak has grown in leaps and bounds, covering over 24,000 miles of track in almost every State in the Union, and providing an essential means of transportation for millions of commuters and travelers. In addition, Amtrak is currently relying less on Government subsidies and paying more of its own way. It is believed that if Amtrak continues on this track, it soon will carry its own weight monetarily.

This bill contains may important provisions in addition to the authorized funding levels. One of the elements included in this piece of legislation would expand the acquisition review authority of the Interstate Commerce Commission [ICC] to include oversight responsibility over the acquisitions of class I carriers by noncarriers. This provision was inserted into the bill to close the loophole found in the current statute. The health of a railroad affects many sectors of our country including businesses, passenger, employees and communities—therefore, any dramatic changes in our Nation's railroad structure should be examined with an eye toward public interest. We need an expert agency to review the impact of a railroad restructuring upon these recipients to ferret out what potential risks might exist in the future if railroad service is abandoned or adversely affected.

In conclusion, I would also like to encourage Amtrak to investigate the possibility of extending and improving its service into three important regional corridors: (1) Chicago-St. Louis, (2) Chicago-Detroit-Cleveland-Pittsburgh, and (3) Chicago-Indianapolis. These vital links could open up the avenue between Pennsylvania, Ohio, Michigan, and Illinois with very little expense or effort. The Northeast corridor has been an enormous success for Amtrak over the years, and this success could be duplicated in the Midwest by opening up abandoned lines.

Again, I urge my colleagues to support this necessary piece of legislation.

Ms. LONG. Mr. Speaker, while I rise in support of the conference report on the Amtrak authorization bill (H.R. 2364), I must also express my deep concern about the way in

which Amtrak has made a recent decision regarding the rerouting of its trains.

I believe that America as a whole benefits from a strong passenger rail system. In an era of growing concern about pollution and highway congestion, as we realize the importance of protecting the air we breathe and of reducing the effects of pollution on our Earth, trains provide a sensible answer. I believe that we need to encourage the use of trains and other forms of mass transportation. The authorization provided in H.R. 2364 will help to maintain our passenger rail system and I support this.

However, I am deeply concerned about Amtrak's recent decision to reroute the Capitol Limited and Broadway Limited lines, which run from Chicago to the east coast. This rerouting will end service through Fort Wayne, the second largest city in Indiana, as well as service to other parts of Indiana and Ohio. The Chairman of Amtrak made this decision without proper notification of the Members of Congress whose districts or States will be affected by the move. Given the level of assistance that Amtrak has received and continues to receive from the Federal Government, I believe that proper consultation with Congress should be expected before Amtrak makes a major rerouting decision of this nature.

In fact, representatives of various railroads, State, local, and Federal officials are still discussing the possibility of continuing service through Fort Wayne, IN. However, the time allotted to formulate a solution to keep the trains running through Fort Wayne was limited. Amtrak could have done more in this regard.

While I will continue to work with all parties involved to keep Amtrak in Fort Wayne, I have also generated several proposals which I believe would go a long way toward helping to avoid future situations like the one which currently frustrates many of us in Indiana.

I have taken the liberty of putting these ideas into a legislative proposal, and while I do not intend to introduce this measure at this time, I would ask that the members of the Public Works and Transportation Committee and other interested Members of the Congress examine the provisions contained in this proposal at a later date.

The proposal which I have termed the TRAIN Act [the Termination and Rerouting of Amtrak, Information and Notice Act] would require Amtrak, as long as they continue to receive Federal Government funds, to give 6 months notice of any discontinuance of service. My proposal would require that the notice consist of a detailed report, including a cost-benefit analysis, and formal written communication to the Congress, the Members of Congress through whose congressional districts the passenger service runs, and the U.S. Senators and Governors through whose States the current passenger rail service runs.

What this advance notice requirement would provide is time for State and local units of government to devise proposals which could keep the trains running through their communities. Such proposals take time and should not be hastily put together. However, these very same proposals could be ones which would provide the needed assistance to Amtrak to make continuation of the service economically profitable.

The requirement that Amtrak provide a cost-benefit analysis would further assist States and local governments in crafting proposals appealing to Amtrak. Without this information, any first proposal would be essentially a shot-in-the-dark at coming up with a viable alternative for Amtrak. Likewise, if the cost-benefit analysis clearly indicated that nothing could be done to make the line attractive to Amtrak, much time and effort could be avoided in coming up with proposals which would be dismissed out of hand. This requirement seems to be only reasonable.

In addition, the TRAIN Act proposal would require that Amtrak make rerouting and termination decisions based upon their ability to become self-sufficient. While I believe that Amtrak is already making such business decisions to become self-sufficient, I would feel much more comfortable seeing the raw data when Amtrak makes a decision to pull out of a major city in my congressional district.

Mr. Speaker, while I will not introduce the TRAIN Act proposal today, I do ask unanimous consent that the text of that proposal be inserted in the RECORD following my remarks.

Mr. Speaker, as long as Amtrak continues to receive Federal funds, we should ensure that all of the Corporation's business decisions are based upon sound policy. This is an oversight responsibility which we should take seriously, and one which I believe would be improved with the adoption of some of the ideas I have put forth in the TRAIN Act proposal.

The text of the proposal follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

Section 404(c)(4)(F) of the Rail Passenger Service Act (45 U.S.C. 564(c)(4)(F)) is amended—

(1) in clause (i), by striking "14" and inserting in lieu thereof "45";

(2) in clause (ii), by striking "90 days" and inserting in lieu thereof "6 months";

(3) by redesignating clause (iii) as clause (iv);

(4) by inserting after clause (ii) the following new clause:

"(iii) Notice of any discontinuance of service pursuant to this paragraph or section 403(b) of this Act shall be given, in the form of a written, detailed report including a cost-benefit analysis, to the Congress, including each Member of the House of Representatives through whose district the service to be discontinued runs and each Senator through whose State the service runs, and to the Governor of each State through which the service runs. Such notice shall be given at least 6 months before such discontinuance.";

(5) in clause (iv), as so redesignated by paragraph (3) of this section, by inserting "the persons described in clause (iii) and to" after "by the Corporation to"; and

(6) by inserting after clause (iv), as so redesignated by paragraph (3) of this section, the following new clause:

"(iv) As used in this paragraph, the term 'discontinuance' includes a discontinuance of service through termination, rerouting, or otherwise.".

Mr. EVANS. Mr. Speaker, I am proud to join with fellow colleagues in supporting the Amtrak Reauthorization and Improvement Act.

Amtrak provides an essential and cost-effective means of transportation for millions of travelers. For communities across the country, including ones in my district, Amtrak boosts our economy and keeps progress on track.

Over the years, ridership has increased by leaps and bounds. Last year, it reached an all-time high. Looking at ways to expand service can increase the financial health of the system and extend the benefits to more communities and citizens.

Therefore, I would like to encourage Amtrak to investigate the possibility of extending service in Illinois to Peoria and the Quad Cities. Local groups promoting the extension of service to both cities believe the ridership is there. Amtrak has been a success story for western Illinois and the region has benefited Amtrak. By opening up service to these cities, we duplicate this success and deliver economic health and progress.

Mr. SLATTERY. Mr. Speaker, I rise in strong support of the conference report on H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1990. As a member of the conference committee which developed the final version of the measure before us today, I am pleased that we were able to reach consensus on this proposal and bring it before this body quickly. I want to take this opportunity to commend Energy and Commerce Committee Chairman JOHN DINGELL and Transportation and Hazardous Materials Subcommittee Chairman TOM LUKEN for their consistent and thoughtful leadership throughout this process.

This conference agreement is very similar to the version of this bill passed by the House and includes virtually all of the provisions contained in the House passed bill. H.R. 2364 will authorize $630 million for Amtrak in fiscal year 1989, $656 million in 1990, $684 million in 1991, and $712 million in 1992.

Federal law will be amended to provide that no rail employee shall be subject to income tax laws of any State other than that of the Employee's residence, ending multi-State taxation of railroad employees who work in more than one State commuter rail service in Virginia will be encouraged by a requirement that the public authority operating the commuter rail maintain at least $200 million in liability coverage. Other railroads involved in the proposes commuter rail may not be indemnified until they enter into an agreement with the Commuter Rail Authority to participate in the operation or permit the operation to use the tracks.

Amtrak will be treated as a publicly funded rail carrier under the Railroad Unemployment Insurance Act in 1989 and 1990, which will save Amtrak approximately $16 million by matching the contributions with the actual amount of unemployment and short-term sickness benefits paid by the fund to Amtrak employees. Finally, this measure will give the Interstate Commerce Commission the authority to approve or prevent acquisition of major [class I] railroads by companies not involved in the rail business. The ICC already has the authority to oversee mergers between railroads, as well as to review the acquisition of any individual segment of a rail line by a noncarrier.

Mr. Speaker, Amtrak is now recovering 75 percent of its costs with its own revenues—better than any passenger railroad system in the world and a substantial improvement over 1981's 48 percent. Revenues in fiscal year 1989 were $1.27 billion, double that of 9 years ago. Amtrak's Federal operating support has been reduced by 40 percent in constant dollars since 1981. Amtrak's management is committed to eliminating all Federal operating support by the year 2000.

This legislation authorizes badly needed funding for plant modernization and purchase of new equipment. Amtrak's assets are depreciating at a rate of more than $165 million per year, while the annual appropriation for capital over the last 5 years has averaged only $37 million.

Mr. Speaker, I understand that Transportation Secretary Skinner will recommend to the President that he veto this legislation because of the new ICC authority granted by this measure and because of what he described as "unjustified new authorization levels." Failing to reauthorize Amtrak at this time would simply discard the investment that this country has made in Amtrak over the past two decades and ignore the contributions Amtrak has made to abating the clean air problems with which we currently are wrestling in this body. In addition, terminating Amtrak would result in labor protection costs estimated at $2.5 billion.

Amtrak has 220 trains operating daily over a 24,000 mile route system. In fiscal year 1988, Amtrak transported more than 21.5 million passengers; more than 10 million of these passengers rode trains in Amtrak's Northeast corridor between Washington, DC, and Boston. Amtrak carries more than twice as many passengers between and among the Northeast corridor stations of New York City, Newark, Philadelphia, Wilmington, Baltimore, and Washington, than all airlines combined. In Kansas, Amtrak serves 7 cities, and nearly 40,000 passengers annually. Amtrak also spent more than $4 million for goods and services in Kansas last year.

Mr. Speaker, I urge my colleagues to support this conference report, and to vote to override the President's veto of this measure, if that unwarranted event later takes place.

Mr. LENT. Mr. Speaker, I want to express my appreciation for the constructive, bipartisan effort that went into this legislation throughout the committee process in the Energy and Commerce Committee and in the conference as well. Specifically, I want to commend Chairman DINGELL and our Transportation Subcommittee chairman, Mr. LUKEN, and the ranking member of the subcommittee, BOB WHITTAKER, for their efforts to fashion a very sensible, carefully targeted piece of legislation. The efforts of the two gentlemen from Virginia, Mr. BLILEY and Mr. BOUCHER, and our colleagues on the Judiciary Committee were also instrumental in reaching final agreement on the provision that will make possible the long-waited northern Virginia rail commuter service.

Reauthorizing Amtrak with adequate resources to do its job is one of the most basic parts of a balanced national transportation policy. Amtrak carries literally millions of Americans each year, some as cross-country passengers, and many on the heavily traveled Northeast corridor. That is where my constituents most frequently encounter Amtrak.

How many of us are aware that Amtrak carries more long-haul passengers along that corridor than all the airlines combined? Or that just considering New York-to-Washington travel—without all the cities in between—Amtrak recently passed up both the Trump Shuttle and Pan Am as the carrier with the largest market share? This is definitely food for thought in an era of congested airports and air travel delays. Supporting Amtrak is truly vital to the transportation network of this most densely populated part of the country. This legislation carries Amtrak funding forward for the two coming fiscal years to give Amtrak the resources needed to maintain safe, high-quality service.

It is often claimed that Amtrak is essentially a Federal benefit only to the Northeast. Far from it. As Amtrak reported only last year, half of Amtrak's ridership, three-quarters of its passenger-miles, and two-thirds of its revenues come from noncorridor operations. Amtrak is also a vital transportation service for elderly Americans and those with lower incomes. Almost half of all Amtrak passengers outside the corridor are over 55, and more than a quarter are over 65. At the same time, their median income is about one-sixth below the national figure.

Against this background, it simply makes no sense to ignore Amtrak as part of a balanced transportation system. Amtrak represents a major investment in irreplaceable transportation infrastructure, especially in the Northeast. And as for return on the taxpayer's dollar, how many of us can name another item in the Federal budget where the service has actually expanded and improved while the appropriations were cut roughly in half? And yet, that is exactly what Amtrak has achieved in the 1980's under GRAHAM CLAYTOR'S leadership.

Most of this legislation concerns needed financial support for Amtrak. But there are also important technical changes. For example, because Amtrak is able to maintain a stable work force level and has not had massive layoffs as the freight railroads have in recent years, Amtrak has ended up overcontributing to the railroad unemployment accounts. The same thing used to happen to the commuter railroads, such as the Long Island Railroad and New Jersey Transit, until Congress corrected the situation in 1987 by putting commuter railroads on an experience-rated premium system. The bill approved by the conference extends this corrective measure to Amtrak as well, avoiding an unjustified subsidy to freight railroads, and helping to get even more value for the taxpayer's dollar by reducing Amtrak's overhead.

Finally, this legislation contains a provision that was approved as part of the original House bill last fall, to close a gaping loophole in the jurisdiction of the Interstate Commerce Commission. The current law, which Members of both parties have found to be utterly indefensible, requires that someone who wants to enter the railroad business by buying a few miles of track must obtain ICC approval. This is how the very successful Short-Line and regional railroads are typically created. But if the company or individual enters the railroad business by taking control of an entire major railroad in a single stock acquisition, the ICC has no clear authority to scrutinize that party before the takeover has been finalized.

To address this problem, while still preserving the maximum possible scope for market forces, our committee members drafted the basic provision endorsed by the conference, to give the ICC a limited, 90-day power to evaluate the fitness of noncarrier companies or individuals seeking control of a major railroad. But the agency will not have the power to determine who actually gains control; that will still be in the hands of the shareholders of the target railroad. The ICC is merely given an opportunity to avoid incipient bankruptcy of the railroad or prejudice to the Government's position as an existing creditor. And transactions such as restructuring of holding company networks related to existing railroads, as well as acquisitions of smaller railroads by noncarriers, will continue to be free of ICC regulation. This is as it should be, for the stakes there for the national transportation system are far lower.

Mr. Speaker, this very tightly circumscribed ICC provision is carefully crafted, thoroughly considered, bipartisan legislation at its best. Unfortunately, there are those who would tar this provision with the epithet of "re-regulation" or "Rolling Back the Staggers Act." I think many of my colleagues know that the Republicans on the Energy and Commerce Committee were in the forefront of the battle to preserve the market-oriented successes of the Staggers Act against efforts to impose new regulatory restrictions on rates and prices in the railroad industry. And as one of those Republicans, I can assure you that the ICC provision in this Amtrak bill does not repeal any part of the Staggers Act. In fact, the loophole closed by this bill existed long before the Staggers Act, and was not even addressed by that 1980 legislation. On the contrary, only the successful revival of railroads under the Staggers Act led to new interest in takeover efforts targeted at major railroads. This in turn focused public attention on the lack of any effective ICC power to scrutinize those who would take control of one of the Nation's few major railroads in one fell swoop.

I strongly urge my colleagues to approve the adoption of the conference report.

Mr. POSHARD. Mr. Speaker, I express in the strongest way possible my support for the Amtrak rail system which serves this country so well.

Amtrak service is absolutely vital to my district. It serves as a connection between my rural constituents and the larger metropolitan areas which they use to do business in these cities, or simply visit.

It is also an important way for students and others associated with Southern Illinois University at Carbondale, which is in my district, to travel to and from the community and campus.

Rail service in this country serves us well in a number of competitive ways. Small businesses in rural areas depend on it for access and flexibility of transportation for both products and personnel. It also keeps the avenues of transportation open, and an area without passenger rail service is perceived as less viable for business location or expansion. It is

an essential part of any economic development equation.

It also serves as an important alternative for lower income residents who need to travel and cannot afford other means. That reality cannot be ignored.

Amtrak employs nearly 3,000 Illinois residents who make an important contribution to their communities and the State. The operation of the line is widely praised in my district and State.

I encourage my colleagues to stand beside Amtrak and support consistent funding for operation and investment in new equipment. Doing that helps link our centers of commerce and trade at a crucial time of international competition.

Amtrak helps us achieve our Nation's goals in a cost-efficient way that benefits a great number of Americans. I'm pleased to support its funding requests here in Congress.

Mr. CONTE. Mr. Speaker, I rise in support of the conference report on H.R. 2364, the Amtrak reauthorization. It is a strong reaffirmation of or commitment to passenger rail in this country, and I commend the conferees in both bodies for their excellent work.

Amtrak has gone through a remarkable transformation in the past decade. Absolutely remarkable. Despite severe cutbacks in the Federal subsidy level, Amtrak has not only improved, Amtrak has thrived. We had to cut their Federal subsidy by 50 percent in the past decade—and you know what? In the face that adversity, in the face of big, fat goose-eggs for budget requests from the administration, year after year, Amtrak has improved service, improved revenues, and impressed virtually everyone who's had the opportunity to climb aboard. And more and more people are climbing aboard—passenger miles are approaching 6 billion, whereas 8 years ago they were less than 4.5 billion.

Furthermore, Amtrak is recovering 72 percent of its operating costs in this fiscal year, and expects to recover 75 percent of operating costs in fiscal 1991. They just get better and better, and I have full faith that by the year 2000, Amtrak will be able to recover 100 percent of operating costs. That's their goal, and that is my goal.

I think there are two reasons for Amtrak's remarkable success. First, we in Congress have always given Amtrak our support. The members of the Energy and Commerce Committee, the members of the Appropriations Committee, and the vast majority of Members of the House have repeatedly voted to support Amtrak. The other body has done the same. Amtrak is America's railroad, and we prove it time and time again.

And then there is Graham Claytor, Amtrak's President. His guiding hand has steered Amtrak to its current success. If there were an award for Railroader of the Decade, Graham Claytor would win it hands down. He's done a great job.

I approve of the job the conferees have done on the reauthorization. The authorization levels for fiscal 1991 and 1992 give us more than enough room to adequately take care of Amtrak's capital needs. I am especially pleased that the conferees support the effort to establish high speed rail along the Northeast corridor between New York and Boston. With that support, I think we can establish high speed Amtrak service within the next few years.

I also approve of granting the ICC jurisdiction to review acquisitions of class I rail carriers by nonrail carriers. I believe such review and approval is in the public interest, and is for the benefit of the Nation's rail system.

Mr. Speaker, the Amtrak reauthorization conference report deserves our support, and I urge Members to once again give Amtrak the solid endorsement has earned. I hope the President will give it his support as well.

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. THOMAS A. LUKEN] has expired.

The gentleman from Kansas [Mr. WHITTAKER] has 1¼ minute remaining.

Mr. WHITTAKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 322, nays 93, not voting 18, as follows:

[Roll No. 103]

YEAS—322

Ackerman	Carper	Engel
Akaka	Carr	Erdreich
Alexander	Chandler	Espy
Anderson	Chapman	Evans
Andrews	Clarke	Fascell
Annunzio	Clay	Fazio
Anthony	Clement	Feighan
Applegate	Clinger	Fish
Aspin	Coleman (MO)	Flake
Atkins	Coleman (TX)	Foglietta
AuCoin	Condit	Ford (MI)
Barnard	Conte	Ford (TN)
Bateman	Conyers	Gallegly
Bates	Cooper	Gallo
Bellenson	Costello	Gaydos
Bennett	Coughlin	Gejdenson
Bereuter	Courter	Gekas
Berman	Coyne	Gephardt
Bevill	Crockett	Geren
Bilbray	Darden	Gibbons
Bliley	Davis	Gilman
Boehlert	de la Garza	Glickman
Boggs	DeFazio	Gonzalez
Bonior	Dellums	Goodling
Borski	Derrick	Gordon
Bosco	DeWine	Grandy
Boucher	Dicks	Grant
Boxer	Dingell	Gray
Brennan	Dixon	Green
Brooks	Donnelly	Guarini
Browder	Dorgan (ND)	Gunderson
Brown (CA)	Downey	Hall (OH)
Bruce	Durbin	Hamilton
Bryant	Dwyer	Hammerschmidt
Bustamante	Dymally	Harris
Byron	Dyson	Hastert
Callahan	Eckart	Hatcher
Cardin	Edwards (CA)	Hayes (IL)
Hayes (LA)	Montgomery	Schumer
Hefner	Moody	Serrano
Henry	Morella	Sharp
Hertel	Morrison (CT)	Shays
Hoagland	Morrison (WA)	Shuster
Hochbrueckner	Mrazek	Sikorski
Horton	Murphy	Sisisky
Houghton	Murtha	Skaggs
Hoyer	Myers	Skeen
Hughes	Nagle	Skelton
Hutto	Natcher	Slattery
Jacobs	Neal (MA)	Slaughter (NY)
Jenkins	Nowak	Slaughter (VA)
Johnson (CT)	Oakar	Smith (FL)
Johnson (SD)	Oberstar	Smith (IA)
Johnston	Obey	Smith (NE)
Jones (GA)	Olin	Smith (NJ)
Jones (NC)	Ortiz	Smith (TX)
Jontz	Owens (NY)	Smith (VT)
Kanjorski	Owens (UT)	Smith, Robert (OR)
Kaptur	Oxley	Solarz
Kastenmeier	Pallone	Solomon
Kennedy	Panetta	Spence
Kennelly	Parker	Spratt
Kildee	Parris	Staggers
Kleczka	Pashayan	Stallings
Kolter	Patterson	Stangeland
Kostmayer	Paxon	Stark
LaFalce	Payne (NJ)	Stokes
Lagomarsino	Payne (VA)	Studds
Lancaster	Pease	Swift
Lantos	Pelosi	Synar
Laughlin	Penny	Tallon
Leach (IA)	Perkins	Tanner
Lehman (CA)	Petri	Tauke
Lehman (FL)	Pickett	Tauzin
Lent	Pickle	Taylor
Levin (MI)	Poshard	Thomas (CA)
Lewis (GA)	Price	Thomas (GA)
Lightfoot	Pursell	Torres
Lipinski	Rahall	Torricelli
Lloyd	Rangel	Towns
Long	Ravenel	Traficant
Lowey (NY)	Ray	Traxler
Luken, Thomas	Regula	Unsoeld
Machtley	Richardson	Valentine
Madigan	Ridge	Vander Jagt
Manton	Rinaldo	Vento
Markey	Ritter	Visclosky
Marlenee	Roberts	Volkmer
Martin (NY)	Roe	Walgren
Martinez	Rose	Walsh
Matsui	Rostenkowski	Washington
Mavroules	Roukema	Waxman
Mazzoli	Rowland (CT)	Weiss
McCloskey	Rowland (GA)	Weldon
McDade	Roybal	Wheat
McDermott	Russo	Whittaker
McGrath	Sabo	Whitten
McHugh	Saiki	Williams
McMillan (NC)	Sangmeister	Wilson
McMillen (MD)	Sarpalius	Wise
McNulty	Savage	Wolf
Meyers	Sawyer	Wolpe
Mfume	Saxton	Wyden
Miller (CA)	Scheuer	Wylie
Miller (WA)	Schiff	Yates
Mineta	Schneider	Yatron
Moakley	Schroeder	
Mollohan	Schulze	

NAYS—93

Archer	Duncan	Ireland
Armey	Early	James
Baker	Edwards (OK)	Kasich
Ballenger	English	Kolbe
Bartlett	Fawell	Kyl
Barton	Fields	Lewis (FL)
Billirakis	Frenzel	Livingston
Broomfield	Gillmor	Lowery (CA)
Brown (CO)	Gingrich	Lukens, Donald
Buechner	Goss	Martin (IL)
Bunning	Gradison	McCandless
Burton	Hall (TX)	McCollum
Campbell (CA)	Hancock	McCrery
Campbell (CO)	Hansen	McCurdy
Coble	Hefley	Michel
Combest	Herger	Miller (OH)
Cox	Hiler	Molinari
Crane	Holloway	Moorhead
Dannemeyer	Hopkins	Neal (NC)
DeLay	Hubbard	Nielson
Dornan (CA)	Huckaby	Packard
Douglas	Hyde	Porter
Dreier	Inhofe	Quillen

Rhodes	Shumway	Sundquist
Rogers	Smith, Denny (OR)	Thomas (WY)
Rohrabacher	Smith, Robert (NH)	Upton
Ros-Lehtinen	Snowe	Vucanovich
Roth	Stearns	Walker
Schaefer	Stenholm	Watkins
Schuette	Stump	Weber
Sensenbrenner		Young (AK)
Shaw		

NOT VOTING—18

Bentley	Frank	Lewis (CA)
Collins	Frost	McEwen
Craig	Hawkins	Nelson
Dickinson	Hunter	Robinson
Emerson	Leath (TX)	Udall
Flippo	Levine (CA)	Young (FL)

□ 1753

The Clerk announced the following pairs:

On this vote:

Mr. Nelson of Florida for, with Mr. Lewis of California against.

Mr. Frank for, with Mr. Dickinson against.

Mrs. Collins of Illinois for, with Mr. Craig against.

Mr. WATKINS changed his vote from "yea" to "nay."

Mr. HAMMERSCHMIDT and Mr. RAY changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the conference report on H.R. 2364, just agreed to.

The SPEAKER pro tempore (Mr. NAGLE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 770, FAMILY AND MEDICAL LEAVE ACT OF 1989

Ms. SLAUGHTER of New York. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 388 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 388

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 770) to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendment made in order by this resolution and which shall not exceed two and one half hours, with two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the text printed in part one of the report of the Committee on Rules accompanying this resolution as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered as having been read, and all points of order against the amendments printed in the report are hereby waived. No amendment to said substitute shall be in order except those printed in part two of the report of the Committee on Rules. Said amendments shall be considered in the form and manner specified in the report, shall be considered as having been read, shall be debatable for the period specified in the report, equally divided and controlled by the proponent and a Member opposed thereto. Said amendments shall not be subject to amendment except as specified in the report. The amendments offered by Representative Clay of Missouri to the amendments offered by Representative Stenholm of Texas shall be considered as pending simultaneously to both of the amendments offered by Representative Stenholm, and the Clay amendments shall be considered en bloc and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole shall put the question on the Clay amendments en bloc as one question. Where the report of the Committee on Rules indicates that amendments shall be pending simultaneously to the amendment offered by Representative Gordon of Tennessee and to the amendment made in order as original text by this resolution, said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole shall put the question on the amendments en bloc as one question. If more than one amendment in the nature of a substitute printed in part two is adopted, only the latter amendment shall be considered as having been finally adopted and reported to the House. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with instructions, if offered by Representative Michel of Illinois, or his designee, or without instructions.

The SPEAKER pro tempore. The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

□ 1800

Ms. SLAUGHTER of New York. Mr. Speaker, I yield for purposes of debate only, the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that I yield myself as much time as I may consume.

Mr. Speaker, House Resolution 388 is the rule providing for the consideration of H.R. 770, the Family and Medical Leave Act of 1989.

The rule provides for 2½ hours of general debate, with 2 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor and 30 minutes to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Post Office and Civil Service. At Mr. GOODLING's request, the committee increased the Education and Labor Committee's allocation of time for general debate. Following the usual convention, the committee has imposed no limitations on Mr. GOODLING's ability to fairly accommodate requests from his party for time from both those supporting and those opposing the bill.

The rule makes in order the amendment in the nature of a substitute consisting of the text printed in part 1 of the report of the Committee on Rules as an original bill for the purposes of amendment. Each section of the substitute shall be considered as read and all points of order against the amendments printed in the report are waived.

No amendments to the substitute are to be in order except those printed in part 2 of the report of the Committee on Rules. The amendments are to be considered only in the order and the manner specified in the report and are considered as read when offered.

The debate time specified for each amendment is to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto. The amendments are not subject to amendment except as specified in the report. If more than one amendment in the nature of a substitute printed in part 2 of the report is adopted, only the last substitute shall be considered as having been finally adopted and reported to the House.

The rule makes in order a substitute to be offered by Mr. PENNY or his designee, followed by consideration of a substitute to be offered by Mr. GORDON or his designee. While the Gordon substitute is pending, the rule makes in order five sets of amendments en bloc to be offered in the following order:

First, by Mr. STENHOLM or his designee; second, by Mr. CLAY to the amendments en bloc by Mr. STENHOLM; third, by Mr. GRANDY or his designee; and fourth, two sets of amendments by Mr. BARTLETT or his designee.

The vote on each amendment en bloc is deemed to apply to both the substitute made in order as original text and the Gordon substitute. The vote on the Clay amendments en bloc is deemed to apply to both the Stenholm amendments en bloc. The Stenholm, Grandy, and Bartlett amendments are not subject to a demand for a division of the question in the House or in the Committee of the Whole.

Finally, the rule provides for one motion to recommit with instructions, if offered by Mr. MICHEL or his designee, or without instructions.

Mr. Speaker, over the past 20 years, we've seen a revolution in the American work force and the American family. The work force is dominated by employees with significant family responsibilities. Women make up nearly half of our labor force and are expected to comprise two-thirds of all new workers in the year 2000. Currently, only 3.7 percent of our Nation's families reflect the traditional notion of the nuclear family in which the father works outside of the home to support the mother and two children. Today, in most cases, two incomes are essential to make ends meet. And, nearly one out of five families is supported by single women.

These families depend on their working members, both to care for them and to provide for them. Workers need to be with their families during critical events. And they need to be able to return to their jobs so that they can make ends meet.

H.R. 770, the bill for which the committee has recommended this rule, addresses the critical need for a national job protected leave policy. The Family and Medical Leave Act and the bipartisan compromise that will be offered by Mr. GORDON and Mr. WELDON would protect employees from possible job loss as a result of the birth or adoption of a child, the illness of a family member, or the employee's own serious illness. Family-responsive legislation of this kind provides a minimum standard of protection for all American workers so that they would never be forced to decide between their jobs and their families.

In addition, parental leave policies benefit worker and employee alike by ensuring that experienced and dedicated workers will return to their jobs, secure in the knowledge that their families are cared for. West German and Japanese workers receive 14 weeks of paid leave for newborn or adopted children; our competitors understand that these policies increase productivity and competitiveness. As the only industrialized country besides South Africa that fails to provide its workers with any type of job-guaranteed leave, it is time for the United States Congress to provide leadership and support for American families.

Mr. Speaker, this rule will allow substantial debate and a diversity of amendments embodying a variety of approaches to family and medical leave. I ask my colleagues to support the rule so that we may proceed with consideration of the merits of this legislation.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this rule and the bill it makes in order.

First, this rule is wrong because it restricts amendments unfairly and unnecessarily. Last Friday afternoon, after most Members had already left town to go back to their districts, the chairman of the Rules Committee put out a "Dear Colleague" letter stating that any amendments Members wanted to offer to this bill had to be submitted to the Rules Committee no later than 6 p.m. Monday. Since no votes were scheduled on the House floor until Tuesday of this week, it meant that the deadline expired before most Members even got back into town.

This is not a fair procedure. A deadline was imposed here and the deadline expired here all during the few days Members were in their districts over the weekend. I am certain that a number of my colleagues were supprised to find, upon their return Tuesday, that they had already been shut out of an opportunity to participate in amending this bill.

Moreover, there is no reason this bill requires a restrictive rule. In the Rules Committee I offered an open rule as a substitute for this rule and it was turned down by the majority. The majority shut out two Democratic Members, the gentleman from Michigan [Mr. CARR] and the gentleman from Mississippi [Mr. PARKER]. They even shut out an amendment by one of the most experienced businessmen in the House, the gentleman from New York [Mr. HOUGHTON], who was an executive officer with Corning Glass Works for 35 years before becoming a Member of Congress. And if the deadline for amendments had not expired before Members got back into town there would probably have been a few others. The Rules Committee should have reported an open rule, so that the House could have considered a full range of alternative approaches.

But believe it or not, the problems with this bill are even worse than the problems with the rule. I have been a businessman for many years, Mr. Speaker, and I understand the need to treat employees fairly in cases where a new baby is born or sickness is visited upon a family. I have found that by being fair with employees, they will respond with appreciation and loyalty which in the long run builds a better business.

But this bill is structured in such a way that it will weaken many businesses, without providing offsetting benefits. Employees will suffer from this lack of flexibility as well as the businesses. For example, in recent years there has been a trend away from providing a single benefit program to which all employees must subscribe. There has been a move toward cafeteria-style benefits. Since a business can allocate only a certain dollar amount per employee for benefits, a cafeteria plan offers a range of choices from which each employee can select those benefits which best meet his or her needs.

But this bill will legislate against flexible benefits. Why should a childless employee be forced to accept a benefit that will never be needed while at the same time giving up another benefit which may be needed?

The bottom line is that mandated benefits help, if anyone, only the few employees who fall within the designated criteria while benefits available to other employees diminish.

This bill will create numerous problems for businesses. First it will add to the cost of doing business. Even though the leave is unpaid, the employer will have to continue to provide health benefits, for example. During the time the worker is gone, the employer may have to recruit and train a temporary replacement, all the while suffering a loss in productivity because it will take time for the new worker to learn the job as well as the worker who is off. If existing workers have to pick up the load, extra work may have to be paid for at overtime rates. The bill provides not just maternity leave for a new mother, but paternity leave for a father. The employer not only has no way to know when a worker will be gone, the worker is not required to notify the employer in advance when or if the worker plans to return. When the regular worker returns, the temporary worker then may be eligible for unemployment benefits. According to the minority views accompanying the report of the Committee on Education and Labor, a replacement worker earning the U.S. average hourly wage could qualify for unemployment benefits in 37 States and the District of Columbia.

In addition, there is no requirement that family leave actually be needed, before it is taken. For example, the serious health condition of a parent alone triggers eligibility for the leave. The worker could take weeks off in order to care for a parent even if the aid of the worker was not actually necessary, such as when another relative or a professional attendant was actual-

ly caring for the ill person. The employer would be left to pay the price.

Ultimately the potential abuses we are opening up here can serve to weaken the business, which hurts all the employees, including those who do not abuse the system.

This bill also provides that in case an employer is found to be in violation, he shall be liable for damages for lost wages and benefits plus consequential damages—including pain and suffering—capped at three times lost wages and benefits. This means that an employer is potentially liable for a total amount which is four times lost wages and benefits. This is a bad precedent.

It is clear to me that this bill will do serious damage to many small- and medium-size businesses in this Nation. Business provides the jobs and pays the taxes that make this Nation function. Just because a bill has a popular sounding title, we should not blindly accept legislation which can do serious damage in the long run.

I oppose this rule and the bill it makes in order, and I urge Members to vote down the rule, vote down the rule, vote down the rule.

□ 1810

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Speaker, I want to state emphatically at the outset that I support family and medical leave. I do not, however, support this rule, and would ask my colleagues to oppose the rule.

I do so, Mr. Speaker, because the leadership of the Congress told us that we would have an opportunity to vote on a variety of approaches. Perhaps I was a little foolish in believing that that would actually be done, but I find in this particular rule we are precluded from looking at and debating some alternative approaches.

Mr. Speaker, we are straitjacketed in this rule to supporting either some form of mandated benefits, where the Congress of the United States is going to substitute its judgment in literally hundreds and millions of workplaces across this country, or we are told we can leave it and not do anything at all.

Well, there are some Members, Mr. Speaker, who do not want to have a choice of just some form of a mandate or nothing at all.

We believe in parental leave. In my own congressional office we practice parental leave. We give people the leave time they need to take care of loved ones who are ill, or in the case just recently, a lady in my office became pregnant and gave birth, thankfully a healthy baby, and we are giving her that time off. We believe in that.

We do not believe that the Congress of the United States has the requisite wisdom to impose its judgment in substitution for the wisdom of the workplace.

Mr. Speaker, I had an amendment, a substitute, which I asked the Committee on Rules to make in order, and they declined, shutting me out and not allowing Members of Congress to consider my alternative. It may well not have been accepted, but the Committee on Rules in its infinite wisdom decided that we were not even to be allowed to debate the issue or raise a new idea.

Simply stated, Mr. Speaker, I believe that Congress should lead the way. Congress should tell businesses across the country they ought to have a parental leave policy, but they should decide what that parental leave policy ought to be.

To make sure that they are doing what we are asking them to do, we would ask them to file a disclosure statement simply stating what their policy is. Filing that disclosure statement would also give us, Mr. Speaker, a data base from which to move forward future years if we find that businesses and workplaces are not taking care of this essential need.

Mr. Speaker, I understand that the current bill before us stems from studies done in two American cities, one in South Carolina and one in my own home State of Michigan. That is hardly a representative sample of what is really going on in America on parental leave.

The fundamental fact is that the Committee on Rules and the leadership apparently felt somewhat threatened by the idea of having other alternatives before the House as they had promised us, and they recanted on that promise, and now we are left with a take it or leave it approach.

So many of us, Mr. Speaker, are going to vote against this rule in protest to the unfair and heavy-handed way that the Committee on Rules came to its conclusion, and will probably vote against the bill as well. I urge a vote against the bill.

Ms. SLAUGHTER of New York. Mr. Speaker, for purpose of debate only, I yield 4 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Speaker, in 1988, the Republican Party adopted the following plank in its national platform:

> The family's most important function is to raise the next generation of Americans, handing on to them the Judeo-Christian values of Western civilization and our ideals of liberty. More than anything else, the ability of America's families to accomplish those goals will determine the course our country takes in the century ahead.

In reflecting that belief and the importance of the family in the future of our Nation, George Bush, in Illinois, speaking to a group of Republican women in September 1988, said,

> We need to assure that women don't have to worry about getting their jobs back after having a child or caring for a child during a serious illness. That is what I mean when I talk about a gentler nation.

Let me note that he used the word assure. Unlike some of his advisers, he did not say we should urge employers to do it, he did not say we should hope employers do it. Obviously urging employers will not assure that women or male care providers in the family will get their jobs back. The only way we can do that is by legislation, and the only way we can do that by legislation is to adopt this rule and the bill that is before us today. The President's advisers should read his lips and understand that we need this bill to assure that care providers are protected.

□ 1820

There are some here who suggest that we are creating some extraordinary new precedent by this legislation. I submit that that is not the case at all, that in fact we have provided reemployment mandates in past situations.

For example, the Jury Systems Improvement Act of 1978 provides job protection for employees who report for Federal jury service. Many States have adopted similar legislation to protect those who are called for jury service in the State courts. Under the Federal veterans' reemployment rights statute, draftees, reservists, and members of the National Guard are provided certain employment protections while they are away on duty. Persons inducted into or enlisting in the Armed Forces must be considered as having been on furlough or leave of absence during their military training and service. The law also prohibits termination because of any obligation as a member of the Reserves.

In other words, Mr. Speaker, the idea of the right to return to one's job after leave has ample precedent in our Federal statutes. Let us build on that precedent and extend that right to our Nation's families, who are entrusted with no less an important responsibility that nurturing the future generations of this country.

If we are going to do that, then we must pass this rule today and we must pass this bill tomorrow.

Mr. Speaker, I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SOLOMON], a member of the Rules Committee.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, regardless of which side of the aisle one is on, regardless of which side of the bill one is on, this rule ought to be defeated on two counts, first as a protest against the process that produced it, and then second, as a rejection on substantive grounds of the rule itself.

Mr. Speaker, let us look at the process first, and let me say right up front I am convinced my good friend, the gentleman from Massachusetts [Mr. MOAKLEY], chairman of the Rules Committee, was not party to this abomination. I am convinced further that none of the majority members of the Rules Committee were a part of this abomination.

Mr. Speaker, this was your call, this was a leadership call, inspired no doubt by the desire of members of the Democratic caucus to play hard ball with this issue and gag Members on both sides of the aisle.

I am holding a "Dear Colleague" letter in my hand that was faxed to my office at 3:37 p.m., and I am a member of the Rules Committee, 3:37 p.m. Friday afternoon, after I had gone home, and so had 95 percent of the other Members of this body.

Mr. Speaker, I was advised by Members that they had until 6 p.m. Monday to file amendments to this bill. Mr. MOAKLEY did not have anything to do with this, Mr. Speaker, it was you and the Democrat caucus.

The Republican whip organization I think did a yeoman's job late Friday afternoon to try to alert these matters to Members.

The SPEAKER pro tempore (Mr. NAGLE). Will the gentleman suspend?

The gentleman is implying that it is this individual sitting in the Chair who was involved in the process, and I wonder if the gentleman would mind, as a courtesy, to make clear that he is referring to the Speaker and not the individual.

Mr. SOLOMON. Mr. Speaker, I did not realize you were not the Speaker, you are the acting Speaker, and naturally I am referring to the Speaker, and I hope you do not take this out of my time, and I thank the acting Speaker.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. SOLOMON. Mr. Speaker, the letter was not actually seen in most offices until the weekend mail was opened sometime I presume, like in my office, sometime after noontime Monday.

Mr. Speaker, I know Chairman MOAKLEY well enough to know that a "Dear Colleague" letter mailed on the weekend is not his idea of a timely, adequate, routine notification procedure concerning a restrictive rule. JOE would not do that. Therefore, I am compelled to believe that his hands were being tied and that his letter represents a sincere attempt by JOE MOAKLEY to at least warn Members at the 11th hour the rule would be irregular. Thank you, JOE.

I can assure Members that this rule was not written in the Rules Committee. I can assure Members that it was delivered to us yesterday afternoon from an undisclosed location. Probably it originated in the inner sanctum of the Democrat caucus. No doubt that is where it came from.

Mr. Speaker, now let us turn to the substance of this bill. I would note right at the outset that not a single suggestion has been heard as to why a restrictive rule is necessary. Why is it, gentlemen on that side of the aisle?

There certainly cannot be a problem with lack of time. We hung around here last Thursday for the sole purpose of designating conferees on the supplemental appropriation bill. Remember that? Otherwise we would have spent only 2 days in session last week, only 2 days would we have worked.

Take a look at this week's schedule, Mr. Speaker. It is hardly what one would call backbreaking, and it has been this way all year. We have averaged one substantial bill a month, so lack of work certainly was no reason.

So the question is simply this, Mr. Speaker, why, why is this restrictive rule necessary? Given the last-minute deadline for filing amendments, only nine Members were able to do so on this important issue, nine Members.

Why could they not have been accommodated, Mr. Speaker? I can think of a couple of Democrats who testified yesterday, the gentleman from Michigan [Mr. CARR] and the gentleman from Mississippi [Mr. PARKER]. They both proposed amendments that were similar in focus; namely, to step back and evaluate what we are doing first before we rush headlong into imposing requirements on the private sector of this Nation. Considering recent fiascos, my colleagues, in which Congress leaped before it looked on such things as section 89, remember, we had to rush back here and repeal it, and the catastrophic illness program, the Carr and Parker amendments made good sense, Mr. Speaker.

Mr. Speaker, to wind up, the Carr and Parker amendments made very good sense on both sides of the aisle, but they were dismissed out of hand.

I would like to say to the gentleman from Michigan and the gentleman from Mississippi that we Republicans tried to get your amendments made in order. I offered the motion myself, but we were shot down on a party line vote. The gentleman from New York [Mr. HOUGHTON] had an amendment that I tried to get in order, shot down by a party line vote. The gentleman from Tennessee [Mr. QUILLEN] offered a motion on behalf of every Member of this body to have an open rule. He was shot down on a party line vote.

Mr. Speaker, I do not understand why with such an important issue, with so little to do around here, why, seriously, we could not debate this issue so that Members on both sides of the aisle could do what they were duly elected to do, and that is to shape legislation that affects every one of our constituencies back home.

It is a shame, Mr. Speaker, and Mr. BILL GRAY, the whip, and Mr. GEPHARDT, the majority leader. I do not know where these people are. They ought to be here defending this lousy rule, because they are the ones who wrote it, and it is a shame because you are being gagged, fellows, and it is a shame.

Vote "no" on this rule.

Ms. SLAUGHTER of New York. Mr. Speaker, for the purpose of debate only, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, let me respond to some of the comments said about this rule, because I think this is an excellent rule.

As the author of the original bill that came out 5 years ago, I want Members to know this bill has been around for 5 years. I know that in the Committee on Post Office and Civil Service on the Federal employee part we have had days and days and days of hearings in each session of Congress and reported this bill out, and it has been ready to come to the floor over and over again in different sessions and never quite made it because there was not a window of opportunity.

I know that the Committee on Education and Labor has had hearings and hearings and hearings on this bill because I have sat through them, and I have testified. In fact, they modified my bill, and that is the bill that is coming up, and now there is another modification.

But Members who are professing surprise, I think really this bill has been around for 5 years and we have debated it. The committees where most of this work is supposed to have been done have held hearings, they have been open hearings, anyone could go and anyone could talk, and I think that Members felt that we did not need a study because we had had this activity going on for 5 years, and therefore that is why one amendment was turned down. I think they decided we either act on it or we do not act on it because we had not been able to find a time to even bring it to the floor in 5 years.

I am very pleased that it is now coming to the floor, and I think that when we hear things about the substance, it is very important to point out what a delicate balance this bill is. I have trouble supporting this compromise because it has been watered down so much. I do support it, but I want to tell Members, for anyone who says this is a terrific benefit, tell me someone in America who at the end of the month has a lot of money left over.

Mr. SOLOMON. Mr. Speaker, will the gentlewoman yield? I respect her very much.

Mrs. SCHROEDER. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, the gentlewoman is making my point. The gentlewoman says the bill is watered down so much she has trouble supporting it.

Why do we not have a rule that would allow us to debate this issue, and let the gentlewoman, for whom I have great respect in this House, offer the amendments to strengthen this bill?

□ 1830

Mrs. SCHROEDER. If I may reclaim my time and say if I thought that the gentleman from New York was going to join me in strengthening this bill, hallelujah, I would be with him, I would vote against this rule. The gentleman cannot even say it with a straight face.

I have listened to the minority leader say he feels so bad because it is not paid leave. Now if your side really wants to offer paid leave, we would be more than happy to fix the rule up. But let us be perfectly honest about this, this is a compromise because we know nothing else will pass. And I really do not think you should stand up over there and say that you really would like to have an opportunity to make this a better, stronger family medical leave bill.

No, he says he wouldn't. He is taking his seat.

But let me get back to my point.

My point is when you call this a benefit, I do not think the average American sees this as a benefit at all. This is unpaid leave.

Not only that, part of this is for a happy time, when someone has a baby or adopts a baby.

But all the rest of the unpaid leave comes for a situation in which no thoughtful American would ever want to exchange positions with a person. It comes from someone in the family having acute cancer or having a heart attack or having a stroke.

I do not think anybody wants to walk in those moccasins.

Now what this does is it allows an American employee the right to penalize himself by going off the payroll but to try and take care of a family member, which is what their conscience tells them they should be doing.

So it is a very difficult balance.

I must say as one who would have liked it a whole lot more, I am very troubled when people call this a benefit. All I see is this is a safety net for America's families. But it is a safety net that is going to relieve an incredible amount of stress.

I have a stack of letters this high in my office, they are from every State in the Union. If you want them from your State, I would be happy to share them with you. They are incredible stories.

Unfortunately, when you are the author of a bill, people only write to you; they should send them to their Members, too. The things that have happened to people, how they have lost their jobs when their child had leukemia or lost their jobs when they had a baby and were ordered to come back to work in 1 week, and so forth and so on.

I do not think that is the kind of country we are. We cannot take the floor every day and talk family values and then vote out special interests. And I think that is what we are talking about today.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I object to the rule primarily because of the timing. This bill has been around a long time. It is important to understand this bill passed out of our committee April 1989, not April 1990.

So I do not understand why a Friday, Saturday, and Sunday proposal was brought forth at the last minute which is called a compromise. I did not see the compromise until 7 p.m. Monday evening.

As I understood it, we had to have any amendments in to the compromise by 6 p.m. Monday evening. That was 1 hour after.

The letter did not go out until all of us, most of us, had left the district and were back in our home districts.

So we have a problem in that there was no reason, no reason for a compromise coming over the weekend prior to our debate. It passed in April 1989 out of our committee.

So if there was any compromise that was going to be brought forth, it surely should have been brought forth a long time ago so that we had an opportunity to look at it, study it, evaluate it, and to offer amendments.

So I think the timing certainly was not in the best interests for a piece of legislation of this magnitude.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Speaker, this rule that we are being asked to vote on today is one more example of the way in which the leadership in the House uses restrictive procedures to choke off full and fair debate on the House floor.

Now it is one thing for the Rules Committee to limit floor amendments to those that are submitted to the committee by a certain date, a certain time. But it is quite another thing to announce such a decision in a letter late on a Friday after many Members have already left to return to their districts, imposing a deadline of 6 p.m. the next Monday before many Members were scheduled to return to Washington.

And to do so when Members do not even have available to them a copy of one of the principal amendments to the bill.

In addition to the process leading to this rule, the rule itself contains a number of procedures that work against free and open debate.

The rule contains a king of the hill procedure, an amendment to an amendment to an amendment, a series of amendments that amend two pieces of legislation at once. And you sit here and you deal with a piece of legislation this important, and you wonder why all these tricks to try to predetermine the outcome of the vote?

Why not allow the Members of the House of Representatives to have a free, open debate and decide for themselves without twisting the rules around, to try to determine the outcome?

I am pleased that several good amendments are made in order by this rule.

I have certainly seen rules come out here where nothing was permitted. But why not make all amendments in order by issuing an open rule so the House can work its will in a democratic fashion?

Mr. Speaker, let us have open procedures through which all Members and their constituents can participate in the work of making laws.

I urge my colleagues to vote against this rule.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding.

Mr. Speaker, I just wanted to add one thing. I thought that I remembered being on the House floor when there was an oral announcement made of the procedure, and indeed I have found it in the RECORD.

Congressman FROST came to the floor and at the very beginning, during 1-minute's, when most people watched, he did make an oral announcement that this was going to be happening too. So I think that is important too.

Mr. EDWARDS of Oklahoma. What day was that?

Mrs. SCHROEDER. It was Monday, May 7, when the House was in session, reminding people that this was going on.

I think that is important to point out.

Mr. EDWARDS of Oklahoma. It may be an important comment. But I think the gentlewoman misses the point.

The point is we should not have legislation of this significance on the floor under trick rules. We should have open rules where we can offer amendments, where people on your side and my side can offer amendments and debate them in front of the American people and have votes on them. Not a king of the hill, amendment to amendment to amendment to amendment. Then you amend two things at once. That is silly, that is game playing.

Why not have an open debate where we can have the will of the House set forth?

Mr. GRANDY. Mr. Speaker, will the gentleman yield momentarily?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, unless I am mistaken, if the gentlewoman is referring to Monday, May 7, this Monday, May 7, we were in session for roughly 12 minutes that day. Were we not?

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I am not sure how long we were in session. But it is right there on the very first page, and it was oral. I was here and I heard it.

Mr. GRANDY. I just take this time to confess that I did not read the full text of Monday's RECORD to know that that was there.

I would stress that when the House is in session for 12 minutes, there is a tendency not to pay close attention when the prayer and the 1-minute's and maybe a statement such as Mr. FROST made constitute the entire session.

□ 1940

Mr. EDWARDS of Oklahoma. Actually, the gentlewoman from Colorado and I both read every word of the CONGRESSIONAL RECORD that day, but I fear that most of our colleagues did not.

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will continue to yield, it did not take long to read. It was extraordinary.

Mr. EDWARDS of Oklahoma. That was our point.

The SPEAKER pro tempore (Mr. NAGLE). The gentlewoman from New York [Ms. SLAUGHTER] has 16 minutes remaining, and the gentleman from Tennessee [Mr. QUILLEN] has 8 minutes remaining.

Ms. SLAUGHTER of New York. Mr. Speaker, for the purpose of debate only, I yield 4½ minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, the gentlewoman from New York [Ms. SLAUGHTER] has done such a good job on this rule. I could tell Members many reasons and in many ways why it is really important to adopt this rule, and what family leave is all about, and what this bill is all about, but I think that sometimes a picture will help make the point. Here it is.

It is about kids. It is about children. That is what this rule is about. We can argue whether a Member got a particular amendment. I think the Committee on Rules is there for a purpose. They synthesize various requests down to size. They granted a lot of options, many options. Many Members do not like some of the options, and we are working hard to see that the committee bill prevails.

However, I think if we look at these children and we look at their faces, we understand why this bill is so important, because really it is the families of these children that make them healthy. It is the families of these children that make them secure. I have the privilege of chairing the Budget Committee Task Force on Human Resources. Before our committee came a doctor named Terry Brazelton. Dr. Brazelton taught members a lot about what bonding means, bonding between mother and child, bonding between father and child. He expressed it very clearly that this bonding is key to the security of that child, that hearing those voices of the parents, their loving voices, feeling those arms of those parents is what it is all about, it is what parenting is about. It is what makes these children secure, it is what makes their future bright. Because without that, it costs everyone a lot in the end to try to substitute for that bonding and that love.

What does this bill say? It is so simple. It says that either parent can take just a few weeks off to bond with these children. The mother could take some time off, the father could take some time. What is the obligation of the employer? Nothing, other than to hold the job open for that parent so the parent does not have to choose between economic security and that child. It is unbelieveable to me that people have a problem. Niney-five percent of the employers are not even affected. We are taking care of small business. We understand the needs of small business. This is so simple. Bonding between parents and children. It is critical in the first few months, and this bill will make that possible for the two-thirds of families where both parents work.

These are changing times. This bill is responding to the new family. Most families, where both parents have to work, and if one of these children is sick, very ill, cancer, a serious long-term illness, everyone knows that child needs its parents. Is that parent going to choose between a sick child and job security? That is not what we should be about.

I listened carefully to my colleagues who say this should be voluntary. Should child labor laws have been voluntary? Should Social Security have been voluntary? I do not think so. What about minimum wage? Should that have been voluntary? I do not think so. Safety in the workplace. should that be voluntary? We all saw what happened in the newsreels. We saw the fire that took place in New York, The Triangle fire, where people were killed. Deregulation, is that the answer? If we believe in family, if we believe in children, if we believe in the image that George Bush put forth with his grandchildren during the campaign, then we should pass this rule. We should be proud to pass this rule. We should be proud to pass this bill.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Speaker, I would like to object to this rule. I would hope my colleagues would support me in this. The Committee on Rules has a tough job, and somebody must be the gatekeeper. I understand that.

This may sound self-serving, and I do not really mean it to be this way, but I had proposed an amendment which I thought made a real contribution to the debate. I have been in business. I have set up these parental leave programs. I have been involved in this thing for 35 years. I really felt that what I had was the contribution to debate, and it was turned down.

Now the gentlewoman from California said that the rule is about kids and about bonding. I accept the fact that kids and bonding are important, but that is not what the rule is about. The rule really is about who will have a chance to make an addition, to make a contribution, to this debate. The gentlewoman from Colorado says the bill has been around for 5 years. What I would like to say to the gentlewoman from Colorado is that I have not been around for 5 years. I have been in business. I have been involved in the very thing we are talking about, and the rule has been a gag on me, and I resent it. I am sorry, and I object to it.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I join with the gentleman from Tennessee [Mr. QUILLEN] and with the gentleman from Michigan [Mr. CARR] in denouncing the rule that has been forced upon Members, because in its final analysis, it deprives the Members of Congress, the rank-and-file Members of the House, from offering alternatives to the family leave problem.

All Members want to see every employer in the land adopt some kind of policy for parental or family leave, but

what are the proper alternatives? Should that be a situation left only to the whims of the employer, or should it be one that the employer and the employee together work out in a kind of an agreement? Or should the Government of the United States or State governments intercede and force and mandate certain procedures? Those questions will not be fully addressed here on the floor of this House because the rule deprives Members of alternatives.

Who are we? We are the representatives of the American people. Do the American people have different versions and ideas of how this family leave policy should be undertaken?

In the survey that I conducted for 1990, I posed, in 1 of the 10 questions to my constituents, this very issue. It was outlined to them that they had a choice of a, b, c, or d. A, should the present plan that the Congress has before it, be adopted? Only 27 percent responded favorably. Forty-seven percent want the Government to stay out of the employer-employee relationship in this issue.

So whether that is important to Members or not, the letters Members receive, the opinions Members receive, I believe that the American people are being deprived of a full complement of debate through their elected representatives, because this opinion, their opinions, will not be given an opportunity to be reflected in proper amendments as to the number of employees in an affected enterprise, as to the number of months or weeks that should be granted as part of leave. A whole host of questions, and the American people whom we are pledged to represent, are concerned about the issue. Mostly, they want, in my survey of the people of the 17th District of Pennsylvania, they want limited, limited intrusion by the Federal Government in the employer-employee policy to be adopted with respect to family leave.

We are being deprived, we representatives of the people, of a full debate on this issue.

□ 1850

Ms. SLAUGHTER of New York. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, some form of the Family and Medical Leave Act was introduced in the 99th Congress and the 100th Congress. I am pleased that today in the 101st Congress, H.R. 770 is being brought to the floor for consideration. I speak in support of the modified open rule, which makes in order two amendments in the nature of substitutes and five amendments. These amendments are substantive and allow for expression of a number of points of view.

The support for this legislation is evident. A recent Gallup survey by the Employee Benefit Research Institute showed that 81 percent of the people surveyed believed that family and medical leave should be provided by an employer. In addition, 77 percent of those surveyed believed that health benefits should continue to be paid during the time of unpaid leave.

The need for this legislation is clear. Those people most in need of this legislation include lower income workers, especially unmarried mothers, part-time employees, and younger workers. In the recent study, Unnecessary Losses, initiated by the Institute for Women's Policy Research, the lost earnings from childbirth to American women workers is estimated to be $31 billion annually. Total earnings losses per employee experiencing illness are estimated at almost $5,000 over a 3-year period.

The Family and Medical Leave Act would assist those employees, often women, who are a part of the "sandwich generation." These employees are both raising children and caring for elderly parents. A 1987 report by the Select Committee on Aging, of which I am a member, concluded that the average woman today can expect to spend 17 years taking care of children and 18 years taking care of parents. And we know that America is aging. The fastest growing segment of the American population is Americans 85 and older. By the year 2000, the estimate is that there will be 5 million Americans 85 and older, a significant increase from 2.9 million now. Nearly 64 percent of women aged 45 to 54 years old—those most likely to have parents needing care—were working outside the home in 1984. We should not force people to have to choose between their work and their family.

Mr. Speaker, I urge my colleagues to vote yes on this rule so that this important legislation may be considered.

Mr. QUILLEN. Mr. Speaker, I yield the balance of my time to the gentleman from Iowa [Mr. GRANDY].

The SPEAKER pro tempore (Mr. NAGLE). The gentleman from Iowa [Mr. GRANDY] is recognized for 4 minutes.

Mr. GRANDY. Mr. Speaker, let me thank the distinguished minority member of the Rules Committee for allowing me to make an amendment in order and fighting for that amendment. I suppose because of that, I should fight for this rule. But I oppose this rule. Although I was one of the Members that was allowed to tinker at the margins of this legislation, I must align myself with Members who were denied that right, like the gentleman from New York [Mr. HOUGHTON], who knows as an employer and now as a Member of Congress that there are many options that could be provided in the work place in this legislation and will not be provided.

The gentleman from New York [Mr. HOUGHTON] tried to set a threshold of 100 Members. He could not do it. There are three States that have decided to adopt 100 employees as a threshold. There are many other States that have decided on 50 employees, and some at 25. And there are probably over 25 States, every one of them with a different plan, and yet because of this rule we cannot mix and match from those State plans and perhaps create a piece of legislation that all of us could agree to because we do not have that right. And we do not have the right to consider the substitute of the gentleman from Michigan [Mr. CARR] which says perhaps we need more data. Some Members will disagree with that, but I do not. I would have supported the Carr substitute because I would say, rather than this bill which mandates the study simultaneously with the legislation, why not for a change put the horse before the cart?

And we will not, Mr. Speaker, get a chance to consider what I think is the best amendment of all, the Parker amendment, which would have said, "This is a crazy idea, but let us have Congress conduct this study for themselves in Congress before they pass it on to America." But that amendment will not be in order, and we cannot consider that amendment.

So I have to oppose this rule. It is a modified open rule, depending on which side of the aisle we stand on. But it is not enough. This is an issue which goes right into the workplace and attempts to bargain collectively. It cannot do that under this rule. I am in favor of parental leave.

Mr. Speaker, let me just say that if this bill is as good as the proponents claim it is, if it is as strong as the Members who have offered would-be compromises say it is, then it should be able to survive this debate and it should be able to survive an open rule. Why can we not have the opportunity to do what all these States have done, to see if there is a common denominator, not a ceiling?

This mandated leave bill is stronger than any State law on the books. It is not a floor, it is a ceiling, and yet we do not have a chance in this debate to take it apart and see what works and what does not work. That is a shame, because I do not question the motives of anyone in this body who believes in parental leave. I believe in parental leave, but I do question the methods, and that is what this debate is about. And I have to question this rule because our motives are precluded by the method that is contained in this resolution.

So again, Mr. Speaker, I thank the members of the Rules Committee for

making my amendment in order. I appreciate being one of the lucky ones, but I cannot support those colleagues who feel that this is enough. It is too little, and it is too late.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] still has 30 seconds remaining.

Mr. QUILLEN. Mr. Speaker, I urge a no vote on the rule, and I yield back the balance of my time.

Ms. SLAUGHTER of New York. Mr. Speaker, I yield 4 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentlewoman from New York for granting me this time.

I was concerned when I heard some of my colleagues, particularly our friends on the Republican side, say that they were going to vote against this rule because it was unfair and did not give Members an ample opportunity. So I have been visiting with the members of the Rules Committee to determine what that charge is all about, and I think it is important for me to share with my colleagues the fact that when the Rules Committee met, they had 11 requests for amendments. Of the 11 requests, 7 were made in order. The gentleman from Missouri [Mr. CLAY], the chairman of the subcommittee, asked that two amendments be made in order, and only one of those was granted to him. However, on the Republican side, all of the requests they had for amendments, they only failed to achieve one of them, and that is because that one was nearly identical to another one that the gentleman from Texas [Mr. BARTLETT] will be offering.

So it seems to me that those of our friends, particularly on the Republican side, who want to defeat the rule do not want to do so because the rule is unfair or because they have not been given ample opportunity but, rather, because they want to defeat this bill.

Mr. Speaker, let me speak for a minute about the bill. There has been within the past 10 to 15 years an evolution in the American workplace. For example, 72 percent of mothers with children 18 years or younger now work; 72 percent of them now hold jobs outside the home. That is an evolution that never happened before in the lifetime of anyone in this Chamber.

Prior to the turn of the century or, rather, just after the turn of the century, when we had a similar evolution in the workplace, the Congress of the United States moved in to supply workers with adequate protections. Again, in the 1930's we had an evolution in the American workplace and Congress moved in to provide this new work force with adequate statutory protections.

Mr. Speaker, this time has now come again. We have two-worker families in this country. We have single-parent mothers and single-parent fathers that are in the work force because they are required to be in the work force. The time has come again for this Congress and, yes, for this President to stand up and recognize the changes that must be made in the statutes of the United States in order to protect this work force of ours.

□ 1900

Finally, Mr. Speaker, I want to say this: As a father of teenaged children and children who are past their teens now, I have never quite understood what bonding is all about. Like many of the fathers in this country, I practiced something that in these years is now called bonding, and so I recognize the importance of it.

However, Mr. Speaker, let me say that I do not think it is for the purpose of bonding that we will find this bill receiving most of its use from American workers. Rather it will be from that mother or dad who has the desperately sick child in the hospital. He or she has already taken a week or two off from work, and now they must decide, if this bill does not become law, between that child and the need for that child to have their parent sitting by that bed in that hospital or that parent deciding instead for his or her job.

Mr. Speaker, the purpose of this bill will not be just bonding. It will be so America's workers can take time off to be with their elderly and desperately sick parent who needs them in their final days and final hours. It is not fair that America's workers should have to choose between their job or their desperately sick, elderly parent.

Mr. Speaker, this bill will right those circumstances.

Will some people be able to bond better with their children? Absolutely. And that, too, will be good.

Ms. SLAUGHTER of New York. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. NAGLE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 251, nays 151, not voting 31, as follows:

[Roll No. 104]

YEAS—251

Ackerman	Guarini	Pease
Akaka	Hamilton	Pelosi
Alexander	Harris	Penny
Anderson	Hatcher	Perkins
Andrews	Hayes (IL)	Pickett
Annunzio	Hayes (LA)	Pickle
Anthony	Hefner	Poshard
Applegate	Hertel	Price
Aspin	Hoagland	Rahall
Atkins	Hochbrueckner	Rangel
AuCoin	Hoyer	Ray
Barnard	Hughes	Regula
Bates	Hutto	Richardson
Bellenson	Jacobs	Ridge
Bennett	Jenkins	Rinaldo
Berman	Johnson (SD)	Roe
Bevill	Johnston	Rose
Bilbray	Jones (GA)	Rostenkowski
Boggs	Jones (NC)	Roukema
Bonior	Jontz	Rowland (CT)
Borski	Kanjorski	Rowland (GA)
Bosco	Kaptur	Roybal
Boucher	Kasich	Russo
Boxer	Kastenmeier	Sabo
Brennan	Kennedy	Saiki
Brooks	Kennelly	Sangmeister
Browder	Kildee	Sarpalius
Brown (CA)	Kleczka	Sawyer
Bruce	Kolter	Scheuer
Bryant	Kostmayer	Schroeder
Bustamante	LaFalce	Schumer
Byron	Lancaster	Serrano
Campbell (CO)	Lantos	Sharp
Cardin	Laughlin	Shays
Carper	Lehman (CA)	Sikorski
Chapman	Lehman (FL)	Sisisky
Clay	Levin (MI)	Skaggs
Clement	Lewis (GA)	Skelton
Coleman (TX)	Lipinski	Slattery
Condit	Lloyd	Slaughter (NY)
Cooper	Long	Smith (FL)
Costello	Lowey (NY)	Smith (IA)
Coyne	Luken, Thomas	Smith (NJ)
Darden	Markey	Smith (VT)
Davis	Martinez	Snowe
de la Garza	Matsui	Solarz
DeFazio	Mavroules	Spratt
Dellums	Mazzoli	Staggers
Derrick	McCloskey	Stallings
Dicks	McCurdy	Stark
Dixon	McDermott	Stenholm
Donnelly	McGrath	Stokes
Dorgan (ND)	McHugh	Studds
Downey	McMillen (MD)	Swift
Durbin	McNulty	Synar
Dymally	Mfume	Tallon
Dyson	Miller (CA)	Tanner
Early	Miller (OH)	Tauzin
Eckart	Mineta	Taylor
Edwards (CA)	Moakley	Thomas (GA)
Engel	Mollohan	Torres
English	Montgomery	Torricelli
Erdreich	Moody	Traficant
Espy	Morella	Traxler
Evans	Morrison (CT)	Unsoeld
Fascell	Mrazek	Valentine
Fazio	Murphy	Vento
Feighan	Murtha	Visclosky
Flake	Nagle	Volkmer
Foglietta	Natcher	Walgren
Ford (MI)	Neal (MA)	Washington
Ford (TN)	Nowak	Watkins
Frost	Oakar	Weiss
Gaydos	Oberstar	Weldon
Gejdenson	Obey	Wheat
Gephardt	Ortiz	Whitten
Geren	Owens (NY)	Williams
Gibbons	Owens (UT)	Wilson
Gilman	Pallone	Wise
Glickman	Panetta	Wolpe
Gonzalez	Parker	Wyden
Gordon	Patterson	Yates
Gray	Payne (NJ)	Yatron
Green	Payne (VA)	

NAYS—151

Archer	Bateman	Brown (CO)
Armey	Bereuter	Buechner
Baker	Bilirakis	Bunning
Ballenger	Billey	Burton
Bartlett	Boehlert	Callahan
Barton	Broomfield	Campbell (CA)

Carr	Horton	Roberts
Chandler	Houghton	Rogers
Clarke	Hubbard	Rohrabacher
Clinger	Hunter	Ros-Lehtinen
Coble	Hyde	Roth
Coleman (MO)	Inhofe	Saxton
Combest	Ireland	Schaefer
Conte	James	Schiff
Coughlin	Johnson (CT)	Schneider
Courter	Kolbe	Schuette
Cox	Kyl	Schulze
Crane	Lagomarsino	Sensenbrenner
Dannemeyer	Leach (IA)	Shaw
DeLay	Lent	Shumway
DeWine	Lewis (FL)	Shuster
Dornan (CA)	Lightfoot	Skeen
Douglas	Lowery (CA)	Slaughter (VA)
Dreier	Machtley	Smith (NE)
Duncan	Madigan	Smith (TX)
Edwards (OK)	Marlenee	Smith, Denny (OR)
Fawell	Martin (IL)	Smith, Robert (NH)
Fields	Martin (NY)	Smith, Robert (OR)
Fish	McCandless	Solomon
Frenzel	McCollum	Spence
Gallegly	McCrery	Stangeland
Gallo	McMillan (NC)	Stearns
Gekas	Meyers	Stump
Gillmor	Michel	Sundquist
Gingrich	Miller (WA)	Tauke
Goodling	Molinari	Thomas (CA)
Goss	Moorhead	Thomas (WY)
Gradison	Morrison (WA)	Upton
Grandy	Myers	Vander Jagt
Grant	Nielson	Vucanovich
Gunderson	Olin	Walker
Hall (TX)	Oxley	Walsh
Hammerschmidt	Packard	Weber
Hancock	Parris	Whittaker
Hansen	Pashayan	Wolf
Hastert	Paxon	Wylie
Hefley	Petri	Young (AK)
Henry	Porter	
Herger	Quillen	
Hiler	Ravenel	
Holloway	Rhodes	
Hopkins	Ritter	

NOT VOTING—31

Bentley	Hall (OH)	Neal (NC)
Collins	Hawkins	Nelson
Conyers	Huckaby	Pursell
Craig	Leath (TX)	Robinson
Crockett	Levine (CA)	Savage
Dickinson	Lewis (CA)	Towns
Dingell	Livingston	Udall
Dwyer	Lukens, Donald	Waxman
Emerson	Manton	Young (FL)
Flippo	McDade	
Frank	McEwen	

□ 1922

The Clerk announced the following pairs:

On this vote:

Mr. Nelson of Florida for, with Mr. Lewis of California against.

Mr. Frank for, with Mr. Dickinson against.

Mr. Manton for, with Mr. Craig against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

Mr. GINGRICH. Mr. Speaker, I ask for this time for the purpose of inquiring of the distinguished gentleman from Pennsylvania [Mr. GRAY] in order to receive from the majority the schedule for tomorrow, and I think Members may want to listen to hear precisely what we will be doing on tomorrow's schedule.

Mr. GRAY. Mr. Speaker, will the distinguished Republican whip yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Pennsylvania.

Mr. GRAY. Mr. Speaker, I would say to the distinguished minority whip, the gentleman from Georgia, that after discussions with his side, we would suggest that there would be an hour and a half of general debate this evening, and after that we would conclude and resume tomorrow at 10 a.m., and that after limitation on 1-minute addresses to the House, perhaps five and five, we would than go back into general debate, conclude the general debate hopefully around 11 or 11:15, and then proceed with the rest of the schedule as outlined in the rule with the various substitutes and amendment process.

It would be our expectation that we would follow that schedule and perhaps adjourn around 5 o'clock tomorrow depending on whether all of the amendments and substitutes are offered and whether all of the time is used.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman for yielding.

If we proceed in the order that the rule provides for the time, that means that the gentlewoman from Maryland [Mrs. MORELLA] and I would not be on until tomorrow. Is it fair for us to tell our folks that?

Mr. GINGRICH. No. The understanding we worked out earlier was that we would do an hour of the Education and Labor debate this evening and then do the Post Office and Civil Service debate, and then tomorrow morning would have 1 hour of Education and Labor debate to be divided equally on both sides. That was the agreement, to be able to rise this evening.

Mr. FORD of Michigan. If the gentleman will yield further, could we prevail on you to consider the possibility, since you are dividing it that way, to put us after you finish the debate on this? you see, we are not fighting with each other like the other bill.

Mr. GINGRICH. Candidly, we are caught a little bit in trying to accommodate the majority's legitimate desire to get all of us out of here early enough tomorrow to be able to go home at a decent hour to our districts, and so I am not sure whether people would be willing to come in at 9:30 rather than 10 in order to continue that schedule. I am willing, if the majority is, and we sort of hate to negotiate.

Mr. GRAY. If the gentleman will yield further, I believe the gentleman is allocated under the rule for 30 minutes, and perhaps what we could do, if it is agreed upon by the distinguished minority whip, is that the 1 hour tomorrow, we could nominally allocate one-half of it under the heading of the Post Office debate, and thus each side would allocate whichever way they want to, if that might solve the gentleman's problem. I do not know. The fact would be that he would still have the 1 hour of debate.

Mr. GINGRICH. For our purposes, I think, though, our side wanted very strongly to have the 1 hour of the Education and Labor debate. Let me suggest, if it is not dramatically inconvenient, I think our side would be willing to come in at 9:30, and that way the gentleman could have his entire half hour in the morning, and then we would pick up with the 1 hour of Education and Labor at 10 o'clock.

Mr. GRAY. If the gentleman will yield further, I believe that that might pose some problems on our side to come in at 9:30. Our view would be to come at 10, and it would not, from this side of the aisle, be a problem if the gentleman wanted to take that hour and say one-half of it is Education and Labor, and one-half of it is Post Office.

Mr. GINGRICH. Let me offer one other possibility, and again I apologize for negotiating in public, but this came up, and I think we ought to solve it. What if we were to allow, since they only have 30 minutes, to allow the Post Office and Civil Service folks to go first this evening, then take up the hour of Education and Labor, and we would still get out earlier than Education and Labor would have originally, and come in at 10 o'clock in the morning? Can we do that by unanimous consent?

Mr. FORD of Michigan. If the gentleman will yield further, the gentlewoman says fine.

Mr. GINGRICH. Post Office and Civil Service will go first this evening, Education and Labor will then have an hour this evening, and we will then end legislative business, and in the morning we will come in at 10 and go to general debate, control half on each side with Education and Labor.

Mr. GRAY. If the gentleman will yield further, we would have tomorrow 1 hour general debate Education and Labor, begin the day with a limited number of 1-minutes, five on the minority side, five on the majority side, and then follow the rule subject to whether people want to offer their amendments or not.

Mr. GINGRICH. It is a pleasure to do business with the majority.

Mrs. ROUKEMA. If the gentleman will yield, I must ask, since unfortunately the rule did not provide me the time that had been requested by the distinguished ranking minority member of the committee, there had been a gentlemen's agreement between the majority and myself that I would have at least 30 minutes equally

divided between this evening and tomorrow. Does the agreement just made with the Committee on Post Office and Civil Service protect my 30 minutes?

Mr. CLAY. If the gentleman will yield, the inquiry the gentlewoman made is correct. The agreement still stands. The gentlewoman is protected.

Mrs. ROUKEMA. I thank the gentleman; 15 tonight and 15 tomorrow?

Mr. CLAY. The gentlewoman is correct.

Mrs. ROUKEMA. Do I understand that Post Office and Civil Service will take their complete half-hour this evening?

Mr. CLAY. If the gentleman will yield further, if the gentlewoman stays on the floor, she can use some of her time during that debate.

Mrs. ROUKEMA. I thank the gentleman, and I thank the distinguished whip.

□ 1930

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. GRAY. Mr. Speaker, it was also our understanding that in light of this agreement, we would move immediately into the 1-minutes limited, not have a Journal vote, and debate of 1 hour. Is that also the understanding of the gentleman from Georgia?

Mr. GINGRICH. Mr. Speaker, it is. It is our intention on the Republican side that we would not ask for a Journal vote and it is our intention to not ask for any procedural votes during the day. Obviously individual Members on either side are always free agents, but we would do all we could on this side to expedite the process and go into legislative business and stay on legislative business.

Mr. GRAY. Mr. Speaker, it would be our hope and expectation that we avoid a vote on the Journal and procedural votes so that we could move through the various amendments, substitutes, and allow the House to work its will, so we could reach a conclusion at a reasonable hour, so Members who are seeking to return to their districts could make early planes to do so. So my understanding is the same as that of the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, that is exactly right. Our hope is by this bipartisan agreement to get through as fast as we can and expedite Members getting home.

HOUR OF MEETING ON TOMORROW

Mr. GRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Thursday, May 10, 1990.

The SPEAKER pro tempore (Mr. NAGLE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FAMILY AND MEDICAL LEAVE ACT OF 1989

The SPEAKER pro tempore. Pursuant to House Resolution 388 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 770.

□ 1931

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 770) to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave, with Mrs. KENNELLY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 60 minutes; the gentleman from Iowa [Mr. GRANDY] will be recognized for 60 minutes; the gentleman from Michigan [Mr. FORD] will be recognized for 15 minutes; and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Madam Chairman, I yield 4 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Madam Chairman, the bill before us today is about workers and working families. It's about the ability of those workers to spend time with close family members in time of crisis and not sacrifice their employment in the process. It's a question of choice. During very special moments such as the birth of a child or the serious illness of a spouse, or parent, a person should not be forced to choose between their families and their jobs. It's about justice and fairness in the workplace. This bill does three things: Permits employees to take unpaid leave during emergencies; requires the company to continue paying the health coverage during the leave period; and guarantees the person his or her job at the conclusion of the leave.

Recent surveys reveal that 80 percent of the public agrees with the concept of protecting job rights during times of emergencies and they also support this legislation.

Madam Chairman, political rhetoric about the need to reestablish family values is abundant. It's too bad that some of those most vociferous on the subject are also the ones most opposed to improving the welfare of families.

This bill addresses problems caused by a profound change in the composition of the work force and the effect that has had on families. The great infusion of women, married, single, mothers, into the work force will continue to have a profound effect on all levels of our society. At the beginning of the new decade, we must come to terms with the fact that in the vast majority of families today, all adult members work outside the home. The conditions under which they work must be a high priority.

A minimum standard for allowing workers the option of taking family and medical leave is a critical part of any sound family policy. It is a well established principle in more than 100 other countries in the Free world. The argument by opponents of this legislation that it is anticompetitive is a smokescreen, a distortion. If every industrialized nation already have similar workers rights and most of them allow for paid leave, not unpaid, how will imposing this requirement disadvantage us. Our competition is not in Third World countries—our main rivals are West Germany and Japan. In both countries, workers get 14 weeks of paid family leave to care for newborn or adopted children. In Germany they receive 100 percent of their wages and in Japan they receive 60 percent.

Madam Chairman, there is virtually no cost to employers under this bill. The GAO has determined that it will cost $5.30 a year per covered employee. A Federal leave standard helps business retain a loyal, experienced and productive work force. Providing job security at times of great family need and perserving jobs save the Government billions of dollars in social welfare costs.

The principal argument that we hear against this legislation is that "Congress should not mandate benefits." But that is precisely what Congress has done for more than 60 years and employers, employees' and the country have prospered as a result. "Mandating benefits" is a code word that is designed to stir businessmen, even those responsible, compassionate businessmen to oppose all legislation intended to improve the quality of life for the workers of America. Establishing a minimum standard of family and medical leave is no different than other laws which impose standards such as the Fair Standards Act, the

Occupational Safety and Health, Coal Mine Safety Act, Social Security and a host of others. Requiring employers to meet a minimum standard family leave policy which extends the principle of labor standards to meet a new and pressing reality confronting today's workers is neither new nor is it radical. This is precisely how labor standards have come about in the past. To back away from mandating benefits, Congress would have to repeal 60 years of labor law.

Demands for a family leave policy have been growing steadily. In the past 5 years, 17 States have enacted laws establishing minimum standards for parental or medical leave and leave legislation is pending in more than 30 State legislatures. But attempting to resolve a national problem in such a piecemeal fashion is not desirable. State by State labor standards present problems of uniformity and consistency. Labor standards should be national in scope.

Many employers have implemented leave policies that far exceed the requirements of the bill before us today. They have benefited from these policies in the form of improved employee morale, higher productivity, and retention of an experienced work force. Unfortunately the majority of employers have failed to act. Broad coverage will not come about voluntarily.

We have worked on this legislation for more than 5 years. Several committees of both the House and the Senate have held dozens of hearings. Our study of the issue has been thorough and extensive. We have made extensive compromises and changes in the legislation to meet concerns that have been expressed.

The bill before us reflects a broad consensus that has grown significantly since the bill was first introduced in 1985. It is supported by more than 150 organizations representing the interests of women, the religious community, the medical profession, organized labor, senior citizens, the disabled, State and local legislators and many employers. The support is diverse and extensive. The legislation before us is carefully considered, widely supported and most significantly addresses a critical need. I urge the adoption of the bill.

Mrs. MORELLA. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I am pleased to join today in expressing my strong support for H.R. 770, the Family and Medical Leave Act.

As an original cosponsor of the bill, I want to particularly commend you for scheduling this legislation for action this year. A family and medical leave policy is needed in both the public and private sectors.

As society has changed, we have always adjusted our labor protection standards to meet the changing work force. According to a Bureau of Labor Statistics study, 64.7 percent of all women with children and 51.1 percent of mothers with infants under the age of 1 are employed. The average working, married woman with children contributes 41.3 percent to the total family earnings. In fact, the majority of women with children work because of economic need. However, H.R. 770 is not just a bill for women; men need the same minimum protection in our society. As a matter of fact, this is a family bill.

Clearly, a minimum standard is needed, similar to child labor laws, the minimum wage, and health and safety standards. The United States and South Africa are the only industrialized Western nations that do not offer this minimum protection to their workers. Most of the 75 countries with a leave policy also offer some paid leave as well. In fact, paid maternity leave is an entitlement in 28 European countries.

The American public views family and medical leave as a top priority. A Gallup Poll of registered voters indicated that 81 percent of those surveyed favored unpaid leave for employees who need the time to care for a newborn, recently adopted, or seriously ill child—or illness of a family member.

The Federal Government should serve as a model for the rest of the country's employers. I am pleased that the provisions of the original bill—providing up to 18 weeks of unpaid leave for the birth or adoption of a child or the serious illness of a child, and up to 26 weeks for an employee's serious illness—are retained for Federal employees.

Within the past 6 months two of my employees became parents. I have provided each of them with several months of paid leave. I believe that the family and medical needs of our employees must be met to ensure a productive and loyal work force.

I believe that the provisions of H.R. 770 which affect the Federal work force will also prove to be a real morale booster in the public sector.

The time for debate is over. The time for positive action is now. I urge my colleagues to support this vital legislation and to join in working to ensure that this is the year when the Family and Medical Leave Act is enacted into public law.

Madam Chairman, I am pleased to note that the Committee on Education and Labor approved an amendment which provides House employees the same family and medical leave rights, including restoration of benefits and reinstatement guarantees, as are provided for Federal employees. However, the Gordon-Weldon substitute gives House employees the same leave provisions as the private sector.

Madam Chairman, these provisions are not as comprehensive as those for Federal employees; it is certainly a step in the right direction, although I would like to see our employees be treated on par with other Federal workers. We must not force our people to choose between their economic needs and their family needs.

□ 1940

Mr. GRANDY. Madam Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Iowa.

Mr. GRANDY. Madam Chairman, I thank the gentlewoman for yielding.

Did the gentlewoman suggest when she said that House employees were covered under this legislation that House employees and members of congressional staffs receive 18 and 26 weeks?

Mrs. MORELLA. What I suggested is in the original bill they would be given the same protection and benefits, if we want to call them that, although I think they are rights, as Federal employees would have.

However, there will be a substitute that under the rule will be allowed, and that will not give the congressional employees those benefits that we hope to give to the Federal employees, but rather they would be given the protections that would be given to the private sector. So there is a distinction we are talking about.

Mr. GRANDY. If the gentlewoman will yield further, as this gentleman understands it, there will be an amendment offered to reduce congressional employees' benefits to 10 weeks and 15 weeks?

Mrs. MORELLA. Twelve weeks.

Mr. GRANDY. Twelve weeks per the Gordon-Weldon amendment?

Mrs. MORELLA. Twelve weeks as per the Gordon-Weldon substitute that will be offered.

My point to the gentleman is that I believe that congressional employees should be given the same benefits as are public sector employees. That is not being done as in the course of the chronology of events. However, I believe that they should be given some of the benefits and they will be given the benefits if this House acts accordingly under the substitute to be offered.

Mr. GRANDY. I thank the gentlewoman for answering my question. I am still confused as to why there are two standards, 18 and 26 weeks for one set of employees, all be they Federal employees, and another set for private. But I will not pursue it at this point. I just wanted a clarification.

Mrs. MORELLA. The reason is because we believe it can pass for the private sector, but for the public sector, which should be the model, we believe that the provisions as originally stated

in the bill are appropriate, and frankly are minimal.

Mr. GILMAN. Madam Chairman, will the gentlewoman yield?

Mrs. MORELLA. Yes indeed, I yield to the gentleman from New York.

Mr. GILMAN. Madam Chairman, I rise in strong support of H.R. 770, the Family and Medical Leave Act of 1990. And I commend the distinguished chairman of the Subcommittee on Labor-Management Relations, the gentleman from Missouri [Mr. CLAY] and the ranking minority member, the gentlewoman from New Jersey [Mrs. ROUKEMA], and the distinguished chairman of the Subcommittee on Compensation and Employee Benefits, the gentleman from New York [Mr. ACKERMAN]. As ranking minority member of the Committee on Post Office and Civil Service and cosponsor of H.R. 770, I have followed the evolution of this legislation over the past 5 years. Advocates of the legislation have worked diligently to achieve a fair and equitable measure which reflects the needs of families and parents as well as the demands of the public sector and the business community.

The United States has lagged behind other Western countries in creating a work environment responsive to family needs. According to the Bureau of Labor Statistics, more than 96 percent of all fathers and more than 60 percent of all mothers work outside the home. Virtually all major industrial nations have some type of liberal leave policy which is superior to our own current patchwork of State and local regulations. H.R. 770 establishes a minimum national standard for unpaid leave to allow working people to care for a newborn or seriously ill child, a seriously ill parent, or their own illness, without fear of losing their jobs.

H.R. 770 contains several measures affecting both the public and private sectors of our work force. As ranking minority member of the Committee on Post Office and Civil Service, I take a special interest in the benefits accorded our Federal workers and the impact of this legislation on the ability of our Government to function effectively.

The Federal Government has, in the past, instituted benefits for its workers which have later served as the model for private sector employers. In recent years, however, Federal pay and benefits have begun to seriously lag behind those offered in the private sector. Title II of its legislation, while providing unpaid leave, should help restore the competitive edge to the Federal Government recruiting and retention efforts.

In 1986, the Office of Personnel Management undertook a review of leave options available to employees with ill children, childbirth, emergency medical, and other problems. I laud OPM for issuing in its Federal personnel manual provisions for "leave for parents and family responsibilities" and "leave without pay" which urged agencies and managers to be flexible and compassionate in meeting employees' needs for leave.

Guidelines, however, do not have the same force and effect of law. H.R. 770 establishes a minimum standard below which the Federal Government cannot sink in accommodating important family needs of employees. The bill creates reasonable periods of time during which a Federal employee may take leave for reasons of family and medical leave, medical emergency, childbirth, early childcare, or to care for a seriously ill child or parent without the risk of job termination or retaliation.

In brief, Madam Chairman, H.R. 770 effectively balances the needs of employees with family responsibilities against those of the employer with business related interests. If we are to be a nation which encourages the growth and sustenance of the family, we must recognize the special needs which go hand-in-hand with familial responsibilities. H.R. 770 strikes such a delicate balance. Accordingly, I urge my colleagues to support this worthy measure.

Mrs. MORELLA. Madam Chairman, I thank the gentleman from New York [Mr. GILMAN], ranking member of the full Committee on Post Office and Civil Service, for the leadership he has shown in diligently pursuing this bill.

I certainly also want to congratulate the chairman of the Post Office and Civil Service Committee, also the prime sponsor in the Post Office and Civil Service Committee, the gentleman from Missouri [Mr. CLAY] for this bill, and the chairman of our subcommittee, the gentleman from New York [Mr. ACKERMAN].

I want to point out in response to what I anticipated would be asked about cost with regard to the Federal sector that the CBO has stated that leave for Federal employees will result in no significant costs.

We certainly must not force our people to choose between their economic needs and their family needs.

Madam Chairman, I reserve the balance of my time.

Mr. FORD of Michigan. Madam Chairman, I yield myself 1 minute for the purpose of answering the question of the gentleman from Iowa [Mr. GRANDY], as to why there are differences between the treatment of Federal employees and the private sector employees.

The focus of the debate today has been the basic premise of mandated family and medical leave for employers in this country. If we accept the notion that unpaid family and medical leave is a proper employee benefit—even if only at the full discretion of the employer—we must not lose sight of the fact that the Federal Government, too, is an employer in its own right when it comes to 2.1 million active civilian employees and their families. While the Office of Personnel Management notes that existing Federal personnel guidelines encourage managers to accommodate the needs of individual workers in a flexible manner, title II is intended to ensure fairness and equity in the administration of that policy. Title II is not intended in any way to limit any other leave time available to Federal employees under other existing provisions of law.

It is true that title II of the bill, as it relates to Federal civilian employees, differs in some significant respects from the guidance generally applicable in title I of the bill. But title I is just that—guidance. Title I sets forth the bare minimum standards which American employers must meet in order to comply with the letter of the law. As under existing law, any employer is free to implement or negotiate almost any leave plan which exceeds the minimum standards required by law.

Title II represents the best judgment of the Committee on Post Office and Civil Service in devising an appropriate plan for Federal civilian employees based upon the best available information. The plan crafted by the committee would result in no cost to the Federal Government. In its review of title II, the Congressional Budget Office estimated that, "in aggregate, granting employees leave without pay for extended periods does not result in costs greater than if the employees continued to work—in part because the salaries and benefits of temporary replacements will sometimes be less than those of the permanent employees and in part because sometimes replacements will not be hired."

FAMILY LEAVE—18 WEEKS OVER ANY 24-MONTH PERIOD

The family leave provisions of title II—18 weeks of unpaid leave during any 24-month period—are primarily based on the period that child development experts suggest as a minimum for newborns and new parents to adjust to one another. Hearings by the Committee on Post Office and Civil Service over the past 5 years serve as the basis for the specifics of title II.

In our 1986 hearings, Dr. T. Berry Brazelton, a widely respect authority on child development and associate professor of pediatrics at Harvard Medical School, recommended 4 months parental leave, explaining that the early months of adjustment to a newborn infant are a crucial opportunity for family bonding. In addition, given the current problems of availability and affordability of child care,

18 weeks of leave may be required to secure a proper situation.

Since 1982, the General Accounting Office has provided its employees up to 26 weeks of unpaid, job-protected parental leave without serious managerial difficulties.

MEDICAL LEAVE—26 WEEKS OVER ANY 12-MONTH PERIOD

The medical leave provisions of title II—26 weeks within any year—are intended to accommodate all types of illnessess and injuries while providing employees with the maximum opportunity to return to work for a portion of the day or week. The leave, again unpaid, can be taken on either continuing or intermittent basis. While the "serious health conditions" covered by title II are broadly defined, included in the provisions is a strict requirement that the illness or condition must include care or continuing treatment or supervision.

CONCLUSION

The Committee on Post Office and Civil Service believes its product will enhance the productivity and morale of the Federal work force and make the Federal Government a more attractive employer. The standards of title II are not the most generous nor will they be the bare minimum required of other employers under the bill. Where the Federal Government has the potential to grasp a competitive edge at minimal cost—according to the Congressional Budget Office—we would be foolish not to take advantage of that opportunity.

Madam Chairman, I yield 8 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Madam Chairman, I thank the gentleman for yielding the time to me and for his leadership in bringing this to the floor today.

Madam Chairman, I rise in support of H.R. 770. I would like to share with my colleagues a personal experience that is appropriate to the legislation we are considering today.

Lauren is going to be 21 in November. Lauren is my daughter. She happened to be born on election day, way before the time I was a politician. I was a teacher at the time. I taught in the New York City public school system, I taught in the ghetto. I taught for 5 years and I taught social studies and mathematics and journalism. I thought I was a pretty fair teacher.

After Lauren was born and after the summer break I thought it was an extraordinary experience spending a little bit of time watching my first child, my newborn daughter grow, and I decided I would like to spend a little bit more time doing that.

□ 1950

I decided that I did not want to be a burden upon the system, the board of education, the city of New York. And I decided that I wanted to take a leave of absence without pay.

I checked the leave of absences that were available in the city of New York at the time for teachers, and there was none that was called child care. There was one that was called maternity-child care.

Having no recourse but to use that particular application, I filled it out. There was a place on the form for a physician to fill out his report and his evaluation. I needed an obstetrician. I used a gynecologist who my wife used.

He thought it was a terrific idea for fathers to be involved in raising their children and their families.

On the part of the application where it said "Technical designation for this infirmity"—imagine the enlightenment, to have a baby was considered an infirmity—he put down that the technical designation was fatherhood and said, "Will be incapacitated until," and he put down "does not apply."

He filled out the entire physician's part of the application.

I submitted it to the principal of my school, and she denied it. I then went through the appeals process. I appealed to the local community school superintendent, who thought it was some kind of a trick or a prank. I assured them that I was very, very serious about taking my new responsibilities as a father very seriously.

They asked me to come in for an interview. I asked them if that was a normal part of the procedure. I thought they approved child care leaves of absence as a matter of course.

They told me it was unusual, but they wanted to talk to me. So I went in.

They asked me a lot of questions during the interview. They asked me a lot of questions about my wife: Why would I want to take a leave of absence? Is my wife capable? Is she competent? I will tell you she is the most competent individual that I have ever met.

But I refused to answer those questions. I told them I thought the questions were discriminatory and that I would answer only questions that they would be able to tell me they asked of every other applicant and not because they were singling me out because I was a father rather than a mother. They did not understand that.

I explained that I thought that they were singling me out because it was an unusual application up until that time. Why would a man want that kind of a leave, they asked? Why didn't I just quit and stay home for whatever time I wanted and then come back and take the test over and become a schoolteacher and forget about the seniority and the hard work I had put into the system, forget about the right to come back to the same school that I had taught in every day 5 days a week for 5 years, start all over again from scratch?

That was my choice. Give up my career, give up the seniority, give up the tenure, give up everything that I had gone to school for and worked for, or become a father for a while. A difficult choice to make, a choice that I do not exactly think anybody looks forward to.

But I made the choice. They had gone into a huddle. They came out with a decision. They said on the basis of precedent they would have to turn down my application.

I asked them why. They said, well, the precedent is, "We have never approved an application for a man for this kind of a leave of absence before."

So I said, "On the basis of precedent, I think you should approve it." They said, "How so?" I said, "Well, you have never turned down a man before."

They did not see the wisdom of my logic and proceeded to turn me down.

I then appealed to the chancellor of the New York City public school system; biggest system in the country, thousand schools, million kids. I received an answer within a month from the chancellor, and they turned me down. They said, "Application denied."

The official reason, typed in across the bottom of the application, was that this type of leave of absence for child care is not intended for fathers.

That raised a great deal of anger in me. Why would my employer, why would the board of education, why would my city tell me what my responsibilities should be? Why should they take away the choice that my wife and I had made that I take a leave of absence? Why should they deny me the right to choose? Why should that be the city's choice? Why should that be my employer's choice?

Should that not be the choice of myself and my wife as to who should do the childraising at any particular given time? It is grossly unfair to deny families that kind of a choice.

So it was that in 1970, I took the New York City school system and the board of education to court and we established a precedent. It was the first time a man had ever won a suit of that nature before. It was on the front page of the New York Times, and most major newspapers carried it.

Madam Chairman, I have very strong feelings about the bill that is before us. The Family and Medical Leave Act addresses fundamental shifts in the demographics of the American work force.

According to the Bureau of Labor Statistics, 96 percent of fathers and 60 percent of mothers work outside their homes. The participation of women in the work force has risen from 19 per-

cent at the turn of the century to 52 percent today.

Between 1950 and 1980, the labor force participation of mothers has tripled.

The fastest growing segment of this group is comprised of women with children under the age of 3.

Another demographic change profoundly affecting the American family involves the number of elderly in our society. Currently, more than 2.2 million family members provide help to elderly relatives; about 38 percent of those caring for elderly relatives are adults caring for their own parents.

The burdens of child care and elder care create tensions between the family and the workplace. H.R. 770 represents a reasonable approach to balancing the conflicting demands of both work and family by providing adequate amounts of leave and the right to return to an equivalent job.

Madam Chairman, here is our chance to be both profamily and prochoice. I urge my colleagues to remember the American family and to support the Family and Medical Leave Act.

Mrs. MORELLA. Madam Chairman, I want to thank the gentleman for that very eloquent, moving statement and personal testimony.

Madam Chairman, I believe I have 6 minutes remaining on this side.

The CHAIRMAN pro tempore (Mrs. BOGGS). The gentlewoman is correct.

Mrs. MORELLA. If I may, Madam Chairman, I would reserve that time and relinquish it at the proper time to the gentlewoman from New Jersey [Mrs. ROUKEMA].

The CHAIRMAN pro tempore. Without objection, the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized.

There was no objection.

Mr. FORD of Michigan. Madam Chairman, I do not understand what is happening here.

Mrs. MORELLA. Madam Chairman, I am reserving the remainder of the time that I have, which is 6 minutes.

Mr. FORD of Michigan. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman I rise in strong support of H.R. 770 and take particular pride in those portions of the bill reflecting the work of the Committee on Post Office and Civil Service, which I chair. The committee, in crafting title II of the bill in a bipartisan manner, establishes a universal floor for the Federal Government in accommodating important family needs of its employees. The measure gives the Federal employer the tools to respond to the evolution of the American workplace.

The Federal Government is too often an also-ran in the labor marketplace. Few Federal compensation and benefit programs compare with our private sector competitors. Federal salaries lag far behind those of even nonprofit employers. The Federal Employees' Health Benefits Program has been found lacking when measured against private sector health plans.

Title II of the measure before us today will allow the Federal Government, as an employer, to get in on the ground floor of a benefit which meets both its own needs and those of its employees: people who, at a personal sacrifice already, have chosen careers in public service.

The provisions encompassed in title II provide the minimal framework to ensure that all Federal employees are treated equally. The bill recognizes the new responsibilities of two-wage-earner families. While some would argue that the bill limits the discretion of managers enjoyed under current law, the Government stands to benefit through enhanced worker moral, productivity, and retention of quality employees. A new clear Federal policy on family leave means that an employee's opportunity for obtaining adequate time off will no longer be subject to chance.

Many of our employment laws do not apply to the Federal Government. Private employers are far ahead in sustaining employee benefits and compensation. For these reasons, it gives me great pride to join in this effort to strike a partnership between the Federal Government and other employers. In the name of fairness, equity, and family values, I urge my colleagues to vote in favor of the bill before us.

□ 2000

Mrs. MORELLA. Madam Chairman, I yield 4 minutes to the gentlewoman from Ohio [Ms. OAKAR]. However, I do want the gentlewoman from New Jersey [Mrs. ROUKEMA] to know that she is in good hands, and that she is going to ultimately get 15 minutes of time, since she has been so important in this compromise that has been worked out.

Ms. OAKAR. Madam Chairman, I think one of the areas of confusion is that what this bill attempts to do is to cover all employees, and that certain committees have jurisdiction over certain employees. Our Committee on Post Office and Civil Service, I am proud to say, was the first committee that reported out of committee the Family and Medical Leave Act that gives Federal employees, for a change—for a change, Federal employees get what I do not consider a benefit but a right, because we are not giving them any pay while they are on leave, but get the full right of 18 weeks medical leave if necessary.

It is interesting to me that this bill has taken 5 years to pass. This is a profamily, all-American bill that invests in people for a change. Not weaponry. We want to invest in people. We want to invest in children. We want to invest in our older parents. We want to invest in our families. If they are critically ill, a worker has the responsibility of caring for that family. Is it not interesting that it is taking Members 5 years to pass a bill wherein we are the only industrialized nation that does not provide any period of job-protected leave for mother or father with a new child, an employee who is medically unable to work for a period of time?

What we are trying to say is that we just want people to have this leave at a time like the areas that I have just described, and not even get paid during that period, and have the opportunity to go back to that place of employment and get back their job. Now, Members would think that this was a monumental event that we were trying to promote. The fact is, we are the only country in the Western world, industrialized world, that does not do it.

I thought it would be interesting to show my colleagues and the American people what other countries do. Chile, for example, and we sometimes cite Chile as a violator of human rights, Chile offers 18 weeks of parental leave and gives 100 percent of the pay. We ask that people give the opportunity and have the opportunity to have leave without pay. Poland offered, before their quest for democracy, and they will probably do even more now, offered 16 to 26 weeks at 100-percent pay. Ireland offers 14 weeks at 80 percent. Austria offers 20 weeks at 100 percent. Canada, northern neighbor and friend, offers 15 weeks at 60-percent pay. France offers 16 weeks at 90-percent pay. West Germany, 14 to 19 weeks at 100-percent pay. Italy, 22 weeks at 80-percent pay. Japan, 12 weeks at 60-percent pay. Sweden, 38 weeks at 90-percent pay.

What the compromise calls for is a minimum number of weeks. What we are asking for Federal employees is 18 weeks with no pay. Here we have all these groups, these lobbying groups acting as if we are trying to do something that is not in the best interest of our country. We are really at a crossroads in this country because the fact is, we are way behind other countries in the manner in which we treat our own people. We are way behind in the manner in which we treat our families. We are way behind other countries, some less developed countries, in the manner in which we are profamily.

We had a lot of talk about being profamily and investing in children and in our parents, in our loved ones, and yet we have all this lobbying going around this Hill now, scurrying around, saying we think this is somehow an un-American activity.

I say we will never be globally competitive, we will never be globally com-

petitive unless we invest in our own people. We know there are examples of businesses that we can cite. Merck & Co., a pharmaceutical company based in New Jersey, a pioneer in family policy that has child care and flextime, and parental leave, they have an annual turnover rate of 6 percent, compared to the national average of more than 14 percent. We can cite other businesses. We say that it is good for the American people, and it is good for the businesses to be humane and decent to your employees. We say that it is not going to cost a nickle to do it, because it gives the people leave without pay.

Let Members start there. So Madam Chairman, it is about time. It has only taken Members 5 years, and it would be very, very shameful in my judgment if somehow or other we did not pass this bill tomorrow. It would be very shameful. I ask my colleagues to support the bill as it has been written.

The CHAIRMAN pro tempore (Mrs. BOGGS). The Chair recognizes the gentleman from Missouri [Mr. CLAY] for 60 minutes.

Mr. CLAY. Madam Chairman, I yield 30 minutes to the gentleman from Iowa [Mr. GRANDY].

□ 2010

PARLIAMENTARY INQUIRIES

Mr. GRANDY. Madam Chairman, may I make a parliamentary inquiry?

The CHAIRMAN pro tempore (Mrs. BOGGS). Certainly. The gentleman will state his parliamentary inquiry.

Mr. GRANDY. Madam Chairman, I am terribly concerned about the time of the gentlewoman from New Jersey [Mrs. ROUKEMA]. Does she have 4 minutes under the time of the Committee on Post Office and Civil Service or 6 minutes under the time of the Committee on Post Office and Civil Service?

The CHAIRMAN pro tempore. That time has been consumed.

Mr. GRANDY. Then, Madam Chairman, do I understand she has no time?

The CHAIRMAN pro tempore. The time of the gentlewoman from Maryland [Mrs. MORELLA] has expired. The 15 minutes that were allotted to the gentlewoman from Maryland has been consumed.

Mr. GRANDY. Then I have a further parliamentary inquiry, Madam Chairman.

Does this mean that the gentlewoman from New Jersey [Mrs. ROUKEMA] is now proceeding under the time of the Committee on Education and Labor, and that agreement begins now?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. GRANDY. I thank the Chair.

I did not want my colleague to get shorted. In spite of all the things she will say during this debate, I want to make sure that she has the right to say them.

The CHAIRMAN pro tempore. The Chair agrees with the gentleman.

Mr. CLAY. Madam Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Madam Chairman, I rise in support of the passage of H.R. 770, the Family and Medical Leave Act of 1989.

I often wonder how it is that in a so-called developed and civilized society such as ours, how we, as a country, lag so far behind other enlightened countries when it comes to our social responsibilities. We have yet to appropriately address the need for national health care, we are still working on resolving the issue of child care, and for many in poverty, the reforms to the welfare program still represent piecemeal support in times of need.

Sadly, statistics from divorce to child poverty to teen pregnancy tell us that our families need attention.

Finally, after 4 long years of trying we have reached an agreement on family and medical leave for our Nation's workers. The Family and Medical Leave Act will allow America to join more than 135 other nations in providing essential job protection to people with families.

I have always believed in a national policy that recognizes the reality that both men and women have family responsibilities that must be balanced with their work. Too often, when a child is born or suffers a serious illness, parents are forced to choose between job security and family responsibility. I believe that the Family and Medical Leave Act, which provides for job protection for all employees as a result of disability, caregiving, childbirth or adoption, represents sound social and much needed family policy.

My support for family leave is consistent with my active support for childcare legislation, my ongoing struggle to support worker's rights and my role in ensuring women's economic progress. In my opinion, family and medical leave is a minumum labor standard akin to minimum wage and child-labor laws.

The Family and Medical Leave Act requires private firms with 50 or more employees and State and local governments to provide employees with up to 12 weeks of unpaid leave per year. In addition, it allows employees to take leave in order to care for a new child or a seriously ill child, parent or spouse. Finally, the legislation allows medical leave if employees are temporarily unable to perform their job due to a serious health condition. All of this leave is allowed, and the employees' job will be there when he or she returns.

The American work force has changed dramatically over the last 25 years. The workplace must begin to reflect these changes. Establishing a minimum standard which provides working men and women with the assurance that making their families a priority does not mean losing their jobs, is certainly an important message that this Nation must send.

The Family and Medical Leave Act is consistent with American values and the cost of this measure to employers is minimal. I consider this legislation to be a very modest step in a direction that will benefit families, workers, and businesses.

I am hopeful that my colleagues, particularly those that are so profamily, will stop giving lipservice to family values and begin to see the need for a more realistic policy approach to the needs of our Nation's families. Our futures and our families may depend on it.

In closing, I encourage my colleagues support for the compromise legislation before us today. The President is, as usual, threatening a veto of this measure. My position is to vote my conscience in support of this bill and let the President suffer the wrath of the working men and women who so desperately are in need of this legislation.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Madam Chairman, for the purpose of verification, I have 30 minutes beginning now; is that correct?

The CHAIRMAN pro tempore. The Chair would like to advise the gentleman from Iowa [Mr. GRANDY] and the gentleman from Missouri [Mr. CLAY] that under the rule they each have 60 minutes. It is the understanding of the Chair that they will use 30 minutes each this evening and reserve the rest for tomorrow.

Mr. GRANDY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I oppose this rule. I have said this before, and I will say it again. I do not oppose the motives of this legislation, and I would take issue with my colleague, the gentleman from Michigan, who asked, how can Members who oppose this legislation come to the floor with a clean conscience and vote against this when they espouse family values and traditional families and all the things that supposedly the President and this party are about? He asks, how can we possibly vote no?

I can tell the Members, Madam Chairman, that my conscience is clean because I have been a part of this body and many of the Members of this body have been Republicans who have worked hard to craft a child care bill that provides a choice, not mandates. I am part of a team, again as a member of the Education and Labor Commit-

tee in particular, that has worked hard to create an Americans for Disability Act that the entire Congress can pass. Yes, there will be a dispute, but that bill will pass. And I am part of the Human Resources Subcommittee of the Education and Labor Committee that is for full funding of Head Start, and I am one of those members who ultimately supported the Family Support Act because I felt that our low-income families deserved a chance to get off welfare rolls and onto payrolls.

So my conscience is clean. I can say to the American working men and women that this legislation hurts them more than it helps, and in my position of responsibility I do not want to see it pass. But I can also say to their employer that I understand his needs, and I understand that what we do with this legislation will not mean that this is the only piece of legislation that this Congress passes that will affect his livelihood.

I would remind this body that we have passed, with this gentleman's support, a minimum wage bill, and we have passed mandated plant closings, again with this gentleman's support. We will pass the ADA, as I said earlier. We are going to pass a clean air bill at some point and in some form that will impose costs on those employers who will also provide benefits. And at some point we will consider mandated health benefits in the workplace? And we will consider mandated asset reversions in the workplace, which means that employers will not be allowed to retain surplus pension benefits.

So I am not concerned about my motives, but I am concerned about the motives of this Congress, which thinks we can continue to pass on to the employer these responsibilities and costs and think they do not have a cumulative effect.

Ironically, Madam Chairman, it so happens that this week is National Small Business Week, and it so happens that the national winner of that National Small Business person of the year award happens to come from my district. His name is Barney Roberts. He is from Storm Lake, IA, a community of about 10,000 people, and he has won this award because he has combined growth in the workplace with community service and dedication to his employees, and that includes a mandated benefit which he himself has imposed. I called him today and I said, "Barney, what is your leave policy?

He said "Well, normally we make it a practice to give 6 weeks unpaid leave, but we like our employees to the point where we will offer them what they need. If someone is sick, if someone has a sustained problem with a child or a relative, of course we allow them to go home."

Why? Because the work force is changing, even in a State like Iowa. We require more skilled people, we know that the demographics are such that there are more women in the workplace, more child-bearing individuals, and we need to retain those individuals.

Madam Chairman, I believe this Congress ought to listen more to Barney Roberts and figure out what he knows rather than try to tell him what to do. That is my objection to this legislation, because it tells him what he knows better than we.

We have tried to insert some of those kinds of comments through our colleagues like the gentleman from North Carolina [Mr. BALLENGER], who runs a small business, and the gentleman from New York [Mr. HOUGHTON], who runs a large business, and they have been denied.

Madam Chairman, I will at this point reserve the balance of my time and continue later.

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The CHAIRMAN pro tempore (Mrs. BOGGS). The gentleman from Iowa [Mr. GRANDY] has consumed 5 minutes of his time.

Mr. CLAY. Madam Chairman, I yield 20 minutes of our debate time to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Madam Chairman, I yield myself such time as I may consume.

The CHAIRMAN pro tempore. Without objection, the gentlewoman from New Jersey [Mrs. ROUKEMA] is recognized.

There was no objection.

Mrs. ROUKEMA. Madam Chairman, each day, hard-working Americans lose their jobs because a family medical emergency requires that they take time off to give temporary care to a seriously ill member of the family. It may be a child dying of cancer who needs a mother's loving care. It may be a beloved parent who is terminally ill and requires home care.

In a day and age when the majority of American families need two paychecks to get by, it is inconceivable that we do not have a minimum guarantee of job security when a medical emergency strikes. The debate over the Family and Medical Leave Act is not about mandates or benefit packages. It is about values and a standard of decency to protect the jobs for workers trying to capture a piece of the American dream.

This week, the House will vote on compromise legislation that would protect the jobs of working Americans who must take short, unpaid leaves because of the birth of a child, the serious illness of a family member or their own serious illness. The Family and Medical Leave Act would require companies of 50 or more employees to allow their permanent workers 12 weeks of unpaid leave per year for birth of a baby, or serious family illness.

I speak as a Republican and also as a woman who at one time chose to leave my profession as a teacher to become a full-time mother. It was a decision I never regretted. My years at home with my children were the happiest and most rewarding years of my life. I was fortunate to have the choice. Unfortunately, most women today are not in a position to make the same choice. They are working because of economic necessity.

LIPSERVICE

Members of both political parties talk a good game and give lipservice to family values but turn their backs when a concrete proposal to give much needed support to working families comes forward.

COMPELLING CASE

An objective look at the facts presents a compelling case for a family leave. Two-thirds of women today have jobs outside the home because of economic necessity. Job security for both wage-earners is more crucial than ever!

But this is only part of the new equation. Those over age 75 are the fastest growing segment of society. Americans are healthier and living longer. But the reality is that an overwhelming majority of these elderly will need the care of a family member when serious illness strikes. If they cannot be cared for at home they will require expensive nursing home treatment which relatively few can afford.

These are not abstract problems. Families are stressed and strained by the competing demand of jobs and caring for family members. Families are thrown into crisis when serious illness strikes. I know. I've been there. When my son was stricken with lieukemia and needed home care, I was free to remain at home and give him the living care he needed. But what of the millons of mothers who work for the thousands of companies that do not have family leave policies?

Are we in Congress going to tell a pregnant women or the mother of a child dying of cancer to go find another job? Why should we take a hard-working, productive, taxpaying worker who happens to have a medical crisis and thrown them off the payroll? You cannot deny that for many of them. It may be just a short drop onto public assistance.

LET'S SEPARATE FACT FROM FICTION

Is this a radical departure from the traditions of American labor law? Not at all. It is completely consistent with established labor standards which gave us such protections as child labor laws, antisweatship codes, and the 40-hour work week. As society has changed, we have always adjusted our labor protection standards to meet the new circumstances. The talk about

being against mandates and for choice is simply a fiction!

BUSINESS LOBBY

The organized business lobby in Washington is out of step with the real world and that includes conscientious, no-nonsense, bottom-line business people at the grassroots. The lobbyists have over reacted in a way that no one can explain to me.

I was the architect of the committee compromise bill which dealt with every legitimate small business concern. The compromise contains the flexibility needed to continue productive, uninterrupted operations: First, key employee exemption; second, medical certification; third, specialized Divisions; and fourth, permanent employees.

Some have argued that granting this job security guarantee will force employers to cancel or curtail other benefits. not one State, not one business, has come forward to say that adopting a similar or more far-reaching leave policy has caused disruptions or declines in productivity.

WHO'S CHOICE?

This debate is not about giving choice to an employer at the expense of an employee. It is about giving working families the right to protect their job when a medical crisis strikes the family!

Finally, Madam Chairman, the business community has legitimate concerns about the potential long list of imposing new mandates that strain their competitiveness. But this is not one of them.

Family leave is an idea whose time has come.

Madam Chairman, now to the specific requirements of the legislation.

As the architect of the compromise embodied in H.R. 770, the bill is a modest minimum Federal labor standard that simply responds to demographic changes in the American work force. At the same time, the Family and Medical Leave Act takes fully into account the legitimate concerns of business for flexibility.

The Family and Medical Leave Act provides unpaid leave with continued health insurance and job security during a family medical crisis. It strikes a careful balance between the need for working families for unpaid leave and job security with the legitimate concerns of business. Let me outline those provisions which are of particular benefit to employers:

The bill only covers businesses with 50 or more employees. Small businesses won't be covered—only 5 percent of all firms in the United States have over 50 employees. Only 39 percent of the American labor force will have family and medical leave. While opponents have painted a false picture of this bill as injurious to small business, the fact is that a minority of firms will be covered, and a minority of working Americans will in fact have Family and Medical Leave.

To accommodate the legitimate needs of business for flexibility. I fought very long and hard for a key employee exemption for all employers covered by this bill. An employer may deny reinstatement to the highest paid 5 employees or top 10 percent, whichever is greater, to avoid serious economic harm from an employee's being out on leave. Let me illustrate how this provision works:

A highly compensated engineer at an architectual firm needs medical leave as a result of having a heart attack. However, at the time the engineer is taken ill, she is working on an important project that means a tremendous fee to the firm and any cessation of work on this project may result in the business losing its contract. The employer in this instance may allow the employee to go out on leave, but will not keep the job open for her return at the end of the leave period. Instead, the employer will hire another engineer to continue the work.

Employees, in order to be eligible to take family and medical leave, must have at least 1 year of service to the employer with 1,000 hours of work. That translates into working at least 20 hours per week for 1 year. An employee must demonstrate a commitment to the employer in the form of longevity, before being eligible for leave. This is the same standard as required for vesting in ERISA. Seasonal employees are thus not covered by the Family and Medical Leave Act.

An employee must give reasonable notice of the intent to take family or medical leave so as not to unduly disrupt the operations of the employer. Moreover, either the employer or the employee may elect to substitute accrued paid leave for part of the unpaid allowance. Paid leave counts toward total leave available under the Family and Medical Leave Act.

An employee must obtain medical certification of serious illness and present such certification to the employer when requesting family or medical leave. This certification must include the nature of the illness and the need for hospital and home care and the expected duration of such medical care. If an employer has reason to doubt the veracity of the first certification, she can require a second opinion. Any conflict between first and second certifications may be resolved by a third, binding opinion.

The growing number of women in the work force—the makeup fully 50 percent of all workers—has dramatically changed the structure of the family. Childbirth or serious illness in a family can mean the loss of a job which can plunge an entire family into financial uncertainty. This is not merely an abstract theory—it happens day after day all over the country. The sad truth is that business has not responded voluntarily by creating family and medical leave policies. It is for this reason that we are here today—to create a minimum Federal labor standard, just like the minimum wage, laws on worker health and safety, and child labor laws—that give job security and unpaid leave for a modest period of time to workers who experience a family medical crisis.

And by family medical crisis I don't mean a child with the sniffles or the flu—but an illness serious enough to require hospitalization or extended home convalescence. I mean a child or employee who has cancer and needs time for chemotherapy treatments. Serious illness means an elderly parent who is terminally ill—is sent home from the hospital and needs home hospice care. Serious illness means the employee who is in a car accident and requires hospitalization beyond the standard 2 weeks of paid sich leave typically given to employees. Serious illness means a newborn child with heart deficiencies that threaten the child's life.

What we are talking about here are severe medical emergencies involving an employee or their parent or child. What we are saying is that under limited circumstances, working Americans shall not lose their jobs and their health insurance. In the name of human decency we have got to muster the courage and the political will necessary to provide this minimum protection for working families.

Opponents of family and medical leave are fond of saying that moderate and lower income workers can't afford to take unpaid leave. This is a red herring issue. In fact, it is lower and moderate income workers who have no family and medical leave policy. It is these workers who, in the event of a family medical crisis, are put in the position of having to choose between their jobs and taking care of a sick child or parent. What these employees cannot afford is to lose their jobs.

Opponents of this bill also state that the Family and Medical Leave Act will result in a decrease of other employee benefits. First of all, what other benefit can be purchased for $5.30 per covered worker per year? In every State with generous family and medical leave laws, States such as Oregon, Connecticut, New Jersey, Wisconsin, and Rhode Island, not one Governor, not one business has come before the House Education and Labor Committee and said "Family and medical leave standards are bankrupting my business, destroying jobs and eroding productivity, causing me to cancel other benefits!" Not one business in a State with family and medical leave laws has come to us and complained. Not one business who voluntarily adopted plans have regrets. Family leave is good business! The arguments against this bill simply are not supported by the facts.

Critics also talk against mandates. Let me remind them that the minimum wage is a mandate. Overtime restrictions are mandated. Child labor laws are mandates. OSHA regulations are mandates. Social Security is a mandate. Indeed, virtually every bill signed into law is a mandate of one form or another. And, some of the same people who will stand before us today and argue against the Family and Medical Leave Act are key supporters of the Americans and Disabilities Act—a bill with universal employer coverage that will impose compliance costs on business that no one even has had the courage to estimate. It's time to get behind something to help working American families in a meaningful, realistic fashion. We can ask them to foot the bill for the S&L bailout; the least we can do is help them keep their jobs, so they can pay the mortgage and the medical bills.

This bill is opposed by the beltway crowd; a cadre of paid special interest lobbyists for the business community who are out of touch with what is going on in the real world. In contrast, the bill is supported by a tremendous coalition of church organizations, medical groups,

women's groups, and educational organizations—the types of people who are closely in touch with the effects of dire illness on family life, and who see firsthand what the loss of a job during a medical crisis means to a struggling family.

The time has come to pass a strong, bipartisan Family and Medical Leave Act. The support for this bill is considerable, and it is bipartisan. Fundamental job security during a family medical crisis. It is the least we can do for families who are working so hard to make ends meet. I urge my colleagues to oppose weakening amendments and vote in favor of the Family and Medical Leave Act.

Mr. GRANDY. Madam Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Madam Chairman, several years ago, as a member of the House Education and Labor Committee, I saw the genesis of mandated leave for the birth or adoption of a child, or for the care of an ill relative. The debate dates back several years and involves several permutations of the proposal before us today. After studying the issue and assessing the need, I first came to the conclusion that mandating family and medical leave would force an employer to reduce other benefits, benefits that may be more valuable to a majority of employees of a firm.

Over the ensuing years as family and medical leave has been debated and amended. I became convinced to support job protections for women in the work force, and I introduced legislation, H.R. 3445, to that effect. Since the introduction of that bill almost 1 year ago, I have had many Members of Congress indicate their support for a limited leave benefit for the birth or adoption of a child. Many sectors of the business community have also indicated support. The administration, while generally unreceptive to any compromise, expressed interest. The Rules Committee has made an amended version of my legislation in order as a substitute to H.R. 770.

Unfortunately for the House and for those Americans who struggle with a choice between a child and a career, the debate over this legislation has become a political screaming match. Both opponents and proponents appear primarily interested in scoring political points for November. During the 1988 campaign, the President said "We also need to assure that women don't have to worry about getting their jobs back after having a child or caring for a child during serious illness." Now, the President tells us he strongly opposes a Federal mandate to provide even maternity leave. Evidently, the President's policy on parental leave is: "Just say nothing." The administration has no policy other than to oppose all amendments, all substitute motions, and H.R. 770.

On the other hand, the proponents of the Family and Medical Leave Act will try to persuade us their approach can become law. But most of us know better. If it passes, no assurance has been given for Senate consideration and the President's veto threat will be carried out thereby stopping this legislation. In any case, barely a majority, if that, will vote for this bill—far short of the two-thirds required to override a veto.

I sincerely appreciate the fact that the House leadership and the Rules Committee have granted a rule making my amendment in order. But I will not offer my amendment. The debate we will have today and tomorrow is about key votes by special interest groups and gamesmanship by the political parties; it is not a serious attempt to address the issue; and I will not be party to it. This issue is going nowhere this year. Despite the claims of the supporters of H.R. 770, no mandated leave policy will be signed into law by President Bush. But someday we may approach this question with a bit more sincerity on both sides. If so, I'll be ready with my substitutes.

Madame Chairman, I ask that a copy of my amendment and supporting materials follow these remarks.

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family Leave Act of 1990".

(b) TABLE OF CONTENTS.—

Sec. 1. Short Title; Table of Contents.

TITLE I—GENERAL REQUIREMENTS FOR MATERNITY LEAVE

Sec. 101. Definitions.
Sec. 102. Family leave requirement.
Sec. 103. Employment and benefits protection.
Sec. 104. Employee's failure to return to work.
Sec. 105. Effect on existing maternity benefits.
Sec. 106. Effect on other laws.
Sec. 107. Special rules concerning employees of local educational agencies.

TITLE II—ENFORCEMENT

Sec. 201. Enforcement provisions.
Sec. 202. Effective date; regulations.

TITLE III—COVERAGE OF CONGRESSIONAL EMPLOYEES

Sec. 301. Family leave for certain congressional employees.

TITLE I—GENERAL REQUIREMENTS FOR MATERNITY LEAVE

SEC. 101. DEFINITIONS.

For purposes of this title, the following terms have the following meanings:

(1) The term "eligible employee" means any employee (as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)) who has been employed by the employer from which leave is sought for at least—

(A) 1,250 hours of service during the previous 12-month period, and

(B) 12 consecutive months.

(2)(A) The term "employer" means any person who employs 50 or more eligible employees and is engaged in commerce or any industry affecting commerce.

(B) For purposes of subparagraph (A), the term "person" includes, among other things—

(i) any person who acts, directly or indirectly, in the interest of an employer to any of the employer's employees,

(ii) any successor in interest of an employer; and

(iii) any public agency, as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).

(C) For purposes of subparagraph (A), a public agency shall be deemed to be a person engaged in commerce or in an activity affecting commerce.

(3) The term "employment benefits" means all benefits provided or made available to employees by an employer, and includes group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a policy or practice of an employer or through an employee benefit plan as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)).

(4) The term "Secretary" means the Secretary of Labor.

SEC. 102. MATERNITY LEAVE REQUIREMENT.

(a) IN GENERAL.—(1)(A) An eligible employee shall be entitled, subject to section 103, to 10 workweeks of unpaid leave during any 24-month period because of the placement of a son or daughter with the employee for adoption.

(B) An eligible employee shall be entitled to such workweeks of leave during such period because of the birth of a son or daughter of the employee.

(2) An eligible employee must exhaust all accrued sick leave, vacation leave, or other paid leave before using the leave provided under paragraph (1).

(3) The 10-week period of unpaid leave provided in this section shall be reduced by the amount of paid leave substituted pursuant to paragraph (2).

(b) LEAVE SCHEDULE.—The unpaid leave provided under this section must be taken in consecutive workweeks.

(c) NOTIFICATION OF INTENT TO USE LEAVE.—At least 30 days before the day on which the leave provided under this section is to commence, an eligible employee shall notify the employer in writing of—

(1) the intent to take the leave,

(2) the date upon which leave is to commence, and

(3) the reason for taking leave.

(d) NOTIFICATION OF INTENT TO RETURN.—An employee must provide notice in writing of intent to return from the leave provided in this section at least 21 days before the intended date of return.

(e) FAILURE TO NOTIFY OR INADEQUATE NOTIFICATION.—(1) An employer may deny restoration under section 103 if an employee fails to provide the notice under subsections (c) and (d) or submits a false statement in such notice.

(2) Good faith errors in the notices described in this section shall not constitute false statements.

SEC. 103. EMPLOYMENT AND BENEFITS PROTECTION.

(a) RESTORATION TO POSITION.—(1) Any eligible employee who takes leave under section 102 for its intended purpose shall be entitled, upon return from such leave—

(A) to be restored by the employer to the position of employment held by the employee when the leave commenced, or

(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(2) The taking of leave under this title shall not result in the loss of any employment benefit earned before the date on which the leave commenced.

(3) Except as provided in subsection (c), nothing in this section shall be construed to entitle any restored employee to—

(A) the accrual of any seniority or employment benefits during any period of leave, or

(B) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(4) As a condition to restoration under paragraph (1), the employer may have a policy that requires each employee to receive certification from the employee's health care provided that the employee is able to resume work.

(b) EXEMPTION CONCERNING CERTAIN HIGHLY COMPENSATED EMPLOYEES.—(1) An employer may deny restoration under this subsection to any eligible employee described in paragraph (2), if—

(A) such denial is necessary to prevent substantial and grievous economic injury to the employer's operations,

(B) the employer notifies the employee of its intent to deny restoration on such basis at the time the employer determines that such injury would occur, and

(C) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

(2) An eligible employee described in this paragraph is a salaried eligible employee who is among the—

(A) highest paid 10 percent of employees, or

(B) 5 highest paid employees,

whichever is greater, of the employees employed by the employer at the facility at which the employee is employed.

(c) MAINTENANCE OF HEALTH BENEFITS.—Subject to section 104, during any period an eligible employee takes leave, the employer shall continue coverage for such employee under any group health plan (as defined in section 162(i)(2) of the Internal Revenue Code of 1986 (29 U.S.C. 162(i)(2)) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously from the date the employee commenced the leave until the date the employee is restored under subsection (a).

SEC. 104. EMPLOYEE'S FAILURE TO RETURN TO WORK.

In the case of an employee who fails to return to an employment position described in section 103(a) after taking leave under section 102, the continuation of the employee's health care coverage as provided in—

(1) section 4980B(f) of the Internal Revenue Code of 1986 (26 U.S.C. 4980B(f)); or

(2) title XXII of the Public Health Service Act (42 U.S.C. 300bb-1 et seq.),

shall be reduced by the length of such leave.

SEC. 105. EFFECT ON EXISTING MATERNITY BENEFITS.

(a) MORE PROTECTIVE.—Nothing in this Act shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or any employment benefit program or plan which provides greater maternity leave rights to employees than the rights provided under this Act.

(b) LESS PROTECTIVE.—The rights provided to employees under this Act may not be diminished by any such agreement, program, or plan.

SEC. 106. EFFECT ON OTHER LAWS.

(a) IN GENERAL.—This Act shall not preempt any provision of any State or local law that requires employers to offer more extensive maternity leave than provided for in the Act.

(b) NO VIOLATION OF CERTAIN EXISTING DISCRIMINATION LAWS.—An employer who complies with any provision of this Act shall not be considered to be in violation of title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act of 1978.

SEC. 107. SPECIAL RULES CONCERNING EMPLOYEES OF LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Except as otherwise provided in this section, the rights, remedies, and procedures under this Act shall apply to any local educational agency (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))) and its employees, including the rights under section 103, which shall extend throughout the period of any employee's leave under this section.

(b) LEAVE DOES NOT VIOLATE CERTAIN OTHER FEDERAL LAWS.—A local educational agency shall not be in violation of the Education of the Handicapped Act (20 U.S.C. 1400 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), solely as a result of an eligible employee of such agency exercising such employee's rights under this Act.

(c) RULES APPLICABLE TO PERIODS NEAR THE CONCLUSION OF AN ACADEMIC TERM.—The following rules shall apply with respect to periods of leave near the conclusion of an academic term in the case of any employee employed principally in an instructional capacity by any such educational agency:

(1) If the employee begins leave under section 102 more than 5 weeks before the end of the academic term, the agency my require the employee to continue taking leave until the end of such term, if—

(A) the leave is of a least 3 weeks duration; and

(B) the return to employment would occur during the 3-week period before the end of such term.

(2) If the employee begins leave under section 102 during the period that commences 5 weeks before the end of the academic term, the agency may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of greater than 2 weeks duration; and

(B) the return to employment would occur during the 2-week period before the end of such term.

(3) If the employee begins leave under section 102 during the period that commences 3 weeks before the end of the academic term and the duration of the leave is greater than 5 working days, the agency may require the employee to continue to take leave until the end of such term.

(d) RESTORATION TO EQUIVALENT EMPLOYMENT POSITION.—For purposes of determinations under section 103 (relating to an employee's restoration to an equivalent position) in the case of a local educational agency, such determination shall be made on the basis of established school board policies, practices, and collective bargaining agreements.

TITLE II—ENFORCEMENT

SEC. 201. ENFORCEMENT PROVISIONS.

(a) CIVIL PENALTIES.—(1) Subject to paragraph (2), any employer who violates any provision of this Act may be assessed a civil penalty of not more than $10,000.

(2) In determining the amount of any penalty under paragraph (1), the Secretary of Labor (hereinafter in this title referred to as the "Secretary") shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) Any civil penalty assessed under this subsection shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) INJUNCTIVE ACTIONS BY THE SECRETARY.—The Secretary may bring an action under this section to restrain violations of this Act. The Solicitor of Labor may appear for and represent the Secretary in any litigation brought under this Act. In any action brought under this section, the district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with the Act, including such legal or equitable relief incident thereto as may be appropriate, including, but not limited to, employment, reinstatement, promotion, and the payment of lost wages and benefits.

(c) PRIVATE CIVIL ACTIONS.—(1) An employer who violates this Act shall be liable to the eligible employee affected by such violation. Such employer shall be liable for such legal or equitable relief as may be appropriate, including, but not limited to, employment, reinstatement, promotion, and the payment of lost wages and benefits.

(2) An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by an employee or prospective employee for or on behalf of such employee, prospective employee, and other employees or prospective employees similarly situated. No such action may be commenced more than 3 years after the date of the alleged violation.

(3) The court, in its discretion, may allow the prevailing party (other than the United States) reasonable costs, including attorney's fees.

(d) WAIVER OF RIGHTS PROHIBITED.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement agreed to and signed by the parties to the pending action or complaint under this Act.

SEC. 202. EFFECTIVE DATE; REGULATIONS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act shall become effective 6 months after the date of its enactment.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue such rules and regulations as may be necessary to carry out this Act.

TITLE III—COVERAGE OF CONGRESSIONAL EMPLOYEES

SEC. 301. FAMILY LEAVE FOR CERTAIN CONGRESSIONAL EMPLOYEES.

(a) IN GENERAL.—The rights and protections under titles I and II shall apply to any

employee in an employment position and any employing authority of the House of Representatives.

(b) ADMINISTRATION.—In the administration of this section, the remedies and procedures under the Fair Employment Practices Resolution shall be applied.

(c) DEFINITION.—As used in this section, the term "Fair Employment Practices Resolution" means House Resolution 558, One Hundredth Congress, agreed to October 3, 1988, as continued in effect by House Resolution 15, One Hundred and First Congress, agreed to January 3, 1989.

COMPARISON OF PENNY SUBSTITUTE AND H.R. 770

Provision	Gordon-Weldon	Penny amendment
Employees covered	All eligible	All eligible.
Length of leave	12 weeks per year for sick and family leave including leave for birth, adoption, care of a sick child, parents, or spouse.	10 weeks every two years for birth or adoption of a child only.
Notification to employer	No notice required	Written notice to start leave and resume work required.
Businesses covered	Businesses with 50 or more employees at facility or within 75 miles of the facility.	Businesses with 50 or more eligible employees.
Existing leave	Accrued paid and other leave not effected.	Eligible employee must use up existing leave before eligible for maternity leave.
Job protection	Requires employees to be restored to previous job or equivalent.	Same
Continuation of health benefits.	Requires continued health insurance benefits for workers on leave.	Same.
Incentives for employees to return to work.	None	If employee does not return as agreed, then COBRA health benefits are reduced by the period of the leave.
Federal and House employees.	18 weeks in 2 years for family leave and 26 weeks in 1 year for medical leave.	Federal employees and House employees entitled to same leave as private employees (10 weeks over 2 years).
	House employees permitted same leave period as for private employees (12 weeks).	
Enforcement	EEOC style enforcement, with multiple appeals through Department of Labor and right to appeal adverse rulings in Federal courts.	Enforcement mechanism same as polygraph law: up to $10,000 civil penalty.

FOOD MARKETING INSTITUTE,
Washington, DC, May 8, 1990.

Hon. TIMOTHY PENNY,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE PENNY: I am writing to urge you to oppose the "Family and Medical Leave Act," H.R. 770 and to support H.R. 3445, the "Maternity Leave Act of 1989" sponsored by Rep. Tim Penny, which will be offered as a substitute to H.R. 770 when it is considered by the full House.

The Food Marketing Institute (FMI) is a nonprofit association conducting programs in research, education and public affairs on behalf of its 1,600 members—food retailers and wholesalers and their customers in the United States and around the world. FMI's domestic member companies operate approximately 19,000 retail food stores with a combined annual sales volume of $180 billion—more than half of all grocery sales in the United States. FMI's retail membership is composed of large multi-store chains, small regional firms and independent supermarkets.

The "Maternity Leave Act of 1990" provides for ten weeks unpaid maternity leave for the birth or adoption of a child. The employee would be required to use all paid leave before turning to unpaid leave for the remainder of the ten week period. Unlike H.R. 770 the Penny bill would provide the employer some assurance that the employee would return to the job because the employee would be required to sign an intent to return, twenty-one days before the intended date of return. There is also an exemption for small businesses employing fewer than fifty employees.

This bill is narrowly drawn and addresses the real issue at hand. A woman should not lose her job for taking maternity leave. H.R. 3445 assures this without the negative consequences and excess provisions of H.R. 770.

We urge you to oppose H.R. 770 and support the Penny alternative when this issue is considered on the House floor.

Sincerely,

HARRY SULLIVAN,
Senior Vice President
and General Counsel.

□ 2030

Mrs. ROUKEMA. Madam Chairman, I yield 6 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. First of all, I want to congratulate the gentlewoman from New Jersey for doing yeoman's work on behalf of this very significant legislation.

Madam Chairman, I rise and heave a sigh of relief at finally having the opportunity to speak in favor of the passage of the Family and Medical Leave Act. In fact, this bill has been on the shelf longer than most canned goods could last. The gentlewoman from Colorado [Mrs. SCHROEDER] and I have been working on scheduling this legislation since the summer of 1988, so we are very grateful for having the opportunity to consider it.

I am also looking forward to hearing some of the comments from my colleagues who opposed the recent Child Care bill because it discriminated against those parents, principally mothers, who chose to spend time with their children, for here we have legislation which is designed to bolster the American family by better enabling parents to be with their children, spouses, or their own parents in times of need, and now the opponents are saying this choice should not be mandated. Well, what kind of choice is it for a woman who will end up losing her job?

This bill will recognize in a substantive form the changing composition of the American work force and the corresponding new pressures on American families.

With 50 percent of mothers of children under age 1 working outside the home and with one-quarter to one-third of workers responsible for the care of an elder, the working world of today was not designed with family in mind.

In the past, women cared for children and elders at home. Even today it is expected that the average woman will spend 18 years caring for a dependent child, and 17 years caring for a dependent elder. Yet when can women provide such care if they enter the work force in ever-increasing numbers?

The fact is that times have changed, and Federal Government policies have to change as well.

Many States, not surprisingly, already have done so. In my own State of Maine, for example, there is a leave policy substantially similar to the proposal we will be considering tomorrow. It even applies to businesses with 25 or more employees, not 50, as the substitute will recommend.

Yet the State of Maine is predominantly a small business state. What has been the experience in Maine? It has been a very positive experience. I have not received one complaint concerning that State's policy, even though I actively solicited comments in that regard. When the State legislature met recently and was considering elimination of the sunset provision in that legislation, the State official who oversees the law said that their original concerns had not materialized.

Recently Maine State employees demonstrated the need and desire for increased flexibility in the workplace. Over 1,800 employees expressed interest in a program in which they can take one day off without pay every 2 weeks, without losing their benefits or their jobs. Clearly, that demonstrates the need and interest for workplace change exists.

Other countries, as has been mentioned here this evening, have realized this as well. Until recently the United States was alone among industrialized nations, with that well-known center of enlightened government, South Africa, in lacking a family leave policy. Now even South Africa has adopted a more progressive policy than we have, leaving us in shameful isolation.

What is stopping us from adopting a family leave policy? Well, that is the concern that this bill will lead to discrimination against women. Well, companies that discriminate do so at their own peril, because two-thirds of the new entrants into the work force over the next decade will be women, so the company that discriminates against them discriminates against its own future.

We hear that family leave represents an inordinate cost to business. Yet these costs are already being borne by society. One study found that the lack of leave costs workers involved in birth or adoption some $607 million, on top of the costs of pregnancy or adoption itself.

Workers who cannot return to their jobs wind up receiving unemployment and other forms of public assistance, all at a cost to the taxpayer. In effect,

tax dollars now subidize the business decision not to provide job protection.

Now, we have also heard that this legislation will only benefit middle income workers, that it will not benefit low income workers. Well, we know that low income workers need family and medical leave. The fact is, and I quote from a letter that the gentlewoman from Colorado [Mrs. SCHROEDER] and I are distributing to our colleagues tomorrow, that the least privileged, most vulnerable workers, are most likely to be without employer-provided job-protected leave. A 1986 study found that the average earnings of female employees without leave was only $10,765, compared to the $16,000 for female employees with leave.

Fact: Employees without adequate leave suffered increased unemployment.

Fact: While all employees who must be absent from work because of pressing family and medical leaves lose income, the loss is particulary severe for those without job protected leave. In fact, the annual earnings of women who do not have job protected leave fall an average of 29 percent after giving birth, compared to 18 percent for women who do have job-protected leave.

In conclusion, I understand the concerns raised by business and employers concerning this legislation. That is why I am very pleased with this compromise that will be offered tomorrow in the form of the Gordon-Weldon substitute. In fact, it has been one of several compromises that has been offered and developed over the last few years in response to the number of concerns that have been raised.

The plain fact is that short run adherence to the status quo will mean long-term losses in productivity for our society. It represents a cost to the worker.

It represents a cost to the employer. It represents a cost to society. It represents a cost to our government. With this legislation we have a chance for a change, to grapple with a very serious situation that ultimately will become a societal crisis.

Mr. GRANDY. Madam Chairman, I yield 4 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Madam Chairman, I would like to thank the gentleman for yielding this time to me.

I rise in opposition to the Family and Medical Leave Act.

There is a critical distinction between supporting family and medical leave as a good employee benefit and viewing these benefits as Government-directed and controlled by mandate. Congress should not mandate the particular employee benefits that a business can or cannot provide. Any mandate undermines the voluntary, flexible, and creative benefit system currently in place in this country today. The comprehensive benefit policies of today have helped many employers and workers. The legislation before us today threatens employee benefits and acutally may hinder an employer's ability to meet the needs of our changing work force.

□ 2040

I was a small businessman before, in my pre-Capitol days, and I would like to point out some of the cost problems in this legislation.

Supporters of this legislation keep citing again and again a GAO study that estimates an average cost to the employer under this bill to be $5.30 per employee annually. According to the GAO, there is little cost to the employer due to replacement of workers, hiring, training costs, lost productivity, or overtime.

I would like to point out a few problems with this fairy-tale estimate. First, I would like to say that the large majority of businesses in this country today already have some form of family leave, and I would like to know where those millions of women who are dissatisfied are. I have received no mail at all concerning this.

One more thing that I would like to say is nations; we keep citing Chile and South Africa and everybody else; nations do not provide benefits. Businesses do.

Let me get to one of the many distortions in this bill. The GAO report of $5.30 per employee per year, first of all, I need to say that if the job does not need a replacement, then one does not need the job. In other words, business people do not have people on their payroll who do not need to be replaced in case they disappear.

GAO says there is almost no difficulty at all in their discussion with business of replacing these people. There will be no cost.

Bryant Gumbel on TV this morning quoted this GAO report saying $5.30.

As a businessman, I took my own company and sat down to figure this out. My average wage is $8 an hour. To replace this worker takes time and a half. It has got to be overtime by that individual. Time and a half would produce $12 an hour. That is $4 over the standard cost. So I had used the $4. My fringe benefits run another 25 percent, and that is another $3, or $7 an hour for 12 weeks times 40 hours, instead of $5.30. This thing figures out to $3,360 per employee. The $5.30 is idiotic.

The premiums in my company alone, the insurance premiums paid by the company per individual, are $83 a month times the 3 months if they stay out the whole time, which is $249. At the present time, my company has fringes that include health benefits, life insurance, retirement, and the bill says these will be frozen. One cannot freeze benefits. They will continue.

At the present time, I offer maternity leave up to 6 months, paid time up to 60 days, flexible work schedules for sick children.

To pay for this, the mandated costs, what do we cut? Weight-loss classes, blood screening, cancer screening, physicals after 4 years. Workers who do not want and cannot use this benefit, like unmarrieds and elderly workers, should have a choice. They should be allowed to pick the benefits they want to spend their money on. It is their decision to make, not the politicians' in Washington.

Mr. CLAY. Madam Chairman, I yield 3 minutes and 20 seconds to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Madam Chairman, I rise today to join my colleagues in support of the Family and Medical Leave Act—legislation that has been a long time in coming for America's families.

We live in a nation where we value the family above all else. Or at least we say we do. We wax poetic about how important strong families are—important for building healthy lives for our children, for building productive futures, for building a better America.

Today many claim the American family is falling apart. They blame our social and economic ills on the demise of the family. Well, families are facing new challenges and I believe there is a connection between strong families and our social and economic success.

Families are our most important resource. They are this country's infrastructure. Yet if families are so important why do we not, as a nation, provide better support systems? The United States is conspicuous among advanced industrialized countries, in our failure to develop policies responsive to the family. We are the only country on Earth where you can be fired for having a baby.

We need to help parents and their children get off to a good start. They need to spend more time with their newborns or newly adopted children than a few token hours bonding in the delivery room. Parents need to be able to care for their families in times of medical crisis. We need to allow parents to be both a good parent and a good employee. Let us face it, parents are better employees if their family obligations are taken care of. We need to help parents live up to their family responsibilities. If we do so, our entire society will be better off.

THE SHIRLEY RECTOR STORY

The need for family leave never hit home more strongly than when one of the members of the Washington State Legislature, Shirley Rector, took the floor and related her personal story. At 26, Shirley was the family breadwinner, putting her husband through

school, when she found out she would never be able to have children. She and her husband desperately wanted a family so they decided to adopt. They applied for adoption and were encouraged by the agency to begin to plan for their first child.

They bought baby clothes, picked out names, set up a nursery, and made all the plans excited new parents make. Rightfully, the agency required parents to take a 3- to 4-month leave of absence from work to spend time bonding with their new child. But when Shirley asked her employer for time off because she and her husband wanted to adopt a child, she was flatly told no.

The Rectors had to make the choice between having a family and working to provide for themselves. What kind of a choice is that? The Rectors were heartbroken. They were forced to give up the child they had always wanted. They never did adopt. They were denied a family, even a future, because no one would give them a few weeks out of their lives to care for a new child. This is unforgiveable.

Shirley says today that family and medical leave is not a male/female issue. It is not a business/union issue. It is an issue of simple human concern. Families are the real issue here. In our zest to remain strong in an ever increasingly competitive world, we must not lose sight of the fact that our families are our most important resource.

Let us live up to the courage of our convictions and pass this bill. This bill is sensitive to the concerns of small business, while making a renewed commitment to families. Strong families and a sound business community are the foundation for a strong, productive, and competitive country.

Mr. GRANDY. Madam Chairman, I yield 6 minutes to the gentleman from Illinois [Mr. FAWELL], a member of the Committee on Education and Labor.

Mr. FAWELL. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I rise in opposition to H.R. 770.

I must confess that I am a bit confused as I listen to the very fine arguments on both sides of this issue, but it seems to me that the issue here is not the family or choice in regard to a family as has been suggested. The issue, it does not seem to me, is parental leave or even bonding between parents and children. By the way, as one person testified in our committee, bonding between parent and child is a lifelong responsibility.

It seems to me that the real issue, at least as I see it here, the overwhelming issue is whether Congress should mandate, and I will use that word, not a parental leave program, but an inflexible, one-way, for all national Federal employee leave program for all of America's employers, for-profit businesses, not-for-profit companies, charities, all State and local governments, hospitals, schools, colleges, universities, and the list goes on and on. We will start with those that have more than 50 part-time and full-time workers, but we all know that we are going to try to include them all eventually.

The mandate assumes that the job responsibilities and the employee leave programs of a fire department in Albuquerque or a hospital trauma team in San Francisco are the same as a manufacturer of widgets in Boston or a college in Florida, as if the unique and dangerous challenges of a drug or homicide team in Chicago or New York and their leave policies pose the same personnel problems and needs as a department store in Philadelphia or a major-league baseball team operating out of Houston.

It seems to me that it is audacious for Congress to assume that it has the wisdom or the right to directly mandate in detail, and read the details of that bill, a Federal leave program for all of the diverse employment structures of America.

These employers are obliged to meet the thousands of distinct and differing needs of millions of private and public job functions in America where the leave policies have to dovetail with the various job responsibilities.

Now, this is especially true with local governments all over America. Local governments have vital public health, safety, educational, and social responsibilities to fulfill, and these local officials know a lot more than Congress about crafting of their employee leave policies to fit the unique and the distinct public missions which may be entrusted to them as mandated by local and State laws.

What makes Congress believe it can tell a public hospital in Chicago or for that matter any hospital anywhere in the country when and under what circumstances badly needed physical therapists or ambulance drivers or paramedics or emergency room personnel may take 12 weeks of leave, in one chunk, or intermittently, if you please, and fully expect to have the same demanding jobs for which, by the way, replacements are extremely difficult to find, waiting for them when and if they choose to return.

I recently spoke to a fire chief of a mid-sized city in Lisle, IL, who pointed out that without flexible local control over employee leave, the fire department, unable to control its own employee leave program, could fail to meet the manpower requirements dictated by State laws and be forced to close for a day or two until the employee came back or they found a replacement.

Health and safety mandates though make replacement workers next to impossible to find. The probationary period for a fireman is 10 months. Paramedics have to have at least 480 hours of training to even draw blood from a needle.

Madam Chairman, we are working with the public health and safety all over this Nation. How does a fire department or a nuclear powerplant respond if its emergency personnel have taken leave under a rigid one-way-for-all Federal mandate coming from where we know it all, Washington, DC.

Now, obviously the proponents realize the unworkability of this proposal, but, alas, only to a tiny degree, because they set forth special rules of the unique needs of leave programs affecting elementary and secondary schools.

But what about the million and one unique needs of the rest of our local government employers who are attempting to fulfill their equally unique public duties, not to mention the varied and diverse private employers of America?

Madam Chairman, the United States is a little United Nations. The millions of private and public employers of this nation are diverse, they are all unique, and they are all free, at least much more so than most of the nations in this world. They are not perfect, but they know their distinct public and private callings, far better than Congress.

They are not insensitive to their employees or the many employee benefit programs employees desire, of which, as the previous speaker brought out, employee leave is only one.

Madam Chairman, there is a reason why few states have laws as restrictive and as confining as this bill, and that is because they know better than we in Washington the varied and distinct needs of the diverse employment structures within their state, urban, rural, or otherwise. We should understand that.

Madam Chairman, the question of employee leave all across this vast Nation of ours cannot be met by a one-way-for-all edict out of Washington. The cure of this bill is, I agree, far worse than any of the wrongs it is intended to cure.

□ 2050

Mrs. ROUKEMA. Madam Chairman, I yield 3 minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Madam Chairman, today I rise in support of the Family and Medical Leave Act, and in particular the Weldon-Gordon substitute we will be discussing tomorrow.

Years ago Congress could perhaps give businesses the latitute of making the decision to grant parental and medical leave, but those days are gone. According to a recent Census Bureau report, only 28 percent of new mothers quit working from 1981 to 1985. Compare that figure to the figure of 60

percent of new mothers who were able to quit work from 1961 to 1965.

I daresay looking at the last 4½ years, the need for working mothers to stay employed has increased. We can no longer leave this discretion to the business person.

Now, God bless the good and sensible businessman or woman that my colleague from Iowa described who understands it is good and smart business to take care of his or her employees. He or she should no longer fear the mandates of this legislation, but rather welcome the equity that it would bring in the marketplace.

But what about those less cautious, less concerned businessmen and women who will not rely and give the benefit of the doubt to their employee who needs that special time? That employee will fall through the cracks and ultimately become a greater societal burden and contribute to a multitude of problems.

If we are going to encourage growth in our economy and encourage productivity in our work force, we must send a message of encouragement to all families. It is a tragedy when a young couple must postpone their dream of having a child for fear of losing a job or losing a real needed income. Let us send a message to the working people of this country that we will not force them into that harsh decision, and if a worker suddenly becomes ill or family member needs love and attention, they will not be hurt by the system.

This does not send a signal of government interference, but rather it sends a message that Congress has a lot of compassion and a little common sense.

I only need 1 more second to answer the important recollection that the gentleman from Iowa made in correctly pointing out that this week we in Congress celebrated Small Business Week. I would also like to remind the gentleman that this Sunday we celebrate through our Nation Mother's Day.

Mr. GRANDY. Madam Chairman, I yield 4 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Madam Chairman, I am disturbed the way this discussion is going. If you are for a particular feature which is not incorporated in this bill, you are against family planning and family leave. I think that is a mistake.

I don't know who I am talking to. There are not too many people here tonight, and most people I suppose have sort of made up their mind on this darn thing. But I really feel we all recognize the elements here. There is a change in the work force. Mothers and fathers should not be separated and you should not make the change or the decision that it is a job or a family.

But we also know that there are people who receive and people who provide, and small businesses particularly are the ones who are going to be hurt by this. Small businesses are fragile. They produce 70 or 80 percent of the new jobs in this country, and we cannot compare ourselves to our foreign partners, because we have grown so breathtakingly faster than they have. There is absolutely no comparison.

But it all sounds so simple, that we produce a law, the employer pays, the employee receives. But it is not that simple at all.

I was associated and I had part of my skin in a plan, which is pretty good plan, but it was a relatively large company, and we could maneuver around all the different features. If somebody was pregnant and was having a child, she would get 6 weeks, full pay, and then after that another 6 weeks where the insurance would kick in, and after that another 20 weeks so she could be with the child, and the same features would apply to many people who had family problems in terms of illness.

□ 2100

H.R. 770 is not going to provide medical leave. Let us not be arrogant about that.

Most people do this anyway. The ones who do not are the ones that are small and are growing. There was a fellow in my office today and I was talking about this, and I said what do you think about it. He said: "A terrific plan, I want to do it." But he said, "I can't do it now, I can't afford it, but I will do it someday, I am going to do it because it is right for the employees."

That is the type of attitude there is. What this bill does is universalizes the concept and affects not only the very large companies but the tiny, struggling companies that cannot afford this, and it shoves another regulation down their throat.

The thing I ask is really can we not trust people to do this? Do we think that by passing this law people are going to be better off?

Most people want to do it. They want to take credit for it whether it is a company or a union.

I read the other day about George McGovern. He is running a small motel, and he said:

> You know, I never knew what it was like to run a business before. I never had to meet a payroll, I never had to go down to Hartford and pay taxes, I never had to do any of the things which are required of a business. I only wish I had known this before I ran for the Presidency.

Most people do not know this. Most people have never had to meet a payroll. The larger companies can do anything. We can do anything. It is the smaller firms that I am worried about, and they are not protected in this particular act.

Mr. GRANDY. Madam Chairman, is the gentleman from Missouri [Mr. CLAY] no longer seeking time?

Mr. CLAY. Madam Chairman, the gentleman from Missouri is reserving his time for closing debate tonight.

Mr. GRANDY. Madam Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Madam Chairman, I really do not know how to approach debate on this except to say maybe I have a great idea for us trying to balance our budget, and maybe we can become the AFL–CIO and start charging union dues, because that seems to be what we are trying to accomplish in this Chamber, not only with this bill, but bill after bill after bill. We are going to mandate the benefits to the employees.

Why do we need unions? Why do people out there in the public sector need unions? The unions can just depend on us.

I am a small businessman and a typical small businessman as the gentleman from New York [Mr. HOUGHTON], just talked about, an employer of 40 to 60 employees in a very heavy labor-intensive business.

Minimum wage came along. I had very few people on minimum wage, even though I am a farm-type employer. But yet I took all 40 of my employees and I had to increase them because it was right, because I had to increase 5 or 6 that were making minimum wage and I increased all of my employees. My expenses for operating a small business went up 10 percent this year and will go up 20 percent next year. I will give those benefits, I have no problem with doing that, until I go broke, and then there are 60 people left out on the street. I have no problem giving mandated benefits to my employees.

They come to me and they tell me they have a problem. I, as 90 percent or 99 percent of the businesses in this country, as a good employer, I am not going to run a good employee off. No one wants to lose an employee that is productive for him. We are sounding like the businesses of this country just want to run people off. That is not what it is all about in America.

I have no problem giving a lady as much time off as she needs or a gentleman who works for me if they have problems, or if they are pregnant, or have a sick mother or whatever it may be. But if we continue down the road we are going with this, with ADA, mandatory health, the other issues that we keep putting on businesses such as mine, they will not be able to operate in this country. Maybe a business with 5 people can, maybe they will be able to do the benefits, or maybe a company with 500 or 600 will be able to operate. But we are going to put the backbone of this country out

of business, and that is the small businesses like Holloway Nursery who pays 50 employees and who is a very important part of Rapides Parish in Louisiana. There will not be any of us around or there will be a few. Maybe in a State where there is great economic growth there will not be a problem. But in the oil patches of Louisiana, Texas, and Oklahoma, today there is a problem. We have a problem staying in business, and you do nothing here to help it.

I suggest we start collecting union dues and go ahead and represent the employees of the country, cut out the AFL-CIO, the Teamsters, we do not need them anymore. We will do it for them. Maybe we can collect the $20 a week or the $20 a month it takes.

Mr. DELLUMS. Madam Chairman, the Congressional Black Caucus today appeals to the Congress to take a stand for the American family and the future well-being of our Nation by voting for passage of the Family and Medical Leave Act.

The balance between work and family responsibilities is a precarious one. Over the past 25 years, the demographics of the American work force and American families have changed dramatically. These changes hold significant implications for both American public policy and for every individual.

The once typical American family, where the father worked for pay and the mother stayed at home with the children, is vanishing. Today, less than 10 percent of the population fits the classic family model headed by a single male breadwinner. The majority of American families are comprised of two-earner couples working outside the home and, as of 1987, a majority of mothers with children under 1 year of age are in the work force.

Between 1950 and 1985, the number of women in the labor force increased by 178 percent, while the number of men rose by only 47 percent. Women make up 44 percent of the work force and by 1990 are expected to make up one-half of the work force. Over half of all mothers with children under the age of 1 are working outside the home.

Most women work out of economic necessity. In today's economy, most couples need two incomes to maintain the standard of living their parents enjoyed with only one income; single parents are struggling to survive. In addition to child care responsibilities, many families also provide unpaid care to elderly parents and relatives who are seriously ill.

Most employees cannot afford to leave their jobs when they must care for a new child or a seriously ill family member, or when they must be absent because of their own medical conditions. Most families cannot afford to forfeit the income that enables them to pay the rent, make car payments, and put food on the table. The obstacles facing working families are daunting enough. Families need the security of knowing that caring for their families and themselves will not jeopardize their economic well-being.

Employers generally have failed to adapt their policies to meet the family and medical needs of their employees and their dependents. Employed women have borne a disproportionate share of the burden as they have struggled to fulfill both their traditional family responsibilities and maintain paid jobs.

According to one national survey, just half of large employers offer unpaid job-protected parental leave for women after childbirth. Paternity leave allowed by large employers is generally limited to a few days, according to another study; and a General Accounting Office study shows that more than 60 percent of employees are not covered by short-term disability plans.

Existing labor standards are inadequate to meet the needs of today's working parents. Currently, no Federal policy exists that guarantees family leave or medical leave. A handful of States require some job guarantees for pregnancy, parental and general medical leave; however, these laws are both inconsistent from one State to the next and inadequate.

Under the Federal Pregnancy Discrimination Act, employers must treat pregnancy-related disabilities just as they would any other temporary disability. Unfortunately, many employers do not provide their workers with leaves for temporary disabilities. Employees are too often dismissed because they are unable to work due to medical conditions, such as pregnancy, childbirth, heart attacks, and cancer.

The United States is alone among advanced industrialized countries in the lack of development of parental leave benefits. The United States still provides no national health insurance, minimum maternity or parenting benefits, or job-protected leaves at the time of childbirth of for other serious health conditions. Over 100 countries, including all the industrialized nations, guarantee workers some form of job-protected, partially paid maternity-related benefits. By 1986, nine European Community countries provided paid parental leave to both men and women.

The Family and Medical Leave Act is needed to respond to employers' current ad hoc policies left by the vacuum in Federal and State parental leave legislation, and to address the new realities of working parents. Both mothers and fathers will be able to take a period of leave from their jobs in order to participate in the early care of newborn or newly adopted children or to attend to a son, daughter, mother, or father with a serious health condition.

The Family and Medical Leave Act will provide job protection for all workers, assuring them if that they suffer a sudden illness or if they have a temporarily disabling accident, they will be able to return to their jobs when they have recuperated.

Strong families are the foundation for a strong, productive, and competitive company. The Family and Medical Leave Act is a positive response to the new social and economic realities, and reflects family policy that seeks a preserve and reinforce a wide range of family patterns present in our society.

Mr. KYL. Madam Chairman, I rise in opposition today to the Family and Medical Leave Act. I will be the first to agree that there are countless situations in which workers need the opportunity to care for family members in a time of crisis. However, in the vast majority of instances, these situations are already accommodated by employers. Many different studies, including several by the Department of Labor—Bureau of Labor Statistics—have indicated that most employees in this country have access to a leave policy. Indeed, the trend in business is toward greater flexibility in family and medical leave policies.

H.R. 770 will mark Congress' most dramatic attempt at mandating employee benefits. One effect will be to limit traditional negotiations on benefits between employers and employees. Currently such negotiations often take place within a cafeteria style selection of benefits whereby an employee chooses the benefits he or she wants.

The passage of H.R. 770 would eliminate family and medical leave as a choice. Of course, the cost associated with this mandated benefit would lead employers to withdraw other, perhaps more wanted, benefits from the cafeteria choices in order to offset the costs of the mandated benefit.

Certainly some employees would take advantage of this benefit. GAO estimates 1 in 300 to be exact. But the remaining 299 employees who may have wanted another benefit may not get their choice due to the H.R. 770 mandate.

Finally, the very legitimate concerns of businesses must be taken into account. We have all heard proponents say that this legislation will cost businesses across America only $188 million according to GAO. However, this estimate fails to take into account such factors as lost productivity, costs of replacement temporary workers, the unemployment insurance costs of taking care of these temporary workers once the permanent workers return from their leave, and the rising costs of health insurance.

On the horizon, businesses see Congress expanding on this legislation by requiring paid family and medical leave. Combined with a rising sentiment in Congress to mandate employer-provided health benefits, American businesses are more suspicious than ever before about congressional intentions.

H.R. 770 is feel good legislation that will not be beneficial to either employers or employees. At a time when the American work force and business and industry have all taken great strides to accommodate each other in today's ultracompetitive world, mandated benefit legislation is outdated and unproductive.

Mr. DREIER of California. Madam Chairman, in March the Washington Post reported about a work and family seminar offered in Washington, DC, to executives. When the seminar was offered 3 years ago, an exhaustive search was conducted to find a CEO willing and able to speak on the subject. A lot has changed since then. The conference board was inundated by phone calls from well-qualified executives who wanted to speak at the 1990 conference. Registration had to be temporarily closed to find larger rooms to accommodate the over 400 executives, academics, and consultants.

U.S. employers have begun adjusting their benefit policies in response to the changing demographics of the American work force. Companies are being forced to update their benefit policies, not by the Federal Government, but in order to compete for employees in a shrinking and changing labor force.

Yet, Congress refuses to recognize the efforts of managers across the country and is, instead, pushing through a rigid Federal parental leave standard that will apply to all workers in all jobs in all companies, thereby eliminating any flexibility at the bargaining table.

Let us not fool ourselves into thinking that we are increasing the total benefit package of employees by mandating a new parental and family leave benefit. We have seen the error of this logic in the nearly 700 State mandates for health insurance, ranging from such commendable benefits as alcoholism treatment and prenatal care, to wig benefits. These mandates are responsible, in part, for the high cost of health insurance, and the inability of many small businesses to cover their employees. In fact, one of five small businesses that don't offer health insurance say they would have plans if they could eliminate the State mandates.

The truth of the matter is that our Nation's employers devote 37 percent of their payroll costs to benefits. For many companies, reducing other benefits may be the only way to absorb the cost of any new benefit required by the Federal Government. A federally mandated parental leave entitlement discriminates against those who do not want or need this benefit and who would otherwise choose a different benefit option.

Madam Chairman, the Parental and Medical Leave Act assumes that Congress knows what is best for 126 million workers. I believe this and other well-intentioned mandated benefits that Congress is considering are best addressed at the bargaining table, where flexibility is maintained and employers and employees can determine the benefits that best meet their individual needs.

Mr. CRAIG. Madam Chairman, tomorrow the House will vote on H.R. 770, the Family and Medical Leave Act. Proponents of the bill often misleadingly refer to it as a "parental leave" bill, or "family legislation." In fact, this bill is just another attempt by big government to interfere with families and private initiatives by imposing Federal mandates.

Yes, there have been great changes in the family structure, and many employers have responded on their own accord, without Government prompting. Unfortunately, H.R. 770 will only serve to disrupt this trend and create some unwanted side effects.

I cannot overstate my frustration with a process that continues to attempt to solve problems by increasing the Federal Government's involvement in our lives. This issue has come up time and again over the last few Congresses and the same concerns have been expressed. Yet Congress continues to force the mandate approach to this issue when a sound alternative policy exists.

Madam Chairman, Congress can assist America's families without this sort of Federal intrusion. H.R. 1141, the Family Leave Benefits Assistance Act of 1989 is a voluntary approach. It would offer incentives, helping employers and private organizations to meet the needs of working men and women and their families.

Mr. SHUMWAY. Madam Chairman, I appreciate having this opportunity to discuss my criticisms of the Family and Medical Leave Act. This is yet another example of bad policy masquerading as a noble goal. Indeed, as one of our colleagues has pointed out, this bill has all the earmarks of becoming our next great regret, a repetition of the disastrous catastrophic care effort, which created far more of a problem than it resolved.

What is wrong with the Family and Medical Leave Act? Just about everything, in my view. First, it is neither appropriate nor desirable for the Government to determine family leave policy. The Federal Government, by its very nature, can only issue broad edicts. They are necessarily inflexible, unsuited to every situation, and therefore erosive of liberty and freedom for some Americans. Freedom of choice for parents and freedom of contract between employer and employee make far more sense. Such liberty enables potential employees to negotiate for the benefits they require. It also allows parents to determine the most appropriate action to take concerning their families.

Perhaps the most ironic consequence of the bill is that it would be counterproductive. Instead of helping women in the labor market, the bill would hinder their advancement. Similar laws in European countries have effectively decreased the ability of women to compete in the labor market. Since leave benefits are an added cost, employers probably would avoid hiring candidates who appear likely to require those benefits: women, especially married women of child-bearing age.

Women would be hurt in many ways. If more of them are encouraged to enter the work force as a result of this legislation, wage rates in some occupations they dominate could decline. Older women, or those with older family members more likely to develop chronic or disabling illnesses, would hardly be favorable candidates for hire. And women most in need of assistance would be those most affected: those with little experience, education, or skills.

Business and industry employing large numbers of women, particularly retail and service industries, would be forced to increase prices to offset the cost of the new benefits. The resulting decrease in demand could lead to layoffs, the majority of whom would be women. Employers attempting to avoid higher prices by absorbing the cost of benefits might be forced to decrease output—another erosion of jobs, and a detriment to the entire economy.

Finally, if enacted, the bill would create a costly administrative nightmare, one which encourages lawsuits and associated expenses, and which decreases productivity.

In summary, when Uncle Sam dictates inflexible policies like these, there are few winners and many losers. If this bill becomes law, some women may benefit greatly, but at the expense of many other Americans, including many other women. Individual liberty will suffer, as the State removes personal choice from the hands of women, parents, employers, and workers. The vast majority of American firms already have some parental leave policy, in response to market demands. Those policies, some formal, some informal, are able to adapt to the changing dynamics of the workforce and the marketplace. There is no need to legislate a costly, intrusive, restrictive compulsory program which is incapable of recognizing individual differences. We need less Federal meddling into family decisionmaking, not more.

Mr. MARLENEE. Madam Chairman, the Family and Medical Leave Act, H.R. 770, reminds me of castor oil. My mother used to tell me, "take it—it's good for you." Sorry, I didn't buy it then, and I don't buy it now! Castor oil just made me realize how bad things could get.

I have absolutely no intention of forcing a barrel of castor oil down the throats of American employers and employees. The American work force has a few aches and pains, I will admit, but H.R. 770 is no solution. Rather than benefiting our work force, this legislation will diminish our Nation's international competitiveness, make the work environment unstable, and create a backlash against the very people it is designed to help.

Today, our younger generation falls into two categories. They are either not willing to settle for anything but the best, or they are simply trying their best to keep up with the high cost of living. Because of this, we see more and more young couples attempting to raise families while both parents maintain full-time jobs. As the American family changes, the demands shift. In an effort to address these changes, supporters of H.R. 770 suggest a huge interference between employer and employee relations. This is a dangerously misguided precedent.

Let's get down to specifics. H.R. 770 would entitle non-Federal employees to 15 weeks and Federal employees to 10 weeks of unpaid family leave for birth, a serious health condition of a child or parent, and adoption. It would also entitle non-Federal employees to 18 weeks and Federal employees to 10 weeks of unpaid temporary medical leave for a serious health condition of an employee. This bill would impact all businesses which employ 35 or more workers.

Currently, most American employees work 48 of the 52 weeks in a year—2 weeks of paid vacation, 1 week of sick leave, and 1 week of observed holidays. If H.R. 770 becomes law, 10 to 18 weeks can be taken off—plus 2 weeks of vacation. This means an employer can count on each employee to work only 35 weeks out of the year.

This leave can be taken with reasonable notice, and the employee will be guaranteed the same or comparable job immediately after returning from leave. There are no definitions to these vague concepts. Is any protection offered for the employer against employees who will abuse this new privilege? No. In fact, the bill contains onerous enforcement provisions that would fine employers four times the salary level to make up for loss of back pay and mental anguish. Where is the concern for the state of business in America? This enforcement provision is unheard of in any Federal labor law, and I believe this would set a new negative precedent for more contentious labor/management relations.

What will this bill do to our Nation's competitive ability? The creation of an unstable work environment and a huge decrease in productivity has dangerous potential for our ability to compete in the world marketplace.

I realize this bill is not gender specific, but the majority of family and medical leave will

justifiably be taken by the traditional caregivers of our society—women. This legislation has many good intentions to help these young women balance responsibilities, but those who will be hurt the most will be the entry-level young married people who will be passed over for more mature employees.

Forcing employers to offer special benefit packages hurts the very people we try to help, and discriminates against those who have no interest in such benefits—couples without children, the elderly, and the single person. We should ask ourselves what present benefits provided by the employer will be surrendered because of parental leave.

Many employers have offered employees generous benefits without being dictated by Federal mandate. Life insurance, group health plans, pensions, profit-sharing plans, vacation time, sick leave, flex time, education assistance—all of these have been freely agreed upon in negotiations between employees and employers, and they are being widely offered despite the absence of a mandate from Washington.

I am sensitive to the changing needs of our American work force, and I am committed to meeting those needs. However, I believe these needs can be met without Government mandates. I strongly support businesses who expand benefits to include family and medical leave on their own. This is the appropriate place where these benefits should be negotiated—not imposed upon all businesses with 35 or more employees by bureaucrats in Washington.

Parental leave is a misguided effort by those who do not understand family structure or who have very little understanding of business management. If we get right down to the dollars and cents of this legislation, H.R. 770 will not help anyone. Rather, it will penalize businesses by decreasing the productivity and stability of the American work force, and it will ironically hurt employees by making wages lower and jobs more difficult to obtain.

Madam Chairman, like castor oil, this legislation leaves me with a bad taste in my mouth. I urge my colleagues to vote against H.R. 770.

Mr. CLAY. Madam Chairman, I yield myself 3 minutes.

Madam Chairman, I might say to the last speaker that the reason that it is becoming increasingly necessary for this Congress to get into the labor/management relationship that exists in our country is because the laws have been so tilted that the labor unions no longer have influence in terms of setting labor policy. At one time when the organized labor movement represented approximately 33 percent of the people in this country, whenever they negotiated benefits for their workers, it had a carryover effect that affected the rest of the nonorganized workers. Now that they represent approximately 15 percent or 16 percent, that 80 percent to 90 percent of the work force in this country, that 80 million to 90 million people in the work force are not represented by labor unions and the effects of the negotiated agreements do not spill over into the rest of the labor sector.

Most of the labor unions that are supporting this piece of legislation already have negotiated for their membership better benefits than what we are talking about presently in this piece of legislation. It is the 80 to 90 million people out there that are not represented by organized labor that this piece of legislation is for, and mandating this type of a benefit is no different than the other types of benefits that we have been mandating for some 60 years in this country.

Demands for a family leave policy have been growing steadily in the last 5 to 6 years. In the past 5 years, 17 States have enacted laws establishing minimum standards for parental or medical leave and leave legislation is now pending in more than 30 States. But attempting to resolve a national problem in such a piecemeal fashion is not desirable. State-by-State standards present problems of uniformity and consistency and labor standards should be national in scope.

It is true that many employers have implemented leave policies that far exceed the requirements of this bill before us. But they have benefited from those policies in the form of improved employee morale, higher productivity and retention of an experienced work force. I think it is time that we realized the problem that exists, Madam Chairman, and that we enact this legislation.

Mr. GRANDY. Madam Chairman, I yield myself 5 minutes.

Madam Chairman, let me read a statement that was made as part of the record by a female in the workplace who said this: "I was directly told what a shameful thing it was to continue working when I was pregnant, and that it doesn't look good to be working."

Madam Chairman, this woman was not in the district of the gentleman from Louisiana [Mr. HOLLOWAY], in the district of the gentleman from New York [Mr. HOUGHTON], in the district of the gentleman from Missouri [Mr. CLAY], or in my district. This woman is an executive in Japan. This woman is one of those 40 percent of the Japanese work force that even with their generous, mandated benefits finds herself discriminated against, and in many cases people who are not lucky enough to be an executive find themselves wearing uniforms in Japan. I doubt very seriously that leave benefits and relative economic growth notwithstanding, that anybody here would emulate that policy. I doubt any of us would actually go out on point and say we want to be like this nation that appears to be so chauvinistic, and I doubt very seriously that any of us would want Sweden's growth rate or the rest of Western Europe for that matter.

□ 2110

Why is it that when Eastern Europe leaves the Soviet bloc they do not go to Stockholm? They come here. They want to find out what we are doing right. They want to emulate the policies of the United States.

Some of those policies are not done by Government.

Mr. CLAY just mentioned that labor had not been successful in negotiating benefits. Well, that is not borne out by some of the collective bargaining agreements that have taken place in just the last year and a half. AT&T and the Communication Workers of America, a hallmark agreement guaranteeing flexibility and choice, including benefits such as child care resource and referral services, elder care resource and referral services, adoption assistance, expanded employee assistance, preretirement, I could go on and on. But, Madam Chairwoman, here is the problem: A benefit decreed is a benefit denied.

If we put the Federal Government into the collective bargaining process, if we insist that 12 weeks of unpaid leave becomes part of the mix, then we do not necessarily ensure all of the benefits that are being offered by these unions such as the agreement that the UAW carved out with Navstar International: 7,000 employees were given a leave of absence not to exceed 12 months; or Merck and the OCAW agreed, reached an agreement May 1988 for a leave of absence up to 18 months.

My point is this: There are as many leave benefits options as there are workplaces, almost as many as there are employees. And we do not have the data that creates a one-size-that-fits-all mandate.

The GAO study, which acts as the database for this study, was conducted in Charleston, SC, a community of roughly 200,000, and Detroit. Detroit is larger than my State. It has no relevance to Rock Rapids, IA, a small town in northwest Iowa, 2,500 people, which has small firms, most of them around 50 in the businesses. That is not just a small business or a big business, in many cases that is the only business. And they fight to retain skilled employees; not all of them, by the way, highly compensated; not all of them key employees under Mrs. ROUKEMA's provision. But they are important to that community, and it would be devastating to that community if for some reason a business decides that because there is not an accessible labor force or labor pool, they have to go 80 miles and move back to Sioux Falls. Perhaps not a problem that concerns Members from affluent districts, Members from urban districts, Members from areas that have large pools of skilled labor, but it concerns me.

I would dare say it concerns Mr. HOLLOWAY and other Members of this body who are coming out, by the way, out of about 10 years of an economic downturn particularly in agricultural areas, where we are just beginning to see the light of day.

In return for that innovation we are now offering more mandates.

I cannot go along with that, Madam Chairwoman. I can go along with the States offering the policy, I can go along with the 16 or so States which offer a variety of leaves. I can go along with Oregon, which has offered a plan which offers employees a nondiscriminatory cafeteria benefit plan, which includes as one of its options a parental leave benefit. And if you have that, you are exempt from their family leave plan.

Madam Chairwoman, I reserve the balance of my time.

Mrs. ROUKEMA. Madam Chairman, I yield myself the remainder of my time.

The CHAIRMAN. The gentlewoman from New Jersey is recognized.

Mrs. ROUKEMA. Madam Chairman, I do not know, they are trying to make this a negotiating collective bargaining process issue. It is not that at all. The chairman has correctly stated, most contracts, labor union contracts, far exceed, exceed what is provided for in this bill. We are writing a minimum labor protection not for the good business citizens or for the labor unions who are negotiating contracts. We are writing protection for the weak and the vulnerable in this country, just as we did with minimum wages, child labor, with a whole host of labor protections throughout our history. It is humane, and it is good business, and that is what we are talking about.

So let us not get this mixed up with the union bargaining.

Second, we keep repeating something about benefit packages, as though $5.50, which is the average—and the GAO has reported—is going to buy something in a benefits package. It is not. We are talking about a minimum job protection standard.

Again I want to repeat what I said in my statement earlier, there was not one business nor one State who has already adopted leave policies far more generous than this one proposed who came before our committee, even after being invited, and said to us that it either interfered with their productivity or the operations of their business or that they would abandon their practice.

I think that is proof.

Finally, I want to stress there is a whole list of organizations that support this bill. And they are not labor unions. They are the Catholic Conference, just to name a few, the Conference of State Legislators, the American Academy of Pediatrics, the American Association of University Women, the Junior League, the Federation of Business and Professional Women, the American Psychiatric Association, the American Nurses Association, United Methodist Church, the National PTA.

These are not labor unions. These are people out there who understand the stresses and strains of family living today and who want to repair the fabric of society, family life in this country and want to protect the children who are our future.

Madam Chairman, I yield back the balance of my time.

Mr. CLAY. Madam Chairman, I reserve the balance of my time.

Mr. GRANDY. Madam Chairman, may I ask the indulgence of the Chair to inquire, as we are about to rise, is it the Chair's understanding that on resumption of the debate tomorrow each side has 30 minutes remaining of general debate? There is 1 hour left in general debate?

The CHAIRMAN. The gentleman from Iowa is correct.

Mr. GRANDY. I thank the Chair.

Mr. CLAY. Madam Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore. (Mr. OLIN) having assumed the chair, Mrs. KENNELLY, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 770) to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave, had come to no resolution thereon.

ANNUAL REPORTS ON ACTIVITIES OF DEPARTMENT OF LABOR, DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore, laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection referred to the Committee on Education and Labor.

(For message, see proceedings of the Senate of today Wednesday, May 9, 1990.)

□ 2120

INTRODUCING THE BUDGET PROCESS REFORM AND SOCIAL SECURITY PROTECTION ACT OF 1990

The SPEAKER pro tempore (Mr. OLIN). Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I am introducing legislation today which reforms the Federal budget process and protects the Social Security Program. As you know, I presented a budget challenge several weeks ago which would reduce the budget deficit by over $500 billion over 5 years. As I have publicly stated, I welcome responsible modifications and alternatives. I do not pretend that it is a perfect plan. However, I strongly believe that we need a bold deficit reduction plan to reduce our massive borrowing, reduce our dependence on foreign investors, restore our country's international competitiveness, and enhance the standard of living of our children and future generations of Americans.

The legislation I am introducing today is intended to be a companion to my deficit reduction challenge and implements many of the suggestions on budget process reform that I made today in testimony before the Committee on Rules, and previously to the Committee on Government Operations.

REFORMING THE BUDGET PROCESS

As I have said in the past, no amount of budget process reform will substitute for strong political leadership on deficit reduction at both ends of Pennsylvania Avenue. I am pleased to say that we have made great strides in that direction in the last several days. I am encouraged that the President and the bipartisan congressional leadership have begun serious discussions about the budget deficit.

In the Rostenkowski challenge, I suggested that Gramm-Rudman be repealed because Gramm-Rudman would no longer be necessary if a bold deficit reduction plan is enacted. Others, including the administration, feel that Gramm-Rudman should be retained even if a responsible deficit reduction plan is enacted. They feel that Gramm-Rudman is ncessary to protect against any inclination the Congress might have to spend the budgetary savings. Although I feel that concern is overstated, I fully agree that any enacted budgetary savings and revenues increases must be dedicated to reducing the deficit and not to increased spending. The legislation I am introducing today insures that all budgetary savings and increased revenues are in fact used to reduce the deficit.

PROTECTING SOCIAL SECURITY

I strongly believe that deficit reduction is in everyone's best interest. Thus, my deficit reduction package asks for a modest sacrifice on the part of all Americans, including senior citizens.

The reaction that I have received from senior citizens across the country indicates a willingness to sacrifice, as long as everyone else in the country sacrifices as well. Senior citizens recognize that reducing the deficit is

the best way to achieve a healthy economy and ensure that the Social Security trust funds are properly funded rather than filled with IOU's that our children and grandchildren cannot afford to pay.

Once this one-time sacrifice has been made, however, Social Security should be fully protected from further cuts. Thus, the legislation which I am introducing today removes the Social Security trust funds from any budget calculations beginning in fiscal year 1992. Thus, the trust funds could not be used in the future to mask the size of the Federal deficit. Moreover, changes in the Social Security Program, whether related to benefits or administration of the program, could not be used to help balance the Federal budget. With the enactment of this legislation, the Social Security trust funds would be protected once and for all.

In addition, the bill would make social security an independent agency run by a three-member, bipartisan board. This is a step which I believe will insulate Social Security from short-run political influence and reenforce our long-run commitment to the program.

Finally, the legislation would improve the quality of services provided to social security beneficiaries. Social Security beneficiaries have come to expect, and deserve to receive, the highest quality service from the Social Security Administration.

Mr. Speaker, I would now like to describe more fully my proposals relating to budget process reform, taking social security off budget, and making improvements in social security services.

First, the legislation includes a provision to remove Social Security from the budget. It also removes from the budget other self-financed trust funds such as the Medicare trust funds, the airport and airway trust fund, and the highway trust fund. I feel that if social security is removed from the deficit calculations, other self-financed trust funds where dedicated revenues—not counting interest earned—comprise at least 90 percent of the trust fund's total receipts should be removed as well.

By enacting this provision, the buildup in the Social Security trust funds and other trust funds will no longer be used to mask the true size of the Federal deficit. Such action should reassure the public that we are serious about reducing the deficit in the Government's operating budget.

Second, in conjunction with removing the social security trust funds from the budget, the legislation establishes a point of order in the House and a super majority point of order in the Senate against the consideration of any bill or amendment which would increase social security benefits or decrease social security revenues, thereby violating trust fund neutrality, on either a 5-year or a 75-year basis. This concept was embodied in H.R. 3505, a bill I introduced last year which has been endorsed by many groups representing the elderly.

A similar pay-as-you-go concept would apply to other trust funds as well, on a 5-year basis. An exception would be made to allow additional spending from a trust fund, other than Social Security, with a substantial trust fund balance.

Third, the fixed deficit targets in Gramm-Rudman would be replaced with specific deficit reduction targets of $30 billion in the first year of each budget cycle and $40 billion for years 2 through 5 in each budget cycle. The budget process would be tightened to eliminate budget gimmicks and to change the focus from a 1-year deficit reduction process to a 5-year process. Changes in social security outlays or revenues would not count toward reaching these deficit reduction targets.

Fourth, until a balanced budget is achieved, revenues would be included in the Gramm-Rudman sequestration formula. Half of the required sequestration amount would come from increased tax revenues. Corporate and individual income tax liabilities would be increased by a uniform percentage. The other half of the required deficit reduction would be achieved by sequestering equal amounts of defense and domestic spending using the existing sequester formula.

The rationale for the original Gramm-Rudman law was that Members favoring defense programs and those interested primarily in domestic programs would compromise on a rational deficit reduction package and thereby avoid sequestration. Now, however, due to our changing defense commitments in Europe, defense programs will receive large reductions and mutual interest in substantive budgetary compromise under the threat of sequestration may no longer exist.

Fifth, deficit reduction would no longer be required when a balanced budget is achieved. A balanced budget would be defined as a deficit of less than 1 percent of the gross national product [GNP]. That would imply a residual deficit of approximately $60 billion.

For purposes of determining when a balanced budget is reached, the following trust funds would be excluded: Social Security [OASDI], Medicare [HI and SMI], Airport and Airway Trust Fund, Highway Trust Fund, Hazardous Substance Superfund, Unemployment Trust Funds, and several other smaller trust funds. This accounting is consistent with my earlier proposal with respect to 90-percent financed trust funds.

Sixth, I sincerely hope that the President and the Congress will be able to agree on a bold multiyear deficit reduction plan this year. If that happens, we do not want to be confronted next year with a requirement to do another $30 billion of deficit reduction or to pass another increase in the public debt limit. This bill provides for a revised definition of the public debt—the amount that is actually borrowed from the public. In addition, it provides phased increases and eventually decreases the public debt over the next 10 years, consistent with the Rostenkowski challenge. These numbers can be changed of course, to fit the contours of any negotiated deficit reduction plan.

As a result, public debt would actually be retired, and new reconciliation bills or public debt increases would not be necessary. However, if increases in the public debt ceiling were needed due to an increase in Federal spending, a super majority would be required to pass such an increase. Thus, the public debt limit would be used to enforce a deficit reduction agreement and to ensure that the budgetary savings and revenue increases are in fact used to reduce the deficit.

Seventh, the bill would require pay-as-you-go financing of new or expanded spending programs or tax cuts. The Ways and Means Committee has a long history of budgetary prudence and responsibility—a history of which we are collectively and justifiably proud. The committee has developed its legislation on a pay-as-you-go basis for the last 9 years—long before it become fashionable elsewhere.

Consistent with my "Challenge," this bill requires pay-as-you-go financing as a necessary complement to a serious deficit reduction plan. Under this requirement, all major spending increases or revenue reductions must be paid for by an equivalent amount of spending reductions or tax increases. Otherwise, a point of order would apply in the House and a super majority point or order would apply in the Senate.

Eighth, the Social Security Administration would be removed from the Department of Health and Human Services and would become an independent agency under the authority of a three-member, bipartisan Social Security Board.

Ninth, the bill would make improvements in a number of social security beneficiary services including Social Security Administration procedures for collection of overpayments; contacts with SSA teleservice centers; SSA outreach to potentially eligible homeless persons for benefits; notices sent to social security beneficiaries; and inaccurate information provided to SSA claimants.

Tenth, the bill would make improvements in the social security representative payee system including more thorough investigations of, and stricter standards of fitness for, representative payees.

Mr. Speaker, I want to emphasize that this budget process bill does not violate the existing balance of power between the executive and legislative branches of Government. It contains no line-item veto, credit reform or enhanced recission authority. It provides a simple mechanism to insure that the deficit reduction enacted in a bold plan does not translate into spending increases in some future year. It holds the promise that no public debt increases or reconciliation bills would be necessary for the foreseeable future.

In conclusion, Mr. Speaker, our Nation's most important domestic priority should be the enactment of a real deficit reduction plan. I hope that I have made a positive contribution to the debate with the Rostenkowski challenge which I presented several weeks ago and in the legislation I am introducing today. What is absolutely essential is that we develop a serious, responsible deficit reduction plan in the national interest. Nothing less is at stake than the economic well-being and competitiveness of our children and our country.

THE TOTAL FORCE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to continue to share with my colleagues a series of articles which appeared in the Roll Call newspaper in the April 30, 1990, edition in a special policy brief, titled "National Guard and Reserves In a Changing World". This brief was developed to describe the roles and missions of the Reserve components and to educate the readers. I wrote the lead article in hopes of generating interest by the readers to learn more about the Guard and Reserve. I commend my colleagues to read these articles to gain a better appreciation of the Guard and Reserve. Today I'm sharing another in the series of articles that appeared in that April 30 Roll Call edition.

THE TOTAL FORCE POLICY

(By Stephen M. Duncan)

The Defense Department's policy to rely heavily on National Guard and Reserve units for fighting in any future conflicts, known as the Total Force Policy, has recently come under close scrutiny.

And examination of the policy is essential if we are to ensure that fundamental decisions about how we man the Armed Forces rest on a general consensus.

Surprisingly, however, much of the participation in the debate is uninformed, or at least insufficiently focused. An understanding of the realities which affect the planning for the forces is critical.

BALANCE IN TOTAL FORCE POLICY

Much of the recent discussion has centered on the lack of readiness of certain Army Reserve units.

Lost in the noise of the debate is the fact that in addition to the Army Reserve, the Reserve components of the Armed Forces consist of the Air National Guard, the Naval Reserve, the Marine Corps Reserve, the Army National, the Air Force Reserve, and in times of war, the Coast Guard Reserve.

For most missions and most units, the Total Force Policy has been very successful. The policy was never intended to make Active career soldiers and Reserve soldiers fungible items or mirror images of each other. Due to limited training and the constrained budgetary environment at the Defense Department, it is unrealistic to attempt to make them equal.

Rather, the goal of the Total Force Policy is to integrate the capabilities and strengths of Active and Reserve units in the most cost-effective manner, i.e., one that provides the most total military capability within the limitations of the budget.

In order to discuss the Total Force Policy in a meaningful way, it is imperative that broad generalities be avoided. Far too often analysts frame the issue of the debate as whether we are currently placing too much reliance on Reserve Forces.

Some observers urge greater reliance on Reserve Forces. Some urge greater reliance on Reserves simply because part-time soldiers, sailors, airmen, and marines are generally less expensive. Others express doubts about the current mix of Active and Reserve personnel.

A balanced analysis of the Total Force Policy must start with a focus on particular missions. Some missions are ideal for National Guardsmen and Reservists. Some are clearly unsuitable.

Yet others can be reasonably assigned to either Active or Reserve units.

ASSIGNING MISSIONS TO THE RESERVES

In deciding which wartime missions to assign to Reserve Forces, planners must start with assumptions about the nature and scope of the most likely future conflicts and the intentions and capability of the most likely adversaries.

Planning for a general conflict in Europe is obviously different from planning in the Persian Gulf, Korea, or other smaller areas.

Assumptions must also be made about the amount of warning time the nation would have before actual fighting begins, the speed with which Reserve units could be called to Active Duty and deployed to the scene of the conflict, etc. These assumptions are usually subjective and hardly fail-safe. Force planners inevitably accept some risks.

Since resources are finite and limited, planners who assign resources for one kind of conflict accept the risks inherent in not assigning the same resource elsewhere.

Planners must also deal with the reality that we simply cannot afford to maintain Regular Armed Forces in sufficient numbers to fight all possible wars in which the nation might become involved.

Americans have traditionally resisted efforts to maintain a large, professional standing army in peacetime. Once a conflict starts, however, we must clearly be able to generate enough force to bring it to a successful conclusion.

Whether a particular mission should be assigned to Reserve or to Active forces depends generally upon the nature of the mission, i.e., the specific military capability that is required.

Those in a position to make these decisions must consider a broad range of factors, such as the comparative costs of Active vs. Reserve Forces; whether the mission requires forward-based forces; the urgency with which the mission must be performed; the availability of sufficient modern equipment appropriate for the mission; the availability of sufficient fully trained personnel with the military skills required; the existence of an adequate US sustaining base to ensure equitable overseas tours for the Active Forces; and other similar factors.

In determining whether to assign Active or Reserve units, it is easy to overlook the fact that the amount of training time required to perform some missions creates unacceptable pressures in the Reservists' civilian workplaces.

But sometimes factors which enhance the importance of Reserves are not taken into account. Because of previous service on Active Duty, for example, many National Guardsmen and Reservists bring much greater experience to the performance of particular missions than do Active soldiers currently serving on Active Duty.

It is widely recognized, for example, that many Reservists and National Guardsmen are among the best fighter, attack, and transport pilots in the world.

MAKING RESERVISTS READY TO PERFORM

In recent months, certain readiness problems involving combat service support units in the Army have received public attention.

These units are responsible for maintenance, medical, motor transport, and other support functions. Although the units constitute some 70 percent of the Army's combat service support capability, they have not received sufficient resources to permit a state of readiness equal to most Army combat units.

Their readiness problems, however, are not "Reserve" problems. They are "Army" readiness problems, and they say little or nothing about the capabilities of other Army Reserve units or Army National Guard units, much less about the capabilities of the Reserve components of the other services.

Logically, of course, there should be no difference between the types of forces needed to deter conflicts and the forces needed to win them. A potential adversary's perception of his chances of succeeding in a conflict is usually related directly to his ardor to being in it. Moreover, we can't afford two types of forces, one devoted to deterring war and one to winning it.

Readiness is one of the four "pillars" of military capability; the others are force structure, modernization of equipment, and sustainability.

It includes tangible components, such as leadership and morale. Fiscal constraints prevent the correction of many of the readiness challenges which face the Reserve Forces.

Some readiness problems are the result of factors which are unique to Reserve units, such as limited training time, the geographic dispersion of individual Reservists and the fact that Americans generally and Reservists in particular are mobile.

Such challenges are usually not insurmountable. A little common sense, some innovative thinking, and old-fashioned leadership can go a long way to resolve them.

WHERE DO WE GO FROM HERE?

As late as 1980, the theory behind the Total Force Policy had not been effectively implemented.

By almost any standard, the condition of the Reserve Forces was serious. A combination of austere procurement budgets during the previous decade and de facto policy of allocating almost all modern equipment to the Active Forces had created both obsolescence and a major shortage of equipment in the Reserve Forces.

There was an urgent need for improvements in the overall readiness and sustainability of those forces.

Today, the circumstances of the Reserve Forces are dramatically different. The increased appropriations of the early 1980s permitted the purchase of substantial amounts of modern equipment for the Reserve components.

Improved training opportunities, the assumption of important missions and responsibilities, and certain incentive programs have brought into the Reserve Forces the highest quality personnel in their history.

There can be no doubt that across the spectrum of military capabilities, the Reserve Forces of the United States are the best in the world.

The world, of course, changing.

Recent developments have encouraged our hopes for a prolonged period of peace.

President George Washington reminded our forefathers on several occasions, and recent history had clearly demonstrated the fact there is nothing so likely to produce peace as to be prepared to meet an enemy.

The challenge before us to be coldly realistic and balanced in our judgments as we seek to mold the strengths of our Active National Guard, and Reserve soldiers, sailors, airmen, and marines into a Total Force that is capable of protecting the national security interests of our nation during a period of uncertainty and instability.

ALLEGHENY CITY SESQUICENTENNIAL CELEBRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, on a spring day in 1840, a small group of Pennsylvanians gathered together to found and incorporate a new city called Allegheny. The Nation was young then. None of them could have imagined that the Allegheny area would grow and prosper, and eventually become an important part of one of the most vital metropolitan areas in the country—Pittsburgh.

Perhaps the first role Allegheny played in the national drama was as the last urban stop for many settlers bound for the West. While thousands came through Allegheny, many of them stayed. Allegheny soon became a melting pot of Scots, Irish, African Americans, Germans, eastern Europeans, and more.

Allegheny was—among other things—the home of some very distinguished Americans. One was Gertrude Stein, novelist and author of "The Autobiography of Alice B. Toklas." Although Stein lived much of her adult life in Paris, she was born in Allegheny.

Another notable Alleghenian was Andrew Carnegie, the guiding spirit of United States Steel and leading philanthropist. Allegheny has also been home to dance pioneer Martha Graham, food manufacturer H.J. Heinz, and Pittsburgh Steelers owner Art Rooney.

Today, Allegheny is the north side of Pittsburgh, but Allegheny's memory survives. This year, the area is celebrating the sesquicentennial of Allegheny's founding. The Allegheny City Sesquicentennial Committee, under the leadership of Director Nancy Burns, has prepared a series of events to commemorate the anniversary. Upcoming events include Jubille Day, June 8–9, the Jazz Festival, July–August; an ongoing photo contest; Oktoberfest, September 21–23; Christmas season in Allegheny City, November–December; Fasching, February 1991; and a Triathlon, spring, 1991.

I know that my colleagues join me in congratulating Alleghenians on the 150th anniversary of their town, and in wishing them well as they celebrate this special occasion.

NEW TECHNOLOGY IN SDI RESEARCH PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KYL] is recognized for 60 minutes.

Mr. KYL. Mr. Speaker, last week the main hearing room of the Committee on Armed Services was modified to present to Members of this body much of the new technology that has been produced through the research effort of the Strategic Defense Initiative Research Program. For 2 days that hearing room was filled with examples of the technology that has been developed in the SDI Program. Among the first people to visit the hearing room to see that technology was the Vice President.

As a matter of fact, in the May 7 issue of Space News there is a fine photograph of the Vice President with Dr. Edward Teller, father of the H bomb, and Dr. Lowell Wood, who is the person primarily responsible for the idea behind the brilliant pebbles which are a part of the SDI Program. I would like to quote just a couple of paragraphs from this issue of the Space News which reflect the Vice President's view after observing the examples of technology which he saw on that visit. He said, "Anyone who observes this display knows that SDI is beyond the theoretical stage. It can be done and it should be done." He used the opportunity, as the reporter notes, to stump for President Bush's request for $4.5 billion for the U.S. strategic defense for this budget year. The Vice President went on to say, "The Strategic Defense Initiative will defend America. It will add to our deterrence. It will increase the prospects for peace. It will give the President far more flexibility in a critical situation. Therefore," he continued, "the naysayers in the Congress are going to have to come up with a different rationale for trying to emasculate the President's SDI budget. No longer will they be able to advance the argument that we are not prepared to go forward."

Mr. Speaker, that was the primary reason why I helped to organize this display of technology last week, to demonstrate in real terms that the technology is at hand, in terms that people could see and feel and visit with the sponsors of that, because there were many defense contractors and their representatives, and representatives of the National Laboratories who have been involved in this effort, who were present to describe and to discuss much of the material which they had been working with, and which was on display last week.

It was interesting to me that many Members of the Congress saw fit to come by and visit it, as did many members of the press, most coming away very much impressed with the quality and the degree of progress that the program has brought about, much of it, by the way, to miniaturization, which is one of the real themes of this display. Ultra minichips and components were brought in by the contractors to demonstrate progress in this area, for example.

Mr. Speaker, the SDI Program is now in its sixth full year of research to determine the feasibility of developing effective defenses against ballistic missiles. The SDI Program continues to make excellent progress against a broad spectrum of technologies. Tonight I would like to highlight some of that very important progress.

During fiscal year 1989, for example, the SDI organization conducted a record number of tests and experiments. The growing number of tests indicates that the program is moving away from mere paper feasibility and studies to laboratory tests, toward the real tests of hardware. There are four primary challenges to a ballistic missile defense. The first is to acquire, track, and intercept a missile in the boost and postboost phases of flight. Second, as the missile travels through its trajectory, a defense system must be capable of discriminating, tracking, and intercepting the nuclear warheads as they proceed through the midcourse phase. Third, a ballistic missile defense system must be capable of discriminating, tracking, and intercepting remaining warheads as they enter the Earth's atmosphere in the terminal phase of its flight. Fourth, software must be developed to command and control the ballistic missile defense system.

These are not easy requirements. Time and money has been wisely spent by the SDI organization to answer the question, whether ballistic missile defense are feasible. After 6 short years, the SDI research program has conducted successful tests in each of the areas that I outlined above, and it believes with moderate confidence that ballistic missile defense are now feasible.

The first challenge was to detect, trap, and intercept missiles in the boost phase. Well, the SDI organization conducted the Delta 181 experiment which collected booster plume signature data. The Delta 180 experiment, which intercepted a thrusting booster, The Janus experiment, which collected postboost vehicle data, and the SBI hover test, called ontarget demonstrating the capabilities of space-based interceptor. This ontarget test vehicle, incidentally, was part of the SDI display last week. This test demonstrated that a space interceptor using a high-speed computer could find and track a ballistic missile in the presence of the bright rocket plume, and that that data can be processed and utilized to control the attitude and the position of the interceptor. This was a major demonstration of the potential capabilities of a space-based interceptor.

The second and third challenges for ballistic defense are to discriminate, track, and intercept warheads in a midcourse and terminal phase. The SDI organization has come a long way toward proving the feasibility of a technology to accomplish this mission. SDI organization conducted the Delta 181 experiment which observed reentry vehicles and decoys in space, and this provided the data which will assist in discriminating between the two. Sounding rockets were launched in the program to evaluate the effectiveness of various countermeasures. Warheads have been destroyed in midcourse by a ground-based interceptor, and targets have also been intercepted in the atmosphere by a ground-based interceptor.

In January, a test of the HEDI interceptor was conducted. The actual nose cone of this HEDI interceptor was on display in the House Committee on Armed Services hearing room last week. The fundamental obstacles of endoatmospheric interceptors is the phenomenal heat which is created

over the sensor as the interceptor is hurled toward the incoming reentry vehicle.

□ 2130

The heat in effect has a tendency to blind the sensor, thereby preventing it from protecting the enemy warhead. Some thought it would be impossible to ever cool that sensor window enough in order to prevent the heat from blinding the sensor, but the test showed they were wrong. The January tests proved that through transperation, a process that allows the aluminum to sweat much like your skin does, the window could be cooled to allow the sensor to see its target. The test data indicated that one-tenth of a second after launching the interceptor the window temperature was 900 degrees. After transperation the window had cooled to 100 degrees, a real technological accomplishment.

The fourth challenge that I mentioned for success in establishing a ballistic missile defense system is indeed challenging, and is perhaps the most controversial requirement of a ballistic missile defense: developing software capable of controlling the system. To meet this formidable requirement, the SDI Organization has established the National Test Facility [NTF] in Colorado Springs. The NTF offers a comprehensive capability to develop, simulate, and verify strategic defense concepts and software.

Facilities at the ARC in Huntsville have also conducted early version command and control experiments which demonstrate the feasibility of controlling a ballistic missile defense system.

Although it is at an early stage of development, the SDI Organization feels assured that reliable and trustworthy software for the SDS can be achieved by experienced computer and software professionals implementing a software development program based on careful consideration of the most successful software engineering efforts from both DOD and industry and utilizing the extensive simulation and checkout facilities of the National Test Bed.

All of the challenges of ballistic missile defense have been addressed in the SDI Program. The American Institute for Astronautics and Aeronautics [AIAA], which is the largest group of aerospace scientists and engineers in the United States, performed an exhaustive analysis of the SDI Program, and they found that "no fundamental obstacles were found that a well planned technology program could surmount."

Similar findings have resulted for the Brilliant Pebbles concept after being reviewed by the Defense Science Board and the JASON's, a preeminent group of university professors. The conclusions of these three groups was that "no showstoppers were identified."

As the SDI Program continues to make excellent progress toward its goal of defending against ballistic missiles, it has also yielded tremendous technical progress in areas such as miniaturization, reduced manufacturing costs, and development of lightweight structures, and is helping American industry to attain a competitive edge. Three examples of this progress are the SDIO-sponsored IMU, which I will describe in a moment, the infrared detector, and computer programs.

First, research into navigation technology has ushered in a whole new class of miniaturized inertial measurement units [IMU's] for navigation and guidance in this decade and beyond. Units for example, that weighed 40 pounds and cost $70,000 in 1970 now weigh only 1 pound and cost approximately $5,000

A unit of the 1970's that I mentioned is the kind that flies in the F-16, a very modern fighter aircraft, and yet the size of that, which is larger than a bread box, could not work for SDI. As a result, this very, very small object, which weighs only one pound, was developed for the satellites of SDI, and progress is pointing to even further miniturization in the IMU in the future. And it is noteworthy that with each of these developments and breakthroughs, the cost does not go up, the cost comes down.

Second, through the SDI program, we are learning how to manufacture large quantities of infrared detector elements known as pixels, at greatly reduced costs. Prior to SDI, for example, the costs of such pixels were in the range of a few hundred dollars each. Today, we are looking in the range of a few dollars to a fraction of a dollar each.

Third, computer advances achieved through the SDI Program offer the possibility of producing high speed computers that can be assembled in very small packages—about the size of a deck of playing cards—and have the processing speed and data throughout of a Cray-1 computer, if you can believe it. But it is on display.

In many cases, SDI technology is not only helping to reduce the cost and size of components, but the man days that it takes to develop them. For example, communications component development has been reduced from 180 production days to 2 man-days.

All of this of course, again reduces the cost.

In addition to the tremendous technological advances which assists the SDI Program in achieving its defense mission, the SDI Program is helping American industry remain competitive on the world market. One example is the semiconductor industry.

At one time, the United States dominated the world market in semiconductor electronics; today the U.S. share of the world market is less than 40 percent. In an industry that supports 2.6 million jobs—more than double that of the combined steel and auto industries—losing additional portions of the world market could have serious economic impact on the United States.

Using technology developed in the SDI Program, American industry is fighting back.

Market success in modern semiconductor electronics rests on the ability to fabricate a large number of tiny active electronic circuits on a small silicon chip and to mass produce those chips reliably and cheaply. The process in use today to produce these circuits is based on optical projection lithography.

Over the next 7 years it is the goal of U.S. industry to recapture some of the world market and drive the size of circuits down to about 0.25 microns. But it does not stop there.

Using SDI-developed free electron laser technology, the Los Alamos laboratory has developed an alternative approach to submicron lithography that could drive circuit sizes down to 0.5 microns.

Dr. Sig Hecker, the Director of Los Alamos, testified before the HASC that this technology "offers the potential of leap-frogging the Japanese who now dominate this market."

Through the SDI program, U.S. leadership in the free electron laser technology offers a competitive advantage that could be translated to market success by the end of this decade.

Another manner in which SDI technology has helped U.S. industry maintain a competitive edge is by creating new technology for business.

SDIO sponsored the first diamond film research and development company in the United States—Crystallume, at Menlo Park, CA.

By the way, the Japanese are spending about $100 million a year to develop diamond coatings.

There are many potential uses in industry for diamond coating research—tooling, electronics, materials, et cetera.

Most importantly, SDIO's diamond technology initiative has created a potential for a $16 billion market by the late 1990's.

Industry is not the only market which is benefiting from the SDI program today. The medical community has been greatly enriched by advances achieved through SDI research funds. There are many examples of this.

The Loma Linda University Medical Center in southern California has constructed a facility using the SDI-developed RFQ LINAC for a proton ther-

apy cancer treatment facility. Construction of the facility is complete and use of the LINAC in a clinical setting is expected this year.

Massachusetts General's Wellman Laboratory is utilizing the CO_2 pulsed laser in the treatment of burns. This unique method of removing burn eschar replaces multiple surgical operations, reduces scarring, and provides a better base for skin grafts than conventional methods.

Through the SDI Program, a laser-treatment process is being developed that cleanses donor blood bank supplies of the entire family of viruses which includes herpes, measles, hepatitis-B, and the virus that causes AIDS.

SDI spinoffs to the industrial and medical communities alone, of course, do not constitute a reason to fund SDI. There are other rationale, particularly strategic reasons, for funding SDI. But what is clear is the fact, when you consider the impact of these spinoffs that I have just given a few examples of, that the SDI Program is the best technological development program that American universities and industries have participated in since the days of Apollo.

Can we afford not to responsibly support this program? On what basis should we in the Congress pick some arbitrary number and say, "That's enough"? The President's well thoughtout request, as articulated by Secretary Cheney, is far too much, and we need to spend much less than that.

We are going to be having a discussion on this in the next several weeks when we debate the authorization for the Department of Defense, and I would submit, Mr. Speaker, that we and our colleagues cannot be for SDI if we are not willing to fund it. The Bush administration has requested $4.5 billion for fiscal year 1991.

□ 2140

If fully funded, this request will enable the United States to proceed with research to field a full-scale, phase one ballistic missile defense system or a limited missile defense system, whichever the national leadership decides is in the best interest of the United States, and the Congress, of course, will be participating in that decision.

Whatever is decided at some future date, Mr. Speaker, $4.5 billion is needed this year to get from the research point to a system in which we could have a high level of confidence of the effectiveness of a program so that the President can meet his goal of determining whether or not it is feasible to deploy SDI at the end of 4 years.

Four and one-half billion dollars is a relatively small number when one considers the $325 billion, and this is the latest GAO estimate, $325 billion estimate, for the savings and loan bailout or the 5-year, $30 billion cost for child care which some propose that we pass this year. And $4.5 billion is reasonable compared to the $5 billion this country pays farmers not to grow food.

Can we afford to spend $4.5 billion? Well, Mr. Speaker, I think the question is: Can we afford not to, and I would like to close by discussing why I agreed with President Bush when he said recently that in the 1990's SDI makes more sense than ever before because the reasons why he is correct demonstrate why we cannot afford not to fund SDI. All of the technological progress that is applicable to other areas that I have been discussing and that was on display last week is good reason to go forward with the research of this project. But ultimately we are proposing that SDI be developed because it will need to be deployed.

Now, Mr. Speaker, why is that so, and why does the President believe that it is more important now than ever before? There are essentially four reasons, Mr. Speaker.

The first has to do with the continuing threat posed by the Soviet Union. Now I know that many of our colleagues say that times have changed. The Soviet Union is no longer a threat. For example, look at all of the changes occurring in Eastern Europe. The Warsaw Pact has ceased to be a dangerous force. The Soviet Union is withdrawing some of its equipment from the Eastern Pact countries.

Mr. Speaker, all of that is true, but that relates to the probabilities and potentialities for conventional warfare on the European plain. It does not have anything to do with the strategic modernization program of the Soviet Union which both Secretary Cheney and CIA Director Webster have agreed has proceeded apace; in other words, has not slackened one bit during the 5 years that President Gorbachev has been in office. Indeed the Soviet Union's strategic modernization program has continued at a very robust pace, far more than the United States.

The Soviet Union, for example, has developed and fielded the most destructive weapon ever devised by man, the MOD-5, modified version of the SS-18 intercontinental ballistic missile. In addition to that, the Soviet Union is deploying two different versions of mobile missiles, the SS-24 and SS-25, the former on rail cars, and the latter on trucks. One hundred forty missiles deployed last year alone, the year of great peace breaking out all over.

How many missiles did the United States deploy in the same period? Twelve.

In addition to that, the Soviet Union has continued to develop the other legs of its triad, its submarine force and its bomber force.

Mr. Speaker, CIA Director Webster, Gen. Colin Powell, Secretary of Defense Cheney, the President of the United States, have all pointed out that, as long as the Soviet Union maintains this massive, strategic capability, it would be folly for those who have responsibility for the security of the people of the United States to decide that, based upon a few statements on a thawing day in early spring, that it is time to get rid of the coat; that is to say that because of the good news that came out of Eastern Europe last year we can assume that this massive Soviet strategic weaponry poses no threat anytime in the future to the people of the United States.

Mr. Speaker, it would be folly, and that is another reason why the President has asked both for strategic modernization of our own forces, the offensive forces which have maintained deterrence to date, as well as the development of SDI, and it does make sense that, if in fact the world is becoming more peaceful, that the Soviet Union and the United States are warming to each other, that the best way to deter the use of these massive weapons that are possessed by both sides is not to have a mutually threatening retaliation should one side attack the other; in effect, neighbors with pointed and cocked guns at each other, but rather, Mr. Speaker, a regime which says defenses make good neighbors; that is to say, a defensive system, a system that says, "If you want to have missiles, have them, but they're not going to be effective in ever attacking us, and, therefore, you might as well not have them because we have a defensive system known as SDI which, while it may not absolutely stop every single missile that you can throw at us, it will so disrupt any attack, it will destroy so many, such a high percentage, that obviously the attack could not succeed, and therefore, you may as well not conduct it in the first place."

Mr. Speaker, that is the essence of deterrence, and that is why SDI is so important now even though feelings between the Soviet Union and the United States seem to have warmed.

The last few days, Mr. Speaker, illustrate that times do indeed change. The situation in Lithuania, the situation in Estonia, in Latvia, President Gorbachev's inability to make any economic changes during his tenure in office that would improve the economy of the Soviet Union, and generally a pulling back of many of the proposals that he himself had laid on the table, a sense that actually the Soviet Union is now looking more inward again and does not have the confidence of making agreements with the United States that it seemed to have earlier, a sense that all is not well and moving forward to a peaceful time, the desta-

bilization in the southern republics and some of the other republics in the Soviet Union; all of this suggests that there is potential for change in the Soviet Union that could result in President Gorbachev leaving the scene, and the military acquiring more power, or any of a number of other scenarios developing over the next many, many years which we cannot foresee at this point any more than we can foresee the thawing of relationships in Eastern Europe which means that, as long as the Soviet Union has the strategic capability which could destroy every living thing in this United States in a period of about 1 hour, any responsible public official has the obligation to ensure that that massive force of destruction is never used, and today SDI is a better way to deter than the threat of massive offensive retaliation.

Mr. Speaker, the second reason that President Bush was correct when he said that SDI makes more sense now than ever before is because we want to reduce the number of nuclear warheads in the world on both sides. We want to reduce this massive offensive capability and thus reduce the threat that either side would never ever have to use such weapons. To have the confidence that we can draw down the number of warheads sufficient to achieve a stable and nonoffensive capability, we need SDI as a hedge both against breakout and against cheating by the other side. Unfortunately, the Soviet Union has admitted to a lot of cheating in the treaties that it has had with the United States, and of late, as I say, it has actually admitted to this.

So, Mr. Speaker, the Soviet leadership has not been averse to cheating in the past. They admitted that the Krasnoyarsk radar, for example, was a violation of the ABM treaty, the same treaty they want to hold us to so that we do not deploy SDI. They said they would deploy the Krasnoyarsk radar, but they have yet to do so, so we do not need a hedge against cheating.

Mr. Speaker, why is that important to assist us in reducing the number of warheads? The START negotiations currently underway plan to reduce the number of warheads from approximately 12,000 down to 6,000, so that both sides would have about 6,000 warheads still modern enough to do the job. Some people are already envisioning START-II where we would perhaps cut that in half, reduce the 6,000 down to 3,000 or, perhaps, even less.

Mr. Speaker, there is a phenomenon known as horizontal proliferation that enters in here, and it is that many more nations will be acquiring missile technology and nuclear technology as time goes on, and thus two reasons arise for us to need SDI as we push the number of nuclear warheads down during the START or arms negotiation process. The first has to do with the Soviet Union. The second has to do with other nations which acquire this technology. If the Soviet Union were to cheat when both sides were reduced in warheads to the neighborhood of, let us say, a couple thousand, that cheating makes a lot of difference, a lot more difference than it does if both sides have, let us say, 12,000 warheads.

□ 2150

And it is fairly easy to understand why. Feature two cowboys on a dusty street with sixguns aimed at each other and they both have five bullets in the chamber, and one of them cheats and slips another bullet in the chamber. Well, it does not make a whole lot of difference. One has five, one has six; but suppose we want to reduce the number of warheads to ease tensions. So we keep taking bullets out of those chambers until we get down to one apiece. They have got one and we have got one.

Now suppose they cheat and they put an extra bullet, just one, in the chamber. They have got a 2-to-1 advantage over us. So at low levels of warheads a little bit of cheating matters a whole lot.

Having SDI would give us the confidence, nevertheless, to reduce those numbers of warheads, knowing that even if they did cheat it would not do them any good because SDI would prevent any missile from coming through, and at those very low levels SDI would indeed prevent a missile from getting through because it could be very effective against a much smaller offensive force on the other side.

So this is the first reason why it is a good hedge in a START regime, in an arms negotiation regime. It gives us the confidence that we need to agree to much lower levels of warheads.

The second reason here deals with this horizontal proliferation. The fact that at least 15 Third World nations will acquire ballistic missile technology before the end of this decade, as CIA Director Webster has said, and when you add to the nations that already possess it, you get into a fair number of countries which not only are going to have ballistic missile capability, but the ability to put nuclear warheads or chemical or biological warheads on these missiles.

Colonel Qadhafi, for example, said that if he had had such a missile, he would have launched it at New York when we attacked him about 3 years ago.

This horizontal proliferation becomes important with respect to both the Soviet Union and the United States if nations acquire even relatively small numbers of these weapons. As I said, we have about 10,000 warheads today, the Soviets about 12,000. Suppose we reduce that to 6,000 or 3,000, but these other nations acquire say 500. Well, 500 is not all that many, but 500 is one-fourth of 2,000, and you are going to have a lot of countries in the world becoming pretty big-time players in the ballistic missile game by the end of this century. Horizontal proliferation could become a real problem, because our threat of massive deterrence is not going to work against some of these people. That is why you need a strategic defense which can prevent the missiles of these countries from attacking the United States successfully.

So it is not only the Soviet Union, but other countries who might acquire a few missiles and a few warheads in a regime where the United States and the Soviet Union had in bilateral talks reduced their weapons down to a very small level, but obviously they cannot control what other nations might produce.

The third reason that the President is correct that SDI makes more sense in 1990, than ever before relates to these Third World countries. There has been a lot of talk about the potential for blackmail; the threat, for example, that Manuel Noriega might have hurled at us when he knew that we were coming down to Panama to get him. What if when we announced our intention to capture Manuel Noriega and bring him back here that he had said to us, "Look, I have a bill of sale from the Chinese Government for one of their ballistic missiles," and we know they have them, they have sold them all over the world, "and I have another bill of sale here for a chemical warhead from Libya, and I am telling you folks here in the United States, President Bush, if you dare to try to come down and get me, I am going to launch this missile against some United States city, and you have the proof that I have got it."

It will cripple the capability of the United States to conduct its foreign policy if lots of other people in this world acquire this kind of technology and are willing to use it against us in this kind of blackmail sense.

It will also be very difficult for U.S. forces all over this world in close proximity to countries which will acquire this capability. It will pose a threat to our allies. Indeed, it will pose a threat to the Soviet Union, because many of these relatively unstable countries are in the area, in close proximity to the Soviet Union, and they are going to have some beefs with the Soviet Union, particularly as its Moslem republics begin to try to break away, and some of the Moslem nations that I am speaking of here acquire this technology.

So there is the threat from a Third World country to the United States, to its allies, and even to the Soviet Union.

There is also the threat of a destabilized Soviet Union. Many of its missiles are in its southern Moslem republics, and with the destabilizing situation that exists in that part of the world right now, nobody can predict who might get hold of some of those missiles and what they might choose to do with them.

One of the things that has bothered me most, Mr. Speaker, is the possibility of an accidental launch. For 40 years now we have escaped an actual missile launch with a nuclear warhead on it, but there have been several instances where there have been serious mistakes occur. What if in the future any country accidentally launches one of these missiles? We have absolutely no way of stopping it, absolutely none. They cannot call it back and we cannot destroy it. We would have to accept the horrible damage that would result on some American city because of that accidental launch.

How much is it worth to protect the people of America's cities? For approximately $10 billion we could deploy a minimum protection system that would protect all Americans against an accidental launch and a launch of the kind that would be threatened by a Third World power. It would not deter a strategic attack by the Soviet Union, but it would provide that kind of protection, just $10 billion.

Well, what is the value of American life? I think that comes out to something like $40 for every person here in the United States. Is a $40 insurance policy, paid one time for that kind of protection, not worth it, Mr. Speaker?

So you see, the cost of this kind of program does fit into the concept of protecting American lives, which was one of the reasons that President Reagan first proposed it. Well, that is the third reason that President Bush has said that it makes more sense now than ever before.

It makes more sense now than ever before.

What is the fourth reason? This brings me to the close, Mr. Speaker. It is where I started, that the technology is here. It is at hand, and as this technology has been developed it has also significantly reduced the costs. A full-up, robust system costing $55 billion over the course of the years that it would be deployed would still be a relatively insignificant part, maybe 1½ percent of the entire defense budget in the years of its deployment, the most costly years.

So through the technology that has been developed and through the reductions in cost that have resulted from that technology, the President is right. There is no longer any question about the technological feasibility or the ability to afford to deploy an SDI system. All that remains, Mr. Speaker, is the will of this Congress to support the President's relatively modest request to fund the SDI program at the levels requested. The funding level for this next fiscal year will provide the money necessary to conduct the tests that will literally determine the feasibility of this program. By the time the President's first 4 years are up, he will be able to make a deployment decision based upon the schedule that has been laid out for the conduct of these tests.

That is why, Mr. Speaker, it is important for us to support the President's funding request in the next few weeks when the Defense authorization bill comes before this body and why, as President Bush has said, SDI makes more sense now than ever before.

I urge my colleagues if they are interested in the technology that has been developed, to inquire as to where they might see it in the future. I am informed that the other body may have a similar kind of display as the laboratories and contractors put on display here in the House last week.

It is, of course, also possible for any Member to visit the sites where these things are produced and developed and to observe them firsthand, including in their operational mode, as I have done. If any of my colleagues are interested in going on a trip to the facilities to see these things or just to be briefed by the SDIO, I would urge them to contact my office so that we can help to arrange that.

I hope, Mr. Speaker, that you will agree that SDIO has done a good job with the money that we have provided in the past and that we should continue to fund it at the level the President has requested.

□ 2000

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ALEXANDER (at the request of Mr. GEPHARDT), for today, on account of attending the organizational meeting of the U.S. Alternative Fuels Council.

Mrs. BENTLEY (at the request of Mr. MICHEL), for today and the balance of the week, on account of official business.

Mr. DICKINSON (at the request of Mr. MICHEL), for today, on account of personal reasons.

Mr. EMERSON (at the request of Mr. MICHEL), for today and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KYL) to revise and extend their remarks and include extraneous material:)

Mr. PARRIS, for 20 minutes, on May 10.

Mr. DELAY, for 60 minutes, on May 15.

Mr. IRELAND, for 60 minutes, on May 10.

Mr. DELAY, for 60 minutes, on May 10.

Mr. BURTON of Indiana, for 60 minutes, on May 10.

(The following Members (at the request of Mrs. UNSOELD) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KYL) and include extraneous material:)

Ms. ROS-LEHTINEN in two instances.

Mr. BEREUTER in five instances.

Mr. MCEWEN.

Mr. CONTE.

Mr. BROOMFIELD.

Mr. CRANE.

Mr. BILIRAKIS.

Mr. SMITH of New Jersey in two instances.

Mr. FIELDS in two instances.

Mr. DOUGLAS.

Mr. SUNDQUIST.

Ms. MOLINARI.

Mr. SKEEN.

Mr. PARRIS.

Mr. MILLER of Washington.

Mr. SOLOMON in three instances.

Mr. DANNEMEYER.

Mr. SCHUETTE in two instances.

Ms. SNOWE.

Mr. BARTLETT.

(The following Members (at the request of Mrs. UNSOELD) and to include extraneous matter:)

Mr. DORGAN of North Dakota.

Mr. CLEMENT.

Mr. HAMILTON.

Mr. SOLARZ.

Mr. DOWNEY.

Mr. MILLER of California.

Mr. NEAL of Massachusetts.

Mr. YATRON.

Mr. BOSCO.

Mr. FASCELL.

Mr. BERMAN in two instances.

Mr. SLATTERY.

Mr. ATKINS.

Mr. LEVINE of California in three instances.

Mr. MATSUI in three instances.

Mr. KOLTER.

Mr. LAFALCE.

Mr. WEISS in two instances.

SENATE JOINT RESOLUTION REFERRED

Joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 267. Joint resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month"; to the Committee on Post Office and Civil Service.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 993. An act to implement the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes, and

S. 1853. An act to award a congressional gold medal to Laurance Spelman Rockefellar.

ADJOURNMENT

Mr. KYL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 10, 1990, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3137. A letter from the Secretary of Agriculture, transmitting the annual report on foreign investment in U.S. agricultural land, pursuant to section 5 of the Agricultural Foreign Investment Disclosure Act of 1978; to the Committee on Agriculture.

3138. A letter from the Assistant Secretary of the Army (Installations, Logistics and Environment), transmitting notification of emergency munitions disposal, pursuant to 50 U.S.C. 1512(4); to the Committee on Armed Services.

3139. A letter from the Under Secretary of Defense, transmitting a request for T45TS Defense Enterprise Program baseline approval, pursuant to 10 U.S.C. 2437(d)(2); to the Committee on Armed Services.

3140. A letter from the Assistant General Counsel (Legal Counsel), Department of Defense, transmitting a report of individuals who filed DD Form 1787; report of DOD and defense related employment, for fiscal year 1989, pursuant to 10 U.S.C. 2397; to the Committee on Armed Services.

3141. A letter from the Secretary of Defense, transmitting a copy of a report entitled, "Defense Advisory Panel on Government-Industry Relations"; to the Committee on Armed Services.

3142. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the 76th annual report of the Board of Governors, pursuant to 12 U.S.C. 247; to the Committee on Banking, Finance and Urban Affairs.

3143. A letter from the Secretary of Agriculture, transmitting the annual report on the Youth Conservation Corps Program in the Department, fiscal year 1989, pursuant to 16 U.S.C. 1705; to the Committee on Education and Labor.

3144. A letter from the Secretary of Energy, transmitting the Department's 13th report, "Comprehensive Program and Plan for Federal Energy Education, Extension and Information Activities," pursuant to 42 U.S.C. 7373(2); to the Committee on Energy and Commerce.

3145. A letter from the Secretary of Energy, transmitting the annual report on the activities of the Office of Alcohol Fuels for fiscal year 1989, pursuant to 42 U.S.C. 8818(c)(1); to the Committee on Energy and Commerce.

3146. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend programs under the Developmental Disabilities Assistance and Bill of Rights Act; to the Committee on Energy and Commerce.

3147. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting notification that there is now a proper basis to designate formally the Polish-American and Hungarian-American Enterprise Funds to receive SEED Act funds and support; to the Committee on Foreign Affairs, May 9, 1990.

3148. A letter from the Director, Human Resources, Department of the Army, transmitting the annual report for the U.S. Army nonappropriated fund employee retirement plans for the year ended September 30, 1988, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3149. A letter from the Acting Administrator, General Services Administration, transmitting a report on its activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3150. A letter from the Chairman, National Credit Union Administration, transmitting the activities of the Office of Inspector General for the period October 1, 1989 through March 31, 1990, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

3151. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for increases in appropriation ceilings for land acquisition and development in certain units of the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

3152. A letter from the Secretary of Health and Human Services, transmitting notification that the $16 million for tribal conversion costs in the Indian Health Service Appropriations for fiscal year 1990 satisfied the need for additional obligational authority; to the Committee on Interior and Insular Affairs.

3153. A letter from the American Chemical Society, transmitting the society's annual report and financial audit for the calendar year 1989, pursuant to 36 U.S.C. 1101(2), 1103; to the Committee on the Judiciary.

3154. A letter from the Secretary of Transportation, transmitting the Airport Noise Compatibility Planning Program, pursuant to 49 U.S.C. app. 2104 nt.; to the Committee on Public Works and Transportation.

3155. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the United Nations Environment Program's current financial and operational status; jointly to the Committees on Appropriations and Foreign Affairs.

3156. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 13 of the United States Code and the International Investment and Trade in Services Survey Act to provide for sharing statistical establishment list information with the Bureau of Economic Analysis to augment, and improve the quality of, its international data, and for other purposes; jointly, to the Committees on Post Office and Civil Service, Foreign Affairs, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. H.R. 4636. A bill to authorize supplemental economic assistance for fiscal year 1990 to support democracy in Panama and Nicaragua, and for other purposes (Rept. 101-470, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 4151. A bill to authorize appropriations for fiscal years 1991 through 1994 to carry out the Head Start Act, the Follow Through Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Act of 1981, and for other purposes; with an amendment (Rept. 101-480). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT (for himself, Mr. MATSUI, Mr. SHAW, and Mr. BROWN of Colorado):

H.R. 4755. A bill to amend title XVI of the Social Security Act to permit disabled people to maximize their independence; to the Committee on Ways and Means.

By Mr. TAUZIN (for himself, Mr. SWIFT, Mr. COOPER, Mr. SLATTERY, Mr. BOUCHER, Mr. HALL of Texas, Mr. HAYES of Louisiana, Mr. CHAPMAN, Mr. OLIN, Mr. WEBER, Mr. WILLIAMS, Mr. GORDON, and Mr. GALLO, and Mr. DEFAZIO):

H.R. 4756. A bill to amend the Communications Act of 1934 to provide for the competitive development of direct to home satellite television communications; to the Committee on Energy and Commerce.

By Mr. BROOKS (by request):

H.R. 4757. A bill to provide permanent authority for the U.S. Supreme Court Police; to the Committee on the Judiciary.

By Mr. COLEMAN of Texas:

H.R. 4758. A bill to provide for the construction, operation, and maintenance of an extension of the American Canal at El Paso,

TX; jointly to the Committee on Interior and Insular Affairs and Foreign Affairs.

By Mr. CRANE:

H.R. 4759. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to abolish the National Endowment for the Arts and the National Council on the Arts; to the Committee on Education and Labor.

By Mr. ROSTENKOWSKI:

H.R. 4760. A bill to amend the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget process, to amend the Social Security Act to enhance and protect the Social Security Program, and for other purposes; jointly, to the Committees on Ways and Means, Government Operations, and Rules.

By Mr. DORGAN of North Dakota (for himself and Mr. CHANDLER):

H.R. 4761. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize deductions a deduction for charitable contributions to the extent in excess of $100 per year; to the Committee on Ways and Means.

By Mr. FAWELL:

H.R. 4762. A bill to make technical changes to Public Law 81-874; to the Committee on Education and Labor.

By Mr. FOGLIETTA (for himself, Mr. RANGEL, Mr. CROCKETT, Mr. SCHEUER, Mrs. COLLINS, Mr. FASCELL, Mr. FAUNTROY, Mr. LEVINE of California, Mr. CONYERS, Mr. BORSKI, Mr. SCHUMER, Mr. KOSTMAYER, Mrs. UNSOELD, Mr. GUARINI, and Mr. MORRISON of Washington):

H.R. 4763: A bill to provide emergency Federal assistance to drug emergency areas; to the Committee on the Judiciary.

By Mr. GEJDENSON:

H.R. 4764. A bill to amend the Communications Act of 1934 to prohibit commerce in high-definition televisions that do not contain minimum levels of domestic content; to the Committee on Energy and Commerce.

By Mr. DE LUGO (for himself, Mr. LAGOMARSINO, Mr. FUSTER, Mr. UDALL, Mr. YOUNG of Alaska, Mr. MOAKLEY, Mr. QUILLEN, Mr. CLARKE, Mr. LEWIS of Georgia, Mr. FALEOMAVAEGA, Mr. BLAZ, and Mr. DARDEN):

H.R. 4765. A bill to enable the people of Puerto Rico to excerise self-determination; jointly, to the Committees on Interior and Insular Affairs and Rules.

By Mr. GONZALEZ (for himself and Mr. WYLIE (both by request), Ms. OAKAR, and Mr. SHUMWAY):

H.R. 4766. A bill to amend the Defense Production Act of 1950 to support mobilization of the defense industrial base of the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HEFLEY (for himself, Mr. BROWN of Colorado, Mr. SCHAEFER, and Mr. CAMPBELL of Colorado):

H.R. 4767. A bill to improve the water quality of the water flowing from the Leadville Mine drainage tunnel in Colorado; to the Committee on Interior and Insular Affairs.

By Mr. HOYER:

H.R. 4768. A bill to amend title 5, United States Code, to revise the pay structure for the police forces of the Bureau of Engraving and Printing and the U.S. Mint; to the Committee on Post Office and Civil Service.

H.R. 4769. A bill to amend title 5, United States Code, to increase the limit on the uniform allowance payable to Federal employees; to the Committee on Post Office and Civil Service.

By Mr. ROYBAL (for himself, Ms. SNOWE, Mr. WAXMAN, Mr. STARK, Mr. DOWNEY, Mr. RINALDO, Mr. REGULA, and Mr. BRUCE):

H.R. 4770. A bill to amend the public Health Service Act to provide assistance for biomedical and health services research, education, treatment programs and for other purposes relating to Alzheimer's disease and related disorders; to the Committee on Energy and Commerce.

By Mr. JACOBS:

H.R. 4771. A bill prohibiting the manufacture, sale, delivery, or importation of certain motor vehicles and railcars that do not have seatbelts, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. KOLTER:

H.R. 4772. A bill to amend title XVIII of the Social Security Act to repeal the requirment that all nonparticipating physicians file Medicare claims on behalf of all of their patients who are Medicare beneficiaries; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. LAFALCE (for himself and Mr. CONTE):

H.R. 4773. A bill to authorize the President to call and conduct a National White House Conference on Small Business; to the Committee on Small Business.

By Mr. LEVINE of California (for himself, Mr. GILMAN, Mr. RANGEL, Mr. WAXMAN, and Mr. BLILEY):

H.R. 4774. A bill to ban volatile alkyl nitrites; to the Committee on Energy and Commerce.

By Mr. PARRIS:

H.R. 4775. A bill to amend title 10, United States Code, to repeal the limitation on the amount of separation pay that may be paid to an officer of the Armed Forces involuntarily separated before becoming eligible for retirement, and for other purposes; to the Committee on Armed Services.

By Mr. POSHARD:

H.R. 4776. A bill to establish a National Coal Institute which would address the current and future problems and challenges of the Nation's high-sulfur coal industry; jointly, to the Committees on Energy and Commerce; Science, Space, and Technology; and Education and Labor.

By Mr. SKEEN:

H.R. 4777. A bill to amend the Act of June 20, 1910, to clarify in the State of New Mexico authority to exchange lands granted by the United States in trust, and to validate prior land exchanges; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of New Jersey:

H.R. 4778. A bill to direct the Secretary of the Army to conduct a study of the feasibility of implementing flood control measures on the Manasquan River to alleviate flooding in Freehold, Howell, and other affected townships in New Jersey; to the Committee on Public Works and Transportation.

By Mr. STUDDS (for himself and Mr. YOUNG of Alaska):

H.R. 4779. A bill to provide congressional approval of the Governing International Fishery Agreement between the United States and the Government of the People's Republic of China; to the Committee on Merchant Marine and Fisheries.

H.R. 4780. A bill to provide congressional approval of the Governing International Fishery Agreement between the United States and the Government of the German Democratic Republic; to the Committee on Merchant Marine and Fisheries.

By Mr. WISE:

H.R. 4781. A bill to assure the continued involvement of State, county, and local governments in the war on drugs; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.J. Res. 565. Joint resolution designating July 22 through July 28, 1990, as "National Invent America Week"; to the Committee on Post Office and Civil Service.

By Mr. ESPY (for himself, Mr. BLILEY, Mr. WOLF, Mr. SLATTERY, Mr. MCEWEN, Mr. MONTGOMERY, Mr. HORTON, Mr. BENNETT, Mr. WEBER, Mr. TALLON, Mr. RANGEL, Mr. MCNULTY, Mr. FAUNTROY, Mr. BEVILL, Mr. LENT, Mr. PICKETT, Mr. SPENCE, and Mr. TAYLOR):

H.J. Res. 566. Joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 19, 1990, as "National Military Families Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. CLEMENT:

H. Res. 389. Resolution expressing the Sense of the House of Representatives that the sponsors and participants of the first National Conference on Environmental Sensitivity in Construction should be commended; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

383. By the SPEAKER: Memorial of the 15th Legislature of the State Senate of Hawaii, relative to the enhancement of national and community services; to the Committee on Education and Labor.

384. Also, memorial of the Assembly of the State Legislature of California, relative to leveraged buyouts; to the Committee on Energy and Commerce.

385. Also, memorial of the Assembly of the State Legislature of California, relative to the right of self-determination of the Lithuanian people; to the Committee on Foreign Affairs.

386. Also, memorial of the State Senate of Colorado, relative to designation of additional wilderness areas in the State; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 220: Mr. MCGRATH.

H.R. 446: Mr. COURTER, Mr. MILLER of Washington, Mr. HOLLOWAY, and Mr. APPLEGATE.

H.R. 467: Ms. MOLINARI, Mr. DICKS, Mr. LENT, Mr. DURBIN, Mr. MARTINEZ, and Mr. COYNE.

H.R. 505: Mr. CONDIT.

H.R. 1068: Mr. DERRICK, Mr. HALL of Texas, Mr. HEFNER, Mr. MOODY, Mr. YOUNG of Alaska, Mr. PURSELL, Mr. GEREN, Mr. ANTHONY, Mr. HUNTER, Mr. BARTON of Texas, and Mr. ESPY.

H.R. 1083: Mr. WHITTAKER, Mr. ROWLAND of Connecticut, Ms. SNOWE, Mr. PRICE, Mr. GILLMOR, Mr. IRELAND, Mr. GRAY, Mr. LEWIS of Florida, Mr. SERRANO, Mr. STANGELAND, Mrs. MARTIN of Illinois, Mr. HUGHES, Mr. SYNAR, Mr. HALL of Texas, and Ms. MOLINARI.

H.R. 1249: Mr. DELLUMS.

H.R. 1287: Mr. SPENCE and Mr. HORTON.

H.R. 1317: Mr. FRENZEL, Mr. FLIPPO, Mr. SHAW, Mr. DONNELLY, Mr. COURTER, Mr. HOLLOWAY, Mrs. COLLINS, Mr. VANDER JAGT, Mr. ANDREWS, and Mr. SUNDQUIST.

H.R. 1574: Mr. VENTO and Mr. ROE.

H.R. 2269: Mr. RIDGE.

H.R. 2273: Mr. BARTLETT.

H.R. 2284: Mr. WALSH.

H.R. 2336: Mr. CONDIT.

H.R. 2353: Mr. HORTON, Mr. CARR, and Mr. TOWNS.

H.R. 2380: Mr. FROST, Mr. VOLKMER, and Mr. PASHAYAN.

H.R. 2499: Mr. AUCOIN.

H.R. 2575: Mr. NAGLE, Mr. TANNER, Mr. BOEHLERT, Mr. CAMPBELL of California, Mrs. MEYERS of Kansas, Mr. PICKETT, Mr. CLARKE, Mr. DE LUGO, Mr. CROCKETT, Mr. JONES of North Carolina, Mr. WILSON, Mr. HUTTO, Ms. ROS-LEHTINEN, Mr. NEAL of Massachusetts, Mr. GILMAN, Mr. PAXON, and Mr. MARKEY.

H.R. 2761: Mr. ASPIN.

H.R. 3119: Mr. ROBERT F. SMITH.

H.R. 3437: Mr. DREIER of California, Mr. THOMAS of Wyoming, and Mr. WISE.

H.R. 3500: Mr. KASTENMEIER, Mr. RHODES, Mr. DEWINE, Ms. MOLINARI, Mr. CAMPBELL of California, Mr. BARTLETT, Mr. HERTEL, Mr. SENSENBRENNER, and Mr. FAWELL.

H.R. 3693: Mr. VENTO.

H.R. 3734: Mr. HOCHBRUECKNER, Mr. GEJDENSON, Mr. EVANS, Mrs. SCHROEDER, Mrs. BENTLEY, Mr. LANTOS, Mr. EMERSON, and Mr. OWENS of New York.

H.R. 3766: Mr. ESPY and Mr. SMITH of New Hampshire.

H.R. 3859: Mr. SERRANO.

H.R. 3912: Mrs. UNSOELD.

H.R. 3914: Mrs. BYRON, Mrs. SCHROEDER, Mr. DYMALLY, Ms. MOLINARI, Mr. MURPHY, Mr. BENNETT, and Mr. OBERSTAR.

H.R. 3977: Mr. DWYER of New Jersey, Mr. LANCASTER, Mrs. SAIKI, Mr. BROWN of California, Mr. HUGHES, and Mr. WEISS.

H.R. 4049: Mr. CAMPBELL of Colorado and Mr. HOYER.

H.R. 4095: Mr. DICKS, Mr. POSHARD, Mr. MURTHA, Mrs. LLOYD, Mr. MCGRATH, Mr. BOUCHER, Mr. ENGLISH, Mrs. MORELLA, Mrs. UNSOELD, Mr. LEWIS of Georgia, Ms. KAPTUR, Mr. LANCASTER, Mrs. SAIKI, Mr. HUGHES, Mr. FRANK, Mr. YATRON, and Mr. DEWINE.

H.R. 4149: Mr. JOHNSON of South Dakota, Mr. EMERSON, Mr. MCDADE, and Mr. ROE.

H.R. 4151: Mr. TOWNS, Mr. WOLPE, Mr. CLEMENT, Mrs. SCHROEDER, Mr. MCCLOSKEY, Mr. SWIFT, Mr. HERTEL, Mr. CLAY, Mr. TANNER, Mr. JONES of North Carolina, Mr. CONTE, Mr. DINGELL, Mr. PALLONE, Mr. MAVROULES, Mr. TALLON, Mr. SPRATT, Mr. JONES of Georgia, Mrs. BOXER, Mr. WYDEN, and Mr. SKAGGS.

H.R. 4224: Mr. DWYER of New Jersey, Mr. EVANS, Mr. LAGOMARSINO, Mr. LOWERY of California, Mr. MARTINEZ, Mr. PANETTA, Mr. SKEEN, and Mr. SMITH of Florida.

H.R. 4226: Mr. SHARP.

H.R. 4254: Mr. CLARKE.

H.R. 4262: Mr. JOHNSON of South Dakota and Mr. LEWIS of Georgia.

H.R. 4340: Mr. SAXTON.

H.R. 4345: Mr. PENNY and Mr. RICHARDSON.

H.R. 4347: Mr. CLINGER.

H.R. 4362: Mr. BRUCE, Mr. OWENS of Utah, and Mr. DIXON.

H.R. 4470: Mrs. BOGGS and Mr. FUSTER.

H.R. 4475: Mr. DYSON, Mr. RAVENEL, Mr. KYL, Mr. FASCELL, Mr. JENKINS, Mr. HARRIS, Mr. JOHNSON of South Dakota, Ms. PELOSI, Mr. STALLINGS, Mr. HUTTO, Mr. GALLEGLY, Mr. DANNEMEYER, Mr. GOSS, Mr. MCEWEN, Mr. SHUMWAY, Ms. SNOWE, Mr. PARKER, Mr. OXLEY, Mr. SMITH of Vermont, Mr. LAGOMARSINO, Mr. HENRY, Mr. KILDEE, Mr. STEARNS, and Mr. SPRATT.

H.R. 4493: Mr. TAYLOR, Mr. LEWIS of Georgia, Mr. LEHMAN of Florida, Mr. DORGAN of North Dakota, and Mr. POSHARD.

H.R. 4506: Mr. FRANK.

H.R. 4516: Mr. PAYNE of New Jersey, Mr. LEHMAN of Florida, Mr. SCHEUER, Mr. BUSTAMANTE, Mr. MCNULTY, Mr. FRANK, Ms. ROS-LEHTINEN, Mr. LANTOS, Mrs. MORELLA, Mr. RANGEL, Ms. PELOSI, Mr. GREEN, Mr. SOLARZ, Mr. FAUNTROY, Mr. PALLONE, Mr. DELLUMS, and Mr. MILLER of Washington.

H.R. 4564: Mr. KANJORSKI and Mr. GONZALEZ.

H.R. 4566: Mr. CHANDLER.

H.R. 4570: Mr. MCNULTY, Mr. KOLTER, Mr. LIPINSKI, Mr. EVANS, Mr. LEVIN of Michigan, Mr. LAGOMARSINO, Mr. DWYER of New Jersey, and Mr. BROWN of Colorado.

H.R. 4595: Mr. SERRANO and Mr. RANGEL.

H.R. 4640: Mr. HORTON, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. NIELSON of Utah, Mr. DYSON, and Mr. PAYNE of Virginia.

H.R. 4690: Mr. AKAKA, Mr. DEFAZIO, and Mr. TOWNS.

H.R. 4721: Mr. DICKINSON, Mr. GREEN, and Mr. SPENCE.

H.J. Res. 372: Mr. COURTER.

H.J. Res. 431: Mr. DURBIN, Mr. JAMES, Mr. BRUCE, and Mr. FALEOMAVAEGA.

H.J. Res. 452: Mr. MCDADE, Mr. DORNAN of California, Mr. FOGLIETTA, Mr. BERMAN, Mr. STANGELAND, Mr. JENKINS, Mr. SAXTON, Mr. MCCOLLUM, Mr. LIPINSKI, Mr. SPRATT, Mr. LEVINE of California, Mr. TALLON, Mr. YATRON, Mr. HILER, Mr. HAMMERSCHMIDT, Mr. HUBBARD, Mr. DUNCAN, Mr. APPLEGATE, Mr. SHARP, Mr. MARKEY, Mr. ALEXANDER, Mr. HUTTO, Mr. MFUME, Mr. CLARKE, Mr. AKAKA, Mr. UDALL, Mr. HEFNER, Mr. CHANDLER, Mr. HAWKINS, Mr. FALEOMAVAEGA, Mr. RAHALL, Mr. SNOWE, Mr. ACKERMAN, and Mrs. SAIKI.

H.J. Res. 467: Mr. WAXMAN and Mr. SHAW.

H.J. Res. 476: Mr. APPLEGATE, Mr. CHANDLER, Mr. CROCKETT, Mr. DWYER of New Jersey, Mr. GALLEGLY, Mr. LIVINGSTON, Mr. SLATTERY, Mr. STAGGERS, Mr. TRAXLER, and Mr. WEISS.

H.J. Res. 489: Mr. KOLTER, Mr. HEFNER, Mr. FASCELL, Mr. PERKINS, Mr. WYDEN, Mr. NEAL of Massachusetts, Mr. WATKINS, Mr. UDALL, Mr. NOWAK, Mr. OWENS of Utah, Mr. STOKES, Mr. HENRY, Mr. MCNULTY, Mr. LEHMAN of Florida, Ms. PELOSI, Mr. RAHALL, Mr. SISISKY, Mr. RANGEL, Mr. WEISS, Mr. FAUNTROY, Mr. DEFAZIO, Mr. SCHEUER, Mr. HORTON, Mr. MARTINEZ, Mr. FAZIO, Mr. JONTZ, Mr. SKELTON, Mr. DYMALLY, Mr. LEVINE of California, Mr. ROYBAL, Mr. FOGLIETTA, Ms. KAPTUR, Mr. BEVILL, Mr. LEWIS of California, Mr. FROST, Mrs. BOXER, Mr. CHAPMAN, Mr. CROCKETT, Mr. TOWNS, Mr. BROWN of California, Mr. SAVAGE, Mrs. UNSOELD, Mr. OWENS of New York, Mr. KILDEE, and Mr. CAMPBELL of Colorado.

H.J. Res. 508: Mr. ARCHER, Mr. BAKER, Mr. BALLENGER, Mr. BARLETT, Mr. BATEMAN, Mr. BATES, Mr. BENNETT, Mr. BEVILL, Mr. BILIRAKIS, Mr. BOEHLERT, Mr. BORSKI, Mr. BOSCO, Mr. BOUCHER, Mrs. BOXER, Mr. BROOMFIELD, Mr. BROWN of Colorado, Mr. BUECHNER, Mr. BURTON of Indiana, Mrs. BYRON, Mr. CALLAHAN, Mr. CAMPBELL of Colorado, Mr. CARDIN, Mr. CHANDLER, Mr. CLARKE, Mr. CLEMENT, Mr. CLINGER, Mr. COBLE, Mr. COLEMAN of Texas, Mr. COLEMAN of Missouri, Mrs. COLLINS, Mr. COSTELLO, Mr. COURTER, Mr. CRAIG, Mr. DARDEN, Mr. DAVIS, Mr. DEFAZIO, Mr. DE LA GARZA, Mr. DELAY, Mr. DELLUMS, Mr. DE LUGO, Mr. DICKS, Mr. DIXON, Mr. DOUGLAS, Mr. DREIER of California, Mr. DUNCAN, Mr. DURBIN, Mr. DYMALLY, Mr. EMERSON, Mr. ESPY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAUNTROY, Mr. FAWELL, Mr. FAZIO, Mr. FIELDS, Mr. GALLO, Mr. GEKAS, Mr. GEJDENSON, Mr. GILMAN, Mr. GINGRICH, Mr. GOSS, Mr. GRANT, Mr. GRANDY, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HARRIS, Mr. HASTERT, Mr. HAYES of Illinois, Mr. HEFLEY, Mr. HEFNER, Mr. HENRY, Mr. HOLLOWAY, Mr. HOYER, Mr. HUCKABY, Mr. HUGHES, Mr. HUBBARD, Mr. HUNTER, Mr. INHOFE, Mr. IRELAND, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of South Dakota, Mr. JONES of North Carolina, Mr. KLECZKA, Mr. KASICH, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LOWERY of California, Mr. MCCOLLUM, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MCEWEN, Mr. MCGRATH, Mr. MCHUGH, Mr. MCMILLAN of North Carolina, Mr. MACHTLEY, Mr. MANTON, Mr. MARKEY, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MATSUI, Mr. MICHEL, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOORHEAD, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. MRAZEK, Mr. MURTHA, Mr. NAGLE, Mr. NATCHER, Ms. OAKAR, Mr. ORTIZ, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PACKARD, Mr. PALLONE, Mr. PANETTA, Mr. PASHAYAN, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PICKLE, Mr. RAHALL, Mr. RAVENEL, Mr. REGULA, Mr. RITTER, Mr. ROBERTS, Mr. ROBINSON, Mr. ROSE, Ms. ROS-LEHTINEN, Mr. ROWLAND of Connecticut, Mr. SABO, Mrs. SAIKI, Mr. SARPALIUS, Mr. SCHAEFER, Mr. SCHEUER, Mr. SHAYS, Mr. SHUMWAY, Mr. SISISKY, Mr. SKELTON, Mr. SLAUGHTER of Virginia, Ms. SLAUGHTER of New York, Mr. SMITH of New Hampshire, Mrs. SMITH of Nebraska, Ms. SNOWE, Mr. SOLOMON, Mr. SPRATT, Mr. STUMP, Mr. TAUKE, Mr. TAYLOR, Mr. VANDER JAGT, Mr. WALSH, Mr. WELDON, Mr. WHITTEN, Mr. WOLF, Mr. WOLPE, and Mrs. MEYERS of Kansas.

H.J. Res. 519: Mr. ASPIN, Mr. BILIRAKIS, Mr. GEJDENSON, and Mr. SMITH of New Jersey.

H.J. Res. 531: Ms. LONG.

H.J. Res. 534: Mr. FLAKE.

H.J. Res. 535: Mr. LEWIS of California, Mr. FROST, Mr. WEISS, Mr. OWENS of New York, Mr. JONES of Georgia, Mr. BOEHLERT, Mr. DELLUMS, Mr. RANGEL, Mr. WALGREN, Mr. NAGLE, Mr. FAZIO, Mr. ECKART, Ms. OAKAR, Mr. CAMPBELL of Colorado, Mr. RHODES, Mr. LANCASTER, Mr. NOWAK, Mr. FAWELL, Mr. WEBER, Mr. CRAIG, Mr. MCNULTY, Mr. PAXON, Mr. GILMAN, Mr. WATKINS, Mr. EVANS, Mr. SHAW, Mr. GREEN, Mrs. JOHNSON of Connecticut, Mr. DOUGLAS, Mr. MCCRERY, Mr. NEAL of Massachusetts, Mr. TAUKE, Mr. DURBIN, Mr. TRAXLER, and Mr. DANNEMEYER.

H.J. Res. 540: Mr. REGULA, Mr. HUGHES, Mr. DERRICK, Mr. GREEN, Mr. APPLEGATE, Mr. BEVILL, Mr. ASPIN, Mr. BUSTAMANTE, Mrs. SAIKI, Mr. HEFNER, Mr. YOUNG of Alaska, Mr. FROST, Mr. BATES, Mr. HYDE, Mr. GEREN, Mr. ESPY, Mr. WILSON, Ms. PELOSI, Mr. GINGRICH, and Mr. KASICH.

H.J. Res. 555: Mr. ANDERSON, Mr. APPLEGATE, Mr. ASPIN, Mr. BATES, Mr. BEILENSON, Mr. BENNETT, Mrs. BENTLEY, Mr. BORSKI, Mr. BOSCO, Mr. BUSTAMANTE, Mr. CARPER, Mr. COBLE, Mrs. COLLINS, Mr. CONTE, Mr. COSTELLO, Mr. COURTER, Mr. DERRICK, Mr. DICKS, Mr. DONNELLY, Mr. DORNAN of Cali-

fornia, Mr. DYMALLY, Mr. FAWELL, Mr. FEIGHAN, Mr. FORD of Michigan, Mr. FRENZEL, Mr. FROST, Mr. GALLEGLY, Mr. GEKAS, Mr. GRANT, Mr. HANCOCK, Mr. HARRIS, Mr. HORTON, Mr. HYDE, Mr. IRELAND, Mrs. JOHNSON of Connecticut, Mr. JONES of North Carolina, Mr. KASICH, Mr. KOSTMAYER, Mr. LEHMAN of California, Mr. LENT, Mr. MADIGAN, Mr. MOAKLEY, Mr. PANETTA, Mr. PASHAYAN, Mr. RHODES, Mr. SOLOMON, Mr. SPENCE, Mr. WEBER, Mr. WOLF, Mr. YATRON, Mr. YOUNG of Alaska, Mr. EDWARDS of Oklahoma, and Mr. VANDER JAGT.

H.J. Res. 556: Mr. ANDERSON, Mr. APPLEGATE, Mr. ASPIN, Mr. AUCOIN, Mr. BARTLETT, Mr. BATES, Mrs. BENTLEY, Mr. BEREUTER, Mr. BILBRAY, Mr. BLAZ, Mr. BLILEY, Mr. BORSKI, Mr. BOSCO, Mr. BRENNAN, Mr. BROWN of Colorado, Mr. BRUCE, Mr. BRYANT, Mr. BUECHNER, Mr. BUNNING, Mr. BUSTAMANTE, Mr. CARDIN, Mr. CARPER, Mr. CLARKE, Mr. CLEMENT, Mr. COUGHLIN, Mr. COURTER, Mr. COYNE, Mr. DELLUMS, Mr. DE LUGO, Mr. DORGAN of North Dakota, Mr. DOWNEY, Mr. DREIER of California, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDWARDS of California, Mr. ERDREICH, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FEIGHAN, Mr. FLAKE, Mr. GALLO, Mr. GONZALEZ, Mr. GORDON, Mr. GRANT, Mr. HARRIS, Mr. HAWKINS, Mr. HILER, Mr. HOAGLAND, Mr. HOCHBRUECKNER, Mr. HOYER, Mr. HUBBARD, Mr. HUGHES, Mr. JONES of North Carolina, Mr. KANJORSKI, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KLECZKA, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAUGHLIN, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LEWIS of Georgia, Mr. LEWIS of California, Mrs. LOWEY of New York, Mr. MARKEY, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MAVROULES, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCGRATH, Mr. MCMILLEN of Maryland, Mr. MFUME, Mr. MILLER of California, Mr. MOAKLEY, Mr. MOODY, Mr. MOORHEAD, Mr. MORRISON of Washington, Mr. NATCHER, Mr. NEAL of Massachusetts, Ms. OAKAR, Mr. OWENS of New York, Mr. PANETTA, Mrs. PATTERSON, Mr. PAYNE of New Jersey, Mr. PRICE, Mr. ROYBAL, Mr. RUSSO, Mr. SABO, Mr. SARPALIUS, Mr. SCHEUER, Mr. SCHUMER, Mr. SERRANO, Mr. SKAGGS, Mr. SLATTERY, Mr. ROBERT F. SMITH, Mr. SMITH of New Hampshire, Mr. SPENCE, Mr. STARK, Mr. STUDDS, Mr. TALLON, Mr. TORRES, Mr. TORRICELLI, Mr. TRAXLER, Mr. UDALL, Mr. VISCLOSKY, Mr. WHEAT, Mr. WOLPE, Mr. WYDEN, Mr. SOLOMON, Mr. FISH, Mr. GEJDENSON, Mr. SOLARZ, Mr. NELSON of Florida, Mr. KASICH, Mr. HEFNER, Mr. HUTTO, Mr. ANDREWS, Mr. DORNAN of California, Mr. MAZZOLI, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. FORD Tennessee, Mr. WISE, Mr. SIKORSKI, AND Mr. GEPHARDT.

H. Con. Res. 128: Mr. LEHMAN of Florida, Mr. HANCOCK, Mr. SMITH of Florida, and Mr. DORNAN of California.

H. Con. Res. 246: Mr. FAZIO and Mr. CONDIT.

H. Con. Res. 252: Mr. DYMALLY, MR. MURPHY, AND MR. OBERSTAR.

H. Con. Res. 291: Mr. HORTON.

H. Con. Res. 316: Mr. FLIPPO, Mr. CARPER, Mr. FORD of Tennessee, Mr. GONZALEZ, Mr. MCCLOSKEY, Mr. HORTON, Mr. GEPHARDT, Mr. WYDEN, Mr. LEHMAN of California, Mr. LEVIN of Michigan, Mr. KANJORSKI, Mr. SAWYER, Mr. PAYNE of New Jersey, Mr. ANDERSON, Mr. MARKEY, Mr. BATES, Mr. OWENS of Utah, Mr. SKAGGSMr. DWYER of New Jersey, Mr. GEJDENSON, AND MR. FEIGHAN.

H. Res. 134: Mr. ROTH.

H. Res. 387: Mr. THOMAS of California, Ms. SNOWE, MR. RAVENEL, MR. MCMILLAN of North Carolina, Mr. ROBERTS, MR. BROWN of Colorado, Mr. MADIGAN, MR. HILER, Mr. ARCHER, MRS. MARTIN of Illinois, and Mr. HENRY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3736: Mr. OLIN.
H.R. 3737: Mr. OLIN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

166. By the SPEAKER: Petition of the Township of Wayne, Passaic, NJ, relative to urging Congress to open the cable industry to more competition in the marketplace; to the Committee on Energy and Commerce.

167. Also, petition of the Executive Board of the United Mine Workers of America, relative to urging full U.S. funding for the International Labor Organization; to the Committee on Foreign Affairs.

168. Also, petition of the Town of Penney Farms, FL, relative to the payment by Florida residents of Federal taxes; to the Committee on Government Operations.

169. Also, petition of the Levy County Board of Commissioners, Florida, relative to the payment of Florida taxes regarding the interstate allocation of grant funds; to the Committee on Government Operations.

170. Also, petition of the Board of Alderman, city of New Haven, CT, relative to praising the Congress for repealing the catastrophic health insurance surtax, but urging enactment of a comprehensive national health plan with no-cost catastrophic coverage for senior citizens; jointly, to the Committees on Ways and Means and Energy and Commerce.

EXTENSIONS OF REMARKS

PUERTO RICO STATUS PLEBISCITE GENERATES INTERNATIONAL INTEREST

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. FUSTER. Mr. Speaker, in recent days my colleagues have heard me speak of the many dimensions of the political status debate in and about Puerto Rico—dimensions that have been explored in the last month alone in such national publications as the New York Times, the Washington Post, the Wall Street Journal, and Time magazine. But there is also an international dimension to this issue, legislation about which is pending in the Congress that would set up a political status plebiscite in Puerto Rico next year between the choices of statehood, independence, or an enhancement of the existing commonwealth status.

This international interest in and growing awareness of the plebiscite has been promoted in part by supporters of the independence option for Puerto Rico. To that end, Mr. Speaker, I am inserting in the RECORD today two interesting articles from newspapers in Puerto Rico about the proindependence aspect of the status debate, and I commend them to the attention of my distinguished colleagues.

[From El Mundo, Apr. 17, 1990]

THE DAYS OF COLONIALISM IN PUERTO RICO ARE COUNTED

MEXICO.—Rubén Berríos, president of the Puerto Rico Independence Party (PIP), said in Cuba that "The days of colonialism in Puerto Rico are counted," according to the Cuban press agency "Prensa Latina."

"The days of colonialism in Puerto Rico are counted. We are facing the 21st century and there are virtually no colonies left. Only six million people live under colonial regimes, of them, three and a half live in Puerto Rico," Berríos told the Cuban media during his visit to Havana.

According to Berríos, "The United States is faced with the problem of colonialism in Puerto Rico and the current process in the United States Congress towards a plebiscite in the Caribbean island is symptomatic of the degree of colonial deterioration that weighs heavily on Washington."

Berríos added that "spokespersons and ideologues of U.S. conservatism have stated that statehood is not a viable economic or political alternative for the United States."

"And since colonialism in the world is bankrupt, Washington will have to confront the fact that the only way out-for the Puerto Rican problem, short term or long term, is independence," Berríos stated.

Berríos and PIP Vice President [Puerto Rico Senator] Fernando Martín (PIP at-large), travelled to Havana during the weekend as part of a tour to create "a common Latin American front for the independence of Puerto Rico."

In Havana, Berríos met with President Fidel Castro and, prior to that meeting, had met with eight other Latin American presidents.

During his meeting with Castro, Berríos said the Cuban President "ratified the support of the government in Havana for the cause of Puerto Rican independence."

[From El Nuevo Día. Apr. 17, 1990]

PUERTO RICAN INDEPENDENCE PARTY MAKES APPEAL TO LATIN AMERICA

HAVANA, CUBA.—During a visit to Cuba this past weekend, Puerto Rico Independence Party (PIP) President Rubén Berríos stressed the need for Latin America's support for Puerto Rico's independence.

The PIP leader travelled to Havana with Senator Fernando Martín, the PIP's Vice President. The PIP is one of the three parties participating in the process towards a plebiscite in Puerto Rico. Berríos and Martín are on a tour of several countries in the region with the purpose of seeking support for the creation of a "common Latin American front for the independence of Puerto Rico." During his Latin American excursion, Berríos has visited Jamaica, Perú, Bolivia, Ecuador, Argentina, Venezuela, Colombia and Cuba, and has met with nine presidents.

In his meeting with the Cuban president, Fidel Castro, both politicians examined possible endeavors towards Puerto Rican independence, according to a report which appeared today in Cuba's official newspaper, "Granma."

During their meeting, Berríos said he was convinced that the contradictions of the U.S. presence in Puerto Rico, exposed during the plebiscite process, have served as evidence of the failure of the colonial system as well as of the "annexionist" (or pro-statehood) movement, according to the source. In his statements to the local media, Berríos indicated that Fidel Castro had ratified the support of his government to Puerto Rican independence. Rubén Berríos stressed that, in Puerto Rico, "the days of colonialism are counted."

"We are facing the 21st century," he added "and there are virtually no colonies left. Only six million people live under colonial regimes, of them, three and a half live in Puerto Rico." According to Berríos, the U.S. government is faced with the problem and the current process in the U.S. Congress towards a plebiscite in the Caribbean island is symptomatic of the degree of colonial deterioration that weighs heavily on Washington. He also explained that the option for the referendum, scheduled for next year if Congress approves legislation to that effect, would be statehood, Commonwealth and independence.

TRADE SANCTIONS AND THE PEOPLE'S REPUBLIC OF CHINA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BEREUTER. Mr. Speaker, the President must decide by June 3, 1990, whether to grant a waiver of the Jackson-Vanik amendment in order to extend China's most-favored-nation [MFN] status for another 12 months. The Jackson-Vanik amendment does not allow MFN status to be granted to countries who do not allow their citizens to emigrate freely, unless a waiver is granted by the President. Following the Tiananmen Square massacre in 1989, Chinese leaders have further restricted emigration and increased their disregard for basic human rights.

While these actions have been very disappointing and could easily justify a decision to revoke MFN status, a May 3, 1990, editorial from the Journal of Commerce illustrates some interesting points which could support continuation of China's current MFN status. Most notably, MFN status makes textiles, electronics, sneakers, and toys manufactured in China competitive in the United States. These goods are manufactured by semiprivate companies which make up China's entrepreneurial sector which has developed as a result of economic reforms. Loss of the Jackson-Vanik waiver would render these firms uncompetitive in the U.S. market. United States support for these entrepreneurs, the Journal suggests, could be best illustrated by granting a waiver of the Jackson-Vanik amendment and extending MFN to the People's Republic of China for an additional 12 months. I submit this editorial to be printed in the RECORD.

SELF-DEFEATING SANCTION

Using trade policy to do a foreign policy job is a tricky business: The United States could end up hurting itself by imposing broad trade sanctions to make a narrow political statement. That's what will happen if President Bush follows the advice of some in Congress who want to punish the hardliners in Beijing by canceling China's most-favored-nation tariff status.

Most-favored-nation status, which grants imports from China the same tariff treatment accorded goods from most other countries, was extended in 1980 under the U.S.-China Trade Agreement. That privilege has enabled China to become America's 10th-largest trading partner. Without it, high tariffs would make many Chinese goods uncompetitive: Customs duties on cotton sweaters, a major Chinese export, would rise from 6% to 60%.

Under the Jackson-Vanik Amendment, a 1974 law aimed at the Soviet Union, most-favored-nation status may not be granted to any country that restricts its citizens' right to emigrate. Each year since 1980, the United States has granted China a waiver of

the Jackson-Vanik requirement, renewing its tariff preferences with little debate.

Beijing's murderous repression in Tiananmen Square last June and the subsequent crackdown on the emigration of students and dissidents, mean that the Jackson-Vanik waiver is no longer a routine matter. By June 3, President Bush must decide whether to issue a waiver for another 12 months. The president is under pressure to vindicate himself for his mistake in sending two secret missions to Beijing for high-level talks last year while publicly proclaiming a moratorium on official visits. But responding to that pressure by stripping China of its most-favored-nation status would be a mistake.

A reversal in U.S. trade policy, effectively abrogating the 1980 trade agreement, would play into the hands of the Chinese leadership, which has been waging an anti-American campaign since last June. China might well retaliate in kind, interrupting the flow of U.S. exports to China, which totaled $6 billion in 1989.

The injured parties would include U.S. farmers, who sold $1 billion worth of wheat to China last year, exporters of mining and construction equipment, which have contracts for hundreds of millions worth of goods over the next two years; and airplane manufacturers, which stand to lose about $500 million in sales. In every case, China could find alternative sources for these products with little difficulty.

Reverting to old tariff rates would cut U.S. imports of Chinese toys, sneakers, apparel and electronic products by an estimated 50%, according to the U.S.-China Business Council. The biggest losers would not be the state-controlled factories, but semi-private enterprises in the south, many of them joint ventures between Chinese and foreign firms. Tariff hikes thus would harm the very entrepreneurial sector the United States has been trying to support over the past decade and weaken the position of China's liberal economic reformers.

Maintaining trade relations with China is in the United States' long-term foreign policy and economic interests. Seeking to humiliate the Chinese by stripping them of their favored tariff status would be self-defeating. There are less damaging and less expensive ways to send the message that the United States does not support the regime of Premier Li Peng.

HONORING THE LATIN AMERICAN CIVIC ORGANIZATION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BERMAN. Mr. Speaker, it is a special privilege for me to rise today to honor the Latin American Civic Organization [LACA], for its outstanding work as the Head Start agency in the north San Fernando Valley. LACA has helped thousands of preschool children of low income families break the cycle of poverty. It is a distinct honor for me to pay tribute to LACA as Head Start's 25th anniversary is celebrated in our community by the Los Angeles Early Childhood Federation of Teachers, American Federation of Teachers Local 1475, AFL/CIO. Local 1475 is the collective-bargaining agent for Head Start agencies in Los Angeles County.

From its inception, the originators of Head Start realized that they would only succeed if the child's entire family as well as the community were involved. In the San Fernando Valley, LACA has instigated comprehensive programs designed to meet the emotional, social, health, nutritional, and psychological needs of the preschoolers it serves.

In addition to the Federal funding that it receives, Head Start has to generate an amount equal to 25 percent of the financing it receives from Washington. LACA has done sterling work in soliciting volunteer donations and community services contributions. They have also enlisted the direct participation of families in the program, as classroom volunteer aides and members of parent policy groups.

Mr. Speaker, it is a pleasure to ask my colleagues to join me in saluting the Latin American Civic Organization—a community agency helping thousands to reach their potential and achieve their dreams.

INTRODUCTION OF FEDERAL EMPLOYEE UNIFORM EQUITY ACT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. HOYER. Mr. Speaker, I rise today to introduce legislation to provide a higher uniform allowance for Federal employees who are required to wear uniforms on a daily basis.

Thousands of Federal employees are now required to wear unfiroms either for safety reasons or so that they can be easily identifiable to the public that they serve. Nurses in Indian hospitals, firefighters, and security guards at the Department of Defense and technicians in the Bureau of Land Management are only a few examples of those in uniforms today. These employees are required to bear the cost of this requirement, except for a minimal allowance provided by agencies.

The allowance was raised in 1966 and is currently capped at $125. This amount is clearly inadequate. For example, a security guard in St. Louis at the GS-4 level earns $14,500 a year. The cost for keeping two uniforms, the minimum necessary for presentability, is more than $200 over the current allowance.

Mr. Speaker, the Congress has already recognized the inadequacy of this cap in 1976, 1982, and 1983, when it raised the cap to $400 for Park Service, Forest Service, and Corps of Engineers employees respectively. Last year, the Congress gave the Department of Defense the authority to pay the higher cap for its employees. This has created an inequitable situation which we should quickly move to redress. All employees should be protected and included in this $400 a year allotment for uniforms. Clearly, the cost of living has greatly increased since 1966, when the current cap was established. It is only fair that a proper uniform allotment be allowed for every hard working, uniformed Federal employee. This legislation would do just that.

I urge my colleagues to join with me in cosponsoring this legislation and in working to secure its speedy passage.

DR. JOHN MATOCHIK, JR., HAS EXEMPLIFIED THE SPIRIT OF SCOUTING

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SOLOMON. Mr. Speaker, like many of you, my first introduction to community involvement, my real apprenticeship in life, was in Scouting. That's why I've been involved on one level or another of Scouting nearly all my life. But when it comes to contributions to Scouting, I and nearly everyone must bow to Dr. John Matochik, Jr., a veterinarian from Fort Edward in my district. Let me tell you a little more about him.

At a Saturday, June 9 dinner, the Mohican Council, Boy Scouts of America, will present Dr. Matochik with its Distinguished Citizen Award. I could not think of a more appropriate recipient.

Dr. Matochik has been involved in Scouting for more than 20 years. He was president of the Mohican Council from 1974 to 1988. He is now vice president of finance for the council and vice president of Scouts Area 2, Northeast Region. In 1967, he took 26 local scouts across the country to the Philmont Boy Scout Camp in New Mexico, an experience those young scouts have never forgotten. Dr. Matochik has received Scouting's Silver Beaver Award and the Pelican and St. George medals.

His contribution to Scouting would be enough, but there is more to his story.

He has served on the Fort Edward Chamber of Commerce, the regional development board of Glens Falls National Bank, and the Glens Falls Hospital board of governors. He is current president of the Tri-County United Way, a trustee and past president of the Fort Hudson Nursing Home, a Eucharistic minister of St. Joseph's Church, past president of the Washington County State Committee of the American Cancer Society, and past president of the Capital District Veterinary Medical Society.

He is a self-described farm boy, and that's a good background for entrance in the field of veterinary medicine. He graduated from Cornell University's New York State Veterinary College in 1954, and opened his local practice.

He and his late wife, Sarah, had two sons, John and Mike. He is now married to the former Magdalena Cox, who has three sons, Tom, Michael, and Pat. John, Mike, Michael, and Tom all became Eagle Scouts.

Earlier this year, the Adirondack Regional Chambers of Commerce named Dr. Matochik the first recipient of the first ever J. Walter Juckett Community Service Award. And soon it will be the turn of the Mohican Council to single out this true pillar of the community.

And now, Mr. Speaker, I ask you and Members of this House to join me today in saluting Dr. John Matochik, Jr., who exemplifies more than any man I know the spirit and ideals of Scouting.

STUDY ON MANASQUAN RIVER BASIN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation which would authorize the Corps of Engineers to conduct a feasibility study on the Manasquan River Basin in New Jersey, for the purpose of determining potential flood control measures.

In both 1987 and 1989, heavy rains forced the Manasquan River to overflow its banks and caused severe damages in Howell Township, Freehold Township and other New Jersey communities. In June 1989, both Freehold and Howell Townships declared states of emergency in order to clear the streams of debris and sediment. These measures, while helplful in the short term, will not resolve the long-term flood problems.

Mr. Speaker, in March, after meeting with the local officials and representatives of the corps to discuss the possible options for preventing future flooding, it was determined that a study must be conducted to identify the most comprehensive and effective way to prevent future flooding events. Because there is no current Report of the Chief of Engineers on the Manasquan River Basin, the corps has advised me that new congressional authorization is required, either as separate legislation or as part of the Water Resources Development Act of 1990.

Accordingly, I am introducing legislation today to direct the Secretary of the Army to conduct a study of the feasibility of implementing flood control measures on the Manasquan River to alleviate flooding in Freehold, Howell, and other affected townships in New Jersey. In addition, I am requesting that the House Public Works Subcommittee on Water Resources incorporate my legislation into the Water Resources Development Act of 1990, now under review by the subcommittee.

Mr. Speaker, both Freehold and Howell Township are committed to conducting such a feasibility study and I would urge my colleagues to support my legislation authorizing the corps participation in this project.

ON BANNING VOLATILE ALKYL NITRITES

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. LEVINE of California. Mr. Speaker, I rise today to introduce legislation which will ban recreational use of the drug "poppers" once and for all. When alkyl nitrites were restricted under the 1988 Omnibus Drug Act, popper manufacturers switched to using other forms of nitrites that had the same effect, thus effectively circumventing the intent of the legislation. The time has come to close the loophole—to let manufacturers and marketers know that we will no longer tolerate the sale of these products to our children.

For years, poppers have been used as a gateway drug. They are seen by many young people as harmless ways to experiment with drugs. Their easy availability and legal sale makes them safe in the eyes of many unknowing young people. Unfortunately, there is no such thing as a safe or harmless drug. Once the trap is set, pushers can get these kids into harder drugs: crack, heroin, ice.

Research tells us that poppers are far from harmless. Among their damaging side effects are delirium, severe headaches, profound hypertension, dermatitis, and methemoglobinemia, the impairment of the ability of blood cells to carry oxygen to the brain. A number of deaths have resulted from users ingesting these nitrites. Use of nitrites has also been linked to the development of Kaposi's sarcomo, a rare cancer frequently occurring in AIDS victims. Of further concern in the AIDS high-risk groups is the recent linkage of poppers to the inability to fight off infectious diseases such as tuberculosis, among the leading killers of AIDS victims.

As a nation we have already taken the lead to restrict the use of similar nitrites, such as amyl and alkyl nitrites. Congress must now again take the lead to restrict all volatile alkyl nitrites and rid our Nation of the grave threat to health they pose. I urge my colleagues to join me in another battle in the war on drugs by supporting this legislation.

AWARD WINNERS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to this year's United Teachers Los Angeles North Area Asian-Pacific Scholarship Winners. These outstanding individuals deserve to be recognized for their dedication to the pursuit of academic excellence.

On May 31, 1990, this very elite group of 11 high school students will be honored at the UTLA awards banquet in Los Angeles, CA. They have all demonstrated that worthwhile achievement requires hard work and dedication. Their accomplishments represent excellence in education which can only be attained through continued commitment to their studies. It is assuring and inspiring to know that these outstanding students are role models for other students by their fine academic examples.

The first place winner: Chanh Vuong, Franklin High School; second place winner: Kathy Ng, Eagle Rock High School; third place winner: Anna Lisa Biason; along with the eight honorable mentions: Mona K. Wong, Eagle Rock High School; Taeyon Kim, Marshall High School; Alice Jade Alburo, Marshall High School; Chuen-Yen Lau, Marshall High School; Francis Kim, Central High School; Ba Van Hoang, Lincoln High School; Sau Pik Lau, Marshall High School; and Lawrence Kim, Central High School are to be congratulated for their outstanding achievements.

Mr. Speaker, I commend the 1990 UTLA Asian-Pacific scholarship winners for their many accomplishments. I am sure that my colleagues join me in saluting these students, and I extend my best wishes for their continued success in all their future endeavors.

A TRIBUTE TO THE DEWITT COMMUNITY CHURCH: 150 YEARS OF MINISTRY

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SCHUETTE. Mr. Speaker, I rise today to pay tribute to the DeWitt Community Church in DeWitt, MI, whose sesquicentennial inauguration will take place on May 13, 1990, at 11 a.m. For 150 years, they have been reaching out to the people of DeWitt, providing a place to worship, share, and serve.

Originally a Baptist congregation, their first service was held May 10, 1840, at the home of J.K. Pearsall. They continued to meet at the Pearsall's house until 1852, when they raised the $13,000 needed to build a church on the town square. For the rest of the century, the church and the town grew together, with the church promoting strong values in the growing community. In 1884 they reorganized and in 1908 they incorporated.

In 1928 the Methodist church across the street burned down. For the next year, the Baptist congregation invited the Methodists to come and worship with them, which resulted in the congregation becoming interdenominational. This willingness to share with others, especially those in need, characterizes the church today.

By the 1970's the town square had become the bustling center of DeWitt and the church was left with little room to expand and no parking space. So in 1971 they began the long process of moving to a new location by purchasing 14 acres on Webb Drive. This move took place under the direction of Pastor Murl Eastman. Three years later, on June 2, 1974, they celebrated the move with a parade which wound from the town square to the new location just outside of town.

Today, the 130 members of the DeWitt Community Church, led by Pastor Frederick C. Nose, are working on a new mission statement. They are reaching out to the people in DeWitt who need guidance, help, and understanding. This statement will allow them to achieve their goals at an accelerated pace. They desire above all to address the biblical mandate to reach out to the community, not wait for the community to come to them.

Mr. Speaker, it is an honor for me to draw the attention of my colleagues to the DeWitt Community Church. Their 150th anniversary celebrates a long history of providing the people of DeWitt with a place to worship, share, and serve together. Please join me in recognizing the success of their noble efforts to promote the values of the church in DeWitt, MI.

BRIDGES UNDER SURVEILLANCE

HON. BOB McEWEN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. McEWEN. Mr. Speaker, I rise today to bring to the attention of my colleagues a fascinating article about bridge inspection technologies in the May 1990, Civil Engineering magazine, the monthly publication of the American Society of Civil Engineers [ASCE]. This article by Paul Tarricone, "Bridges Under Surveillance" reports on some of the exciting research now underway in the United States to develop new expert bridge detection systems.

The development of new and improved bridge monitoring systems may lead us to a point where bridge collapses and costly repairs can be prevented. This article also contains a striking graphic that may be familiar to those of you who share my concern about the Nation's deteriorating infrastructure, and that is the report from the Federal Highway Administration which says that 41 percent of the Nation's 577,710 bridges are either structurally deficient or functionally obsolete.

Mr. Speaker, a troubling thought comes to mind as I peruse this article about innovative technology that can benefit our Nation's surface transportation system, and that is even if we can assess with better precision the condition of America's bridges, we are hamstrung to do anything more because we have so many billions of dollars tied up in the highway trust fund. As I have indicated before, the balance in the highway account of the highway trust fund has grown to over $10 billion—money which should be paid through the trust fund for highway work and apportioned to the States for highway improvement projects.

In taking the opportunity to share this material with my colleagues, I would like to commend the efforts of American researchers and civil engineers to improve bridge inspection technologies, while also deploring the ongoing manipulation of the highway trust fund to make the deficit appear smaller on paper. The American people pay user fees with the understanding that these fees, the gas tax in this case, will be expended in a timely fashion to upgrade our highway system. Now is the time to put the trust back into the highway trust fund.

The material follows:

AMERICAN SOCIETY OF
CIVIL ENGINEERS,
Washington, DC, May 2, 1990.

Hon. BOB McEWEN,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE McEWEN: On behalf of the more than 100,000 members of the American Society on Civil Engineers (ASCE), the oldest national engineering society in the United States, I want to express ASCE's strong support for H.R. 286, the "Infrastructure Protection Act of 1989."

As design professionals serving on the front lines of America's infrastructure crisis, civil engineers fully appreciate the importance of investing in our vital public works facilities. Our nation's transportation system are an essential link in America's economic growth and international competitiveness. Unfortunately, there is mounting evidence to show that America's transportation systems are being neglected.

A first and positive step we, as a nation, can take in addressing our public works infrastructure crisis, is to remove the federal transportation trust funds from the unified federal budget. H.R. 286 would achieve this worthwhile goal and free up billions of dollars for needed infrastructure investment. Until the transportation trust funds are liberated from the unified budget process, billions of dollars in user fees dedicated to improving U.S. transportation will be locked away in an effort to make the budget deficit only appear smaller. ASCE believes that it is time to put the trust back in the trust funds.

ASCE commends your leadership on this important issue and is ready to assist you in any way.

Sincerely,

JOHN A. FOCHT, Jr.,
President.

[From the Civil Engineering Magazine, May 1990]

BRIDGES UNDER SURVEILLANCE

(By Paul Tarricone)

Last year, Mrinmay Biswas and several of his graduate students took an unusual class trip to a Pennsylvania bridge located near the Harrisburg Airport between Lancaster and the state capital. When they arrived, workers methodically loosened bolts from a splice connection of a girder to simulate a bridge failure. All the while, traffic continued as usual.

The Duke University professor admits there was some initial apprehension, but the project was highly supervised. "There were more people watching than working," Biswas says. That's because Pennsylvania DOT was funding the imitation bridge failure. With many bridges failing on their own, it seems bizarre that a DOT would want to create more. But before vowing never to travel on a Pennsylvania bridge again, understand that Biswas was testing his expert detection system—one of many techniques now being used and researched throughout the nation to spot structural flaws before disaster strikes. Only a few bolts on one of the bridge's seven continuous girders were loosened, and travelers, of course, were not in danger. Drivers on many of the country's other bridges, however, may not be so fortunate.

The grim statistics released last fall by the Federal Highway Administration revealed that 238,357 (41%) of the nation's 577,710 bridges are either structurally deficient or functionally obsolete (Table 1). The definitions don't mean the bridges are necessarily unsafe, but many are restricted to carrying lighter vehicles because of deteriorated structural components.

TABLE 1.—BRIDGES ON THE BRINK?

State	Total bridges	Structurally deficient	Functionally obsolete	Total deficient	Percent deficient	Rank
Alabama	15,534	3,949	3,602	7,551	49	13
Alaska	800	86	27	111	14	49
Arizona	5,623	160	252	412	7	51
Arkansas	13,017	1,596	4,225	5,821	45	17
California	22,261	1,666	4,055	5,721	26	37
Colorado	7,428	2,208	460	2,668	36	27
Connecticut	3,749	2,394	1,368	2,401	64	2
District of Columbia	237	48	1	49	21	39
Delaware	738	79	96	175	24	43
Florida	10,188	610	1,605	2,215	22	41
Georgia	14,226	3,520	2,518	6,038	42	21
Hawaii	1,043	115	161	276	26	37
Idaho	3,745	560	514	1,074	29	33
Illinois	25,428	5,313	2,042	7,355	29	33
Indiana	17,517	3,807	3,939	7,656	44	19
Iowa	25,865	6,040	6,336	12,376	48	15
Kansas	25,648	5,386	7,347	12,733	50	12
Kentucky	12,591	2,207	5,252	7,459	59	5
Louisiana	14,139	3,959	2,443	6,402	45	17
Maine	2,583	436	331	767	30	32
Maryland	4,574	707	1,169	1,872	41	23
Massachusetts	4,964	1,714	209	1,923	39	26
Michigan	10,581	2,628	683	3,311	31	31
Minnesota	12,994	1,911	1,787	3,698	28	35
Mississippi	16,994	6,421	2,563	8,984	53	10
Missouri	23,682	12,347	2,718	15,065	64	2
Montana	4,632	495	2,240	2,735	59	5
Nebraska	15,843	7,636	1,158	8,794	56	8
Nevada	1,073	50	109	159	15	48
New Hampshire	2,572	522	603	1,125	44	19
New Jersey	5,997	1,352	752	2,104	35	28
New Mexico	3,439	410	334	744	22	41
New York	17,326	10,409	1,403	11,812	68	1
North Carolina	16,115	1,107	7,382	8,489	53	10
North Dakota	5,283	1,959	582	3,041	58	7
Ohio	29,180	4,494	1,504	5,998	21	43
Oklahoma	22,981	8,229	4,677	12,906	56	8
Oregon	6,608	577	558	1,135	17	47
Pennsylvania	22,457	5,990	2,917	8,907	40	24
Rhode Island	702	98	38	136	19	46
South Carolina	8,886	939	836	1,775	20	45
South Dakota	6,822	1,660	1,530	3,190	47	16
Tennessee	18,547	4,366	3,023	7,389	40	24
Texas	44,314	6,572	8,581	15,153	34	29
Utah	2,543	262	96	358	14	49
Vermont	2,665	503	808	1,311	49	13
Virginia	12,652	3,933	1,610	4,284	34	29
Washington	6,898	920	941	1,861	27	36
West Virginia	6,513	2,795	1,196	3,991	61	4
Wisconsin	12,963	3,978	1,455	5,433	42	21
Wyoming	2,826	320	356	676	24	39
U.S. Total	577,710	135,826	102,531	328,357	41	

Source: Federal Highway Administration, U.S. DOT.

To make matters worse, experts are becoming disenchanted with standard visual inspections and conventional bridge analysis. Biswas hopes his system will eventually detect cracks that the naked eye will miss during a visual inspection. "A lot of times the bridge could be cracked, and the crack is hiding under paint or rust."

"The degree of deterioration cannot be assessed from a visual inspection alone," agrees George Goble of University of Colorado, Boulder. "Quantifying structure damage can eliminate a great deal of very tenuous judgments currently left to the inspection engineer."

Meanwhile, conventional analysis (skeptically called the cookbook method) is in question because it doesn't consider the entire structure system. Although it has served bridge inspections for some 60 years, John O'Fallon, a program manager in the structures research division of FHWA, says the conventional method is "relatively crude. It employees only two-dimensional analysis and uses empirical factors to test live-load effects. The specs treat beams and girders individually, but to a large extent ignore load sharing of the members." However, projects are under way within FHWA, O'Fallon says, to revise the bridge-rating manual.

Traditional analysis takes for granted that a structure will behave according to design assumptions—for example, how loads are transmitted through a structure. "Tests results sometimes verify the assumptions," says Ronald Rolsing of McDonough Associates, Chicago, "but other times the assumptions don't bear up."

STRONGER THAN WE THINK?

Ironically, preventing disasters may not even be the most important reason to monitor bridges. Flaw-detection systems also sig-

nify when a bridge or critical structure is not in imminent danger of collapse. Indeed, because of passed inspection techniques, many experts believe FHWA's estimate of deficient bridges is actually bloated. Bridge strength, they say, is "grossly underestimated" because rating methods are punitive. "If you're an inspector and you see signs of deterioration, you would be foolish not to rate the bridge conservatively, especially considering liability," sayd Goble. "The public's safety must be assured, but the cost of overconservative posting limits can be substantial."

With overall infrastructure rehabilitation costs (highways, sewers, et al.) estimated at a dizzying $3.3 trillion, the lack of a foolproof bridge-monitoring system may create a vicious circle: Ineffective inspection techniques beget overconservative ratings, which beget unnecessary bridge replacement/repair, which begets less money for other public works in even more dire need to rehab.

But changes are on the drawing board. A report prepared by Raths, Raths & Johnson, Willowbrook, Ill, for the National Cooperative Highway Research Program sounds the alarm for more efficient nationwide bridge monitoring and rating. Although Florida, New York and Pennsylvania have tested bridges in recent years, there are no specific guidelines and procedures available to bridge owners and engineers in the U.S. for physically testing bridges to determine load rating and based on field tests, RR&J has in fact found that "bridge often possess far greater strength than can be predicted by conventional analytical rating procedures, despite their age and apparent deterioration." Says Suresh Pinjarkar, "Bridge monitoring tells us a structure may only need to be upgraded, not torn down."

RR&J's report outlines eight recommendations that should be incorporated into AASHTO's revised Manual of Maintenance Inspection of Bridges. One spells out the huge financial savings that would result from more precise ratings: Load restrictions on many bridges could be eliminated; overload and permit applications policies could be improved; impending replacement/strengthening projects could be postponed or canceled; most importantly, the service life of existing bridges could be extended.

UNIVERSITY TESTS

Experts agree the quintessential detection system should provide global, not just local, bridge inspection, meaning the entire structure must be monitored for flaws. "Ultrasonics, magnetic particles and other nondestructive testing techniques are effective after a global test has already detected a problem at a certain spot on the bridge—if you're already looking for something," says Biswas. NDTs are also effective for testing parts of a bridge before it's built; for instance, x-ray or gamma-ray radiography and ultrasonics are often used during steel fabrication.

At Duke University, Biswas's research concentrates on a 2,000 lb, 8 ft long replica of a girder bridge. Three steel girders, each held together with bolted splices, support a reinforced concrete deck. During tests, bolts are selectively removed from a girder splice, while Biswas watches a spectral analyzer for unusual readouts to determine if it's detecting the flaw. An experiment planned for this year will create cracks in the girder splices by cutting them selectively with an acetylene torch or power saw. Started in 1987, the research is funded for $387,000 by PennDOT and FHWA as part of the Highway Planning Research program.

According to Biswas, a bridge may fail because a crack develops in a steel girder or the bolts on the girders become too loose. The expert detection system equipment reportedly is able to find which girder has the problem and in what area. With the cooperation of the respective DOTs, Biswas first calibrated the equipment on a North Carolina bridge closed to traffic, then tested it—without shutting down travel—on a Pennsylvania bridge. After creating a failure by loosening bolts, researchers tapped the bridge with a hammer, sending vibrations through the girders that can be detected by an accelerometer—an instrument placed on the bridge that provides a time history of accelerations. The frequency of the vibrations was measured and charted with the spectral analyzer. Biswas then found the bogus cracks by examining the frequency charts generated by the signals.

The Duke researcher admits that accurate data interpretation is still a problem. "The charts are like an electrocardiogram, which shows whether or not a patient is having a heart attack," Biswas says, "but only a doctor can properly interpret the chart. We cannot expect every highway department to replace high school-educated technicians with PH.D.s." To make the system easier to use, researchers will soon design a computer program—based on artificial intelligence concepts—which wil interpret the readouts. The program will be able to recognize the patterns of normal and cracked bridges; the bridge signature, as it's called, will be monitored through tests as often as the pattern dictates. For day-to-day use, a van equipped with $100,000 worth of computer hardware and software has been transformed from a "cargo van to a mobile laboratory," says Biswas, and plans are under way to deploy vans for statewide bridge testing.

FHWA and PennDOT are also sponsoring research conducted by Goble at the University of Colorado. Funded from July 1988 through March 1991, the $825,000 project is rating the load capacity of 30 bridges across the country and determining whether or not the trucks riding on these bridges are at overload. To date, 14 bridges have been tested.

According to Goble, the key is to measure the girders' structural/strain response to trucks with known wheel loads and to use these measurements to get an improved computer respresentation of the bridge superstructure. The idea is to compare recorded strain measurements from a field test with the results of a structural-analysis computer program. The problem today, Goble says, is that "each computer analysis program may produce a different result. We've got to make our analysis agree with what we actually measure." Once there is an accurate model of the bridge, the response to any other load configuration (rating and overloads) can be calculated.

The test is performed by running a truck with known axle weights across the bridge, but only at crawl speed (3-5 mph) to prevent dynamic responses. A test operator walks alongside the vehicle and presses a button each time the front axle reaches a specified point. Every time the button is pressed a counting mark is stored along with the strain measurements. In this way, the location of the truck can be recovered from the test data, and strain can be determined as a function of vehicle position. The number of paths required for the vehicle is dependent on bridge width, however, each path is run at least twice.

Instrumentation and preparation time before the test ranges from 4 to 8 hr. Strain gages—between 16 and 48, depending on the condition of the bridge—must be attached to the girders, cables are laid out, and key work points are marked on the deck surface. The test takes about an hour, and traffic is usually shut down in the right lane. The process may cost between $4,000 and $6,000 per bridge in labor and equipment.

TRANSIT-BRIDGE TESTS

Raths, Raths, & Johnson recently performed nondestructive diagnostic load tests on a typical 100-year-old single-span train structure. The tests were part of a $2.3 million pilot-study program and condition assessment of the Chicago Transit Authority's rapid-transit system, which includes roughly 40 mi. of elevated steel structures and bridges. Test results should provide a better estimate of the remaining fatigue life/rating of the structure. Once again, in keeping with its government report recommendations, RR&J found the bridge was actually stronger than conventional analysis would have inspectors believe.

RR&J monitored the behavior of the elevated structure under both static and dynamic loads. The static tests were run by stopping an empty four-car train at known positions along the track. Strain was measured at critical locations in the stringers, columns and cross-bracing members. Vertical deflections were measured at the stringer midspans. The dynamic tests were performed by moving the test train across a test span at crawl speed and various operating speeds. Strains were measured in the stringers to evaluate impact load for the test train and for normal in-service train movements. Dynamic tests were also performed by braking the moving test train and measuring column flexural strains caused by both normal and emergency braking. Although that bridge was deteriorated, test data showed that it was in better shape than anticipated; impact loading was just 5-10% for the test train and in-service train movements, compared with the proposed design impact of 55%.

Instrumentation, however, isn't exclusively used for global inspection. Weidlinger Associates, New York City, used strain gages to investigate a spot-specific problem on the Manhattan Bridge. "The bridge had a terrible maintenance history, and we knew that secondary stresses caused by bridge twisting caused the fatigue failure," says Weidlinger's Herb Rothman. "But the deterioration was much greater than we could explain. We had to look for something more before committing to such an expensive project." The strain gages were attached, Rothman says, because they're effective in crack-prone areas that can't be analyzed by conventional methods and they often point to unexpected sources of distress. Rothman says anywhere from four to 400 postage-stamp-size gages can be used during a test, which lasts one or two days and can cost $10,000.

On the Manhattan Bridge, strain gages on cracked floor members showed that live-load stresses didn't return to zero after subway trains left the bridge. The surprising readings indicated that intermittent freezing and release of steel sliding bearings amplified the twisting stresses and caused the excessive cracking. Consequently, rubber bearings were installed to replace the steel, eliminating one of the principal causes of fatigue failure on the bridge, Rothman claims.

WHERE DO WE STAND?

Although monitoring has gained in popularity and prestige with DOTs over the past five years, progress and application is crawling, not sprinting, along. David Beal of New York State DOT is cautiously optimistic. "The promise of these things is good, but we're not there yet," he says flatly. "Are there devices available? Yes. Should we be using them? Yes and no. If we want a device to tell us a bridge is about to fall down, then the answer is yes, but is it worthwhile using these devices to find such gross structural problems? In New York, if we find a crack, we fix it, we don't monitor it."

According to Beal, the state of the art is simplistic. "If a bridge is damaged in some area, the vibration-frequency pattern will be influenced. But how great does damage have to be before [a change in] vibration is detected? What sensitivity can we actually achieve? It's in this area that people are floundering." Before bridge-monitoring systems are universally adopted, Beal says, they will have to be able to detect subtle bridge flaws, not just the large flaws introduced during tests. While Duke's Mrinmay Biswas is making strides, loosening girder bolts produces what's esssentially "a clean failure," says Beal; and Biswas concedes that at the moment his equipment can't distinguish between degrees of severity in a crack. The best systems, Beal believes, would have to find small structural flaws "like a hair-line crack in a tension flange remote from the sensor."

As for future research, one project involves jacking up a bridge and then releasing it to simulate its reaction to an earthquake. Abandoned bridges would be used for the test. "People are looking for a magic thing to hang on a bridge or a bell to go off when the bridge is about to fail," says FHWA's John O'Fallon. Research is nowhere near that point, but O'Fallon and other experts hardly think the work is fruitless. "If we felt that way, we'd still be using oxcarts and bows and arrows."

IN SUPPORT OF THE ARTS IN NEBRASKA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BEREUTER. Mr. Speaker, this Member, like all other Members of Congress, is receiving hundreds of letters with regard to the controversies surrounding the National Endowment for the Arts. Much of this mail is written by constituents who have been deliberately misinformed about the congressional process and the intentions of Members of Congress. This Member appreciates how important local arts programs are to Nebraskans who don't have access to the Kennedy Centers and Lincoln Centers of the Nation. Thus, as one way to actively combat the disingenuous strategy that would destroy Federal support for the arts, this Member seeks to share persuasive comments from home. The following letter speaks eloquently of the important role the arts play in Nebraska:

APRIL 9, 1990.

Hon. DOUGLAS BEREUTER,
Rayburn House Bldg., Washington, DC.

DEAR CONGRESSMAN BEREUTER: I am writing to urge you to support the National Endowment of the Arts, and therefore, public support of the arts.

You know well the citizenry of Nebraska, and the geography of Nebraska, and the hunger for equal opportunity for quality art programs in rural schools and communities. State Art Councils are in place to monitor the funding, and the Nebraska Council members know what Nebraskans feel, need, and want, but funding is essential. We take the delegation of federal monies as a moral obligation to do what is best for Nebraska.

To burn all books because of the words in one;

To halt all music because of the content of one song;

And to silence all art in Nebraska because of one non-Nebraskan artist is to stifle the quality of life for our most important product, the children.

Please study the issue and give thought to the possibility of school children in our state having to do without opportunities to hear, see, and learn the greater forms of art.

Respectfully,

(Signed by a Nebraska constituent.)

THE PUERTO RICO SELF-DETERMINATION ACT

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. DE LUGO. Mr. Speaker, as you know, I am introducing a bill today to enable the people of Puerto Rico to exercise self-determination with your support and that of the minority leader and with the bipartisan cosponsorship of the other leaders of the Interior and Insular Affairs Committee on this issue as well as the leaders of the Rules Committee.

The bill would fully respond to the request of the leaders of Puerto Rico's three political parties early last year for the Federal Government to authorize a referendum on the island's future political status and, importantly, to commit to act on implementing the winning status according to a specific and expeditious timetable.

It would, further, clearly define the three status options as they would apply to the island: an enhancement of the current commonwealth relationship with the United States; statehood; and independence so that the people of Puerto Rico can make an informed choice.

The bill provide for a self-executing, binding process to act on their self-determination decision; but it does not contain the perceived flaws that have bogged down a Senate committee bill on this important issue.

As Members will recall, President Bush endorsed Puerto Rico's self-determination request in an address to us. I understand from the minority leader that the White House is happy that we are proposing this legislation.

It would enable the stalemate on the complicated Puerto Rican status issue—that has effectively prevented action on the many serious needs of the island for so long—to finally be broken. And it would do this in a realistic and fair way.

Last year, as chariman of the Insular and International Affairs Subcommittee, I agreed with the chariman of the Senate committee of primary jurisdiction to have the Senate act first on this sensitive matter, with House action to follow to minimize confusion over the differences in the Senate and House bills.

Chairman JOHNSTON drafted three bills on this issue, all calling for a referendum among the status options next year.

One, S. 710, would call for the choice to be made among three undefined options and provide for negotiations to develop implementing legislation. The legislation would only be effective if approved by the people of Puerto Rico as well as the Federal Government.

Another bill, S. 711, is similar except that it would define the three status options.

A third bill, S. 712, would preapprove each of the three status options—and related changes in law—and automatically put the status that won the referendum next year into effect the same year.

Although you, Mr. Speaker, expressed concern about S. 712's unprecedented process, the Senate Energy and Natural Resources Committee narrowly approved S. 712 last summer.

Your concerns were shared by other Members of Congress. And the changes in law that S. 712 proposed for the statuses generated even greater concerns about the bill, in the Senate as well as the House.

Chairman JOHNSTON, who has done the Nation a great service by his work on this issue, intended to have S. 712 sent to the House by last fall, in keeping with our understanding on scheduling; but the Senate still has not acted on it. The bill remains in the Finance Committee to which it was referred after the Energy and Natural Resources Committee's action.

Because of the delay, other leaders of the Interior and Insular Affairs Committee and I asked the leaders of Puerto Rico's parties last November to agree on a more realistic alternative to the bill.

But the promises of S. 712 made it understandably impossible for them to do so.

Now, time for the Federal Government to respond to their request to enable their people to finally make a status choice next year is running out.

The reason for the inaction is clear to us up here; but less clear to the people of the island: Both the process and the principles set forth in S. 712 are so skewed that the prevailing view is that the Washington Post was right when it said that it would be better to pass no bill at all.

And that would be a tragic result for the people of Puerto Rico and for the United States. So, I decided to go ahead and sponsor an alternative to S. 712 that would enable the people of Puerto Rico to exercise self-determination next year; but would also have a realistic chance of becoming law.

I discussed the need to do this with my friend Chairman JOHNSTON and he completely understood my need to shift the approach I agreed to with him last year and introduce an alternative bill at this time.

The new bill is based on another of his bills, S. 711; but it is, I believe, an improvement on that original bill, particularly in that it would provide commitments and timetables for final action on this issue.

I am joined in introducing this bill today by the ranking Republican of my subcommiittee, BOB LAGOMARSINO, and by the chairman and the ranking Republican of the full Interior and Insular Affairs Committee, MO UDALL and DAN YOUNG, respectively. The chairman and ranking Republican of the Rules Committee, which may also have to act on this matter, JOE MOAKLEY and JIMMY QUILLEN, are sponsors as well and a number of other sponsors will be added to it shortly. Finally, you, Mr. Speaker, and the minority leader have also indicated support of this bill.

Our bill would do what the people of Puerto Rico have asked for—provide a chance for them to exercise meaningful self-determination next year.

It would authorize a referendum between options that are clearly defined in 1991. I had originally intended for this date to be in May—a time earlier next year than the Senate committee bill provides for—but there are those in Puerto Rico who have suggested that more time or an education process prior to the referendum is needed because of the delay in completing action on this legislation due to the Senate. I want it to be as early as possible. But whatever date in 1991 we finally select, it will not delay the effective date of status development proposed in this bill.

Our bill would require the development of legislation to implement a winning status next year after the referendum in consultation with the Puerto Rican party advocating that status, with the other two parties, and with the President.

It would commit the Federal Government to quick action on that legislation in early 1992.

But it provide that this final Federal action would only take effect if it is approved by the people of Puerto Rico in a second vote in July 1992, so that they make the final decision on this issue. The status development would then be effective in October 1992.

As introduced, the bill provides for—but does not contain—definitions of the statuses. These definitions will be added by the subcommittee after consultation with the leaders of Puerto Rico's status-based political parties.

The Insular and International Affairs Subcommittee can be expected to act on this bill shortly. We have had extensive briefings on the many issues involved. We have also had many hours of hearings both here and in Puerto Rico on them.

We will have other hearings next month—in New York at the request of our colleagues CHARLIE RANGEL, STEVE SOLARZ, BILL GREEN, FRANK HORTON, and JOSE SERRANO so that we can hear from the many Puerto Ricans in that State—and in Washington to hear from the administration and once again from Puerto Rico's parties on the details of the bill.

I intend for the subcommittee to act as quickly as possible on the bill immediately afterward so that a law can be enacted this year that will enable the people of Puerto Rico to exercise self-determination.

In concluding, I want to express my special appreciation and admiration for my subcommittee's ranking Republican, BOB LAGOMARSINO, for his patriotic cooperation in developing this legislation. This is an example of the reason I value his friendship so highly.

THE PUERTO RICO SELF-DETERMINATION ACT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. LAGOMARSINO. Mr. Speaker, I unequivocally support self-determination for the people of Puerto Rico. They have abided patiently for the realization of the words of General Miles when he arrived in Puerto Rico in 1898 during the Spanish-American War to establish United States sovereignty over Puerto Rico.

In the prosecution of the war against the Kingdom of Spain, the people of the United States in the cause of liberty, justice, and humanity, its military forces have come to occupy the Island of Puerto Rico. They come bearing the banner of freedom. * * * They bring you the fostering arm of a nation of free people, whose greatest power is in justice and humanity to all those living within its fold. * * * We have not come to make war against a people of a country that for centuries has been oppressed, but on the contrary, to bring you protection * * * to promote your posterity, and to bestow upon you the immunities and blessings * * * of our government.

The people of Puerto Rico have undergone a slow process of increased self-government and economic development over the years. In 1900, they were authorized to elect a "Resident Commissioner" to Washington but not a "Delegate" as the term delegate was believed to have an implied promise of statehood.

The people of Puerto Rico were finally bestowed United States citizenship in 1917, primarily due to America's participation in World War I and the need for additional forces to protect the Panama Canal. Thousands of Puerto Ricans served with distinction with many losing their lives in defense of their long-awaited and cherished United States citizenship.

However, the Supreme Court's 1922 decision in Balzac versus People of Puerto Rico created a different type of citizenship than that which was enjoyed by the residents of the then territories of Alaska and Hawaii. The Court determined that the United States Constitution did not fully apply to the United States citizens of Puerto Rico. The reasoning was that the law extending citizenship to the people of Puerto Rico did not include the certain phraseology which had been earlier applied to Hawaii and Alaska.

The Constitution of the United States, and all the laws thereof which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States. (37 Stat. 512.)

The result was the creation of a third-tier citizenship. Those in the several States enjoyed the protection of the Constitution and full political representation and voting rights; residents of Alaska and Hawaii were accorded the full application of the Constitution, but lacked the right to vote for President and voting representation in Congress, while the third-tier citizens could only claim limited constitutional protection.

The people of Puerto Rico have endured this anamalous citizenship for over 73 years because most of them have believed in the American system of equality. To be sure, some have been impatient at times yielding to the specter that racism and bigotry would prevail over their quest for equal rights among their fellow citizens elsewhere in the several States.

I have worked with my colleague from the Virgin Islands to develop legislation which provides a legitimate and meaningful response to both the people of Puerto Rico and the leaders representing the status options. I strongly support the legislation even though I introduced H.R. 3536 in October 1989 to provide a referendum on the status question. H.R. 3536 is nearly identical to Senate bill S. 712, introduced by Senators JOHNSTON, MCCLURE, and SIMON, which provides the implementing provisions of each of the three options and is considered to be self-executing.

The Puerto Rico Self-Determination Act being introduced today provides a commitment by the United States to expeditiously implement the majority will of the people of Puerto Rico.

The time limits for action required of Congress by the bill is extremely unusual but demonstrates the sincerity of Congress to act on the people's choice. This proposed process is very complex. Members of Congress will need to make decisions which affect the future relationship of the United States and the nearly 2½ million United States Citizens of Puerto Rico. The change in status is also of enormous concern to the 2½ million Americans of Puerto Rican ancestry who reside throughout the 50 States.

This is a matter which the Congress has a moral and constitutional responsibility to address. There are profound political consequences to both Houses of Congress and to the executive branch. The cost of the three options vary considerably and corporations who now enjoy annual tax credits of nearly $2½ billion will be fighting to prolong their benefits. Positive net revenues to the U.S. Treasury are projected under one status. The international implications, of fair treatment by the United States of the Puerto Rican people in respecting their right to self-determination, will have positive consequences, particularly in Latin America and developing countries.

It will be difficult to grapple with these numerous issues. But the level of complexity, possible political ramifications, and cost of the statuses should not deter Members of Congress from confronting a self-determination issue as profound as that of Lithuania, Latvia, and Estonia or in a number of other countries throughout the world.

France recently dealt with the complicated self-determination of the people of the French territory of New Caledonia, in the South Pacific. A referendum has been scheduled for 1998 and funding of $1 billion per year is being provided to the 150,000 residents for local self-government. If the United States followed the French formula, the proportionate level of funding for the 3½ million residents of Puerto Rico would total an astronomical $23 billion per year. However, Puerto Rico is at a significantly higher level of economic development

and therefore such funding would not be appropriate and the length of time is unacceptably long.

Many individuals have participated to varying degrees in bringing Puerto Rico's self-determination before the Congress. President Bush requested action by the Congress in his first address to a joint session of the Congress on February 9, 1989:

There's another issue I have decided to mention here tonight. I've long believed that the people of Puerto Rico should have the right to determine their own political future. Personally, I strongly favor statehood. But I urge the Congress to take the necessary steps to allow the people to decide in a referendum.

This was not the first time George Bush had requested congressional action on Puerto Rico's status. In 1987, then Vice President Bush asked me to introduce legislation to provide a referendum for the people of Puerto Rico. I introduced H.R. 2849 to provide a referendum on statehood and a second ratifying vote on terms defined by the Congress. I am pleased to note that the bill being introduced today follows in the 1987 bill in many ways.

I must also emphasize that the introduction of the 1987 legislation was based on the receipt of over 350,000 individually signed petitions for statehood submitted by a nonpartisan grassroots organization, Puerto Ricans in civic action. The president of the nonprofit, nonpartisan organization is Dr. Miriam Ramirez de Ferrer, a tireless pursuer of equal citizenship rights for the people of Puerto Rico. Over the years that I have known Dr. Ramirez de Ferrer, I have been impressed by her zeal and passion for the enligthened cause of Puerto Rico statehood. She exemplifies the United States citizens of Puerto Rico who are unquestionably patriotic and fiercely proud of the rich culture and heritage of Puerto Rico.

In addition to agreeing with President Bush's support for Puerto Rico statehood, I join the President in defending the right of the people of Puerto Rico to freely choose their desired status with the United States, whether it be independence, commonwealth, or statehood.

I commend the leaders of Puerto Rico's three political parties for their diplomatic approach to this often locally partisan matter.

I have discussed the legislation being introduced today with two individuals in the White House who President Bush has charged with the collateral responsibility for Puerto Rico. Andrew Card, Assistant to the President and Deputy to the Chief of Staff and Chase Untermeyer, Assistant to the President for Presidential Personnel, both expressed delight in action by the House to further the objective of the President to provide a meaningful referendum to the people of Puerto Rico which results in the timely implementation of the will of the majority. Both Andrew Card and Chase Untermeyer have devoted themselves to carry out the President's commitment to the United States citizens of Puerto Rico. The level of the President's commitment is indeed indicated by the assignment of Puerto Rico to individuals in the highest levels within the Executive Office of the President.

I want to acknowledge the energetic cooperation of RON DE LUGO of the Virgin Islands, chairman of the Subcommittee on Insular and International Affairs. RON DE LUGO has worked closely with me in developing the legislation in a bipartisan manner. Our goal is to provide for the self-determination for the people of Puerto Rico. We will continue to work together to refine the legislation as necessary to provide a responsive mechanism for the self-determination of the people of Puerto Rico. My appreciation also to the Speaker and Republican leader, and the chairman and vice chairman of the Committee on Interior and Insular Affairs for their bipartisan support of this initiative.

By timely addressing this measure, the Congress will have responded to the 350,000 first amendment petitions from the people of Puerto Rico, the President's request to "take the necessary steps to let the people of Puerto Rico decide in a referendum," and the echoing 1898 promise of General Miles for "justice and humanity to all those living within its fold."

The following is the text of the legislation:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Puerto Rico Self-Determination Act".

SEC. 2. REFERENDUM ON STATUS OPTIONS.

(a) There are hereby authorized to be appropriated to the Executive Office of the President $4 million for grants to the Government of Puerto Rico for the conduct of a referendum on the following proposition, to be presented to the voters:

Which political status do you favor for the Commonwealth of Puerto Rico on terms mutually agreed to by the people of Puerto Rico and the Congress of the United States?

Independence;

Statehood;

an enhanced Commonwealth relationship with the United States; or

none of the above.

(b) The referendum shall be conducted on _____ 1991 pursuant to the electoral laws of Puerto Rico.

SEC. 3. INITIAL DEFINITIONS OF STATUS OPTIONS.

For the purpose of the referendum (and the negotiations provided for in Section 4) it is understood that the initial position of the people of the Commonwealth of Puerto Rico and of the Congress of the United States is that the status options encompass the principles which follow:

(a) Independence— _____;

(b) Statehood— _____; and

(c) Enhanced Commonwealth— _____.

SEC. 4. DEVELOPMENT OF IMPLEMENTING LEGISLATION.

(a) If the referendum results in a majority for one of the three status options, representatives of the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives shall draft legislation to implement the selected status encompassing the principles set forth in Section 3 in full consultation with representatives of the Puerto Rican political party advocating that option and with representatives of the other two political parties of Puerto Rico, representatives of the President, and other interested parties as may be appropriate.

(b) Such legislation shall be drafted no later than _____ 1991.

(c) There are hereby authorized to be appropriated such sums as may be necessary for the conduct of these negotiations.

SEC. 5. CONSIDERATION OF IMPLEMENTING LEGISLATION.

(a) No later than seven legislative days after the legislation provided for in Section 4 is drafted, the legislation shall be introduced in the House of Representatives by the Chairman of the Committee on Interior and Insular Affairs (by request, or otherwise) or by another Member or Members of the House and by the Chairman of the Senate Committee on Energy and Natural Resources (by request, or otherwise) or by another Member or Members of the Senate.

(b) If any committee to which the legislation has been referred has not reported it by the end of 180 calendar days after its referral to such committee, it shall be in order at any time thereafter for any Member of the House of Representatives or of the Senate, respectively, to move to discharge the committee from its further consideration.

(c) Seven legislative days after the last committee has reported the legislation, or has been discharged from further consideration of the legislation, it shall be in order at any time thereafter for any Member of the House of Representatives or of the Senate, respectively, to move to consider the legislation.

(d) Enactment of this section constitutes a commitment that the United States will proceed to implement the political status selected by the people of Puerto Rico pursuant to Section 2 through action on legislation establishing the appropriate mechanisms and procedures to that effect.

SEC. 6. RATIFYING VOTE ON IMPLEMENTING LEGISLATION.

(a) Upon enactment, the legislation provided for in Section 4 as approved by the Congress shall be submitted to the people of Puerto Rico for ratification according to the electoral laws of Puerto Rico not later than July 7, 1992. The legislation shall take effect on October 1, 1992 but only if it is approved by the people of Puerto Rico.

(b) There are hereby authorized to be appropriated such sums as may be necessary for the conduct of the ratification vote provided for by this section.

THE PUERTO RICAN SELF-DETERMINATION ACT

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. FUSTER. Mr. Speaker, Delegate RON DE LUGO, chairman of the Insular Affairs Subcommittee, has introduced today an important bill, the Puerto Rican Self-Determination Act, which I am cosponsoring. If enacted, this bill would authorize a referendum on Puerto Rico's future relationship with the United States, giving the people the opportunity to choose between the options of statehood, independence, or enhanced Commonwealth status and committing Congress to implement the winning option.

Chairman DE LUGO's bill as introduced does not fully meet the expectations of my constituents in Puerto Rico. However, it is a well-intentioned bill that was drafted taking into con-

sideration not only the concerns of the leaders of the three political parties in Puerto Rico but also the realities of the legislative process in Congress. It is a bill that stands a reasonable chance of being enacted.

I have cosponsored Chairman DE LUGO's bill because I feel it is a strong step forward in Puerto Rico's renewed quest for self-determination and because I am hopeful that as we proceed along in the process of discussing and approving this bill, we will be able to improve upon it and work out a final piece of legislation that will be fully acceptable to my constituents.

In my view, the end result must include the following three fundamental elements:

First, a clear and adequate definition of each of the three options to be presented to the people of Puerto Rico, so that they will be able to choose intelligently, with a full understanding of what each formula means and what they concretely entail.

Second, an unequivocal commitment from Congress to respect and abide by the result of the plebiscite. This process must be a real act of self-determination, not a mere popularity contest. The bill must be binding enough so as to insure that Congress will implement whatever option is chosen by the majority of the people of Puerto Rico.

Third, finally, the options presented to the people of Puerto Rico must all be of equal dignity and fairly balanced. All the options must be free from any colonial taint, and Congress in setting them up cannot in any way show preference for one over the others.

Chairman DE LUGO has expressed to me his commitment to see that these three requirements are fully met. I am hopeful that with his support and that of the other cosponsors we will be able finally to enact a bill that the people of Puerto Rico find acceptable and that will allow us to exercise true self determination.

INTRODUCTION OF LEGISLATION RE PUERTO RICAN SELF-DETERMINATION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. UDALL. Mr. Speaker, today we are taking an important step in the history of Puerto Rico and of the United States.

We are introducing a bill to permit the people of Puerto Rico to exercise the right of self-determination. By agreement with the major political parties of the Commonwealth of Puerto Rico, we are, by this legislation, providing for a referendum which will ask the people of Puerto Rico to select their preferral political status—independence, statehood, or enhanced commonwealth—or none of the above—"on terms mutually agreed to by the people of Puerto Rico and the Congress of the United States."

The general principles on which each status option would be based will be briefly outlined in the legislation as it proceeds through consideration by the Committee on Interior and Insular Affairs. That outline is intended to provide the people of Puerto Rico with an overview of what each status option means and what the Congress will seek to incorporate about that option into any subsequent implementing legislation.

If the referendum results in a major vote for one of the three major political statuses, then representatives of the Committee on Interior and Insular Affairs and of the Senate Energy and Natural Resources Committee would develop the terms of implementing legislation to be considered by those respective committees. If the Congress approves the legislation and it is signed into law by the President, final approval of whether to implement it would depend on the people of Puerto Rico voting to approve or disapprove the final version of an implementation act.

There are few actions which the House may take this year which would more directly affect virtually every aspect of life of a group of people within the American political family than this legislation. Because of our concern over the advisability of its self-implementation procedures over the lack of balance provided for in the Puerto Rico status bill under consideration in the Senate, and over our desire to move the process forward without delay, we will be encouraging our colleagues to join with us to pass the bill we are introducing today.

That bill recognizes the inherent rights of the people of Puerto Rico to determine the political status under which they wish to live but also recognizes that the status selected must be mutually agreeable to both the United States and Puerto Rico. In the past there have been frustrating episodes in the history of Puerto Rico regarding its political status. Status questions have long been the source of interminable political discussions throughout the island. It is our intent today to provide an outlet for an expession of self-determination by the people of Puerto Rico and to do all that we can to obtain enactment of appropriate implementing legislation of the status the people choose.

I do not wish to raise the expectations of the people of Puerto Rico beyond that which we can be assured of achieving; therefore, it must be made very clear that the exact details of status-implementing legislation cannot be determined with precision in advance, and that while we can assure through this legislation that a winning status will be considered by both Houses of Congress, we cannot assure enactment or that the bill will be precisely what the winning political party would prefer.

The people of Puerto Rico have my commitment to do all that I can to obtain passage of this legislation and appropriate implementation legislation.

I look forward to working with the people of the Commonwealth of Puerto Rico in their quest to determine under which political status they would like to live.

I urge my colleagues to study the implications of this important and historic legislation and assist in the work that faces the Congress in coming months regarding it.

RECOGNIZING ENTENMANN'S "PROUD TO BE DRUG FREE" PROGRAM

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, today I want to bring to your attention a program which proves that a business can care. On January 16, 1990, Entenmann's, the people that have been baking for us since 1898, initiated a strong program encouraging the youth of America to live their lives free of drug use. The theme of the campaign is "Proud to be Drug Free" and the initiative they have displayed in this project is immense and highly commendable.

Six markets have been targeted for this program in the southeast. These cities include Miami, West Palm Beach, Tampa, Orlando, Jacksonville, and Atlanta. One of the first measures taken by Entenmann's was conducting research to determine how best to influence our youth. This wise decision lead the company to develop a campaign targeted at parents, as well as creating several parent and teacher programs. The study by Entenmann's concluded that intimate bonds with the family reduced the potential for drug use among youths. By encouraging strong family values, the "Proud to be Drug Free" program will bring parents and families together to help prevent drug dependencies.

One of the highlights of the program includes professional and local athletes visiting more than 500 elementary schools. With Marcus Allen, running back for the Los Angeles Raiders, as the official spokesman for the project, youth will undoubtedly be positively affected by this program.

I applaud Entenmann's for their hard work in assisting in our social problems. The "Proud to be Drug Free" project will certainly be beneficial for all who participate. The concern and interest in the people of America demonstrated by Entenmann's proves that the business community can help in the fight in the war on drugs.

WHAT GIVES? A CHARITABLE DEDUCTION FOR NONITEMIZERS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. DORGAN of North Dakota. Mr. Speaker, today Mr. CHANDLER and I are introducing legislation to provide a Federal income tax deduction to taxpayers who make charitable contributions, but who are now prevented from deducting those contributions because they file a short form tax return. This bill would give nonitemizers the same tax treatment for supporting charitable organizations as already exists for itemizers.

Under current law, only those taxpayers who itemize deductions receive tax incentives for charitable giving. Consequently, only

upper-income taxpayers, who generally itemize, are encouraged by the tax laws to make charitable contributions. It makes no sense to me that those with low to moderate incomes, who generally are unable to itemize, do not receive the same encouragement to make charitable contributions.

I've introduced this legislation for discussion in Congress because it's time we reexamined the rationale behind current policy which, in my view, is not in step with our efforts toward establishing a more equitable Tax Code.

The consideration of restoring the charitable deduction for the many Americans of modest incomes who do not itemize is now particularly timely, in light of recent studies confirming that tax incentives for nonitemizers would stimulate their charitable giving.

More than 77 million taxpayers who do not itemize their returns are now told by our Tax Code that their charitable giving is going to be treated less generously than the charitable giving by upper income folks. That doesn't make sense to me.

I believe a nonitemizer who contributes $500 to charity should receive the same tax benefit as the itemizer who contributes $500 to charity. The rationale underlying the deduction applies to all taxpayers, that is—all individuals should be encouraged to make donations by excluding from taxation the income they contribute for a public purpose.

Allowing a deduction for nonitemizers will stimulate more charitable giving which will provide more funding for worthwhile nonprofit organizations, many of which provide services that otherwise might have to be provided by the Federal Government. Studies demonstrate that lower income households—nonitemizers—have historically contributed a higher percentage of household income to charity than higher income households. Further, nonitemizers tend to give to causes that serve low and middle income individuals. These important social obligations require and deserve the same encouragement from tax policy as causes supported by upper income individuals.

Some argue that the standard deduction which is allowed nonitemizers already takes into account charitable contributions. But it is not clear how much, if any, attribution for charitable deductions is assumed in the standard deduction. And even if one would accept the proposition that a portion of the standard deduction includes charitable giving, a lower bracket taxpayer's charitable deduction represents significantly less value than the same deduction afforded upper bracket taxpayers. This legislation addresses any concern about double benefits by limiting a nonitemizers deduction to that amount exceeding $100 of their charitable contributions. The $100 floor will also help reduce IRS compliance concerns by reducing the number of potential returns for filing.

The point is, lower income Americans should be afforded the same opportunity under our tax laws to give to charities of their choice by allowing them the same charitable deduction available to upper income bracket taxpayers, and we should change our tax laws to provide for that.

DAVID KIRKWOOD: 15 YEARS OF JOURNALISM EXCELLENCE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mrs. LOWEY of New York. Mr. Speaker, today I rise to pay tribute to a man whose service to the community has been unique and exemplary.

On May 11, the Scarsdale Public Library will honor David Kirkwood for his 15 years of leadership in the profession of journalism. Since 1975, David Kirkwood has served as editor and publisher of the Scarsdale Inquirer, a newspaper published in the 20th Congressional District. In this role, he has demonstrated enormous commitment and dedication both to the community and to the highest standards of journalistic excellence.

Under Kirkwood's leadership, the Scarsdale Inquirer has grown enormously. Kirkwood was instrumental in improving the newspaper by expanding its size and adding features, photos, and columns. In addition, he redesigned the newspaper to give it a more modern flair, and he also computerized its operations for the first time. The result is a paper that is admired and appreciated by all Scarsdale residents both for its appearance and the excellent reporting it provides.

It is always difficult to report news candidly and objectively, while at the same time maintaining positive relationships with a small community. However, Mr. Kirkwood excelled at this task. He never shied away from reporting on difficult stories, and his reporting inevitably contributed to a better understanding of community problems. Often, the Inquirer's coverage contributed to positive resolutions of difficult problems, as when a landlord decided not to evict an elderly woman as a result of a story in the Inquirer.

Kirkwood has given special attention in the Inquirer to covering trials and other legal issues. Under his leadership, the Inquirer was awarded first prize in the New York State Bar Association's competition for legal coverage by weekly newspapers for a story on a dispute involving public display of a creche, which resulted in a lawsuit that was eventually heard by the U.S. Supreme Court.

Mr. Kirkwood was educated at Cornell and the University of California at Berkeley. His interest in a wide range of subjects drew him to the field of journalism in the early 1970's. He began his career reporting for Community Newspapers, a group of Long Island papers. He soon became editor and publisher of the Long Island Independent in Long Beach. He then moved to the Scarsdale Inquirer, where he started as associate editor. One year later, he was made editor and publisher of the Inquirer. Since that time, he has become close to numerous individuals throughout Scarsdale and Westchester County, who value him not only as one who contributes to the community, but as a friend on which they rely.

After 15 years of contributing to the Scarsdale community, Mr. Kirkwood and his wife are leaving Westchester to move to the Boston area, where they are both taking on new professional challenges. Mr. Kirkwood will be sorely missed. He has been a shining example of the best in American journalism, and he has been unswerving in his pursuit of excellence.

On the occasion of Mr. Kirkwood's departure, I want to pay tribute to his many accomplishments and to commend him for the enormous contribution he has made to Scarsdale. In addition, I would like to wish him and his wife the best as they pursue new challenges in a different part of the country. Thank you, David Kirkwood, for making Scarsdale a better place to live, and may you find much success in the future.

TRIBUTE TO BOB AND LILLIAN ZACKY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BERMAN. Mr. Speaker, I rise today to salute two outstanding members of our community—Bob and Lillian Zacky. The Zackys are being honored by the Encino B'nai B'rith at the organization's annual dinner where they will receive the prestigious David Award.

Bob and Lillian Zacky are both native Californians. They were born in Los Angeles and attended Fairfax High School. They met while Lillian was still a senior and Bob was in the Army headed for Korea. After the war, Bob and Lillian renewed their friendship and have been married 34 years.

It has been a supremely successful marriage. Apart from their two sons, Gregg and Scott, the Zackys have flourished together both as business partners and community leaders. Bob is president and Lillian the spokesperson for the company they founded—Zacky Foods. They are also active supporters of the United Jewish Appeal, the Greater Los Angeles Zoo Association, the Women's Guild for Cedars Sinai, the California Museum Foundation, and Bob and Lillian serve as vice-presidents of the Food Industries Circle for the City of Hope.

Mr. Speaker, it is my pleasure and privilege to ask my colleagues to join with me in saluting Bob and Lillian Zacky—community leaders and role models for all.

INTRODUCTION OF PAY ADJUSTMENT FOR BUREAU OF ENGRAVING AND PRINTING AND THE U.S. MINT POLICE FORCES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. HOYER. Mr. Speaker, I rise today to introduce legislation which will correct an inequity for Federal employees at the Bureau of Engraving and Printing and the U.S. Mint.

Mr. Speaker, in January the House approved S. 1521, which went on to become Public Law 101-263 on April 4, that provided for an increase in pay for the police at the Na-

tional Zoo to a GS–7 level. This was a good bill.

The problem comes, however, in that the Treasury Bureau of Engraving and Printing Police and the U.S. Mint Police are now classified at a GS–5 level—the lowest of any law enforcement service in the Washington region.

Obviously, this makes it next to impossible to recruit and retain qualified individuals to carry out the very critical function of protecting our Nation's money supply.

This is verified by the fact that currently, there are over 37 vacancies out of 114 possible positions at the Bureau of Engraving and Printing. Since January, they have hired 10 employees, but lost 14.

Further, their mission and responsibilities are being increased in that they will also be responsible for protecting the new Holocaust Museum, as the police of first response. More work at bottom of the barrel pay—clearly we must redress this inequitable situation.

This legislation is very simple. It merely makes the rate of pay for the police at BEP and the Mint equal to that of the Zoo police. This will change their classification from a GS–5 special rate to a GS–7, entry level.

I urge my colleagues to join me moving forward this important bill to improve the security of our Nation's securities.

JUDGE RONALD STRAIGHT, ONE OF CORINTH'S FINEST SONS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SOLOMON. Mr. Speaker, on Friday, May 25, the town of Corinth, NY, in my district will be honoring one of its finest sons, Judge Ronald Straight. I'd like to tell you all a little about him.

As I have said many times, a good way to measure a man is to note how much he gives of himself to his community. It is the spirit of voluntarism, which was reborn during the administration of Ronald Reagan and is maturing under George Bush. It is the force that meets society's needs and meets them on the local level, without the intrusion of higher levels of government.

Ronald Straight exemplifies that ideal of voluntarism as well as anyone I know. He was born and raised in Corinth, and has served the town for many years.

He has been a town justice for 22 years, and a 1989 nominee as New York State Magistrate of the Year. He is a member, first aid instructor, and former captain of the Corinth Emergency Squad and the Volunteer Emergency Ambulance Service.

Judge Straight is also an elder of the First Presbyterian Church of Corinth.

Almost invariably, a person who is active in his community turns out to be a devoted spouse and parent, too. Judge Straight is no exception. He and his wife Patricia are the parents of five sons, Bruce, Brad, Kerry, Kevin, and Andy.

Mr. Speaker, Judge Straight is one of the finest men I know. The town of Corinth is very proud of him, and so am I. Please join me in saluting Judge Ronald Straight, who has reflected honor on the court system, his family, his community, and his country.

"JUST SAY NO" TO DRUGS ASSEMBLY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SMITH of New Jersey. Mr. Speaker, recently I had the pleasure of attending a "Just Say No" to drugs assembly at the Peter Muschal Elementary School in Bordentown, NJ. The antidrug and alcohol abuse education program, which was presented by the first through fifth grade students at the school, stressed the positive aspects of remaining drug-free.

Mr. Speaker, I would like to commend all of the students of the Peter Muschal Elementary School who helped make this program a success. I was particularly impressed with a collection of short essays by some of the fourth grade students on the topic of "What I Like Best About Myself", each of which stresses the important role that a positive self-image plays in resisting the temptations of drug and alcohol abuse. Let me share six of these essays with my colleagues.

My name is Paul DiMattia and I am here to introduce the 4th grade students. We wrote essays telling what we like best about ourselves. We feel that sometimes too much is said about the bad things, so we decided to tell you some good things.

The students sharing their essays are Jennifer Ellmer, Stephen Myers, Michele Hanft, Paula Tudorof, and Jessica Woodward.

WHAT I LIKE BEST ABOUT MYSELF

(By Jennifer Ellmer)

What I like best about myself is, I'm my own friend, I live the way I want to live, I like things that know other person would like, I also do things that know other person would do, sometimes! I'm also like no other person! I like to talk, I'm also sometimes a pain! I also know that I'm always going to be one person, not like anyone else.

WHAT I LIKE BEST ABOUT MYSELF

(By Steve Myers)

I like myself because I am unique. I am the only one in the 4th grade who has red hair. All the other kids have darker or lighter hair than mine. I also have alot of friends. I like the way they treat me.

I don't like the way some people make fun of me because I'm different. I hope that changes. I like the way my hair sticks out in a crowd.

WHAT I LIKE ABOUT MYSELF

(By Michele Hanft)

The things that I like best about myself are I have my own ideas. I don't copy off of any bodys paper because who knows if anythings wrong. I like myself because I know if somethings right or wrong. When I ask someone something they don't even listen to me but at least when someone talks to me I listen. Everyone likes the people who are cool and I don't because they are the people who never get done their work and always get in trouble. I don't like to fight with other people, if I do I might hurt their feelings. Even the people who don't like me I still try to be nice to them but they aren't always nice to me. I also like myself best of all because I don't like to hurt other people. When people are mean to me, they don't realize that their hurting my feelings.

WHAT I LIKE ABOUT MYSELF

(By Paula Tudorof)

I like myself because I am the only one in this world and none can ever be like me. That's why I think I'm special. I like myself because I don't have to be like someone else. I can make my own decisions and I don't have to think like any other person. I like myself because I try my best and even if I don't do well I can know that I tried and that's all that counts. I like myself because I am a healthy girl and I don't have any disease like some kids in the world so that makes me very lucky. I like myself because I can speak two languages and I like myself because I can speak, hear, and see, unlike some people, who can't.

WHAT I LIKE BEST ABOUT MYSELF

(By Jessica Woodward)

What I like best about myself is that I help old citizens bring in the groceries and I also help my mom study for her tests. My mother is being trained to be a medical assistant, and she's going to work with a doctor. Best of all I really like to help my mother because I love her. My mother deserves the very best because she treats me well. When ever I am sick my mom stands or sits right next to me. So that's why I help my mom and love her so much. When ever my brother and sister bother my mother, I feel real sad, so that's why I try to cheer her up.

ANDREW GROVE'S STRATEGIC SECURITY BUDGET

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. LEVINE of California. Mr. Speaker, I would like to share with my colleagues a very insightful op-ed regarding America's high-tech future which appeared in the April 23, 1990, Los Angeles Times. The article was written by Andrew Grove, the president and CEO of Intel Corp.

He suggests that rather than limiting our security considerations to their military aspects, we should look at the issue more broadly. Specifically, that the military, technological, and economic components be included in a "strategic security budget." Although the military threat to our security is diminishing, thanks to recent events in the East bloc, we are facing the most serious threat to our economic security since the Great Depression. Grove's article examines an innovative option for dealing with the changed security threat.

Andrew Grove's article follows. I recommend it to my colleagues.

[From the Los Angeles Times, Apr. 23, 1990]

U.S. NEEDS SELF-SUFFICIENCY OF ITS TECHNOLOGICAL FABRIC

(By Andrew S. Grove)

The great changes sweeping the East Bloc augur major cuts in U.S. defense spending. But before we rush to spend the peace dividend, we should rename the defense budget the "strategic security budget." This would help us think of it as the pot of money we use to defend ourselves against *any* external force that, left unchecked, would lead to the subjugation of the United States.

The forces likely to determine our independence and security today are different from those of the past. The military danger is diminished, but the technological and economic threat has never been greater. How ironic it would be if the United States goes down in history as the country that succeeded in casting a protective military net over the Free World, only to lose its own economic freedom to the very nations it shielded.

For those of us who earn our living fighting foreign competitors, it is painfully evident that the United States is losing its leadership in one industry after another. American companies must contend with an unusual trinity of forces. Our most ferocious foreign competitors are frequently subsidized and steered toward markets in which the U.S. edge is slipping. We face trade barriers that limit our penetration of foreign markets. Finally, we work with an Administration whose laissez-faire view of the world makes ill-suited to cope effectively with the new realities of international trade.

It is instructive to re-examine some of the changes that occurred in the 1980s. In the electronics industry, for example, there is trouble up and down the industry's food chain. In 1980, there were several American suppliers of the silicon wafers used to make chips. Today, there are none. Ten years ago, U.S. semiconductor manufacturers controlled 75% of the world semiconductor market. Today, their market share is 35%.

Even more alarming is what's happening to our customers. In 1980, U.S.-based electronics companies consumed 42% of the world's semiconductors. The number today is 32%. There is practically no consumer electronics industry in this country. The computer industry, I'm afraid, is next to go.

Projecting these and other trends into the 90's, the United States emerges as a second-rate economic power importing most of its industrial goods and paying for them by selling its natural resources and dwindling corporate assets. That sounds a lot like the definition of a colony. It is difficult to imagine a military action by the Soviet Union, short of a nuclear strike, that could achieve a more damaging blow to the well-being of the United States.

To reverse these trends, we should aim to make America technologically self-sufficient by the end of the decade. A first step would be for the President to acknowledge that the deterioration of our industrial fabric is a threat to our strategic security. This may seem trivial, but for the current Administration it would be a major step.

We must also conceive of solutions that have measurable effects before the targeted problem becomes unmanageable. If we experience another decade like the 80's, it will be all over. So we can't rely on solutions that take longer than 10 years to work. For example, one of the most frequently mentioned—and certainly worthwhile—cures for what ails industrial America is to improve our education system. The benefits, however, would not begin to be evident until the next century.

Long before then, we need to inject funds into our industrial infrastructure to keep it alive and well. We need to make sure that companies like Intel, its U.S.-based suppliers and its customers will be around to employ the graduates of the improved education system.

So let's declare technological self-sufficiency the top priority of our strategic security spending. Then let's redeploy our current "defense" spending to achieve it, and let's hope we're not too late.

TRIBUTE TO BONNIE L. BERNS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to an outstanding community leader from my congressional district. Tonight, the Carmichael Chamber of Commerce is recognizing Bonnie L. Berns as their 1990 "Businessperson of the Year."

In her 33 years of residency in Carmichael, CA, Bonnie has served her community in a variety of ways. As an assistant bank vice president, the care and concern that she shows her clients helps strengthen the business community and assists Carmichael residents in meeting their financial goals. Bonnie has been an active leader in the Carmichael Chamber of Commerce having served on their board of directors since 1981. She has held office as the chamber's president, and once served as Carmichael's honorary mayor.

Bonnie has a long resume of community service having volunteered her time, energy, and considerable talents to numerous community organizations. Bonnie's contributions include serving from concerned parent in the PTA to financial chairman of the American River Hospital Foundation.

Bonnie, and others like her, are among the most valuable assets a community can have. I feel fortunate to have such leaders in my congressional district who possess the admirable qualities of a strong business sense mixed with an unwaivering commitment to their community. Smart business people recognize that a vibrant community makes good business sense.

Mr. Speaker, and fellow colleagues, please join me in congratulating Bonnie L. Berns as 1990 Carmichael "Businessperson of the Year."

TRIBUTE TO DR. WILLIAM C. PRATELLA

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to a man who has devoted his time and energy to the education of our youth. Dr. William C. Pratella, the superintendent of schools in Mount Vernon, NY, has dedicated almost 30 years toward serving that community.

During his tenure as teacher, guidance counselor, principal and—for the past 18 years—superintendent, Dr. Pratella has committed himself to providing quality education. He has worked to dramatically improve scores in reading and math at all levels. With the support of public officials, parents, teachers, and the community, he instituted the first magnet elementary school in the State of New York. He has developed programs to expand the opportunities available for gifted youth, and to focus close attention on the special needs of children with personal and educational problems. He has instituted a number of special programs for all grade levels, including a computer literacy program, a suicide prevention program, and an expanded kindergarten and prekindergarten program.

We are deeply indebted to Dr. Pratella. He has devoted 30 years to the Mount Vernon community. School districts across the Nation have much to learn from the models of elementary and secondary education which Dr. Pratella has developed in Mount Vernon. I am honored to be able to pay tribute to his work here today.

PANAMA INVASION STILL CONCERNS MANY AMERICANS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. WEISS. Mr. Speaker, I would like to bring to the attention of my colleagues a recent article by Corliss Lamont and Beth Lamont about the United States invasion of Panama. This article argues, correctly in my opinion, that the invasion not only violated the U.S. Constitution, but was inconsistent with our international treaty obligations and our long-term interests in Central America as well.

The staggering costs of the United States invasion of Panama are still being tallied—in the tragic loss of American and Panamanian lives, in the economic dislocation of thousands of Panamanians, and in the massive physical destruction which continues to cripple that nation.

As we consider these costs, we should recall that many Americans—including the authors of this article—opposed this unwarranted and illegal invasion from the outset.

PANAMA—OPERATION INJUSTICE

(By Corliss Lamont and Beth Lamont)

While turmoils still shake a large part of the civilized world, we cannot afford to forget the folly and brutality of the U.S. invasion of Panama beginning December 20, 1989. President Bush's worst mistake since becoming President was his rash decision to send 27,000 American troops into Panama, supposedly to capture its scoundrel dictator, General Manuel Noriega. Noriega finally surrendered and was brought to the United States where he awaits doubtful prosecution at Miami. However, the truth about the American invasion is now a permanent part of history; and that historic truth tells us that the aggression must take its place in the shameful tradition of U.S. imperialism,

with recent examples in Libya, Grenada, and Vietnam.

The cost of the U.S. invasion has been substantial in terms of American and Panamanian military casualties and especially among Panama's civilians. Owing to censorship by the U.S Army and the American media, precise figures were never released. Several American commissions that have gone to Panama estimate the total military and civilian dead in Panama at close to 2,000. Of these dead many were found in mass graves. The search for truth is complicated by continuing conditions which resemble a state of siege. Finding witnesses who worked in hospitals and morgues is almost impossible since they have all been fired from their jobs. They are sometimes traced to military camps and schools where 7,000 or more homeless and jobless refugees are existing. Neighbors are being turned against neighbors in a complexity of mixed loyalties, fears and suspicions.

The horror and tragedy of the invasion is well described in a Report issued by the National Lawyers Guild (February 1990) based on the account of a special Guild committee that went to Panama for a week's visit:

"At 12:30 a.m. on December 20, 1989, without any notice, the United States military began dropping bombs into the densely populated barrio of El Cholrillo, in Panama City. All that night, explosions blew apart buildings, and shook the wooden-frame houses where terrified people, clinging to their screaming children, lay face down on the floors, hoping they would survive. Tracer bullets flew through the streets, and Cobra helicopters circled, firing mortars into the cuartel in the center of the neighborhood, and into the homes surrounding it. Fires broke out, as the flimsy wooden homes, most of them built at the beginning of the decade, were bombed or hit by tracers. Smoke filled the streets, whole blocks burned to the ground. In the multi-family apartment buildings, fires raced up the stairways to trap the wounded or elderly who hadn't gotten down in time. Those that could, fled through the gunfire to safety. Many could not. By morning, much of El Chorillo was smoking rubble; more burned in the following days. As camouflaged American GI's took control of the city around daybreak, sixteen thousand civilians streamed out of their barrio, homeless and traumatized. A square mile was flattened, and thousands were wounded or dead."

As everyone knows, the atrocious American invasion brought ruin to the Panama economy, destroying thousands of shops, industrial plants and homes in Panama City and throughout the country. Experts estimate that it will cost the United States close to $2 billion to restore Panama's wrecked economy.

Meanwhile, we must recognize that almost all the governments of Central and South America opposed the Panama invasion as did the United Nations and various countries throughout the world. The general foreign opinion was that the U.S. invasion was another disastrous example of American imperialism as shown over the past century.

American imperialist ventures display the march of self-defeating folly; and the Government's cover-up policy in secretly undertaking interventions violates the most fundamental civil liberty—namely, the American people's right to know. These interventions stem from what President Eisenhower called "the military-industrial complex," aided by the C.I.A. Through intense White House propaganda appealing to patriotic passion they strengthen the party in power and the influence of the Pentagon.

Regarding the Panama invasion Chief Executive Bush totally disregarded the War Powers Act that calls on a President to notify the House of Representatives that he is about to order the use of armed force, and then violated the U.S. Constitution itself which states that only Congress has the power to declare war for the United States. While continually boasting about the values of American democracy, the Bush Administration continually violates its basic tenets.

Addressing the President in an Open Letter, Professor of Philosophy John Somerville states: "Did you not realize how hypocritical it was to launch an armed invasion while you were publicly telling other countries that they must respect human rights and practice democracy by peaceful means?" President Bush, while praising the downfall of dictatorships in Eastern Europe, acted like a dictator himself in regard to Panama. The invasion was a clearcut example of political hypocrisy.

In this Introduction, we could continue to condemn in detail the Panama invasion, but believe it is more effective to reprint three excellent advertisements that support our viewpoint and were published in the media. The first appeared in The New York Times on Jan. 10, 1990, a full page advertisement sponsored by the Ad Hoc Committee for Panama and signed by 69 eminent American citizens; the second ad was printed Jan. 12, 1990 on the Op-Ed page of the Times, sponsored by the National Emergency Civil Liberties Committee; and the third ad was published Feb. 19, 1990 in The Nation and signed by more than 100 well-known Americans. The advertisements herewith follow:

[From the New York Times, Jan. 10, 1990]

JANUARY 10, 1990.

President GEORGE BUSH,
The White House, 1600 Pennsylvania Avenue, Washington, DC.

DEAR MR. PRESIDENT: Your invasion of Panama is illegal.

This invasion, undertaken without consulting Congress, is a violation of the Constitution of the United States, Article 1, Section 8 which clearly states that Congress, not the President, has the power to declare war.

It also violates the U.N. Charter, the OAS Charter and the Canal Treaties.

In resorting to force rather than diplomacy against a Latin American neighbor, you have continued the disastrous pattern of your predecessors and the undermining of U.S. credibility abroad.

Small wonder that the people of Latin America distrust the U.S. For them this is not Operation Just Cause but Operation Just Business.

Granted General Noreiga's regime, like all too many around the world, was repressive.

But that does not justify your violating the U.S. Constitution. Nor does it justify interfering with the sovereign nation of Panama.

By sending 24,000 American troops into Panama, you have caused immense damage to this already damaged country. You have killed at least 400 Panamanians, injured hundreds more, caused more than $100 million in destruction, and left thousands homeless.

And 26 Americans lie dead and hundreds are wounded.

We object to this lawlessness, the carnage and the damage.

We object to the mockery of our Constitution and the freedom in safeguards.

We object to the idea that we can impose democracy on another nation.

We call on you to withdraw the troops now, restore sovereignty to Panama and make reparations to the civilian victims immediately.

[From the New York Times, Jan. 12, 1990]

WE BELIEVE—THE U.S. INVASION OF PANAMA VIOLATES:

1. The American War Powers Act.
2. The United Nations Charter.
3. The Charter of the Organization of American States.
4. The U.S. Panama Canal Treaties.
5. International law in general.
6. The historic American ideal of world peace.

Although the tyrant Noriega finally surrendered, it remains clear that President Bush's resort to military force against Panama was rash, immoral and unconstitutional. This flagrant aggression of one state illegally invading another state was condemned by the Latin American governments, the Soviet Union, China and public opinion throughout the world.

In the efforts to oust and seize Noriega 23 American lives were lost, while the dead in the Panama Defense Force numbered some 300, and civilians killed reached 400 with 2,000 wounded. "Gun Barrel Democracy," as The Nation puts it.

Further consequences of the invasion are to trap the United States into responsibility for helping to rebuild ruined Panama City and to restore the gutted economy. It is reliably estimated that for America to work its way honorably out of the Panama shambles will cost close to $2 billion.

A deplorable example of American irrationality was that U.S. troops violently broke into and searched the Nicaraguan Embassy in Panama City. This action itself showed a serious disregard for international law and diplomatic immunity, for which President Bush later apologized.

Any rational evaluation of the Panama invasion must conclude that in important ways it was a disaster. What the Pentagon probably claims as a military victory was clearly a serious defeat in terms of human values and international relations. The U.S. giant has managed to shoot itself in the foot and humiliate itself in dealing with a very small nation of 2,400,000 people.

Once again the U.S. government, with Vietnam looming in the background, has disregarded the many mistakes of the past in Central America, and without considering all the implications, launched a massive overkill. This tragedy will increase antiAmerican sentiment abroad, especially in the nations of Central and South America.

As Democratic Congressman Ted Weiss says, "Ultimately the decision to invade Panama will be contrary to the national security interest of the United States and will reflect poorly on the reputation and prestige of our nation."

[From the Nation, Feb. 12, 1990]

CALL TO ACTION!

To everyone outraged by the U.S. invasion and occupation of Panama: We must sharply escalate our resistance to U.S. aggression & intervention in Central America & throughout the world!

The U.S. government greeted the '90s with a brutal invasion and occupation of Panama. Reports of 1,000 or more civilians killed and thousands more wounded by U.S. bombing and strafing of poor neighbor-

hoods filter through U.S. official lies and media censorship. Many of the dead were quickly buried, unidentified, in mass graves for "humanitarian reasons." Now the U.S. military is running the devastated country by terror and bribe. And what is the "official story"? That this "successful operation" was to "get a drug dealing dictator and protect U.S. lives and treaty rights." President George Bush proudly proclaims that the decimation of this tiny country of 2.3 million people was "worth it."

HERE IS THE REAL STORY:

U.S. Media highlights U.S. casualties while civilian suffering and death is still not reported. Network TV coverage of the invasion was a U.S. military video fed to the "press pool" holed up in the U.S. embassy. The media has virtually blacked out major opposition to the invasion amongst people in Panama and around the world (including mass protests in over twenty U.S. cities). They have instead focused all eyes on Manuel Noriega.

Noriega for years was a valued ally of the U.S., on the CIA payroll. He was a key player in the drug and Contra trade, endorsed and overseen by Bush as CIA director and vice-president. Before their "falling out" Noriega received a U.S. award for his role in the "War on Drugs." Endara, now installed by the U.S. in the midst of bombs and blood, served for ten years as a top aide in an earlier regime which openly promoted U.S. and oligarchy interests.

Panama is the biggest military operation since Vietnam. At the same time bombing and murder of poor people and religious workers by U.S.-supported death squads and Contras have increased in El Salvador and Nicaragua. Under the guise of "War on Drugs" the U.S. special forces lead helicopter patrols from a Vietnam-style fire-base against insurgents in Peru and Bush calls for an aircraft carrier group to be stationed off the coast of Colombia with high-tech planes to monitor the whole region.

The truth is that the U.S. aggression in Panama is a major escalation of military intervention in the whole region. The goal is to continue U.S. domination . . . "Yanqui imperialism" as people all over Latin America name it.

Whatever our political or organizational ties, we must dramatically intensify the scope and level of protest actions. We can and must mount a far more powerful resistance to the horror of U.S. imperialist crime. The oppressed people of Panama, Latin America, and the world expect nothing less!

INTERVIEW WITH PRIME MINISTER PINDLING

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. DYMALLY. Mr. Speaker, recently Leaders magazine published an interview with Sir Lynden O. Pindling, Prime Minister of the Commonwealth of The Bahamas. Because the interview addressed a number of questions of concern to Members of Congress, I thought it might be helpful to bring this interview to the attention of the Members.

BANKING ON PINDLING

(LEADERS EDITOR'S NOTE.—The Honorable Sir Lynden Pindling, Prime Minister of the Bahamas, has in his 23 years in office seen the Bahamas enjoy a strong economy and a stable government. Legislation that went into effect in January makes investment in the Bahamas even more attractive. But, according to Pindling—who shares his thoughts on the future of the Bahamas in the following interview—the Bahamas is in a season of change. The Government is continuing to review financial legislation, with an eye to making more revisions to further strengthen banking and investment opportunities. In addition, the Bahamas' first large-scale agricultural venture, along with the construction of a flour mill and an animal feed mill, will help the Commonwealth to better feed itself, thus leading the Bahamas into its greatest era of self-sufficiency and economic opportunity.)

Q. There was a time when the Bahamas was the third-largest international financial center in the world after London and New York. Now you are ranked 11th by the I.M.F. What happened, and how do you plan to regain your leading position in the banking sector?

A. Despite the fact that between 1967 and 1988 bank and trust licenses increased from 187 to 391, we did become too complacent. The establishment of International Banking Facilities in New York did take away some business, but it did not represent any real loss in economic terms. Neither did the establishment of offshore banking facilities in Tokyo mean a loss for us. But we did not gain as much as we might otherwise have done. We also failed to keep pace with the changing requirements of the international financial community, and we failed to promote ourselves in the community.

A conscious decision has now been taken to remedy those deficiencies. All our financial legislation has either been revised or is being revised; our record-keeping is being fully computerized for both speed and accuracy; and we are establishing a special unit to promote around the world our superior environment for banking and financial services. We confidently expect to have significantly improved our I.M.F. rating over the next three years.

Q. Insurance is another area of former dominance. Where do you stand today?

A. What I said about our complacency in banking is also true about insurance services, but we have now begun to do in the insurance field what we did in the financial field. Our legislation is being reviewed with a view to updating it wherever it is necessary or advantageous to do so. In both banking and insurance we have an eye to the future. We anticipate that political and economic changes in Western and Eastern Europe will produce a need for new services and new methods of providing existing services, and we intend to be ready to provide both in a timely and efficient manner.

Q. The competition in banking and insurance is stiff. What can the Bahamas offer its clients that they can't get in Switzerland or Singapore?

A. That's not the point, really. As we see it, our efforts must be directed at offering everything Switzerland and Singapore can offer in this Atlantic region. Furthermore, there will be services available in the Bahamas which we anticipate will be less readily available in Europe after the Single Unified Market comes into existence in 1992.

Q. Banking secrecy is facing heavy criticism in some quarters. Do you believe there are legitimate reasons for such secrecy, and how do you propose to deal with the issue?

A. There are legitimate reasons for the criticisms, but there are also legitimate reasons for confidentiality. The criticisms arise from the perception that secrecy covers up criminality and skulduggery. Resolve the questions that give rise to such a perception, and legitimate business and personal confidentiality can be preserved.

Q. You have tightened your banking regulations to guard against money laundering. Has real progress been made in this area?

A. Without a doubt. When we were considered to be the third largest international financial center after London and New York, we were also thought to be the third largest in money laundering activities. We no longer have that dubious distinction. As early as in 1983, the Central Bank of the Bahamas prohibited the banks from accepting large cash deposits of U.S. dollars. As per the system, clearing banks have defined amounts in excess of U.S. $5,000 as large cash transactions. Attempts to make cash deposits in excess of the limit are required to be reported to the Central Bank promptly, with full particulars of the concerned party such as photocopy of passport, driving license, identity card, temporary address in Nassau, etc. The system is working very well.

The Central Bank also monitors the tenders of U.S. currency notes made by individual clearing banks from time to time and asks for explanations in cases of significantly large tenders. The Association of International Banks and Trust Companies has established a written Code of Conduct for its members which Code enjoins banks to identify their customers and obtain proper references before opening accounts and to prevent use of their institutions in the Bahamas for criminal purposes. The Central Bank maintains a close contact with the Association and supports it in securing adherence to the Code by the individual members.

We have also signed international agreements for the exchange of information in criminal matters and have enacted legislation which enables the seizure and forfeiture of assets that cannot be legitimately accounted for. As a result, Nassau is no longer a significant center for money laundering activities. The record will show that now banks in American, Canadian and European cities and other Caribbean countries have snatched that reputation from us.

Q. The Bahamas is a fairly recent player in international ship registration. Has this venture been successful?

A. International ship registration has been eminently successful. In less than 10 years we have registered over 1,000 ships and almost 16 million tons of shipping. The Bahamas now ranks tenth in the World Shipping League and fifth in the Free Flag League.

Q. Tourism is the major pillar of your economy. You are the number-one destination in the Caribbean, but you have a lot of islands that are not as developed as islands with cities like Nassau and Freeport. How do you intend to develop those islands?

A. The first part of our strategy was to put into other islands the necessary infrastructure of airports, harbors, roads and telecommunications. We are now putting in place and that is the necessary incentive legislation to encourage the economic development of those islands, especially Abaco, Andros, Eleuthera, Exuma and San Salvador, the landfall of Columbus on October 12, 1492.

Q. The Bahamas has been known for a long time as an ideal place for a vacation home, but you don't see a lot of promotion

of this idea. Is this something your government is encouraging?

A. Hitherto, there has not been much promotion of that concept, but there is growing popular support for the idea. It will be specifically encouraged in a new Bahamas Development Encouragement Act which will be introduced shortly in Parliament.

Q. The Bahamas imports most of its food and virtually all of its manufactured products. How do manufacturing and agriculture fit into the country's development plan?

A. We have launched a new program to feed ourselves. The first large-scale agricultural venture, which will supply fruits and vegetables for domestic and foreign markets, will start shortly. Construction will soon begin on a flour mill and animal feed mill. Other agricultural and maricultural ventures are following. Because we appreciate that we must grow more of our food needs, every encouragement will be given to food production, including cattle and sheep rearing. In the proposed Development Encouragement Act, the country will be divided into economic enterprise zones which will have special business incentives and tax benefits, and food production will be one of the industries promoted for such zones.

Q. Two of the greatest fears of foreign investors are political instability and government red tape. What steps are you taking to ensure that neither of these hinders growth and development?

A. I do not believe you will find many countries in this hemisphere with greater political stability and less government red tape than the Bahamas. But we are not satisfied with that. I still believe, however, that our administrative machinery can be made to move more quickly and to operate more smoothly, particularly in the areas of work permits. On the other hand, we cannot afford to relax the checks and balances in our system which have entrenched our stability and which are necessary to protect, for example, our banking industry and our fragile environment.

Q. You have been consistently reelected for 23 years, you have a strong opposition, a free press and a good economy. Many of your neighbors and much of the Third World are not even close to achieving what the Bahamas has. What are you doing to make the sun shine on you?

A. I am not sure that I know the whole answer to that. I suspect, however, that some governments are too certain of their own infallibility, too afraid of and too sensitive to criticism. Because of this, they react too harshly, overlooking completely the necessity for patience and tolerance in public life.

Q. The world is going through fundamental changes politically and economically. How does a small island nation like the Bahamas fit into the new landscape?

A. I think herein lies the greatest challenge facing small countries. With small populations, limited resources and insignificant market shares, the development of global trade in a global market could sweep us away. I have no doubt that small countries will have to ally themselves with larger economic blocs in trading entities and find their niches in them. To merely survive, they will have to provide goods and/or services for those larger economic blocs, and to succeed they will have to do so on a world-class basis. In other words, such goods and/or services that we do produce or provide will have to be competitive in quality and in price in the international market. This will require massive new efforts in human development and training in our countries.

Q. You are only 50 miles from Florida; U.S. investment and interest in the Bahamas are considerable. Are you looking beyond the U.S. for new investment now, and what are your priorities?

A. I do not feel that the level of United States investment will be as great as it was before. Both the Far East and Europe will pose massive economic challenges to America and absorb most of her foreign investment potential. By the same token, the stronger Asian and European currencies will encourage more Asian and European investment in the Bahamas, and that is where I think we shall have to look. We have already begun our investment promotion in Asia, and we are about to renew our efforts in Europe, realizing, of course, that Europeans are likely to be preoccupied with Eastern Europe.

Q. The Bahamas and the U.S. are working together to end the flow of drugs through the Caribbean. Both nations are spending a lot of money on interdiction, but are we getting results?

A. Oh, yes, we are. The law enforcement agencies of both countries confirm this. Indeed, President Bush acknowledges this in his 1990 National Drug Control Strategy. On page 69 you will find: "As a result of successful air and maritime interdiction efforts in the Southeastern United States and the Bahamas, drug smugglers have shifted their focus toward Mexico as a primary transfer point for smuggling drugs into the United States. This shift has created an especially intense drug trafficking area along the Southwest border (Texas, New Mexico, Arizona and California), which will be the focus of new interdiction activities."

For us in the Bahamas, this has manifested itself in less drug seizures, both in numbers and in quantity, less drug availability on our streets for local consumption, and less drug money in circulation.

Q. As the longest serving democratic leader in the hemisphere, you have governed through seven U.S. administrations while serving as the leader of the 49-nation Commonwealth. You must have had some rich experiences. What lessons have you learned from these experiences?

A. Simple and old ones, really. Firstly, do the best you can as often as you can. Secondly, never let the bastards get you down. Thirdly, always maintain your sense of humor.●

PROPOSED AMERICAN BAR ASSOCIATION RESOLUTION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. CLEMENT. Mr. Speaker, the American Bar Association will meet in August in annual convention to consider many issues and resolutions. One of those resolutions will be offered by three distinguished members of the Nashville legal community: Owen Meredith Smaw, Richard H. Dinkins, and David L. Maddox.

As a courtesy to these three individuals, I would like to share the text of the proposed resolution and some additional background information with members of the legal community at large. While I do not necessarily endorse the resolution, I do believe that discourse and debate of all views is essential to making an informed decision. Consequently, I am pleased to share this information with those intersted in the debate on the death penalty and the International Convention Against Torture.

TO BE CONDEMNED IPSO FACTO IS TORTURE PER SE

Whereas, the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionlly inflicted on a person* * *";

Whereas, the Convention declares that there are "no exceptional circumstances whatsoever" to justify torture;

Whereas, the Convention is designed to prevent and punish torture committed by government officials or others acting in an official capacity;

Whereas, condemned prisoners are made to suffer extreme mental torture when any sentence of death is imposed;

Whereas, the signing of a death warrant by any government official always causes immediate mental, emotional, psychological and psychiatric torture;

Whereas, prevention of the international crime of torture is to be preferred over punishment of judges, justices, governors, and other government officials who torture condemned prisoners;

Now, therefore, be it resolved, That the American Bar Association opposes the sentence of death and the signing of any death warrants in America as a clear violation of the International Convention Against Torture.

THE CONVENTION AGAINST TORTURE

BACKGROUND

On 10 December 1984 the United Nations adopted the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture). This represented an important step in the development of international standards against torture which had begun years earlier.

In November 1973 the United Nations passed Resolution 3059 which rejected any form of torture and other cruel, inhuman or degrading treatment or punishment.

Resolution 3218, passed on 6 November 1974, launched the initial stage of a program towards setting standards for the prevention of torture. The resolution included a clause requesting action by future U.N. congresses. In August 1975 the Fifth Congress on the Prevention of Crime drafted minimum rules for the treatment of prisoners worldwide. It categorized torture as a crime of transnational concern.

The United Nations issued its first official declaration against torture on 9 December 1975. The declaration, Resolution 3452, served as a basis for development of the Convention Against Torture. Two years later the United Nations authorized its Commission on Human Rights to draft a convention against torture. The commission authored and negotiated the draft of the convention from 1978 to 1984, when the text was adopted by the U.N. General Assembly.

Additionally, the International Covenant on Civil and Political Rights provides a historical basis for the prohibition of torture. The convenant prohibits torture under all circumstances, including war, invasion, or other states of emergency.

CURRENT WORLDWIDE STATUS

The Convention against Torture came into force on 26 June 1987, the thirtieth day after twenty nations had ratified the treaty. The first meeting of States Parties (countries which had ratified the treaty) was held on 26 November 1987.

The Committee against Torture established under the Convention is comprised of 10 experts. Currently, nationals from Argentina, Bulgaria, Cameroon, Canada, Denmark, France, Mexico, Philippines, Switzerland, and the U.S.S.R. are serving on the Committee. Each member of the Committee serves as an independent expert and is not a representative of the nation of their origin. The committee has begun receiving communications and reports. It is authorized to investigate allegations of torture.

As of 20 February 1989, 41 states had ratified (become a State Party to) the convention; 38 additional countries had signed the treaty. Signing indicates an official intent to ratify the treaty at a later date.

TREATY SYNTHESIS

Substantive Articles

Article 1 defines torture as any act which intentionally inflicts severe pain, physical or mental, on a person to obtain information or a confession, to punish, or to intimidate or coerce him or a third person by a public official or other person acting in an official capacity.

Article 2 allows for no exceptions to the prohibition against torture.

Article 3 forbids States Parties from forcibly returning a person to a country where there are substantial grounds to expect that that person may be tortured.

Article 4 requires each State Party to make torture and attempted torture criminal offenses punishable by law.

Article 5 discusses States Parties' jurisdiction over certain torture cases.

Article 6 mandates that any person accused of torture shall be taken into custody by the country in which that person is found at the time. That country shall initiate an investigation while assisting the accused person in communicating with a representative of his/her country.

Article 7 requires the detaining country to either extradite the accused person or to prosecute the case as a serious offense under the law of that country. The detained person must receive fair treatment at all times.

Article 8 makes torture and attempted torture extraditable offenses in any extradition treaty existing between State Parties. Where no extradition treaty exists between countries, States Parties may consider the Convention a legal basis for extradition.

Article 9 requires mutual assistance between States Parties in criminal proceedings concerning torture.

Article 10 requires each country to ensure that law enforcement personnel and other officials be educated and informed as to the prohibitions against torture.

Article 11 mandates that each State Party keep under review all rules and policies pursuant to torture.

Article 12 requires each State Party to ensure a prompt and fair investigation into allegations of torture in territories under that country's jurisdiction.

Article 13 allows a person alleging that s/he has been tortured to file a complaint and to receive a fair and prompt investigation. Further, steps shall be taken to protect that person and other witnesses.

Article 14 requires each State Party to ensure that victims of torture of their surviving relative/s have the right to redress and adequate compensation.

Article 15 prohibits statements obtained through torture from being allowed as evidence in court.

Article 16 obligates each State Party to prevent acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture, when such acts are committed by or with the consent of an official or a person acting in an official capacity.

Procedural Articles

Article 17 mandates the establishment of a Committee against Torture consisting of ten experts of high moral standing and recognized competence in the field to human rights.

Article 18 sets up the rules and structure of the Committee.

Article 19 requires that within one year after ratification, States Parties must report on how they have fulfilled their responsibilities to the treaty. Supplementary reports must be filed every four years.

Article 20 obligates the Committee to invite a State Party accused of torture to cooperate in an examination of the information and to submit observations. If an official inquiry is made, the Committee shall seek the cooperation of the State Party concerned. In agreement with that country, such an inquiry may include a visit to its territory.

Article 21 allows a State Party at any time to recognize the competence of the Committee to receive and consider communications from a State Party claiming that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered only if submitted by a State Party which has made a declaration recognizing the competence of the Committee. No communication will be considered by the Committee if it concerns a State Party which has not made such a declaration.

Article 22 allows a State Party to recognize the competence of the Committee to consider communications from individuals claiming to be victims of torture. The same rules apply as in Article 21.

Article 23 discusses the diplomatic rights of the Committee.

Article 24 requires the Committee to submit an annual report to States Parties and to the U.N. General Assembly.

Article 25, 26, and 27 open the Convention for signature and ratification and govern its entry into force.

Article 28 allows States Parties not to recognize the competence of the Committee in regard to article 20. It also allows States Parties to withdraw previously made reservations.

Article 29 discusses amendment procedures.

Article 30 allows for arbitration of disputes between State Parties when negotiation is not viable.

Article 31 allows States Parties to withdraw from the Convention. Such a withdrawal would not release the State Party from responsibilities for acts committed prior to the date of withdrawal.

Article 32 requires the U.N. Secretary General to inform members about the treaty's progress.

Article 33, the final article, states the languages in which the treaty is authentic.

IMPORTANCE OF THE TREATY

Like the Declaration of Independence and the U.S. Constitution, neither of which immediately lived up to their lofty aspirations, the treaty creates a momentum toward the realization of the hopes which it offers.

The Convention makes it legitimate for a nation to be concerned and to intercede regarding the behavior of another country toward its citizens. The findings of the Committee against Torture lend significant weight to international efforts to end torture. As the Committee continues to function, its decisions and investigations aid human rights work throughout the world.

The treaty reinforces the definition of torture so that torturers can no longer claim that they were unaware of the meaning of torture. It further institutes measures to prevent torture and to punish violators when torture takes place. Each State Party is required to make torture a punishable offense and must take measures, such as training and educating law enforcement officials, to prevent torture.

Any torturer found in the territory of a State Party must be prosecuted or extradited. A state party can prosecute regardless of where the torture took place. Further, the Committee investigates charges of torture and works to enforce the treaty.

Significantly, the convention has a direct impact on torture victims. States Parties are required to investigate allegations of torture which are made by victims. Victims and witnesses must be protected during investigations and prosecution. The treaty also gives victims the right to compensation for torture. It further forbids statements made under torture from being used in court.

U.S. ACTION TO DATE

The United States signed the Convention against Torture on 8 April 1988. On May 1988 the Reagan Administration submitted the convention to the Senate. It was referred to the Senate Foreign Relations Committee, the body responsible for reporting all international treaties to the full Senate.

The Administration enclosed with the treaty 4 declarations, 4 reservations and 9 understandings which propose to the Senate various qualifications which the United States might make upon ratifying the treaty. Many of these statements specifically and detrimentally alter the purpose and effect of the convention. They include: 1) a redefinition of torture which raises the threshold of pain which one must suffer and which allows certain circumstances and justifications for torture, 2) a proviso which excludes U.S. participation in almost all of the international monitoring aspects of the treaty and 3) a limitation which makes the treaty unenforceable domestically unless new legislation is passed.

As of April 1989 the Senate Foreign Relations Committee had neither held nor scheduled hearings to consider the treaty. Once the Committee completes hearings on the treaty, it will submit its report and recommendation to the full Senate. Two thirds of the Senators voting must vote in favor of the treaty.

IMPORTANCE OF U.S. RATIFICATION

In 1984, the U.S. Congress passed and the President signed the Joint Resolution against Torture (P.L. 98-447) committing the U.S. to combat the practice of torture. The resolution refers to the Convention against Torture still in draft form. Now that work on the Convention is complete and it is in force, the United States can add this latest tool to its arsenal to combat torture worldwide.

The United States played a major role in drafting the treaty. It should complete the

process by ratifying the convention. It is the only permanent member of the U.N. Security Council which has not ratified the convention.

The United States publicly proclaims support for human rights. The longer it waits to ratify the treaty, the more its credibility as a human rights leader is eroded.

Ratification is vital in proving the U.S. commitment to human rights as a concern that crosses national boundaries. It affirms to the international community U.S. determination to combat torture with every available tool. It allows the United States to join with other countries in pursuing and prosecuting torturers wherever they are found.

The Convention against Torture recently came into force and the Committee against Torture into operation. The United States stands to gain from participating in the early stages of this new and developing institution. The Convention offers a realistic forum and context for constructive dialogue as compared to rhetorical declamations and denunciations.

Since its record on torture is relatively good, the U.S. has little to fear from ratifying the Convention.

Ratification assures continuity in the U.S. commitment to control torture and protect U.S. citizens against torture through future administrations.

U.S. action or inaction influences many other countries. U.S. ratification may persuade others to follow its example.

U.S. ratification will aid U.S. human rights activists. U.S. human rights workers would finally have the advantage of working for progress in human rights as citizens of a nation which accepted this fundamental human rights treaty. The effect of their work will be enhanced.

ORGANIZATIONS SUPPORTING U.S. RATIFICATION OF THE CONVENTION AGAINST TORTURE

(Partial list)

Anti-Defamation League of B'nai B'rith.
American Bar Association.
Amnesty International.
Armenian Assembly of America.
B'nai B'rith International.
B'nai B'rith Women.
Federal Bar Association.
Human Rights Watch.
International Human Rights Law Group.
Lawyers Committee for Human Rights.
Minnesota Lawyers International Human Rights Committee.
National Spiritual Assembly of the Baha'is of the USA.
National Council of Churches of the USA.
Procedural Aspects of International Law Institute.
United Nations Association of the USA.
U.S. Catholic Conference.

AIR TRAFFIC CONTROLLER INCENTIVE AND RETENTION ACT

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BOSCO. Mr. Speaker, today I have introduced legislation which I believe is crucial to remedying a chronic problem affecting the health and vitality of our Nation's air traffic control system. The Air Traffic Controller Incentive and Retention Act will attract and retain qualified personnel to handle safely and expeditiously the ever-increasing amount of air traffic in our congested skies. My bill is aimed at boosting system capacity through increased productivity of the key component of the air traffic control system: the controllers themselves.

It is time that we faced up to facts. The air traffic control work force has not been rebuilt to prestrike levels, especially in the number of full performance level controllers [FPL's]. For yet another year, the Federal Aviation Administration will fall approximately 2,000 FPL's short of the congressionally mandated level.

Under the FAA's pay demonstration project, we have been trying to attract and retain qualified controllers at some of our most besieged air traffic control facilities. However, in order for this project to succeed, controllers must often be siphoned off from other busy and strained facilities which have no controllers to spare. We only have so many fingers or controllers to plug the holes in this leaking dike, and we are running out of them.

In spite of promises to provide better screening and education, the deplorable washout percentage at the FAA's Oklahoma City Academy shows no sign of declining. More frightening still is the employment crisis that looms ahead. Beginning in 1995, almost half of the controller work force will be eligible to retire; there are few compelling reasons for these controllers to stay on. Sixty-thousand-dollar annual salaries are the exception, not the rule. Younger controllers are resigning at an alarming rate. Last year, at the Oakland Terminal Radar Approach Control, 17 FPL's quit—more than a third of their actual FPL work force.

Implementation of the new National Airspace Plan will require so-called bubble staffing to handle training on new equipment and concurrent operation of the air traff control [ATC] system. The ATC system cannot shut down while controllers learn to operate this new technology. And the so-called labor saving equipment of the NAS plan is contingent upon greater reliance on existing FAA personnel.

The lessons of the past 9 years are clear. While we have been fighting a series of protracted skirmishes at individual air traffic control facilities, we have been losing the overall battle to provide safe and effective and traffic control. We must be able to attract and retain the best possible people throughout the Nation, not just at a few locations. I believe my legislation will accomplish this goal by raising the controller pay differential from 5 to 15 percent, offering premium pay for Saturday work, and eliminating the age limitation on voluntary retirement for controllers with 20 years of service.

I believe that this money would be well spent. We are currently wasting millions of dollars on ill-suited controller candidates who fail at the academy or who cannot certify at their air traffic control facilities. We are losing to retirement and resignation, controllers in whom the Government has invested between $100,000 and $200,000 and whose value to our safety and the economy is inestimable. This is unacceptable.

Half measures and public relations campaigns will no longer do. We must attract candidates who have the qualifications and aptitude to make it through the academy and pass muster in the air traffic control system. We must ensure that controllers stay in that system as productive and active members doing what they do best: separating aircraft. We must build and sustain a vibrant work force committed to excellence in order to increase the margin of safety and system capacity. That is exactly what my legislation will do and I urge my colleagues to support this bill.

I would like to thank the National Air Traffic Controllers Association for their assistance over the past months. Their observations and expertise were most helpful and I look forward to working with them as well as the entire aviation community, and the U.S. flying public to make this legislation a reality.

CONGRESSIONAL SUPPORT FOR HEAD START JUSTIFIED

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BEREUTER. Mr. Speaker, Head Start is a favorite program among Members of Congress, and for very good reason. It is a program that works! Studies of Head Start reveal that children who participate in the program do better in school, are less likely to drop out, and make better social and emotional adjustments to the learning environment.

Often times Members of Congress have to sell big ticker items to their constituents, who are concerned about the size of the Federal deficit and the damage that deficit may do to the financial security of future generations. The budget submitted by President Bush requested an increase of $500 million for Head Start, to a record high total of $1.9 billion. There is no question that whatever levels of funding for Head Start Congress approves will be Federal dollars well spent.

This Members' constituents in Beatrice, NE know about this effective program as well. Thanks to the following excellent editorial from the Beatrice Daily Sun, this Member's support of the Head Start Program at home is made all the easier.

[From the Beatrice Daily Sun, May 4, 1990]

LARGER HEAD START PROGRAM IMPORTANT

(By Kent Thomas)

Without any specific numbers to back me up, I still believe that the large majority of toddlers who attend and enjoy pre-school will go on to become above-average students and make a success of their lives.

Sure, there will be exceptions, for any number of reasons, but I think the generalization is valid.

The pre-school experience is probably more important for children of disadvantaged families than others because it provides a learning opportunity that might not otherwise be possible. Often, young people in poverty-stricken or broken homes don't get the chance to learn as much at home as they should.

Which brings us to the Head Start program, called by Helen Blank of the Children's Defense Fund "the most popular low-income program because of its unique nature in addressing so many problems at

once." She goes on to cite studies that show participants in Head Start or similar programs are more likely to graduate from high school and become self-supporting and less likely to be arrested or become teen parents than are non-participants.

Since 1965 Head Start has been providing education, hot meals, medical and social services to low-income pre-schoolers and involving their parents in their education as volunteer helpers. Among its supporters is President Bush who in his fiscal 1991 budget has asked for an additional $500 million for Head Start, which he says will extend it to another 180,000 pre-schoolers. Head Start's present budget allows it to reach only about 453,000 children, less than 20 percent of those eligible, according to Ms. Blank.

Oregon Gov. Neil Goldschmidt is going a step further, proposing the Head Start be extended to every low-income child in his state, to be funded by 30 percent of state lottery revenues. Adopting the measure, Goldschmidt said in his recent state of the state address, would be "the biggest economic development decision Oregon is ever going to make."

FRED ACUNTO, CHARLTON HEIGHTS FIFTH GRADERS, SHOW CIVIC PRIDE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SOLOMON. Mr. Speaker, there's a new spirit in the land, a spirit of civic involvement and awareness. I'd like to report on an example of this new spirit in the 24th District of New York.

Mr. Fred Acunto's fifth graders at Charlton Heights Elementary School in Ballston Lake, NY, are participating in a program Congress established and named "The Civic Achievement Award Program," which combines education and participation.

These fifth graders gave up many of their lunchtime recess hours and Saturdays to distribute to area residents 4,500 ribbons, suitable for attaching to car antennas as reminders to high school students to drive safely in this exciting but occasionally dangerous season of proms and graduation festivities.

Mr. Speaker, as I have said on this floor many times, my definition of a good citizen is someone who gives of himself to his community, who participates in the effort to make his community a better place.

Mr. Acunto is a friend of mine, and a member of my nonpartisan academy selection board, so I'm already quite aware of his dedication to the best interests of his young students. On June 21, the school will hold its awards assembly. Please join me in saluting Mr. Acunto and the outstanding fifth graders of his class. Such examples reassure us that with such young people as these, the future of this country is in good hands.

ALLEN ZIEGLER RECEIVES UNIVERSITY OF JUDAISM HONORARY DOCTORATE DEGREE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. LEVINE of California. Mr. Speaker, I rise today to recognize Allen Ziegler for his exceptional commitment to philanthropic causes. On May 27, Allen will be awarded an honorary Doctorate degree by the University of Judaism in recognition of his lifelong dedication to improving the quality of life in his community and his ongoing commitment to the university. The degree will be awarded to him a special convocation and dinner at Sinai Temple.

Over the years Allen Ziegler has proven himself to be a dedicated supporter of the Southern California Jewish community, and especially the University of Judaism. He is a member of the university's board of directors, he was the first recipient of the Eternal Light Award, and in 1985 was inducted in the prestigious Society of Fellows. His many gifts to the university also reflect his strong commitment to education and to the Jewish community: the Ruth and Allen Ziegler administration building on the Familian campus stands as a reminder of his generosity.

Other Jewish institutions including Camp Ramah, Cedars-Sinai and the City of Hope have also been the beneficiaries of his continuous commitment to the American Jewish community. Among other gifts of note, a University of Judaism scholarship and a cabin at Camp Ramah bear his name.

In addition to his philanthropic activities, Allen has been an extremely successful businessman. He is executive vice president of Westco Products, one of the Nation's largest bakery supply manufacturers. The firm has been run by the Ziegler family for over 45 years.

Mr. Speaker, I ask my colleagues to join me in recognizing Allen Ziegler's dedication to the university and to strengthening the Jewish community. Please join me in congratulating him on his receipt of an honorary Doctorate degree from the University of Judaism.

THE 10TH ANNIVERSARY OF THE CALIFORNIA CULTURAL ASSEMBLY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. MATSUI. Mr. Speaker, it gives me great pleasure to stand before my colleagues today and call their attention to the California Cultural Assembly on the occasion of their 10th anniversary.

For the past decade, the California Cultural Assembly has dedicated itself to the development and growth of multicultural artistic programs in Sacramento. The definite focus of the CCA is to convey a greater knowledge and appreciation of African-American artistic cultural contributions to the American landscape.

Among the many accomplishments of the California Cultural Assembly, they were the first to sponsor and present the Statue of Liberty and Ellis Island Buildings "Move to Freedom"; founded and presented the first multicultural music concert in Oak Park in 1984; first nonprofit organization to present jazz clinics and concerts to area high school and community college students; founded the Black American Renaissance Day which is held annually at Cal-Expo during the State fair, and published a comprehensive yearly multicultural arts calendar containing monthly listings of programs produced by large and small nonprofit arts and cultural organizations.

Mr. Speaker, I ask that my colleagues join me in congratulating a decade of accomplishments which the citizens of Sacramento have benefited greatly from best wishes for continued successes in all future endeavors.

IN MEMORY OF L. NICHOLAS RUWE

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SCHUETTE. Mr. Speaker, I would like to take this time to remember L. Nicholas Ruwe, a genuine role model and a man dedicated to serving his country.

I would like to share the remarks I gave at his recent funeral in Detroit. I hope these remarks help you feel the energy, patriotism, integrity, and character that motivated Nick Ruwe during his over 30 years of public service.

REMARKS

When Nancy asked me to join her, Les, and their many friends to talk with you about Nick today, I felt privileged to be able to share with you some memories of an extraordinary man who was one of the best—a man whose spirit, dedication to country, and zest for life we celebrate today.

Many here had the good fortune and were blessed to know Nick Ruwe. You had the benefit of growing up with him. You were able to fully appreciate his love for his family, his love for people, his love for the outdoors, and his love for the political arena and public service.

Together, Nick and Nancy Ruwe demonstrated to us every day the importance of living a life of friendship, loyalty, and service to others. They have been true partners, supporting and helping each other and sharing the fruits of their triumphs and successes together.

I had the privilege of coming to know Nick during his legacy of public service to America. I am grateful for having been in his company and for the opportunity to learn from a man who has walked with presidents, walked with kings, and is now walking with God.

As you know, Nick's career in public service spanned over thirty years. His talent and energy took him to great heights. He served in varied capacities with Presidents Richard Nixon, Gerald Ford, Ronald Reagan, and George Bush. You've heard their words today.

Nick served our nation proudly as an Ambassador to Iceland. Upon his departure, their president awarded him that nation's highest honor, the Order of the Falcon, the first U.S. Ambassador ever to receive such a tribute.

Secretary of State Jim Baker, a friend of Nick's and mine, told me: "Nick Ruwe was the epitome of loyalty, character, and integrity, the highest qualities in public service."

What will always be remembered by those of us here and others across the country, and indeed the world, was Nick's extraordinary loyalty to his friends. We reveled at this sense of humor, loved to hear his laughter and cannot help but smile at the memories of the times he laughed hardest at himself.

Nick Ruwe was a compassionate man, and shall we say, a competitor who enjoyed the battle for causes in which he believed. Nick was also known for getting the job done. He had his own style, his own way of doing things. Not brash, not glitzy. He got the job done.

This became clear at the very start of his political career. It was as a twenty-six year old raw rookie in politics that Nick Ruwe burst on the scene.

Nick hired on to the Nixon Presidential campaign in 1960 and was sent to Dallas to help coordinate an event. His new co-workers watched nervously as Nick strolled in carrying tennis rackets, skis, and summer and winter tuxedos, with valets and Louis Vuitton luggage.

"Hi, I'm Nick, the rally guy," He said by way of introduction. A call was quickly made to a trusted Nixon aide.

"Who did you send me?" A jittery campaign staffer asked as he attempted to explain who and what had just walked through the door.

"Well," Nixon's aide said, "This may be the worst we ever had, or the best we ever had. There's no way of telling."

Well, what was telling was the way Nick solved problems. The Nixon campaign had a problem. They needed to use a hall for their rally, but the building had been booked for a year in advance by the Ford Motor Company. Seemingly no amount of pleading could get the folks from Ford to free up the room.

Nick, learning of the situation, repeatedly asked if he could help. The campaign staffer finally said, "O.K., kid, give it a shot."

Nick quietly slipped out of the room. The Nixon campaign received a phone call a few minutes later from someone at Ford telling them that the company was giving up the hall for Nixon.

All heads turned toward Nick and finally someone asked: "What did you do?"

Nick shrugged and said "Oh nothing. I just called Henry."

"Henry who?" asked the jittery campaign staffer.

"Henry Ford. He's my neighbor."

From that moment on, everyone knew they had one of the best. Nick Ruwe was one of the best. Nick Ruwe will always be one of the best.

USIA SPONSORED RUSSIAN DELEGATION

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. WEISS. Mr. Speaker, I would like to share with my colleagues Kenneth Jacobson's and Myrna Shinbaum's article entitled "Russian Writers Sow Seeds of Anti-Jewish Hatred." This article touches on an issue of utmost importance and urgency: anti-Semitism in the Soviet Union and the need to publicly condemn this dangerous attitude.

The article specifically discusses the United States Information Agency's recent sponsorship of a United States trip for a delegation of Soviet writers, some of whom have published works expressing anti-Semitic views. The USIA's sponsorship of such a group can be perceived as U.S. Government acceptance and/or endorsement of these writers' prejudices.

I urge my colleagues to read Mr. Jacobson's and Ms. Shinbaum's article:

RUSSIAN WRITERS SOW SEEDS OF ANTI-JEWISH HATRED

(By Kenneth Jacobson and Myrna Shinbaum)

(Mr. Jacobson is director of ADL's International Affairs Division; Ms. Shinbaum is director of the agency's Soviet Jewry Project)

The arrival in the United States in recent days of seven leading Russian nationalist writers has touched off a storm of protests. The Russian writers are here for a month-long stay as guests of the United States Information Agency.

Several of the writers, whose literary ability is unquestioned, are either themselves anti-Semites or have condoned anti-Semitism.

In the U.S.S.R. today, the media—like much of Soviet society—is polarized. Mostly it is supportive, albeit to varying degrees, of Gorbachev's reforms. However, a number of periodicals, in particular literary ones, a genre that has traditionally played an important role in Russian public life, have adopted hardline Russian nationalist—and anti-Semitic—positions. The most influential of these are the monthlies Nash Sovremennik and Molodaya Gvardiya and the weekly Literaturnaya Rossiya.

Literaturnaya Rossiya is an organ of the Russian Writers Union, which is a body torn apart in recent months by infighting between nationalist and liberal writers and now dominated by the former. The proceedings of the last plenums of the Union (the sixth in November 1989 and the seventh in March 1990), reproduced almost in full by Literaturnaya Rossiya, demonstrate the depth of anti-Jewish (nominally "anti-Zionist") feeling among many Russian writers. A lengthy "Letter from Russia's Writers," signed by no less than 74 authors—many of them of considerable standing in the literary world and in public affairs generally—is an outcry against the alleged defamation of Russia and the Russian people. Once again, the Jews are singled out as the principal target. The 74 signatories lambaste what they see as a pro-Jewish bias in the leading Soviet mass media, where, they claim, there has taken root "an uncritical, sugary-sweet and virtually servile attitude to Jewry, past and present, local and foreign, and including imperialists and Zionists."

The authors are vehemently opposed to any new law against anti-Semitism in the U.S.S.R. Such a law, they claim, would place the Jews in a privileged position: when legislation of this kind existed in the 1920s and 1930s, it was "essentially A Law About the Genocide of the Russian People." For good measure, the writers allege that "Zionists" bear direct responsibility for many pogroms, including pogroms against Jews, and for "trimming the dry branches" of their own nation's trunk in Auschwitz and Dachau and in Vilnius. In other words, the Jews were accomplices in their own Holocaust.

As it turns out, the three literary anti-Semitic publications are well represented by the Russian nationalist writers who are currently on the U.S.I.A.-sponsored visit. Stanislav Kunyaev is chief editor of Nash Sovremennik. Ernst Safonov is chief editor of Literaturnaya Rossiya, and Pavel Gorelov is one of the editors of Molodaya Gvardiya. Furthermore, among the 74 signatories of the "Letter From Russian Writers" are three of those writers now in the United States—Stanislav Kunyaev, Oleg Mikhaylov and Viktor Likhonosov.

Stanislav Kunyaev made a personal contribution to the nationalist debate at the seventh plenum of the Russian Writers' Union this March. According to Literaturnaya Rossiya (March 30, 1990,) Kunyaev remarked sarcastically that Yunost, a liberal literary journal, "strengthened Soviet nationality relations by, for instance, publishing Galich in one issue, Korzhavin in another, Brodsky in a third, and Alsyonov in a fourth—producing in this way a peculiar multi-national picture." It so happens that all of these authors—Aleksandr Galich, Naum Korzhavin, Iosif Brodsky and Vasily Aksyonov—are (or were, in the case of Galich, who is dead) of Jewish origin.

Not satisfied with this observation, Kunyaev went on to offer adviced to Rukh, the Ukrainian national movement, an organization which has, in fact, issued a declaration condemning anti-Semitism: "Do not be puppets in the hands of a third force, Kunyaev warned, do not destroy our ancient Russian-Ukrainian lines, and do not dance to the tune of those who are as indifferent to Russian culture as they are to Ukrainian culture."

For U.S. officials, who offered support for these visiting writers, there is clearly a need for greater scrutiny of such guests of a U.S. agency.

For the Soviet Union, the question is one of education. Here in the United States, the very fact that individuals or organizations are exposed as anti-Semitic goes a long way to countering any influence they may have. The American public long ago rejected anti-Semitism. In the Soviet Union, the story is less clear; with a long tradition of anti-Semitism, and with the absence of a process of education to combat the problem, views enunciated by these writers are not rejected as illegitimate.

In the long run, if the Soviets are truly to enter the Western world, as Gorbachev envisions, they must undergo a process of self-education and of educating the public about democratic values and the evil that is anti-Semitism. Only then can we talk about winning the battle against this ancient disease.

REFORMING THE FEDERAL CROP INSURANCE PROGRAM

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BEREUTER. Mr. Speaker, the current Federal Crop Insurance Program is not serving the taxpayer or the farmer as well as it should. Low participation rates, which have been artifically inflated by disaster assistance requirements recently, are a prime indicator of this fact.

A viable crop insurance program has disproportionately large value to Great Plains States such as Nebraska due to the greater extremes in climate and the greater likelihood of localized droughts as compared to the eastern Corn Belt and Southeastern States. Sparsely settled States of the Great Plains, with few representatives in Congress, would be hard pressed to routinely get disaster legislation passed for the relatively frequent drought and severe weather problems prevalent in the Great Plains.

Additionally, disaster legislation is a poor substitute for a good insurance program. For example, such special disaster legislation, if enacted with some frequency, actually serves to reduce participation rates and hence the viability of both public and private crop insurance.

The administration's proposal to eliminate Federal crop insurance funding from the 1991 budget proposal should be viewed as a challenge from the administration to the House Agriculture Committee to develop a new and innovative Crop Insurance Program. The Congressional Commission for the Improvement of the Federal Crop Insurance Program, authorized by Congress in 1988, has developed a number of recommendations, which it presented to the executive branch and Congress in the spring of 1989. In April 1989, the Commission provided 26 short-term recommendations to the Federal Crop Insurance Corporation [FCIC]. Twenty-two of these recommendations were implemented by the FCIC in the 1990 Crop Insurance Program. This record of action has been totally ignored by many FCIC critics.

In late July 1989, the Commission made 24 additional longer term recommendations to be implemented by the FCIC. Of these, there has been some definitional disagreement over the number implemented, with critics claiming that three were implemented, while FCIC claims that five have been implemented. Some action has been taken on seven of the recommendations, and no action has been taken on five. Twelve of the recommendations require legislation to be fully implemented.

Due to concern and confusion over the status of the 1991 Crop Insurance Program, the FCIC has issued statements recently which clarify prospects for its future existence. The FCIC has acknowledged that decisions concerning the continuation of the FCIC will be made by the Congress. The administration can propose that the program be eliminated, but only the Congress can act to actually eliminate it.

Proposed legislation is currently before the House Agriculture Committee to reform the Federal Crop Insurance Program. This Member encourages his colleagues on the Agriculture Committee to give these proposals their full consideration and reform the Federal Crop Insurance Program to serve the needs of the farmer as well as the taxpayer. I submit the following editorial from the May 4, 1990, Omaha World Herald for the RECORD.

A SENSIBLE MOVE IS MADE ON CROP INSURANCE ISSUE

The federal government made a wise decision on continuing to underwrite crop insurance while the future of the program is being debated in Washington.

Winter wheat growers will be able to buy the subsidized insurance for the crop they will plant this fall. With 1991 crop insurance being sold now, the extension of the federal subsidy was timely.

Agriculture Secretary Clayton Yeutter had proposed that either crop insurance or a crop-disaster program be funded, but not both. President Bush had suggested eliminating crop insurance. Congress has been studying the program with an eye toward making changes.

In the contest between disaster relief and crop insurance, the latter seems clearly superior in many respects. It allows prudent farmers to decide the level of risk they want to assume for the outcome of their planting year. A farmer worried about drought or hail would invest in the subsidized crop insurance; one willing to risk the weather would not.

Disaster relief is a different situation entirely. It is a political Christmas tree in many ways, given or withheld at the whim of Congress. Which areas it covers, whom it protects and the amount of protection are all subject to debate and bargaining.

Last year, disaster relief was supposedly geared to the drought in the Midwest, but about $1 billion in relief went to farmers in other areas for "disasters" as diverse as insect damage and a growth-delaying cold snap—things that farmers have for years been considering the normal perils of agriculture.

In addition, disaster relief depends on wide-scale problems—storm fronts that unleash multiple tornadoes or wide-spread hail, for example. If a small hailstorm flattens the corn in two or three fields, there's a good chance the area wouldn't be declared a disaster and no aid would be forthcoming.

Crop insurance, however, would likely cover the damage.

About half the crop acres in the country were insured last year. The federal government spends $450 million to $500 million a year on the program. Contrast that with the cost of the disaster aid program in 1989: $3.9 billion. Or the total amount spent in the 1980s for disaster relief: $8 billion.

Farming has always been an uncertain way of earning a living. It is a dependent on many things that a farmer can't control: rain, sunshine, north winds, early frosts, tornadoes, hail. Congress and the Bush administration are doing the proper thing by looking at what the federal government's role should be in protecting agriculture against the uncertainties that are a normal part of doing business.

In the meantime, however, giving a short-term extension to the insurance in subsidy for the coming crop year will allow farmers to make informed choices as they plan their planting programs.

WHY I AM PROUD OF AMERICA

HON. CHUCK DOUGLAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. DOUGLAS. Mr. Speaker, I would like to enter into the RECORD the text of a speech written by Ryan Neil Hansen, of Amherst, NH, for the Veterans of Foreign Wars' "Voice of Democracy" program. The topic of the speech was "Why I Am Proud of America," and it embodies the spirit and meaning of the freedoms we have in this country that we too often take for granted. I hope that more of today's young people feel about America the way that Ryan Hansen does.

WHY I AM PROUD OF AMERICA

(By Ryan Neil Hansen, New Hampshire Winner, 1989/90 VFW Voice of Democracy Scholarship Program)

The air was crisp and fresh, and I rolled down the car window to let more of it in. My best friend had just picked me up to go to the high school to watch our girls varsity soccer teams defend their undefeated record. When we pulled into the parking lot, we were just in time to catch up with a few more of our friends as they were walking over to the field. We talked about the events of the night before and of what we might want to do that evening. A breeze blew against us and made my flannel shirt wave like the flags in the center of town on the Fourth of July. The sun shone across the field and on those who occupied it and we stood at the sidelines cheering on our team. Later we would saunter to the other side of the field where the players parents sat. We knew most of the girls on the field and their families and could openly chat and joke with them as we watched the game. It was a great day.

Later that day we would find ourselves back at the school standing with the same friends and a couple newcomers, but this time to watch our football team attempt to break their losing streak. The sun was hotter now and I removed my loose fitting shirt to reveal a t-shirt and a pair of arms losing their summer tan. I glanced at the scoreboard which reminded me that we were losing by 14 points. But just to the side of it I noticed how the trees had begun their change in color. The reds and oranges blended in with what green still held on. The football team lost, but fall was here and it was still a great day. Why am I proud of America? Not for its foreign policy or its position as a superpower. I am proud of America because of its individual communities. The same thing that was going on in my town was happening in towns and cities all over the nation. People everywhere gathered to watch their teams play or get a head start on their fall raking or went to the bank or put in a couple of extra hours at the office. And in every one of these towns, whether these people were aware of it or not, they cared about their community. It is in these communities that these people will grow up, wed, raise their children, and retire. And between these events, these same people will add to the community by holding an office in their local government, volunteering at a youth center, or simply speaking out and letting their opinion be known on an issue facing their town. It is the combination of these seemingly small

acts that built and maintain the strong base of our United States, and only when people stop to truly care will that base deteriorate. Why am I proud of America? Not because of its position as a key member of the United Nations or its importance in the NATO alliance. I am proud of America because of the model we've become to nations and peoples struggling towards democracy. While Americans sat down to the first pre-season baseball games, the students and workers of China gathered and even gave their lives in Tienanmen Square. And in the middle of this great deluge of protestors was a model of the Statue of Liberty, a symbol of all of their hopes and aspirations for the future. A symbol that Americans have accepted as a symbol of Liberty for the past 100 years, was now being adopted by a country half way around the world in their struggle for freedom. Why am I proud of America? Because of its peoples ability to overcome personal reservations and help out when the call comes. When the earthquake left the Armenian people of the Soviet Union devastated and without homes or food two weeks before Christmas, the call for help went out. And while Congress struggled to appropriate relief aid for the area, Americans everywhere set aside their political biases and became partisans of humanity. Soon the problem wasn't a lack of food or money to help these people, but instead an incredible over abundance. Another example of the American peoples willingness to help others can be seen in the number of people who volunteer their time for the fire department or rescue squads. The scenario that these people play out every day is portrayed by the commercial for the Red Cross on Television. The farmer being awakened by a telephone call in the early morning hours telling him of some emergency in town that requires his assistance as a volunteer. He jumps out of bed, splashes some water on his face, jumps in his pickup truck and rushes off to the scene. After returning, he is greeted at the door by his wife and children, and after rustling the hair of his son, he turns to his wife as she says, "You know Frank, you really are a good guy". The fact is that all over our nation there are millions of good guys, all lending a hand in their towns when needed and this help is vital in the wake of such disasters as Hurricane Hugo or the San Francisco Earthquake. It is these men and women who together make successful and thriving towns. And it is these towns that together make great states. And it is these 50 great states that together make up this country that I am indeed very proud of. It is the good people that make up the United States that make the United States great and it is the children and grandchildren of these people that will allow this tradition to continue gracefully for many years to come. So why am I proud of America? Because of its people standing for what they believe in, trying to make a better life for themselves and their families and consequently making their community a better place. Whether they are aware of it or not these people are constantly reinforcing the already mighty base that supports the ideals and values that are the United States of America.

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. LAFALCE. Mr. Speaker, today I am pleased to introduce on behalf of the Nation's small businesses the White House Conference on Small Business Authorization Act. I am very pleased that Representative SILVIO CONTE has joined me in cosponsoring this measure.

I believe that it is especially appropriate to introduce the bill this week which we are celebrating as "National Small Business Week."

Mr. Speaker, this will be the third White House Conference on Small Business. The first one was held in 1980, and another was convened in 1986. Both of these conferences were highly successful and brought together knowledgeable small businesses to deliberate and propose solutions to the problems confronting the small business community today. I believe that the key to success of these prior conferences was that each was a one time event.

A White House Conference, a meeting convened by the President of the United States, is an extra ordinary occasion and it should continue to be so regarded. It is for this reason, that I believe they should continue to be convened only as specifically legislated. They should not simply become another periodic meeting and thus lose their character and stature.

Under the bill I have introduced, we would have a national conference in Washington in early 1994. The national conference would be preceded by State conferences in 1993. The overall conference activities would be directed by a commission of 11 members appointed by the President.

I would also point out, Mr. Speaker, that the bill provides for paying an estimated $5 million in administrative expenses of the conference, but it expressly prohibits paying any expenses for conference delegates. Small businesses which wish to participate must pay their own way. This has been the system for the two prior conferences, and I believe that it too is an important element in the success of the conferences as it helps to ensure that we bring together a group of individuals who are willing to spend their own time and money in order to provide us with input on their needs and problems.

Although the time remaining this year is short, it is my intent to hold hearings on this legislation next month and I am hopeful that the committee will present this bill to the House for its consideration in the very near future.

For the information of my colleagues, I am attaching a summary of the bill.

SECTIONAL ANALYSIS OF WHITE HOUSE CONFERENCE ON SMALL BUSINESS AUTHORIZATION ACT

AUTHORIZATION OF CONFERENCE

Section 2 directs the President to conduct a National White House Conference on Small Business between January 1 and April 1, 1994. The National Conference will be preceded by at least one conference in each state, with the state conferences to commence December 1, 1992.

Subsection (b) authorizes pre-conference activities in order to prepare for the national conference.

Subsection (c) requires that the national conference shall be conducted under the general supervision and direction of a commission established by section 5.

PURPOSE OF CONFERENCE

Section 3 states that the purpose of the national conference is to increase public awareness of the essential contribution of small business; to identify small business problems; to examine the status of minorities and women as small business owners; to assist small business in carrying out its role as the nation's job creator; to assemble small businesses to develop specific and comprehensive recommendations for executive and legislative action; and to review the status of recommendations adopted at the 1986 conference.

CONFERENCE PARTICIPANTS

Section 4 provides that any interested small business shall be admitted to state conferences without the imposition of any fees except minimal registration fees and the cost of any meals.

Subsection (b) provides for the election of delegates to the national conference at the state conferences. In addition, it authorizes each Governor, Member of Congress and Senator to appoint one delegate and the President to appoint 100 delegates.

COMMISSION

Section 5 establishes a White House Conference on Small Business Commission of 11 members appointed by the President. The Commissioners are assigned the responsibility for the overall preparation and conduct of the conference.

Subsection (b) requires that at least 7 of the 11 commissioners be small business owners, employees or officers.

Subsection (c) provides that not more than 6 commissioners shall be of the same political party and that none of them shall be Federal employees.

Subsection (d) provides that the terms of appointment for the commissioners shall expire on the date they file their report.

Subsection (e) authorizes the President to fill any vacancy on the Commission in the same manner in which the original appointment was made.

Subsection (f) provides that commissioners shall serve without pay except that they shall receive reimbursement for their expenses.

Subsection (g) provides that 6 commissioners shall constitute a quorum for the transaction of business.

Subsection (h) authorizes the Commission to appoint an Executive Director and such other staff as it deems appropriate.

Subsection (i) authorizes the Commission to hire temporary employees.

Subsection (j) authorizes Federal departments and agencies to detail employees to the Commission.

Subsection (k) authorizes the General Services Administration to provide administrative support services to the Commission.

PLANNING AND ADMINISTRATION OF CONFERENCE

Section 6 authorizes the Administrator of the Small Business Administration to provide assistance for the conference and authorizes the Administrator to contract, as needed, to assist in the conference.

Subsection (b) authorizes the SBA Chief Counsel for Advocacy to provide background materials for the conference.

Subsection (c) requires delegates to the national conference to pay their own expenses.

REPORTS

Section 7 requires a final report from the Conference to be submitted to the President and the Congress within four months after the national conference.

FOLLOW-UP ACTION

Section 8 requires the Small Business Administration to report annually to Congress for three years after the Conference Report on the status and implementation of the findings and recommendations in the report.

AVAILABILITY OF FUNDS

Section 9 authorizes the appropriation of $5 million to carry out the conference.

Subsection (b) prohibits the use of other appropriated funds to carry out the conference.

LEOMINSTER, MA—250TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. NEAL of Massachusetts. Mr. Speaker, it is with great pleasure that I take this opportunity to salute the people of Leominster, MA, on the occasion of the 250th anniversary of the founding of the city. Surrounded by the rolling hills of north-central Massachusetts, Leominster is nestled into a valley some 40 miles west of Boston and 20 miles north of Worcester. The Leominster 250th Anniversary Committee has worked hard to prepare for an anniversary celebration that will start with a major parade in September. This historic occasion promises to make for quite a memorable year in the Leominster area as the city celebrates this historic occasion.

Leominster's development dates back nearly three centuries to 1701 when the sagamore of the Nashua Indians, George Tahanto, sold the land that would soon make up the city we honor today to 102 settlers. As the area grew in population it became apparent that the community needed self-government and a name. On June 23, 1740 the Royal Governor of the Massachusetts Bay Colony, Jonathan Belchor, incorporated the town, and its name was chosen in honor of Leominster, in Herefordshire, England. The town grew quickly as many sought the land to farm. Farming was the primary industry for the first 50 years of its existence. The community's economy soon diversified, with manufacturing taking an active role in the shaping of America. Obadiah Hills started the manufacturing of combs from his kitchen in 1775 in congruence with the Revolution. Soon to follow were factories that produced paper, tin ware, and hair sieves. Leominster has since developed into the "Pioneer Plastic City," with more than 100 firms devoted to plastics and supporting industries. Not only did Leominster take a lead in manufacturing, but it also contributed to the revolutionary spirit. In town meetings during the years just prior to the American Revolution the community passed a resolution that declared, "We must, we can, and we will be free. This is our God-given right. We shall forever assert it and subject ourselves only to the Supreme Being who formed us free."

As is the case of many great cities, the history of Leominster has been a history of diverse peoples. Its inhabitants take pride in their different backgrounds, and have worked together to build Leominster into the vibrant community that it is today. Many great Americans have been born or have lived in Leominster; the legendary Johnny Appleseed; John Chapman, the father of the Massachusetts Public School System, and arguably, all American public schools; James Gordon Carter, builder and vice president of duPont Co.; Bernard W. Doyle, and father of our worldwide navy; Senator David Walsh.

Mr. Speaker, I would like to take this opportunity to mention the people who make up the Leominster 250th Anniversary Committee: honorary chairman Mayor Stephen A. Perla, chairman James Lanciani Jr., co-chairman Evelyn B. Hachey, and co-chairman Victor Leger. This group, and many others have put together an impressive celebration for the people of Leominster. I intend to join the many people of central Massachusetts who will enjoy this joyous occasion on a fine 250 years of achievement.

At this point, I insert the document entitled: "Leominster, MA—250th anniversary":

LEOMINSTER, MA.—250TH ANNIVERSARY, 1740-1990

(By Evelyn B. Hackey, historian)

Leominster is situated in the northern part of Worcester County, Massachusetts. Five miles southeast from Fitchburg, twenty miles north from Worcester and forty-five miles from Boston. The city is irregular in form, with an area about twenty-nine square miles.

The official seal of the City of Leominster was adopted at the City Council meeting on December 26, 1916. It shows a Lion, an Indian, a Quaker and City Hall with the setting sun in the background. Agriculture and other symbols of the City are also included. The design was from the studios of Henry C. Grover of Boston, Massachusetts.

THE CITY MOTTO

The basis of Leominster's progress and faith in the future may be found in resolutions passed in Town Meetings during the years just prior to the American Revolution: "We must, We can, and We will be free. This is our God-Given Right. We shall forever assert it and subject ourselves only to the Supreme Being who formed us free."

In April, 1975, the Leominster City Council passed a petition making the first eight words of this resolution our City Motto: "We must, we can, and we will be free."

Leominster was originally a part of "The Additional Grant to Lancaster." George Tahanto, the sagamore of the Nashaway, sold the land to the proprietors, one hundred and two men and one woman, in 1701. The act of confirmation was passed by the "Great and General Court" or Assembly for Her Majesty's Province of the Massachusetts Bay in New England in 1713.

Gershom Houghton built the first house in Leominster in 1725. A frame structure of hewn oak timbers. It was low-studded, with the roof on the back side reaching nearly to the ground, a common style of architecture in those times.

The chimney was built mostly of stones and according to tradition, Mrs. Houghton assisted her husband in its construction by carrying stones in her homespun apron. Here in the home of Gershom and Elizabeth Houghton was first heard the hum of the spinning wheel and the pound of the loom. Here was born the first family, a son, Abiarthur, and a daughter named Tamar. Gershom died on April 3, 1757.

The first house was soon followed by other settlers building their homes until the needs of the community demanded self-government and a name. On June 23, 1740, the town was incorporated and the name of Leominster was chosen by Jonathan Belchor, the Royal Governor of the Massachusetts Bay Colony in honor of Leominster, in Herefordshire, England.

The first Town Meeting, on July 9, 1740, was held at the house of Jonathan White, Innholder. Town officers were elected. The second Town Meeting was held September 1 of the same year, at which time the town was to "build a bridge across the river where the road is laid out to said river." Forty pounds was raised to build this bridge, and the sum could be "worked out" (by labor in lieu of taxes). The "Great Bridge" was the bridge over the Nashua River in North Leominster.

The meeting of December 5th referred to the building of a meetinghouse, built in 1742 and located in the northeast corner of what now is the Pine Grove Cemetery. The first school was close by. The training field, now Carter Park, was on the other side of the stone wall and was a gift to the Town of Leominster from Oliver Carter in 1754.

The first burial ground for the early settlers was a tract of land donated by Jonathon Wilson prior to the purchase of land by the town for a burial ground. The second cemetery is now Pine Grove and was situated in the yard of the first meeting house, on land bought from Ebenezer Houghton.

Before the Revolution, the inhabitants of Leominster were devoted to farming, raising vegetables, wheat, and flax. Little manufacturing was carried on although there were several instances on a small scale. Two of the early settlers, Jonas Kendall and Thomas Wilder, manufactured potash; Ebenezer Wilder had a grist mill and Josiah White, a saw mill.

In 1713, Mark Lincoln built a fullum mill where home-loomed cloth was dressed. The year 1775 saw the first combs made in Leominster. The first to make combs from horn was Obadiah Hille, who used the kitchen of an old house on Pleasent Street, the work being done by hand. According to the John Buss Diary, "Elisha Wilder raised a cooper shop on November 13, 1790." The first paper mill was constructed in 1796, followed by tin ware, brooms, and hair sieves. All gained a degree of success but "Comb Smithing," as it was called at the time, has always held the place of honor.

The root of the Leominster Public Library began in the year 1763, with a small group of people in a town of 800 buying one hundred books. It was known as the "Leominster Social Library." In 1856, the first public library was established. Mr. Francis Tinker was appointed the first librarian and he kept the books in his store. He received $50.00 a year for his services. In 1863, the new librarian, C.W. Carter, a lawyer, kept the collection in his office. In 1864, a J. Henry Kendall gave the town $5000.00 for the formation of a public library with the understanding that a proper place be found for the books. An addition was added to the

1853 Town Hall and a permanent home was established for the Leominster Public Library. With a gift of $27,500 from the Andrew Carnegie Foundation and contributions by the town and individuals, the present library building opened in 1910. A modern addition was constructed in 1966.

Stage coaches began driving through Leominster as early as 1790, and a Post route was established in 1795 from Boston to Charlestown, New Hampshire via Leominster. The Fifth Massachusetts Turnpike (1779) extended from the Kendall Tavern in Leominster to Northfield. it was still paying dividends in 1827. The first train owned by the Fitchburg Railroad Company, funded by Leominster native Alvah Crocker and others, came through North Leominster in 1845. In 1850, the Fitchburg-Worcester Railroad, later known as the Old Colony Line, passed through the center of Leominster. Horse trolleys were first used in 1888, and the following year the first electric trolley came into use. The new century brought automobiles into fashion and roads were surfaced with macadam.

Airplanes came into use after World War 1 and Leominster had its own airport. In 1943, the Airport was transferred to the City of Fitchburg in exchange for a sum of money and a parcel of land known as No-Town.

In the early part of the eighteenth century it was the law in Massachusetts that when a town had a population of fifty families, a school must be established. Consequently, when Leominster reached that size in 1748, it was voted "to build a schoolhouse, and set it a ye meeting-house in said town, 24 feet long, 18 feet wide, and 7 feet stud", so it was that in 1749 a school house was erected near the first meeting-house which was located on the northeast corner of what now is Pine Grove Cemetery, adjoining Carter Park.

In 1776, Leominster reached a population of one hundred families and, to meet State requirements, established its first grammar school in the schoolhouse at the center, which necessitated conducting the common school in private homes. To remedy these conditions, it was voted, in 1767, to erect three more schoolhouses. Seven additional schoolhouses were built in 1791, and one more added in 1803.

The High School, with forty pupils and one teacher, opened on May 22, 1850, in Gardner Hall, which stood on the site of the present City Hall. The first Principal, in fact the entire faculty, was Josiah S. Phillips, whose salary was $500.00 a year. The Field High School was erected in 1865. This building continued to house the high school pupils of Leominster until 1905 when the High School (later called the Carter Junior High School) was built.

Leominster has six (6) public elementary schools and there are three (3) parochial elementary schools. In addition, there is one Junior High School and a multi-million dollar high school and a Trade High School. Large additions to three elementary schools and the Trade High School is under construction with a completion date of early summer.

Approximately 70 percent of the graduates go on to some form of higher education after leaving Leominster High School and graduates are accepted at the finest colleges and universities in the country.

MONUMENT SQUARE HISTORIC DISTRICT, 1982

The Monument Square Historic District is located in the geographic heart of downtown Leominster. It sits sheltered within the arm of the Monoosnock Brook, a tributary of the Nashua River and midway along the rising slope of the Nashua Valley. The cultural centrality of the district results from the intersection of several principal thoroughfares. Main, West, Mechanic, and Central streets, and the adjacent Old Colony Railroad Line.

Most of the structures in the Monument Square District date from the late 19th and early 20th centuries, illustrating Leominster's period of greatest industrial development. The district involves approximately 30 acres and 36 properties.

Concentrating in Monument Square District are Leominster's first examples of commercial, ecclesiastical and civic architecture. At the southern edge of the district is a small triangular common. Civic and religious buildings are concentrated around the common, on Park, West and Church Streets. Main Street, in contrast, is characterized as a commercial streetscape. The rising grade immediately west of the district encompasses some of the best residential streets, where many of Leominster's leading manufacturers located their mansions. The area north is set off by Carter park and the original town center, site of the first meeting-house.

Nearly all of the buildings are constructed of red brick with granite trim. Building height generally ranges from two to four stories. Principal alterations to buildings in the Monument Square District consist of applied storefronts on the commercial buildings. Civic and religious structures remain unaltered and in excellant condition. Most retain their original use as well.

JOHN CHAPMAN (JOHNNY APPLESEED)

John Chapman, better known as Johnny Appleseed, was born in Leominster, Massachusetts on September 26, 1774, the son of Nathaniel and Elizabeth Symond Chapman.

Town records show the birth of Elizabeth (1770), John (1774), and Nathaniel Jr. (1776). They lived on what is now Johnny Appleseed Lane.

It is believed that he started his westward pilgrimage at about the age of twenty-three.

Johnny was not a scatterer of appleseeds as many have supposed. He was a practical nurseryman. He planted seeds, set out orchards, and sold or gave trees to the pioneers. When he died, one of his numerous nurseries contained 15,000 seedlings.

Deeply religious, he became a self-appointed missionary, sharing his tract and his Bible with the settlers who listened to him; he followed the Sweden-borgian Christian faith. His love for his neighbor made him an accepted peace maker between the Indian and the settler. His wondering route through this Midwest is, today, dotted with many monuments erected to the memory of this man who fulfilled the Biblical requirements: to do justly, to love mercy, and to walk humbly with his God.

He died in Fort Wayne, Indiana on March 18th, 1845.

SECURITY CONCERNS IN THE PACIFIC

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BEREUTER. Mr. Speaker, the United States provides an enormous amount of assistance to the Philippine Government. In part this is provided as part of leasing agreements for Clark Air Force Base and the Subic Bay naval facility. But in part the United States assistance to the Philippines is due to the enthusiastic support President Aquino has enjoyed from many in Congress and the Reagan and Bush administrations. There certainly has been a widely based American desire to assist Mrs. Aquino as she leads her Nation along the path of democracy. Thus, in recent years the United States has been exceedingly generous toward the Philippines. American assistance has gone to support the economy, to improve food production and distribution, to enhance the health and education systems, to assist their military combat guerrilla forces, and for numerous other purposes.

The bases in the Philippines clearly do remain important for United States national security. But despite the importance of Clark AFB and Subic Bay, I believe the United States should not remain there if the presence of our bases is unwanted. President Aquino's calculated snub of Secretary of Defense Richard Cheney during his visit was particularly disturbing. President Aquino's behavior hardly seemed to be that of a good friend and ally. Rather, it seemed to reflect a willingness to punish the United States if the ever-greater Philippine demands for United States foreign assistance are not met. Under these circumstances, the United States should begin to actively consider alternatives to our current basing agreements.

A recent editorial published in the April 18 edition of the Omaha World-Herald entitled "A Friend Emerges in the Pacific," provides important insights into the United States relationship with the Philippines. The article recognizes the increasingly unfriendly attitude of President Aquino, and it suggests that Singapore might provide replacement bases as an alternative. According to the World-Herald, Singapore's Prime Minister has offered aviation and port facilities in his nation if the United States is forced to leave the Philippines. As the World-Herald notes—

If the political or financial price of staying in the domain of Cory Aquino should become too high, it is reassuring to know that the United States may have a workable alternative.

This article offers a useful alternative and viewpoint in regards to our concerns in the Philippines, and I would request that it be inserted into the RECORD.

[From the Omaha World-Herald, Apr. 18, 1990]

A FRIEND EMERGES IN THE PACIFIC

As the Philippine government of Corazon Aquino becomes outwardly less friendly to the United States, a new friend is stepping forward to take its place. The government of Singapore said it would provide replacement bases for U.S. forces if the Aquino government cancels the U.S. lease on two major bases in the Philippines.

The negative attitude displayed in recent months by the Aquino government and a number of Philippine citizens makes the offer by Singapore attractive.

Singapore's prime minister, Lee Kuan Yew, said the United States could preserve a Pacific presence by using aviation and port facilities in his country if forced to leave Clark Air Base and the Subic Bay Naval

Complex in the Philippines. The offer was made to a congressional group led by Rep. Pat Schroeder, D-Colo., who is head of the subcommittee on military installations of the House Armed Services Committee.

The representatives said they were impressed by Singapore's Paya Lebar Air Base and port facilities. Rep. Schroeder said: "We have surplus capacity in Guam and in Japan. Singapore has excellent shipping facilities. While we could not duplicate Subic Bay at one site, it could be duplicated by using several locations."

The Philippines offers the best location from which to maintain a U.S. presence in the Asia-Pacific area. But relations with the Philippines have deteriorated since Mrs. Aquino snubbed Defense Secretary Richard Cheney during his visit to Manila in February. Among other things, Mrs. Aquino's government has demanded more U.S. aid in exchange for the use of the bases.

The United States rented Subic Bay, a repair facility for the 7th Fleet, and Clark, home of the 13th Air Force, for $900 million until 1991. The installations are home to about 17,000 servicemen and 23,000 dependents. They employ about 68,000 Filipinos.

With the investment the United States has in the Philippines, and the long record of friendship between the two countries, renewal of the lease under mutually acceptable arrangements would be preferable. However, if the political or financial price of staying in the domain of Cory Aquino should become too high, it is reassuring to know that the United States may have a workable alternative.

THE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Ms. SNOWE. Mr. Speaker, today I am pleased to join my colleagues, Representatives ROYBAL, WAXMAN, STARK, DOWNEY, RINALDO, REGULA, and BRUCE, in introducing the comprehensive Alzheimer's Assistance, Research, and Education Act. This bill is a major bipartisan, House-Senate proposal based on two legislative initiatives which we introduced earlier in this Congress. The bill also reauthorizes Public Law 99-660, enacted through legislation which Senator GRASSLEY and I introduced in 1986.

The mental, physical, and financial devastation which Alzheimer's disease inflicts upon its victims, including the hidden victim, the family caregiver, has concerned me for many years. Since 1983, I have been actively involved in holding hearings, sponsoring forums and introducing legislation regarding biomedical research on Alzheimer's disease and family care-givers.

In recent months, newspaper headlines have highlighted research findings which indicate an almost staggering potential magnitude of human and fiscal costs associated with Alzheimer's disease. It is now estimated that the disease strikes about 4 million victims, almost double the number previously thought. That means that more than 10 percent of people over age 65, and almost half of the elderly over age 85—the fastest growing age group—have probable Alzheimer's disease. If biomedical researchers don't find a way to treat and prevent the disease, the number of Alzheimer's victims could increase to 12 million to 14 million by the year 2040.

The impact of the "aging of the aged" could also cause Medicare and long-term care costs to escalate enormously by the year 2040, according to the lead article in the May 2, 1990 issue of the Journal of the American Medical Association. The authors state that the costs of care for moderate to severe dementia could "approach the magnitude of current federal deficits" by 2040, when large numbers of baby boomers will be in their 80s. The researchers concluded that, in today's difficult financial climate, we must look for long-term solutions for projected increases in health care costs—such as research for preventing and/or curing the most common cause of dementia, Alzheimer's disease.

As the fourth leading cause of death of adults in the United States, Alzheimer's disease becomes even more tragic when we consider its toll on caregivers. Caring for Alzheimer's patients has often been called the 36-hour day because of its tremendously demanding emotional and physical burdens and stress caused by the disease. Particularly ominous are recent research findings which indicate that older caregivers may suffer permanent immune damage from this stress. As a progressive, degenerative disease lasting anywhere from 2 to 20 years, it irreversibly attacks the victim's brain, thinking, memory and behavior. Destroyed and disoriented, Alzheimer's victims in the final stages are totally unable to care for themselves. As such, families bear the major cost of care for Alzheimer patients, currently estimated at almost $90 billion a year.

The comprehensive bill which we are introducing today establishes a national commitment for expanded biomedical research on Alzheimer's disease and related disorders, improves care for its victims and provides assistance for family caregivers. As the only real hope for preventing, treating and curing Alzheimer's disease and related dementias is through biomedical research, the bill doubles the Federal funding effort to $300 million for 1991, increasing to $500 million by 1993.

Researchers on Alzheimer's disease are now making rapid advances and are on the edge of potential major breakthroughs. However, the Federal investment for Alzheimer's research is seriously underfunded as compared to that for other major diseases. Currently, only about 1 of 5 of investigator-initiated proposals approved by the National Institutes of Health are able to be funded. Our legislation would substantially increase the number of promising research proposals to be funded by the National Institutes of Health, thus increasing the probability of significant breakthroughs for discovering the cause and ways to diagnose, treat, and prevent Alzheimer's disease.

The bill would also authorize funding no less than 15 Alzheimer's disease research centers, establish statellite diagnostic/treatment locations and enhance research efforts through research Center Core Grants at universities. Grants would also be established to attract and train new researchers, particularly women and other underrepresented groups. Related to this effort, the bill also reauthorizes the advisory panel on Alzheimer's disease, the council on Alzheimer's disease within the Department of Health and Human Services, and the program for awards to senior researchers for leadership and excellence.

In addition, the bill addresses the need for supportive services for family caregivers and specialized care for Alzheimer's patients. Support services, such as respite and day care, to help family caregivers continue to cope with their burden are vital but often limited and fragmented. Very little is yet known about which services most effectively support and strengthen families who are providing informal care.

Little is also known about what practices work best for specialized care for Alzheimer's patients, including special care units in long-term care facilities. To address these issues, this bill establishes research and demonstration programs for family support, specialized care and long-term care at the Administration on Aging, the National Institute on Aging, the Agency for Health Care Policy and Research, and the National Center for Nursing Research. It also reauthorizes and expands research regarding services, caregivers, and specialized care at the National Institute of Mental Health.

Further, the bill would provide grants for State Alzheimer's Disease Programs to enable states to plan, establish and operate special programs for Alzheimer's patients and their families. Services could include diagnostic measures, treatment, respite and day care, as well as information about obtaining services and training and education programs for health care providers. A 50-percent State match would be required.

Specialized training regarding the loss of cognitive abilities and the unique behavioral patterns of dementia patients is essential for health care professionals, paraprofessionals, and families working with and caring for Alzheimer's and related disease patients. As such, this bill provides for this specific training and curriculum development, which is to be coordinated with ongoing established educational institutions and the Alzheimer's disease research centers.

A national Alzheimer's Education Program would also be established, in coordination with the clearinghouse on Alzheimer's disease, which would be reauthorized by this bill. The new education program would provide coordination and leadership to promote public awareness and information about Alzheimer's disease and related disorders. It would also assist and educate individuals with such diseases, their families, health and long-term care providers, public agencies, and the general public.

Clearly, the time has come for a concerted, collaborative Federal commitment to conquer this tragic disease. Unless the cause, cure, and treatment is found, the human and fiscal costs of Alzheimer's and related diseases will accelerate precipitously as our older population rapidly expands in the coming decades. Until that time, we must do all we can to support and strengthen family caregivers. The legislation which we are introducing today would make major strides toward these goals.

ALZHEIMER'S "CARE" COALITION BILL—H.R. 4770

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. ROYBAL. Mr. Speaker, today I am announcing the introduction of the Comprehensive Alzheimer's Assistance, Research and Education Act, the Alzheimer's [CARE] bill, by a bipartisan, House-Senate CARE coalition. Joining with me as original House sponsors are Representatives SNOWE, WAXMAN, STARK, DOWNEY, RINALDO, REGULA, and BRUCE. In the Senate, the original sponsors are Senators METZENBAUM, PRESSLER, HATFIELD, GRASSLEY, and GRAHAM. The Alzheimer's CARE coalition represents a consolidation of forces of all the major congressional supporters of Alzheimer's related legislation and the Alzheimer's Association, the national association representing Alzheimer's victims and their families.

Four million victims of Alzheimer's disease and related disorders, the current estimate from a National Institute on Aging sponsored study, is a frightening figure for policymakers and the American public to contemplate. Their numbers and their plight must prompt Congress to reassess and greatly expand its commitment to funding Alzheimer's assistance and research.

Enacting the Alzheimer's "CARE" legislative package—Comprehensive Alzheimer's Assistance Research and Education Act—introduced by me, along with a bipartisan, House-Senate "CARE" coalition, would quadruple the Federal research commitment for Alzheimer's and related disorders to over $560 million by 1993—nearing parity with the other major diseases and making a long, long overdue correction in Federal priorities.

Alzheimer's research has been grossly underfunded by the Federal Government even considering the previous estimates. This year we will spend less than $1 on research for every $600 in Alzheimer's related societal costs.

As compared to the other major diseases—cancer, heart disease, AIDS—Alzheimer's has failed to receive its fair share of Federal research dollars. In 1990, Alzheimer's research receives only about $148 million while annual societal costs may exceed $88 billion. At the same time, we will spend 4 to 11 times that amount on research—$704 million to $1.69 billion—on each of the other major diseases—cancer, heart disease, AIDS—whose annual societal costs range from $66 billion to $94 billion.

However, expanded research funding is not enough. The bipartisan, congressional "CARE" coalition is pressing for a new Federal, State, and private sector initiative—a federally sponsored State Alzheimer's Program providing badly needed assistance to Alzheimer's victims and their families in every State in the Nation. With our proposed Federal infusion of $125 million and a dollar-for-dollar State match, $250 million in assistance could reach the millions of Alzheimer's victims and their families.

Alzheimer's disease is an issue whose time is long overdue but has finally come. Congress and the administration need to face up to their responsibility to help reduce the terrible financial and emotional devastation caused by Alzheimer's disease and related disorders. If we care enough, we can do no less.

Mr. Speaker, I request that the bill summary for the Comprehensive Alzheimer's Assistance, Research and Education Act [CARE] be included in the RECORD at this point:

The bill summary follows:

SUMMARY OF COMPREHENSIVE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT (THE ALZHEIMER'S "CARE" BILL)

PURPOSE

To provide expanded research on Alzheimer's Disease and related disorders and to improve care and assistance for its four million victims and their family caregivers.

OVERVIEW

The Comprehensive Alzheimer's Assistance, Research, and Education Act (the Alzheimer's "CARE" bill) is the merger of the two major legislative efforts with respect to Alzheimer's disease and related disorders. One legislative effort was initiated by Senators Metzenbaum and Grassley and Representative Snowe under the title, "Alzheimer's Disease Research and Training Act" (S. 1255 and H.R. 2781), based on the recommendations of the 1988-89 Report of the Advisory Panel on Alzheimer's Disease. The other legislative effort was initiated by Representatives Roybal, Waxman, Stark and Downey and Senators Pressler and Hatfield under the title, "Comprehensive Alzheimer's Assistance, Research, and Education Act (CARE)" (H.R. 1490 and S. 1321).

Federally funded research has been severely underfunded as compared to federal funding for other major diseases. While Alzheimer's related funding totals about $150 million annually, funding for heart disease, AIDS and cancer research each total between $700 million and $1.69 billion annually. This discrepancy occurs even though the societal costs (over $88 billion/year) of Alzheimer's are the same order of magnitude as these major diseases. For 1993, the Alzheimer's "CARE" bill proposes to triple federal biomedical and services research funding for Alzheimer's and related disorders to $573 million. In support of this effort, the bill authorizes (as originally authorized in P.L. 99-660 through the efforts of Senators Grassley and Metzenbaum and Representative Snowe) the Council on Alzheimer's Disease, the Advisory Panel on Alzheimer's Disease, and research leadership and excellence awards. The bill authorizes the Alzheimer's Disease Research Centers, Center Core Grants, and satellite diagnostic/treatment locations.

Although Congress has directed research toward Alzheimer's disease and related disorders, inadequate dissemination of information to health and long-term care providers and the public has resulted in a general lack of public awareness, misdiagnosis, and a lack of access to care management options. The bill extends the authorization (as originally authorized in P.L. 99-660, introduced by Representative Snowe and Senator Grassley) for the Clearinghouse on Alzheimer's Disease and an information dissemination project. It also formally establishes the National Alzheimer's Education Program, as a companion to the Clearinghouse, to promote public awareness.

The nature of these disorders leaves families with serious psychological, physical and economic burdens that warrant a systematic examination of models of care. Research and demonstrations on models of care and family support is funded in this bill through the National Institute on Mental Health, the Agency for Health Care Policy and Research, the Administration on Aging, and the National Institute on Aging.

The burden of care and recent critical research breakthroughs relative to causes of and treatment for Alzheimer's disease and related disorders make it clear that we have reached a point where a coordinated effort among the states, the federal government and private groups is warranted. Beginning in 1991, the Alzheimer's "CARE" bill proposes the funding ($125 million by 1993) of State Alzheimer's Programs, a joint federal-state partnership, to provide the core of that support system.

ALZHEIMER'S "CARE" BILL SUMMARY

Responding to the overwhelming need to help victims of Alzheimer's disease and related disorders, this bipartisan, joint House/Senate legislative package, developed in partnership with the national Alzheimer's Association and on behalf of its over 200 chapters, proposes the following initiatives:

TITLE I. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

Section 101. Biomedical Research: Through the provisions in sections 101 and 105, biomedical and basic and clinical research funded through the National Institutes of Health (NIH) and the National Institute of Mental Health (NIMH) would be increased from the Current $150 million level to $300 million for FY91, $400 million for FY92, and $500 million for FY93.

Alzheimer's Disease Research Centers (NIA): FY91, 30.00; FY92, 40.00; FY93, 50.00.

The current 15 Alzheimer's Disease Research Center (ADRC), funded through the National Institute on Aging (NIA), is formally authorized funding increases to $50 million annually by 1993.

Research Center Core Grants (NIA): FY91, 20.00; FY92, 30.00; FY93, 40.00.

Research capability beyond the 15 ADRCs is increased by establishing a program of Research Center Core Grants (RCCG), through NIA, which help universities establish core center support for a program of Alzheimer's related research. Annual authorized funding reaches $40 million by FY93.

Satellite Diagnostic/Treatment Locations (NIA): FY91, 15.00; FY92, 20.00; FY93, 25.00.

A program of Satellite Diagnostic and Treatment Locations is established through the NIA which would provide appropriate diagnostic and treatment services and research in sites other than the ADRCs. Annual authorized funding reaches $25 million by FY93.

Investigators and Training (NIA): FY91, 2.00; FY92, 4.00; FY93, 6.00.

Grants are to be available, through NIA, to public and private nonprofit entities to attract research investigators into Alzheimer's related research and to create training programs to train these researchers. Annual authorized funding reaches $6 million by FY93.

Section 102. Awards for Leadership and Excellence: FY91, 5.00; FY92, 5.00; FY93, 5.00.

The Awards for Leadership and Excellence in Alzheimer's Disease and Related Dementias, originally authorized in P.L. 99-660, are authorized. Annual authorized funding is for $5 million/year.

Section 103. NIA Research Program and Plan: FY91, 5.00; FY92, 5.00; FY93, 5.00.

Funding for NIA to develop its Alzheimer's related research, authorized in P.L. 99-660, is authorized. Annual authorized funding is $5 million/year.

Section 104. Clearinghouse on Alzheimer's Disease and Dissemination Project: FY91, 1.00; FY92, 1.00; FY93, 1.00.

The Clearinghouse in Alzheimer's Disease and the Alzheimer's Dissemination Project, originally authorized in P.L. 99-660, are authorized. Annual authorized funding is for $1 million/year.

Section 105. Family Support, State Services, and Basic and Clinical Research—Administration in Aging: FY91, 12.00; FY92, 12.50; FY93, 13.00.

The Commissioner on Aging is authorized to carry out a program of demonstration projects which help educate and assist the family of persons with Alzheimer's. Annual authorized funding reaches $13 million by FY93.

National Institute on Aging: FY91, 12.00; FY92, 12.50; FY93, 13.00.

NIA is authorized to carry out a program of research on long-term care services and coordination of those services. Annual authorized funding reaches $13 million by FY93.

Supportive Services Research (Sceretary): FY91, 5.00; FY92, 6.00; FY93, 7.00.

The Secretary, through NIMH, the Administration on Aging, and the National Center for Nursing Research (NCNR), is authorized to carry out a research program on improving the delivery of supportive services, especially as they apply to ethnic and cultural groups and rural and inner city populations. Annual authorized funding reaches $7 million by FY93.

State Alzheimer's Disease Education Program (Secretary): FY91, 50.00; FY92, 100.00; FY93, 125.00.

The Secretary shall make grants to States to (a) coordinate the development and operation, with public and private organizations, of services, including diagnostic, treatment, care management, respite care, legal counseling, and education to the victims, their families and care providers, (b) provide home and community-based care, including respite, (c) provide information and conduct education program, (d) coordinate development and operation of provider training and continuing education, (e) review State policies, (f) review State regulations of care providers, and (g) coordinate with appropriate federal programs. States are to spend from 25 to 50 percent of the grants on respite care. Grants require a 50-50 match of State and federal funds. Grants are awarded on a competitive basis though each State is entitled to a minimum of $250,000/year. Annual authorized funding reaches $125 million by FY93.

Basic and Clinical Research: Beyond the specific provisions outlined above, funds are made available to the Secretary for an intensive program of research through the National Institutes of Health and the National Institute on Mental Health.

National Institutes of Health: FY91, 187.00; FY92, 244.00; FY93, 303.00.

NIH is provided with a basic and clinical research authorization beginning at $187 million in FY91 and rising to $303 million by FY93.

National Institute on Mental Health: FY91, 23.00; FY92, 31.00; FY93, 38.00.

NIH is provided with a basic and clinical research authorization beginning at $23 million in FY91 and rising to $38 million by FY93.

Secretary's Discretionary Research Funds: FY91, 23.00; FY92, 31.00; FY93, 38.00.

The Secretary is provided with additional basic and clinical research authorization beginning at $23 million in FY91 and rising to $38 million by FY93. The Secretary has discretion over which Departmental agencies may use these funds.

TITLE II. AMENDMENTS TO ALZHEIMER'S DISEASE AND RELATED DEMENTIAS SERVICES RESEARCH ACT OF 1986

Section 201. Council on Alzheimer's Disease: FY91,—; FY92,—; FY93,—.

The Council on Alzheimer's Disease, originally authorized in P.L. 99-660, is authorized and is to coordinate federally sponsored research efforts and provide certain reports to the Congress and the public on research.

Section 202. Advisory Panel on Alzheimer's Disease: FY91, 0.15; FY92, 0.15; FY93, 0.15.

The Advisory Panel on Alzheimer's Disease, originally authorized in P.L. 99-660, is authorized and is to assist the Secretary and the Council with emerging research and policy issues. Annual authorized funding is for $150 thousand/year.

Section 203. National Institute on Mental Health: FY91, 25.00; FY92, 26.00; FY93, 28.00.

As originally authorized in P.L. 99-660, this provision continues the family support and stress research program through NIMH. This research is to examine methods to provide appropriate services and specialized care and to evaluate best practices potentially leading to development of standards. Annual authorized funding is increased substantially and reaches $28 million by FY93.

Section 204. Agency for Health Care Policy and Research (AHCPR): FY91, 5.00; FY92, 6.00; FY93, 7.00.

Alzheimer's related services research in AHCPR, originally authorized in P.L. 99-660 for the National Center for Health Services Research and Health Care Technology Assessment, are authorized and expanded. Research is to include improving services (including special care units), costs of services, and effectiveness of services. Annual authorized funding reaches $7 million by FY93.

Section 205. Training and Education—Training of Health Care Professionals: FY91, 10.00; FY92, 10.50; FY93, 11.00.

NIA is authorized to award grants to educational institutions and ADRCs for training and continuing education for health care professionals and paraprofessionals and family caregivers. Annual authorized funding reaches $11 million by FY93.

Curriculum Development (NIA): FY91, 2.00; FY92, 2.00; FY93, 2.00.

NIA is authorized to award grants to educational institutions to develop curricula for training and continuing education programs. Annual authorized funding is $2 million/year.

National Alzheimer's Education Program (NIA): FY91, 2.00; FY92, 2.50; FY93, 3.00.

The Secretary is to formally establish the National Alzheimer's Education Program, working with the Council and the Alzheimer's Disease and Referral (ADEAR) Center, to provide coordination and leadership, working with public and private organizations, of the federal education and promotion effort for the general public, individuals with such diseases and disorders and their families, health and long term care providers, and other public agencies, including State and local public agencies and other federal agencies. Responsibilities include developing/distributing educational materials, working with the media, working with public and private efforts to develop models, and providing technical assistance to public and private organizations. Annual authorized funding is $3 million by FY93.

Education of Providers and Families (NIA): FY91, 10.00; FY92, 10.50; FY93, 11.00.

As originally authorized in P.L. 99-660, NIA is authorized to make grants to public and nonprofit private entities to educate health care providers and families on caregiving and on the availability of sources of assistance. Annual authorized funding reaches $11 million by FY93.

COMPREHENSIVE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT (THE ALZHEIMER'S "CARE" BILL)—SUMMARY OF AUTHORIZED SPENDING

[Authorizations in millions of dollars]

	Fiscal year—		
	1991	1992	1993
Title I. Amendments to the Public Health Service Act			
Sec. 101. Biomedical research:			
Alzheimer's disease centers (NIA)	30.00	40.00	50.00
Center core grants (NIA)	20.00	30.00	40.00
Satellite diagnostic/treatment locations (NIA)	15.00	20.00	25.00
Investigators and training (NIA)	2.00	4.00	6.00
Sec. 102. Awards for leadership/excellence [1]	5.00	5.00	5.00
Sec. 103. NIA research program and plan [1]	5.00	5.00	5.00
Sec. 104. Clearinghouse on Alzheimer's disease and dissemination project [1]	1.00	1.00	1.00
Sec. 105. Family support, State services, and basic and clinical research:			
Family support research and demonstration projects:			
Administration on Aging	12.00	12.50	13.00
National Institute on Aging	12.00	12.50	13.00
Supportive services research (Secretary)	5.00	6.00	7.00
State Alzheimer's disease education program (Secretary)	50.00	100.00	125.00
Basic and clinical research:			
National Institutes of Health	187.00	244.00	303.00
National Institute of Mental Health	23.00	31.00	38.00
Secretary's discretionary research funds	23.00	31.00	38.00
Title II. Amendments to Alzheimer's Disease and Related Dementias Services Research Act			
Sec. 201. Council on Alzheimer's Disease [1]			
Sec. 202. Advisory Panel on Alzheimer's Disease [1]	0.15	0.15	0.15
Sec. 203. National Institute on Mental Health [1]	25.00	26.00	28.00
Sec. 204. Agency for Health Care Policy/Research [1]	5.00	6.00	7.00
Sec. 205. Training and education:			
Training of health care professionals (NIA)	10.00	10.50	11.00
Curriculum development (NIA)	2.00	2.00	2.00
National Alzheimer's Education Program (NIA)	2.00	2.50	3.00
Education of providers and families (NIA) [1]	10.00	10.50	11.00
Total Alzheimer's "CARE" authorization [2]	444.15	599.65	731.15

[1] These items were originally authorized in Public Law 99-660 and are being authorized in this bill.

[2] For fiscal year 1990, Alzheimer's realted research is projected at $150 million by the administration.

THE HIGH DEFINITION TELEVISION ACT OF 1990

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. GEJDENSON. Mr. Speaker, there has been considerable debate as to whether the

United States is in economic decline, and how the United States should respond to the changes in America's economic and political position in the 1990's. Common themes throughout this debate include the economic interdependence of the United States and its allies, the loss of technological leadership essential to both our economic and national security, insufficient long-term investment by business due to the need to demonstrate a quarterly profit, and poor macroeconomic planning by the U.S. Government.

As a result, there is mounting concern that the United States may continue to lose ground in manufacturing in general, and our edge in the production of high-technology commodities in particular. Many of us in Congress, the private sector, and at one time, even the administration, have called for a national technology development strategy in order to recapture our once indisputable lead in high technology production.

With that in mind, I have developed legislation which would bring the United States back into the electronics race. The bill would utilize our most valuable asset: access to our consumer market. The legislation would encourage domestic manufacturing of high definition televisions or HDTV's—the next link in the high technology food chain.

Developing high definition televisions wouldn't simply enhance our television veiwing pleasure. The offshoots of this technology can be used for defense radar screens, medical scanning devices and computer imaging. Last year the Economic Policy Institute estimated that if the United States fails to develop strong HDTV and flat-display screen industries, we face an annual trade deficit of more than $225 billion in the electronics field and lose more than 2 million jobs a year by 2010.

Both the Europeans and the Japanese have coordinated their resources to compete in the production of advanced electronics. In comparison, the United States had made minimal progress due primarily to conflicting signals sent from the administration to industry.

Ideally, we should be pooling the talents and resources of the Federal Government and the private sector to develop high technology. However, the present administration has resisted such cooperative at every opportunity.

My bill would directly link the manufacturing of HDTVs to access to the United States' domestic market. It would work as follows:

To enter our HDTV market, a domestic or foreign manufacturer must produce 10 percent of the product in the United States during the first year of market penetration. Thirty percent of the final product must be United States parts and components in the third year, and in the fifth year, 51 percent must be made in America—then we hold steady at 51 percent.

Because the first years of production are often the most costly, this gradual scale of domestic content production would slowly recreate the manufacturing base in America that we have lost over the last decade. Since only 10 percent of the value of the product would be mandatory U.S. production in the first year, United States and foreign firms could produce off shore. Then, as firms make a profit, they can gradually increase their value added in the United States until they reach 51 percent. This would insure the United States with a steadily improving manufacturing base that could assist us with the offshoots of HDTV technology in the future.

In addition to creating a high definition television manufacturing base in the United States, this bill: would create U.S. jobs when we are losing jobs due to the cut backs in defense oriented production; could not be considered protectionist as it does not discriminate against foreign manufacturers; encourages the two leading producers (Thomson CGR and Phillips) to continue producing in the United States; would not require a Government subsidy or bail out; and would not require additional taxes to be raised to support high technology funding.

While this legislation will not solve all of our economic problems, it will generate the debate that perhaps our most competitive weapon is access to our huge consumer market. I believe its time to use this trump card to replenish our competitive position in the world economy.

Mr. Speaker, I urge my colleagues to support this measure.

CONGRESSMAN STEVE BARTLETT INTRODUCES THE SSI INDEPENDENCE ACT FOR DISABLED AMERICANS

HON. STEVE BARTLETT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BARTLETT. Mr. Speaker, today Congressmen MATSUI, SHAW, HANK BROWN, and I are introducing new legislation which permits disabled and elderly people to maximize their independence.

The SSI Independence Act for Disabled Americans builds upon the policy set forth in H.R. 8, the Social Security Work Incentives Act. Only one provision in H.R. 8 was included in the final 1989 Budget Reconciliation bill: the opportunity to buy into the Medicare system. While this provision was the most important in H.R. 8, the other provisions are also significant.

In addition, the SSI Independence Act for Disabled Americans codifies current Social Security rules so that families and friends can make contributions either directly or through trusts to SSI individuals without jeopardizing their eligibility for SSI and Medicaid. Because these rules do not appear in statute, families and friends have no assurance that the rules will exist in the future.

The SSI Independence Act for Disabled Americans accomplishes three goals:

First, allows SSDI recipients to opt into the SSI Section 1619 Work Incentive Program if they are otherwise eligible for SSI.

Second, makes six technical amendments to the 1619 Work Incentive Program under SSI to remove barriers that have developed since this program was enacted.

Third, codifies current Social Security policy to allow direct or trust contributions, other than food, cash and shelter, to be made to SSI recipients without jeopardizing their eligibility for SSI and Medicaid. This provision is new and was not part of H.R. 8. It is particularly important because it will allow parents to establish a trust fund for inheritance by their disabled child.

The 1990's must be the decade of independence for people with disabilities. These changes will allow people with disabilities the opportunity to lead successful, independent, and productive lives. I urge my colleagues to cosponsor this legislation and have attached a factsheet which specifically outlines the above provisions in more detail.

OPTION FOR SSDI RECIPIENTS TO PARTICIPATE IN SSI AND THE 1619 WORK INCENTIVE PROGRAM

Allows SSDI recipients the option to come into the SSI program after completion of their trial work period when the recipient is no longer receiving SSDI cash benefits.

Allows the SSDI recipient to move into SSI and the 1619 Work Incentive Program without first having a month of regular SSI benefits.

This option would only apply to those individuals who meet the SSI income and resource test under current law.

Gives the SSDI recipient 12 months to spend down his resources in order to qualify for SSI.

CBO estimates this section to cost $53 million over 5 years.

This section was offered by Congressman Shaw last year and accepted in the House version of budget reconciliation.

TECHNICAL AMENDMENTS TO SECTION 1619 THE SSI WORK INCENTIVE PROGRAM

Includes six technical amendments to remove barriers to work that have developed since this program was made permanent. The amendments are:

1. Clarify that a Continuing Disability Review will occur no more than once every 12 months for 1619 participants.

2. Eliminate spousal deeming so that an SSI recipient can qualify for 1619 based on his income alone and not have the spouse's income count in any way.

3. Provide that the impairment-related work expenses will be deducted in cases where the disabled person is dual eligible (receiving both SSI and SSDI) but receives only state supplementation, and receives no federal dollars.

4. Provide that a disabled person who turns 65 and had been participating in the 1619 program may continue to participate.

5. Requires that in calculating the breakeven point for 1619(a), states' supplementation must be included. Currently, it is optional and 8 states do not count the supplementation.

6. Provide that scholarships, fellowships, honararia, and the royalties or other payments an SSI recipient receives from a first book will be treated as earned income and not be counted against the SSI benefit.

CBO has estimated that each of these technical amendments will cost less than $500,000.

SEC. 4. INDEPENDENT LIVING TRUST AND CONTRIBUTIONS PROVISIONS

The intent of this provision is to codify current Social Security rules which dictate when direct or trust contributions will *not* be counted as income or resources for SSI eligibility. Under current law, there is no assurance that these rules will exist in the future, therefore they must be codified in statute.

This provision will:

1. Codify those rules and explicitly permit contributions other than food, shelter and

cash to be excluded as income or resources from SSI eligibility. This includes such items as social services, vocational rehabilitation services, medical care, transportation, educational services, personal assistance or attendant care services, and services or equipment related to the quality and libability of the individual's shelter which are not for the purposes of rent, mortgage, real property taxes, garbage collection, sewerage services, water, heating fuel, electricity or gas.

2. Adds one new minor improvement to the current rules:

(a) Allows an SSI recipient to receive clothing without it having an effect on the person's benefits.

3. Permits a beneficial trust to be established to continue to provide assistance to the SSI recipient once his parents have passed away. This beneficial trust will not be counted as a resource or as income as long as the SSI recipient does not have access to the trust.

4. Requires SSA to develop materials which explain the rules to SSI recipients and their families so that they will know what types of contributions will be allowed by SSA without jeopardizing the SSI reecipient's eligibility for SSI and Medicaid.

The CBO estimate is zero except for the notification provisions which will cost $5 million over 5 years.

BACK INTO THE BIG MUDDY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. MILLER of California. Mr. Speaker, a quarter century ago, this Nation began a misguided policy of intervention in a small, underdeveloped country with promises of quick victory over evil forces endangering that land. With great bravado, but without clear objectives or strategies, we stepped toe deep into the big muddy of Vietnam.

In the intervening decades, we have learned the terrible lesson of ill-conceived interventionism through the Vietnam war, as the Soviets learned it in Afghanistan.

But once again, perhaps blinded by the so-called easy victories in Grenada and Panama, we are stepping into the big muddy—this time in Peru. And this time, instead of international communism, the enemy is international drug dealing in the form of the Shining Path guerrillas.

Does it all sound painfully familiar? Dispatching of U.S. military personnel; instructions only to train local soldiers, not to engage in combat; building bases that are susceptible to enemy attack; an emphasis on counter-insurgency warfare; the promise of a light at the end of the tunnel.

If we learned anything from the Vietnam experience, it should have been that we cannot allow this Nation to drift into military activity and commitments without a full public debate, without specifying our interests, and objectives, and without agreement upon a clear strategy that has some reasonable chance of success. Simply flexing our muscles and waving the flag does not produce democracy, liberty, or victory: it leads to dead boys coming home in boxes for ill-defined purposes.

Before we reach that terrible stage again, let us carefully examine the policy we are drifting into in Peru.

[From the New York Times, May 7, 1990]

U.S. JOINS PERU'S DIRTY WAR

(By Juan E. Mendez)

Washington.—Under the guise of drug interdiction in Peru, the U.S. is rushing headlong into one of the dirtiest wars being fought anywhere in the world today. If past experience in Vietnam and El Salvador is any guide, the U.S. presence will exercise virtually no restraint on the murder, torture and other human rights abuses that are now routine in Peru. Instead, the U.S. will become a party to the crimes.

Administration officials candidly acknowledge that the left-wing Sendero Luminoso guerrillas are well entrenched in the Upper Huallaga region—where most of the coca consumed in the U.S. is produced. Moreover, the most recent disclosures by the Administration make it clear that the Peruvian armed forces are to be assisted with matériel, weaponry and training specifically to fight Sendero.

The plan includes a permanent base for U.S. Green Berets in the contested jungle area, fighter planes, helicopters and boats and the training of virtually every Peruvian soldier to combat Sendero. This would turn the struggle against Sendero into a U.S., as well as Peruvian, war.

The war against Sendero is already 10 years old, yet this strange Maoist-Andean revolutionary organization continues to grow. Sendero is now attacking the Peruvian state in virtually every region of the country. It recruits easily among the young and the poor, its appeals undoubtedly enhanced by the collapse of the Peruvian economy and the steep deterioration of living standards.

Peruvians across the political spectrum know that Sendero threatens democracy and society. Yet hardly anyone in Peru—and certainly not the presidential candidates in the runoff election scheduled for early June—has proposed a way to deal with the insurgency. That, it seems, is left to the Peruvian Army.

Regrettably, the army is just as brutal as Sendero. For the third year, Peru heads the list of "disappearances" reported to the United Nations. In 1989 there were nearly 400 new cases, double the 1988 figure. In addition, the Peruvian Army occasionally reacts to ambushes and attacks by invading a community and killing dozens of young and old males, sometimes in full view of relatives.

The armed forces further complicate matters by encouraging villagers to form self-defense militias known as "rondas compesinas." If a village forms a ronda, Sendero punishes it for collaborating with the army; if it refuses, the army considers the community "red hot," meaning that it supports Sendero. In several massacres in recent weeks, Sendero units have murdered "ronderos" and ronderos have killed suspected "senderistas."

In the cities, the police arrest students and shantytown dwellers and charge them with terrorist crimes. The detainees are routinely and brutally tortured, while the court cases against them either languish or have to be dismissed for lack of evidence.

Human rights abuses by Peruvian authorities are almost too numerous to catalogue. In the process of putting down a June 1986 mutiny by Sendero inmates in three large jails in the Lima-Callao area, the armed forces killed almost 300 prisoners—most after they had surrendered. A lengthy investigation in the military courts has just ended in a whitewash.

In addition, right-wing death squads that have been linked to the governing party or to the army have targeted journalists, lawyers and human rights monitors; the headquarters of three prestigious human rights organizations were bombed in Lima in the last few weeks.

U.S. laws governing foreign aid are explicit in prohibiting assistance to force that engage in a consistent pattern of gross violations of human rights. If the Bush Administration has considered this ban at all, it has not explained Peru's exemption. Congress should insist on an explanation.

If Peruvians need help in fighting Sendero, the authorities in charge of the fight should show that they have changed their ways. Promises won't do. A commitment to fighting a "clean war" must first be demonstrated in practice.

Once such a strategy is in place, the Peruvian authorities may succeed in reducing the appeal of Sendero, and American involvement may not be necessary.

SOUTH FLORIDA MOURNS ELIZABETH VIRRICK

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. FASCELL. Mr. Speaker, Miami has recently lost one of its foremost champions of disadvantaged youth. Elizabeth Virrick passed away last week at the age of 93.

Mrs. Virrick made it a personal crusade to improve living conditions and opportunities for black youngsters in the Coconut Grove area of Miami. Starting in 1948, when she first observed this community, she formed and headed a variety of civic groups to make life a little better for the children there.

When Mrs. Virrick saw an injustice or a need, she did whatever she had to do to get it corrected or fulfilled.

A tiny woman with a huge heart and tireless courage, Elizabeth Virrick will be missed by the thousands she helped and by those whose assistance she enlisted in the fight against poverty and inequality.

Because of her leadership; her belief that one person can make a difference; her selfless volunteer efforts and because of her accomplishments, I believe our colleagues would like to know more about her work and, therefore, I submit the attached article from the Miami Herald.

SLUM-FIGHTER ELIZABETH VIRRICK DIES

Elizabeth Landsberg Virrick, the tiny, genteel woman who became Miami's champion slum fighter, died of pneumonia and Alzheimer's disease Wednesday at her home. She was 93.

Her fight began in 1948, in the sleepy Southern town that was then Miami. In one corner was 4-foot-11-inch, 100-pound Elizabeth Virrick, daughter of a lawyer and concert pianist, wife of an architect. In the opposite corner was filth, poverty and the primitive living conditions of the black neighborhoods of this city.

In the end, Virrick scored a knockout. None of the hundreds of young men and boys who boxed through the years in the Elizabeth Virrick Gym could have fought with more intensity than the crusader.

"You think you see an old lady sitting here," Virrick said when she was 88. "What you see is a fire burning all the time."

It sometimes cost her. Her white society friends often turned up their noses at her, just as they did at the proliferation of outhouses black residents were forced to live with. But she brought indoor plumbing, a day-care center, a gym, a boxing program and a minimum housing code to those residents.

Virrick once said she was compelled to do something for black residents after witnessing the deplorable conditions in the "Coconut Grove Negro District," where her maid lived.

There, she found families stuffed into unsanitary, grimy shacks and apartments. Children were sick, dirty and left alone.

"I've had every advantage anybody ever had," she said. "How could I ignore all that? How could I do nothing?"

Also, "During this time I heard the Rev. Theodore Gibson make his famous speech to the Coconut Grove Civic Club, saying 'My people are living seven deep.'

"And that was it. I've been at it ever since."

Virrick met with civic leaders and helped form the Coconut Grove Citizens' Committee for Slum Clearance. She became the first chairman.

In a falling down old wooden house that was almost condemned, she started a nursery, conning friends to help paint and fix it. Today, St. Alban's Day Nursery still cares for Coconut Grove children of low-income families.

Her critics called her "a contributor to creeping socialism," but that never deterred her. Instead, she started collecting shoes and clothing for kids who were too poor to have clothes for school.

Her daughter, Tatiana Duttenhofer, recalled Thursday how those her mother battled retaliated but succeeded only steeling Mrs. Virrick's determination.

"There was a rattlesnake in her mailbox one day," she said. "My father said, 'Elizabeth, if you don't calm down, they're going to burn a cross in our yard one day." And she said, "Well, Vova, go get two sticks and we'll roast some marshmallows when they do.' "

Mrs. Virrick took to task Dade politicians, always demanding more—more money, more jobs, more ordinances. She won those fights so many times that powerful landlords were forced to abandon their plans for innumerable apartment buildings.

"If you keep on doing something for someone less fortunate than you, that's the key to happiness. You're too busy for your troubles to catch up with you," she said.

Born in Winchester, KY, Virrick was educated at the University of Wisconsin and Columbia University, studying interior design and architecture. She treasured Blue Vanda orchids and designed her own house as a showplace for her collection of antiques. Such was the unexpected background and interests of the woman who masterminded the Bathroom Loans.

At that time, there were 482 outhouses in the Black Grove. At night, the Honey Wagon came to collect the waste. Those outhouses were the first thing to go in her all-out war for slum clearance.

By pointing out to the Grove's wealthy white families that the same people who were living in filth were coming each day to work in their homes. Virrick raised more than $7,600 in no-interest loans for new toilets and plumbing. Every cent was repaid.

She founded Coconut Grove Cares, an organization to help the poor. From her cramped second-floor office, complete with old roll-top desk and Georgia O'Keeffe print, Virick fought the deplorable slums in the city.

Her honors were many. There is a park and a pool named for her. A public housing project at Northwest 25th Avenue and 16th Street bears the title Elizabeth Virrick Village.

And there is an old seaplane hangar, the site of hundreds of boxing matches through the years—the Elizabeth Virrick Gym.

The first and third Wednesdays of every month, Virrick, barely more than the top of her head showing over the counter, sold tickets at the window of the gym. She chatted with the fans and coaches and generally checked things out. It was a place she fought hard for, a place to keep young boys and men off the streets. Yet, she never watched the action in the ring. Never once.

"I don't like to see people hitting each other," she explained. "Can't stand violence, never could. I'm a sissy."

She is survived by her daughter; nephew George Bennett of Naperville, Ill.; granddaughter Tatiana Walton of Windmere; granddaughter Pandora Greenstein of Miami; and two great grandchildren.

In keeping with Mrs. Virrick's wishes, there will be no funeral services, her daughter said. A celebration of her life will be held at 4 p.m. May 20 at the Barnyard, 3870 Washington Ave., in Coconut Grove.

U.S. ARMED FORCES OFFICERS' SEPARATION PAY

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. PARRIS. Mr. Speaker, on this occasion I rise to call attention to a matter of grave inequity, and to offer before my colleagues, legislation to provide relief for such inequity. The issue I refer to is restitution for the involuntary separation of career service personnel—men and women who would serve as the vanguard for our great Nation, men and women who would sacrifice their individual liberties for a greater cause, the protection and defense of the American dream.

This is an issue that we must all be concerned with, for when a contract is broken, exceptional treatment is an obligation of the individual or institution that has reneged on its promises. I believe America has a responsibility and a moral charge to its servicemen to uphold its binding agreements and promises made in good faith upon initial commissioning.

For this reason, to assist members of our Armed Forces who would involuntarily be discharged and left with insufficient compensation in return for years of dedicated service, I am introducing a bill that would help ease the burden of career termination and provide for a smoother transition into civilian life.

Under current law, as incorporated within title 10 of the United States Code, military personnel are not entitled to retire with an annuity until after they have served for at least 20 years. However, in light of the phenomenal changes in the Soviet Union and Eastern Europe, many of these dedicated men and women will never see 20 years of service.

For the first time in decades, changes in international conditions appear promising, and opportunities exist for lessening tension. Subsequently, Congress and the administration are already working to pare our Nation's armed services by considerable numbers within the next several years.

As submitted, the fiscal year 1991 Defense budget request is $295 billion in budget authority, a figure 2.6 percent below the fiscal year 1990 level, and $292 billion in outlays. This request is $22 billion below the President's April 1989 plan. The administration also projects a real decline of 2 percent for fiscal years 1992–95, and by fiscal year 1995's end, a total cumulative 10-year decline of 22 percent.

What does this mean for America's military? By the end of fiscal year 1991 alone, active duty end strength will decline to 2,038,800, roughly 91,400 less than the fiscal year 1989 level and nearly equal to the fiscal year 1980 end strength! In fact, Army and Air Force levels will be the lowest since 1950.

Of all branches, the Army seems to be the candidate to take the lion's share of force reductions. This will largely be determined by our Nation's strategic plans and assumptions; however, there is an ominous cloud of uncertainty about the Army's future and that of its servicemen.

The Army is looking at cuts of at least one-third its force structure over the next 3 years; and, from its current strength of about 750,000 officers and personnel, the service plans to drop to slightly over 500,000 by fiscal year 1997.

For fiscal year 1990, Army active strength was reduced by 7,900, and again by 8,300 in fiscal year 1991 from previously planned levels. In addition, Navy active strength is looking at cuts of about 6,000 from the January budget levels in both fiscal year 1990 and fiscal year 1991; and the Air Force, approximately 3,200 for fiscal year 1991.

In a statement given before the House Armed Services Committee, Secretary of Defense Richard Cheney stated:

The readiness and well-being of our uniformed personnel continues to be my highest priority. Our success in attracting and retaining high quality military personnel in recent years results largely from providing adequate and fair compensation and other incentives to encourage service in the armed forces.

The question then becomes, how do we compensate these dedicated individuals who will fall subject to the congressional budget ax?

Under title 10, separation pay is calculated by multiplying the number of years served by a percentage—10 percent—of the basic pay allowance. The law, however, contains a clarifier that the one-time-only lump sum calculation will exceed no more than $30,000.

Now I can't speak for my colleagues, but looking at how, over time, inflation and interest rates have hit my congressional district in northern Virignia, I believe the cap on severance pay seriously impedes the ability of the

servicemen and their families to adapt financially and resume the quality of life to which they were accustomed before separation.

Furthermore, if we examine this issue in greater detail, the inequity of current compensation becomes readily apparent, if not glaring, when comparing severance pay with uncapped annual retirement pay. Side by side, let's contrast for example, payment for a Navy lieutenant commander with 17 years of service and that of a full commander having 20 years of service.

Under the law, if the lieutenant commander earns approximately $30,000, he is entitled to 10 percent of that, or $3,000 multiplied by the number of years he's served, in this case 17. This formula adds up to a grand total of $51,000. At first blush, the amount looks fairly sound, but let's not forget that the law caps the amount of compensation at a one-time-only sum of no more than $30,000.

The commander with 20 years, on the other hand, is entitled to annual compensation for life of a sum that is calculated under a formula without the $30,000 ceiling. In other words, the individual with 20 years might average $60,000 yearly while the officer with 17 receives a $30,000 hail and farewell. In my judgment, the long-term commitment of the officer with 17 years, or 15 years, is no less deserving than that of the individual who has served for 20.

The legislation I am introducing today would not only lift the $30,000 cap, it would provide half of the compensation in a lump sum and the other half in monthly payments over a 5-year increment. If the recipient of that payment were to pass away before the end of that time period, the amount of pay remaining would be paid in lump sum to beneficiaries.

If enacted this legislation would apply to all officers—and, let me clarify one point of contention, the scope of this legislation was narrowed to "officers only" as other legislation, H.R. 4003, has been recently initiated by my colleague from Kansas, Mr. SLATTERY, to cover enlisted personnel—discharged, separated, or released from duty after December 31, 1989.

There is no doubt that a powerful incentive for career military personnel has, in part, been the expectation of receiving a sizable annuity at a reasonable age giving servicemen the flexibility to later embark upon other career paths. If Congress denies adequate compensation to those who have spent their lives in service to both citizen and country, what will we say to the future generations of young patriots who would offer to sacrifice, the rightfully, in turn, expect fair and equitable reimbursement for their service.

Mr. Speaker, I am hopeful that this legislation will be considered favorably and enacted swiftly before the forthcoming reductions in force [RIF's] have displaced and disrupted our most deserving in uniform. I urge my colleagues to join me in passage of the bill.

THE SPANISH CATHOLIC CENTER OF WASHINGTON, DC

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, it is an honor to rise today in order to share with my colleagues the accomplishments of a wonderful organization in the Washington, DC metropolitan area. I recently became acquainted with their efforts and would like to take this opportunity to congratulate them for the difference they are making in this community and the example they have set for communities all over the Nation to follow.

The Spanish Catholic Center was born in 1967, as a private nonprofit agency. It was created in response to the variety of needs of the poor immigrant, primarily of Hispanic origin, community of the Washington, DC metropolitan area. The center is chartered under the District of Columbia's laws to implement educational and social services, as well as to teach and promote civil, social, economic, and health betterment.

The services of the Spanish Catholic Center are rendered regardless of race, creed, national origin, or residence. The center's main thrust is to respond to the needs of new arrivals, as well as to those whose precarious circumstances do not allow to step out of their despair.

The center is strategically located in several locations throughout the metropolitan area. There are branch offices in: Silver Spring, MD, which includes a health clinic; a health center with medical and dental care located at Mt. Pleasant Street in Washington. The administration and main offices are also located in Washington. The center is presently staffed by 30 full-time employees and 10 part-time employees. It is also staffed by 379 volunteers, who during the year 1989, contributed a total of 27,715 hours of service. During the year 1989, 41,636 persons were served by the center.

The center is funded by United Way, the Archdiocese of Washington, private foundations, and public contributions. It renders quality services through their departments of social services, Mrs. Mary L. Mercado, coordinator; education, Sister Maria del Carmen Robles, coordinator; health care, Ms. Lyn Morland; and community activities. The programs are continually shaped and changed to fit the growing and changing needs of the community which the center serves.

Among the center's services are: Emergency food and shelter; counseling; income tax preparation; and employment training agency; residences for women. The center is working closely with the community in order to educate it about drug and crime prevention. Family and individual counseling is also available through the health services department. During 1989, 12,774 patients were served at the center's clinics.

The center views the educational component of their services as the firm foundation upon which a new life can be started. As a Florida certified teacher, I wholeheartedly agree with this. The programs consist of English as a second language; literacy—basic education; high school equivalency—GED; a bilingual secretarial program; and most recently, a computer program and training course for technicians for copying machines. All programs are under the direction of an education coordinator, and each one is administered by a program director. Classes take place in various area schools, every evening of the week and weekends. Classes are conducted by 131 volunteer instructors.

Traditionally, the center has been the gathering place for the new arrivals and the needy. It is an organization which enables them to participate in programs which prevent their involvement in activities detrimental to themselves as individuals as well as to the society. The center is also a positive contributing factor to the city as it makes visible the colorful beauty of the traditions of those it serves and to help them join the ranks of a society that gives immigrants the equal and unique opportunity of a new beginning in life.

Father Julio Alvarez-García is the center's executive director. The Spanish Catholic Center is governed by an active board of directors, which meets a minimum of 10 times during the fiscal year. The officers of the board of directors are: Mr. Ramon Gomez, president; Mr. Francisco Delgado, vice president; Ms. Rosario Corredera, treasurer; and, Aurora Porres, vice treasurer.

The Spanish Catholic Center is an example of how a community can be served by the work of dedicated individuals who care about making a difference in the lives of their fellow men. I congratulate them and wish them much success in this honorable and worthwhile endeavor. During the past 23 years they have helped make our Washington, DC, community a better and richer one.

LITHUANIAN INDEPENDENCE HIGHLIGHTS PLIGHT OF JEWS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BROOMFIELD. Mr. Speaker, the Oakland Press, a newspaper in my congressional district, recently published a moving article by Rachel Canaan-Kapen describing her family's experiences as Jews living in Lithuania.

Mrs. Kapen, a resident of West Bloomfield Township, MI, is the mother of Gilead Kapen, the minority staff consultant to the Africa Subcomittee of the House Foreign Affairs Committee.

Mrs. Kapen expresses sadness at the decline in the Jewish population of Lithuania and concern for the future of those Jews still living there. I commend her observations to my colleagues in the article which follows:

[From the Oakland Press]

LITHUANIA HAS RIGHT TO INDEPENDENCE, BUT FATE OF REPUBLIC'S JEWS IS IN DOUBT

(By Rachel Canaan-Kapen)

The recent dramatic happenings unfolding in the Republic of Lithuania evoke in me, a Jew with close family ties to the land, very conflicting emotions.

My father, Yosef Garber, was born and raised in Lithuania, which we call Lita, and so were his parents and their parents for numerous generations. Yet they lived in a world of their own, which can account for their still existing after so many years of exile and dispersion.

Lita-Lithuania was by all accounts the shining jewel in the crown of European Jewry. The Gaon of Vilna, as he was nicknamed, was a legendary figure of Jewish scholarship and morality who lived in the second half of the 18th century and he, and subsequently his many disciples, influenced Jewish life for many years. Vilna, the capital of independent Lita-Lithuania, was so Jewishly endowed that it was nicknamed "Jerusalem of Lita." The numerous yeshivot, academies of Jewish learning, within its boundaries attracted thousands of young men coming to be trained and ordained as rabbis and other religious functionaries in the Jewish community, as well as for the sake of learning.

My father, Yosef, studied in one of these yeshivot. Although he was trained and ordained as a ritual slaughterer, I doubt that he ever practiced his acquired profession, for no sooner than he received his ordination he was conscripted into the Lithuanian army, a fact that proved to be a decisive factor in his life.

For the very first time in his life, he was exposed to a world beyond the synagogue and the yeshiva. He no longer could be the pious, very observant Jew he once was because the new reality of the Lithuanian army didn't especially cater to his Jewish needs. If he didn't wish to remain hungry, even starve, he had no choice but to eat the non-kosher foods served him. He also came face-to-face with a secular world of enlightenment that fascinated him, as well as with a great number of non-Jewish Lithuanians and anti-Semitism like never before. Last but not least, in the army he met another Lithuanian Jew named Meyer Blass, with whom a lifelong friendship ensued.

When the two army buddies-turned-best friends were subsequently discharged from the army, they knew exactly what they were going to do with the rest of their lives. Both reached the conclusion that there was no future for Jews in Lita and therefore applied to the British government for a "certificat," a permit to emigrate to Palestine or Eretz-Israel, as it was called by the Jews. The "certificat" came in 1925 and the two friends said farewell to family and friends, many of whom they never saw again.

My father talked very little of life before coming to Eretz-Israel, where he and Meyer settled in Tel Aviv and helped to pave its streets and build its houses. After a few years of hard work and frugal living, they managed to save some money and establish the first icebox factory in the town, my father still working hard beside his men, something he continued doing his entire life. He never uttered a word in Lithuanian, which he seemed to have totally forgotten, and except for photographs depicting him in the Lithuanian army's uniform, he didn't bring with him any other photographs from Lita.

All we knew about the family he left behind was that he had an older sister and brother, who emigrated to the United States and settled in Rochester, N.Y., while another brother, Yaacov, and a sister, Blooma, perished in the Shoah, the Holocaust, together with the rest of Lita's Jewelry. When I gave birth to my son, Alon, in Jerusalem in 1961, exactly 20 years after the destruction of Lita's Jewry, my father asked me to give him the name Yaacov as a middle name in memory of his brother, the only memorial to him.

A total Jewish population of 153,743 was reported in 1923, comprising 7.5 percent of the population and considered the largest national minority in the land, where Jews also made up a little less than a third of the total population in the largest cities. However, a 1959 Soviet census shows a total Jewish population of 24,672, less than 1 percent of the population, with 16,354 in Vilna, now Vilnius and 4,792 in Kovno, now Kaunas, two cities where Jewish life flourished before the war.

As a person who witnessed the regaining of the much-longed-for independence of her own people, I am especially sensitive to other people's similar aspirations. Yet the Jew in me can't quite forget the destruction of Lithuania's once-flourishing Jewry, which by no means can be blamed solely on the Nazis. Furthermore, the surge in nationalistic aspirations also brought with it a surge in latent anti-Semitism, and I can't help but fear for the fate of the remnant of Lithuania's Jews.

THE CHANGING ENVIRONMENT FOR U.S. AGRICULTURE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 9, 1990, into the CONGRESSIONAL RECORD:

THE CHANGING ENVIRONMENT FOR U.S. AGRICULTURE

As Congress considers the 1990 Farm Bill, it is important to reflect on how U.S. agriculture has changed in the past few years and to consider what changes may be in store.

Declining share of U.S. economy: One of the major trends of recent years has been the declining role that agriculture plays in the U.S. economy. This is seen in various ways. First, the number of farmers continues to decline each year. Farm families now comprise less than 2% of the population. And if only commercial farms are considered, less than half a percent of the population supplies virtually all our agricultural products. This trend toward increased concentration of production will likely continue. Second, agriculture's share of the nation's Gross National Product is declining, from 7% in 1950 to 1.6% today. This reflects the growth of new occupations and new industries, rather than a decline in farm production. With most of America's future economic growth expected to take place in areas such as computers and finance, agriculture's share of GNP is likely to continue to decline. Third, farming is becoming less important even in rural areas. More rural counties depend on manufacturing today than on agriculture, and farm-dependent counties only slightly outnumber rural countries that rely on meeting the needs of retired people.

Positive trade role: On the other hand, the American farmer continues to make a major contribution to reducing our trade imbalance. Agriculture's share of trade far exceeds its share of GNP. In 1988, 12% of U.S. merchandise exports were farm products, and agriculture had a positive trade balance of $18.5 billion compared to the overall U.S. trade deficit of $127 billion. The U.S. is still the dominant force in world trade of agricultural products. Changes in U.S. production and inventories of major crops are the key factors influencing world prices. The United States is the primary exporter in all the major non-tropical agricultural commodities.

Certainly many domestic and international factors will affect U.S. agriculture in the future—ranging from changing consumer eating patterns to international trade negotiations. Two trends seem especially important: reform efforts in Eastern Europe and the Soviet Union, and the growing environmental movement.

Soviet and Eastern Europe reform: Progress on reform in Eastern Europe and the Soviet Union is likely to depend on improving the quality and quantity of food available to the average citizen. We have all seen television pictures of empty supermarkets and long lines for basic necessities. Recent comments by Soviet economists suggest that their agricultural sector is in even worse shape than western estimates have indicated.

This means that in the near future big increases in food imports may be necessary. American farmers should play a large part in meeting the demand, but even if they don't, the increased sales will reduce world supplies and help boost prices. However, the longer-run outlook is less rosy. Eastern Europe and the western part of the Soviet Union were once the breadbasket of Europe. Even with its incredible inefficiency, the USSR is the world's large producer of wheat. If reforms in agriculture are successful, productivity in these regions should increase rapidly. Not only might they cease to be our customers, they may become major competitors.

Environmental movement: There has been a virtual explosion of concern for the environment worldwide. Many environmentalists view agriculture with suspicion, believing that current farming practices are harmful and non-sustainable. Members of the major environmental organizations in the United States now outnumber farmers. Environmental stewardship will be an increasingly important factor in assessing agriculture.

The growing environmental movement could mean problems for the competitiveness of U.S. farm products, in two ways. One the one hand, other countries will likely continue to place tough restrictions on the food they import, such as the European Community ban of beef from cattle fed growth hormones. On the other hand, tightening U.S. restrictions on chemical use could place American farmers at a cost disadvantage, if other countries allow their farmers to use chemicals banned here.

U.S. economic policy: While many of the factors affecting the outlook for U.S. agriculture are beyond the control of policymakers, one important thing we can do is to get our economic house in order. The kinds of changes we need to strengthen our economy for the long term are the kinds of steps that will help boost the competitiveness of our farm sector. We need to save more as a nation, which would improve farmers' access to capital. We also need to take a longer-term view of government spending, cutting current consumption and expanding funds for productivity-enhancing investment in infrastructure, education, and research. But most important, we need to

reduce the federal budget deficit, which continues to exceed $150 billion per year. A smaller deficit would make it possible for interest rates to come down, lowering farmers' costs and making it easier for them to modernize machinery. Reducing the deficit could also lead to a lowered-value dollar on exhange markets, thereby making our exports more competitive overseas. Much of the improvement in our farm exports since 1986 has been due to more favorable exchange rates.

The last few years have generally been good ones for American farmers. Yet farmers face different challenges now than they did in the past, and some analysts believe the long-term outlook is for stagnant or slightly declining farm income, unless major increases in demand or drops in supply occur. U.S. farmers can no longer take their predominance in world markets for granted. They must adapt to new demands on how they produce and how farm products are marketed. They will likely face lower levels of government support. The 1990 Farm Bill must strike a balance between stabilizing farm income and keeping agriculture competitive in the changing global environment.

TRIBUTE TO JOHN D. MOCKENSTURM

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Ms. KAPTUR. Mr. Speaker, it is a privilege to introduce to my colleagues in the House of Representatives a man from my district who performed a selfless and heroic act, attempting to rescue two very small children. This week, the National Association of Letter Carriers is presenting John D. Mockensturm of Toledo, with an award to recognize his courageous and charitable efforts in which he risked his own life to save two children from a smoldering car. The Regional Hero of the Year Award is awarded to only three people per year to commemorate the deeds of goodwill and heroism that letter carriers perform each year. It is an opportunity for the National Association of Letter Carriers to show their appreciation to those heroic individuals and demonstrate the other good works of letter carriers across the United States. Ralph Waldo Emerson, the great poet once said, "Heroism feels and never reasons and therefore is always right." This is exactly how Mr. Mockensturm behaved the day he rescued two small children. Emerson must have known someone like Mr. Mockensturm to make such a statement.

On March 20, 1989, two small children were inadvertently left alone in a locked car which subsequently caught on fire. John Mockensturm was rounding a corner on his Toledo mail route and saw dark smoke billowing from the front end of a parked car as a women, apparently the driver, walked away in the opposite direction. Failing to get the woman's attention, the letter carrier ran to the vehicle and saw two children locked inside. Mockensturm coaxed a wary 3-year-old child to unlock his door and swiftly pulled the boy out of the back seat. Then, groping through thick smoke, the carrier quickly released the child's 1-year-old brother from the restrains of his car seat. The boys' mother returned shortly after with help for what she had thought was a stalled engine. Shocked by the smokey scene, she was extremely thankful to find her boys safe with John Mockensturm.

Mr. Speaker, I am very honored to be able to recognize John Mockensturm today. There are very few people in the world that are faced with such a circumstance which forces them to make a split-second decision which includes risking their own life. It is comforting to know that there are people like John Mockensturm who do not hesitate to make the right decision to try to save other people. Many people may believe that they too, would make the same decision, but one never knows until they are faced with the danger. Two small children are alive and well today because of his quick thinking and unselfish actions. Mr. Mockensturm truly deserves the Central Region Hero of the Year Award.

NATIONAL TRANSPORTATION DEFENSE WEEK

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. YATRON. Mr. Speaker, the President will proclaim the week of May 13 through May 18, 1990, as National Transportation Defense Week. We set aside this week to officially recognize the significant and vital contributions that our transportation systems add to the Nation's economy, and the important aspect these systems play in the Nation's defense structure.

As a nation, we are blessed with the most efficient and extensive transportation system in the world. Americans from Maine to California can travel with ease to any other part of our great Nation. We can rely on our transportation system to provide for the free and easy flow of goods in commerce by surface, water, and air. And should a national emergency ever arise, our transportation system will be integral to the defense of our Nation. National Transportation Defense Week provides us with an opportunity to reflect upon our transportation network and its importance to the United States' continued world leadership.

Mr. Speaker, we would not be able to enjoy these benefits were it not for the hard work and dedication of the men and women in the transportation industry. On May 16, 1990, the Reading Traffic Club will hold a special luncheon in recognition of National Transportation Defense Week. The men and women of the Reading Traffic Club have been, and will continue to be, key players in the Nation's transportation efforts.

Mr. Speaker, I am proud to rise today to recognize the Reading Traffic Club. Their dedication gives me every hope that our past transportation triumphs will be repeated as we rebuild and revitalize America's transportation network. I know that my colleagues here in Congress join me and the Reading Traffic Club in celebrating National Transportation Defense Week.

POLISH INDEPENDENCE DAY

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. ATKINS. Mr. Speaker, today is the anniversary of the Polish Constitution Day of 1791. This day represents the unswerving dedication of the people of Poland to freedom, justice, equality, and social progress. It is evident that this day has a more heightened meaning this year when seen in conjunction with the sweeping changes occurring throughout Eastern Europe.

On this day it is important to note the magnitude of the accomplishments of the Constitution of 1791. This single document was able to nonviolently transform an oppressive government of a select few into a working government of the people. All of the progress recently made in Eastern Europe began with this first movement toward democracy in Central and Eastern Europe almost 200 years ago. Unfortunately, as a result of the continual partitioning of Poland by its aggressive neighbors, the people of Poland have waited an extraordinarily long time to enjoy the freedom which this document granted them.

It is only recently that Poland's neighbors have begun to allow her to breathe. The announcement of the Soviet Union recognizing the atrocities committed against the Poles in the Katyn Forest is a tremendous step toward a brighter future for Poland. It represents the changing attitude of the Soviet Union which is facilitating the remarkable changes currently occurring in Eastern Europe. Today we must also recognize and remember the brave people who lost their lives in the Katyn Forest at the hands of a merciless few.

The celebrations this year are more poignant than ever before. Cities throughout the country are holding parades, banquets, and other related ceremonies in honor of the progress that the people of Poland have made toward their dream of democracy.

Mr. Speaker, I am honored to join people of polish ancestry in my own district as well as throughout the country to pay tribute to those who have paid such a dear price for liberty. It is clear now that their long struggle for freedom may finally reach a desirable end.

TRIBUTE TO NINO MORREALE ON HIS RETIREMENT FROM TEACHING

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Ms. MOLINARI. Mr. Speaker, it gives me great pleasure to stand before my colleagues and honor Nino Morreale of Staten Island, NY. Mr. Morreale has just retired after dedicating more than 25 years of his life as a music education teacher at New Dorp High School.

Mr. Morreale is a graduate of the Julliard and Manhattan Schools of Music. He has also had a very distinguished career as a profes-

sional musician playing for such greats as Sammy Davis, Jr. and Lena Horne and was a member of radio and television orchestras for both ABC and NBC.

In addition to all his work as a professional musician, Nino Morreale was also a music teacher who was very dedicated to this students. He wanted to give young people a better understanding of the world they lived in through the music he loved.

On this occasion, I extend my congratulations to Mr. Nino Morreale. A man who has earned the respect of his colleagues and students; a man who New Dorp High School will sorely miss.

LEGISLATION TO AMEND THE NEW MEXICO STATEHOOD COMPACT

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SKEEN. Mr. Speaker, I rise today to introduce legislation to amend the New Mexico statehood compact with the Federal Government that will resolve problems regarding the authority of the commissioner of public lands to exchange State trust lands. Senator DOMENICI is introducing similar legislation in the Senate.

Amending the statehood compact, or the enabling act, requires the consent of Congress and the passage of a State constitutional amendment. This legislation will set this process in motion.

In an opinion handed down in 1988, the State attorney general stated that changes in the commissioner of public lands exchange authority were necessary to ensure the interests of the trust beneficiaries are protected.

I should add that the beneficiaries are all the people of New Mexico. Revenues generated from trust lands are used primarily for the education of New Mexico's youth.

This legislation will not only validate all previous exchanges that have been completed since 1912, but will standardize the procedures and authorities under which the commission of public lands can complete land exchanges.

It should be noted that the authority granted in this legislation will not invalidate or result in any adverse effects of any previous exchanges completed by the commissioner of public lands.

Specifically, the language in my legislation describes who the State commissioner can enter into exchange agreements with; allows the commissioner to exchange lands that are equal to or greater in value than the land to be conveyed by the State; and provides that the proposed exchange is beneficial to the interests of the affected beneficiary.

The statehood compact provided the State of New Mexico with our sections of land per township. These sections, that were scattered throughout each township, have added the checkerboard land ownership patterns found throughout the State. Within these ownership patters you commonly find an intermingling of Federal, State, and private lands. This causes numerous management problems for all property owners. Therefore it makes good sense to block up these lands through exchange to maximize the productivity and enhance the efficiency of the property.

Amending the enabling act will help mitigate the adverse effects of Federal land actions on trust lands because of the checkerboard land patterns I mentioned above.

The legislation I am introducing will assist in the consolidation of unmanageable isolated tracts of State trust lands, thereby promoting better resource management. Protecting and enhancing the income potential and integrity of State trust lands will also be a result of this legislation.

Because of the anticipated increase in land exchange requests and activities, as indicated by the passage of the Federal Land Exchange Facilitation Act of 1988, New Mexicans who lease State and Federal lands have an interest in this legislation. With this in mind the New Mexico Farm and Livestock Bureau, the New Mexico Cattle Growers' Association and the New Mexico Wool Growers' Association have all passed resolutions supporting the change in the statehood compact that would facilitate land exchanges.

Amending the statehood compact will provide numerous benefits to the people of New Mexico. I hope my colleagues will join me in supporting this important measure.

RECENT DEVELOPMENTS IN THE WEST BANK AND GAZA

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. OWENS of Utah. Mr. Speaker, this afternoon I delivered an opening statement at a hearing of my two subcomittees of the Foreign Affairs Committee dealing with recent developments in the West Bank and Gaza.

I include my statement to be printed in the CONGRESSIONAL RECORD.

STATEMENT BY REP. WAYNE OWENS, HEARING ON RECENT DEVELOPMENTS IN THE WEST BANK AND GAZA

Mr. Chairman, these two subcommittees meet jointly today to hear testimony on recent developments in Gaza and the West Bank. Many of the issues that we will discuss have been addressed in other hearings, but the specific dynamics of the Palestinian uprising and the Israeli response have never been isolated and dealt with in depth. These are issues about which I personally care very deeply, and I commend chairmen Hamilton and Yatron for giving us this important opportunity today.

Before delving into human rights concerns in the territories, I think it is important to keep two things in mind: First, the problems in the West Bank and Gaza are the product of an immensely complex political conflict, involving not only Palestinians and Israelis, but the surrounding Arab states as well. To blame Israel for occupying the West Bank and Gaza strip is to ignore a history of armed Arab aggression and the events of the 1967 war. If one thing has become clear since the intifada began in December 1987, it is that these problems can only be solved as part of a comprehensive political settlement. It is incumbent on all sides, not only Israel, to move forward toward this end. The United States must play the major facilitating role in the process and in that matter I give Secretary of State Baker high marks for trying.

Second, it is important to keep in mind that Israel's human rights record in the territories in no way compares with that of some other countries in the region, which are party to the broader conflict. I need not remind my colleageus that the Iraqi Government killed over 8,000 of its own Kurdish citizens 2 years ago with chemical weapons. Nor do I need to recount Syria's systematic slaughter of 15,000 of its own people in the 1982 Hama revolt. Perspective is important here. So, as we raise human rights issues in the territories—which we must do candidly and openly—we do so recognizing Israel as the only democracy in the Middle East, a country which holds itself to a higher standard.

This having been said, I think it is our responsibility to explore these issues as honestly and as thoroughly as possible. Since December 1987, I have made more than a half dozen visits to the West Bank and Gaza as a member of these two subcommittees. During that time, I have witnessed an escalating cycle of violence which is dangerously polarizing the Israeli and Palestinian communities, and diminishing the prospects for a political settlement that will permit both peoples to live together peacefully in that crowded land.

On my most recent visit in February, I noted a sharp increase in the number of Palestinians killed by Palestinians, and a marked decline in the number of those killed by Israeli defense forces. In a May 4 article in the New York Times, Joel Brinkley wrote that the number of Palestinians shot and killed by Israelis has fallen by more than half over the last 4 months. I ask unanimous consent that this article be inserted into the hearing record following my remarks. Since January in fact, more Palestinians have been killed by other Palestinians than by Israeli forces. Overall, the total number of deaths related to the uprising have dropped 61 percent from the first 4 months of 1988 and 48 percent from the first 4 months of 1989. This is a trend which suggests that the intifada is entering a new, perhaps less violent phase. But it would be a mistake to believe that the uprising is controlled or that Palestinian resistance will cease before a political settlement is reached.

Nevertheless, human rights violations in the administration of Israel's occupied territories remain a source of special concern to this committee, to Congress, and to Israel's friends everywhere. Those policies to which the United States most strenuously objects—administrative detention, deportations, and the demolition and sealing of houses—continue to this day. Not only are these, grievous abuses of internationally recognized human rights, they serve to promote violence and strengthen the resolve and assist in the political organization of the uprising.

Though theoretically governed by strict rules of engagement, the IDF in many cases disregarded its guidelines by indiscriminately firing plastic, rubber, and high velocity metal bullets. I have personally seen 5 young men in Jerusalem's Mikagged hospital brain dead from rubber still lodged in their heads. Human rights groups such as Amnesty International have documented numerous instances of beatings and ill-treat-

ment of prisoners, and the potentially lethal misuse of tear gas within confined spaces.

Recognizing the difficulties faced by Israeli authorities administering the territories, the U.S. Government views these as violations of internationally recognized human rights. We on this Committee, in good conscience, can recognize them as nothing less. And while human rights issues are inextricably linked to the broader political conflict, we must emphasize these human rights abuses on a separate level, as problems which can and should be corrected by Israel alone.

I welcome our distinguished witnesses today and look forward to exploring these issues for the public record in candor and fairness.

THE PRIVATIZATION OF ART ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. CRANE. Mr. Speaker, today I introduced the Privatization of Art Act, a bill to abolish the National Endowment for the Arts. In this age of deficit spending and big government, we in Congress have a responsibility to do some belt-tightening and put a stop to intolerable agency funding practices. A good place to start is with the NEA.

The NEA states the following as its mission:

[To] foster artistic excellence by helping to develop the nation's finest creative talent, to preserve our cultural heritage in all its diversity, to make the arts available to wider, more informed audiences, and to promote the overall financial stability of American arts organizations.

Mr. Speaker, I am afraid the agency's good intentions have been abused. Certainly you will agree that homoerotic photographs are hardly "a demonstration of our nation's finest creative talent." Indeed, I am outraged that a performance by porn star Annie Sprinkle is considered part of our "cultural heritage" worthy of preservation while reading poetry to the homeless qualifies as "making the arts available to wider, more informed audiences." These abuses cannot be tolerated.

Some of my fellow lawmakers propose establishing standards for the use of NEA funds. Their critics cite the first amendment and cry, "censorship." I respond to these cries by echoing the words of my colleague, DANA ROHRABACHER: "Those who truly oppose Government control of the arts should oppose Government funding of the arts." I propose we abolish the agency altogether.

A common argument in the NEA appropriation debate is that art is a subjective term. What may be art to some can be considered trash to others.The definition of art should not be a government concern; that decision belongs inherently in the private sector. In fact, it has flourished there. Those who recognize art in America and support it have supported it generously. The United States has one of the largest proportions of private giving to the arts. In 1988 alone $6.8 billion was spent on arts advancement by American individuals, bequests, foundations, and corporations. Abolishing the NEA would not threaten the existence of art in America. Rather, it would take away a small percent of the funding it currently receives through involuntarily raised means.

Mr. Speaker, as politicians, we pledge to eliminate deficit spending, and as Members of Congress, we have a duty to do so. I cannot think of a better way to start than by returning art promotion to the private sector.

NIMITZ HIGH SCHOOL STUDENTS REPRESENT TEXAS IN NATIONAL COMPETITION

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. FIELDS. Mr. Speaker, I rise today to congratulate 30 Houston high school students for their achievements in the National Bicentennial Competition on the Constitution and the Bill of Rights. These students have demonstrated exceptional knowledge of democratic government and the documents that guarantee our freedoms.

The students representing Texas in this national competition are from Nimitz High School in Houston. They won their district competition, the Texas State competition, and now have made a fine showing in the national competition. This team of students received an award for scoring highest among teams from across the Nation on a unit of the competition titled "Fundamental Rights."

Mr. Speaker, it is easy to take for granted the freedoms that we, as Americans, enjoy. We must never forget that our basic freedoms—freedom of speech, freedom of press, freedom of religion and others—are not enjoyed by all peoples of the world. Our rights, as guaranteed by the Constitution and Bill of Rights, must be guarded carefully. We must teach our young, the inheritors and future guardians of this great country, the value of the gift they will receive.

These juniors and seniors from Nimitz High School have demonstrated an admirable knowledge of this gift. I am proud of these young people. They are fine representatives of Nimitz High School, their district coordinator Elizabeth Battle, their teacher Connie Sheldon, their district and the State of Texas. These students are: Mark Bennett, Shahid Bhaidani, Jason Brenek, Jennifer Caldcleugh, Karie Camp, Deanna Drew, LeRay Hall, Tiffany Hammer, Mia Harris, Dionne Schwab, Lisa Salmi, Chris Havard, Kathy Hua, Brad Hunt, Leslie Jeanes, Gentry Johns, Deana Larkin, Kelly Lyons, Margaret Mayes, Luke McCallum, Tony Peng, Laurie Renegar, Diana Rivera, Sara Rizvi, Erika Smejkal, Kelli Smith and Jon Venverloh.

NATIONAL INVENT AMERICA! WEEK

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BILIRAKIS. Mr. Speaker, today I am introducing legislation designating the week of July 22 through July 28, 1990, as "National Invent America! Week."

I am taking this action with two specific purposes in mind. One, to pay tribute to what I have always felt to be at the heart of America: A creative and entreprenuerial spirit. And two, to encourage the boundless development of this spirit in the innovators and inventors of the future: our children.

The United States Patent Model Foundation, a private, nonprofit organization, is seeking to focus the Nation's attention on the critical pursuit of ideas in a global marketplace where America no longer is considered the undisputed leader. Therefore, in 1986, this organization launched its "Invent America!" program in elementary schools throughout the country.

Now in its fourth year, the program sponsors student invention programs and competitions designed to foster creativity and analytical problem-solving skills. Since its inception, more than 30,000 elementary schools have participated in this program and its school, State, regional and national competitions.

President George Bush serves as its honorary chairman and the program has the support of the U.S. Departments of Education and Commerce, as well as the National Science Foundation. In fact, Invent America! was singled out for recognition from among 140,000 such programs in the Secretary of Education's Special Report to the President, "America's Schools: Everybody's Business."

Invent America! enjoys wide private sector support as well. In fact, this successful public-private partnership is proof that government and industry can work together, hand-in-hand, keeping alive and nurturing the spirit of entrepreneurship and ingenuity in our Nation's young people.

I urge all of my colleagues who envision a bright and challenging future, Who can see the potential in young minds and who want to ensure that our young people are prepared to meet the future's challenges to cosponsor this legislation.

ZEB McKINNEY'S SERVICE TO SHILOH

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SUNDQUIST. Mr. Speaker, at the end of this month the Shiloh National Military Park will lose its exceptional superintendent, Zeb McKinney. After 14 years at Shiloh and 37 years with the National Park Service, Zeb is taking a well earned retirement to tend to family matters back home in North Carolina.

I have been pleased to call Zeb McKinney a friend and proud to support him in his efforts to preserve and protect one of our Nation's finest military parks. Those with an interest in the Civil War know well the story of the fierce fighting that took place in the woods and fields between Shiloh Church and Pittsburg Landing. The history of the brave men, Yankee and Rebel, who fought there on April 6 and 7, 1862, is painstakingly preserved at Shiloh National Military Park.

Zeb McKinney has been a forceful advocate for the park. He has shown initiative and foresight in planning its future. In addition, I have found him to be a thoughtful and informed advocate for environmental protection and the wise use and enjoyment of our natural resources.

Zeb McKinney has served with distinction and served as an example of spirited and committed public service. I ask my colleagues to join me in saluting his career and in wishing him well in his retirement.

TRIBUTE TO MISS ELLEN REPP

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SWIFT. Mr. Speaker, I rise today to pay tribute to a woman who has graced American society on the educational and artistic stages, and indirectly the political arena. Miss Ellen Repp has been named the 1990 Distinguished Alumnus from Western Washington University in Bellingham, WA.

Miss Repp merged a devotion to teaching with a personal commitment to the advancement of excellence in the arts. The name may not be familiar to you, but her contributions over the years are not easily dismissed.

Already an accomplished musician—her musical training began when she answered an ad for 25-cent violin lessons as a child—Miss Repp came to Bellingham State Normal School, as Western Washington University was then named, in 1921. Throughout her academic career she remained involved in both the vocal and instrumental aspects of music, although she graduated with a degree in teaching. Repp went on to the University of Washington and continued to distinguish herself when she began vocal studies with noted Norwegian baritone August Werner.

Combining her interest in American history and politics with her love of music Repp performed during the summers and taught during the school year. While teaching junior high school civics in Everett Washington one of her pupils was the late Henry M. "Scoop" Jackson. The U.S. Senator and Miss Repp maintained a lifelong friendship. Jackson credited Repp's influence as a debate coach with sparking and nurturing his interest in domestic and international issues and politics.

It is said that Repp not only taught history, she made it! During her summer sojourn to pursue her interest in singing, Miss Repp journeyed to remote Alaskan outposts performing the works of the masters for miners, fishermen and Indians. One trip to Alaska even included a performance on Mount McKinley, North America's highest peak.

Miss Repp continued to make a name for herself earning the Medal of Saint Olav, one of Norway's highest honors, for her performances in benefit concerts for Norway during World War II. Miss Repp has appeared on Broadway and performed lead roles with most of the opera companies in the United States and Europe. She starred in the Metropolitan opera in New York, at LaScala in Italy and houses in Munich, Paris, London, Norway, and even Morrocco.

Apparently not one to rest upon her laurels, Miss Repp launched a third career as a voice teacher and has taught at the Mozarteum in Salzburg, the Oberlin Conservatory, Smith College, and the Manhattan School of Music. In her 88th year, she continues to travel to Munich each summer to teach vocal technique.

I wanted to call to the attention of my colleagues the many accomplishments of Miss Repp and congratulate her for the most deserved Distinguished Alumnus Award from Western Washington University.

WELCOME TO SOME VERY SPECIAL NEW AMERICANS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. CONTE. Mr. Speaker, it is with a special sense of pride that I inform the House that our Nation will welcome a group of young Americans Friday, including my grandson, Nicholas Alberto Certo. The Immigration and Naturalization Service is holding a citizenship ceremony in Arlington, VA, for young adoptees, the first time I am told that recognition for such children and their parents has been bestowed.

My own mother and father were naturalized Americans, and I have never forgotten their pride and that of their family over that accomplishment. I have a special warm feeling, therefore, in looking forward to Nicholas' certificate of citizenship ceremony. I congratulate his parents, my daughter Sylvia and my son-in-law Nicholas, for their love and perseverance in achieving his adoption.

It takes a long time, a lot of paperwork, and an abundance of faith to adopt a child from another country. And you need a lot of help. I especially want to express our appreciation to David Hobbs and Gloria Munoz in the U.S. Embassy in Bogota, Colombia for their repeated assistance, as well as Merceditas Restrepo Isaza, Luz Stella Monsalve, and Flor Olano de Pachon of the Instituto Colombiano de Bienestar Familiar and Reinaldo Rincon Guzman of the Colombian Ministry of External Relations for their conscientious attention to Nicholas during the 18 months it took to complete the adoption process.

As proud grandparents, my wife Corinne and I are looking forward to the ceremony Friday. It should be quite an affair with 38 children from 16 nations getting their certificates. The choirs from Francis Scott Key and Glen Carlyn Elementary Schools will perform, and our grandson is scheduled to sing "This Land is Your Land" and "It's a Grand Old Flag." I can't wait.

MEDICARE LEGISLATION

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. KOLTER. Mr. Speaker, I rise today to introduce a necessary piece of legislation. I do so in order to restore a modicum of equity to the Medicare system, which has been increasingly distorted during each year's budget reconciliation deliberation. My bill would repeal a requirement which was included in the 1989 reconciliation bill and passed without any real debate over its efficacy or the need for the mandate it contains.

Last November, we decided to impose a requirement that all physicians file all Medicare claims or be subject to penalties. This provision was enacted without regard to the fact that the Participating Physician Program already exists to encourage claims filing (the Participating Physician Program enacted in 1984) by compensating those doctors who contract with Medicare as participating physicians at a higher rate than nonparticipating physicians.

That program has been remarkably successful; 40.2 percent of all physicians treating Medicare patients are participating physicians. In addition, substantial numbers on nonparticipating physicians accept assignment on a case-by-case basis and consequently file those claims for the patients. Overall, 80 percent of all Medicare claims are taken on assignment and filed by physicians.

Yet, despite overwhelming evidence that no problem existed, Congress decided to impose that obligation on all physicians without regard to participants status or to the administrative burden and expense, it will impose on solo practitioners particularly in rural areas, and certainly without providing equitable compensation to those physicians who have not signed contracts with the U.S. Government.

I urge my fellow colleagues to join with me in removing this needless hassle of dubious benefit from the backs of physicians and from the "books" of the Federal Government.

TRIBUTE TO JAMES J. HARRINGTON, RECIPIENT OF THE 1990 PWAMA DISTRICT GOOD DEED AWARD

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. DOWNEY. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. James J. Harrington, superintendent of highways, town of Babylon. Jim Harrington has been selected as this year's recipient of the Pwama District of the Boy Scouts of America's Good Deed award. The Good Deed award is presented annually to outstanding community leaders in the town of Babylon and West Islip.

Jim Harrington has proved himself to be such an outstanding community leader

through his extensive involvement in Suffolk County affairs. Professionally, Jim was a member of the Suffolk County Police Department of 20 years, retiring as a detective in 1983. While a member of the police force, he was most active in the PBA, serving for 9 years on the board of governors. Continuing his activities in the PBA, he served as first precinct trustee, editor for the PBA publication The Shield, recording secetary, and, ultimately, vice president of the association.

Elected Babylon highway superintendent in November 1983, Jim has been reelected to that post three times. And, as if this post was not enough to keep him busy, Jim spends enormous amounts of time serving his community through his volunteer efforts. Jim is a past vice president of the Babylon Chapter of the American Cancer Society. He is an active member of the Babylon Lions Club and the Ancient Order of Hibernians, and also served as an active volunteer firefighters for the North Babylon Fire Department for 20 years. He is a life member of this highly honored fire company.

Jim's most recent project would bring together area Boy Scout troops with handicapped residents who could use their good deed services. This would be a valuable program to the local community, and it further exemplifies the extent of Jim Harrington's commitment to community service. That is why I am grateful, Mr. Speaker, to have this opportunity to publicly recognize the Good Deed award and the many merits of this year's recipient, Mr. James Harrington.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 10, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 11

9:15 a.m.
Commerce, Science, and Transportation
To hold hearings on challenges facing the U.S., focusing on policies to foster competitiveness.
SR-253

9:30 a.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
To resume hearings to examine possible approaches to naval arms control.
SD-430

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings on the Airborne Self-Protection Jammer (ASPJ) weapons system.
SD-342

Veterans' Affairs
To hold hearings on S. 2483, to improve educational assistance programs for veterans, S. 2484, to improve the housing loan program for veterans, and veterans employment programs, including section 401 and 404(c) of S. 2100, Veterans Compensation Cost-of-Living Adjustment Act.
SR-418

Select on Indian Affairs
To hold oversight hearings on initiatives for Indian programs for the 1990s.
SH-216

10:00 a.m.
Finance
Social Security and Family Policy Subcommittee
To hold hearings on S. 2453, to establish the Social Security Administration as an independent agency.
SD-215

MAY 14

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

Armed Services
Defense Industry and Technology Subcommittee
To resume hearings on S. 2171, authorizing funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on implementation of the Defense Management Report.
SR-232A

Select on Indian Affairs
To hold oversight hearings on S. 1021, to provide for the protection of Indian graves and burial grounds, and S. 1980, to provide for the repatriation of Native American group or cultural patrimony.
SR-485

MAY 15

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine fraud and abuse in employer-sponsored health benefit plans.
SD-342

9:30 a.m.
Armed Services
Manpower and Personnel Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1991, focusing on medical programs of the Department of Defense.
SR-232A

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for the Department of Defense and to prescribe personnel levels for fiscal year 1991, focusing on the state and capabilities of the U.S. Marine Corps for special operations and low intensity conflict.
SR-222

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review commercial space programs.
SR-253

Energy and Natural Resources
To hold hearings on S. 2415, to encourage solar and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Policies Act of 1978.
SD-366

Environment and Public Works
To hold hearings on proposed legislation to finance environmental protection facilities in small communities, including S. 1296, S. 1331, S. 2184, and S. 1514.
SD-406

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

9:00 a.m.
Labor and Human Resources Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings to examine environmental labeling of consumer products.
SR-253

Energy and Natural Resources Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991

for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings to examine the maintenance of Hell Gate Bridge in Queens, New York.
SD-406

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on S. 2171, authorizing funds for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the space launch and command, control, communications and intelligence programs.
S-407, Capitol

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 2170, to prescribe the conditions under which contractors receiving operating-differential subsidy of their affiliates may engage in coastwise or intercoastal trade.
SR-253

Small Business
To resume hearings to examine the Small Business Administration's small business investment companies program.
SR-428A

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on semi-conductors and the future of the U.S. electronics industry.
SR-253

Environment and Public Works
To hold hearings on S. 1462, to create a Federal nuclear facility environmental response fund, and to create an Office of Environmental Management and Remedial Action within the Department of Energy.
SD-406

Veterans' Affairs
To hold hearings on titles I and III of S. 2100, Veterans Compensation Cost-of-Living Adjustment Act, S. 1887, to allow for Kentucky Vietnam veterans to receive a one-time bonus from the Commonwealth, S. 2454, to increase the estate limits for certain incompetent institutionalized veterans, S. 2482, to clarify the eligibility of certain minors for burial in national cemeteries and to authorize use of flat grave markers in a section of Florida National Cemetery, S. 2102, to modify certain congressional reporting requirements imposed upon the Secretary of Veterans Affairs for certain administrative reorganizations within the Department of Veterans Affairs, and proposed legislation to expand radiation presumptions for veterans.
SR-418

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Strategic Defense Initiative.
SD-628

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1852 and H.R. 3545, to revise the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission, S. 1990, to establish the Cliff Walk National Historic Site, S. 2011 and H.R. 2843, to authorize the expansion of the Tumacacori National Monument, S. 2067 and H.R. 3834, to designate the route from Seima to Montgomery for study for potential addition to the National Trails System, S. 2072, to authorize a study of nationally significant places in American history, S. 2262, to designate segments of the Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the National Wild and Scenic Rivers System, S. 2437, to authorize the acquisition of certain lands in Louisiana for inclusion in the Vicksbury National Military Park, and S. 2566, to redesignate the Sunset Crater National Monument as the Sunset Crater Volcano National Monument.
SD-366

MAY 18

9:30 a.m.
Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold hearings on S. 1697, to require local educational agencies to conduct testing for radon contamination in schools.
SD-406

Finance
Medicare and Long-Term Care Subcommittee
To hold hearings on recommendations for the Medicare Volume Performance Standards (MVPS) for fiscal year 1991, which is the rate of growth in spending for physician services reimbursed by the Medicare program.
SD-215

MAY 21

1:00 p.m.
Select on Indian Affairs
To hold hearings on the nomination of Carl J. Kunasek, of Arizona, to be Commissioner on the Navajo and Hopi Relocation.
SR-485

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

9:30 a.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Navy shipbuilding and conversion program.
SR-222

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 23

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to review the Administration's technology policy and priorities.
SR-253

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, and the Office of Inspector General.
SD-138

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold oversight hearings on the "Report of the Interagency Scientific Committee to Address the Conservation of the Northern Spotted Owl."
SD-366

2:30 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on the Department of Energy national security budget request for fiscal year 1991.
SR-253

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings to examine ways to expand U.S. exports abroad.
SR-253

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 7

9:30 a.m.
Judiciary
To hold hearings to examine the effects on judicial nominees belonging to private clubs that discriminate.
SD-226

Veterans' Affairs
To hold oversight hearings on veterans' prosthetics and special-disabilities programs.
SR-418

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to examine the Indian health service nurse shortage.
SR-485

JUNE 12

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's satellite programs.
SR-253

Select on Ethics
To hold hearings on matters relating to the investigation involving Senator Durenberger.
SH-216

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Eastern Europe.
SD-138

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2358, providing U.S. consumers the opportunity to enjoy the technological advancement in sound recording by use of digital audio tape recorders.
SR-253

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's ocean and coastal programs.
SR-253

Veterans' Affairs
To hold hearings on title II and section 402 of S. 2100, relating to veterans physician pay and health issues, S. 1860, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war, S. 2455, to provide for recovery by the United States of the cost of medical care and services furnished for a non-service-connected disability, S. 2456, to extend expiring laws authorizing the Department of Veterans Affairs to contract for needed care and to revise authority to furnish outpatient dental care, and other proposed legislation.
SR-418

JUNE 19

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

JUNE 20

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1974, to require new televisions to have built in decoder circuitry designed to display closed-captioned television transmissions.
SR-253

JUNE 26

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance programs.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance programs.
Room to be announced

JUNE 28

9:30 a.m.
Veterans' Affairs
Business meeting, to consider pending legislation relating to veterans compensation and health-care benefits.
SR-418

JULY 12

9:30 a.m.
Select on Indian Affairs
To hold hearings to examine protective services for Indian children, focusing on alcohol and substance abuse programs.
SR-485

CANCELLATIONS

MAY 10

9:30 a.m.
Governmental Affairs
To hold hearings on S. 1951, to establish the Interagency Council on Science, Mathematics, and Technology Education.
SD-342

MAY 11

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 1810, to authorize the Attorney General to conduct a pilot program within the Department of Justice to determine compliance with the Fair Housing Act.
SD-226

HOUSE OF REPRESENTATIVES—*Thursday, May 10, 1990*

The House met at 10 a.m.

The Reverend Douglas Tanner, Virginia Conference, United Methodist Church, offered the following prayer:

O God, creator and sustainer of us all, we gather before You as a group of very human beings in a profession that takes its toll on our humanity. We carry the same doubts and fears, the same broken places, the same weaknesses as our brothers and sisters in other walks of life. We are encouraged, though, to hide our flaws, and to continually project confidence and strength. You, O Lord, know us as we truly are, and You are here in our midst. Grant us an awareness of Your presence among us and Your acceptance of us, that we might respond, as loving human beings of integrity. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Connecticut (Mrs. KENNELLY) please come forward and lead the House in the Pledge of Allegiance?

Mrs. KENNELLY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 922. An act to designate the building located at 1515 Sam Houston Street in Liberty, Texas, as the "M.P. Daniel and Thomas F. Calhoon, Senior, Post Office Building";

H.R. 2890. An act to designate the Federal Building and United States Courthouse located at 750 Missouri Avenue in East St. Louis, IL, as the "Melvin Price Federal Building and United States Courthouse"; and

H.J. Res. 453. Joint resolution designating May 1990 as "National Digestive Disease Awareness Month."

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 286. Joint resolution to designate the week beginning May 6, 1990, as "National Correctional Officers Week."

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the previous announcement of the Chair, the 1-minute statements will be limited to five on each side.

INTRODUCTION OF LEGISLATION PROTECTING THE STATUS OF LITHUANIAN NATIONALS

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today, along with Congressmen DURBIN, RUSSO, WOLPE, GEJDENSON, and HERTEL, to grant to citizens of Lithuania the same benefits afforded nonimmigrants from the People's Republic of China under President Bush's recent Executive order.

Mr. Speaker, as a supporter of the legislation dealing with Chinese students, I am well aware of the special consideration which must be shown to individuals temporarily visiting the United States from countries undergoing civil unrest. Certainly, Lithuania fits that description. Every morning, the news from that troubled region of the world is worse.

Unfortunately, the President vetoed the Pelosi legislation, but to his credit, President Bush has issued an Executive order protecting individuals from China from immigration law requirements that they return home. No such protections apply to Lithuania nationals, however, our legislation provides it.

Our consular office in Leningrad issued over 1,300 nonimmigrant visas to Lithuanian nationals in 1989. Although it is unclear how many are still in the United States, some or all of them will be helped by our legislation.

Mr. Speaker, I urge prompt and favorable consideration of this bill by the House and Senate Judiciary Committees, and I submit a technical description of my legislation.

LEGISLATION PROTECTING THE STATUS OF CERTAIN NATIONALS OF LITHUANIA

SECTION 1.—TITLE

The Act is cited as the "Emergency Lithuanian Immigration Relief Act of 1990."

SECTION 2.—STATUS OF CERTAIN NATIONALS OF LITHUANIA

(a) Waiver of two-year home residency requirement: Under present law, nonimmigrants in the United States on a "J" visa (i.e., visas for students, trainees, teachers, professors, research assistants, or specialists in any field) must generally satisfy a two-year home residency requirement before applying for immigrant status, or a change in nonimmigrant status.

The bill waives the two-year residency requirement in the case of a Lithuanian national who (1) is present in the United States on May 10, 1990 and (2) files a petition for adjustment in change of status within 4 years of enactment of the legislation. Thus, Lithuanian nationals could apply for U.S. citizenship, permanent resident status, or a different class of nonimmigrant visa within four years of enactment without satisfying the home residency requirement.

(b) Presumption of Continuous Residence in the U.S. If, under present law, an alien applies for adjustment to permanent resident status or a change in nonimmigrant status, the individual must generally have had a "continuous period of lawful residence" in the United States. The bill deems this requirement to be met in the case of a national of Lithuania who was present in the United States on May 10, 1990. The requirement is deemed met for as long as the Secretary of State certifies to Congress that the Soviet Union has economic or military sanctions in effect against Lithuania.

(c) Employment Authorization: Generally, most classes of nonimmigrants are not authorized to engage in employment while in the United States. The bill authorizes any nonimmigrant to engage in employment in the United States for such period of time as the Secretary of State certifies to Congress that the Soviet Union has economic or military sanctions in effect against Lithuania.

(d) Notification Required: In the case of any national of Lithuania, the bill requires the Attorney General to notify the individual when their authorized period of stay has expired (i.e., instead of initiating deportation proceedings). The notice is to be nonadversarial in nature and must contain a list of legal options for the individual.

FLEXIBLE SPENDING LIMITS AS AN ALTERNATIVE

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, the Democrats have accused Republicans of being against spending limits. Well Republicans are interested in spending limits, too.

Recently, a bipartisan panel of experts assembled by the Senate to look at the issue of campaign finance reform proposed a concept which they coined flexible spending limits.

Simply, this plan would limit overall spending of funds contributed by PAC's and individuals who do not live in that Member's district. The right of political parties and constituents to contribute to their candidates would be unimpaired.

The benefits of the plan to candidates would be to free them from their dependence on special interest groups, and nonresidents.

The bottom line, is that if a candidate cannot garner enough support in their own district to be elected, then they do not deserve to be elected.

However, we must be mindful of the fact that spending limits will not by themselves reduce the amount of money in elections. This can only be done by greater limitations on PAC contributions, as well as stricter disclosure rules.

Republicans in this House are ready for meaningful reform, we are awaiting the Democrats.

IS JOHN DEMJANJUK REALLY IVAN THE TERRIBLE?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, this Monday Israel will hear the appeal of John Demjanjuk. Demjanjuk is the Cleveland auto worker who has been convicted of being the infamous Ivan the Terrible of Treblinka.

The problem Mr. Speaker, is that more and more evidence continues to surface that casts a great shadow on this particular case. Now it has been found in documents not released that Cashmir Dudek said that Ivan had black hair; Joseph Wojak, Ivan had black hair; Maria Dudek, Ivan had black hair and his name was Marczenko; Eugenia Samuels, Ivan had black hair. Everybody on record said he had black hair, was in his late thirties, over 190 centimeters, 6-foot-4. John Demjanjuk was 22 years old at the time and had blond hair.

Mr. Speaker, I am saying the Polish War Crimes Commission had the facts, and before America's investigation lets the shadow from history hang over Israel, we should press the Polish War Crimes Commission for all the information on Ivan Marczenko and John Demjanjuk. History does not deserve to let Ivan the Terrible go scot-free and, if there is any doubt, the world should know the truth and the facts. We should push for it.

□ 1010

MUSIC LABELING

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, today I am introducing a concurrent resolution expressing the sense of the Congress that the music and music videotape industries should develop and use a uniform warning and disclosure system regarding violence and perversity which has become a significant element of those industries.

All one has to do is read the lead articles in the May 7 issue of Time magazine and the March 19 Newsweek to realize we have a major problem. Bills have been introduced in at least 12 State legislatures because so many are concerned.

Music almost by definition is meant to influence the psyche of man—and women, too. Martial music often stirs feeling of patriotism, a desire to march. The affect of romantic music needs no explanation. The word "lyric," Websters tells us, means, "expressing direct usually intense personal emotion expecially in a manor suggestive of song * * *."

Fortunately, most music is uplifting to the human spirit. But unfortunately, more and more of the music targeting our children and grandchildren are suggestive of violence, satanism, vandalism, rape, murder, drug abuse, suicide, human sacrifice, degradation of race, women, children, and human life, not to mention bestiality, sadism, masochism, and other perversions.

Nevertheless, my resolution is not in any way aimed at curtailing speech protected under the first amendment. Rather, it is directed toward encouraging the music industry to develop its own system of warning and disclosure so that purchasers and particularly parents and guardians can have some idea of what is contained in the package.

For years we have required warning on cigarette packages and listing of ingredients on morning cereal boxes so that you can make some judgment as to affect on physical health. Can it be more onerous to have a warning and the contents of a music package available so you may judge the affect on emotional health?

I am gratified that the president of the Recording Industry Association of America [RIAA], Jay Berman, held a press conference only yesterday announcing the adoption of a standard logo to be stickered to recording products. The logo provides parental advisory of explicit lyrics. Mr. Berman believes that virtually the whole industry will fall in line, but it will be weeks or months before a list of those which will comply is available.

While this effort is a great stride forward, it is by no means the end of the journey. For example, the position of the logo could be better located as a flag of warning. The system does not cover music videos which, with the added visual dimension, can be more inflamatory than words and music alone. Finally, a means of knowing of what we are being warned is not considered. The guidelines of my resolution fill these voids.

ED MADIGAN, JIM HANSEN, HERB BATEMAN, JOE BARTON, CLAUDE HARRIS, BILL DANNEMEYER, RICHARD STALLINGS, and DAN BURTON have already joined in expressing concern. I will be in touch with many if not all of you so that you, too, can urge the recording industry to give us the tools to monitor a major and powerful influence in our children's lives.

WHERE IS THE PRESIDENT?

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, the President is missing. Only President Bush can settle the terrible raging debate within the Republican Party over whether or not he will raise taxes to tame the deficit. We have heard a lot about the President's position. We have heard about it from everyone but the President himself, and the American people are asking all over, where is the President?

White House spokesman and acting president Marlin Fitzwater said that we will consider anything to reduce the deficit. But where is the President?

House Republican leaders say everying is on the the table, but where is the President?

Even the major Republican campaign operative, Ed Rollins, says the President's position is a disaster, but where is the President?

Nineteen Senate Republicans say to the President, "Don't raise taxes." But where is the President?

Last week when the President's own party would not even offer the President's own budget on the floor of the House, where was the President?

And just 5 months ago the President stood here in the well giving us the State of the Union Address and said, "Read my lips."

Today, where is the President?

But that was then and this is now, and people all over America are asking that famous question, Where is George?

RETURN OUR ELECTIONS TO THE GRASSROOTS

(Mr. CLINGER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, I would join my colleague, the gentleman from New York, in urging that our elections should be decided by the people in our districts. To win an election, we have to campaign in our districts for a majority of votes. But today when Members campaign for funds, increasingly they turn to Washington, New York, and Los Angeles. Distant money is determining the results of what are supposed to be local elections. Mr. Speaker, that is not right. Let us return our elections to the grassroots.

Let us require that a majority of campaign funds come from within a candidate's district. Then our constituents would determine how much money each candidate is permitted to spend. Indeed, spending limits will be set at the local level by constituents, not in Washington by incumbents.

Candidates with strong, broadly based district support will have an advantage over candidates aligned with distant special interests. Candidates will be encouraged to have grassroots campaigns that emphasize hands-on voter contact instead of expensive media blitzes.

Mr. Speaker, let us return our elections to our constituents and require candidates to raise a majority of their campaign funds from their districts.

DEMOCRATS WILL NOT PUT TAXES ON THE TABLE

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, we read in today's morning newspaper that some high-up officials in the White House are saying, "We are allowing them"—the Democrats—"to bring their good arguments for taxes to the table," a senior official said of the Democrats; whether that was Chief of Staff John Sununu or someone else. We have a message to the whole White House, "Don't worry. Democrats will not put taxes on the table."

After all, it was the White House that called the summit. It was the President that called the summit. It is the President who sees a state of emergency. It is the President who is saying behind closed doors that something has got to change.

Well, it is up to the President to tell us, No. 1, what the crisis is; and No. 2, what he intends to do about it.

This House has passed a budget, a very good budget, a fine budget. It does deficit reduction. It does not raise taxes. It is a document we can be proud of.

If the President thinks something is wrong with this budget, let him tell us what it is. Let him put his counterproposal on the table.

But we say to the President, "Don't worry. We're not putting taxes on the table. We have our budget and we are moving forward."

IMPACT—THE ART OF NEBRASKA WOMEN

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, I am very proud to be sponsoring the Washington debut of an outstanding art exhibition featuring 33 paintings and photographs and three sculptures created by 35 outstanding artists, in fact superbly talented women from across Nebraska.

This exhibition is on display today and will be on display through May 17 in the rotunda of the Cannon House Office Building.

This exhibition provides an opportunity to view a magnificent array of contemporary works created by Nebraska women, women recognized for their significant contributions to the visual arts. The exhibition is an ensemble of work shared through dedicated cooperative effort depicting the history of Nebraska, making a social statement showing Nebraska past and present, evoking nostalgia showing Nebraska, past and present, and some of it as "art for art's sake."

I hope you will take the opportunity to come by the rotunda of the Cannon Building and I hope you will have a minute to visit with four of those outstanding artists who are here for the week; Amy Sadle of Columbus, Judy Greff of Burwell, Patsy Smith of North Platte and Sue Olson-Mandler of Bellevue.

IT IS TIME TO HEAR FROM THE PRESIDENT ON THE BUDGET

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, we are told that there is a budget crisis in America, that indeed this crisis threatens the very economic health of our Nation. Among our colleagues, I am sure each has an idea. Both parties have proposals. Both Houses of this Congress have legislation they might propose; but Mr. Speaker, there is one President. We have heard from his press spokesman. We have heard from his political aides. We have heard from his consultants, but the American people have not heard from the President of the United States.

Presumably George Bush became President of this country because he wanted to provide leadership, because he had ideas, because he cared for its economic and its budgetary health.

Mr. Speaker, it is time for the President to speak. It is time that we heard from this President on what is it he intends to do, what ideas is it that he would bring forward.

Mr. Speaker, the President waits, but the Nation deserves to hear.

□ 1020

DO NOT GIVE THEM EVEN A NICKEL

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, after listening to the last speaker and several from that side of the aisle, I am compelled to read from an excerpt of a letter I am going to deliver to the White House in a few minutes.

It says, "Mr. President, don't be fooled by these big-spending liberals in the Congress that are trying to force you into agreeing to raise taxes. Mr. President, you know, I know, and those big-spending liberals know, without raising taxes, we will receive almost $100 billion, not a million, $100 billion this coming year in new revenues just because of Ronald Reagan, George Bush economic growth factors throughout the last 10 years.

"If that money, along with a little belt-tightening like your constituents have to do," you people on that side of the aisle, "was used to lower the deficit instead of increasing spending, we would not need any new taxes."

"Mr. President, what this Congress gets, Congress spends. Don't give them a nickel."

PERMISSION FOR MEMBER TO SIGN AND SUBMIT A LIST OF ADDITIONAL COSPONSORS ON H.R. 3677

Mr. ECKART. Mr. Speaker, I ask unanimous consent that I may sign and submit a list of additional cosponsors on the bill, H.R. 3677.

The SPEAKER pro tempore (Mr. DONNELLY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

FAMILY AND MEDICAL LEAVE ACT OF 1989

The SPEAKER pro tempore. Pursuant to House Resolution 388 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 770.

□ 1021

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the

Whole House on the State of the Union for the further consideration of the bill (H.R. 770) to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave, with Mrs. KENNELLY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 9, 1990, 60 minutes remained in general debate.

The gentleman from Missouri [Mr. CLAY] has 30 minutes remaining in general debate and the gentleman from Iowa [Mr. GRANDY] has 30 minutes remaining in general debate.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Madam Chairman, I yield 15 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA], and I ask unanimous consent that she be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Madam Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, this has been an interesting issue for Members of Congress, and I would like to share my experience with my colleagues on the floor and those listening to this debate.

Over the last several years, there have been any number of business representatives who have come to my office to speak against the bill which we are now considering, the Family Medical Leave Act. I have asked in each instance of those who have come to lobby the following questions: "As the owner of a business, are you prepared, or is it your policy, to fire an employee who has worked for you for several years if that employee asks for time off without pay to go home with a dying child or to be home, of course, for the birth of their own child?" In every single instance, the business person who presented himself to lobby me against this bill said, "Of course not. That is inhumane. We would not do that to our employees."

I said, "While these employees are gone because of some medical tragedy in their family, have you said to them, 'We are going to cut you off in terms of your hospitalization insurance?' "

They said, "Of course not. What do you take us for? We care for our employees."

And I have said to each of them, "Then you need not worry about this bill, because the provisions of this bill do no more than what you are presently giving your own employees."

Why is it that the business organizations did not send around to lobby those businesses representing policies which are contrary to this law? Why do they not send us the employer who will say, "Of course, I will fire the woman who wants to go home and have a baby. Of course, I would fire a person who wants to go home with an ailing relative?" They do not send those people around because they do not make a very convincing case.

Ladies and gentlemen of the House, this legislation brings to a minimal standard basic standards of decency and dignity and compassion when it comes to dealing with the employees of America.

To say that we are going to turn our backs on those who are suffering because of a tragedy in their family and stand behind the handful of employers who do not have that compassion is not the policy nor should it be the policy of this country.

Mr. GRANDY. Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the ditinguished ranking member of the Committee on Education and Labor.

Mr. GOODLING. Madam Chairman, one could argue this issue and argue it legitimately strictly on the idea that mandates should not come from Congress when we are talking about employers and employees. That is something they negotiate.

But I want to go beyond that. I want to talk a little bit about the economy as we presently see it and what the legislation that is coming from my committee could do to that economy.

We have been pretty spoiled the last 6, 7, 8 years. The economy has been progressing quite rapidly, growing constantly, but some of the air may be going out of that balloon. If it does, then we certainly do not want to take this opportunity to mandate expenses to businesses at a time when all of the good work that we think we are doing may go for nought because they will end up not having a job anyway.

I want to talk about what we are doing as a committee collectively, because each one of these individual titles that is coming before us sounds awfully good. They are motherhood. They are apple pie and ice cream. All of us would like to see them.

But let me tell the Members what they mean collectively. I have said several times that our committee should have to do an employment impact study before we release any of our bills to the Congress of the United States to act on.

Let me talk about the total package that we have had or will be having before our committee: minimum wage, civil rights, Americans with Disabilities Act, high-risk notification, pension reversions, ERISA amendments, mandated leave, age discrimination waivers, mandated health benefits. Those are just a few from our committee. Then put on top of that clean air and a few others. What I am calling to the attention of the Members is that the economy is pretty shaky at the present time, and we want to be very, very careful that we in the Congress of the United States do not cause the limbs to shake even more, that we bring the growth that we are now having down to a standstill and we end up, as I said, providing benefits, but it will be unemployment benefits if we are not careful.

Again, please, do not look at each one of these individually. Look at the impact that all of them are going to have when we talk about increasing the cost of production, and then the increased costs at a time when we are trying to survive in a very competitive world.

Again, look at the overall package coming from the Committee on Education and Labor at this particular time, and think seriously about the damage we may do to a growing economy which is struggling at the present time.

Mrs. ROUKEMA. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, members of both political parties talk a good game and give lipservice to "family values" but too often turn their backs when a concrete proposal to give much needed support to working families comes forward.

After the long hours we have spent debating this issue there are some things that are well known, some which are honest differences of opinion and some which are dowright fiction.

Now some facts. As ranking Republican on the Labor-Management Subcommittee, I have a strong record of support for business, large and small, over my 10 years in this Congress.

I have labored long to develop a compromise bill—far different from the original parental leave bill. This legislation balances the problems and hard realities facing working families with the legitimate concerns of the business community.

By now, most of my colleagues know that I am a mother of three and that I personally cared for my own son when he was terminally ill with leukemia.

It has come as a surprise to me that it was a surprise to most of my colleagues that my family had endured this personal tragedy. Yes, I suppose that gives me unique perspective on the stresses and strains working people must endure everyday.

I continually asked myself during this process: "what would I have done if I not only had the tragedy and the trauma of caring for my child, but also had to worry about losing a job and a roof over my head?"

And this question, my friends on both sides of the aisle, is a question faced everyday in this country.

Each day, hard-working, tax-paying Americans lose their jobs because a family medical emergency requires that they take time off to give temporary care to a seriously ill member of the family. It may be a child dying of cancer who needs a mother's loving care. It may be a beloved parent who is terminally ill and requires home care.

In a day and age when the majority of American families need two paychecks to get by, it is inconceivable that we do not have a minimum guarantee of job security when a medical emergency strikes. The debate over the Family and Medical Leave Act is not about mandates or benefit packages. It is about values and a standard of decency to protect the jobs for workers trying to capture a piece of the American dream.

This case has clearly been made and the supportive data is compelling. Two-thirds of the women in the work force are there out of economic necessity. Job security for both wage-earners is now crucial.

Now to my efforts at compromise and the cost of this bill.

BUSINESS LOBBY

The organized business lobby in Washington is out of step with the real world and that includes conscientious, no-nonsense, bottom-line business people at the grassroots. The lobbyists have overreacted in a way that no one can explain to me.

I was the architect of the committee compromise bill which dealt with every legitimate small business concern. The compromise contains the flexibility needed to continue productive, uninterrupted operations:

First, key employee exemption;

Second, medical certification;

Third, specialized divisions; and

Fourth, permanent employees.

And the argument has been raised that granting this job security guarantee will force employers to cancel or curtail other benefits. Not one State, not one business, has come forward to say that adopting a similar or more far-reaching leave policy has caused disruptions or declines in productivity.

The firestorm over this bill was created by the paid business lobby here in Washington.

Now let's separate fact from fiction. Is this a radical departure from the traditions of American labor law? Not at all. It is completely consistent with established labor standards which gave us such protections as child labor laws, antisweatshop codes and the 40-hour work week. As society has changed, we have always adjusted our labor protection standards to meet the new circumstances.

And this issue of playing off benefits packages against leave may have superficial plausibility. It simply just does not hold up under analysis.

The GAO calculates the benefit at just over $5 dollars per covered employee. What can you buy in an alternative benefits package? Nothing. It is a specious argument.

In conclusion, I would ask for the personal attention of President Bush. He is a compassionate, sensitive family man. Yes, he and all of us should be concerned about imposing costly new mandates, that is, mandated health benefits, asset reversion.

Let us not say "women and children last." But, job security for America's hard-working, tax-paying families is not one of them.

Let us pass this bill now.

□ 1030

Mr. CLAY. Madam Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Madam Chairman, as an economist, I just want to make two brief points about this bill. One, it is cost effective to pass this bill, and two, it is not anticompetitive.

On cost effective, let me make this point briefly: as long as there is a welfare system in our country, and there always will be, and thank goodness we have a safety net, as long as that exists, then someone on a very low income who is working who has to leave that job and be fired because they want to take care of the first few weeks of their child's new life, that person may not get back to work for quite a while.

We all know that the longer a person is off work, the harder it is to regain employment. So that person, yes, the employer may have the lack of a mandate, so-called, but society picks up an extra welfare bill. It is expensive to put people on welfare. That balances very close for some people at the low income level.

So we should do everything we can to make sure people for whom welfare is an alternative in fact have every incentive to stay on the job. So it is cost effective from a budgetary point of view.

No. 2, competitiveness. Over 100 countries, our trading competitors, have this provision. In fact, many of them have paid family leave, not unpaid, as this would be.

I think it is a slander on United States business to say that our businesses need an extra margin, an extra edge, in order to be competitive. I do not believe that. I think the United States business can compete on the same footing with Japan and Germany and Korea and France and England, all those countries that have this provision. Why is it uncompetitive for us to have it when our business in fact is productive.

This is not anticompetitive. It puts us on the same playing field and it is humane for our own people. So on economic grounds alone, not to mention compassion grounds, pro-family grounds, this measure should be passed.

Mr. GRANDY. Madam Chairman, I yield myself 5 minutes.

Madam Chairman, as we begin round two on the parental family and medical leave debate this morning, let me call to mind the words of our departed retired colleague, Mr. Gene Taylor of Missouri, who had a pretty good way to assess the value of legislation. He had three criteria. One was who does it really help; two is how much does it really cost; and three, if it is really necessary, how have we gotten along without it for this long?

Let us begin with who this really helps. Well, the gentlewoman from New Jersey [Mrs. ROUKEMA] has said dual family incomes, and that is probably true. But can it be argued that it helps single family income earners, either single parents or parents with one person earning income, or those families with $11,000 or less annual income?

Probably not, because they are at the lower end of the spectrum and cannot afford to take that benefit. These are not just my words. The New York Times today in an editorial has said as much.

Let me ask who it really helps in terms of families, in terms of bonding. Does this really help a young working couple with kids older than newborns who might be more concerned with the first 10 years of life than the first 10 weeks, who might need additional child care benefits over and above what we are trying to do in H.R. 3? No, because their ability to negotiate that benefit will probably be proscribed by this mandate.

Will it help that young child that might have a congenital birth defect, let us say kidney disease? Yes, sure, 12 weeks of unpaid leave is valuable, but is it as good as extra medical coverage that might pay for the dialysis machine or the transplant?

Who are we really trying to help here? Who is really going to take advantage of this legislation? How much does it really cost? Five dollars per employee. Of course, that is up from $4 last year, and that is based only on the cost of health care, which, by the way, grows at 30 percent every year.

But that does not figure in the quadruple damages which will be assessed under this bill if you are found in violation. It does not figure in litigation. It does not figure in the retraining costs, the costs of going out and re-

cruiting and rehiring temporary employees. It does not figure in what kind of drain might be on a State unemployment insurance plan if you have to pay those temporary employees when the present employee comes back.

□ 1040

Madam Chairman, what about this statement in the rule? We have a provision in this bill to establish a commission to study ways of providing salary replacement for employees who take such leave, salary replacement. That is paid leave. Is that what we are doing in this bill? Are we providing a stalking horse and a reason to mandate paid leave down the line? Does anybody know what the cost of that is?

To tell people that this bill does not cost anything is an outrageous lie. It is bogus. It is untrue and it is deceitful.

First of all look at the bill in the Senate. In the other body they have 20 employees as a threshold. This bill has 50. Now what is the usual compromise between 50 and 20? Probably 35. That means more employers are covered, that means greater costs.

Finally, let me ask how long can we get along without this bill and how have we been able to get along without it this long? Maybe because not that many people are looking for it. Maybe the hue and cry is not that great.

There is a Washington Post survey that claims that mandated leave in terms of what the Nation really wanted came in at 3 percent. Sixty-three percent want stronger action to clean up the Nation's air and water, 19 percent wanted a minimum wage, 15 percent wanted affordable child care, 3 percent said they want to make it easier for parents to take time off from work without pay. That is what we are talking about.

Finally, one word about minimum standards. One can argue this is a minimum standard, but can we not argue that Federal pensions are a minimum standard? We do not mandate pensions in the workplace in this country. Social Security, yes; ERISA, yes; in those plans, yes; but we do not make the employer do it, and we do not make them require health benefits. Yet everybody gets sick. Not everybody has a baby. Everybody who comes into the workplace probably has teeth, maybe not their own, but they have got them somewhere. Are we going to mandate dental benefits too? What is a minimum standard? What is not a minimum standard?

Answer these questions and maybe this bill is worth supporting, but at this time the legislation is still not ready to leave this body.

Madam Chairman, I reserve the balance of my time.

Mr. CLAY. Madam Chairman, I yield myself 20 seconds for the purpose of clarifying a statement that the previous speaker made. He gave the erroneous impression that our former colleague, Gene Taylor, was departed. He has departed this Congress, but he is very much alive. And the gentleman quoted him inferring that he would oppose this bill, but on June 11, 1986, the Committee on Post Office and Civil Service, by a rollcall vote of 18 to 0, ordered this bill favorably reported, and Mr. Taylor was the ranking member of that committee.

Madam Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Madam Chairman I rise in strong support of the Family and Medical Leave Act. This bill is win-win legislation.

It is a profamily bill that will help Americans fulfill their family responsibilities without losing their jobs.

Because it preserves employment, it will save all Americans money in reduced spending on unemployment compensation and other social programs.

It will help make America more competitive by promoting a well-trained, experienced, high-morale workplace.

It will help ensure that our young people—the next generation of leaders in this Nation—receive that care they deserve early in life.

And it will help ensure that the elderly and infirm receive the loving care they deserve.

All of us are concerned about the status of the family in American life. Now we have before us a bill that responds to the family's changing needs. This is the most important pro-family vote of this Congress.

I urge my colleagues to stand up for the American family by approving this essential bill.

Mr. CLAY. Madam Chairman, I yield 1 minute to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Madam Chairman, I rise today in support of the Family and Medical Leave Act of 1989.

I hear speakers who have come to this well today talking about the problem for the employer, talking about the problem of the economics of the bill, how much does it cost, they ask.

The reality is how much does it cost not to do the bill. If we are concerned about families in America with the deteriorating conditions of many of our families, I do not think there can be a price tag that speaks adequately for the concern for trying to develop a family and medical leave bill.

I rise in support of this bill because I think it is imperative that we make an expression to the American family that we believe enough in them that at the earliest stages of the life of our children we are willing to create the mechanism by which parents and children might be involved in a nurturing, caring, loving relationship. Therefore, I think this is one of the most important pieces of legislation to come before this body. It deserves our support.

Mrs. ROUKEMA. Madam Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Madam Chairman, I thank my colleague for yielding time to me and I rise in support of the compromise legislation.

Madam Chairman, generally, I subscribe to the view: "that Government is best which governs least." History justifies the founding fathers' distrust of government.

As a rule public policy should not interfere with labor-management issues. We should let the marketplace control.

But also, I strongly support the family. A Nation's progress and happiness depends on the strength of the family. The growth and development of our children—mine, yours, those of our friends and neighbors—is nurtured within the family.

One doesn't need to read yet another study to know that the traditional American family is undergoing new strains in a rapidly changing world.

The issue posed by family and medical leave is not whether the Federal Government should mandate that employers provide unpaid leave benefits.

Rather, the issue is whether it is in the public interest for the Federal Government to act to guarantee job security to a family members who takes short-term, unpaid leave to care for a newborn child or an ill parent.

It is my view that such a policy is very much in the public's interest.

This legislation would provide workers of organizations with 50 or more employees up to 12 weeks of unpaid leave a year to attend a newborn or adopted child or a seriously ill child, spouse or parent. The employee would be guaranteed the same or a comparable job after returning from this leave.

Normally, I would say that business owners should have flexibility in determining employee benefits. Ordinarily, I would resist in the idea of further government intrusion into the marketplace.

For some businesses, the new law would create a hardship. And no doubt it would increase the cost of doing business.

Still, I feel we should make an exception to the general rule that government not interfere in the workings of the free enterprise system.

It's not so much that there are millions of women who need to work and also want to have children, though it is probably true.

It's not so much that parental leave will save money over time because we will have healthier or more emotionally stable children, though such a result is likely.

It's simply a case of my wanting to put the interests of children first.

To me, the early weeks that a parent spends at home with a new baby are so vital, the need to nurture the parent-child relationship so important, that I am willing to set aside competing interests and give children priority.

To maintain traditional family values, these changing times require new policies. I can't think of a more worthy goal than strengthening the family in America.

Mrs. ROUKEMA. Madam Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. ROWLAND].

Madam Chairman, I rise today in strong support for the legislation before us.

In order to help families cope with the nature of today's workplace, it is critical for Congress to establish a minimum standard that ensures employees the availability of unpaid medical leave.

We have heard the arguments today and throughout the week that the Federal Government should not be mandating minimal standards. That is incorrect and shortsighted. In the past, Congress has responded to changing economic realities by establishing minimum standards such as the Fair Labor Standards Act and the Occupational Safety and Health Act. This legislation today draws on that tradition and proposes a labor standard to address significant new realities in today's workplace.

Only a fraction of American business will be impacted. As a matter of fact, many businesses I have talked to in the State of Connecticut have already some type of unpaid leave which already has more progressive standards than we enjoy in this particular legislation.

This initiative balances the interests of the business community with minimal cost and flexibility, with the pressing needs of the American workers for modest periods of unpaid leave and job security during a family medical crisis.

Mr. GRANDY. Madam Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Madam Chairman, I rise in opposition to H.R. 770.

Madam Chairman, I rise in opposition to H.R. 770, the Federal Government Knows Best Act of 1990.

I have nine kids. I know the importance of bonding between parents and children. But this is not a baby bonding bill, it is a one-size-fits-all business bondage bill.

It basically says that the U.S. Congress knows better than the marketplace; that Congress knows better than the Nation's employers and employees what kind of benefits our Nation's workers want and need.

This bill not only reduces flexibility in the kind of benefit programs employers can offer, it also imposes very real costs on small business.

If this bill was harmless and as inexpensive as its supporters pretend, they wouldn't have had to exempt 95 percent of all businesses from its coverage to get it to the floor.

But, what is even more frightening is that we all know what happens to small business exemptions. They tend to erode over the years. We know that this bill is just the beginning. We know that, if we enact this bill, it is just the first step to paid leave and other mandated benefits for all American businesses, large and small alike.

Madam Chairman, this is a bad bill. It's bad policy. And it should be rejected.

Mr. GRANDY. Madam Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Madam Chairman, I rise in strong oppostion to H.R. 770, the Family and Medical Leave Act of 1989.

H.R. 770 and its substitutes would erode the very basis of democracy on which our Nation is based by forcing employers to provide certain benefits to their employees thereby denying other preferred benefits negotiated with employees. Moreover, its sends a signal to the American people that the Federal Government knows better how to run their business than they do, by mandating a blanket leave policy. At issue here is, not whether occupational leave for parental and other health reasons is a good idea, but whether or not it is the proper role of Government to mandate such policy. This is a wolf in sheep's clothing. Many have attempted to mislead the American people by calling this a profamily, pro-women bill. It is anything but that.

This bill and its substitutes would work against a trend in American business toward flexible benefits and force all employees to accept benefits that they may neither want nor need. Government mandates, however well-intentioned, threaten to negatively influence this trend and reduce the flexibility so many families need in today's workplace.

Madam Chairman, my greatest fear is that this bill or its substitutes, if enacted, will discriminate against two groups that least need to be discriminated against: women and the working poor.

Companies, when faced with two equally qualified candidates will surely hire the one who is less likely to elect mandatory leave; thus, potentially eliminating women between the ages of 20–35 from being hired in the first place or from being promoted to managerial and other key positions if they are already in the work force. This would greatly roll back the clock of time and the strides which have been made by women in the past three decades.

Moreover, H.R. 770 and its substitutes discriminate against those Americans who need our help the most: poor working parents and single mothers who cannot afford to take 10–12 weeks of unpaid leave but would rather have paid maternity benefits.

I strongly support strengthening the relationship between employer and employee by encouraging flexible benefit packages which strengthen families and promote economic progress. H.R. 770 and its substitutes would only work toward eliminating flexible benefit programs already offered by employers. I cannot support any measure which so drastically interferes with the efficient workings of our free enterprise system and that would potentially cause increased discrimination against women and the working poor that we have fought so hard to overcome.

□ 1050

Mr. GRANDY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I thank the gentlewoman from Nevada [Mrs. VUCANOVICH] for offering that perspective. Let me just quote from testimony to our committee:

We cannot afford to pass this bill on a purely emotional vote for the American family. The American family can best be served through responsible legislation which requires you, the decisionmaker, to see beyond the emotionalism of the long-term implications. All of us pay the price for this one, especially working women just like me.

Madam Chairman, these are the quotes of Cynthia Simpler, who testified against this bill. So it is wrong to assume that there are not people coming forward against this bill.

I might tell my colleague from Connecticut who spoke just before [Mrs. VUCANOVICH] one of the reasons we have not heard a lot from businesses in States where there is mandated leave is there is no State, Connecticut notwithstanding, that has a policy as strong as the Federal Government.

In Connecticut, State, municipal, local, and regional boards of education are exempt, private and parochial elementary schools are exempt. We do not exempt all those nonprofits in this bill.

So consequently there is a difference. We do not offer 2 weeks of notification as they do in Connecticut.

Madam Chairman, there is a difference, and it is because nobody is going to come forward from these States to say, "We have no problem with our State statute," that is not to say that they would not have problems with the Federal statute which goes far beyond what is being mandated collectively and individually around the country.

Madam Chairman, I reserve the balance of my time.

Mr. CLAY. Madam Chairman, I yield 2 minutes to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Madam Chairman, members of the committee, first I want to commend the chairman of the subcommittee and the chairman of the committee for bringing this bill forward. I really think that this bill should pass. I hope it will pass.

The reason that I feel so strongly about it is I think all of us now understand that if America is to be strong, America's families have to be strong. I think all of us also understand that America's families have changed and changed by a lot over the last 10, and 20, and 30 years.

Families face stresses, difficulties, complications that families did not face even 20 and 30 years ago.

In order to face those complications, parents need to be available to take charge of situations where there are difficulties, so that the families can hold together and children can have the strength that they need at important, critical times and junctures in their lives.

Back in the early 1970's our son—and my family—was critically ill. In order to bring him through it and, through God's will, and a lot of good fortune, he was brought through it, my wife, Jean, and I had to be present over many, many days of therapy and many different medical settings, hospitals, doctors offices, and so on.

I had an employer at the time who was good enough to give me large chunks of time off. If I had not had been that fortunate, I would have quit my job and done it anyway.

I do not think any American should be faced with that choice. Therefore I believe we need to pass this bill to set that minimum standard for every workplace in the country.

Mrs. ROUKEMA. Madam Chairman, I yield 2 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. CLAY. Madam Chairman, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Madam Chairman, I thank the gentlewoman and the gentleman for yielding.

Whenever we consider a major legislative initiative such as family leave, I spend the majority of my time with the skeptics and potential opponents. It is nice to hear from those who agree with me on this family issue, but it is more important to listen to those who might oppose me, who have legitimate questions.

Their questions boil down to essentially four: It is too burdensome to small business.

I thought about that, and I worked with my colleagues in the Congress and we have an exemption for small business. All small businesses of 50 or fewer employees are exempt. That is the majority of the American business community.

Then I have heard it is too expensive, it is too costly. Then I reminded the skeptics this is unpaid leave we are talking about. And then I hear it is anticompetitive at a time when the United States has never before been as challenged as we are now, it is anticompetitive.

So I said, "What are our competitors around the world doing?" I looked at Japan. We all agree it is No. 1 in terms of competition. Japan has paid leave for 12 weeks at 60 percent pay. Then I looked at West Germany. They have paid leave for 14 to 19 weeks at 100 percent pay. Canada, the United Kingdom have similar policies of paid leave. We are talking here about unpaid leave.

Then I am told it is going to be disruptive, people are going to take advantage of it, after the baby is home and taken care of, then they are just going to hang around the house and take a vacation. Or, after the illness is over, they are going to take advantage of it and stay home. That is not so. Do you know why the majority of people work? They work because they like to eat, they want a roof over their heads, they want to educate their kids. They are going to go back to their jobs as soon as they can out of economic necessity because this is unpaid leave.

Now we talk about family values in this town a lot. Why don't we do something to translate those words into deeds? Why don't we focus on that most important unit in our society, the American family?

And while we are at it, why don't we ask ourselves, each and every Member of this House of Representatives, which is about to pass legislation impacting on all Americans, what are we doing individually in our offices? I stand before you very proud of the fact that I have had a voluntary family leave policy in my office for 2 years, and it is more progressive than this one. This one is a modest proposal, zeroing in on the needs of the American family.

It makes sense to me. It makes sense to me because we have considered the needs of small business. It makes sense to me because it is not overly costly or burdensome. It makes sense to me because it is not disruptive to the work force.

But most of all, it makes sense to me because the House of Representatives today in this Chamber here and now is saying the American family is important to us.

Mr. GRANDY. Madam Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Madam Chairman, I believe in parental leave, and I wish I could stand before you today supporting this legislation. Unfortunately, I cannot because I am not at all convinced as to who the deliverer of that parental leave ought to be, how long it ought to be.

I am convinced this legislation in front of us is simply too much too soon and it is not a compromise. It is pure camouflage.

Let us understand exactly what we are doing here today. As the gentleman from New York said on voluntary parental leave, he is one of the 75 percent of the businesses in this country providing parental leave today. Perhaps that begs the question of whether there even is a legitimate Federal need to get involved.

□ 1100

Second, let Members understand that someplace between 16 to 25 States, depending on who is asked, are already providing some kind of benefits. If half the States are doing it, should the Federal Government get involved and preempt the States from dealing with this kind of labor policy at the present time?

However, the big problem with this legislation is not that it is trying to enact a Federal parental leave policy. I believe in that. The problem is that the original bill that was brought out of the committee provided family leave of 10 weeks over 2 years. This bill provides 12 weeks per year, or for 24 weeks over 2 years. Where is the compromise? This bill provides enforcement, not only to the Department of Labor, but it says that we can go into the courts and have litigation. I ask the question, name one low- and middle-income family in this country that has the means to go into court and try to provide the enforcement of this legislation?

This legislation is not a compromise in the whole area of damages. Unlike any other civil rights or labor law in this country, the bill provides treble damages, plus back pay. We do not do that in civil rights discrimination. We do not do it in harassment. We do not do it in any other area.

As the gentleman from Pennsylvania said earlier, I would simply hope that we would understand that in this week in which we are talking about summit, we are talking about concerns in the American economy, take a look at everything we are going to do. Any of them by themselves has great merit. The cumulative effect of civil rights, of ADA, or risk notification, of age discrimination, of minimum wage, of mandated health, of EPA, of clean air, of tax increases, of child care—is there no limits to which we in the Congress will go to impose mandates on our economy and on small business? This is not a compromise. It is a camouflage. Parental leave is a good concept, but this goes too far, too fast. Unfortunately, we will have to come back next year and start over.

Mr. GRANDY. Madam Chairman, I thank the gentleman from Wisconsin for his comments, and would point out that Wisconsin, the gentleman's State, has a leave policy of 6 weeks in a 12-month period for family leave, and 2 weeks for medical leave. There is advance notice required, which is appreciably different from that what we have before Members today.

Let me take a brief moment to talk about the other changes States have innovatively put into their packages. In Oregon, any employer which offers employees a nondiscriminatory cafeteria plan which includes as one of the options a parental leave benefit, is exempted from the statute. So are the rewards flexible? None in this bill. In Tennessee, the maternity leave statute recognizes when an employee's job is so unique that reasonable efforts by the employer cannot fill the position temporarily, then the employer is exempted from the requirement to reinstate the employee at the end of the leave. We do have a key employee exemption, but it merely denies restoration under a subsection, and such denial is necessary to prevent substantial and grievous economic injury to the employer's operations. I defy any Member to take that to court. In Rhode Island, prior to the commencement of parental leave, the employee shall pay to the employer a sum of the premium required to maintain the employee's health benefits during the period of leave. There is nothing in this legislation that does that. We do not know if the employee has to continue to pay into his or her own health plan.

I only bring these up to point out that we have a lack of flexibility among the States that have enacted these leave policies, and yet we want to proscribe and co-opt every one of these plans by putting a statute over the top of them. Not a floor, but a ceiling.

Madam Chairman, may I inquire how much time is remaining?

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] has 5 minutes remaining, the gentleman from Iowa [Mr. GRANDY] has 13 minutes remaining, and the gentlewoman from New Jersey [Mrs. ROUKEMA] has 6 minutes remaining.

Mrs. ROUKEMA. Madam Chairman, I yield such time as he may consume to the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Madam Chairman, I rise in support of H.R. 770.

Madam Chairman, I rise in support of H.R. 770, the Family and Medical Leave Act, and against the killer amendments which will be offered today.

We have done precious little for the average American worker so far in this Congress and this bill gives us an opportunity to do something—not much, but something—for the people who elected and sent us here in the first place.

It would be hard to weaken and water down this bill any more than it has been in the 5 years it has taken it to get to the floor. Incredibly, though, some of our colleagues are still going to try today.

Most businesses are not even covered by this bill anymore. Small businesses with fewer than 50 employees are now completely exempted. This bill will have no effect at all on 95 percent of the businesses and 44 percent of the employees in this country.

The amount of leave that would be available to employees has been cut back dramatically. When we started this process we were talking about providing 18 weeks of family leave and 26 weeks of disability leave. What we are down to now is a total of just 12 weeks of leave for any reason.

Keep in mind also that the leave we are talking about today is unpaid leave. Unpaid. That means that workers who are not independently wealthy are not going to be able to take the leave provided by this bill unless they absolutely have to. Unless there is a crisis or emergency or important family event like the birth or adoption of a child that requires them to be home for a while.

In other words, this bill is not—or should not be—a big deal.

Workers in 135 other countries—including nearly every industrialized nation and some Third World nations—already have the kind of job-protected family leave H.R. 770 would provide to Americans. In 127 nations—including some of our chief economic competitors like Japan and Germany—workers even get paid family leave. And workers in some of these countries have had these basic rights since before World War I.

Unpaid family leave is not going to be too expensive for business to bear. The General Accounting Office estimates that H.R. 770 will cost the 5 percent of businesses covered by the bill about $5 per year per employee. That amounts to a little more than a penny per day per worker. You do not get much cheaper than that. Last year George Bush and the big business PAC's said $4.35 an hour was too much to pay minimum wage workers at the bottom of our society. This week they are telling us that even a penny a day more is too much for working people. A penny a day.

So it is not a big deal. It is not a radical concept. Most American workers will not be covered by this bill. Many of those who are covered will not take the leave because they cannot afford it or do not need it. And for the few who are covered and do take the leave, H.R. 770 will not provide any great windfall or benefit—just one less problem to worry about at a time of family stress and turmoil. That is not much to ask.

Big businesses, however, says it is. The sponsors of this bill have worked for 5 years to come up with some kind of compromise that would be acceptable to the big business PAC's who are fighting this bill tooth and nail. But big business opposes any bill and any family and medical leave standard—no matter how short it is or how few workers it applies to. This is nothing new. Fifty years ago they opposed any restrictions on child labor. Twenty years ago they said we did not need any workplace health and safety protections. And now here they are fighting for the unfettered right to fire a worker for having a baby.

That is an outrageous position that only the most fanatical advocate of shark-tank capitalism could support. This is a modest bipartisan compromise which should receive the overwhelming support of this body. Vote for H.R. 770 and do something good for your constituents. Vote against it and you just might find your constituents giving you 52 weeks of unpaid leave come election day in November.

Mrs. ROUKEMA. Madam Chairman, I yield 3 minutes to the gentleman from New York [Mr. MCGRATH].

Mr. MCGRATH. Madam Chairman, I want to take this opportunity to express my support for the substitute amendment to H.R. 770, offered by one of the most bipartisan group of Members I have seen in my many years of service in this House.

Perhaps the most significant change in our society in the last half century has been the increasing participation of women in the work force. In 1970, less than 30 percent of the married women with children under 2 years old, were also working outside the home. Today, almost 50 percent of women in that category are working outside the home, and the percentage is growing.

Despite this revolution in the structure of the family, the United States, alone among industrial societies, has no national policy regarding parental leave. Too many workers are forced to make choices between the need to provide the necessary early physical and emotional care for new children and the need to maintain gainful employment.

It is also important to realize that the bill's provisions do not end when a child matures and becomes independent. This legislation allows for siblings to take time out to care for sick parents, who in the autumn of their years, may become dependent on the very people they themselves have raised. I encountered this situation recently with my mother, who was discharged from a hospital and sent home needing around-the-clock care. Had this legislation been in effect, one of my brothers or sisters could have taken time to pay my mother the proper attention; she deserved, instead my family was forced to hire a live-in nurse at a substantial uninsured cost of over $1,000 a week.

The substitute which will be offered will alleviate the burden of choice placed on employees, who must decide whether to care for a sick parent or child, or put their job and seniority in jeopardy. Many employers claim that they already have standards similar to the legislation in place, however, at the same time we have all heard the horror stories from women who were fired after telling their boss that they are pregnant. This substitute is aimed at keeping family values and responsibilities intact, while at the same time not placing an overbearing mandate on employers.

Many of the arguments that have evolved during the debate of family and medical leave focus on the pressures faced by small business. Productivity should not be affected by the substitute, since the measure permits

employers to exempt key personnel. Additionally, by expanding the applicability from 35 employees in H.R. 770 to 50 employees in the substitute, I believe the substitute answers much of criticism levied by small businesses.

In short, the compromise is a uniform measure designed to bring the United States in line with other industrialized nations, and simply give employees peace of mind should they be encountered by a medical emergency, or blessed with the birth of a child. I urge my colleagues to support this bipartisan effort and vote for passage of the compromise.

Mr. GRANDY. Madam Chairman, I yield 4 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Madam Chairman, I rise to make three points on this piece of legislation. This legislation is going nowhere. It is legislation that would harm workers of America, parents, and all senior citizens. Young people, low income, and high income alike.

The three points are, first of all, there is no compromise here. There is not an ounce of compromise. It is the same bill we started with that has been discussed for 3 years. Second, it is mandated, and by being mandated, it will cost some employees both their jobs and other benefits. Third, it is that this is homogenized leave, nationalized. It is the Federal Government deciding what kind of leave policy every employee and every employer should decide between them.

I would note at the beginning, though, that there is one good portion of the bill, one portion that I do commend the sponsors of this bill for, and that is title V, in which they have agreed to included Congress, congressional coverage, so that Congress, as an employer, is covered by this legislation. I would commend the sponsors of the bill for including that section. It is long overdue, and I think it needs to stay in there.

First, it is not a compromise. There has been no compromise with those who had opposed the legislation. I had intended to offer several amendments, for example, on notice requirements and part-time workers. I am not going to offer these amendments at this time. I want to tell Members why. I would not want any Member to mistake a modestly improving amendment, making a modest improvement to this bill, for anything resembling a compromise. With or without any amendments, the bill is still egregious, it will cost people their jobs, and cost the people other benefits for which they would like to have. It is not a compromise. The original bill of H.R. 770 was a Federal mandate, covering employers and employees, regardless of their preferences. This is still a Federal mandate. The original bill provided for intermittent leave. Leave can be taken 1 day or 1 hour at a time.

□ 1110

The original bill had treble damages; this bill has treble damages. The original bill covered seasonal, part time, migrant, and temporary workers; this bill covers part time, migrant, and temporary workers. The original bill provides a continuation of paid health benefits for an additional 12 weeks whether or not the employee comes back to work; this bill does exactly the same thing.

The original bill provided a job guarantee, with the same job to be held open; this bill does also.

The fact is that there is no compromise here. The original bill was a mandate; this is a mandate.

Second, these are mandated benefits, and what is wrong with that is that the way employees want to operate in the workplace is, they want to negotiate for their own package of benefits. Some employees would like to have extra dental care, some employees would like to have additional health care, some employees would like to have additional time off at Christmas, some employees would like to have transportation plans, and some would like to have parental leave. This bill says one size fits all, and with every benefit that you add to someone, that you mandate, you have to take away a benefit from someone else.

One of the things that makes this bill so unfair is that it is a yuppie bill. It is a bill with yuppie benefits, in which only the young, upwardly mobile professional people can afford to take 12 weeks unpaid leave off. It is the $4 and $5 an hour cafeteria worker who will be harmed by losing other benefits.

Lastly, let me say that I am not against parental leave. I am for it. I use it in my own operation. Most employers do. This bill is homogenized. It tells every employee and employer what kind of parental leave to require. Some employers have 6 weeks paid leave, other have 16 weeks at half pay if the employee calls in every week to notify them that they are going to return. some have 4 weeks' paid and 10 weeks at half paid. Some have 10 weeks' paid and another 10 weeks' unpaid leave.

If we had adopted this kind of legislation in the 1950's for vacation pay and decided we wanted to mandate paid vacations, the country today would still be stuck with 1 week of paid vacations because the Federal Government mandated it. The fact is that employees and employers negotiate for a package of benefits that suit them and that meet their particular needs. We ought to encourage that. We ought to let that happen, not choke it off.

Mr. CLAY. Madam Chairman, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER] for the purpose of engaging in colloquy with the gentleman from Tennessee [Mr. GORDON].

Mrs. SCHROEDER. Madam Chairman, I thank the gentleman for yielding this time to me.

First of all, Madam Chairman, for those who say that this is not a compromise, let me say that I was the original author of the bill, and I wish they would come over and see me about this, because I would like to tell them how much of a compromise this is.

I would now like to address the offerer of the compromise and ask him a few questions. My understanding of the gentleman's substitute is that when a woman is physically unable to work because of pregnancy, childbirth, or related medical conditions, she is entitled to leave for her serious health condition under section 102(a)(1)(D) of the gentleman's substitute. Thus, while she is on leave for these reasons, she is entitled to any temporary disability insurance or other compensation as the employer or other insurance may provide for these purposes. Is that correct?

Mr. GORDON. Madam Chairman, if the gentle woman will yield, I would say that the answer is yes.

Mrs. SCHROEDER. My understanding of the gentleman's substitute is also that once a woman is physically able to work after recuperating from childbirth and related medical conditions, she is then eligible for leave to care for her newborn child under section 102(a)(1)(A) to the extent that she has not exhausted her 12-week leave period. Is that correct?

Mr. GORDON. Yes, that is correct also.

Mrs. SCHROEDER. My understanding of the gentleman's substitute is also that section 102(a)(2) prohibits both parents from simultaneously taking leave under section 102(a)(1)(A) following the birth of their biological child. However, while a mother is on leave to recover from childbirth and related medical conditions under section 102(a)(1)(D), the father may take leave at that time to care for his spouse or their new baby under section 102(a)(1) (C) or (A). Is that correct?

Mr. GORDON. Madam Chairman, the answer is yes.

Mrs. SCHROEDER. Madam Chairman, I thank the gentleman very much for his responses.

Again I just want to reiterate one more time, Madam Chairman, how this truly is a big compromise from where we started. As a matter of fact, this is the third compromise in a row. So I do not know where there are get-

ting this idea that this is not a compromise.

The CHAIRMAN. The Chair wishes to state that the gentleman from Missouri [Mr. CLAY] has 3 minutes remaining, the gentleman from Iowa [Mr. GRANDY] has 9 minutes remaining, and the gentlewoman from New Jersey [Mrs. ROUKEMA] has 3 minutes remaining.

Mr. CLAY. Madam Chairman, I reserve the balance of my time.

Mr. GRANDY. Madam Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Madam Chairman, I have watched this debate for the last 2 days, and I have heard it said over and over again that this bill will increase competitiveness and productivity. Well, I say that that is ludicrous and lacks an understanding of our free enterprise system.

The proponents of this legislation say that we ought to do it because the rest of the world does it and every other country does it. They lack the understanding, and I would ask, why do they think we are the No. 1 economy in the world, bringing about the best and highest standard of living for the American family compared to any other country in the world? It is because we have resisted this kind of legislation.

This bill is not going to be the doom of our economy, but it is just another nail in that coffin in which we will bury competitiveness and productivity. The reason is that this adds to the long list of the kinds of social engineering that our Government does, the huge spending by our Government, and the massive taxation of the American family which has forced both parents to work. The reason we are here today discussing a piece of legislation like this is because our Government has forced both parents to work in order to maintain the same standard of living that their parents have been able to enjoy.

This is not a profamily bill; it is an antifamily bill, because it is just another addition to that long list that forces parents to work.

I ask the Members to resist this kind of legislation that will reduce the standard of living of the American family, reduce productivity, raise the cost of living, lower the standard of living, and affect the benefit packages that are being enjoyed now and that have been worked out with individual companies, not by some Federal, nationalistic mandate by this House.

Madam Chairman, I ask the Members to reject this bill. I ask them to vote "no" on this bill.

Mrs. ROUKEMA. Madam Chairman, I reserve the balance of my time.

Mr. GRANDY. Madam Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Madam Chairman, we have heard a lot of emotional statements by those on both sides of the Family and Medical Leave Act. But this bill, this issue, is too important to be decided by emotion. We need to cut through the rhetoric and examine the facts in this matter.

Everyone in this chamber supports leave for reasons of maternity or family illness. With the change toward two income families, business and government has to be flexible to meet the needs and demands of its employees. Public opinion polls show there is strong public support for family and medical leave benefits. But, Madam Chairman, that is not the real issue before us today.

The true issue is whether the Federal Government should be in the business of negotiating employee-employer benefit packages. Should the Federal Government determine which benefits are important and which are not? Of course not. But that is exactly what we will be doing today if we pass H.R. 770 or the substitute for it.

This whole debate rests on a simple premise that businesses are not meeting the needs of its employees and are thus hurting the family. Certainly there are groups of employers that have been slow to adopt maternity leave policies. It is important to recognize, however, a few of the many companies that offer progressive benefit packages.

Most of us are familiar with the cafeteria benefits plan offered by IBM, allowing employees to tailor benefits to meet their needs. Hermans Sporting Goods probably offers the most comprehensive maternity benefits package in the country. Not only does Hermans offer 4 months of leave after a child is born to one of its employees, but half of it is paid leave.

If we pass this bill, what will be the incentive for Hermans or IBM to maintain their generous benefit levels? We must keep in mind that every company can't be an IBM or Hermans and does not have the resources to offer such generous benefits. They can, however, work arrangements with their employees to meet their needs as adequately as possible. This legislation, despite its wonderful intent, would severely hamper that flexibility.

Family and medical leave is an important and positive benefit to help young families. There are ways to reward companies who have adopted progressive benefit plans and to encourage more companies to adopt similar plans. I urge my colleagues to reject the proposals before us today and send this back to committee to come up with incentives rather than obstacles to family and medical leave.

□ 1120

Mr. CLAY. Madam Chairman, I yield myself 65 seconds for the purpose of engaging in a colloquy with the gentleman from California [Mr. MINETA].

Mr. MINETA. Madam Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from California [Mr. MINETA].

Mr. MINETA. Madam Chairman, H.R. 770 applies only to workers who have worked for their employer for at least 12 months and for at least 1,000 hours during the immediately preceding 12 months. I understand that there is some concern whether flight attendants will be covered by this bill because of the unique way in which the airline industry counts its workers' hours.

Many flight attendants and pilots are often credited and paid only for those hours actually spent in the air, and not for any hours spent on the ground in preparation for their in-flight duties.

Flight attendants must spend considerable time checking emergency equipment and supplies, preparing the cabin, and receiving passengers. Consequently, even a flight attendant working full time may not have accrued 1,000 hours of actual time.

Should not these workers be entitled to family and medical leave?

Mr. CLAY. Yes, by all means. The minimum-hours-worked requirement is designed to ensure that employees demonstrate a significant level of commitment—at least half-time over the last year—to their employer before becoming eligible for their family and medical leave entitlement.

Almost all employers, of course, credit their employees each hour actually spent on the job. Under the conventional 40-hour work week, 1,000 hours constitutes at least half-time employment over a year's time.

We certainly do not intend that dedicated workers in unique circumstances should be excluded from the bill's protection simply because of their industry's unusual time-keeping methods. Flight attendants and pilots who work the number of hours constituting half-time employment during the previous 12 months as defined either by a collective-bargaining agreement or by industry standard are fully entitled to family and medical leave under this bill.

Madam Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Madam Chairman, as we approach the turn of the century, we have witnessed extraordinary, evolutionary changes in the American work force, and the purpose of this legislation is to keep up with those changes. There are many myths about the American work force out there, and, if one asks a couple of questions, one can expose those myths.

For example, Madam Chairman, if we were to say to people, "Name America's largest employer," they are liable to say Lee Iacocca.

No, Madam Chairman, Beverly hires more people than Lee Iacocca. Beverly? Who is Beverly? Beverly Nursing Homes hires more people than Chrysler.

If one were to say to people, "What companies sell the most items in America?", people might say, "Well, the greatest number of sales are probably by General Mills, or probably Bethlehem Steel."

No, no, no. McDonald's, Hospital Corp. of America topped both of them.

The popular view in America holds that American families are headed by a single male breadwinner. Madam Chairman, that is the myth. The reality is that only 10 percent of American families are of that model.

Seventy-two percent of the women in America who are mothers and have children 18 years or under work outside the home. Fifty percent of the mothers in America with children under 1 year of age work outside the home.

Today, while we are debating this bill, 44 percent of the American work force is made up of women, and, before the turn of the century, more than half of the workers in this land will be women, unorganized, without collective bargaining.

Madam Chairman, there has been a change in the American workplace. Let us catch up with it. Let us pass this legislation.

Madam Chairman, in addition, I want to make the following explanation of the bill.

Section 106(c) of the bill generally requires an employer to maintain health plan coverage for an employee while he or she is on family or temporary medical leave.

In cases where the employer participates in a multiemployer health plan the Education and Labor Committee's report on the bill addresses this question. The committee recognized that special arrangements are needed when an employee's health coverage is provided under a multiemployer plan. The report describes the special arrangements intended by the bill. In particular, I want to emphasize the committee's judgment and intent that, when an employee on family or medical leave has had health coverage under a multiemployer plan, the employer is obligated to continue contributing to the plan on that person's behalf for the duration of the leave.

Timely employer contributions are essential for the sound funding, and very existence, of multiemployer plans. Under ERISA's contribution collection provisions, the plan can pursue all Federal and State law remedies to collect the amounts due to maintain coverage for the person on leave. The benefit rights of the person are determined under the plan.

Mr. CLAY. Madam Chairman, I yield the balance of my time to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Madam Chairman, I probably would not have spoken on this bill a couple of years ago, but in the last 2½ years I have had, like some other Members of this body, the opportunity to observe how helpful it would be to have parental leave.

Madam Chairman, I have a daughter who was diagnosed with leukemia. She has had a bone marrow transplant, and now enjoys good health. However, I have spent a lot of time in pediatric cancer wards, and I have seen what parental love and nurturing can mean to the health care of children who need help and who need it perhaps from above as much as from their physician.

Madam Chairman, I firmly believe this bill is in the great tradition of a country that cares about its children, its families, and its parents. Yet we turn away from this at great peril.

It is tough enough to make it in this country economically, but this Nation can provide at least one firm benefit to all its workers. It can take into consideration the fact that these workers are not getting any help here with their mortgage or their rent. They are not getting paid because we cannot afford to pay the wages of people who have to be with their children.

However, Madam Chairman, I hope we will have at least the compassion to take this one step forward.

Madam Chairman, I am pleased to support H.R. 770, the Family and Medical Leave Act. I also want to congratulate my colleagues who have worked long and hard over several years to bring this legislation to the floor.

The changing face of the American family—with more single-headed households or families where both spouses work—has increased the demands on these families. Juggling the demands of work and family are difficult enough, but with the arrival of a new child or the illness of a family member, they become nearly impossible.

H.R. 770 is an important recognition of these changes and represents a critical step in addressing the needs of American families. At the same time, this bill does not place undue strain on the Nation's businesses. The substitute version of the bill merely provides a single category of leave of up to 12 weeks, which could be used to care for a new child or for a sick spouse, child or parent, or for the employee's own treatment or recuperation from an illness. Further, it only would affect firms with 50 or more employees, which means that only 5 percent of American employers would be affected by the substitute's requirements.

Everyone should have the right to work and have a family, without jeopardizing either one. Unfortunately, the reality is that many employees risk losing their jobs when family responsibilities or a serious illness take precedence. I know from personal experience that dealing with a family illness is extremely stressful. Having the opportunity to take leave reduces the anxiety of having to worry about making that impossible choice between family and job. American workers should never be forced to have to make this choice.

Some critics, including our President, contend that we do not need this legislation, that we should leave the decision of providing unpaid family and medical leave to the individual employers. While there are a number of employers who have taken this important step, many others have not. Leaving it to the employer is just not good enough. Too many employers have failed to provide reasonable leave and job security for their employees. A new standard is necessary which will emphasize the importance of both job security and family responsibilities.

Further, the critics of this bill contend that it will be too costly for all of us. That is just not the case. When some Americans can't return to their jobs, the rest of us pay the bill in lost revenues and higher payments for social programs like unemployment compensation, Medicaid and Food Stamps. Further, each year, American workers lose $607 million in earnings when they can't take unpaid parental leave. And each year, these same working parents end up drawing over $108 million in social benefits—when they'd rather be back at their old jobs.

The cost to companies is also quite minimal. For example, it cost employers less to hold on to experienced employees than to hire and train new ones. With this bill, employers invest in an experienced, well-trained, high-morale work force. And GAO estimates that this bill would cost an average of only $5.30 per employee annually and that the cost to employers is less than $200 million per year. Clearly the benefits of this legislation outweigh its costs.

We should be embarrassed by our President's position on this legislation. The U.S. is the only industrialized country that lacks parental leave benefits for employees. In fact, while other countries offer paid leave, we offer nothing.

Eighty-one percent of the American people overwhelmingly support family and medical leave. This legislation is a reaffirmation of our support for working families. Now is the time to stop lip service to our commitment to America's working families and pass this bill.

In addition, I'd like to add a strong supportive article from the Sacramento Bee on this bill.

TIME TO BE A PARENT

Since the days of Ozzie and Harriet, the proportion of U.S. mothers in the work force has tripled, to 65 percent; more than half of all women with children under 1 now work. Yet despite this huge sociological shift, national social policy has not yet changed to help two-earner or single-parent households balance work with their family responsibilities. The Family and Medical Leave Act, before the House of Representatives this week, would begin to change that.

H.R. 770, a bipartisan bill authored by Reps. William Clay, Patricia Schroeder and Marge Roukema, would require large employers to allow workers to take one job-protected leave of up to 12 weeks a year to care for a new baby, a sick child or an ailing parent. An employee would also be eligible for the leave to recuperate from a serious illness. Family and medical leaves would be unpaid, but companies would be required to

maintain health benefits for the absent worker.

Business groups strongly oppose the family leave legislation, arguing that it will be burdensome to companies, especially small ones. But the same thing can be said about any labor standard, including the 40-hour week and health and safety rules. What counts in such matters is how the benefits of the policy weigh against the costs. In the case of family leaves, the burden is small and the social benefit important. The legislation exempts companies with fewer than 50 employees, thereby eliminating any burden from 90 percent of employers. The General Accounting Office has estimated that only one employee in 275 will be on leave at any given time and that the total cost to business will be $236 million a year, most of it for health insurance for workers on leave.

The need for labor policies that acknowledge workers' dual role as providers and parents is recognized around the world: The United States is alone among the major industrialized nations in not providing leave for parents with new children; indeed most countries, in requiring paid leave, go much further than that. As a result, in U.S. households where both parents must work, or where a single parent is the sole source of economic support, a pregnancy or a seriously ill child or elderly parent can become an agonizing dilemma in which parents must weigh their family obligations against their economic need to retain their job.

That's cruel and counterproductive to society's desire for healthy families. In a civilized nation, normal events of family life should not be a source of anguish and economic peril. The House should pass the Family and Medical Leave Act.

Mr. GRANDY. Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Madam Chairman, I thank the gentleman from Iowa [Mr. GRANDY] for yielding, and I think that it is important to recognize that, as we read this bill, that this is not a family bill.

Madam Chairman, I say, "If you're going to help the family by creating a bureaucratic nightmare, then maybe this is a family bill," but I do not think that is the case. Government does not know better than people do about what is good for them, and yet this bill assumes that it does.

Madam Chairman, this is not a family bill. This is another big government, welfare-oriented kind of bill, and why do I say that? Because I bothered to read the bill, and, if my colleagues will go into this bill, they will find out that this is a bureaucratic nightmare.

For example, when my colleagues come to defining "serious health condition" and they find out who is eligible, they will find out that in the so-called compromise they have changed the term "health care provider" to "doctor," and they have now then eliminated a lot of availability of health care providers in my district, for instance, where they use a lot of chiropractors. There are a lot of families in my district that use chiropractors. They come from fundamentalist religious sects. So, now they are not going to be eligible under this program despite the fact that many employers in my area already offer those benefits. That is a bureaucractic nightmare.

If my colleagues look at page 66 of the bill, they will find this kind of language:

> In any case in which the second opinion described in subsection (d) differs from the original certification provided under subsection (a), the employer may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified under subsection (b).

Madam Chairman, this is bureaucracy that employers are going to have to make and meet. It is ridiculous.

If my colleagues go back on page 78, under section C they will find out that the Secretary of Labor can literally intervene in a civil action brought by any employee. The Department of Labor, the Secretary, is now, under this bill, going to be able to get in any civil action brought against an employer by an employee. That is just a bureaucratic nightmare. That is not what we ought to be doing here.

Madam Chairman, if we are going to do something that is helpful to the family, we should not create more bureaucrats telling families and businesses what to do. Let us reach out to help the family, but to call this a family oriented bill is wrong. This is a bureaucratically oriented bill.

Mr. GRANDY. Madam Chairman, I yield myself the balance of my time.

Let me just say that I have heard a lot of stories, and I think every person in this body probably has a lot of stories about their personal experience with parental leave and medical leave, and I think that is one of the reasons that we cannot hope to create a Federal mandate for this multifaceted problem and solution.

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Indeed, what we are doing today is creating a legislative problem. We are not creating a legislative solution. As a matter of fact, this is a solution in search of a problem.

Let me take some time, Madam Chairman, to talk about an experience in my workplace, and I am supposedly the grinch in this argument. I am the one opposed to this legislation, but I have a story to tell. I have an employee who works for me since the day I got elected who about a year-and-a-half ago contracted Lou Gehrig's disease, and if you do not know what that is, that is a disease that takes your life a little bit at a time. It does not have the decency to cripple you outright. It lures you into illness and then takes a piece of your body bit by bit.

Now, this friend of mine, this employee, still works for me on a limited basis. I provide him as much leave as he needs on a daily basis, on an hourly basis if he needs it, because I would not be here if it were not for him.

I defy this body to create, I defy this Congress to create a mandate that can accommodate this individual. I defy somebody to define a serious health condition that goes directly to this need; but I can guarantee you that if we attempt to try, if we begin to palpitate over what a serious health condition means in courts to win contested damages that will pay four times what the reward should be, we will deny employers and employees their basic rights to work out their differences and solutions in the workplace where they belong.

I will not be affected by this legislation. We are covering Members of Congress, but I will continue to offer this policy. I cannot speak, however, for the hospitals in my district which are closing their doors, which are fighting to keep their employees, their key employees, not defined by the gentlewoman from New Jersey [Mrs. ROUKEMA]. The key employees of the gentlewoman from New Jersey [Mrs. ROUKEMA] are those highest paid employees. I have key employees who are not the highest paid, that would not qualify under a private sector criteria for this.

So we have almost as many situations for leave as the workplace provides, and it is for that reason, not because of the cost in dollars, Madam Chairman, but because of the human cost, that we cannot afford to begin the mandated benefit process.

Mrs. ROUKEMA. Madam Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Chairman, I have listened to the debate about this bill, and I must say, it is such a modest, well-crafted compromise of a compromise, and I would say to the gentleman from Iowa that he can continue to offer those benefits, as I do in my own office and currently have two people who are on paid leave for parenting.

But what if a company would not allow his employee, his prized employee, who has Lou Gehrig's disease, any kind of minimal opportunity to take time off with a guaranteed job?

I also heard somebody say that this is too much too soon. Well, I have to scratch my head, because I know it was introduced in the 99th Congress and we are now in the 2d session of the 101st Congress. My problem is, this is too little or so little and almost too late.

We are, as has been mentioned, the only industrialized country that does not offer something like this for our families so that they do not have to make a decision between the economic realities and their particular family.

I would say we should not be engaged in paralysis by analysis, but we certainly should pass this minimal bill, which is indeed a family bill.

Madam Chairman, as an original cosponsor of this legislation, I speak in strong support of the Family and Medical Leave Act. In the past 25 years, the American work force has changed dramatically, and these changes are having a significant effect on families. Two-thirds of mothers of children under the age of 3 work outside the home. Forty-five percent of the American work force are women and this number is steadily increasing.

There is precedent for this legislation—the Family and Medical Leave Act is modeled after long-standing standards such as the minimum wage, Social Security, and health and safety standards. The cost of not providing leave can be substantial. The study "unnecessary losses" sponsored by the Institute for Women's Policy Research estimates that—

The costs borne by workers because of childbirth, illness and dependent care are staggering, amounting to over $100 billion annually.

A number of national leaders in various fields support the need for the Family and Medical Leave Act. T. Berry Brazelton, professor of pediatrics at the Harvard Medical School states:

The first few months after a new baby comes are a critical time to support families in creating a sense of mutual understanding, trust, and love. New parents must be given a full, free choice to be at home to nurture a new infant, if that parent so desires.

Joseph Cardinal Bernardin, Archbishop of Chicago, commented:

The Family and Medical Leave Act acknowledges the important role of parents in a child's life. Policies of the work place—and all public policies—should support, not erode, family values. This legislation will enable us to become the decent, humane nation we yearn to be. It deserves our support.

I support the Weldon-Gordon substitute, which maintains a balance between the needs of business and working families. The worker may take 12 weeks a year for family or medical needs. It gives workers job security for these 12 weeks, and it allows businesses to replace employees who do not return after this time.

The compromise allows leave to care for a new child, or a sick spouse, child, or parent. This compromise exempts employers with fewer than 50 employees, and requires that medical certification be done by a doctor.

Seventeen States have responded to workers' family and medical needs by passing laws that pertain to these needs. Last year, 30 States considered enacting such legislation. The Federal Government lags behind these State initiatives and a Federal law would ensure that there be a uniform minimum standard for all American workers.

Many successful American companies already have family and medical leave policies. Johnson & Johnson, Colgate-Palmolive, and Hechinger are among these companies which provide leave and job security. These companies believe that having a leave policy is good business—such a policy builds a loyal, experienced, and hard-working work force.

Madam Chairman, this legislation is supported by the Leadership Conference on Civil Rights, the National Education Association, the American Federation of Government Employees, the American Association of Retired Persons, the Children's Defense Fund, the U.S. Catholic Conference, the American Jewish Conference, and many others. I urge my colleagues to adopt the Weldon-Gordon substitute. It is a bill that is fair to workers and business.

Mrs. ROUKEMA. Madam Chairman, I yield my remaining time to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Chairman, I have agonized over this bill considerably. I recognize the serious nature of the objections to it, that it is a mandate, that discrimination in hiring could result. There is a tradeoff for other benefits here. The flexibility is gone and the penalties, it seems to me, are very onerous; but on the other hand, I am not appalled that this is a Federal mandate. We mandate job security for jury service. We mandate job security for ROTC duty. It seems to me for motherhood, for caring for a sick member of your family, that our economy and our society should be compassionate enough to include them.

This will not be abused. There is no pay involved. A doctor's certificate is required; but in the final analysis and weighing all the equities, and they are considerable on both sides, we get down to the fact that society should have a policy of encouraging motherhood, not encouraging abortion. It seems to me if a working woman becomes pregnant, she needs to have job security and have an incentive to have that child, not to exterminate that child so she does not lose her job.

There are very few bills that involve apple pie and motherhood. This one does not involve apple pie, but it does involves motherhood, and it seems to me a social policy of encouraging motherhood is good. Therefore, for that reason, I will support this bill.

Mr. STOKES. Madam Chairman, I rise today in support of H.R. 770, the Family and Medical Leave Act, and to urge my colleagues to support the bipartisan Gordon-Weldon substitute, which strikes a compromise between the committee version of the bill, and some of the concerns of employers and the business community.

The Family and Medical Leave Act is responsible, necessary legislation, which fills the void left by employers in addresing the legitimate needs of their employees for these types of benefits. American families are finding it more and more difficult to meet both their work and family responsibilities. Today, most couples find they need two incomes simply to make ends meet. About two-thirds of all married women, 72 percent of married women with school-aged children, and 57 percent of women with preschool children work outside the home. American business has not responded to the new reality in the workplace.

A recent report issued by the Institute for Women's Policy Research on the costs to American workers of not having family and medical leave shows that these costs are staggering. The report, "Unnecessary Losses," shows that workers who have above average absence due to illness lose $12.2 billion yearly in lost earnings due to unemployment. Similarly, women workers who have babies lose $607 million annually in earnings because they do not have family and medical leave. The report also shows that those who are hurt most by lack of leave now are those with lower earnings, and those who are already disadvantaged in the labor market, such as black workers. The Family and Medical Leave Act in providing job-protected leave would enable workers to take short leaves for family and medical reasons with the security of knowing they can return to their jobs. The General Accounting Office has found that the costs of these benefits to business would be only about $200 million per year.

As a result of these trends, it is much more difficult for working parents to perform the functions of a traditional family, caring for young children, family members who are seriously ill, or a seriously ill parent. As a result, too many American workers are being forced to choose between maintaining their economic livelihood, and meeting their family responsibilities.

The Family and Medical Leave Act will address this problem by establishing a minimum level of benefits, so as to allow employers flexibility. The Gordon-Weldon substitute provides for one category of unpaid leave, which covers either family or medical leave, limited to 12 weeks per year. The Gordon-Weldon substitute will also permanently exempt all firms with less than 50 employees, thereby exempting 95 percent of all businesses from the act.

This compromise also addresses a number of other employer concerns regarding the original committee bill. The substitute specifies that only one parent at a time may take leave to care for a newly born child. It also specifies that certification of medical condition must be done by a doctor. In addition, the substitute allows for leave to care for a seriously ill parent or the employee's spouse. The committee bill did not allow for leave to care for one's spouse.

The Gordon-Weldon substitute, like the committee bill, would entail costs to the employer of $5.30 per covered employee, on average, as determined by the General Accounting Office. This is hardly an undue burden to place on American businesses, and would certainly not force employers to curtail other employee benefits. The facts clearly show that no reduction of other employee benefits has occurred in States which require family and medical leave, or in companies that have already adopted such policies.

I find it appalling that the administration, in the midst of congressional debate on this important legislation, would threaten to veto any form of family and medical leave legislation. Passage of the Family and Medical Leave Act will bring the United States into the modern world of employee leave policy. Every major industrial nation in the world, except the

United States, requires some form of parental leave. In fact, most industrialized countries provide more weeks of leave, and many require employers or the government to pay workers for at least a portion of the leave. It is time to take this small step toward reconciling the realities of the workplace with the realities of the family.

Mr. FRENZEL. Madam Chairman, I rise in opposition to H.R. 770 as well as the Gordon-Weldon substitute which has been accepted by the authors of the bill.

I am sympathetic to claims that many employees do not have flexibility to take unpaid leave when family emergencies occur. However, I am not convinced that the Government should dictate any kind of employee benefits to private sector employers, especially smaller ones.

In 1989, the Bureau of Labor Statistics found that 89 percent of employees already have short term disability leave, which, under law, would have to include maternity leave. To me, that is quite an impressive statistic.

The trends in collective bargaining are positive when it comes to negotiating new employee benefits like these. There are even cafeteria plans where employees can choose which benefits are most appropriate to them. We are not in the best position to decide which employee benefits should be mandated. Many employees may not choose parental and medical leave in favor of child care or other benefits.

In my judgment, private companies should have the ability to work with their employees to find the most appropriate employee benefits. And, they should have the ability to communicate to their employees the reasons why they cannot provide certain benefits, especially if they happen to be in a shaky competitive position.

Mr. Chairman, I congratulate Congressmen GORDON and WELDON for their attempts to develop a compromise to H.R. 770. It is a better proposal. However, the same bottom line applies. This is an unfair, unnecessary, and counterproductive intrusion into private sector decisionmaking.

The Penny substitute is a more moderate approach that would not have quite the same negative impact on employers. I regret that the gentleman from Minnesota will not offer it. He believes that the House has developed such rigidity on this issue after more than a year of confrontation, that Members will not seriously consider a middle course.

We have become accustomed over the years to a continuous parade of benefit bills, promoted by the employee groups to be benefited. The sponsors' theory is to negotiate the cash benefits, and legislate the rest. U.S. employers pay the bill both ways, at a time when they are struggling for competitiveness in an increasingly internationalized market.

We have, and should maintain, a free marketplace in which labor negotiations can be conducted openly and fairly. We should not add extra burdens at the Government's whim. If these benefits are needed, employees should bargain for them.

I urge my colleagues to oppose H.R. 770 and the Gordon-Weldon substitute. The Government has imposed too many restrictions on businesses already. It is time to say, "No more mandates."

Mr. LAFALCE, Madam Chairman, when the idea of requiring employers to provide unpaid leave was first introduced in Congress several years ago, it was limited to leave for parents to care for newborn, newly adopted, or seriously ill children.

I supported that concept. I still support it strongly. Under the rule before us today we would have had an opportunity to express our support for one such approach but, regrettably in my view, the sponsor of an amendment which would have limited the bill to child care has decided not to offer it.

As chairman of the Committee on Small Business, I held hearings during the last Congress on the much broader proposals before us today—to provide leave for care of children, for the employee's own medical problems or to care for parents. Our goal was to review the potential impact such a program might have on smaller employers, and more generally to explore the need for a Federal policy of this kind.

Many witnesses at those hearings strongly opposed such an approach, testifying that a broad leave policy would be particularly burdensome to small firms due to the costs of hiring and training temporary employees, and that it would seriously disrupt their business operations. They also opposed the concept because it would impair an employer's flexibility to tailor benefits to meet specific employee needs.

I was pleased that a number of concerns raised at those hearings and elsewhere were addressed, to some extent at least, in the final version of H.R. 770 and even more so in the substitute being proposed today by Representatives WELDON and GORDON. An increase in the small business size exemption, limitation on the annual amount of leave, key employee provisions, and a tightening of the range of individuals for whose care leave could be taken are all, I believe, improvements which would make this program less onerous to American employers.

Nevertheless, Madam Chairman, the present bill offers a very broad program—in my judgment, too broad.

Based on research by my committee staff, I know of only one country in the world—Sweden—which offers anything comparable to the proposed eldercare provisions we are being asked to approve today. Many nations have leave policies limited to child care, as the committee report points out, but that is not the bill before us.

Similarly, evidence in the committee report about State level initiatives here in the United States indicates that almost all leave programs are limited to child care or to the employee's own medical problems. In fact, it appears that only two recently enacted programs, in Maine and Wisconsin, offer leave to care for other categories such as a parent or a spouse. Importantly, both have tighter limits on the amount of leave available for those purposes than would be the case nationally if we approve the proposal before us—Maine has 8 weeks in a 2-year period and Wisconsin only 2 weeks in a 1-year period. Further, neither has been on the books very long—Wisconsin's was enacted only last year, while Maine's became law in 1987.

Should we impose greater costs on our employers—costs not imposed on their foreign competitors—at a time when we are running trade deficits of enormous proportions? Should we impose nationwide standards that go beyond those adopted by any of the 50 States before we have the opportunity to assess how those State programs are performing? How can we benefit from experiments at the State level if we go beyond them before the results are in?

I have come reluctantly to the conclusion that, with regard to the "eldercare" provisions, this bill simply goes too far, too fast.

It appears likely that the House will approve this very broad approach today, although it also appears that the Senate will take a much more limited approach. Whether the administration would follow through on its veto threat depends, of course, on what comes out of conference, but if there is a veto and it is upheld, I would hope that we could revisit this issue and move forward with a more limited child care program which would more closely align the United States with international norms. I do want a Federal law—a maternity/paternity leave law—but the eldercare bill that is before us today simply presents too onerous of a burden for the employer community of America to shoulder at this time.

Mr. LIGHTFOOT. Madam Chairman, I rise today in support of the concept of family and medical leave, but in opposition to the legislation brought before the House today. I believe employers should offer a leave program for their employees. I agree wholeheartedly that if an employee must temporarily leave his or her job to care for a sick parent or because of a new addition to his or her family or because the employee has had the misfortune to become ill, he or she should not have to worry whether or not his or her job will be there for him or her when he or she comes back. A sense of fairness and a good head for business will tell any employer an adequate leave program is a must. A prospective employee seeks a job that not only pays well, but that offers decent, reasonable benefits. As an employer myself, I have always striven to offer my employees a leave program that guarantees flexibility and job security. However, I part company with those who support this legislation when it comes to the idea of the Federal Government dictating what leave schedule is best for those whom I employ. In my view, such a program is best determined through cooperation and consultation between the employer and the employee. I believe it should be a fundamental right of employers and employees to determine what kind of benefits package will be offered. In addition, I have not seen any conclusive proof that all employees regardless of their age, sex and economic status will benefit equally from this legislation. Also, this legislation causes concern for its possible effect on women of childbearing years. Employers may be reluctant to hire women they believe are most likely to use up to 2½ months of leave time as allowed under H.R. 770 or 3 months under a compromise also offered. Therefore, Madam Chairman, I must conclude that while adequate family and

medical leave makes perfect sense, legislation creating a Government dictate does not. The Government must not become a union boss that brokers deals that do not allow businesses to have a voice in the outcome.

Mr. FORD of Michigan. Madam Chairman, I rise in strong support of the Family and Medical Leave Act, which will require employers to provide unpaid leave to workers who need time to care for a newborn or seriously ill child, to care for a seriously ill spouse or parent, or to recover from a disabling personal illness.

It has been 5 years since my Committee on Post Office and Civil Service first reported the Family and Medical Leave Act, and I am gratified that, at long last, the House will have an opportunity to vote on this important legislation. Even more than the landmark child care bill this Congress is considering, H.R. 770 breaks new ground in the Federal Government's support of families and working parents. Whereas the child care bill provides the money and institutional support to make quality day care available and affordable for working people's families, the Family and Medical Leave Act provides important protection for their jobs.

The philosophy of the act is simple, and it is obviously right and just: No one should be fired because they have a child and need time to care for it; no one should be fired because they take a reasonable period of time to care for a seriously ill family member—whether it be a child, spouse, or parent. Working people should not be forced to make an impossible choice between caring for their families and keeping their jobs.

I believe this philosophy was always morally right. But today, when most women with children are by necessity in the work force, the issue is not just a moral one but an economic one as well. Indeed, the Family and Medical Leave Act addresses the profound transformation of the American work force—36 million children now live in homes where the sole parent or both parents work outside the homes. In addition, only 5 percent of the 27 million elderly are institutionalized in nursing homes. The vast majority of these folks may someday need the temporary care of their grown children. Clearly, the likelihood of finding oneself called to care for either a newborn or adopted child, a sick child, or a sick parent has become almost unavoidable for most of the working population.

To have a productive, world class work force, we have to strike an appropriate balance between the responsibilities people have to their families and their responsibilities as employers. Nobody works well when ill or incapacitated, when worried about a seriously ill family member, or when needed at home with a newborn child. This bill offers just such an equitable balance.

In the event of a family or medical crisis, employees can take 12 weeks of unpaid leave with the assurance that their former jobs will be there for them when they return. Is this too much to ask? I don't think so. Both the employer and the employee are winners. The experience of the employees won't be permanently lost to the employers when a personal crisis arises. Likewise, the loyalty of an employee to her employer will be reinforced and strengthened if she can be assured that her job will be preserved even in the event that she must leave work for an extended period to address a family or medical crisis.

FMLA does not impose onerous responsibilities on businesses. While the benefits of the leave policy for employers and employees will be great, the costs to the employers will be limited to the recruitment and training of temporary replacement employees and the extension of insurance coverage to these individuals. In addition, certain provisions of the bill protect against abuse of the leave privileges that would lead to serious disruptions of normal business. Chief among these provisions is the fact that the leave is unpaid.

Further, the notion that the imposition of these minimal standards will prove detrimental to our worldwide economic stature is unfounded. Germany's, Japan's, and Canada's paid parental leave policies are well documented. These requirements surely have not impaired those nations' economic strength. We will not win the battle to uphold our economic stature worldwide by compromising the welfare of American employees. We can only win by abolishing unfair trade practices, increasing productivity, and improving the quality of American-made products. The battle's casualties must not continue to include the American family.

In fact, passage of this bill will make us more productive and more competitive. The actual economic costs for the implementation of the Family and Medical Leave Act are negligible when compared to the present costs incurred as a result of the lack of a national leave program. The GAO study offers a clear picture on the savings. The cost of the bill to the employers will be $188 million per year—or a little over $5 per employee. On the other hand, $607 million a year in earnings is lost to working Americans when they lose their jobs because they can't take parental leave, and $12 billion in earnings is lost when they can't take medical leave. Society also must pay the cost of increased unemployment compensation and welfare expenditures that go to families who are precluded from taking such leave.

It is clear that the Family and Medical Leave Act makes both moral and economic sense. We cannot continue to ignore the needs of our work force and concomitantly the needs of our society. The failure to enact H.R. 770 would implicate Congress, too, in a national disgrace that has already destroyed the careers and the well-being of too many Americans.

Mr. GALLO. Madam Chairman, when the Federal Government steps in and imposes a mandated benefit program upon companies and employees without regard to economic capability, workers' needs, size and skill of the work force or the nature of the industry, the employer and the employee lose their right to decide what kind of benefits best suit their individual needs. This sort of Government intervention results in a one-size-fits-all approach to the ever-changing workplace.

H.R. 770 raises a number of serious concerns. As is too often the case with federally mandated benefits, H.R. 770 presumes that all workers have the same needs, desires and lifestyles. But employees value benefits differently. Older employees might prefer eye care benefits. Younger employees may want more vacation leave. Mothers and fathers might prefer insurance for their young adult children or access to more comprehensive health insurance. Companies should be free to tailor their benefit plans to their workers' needs—mandating one benefit could result in the loss of other nonmandated benefits.

Let's be honest—who are we really trying to help here? The truth is that while H.R. 770 is being sold as a proemployee bill, it actually hurts hard working employees who are struggling to make ends meet. Most single income parents simply will not be able to take advantage of the leave program because they cannot afford to be without money. Couples, neither of whom are paid professional-level salaries, also cannot afford to go without the two paychecks.

Not only does H.R. 770 discriminate against the working class, I believe it will lead to unconscious discrimination against women of child-bearing age. By mandating parental leave, women may be less likely be hired or advanced to positions of higher pay and authority. Another problem not often mentioned is that women care-givers to aged parents or relatives—they may also face the same consequences.

Proponents of mandated leave assert that an employer's cost in offering this benefit is minimal since the leave is unpaid. Unfortunately, uncompensated leave does not mean that there are no additional costs to employers. In fact, the General Accounting Office estimates that the bill will cost employers about $188 million a year, not including the substantial cost of continuing to pay for health insurance premiums for employees on leave.

A letter from a company manager in Maplewood, NJ emphasizes the problem. He writes:

I am deeply concerned with H.R. 770. I employ 100 people and to date have paid all health insurance premiums. With skyrocketing costs, (43% increase since January 1, 1989), that policy may not continue. On average, I pay $78.00 per employee per week for health insurance. Very few small businesses would be able to bear the burden of continuing these payments for such an extended period. This would most likely lead to discontinuing any health benefits. Most individuals would either purchase their own insurance (at even higher costs) or go without.

The proposal that no notice is required and leave can be intermittent would be devastating to any production scheduling. Two employees represent 8% of my work force! If I had to hire replacements and then discharge them upon the employees return, I would be liable for increased unemployment premiums as well.

Please oppose this legislation. Small businesses in this state need encouragement and stimulation, not devastating and restrictive legislation.

I do not believe that businesses are insensitive to the needs of employees. Most businesses value capable employees and will make arrangements on an individual basis to keep good workers when personal demands make it necessary. According to the National Federation of Independent Businesses, about 75 percent of its members now accommodate employees with time off to care for sick family

members or the birth of a child when that leave is requested.

The benefits pie, however, cannot be expanded, only slices adjusted. To accommodate a new piece, employers must cut back on other preferred benefits. I strongly believe that employers should not be discouraged from providing a range of flexible policies and a variety of services or that Congress should step in and decide for all employers and employees what benefits they will and will not receive.

Madam Chairman, mandated benefits deny employers and employees the right to choose benefits most appropriate to their situation.

Mr. LEVINE of California. Madam Chairman, I rise today in full support of the Family and Medical Leave Act. The vast majority of industrialized nations have enacted laws guaranteeing working people paid leave in order to care for a newborn infant or a sick member of the family. Viewed in this light, the measure we are here debating is a very modest step forward. It will simply tell parents and children that they have the right to care for each other without risking the loss of their jobs.

This is an important pro-family bill. A majority of all women of childbearing age work. Many of these women carry the heavy burdens of providing primary care for both young children and aging parents in addition to full-time employment.

Numerous studies show that a mother's relationship with her infant is the best predictor of the growth and development in later life. The bill fosters a cohesive family environment as it puts value back into caregiving roles that employees sometimes must fill.

This bill is also good for business. Arnold Hiatt, chairman of the Stride Rite Corp., states that employees who are allowed time off to tend to the care of a newborn or to tend to a medical emergency, return to their jobs with a stronger morale and sense of commitment. As well, the GAO estimates that this bill, because the leave is not paid, will cost businesses an average of about $5 per employee per year. This amount is approximately $395 less than the average vacation package costs employers. Clearly, this legislation makes good sense for employers.

This is a win-win bill. Everyone benefits: employees, businesses, and most of all, society in general. Preserving the foundation of American society should be a consideration of every bill debated in this body. And in few bills is this intent as clear as it is in the Family and Medical Leave Act. I will support this legislation wholeheartedly and strongly urge my colleagues to do the same.

Mr. BROWN of California. Madam Chairman, I rise today to express my support for the bipartisan, compromise version of H.R. 770, the Family and Medical Leave Act.

The structure of the American family has changed dramatically over the last 30 years. The traditional family model, where dad worked for pay and mom took care of the children at home, is vanishing. Today, approximately half of the work force is female, and the majority of families consist of two-earner couples. When family obligations or emergencies arise, it is increasingly difficult to juggle family and work responsibilities.

Unfortunately, many businesses have failed to adopt flexible policies that take into account the changing structure of the family. While some employers do have a parental leave policy, parents returning to the workplace are not always ensured that they will return to their previous position. Often, the employee returns to a job which has been diminished: they find that their job involves fewer responsibilities and lower paycheck. In 1986 nearly two out of three large businesses failed to allow their employees family leave for very sick children. Similarly, a 1987 study disclosed that only 3 percent of employers permit their workers to take unpaid leave to care for elderly parents. All industrialized countries, except the United States and South Africa, have established a national leave policy.

During a serious illness, children need increased exposure to their parents at certain critical points if they are to have a good chance of growing into healthy adults. According to the American Academy of Pediatrics, children who are hospitalized get well faster and have fewer complications when their parents are able to be with them. Furthermore, parents are often the only people to care for children after they are released from the hospital, but before they are ready to return to school or day care.

Now that Americans are living longer, many families are serving as double-duty caregivers—for both children and aging parents. Families provide between 80 and 90 percent of the medical and personal care of elderly family members. This care amounts to an average of 47 hours each week. It is nearly impossible to fulfill these responsibilities while maintaining a full-time job. The lack of a family or medical leave policy makes these trying times more stressful.

American workers should not be forced to choose between having a job and responding to major family needs. The Family and Medical Leave Act will guarantee that workers will be able to return to their jobs without the loss of seniority after a short period of leave. A maximum of 12 weeks of unpaid leave can be taken for the birth of a new child, the serious illness of an immediate family member, or the employee's own illness. Employers are required to continue health benefits during the leave period.

With this act, employers invest in an experienced, well-trained work force in which morale is high. The General Accounting Office estimates that it will cost employers less than $200 million per year or $4.50 per year for each employee to comply with the Family and Medical Leave Act. The societal costs of not having a national policy are far greater. We all lose when some Americans can't return to their jobs because of illness or the care of a newborn. Taxpayers pay the bill in lost tax revenues and higher payments for social programs, such as unemployment compensation, Medicaid, and Food Stamps.

The bill addresses the special needs of small businesses by exempting firms with fewer than 50 employees—95 percent of all employers—yet still covering 47 percent of all employees. It is my hope that many of these exempted businesses will recognize the importance of providing a positive and productive work environment for employees, and independently institute a leave policy for their workers.

Protecting the American family is a goal that we all share. I am disappointed that the President has threatened to veto this legislation. Families are the benchmark of the strength and health of our society, and I believe that we must rise above partisan politics to help working families across America. It is our responsibility to bring public policy in line with the realities of contemporary family life. I urge my colleagues on both sides of the aisle to vote in support of the compromise version of H.R. 770.

Mr. SERRANO. Madam Chairman, I rise in strong support of the Family and Medical Leave Act of 1990, H.R. 770. This legislation will offer unpaid, job-guaranteed leave for new parents, seriously ill workers, and workers who must care for a seriously ill child or family member.

Madam Chairman, this legislation is a strong, affordable, forward-looking proposal. The estimated costs to implement the proposal are nominal for both employers and taxpayers. In fact, the proposal does not call for a dime in new Federal expenditures and it will not require businesses to spend money on new employee benefits. All it does is ensure that American workers have a job to come back to if they have a child, become seriously ill, or have a serious illness in their family.

The State of New York, with a work force of approximately 8.1 million employees, has no work-leave policy. New York State workers lose an estimated $3.1 billion annually as a result of compelling family needs. The taxpayers' share of these losses is approximately $464 million annually in payments from government programs such as unemployment insurance, supplemental security income and welfare to people who have lost their jobs for having experienced childbirth, tended to an ill family member, or become incapacitated by an illness themselves.

Madam Chairman, in my opinion, it makes sense to invest in America's workers by providing job protected leave in times of medical or other compelling family need, rather than spend much more in welfare, unemployment compensation, Medicaid, and other social programs when workers lose their jobs under such circumstances.

Overwhelming public opinion research data shows that the Family and Medical Leave Act has enormous support from the American public. A recent Gallup organization survey found that 81 percent of all Americans support this proposal. They believe the Government should ensure employees the right to be with their children during the first weeks of their life, to care for their family members in times of crisis, and to recover from serious illness—without risking their jobs.

Madam Chairman, I wholeheartedly support H.R. 770 and I urge my colleagues to support its final passage.

Mr. WALGREN. Madam Chairman, today I intend to vote for the new compromise Family and Medical Leave Act of 1990, H.R. 770. This bill presents us with a real opportunity to support those family values that all of us hold dear.

It is long past time to recognize the realities of family life today. This bill is important to all who must raise children and care for sick spouses or parents. The Family and Medical Leave Act would allow employees to elect to take up to 12 weeks of unpaid family leave per year for the birth of a child or the serious illness of a member of the household or elderly parents.

The workplace is rapidly changing in America. In fact, it has changed. And it is critical that our laws which govern employer-employee relationships change to take account of the new realities. The "traditional" family in which the father works and the mother stays home no longer describes most families in America. More than half of all women with children less than 1 year old are working; 2 out of 3 women with children under 3 years old are working. In today's economy, that second income is essential to provide most families the means to keep food on the table and a decent roof over the family's head.

Of equal importance is the fact that America's population is living longer and therefore growing older. As more women leave the home to work and as families that used to stay "in the hometown" disperse, many elderly parents are left alone, without traditional family support nearby. The fact that we have almost no home medical or nursing care is leading us toward a major crisis in how to care for the elderly.

The bill before us recognizes that when both women and men work, employers must allow them to care for extraordinary medical needs of their family at home. It is time to recognize the importance of home care by family members as an important part of what all employees have a right to expect. Most employers do. All should.

This bill provides a good answer to those who have argued that provisions like these would unreasonably increase the cost of goods and services. The time away from work required will be unpaid leave, limited to no more than 12 weeks per year. Common sense tells us that few are in a position to forego their income for longer—and that for a mother not to be able to stay with a newborn child less than 10 weeks old without losing her job is unconscionable.

I would like to quote from a letter I received from the American Academy of Pediatrics on the importance of this bill:

As pediatricians, we know that there are times when the need for a parent's care is critical.

During the first few months of a child's life. The bond between parent and child develops in this early stage.

When a child is hospitalized. Children are known to get well faster and have fewer complications when their parents are able to be with them.

When a child is newly adopted. The parents and the child require time to form physical as well as psychological attachments.

There is hardly a more compelling argument for this bill.

The compromise bill goes far in recognizing the special needs of small businesses by exempting employers with less than 50 employees. Employees must have worked 1,000 hours for their employer over a 12-month period to be eligible for the unpaid leave.

If "family" means anything of value to our society, government must take these kinds of steps. As our work force changes, certainly it would not be right for employers who have benefited from women wanting to work, to be unwilling to recognize the importance of family and medical leave. This is a bill that will make America a better place to work—and live. I hope the House will pass the bill today.

Mr. GLICKMAN. Madam Chairman, today the House of Representatives considered and passed H.R. 770, the Family and Medical Leave Act. I did not support this legislation because I am truly concerned about the practicality of Government involvement in this issue. I believe it would be extremely difficult to draft a logical law that takes into account the complex needs of working people across the country. The kind of leave that is needed and appropriate will vary from situation to situation. I voted against this bill because I believe that it precludes the ability of employers to work out suitable arrangements in special circumstances involving family sickness and other health and maternity situations.

The Federal Government traditionally has not imposed particular benefit packages on employers and employees, and it should not begin now. The kinds of benefits that a firm provides to its employees should continue to be decided by negotiations between labor and management—not mandated by the Government. No kind of mandated national benefit can take into account the unique circumstances that individual businesses face. This bill goes against the current trend to flexible benefits such as cafeteria plans and forces all employees to accept benefits that they may neither want nor need.

Coming from a small business background myself, I understand that each special circumstance determines what amount of leave is appropriate, whether it be 4, 8 or 12 weeks. Businesses large and small need the flexibility to work with their employees to provide the type of benefit package that helps them most. If we come in and mandate one lone piece of the employee benefits pie, who is to say that the other fringe benefits that make up the package aren't more important to employees? Employers may have workers who prefer flextime, dental insurance, more vacation, or other benefits. These employers and employees both will suffer without the flexibility to decide what is best for them.

This year, Congress is considering a number of mandates which will affect the average business in this country, many of which I support. New minimum wage standards, which I fully supported, went into effect in April. The Americans with Disabilities Act, which I also support, will soon be considered here in the House. That law requires that companies provide employment opportunity and equal access to the disabled. The Civil Rights Act of 1990, currently being considered in the House Judiciary Committee, and which I have cosponsored, strengthens the laws prohibiting employment discrimination. In addition, I expect that legislation providing minimum health benefits for all workers will also become a reality in the near future.

But the Government should mandate on the business sector only those requirements which cannot feasibly and sensibly be handled between employers and employees in a negotiated context. While the reasons for the family and medical leave bill are very real indeed, the bill creates more problems than it solves.

Mr. MATSUI. Mr. Chairman, today the House of Representatives has a historic opportunity to help American families. By passing the Family and Medical Leave Act we are recognizing the relationship between family obligations and professional responsibilities.

This is a vote for the American family, an institution that has come under hard times lately and truly needs and deserves this kind of boost.

The substitute that will be offered by Representatives GORDON and WELDON presents a generous compromise that both protects the leave provisions of the bill and takes into consideration the concerns raised by the business community.

As someone who has spent many years advocating the strengthening of our foster care and child welfare systems, I strongly support this bill. At a time when American families are breaking apart because of drug use, divorce, and child abuse, this legislation eases some of the conflicts and burdens many families face.

The provisions of this bill are especially critical to adoptive and foster families. Presently, there are over 31,000 children in the United States waiting to be adopted; some 240,000 children are presently living in family-foster-care situations. These children and their adoptive or foster parents need time to bond and become a family.

A large portion of these children living in foster care are older and have been the victims of sexual or physical abuse. Adjusting to a new family is not easy, but being able to take time off from a job to bond with a new child can help ease the transition.

Caring for a new family member can be tremendously stressful. By denying parents the opportunity to take a short leave to get their family together, we compound this stress. Imagine the conflicts a new parent must address if they have to choose between getting to know their newly-adopted child, who is experiencing emotional trauma after being placed in the home, and keeping the job that allows the parent to put food on the table, to clothe, and to protect that youth.

We cannot, and should not, continue to ask parents to choose between earning a living or fulfilling their obligations to their families.

I urge my colleagues to vote in support of the Gordon-Weldon substitute. American families are depending upon us.

Mr. SYNAR. Madam Chairman, today I rise in support of the Family and Medical Leave Act because it strikes the proper balance between family and work responsibilities. The bill provides employees with 12 weeks a year in unpaid family and/or medical leave and exempts businesses with under 50 employees.

Years ago, when fathers worked and mothers stayed home, there was no question about how to care for a sick relative or a newly born child. Today, 57 percent of married mothers

with children under 6 work. Suddenly, providing care for a sick husband, child, or parent can mean choosing between your family or your job. Working Americans should not have to make that choice.

This is a bill which the vast majority of Americans want and need. According to a recent Gallup poll, 80 percent of all Americans believe parents should be with their children during the first weeks of life and should care for family members during illness without risk of losing their jobs.

Unfortunately, many working Americans have lost their jobs when they tried to juggle work and care for a sick family member. When working Americans lose their jobs because of a family medical crisis, we all lose. The rest of us pay the bill in lost tax revenues and higher payments for social programs, such as unemployment compensation, Medicaid, and Food Stamps. The Family and Medical Leave Act won't cost one penny in new Federal spending.

The bill includes exemptions for those small businesses who would have difficulty implementing a family and medical leave policy. While 95 percent of all businesses nationwide will be exempted, the remaining 5 percent of businesses that are covered employ 49 percent of all Americans. In Oklahoma, 39 percent of all employees will be covered by the Family and Medical Leave Act.

The Family and Medical Leave Act will help make American companies more competitive internationally by increasing employee productivity and decrease turnover. America's two toughest competitors—West Germany and Japan—guarantee at least 3 months of paid family leave. With this act, businessmen invest in an experienced, well-trained, happy work force and America invests in a more competitive work force.

Mr. WEISS. Madam Chairman, I rise in support of the substitute amendment to H.R. 770 offered by Representative GORDON and Representative WELDON. This compromise represents a reasonable approach toward accommodating work and family needs of Americans. Workers should not be forced to make a choice between keeping their jobs and meeting their family responsibilities.

The composition of the work force has changed dramatically in recent years. Today, in most American families both parents are employed outside the home. Sixty-seven percent of women with children under the age of 3 are in the work force. One out of every four families is headed by a single parent. Clearly, there is a pressing need for a national policy which sufficiently addresses this changed work and home environment. The Gordon-Weldon substitute does just this.

Several recent studies, including one completed by the Institute for Women's Policy Research, has concluded that the cost to workers and taxpayers of the current lack of a national leave policy are many times greater than the costs to business of having a national policy. Having a national leave policy would reduce the costs to workers and society of the socially necessary tasks of childbirth, child care and eldercare, or of illness. Having the right to return to their jobs would reduce unemployment and earnings losses for workers who must be absent for these reasons.

While the cost borne by workers because of childbirth, illness, and dependent care amount to over $100 billion annually, according to the GAO H.R. 770 would cost employers only $188 million per year, and the compromise version significantly less than that.

In addition, to address the concerns of small business, the compromise legislation permanently exempts employers with 50 or fewer employees. As a result, approximately 95 percent of all employers would be exempt from the requirement of the bill.

I have supported family and medical leave legislation since its inception. Importantly, as the bill was originally introduced in the 99th Congress, its provisions went further to respond to the needs of the American family. This legislation exempted small employers with five workers or fewer. The compromise version of H.R. 770 exempts employers with 50 or fewer, which, as I stated before, will exempt 95 percent of all employers.

The original version of the Family and Medical Leave Act allowed an employee to take, in 1 calendar year, 18 weeks to care for a child and 26 weeks for a temporary disability or medical problem. The compromise version of H.R. 770 allows no more than 12 weeks total per year for any combination of leaves.

Clearly, the compromise version of H.R. 770 is modest. I urge my colleagues to support it, however; it takes important steps toward addressing the changing needs of the American work force and the American family.

Mr. MILLER of California. Madam Chairman, I rise in support of H.R. 770, the Family and Medical Leave Act.

I want to thank everyone who has worked so hard to bring this legislation to the floor, especially my esteemed colleagues on the Education and Labor Committee, the Post Office and Civil Service Committee, and the Committee on House Administration. These committees have worked together and with the leadership to present this compromise bill for our consideration today and I want to say thank you for your efforts.

I also want to thank the broad coalition of national, State and grass-roots organizations, including women's groups, labor, child and family advocates, disability rights groups, churches, and countless others who represent families and individuals trying to maintain economic stability.

President Bush says he is going to veto this bill. He says he supports parental leave, but thinks it should be a private decision by private businesses.

Does the President apply this same laissez-faire attitude in general?

Should the Government allow nondiscrimination to be a private decision by private businesses?

What about nonpollution activities? Should that be a private decision by private businesses, too?

How about worker health and safety? Maybe the President also thinks that ought to be a private decision by private business.

I do not think so.

Apparently, only when the issue primarily affects the women of America, the young families in our work force, the needs of new parents—only then does the President rise to the high principle of private business making private decisions.

Only when it would benefit the younger, less senior, less powerful new parents does the President summon up some great moral principle that Government should not tell private business how to operate.

Only a few weeks ago, this same President, who wants billions for new savings and loan bailouts, and billions for new weapons systems, and billions for new foreign aid—this same President threatened a veto when the Congress proposed new funding for child care for young families.

And now he threatens a veto over a modest proposal to relieve young workers of having to choose between a job and their families.

This is a President who practices the rhetoric of caring about families, but whose answer to the real financial and employment problems of America's families is not compassion, is not creativity, is not commitment: his answer is a veto threat.

And I just hope that America's families remember what he said and what he did on this critical subject.

Let us not let George Bush threaten to veto child care, threaten to veto parental and family leave, and then describe himself as pro-family.

The need for a parental leave policy first emerged during the yearlong bipartisan child care investigation conducted by the Select Committee on Children, Youth, and Families in 1984. The select committee concluded that "financial considerations, the need for a continuous income and job security, often impede parents who may want to stay home to care for a newborn. For families who wish to choose infant care outside their own home, escalating costs are a major obstacle."

The select committee recommended, "Congress should review both the barriers and incentives to improving current leave and personnel policies. Policies should be developed which do not penalize parents for giving birth or spending an acceptable period at home with their infants."

Since then, study after study, including the most recent report from the National Academy of Sciences Panel on Child Care Policy, has reaffirmed the importance of parental and child-bonding following the birth or adoption of a child, and the need to develop policies in support of families.

The select committee has documented the extreme stress already faced by the families of more than 3 million children with serious chronic illness or disability, who must also decide every day between their jobs and their children, between financial stability and poverty, between keeping their children at home or institutionalizing them, at much greater costs to families, Government and society.

And, new evidence from the select committee further documents the increasing fragility among America's families. Hundreds of thousands of infants are now born drug-exposed each year, leaving them vulnerable to long-term illness and disability. These are the very families for whom bonding and support during those first critical weeks are essential.

I doubt that there are many among us who would deny that parents should spend time

getting to know and learning how to care for their new infants, or that parents should be with their children during a serious illness. Or that people who are disabled on the job should not be punished by losing that job.

And with many of us faced with caring for our own elderly parents, it is hard for me to believe that we would force others to choose between keeping their jobs and tending to the needs of a critically ill or dying parent.

I do not believe that this is what the debate is about. The debate is about costs to be incurred by employers and about employer mandates. But the arguments are fallacious. The cost to employers of implementing family and medical leave under this legislation would amount to only about $102 million per year according to GAO, only $4.50 per year per covered employee. And this legislation excludes from coverage small employers, those who have argued that the costs of holding open a position can be devastating for employers with limited resources.

What about the lost income to the hundreds of thousands of working families who lose their jobs because they choose their families over their jobs? One study estimates that the lack of parental and related leave cost families more than $600 million per year—six times as great as the cost to their employers.

Then there is the cost to the taxpayers who pay more than $100 million every year in unemployment compensation and other social benefits for workers who have lost their jobs because they don't have guaranteed parental or medical leave.

In a time when we want more families in America to be self-sufficient and to reduce welfare dependency, failing to provide for parental leave is counterproductive. If parents are forced to choose between caring for their closest loved ones or losing their livelihoods, we are not offering them choices, only desperation and economic catastrophe.

I have listened to arguments that we do not need Federal legislation, that family and medical leave is a decision best left to individual employers. While many of the Fortune 500 companies offer some form of job-protected parental leave, according to the National Academy of Sciences, a substantial majority of employees in small, medium-sized or large firms have no leave of any kind available to care for infants. The Department of Labor's 1989 study found that only 37 percent of full-time female employees in the large and medium size firms surveyed could take unpaid maternity leave. In a study of 384 companies nationwide, only slightly more than one-third offered unpaid leave to fathers. Many employees have some sick leave benefits, but they are prohibited from using that leave to take care of a sick child or care for a dying parent.

States have not picked up the gauntlet either. Only five States currently require employers to offer disability leave, and less than half the States have some type of parental leave policy.

Recent research suggests that women without the right to such leave policies are precisely the most vulnerable members of the labor force—those workers who may be only a paycheck away from needing public assistance: unmarried and part-time workers, low-wage workers, young workers and those who have less education.

The United States prides itself on the leadership role that it plays among the nations of this world. But where is our leadership when it comes to taking care of our families?

Guaranteed maternity leave is a long-established Government policy in virtually every corner of the world, including 24 countries in Africa, 9 in Asia, 7 in the Middle East, 19 in Europe and 14 in Central America. Included in this list are the nations with the strongest national economies as well as most of the Third World countries that manufacture goods that are sold in this country. Apparently, concerns about cost or diminished ability to compete in world markets do not enter into the political decisions of these nations to offer family leave as a social benefit. What's more, virtually all of them—including many of the poorest ones—guarantee paid maternity leave. Yet in this country, we are still arguing over guaranteeing unpaid leave.

We can sit on our hands and keep on waiting for a voluntary system to help America's families, but how long will the American labor force have to wait for some minimal job protections that are guaranteed now to workers throughout the world? How long do we tell parents in this country that they will have to wait?

If you vote against this legislation, what will you say to people like James Callor, whose employer denied him time off to spend with his dying 4-year-old daughter, in spite of his 8 years of excellent work? How will you explain your vote to people like Deborah Drewek who was denied leave to care for her father who was dying of bone cancer—alone, halfway across the country? Will you tell them that maybe in a few more years, their employer will voluntarily adopt parental and medical leave policies? Will you tell that in order for America to stay competitive, their children and parents will have to die alone?

The American public believes that family leave should be a guaranteed protection. In a recent Gallup poll, more than four out of five respondents agreed that employers should be required to provide an unpaid leave to employees upon the birth or adoption of a child or to care for a sick child or other sick family members. More than three-fourths favored an employer requirement to maintain employee benefits during the leave period.

If you agree with the American public, if you believe that parents should have some time off to care for their newborn or newly adopted children, that parents should be able to care for their dying or critically ill children, without having to fear losing their jobs—and possibly the health insurance that goes with it—and if we want to keep families from welfare dependency, then there must be some job protection for workers in this country and it is time we did something about providing that protection.

In a time when we are tormented by our budget deficit, and searching for cost-effective programs, the Family and Medical Leave Act is one program that makes sense. It makes sense because it will keep families from financial ruin and from becoming dependent on the social welfare system for support.

This is a bare bones piece of legislation. It exempts small employers and many families from coverage. But it is of critical importance to those families for whom it will offer a floor of support that is desperately needed in an era when most parents have two jobs—one inside the home and one outside. And if they do not already, many of our Nation's moms and dads may soon have a third job—caring for their elderly and/or infirm parents.

Just a few weeks ago, the House passed the Early Childhood Education and Development Act of 1990. That piece of legislation, together with the Family and Medical Leave Act, represent the cornerstones of a new era for America, one where we recognize the contributions that our Nation's families make to society and where society in turn ensures that families do not suffer economic ruin as a result.

If you are truly concerned about cost, then think about the cost to America's families for not having parental and medical leave. And then vote to do something about it. Support this legislation.

Mr. PALLONE. Madam Chairman, I rise today in strong support of H.R. 770, the Family and Medical Leave Act.

In America today, you can lose your job for having a baby. Fathers cannot spend time with a newborn son or daughter. Working women become unemployed mothers for the act of bearing children. Our sense of justice should tell us this is wrong.

Of all the industrialized nations, the United States stands alone with South Africa in denying working men and women the ability to care for a sick parent or child. Shall another Mother's Day pass where caring for your own mother can cost you your career?

On May 7, 1990, a family leave took effect in New Jersey. The New Jersey Family Leave Act was signed into law by Governor Kean as one of his last official acts. It is worth noting Governor is a Republican and a strong supporter of President Bush. H.R. 770 has as a principal sponsor Congresswoman MARGE ROUKEMA of New Jersey. She is also a Republican and a stalwart supporter of President Bush. Family leave is not a partisan issue nor is it a labor issue; it is a family issue.

This bill is not antibusiness, 95 percent of all businesses in America will not be affected by this bill. This bill is proworking family because it will protect nearly half of all employees.

In this body, many Members label themselves as "profamily." Well, firing someone for having a baby is antifamily. Telling parents who adopt to make a decision between their career and getting to know an adopted child is antifamily. Making a person work when a serious ill parent or child is at home in need of care is antifamily. If you want to be profamily, here is a vote to prove it.

Mr. RAY. Madam Chairman, I rise in opposition to H.R. 770, the Family and Medical Leave Act.

The Family and Medical Leave Act is well-intentioned legislation. I believe businesses should make every effort to provide leave for family medical emergencies. However, the Federal Government has no business mandat-

ing the type of benefits a business should offer.

Throughout the history of this Nation, the Government has allowed employers and employees to design the wage and benefit package they desire using their own particular situation. This is proper. Quite frankly, I do not know why the Congress has decided they can do a better job of setting employee benefits.

Our Nation finds itself in a precarious situation. The budget deficit is increasing, corporate profits are down, and inflation and interest rates are increasing. This is not the time to mandate new costly benefits on business. Indeed, I believe it is important to legislate in a way which will encourage and motivate business. Businesses are already heavily shackled with Government mandates, and the ultimate result will be slower business growth and an increased number of people out of work. I do not believe any of us want that type of end result.

I support America's work force and good jobs for families. Economically sound business without Federal mandates is the best vote I can make to accomplish this.

Madam Chairman, in conclusion, it is more proper to allow workers to choose their benefits rather than those of us in Congress choosing their benefits.

Mr. STENHOLM. Madam Chairman, I rise in strong opposition to H.R. 770 as reported, as it would be amended by the Gordon-Weldon substitute, and, in fact, in just about any form.

Family and medical leave are good benefits; however, a Federal mandate that all employers, regardless of individual circumstances, be required to provide this extended time off from work, would be bad law.

We've heard a lot about how the Gordon-Weldon substitute is purported to be a compromise, watering down H.R. 770 as reported, which in turn is supposed to have watered down previous proposals.

I've examined the Gordon-Weldon substitute. For all the watering down that is supposed to have happened, I'm a little surprised—the bill looks about as dry as the lower Rio Grande during a draught.

I certainly respect and like the gentlemen sponsoring the substitute, but I can not support their proposal.

Public support for mandated leave is not nearly as strong as claimed. Supporters repeatedly cite polling data showing overwhelming support for these kinds of benefits. Of course, to paraphrase the National Rifle Association, statistics don't kill; people kill.

At any rate, some folks torture statistics until they say what those folks want to hear. I am reminded of the polls that showed a majority of Americans opposed to abortion on demand, but a majority also opposed to prohibiting abortion. And, from just a very few years ago, I am reminded of polls that showed a majority of Americans supporting the United States aiding resistance to Communism in Central America, but also a majority opposed to the United States assisting guerrillas seeking to overthrow the government of Nicaragua.

The conventional wisdom notwithstanding, support for a good benefit in principle is far different from a demand for a universal, Federal mandate. Support for such mandates has evaporated in surveys when respondants are asked in more detail about the Federal Government mandating that employers provide such time off. Overwhelming majorities in poll after poll have expressed the strongest support for flexible benefit packages, where the benefits can be tailored to the needs and circumstances of employees. And certainly this one benefit is not a high priority; in an April 1989 Washington Post poll, only 3 percent of respondents rated parental leave—even without the mandate issue raised—as the most important of four issues.

This bill will be especially burdensome to small businesses, which are labor intensive, have greater difficulty replacing employees and require flexibility to remain competitive.

In general, small businesses operate on tighter budgets and smaller margins than big businesses.

Costs the bill would impose include: Overtime of workers absorbing an absent employee's workload; cost of hiring temporary workers; cost of training replacement workers; unemployment insurance costs; and loss of productivity associated with these and other factors.

Many employees have unique and critical skills and would have to be replaced immediately by new employees; for example, lawyers, accountants, physics or special ed teachers, RNs, emergency room personnel, medical technicians, respiratory therapists, radiologic technicians and, I'd like to think, vocational agriculture teachers. Sometimes, finding a temporary replacement with such specialized skills will be exceedingly difficult, especially in small towns and rural areas. In other cases, the marketplace will require an employer to hire a replacement employee on a permanent basis; costs will thus increase as employers provide pay and benefits for duplicate employees.

Let's not lull ourselves into a false sense of security over the bill's 50-employee "small business threshold":

First, there are a lot of businesses with 50 or 100 or 200 employees that, for their industries, are small. For those going through troubled times—auto dealers, right now, for example—this is exactly the type of bill that could put them over the brink.

Second, we know the companion bill in the other body has been reported with a 20-employee threshold. We remember that H.R. 925, in the last Congress, had a 15-employee threshold.

We can guess where the conference would go; we understand where the agenda of the groups pushing this bill is headed.

Besides opposing the principle of this mandated intrusion into employer-employee relations, many small business men and women quite reasonably fear that this mandate could easily be expanded in the future to apply to all employers.

A powerful example of the harmful effects this bill would have can be found in a rural hospital setting, the kind that is so familiar in the 17th District of Texas.

One benefits manager for a hospital testified before a Senate subcommittee regarding H.R. 770's companion bill as follows:

> It costs us $28,000 to train one RN to work in our Operating Room, $18,000 to train a Critical Care RN, and $13,000 to train an RN to work on a medical or surgical floor. . . . If a hospital can't hire all the nurses it needs at the outset, it won't be able to hire replacement workers either if the supply was inadequate to begin with.

In the 35 counties of the 17th District of Texas, we have 42 hospitals, mostly small—28 have 50 beds or fewer. We have several whole counties that have only one or a few registered nurses, some of them adjoining counties that have none. To attract qualified, capable personnel, such a hospital may offer generous benefits that, for obvious good reasons, can not include several kinds of extended time off. Instead, the benefits negotiated will be more cost-effective to the hospital and, very frequently, more useful and desirable to the employee.

Administration and enforcement of this bill would be a nightmare. This bill would ultimately require a much-expanded Federal bureaucracy to administer and enforce its requirements.

By allowing law suits in Federal courts, the bill would increase workloads in an already over-burdened court system; allow punitive damages of up to 3 times regular, compensatory damages—for lost wages, benefits, and interest, punitive damages unprecedented under existing Federal employment discrimination law; encourage law suits by parties with marginal cases in hopes of high out-of-court settlements; and unfairly threaten often-innocent employers with lengthy, expensive administrative reviews and court litigation.

This bill restricts employees' ability to negotiate for other job benefits they themselves prefer, since fringe benefits are carved out within a finite "pie" of costs.

The BLS [Department of Labor Bureau of Labor Statistics] estimates that more than 25 percent of all employee compensation currently is in the form of benefits; more than 8 percent is mandatory participation in government benefit programs for example, Social Security, unemployment insurance, worker's compensation.

It's simple math: If this bill raises the mandatory portion to 9 or 10 or 11 percent, the voluntary—that is, flexible, negotiated portion—is going to decline from 17 percent to 16 or 15 or 14 percent. Therefore, some employees will lose other benefits they prefer to benefits in this bill. Unfairly, some employees who don't need or can't qualify for family or medical leave will have to give up benefits from their package to pay for these mandated benefits provided for other employees. This bill discourages innovative benefits. Such a mandate will stifle positive trends toward flexible benefits, such as cafeteria plans and flextime, which provide all employees with benefits more suited to their individual needs.

Rigid work force mandates will impair our international competitiveness. Supporters of this bill point to similar benefits in other industrialized nations, particularly in Europe; however, this is one of several rigid restrictions on workplace flexibility that have led to zero job creation in Europe since 1970 versus 40 million new jobs in the United States.

The GAO cost study of this bill is seriously flawed. GAO's 1988 study estimated annual costs to the economy of about $200 million

per year. These were revised upward a year later by 30 percent & even GAO acknowledges they would double with the addition of spousal leave—such as the Gordon-Weldon substitute proposes.

Moreover, GAO's methodology was seriously flawed. The sample size in GAO's survey was too small to be statistically valid. GAO's unrepresentative survey covered only 80 firms in 2 labor markets: Detroit, Michigan, and Charleston, SC—There are 4.5 million small business employers in the United States.

GAO ignored such significant cost items as: Overtime of workers absorbing an absent employee's workload; cost of hiring temporary workers; cost of training replacement workers; unemployment insurance costs; and loss of productivity associated with these and other factors.

GAO also estimated that only 1 in 300 employees would take such leave, an unsupportable, unrealistic, and highly debatable figure.

Unintended discrimination will result. Employers will discriminate in hiring, even unconsciously, in favor of those least likely to use such leave, for example, single, healthy, orphaned males apparently past child-rearing age. In fact, a survey by the certified employee benefits specialists found that 61 percent are worried that mandated leave would result in discrimination—much of it not even intended—against prospective employees most likely to use the leave.

This is a Yuppie bill. Those working on lower economic rungs can't afford 10 to 15 weeks of unpaid leave. Lower paid workers will be forced to give up part of their firm's benefits pie to pay for higher costs caused by better off employees taking advantage of these mandated benefits. But, then, that's consistent with the agenda of the groups pushing this bill. This year they will say the United States is backward because Europe has mandated paid leave and we have no leave. Next year they'll tell us we're backward because Europe has paid leave and we have only unpaid leave.

There are better, pro-family initiatives that would provide flexibility and increase economic resources for working families with lost income. In fact, one such provision was included in the child care substitute I offered just a few weeks ago, along with the gentleman from Florida [Mr. SHAW], namely, the wee-pots supplement to the earned income tax credit, for families with a child under age 1.

CONCLUSION

This is a bad bill, for employees, employers, and the economy.

The Gordon-Weldon substitute—which we'll discuss shortly—is no improvement, because it's not really any different.

Some of our colleagues have spoken of the tortured, 5-year journey this bill has made to the floor of the House. I'm sympathetic. It's time to put this bill out of its misery once and for all.

Mr. SCHUETTE. Madam Chairman, the Family and Medical Leave Act is a dangerous proposition. While the gesture to require businesses with 50 or more employees to provide 10 weeks of job-guaranteed family leave every 2 years, and 15 weeks of job-guaranteed sick leave annually is well-intended, I have very basic concerns about both H.R. 770 as it has been reported and the substitutes introduced by Mr. PENNY, and Mr. GORDON, and Mr. WELDON.

Requiring an employee to provide reasonable and practicable notice so as not to unduly disrupt the operations of an employer lacks the specificity which ought to be contained in legislation which forces an employer to hold open, or fill with a temporary worker, any position in the firm. The bill does not even allow employers to require advance notice of an employee's intent to return.

The eligibility requirements in the bill are also extremely vague. There is no specific definition of serious health conditions. Also an employee is entitled to the leave regardless of whether an ablebodied spouse or other relative is actually attending to the needs of the family member who is ill, with family member being defined so loosely that it only exacerbates the problem. Under those loose definitions, the bill would subject an employer to triple damages if a civil suit is brought.

The Gordon-Weldon substitute attempts to better the bill at the margins only. Requiring doctor instead of nurse certification, something of which the original sponsors should have thought, is clearly an improvement. Another is tightening the few requirements which do exist in the committee report. The Gordon/Weldon changes are a start, but hardly enough to correct the fundamental structural flaws of the bill.

The Penny substitute moves further in the right direction, but the fact remains that this type of legislation will cost employers at least $300 million annually for payment of health benefits and temporary replacement worker salaries alone. It is a fact these costs, even if not seriously underestimated, increase geometrically every year due to increases in the costs of health benefits. Furthermore, the estimate does not even include the cost to businesses from lost productivity, of training workers who will only be temporary, or retraining employees who have been on extended leave.

More importantly, I have grave concerns about the effect this legislation will have on employees. Unquestionably, employers have limited budgets for benefits. This is especially true of the small business employers who produced much of the employment growth in the last decade. What benefits will be foregone by those employees who do not take such leave in order to pay the costs of those who do? Also, it is a fact that more women than men take parental and care-giving leave. This legislation could lead to discrimination against female employees whether conscious or not by employers purely for cost effective reasons. Again, the substitutes do little or nothing to correct this fundamental structural flaw. I am absolutely and unalterably opposed to discrimination in the workplace.

The biggest problem with this legislation, however, is that it is based on the faulty assumption that the Government does a better job of managing the economy than employers and employees. The fact is that business owners and employees have been working together in good faith and with great success to negotiate parental leave and child care employment policies. In 1987 two-thirds of all employers including small business provided flexible work and child care policies for their employees. Of medium and large firms 90 percent had disability leave, which by federal law includes pregnancy and child birth. Many employers consider this leave separate from sick or vacation leave which may also be used for this purpose. Frankly, with the cost of training employees as high as it is many other employers accommodate their valued employees on a case by case basis.

Madam Chairman, for all these reasons and after careful consideration, I find I cannot support H.R. 770 or its substitutes as I feel it will be detrimental to rank and file employees, employers, and the general economy.

Mr. SMITH of New Jersey. Madam Chairman, as a cosponsor of H.R. 770, I urge my House colleagues to adopt the Family and Medical Leave Act.

The vital legislation will provide adequate employee leave for workers during some of the most emotionally trying times in one's life. The bill guarantees 10 weeks of unpaid leave for non-Federal workers during the birth or adoption of a child. In addition, the measure provides the same amount of leave when the care of a seriously ill child or parent requires the employee to remain in the home. H.R. 770 extends even more generous leave to Federal workers—18 weeks of unpaid leave—under the same critical circumstances.

A vital provision of this legislation is the job protection provided to employees who utilize the upaid leave. Even after 10 weeks of family or medical leave, an employee is guaranteed his or her job upon returning to their place of employment. During this leave, the employee will continue to enjoy their full health insurance benefits without any interruption in coverage. While the bill's provisions appropriately are provided to employees of the U.S. House of Representatives, a small business exemption is included. Those enterprises with fewer than 50 employees are not required to provide this benefit to their workers; however, that number drops to 35 employees after 3 years.

Madam Chairman, one need only look at our neighbors to the North to see family and medical leave benefits in place. In Canada maternity leave is provided for mothers allowing them up to 41 weeks of leave so that they may care for their child during the precious early stages of growth. For the first 15 weeks of leave, in fact, the mother receives 60 percent of her salary. Yet, Canada is not alone in providing these benefits; 135 countries around the globe offer some form of maternity benefits, while 127 include wages with the leave. The benefits provided by H.R. 770 are very modest when compared with those provided by our industrialized trading partners in Europe and Japan.

I am also interested in securing the passage of this bill since my home State has already taken the lead in providing similar benefits under State law. Effective just this week Mr. Chairman, New Jersey now has one of the most comprehensive family and medical leave policies in the Nation. Our State's new law includes the same basic benefits found in H.R. 770. Sound policy for our State, and sound policy for the Nation.

Before we vote today, I urge my colleagues to review the need for this legislation. Dramatic demographic changes, according to the Bureau of Labor Statistics, have altered the structure of the American family. Parents are working outside of the home at unprecedented numbers, 96 percent of fathers and 60 percent of mothers are not available to meet family needs in the home on a daily basis. This trend is especially hard on families with young children; 52 percent of mothers with children under age 3 now work outside of the home. The federally protected leave which we are debating today would clearly provide needed help to families with working parents as well as the many fatherless families. In addressing a slightly different demographic aspect, this legislation would also provide help to those 2.2 million people who need to care for aged parents or spouses.

The Family and Medical Leave Act is timely legislation that deserves our enthusiastic support.

Mr. ARMEY. Madam Chairman, I oppose H.R. 770 because I believe it would set a dangerous precedent by mandating employee benefits for virtually the first time. Benefits that are commonly offered in America today—everything from vacation time and sick leave to health insurance and retirement pensions—are available despite the absence of a mandate from Washington. Beginning to mandate other benefits with this legislation would open an entirely new area of Government regulation. That would have significant consequence for our economy and even, I would argue, for our liberty. Limited government is, of course, a fundamental value in a free society; regulations of this type are inconsisent with it.

I would, however, like to make a couple of practical points against the legislation.

First, it would impose certain burdens on low-income workers. Realistically, lower paid employees will not be able or willing to avail themselves of 12 weeks' of unpaid leave. Those who would take advantage of this benefit will primarily be higher paid professional employees who can afford a disruption of their income. But when these higher income workers take leave, someone will be required to do their job during their absence. Most businesses will be unable to hire replacements for them for only a 12-week period. More often, businesses will require their coworkers or the support personnel to handle their duties to the extent possible.

Consider a law firm, for example. When one of the lawyers takes parental leave, the firm will not be able to call a temporary service to replace him or her. Instead, the firm's paralegals and secretaries will be forced to do as much of the lawyer's routine tasks as possible. Thus, the lower income worker—who generally will not take the offered leave—will be forced to work harder in order to supply the benefit to a higher income employee.

Second, I'm concerned that because of the costs of offering this benefit, some businesses will discriminate against those likely to take the benefit. Obviously, if an employer has a choice between hiring two job candidates—one of whom is likely to take a leave and disrupt the business' operations, and one of whom is not—he may be inclined to hire the latter, all other factors being equal. This is not necessarily right, but it is likely to occur.

In fact, when this legislation was considered by the Education and Labor Committee, on which I served, I examined unemployment statistics for women of child-bearing age in several European countries and the United States. There was an unmistakable correlation between high unemployment rates of individuals in this category and extensive mandated leave laws. The unemployment rate for woman of child-bearing age in the United States was lower than in any of the European countries.

For these and other reasons, I urge my colleagues to oppose H.R. 770.

Mr. KLECZKA. Madam Chairman, parental and medical leave coverage for workers is an overdue improvement in American labor policy that also makes good sense for our businesses. For these reasons, the Family and Medical Leave Act [H.R. 770] has my full support.

Generous leave laws are standard labor policy in 137 industrialized and Third World nations—including our major trade competitor, Japan. However, despite the economic and social success of these policies elsewhere, the United States remains almost the only developed country without a national leave policy.

A mandated, rather than a voluntary leave policy is necessary precisely because certain businesses have been unwilling to create leave policies to accommodate the changing work force. According to the Bureau of Labor Statistics [BLS], the number of large businesses providing some sort of leave coverage, 33 percent, has not increased substantially since 1986—although the number of women in the work force with young children climbed 10 percent during this period. Nor are negotiations between labor and management a cure for this problem. Less than 17 percent of our work force is represented by labor unions today. Of those unionized workers, nearly 40 percent still do not have leave coverage.

The lack of family and medical leave coverage has forced millions of workers to make the painful choice between their family's well-being and the job which provides their livelihood. These choices tear families apart. Nobody should have to make such choices.

The public pays for lost wages and opportunities. According to the Institute for Women's Policy Research [IWPR], nearly $12 billion of public assistance spending a year is allocated to help dislocated workers with no leave coverage to survive. This spending could be limited if businesses provided reasonable family and medical leave coverage to their employees. The General Accounting Office [GAO] estimates that the cost to businesses of providing such coverage to the employees made eligible for it under this bill would amount to less than $240 million a year. This figure represents a cost to businesses of $5.30 a day.

It is clear that family and medical leave coverage would promote family stability at a time when only a small number of American households resemble that of Ward and June Cleaver. Moreover, reasonable leave coverage, such as H.R. 770 proposes, enhances worker morale and commitment to the companies which allow employees to care for newborns or ill family members without worrying about whether they will have a job to return to.

My colleagues should note that this legislation is very similar to successful leave coverage mandated in my home State of Wisconsin. It is one of the most important pro-family bills Congress will consider this session, and deserves to become public law this year.

Ms. PELOSI. Madam Chairman, I rise today in support of H.R. 770, the Family and Medical Leave Act. This bill will provide job security for our working families who must take leave due to the birth of a child or to take care of a sick spouse or parent.

Many of us in this body are parents and know first hand how important it is to be at home when a baby is born. Some of us know the time and energy it requires to take care of an ailing parent. It is during these important times of our lives—when one desperately needs to be with their family, that we need the Family and Medical Leave Act. Families need the assurance that they can be with their families when needed and not have to worry about losing a job. As we all know, the demographics of the American family are drastically changing. In 1987 for the first time, more than half of all mothers with babies 1 year old or younger, were working or looking for work. These mothers are raising families, working to support their families and often times single. They must have job security to keep their family together.

To be fair to everyone, we need a minimum level of family and medical leave, so as not to have any confusion or discrimination. A gentleman who works in my district of San Francisco requested time off from their work to take care of his wife and new born child. His employer denied him the leave. As it turns out, his wife had twins by caesarean section and needed her husband's assistance and support after a difficult pregnancy and then needed him to take care of their two other children. He finally was allowed a minimal leave, but only after his employer realized the compelling necessity of his being home. One does not need the additional burden of fighting for a job, when there is no question they are needed by their families.

The President has said that he hopes businesses will provide family and medical leave and that the Federal Government does not need to get involved. However, I believe we cannot sit here and just hope. We must act now to protect our families by requiring a minimum level of family and medical leave. Corporate America is not keeping step with the changes occurring with America's families. The U.S. Government will not be keeping step either, if we do not pass this legislation, for many of our allies around the world already have paid parental leave laws. This legislation is in the same order of previous Federal minimum labor laws, such as the Fair Labor Standards Act, the Age Discrimination in Employment Act and the Occupational Safety and Health Act. It is nothing extraordinary. It is ordinary protection that should be allowed for America's workers and their families.

This legislation is based on values—family and work and I am certain all of us take great pride in these two values. I urge my colleagues to vote in favor of this legislation,

without any weakening amendments for all families.

Mr. RAHALL. Madam Chairman, I am pleased to rise in support of H.R. 770, the Family and Medical Leave Act.

We have all heard the horror stories that have been put out concerning what will happen to employees if this bill is passed. We have heard that their other employer provided benefits will have to be terminated in order for them to be given family and medical leave.

We have been told that many employees don't want a decent leave policy. If they don't want it or can't use it, they don't have to use it. But should disaster hit them or their family members from some unforeseen quarter, it will be there for them.

I guess we just have to insist on doing the right thing here, as we are often forced to do in the face of fierce opposition. Only time will tell—and it usually always does—that the doom and gloom predictions never quite come time.

It is the least we can do on behalf of working Americans.

Madam Chairman, Congress has been busy this last 8 or 9 years it seems, restoring civil rights to Americans—civil rights we had hoped were taken care by the 1964 act. Many of our actions are necessary because we have to undo the harm done through court decisions affecting those civil rights.

A couple of years ago we passed the Civil Rights Restoration Act here on the floor of the House. More recently, we have brought the Americans With Disabilities Act all the way through four House committees of jurisdiction, and it is ready for floor consideration and passage, perhaps even by next week.

In the past several months, the Education and Labor Committee has reported a bill to restore employee rights under the Anti-Age Discrimination Act in the Betts case. The chairman also introduced H.R. 4000, the Civil Rights Act of 1990, and yesterday saw it finally reported favorably from the committee—again, a bill restoring the civil rights of Americans lost to them under Supreme Court rulings that set back employee civil rights by 18 years.

And though it has not been billed as such, I believe H.R. 770 can be described as a civil rights bill—finally giving job protection to workers, enabling them to take short leaves for family and medical reasons secure in the knowledge that they can return to their jobs.

Its about time.

West Virginia, just a few short years ago, finally enacted legislation giving State workers a guaranteed 12 weeks leave to care for a family member. But not in time to help Susan Noggi of Buckhannon, WV, who lost her job because she was away from her job for 8 weeks in 1987 caring for her terminally ill father.

Susan Noggi said: "Children shouldn't have to choose between being at their parent's side or losing their jobs."

I agree. And I will just add "Parents shouldn't have to choose between being at their children's side or losing their jobs."

Madam Chairman, luckily there are many employers in this country who do have family and medical leave policies that guarantee them their jobs when they are able to return.

But unfortunately, not every employer does so, leaving our society, so advanced in many ways, a society in which people still lose their jobs when they have compelling family or medical needs that keep them out of work for short periods of time.

Such losses can and have percipitated a descent into poverty and even homelessness for many a worker—some of whom have had 15 and 18 and 20 years seniority on their jobs with good work records—suddenly finding themselves with no job, no mortgage payment, no health insurance or medical coverage, and often no self-respect because they have been made to feel inferior for having been let go or laid off or fired—depending on the word or phrase used by employers who did not permit adequate, if any, family or medical leave for employees.

I believe this is a civil rights bill—but whatever we call it, it is about time.

I support wholeheartedly the Gordon-Weldon substitute being offered today, reducing the number of weeks of unpaid leave required to be offered, and exempting permanently businesses with 50 employees or less, which should take care of the concerns of the small business employer community. I believe the substitute accommodates or should alleviate concerns and anxieties expressed by opponents to the original bill reported out of our committee.

I commend my colleagues from both sides of the aisle who worked to put this compromise, or substitute, together. I commend both my committee Chairman, Mr. HAWKINS, and the distinguished manager of the bill, Mr. CLAY, for having the strength of their resolve in staying with this legislation and insisting upon its enactment.

I join the Speaker of the House, the Honorable TOM FOLEY in the hope that given time, the President will rethink his threat of vetoing this legislation and will, by the time it reaches his desk, have decided to sign it into law.

Opponents of this legislation will call it a mandate, and call it undue and unwarranted intervention in the lives of the family unit that makes up this great country of ours. But I say Mr. Chairman, the family unit in this country is struggling to remain a unit, struggling to care for children when both parents must work to support families when unexpected illness or disease strikes. And there are single parents trying as hard as they can to form a family unit, a self-supporting family unit, caring for their children, until devastating accidents, disease or illness strikes. What about struggling children with parents who are aged and infirm, and who need their attention and their time every once in a while? What is to happen to them? Shall we just continue to say to them what the President's spokesperson said to reporters yesterday? Mr. Fitzwater said: "If they can't get their present employer to offer adequate leave time, let them look for another job." Do we want to keep on saying that to America's workers?

I don't think so.

As I said, I have a tendency to call it a civil rights bill—a bill that guarantees American workers the right—the civil right—to return to their old jobs, or jobs with equivalent pay or status, after they have been assured and have used, up to 12 weeks of unpaid family or medical leave in order to care for themselves, their children, their spouse, or their parents.

H.R. 770 is not a mandate as much as it is our effort to establish a minimum Federal labor standard calling for humanitarian assistance and support by employers for their employees in times of family hardships brought about by illness of children, spouse or other family member, or made necessary by virtue of a decision to have a child or adopt a child, or for one's own personal medical necessities. In exchange for this leave policy, Mr. Chairman, the employees agree to take such leave in an unpaid status, as long as health benefits and job security remains. That's a pretty even exchange, I think.

A vote for the Family and Medical Leave Act is a vote for children and their families. Let's put an end to our unenviable position as one of the few industrial countries in the world still without a national policy on family leave.

And if that doesn't persuade you to support the bill, ask yourself if it might not be you or a member of your family who are next forced to make the intolerable choice between financial security and parental responsibility.

The CHAIRMAN. Pursuant to the rule, the amendment in the nature of a substitute consisting of the text printed in part 1 of House Report 101-479 shall be considered as an original bill for the purpose of amendment and shall be considered as having been read.

The text of the amendment in the nature of a subsitute is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family and Medical Leave Act of 1990".

(b) TABLE OF CONTENTS.—

Section 1. Short title; table of contents.
TITLE I—GENERAL REQUIREMENTS FOR FAMILY LEAVE AND TEMPORARY MEDICAL LEAVE
Sec. 101. Definitions.
Sec. 102. Inapplicability.
Sec. 103. Family leave requirement.
Sec. 104. Temporary medical leave requirement.
Sec. 105. Certification.
Sec. 106. Employment and benefits protection.
Sec. 107. Prohibited acts.
Sec. 108. Administrative enforcement.
Sec. 109. Enforcement by civil action.
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Sec. 501. Family leave and temporary medical leave for employees in the House of Representatives.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the number of single-parent households and two-parent households in which the single parent or both parents work is increasing significantly;

(2) it is important to the development of the child and to the family unit that fathers and mothers be able to participate in early childrearing and the care of their family members who have serious health conditions;

(3) the lack of employment opportunities to accommodate working parents can force individuals to choose between job security and parenting;

(4) there is inadequate job security for some employees who have serious health conditions that prevent them from working for temporary periods;

(5) due to the nature of women's and men's roles in our society, the primary responsibility for family caretaking often falls on women, and such responsibility affects their working lives more than it affects the working lives of men; and

(6) employment standards that apply to one gender only have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

(b) PURPOSES.—The Congress therefore declares that the purposes of this Act are—

(1) to balance the demands of the workplace with the needs of families, to promote stability and economic security in families, and to promote Federal interests in preserving family integrity;

(2) to entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child or parent who has a serious health condition;

(3) to accomplish such purposes in a manner which accommodates the legitimate interests of employers;

(4) to accomplish such purposes in a manner which, consistent with the Equal Protection Clause of the Fourteenth Amendment, minimizes the potential for discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons, on a gender-neutral basis; and

(5) to promote the goal of equal employment opportunity for women and men, pursuant to such clause.

TITLE I—GENERAL REQUIREMENTS FOR FAMILY LEAVE AND MEDICAL LEAVE

SEC. 101. DEFINITIONS.

For purposes of this title the following terms have the following meanings:

(1) The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any activity or industry "affecting commerce" within the meaning of the Labor Management Relations Act, 1947 (29 U.S.C. 141 et seq.).

(2) The terms "employ", "person", and "State" have the meanings given such terms in sections 3(g), 3(a), and 3(c), respectively, of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(g), 203(a), 203(c)).

(3)(A) The term "eligible employee" means any employee as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)) who has been employed by the employer with respect to whom benefits are sought under this section for at least—

(i) 1,000 hours of service during the previous 12-month period, and

(ii) 12 months.

(B) Such term does not include any Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code (as added by title II of this Act).

(4) The term "employee" means any individual employed by an employer.

(5)(A) The term "employer" means any person engaged in commerce or any activity affecting commerce who—

(i) during the 3-year period beginning after the effective date of this title, employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year; or

(ii) after such period, employs 35 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year.

(B) For purposes of subparagraph (A), the term "person" includes, among other things—

(i) any person who acts, directly or indirectly, in the interest of an employer to any of the employer's employees;

(ii) any successor in interest of an employer; and

(iii) any public agency, as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).

(C) For purposes of subparagraph (A), a public agency shall be deemed to be a person engaged in commerce or in an activity affecting commerce.

(6) The term "employment benefits" means all benefits provided or made available to employees by an employer, and include group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a policy or practice of an employer or through an employee benefit plan as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)).

(7) The term "health care provider" means—

(A) any person licensed under Federal, State, or local law to provide health care services; or

(B) any other person determined by the Secretary to be capable of providing health care services.

(8) The term "reduced leave schedule" means leave scheduled for fewer than an employee's usual number of hours per workweek or hours per workday.

(9) The term "Secretary" means the Secretary of Labor.

(10) The term "serious health condition" means an illness, injury, impairment, or physical or mental conditions which involves—

(A) inpatient care in a hospital, hospice, or residential health care facility, or

(B) continuing treatment or continuing supervision by a health care provider.

(11) The term "son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

(A) under 18 years of age, or

(B) 18 years of age or older and incapable of self-care because of mental or physical disability.

(12) The term "parent" means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, or a legal guardian.

SEC. 102. INAPPLICABILITY.

The rights provided under this title shall not apply—

(1) during the 3-year period beginning after the effective date of this title, with respect to employees of any facility of an employer at which fewer than 50 employees are employed, and when the combined number of employees employed by the employer within 75 miles of the facility is fewer than 50; and

(2) after such period, with respect to employees of any facility of an employer at which fewer than 35 employees are employed, and when the combined number of employees employed by the employer within 75 miles of the facility is fewer than 35.

SEC. 103. FAMILY LEAVE REQUIREMENT.

(a) IN GENERAL.—(1) An eligible employee shall be entitled, subject to section 105, to 10 workweeks of family leave during any 24-month period—

(A) because of the birth of a son or daughter of the employee;

(B) because of the placement of a son or daughter with the employee for adoption or foster care; or

(C) in order to care for the employee's son, daughter, or parent who has a serious health condition.

(2) The entitlement to leave under paragraphs (1)(A) and (1)(B) shall expire at the end of the 12-month period beginning on the date of such birth or placement.

(3) In the case of a son, daughter, or parent, who has a serious health condition, such leave may be taken intermittently when medically necessary, subject to subsection (e). Leave under either such paragraph may not be taken intermittently unless the employer and employee agree otherwise.

(b) REDUCED LEAVE.—Upon agreement between the employer and the employee, leave under this section may be taken on a reduced leave schedule, however, such reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled.

(c) UNPAID LEAVE PERMITTED.—Leave under this section may consist of unpaid leave, except as provided in subsection (d).

(d) RELATIONSHIP TO PAID LEAVE.—(1) If an employer provides paid family leave for fewer than 10 workweeks, the additional weeks of leave added to attain the 10-workweek total may be unpaid.

(2) An eligible employee or employer may elect to substitute any of the employee's paid vacation leave, personal leave, or family leave for any part of the 10-week period.

(e) FORESEEABLE LEAVE.—(1) In any case in which the necessity for leave under this section is foreseeable based on an expected birth or adoption, the eligible employee

shall provide the employer with prior notice of such expected birth or adoption in a manner which is reasonable and practicable.

(2) In any case in which the necessity for leave under this section is foreseeable based on planned medical treatment or supervision, the employee—

(A) shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee's son, daughter, or parent; and

(B) shall provide the employer with prior notice of the treatment or supervision in a manner which is reasonable and practicable.

(f) SPOUSES EMPLOYED BY THE SAME EMPLOYER.—In any case in which a husband and wife entitled to family leave under this section are employed by the same employer, the aggregate number of workweeks of family leave to which both may be entitled may be limited to 10 workweeks during any 24-month period, if such leave is taken—

(1) under subparagraph (A) or (B) of subsection (a)(1); or

(2) to care for a sick parent under subparagraph (C) of such subsection.

SEC. 104. TEMPORARY MEDICAL LEAVE REQUIREMENT.

(a) IN GENERAL.—(1) Any eligible employee who, because of a serious health condition, becomes unable to perform the functions of such employee's position, shall be entitled, subject to section 105, to temporary medical leave. Such entitlement shall continue for as long as the employee is unable to perform such functions, except that it shall not exceed 15 workweeks during any 12-month period.

(2) Such leave may be taken intermittently when medically necessary, subject to subsection (d).

(b) UNPAID LEAVE PERMITTED.—Such leave may consist of unpaid leave, except as provided in subsection (c).

(c) RELATIONSHIP TO PAID LEAVE.—(1) If an employer provides paid temporary medical leave or paid sick leave for fewer than 15 weeks, the additional weeks of leave added to attain the 15-week total may be unpaid.

(2) An eligible employee or employer may elect to substitute the employee's accrued paid vacation leave, sick leave, or medical leave for any part of the 15-week period, except that nothing in this Act shall require an employer to provide paid sick leave or paid medical leave in any situation in which such employer would not normally provide any such paid leave.

(d) FORESEEABLE LEAVE.—In any case in which the necessity for leave under this section is foreseeable based on planned medical treatment or supervision, the employee—

(1) shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employer, subject to the approval of the employee's health care provider; and

(2) shall provide the employer with prior notice of the treatment or supervision in a manner which is reasonable and practicable.

SEC. 105. CERTIFICATION.

(a) IN GENERAL.—An employer may require that a claim for family leave under section 103(a)(1)(C), or temporary medical leave under section 104, be supported by certification issued by the health care provider of the eligible employee or of the employee's son, daughter, or parent, whichever is appropriate. The employee shall provide a copy of such certification to the employer.

(b) SUFFICIENT CERTIFICATION.—Such certification shall be sufficient if it states—

(1) the date on which the serious health condition commenced,

(2) the probable duration of the condition;

(3) the appropriate medical facts within the provider's knowledge regarding the condition; and

(4)(A) for purposes of leave under section 104, a statement that the employee is unable to perform the functions of the employee's position; and

(B) for purposes of leave under section 103(a)(1)(C), an estimate of the amount of time that the eligible employee is needed to care for the son, daughter, or parent.

(c) EXPLANATION OF INABILITY TO PERFORM JOB FUNCTIONS.—The employer may request that, for purposes of section 106(d), certification under this section that is issued in any case involving leave under section 104 include an explanation of the extent to which the eligible employee is unable to perform the functions of the employee's position.

(d) SECOND OPINION.—(1) In any case in which the employer has reason to doubt the validity of the certification provided under subsection (a), the employer may require, at its own expense, that the eligible employee obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified under subsection (b).

(2) Any health care provider designated or approved under paragraph (1) may not be employed on a regular basis by the employer.

(e) RESOLUTION OF CONFLICTING OPINIONS.—(1) In any case in which the second opinion described in subsection (d) differs from the original certification provided under subsection (a), the employer may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified under subsection (b).

(2) The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employer and the employee.

(f) SUBSEQUENT RECERTIFICATION.—The employer may require that the eligible employee obtain subsequent recertifications on a reasonable basis.

SEC. 106. EMPLOYMENT AND BENEFITS PROTECTION.

(a) RESTORATION TO POSITION.—(1) Any eligible employee who takes leave under section 103 or 104 for its intended purpose shall be entitled, upon return from such leave—

(A) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(2) The taking of leave under this title shall not result in the loss of any employment benefit earned before the date on which the leave commenced.

(3) Except as provided in subsection (b), nothing in this section shall be construed to entitle any restored employee to—

(A) the accrual of any seniority or employment benefits during any period of leave; or

(B) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(4) As a condition to restoration under paragraph (1), the employer may have a policy that requires each employee to receive certification from the employee's health care provider that the employee is able to resume work, except that nothing in this paragraph shall supersede a valid State or local law, or a collective bargaining agreement that governs the return to work of employees taking medical leave.

(b) EXEMPTION CONCERNING CERTAIN HIGHLY COMPENSATED EMPLOYEES.—(1) An employer may deny restoration under this subsection to any eligible employee described in paragraph (2) if—

(A) such denial is necessary to prevent substantial and grievous economic injury to the employer's operations;

(B) the employer notifies the employee of its intent to deny restoration on such basis at the time the employer determines that such injury would occur; and

(C) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

(2) An eligible employee described in this paragraph is a salaried eligible employee who is among the—

(A) highest paid 10 percent of employees, or

(B) 5 highest paid employees,

whichever is greater, of the employees employed by the employer within 75 miles of the facility at which the employee is employed.

(c) MAINTENANCE OF HEALTH BENEFITS.—During any period an eligible employee takes leave under section 103 or 104, the employer shall maintain coverage under any group health plan (as defined in section 162(i)(2) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously from the date the employee commenced the leave until the date the employee is restored under subsection (a).

(d) NO BAR TO AGREEMENT CONCERNING ALTERNATIVE EMPLOYMENT.—Nothing in this title shall be construed to prohibit an employer and an eligible employee from mutually agreeing to alternative employment for the employee throughout the period during which the employee would be entitled to leave under this title. Any such period of alternative employment shall not cause a reduction in the period of temporary medical leave to which the employee is entitled under section 104.

SEC. 107. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—(1) It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this title.

(2) It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this title.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(1) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this title;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this title; or

(3) has testified, or is about to testify in any inquiry or proceeding relating to any right provided under this title.

SEC. 108. ADMINISTRATIVE ENFORCEMENT.

(a) IN GENERAL.—The Secretary shall issue such rules and regulations as are necessary to carry out this section, including rules and regulations concerning service of complaints, notice of hearings, answers and amendments to complaints, and copies of orders and records of proceedings.

(b) CHARGES.—(1) Any person (or person, including a class or organization, on behalf of any person) alleging an act which violates any provision of this title may file a charge respecting such violation with the Secretary. Charges shall be in such form and contain such information as the Secretary shall require by regulation.

(2) Not more than 10 days after the Secretary receives notice of the charge, the Secretary—

(A) shall serve a notice of the charge on the person charged with the violation; and

(B) shall inform such person and the charging party as to the rights and procedures provided under this title.

(3) A charge may not be filed more than 1 year after the date of the last event constituting the alleged violation.

(4) The charging party and the person charged with the violation may enter into a settlement agreement concerning the violation alleged in the charge before any determination is reached by the Secretary under subsection (c). Such an agreement shall be effective unless the Secretary determines, within 30 days after notice of the proposed agreement, that the agreement is not generally consistent with the purposes of this title.

(c) INVESTIGATION; COMPLAINT.—(1) Within the 60-day period after the Secretary receives any charge, the Secretary shall investigate the charge and issue a complaint based on the charge or dismiss the charge.

(2) If the Secretary determines that there is no reasonable basis for the charge, the Secretary shall dismiss the charge and promptly notify the charging party and the respondent as to the dismissal.

(3) If the Secretary determines that there is a reasonable basis for the charge, the Secretary shall issue a complaint based on the charge and promptly notify the charging party and the respondent as to the issuance.

(4) Upon the issuance of a complaint, the Secretary and the respondent may enter into a settlement agreement concerning a violation alleged in the complaint. Any such settlement shall not be entered into over the objection of the charging party, unless the Secretary determines that the settlement provides a full remedy for the charging party.

(5) If, at the end of the 60-day period referred to in paragraph (1), the Secretary—

(A) has not made a determination under paragraph (2) or (3),

(B) has dismissed the charge under paragraph (2), or

(C) has disapproved a settlement agreement under subsection (b)(4) or has not entered into a settlement agreement under paragraph (4) of this subsection,

the charging party may elect to bring a civil action under section 109. Such election shall bar further administrative action by the Secretary with respect to the violation alleged in the charge.

(6) The Secretary may issue and serve a complaint alleging a violation of this title on the basis of information and evidence gathered as a result of an investigation initiated by the Secretary pursuant to section 110.

(7) The Secretary shall have the power to petition the United States district court for the district in which the violation is alleged to have occurred, or in which the respondent resides or transacts business, for appropriate temporary relief or restraining order. Upon the filing of any such petition, the court shall cause notice of the petition to be served upon the respondent, and the court shall have jurisdiction to grant to the Secretary such temporary relief or restraining order as it deems just and proper.

(d) RIGHTS OF PARTIES.—(1) In any case in which a complaint is issued under subsection (c), the Secretary shall, not more than 10 days after the date on which the complaint is issued, cause to be served on the respondent a copy of the complaint.

(2) Any person filing a charge alleging a violation of this title may elect to be a party to any complaint filed by the Secretary alleging such violation. Such election must be made before the commencement of the hearing.

(3) The failure of the Secretary to comply in a timely manner with any obligation assigned to the Secretary under this title shall entitle the charging party to elect, at the time of such failure, to bring a civil action under section 109.

(e) CONDUCT OF HEARING.—(1) The Secretary shall have the duty to prosecute any complaint issued under subsection (b).

(2) An administrative law judge shall conduct a hearing on the record with respect to any complaint issued under this title. The hearing shall be commenced within 60 days after the issuance of such complaint, unless the judge, in the judge's discretion, determines that the purposes of this Act would best be furthered by commencement of the action after the expiration of such period.

(f) FINDINGS AND CONCLUSIONS.—(1) After the hearing conducted under this section, the administrative law judge shall promptly make findings of fact and conclusions of law, and, if appropriate, issue an order for relief as provided in section 111.

(2) The administrative law judge shall inform the parties, in writing, of the reason for any delay in making such findings and conclusions if such findings and conclusions are not made within 60 days after the conclusion of such hearing.

(g) FINALITY OF DECISION; REVIEW.—(1) The decision and order of the administrative law judge shall become the final decision and order of the agency unless, upon appeal by an aggrieved party taken not more than 30 days after such action, the Secretary modifies or vacates the decision, in which case the decision of the Secretary shall be the final decision and the order of the agency.

(2) Not later than 60 days after the entry of such final order, any person aggrieved by such final order may seek a review of such order in the United States court of appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business.

(3) Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

(h) COURT ENFORCEMENT OF ADMINISTRATIVE ORDERS.—(1) If an order of the agency is not appealed under subsection (g)(2), the Secretary may petition the United States district court for the district in which the violation is alleged to have occurred, or in which the respondent resides or transacts business, for the enforcement of the order of the Secretary, by filing in such court a written petition praying that such order be enforced.

(2) Upon the filing of such petition, the court shall have jurisdiction to make and enter a decree enforcing the order of the Secretary. In such a proceeding, the order of the Secretary shall not be subject to review.

(3) If, upon appeal of an order under subsection (g)(2), the United States court of appeals does not reverse such order, such court shall have the jurisdiction to make and enter a decree enforcing the order of the Secretary.

SEC. 109. ENFORCEMENT BY CIVIL ACTION.

(a) RIGHT TO BRING CIVIL ACTION.—(1) Subject to the limitations in this section, an eligible employee or any person, including a class or organization on behalf of any eligible employee or the Secretary may bring a civil action against any employer (including any State employer) to enforce the provisions of this title in any appropriate court of the United States or in any State court of competent jurisdiction.

(2) Subject to paragraph (3), a civil action may be commenced under this subsection without regard to whether a charge has been filed under section 108(b).

(3) No civil action may be commenced under paragraph (1) if the Secretary—

(A) has approved a settlement agreement or has failed to disapprove a settlement agreement under section 108(b)(4), in which case no civil action may be filed under this subsection if such action is based upon a violation alleged in the charge and resolved by the agreement; or

(B) has issued a complaint under section 108(c)(3) or 108(c)(6), in which case no civil action may be filed under this subsection if such action is based upon a violation alleged in the complaint.

(4) Notwithstanding paragraph (3)(A), a civil action may be commenced to enforce the terms of any such settlement agreement.

(5)(A) Except as provided in subparagraph (B), no civil action may be commenced more than 1 year after the date of the last event constituting the alleged violation.

(B) In any case in which—

(i) a timely charge is filed under section 108(b), and

(ii) the failure of the Secretary to issue a complaint or enter into a settlement agreement based on the charge (as provided under section 108(c)(4)) occurs more than 11 months after the date on which any alleged violation occurred,

the charging party may commence a civil action not more than 60 days after the date of such failure.

(6) The Secretary may not bring a civil action against any agency of the United States.

(7) Upon the filing of the complaint with the court, the jurisdiction of the court shall be exclusive.

(b) VENUE.—An action brought under subsection (a) in a district court of the United States may be brought—

(1) in any appropriate judicial district under section 1391 of title 28, United States Code, or

(2) in the judicial district in the State in which—

(A) the employment records relevant to such violation are maintained and administered, or

(B) the aggrieved person worked or would have worked but for the alleged violation.

(c) NOTIFICATION OF THE SECRETARY; RIGHT TO INTERVENE.—A copy of the complaint in any action by an eligible employee under subsection (a) shall be served upon the Secretary by certified mail. The Secretary shall have the right to intervene in a civil action brought by an employee under subsection (a).

(d) ATTORNEYS FOR THE SECRETARY.—In any civil action under subsection (a), attorneys appointed by the Secretary may appear for and represent the Secretary, except that the Attorney General and the Solicitor General shall conduct any litigation in the Supreme Court.

SEC. 110. INVESTIGATIVE AUTHORITY.

(a) IN GENERAL.—To ensure compliance with the provisions of this title, or any regulation or order issued under this title, the Secretary shall have, subject to subsection (c), the investigative authority provided under section 11(a) of the Fair Labor Standards Act (29 U.S.C. 211(a)).

(b) OBLIGATION TO KEEP AND PRESERVE RECORDS.—Any employer shall keep and preserve records in accordance with section 11(c) of such Act and in accordance with regulations issued by the Secretary.

(c) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary may not under the authority of this section require any employer or any plan, fund, or program to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this title or any regulation or order issued pursuant to this title, or is investigating a charge pursuant to section 108.

(d) SUBPOENA POWERS, ETC.—For the purposes of any investigation provided for in this section, the Secretary shall have the subpoena authority provided under section 9 of the Fair Labor Standards Act.

SEC. 111. RELIEF.

(a) INJUNCTIVE.—(1) Upon finding a violation under section 108, the administrative law judge shall issue an order requiring such person to cease and desist from any act or practice which violates this title.

(2) In any civil action brought under section 109, the court may grant as relief against any employer (including any State employer) any permanent or temporary injunction, temporary restraining order, and other equitable relief as the court deems appropriate.

(b) MONETARY.—(1) Any employer (including any State employer) that violates any provision of this title shall be liable to the injured party in an amount equal to—

(A) any wages, salary, employment benefits, or other compensation denied or lost to such eligible employee by reason of the violation, plus interest on the total monetary damages calculated at the prevailing rate; and

(B) an additional amount equal to the greater of (i) the amount determined under subparagraph (A), or (ii) consequential damages, not to exceed 3 times the amount determined under such subparagraph.

(2) If an employer who has violated this title proves to the satisfaction of the administrative law judge or the court that the act or omission which violated this title was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of this title, such judge or the court may, in its discretion, reduce the amount of the liability provided for under this subsection to the amount determined under paragraph (1)(A).

(c) ATTORNEYS' FEES.—The prevailing party (other than the United States) may be awarded a reasonable attorneys' fee as part of the costs, in addition to any relief awarded. The United States shall be liable for costs the same as a private person.

(d) LIMITATION.—Damages awarded under subsection (b) may not accrue from a date more than 2 years before the date on which a charge is filed under section 108(b) or a civil action is brought under section 109.

SEC. 112. SPECIAL RULES CONCERNING EMPLOYEES OF LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Except as otherwise provided in this section, the rights, remedies, and procedures under this Act shall apply to any local educational agency (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))) and its employees, including the rights under section 106, which shall extend throughout the period of any employee's leave under this section.

(b) LEAVE DOES NOT VIOLATE CERTAIN OTHER FEDERAL LAWS.—A local educational agency shall not be in violation of the Education of the Handicapped Act (20 U.S.C. 1400 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), solely as a result of an eligible employee of such agency exercising such employee's rights under this Act.

(c) INTERMITTENT LEAVE FOR INSTRUCTIONAL EMPLOYEES.—(1) Subject to paragraph (2), in any case in which an employee employed principally in an instructional capacity by any such educational agency seeks to take leave under section 103(a)(1)(C) or 104 which is foreseeable based on planned medical treatment or supervision and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the agency may require such employee to elect either—

(A) to take leave for periods of a particular duration, not to exceed the planned medical treatment or supervision; or

(B) to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified, and which—

(i) has equivalent pay and benefits, and

(ii) better accommodates recurring periods of leave than the employee's regular employment position.

(2) The elections described in subparagraphs (A) and (B) of paragraph (1) shall apply only with respect to an employee who complies with section 103(e)(2) or 104(d) (whichever is appropriate).

(d) RULES APPLICABLE TO PERIODS NEAR THE CONCLUSION OF AN ACADEMIC TERM.—The following rules shall apply with respect to periods of leave near the conclusion of an academic term in the case of any employee employed principally in an instructional capacity by any such educational agency:

(1) If the employee begins leave under section 103 or 104 more than 5 weeks before the end of the academic term, the agency may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of at least 3 weeks duration; and

(B) the return to employment would occur during the 3-week period before the end of such term.

(2) If the employee begins leave under section 103 during the period that commences 5 weeks before the end of the academic term, the agency may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of greater than 2 weeks duration; and

(B) the return to employment would occur during the 2-week period before the end of such term.

(3) If the employee begins leave under section 103 during the period that commences 3 weeks before the end of the academic term and the duration of the leave is greater than 5 working days, the agency may require the employee to continue to take leave until the end of such term.

(e) RESTORATION TO EQUIVALENT EMPLOYMENT POSITION.—For purposes of determinations under section 106(a)(1)(B) (relating to an employee's restoration to an equivalent position) in the case of a local educational agency, such determination shall be made on the basis of established school board policies, practices, and collective bargaining agreements.

(f) REDUCTION OF THE AMOUNT OF LIABILITY.—If a local educational agency which has violated title I proves to the satisfaction of the administrative law judge or the court that the agency or department had reasonable grounds for believing that the underlying act or omission was not a violation of such title, such judge or court may, in its discretion, reduce the amount of the liability provided for under section 111(b)(1) to the amount determined under subparagraph (A) of such section.

SEC. 113. NOTICE.

(a) IN GENERAL.—Each employer shall post and keep posted, in conspicuous places upon its premises where notices to employees and applicants for employment are customarily posted, a notice, to be prepared or approved by the Secretary, setting forth excerpts from, or summaries of, the pertinent provisions of this title and information pertaining to the filing of a charge.

(b) PENALTY.—Any employer that willfully violates this section shall be assessed a civil money penalty not to exceed $100 for each separate offense.

TITLE II—FAMILY LEAVE AND TEMPORARY MEDICAL LEAVE FOR CIVIL SERVICE EMPLOYEES

SEC. 201. FAMILY AND TEMPORARY MEDICAL LEAVE.

(a) IN GENERAL.—(1) Chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new subchapter:

"Subchapter V—Family and Temporary Medical leave

"§ 6381. Definitions

"For purposes of this subchapter—

"(1) 'employee' means—

"(A) an employee as defined by section 6301(2) of this title (excluding an individual employed by the government of the District of Columbia); and

"(B) an individual under clause (v) or (ix) of such section;

whose employment is other than on a temporary or intermittent basis;

"(2) 'serious health condition' means an illness, injury, impairment, or physical or mental condition which involves—

"(A) inpatient care in a hospital, hospice, or residential health care facility; or

"(B) continuing treatment, or continuing supervision, by a health care provider;

"(3) 'child' means an individual who is—

"(A) a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, and

"(B)(i) under 18 years of age, or

"(ii) 18 years of age or older and incapable of self-care because of mental or physical disability; and

"(4) 'parent' means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, or a legal guardian.

"§ 6382. Family leave

"(a) Leave under this section shall be granted on the request of an employee if such leave is requested—

"(1) because of the birth of a child of the employee;

"(2) because of the placement for adoption or foster care of a child with the employee; or

"(3) in order to care for the employee's child or parent who has a serious health condition.

"(b) Leave under this section—

"(1) shall be leave without pay;

"(2) may not, in the aggregate, exceed the equivalent of 18 administrative workweeks of the employee during any 24-month period; and

"(3) shall be in addition to any annual leave, sick leave, temporary medical leave, or other leave or compensatory time off otherwise available to the employee.

"(c) An employee may elect to use leave under this section—

"(1) immediately before or after (or otherwise in coordination with) any period of annual leave, or compensatory time off, otherwise available to the employee;

"(2) under a method involving a reduced workday, a reduced workweek, or other alternative work schedule;

"(3) on either a continuing or intermittent basis; or

"(4) any combination thereof.

"(d) Notwithstanding any other provision of this section—

"(1) a request for leave under this section based on the birth of a child may not be granted if, or to the extent that, such leave would be used after the end of the 12-month period beginning on the date of such child's birth; and

"(2) a request for leave under this section based on the placement for adoption or foster care of a child may not be granted if, or to the extent that, such leave would be used after the end of the 12-month period beginning on the date on which such child is so placed.

"(e)(1) In any case in which the necessity for leave under this section is foreseeable based on an expected birth or adoption, the employee shall provide the employing agency with prior notice of such expected birth or adoption in a manner which is reasonable and practicable.

"(2) In any case in which the necessity for leave under this section is foreseeable based on planned medical treatment or supervision, the employee—

"(A) shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employing agency, subject to the approval of the health care provider of the employee's child or parent; and

"(B) shall provide the employing agency with prior notice of the treatment or supervision in a manner which is reasonable and practicable.

"§ 6383. Temporary medical leave

"(a) An employee who, because of a serious health condition, becomes unable to perform the functions of such employee's position shall, on request of the employee, be entitled to leave under this section.

"(b) Leave under this section—

"(1) shall be leave without pay;

"(2) shall be available for the duration of the serious health condition of the employee involved, but may not, in the aggregate, exceed the equivalent of 26 administrative workweeks of the employee during any 12-month period; and

"(3) shall be in addition to any annual leave, sick leave, family leave, or other leave or compensatory time off otherwise available to the employee.

"(c) An employee may elect to use leave under this section—

"(1) immediately before or after (or otherwise in coordination with) any period of annual leave, sick leave, or compensatory time off otherwise available to the employee;

"(2) under a method involving a reduced workday, a reduced workweek, or other alternative work schedule;

"(3) on either a continuing or intermittent basis; or

"(4) any combination thereof.

"(d) In any case in which the necessity for leave under this section is foreseeable based on planned medical treatment or supervision, the employee—

"(1) shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employing agency, subject to the approval of the employee's health care provider; and

"(2) shall provide the employing agency with prior notice of the treatment or supervision in a manner which is reasonable and practicable.

"§ 6384. Certification

"(a) An employing agency may require that a request for family leave under section 6382(a)(3) or temporary medical leave under section 6383 be supported by certification issued by the health care provider of the employee or of the employee's child or parent, whichever is appropriate. The employee shall provide a copy of such certification to the employing agency.

"(b) Such certification shall be sufficient if it states—

"(1) the date on which the serious health condition commenced;

"(2) the probable duration of the condition;

"(3) the medical facts within the provider's knowledge regarding the condition; and

"(4) for purposes of section 6383, a statement that the employee is unable to perform the functions of the employee's position.

"§ 6385. Job protection

"An employee who uses leave under section 6382 or 6383 of this title is entitled to be restored to the position held by such employee immediately before the commencement of such leave.

"§ 6386. Prohibition of coercion

"(a) An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with such employee's rights under this subchapter.

"(b) For the purpose of this section, 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

"§ 6387. Health insurance

"An employee enrolled in a health benefits plan under chapter 89 of this title who is placed in a leave status under section 6382 or 6383 of this title may elect to continue the employee's health benefits enrollment while in such leave status and arrange to pay into the Employees Health Benefits Fund (described in section 8909 of this title), through that individual's employing agency, the appropriate employee contributions.

"§ 6388. Regulations

"The Office of Personnel Management shall prescribe regulations necessary for the administration of this subchapter. The regulations prescribed under this subchapter shall be consistent with the regulations prescribed by the Secretary of Labor under title I of the Family and Medical Leave Act of 1990.".

(2) The table of contents for chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER V—FAMILY AND TEMPORARY MEDICAL LEAVE

"6381. Definitions.
"6382. Family leave.
"6383. Temporary medical leave.
"6384. Certification.
"6385. Job protection.
"6386. Prohibition of coercion.
"6387. Health insurance.
"6388. Regulations.".

(b) EMPLOYEES PAID FROM NONAPPROPRIATED FUNDS.—Section 2105(c)(1) of title 5, United States Code, is amended by striking out "53" and inserting in lieu thereof "53, and subchapter III of chapter 63,".

TITLE III—COMMISSION ON FAMILY AND MEDICAL LEAVE

SEC. 301. ESTABLISHMENT.

There is established a commission to be known as the Commission on Family and Medical Leave (hereinafter in this Act referred to as the "Commission").

SEC. 302. DUTIES.

The Commission shall—

(1) conduct a comprehensive study of—

(A) existing and proposed policies relating to family leave and temporary medical leave,

(B) the potential costs, benefits, and impact on productivity of such policies on businesses which employ fewer than 50 employees, and

(C) alternative and equivalent State enforcement of this Act with respect to employees described in section 113; and

(2) within 2 years after the date on which the Commission first meets, submit a report to the Congress, which may include legislative recommendations concerning coverage of businesses which employ fewer than 50 employees and alternative and equivalent State enforcement of this Act with respect to employees described in section 113.

SEC. 303. MEMBERSHIP.

(a) COMPOSITION.—The Commission shall be composed of 12 voting members and 2 ex-officio members appointed not more than 60 days after the date of the enactment of this Act as follows:

(1) One Senator shall be appointed by the majority leader of the Senate, and one Senator shall be appointed by the minority leader of the Senate.

(2) One member of the House of Representatives shall be appointed by the Speaker of the House of Representatives, and one Member of the House of Representatives

shall be appointed by the minority leader of the House of Representatives.

(3)(A) Two members each shall be appointed by—

(i) the Speaker of the House of Representatives,

(ii) the majority leader of the Senate,

(iii) the minority leader of the House of Representatives, and

(iv) the minority leader of the Senate.

(B) Such members shall be appointed by virtue of demonstrated expertise in relevant family, temporary disability, and labor-management issues and shall include representatives of small business.

(4) The Secretary of Health and Human Services and the Secretary of Labor shall serve on the Commission as nonvoting ex-officio members.

(b) VACANCIES.—Any vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a chairperson and a vice chairperson from among its members.

(d) QUORUM.—Eight members of the Commission shall constitute a quorum for all purposes, except that a lesser number may constitute a quorum for the purpose of holding hearings.

SEC. 304. COMPENSATION.

(a) PAY.—Members of the Commission shall serve without compensation.

(b) TRAVEL EXPENSES.—Members of the Commission shall be allowed reasonable travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when performing duties of the Commission.

SEC. 305. POWERS.

(a) MEETINGS.—The Commission shall first meet not more than 30 days after the date on which members are appointed, and the Commission shall meet thereafter upon the call of the chairperson or a majority of the members.

(b) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(c) ACCESS TO INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon the request of the chairperson or vice chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(d) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director from the personnel of any Federal agency to assist the Commission in carrying out its duties.

(e) USE OF FACILITIES AND SERVICES.—Upon the request of the Commission, the head of any Federal agency may make available to the Commission any of the facilities and services of such agency.

(f) PERSONNEL FROM OTHER AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to assist the Commission in carrying out its duties.

SEC. 306. TERMINATION.

The Commission shall terminate 30 days after the date of the submission of its report to the Congress.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EFFECT ON OTHER LAWS.

(a) FEDERAL AND STATE ANTIDISCRIMINATION LAWS.—Nothing in this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or handicapped status.

(b) STATE AND LOCAL LAWS.—Nothing in this Act shall be construed to supersede any provision of any State and local law which provides greater employee family or medical leave rights than the rights established under this Act.

SEC. 402. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE.—Nothing in this Act shall be construed to diminish an employer's obligation to comply with any collective-bargaining agreement or any employment benefit program or plan which provides greater family and medical leave rights to employees than the rights provided under this Act.

(b) LESS PROTECTIVE.—The rights provided to employees under this Act may not be diminished by any collective-bargaining agreement or any employment benefit program or plan.

SEC. 403. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

Nothing in this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies which comply with the requirements under this Act.

SEC. 404. REGULATIONS.

The Secretary shall prescribe such regulations as are necessary to carry out title I of this Act, within 60 days after the date of the enactment of this Act.

SEC. 405. EFFECTIVE DATES.

(a) TITLE III.—Title III shall take effect on the date of the enactment of this Act.

(b) OTHER TITLES.—(1) Except as provided in paragraph (2), titles I, II, and IV shall take effect 6 months after the date of the enactment of this Act.

(2) In the case of a collective-bargaining agreement in effect on the effective date of paragraph (1), title I shall apply on the earlier of—

(A) the date of the termination of such agreement; or

(B) the date which occurs 12 months after the date of the enactment of this Act.

TITLE V—FAMILY LEAVE AND TEMPORARY MEDICAL LEAVE FOR EMPLOYEES IN THE HOUSE OF REPRESENTATIVES

SEC. 501. FAMILY LEAVE AND TEMPORARY MEDICAL LEAVE FOR EMPLOYEES IN THE HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—Except as provided in subsection (b) and subsection (c), the rights and protections under sections 103 through 107 shall apply with respect to any employee in an employment position in the House of Representatives and any employing authority of the House of Representatives.

(b) NONAPPLICABILITY OF EXEMPTION CONCERNING CERTAIN HIGHLY COMPENSATED EMPLOYEES.—Section 106(b) shall not apply with respect to any employee in an employment position in the House of Representatives.

(c) SPECIAL LIMITATION ON DURATION.—Notwithstanding section 103 and section 104, the duration of family leave under such section 103 shall be limited as provided in section 6382 of title 5, United States Code, and the duration of temporary medical leave shall be limited as provided in section 6383 of title 5, United States Code.

(d) ADMINISTRATION.—In the administration of this section, the remedies and procedures under the Fair Employment Practices Resolution shall be applied.

(e) DEFINITION.—As used in this section, the term "Fair Employment Practices Resolution" means House Resolution 558, One Hundredth Congress, agreed to October 3, 1988, as continued in effect by House Resolution 15, One Hundred and First Congress, agreed to January 3, 1989.

The CHAIRMAN. No amendment to said substitute shall be in order except those amendments printed in part 2 of House Report 101-479. Said amendments shall be considered in the order and manner specified in said report, shall be considered as having been read, and shall not be subject to amendment except as specified in said report. Debate time specified for each amendment shall be equally divided and controlled by the proponent of the amendment and a Member opposed thereto.

It shall be in order to consider the amendment offered by the gentleman from Missouri [Mr. CLAY] or his designee, printed in part 2 of House Report 101-479, as pending simultaneously to both amendments offered by the gentleman from Texas [Mr. STENHOLM]. Said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question. The Chair shall put the question on the amendments en bloc offered by the gentleman from Missouri as one question.

Where House Report 101-479 indicates that amendments shall be pending simultaneously to the amendment offered by the gentleman from Tennessee [Mr. GORDON] and to the amendment in the nature of a substitute made in order as an original text by House Resolution 388, said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question. The Chair shall put the question on the amendments en bloc as one question.

If more than one amendment in the nature of a substitute printed in part 2 of House Report 101-479 is adopted, only the latter amendment adopted shall be considered as finally adopted and reported back to the House.

It is now in order to consider amendment No. 1 printed in part 2 of House Report 101-479.

Apparently, the gentleman from Minnesota [Mr. PENNY] does not seek recognition.

It is now in order to consider amendment No. 2 printed in part 2 of House Report 101-479.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GORDON

Mr. GORDON. Madam Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. GORDON:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family and Medical Leave Act of 1990".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
TITLE I—GENERAL REQUIREMENTS FOR LEAVE
Sec. 101. Definitions.
Sec. 102. Leave requirement.
Sec. 103. Certification.
Sec. 104. Employment and benefits protection.
Sec. 105. Prohibited acts.
Sec. 106. Administrative enforcement.
Sec. 107. Enforcement by civil action.
Sec. 108. Investigative authority.
Sec. 109. Relief.
Sec. 110. Special rules concerning employees of local educational agencies and private elementary and secondary schools.
Sec. 111. Notice.
Sec. 112. Regulations.
TITLE II— LEAVE FOR CIVIL SERVICE EMPLOYEES
Sec. 201. Parental and temporary medical leave.
TITLE III—COMMISSION ON LEAVE
Sec. 301. Establishment.
Sec. 302. Duties.
Sec. 303. Membership.
Sec. 304. Compensation.
Sec. 305. Powers.
Sec. 306. Termination.
TITLE IV—MISCELLANEOUS PROVISIONS
Sec. 401. Effect on other laws.
Sec. 402. Effect on existing employment benefits.
Sec. 403. Encouragement of more generous leave policies.
Sec. 404. Effective dates.
TITLE V—COVERAGE OF CONGRESSIONAL EMPLOYEES
Sec. 501. Leave for certain congressional employees.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the number of single-parent households and two-parent households in which the single parent or both parents work is increasing significantly;

(2) it is important to the development of the child and to the family unit that fathers and mothers be able to participate in early childrearing and the care of their family members who have serious health conditions;

(3) the lack of employment opportunities to accommodate working parents can force individuals to choose between job security and parenting;

(4) there is inadequate job security for some employees who have serious health conditions that prevent them from working for temporary periods;

(5) due to the nature of women's and men's roles in our society, the primary responsibility for family caretaking often falls on women, and such responsibility affects their working lives more than it affects the working lives of men; and

(6) employment standards that apply to one gender only have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

(b) PURPOSES.—The Congress therefore declares that the purposes of this Act are—

(1) to balance the demands of the workplace with the needs of families, to promote stability and economic security in families, and to promote Federal interests in preserving family integrity;

(2) to entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition;

(3) to accomplish such purposes in a manner which accommodates the legitimate interests of employers;

(4) to accomplish such purposes in a manner which, consistent with the Equal Protection Clause of the Fourteenth Amendment, minimizes the potential for discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons, on a gender-neutral basis; and

(5) to promote the goal of equal employment opportunity for women and men, pursuant to such clause.

TITLE I—GENERAL REQUIREMENTS FOR LEAVE

SEC. 101. DEFINITIONS.

For purposes of this title:

(1) The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any activity or industry "affecting commerce" within the meaning of the Labor Management Relations Act, 1947 (29 U.S.C. 141 et seq.).

(2) The terms "employ" and "State" have the meanings given such terms in sections 3(g) and 3(c), respectively, of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(g), 203(a), 203(c)).

(3)(A) The term "eligible employee" means any employee as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)) who has been employed by the employer with respect to whom leave is sought under section 102 for at least—

(i) 1,000 hours of service during the previous 12-month period, and

(ii) 12 months.

(B) Such term does not include—

(i) any Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code (as added by title II of this Act), or

(ii) any employee of an employer employed at a worksite at which such employer employs less than 50 employees if the total number of employees employed by that employer within 75 miles of that worksite is less than 50.

(4) The term "employee" means any individual employed by an employer.

(5)(A) The term "employer" means any person engaged in commerce or any activity affecting commerce who employs 50 or more employees for each working day during each of 20 or more workweeks in the current or preceding calendar year.

(B) For purposes of subparagraph (A), the term "person" includes—

(i) any person who acts, directly or indirectly, in the interest of an employer to any of the employer's employees;

(ii) any successor in interest of an employer; and

(iii) any public agency, as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).

(C) For purposes of subparagraph (A), a public agency shall be deemed to be a person engaged in commerce or in an activity affecting commerce.

(6) The term "employment benefits" means all benefits provided or made available to employees by an employer, and include group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a policy or practice of an employer or through an employee benefit plan as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)).

(7) The term "health care provider" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such function or action.

(8) The term "reduced leave schedule" means leave scheduled for fewer than an employee's usual number of hours per workweek or hours per workday.

(9) The term "Secretary" means the Secretary of Labor.

(10) The term "serious health condition" means an illness, injury, impairment, or physical or mental conditions which involves—

(A) inpatient care in a hospital, hospice, or residential health care facility, or

(B) continuing treatment or continuing supervision by a health care provider.

(11) The term "son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

(A) under 18 years of age, or

(B) 18 years of age or older and incapable of self-care because of mental or physical disability.

(12) The term "parent" means the biological parent of the child or an individual who stood in loco parentis to a child when the child was a son or daughter.

SEC. 102. LEAVE REQUIREMENT.

(a) IN GENERAL.—(1) An eligible employee shall be entitled, subject to section 103, to 12 workweeks of leave during any 12-month period—

(A) because of the birth of a son or daughter of the employee;

(B) because of the placement of a son or daughter with the employee for adoption or foster care;

(C) in order to care for the employee's son, daughter, spouse, or parent who has a serious health condition; or

(D) because of a serious health condition which makes the employee unable to perform the functions of such employee's position.

(2)(A) The entitlement to leave under paragraphs (1)(A) and (1)(B) for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement. If one parent of a son or daughter takes leave under paragraph (1)(A), the other parent of such son or daughter may not take leave under such paragraph at the same time.

(B) Leave under paragraph (1)(A) or (1)(B) may not be taken by an employee intermittently unless the employee and the employee's employer agree otherwise. Leave under paragraph (1)(C) or (1)(D) may be

taken intermittently when medically necessary, subject to subsection (e).

(b) REDUCED LEAVE.—Upon agreement between the employer and the employee, leave under subsection (a) may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled.

(c) UNPAID LEAVE PERMITTED.—Leave under subsection (a) may consist of unpaid leave, except as provided in subsection (d).

(d) RELATIONSHIP TO PAID LEAVE.—(1)(A) An eligible employee may elect, or an employer may require the employee, to substitute for leave under paragraph (1)(A), (1)(B), or (1)(C) of subsection (a) any of the employee's paid vacation leave, personal leave, or family leave for any part of the 12-week period of such leave under such paragraph.

(B) An eligible employee or employer may elect, or an employer may require the employee, to substitute for leave under paragraph (1)(D) of subsection (a) any of the employee's paid vacation leave, personal leave, or medical or sick leave for any part of the 12-week period of such leave under such paragraph, except that nothing in this Act shall require an employer to provide paid sick leave or paid medical leave in any situation in which such employer would not normally provide any such paid leave.

(2) If an eligible employee is entitled to leave under subsection (a), if under paragraph (1) the employee elects to substitute or is required by the employee's employer to substitute paid leave for such leave, and if such paid leave is less than the 12 weeks leave under subsection (a), the employee's employer shall provide the employee such additional weeks of leave as may be necessary to attain such 12 weeks.

(e) FORESEEABLE LEAVE.—(1) In any case in which the necessity for leave under paragraph (1)(A) or (1)(B) of subsection (a) is foreseeable based on an expected birth or adoption, the eligible employee shall provide the employer with prior notice of such expected birth or adoption in a manner which is reasonable and practicable.

(2) In any case in which the necessity for leave under paragraph (1)(C) or (1)(D) of subsection (a) is foreseeable based on planned medical treatment or supervision, the employee—

(A) shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employer, subject to the approval of the employee's health care provider or the health care provider of the employee's son, daughter, or parent; and

(B) shall provide the employer with prior notice of the treatment or supervision in a manner which is reasonable and practicable.

(f) SPOUSES EMPLOYED BY THE SAME EMPLOYER.—In any case in which a husband and wife entitled to leave under subsection (a) are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period, if such leave is taken—

(1) under subparagraph (A) or (B) of subsection (a)(1); or

(2) to care for a sick parent under subparagraph (C) of such subsection.

SEC. 103. CERTIFICATION.

(a) IN GENERAL.—An employer may require that a claim for leave under section 102(a)(1)(C) or 102(a)(1)(D) be supported by certification issued by the health care provider of the eligible employee or of the employee's son, daughter, spouse, or parent, whichever is appropriate. The employee shall provide a copy of such certification to the employer.

(b) SUFFICIENT CERTIFICATION.—Such certification shall be sufficient if it states—

(1) the date on which the serious health condition commenced,

(2) the probable duration of the condition;

(3) the appropriate medical facts within the provider's knowledge regarding the condition; and

(4)(A) for purposes of leave under section 102(a)(1)(C), an estimate of the amount of time that the eligible employee is needed to care for the son, daughter, spouse, or parent; and

(B) for purposes of leave under section 102(a)(1)(D), a statement that the employee is unable to perform the functions of the employee's position.

(c) EXPLANATION OF INABILITY TO PERFORM JOB FUNCTIONS.—The employer may request that, for purposes of section 104(d), certification under subsection (a) that is issued in any case involving leave under section 102(a)(1)(D) include an explanation of the extent to which the eligible employee is unable to perform the functions of the employee's position.

(d) SECOND OPINION.—(1) In any case in which the employer has reason to doubt the validity of the certification provided under subsection (a) for leave under paragraph (1)(C) or (1)(D) of section 102(a), the employer may require, at its own expense, that the eligible employee obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified under subsection (a) for such leave.

(2) Any health care provider designated or approved under paragraph (1) may not be employed on a regular basis by the employer.

(e) RESOLUTION OF CONFLICTING OPINIONS.—In any case in which the second opinion described in subsection (d) differs from the original certification provided under subsection (a), the employer may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified under subsection (a). The opinion of the third health care provider concerning the information certified under subsection (a) shall be considered to be final and shall be binding on the employer and the employee.

(f) SUBSEQUENT RECERTIFICATION.—The employer may require that the eligible employee obtain subsequent recertifications on a reasonable basis.

SEC. 104. EMPLOYMENT AND BENEFITS PROTECTION.

(a) RESTORATION TO POSITION.—(1) Any eligible employee who takes leave under section 102 for its intended purpose shall be entitled, upon return from such leave—

(A) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(2) The taking of leave under section 102 shall not result in the loss of any employment benefit earned before the date on which the leave commenced.

(3) Except as provided in subsection (b), nothing in this subsection shall be construed to entitle any restored employee to—

(A) the accrual of any seniority or employment benefits during any period of leave; or

(B) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(4) As a condition to restoration under paragraph (1), the employer may have a policy that requires each employee to receive certification from the employee's health care provider that the employee is able to resume work, except that nothing in this paragraph shall supersede a valid State or local law or a collective bargaining agreement that governs the return to work of employees taking leave under section 102(a)(1)(D).

(b) EXEMPTION CONCERNING CERTAIN HIGHLY COMPENSATED EMPLOYEES.—(1) An employer may deny restoration under subsection (a) to any eligible employee described in paragraph (2) if—

(A) such denial is necessary to prevent substantial and grievous economic injury to the employer's operations;

(B) the employer notifies the employee of its intent to deny restoration on such basis at the time the employer determines that such injury would occur; and

(C) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

(2) An eligible employee described in this paragraph is a salaried eligible employee who is among the highest paid 10 percent of the employees employed by the employer within 75 miles of the facility at which the employee is employed.

(c) MAINTENANCE OF HEALTH BENEFITS.—During any period an eligible employee takes leave under section 102, the employer shall maintain coverage under any group health plan (as defined in section 162(i)(2) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously from the date the employee commenced the leave until the date the employee is restored under subsection (a).

(d) NO BAR TO AGREEMENT CONCERNING ALTERNATIVE EMPLOYMENT.—Nothing in this title shall be construed to prohibit an employer and an eligible employee from mutually agreeing to alternative employment for the employee throughout the period during which the employee would be entitled to leave under section 102. Any such period of alternative employment shall not cause a reduction in the period of temporary leave to which the employee is entitled under section 102(a)(1)(D).

SEC. 105. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—(1) It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this title.

(2) It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this title.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(1) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this title;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this title; or

(3) has testified, or is about to testify in any inquiry or proceeding relating to any right provided under this title.

SEC. 106. ADMINISTRATIVE ENFORCEMENT.

(a) IN GENERAL.—The Secretary shall issue such regulations as are necessary to carry out this section, including regulations concerning service of complaints, notice of hearings, answers and amendments to complaints, and copies of orders and records of proceedings.

(b) CHARGES.—(1) Any person (or person, including a class or organization, on behalf of any person) alleging an act which violates any provision of this title may file a charge respecting such violation with the Secretary. Charges shall be in such form and contain such information as the Secretary shall require by regulation.

(2) Not more than 10 days after the Secretary receives notice of the charge, the Secretary—

(A) shall serve a notice of the charge on the person charged with the violation; and

(B) shall inform such person and the charging party as to the rights and procedures provided under this title.

(3) A charge may not be filed more than 1 year after the date of the last event constituting the alleged violation.

(4) The charging party and the person charged with the violation may enter into a settlement agreement concerning the violation alleged in the charge before any determination is reached by the Secretary under subsection (c). Such an agreement shall be effective unless the Secretary determines, within 30 days after notice of the proposed agreement, that the agreement is not generally consistent with the purposes of this title.

(c) INVESTIGATION; COMPLAINT.—(1) Within the 60-day period after the Secretary receives any charge respecting a violation of this title, the Secretary shall investigate the charge and issue a complaint based on the charge or dismiss the charge.

(2) If the Secretary determines that there is no reasonable basis for the charge, the Secretary shall dismiss the charge and promptly notify the charging party and the respondent as to the dismissal.

(3) If the Secretary determines that there is a reasonable basis for the charge, the Secretary shall issue a complaint based on the charge and promptly notify the charging party and the respondent as to the issuance.

(4) Upon the issuance of a complaint, the Secretary and the respondent may enter into a settlement agreement concerning a violation alleged in the complaint. Any such settlement shall not be entered into over the objection of the charging party, unless the Secretary determines that the settlement provides a full remedy for the charging party.

(5) If, at the end of the 60-day period referred to in paragraph (1), the Secretary—

(A) has not made a determination under paragraph (2) or (3),

(B) has dismissed the charge under paragraph (2), or

(C) has disapproved a settlement agreement under subsection (b)(4) or has not entered into a settlement agreement under paragraph (4) of this subsection,

the charging party may elect to bring a civil action under section 107. Such election shall bar further administrative action by the Secretary with respect to the violation alleged in the charge.

(6) The Secretary may issue and serve a complaint alleging a violation of this title on the basis of information and evidence gathered as a result of an investigation initiated by the Secretary pursuant to section 108.

(7) The Secretary shall have the power to petition the United States district court for the district in which the violation is alleged to have occurred, or in which the respondent resides or transacts business, for appropriate temporary relief or restraining order. Upon the filing of any such petition, the court shall cause notice of the petition to be served upon the respondent, and the court shall have jurisdiction to grant to the Secretary such temporary relief or restraining order as it deems just and proper.

(d) RIGHTS OF PARTIES.—(1) In any case in which a complaint is issued under subsection (c), the Secretary shall, not more than 10 days after the date on which the complaint is issued, cause to be served on the respondent a copy of the complaint.

(2) Any person filing a charge alleging a violation of this title may elect to be a party to any complaint filed by the Secretary alleging such violation. Such election must be made before the commencement of the hearing.

(3) The failure of the Secretary to comply in a timely manner with any obligation assigned to the Secretary under this title shall entitle the charging party to elect, at the time of such failure, to bring a civil action under section 107.

(e) CONDUCT OF HEARING.—(1) The Secretary shall have the duty to prosecute any complaint issued under subsection (b).

(2) An administrative law judge shall conduct a hearing on the record with respect to any complaint issued under this title. The hearing shall be commenced within 60 days after the issuance of such complaint, unless the judge, in the judge's discretion, determines that the purposes of this Act would best be furthered by commencement of the action after the expiration of such period.

(f) FINDINGS AND CONCLUSIONS.—(1) After the hearing conducted under this section, the administrative law judge shall promptly make findings of fact and conclusions of law, and, if appropriate, issue an order for relief as provided in section 109.

(2) The administrative law judge shall inform the parties, in writing, of the reason for any delay in making such findings and conclusions if such findings and conclusions are not made within 60 days after the conclusion of such hearing.

(g) FINALITY OF DECISION; REVIEW.—(1) The decision and order of the administrative law judge shall become the final decision and order of the agency unless, upon appeal by an aggrieved party taken not more than 30 days after such action, the Secretary modifies or vacates the decision, in which case the decision of the Secretary shall be the final decision and the order of the agency.

(2) Not later than 60 days after the entry of such final order, any person aggrieved by such final order may seek a review of such order in the United States court of appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business.

(3) Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

(h) COURT ENFORCEMENT OF ADMINISTRATIVE ORDERS.—(1) If an order of the agency is not appealed under subsection (g)(2), the Secretary may petition the United States district court for the district in which the violation is alleged to have occurred, or in which the respondent resides or transacts business, for the enforcement of the order of the Secretary, by filing in such court a written petition praying that such order be enforced.

(2) Upon the filing of such petition, the court shall have jurisdiction to make and enter a decree enforcing the order of the Secretary. In such a proceeding, the order of the Secretary shall not be subject to review.

(3) If, upon appeal of an order under subsection (g)(2), the United States court of appeals does not reverse such order, such court shall have the jurisdiction to make and enter a decree enforcing the order of the Secretary.

SEC. 107. ENFORCEMENT BY CIVIL ACTION.

(a) RIGHT TO BRING CIVIL ACTION.—(1) Subject to the limitations in this section, an eligible employee or any person, including a class or organization on behalf of any eligible employee or the Secretary may bring a civil action against any employer (including any State employer) to enforce the provisions of this title in any appropriate court of the United States or in any State court of competent jurisdiction.

(2) Subject to paragraph (3), a civil action may be commenced under this subsection without regard to whether a charge has been filed under section 106(b).

(3) No civil action may be commenced under paragraph (1) if the Secretary—

(A) has approved a settlement agreement or has failed to disapprove a settlement agreement under section 106(b)(4), in which case no civil action may be filed under this subsection if such action is based upon a violation alleged in the charge and resolved by the agreement; or

(B) has issued a complaint under section 106(c)(3) or 106(c)(6), in which case no civil action may be filed under this subsection if such action is based upon a violation alleged in the complaint.

(4) Notwithstanding paragraph (3)(A), a civil action may be commenced to enforce the terms of any such settlement agreement.

(5)(A) Except as provided in subparagraph (B), no civil action may be commenced more than 1 year after the date of the last event constituting the alleged violation.

(B) In any case in which—

(i) a timely charge is filed under section 106(b), and

(ii) the failure of the Secretary to issue a complaint or enter into a settlement agreement based on the charge (as provided under section 106(c)(4)) occurs more than 11 months after the date on which any alleged violation occurred,

the charging party may commence a civil action not more than 60 days after the date of such failure.

(6) The Secretary may not bring a civil action against any agency of the United States.

(7) Upon the filing of the complaint with the court, the jurisdiction of the court shall be exclusive.

(b) VENUE.—An action brought under subsection (a) in a district court of the United States may be brought—

(1) in any appropriate judicial district under section 1391 of title 28, United States Code, or

(2) in the judicial district in the State in which—

(A) the employment records relevant to such violation are maintained and administered, or

(B) the aggrieved person worked or would have worked but for the alleged violation.

(c) NOTIFICATION OF THE SECRETARY; RIGHT TO INTERVENE.—A copy of the complaint in any action by an eligible employee under subsection (a) shall be served upon the Secretary by certified mail. The Secretary shall have the right to intervene in a civil action brought by an employee under subsection (a).

(d) ATTORNEYS FOR THE SECRETARY.—In any civil action under subsection (a), attorneys appointed by the Secretary may appear for and represent the Secretary, except that the Attorney General and the Solicitor General shall conduct any litigation in the Supreme Court.

SEC. 108. INVESTIGATIVE AUTHORITY.

(a) IN GENERAL.—To ensure compliance with this title, or any regulation or order issued under this title, the Secretary shall have, subject to subsection (c), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)).

(b) OBLIGATION TO KEEP AND PRESERVE RECORDS.—Any employer shall keep and preserve records in accordance with section 11(c) of such Act and in accordance with regulations issued by the Secretary.

(c) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary may not under the authority of this section require any employer or any plan, fund, or program to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this title or any regulation or order issued pursuant to this title, or is investigating a charge pursuant to section 106.

(d) SUBPOENA POWERS, ETC.—For the purposes of any investigation provided for in this section, the Secretary shall have the subpoena authority provided under section 9 of the Fair Labor Standards Act of 1938.

SEC. 109. RELIEF.

(a) INJUNCTIVE.—(1) Upon finding a violation under section 106, the administrative law judge shall issue an order requiring such person to cease and desist from any act or practice which violates this title.

(2) In any civil action brought under section 107, the court may grant as relief against any employer (including any State employer) any permanent or temporary injunction, temporary restraining order, and other equitable relief as the court deems appropriate.

(b) MONETARY.—(1) Any employer (including any State employer) that violates any provision of this title shall be liable to the injured party in an amount equal to—

(A) any wages, salary, employment benefits, or other compensation denied or lost to such eligible employee by reason of the violation, plus interest on the total monetary damages calculated at the prevailing rate; and

(B) an additional amount equal to the greater of (i) the amount determined under subparagraph (A), or (ii) consequential damages, not to exceed 3 times the amount determined under such subparagraph.

(2) If an employer who has violated this title proves to the satisfaction of the administrative law judge or the court that the act or omission which violated this title was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of this title, such judge or the court may, in its discretion, reduce the amount of the liability provided for under this subsection to the amount determined under paragraph (1)(A).

(c) ATTORNEYS' FEES.—The prevailing party (other than the United States) may be awarded a reasonable attorneys' fee as part of the costs, in addition to any relief awarded. The United States shall be liable for costs the same as a private person.

(d) LIMITATION.—Damages awarded under subsection (b) may not accrue from a date more than 2 years before the date on which a charge is filed under section 106(b) or a civil action is brought under section 107.

SEC. 110. SPECIAL RULES CONCERNING EMPLOYEES OF LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Except as otherwise provided in this section, the rights, remedies, and procedures under this Act shall apply to—

(1) any local educational agency (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))) and its employees, and

(2) any private elementary and secondary school and its employees,

including the rights under section 104, which shall extend throughout the period of any employee's leave under this section.

(b) LEAVE DOES NOT VIOLATE CERTAIN OTHER FEDERAL LAWS.—A local educational agency and a private elementary and secondary school shall not be in violation of the Education of the Handicapped Act (20 U.S.C. 1400 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), solely as a result of an eligible employee of such agency or school exercising such employee's rights under this Act.

(c) INTERMITTENT LEAVE FOR INSTRUCTIONAL EMPLOYEES.—(1) Subject to paragraph (2), in any case in which an employee employed principally in an instructional capacity by any such educational agency or school seeks to take leave under section 102(a)(1)(C) or 102(a)(1)(D) which is foreseeable based on planned medical treatment or supervision and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the agency or school may require such employee to elect either—

(A) to take leave for periods of a particular duration, not to exceed the planned medical treatment or supervision; or

(B) to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified, and which—

(i) has equivalent pay and benefits, and

(ii) better accommodates recurring periods of leave than the employee's regular employment position.

(2) The elections described in subparagraphs (A) and (B) of paragraph (1) shall apply only with respect to an employee who complies with section 102(e)(2).

(d) RULES APPLICABLE TO PERIODS NEAR THE CONCLUSION OF AN ACADEMIC TERM.—The following rules shall apply with respect to periods of leave near the conclusion of an academic term in the case of any employee employed principally in an instructional capacity by any such educational agency or school:

(1) If the employee begins leave under section 102 more than 5 weeks before the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of at least 3 weeks duration; and

(B) the return to employment would occur during the 3-week period before the end of such term.

(2) If the employee begins leave under paragraph (1)(A), (1)(B), or (1)(C) of section 102(a)(1) during the period that commences 5 weeks before the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of greater than 2 weeks duration; and

(B) the return to employment would occur during the 2-week period before the end of such term.

(3) If the employee begins leave under paragraph (1)(A), (1)(B), or (1)(C) of section 102 during the period that commences 3 weeks before the end of the academic term and the duration of the leave is greater than 5 working days, the agency or school may require the employee to continue to take leave until the end of such term.

(e) RESTORATION TO EQUIVALENT EMPLOYMENT POSITION.—For purposes of determinations under section 104(a)(1)(B) (relating to an employee's restoration to an equivalent position) in the case of a local educational agency or a private elementary and secondary school, such determination shall be made on the basis of established school board policies and practices, private school policies and practices, and collective bargaining agreements.

(f) REDUCTION OF THE AMOUNT OF LIABILITY.—If a local educational agency or a private elementary and secondary school which has violated title I proves to the satisfaction of the administrative law judge or the court that the agency, school, or department had reasonable grounds for believing that the underlying act or omission was not a violation of such title, such judge or court may, in its discretion, reduce the amount of the liability provided for under section 109(b)(1) to the amount determined under subparagraph (A) of such section.

SEC. 111. NOTICE.

(a) IN GENERAL.—Each employer shall post and keep posted, in conspicuous places upon its premises where notices to employees and applicants for employment are customarily posted, a notice, to be prepared or approved by the Secretary, setting forth excerpts from, or summaries of, the pertinent provisions of this title and information pertaining to the filing of a charge.

(b) PENALTY.—Any employer that willfully violates this section shall be assessed a civil money penalty not to exceed $100 for each separate offense.

SEC. 112. REGULATIONS.

The Secretary shall prescribe such regulations as are necessary to carry out this title (including regulations under section 106(a)) within 60 days after the date of the enactment of this Act.

TITLE II—FAMILY LEAVE AND TEMPORARY MEDICAL LEAVE FOR CIVIL SERVICE EMPLOYEES

SEC. 201. FAMILY AND TEMPORARY MEDICAL LEAVE.

(a) IN GENERAL.—(1) Chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new subchapter:

"Subchapter V—Family and Temporary Medical Leave

"§ 6381. Definitions

"For purposes of this subchapter—

"(1) 'employee' means—

"(A) an employee as defined by section 6301(2) of this title (excluding an individual employed by the government of the District of Columbia); and

"(B) an individual under clause (v) or (ix) of such section;

whose employment is other than on a temporary or intermittent basis;

"(2) 'serious health condition' means an illness, injury, impairment, or physical or mental condition which involves—

"(A) inpatient care in a hospital, hospice, or residential health care facility; or

"(B) continuing treatment, or continuing supervision, by a health care provider;

"(3) 'child' means an individual who is—

"(A) a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, and

"(B)(i) under 18 years of age, or

"(ii) 18 years of age or older and incapable of self-care because of mental or physical disability; and

"(4) 'parent' means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, or a legal guardian.

"§ 6382. Family leave

"(a) Leave under this section shall be granted on the request of an employee if such leave is requested—

"(1) because of the birth of a child of the employee;

"(2) because of the placement for adoption or foster care of a child with the employee; or

"(3) in order to care for the employee's child or parent who has a serious health condition.

"(b) Leave under this section—

"(1) shall be leave without pay;

"(2) may not, in the aggregate, exceed the equivalent of 18 administrative workweeks of the employee during any 24-month period; and

"(3) shall be in addition to any annual leave, sick leave, temporary medical leave, or other leave or compensatory time off otherwise available to the employee.

"(c) An employee may elect to use leave under this section—

"(1) immediately before or after (or otherwise in coordination with) any period of annual leave, or compensatory time off, otherwise available to the employee;

"(2) under a method involving a reduced workday, a reduced workweek, or other alternative work schedule;

"(3) on either a continuing or intermittent basis; or

"(4) any combination thereof.

"(d) Notwithstanding any other provision of this section—

"(1) a request for leave under this section based on the birth of a child may not be granted if, or to the extent that, such leave would be used after the end of the 12-month period beginning on the date of such child's birth; and

"(2) a request for leave under this section based on the placement for adoption or foster care of a child may not be granted if, or to the extent that, such leave would be used after the end of the 12-month period beginning on the date on which such child is so placed.

"(e)(1) In any case in which the necessity for leave under this section is foreseeable based on an expected birth or adoption, the employee shall provide the employing agency with prior notice of such expected birth or adoption in a manner which is reasonable and practicable.

"(2) In any case in which the necessity for leave under this section is foreseeable based on planned medical treatment or supervision, the employee—

"(A) shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employing agency, subject to the approval of the health care provider of the employee's child or parent; and

"(B) shall provide the employing agency with prior notice of the treatment or supervision in a manner which is reasonable and practicable.

"§ 6383. Temporary medical leave

"(a) An employee who, because of a serious health condition, becomes unable to perform the functions of such employee's position shall, on request of the employee, be entitled to leave under this section.

"(b) Leave under this section—

"(1) shall be leave without pay;

"(2) shall be available for the duration of the serious health condition of the employee involved, but may not, in the aggregate, exceed the equivalent of 26 administrative workweeks of the employee during any 12-month period; and

"(3) shall be in addition to any annual leave, sick leave, family leave, or other leave or compensatory time off otherwise available to the employee.

"(c) An employee may elect to use leave under this section—

"(1) immediately before or after (or otherwise in coordination with) any period of annual leave, sick leave, or compensatory time off otherwise available to the employee;

"(2) under a method involving a reduced workday, a reduced workweek, or other alternative work schedule;

"(3) on either a continuing or intermittent basis; or

"(4) any combination thereof.

"(d) In any case in which the necessity for leave under this section is foreseeable based on planned medical treatment or supervision, the employee—

"(1) shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employing agency, subject to the approval of the employee's health care provider; and

"(2) shall provide the employing agency with prior notice of the treatment or supervision in a manner which is reasonable and practicable.

"§ 6384. Certification

"(a) An employing agency may require that a request for family leave under section 6382(a)(3) or temporary medical leave under section 6383 be supported by certification issued by the health care provider of the employee or of the employee's child or parent, whichever is appropriate. The employee shall provide a copy of such certification to the employing agency.

"(b) Such certification shall be sufficient if it states—

"(1) the date on which the serious health condition commenced;

"(2) the probable duration of the condition;

"(3) the medical facts within the provider's knowledge regarding the condition; and

"(4) for purposes of section 6383, a statement that the employee is unable to perform the functions of the employee's position.

"§ 6385. Job protection

"An employee who uses leave under section 6382 or 6383 of this title is entitled to be restored to the position held by such employee immediately before the commencement of such leave.

"§ 6386. Prohibition of coercion

"(a) An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with such employee's rights under this subchapter.

"(b) For the purpose of this section, 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

"§ 6387. Health insurance

"An employee enrolled in a health benefits plan under chapter 89 of this title who is placed in a leave status under section 6382 or 6383 of this title may elect to continue the employee's health benefits enrollment while in such leave status and arrange to pay into the Employees Health Benefits Fund (described in section 8909 of this title), through that individual's employing agency, the appropriate employee contributions.

"§ 6388. Regulations

"The Office of Personnel Management shall prescribe regulations necessary for the administration of this subchapter. The regulations prescribed under this subchapter shall be consistent with the regulations prescribed by the Secretary of Labor under title I of the Family and Medical Leave Act of 1990.".

(2) The table of contents for chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER V—FAMILY AND TEMPORARY MEDICAL LEAVE

"6381. Definitions.
"6382. Family leave.
"6383. Temporary medical leave.
"6384. Certification.
"6385. Job protection.
"6386. Prohibition of coercion.
"6387. Health insurance.
"6388. Regulations.".

(b) EMPLOYEES PAID FROM NONAPPROPRIATED FUNDS.—Section 2105(c)(1) of title 5, United States Code, is amended by striking out "53" and inserting in lieu thereof "53, and subchapter III of chapter 63,".

TITLE III—COMMISSION ON LEAVE

SEC. 301. ESTABLISHMENT.

There is established a commission to be known as the Commission on Leave (hereinafter in this Act referred to as the "Commission").

SEC. 302. DUTIES.

The Commission shall—

(1) conduct a comprehensive study of—

(A) existing and proposed policies relating to leave,

(B) the potential costs, benefits, and impact on productivity of such policies on businesses which employ fewer than 50 employees, and

(C) alternative and equivalent State enforcement of this Act with respect to employees described in section 110; and

(2) within 2 years after the date on which the Commission first meets, submit a report to the Congress, which may include legislative recommendations concerning coverage of businesses which employ fewer than 50 employees and alternative and equivalent State enforcement of this Act with respect to employees described in section 110.

SEC. 303. MEMBERSHIP.

(a) COMPOSITION.—The Commission shall be composed of 12 voting members and 2 ex-officio members appointed not more than 60 days after the date of the enactment of this Act as follows:

(1) One Senator shall be appointed by the majority leader of the Senate, and one Senator shall be appointed by the minority leader of the Senate.

(2) One member of the House of Representatives shall be appointed by the Speaker of the House of Representatives, and one Member of the House of Representatives shall be appointed by the minority leader of the House of Representatives.

(3)(A) Two members each shall be appointed by—

(i) the Speaker of the House of Representatives,

(ii) the majority leader of the Senate,

(iii) the minority leader of the House of Representatives, and

(iv) the minority leader of the Senate.

(B) Such members shall be appointed by virtue of demonstrated expertise in relevant family, temporary disability, and labor-management issues and shall include representatives of small business.

(4) The Secretary of Health and Human Services and the Secretary of Labor shall serve on the Commission as nonvoting ex-officio members.

(b) VACANCIES.—Any vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a chairperson and a vice chairperson from among its members.

(d) QUORUM.—Eight members of the Commission shall constitute a quorum for all purposes, except that a lesser number may constitute a quorum for the purpose of holding hearings.

SEC. 304. COMPENSATION.

(a) PAY.—Members of the Commission shall serve without compensation.

(b) TRAVEL EXPENSES.—Members of the Commission shall be allowed reasonable travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when performing duties of the Commission.

SEC. 305. POWERS.

(a) MEETINGS.—The Commission shall first meet not more than 30 days after the date on which members are appointed, and the Commission shall meet thereafter upon the call of the chairperson or a majority of the members.

(b) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(c) ACCESS TO INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon the request of the chairperson or vice chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(d) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director from the personnel of any Federal agency to assist the Commission in carrying out its duties.

(e) USE OF FACILITIES AND SERVICES.—Upon the request of the Commission, the head of any Federal agency may make available to the Commission any of the facilities and services of such agency.

(f) PERSONNEL FROM OTHER AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to assist the Commission in carrying out its duties.

SEC. 306. TERMINATION.

The Commission shall terminate 30 days after the date of the submission of its report to the Congress.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EFFECT ON OTHER LAWS.

(a) FEDERAL AND STATE ANTIDISCRIMINATION LAWS.—Nothing in this Act or any amendment made by this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or handicapped status.

(b) STATE AND LOCAL LAWS.—Nothing in this Act or any amendment made by this Act shall be construed to supersede any provision of any State and local law which provides greater employee leave rights than the rights established under this Act or any amendment made by this Act.

SEC. 402. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE.—Nothing in this Act or any amendment made by this Act shall be construed to diminish an employer's obligation to comply with any collective-bargaining agreement or any employment benefit program or plan which provides greater family and medical leave rights to employees than the rights provided under this Act or any amendment made by this Act.

(b) LESS PROTECTIVE.—The rights provided to employees under this Act or any amendment made by this Act may not be diminished by any collective bargaining agreement or any employment benefit program or plan.

SEC. 403. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

Nothing in this Act or any amendment made by this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies which comply with the requirements under this Act or any amendment made by this Act.

SEC. 404. EFFECTIVE DATES.

(a) TITLE III.—Title III shall take effect on the date of the enactment of this Act.

(b) OTHER TITLES.—(1) Except as provided in paragraph (2), titles I and II and this title shall take effect 6 months after the date of the enactment of this Act.

(2) In the case of a collective bargaining agreement in effect on the effective date prescribed by paragraph (1), title I shall apply on the earlier of—

(A) the date of the termination of such agreement; or

(B) the date which occurs 12 months after the date of the enactment of this Act.

SEC. 405. REGULATIONS.

The Secretary shall prescribe such regulations as are necessary to carry out this title within 60 days after the date of the enactment of this Act.

TITLE V—COVERAGE OF CONGRESSIONAL EMPLOYEES

SEC. 501. LEAVE FOR CERTAIN CONGRESSIONAL EMPLOYEES.

(a) IN GENERAL.—The rights and protections under sections 102 through 105 (other than section 104(b)) shall apply to any employee in an employment position and any employing authority of the House of Representatives.

(b) ADMINISTRATION.—In the administration of this section, the remedies and procedures under the Fair Employment Practices Resolution shall be applied.

(c) DEFINITION.—As used in this section, the term "Fair Employment Practices Resolution" means House Resolution 558, One Hundredth Congress, agreed to October 3, 1988, as continued in effect by House Resolution 15, One Hundred and First Congress, agreed to January 3, 1989.

The CHAIRMAN. The gentleman from Tennessee [Mr. GORDON] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. Madam Chairman, I yield myself such time as I may consume.

(Mr. GORDON asked and was given permission to revise and extend his remarks.)

Mr. GORDON. Madam Chairman, first I want to take a moment to recognize the contribution of the gentleman from Minnesota [Mr. PENNY] on this issue. The gentleman has played a constructive role and has raised important issues about this bill.

Madam Chairman, today we have an opportunity. After 5 years of work by scores of those dedicated to the well-being of America's families. We have the chance to give our Nation's workers job security while they care for a member of their own household.

America has changed in the last 30 years. Two income households have become the norm rather than the exception. There are more single parents than ever before. The cost of raising a child or caring for a sick parent has never been greater.

And now is the time for real competition with nations such as Japan and West Germany. These countries assure their workers of job-secure leave. It's time to make sure that the productive and dedicated workers America needs are never burdened with the anxiety of choosing between work and family.

The Gordon-Weldon amendment offers the best chance at giving America a workable, commonsense family and medical leave bill this year.

Our amendment is the product of legitimate concerns expressed about the committee bill. Those concerns

brought Republicans like CURT WELDON and MARGE ROUKEMA together with Democrats like me in an effort to give American businesses a fair bill and America's families and a bill that makes a real difference.

Some feel the original bill's 15 weeks per year for personal medical leave and 10 weeks every 2 years for family leave is too much. Our amendment allows an employee one period of unpaid leave of no more than 12 weeks total in a year.

The committee bill allows both new parents to be on leave at the same time. Our amendment allows only one parent to take leave at a time.

The committee bill's definition on a parent includes in-laws, legal guardians and step-parents. We have tightened that provision to include only biological parents or those who actually raised the employee.

Certification of illness under our amendment must be provided by a doctor, rather than simply anyone defined as a health care provider.

And what about small businesses, the businesses that are the backbone of the American economy?

I hope that the hardware store on the square in Murfreesboro, TN or the beauty salon in CURT WELDON's home town of Aston, PA, will give their employees the same choices outlined in our amendment.

But we understand that America's small businesses really are special. They need special flexibility. And they need the 50-employee permanent exemption provided in our amendment.

Our amendment also exempts the key employees that no business can afford to do without.

Some supporters of family leave say we haven't done enough for working families. Opponents say we go too far, that working families should not have the option of 12 weeks of unpaid leave under any circumstances.

That criticism tells me our bipartisan compromise amendment is just where it should be. And that's what compromise is all about.

As we consider this amendment, let's not forget the message that we time and again give our young, "Work hard, raise a family, always care for your parents."

Work and family, those basic values are the social fabric that binds this country together.

Today millions of Americans, Americans in every congressional district represented in this body, are choosing between beginning a family and staying on the job. They're choosing between work and caring for an older parent. They're doing their best to reach a balance between the values they believe are important—work and family.

No act of Congress can make those choices easy. Twelve weeks of unpaid leave spent with a newborn baby or ill parent is not a vacation, but it is an option that every working American deserves.

□ 1140

Madam Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Madam Chairman, I rise in support of the amendment offered by Representative GORDON and Representative WELDON. A lot of hard work has gone into this compromise. I want to commend my colleagues on the Education and Labor and Post Office and Civil Service Committees for drafting a bill which Members from both sides of the aisle can support today.

Madam Chairman, opponents of this bill have spend a lot of time talking about their fundamental opposition to Federal mandates, you know, the principle of the thing. Let us spend just a minute talking about the reality of the benefits we are considering here today. The employers I have heard from insist that mothers do not need 12 weeks to recover from the birth of a child. You know, in most cases, they are probably right, but they assume that every employee who is eligible for leave is going to take the maximum 12 weeks. Remember, an employee is not required to stay away from work for 3 months just because he or she is eligible.

I am not speaking for any other State, but I want to remind my colleagues from North Carolina, and I do not mention this with pride, that we have the lowest average manufacturing wages in the Nation. Now I wonder how many new parents are going to be able to afford to go 3 months without a paycheck? Maybe those employees in the top 10 percent of the salary structure can afford it, but, hey, they are not covered under this bill. Opponents of the bill say business cannot afford leave benefits; if anyone cannot afford it, it's employees. Let us show a little faith in this Nation's employees. They are not interested in putting their bosses out of business.

What this bill is all about is the changing needs of American workers and employers as well. Why do we not stop treating worstcase scenario's like the gospel, and start listening to what American workers are really saying, and that is: "We need a little job protection for our families, but we want to work together with you on this thing."

Mr. GRANDY, Madam Chairman, may I inquire as to how much time I have?

The CHAIRMAN. The gentleman from Iowa [Mr. GRANDY] has 15 minutes.

Mr. GRANDY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would take this time to inquire of the authors of the Weldon-Gordon substitute about the provisions in the bill. I would ask that, under the so-called compromise, time can be taken off, and I would ask this to either sponsor of the bill: Time can be taken off for a so-called serious health condition. How is that defined in the bill?

I will be happy to yield to either the gentleman from Tennessee [Mr. GORDON] or the gentleman from Pennsylvania [Mr. WELDON] for an answer to this.

Mr. GORDON. Madam Chairman, will the gentleman yield?

Mr. GRANDY. I am happy to yield to the gentleman from Tennessee.

Mr. GORDON. Madam Chairman, one is either in a hospital or in the constant supervision of a health-care provider.

Mr. GRANDY. It is the continuing supervision of a health-care provider, is it not?

Mr. GORDON. The gentleman is correct.

Mr. GRANDY. Let me now ask about the term "serious health condition." Did not the General Accounting Office say that that term was subject to varying interpretations?

Mr. WELDON. Madam Chairman, will the gentleman yield?

Mr. GRANDY. I am happy to yield to the gentleman from Pennsylvania.

Mr. WELDON. Madam Chairman, on that point, if the gentleman would understand it, there has been a very significant tightening up of the certification process and requirement that requires not just a medical practitioner but a medical doctor as defined by Medicare to certify that the illness is of such a nature that an individual should, in fact, provide care at home and, in addition to that, there is a three-step process.

If the employer disagrees with the advice and counsel of the individual employee's doctor or physician, then the employer can have their doctor or physician assess the merits of the leave request.

Mr. GRANDY. I am going to reclaim my time on this point.

Mr. WELDON. Madam Chairman, the gentleman has asked me for an answer.

Mr. GRANDY. I am reclaiming my time.

Mr. WELDON. And obviously the gentleman will not allow me to answer his question.

Mr. GRANDY. Madam Chairman, who has the time?

The CHAIRMAN. The gentleman from Iowa [Mr. GRANDY] has the floor.

Mr. GRANDY. I take that time back, because it is my understanding that it is not necessarily the employer's physician. It is a physician agreed to by the employer and the employee,

and the employer pays for that decision. Is that not correct?

Mr. WELDON. Madam Chairman, is the gentleman going to yield and allow me to answer?

Mr. GRANDY. Madam Chairman, I will yield, and I will allow the gentleman to answer that question.

Mr. WELDON. Madam Chairman, as I was explaining the three-part certification process, the physician as selected and paid by the employer, if they disagree with the recommendation of the employee's physician, then can refer it to a neutral third party who then decides and arbitrates whether or not the leave is in fact justified.

I think this far and away protects the concerns that anyone would raise about someone who would try to abuse this process.

Mr. GRANDY. Reclaiming my time, I appreciate the gentleman's answer. May I ask another question?

What obligations are there for employees under this substitute to meet in taking leave and then in returning? Is there any obligation at all to give advance notice of intent to return to work? An employee has gone out on leave; is there any obligation by that employee to give that employer notice to return to work?

Mr. GORDON. If the gentleman will yield further, they have to give notice they are going to take the leave, and then they would be limited to 12 weeks thereafter.

Mr. GRANDY. But they are not obligated to give notice as to when they are coming back? Is that correct?

Mr. GORDON. If the gentleman will yield further, there is no more than 12 weeks that would be eligible.

Mr. GRANDY. Could an employee simply take all the leave together with obviously the continued health insurance coverage and then choose not to return to work?

Mr. WELDON. If the gentleman will yield further, this is not a change, by the way, from the initial legislation, so I do not understand why it was not questioned on the initial general debate. This is the same as the initial bill provided. The employer can, in fact, question the fitness or the ability of the employee to return to work during the process of the leave.

Mr. GRANDY. Again, that is not the question.

Mr. GORDON. Madam Chairman, if the gentleman will yield further, this is unpaid leave, and certainly the employee would not have to come back to work, just as an employee could walk out of a job at any time.

Mr. GRANDY. However, if an employee walks off the job, an employer is not required to maintain the health benefits. If this employee walks off the job while he is on leave and never returns, the employer is obligated to pay those health benefits, is he not, and the employee is not necessarily obligated to contribute to those health benefits?

Mr. GORDON. If there was never an intention to return, he would not be obligated. However, this is a hypothetical that is a pretty bizarre and extreme motive. If the gentleman would like to cite a specific example of where this has happened, maybe we could deal with it more specifically.

Mr. GRANDY. I only take that point because there are provisions in State law, Rhode Island being one, that requires an employee to make a good-faith gesture of putting their health contributions into an escrow plan so that should they decide to use what would normally be maternity leave to look for another job, let us say, after taking some leave, they would forfeit those benefits.

□ 1150

Mrs. SCHROEDER. Madam Chairman, will the gentleman yield?

Mr. GRANDY. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Madam Chairman, one of the very important tools that the employer still has, if you take the worst case, which is what I assume the gentleman from Iowa [Mr. GRANDY] is talking about, someone who takes the 12 weeks of leave knowing they are going to quit anyway and does not tell the employer, and the gentleman is saying the employer paid the health care benefits and so the employer is left high and dry, if you take that worst case, I still think there would be very few employees that would ever do that because the minute the employee goes to get another job, the first person they turn to is the employer for a recommendation.

I want to tell you if I were the employer of an employee that did that, I can tell you what kind of recommendation I would give. I think the gentleman from Iowa [Mr. GRANDY] knows that. We do not need to put that in the law. That is human nature and common sense.

Mr. GRANDY. Madam Chairman, reclaiming my time, I would quote from the committee report on H.R. 770. Testimony was given by a witness who said the following:

> We recently had a young woman who requested 3 months maternity leave which we granted. In order to hold her job, we employed a temporary employment service to fill this job as secretary-receptionist. During the leave we paid all benefits. At the end of the leave the individual informed us of her decision not to return to the labor force. In other words, we went through a period of inefficiency and delay and being able to seek and train a replacement, as well as the monetary outlay to cover fringe benefits.

Madam Chairman, I might point out here none of the costs referred to in this particular paragraph are covered in the supposed costs of H.R. 770 or Gordon-Weldon.

> In other words, we went through a period of inefficiency and delay in being able to seek and train a replacement for an employee who did not return.

Hypotheticals notwithstanding, there is precedent for this kind of behavior. That is why some States have taken preventive measures.

Mr. GORDON. Madam Chairman, will the gentleman yield?

Mr. GRANDY. I yield to the gentleman from Tennessee.

Mr. GORDON. Madam Chairman, I concur and agree there are some sorry people in this world, and there will be situations where this, as any benefit, will be taken advantage of. But they are going to be very rare and it will be the exception. But yes, the gentleman is right, there are sorry people in the world.

Mr. GRANDY. Madam Chairman, reclaiming my time, I thank the gentleman from Tennessee [Mr. GORDON] for his comment, because the gentleman is talking about sorry employers. I am talking about sorry employees, and his legislation talks about sorry employers.

I would guarantee that no matter how tightly we draft the statute, we will not catch everybody in our net. But as I refer to some of the problems in this bill, I see some loopholes here that could provide for some real problems to the employers who at this point can offer this leave, but have no requirement from the employee to notify them if they are coming back. They will still be on the hook for all of the benefits, regardless of whether that person comes back to the workplace or bolts from the workplace.

Let me ask the gentleman from Tennessee [Mr. GORDON] this: Is there any requirement in the bill for emergency or pressing circumstances to exist before taking leave? Is there any criteria for that?

Mr. GORDON. If the gentleman will yield?

Mr. GRANDY. I yield to the gentleman from Tennessee.

Mr. GORDON. Madam Chairman, you yourself have to have a family health condition or a family member has to have a serious health condition and there has to be a doctor's certification.

Mr. GRANDY. Madam Chairman, reclaiming my time, could, for example, an employee take time off to care for a child living separately with a divorced spouse? Are there requirements for the child to live with the parent?

Mr. GORDON. Madam Chairman, will the gentleman yield?

Mr. GRANDY. I yield to the gentleman from Tennessee.

Mr. GORDON. Madam Chairman, if it was a natural child and only if you were going to be caring for that child.

Mr. GRANDY. Madam Chairman, reclaiming my time, I have some other

questions, but at this point I reserve the balance of my time.

Mr. GORDON. Madam Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. JENKINS].

Mr. JENKINS. Madam Chairman, I have listened to this debate very carefully, and I support the substitute offered by the gentleman from Tennessee [Mr. GORDON].

I worked on the substitute. I think this is a much better bill. I want to tell Members why I support it.

Think of all of the votes we make on the House floor. There are a few that you occasionally want to retrieve. If you vote for this bill, we may want to retrieve that vote from a political standpoint. It may not be too popular.

If you vote against this bill, sometime down the road you are going to wish that you could retrieve this vote. Because a vote for this bill is the right thing to do.

Now, I have heard the arguments against it, that this does not help poor people. My friends, you would be surprised what a mother can do, a poor person, that has a terminally ill child. They will find a way to live, to eat, but this would help them a bit to go back to work.

But even so, say it only helps middle-income people, the so-called yuppies. What is wrong in America today to occasionally helping a middle-income worker? I do not know what is wrong with helping middle-income America. Have we abandoned those people who work every day of their lives, paying taxes, asking for nothing more than decency and compassion?

I say to you that there are those who say good employers do this anyway. Well, wonderful. I am delighted. I agree. So this bill primarily will just apply to bad employers, who do not have the compassion, who do not have the feeling, who do not have any interest in the family.

I want to pay tribute to our colleague from Illinois who says this is a pro-family bill. Yes, it is a pro-family bill. You do not know what goes through the mind of a young working mother who is pregnant again and must make a decision as to whether or not to have an abortion or to have that child.

Yes, it is pro-family. No, it may not be the right political vote, but it is the right vote. I urge Members to vote for the substitute.

Mr. GORDON. Madam Chairman, I yield 30 seconds to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Madam Chairman, I rise in support of the amendment and want to associate myself with the remarks of the gentleman from Georgia [Mr. JENKINS] who just preceded me in the well.

I think this substitute is good legislation. I think it is good for families. I think it is good for the morale of the workplace. It is a reasonable compromise. Madam Chairman, I think it preserves the intent and the integrity of the original legislation introduced 5 years ago by the gentlewoman from Colorado [Mrs. SCHROEDER].

Madam Chairman, I urge my colleagues to support the compromise.

Mr. GORDON. Madam Chairman, I yield 1 minute to the gentleman from Maryland [Mr. MCMILLEN].

Mr. MCMILLEN of Maryland. Madam Chairman, I want to commend the gentleman from Tennessee [Mr. GORDON] and the gentleman from Pennsylvania [Mr. WELDON] for forging this compromise. It is sensitive to the concerns of small business.

These provisions for a permanent 50-employee exemption are a very positive change. While I would have preferred for emphasis on parental leave, I think this compromise is a major step forward in labor-business relations. But more important, this compromise is the drive toward the hodgepodge of State laws.

This administration has consistently abdicated national responsibility in the areas of transportation, education, and other areas, and once again today they are saying let us have 50 different State standards, so that that is the way we prepare this Nation to compete against the Common Market in 1992, where they are dropping these kinds of different standards.

The lastest General Accounting Office estimates are that compliance costs will be a little over $100 million. That compares very favorably with the $600 million in lost wages due to the fact that we do not have a national standard in this country.

Madam Chairman, I urge the adoption of the substitute.

Madam Chairman, I rise in support of the compromise version of this bill offered by the gentleman from Tennessee and the gentleman from Pennsylvania. They have forged a compromise that I feel all of us—business and labor—can live with. The amendment in the nature of a substitute simpifies H.R. 770 and addresses some of businesses' concerns about onerous mandates from the Federal Government. For instance, the exemption for businesses of fewer than 50 persons is an improvement—small businesses simply don't have the personnel redundancy to permit unscheduled periods of leave.

While I endorse the compromise version, I believe that the emphasis should be on parental leave—in this way, we would have a better handle on the cost to businesses involved. This is because it is easier to estimate the number of workers likely to take parental, rather than medical, leave. Further, slightly reducing the number of weeks one is entitled to under this proposal would be a welcome refinement, giving both businesses greater flexibility in personnel management.

In a country where citizens must juggle work and family responsibilities, family and medical leave is really our only course of action. It is the only way we as a society can position ourselves for maximum productivity in the global marketplace in the coming century. Not only that, you can be sure that without a Federal statute, there would be a hodgepodge of State laws, many of which may be conflicting. This is antithetical to an economy that operates largely on a national scale, such as the American economy. It is important to note that a Federal regulation would not preclude various State standards, but would instead discourage the formation of inconsistent State initiatives.

In fact, it can argued that a Federal law actually helps businesses. Federal legislation would allow national corporations to avoid the potential disruption created by having to contend with a patchwork of State and medical leave regulations. In this instance, the Federal Government should not shy away from Federal intervention in the workplace—it will clearly have positive consequences here. As has been the case with transportation, education and environmental protection, the Federal Government cannot surrender jurisdiction to the 50 States—in these cases, an overarching framework, established by the Federal Government, is essential.

Family and medical leave has been a hotly debated issue for at least the past 5 years. Since then interested parties have worked diligently to seek a common ground on this potentially explosive issue. This bill, GAO estimates, will have a compliance cost of about $107 million a year for American businesses. This compares favorably with the annual societal cost of $607 million for lost wages and productivity that results from no national family and medical leave policy. I urge my colleagues to support the compromise and to oppose weakening amendments.

□ 1200

Mr. GORDON. Madam Chairman, I reserve the balance of my time pending resolution of amendments to the amendment in the nature of a substitute.

Mr. GRANDY. Madam Chairman, may I inquire as to how much time remains?

The CHAIRMAN. The gentleman from Iowa [Mr. GRANDY] has 6 minutes remaining, and the gentleman from Tennessee [Mr. GORDON] has 5½ minutes remaining.

Mr. GRANDY. Madam Chairman, I yield myself 2 minutes for the purpose of asking a question. I would ask again the cosponsors of the amendment if they can clarify for me the exemption for covered employees in the bill. I am curious about the so-called key employee exemption that the gentlewoman from New Jersey [Mrs. ROUKEMA] has offered and referred to. Under what circumstances would the key employee not be allowed to take leave? I would ask either the gentleman from Tennessee or the gentleman from Pennsylvania.

Mr. WELDON. Madam Chairman, if the gentleman will yield, since this was also part of the original bill, I

would ask my colleague to yield to the gentlewoman from New Jersey.

Mr. GRANDY. I yield to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. The key employee exemption has to do with those top employees without whom, of course, it is obvious that the business cannot continue. For example, if there is a business with one engineer, one draftsman and one person where there would be grievous economic injury to the business, that employer is exempted from the requirements. The employee is identified clearly in the bill. We tried to go through some other formula.

Mr. GRANDY. Let me reclaim my time. I just want to know one thing, because here is where I am unclear. Are we talking about denying that employee leave or are we talking about denying restoration?

Mrs. ROUKEMA. Restoration, we are denying the restoration should the employer learn that he cannot continue the operations of the business without the key employee.

Mr. GRANDY. So unlike the New Jersey law which did deny family leave to an employee who is a salaried employee among the highest 5 percent of employees or seven highest employees, we are talking about here allowing that key employee back into the workplace, is that correct?

Mrs. ROUKEMA. There is no requirement for reinstatement. I think it is very clear in the legislation, and I do not know why the gentleman is obfuscating the issue.

Mr. GRANDY. Allow me to reclaim my time, Madam Chairman. I think the amendment or the provision, I should say, obfuscates the issue because we are saying that the key employee cannot be denied leave, he can just be denied restoration. If he is a key employee, why would we do that? What use is it?

I thought I understood the intent of this, but there are no conditions under which a key employee could be denied leave. So who cares if he is a key employee?

I wonder if this kind of intent is going to wind up causing problems with the implementation of this legislation.

Madam Chairman, I reserve the balance of my time.

Mr. GORDON. Madam Chairman, I yield such time as he may consume to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Madam Chairman, I appreciate the gentleman yielding time to me, and I rise in strong support of the Family and Medical Leave Act and the bipartisan Gordon-Weldon compromise.

Madam Chairman, I rise in strong support of the Family and Medical Leave Act, and the bipartisan Gordon-Weldon compromise.

I have looked forward to consideration of this legislation on the House floor since the day I first entered this body. Legislation enabling American workers to cope with their own serious medical conditions and with their obligations to their families is long overdue.

Twelve years ago, I authored the California pregnancy disability law. My intention in moving that bill was to recognize that employment policies which provide inadequate or no leave to workers disabled by pregnancy have a disparate impact upon female employees. The object of my bill was to ensure equality of treatment in the workplace by making certain that women do not lose their jobs as a result of loss of time from work due to pregnancy.

My bill accomplished that objective by requiring employers to provide up to 4 months unpaid leave to employees disabled by pregnancy, and to reinstate the returning employee. I was gratified that the U.S. Supreme Court upheld that law in 1987.

But proud as I am, I am convinced that maternity leave, even if it is expanded beyond pregnancy disability to cover care for a newborn child or for a newly adopted child, as the substitute would do, does not suffice.

All workers face the prospect of needing to take time off due to disability or very serious family responsibilities. That is why I have enlisted in the effort to extend to all workers the benefits accorded some workers under California law.

Labor standards have historically evolved in just this fashion. In response to pressing human needs, the States often act first, resulting in a spotty patchwork of State laws which make it particular difficult for companies operating in more than one State to do business. The need for a uniform, Federal law becomes urgent. That is why it becomes essential for us to act: Because the human need is pressing, and because we do not want to leave employees or employers subject to the vagaries of where they happen to work or do business.

I feel compelled to respond to the argument of opponents of this legislation that it would destroy the flexibility needed to permit employers and employees to tailor benefits to their own needs. "Don't mandate benefits" is the slogan.

I can understand the self interest of employers in tailoring employee benefits to suit the needs of employers, but I cannot let employers get away with the assertion that H.R. 770 hobbles the ability of employees to bargain for employee rights.

The fact is that securing family and medical leave is a top priority for American workers. If employers were uniformly extending these rights to workers, this legislation would not be before us today.

I am also irked that the competitiveness argument is being dragged out in the service of employer opposition to H.R. 770. The argument that providing decent employee benefits makes American business less competitive and productive in the world market is a patently bogus excuse. Can it fairly be said that it enhances America's competitive edge when experienced, dedicated employees are compelled to quit or be fired in lieu of human leave policies?

The other industrialized nations have frankly left us in the dust when it comes to establishing sound leave policies, so I find it hard to believe that enactment of H.R. 770 would harm the competitive position of the United States.

H.R. 770 balances the needs of employers with the needs of workers and their families. I urge my colleagues to support the Family and Medical Leave Act and the Gordon-Weldon substitute, and to oppose all weakening substitutes and amendments.

Mr. GORDON. Madam Chairman, once again I reserve the balance of my time pending the resolution of the amendments to this amendment in the nature of a substitute.

Mr. GRANDY. Madam Chairman, I was under the impression that the sequence of amendments began with the gentleman from Texas [Mr. STENHOLM] and then there was to be a perfecting amendment by the gentleman from Missouri [Mr. CLAY]. Am I correct?

The CHAIRMAN. The Chair sees no Member seeking recognition, and unless an amendment made in order as a perfecting amendment is offered when the Chair calls on them, the debate will proceed.

PARLIAMENTARY INQUIRIES

Mrs. ROUKEMA. Parliamentary inquiry, Madam Chairman. I need a clarification of the parliamentary situation. I am not quite sure about it. Is the time of the gentleman from Pennsylvania [Mr. WELDON] reserved under this agreement?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WELDON] has no time. The time right now is that of the gentleman from Tennessee [Mr. GORDON] who has 5½ minutes remaining.

Mr. GORDON. Madam Chairman, with our 5½ minutes remaining, I will yield 5 minutes to the gentleman from Pennsylvania [Mr. WELDON] at the conclusion of any amendments that might be introduced.

Mrs. ROUKEMA. Then my parliamentary inquiry stated the situtation correctly, that the gentleman from Tennessee [Mr. GORDON] has time reserved under the parliamentary procedure following the disposition of amendments, is that correct?

The CHAIRMAN. Unless there is another Member who is seeking recognition on a perfecting amendment, and the Chair does not see another Member, the time must be used.

Mr. GORDON. Madam Chairman, then I yield 5 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. I have a parliamentary inquiry, Madam Chairman. Does not the gentleman from Tennessee [Mr. GORDON] have the right to close debate on this amendment?

The CHAIRMAN. The gentleman is correct.

Mr. WELDON. In that case, then the gentleman from Iowa [Mr. GRANDY] has to use his time first.

The CHAIRMAN. The gentleman from Iowa [Mr. GRANDY] has 3 minutes remaining.

Mr. GRANDY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would like to ask one more question regarding the cost of this. One of the changes that I have discerned in this substitute is that it does make provision to include spouses, and I assumed that this was an omission from H.R. 770. There is obviously the ability to go home and care for an ill spouse.

Could either gentleman tell me what the cost of this provision is estimated to add to the cost of the bill, because we have presumed throughout this bill that we were talking about a price tag of roughly between $188 million and $212 million, depending upon how one estimates health care costs, and that has been disputed. But I would just like to know what the cost of spousal illness is, because I think that would probably add costs to the bill, and I would like those few Members who maybe are undecided on this legislation to know what we are adding in this provision.

Mr. GORDON. Madam Chairman, will the gentleman yield?

Mr. GRANDY. I yield to the gentleman from Tennessee.

Mr. GORDON. Madam Chairman, the substitute does not change that situation, so it should not cost any more than the original bill.

Mr. GRANDY. I would argue that if we add another class of individuals to be included under this bill there is increased costs, and indeed the GAO in April of this year said that by including spouses under this provision the addition will increase the cost to $330 million annually.

Madam Chairman, in the time I have remaining let me address this substitute, such as it is.

On the approach, H.R. 770 is a Federal mandate. The Weldon-Gordon substitute is the same.

On intermittent leave under H.R. 770, medical time can be taken at any day or hour. There is no requirement to take it consecutively for medical leave. Weldon-Gordon is the same.

There are quadruple damages under both bills.

There is part-time and seasonal coverage under both bills. In other words, an employee with 1,000 hours of work in the previous calendar year will entitle that employee to take 12 weeks of unpaid leave in the subsequent year.

Under both bills health care benefits are required to be continued for the entire leave period.

Under the job guarantee, the employer is required to hold the job open with no incentive or requirement for an employee to return to work.

The serious health condition definition for less-than-serious or life threatening reasons can simply be under the continuing treatment or continuing supervision by a health care provider, and is the same in both bills.

Notice, under both bills, the employee should give notice only to the extent that is reasonable and practicable. That is not a requirement, and they should schedule medical leave so as not to unduly disrupt, whatever, that means.

Madam Chairman, I would only argue that this is the same circus in a different tent. I urge defeat of the substitute and H.R. 770.

Madam Chairman, I have no time remaining, is that correct?

The CHAIRMAN. The gentleman from Iowa has no time remaining.

The Chair at this time will inquire does the gentleman from Texas [Mr. STENHOLM] intend to offer his amendment?

If not, does the gentleman from Iowa [Mr. GRANDY] intend to offer his amendment?

If not, does the gentleman from Texas [Mr. BARTLETT] intend to offer his amendment?

If not, the Chair recognizes the gentleman from Tennessee [Mr. GORDON] to close debate.

Mr. GORDON. Madam Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Madam Chairman, I thank the gentleman for yielding time to me, and I appreciate his support on this bipartisan compromise.

I was not an original supporter of H.R. 770, and I am also a proud supporter of the free enterprise system in this country. My voting record and my efforts in terms of my campaigns have shown me to be an ardent supporter of the private sector and the free enterprise system. I have made some tough votes in this body on behalf of the free enterprise system, on minimum wage where I stuck with the President, high-risk notification, unlimited liability on the oil pollution bill.

But business sometimes, Madam Chairman, overreacts, much as we saw with the plant closing legislation some 2 years ago, as summarized in an article written in U.S. News & World Report 1 year later, looking at that legislation and the impact that it was going to have on our economy, entitled: "The Disaster That Never Happened."

We were told by business leaders that if we adopted the plant closing legislation, it would be a disaster for our industry and our employees. We were told by members of Congress in this very body that it would create a torrent of litigation and choke off economic growth.

□ 1210

Well, 1 year later, as the business department of the U.S. News & World Report reported in their February issue of this year, none of that happened. As a matter of fact, everything was overstated.

And in the words of U.S. News & World Report, "another example of Washington's knack for turning a molehill-sized issue into a mountain."

I think that is the case in this situation with the Gordon/Weldon compromise. This effort for this legislation has been pushed by its backers as being pro-family. It is being covered by the media as being pro-family. It has been perceived by the voters as being pro-family as determined by poll after poll.

Madam Chairwoman, as the youngest of nine children, married to the middle of seven and the father of five, I say this legislation is pro-family. This particular bill has been called a mandated benefit.

Well, that is just not so. Madam Chairwoman, there is a responsible role for Government to play in setting parameters for the private sector, for business and industry just as we did in support of our President on the minimum wage bill, where 382 of our colleagues, including myself, voted in favor of that legislation, including 135 of my Republican colleagues.

Just as we did in this body on the plant closing bill where 308 of us joined in bipartisan support of that parameter for the private sector; just as we have done for worker safety with our OSHA regulations, and just as we have done for child labor laws.

Yes, Madam Chairman, there is a role for Government to play in setting the parameters for the private sector. To say that this compromise is not in fact a compromise is just pure hogwash. It is a sincere effort to reach a workable agreement.

My business groups back in my district, my Chamber of Commerce representing 2,000 workers, my small-business group representing 5,000 employer-groups says that they can live with this compromise.

Some have argued that without this legislation on a cost basis we are losing $12 billion a year.

Well, I will not make that argument; but let me give you a real example, an example dealing with the care that we need to provide for our aging senior citizen population: I sit on the board of a hospital serving the poorest of the poor in one of the towns in my district. My wife is a nurse, been that for 18 years, and has worked as a hospice nurse.

The cost to provide quality care in the hospital today for an ailing senior citizen is $500 in my district. The cost for that senior citizen to be given

loving care at home in a hospice program is $65 a day.

Madam Chairman, that care cannot be provided unless there is a quality care provider at home, a relative who is able to care for that human being.

Why, this bill and this compromise is being supported by so many groups across the broad spectrum of America. Make no mistake about it, this legislation is about promoting and protecting the American family. It is not about management versus labor, it is not about employers versus employees and it is certainly not about the AFL-CIO versus the Chamber of Commerce.

This legislation is about allowing a single mother the chance to take an unpaid leave for up to 12 weeks to care for a sick child; this legislation is about allowing the worker to have time off after first using their paid vacation time to care for a newly adopted child, a sick spouse or a dying parent.

With over 95 percent of American companies exempted, the cost of this is minimal. We need to support the bipartisan compromise.

Madam Chairman, I urge my colleagues to join with us in this effort.

Mr. GORDON. Madam Chairman, I yield myself the remainder of my time.

The CHAIRMAN. The gentleman from Tennessee [Mr. GORDON] is recognized for 30 seconds.

Mr. GORDON. Madam Chairman, American families need this bill, and the Gordon-Weldon amendment is our best shot at making it the law of the land. This amendment is for the mother who cannot care for her baby because she does not have enough time off from work, it is for the grandparents who need temporary care from someone who loves them rather than from an institution, for the father who fights to hold his family together while his spouse fights cancer.

Madam Chairman, American families deserve this bipartisan bill.

Mr. GEPHARDT. Madam Chairman, let me begin by congratulating Congressman CLAY, Congresswoman ROUKEMA, our other friends on the Education and Labor Committee, Congresswoman SCHROEDER, Congressman WELDON, and Congressman GORDON for bringing this legislation to the point of passage today.

I believe this bill represents Congress and public service at its best, because it recognizes the real life circumstances of the working Americans who make this country strong.

There are no higher purposes in public service than standing for a competitive economy and a just society.

This spring, we in Congress have stood for those values by passing child care legislation, a budget that invests in the future, and by bringing forward an Americans with Disabilities Act and, this week, a family and medical leave bill.

This is a proud moment for the House. Our debate today is not between Republicans and Democrats, because this legislation has support on both sides of the aisle.

Our debate today is not between liberals and conservatives, because conscientious Members who hold widely disparate views on many issues which divide us are standing together for this bill. Today, this debate is between old thinking and new thinking about our economy.

The old thinking says to families in the work force. You must choose between a newborn baby and your job.

You must choose between a sick child or a sick parent and your career.

You must choose between your obligations as a family member and a bread winner.

And we say today: Those choices are immoral, antifamily, and unacceptable in a society that needs the contributions of every talented worker, regardless of his family's circumstances.

There are progressive businessmen and businesswomen in this country who understand that old thinking represents a false choice.

I was in Kansas City the other day, and business leaders there told me the following. If Congress wants this country to be competitive, it is not enough to get the budget right.

It is not enough to get the cost of capital down. It is not enough to enforce the rules of international trade. You must also understand the demographics and dynamics of the work force.

If we do not strengthen our families and help our kids, this country is going to go down the tubes.

My friends, this is what this legislation is all about. It is good for our families and it is good for business.

Family and medical leave is a matter of policy and law in the nations against which we must compete economically, and we need this legislation adopted today.

Let me conclude by urging the administration to hear the voices of America's families over the din of the special interests.

It is not enough to support rhetorically the need for a kinder, gentler society, if you are unwilling to back up campaign poetry with the prose of governing.

Family and medical leave, as with child care and disabilities legislation, will make America stronger and better. To stand with working families, we urge adoption of this bill.

Mr. LEWIS of Florida. Madam Chairman, the Family and Medical Leave Act, H.R. 770, though well-intended, is a prime example of congressional interference in an area that is better handled by the private sector. Everyone agrees that family and medical leave is a desirable employee benefit. In fact, most employers provide such leave in order to recruit and retain good employees.

However, it is counterproductive for Congress to step in and apply one set of leave benefits for the entire country. Leave is just one of a package of benefits that employers and employees negotiate. A congressional mandate on leave, or any other employee benefit, deprives businesses and workers latitude in these negotiations. Other, more desirable benefits would have to be sacrificed in order to comply with a congressional mandate on one specific benefit. In short, Congress has no business interfering with benefit arrangements worked out in the private sector.

And H.R. 770 is not a simple bill; it would hamstring the private sector with a host of new regulations and requirements. In a time when there is much concern about American competitiveness in world markets, we do not need to saddle our businesses with new, complicated, and ultimately costly Federal regulations. I favor family and medical leave, but I do not favor a one-size-fits-all Federal leave policy. H.R. 770 is a shortsighted proposal.

Mrs. SAIKI. Madam Chairman, I am speaking today in favor of the Gordon-Weldon bipartisan compromise to the Family and Medical Leave Act of 1990, H.R. 770.

When I look around this Chamber, I do not see the Federal Government, I see mothers and fathers and sons and daughters. Further, we all are employers. We have staffs both here and at home and many of us are also private businesswomen and men. With those kind of qualifications no one can claim that we do not have the knowledge and the justification to be involved in this issue.

As a former working mother of five children, I know what it is like to be denied the opportunity to stay at home with a sick child. After experiencing the agony of being made to choose between a family obligation and work commitment, I cannot imagine not supporting this measure.

We have all heard the data on the changing demographics of the workplace along with the growing economic pressures that require two paychecks for families to survive. We have heard the success stories from the businesses and the States which have some form of medical and family leave policy in place. And, we have heard the horror stories of those who have lost their jobs or placed the welfare of their families at risk because they worked for employers who have no minimum standards for emergency family leave.

Now it is time, Madam Chairman, to look to ourselves and ask what kind of support, what kind of policy, we would want from an employer if family circumstances required a prolonged absence from work. I believe that most of us would want the peace of mind that an established leave policy would give us.

I ask my colleagues to vote in favor of the Gordon-Weldon substitute. It is the right answer for the American family and it is the right answer for American business. With the passage of this legislation American business will continue to prosper because it will be run by loyal, experienced, and hard working individuals. And with passage, the American family will be given a lifeline to survival.

Mr. MFUME. Madam Chairman, I rise today in support of the right of all Americans to have the benefit of enjoying a career and raising a family. America's workers should not have to choose between caring for their families and losing their jobs. Rather they should be secure in the knowledge that no values are more important to America than family and work.

Increasingly more women with children of preschool age are entering the work force, often to contribute to household income. In

fact, 57 percent of married mothers with children under 6 years old, are in the work force. And one of every two single mothers with preschool aged children works outside the home.

Madam Chairman, more than 47 percent of America's workers are employed by businesses with 50 employees or less, about 5 percent of all businesses in the United States. Unfortunately, many of these workers do not have the benefit of a parental leave policy; and they certainly are not afforded any type of job security after a medically-related leave of absence. We all lose when America's workers have no alternatives in dealing with family matters and cannot return to their jobs.

Madam Chairman, I support a national family and medical leave policy because America's working families are well worth it. Our young couples starting new families deserve to spend time with their newly born or adopted child; that experience cannot be defined in terms of a profit margin or a bottom line. Certainly they are worth it.

And our more mature, compassionate workers caring for aged parents; for them it is often a distressing experience to choose between caring for their own children or caring for their parents who now need them. Even for those who may be able to afford the ever-increasing cost of nursing home care or in-home health care, compassion is far and away, priceless.

A family and medical leave policy is as American as free enterprise. Such a national policy is good for America's families, and for America's businesses. There is no need for this divergence to continue. I urge my colleagues to support the measure and to support America.

Mr. SCHIFF. Madam Chairman, today I regretfully cast a "no" vote on the Family and Medical Leave Act. I say regretfully because I understand and appreciate the intent of this bill. I can personally identify with the American families' difficulties in meeting both their work and family responsibilities. I grew up in a family where both mother and father worked; now my wife and I are both part of the ever growing work force, while raising two young children.

However, because a bill has a good intent, does not mean it will create a good or necessary law. It is my understanding that most employers of more than 50 employees in this country already provide leave to their employees in time of family emergency. These policies often meet or exceed the proposal here today. I know that while holding the position of District Attorney of Bernalillo County for 8 years, I established a policy of maternity and paternity and emergency leave which provided much better benefits, including paid leave, to my staff members than we would enact here. Most employers realize that providing special leave is both humane and makes good business sense.

In the cases of those few businesses employing over 50 people who really do not provide unpaid leave, their employees might still prefer to choose other benefits, such as better health insurance, over unpaid leave, which we would be imposing by enacting this bill.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Tennessee [Mr. GORDON].

The question was taken, and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WELDON. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 259, noes 157, not voting 17, as follows;

[Roll No. 105]

AYES—259

Ackerman	Foglietta	McGrath
Akaka	Ford (MI)	McHugh
Alexander	Ford (TN)	McMillen (MD)
Anderson	Frank	McNulty
Andrews	Frost	Mfume
Annunzio	Gaydos	Miller (CA)
Anthony	Gejdenson	Miller (WA)
Applegate	Gephardt	Mineta
Aspin	Gibbons	Moakley
Atkins	Gillmor	Molinari
AuCoin	Gilman	Mollohan
Bates	Gonzalez	Moody
Bellenson	Gordon	Morella
Bennett	Gray	Morrison (CT)
Bereuter	Green	Morrison (WA)
Berman	Guarini	Mrazek
Bevill	Hall (OH)	Murphy
Bilbray	Hamilton	Murtha
Bilirakis	Harris	Nagle
Boehlert	Hatcher	Natcher
Boggs	Hawkins	Neal (MA)
Bonior	Hayes (IL)	Nielson
Borski	Hayes (LA)	Nowak
Bosco	Hefner	Oakar
Boucher	Hertel	Oberstar
Boxer	Hoagland	Obey
Brennan	Hochbrueckner	Olin
Brooks	Horton	Ortiz
Browder	Hoyer	Owens (NY)
Brown (CA)	Hughes	Pallone
Bruce	Hyde	Panetta
Bryant	Jacobs	Pashayan
Bustamante	Jenkins	Payne (NJ)
Cardin	Johnson (CT)	Pease
Carper	Johnson (SD)	Pelosi
Carr	Johnston	Perkins
Chapman	Jones (GA)	Poshard
Clay	Jones (NC)	Price
Clement	Jontz	Rahall
Coleman (TX)	Kanjorski	Rangel
Collins	Kaptur	Ravenel
Condit	Kastenmeier	Regula
Conte	Kennedy	Richardson
Conyers	Kennelly	Rinaldo
Costello	Kildee	Ritter
Coughlin	Kleczka	Roe
Coyne	Kolter	Ros-Lehtinen
Crockett	Kostmayer	Rose
Davis	LaFalce	Roukema
de la Garza	Lancaster	Rowland (CT)
DeFazio	Lantos	Roybal
Dellums	Lehman (CA)	Russo
DeWine	Lehman (FL)	Sabo
Dicks	Levin (MI)	Saiki
Dingell	Levine (CA)	Sangmeister
Dixon	Lewis (GA)	Savage
Dorgan (ND)	Lipinski	Sawyer
Downey	Long	Scheuer
Durbin	Lowey (NY)	Schiff
Dwyer	Luken, Thomas	Schneider
Dymally	Machtley	Schroeder
Dyson	Madigan	Schumer
Early	Manton	Serrano
Eckart	Markey	Sharp
Edwards (CA)	Martin (IL)	Shays
English	Martin (NY)	Sikorski
Erdreich	Martinez	Sisisky
Espy	Matsui	Skaggs
Evans	Mavroules	Slaughter (NY)
Fascell	Mazzoli	Smith (FL)
Fazio	McCloskey	Smith (IA)
Feighan	McCurdy	Smith (NE)
Fish	McDade	Smith (NJ)
Flake	McDermott	Smith (TX)
Smith (VT)	Torres	Weldon
Snowe	Torricelli	Wheat
Solarz	Towns	Whitten
Solomon	Traficant	Williams
Spence	Traxler	Wise
Spratt	Unsoeld	Wolpe
Staggers	Vento	Wyden
Stark	Visclosky	Yates
Stokes	Volkmer	Yatron
Studds	Walgren	Young (AK)
Synar	Washington	Young (FL)
Tauzin	Waxman	
Taylor	Weiss	

NOES—157

Archer	Hammerschmidt	Porter
Armey	Hancock	Pursell
Baker	Hansen	Quillen
Ballenger	Hastert	Ray
Barnard	Hefley	Rhodes
Bartlett	Henry	Ridge
Barton	Herger	Roberts
Bateman	Hiler	Rogers
Bliley	Holloway	Rohrabacher
Broomfield	Hopkins	Roth
Brown (CO)	Houghton	Rowland (GA)
Buechner	Hubbard	Sarpalius
Bunning	Huckaby	Saxton
Burton	Hunter	Schaefer
Byron	Hutto	Schuette
Callahan	Inhofe	Schulze
Campbell (CA)	Ireland	Sensenbrenner
Campbell (CO)	James	Shaw
Chandler	Kasich	Shumway
Clarke	Kolbe	Shuster
Clinger	Kyl	Skeen
Coleman (MO)	Lagomarsino	Skelton
Combest	Leach (IA)	Slattery
Cooper	Leath (TX)	Slaughter (VA)
Courter	Lent	Smith, Denny (OR)
Cox	Lewis (FL)	Smith, Robert (NH)
Craig	Lightfoot	Smith, Robert (OR)
Crane	Livingston	Stallings
Dannemeyer	Lowery (CA)	Stangeland
Darden	Lukens, Donald	Stearns
DeLay	Marlenee	Stenholm
Derrick	McCandless	Stump
Dickinson	McCollum	Sundquist
Donnelly	McCrery	Tallon
Dornan (CA)	McEwen	Tanner
Douglas	McMillan (NC)	Tauke
Dreier	Meyers	Thomas (CA)
Duncan	Michel	Thomas (GA)
Fawell	Miller (OH)	Thomas (WY)
Fields	Montgomery	Upton
Frenzel	Moorhead	Valentine
Gallegly	Myers	Vander Jagt
Gallo	Neal (NC)	Vucanovich
Gekas	Oxley	Walker
Geren	Packard	Walsh
Gingrich	Parker	Weber
Glickman	Parris	Whittaker
Goodling	Patterson	Wolf
Goss	Paxon	Wylie
Gradison	Payne (VA)	
Grandy	Penny	
Grant	Petri	
Gunderson	Pickett	
Hall (TX)	Pickle	

NOT VOTING—17

Bentley	Laughlin	Rostenkowski
Coble	Lewis (CA)	Swift
Edwards (OK)	Lloyd	Udall
Emerson	Nelson	Watkins
Engel	Owens (UT)	Wilson
Flippo	Robinson	

□ 1236

The CLerk announced the following pair:

On this vote:

Mr. Nelson of Florida for, with Mr. Lewis of California against.

Messrs. BARTLETT, MOORHEAD, and JAMES changed their vote from "aye" to "no."

Mr. MADIGAN changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. OWENS of Utah. Madam Chairman, during the vote on the Gordon substitute to the bill H.R. 770 earlier today, rollcall No. 105, I was not recorded.

I was attending a meeting on the Senate side of the Capitol with my colleague from the Senate, Mr. HATCH, and, for reasons not clear, my beeper did not sound to alert me to the vote.

Had I been present I would have voted "aye".

The CHAIRMAN. The question is on the amendment in the nature of a substitute made in order as original text, as amended.

The amendment in the nature of a substitute made in order as original text, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mrs. KENNELLY, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 770) to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave, pursuant to House Resolution 388, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute made in order as original text?

If not, the question is on the amendment in the nature of a substitute made in order as original text as amended.

The amendment in the nature of a substitute made in order as original text as amended, was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GRANDY

Mr. GRANDY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman from Iowa [Mr. GRANDY] the designee of the Republican leader of the House?

Mr. GRANDY. I am, Mr. Speaker.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GRANDY. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GRANDY moves to recommit the bill, H.R. 770, to the Committee on Education and Labor with instructions to report the same forthwith to the House with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—COMMISSION ON LEAVE

SEC. 101. ESTABLISHMENT.

There is established a commission to be known as the Commission on Leave (hereafter in this Act referred to as the "Commission").

SEC. 102. DUTIES.

The Commission shall—

(1) conduct a comprehensive study of—

(A) existing and proposed policies and State and local laws relating to leave,

(B) the potential costs, benefits, and impact on productivity of such policies on businesses which employ fewer than 50 employees, and

(2) within 2 years after the date on which the Commission first meets, submit a report to the Congress, which may include legislative recommendations concerning coverage of businesses which employ fewer than 50 employees.

SEC. 103. MEMBERSHIP.

(a) COMPOSITION.—The Commission shall be composed of 12 voting members and 2 ex-officio members appointed not more than 60 days after the date of the enactment of this Act as follows:

(1) One Senator shall be appointed by the majority leader of the Senate, and one Senator shall be appointed by the minority leader of the Senate.

(2) One member of the House of Representatives shall be appointed by the Speaker of the House of Representatives, and one Member of the House of Representatives shall be appointed by the minority leader of the House of Representatives.

(3)(A) Two members each shall be appointed by—

(i) The Speaker of the House of Representatives,

(ii) the majority leader of the Senate,

(iii) the minority leader of the House of Representatives, and

(iv) the minority leader of the Senate.

(B) Such members shall be appointed by virtue of demonstrated expertise in relevant family, temporary disability, and labor-management issues and shall include representatives of small business.

(4) The Secretary of Health and Human Services and the Secretary of Labor shall serve on the Commission as nonvoting ex-officio members.

(b) VACANCIES.—Any vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a chairperson and a vice chairperson from among its members.

(d) QUORUM.—Eight members of the Commission shall constitute a quorum for all purposes, except that a lesser number may constitute a quorum for the purpose of holding hearings.

SEC. 104. COMPENSATION.

(a) PAY.—Members of the Commission shall serve without compensation.

(b) TRAVEL EXPENSE.—Members of the Commission shall be allowed reasonable travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when performing duties of the Commission.

SEC. 105. POWERS.

(a) MEETINGS.—The Commission shall first meet not more than 30 days after the date on which members are appointed, and the Commission shall meet thereafter upon the call of the chairperson or a majority of the members.

(b) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(c) ACCESS TO INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon the request of the chairperson or vice chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(d) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director from the personnel of any Federal agency to assist the Commission in carrying out its duties.

(e) USE OF FACILITIES AND SERVICES.—Upon the request of the Commission, the head of any Federal agency may make available to the Commission any of the facilities and services of such agency.

(f) PERSONNEL FROM OTHER AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to assist the Commission in carrying out its duties.

SEC. 106. TERMINATION.

The Commission shall terminate 30 days after the date of the submission of its report to the Congress.

TITLE II—FAMILY LEAVE FOR EMPLOYEES OF THE HOUSE OF REPRESENTATIVES

SEC. 201. DEFINITIONS.

For purposes of this title:

(1) The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any activity or industry "affecting commerce" within the meaning of the Labor Management Relations Act, 1947 (29 U.S.C. 141 et seq.).

(2) The terms "employ" and "State" have the meanings given such terms in sections 3(g) and 3(c), respectively, of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(g), 203(a), 203(c)).

(3) The terms "eligible employee" means any employee as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)) who is in an employment position in the House of Representatives.

(4) The term "employer" means any employing authority of the House of Representatives.

(5) The term "employment benefits" means all benefits provided or made available to employees by an employer, and include group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a policy or practice of an employer or through an employee benefit plan as defined in section 3(3) of the Employee Retire-

ment Income Security Act of 1974 (29 U.S.C. 1002(1)).

(6) The term "health care provider" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such function or action.

(7) The term "reduced leave schedule" means leave scheduled for fewer than an employee's usual number of hours per workweek or hours per workday.

(8) The term "Secretary" means the Secretary of Labor.

(9) The term "serious health condition" means an illness, injury, impairment, or physical or mental conditions which involves—

(A) inpatient care in a hospital, hospice, or residential health care facility, or

(B) continuing treatment or continuing supervision by a health care provider.

(10) The term "son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

(A) under 18 years of age, or

(B) 18 years of age or older and incapable of self-care because of mental or physical disability.

(11) The term "parent" means the biological parent of the child or an individual who stood in loco parentis to a child when the child was a son or daughter.

SEC. 202. LEAVE REQUIREMENT.

(a) IN GENERAL.—(1) an eligible employee shall be entitled, subject to section 203, to 12 workweeks of leave during any 12-month period—

(A) because of the birth of a son or daughter of the employee;

(B) because of the placement of a son or daughter with the employee for adoption or foster care;

(C) in order to care for the employee's son, daughter, spouse, or parent who has a serious health condition; or

(D) because of a serious health condition which makes the employee unable to perform the functions of such employee's position.

(2)(A) The entitlement to leave under paragraphs (1)(A) and (1)(B) for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement. If one parent of a son or daughter takes leave under paragraph (1)(A), the other parent of such son or daughter may not take leave under such paragraph at the same time.

(B) Leave under paragraph (1)(A) or (1)(B) may not be taken by an employee intermittently unless the employee and the employee's employer agree otherwise. Leave under paragraph (1)(C) or (1)(D) may be taken intermittently when medically necessary, subject to subsection (e).

(b) REDUCED LEAVE.—Upon agreement between the employer and the employee, leave under subsection (a) may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled.

(c) UNPAID LEAVE PERMITTED.—Leave under subsection (a) may consist of unpaid leave, except as provided in subsection (d).

(d) RELATIONSHIP TO PAID LEAVE.—(1)(A) An eligible employee may elect, or an employer may require the employee, to substitute for leave under paragraph (1)(A), (1)(B), or (1)(C) of subsection (a) any of the employee's paid vacation leave, personal leave, or family leave for any part of the 12-week period of such leave under such paragraph.

(B) An eligible employee or employer may elect, or an employer may require the employee, to substitute for leave under paragraph (1)(D) of subsection (a) any of the employee's paid vacation leave, personal leave, or medical or sick leave for any part of the 12-week period of such leave under such paragraph, except that nothing in this Act shall require an employer to provide paid sick leave or paid medical leave in any situation in which such employer would not normally provide any such paid leave.

(2) If an eligible employee is entitled to leave under subsection (a), if under paragraph (1) the employee elects to substitute or is required by the employee's employer to substitute paid leave for such leave, and if such paid leave is less than the 12 weeks leave under subsection (a), the employee's employer shall provide the employee such additional weeks of leave as may be necessary to attain such 12 weeks.

(e) FORESEEABLE LEAVE.—(1) In any case in which the necessity for leave under paragraph (1)(A) or (1)(B) of subsection (a) is foreseeable based on an expected birth or adoption, the eligible employee shall provide the employer with prior notice of such expected birth or adoption in a manner which is reasonable and practicable.

(2) In any case in which the necessity for leave under paragraph (1)(C) or (1)(D) of subsection (a) is foreseeable based on planned medical treatment or supervision, the employee—

(A) shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employer, subject to the approval of the employee's health care provider or the health care provider of the employee's son, daughter, or parent; and

(B) shall provide the employer with prior notice of the treatment or supervision in a manner which is reasonable and practicable.

(f) SPOUSES EMPLOYED BY THE SAME EMPLOYER.—In any case in which a husband and wife entitled to leave under subsection (a) are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period, if such leave is taken—

(1) under subparagraph (A) or (B) of subsection (a)(1); or

(2) to care for a sick parent under subparagraph (C) of such subsection.

SEC. 203. CERTIFICATION.

(a) IN GENERAL.—An employer may require that a claim for leave under section 202(a)(1)(C) or 202(a)(1)(D) be supported by certification issued by the health care provider of the eligible employee or of the employee's son, daughter, spouse, or parent, whichever is appropriate. The employee shall provide a copy of such certification to the employer.

(b) SUFFICIENT CERTIFICATION.—Such certification shall be sufficient if it states—

(1) the date on which the serious health condition commenced,

(2) the probable duration of the condition;

(3) the appropriate medical facts within the provider's knowledge regarding the condition; and

(4)(A) for purposes of leave under section 202(a)(1)(C), an estimate of the amount of time that the eligible employee is needed to care for the son, daughter, spouse, or parent; and

(B) for purposes of leave under section 202(a)(1)(D), a statement that the employee is unable to perform the functions of the employee's position.

(c) EXPLANATION OF INABILITY TO PERFORM JOB FUNCTIONS.—The employer may request that, for purposes of section 204(d), certification under subsection (a) that is issued in any case involving leave under section 202(a)(1)(D) include an explanation of the extent to which the eligible employee is unable to perform the functions of the employee's position.

(d) SECOND OPINION.—(1) In any case in which the employer has reason to doubt the validity of the certification provided under subsection (a) for leave under paragraph (1)(C) or (1)(D) of section 202(a), the employer may require, at its own expense, that the eligible employee obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified under subsection (a) for such leave.

(2) Any health care provider designated or approved under paragraph (1) may not be employed on a regular basis by the employer.

(e) RESOLUTION OF CONFLICTING OPINIONS.—In any case in which the second opinion described in subsection (d) differs from the original certification provided under subsection (a), the employer may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified under subsection (a). The opinion of the third health care provider concerning the information certified under subsection (a) shall be considered to be final and shall be binding on the employer and the employee.

(f) SUBSEQUENT RECERTIFICATION.—The employer may require that the eligible employee obtain subsequent recertification on a reasonable basis.

SEC. 204. EMPLOYMENT AND BENEFITS PROTECTION.

(a) RESTORATION TO POSITION.—(1) Any eligible employee who takes leave under section 202 for its intended purpose shall be entitled, upon return from such leave—

(A) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(2) The taking of leave under section 202 shall not result in the loss of any employment benefit earned before the date on which the leave commenced.

(3) Nothing in this subsection shall be construed to entitle any restored employee to—

(A) the accrual of any seniority or employment benefits during any period of leave; or

(B) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(4) As a condition to restoration under paragraph (1), the employer may have a policy that requires each employee to receive certification from the employee's health care provider that the employee is able to resume work, except that nothing in this paragraph shall supersede a valid State or local law or a collective bargaining agreement that governs the return to work of employees taking leave under section 202(a)(1)(D).

(b) MAINTENANCE OF HEALTH BENEFITS.—During any period an eligible employee takes leave under section 202, the employer shall maintain coverage under any group health plan (as defined in section 162(i)(2) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously from the date the employee commenced the leave until the date the employee is restored under subsection (a).

(c) NO BAR TO AGREEMENT CONCERNING ALTERNATIVE EMPLOYMENT.—Nothing in this title shall be construed to prohibit an employer and an eligible employee from mutually agreeing to alternative employment for the employee throughout the period during which the employee would be entitled to leave under section 202. Any such period of alternative employment shall not cause a reduction in the period of temporary leave to which the employee is entitled under section 202(a)(1)(D).

SEC. 205. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—(1) It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this title.

(2) It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this title.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(1) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this title;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this title; or

(3) has testified, or is about to testify in any inquiry or proceeding relating to any right provided under this title.

SEC. 206. ADMINISTRATION.

In the administration of this title, the remedies and procedures under the Fair Employment Practices Resolution shall be applied. As used in this section, the term "Fair Employment Practices Resolution" means House Resolution 558, One Hundredth Congress, agreed to October 3, 1988, as continued in effect by House Resolution 15, One Hundred and First Congress, agreed to January 3, 1989.

Mr. GRANDY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. The gentleman from Iowa [Mr. GRANDY] is recognized for 5 minutes in support of his motion to recommit.

□ 1240

Mr. GRANDY. Mr. Speaker, this motion to recommit makes two contributions, I hope, to this debate, offers another alternative to the Weldon-Gordon substitute which this body just passed.

I ask for the following two provisions in this motion to recommit:

One, to establish a commission to conduct a comprehensive study on the effects of family and medical leave mandates for businesses with less than 50 employees. In other words, basically title III, Mr. Speaker, that is contained in the present legislation, but I ask that the commission comes before the implementation of the legislation in the private sector, and I ask that because my purpose in offering this commission today is to allow Members to have a data base on which to base their decision as to whether or not at some point we want to consider another kind of benefit mandate in the workplace. Today we consider unpaid benefits. Tomorrow we may be considering paid benefits. Why not put that study out there and see if we need to do both at once?

All I ask is that we do not ask the private sector to take that risk first before we have a study such as the one in the original legislation and in the substitute.

Second, Mr. Speaker, I would ask that, if we want a pilot project as to whether or not this legislation will work, and I would like to acknowledge the contribution of the gentleman from Mississippi [Mr. PARKER] whose idea it is that I am incorporating in this motion to recommit, and this would allow the House of Representatives to serve as a pilot program for the implementation of mandatory family and medical leave, a 2-year pilot program, roughly the length of the commission, to allow the congressional workplace to be the laboratory of experimentations since this type of mandate could have significant ramifications on all the small businesses across this country.

Why not for a change, Mr. Speaker, allow us to perform the experiment on ourselves as opposed to the American people? That is all I ask. In 2 years time we may return to this body with a broad-based consensus to vote for another kind of mandate entirely.

Mr. Speaker, I would just say that in today's New York Times, in an editorial that opposes the legislation that we just passed in committee, they acknowledge that over the last 25 years the proportion of women who worked before the birth of their first child has risen by 25 percent, but employers have responded, and the percentage of pregnant women——

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. GRANDY. Mr. Speaker, just let me say before I yield to the gentleman from Texas [Mr. BARTLETT], my friend, that I am trying in this particular motion to recommit to offer suggestions and possible solutions proposed by my Democratic colleagues.

The gentleman from Michigan [Mr. CARR] said, "Let's get a better data base," and I hope that this commission will provide that.

The gentleman from Mississippi [Mr. PARKER] said, "Let's try it out on the House first."

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. GRANDY. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Speaker, is the essence of the motion of the gentleman from Iowa [Mr. GRANDY] to apply this to Congress first to find out how it works before we apply it to the rest of the country?

Mr. GRANDY. Reclaiming my time, Mr. Speaker, crazy as it sounds, that is the idea. Make us the guinea pig for a change, conduct the study and then draw our conclusions 2 years hence.

Mr. Speaker, with that I offer this motion to recommit and hope that the House Members on both sides of the aisle who are uncomfortable with the substitute that we have just passed, but want to vote for something, will consider this alternative and consider the chance to go back to their constituents and say, "This time I will try it first and then tell you whether it works or not."

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. Does any Member seek recognition in opposition to the motion?

Mr. GORDON. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Tennessee [Mr. GORDON] for 5 minutes in opposition to the motion to recommit.

Mr. GORDON. Mr. Speaker, as the gentleman from Iowa [Mr. GRANDY] well knows, we have discussed this issue for 5 years, and we have debated it fully for the last 2 days. His motion is nothing more than an effort to gut the matter. The House has already spoken with overwhelming victory.

Mrs. ROUKEMA. Mr. Speaker, will the gentleman yield?

Mr. GORDON. I yield the balance of my time to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, this simply guts the bill. The membership should know that there is a provision for a commission study in the bill already.

Mr. Speaker, I say to my colleagues, "If you gut this bill, you're really saying, if you're pregnant, caring for a terminally ill child or a terminally ill parent, go find another job."

Mr. Speaker, that is not what this Congress wants to say to the American people today.

Mr. Speaker, I yield back the balance of my time.

Mr. WELDON. Mr. Speaker, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from Pennsylvania.

Mr. WELDON. Mr. Speaker, let us look at this for what it is. It is a motion to gut the entire process that we just went through, and what really upsets me the most is there were some legitimate concerns that were to be addressed by some amendments that were made in order that a number of people in this body would have supported. We were not given that opportunity to vote on those amendments. This is an attempt to give these Members a chance to impact this legislation. Let us look at this for what it is.

Mr. Speaker, this is simple a motion to undo what we have done. I resent it, and I hope my colleagues will vote against it.

Mr. GORDON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. GRANDY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 264, not voting 14, as follows:

[Roll No. 106]

AYES—155

Archer	Gradison	Miller (OH)
Armey	Grandy	Moorhead
Baker	Grant	Myers
Ballenger	Gunderson	Nagle
Barnard	Hall (TX)	Neal (NC)
Bartlett	Hammerschmidt	Olin
Barton	Hancock	Oxley
Bateman	Hansen	Packard
Bereuter	Harris	Parker
Bevill	Hastert	Parris
Billirakis	Hayes (LA)	Pashayan
Bliley	Hefley	Paxon
Broomfield	Henry	Penny
Brown (CO)	Herger	Petri
Buechner	Hiler	Porter
Bunning	Holloway	Pursell
Callahan	Hopkins	Quillen
Carr	Houghton	Rhodes
Chandler	Hubbard	Ridge
Clarke	Huckaby	Ritter
Coble	Inhofe	Roberts
Coleman (MO)	Ireland	Rogers
Combest	James	Rohrabacher
Cooper	Jones (NC)	Roth
Courter	Kasich	Sarpalius
Cox	Kolbe	Saxton
Craig	Kyl	Schaefer
Crane	Lagomarsino	Schiff
Dannemeyer	Lancaster	Schuette
DeLay	Leach (IA)	Schulze
Derrick	Lent	Sensenbrenner
Dickinson	Lewis (FL)	Shaw
Dornan (CA)	Lightfoot	Shumway
Douglas	Livingston	Shuster
Dreier	Lloyd	Skeen
Duncan	Lowery (CA)	Slaughter (VA)
Edwards (OK)	Lukens, Donald	Smith, Denny (OR)
Fawell	Madigan	Smith, Robert (NH)
Fields	Marlenee	Smith, Robert (OR)
Frenzel	McCandless	Spence
Gallo	McCollum	Stallings
Gekas	McCrery	Stangeland
Gillmor	McEwen	Stearns
Gingrich	McMillan (NC)	Stump
Goodling	Meyers	Sundquist
Goss	Michel	Tallon
		Tanner
		Tauke
		Tauzin
		Taylor
		Thomas (CA)
		Thomas (WY)
		Upton
		Valentine
		Vander Jagt
		Vucanovich
		Walker
		Weber
		Whittaker
		Wolf
		Wylie
		Young (AK)
		Young (FL)

NOES—264

Ackerman	Gonzalez	Owens (UT)
Akaka	Gordon	Pallone
Alexander	Gray	Panetta
Anderson	Green	Patterson
Andrews	Guarini	Payne (NJ)
Annunzio	Hall (OH)	Payne (VA)
Anthony	Hamilton	Pease
Applegate	Hatcher	Pelosi
Aspin	Hawkins	Perkins
Atkins	Hayes (IL)	Pickett
AuCoin	Hefner	Pickle
Bates	Hertel	Poshard
Beilenson	Hoagland	Price
Bennett	Hochbrueckner	Rahall
Berman	Horton	Rangel
Bilbray	Hoyer	Ravenel
Boehlert	Hughes	Ray
Boggs	Hutto	Regula
Bonior	Hyde	Richardson
Borski	Jacobs	Rinaldo
Bosco	Jenkins	Roe
Boucher	Johnson (CT)	Ros-Lehtinen
Boxer	Johnson (SD)	Rose
Brennan	Johnston	Roukema
Brooks	Jones (GA)	Rowland (CT)
Browder	Jontz	Rowland (GA)
Bruce	Kanjorski	Roybal
Bryant	Kaptur	Russo
Bustamante	Kastenmeier	Sabo
Byron	Kennedy	Saiki
Campbell (CA)	Kennelly	Sangmeister
Campbell (CO)	Kildee	Savage
Cardin	Kleczka	Sawyer
Carper	Kolter	Scheuer
Chapman	Kostmayer	Schneider
Clay	LaFalce	Schroeder
Clement	Lantos	Schumer
Clinger	Leath (TX)	Serrano
Coleman (TX)	Lehman (CA)	Sharp
Collins	Lehman (FL)	Shays
Condit	Levin (MI)	Sikorski
Conte	Levine (CA)	Sisisky
Conyers	Lewis (GA)	Skaggs
Costello	Lipinski	Skelton
Coughlin	Long	Slattery
Coyne	Lowey (NY)	Slaughter (NY)
Crockett	Luken, Thomas	Smith (FL)
Darden	Machtley	Smith (IA)
Davis	Manton	Smith (NE)
de la Garza	Markey	Smith (NJ)
DeFazio	Martin (IL)	Smith (TX)
Dellums	Martin (NY)	Smith (VT)
DeWine	Martinez	Snowe
Dicks	Matsui	Solarz
Dingell	Mavroules	Spratt
Dixon	Mazzoli	Staggers
Donnelly	McCloskey	Stark
Dorgan (ND)	McCurdy	Stenholm
Downey	McDade	Stokes
Durbin	McDermott	Studds
Dwyer	McGrath	Swift
Dymally	McHugh	Synar
Dyson	McMillen (MD)	Thomas (GA)
Early	McNulty	Torres
Eckart	Mfume	Torricelli
Edwards (CA)	Miller (CA)	Towns
Engel	Miller (WA)	Traficant
English	Mineta	Traxler
Erdreich	Moakley	Udall
Espy	Molinari	Unsoeld
Evans	Mollohan	Vento
Fascell	Montgomery	Visclosky
Fazio	Moody	Volkmer
Feighan	Morella	Walgren
Fish	Morrison (CT)	Walsh
Flake	Morrison (WA)	Washington
Foglietta	Mrazek	Waxman
Ford (MI)	Murphy	Weiss
Ford (TN)	Murtha	Weldon
Frank	Natcher	Wheat
Frost	Neal (MA)	Whitten
Gaydos	Nielson	Williams
Gejdenson	Nowak	Wilson
Gephardt	Oakar	Wise
Geren	Oberstar	Wolpe
Gibbons	Obey	Wyden
Gilman	Ortiz	Yates
Glickman	Owens (NY)	Yatron

NOT VOTING—14

Bentley	Gallegly	Robinson
Brown (CA)	Hunter	Rostenkowski
Burton	Laughlin	Solomon
Emerson	Lewis (CA)	Watkins
Flippo	Nelson	

□ 1307

The Clerk announced the following pair:

On this vote:

Mr. Lewis of California for, with Mr. Nelson of Florida against.

Mr. MADIGAN changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GRANDY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 187, not voting 9, as follows:

[Roll No. 107]

AYES—237

Ackerman	Durbin	Kennelly
Akaka	Dwyer	Kildee
Alexander	Dymally	Kleczka
Anderson	Dyson	Kolter
Andrews	Early	Kostmayer
Annunzio	Eckart	Lantos
Anthony	Edwards (CA)	Lehman (CA)
Applegate	Engel	Lehman (FL)
Atkins	English	Levin (MI)
AuCoin	Erdreich	Levine (CA)
Bates	Espy	Lewis (GA)
Beilenson	Evans	Lipinski
Bennett	Fascell	Long
Berman	Fazio	Lowey (NY)
Bilbray	Feighan	Luken, Thomas
Boehlert	Fish	Machtley
Boggs	Flake	Manton
Bonior	Foglietta	Markey
Borski	Ford (MI)	Martin (IL)
Bosco	Ford (TN)	Martin (NY)
Boucher	Frank	Martinez
Boxer	Frost	Matsui
Brennan	Gaydos	Mavroules
Brooks	Gejdenson	Mazzoli
Brown (CA)	Gephardt	McCloskey
Bruce	Gibbons	McCurdy
Bryant	Gillmor	McDade
Bustamante	Gilman	McDermott
Campbell (CA)	Gonzalez	McGrath
Cardin	Gordon	McHugh
Carper	Gray	McMillen (MD)
Chapman	Green	McNulty
Clay	Guarini	Mfume
Clement	Hall (OH)	Miller (CA)
Coleman (TX)	Hawkins	Miller (WA)
Collins	Hayes (IL)	Mineta
Condit	Hertel	Moakley
Conte	Hochbrueckner	Molinari
Conyers	Horton	Mollohan
Costello	Hoyer	Moody
Coughlin	Hughes	Morella
Coyne	Hyde	Morrison (CT)
Crockett	Jacobs	Morrison (WA)
Davis	Jenkins	Mrazek
de la Garza	Johnson (CT)	Murphy
DeFazio	Johnson (SD)	Murtha
Dellums	Johnston	Natcher
DeWine	Jones (NC)	Neal (MA)
Dicks	Jontz	Nowak
Dingell	Kanjorski	Oakar
Dixon	Kaptur	Oberstar
Dorgan (ND)	Kastenmeier	Obey
Downey	Kennedy	Ortiz

Owens (NY)	Savage	Synar
Owens (UT)	Sawyer	Torres
Pallone	Scheuer	Torricelli
Panetta	Schneider	Towns
Payne (NJ)	Schroeder	Traficant
Pease	Schumer	Traxler
Pelosi	Serrano	Udall
Perkins	Sharp	Unsoeld
Poshard	Shays	Vento
Price	Sikorski	Visclosky
Rahall	Skaggs	Volkmer
Rangel	Slaughter (NY)	Walgren
Ravenel	Smith (FL)	Washington
Regula	Smith (IA)	Waxman
Richardson	Smith (NE)	Weiss
Rinaldo	Smith (NJ)	Weldon
Roe	Smith (TX)	Wheat
Ros-Lehtinen	Smith (VT)	Whitten
Rose	Snowe	Williams
Roukema	Solarz	Wilson
Rowland (CT)	Solomon	Wise
Roybal	Staggers	Wolpe
Russo	Stark	Wyden
Sabo	Stokes	Yates
Saiki	Studds	Yatron
Sangmeister	Swift	Young (AK)

NOES—187

Archer	Hansen	Pickett
Armey	Harris	Pickle
Aspin	Hastert	Porter
Baker	Hatcher	Pursell
Ballenger	Hayes (LA)	Quillen
Barnard	Hefley	Ray
Bartlett	Hefner	Rhodes
Barton	Henry	Ridge
Bateman	Herger	Ritter
Bereuter	Hiler	Roberts
Bevill	Hoagland	Rogers
Bilirakis	Holloway	Rohrabacher
Billey	Hopkins	Roth
Broomfield	Houghton	Rowland (GA)
Browder	Hubbard	Sarpalius
Brown (CO)	Huckaby	Saxton
Buechner	Hunter	Schaefer
Bunning	Hutto	Schiff
Burton	Inhofe	Schuette
Byron	Ireland	Schulze
Callahan	James	Sensenbrenner
Campbell (CO)	Jones (GA)	Shaw
Carr	Kasich	Shumway
Chandler	Kolbe	Shuster
Clarke	Kyl	Sisisky
Clinger	LaFalce	Skeen
Coble	Lagomarsino	Skelton
Coleman (MO)	Lancaster	Slattery
Combest	Leach (IA)	Slaughter (VA)
Cooper	Leath (TX)	Smith, Denny (OR)
Courter	Lent	
Cox	Lewis (FL)	Smith, Robert (NH)
Craig	Lightfoot	
Crane	Livingston	Smith, Robert (OR)
Dannemeyer	Lloyd	
Darden	Lowery (CA)	Spence
DeLay	Lukens, Donald	Spratt
Derrick	Madigan	Stallings
Dickinson	Marlenee	Stangeland
Donnelly	McCandless	Stearns
Dornan (CA)	McCollum	Stenholm
Douglas	McCrery	Stump
Dreier	McEwen	Sundquist
Duncan	McMillan (NC)	Tallon
Edwards (OK)	Meyers	Tanner
Fawell	Michel	Tauke
Fields	Miller (OH)	Tauzin
Frenzel	Montgomery	Taylor
Gallegly	Moorhead	Thomas (CA)
Gallo	Myers	Thomas (GA)
Gekas	Nagle	Thomas (WY)
Geren	Neal (NC)	Upton
Gingrich	Nielson	Valentine
Glickman	Olin	Vander Jagt
Goodling	Oxley	Vucanovich
Goss	Packard	Walker
Gradison	Parker	Walsh
Grandy	Parris	Weber
Grant	Pashayan	Whittaker
Gunderson	Patterson	Wolf
Hall (TX)	Paxon	Wylie
Hamilton	Payne (VA)	Young (FL)
Hammerschmidt	Penny	
Hancock	Petri	

NOT VOTING—9

Bentley	Laughlin	Robinson
Emerson	Lewis (CA)	Rostenkowski
Flippo	Nelson	Watkins

□ 1325

The Clerk announced the following pair:

On this vote:

Mr. Nelson of Florida for, with Mr. Lewis of California against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GALLEGLY. Mr. Speaker, I was unable to be present today when the House voted on the Grandy motion to recommit H.R. 770 with instructions, (roll No. 106). Had I been here, I would have voted "yea" on the motion.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked that I might proceed for the purpose of inquiring of the distinguished majority leader the program for the balance of this week and next week.

Mr. GEPHARDT. If the gentleman will yield, obviously our business is finished for today.

On Monday, May 14, the House will meet at noon. However, there will not be legislative business.

On Tuesday, May 15, the House will meet at noon. There will be seven bills under suspension, recorded votes on those suspensions to be postponed until after debate on all of the bills.

The bills are:

H.R. 4612, bankruptcy amendments regarding swap agreements and forward contracts;

H.R. 29, Interlocking Directorate Act of 1989;

House Resolution 381, relating to human rights abuses by the Government of Cuba;

House Resolution 384, expressing the sense of Congress regarding the urgent famine situation in Ethiopia;

House Concurrent Resolution 311, publication of the document "Our Flag";

H.R. 1028, Mount Rushmore Commemorative Coin Act; and

H.R. 2761, United Services Organization's 50th Anniversary Commemorative Coin Act.

On Wednesday, May 16 and Thursday, May 17 the House will meet at 10 a.m. On Thursday, May 17, the House will recess at 11 a.m. for a ceremony honoring the former Members of Congress, and will continue business following that ceremony.

Then we will take up H.R. 2273, Americans With Disabilities Act, subject to a rule.

H.R. 4636, Supplemental Assistance for Emerging Democracies Act of 1990 may be taken, subject to a rule. We are, as the leader knows, involved in meetings today and probably next week with the administration to try to work out the problems surrounding that bill. And of course, we have problems in the conference on the appropriation bill that are still being worked on.

Then we have H.R. 4151, the Human Services Reauthorization Act of 1990, subject to a rule.

On Friday, May 18, the House will not be in session.

Mr. MICHEL. Did I understand the distinguished gentleman to say that on Wednesday and Thursday we would come in at 10 a.m.?

Mr. GEPHARDT. That is correct.

Mr. MICHEL. And on the supplemental assistance, H.R. 4636, the President called me again this morning with another plea. That was the subject of our joint leadership meeting a day or two ago, and the President is reminding us all, of course, that he had submitted that request for those emerging democracies, particularly down in Central America, in March, thinking about April, and the first part of April the money would be forthcoming, particularly as Mrs. Chamorro took over the Presidency of Nicaragua.

Now here we are still foundering around with that, and this idea really of having it held hostage for some other considerations here, when that is a very, very urgent piece of legislation, can the gentleman give me any more assurance that we can get this thing wrapped up now next week since it is programmed for Thursday or Wednesday or whatever it is?

Mr. GEPHARDT. We understand the concern and we share the concern. That is why there is this meeting this afternoon that we hope will yield some possible results on ways to resolve the authorization.

As the gentleman knows, the Senate put 185 amendments, as I understand it, on the appropriations supplemental, and we are trying even now between the two committees in the conference to work our way through those amendments. If we can get the bill up next week, we will. It may be that we cannot do it until the next week, but we are going to do it as quickly as we can.

Mr. MICHEL. But that meeting this afternoon has to do with the authorization rather than the supplemental.

Mr. GEPHARDT. That is true. We are working on both the authorization and the appropriation. The problem we have with the appropriation is frankly more to do with the 180 extraneous, in our view, amendments that the Senate put on the bill. But we are working our way through those.

Mr. MICHEL. I would hope that we could exert every effort to get that done, because, as I indicated, it is very,

very important to the President himself and to those of us who feel strongly about the two countries particularly involved, and obviously we know of all of the other add-ons and we are not so concerned about those.

□ 1330

Second question: This has to do with the Americans with Disabilities Act. I saw the distinguished gentleman from Maryland [Mr. HOYER] on the floor. Is it my undrstanding that the bill that we are going to be considering will not be available until maybe Monday noon or something of that nature, recognizing there is a problem when you are putting together four different committees' work into one piece of legislation?

I should further give the gentleman the reason for my propounding the question: that Mr. MOAKLEY, I think, has circulated the membership with a notice that all amendments to be added ought to be in the record by 6 p.m., Monday.

Now if that is the case, we do not know what we are amending before noon and then have only until 6 to craft the amendment to that piece of legislation that we will only see for the first time. So I have to ask myself: Is it fair? Does it accommodate those Members who would feel strongly about amending the bill in any way?

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, we understand that problem. The way that problem will be solved—and we have discussed this with the Committee on Rules—is that if an amendment is drawn to H.R. 2273, as it is, or to the committee prints that were passed in each committee which are in the process of being put together in one bill, that they will be considered to be in order and the Committee on Rules will accommodate them to the new section numbers or new paragraphs so that there will be no amendment presented to the Committee on Rules prior to 6 p.m. that will be ruled out of order because it is to an incorrect section or to an incorrect paragraph and will be made by the Rules Committee compatible with the draft.

Now in further answer to the distinguished minority leader, we are hopeful that we will have a draft as early as tomorrow evening. We are working with the four committees. We have a tentative draft, but the four committees have just seen it, in order to make sure it is technically correct.

As you know, all we are doing is putting the four committee-passed versions together. We are hopeful we can have one as early as Friday night, if not first thing Monday.

But no amendment will be ruled out of order by the Committee on Rules because of the fact that it happens to be an incorrect section or paragraph. It will be fitted in properly in the place that it applies.

Mr. MICHEL. I thank the distinguished gentleman. So in other words, if the full thrust and effect is well known other than the technicalities of the section or paragraph, et cetera?

Mr. HOYER. The gentleman is correct.

Mr. MICHEL. I want to correct my own misstatement earlier in which I said the letter indicated that they ought to be in the record by 6 p.m. to the Committee on Rules.

Mr. HOYER. That is just to the Committee on Rules.

Mr. MICHEL. By 6 o'clock on Monday.

Mr. HOYER. The gentleman is correct.

Mr. MICHEL. Now may I come back to my distinguished friend, again, the gentleman from Missouri [Mr. GEPHARDT], and ask him what he sees in the crystal ball for Clean Air?

Mr. GEHPARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the distinguished majority leader.

Mr. GEPHARDT. I thank the gentleman for yielding further.

Mr. Speaker, our hope is the bill will be on the floor the week after next. We have reserved, as the gentleman knows, Monday for possible votes because the bill can be a lengthy one. We want to get it done before the Memorial Day break.

So our hope is to start on it a week from Monday.

Mr. MICHEL. Mr. Speaker, I thank the gentleman and yield back the balance of my time.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT TO MONDAY, MAY 14, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON THURSDAY, MAY 17, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses, subject to the call of the Chair, on Thursday, May 17, 1990, for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to make an announcement.

The Chair has examined the RECORD of yesterday with respect to the proceedings wherein the words of the gentleman from New Jersey [Mr. TORRICELLI] were ruled out of order and wherein on motion Mr. TORRICELLI was thereafter permitted by the House to proceed in order. It is customary under such circumstances consistent with clause 4, rule XIV for words which are ruled unparliamentary to be stricken from the RECORD by order of the House.

Without objection, the objectionable words will be stricken from the RECORD.

There was no objection.

MAKING MISCELLANEOUS AMENDMENTS TO INDIAN LAWS

Mr. CAMPBELL of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1846) to make miscellaneous amendments to Indian law, and for other purposes and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. RHODES. Mr. Speaker, reserving the right to object, under my reservation I yield to the gentleman from Colorado and ask him if he can explain to the House briefly what is involved in this bill.

Mr. CAMPBELL of Colorado. Mr. Speaker I thank the gentleman for yielding.

Mr. Speaker, with a few exceptions, S. 1846 makes several purely technical amendments to certain laws affecting Indian matters. Most of those that are not technical are clarifying or perfecting in nature and are not controversial. Certain provisions of the bill fall within the jurisdiction of the Education and Labor Committee and I am advised that they concur in the passage of the bill.

Mr. Speaker, the administration supports passage of the bill. I am aware of no opposition and urge passage of the bill.

Mr. RHODES. Mr. Speaker, I thank the gentleman for his explanation and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Public Law 100-581 is amended—

(1) by striking out "shall take effect upon enactment of this Act" in section 203 and inserting in lieu thereof "shall take effect upon enactment of this Act if the plan has not taken effect before the enactment of this Act";

(2) by striking out "section 201" in subsections (a) and (c) of section 212 and inserting in lieu thereof "section 206";

(3) by striking out section 213;

(4) by striking out "section 3" in section 702(a) and inserting in lieu thereof "section 703";

(5) by striking out "section 602" in the last sentence of paragraph (1) of section 703(b) and inserting in lieu thereof "section 702"; and

(6) by striking out "section 602" in section 703(c) and inserting in lieu thereof "section 702".

(b) Subsection (c) of the first section of the Act of July 28, 1955 (69 Stat. 392; 25 U.S.C. 608(c)) is amended to read as follows:

"(c) Lands and interests in lands acquired by the Secretary pursuant to subsection (a)(1) and for the benefit of the Yakima Indian Nation pursuant to section 5 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 465) shall be held in trust by the United States for the benefit of the Yakima Indian Nation.".

SEC. 2. (a) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450, et seq.) is amended—

(1) by inserting a comma after "688)" in section 4(e) (25 U.S.C. 450b(e)),

(2) by striking out "the appropriate the Secretary" in section 4(j) and inserting in lieu thereof "the appropriate Secretary",

(3) by striking out "pursuant to this Act" each place it appears in section 4(j) and inserting in lieu thereof "under title I of this Act",

(4) by striking out "the Single Audit Act of 1984 (98 Stat. 2327, 31 U.S.C. 7501 et seq.)," in section 5(a)(2) (25 U.S.C. 450c(a)(2)) and inserting in lieu thereof "chapter 75 of title 31, United States Code",

(5) by striking out "the Federal Grant and Cooperative Agreement Act of 1977 (Public Law 95-224; 92 Stat. 3)" in section 9 (25 U.S.C. 450e-1) and inserting in lieu thereof "chapter 63 of title 31, United States Code",

(6) by striking out "an Indian appointed" in section 104(m) (25 U.S.C. 450i(m)) and inserting in lieu thereof "an Indian (as defined in section 19 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. 479)) appointed (except temporary appointments)",

(7) by striking out "sub-contracts in such cases where the tribal contractor has subcontracted the activity" in section 105(a) (25 U.S.C. 450j(a)) and inserting in lieu thereof "subcontracts of such a construction contract",

(8) by striking out "the Single Agency Audit Act of 1984 (chapter 75 of title 31, United States Code)" in section 106(f) (25 U.S.C. 450j-1(f)) and inserting in lieu thereof "chapter 75 of title 31, United States Code",

(9) by striking out "agency personnel" in section 106(i) (25 U.S.C. 450j-1(i)) and inserting in lieu thereof "agency personnel (area personnel in the Navajo Area and in the case of Indian tribes not served by an agency)", and

(10) by striking out "providing notice and hearing" in section 109 (25 U.S.C. 450m) and inserting in lieu thereof "providing notice and a hearing".

(b) Subsection (b) of section 110 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450m-1(b)) is amended to read as follows:

"(b) The Secretary shall not revise or amend a self-determination contract with a tribal organization without the tribal organization's consent.".

(c) Subparagraph (C) of section 3371(2) of title 5, United States Code, is amended by striking out "section 4(m)" and inserting in lieu thereof "section 4".

SEC. 3. (a) Notwithstanding section 18 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. 478), sections 2 and 17 of that Act (25 U.S.C. 462 and 477) shall apply to—

(1) all Indian tribes,

(2) all lands held in trust by the United States for Indians, and

(3) all lands owned by Indians that are subject to a restriction imposed by the United States on alienation of the rights of the Indians in the lands.

(b) The proviso of section 13 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 473) is amended by striking out "sections 2, 4," and inserting in lieu thereof "sections 4,".

(c) Section 17 of the Act of June 18, 1934 (25 U.S.C. 477), is amended—

(1) by striking out "by at least one-third of the adult Indians," and inserting in lieu thereof "by any tribe,";

(2) by striking out "at a special election by a majority vote of the adult Indians living on the reservation" and inserting in lieu thereof "by the governing body of such tribe";

(3) by striking out "ten years of any of the land" and inserting in lieu thereof "twenty-five years any trust or restricted lands".

SEC. 4. Subsection (c) of section 1 of Public Law 100-425 is amended by striking out "NE¼E½,NW¼" each place it appears and inserting in lieu thereof "NE¼,E½NW¼".

SEC. 5. (a) Paragraph (5) of section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019) is amended by striking out "104(a)" and inserting in lieu thereof "103(a)".

(b) Subsection (a) of section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508) is amended by striking out "105" and inserting in lieu thereof "104".

(c) Subparagraph (C) of section 5314(e)(1) of the Indian Education Act of 1988 (25 U.S.C. 2604(e)(1)(C)) is amended to read as follows:

"(C) No local educational agency may be held liable to the United States, or be otherwise penalized, by reason of the findings of any audit that relate to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act.".

(d)(1) Subsection (c) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(c)) is amended—

(A) by striking out "0.133 percent" in paragraph (3)(A) and inserting in lieu thereof "0.2 percent",

(B) by striking out "$4,000" in paragraph (3)(C)(i) and inserting in lieu thereof "$5,000",

(C) by striking out clause (ii) of paragraph (3)(C) and inserting in lieu thereof the following:

"(ii) the lesser of—

"(I) $15,000, or

"(II) 1 percent of such allotted funds,".

(D) by striking out paragraph (2), and

(E) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(2) Section 5324(c)(4)(B) of the Indian Education Act of 1988 (25 U.S.C. 2624(c)(4)(B)) is amended by striking out "section 1128(c)(4)(A)(i)" and inserting in lieu thereof "section 1128(c)(3)(A)(i)".

(e)(1) Subsection (b) of section 5504 of Public Law 100-297 (25 U.S.C. 2001, note) is amended—

(A) by inserting "the Executive Director of the National Advisory Council on Indian Education and of" after "which shall consist of" in paragraph (1),

(B) by inserting "(but not the Executive Director of the National Advisory Council on Indian Education)" after "Task Force" in paragraph (3), and

(C) by adding at the end thereof the following new paragraph:

"(7) Sums appropriated under the authority of section 5508 shall not be used to pay the salaries of employees of the Department of the Interior or the Department of Education who are assigned as staff to the Task Force; but the salaries of such employees shall be paid out of funds appropriated to the employing Department under the authority of other provisions of law.".

(2) Subsection (a) of section 5506 of Public Law 100-297 is amended—

(A) by striking out "and" at the end of paragraph (5),

(B) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and", and

(C) by adding at the end thereof the following new paragraph:

"(7) the chairman of the National Advisory Council on Indian Education.".

(3) Section 5508 of Public Law 100-297 is amended by striking out "1988, 1989, and 1990" and inserting in lieu thereof "1990, 1991, and 1992".

(f) Subsection (d) of section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a(d)) is amended by adding at the end thereof the following new paragraph:

"(4) In applying this section and section 106 of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe or tribal organization that—

"(A) receives funds under this section for administrative costs incurred in operating a contract school or a school operated under the Tribally Controlled Schools Act of 1988, and

"(B) operates one or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act,

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs, and of the indirect costs, that are associated with operating the contract school, a school operated under the Tribally Controlled

Schools Act of 1988, and all of such other programs, except that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.".

(g)(1) Paragraph (2) of subsection 5205(a) of the Tribally controlled Schools Act of 1988 (25 U.S.C. 2504(a)) is amended to read as follows:

"(2) to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and, notwithstanding section 105 of the Indian Self-Determination Act (25 U.S.C. 450j), or any other provision of law, other facilities accounts for such schools for such fiscal year (including but not limited to all those referenced under section 1126(d) of the Education Amendments of 1978, or any other law), and".

(2) Subsection (b) of section 5205 of the Tribally Controlled Schools Act of 1988 (25 U.S.C.(b)) is amended by adding the following new paragraph:

"(4) Notwithstanding the provision of paragraph 5204(a)(2) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(a)(21)), with respect to funds from facilities improvement and repair, alteration and renovation (major or minor), health and safety, or new construction accounts included in the grant under such paragraph (a)(2), the grantee shall maintain a separate account for such funds and shall, at the end of the period designated for the work covered by the funds received, render a separate accounting of the work done and the funds used to the Secretary. Funds received from these accounts may only be used for the purposes for which they were appropriated and for the work encompassed by the application or submission under which they were received. Where the appropriations measure or the application submission does not stipulate a period for the work covered by the funds so designated, the Secretary and the grantee shall consult and determine such a period prior to the transfer of funds: Provided, That such period may be extended upon mutual agreement.".

SEC. 6. Notwithstanding any other provision of law, the term "class II gaming" includes, for purposes of applying Public Law 100-497 with respect to any Indian tribe located in the State of Wisconsin or the State of Montana, during the 1-year period beginning on the date of enactment of this Act, any gaming described in section 4(7)(B)(ii) of Public Law 100-497 that was legally operated on Indian lands on or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated made a request, by no later than November 16, 1988, to the State in which such gaming is operated to negotiate a Tribal-State compact under section 11(d)(3) of Public Law 100-497.

SEC. 7. Section 9 of the Lac Vieux Desert Band of Lake Superior Chippewa Indians Act (25 U.S.C. 1300h-7) is amended—

(1) by striking out "Notwithstanding" and inserting in lieu thereof "(a) Notwithstanding", and

(2) by adding at the end thereof the following new subsection:

"(b) The Secretary shall accept as voters eligible to vote on any amendments to the constitution of the Keweenaw Bay Indian Community—

"(1) all those persons who were deemed eligible by the Keweenaw Bay Indian Community to vote in the most recent election for the Tribal Council, and

"(2) any other person certified by the Keweenaw Bay Indian Community Tribal Council as—

"(A) a member of the Keweenaw Bay Indian Community, and

"(B) eligible to vote in any election for the Tribal Council.".

SEC. 8. Section 3(l) of the White Earth Reservation Land Settlement Act of 1985 (25 U.S.C. 331, note) is amended—

(1) by inserting "(not including laws relating to spousal allowance and maintenance payments)" immediately after "inheritance laws of Minnesota in effect on March 26, 1986", and

(2) by adding at the end of section 7 the following new subsection:

"(e)(1) After publication of the second list under subsection (c), the Secretary may, at any time, add allotments or interests to that second list if the Secretary determines that the additional allotment or interest falls within the provisions of section 5(c) or subsection (a) or (b) of section 4.

"(2) The Secretary shall publish in the Federal Register notice of any additions made under paragraph (1) to the second list published under subsection (c).

"(3) Any determination made by the Secretary to add an allotment or interest under paragraph (1) to the second list published under subsection (c) may be judicially reviewed in accordance with chapter 7 of title 5, United States Code, within 90 days after the date on which notice of such determination is published in the Federal Register under paragraph (2). Any legal action challenging such a determination that is not filed within such 90-day period shall be forever barred. Exclusive jurisdiction over any legal action challenging such a determination is vested in the United States District Court for the District of Minnesota.".

SEC. 9. The Hoopa-Yurok Settlement Act (25 U.S.C. 1300i, et seq.) is amended—

(1) by adding at the end of paragraph (2) of section (5)(a) the following new sentence: "Children under age 10 on the date they applied for the Settlement Roll who have lived all their lives on the Joint Reservation or the Hoopa Valley or Yurok Reservations, and who otherwise meet the requirements of this section except they lack 10 years of Reservation residence, shall be included on the Settlement Roll.",

(2) by adding at the end of subsection (d) of section 5 the following new paragraph:

"(4) For the sole purpose of preparing the Settlement Roll under this section, the Yurok Transition Team and the Hoopa Valley Business Council may review applications, make recommendations which the Secretary shall accept unless conflicting or erroneous, and may appeal the Secretary's decisions concerning the Settlement Roll. Full disclosure of relevant records shall be made to the Team and to the Council notwithstanding any other provision of law.".

(3) by striking out "counseling," in section (9)(a)(3) and inserting in lieu thereof "counseling and assistance, shall", and

(4) by adding at the end of subsection (a) of section 14 the following new sentence: "The Yurok Transition Team, or any individual thereon, shall not be named as a defendant or otherwise joined in any suit in which a claim is made arising out of this subsection.".

SEC. 10. The Secretary of the Interior is authorized to retain collections from the public in payment for goods and services provided by the Bureau of Indian Affairs. Such collections shall be credited to the appropriation account against which obligations were incurred in providing such goods and services.

SEC. 11. There is authorized to be appropriated to the Secretary of Health and Human Services, Administration for Native Americans, $1,000,000 for the purpose of conducting a feasibility study for the establishment of a National Center for Native American Studies and Policy Development.

SEC. 12. (a) The following proviso in title I of the Act of June 24, 1967 (81 Stat. 59), under the heading "Office of the Solicitor", is repealed: *"Provided,* That hereafter hearing officers appointed for Indian probate work need not be appointed pursuant to the Administrative Procedures Act (60 Stat. 237), as amended".

(b) Hearing officers heretofore appointed to preside over Indian probate proceedings pursuant to the proviso repealed by subsection (a), having met the qualifications required for appointment pursuant to section 3105 of title 5, United States Code, shall be deemed to have been appointed pursuant to that section.

(c) The first sentence of section 1 of the Act of June 25, 1910 (36 Stat. 855; 25 U.S.C. 372), is amended by deleting "his decision thereon shall be final and conclusive" and inserting in lieu thereof "his decisions shall be subject to judicial review to the same extent as determinations rendered under section 2 of this Act".

SEC. 13. Notwithstanding the Act of March 7, 1928 (45 Stat. 210-211), and the Act of August 7, 1946 (60 Stat. 895-896), the Secretary of the Interior is authorized to allocate not to exceed $2,000,000 from power revenues available to the San Carlos Irrigation Project to pay for the operation and maintenance charges associated with the delivery of 30,000 acre-feet of water from the Central Arizona Project to the San Carlos Irrigation Project.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ORDER OF BUSINESS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that my special order for today precede that of the gentleman from New York [Mr. OWENS].

Mr. Speaker, I have cleared this with the gentleman from New York [Mr. OWENS].

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

1992 NATIONAL ASSESSMENT OF CHAPTER 1 ACT

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3910) to require the Secretary of Education to conduct a comprehensive national assessment of programs carried with assessment under chapter 1 of title I of the Elementary and Secondary Education Act of 1965, and a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment and the House amendment to the Senate amendment as follows:

Senate amendment:

Page 8, after line 15, insert:

SEC. 3. IMPACT AID.

(a) AMOUNT OF PAYMENTS.—(1) Subparagraph (A) of section 3(d)(2) of Public Law 81-874 is amended to read as follows:

"(A)(i) Except as provided in clause (ii), for any fiscal year after September 30, 1988, funds reserved to make payments under subparagraph (B) shall not exceed $25,000,000 from the funds appropriated for such fiscal year.

"(ii) In the event that the payments made under subparagraph (B) in any fiscal year are less than $25,000,000, such remaining funds as do not exceed $25,000,000 shall remain available until expended for the purpose of carrying out the provisions of subparagraph (B). Such remaining funds shall not be considered part of the funds reserved to make payments under subparagraph (B), but shall be expended if funds in excess of $25,000,000 are needed to carry out the provisions of subparagraph (B) in any fiscal year.

"(iii) If for any fiscal year the total amount of payments to be made under subparagraph (B) exceeds $25,000,000 and the funds described in clause (ii) are insufficient to make such payments, then the provisions of clause (i) shall not apply.".

(2) Subparagraph (B) of section 2(b)(2) of Public Law 101-26 is hereby repealed, and Public Law 81-874 shall be applied and administered as if such subparagraph (B) (and the amendment made by such subparagraph) has not been enacted.

(b) ADJUSTEMENTS FOR DECREASES IN FEDERAL ACTIVITIES.—Section 3(e) of Public Law 81-874 is amended to read as follows:

"(e)(1) Whenever the Secretary of Education determines that—

"(A) for any fiscal year, the number of children determined with respect to any local educational agency under subsections (a) and (b) is less than 90 percent of the number of so determined with respect to such agency during the preceding fiscal year;

"(B) there has been a decrease or cessation of Federal activities within the State in which such agency is located; and

"(C) such decrease or cessation has resulted in a substantial decrease in the number of children determined under subsections (a) and (b) with respect to such agency for such fiscal year;

the amount to which such agency is entitled for such fiscal year and for any of the 3 succeeding fiscal years shall not be less than 90 percent of the payment such agency received under subsections (a) and (b) for the preceding fiscal year.

"(2) There is authorized to be appropriated for each fiscal year such amount as may be necessary to carry out the provisions of this section, which remain available until expended.

"(3) Expenditures pursuant to paragraph (2) shall be reported by the Secretary to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Human Resources of the Senate within 30 days of expenditure.

"(4) The Secretary shall make available to the Congress in the Department of Education's annual budget submission, the amount of funds necessary to defray the costs associated with the provisions of this subsection during the fiscal year for which the submission is made.".

"(c) APPLICATION.—Section 5(a) of Public Law 81-874 (Impact Aid) (hereafter in this section referred to as "the Act") is amended to read as follows:

"(a) APPLICATIONS.—(1) Any local educational agency desiring to receive the payments to which it is entitled for any fiscal year under sections 2, 3, or 4 shall submit an application therefor to the Secretary and file a copy with the State educational agency. Each such application shall be submitted in such form, and containing such information, as the Secretary may reasonably require to determine whether such agency is entitled to a payment under any of such sections and the amount of any such payment.

"(2) The Secretary shall establish a deadline for the receipt of applications. For each fiscal year beginning with fiscal year 1991, the Secretary shall accept an approvable application received up to 60 days after the deadline, but shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid. The Secretary shall not accept or approve any application submitted more than 60 days after the application deadline.

"(3) Notwithstanding any other provision of law or regulation, a State educational agency that had been accepted as an applicant for funds under section 3 for fiscal years 1985, 1986, 1987 and 1988 shall be permitted to continue as an applicant under the same conditions by which it made application during such fiscal years only if such State educational agency distributes all funds received for the students for which application is being made by such State educational agency to the local educational agencies providing educational services to such students.".

"(d) ADJUSTMENTS.—Section 5(c)(2) of Public Law 81-874 is amended by inserting at the end thereof the following new subparagraph:

"(C) For the purpose of determining the category under subparagraph (A) that is applicable to the local educational agency providing free public education to secondary school students residing on Hanscom Air Force Base, Massachusetts, the Secretary shall count children in kindergarten through grade 8 who are residing on such base as if such students are receiving a free public education from such local educational agency.".

(e) SPECIAL RULE.—The Secretary of Education shall consider as timely filed, and shall process for payment, an application from a local educational agency that is eligible to receive the payments to which it is entitled in fiscal year 1990 under section 2 or 3 of the Act, if the Secretary receives the application by June 29, 1990, and the application is otherwise approvable.

(f) DEFINITION.—Section 403(6) of Public Law 81-874 is amended by inserting the following new sentences at the end thereof: "Such term does not include any agency or school authority that the Secretary determines, on a case-by-case basis—

"(A) was constituted or reconstituted primarily for the purpose of receiving assistance under this Act or increasing the amount of that assistance;

"(B) is not constituted or reconstituted for legitimate educational purposes; or

"(C) was previously part of a school district upon being constituted or reconstituted.

For the purpose of carrying out the provisions of section 3(a), such term includes any agency or school authority that has had an arrangement with a nonadjacent school district for the education of children of persons who reside or work on an installation of the Department of Defense for more than 25 years, but only if the Secretary determines that there is no single school district adjacent to the school district in which the installation is located that is capable of educating all such children.".

SEC. 4. BILINGUAL EDUCATION.

Awards made by the Secretary of Education to the Franklin-Northwest Supervisory Union of Vermont under the Bilingual Education Act (20 U.S.C. 3221 et seq.), in amounts of—

(1) $388,076.56 for the period of fiscal year 1984 through fiscal year 1986 (for programs of bilingual education, however characterized),

(2) $400,061.00 for the period of fiscal year 1984 through fiscal year 1986 (for programs of bilingual education, however characterized), and

(3) any expenditure of funds by the Franklin-Northwest Supervisory Union pursuant to the awards described in paragraphs (1) and (2).

shall be treated as if they were made in accordance with the provisions of the Bilingual Education Act for purposes of any claims for repayment asserted by the Secretary of Education.

SEC. 5. STUDENT LITERACY CORPS.

Section 146 of the Higher Education Act of 1965 is amended to read as follows:

"SEC. 146. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out the provisions of this part $10,000,000 for fiscal year 1991.".

SEC. 6. THE HEAD START ACT AND CHAPTER 1 OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

(a) FINDINGS.—The Senate finds that—

(1) one in every five children in America, some 12,600,000 youngsters under the age of 18, live in poverty;

(2) the Head Start program and programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 are proven early education programs that offer the best opportunity to break the cycle of poverty;

(3) since 1980, spending by the Federal Government for education has decreased by 4.7 percent in real terms;

(4) $1 invested in high-quality preschool programs like Head Start and chapter 1 of the Elementary and Secondary Education Act of 1965 saves $6 in lowered costs for special education, grade retention, public assistance, and crime;

(5) children who enroll in Head Start are more likely than other poor children to be literate, employed, and enrolled in postsecondary education;

(6) children who enroll in Head Start programs are less likely than other poor children to be high school dropouts, teen parents, dependent on welfare, or arrested for criminal or delinquent activity;

(7) children who enroll in programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 experience larger increases in standardized achievement scores than comparable students who did not enroll in such programs;

(8) low funding levels for the Head Start Act limit the participation in Head Start programs to less than 20 percent of the eligible population; and

(9) low funding levels for chapter 1 of title I of the Elementary and Secondary Education Act of 1965 limit participation in programs assisted under such Act to less than 50 percent of the eligible population.

(b) SENSE OF SENATE.—It is the sense of the Senate that appropriations for the Head Start Act should be increased to fully serve the potential, eligible population under such Act by fiscal year 1994 and that appropriations for chapter 1 of title I of the Elementary and Secondary Education Act of 1965 should be increased to the authorization level of such Act by fiscal year 1994.

House amendment to Senate amendment:

Insert at the end the following section:

Section . Technical Amendment

(a) IN GENERAL.—Section 2 of Public Law 81-874 is amended by inserting at the end thereof the following new subsection (d):

"(d) The United States shall be deemed to own Federal property, for the purposes of this Act where—

"(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1); and

"(2) the United States transfers a portion of the property referred to in paragraph (1) to another non-taxable entity, and the United States—

"(A) restricts some or any construction on such property;

"(B) requires that the property be used in perpetuity for the public purposes for which it was conveyed;

"(C) requires the grantee of the property to report to the Federal government (or its agent) setting forth information on the use of the property;

"(D) prohibits the sale, lease assignment or other disposal of the property unless to another eligible government agency and with the approval of the Federal government (or its agent); and

"(E) reserves to the Federal government a right of reversion at any time the Federal government (or its agent) deems it necessary for the national Defense.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1989.

Mr. HAWKINS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment and the House amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from California?

Mr. GOODLING. Mr. Speaker, reserving the right to object, I reserve the right to object in order to give the chairman of the committee an opportunity to explain the legislation.

Mr. HAWKINS. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California, chairman of the Committee on Education and Labor.

Mr. HAWKINS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on February 27, the House passed H.R. 3910, a bill requiring a national assessment of the chapter 1 program. The Senate on Monday passed that same bill requiring such an assessment but added certain provisions dealing with various other education programs.

Mr. Speaker, today Mr. GOODLING and I are urging that the House accept the House-passed bill, as amended by the Senate. The primary reason for urging this action is that we cannot lose any more time in undertaking the national assessment of chapter 1.

Chapter 1 is the largest Federal aid program affecting over 5 million poor children. Twice in the past, we have required comprehensive national evaluations of that program prior to reauthorization. Both of those large-scale studies have proved very useful to the Congress in refashioning the laws. Therefore, we feel we must have the same type of study completed by 1993, when the Congress again reviews chapter 1 for amendments.

Let me emphasize on behalf of the committee that this assessment will only be useful to the Congress if it is done in a fair and evenhanded manner. For that reason, this bill requires that the Department consult with an outside group of experts before it finalizes its plans to conduct this assessment. That outside group must include former directors of the two prior national assessments.

This bill also requires that the Office of Educational Research and Improvement [OERI] must be involved on an equal basis with the Office of Planning in fashioning this study. Neither the Office of Educational Research and Improvement or the Office of Planning, Budget, and Evaluation [OPBE] within the Department of Education is to control the study to the disadvantage of the other. The study is to be done jointly by these two divisions. Our reason for this provision is to ensure objectivity and evenhandedness in approaching the study. Both divisions of the Department are composed of very competent people, but we have learned over the years that it helps to have a system of checks and balances to assure objectivity.

We know that the Department, through the Office of Planning, has begun preliminary work on this national assessment. It is our clear intent that all that work is to be reviewed by both the Office of Planning and OERI and the outside panel before it is finalized.

In the past, the Department of Education has been very useful in providing national evaluations and studies to the Congress. We rely on those studies for factual data and sound analysis. We expect the same type of information and analysis from this new national assessment.

Other amendments in the bill were included by the other body. These amendments resolve several problems in the impact aid program, forgive an audit determination faced by a school district in Vermont, restate an authorization for the student literacy corps, and include a sense of the Senate regarding funding of Head Start and chapter 1. We urge the adoption of all these amendments.

For the information of the Members, I am including at this point a short description of the impact aid amendments which are the most complicated technically of all the other amendments:

DESCRIPTION OF THE AMENDMENTS

Section (a) of the Senate amendments to Impact Aid raises the "cap" on payments to 3(d)(2)(B) districts from $20 million to $25 million; provides for a "reserve pool" of funds (to be built during years when payments to these districts are less than $25 million) for payments in years when payments to these districts exceed $25 million; removes the "cap" if $25 million and the reserve funds are insufficient to make payments to the 3(d)(2)(B) districts; and prohibits the Secretary of Education from prorating funds for these districts.

Section (b) of the Senate amendment modifies section 3(e) of P.L. 81-874 dealing with adjustment when Federal activities are declining. The section provides that the "hold harmless" in 3(e) applies to 90 percent of funds a district received in the previous fiscal year and eliminates a provision of section 3(e) that the U.S. Department of Education apparently has interpreted to mean that a district 3(e) entitlement is based only on the number of 3(b) children enrolled in the district. Thus, the 3(e) entitlement apparently would be based on both 3(a) and 3(b) payments.

Section (c) amends section 5(a) of P.L. 81-874 to provide more flexibility in deadlines for Impact Aid applications. The Secretary would be required to accept a district's application up to 60 days after the deadline he or she is directed to establish; however, the district's payments would be reduced by 10 percent. Section (c) also specifies that States receiving Impact Aid payments must distribute all funds to the local education agencies (LEAs) providing services. Section 403(6) of current law requires that States may apply for and receive Impact Aid funds only if they provide services directly to "federally connected" children. The provision in the Senate amendment apparently deals with a problem in Alaska, which had been receiving Impact Aid funds and retaining some funds at the State level. Apparently ED had denied State funding to Alaska after FY 1988 because the State was not providing direct services. This provision of section (c) apparently would permit Alaska to apply directly for Impact Aid funds, provided that the State distribute all funds to LEAs.

Section (d) makes special dispensation for determination of payments for children residing on Hanscom Air Force Base in Massachusetts. Apparently this section requires that even those students in kindergarten through grade 8 (who are educated on the base) be counted to determine Impact Aid payments to the LEA that provides education for secondary school students who reside on the base.

Section (e) extends the deadline for applications for section 2 and section 3 payments for FY 1990 to June 29, 1990. Apparently an

unusually high number of LEAs have missed the application deadline this year.

Section (f) excludes from the definition of "local education agency" under the Act school district formed mainly to receive or to increase Impact Aid payments. Apparently some LEAs have been redistricted to attempt to qualify as 3(d)(2)(B) districts, which would greatly increase their Impact Aid payments. This provision would permit the Secretary to determine if a district had been formed for this purpose. Such districts would not qualify for any payments under the Act.

Mr. Speaker, both sides have agreed on the amendments, and I know of no opposition.

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I think we can complete the business in just a few minutes.

Mr. GOODLING. Mr. Speaker, I rise in support of H.R. 3910, the 1992 National Assessment of Chapter 1 Act, a bill that I enjoyed the responsibility of coauthoring with my distinguished chairman, AUGUSTUS HAWKINS. This small but important bill will authorize the Secretary of Education to conduct a national assessment of the chapter 1 program. Chapter 1, the largest of the Federal elementary and secondary education programs, will expire in 1993. That may seem like a time in the distant future, but in terms of gathering and collating information, it is imperative that we begin the assessment of the program now. This assessment will help to give Members valuable information regarding the implementation of the program.

This bill passed the House of Representatives on February 27, 1990, and the Senate passed an amended version of the bill on Monday. We are now considering that amended bill. I am hopeful that we can pass the bill quickly. It is imperative that the Department be given sufficient time to conduct this study before the next reauthorization cycle.

Again, I rise in support of this bill and ask my colleagues to join me in voting in favor of its passage.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

FINANCIAL ASSISTANCE FOR SIMON WIESENTHAL CENTER IN LOS ANGELES, CA

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2300) to provide financial assistance to the Simon Wiesenthal Center in Los Angeles, CA, for the education programs of the Museum of Tolerance, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

Mr. GOODLING. Mr. Speaker, reserving the right to object, and I will not object, I take this opportunity, first of all to yield to the gentleman from Montana [Mr. WILLIAMS] to tell Members about the bill.

Mr. WILLIAMS. If the gentleman will yield on his objection, as the gentleman knows, S. 2300 is a bill which would authorize expenditure for the Simon Wiesenthal Center's education program in their new Museum of Tolerance. This is legislation that is identical with one exception, and I will explain that exception, to the bill which is sponsored by the gentleman from California [Mr. WAXMAN] and cosponsored by the gentleman from Pennsylvania [Mr. GOODLING], as well as the gentleman from California [Mr. HAWKINS].

The one exception and the difference in the Senate bill, which is now at our desk and has, of course, therefore, passed the Senate, and our bill, is that our bill that is, the bill of the gentleman from California [Mr. WAXMAN], provides $7.5 million in authorization for the emergency programs proposed at the Wiesenthal Center. The legislation at the desk would authorize $5 million, $2.5 million less, I understand, an appropriate and agreed-upon amount of money.

I encourage my colleagues to support our request.

Mr. Speaker, today we are considering S. 2300, a bill that would authorize $5 million for the Simon Wiesenthal Center's education programs at its new Museum of Tolerance.

This legislation passed the Senate last week. It is identical, with one exception, to legislation that is moving through the House Education and Labor Committee. That bill, H.R. 3210, provides a $7.5 million authorization for the education programs of the Wiesenthal Center. S. 2300 provides a $5 million authorization. The House bill has been reported, without opposition, from my Subcommittee on Postsecondary Education to the full Education and Labor Committee. Its principal sponsor is Congressman WAXMAN. It is cosponsored by, among others, Mr. HAWKINS, the chair of the Education and Labor Committee and Mr. GOODLING, that committee's ranking member.

I would urge my colleagues to support the Senate passed bill. This is a very worthy project. The programs that will be supported by it will serve as a major human rights and education resources for Americans from all walks of life. The programs will not only focus on the Holocaust, but on the forms of prejudice, intolerance, and discrimination. The education program to be conducted by the Center's Museum of Tolerance will include both print and electronic materials. It will include a full range of books, bibliographies, reports and study guides on prejudice, aggression, intolerance, discrimination, antisemitism and the Holocaust. These materials will be made available to public and private schools and colleges throughout the Nation. Videos and films on these subjects will be produced at the museum or under its auspices. Teacher training seminars on these subjects will be conducted. The museum's education programs will also include a major research component. With this intensive education program, the museum will make a major contribution to educating both present and future generations about intolerance and the Holocaust.

Mr. Speaker, this is a very good bill supporting a very worthwhile program. I urge my colleagues to give it their support.

Mr. GOODLING. Mr. Speaker, further reserving my right to object, I yield to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding, and I want to congratulate the managers of this legislation for bringing it to the House floor. The project, that is, the Simon Wiesenthal Center in Los Angeles, is a very important project. The Museum of Tolerance will talk about not just the Holocaust that occurred during World War II and before that time but other examples of man's inhumanity to man.

It is important that we not forget the evil that people are capable of bringing upon others. This museum, which I think will be a resource for the whole country, will be of enormous benefit in reminding Members what has happened in the past, in making Americans more resolute to make sure we do not have these kinds of things occur in the future.

Mr. Speaker, I urge Members' support for this legislation.

Mr. GOODLING. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of this measure, Senate bill 2300, which is similar to H.R. 3210.

I want to commend the gentleman from California [Mr. WAXMAN], the chairman of the Committee on Education and Labor, Mr. HAWKINS, and the ranking minority member, the gentleman from Pennsylvania [Mr. GOODLING], for bringing this measure to the floor.

I think providing assistance to the Museum of Tolerance at the Simon Wiesenthal Center in Los Angeles is certainly a commendable and worthy objective. Simon Wiesenthal, as we all know, has been an outstanding fighter for human rights to remind the world of the history of the Holocaust, and remind scholars to tell Americans if we do not pay attention to history, we are bound to repeat the mistakes of the past.

The Wiesenthal Center and Museum of Tolerance certainly will be a lingering reminder of those horrors of World War II and of the Holocaust period. It is for that reason that I think this is a commendable effort. I urge my colleagues to support it.

Mr. GOODLING. Mr. Speaker, I withdraw my reservation of objection.

Mr. Speaker, I support taking the Senate bill, S. 2300 from the desk and passing it. This bill is the same as the House bill, H.R. 3210, with the exception of a lower authorization figure. I have consistently supported the concept of this legislation, and in fact joined Mr. WILLIAMS as an original cosponsor when the bill was introduced last year.

As ranking member on the Education and Labor Committee I recognize and appreciate the need we all have in this world to accept a wide diversity among people, to work with a broad spectrum of people, and to develop cooperation and understanding among all individuals, races, creeds, and ethnicities. Without this spirit of tolerance and understanding, we jeopardize our very existence and create unnecessary barriers to achieving our goals and full potential socially, personally, economically, and internationally. Education has a premier role to play in helping people gain greater understanding and respect for the rights and dignity of every human being.

This bill represents one example of how we can attempt to overcome prejudice and hatred in this world. Simon Wiesenthal is a survivor—a survivor of over 4 years in German concentration camps during the Second World War. Through his experience he pledged to be the voice of the victims and not allow such disregard of human rights and abuse of human dignity to occur again. The Museum of Tolerance examines the Holocaust in the context of prejudice and hatred in various societies, and in the context of who the victims and who the perpetrators were. The quality of the products of the center is clear—its media production of "Genocide" in 1982 received an Academy Award for best documentary feature.

With this bill we have the opportunity to provide support to the Wiesenthal Center and its work and education mission. It authorizes $5 million to fund 50 percent of the cost of designing and operating education programs concerning the Holocaust and the broader issues of racial, religious or ethnic tolerance. I appreciate my colleagues efforts to bring this bill before us, and I am pleased to be able to support legislation that encourages the development and maintenance of one of our more desirable traits in the hopes that through knowledge and education we will all treat each other with greater respect and dignity.

Mr. WAXMAN. Mr. Speaker, I rise today to urge my colleagues to support H.R. 3210, a bill to provide financial assistance to the Museum of Tolerance at the Simon Weisenthal Center in Los Angeles, CA. The assistance will go towards operation of education programs concerning the Holocaust to be conducted by the museum.

The Holocaust—the genocide of six million Jews in World War II Nazi Germany—shook the conscience of our Nation and the peoples of the world.

The Wiesenthal Center was founded in 1977, in Los Angeles, CA as a nonsectarian tax exempt organization for educating all sectors of society, particularly school-age children, about the events surrounding pre-Nazi Germany and the Holocaust. The Wiesenthal Center, named in honor of the legendary Nazi hunter, is world renowned for its historical vision and educational endeavors. The center's programs do not however, end with the Holocaust: they seek to provide an understanding of civil rights, justice and morality in our society and in other countries as well.

The Simon Wiesenthal Center a nonprofit institution, contains books, films, videos and computers as resources for comprehending racism and human behavior in this country and abroad. In further fulfillment of its mission, the Wiesenthal Center is currently undergoing a significant expansion, which includes the construction in Los Angeles of the Beit Hashoah: Museum of Tolerance.

In light of recent acts in our country indicating a resurgence in racism, the Wiesenthal Center will counteract intolerance. In light of the revolutions of 1989, the Wiesenthal Center Museum will work to monitor and counter antisemitism that has unfortunately accompanied many of the populist uprisings in Eastern Europe and the Soviet Union.

In addition to its exhibits and educational programs regarding the Holocaust, the Museum of Tolerance will chronicle the Nazi perseuction of other minorities during World War II and will contain exhibits addressing modern-day repression and the universal struggle for freedom—from our own civil rights movement to the fight for human dignity in other countries around the world.

The exhibits will also chart discrimination against Hispanics and Asians, and atrocities committed against native Americans. When completed, the Museum of Tolerance will serve as a major human rights and education resource center for Americans from all walks of life.

I was a strong supporter of Federal funding for a Holocaust museum in Washington, DC. Thanks to the efforts of many dedicated individuals on the Holocaust council, construction for this museum is now underway on the Mall.

I believe that the Washington museum will serve as a valuable tool for educating hundreds of thousands of visiting Americans, and local Washingtonians, about the horrors of the Holocaust and other stories of man's inhumanity to man. However, I also believe that there is equal merit in having a similarly valuable resource on the west coast.

The existence of the Wiesenthal Center's Museum of Tolerance will in no way diminish the effectiveness or impact of the Holocaust museum in Washington. For the millions of Americans that don't make it to Washington, there should be an opportunity to learn about the Holocaust in an impactful manner, through a visit to a Holocaust museum.

The funds authorized by H.R. 3210 will provide a one-time grant for Holocaust education programs at the Museum of Tolerance. This will comprise no more than 50 percent of the cost of the education programs—and no more than 20 percent of the cost of the entire museum. The total construction budget is $50 million, with over $38 million raised to date.

During my recent visit to the Wiesenthal Center, I was shown a model of the new museum. I was impressed by the museum's hands-on approach to exhibits that will challenge the public to examine prejudice and persecution.

Utilizing American history, the study of racism, and the evolution of our great democracy, the museum will confront human behavior. It will explore 20th century genocides, including the Cambodian massacres—and will address the Holocaust as man's ultimate violation of human rights and this century's watershed event. Visitors will be directly engaged with historical artifacts documents, newsreel films, photos and state-of-the-art multimedia technology, such as interactive computerized display and multimedia presentations.

I believe that my colleagues would be equally impressed by the Museum of Tolerance model. In fact, I know that some of you have been out to the Wiesenthal Center to see the exhibit for yourselves. I feel that the Museum of Tolerance will make a significant contribution toward educating Americans on extremely important and timely issues.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

The clerk read the Senate bill, as follows:

S. 2300

Bet it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GENERAL AUTHORITY.

The Secretary of Education is authorized, subject to the availability of appropriations, to pay to the Museum of Tolerance of the Simon Wiesenthal Center, located in Los Angeles, California, the Federal share of the cost of designing and operating education programs concerning the holocaust.

SEC. 2. APPLICATION REQUIRED.

No financial assistance may be provided under this Act unless an application is submitted to the Secretary of Education at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may reasonably require. Each such application shall describe the type and kind of educational materials to be developed and the steps that will be taken to ensure that age appropriate products are available to school districts and institutions of higher education across the country.

SEC. 3. FEDERAL SHARE.

The Federal share of the cost of designing and conducting education programs under this Act shall be 50 percent. The portion of costs not paid by financial assistance provided pursuant to this Act must be paid from sources other than Federal, State, or local government.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000, to carry out the provisions of this Act. Funds appropriated pursuant to this Act shall remain available until expended.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous

material on S. 2300, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

NATIONAL DAY IN SUPPORT OF FREEDOM AND HUMAN RIGHTS IN CHINA AND TIBET

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 275) designating May 13, 1990, as the "National Day in Support of Freedom and Human Rights in China and Tibet," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield to the gentlewoman from California [Ms. PELOSI], who is the chief sponsor of House Joint Resolution 556, designating May 13, 1990, as a "National Day in Support of Freedom and Human Rights in China and Tibet."

Ms. PELOSI. Mr. Speaker, on May 13, 1989, students in Tiananmen Square decided to risk their lives for liberty. The world watched in awe as unarmed students took on one of the most repressive governments in the world.

At the same time in Tibet, monks and nuns struggled under the repressive yoke of martial law and 50 years of occupation.

In Beijing as it had in Lhasa, the regime chose to flex its muscle rather than to expand its thinking.

This weekend, students throughout the world, in Harvard Square, Red Square, Prague, Buenos Aires—and in my district of San Francisco will demonstrate in support of the freedoms denied their colleagues in China and Tibet.

I ask my colleagues in this House to demonstrate their support by voting for this resolution declaring May 13 a "National Day in Support of Freedom and Human Rights in China and Tibet." It celebrates the spirit of those young people who, echoing the words of Patrick Henry 200 years ago, said "give me liberty or give me death." It seeks to strengthen the spirit of those citizens of China and Tibet who continue to suffer in prisons and reeducation camps. And it sends a message to the Beijing regime, that we recognize the expression of courage shown in Tiananmen 1 year ago and deplore continued efforts to extinguish it.

Mr. Speaker, I urge my colleagues to support this resolution. Again, I thank my colleague for yielding to me, and I thank the gentleman from Ohio [Mr. SAWYER] for his cooperation and his leadership on this issue.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I yield to the chairman of the subcommittee, the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, we all remember 1 year ago the excitement and hope as hundreds of thousands of Chinese peacefully demonstrated for democratic change in Beijing. Unfortunately, we also remember the horror as we watched the awful events of June 4 unfold on Tiananmen Square. To appropriately note the 1-year anniversary of those dramatic days, Mr. Speaker, House Joint Resolution 556 designates May 13, 1990 as "National Day in Support of Freedom and Human Rights in China and Tibet." This small but significant gesture will show our enduring concern for the cause of freedom in China, including the ancient land of Tibet. We do so in the spirit of self-determination and liberty for all peoples and all nations. We pay tribute to the awesome courage and determination of those who sought to bring change to China, especially to those who sacrificed their lives for this cause. We also do so in the fervent hope that in the not-too-distant future, the people of China will be able to enjoy the freedoms which we hold so dear.

The proud people of Tibet must also be included in any discussion of freedom and human rights in China. We call on the Government of China to respect the right of self-determination of Tibetans. Due to a lack of media coverage, most Americans are much less familiar with the struggle in Tibet than they are with the events in Tiananmen Square last June. Mr. Speaker, their cause is no less just and no less worthy of our attention. We must do what we can in Congress to keep this issue in front of the Nation, and indeed the world. House Joint Resolution 556 is one way in which we can manifest our hopes for the people of China and Tibet.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his kind words in support of this measure.

Further reserving the right to object, Mr. Speaker, I yield myself such time as I may consume.

I am pleased to rise in support of House Joint Resolution 556, which would designate May 13 as a "National Day in Support of Freedom and Human Rights in China and Tibet."

I commend the gentlelady from California [Ms. PELOSI] for her leadership in this issue. Her untiring support for the struggle of those living under the Communist tyranny centered in Beijing is inspiring to the American people and to her colleagues on both sides of the isle.

Report after report informs us that human rights conditions in Tibet and the People's Republic of China [PRC] have gone from bad to worse. In the People's Republic of China, the relentless round-ups, imprisonments, torture and executions began in June 1989, after the hunger strike by the students in Tiananmen Square was brutally smashed.

In occupied Tibet the Chinese Army escalated its suppression of Tibetans soon after the Dalai Lama finished his visit here to the Congress in September 1987.

The leaders of the democracy and freedom movements in Tibet and the People's Republic of China have continued to advocate nonviolence. This resolution is an appropriate way of supporting their exemplary efforts and I urge its adoption.

□ 1350

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. OWENS of Utah). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 275

Whereas the United States supports the legitimate and democractic aspirations for freedom of peoples throughout the world;

Whereas student and citizen groups throughout the world have taken great risks in pursuit of reform;

Whereas on May 13, 1989, Chinese students began a hunger strike in Tiananmen Square seeking nonviolent dialogue with the Chinese Government;

Whereas the Chinese Government responded to the Chinese students with violence, killing many;

Whereas the non-violent resistance of the people of Tibet to the Chinese Government has also been met with violence;

Whereas the Chinese students and the Tibetan people follow the tradition of the Dalai Lama's and Mahatma Gandhi's doctrine of non-violence, and have inspired the world;

Whereas student organizations throughout the United States and around the world have declared May 13, 1990, as an international day of fasting in support of democratic reforms in China and Tibet; and

Whereas this effort is being undertaken in the hope of bringing the current tragedies in China and Tibet to a peaceful end, and in the hope that productive dialogue will replace an atmosphere of suspicion and reprisal: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating May 13, 1990, as the "National Day in Support of Freedom and Human Rights in China and Tibet", and calling on the people of the United States to observe such a day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read

the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 275, the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEALING WITH GLOBAL WARMING THROUGH THE TAX CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, we are facing two serious long-term crises that we must begin to address—global warming and the budget deficit. The good news is that there is one solution to achieving the twin goals of reducing global warming and the budget deficit. It is market-oriented and it works. The solution is a carbon tax.

The problem of the budget deficit is well-known and unquestioned. Headlines are filled with talk of budget summits and the need to raise billions of dollars to avoid massive disruptions in Government services. The amount of money needed to stave off dire consequences mounts relentlessly. Virtually every number dealing with the predicted size of the deficit has been underestimated.

Let's turn to global warming. Virtually every serious climate scientist says we need to act immediately to reduce carbon dioxide emissions. The major conclusion from 300 scientists and policy makers from 46 countries and the United Nations at the World Conference, Toronto, Canada, June 1988 was "Humanity is conducting an unintended, uncontrolled, globally pervasive experiment whose ultimate consequences could be second only to a global nuclear war. Far-reaching impacts will be caused by global warming and sea-level rise, which are becoming increasingly evident as a result of continued growth in atmospheric concentrations of carbon dioxide and other greenhouse gases. It is imperative to act now."

Agreeing with this call to action is the Interparliamentary Conference on the Global Environment in their May 2, 1990, declaration. Representing 42 countries, they issued a series of declarations, including calling for reductions in greenhouse gas emissions by 50 percent from 1990 levels in the year 2010. November 7, 1989, President Bush announced that "the United States has agreed with other industrialized nations that stabilization of carbon dioxide emissions should be achieved as soon as possible." The Group of 7 Summit July 16, 1989, said, "We strongly advocate common efforts to limit emissions of carbon dioxide and other greenhouse gases, which threaten to induce climate change, endangering the environment and ultimately the economy.

Mr. Speaker, heeding these calls to action, I am introducing a carbon tax. A carbon tax is an effective market-oriented tool that will benefit both the environment and the economy. My tax on chlorofluorocarbons [CFC's], which became law on January 1, 1990, has clearly led to a change in CFC use and has dramatically increased recycling of CFC's. In addition, it is contributing billions of dollars to the U.S. Treasury. A carbon tax could have the same positive effect on reducing carbon emissions while simultaneously reducing the deficit.

Advocates of a market-based approach are many. Professor of Economics at Yale University William Nordhaus said in the March/April issue of EPA Journal "Consumption of fossil fuels has many negative spillovers besides the greenhouse effect, such as local pollution, traffic congestion, and so forth. In addition to slowing global warming, carbon taxes would restrain the consumption of fossil fuels, encourage R&D on nonfossil fuels like methane, lower oil imports, reduce the trade and budget deficits, and raise the national saving rate." The Economic Report of the President, February 1990, says "a fee or a tradeable allowances scheme would lead firms and individuals to consider the social cost of greenhouse emissions in their private decisions. Because market-based approaches are flexible and provide incentives that affect decisions at all points along the production-consumption chain and across all industries, they automatically focus on those activities where emissions reductions can be achieved at the least cost."

Industry segments have expressed strong support for a carbon tax. Helen O. Petrauskas, vice president for environment and safety engineering at Ford Motor Co., appearing before a Senate subcommittee on April 4, 1990, testified "* * * Government should also consider a 'greenhouse' or carbon fee that might be applied to all fuels that emit carbon dioxide when burned * * * at whatever source." At the same hearing Dr. Marina Whitman, vice president at General Motors, said, "Wouldn't it make better sense to create incentives to induce all emitting sources to reduce their emissions rather than focus attention virtually exclusively on one particular activity in responding to the concern about global warming? Because CO_2 is a byproduct of all types of fossil fuel combustion, wouldn't a fee structure tied to the level of carbon content of various fossil fuels be the fairer approach, as well as more effective?"

President Bush, speaking before the Intergovernmental Panel on Climate Change on February 5, 1990, challenged "As we work to create policy and agreements on action, we want to encourage the most creative approaches. Wherever possible, we believe that market mechanisms should be applied—and that our policies must be consistent with economic growth and free market principles in all countries." The carbon tax meets the challenge of a free market approach. The burning of carbon currently does not pay its societal cost. The tax will ensure that it does.

Mr. Speaker, the carbon tax that I am introducing today is modest in its effort to address carbon dioxide emissions. The tax will bring about a substantial reduction in growth of U.S. carbon dioxide emissions over the next 10 years. The tax is the equivalent of putting a $25 a ton charge on carbon in fuels.

The carbon tax will be phased in over a 5-year period. The tax on coal will be $3 per ton starting in 1991, rising to $15 by 1995. The tax on petroleum will start at $.65 per barrel rising to $3.25. For natural gas, the tax starts at $.08 per MCF rising to $.40 when phased in.

The amount of money raised by the carbon tax is $6 billion in the first year. The carbon tax will rise by approximately $6 billion per year, contributing more than $30 billion per year to deficit reduction when fully implemented.

Mr. Speaker, as the global military threats fade, we must focus on the two things that threaten our national security—environmental destruction and the budget deficit. There is no doubt that a carbon tax can lead the charge in attacking the heart of both of those problems.

CONGRESSMAN ANNUNZIO SALUTES NATION'S POLICE OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues in the House of Representatives that the week of May 13 through 19 will be observed as National Police Week, and I would like to take this opportunity to pay tribute to the law enforcement officers across our Nation who protect our children and our families and keep our cities and our country safe.

Once a year it is quite fitting for us to recognize these public servants who daily put their lives on the line to protect us from theft, murder, and drug-related crimes which have afflicted our Nation. Their efforts are often taken for granted and go unnoticed, and therefore the celebration of "National Police Week" gives our country a chance to say "thank you."

In 1984 when I became chairman of the House Administration Committee, one of my first actions was to move for swift passage of legislation to build the National Law Enforcement Officers Memorial. This memorial, which is now being built solely with private contributions from about one-half million individuals and 200 corporations, is testimony to the respect and admiration our society has for our law enforcement officers, who are at the front line of protecting our homes and our families. This memorial, which is being constructed at Judiciary Square, is expected to be completed in the spring of 1991 and is a stirring tribute to the men and women who have made the ultimate sacrifice for our safety.

March 15 is also the 75th anniversary of Peace Officers Memorial Day. Signed into public law by President Kennedy on October 1, 1962, this legislation pays tribute to the Federal, State, and municipal officers who have been killed or disabled in the line of duty, and recognizes the tremendous service and sacrifice given by the brave men and

women, who, night and day, stand vigilant guard to protect our society and enforce our laws.

Mr. Speaker, on the 27th occasion of National Police Week and Peace Officers Memorial Day, I am proud to salute the courageous men and women who risk their lives daily to protect the property, the physical well-being, and the lives of their fellow Americans. Their dedicated and selfless service is most appreciated and worthy of national recognition.

TRIBUTE TO REAR ADM. WILLIAM NARVA UPON HIS RETIREMENT AS ATTENDING PHYSICIAN FOR THE CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 60 minutes.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I will just make a few brief comments and then yield to some of my colleagues who are here to honor and recognize Rear Adm. William Narva. I will be brief, and then after my colleagues have spoken, I will make some further remarks.

I have taken this special order to pay tribute to my close friend—and he has many friends—Rear Adm. William Narva, who is stepping down as attending physician for the Congress. He steps down in July. He is leaving Capital Hill, and he is retiring from the U.S. Navy after 35 years of distinguished service.

Mr. Speaker, at this time I yield to the dean of the Congress, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I thank my friend and colleague SONNY MONTGOMERY in yielding to me. I join with him in expressing my thanks and congratulations for a job well done by Adm. William Narva.

With 35 years of distinguished service in the Navy, his contributions as Capitol physician have meant much to the 435 Members of the House and the 100 Members of the Senate.

To keep the wheels turning, as he has, is a real tribute to his understanding, his professional skill, and his concern.

We join in wishing for Dr. Narva many happy and productive years in his retirement.

Mr. MONTGOMERY. Mr. Speaker, I certainly want to thank the dean of the House of Representatives for taking this time and expressing his warm feelings about Dr. Narva.

At this time, Mr. Speaker, I yield to the gentleman from California [Mr. HAWKINS], chairman of the Committee on Education and Labor.

Mr. HAWKINS. Mr. Speaker, it is with great pride, respect and admiration that I join in the tribute today for Rear Adm. William Narva who is leaving his job as attending physician for the Congress in July of this year. As many of you know, we are here today to not only pay tribute to the outstanding work Bill Narva has performed for the Congress, but also for his 35 years of distinguished service in the U.S. Navy.

I have known Bill for over 20 years. His professional résumé is indeed impressive. It includes: Heading the Dermatology Service at Bethesda Naval Hospital; directing the Office of the Surgeon General of the Navy Department and serving as vice president of the Uniformed Services University of Health Sciences at Bethesda; residing as special assistant to the Secretary of the Navy from 1981–86 and consultant to the White House physician for 20 years; and serving as consultant to the attending physician of the Congress for 20 years before taking the job himself in 1986.

Retirement is a difficult crossroad to experience. I know because I will be joining Bill in retirement at the end of my current term. It is however a time to go on to a new level. A time to experience and enjoy different facets of life. A time to pursue new goals and reflect on past accomplishments. For Bill Narva, and his lovely wife Rose, there is much they may proudly pursue.

Being the attending physician to the Congress brings new meaning to the term bipartisan. I'm not sure if Bill is a Republican or a Democrat but I can attest that the quality of his service to both competing parties has been consistent and of the highest quality. Bill has really treated a diverse bunch of people. Think about it.—Democrats, Republicans, Gypsy Moths, Boll Weevils, Liberals, Moderates, Conservatives, Northerners and Southerners, Easterners and Westerners.

With that cast of characters you have to be a top professional. You also have to maintain a sense of humor. That is why Bill would appreciate the following medical anecdote:

A man, having hurt his forehead, was advised to rub it with brandy. Some days after, being asked if he had done so, he answered, "I have tried several times, but can never get the glass higher than my mouth."

I don't think Bill would ever prescribe rum in such cases. In fact, he would be more like the doctor in Robert Louis Stevenson's Treasure Island who cut off one of his patients from drinking any rum. As you may recall, the character, Billy Bones, responds to this medical advice angrily by exclaiming that "doctors is all swabs". I think I speak for every Member in Congress in saying that we don't believe Billy Bones is accurate, especially when we reflect on the caring and compassionate medical service rendered by Dr. Narva.

I will always have special memories of Bill and his service to this institution. His modest and dedicated character remind me in many ways of my own personal view of public service:

The leadership belongs not to the loudest, not to those who beat the drums or blow the trumpets, but to those who day in and day out, in all seasons, work for the practical realization of a better world—those who have the stamina to persist and to remain dedicated. To those belong the leadership.

I wish Bill Narva and his wife Rose great happiness and joy upon embarking on a retirement richly deserved. It has been an honor and a privilege to know him during my tenure in Congress. We will all miss the gentle and caring spirit of this exceptional individual who is truly one of the nation's great Americans.

Mr. MONTGOMERY. Mr. Speaker, I want to thank the gentleman from California [Mr. HAWKINS] for his very fine remarks. Quite frankly, I do not know what party Bill Narva belongs to either. I just know that he likes the Congress, he loves the Congress, and he has been a great help to all of us.

At this time, Mr. Speaker, I yield to another gentleman from California [Mr. MCCANDLESS].

Mr. MCCANDLESS. Mr. Speaker, I thank the gentleman from Mississippi for yielding, and I, too, would like to join in honoring Rear Adm. William Narva upon his retirement.

I do not know of any physician who could have 535 more difficult patients than the attending physician of Congress. Having spent some time in the Marine Corps and experienced military medicine, I came to Congress and learned that down below here we had a clinic attended by Navy doctors and corpsmen, and I thought, well, here we have got an instant repeat of my history.

So when innoculation time came along, I thought, well, this is like going back to boot camp and experiencing other types of vaccinations I had received from the Navy. Then a small personal matter developed and I thought, well, it will be one of these referral type arrangements. But I could not have been more wrong, after seeing the sensitivity with which Dr. Narva and their staff conducted their operation as a clinic on the first floor of the Capitol.

□ 1400

Mr. Speaker, I got to know Dr. Narva after repeated visits for major things, and he came to know me, and we were both interested in the same

thing, and that is the 37th District in California. He has had a distinguished career, and his wife, Rose, in her own right has had a distinguished, and continues to have a distinguished career which brought Dr. Narva to the 37th district, and, more specifically, the Palm Springs area where her profession as a resort management type has proved fruitful, and she has now taken over the operation of the Gene Autry Motel-Hotel resort complex, which then will place Dr. Narva, if at all, if not a full-time resident, at least a part-time resident.

Mr. Speaker, with Dr. Narva retirement is just a word. In discussing with him what his plans are, he has a multitude of areas in which he is exploring and will certainly use the word "retirement" in name only, and I am very pleased to have had the opportunity to know him in his profession which has spanned 35 years at the Bethesda Naval Hospital, the Office of the Secretary of the Navy, the consultant to the White House physician and to 535 of probably the most difficult patients that one could find, the Senate and the House.

Mr. Speaker, I wish Dr. Narva and Rose the best in their next careers and look forward to having them as my constituents in the 37th Congressional District, and I thank the gentleman from Mississippi [Mr. MONTGOMERY] for taking out this special order.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from California [Mr. MCCANDLESS] for his comments. He had probably known Bill and Rose Narva more than any of us have, and I am proud to have known him for over 20 years.

I say to the gentleman from California, "I assume that when you were in the service, you were friends then."

Mr. MCCANDLESS. I did not have the pleasure of knowing him at the time. My acquaintanceship was after coming to Washington. I was relating to my previous experiences of military medicine which were not always favorable.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from California [Mr. MCCANDLESS] very much for taking the time, and I am privileged to yield to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentleman from Mississippi [Mr. MONTGOMERY], for reserving this time for us to honor Rear Adm. William Narva who is leaving his post as attending physician for the Congress in July. We gather to pay tribute to a dedicated and committed individual who has done an outstanding job as attending physician of this institution over the past 4 years.

Many of us are familiar with Dr. Narva's distinguished record of service with the U.S. Navy, which spanned 35 years. He began his medical career at Bethesda Naval Hospital, where he interned. His other naval assignments include service on the medical staff of the Oakland and San Diego, CA Naval Hospitals; Chief of Dermatology Service at Bethesda Naval Hospital; Director of the Reserve Division, Bureau of Medicine and Surgery, Navy Department; and Director of the Office of the Surgeon General, Navy Department. Prior to his current Capitol Hill assignment, Dr. Narva served as Vice President of the Uniformed Services University of Health Sciences in Bethesda.

Adding to this list of accomplishments is Bill's collateral assignments as Staff Medical Officer, Chief of Medical Operations; Special Assistant to the Secretary of the Navy; Consultant to the White House Physician; and Chairman and Professor of Dermatology at the Uniformed Services University, School of Medicine.

Mr. Speaker, while Dr. Narva has been the House attending physician for only 4 years, he has been attending Members of Congress as a physician for many more years. I have known him for more than 20 years. He ranks among the best in his field and devotes many hours to personally overseeing the medical files of those under his care. More importantly, however, each of us have enjoyed a close friendship with Dr. Narva during his tenure on Capitol Hill. He is always cordial, quick to smile, and has a kind word for everyone. I have personally appreciated his counsel, support and warm friendship over the years.

Mr. Speaker, as the gentleman from California [Mr. MCCANDLESS] said, almost invariably anytime one went in to talk to him they knew of the great pride and love he always expressed on behalf of his wife. He has always been so proud of her achievements in the hotel field, and invariably, when I would go in and talk with him, he would always wind up having some conservation about her latest accomplishments or achievements.

So, Mr. Speaker, all of us in this institution will very dearly miss Dr. Narva as he departs Capitol Hill. We want to take this opportunity this afternoon to extend our best wishes to him, to extend to him our appreciation for the friendship he has extended to so many of us over such a long period of years, and again I want to thank the gentleman from Mississippi [Mr. MONTGOMERY] for taking this time out and permitting all of us to have this opportunity to express our concerns and best wishes to Bill Narva.

Mr. MONTGOMERY. Mr. Speaker, I certainly want to thank the gentleman from Ohio [Mr. STOKES], who is also a close friend of Bill Narva's, for taking the time to express himself so well about Dr. Narva.

I would also like to follow up and maybe repeat some of the things that have been said by the gentleman from Ohio [Mr. STOKES] about Bill Narva, but I think they need to be said again.

Mr. Speaker, I have known Bill Narva for more than 20 years. We first met when he was head of the dermatology department at Naval Bethesda. His charming wife Rose had just become general manager of the Sheraton Carlton Hotel on 16th Street, and later she was general manager of the Hay Adams and also the Jefferson Hotel, both on 16th Street here in Washington. They have one son, David, who grew up in Washington and now lives in California. They are wonderful people and have been an asset to Washington as well as to the U.S. Navy.

Admiral Narva was educated at Hofstra College and got his medical degree from Yale University School of Medicine. He went on active duty in the Navy in July 1955. His career stops include work at the Navy hospitals in Oakland and San Diego and then he came to Bethesda Naval Hospital in 1965 to become chief of the dermatology service. He held that position until 1978, when he assumed the job of Director of the Reserve Division of the Bureau of Medicine and Surgery with the Navy Department, a post he held for 2 years.

In 1982, he returned to Bethesda to become Vice President of the Uniformed Services University of Health Sciences. He stayed there until becoming attending physician for the Congress in 1986.

When he was at the Navy Department and also at the University, Bill was very helpful in working with the Congress on legislation to more clearly define who should attend the University Medical School and on other issues related to military medicine. His efforts helped improve the quality of health care offered to military personnel and their families.

Ed Derwinski, Secretary of Veterans Affairs, has recently asked Dr. Narva to serve on a 15-member blue ribbon commission to analyze our 172 veterans hospitals, 234 outpatient clinics and nursing homes around the country, to see what changes can be made to improve the delivery of health care to our veterans.

□ 1410

So I want to congratulate the Secretary of Veterans Affairs for picking a person like Admiral Narva, who knows military medicine, who knows veterans' medicine, and he certainly will do an outstanding job working on this blue ribbon commission.

During his career, Bill has also served as Staff Medical Officer for the Chief of Naval Operations from 1970-1981; was Special Assistant to the Sec-

retary of the Navy from 1981-1986; and still serves as Chairman and Professor of Dermatology for the Uniformed Services University School of Medicine. His professional honors include being named Diplomate of the American Board of Dermatology; a fellow of the American Academy of Dermatology and a fellow of the American College of Physicians.

His naval awards include the Legion of Merit, Meritorious Service Medal, Defense Superior Service Medal and the Navy Commendation Medal.

Mr. Speaker, I think he really deserves a medal for surviving 4 years as the attending physician here in the Congress of the United States.

I see my colleague, the gentleman from Alabama [Mr. DICKINSON] coming in. If the gentleman has any comments, I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I am here on another mission, but I would like to join with my colleague, the gentleman from Mississippi in paying our highest respects and best regards to Dr. Narva. I knew him from the first day he came here, I guess. I had many opportunities to visit with him, to just chat, as well as in professional services.

He will be missed, and I hope that he will not be a stranger around here.

I want to commend the gentleman from Mississippi for taking this special order to commend an outstanding naval officer and gentleman.

Mr. MONTGOMERY. Mr. Speaker, I appreciate the gentleman from Alabama making those remarks.

Further talking about Admiral Narva, from 1966 to 1986, Bill served as a consultant to the White House physician. He has treated Presidents Lyndon Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagan, and is a very, very close friend of President Bush.

The attending physician's job in the Congress was also not new to Bill Narva. He had been a consultant to the House attending physician for over 20 years before taking the job himself; so he knew about the problems relating to dealing with this unusual group of people known as the U.S. Congress.

A reception will be held and sponsored by the American Dermatology Association and myself for Admiral Narva and Mrs. Narva. We will have that reception in June.

Let me close by saying, Bill and Rose Narva are great Americans. They have served us well and I am very proud to be here in the well today to honor these two.

There are other Members who would like to have been here today, but because of the adjournment of the House, they have had to get back home to their congressional districts. I have checked at the desk. There are many Members who have put their remarks at the desk that will be in the RECORD.

So thank you, Bill and Rose Narva, for a job well done. You are great Americans.

Mr. ANNUNZIO. Mr. Speaker, I rise to join with my distinguished colleague, Chairman SONNY MONTGOMERY of the House Veterans' Affairs Committee, in paying tribute to Rear Adm. William Narva, M.D., the attending physician of the U.S. Congress, who is retiring from the Navy after 35 years of dedicated service.

Bill has served our country with distinction in the U.S. Navy. Furthermore, as attending physician of the Congress, he has discharged his professional responsibilities with a devotion and commitment which has earned him the admiration and respect of all of us in the House of Representatives who have had the privilege of knowing him as a friend, and who have depended on his advice, counsel, and judgment.

Before coming to the Congress, Bill Narva served as a consultant to the White House physician and consultant to the attending physician of Congress for 20 years. He had compiled an outstanding record of achievement as head of the dermatology service at Bethesda Naval Hospital, as Director of the Office of the Surgeon General of the Navy Department, and as Vice President of the Uniformed Services University of Health Sciences at Bethesda. He also served as Special Assistant to the Secretary of the Navy.

Mr. Speaker, Dr. Narva has been a compassionate and competent physician, who has provided exemplary professional service to the Members of Congress.

I join with my colleagues in the House of Representatives in congratulating Bill on his 35 years of outstanding service to our country, and in extending to him, and his wife, Rose, my best wishes for a healthy and happy retirement.

Mr. MARTINEZ. Mr. Speaker, I rise today to pay tribute to Rear Adm. William Narva who has announced his impending retirement from the Navy and from his position as attending physician for the Congress. I salute Rear Admiral Narva not only for the invaluable service he has provided Members of Congress these past 4 years but also for his successful and exemplary career in the U.S. Navy.

Bill's naval career spans 35 years, during which time he has held such distinguished assignments as consultant to the White House physician; Vice President of the Uniformed Services University of Health Sciences at Bethesda; and Director of the Department of Navy's Office of the Surgeon General. Bill's naval awards include a Navy Commendation Medal, a Navy Meritorious Service Medal, and a Legion of Merit, which reflect his hard work and dedication to both Navy and country.

Seldom does a man stand out like Bill, a shining example to those who have the character and ability to follow in his distinguished path. I salute Bill Narva for his achievements in the U.S. Navy and for his outstanding service to his country.

Mr. ROE. Mr. Speaker, I rise to join my colleagues in paying tribute to Rear Adm. William Narva, who is the attending physician for the Congress and will soon be retiring after an illustrious career in the Navy spanning 35 years. I know he will truly be missed.

Knowing that Bill has been on the job as attending physician for the past 4 years has been a great comfort to me, personally, as I know it has been to so many of my colleagues. I have sought Bill's advice and counsel on many occasions, and I can tell you his knowledge and expertise are without equal.

Mr. Speaker, I also have great admiration for Bill for all that he accomplished before becoming the attending physician in 1986. He was the head of the dermatology service at Bethesda Naval Hospital; he directed the Office of the Surgeon General of the Navy Department, and he served as Vice President of the Uniformed Services University of Health Sciences at Bethesda. He was also a special assistant to the Secretary of the Navy from 1981 to 1986, and served as a consultant to the attending physician of Congress for 20 years before taking the job himself in 1986.

I want to wish Rear Adm. William Narva my heartiest congratulations on an outstanding career of service to our Nation, and all my best in his retirement.

Mr. RUSSO. Mr. Speaker, today we pay tribute to a man who has had a long and distinguished military career. Rear Adm. William Narva, who has served as the attending physician of the Congress since 1986, and a former consultant to the attending physician of Congress for 20 years, is retiring from the Navy.

In his 35 years of service, Bill has proved himself to be an outstanding physician, as well as a good friend to many Members of Congress. He has served as Chief of the Dermatology Service at Bethesda Naval Hospital, Director of the Reserve Division of the Bureau of Medicine and Surgery, the Director of the Navy's Office of the Surgeon General, and vice president of the Uniformed Services University of Health Sciences at Bethesda.

His collateral assignments included staff medical officer, Chief of Naval Operations; special assistant to the Secretary of the Navy; consultant to the White House physician; and chairman and professor of dermatology at the Uniformed Services University School of Medicine.

The Navy has recognized his achievements over the years by awarding him the Defense Superior Medal, the Legion of Merit, the Navy Meritorious Service Medal, and the Navy Commendation Medal.

We will miss Bill and his wife, Rose. We have relied on his advice and counsel for years. I know I speak for the House membership when I say that we wish him the very best in the years to come.

Mr. JACOBS. Mr. Speaker, one of our coworkers is going to be missing from action beginning next July.

Our affable and talented friend, Adm. William Narva is leaving us. He is also leaving us with fond memories.

We shall miss him and hope that he will not be a stranger in these quarters in the future.

We wish you Godspeed, Admiral Narva.

Mr. YATRON. Mr. Speaker, I rise today to express my most heartfelt appreciation to Rear Adm. William Narva, who is retiring from the U.S. Navy after 35 years of service to his

country. For the past 4 years, Dr. Narva has served as the attending physician for the Congress, and with his retirement there is no doubt that this institution is losing a compassionate and caring doctor and friend.

At one time or another, most Members, like myself, have had to rely on Dr. Narva for medical advice, counsel, and treatment here in Washington. Whether he was giving detailed medical advice on important matters, or dispensing medicines for colds and sore throats to help us make it through a day of meetings, hearings, debates, and speeches, Dr. Narva treated Members with the utmost of professionalism and personal concern for whatever was ailing them.

Although we will sorely miss Dr. Narva, we can join him in celebrating his retirement from Government service. After 35 years of hard work for the country—working his way up to the rank of rear admiral and serving the Congress first as consultant to the attending physician and then as attending physician—Dr. Narva has earned many times over the retirement he is embarking upon. I am certain that all Members of Congress join me in thanking Dr. Narva for his service and wishing him the best of luck and happiness during his retirement.

Mr. CLEMENT. Mr. Speaker, I would like to join the distinguished Member from Mississippi, SONNY MONTGOMERY, and my other House colleagues in honoring Rear Adm. William Narva, the attending physician for the Congress.

It has been a great pleasure for me to become acquainted with Rear Admiral Narva. His service to Members of Congress is much appreciated. I can certainly attest to the fine treatment he has provided this Member for some of the ailments that have occasionally afflicted me.

More importantly, I can attest to Rear Admiral Narva's gentle hand and positive and friendly attitude. Like some of my colleagues and fellow Americans, I have an uneasiness when it comes to visiting the doctor. But when I have visited the attending physician's office, Rear Admiral Narva immediately allays my uneasiness. He quickly and thoroughly assesses the medical condition and prescribes the necessary treatment or medication. All this he does in the friendliness of manner and with the high degree of professionalism common to an individual of his rank, experience, and ability.

I thank Rear Admiral Narva for the kindness he has extended to me over the last 2½ years and I wish him and his wife the very best on his retirement from the U.S. Navy.

Mrs. SAIKI. Mr. Speaker, aloha and congratulations to Dr. Narva upon his retirement from the U.S. Navy. Thirty-five years of dedicated service to our country is truly a momentous undertaking and deserving of this special recognition.

Many Members both past and present want to share in honoring Bill and his wife, Rose, today for Bill's 20 years as consultant to the attending physician of the Congress, as well as attending physician the last 4 years.

Bill began his tenure as the attending physician when I came to the Congress 4 years ago. He helped me initially when I was overcome with a rash, something described as "Democrat dermatitis." I have since developed some immunity to that. But seriously, I have enjoyed my years of friendship which has developed as a result of his professional care.

Bill, I hope you and Rose take the time in your retirement to do all of the things you have wanted to do for so long. We will truly miss you, your manner and expertise. And yes, we will be a little jealous of you on those nights when we burn the midnight oil. Think of us every now and then.

Aloha and may God bless you and yours.

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute and to bid farewell to a man who has served as attending physician for Congress for 4 years, Adm. William Narva. His knowledge and expertise in the field of medicine are truly outstanding, and his work is to be commended.

Admiral Narva received his bachelor of arts degree from Hofstra College in 1952, and went on to receive his doctorate in medicine from Yale University in 1956. Admiral Narva did his internship at the naval hospital in Bethesda, MD, in 1956, his specialty residency in dermatology at the naval hospital in San Diego in 1957, and went on to do his postgraduate training at the USC School of Medicine in Los Angeles, CA.

Admiral Narva's naval assignments date back to 1955, when he began active duty. He would go on to serve on the medical staff in both Oakland and San Diego's naval hospitals. Additionally, he served as Chief of Dermatology Service at the naval hospital in Bethesda, MD, and as Director of both the Reserve Division of the Bureau of Medicine and Surgery and the Office of the Surgeon General, Navy Department. From 1982 to 1986 he served as Vice President of the Uniformed Services University of Health Sciences in Bethesda, MD, and he will close another segment of his distinguished career when he steps down as attending physician for the Congress of the United States in July 1990.

His many accomplishments and efforts have been rewarded through his receipt of the Defense Superior Service Medal, the Legion of Merit Award, the Navy Meritorious Service Medal, and the Navy Commendation Medal.

Mr. Speaker, on behalf of all my colleagues and those who value a high quality of health service for our Nation, I pay honor to the tireless efforts of Adm. William M. Narva as he leaves his position as attending physician. I would like to personally thank him for his contributions to the field of medicine and wish him much success in his future endeavors.

Mr. GUARINI. Mr. Speaker, I rise today to pay tribute to a man who has given his best to Congress during his 4 years as attending physician.

I have come to know Dr. William Narva well since he first came to us 4 years ago. He is a competent, dedicated professional who helped make things easier for all us here in Congress. He has been trusted with personal problems at the very highest levels, and performed throughout his career with a spirit of decency and compassion.

Dr. Narva has always struck me as a person who loves people. He never let his impressive achievements get in the way of his enjoyment of people and commitment to helping his fellow man. It is this dedication to serving others—combined with his vast medical understanding—that has made so many of us feel comfortable, confiding with him our most private concerns.

Unlike many successful academic professionals, Dr. Narva's life reaches beyond the ivory tower of our Nation's top educational institutions. He grew up on the streets of Brooklyn, where he learned to appreciate the feelings, motivations, and dreams of the common man. It is his intuitive understanding of people and genuine desire to help them that have made him such a good doctor, and such a good friend to so many of us.

I am sure that, during his 4 years serving Congress, Admiral Narva has learned more about Congress' aches and pains, and warts than any Capitol Hill reporter. It is a tribute to his abilities that he has managed to keep all of us—the tall and the short, the young and the old, the thin and the not-so-thin—healthy and able to go on with the business of the people.

I know that I speak for all of us when I say that Bill has become a fixture here in the Capitol and that he will be sorely missed. We have all gained comfort from his guidance. I wish him well in the new challenges that await him.

Mr. SPENCE. Mr. Speaker, it is with mixed feelings that I bid farewell and bon voyage to our great friend and physician, Adm. Bill Narva. On the one hand, I am very happy that a person who has contributed so much to his country can look forward to a well-earned retirement. But, on the other hand, I am going to miss his friendship and counsel very much.

Bill Narva is a Navy man in the classic sense. He is a patriot of the first order, and his service to America should be emulated by every young man and woman who aspires to a career in the U.S. Navy.

I am particularly indebted to Bill because, during a trying period in my life when I suffered from breathing problems, his advice and counsel helped me to understand the medical situation. Not only did he provide medical advice and assistance, but he spent time locating specialists who could assist me.

The job of the attending physician is very difficult, and it demands long hours away from family and friends. In short, it requires dedication and commitment. We are all very fortunate that Rear Adm. William Narva possesses these attributes, and I can certainly testify that he is a physician and friend without equal. I will follow his future endeavors with strong support and interest.

Mr. GREEN. Mr. Speaker, along with several of my colleagues, I too rise today to recognize and thank Rear Adm. William Narva for 4 years of dedication and excellent service to the Congress throughout his tenure as attending physician.

Preceding his duty as attending physician, Dr. Narva had a celebrated career in the U.S. Navy which spanned across three decades. During that time, among other roles, he served as special assistant to the Secretary of the Navy from 1981 to 1986 and consultant to the White House physician.

At this time, I should like to wish Bill, and his wife Rose, all the best with their future endeavors.

Mr. ACKERMAN. Mr. Speaker, I want to join with my colleagues in thanking and saying good-bye to Adm. William Narva. This remarkable American has devoted 35 years of his life to the service of our country. And, within the Congress, we have been fortunate indeed to call Admiral Narva our doctor for the past 4 years.

I consider Bill Narva my friend, even though he often ordered me away from the delicious New York foods that I love the most—those with the high cholesterol count.

Many times he made a personal sacrifice and separated me from a corned beef sandwich, which he would then eat himself in order to save me.

He also certainly has been a friend to this House. As consultant to the Attending Physician to the Congress from 1966 through the assumption of that position himself in 1986, Admiral Narva has offered wise counsel and advice to all of us.

Permit me for a moment, Mr. Speaker, to touch upon just a few of Bill's other accomplishments. He holds the Defense Superior Service Medal, the Legion of Merit, the Navy Meritorious Service Medal, and the Navy Commendation Medal.

The good Doctor headed the Dermatology Service at Bethesda Naval Hospital. He was the man in charge of the Surgeon General's Office at the Navy Department. The Admiral also has served as special assistant to the Secretary of the Navy and, for two decades, he was consultant to the White House Physician.

In short, Mr. Speaker, this great American has given a great deal of talent, energy, and creativity to all of us. And, he permitted us to answer the question, "Is there a Doctor in the House?"

Goodbye, Bill. Thank you. We all wish you good luck and good health. I will miss you.

Mr. SCHEUER. Mr. Speaker, it is both a joy and a sorrow to say goodbye to Adm. William Narva. A sorrow to see a good man leave, but a joy to wish him well as he begins a new path in life.

Bill Narva has a long and distinguished career in the Navy and the health care field. He has served in the House as long as I have, and I know we all will miss his care and counsel.

I wish only the very best for Bill and his wife Rose, who has her own brilliant career as an interior designer.

It is an honor to have known them and called both of them my friends.

IN MEMORY OF LT. ALGERNON POPE GORDON, JR.

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, I have a sad thing to do today. Tuesday, a fire on board the U.S.S. *Conyngham* resulted in the death of her operations officer, and injuries to 12 others of her crew. I am deeply saddened to note that this unfortunate mishap claimed the life of a constituent of mine, Lt. Algernon Pope Gordon, Jr., of Montgomery, AL.

Serving in the military, whether in time of peace or war, is potentially dangerous duty which is recognized by all the services. Pope joined the Navy knowing the risks involved, and served his country with unselfish dedication.

News reports today say Pope acted heroically during the *Conyngham* fire, by ignoring the flames to alert sleeping crewmembers of the danger. He died a hero after saving his roommate. Accordingly, the Navy will posthumously promote Pope to the rank of lieutenant commander.

Pope's 11-year naval career included service on the U.S.S. *MacDonough*, the U.S.S. *Fidelity*, the U.S.S. *Fearless*, and as of July 1989—the U.S.S. *Conyngham*. He also spent 2 years as a Navy recruiting officer in his hometown of Montgomery.

Today, my heart goes out to Pope's wife, Shirley and his three children in their time of grief. Pope is also survived by his parents, Jean and Pope, Sr., of Montgomery.

For those lucky enough to know him and serve with him, Lt. Pope Gordon was a true friend. For Alabamians and all Americans, he is a role model of character, compassion and heroism.

THE DEFICIT CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, I was surprised, I was actually astounded this morning to hear a commentator on one of this morning's network news programs declare that he could not see any reason for a budget summit, since the deficit was coming down anyway.

Down, Mr. Speaker? Where have the media people been? The reason for the budget summit, in case they do not understand it, is that the announced deficit numbers are so far out of touch with reality that even the business-as-usual people here in the Congress cannot fudge these numbers any longer.

The fact is, Mr. Speaker, that no real progress, none whatsoever, has been made on the deficit over the last 7 years. In 1983, the United States owed about $1.4 trillion. By the end of this year, we will owe about $3.4 trillion, or an average additional borrowing of about $250 billion a year over this period of time. This is the place to look for the real deficit numbers, Mr. Speaker, and the view is not a pretty one at all.

The only reason the announced deficit numbers even appear to look better is that Congress is now counting the annual increase in the Social Security trust fund on the revenue side, $65 billion worth this year, so you can simply add back to the announced numbers at least $65 billion, because that is not really revenue. What it really is, is an accruing liability, an obligation of the Government to pay retirement benefits in the next century that has to be there if we are going to provide a retirement for the baby boomers, if we are going to have a Social Security system that works anything like the one we have today, and we have a very fine one today indeed. That money should not be counted on the side of reducing the deficit. It is an obligation of government and an ongoing obligation.

Now, Mr. Speaker, to tell you how bad the deficit situation really is, consider this: My colleague, the gentleman from Illinois [Mr. ROSTENKOWSKI], proposed earlier this year a deficit reduction plan to bring the budget into balance over a 5-year period. The plan called for spending controls and new revenues of $500 billion over the next 5 years, one-half of a trillion dollars; but even under that plan, with its very heavy burdens, nevertheless he relied on the Social Security trust fund buildup of $350 to $400 billion additional in FICA taxes to make the numbers come out right.

So, Mr. Speaker, what is really needed to bring the deficit under control in the next 5 years is not one-half of a trillion dollars, it is closer to $1 trillion, whether it is in spending cuts or whether it is in new revenue.

That does not even include the amounts that are accruing for the S&L bailout, which is off-budget. Those are not even being counted in the figures.

If anyone out there, particularly people from the media who ought to know better, believe the deficit is coming down, Mr. Speaker, they are living in some make-believe world. The deficit problem is real.

We are making no progress. We are stealing the Social Security trust fund to make the numbers look better. Huge amounts are off-budget and not even being counted, though they add directly to the Government's huge borrowing requirements. We are heavily dependent on foreign capital to carry this enormous burden of ongoing debt and, incredibly, we blame foreign investors for our problems, when by consuming instead of savings, by running these enormous deficits, we have made it impossible to continue this consumption without their funds.

□ 1440

After fudging the numbers for 7 years, Mr. Speaker, each year increasingly diverging from reality, we have reached the point of crisis, unable to paper over the deficit any longer, Mr. Speaker, and some in the media

cannot even see the problem. With this kind of perceptiveness, Mr. Speaker, it is no wonder we are where we are.

This is a serious problem for the United States of America. The people in the media have to understand it and have to tell the American people how bad it is. We have to get to grips with it and solve it, and we have to solve it soon.

FIFTY BILLION IN NO-YEAR DEFENSE MONEY: A RECIPE FOR ABUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. IRELAND] is recognized for 60 minutes.

Mr. IRELAND. Mr. Speaker, I rise to present a report on the "M" and "Merged Surplus" accounts of the Department of Defense [DOD]. Their accounts are made of no-year money. They are appropriations that have lost their "fiscal year identity" and are merged together in one big pot that remains available indefinitely or until spent.

At the present time, the balance in these two accounts is growing rapidly and now exceeds $50 billion. With no accountability, with no regular statement of accounts required, with no procedures in place for reviewing these accounts, and very little information on balances and transactions, we have created a situation ripe for abuse.

Mr. Speaker, I want to dispel one myth concerning these accounts right now. Those in the bureaucracy, who tap them, would like us to believe that this is not real money. True, there is not a big pile of cash stashed in a vault somewhere, but those accounts are drawn on to pay bills with considerable regularity. In fiscal year 1989, for example, $3,874,000,000 was paid out of the "M" account. That's a fair piece of change.

This is first of three reports I plan to present on the subject. It is the result of a 6-month study and provides a brief description of the two accounts, the underlying legal authority for their existence, growth in dollar balances in the accounts, and concerns about possible abuse.

My purpose today is to begin to shed some light on this very difficult and complex problem. Information is not readily available. What information is available is difficult to decipher and then is either misunderstood or not understood at all—even by Government financial officials responsible for such matters.

For starters, the terminology is confusing. DOD budget officials use technical terms like "lapsed budget authority" or "expired appropriations" or "surplus fund" and "merged' and "restorations" when discussing these accounts. Others call them "no-year" appropriations. Critics say it is nothing but a "slush fund." At this point, I am not sure what it is.

I hope to clear up some of the confusion.

Mr. Speaker, before I proceed with my report, I would like to make one point very clear.

The legal issues addressed in this report are drawn primarily from reports prepared by the DOD, General Accounting Office [GAO], DOD Inspector General [IG], and American Law Division of the Congressional Research Service. These conclusions are not definitive. For me, the legality of all the issues surrounding the "M" and "Merged Surplus" accounts remain open questions. Those portions of the law that need to be tightened up will be discussed in my final report.

NO-YEAR MONEY AND CONSTITUTION

Since coming to Congress in 1976, I have labored under a terrible misconception. I thought that when we appropriated money for DOD, or any other agency for that matter, it remained available for obligation for a specific period of time. I thought it had a specific life span.

Now I know better. For me, the newly found knowledge is disturbing though, since our laws seem to be at odds with our Constitution and each other.

Clearly, article I, section 8 of the Constitution places very strict limits on the availability of appropriations for the armies—Navy is not subject to limits. It states that "no appropriation of money shall be for a longer term than 2 years."

Given the strict limitations imposed by the Constitution, how is it that defense money can remain available for expenditures indefinitely or until spent or forever. No-year money is not consistent with the Constitution. Is Congress empowered to create it? Is it illegal?

ANNUAL APPROPRIATIONS BILLS

Most of the confusion concerning the life span of Federal money flows from annual appropriations bills.

Annual appropriations acts do make appropriations available for specified periods of time. Take, for example, the fiscal year 1990 DOD Appropriations Act.

Under that legislation, appropriations for military personnel and operation and maintenance remain available for obligation until September 30, 1990, or for just 1 year. Other appropriations, such as moneys for procurement or research and development, remain available for longer periods of time—most until September 30, 1991-92 or for 2 to 3 years, and in the case of Navy shipbuilding, for 5 years or longer.

The periods of availability specified in annual appropriations bills do not mean what you think they mean. Yes, they do, in fact, establish a finite period in the life of those moneys, but not the whole life. It is only the beginning of a long life.

When the deadlines in annual appropriations bills are reached, those moneys do not cease to exist or be available for expenditure. They are not returned to the Treasury and wiped off the books. No indeed. They take on a life of their own.

ESTABLISHMENT OF "M" AND SURPLUS ACCOUNTS—1956

When the authority in annual appropriations bills expires, another body of law takes control and pumps new life into so-called expired appropriations. It makes them immortal, section 1552 of title 31, United States Code takes over.

Although section 1552 applies to all agencies, it was proposed and enacted into law to meet DOD's special needs. Because of the long lead times required to procure increasingly sophisticated equipment, and to allow for "price redetermination and escalation clauses in long-term contracts," DOD wanted and got "more flexibility in the accounting for funds" to adjust obligated balances to "liquidate delayed bills."

To address those concerns, section 1552 established two separate tracks for expired appropriations: one for obligated funds and one for unobligated funds.

UNOBLIGATED BALANCES—MERGED SURPLUS ACCOUNT

After expiring, unobligated appropriations are transferred to the Treasury where they are designated as surplus authority. They then enter a 2-year transitional phase. During those 2 years, they maintain their fiscal year identity. At the end of those 2 years, however, the unobligated balances lapse and become "merged surplus authority." They are merged together with other expired appropriations.

While these are forever identified with the appropriation account from which they were originally derived, for example, Air Force aircraft procurement, line-item detail and fiscal year identity are lost. In this way, they become no-year appropriations, remaining available indefinitely.

OBLIGATED BALANCES—"M" ACCOUNT

Obligated balances, which expire, are handled in a similar fashion but go to a different compartment. After the 2-year transitional phase, they are transferred to an "M" account. Like surplus authority, after passing through the 2-year transitional phase, they too lose their fiscal year identity.

PROCEDURES GOVERNING USE OF EXPIRED MONEY

The balances in both the merged surplus and "M" accounts remain at the disposal of an agency head until expended. There are essentially no restrictions as to when lapsed moneys

drawn from those accounts can be spent, but the law—title 31—imposes strict limitations on when those funds can be obligated—section 1502—and the "documentary evidence" needed to validate contractual obligations—section 1501.

Lapsed moneys are supposed to be used to pay existing obligations or to cover adjustments to existing obligations that are chargeable against any appropriation from which the account is derived. However, use of these moneys to cover adjusted obligations does not authorize the agency to expand the scope of work for which the obligation was originally created.

CONFLICT WITH ANTIDEFICIENCY ACT

The prohibition against expanding the scope of work of old contracts is difficult to enforce with the "M" and "Merged Surplus" accounts lurking in the background. These funds are not subject to the same strict rules that limit obligations and expenditures. When appropriations expire and lose their fiscal year identity, existing legal controls become almost unenforceable.

The existence of the "M" and "Merged Surplus" accounts allows the military services to circumvent the Antideficiency Act.

The Antideficiency Act prohibits any person in Government from making or authorizing an expenditure or obligation that exceeds the amount available in an appropriation or fund from which the obligation is made or the expenditure is paid. This piece of legislation is a source of fear to those who handle Federal money, since a violation carries a criminal penalty, including a fine and/or jail sentence.

Once an appropriation balance reaches an "M" account and loses its fiscal year identity, it is no longer susceptible to violations of the Antideficiency Act. By law section 1551, an "M" account balance is available to pay any obligation attributable to any of the appropriations from which it is derived. Consequently, payments from an "M" account need not be related to specified balances of appropriations transferred to it.

LACK OF CONTROLS

Congress has little or no control over these funds. Nor does the Secretary of Defense or the Treasury. The military services decide how and when these resources are obligated and expended.

If the transaction is under $100,000, no authorization is required. A program manager can make that determination. For amounts in excess of $500,000, a comptroller must approve it. Amounts in excess of $4 million are subject to approval by the Secretary of Defense. Only transactions above $25 million are reported to Congress—a new requirement resulting from fiscal year 1990 legislation.

Since the legislation took effect, just one notification has been submitted to Congress. Dated January 24, 1990, it asks Congress to review that air force plan to take $418 million from the "M" account to fix the B-1B defensive avionics suite (ALQ-161A). The Senate Appropriations Committee balked, and now the Air Force is prepared to resubmit the request.

GROWING BALANCES

While the architects of section 1552 thought the legislation would help to reduce the carryover of unexpended balances in appropriations, it has had the opposite effect.

Initially, in the 1960's and 1970's the combined balances in these two accounts remained relatively low, but in the 1980's they experienced astronomical growth—rising from essentially nothing in the early 1970's to about $2 billion in 1979 to $17.9 billion in 1980 to $43.9 billion in 1989, according to figures for the Army, Navy, and Air Force provided by the GAO. When amounts held by the various Defense Agencies are included, DOD says the total on October 1, 1989 was $50.5 billion.

Rapid growth in the "M" and "Merged Surplus" accounts, according to the House Appropriations Committee, can be attributed to several factors, including: First, excessive obligations for contingent liabilities that never materialize; second, shift to long-term investments that obligate over a longer period; third, reluctance to eliminate invalid contractual obligations; and fourth, inclusion of retirement and severance pay for foreign national civilian employees.

I think there may be one additional reason for the rapid growth in these accounts in the 1980's. Congress appropriated more money than DOD could possibly spend. It's simple as that.

POTENTIAL ABUSES

In adopting section 1552, Congress insisted that restorations, or transactions in and out of these accounts be held to a minimum, and to preclude abuse of the authority, a proviso was added in 1956, requiring agencies to report each transaction to the Appropriations Committees, the Comptroller General, and Bureau of the Budget, but this reporting requirement was later repealed.

With $50 billion in no-year appropriations floating around coupled with an apparent laxity at the Pentagon in enforcing "scope of work" limitations, the potential for abuse exists—and abuses have occurred. The temptation is to use the funds for purposes not originally intended by Congress. We know of at least two instances of documented abuse, which I will discuss in my next report, and abuses may have occurred about which we know nothing.

Mr. Speaker, in my mind there is ample reason to be concerned about the management of these accounts. The GAO and DOD IG have issued a number of reports on the problems, which pinpoint areas where the greatest deficiencies exist. Both seem to have arrived at the same conclusion—a vast majority of sums in the "M" account are obligated against invalid contracts:

Poor accounting practices make it very difficult to reconcile records:

"M" accounts are inflated by invalid balances that should be deobligated;

"M" accounts include obligation for contracts that have been completed—items delivered—but have not been closed out due to a backlog of contract audits;

Failure to maintain detailed line item accounting in "M" accounts makes them susceptible to duplicate and erroneous payments.

Account management, procedures, and controls for the "M" and Merged Surplus Accounts are weak. They are atrocious. They are ripe for abuse. We have a responsibility to address these issues legislatively.

In addition, use of the "M" account as a retirement fund for foreign nationals is clearly an unacceptable practice. Payments to foreign nationals from the DOD continues to be a sensitive political issue. For that reason, those costs need greater visibility and scrutiny. A special fund should be established to budget and account for those expenses.

Mr. Speaker, I place at this point, a short report in the RECORD prepared at my request by the General Accounting Office. It is dated April 9, 1990. It provides an excellent overview of DOD's expired and lapsed budget authority balances.

The GAO report is a good starting point for discussion.

In the near future, I will present my next report. It will focus on several documented cases of abuse and possible circumvention of the Antideficiency Act. The final report will propose legislation to reinject some accountability and attempt to restore control over $50 billion in no-year money.

U.S. GENERAL ACCOUNTING OFFICE,
NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, April 9, 1990.

As you requested, this letter summarizes the information we discussed with you during our meeting on March 7, 1990, and in subsequent discussions concerning our review of the Department of Defense's use of expired and lapsed budget authority balances.

BACKGROUND

In 1956, Congress established the "M" and Merged Surplus Authority (MSA) accounts for the purpose of streamlining the method by which agencies pay obligations resulting from prior year activities. In our opinion, Congress did not expect these accounts to accumulate large balances. However, our historical analysis of these accounts has shown considerable growth since their creation. Further, the Congress has repeatedly

expressed concern over the growth of the "M" and the MSA accounts and more recently over their possible misuse.

"M" accounts are accounts maintained by the agencies by appropriation into which unliquidated obligated balances are transferred. The balances in these accounts have lost fiscal year identity and are merged with other balances from appropriation accounts for the same general purposes e.g., Air Force aircraft procurement. "M" account balances are used for the payment of valid, previously incurred obligations. MSA accounts are Treasury accounts maintained by the agencies into which unobligated and deobligated balances have been withdrawn. The balances in these accounts also lose fiscal year identity and are merged with other amounts from appropriation accounts for the same general purpose. The MSA account balances can be restored to the "M" accounts for the payment of a valid upward adjustment to prior obligations which were previously incurred by an agency.

PERTINENT LEGISLATION

In 1956, Congress enacted Public Law 84-798, dated July 25, 1956. This law, among other things: created the "M" and what is now known as the MSA accounts; transferred the responsibility for the payment of unliquidated obligations from GAO to the agencies incurring the obligation; made the "M" accounts balances available for the payment of previously incurred obligations and made the MSA balances available for restoration to the "M" account; and allowed all appropriations to remain in an expired state for two fiscal years before lapsing into the "M" and MSA accounts.

In addition, the law states that once these appropriations expire, they are no longer available for new obligations. However, since 1984, legislation has followed shipbuilding to incur new obligations for final ship construction, engineering, tests and evaluations after expiration of the appropriation.

DOD'S "M" AND MSA BALANCES

The Army, Navy, and Air Force's "M" account balances totalled about $18 billion at the end of fiscal year 1989. At September 30, 1989 the services' MSA account totalled $25 billion. Figure 2 shows the various balances in DOD's "M" and MSA accounts between fiscal years 1980 and 1989. It is important to note that the balances in these accounts do not represent cash actually set aside by the Treasury. If an agency decides to use these accounts, the Treasury would then have to provide the means to finance the proposed action.

Figure 2: Army, Navy, and Air Force's Lapsed Authority From Fiscal Year Ending September 30, 1980 Through September 30, 1989:

[In thousands of dollars]

Fiscal year	M	MSA
1980	2,741,706	15,184,989
1981	3,367,883	15,278,549
1982	3,349,629	16,262,746
1983	4,205,433	18,422,910
1984	5,016,975	18,292,124
1985	6,744,759	19,817,631
1986	9,571,045	21,299,887
1987	12,366,323	22,797,271
1988	15,032,101	24,367,680
1989	18,498,882	25,394,462

RECENT LEGISLATION PERTAINING TO USE OF LAPSED AUTHORITY

As a result of the congressional interest generated by the Air Force's use of expired and lapsed authority, Congress has recently placed limitations on the services' ability to restore these funds. The National Defense Authorization Act for fiscal years 1990 and 1991, P.L. 101-189, dated November 29, 1989, requires the Secretary of Defense to approve a restoration from the MSA account which would cause the total amount of restorations for a program, project or activity to exceed $4 million within a fiscal year. Under the same conditions, a restoration causing the total amount of restoration to exceed $25 million in a fiscal year would require a 30-day advance notification to the Committees on Armed Services and Appropriations of the Senate and House of Representatives in writing, stating the intent to restore such funds, together with a description of the legal basis and policy reasons for the proposed action.

The information discussed above is being developed as part of our review of the Department of Defense's use of expired and lapsed authority. As you know, this review is being conducted at the request of the Senate Committee on Appropriations, Subcommittee on Defense. The objectives of the review are to determine (1) what legislation, regulations, policies, and procedures govern the use of expired and lapsed authority; (2) how the balances in the expired and lapsed authority accounts have grown; (3) how the expired and lapsed authority has been used; and (4) what the process is for approving/denying the use of expired and lapsed authority.

We plan to provide you with a copy of our report when it is released. Also, we will make every attempt to keep you informed of the results of our work as it progresses. We hope this information meets your current needs. If you have any questions, please contact me on 275-4262 or Pathelia Batchelor, Evaluator-in-Charge on 275-0224.

Sincerely,

STEVEN F. KUHTA,
Assistant Director, Air Force Issues.

□ 1440

The SPEAKER pro tempore (Mr. JOHNSON of South Dakota). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCCANDLESS) to revise and extend their remarks and include extraneous material:)

Mr. PETRI, for 60 minutes, on May 17.

Mr. GINGRICH, for 60 minutes each day, on May 14, 15, 16, and 17.

Mr. WOLF, for 30 minutes each day, on today and May 14.

Mr. PORTER, for 5 minutes, today.

Mr. MCEWEN, for 60 minutes, today.

(The following Members (at the request of Ms. PELOSI) to revise and extend their remarks and include extraneous material:)

Mr. CARPER, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GLICKMAN, for 60 minutes, on May 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCCANDLESS) and to include extraneous matter:)

Mr. BOEHLERT.
Mr. BEREUTER.
Mr. SCHUETTE.
Mr. DORNAN of California.
Mr. RINALDO.
Mr. MACHTLEY.
Mr. ARMEY.
Mr. PORTER.
Mr. MICHEL.

(The following Members (at the request of Ms. PELOSI) and to include extraneous matter:)

Mr. FASCELL in three instances.
Mr. FALEOMAVAEGA.
Mr. DONNELLY.
Mr. MATSUI.
Mr. NELSON of Florida.
Mr. KOSTMAYER.
Mr. MILLER of California.
Mr. LAFALCE.
Mr. WILLIAMS.
Mr. STARK in three instances.

SENATE JOINT RESOLUTION

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 286. Joint resolution to designate the week beginning May 6, 1990, as "National Correctional Officers Week"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. IRELAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, May 14, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3157. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of the price availability report for the quarter ending 31 March 1990, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

3158. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original reports of po-

litical contributions by Joseph Edward Lake, of Texas and William Bodde, Jr., of Maryland, ambassadors designate and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3159. A letter from the Chairman, National Transportation Safety Board, transmitting the inspector general's audit of fiscal year 1989 personnel and payroll, time and attendance, and procurement activities, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3160. A letter from the Attorney General, transmitting a draft of proposed legislation to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States; to the Committee on the Judiciary.

3161. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to assess fees at fair market value to special beneficiaries of National Oceanic and Atmospheric Administration data and information, and for other purposes; to the Committee on Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEJDENSON: Committee on Foreign Affairs. H.R. 4653. A bill to reauthorize the Export Administration Act of 1979, and for other purposes; with an amendment (Rept. 101-482). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. ROE: Committee on Science, Space, and Technology. H.R. 4329. A bill to enhance the position of U.S. industry through application of the results of Federal research and development, and for other purposes; with an amendment; referred to the Committee on the Judiciary for a period ending not later than June 11, 1990, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(m), Rule X (Rept. 101-481, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEREUTER:

H.R. 4782. A bill to establish an environmental restoration program in the Department of Agriculture to provide for the cleanup of releases of hazardous substances, including groundwater contaminants, from facilities owned or formerly owned by the Department of Agriculture (including grain storage facilities), and for other purposes; jointly, to the Committee on Agriculture; Energy and Commerce; and Science, Space, and Technology.

By Mr. BEREUTER (for himself, Mr. HALL of Ohio, Mr. PENNY, and Mr. GILMAN):

H.R. 4783. A bill to amend the Agricultural Trade Development and Assistance Act of 1954 to authorize the P.L. 480 Food for Peace Program for fiscal years 1991 to 1995 in order to combat world hunger, promote economic development, expand international trade, develop and expand agricultural export markets for U.S. agricultural commodities, and foster private enterprise and democratic development in the world; jointly, to the Committee on Agriculture and Foreign Affairs.

By Mr. CAMPBELL of California:

H.R. 4784. A bill to ensure that the status of musicians as either employees or independent contractors under the National Labor Relations Act is determined under the same criteria as are applied to other workers; to the Committee on Education and Labor.

By Mr. WAXMAN:

H.R. 4785. A bill to amend the Public Health Service Act to establish a program of grants to provide preventive health services with respect to acquired immune deficiency syndrome, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO:

H.R. 4786. A bill to amend section 5547 of title 5, United States Code, to include certain employees of the Department of Commerce within the definition of the term "forest firefighter"; to the Committee on Post Office and Civil Service.

By Mr. DIXON:

H.R. 4787. A bill to correct the tariff classification of monoculars; to the Committee on Ways and Means.

By Mr. DONNELLY (for himself, Mr. DURBIN, Mr. HERTEL, Mr. RUSSO, Mr. WOLPE, Mr. GEJDENSON, and Mrs. KENNELLY):

H.R. 4788. A bill to protect the status of certain nationals of Lithuania in the United States; to the Committee on the Judiciary.

By Mr. ECKART (for himself and Mr. FEIGHAN):

H.R. 4789. A bill to provide authority to railroad police officers to cross jurisdictional boundaries for the protection of interstate commerce and the security of the U.S. railway system; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. WAXMAN (for himself, Mr. MADIGAN, Mr. DINGELL, Mr. LENT, Mrs. SCHROEDER, Ms. SNOWE, Mr. SCHEUER, Mr. TAUKE, Mr. MARKEY, Mr. WHITTAKER, Mr. WALGREN, Mr. BILIRAKIS, Mrs. COLLINS, Mr. NIELSON of Utah, Mr. SYNAR, Mr. WYDEN, Mr. ECKART, Mr. RICHARDSON, Mr. SIKORSKI, Mr. BRYANT, Mr. BATES, Mr. BOUCHER, Mr. COOPER, Mr. BRUCE, Mr. ROWLAND of Georgia, Mr. MANTON, Mr. TOWNS, Ms. SLAUGHTER of New York, Ms. OAKAR, Ms. SCHNEIDER, Ms. PELOSI, Mrs. LOWEY of New York, Mrs. SAIKI, Mrs. UNSOELD, Mrs. MORELLA, Mrs. BOGGS, Ms. LONG, Ms. KAPTUR, Mrs. KENNELLY, Mrs. MARTIN of Illinois, Mrs. PATTERSON, Mrs. BOXER, Mrs. VUCANOVICH, Mrs. JOHNSON of Connecticut, Mrs. MEYERS of Kansas, Mr. YATES, Mr. STOKES, and Mr. ROE):

H.R. 4790. A bill to amend the Public Health Service Act to establish a program of grants for the prevention and control of breast and cervical cancer; to the Committee on Energy and Commerce.

By Mr. FRENZEL:

H.R. 4791. A bill to reduce temporarily the duty on flurbiprofen; to the Committee on Ways and Means.

By Mr. HORTON (for himself, Mr. MINETA, Mr. HUNTER, Mr. FALEOMAVAEGA, Mrs. SAIKI, and Mr. DE LUGO):

H.R. 4792. A bill to amend Public Law 95-419 to make Asian/Pacific American Heritage Month an annually recurring commemoration; to the Committee on Post Office and Civil Service.

By Mr. LAFALCE (for himself and Mr. SMITH of Iowa):

H.R. 4793. A bill to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. MAVROULES (for himself and Mr. HOPKINS) (both by request):

H.R. 4794. A bill to amend various provisions of law that affect the operations and management of the Department of Defense, particularly in the areas of military personnel, acquisition reform, civilian personnel management, and for real property; jointly, to the Committees on Armed Services, Government Operations, Education and Labor, and Post Office and Civil Service.

By Mr. MILLER of California (for himself, Mr. SCHUMER, Mr. CAMPBELL of Colorado, Mr. BEILENSON, Mr. BATES, Mr. DEFAZIO, Mr. PENNY, Mr. SMITH of Florida, Mr. RANGEL, Mr. PANETTA, Mr. THOMAS A. LUKEN, Mr. MORRISON of Connecticut, Mrs. BOXER, Mr. SCHEUER, Mr. TRAFICANT, Mr. ATKINS, Mr. OWENS of New York, Mr. FAUNTROY, Mr. COYNE, Mr. FUSTER, Mr. JACOBS, Mr. DWYER of New Jersey, Mr. STARK, Mr. BERMAN, Mr. FORD of Michigan, Mr. LANCASTER, Mr. WAXMAN, and Mr. RUSSO):

H.R. 4795. A bill to amend title 18, United States Code, to provide an additional sanction against certain Federal contractors committing Federal offenses in connection with those contracts, and for other purposes; to the Committee on the Judiciary.

By Mr. MINETA:

H.R. 4796. A bill to allow legal aliens to work as masters and pilots aboard commercial fishing vessels and to allow U.S. businesses owned by legal aliens to operate such vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY (for himself, Mr. BROOKS, and Mr. KASTENMEIER):

H.R. 4797. A bill to amend titles II and XVI of the Social Security Act to ensure compliance by the Social Security Administration with decisions by U.S. courts of appeals; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 4798. A bill to authorize grants to assist mathematics and science teachers in secondary schools in repaying Federal guaranteed student loans; to the Committee on Education and Labor.

By Mr. OWENS of New York:

H.R. 4799. A bill to amend the National Labor Relations Act to improve the procedure for appointing members to the National Labor Relations Board; to the Committee on Education and Labor.

H.R. 4800. A bill to amend the National Labor Relations Act to provide for fair and expeditious representation elections; to the Committee on Education and Labor.

By Mr. PALLONE:

H.R. 4801. A bill to require the Secretary of Energy, in close consultation with the Administrator of the Environmental Protection Agency and the Director of the National Institute of Environmental Health Sciences, to develop and implement a comprehensive study of the potential human health effects of electric and magnetic fields, to evaluate whether improved engineering designs of electricity delivery systems to residences and workplaces will reduce potential health risks posed by electric and magnetic fields, and to establish a comprehensive public information dissemination program on issues related to electric and magnetic fields; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. RAHALL:

H.R. 4802. A bill to establish the Shawnee Parkway as a unit of the National Park System within the State of West Virginia, and for other purposes; jointly, to the Committees on Public Works and Transportation and Interior and Insular Affairs.

By Mr. ROE (by request):

H.R. 4803. A bill to amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972 as amended, to authorize appropriations for fiscal years 1991 and 1992; jointly, to the Committees on Merchant Marine and Fisheries, and Science, Space, and Technology.

By Mrs. SAIKI (for herself and Mr. BLAZ):

H.R. 4804. A bill to provide for the establishment of a program to prevent the spread of, and ultimately eradicate, the brown tree snake from American Pacific islands; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

By Mr. STARK:

H.R. 4805. A bill to amend the Internal Revenue Code of 1986 to reduce emissions of carbon dioxide by imposing a tax on certain fuels based on their carbon content; to the Committee on Ways and Means.

By Mr. WILLIAMS (for himself and Mr. GOODLING):

H.R. 4806. A bill to amend the National Summit Conference on Education Act of 1984; to the Committee on Education and Labor.

By Mr. DREIER of California (for himself, Mr. WILSON, and Mr. RITTER):

H. Con. Res. 326. Concurrent resolution to express the sense of the Congress that weapons and other military equipment removed from Europe should not be transferred to areas of armed conflict in the developing world; to the Committee on Foreign Affairs.

By Mr. GREEN:

H. Con. Res. 327. Concurrent resolution regarding the protection and promotion of basic human rights in Malawi; to the Committee on Foreign Affairs.

By Mr. NIELSON of Utah (for himself, Mr. MADIGAN, Mr. HANSEN, Mr. BATEMAN, Mr. BARTON of Texas, Mr. HARRIS, Mr. DANNEMEYER, Mr. STALLINGS, Mr. BURTON of Indiana, and Mr. DORNAN of California, and Mr. DYMALLY):

H. Con. Res. 328. Concurrent resolution expressing the sense of the Congress that the music and music videotape industries should develop and use a uniform warning and disclosure system regarding violence and obscenity for the guidance of potential purchasers and parents; to the Committee on Energy and Commerce.

By Mr. DORGAN of North Dakota (for himself and Mr. RUSSO):

H. Res. 390. Resolution to establish the Select Committee on Waste, Fraud, and Abuse in Federal Agencies; to the Committee on Rules.

By Mr. STENHOLM (for himself, Mr. CRAIG, Mr. CARPER, Mr. ROBERT F. SMITH, and Mr. BARTON of Texas):

H. Res. 391. Resolution providing for the consideration of the joint resolution (H.J. Res. 268) proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. LENT.

H.R. 446: Mr. BATES and Mr. MCCRERY.

H.R. 677: Mr. DARDEN, Mr. OWENS of New York, Mr. ROSE, Mr. BILBRAY, Mr. MCDERMOTT, and Mr. CAMPBELL of Colorado.

H.R. 1003: Mr. SCHUETTE.

H.R. 1141: Mr. BUECHNER.

H.R. 1268: Mr. SERRANO, Mr. MARKEY, Mr. DWYER of New Jersey, Mr. POSHARD, Mr. HUCKABY, Mr. MANTON, Mr. WALSH, Mr. BILBRAY, and Mr. LANCASTER.

H.R. 1565: Mr. HUNTER.

H.R. 1730: Mr. ANNUNZIO and Mr. WOLPE.

H.R. 2322: Mr. SCHUETTE.

H.R. 2353: Mr. LEACH of Iowa.

H.R. 2460: Mr. LEWIS of Florida and Mr. HUGHES.

H.R. 2900: Mr. PORTER.

H.R. 2926: Mr. GOSS, Mr. SAVAGE, Mr. BEVILL, Mr. GORDON, Mr. GILMAN, Mr. FORD of Michigan, Mr. THOMAS of Georgia, Mr. BONIOR, Mr. PORTER, Mr. JONTZ, Mr. NEAL of Massachusetts, and Mr. CROCKETT.

H.R. 3004: Mr. JAMES, Mr. KENNEDY, and Mr. LEVINE of California.

H.R. 3123: Mr. LEWIS of Georgia, Mr. SOLOMON, and Mr. HALL of Texas.

H.R. 3131: Mr. MORRISON of Washington, Mr. HAYES of Louisiana, and Mr. CHANDLER.

H.R. 3243: Mr. SHAW, Mr. LEACH of Iowa, and Mr. FLAKE.

H.R. 3401: Mr. COLEMAN of Missouri, Mr. DEWINE, and Mr. PORTER.

H.R. 3440: Mr. DELAY.

H.R. 3500: Mr. PETRI and Mr. FISH.

H.R. 3643: Mr. DICKINSON.

H.R. 3677: Mr. MARTINEZ, Mr. MAZZOLI, Mrs. LLOYD, Mr. UDALL, Ms. KAPTUR, Mr. RANGEL, Mr. MURPHY, Mr. RITTER, Mr. NEAL of North Carolina, Mr. BOUCHER, Mr. STUDDS, Mr. HUBBARD, Mr. SANGMEISTER, Mr. KANJORSKI, and Mr. PALLONE.

H.R. 3732: Mr. MORRISON of Connecticut, Mr. BORSKI, Mr. THOMAS of Wyoming, Mr. LIGHTFOOT, Ms. KAPTUR, and Mr. ECKART.

H.R. 3751: Mr. DIXON, Mr. SAVAGE, Mr. TORRES, and Mr. BILIRAKIS.

H.R. 3800: Mr. SMITH of New Jersey, Mrs. MEYERS of Kansas, Mr. HUTTO, Mr. HARRIS, Mr. BUECHNER, Mr. HUBBARD, Mr. KLECZKA, Mr. CLINGER, Mr. BENNETT, Mr. MONTGOMERY, Mr. MATSUI, and Mr. CAMPBELL of California.

H.R. 3880: Mr. JAMES.

H.R. 3930: Mr. SCHEUER, Mr. PALLONE, Mr. POSHARD, Mr. MOLLOHAN, and Mr. DWYER of New Jersey.

H.R. 3970: Mr. CONTE, Mr. DAVIS, and Mr. EMERSON.

H.R. 3985: Mr. LEACH of Iowa.

H.R. 3986: Mr. GINGRICH, Mr. VOLKMER, Mr. MFUME, Mr. BUNNING, Mr. JACOBS, Mr. MARTINEZ, Mr. MCCRERY, Ms. ROS-LEHTINEN, Mrs. VUCANOVICH, Mr. DELLUMS, Mr. LEVINE of California, Mr. WISE, Mr. HAYES of Illinois, Mr. MANTON, Mrs. UNSOELD, and Mr. HANCOCK.

H.R. 4003: Mrs. BOXER.

H.R. 4026: Mr. BROOKS and Mr. BUSTAMANTE.

H.R. 4043: Mr. BLILEY and Mr. COUGHLIN.

H.R. 4110: Mr. OWENS of New York, Mr. GEJDENSON, Mrs. UNSOELD, Mr. EDWARDS of California, Mrs. KENNELLY, Mr. CONTE, Mrs. SCHROEDER, Mr. DEFAZIO, Mr. LANCASTER, Mr. BEVILL and Mr. TORRES.

H.R. 4118: Mr. DELLUMS and Mr. WOLPE.

H.R. 4242: Mr. HAYES of Illinois.

H.R. 4300: Mr. MANTON, Mrs. JOHNSON of Connecticut, and Mr. MAZZOLI.

H.R. 4334: Mr. OBEY and Mr. SMITH of Florida.

H.R. 4338: Mr. BONIOR.

H.R. 4427: Mr. CRAIG, Mr. DENNY SMITH, Mr. DE LA GARZA, Mr. HYDE, Mr. CAMPBELL of Colorado, Mr. HEFLEY and Mr. PACKARD.

H.R. 4460: Mr. HARRIS, Mr. CLINGER, Mr. TRAFICANT, Mr. FOGLIETTA, Mr. JACOBS, Mr. MOLLOHAN and Mr. WILLIAMS.

H.R. 4481: Mr. STAGGERS, Mr. CLINGER, Mr. AUCOIN, Mr. MURPHY, Mr. CRAIG, Mr. BEREUTER, Mr. BROWN of Colorado, Mr. PAYNE of Virginia, Mr. DERRICK, and Mr. BOUCHER.

H.R. 4483: Mr. AKAKA.

H.R. 4484: Mr. CONDIT.

H.R. 4485: Mr. KOLTER, Mr. SKEEN, Mr. SIKORSKI, and Mr. POSHARD.

H.R. 4488: Mr. BUSTAMANTE.

H.R. 4589: Mr. EMERSON.

H.R. 4592: Mr. LIGHTFOOT.

H.R. 4611: Mr. MINETA, Mr. CAMPBELL of California, Mr. FEIGHAN, Mr. SMITH of Florida, Mr. HUGHES, Mrs. SCHROEDER, Mr. STAGGERS, and Mr. GLICKMAN.

H.R. 4612: Mr. FEIGHAN, Mr. SMITH of Florida, Mr. STAGGERS, Mrs. SCHROEDER, and Mr. EDWARDS of California.

H.R. 4653: Mr. HAMILTON, Mr. MINETA, Mr. FRENZEL, Mr. LANTOS, Mr. PAYNE of New Jersey, Mr. GOSS, Mr. BOSCO, Mr. DYMALLY, Mr. SMITH of Florida, Mrs. MEYERS of Kansas, Mr. BERMAN, Mr. MCCLOSKEY, Mr. OWENS of Utah, Mr. WEISS, Mr. DONALD E. LUKENS, and Mr. ACKERMAN.

H.R. 4669: Mr. DEFAZIO, Mr. DELLUMS, Mr. DWYER of New Jersey, Mr. EVANS, Mr. FUSTER, Ms. KAPTUR, Mr. PARRIS, and Mr. PAYNE of New Jersey.

H.R. 4683: Mr. GALLEGLY, Mr. HENRY, Mr. SKEEN, Mr. COMBEST, Mr. OXLEY, Mr. MCEWEN, Mr. BARTON of Texas, Mr. MILLER of Ohio, Mr. LEWIS of Florida, Mr. LENT, Mr. JAMES, Mr. SMITH of Texas, Mr. LIGHTFOOT, Mr. PETRI, Mr. HUCKABY, Mr. VANDER JAGT, Mr. ARCHER, Mr. STUMP, Mr. HAYES of Louisiana, Mr. HARRIS, Mr. MONTGOMERY, Mr. BATEMAN, and Mr. BAKER.

H.R. 4716: Mr. RIDGE.

H.R. 4761: Mr. MARLENEE.

H.J. Res. 121: Mr. QUILLEN, Mr. HARRIS, and Mr. LANTOS.

H.J. Res. 214: Mr. LANCASTER, Mr. MOODY, and Mr. STUDDS.

H.J. Res. 374: Mr. INHOFE, Mr. ROWLAND of Connecticut, Mr. DWYER of New Jersey, and Mr. HUGHES.

H.J. Res. 487: Mr. FAUNTROY and Mr. HAMILTON.

H.J. Res. 510: Mr. EMERSON, Mrs. BENTLEY, Mr. HUGHES, and Mr. BLILEY.

H.J. Res. 527: Mr. HUGHES.

H.J. Res. 533: Mr. TRAXLER, Mr. ANDERSON, Mr. QUILLEN, Mr. WAXMAN, Mrs. LOWEY of New York, Mr. WHEAT, Mr. ASPIN, Mr. ANNUNZIO, Mr. GEJDENSON, Mrs. BOXER, Mr. BRENNAN, Mr. MCHUGH, Mr. SOLARZ, Mr.

BROWN of Colorado, Mr. CONDIT, Mr. RUSSO, Mr. MOODY, Mr. SABO, Mr. OBERSTAR, Mr. JONES of Georgia, Mr. VISCLOSKY, Mr. BRUCE, Mrs. KENNELLY, Mr. LEATH of Texas, Mr. GEPHARDT, Mr. SISISKY, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. BONIOR, Mr. KOSTMAYER, Mr. TAYLOR, Mr. SAVAGE, Mr. SPRATT, Mr. EVANS, Mr. RAHALL, Mr. CLINGER, Mr. STENHOLM, Mr. SMITH of New Jersey, Mr. STANGELAND, Mr. BATEMAN, Mr. HYDE, Mr. DOUGLAS, Ms. MOLINARI, Ms. SNOWE, Mr. TAUKE, Mr. GREEN, Mr. SMITH of New Hampshire, Mr. PAXON, Mr. GALLEGLY, Mr. WELDON, Mr. HASTERT, Mr. COBLE, and Mr. WOLF.

H.J. Res. 554: Mr. COSTELLO, Mr. TRAXLER, Mr. WEBER, Ms. PELOSI, and Mr. SLATTERY.

H.J. Res. 556: Mr. KASTENMEIER, Mr. DYSON, Mr. LIPINSKI, Mr. BILIRAKIS, Mr. MOLLOHAN, Mr. OBERSTAR, Mr. POSHARD, Mr. SAXTON, Mr. SAWYER, Mr. MORRISON of Connecticut, Mr. JACOBS, Mr. FASCELL, Mr. CRANE, Mr. ESPY, Mr. GRAY, Mr. COSTELLO, Mr. YATRON, Mr. CONTE, Mr. TAUZIN, Mr. STEARNS, Mr. SANGMEISTER, and Mr. PEASE.

H. Con. Res. 280: Mr. COUGHLIN, Mr. BENTLEY, Mrs. COLLINS, Mr. DARDEN, Mr. HEFNER, Mr. HASTERT, Mr. CLAY, Mr. BERMAN, Mr. HUTTO, Mr. KLECZKA, Mr. TANNER, Mr. GRANT, Mr. BONIOR, Mr. WYDEN, Mr. MRAZEK, Mr. CARR, Mr. LANTOS, Mr. WILLIAMS, Mr. MCCLOSKEY, Mr. LEWIS of California, Mr. OBEY, Mr. HAYES of Illinois, Mr. MURPHY, Mr. GAYDOS, Ms. PELOSI, Mr. MCGRATH, and Mr. ENGEL.

H. Con. Res. 287: Mr. HUGHES, Mr. MRAZEK, Mrs. KENNELLY, Ms. SLAUGHTER of New York, Mr. CAMPBELL of California, and Ms. SCHNEIDER.

H. Con. Res. 298: Mr. GORDON.

H. Con. Res. 304: Mr. PENNY, Mr. HOCHBRUECKNER, Ms. SCHNEIDER, Mr. MCDERMOTT, Mr. STUDDS, Mr. SAXTON, Mr. SMITH of Florida, Mrs. PATTERSON, Mr. DYMALLY, Mr. POSHARD, Ms. KAPTUR, Mr. HORTON, Mr. DELLUMS, Mr. SABO, Mr. PEASE, Mr. RAVENEL, Mr. PALLONE, Mr. DEFAZIO, Mr. EVANS, Mr. MACHTLEY, Mr. JAMES, Mr. JONTZ, Mr. BRYANT, Mr. HARRIS, Mr. LANCASTER, Mr. BUSTAMANTE, Mr. GEJDENSON, and Ms. PELOSI.

H. Res. 240: Mr. HAYES of Illinois, Mr. JAMES, Mr. KOLTER, Mr. SCHEUER, Mr. GALLEGLY, Mr. PORTER, Mr. SCHUETTE, and Mr. MRAZEK.

H. Res. 312: Mr. MOLLOHAN, Mr. RAVENEL, Mr. DEWINE, Mr. MCCLOSKEY, Mr. HEFNER, Mr. CHAPMAN, and Mr. COSTELLO.

H. Res. 380: Mr. STEARNS, Mrs. MORELLA, Mr. PACKARD, and Mr. LANCASTER.

H. Res. 381: Mr. BATES, Mr. LANCASTER, and Mr. TORRICELLI.

H. Res. 387: Mr. MACHTLEY, Mr. IRELAND, Mrs. VUCANOVICH, Mr. RHODES, and Ms. LONG.

SENATE—*Thursday, May 10, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 9:30 a.m., and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

** * * Not by might, nor by power, but by my spirit, saith the Lord of hosts.*—Zechariah 4:6.

God our Father, within each of us there is the predisposition to believe we are unconquerable—invulnerable—and can solve any problem if we just know what it is. Even when we profess to believe in prayer we seldom take it seriously. We think of prayer at public functions as merely ceremonial. Thank Thee, Father in Heaven, that our Founding Fathers prayed because they knew they needed to pray.

You know the struggles through which the Senate has been these past several weeks and that which lies ahead, complicated by an impending election. May the wisdom of Zechariah be heard and heeded in this place: "* * * Not by might, nor by power, but by my spirit, saith the Lord of hosts," as we remember the word of Jesus: "Ye have not because ye ask not."

Gracious God, enable us in this pragmatic environment to take prayer seriously. "Lord teach us to pray."

In His name who prayed often in times of great need. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 10, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the acting majority leader is recognized.

THE JOURNAL

Mr. FOWLER. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. FOWLER. Mr. President, this morning following the time for the two leaders there will be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each. At 10 o'clock this morning the Senate will then resume consideration of S. 135, the Hatch Act reform legislation.

Yesterday, with the cooperation of the Republican leader and both managers of the bill, we entered into a unanimous-consent agreement which provides that we will go to final passage of this legislation no later than 4 p.m. today.

There are 10 first-degree amendments remaining in order to the bill with the relevant second-degree amendments also in order. I advise Senators that the list of amendments is printed on page 2 of the Senate Legislative Calendar.

While the agreement provides no specific time limitation on the amendments, except, of course, if it gets to be 4 o'clock and there are no amendments remaining, those amendments, first and second degree, would then be subject to 10-minute time limitations equally divided.

It is conceivable that action on the remaining amendments could be concluded earlier than 4 o'clock this afternoon. Therefore, I want to alert all Members of the Senate and their staffs that we do expect a number, maybe even a series, of rollcall votes today, with the possibility of final passage of the Hatch Act reform which could occur before 4 p.m. this afternoon.

RESERVATION OF LEADER TIME

Mr. FOWLER. Mr. President, I ask unanimous-consent that the time for the majority leader and the Republican leader be reserved for their use later on today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m. this day, with Senators permitted to speak therein for up to 5 minutes.

Mr. GORE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

THE PRESIDENT'S OPPOSITON TO AN INTERNATIONAL PLAN TO PROTECT THE STRATOSPHERIC OZONE LAYER

Mr. GORE. Mr. President, I rise today to express my outrage at reports that the President has made the United States an environmental outcast in the world community. President Bush, under the advice of John Sununu and Richard Darman, has overridden the advice of his own EPA and State Department, and instructed our neighbors to oppose the attempts of the rest of the world to protect the stratospheric ozone layer.

The negotiators are putting final touches on a new agreement to strengthen the original international treaty to protect the ozone layer. The agreement calls for faster phaseouts of some ozone-destroying chemicals, and may add new chemicals to the list of chemicals to be controlled. The agreement also calls for the industrialized nations to collectively provide some critical assistance to developing nations that will allow them to comply with the treaty. It is on this last issue that President Bush has reportedly refused to cooperate with the world community, and in so doing, he threatens to undermine the single most important international agreement that we have to protect the world's environment.

What is the President doing? Of all the global environmental challenges that we face, this is the one which we must all agree requires the most urgent, serious action.

The reports from Geneva, where negotiations are underway, are that the United States has isolated itself on this issue from all the other nations. It

is critical that President Bush turn this position around today. If this scenario is played to its conclusion, the United States will not be able to sign on to the new amendments to the Montreal protocol—the very amendments that have been negotiated to give further protection to the ozone layer, in light of the evidence that it will not be protected by the original treaty. President Bush must turn this around today.

This is a diplomatic debacle, brought to us by the "hats and sunglasses" gang in the administration. While the rest of the world is acting responsibly, the United States is put in the extraordinarily embarrassing position of being left behind. While we refuse to cooperate, other nations around the world will be working to protect the ozone layer, and helping the developing nations acquire technologies that will allow them to leapfrog the current generation of ozone-destroying chemicals and technologies, to new, nonozone destroying substitutes.

It is absolutely urgent that this be turned around today. Many who have examined the global environmental crisis know that one of the first actions we must take is to deal effectively with those manmade chemicals—chlorofluorocarbons and halons—which are known to not only destroy the ozone layer, but also to cause over 20 percent of the greenhouse effect.

The negotiations underway in Geneva are crucial to the massive international effort underway to reduce emissions of these chemicals—an effort that is in response to over a decade of scientific findings regarding their damaging effect on the world's environment. In the last decade, those findings have been highlighted by the sudden appearance of a continent-sized hole in the ozone layer over Antarctica, the discovery of similar destruction over the Arctic, and a spring 1988 finding that depletion over the entire Northern Hemisphere is already much more serious than ever predicted.

Mr. President, the warning signals of the global environmental crisis—and stratospheric ozone depletion is a key warning—all of the warning signals are compelling and clear. They are warnings of severe economic and environmental dislocation in the coming decade, in the 1990's, unless we move now to reverse the deterioration of the environment.

If someone was poisoning your children, you would not take the slow, one-small-step-at-a-time approach that President Bush is taking. Our "don't worry, be happy" President thinks that if he hides from this challenge, it will just go away. It will not go away. It demands action. President Bush is directly threatening the future of people, and especially the children all over the world by his neglect and refusal to act as a responsible world citizen.

And it is not as though there are not solutions, if President Bush would just provide the leadership. Already, many in the private sector have found alternatives to ozone-depleting chemicals, and reduced their emissions of these substances. Almost weekly now, we read the news of yet another company pledging to phaseout its use of ozone-destroying chemicals in the near future.

And these new technologies, in turn, will benefit not only the environment, but the U.S. trade balance as well. Obsolete, chlorofluorocarbon-based refrigerators are being purchased by Third World consumers at this very moment. In the capital-poor developing world, this equipment will not be replaced for decades, and will continue to require chlorofluorocarbons. Some of these countries, like China, are not parties to the Montreal protocol. The problem that President Bush has created in Geneva will just make this situation worse, because it threatens to cause the introduction of these CFC-based technologies to yet other areas of the world. The United States is in a position to develop alternatives, and to lead the world to post-CFC technologies. If our own President would just find the ability to rise to the challenge, our economy would benefit enormously.

Here in the Senate, we included provisions on ozone-destroying chemicals in the Clean Air Act. We called for faster phaseouts of ozone-destroying chemicals, we called on the Federal Government to develop a plan to promote the safest alternatives to these chemicals, and we called for the immediate prohibition of the export of technologies to produce ozone-depleting substances.

I call again for President Bush to reverse the debacle that he has created in the Geneva negotiations. It is crucial, and will impact nothing less than the future of life on this planet.

Mr. President, I express a deep concern and even outrage about the reports coming here from Geneva concerning the negotiations that are underway there to protect the stratospheric ozone layer.

There are many aspects to the global environmental crisis. The least controversial of all is the proposition that the protective ozone layer is being eroded by a family of chemicals first used in abundance after World War II.

The entire scientific community of the world is in total agreement on this question and, because of that fact, most nations of the world signed a document known as the Montreal protocol to quickly phase out the use of the chemicals destroying the ozone layer.

That document also included a section which contemplates minimal assistance from the wealthiest nations of the world to the poorest nations of the world, as they make a sharp change in the technologies they use for things like air- conditioning and industrial chilling, and other functions.

This latest negotiation comes about because of a widespread agreement that the original treaty is not strong enough. In fact, if the original treaty turns out to be the only action taken, the concentrations of these dangerous chemicals will triple from today's level, and at today's level they have already burned the seasonal hole in the ozone layer above Antarctica, and thinned the ozone layer above most parts of the world, including Washington, DC, by several percent, just in a few decades.

Why is that a problem? Well, as is well known to Members of this body, a thinner stratospheric ozone layer allows much larger concentrations of ultraviolet B radiation to reach the surface of our planet. That causes a number of harmful effects: Millions of additional cases of skin cancer, to name one; a suppression of the immune system for all 5.3 billion people on Earth; effects on other life forms, including some of the smaller life forms like plankton, which are apparently especially vulnerable to the increased doses of ultraviolet B radiation.

There are other effects, as well: soybean yields are harmed, as are the yields of many food crops; concentrations of smog in cities increase because the extra ultraviolet radiation interacts with hydrocarbon emissions above cities to increase the levels of smog. But the most dangerous effects are those that have an effect on the food chain or the "web of life," as some refer to it. So the stronger and stronger scientific consensus led nations around the world to these negotiations to strengthen the Montreal protocol.

The objectives at these talks in Geneva have been to add other chemicals to the list: methyl chloroform, for example; carbon tetrachloride; some of the HCFC's, a slightly less harmful form of CFC's, but still quite harmful. The other objective was to put flesh on the bones of the earlier commitment to provide minimal sums from the developed world to the developing world to help accomplish this phaseout of the chlorofluorocarbons.

Every nation in the world that is a signatory to the Montreal protocol was in agreement that this should be done. The U.S. Environmental Protection Agency was in agreement that this should be done. The U.S. State Department was in agreement that this should be done.

Mr. President, even though the Environmental Protection Agency and

the State Department here in our country and every other nation in the world agreed on the urgency of this matter, Mr. John Sununu in the White House and Mr. Richard Darman in the Office of Management and Budget decided it was not a good idea and President George Bush, who has the responsibility for making the decision, decided to reject the advice of the scientists, reject the advice of his own Environmental Protection Agency, reject the advice of his own State Department, ignore the consensus, indeed, unanimous opinion, of every other nation in the world, and instead adopt a "What, me worry?" environmental policy.

As a result, of course, the negotiations in Geneva are now in a complete uproar, nation after nation standing up attacking the United States of America for being the principal obstacle to efforts by this world to deal with an unprecedented environmental crisis.

Mr. President, our Nation should be leading the way. We should be providing bold, visionary, courageous leadership. There is no other nation in the world capable of doing it. The world will not follow Japan. Europe will be absorbed with its efforts to accomplish the integration of the European Community for at least the next decade. Who else will lead? The United States must lead or else this problem will not be solved.

Who within the United States can provide the impetus to the leadership necessary? Only the President. Why then would he take this curious view? Does Mr. Sununu have any scientific basis for the judgment he has urged upon the President? Does he own real estate on other planets? I find it very difficult to understand this decision.

So, Mr. President, I and 11 of my colleagues on this side and 12 of our colleagues on the Republican side, following the leadership of the Senator from Rhode Island [Mr. CHAFEE], 24 of us in all, have urged the President to change his policy and begin to provide leadership that we need to protect the global environment.

I yield the floor.

Mr. SANFORD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized for 5 minutes.

THE BUDGET SUMMIT

Mr. SANFORD. Mr. President, I thought it might be appropriate to comment on the so-called summit that is taking place in the White House between the President and the budget people from the White House and the leadership in the Senate and the House. This is an exercise that we have seen carried out now for virtually every year.

The President prepares his budget and sends it over. He sends it over with certain cuts to meet the goals of Gramm-Rudman. Then the Budget Committees try to conform to those general guidelines following the President's budget, generally readjusting his cuts to different cuts maybe, but nevertheless reaching the same goal of reduction.

Normally it has been very difficult to get out a budget resolution out of the Budget Committee because the Republican side generally, certainly since I have been here, have not voted to bring out the resolution or they have deliberately stood aside and let the Democrats struggle with getting a proper resolution out.

This year, under the very skillful and diligent leadership of Senator SASSER, we not only got out a resolution that met the goals that were submitted by the President, but exceeded the goals. For the first time, we dealt with hard savings, real savings, not smoke and mirrors, as the expression goes. It was voted out with 14 positive votes, all of the Democrats and one Republican.

So there is nothing really that put the President in a position to demand a summit. Here we have a resolution and we are ready to bring it to the floor. but, nonetheless, they called for a summit with a great deal of fanfare about everything was going to be on the table; that we are going to talk about everything; we have to figure out what to do about this. And well they might, because we have to borrow a great deal of additional money.

We borrowed a few billion dollars yesterday from the world, a great deal of it from Japan, but only about $10 billion out of a shortfall of $270 billion and we need to borrow another $90 billion right away. They are worried about the interest rates. They ought to be worried about the interest rates, because the interest rates can bring down the economy. If we have to run up the interest rates to hold down inflation, that is one matter. If we have to run up interest rates to attract enough money to fund our massive debt, that is far more serious.

So they ought to have called a summit. The trouble is they are talking about the wrong thing. I guarantee when you hear the news tonight and read it in the morning that this will have been nothing more than an exercise in deceit. I think what we have to insist on in this body is that, as we deal with the finances of this country, we get away from the deceit that has burdened us with the highest debt in the history of the world; not just the history of the United States, but the history of the world. We owe $3 trillion.

Anybody out there that is making house payments or automobile payments knows what it is to be in debt and knows what interest means and how interest mounts up and how interest compounds. And you can see what is happening to this country.

I heard a Member of the House, in a minority leadership position, spouting off yesterday about the great advances that have come with this kind of an economy, with Reaganomics, that we have continued to have prosperity—and we have, at the expense of tremendous borrowing.

Any individual, any business could do extremely well if they had unlimited access to credit. But that day of reckoning is going to come and the day of reckoning is slipping up on us as we race now—and I mean race—toward a $4 trillion debt. We will have a $4 trillion debt by the time we do two more budgets, and maybe by the time we do one.

And so certainly they ought to have a summit, but they ought to get the right objective on the table. And the objective can be expressed, Mr. President, in one word, and it is a good old American word and it is a word that we adhered to for many, many years and people still do in their own affairs and their own businesses, but we do not here. And the word that ought to be on the table at this summit is honesty.

We have not had an honest budget. We have concealed the true size of the deficit from the public. We have pretended to be reducing the deficit year by year when all the time, behind the clouds, behind the cover up, we have been increasing the deficit every single year for the last 9 years, and now it is moving toward $4 trillion.

That is what ought to be on the table: honesty; the true debt. Once we have this fact on the table, and we do not need any other facts on the table, we must look at this dishonest debt. We piled it up in secrecy. We are continuing to conceal the true magnitude of the climb toward the large debt.

Once we get that fact on the table, Mr. President, there is only one question, and that is to be directed to the President of the United States: Mr. President, what shall we do now?

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized for 5 minutes.

NO NEW TAXES

Mr. KASTEN. Mr. President, I rise today to say a few words about the forthcoming budget summit, taxes and the deficit.

First of all, before we entertain the idea of a tax increase, I think we have to ask ourselves one important question: Are the American people undertaxed?

By all objective measures, the answer is an unequivocal "No."

Fact No. 1: Tax Freedom Day—the day most Americans stop working to pay taxes and start working for themselves—is now May 5, the latest Tax Freedom Day ever in our history.

Fact No. 2: The Federal Government collects 19.6 percent of our national product in taxes—one of the highest tax burdens in postwar history.

Fact No. 3: Despite the Reagan tax cuts, total tax receipts doubled in the 1980's from $517.1 billion in 1980 to $1.073 trillion in 1990.

Fact No. 4: From 1955 to 1988, the Federal tax burden on middle-income families rose twice as fast as their income. In 1955, a median-income family of four paid Federal taxes at an average rate of 9 percent a year.

In 1970, it went up to 16 percent, and in 1988, it paid 24 percent per year.

Fact No. 5: Ordinary taxpayers face tax rates that are still too high, although lower than they were 10 years ago. Upper-middle income families earning $50,000 face marginal tax rates of 40 percent: 29 percent Federal, 7.5 percent for Social Security, and 5 percent for State income taxes.

If anything, Americans deserve a tax cut.

What about the Federal budget deficit? To be sure, we must bring the budget deficit down. What the Senator from North Carolina referred to as honesty is important but it is also important to recognize we have made progress in recent years.

Since 1983, the deficit as a percent of GNP has been cut in half from 6.3 percent of GNP to less than 3 percent. Even if we remove the mask of the Social Security tax surplus the 1991 baseline deficit would be just over 3 percent of GNP.

There is compelling economic evidence suggesting the deficit is becoming more and more manageable and that a tax increase is unnecessary. We need to emphasize that the concentration of our deficit-cutting efforts should focus on reducing the rate of growth of Federal Government spending, not on increasing taxes. Again, let us look at the facts:

Fact No. 1: In the 1980's, the overall governmental deficit—including Federal, State, and local budgets—as a percentage of GNP never reached the record level set in 1975—and in fact, has dropped to less than 2 percent of GNP in recent years.

Fact No. 2: The evidence of the last 40 years rejects the notion that deficits raise interest rates. In fact, a 1984 study completed by the Reagan-Bush Treasury Department concluded that there is little proven connection between budget deficits and high interest rates.

Fact No. 3: The supposed negative impact of high deficits on savings and investment is again unjustified by the empirical evidence. Canada and Italy have run large budget deficits for the last decades, and both have seen very strong increases in private savings.

In fact, during the 1980's when we have had huge budget deficits, the United States has experienced gross business investment rates of 10.9 percent, somewhat higher than the 10.2-percent average of the last 40 years.

Fact No. 4: The supposed relationship between budget and trade deficits is equally tenuous. The 1980's are the first time in postwar history that the twin deficits moved in the same direction. In the rest of the world, no such correlation exists. For example, England had a rising trade deficit and a rising budget surplus over the same period of time.

Mr. President, in highlighting these facts, I do not want to minimize the importance to reducing the deficit. Our efforts should focus on reducing the growth rate of Government spending. However, I do believe that it is important to look at the facts before rushing into shortsighted and counterproductive solutions like raising taxes.

As President George Bush said on September 13, 1988: "The surest way to kill the recovery is to raise taxes. That will stifle everything from investment and personal savings to consumer spending. It will clamp down on growth. It will invite recession."

That is not just political rhetoric. It is economic reality. Tax increases will reduce economic growth.

Finally, I ask unanimous consent to have printed in the RECORD the tax policy plank of the 1988 Republican platform. I do so, Mr. President, because I believe it is important for the American people to know where we stand on the issue of taxes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KASTEN. It says, "We oppose any attempts to increase taxes."

I am confident that President Bush shares this view. Whether it's increases in gas taxes, the result will be the same: Bigger Government and less economic opportunity.

I urge the President's negotiators at the budget summit to read President Bush's lips again: No new taxes.

EXHIBIT 1

1988 REPUBLICAN PLATFORM

REDUCING THE BURDEN OF TAXES

The Republican Party restates the unequivocal promise we made in 1984: We oppose any attempts to increase taxes. Tax increases harm the economic expansion and reverse the trend to restoring control of the economy to individual Americans.

We reject calls for higher taxes from all quarters—including "bipartisan commissions." The decisions of our government should not be left to a body of unelected officials.

The American people deserve to know, before the election, where all candidates stand on the question of tax increases. Republicans unequivocally reiterate the no-tax pledge we have proudly taken. While we wouldn't believe the Democrats even if they took the pledge, they haven't taken it.

The crowning economic achievement of the Republican Party under Ronald Reagan and George Bush has been the dramatic reduction in personal income taxes. The Reagan-Bush Administration has cut the top marginal tax rate from 70 percent to 28 percent. We got government's heavy hand out of the wallets and purses of all our people. That single step has sparked the longest peacetime expansion in our history.

We not only lowered tax rates for all. We tied them to the cost of living so congressional Democrats couldn't secretly boost taxes by pushing people into higher brackets through inflation. We took millions of low-income families off the tax rolls, and we doubled the personal exemption for all.

As a result, by 1986 the income tax bill of a typical middle-income family had declined by one-quarter. If the Democrats had defeated our economic recovery program, that family would have paid nearly $6,000 more in taxes between 1982 and 1987. Meanwhile, average Americans and the working poor carry substantially less of the burden. Upper income Americans now pay a larger share of federal taxes than they did in 1980.

Our policies have become the model for much of the world. Through the power of capitalism, governments are rushing to reduce tax rates to save their stagnating economies. This is good for America, for their recovery will make them better trading partners for our own exuberant economy.

Many economists advising the Democrat Party have publicly called for a national sales tax or European-style Value-Added Tax (VAT) which would take billions of dollars out of the hands of American consumers. Such a tax has been imposed on many nations in Europe and has resulted in higher prices, fewer jobs, and higher levels of government spending. We reject the idea of putting a VAT on the backs of the American people.

Republicans know that sustaining the American economic miracle requires a growing pool of private savings. From bank accounts, small stock purchases, and piggy banks, the streams of thrift must flow together and form a mighty tide of capital. That rushing force pushes our society ahead, lifting everyone as it goes. To keep it going:

We support incentives for private savings, such as our deductibility for IRA contributions.

We oppose tax withholdings on savings.

To protect savings by ensuring the soundness of our financial system, the federal government must continue to play an active role through its regulatory responsibilities and supervisory duties. We demand stern punishment for those persons, whether in financial institutions or in Congress, whose wheeling and dealing have betrayed the public trust.

We will reduce to 15 percent the tax rates for long-term capital gains to promote investment in jobs and to raise revenue for the federal government by touching off another surge of economic expansion. In 1978, we cut the capital gains tax from 49.1 percent to 28 percent; in 1981, it was slashed again to 20 percent. The cuts injected a new vitality into the economy, with the results that revenues from this tax rose 184 percent from 1978 to 1985.

We call for a taxpayers' bill of rights to give everyone simple and inexpensive means to resolve disputes with government. Democrats, using the Massachusetts Revenue Department as a model, intend to squeeze more out of the public by making the IRS more intrusive. Republicans will not tolerate tax cheating by anyone, but we know most Americans responsibly pay their fair share. By restoring their confidence in frugal, limited government, we will enhance compliance with tax laws that are simple and fair.

CONTROLLING FEDERAL SPENDING

The Reagan-Bush policies of economic growth have finally turned around the deficit problem. Through Republican-initiated constraints on spending, the federal budget deficit dropped by over 25 percent last year. With the help of the Gramm-Rudman law and a flexible budget freeze, a balanced budget can be expected by 1993.

But the relentless spending of congressional Democrats can undo our best efforts. No president can cause deficits; Congress votes to spend money. The American people must prevent big-spending congressional Democrats from bringing back big budget deficits; we must return both the Senate and the House of Representatives to Republican control for the first time in 36 years.

In 1981, we inherited a federal spending machine that was out of control. During the Carter-Mondale years, spending grew by 13.6 percent annually. We cut that growth rate in half, but the cancer still expands, as it has in some States such as Massachusetts where the budget has increased more than twice as fast as the federal budget. We will not be content until government establishes a balanced budget and reduces its demands upon the productivity and earnings of the American people.

We categorically reject the notion that Congress knows how to spend money better than the American people do. Tax hikes are like addictive drugs. Every shot makes Congress want to spend more. Even with the Republican tax cuts of 1981, revenues have increased by about $50 billion every year. But congressional spending has increased even more! For every $1 Congress takes in in new taxes, it spends $1.25.

That's why congressional Democrats have sabotaged the Republican program to control the federal budget. They refuse to put any reasonable restraints on appropriations. They smuggle through pork barrel deals in huge "continuing resolutions" larded for the special interests. They opose the balanced budget amendment and all reforms in the bankrupt process. They mock the restraints legally mandated by our Gramm-Rudman budget plan.

Enough is enough. It's time to push through the Republican agenda for budget reform to teach the Congress the kind of financial responsibility that characterizes the American family:

We call for structural changes to control government waste, including a two-year budget cycle, a super-majority requirement for raising taxes, a legislatively enacted line-item veto, individual transmission of spending bills, greater rescission authority for the chief executive and other reforms.

We call for a flexible freeze on current government spending. We insist on the discipline to provide stable funding for important government programs, increasing spending only for true national priorities. We oppose any increase in taxes, so that the economy will continue to expand and so revenues from a growing tax base will reduce the deficit.

We believe the Grace Commission report to eliminate waste, inefficiency, and mismanagement in the federal government must be re-examined; its recommendations should be given a high profile by public officials.

We call for a balanced budget amendment to the Constitution. If congressional Democrats continue to block it, we urge the States to renew their calls for a constitutional convention limited to consideration of such an amendment.

We will use all constitutional authority to control congressional spending. This will include consideration of the inherent line-item veto power of the president.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. SANFORD. I see no one else on the floor waiting to speak. I was inspired by my distinguished colleague from Wisconsin to make a couple of additional comments. I wonder if I might ask unanimous consent for 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

NO NEW TAXES

Mr. SANFORD. I do, indeed, have a tremendous respect for the Senator from Wisconsin. I appreciate very much seeing put in the RECORD the recitation of our tax situation. Let me say right in the beginning I have been sitting in the Democratic caucus meeting and I have been sitting in the Democratic budget conferences and in the Budget Committee meetings. I think I can say unequivocally that we ought not to have any new taxes. We cannot be trusted with new taxes. We could simply take new taxes and stir it up in the mush, and any beneficial effect would be lost.

There is a far better way of going about dealing with this problem, it seems to me. Ultimately we will have to deal with it. We can talk about deficit as it relates to the gross national product. Certainly, the deficit as we now define it, concealing a big part of it, has seemed to be reduced. But the real deficit is essentially the total interest on the national debt. Almost dollar for dollar, for over 5 years, the interest on the national debt and the real deficit, which is by any bookkeeper's standard the increase in the national debt, not some covered-up figure that we have invented for purposes of making ourselves look a little better, but the true deficit is now going up at almost $300 billion a year.

That is the deficit we ultimately must contend with. That is the deficit that is accumulating. The accumulated deficit is the debt. Debt is the problem and that debt generates interest costs, forcing, interest rates higher. We have no cushion to protect us from economic slippage. Debt and the interest we pay on it is what puts us in a difficult bargaining position with Japan, for example, on trade policies, because we are dependent on them to buy our bonds now to cover our rising debt.

So the debt is the problem, and the true deficit is the increase in debt. I hate to say it, but just the interest is about 5 percent of GNP. So we have a problem, but the problem is not going to be managed by putting on some little tax to take care of this shadow deficit that we claim.

I have made a proposal, Mr. President, that is embodied in S. 101 that would go about this in a very honest, straightforward, commonsense manner. It would require an honest definition of deficit, the increase in debt, that would greatly enhance our reputation with the public.

S. 101 also requires a balanced operating budget.

Third, S. 101 separates all retirement funds, notably Social Security, from the operating budget. The White House is suggesting a multiyear budget solution, and this could be the most dangerous suggestion that we have heard.

I have heard the director of OMB explain his multiyear solution. I have considerable misgivings. He is saying that we are going to slide through like we have been, pretending to cut the deficit until we build up enough Social Security reserves for it to appear to be a zero deficit, which will be some years out, maybe 1995, because by that time, we will have enough cushion in Social Security to make it appear to be zero. And then, he says, we are going to buy down the public debt.

Buy down the public debt, I say to my colleagues, means that we are going to steal the Social Security funds and replace the debt to the public with those Social Security funds. By the year 2010, we will owe about $9 trillion. We will be in debt about $9 trillion. We will be paying interest on $9 trillion. And in paying that much interest and carrying that much debt, we are going to leave that problem for the President and the Congress in the year 2010 to figure out how they are going to pay off all the beneficiaries in Social Security.

So we cannot let come out of this summit a determination to rob Social Security. I am afraid that is the direction we are headed. I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. KASTEN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I simply want to say to the Senator from North Carolina, he and I are both aware tax increases are not the answer. In fact, if you look at postwar

history, for every dollar in tax increases, we have gotten $1.52 in spending increases. We are not going to solve the problem by increasing taxes. We have to solve the problem by reducing the rate of growth of Government spending.

I also concur with his analysis of the Social Security situation. It is wrong by masking the budget, just as it is wrong to mask the deficit by building up an airport trust fund or highway trust fund. To tax the American people either with payroll taxes, highway taxes or airport taxes and have those dollars, instead of being used for important infrastructure, have those dollars being used to mask the deficit is simply dishonest budgeting.

I hope we can work together on a bipartisan basis to correct those differences or difficulties in the budget process, but at the same time recognize—and if you look back at history when we increase taxes by $1, we increase spending by $1.52. I thank the Chair.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Florida.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2604 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RHODE ISLAND'S BUSINESS COUPLE OF THE YEAR

Mr. PELL. Mr. President, I am very pleased to note in the context of our annual observance of Small Business Week that Rhode Island's entry in the Small Business Persons of the Year honor roll is not a small businessman or a small business woman but a small business couple.

Jason and Susan Dittleman epitomize the entrepreneurial spirit through their operation of a flourishing enterprise and their many contributions to their community. But they have distinguished themselves as a couple, who have managed very successfully to translate their marriage into a true partnership.

The Dittleman's business is a photography supply store, East Greenwich Photo, which they opened in 1976, and which has grown to be an enterprise employing 20 people, with its own film processing lab and custom frame shop. Jason is president and Susan is vice president of the firm.

While the business was expanding over the past 14 years, the Dittleman's family expanded as well. They raised two children, a feat for many of us is often a nearly full time occupation in itself.

But the Dittlemans managed to contribute unstintingly to the life of their community at the same time. Their company sponsors a little league team. They contribute their photographic services to the Rhode Island Special Olympics. They provide complimentary photo services for the East Greenwich Chamber of Commerce, of which Jason is a director.

In these days when it is more fashionable to celebrate individual achievement, the Dittlemans personify traditional American values of family cohesion translated into cooperative endeavor. That is often the basis for successful small business enterprises throughout the land. I salute the Dittlemans for reminding us that family life and business life can combine to yield such fruitful results.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, this is the 1,881st day that Terry Anderson has been captive in Lebanon. The grimness of his situation was recently illustrated by the riveting account Frank Reed gave of his captivity. I spoke briefly prior to his remarks and there have been reports that I encouraged Israel to release prisoners as a "good will" gesture to Iran. These reports are wrong. I made a statement concerning the illegality of hostage-taking under international law in which I stressed that this applies to all nations. It is a measure of how far we have drifted from the idea that international law is important in its own right that my remarks have been misinterpreted as simply calling for a good will gesture. That is most emphatically not my point. One such report from Jerusalem appeared in the New York Times, but I have been informed that the Times will correct this inaccurate statement.

By failing to place my remarks in the context of international law, these reports have repeatedly and erroneously stated that I support the "unconditional release" of "prisoners." I do not. I support the release of any and all hostages—persons who have not been charged with or convicted of any offense and who are held for the purpose of trading them for persons or other advantages.

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, what is the business before the Senate?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired. Morning business is now closed.

HATCH ACT REFORM AMENDMENTS OF 1989

The PRESIDING OFFICER. The pending business is the resumption of Senate bill 135 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 135) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The Senate resumed consideration of the bill.

RECESS

Mr. GLENN. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate stand in recess until the hour of 11 o'clock.

There being no objection, the Senate, at 10:21 a.m., recessed until 11 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KOHL].

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business for a brief time before my distinguished friend from Delaware returns to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SEC'S RECORD AS OPTION'S MARKET REGULATOR AND ITS IMPACT ON THE EQUITIES-FUTURES CONTROVERSY

Mr. DIXON. Mr. President, a little over a month ago, the securities subcommittee of the Senate Banking Committee heard from the four members of the president's working group on financial markets. At that hearing, Under Secretary of the Treasury Robert Glauber and Chairman of the Securities and Exchange Commission Richard Breeden both called for unified regulation of stock index futures and the equities markets, and both decried stock index futures margins as being too low.

The implicit assumptions at work here are that the Commodity Futures Trading Commission has not done an adequate job, and that turning over stock index futures jurisdiction to the SEC will result in better, more appropriate regulations.

Unfortunately, for the Treasury and the SEC, however, the facts do not support their analysis. The SEC's actions with respect to the stock derivative market that it oversees—the options market—demonstrates that the CFTC and the futures exchanges it regulates have done a good job, one that has protected investors and the integrity of our financial markets.

The SEC, through a delegation of authority from the Federal Reserve Board, oversees margins on stock options—in other words, SEC already has power over stock options margins—as set by the options clearing corporation. This is significant, because this is exactly the kind of unified oversight that the SEC believes the stock index futures market is missing.

It is true that neither the SEC nor the Federal Reserve Board regulates margins on futures exchanges. However, I think my colleagues should know that the level of margin on the Chicago Mercantile Exchange S&P 500 stock index futures and options contract is higher, Mr. President—I said higher—than the level of the comparable options contracts overseen by the SEC.

Did my fellow Senators hear me? Right now the futures market in Chicago has a higher level than comparable options contracts that are overseen by the SEC.

This is the case on both a risk-equivalent and a leverage-equivalent basis.

The current MERC S&P 500 contract initial speculative margin is roughly 12 percent of the value of the contract. The maintenance margin—also higher than comparable margins on options products overseen by the SEC—was also increased by the MERC. This was done, Mr. President, without Government prodding, and is "prudentially correct," just as the Chairman of the Federal Reserve Board has stated margins ought to be.

The Chicago Merchantile Exchange instituted this margin level after evaluating the potential adverse impact that might result from a continued fall in prices on the Tokyo Stock Exchange. The MERC acted in order to keep margins at prudent levels, which is always a top priority.

Mr. President, the options market overseen by the SEC did not take the lead in increasing margins on its products. In fact, the options markets have not yet acted, and the SEC has not yet asked the options clearing corporation to act.

This situation, of course, proves two things: First, that prudential self-regulation works and, second, that SEC oversight of a stock derivative market proved to be no real advantage—the one regulator concept made no particular difference in this case.

A look back at the margin situation at the time of a recent stock market break makes the same point. Chairman Breeden, in his March 29 testimony, stated that:

> On October 13 and 16, what we saw, because the margins started about a half an inch from the edge of a cliff, about as close to zero as you could get, about 2.2 percent for most categories, they had to—when the market began to plunge—sharply and dramatically raise those margins. The result was about $1.3 billion in margin calls on Friday and Monday.

Now that sounds very dramatic, and like a textbook case of inadequate regulation. There is only one problem: It is absolutely wrong.

On October 13, 1989, the Chicago Merchantile Exchange did, in fact, institute a phased increase in margin requirements. However, that increase was nowhere near the magnitude that Chairman Breeden stated. The increase of $2,000 was spaced over 2 business days—$1,000 on Friday, October 13 and $1,000 on Monday, October 16—precisely to avoid any potential stress on the banking system. The change was implemented after consultation with officials of the Federal Reserve Bank of Chicago. The actual increase in margins amounted to $224 million for October 13 and $327 million for October 16. This is a total increase of $551 million, substantially less than half of the $1.3 billion figure Chairman Breeden quoted.

Further, it is worth noting that these increases did not represent an unusual risk to the banking system. They did not force people out of the market. In fact, the S&P 500 futures contract open interest—one way of measuring the market—actually rose on October 16.

There is another, more important, question, however. Even though the SEC Chairman got the numbers wrong, was he right when he said that futures margins were too low? Unfortunately, for Chairman Breeden, the SEC-regulated options markets provide the answer to that question.

The simple fact is that, prior to October 13, the options markets maintained precisely the same margin levels, on both a risk-equivalent and a leverage-equivalent basis for their stock index products as did the Chicago Merchantile Exchange for the S&P 500 contract. During the October 13-16 period, the margin on stock index options products was raised by precisely the same amount as the margin on the S&P 500 contract. The only difference was that the increase was not phased in. It was implemented all at once on October 13. Since that time, margins on stock index options has generally followed margins on the S&P 500 futures contract. Margins on stock index futures contracts, therefore, cannot have been too low, because the SEC, through its oversight activities over stock index option products, implicitly approved those levels.

None of these facts, of course, appeared in Chairman Breeden's March testimony to the Securities Subcommittee. They do, however, illustrate the real dilemma facing the SEC: Either the agency admits that it was wrong—futures margins are not a problem, and stock index options margins under its oversight were set appropriately—or it admits that it is not doing a good job on overseeing the stock index options market, which undermines its case for taking over jurisdiction of stock index futures.

Chairman Breeden and the SEC cannot have it both ways. CFTC oversight of futures margins cannot be indicted without also indicting SEC oversight of options margins. And if the SEC has done a bad job overseeing options, how can it justify taking stock index futures jurisdiction from the CFTC?

The answer, of course, Mr. President, is that no good case has been made for transferring stock index futures to the SEC. Although the equities markets, the stock index options market, and the stock index futures market are all one market, it does not automatically follow that the one market demands one regulator, as the SEC's role in the options markets so clearly illustrates.

HATCH ACT REFORM AMENDMENTS OF 1989

The Senate continued with consideration of the bill.

Mr. ROTH. Mr. President, in all the discussions about the specific provisions of S. 135, I am afraid that the paramount issue may have been obscured. This legislation to repeal the Hatch Act would accomplish a very fundamental change in the Federal Government itself.

The real issue is not whether an employee may or may not wear a button or hold a sign but whether Federal civil servants are to work for or against the American people. This bill would exhort and encourage civil servants to work against the interests of the public at large. It would create a new, rather powerful special interest to oppose the common good. The Hatch Act, in contrast, limits and controls government.

It often happens that when one is immersed in the details of an issue, one overlooks the obvious. One of the first people to comment on the central issue here was Thomas Jefferson, the founder of the party across the aisle. How times have changed. Jefferson observed that it violated the "spirit of the Constitution" for Federal employees to engage in "electioneering."

How could the author of the Declaration of Independence and the Virginia bill of rights believe that it violated, not vindicated but violated, the spirit of the Constitution for employees to take an active part in political

management and political campaigns? The proponents of S. 135 claim that the purpose and effect of this bill is to allow employees to enjoy constitutional rights, yet Jefferson claims the very opposite. What was he telling us?

We have repeatedly made the argument that the freedom of employees to be pressured into political activity not of their choosing makes a mockery of the first amendment.

While Jefferson would concur in that point, I believe he meant something much more profound. The founding of our constitutional republic was undoubtedly fresh in his mind, and central to that was a notion that the freedom of the American people would best be preserved by a separation of powers and by limited government. A revolution had just been fought and won. That revolution was government was not to be the master of the people but rather its servant. The role of government was to carry out the will of the people.

Jefferson understood the fundamental contradiction, one that violated the spirit of the Constitution's goal of limited government, between a civil service that carried out the people's political agenda and a civil service that had a political agenda of its own.

That truth cannot be escaped. President Ford said he was no Lincoln, but he was in perfect harmony with Thomas Jefferson when he vetoed similar Hatch Act legislation because it would be bad for the American people. I am pleased to see that our distinguished President, George Bush, has joined this illustrious company in announcing that he will veto S. 135 if it reaches his desk.

This legislation would permit the Justice Department employees to have a PAC, the CIA employees to have a PAC, the defense employees, some 1 million strong, to have a PAC. What demands on the Federal budget will they make? What special interests will they serve? How many Senators in this Chamber are getting letters from the American people complaining that we do not have enough special interests? I for one have not received such a letter.

The thought that each department or agency may have its own PAC troubles me. The thought that all Federal employees might join one megaorganization and fund a giant PAC makes me shudder. We have talked a great deal about this bill. Now it is time to start thinking about it.

S. 135 is fundamentally flawed. It views government and government employees as separate and distinct. What Jefferson was telling us is that government can only act through its employees. If you want limited government, you must limit government employees. You cannot have it both ways.

This bill does more than give employees something to do on Saturday or Sunday. It is destructive, destructive of our republican form of government.

Let me point out that in fact the House bill, H.R. 20, completely repeals the Hatch Act. It repeals the ban on active participation in political management and in political campaigns by Federal employees. The Senate bill, S. 135, does not go that far. It would not allow the employee to run for partisan political office or, with some dubious exceptions, to solicit political contributions. The problem is that the Senate bill creates a Hatch 22 by trying to have it both ways. The bill suggests on the one hand that employees may engage in "political management," yet on the other hand prohibit them from doing what managers do.

A few days ago the chairman issued a provocative challenge: "Read the bill," he said. Well, we have read the bill and we find it entirely confusing. I am not talking about trivialities, nor am I nitpicking. Rather, I suggest that the Senate bill is fundamentally flawed.

If one reads the bill, it will be seen that the term "political contribution" is a carefully defined term. Rather perceptively, the definition equates money with the services money can buy.

On pages 3 and 4 of the bill, the term "political contribution" includes: First, money; second, pledges of money; third, indirect contributions or payments for personal services; and fourth, the provision of personal services themselves.

Then on page 4, line 10, the bill prohibits the employee from soliciting or receiving a "political contribution." Thus, the employee cannot request another, with an exception irrelevant here, to provide money or services.

So how does the Federal employee hold office in a political party? Can you imagine an officer in a party, whether it be Republican or Democrat, who cannot ask for money and, moreover, cannot ask another to provide services, that is, to do some work? That officer is not going to last very long in that role.

The bill is flawed. It tries to create a square circle. It creates new rights but makes them impossible to exercise. It will indeed take a lot more than a hotline to the special counsel's office to clarify this mess.

The problem goes beyond the right to hold office in a political party. If my colleagues will turn to page 25 of Senate Report 101-165, there is a list of additional activities, six additional activities that Federal employees could perform under S. 135. The first is "hold office in a political party." The third is "organize" phone banks. The fourth is "organize political meetings."

I ask my colleagues, how can one organize a phone bank or a political meeting without receiving a political contribution in the form of money or services?

It is impossible. Make no mistake about that. Of the six activities that would be presumably permitted under this legislation, three fall victim to Hatch 22.

Mr. President, no matter which side of the bill one is on, it is evident that this bill is in trouble. It does not work.

I would encourage the proponents to read this bill. Then I would suggest that they request that the bill be recommitted to the Committee on Government Affairs. And I would indeed not object to such a request.

I yield the floor.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ROTH. Mr. President, I ask unanimous consent that we return to morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

KEEP THE PLEDGE

Mr. ROTH. Mr. President, we once again are facing the annual budget crisis. Congress again has failed to meet the budget deadlines, or to take real steps to control Federal spending growth. Indeed, it is obvious that the main budgetary activity of Congress is to find ways to increase Federal spending, not restrain it. Over the years, through many different sets of economic, social, and political factors, only one constant in budget policy is visible: the insatiable congressional desire to spend as much taxpayer money as possible.

It may seem mysterious that after all the billions raised in tax bills, and all the budget summits to reduce the budget deficit, that Federal spending continues to increase and the deficit remains in the $150 to $180 billion range. Actually, the explanation is quite simple. As Nobel Prize winning economist Milton Friedman has pointed out, congressional spending is constrained only by the level of revenues and the maximum politically acceptable deficit. Tax increases are quickly spent, and progress on deficit reduction then seems as distant as ever.

One could suggest a natural law of budget deficits—regardless of anything else going on in policy and the economy, the natural level of the budget deficit is currently around $150

billion. This is considered tolerable by the political system. In other words, the deficit level drives policy, rather than the other way around. Policy actions revolve around this deficit level and budget results conform to it.

Thus trying to tax our way to deficit reduction resembles nothing so much as a cat chasing its own tail. Yet the groundwork is now being laid for yet another budget summit replete with large tax increases and probably unenforceable spending limits. Let us not misunderstand what is happening: Once the participants enter the budget summit, they all will have an interest in producing a package, even if it reflects bad policy.

So I would encourage President Bush to stand by his pledge of no new taxes. Furthermore, I would take this opportunity to mention the duck test devised by OMB Director Darman. Essentially, the duck test states that if the average person considers something to be a tax, it is a tax. This seems like a pretty good way to gauge tax policy, and I hope the administration applies it to policy options under review during the budget summit negotiations.

I have a message for the President: Read my lips, keep the campaign pledge. Make no mistake, Congress will use higher taxes for higher spending. Frankly, current discussions of the Federal budget, the deficit and to tax or not to tax reminds me of a new season of baseball: The players change, the positions change, but the game remains the same. There are those making the pitch that it is possible to slide a tax increase by the taxpayers. To that I yell, "Foul ball."

If I have said it once, I have said it a thousand times, tough choices and cuts in spending are what are needed to reduce the Federal budget deficit. The American people are already overtaxed. One clear illustration of this fact is the marking of Tax Freedom Day on May 5. This is the first day of the year that the American taxpayer has worked enough to cover Federal, State, and local taxes, and can start enjoying his or her earnings. May 5 is the latest Tax Freedom Day ever, reflecting the 34 percent of income the average American family will fork over in taxes during 1990. Despite these sad facts, Congress is pushing for another tax increase without demonstrating its ability to bring the budget under control with the last four.

I do not need to remind anyone that thanks to Congress, we had a tax increase in 1982.

We had a tax increase in 1983.

We had a tax increase in 1984.

And we had a tax increase in 1985.

For 4 years Congress raised taxes—4 straight years. And for 4 years the deficit climbed to its peak of $221 billion in fiscal year 1986. Frankly, I am scared to death about what another tax increase will do—trying to bring down the deficit by raising taxes is like giving a drunk another drink to sober him up. Doing it to stimulate the economy is like giving him the keys to your car.

The fundamental issue, here, is that Americans are not undertaxed. All across America we see the birth of a tax revolution. In Massachusetts. In California. In Illinois, Oklahoma, and Michigan. In Oregon and Nevada, and even my own State of Delaware. Americans see two things growing bigger together—their taxes and the deficit. It is not right, and one need only ask King George how hardworking folk respond to tax abuse. Everywhere, people seem to be saying: "No more taxes until Government can demonstrate that it spends the funds wisely."

Ironically, a wealth of experience demonstrates that tax increases kill the economy. Tax relief stimulates it. We witnessed this basic economic truth in the twenties, again with Kennedy in the sixties, and finally with Roth-Kemp in the eighties. Unfortunately, Washington discards this wealth of experience. But then again, the wealth of experience is one wealth Congress has not figured out how to tax. At least not yet. Not only are their calls for new taxes being heard in our Nation's Capital, many are also calling for the use of projected defense budget savings for increased spending. The latest Democratic gimmick is to call the bankrupt Treasury to finance congressional political campaigns.

Instead, I believe we should return this peace dividend to the people who paid it in the first place—the taxpayers. In fact, I have introduced legislation—the Roth defense rebate which would do just that by reducing tax rates for lower and middle income Americans. Specifically, my legislation would cut the 15 percent bottom tax bracket by 20 percent. It would also trim the 28-percent rate by 10.7 percent. This much needed tax relief would be phased in over a 5-year period, as the defense savings are realized.

America's leaders have been given a wonderful opportunity to follow through on their swing. Using the peace dividend for more spending and increasing taxes to reduce the deficit would not be a double play—it would be the third out in the ninth inning for a losing team. Returning defense savings to the taxpayers and taking the pitch to reduce spending and make budget cuts—now that would be a home run.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

HATCH ACT REFORM AMENDMENTS OF 1989

The Senate continued with the considerations of the bill.

AMENDMENT NO. 1596

(Purpose: To provide limitations on the political activities of certain employees of the Federal Election Commission and for other purposes)

Mr. DOLE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1596.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Federal Election Commisssion (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

Mr. DOLE. Mr. President, this amendment is not complicated. It effects 240 Federal employees out of 3 million. It is part of a larger amendment I offered the other day to make certain we did not politicize every agency of Government, including the Federal Election Commission. This would except the Federal Elections Commission from this liberalized Hatch Act that is being pushed through the Congress.

Here is what the Federal Election Commission does. If you want to politicize it, why, I would leave that to the judgment of the majority party.

They audit for cause any congressional senatorial campaign committee; administers the public funding program for Presidential candidates; receives, reviews and discloses all Federal political campaign finance reports; exclusive civil jurisdiction to enforce limits and prohibitions on campaign committees; they have subpoena power over any individual who works for a campaign to investigate campaign violations; the ability to sue treasurers and candidates and committees for violations of the FECA. Con-

stantly, through the Information Service Division and Public Records Office anonymous requests are received for information and advice on all candidates. In fact, a lot of people write anonymous letters complaining about one of us, whoever, in Federal office or about campaign finance or anything else.

So all this amendment does is prohibit the employees of the Federal Election Commission from giving a political contribution to another employee, a Member of Congress, or an officer of a uniformed service. It also prohibits those FEC employees from requesting and receiving political contributions from any such persons. In addition, it prohibits employees of the FEC from taking an active part in political management or in political campaigns.

So the basic effect of the amendment is to exclude employees who work for the FEC from the relaxed standards on partisan political activities contained in S. 135, and to impose standards which are the same as such employees are currently required to abide by. In other words, what this does is maintain current law with respect to these special Federal workers.

If there is ever a case to be made where we should not start politicizing Government workers, it ought to be the FEC, and it ought to be the FBI and the IRS, and it ought to be the CIA, and it ought to be the DIA, and it ought to be some others we are going to offer amendments on, such as NSA, National Security Agency. We offered one amendment to include all those and lost narrowly by four or five votes.

We are talking about only a fraction, a minor fraction of the total number of Federal employees, covered by this act—in this case, if you can believe it, only 240 employees. But if the majority insists that everybody be covered regardless of the sensitivity of their jobs, in my view, there ought to be a record made. So I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. DOMENICI. Mr. President, parliamentary inquiry: Is there an amendment pending?

The PRESIDING OFFICER. The pending amendment is amendment No. 1596, offered by the Republican leader.

Mr. DOMENICI. Mr. President, I have confirmed with a representative of the Republican leader, who offered the amendment, that he would have no objection to the unanimous consent that I will propound.

I ask unanimous consent that the pending amendment be temporarily laid aside so that the Senator from New Mexico can offer one of the amendments which has heretofore been declared in order by unanimous consent.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1609

(Purpose: To provide limitations on the political activities of certain employees of intelligence and law enforcement agencies, and for other purposes)

Mr. DOMENICI. Mr. President, I send to the desk an amendment on behalf of myself, Senator D'AMATO from New York, Senator MURKOWSKI from Alaska, and Senator LOTT from Mississippi, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. D'AMATO, Mr. MURKOWSKI, and Mr. LOTT, proposes an amendment numbered 1609.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 4, strike out "An employee" and insert in lieu thereof "(a) Subject to the provisions of subsection (b), an employee".

On page 4, line 11, strike out all beginning with the comma through "organization" on line 19.

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of any department or agency described under paragraph (3) (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a thing of value for political purposes.

"(2) No employee of any department or agency described under paragraph (3) (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) The departments and agencies to which the provisions of this subsection apply are:

"(A) Department of Justice
"(B) Central Intelligence Agency
"(C) Internal Revenue Service
"(D) Federal Election Commission
"(E) National Security Council
"(F) National Security Agency/Central Security Service
"(G) Merit Systems Protection Board
"(H) Office of Special Counsel
"(I) Customs Service
"(J) Bureau of Tobacco, Alcohol and Fire Arms
"(K) Secret Service
"(L) Defense Intelligence Agency; and

"(4) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

Mr. DOMENICI. Mr. President, the reason I read the names of the four cosponsors of the Domenici amendment is because I think it is noteworthy that these four Senators, including the Senator form New Mexico, have established a voting record here on this bill that probably indicates that the five of us support some reform to the Hatch Act.

I think it is significant to note that those Senators serving on the Committee of Jurisdiction are most interested in getting a bill. They have worked the longest and the hardest to get this bill. At least, I gather that this has not been an exercise that anybody wants to go through just for the purpose of having a debate. It has been a good debate, but ultimately the sponsors want the bill not only to pass the Senate, but to become law. That means the sponsors want a bill that will be signed by the President, or, if he vetoes it, that would be overridden.

That is why, it seems to this Senator, that four Senators—and I commit nothing for any of them—support the amendment that identifies just a couple of very serious problems with the bill.

From my standpoint, as the Senator from New Mexico, the time has come to alter and modify the Hatch Act to permit Federal employees to participate in significantly more "ordinary citizen" activity with reference to the electoral process. Although I do believe the Hatch Act has served a very, very significant purpose, I believe it is a fairly good, debatable item as to whether or not it ought to be substantially modified. But I am on the side of expanding the citizen rights, so to speak, of those who work for the Federal Government.

I do believe there are a couple of things that we should be seriously concerned about. I have done my best, on behalf of myself and these three other Senators, to encapsulate two major deficiencies with the bill before us.

I have just received word that a fifth Senator, who has been generally supportive of the bill, Senator MCCAIN, from Arizona, desires to be a cosponsor.

That is nothing more than a statement that five Senators, who seem to have been pretty much on the side of "let us move ahead with some type of appropriate reform," have joined in this amendment.

Let me get back to two flaws that I believe are not necessary for prudent reform in the pending legislation and

that, in fact, should not be part of the reform provisions for the Hatch Act.

First, the bill is too broad in its inclusion of all Federal agencies. This amendment has, as one part, removing certain critical agencies of this Nation's Government from coverage under the bill. These agencies need to be beyond political involvement. They must not have any taint or suspicion about political activity, not even the suspicion of coercion or partisan activities. There are some agencies that should not be in this bill.

The Senate has come close on a previous Dole amendment to exclude certain sensitive agencies. But close is not enough. My amendment includes a few more than did that of the distinguished minority leader, Senator DOLE. I want to quickly tick them off. They fit what I think is common sense, what I think cries out for an amendment. I think those employees working for those agencies would overwhelmingly desire, to be left out.

Again, I am not here suggesting a referendum, although it is an interesting idea. We really do not know where the majority of the Federal employees stand on this issue. But I have no doubt the Department of Justice of the United States does not belong in this reform movement. Everyone understands what the Department of Justice is. Do we want those who work in the U.S. attorneys' offices across this land getting political as part of this reform movement? I think not.

The Central Intelligence Agency. Do we really want that operation, with its employees and its mission for the Nation, to be under more suspicion? To have more implied or real political pressures? I think not.

The Internal Revenue Service. It seems to this Senator they have enough problems with American citizens, interpreting and enforcing the very complex laws of this land. While our tax collection system is built on paying voluntarily, it is obvious, as the Presiding Officer knows, that there is already a great contention between those in the IRS who enforce the laws and the citizens. We need not add any suspicion of political or partisan activity to their already cumbersome caseload and difficult job.

The Federal Election Commission—small. Nevertheless, it should not be included within any expanded partisan activity. Is it asking too much for these employees who were exempt by Executive order from some of the privileges of the Hatch Act, that to understand they have a slightly lesser partisan political role in this country? I do not think so. Since they are currently restricted, they know they do not have these privileges they don't expect these privileges, and I think most of them would say it goes with the job.

The National Security Council, the National Security Agency, and the Central Security Service. It seems obvious to me they should be exempt.

The Merit System Protection Board. In a nutshell, that is the board that determines rights, privileges, and appeals under the merit system. Clearly, we do not need to expand their opportunity to be involved in partisan politics, and we would be doing no injustice by exempting them from the reform movement. It seems to me they would not want to be politically active. And the same can be said for Office of Special Counsel, which is directly tied to the Hatch Act.

The Secret Service, the Bureau of Alcohol, Tobacco and Firearms. We know what they are; they are enforcement officers. They have limited privileges now. They have even been excluded from some political activities under Executive order because of the fragile nature of their work. There is a lot of undercover work, a lot of difficult, onerous work. I do not think they want to be under S. 135. I do not think they ought to be. So they would be exempt under my amendment.

The civilians within the Defense Intelligence Agency, a not very large agency. We do not hear as much about them as we do the CIA, but they do many of the same things. Is it not logical that those who work there could be asked by their country to have a slightly less partisan involvement as a condition and part of their employment? If they were asked, they would say "aye" in a minute. Why do we not just go ahead and exclude them on the basis that they should not be there under any approach to protect their jobs, protect their merit, protect them from aspersions, from pressures implicit or real.

So it seems to this Senator that those parts of the Government ought to be exempt from an expanded role in partisan politics as a condition of their employment.

I repeat, there really can be no doubt that some of these agencies we have talked about before—it has been on this floor before and voted on—should not be in this act. As the Senator from New Mexico, I do not have any absolute certainty which agencies have the qualities that I have described here this morning, but I tried my best to find those that surely fit.

That is one thing that is offensive about this bill. That is one thing I remind the Senate: Five Senators who have been supporting reform, included the distinguished Senator from New York, who is on the floor, join me in saying let us fix this.

Then, Mr. President, this is one other very, very important part to this amendment. That part is: Let us have some common sense on which agencies are, by their very quality and character of work, more apt to suffer than to gain. There are certain agencies that are more apt to be respected less and to be less impartial if put under the reform than if left alone.

The other part does something very, very simple. I tie them together here. It says, while our Federal employees may, indeed, be asking us for an expanded participatory role in our political processes, incidentally, we have no official reliable or scientific poll saying a majority of Federal employees do or a minority do, or whether a large majority does not want the expanded rights. We are acting on the premise that they deserve expanded rights. But there is one thing very clear: Federal employees are not clamoring to be solicited in an organized way for political contributions as one of their expanded privileges.

Has anyone had a group of Federal employees meet with them and heard them stand up and say, "Senator, we want our civil rights extended; we want organizations to be able to officially solicit money from us as Federal employees or that we as Federal employees want to solicit political contributions"? I have not heard any. Perhaps a few Senators have heard from organization leaders but we sure don't hear it from the rank and file. Federal employees currently are permitted to contribute, but they do so voluntarily and no one has the right, nor no organization can create itself and have the right to solicit contributions from Federal employees on a Federal employee to Federal employee basis.

So all this amendment does is say all expanded solicitation rights under this reform package—and I do not even know on this count whether we ought to call it reform—but all solicitation changes from the old law are wiped out and we return to the old law as far as soliciting contributions from Federal employees. We do not do away with contributions. We just say retain the old law, which is predicated upon essentially voluntary contributions with no right to openly solicit Federal employees by other Federal employees.

I believe common sense, Mr. President, says that liberalizing campaign contribution solicitation and turning Federal employees into a fundraising work force is not going in the right direction. It is not an improvement to say to Federal employees, "We want to expand your civil rights, your right to participate, but we also want to give coworkers in organizations"—whatever that means, I say to my friend from New York—"we want to give you the right to go into an agency and determine who is going to be asked to give and then know who has and who has not."

Such knowledge can be a very significant pressure on those who are making decisions about the public service, merit pay increases and the

like. If the pressure and potential for abuse is not real, it certainly has the potential for mischief, and misinterpretation. Instead of making the workplace for our Federal employees better, it has the opportunity to make it more offensive, more difficult, more onerous. It could politicalize the Civil Service work force.

So let me repeat. On behalf of five Senators who have been supporting this reform measure and who support this amendment by saying, "Look, there are two things that do not sound like prudent, worthwhile reform. We are saying that is improper to include departments like the FBI and the IRS." And we support current law regarding the making and solicitating of contributions from employees. We support voluntary political contributions. We object to active solicitation of Federal employees by "an organization," so long as they belong to it. Such a change would transform a voluntary contribution system into a defacto involuntary contribution system. Regardless of any possible merit, no Federal employee has asked me to change the political contribution or solicitation rules.

I am trying my best knowing full well that it looks like this bill is going to pass. Members on the other side seem to be voting in lock step as if it is a foregone conclusion that this is a perfect bill as is. And there are some on this side of the aisle who truly want reform and have been trying to keep the bill intact.

What I am trying to say is that at some point, we have to be reasonable about those provisions that just do not seem right. Even if we do not want to ask the Federal employees whether they want this law or not, it seems to this Senator that the presumption—is that they do not want to be further solicited; they do not want anyone's right to solicit contributions from them expanded. And they do not want to become fundraisers themselves.

Does anyone want to take that poll? Does anyone want to ask Federal employees, as part of their expanded rights do they want to give coworkers and members of organizations they belong to the right to openly solicit from them as compared with their voluntarily contributing?

Mr. D'AMATO. Will the Senator yield for a question?

Mr. DOMENICI. I will be pleased to yield.

Mr. D'AMATO. I would like to read from page 2 of the amendment, subsection (20)(3):

> No employee of any department or agency described under paragraph (3) (except one appointed by the President, by and with the consent of the Senate), may take an active part in political management or political campaigns.

Then the departments that are listed are the Department of Justice, Central Intelligence, Internal Revenue Service, Federal Elections Commission, National Security Council, National Security Agency Central Security Service, Merit Systems Protection Board, Office of Special Counsel, Customs Service, Bureau of Tobacco, Alcohol and Firearms, Secret Service, Defense Intelligence Agency.

Let me ask my colleague what this amendment would do. Would it be to say that if you are an IRS agent, an FBI agent, you would not be able to take an active participatory role in a running of a campaign or political campaigns?

Mr. DOMENICI. The Senator is absolutely right.

Mr. D'AMATO. And if we did not have this amendment, then I say, in other words, under the proposed bill that is here, FBI agents, Internal Revenue Service agents, Justice Department officials can and would be permitted to take part in active political campaigns?

Mr. DOMENICI. The Senator is absolutely correct.

Mr. D'AMATO. What about as it relates to the raising of moneys? Without this amendment and the provision that addresses that, would, for example, an agent be permitted, or any of the employees under these categories, to go out and actively solicit political funds without the Senator's amendment?

Mr. DOMENICI. Yes.

Mr. D'AMATO. So that what we are saying is that whether CIA, FBI, Justice Department——

Mr. DOMENICI. The answer is, yes, within if both the Federal worker asking for the political contribution and the Federal worker being asked to make a political contribution are members of the same association or union or to use the language of the bill in the same organizations.

Mr. D'AMATO. Within their organizations.

Mr. GLENN. Will the Senator yield?

Mr. D'AMATO. Certainly.

Mr. GLENN. That is correct; they can only solicit under S. 135 within their own organization. They cannot go outside and solicit publicly. They could not go to different organizations. It keeps that. It does not open that up.

Mr. DOMENICI. I might say to the Senator, the evolution of what an organization is might change in the future. So it may be that there is an organization that is broad enough that it has 16 agencies in it and then there could be direct solicitation of all employees of the 16 agencies within the organization, association or union.

So the answer is, yes, as I qualified it, an organization could include employees from a multiplicity of agencies, and then there would be solicitation within the organization which could be a union or other type of organization such as an association. Currently the decision to make a political contribution is voluntary.

Mr. GLENN. Will the Senator yield further? There is a major difference between S. 135 and the House bill, H.R. 20. They pretty much take all restrictions off. You can have Civil Service people going out and raising money from the general public, as I understand their bill. We prohibit that. You can only solicit within your own organization, within your own PAC and your own membership. You cannot go outside; you cannot go to the public, different organizations or different unions.

Mr. D'AMATO. I am pleased the Senator from Ohio has addressed that and raised the specter of what is in the House bill, which we have to go to conference on. That seems to me to be a total disaster. I am talking about the House bill which would actually permit—can you imagine: "Hello, Mr. Jones, my name is so and so. I am, on behalf of"—he can even wear a little button saying he is with the IRS.

Now I am being a bit facetious, but I have to tell you it is a frightening kind of situation. I have supported the bill because I do want people to be in the political process, and that is why I join my good friend from New Mexico, Senator DOMENICI, in sponsoring this amendment. I believe we are embarked upon a very precipitous and dangerous course of action when we open up political participation to those who work in very, very sensitive areas, and these are—the law enforcement area as it relates to our justice system, the intelligence agencies, the Federal Election Commission itself, which I think we want to encourage, with the exception of the political representatives who do come through the process and are confirmed by the Senate at the highest echelons. I believe it is open to abuse. I believe that it will eventually be abused.

While I would like to see us go forward and I am supportive of the general provisions that would permit, for example, those in the Postal Service and others to have the benefit of full political participation, I do think we have a right to expect that when people take certain positions they take them with the knowledge beforehand that, yes, they will be circumscribed from that kind of political activity they would be permitted to do otherwise. I think we do that for their own protection.

Is one of the reasons the Senator propounded the amendment so that those within the various services will be free from political pressures as it relates to making political contributions?

Mr. DOMENICI. Absolutely. Let me say to my friend, he has worked hard in the area of trying to get us involved

in the war on drugs. How does the Senator think that an undercover agent, who is listed as a member of an employee organization, is going to take to open solicitation by any member of his organization? Does the Senator think he is going to like it?

Mr. D'AMATO. I do not think he is going to like it. I do not believe he is seeking it. I have not found that from this class. And these are areas in which I have spent a great deal of time, with the Customs agents, with the Bureau people, with the Justice Department people, with all of these various agencies, and I would believe that if this is supposed to be off-the-job-site kind of solicitation, how do they do it? In other words, is there solicitation permitted under S. 135 on the job site? Maybe the Senator from Ohio could answer.

Mr. DOMENICI. How you are going to enforce it, I do not know, but I do not think you can under the bill before us.

Mr. D'AMATO. I have been given to understand, I say to the Senator from Ohio, there is supposed to be no solicitation on the job site.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DOMENICI. I would be pleased to yield for a question of the floor manager.

Mr. GLENN. I thank the Chair. That is correct. The biggest problem with the Hatch Act has been, as the Senators know—my colleagues are into it; they have a lot of civil service people in their area. They are very concerned about this, and have been thinking about this, and are not just voting automatically. I appreciate that very much.

But what the bill does, it takes a very confusing situation where all these interpretations under the Hatch Act have been there for many years, have left the ridiculous situation we even have to have a hotline now so people can call to find out what they are and are not going to violate, if they can figure out what to call about, we simplify this now and make the Hatch Act more workable. That was the purpose of S. 135. It was not to repeal anything. It was not to change the Hatch Act and repeal it. It is to make it workable so people will understand it, so there will not be these misconceptions, so there will not be the chance of violations in the workplace, or deliberate violations.

So what we did is exactly what the Senator from New York said a moment ago. We say that in the workplace you cannot do anything; you cannot even wear a campaign button that you are permitted to wear right now. So in effect we are tightening up in that respect. You can wear it right now. Right now you can go in and wear a campaign button. Under S. 135 you cannot do that in the workplace; it is prohibited. Off the workplace we have a couple of prohibitions. You cannot run for public elective office yourself, and you cannot go out and ask for contributions from the public. You are restricted to keeping your solicitation for contributions for a PAC within the membership of that group and that is it. We keep those restrictions.

Outside of that, should people be able to participate in local politics and have an interest in their political system? This provides that but with those very specific protections.

In direct answer to the Senator's question, in the workplace, nothing. There is no political activity in the workplace and the penalties are stiffened. With the Robb amendment, the penalties are up to 3 years in jail and $5,000, so that we say if there is coercion, if there is anything that violates it, you can get that penalty. Those are the basics of what we provide.

Mr. DOMENICI. Mr. President, I thank the distinguished chairman from Ohio.

Let me clarify for my good friend from New York, whose friendship I greatly respect and whose support I am thankful for, essentially we should not be confused with rhetoric about the law being very mixed up and the need to straighten it out. That is another issue that really has nothing to do with this amendment. There are 13 dos and 16 don'ts. They are all in the two pages of regulations.

But we both have been supporting major reform in spite of some misgivings. This issue is simply whether we should expand the right of Federal employees to solicit and be solicited for campaign contributions or should we leave it like it is. I submit that no Federal employee that I am aware of, unless he is currently the head of an organization that spends political money, is asking to solicit or be solicited by any organization. I say no one wants that right, and that is not a good thing to impose on our Federal employees. Leave the solicitation and contribution rules just like they are. Political contributions are essentially voluntary. How do you think a subordinate is going to feel getting called at home by a superior who is soliciting a contribution? That is prohibited today. I do not believe we ought to have that or any expansion of the right to solicit. There are numerous examples that we could sit here and think of that do the Federal service no justice and are not needed for healthy, solid reform.

I yield the floor.

Mr. D'AMATO. Mr. President, I do believe that we are headed on a proper course by opening up the process, and that is why I have been supportive and continue to be supportive of the legislative endeavors that have been put forth by my distinguished friend from Ohio.

However, I have to concur with my colleague from New Mexico, and that is why I joined him in this amendment. I think we can be creating a great deal of mischief as it relates to open the process to political participation to those who work in the enumerated areas basically covering national security, the Justice Department, FBI, Secret Service. In addition, the question of whether or not a superior can call someone off the premises to raise funds even as it relates to a particular PAC can be chilling.

I suggest that the Senator has raised a very valid point. It may be that it is only one of perception, for that perception unfortunately all too often takes on an aura of reality, whether we like it or not. That is why I have agreed to be supportive of this amendment. I believe that the legislation, with these two amendments, will serve the interests of 90 percent of those who have said we want to be involved in the political process. And because I work for one of the services that is not in an enforcement area, particularly we should not be precluded. I am talking particularly about the postal worker executives, and the hundreds of thousands, tens of thousands that seek this opportunity.

I believe we can extend that benefit and privilege to them, and that right. I think they have a right without bringing upon the perception and opening the process to the kinds of abuses that my colleague from New Mexico has shared a concern about.

Mr. DOMENICI. Mr. President, I would like to ask the Senator how he thinks this would work. We will just use street language. The boss calls you on Saturday night at home soliciting a campaign contribution. On Monday he does your performance evaluation. Does the Senator think that this is conducive to good healthy work conditions, and appropriate merit raises will the Federal service be better off with the potential for this type of subtle coersion and abuse than the way it is today?

Mr. D'AMATO. I think the Senator very vividly pointed out the kind of scenario that all too often may take place. Even if it takes place once, twice, or three times, the fact is there will be a perception of this taking place. It becomes chilling both to the public and to the employee.

Those employees who are turned down as it relates to a performance evaluation, whether it be for cause or not for cause, will always be able to raise the specter that the reason they were turned down—I have seen this take place personally—because they did not participate as it related to that request.

I believe the Senator from Ohio has put forth a very constructive bill because we are addressing a basic inequity. It seems to me that with these amendments, or with this amendment that the Senator from New Mexico has advanced, we make a good bill a better bill and one which I think we have an opportunity of having passed overwhelmingly, that we can insist on at the conference, and that the President indeed may sign. If he does not sign, it will still be able to come into law.

So if we want this to be more than just an exercise in futility, if we want to strike a proper balance, I commend this amendment that I believe enhances the legislation which my good friend from Ohio has advanced.

Mr. President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. I only have one last statement. Let me say to my friend from New York, he used the word "chilling." That begins with a "C." I say it is a double "C." It is chilling but it could also be costly because a chilling effect is attitudinal. But if you are denied a merit pay increase, it costs money. Frankly, I just believe direct solicitation within departments by organizations has the potential for a chilling effect and a costly effect on Federal employees. I think it should remain voluntary as it is in the law.

I thank the Senator for his support.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from from Ohio [Mr. GLENN].

Mr. GLENN. Mr. President, if I might address the Senator from New Mexico for a moment before he leaves the floor. I want to congratulate him and the Senator from New York for bringing this up because I think the Senator from New York put his finger on one other word there a while ago that I think is absolutely the right word to use; that is, it is a matter of "perception."

There are some perceptions out there about how the American public, how all of us here, view the FBI and the CIA, in particular those two. FEC we can add on to that.

We had some, in trying to work out some of these things, language that I might be able to compromise on if we work together on it. If the Senator is willing to stick around for a few minutes, I would like to sit down and talk about this language, then come back and see if we cannot work out a compromise on this that I think will be acceptable on both sides. I propose to do that right now if the Senator is agreeable to doing that, put in a quorum call, and talk about it for a few minutes.

Mr. DOMENICI. Mr. President, let me respond to the distinguished chairman. At some point, obviously, I am not on any urgent timeframe, I would seek disposition of my amendment either by rollcall or otherwise. But as I understand it now, if I were to yield the floor, we could have a quorum call, and we can talk about it. But we also have the pending Dole amendment that has some similar aspects to it in terms of the exclusions from coverage. I am willing to do that. I say to my friend I cannot do it immediately, but I will return in about 10 minutes and be at his disposal.

Mr. GLENN. We will do that. I will reserve any further comment until we have a chance to talk about this a little bit. Unless there is an objection, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

ORDER OF PROCEDURE

Mr. COHEN. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

BATH IRON WORKS

Mr. COHEN. Mr. President, I take the floor today to call to the attention of my colleagues a situation that I think is certainly inconsistent with the best traditions of Congress. There is an item of controversy that surrounds a very important constituent in my State, Bath Iron Works, a major shipbuilding company, and one of the most prestigious certainly in this country.

There is a continuing controversey surrounding Bath Iron Works by virtue of a GAO investigation into some of its accounting procedures.

Let me say at this point, for the record, there is certainly no firm, there is no company, there is no outfit that is above question or reproach or, scrutiny or, indeed, investigation. Bath Iron Works is a company whose reputation needs no defense but, nonetheless, I come to its defense by virtue of a problem that has developed in recent weeks.

The General Accounting Office, the GAO, is supposed to be an independent arm of Congress. It was never intended to be used as an inquisitional tool by individual Members who wish to strong-arm specific firms into submission. The characterization of Bath Iron Works by Chairman JOHN DINGELL or his staff in recent days, in my judgment, has been ill-timed and ill-tempered.

Bath Iron Works has made a request to the GAO that the information that it turns over to the General Accounting Office be withheld from Congress until such time as the agency has completed its investigation.

The reason Bath made this request is because of past experience. In the past, they have turned over volumes of information, much of it proprietary in nature, much of it confidential, only to find that the information—once turned over to the GAO and then to the investigating subcommittee—has ended up on the front pages of some newspapers to the detriment of Bath Iron Works.

Unfortunately, we have a situation in which a diatribe is being waged against Bath Iron Works. I consider it to be a case of industrial character assassination being practiced on a piecemeal basis.

And the fact that someone who has been identified as a Dingell staff member—who turns out, Mr. President, to be, in fact, a GAO employee doing either internship work or designated as an employee of Chairman DINGELL's staff—has called up the Brunswick Times Record to find out the level of press attention that the latest accusation in this particular matter.

Mr. President, I hope the General Accounting Office—and I am sending a letter to GAO today—will respond to many of the questions I have about the procedures and about the level of cooperation received from Bath Iron Works. But I do hope that GAO will take note of the fact that at least I am, and I know other Members are, concerned about the use of the GAO not as an independent tool for investigation but as an inquisitional tool by individual Members or their staffs to achieve a particular end.

I ask unanimous consent that a copy of an article written by James McCarthy and printed in the Brunswick Times Record be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Brunswick Times Record, May 8, 1990]

BIW ACCUSER PLAYS HIDE-AND-SEEK WITH PRESS

(By James McCarthy)

Michigan Congressman John Dingell is fast becoming a household name around here as one of Bath Iron Works' most outspoken critics. But he's never available to field questions from Maine reporters wanting to ask follow-up questions regarding his allegations.

And his staffer, a voice at the end of a phone line who answers to "Tim Morrison," never wants to be quoted by name on any-

thing. He doesn't even want to be referred to as an unnamed spokesman for Dingell's office.

"Just attribute it to 'congressional sources close to the investigation,'" Morrison said late Monday morning after rebutting comments by BIW Chairman William E. Haggett concerning Dingell's latest accusations. His quotes were not printed.

Morrison called The Times Record's Bath bureau wanting to know what BIW's reaction was to the latest accusations made by his boss.

During a 10-minute phone conversation, Morrison never mentioned his comments were "off-the-record." Only a quick disclaimer at the end, "I don't want my name used."

Why not?

Robert C. Shepherd of Brunswick, who was press secretary for former Maine Sen. Edmund S. Muskie from 1964–71, says the phrase "congressional sources" implies a broader scope of interest in the accusation against BIW than just Dingell's office. The other is that if the accusations prove untrue, Morrison won't have to suffer the embarrassment of eating his words.

And don't expect Dingell to make any retractions, Shepherd says.

"He can make these charges, but he bears no responsibility for substantiating any of them," Shepherd says."He knows you can use figures and the process to reach any conclusion you want."

Shepherd likened Dingell to a baseball pitcher who throws from behind a wall and doesn't worry if he hits the batter because he knows he's protected—in this case, by never being available for follow-up questions.

"It's kind of unsportsmanlike, but it's done all the time in Washington," he said. "Dingell's smart. He knows how to manipulate the press."

Meanwhile, BIW and its workers now have to defend themselves in public against Dingell's most recent charges in a May 2 letter to Defense Secretary Richard B. Cheney.

Rep. Joseph Brennan, D-Maine, a member of the House seapowers subcommittee, says the timing of this latest accusation fits Dingell's pattern of attacking BIW on the eve of a major event in the Arleigh Burke program, since Cheney is expected to decide within a week or two whether the destroyer is as vital to the nation's defense as the Navy says.

Taken at face value, the unsubstaniated allegations of the "Navy's unusual bailout of Bath," that "70 percent" of BIW's time card charges were wrong and others, Dingell's letter certainly could color Cheney's opinion about BIW and the destroyer program.

But Brennan says the Navy and congressional leaders he's talked to remain supportive of BIW and the destroyer program.

"A lot of them place very little credibility in what he has to say," he said.

BIW Chairman William E. Haggett acknowledged Sunday he was becoming increasingly frustrated over seeing "pieces of evidence" taken out of context and splashed across the front pages of major and local newspapers, which had been leaked by Dingell's office before the investigation even determined whether the evidence was true. In some cases, he said, it involved confidential information about the company's financial records that could give BIW's competitors an unfair advantage in future bidding battles.

"This premature release of that information has harmed the company," Haggett said. "I'm fearful it could cost us business."

He also feared the company's reputation as one of the country's best shipyards may already be badly tarnished by Dingell's repeated attacks.

"Who wants to work for a company where its management is accused of being criminal?" he asked.

He noted Dingell has never visited the shipyard or personally talked to him or BIW President Duane D. Fitzgerald. Instead, the congressman sent a staff member for a brief visit to the shipyard last summer.

Nevertheless, Haggett spent more than an hour rebutting Dingell or explaining the context of accusations that were partially true.

Yes, Haggett said, it's true BIW production workers have their time cards filled out by supervisors—which Dingell alleges is contrary to accepted practice with defense contractors. But it's done with the Navy's OK and it's a practice followed at other shipyards building Navy ships, he said.

"We believe it makes the charging of time more accurate, not less," Haggett said.

Yes, Haggett said, in a shipyard with 11,500 employees and several different types of contracts, some time has been mischarged to the wrong accounts.

"There is no dispute of that," he said. "Charging errors are made in every shipyard in the United States every day . . . We have a system designed to correct those errors, a suspense account (by which payments to the shipyard are suspended until the error is corrected).

But he flatly denied those instances were intentional, saying, "If BIW has committed criminal misconduct and I've directed it, they will probably send me to jail—and they should."

Haggett spoke entirely on the record.

Shepherd says there's so much "peer courtesy" in Washington among lawmakers, he sees only one reason why Dingell would attack BIW without conferring with Maine Sen. George Mitchell, the Senate Majority leader, or Rep. Joseph Brennan.

"It has nothing to do with BIW," he said. "It's Mitchell and the Clean Air Act . . . Dingell has served his purpose. He's muddied up the waters for Mitchell."

Then again, Shepherd said, it may be that Dingell has political debts to pay to lawmakers with shipyards in their districts that compete against BIW. Or, he said, it may be a simpler motive.

"Money isn't always the glue that holds things together in Washington," he said. "It's power."

Mr. COHEN. Mr. President, I want to call my colleagues' attention to a matter which I believe is of great importance. That has to do with some key judgments that have been recently filed with the Senate Intelligence Committee as a result of an investigation conducted by the Defense Intelligence Agency. Last year, during the markup of the intelligence authorization portion of the Defense bill, I included an amendment which required DIA to conduct an analysis of the security programs that are currently in place for several of our DOD research, development, testing, and evaluation centers in this country.

The DIA has done an outstanding job, and I want to take this opportunity to commend DIA for its objective and very thorough analysis of some of the problems connected with the security of those facilities.

We have a report which is partially classified concerning the numerous deficiencies that surround the development and testing of classified weapons systems. However, the summary contained in that report is not classified. I simply quote very briefly from the DIA's statement:

The entire U.S. Department of Defense research, development, testing, and evaluation security process needs to be reviewed thoroughly and improved accordingly. • • •

Unless these shortcomings are addressed, temporary fixes to encryption and physical security at selected installations will not solve the long-term security needs of DoD RDT&E programs.

I will take only a moment to outline some of the specific deficiencies identified by DIA: Communications and data transmissions are not adequately protected; security awareness among personnel at the ranges and among outside contractors is poor; personnel at critical space launch facilities are poorly trained in basic security procedures; security is not adequately considered in structuring weapons acquisition programs—for example, security requirements are not even initially written into contracts; and physical security at U.S. weapons testing and space launch facilities is often inadequate. The ranges also lack suitable defensive surveillance systems.

We are not engaged in a number of treaty negotiations with the Soviet Union. We may soon see vast numbers of people come from the Soviet Union to engage in treaty verification procedures. We will have Eastern European trade associations coming to our country. The fact is that we have to become much, much more security-conscious as far as protecting those classified programs for which the taxpayers are spending billions of dollars in the defense of this country's security.

I hope that this initial report calling for thorough and full-scale security review across the entire defense spectrum will be heeded, and I want to take this opportunity to call this report to the attention of my colleagues.

Mr. President, I ask unanimous consent that a copy of the Key Judgments from the DIA report on test range security be printed in the RECORD.

There being no objection, the Key Judgments from the report were ordered to be printed in the RECORD, as follows:

KEY JUDGMENTS

(U) The following conclusions are based on a survey of the test sites at Vandenberg Air Force Base, California, Cape Canaveral Air Force Station, Florida, and White Sands Missile Range, New Mexico, and discussions

with personnel responsible for implementation of the Secretary of Defense (SECDEF) Memorandum of 1984 on Protection of Weapons System Design and Test Data. Based on this study, it is apparent that improving the security situation at the test ranges is only a part of the problem. The entire U.S. Department of Defense (DoD) research, development, testing, and evaluation (RDT&E) security process needs to be reviewed thoroughly and improved accordingly.

(U) The Military Services, recognizing the security needs of sensitive testing activities and the requirements of the 1984 SECDEF Memorandum, have expended considerable effort to identify security problems at the test ranges and develop implementation plans to correct them. Some security upgrades have been funded under these implementation plans and others have been provided by range users. Major resources still need to be programmed to implement upgrades to enhance test range security.

(U) That these needs have been known for some time, but not universally addressed, is the result of a number of systemic problems. The system by which security is administered and funded within the Military Services has shortcomings which have contributed to ineffective implementation of the SECDEF Memorandum specifically, and to security in general. Unless these shortcomings are addressed, temporary fixes to encryption and physical security at selected installations will not solve the long-term security needs of DoD RDT&E programs. These shortcomings are as follows:

DoD RDT&E security policy implementation is fragmented and not consistent from range to range.

DoD security policies are not addressed in the basic acquisition directives.

Security requirements are not initially written into contracts.

Security guidelines for individual programs are the responsibility of the program manager, resulting in inconsistency between programs regarding the security of similar data.

No DoD forum for the integrated resolution of problems belonging to the test ranges exists.

Most security upgrades on the ranges are done on a program-by-program basis. As a result, program managers who desire security enhancements like extensive encryption are faced with no systematic way to attain the level of security protection required, without huge program costs. Important testing often has to accept lower levels of security than program managers desire.

Security should be second only to safety on the test ranges; however, it often seems to fall behind other priorities when products are being developed and tested.

Top priority for the test range commander is safety and satisfactory support to the programs of his range.

Program managers emphasize development of the product, on time and on budget.

Operations security (OPSEC) at the test ranges, and at the commands to which they are subordinate, is directed at a lower staff level of authority by a small security staff perceived to have only an advisory role. OPSEC policy at the ranges is not considered directive in nature.

Security upgrades on the ranges have to complete for limited budget dollars with other improvements and modernization, or operations and maintenance projects. If funding for security projects is provided, it does not guarantee the funds will be expended for that purpose, as funding can be redirected toward another project. When this happens, security upgrade projects are not completed and security continues to lag behind what is required.

Security awareness among personnel at the ranges and among the contracting community in general is poor. There is a limited understanding of the connection between unclassified test range data collected by hostile intelligence services and resulting improvements in military technology made by nations hostile to the United States. Program managers are often poorly trained in basic security procedures and the hostile threat to U.S. test ranges.

Program manager course materials do not include adequate security indoctrination.

Security investment vice loss of RDT&E dollars due to program compromise (tactical and strategic) is not well understood and documented at any echelon of command.

Communications and data transmissions are not adequately protected, and unclassifed documents routinely receive no protection. The full range of support functions to the RDT&E process generates unclassified data that, collectively, reveal critical and/or classified data.

Although they generally adhere to current regulation, physical security programs at the ranges are often inadequate to protect critical space launch facilities.

Personnel reliability certification programs for access to critical space launch facilities are inadequate.

The ranges lack a suitable wide area surveillance system.

The ranges lack the capaibility to respond to airborne intruders.

The ranges lack the capability to monitor their ocean boundaries.

Mr. COHEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quoum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I ask unanimous consent that I may be able to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CFC'S

Mr. HEINZ. Mr. President, as many of our colleagues are aware, the United States signed the Montreal protocol in 1987. That international agreement set a goal of reducing the consumption of chlorofluorocarbons and halons, the two then most serious ozone depleting chemicals, by some 50 percent by the year 2000. Chlorofluorocarbons and halons are chemicals used in everyday products that science has determined are primarily responsible for the alarming deterioration of the Earth's protective ozone layer.

This week the nations of the world are meeting in Geneva to build upon the Montreal protocol. They are looking to achieve some preliminary agreements for the June Ministerial, which will be held under the auspices of the United Nations Environmental Program. The major goal of this week's meeting and the June Ministerial is to adopt policies to enable every nation to phase out and eliminate any ozone-depleting chemical that we know about, and this week's meeting in particular is to enable and attract the developing nations, including China and India, to participate in the CFC reduction and elimination effort.

Since these industrializing nations lack sufficient resources to meet human needs and to do their part for the global environment, the primary incentive to their participation is new lending authority through international development banks. The United States is refusing to agree to provide any new lending authority or funds. It is this Senator's position that this is a serious mistake, and I would like to take a few moments of our colleagues' time to explain why.

As near as I can determine, Mr. President, the administration's retreat and decision to overrule EPA Administrator Bill Reilly has been driven by fears that establishing an earmarked account to encourage CFC compliance by the poorer nations would set a precedent for a similar separate account to combat other environmental threats such as global warming. In my view, such concerns are misplaced and in this instance grossly misplaced.

No one that I know of questions the impact of CFC's on the ozone layer. Nobody on the White House staff even questions that impact. The science is for once clear, the mechanisms established, the threat real, and the need to act, urgent.

The administration should not allow the concerns about a different set of environmental issues, one where there may be some differences on the science or on the threats, both among industrialized nations and developing nations, to dissuade the administration from taking the right steps for CFC elimination now.

Mr. President, as I understand the other reason for the administration's overruling the President's own EPA chief's recommendations, the White House is saying that the United States' share of the international fund is inconsistent with reducing the budget deficit and, instead, the way we ought to address the problem is that the World Bank should be the source, using its existing funds as a means of addressing this problem.

Mr. President, I suggest we need to face some facts and so does the Bush White House. Fact No. 1 is that of all the environmental issues facing the world, the threat of CFC's and other ozone-depleting chemicals is the one issue on which the scientists in every nation, including ours, agree, not only on the scientific mechanisms involved

but on the serious threat posed to planetary biology and human health. This simply means that the need to eliminate CFC's and other ozone-depleting chemicals is clear, it is compelling, and it is urgent.

When you are a passenger in a vehicle where the driver has lost control, you do not worry about the precedent. You grab the wheel and try to save the car from going over the cliff. The Bush administration has to grab the wheel and help get us all to safety.

Fact No. 2 is that there is a unique source of revenues that are directly related to the chlorofluorocarbon problem and its reduction, namely the excise taxes that have been imposed on U.S. producers of chlorofluorocarbons. Over the next 5 years, the U.S. Government is going to take in some $5 billion in excise taxes on CFC's. These are, of course, being collected for the very purpose of assisting in phasing CFC's down and out. The use of a fraction, a very small fraction, of the revenues to achieve the intended purpose of the Montreal protocol, scarcely sets a precedent that is dangerous or inconsistent. To the contrary, to not use any of these funds to achieve the very purpose that gives rise to them is what is illogical, dangerous, and inconsistent.

As to the budget impact, let us focus on that issue for a moment. The U.S. share of the fund to help lesser developed countries make a transition to a CFC-free economy would be a total of $25 million over 3 years. Mr. President, when we do a budget here, we use an asterisk to denote anything that is less than $50 million in 1 year. The cost to the U.S. Government represents, therefore, a commitment of about $8 million a year over 3 years, it represents less than one-half of 1 percent of the moneys we are going to receive from the CFC excise tax.

We want to be inclusive and effective in dealing with the one worldwide environmental threat upon which everybody agrees. The cost of not meeting this commitment is to undercut and perhaps wreck the agreement that Americans and others need in order to eliminate CFC's and the worldwide health threat that they represent.

I might add, Mr. President, the idea that we somehow cannot find $8 million, with a lower priority, somewhere in a $2.24 trillion budget, is nothing short of ludicrous. We are a nation that continues to spend billions of dollars a year, not millions but billions, and even tens of billions of dollars a year on our national security. We spend billions more, tens of billions more, defending the security of other nations in Europe, in the Far East, in the Middle East. We are spending billions on a bomber, the B–2 bomber, that does not even have a credible mission.

What does it say about our priorities if we are unwilling to commit the comparatively tiny sum of $8 million per year to a known threat to human health that is already causing thousands of skin cancer and deaths because of our earlier ignorance and inaction and neglect?

Some may say, as the administration has: But why not use the World Bank? Is this not a good purpose to which to direct the bank?

Mr. President, I am not here to say it is not a good purpose with which to direct the bank, but this particular idea for the particular negotiation that we are involved in simply comes to the table too late. The agreement that we need on the Montreal protocol is supposed to be reached at the June Ministerial. That is in just one month's time. That scarcely is time to reorient the policy of another international organization that has never played a role in this issue, at least to my knowledge, of any kind whatsoever.

The fact is that nobody has done the homework necessary on this idea. The World Bank has no mandate to fund such a program now. To suggest that the policy of another international organization be changed overnight as a precondition to prompt agreement on an urgent worldwide phaseout and ban of CFC's is to hold our planetary environment hostage for an indefinite and dangerous length of time.

Mr. President, let me conclude by noting that in this Senator's view, the Montreal protocol was an epochal event marking both the severe threats posed to the planet by man's activities and the urgent need for international cooperative action to address those threats.

As Americans, we can and we should be very proud, indeed, of the leadership role played by the United States in crafting and securing international support for that agreement. But with this week's decision overruling the recommendation of the President's own EPA chief, the Bush White House has undercut the chances of reaching a critical and important agreement, squandered America's credibility and called, I am sorry to say, the President's own commitment to the environment into question.

I urge the President to reverse this decision. I hope he will do so and do so quickly and stand and direct our negotiators to support the creation of new lending authority for CFC compliance.

Mr. President, I yield the floor.

HATCH ACT REFORM AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent that I may speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mr. PRYOR. I thank the Chair.

(The remarks of Mr. PRYOR pertaining to the introduction of S. 2605 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me. I apologize to the Chair for probably speaking over my limit of time. I would not have done that if other Senators had been on the floor seeking recognition.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HATCH ACT REFORM BILL

Mr. MURKOWSKI. Mr. President, I rise today to state my position on final passage of S. 135, the Hatch Act reform bill presently before this body.

SUPPORT MEANINGFUL REFORM

Mr. President, I do this reluctantly because I am very sensitive to and supportive of the need for reform of the existing Hatch Act. Furthermore, Alaska has one of the highest number of Federal employees per capita in the United States. This Senator has heard many of the complaints of Federal employees having their political rights unreasonably restricted.

When this bill came to the floor of the Senate, I indicated my intention of supporting meaningful reform legislation by casting four votes against amendments that would have unrealistically restricted responsible reform.

While I agree that reform of current law is necessary, unfortunately the bill presently under consideration goes too far. There's a difference between surgery with a scalpel and an ax. This bill attempts to reform the Hatch Act with a meat ax. While the Hatch Act must be tuned to address legitimate concerns that many of us share, the bill in its present form guts a law that

has been protecting Federal employees for five decades.

HATCH ACT PROTECTIONS

Mr. President, many of the concerns addressed by the Hatch Act in 1939 are still of concern today. Employees of the Federal Government need protection from political coercion and this Nation needs to maintain the political neutrality of the Federal decisionmaking process. No one in this body wants to return to the days when Federal employees were the political hostages of their supervisors and the spoils system determined how the Federal tax dollar was spent.

Unfortunately, over the past 50 years many of the well-meaning restrictions of the Hatch Act have gone too far. In many cases, the present system imposes needless layers of complicated and unrealistic regulations. It casts such a broad net that many employees are prevented from engaging in perfectly legitimate and appropriate activities that are considered basic rights by nongovernment employees. By maintaining senseless restrictions, I know many of the people working in the civil service have become disgruntled with the entire system.

PARTISAN POLITICS—NO COMPROMISE

Unfortunately, Mr. President, during the course of this body's consideration of S. 135 it has become apparent that meaningful reform is no longer the goal of some who support this legislation. Perhaps believing that no compromise was necessary, many on the other side of the aisle have refused to consider even the most limited of amendments to this legislation.

While this Senator agrees that many of the Hatch Act's current restrictions can be loosened with regard to the majority of Federal employees, some restrictions must remain for employees that work in particularly sensitive agencies. For example, my colleague, the distinguished minority leader, offered an amendment which would have exempted employees of the IRS, FEC, Justice Department, and the intelligence agencies from inclusion in the reform bill. The Senator from Kansas correctly pointed out that work in these agencies is just too sensitive to permit employees to participate in political activities—the conduct of employees from these agencies must be completely above reproach.

For example, employees of CIA and NSA have access to highly sensitive national security information. They should not be put into a situation where there could be any temptation to reveal that information in the heat of a political campaign. When an individual joins the CIA or NSA he or she agrees to accept some appropriate restraints on their activities in return for access to national secrets. The Hatch Act is one such restraint.

By retaining Hatch Act controls over intelligence community employees, there will be less temptation for any administration to place political appointees in management positions at CIA or other similar agencies. In addition, the investigative capabilities of the FBI and IRS could conceivably be used as a weapon in a political campaign to discredit or coerce a political opponent. It is crucial that any temptation of this kind be avoided by strictly maintaining the nonpolitical character of the work force of these agencies.

Mr. President, this Senator strongly supported the Dole amendment along with several other necessary amendments to bring responsible reform—all of which were voted down on partisan votes. I believe that adoption of these and other amendments would have gone a long way toward addressing this Senator's objections to the bill. Unfortunately, the proponents of S. 135 have objected to even the most reasonable of limitations.

CONCLUSION

Mr. President, let me restate to my colleague that this Senator supports meaningful reform to the Hatch Act. This Senator voted for cloture when it was invoked last week because it is important that Congress address this important issue. But this Senator will not vote for a bad bill just because it contains some useful provisions. Until the proponents of S. 135 show some willingness to address the real concerns that many of us share, this Senator is compelled to oppose the bill.

It is my hope that the President will veto this bill and that the Senate will sustain his veto so that we can come back anew, with responsible Hatch Act reform that this Senator can support.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, we have been debating S. 135 for several days and, hopefully, we are nearing the time when we will be voting the legislation up or down.

In preparation for these final votes, I think it would be well to summarize why some of us feel that it is improper, undesirable, and not in the interest of either the American public or the Federal employee to repeal the Hatch Act. As I have emphasized time and again, S. 135 is not a mere reform, but it is, indeed, an actual repeal of the Hatch Act which for 50 years has served this Nation so well.

The chairman of the Senate Governmental Affairs Committee has really only given three reasons as to why this legislation should be amended.

He has pointed out the cases where certain union leaders who were on leave from Federal employment were prosecuted. The courts found, in fact, that these union leaders had not violated the Hatch Act.

The second reason was the claimed confusion of Hatch Act regulations, and as we have pointed out time and again there are not over 3,000 rules and regulations. To the contrary, there are only 29. They are pretty clear and pretty well understood. But if you do not understand them or have a question, there is a hotline for a Federal employee to get an answer.

The third reason was the inability of Federal employees to vote in a caucus under the Hatch Act.

Mr. President, I have offered an amendment to cure each and every one of these reasons, but the majority does not want those reasons addressed. So as I have said in the past, it is not so much the reasons given for the legislation that are important but the things that are not being said on the Senate floor that are compelling the advocates to seek the enactment of S. 135.

As I said yesterday, when I offered my amendment to strike any reference to PAC's, it was obvious the real reason for this proposed legislation is what it does to PAC's and how it would enable a national political interest group to be formed.

Mr. President, I think it can be said fairly that if this bill is enacted into law, there will be several undesirable consequences. As I have just suggested, a new political interest group will be formed, a special interest group working at cross-purposes with the duty of Federal employees to serve the public. Federal employees, in fact, would not become equal political players if S. 135 is enacted but preferred—preferred—political players because others in the private sector, if they exercise their rights politically in the rough-and-tumble games of politics, can exercise their rights against them. But this bill would allow Federal employees to have it both ways: they have the right to engage in politics but are protected by a law against retribution. No one else in this land enjoys this preferential treatment.

The serious problem is that the public will lose confidence in the neutral administration of Government programs. I think most people on both sides of the political aisle would agree that confidence in Government is not high among the American people, and I fear that with the enactment of the legislation we have under discussion it would only go lower.

As I have pointed out, the Hatch Act has enjoyed widespread support for 50 years. A law enacted initially in a Democratic administration of President Roosevelt and with a Democratic

Congress, it struck a fair balance between the rights of the individual Federal employee to vote and the rights of the American people to enjoy the administration of the Federal laws in a neutral, nonpartisan way.

The employee, if this legislation is enacted, will in many cases lose his freedom not to participate in political campaigns. What is permitted will too often become what is expected. Federal employees will know that if they want to succeed, it will be in their interest to do whatever their supervisers think is politically desirable. There does not have to be any spoken coercion. It will be a known fact, as a new administration, what those in the civil service are expected to do if they want to move ahead. It would be a long, long step back, unfortunately, to the spoils system. As I have also pointed out, tremendous confusion will result from S. 135.

It has been claimed by the advocates that the current law is not clear; it could be improved upon, and we offered an amendment to do just that. But in all candor, the substitution of S. 135 for the Hatch Act will not bring about clearness, will not bring about clarification. It will bring about what I have called "Hatch-22."

Under S. 135, we are saying on the one hand, "Oh, yes, Mr. or Ms. Federal employee, you can become a campaign manager, you can be involved in political campaigns—not only can you be involved but we encourage you to do so."

But at the same time in another section they say you cannot solicit volunteer services, even though it is impossible to be a campaign manager and not direct the operations of volunteers such as in a telephone bank.

So that we would be substituting for a balance that is well understood, has worked well, a whole new concept that would only mean confusion, difficulties and, unfortunately, a loss of confidence on the part of the American people in the fair administration of their laws.

Mr. President, I have a series of editorials which I ask unanimous consent to have printed at the end of my statement.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROTH. Mr. President, I would like to briefly sum up the arguments against this legislation.

First, current law under the Hatch Act is designed to protect Federal employees from political coercion. S. 135 deeply erodes this protection by making Federal employees vulnerable to indirect, subtle pressures.

Let there be no doubt that if this bill becomes law, Federal employees will feel obligated to engage in certain activities to further their career, even in the absence of explicit coercion.

Second, let me be clear, both supporters of current law and S. 135 want to protect against political coercion. Current law is a proven, effective method of doing so, while this legislation fails to acknowledge the notion that coercion is often done in subtle ways.

Third, this legislation will permit a Federal work force with sensitive responsibilities such as law enforcement, tax collection, Federal election oversight, and the awarding of Government contracts to become identified with certain political parties or causes. Public identification of Federal employees with partisan politics would erode public trust in the Government.

Fourth, this legislation will present an unprecedented opportunity for Federal employees to solicit contributions from other Federal employees who belong to the same employee union. This will breed subtle pressures within the work force to contribute to certain political actions.

Fifth, political coercion at the State level, where protections similar to those at the Federal level are not in law, has resulted in numerous prosecutions. The Office of Special Counsel has recently prosecuted cases of coercion in Akron, OH, and Niagara Falls, NY. The Department of Justice has investigated cases of political corruption in Clark County, IN, and Chicago, IL.

Sixth, opponents of this legislation include Common Cause, the American Bar Association, the Federal Bar Association, the National Academy of Public Administration, the National Taxpayers Union, and the Chamber of Commerce. Proponents are only the Federal and Postal employee unions and the ACLU.

Seventh, surveys indicate that Federal employees do not support Hatch Act reform. More than 35 percent of Federal personnel specialists surveyed believe Hatch Act reform would have a negative effect on the work environment, while only 11 percent said it would have a positive effect, and the remainder said it would have no effect or had no response.

In 1987, the Senior Executives Association published a survey of their members. More than 70 percent of the members who responded to the surveyed favored the current law. But what is even more revealing is some of the comments made by respondents:

The additional "freedom" in exercising rights of citizens would quickly turn into political favoritism, with different sets of Senior Executives careerists and GS careerists "in" or "out" of favor depending on election results.

And:

The bill could be very harmful for professionals in the career service. Incoming appointees would be under great pressure to award those who worked the hardest for the party that won.

For anyone who doubts a return to the spoils system, I urge them to listen to these Federal employees. The Hatch Act protects them now. The Hatch Act reflects the historical and continuing necessity to balance the rights of Federal employees as citizens with the overwhelming public interest in an impartial, politically neutral, and independent civil service. The changes being proposed harm that balance. I urge that my colleagues vote against S. 135.

EXHIBIT 1

[From the Wall Street Journal, Nov. 10, 1987]

POLITICS UN-HATCHED

Watching any number of bad old ideas resurface in Washington these days, we've sometimes had to stop and recall what decade this is. The latest corpse to rise from the 1970s is an attempt to revise the Hatch Act so that employees of the federal government would be able to engage in partisan politics. President Ford vetoed a similar bill in 1976, but this year the powerful public-employee unions have made sure it's back on the agenda and sprinting through Congress.

A House Committee has already whooped the bill through on a "fast track," with the Democratic leadership all behind it. The Reagan administration is opposing the bill, but a public-union spokesman claims it's already "veto-proof" in the House and gaining support in the Senate. Before this bill is bulldozed into law, both sides might want to stop and ask if Americans really want the three million people who deliver their mail or audit their taxes to be able to hit them up for campaign contributions too.

The bill's supporters claim, of course, that it would simply "restore" to federal workers the constitutional rights that all Americans have, say, to pass out campaign leaflets or run for office. (They can already vote as they choose, of course.) This has a nice civil-libertarian ring to it, but anyone who knows how the civil service works understands that the opposite is more nearly true. The only way to protect civil servants from harassment is to shield them from partisan politics altogether. Only a total ban give employees a plausible excuse for *not* participating in politics; without such a ban, an employee will always feel pressure, even if only subtle, to favor the boss's, or the union's, cause.

Hatch Act opponents respond that their bill has a provision to protect employees against pressure, but in fact this is a boon mainly to lawyers. It offers no more effective protection than current law. Moreover, any employee reprimanded or not promoted, for whatever reason, will be encouraged to sue on grounds of political bias; lawyers will have a field day, but government managers only another headache.

Merits aside, what's really going on here is a display of power politics by the public-employee unions, which understand that Hatch restrictions limit their political clout. Indeed, the presidents of three major unions were suspended from federal employment for 60 days under the Hatch Act for blantantly supporting the Mondale campaign in 1984. It's doubtful, in any case, that union leaders even speak for federal workers on this issue. Rep. Frank Wolf, a former civil servant whose Virginia district probably contains more federal workers than

any other, is opposing this bill because he says most of his constituents like the Hatch protections.

We ourselves must admit to some nostalgia for the old "spoils system" that predated the civil service. At least voters could decide to throw the rascals out every four years. As long as the U.S. has a permanent civil service with virtually lifetime tenure, however, Americans need to be confident that it can't become anyone's partisan army.

[From the Cleveland Plain Dealer, Apr. 8, 1988]

DON'T GUT THE HATCH ACT

Twice now in 10 years the House of Representatives has approved legislation to gut the Hatch Act by removing restrictions on political activity by federal employees. Like the previous attempt that then-President Carter managed to deflect, the latest measure passed by the House purports to "reform" the law.

The Hatch Act could stand some fine tuning; in the nearly five decades of its existence the case rulings on which enforcement is based have produced a crazy-quilt pattern. But the heart of the act—the protection of government workers from political intimidation and abuse—remains as true and strong today as when the act was signed into law in 1939. To argue, as labor union leaders do, that workers don't require that protection under the Hatch Act is nonsense. Remove it and you expose government employees to coercive behavior by politically driven supervisors.

People don't lose the right to vote, the ability to contribute to political candidates or to express an opinion when they accept a federal job. But to keep that job, they must not run for most local, state and federal offices, solicit campaign funds, or be active in political campaigns. Repeal those restrictions, as the House has agreed to do, and government will be less efficient and more corrupt.

[From the Cincinnati Post, Oct. 8, 1987]

KEEP THE HATCH ACT

For nearly five decades the Hatch Act has protected both federal employees and the public from pressures to politicize the civil service. But a bill to gut its safeguards has attracted surprisingly widespread support in the House of Representatives.

A bill sponsored by Rep. William Clay, D-Mo., would allow federal workers for the first time since the 1930s to engage in partisan political activism: running for office, electioneering for candidates and donating money to campaigns. Those who would rather stay out of politics would be pressured by unions and special interests to jump in.

Congress passed the Hatch Act in 1939, partly in reponse to a Pulitzer Prize-winning series of articles by Scripps Howard reporter Thomas Stokes on corruption in the newly created Works Progress Administration. Stokes described how WPA foremen in Kentucky raised an army of conscripts for the re-election campaign of Sen. Alben Barkley, "instructing their workers that they must vote for the senator and in numerous cases making support of him a prerequisite for jobs." He called the affair "a grand political racket in which the taxpayer is the victim."

Lots of things have changed since the 1930s, of course: mainly that the federal government has grown even bigger, and more powerful. Also, federal workers are more likely to be members of labor unions. Coercion by a union can be even harder for an employee to resist than coercion by a supervisor. And just imagine, for example, an army of mailmen descending on your neighborhood to pass out political literature for a candidate who has pledged bigger subsidies for the Postal Service.

With Washington spending about one-fourth of our gross national product, the tradition of a nonpartisan civil service is more precious than ever. The Hatch Act is an essential part of that tradition; it should not be weakened.

[From the Portland Oregonian, Nov. 19, 1987]

DON'T SPOIL THE HATCH ACT

Rep. William D. Clay, D-Mo. and his friends in the civil service unions deserve this year's hour-glass award for conspicuous efforts to turn back the clock.

The object of Clay's reactionary attentions is the Hatch Act, which bars federal employees from such partisan political activities as seeking public office, working in campaigns, soliciting funds and votes for candidates and holding office in polticial parties. Franklin D. Roosevelt signed the Hatch Act into law in 1939, but the Republican Roosevelt, cousin Theodore, had first established such restrictions in civil service regulations in 1901. So, Clay would turn back the clock on a century of bipartisan civil service reform.

This is not the first effort to "un-Hatch" federal workers, but each year the Hatch Act becomes a greater potential victim of its own success. Each year the corruption and politicization of the federal work force that accompanied the New Deal's expansion of government programs and led to the law recedes further into history.

But the Hatch Act's limits on partisan political activity were sound then and sounder still today for both the federal worker and the federal government. Although the law imposes some narrow restrictions in exchange for a job that election results will not threaten, the government employee retains many basic political rights: the right to vote, to join and contribute money to a political party, to engage in non-partisan political activity.

The Hatch Act's restrictions shield civil servants from subtle and not so subtle forms of pressure and intimidation, reward and reprisal, that political management could visit on them in a system opened to partisan politics. Jobs might not be gained or lost in any new un-Hatched spoils system, but job promotions or demotions might be. Anyone who thinks sufficent safeguards could be imposed should recall the troubles that have befallen government workers who have blown the whistle on waste, fraud and abuse.

Besides the possible disruptions across the executive branch, the repeal of the Hatch Act restrictions could skew legislative decision-making on spending. For example, large blocks of Un-Hatched federal workers would be free to campaign for candidates who promise salary and benefits increases and the expansion of federal programs.

Rolling back the Hatch Act would clearly enhance the political clout of civil service unions, but at a cost to the civil servant and the people and programs they serve.

[From the Waterbury (CT) Republican, Nov. 22, 1987]

NO TO HATCH ACT REPEAL

Taxpayers had better put heavy duty locks on their pocketbooks. The House of Representatives wants to make it possible for three million civilian government employees to put the bite on them in political campaigns with the under-the-table implied threat that no cooperation could mean less than reasonable service from the government.

It's all being done in the guise of a guarantee of free speech for those who work for the government. They would be permitted to run for public office, to solicit campaign funds and to be campaign managers in elections.

Obviously the federal employees would be prohibited from partisan politics during working hours. But what about lunch breaks or coffee breaks? What about the private citizen who deals with a bureaucrat at 4:30 p.m. and at 5:10 p.m. is asked for a campaign contribution by that same government worker?

Is it reasonable for the private citizen to interpret the request for a contribution to mean there would be better service in his dealings with the government worker?

The Hatch Act was passed in 1939 to protect government workers from being coerced into participating in politics to keep their jobs. While there are union protections for the government employees today that didn't exist then, the union doesn't protect the public.

The House approved the elimination of the law by close to a three-to-one margin. The only protection left for the public is to appeal to the Senate to reject that action, or if the senators refuse to do so, to plead with President Reagan for a veto.

Government employees are not prohibited from participating in the election process. They can attend rallies; they can make campaign contributions; they can vote. But in return for government jobs, which must be impartial and equitable to all, they can't run for office, manage campaigns or solicit funds.

That's a small trade-off for a job with a guaranteed future: one that will exist virtually without regard for the status of the economy; one that provides pension and other fringe benefits far better than in most private enterprises.

If the Hatch Act is eliminated, government employees can count on a never-ending series of complaints by the public of unfair treatment by those who engage in partisan politics. There will always be the suspicion of favoritism.

Government in this country is successful because of the general perception of fairness. Letting federal employees become involved in partisan politics, letting them solicit campaign funds could destroy that perception.

Congress has to protect the public first, not government employees who already have so many protections against punishment for wrongdoing that it boggles the mind.

The Senate has to save the Hatch Act for the sake of the people and the integrity of the federal government.

[From the Arkansas Democrat, Dec. 4, 1987]

KEEP THE HATCH ACT

Should the federal bureaucracy be politicized? Of course, it shouldn't. But politicization may be on the way.

The House has overwhelmingly passed, and the Senate will soon consider, a bill that would kill the Hatch Act, which bars bipartisan politicking by the country's 3 million federal employees.

The cry is that banning partisan political activity denies federal civil servants their First Amendment rights.

The Supreme Court has twice upheld the Hatch Act on the ground that "it is in the best interest of the country that federal service should depend on meritorious performance rather than political service."

That doesn't quite cover what repeal would bring. Political self-service would be a better term for the mouth-and-money partisan politicking that would go on within the federal establishment.

On-the-job politicking would indeed be banned, but a unionized bureaucracy could easily handle that, and it's the powers that repeal would give the employee unions that should scare Americans.

Both the bosses and the rank-and-file members could run for and hold political office, solicit political donations and administer political action committees, the so-called PACs.

The Hatch Act now bans these activities. Federal employees are allowed to attend partisan fund-raisers and political meetings and give money to political organizations but they can't solicit donations or campaign politically except for or against non-partisan ballot measures.

Repeal would see civil servants holding political office, carrying on intensive partisan fund raising and campaigning for partisan ends at the very center of the federal government.

Opponents of repeal say that federal employees want these powers so that they can use unionization to gain control of the $76 billion federal payroll and then of government itself.

Armies of unionized civil servants, they say, would, under union bosses, use their new fund-raising power to influence the shape of legislation through contributions to susceptible lawmakers.

Does that sound overstated? It doesn't to us. Political power never goes unused, and the Hatch Act has more than once tripped up union heads who have exerted it illegally.

Repeal of the Hatch Act could in sober truth establish a politicized Fourth Branch unanswerable to the people and concerned solely with its own political (and mostly liberal) ends.

The argument for the First Amendment right to politick freely is a strong one indeed, but not in the context of organized partisan activity within government itself. The very idea is abhorrent to representative government, which is a product of individual political preferences.

Federal civil servants are now hired on condition that they remain politically neutral so that those outside government can exert control. The Supreme Court has upheld the Hatch Act on that ground.

If the Senate repeals the act, President Reagan should veto the repeal. If he is overridden, repeal should be challenged, and the high court should again reject the blatant argument that the Federal Amendment demands politicization of the federal civil service.

[From the Buffalo News, Nov. 21, 1987]

HATCH ACT STILL NEEDED

For 48 years, the Hatch Act has, by limiting federal employees' political activities, protected them from political coercion by their superiors. The act has also prevented the federal bureaucracy from becoming a vast political machine operated by the party in power.

Thus, the extensive revisions now being sought would be a deplorable step backward.

The House recently approved changes that would virtually gut the Hatch Act by allowing the nation's civilian federal employees to run for office, manage political campaigns and solicit political contributions.

The measure was unfortunately rushed through the House with only limited debate as its enthusiastic bipartisan backers seemed to lose all recollection of the political threats to the integrity of the Civil Service system that prompted the legislation in the first place.

The federal bureaucracy has grown steadily since the Hatch Act was passed in 1939, and there are now some 3 million civilian federal employees. There are over 357,000 federal employees in the Washington metropolitan area alone.

Government employee unions and some civil liberty groups support the overhaul of the Hatch Act on the grounds that federal employees should have the same rights as other citizens. But the Reagan administration, business interests and Common Cause, the citizens lobby, joined in warning against the threat of politicizing the Civil Service.

Rep. Frank Wolf, R-Va., who led the opposition in the House, deployed the hasty passage of the bill, saying: "We will be investigating political corruption for years to come."

Under the proposed changes, the chairman of the Federal Election Commission could keep his job while running for office himself. Of this, Rep. Bill Frenzel, R-Minn., said: "This is madness, to have the people who regulate the game being full-scale players in the game."

The House measure does not repeal the Hatch Act completely. It would still prohibit political activity on the job and seek to prevent political coercion by superiors. Nevertheless, it would be likely to open the door to such politicization.

While after nearly half a century, some revision of the act might be warranted, there is no reason for the wholesale changes now approved by the House.

A similar measure was approved by both Houses in 1976 but was vetoed by President Gerald Ford. Two years later, the House passed another bill, but it died in the Senate.

The big 305-112 House majority for the latest measure would be sufficient to override a veto by President Reagan. Thus, the responsibility will lie with the Senate, when it examines the issues early next year, to soften the worst features of the House measure or reject it altogether.

[From the Portland Evening Express, Nov. 21, 1987]

POLITICS—DANGEROUS CHANGE

It's a rare day when the Reagan administration, business interests and Common Cause find themselves political allies. But all three have been united against attempts to rewrite the *Hatch Act*, the law which isolates federal employees from partisan politics.

Unfortunately, the coalition proved unsuccessful earlier this week when the House of Representatives voted overwhelmingly to repeal Hatch Act provisions. The measure, which was rushed through the House under parliamentary rules that limited debate and allowed no amendments, is a dangerous departure from a law which has served to protect federal employees from political exploitation for nearly a half century.

If the change in the law is actually made—it still faces Senate action and a possible presidential veto—the government's 3 million classified employees will be free to run for partisan political office, manage election campaigns, serve as volunteer workers for candidates and solicit political contributions.

The Hatch Act was passed back in the 1930s to rescue the Civil Service System from rampant political corruption. Under its provisions, federal workers were relieved of pressure to raise campaign contributions or otherwise work for the election of particular candidates as a condition of retaining their government jobs.

There's absolutely no reason to believe the same abuses won't result if the Hatch Act is repealed. Indeed, the chief opponent of repeal in the House, Rep. Frank R. Wolf, R-Va., may have been close to the truth when he predicted last week that "we will be investigating political corruption for years to come" if the measure passes.

Let's hope the Senate shows more sense than the House and kills this dangerous and regressive proposal.

[From the Washington Times, Nov. 10, 1987]

PRESERVE THE HATCH ACT

The White House, through now typical inactivity, soon could lose an important fight over legislation to abolish key Hatch Act provisos which protect federal employees from being coerced into unwelcome political activities. Backed by a veto-proof 292 members, including such heavyweight Democrats as House Post Office and Civil Service Committee Chairman William Ford and Republicans like House Minority Leader Bob Michel, the bill in question (HR 3400) zipped through the Post Office and Civil Service Committee last month by a 22-0 vote, and could reach the House floor any day.

The bill would allow roughly 3 million executive branch employees to engage in political activities—which would include managing political campaigns, running for elective office and campaign fund-raising. (Although the bill wouldn't change the status of District government employees, who are currently "Hatched," Walter Fauntroy, congressional delegate from the District of Columbia, has introduced a companion measure which would lift restrictions on their political activities.) Reforming the law is necessary, Rep. William Clay of Missouri argues, because "the Hatch Act is an infringement on the constitutional right of freedom of speech."

This libertarian line has a lot of appeal with some House Republicans, who've been using it to hammer the Reagan administration into a dubious "compromise" on the issue. The administration has thus far refused, and rightly so, because Hatch Act critics are touting a very myopic form of libertarianism. For one thing, while it's true that the Hatch Act prohibits federal employees from engaging in some kinds of political activities, those kinds of political activities threaten to violate the separation of powers that makes our system of government distinctive. Furthermore, the present "ban" is quite permissive.

According to a Merit Systems Protection Board publication entitled "Political Activity and the Federal Employee," workers may "assist in voter registration drives, participate . . . in campaigns where none of the

candidates represent a political party, may contribute money to political organizations or attend political fundraising functions." They may also "attend political rallies and meetings, join political clubs or parties" and "campaign for or against referendum questions, constitutional amendments, municipal ordinances." But there are even more compelling philosophical reasons to favor a strong Hatch Act.

"Although its opponents argue that the act restricts the political freedom of federal employees, they fail to recognize the important First Amendment values supporting restraints on the partisan activities of such employees." Washington attorney John Bolton wrote in "The Hatch Act: A Civil Libertarian Defense," a superb 1976 monograph that remains every bit as valid today. Government workers, Mr. Bolton noted, "have a right to be free from political coercion—particularly from any systematic solicitation by either their superiors or their coworkers. Since the power to coerce derives in substantial a mount from power vested in government, the Hatch Act is, in effect, a case of the government restraining itself." In fact, he continued, "it is clear that some government regulation to protect its own employees from political association enforced against their will is . . . not only consistent with the First Amendment, but virtually required by it."

This is not to argue that the Hatch Act has been thoughtfully applied in all instances, or that any and all curbs on federal employee free speech are valid. Our point is that the debate has been distorted by a narrow view of the law that doesn't take account of the ways in which it enhances individual freedom—something largely ignored by members of both parties eager to enlist the federal bureaucracy's help in advancing their own partisan political goals.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio, Mr. GLENN, is recognized.

Mr. GLENN. Mr. President, I know we are getting down to about an hour and a half when the final vote on the bill will occur. I think before we get a few more people on the floor toward the end of this debate period, I will make my remarks at the present time.

Mr. President, rarely have I heard so many false intentions and provisions attributed to a particular piece of legislation. My distinguished colleague from Delaware spoke on the floor this morning and said that this legislation would accomplish a fundamental change in the Federal Government itself.

Mr. President, it just does not do that. We have to extrapolate all sorts of things not provided in this legislation to make that kind of a claim. The question was whether you are going to be for or against the American people. The bill would "exhort and encourage civil servants to work against the interests of the public at large," to quote his words.

It would create a new, powerful special interest to oppose the common good. Where on Earth in the bill that is provided I do not know, or how it can even be implied in any way that there are loopholes like that in the bill, or that we deliberately set out to provide that in the bill. That just flat is not true.

He commented about Thomas Jefferson and how Thomas Jefferson would be surprised at this and the spirit of the Constitution. I would also say I think Thomas Jefferson would express great concern about restrictions on the American people, including governmental employees, and that their freedoms not be restricted unless it was necessary in some way for the overall good of the Nation.

That is basically what this bill addresses.

He said this morning that employees would be pressured into political activity. We clarified that in this bill. I tell you, they are not going to be on the job because we prohibit that. Even things permitted now on the job are no longer permitted when S. 135 passes and becomes law, and I hope it does.

So it does not open up any of these avenues of difficulty. I say once again what I said on the floor yesterday, never have I seen so many strawmen set up to be knocked down when there was no reason for setting them up to begin with.

The Hatch Act reform amendments—I say this: If we were renaming this bill and starting over again, I would not say "reform," I would say "improvement" amendments because that is what it intends to do. That is what it does.

It would amend the 1939 statute that prohibits most Federal civilian and postal employees from being politically active.

We proposed changes with S. 135 that would allow these civil servants to participate voluntarily as private citizens in the Nation's political process. I think it is a very modest proposal.

One thing I think we finally have straightened out with the debate on the floor here over the last 2 weeks is what this bill is not. It is not the House of Representatives bill. It is not the bill that came over here from the House that said, yes, you could solicit contributions from the general public if you are a government employee, whether a member of an organization or not. We do not change that. We say exactly the opposite in this bill. We say you specifically cannot do that, anywhere, certainly not on the job, and we prohibit that off the job, also.

The House bill also does another thing. It says, yes, you can run for partisan political office if you are a government employee. We think there are some advantages that employee would have that do not make that a good idea. So we keep the prohibition against running for political office—not just a political organization now, but for public elective office. The House permits that. So we have straightened that out as to what this bill is and what it is not.

It is a modest proposal developed by the Governmental Affairs Committee members on a bipartisan basis that would eliminate many of the complicated and restrictive regulations that presently govern the political activities of Federal civilian and postal employees.

I have stated this before on the floor here, but I will state it one more time. As a result of our 2 days of hearings in February 1988 and July 1989, we found that much of the testimony focused on the fact that, under current law, some of the hangover things that come from old Civil Service rules and interpretations, when the Hatch Act was first passed in 1939, I do not know the total right now, but there were some 3,000 interpretations. They have not been cleared up, because many of them are still on the books. In this debate, it has been pointed out by the other side of the aisle that we are down to whatever it is, 13 or 29 total interpretations now. Those myriad other interpretations still leave people unsure about what they can do and what they cannot do. My colleague pointed out yesterday that they have even had to establish a hotline for Government employees to call in so they can say, "If I want to hold a poster, am I wrong? If I want to put up a yard sign, is that right or wrong? And how much can I contribute, and can I stuff envelopes, and can I do these things?" The law is so unclear, and so many different interpretations have been made through the years that people do not know for the life of them what they can do and what they cannot do.

Does having a law like that on the books and refusing to clarify it, which is all S. 135 does, seem sensible? Well, I am not one that wants to repeal the Hatch Act. Far from it. What I want to do, and what we do with S. 135 is we try to improve it, make it workable; we try and clarify what can be done where, so we will not need all these hotlines for people to call in to Washington to find out if they are going to break the law or not if they put up a yard sign or whatever.

Let me say this: When we first started considering the Hatch Act, I was not really a ball of fire for reconsidering the Hatch Act. I was not all that sure that it was needed. The Hatch Act has worked well since it was put into effect in 1939, and did we really honestly need to change this? Well, after we had our hearings, I became a major advocate for these improvement changes—and I repeat, improvement changes, not repeal, but these are improvement changes—because we heard so many ludicrous examples of what can be done and what cannot be done, that it just did not make sense.

If you are "Hatched," you are a Government employee now, you can give a $1,000 check to a candidate of your choice, but you cannot stuff envelopes for that same person; you cannot put letters together that are going to be mailed out in a campaign; you cannot donate any of your time at all in that situation. Is that right? I do not think it is.

Why should we restrict somebody in a situation like that? If you wanted to, you could take that $1,000 and instead, since you cannot stuff envelopes, you could use some of that money to get a professional company to come stuff the envelopes for you, but you could not do it yourself. Do restrictions like that really make that such sense? I do not think so. Yet, that is the current law.

For instance, you can go to a political rally, but you cannot participate in it. That has been interpreted to mean that if I go to a political rally, and I am a Government employee, I cannot hold a sign at that rally. I can attend, I can be there, but I cannot participate. I can hold a sign. If someone asks me to hold their sign while I go out to feed the parking meter, and I hold that, then somebody can claim I am in violation. That has been interpreted now. That is the way the Hatch Act is interpreted right now.

These are not fictitious ideas, but that same poster that I might hold that is illegal for me to hold at the rally, I can plaster them all over my automobile, drive all over town, and I can put up these signs on my front yard at home and it is all legal. How many Federal employees do you think have all these little niceties firmly in mind so they know they are not going to be in violation of the law?

I am not making these up. These are interpretations that are there right now. That is why people have to use a hotline to call in and find out what can I do and what can I not do? Can I wave a sign? No, you cannot. Can I have one in my yard? Yes. What size? There is even a size hooked up with that.

If Hatched, you can express your opinion about a candidate publicly. What is publicly? If I have one person in front of me, is that publicly, or is that just a conversation? How many people does it take when I am just speaking publicly? The interpretation says you cannot make a speech or campaign for or against a candidate. When does this become a speech? When I have two or three or six or seven people out in front of me? I do not know. All this does is try to clarify that.

This became a very serious issue in the State of Washington, and we addressed this several times. During the last election navy shipyard workers were notified they were not permitted to go to the Presidential caucuses in their State. It is a caucus State; you have to be there to vote. You cannot send it in. You have to be there in a caucus State, be present. Because of the Hatch Act, the workers were informed they could not go. That was a wrong interpretation. They were wrongly advised, and that is how confusing the whole act is.

Another one. This was corrected about a year ago, but it indicates what people have been living with through these years. You can write five letters to one newspaper or one letter to five newspapers. If you happen to write six letters to one newspaper, you are in violation, and you can be punished for that. Does that make any sense? I do not think it does. I do not see the problem in letting something like that happen. We can go on with examples.

What we did with this is say we are going to improve it, try to improve it; we are going to try and make it workable. How do you do that? Not by going through all those 3,000 interpretations and taking them up one at a time, because probably somebody at some agency someplace is probably writing those interpretations faster than we can pass legislation here against the individual ones. So we take it on a different way. We spell out very clearly what you can do in the workplace and what you can do or not do off the job.

One of the interpretations I left out here a moment ago was, if you are a Government worker right now, you can wear a campaign button to work. My good friend, the distinguished Senator from Wyoming, a couple of days ago here on the floor brought up the example. He said, how would you like to be a Republican, and you are coming up before the IRS agent for an audit and you sit down across the table, and that agent has a great big Dukakis button on? Good question. We can reverse the characters on that and make it a Democrat and Republican or whichever way you want to make it.

Would you want to see that? No. That is permitted right now. Well, in this S. 135, to help clarify this, we say there can be no political indication, there can be no political activity on the job; none, period; no solicitation, no public statement, no nothing on the job of a political nature. And that includes wearing a button. You cannot intimidate anybody with a button. So we correct that. In other words, we tighten up in the workplace on what can be done and what cannot be done. We make the Hatch Act stronger. We take away all this misconception, all the misconception, all these misinterpretations that have been put on the books through the years.

Following along with the wishes of the Founding Fathers that we preserve as much freedom as we possibly can unless it is necessary to restrict it, we say that off the job, there should be some restrictions, but otherwise we will let the process open itself up and let people participate.

What do we say off the job cannot be done? Off the job we say you cannot raise any money, you cannot go out as a Government employee and solicit the public in any way, shape, or form for money. The House bill permits that. We do not, in S. 135. We also say that off the job Government employees cannot run for partisan political office, elective office, cannot do that. Those are two big restrictions. Those are two major differences between S. 135 and the House bill.

We are following the principle that we do not want to violate the rights of our people. We do not want to unnecessarily restrict their political activities unless it is necessary. We feel that those prohibitions we put in are still necessary.

In other words, we shall only restrict to the extent necessary to prevent more profound violations from occurring. What is the history, what led to the Hatch Act to begin with? As was pointed out several times here on the floor, there were some very real and serious concerns about what was going on in civil service back in those days, in the midthirties.

When it was passed, the development of a professional civil service was being undermined by patronage appointments. More than 60 new Federal agencies had been created by the end of 1934. Only five of those agencies had been placed under the jurisdiction and under the protections of the Civil Service Commission.

Were the majority of these agencies being staffed on the basis of political patronage rather than merit competition? I do not think there is any doubt about that. I think that is exactly what was going on, and that is what led to the Hatch Act. That rapid growth of patronage jobs, more than 300,000 patronage positions, created congressional concern that some civil servants might be working for a partisan rather than national interest. I do not have the least doubt they were doing exactly that.

In 1939, a special Senate investigation disclosed that political appointees in WPA—the Works Progress Administration—had coerced relief workers into making political contributions in return for their jobs. It was blatant, outstanding, and ought to be prohibited, and it was with the Hatch Act.

The Hatch Act was very quickly passed without much consideration, and it had to be corrected later with some additional action. But it passed so fast, as a matter of fact, that it included the President, Vice President, and Members of Congress who were "Hatched" and could not campaign for

their own reelection. So that had to be corrected.

In passing the Hatch Act, the Congress attempted to guard the civil service from undue political influence by prohibiting Federal workers from engaging in partisan political activities altogether.

Now, 50 years later, we have a dramatically different situation. We have an established professional civil service, hired on a competitive, merit basis. We have a system of checks and balances to guard against political abuses.

I believe a compelling case has been made for revamping restrictions on the political liberty of today's work force. But I am certainly acutely aware of public concern that too dramatic a change in the Hatch Act might serve to repoliticize the civil service and expose workers to coercion. I am concerned about that. I do not want that to happen at all.

So what we face in proposing reform of the Hatch Act, improvement of the Hatch Act, is a balancing act. We must balance the need to protect the integrity of the civil service with our duty to protect the constitutional rights of all citizens to participate in the Nation's political processes to the greatest permissible extent.

As I have said, under the bill, "Hatched" employees would enjoy more freedoms after hours by being allowed to work voluntarily—underline that word, voluntarily—as private citizens for the candidates and the causes of their choice.

They could carry a poster to political rallies, stuff envelopes, or participate in sending out campaign material off the job. They could not do any of that on the job. And all of it is voluntarily. They could not be forced or coerced into doing that for anybody.

With the amendment that was made to S. 135 a couple days ago here, we increase the penalties with the Robb amendment, increase the penalties for violations to up to 3 years in jail and a $5,000 fine.

The restrictions that would remain I have already talked about as to what could be done on the job, which is nothing, and for off the job.

Mr. President, there have been accusations that our intention to prevent abuses could be ineffective in achieving that goal, as a practical matter, because of the difficulties inherent in proving the most blatant abuses.

Where did it come from? It came from the Department of Justice. The Department of Justice was concerned that provisions of S. 135 intended to prevent abuse will be ineffective in achieving that goal as a practical matter because of the difficulties inherent in proving even the most blatant abuses.

That is a little astounding coming from the Department of Justice, to me, because what they are saying, in effect, is if it is difficult to prove a violation of the law, we should take the law of the books. That is not the way I view this. I think it is incredible that officials at the Department of Justice, having the primary responsibility for upholding the laws of our country, would maintain that criminal statutes are ineffective because of difficulties in proving the charges.

I am sure Justice would not advocate repealing statutes involved in cases just because it is difficult to prove that case.

Mr. President, I urge my colleagues to give Federal workers the right to participate more fully in the political process. S. 135 does not open this up. It does not open the floodgates of political activity for Federal workers. Quite the opposite, it tightens them up and makes them understandable on the job. You will not have to have a hotline to call Washington anymore to find out what you can and cannot do.

Off the job, we still keep those two very tight restrictions on no fundraising, none whatsoever, not in the public, none. We also say you cannot run for partisan political office where you might use some inside Government information improperly.

So, Mr. President, that is basically the case for S. 135. I have been amazed, as I said starting out, that this was one of the things tossed up against S. 135. It does not do anything except improve the Hatch Act, make it administratively more usable, more effective. I think it will enhance the public trust in our federal system because the public itself will know what is legal and illegal, if they are concerned about it at all, or Government employees.

As to the list of organizations that support or oppose this bill, we have a long list on both sides of the aisle. But this bill was designed, it was intended to be a clarification of the present Hatch Act and of its restrictions, and that was all it was supposed to be.

Mr. President, I urge my colleagues to support the bill.

Mr. President, might we clarify the parliamentary situation here? The pending business is the Domenici amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GLENN. That became the pending business by unanimous consent to set aside the Dole amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GLENN. The order in which we would take these up, if the current situation prevails and no changes were asked for, would be to consider the Domenici amendment first and then the Dole amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Connecticut [Mr. LIEBERMAN] is recognized.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment proposed by my distinguished colleague from New Mexico [Mr. DOMENICI] and to say with all respect that I think it chases dragons that are not there, and it unfairly deprives the employees of the 12 enumerated agencies of the Federal Government of even the lessened amount of political rights that they would be given under this bill, S. 135.

Mr. President, I said earlier when I spoke on this bill, and I want to repeat it briefly, I believe there is a basic principle of American constitutional jurisprudence, and I hope of American congressional action, when it comes to constitutional rights. We are dealing with a fundamental right. What is more fundamental to what it means to be an American than to be involved in the political system and to have the right to express our political views, not just by voting but by being more actively involved? That is at the heart of the first amendment.

It seems to me it should be a basic principle of law and jurisprudence and lawmaking that, if we are going to limit anyone's political rights, to put it in lay language, we ought to have a real good case for doing so. To put it in legal language, we ought to really put the burden of proof on anyone who would limit the political freedom of any of our fellow Americans.

In other words, they ought to be able to make a case based on evidence that there is a danger here that is so serious that it warrants the deprivation of full political freedom for any American citizen.

In my opinion, the Hatch Act is a great overreaching. It limits political freedom so severely, even though the acts that we are worried about, any of the threats to public integrity or independence of people who work for the Federal Government, are limited by particular statutes. But that is not what we are here to debate.

The bill before us makes some modest reforms in the Hatch Act. It still leaves the great mass of Federal employees as second-class citizens. Let us make no mistake about it, S. 135, if it should pass as it is before the Senate today, would moderately expand, as the chairman has so eloquently and clearly said, the political rights of public employees, Federal Government employees. But it still limits those rights. They still have lesser rights than you and I and the rest of us who are privileged to be American citizens. They remain American citizens.

This amendment, offered by the Senator from New Mexico, makes the employees of the enumerated 12 agencies not just second-class citizens, it

makes them third-class citizens. It gives them even less political freedom than the rest of their fellow Federal employees.

I say it does so without a case being made that that limitation on political freedom is at all warranted. In my opinion, the basis of this amendment deals with perceptions; the fear there would be a perception, if an employee of the FBI or the CIA were involved in political activities, limited involvement in political activities as allowed in S. 135, then someone might think there was a problem.

I do not think it is consistent with the best principles of our Government that, based on perception alone, we should limit the rights of our fellow citizens.

Senator DOMENICI and his cosponsors have dealt here with some agencies of Government that are involved in security. They are sensitive agencies. Frankly, the only agency that I think probably should be treated somewhat differently is the Federal Election Commission, the FEC, because its job is to regulate elections and is to pursue integrity in elections. It is probably going to be difficult for any employee of the FEC to be involved in political activity and maintain absolute dispassion and the full appearance of dispassion in the functioning of his office. But the truth is, and this, in fact, is a model for what can happen in other agencies, the FEC itself has issued regulations that dramatically limit what its employees can do in the way of political activity, just for the reason I have stated.

In every other case, of the agencies listed here, there seems to be no rational justification for limiting their rights.

Why should an agent of the FBI, who serves in New Haven, CT, and perhaps lives in New Haven or one of the suburbs of New Haven, not have the right to be involved in a local political committee? Why should he be deprived of that right? And, frankly, why should the political life of the communities in the greater New Haven area be deprived of the involvement and contribution of somebody who has a lot to give?

Mr. President, every real act that they worry about, that motivates the concern and perception that leads to this amendment, is already prohibited under law. The fact is, even if Senate bill 135 passes, most of the horribles that have been described in support of this amendment are specially prohibited still under S. 135.

There are laws, civil and criminal, that are in place now to deal with all of the concerns expressed about coercion and misuse of confidential information.

Let me cite, for example, the Internal Revenue Service. This was one of the examples given by one of the proponents of the bill. "Would it not be horrible if, under S. 135, if it passed, an auditor for the IRS could call up somebody he was auditing and ask them to make a political contribution or ask them to come to a political meeting?" Mr. President, that is illegal, unacceptable now, and would continue to be if S. 135 were passed. In that sense, this amendment again is absolutely unnecessary.

I want to go through this in some detail. I want to do it with regard to the employees of the Internal Revenue Service.

What about misuse of official influence or authority, which is one of the fears that has been expressed in support of this amendment? The reality is that section 7323 of S. 135, which is before us, prohibits an employee specifically from using his or her official influence or authority for political purposes. So the call that was described by a IRS employee to a citizens is illegal. It is not only prohibited under the bill, it is prohibited under the United States Code, 18 U.S.C. 594, 595, 600, 601, and 606, that provides not civil but criminal penalties for the specific situation described, I believe either by the Senator from New York or the Senator from New Mexico.

Let us go beyond that. The Internal Revenue Service has a series of statutory provisions that relate just to it: 26 U.S.C. 7214 says that the use of an Internal Revenue Service position to "directly or indirectly extort or willfully oppress, or help a taxpayer defraud the Government, or receive anything of value for the compromise, adjustment, or settlement of a charge"—any of those activities will subject that employee of the IRS to dismissal—losing his job—fine of up to $10,000 and/or imprisonment of not more than 5 years. So any misuse of official influence or authority by an IRS employee is going to be severely punished under the law, and this amendment is not necessary.

Second, conflicts of interest. All Federal employees—again under 7323 of S. 135—would be prohibited from soliciting a political contribution from anyone other than a member of the same Federal employee organization. So no employee of the IRS or any of the other agencies cited in this amendment under S. 135 could legally ask for a contribution or anything else of value from anyone other than a fellow employee. And even then this goes back to one of the other horribles that were cited by one of the proponents of this amendment.

The situation was conjured up where the agency employee's boss calls the employee on a Saturday night and asks him either to make a contribution or go to a political event with the boss. And then the following Monday that boss does a performance evaluation and personnel report on that employee. Would not one influence the other? It would if it was legal. But for a boss to call an employee of any of the agencies of the Federal Government under S. 135 is illegal. It is unacceptable. The only person that a Federal employee can solicit for a contribution under this bill is another Federal employee in his own agency and one who is not subordinate to him, one he does not supervise. There are other criminal penalties.

Returning to the Internal Revenue Service, the IRS has rules of conduct, and one specifically, rule 0.735-30 that says an employee must avoid any action, whether or not specifically prohibited, which might result in or create the appearance of: Using public office for private gain; giving preferential treatment to any person; losing complete independence or impartiality; or affecting adversely the confidence of the public and the integrity of the Government.

What is the response to that if an employee of the IRS should indulge in any of those actions, many of which are broader than the ones suggested by the Senator from New York? That employee may be discharged from his job for violating those rules.

Finally, a third category of abuse that is worried about by those who would take these sensitive Federal agencies and subject their employees to this lower level of political freedom is misuse of confidential information, presumably for political purposes. That is prohibited, punished by criminal and civil penalty under 18 U.S.C. 1905, 2071, and 5 U.S.C. 552a. Specifically, again regarding the Internal Revenue Service, 26 U.S.C. 6103 specifically prohibits the disclosure of tax return information, and penalties include discharge from employment, loss of job and private right of action by the aggrieved person against the employee.

So all of the concerns that are expressed in support of this amendment are already taken care of in existing law. I ask again, is it fair to deprive employees of the FBI, the CIA, the IRS, the Defense Intelligence Agency, the Customs Service and all the others listed in the amendment, of the opportunity to participate in the political system as we do, or at least some measure of the freedom that we have, just because we worry that it might look bad in some circumstance when every specific action that would be bad is prohibited by law.

Perception is not enough to justify the limitation of freedom in America. We have 41 States that have liberalized their little Hatch Acts, their baby Hatch Acts in the last several years. No evidence has been forthcoming that employees who work at the State level in sensitive positions, comparable at the State level to the agencies enu-

merated in this amendment offered by the Senator from New Mexico, have in any way abused their authority or have been guilty of conflicts of interest, or politicizing their sacred public office.

I am talking about State tax auditors. Their responsibilities are similar to employees of the Federal Internal Revenue Service. No one can cite me a case—I have not heard it; I have not seen it; I did not hear it cited by the attorneys general of several States where these laws have been liberalized, who reported to the House committee a couple years ago that there is no indication of any abuse of authority by those State tax department authorities.

The same is true for those who work in State law enforcement who can now more fully participate in State political activities. There was no evidence submitted that they have abused their authority as a result of a small measure of additional political freedom that they have been given.

So, again, without evidence, can we fairly deprive our fellow citizens, who happen to work for these 12 valued Federal agencies, of the full measure of their political freedoms?

Mr. President, let me cite a final inequity in this amendment. This amendment does not distinguish between categories of employees of the enumerated 12 agencies. Obviously, I have said that I am opposed to granting third-class American citizenship to people who happen to work for any of these agencies. I presume that those who put the amendment forward are worried about employees of the agencies who have sensitive responsibilities for the CIA, for the FBI and the IRS. But, what about employees of those agencies who do not have sensitive responsibilities? What about the cafeteria workers at the CIA or the custodians or the messengers at the FBI, our filekeepers at the IRS, or secretaries, or receptionists? Why should they be deprived of full political freedom when people in comparable positions—custodians, janitors, cafeteria workers, et cetera—working throughout other agencies of the Federal Government do not have those limitations on their political freedom? It is an inequity piled on an inequity.

While I know there may be Members of the Senate who are concerned about the employees of these agencies and this problem of perception, I really ask everyone to look at the reality. No case has been made. This amendment is propounded based on worries about perception, and in America it is just not fair to deprive people of the full measure of their political freedom on the basis of perception. We need to have a case in fact, and it needs to be a compelling case, not just a casual case.

Respectfully, no one has offered such a case in support of this amendment. That is why I hope Members of the Senate will defeat this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. KERREY). The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry. What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the Domenici amendment.

Mr. DOMENICI. I say to the distinguished manager that I am prepared to vote on my amendment.

Mr. GLENN. At the appropriate time, I will move to table. I do not want to cut off debate.

Mr. DOMENICI. Mr. President, I do not want to make any extensive remarks. I just want to make sure everyone knows what my amendment does and why I offered it. Five Senators are cosponsoring this amendment from our side, all of whom have been supportive of this reform measure. I think it evidences some basic concern. Beyond that, what do the five cosponsors mean? I do not know. But I think this bill, for those who worked so hard and want to get it passed, it seems to me there are two things that we could do that could leave a very good reform package and create some significant additional support. I do not know that; I do not pledge that. They are very simple.

There are certain agencies of the Federal Government—and there is nothing technical about it. They just look, sound, smell and act like they do not need any additional partisan participation privileges. They probably do not want them and clearly there are some negatives to including them in S. 135. They are simply: The Department of Justice, Central Intelligence Agency, the IRS, the Federal Elections Commission, National Security Council, National Security Agents/Central Security Service, the Merit Systems Protection Board, which enforces the Hatch Act, and the Office of the Special Counsel, which is the lawyer, Secret Service, Defense Intelligence, Customs, and the Bureau of Alcohol, Tobacco and Firearms. I think they have a certain quality about them and it would be better to leave them where they are and not enhance or increase significantly their partisan participation. That is one.

The other has to do with the solicitation of funds from Federal employees. Without attempting to be specific, all this Domenici amendment says is, keep whatever is in the law today on solicitation, it is predominantly voluntary. We ought to leave it alone. There ought not be any increased opportunity to solicit. Whatever increased solicitation is provided in this bill, it permits direct solicitation of Federal employees, albeit under what is alleged to be restrictive situations.

I do not believe the Federal employees are clamoring to be solicited for contributions. I do not think they need it; I do not think they want it. I do not think we can dream up all of the negative scenarios that are apt to occur under direct solicitation.

So it is very simple: Take some agencies out of this new broadened partisan participation activity.

I listed them. Leave the solicitation provisions of the law as they are, which basically do not change the right to give but change the right to solicit or to be solicited. I think that is better law. I think it is fair and I think with the other reforms it makes for a much better bill. It might even be more acceptable from the standpoint of ultimately becoming law.

Having said that, I have been one who has supported the measure before us. I think the time is probably right to broaden partisan participation and political participation of our Federal employees.

I believe these two amendments are good ones. They leave the new partisan participation series of rights relatively intact. Plain and simple. Some very specific agencies that we can almost all just in reading their names sense should not be involved in further and broader partisan activities and then, second, do not make it easier to solicit money from Federal employees for campaigns. Leave it like it is.

Whatever the examples that have been given, perhaps some would say that the examples given this morning are not exactly right, but if I had enough time I could dream up one that would be just as applicable, that would be just as offensive as the ones that were given this morning. Only the minds of man, the attitudes of men and women are going to control this. And one can figure out how to use the notion that some give and some do not—the real and the perception.

I just believe voluntary contributions are much better than giving anyone the right to solicit from Federal employees. that is the essence of the amendment, and when the time comes I would like to have a vote on it so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN. Mr. President, I thought perhaps we could work out some compromise language on this. That has proven not to be the case.

As I understand it, the main concern of my distinguished colleague from New Mexico has been that we do not want employees soliciting employees in any shape or form anywhere. This

amendment would extend to the members of a political action committee within a union, who could not even ask anyone within their same organization for a contribution. This does not involve outside. It does not involve going to the public. That is still prohibited. This would still be within the union.

Basically, we addressed that problem when we had the vote on the employee-to-employee solicitation. We defeated that proposal yesterday.

What this in effect says is that you can have a political action committee but you cannot have anyone within that committee that is raising any money for the committee. You have a PAC without any money in the PAC, theoretically.

We have had much attention on this legislation the last few days, and what we are trying to do, I say once again, is to discontinue to sow confusion and fear among Federal workers as to what their political rights are under the Hatch Act. That is all this legislation does.

The Federal employees do not want to jeopardize their careers by engaging in illegal behavior. I agree with the distinguished Senator from New Mexico. They do not want to feel that they are being dunned. They do not want to feel that they are being pushed. But to say that they cannot even be asked to contribute to a PAC of which they are a voluntary member carries the whole thing too far.

So I rise in opposition to this amendment. Those are the basic points against it. These people do not want illegal behavior. They do not want to have violations brought against them, nor should they have. All we do is try to clarify this.

The distinguished Senator from New Mexico has listed some dozen agencies he would exempt. Those agencies now have people working within them who, under S. 135, could not take part in any political activity on the job. Off the job, we very carefully monitor and prevent activity, anything to do with fundraising or running for political office themselves.

Mr. President, I believe we have already addressed this amendment and this will be basically, as I see it, a vote on the same issue that came up yesterday in a different package.

Mr. President, if there is no further debate, I move to table the amendment by the distinguished Senator from New Mexico.

Mr. ROTH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] and the Senator from California [Mr. WILSON] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. WILSON] would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—58

Adams	Fowler	Mikulski
Baucus	Glenn	Mitchell
Bentsen	Gore	Moynihan
Biden	Graham	Nunn
Bingaman	Harkin	Packwood
Boren	Hatfield	Pell
Bradley	Heflin	Pryor
Breaux	Hollings	Reid
Bryan	Inouye	Riegle
Bumpers	Jeffords	Robb
Burdick	Johnston	Rockefeller
Byrd	Kennedy	Sanford
Conrad	Kerrey	Sarbanes
Cranston	Kerry	Sasser
Daschle	Kohl	Shelby
DeConcini	Lautenberg	Simon
Dixon	Leahy	Stevens
Dodd	Levin	Wirth
Exon	Lieberman	
Ford	Metzenbaum	

NAYS—39

Armstrong	Gorton	McClure
Boschwitz	Gramm	McConnell
Burns	Grassley	Murkowski
Chafee	Hatch	Nickles
Coats	Heinz	Pressler
Cochran	Helms	Roth
Cohen	Humphrey	Rudman
D'Amato	Kassebaum	Simpson
Danforth	Kasten	Specter
Dole	Lott	Symms
Domenici	Lugar	Thurmond
Durenberger	Mack	Wallop
Garn	McCain	Warner

NOT VOTING—2

Bond Wilson

So the motion to lay on the table the amendment (No. 1609) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1596

The PRESIDING OFFICER. The pending question is amendment No. 1596 proposed by the Senator from Kansas, the Republican leader.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] and the Senator from California [Mr. WILSON] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. WILSON] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—97

Adams	Garn	McConnell
Armstrong	Glenn	Metzenbaum
Baucus	Gore	Mikulski
Bentsen	Gorton	Mitchell
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Boren	Grassley	Nickles
Boschwitz	Harkin	Nunn
Bradley	Hatch	Packwood
Breaux	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Heinz	Pryor
Burdick	Helms	Reid
Burns	Hollings	Riegle
Byrd	Humphrey	Robb
Chafee	Inouye	Rockefeller
Coats	Jeffords	Roth
Cochran	Johnston	Rudman
Cohen	Kassebaum	Sanford
Conrad	Kasten	Sarbanes
Cranston	Kennedy	Sasser
D'Amato	Kerrey	Shelby
Danforth	Kerry	Simon
Daschle	Kohl	Simpson
DeConcini	Lautenberg	Specter
Dixon	Leahy	Stevens
Dodd	Levin	Symms
Dole	Lieberman	Thurmond
Domenici	Lott	Wallop
Durenberger	Lugar	Warner
Exon	Mack	Wirth
Ford	McCain	
Fowler	McClure	

NAYS—0

NOT VOTING—2

Bond Wilson

So the amendment (No. 1596) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I believe we have an amendment by the distinguished Senator from Wyoming.

AMENDMENT NO. 1610

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated. The assistant legislative clerk read as follows,

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 1610.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 19, strike out "Federal employee organization" and insert in lieu thereof:

"Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1990 had a multicandidate political committee (as defined under section 315(g)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)).".

On page 4, line 13, strike out all beginning with the word "Federal" through "organization" on line 14 and insert in lieu thereof:

"Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1990 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(a)(4).".

Mr. SIMPSON. Mr. President, the eventual fate of this bill, S. 135, on which we have expended so much effort in these last few days, remains unknown to us. I believe that it will pass the Senate, and that it will shortly be on the President's desk. What happens after that is anyone's guess. There may well be sufficient votes in this body to override a Presidential veto, and then again there may not. So not a one of us knows right now.

Therefore, I believe we have to proceed on that basis—we must assume—both proponents and opponents of this legislation—that it will become law, and do everything we can to make it the best law possible. As I have repeatedly said, I take my colleague from Ohio at his world when he says that there is no intention here to "unlock the floodgates" of politicization of our Federal agencies. I know that the detrimental effects which I fear may result from the passage of this legislation are exactly what he has said he does not want—"everybody dunning everybody else within a particular union or employee organization for money." I should say also that I believe that there are some people out there who want precisely that, however.

In sum, I believe that once this legislation—or any legislation—is passed, many of the good intentions of its sponsors will go right out the window, and that there will always be someone out there bending with a magnifying glass over the bill, looking for loopholes, or imprecise language. Not everyone, but someone. There will always be someone. So I hope that if this bill does pass, we will have tightened up its provisions to the point where it stands the best chance of achieving its stated objectives. Some pretty good bills, and some that seemed exquisitely clear to the legislatures that passed them, have been twisted beyond recognition in their application.

That is the problem at which my amendment is aimed. This language in the bill concerning "Federal employee organizations" concerns me. It is my understanding that the intention here is for members of an employee union to be able to be designated as "solicitors" for the union PAC—and should only be permitted to solicit from other members of the union, and only off-duty at that. I have expressed my concerns about that already. I do not think we should be expanding that type of partisan politicking in the Federal work force. But my amendment accepts that intent and clarifies it by making a technical change to the language so that it will be more consistent with existing law. It would change the term "Federal employee organization" to "Federal employee labor organization, as defined by section 7103(4) of this title"—in this case, title 5 of the United States Code.

I understand that Senator GLENN did not invent that lovely phrase—"Federal employee organization." On Monday we heard that OPM had invented it. However, the OPM has informed me that there is no clear definition in the law for the term "Federal employee organization" which would properly define the scope of this bill. That is what concerns me. We all know around here how the law works. Without such an amendment, a challenge to this law could someday be brought before a judge here in Washington or out in Alaska somewhere. That judge might decide that "Federal employee organization" means something else entirely—that it applies to the entire Federal agency, or the employee credit union, or the office softball team. Sometimes a law has a funny way of taking on a life of its own in this country. To a lot of people, what we intended does not matter—only what they can get away with under the wording of the law matters. I believe that our chances of achieving the intentions of this bill will be maximized if we employ the statutory language of the section of the United States Code which covers labor-management relations. This is the same section of the law which Senator GLENN cited extensively yesterday morning during the debate concerning the amendment of Senator MCCONNELL. If we clarify our intent under section 7323 of this bill, I expect that we will avoid a lot of tomfoolery.

My amendment utilizes the term "Federal labor organization" which is clearly defined under existing law. However, I have found that there are some Federal employee organizations which do not have as their purposes "dealing with an agency concerning grievances and conditions of employment * * *" as defined under 5 U.S.C. 7103(4). These groups, such as the Postal Supervisors and the Federal Managers Association, do however have PAC's. Therefore I am also including in my amendment a grandfather clause which will permit these groups to conduct the type of political activity authorized under this section. This will apply only to such groups that have PAC's in existence at the time of the enactment of these Hatch Act reform amendments. That should cover all of the bases nicely, and still prevent any tentacles of this statute from reaching areas where they are not intended to be.

Mr. President, I stress that my amendment is purely in the nature of a clarification and does not attempt to alter the substance of the bill. I hope that it can be adopted by unanimous consent.

In summary, this amendment utilizes the term "Federal labor organization," which is clearly defined under existing law. I found there are some Federal employee organizations which do not have as their purpose "dealing with an agency concerning grievances and conditions of employment." I have presented this amendment with a grandfather clause which will permit any groups that are not in that to conduct the type of political activity which they do now. This will apply to only such groups that have PAC's in existence at the time of the enactment of these Hatch Act reform amendments.

I have visited with Senator GLENN about this and I think it is acceptable, and with Senator ROTH.

The PRESIDING OFFICER. Senator from Ohio.

Mr. GLENN. Mr. President, I am prepared to accept this. I think Senator SIMPSON has pointed out a good point here. We are glad to accept this. The amendment clarifies what is meant by a Federal employee organization for purposes of determining when a Federal employee may solicit for a multicandidate PAC. I think it is good to clarify that. If there is no further debate, I will be prepared to accept it and to vote.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 1610) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there any further amendments to be proposed? The Senator from Delaware.

AMENDMENT NO. 1611

(Purpose: To provide limitations on the political activities of certain employees of the Internal Revenue Service and for other purposes)

Mr. ROTH. Madam President, I send a technical amendment to the desk which has been seen by the distinguished chairman of the Governmental Affairs Committee and ask for its immediate consideration.

The PRESIDING OFFICER (Ms. MIKULSKI). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 1611.

Mr. ROTH. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 4, strike out "An employee" and insert in lieu thereof "(a) Subject to the provisions of subsection (b), an employee".

Mr. ROTH. Madam President, I said this is a technical amendment. A few minutes ago we agreed to except the employees of the Federal Elections Commission from the general provision of the act. This technical amendment would only be consistent with that decision.

Mr. GLENN. Madam President, that is correct. We understand just the wording changes the introduction of this. That is all that is involved with this. It is a technical amendment. I am happy to accept it so there is no confusion with the bill. We urge the adoption of the amendment, if there is no further debate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1611) was agreed to.

Mr. GLENN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1612

(Purpose: To limit the permissible solicitation for participation in political activities by Federal employees, and for other purposes)

Mr. GLENN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 1612.

Mr. GLENN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 21, strike out the period and insert in lieu thereof a semicolon and "or" and the following:

"(4) knowingly solicit or discourage the participation in any political activity of any person who—

"(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or

"(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of such employee.

Mr. GLENN. Madam President, we want to have an abundance of caution to satisfy those who remain concerned about any perception of what the penalties are; whether there would be coercion, what can be done, whether you can openly engage in political activities.

The language has been spelled out, and I believe we just cannot misunderstand it. We say you cannot knowingly solicit or discourage participation in any political activity of any person who has an application for compensation, for grant, contract, or other types of Federal benefits pending before the employing office of a Federal employee, or be the subject of or participant in an ongoing audit investigation or enforcement action being carried out by the employing office of the Federal employee.

That is very clear. It spells out once again what our intent is in this act: We are going to take tough action, which is provided by other provisions of the bill, if there is any violation of this.

Madam President, if there is further debate on this, that is fine. I believe it is understood on both sides of the aisle. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. Madam President, I just say that there is no objection on my part to this amendment. It is very limited in effect in view of the bill's current provisions. What it specifically provides is that Federal employees, or possibly others who are members of an employee organization, could not, under the circumstances listed within the amendment, be solicited for "political contributions," as that term is defined.

Mr. GLENN. Madam President, that is correct. I agree with my distinguished colleague from Delaware. If there is no further debate, I urge the adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] and the Senator from California [Mr. WILSON] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. WILSON] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—97

Adams	Breaux	Cohen
Armstrong	Bryan	Conrad
Baucus	Bumpers	Cranston
Bentsen	Burdick	D'Amato
Biden	Burns	Danforth
Bingaman	Byrd	Daschle
Boren	Chafee	DeConcini
Boschwitz	Coats	Dixon
Bradley	Cochran	Dodd
Dole	Kassebaum	Pell
Domenici	Kasten	Pressler
Durenberger	Kennedy	Pryor
Exon	Kerrey	Reid
Ford	Kerry	Riegle
Fowler	Kohl	Robb
Garn	Lautenberg	Rockefeller
Glenn	Leahy	Roth
Gore	Levin	Rudman
Gorton	Lieberman	Sanford
Graham	Lott	Sarbanes
Gramm	Lugar	Sasser
Grassley	Mack	Shelby
Harkin	McCain	Simon
Hatch	McClure	Simpson
Hatfield	McConnell	Specter
Heflin	Metzenbaum	Stevens
Heinz	Mikulski	Symms
Helms	Mitchell	Thurmond
Hollings	Moynihan	Wallop
Humphrey	Murkowski	Warner
Inouye	Nickles	Wirth
Jeffords	Nunn	
Johnston	Packwood	

NAYS—0

NOT VOTING—2

Bond Wilson

So the amendment (No. 1612) was agreed to.

Mr. GLENN. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. I wonder if I might have consent to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, many have asked me why I am not offering the other amendments—IRS, FBI, CIA, VA, and others. I think they should be offered. Those employees should not be included in this bill. I can read the vote results.

I think the other side has made up their mind. There are no exceptions. I regret that. But I will not offer the amendments. Hopefully we can sustain the veto, and revisit this later.

Mr. GLENN. Madam President, I will not use 10 seconds. We agreed with the FEC coming out from under one agency of Government—strictly political. The others are covered by the amendment that we just passed here on the unanimous vote. I think it is very strong language.

I ask unanimous consent to have printed in the RECORD letters of support that were not submitted yesterday.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO,
Washington, DC, May 4, 1990.

Hon. JOHN GLENN,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN GLENN: On behalf of the 700,000 Federal employees AFGE represents, I am writing to thank you for your introduction of S. 135, the bill to reform the Hatch Act. The opponents' claims boil down to a fear that the expansion of political

freedoms for federal employees will produce an uncontrollable politicization of the federal service. However well-intentioned they may be, such fears are without foundation. AFGE is confident that S. 135 succeeds in striking a good balance between the demands of promoting and protecting the individual liberties of federal workers, and the important goal of maintaining strict political neutrality in the federal workplace.

The goal of Hatch Act reform is to expand the political freedom of federal employees by permitting them to engage in partisan political activities on their own time. Today, the rights of federal employees are severely restricted by the Hatch Act; its confusing prohibitions altogether. With the enactment of S. 135, federal employees, like all literature, work a phone bank, participate as a delegate in a political caucus, solicit PAC contributions from members of their own federal employee organizations, and hold office within a political party. These activities would be permitted only when they are away from the worksite and during off-duty hours.

The Hatch Act, passed in 1939, is a political anachronism. It was enacted in an era when almost 40 percent of federal employees were exempted from the protections of the civil service rules embodied in the Pendleton Act of 1883. Today, federal employees are protected from the types of political coercion or patronage abuse feared by Hatch Act reform opponents by the merit principles set forth in the Civil Service Reform Act of 1978, the Federal Election Campaign Act, and several relevant civil and criminal statutes. S. 135 in no way affects these laws, which are aimed at protecting federal employment from politically motivated actions. Indeed, AFGE would be the first to oppose any effort to undermine legal protections to federal employees.

It is a compelling irony that as nations of Eastern Europe look to the American ideal as a beacon in their struggle toward political democracy, the freedom of our own federal employees continues to be so severely circumscribed. Hatch Act reform is neither a Democratic nor a Republican issue. It is an issue of political democracy and individual freedom. I therefore urge support of S. 135 by all those committed to freedom and democracy. In addition, I urge your opposition to any weakening amendments.

Sincerely,

JOHN N. STURDIVANT,
National President.

AMERICAN POSTAL WORKERS UNION,
AFL-CIO,
Washington, DC, May 4, 1990.

Hon. JOHN GLENN,
Chairman, Senate Governmental Affairs Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN GLENN: On behalf of the 365,000 members of the American Postal Workers Union representating postal workers in all fifty states, Puerto Rico, Virgin Islands and Guam. I am taking this opportunity to again advise you and your Senate colleagues of our support for approval as soon as possible of the "Hatch Act Reform" legislation S. 135 now pending before the U.S. Senate. We request final passage of this important measure with no amendments other than those agreed to by yourself as Chairman.

More than 3,500 delegates attending national conventions of our Union for at least the past 16 years and representing our 365,000 members in all states and Local Unions, large and small have repeatedly and unanimously voted approval of "Hatch Act Reform" as a Paramount Legislative issue of the American Postal Workers Union.

Enactment of S. 135 is not and should not be considered a partisan issue by Members of the U.S. Congress but rather a bipartisan action to guarantee postal and federal employees their "political civil rights" after 50 years in bondage since the so-called Hatch Act became law in the dark ages of the late 1930's.

In fact, S. 135 is a modest effort to free Government employees to participate freely, in the political life of our Nation without coercion, reprisal or punitive actions. This legislative measure in fact, strengthens statutory protections for postal and federal workers against such arbitrary or capricious activities even more than provided in current Hatch Act law.

S. 135 would permit employees to only participate in limited partisan political activities "off" the clock "off" the workplace and never in uniform or federal dress including the following:

(1) Distribute nominating petitions and partisan literature, and

(2) Participate in voter registration programs within provisions of the Act, and

(3) Place political signs supporting candidates of any size on their cars, homes and their property, and

(4) Solicit political contributions (only) from their membership, and

(5) Equally important, would eliminate more than 3,000 often highly controversial rules and regulations decisions which currently serve as an addendum to the original 1939 Act, most of which cannot be understood or accepted by federal employees or intelligently interpreted or implemented by the administering bureaucracy.

These modest proposed changes in S. 135 certainly cannot be considered radical or in any way compromising the duties and obligations of the postal/federal work force to the detriment of the Government or the citizens of this great Nation.

When I appeared before the Senate Governmental Affairs Committee at its "Hatch Act Reform" hearings last summer I stated:

"The members of the American Postal Workers Union believe that after 50 years of sometimes arbitrary prohibitions against political action and involvement by postal and federal workers in this country, that such employees have proven themselves mature and intelligent enough to have this unconscionable act removed from the books and from the backs of affected employees. Postal workers are ready, willing and able to participate fully in all aspects of American political life.

"The Hatch Act, more than any other piece of legislation touching the lives of postal and federal workers contains numerous restrictive provisions which have no good side and no substantive arguments in their behalf. These unnecessary restrictions are almost universally condemned.

"The Hatch Act constitutes a classic example of legislative overkill. To correct some evils, many of the most fundamental constitutional rights of the American people are being denied postal and federal employees. There is simply no good reason to deny an employee of the postal or federal service the right other citizens have to participate in the political process."

Mister Chairman, it is our hope and prayer that the U.S. Senate will approve S. 135 as expeditiously as possible and the U.S. Congress will approve a final "Hatch Act Reform" measure and that the President will sign the legislation into law. Anything less, after 50 years of laboring for the Government as "Second Class Citizens" would indeed compound the unconscionable denial of "political civil rights" for over 3 million loyal, hard working and productive postal and federal employees of the United States of America.

Sincerely,

MOE BILLER,
President.

NATIONAL ASSOCIATION
OF LETTER CARRIERS,
Washington, DC, May 2, 1990.

Senator JOHN GLENN,
U.S. Senate, Washington, DC.

DEAR SENATOR GLENN: On behalf of the 315,000 members of the National Association of Letter Carriers, I want you to know that we support S. 135, Hatch Act reform. With all the changes in the United States since 1939 and the current irreversable movement toward democracy elsewhere, the time for this bill is now.

Thank you for your leadership on this issue.

Sincerely,

VINCENT R. SOMBROTTO,
President.

THE NATIONAL TREASURY
EMPLOYEES UNION,
Washington, DC, May 7, 1990.

Hon. JOHN GLENN,
Chairman,
Senate Governmental Affairs Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR GLENN: On behalf of the 140,000 federal employees represented by NTEU, I want to express strong support for S. 135, the Hatch Act Reform Bill. Federal employees want and deserve the same right to participate in the political process as other U.S. citizens. S. 135 would go a long way toward providing that opportunity while continuing to protect federal employees from coercion.

We feel S. 135 strikes a good balance by allowing federal employees to participate in many political activities off-duty and off-site, with no political activity on-duty or on site.

The right to participate in the political process is fundamental to our democratic system. Restrictions on that right should only be tolerated to the extent necessary to satisfy compelling interests. We strongly believe that it is time to lift many of the onerous restrictions of the Hatch Act.

Thank you for your leadership on this important issue.

Sincerely,

ROBERT M. TOBIAS,
National President.

NATIONAL FEDERATION
OF FEDERAL EMPLOYEES,
Washington, DC, May 7, 1990.

Hon. JOHN GLENN,
Committee on Governmental Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR GLENN: On behalf of the National Federation of Federal Employees, which represents over 150,000 Federal workers, I deeply appreciate your efforts on behalf of S. 135, Hatch Act reform legislation.

At a time when democracy is advancing throughout the world, we applaud your ef-

forts to revise the Hatch Act, which restores to Federal employees their right to voluntarily participate in the political process. We firmly believe that restrictions imposed by the Hatch Act are no longer needed due to more effective measures that have been enacted by Congress. Measures which adequately protect Federal employees from coercion and intimidation.

Hatch Act reform is of paramount importance to Federal workers across the country and we are particularly encouraged by the May 1, 1990 cloture vote of 70–28 on the motion to proceed to the bill. As the Senate continues consideration of S. 135, please know that you have the full support of the National Federation of Federal Employees in your efforts to effect necessary changes to the Hatch Act. If NFFE can provide any assistance to you in your efforts, please do not hesitate to contact us.

Sincerely,

JAMES M. PEIRCE,
President.

NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES,
Washington, DC, May 7, 1990.

Hon. JOHN GLENN,
Chairman, Senate Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR GLENN: The National Association of Government Employees is an affiliate of the Service Employees International Union, AFL–CIO. We represent approximately 100,000 federal employees nationwide.

For over a decade our members have vigorously supported efforts to reform the Hatch Act and restore first amendment rights to participate in political activity to federal employees. Our union strongly supports S. 135 which clarifies the confusing, contradictory and voluminous restrictions on the political activities of federal employees. Under this legislation federal workers would be accorded the same fundamental freedom as other citizens enjoy and would be permitted to participate in political campaigns on their own time. In this time where democracy stands victorious through the world, it is only fair that these basic freedoms be accorded to federal civil servants.

We applaud you Mr. Chairman for your leadership on this important issue, and urge all members of the Senate to support this bill without amendment.

Sincerely,

KENNETH T. LYONS,
National President.

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS,
Washington, DC, May 4, 1990.

Hon. JOHN GLENN,
U.S. Senate, Washington, DC.

DEAR SENATOR GLENN: On behalf of the 180,000 members of the International Association of Fire Fighters, I wish to inform you of our enthusiastic support for S. 135, legislation to reform the Hatch Act.

The federal Hatch Act is in dire need of reform. Enacted in 1939, it was originally intended to protect employees from improper political pressure from government officials and to ensure the integrity of the federal government. However, over the years it has been improperly used to restrict legitimate political activity during off-duty hours.

S. 135 expands the permissible activities of federal employees by allowing greater participation in partisan campaigns during off-duty hours, but retains the current legal prohibition against running for partisan federal office. The bill also retains the current legal sanctions against intimidation and coercion of federal employees. Finally, the bill prohibits all partisan activity during working hours.

The IAFF remains committed to meaningful Hatch Act reform, and the IAFF strongly supports S. 135 without any weakening amendments.

Sincerely,

ALFRED K. WHITEHEAD,
President.

NATIONAL LEAGUE OF POSTMASTERS OF THE UNITED STATES,
Alexandria, VA, May 7, 1990.

Hon. JOHN GLENN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR GLENN: I want you to know that the Nation's 27,000 Postmasters appreciate your efforts to have S. 135, a bill to amend the Hatch Act, enacted in the 101st Congress.

The League has long held that the 1939 law is both antiquated and fundamentally unconstitutional. It infringes on Postmasters' First Amendment rights of free speech and association.

The League also believes that voluntary political participation by postal and federal employees can only strengthen the political system and add greatly to public debate on crucial National issues.

At a time when Americans are turning away from the polls by the millions, it would seem that the Congress, and the Administration, would want to create stronger desires among the citizenry for political participation.

On behalf of our membership, I again salute and support your efforts.

Sincerely,

RON SWISHER,
President,
National League of Postmasters.

NATIONAL POSTAL MAIL HANDLERS UNION,
Washington, DC, May 7, 1990.

Hon. JOHN GLENN,
U.S. Senate,
Washington, DC.

DEAR SENATOR GLENN: Our union represents over 50,000 Mail Handlers in the United States Postal Service and more than 450,000 federal associate members. I am writing you to again ask for your support of S. 135, a bill to reform the Hatch Act.

Postal and federal workers have been denied their rights as American citizens far too long.

The last 60 years of the Hatch Act's oppression are a contradiction in our democracy.

Our Union appreciates your efforts to join your colleagues in the House and pass this critical legislation.

Fraternally,

GLENN BERRIEN,
National President.

NATIONAL ASSOCIATION OF POSTAL SUPERVISORS,
Washington, DC, May 7, 1990.

Hon. JOHN GLENN,
U.S. Senate,
Washington, DC.

DEAR SENATOR GLENN: This is in reference to the ongoing debate over S. 135, a bill to reform—not repeal the Hatch Act. Speaking on behalf of 43,000 active and 4,000 retired postal supervisors, I want to reiterate our support for this legislation.

This bill is a most reasonable solution to a 40-year old problem—the denial of basic constitutional rights for postal and federal employees. Today 41 states, and many countries behind what we used to call the Iron Curtain, allow broader political freedoms for state and local public employees. Isn't it time we did the same for postal and federal employees?

Thank you for your support of this legislation and keep fighting for the constitutional rights of postal supervisors.

Sincerely yours,

RUBIN HANDELMAN,
President.

FEDERAL MANAGERS ASSOCIATION,
Washington, DC, May 4, 1990.

Hon. JOHN GLENN,
U.S. Senate,
Washington, DC.

DEAR SENATOR GLENN: I am writing to advise you of the full support of the Federal Managers Association for S. 135, Hatch Act Reform Amendments. We commend your efforts to amend the archaic Hatch Act restrictions.

The Federal Managers Association is the largest and oldest professional association of supervisors and managers employed throughout the Federal Government. Our membership of nearly 20,000 members is broad and diverse, ranging from first-line supervisors to career members in the Senior Executive Service. Yet despite this diversity, there is agreement that the time to restore Federal employees' constitutional rights is now.

In a period of growing individual freedom in Eastern Europe, it is ironic that our nation does not allow Federal and postal employees to engage in partisan political activity—away from the workplace.

On behalf of the FMA, I want to thank you and offer our support for S. 135.

Sincerely,

MICHAEL B. STYLES,
National President.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,
Washington, DC, May 7, 1990.

Hon. JOHN GLENN,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the American Federation of State, County and Municipal Employees (AFSCME), which represents more than 1.2 million federal, state and local government and non-profit agency employees across the nation, I want to express our strong support for S. 135 and our hope for enactment of Hatch Act Reform legislation in the 101st Congress.

Our union has a unique perspective on the issue of political restrictions on government employees. Given our large membership and the broad range of governments for whom our members work, we have a great deal of experience in protecting the rights and representing the interests of public employees in jurisdictions that strictly restrict the political activities of their employees and those that allow virtually complete political freedom.

Our experience in these different states leads us to support S. 135. This important legislation would remove most restrictions on political activities of federal employees

while providing them with greater protection against coercion.

In our view, the entire nation is best served by permitting government employees to participate fully in the political process. We come to this conclusion even though we believe one of the major roles of our union is to protect our members from political coercion and to help create an atmosphere in which public employees can perform their jobs in a neutral, non-political and efficient manner.

We are convinced that these goals are best achieved by strong civil service statutes that provide for due process in the disciplining of public employees and strict merit systems for promotion. Equally important are anti-coercion statutes that severely penalize public officials who interfere with the free exercise of the political rights of their employees or use the powers of their office for unfair partisan purpose.

Restricting the political rights of public employees does not prevent political coercion or establish the neutral administration of government. Too often, these political restrictions are selectively enforced and arbitrarily used to harass public employees.

The First Amendment right of expressing one's point of view and organizing with others on behalf of an idea are fundamental to our form of self governance. Without these guarantees, our democracy would be an empty shell. Given the importance of these rights, they should be infringed upon only for compelling reasons, and any such infringement should be narrowly drawn.

In 1939, when only 32 percent of the Federal workforce was under a classified merit system, there may have been a reason to have broadly limited the First Amendment rights of Federal employees. In 1990, with nearly 80 percent of Federal employees covered by a strict merit system, there is simply no reason to continue these restrictions.

We urge the Senate to remove these restrictions and to permit Federal employees to fully enjoy their First Amendment rights and participate to the extent of their choosing in our democratic process. By so doing, they can join in molding the future course of our nation as full citizens.

We urge the Senate to expeditiously approve S. 135.

Sincerely,

JERRY D. KLEPNER,
Director of Legislation.

NATIONAL ASSOCIATION OF POSTMASTERS OF THE UNITED STATES,
Alexandria, VA, May 7, 1990.

Senator JOHN GLENN,
Senate Office Building,
Washington, DC.

DEAR SENATOR GLENN: The National Association of Postmasters of the United States, representing 43,000 active and retired postmasters, urge your continued efforts in passing S. 135, Hatch Act Reform.

We have been following the debate very closely and there are three areas of concern. First, Senator Roth's focus on Letter Carrier contributions. Although we do not have a large PAC, 21% of the PAC distributions of this organization went to Republican candidates. We believe it is unfair for the Senator to focus on a particular organization in trying to make his case.

Secondly, it is our position that this is a First Amendment right. We believe that if the Supreme Court can allow desecration of the American flag, which we bitterly oppose, certainly postal and federal employees should have the right to participate in the political process.

Finally, we do not believe the survey conducted by Congressman Wolf and the Federal Employees Newsletter are a reflection of the views of postal and federal employees. The focal point of these surveys are in Northern Virginia where many of the respondents are former managers and political appointees.

We appreciate your strong support on much needed reform in the political process as it affects postal and federal employees.

Sincerely,

DAVID E. HYDE.

NATIONAL ASSOCIATION OF POSTMASTERS OF THE UNITED STATES,
Alexandria, VA, March 14, 1990.

Senator ALAN SIMPSON,
Senate Office Building,
Washington, DC.

DEAR SENATOR: It was a pleasure having you address our Chapter Officers Conference in February. As always, your remarks were candid and forthright and we of the National Association for Postmasters appreciate your candor and views on the issues.

S. 135, Hatch Act Reform, has been introduced in the Senate and currently has over 60 co-sponsors. We would very much appreciate your support to assure passage of this legislation.

We will be as candid with you as you have always been with us. We see Hatch Act Reform as a First Amendment right. Postmasters, as you may know, are very patriotic and we have disagreed with the Supreme Court decision with regard to "flag burning." It is our position that if the High Court can approve the desecration of our flag, certainly, Postal and Federal employees should be given the freedom of expression. Albeit, in terms of S. 135, those rights would be limited.

In addition, Senator, we further believe that if legislation such as Hatch Act were to be proposed in 1990 in lieu of 1939, such legislation would never be passed in the Congress. We ask respectfully that you consider supporting S. 135.

Sincerely,

TED VALLIERE.

U.S. SENATE,
Washington, DC, April 10, 1990.

TED VALLIERE,
Director of Government Relations, National Association of Postmasters, Alexandria, VA

DEAR TED: I appreciated your nice letter of March 14. You have been thoughtful and candid with me, so now let me share with you some further views with regard to the Hatch Act.

I do not see it as a "First Amendment" right at all. In fact, I think that the First Amendment has been distorted beyond belief. It was put in this Constitution to protect some nut in a basement in Philadelphia who was cranking out seditious literature. It had nothing to do with child pornography cases, or with whether a guy could spend his own money into oblivion to get elected to public office, or with many other "distortions" of it.

But, I hear you, and I will look at the language and try to be constructive in amending the bill. I assure you that if you had seen the abuses in 1939, you would know exactly why the Hatch Act was passed. Those are abuses we do not want to see again. Having the friendly IRS agent walk in your door with a Dukakis button—or a Bush button—on is not my idea of "good government."

Thanks for writing, Ted. I very much enjoyed hearing from you.

With kind regards,

Most sincerely,

ALAN K. SIMPSON,
U.S. Senator.

NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES,
Washington, DC, May 7, 1990.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, Dirksen Senate Building, Washington, DC.

DEAR SENATOR GLENN: On behalf of the half million members of the National Association of Retired Federal Employees (NARFE), let me extend to you both our thanks and support for S. 135, the Hatch Act Reform Amendment of 1990. Just as we now are witnessing political cultural change in central Europe and the Soviet Union, so have we seen the political culture of our own country change over the years. Reform of the Hatch Act is now overdue.

NARFE primarily represents former employees of the government, but also has current workers among its members. On behalf of the entire membership we endorse Hatch Act reform to allow government employees greater participation in our nation's political process.

Sincerely,

H.T. STEVE MORRISSEY,
President.

FEDERALLY EMPLOYED WOMEN,
Washington, DC. May 7, 1990.

Hon. JOHN GLENN,
Chairman, Senate Committee on Governmental Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR GLENN: I want to take this opportunity to commend your efforts to justly provide over three million federal employees with political rights by enacting "The Federal Employees Political Activities Act of 1989" (S. 135).

We believe that the Hatch Act, which for over 50 years has deprived the federal workforce of their Constitutional rights to participate in the political process, is outdated. S. 135 would allow federal employees on their own time to engage in the full range of political activities open to other citizens. FEW is confident that this legislation provides employees with ample protections against coercion and also assures that political activities are not brought into the workplace.

On behalf of over 900,000 women employed by the federal government, I once again applaud your efforts. We have all worked hard advocating changes in this policy and we hope to see those efforts result in the passage of sound Hatch Act reform soon.

Respectfully,

DOROTHY I. SPINKS,
President.

PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO,
Washington, DC, May 7, 1990.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GLENN: The thirty-three unions that make up the Public Employee Department (PED) of the AFL-CIO, representing nearly 4.5 million public employees at every level of government throughout the country, are in full support of S. 135—the Hatch Act Reform Amendments.

The importance of Hatch Act reform to our membership is clearly demonstrated by the fact that each PED convention since the early 1970s has unanimously approved policy resolutions in support of such reform. We, therefore, take this opportunity to thank you for your introduction of S. 135 and for your persistent efforts to move this legislation toward final enactment.

Sincerely,

AL BILIK,
President.
JOHN F. LEYDEN,
Secretary-Treasurer.

PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO,
WASHINGTON, D.C.

The Public Employee Department is composed of 33 AFL-CIO unions representing 4.5 million public sector workers on the federal, state, and local levels. They are:

Amalgamated Transit Union.
American Federation of Government Employees.
American Federation of School Administrators.
American Federation of State, County and Municipal Employees.
American Federation of Teachers.
American Postal Workers Union.
Communications Workers of America.
Graphic Communications International Union.
Hotel Employees & Restaurant Employees International Union.
International Association of Fire Fighters.
International Association of Machinists & Aerospace Workers.
International Brotherhood of Electrical Workers.
International Brotherhood of Firemen & Oilers.
International Brotherhood of Painters & Allied Trades of the U.S. and Canada.
International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.
International Chemical Workers Union.
International Federation of Professional & Technical Engineers.
International Organization of Masters, Mates & Pilots, ILA.
International Plate Printers, Die Stampers & Engravers.
International Union of Operating Engineers.
International Union of Police Associations.
International Union, United Automobile, Aerospace & Agricultural Implement Workers of America.
Laborers' International Union of North America.
National Association of Letter Carriers.
Office & Professional Employees International Union.
Professional Airways Systems Specialists, MEBA/NMU.
Seafarers International Union of North America.
Service Employees International Union.
Sheet Metal Workers International Association.
United Association of Journeymen & Apprentices of the Plumbing & Pipe Fitting Industry of the U.S.
United Brotherhood of Carpenters & Joiners of America.
United Steelworkers of America.
Utility Workers Union of America.

Mr. ADAMS. Madam President, I would like to take this opportunity to congratulate my colleagues on the passage of S. 135, the Hatch Act reform bill. As I previously indicated, I am proud to have been a cosponsor of this historic measure. As a former Federal prosecutor, and a Senator whose constituents have been adversely affected by the current restrictions, I am well aware of the history and controversy involved with the enactment of the Hatch Act and its implementation. The question we had to decide is whether or not the Hatch Act should be reformed. I believe the answer to that question is a most emphatic "yes."

As my colleagues know, the Hatch Act was enacted in 1939 after investigations revealed that political appointees at the Works Progress Administration coerced Federal employees into political contributions in return for jobs. Back then only 32 percent of the Federal work force was under the classified merit system and Federal jobs were being increasingly awarded on a patronage basis. Today, close to 80 percent are covered and protected by that system. Today, both employees and the public are insulated from political influence and coercion by a system based on merit.

Madam President, it is apparent that times have changed and that Federal employees should be given many of the political freedoms currently denied by a hastily enacted and now badly outdated measure.

This body has already heard some of the confusing and illogical rules that currently govern political activities of Federal employees resulting from the Hatch Act and these rules have directly affected the first amendment rights of my constituents. In 1988, Federal employees at the Puget Sound Naval Shipyard were astonished to learn that the Hatch Act prohibited them from addressing the caucus in support of, or in opposition to a particular partisan candidate once the caucus began its deliberations. In other words, the employees are required by law to remain passive observers during one of the most important and purposeful parts of the caucus. As expected, many Federal employees were confused as to exactly what they could or could not do. Such uncertainty breeds frustration and hesitating and reduces involvement even in allowed activities. Indeed, having been warned of the substantial penalties associated with this exercise of free speech, many shipyard workers did not attend their caucuses and many leaders of both parties believe this skewed the outcome of the Presidential caucuses in Washington State. Under the current Hatch Act, Federal employees who chose to speak their minds run the risk of losing their careers.

The bill we adopted addresses the problem I just described. It provides for a Federal employee's full expression during political caucuses, rallies, and running for party office such as delegate or chairman and for other off-time political events. At the same time, it keeps the restrictions prohibiting the solicitation of campaign contributions from the general public, and running for partisan political office. It also increases the range of penalties for coercion and intimidation.

Madam President, at a time when the Iron Curtain is lifting from Eastern Europe resulting in greater political freedoms in that part of the world, it is ironic that an archaic curtain of silence still hangs over American Federal employees, barring them from participating in legitimate and reasonable acts of political expression. Civil service should not carry with it a vow of silence when the subject is politics. Government and postal workers are decent, thoughtful, and patriotic individuals who deserve our respect. Our Federal and Postal employees have put up with this unfair law for over 50 years. It is time to make the reforms necessary to bring these several million citizens back into the mainstream of American life. For these reasons, I look forward to final enactment of this important legislation.

Mr. COHEN. Madam President, last week I expressed the basis for my opposition to the legislation that the Senate is now considering, S. 135, the Hatch Act reform amendments. I want to take this opportunity to reiterate my reasons for opposing passage of S. 135.

My major concern with this legislation is that I believe it is unwise for the Senate to take this step toward politicizing the Federal work force at a time when public confidence in the Federal Government is alarmingly low. Over the past few years, the Pentagon has been rocked by allegations that its officials have engaged in favortism in awarding Government contracts. The public and the Congress are outraged by the revelations of political favoritism and deals that were seemingly rampant throughout the housing and urban development programs during the past administration. The Iran-Contra affair, the savings and loan scandal, and the Wedtech scandal are all still fresh in the minds of the public, leading them to question whether scandal and conflicts of interest have become routine, and just the way the Federal Government does business.

These stories take a great toll on the public's level of confidence in its Government, by signaling to the person in the street that his or her Government's decisions are clouded by conflicts of interest or partisan political goals, and that the system can be manipulated to further the goals of either personal, financial gains, or even political gains.

It seems ironic to me that so soon after the Congress has called for tight-

er ethics laws for all three branches of Government, and almost on the eve of the Senate's debate of campaign finance reforms, we are ready to undermine the Hatch Act, a law that has, for decades, been accepted as a major symbol of Government integrity. Even beyond irony, I believe that it is very dangerous for the Congress to further erode public confidence in the Federal Government by allowing partisan political activities to become widespread within the Federal civil service.

I am not persuaded that the current law enslaves Federal workers and that the legislation before us is necessary to liberate them from their chains. Instead, it is the Hatch Act itself, in its current form, that protects Federal workers from the subtle coercions and the pressures in the workplace to become involved in partisan politics. In short, the Hatch Act gives the Federal workers the right to "just say no" to the subtle pressures of their superiors who may want them to participate in, or support, partisan politics. It is a system that has worked well, and one that should be retained.

I do not agree with those who argue that other provisions of law provide adequate protections for Federal employees from coercion. Other provisions of law do not adequately prevent the many subtle ways that superiors could retaliate against subordinates for participating, or even refusing to participate, in political activity. Promotions, job assignments, and job evaluations can all be used as means of subtle coercion and retaliation. The current Hatch Act was enacted to prevent such subtle pressures, that usually occur well outside the sight of any witness and which is very difficult to prove, but very easy for the Federal employee to feel.

If this legislation is passed by the Senate, I believe that the legislation should, at a minimum, ensure that certain Federal employees working in sensitive positions or agencies in the Government, would continue to be subject to the current, stronger, Hatch Act prohibitions against political activity. During the Government Affairs Committee's consideration of S. 135, I offered an amendment to retain the current Hatch Act restrictions for intelligence agency personnel, which was, unfortunately, rejected by the committee. I hope that before finishing debate on this bill my colleagues will see fit to adopt an amendment to keep intelligence agency employees and employees of other sensitive agencies, such as the IRS and the Department of Justice, subject to the current Hatch Act.

I do believe that there is merit to the claim that the current regulations and opinions issued under the Hatch Act are confusing, and that such confusion may even prevent Federal employees from engaging in political activities that are permissible under the act. The proper response to this argument, however, is to clarify and simplify the guidance that is given to Federal employees on what is acceptable and unacceptable under the existing law, and that is why I supported amendments offered during the course of this debate to make direct such clarifications and improved training on the Hatch Act rules and regulations.

To discard the entire Hatch Act simply because its interpretation and implementation needs to be improved would be a gross overreaction and would, in the long-run, severely harm the public's trust in, and perception of, its Government.

Finally, Madam President, I ask unanimous consent that editorials of newspapers from my State of Maine, namely, the Portland Press Herald, the Evening Express, and the Lewiston Sun-Journal, be printed in the RECORD at this point. These editorials eloquently point out the folly of relaxing the Hatch Act, which has for so long served the Government well.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Portland Press Herald, May 10, 1990]

HATCH: POLITICS AND PROTECTION

There's a good reason for the federal Hatch Act, the law prohibiting government employees from becoming active in political parties: It protects both the public and federal workers from excessive political patronage and partisan pressure.

Now Senate Democrats are moving to dismantle the half-century-old law and, under the guise of reform, substantially increase the amount of political activity allowable by the nation's 2.9 million federal workers. It could lead to the politicization of federal employment.

Under existing law, federal civil service and postal employees can't run for public office, hold an office in a political party, actively work for candidates (say, stuffing envelopes or manning phone banks) or solicit campaign donations. Democrats would remove most of those restrictions, save for running for office, and would permit federal employees to solicit campaign donations from their co-workers.

That kind of law would be a move back to the bad old days when federal employees were dependent upon the party in power for their jobs, a time when supervisors pressured their workers for money, campaign aid and votes. A retreat now would inevitably dampen confidence in the integrity of federal employment.

For the past 50 years the nation has been the beneficiary of a non-partisan civil service. It ought to be kept that way.

[From the Evening Express, Feb. 26, 1990]

HATCH: DANGEROUS "RIGHTS"

Fifty years ago, Congress passed the Hatch Act, a law prohibiting government workers from becoming actively involved in party politics. It was a good move, aimed at isolating civil servants from partisan pressures and the patronage system.

Today there's a move afoot to strip federal and postal employees of the protections of the Hatch Act in the name of restoring their "basic constitutional rights."

The proposal to rewrite the law has come up several times in recent years. The House of Representatives repeatedly has approved the change. The Senate—which is scheduled to take up the proposal again in early March—has just as regularly voted against it. Senators will be wise to continue that course.

Surely nobody wants to go back to the bad old days of the patronage system, under which federal jobs were handed on primarily on the basis of which party was in control of the government.

Congress established the civil service system to ensure that most government jobs are awarded on the basis of merit rather than political pull. It augmented this with the Hatch Act to prevent federal employees from being coerced into making campaign contributions or compelled to engage in other partisan activities in order to retain their jobs.

The system has worked remarkably well for a half century. Why should we change it now?

Back in the mid-1970s, Congress actually did approve revisions in the Hatch Act, but the bill was successfully vetoed by then-President Gerald R. Ford. In his veto message Ford said, "The fundamental objection of this bill is that politicizing the civil service is intolerable."

That's still a valid objection.

[From the Lewiston Sun-Journal, May 9, 1990]

It's almost become an annual rite of spring in the U.S. Congress. Efforts to soften or repeal the Hatch Act have been launched every year since its passage in 1939. But the basic framework of the law has withstood the test of time as well as a challenge in the Supreme Court.

The law protects government workers from political pressures and ensures that other laws and programs are applied evenly regardless of political beliefs. Opponents charge that it relegates government workers to second-class citizen status because of limitations placed on them. Not so.

The Hatch Act prohibits federal employees from using their positions to influence the outcome of elections or coercing the political action of others and from taking an active part in partisan political campaigns. The arguments against it focus on an unconstitutional infringement on individual rights.

However, the Hatch Act is necessary to protect government workers as well as other citizens from potential coercion. Federal employees' advancement or careers should not depend on espousing superiors' views. And political activity should not inhibit the relationships between political appointees and other civil servants. At the same time, the public is protected from intimidation by a partisan bureaucracy carrying out government programs.

The law does not prevent government workers from voicing their opinions, voting or donating money to political causes. So where does the opposition come from? Unions, representing federal and postal employees team up with the American Civil Liberties Union to object to restrictions on political activities. Their arguments fail to mention the many times these workers are protected by the law. It helps to strike a bal-

ance in situations that would otherwise work against them.

The current Democratic effort to chip away at the law would lift some restrictions so that federal employees could hold party offices and solicit campaign funds from coworkers, but not from the general public. Republicans charge that this latest effort is simply targeted at fattening federal employee union PACs, of which 88 percent goes to the Democratic Party.

Regardless of the motivations, a civil service must maintain political neutrality in order to be effective. Without it, federal workers could exercise disproportionate influence over the course of government.

Mr. BENTSEN. Madam President, I am pleased to support this legislation to reform the Hatch Act. It is long overdue. This bill would restore to millions of Federal civilian employees and postal workers some of the basic rights every other United States citizen takes for granted. Reform of the decades-old Hatch Act is needed because that statute has been subject to so many confused and confusing interpretations. By some estimates, the Hatch Act has spawned some 3,000 regulatory rulings and decisions, many of which conflict with each other and leave employees with little certainty about what they can and cannot do. It is time Congress took the guesswork and contradiction out of the law and spoke with clarity about what some 3 million U.S. citizens who happen to work for the Federal Government can and cannot do when it comes to political involvement.

This bill is a clear improvement over the legislation Congress considered 15 years ago. There are two significant differences in this bill and the bill the Senate considered then. First, the 1976 bill allowed Federal workers to run for partisan political office; the Hatch Act reform bill does not. Second, the 1976 bill allowed Federal workers to solicit contributions from the general public; this bill prohibits solicitation from the general public.

Much has been said about the need to exempt certain employees from the protections of the Hatch Act reform legislation we consider today. I have listened to these arguments carefully. Wholesale exemption of agencies and departments from this legislation is unnecessary. It is a solution in search of a problem. What evidence is there to suggest that we have to worry about breaches of confidence if a Federal worker is allowed to stuff envelopes and answer telephones in a campaign, or participate in get-out-the-vote efforts on election day? I have not heard any. With the bar on running for partisan political office, the ban on soliciting contributions from the public, and the mandate that no political activity occur at the job site or during work hours, I am comfortable in my belief that we can trust these workers to continue to deserve the trust we place in them every day.

Make no mistake. I, too, do not want to see Federal employees who hold sensitive positions to betray the trust our Government places in them. Thankfully, there exist other safeguards to protect the public from inappropriate political influence. In addition to the bill's safety valves, other Federal agencies have acted to curb impropriety or the appearance of impropriety on the part of its employees, and this legislation does nothing to undermine their authority.

Take, for instance, the Justice Department. The Justice Department today imposes more severe restrictions on certain of its employees than does current law. Those regulations have not been held invalid. Likewise, other agencies, such as the Federal Election Commission, could undoubtedly prevent certain of its employees from engaging in certain political activities based on conflict of interest. In fact, employees of the FEC are precluded by law from publicly supporting a candidate subject to its jurisdiction. The IRS, for example, has established rules of conduct for its employees; and IRS employees are subject to criminal penalties for disclosing confidential tax return information.

Moreover, substantial criminal penalties exist for Federal workers involved in coercion. Revisions to the Hatch Act do not repeal long established privacy and conflict of interest rules, regulations, and statutes either. In short, the suggestion that entire segments of employees should be exempt from the reforms contemplated by this bill falsely presumes that there are no other protections embodied in the law. The Hatch Act does not and cannot repeal those criminal statutes.

The propose of the present bill is to allow Federal workers to behave politically like all other citizens, but with some restrictions. A clerk-typist at the Department of Agriculture, for example, is no threat to our electoral process or the quality of our civil service if she wants to get involved in political activity. Yet, depending on what interpretive ruling she reads, an unreformed Hatch Act might will keep her from wearing a botton for the candidate of her choice when she is not at work or placing a sign in her own yard for local dog catcher.

That is not the American way. The Hatch Act needs reforming. I support the steps we take with this bill to do just that.

Mr. HOLLINGS. Madam President, I rise today to support passage of S.135, the Hatch Act reform bill. This bill will give clarity and sensibility to an act which was crafted 50 years ago for a completely different civil service, a civil service based on patronage. Today, our civil service is embedded in the merit system, and the situation warrants change. S. 135 strikes the right balance between guaranteeing the rights of Federal employees and protecting the integrity of the civil service.

The current Hatch Act is governed by a set of over 3,000 bewildering, often contradictory rulings. So bewildering, in fact, that a hotline has been set up for Federal employees who are confused. However, even those who run the hotline often cannot draw the line between what is permissible and what is forbidden.

Madam President, voter participation in the United States is on a downswing. In my own State, I am sorry to report, a meager 39 percent turned out at the polls in 1988. A look at this statistic tells me that we should be encouraging people to participate in the political process. The Hatch Act, as it currently exists, discourages 3 million employees. Furthermore, as Congress and the administration try to improve the efficiency of government, Federal employees are precisely the people who should speak out regarding the management of government.

S. 135 will restore the rights of Federal employees to participate in basic political activities. This act will allow these employees to exercise rights that are afforded other citizens, such as the right to participate in voter registration drives, the right to circulate nominating petitions for candidates, the right to hold office within a political party or club, and the right to work in a political campaign. Under current Hatch Act rules, a Federal employee cannot participate actively in party caucuses. This restriction effectively takes away the right of those employees to vote in the early stages of an election. S. 135 will restore that right.

S. 135 maintains the integrity of the civil service by strictly prohibiting Federal employees from participating in political activities while on duty, running for partisan political office at any level, or soliciting or receiving political contributions from the general public.

This legislation increases penalties for violations of the Hatch Act, thereby sending a clear signal that infractions will not be tolerated. A first-time violator of the coercion provisions can receive a fine of up to $5,000 and/or 3 years in prison. A second-time violator will be permanently suspended from Federal employment.

The opponents of this bill have suggested that the legislation is driven by partisan politics, by a desire to unleash a monolithic political force. This flimsy argument insults the Federal workforce—a diverse group composed of diverse political views. Upon enactment of S. 135, the letter carrier in Walhalla, SC, is not necessarily going to adopt the political views of one in New York City, or vice versa.

The opponents of this bill also argue that enactment of S. 135 suddenly will cause Federal employees to wheel and deal political favors. My stomach churns when I hear rhetoric attacking the honest Federal employee, while political appointees have been robbing HUD blind. Let's not divert attention from the real problem.

S. 135 retains and strengthens the Hatch Act's protection of Federal employees and the general public. At the same time, the Hatch Act reform bill restores to Federal and Postal employees their political rights. I supported the Hatch Act reform legislation that was vetoed by President Ford in 1976, and I am pleased that Congress once again has the opportunity to simplify and clarify the outdated Hatch Act.

Mr. LAUTENBERG. Madam President, I rise today in support of S. 135, the Hatch Act Reform Amendments of 1989.

I support this legislation because I believe that Federal and Postal employees should be free to participate in our country's democratic process. At the same time that we protect Federal and Postal employees from undue political pressure, we should not prohibit them from getting involved in our political process along with other citizens of our country.

The Hatch Act is intended to enhance Civil Service. But it is far from a perfect law. It is intended to protect our Federal and Postal workers from coercion; to protect the integrity of the Federal Governmnent; and to protect the public from a partisan civil service. But—it does all this at the cost of the political freedoms of our Federal and Postal employees. That is not only too high a price, it is an unnecessarily high price. The legislation we are now considering would fulfill the intent of the Hatch Act, without costing workers their political freedom.

For too long, Congress has treated the Hatch Act as a sacred cow. During debate on this measure we have heard that the Supreme Court on two occasions upheld the validity of the Hatch Act. But what we have not heard is that on both occasions the Supreme Court left the door wide open for Congress to reform the act. It did this explicitly in the 1973 case, National Association of Letter Carriers versus United States Civil Service Commission when the court stated that Congress was free to strike a different balance than it has in weighing the need for protections for the Government and its employees and the need to protect the individual freedoms of Postal and Federal workers. That is exactly what this legislation does: It strikes a new—and I believe better—balance between the need to protect our Government workers from coercion and the need to protect their political rights.

The Hatch Act reform we are considering is good for the employee, good for the Government and good for the public. It is good for the Federal and Postal employees because it allows them an equal voice in politics. It is good for the Government, because it removes restrictions on political rights that keep many of our best and brightest people out of civil service. And it is good for the public because we as a nation are best served by having not just a neutral civil service, but also by allowing those in a unique position to know the strengths and weaknesses of government to fully voice their opinions on government and politics.

Madam President, I have joined 53 of my colleagues—from both sides of the aisle—in cosponsoring this legislation because the time has come to give back to Federal employees and Postal workers in New Jersey and around the Nation, their basic political freedoms. Our Federal and Postal employees work very hard for us. We owe it to them to work very hard to pass this reform and restore their voice in the democratic process.

Mr. SIMON. Madam President, for the past several days we have been debating the merits of reforming the Hatch Act. While I have always been and will continue to be a strong supporter of discussion of any issue, I find the current debate almost unnecessary. In my eyes, the need to change the Hatch Act is so evident, it is difficult for me to understand the concerns of those against reform.

For far too long, Federal employees have been treated as second-class citizens. The original Hatch Act was so confusing that many Federal employees even gave up voting because they feared this activity would violate the rules. In a democracy, we cannot allow any obstacles to stand in the way of people who wish to be part of the political process.

S. 135 represents a commonsense approach to the difficult problem of allowing Federal employees the right to be politically involved while at the same time preventing politics from entering the civil service. Although S. 135 expands the allowable activities Federal employees may engage in, it still prohibits them from: First, soliciting campaign contributions from the public; second, running for partisan public office; and third, engaging in any political activity of any kind on the job. In addition, the penalties have been increased for any individual found violating these rules.

We need to act to reform the Hatch Act: It is fair; it is just; it needs to be done now. I urge my colleagues to join me in voting in favor of S. 135.

Mr. DURENBERGER. Madam President, I rise today in support of S. 135 the Hatch Act Reform Amendments of 1989, and urge my colleagues on both sides of the aisle to join me in voting for this compromise bill on final passage. I believe this bill balances the rights of workers to take part in political activities without turning the Federal workplace into a partisan battleground.

While S. 135 would loosen many restrictions on the political activities of Federal Government workers, it keeps several important prohibitions in place. Federal employees would continue to be barred from soliciting campaign contributions from the general public. The bill would not change current prohibitions against Federal workers running for partisan political office. But, S. 135 would change the law and allow Federal employees to participate in a Presidential caucus, or serve as a delegate to a political convention.

While allowing Federal workers greater freedom of political expression outside of the workplace, S. 135 would prohibit all political activity on the job. In my view, S. 135 thus allows Federal workers to exercise their constitutional rights while remaining faithful to the original intent of the Hatch Act—to ensure a nonpartisan public service free from political coercion and manipulation.

The Hatch Act was born in 1939 during an era of pervasive political corruption. President Franklin D. Roosevelt's programs were rapidly expanding the size and scope of Federal Government activities and memories of Tammany Hall, the Teapot Dome scandal and the prohibition fiasco were still fresh in the minds of Americans. In that era, Americans wanted, needed, and received assurances that the Federal Government would not take partisan advantage of its newfound influence on everyday life. Happily, much has changed since the 1930's. While we certainly have far to go, these are very different times, calling for new standards. Administrative tinkering with the act is not sufficient Congress should act to set out clearly what the political rights of Federal employees should be.

I have heard from numerous Federal employees in Minnesota who resent restrictions on their political activities. These citizens serve the Nation everyday in jobs from postal workers to border guards to park rangers. They display unusually high civic pride and have chosen to dedicate their careers to bettering our country. I believe that it's time to stop treating these public employees like second class citizens where participation in the democratic process is concerned.

These Hatch Act reforms will allow Federal employees into the mainstream of American politics. As we continue to witness widespread voter apathy and dropping rates of voter turnout, we need to encourage more groups of citizens to get involved in the democratic process. S. 135 will infuse new enthusiasm and energy

into American politics, and that is good for Federal employees, the general public and the democratic system.

HISTORY OF THE HATCH ACT

Mr. ROTH. Madam President, as we consider these amendments, I would like to provide my colleagues with a look at the history of the Hatch Act and outline the reasons why the Hatch Act was enacted in the first place. A historical look at the Hatch Act will provide a sense of where the civil service was prior to enactment of the act, and the movement toward a system based solely on merit and not political influence.

Throughout our history, the Federal Government has attempted to address the need for a nonpartisan, merit-based civil service. In constrast to the spoils system which proliferated during the 19th century, the protections provided by the Hatch Act during the past 50 years have helped to provide for a nonpartisan civil service. The question of how involved Government employees should be in the political management and activities of partisan campaigns has arisen from the very beginning of our Nation.

A key factor in the evolution of laws concerning Federal employee participation in the political process has been the tension between the accountability of a spoils system and the neutral competence of a merit system. The merit system, initially implemented in the Federal civil service with the passage of the Pendletion Act in 1883, led to the beginning of a career civil service based on merit. Prior to 1883, the Federal Government was plagued by a political spoils system which was criticized by many of our greatest leaders.

Beginning with the First Congress, attempts were made to create a nonpartisan Government work force. An amendment modeled after British law was debated in the House of Representatives which would "prevent Inspectors, or any officers under them, from interfering, either directly or indirectly, in elections, further than giving their own votes, on penalty of forfeiting their office." This provision was defeated.

President George Washington, in his Farewell Address in 1796, expressed that partisanship "serves always to distract the public councils and enfeeble the public administration." As early as the first President of the United States there was desire to protect individuals from coercive government.

In 1801, President Thomas Jefferson expressed his dissatisfaction with the political activity of Government officials. He issued a Presidential declaration articulating the principle of political neutrality for Federal employees:

> The right of any officer to give his vote at elections as a qualified citizen is not meant to be restrained, nor, however, given, shall it have any effect to his prejudice; but it is expected that he will not attempt to influence the votes of others nor take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution and his duties to it.

Jefferson's order was insufficient and he was forced to remove a number of employees from office for engaging in political activity, particularly activity against his administration.

In 1832, U.S. Senator Henry Clay spoke against the spoils system which existed in the Federal Government at that time:

> It is a detestable system, drawn from the worst period of the Roman Republic. And if it were to be perpetuated—if the offices, honors, and dignities of the people were put up to public scramble, to be decided by the result of every presidential election—our government and institutions, becoming intolerable, would finally end in a despotism as inexorable as that at Constantinople.

The late 1830's marked another significant period of concern for the political activities of Federal employees. In 1837, Whig Congressman, John Bell of Tennessee, introduced a bill that limited the contributions, activities, and official privileges of Federal employees concerning the election of Federal, State, and local officials. This bill was also the first to indicate that violation of this Act would constitute a "high misdemeanor" punishable by a maximum fine of $1,000. However, no action was taken by the 24th Congress on this legislation.

The first extensive statement of Presidential policy on the boundaries of Federal civil service political activity occurred in 1841. Secretary of State Daniel Webster issued a circular to all Cabinet members for President John Tyler stating:

> It is not intended that any officer shall be restrained in the free and proper expression and maintenance of his opinions respecting public measures, or in the exercise to the fullest degree of the constitutional right of sufferage. But persons employed under the Government and paid for their services out of the public Treasury are not expected to take an active or officious part in attempts to influence the minds or votes of others, such conduct being deemed inconsistent with the spirit of the Constitution and the duties of public agents acting under it; and the President is resolved, so far as depends upon him, that while the exercise of the elective franchise by the people shall be free from undue influence of official station and authority, opinion shall also be free among the officers and agents of the Government.

Despite this order, the spoils system continued. George W. Curtis, an early leader for civil service reform, described the situation in 1860, as follows:

> Every 4 years, the whole machinery of Government is pulled to pieces. The country presents a most ridiculous, revolting, and disheartening spectacle. The business of the Nation and the legislation of Congress are subordinated to the distribution of plunder among eager partisans.

After the Civil War, a reform movement with the goal of ending patronage developed. Led by the National Civil Service Reform League, the reform movement blamed lack of a merit system for an ineffectual civil service.

On the local level, the reform movement tried to break big city political machines. On the national level, the reform movement advocated a merit civil service system, free of patronage and insulated from the political process. General Grant, in 1868, ran for President on a platform to curtail the patronage system, and in 1870, asked the Congress for a law "to govern * * * the manner of making appointments."

The earliest action taken by Congress to give the President authority to issue regulations governing Federal employee conduct occurred in 1871, in an appropriations act. Section 9 of this act stated:

> That the President of the United States be, and is hereby, authorized to prescribe such rules and regulations for the admission of persons into the civil service of the United States as will best promote the efficiency thereof, and ascertain the fitness of each candidate * * * and for this purpose the President is authorized to employ suitable persons to conduct said inquiries, to prescribe their duties, and to establish regulations for the conduct of persons who may receive appointments in the civil service.

This act also enabled President Grant to establish the Civil Service Commission. After evaluating current Federal policies, the Commission issued a report containing recommendations for civil service regulations in late 1871. President Grant declared these regulations effective on January 1, 1872. The most significant of these recommendations with regard to the political activity of Federal employees states:

> No head of a Department nor any subordinate officer of the Government shall, as such officer, authorize or permit or assist in levying any assessment of money for political purposes, under the form of voluntary contributions or otherwise, upon any person employed under his control, nor shall any such person pay any money so assessed.

These regulations also allowed for President Grant to appoint partisan and politically active persons to the higher advisory and administrative positions of the Federal Government. However, the President acknowledged the necessity of placing reasonable limits on the political activities of Cabinet officials. The Secretary of State issued an Executive order under the direction of President Grant in April 1872, stating:

> The utmost fidelity and diligence will be expected of all officers in every branch of the public service. Political assessments, as they are called, have been forbidden with the various Departments, and while the right of all persons in an official position to take part in politics is acknowledged and the elective franchise is recognized as a trust to

be discharged by all entitled to its exercise whether in the employment of the government or in private life, honest and efficiency, not political activity, will determine the tenure of office.

Following the assassination of President James A. Garfield by Charles Guiteau, a New York insurance salesman and evangelist who thought himself entitled to be named consul to Paris, Congress embraced the civil service reform agenda. The Pendleton Act, setting merit selection as the paradigm for the civil service, passed in 1883. This was the first time that the concept of an institutionalized civil service merit system specified fines and prison terms for employees convicted for coercion of other Federal employees for contributions of money or service to political efforts. The act did not, however, stipulate to what extent a Federal worker could voluntarily participate in a campaign or if the employee, himself, could run for an elected office. Sections 11 through 15 of the act covered political assessments, solicitations, subscriptions by and from employees.

Congress authorized the President to promulgate rules that no Government officer should "use his official authority or influence to coerce the political action of any person or body." Little by little, merit system employees felt a sense of security in their employment.

The evil against which the prohibition was directed was coercive activity, but no attempt was made to limit voluntary political activity. Restrictions against voluntary political activity was first imposed by President Theodore Roosevelt in 1907, who earlier served as a Commissioner of the Civil Service Commission. In a 1894 report of the Commission, then-Commissioner Roosevelt suggested what the policy ought to be:

> A man in the classified service has an entire right to vote as he pleases, and to express privately his opinions on all political subjects; but he should not take any active part in political management or political campaigns.

When Roosevelt became President, he issued civil service rule I, which prohibited all persons in the classified service from taking "an active part in political management or political campaigns." Later, in 1907, he issued an Executive order amending rule I to provide:

> No person in the Executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. Persons who by the provisions of these rules are in the competitive classified service, while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no part in political management or political campaigns.

By the end of 1907, executive and congressional action regarding political activity of Federal employees took on two major areas of concentration. The first area dealt with "the protection by civil service laws and regulations of Federal employees from internal or external coercion for involuntarty contributions of money and/or services for political ends," while the second area encompassed "the encouragement of a politically neutral bureaucracy through the prohibition of voluntary political activity related to political campaigning as well as actual candidacy for political office."

The first exceptions to the civil service rule I occurred under President William H. Taft in 1909. President Taft issued two Executive orders lifting the restriction of participation of civil service employees in local government as elected officials.

Subsequent additions were made to the Civil Service Act by Presidents Taft, Wilson, Harding, Coolidge, and Hoover. They each issued Executive orders dealing with geographic exceptions to the stipulations placed on local political activity. However, these permissible activities were not to involve "general partisan political activity."

The 1930's saw the next significant activity by Congress to protect the Federal employee from political coercion. During this era, New Deal relief programs had expanded the Federal work force considerably. Many individuals on the Federal payrolls were not in classified positions and, therefore, were not subject to the regulations governing partisan political activities administered by the Civil Service Commission.

Criticism directed toward the alleged use of funds for political purpose in the emergency relief program brought forth a directive from the program's director in 1936, that "persons who are candidates for or hold elective office shall not be employed on administrative staffs on the Works Progress Administration." In June 1936, when the program's appropriation bill was before Congress, an amendment was added that essentially incorporated this directive. This became a practice in WPA appropriation bills.

In 1938, a special Senate committee was appointed to investigate charges that Federal public assistance moneys were being used to influence Federal and local elections. Supervisors in the Works Progress Administration had coerced Federal employees and relief workers to contribute to the reelection campaign of Senator Alben Barkley in 1938, in return for continued WPA employment, salary increases, and favorable job assignments. The special Senate committee substantiated these abuses.

The findings of the special Senate committee related to coercion and the improper use of official authority. As a result of these abuses, Senator Carl Hatch of New Mexico, tried to amend the emergency relief appropriations bill of 1938, to prevent any employee of the Federal Government, employed in an administrative capacity, from using "his official authority or influence for the purpose of interfering or influencing a convention, a primary, or other election, or affecting the results thereof." This amendment retained the right of the individual to vote, but restricted activity in political management or a political campaign. This amendment was rejected by the Senate in June 1938.

Also in June 1938, Senator Tydings of Maryland introduced a resolution asking for an investigation of the use/misuse of work relief funds for political purposes by the Special Senatorial Campaign Expenditures and Use of Government Funds Committee. The special panel of this committee was chaired by Senator Morris Sheppard of Texas.

In its investigation, this commission documented many cases of political coercion by the WPA in 10 States. It found that favorable work assignments and promotions depended upon the purchase of tickets to fundraising events or direct contributions to local political party organizations. This investigation, along with the Commission's recommendations, helped to garner congressional support for legislation which would protect Federal employees from political coercion.

After examining the Sheppard Commission's findings, President Roosevelt made the following statement to Congress on January 1939, when discussing WPA appropriations, "It is my belief that improper political practices can be eliminated only by the imposition of rigid statutory regulations and penalties by the Congress."

In 1939, Senator Carl Hatch of New Mexico introduced legislation based on the special Senate Committee's recommendations which prohibited any involvement in the affairs of a political organization by Federal employees working in nonpolicymaking positions.

The Hatch Act contained various criminal provisions which were enacted and codified in title 18, United States Code. The Senate bill also prohibited Federal administrative or supervisory employees from using their official authority to influence an election or from taking an active part in political campaigns. The bill also provided that an employee retained the right to vote and the right to privately express opinions on political subjects.

While there was not much comment on the bill when it reached the Senate floor where it passed by unanimous consent, the legislation was subject to vigorous debate in the House. Most of the discussion was over a section prohibiting Federal employees from taking an active part in political management or in political campaigns.

While most of the rest of the bill restated prohibitions which had existed since the Pendleton Act, the legislation also codified civil service rule I and the Civil Service Commission issued rulings under it. The Hatch Act passed the House August 2, 1939.

The Supreme Court has twice upheld the constitutionality of the Hatch Act. The first challenge was in 1947, in United Public Workers of America versus Mitchell. The Court, in a 4-to-3 decision, rejected the claim of unconstitutionality brought against the Hatch Act. The case centered around George Poole, a skilled laborer at the Mint, who had served as a ward official of the Democratic Party and was politically active on election day as a worker at the polls. As required by the act, Poole was removed from his position by the Civil Service Commission for having taken an active part in political management.

In upholding the act, the Court reasoned that Congress' purpose in passing the Hatch Act was "to promote efficiency and integrity in the discharge of official duties, and to maintain proper discipline in the public service," and that the act was a legitimate means to such an end. The Court, noting that the act infringed upon freedoms guaranteed by the Constitution, applied a balancing test, weighing the intrusion on constitutional rights against a "congressional enactment to protect a democratic society against the supposed evil of political partisanship by classified employees of the Government."

The Court based its reasoning on the notion that "principle of required political neutrality for classified public servants as a sound element for efficiency." The Court did, however, leave the door open for reform, stating, "another Congress may determine that on the whole, limitations on active political management by Federal personnel are unwise."

In October 1966, the Congress established an independent, bipartisan commission to investigate and study the Hatch Act. The final report of the Commission stated:

> In the opinion of this Commission, the best protection that the Government can provide for its personnel is to prohibit those activities that tend to corrode a career system based on merit. This requires strong sanctions against coercion. It also requires some limits on the role of Government employees in politics. It was the unanimous view of Commission members, however, that these limits should be clearly and specifically expressed, and that beyond those limits polticial participation should be permitted as fully as for all other citizens.

A second constitutional challenge to the Hatch Act reached the Supreme Court in 1972, with U.S. Civil Service Commission versus National Association of Letter Carriers. Six Federal employees, a union, and certain Democratic and Republican political committees challenged the Hatch Act as a violation of the first amendment.

The Supreme Court voted 6 to 3 to uphold the constitutionality of the Hatch Act. The Supreme Court held that:

> Neither the right to associate nor the right to participate in political activities is absolute in any event. Nor are the management financing, and conduct of political campaigns wholly free from governmental regulation. We agree with the basic holding of Mitchell that plainly identifiable acts of political management and political campaigning on the part of federal employees may constitutionally be prohibited.

In 1976, both Houses of Congress passed, but President Ford vetoed, legislation repealing many of the prohibitions contained in the Hatch Act. President Ford vetoed the measure contending it would politicize the civil service. The veto was sustained when the House failed to override by 26 votes.

In his veto message President Ford said that if legislation like this became law,

> Pressure could be brought to bear on Federal employees in extremely subtle ways beyond the reach of any anti-coercion statute so that they would inevitably feel compelled to engage in partisan political activity.

That statement sums up this debate. I do not believe that proponents are able to refute President Ford's conclusion. Some suggests that the merit system protects the Federal employee so well that the Hatch Act is no longer necessary. That suggestion is much like the notion that because we are entering a period of relative peace throughout the world, we no longer need a strong defense. Both suggestions reverse cause and effect. Just as it is a strong defense that fosters peace, so too it is the Hatch Act that maintains the merit system. Its purpose and function for 50 years has been to ensure that civil service is based solely on merit and not on politics.

S. 135 REPEALS HATCH ACT

Mr. DOLE. Madam President, the issue before us is whether or not to repeal the Hatch Act which has been the law governing the right of Federal workers to engage in partisan political activity for 51 years. It has been a good 51 years, and I regret that we are considering legislation such as S. 135 which opens the floodgates for partisan political activity to flow into the Federal workplace.

The distinguished Senator from Ohio has argued with great force and vigor that this bill is a modest reform package that only clarifies the Hatch Act. Such arguments only serve to hide the real impact and real consequences that S. 135 would have on Federal workers, Federal programs, and the American people.

EXPANSION OF PERMITTED PARTISAN ACTIVITIES

If S. 135 becomes a law, Federal workers would be allowed to engage in a number of political activities that are currently prohibited under the Hatch Act. If S. 135 becomes law, such workers would suddenly be able to:

Hold office in a political party;

Distribute campaign literature and solicit votes;

Organize and participate in phone banks;

Organize and participate in political meetings;

Publicly endorse candidates and urge others to support them; and

Solicit contributions to the PAC of a Federal employee organization to which both the employee and the donor belong

Madam President, I firmly believe that the foregoing political activities—which are only a few of the many political activities that S. 135 would permit—will inevitably lead to the politicization of Government.

Such politicization will undermine the principles of a merit based civil service. Such politicization will undermine the fair and impartial administration of Federal laws and Federal programs. And even the appearance of such politicization will undermine public confidence in Government institutions. In short, Madam President, this bill is destructive to both the image and operation of good government.

S. 135 BENEFITS EMPLOYEE UNION PAC'S

During the extensive debate which has taken place during the past week, the question has repeatedly surfaced as to who really benefits from this bill?

I ask, Madam President, does this bill benefit the Federal Government, the employees who are part of that Government or the American people who are served by that Government? I think not.

FEDERAL GOVERNMENT HURT BY S. 135

The proponents of this legislation have not pointed to a single benefit that the Federal Government will enjoy as a result of this bill. Indeed, what good can flow to the Government by enacting legislation which at a minimum increases the possibility that political influence may creep into the back offices where program decisions are made and employee promotions are announced?

The administration has unequivocally stated its strong opposition to this bill.

In addition, numerous Federal agencies have written to me and other Senators stating that they oppose S. 135 and that S. 135 will impair their respective agencies' ability to operate effectively.

FEDERAL WORKERS ARE HURT BY S. 135

The proponents of this bill have tried to argue that the real purpose of

this bill is for Federal workers, yet these arguments remain unconvincing.

Surveys of Federal workers, including separate surveys of the senior executive service, indicate that there is no support among such workers for S. 135. They prefer current law.

I offered an amendment—what I call the all-American amendment—yesterday afternoon which would have permitted the workers of each agency or department to decide for themselves whether they wanted the Hatch Act or S. 135 to be applied to them.

This amendment was defeated by the same individuals who have been arguing for the past week that Federal workers want S. 135.

If the proponents of this legislation are sincere in their belief that Federal workers want this bill, I wonder why they are afraid to submit S. 135 to the Federal work force and let the employees judge the merits for themselves?

AMERICAN PEOPLE ARE HURT BY S. 135

The third strike against this bill—and I wish I were the umpire here for I say three strikes and you are out—is that it hurts the American people.

It opens up everything that the Federal Government does to doubt that perhaps partisan political gain was a factor in the decisions made with respect to the enforcement of a law or the implementation of a Federal program or even the disbursement of Federal funds. Indeed, even if there are no improper objectives underlying the administration of the Government, it would still be legitimate to raise the question since S. 135 puts the welcome mat out to partisan political activity.

Nothing could be more deleterious to public confidence in fair Government.

EMPLOYEE UNION PAC'S

Madam President, the real winners under this bill are the employee union PAC's. One of the worst features of this bill is that it permits Federal employees of the same union to solicit contributions from one another for the PAC. Currently, such conduct is illegal and for good reason.

If S. 135 becomes law, the green light will flash for such unions and their employee members to hit the gas on their campaign solicitation efforts.

It seems ironic to me that the proponents of this bill have defended this particular part of S. 135 from any amendment which would strengthen the protections afforded Federal workers against improper solicitation and yet shortly we will be considering campaign finance reform legislation which would ban PAC's. I sincerely hope we are able to ban PAC's as part of such reform legislation for then there will be one less provision of this bill to worry about.

CONCLUSION: THIS IS A VOTE ON MORE THAN THE HATCH ACT

In conclusion, Madam President, this is not only a vote on the Hatch Act, this is a vote on preserving the notion that advancement within the civil service should be based exclusively on merit and not on what party hat you wear. This is also a vote on preserving the integrity of our Federal programs to ensure their fair and unbiased implementation. Finally, and perhaps most important, this is a vote on maintaining public confidence in the administration of government. These are matters that should not be taken lightly.

If S.135 is enacted, we are ignoring the wisdom of Thomas Jefferson who declared in 1801 that—

> The rights of any officer to give his vote at elections as a qualified citizen is not meant to be restrained, nor, however given, shall it have any effect to his prejudice; but it is expected that he will not attempt to influence the votes of others, nor take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution and his duties to it.

Mr. GLENN. Mr. President, the debate on this Hatch Act reform measure has time and again focused on concerns that Federal employees will coerce fellow employees and/or members of the public into engaging in political activities or not engaging in political activities against their will. As I have said before, this bill does not repeal the Hatch Act's prohibitions against a Federal employee's using his or her influence or authority for political purposes. Specifically, section 7323 of S. 135 would prohibit an employee from:

Using his official authority or influence for the purpose of interfering with or affecting the result of an election;

Knowingly soliciting, accepting, or receiving a political contribution except in very narrowly defined circumstances; and

Running for the nomination or as a candidate for election to a partisan political office.

In addition, S. 135 also includes the Robb amendment, which makes it a crime to coerce, intimidate, or pressure any employee in any way to participate or not participate in political activity. The Robb amendment added a new criminal section 610 to title 18 of the United States Code.

However, I understand that there are lingering concerns about the public's reaction to certain government employees openly engaging in political activities. The fear seems to be that the Federal employee can subtly coerce the participation of a private citizen because the employee is perceived to be in a position of power over the individual. For example, that employee may have access to confidential information about the individual which he or she does not want revealed. Or the employee may be in the process of making decisions about the individual's business, or investigating the individual for possible criminal conduct. To the public, these may be "life and death" decisions.

Out of an abundance of caution to satisfy those who remain concerned about this perception problem, I am willing to impose an additional prohibition on activity by all Federal employees when they deal with members of the public who are truly in vulnerable positions. My language would prohibit all Federal employees from:

Knowingly soliciting or discouraging the participation in any political activity of any person who:

First, has an application for any compensation, grant, contract, or other types of Federal benefits pending before the employing office of the Federal employee; or

Second, is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of the Federal employee.

For example, this language is intended to prohibit certain FCC employees who are in the loop on the decision to grant or deny a license application from encouraging or discouraging political activity on the part of the license applicant. It is intended to prohibit certain Veterans Department employees who are in the chain of command on the decision to grant or deny service-related compensation from soliciting or discouraging political activity on the part of the veteran applicant. It is intended to prohibit the IRS auditor conducting a taxpayer return audit, or a Secret Service agent conducting a counterfeiting investigation from soliciting or discouraging political activity on the part of the target of the audit or investigation. It is also intended to extend to the supervisors of those front-line employees who are working a pending case or matter. It is not intended to bring under its umbrella every single employee of the agency which may have some pending business with a member of the public.

In my view, this language—which would be added to the other prohibitions on activity already in the bill's section 7323—goes to the heart of the perception problem. It strictly prohibits soliciting or discouraging political activity of those who may feel that if they refuse the employee's request, their relations with the Government agency may be jeopardized or compromised. Such individuals generally fall into two important categories: First, those who are seeking a Federal benefit; and second, those who are the targets of a Federal inquiry of some sort of an enforcement action.

Remember, this new prohibition in S. 135 does not stand alone. Other Federal statutes provide criminal and civil penalties for misusing one's official authority or influence, and for disclosing confidential Government infor-

mation. However, my proposed language would ensure that S. 135 stands squarely for the principle that such conduct will not be accepted or tolerated. I believe my language is fair and clear, and will not add to the confusion and illogic that has plagued the current law on the subject of prohibited activities.

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill for the third time.

The bill was ordered to be engrossed for a third reading, and was read for the third time.

The PRESIDING OFFICER. Under the previous order, the Governmental Affairs Committee is discharged from further consideration of a House companion bill, H.R. 20, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (H.R. 20) to amend title 5, United States Code, to restore Federal civilian employees their right to particiapte voluntarily as private citizens, in the political processes of the Nation to protect such employees from improper political solicitations, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken, and the text of S. 135, as amended, is inserted in lieu thereof, and the bill is deemed read the third time.

The bill having been read the third time, the question is, Shall the bill pass?

Mr. GLENN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] and the Senator from California [Mr. WILSON] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. WILSON] would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 67, nays 30, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—67

Adams	Bumpers	Dodd
Baucus	Burdick	Domenici
Bentsen	Byrd	Durenberger
Biden	Conrad	Exon
Bingaman	Cranston	Ford
Boren	D'Amato	Fowler
Bradley	Daschle	Glenn
Breaux	DeConcini	Gore
Bryan	Dixon	Graham
Harkin	Leahy	Riegle
Hatfield	Levin	Robb
Heflin	Lieberman	Rockefeller
Heinz	Lott	Sanford
Hollings	McCain	Sarbanes
Inouye	Metzenbaum	Sasser
Jeffords	Mikulski	Shelby
Johnston	Mitchell	Simon
Kasten	Moynihan	Specter
Kennedy	Nunn	Stevens
Kerrey	Packwood	Warner
Kerry	Pell	Wirth
Kohl	Pryor	
Lautenberg	Reid	

NAYS—30

Armstrong	Gorton	McConnell
Boschwitz	Gramm	Murkowski
Burns	Grassley	Nickles
Chafee	Hatch	Pressler
Coats	Helms	Roth
Cochran	Humphrey	Rudman
Cohen	Kassebaum	Simpson
Danforth	Lugar	Symms
Dole	Mack	Thurmond
Garn	McClure	Wallop

NOT VOTING—2

Bond	Wilson

So the bill (H.R. 20), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 20) entitled "An act to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Hatch Act Reform Amendments of 1990".

SEC. 2. POLITICAL ACTIVITIES.

(a) Subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"§ 7321. Political participation

"It is the policy of the Congress that employees should be encouraged to exercise fully, freely, and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of the Nation.

"§ 7322. Definitions

"For the purpose of this subchapter—

"(1) 'employee' means any individual, other than the President and the Vice President, employed or holding office in—

"(A) an Executive agency other than the General Accounting Office; or

"(B) a position within the competitive service which is not in an Executive agency; but does not include a member of the uniformed services;

"(2) 'partisan political office' means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elected received votes in the last preceding election at which Presidential elector were selected, but shall exclude any office of position within a political party or affiliated organization; and

"(3) 'political contribution'—

"(A) means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose;

"(B) includes any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;

"(C) includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

"(D) includes the provision of personal services for any political purpose.

"§ 7323. Political activity authorized; prohibitions

"(a) Subject to the provisions of subsection (b), an employee may take an active part in political management or in political campaigns, except an employee may not—

"(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;

"(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is—

"(A) a member of the same Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1990 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4));

"(B) not a subordinate employee; and

"(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1990 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)); or

"(3) run form the nomination or as a candidate for election to a partisan political office; or

"(4) knowingly solicit or discourage the participation in any political activity of any person who—

"(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or

"(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of such employee.

"(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

"§ 7324. Political activities on duty; prohibition

"(a) An employee may not engage in political activity—

"(1) while the employee is on duty;

"(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

"(3) while wearing a uniform or official insignia identifying the office or position of the employee; or

"(4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.

"(b)(1) An employee described in paragraph (2) of this subsection may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

"(2) Paragraph (1) applies to an employee—

"(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and

"(B) who is—

"(i) an employee paid from an appropriation for the Executive Office of the President; or

"(ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws.

"§ 7325. Political activity permitted; employees residing in certain municipalities

"The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibitions in paragraphs (2) and (3) of section 7323 of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—

"(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

"(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

"§ 7326. Penalties

"Any employee who has been determined by the Merit Systems Protection Board to have violated on two occasions any provision of section 7323 or 7324 of this title, shall upon such second determination by the Merit Systems Protection Board be removed from such employee's position, in which event that employee may not thereafter hold any position (other than an elected position) as an employee (as defined in section 7322(1) of this title). Such removal shall not be effective until all available appeals are final.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 3302(2) of title 5, United States Code, is amended by striking out "7203, 7321, and 7322" and inserting in lieu thereof "and 7203".

(2) The table of sections of subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"7321. Political participation.
"7322. Definitions.
"7323. Political activity authorized; prohibitions.
"7324. Political activities on duty; prohibitions.
"7325. Political activity permitted; employees residing in certain municipalities.
"7326. Penalties.".

SEC. 3. AMENDMENT TO CHAPTER 12 of TITLE 5, UNITED STATES CODE.

Section 1216(c) of title 5, United States Code, is amended to read as follows:

"(c) If the Special Counsel receives an allegation concerning any matter under paragraph (1), (3), (4), or (5) of subsection (a), the Special Counsel may investigate and seek corrective action under section 1214 and disciplinary action under section 1215 in the same way as if a prohibited personnel practice were involved.".

SEC. 4. AMENDMENTS TO TITLE 18.

Section 602 of title 18, United States Code, relating to solicitation of political contributions, is amended—

(1) by inserting "(a)" before "It";

(2) in paragraph (4) by striking out all that follows "Treasury of the United States" and inserting in lieu thereof a semicolon and "to knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined under this title or imprisoned not more than 3 years, or both."; and

(3) by adding at the end thereof the following new subsection:

"(b) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".

(b) Section 603 of title 18, United States Code, relating to making political contributions, is amended by adding at the end thereof the following new subsection:

"(c) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".

(c) Chapter 29 of Title 18, United States Code (18 U.S.C. 592 et seq.), relating to elections and political activities is amended by adding at the end thereof the following new section:

"SEC. 610. COERCION OF POLITICAL ACTIVITY.

It shall be unlawful for any person to intimidate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce, any employee of the federal government as defined in 5 U.S.C. 7322(1), as amended, to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be fined not more than $5000 or imprisoned not more than three years, or both.".

SEC. 5. AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965.

Section 6 of the Voting Rights Act of 1965 (42 U.S.C. 1973d) is amended by striking out "the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity" and by inserting in lieu thereof "the provisions of subchapter III of chapter 73 of title 5, United States Code, relating to political activities".

SEC. 6. AMENDMENTS RELATING TO APPLICATION OF CHAPTER 15 OF TITLE 5, UNITED STATES CODE.

(a) Section 1501(1) of title 5, United States Code, is amended by inserting ", the District of Columbia," after "State".

(b) Section 675(e) of the Community Services Block Grant Act (42 U.S.C. 9904(e)) is repealed.

SEC. 7. APPLICABILITY TO POSTAL EMPLOYEES.

The amendments made by this Act, and any regulations thereunder, shall apply with respect to employees of the United States Postal Service and the Postal Rate Commission, pursuant to sections 410(b) and 3604(e) of title 39, United States Code.

SEC. 8. EFFECTIVE DATE.

(a) The amendments made by this Act shall take effect 120 days after the date of the enactment of this Act, except that the authority to prescribe regulations granted under section 7325 of title 5, United States Code (as added by section 2 of this Act), shall take effect on the date of the enactment of this Act.

(b) Any repeal or amendment made by this Act of any provision of law shall not release or extinguish any penalty, forfeiture, or liability incurred under that provision, and that provision shall be treated as remaining in force for the purpose of sustaining any property proceeding or action for the enforcement of that penalty, forfeiture, or liability.

(c) No provision of this Act shall affect any proceedings with respect to which the charges were filed on or before the effective date of the amendments made by this Act. Orders shall be issued in such proceedings and appeals shall be taken therefrom as if this Act had not been enacted.

Mr. GLENN. I move to reconsider the vote by which the bill was passed.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Madam President, I move that the Senate insist upon its amendments and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. GLENN, Mr. LEVIN, Mr. PRYOR, Mr. KOHL, Mr. LIEBERMAN, Mr. ROTH, Mr. STEVENS, and Mr. RUDMAN conferees on the part of the Senate.

Mr. GLENN. Madam President, I ask unanimous consent that S. 135 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Madam President, I thank everybody who worked on this bill. It has been a long and tedious task back and forth. Although we disagree across the aisle, we still conduct our business with a feeling of comity. Although we disagree on things, we work together on them, and I look forward to working in the future with my distinguished colleague on the committee, Senator ROTH of Delaware. It has been a pleasure to work with him on this bill.

Mr. ROTH. Madam President, let me return the compliment. It has been a pleasure to work with the Senator. I cannot say I am happy at the results, but there will be another day. We look forward to working with the Senator and his staff in the future.

Mr. GLENN. I thank the Senator.

MORNING BUSINESS

Mr. GLENN. Madam President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. ELISSA P. BENEDEK, PRESIDENT-ELECT AMERICAN PSYCHIATRIC ASSOCIATION

Mr. LEVIN. Madam President, it is with a great deal of pride that I note that the American Psychiatric Association will install its second woman president when Elissa P. Benedek, M.D., director of research and training at the Center for Forensic Psychiatry in Ann Arbor, MI takes the oath of office during the 140th APA annual meeting on May 17. The American Psychiatric Association is a society of over 36,000 medical specialists brought together by a common commitment to patients, the search for more effective application of psychiatric knowledge to combat mental illness, and the promotion of mental health for all citizens.

Elissa Benedek is a graduate of Central High School in Detroit, MI; received her undergraduate degree from the University of Michigan; and her medical degree from the University of Michigan Medical School. She interned at Sinai Hospital in Detroit and received further training from the Neuropsychiatric Institute and the Children's Psychiatric Hospital at the University of Michigan Medical Center.

Elissa Benedek has been a leader of American Psychiatry for many years. She is a former vice president, secretary, and trustee of the American Psychiatric Association and has been active in the American Academy for Child Psychiatry, the Group For Advancement Of Psychiatry, and the American College of Psychiatry.

Elissa Benedek has been interested in children's mental health and has written and lectured about the provision of mental health services to emotionally impaired and disturbed children. She is a frequent presenter at academic and clinical conferences and has written over 100 papers and coedited three books. She is also the author of three books on emotionally impaired and disturbed children. She currently serves on the editorial boards of several medical journals and on the editorial board of the American Psychiatric Press.

Elissa Benedek has attained the highest office in her professional society and recognition of her achievement in her field by her peers. The Nation and the world have been richly blessed by her contributions.

CONTINUED OPPRESSION IN ROMANIA

Mr. HELMS. Madam President, hundreds of anti-Communist demonstrators on April 21 entered University Square in the center of Bucharest, Romania. They came to protest the dictatorial, neo-Communist control of Romania by the so-called National Salvation Front. Since April 21, the number has grown at times to thousands, camped out in the square demanding true democracy.

Madam President, many of those in the square today are witnesses and survivors of the December 21, 1989, revolution against the Communist regime of Nicolae Ceausescu. They risked their lives for freedom and they are willing to do it again.

The provisional government, under the control of the National Salvation Front, has pursued a neo-Bolshevik strategy of manipulation and violence. The police were ordered to break up the peaceful demonstration by attacking them with clubs. When the chief of police refused to order the attack, he was fired. The leader of the National Salvation Front, President Ion Iliescu, speaking in the Parliament, reviled the demonstrating students, workers and intellectuals, calling them "ruffians" and "hooligans". Since then, more and more Romanians have joined the ranks of the protestors.

These demonstrators, as well as demonstrators in many other Romanian cities, have three primary demands: First, the removal of top activists from the government; second, free access to the media; third, and postponement of the elections scheduled for May 20.

Madam President, the first demand is extremely important. On March 11, 15 anti-Communist societies met in Timisoara to formulate the Proclamation of Timisoara. The point on which all the demonstrators agree is point eight calling for a ban on former Communist Party activists and Securitate members from political life for the first three terms of the new legislature.

These are the same Communist Party activists and secret police who have unleased a campaign of manipulation, harassment and violence against the people of Romania. They have hijacked the December revolution. Since the beginning of the current election campaign, the opposition parties have endured numerous threats, beatings, and even the vandalization of their offices.

Last week both Radu Campeanu, the Liberal Party candidate for President, and Ion Ratiu, the Peasant Party candidate, were brutally attacked by trained thugs in the pay of the National Salvation Front. Many of them are believed to be members of the Securitate or secret police. As a result of these assaults, an aide to Campeanu was hospitalized with a skull fracture. Mr. Ratiu's wife was also hospitalized.

The National Salvation Front—or "The Front", as it is called—is composed largely of long-time members of the Communist nomenklatura. For example, President Iliescu began his career as the leader of the Communist Youth Union and later held the high ranking position of party secretary in charge of ideology. Although he fell out of favor with Ceausescu, he never made public disavowal of the Communist regime or its leaders.

The man believed to be behind the front's campaign of manipulation is Silviu Brucan, a Communist Party veteran and former editor of the Communist Party's official daily. The Foreign Minister, Sergui Celac, was until 1978, Ceausescu's personal interpreter for Russian and English; since that time he has kept close personal ties with high ranking Communist officials. The Prime Minister, Petre Roman, is the son of a Comintern veteran of the Spanish Civil War. Both he and Celac graduated from the elite Russian high school in Bucharest. Although Roman has had a nonpolitical career he has no history of dissent with the Communist regime.

Madam President, the list goes on and on. It is no wonder that the demonstrators are protesting the continued control of the Government by high ranking Communist officials.

Madam President, the second demand of the demonstrators is for free and independent television and radio media. Former Communist dictator Ceausescu issued a decree in 1975 that the electronic media would be subordinate to the President of Romania. The National Salvation Front has not rescinded this decree; in fact, it has used it to control the television and radio stations.

This past Monday, the demonstrators sent a delegation to meet with President Iliescu for talks on their grievances but the talks broke down

after Iliescu refused to allow television cameras to tape the negotiations. It is apparent that Mr. Iliescu has no intention of allowing a free media. What does he want to hide?

Finally, Madam President, the demonstrators call for the postponement of the elections currently scheduled for May 20. The Romanian people, like any people yearning for freedom, demand free and fair elections. They have long endured the exploitations of communism and fraudulent elections. But the people demand an election free of threats and scare tactics, free of media control, with free access to the publishing houses and distribution centers. There has been no climate of freedom for campaigning.

Not only does the Government control the electronic media but it also controls the amount of paper alloted to each party for their party newspapers. Opposition party papers are not even distributed to cities outside of Bucharest because the trucks are controlled by the Government.

The people demand a fair election without the neo-Communist Government's control of union funds to manipulate the workers. They want total dismantlement of the secret police and Communist Party apparatus that have been used against the people. Under these circumstances it should be obvious to all that until a climate of freedom exists, the elections should be postponed.

Madam President, Secretary of State Baker stated during his brief stopover in Romania in February that "there can be no backsliding on the road to democracy." Secretary Baker warned the provisional government that additional aid—including a waiver of trade restrictions or most-favored-nation trade status to Romania, and American support for Romanian membership in the General Agreement on Tariffs and Trade and the International Monetary Fund—would be conditioned on the completion of "free and fair" elections and on the observance of human rights.

Secretary Baker is right. The United States should stand firm against backsliding and refrain from extending most-favored-nation trade status. The United States, as the standard-bearer of freedom, should support the brave Romanian people who fought and shed their blood for real freedom and true democracy.

Mr. GLENN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following enrolled bills and joint resolutions:

On February 12, 1990:

S.J. Res. 217. Joint resolution to designate the period commencing February 4, 1990, and ending February 10, 1990, and the period commencing February 3, 1991, and ending February 9, 1991, as "National Burn Awareness Week."

On February 14, 1990:

S.J. Res. 103. Joint resolution to designate the period commencing February 18, 1990, and ending February 24, 1990, as "National Visiting Nurses Associations Week";

S.J. Res. 130. Joint resolution to designating February 11 through February 17, 1990, as "Vocational-Technical Education Week."

On February 27, 1990:

S.J. Res. 186. Joint resolution to designating the week of March 1 through March 7, 1990, as "National Quarter Horse Week."

On March 13, 1990:

S.J. Res. 227. Joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week"; and

S.J. Res. 257. Joint resolution to designate March 10, 1990, as "Harriet Tubman Day."

On March 14, 1990:

S 1016. An act to change the name of "Marion Lake," located northwest of Marion, KS, to "Marion Reservoir."

On March 20, 1990:

S.J. Res. 243. Joint resolution to designate March 25, 1990, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

On March 27, 1990:

S.J. Res. 237. Joint resolution providing for the commemoration of the 100th anniversary of the birth of Dwight David Eisenhower.

On March 30, 1990:

S. 1091. An act to provide for the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard; and

S.J. Res. 229. Joint resolution to designate April 1990 as "National Prevent-a-Litter Month."

On March 31, 1990:

S. 2231. An act to amend the Energy Policy and Conservation Act to extend the authority for titles I and II.

On April 4, 1990:

S. 1521. An act to provide for an increase in the maximum rates of basic pay for the police force of the National Zoological Park;

S.J. Res. 250. Joint resolution to designating April 1990 as "National Recycling Month"; and

S.J. Res. 266. Joint resolution designating March 1990, as "United States Naval Reserve Month."

On April 5, 1990:

S.J. Res. 190. Joint resolution designating April 9, 1990, as "National Former Prisoners of War Recognition Day."

On April 9, 1990:

S. 2151. An act to permit the transfer of the obsolete submarine U.S.S. *Requin* to the Carnegie Institute in Pittsburgh, PA, before the expiration of the 60-day waiting period that would otherwise be applicable to the transfer.

On April 11, 1990:

S. 388. An act to provide for 5-year, staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes.

April 18, 1990:

S. 1813. An act to ensure that funds provided under section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 may be used to acquire land for emergency shelters; and

S. 1949. An act to amend the Labor Management Relations Act of 1947 to permit parties engaged in collective bargaining to bargain over the establishment and administration of trust funds to provide financial assistance for employee housing.

April 25, 1990:

S.J. Res. 242. Joint resolution designating the week of April 22 through April 28, 1990, as "National Crime Victims' Rights Week."

April 30, 1990:

S. 1096. An act to provide for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission.

May 1, 1990:

S.J. Res. 258. Joint resolution authorizing the President to proclaim the last Friday of April 1990 as "National Arbor Day."

May 4, 1990:

S. 2533. An act to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program, and for other purposes.

May 8, 1990:

S.J. Res. 236. Joint resolution designating May 6 through 12, 1990, as "Be Kind to Animals and National Pet Week."

May 9, 1990:

S.J. Res. 153. Joint resolution designating the third week in May 1990 as "National Tourism Week"; and

S.J. Res. 230. Joint resolution to designate the period commencing on May 6, 1990, and ending on May 12, 1990, as "National Drinking Water Week."

MESSAGES FROM THE HOUSE

At 11:56 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2364) to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes.

The message also announced that the House disagrees to the amendment

of the Senate to the bill (H.R. 7) to amend the Carl D. Perkins Vocational Education Act to improve the provision of services under such act and to extend the authorities contained in such act through the fiscal year 1995, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. HAWKINS, Mr. FORD of Michigan, Mr. MILLER of California, Mr. KILDEE, Mr. WILLIAMS, Mr. MARTINEZ, Mr. PERKINS, Mr. HAYES of Illinois, Mr. SAWYER, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mrs. LOWERY of New York, Mr. POSHARD, Mrs. UNSOELD, Mr. RAHALL, Mr. GOODLING, Mr. FAWELL, Mr. GRANDY, Mr. SMITH of Vermont, Mr. BARTLETT, Mr. GUNDERSON, Mr. PETRI, Mrs. ROUKEMA, and Mr. COLEMAN of Missouri as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3) to authorize appropriations to expand Head Start programs and programs carried out under the Elementary and Secondary Education Act of 1965 to include child care services, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers on the part of the House:

From the Committee on Education and Labor, for consideration of the House bill—except titles III and VI, and the Senate amendment—except titles II and III, and modifications committed to conference: Mr. HAWKINS, Mr. FORD of Michigan, Mr. CLAY, Mr. MILLER of California, Mr. KILDEE, Mr. WILLIAMS, Mr. MARTINEZ, Mr. OWENS of New York, Mr. HAYES of Illinois, Mr. PERKINS, Mr. SAWYER, Mr. PAYNE of New Jersey, Mrs. LOWEY of New York, Mrs. UNSOELD, Mr. WASHINGTON, Mr. JONTZ , Mr. GOODLING, Mr. PETRI, Mr. GUNDERSON, Mr. BARTLETT, Mr. TAUKE, Mr. HENRY, Mr. GRANDY, Mr. BALLENGER, and Mr. FAWELL.

From the Committee on Ways and Means, for consideration of titles III and VI of the House bill, and title II of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. DOWNEY, Mr. FORD of Tennessee, Mr. PEASE, Mr. MATSUI, Mrs. KENNELLY, Mr. ANDREWS, Mr. ARCHER, Mr. VANDER JAGT, Mr. CRANE, and Mr. SHAW.

From the Committee on Ways and Means, for consideration of title I—except section 125—of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. DOWNEY, and Mr. ARCHER.

From the Committee on Ways and Means, for consideration of title III of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. JACOBS, and Mr. BROWN of Colorado.

From the Committee on Energy and Commerce, for consideration of section 124 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. WALGREN, and Mr. LENT.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3656. An act to amend the Securities Exchange Act of 1934 to improve the clearance and settlement of transactions in securities and related instruments, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 993. An act to implement the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes; and

S. 1853. An act to reward a congressional gold medal to Laurence Spelman Rockefeller.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3656. An act to amend the Securities Exchange Act of 1934 to improve the clearance and settlement of transactions in securities and related instruments, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 10, 1990, he had presented to the President of the United States the following enrolled bills:

S. 993. An act to implement the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes; and

S. 1853. An act to award a congressional gold medal to Laurence Spelman Rockefeller.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SASSER, from the Committee on the Budget, without amendment:

S. Con. Res. 129. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1991, 1992, 1993, 1994, and 1995 (Rept. No. 101-283).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services:

The following-named officer for appointment to the grade of rear admiral in accordance with article II, section 2, clause 2, of the Constitution:

To be rear admiral

Capt. Robert C.J. Krasner, MC, U.S. Navy, [redacted]

By Mr. BIDEN, from the Committee on the Judiciary.

Stanley F. Birch, Jr., of Georgia, to be U.S. circuit judge for the Eleventh Circuit;

John D. Rainey, of Texas, to be U.S. district judge for the Southern District of Texas;

James K. Singleton, Jr., of Alaska, to be U.S. district judge for the District of Alaska;

William M. Nickerson, of Maryland, to be U.S. district judge for the district of Maryland;

Stephen M. McNamee, of Arizona, to be U.S. district judge for the District of Arizona;

Jack D. Shanstrom, of Montana, to be U.S. District Judge for the District of Montana;

Samual Grayson Wilson, of Virginia, to be U.S. district judge for the Western District of Virginia;

Richard W. Vollmer, Jr., of Alabama, to be U.S. district judge for the Southern District of Alabama;

Arthur F. Van Court, of California, to be U.S. Marshal for the Eastern District of California for the term of 4 years; and

Daniel J. Horgan, of Florida, to be U.S. Marshal for the Southern District of Florida for the term of 4 years.

By Mr. BIDEN, from the Committee on the Judiciary:

Morris Lee Thompson, of Kansas, to be U.S. attorney for the District of Kansas for the term of 4 years.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. ADAMS, and Mr. INOUYE):

S. 2604. A bill to facilitate the use of pesticides that are registered for agricultural minor uses, to establish the Inter-Regional Research Project Number 4 (IR-4 Program), and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR (for himself, Mr. ADAMS, Mr. BUMPERS, Mr. BURDICK, Mr. CONRAD, Mr. EXON, Mr. KERREY, and Mr. KOHL):

S. 2605. A bill to amend title XIX of the Social Security Act to provide mechanisms to control Medicaid drug prices while assuring that beneficiaries receive quality medical care, physicians' prerogative to prescribe

is protected and the role of pharmacists is enhanced; to the Committee on Finance.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 2606. A bill for the relief of Conwell F. Robinson and Gerald R. Robinson; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. KERRY, and Mr. SANFORD):

S. 2607. A bill to amend the International Claims Settlement Act of 1949 to provide for the payment of claims of nationals of the United States against Vietnam; to the Committee on Foreign Relations.

By Mr. GLENN (for himself, Mr. LIEBERMAN, Mr. KOHL, Mr. PRYOR, Mr. METZENBAUM, Mr. LEVIN, Mr. SASSER, Mr. COHEN, Mr. NUNN, Mr. BINGAMAN, Mr. BUMPERS, Mr. HARKIN, and Mr. KENNEDY):

S. 2608. A bill to amend the Inspector General Act of 1978 to clarify the authority of Inspectors General to conduct audits and investigations; to the Committee on Governmental Affairs.

By Ms. MIKULSKI:

S. 2609. A bill to establish a national advanced technician training program, utilizing the resources of the Nation's 2-year associate-degree-granting colleges to expand the pool of skilled technicians in strategic advanced technology fields, to increases the productivity of the Nation's industries, and to improve the competitiveness of the United States in international trade, and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. KASSEBAUM:

S. 2610. A bill to protect the free flow of commerce on the Missouri River; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY:

S. Res. 282. Resolution expressing the sense of the Senate regarding United States military assistance for the Republic of Liberia and human rights abuses in Liberia; to the Committee on Foreign Relations.

By Mr. SASSER from the Committee on the Budget:

S. Con. Res. 129. Original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1991, 1992, 1993, 1994, and 1995; placed on the calender.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. ADAMS, and Mr. INOUYE):

S. 2604. A bill to facilitate the use of pesticides that are registered for agricultural minor uses, to establish the Inter-regional Research Project Number 4 (IR-4 Program), and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MINOR USE PESTICIDES ACT

Mr. GRAHAM. Mr. President, today I am introducing, on behalf of myself, Senator INOUYE, and Senator ADAMS, a bill to amend Federal pesticide law. Our bill will ease the bureaucratic and economic restrictions that hamper the development and use of safe pesticides for fruits, vegetables, and specialty crops.

Our aim is to help keep important and safe chemicals available for minor-crop growers, and at the same time, encourage USDA to develop alternative pest control measures through integrated pest management and research. In many ways, we are creating an orphan-drug program for agricultural chemicals.

Because of the costs of reregistering an existing chemical with EPA, or because of the costs of developing a new chemical, many pesticide companies have had to cancel their registrations for small volume crops.

In other words, when weighing the costs of reregistering a pesticide for use on celery, the manufacturer must decide whether the volume of sales justifies the expense of the required tests and fees. In many cases, the decision will be against pursuing the registration for crops, like celery, that are not widely grown.

The impact on minor crop producers—who grow crops that range from apples to zucchinis—has been a shrinking pool of solutions to their pest problems. The end result will be at the grocer's produce counter—costlier, and perhaps fewer, fruits, vegetables.

The bill we are introducing today addresses specific problems in the registration process for minor-use growers. For example, we ask EPA to let affected grower groups know when a chemical they need is going to be removed from the market. That gives the growers the opportunity to take over the registration of the pesticide and continue to use it.

While we are concerned about the needs of the growers, our bill does not affect EPA's ability to remove suspect or dangerous chemicals from use. Our goal is to keep viable and safe pesticides from being discontinued purely for economic reasons—not to keep hazardous pesticides on the market.

Minor-use crops are grown in almost every one of our States. New Jersey blueberries, Masssachusetts cranberries, Washington apples, Florida oranges, California avocados, all considered minor-use, and all more popular than ever with the health conscious American consumer.

But because of their nonprogram status, few of our research and development efforts are geared toward these specialty crop needs. Therefore, we are asking USDA to conduct more research on the pest control needs of minor crops, and to increase their emphasis on integrated pest management for minor crops.

Our bill also increases the authorization for the Inter-Regional, or IR-4, program. The most valuable research program for minor crops, the IR-4 program tests the safety of commercially nonviable minor-use pesticides. Underfunded and over burdened with work, the IR-4 program needs a boost in support from Congress.

The men and women who produce America's fruits, vegetables, and specialty crops are independent, hard-working, and proud of the way they make their living. We want, through our bill, to give them the tools they need to improve their farming practices, and to ensure that Americans will have access to an abundance of safe, delicious produce.

Before closing, I want to make special note of the work that Senator Matsunaga and his staff put into this bill. Senator Matsunaga was keenly aware of the problems his home-State producers faced and worked diligently to craft the legislation before us.

Mr. President, I ask unanimous consent that the text of the bill appear immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Minor Use Pesticides Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REGISTRATION OF PESTICIDES FOR AGRICULTURAL MINOR USES

Sec. 101. Data in support of registration.
Sec. 102. Waivers of liability for pesticides registered for minor agricultural uses.
Sec. 103. Reduction or waiver of fees for pesticides registered for minor agricultural uses.
Sec. 104. Voluntary cancellation.
Sec. 105. Pest control.
Sec. 106. Conforming amendments to table of contents.

TITLE II—INTER-REGIONAL RESEARCH PROJECT NUMBER 4 (IR-4 PROGRAM)

Sec. 201. Findings.
Sec. 202. Inter-Regional Research Project Number 4 (IR-4 Program).
Sec. 203. Conforming amendments.

TITLE I—REGISTRATION OF PESTICIDES FOR AGRICULTURAL MINOR USES

SEC. 101. DATA IN SUPPORT OF REGISTRATION.

Section 3(c)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(2)(A)) is amended by inserting after the third sentence the following new sentence: "The Administrator shall not require a person to submit, under this Act, any data related to residues of a pesticide registered for a minor agricultural use in a geographic area where the use of the pesticide is not likely, as determined by the Administrator.".

SEC. 102. WAIVERS OF LIABILITY FOR PESTICIDES REGISTERED FOR MINOR AGRICULTURAL USES.

Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following new paragraph:

"(4) WAIVERS OF LIABILITY FOR PESTICIDE REGISTERED FOR MINOR AGRICULTURAL USES.—In the case of a pesticide that is registered for a minor agricultural use, an agricultural producer may enter into a written agreement with the registrant of the pesticide to waive any liability of the registrant to the producer incurred with respect to the use.".

SEC. 103. REDUCTION OR WAIVER OF FEES FOR PESTICIDES REGISTERED FOR MINOR AGRICULTURAL USES.

Section 4(i)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(4)) is amended by adding at the end the following new subparagraph:

"(D) Notwithstanding any other provision of this Act, in the case of a pesticide that is registered for a minor agricultural use, the Administrator may reduce or waive the payment of a fee for the registration or registration of the pesticide for the use if the Administrator determines that the fee would significantly reduce the availability of the pesticide for the use.".

SEC. 104. VOLUNTARY CANCELLATION.

Section 6(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136d(f)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) VOLUNTARY CANCELLATION.—

"(A) A registrant may, at any time, request that a pesticide registration of the registrant be canceled or amended to terminate one or more pesticide uses.

"(B) Before acting on the request, the Administrator shall publish in the Federal Register a notice of the receipt of the request.

"(C) In the case of a pesticide that is registered for a minor agricultural use, if the Administrator determines that the cancellation or amendment of the registration of the pesticide for the use would adversely affect the availability of the pesticide for the use, the Administrator—

"(i) shall publish in the Federal Register a notice of the receipt of the request and take such other actions as are necessary to inform persons who so use the pesticide of the request; and

"(ii) may not approve or reject the request until the termination of the 90-day period beginning on the date of publication of the notice in the Federal Register, and

"(iii) the Administrator may waive the 90-day period if the Administrator determines that the continued use of the pesticide would pose an unreasonable adverse effect on the environment.

"(D) Subject to paragraph (3)(B), after complying with this paragraph, the Administrator may approve or deny the request."; and

(2) by adding at the end the following new paragraph:

"(3) TRANSFER OF REGISTRATION OF PESTICIDES REGISTERED FOR MINOR AGRICULTURAL USES.—In the case of a pesticide that is registered for a minor agricultural use:

"(A) During the 90-day period referred to in paragraph (1)(C)(ii), the registrant of the pesticide may notify the Administrator of an agreement between the registrant and persons who so use the pesticide (or an agreement between the registrant and a third party registrant, as defined by the Administrator) to transfer the registration of the pesticide, in lieu of canceling or amending the registration to terminate the use.

"(B) The Administrator shall approve the transfer of the registration of the pesticide unless the Administrator determines that the continued use of the pesticide would pose an unreasonable adverse effect on the environment.

"(C) If the Administrator approves the transfer and the registrant transfers the registration of the pesticide, the Administrator shall not cancel or amend the registration, or rescind the transfer of the registration, during the 180-day period beginning on the date of the approval of the transfer.

"(D) The new registrant of the pesticide shall assume the outstanding data and other requirements for the pesticide that are pending at the time of the transfer.".

SEC. 105. PEST CONTROL.

Section 28 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-3) is amended to read as follows:

"SEC. 28. PEST CONTROL.

"(a) IN GENERAL.—

"(1) PESTS.—The Administrator, in cooperation with the Secretary of Agriculture, shall identify—

"(A) pests affecting minor-use crops that must be brought under control; and

"(B) chemical control measures available to control the pests described in subparagraph (A) and biological and other alternative control measures available to control the pests.

"(2) REPORT BY SECRETARY.—The Secretary of Agriculture shall, not later than 180 days after the date of enactment of this section and annually thereafter, prepare a report and send the report to the Administrator. The report shall—

"(A) describe in detail the pests and measures of pest control described in subparagraphs (A) and (B) of paragraph (1);

"(B) identify areas of pest control at risk of losing effectiveness due to—

"(i) an insufficient number of registered pesticides; or

"(ii) resistance by a pest to pest control measures; and

"(C) describe in detail research efforts, including agricultural extension programs, to develop effective pest control to address the areas of pest control described in subparagraph (B).

"(b) INTEGRATED PEST MANAGEMENT.—The Administrator, in cooperation with the Secretary of Agriculture, shall develop approaches to the control of pests based on integrated pest management that respond to the needs of producers who use pesticides for minor agricultural uses.".

SEC. 106. CONFORMING AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended—

(1) by adding at the end of the items relating to section 3(f) the following new item:

"(4) Waivers of liability for pesticide registered for minor agricultural uses.";

(2) by adding at the end of the items relating to section 6(f) the following new item:

"(3) Transfer of registration of pesticides registered for minor agricultural uses.";

and

(3) by striking the items relating to section 28 and inserting the following new items:

"Sec. 28. Pest control.

"(a) In general.

"(1) In general.

"(2) Report by Secretary.

"(b) Integrated pest management.".

TITLE II—INTER-REGIONAL RESEARCH PROJECT NUMBER 4 (IR-4 PROGRAM)

SEC. 201. FINDINGS.

Congress finds that—

(1) the Inter-Regional Research Project Number 4 (IR-4 program) is a national research program intended to facilitate the registration of pesticides for minor agricultural uses where use volume does not justify commercial development;

(2) the main beneficiaries of the IR-4 project are agricultural producers who use the pesticides to produce crops that are eaten daily (such as vegetables, fruits, and nuts) and crops that that enrich the environment (such as ornamental plants, floral crops, trees, and turfgrass);

(3) as the result of insufficient funding, the IR-4 program has a backlog of 1,200 requests for new uses;

(4) section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1) requires the reregistration of over 4,000 currently labeled uses;

(5) about 1,000 priority minor use needs will not be supported for reregistration by industry;

(6) the IR-4 program is in a funding crisis; and

(7) without additional funds to meet the needs generated by reregistration requirements imposed by section 4 of such Act, and new environmental management methods, the IR-4 program will be unable to fulfill its important tasks.

SEC. 202. INTER-REGIONAL RESEARCH PROJECT NUMBER 4 (IR-4 PROGRAM).

Section 2 of the Act entitled "An Act to facilitate the work of the Department of Agriculture, and for other purposes", approved August 4, 1965 (7 U.S.C. 450i), is amended—

(1) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively;

(2) by inserting after subsection (d) the following new subsection:

"(d)(1) The Secretary of Agriculture shall establish an Inter-Regional Research Project Number 4 (hereinafter referred to in this section as the 'IR-4 Program') to assist in the collection of residue and efficacy data in support of—

"(A) the registration or reregistration of minor use pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.); and

"(B) tolerances for residues of minor use chemicals in or on raw agricultural commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a).

"(2) The Secretary shall carry out the IR-4 program in cooperation with the Administrator of the Environmental Protection Agency, State agricultural experiment stations, colleges and universities, extension services, private industry, and other interested parties.

"(3) As part of carrying out the IR-4 program, the Secretary shall—

"(A) develop analytical techniques applicable to residues of pesticides registered for minor agricultural use, including automation techniques and validation of analytical methods; and

"(B) participate in research activities aimed at reducing residues of pesticides registered for minor agricultural use.

"(4) There are authorized to be appropriated $25,000,000 for fiscal year 1991, and such sums are necessary for subsequent fiscal years, to carry out this section."; and

(3) in subsection (h) (as redesignated by paragraph (1) of this section), by striking "subsection (b)" and inserting "subsections (b) and (d)".

SEC. 203. CONFORMING AMENDMENTS.

(a) Section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241) is amended by striking "sections 2(e), 2(f), and 2(h)" and inserting "sections 2(f), 2(g), and 2(i)".

(b) Section 1469(1) of such Act (7 U.S.C. 3315(1)) is amended by striking "sections 2(e), 2(f), and 2(h)" and inserting "sections 2(f), 2(g), and 2(i)".

Mr. INOUYE. Mr. President, I rise today in support of this important legislation designed to manage the use of pesticides on minor agricultural crops. I am pleased to join my colleagues, Senators GRAHAM and ADAMS, as an original sponsor of this initiative.

Mr. President, the Federal Government registers chemical pesticides and regulates their use on major crops such as cotton, wheat, corn, and soybeans. There is a sufficient demand for these pesticides. However, when it is a minor agricultural crop, pesticide regulations are more problematic. Due to the costly and lengthy registration process, I believe that special attention must be devoted to the development and registration of safe and effective chemical pesticides for these crops.

All of Hawaii's agricultural industries are considered minor crops. Even sugar—our largest crop in terms of acreage and value—is considered a minor crop. In an effort to diversify our agricultural base, Hawaii's farmers have taken bold steps and experimented with new crops. Coffee, cocoa, and vanilla crops have been planted in Hawaii. These ventures hold great promise for Hawaii's agricultural community for, if successful, will be the only crops of its kind in the Nation. Additionally, we are proud of our ongoing pineapple, papaya, macadamia nut, guava, and array of tropical flower industries. All of these crops, and numerous others, are considered minor. Many of these industries are involved in pesticide registration for use on their crops. It is not uncommon for such a process to span over a period of 3 to 5 years. What concerns me is what these farmers do in the interim while they await approval. Many of them are small family farmers that rely on the sale of their crops to survive. Mr. President, they need our assistance.

Chemical pesticides are one means of controlling pests. Other techniques involving biological control and management practices to break the life cycle of pests are also essential. These strategies, referred to as integrated pest management, are the long-term approaches to pest control.

Many of Hawaii's farmers already practice many integrated pest management strategies in addition to utilizing chemical pesticides. Through proper regulation, we can insure that chemical application on minor crops continues to maintain standards that are environmentally sound while insuring effective pest control and producing hardy and safe agricultural products. Mr. President, I believe that the measure we are introducing today will accomplish this important objective.

In closing, I would like to acknowledge the major role that my late colleague, Senator Spark Matsunaga played in the drafting of this legislation.

Mr. President, I urge my colleagues to support this important measure.

Mr. ADAMS. Mr. President, I rise as an original sponsor of the Minor Use Pesticide Act of 1990. This legislation, consisting mainly of technical amendments to the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA], attempts to address a crisis we face today in the area of minor crop and minor use pesticides.

The term "minor crops" and "minor uses" refer to limited acreage crops or sepcific pesticide uses on crops where the market potential for a crop protection chemical is very small. Minor crops are not minor in any other sense of the term. In my State, where agriculture is our largest industry, the Washington State Department of Agriculture estimates more than 90 percent of our crops fall into this category.

In 1988, Congress, responding to concerns that many older registrations needed scientific reevaluation, passed FIFRA amendments requiring EPA to reregister all existing registrations for pesticide use. The impact of reregistration on registrations of minor use pesticides is expected to be severe. This process will be very expensive. Many chemical manufacturers are expected to choose simply not to renew their minor use registrations, because the market for the product is not worth the expense.

The problem we face is not that some older products may now be judged unsafe and pulled from the market. That is what the reregistration process is for. If a chemical cannot meet our safety standards it should not be used. What concerns me are situations where safe products become unavailable for our farmers, often without notice or the chance to develop alternatives.

The intent of this bill, therefore, is to make sure those most immediately affected by reregistration—America's minor crop farmers—are given notice that chemical products they use may be affected by this process, and given an opportunity to see that the pesticide goes through the reregistration process. I believe this bill does this in ways consistent with FIFRA's overall public safety goals.

First, current law says chemical manufacturers can decide not to reregister through what is called voluntary cancellation, with no notice to affected farmers. The bill would require EPA to determine if any voluntary cancellation request would affect minor crop farmers. If so, EPA would have to notify affected growers, and could not approve the request for 90 days.

Second, in a case where a qualified grower group arranges with a chemical manufacturer to become a third-party registrant, and assume responsibility for the registration, the bill requires EPA to approve the transfer unless EPA determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment. If the transfer is approved, EPA cannot cancel or amend it for 180 days. To further facilitate such transfers, the bill permits growers to enter into voluntary agreements with chemical manufacturers to waive liability for crop damage. This provision is not intended to affect any other type of liability.

This provision gives a grower group the opportunity to take a pesticide through the reregistration process when the chemical manufacturer decides not to do so. The bill provides that the new registrant for a pesticide remains responsibile for pending data requirements existing at the time of the transfer.

Next, the bill clarifies that EPA cannot require residue data on pesticides registered for minor use in geographic areas where EPA feels use of the pesticide is not likely. The bill also extends EPA's existing discretionary authority to waive fees for any reregistration exclusively dealing with minor uses. EPA would now waive fees for the minor use portion of a registration even if that registration included major uses as well.

The bill also addresses the Inter-Regional Research Project No. 4, the IR-4 Program. This program, annually funded as a special grant, is designed to support registrations of pesticides for minor crops through the generation of required data. In the Pacific Northwest, IR-4 work is done at Oregon State University, at the ARS lab in Yakima, and hopefully soon at the new Food and Environmental Quality Lab I have proposed for Richland, WA.

IR-4 is an excellent program, but it does not have the resources to meet the demand for minor crop pesticide data created by the reregistration process. I understand the administration is considering increasing its inadequate funding request, and I certain-

ly encourage that effort. This bill is designed to make permanemt IR-4's existence as a Federal program. The bill establishes the program, authorizes $25 million in funding, and expands its existing mission.

In addition, the bill directs EPA and USDA to complete a study identifying pests that affect minor crops, identifying chemical control measures for such pests, and giving the status of the search for alternative means of control.

Finally, I would like to express my gratitude for the contribution made to this legislation by my late colleague, Senator Spark Matsunaga of Hawaii. His efforts on behalf of the minor crop growers of this State were just one more reason why all of us here in the Senate miss him very much.

Mr. President, I look forward to discussing these proposals with other members, farmers, consumers, environmental groups, and chemical manufacturers.

By Mr. PRYOR (for himself, Mr. ADAMS, Mr. BUMPERS, Mr. BURDICK, Mr. CONRAD, Mr. EXON, Mr. KERREY, and Mr. KOHL):

S. 2605. A bill to amend title XIX of the Social Security Act to provide mechanisms to control Medicaid drug prices while assuring that beneficiaries receive quality medical care, physicians' prerogrative to prescribe is protected and the role of pharmacists is enhanced; to the Committee on Finance.

PHARMACEUTICAL ACCESS AND PRUDENT PURCHASING ACT OF 1990

Mr. PRYOR. Mr. President, today I am formally introducing legislation to reduce prescription drug prices purchased by the $3.5 billion Medicaid Program, the Government's health insurance safety net for the poorest Americans. My bill is called the Pharmaceuticals Access and Prudent Purchasing Act of 1990.

Mr. President, as I discussed on the floor just 2 days ago, the country faces a smoldering crisis of affordability that is about to become an inferno. The staff at the Senate Special Committee on Aging tell me they are getting calls from other Senators' and Representatives' offices every day, asking what they can do to answer their constituents' letters about high drug prices. Everyone of us in this Chamber has received complaints from sick elderly and poor people, States, physicians, pharmacists, and insurers about skyrocketing prescription drug costs.

The only representative of the health care industry satisfied with the current sysem appears to be the drug manufacturers. We must take steps to stop or at least control the unacceptable trend of prescription drug price increases tripling all other price increases.

My answer to this crisis has been to study the best business practices already being used by hospitals, HMO's and a handful of Federal Government agencies to negotiate lower drug prices for the American people. What I found was that the Department of Veterans Affairs, hospitals, and HMO's were obtaining 30 to 40 percent discounts under what the State Medicaid programs are paying. While no one would begrudge a nonprofit hospital serving indigent patients a discount, how can anyone argue that the Medicaid Prescription Drug Program serving millions of poor people should not have access to at least the same or similar discounts?

I have therefore concluded, as I hope and believe many of my colleagues will, that there is absolutely no reason why the financially destitute Medicaid Health Insurance Program should not also directly negotiate with the drug companies. However, despite the valiant efforts of States to do just that, the drug manufacturers have almost without exception denied them reasonable prices for desperately needed medications. It is time that we assist our State governments in getting the manufacturers to sit down at the bargaining table.

The Pharmaceuticals Access and Prudent Purchasing Act would facilitate negotiations while also reversing the common Washington presumption that our first recourse should be to tell the States how to run their programs. As a former Governor, I have worked for months to craft a bill that gives States both the necessary information and the incentives to negotiate with drug manufacturers while also improving the likelihood that the drug companies will finally take the States seriously when they ask to negotiate.

The legislation has what I call an "or else" clause that will take effect only if the combination of incentives and pressure on the industry fails. The "or else" clause provides that if the drug manufacturers continue to ignore the States' requests for a fair deal, the States will join together in big buying groups that the drug companies literally cannot afford to ignore. I hope that is never going to be necessary, but history teaches that most of the drug companies don't do anything for anyone that they don't have to.

Many of my colleagues on the Finance, Aging and Labor Committees, I gather, have been subjected to a barrage of lobbying activity by the drug companies about this bill that I am introducing today. In all the years I have been in the Senate, I have never seen such an extensive lobbying campaign against an idea that has yet to be formally introduced.

The drug manufacturers have all sorts of arguments against this bill. However, the only argument the industry doesn't come to the Hill with is the one reason why they are here: my legislation might slightly reduce their excessive profits by asking them—like everyone else—to share in the burden of Medicaid cost containment. To assist my colleagues in sorting out truth from the fiction that the manufacturers have been circulating, I have prepared a brief question and answer document that responds to the manufacturers outlandish arguments against my bill. In addition, I believe it is important to note that the very organizations who represent the interests of Medicaid recipients have not only rejected the manufacturers unprecedented lobbying efforts but have written me letters of support.

In the interest of time, I will not go through the numerous red herring arguments the manufacturers have raised. However, I would like to address the one argument that most of us have heard time and time again on the drug pricing issue. We have all heard how efforts to control drug prices will kill the drug industry and its investment in research and development. They say that my bill will choke the golden goose or research and development that may someday produce a cure for Alzheimer's disease, or AIDS, or cystic fibrosis. Perhaps we should expect such rhetoric from those who job it is to rally their legions of lobbyists. But what do cooler heads say about the impact of my bill?

One respected Wall Street investment analysis house recently concluded, "the Pryor bill is not a threat." The analysts wrote that even if the Pryor bill saves Medicaid $250 million a year, that "represents about three quarters of a percent of the total U.S. drug industry's sales. * * * If that is the hit the industry is looking at [he said] * * * it is not only manageable, it is trivial." A few weeks later, they revisited the same subject, saying, "even if it passed, the impact of PRYOR's bill would be immaterial for the industry."

That is Wall Street's assessment—$250 million is trivial and immaterial to the prospects of the industry. They're probably right. But $250 million isn't trivial to the poor people of this country, nor to the working man and woman who pay not only their own taxes, but also a substantial portion of the drug companies' taxes, too.

I know every Member has seen a good program get deleted in the present budget environment, and I don't want to dwell on all the programs I've seen go down in flames. But here are two examples of success stories that I hope will convey the importance of securing $250 million in savings with my bill. In the 1987 budget reconciliation bill, we were lucky to achieve a modest, voluntary program to insure poor pregnant women and their infants. For a total of $220 million over 3 years, we were able to pur-

chase for thousands of these vulnerable citizens not only prescription drugs but also payment for doctor and hospital bills.

Two years later, in the 1989 budget bill, we were able to cover medical costs for all children up to age 6 as long as their family income didn't get above 133 percent of the poverty line. The cost: $210 million for 2 years. In my view, we could stand to do a lot more of this if we could just find a trivial few hundred million dollars in savings.

I have brought with me today two medicine bottles that illustrate the shameful situation we must correct. I would ask my colleagues to note that these two bottles are the same. They're the same because they contain the same quantity of the same drug to treat serious stomach ulcers—a drug called Zantac—and because they were both made by the same brand name manufacturer. But one of these bottles was purchased by the Veterans' Administration for $34, while the other was purchased by the Medicaid program for $68. An antiasthma medication made by Schering-Plough that is sold to the Veterans' Administration for $8 while an identical package of the drug commands three times as much—$24—from the fiscally struggling Medicaid Program.

And I could just as easily have brought in bottles of the very popular antihypertensive drug called Dyazide. This is a drug made by an international combine called SmithKline Beecham, which today has no generic competition in the United States because of the recent scandals involving the FDA and the generic drug industry. For 2 years now, the Veterans' Administration has negotiated a price of $50 for a 1,000 capsules, but Medicaid pays about $280 for the same package from the same company.

Mr. President, as talented as the negotiators at the Department of Veterans' Affairs are, they aren't the only people getting access to good prices for prescription drugs. Besides the vast majority of hospitals and HMO's in this country, other industrialized nations of the world are getting much better deals as well.

During the Aging Committee's investigation of drug prices, we found out what citizens of the European Economic Community pay. I asked a respected European consumer organization to compare the price on 25 of the biggest selling brand name drugs in both the United States and in the nations of the EC. They testified in November that Europeans pay two-thirds what Americans pay for the identical products.

What does all this mean? It means that of the financially destitute Medicaid Program pays—almost without exception—the highest prices for prescription drugs, not just in the United States but the highest drug prices in the world. It means that we need to find the toughest, smartest negotiators in the United States and put them to work for the public.

By now it may be obvious that while the drug companies don't want to negotiate drug prices with Medicaid programs, Medicaid isn't the issue. They are deathly afraid that the rest of the American public, those with workplace and retiree health plans, will be able to get the same deals by using the same negotiating strategy. In other words, they are afraid the idea will spread and catch on. Mr. President, I would like my colleagues to think about this for just a moment: when was the last time someone asked us to vote against an idea because it was so good it might catch on?

The manufacturers have the easy side in this debate. All they have to do is throw out so much confusing detail, red herrings, and blind-alley arguments that no Senator or staffer will be able to penetrate to the truth. But there is a simple business reality that they desperately hope we will be unable to communicate. And that is the fact that different drugs are used by doctors and hospitals to treat millions of different people every day who have the same illnesses. The people who are most familiar with that fact—outside of the drug companies of course—use this knowledge to make drug companies bid low prices to get their business.

This is how the Veterans' Administration, the World Health Organization, and hundreds of U.S. hospitals and HMO's make more informed purchasing decisions. The key to their success is organizing a group of doctors and pharmacists to advise them as to which drugs do the same things as other drugs, and can therefore be subjected to competitive bidding. These expert committees are called Pharmacy and Therapeutics Committees, and we need one too. With this vital information, drug products are purchased at tremendous discounts below the manufacturer's published asking price. As witnesses from Europe to the United States told the Aging Committee, this is the way to buy "me-too" drugs.

Mr. President, I do not want to be accused of being a man who knows the price of everything but the value of nothing. And I hope my colleagues can see now that I raise these issues not to embarrass the industry but to lay the groundwork for a fundamental reappraisal of the Government's cost-containment strategy for prescription drugs. We need to know these facts when the drug company lobbyists come around to tell us to save money by cutting back on the pharmacists, the poor and the middle-class employee health benefits plans—but to keep restoring their tax breaks. And when the drug companies say they need to charge an average of 49 percent more for new drugs in order to feed the golden goose of research and development, we need to remember that the FDA finds at least 60 percent of the eggs she lays on the market are more chrome and glitz than gold.

Most importantly, Mr. President, I want my colleagues to understand that I am not opposed to the drug companies' production of me-too drugs. I am opposed to their idea that American citizens must pay high prices for them. After a year of study, I believe that me-too drugs do indeed have value. But the value of me-too drugs lies not in their heavily advertised "New, Improved" labeling but in the price competition that they make possible. This is the key to my legislation.

In the end, when we part the last industry smokescreen, once we understand how the industry really works, we will be faced with a clear choice of policies. It's entirely within our power to use basic marketplace business principles to save American taxpayers and consumers of prescription drugs hundreds of millions of dollars. As any economist will tell you, whether conservative or liberal, there is nothing simple about making competition happen in the health care market. Just as surely as it takes two hands to clap, it takes both a smart seller and a prudent purchaser to make the marketplace hum. We already have very smart sellers—the drug companies have outsmarted us for years. The question is, are we willing to take the action needed to empower knowledgeable negotiators to act on behalf of the public? I repeat, it's our choice.

We can choose to secure for our constituents the benefits of the brains and savvy of all the doctors and pharmacists who work on hospital pharmacy and therapeutics committees. In so doing, we will ensure that employee benefit plans, health insurors and Medicaid programs alike can start negotiating drug prices. On the other hand, we can side with the sellers, the prescription drug manufacturers, and preserve their current pricing prerogatives. But if we do, we will have condemned the public to keep paying higher and higher prices—until few can afford prescription drug products, least of all our Government insurance programs for the sick, the elderly, and the poor. In the present system, we are all at the mercy of the manufacturers.

It is time to change the current situation in a way that is fair to all interested parties. I believe my bill accomplishes this goal. Having said this, I know of no major bill that has been signed into law without changes being made throughout the legislative process. As I have through the development of the legislation to date, I will

continue to solicit and incorporate suggestions that strengthen the bill. During the last several months, representatives from the Medicaid advocate community, States, physicians, pharmacists, and insurers have contributed immeasurably to this bill. I look forward to continuing to work with them, as well as any manufacturers who wish to offer constructive suggestions.

Now is the time for us to untie our hands, take off our blinders, and use our knowledge and determination to achieve drug price discounts. I believe the choice is clear. I respectfully request the support of my colleagues in enacting PAPPA, the Pharmaceuticals Access and Prudent Purchasing Act of 1990, into law.

Mr. President, I have several unanimous-consent requests.

First, Mr. President, I ask unanimous consent to print the text of the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This bill may be cited as the "Pharmaceutical Access and Prudent Purchasing Act of 1990."

SEC. 2. FINDINGS AND PURPOSE.

(a) The Congress finds that—

(1) State Medicaid programs are under severe and increasing financial pressure as a result of drug price inflation;

(2) States have been forced to respond with undesirable measures, such as raising the required coinsurance, limiting or reducing reimbursement to pharmacists, and excluding categories of drugs from coverage;

(3) in the long run, these measures are self-defeating because they may reduce access to needed medications by those Americans who rely on the Medicaid program and may impair the ability of pharmacists to provide cognitive services which improve the quality of care for patients; and

(4) the Medicaid program has not fully exploited the potential benefits, in both health and cost control, of a marketplace mechanism for negotiating drug prices and of a drug utilization review program designed to make full use of pharmacists' cognitive services.

(b) The purposes of this Act are—

(1) to provide a mechanism, which States may adopt in their efforts to control the prices of drugs, to stimulate price competition among manufacturers of drugs which are therapeutic alternates;

(2) to encourage States to institute their own drug price control programs in lieu of the multi-State and federal programs available under this Act;

(3) to assure that State drug cost-control initiatives are focused on manufacturers' prices, and that pharmacists and the beneficiaries of Medicaid do not have to absorb the cost of such initiatives;

(4) to confirm that efforts to control drug costs do not adversely affect the access of the poor to necessary drugs;

(5) while controlling the price of drugs, to preserve physicians' prerogatives to prescribe as they deem medically necessary for their patients; and

(6) to enhance the role of pharmacists in providing quality medical care, through a comprehensive drug utilization review program.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(a) AVERAGE MANUFACTURER PRICE.—With respect to a payment calculation period, the "average manufacturer price" for a covered outpatient drug is the average price paid to its manufacturer by retail pharmacies or by wholesalers for drugs distributed to the retail pharmacy class of trade, as determined in a survey pursuant to section 7(a)(2).

(b) COVERED OUTPATIENT DRUG.—Except as provided in paragraphs (4) and (5), the term "covered outpatient drug" means—

(1) a drug which may be dispensed only upon prescription and—

(A) which is approved for safety and effectiveness as a prescription drug under sections 505 or 507 of the Federal Food, Drug, and Cosmetic Act or which is approved under section 505(j) of such Act;

(B)(i) which was commercially used or sold in the United States before the date of the enactment of the Drug Amendments of 1962 or which is identical, similar, or related (within the meaning of section 310.6(b)(1) of title 21 of the Code of Federal Regulations) to such a drug, and (ii) which has not been the subject of a final determination by the Secretary that it is a "new drug" (within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act) or an action brought by the Secretary under sections 301, 302(a), or 304(a) of such Act to enforce sections 502(f) or 505(a) of such Act; or

(C)(i) which is described in section 107(c)(3) of the Drug Amendments of 1962 and for which the Secretary has determined there is a compelling justification for its medical need, or is identical, similar, or related (within the meaning of section 310.6(b)(1) of title 21 of the Code of Federal Regulations) to such a drug, and (ii) for which the Secretary has not issued a notice of an opportunity for a hearing under section 505(e) of the Federal Food, Drug, and Cosmetic Act on a proposed order of the Secretary to withdraw approval of an application for such drug under such section because the Secretary has determined that the drug is less than effective for all conditions of use prescribed, recommended, or suggested in its labeling;

(2) A biological product which—

(A) may only be dispensed upon prescription,

(B) is licensed under section 351 of the Public Health Service Act, and

(C) is produced at an establishment licensed under such section to produce such product; and

(3) insulin certified under section 506 of the Federal Food, Drug, and Cosmetic Act.

(4) The term "covered outpatient drug" does not include any drug, biological product, or insulin provided as, as part of, or as incident to, any of the following (and for which payment may be made under this title):

(A) inpatient hospital services;

(B) hospice services;

(C) dental services, except that drugs for which the State plan authorizes direct reimbursement to the dispensing dentist are covered outpatient drugs;

(D) physician office visits;

(E) outpatient hospital emergency room visits; and

(F) outpatient surgical procedures.

(5) NONPRESCRIPTION DRUGS.—Where a State plan for medical assistance, pursuant to section 1905(a)(12) of the Social Security Act, permits coverage of drugs which may be sold without a prescription (commonly referred to as "over-the-counter" drugs), if they are prescribed by a physician (or other person authorized to prescribe under State law), such a drug may be regarded as a covered outpatient drug for purposes of this Act, provided that it has been determined to be a therapeutic alternate to one or more non-multiple source drugs in the same drug use class.

(c) DRUG USE CLASS.—Means a group of covered outpatient drugs that has the same intended use, as determined by the National Pharmacy and Therapeutics Committee, or by a State under section 8, based upon a nationally recognized system of classification.

(d) MANUFACTURER.—The term "manufacturer" means any person, partnership, corporation, or other institution or entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drug products, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, or in the packaging, repackaging, labeling, relabeling, and distribution of prescription drug products. For this purpose, the term "manufacturer" does not include a wholesale distributor of drugs or a retail pharmacy licensed under State law.

(e) MULTIPLE SOURCE DRUG.—(1) For purposes of the reimbursement and coverage policy of each State plan for medical assistance, the term "multiple source drug" means, with respect to a payment calculation period, a covered outpatient drug for which there are 2 or more drug products which—

(A) are rated as therapeutically equivalent (under the Food and Drug Administration's most recent publication of "Approved Drug Products With Therapeutic Equivalence Evaluations"),

(B) except as provided in paragraph (2), are pharmaceutically equivalent and bioequivalent, as defined in paragraph (3) and as determined by the Food and Drug Administration, and

(C) are sold or marketed in the State during the period.

(2) EXCEPTION.—Subparagraph (1)(B) shall not apply if the Food and Drug Administration changes by regulation (after an opportunity for public comment of 90 days) the requirement that, for purposes of the publication described in subparagraph (1)(A), in order for drug products to be rated as therapeutically equivalent, they must be pharmaceutically equivalent and bioequivalent, as defined in paragraph (3).

(3) DEFINITIONS.—For purposes of this subsection:

(A) PHARMACEUTICALLY EQUIVALENT.—Drug products are pharmaceutically equivalent if the products contain identical amounts of the same active drug ingredient in the same dosage form and meet compendial or other applicable standards of strength, quality, purity, and identity.

(B) BIOEQUIVALENT.—Drugs are bioequivalent if they do not present a known or potential bioequivalence problem, or, if they do present such a problem, they are shown to meet an appropriate standard of bioequivalence.

(C) SOLD OR MARKETED.—A drug product is considered to be sold or marketed in a State if it appears in a published national listing of Average Wholesale Prices selected by the Secretary, provided that the listed product is generally available to the public through retail pharmacies in that State.

(f) PAYMENT CALCULATION PERIOD.—The term "payment calculation period" means a calendar month.

(g) PREFERRED DRUG.—A drug shall be designated "preferred" by a prescription drug negotiating group or qualified State entity if, through negotiations with the manufacturer, the drug is available to the group or entity at a price which the group or entity has determined offers superior economic advantages relative to other drugs in the same drug class which are rated as therapeutic alternates. A prescription drug negotiating group or qualified State entity may determine—

(1) that a drug is preferred, based on a negotiated price that offers superior economic advantages, but which need not represent the lowest unit or per dose price, taking into account the total cost of medically necessary concomitant drug and/or other therapy, the length of time for which a price may be guaranteed, the likelihood of new drug approvals which may create opportunities for lower negotiated prices in the drug use class, and such other business factors as the group or entity deems appropriate, and

(2) that more than one drug in a drug use class is a preferred drug, provided that it finds that costs would not be substantially further reduced if only a single drug in the class were determined to be preferred.

(h) PRESCRIPTION DRUG NEGOTIATING GROUP.—A multistate entity jointly established by two or more State agencies for the purpose of negotiating drug prices, on behalf of the members, with the manufacturers of drug products (referred to as a "State prescription drug negotiating group"), or a Federal entity established by the Secretary pursuant to section 5(c) for the same purpose (referred to as a "Federal prescription drug negotiating group").

(i) QUALIFIED STATE ENTITY.—Means an entity formed by a State or States pursuant to section 8 to negotiate the price of covered outpatient drugs with manufacturers on behalf of the State or States.

(j) RESTRICTIVE PRESCRIPTION.—The term "restrictive prescription" means a prescription for a specific brand of a multiple source drug or for a non-preferred drug which the physician or other person prescribing the drug has determined to be medically needed by the individual for whom the prescription is intended, and—

(1) in the case of a written prescription, on which the physician or other person prescribing the drug has written by hand, in addition to his own signature, the words "(brand name) medically necessary," or

(2) in the case of a prescription issued by telephone, the physician or other person prescribing the drug, through oral use of the phrase "(brand name) medically necessary," or substantially equivalent words, states that the specified drug must be dispensed as prescribed and makes a written notation on the patient's medical records using the words "(brand name) medically necessary," and the pharmacist creates and maintains a written record of the prescriber's statement in a form and for the period which is required by State law or regulation for pharmacy records generally and, if applicable, for records of telephone prescriptions in particular.

(k) SECRETARY.—Means the Secretary of Health and Human Services.

(l) STATE AGENCY.—Means the agency designated under section 1902(a)(5) of the Social Security Act to administer or supervise the administration of the State plan for medical assistance.

(m) SUBSTANTIAL PRICE REDUCTION.—For a drug is achieved when, on a statewide basis, the portion of the State's total outlay for covered outpatient prescription drugs for a calendar year which is attributable to ingredient costs does not exceed the product of 0.85 and the projected outlay for that year based on the State's costs in the calendar year before its adoption of a drug price negotiating program.

(n) THERAPEUTIC ALTERNATE.—Two or more drugs are therapeutic alternates when the National Pharmacy and Therapeutics Committee or a State under section 8 determines, based upon a review of available scientific and clinical data, that they contain different therapeutic moieties but are of the same pharmacological or therapeutic class and can be expected to have a similar therapeutic effect when administered to patients in a therapeutically equivalent dosage.

SEC. 4.—REIMBURSEMENT FOR PRESCRIPTION DRUGS

(a) PRESCRIPTION DRUG REIMBURSEMENT UNDER STATE PLAN FOR MEDICAL ASSISTANCE.—Title XIX of the Social Security Act (42 U.S.C. Section 1396 et seq.) is amended by adding at the end thereof the following new section:

"REIMBURSEMENT FOR PRESCRIPTION DRUGS

"SEC. 1927. (a) As a condition of approval by the Secretary, each State plan for medical assistance which includes coverage for prescribed drugs, as authorized under section 1905(a)(12) of the Social Security Act, must provide no later than January 1, 1993, as follows:

"(1) PAYMENT AMOUNT.—The amount payable to a pharmacist under this part as reimbursement for a covered outpatient drug dispensed during a payment calculation period to a person entitled to benefits under this title shall be the lesser of

"(A) the actual charge for the drug, or

"(B) the 90th percentile of actual charges for the drug in the State, as determined by a survey of actual charges during the preceding payment calculation period, pursuant to section 7(a), but in either case to be reduced proportionately for each year by an amount necessary to recover, over the course of the year, the total excess reimbursement in the State for the prior year, if any, as computed by the process set forth in section 7(c).

"(b) Where prescribed drug has one or more therapeutic alternates, pharmacists shall be reimbursed under this title only for preferred drugs, except that reimbursement is authorized—

"(1) when the prescribing physician (or other person authorized under State law to prescribe medications) has issued a restrictive prescription for a non-preferred drug, or

"(2) when the prescription for a nonpreferred drug is not restrictive and the pharmacist has been unable, despite diligent efforts, to contact the prescriber or a physician responsible for the patient's care for verification pursuant to subsection (c)(1), but reimbursement in such circumstances may be made for no more than a three day supply of the non-preferred drug, to allow the pharmacist to contact the prescriber or a physician responsible for the patient's care.

"(c) When a physician (or other person authorized under State law to prescribe medications) has prescribed a nonpreferred drug but has not written a restrictive prescription, a pharmacist shall—

"(1) verify with the prescriber (by telephone or by such other means as the Secretary may authorize by regulation) either that a preferred drug in the same drug use class is acceptable for the patient, or that the prescription is intended to be restrictive; and

"(2)(A) maintain a record of the verification for the period required under State law for pharmacy records;

"(B) if authorized by the physician, dispense a drug identified by the National Pharmacy and Therapeutics Committee or qualified State entity as a therapeutic alternate to the prescribed drug; and

"(C) if the preferred drug is dispensed, give written notice to the patient, in wording approved by the Secretary, that the therapeutic interchange has taken place.

"(d) SURVEYS OF ACTUAL CHARGES.—Each State agency shall itself, or through a contractor, conduct a survey to determine, as of any one day in each payment calculation period, the percentile distribution within the State of actual charges by pharmacists (and other persons dispensing prescription drugs) as reflected in claims submitted to the agency for covered outpatient drugs.

"(e) DETERMINATION OF AVERAGE MANUFACTURER PRICE.—Contracts between the State and manufacturers achieved through negotiations under section 5 shall provide that the States shall have a right of access, for each payment calculation period, to the average manufacturer price for preferred drugs. The Secretary may survey wholesalers and manufacturers that directly distribute their products, when necessary to determine the current manufacturer's marketplace prices in the States of State for the same product made available to any nonprofit entity, whether governmental or not, which is acting as a prudent purchaser, through negotiations or otherwise.

"(f) AUDITS BY STATES.—State agencies shall conduct annual audits of a representative sample of pharmacists surveyed under subsection (a). In all States which have State medicaid fraud control units as provided for in section 1903(q) of the Social Security Act, the audit may be performed by that unit. The audit shall compare actual charges for drugs, as determined under subsection (a), with the pharmacists' usual and customary charges during the same period for the same drugs to customers who are not persons entitled to benefits under this title and are not receiving pharmacy services under the terms of a contract. Based on the audit results, the States shall calculate, using statistically valid methods, the projected amount, if any, by which the actual charge statewide for drugs exceeds the audited customary and usual charge for the same drugs, and shall recover that amount as prescribed in section 6(a).

"(g) COMPLIANCE WITH SURVEY AND AUDITS REQUIRED. The Secretary may, as provided in subsection (e), impose a civil monetary penalty on a pharmacist or other person dispensing prescription drugs or on a wholesaler, manufacturer, or direct seller, either on his own initiative or at the request of the State agency, and the State may pursue any civil action authorized under State law, if—

"(1) the pharmacist (or other person dispensing prescription drugs) refuses a request for information about actual charges by a State agency (or a contractor conduct-

ing such a survey on behalf of the State agency) or intentionally knowingly provides false information in connection with a survey under subsection (a), or an audit under subsection (c), or

"(2) the wholesaler, manufacturer, or direct seller of a covered outpatient drug refuses a request for information about charges or prices by the Secretary in connection with a survey under subsection (b), or knowingly provides false information.

"(h) CIVIL MONETARY PENALTIES.—Upon the request of a State agency, a prescription drug buying group, a qualified State entity, or a State medicaid fraud control unit, or on his own behalf, the Secretary may impose civil monetary penalties on, or order restitution or repayment by—

"(1) a pharmacist (or other person dispensing prescription drugs), wholesaler, manufacturer, or direct seller of a covered outpatient drug who fails to provide information pertaining to actual charges or average manufacturer price, or knowingly provides false information, of not to exceed $10,000 for each such failure or item of false information; and

"(2) a pharmacy whose actual charge to the State for a covered outpatient drug, as determined by the survey conducted under subsection (a), is found to have been knowingly greater than its usual and customary charge for the same drug, during the same payment calculation period, to persons not entitled to benefits under this title and who are not receiving pharmacy services under terms of a contract, of not to exceed $10,000 for each such drug.

For this purpose, each request by the Secretary, the State agency, or a representative of either, for information about the actual charge or the average manufacturer price for a single covered outpatient drug which is refused shall be treated as a separate refusal, and each false response to a request for information about a single covered outpatient drug shall be treated as a separate instance of providing false information. The provisions of section 1128A (other than subsections (a) and (b)), shall apply to civil monetary penalties under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). Civil monetary penalties under this provision shall be in addition to any other penalties that may be prescribed by law, including exclusion, pursuant to section 1128 of the Social Security Act, from participation in programs under title XVIII and title XIX of the Act, or criminal prosecution.

"(i) CONFIDENTIALITY OF CHARGE DATA.—Information gathered pursuant to this section shall not be disclosed publicly by the State agency, its contractor, or the Secretary, except as a research database with the identities of specific firms withheld, or as the Secretary determines to be necessary to carry out the purposes of this part. This shall not be construed as authority to withhold information from the Congress or the Comptroller General.

"(j) IN GENERAL.—A State, either individually or in cooperation with one or more other States, may, if it meets the conditions in this section, establish and operate its own prescription drug negotiating program. If the Secretary determines, prior to January 1, 1993, that a State—

"(1) is receiving substantial price reductions from the manufacturer on a significant number of non-multiple source drugs, or has received written commitments for such reductions to take effect no later than June 1, 1993;

"(2) if it is using a system involving a limited list of prefered drugs, complies with section 6(b), with respect to ensuring reimbursement when a restrictive prescription has been issued, except that prior authorization programs in effect at enactment may remain in effect;

"(3) if it is using a system involving a limited list of preferred drugs, complies with section 5(b)(1)(B), with respect to assuring access to a full range of therapeutic agents and distributing information about the preferred drug; and

"(4) complies with section 9 (with the exception of subparagraphs (b)(2)(B) and (b)(2)(C), with respect to standards for drug utilization review—

the Secretary shall designate the State prescription drug negotiating program as a qualified State entity.

"(k) USE OF COMPENDIA TO DETERMINE ACCEPTED INDICATIONS.—A State that implements a drug price negotiating program before the National Pharmacy and Therapeutics Committee has made its determinations (as provided in section 4(c)(1)(A)), with respect to accepted indications shall define medically accepted indications as those identified by the compendia listed in section 4(a).

"(l) STATE PHARMACY AND THERAPEUTICS COMMITTEE.—A State that implements a drug price negotiating program involving a limited list of preferred drugs before the National Pharmacy and Therapeutics Committee has determined (as provided in section 49(c)(1)(C)) which covered outpatient drugs are therapeutic alternates shall use the State drug utilization review board established pursuant to section 9 for that purpose, except that a State agency which has a State pharmacy and therapeutics committee on operation on the date of enactment of this act may continue to rely on that committee's determinations, provided that—

"(1) the preexisting State committee reviews the relative safety and efficacy, and comparability, of the drugs in each therapeutic class used by the State within two years of enactment and at least every three years thereafter, and

"(2) a group of individuals with recognized knowledge and expertise, including physicians and persons described in section 4(b)(1) (C), (D), (E), and (F), are retained to advise the Senate committee on these reviews.

"(m) IN GENERAL.—(1) The State plan shall provide for a drug utilization review program which complies with the minimum standards set forth in subsection (b) for prospective review, subsection (c) for retrospective review, and subsection (d) for educational outreach, to be in effect no later than January 1, 1993. The State drug utilization review program shall assess data on drug use against explicit predetermined standards and, as necessary, introduce remedial strategies, in order to improve the quality of care, to conserve program funds or personal expenditures, and to control fraud and benefit abuse. It shall be designed to educate physicians and pharmacists to identify and reduce the frequency of patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care, among physicians, pharmacies, and patients, or associated with specific drugs or groups of drugs, as well as potential and actual severe adverse reactions to drugs, including such reactions due to—

"(A) interaction of two or more drugs being taken concurrently;

"(B) concurrent use of two or more drugs from within the same drug use class;

"(C) excessive or subtheraputic daily dose;

"(D) allergies to drugs;

"(E) interaction of prescribed drugs with drugs available without a prescription (commonly referred to as "over-the-counter" drugs);

"(F) incorrect drug dosage or duration of drug treatment; and

"(G) interaction between a drug and an existing disease State.

"(2) The Secretary, under the procedures established in section 1903 of the Social Security Act, shall pay to each State an amount equal to 75 per centum of so much of the sums expended by the State plan during calendar years 1991 through 1993 as the Secretary determines is attributable to the statewide adoption of a drug utilization review program which conforms to the requirements of this section.

"(3) States which operate mechanized drug claims processing and information retrieval systems approved by the Secretary, as provided in section 1903(r) of the Social Security Act, and which submit the claims data to the Secretary for analysis as provided in subsection (e), shall not be required to perform retrospective drug utilization reviews.

"(4) States shall not be required to perform additional drug uitilization reviews with respect to drugs dispensed to residents of nursing facilities which are in compliance with the drug regimen review procedures prescribed by the Secretary for such facilities in regulations implementing section 1919 of the Social Security Act, currently at section 483.60 of title 42, Code of Federal Regulations.

"(h) STANDARDS FOR PROSPECTIVE DRUG UTILIZATION REVIEW.—

"(1) The State plan shall provide for a review of drug therapy before the prescription is filled or delivered to the patient, typically at the point-of-sale or point of distribution. Each State shall use the compendia referred to in section 4(a) and on peer-reviewed medical literature as its source of standards for safe and effective prescribing and dispensing of each covered outpatient drug.

"(2) As part of the State's prospective drug utilization review program, applicable State law shall establish standards for patient counseling by pharmacists no less stringent than the following:

"(A) A reasonable effort must be made by the pharmacist to counsel the patient or caregiver face-to-face whenever practicable, and otherwise to do so by telephone;

"(B) The pharmacist must offer to discuss with each patient or caregiver who presents a prescription all matters which in the exercise of his professional judgment he deems significant, to include but not limited to, the following:

"(i) name and description of the medication;

"(ii) route, dosage, administration, and continuity of drug therapy;

"(iii) special directions for use by the patient as deemed necessary by the pharmacist; and

"(iv) common severe adverse effects or interactions that may be encountered, and the action required if they occur; and

"(C) A reasonable effort must be made by the pharmacist to obtain, record, and maintain at least the following patient information:

"(i) patient name, address, telephone number, date of birth (or age), and gender;

"(ii) patient history where significant, including disease state(s), known allergies and drug reactions, and a current list of medications and relevant devices; and

"(iii) pharmacist comments.

"(o) STANDARDS FOR RETROSPECTIVE DRUG UTILIZATION REVIEW.—The State plan shall provide for a review which searches for patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care, among physicians, pharmacies, and patients, or associated with specific drugs or groups of drugs. For this purpose the program shall—

"(1) periodically examine claims data and other records; and

"(2) provide for educational interventions for prescribers or dispensers of prescription drugs, and for patients, and evaluate the success of the interventions and make modifications as necessary.

"(p) EDUCATIONAL OUTREACH AND INTERVENTION.—(1) The State plan shall provide for an active and ongoing educational outreach program, conducted by the State drug utilization review board, established pursuant to subsection (f). The board will assure the ready availability to physicians and pharmacists for information concerning which covered outpatient drugs are—

"(A) judged by the National Pharmacy and Therapeutics Committee to be—

"(i) accepted for given therapeutic indications, and

"(ii) therapeutic alternates, and

"(B) designated as preferred drugs in the State.

"(2) The State drug utilization review board shall, either directly or through contracts with utilization and quality control peer review organizations, as defined in section 1152 of the Social Security Act, or with local medical societies, conduct ongoing educational programs for physicians and pharmacists, targeted toward problems or individuals identified in the course of the prospective and retrospective drug utilization reviews performed under this section.

"(q) ROLE OF THE SECRETARY AND THE STATE BOARD IN DRUG UTILIZATION REVIEW.—The Secretary shall use the information on individual prescription claims which is available in the mechanized claims processing and information retrieval system provided for in section 1903(r) of the Social Security Act in order to perform retrospective drug utilization reviews, as provided for in subsection (c), except that information which comes to the Secretary's attention through a State's mechanized claims processing and information retrieval system and which suggests a pattern of inappropriate or medically unnecessary prescribing or dispensing of covered outpatient drugs shall be referred to the drug utilization review board of the concerned State, which shall use the information as the basis for targeting educational outreach and intervention under subsection (d). This authority of the State board is not to be construed to limit any existing authority of the Secretary or the State to respond to problems identified in the course of the prospective drug utilization reviews performed under this section.

"(r) STATE DRUG UTILIZATION REVIEW BOARD.—As a condition of approval by the Secretary, each State plan which includes coverage for prescribed drugs, as authorized under section 1905(a)(12) of the Social Security Act, shall provide for the establishment of a drug utilization review board. The chairman of the board and a majority of the membership shall be practicing physicians. The remaining membership shall include clinical pharmacologists and pharmacists. All members shall have recognized knowledge and expertise in one or more of the following: the appropriate prescribing and dispensing of covered outpatient drugs; drug prescribing and dispensing; drug utilization review; and medical quality assurance.

"(s) STANDARD CLAIM FORMS.—The Secretary, in consultation with representatives of pharmacists and other interested individuals, shall develop a standard claim form and a standard electronic claim format (for use by States with such an electronic system), to be used in requests for payment for covered outpatient drugs under this title. The Secretary shall distribute sample copies of the standard claim form to pharmacies and other interested parties by not later than April 1, 1992, and shall distribute sample copies of the electronic claim format to pharmacies and other interested parties not later than October 1, 1991.

"(t) STANDARD REPORTING FORMS.—The Secretary shall develop, in consultation with State agencies and other interested parties, a standard reporting format to be used by States in reporting expenditures, results of drug utilization review activities, and other information concerning activities under this Act deemed necessary by the Secretary. The Secretary shall distribute a draft of the reporting format to State agencies for comment not later than October 1, 1991, and shall promulgate the final version, and provide copies to the States, not later than April 1, 1992.

"(u) ENHANCED FUNDING FOR STATE ADOPTION OF STANDARD CLAIMS AND REPORTING FORMS.—The Secretary, under the procedures established in section 1903 of the Social Security Act, shall pay to each State which adopts the standard forms developed under this section an amount equal to 75 per centum of so much of the sums expended by the State plan during calendar years 1991 and 1992 as the Secretary determines is attributable to the statewide adoption of, and conversion to the use of, such forms.

"(v) CONSOLIDATED FEDERAL DRUG PRICE NEGOTIATING ENTITY.—The Secretary shall evaluate the potential for uniting drug price negotiations carried out by the Departments of Defense and Veterans Affairs with negotiations by the Federal prescription drug negotiating group established pursuant to section 3(c), and report the results to the Congress no later than one year after enactment of this Act.

"(w) EVALUATION OF DRUG PRICE NEGOTIATING PROGRAMS.—The Comptroller General of the United States shall evaluate the States' programs under this law, and report to the Committee on Finance and the Special Committee on Aging of the Senate, and the Committee on Energy and Commerce and the Select Committee on Aging of the House of Representatives, no later than January 1, 1994—

"(1) an assessment of the States' effectiveness in securing favorable prices for prescription drugs found to have therapeutic alternates and in implementing a program of Drug Utilization Review; and

"(2) recommendations regarding changes in statutory and regulatory provisions that may improve the effectiveness of programs under this law.

"(x) STUDY OF ELECTRONIC POINT OF SALE CLAIM PROCESSING AND DRUG UTILIZATION REVIEW.—(1) The Secretary shall provide for the establishment in each of at least 10 states by January 1, 1992, of statewide demonstrations of point-of-service electronic claim management and prospective drug utilization review systems, involving participating pharmacists (and other participating persons authorized under State law to dispense prescription drugs), for the purpose of evaluating the efficiency and cost-effectiveness of these systems in performing eligibility verifications, claims data capture and adjudication of claims, and in assisting pharmacists (and other participating persons authorized under applicable State law) in applying for payment, receiving reimbursement, and fulfilling patient counselling obligations.

"(2) The Secretary shall also provide that each of the 10 statewide demonstrations utilize the most efficient and cost-effective available telecommunications network to establish a central electronic repository for capturing, storing, and updating electronic claim management and prospective drug utilization review data as described in section 7(b), and to permit participating pharmacists (and other participating persons authorized under State law to dispense prescription drugs) to access and retrieve these data from the central electronic repository.

"(3) The Secretary shall report to the Congress on the findings of each of the demonstrations no later than January 1, 1994.

"(y) STUDY OF COST-EFFECTIVENESS OF REIMBURSEMENT FOR PHARMACISTS' COGNITIVE SERVICES.—

"(1) The Secretary shall conduct a demonstration project to evaluate the impact on quality of care and cost-effectiveness of paying pharmacists, whether or not a drug is dispensed, for drug utilization review services. For this purpose, the Secretary shall provide for no fewer than five demonstration sites and the participation of a significant number of pharmacists.

"(2) The Secretary shall report to Congress the results of the demonstrations no later than January 1, 1995.

"(z) The Secretary shall enter into negotiations with the manufacturer of any drug, now or hereafter marketed, with respect to which the manufacturer seeks to require, as a condition of sale, that the purchaser pay for associated services, such as a patient monitoring system, to be provided only by the manufacturer or its designee. The Secretary shall also determine whether the Secretary of Veterans Affairs wishes to participate in the negotiations or to have the Secretary negotiate on his behalf also. The object of the negotiations is to reach agreement that nursing homes, federally funded hospitals, and appropriate selected outpatient pharmacies, will be authorized to purchase each such drug without the charge for the associated services and, in lieu of the manufacturer's requirement, to provide those services at their own expense.

"(aa) If the negotiations provided for in subsection (a) fail to achieve an agreement within 6 months of enactment for drugs now marketed, and for new drugs within 6 months of the manufacturer's establishment of the pricing structure which is the subject of the negotiations, the Secretary, as authorized by section 1498 of title 28, United States Code, shall enter into a contract for production of the drug for the use of the entities on behalf of which the negotiations were undertaken. The manufacturer or manufacturers to which this contract is awarded shall be authorized to apply for approval of the drug under the abbreviated new drug application procedure established

by section 505 of the Federal Food, Drug, and Cosmetic Act.".

SEC. 5. ESTABLISHMENT AND FUNCTIONS OF NATIONAL PHARMACY AND THERAPEUTICS COMMITTEE.

(a) ESTABLISHMENT OF A NATIONAL PHARMACY AND THERAPEUTICS COMMITTEE.—IN GENERAL.—The Secretary shall contact with a non-governmental entity to establish a National Pharmacy and Therapeutics Committee, to begin operation within one year of enactment of this Act. The Secretary shall solicit individual or joint proposals for establishment of the Committee from, among others, the organizations responsible for promulgating the following compendia of drug information:

(1) American Hospital Formulary Service Drug Information;

(2) American Medical Association Drug Evaluations; and

(3) United States Pharmacopeia Dispensing Information.

(b) COMPOSITION OF NATIONAL PHARMACY AND THERAPEUTICS COMMITTEE.—

(1) Members of the National Pharmacy and Therapeutics Committee shall comprise medical and scientific professionals with recognized knowledge of appropriate utilization of prescription and non-prescription drug therapies, and of the relative safety and efficacy of covered drug products. In addition to physicians, who shall form a majority of its membership, the Committee shall have at least one member from each of the following categories of health care professionals:

(A) dentists;

(B) nurses;

(C) pharmacists;

(D) individuals with special knowledge or expertise in geriatric problems associated with drug therapies;

(E) individuals with special knowledge or expertise in obstetric problems associated with drug therapies;

(F) individuals with special knowledge or expertise in pediatric problems associated with drug therapies;

(G) individuals with special knowledge or expertise in psychiatric or neurological problems associated with drug therapies;

(H) individuals with special knowledge or expertise in clinical pharmacology;

(I) individuals with special knowledge or expertise in pharmacoepidemiology;

(J) individuals with special knowledge or expertise in comparative clinical trials of drugs, including statisticians and biopharmaceutic specialists; and

(K) other categories of health care professionals that the Secretary or the Committee determines should be represented.

(2) Employees of manufacturers shall not be eligible for membership on the Committee or its advisory panels. Members of the Committee or its advisory panels who are receiving income from, hold an ownership interest (including stock holdings) in, or benefit directly or indirectly from grants of more than $25,000 from, manufacturers shall disclose these interests to the Committee.

(3) The Committee shall organize, and solicit advice and comments from, advisory panels, including a panel dedicated to problems and perceptions of consumers and including consumer advocates in its membership. The chairman of each advisory panel shall be one of the members of the Committee.

(c) FUNCTIONS OF THE COMMITTEE.—(1)—IN GENERAL.—The National Pharmacy and Therapeutics Committee shall continuously review and evaluate existing and newly available scientific and medical information pertaining to the relative safety and efficacy, and the comparability, of covered outpatient drugs approved for marketing in the United States. In its deliberations, the Committee shall take into consideration, for each drug, mechanisms of action, therapeutic indication, and such other differences among the drugs as the method by which they are matabolized, dosage ranges, known side effects, allergies, toxicities (frequency and type, prevention, risks and benefits), and other special precautions (contraindications and drug-to-drug interactions). Based upon the results of its review and evaluation, the Committee shall—

(A) using a nationally recognized drug use classification system, group each covered outpatient drug into one or more drug use classes, based upon its medically accepted indications;

(B) for each indication, determine whether there are one or more drugs that, for reasons of superior safety and efficacy, should be considered first whenever a patient presents the indication; and

(C) identify indications for which two or more covered outpatient drugs are therapeutic alternates and list these drugs in groups of therapeutic alternates within each drug use class.

(2) The Committee shall report to the Secretary its initial determinations pursuant to subparagraphs (1)(A) through (1)(C), no later than 24 months after enactment of this legislation, and report all changes and updates, based on the most recent data, at monthly intervals thereafter.

(d) LIMITATION OF COMMITTEE'S AUTHORITY.—The Committee shall not engage in drug price negotiations, nor define acceptable costs for any product.

(e) LIMITATION ON LIABILITY.—

No member of the National Pharmaceutical and Therapeutics Committee or of its advisory panels who has exercised due care shall be civilly liable to any person under any law of the United States or of any State or political subdivision thereof on account of any action taken by him in the performance of the functions required or authorized under this section. Section 1157(d) of the Social Security Act, which authorizes the Secretary to provide reimbursement for legal expenses, shall apply to members of the Committee and its advisory panels to the same extent as it applies to members of utilization and quality control peer review organizations.

(f) ROLE OF THE SECRETARY.—

(1) Within 30 days of receiving written notice of a determination by the National Pharmacy and Therapeutics Committee, the Secretary shall cause the determination to be published for public comment, for not less than 60 days. The Committee shall make appropriate revisions upon consideration of the comments and then transmit a final version to the Secretary, who shall distribute copies to each State agency, and to organizations in each State representing physicians, pharmacists, and persons entitled to benefits under this title.

(2) The Secretary shall make no changes to the substance of any determination made by the National Pharmacy and Therapeutics Committee but may comment during the public comment period, and may request reconsideration by the Committee of any determination.

(g) APPROPRIATIONS.—There are authorized to be appropriated such funds as are necessary to implement this section.

SEC. 5. PRESCRIPTION DRUG NEGOTIATING GROUPS.

(a) STATE PARTICIPATION IN PRESCRIPTION DRUG NEGOTIATING GROUP.—The State agency in each State whose plan includes coverage for prescribed drugs and which has not been determined by the Secretary, by December 31, 1992, to have established a qualified State entity, shall participate, no later than June 30, 1993, in a State or Federal prescription drug negotiating group.

(b) NEGOTIATIONS.—(1) With respect to each drug use class in which two or more covered outpatient drugs are therapeutic alternates as determined by the National Pharmacy and Therapeutics Committee, or by the State pursuant to section 8, each State prescription drug negotiating group or qualified State entity shall—

(A) negotiate on behalf of the State agency or agencies with the manufacturer of each drug for a price for one or more preferred drugs in each group of therapeutic alternates that offers superior economic advantages compared to other drugs in the group, with any price differential to be paid to the State plan in the form of rebates from the manufacturer for purchases of preferred drugs, as provided in subsection (d), except that—

(i) negotiations shall not be required where it has been determined that because of the low volume or low cost of a particular drug, negotiation would not be economically feasible, and

(ii) a multiple source drug may be included in drug price negotiations pursuant to this section only if the drug has been determined to be a therapeutic alternate to one or more non-multiple source drugs in the same drug use class; and

(B) based on the outcome of these negotiations, identify at least one preferred drug in each group of therapeutic alternates, and circulate to the participating State agency or agencies, the Secretary, and State-level organizations representing physicians, pharmacists, and persons entitled to benefits under this Title, a list of such preferred drugs and the negotiated prices for those drugs, as well as the terms and conditions, if any, under which those prices are available.

(2) A qualified State entity or a State prescription drug price negotiating group may enter into an agreement with any organization or federal agency which conducts drug price negotiations with manufacturers, pursuant to which the organization or agency will conduct, on behalf of the entity or group, the negotiations provided for under paragraph (1). Federal agencies are authorized to enter into agreements to negotiate on behalf of State entities or prescription drug price negotiating groups on a reimbursable basis.

(c) FEDERAL PRESCRIPTION DRUG NEGOTIATING GROUP.—IN GENERAL.—Within one year after enactment of this Act, the Secretary shall establish a Federal prescription drug negotiating group which shall be bound by all requirements governing the formation and operation of negotiating groups or qualified State entities under subsections (b), (d), and (e). State agencies which, by December 31, 1992, are not participating in State prescription drug negotiating groups and have not been determined by the Secretary to have established qualified State entities, shall enter into agreements with the federal prescription drug negotiating group by June 30, 1993.

(d) REBATES FROM MANUFACTURERS.—(1) The negotiated agreement with the manufacturer of each preferred drug shall pro-

vide that the manufacturer will pay a rebate to the State agency, in an amount calculated as provided in paragraph (2), no later than thirty days after the State agency gives the manufacturer written notice of the amount.

(2) The rebate shall be equal to the product of—

(A) the documented number of tablets or other dosage form units of each preferred drug which has been dispensed to persons entitled to receive benefits under this title, and

(B) the difference between the negotiated price per tablet or per unit and the average manufacturer price per tablet or per unit.

(e) DISSOLUTION OR TERMINATION OF STATE PRESCRIPTION DRUG NEGOTIATING GROUPS AND QUALIFIED STATE ENTITIES.—(1) Members of a State prescription drug negotiating group may voluntarily leave the group, and a State prescription drug negotiating group or qualified State entity may be dissolved or terminated voluntarily by the members or the State respectively, provided that the members who leave or dissolve a group, or the State which established the qualified State entity, continue to meet the requirements of subsection (a).

(2) The Secretary shall have the authority to dissolve a State prescription drug negotiating group or revoke his designation of a qualified State entity under section 6, based upon a finding that the group or entity has failed, based on published criteria, to achieve significant economic advantages in its negotiations with manufacturers. The Secretary shall adopt such criteria to be used in evaluating the effectiveness of a prescription drug buying group or qualified State entity, but not before publishing them as a proposal and allowing at least ninety days for comments. Two or more of the States participating in a prescription drug negotiating group, or the State which established a qualified State entity, shall have a right to appeal from the Secretary's finding and order of dissolution or revocation under the procedures established by section 1869(c) of the Social Security Act.

(3) A State which, as the result of revocation by the Secretary under this section, or of voluntary dissolution, is no longer a member of a prescription drug negotiating group, or no longer operates a qualified State entity, shall establish participation in a prescription drug negotiating group, provided that the State shall continue to honor any existing contractual drug price agreements still in effect with manufacturers, until the date of termination of each such agreement.

(f) OVERSIGHT OF PRESCRIPTION DRUG NEGOTIATING GROUPS.—REPORT TO CONGRESS.—The Secretary shall report to the Congress, by January 1, 1995, the findings of a review and evaluation of the drug price negotiating performance of prescription drug negotiating groups and qualified State entities. The report shall include a determination of whether each prescription drug negotiating group (or individual State) has succeeded in achieving significant economic advantages, together with recommendations for how these programs may be improved with respect to expenditures and access to medically necessary drugs by persons entitled to benefit under this title.

Mr. President, I further ask unanimous consent that a summary of the provisions of this bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF PROVISIONS FOR SENATOR DAVID PRYOR'S PHARMACEUTICALS ACCESS AND PRUDENT PURCHASING ACT OF 1990 (PAPPA), APRIL 13, 1990

The Problem. State Medicaid programs are under tremendous financial pressure as a result of drug price inflation. During the 1980s, prescription drug price increases tripled the general inflation rate. As a result, by 1988, Medicaid paid $3.3 billion for prescription drugs, making it the third highest category of Medicaid spending—ahead of physician payments. Price inflation—not increased use by the poor—accounts for virtually all of the increased spending.

As costs of Medicaid prescription drug programs have increased at faster rates than almost any other State-covered service, States have been forced to react with short-term solutions that, at best, forestall immediate budget crises and, at worst, weaken the program by reducing access to needed medications. Examples incude raising coinsurance paid by recipeints for each prescription, limiting (or actually reducing) reimbursement to pharmacists for their services, and excluding whole therapeutic categories of drugs from Medicaid coverage. Such desperate actions, which can actually increase spending by compromising the health of the poorest Americans who rely on Medicaid, represent the current direction of U.S. public health policy in response to rising drug prices.

Objectives of Senator Pryor's Legislation. The PAPPA is designed to: (1) focus cost-saving efforts on the cause of increased program outlays—manufacturer's escalating drug prices—rather than on the retail pharmacist and the poor, who cannot control drug prices; (2) create an opportunity for States to establish money-saving Medicaid drug price negotiating programs of their own design; (3) preserve successful marketplace mechanisms for enhancing drug price competition, by building on time-honored business practices already in widespread use in the market (by the VA, hospitals, and managed care providers); (4) restore and enhance access to medically necessary pharmaceuticals for the poor who rely on Medicaid; and (5) preserve the physician's prerogative to prescribe medically necessary medications for individuals in their care.

THE PROPOSAL

Grandfather Period. The immediate objective of the PAPPA is to encourage States, either individually or in groups, to begin to negotiate drug price reductions with drug manufacturers by January 1, 1993. During this window of opportunity, States would have great flexibility to work with manufacturers to achieve lower drug prices.

State options include (but are not limited to) programs in which (1) a State asks manufacturers to charge Medicaid no more than the lowest price charged to hospitals or other entities serving the indigent in the State; or (2) a State may join with several other States to negotiate lower prices by establishing a list of drugs preferred for their cost-effectiveness over other drugs, as thousands of U.S. hospitals, physician outpatient clinics, HMOs and both the U.S. Veterans Affairs and Defense Departments now do. States establishing preferred drug lists would be bound by rules to protect each individual's access to medically necessary drugs.

Pharmacy Reimbursement and Rebates. To protect against short-sighted reimbursement cutbacks to pharmacists, the PAPPA provides that each State must pay pharmacies a market-based price (actual charges limited by the 90th percentile of charges). This reimbursement method makes it possible for today's highly-trained pharmacists to spend time with customers, so they can use their skills to identify costly and life-threatening adverse drug reactions, and seek the advice of a physician familiar with the patient's total care needs.

States would secure savings from drug price negotiations by periodically obtaining rebates from manufacturers of preferred drugs (a practice already used by buying groups today). The rebate would be calculated as the difference between the negotiated price and the Average Manufacturer's Price (AMP) for the drug, as determined by periodic surveys of the nation's wholesalers.

Access Guarantees/Physician Control of Prescribing. Any FDA approved drug product will be covered for Medicaid reimbursement, even if it is not a "preferred" drug, if the patient's physician simply handwrites on the prescription "[drug name] medically necessary". States must cover at least one drug in each group of drugs determined to be equally safe and effective therapeutic alternatives. In addition, all medically accepted uses of FDA approved prescription drugs are covered for reimbursement.

Telephone Verification of Prescriptions for Non-preferred Drugs. The following rule applies to all States that may employ a preferred drug list as a way to motivate drug manufacturers to negotiate competitive prices. Should a physician prescribe a non-preferred drug when a preferred drug is rated as safe and effective alternative, without writing on the prescription that the non-preferred drug is medically necessary, the pharmacist would call the prescriber and request a telephone order authorizing the preferred drug. At that time, the prescribing physician may either issue a telephone order for the preferred drug, or issue a restrictive prescription that states the non-preferred drug is medically necessary. This mechanism ensures that a patient's physician has absolute control over the drug dispensed when an individual patient's special needs make this important.

These conversations, when they occur, provide a valuable opportunity for interaction between the physician and pharmacist that may result in improved care, as well as reduced direct outlays for non-preferred drugs.

Drug Safety and Quality Assurance. States would be required to set up drug safety programs to save lives and prevent unnecessary and costly hospitalizations caused by adverse drug reactions and interactions.

Preliminary Savings/Cost Estimate. Special Committee on Aging staff have estimated that this program will achieve net savings of from $100 to $200 million/year. For illustrative purposes, California has independently estimated that drug price negotiations will save its Medicaid program $40 million/year, and New York believes a 10% across-the-board negotiated price reduction could save as much as $30 million/year.

NATIONAL DRUG PRICE NEGOTIATING SYSTEM—AFTER JANUARY 1, 1993

Any State that has successfully implemented a drug price negotiation program of some kind prior to January 1, 1993, may continue to operate that program. For example, if a State had persuaded manufac-

turers to charge the Medicaid program no more than the price charged to non-profit hospitals serving the indigent, this program could remain in effect.

However, after January 1, 1993, States that have not already acheived significantly reduced drug prices (through one means or another) would join with other States in one of several prescription drug buying groups, or join a Federal buying group set up by the DHHS Secretary (probably the Health Care Financing Administration).

Drugs Subject to Competitive Price Bidding. A "National Pharmacy and Therapeutics Committee" (NPTC), modeled on the best practices of the pharmacy and therapeutics committees already in place at virtually every U.S. hospital, would determine which drug products are safe and effective alternatives for the same therapeutic purpose and can therefore be put up for competitive price bidding. Drugs that are *not* therapeutically equivalent could *not* be made to compete with each other on the basis of price.

The DHHS Secretary would invite key national organizations, recognized for their work in evaluating relative safety and efficacy of prescription drugs, to submit a joint proposal to operate the NPTC. These organizations include the American Medical Association, United States Pharmacopeial Convention, and the American Hospital Formulary Service. This non-governmental committee of clinical experts would have a purely scientific role in assessing the relative safety and efficacy of different drug therapies. The NPTC *would* become a beacon of objective information to help physicians make optimal use of prescription drugs. The NPTC would *not* negotiate prices nor determine which drugs are "preferred"—this is the States' job.

State Price Negotiations with Manufacturers. Once the NPTC determines which drugs are equally safe and effective, price negotiations begin. Buying groups would seek price bids from each manufacturer of drugs listed by the National P&T Committee as being equally safe and effective. Each State or buying group would list as a "preferred" drug the product(s) of manufacturer(s) which had offered the "best" price.

The lowest bid may not turn out to be the "best" price. The PAPPA provides that designation of a "best" price must take into account a variety of cost factors, such as the cost of other drugs that must be taken with a given drug, the value of sustained-release formulations for some populations, and business considerations.

Mr. PRYOR. Mr. President, I ask unanimous consent that a brief explanation of what this legislation does and does not do be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESCRIPTION DRUG PRICE FACT SHEET

PRESCRIPTION DRUG PRICE INFLATION AND ITS IMPACT

From 1980–87, 97% of increased spending on prescription drugs was directly the result of price increases. During this period, only 3% of the increase in spending on prescription drugs was due to increase use of drugs by the public.

Prescription drug prices more than tripled the general inflation rate in the last decade. From 1981 through 1988, prescription drug prices rose by 88% while general price inflation rose only 28%.

Skyrocketing drug price increases have contributed to public and private insurers hesitancy to provide insurance coverage to cover these costs.

The Congress repealed the Medicare Catastrophic Coverage Act, and the outpatient prescription drug program, largely because of the fear of out-of-control costs. (Note: drug costs represent the highest out-of-pocket cost for three of four older Americans, and over 15 percent of the elderly report they cannot afford the medications they need.)

The fact that over 60% of the elderly do not have private prescription drug insurance protection suggests that private insurers have been unable to offer insurance to cover the increasing cost of medications.

The price of a brand name drug product in a European country is, on average, one-third less than the U.S. price.

IMPACT OF DRUG PRICE INCREASES ON MEDICAID

By 1988, Medicaid paid $3.3 billion for prescription drugs, more than for physician payments, making it the third highest category of Medicaid spending.

As costs of Medicaid prescription drug programs have increased at faster rates than almost any other covered item or service, only limited cost cutting success has been achieved, almost entirely at the expense of those least responsible for cost increases—beneficiaries (through increased cost-sharing and restrictions on benefits) and pharmacists (through caps on reimbursement.)

In another response to skyrocketing costs, at least 22 states have implemented drug formularies (limited lists of preferred drug products). Medicaid formularies have been generally ineffective as cost control measures largely because they are rarely used to negotiate better prices with drug manufacturers.

Many states have made their formularies more restrictive but without adequate medical and scientific analysis. An unacceptable outcome has been that many poor people cannot get needed drugs through their state Medicaid programs. Since they also cannot afford drugs out-of-pocket, these restrictions can deny access to appropriate therapy and result in more expensive hospitalizations.

HCFA has put increasing pressure on State Medicaid agencies to decrease drug product reimbursement to pharmacists. These pressures could force pharmacists to drop out of the Medicaid program, creating further access problems for beneficiaries—particularly in rural areas.

PHARMACEUTICAL INDUSTRY RESEARCH AND DEVELOPMENT

In 1988, the average new drug was priced 50% higher than the drug product(s) it was marketed to replace. There is substantial evidence, however, that most of these products of industry research and development add little or nothing in terms of therapeutic advantages over already-marketed drug therapies.

U.S. pharmaceutical manufacturers contend that they need high profits to fund research and development efforts. In the past, Congress has agreed, providing billions of dollars in tax breaks to the pharmaceutical industry and additional billions in excessively high prices through Medicaid, the health insurance program for the poorest Americans. However, the great majority of this taxpayer-subsidized research is producing high-priced therapeutically equivalent "me-too" drug products with little or no potential for therapeutic gain over existing therapies.

For example, 60% of the new molecular entities brought to market by the 25 largest U.S. drug manufacturers between 1981 and 1988 were evaluated by the Federal Food and Drug Administration (FDA) as "C"-rated, having "little or no" potential for therapeutic gain over existing drug therapies. FDA's finding of widespread therapeutic duplication is independently affirmed by thousands of hospital and HMO formulary committees across the United States.

In the period 1980–87, U.S. drug companies spent at least $15 billion on research and development of new drugs with little or no therapeutic advantage over existing drug therapies, the so-called "me-too" drugs.

According to industry insiders, only about 20–30% of the typical brand name drug manufacturer's research and development budget is spent on discovering new, innovative, breakthrough chemical entities. Another 25–30% is spent on further development of currently-marketed drug products (for example, developing new dosage forms or new uses for existing products). About 50% is spent on R&D for new "me-too" products.

BUSINESS PRACTICES IN THE UNITED STATES PRESCRIPTION DRUG MARKET

There are two domestic markets in the U.S. for most big-selling prescription drugs: a price-competitive market, characterized by deep discounts off the published list price (benefitting the Department of Veterans' Affairs, hospitals, and managed care plans, such as HMOs), and a high-priced market where retail customers, Medicare, and Medicaid purchase their prescription drugs.

In the high-priced, non-competitive market, once the patent on a brand name drug product expires and generic drug competition is introduced, the price of the brand name product does not fall; it generally increases and remains high. In contrast, however, in the price-sensitive market, buyers have succeeded in getting brand name drugs at generic drug prices.

Similarly, in the high-priced market, when a new patented therapeutically interchangeable drug (not a generic) comes onto the market, it is priced at an amount equal to or greater than its patented brand name competitor(s), whether or not it represents a significant therapeutic advance. Yet, in the price sensitive market, buyers have forced manufacturers of therapeutically interchangeable drugs to compete for market share by offering price discounts of 40% or more.

INNOVATIVE COST CONTROL STRATEGIES FOR HIGH DRUG PRICES

Hospital and managed care initiatives

Physicians and pharmacists in over 90% of the Nation's hospitals and at least 42% of U.S. health maintenance organizations (HMOs) have independently concluded that many prescription drugs are therapeutically interchangeable when used to treat patients suffering from the same ailment.

Using this information, hospitals and HMOs have employed limited lists of preferred drugs (formularies) and group purchasing to successfully negotiate prices with drug manufacturers that have yielded discounts in excess of 40% off the published wholesale prices.

In effect, the Medicaid program is indirectly benefitting from this negotiating process since hospitals have already implemented these sound business negotiating ap-

proaches. State Medicaid recipients, pharmacists, and other providers would further benefit from a similar negotiating process for Medicaid's outpatient prescription drug program.

Initiatives of the Department of Veterans' Affairs (DVA)

The Department of Veterans' Affairs (DVA) negotiates with manufacturers and obtains valuable discounts on drug products without centralized purchasing and distribution of these drug products.

DVA achieves an average discount of 41% off the manufacturer's published "Average Wholesale Price" (AWP) for single source drugs and an average of over 60% off the AWP for multiple source drugs. In contrast, Medicaid programs, in almost all cases, pay top-dollar (or at best, AWP minus 10%) for drug products.

DVA obtains these substantial discounts by negotiating low prices from the brand drug manufacturers, aided by the use of a preferred drug list.

DRUG MANUFACTURERS' RESPONSE TO THE MEDICAID COST CRISIS

Despite the fact that Medicaid purchases over 10% of the prescription drugs in the U.S., and ignoring Medicaid's critical public mission to serve the indigent, drug manufacturers have almost without exception refused to directly negotiate better prices with the States. In fact, drug manufacturers have waged an all-out national campaign to undermine and frustrate State efforts to negotiate lower prices for therapeutically duplicative drugs.

In late April 1990, following Federal and State threats of legislative intervention, Merck, Sharp and Dohme proposed to give States their lowest price for MSD drugs if the State would agree to list all of the firm's drugs on the state formulary (if it had one). This is significant because Merck has broken away from the rest of the drug manufacturing industry and, in doing so, has acknowledged the unacceptability of the financial crisis facing state Medicaid programs.

Merck's proposal, however, is likely to have little effect on the remainder of the industry. Because other drug companies offer much greater discounts than Merck, it is extremely unlikely that many companies will (voluntarily) follow suit. Pressure from the Congress, in the form of price negotiation legislation, offers the surest prospect of industry-wide price reductions.

OBJECTIVES OF THE PHARMACEUTICAL PRODUCT ACCESS AND PRUDENT PURCHASING ACT OF 1990 (PAPPA)

(1) Focus cost-saving efforts on the cause of increased program outlays—manufacturer's escalating drug prices—rather than on the retail pharmacist and the poor, who cannot control drug prices;

(2) Create an opportunity for States to establish money-saving Medicaid drug price negotiating programs of their own design. (Aging Committee staff estimate that such a program could save between $100-$200 million annually on a nationwide basis);

(3) Preserve successful marketplace mechanisms for enhancing drug price competition, by building on time-honored business practices already in widespread use in the market (by the VA, hospitals, and managed care providers);

(4) Restore and enhance access to medically necessary pharmaceuticals for the poor who rely on Medicaid;

(5) Preserve the physician's prerogative to prescribe medically necessary medications for individuals in their care; and

(6) Provide incentives for more manufacturers to offer discounts on drug products to State Medicaid programs.

Mr. President, I ask unanimous consent that a question and answer document on the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PRESCRIPTION PHARMACEUTICALS ACCESS AND PRUDENT PURCHASING ACT OF 1990 (PAPPA)

WHAT PAPPA DOES AND DOES NOT DO

(Proposed by Senator David Pryor, Chairman, Special Committee on Aging)

The following fact sheet describes the objective of PAPPA, and is intended to clear up some common misconceptions about the bill's purpose and impact.

WHY IS THIS INITIATIVE NECESSARY?

Manufacturer drug prices have increased three times the rate of general inflation over the past decade. This phenomenon has resulted in draconian cost-cutting measures in the state Medicaid prescription drug programs—measures targeted primarily at patients and pharmacists instead of those responsible for price increases—the drug manufacturers. This initiative will help frustrated State Medicaid programs get manufacturers to do their part in containing the burgeoning cost of Medicaid drug programs.

WHAT ARE THE MAJOR OBJECTIVES OF THIS INITIATIVE?

a. Focus cost-savings efforts on the cause of increased program outlays—manufacturers' escalating drug prices—rather than on the poor and the pharmacists, neither of whom have any control over drug prices.

b. Provide strong incentives for States to establish money-saving Medicaid drug price negotiating programs of their own design.

c. Preserve successful marketplace mechanisms for enhancing drug price competition, by building on time-honored business practices already in widespread use in the market (by the Department of Veterans' Affairs, hospitals, and managed care providers).

d. Restore and enhance access to medically necessary pharmaceuticals for the poor who rely on Medicaid.

e. Preserve the physician's prerogative to prescribe medically necessary medications for individuals in their care.

f. Provide incentives for more manufacturers to voluntarily offer discounts on drug products to state Medicaid programs.

HOW MUCH MONEY WILL THIS BILL SAVE FOR THE MEDICAID PROGRAM?

Although a CBO estimate of cost savings is not yet available, it is realistic to expect savings of approximately $100-200 million dollars annually for the Medicaid program.

COULD STATES NEGOTIATE WITH DRUG COMPANIES WITHOUT USING A FORMULARY UNDER PAPPA?

Yes. In fact, the bill is designed to encourage States to move quickly to develop any kind of drug price savings plan they want, if it achieves significant savings on a substantial proportion of their drug purchases. Only if States refuse to do this—or if manufacturers continue to boycott negotiations with the States—will the buying groups and other features of the legislation take effect.

I'VE HEARD THIS BILL WILL SEVERELY HAMPER THE DRUG INDUSTRY'S RESEARCH AND DEVELOPMENT (R&D) EFFORTS. DOES IT?

No. This initiative will enhance initiatives for firms to invest in breakthrough drugs and products offering incremental advances. After PAPPA is enacted, however, the federal government will no longer simply pay a manufacturer's asking price for a duplicative product. Here's why PAPPA will help, not hurt, pharmaceutical R&D:

Though PAPPA's savings would be a big help to the financially strapped Medicaid drug budgets, it won't cost the industry enough to affect R&D adversely. A recent analysis of PAPPA by a respected Wall Street investment analysis firm said that the impact of the bill on drug company revenues "is not only manageable, it is trivial!" The analysis further said that even if PAPPA shaved $250 million dollars in savings from Medicaid drug purchases, that "represents about 0.75% of the total U.S. drug industry's sales".

The drug industry has continued to expand its R&D program while negotiating deep discounts on drug products with the Departments of Defense and Veterans' Affairs, as well as thousands of U.S. hospitals and HMOs. Sen. Pryor is confident the industry can accommodate the desperate need of Medicaid budgets for savings while continuing its important research and development.

The pharmaceutical industry currently invests about half of its research dollars in discovering compounds that offer little or no therapeutic advantage over existing drugs, because they cost less than truly innovative products to bring to market but can command high prices. Enactment of PAPPA provides the greatest opportunity for return on investment when companies introduce to the market truly innovative drug therapies that make a significant contribution to medicine.

WILL THIS BILL PERMIT INDEPENDENT THERAPEUTIC SUBSTITUTION OF DRUG PRODUCTS BY PHARMACISTS?

No. In a State with a Medicaid drug formulary, PAPPA will not authorize a pharmacist to substitute one therapeutically equivalent drug product for another. If a physician prescribes a less cost-effective drug, and fails to indicate on the prescription that it is medically necessary for this patient, the pharmacist will call and obtain permission from the physician to dispense the "preferred drug" for that patient. This mechanism insures that a patient's physician has absolute control over the drug dispensed when the patient's special needs makes this important.

WHAT IS THE CONCEPT OF THERAPEUTIC EQUIVALENCE? AREN'T ALL DRUG PRODUCTS DIFFERENT?

There are essentially two types of drug product equivalents: Pharmaceutical equivalents are drug products that contain the same amount of the same active ingredient in the same dosage form. These products are usually referred to as generic drug versions of the brand name drug. Pharmaceutical equivalents are expected to produce the exact same therapeutic effect in patients. Therapeutic equivalents are drug products which contain different active ingredients, but are expected to produce very similar therapeutic effects in patients (for example, two tranquilizers, or two diuretics—agents that remove fluids from the body, commonly used to treat hypertension). Therapeutic

equivalents are chemically structurally different products, however, they may not be as different as drug company marketing (or lobbying) materials would suggest. Drug companies often make minor and inconsequential modifications on the basic structure of molecules to develop a "new chemical entity" so that the companies can compete for a share of a very lucrative therapeutic market, such as the tranquilizer market.

The concept of therapeutic equivalence is not new; it has been used by hospitals and HMOs for years to limit the number of drug products available within a particular institution, resulting in substantial improvements in patient care and (particularly where companies are asked to submit price bids to get listed on the formulary) financial benefits.

WON'T THIS BILL CREATE A SYSTEM OF SECOND-CLASS MEDICINE FOR MEDICAID BENEFICIARIES?

No. The unfortunate truth is that we already have begun dismantling the Medicaid program to the extent that drug benefits have deteriorated in some States to "second class" status. The reason for this is not PAPPA, but excessive and continual price inflation by drug manufacturers. In contrast, and to redress this situation, PAPPA ensures that at least one drug from every therapeutic class will be covered in a State that opts to have a formulary, unlike the current situation, and also provides that a patient's physician may override formulary restrictions for medical reasons.

WON'T THIS BILL ESTABLISH A NATIONAL RESTRICTIVE FORMULARY OF DRUG PRODUCTS COVERED BY MEDICAID?

No. This bill does not require individual States to establish formularies, much less mandate a national drug formulary. It does, however, establish a National Pharmacy and Therapeutics (P&T) Committee, composed of experts in drug therapeutics, who would use the best, most up-to-date scientific and clinical information available to determine which drugs are therapeutically equivalent for most people with certain medical conditions. States would then use the determinations of this Committee to negotiate with drug manufacturers for better drug prices.

A DRUG MANUFACTURER RECENTLY OFFERED DISCOUNTED PRICES TO MEDICAID. IS THERE STILL A NEED FOR THE PAPPA INITIATIVE?

Yes. One of the nation's largest research-intensive drug companies recently decided to offer discounted prices on its drug products to state Medicaid programs. We see this as an encouraging sign and an admissison by the drug companies that they can survive and prosper without having to charge state Medicaid programs high prices.

However, there is no indication that other drug companies will follow suit, nor is it guaranteed that these discounted prices will remain in effect after one or two years. We need to insure that good prices are continuously available to the nation's poor through the state Medicaid programs.

For more information about PAPPA, or if you have any questions, please contact:

U.S. Senate Special Committee on Aging, SD G31, 224-5364.

Christopher Jennings, Deputy Staff Director; John Coster, PhD, Professional Staff Member.

Mr. PRYOR. Mr. President, I ask unanimous consent that an article in the Washington Post by Spencer Rich, dated Thursday, May 10, 1990, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 10, 1990]

SENATOR SEEKS TO STEM RISE IN MEDICAID DRUG COSTS

(By Spencer Rich)

Last year, a typical veterans hospital paid $113 for 100 capsules of Feldene, a prescription drug used to treat arthritis. The same drugs cost Medicaid, the federal health program for the poor, considerably more: $162, counting a druggist's markup.

For Tenormin, a chest-pain drug, there was the same discrepancy: $39 versus $59, according to a study by the Senate Committee on Aging.

The main reason for the difference is simple: The Department of Veterans Affairs buys in bulk and decides which drug to use after sophisticated comparison shopping among companies that produce drugs with similar medical effects.

Many health care experts would like to adapt the same consumer mentality to Medicaid in an effort to reduce the program's skyrocketing costs. Last year outpatient drugs alone from the program cost $3.5. billion.

Using the same approach as the Department of Veterans Affairs could save Medicaid between $200 million and $400 million a year, according to staff members for Sen. David Pryor (D-Ark.), who plans to introduce a bill today to do that.

Under Pryor's proposal, Medicaid would determine when several different drugs are "therapeutically equivalent" for treatment of a given condition. Each state Medicaid program then would ask drug manufacturers to submit a bid, and the low-bidder's drug would be used almost exclusively in the state's program. At the end of every month, state Medicaid officals would calculate how much of the drug had been used by Medicaid patients and the manufacturer would reimburse the program with the amount of the discount.

The Bush administration has not taken a position on the bill. But the Pryor plan is strongly opposed by the Pharmaceutical Manufacturers Association, which sees it as an opening wedge to cut prices everywhere.

"If these misguided policies were adopted at the federal level in Medicaid, you'd see a lot of attempts to move those policies into the private sector," said PMA president Gerald Mossinghoff.

Mossinghoff said any comparison between the prices a druggest pays and those paid by either veterans or private hospitals is misleading. The Department of Veterans Affairs buys "in large quantities and you just ship it" to a few major centers, while hospitals get discounts "to get the residents and interns to become familiar with the drug and get them used to using it."

But Mossinghoff said "the fundamental flaw" of the bill is the assumption that major classes of drugs are "therapeutically interchangeable," when the drugs involved are chemically different and have different properties and side effects for different people.

The Pryor bill aims to compel price competition. It does not affect cases where no competition is possible because there is only a single brand available for a given illness (for example, AZT for AIDS), and no cheap generic copies.

Nor does it affect a case where there may be a brand-name drug and one or more cheap generic clones that are basically chemically identical. Price competition already exists in that case.

It is designed for situations where there are several different drugs, produced by different manufacturers, that are chemically different but intended to treat the same condition, and no less expensive generic duplicates generally available. Drugs of this type now account for $500 million to $1 billion of Medicaid's drug outlays, according to Pryor's staff.

Tagamet, Pepcid and Zantac, for example, are chemically different but used for ulcers. At present many state Medicaid programs have open listings that enable each physician to prescribe any one he chooses at any price.

A system similar to the one proposed by Pryor is being used by many large hospitals such as Johns Hopkins, Brigham and Women's of Boston, and Medical College of Virginia. They make their own equivalency determinations and then buy the low-cost drugs.

Under the Pryor bill, a state that can get substantial discounts by other methods, as many are seeking, need not put the drugs up for bids. If a prescription specifies a costlier non-preferred drug but the doctor did not write in "medically necessary," the druggist cannot substitute the preferred drug but must check first with the physician.

Mr. PRYOR. Mr. President, I ask unanimous consent that a letter dated May 8, 1990, from the National Council of Senior Citizens in support of the legislation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL OF SENIOR CITIZENS,
Washington, DC, May 8, 1990.

Hon. DAVID PRYOR,
Chairman, Special Committee on Aging, U.S. Senate, G-31 Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you very much for introducing the Pharmaceutical Access and Prudent Purchasing Act of 1990 (PAPPA). The National Council of Senior Citizens (NCSC), representing over five million older Americans, is very supportive of this legislation which will help guarantee access to proper pharmaceutical therapy to Medicaid recipients.

Over three and a half million seniors are receiving prescription drug coverage through the Medicaid program. With many states providing some form of restricted formularies, myriad seniors are being denied therapeutic medications their physicians would normally prescribe. Unable to pay for these drugs themselves, they have no recourse but to rely upon the medications provided under the state formulary which may not be the therapeutic equivalent. Your legislation would put a stop to that, while holding Medicaid costs of prescription drugs down.

It seems lately that all too many people are blaming the patient for increased health care costs. Quite frankly, NCSC finds this trend rather disturbing. Various organizations and individuals seem to feel that, by increasing copayments and deductibles, health care costs can be kept down. But from 1980-1987, 97 percent of increased spending on prescription drugs was directly

the result of manufacturer price increases. Only three percent of the increased spending was due to an increased use of drugs by the public. PAPPA places the burden where the blame should lay: on the pharmaceutical manufacturers, not on the local pharmacist nor the consumer.

Unfortunately, due to the rapid increase in the costs of prescription drugs (which more than tripled the general inflation rate in the past decade), over 60 percent of the elderly do not have private insurance to cover medication. Insurers are increasingly hesitant about providing coverage for a product whose prices continue to go through the roof. By providing states who purchase over ten percent of all drugs through the Medicaid program with the ability to negotiate the lowest possible prices for therapeutic medications, your legislation will help keep prescription drug prices down for everyone—especially the elderly who use a disproportionate share of prescribed medication.

NCSC is also pleased that PAPPA would:

1. Preserve the physicians' prerogative to prescribe medically necessary medications for individuals in their care;

2. Provide incentives for more manufacturers to offer discounts on drug products to state Medicaid programs;

3. Create an opportunity for states to establish money-saving Medicaid drug price negotiating programs of their own design; and

4. Ensure that drugs which are not therapeutically equivalent cannot compete with each other on the basis of price.

Again, thank you for providing the leadership necessary on such an important piece of legislation. I am looking forward to working very closely with you on this.

Sincerely,

LAWRENCE T. SMEDLEY,
Executive Director.

Mr. PRYOR. Mr. President, I ask unanimous consent that a letter from Families USA, Families United for Senior Action, dated May 9, 1990, be printed in the RECORD in support of this legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FAMILIES UNITED FOR SENIOR ACTION,
May 9, 1990.

Hon. DAVID PRYOR,
House of Representatives,
Washington, DC.

DEAR SENATOR PRYOR. As executive director of Families USA, I am pleased to offer our wholehearted support for the Pharmaceutical Product Access and Prudent Purchasing Act of 1990. This legislation will help ensure that Medicaid dollars are spent wisely and that access to needed health care remains the first priority in Medicaid spending—not drug manufacturing profits.

Pharmaceutical price increases have consistently run at rates far in excess of increases for all other health care costs. At the same time, industry profits have been astronomical as well. Your legislation will arm state Medicaid programs against these price increases, giving them for the first time the collective purchasing power necessary to bargain for the lowest price on the best drugs.

While every provider should receive fair and adequate payments for products and services rendered under the Medicaid program, no provider or company should reap excessive profits while the poor go without basic care. Your bill will free-up scarce Medicaid dollars, better directing them toward care and access for low income populations.

Again, our sincere support for your legislation in this area and our thanks for your continuing leadership on issues of importance to the elderly poor in America. We look forward to working with you on this issue and others.

Sincerely,

RONALD F. POLLACK,
Executive Director.

Mr. PRYOR. Mr. President, I ask unanimous consent that a letter dated May 9, 1990, from the American Association of Retired Persons supporting this legislation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AARP,
Washington, DC, May 9, 1990.

Hon. David Pryor,
Chairman, Special Committee on Aging,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN PRYOR: The American Association of Retired Persons commends your leadership in the introduction of the Pharmaceuticals Access and Prudent Purchasing Act of 1990. This legislation would have the important effect of lowering the cost of prescription drugs to the Medicaid program and improving Medicaid patients' access to needed medications.

Over the last decade (1980-89) prescription drug prices rose 128 percent, with an average annual increase of 9.5 percent. During the same period, the Consumer Price Index (CPI) for all items rose just over 50 percent, or 5.6 percent annually, on average. This ten-year increase in prescription drug prices (128 percent) is even more striking in that it has also exceeded the 99 percent increase in the medical care component of the CPI over the same period.

The effect of these increases on consumers has been to make precription drugs a burdensome and, in some cases, unaffordable form of medical treatment. Low-income persons and older Americans—those most likely to be Medicaid beneficiaries—are particularly vulnerable to rising prescription drug costs, both because they tend to be sicker and because they often live on fixed incomes. A recent survey by AARP found that the cost of prescription drugs was the second most important reason why older Americans do not get their prescriptions filled.

Contributing to the sharp and frequent price increases for prescription durgs is the appearance on the market of high-priced new drugs, the therapeutic effects of which are not significantly different from existing, lower-priced medications. These new drugs, however, can command a high price and, in turn, drive up the prices of older drugs. The Pharmaceuticals Access and Prudent Purchasing Act (PAPPA) cold help curtail the use of costly new drugs which add little to the quality of medical care by reducing the amount Medicaid spends on these drugs when their therapeutic equivalents can be purchased for much less. Put simply your bill would make it possible for the Medicaid program to take advantage of the substantially lower prices now paid by hospitals, HMOs and the Veterans Administration.

At the same time that this legislation reduces Medicaid costs for prescription drugs, it also takes several precautions to ensure that Medicaid recipients will receive quality medical care. In this regard, the PAPPA would require that decisions about whether different medications are therapeutically equivalent be made by experts in the field of pharmacology. It would also protect the ability of physicians to prescribe the medications they believe will be most effective. These provisions will be important components of any final legislation.

AARP applauds the introduction of the Pharmaceuticals Access and Prudent Purchasing Act. We welcome the opportunity to work with you to ensure that this legislation protects—even improves—the quality of care Medicaid beneficiaries receive, and at the same time ensures that low-income Americans have access to the prescription medications they need.

Sincerely,

HORACE B. DEETS.

Mr. PRYOR. Mr. President, I ask unanimous consent that a letter dated May 10, only today, from the Leadership Council of Aging Organizations be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LEADERSHIP COUNCIL
OF AGING ORGANIZATIONS,
Washington, DC, May 10, 1990.

Hon. DAVID PRYOR,
Chairman, Special Committee on Aging,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN PRYOR: On behalf of the undersigned members of the Leadership Council of Aging Organizations, I want to express our strong support for your introduction of the Pharmaceuticals Access and Prudent Purchasing Act of 1990. Your proposed legislation would help constrain the growth of Medicaid spending for prescription drugs and at the same time improve Medicaid recipients' access to the prescription drugs they need. Your proposal offers great promise by encouraging states to employ money-saving practices already used widely by hospitals, HMO's and the Veterans Administration, such as negotiating with manufacturers for lower prices.

Prescription drugs are one of the most important medical care treatments available today, but their increasing cost is a growing barrier to quality medical care. In 1988 Medicaid paid $3.3 billion for prescription drugs. This was the third highest category of Medicaid spending, after nursing home costs and inpatient hospital care. Between 1975 and 1986 Medicaid payments for prescribed drugs grew from $815 million to $2.7 billion—230 percent, but the number of Medicaid recipients using prescription drug coverage rose by only 4 percent.

Faced with this growing financial pressure, some state Medicaid programs—which pay for a portion of the prescription drugs used by Medicaid-eligible individuals—have responded by imposing a coinsurance requirement on Medicaid recipients, limiting the number or dollar amount of drugs covered, or excluding from Medicaid payment whole therapeutic classes of drugs. The effect of the Pharmaceuticals Access and Prudent Purchasing Act on these states would be to lower Medicaid expenses for prescription drugs, thereby making it possible for them to completely remove or lessen these requirements.

At the same time that the Pharmaceuticals Access and Prudent Purchasing Act

takes steps to reduce prescription drug costs, it includes several important mechanisms to protect Medicaid recipients' quality of care that will be important components of any final legislation. Significantly, it would protect physicians' ability to prescribe the medications their patients need and Medicaid payment for these prescriptions. It would also draw upon experts in the field to determine which drugs are therapeutically equivalent.

The rising cost of health care is one of the greatest barriers to access to health care. The Leadership Council of Aging Organizations congratulates you for your leadership in introducing the Pharmaceuticals Access and Prudent Purchasing Act, and is pleased to support the steps it proposes to ensure that low-income Americans have access to the prescription drugs they need.

Sincerely,

HORACE B. DEETS.

The following organizations have signed-on to this letter in support of the Pharmaceuticals Access and Prudent Purchasing Act of 1990:

American Association of Homes for the Aging.
American Association of Retired Person.
Catholic Golden Age.
Families USA.
National Association for Families Caring for their Elders, Inc.
National Association of Area Agencies on Aging.
National Association of Nutrition and Aging Services Programs.
National Association of Retired Federal Employees.
National Association of State Units on Aging.
National Council of Senior Citizens.
National Hispanic Council on Aging.

Mr. PRYOR. Mr. President, if I might add, the Leadership Council of Aging Organizations consists of the following: The American Association of Homes for the Aging; the American Association of Retired Persons; Catholic Golden Age; Families USA; National Association for Families Caring for Their Elders, Inc.; National Association of Area Agencies on Aging; National Association of Nutrition and Aging Services Program; National Association of Retired Federal Employees; National Association of State Units on Aging; National Council of Senior Citizens; and the National Hispanic Council of Aging.

Mr. President, I ask unanimous consent that a letter in support of this legislation representing the local independent retail pharmacists, NARD, the National Association of Retail Druggists, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF RETAIL DRUGGISTS,
Alexandria, VA, May 9, 1990.

Hon. DAVID PRYOR,
Chairman, Senate Special Committee on Aging, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN PRYOR: The Pharmaceutical Access and Prudent Purchasing Act of 1990 (PAPPA) addresses long standing priority concerns of the National Association of Retail Druggists.

The PAPPA will provide the $3.3 billion Medicaid outpatient drug program equal access to manufacturer prices already available to other Medicaid components and nonprofit entities generally; including hospitals, HMO's, and mail order firms. By enabling the state Medicaid programs to access the current nonprofit manufacturer prices the program burden of cost containment will be shifted from the beneficiaries and will improve beneficiaries access to pharmaceuticals and pharmacy services which may have been reduced or eliminated by misguided cost containment approaches.

The PAPPA marketplace pricing reimbursement will encourage providers to continue to participate in the state Medicaid programs so that sufficient pharmacy providers are accessible for Medicaid beneficiaries. Such specifications of the terms of reimbursement by law will prevent future misguided attempts to reduce the Medicaid cost for prescription drugs, by cutting pharmacy reimbursement which has virtually no effect on overall Medicaid prescription drug expenditures.

We support efforts to ensure equal access to equitable prescription drug prices for all American consumers.

The PAPPA is landmark legislation. It will help assure equal access for the poorest among us while also relieving the extraordinary fiscal pressures on the Medicaid outpatient drug program.

The enactment of PAPPA is our number one legislative priority. The NARD Executive Committee has unanimously endorsed PAPPA.

We look forward to working closely with you and the many health care and consumer groups supporting your objectives.

On behalf of the 40,000 independent retail pharmacies that we represent and the 75,000 pharmacists practicing in these independent settings, we pledge to leave no stone unturned in assisting you, Majority Leader Mitchell and your cosponsors in the enactment of this long overdue bipartisan legislation.

With warm regards,

CHARLES M. WEST, P.D.,
Executive Vice President.
JOHN M. RECTOR, ESQ.,
Vice President of Government Affairs and General Counsel.

Mr. PRYOR. Mr. President, I ask unanimous consent that a letter, dated May 10, 1990, from the National Association of Chain Drug Stores in support of this legislation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF CHAIN DRUG STORES,
May 10, 1990.

Hon. DAVID PRYOR,
Chairman, Senate Special Committee on Aging, Russell Senate Office Building, Washington, DC.

DEAR SENATOR PRYOR: NACDS commends your efforts to examine and understand all aspects of the pharmaceutical industry and marketplace including research, manufacturing, pharmacy practice, and retailing. Your legislative proposal "Prescription Pharmaceutical Access and Prudent Purchasing Act of 1990 (PAPPA)" reflects the thoughtfulness and thoroughness of these efforts.

NACDS is very enthusiastic about and supportive of your legislative proposal. The proposal reflects a blend of vision and practical day-to-day marketplace reality.

We are particularly pleased with your acknowledgement that market pricing should be the basis of Medicaid reimbursement of prescription drugs. Your recognition of pharmacy's role in health care delivery is timely. Finally, bringing brand name drug manufacturers into the cost containment equation is an important step forward.

We would also like to acknowledge the unprecedented time and cooperation afforded us by Chris Jennings, David Schulke, John Coster and your other staff in working through the legislative proposal.

As you will understand, final endorsement of the legislation introduced today is subject to review by our policy committees and Board of Directors. This will occur in the very near future.

Sincerely,

RONALD L. ZIEGLER,
President and Chief Executive Officer.

Mr. PRYOR. Mr. President, I ask unanimous consent that a supportive letter from the American Pharmaceutical Association, dated May 9, 1990, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN PHARMACEUTICAL ASSOCIATION,
Washington, DC, May 9, 1990.

Hon. DAVID PRYOR,
Chairman, Senate Special Committee on Aging, Dirksen Senate Building, Washington, DC.

DEAR MR. CHAIRMAN: The American Pharmaceutical Association (APhA), the national professional society of pharmacists, commends you on your comprehensive research into prescription drug pricing. Your study of prescription drug pricing practices provides a solid basis for meaningful legislation relating to the Medicaid program. We are pleased that you gave us an opportunity to work with your staff in the development of an appropriate legislative package. Many positions that APhA has strongly advocated are now included in the legislative proposal you are about to introduce.

By calling for marketplace pricing for pharmacists, the legislation takes into account the intense competition that exists in pharmacy. This competition helps to provide cost-effective pharmacy services while maintaining reasonable access by patients to necessary care. As you have learned, pharmacists are not responsible for the significant increases in prescription drug prices which have occurred in recent years. You have also found that pharmacists have too often been asked to accept reductions in reimbursement from Medicaid to make up for state program shortfalls caused by manufacturers' price increases. The situation has become intolerable for many pharmacies across the country. We concur that penalizing pharmacists for manufacturers' price increases is unfair to pharmacists and their patients.

In addition, your draft legislation calls for demonstration studies into supporting cognitive services of pharmacists. This provision has very encouraging prospects for patient care. Pharmacists provide many essen-

tial professional services that do not always relate to the actual dispensing of a prescription drug product. We believe the proposed study will demonstrate that reimbursing pharmacists for drug utilization review (DUR) services would be both cost-effective and beneficial to the health care needs of the patient.

Your proposed legislation also calls for use of therapeutic interchange of various drug products under a validation arrangement in which pharmacists and authorized prescribers interrelate on behalf of the care of their patients. The APhA House of Delegates adopted policy in support of this concept of therapeutic interchange in 1987.

We look forward to reviewing the specific legislative language contained in your legislation when it is introduced. While APhA Board of Trustees has not yet adopted an official position on your proposes legislation, we anticipate that it will be brought before our board shortly.

Again, we commend you for your leadership in this area. At a time when Medicaid has been buffetted by insufficient funds and increased costs, your proposed bill offers relief for the indigent in their pressing needs for access to vital pharmaceutical services.

Sincerely,

WILLIAM M. HERMELIN,
Director of Government Affairs.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 2606. A bill for the relief of Conwell F. Robinson and Gerald R. Robinson; to the Committee on Energy and Natural Resources.

PRIVATE RELIEF BILL

Mr. BURNS. Mr. President, I rise today to introduce a bill which will put to rest an issue that has remained unresolved for two decades. The Robinson brothers, who are in their seventies and live in Great Falls, MT, previously owned a 130-acre tract of property in Glacier National Park in northwestern Montana. However, their property was taken from them in a condemnation proceeding by the U.S. Government in 1967. The Robinson brothers lived on their property in the summers throughout most of their lives until 1984, at which time the Government refused them further use of their property. This property was homesteaded by their maternal grandparents prior to the creation of Glacier National Park. It has been the established policy of the National Park Service to grant life estates to private owners of property who sell their land to the Government and who request use of their property for the rest of their lives. That policy was not followed in the case of the Robinson brothers.

A similar bill was introduced by my predecessor in the last Congress and was unanimously passed by the committee and the full Senate on a voice vote. My predecessor, John Melcher, tried to resolve the issue and I believe he should be commended for his efforts. Unfortunately, the House failed to act on his bill but I am here to see that the resolution to this problem is carried out.

One area of dispute with Senator Melcher's earlier bill was its associated fee. After meeting with National Park Service officials, it was decided that the fairest manner to solve this problem was to set a value for the interest to be transferred by this bill. Accordingly, my bill includes a new value based on the following study which I ask unanimous consent to be included in the RECORD at this point:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

C. ROBERT WHITE, MAI,
APPRAISER—CONSULTANT,
Helena, MT, February 14, 1990.

Re. Conwell and Gerald Robinson, Glacier Park Cabin Site.

R. STEVEN BROWNING
Browning, Kaleczyc, Berry and Hoven, PC
28 N. Last Chance Gulch
Helena, MT,

DEAR MR. BROWNING: This is in response to your request for consultation regarding the above captioned real estate.

A reiteration of the facts as I understand them, is as follows. Murray C. Lind, real estate appraiser, from butte, made an appraisal of subject 130 acre tract as of September 8, 1967, wherein he estimated Market Value at $124,500. The Park Service subsequently rejected this appraisal. The Park Service appraised the property in 1967 at $64,500 and subsequently increased that figure to $71,500. The Governments right of eminent domain was exercised and the Park service took ownership of the property on May 27, 1969. Compensation paid was $83,500 which broken down amounts to $9,450 for building improvements and $74,050 for land. The Robinson brothers received $30,500 for there ownership share in the property. The Park Service issued a special use permit on July 1, 1969 for five years with a five year renewal to the Robinson's. This 10 year period was exercised and another five year permit was issued which expired on July 14, 1984. At that point the Park Service would no longer issue a special use permit and the Robinsons were forced to leave the property.

In 1988, while under Park Service ownership, a guest cabin, water tower and laundry/shower room burned and were completely destroyed.

The Robinson brothers are proposing to purchase a life estate from the Park service due to alleged improprieties involved in the 1969 taking. The real estate involved is a 3.01 acre tract on which the remaining buildings are located. due to the alleged improprieties in 1969, the value of the property and subsequent cost of the life estate is proposed to be based on the actual condemnation award in 1969 prorated down to the 3.01 land size and to the remaining improvements.

Compensation paid for the improvements, according to Conwell Robinson was $9,450. Murray Lind's 1967 appraisal of the improvements was $9,125. Compensation paid then was 104 percent of his appraised figure. Mr. Lind's values for the burned buildings is shown as follows:

Two room guest cabin	$1,550
Water tower & tank	700
Laundry/shower room	340
Total	2,590

$2,590 × price paid adjustment of 1.04 = $2,694.

Thus, price of the burned buildings was approximately $2,694 and since they no longer exist should be subtracted from the $9,450 price paid for all building improvements. That leaves the price of the remaining building improvements at $6,756.

The price paid for the land of $74,050 divided by 130 acres = $569.62 per acre. This amount times 3.01 acres = $1,715.

Total consideration based on the price paid for the property to be held under the life estate is then $6,756 plus $1,715 or a total amount of $8,471.

Life estates are based on actuarial tables establishing the approximate length of time the estate will be held. Gerald Robinson is the youngest of the two brothers and was born August 28, 1919. The younger brother would have the longer life expectancy and the life estate should be based on his current age of 70 years. The following actuarial data was obtained from Mr. Joe Biehl, an agent for the Principal Financial Mutual Life Insurance Company. Tables used are the "Commissioners Standard Ordinary" or CSO. According to the 1980 CSO, which I understand is the most recent, Gerald Robinson, age 70, has a life expectancy of 11.11 years. That assumes he is a non-smoker. If he smokes life expectancy is reduced to 9.25 years.

Geralds life expectancy in 1969, according to the 1958 CSO, was 23.23 years whether a smoker or not.

A telephone conversation with Mr. Charles Swanlund, Chief Appraiser for The National Park Service in Lakewood, Colorado confirmed the following formula. A one time fee of 1 percent of the purchase price per year of life expectancy is the cost of a life estate. The usual procedure is illustrated as follows. The Park Service purchases an inholding for say $100,000 and the life expectancy of the youngest owner is say 25 years. 1% of $100,000=$1,000 times 25 years=$25,000. The Park Service would then issue a check for the difference between the purchase price and fee for the life estate, in this example $75,000.

Thus, assuming the right to purchase a life estate is restored to the Robinson brothers and the above policy formula is followed, the calculation would be as follows:

$8,471×.01=$84.71×11.11 years=$941.13
Cost of the life estate $941.13

Various other scenarios could come into play such as the Park Service, 1) not allowing a deduction for the burned buildings, 2) requiring the life estate to be based on 1969 life expectancy, etc. However, the above figures and formula should make possible a recalculation in most any event.

It is acknowledged that the above figures may or may not have any correlation with present market value. The consideration here appears to be more of a legal nature, except for the above proration, than of a valuation nature. Thus, the numbers set forth above are in no way to be construed as being Market Value as of February, 1990.

Sincerely,

C. ROBERT WHITE, MAI.

CERTIFICATION

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.

2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and/or

those found in the appraisal/consultation contract, and are my personal, professional analyses, opinions, and conclusions.

3. I have no present or prospective interest in the property that is the subject of this report.

4. My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in, or the use of, this report.

5. My analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and the Standards of Professional Practice of The American Institute of Real Estate Appraisers.

6. The use of this report is subject to the requirements of The American Institute of Real Estate Appraisers relating to review by its duly authorized representatives.

7. As of the date of this report, I, C. Robert White, have completed the requirements under the continuing education program of the American Institute of Real Estate Appraisers.

8. I have not made a personal inspection of the property that is the subject of this report.

9. No one provided significant professional assistance to the person signing this report.

C. ROBERT WHITE, MAI.

FEBRUARY 14, 1990.

Mr. BURNS. Mr. President, I could present extensive additional material in support of this legislation. However, much of the documentation for this claim was supplied to the Energy Committee in the last Congress and is available in committee print (No. 88-921, Senate hearing 100-764). To sum up the record, let me put it this way: the Robinson brothers are asking only that they be treated as others have been treated. Specifically, my bill would allow the Robinson brothers to use, during their lifetime, a small portion of land homesteaded by their grandparents, an interest similar to that which the Government had issued to the Robinson brothers from 1969 through the summer of 1984. My bill does not transfer any ownership rights to the Robinson brothers beyond allowing them the use of the property described in this bill.

I realize that in-holder land ownership issues can be complex and burdensome for the Park Service. I do not wish to add to the Park Services' administrative burdens, nor do I seek to establish a precedent that will jeopardize the Government's legal position in subsequent controversies over private property claims within the boundaries of Glacier National Park. The intent and, I believe, the effect of my bill is simple: to allow two senior citizens the right to use their family homestead until their death.

Mr. President, I ask unanimous consent that my colleague from Montana, Senator BAUCUS, be added as an original cosponsor. I would further ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RIGHT OF USE AND OCCUPANCY OF A CERTAIN LAND TRACT IN GLACIER NATIONAL PARK.

(a) RIGHT OF USE AND OCCUPANCY.—The Secretary of the Interior (hereinafter referred to as the "Secretary") shall grant Conwell F. Robinson and Gerald R. Robinson a right of use and occupancy for the property described in subsection (c) for a term ending on the date of the death of Conwell F. Robinson or Gerald R. Robinson, whichever is later.

(b) TERMS AND CONDITIONS.—The right granted pursuant to subsection (a)—

(1) shall be for the reasonable use of the property;

(2) shall be subject to such terms and conditions as the Secretary may prescribe (including termination) to insure that such right does not unreasonably diminish the scenic, historic, and other values for which Glacier National Park was established; and

(3) shall vest upon payment of an administrative fee of $941.13.

(c) DESCRIPTION OF PROPERTY.—The property described in this subsection is a parcel of land containing approximately 3 acres, in Government Lot 7, Section 9, Township 35 North, Range 21 West, and more particularly described in the United States Department of the Interior Special Use Permit numbers 2-117-59, 2-117-110, and SP1430-9-0068.

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. KERRY, and Mr. SANFORD):

S. 2607. A bill to amend the International Claims Settlement Act of 1949 to provide for the payment of claims of nationals of the United States against Vietnam; to the Committee on Foreign Relations.

VIETNAM WAR CLAIMS

Mr. CRANSTON. Mr. President, I am pleased to introduce, together with the distinguished ranking member of the Subcommittee on East Asian and Pacific Affairs, Senator MURKOWSKI, Senator KERRY of Massachusetts, and Senator SANFORD, legislation to provide compensation for American citizens and businesses whose property was confiscated more than 15 years ago in Vietnam.

I believe that now is the time to resolve the plight of those Americans who remained in Vietnam, many of them at the urging of our Government, long after prudence would have dictated that they leave and who in 1975 lost millions of dollars of property as a result. Before it is appropriate to permit or encourage U.S. businesses to invest in Vietnam again, we must first make good on our obligation to those Americans who have been certified by the U.S. Government as entitled to compensation for their losses. This legislation accomplishes that goal, and does so at no cost to the U.S. taxpayer.

In 1980, at the direction of Congress, the Foreign Claims Settlement Commission, an agency of the Justice Department, began the process of adjudicating more than 500 claims submitted to it from American citizens and businesses. After 6 years of reviewing each claim carefully, the Commission determined that 192 claims were valid, and further certified the amounts that were due each claimant. The claims themselves, therefore, are not in question. The only problem with the FCSC process is that it provides no funds to satisfy the awards. Fortunately, there is a solution available, together with the necessary funds to complete the compensation process which Congress began in 1980. Experts on international claims law have assured the Congress that there is legal justification and historical precedent for the solution provided in the legislation.

At the time of the fall of the South Vietnamese Government, the United States Treasury Department ordered that South Vietnamese Government assets in this country be blocked. Those assets were primarily in the form of central bank funds on deposit in U.S. banks, and they continue to be blocked today. The total value of these funds, including the interest they have earned, is more than sufficient to compensate fully the claimants as well as to cover the Government's expenses associated with their administration.

This legislation, Mr. President, directs the President to vest the blocked assets and, in effect, to distribute them in so far as is necessary to satisfy those claims that have been determined by the Foreign Claims Settlement Commission to be valid. Any remaining funds would remain blocked and be subject to future negotiations with the Republic of Vietnam.

Prof. Richard B. Lillich of the University of Virginia Law School, widely recognized for his expertise in international claims law, prepared an extensive analysis of this legislation when it was the subject of a hearing last year in the House. He stated that the bill is completely consistent with international law, and that the United States has always supported the principle of self-help in those cases where a foreign country expropriates property without prompt, adequate, and effective compensation, as in this case.

We have, in fact, abided by that principle in the past. There is clear precedent for the procedure called for in this legislation. After World War II, Congress directed that claims of United States citizens against Bulgaria, Hungary, Romania, and Czechoslovakia which had been certified by the Foreign Claims Settlement Commission be paid from certain assets of those governments which had been blocked by the United States Government.

Normally these claims would be the subject of negotiations whenever the United States and Vietnam entered

into discussions leading to a normalization of relations. The difficulty with that process is that these claimants have already waited 15 years and they should not have to wait many years more in order to receive their just due. In addition, it is the unfortunate result of many of these negotiations that claimants receive only a small percentage of the value of their claims. We have a unique situation here where there are more than enough blocked assets to satisfy the claims, and that being the case, there is no reason why each claimant should not receive the full amount he is due.

We have been extremely careful in drafting this legislation to insure that it not interfere with any humanitarian concerns which we are pursuing in Vietnam, particularly the effort to seek as complete an accounting as possible of our servicemen and civilians missing in action. Senator MURKOWSKI has been a leader in this effort, and I appreciate the contribution he has made to this bill by suggesting a provision which would grant the President the authority to defer the vesting for 1 year at a time up through his full term, if in his judgment humanitarian concerns warrant such a deferral. It is a good provision and I gladly include it in the bill.

Mr. President, these claimants have waited more than 15 years for the Government to act on their behalf. Some have already died and others are quite elderly. That they deserve compensation is not in dispute. That we have the legal and financial means to meet these claims without reaching into our Treasury should provide us with the impetus to move this legislation quickly. I hope my colleagues will support Senator MURKOWSKI and me in this effort.

By Mr. GLENN (for himself, Mr. LIEBERMAN, Mr. KOHL, Mr. PRYOR, Mr. METZENBAUM, Mr. LEVIN, Mr. SASSER, Mr. COHEN, Mr. NUNN, Mr. BINGAMAN, Mr. BUMPERS, Mr. HARKIN, and Mr. KENNEDY):

S. 2608. A bill to amend the Inspector General Act of 1978 to clarify the authority of Inspectors General to conduct audits and investigations; to the Committee on Governmental Affairs.

CLARIFICATION OF CERTAIN AUTHORITIES OF INSPECTORS GENERAL

● Mr. GLENN. Mr. President, although the Inspector General Act of 1978 has received comparatively little public attention and credit, it has been over the past decade, one of the real and substantive success stories of government in fighting and rooting out fat, fraud, waste, and abuse. It was an experiment that worked, sufficiently so that we expanded the IG Act in 1988 to include more agencies and branches of government.

For 11 years prior to March 1989 IG's doggedly pursued under the Inspector General Act fraud, waste and abuse relating to the programs of the individual departments. The IG Act's broad authority led IG's to conduct thousands of investigations which resulted in thousands of criminal convictions in cases prosecuted by the Department of Justice.

In short, the unambiguous words of the inspector general law worked well to provide the IG's with the necessary broad discretion and authority to conduct any investigation they believe necessary to carry out their mission.

However, on March 9, 1989, the Department's Office of Legal Counsel issued on opinion which reinterpreted the Inspector General Act and imposed a hitherto unknown limitation on IG's—according to OLC, in order to undertake an investigation the IG's must find Federal dollars being expended, or a Federal employee engaged in misconduct. What the DOJ opinion leaves out are whole categories of criminal cases previously worked by IG agents: for example fraud relating to false certifications, and false applications for nonmonetary Government benefits such as a Federal license, job, visa, passport or other benefit. It even leaves out less common but necessary investigations, such as those directed at persons impersonating agency officials.

As a result, the jurisdiction and ability of the inspector general [IG] offices to fight fraud and investigate crime is under full scale reduction from the U.S. Department of Justice, the very agency we would expect to be most supportive of the successful IG program. The end result will be the fumbling of thousands of investigations directly affecting the health and welfare of the people of this country. With the DOJ ruling, persons who criminally certify false test results of generic drugs they seek to have licensed are now more likely to go unpunished for putting ineffective medicine in the cabinets of the American people; workers in unsafe factories or mines may die as criminal conduct in the OSHA or MSHA Program occurs; and persons fraudulently selling State Department visas will be able to do so with far less risk of investigation and interference by agents of the Government.

The OLC opinion further overturned the law by creating a type of investigation purportedly off-limits to the IG. The end result of DOJ's drawing this line in the sand has been widespread confusion, which can only benefit persons intent upon breaking the law. Now DOJ OLC has become the arbiter of their own false interpretation of the act's intentions, granting IG's authority to conduct investigations in certain cases, and saying no in others. As a result, agency officials and IG's have struggled to protect ongoing investigations. For example, the Secretary of Health and Human Services sought to protect FDA related investigations being conducted by the HHS IG by delegating the Secretary's felony investigative authority to the IG, as a supplement to the IG's powers under the IG Act. However, DOJ objected to this and pressured the Secretary to rescind the delegation. Now, IG's are so desperate to protect their investigations that they are contemplating detailing their personnel to agency managers to complete the investigations—a step which could significantly undermine their independence and the mission Congress established for them.

Why now? Why does DOJ move, after 12 years of excellent work by the IG's, to so seriously limit their ability to continue? I cannot authoritatively answer that question, but it does seem to be a strange coincidence that DOJ would move so forcefully against the IG community after IG Act coverage was extended to cover DOJ itself, coverage strongly fought by DOJ.

It is all so unnecessary to have this current wrangle. The words of the IG Act which provide broad authority to the IG's to make whatever investigations they believe are necessary were crystal clear to the DOJ 3 years ago when the Department was unsuccessfully resisting the institution of an IG in DOJ. Before me, in this committee room, Stephen Markman, then Assistant Attorney General of the Office of Legal Policy, stated:

> Extending the Inspector General Act to the Department [of Justice] would diffuse these responsibilities and lessen accountability. * * * *The Inspector General would have authority to make whatever investigations he or she might deem appropriate,* and the Attorney General would be without authority to halt or redirect those investigations.
>
> *Heads of other agencies where statutory Inspectors General already exit, of course, face similar intrusions on their authority.* [emphasis added]

Although I disagree with his tone, Mr. Markman's characterization of the IGs' authority then is not consistent with the limitations Justice seeks to impose now.

I also find discouraging the rather tortured approach to legislative history undertaken in the OLC opinion. Let me give a specific example: On page 7 of the OLC opinion a single sentence is selectively quoted from the Senate Report which accompanied the passage of the 1978 Inspector General Act: "The [Inspector General's] focus is the way in which Federal tax dollars are spent by the agency, both in its internal operations and its Federally-funded programs". This alone might imply that DOJ's opinion limiting IG authority to cases where a Federal dollar is spent, is correct. However,

DOJ has disingenuously chosen to drop the preceding and following sentences, which thoroughly undermine the narrow point. Let me read the sentence they chose, in context:

However, the committee intends that the Inspector and Auditor General will assume a leadership role in any and all activities which he deems useful in order to promote economy and efficiency in the administration of programs and operations or prevent and detect fraud, abuse and waste in such programs and operations.

The Inspector and Auditor General's focus is the way in which Federal tax dollars are spent by the agency, both in its internal operations and its federally-funded programs. Such a responsibility obviously encompasses countless issues. The Inspector and Auditor General should obviously be involved in identifying patterns and perpetrators of programmatic fraud.* * * S. Rep. No. 1071 at 27.

As chairman of the Governmental Affairs Committee with jurisdiction over the IG community and their operations and needs, I have held a series of hearings in an attempt to jog the Administration into settling this OLC problem, including a hearing on April 25, 1990, with five IG's and Justice Department witnesses. I offer for the record the statements of these five IG's demonstrating the current problem. As the testimony reflects, the IG's stated their belief that nothing short of legislation will solve this problem at this time, and after hearing testimony from the Justice Department, at this point I must agree. At the hearing, the committee also heard testimony from the Honorable SILVIO CONTE of Massachusetts, the ranking minority member on the House Appropriations Committee. Mr. CONTE has introduced identical legislation in the House to overrule the OLC opinion, and clarify the authority of the IG's to conduct audits and investigations.

I urge my colleagues to give this bill their full support.●

● Mr. LEVIN. Mr. President, I rise in support of the inspector general bill introduced today by the distinguished chairman of the Committee on Governmental Affairs, Senator GLENN. This bill will go a long way to clarify the authority of agency IG's.

The IG's are charged with the statutory duty of rooting out fraud, waste, and abuse in Federal programs. They are supposed to be tough, and they are supposed to be independent. They are the "junk yard dogs" of the Federal Government.

Unfortunately, the authority of agency IG's has been placed in question by a recent opinion issued by the Justice Department's Office of Legal Counsel. This opinion concludes that, because IG's are not authorized to exercise "program operating responsibilities," they have no power to investigate fraud, waste, and abuse against agency regulatory programs by private parties. In particular, the opinion concludes that the agency IG's have the authority to investigate only: First, recipients of Federal funds, such as contractors and grantees, and second, the policies and actions of the Departments and their employees.

I agree with OLC's premise that IG's should not be running the programs they oversee. However, this premise does not justify the narrow jurisdictional conclusion reached by the OLC opinion; it is far too simplistic to conclude that an IG is exercising "program operating responsibilities" simply because it is investigating fraud against the program. For example, the FBI clearly has the authority to investigate program fraud and regulatory violations unrelated to the expenditure of Federal funds—but OLC does not worry that the FBI is usurping the role of program officials.

Indeed, the Office of Legal Counsel itself has recently acknowledged, in response to specific issues raised by IG's and in testimony before the Governmental Affairs Committee, that the investigative authority of IG's is not limited to the two categories specified in its original memorandum. For example, OLC has indicated that IG's have the authority to conduct investigations of:

First, persons who pay or are liable to pay money to the Government under Federal programs;

Second, recipients of nonmonetary benefits from the Government under Federal programs;

Third, program fraud within the scope of the Program Fraud Civil Remedies Act;

Fourth, allegations of regulatory violations that are raised by Federal employee whistleblowers;

Fifth, specific regulatory violations—as "spot checks" of agency enforcement;

Sixth, specific regulatory violations, within the authority of investigative units that were merged with agency IG's at the time of their creation.

Unfortunately, the Office of Legal Counsel has not modified its original opinion to acknowledge that IG's have the authority to conduct investigations in these additional areas. Instead, OLC has stated that it will examine IG investigations on a case-by-case basis, with the assistance of agency counsel, to determine whether they are authorized. This is directly contrary to the Inspector General Act, which provides that IG's shall not report to, or be subject to supervision by, any agency official other than the agency head or his deputy.

The OLC opinion also creates practical problems by addressing IG investigative responsibilities as a jurisdictional mater, rather than as a matter of discretion and administrative practice. At least one IG subpoena has already been challenged by a private party as being beyond the IG's authority. OLC has concluded that the IG was operating within its authority, but the company clearly has a colorable argument to quash the subpoena, based on the broad language of the original OLC opinion. Until that opinion is withdrawn or revised, similar challenges are likely to recur.

While this is a problem that needs to be addressed, there is still room for compromise, and I hope that this legislation will ultimately prove unnecessary. In particular, I believe that it would be extremely constructive if OLC were to revise its legal opinion to: First, incorporate the additional IG investigative responsibilities that it has recognized since the original opinion was issued; and second, clarify that the limitations on IG investigative responsibilities are a matter of administrative discretion, rather than a binding jurisdictional matter.

I commend Senator GLENN for his attention to this important issue, and for his commitment to defending the agency IG's. We simply cannot afford to undermine these watchdogs of the public interest.●

By Ms. MIKULSKI:

S. 2609. A bill to establish a national Advanced Technician Training Program, utilizing the resources of the Nation's 2-year associate-degree-granting colleges to expand the pool of skilled technicians in strategic advanced-technology fields, to increase the productivity of the Nation's industries, and to improve the competitiveness of the United States in international trade, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL ADVANCED TECHNICIAN TRAINING ACT

● Ms. MIKULSKI. Mr. President, I am introducing today the American Leadership in Technology Act [ALTA]. This bill will increase the National Science Foundation's support for undergraduate science and engineering programs.

To compete in the global marketplace, our country must maintain a world-class work force, one that is competitive across the broad spectrum of technological and industrial change. However, if we look at the statistics, America is facing a critical loss of leadership in both science and technology.

And if we look at the education sector, America is also facing a shortage of young Americans who are capable and willing to major in science and engineering. In the year 2000, a large percentage of our population will be women and minorities. We need to ensure that these young people are included in the pipeline that feeds the science and engineering work force.

American industry, government, education, labor, small business, and the general employer community must work together to increase not only the number of Ph.D. scientists in this

country, but also the number of lab technicians and engineers.

My bill, ALTA, addresses this challenge by authorizing $30 million in the first fiscal year of operation, for the National Science Foundation to expand and improve advanced technician training programs in community colleges or associate-degree-granting colleges. The colleges must match each Federal dollar with priviate funds or inkind contributions.

These programs will expand and improve training in critical fields such as microelectronics, hydraulics, lasers, computers, and chemical technology.

The NSF would also designate 10 centers of excellence among community colleges to serve as clearinghouses and model training programs.

Community colleges have the most experience in providing work force training and technological training in our education system. Community colleges can tailor programs to meet local industry needs. They are also able to meet the needs of students who need this training the most: the adult workers displaced by plant closings; working people and parents who need flexible scheduling; handicapped people with special needs; high school graduates; and high school dropouts,

Our country must take advantage of every resource we have. The Nation's community college system has a demonstrated record of training industry's labor needs and this bill helps us put our resources where it works.

I hope that my colleagues will cosponsor this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Advanced Technician Training Act".

STATEMENT OF FINDINGS

SEC. 2. The Congress finds that—

(1) the United States is at a technological disadvantage in global economic competition because many competitors have workforces with stronger technical education;

(2) the quality of mathematics and science education has a direct and pervasive bearing upon the quality of the Nation's skill base, particularly in technician training;

(3) the United States has no national competitiveness strategy to develop and maintain the technically trained workforce needed for self-sufficiency in strategic advanced-technology fields, to improve productivity, to make industries competitive in international markets, and to revitalize declining industries;

(4) there are shortages of technically trained workers to produce, operate, and service highly technical equipment, systems, and processes;

(5) many dislocated workers and unemployed adults who lack the training to meet industry's technological needs face uncertain career prospects;

(6) the United States' increasing dependence on foreign producers for advanced-technology equipment is undermining the United States' self-sufficiency, economic independence, and national security;

(7) the Nation's workforce needs continual upgrading to produce, operate, and service advanced-technology systems to increase the productivity and profitability of industry;

(8) the Nation's associate-degree-granting colleges have become American education's leading source of the competency-based technical training and short-cycle retraining which is required to meet industry needs and the skill demands of advancing technology;

(9) a national strategy is needed to intensify collaboration among associate-degree-granting colleges, private industry and labor to develop skilled advanced technicians needed for economic growth, industrial development, and reindustrialization;

(10) national security can be enhanced by advanced technician training, designed to produce technicians in strategic advanced-technology fields and to increase national self-sufficiency in these fields; and

(11) a national advanced technician training program will give men and women from all backgrounds more opportunities to gain competencies consistent with the needs of business and industry.

PURPOSE

SEC. 3. It is the purpose of this Act to establish a national advanced technician training program in the Nation's associate-degree-granting colleges, with matching non-Federal funds, to—

(1) expand the skilled workforce needed to make the Nation self-sufficient in strategic advanced-technology fields, to increase the productivity of our Nation's industries, to improve the competitiveness of the United States in international trade, and to increase the Nation's national security;

(2) prepare technicians and skilled craftsmen, retrain persons whose skills need updating, and upgrade employed technicians in strategic advanced-technology fields; and

(3) provide a highly skilled workforce capable of producing, operating, and servicing the advanced technology needed to modernize the Nation's industrial complex and to revitalize the Nation's economy.

NATIONAL ADVANCED TECHNICIAN TRAINING PROGRAM

SEC. 4. (a) The Director of the National Science Foundation (hereinafter referred to as the "Director") is authorized and directed, in accordance with section 6 and the other provisions of this Act, to carry out an advanced technician training program under which accredited associate-degree-granting colleges, using matching non-Federal funds, will provide training in technical competencies in strategic fields. Such program shall include emphasis on collaborative programs with local employers and technical occupational training and shall place emphasis on attracting men and women to the program who are in need of retraining or upgrading in order to retain their jobs, or who are unemployed, especially workers dislocated by plant closings and technological change, and persons who have recently completed high school or who left high school prior to graduation.

(b) In carrying out the national advanced technician training program, the Director shall—

(1) award grants on a competitive basis to accredited associate-degree-granting colleges which demonstrate the ability to provide competency-based technical training; and

(2) work with the Nation's network of associate-degree-granting colleges to establish and maintain, at the National Science Foundation or by contract, a readily accessible inventory of advanced technician training programs which are serving public and private employers and addressing the changing workforce demands of technology.

(c) Each college awarded a grant shall provide an associate degree training program in designated advanced-technology occupational fields in accordance with the provisions of this Act.

(d) No grant awarded under this section shall exceed $500,000 per year.

(e) To assure that the national advanced technician training program is consistent with the needs of industries, the Director shall appoint a 15-member National Advisory Council on Advanced Technician Training, which shall have the responsibility of advising the Director on the goals and implementation of the program, reviewing the effectiveness of the program, and reporting annually to the Director and the Congress. The Council shall include representatives of industry, labor, associate-degree-granting colleges, the military, and economic development organizations. The chairman of the Council shall be a president or governing board chairman of a associate-degree-granting college.

(f) The Council and the Director shall prepare and submit to the National Science Foundation, and directly to the Congress without review by the National Science Foundation or the Office of Management and Budget, an annual report on the national advanced technician training program, together with—

(1) a review and evaluation of the effectiveness of the program;

(2) a catalog of the associate-degree-granting college programs identified by the required inventory;

(3) a recommendation on the feasibility of expanding the program; and

(4) such other recommendations, including recommendations for legislation, as the Council and the Director deem necessary.

(g) In carrying out the duties imposed by this section, the Director shall consult, cooperate, and coordinate with the programs and policies of the Department of Commerce and other relevant Federal agencies including the Departments of Labor, Education, and Defense.

(h) The national advanced technician training program shall give emphasis to training programs described in subsection (c) which—

(1) include flexibility in scheduling in order to accommodate working people and parents; and

(2) take steps to meet the adaptive and training needs of handicapped young people and adults.

NATIONAL CENTERS OF TECHNICIAN TRAINING

SEC. 5. (a) The Director shall designate 10 centers of excellence among associate-degree-granting colleges. Five such centers shall be associate-degree-granting with exceptional programs of advanced technician training, which will serve as national and regional clearinghouses for the benefit of other colleges that are striving to upgrade their technical education programs. Five such centers shall be other associate-degree-granting colleges that excel in undergradu-

ate education in mathematics and science, which shall serve as national and regional clearinghouses for the benefit of both colleges and secondary schools that are striving to upgrade mathematics and science courses. These centers shall be geographically distributed and chosen by a competitive application process from among colleges that pledge operating resources, in cash or in kind, to match the Federal grants made under subsection (b).

(b) The Director shall make no fewer than 20 grants annually, to associate-degree-granting colleges for the purpose of developing and strengthening partnerships in mathematics and science education with secondary schools in the community served by the college. These grants shall be made by a competitive application process from among colleges that pledge operating resources, in cash or in kind, to match the Federal grants made under this subsection. No grant made to a college under this subsection shall exceed $500,000.

USE OF FUNDS

SEC. 6. Funds appropriated to carry out this Act shall be used—

(1) to establish, strengthen, and expand under section 4 the advanced technician training capabilities of associate-degree-granting colleges, including—

(A) the development of associate degree and training programs in advanced-technology occupations by accredited associate-degree-granting colleges, and by consortia of such colleges, with particular emphasis on model instructional programs to prepare and upgrade technicians and to retrain dislocated workers in state-of-the-art competencies in advanced-technology occupations;

(B) the development in such colleges of faculty and instructors, both full- and part-time, in advanced-technology fields such as laser technology, robotic technology, nuclear technology, computer technology, and fiber optics, and in advanced-technology applications that integrate and synthesize emerging and existing technologies;

(C) the establishment of innovative partnership arrangements among associate-degree-granting colleges, the private sector, and the government to enhance the exchange of technical and scientific personnel, including programs providing faculty opportunities to have short-term assignments with industry;

(D) the development of cooperative advanced technician training programs with business, industry, labor, and government;

(E) the purchase or lease of state-of-the-art instrumentation essential to training and education programs designed to prepare and upgrade technicians in advanced-technology fields;

(F) the stimulation of private sector participation in advanced technician training programs in associate-degree-granting colleges through the sharing of program costs, equipment loans and donations, and the cooperative use of laboratories, plants, and other facilities as training sites and to provide relevant state-of-the-art work experience opportunities for students enrolled in such programs; and

(G) the development and dissemination of instructional materials in support of advanced technician training programs in degree-granting colleges; and

(2) to make grants to establish the centers of excellence and the partnerships described in section 5.

Of the funds appropriated for any fiscal year to carry out this Act, 60 percent shall be expended for activities described in section 4 and 40 percent for activities described in section 5.

DEFINITIONS

SEC. 7. For purposes of this Act—

(1) the terms "advancing technology" and "advanced-technology" include or refer to advanced technical activities such as the modernization, miniaturization, integration, and computerization of electronic, hydraulic, pneumatic, laser, nuclear, chemical, telecommunication, and other technological applications to enhance productivity improvements in manufacturing, communication, transportation, commercial, and similar economic and national security activities; and

(2) the term "associate-degree-granting college" means a postsecondary educational institution that has authority to award an associate degree or comparable technical certificate and has the mission of offering comprehensive education and training services to meet the needs of a prescribed community, including a two-year junior college, technical institute, or other postsecondary institution offering comprehensive associate-degree programs in technical fields.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated $30,000,000 for the fiscal year 1990 and $40,000,000 for each of the fiscal years 1991 and 1992 to carry out the provisions of this Act.

By Mrs. KASSEBAUM:

S. 2610. A bill to protect the free flow of commerce on the Missouri River; to the Committee on Environment and Public Works.

PROTECTING THE FREE FLOW OF COMMERCE ON THE MISSOURI RIVER

● Mrs. KASSEBAUM. Mr. President, I rise today to offer legislation to maintain the free flow of commerce on the Missouri River. The importance of unobstructed commerce along the Missouri River is such that a Missouri River riverboat is included in the Kansas State seal.

Yesterday a Federal judge issued an injunction which will effectively render the Missouri River unnavigable to commercial river traffic. The enormity of this decision cannot be understated. Grain prices have already begun to fall in reaction to the loss of this efficient form of transportation. Loss of the river will be higher transportation costs to bulk shippers. Who pays the cost of higher shipper costs? It will come out of the pockets of farmers and consumers.

Long before the Louisiana Purchase, the Missouri River has served as one of the major arteries in our national transportation system. We all have an interest in maintaining the free flow of commerce along the Missouri River. Our national transportation requirements should not be circumvented for local or parochial interests.

Since colonial times the Federal Government has taken action to protect the free flow of commerce in navigable waterways. These waterways are precious national assets. I believe the Federal Government must continue its role of protecting navigable waterways and must reverse the precedent of this injunction. Time is of the essence and the failure to act swiftly will be an economic disaster. Within an hour of the court's injunction the flow of water into the Missouri River was substantially restricted. Towboats are hurrying to move barges downstream. By Sunday the waterway could be unnavigable above Kansas City.

Mr. President, if we are going to be competitive in an increasing international economy we must protect the unrestricted flow of interstate commerce. At a time when Europe is recognizing the value of removing barriers to interstate commerce decisions such as this injunction establish new barriers to our interstate commerce and handicap the ability of our industries and farmers to compete in a global market.

This bill simply provides for the continued maintenance of navigable levels of water along the Missouri River to protect the free flow of commerce and I look forward to working for its swift enactment.●

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. DOLE, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 9, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 501

At the request of Mr. D'AMATO, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 501, a bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase the amount of, the exclusion for amounts received under qualified group legal services plans.

S. 1587

At the request of Mr. HELMS, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Alabama [Mr. SHELBY], the Senator from Alabama [Mr. HEFLIN], the Senator from Utah [Mr. HATCH], the Senator from Indiana [Mr. COATS], the Senator from Illinois [Mr. DIXON], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 1587, a bill to amend the Internal Revenue Code of 1986 to provide for the designation on income tax forms of overpayments of tax and contributions to reward the return of a Vietnam POW/MIA.

S. 1860

At the request of Mr. BOREN, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 1860, a bill

to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 1890

At the request of Mr. THURMOND, the name of the Senator from Kentucky, [Mr. MCCONNELL] was added as a cosponsor of S. 1890, a bill to amend title 5, United States Code, to provide relief from certain inequities remaining in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes.

S. 2056

At the request of Mr. HARKIN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 2056, a bill to amend title XIX of the Public Health Service Act to provide grants to States and implement State health objective plans, and for other purposes.

S. 2083

At the request of Mr. KERRY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 2083, a bill to bring about a negotiated end to the war in El Salvador, and for other purposes.

S. 2111

At the request of Mr. INOUYE, the names of the Senator from New Hampshire [Mr. RUDMAN] and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 2111, a bill designating the month of May as "Asian/Pacific American Heritage Month."

At the request of Mr. SIMON, the names of the Senator from Florida [Mr. MACK] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 2111, supra.

S. 2161

At the request of Mr. HATFIELD, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2161, a bill to establish within the Department of Education an Office of Vocational and Adult Education and Community Colleges.

S. 2215

At the request of Mr. HARKIN, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 2215, a bill to amend the Public Health Service Act to provide for the development and operation of center to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes.

S. 2222

At the request of Mr. BRADLEY, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2222, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 2229

At the request of Mr. DODD, the name of the Senator from Illinois [Mr. DIXON] was withdrawn as a cosponsor of S. 2229, a bill to reauthorize the Head Start Act for fiscal years 1991 through 1994, and for other purposes.

S. 2252

At the request of Mr. SIMON, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2252, a bill to encourage and facilitate entry into the teaching profession, and for other purposes.

S. 2356

At the request of Mr. SYMMS, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2356, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 2384

At the request of Mr. BOREN, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2384, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 2497

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2497, a bill to establish a demonstration program to allow drug-addicted mothers to reside in drug abuse treatment facilities with their children, and to offer such mothers new behavior and education skills which can help prevent substance abuse in subsequent generations.

S. 2579

At the request of Mr. D'AMATO, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of S. 2579, a bill to to amend the Export Administration Act of 1979.

SENATE JOINT RESOLUTION 235

At the request of Mr. HUMPHREY, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Joint Resolution 235, a joint resolution proposing a constitutional amendment to limit congressional terms.

SENATE JOINT RESOLUTION 267

At the request of Mr. THURMOND, the names of the Senator from Virginia [Mr. ROBB] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 267, a joint resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month."

SENATE JOINT RESOLUTION 284

At the request of Mr. BYRD, the names of the Senator from Alabama [Mr. HEFLIN], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 284, a joint resolution to designate the week beginning September 16, 1990 as "National Give the Kids a Fighting Chance Week."

SENATE JOINT RESOLUTION 289

At the request of Mr. SIMON, the names of the Senator from California [Mr. WILSON], the Senator from Oklahoma [Mr. BOREN], the Senator from Ohio [Mr. GLENN], the Senator from Michigan [Mr. REIGLE], the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. HEFLIN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 289, a joint resolution to designate October 1990 as "Polish American Heritage Month."

SENATE JOINT RESOLUTION 297

At the request of Mr. SIMON, the names of the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 297, a joint resolution designating September 1990 as "National Craft Month."

SENATE JOINT RESOLUTION 304

At the request of Mr. SHELBY, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Indiana [Mr. COATS], the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Rhode Island [Mr. PELL], the Senator from New York [Mr. D'AMATO], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 304, a joint resolution to designate October 17, 1990, as "National Drug-Free Schools and Communities Education and Awareness Day."

SENATE JOINT RESOLUTION 305

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 305, a joint resolution to designate the month of September 1990, as "National Awareness Month of Children with Cancer."

SENATE CONCURRENT RESOLUTION 111

At the request of Mr. HARKIN, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Colorado [Mr. WIRTH], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Concurrent Resolution 111, a concurrent resolution to express the sense of the Congress with respect to contraception and infertility.

SENATE RESOLUTION 231

At the request of Mr. BRADLEY, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Oklahoma [Mr. BOREN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Nevada [Mr. REID], the Senator from Nebraska [Mr. KERREY], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Resolution 231, a resolution urging the submission of the Convention on the Rights of the Child to the Senate for its advice and consent to ratification.

AMENDMENT NO. 1575

At the request of Mr. CRANSTON, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of amendment No. 1575 intended to be proposed to S. 2100, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to amend title 38, United States Code, to improve veterans' compensation, health care, insurance, and housing programs, and to provide for transitional group residences for veterans recovering for substance-abuse disabilities; and for other purposes.

SENATE CONCURRENT RESOLUTION 129 SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEARS 1991, 1992, 1993, 1994, AND 1995

Mr. SASSER, from the Committee on the Budget, reported the following original concurrent resolution; which was placed on the calendar:

S. CON. RES. 129

Resolved by the Senate (the House of Representatives concurring), That the Congress determines and declares that the concurrent resolution on the budget for fiscal year 1991 is established and the appropriate budgetary levels for fiscal years 1992, 1993, 1994, and 1995 are set forth.

MAXIMUM DEFICIT AMOUNTS

SEC. 2. The following levels and amounts in this section are set forth for purposes of determining, in accordance with section 301(i) of the Congressional Budget and Impoundment Control Act of 1974 (as amended by the Balanced Budget and Emergency Deficit Control Act of 1985 and the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987), whether the maximum deficit amount for a fiscal year has been exceeded, and as set forth in this concurrent resolution, shall be considered to be mathematically consistent with the other amounts and levels set forth in this concurrent resolution:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1991: $1,180,600,000,000.
Fiscal year 1992: $1,258,600,000,000.
Fiscal year 1993: $1,349,100,000,000.
Fiscal year 1994: $1,427,700,000,000.
Fiscal year 1995: $1,507,900,000,000.

(2) The appropriate levels of total budget authority are as follows:

Fiscal year 1991: $1,420,400,000,000.
Fiscal year 1992: $1,453,000,000,000.
Fiscal year 1993: $1,528,900,000,000.
Fiscal year 1994: $1,585,000,000,000.
Fiscal year 1995: $1,656,700,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1991: $1,228,100,000,000.
Fiscal year 1992: $1,263,900,000,000.
Fiscal year 1993: $1,301,200,000,000.
Fiscal year 1994: $1,336,200,000,000.
Fiscal year 1995: $1,371,400,000,000.

(4) The amounts of the deficits or surpluses are as follows:

Fiscal year 1991: −$47,500,000,000 (deficit).
Fiscal year 1992: −$5,300,000,000 (deficit).
Fiscal year 1993: $47,900,000,000 (surplus).
Fiscal year 1994: $91,500,000,000 (surplus).
Fiscal year 1995: $136,500,000,000 (surplus).

DEBT INCREASE AS ONE MEASURE OF DEFICIT

SEC. 3. The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1991: $184,300,000,000.
Fiscal year 1992: $146,700,000,000.
Fiscal year 1993: $107,100,000,000.
Fiscal year 1994: $76,300,000,000.
Fiscal year 1995: $45,700,000,000.

DEFICIT LEVELS EXCLUDING TRUST FUND SURPLUSES

SEC. 4. (a)(1) The amounts of the surpluses of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1991: $74,300,000,000.
Fiscal year 1992: $85,100,000,000.
Fiscal year 1993: $97,400,000,000.
Fiscal year 1994: $111,700,000,000.
Fiscal year 1995: $127,100,000,000.

(2) The amounts of the deficits or surpluses excluding the receipts and disbursements of the Federal Old-Age Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1991: −$121,800,000,000 (deficit).
Fiscal year 1992: −$90,400,000,000 (deficit).
Fiscal year 1993: −$49,500,000,000 (deficit).
Fiscal year 1994: −$20,200,000,000 (deficit).
Fiscal year 1995: $9,400,000,000 (surplus).

(b) The amounts of the deficits excluding the receipts and disbursements of all Federal trust funds are as follows:

Fiscal year 1991: −$185,200,000,000.
Fiscal year 1992: −$148,700,000,000.
Fiscal year 1993: −$104,800,000,000.
Fiscal year 1994: −$74,000,000,000.
Fiscal year 1995: −$42,900,000,000.

BUDGET ACCOUNTABILITY AS WOULD BE REQUIRED BY S. 101

SEC. 5. The Congress finds that while the annual deficits, as currently defined, appear to be decreasing, the Federal debt continues to increase annually by significantly greater amounts. The following levels and amounts in this section are set forth to show this discrepancy, as would be required by S. 101:

Fiscal Year 1991:
(1) Retirement funds budget:
Fiscal year surplus: $129,900,000,000.
Trust balances at end of fiscal year: $783,800,000,000.
(2) Operating budget:
Surplus for fiscal year: $97,400,000,000.
(3) Debt and interest budget:
Debt at beginning of fiscal year: $3,112,100,000,000.
Debt at end of fiscal year: $3,296,400,000,000.
Gross interest: $274,700,000,000.
Debt increase (Deficit): $184,300,000,000.
Fiscal Year 1992:
(1) Retirement funds budget:
Fiscal year surplus: $138,900,000,000.
Trust balances at end of fiscal year: $922,700,000,000.
(2) Operating budget:
Surplus for fiscal year: $142,100,000,000.
(3) Debt and interest budget:
Debt at beginning of fiscal year: $3,296,400,000,000.
Debt at end of fiscal year: $3,443,100,000,000.
Gross interest: $286,300,000,000.
Debt increase (Deficit): $146,700,000,000.
Fiscal Year 1993:
(1) Retirement funds budget:
Fiscal year surplus: $150,000,000,000.
Trust balances at end of fiscal year: $1,072,700,000,000.
(2) Operating budget:
Surplus for fiscal year: $193,800,000,000.
(3) Debt and interest budget:
Debt at beginning of fiscal year: $3,443,100,000,000.
Debt at end of fiscal year: $3,550,200,000,000.
Gross interest: $296,000,000,000.
Debt increase (Deficit): $107,100,000,000.
Fiscal Year 1994:
(1) Retirement funds budget:
Fiscal year surplus: $163,500,000,000.
Trust balances at end of fiscal year: $1,236,300,000,000.
(2) Operating budget:
Surplus for fiscal year: $231,800,000,000.
(3) Debt and interest budget:
Debt at beginning of fiscal year: $3,550,200,000,000.
Debt at end of fiscal year: $3,626,500,000,000.
Gross interest: $303,900,000,000.
Debt increase (Deficit): $76,300,000,000.
Fiscal Year 1995:
(1) Retirement funds budget:
Fiscal year surplus: $178,100,000,000.
Trust balances at end of fiscal year: $1,414,400,000,000.
(2) Operating budget:
Surplus for fiscal year: $268,100,000,000.
(3) Debt and interest budget:
Debt at beginning of fiscal year: $3,626,500,000,000.
Debt at end of fiscal year: $3,672,200,000,000.
Gross interest: $309,700,000,000.
Debt increase (Deficit): $45,700,000,000.

RECOMMENDED LEVELS AND AMOUNTS

SEC. 6. (a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1990, October 1, 1991, October 1, 1992, October 1, 1993, and October 1, 1994:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1991: $871,700,000,000.
Fiscal year 1992: $928,900,000,000.
Fiscal year 1993: $996,900,000,000.
Fiscal year 1994: $1,051,600,000,000.
Fiscal year 1995: $1,107,100,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1991: $25,200,000,000.
Fiscal year 1992: $25,200,000,000.
Fiscal year 1993: $27,400,000,000.
Fiscal year 1994: $27,800,000,000.
Fiscal year 1995: $29,400,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1991: $74,600,000,000.
Fiscal year 1992: $79,600,000,000.
Fiscal year 1993: $85,100,000,000.
Fiscal year 1994: $91,000,000,000.
Fiscal year 1995: $97,000,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1991: $1,111,400,000,000.
Fiscal year 1992: $1,123,100,000,000.
Fiscal year 1993: $1,176,300,000,000.
Fiscal year 1994: $1,208,200,000,000.
Fiscal year 1995: $1,255,200,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1991: $993,500,000,000.
Fiscal year 1992: $1,019,300,000,000.
Fiscal year 1993: $1,046,400,000,000.
Fiscal year 1994: $1,071,800,000,000.
Fiscal year 1995: $1,097,700,000,000.

(4) The amounts of the deficits or surpluses are as follows:

Fiscal year 1991: −$121,800,000,000 (deficit).
Fiscal year 1992: −$90,400,000,000 (deficit).
Fiscal year 1993: −$49,500,000,000 (deficit).
Fiscal year 1994: −$20,200,000,000 (deficit).
Fiscal year 1995: $9,400,000,000 (surplus).

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1991: $3,296,400,000,000.
Fiscal year 1992: $3,443,100,000,000.
Fiscal year 1993: $3,550,200,000,000.
Fiscal year 1994: $3,626,500,000,000.
Fiscal year 1995: $3,672,200,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1990, October 1, 1991, October 1, 1992, October 1, 1993, and October 1, 1994, are as follows:

Fiscal year 1991:
(A) New direct loan obligations, $21,200,000,000.
(B) New primary loan guarantee commitments, $106,700,000,000.
(C) New secondary loan guarantee commitments, $85,700,000,000.
Fiscal year 1992:
(A) New direct loan obligations, $18,000,000,000.
(B) New primary loan guarantee commitments, $110,100,000,000.
(C) New secondary loan guarantee commitments, $85,400,000,000.
Fiscal year 1993:
(A) New direct loan obligations, $18,300,000,000.
(B) New primary loan guarantee commitments, $112,700,000,000.
(C) New secondary loan guarantee commitments, $88,600,000,000.
Fiscal year 1994:
(A) New direct loan obligations, $18,700,000,000.
(B) New primary loan guarantee commitments, $116,100,000,000.
(C) New secondary loan guarantee commitments, $91,900,000,000.
Fiscal year 1995:
(A) New direct loan obligations, $18,900,000,000.
(B) New primary loan guarantee commitments, $119,500,000,000.
(C) New secondary loan guarantee commitments, $95,500,000,000.

(b) The Congress hereby determines and declares that the appropriate levels of new budget authority and budget outlays, and the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1991 through 1995 for each major functional category are:

(1) National Defense (050):
Fiscal year 1991:
(A) New budget authority, $285,600,000,000.
(B) Outlays, $293,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $285,400,000,000.
(B) Outlays, $289,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $285,400,000,000.
(B) Outlays, $285,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $285,500,000,000.
(B) Outlays, $287,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $285,500,000,000.
(B) Outlays, $282,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):
Fiscal year 1991:
(A) New budget authority, $19,100,000,000.
(B) Outlays, $16,900,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $7,200,000,000.
(E) New secondary loan guarantee commitments, $400,000,000.
Fiscal year 1992:
(A) New budget authority, $19,800,000,000.
(B) Outlays, $18,000,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $7,200,000,000.
(E) New secondary loan guarantee commitments, $400,000,000.
Fiscal year 1993:
(A) New budget authority, $20,600,000,000.
(B) Outlays, $18,500,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $7,500,000,000.
(E) New secondary loan guarantee commitments, $400,000,000.
Fiscal year 1994:
(A) New budget authority, $21,300,000,000.
(B) Outlays, $18,600,000,000.
(C) New direct loan obligations, $2,200,000,000.
(D) New primary loan guarantee commitments, $7,800,000,000.
(E) New secondary loan guarantee commitments, $400,000,000.
Fiscal year 1995:
(A) New budget authority, $22,600,000,000.
(B) Outlays, $19,600,000,000.
(C) New direct loan obligations, $2,300,000,000.
(D) New primary loan guarantee commitments, $8,100,000,000.
(E) New secondary loan guarantee commitments, $500,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1991:
(A) New budget authority, $16,600,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $17,300,000,000.
(B) Outlays, $17,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $18,000,000,000.
(B) Outlays, $17,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $18,700,000,000.
(B) Outlays, $18,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $19,500,000,000.
(B) Outlays, $19,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):
Fiscal year 1991:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $4,100,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $5,300,000,000.
(B) Outlays, $4,000,000,000.
(C) New direct loan obligations, $1,600,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $4,800,000,000.
(C) New direct loan obligations, $1,900,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:

(A) New budget authority, $6,400,000,000.
(B) Outlays, $5,200,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $4,800,000,000.
(C) New direct loan obligations, $2,300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1991:
(A) New budget authority, $18,000,000,000.
(B) Outlays, $18,600,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $19,100,000,000.
(B) Outlays, $19,200,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $19,800,000,000.
(B) Outlays, $19,800,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $20,500,000,000.
(B) Outlays, $20,200,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $21,300,000,000.
(B) Outlays, $20,700,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1991:
(A) New budget authority, $20,200,000,000.
(B) Outlays, $16,400,000,000.
(C) New direct loan obligations, $9,100,000,000.
(D) New primary loan guarantee commitments, $7,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $23,000,000,000.
(B) Outlays, $17,600,000,000.
(C) New direct loan obligations, $8,900,000,000.
(D) New primary loan guarantee commitments, $7,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $20,600,000,000.
(B) Outlays, $16,300,000,000.
(C) New direct loan obligations, $8,700,000,000.
(D) New primary loan guarantee commitments, $6,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $18,800,000,000.
(B) Outlays, $15,900,000,000.
(C) New direct loan obligations, $8,700,000,000
(D) New primary loan guarantee commitments, $6,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $19,800,000,000.
(B) Outlays, $15,200,000,000.
(C) New direct loan obligations, $8,500,000,000.
(D) New primary loan guarantee commitments, $6,800,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1991:
(A) New budget authority, $44,700,000,000.
(B) Outlays, $44,900,000,000.
(C) New direct loan obligations, $6,200,000,000.
(D) New primary loan guarantee commitments, $63,300,000,000.
(E) New secondary loan guarantee commitments, $85,300,000,000.
Fiscal year 1992:
(A) New budget authority, $14,600,000,000.
(B) Outlays, $4,400,000,000.
(C) New direct loan obligations, $3,500,000,000.
(D) New primary loan guarantee commitments, $65,500,000,000.
(E) New secondary loan guarantee commitments, $85,000,000,000.
Fiscal year 1993:
(A) New budget authority, $26,700,000,000.
(B) Outlays, $14,600,000,000.
(C) New direct loan obligations, $3,600,000,000.
(D) New primary loan guarantee commitments, $67,800,000,000.
(E) New secondary loan guarantee commitments, $88,200,000,000.
Fiscal year 1994:
(A) New budget authority, $15,100,000,000.
(B) Outlays, $2,000,000,000.
(C) New direct loan obligations, $3,700,000,000.
(D) New primary loan guarantee commitments, $70,300,000,000.
(E) New secondary loan guarantee commitments, $91,500,000,000.
Fiscal year 1995:
(A) New budget authority, $16,600,000,000.
(B) Outlays, $4,100,000,000.
(C) New direct loan obligations, $3,800,000,000.
(D) New primary loan guarantee commitments, $72,800,000,000.
(E) New secondary loan guarantee commitments, $95,000,000,000.
(8) Transportation (400):
Fiscal year 1991:
(A) New budget authority, $33,400,000,000.
(B) Outlays, $31,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $35,200,000,000.
(B) Outlays, $33,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $36,700,000,000.
(B) Outlays, $35,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $37,700,000,000.
(B) Outlays, $37,700,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $39,400,000,000.
(B) Outlays, $39,400,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1991:
(A) New budget authority, $8,300,000,000.
(B) Outlays, $7,900,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $8,100,000,000.
(B) Outlays, $7,400,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $8,200,000,000.
(B) Outlays, $7,500,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $8,700,000,000.
(B) Outlays, $7,800,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $8,800,000,000.
(B) Outlays, $8,100,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1991:
(A) New budget authority, $47,500,000,000.
(B) Outlays, $42,400,000,000.

(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $12,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $48,400,000,000.
(B) Outlays, $47,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $13,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $49,500,000,000.
(B) Outlays, $48,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $13,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $51,600,000,000.
(B) Outlays, $50,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $14,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $53,700,000,000.
(B) Outlays, $52,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $14,100,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1991:
(A) New budget authority, $65,700,000,000.
(B) Outlays, $64,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $73,200,000,000.
(B) Outlays, $72,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $80,600,000,000.
(B) Outlays, $80,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $88,800,000,000.
(B) Outlays, $88,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $97,800,000,000.
(B) Outlays, $96,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medicare (570):
Fiscal year 1991:
(A) New budget authority, $123,600,000,000.
(B) Outlays, $103,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $134,600,000,000.
(B) Outlays, $116,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $147,300,000,000.
(B) Outlays, $129,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $161,000,000,000.
(B) Outlays, $144,500,000,000.
(C) New direct loan obligations, $0
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $175,400,000,000.
(B) Outlays, $160,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1991:
(A) New budget authority, $202,100,000,000.
(B) Outlays, $155,700,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $209,800,000,000.
(B) Outlays, $164,100,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $217,400,000,000.
(B) Outlays, $175,000,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $228,000,000,000.
(B) Outlays, $186,100,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $236,900,000,000.
(B) Outlays, $194,400,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1991:
(A) New budget authority, $3,800,000,000.
(B) Outlays, $3,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $4,400,000,000.
(B) Outlays, $4,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $4,900,000,000.
(B) Outlays, $4,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $5,300,000,000.
(B) Outlays, $5,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1991:
(A) New budget authority, $32,100,000,000.
(B) Outlays, $31,400,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $15,600,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $32,900,000,000.
(B) Outlays, $32,400,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $15,900,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $33,800,000,000.
(B) Outlays, $33,600,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $16,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $34,800,000,000.
(B) Outlays, $36,000,000,000.
(C) New direct loan obligations, $400,000,000.
(D) New primary loan guarantee commitments, $16,600,000,000.

(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $35,700,000,000.
(B) Outlays, $35,700,000,000.
(C) New direct loan obligations, $400,000,000.
(D) New primary loan guarantee commitments, $16,900,000,000.
(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1991:
(A) New budget authority, $13,100,000,000.
(B) Outlays, $13,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $13,800,000,000.
(B) Outlays, $14,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $14,400,000,000.
(B) Outlays, $14,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $15,000,000,000.
(B) Outlays, $14,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $15,600,000,000.
(B) Outlays, $15,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1991:
(A) New budget authority, $12,200,000,000.
(B) Outlays, $10,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $13,000,000,000.
(B) Outlays, $11,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $13,900,000,000.
(B) Outlays, $12,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $14,400,000,000.
(B) Outlays, $13,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) Net Interest (900):
Fiscal year 1991:
(A) New budget authority, $203,500,000,000.
(B) Outlays, $203,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $210,600,000,000.
(B) Outlays, $210,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $219,000,000,000.
(B) Outlays, $219,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $225,000,000,000.
(B) Outlays, $225,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $228,800,000,000.
(B) Outlays, $228,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) The corresponding levels of gross interest on the public debt are as follows:
Fiscal year 1991: $274,700,000,000.
Fiscal year 1992: $286,300,000,000.
Fiscal year 1993: $296,000,000,000.
Fiscal year 1994: $303,900,000,000.
Fiscal year 1995: $309,700,000,000.
(20) Allowances (920):
Fiscal year 1991:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, −$300,000,000.
(B) Outlays, −$300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1991:
(A) New budget authority, −$43,900,000,000.
(B) Outlays, −$84,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, −$45,200,000,000.
(B) Outlays, −$65,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, −$45,900,000,000.
(B) Outlays, −$91,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, −$47,700,000,000.
(B) Outlays, −$103,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, −$49,000,000,000.
(B) Outlays, −$118,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

RECONCILIATION

SEC. 7. (a) Not later than July 20, 1990, the committees named in subsections (b) and (c) of this section shall submit their recommendations to the Committees on the Budget of their respective Houses. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

SENATE COMMITTEES

(b)(1) The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional

Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $0 in budget authority and $0 in outlays in fiscal year 1991; $0 in budget authority and $0 in outlays in fiscal year 1992; $0 in budget authority and $0 in outlays in fiscal year 1993; $0 in budget authority and $0 in outlays in fiscal year 1994; and $0 in budget authority and $0 in outlays in fiscal year 1995.

(2) The Senate Committee on Armed Services shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce outlays: $220,000,000 in fiscal year 1991; $310,000,000 in fiscal year 1992; $320,000,000 in fiscal year 1993; $340,000,000 in fiscal year 1994; and $360,000,000 in fiscal year 1995.

(3)(A) The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce outlays: $570,000,000 in fiscal year 1991; $910,000,000 in fiscal year 1992; $780,000,000 in fiscal year 1993; $830,000,000 in fiscal year 1994; and $910,000,000 in fiscal year 1995.

(B) The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction sufficient to increase revenues: $90,000,000 in fiscal year 1991; $100,000,000 in fiscal year 1992; $100,000,000 in fiscal year 1993; $110,000,000 in fiscal year 1994; and $110,000,000 in fiscal year 1995.

(4) The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $300,000,000 in budget authority and $300,000,000 in outlays in fiscal year 1991; $330,000,000 in budget authority and $330,000,000 in outlays in fiscal year 1992; $340,000,000 in budget authority and $340,000,000 in outlays in fiscal year 1993; $350,000,000 in budget authority and $350,000,000 in outlays in fiscal year 1994; and $350,000,000 in budget authority and $350,000,000 in outlays in fiscal year 1995.

(5) The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $210,000,000 in budget authority and $160,000,000 in outlays in fiscal year 1991; $220,000,000 in budget authority and $220,000,000 in outlays in fiscal year 1992; $220,000,000 in budget authority and $220,000,000 in outlays in fiscal year 1993; $230,000,000 in budget authority and $230,000,000 in outlays in fiscal year 1994; and $230,000,000 in budget authority and $230,000,000 in outlays in fiscal year 1995.

(6) The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $220,000,000 in budget authority and $220,000,000 in outlays in fiscal year 1991; $240,000,000 in budget authority and $240,000,000 in outlays in fiscal year 1992; $250,000,000 in budget authority and $250,000,000 in outlays in fiscal year 1993; $260,000,000 in budget authority and $260,000,000 in outlays in fiscal year 1994; and $270,000,000 in budget authority and $270,000,000 in outlays in fiscal year 1995.

(7)(A) The Senate Committee on Finance shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce outlays: $2,000,000,000 in fiscal year 1991; $3,620,000,000 in fiscal year 1992; $5,180,000,000 in fiscal year 1993; $6,830,000,000 in fiscal year 1994; and $8,650,000,000 in fiscal year 1995.

(B) The Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to increase revenues: $13,900,000,000 in fiscal year 1991; $13,900,000,000 in fiscal year 1992; $13,900,000,000 in fiscal year 1993; $13,900,000,000 in fiscal year 1994; and $13,900,000,000 in fiscal year 1995.

(C) The Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to increase contributions: $5,760,000,000 in fiscal year 1991; $5,760,000,000 in fiscal year 1992; $5,760,000,000 in fiscal year 1993; $5,760,000,000 in fiscal year 1994; and $5,760,000,000 in fiscal year 1995.

(8) The Senate Committee on Governmental Affairs shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce outlays: $1,710,000,000 in fiscal year 1991; $1,510,000,000 in fiscal year 1992; $850,000,000 in fiscal year 1993; $930,000,000 in fiscal year 1994; and $1,000,000,000 in fiscal year 1995.

(9)(A) The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce outlays: $70,000,000 in fiscal year 1991; $70,000,000 in fiscal year 1992; $70,000,000 in fiscal year 1993; $70,000,000 in fiscal year 1994; and $70,000,000 in fiscal year 1995.

(B) The Senate Committee on Labor and Human Services shall report changes in laws within its jurisdiction sufficient to increase revenues: $110,000,000 in fiscal year 1991; $230,000,000 in fiscal year 1992; $280,000,000 in fiscal year 1993; $330,000,000 in fiscal year 1994; and $380,000,000 in fiscal year 1995.

(10) The Senate Committee on Small Business shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $50,000,000 in budget authority and $50,000,000 in outlays in fiscal year 1991; $60,000,000 in budget authority and $60,000,000 in outlays in fiscal year 1992; $60,000,000 in budget authority and $60,000,000 in outlays in fiscal year 1993; 60,000,000 in budget authority and $60,000,000 in outlays in fiscal year 1994; and $60,000,000 in budget authority and $60,000,000 in outlays in fiscal year 1995.

(11) The Senate Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $400,000,000 in budget authority and $380,000,000 in outlays in fiscal year 1991; $450,000,000 in budget authority and $450,000,000 in outlays in fiscal year 1992; $460,000,000 in budget authority and $480,000,000 in outlays in fiscal year 1993; $460,000,000 in budget authority and $490,000,000 in outlays in fiscal year 1994; and $490,000,000 in budget authority and $510,000,000 in outlays in fiscal year 1995.

HOUSE COMMITTEES

(c)(1) The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $0 in budget authority and $0 in outlays in fiscal year 1991; $0 in budget authority and $0 in outlays in fiscal year 1992; $0 in budget authority and $0 in outlays in fiscal year 1993; $0 in budget authority and $0 in outlays in fiscal year 1994; and $0 in budget authority and $0 in outlays in fiscal year 1995.

(2) The House Committee on Armed Services shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce outlays: $220,000,000 in fiscal year 1991; $310,000,000 in fiscal year 1992; $320,000,000 in fiscal year 1993; $340,000,000 in fiscal year 1994; and $360,000,000 in fiscal year 1995.

(3)(A) The House Committee on Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce outlays: $570,000,000 in fiscal year 1991; $910,000,000 in fiscal year 1992; $780,000,000 in fiscal year 1993; $830,000,000 in fiscal year 1994; and $910,000,000 in fiscal year 1995.

(B) The House Committee on Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction suffi-

cient to increase revenues: $90,000,000 in fiscal year 1991; $100,000,000 in fiscal year 1992; $100,000,000 in fiscal year 1993; $110,000,000 in fiscal year 1994; and $110,000,000 in fiscal year 1995.

(4)(A) The House Committee on Education and Labor shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce outlays: $70,000,000 in fiscal year 1991; $70,000,000 in fiscal year 1992; $70,000,000 in fiscal year 1993; $70,000,000 in fiscal year 1994; and $70,000,000 in fiscal year 1995.

(B) The House Committee on Education and Labor shall report changes in laws within its jurisdiction sufficient to increase revenues: $110,000,000 in fiscal year 1991; $230,000,000 in fiscal year 1992; $280,000,000 in fiscal year 1993; $330,000,000 in fiscal year 1994; and $380,000,000 in fiscal year 1995.

(5) The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $420,000,000 in budget authority and $420,000,000 in outlays in fiscal year 1991; $470,000,000 in budget authority and $470,000,000 in outlays in fiscal year 1992; $490,000,000 in budget authority and $490,000,000 in outlays in fiscal year 1993; $510,000,000 in budget authority and $510,000,000 in outlays in fiscal year 1994; and $520,000,000 in budget authority and $520,000,000 in outlays in fiscal year 1995.

(6) The House Committee on Interior and Insular Affairs shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $210,000,000 in budget authority and $160,000,000 in outlays in fiscal year 1991; $220,000,000 in budget authority and $220,000,000 in outlays in fiscal year 1992; $220,000,000 in budget authority and $220,000,000 in outlays in fiscal year 1993; $230,000,000 in budget authority and $230,000,000 in outlays in fiscal year 1994; and $230,000,000 in budget authority and $230,000,000 in outlays in fiscal year 1995.

(7) The House Committee on Merchant Marine and Fisheries shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $100,000,000 in budget authority and $100,000,000 in outlays in fiscal year 1991; $100,000,000 in budget authority and $100,000,000 in outlays in fiscal year 1992; $100,000,000 in budget authority and $100,000,000 in outlays in fiscal year 1993; $100,000,000 in budget authority and $100,000,000 in outlays in fiscal year 1994; and $100,000,000 in budget authority and $100,000,000 in outlays in fiscal year 1995.

(8) The House Committee on Post Office and Civil Service shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce outlays: $1,710,000,000 in fiscal year 1991; $1,510,000,000 in fiscal year 1992; $850,000,000 in fiscal year 1993; $930,000,000 in fiscal year 1994; and 1,000,000,000 in fiscal year 1995.

(9) The House Committee on Small Business shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $50,000,000 in budget authority and $50,000,000 in outlays in fiscal year 1991; $60,000,000 in budget authority and $60,000,000 in outlays in fiscal year 1992; $60,000,000 in budget authority and $60,000,000 in outlays in fiscal year 1993; $60,000,000 in budget authority and $60,000,000 in outlays in fiscal year 1994; and $60,000,000 in budget authority and $60,000,000 in outlays in fiscal year 1995.

(10) The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $400,000,000 in budget authority and $380,000,000 in outlays in fiscal year 1991; $450,000,000 in budget authority and $450,000,000 in outlays in fiscal year 1992; $460,000,000 in budget authority and $480,000,000 in outlays in fiscal year 1993; $460,000,000 in budget authority and $490,000,000 in outlays in fiscal year 1994; and $490,000,000 in budget authority and $510,000,000 in outlays in fiscal year 1995.

(11)(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce outlays: $2,000,000,000 in fiscal year 1991; $3,620,000,000 in fiscal year 1992; $5,180,000,000 in fiscal year 1993; $6,830,000,000 in fiscal year 1994; and $8,650,000,000 in fiscal year 1995.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase revenues: $13,900,000,000 in fiscal year 1991; $13,900,000,000 in fiscal year 1992; $13,900,000,000 in fiscal year 1993; $13,900,000,000 in fiscal year 1994; and $13,900,000,000 in fiscal year 1995.

(C) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase contributions: $5,760,000,000 in fiscal year 1991; $5,760,000,000 in fiscal year 1992; $5,760,000,000 in fiscal year 1993; $5,760,000,000 in fiscal year 1994; and $5,760,000,000 in fiscal year 1995.

SALE OF GOVERNMENT ASSETS

SEC. 8. (a) It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets to nongovernment buyers; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) For purposes of allocations and points of order under section 302 of the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from asset sales or prepayments of loans shall not be allocated to a committee and shall not be scored with respect to the level of budget authority or outlays under a committee's allocation under section 302 of that Act.

(c) For purposes of reconciliation under section 310 of the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from asset sales or prepayments of loans shall not be scored with respect to the level of budget authority, outlays, contributions, or revenues reconciled under section 7 of this resolution.

(d) For purposes of this section—

(1) the terms "asset sale" and "prepayment of a loan" shall have the same meaning as under section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987); and

(2) the terms "asset sale" and "prepayment of a loan" do not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales and loan prepayments at levels consistent with agency operations in fiscal year 1986.

RESERVE FUND

SEC. 9. (a) It is assumed that, in the Senate, budget authority and outlays may be allocated to the Senate Committee on Finance for legislation that increases funding of programs within its jurisdiction if the Committee on Finance or the committee of conference on such legislation reports such legislation; provided that, to the extent that the costs of such legislation are not included in this resolution, the enactment of such legislation will not increase the deficit in this resolution for fiscal year 1991, and will not increase the total deficit for the period of fiscal years 1991 through 1995.

(b) Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on such legislation (if such a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of such Act as allocations, functional levels, and aggregates contained in this resolution. The Committee on Finance shall report appropriately revised allocations pursuant to section 302(b) of such Act to carry out this section.

RECONCILIATION OF REVENUES

SEC. 10. (a) The Congress finds that, according to estimates provided by the Congressional Budget Office, the revenue sources proposed by the President in his budget submission would actually result in $4,500,000,000 less revenue than the amount of revenue that he proposed in his budget.

(b) It is the sense of the Congress that the President should propose revenue sources that would result in the amount of revenue increases that he proposed in his budget submission.

SENATE RESOLUTION 282—RELATIVE TO HUMAN RIGHTS ABUSES IN LIBERIA

Mr. KENNEDY submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 282

Whereas the Republic of Liberia and the United States are bound by ties of mutual respect and friendship;

Whereas in recognition of this special relationship, the United States has provided Liberia with substantial economic and military assistance;

Whereas the Congress and the administration have repeatedly expressed concern about human rights abuses in Liberia;

Whereas United States assistance to Liberia has declined in recent years as a result of the Government of Liberia's persistent lack of progress in the protection of internationally-recognized human rights and in the implementation of needed democratic and economic reforms;

Whereas on or about December 24, 1989, a group of insurgents opposed to the government of President Samuel Doe entered the eastern county of Nimba and killed a number Liberian officials and unarmed civilians;

Whereas Liberian troops and provincial security forces were dispatched to Nimba County to counter the insurgency and indiscriminately killed Liberian civilians without regard to the distinction between combatants and non-combatants;

Whereas media reports and international human rights organizations have estimated that more than 200 persons, primarily members of the Mano and Gio ethnic groups, have been killed by troops of the Government of Liberia during the countersurgency campaign; and

Whereas according to the estimates of the United Nations High Commission for Refugees and other relief organizations, more than 140,000 Liberians have been forced to flee their homes in Nimba County into the Republic of Cote d'Ivoire and the Republic of Guinea as a result of the recent fighting: Now, therefore, be it

Resolved, That—

(1) the Senate condemns the recent violence against unarmed civilians (particularly members of the Mano and Gio groups who have been singled out on the basis of their ethnicity) in Nimba County, Liberia, and calls on all parties to the conflict to comply with Article 3 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War which establishes the right of noncombatants to humane treatment in the case of armed conflict; and

(2) it is the sense of the Senate that—

(A) the President should convey to the Government of Liberia the concerns of the United States about human rights abuses in Liberia since 1980, especially the recent killings of unarmed civilians by Liberian Government troops;

(B) the President should urge the Government of Liberia to quickly resolve the conflict in a manner which permits the thousands of Liberian refugees to return to their homes;

(C) the President should provide all necessary support to efforts by the United Nations High Commissioner for Refugees and other relevant international and private voluntary organizations to meet the urgent humanitarian needs of Liberian refugees in neighboring countries;

(D) the President should not permit any United States military advisors to accompany Liberian troops in fighting the insurgency in Nimba County;

(E) the President should consider recent events in Nimba County in making the assessment, related to human rights in Liberia, required by section 549 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990;

(F) in the event that the suspension of foreign assistance to the Republic of Liberia is no longer required by those provisions of law which restrict foreign assistance to countries which are in default on foreign assistance loans (commonly known as the Brooke amendment), the President should not resume military assistance to the Republic of Liberia until the Government of Liberia has—

(i) ended the indiscriminate killing of civilians by Liberian troops in Nimba County;

(ii) instituted a fair and impartial inquiry into human rights abuses in Nimba County and allowed credible international human rights organizations complete access to the affected regions;

(iii) taken steps to investigate and prosecute those individuals, including members of the Liberian armed forces, guilty of human rights abuses; and

(iv) made substantial progress in promoting the safe return of refugees to Nimba County; and

(G) the Government of Liberia should honor its commitment to hold scheduled elections in 1991 and ensure circumstances in Liberia that are conducive to a free and fair election process.

SEC. 2.

The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. KENNEDY. Mr. President, I rise to introduce a Senate resolution condemning human rights violations in Liberia and urging the President to suspend all United States military assistance to Liberia until the human rights situation in that country has improved.

Congressman TED WEISS introduced a similar resolution in the House of Representatives on March 8, and it was passed unanimously by the House on April 24. I hope that the Senate will also recognize the importance of this measure.

The United States and Liberia have had a close and unique relationship for over 150 years. Modern Liberia was founded in 1822 by freed United States slaves, with the aid of President James Monroe and funds from Congress for the purchase of land from local chiefs.

Since that time, the United States and Liberia have been close allies and trading partners. Today, United States firms are the largest investors in Liberia. During the past decade, Liberia has received nearly $500 million in United States aid—more per capita than any other sub-Saharan African nation.

In light of our long history of friendship and goodwill with the Liberian people, it is imperative that the United States do all it can to prevent further bloodshed.

This past, December, a small group of political insurgents entered Nimba County, Liberia, from the Ivory Coast in an attempt to overthrow the government of President Samuel Doe. The group reportedly had been trained in Libya and was led by Charles Taylor, a former Doe cabinet member who had fled the country after being charged with corruption.

President Doe sent government troops into Nimba County to oppose the invaders. Two U.S. military officers accompanied the troops to advise the commanders on disciplinary matters.

Doe's army brutally suppressed the insurgency, decapitating and dismembering suspected rebels, and machinegunning and burning villages suspected of supporting them. Within a week, the army reported that it was in complete control of Nimba County.

After putting down the insurgency, the army went on a rampage, reportedly robbing, raping, burning, torturing, and killing hundreds of Nimba County residents. In one instance, troops allegedly buried alive 125 preschool children in a mass grave.

Human rights organizations report that as many as 500 civilians were killed in the early phases of the violence. More than 150,000 Liberians—over 5 percent of the country's population and more than half of Nimba County—were driven from their homes by the army and fled to the Ivory Coast and Guinea.

Some civilians fought back by ambushing government troops and joining forces with remaining insurgents. Much of the fighting has followed ethnic lines, with Gio and Mano tribes opposing the army, which has been recruited largely from Doe's Krahn tribe.

The violence continues today, and is such a significant threat to civilian security that the State Department has suspended the Peace Corps program in Liberia and is allowing American diplomats to leave the country with their families.

The vicious actions of Doe's forces are inexcusable. In addition, the presence of United States military advisers in Nimba County, even assuming the best of intentions, has risked United States complicity in the Liberian Army's brutality.

These human rights violations are all too typical of the Doe regime. Human rights organizations have reported numerous outbursts of unjustified violence by Doe's army during the past decade. Examples include the beating and raping of hundreds of peaceful university demonstrators in 1984 and the murder of hundreds of innocent civilians in the aftermath of the 1985 coup attempt.

Despite promises to the contrary, Doe has taken no steps to institute a

multiparty democracy. Indeed, since Doe seized power in a coup in 1980, there has been no democracy of any form in Liberia. The only election held since his coup was fraudulent, and the legislature is subject to inordinate presidential influence.

In 1986, a GAO report disclosed that between 1980 and 1985 millions of dollars in United States aid to Liberia was deposited into private bank accounts. In response to this report and human rights violations by the government of President Doe, United States aid to Liberia has dropped significantly during the past 5 years. In 1985, economic and military assistance totaled $77.5 million. By 1990, this figure had dropped to $11.8 million.

The resolution I am introducing today condemns the violence in Liberia and calls on President Bush to suspend all United States military assistance to that Nation until human rights conditions have improved significantly. This measure will send a message to Liberia that Congress and the President consider human rights—and the Liberian people—a priority in our foreign policy.

United States military aid to Liberia is currently being withheld pursuant to the Boland amendment, which restricts foreign assistance to countries that are in default on foreign assistance loans. The resolution would add human rights conditions to this economic restriction.

It would also prohibit United States military advisers from accompanying Liberian troops fighting in counterinsurgency campaigns. The presence of United States advisers under such circumstances is misleading, since it conveys the impression that the United States endorses the actions of the Liberian troops.

The resolution also urges President Doe to permit human rights groups to conduct an impartial inquiry into human rights abuses committed in Nimba County and to prosecute individuals found to have committed such crimes.

In addition, it calls on the President to support the efforts of the United Nations Commissioner for Refugees and other international and private voluntary organizations seeking to aid Liberian refugees and facilitate their safe passage back to their homes.

With respect to the national elections scheduled in Liberia for 1991, the resolution urges the Government of Liberia to honor its commitment to hold these elections and to take steps to ensure that the election process is free and fair.

I urge President Doe to recognize the wisdom of holding free elections in Liberia. The ballot box has played a crucial role this year in resolving longstanding differences in countries ranging from Namibia to Nicaragua. Free and fair elections can play a similar, positive role in Liberia.

The United States should lose no time in responding to the current situation in Liberia. If we want to build on our long and positive relationship with the Liberian people, we should make certain that we are supporting progress toward a democratic system that guarantees fundamental rights of freedom and liberty, not a military regime of repression and intolerance.

I urge my colleagues to join me in supporting this resolution on behalf of the Liberian people.

AMENDMENTS SUBMITTED

HATCH ACT REFORM AMENDMENTS

DOMENICI (AND OTHERS) AMENDMENT NO. 1609

Mr. DOMENICI (for himself, Mr. D'AMATO, Mr. MURKOWSKI, Mr. LOTT, and Mr. MCCAIN) proposed an amendment to the bill (S. 135) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, as follows:

On page 4, line 4, strike out "An employee" and insert in lieu thereof "(a) Subject to the provisions of subsection (b), an employee".

On page 4, line 11, strike out all beginning with the comma through "organization" on line 19.

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of any department or agency described under paragraph (3) (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a thing of value for political purposes.

"(2) No employee of any department or agency described under paragraph (3) (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) The departments and agencies to which the provisions of this subsection apply are:

"(A) Department of Justice;
"(B) Central Intelligence Agency;
"(C) Internal Revenue Service;
"(D) Federal Election Commission;
"(E) National Security Council;
"(F) National Security Agency/Central Security Service;
"(G) Merit Systems Protection Board;
"(H) Office of Special Counsel;
"(I) Customs Service;
"(J) Bureau of Tobacco, Alcohol and Firearms;
"(K) Secret Service;
"(L) Defense Intelligence Agency; and

"(4) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.".

SIMPSON AMENDMENT NO. 1610

Mr. SIMPSON proposed an amendment to the bill S. 135, supra, as follows:

On page 4, line 19, strike out "Federal employee organization" and insert in lieu thereof:

"Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Health Act Reform Amendments of 1990 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(a)(4)).".

On page 4, line 13, strike out all beginning with the word "Federal" through "organization" on line 14 and insert in lieu thereof:

"Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1990 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(a)(4)).".

ROTH AMENDMENT NO. 1611

Mr. ROTH proposed an amendment to the bill S. 135, supra, as follows:

On page 4, line 4, strike out "An employee" and insert in lieu thereof "(a) Subject to the provisions of subsection (b), an employee".

GLENN AMENDMENT NO. 1612

Mr. GLENN proposed an amendment to the bill S. 135, supra, as follows:

On page 4, line 21, strike out the period and insert in lieu thereof a semicolon and "or" and the following:

"(4) knowingly solicit or discourage the participation in any political activity of any person who—

"(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or

"(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of such employee.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Wednesday, May 16, 1990, to examine problems in the Small Business Administration's Small Business Investment Companies [SBIC] Program. The hearing will be held in room 428A of the Russell Senate Office Building and will commence at 2 p.m. for further informa-

tion, please call John Ball, staff director of the committee at 224-5175.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, May 17, 1990, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to hear testimony on S. 2362, to enhance the survivability and recovery of the insular areas from severe storms.

For further information, please contact Jim Beirne at (202) 224-2564, or Pat Temple at (202) 224-4756.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 10, at 2 p.m. to receive a closed briefing on the situation in Kashmir.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Consumer Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 10, 1990, at 10:30 a.m. to hold a hearing on S. 1400, the Product Liability Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 10, 1990, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on May 10, 1990, beginning at 2 p.m., in 485 Russell Senate Office Building, to consider the nomination of Anthony J. Hope for the position of Chairman for the National Indian Gaming Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests be authorized to meet during the session of the Senate, May 10, 1990, 2 p.m. for a hearing to receive testimony on S. 1767, to reimburse Montana and individuals for expenses incurred to test cattle for brucellosis organisms carried outside Yellowstone National Park by elk and bison, and for other purposes; S. 2343, to amend the Wild and Scenic Rivers Act by designating a segment of the Clarks Fork River in the State of Wyoming as a component of the National Wild and Scenic Rivers System; and H.R. 2809, to provide for the transfer of certain lands to the State of California, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 10, 1990, at 9 a.m. to receive testimony on alternatives for increasing the utilization of Reserve forces in the Department of Defense, in review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Armed Services Committee, Subcommittee on Strategic Forces and Nuclear Deterrence be authorized to meet in closed session on Thursday, May 10, 1990, at 2 p.m. to receive testimony on the B-2 low observability and counterstealth analyses, in review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Aviation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 10, 1990, at 2 p.m. to hold a hearing on the reauthorization of the National Transportation Safety Board [NTSB].

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 10, 1990, at 2:30 p.m. to hold a hearing on the NASA space science and applications.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on May 10, 1990, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 10, at 10 a.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 10, at 2 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

EAST COAST LAW ENFORCEMENT RUN

● Mr. KERRY. Mr. President, I rise today to honor a group of fallen heroes who have served this country: our law enforcement officials. This month we will each have the opportunity to honor these men and women who have given their lives so they might protect the lives of others when the east coast law enforcement run comes to Washington.

In conjunction with the National Law Enforcement Officers Memorial fund and East Coast Peace Officers Organizations, the nearly 500 mile run from Boston to Washington will raise funds for the National Law Enforcement Memorial currently under construction in Washington. The memorial will honor the nearly 30,000 law officers who have been killed in the line of duty.

On May 10 over 100 police officers from Massachusetts will begin the long run toward Washington. After crossing the Commonwealth from Springfield to Boston, they will travel down the coast to Warwick, RI, through the buroughs of New York City, into Trenton, NJ, through the neighborhoods of Baltimore, and finally to our Nation's Capital.

At each of these stops they will be joined by other officers on this very special journey. With each step these individuals run, they will carry with them the memories of those whose

lives ended too soon. For the family of Sherman Griffiths, they will carry with them the memory of a father, husband, and brother who gave his life fighting the scourge of drugs which plague countless communities in our country today. A Boston police officer assigned to the drug control unit, Sherman Griffiths knew the perils of his job. Yet he spent every day of his life as an officer seeking to protect people from those who hold the law, and too often life, in contempt. One night while executing a search warrant into a house suspected of dealing drugs, Sherman Griffiths was shot and killed.

The family of Sherman Griffiths has organized this run to honor his memory as well as the memory of so many other officers who lost their lives in the line of duty. Far too often in our Nation's history we forget to honor those who serve this country. With the national law enforcement run, the family of Sherman Griffiths, as well as the family and friends of over 30,000 officers in this country who have lost their lives in the line of duty, will never be forgotten.●

TOM MANN, RECIPIENT OF 1990 CIVIL LIBERTARIAN OF THE YEAR AWARD, RETIRING

● Mr. GRASSLEY. Mr. President, I rise today to salute one of the great leaders in advocating civil rights and justice in the State of Iowa: Mr. Tom Mann, who is retiring after serving 8 years in the Iowa State Senate.

Mr. Mann was born in Tennessee. He received his J.D. from the University of Iowa in 1974 and his B.S. at Tennessee State University. He has distinguished himself by serving as an assistant attorney general of Iowa and was appointed executive director of the Iowa Civil Rights Commission. He has served with honor in both the Iowa and Polk County Bar Associations.

In 1982, Tom Mann made history in Iowa as the first black elected to the Iowa State Senate. He honorably served as chairman of the business and labor committee and the ethics committee. He also served as vice chairman of the judiciary committee. In addition, he was honored by his peers by his election as president pro tempore of the Senate.

Finally, Senator Mann received the 1990 Civil Libertarian of the Year Award. This esteemed award truly reflects the great contributions that Senator Mann made to the State of Iowa.

I congratulate and commend Mr. Mann on his exceptional accomplishments and service to the people of Iowa.●

SOVIET REFUSENIKS

● Ms. MIKULSKI. Mr. President, as part of the continuing Congressional Call to Conscience for Soviet Jewry, I want to share a story with my colleagues.

Ioselevich Iakov lives in Leningrad with his family. He and his wife, son and mother first applied for visas to leave the Soviet Union in 1979. His son married a German woman and now lives in the West, but Ioselevich, his wife and mother have been repeatedly refused permission to leave the country.

The official explanation is that Ioselevich used to work for the Radio Ministry. But he left that job 12 years ago, he never worked on military projects, and the Ministry itself has repeatedly confirmed that there is no reason why he should not be permitted to emigrate. Eleven years after his first request, Ioselevich and his family are still awaiting a decision which would allow them freedom to live where they choose.

Ioselevich Iakov is the victim of a discriminatory and capricious Soviet system directed against Jews who wish to emigrate or who simply wish to live according to their own religion and culture. When I last visited with Soviet refuseniks in July, I was told that their freedom had increased but that Soviet authorities kept the Jewish community off-balance by suddenly withdrawing newly granted liberties. Since then, however, the situation has gotten even worse.

Glasnost can be a wonderful thing—an opening up of expression, a freedom to speak. But glasnost also provides a broad forum for those who spout hatred. Anti-Semitism has always flourished when economies founder, especially in Eastern Europe. In this time of rising anti-Semitism and persecution, the rights of minorities must be most scrupulously protected. The fundamental right to emigrate has never been of greater importance to Soviet Jews. We must all stand together to reaffirm that right, for Ioselevich Iakov and thousands of others like him.●

TRIBUTE TO ELLIS AND SYLVIA SEGAL

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to a distinguished couple, Sylvia and Ellis Segal of Moorestown, NJ. On June 12, 1990, they will be the recipients of the "Keepers of the Flame" award by the South Jersey Chapter American Associates, Ben-Gurion University of the Negev.

The Segals are founding chairs of the South Jersey Chapter, American Associates, Ben-Gurion University. Active in Jewish life, Ellis is a member of the American Associates, Ben-Gurion University National Board. He and Mrs. Segal support a scholarship endowment fund and have selected the university's scholarship program as the recipient of this year's dinner proceeds.

A prominent businessman in the appliance industry, Ellis is on the board of directors of the Nationwide Television and Appliances Association and in 1987 was honored by the Federation Allied Jewish Appeal—Electronics/Appliances Division.

Throughout his life, Mr. Segal has participated actively in local, national, and international Jewish affairs as a member of the executive board of Beth Jacob-Beth Israel, B'rith Sholom, B'nai B'rith, the Israel Tennis Centers and the Golden Slipper. The recipient of many awards, in 1983 he was honored as B'nai B'rith's Man of the Year, and in 1986 by Beth Jacob-Beth Israel at its Rabbis Dinner.

Mrs. Segal is founder and past president of the Southern New Jersey Chapter of Cystic Fibrosis, and is involved in many community programs. A financial supporter of the Jewish Federation Women's Division, she and Ellis funded the Beth Jacob-Beth Israel Synagogue library in memory of their parents.

It is fitting that the Segals be recognized on this occasion, the 20th anniversary year of Ben-Gurion University of the Negev. Inspired by the vision of Israel's statesman, David Ben-Gurion, the university was given the task of spearheading the development of Israel's vast desert area, the Negev.

Today, the university has inspired many young people to carry on the love of learning through its many excellent scholastic programs. These young people are the scientists, educators, engineers, and students, the Keepers of the Flame who will help lead Israel into the 21st century.

It is fitting therefore, that Sylvia and Ellis Segal, an outstanding and generous couple be recognized in this manner. They are most deserving honorees of the Keepers of the Flame Award.

Through their efforts and love of Israel, Jewish life, and education, many have benefited. I congratulate them, and join their family, friends, and colleagues in acknowledging their special contributions.

May the good work of the South Jersey Chapter continue to give young people an opportunity for learning at Ben-Gurion University of the Negev, an outstanding educational and research institution.●

CARROL HENDERSON, SUPERVISOR, MINNESOTA DEPARTMENT OF NATURAL RESOURCES NON-GAME WILDLIFE PROGRAM

● Mr. DURENBERGER. Mr. President, I would like to take a moment to recognize the outstanding achievements of Carrol Henderson, who developed the Minnesota Department of Natural Resources' Non-game Wildlife Program. Under his guidance, this program has become into one of this Nation's model non-game wildlife programs. On May 16, 1990, Mr. Henderson will receive the Chevron Conservation Award as one of the Nation's top 10 conservationists.

When Minnesota's Non-game Wildlife Program was established in 1977, it was given no money. It was up to Carrol Henderson, its first and only supervisor, to create the program out of nothing but an idea to protect Minnesota's wildlife. In 1980, the "chickadee checkoff" was added to Minnesota's tax forms. This allowed citizens to designate $1 or more from their income tax for nongame purposes. Today, Henderson supervises a program with a budget of $1.2 million and staff of six.

When Carrol Henderson began to build Minnesota's Non-game Wildlife Program, the wildlife protection movement was just beginning in this Nation. Today, Minnesota's program serves as a model for other States. This is a tribute to Carrol's dedication and devotion to his life-long concern for all wildlife. Mr. President, Carrol was profiled recently in the Saint Paul Pioneer Press and I ask that this article be printed in the RECORD at the conclusion of my remarks. Everyone should know about the person behind Minnesota's Non-game Wildlife Program and its success.

The article follows:

NON-GAME WILDLIFE CHIEF RIGHT MAN AT RIGHT TIME

(By Wayne Wangstad)

Wildlife management is a vocation traditionally known for its highs and lows—high job satisfaction and low pay—which seems an appropriate way to introduce Carrol Henderson.

"There's never been a big profit motive in my career. I've always been more interested in providing long-term benefits to wildlife," said Henderson, the energetic and innovative supervisor of the Minnesota Natural Resources Department's non-game wildlife program.

The program, which is concerned with conservation of feathered friends and furry creatures not sought by hunters, was created in 1977 with no legislative funding and Henderson as supervisor. In reality, there was no program; it was up to Henderson to create one.

Three years later, Minnesota became the third state to fund non-game wildlife programs by allowing citizens to designate $1 or more from their income tax for non-game purposes, a procedure that quickly became known as "the chickadee checkoff."

Today, the non-game program has a $1.2 million budget and a regional staff of six. In all, a dozen people are working on non-game wildlife programs in Minnesota. The Minnesota non-game wildlife program has become a model for other states. Thirty-four states now have similar programs and funding.

On May 16, Henderson will travel to Washington, D.C., to receive the Chevron Conservation Award for the programs he developed over the 13 years he has headed the Minnesota program. The award, which originated 36 years ago, is presented annually by Chevron Corp. to the nation's top 10 conservationists.

Henderson, 43 traces his interest in wildlife and conservation to his youth on a 132-acre farm near Zearing, Iowa, a community of 500 some 25 miles northeast of Ames. He recalled how his father pointed out bird nests in the field, how he helped his grandfather build bird houses and how he and his five siblings received nature guides and bird books as presents.

As he grew up, Henderson became interested in other wildlife activities, including trapping, which provided pocket money during his teen-age years. "Trapping is looked down on by people today, but while I was growing up, trapping was one of the avenues by which I became interested in helping wildlife as a adult," he said.

KNOWN AS A DOER

If Henderson has a reputation, it is as a doer, and it was undoubtedly honed in high school. He was on the track team, was a soloist in musical groups, played the tenor saxophone and clarinet, and was editor of the yearbook and newspaper. He also was class valedictorian—a class, he quickly added, that numbered only 44.

It was on to the University of Iowa then for a degree in zoology and a minor in botany, and a growing interest in wildlife conservation as a career. The next stop was the University of Georgia and a broad three-year program that led to a master's degree in forest resources, although his course of study was broader than just forestry.

His work at the University of Georgia included five months of studying Costa Rican wildlife. It was in Costa Rica that he met his wife, Ethelle. They have a 17-year-old son, Craig, who is a junior at Blaine High School.

Degree in hand, Henderson spent three years in the Air Force as a communications maintenance officer. When he was stationed at Biloxi, Miss., and Altus, Okla., he taught evening classes on natural resource conservation at local universities.

Out of the Air Force and unemployed, Henderson was offered a job as an environmental consultant to measure the impact a Georgia highway project would have on fish and wildlife. The highway was not built.

In 1974, Henderson left Georgia to become assistant manager of the Lac Qui Parle Wildlife Area in western Minnesota and established his affinity for placing job satisfaction before cash. "I left a job paying $15,000 a year to take one that paid $10,000 a year. The company I was with offered to cut my salary so I could stay in Georgia," he recalled with a grin.

For the next three years, he was involved in game law enforcement, wildlife surveys, restoration projects, building fences and myriad other activities. "It seemed like no two days were the same," Henderson said.

It seems Henderson was the right man at the right place at the right time with the right education and experience when the non-game wildlife program was established. Creating the program, Henderson said, was an acknowledgement of broad public interest in all species of wildlife.

"I think the public now wants to be looking out for all species," he said, adding that concern for non-game species stems in part from concern for endangered creatures, and the impact various things have on wildlife.

"If you have a good non-game program, it becomes a preventative program that prevents species from becoming endangered . . . it is proactive and not a reactive approach. It is like preventive medicine. I think people can relate to that," said Henderson, who is former president of the Non-game Wildlife Association of North America.

During the three years when there was no legislative funding, Henderson surveyed non-game wildlife with the help of volunteers, issued status reports, gave speeches to various groups "and quickly learned the importance of grassroots support."

When the Legislature created the "chickadee checkoff," Henderson said, "it created an instant opportunity for a tremendous amount of progress in non-game conservation."

SUPPORT IS EVIDENT

He cites a survey by the U.S. Fish and Wildlife Service when he argues there is "enormous public support" for non-game wildlife, such as songbirds, in Minnesota. "A total of $237 million was spent in 1985 in Minnesota alone on wildlife photography, birdwatching, bird feeding and wildlife related tourism. In that same year, $217 million was spent on hunting-related recreation," he said.

His reputation as a doer serves Henderson well when he admits it is at times difficult to determine where his work ends and his pleasure begins.

For example, he still gives at least one speech a week. Yet he has found time to write two books about his hobbies, "Landscaping for Wildlife," which explains what to plant to attract wildlife to your land, and "Woodworking for Wildlife," which details how to construct various wildlife structures. The landscape book sold more than 25,000 copies the first year. The woodworking book has sold more than 50,000 copies. Henderson does not receive any royalties.

Wildlife photography also is among his avocations, and for the past six years Henderson has led groups on wildlife photo and birdwatching tours to Costa Rica. He also is an avid hunter and a taxidermist, and numerous birds he has mounted are displayed in his work cubicle and elsewhere in the DNR headquarters building at 500 Lafayette Road, St. Paul. In addition, he maintains a bluebird trail with 25 birdhouses in Anoka County.

Henderson admits his program is small compared with other state programs, and he acknowledges he cannot do everything he would like to help wildlife. But he sees that as an opportunity or "a conduit to get others involved, either through fundraising or volunteering."

ABOUT CARROL HENDERSON

Age: 43.

Home: Blaine.

Education: Graduate of Iowa State University and the University of Georgia.

Family: Wife, Ethelle, and son, Craig.

Quote: "The way I feel (about people opposed to hunting and trapping) is that much of this is a red herring that diverts at-

tention away from significant wildlife problems."●

COORS' LITERACY CAMPAIGN

● Mr. WIRTH. Mr. President, I rise today to applaud the efforts of the Coors Foundation for Family Literacy, established by the Coors Brewery of Golden, CO, for its campaign to eliminate illiteracy in America. On its own initiative, Coors has implemented a community outreach program, called Literacy—Pass It On, to teach the skill of reading English to those who lack it. Illiteracy rates are alarmingly high, currently affecting one in every five adults. The fact that an estimated 30 million people in the United States are functionally illiterate and another 45 million are marginally illiterate is simply unacceptable, and Coors has taken a bold step in helping to address this problem.

The Coors Foundation for Family Literacy has already made three initial contributions of $250,000 each to existing, broad-based literacy organizations which expect to teach 30,000 people to read this year. The project is anticipated to run 5 years and will teach 500,000 people to read. Toward this end, Coors plans to donate $8 million of its own resources for this ambitious project. In this way, Coors is acting to reduce illiteracy rates while many others merely talk about it. This program not only serves a tremendous need in this great Nation of ours, but will also enhance communication and understanding among all peoples.

It is precisely these goals which were envisioned by the Senate when we passed the National Literacy Act—S. 1310—earlier this year.

It is with great pride that I represent the State of Colorado where private industry is dedicated to making this a totally literate nation and helping to open new doors of opportunity for all our citizens.●

FORMER MEMBER OF CONGRESS AND SECRETARY OF THE ARMY JOHN O. MARSH ENDORSES CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, support for congressional term limitation continues to grow. The recent addition of Senator HELMS as a cosponsor to Senate Joint Resolution 235 brings the total up to 14. I would like to share with my colleagues a letter I have recently received from former Congressman and Secretary of the Army John O. Marsh, endorsing term limitation. It is an idea whose time has come, and I urge the remaining 76 Senators who have not yet cosponsored to reconsider this urgent reform.

I ask that Mr. Marsh's letter appear in the RECORD.

The letter follows:

HAZEL THOMAS FISKE,
WEINER, BECKHOM & HANES,
Falls Church, VA, May 2, 1990.

Hon. GORDON J. HUMPHREY,
U.S. Senate, Washington, DC.

DEAR GORDON: You wrote me concerning my views on limiting the terms of the members of Congress. This is a matter in which I agree with you, and you may add my name to that list of others who share this position.

The twelve-year maximum for both Houses would, I think, be a good rule. A suggestion that might be given consideration is giving House members a three-year term and dividing the House into two classes, which would mean that occasionally you would have elections in odd-numbered years, but House members would still be limited for four terms. I bring this up as food for thought.

I'd like to drop by and talk with you sometime.

Sincerely,

JOHN. D. MARSH, JR.●

A PARTNERSHIP TO PROTECT WOMEN

● Mr. SIMON. Mr. President, this Sunday, millions of Americans will celebrate Mother's Day. For most of us, this will be a day of joy. But for the families of the 40,000 women who have died from breast cancer over the past year, this may be a difficult day.

One out of every ten women in the United States will develop breast cancer. With those percentages, there cannot be one among us who has not had a spouse, a mother, a sister, a daughter who has had to face either the possibility or the reality of breast cancer.

If the cancer has not spread, the 5-year survival rate is 90 percent. If, however, detection comes too late, the 5-year survival rate drops to 66 percent. Nationwide, breast cancer is the second leading cause of death among women; in my home State of Illinois, breast cancer kills more women than any other illness.

There is no question that the key to reducing the number of breast cancer related deaths is early detection. The mammogram has become a very safe, highly effective method of detection—sometimes finding precancerous conditions months before any serious problems might have developed. Yet millions of women either have no health insurance or have health insurance that will not cover mammograms for preventive, rather than diagnostic, purposes.

A number of prominent women have lent their energy and talent to the fight to win the war against breast cancer—Betty Ford, Nancy Reagan, Marilyn Quayle, Jill Ireland. And more and more women are beginning to understand that the tools are available to provide early detection of breast cancer and, through this, save thousands of lives every year.

But there are still millions of women to be reached. Knowing of the education and outreach that must proceed, it was great to see that two local businesses—Columbia Hospital for Women and Le Printemps, a flower shop, are offering "Mammograms for Mother's Day." The "Perfect Arrangement" adds a certificate for a screening mammogram at the Betty Ford Comprehensive Breast Center at Columbia Hospital for Women to floral arrangements being delivered for Mother's Day. What a wonderful message to send to those important women in our lives. I send both Columbia Hospital and Le Printemps not only my congratulations, but my thanks for the lives they may well save through this simple but highly effective gift.●

IN SUPPORT OF S. 2207, THE EXPORT ADMINISTRATION REFORM ACT

● Mr. HATFIELD. Mr. President, the dramatic political and economic changes occurring in Eastern Europe and the Soviet Union, the inevitable unification of East and West Germany and the creation of an economically integrated European Community in 1992 represent tremendous economic opportunities for United States exporters. Equally great, however, will be the consequences to our exporters, to our economy—indeed to our Nation—if we do not act quickly to take advantage of these opportunities.

Unfortunately, our current regime of export laws and regulations is needlessly restricting the ability of U.S. businesses to get a foothold in these new and expanding markets, thereby hampering U.S. efforts to aid in that region's economic rebirth.

The political stability and democratization we seek in Eastern Europe will never occur unless the economies of these countries are modernized and the basic human needs of their citizens are satisfied. This region of the world, Mr. President, need U.S. goods, ingenuity and appropriate technology far more than they need U.S. foreign aid. We must act now to ensure these needs are met.

Just as the events of the past year are calling us to reevaluate and redefine our foreign policy regarding Eastern Europe, so too must we rethink our concept of national security. We must put aside the worn out geopolitical thinking of East versus West and the belief that national security can be defined exclusively in terms of bombs and bullets. Our national security is also a product of the political stability and economic vitality of countries throughout the world. The political revolution which has occurred in Eastern Europe and the Soviet Union can only be maintained if it is followed by the economic rebirth of that region of the world. Failure by the United States to move decisively in liberaliz-

ing our export control laws puts that economic development at risk.

Also at risk is the future vitality of Cocom, the 17-member nation Coordinating Committee on Multilateral Export Controls, which regulates technology sales to Eastern Europe and the Soviet Union. It is no secret that our Cocom allies are quite concerned about U.S. recalcitrance in moving to substantially reform this complicated network of export control laws and regulations.

The President's recent proposal to streamline the Cocom control list and ease restrictions on sales of advanced computers, telecommunications equipment and other high-technology items to the East bloc is a welcomed first step—but it is a first step only. If the United States does not exert its leadership at the next Cocom meeting in June to more substantially reduce restrictions on technology trade, the future of Cocom will be in jeopardy. Certainly the disintegration of Cocom is in no one's best interest, least of all the United States and our exporters.

Mr. President, it is no small irony that in the name of "national security," our export control laws prevent U.S. manufacturers and exporters—particularly U.S. electronics and high-technology companies—from providing the very means by which our goal of national security can actually be enhanced: Improving the quality of life in Eastern Europe and the Soviet Union.

Mr. President, we have an opportunity to address this issue when the Senate considers the reauthorization of the Export Administration Act later this session. One such legislative reform proposal is S. 2207, the Export Administration Reform Act of 1990, introduced by Senator CRANSTON earlier this year. I am pleased to be a cosponsor of S. 2207 and rise in support of this effort to remove the legal shackles from U.S. businesses seeking to compete in the international marketplace.

I am particularly pleased that this legislation contains the following essential reforms:

First, the bill calls for the administration to reevaluate the status of all currently controlled—for export purposes—countries; that is, the Soviet bloc, and to reevaluate the criteria for determining which countries should be controlled. Administration findings are to be reported to Congress;

Second, a new technology threshold level is established for items that can be exported to Eastern Europe without multilateral approval. Specifically, the bill would permit items which can be exported to China without approval—the so-called China Green Line—to also be exported to Eastern Europe without approval;

Third, the Secretary of Commerce is directed to identify sectors in the Soviet Union that would benefit from increased United States technology exports without jeopardizing our national security. These economic sectors would then be eligible for increased U.S. exports;

Fourth, the bill will also permit technology to be exported to Cocom member countries without the need for obtaining an export license. A license-free Cocom is absolutely essential, particularly in light of the fact that the European Community will soon eliminate all internal trade barriers; and

Fifth, as to items which are dual-use; that is, commercial products which could also have a military application, the bill will eliminate the bureaucratic squabbling between the Departments of Commerce and Defense by clarifying that Commerce has sole authority to determine what is dual use. A dispute settlement mechanism is also created that will settle disputes which might arise between the two agencies.

Mr. President, S. 2207 is a remarkably moderate reform proposal which should serve as the starting point in efforts to streamline and revitalize our system of export controls. The time to make such reforms is now, we delay at our peril.●

COLORADO SPRINGS RATED ONE OF THE BEST PLACES TO RAISE FAMILIES

● Mr. WIRTH. Mr. President, I would like to bring to your attention the city of Colorado Springs, which has recently received the honor of being rated among the top five U.S. cities in which to raise children. Parenting magazine, which in March listed the rankings, based its selections on several criteria. The Springs placed highly for its year round recreational opportunities, its climate, low housing costs, diverse cultural offerings from two colleges, and a campus of the University of Colorado. I salute Colorado Springs as a model representative of Colorado and ask that an article on Colorado Springs be printed in the RECORD.

The article follows:

[From the Rocky Mountain News, Feb. 15, 1990]

SPRINGS RATES AMONG TOP 10 FOR FAMILIES, MAGAZINE SAYS

(By Dick Foster)

COLORADO SPRINGS.—Many cities in this "Top 10" may not interest the "rich and famous" crowd, but if you're a parent, this list is more important, and Colorado Springs is on it.

The March issue of *Parenting Magazine* names the nation's 10 best cities for families raising children, and Colorado Springs was the only city in the state to make the list.

Boulder was the only other Colorado city considered by the magazine, said spokeswoman Lenora Wiener, but it was estimated because of its proximity to Rocky Flats nuclear weapons plant, "That was a strike against it, in my view," said Wiener.

"Parenting is committed to the lifestyle of our readers in terms of cities being safe and clean, and what we found was that the only places that were viable were small cities," Wiener said.

"It's our premise that living in New York and Chicago and L.A. is difficult for parents, and there has to be a better kind of living for them. What we tried to do was pick cities that provide the best of both worlds: an urban panache—the recreational opportunities and the cultural amenities—without the urban hassles," she said.

The magazine compiled its list from a group of 30 cities selected for their quality of life by Zero Population Growth of Washington, D.C.

"We decided that of all of the issues, our primary concern is schooling, so we took those cities that had high ratings in education and from that point looked at the other issues." she said.

Colorado Springs drew high marks for its students' consistent, above-average scores on college-entrance exams and for a volunteer program that links local experts with students interested in given fields.

"A 10-year-old with an interest in astronomy, for instance, may be matched up with a volunteer from the nearby Air Force Academy to work on a science project," the magazine said.

Colorado Springs placed highly for its year-round recreational opportunities, its climate, low housing costs, diverse cultural offerings from two colleges and a campus of the University of Colorado.

If a cloud darkens Colorado Springs' sunny forecast, it's the defense-laden local economy, the article said. Many people have already lost their jobs and more may with defense budget cuts likely to continue.

TOP 10 PLACES TO RAISE KIDS

1. Austin, Texas: a laid-back place with fine schooling, good music and a great outdoors.
2. Boise, Idaho: acres and acres of parks and everything growing but the crime rate.
3. Cedar Rapids, Iowa: top drawer schools, a small-town place.
4. Colorado Springs: plenty of hiking and skiing, and it may be easier to find a day care here than anywhere else.
5. Omaha, Neb.: even transplants from the coasts find that Omaha has its own kind of urban panache.
6. Portland, Ore.: a museum to amaze, roses ablaze and a lot less rain that you might think.
7. Roanoke, Va.: not only a hub of industry, it has the Blue Ridge Mountains in its backyard.
8. Stamford, Conn.: great schools and the urban shine of a town twice its size.
9. Syracuse, N.Y.: proves that vibrant neighborhoods and lively arts are not a down-state monopoly.
10. Tallahassee, Fla.: In a state known for palm trees and pink flamingos. Tallahassee stands alone as a southern-style family town.●

EASTERN EUROPE: ENVIRONMENT AND ECONOMY

● Mr. DURENBERGER. Mr. President, as the world's leading democracy, the United States has been looking for ways to assist the developing democracies of Eastern Europe resurrects their economies. While this debate continues, one important factor

must be considered: Eastern Europe's environment.

As we look at Eastern Europe, we see environmental devastation. The rivers are contaminated; the air polluted; and the lands disemboweled of their natural resources. As the people of Eastern Europe and the Baltic States express their legitimate and commendable dreams of self-governance and market economy, in the same breath they state their concern about the environment. They will judge their new governments by the quality of life they can create, and the clear air and water will be central to that determination.

I believe that the industrialized nations of the world as we fashion economic assistance programs, are obligated to assist these emerging democracies tackle their environmental problems. This calls for liberal sharing of pollution control technology, joint development of alternative and less polluting production methods, and financial resources available for environmentally sound economic development.

The May 7, 1990, New York Times published an article which outlines some of the environmental problems facing Eastern Europe. This story shows the magnitude of the challenge which faces the new governments of Eastern Europe and should underscore our need to be part of the solution.

Mr. President, I ask that this article be printed in the RECORD and urge my colleagues to consider carefully the crucial role environmental issues must play in the economic development of Eastern Europe.

The article follows:

[From the New York Times, May 7, 1990]

BEFOULED TO ITS ROMANTIC DEPTHS, DANUBE REACHES A TURNING POINT

(By Marlise Simons)

ESZTERGOM, HUNGARY.—Swollen and pearly gray, the Danube makes a spectacular turn here, pushing into gentle woodlands as it surges south toward Budapest. It is the river at its most seductive: winding through the valleys of Central Europe, where it has inspired poets and composers and generations of painters who still work on its banks today.

But love and splendor have not shielded Europe's grandest waterway from abuse. From its source in Germany's Black Forest, sweeping through a catchment area of 80 million people and eight countries, it runs a gauntlet of urban sewage, discharge from factories and runoff from farms.

Along its 2,000 miles, it is continuously fed by polluted tributaries. Slowly it loses life until, sluggish and befouled, it reaches the Black Sea.

Scientists are just beginning to study the entire length of the Danube's rich and changing ecosystem, its myriad islands, the content of its nutrients and its dragging movement through the Balkans. Such investigations were severely restricted under Communist rule, and the results were kept secret.

"We could never get access to the Soviets' own studies of the lower Danube and the estuary," said Kasimon Salevich, a specialist in Danube water management in Austria.

But self-interest is beginning to stir concern in Moscow for the far-off Danube. The Soviet Academy of Sciences recently sponsored a conference on the plight of the river, and last year Soviet scientists talked to their Hungarian and Bulgarian counterparts about the need to stop contaminating it.

NEAR BIOLOGICAL DEATH

The scientists agreed that an enormous volume of pesticides, fertilizers, detergents and other chemicals had turned the Danube into one of the main polluters of the Black Sea. They also warned that phosphates and nitrates are causing a record amount of algae blooms in the shallow and land-trapped sea.

Despite the extent of pollution in the Danube, specialists say the waterway seems robust compared with the grid of rivers that drain the northern plains of Eastern Europe and spill into the Baltic Sea. Industries built over the last three decades, they say, have pounded the Elbe, the Oder, the Neisse and the Vistula to near biological death.

Environmentalists say the poisoning of the Danube and other rivers in Eastern Europe suggests that pressure to fulfill Communist production quotas has been as rapacious to nature as capitalism's urge for profit. The difference, they say, is that pressure groups in the West have forced capitalist industries to start cleaning up.

The West, it appears, has now also accepted the task of rescuing the marred waters of formerly Communist countries, whose new governments have neither the capital nor the technology to clean up the mess.

West Germany, which shares the Elbe with East Germany, plans to start work on the lower river this year and build a sewage-treatment plant at Dresden. Experts in Bonn said the Elbe is in a "dramatic state": in addition to a concoction of lead, copper, zinc, phosphates and sewage, it carries about 25 tons of mercury, more than eight times the load of the polluted Rhine.

ENVIRONMENTAL CONTRACTS

Although Bonn has signed several environmental contracts with its neighbors in the last two years, "they would never discuss the Elbe or give us the information we needed," said Marlene Muhe, an official with the West German Environment Ministry.

Sweden has pledged help to Poland, whose rivers are a major source of pollution in the Baltic Sea. The Oder and the Neisse begin as pristine streams in the mountains of northern Czechoslovakia. By the time they turn north and become the long-disputed border between Poland and East Germany, they are already laced with discharge from Bohemian and Moravian pulp, steel, glass and ceramics works.

The Vistula is still a modest stream when it reaches Cracow. Already the color of molasses and heavy with brine, it plods past this city. Poland has turned its main artery into the nation's principal dumping ground.

Upstream from Cracow, Silesian coal mines permeated with salt pour more than 200 liters of alkaline discharge into the river each day. Recent studies have shown that this brew has contaminated groundwater and wells. It is also gnawing at the foundations of Cracow and its fine medieval and Renaissance monuments.

BLISTERS ON ANCIENT WALLS

"The buildings are attacked from above, from the sulphur dioxide in the air, but they are also sucking up the salt and other corrosives from the contaminated ground water," said Prof. Zdzislaw Malecki, pointing to blisters and damp stains on ancient walls. Professor Malecki, director of the local Institute for Environmental Engineering, is participating in Cracow's restoration. "Every building has become a pollution-absorbing device," he said. "There is even more damage from below than from the top."

As the Vistula pushes north, it collects effluents, chemicals and sewage from each factory and town along the way. It is now unfit for irrigating land, or even for industrial use, because it kills soil microbes and plants and corrodes pipes and tanks.

By the time it reaches Gdansk and the Baltic Sea, "the pollution is just flabbergasting," a Swedish diplomat said. "We are not innocent either, but already 25 percent of the Baltic Sea is dead." Sweden will supply equipment for some water-treatment projects, he said, but cleaning the Vistula will require hundreds of millions of dollars.

In Budapest, the eye is drawn to seven magnificant bridges over the Danube, but hidden pipes are spitting the raw sewage of two million inhabitants into the water. Neither Bratislava, nor Belgrade, nor most other towns along the waterway treat their waste. In Czechoslovakia, Yugoslavia, Romania and Bulgaria, industries freely spill oil, cellulose and chemicals into the Danube.

The barrage of pollution, specialists say, is rapidly diminishing the river's capacity to cleanse itself. The contaminants come in small and large doses, some easily absorbed in the great volume of water, others permanently polluting its environment.

The Danube, at the center of Europe, may appear to have no obvious guardian. But tens of thousands of people have become devoted to its protection in recent years. One of their greatest successes came in 1989, when they halted construction on the giant Nagymaros hydroelectric dam complex.

Environmentalists, citing studies by engineers and biologists, argued that the impact of the complex would be devastating: it would drown 50 islands and miles of forest, disturb the flow in tributaries and interfere with the sandy layers that clean the drinking water for Budapest.

Raising the groundwater level would also damage the foundations of Esztergom, a 12th-century city that lies downstream. And Hungarians complained that much of the electricity generated would go to Austria as payment for the dams.

Members of the Danube Circle, Eastern Europe's first large environmental group, say they fear that the project may still be alive. The three nations involved have already invested millions of dollars and plan new contractural negotiations.

RADIOACTIVE LEAKS

In the meantime, environmental leaders have other pressing concerns. They report that a Czechoslovak nuclear power plant on the Vag, a Danube tributary, is raising the water's temperature and has leaked radioactive material.

"There is a lot of unrecorded contamination," said Andras Lukacs, a geophysicist who heads the Foundation for the Protection of the Environment in Budapest. While most industries in the Danube basin lack adequate filter installations, at least they are there to be seen. But "much of the used oil from vehicles is not collected," Mr. Lukacs said. "Many storage tanks of petrol stations and depots leak. Toxic waste is badly stored.

All this gets into the groundwater or into the river. We know that much of Hungary's groundwater is polluted."

Environmentalists in Yugoslavia are demanding that Serbian industries contain their fallout. They have charged that the drinking water in much of Yugoslavia is not safe. In Bulgaria, the environmentally oriented political group Eco-Glasnost has begun a campaign against a caustic soda plant in Giurgiu, Romania, that contaminates both the Danube and the air. Everyone agrees that cleaning up the river will take years and a fortune that is not available.

As the barges and pleasure boats arrive again with spring, defenders of the Danube are planning to step up their more modest campaign among people who find pleasure and rest in the river's beauty. In Austria, environmental groups have begun a drive to outmaneuver developers by buying land along the banks and creating nature reserves.

"It is going very well, we already bought two parks," said Gunther Lutschinger, a biologist with the World Wide Fund for Nature, who manages the two reserves. "We are going to raise more funds. We see that many people love the Danube.●

THE RESCUE OF THE DANISH JEWS

● Mr. SIMON. Mr. President, recently, at my alma mater, Dana College in Blair, NE, a conference was held on "The Rescue of the Danish Jews." Last month was the 50th anniversary of the Nazi invasion of Denmark, and a remarkable thing occurred in Denmark as in no other occupied country. The Danish people saved virtually all the Danish Jews.

It is a remarkable story of heroism.

I had the chance to attend the first day of the 2-day meeting, and it was fascinating to hear both rescuers and rescued tell their stories. The Chief Rabbi of Copenhagen was among the participants.

At the end of my remarks I will ask to have printed in the RECORD the press release of the conference issued by the college, but it is worth noting the conclusions that were made at the meeting.

First, they concluded that the Holocaust occurred because ordinary people failed to intervene, though in Denmark they clearly did intervene.

Second was that understanding and tolerance have to be encouraged much more all over the world and that minorities have to be integrated into mainstream life. "Ghettos," which interestingly did not exist in Denmark, must be less and less a part of the landscape.

Finally, they stressed that because of racial and cultural prejudices the opportunity for atrocities to occur is prevalent so long as we have fear, hatred, and misunderstanding.

I ask that the news release from the Dana College about the conference be printed in the RECORD.

The release follows:

HUNDREDS PARTICIPATE IN RESCUE OF DANISH JEWS CONFERENCE AT DANA COLLEGE

BLAIR, NE., April 24, 1990.—Approximately 250 people from Denmark and seventeen U.S. states gathered at Dana College last weekend, April 22-23, to participate in an international conference on "The Rescue of the Danish Jews." The conference centered on how the Danish people rescued more than 90 percent of the Jewish population during the German occupation of Denmark in World War II.

Paul Simon, U.S. Senator from Illinois and a member of the Dana Board of Regents, opened the conference which, by design, occurred on Yom HaShoah, the international Jewish Day of Remembrance of the victims of the Holocaust. "We gather here to honor a people who did show compassion and courage", said Simon. "We gather to remember and ask the question why in Denmark alone were almost all of the Jews saved? We must learn lessons that will help all of humanity."

The two-day conference began with a solemn Service of Remembrance led by Dana College Pastor Linda Walz and Rabbi Bent Melchior, Chief Rabbi of Copenhagen.

During the conference a panel of experts examined the Jewish rescue from a religious, political, and moral perspective.

Rabbi Melchior began the proceedings with a historical perspective on the life of the Jews in Denmark prior to World War II. His presentation was followed by several first hand accounts by Danish rescuers and those who were rescued during the occupation. Those relating their personal experiences included Dr. Leo Goldberger, moderator of the conference and professor of psychology at New York University; Herbert Pundik, Chief Editor of *Politiken*, Denmark's largest newspaper; Knud Dyby, former member of the Danish resistance; Ernest Harbo, former member of Denmark's Royal Guard and Danish Resistance; and members of the audience were invited to share their personal stories.

Throughout the remainder of the conference several different perspectives of the rescue were offered by a distinguished panel of experts.

Dr. Paul Hammerich, journalist, historian and member of the Danish Prime Minister's Advisory Group on the Future provided an overview of the fate of Scandinavian Jews and gave background information about the rescue from a Danish point of view.

Herbert Pundik later gave an account of the rescue efforts from a Jewish perspective.

Elsebet Jegstrup, a member of the Department of Political Science faculty at Loyola University in Chicago shared views of the rescue from a political point of view.

Dr. Carol Rittner, R.S.M., Director of the Elie Wiesel Foundation for Humanity in New York, introduced a movie which she coproduced entitled, "The Courage to Care," a film which provided personal accounts of the rescue by people throughout Europe and Scandinavia.

Dr. Franklin Sherman, Director of the Institute for Jewish Christian Understanding at Muhlenberg College in Pennsylvania, offered a presentation dealing with the implications of the rescue for Jewish-Christian relations.

The final presentation of the conference entitled "Implications for Contemporary Moral Conduct" focused on the many lessons learned from the conference and the rescue. Those lessons included, but were not limited to:

1. The Holocaust occurred, in part, because of the failure of ordinary people to intervene. People today need to assume responsibility for what is morally right and be prepared to take personal action to ensure crimes against humanity such as those that occurred during the Holocaust are never repeated.

2. It is vital that understanding, cooperation, and tolerance of and between minorities must exist and continue to improve. There must be a concerted effort by people of the world to integrate minorities into mainstream life.

3. So long as racial and cultural prejudices exist there is the opportunity for atrocities to occur in all parts of the world and at any time.

Major funding for the Rescue of the Danish Jews was provided by the John D. and Catherine T. MacArthur Foundation of Chicago, the UPS Foundation of New York City and No-Frills Supermarkets in Omaha.●

ORDER OF BUSINESS

Mr. MITCHELL. Madam President, I have several unanimous-consent requests. I am advised by the Republican staff that they have been cleared by the Republican leader. He had to leave the floor momentarily for another engagement and has authorized me to proceed.

AMTRAK REAUTHORIZATION AND IMPROVEMENT ACT—CONFERENCE REPORT

Mr. MITCHELL. Madam President, I submit a report of the committee of conference on H.R. 2364 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2364) to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 2, 1990.)

Mr. EXON. Madam President, on May 1, the House and Senate conferees on H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1990, overwhelmingly ratified the conference report. The House approved the conference report by a vote of 322 to 93. Today, I urge you to join with our House colleagues by voting in favor of maintaining a balanced transportation network.

Regrettably, the administration's budget proposal for fiscal year 1991

would eliminate all funding for Amtrak. The administration has similarly opposed the funding included within this bill. I cannot accept this as the direction we should be taking. The effect of this would be to end nationwide passenger rail service. To do so would deny the considerable achievements of Amtrak just as it would deny to the United States a form of transportation that is considered vital in virtually every industrialized nation.

Amtrak will celebrate its 20th anniversary this year. It was created 20 years ago to preserve a national rail passenger system. Since then, it has demonstrated a growing market for its energy efficient, environmentally benign alternative to increasingly congested highways and crowded skies.

As demand for Amtrak service has increased, Amtrak has become more and more efficient and is today covering a higher percentage of its own costs than any other rail passenger system in the world. Amtrak now covers 75 percent of its costs—up from just 48 percent in 1981. In contrast, the Canadian rail passenger system is covering less than 30 percent of its costs. In addition, Amtrak revenues in fiscal year 1989 were $1.27 billion, double that of just 9 years ago. There is also an increasing public demand for Amtrak service. Passengers traveled more distance on Amtrak last year than on all the many private passenger railroads crossing this country in 1970, the year before Amtrak commenced service.

The Amtrak Authorization and Improvement Act of 1990 would authorize the appropriation of critically needed capital funding for fiscal year 1991 and 1992. Appropriations at the levels included in the bill would enable Amtrak to order new long-distance passenger cars, to modernize several antiquated maintenance facilities, and to replace locomotives that have been worked double time to meet the demands of the Nation's rail passenger system.

Opponents of Amtrak argue that rail passenger service is unnecessary and outmoded. To the contrary, Amtrak serves critical transportation needs, particularly in much of small town and rural America. At present, Amtrak serves roughly 500 communities—more than the major airlines combined. In many areas nationwide, Amtrak is the only passenger service which operated during severe weather. Some 109 communities served by Amtrak have no air service. According to Amtrak, it serves 15 communities that lost their essential air service subsidy as of January 1, 1990, and air service to those communities likely will cease.

Some 101 Amtrak-served communities have no direct intercity bus service. Seventy-nine of those communities do not even have connecting bus service to transportation hubs, and these numbers increased recently as a result of the Greyhound bus strike. Thirty-one Amtrak served communities have neither air nor bus service.

Contrary to the belief of some that argue that Amtrak is primarily a Northeast corridor operation, nearly half of Amtrak's riders, three-fourths of its passenger miles, and two-thirds of its revenues come from its noncorridor operations. These are largely long-haul services, whose passengers are disproportionately poor and elderly travelers. Thirty percent of Amtrak's long-haul passengers have family incomes of under $20,000, while 51 percent have family income below $30,000. Thirty-five percent of long-haul passengers are 55 and older, and 18 percent of long-haul passengers are 65 and older.

The administration has expressed concern about a provision in the Amtrak conference report which would require that acquisitions of major rail carriers by noncarriers be reviewed by the Interstate Commerce Commission [ICC]. Adoption of this provision, which applies only to the largest railroads, of which there are currently 16, merely closes a loophole that exists in the Commission's authority to review line sales to ensure adequate commitments to maintenance and preservation of the rail system. Amtrak's president supports this provision as a means to help ensure the preservation and maintenance of the national freight railroad infrastructure on which Amtrak trains must operate.

The loophole this provision would close is glaring. Under current law, the ICC has authority to review acquisitions of any rail carrier by another carrier as well as acquisitions of any portion of a railroad by a noncarrier, an entity which does not already own rail interests. However, the Interstate Commerce Act fails to provide clear authority for the ICC to review the proposed acquisition of an entire railroad by a noncarrier. In other words, it any noncarrier seeks to acquire as little as one mile of an existing rail carrier, the proposed transaction would be subject to the jurisdiction of the ICC. Yet, if that same noncarrier is large enough to acquire the entire railroad, there is no clear authority for the ICC to review the transaction to ensure that adequate commitments to service and maintenance of the line are present. The ICC's authority would be invoked only after the transaction was consummated. The problem is that, at this point, it may be too late to protect the public interest. There may be no option but for the ICC to approve abandonment requests or reductions in service by a then failing carrier.

The provision within the conference report would give the ICC clear authority to review these matters before problems arise. It would also mandate that this review take place on an expedited basis, within 90 days of publication in the Federal Register. In addition, it limits this authority to acquisitions of class I carriers. There are currently only 16 of these large carriers, however, a failure by any one of these would have a significant impact on the public and on Amtrak service which operates over the lines of these carriers.

Let me dispel a few final myths about this proposal. First, it does not give the ICC ultimate authority to select who shall purchase a class I carrier. The ICC is charged simply with reviewing proposals to ensure that minimum public interest criteria are satisfied. Any and all proposals which satisfy these criteria may gain approval, at which point the shareholders of the carrier are free to select the best offer, as in the ordinary course of business.

Second, this provision is neither opposed by ICC, nor is there any unified industry opposition to this proposal. At our hearing on this measure last year, the ICC testimony did not take a position on this legislation, although the former chairman of the Commission expressed her personal opposition to additional legislation. However, the current chairman of the Commission was considerably more sympathetic to this proposition at his confirmation hearing held earlier this year, although he has not taken a formal position on this bill, to the best of my knowledge.

There is, similarly, no unified industry opposition to this provision. The Association of American Railroads declined a Commerce Committee invitation to testify on this matter last year. I might add, so did the Department of Transportation—another reason why I find the Department's current reservations hard to understand.

Finally, this provision is not reregulatory, particularly when it is viewed in light of the existing regulatory structure for the rail industry. In that context, the regulatory impact of this provision is minimal, at most, although the risks to the public are great if we do not close this loophole.

In conclusion, Amtrak has made significant improvements in its performance in recent years, now covering 75 percent of its costs with its own revenue, a record superior to the performance of any other passenger railroad system in the world. Amtrak has further established a goal to eliminate the need for any Federal operating support by the year 2000. In light of this progress, I urge your support for the continued advancement of our Nation's transportation network through passage of the conference report accompanying H.R. 2364, the Amtrak

Reauthorization and Improvement Act of 1990.

Mr. ROBB. Madam President, yesterday the House of Representatives adopted this conference report by a vote of 322 to 93. A majority of the Members of both parties voted in favor of the bill.

I hope that that bipartisan show of support will be repeated here today in the Senate, and I urge my colleagues to support this important legislation.

This bill is important in the macrosense, because it commits the Nation to continued funding for Amtrak, at a time when we are struggling with crumbling infrastructure and congested highways and airports. With the multiyear authorization included in this bill, Amtrak will be able to make some needed capital investments that will result in both expanded and improved service across the Nation.

But, this bill is also important to many Senators in the microsense. Senator WARNER and I are most interested in a provision that will finally enable commuter trains to run from Manassas and Fredericksburg, VA into Union Station, concluding a process that began in 1984 when I was Governor of Virginia.

As anyone who commutes to the Capitol from Virginia on I-95 or I-66 knows, gridlock does not begin to describe the traffic conditions during rush hour. When service begins, the Virginia Railway Express will carry up to 4,000 passengers a day, or the equivalent of a lane of traffic on I-95, into Union Station.

We hope that this bill will be enacted quickly, given the strong support for Amtrak in both Houses of Congress.

The Virginia congressional delegation would like to again thank the distinguished chairman of the Commerce Committee, and the chairman and ranking member of the Surface Transportation Subcommittee and their staffs for their assistance on this seemingly parochial matter.

We would also like to thank the distinguished chairman and members of the House Energy and Commerce Committee, the chairman of the House Judiciary Committee, and their staffs for their help in addressing the needs of commuter rail in northern Virginia.

Mr. DANFORTH. Madam President, on May 1, House and Senate conferees completed their work on H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1990. I did not sign the conference report because it contained a provision requiring Interstate Commerce Commission [ICC] preapproval of nonrailroad purchases of railroads.

Historically, the ICC's approval has been required only for railroad acquisitions of other railroads. ICC review of these acquisitions focuses on antitrust concerns. The ICC review provision in H.R. 2364 would extend this requirement to transactions that do not present antitrust concerns. The ICC is given 105 days to review factors such as the transaction's effect on transportation, the total fixed charges resulting from the transaction, and the interests of the employees affected by the transaction.

This far reaching review of acquisitions that do not present competitive problems is unnecessary and counterproductive. Transactions could be held up for months during the ICC review. Moreover, under this provision, terminated workers could receive up to 6 years' full salary. The potential for expensive labor protection payments and review related delays will drive down the value of railroads' equity.

A review designed to focus on railroad debt ignores the fact that railroads must have flexibility to acquire financing. Railroads have very large capital needs for their track and equipment and they need cheap capital to survive. Limiting railroads' access to debt will drive up their cost of capital. Moreover, concern about debt loading in this industry is not supported by the record. An ICC study found that railroads have the lowest debt load of any of the 38 major industries surveyed.

Some have argued that this provision is necessary to ensure railroad financial stability and prevent taxpayer bailouts such as the federalization of Northeast railroads in the 1970's. History has demonstrated that increased regulation is not the way to ensure financial stability of the railroads. In the late 1970's, almost one-quarter of the U.S. railroad industry was in bankruptcy. At that time, the ICC tightly regulated railroad prices and entry and exit from rail markets. In 1980, the Congress passed the Staggers Act to improve the railroads' economic health. The Staggers Act eliminated ICC regulation except in those instances where regulation was needed to ensure competitive rates. Staggers has worked. A less regulated environment has led to a healthier industry, in which railroad return on investment has almost doubled. This strengthened financial condition is reflected by the very fact that railroads have become the focus of market interest. Shippers have benefited as well. According to an ICC study, rail rates have declined in real terms by 22 percent since the Staggers Act's enactment.

Now is not the time to legislate increased regulation of the railroads. We should not impede the progress the railroads have made under the Staggers Act. We should not impose burdensome economic review and labor protection requirements on acquisitions that do not raise competitive concerns. Special rules for the railroad industry might have made sense 50 or 100 years ago when it dominated the American economy, but such rules do not make sense today.

Secretary of Transportation Samuel K. Skinner has recommended that the President not sign an Amtrak bill that contains this ICC provision. I ask unanimous consent that his May 1 letter on this subject be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DANFORTH. Madam President, I oppose the Amtrak conference report because it contains this counterproductive ICC review provision. It is bad law.

EXHIBIT 1

THE SECRETARY OF TRANSPORTATION,
Washington, DC, May 1, 1990.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Amtrak Conference committee meets on differing versions of H.R. 2364, I want to clear up what may be some confusion over the Administration's position on the provision in the House version that requires approval by the Interstate Commerce Commission of Class I railroad acquisitions by non carriers.

As the Administration communicated earlier in its floor position on H.R. 2364, the Director of the Office of Management and Budget and I would recommend that the President not sign an Amtrak reauthorization bill containing unjustified new authorization levels and new regulatory strictures on capital restructuring in the railroad industry. Regarding Amtrak, my concern is that we adopt a long-term course for Amtrak that provides a stable future for needed services and moves Amtrak toward self-sufficiency. The increasing authorizations (from $656 million in FY 1990 to $712 million in FY 1992) send the wrong message to Amtrak management, its labor organizations, and the private capital markets.

The single hearing on non-carrier acquisitions developed no evidence that such regulation was needed or would be effective. The Interstate Commerce Commission testified that it has adequate authority and that the legislation is unneeded.

The President's National Transportation Policy recognizes freight railroads as an integral and growing component of the U.S. transportation network. Without doubt, the rejuvenation of the industry since 1980 is attributable to Congress' decision to lift outmoded and counterproductive government oversight from railroads, creating a favorable environment for a significant capital investment in plant and equipment for the first time in decades.

Current law directs the Commission to evaluate mergers between carriers for their competitive consequences. In addition, the Commission has authority to review the issuance of securities or the assumption of an obligation or liability by a carrier to finance a non carrier's acquisition to determine, among other things, whether the issuance or assumption will impair the financial ability of the carrier to provide service. What the law does not do and should not do is mandate that the Commission evaluate the financing, control, and related details of a

transaction when neither a merger nor carrier financing is involved.

This country must hone its competitive posture in world markets, and the cost and availability of transportation to produce and ship goods is critical to our success. For this reason, a fundamental tenet of our National Transportation Policy is that government regulation should intervene in private decisionmaking only where necessary to achieve national goals and only where necessary to achieve national goals and only in a way that achieves public benefits at least sufficient to offset the costs imposed. The provision in question not only fails this test, but also counters the favorable climate for investment in the railroad industry brought about by the Staggers Rail Act. An unwarranted "prior approval" requirement by the government of railroad acquisitions by noncarriers will discourage investment in the rail industry, by introducing uncertainly over the outcome of the regulatory process, and may delay the infusion of badly needed funds in railroads during the 100-day review period.

The first significant transportation legislation under our new policy must not set back the regulatory clock. Rather, we must continue to trust our abilities to meet future challenges with the talent and determination that have made our transportation system the envy of the world. This provision of the House version is not innocuous and I do not view it as such. Accordingly, I must advise you that I would continue to recommend that the President not sign an Amtrack authorization bill containing "prior approval" authority of acquisitions by non carriers and unjustified authorizations.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the submission of this report for the consideration of the conference committee, and that the enactment of H.R. 2364 in its current form would not be in accord with the program of the President.

Sincerely,

SAMUEL K. SKINNER.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the conference report was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE ROBERT S. VANCE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. MITCHELL. Madam President, I ask unanimous consent the Environment Committee be discharged from further consideration of H.R. 3961 redesignating the courthouse in Birmingham, AL, as the Robert Smith Vance Federal Building and United States Courthouse and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3961) to redesignate the Federal building at 1800 5th Avenue, North, in Birmingham, AL, as the "Robert S. Vance Federal Building and United States Courthouse."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 3961) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROBERT SMITH VANCE

Mr. MITCHELL. Madam President, I would like to add a very brief personal note about Robert Smith Vance.

He was the Federal circuit court judge who was killed by a bomb some months ago, thereby causing loss to our Nation of an outstanding judge and human being. It was my pleasure to have known Robert Vance for well over 20 years and to have been a good personal friend of his.

I extend to his family, again, the deepest sympathy of all Members of the Senate and hope that in this case justice will be done.

MEASURE INDEFINITELY POSTPONED—S. 2068

Mr. MITCHELL. Madam President, I ask unanimous consent that action on S. 2068 be vitiated and the measure be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the following Senators as members of the Senate delegation to the North Atlantic Assembly Meeting during the 2d session of the 101st Congress, to be held in Paris, France, May 11-14, 1990:

The Senator from Oregon [Mr. HATFIELD];

The Senator from Idaho [Mr. MCCLURE];

The Senator from Alaska [Mr. MURKOWSKI]; and

The Senator from Washington [Mr. GORTON].

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, in accordance with provisions in Public Law 99-603, appoints Mr. Clarence E. Martin III, of West Virginia, to the Commission on Agricultural Workers, vice Mr. Russell Pitzer, resigned.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the following Senator as a member of the Senate delegation to the North Atlantic Assembly Meeting during the 2d session of the 101st Congress, to be held in Paris, France, May 11 to May 14, 1990: The Senator from North Dakota [Mr. BURDICK].

MEETING OF THE BUDGET NEGOTIATING TEAM

Mr. DOLE. Madam President, it is my understanding that the first official meeting of the so-called budget negotiating team will meet next Tuesday with the President at the White House.

I am not certain of the exact time but I understand the meeting will last about an hour, an hour and a half. I hope that we might have a rhetoric cease-fire between now and then because I know there has been some concern about certain statements that appeared in publications by different persons, some unnamed, some named, and it seems to this Senator that one way to make certain we do not succeed is to continue statements that might throw us off course.

The primary purpose, as I understand our getting together on a bipartisan basis, or a nonpartisan basis, is to come together on a package that would mean economic growth for the United States. In my view, it is very important we do that. I think that is shared by most Republicans and most Democrats. There are some on each side who have different views. Some do not think it is necessary. Some have already taken a stand on certain portions of any deficit reduction package.

But it would be my hope that between now and Tuesday we could focus on the positive. It is going to be a very difficult job at best. We do not want to make it more difficult with certain statements that may or may not have been made. So I pledge from my standpoint that anything I say I

hope will be viewed as a positive statement to further this very serious and very difficult effort.

If anyone thinks it is easy to get 51 Senators, a bipartisan group, to vote for what could be a very difficult package, it is very difficult to do. I can recall in 1985 at 2 o'clock in the morning a vote on a budget resolution that was tough, and the vote was 50 to 49. And to get 50, one person had to go into the hospital and one had to come out. It just happened that it worked that way. So it is not easy.

It will not be easy even if the two leaders agree. We have had experience with catastrophic health insurance when we stood up and tried to save something. We still think we were right, but we did not win. So it is going to take the cooperation of the President, members of his staff, the leaders in the Congress and members of our staffs.

I have now indicated that on this side Senator DOMENICI, Senator PACKWOOD, Senator HATFIELD, Senator GRAMM, and myself will represent the Republicans. The majority leader has already announced his selections.

As far as I know, the two leaders in the Senate are in harmony. We have not tried to discuss it. I have not said anything about Democrats, and nothing has been said about Republicans. It seems to me that if we are serious about this, our work is cut out for us.

So I look forward to working together. I pledge the President my support. We may not succeed. I will repeat again, it is like putting humpty-dumpty back together again.

It is not impossible but it is almost impossible. So we need all the goodwill we can muster in the weeks ahead.

Madam President, I thank the majority leader.

(Mr. LAUTENBERG assumed the chair.)

Mr. MITCHELL. Mr. President, I share the feelings expressed by the distinguished Republican leader. I hope very much that we can work to create an atmosphere in which these very difficult negotiations can succeed.

As is clear to all of the participants, perhaps clearer to them than anyone else, this will be a very difficult task under the best of circumstances. The circumstances are not the best if each side is trying to gain advantage outside the negotiating process.

It is my hope that between now and Tuesday nothing more will be said to make it more difficult, and that we can proceed in good faith, as best we can, to reach agreement on what is a very serious problem of confronting not just the Members of Congress, and the President, but all of the American people.

ORDERS FOR TOMORROW

RECESS UNTIL 9:30 A.M.; THE JOURNAL; RESERVATION OF LEADER TIME; CONSIDERATION OF S. 137

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stands in recess until 9:30 a.m. Friday, May 11; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and, following the reservation of the two leaders' time, that the Senate proceed to the consideration of Calendar No. 485, S. 137, the campaign finance reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, as I indicated last evening following discussions with the distinguished Republican leader, it is our intention that tomorrow will be used for debate only on the campaign finance reform bill. By our understanding, there will be no amendments offered and no votes. I hope that there will be an informative discussion on it.

Under the existing agreement, prior to the close of business on tomorrow, I will move to proceed to the emergency AIDS bill, and will file a cloture motion on the motion to proceed.

AUTHORITY FOR RECORD TO REMAIN OPEN

Mr. MITCHELL. Mr. President, I ask unanimous consent that the RECORD remain open until 5:30 p.m. today for the purpose of filing the reported budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess under the previous order until 9:30 a.m. tomorrow, Friday, May 11.

There being no objection, the Senate, at 5:09 p.m., recessed until tomorrow, May 11, 1990, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 10, 1990:

PANAMA CANAL COMMISSION

GILBERTO GUARDIA FABREGA, A CITIZEN OF THE REPUBLIC OF PANAMA, TO BE ADMINISTRATOR OF THE PANAMA CANAL COMMISSION, VICE DENNIS P. MCAULIFFE.

DEPARTMENT OF COMMERCE

SYLVIA ALICE EARLE, OF CALIFORNIA, TO BE CHIEF SCIENTIST OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, VICE MELVIN N.A. PETERSON, RESIGNED.

U.S. SENTENCING COMMISSION

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE U.S. SENTENCING COMMISSION FOR THE TERMS INDICATED:

FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 31, 1991:

MICHAEL S. GELACAK, OF VIRGINIA, VICE MICHAEL K. BLOCK, RESIGNED.

FOR A TERM EXPIRING OCTOBER 31, 1995:

A. DAVID MAZZONE, OF MASSACHUSETTS, VICE STEPHEN G. BREYER, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE TERMS INDICATED:

FOR A TERM EXPIRING JANUARY 26, 1994:

BILLIE DAVIS GAINES, OF GEORGIA, VICE JEFFREY HART, TERM EXPIRED.

GARY L. MCDOWELL, OF THE DISTRICT OF COLUMBIA, VICE RITA RICARDO-CAMPBELL, TERM EXPIRED.

JEANNE J. SMOOT, OF NORTH CAROLINA, VICE ELLIS SANDOZ, TERM EXPIRED.

FOR A TERM EXPIRING JANUARY 26, 1996:

BRUCE D. BENSON, OF COLORADO, VICE KATHLEEN S. KILPATRICK, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS RESERVE OF THE AIR FORCE (ANGUS) IN THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 593 AND 8351, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES AS INDICATED. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER):

MEDICAL CORPS

To be lieutenant colonel

FELIPE G. VIDELA, [redacted] 3/4/89

THE FOLLOWING MIDSHIPMEN, U.S. NAVAL ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 541 AND 531, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

DAVID H. FOGLESONG, [redacted]
JOSEPH S. KIEFER, [redacted]
TIMOTHY R. REHMEL, [redacted]
TYLER W. SHEPPERD, [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE:

JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

JOSEPH R. BARNES, [redacted]
DAVID BORNHORST, [redacted]
FRED E. BRYANT, [redacted]
JOSEPH CIRELLI, [redacted]
DAYTON M. CRAMER, [redacted]
THOMAS M. CURTIS, [redacted]
FRANK B. ECKER, [redacted]
JAMES GRAVELLE, [redacted]
BRENT P. GREEN, [redacted]
MARSHALL KAPLAN, [redacted]
GERALD LEELING, [redacted]
JAMES D. LONG, [redacted]
WILLIAM MCGOWAN, [redacted]
DONALD MORGAN, [redacted]
KENNETH PANGBURN, [redacted]
JOYCE E. PETERS, [redacted]
NICHOLAS RETSON, [redacted]
LEE D. SCHINASI, [redacted]

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 594 AND 3353:

MEDICAL CORPS

To be colonel

ROY T. BERGMAN, [redacted]
WILLIAM E. PATE, [redacted]

To be lieutenant colonel

PEDRO M. ARRIOLA, [redacted]
ROBERT J. BLOK, [redacted]
JAMES B. BORDEN, [redacted]
FRANK L. BUONO, [redacted]
RAYMOND C. BUSH, [redacted]
JOHN R. CLARK, [redacted]
LEONIDES A. DIZON, [redacted]
JAMES C. DUNN, [redacted]
WAYNE C. FARMER, [redacted]
AMOS G. HALL, [redacted]

RALPH A. HERMS, xxx-xx-xxxx
WUN H. HO, xxx-xx-xxxx
ROY W. HOLAND, xxx-xx-xxxx
GERALD E. KAKASCIK, xxx-xx-xxxx
LEONARD D. KASPEROWICZ, xxx-xx-xxxx
LAWRENCE O. LARSON, xxx-xx-xxxx
ANTONIO S. LICATA, xxx-xx-xxxx
JACKSON W. LIND, xxx-xx-xxxx
STEPHEN G. MACISAAC, xxx-xx-xxxx
MOSHE NMI MARKEWITZ, xxx-xx-xxxx
DOMINICK A. MINOTTI, xxx-xx-xxxx
DAVID C. NADEN, xxx-xx-xxxx
BRUCE L. PFUETZE, xxx-xx-xxxx
PETER W. PICK, xxx-xx-xxxx
FRANCIS J. TROST, xxx-xx-xxxx
SURENDRA K. VARMA, xxx-xx-xxxx
JOHN M. WHITELAW, JR., xxx-xx-xxxx
JOSEPH F. YETTER, III, xxx-xx-xxxx
PETER K. YEUNG, xxx-xx-xxxx

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF MAJOR UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:
MITCHELL A. COOK

IN THE NAVY

THE FOLLOWING NAMED ASTRONAUT FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA:

To be captain

CDR. MICHAEL J. MCCULLEY, U.S. NAVY, xxx-xx-xxxx/1310

THE FOLLOWING NAMED ASTRONAUTS FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA:

To be commander

LT. CDR. PIERRE J. THUOT, U.S. NAVY, xxx-xx-xxxx/1510
LT. CDR. JAMES D. WETHERBEE, U.S. NAVY, xxx-x... xx.../1310

THE FOLLOWING AIR FORCE CADETS TO BE PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 541:

JAMES M. BEEKER
PETER M. BERNSTEIN
GEOFFREY L. GRIZZARD
MATTHEW A. KNAPP
JEFFREY D. LIPSKY
ROBERT W. LYONNAIS
THOR H. OSTEBOE

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF LIEUTENANT COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

CHARLES R. ABNEY, xx...
CHARLES W. ADAIR, xx...
MICHAEL J. ADAMS, xx...
ROBERT P. ADELHELM, xx...
FREDERICK P. ADKINS, xx...
THOMAS M. ADKINS, xx...
MICHAEL C. ALBANO, xx...
PAUL C. ALLEN, xx...
JAMES L. ANDERES, xx...
ALAN S. ANDERSON, xx...
JAMES C. APLIN, xx...
CHARLES W. ARNOLD, xx...
MALCOLM ARNOT, xx...
HENRY ATTANASIO, xx...
BERWICK P. BABIN, xx...
JESUS M. BAEZ, xx...
PETER J. BALDWIN, xx...
RENO C. BAMFORD, II, xx...
THOMAS D. BARKER, xx...
WILLIAM C. BARNEBEE, xx...
JAMES F. BARNES, xx...
ROBERT B. BARNES, xx...
THOMAS N. BARNHOUSE, xx...
JAMES A. BARRETT, xx...
MICHAEL E. BARRINGTON, xx...
DAVID A. BARTLETT, xx...
JOHN H. BEADLING, xx...
CHARLES H. BEALE, III, xx...
JESSE L. BEAMON, JR, xx...
RAYMOND BEAULIEU, xx...
MICHAEL D. BECKER, xx...
MATTHEW BEGERT, xx...
RANDY B. BELL, xx...
THOMAS A. BENES, xx...
WILLIAM J. BERGER, xx...
JAMES A. BOLLENGIER, xx...
MICHAEL D. BOONE, xx...
DONALD J. BORJE, xx...
CARL R. BOTT, xx...
JOHN M. BRADY, xx...
RONALD W. BRANN, xx...
TOMMY L. BRAY, xx...
JERRY P. BREEN, III, xx...
RANDY W. BRICKELL, xx...
PAMELA A. BRILLS, xx...
JASON A. BRITT, xx...
GREGORY D. BROWN, xx...
JOHN R. BROWN, xx...
JAMES R. BRUBAKER, xx...
JENTZEN E. BULL, xx...
RONALD K. BURNS, xx...
RAYMOND CANNATA, xx...
LAWRENCE J. CARINO, xx...
STEPHEN A. CARNES, xx...
JAMES P. CAROTHERS, xx...
ROBERT T. CARRESE, xx...
JAMES W. CASFORD, xx...
JOHN M. CASSADY, JR, xx...
WILLIAM D. CATTO, xx...
THOMAS S. CECI, xx...
LYNN M. CHAMPAGNE, xx...
ROCKY J. CHAVEZ, xx...
CARY R. CHESTON, xx...
LEROY CHEVIS, xx...
MICHAEL A. CICERE, xx...
STEELE C. CODDINGTON, JR, xx...
JOHN T. COGGIN, xx...
JEFFREY U. COLE, xx...
KENNETH J. CONATSER, xx...
MARK E. CONDRA, xx...
DANIEL A. CONWAY, xx...
TIMOTHY C. CONWAY, xx...
CHARLES E. COOKE, xx...
BRIAN M. COOKER, xx...
DONALD K. COOPER, xx...
MICHAEL L. COOPER, xx...
CHRISTIAN B. COWDREY, xx...
LEON CRAIG, JR, xx...
FRANK CRILLEY, xx...
JOSEPH A. CROOKSTON, xx...
GLENN K. CUNNINGHAM, xx...
CHARLES K. CURCIO, xx...
JOHN P. CUSHING, JR, xx...
DANIEL D. CUSHMAN, xx...
GEORGE C. CUTCHALL, xx...
BRYAN M. DAVIS, JR, xx...
JACK G. DAVIS, xx...
JAMES W. DAVIS, JR, xx...
MARK S. DAVIS, xx...
JOSEPH W. DAVISSON, xx...
DAVID A. DEBRUYNE, xx...
ALBERT J. DIEHL, III, xx...
ROBERT K. DOBSON, JR, xx...
ANDREW M. DOMARASKY, III, xx...
STEVEN B. DONNELL, xx...
PAUL S. DOSTAL, xx...
BRUCE M. DOUCETTE, xx...
CARMEN DRAGOTTA, xx...
CHARLES W. DRIEST, xx...
DANIEL A. DRISCOLL, JR, xx...
WALTER C. DRIVER, JR, xx...
LESLIE F. DUER, xx...
PATRICK J. DUNCKHORST, xx...
KENNETH D. DUNN, xx...
RICHARD C. DUNN, xx...
GUY DURAND, xx...
RONALD V. DUTIL, xx...
MICHAEL A. EINSIDLER, xx...
CARL J. ERICSON, JR, xx...
PETER T. FAIRCLOUGH, xx...
LEE H. FARMER, xx...
ROGER T. FARMER, xx...
THOMAS K. FARRELL, xx...
GEORGE P. FENTON, xx...
FLETCHER W. FERGUSON, JR, xx...
JEFFREY A. FINLEY, xx...
GEORGE M. FINNERTY, xx...
DONALD E. FLEMING, JR, xx...
JAMES F. FLOCK, xx...
JOE FLORES, JR, xx...
SUSAN J. FLORES, xx...
GEORGE J. FLYNN, xx...
EDWARD T. FORTE, xx...
ROBERT T. FORTE, xx...
WILLIS R. FOSTER, xx...
PETER O. FRANCESCON, xx...
MARC E. FREITAS, xx...
JOHN M. GARNER, xx...
WILLIAM B. GARRETT, xx...
WALTER E. GASKIN, SR, xx...
JERRY G. GELLING, xx...
WILLIAM S. GERICHTEN, II, xx...
ROBERT E. GERLAUGH, xx...
KERRY K. GERSHANECK, xx...
NORMAN C. GILLETTE, III, xx...
CLARENCE R. GILMAN, JR, xx...
GARY G. GISOLO, xx...
KENNETH J. GLUECK, JR, xx...
HENRY T. GOBAR, xx...
KENNETH E. GREGORY, xx...
ROBERT C. GRIFFIN, xx...
BARNEY A. GRIMES, III, xx...
JOHN L. GRIMMETT, xx...
STEVEN P. GROHSMEYER, xx...
CHRIS J. GUNTHER, xx...
PATRICK K. HALTON, xx...
EDWARD J. HAMILTON, xx...
ERIC G. HANSEN, xx...
DONALD V. HARLIN, JR, xx...
JOHN C. HARRIS, xx...
FRANK C. HART, III, xx...
ROBERT L. HAYES, III, xx...
ELLEN B. HEALEY, xx...
ALAN P. HEIM, xx...
ROBERT E. HEINZ, xx...
DENNIS J. HEJLIK, xx...
DOYLE W. HENSLEY, II, xx...
JOSEPH F. HICKEY, JR, xx...
MICHAEL K. HICKS, xx...
JOHN W. HIETT, xx...
STANLEY E. HITCHCOCK, xx...
NICHOLAS J. HOFFER, xx...
CARL W. HOFFMAN, JR, xx...
JOHN J. HOGAN, III, xx...
CARLOS R. HOLLIFIELD, xx...
GARY R. HOLMQUIST, xx...
MONT K. HOOVER, xx...
LARRY D. HOSLER, xx...
DAVID C. HOUSTON, xx...
JACK L. HUGHES, xx...
DAVID W. HURLEY, xx...
RICHARD J. INGOLD, xx...
CATHY A. JAGGARS, xx...
ROBERT L. JENNINGS, xx...
CARL B. JENSEN, xx...
MICHAEL J. JINNETT, xx...
DAVID W. JOHNS, xx...
DALE K. JOHNSON, xx...
LARRY A. JOHNSON, xx...
RICKY B. JOHNSON, xx...
WILLIAM D. JOHNSON, xx...
JOSEPH B. JONES, xx...
JEFFREY H. KAMMERER, xx...
THOMAS R. KELLY, xx...
WILLIAM M. KENNEDY, xx...
EARL L. KENT, III, xx...
GARY J. KENTER, xx...
MICHAEL J. KERRIGAN, xx...
JAMIL S. KHAN, xx...
DAVID L. KIFFER, xx...
DAVID A. KING, xx...
ERICA F. KING, xx...
DAVID B. KIRKWOOD, xx...
MICHAEL J. KNOWLES, xx...
KENT D. KOEBKE, xx...
JOSEPH C. KOEN, xx...
RICHARD W. KOKKO, xx...
PETER D. KOPF, xx...
JOSEPH E. LAFOREST, xx...
JOHN F. LARKIN, xx...
LEIF R. LARSEN, xx...
LAWRENCE L. LARSON, xx...
ROBERT D. LARSON, xx...
JAMES M. LEAVIS, xx...
JOHN D. LEHOCKEY, xx...
SCOTT E. LEITCH, xx...
CHARLES A. LEMAY, xx...
DYER T. LENNOX, xx...
PAUL J. LEON, xx...
EDWARD J. LESNOWICZ, JR, xx...
GARY C. LEUPOLD, xx...
GARRY W. LEWIS, xx...
THOMAS C. LINN, xx...
DENNIS M. LOFTIS, xx...
ROBERT S. LOFTIS, xx...
RONNIE R. MADRID, xx...
KELLY J. MAHONEY, xx...
GREGORY N. MAISEL, xx...
DAVID R. MALTBY, xx...
NICHOLAS P. MAMMARELLA, xx...
ALBERT J. MARTIN, xx...
JACK L. MATTSON, xx...
A. J. MCANELLY, xx...
JOSEPH J. MCCLOSKEY, xx...
JAMES E. MCCORMICK, JR, xx...
MICHAEL E. MCCORMICK, xx...
DANNY J. MCDANIEL, xx...
THOMAS J. MCELRATH, xx...
JOHN T. MCGAUGHEY, JR, xx...
EDWARD J. MCKAY, JR, xx...
PATRICK J. MCKAY, xx...
MICHAEL E. MCKENZIE, xx...
JOSEPH J. MCMENAMIN, xx...
MARK S. MCTAGUE, xx...
WILBURN E. MEADOR, JR, xx...
EDWIN D. MILLER, xx...
MARK A. MILLIGAN, xx...
TIMOTHY P. MINIHAN, xx...
THOMAS E. MINOR, xx...
JOHN MOISUK, JR, xx...
RICHARD MONREAL, xx...
PATRICK J. MULLIN, xx...
HARRY M. MURDOCK, xx...
PAUL J. NAGY, xx...
ORVAL E. NANGLE, xx...
GARY P. NEWELL, xx...
RICHARD E. NICOLAI, JR, xx...
WILLIAM J. NIEMASIK, xx...
MICHAEL J. NOLAN, xx...
DANIEL C. OBRIEN, xx...
WILLIAM J. OCONNELL, xx...
ANDREW W. OHARA, xx...
THOMAS M. OLEARY, xx...
TOMMY L. PATTON, xx...
JOHN M. PAXTON, JR, xx...
JOHN J. PELLICONE, xx...
EDWARD F. PESIK, JR, xx...
MARK A. PETERSON, xx...
STEVEN J. PICCIRILLI, xx...
CLEVE B. PILLIFANT, xx...
EARL W. POWERS, xx...
ROBERT C. PRICE, xx...
WILLIAM E. PRICE, xx...
JOHN R. PRIDDY, xx...
PAUL R. PUCKETT, xx...
MICHAEL J. QUINLAN, xx...
DAVID L. RAMSEY, xx...
DOUGLAS C. RAPE, xx...
ARLEN D. RENS, xx...

HOWARD E. RICE, JR., xx...
ROLAND G. RICHARDELLA, xx...
THOMAS A. RICHARDS, xx...
DONALD A. RICHARDSON, xx...
JAMES D. RIEMER, xx...
LEONARD D. ROBERTI, xx...
SAMUEL E. ROBERTS, xx...
CHARLES ROBINSON, xx...
RONALD D. ROGERS, xx...
JAMES T. RONAGHAN, JR., xx...
RONALD P. ROOK, xx...
RICHARD C. ROTEN, xx...
ROBERT O. ROWLAND, xx...
IRA S. RUSSELL, III, xx...
JOHN E. RYAN, xx...
GLEN R. SACHTLEBEN, xx...
WILLIAM N. SAUNDERS, xx...
STEPHEN L. SAYKO, xx...
RICHARD F. SCHALK, xx...
RUSSELL O. SCHERCK, xx...
JAMES E. SCHLEINING, JR., xx...
STEVEN J. SCHNEIDER, xx...
FRANK M. SCOTT, xx...
CALVIN L. SCOVEL, III, xx...
RAY L. SECKINGER, JR., xx...
JOHN W. SERGEANT, xx...
JAMES S. SFAYER, xx...
JOHN P. SHARPLES, xx...
GARLAND L. SHARPLESS, JR, xx...
STEVEN V. SHOOK, xx...
PHILIP F. SHUTLER, III, xx...
LUCIANO S. SILVA, xx...
GEORGE T. SIMPSON, I, xx...
SPENCER H. SMITH, xx...
WILLIAM L. SMITH, xx...
FRANCIS M. SNOW, xx...
GEORGE C. SOLLEY, xx...
DENNIS C. SORRELL, xx...
RICHARD L. SOUDER, xx...
HARRY C. SPIES, xx...
DANIEL C. SPURLOCK, xx...
WILLIAM H. STARK, xx...
GERALD W. STERNALL, xx...
FRANK M. STEWART, xx...
JEB E. STEWART, xx...
RICHARD E. STPIERRE, xx...
HERBERT STRAUSS, xx...
WADE C. STRAW, xx...
JOSEPH L. STYONS, xx...
ROBERT J. SULLIVAN, xx...
JOHN F. SWEET, xx...
DANIEL W. SWINDELL, xx...
JOHN R. SYKES, xx...
ELEK J. SZKALAK, xx...
STEPHEN C. TAGG, xx...
TIMOTHY J. TANNER, xx...
LARRY D. TARBET, xx...
NORMAN B. TAYLOR, xx...
DUANE D. THIESSEN, xx...
JAMES E. THIGPEN, xx...
ROBERT TIBERG, xx...
RALPH F. TICE, xx...
EARL W. TIMPE, JR, xx...
LEONARD E. TODD, JR, xx...
STEVEN J. TOMISEK, xx...
ALEXANDER M. TORRANCE, xx...
PHILIP D. TRACY, xx...
GEORGE J. TRAUTMAN, III, xx...
MITCHEL T. TRIPLETT, xx...
PAUL A. TULLY, xx...
WILLIAM D. TYRA, III, xx...
JACK VANDEBRUINHORST, xx...
ALLEN C. VELO, xx...
TERRY L. VERMILLION, xx...
JAMES P. VOSS, xx...
JOHN P. WAGEMANN, xx...
LAWRENCE E. WAGGONER, xx...
GARRY W. WALKER, xx...
MARTIN W. WALKER, II, xx...
WALLACE F. WARRINER, xx...
STEPHEN P. WATSON, xx...
ROBERT J. WEIMANN, II, xx...
ROBERT M. WELTER, xx...
JOHN R. WESTBROOK, xx...
RICHARD M. WHALEY, xx...
MICHAEL G. WHITTEN, xx...
RICHARD P. WILKS, xx...
EDWARD G. WILLIAMS, xx...
WILLIE J. WILLIAMS, xx...
ROBERT E. WILSON, JR., xx...
JOHN A. WOODWARD, xx...
ROBERT O. WORK, xx...
RICHARD H. ZALES, xx...
RICHARD ZEE, xx...
ANTHONY J. ZELL, xx...
RICHARD C. ZILMER, xx...

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR TO AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be commander

ROBERT JOHN ABEL
JAN MARIE ADAMS
WILLIAM ROBERT ADAMS
MICHAEL PATROCINIO AGOR
JACKIE DAVID AISHMAN
JAMES HARVEY ALEXANDER, JR
DAVID MILTON ALLAN, III
WILLIAM HOWARD ALLEN
THOMAS ROBERT ANDERSON
MARK H. ANTHONY
DAVID H. ARMS
RICHARD JOSEPH AYALA
CLINTON BERNARD BAKER
ROY JOSEPH BALACONIS
CARLTON M. BALDWIN, IV
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DANNY BEN WILLIAMS
LEROY GEORGE WILLIAMS
MELVIN WILLIAMS
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EDMOND GEORGE WILSON
ANTHONY L. WINNS
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HUBERT P. WOODS, JR
EDMUND TYLER WOOLDRIDGE
WILLIE LAWRENCE WORTHAM
WILLIAM EDWARD WRIGHT
FRANK PAUL YASMENT
GUILLERMO AUGUSTO YORK
ERIC DONALD YOUNGBORG
JOSEPH ZACHARZUK, JR
WILLIAM C. ZOBEL

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To be commander

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RICHARD LEWIS BERKMAN
KENNETH WILLIAM BLEVINS
JAMES JAY BOLON
RICHARD L. BOOTH
MICHAEL LANE BOSWORTH
ROBERT LAVERNE BRUCE, JR
WILLIAM ARTHUR BRY
GREGORY RUSSELL BRYANT
CHARLES ARTHUR BUSH
JOSE CALAHORRANO
WILLIAM E. CASEY
JOSEPH VINCENT CLOSS
MARK CONTI
JOSEPH RUSSELL COSTA
THOMAS MICHAEL COUMES
STEVEN FLOYD DAUGHETY
FREDERICK DAVENPORT, JR
DWIGHT DAVID DEW
JAMES PETER DULLEA
DANIEL CARTER ELLIOTT
STEPHEN KENNETT ELLISON
DAVID ROSWELL FLEISCHMAN
DANIEL ALFRED FORKEL
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DANIEL GALIK
JOHN WELCH GEARY
THOMAS E. GORSUCH
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JOHN SUTHERLAND HEFFRON
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CHARLES DEAN HETTEMA
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STEVEN NEAL JUREY
DOYLE RAY KITCHIN
DONALD RAY LOWERY
KATHLEEN MARIE LYMAN
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LEE LEWIS OLIPHANT
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STEVEN MICHAEL THOMAS
ROBERT MICHAEL THOMPSON
GREGORY BRAN TODD
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CHARLES J. WARNER
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WARREN WRIGHT
WILLIAMS
THOMAS DAVID WILLSON
ROBERT J. WINKLER
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AERONAUTICAL ENGINEERING DUTY OFFICERS (AERONAUTICAL ENGINEERING)

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SCOTT FRIEDRICH GRAVES
BRIAN ROLAND GRITTE
GENE GYGAX
CRAIG BLAINE LUIGART
LEOPOLDO MANCILLA MAYORAL
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KENNETH JOHN NELSON
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ROBERT G. STRUTH, JR
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OWEN ROBERT FLETCHER, JR
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AVIATION DUTY OFFICERS

To be commander

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ROBERT HENRY LITWINSKI
LANNY KAY MILLER

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To be commander

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EDWIN JOHN KANERVA
ALEXIS SANDRIA LOO
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JOHN WILLIAM LLOYD
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CHARLES KENNETH HOPKINS
BAUKE H. HOUTMAN
MICHAEL LEROY KARL
TERRY RUSSELL MCPHERSON
DENIS HOWARD MEANOR
CHARLES EDGAR SELLERS
STEVEN J. SUMMERS

LIMITED DUTY OFFICERS (LINE)

To be commander

THOMAS ORLIN BLACKMORE
JOHN E. BONNETTE
RICHARD AUSTIN BOYCE
ROBERT J. BOYLE
THOMAS MICHAEL BURCHPESSES
RALPH FRANCIS CALLAWAY
KEITH VAN CHAMBERS
PAUL KENNETH CLAUSEN, JR
WILLIAM LEE COCHRAN
JAMES ROBERT COOK

WILLIAM JAMES CORNWELL
WILLIAM S. COUCH
FRANKLIN J. DOOLING
PERRY DAVIS DRIVER
EUGENE MORGAN DUCOM
JAMES A. ELLIOTT
WILLIAM M. FITZSIMMONS
DONALD HENRY FLOWERS
WILLIAM CHARLES GERHART
JERRY DAVID HEACOCK
DAVID LAMAR HUNT
DOUGLAS M. ILES
JOHN R. KIEFFER
DOMINICK LICCIARDI, JR
RONALD ALEXANDER LLEWELLYN
ROBERT CLAUDE LONG
FREDERICK JAMES MAJOR, JR
DONALD EUGENE MCCLIMON
DAVID PATRICK MEYERING
CURTIS OWEN MURPHY
JERRY F. REA
GEORGE L. SCOTT
MICHAEL RANDOLPH SCOTT
WILLIAM D. SHUTTERS, II
MARION RONALD SISEMORE
WILLIAM WAYNE SPEER
JERRY W. SPILLERS
CHARLES W. STJOHN
MELVIN CLYDE SWARTZ, JR
BERTRUM W. WENDELL, JR
WILLIAM R. WHITE
DANIEL E. WHITING
WARDELL CONKLIN WRIGHT, SR
BRAD LEE WROOLIE
WILLIAM ROMAIN YOSHIDA
ADRIAN C. YOUNGBLOOD

EXTENSIONS OF REMARKS

FINANCIAL CONDITION OF LIFE INSURANCE COMPANIES

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. DONNELLY. Mr. Speaker, the Subcommittee on Select Revenue Measures of the Committee on Ways and Means is currently in the process of considering modifications to the tax treatment of life insurance companies. At issue is a true measure of a life insurance company's income for purposes of imposing the Federal income tax.

As a member of that Subcommittee, I have been closely involved in this process, and I have been paying close attention to potentially disturbing trends in the industry. Clearly, our Subcommittee has two obligations during our deliberations: the first is to enact sound, legitimate income tax policy. The second is to insure that life insurance company policyholders are protected.

To that end, I would like to have printed in the RECORD an article from the July 10, 1989 issue of Forbes magazine entitled "You Bet Your LIfe." The article points out that all may not be well in the life insurance industry, and highlights some disturbing trends that all of us should be aware of during this debate. We should be cautioned by the debacle in the savings and loan industry and further cautioned by the fact that the Federal Government has no protection available to life insurance company policyholders who lose their investment if the company through which they own their policy goes bankrupt.

Perhaps the time has come for greater Federal regulation of the insurance industry generally. Certainly, the Federal tax laws are an appropriate place to start. Nonetheless, I think that the Forbes article bears close attention, and I urge my colleagues to study it carefully.

[From Forbes Magazine, July 10, 1989]

YOU BET YOUR LIFE

(By Gretchen Morgenson)

Of the 155 million Americans who own some form of life insurance, few are fully aware of the industry's eroding financial base and its rising rate of failures. This ignorance is not bliss. Unlike customers at banks and savings and loan institutions, people who trust their money to life insurance companies are not protected by a federal bailout mechanism.

No, we're not predicting massive failures among life companies, as happened with savings and loans and, to a lesser extent, commercial banks. But only an ostrich would ignore signs of a seriously deteriorating situation.

"The freewheeling approach of some in the insurance industry may put these companies on a crash course similar to the route taken by many of our nation's S&L's," says Thomas Wheeler, chief executive of Massachusetts Mutual Life Insurance Co., the nation's 11th-largest life insurer. Mass Mutual is widely regarded as one of the sounder companies, and Wheeler is referring to life companies that have been taking excessive risks in their investment portfolios.

Life insurance isn't supposed to be a risky business. But since 1987 some two dozen life insurance companies have defaulted. This marks a sharp departure from the previous two decades, when the failure rate was running at about one life insurer per year.

So far, the failed companies have been relatively small. The annual bailout costs have jumped from less than $9 milion in 1982 to about $70 million on average in the past two years. Most of the losses to policyholders have been made good by healthy insurance outfits under various state guaranty fund systems. But if the failures mount, this pro bono publico policy will give way to simple self-preservation.

If the problems were limited to a few highfliers, they could be fairly easily contained. Unfortunately, they are not. The same high-risk strategies and investments that forced some small insurers into insolvency are now nagging some of the bigname life companies like Equitable Life Assurance Society, Travelers Insurance and I.C.H. Corp. Across the industry, balance sheets have weakened dramatically. Five years ago all the life insurance companies followed by the rating agencies were rated Aaa; today only 40% have that top rating, according to Moody's Investors Service.

What are the trouble signs? Perhaps the most alarming is shrinking capital and surplus accounts, which are meant to cushion against unforeseen risk. One key measure compares capital with portfolio risk. Using 100 as an adequate level of capital needed to compensate for portfolio risk, an index compiled by Moody's shows a steady decline, from 110 four years ago to 96 today *see chart, opposite).*

Another dicey development is the fact that more and more mutual life insurers are being forced to reduce dividends paid to their policy holders—a clear indication of a profit squeeze. Last year Mutual of New York, with $24 billion in assets, reduced its dividend by 3.5%. Manufacturers Life Insurance Co., with $19.9 billion in assets has cuts its rates 4.3% over the past two years.

It is hardly reassuring to note that many insurance companies are starting to employ questionable accounting techniques to improve the look of their net capital positions. Late last year, for example, two large life insurers entered into unusual transactions with Citibank. General American Life Insurance Co. of St. Louis ($5.1 billion, assets) and Washington National Insurance of Evanston, Ill. ($1.9 billion, assets) sold Citibank future premiums worth $75 million and $30 million, respectively. These sales had the effect of boosting both companies' net capital positions because the insurers immediately booked as assets the $75 million and $30 million they received from Citibank. But what the bookkeeping entries didn't show was that both insurers had mortgaged some of their future cash flow.

Indeed, a few months ago the New York State superintendent of insurance ruled that the sale of future premiums is really a loan, and so an amount equal to the premium sale should appear as a liability on the insurer's balance sheet. The superintendent found the Citibank deals "inconsistent with statutory accounting principles." But the sales have not been officially disallowed, nor have the insurers restated their financials.

These transactions are nothing more than an effort to mask capital depletions. Without them, Washington National would have shown a $13 million statutory loss in capital for 1988, and General American would have had a $4 million decrease.

The stakes are mounting. The amount of money that changed hands in these transactions was relatively small. But word has it that similar premium sales are being considered by two industry giants. Equitable Life Assurance Society and the Massachusetts Indemnity & Life Insurance Co., a subsidiary of A.L. Williams. Warns Joseph Belth, editor of *Insurance Forum* newsletter, "When these guys begin to play games like this, you may be getting closer to a disaster."

What's behind the balance sheet deterioration? A classic profit squeeze. Life insurance marketing and sales expenses have continued to rise over the past few years, but the nation's increasingly sophisticated consumers are demanding products such as universal life policies and annuities, leaving insurers with slim profits, at best. Gone are the days when simple whole life policies made up the bulk of an insurer's business. Life insurers, pitted against mutual funds and brokerage firms for America's investment dollar, have in some cases resorted to wildly aggressive tactics.

A case in point is Equitable, the giant insurer that got into big trouble with guaranteed investment contracts. Back in the late 1970s and early 1980s premium inflow from consumers was slowing down, so Equitable took in money to manage from pension funds at huge companies like General Dynamics and General Electric. To attract the business, Equitable—and others—promised higher long-term rates of returns than their investment managers could realistically hope to generate.

Other examples are I.C.H., a publicly held Louisville, KY company that's big in universal life policies, and Integon, a sizable annuity seller that troubled Southmark agreed to sell in May. Both have seen the quality of their capital bases decline significantly. Knickerbocker Life Insurance, a 70-year-old company out of El Paso, failed in May. The company, which came up $22 million short in receivership, was a big seller of annuities with overly optimistic payout rates.

Low-profit and no-profit products—combined with cutthroat competition—have hit life insurers hard. Nationwide, the industry's returns on surplus capital—roughly equivalent to returns on equity for noninsurance companies—have steadily declined from 15% in 1984 to 9.5% today.

Balance sheets have deteriorated, too. During the 1980s, life insurers invested billions of dollars in junk bonds. Many companies were virtually forced to go for the highest yields because of the guaranteed invest-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ment contracts they have been selling. As a percentage of total assets, junk bonds held by most life insurers have more than doubled since 1982. But unlike mutual fund investors insurance policyholders can't find out if the junk bonds held by their insurance company had increased or decreased in value. Why not? Insurers don't have to mark the value of their bonds to current market prices; instead, they effectively keep them on the books at cost. Result: Even though the principal value in Drexel Burnham Lambert's junk bond composite has declined 5.46% since 1987, insurance companies' junk holdings look as strong as ever—on paper, that is.

Bad real estate investments are taking a toll, too. But again, life insurers are not forced to mark their real estate assets to market. Still, since 1982, delinquency rates on commercial real estate mortgages held by the nation's top 21 insurers have more than doubled. Foreclosures have quintupled.

For the average policyholder it is difficult to spot these troubling trends. Many industry players—the mutual life insurers—are owned by policyholders, not stockholders. In effect, they are owned by no one, and management can do as it pleases.

What about the public companies? On Wall Street, stocks of the big life concerns are hitting new highs. Even First Executive Corp., the Los Angeles company run by Fred Carr with 54% of its portfolio in high-risk junk bonds, is trading at nine times earnings, near the high for the year. Monarch capital is heavily dependent on single-premium life policies, which Congress recently made unattractive from a tax standpoint. Yet, after two years of falling profits, it's trading at 27 times earnings.

Why does Wall Street love the life companies when the road ahead looks so rough? First, large stock companies like Aetna and American Family Life are probably in better financial shape than many of their mutual counterparts. Second, analysts care about immediate earnings growth more than a gradual decline in financial soundness. Earnings, right now, are stable.

Even on upbeat Wall Street, though, there is some skepticism. In 10 of the 14 life companies that Value Line follows, the premium over book that investors have been willing to pay has steadily declined the past three years.

Who will be hurt as more insurers fall out of bed? Policyholders, most likely. There is no federal guarantee fund to back up policyholders' investments. Various states do have guarantee pools, funded by insurance companies doing business in those states. But these are not especially deep pockets. Coverage is generally limited to $100,000 in cash value on a life insurance policy, $100,000 in present value of an annuity. The maximum payout per person is $300,000.

Note: There are no life insurance funds in Alaska, California, Colorado, the District of Columbia, Louisiana, New Jersey, Ohio and Wyoming.

If you live in any of these states or if you own a policy from a company domiciled in these states and your insurer goes under, you'll be just one of the company's creditors waiting to see what you get in a liquidation.

This is a $1.1 trillion (assets) business. Even if only a minor part becomes insolvent, the losses will be huge: An insolvency rate of only 15% among savings and loans created a $305.9 billion disaster.

Because of the federal deposit guarantee, it didn't matter which S&L you put money into, solvent or insolvent. Does it make a difference who insures your life? Darned right, because, if things go bad, you've no assurance Uncle Sam will bail you out.

NORMA ARNERICH—ALAMEDA, CA'S WOMAN OF THE YEAR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Norma Arnerich, the winner of Alameda's 1990 Woman of the Year Award in California's Ninth Congressional District.

Ms. Arnerich personifies all the qualities appropriate for a woman of the year. She is committed to excellence and is always willing to help others. She has been married to vice mayor of Alameda, Anthony "Lil" Arnerich for 40 years. She is the mother of four children and the grandmother of 11. She was the first woman appointed to the Alameda Golf Commission and the first woman elected chairperson of the Golf Commission.

At age 63, Ms. Arnerich is responsible for the founding and success of the Alameda Golf Course's Tree Beautification Program. The Tree Beautification Program is more than just a display on the Alameda Golf Course—it is a living memorial. The program has become an Alameda landmark as it serves to remind people not only of cherished times in their lives but also of cherished people and places. Each tree memorializes a special person or event in the life of Alameda's residents. For example, there is a tree that memorializes the 25th anniversary of a Catholic school, the coach of a Babe Ruth championship team, a soccer coach, favorite teachers, birthdays, anniversaries, and golf feats.

In addition to the Golf Program, Ms. Arnerich is also involved with the St. Philip Meri Parents Guild, the Alameda High School Athletic Supporters and the Encinal Boosters Club.

Ms. Arnerich's leadership and vision have made Alameda a better place for everyone. Mr. Speaker, I am proud to recognize Norma Arnerich as Alameda's Woman of the Year for 1990.

AMERICA'S UNSUNG HEROES

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. SIKORSKI. Mr. Speaker, I rise today to pay tribute to America's unsung heroes, our Nation's hard working and dedicated 20 million public servants, on the occasion of Public Service Recognition Week.

Public Service Recognition Week is a small way of acknowledging the contributions of our Nation's 20 million public servants—many of them friends, neighbors, and relatives. They work long hours and receive little thanks.

Public servants educate America, defend America, cure America, counsel America, and enlighten America. They have caused much of America's joy and they have borne much of its pain. And it's all part of their job.

Not too long ago, the clarion call to serve America was as good and clear and precious as the American flag. It stirred images of excellence, of challenge, of pride, or enthusiasm. It was a time when public service careers were viewed as challenging and prestigious and attracted the best and brightest to serve our Nation. Today, the many who rushed to answer President Kennedy's call of what they could "do for their country" have reached middle age and beyond. Few have taken their place.

Instead of that bold clarion call to public service today, we see a downward decline in the image of the work force that works for America. As we approach the 21st century, many in public service are demoralized and degraded. Government managers tell us that recruitment is becoming harder and harder. The trumpeted call to public service is fading.

It's not too hard to understand why. Millions of public workers face outdated pay scales, reduced benefits, and, in some cases, unhealthy work environments. In the last decade, we've seen Presidents Carter and Reagan successfully run anti-Washington, anti-Government campaigns for the highest office in the land. Johnny Carson and Pat Sajak get quick laughs at the public employee's expense. The words "bureaucrat" and "bureaucracy" are spit from mouths dripping with sarcasm, conjuring images of slow motion, low motive employees.

For some public employees, such as air traffic controllers, police officers, and drug enforcement and FBI agents, the hours can be both grueling and dangerous. For others, like secretaries at the Environmental Protection Agency—whose unpaid overtime gets the complaint filed that saves a community of 10,000 from hazardous waste in its drinking water, or the data processor who inputs grandma's Social Security information, or the teacher in an overcrowded school room with limited access to books and materials, the job is simply grueling. For far too many public employees the job is thankless, and the resources to do it repeatedly cut.

Yet today's careers in the public service are still challenging—the exploration of our solar system, education of our youth, discovery of AIDS cure, and preservation of our Nation's environment.

Recently, the U.S. House of Representatives Subcommittee on the Civil Service, which I chair, held a hearing examining the public image of civil servants. We heard extraordinary but rarely heard stories of dedication worthy of made-for-television movies. Most Americans do not know that:

It was a public servant who stood her ground against the use of the drug thalidomide, and saved thousands of our kids from horrible deformities.

It was a public servant who developed resistant strains of rice that feed hungry children in emerging nations.

It was a public servant who discovered sonar and radar which today protects both American travelers and America's national defense.

It was a dedicated public servant who took the first step on the Moon.

These are just a few examples, but without the dedication, hard work and talents of our millions of public servants—usually at low pay and no thanks—America would be much poorer.

As we rapidly approach the 21st century, the demands placed on public servants will become greater and greater. With every law passed, every new computer installed, every Iron Curtain falling, and every foreign purchase of American land and resources, the demand for an American public work force that is increasingly flexible, talented, and knowledgeable itself increases.

In over 300 cities across the Nation this week, celebrations are being held recognizing the contributions of our Nation's 20 million public servants. When you meet one say "Hi" and "thank you."

THIS IS NEXT YEAR

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. OWENS of Utah. Mr. Speaker, my friend and colleague MO UDALL recently wrote an article for Roll Call in commemoration of the 20 anniversary of Earth Day. MO calls on all of us to make a personal commitment to environmentally sound lives. I commend his insights to the attention of my colleagues.

THIS IS NEXT YEAR

(By Representative Mo Udall)

A story is told of the Brooklyn Dodgers baseball team in a bad slump. Each year, the Dodges would stumble to the World Series only to lose to the Yankees.

The fellow who kept the scoreboard in the outfield, a dedicated and loyal Dodgers fan, would put up a large banner that read, "Wait till next year!" Then after several bad years, the Dodgers pulled it off and beat the Yankees. The scorekeeper proudly displayed a new banner which read, "This is next year."

The planet Earth is in a bad slump.

We continue to witness the depletion of the ozone layer and the erosion of rain forests, wetlands, and other wildlife habitats. Air and water pollution are beyond commonplace, and the storage of radioactive and other hazardous wastes create problems which require immediate solutions.

The scoreboard is disheartening for the environmentalist. It's a near shutout. But there's hope in Mudville, and I'm here to report that for the environmental movement, "This is next year."

Most people are aware that April 22 is the 20th anniversary of Earth Day.

We are all aware that Congress will act on environmental legislation this year. The fight for clean air will be the premier battle of the 101st Congress. The armies are already assembling on K Street. Measures have been introduced to promote newspaper recycling, preserve topsoil, and protect the ozone layer.

These proposals are crucial to our environment. They form the basis of our national environment. They form the basis of our national environmental policy. They are, however, mere rhetoric if they don't have the strong backing of the public.

I do not want to paint a picture of complete apathy in America. In my Congressional district as in every district in this country, citizens have championed local environmental causes:

In California volunteers have rallied to save the endangered condor from extinction; activists from the Love Canal forced the federal government to develop programs for the disposal of hazardous wastes; and volunteers throughout the country continue to press for more stringent standards to guaranatee the cleanliness of our air and water.

It is also clear that the public is turning its attention to the environment. An ongoing survey by the Times-Mirror Center for the People and the Press noted that 52 percent of those surveyed paid very close attention to the Alaska oil spill news coverage. News of the greenhouse effect was followed very closely by 42 percent of the public. These numbers rival the amount of attention paid to Donald Trump's marital status.

They also signal an opening for leadership in the fight for the environment, an opportunity to capture the energy of a public increasingly aware of environmental concerns ranging from the disposal of toxic waste to finding new approaches to recycling in our communities.

While we in Washington are debating and discussing the legislation, the communities we represent have already begun the fight for a cleaner world. We have been so busy talking, we haven't noticed their efforts. We have a duty not only to recognize these efforts, but also to encourage them.

We need to understand that environmentalism cannot be legislated. Environmental responsibility must be encouraged by example and rewarded by results. Increased conservation will be the result of raising the consciousness of a willing public.

We are not a nation of benchwarmers. We have always felt the need to play an active role in the shaping of our society. I would encourage Congress to issue a nationwide call to our constituents to join with others in preserving, protecting, and restoring our country's resources.

I am not asking that each American become a tree-hugger or embark on a nationwide walkathon for the salvation of the rain forests. There is a more subtle alternative that would result in an equal, if not greater, contribution.

If Americans brush their teeth with the faucet off instead of on, they'll save up to nine gallons of water each time.

Washing the family car with a sponge and bucket instead of a hose would save over 100 gallons of water.

According to the American Paper Institute, the average American consumes about 120 pounds of newsprint annually. If every individual in the US recycled only their sunday papers, 25 million trees would be saved each year.

I learned about these steps in five minutes while reading a new book titled, Fifty Simple Things You Can Do to Save the Earth. Published by the Earth Works Group, it is an environmental how-to book which reminds the public that small contributions do not go unnoticed by the environment. Congress needs to take a similar stance.

The anniversary of Earth Day is a unique occasion. It allows us the opportunity to remember our victories in the environmental movement and to focus on our future challenges.

More importantly, it brings the opportunity to enlighten, to educate, and to encourage the American public.

More than a celebration of the past, it is a day for the future.

A CONGRESSIONAL SALUTE TO JOHN AND NANCY HOLLAND ON THE CENTENNIAL ANNIVERSARY OF THE SAN PEDRO HARBOR AREA SALVATION ARMY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to, and acknowledge my deep respect for, two giving and selfless San Pedro area residents. On Friday, May 11, 1990, the San Pedro Harbor Area Salvation Army will present John and Nancy Holland with the "Others Award" for their years of commitment. This occasion gives me the distinct pleasure to pay tribute to these outstanding individuals.

John and Nancy first met on a double-date with their church young adult group. Later, in August of 1952, they were married. Their years of commitment not only extend to each other, but also extend to the Salvation Army and other segments of the community.

Like his wife, John Holland has a special place in his heart for the Salvation Army. This is evident from his membership in the Salvation Army Advisory Guard for 25 years. He has served on the executive committee and has been the board chairman. During his time on the board, he has been active in fund raising activities, and giving legal advice. His other activities extend beyond the bounds of the Salvation Army. He has also spent 35 years with the San Pedro Toastmasters, past president of the San Pedro Y.M.C.A. and twice chairman of the San Pedro Hospital board of directors. He has also been past president of the Building Corporation, past master of Point Fermin Masonic Lodge, past president of the Harbor Bar Association, vice president of the Wilmington Boys and Girls Club, and past president of the Wilmington Rotary Club. While this list of community service activities may seem long, it is by no means complete.

The involvement of Nancy Holland, and her love for the Salvation Army, is no less gratuitous than her husband's. She is an original member of the Salvation Army's Women's Auxiliary. She has been an active member of the Auxiliary and is a past president. Like her husband, she has been actively involved in the raising of funds for the Army in San Pedro. Also, she has been very active in feeding the homeless in downtown Los Angeles, volunteering to go out on cold nights to feed the street people. Her other activities include chairperson of the administrative board of the First United Methodist Church, the PTA, and the Junior Assistance League, among others.

Throughout John and Nancy's lives, they have dedicated themselves to others. It is no

surprise that the San Pedro Harbor Area Corps of the Salvation Army would bestow its "Others Award" on them. Mr. Speaker, there is not a day that goes by that we do not come face to face with someone needing help. While many of us may turn and look away, it is nice to know that individuals like John and Nancy Holland would stop and lend a hand. On this deserving occasion, my wife Lee, joins me in extending our heartfelt thanks and congratulations. They have truly made San Pedro, and this nation, a better place to live. We wish John and Nancy, their two sons, David and Donald, all the best in the years to come.

TEMPLE BETH SHOLOM SISTERHOOD

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. SCHEUER. Mr. Speaker, for the past 10 years, the Flushing Council of Women's Organizations, Inc. has presented biennially its Wheel of Service trophy, the Helmsman's Wheel, to one of its member groups "which has attained the most impressive results or which is attempting the most significant challenge in fulfilling the diverse needs of our community."

I rise today to extend my appreciation as well to this year's "Helmsman's Wheel" recipient—the Sisterhood of Temple Beth Sholom.

The sisterhood is being recognized rightfully for having seen to it that 100 books—culled from a list of best sellers, academic works, and children's books supplied by the Jewish Braille Institute of America—have been recorded for visually-impaired individuals. The Sisterhood of Temple Beth Sholom, as well as other volunteers from the community who served as narrators for this "talking books" project, are to be commended for their noble, selfless efforts.

Fostering an exchange of ideas, developing a spirit of civic consciousness and community responsibility, and taking action whenever deemed advisable has been the mission of the Flushing Council of Women's Organizations, Inc. since its inception in 1928. The countless kind and charitable acts of the Sisterhood of Temple Beth Sholom are a visible embodiment of this credo. The Sisterhood has demonstrated its concern for the greater community, facilitating an exhange of ideas by making valuable reading materials available to sightless and visually impaired people.

DIRECTOR OF WHITE HOUSE POLICY: JOHN H. SAY NO NO

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. STARK. Mr. Speaker, Ronald Reagan's famous line in the 1980 Presidential campaign was "well, there you go again." Well, Mr. Speaker, today in an ironic twist, it is my turn to say: here we go again.

When George Bush was running for President, he promised to be the environmental President. Convenient for the President and unfortunate for us, he never specified what he meant by an environmental President. We were unaware that he would slash funds for the cleanup of Boston Harbor. We were unaware that the President would promote clean air proposals that would benefit General Motors and ignore the wants of the general public. We were unaware that the President would specify a bigger share of the budget for "Stealth bombers" than the Environmental Protection Agency.

Well, Mr. Speaker, here we go again. This week, the President has rejected the advice of his environmental advisers and instead listened to White House Chief of Staff, John H. Sununu. Mr. Sununu, who is no friend of the environment and has battled the EPA for years, has advised the President to instruct the U.S. delegates at an international conference on chlorofluorocarbons [CFC] to reject a world wide ban. CFC's are dangerous products that when released into the atmosphere cause the depletion of the Earth's ozone layer. Without the Earth's ozone layer, we are vulnerable to the Sun's harmful ultraviolet rays and can expect a increase in the amount of skin cancer and eye problems.

Mr. Speaker, I urge the President to instruct the delegates to commit the United States for a ban on CFC's. Maybe the White House Chief of Staff wants to spend the rest of his life wearing sun glasses and sun screen, but I doubt that the rest of us want to. It is about time that the President start doing what is good for the environment and not yield policy according to, as Senator FRANK LAUTENBERG says, John H. "Say No No."

GLASNOST

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. SIKORSKI. Mr. Speaker, What a year. Democracy breaking out all over Eastern Europe. The Iron Curtain ripped away as easily as flimsy old butcher curtains. Glasnost and peristroika becoming the key words of a new generation. But these aren't the only words that are coming out from behind the Iron Curtain.

We are also hearing the echoes of the early 1990's and the centuries that preceded it. We are hearing "dirty stinking Jews" and "kill the Yids."

The vaunted word "glasnost" has not eradicated anti-Semitism and political persecution of Jews in the Soviet Union. In fact, anti-Semitism is flourishing in the new glasnotized Soviet Union.

Leaflets have been handed out blaming Jews for the Soviet Union's economic and political problems. They proclaim "death to the Jews" and have called for a program on May 5. Thankfully that call was not heeded by the Soviet peoples, but that was little comfort for the Jews who found this pamphlet in their mailboxes.

Moscow's police have found it necessary to warn Jews to replace wood doors with nonflammable steel. As economic indicators decline, the potential for a backlash against the traditional scapegoats becomes more of a reality.

There are those who say it is the older generation who are scared by the unrest and want to maintain the relative of the status quo. Tell that to the school boy who begs to stay home from school rather than suffer the harrassment from the other boys when they see his circumcision in the school bathroom.

It used to be that Soviet anti-Semitism was a government of quasi-government activity. It was normal for a Jew, with government sanction, to be denied a job, an education, an apartment simply because he was Jewish or because he applied for immigration to Israel. But now that government sponsored anti-Semitism has been toned down and greater expression allowed, anti-Semitic groups have spawned all over the country. The Soviet government has failed to distance itself from it, condemn it, and act against it.

Pamyat, the largest of these anti-Semitic organizations, has had free reign to run with anti-Semitic propaganda. Pamyat had a mass demonstration in Red Square, President Gorbachev has named two outspoken Soviet anti-Semites to the 15 member Presidential Council, and the only form of denunciation came when Gorbachev was pressed by Western activists. He said: "I think we must do everything to prevent the spread of anti-Semitism and all the other isms." I only wish he would be as effective in eradicating anti-Semitism as he is at dismantling socialism.

Summit after summit, we argued, negotiated, and conditioned our agreements with the Soviet Union on the basis of Soviet Jews' and others' right to emigrate. Now is not the time to give our vigilance. We must continue to stress the importance of free emigration and allowing direct flights to Israel. We should not have the United States Information Agency using our tax dollars to bring noted Soviet anti-Semites to speak in the United States. But most importantly, we must clearly and forcefully indicate to the Soviet Union and to Gorbachev, that they better control and condemn this anti-Semitic outbreak. We should stand for nothing less.

Martin Luther King once said "Injustice anywhere is a threat to justice everywhere." It is a call to action. It means, "Whatsoever you do to the least of my brothers and sisters, that do unto me." Whatever we allow to happen to Jews in the Soviet Union is allowed against us, and against principles on which America was founded.

SOLID WASTE DISPOSAL IN OUR NATIONAL PARKS

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. OWENS of Utah. Mr. Speaker, I applaud a true cooperative effort by the National Park Service, Dow Chemical and Huntsman Chemical, to reduce the serious threat and ugly plague of solid waste disposal in our national parks. Last week, this cooperative partnership

launched in a recycling program holding promise for the aesthetic and environmental protection of our national parks. It truly was befitting the spirit of the celebration of Earth Day.

This partnership will establish recycling programs in four of our Nation's national parks. Recycling receptacles for plastic, glass and aluminum will be placed near campgrounds and picnic areas. Dow and Huntsman will arrange for the recycling of this material. Recycled products such as picnic tables will then be made available to the parks.

By educating the public while they are enjoying the natural splendor of our national parks, it is hoped that a recycling ethic will be taken home, along with the park memories.

I especially applaud one of Utah's premiere business leaders, Mr. John Huntsman, for his leadership and recognition of the environmental ethics chemical companies should foster as they help us maintain our standard of living in a world of finite resources. I commend and congratulate John for his recycling endeavors. I now urge Congress to turn the momentum of Earth Day into major recycling legislation this year.

GORBACHEV MUST SPEAK OUT AGAINST ANTI-SEMITISM

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. ANDERSON. Mr. Speaker, with the flowering of democracy in Eastern Europe, and the beginnings of political liberalization in the Soviet Union, has come a deeply disturbing side effect. The specter of unbridled nationalism has raised its ugly head throughout the region, soiling the hands of otherwise noble ventures. The pressures of fervent nationalism are quickly cracking the facade of imposed stability in countries like the Soviet Union, Yugoslavia and Czechoslovakia. I find it ironic that the great democratization of Eastern Europe that has been the hope of the West for forty years is giving way to the divisive strains of militant nationalism. Worse still though is the development, or reappearance, of a trend that cannot be tolerated by the nations of this world. That trend is anti-Semitism. What we thought was buried and gone with the deaths of Nazi Germany Hitler, and Stalin was only muzzled, hidden from Western view by an efficient security apparatus.

From the Soviet Union come reports of Russian nationalist organizations issuing calls for pogroms against the Jews. Individual Jews speak of their great fear, the constant torment, and persecution by their neighbors and in the form of anonymous hate mail. An editorial by Irina Ginzburg in the May 5, 1990 edition of the New York Times, entitled "We Russian Jews Fear for Our Lives," states, "On TV, radio and in the newspapers, there is endless repetition of the words 'pogrom,' 'bloodletting,' 'civil war.' The Russians demand the death of the Jews, demand that they be forbidden to occupy any leadership posts, to defend their dissertations; they demand that they leave the Soviet Union immediately." Slogans scrawled on walls, not only in the Soviet Union, but throughout Eastern Europe, proclaim death sentences against the Jews and place the scapegoat's blame for every social failure on the backs of the Jews.

This haunting specter cannot be ignored. Even if only embryonic, this situation must be addressed now. As Yelena Bonner, the wife of Andrei Sakharov, said, "We cannot forget that Hitler and his thugs started in the beer halls of Germany." The Soviet Union and the countries of Eastern Europe have swept the history of the Holocaust under their national rugs. While the gruesome program of Hitler's genocidal nightmare is taught and reexamined in the West, no such soul-searching exists in the East. Communist East Germany always denied its Nazi past.

The world cannot turn its back on the Holocaust. To do so opens the possibility for its reoccurrence. I am heartened by a newly democratic East Germany's admission of responsibility and shame for the Holocaust. Countries like Hungary and Poland must, too, educate their people about the past. I believe, in this day of sweeping dialog with the Soviet Union, that it is not asking too much to request that Mr. Gorbachev speak out against the growing tide of anti-Semitism in the Soviet Union. The Soviet Union must demonstrate to the world its moral integrity by condemning the anti-Semitic upsurge of hate and ignorance we now witness spreading across its land.

W.F. ALBRIGHT INSTITUTE OF ARCHAEOLOGICAL RESEARCH

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. SCHEUER. Mr. Speaker, my distinguished colleague, ROBERT J. MRAZEK, and I have lent our names to support the efforts of the W.F. Albright Institute of Archaeological Research in Jerusalem. A lecture-dinner to benefit this valuable institution will take place on Sunday, May 20, at the Great Neck home of one of the institute's trustees, Lee Seeman, who is a constitutent of mine.

In recognition of this occasion, I would like to bring the work of the W.F. Albright Institute to the attention of my colleagues.

Founded 90 years ago as the American School of Oriental Research, it was renamed in 1970 after its most distinguished director, William Foxwell Albright. Under its auspices, a number of North American scholars have participated in Israeli academic life by engaging in research in ancient Near Eastern studies. Major endeavors with which the institute has been associated include the retrieval of the Dead Sea Scrolls in addition to excavations at such important, historical and archaeological sites as Samaria, Jericho, Gezer, Caesaria, Ashkelon and Ekron. The institute derives institutional support from a consortium of 170 leading American universities and institutions.

The W.F. Albright Institute carries out significant projects through a professional academic program involving Christians, Moslems, and Jews—working together to uncover their historic roots in the Holy Land.

THE SHIFTING TAX BURDEN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. STOKES. Mr. Speaker, the recent budget negotiations between Congress and the administration have summoned up the specter of a dreaded income tax increase. I am sure that none of us is anxious to see this happen. However, if the U.S. Government is forced by the budget deficit to seek additional revenue in this manner, I urge my colleagues to keep fairness in mind and not impose a disproportionate share of an additional tax increase on those who can least afford it.

We must look closely at what has really happened to the majority of taxpayers over the last 8 years. In spite of Federal income tax decreases that were enacted during this time, most Americans are turning over more of their paychecks to taxes. In its April 14 Special Report, the Democratic Study Group [DSG] explained this issue quite well. I would like to briefly summarize its main points.

The DSG report points out that the changes in the Federal budget and tax policy changes enacted during the 1980's altered who pays taxes, how much and what kind of taxes are paid. The resulting shift in the tax burden hurt everyone except the wealthy. These changes in the Federal Tax Code, enacted by the Tax reform acts and budget reconciliation legislation, provided many families with a significant reduction in their income tax, but, some families benefited more than others. During the 1980's the 20 percent of households with the highest incomes saw their incomes increase by nearly one-third. These households now enjoy a tax rate on personal income that is 1.5 percent below the tax rate they had in 1980. On the average, this would result in a tax break of $1,578 in 1990. The data analyzed by the DSG also suggests that the decline in corporate tax payments have added to the tax cuts enjoyed by upper income taxpayers.

On the other hand, the 20 percent of households with the lowest incomes paid about $85 less in taxes in 1990 than they would have paid under the tax laws of 1980. Unfortunately, in 1990 their income is about 4-percent less, after adjusting for inflation, than the amount they received in 1980. The average American in 1980 received an income of about $30,000 in today's dollars and paid $2,430, or 8.1 percent of its gross income, in Federal personal income taxes. In 1990, a household of this type will earn approximately $31,000 and will pay $2,075, or 6.7 percent of this amount in Federal income taxes. While they are saving $350 in taxes, their gross income has only gone up by $1,000.

Changes in the Federal budget have further compounded the tax burden for middle and lower income households. An increasing share of Federal revenues now comes from payroll taxes, primarily Medicare and Social Security, which are regressive in nature, meaning that they are flat taxes which do not take low-income status into consideration. Income taxes, on the other hand are scaled to income

and are considered progressive. The Government now depends more heavily on revenue generated from payroll taxes.

In 1980, Social Security and Medicare hospital insurance payroll taxes were set at 6.13 percent, and were levied on the first $22,900 of annual earnings. This figure represents just the amount deducted from the employees take-home pay. When employers contribution to Social Security and Medicare is considered, the total tax rate per employee was 12.36 percent in 1980. Today, the combined employer-employee tax rate is 15.3 percent and is applied on all earnings up to $51,300. This increase of nearly 25 percent in the payroll tax and the doubling of the base on which it is applied results in most families paying more overall Federal taxes on their incomes, in spite of decreases in Federal income taxes. In fact, for those households with income in the bottom 40 percent, the tax breaks are completely eliminated. For the middle 20 percent, three-quarters of the tax break was wiped out.

If both the employer and employee contributions to payroll taxes are counted as taxes on employees, the bottom 60 percent of American households are paying more in combined Federal taxes in 1990 than they paid in 1980. The next 30 percent of households are paying about the same amount. But the top 10 percent got an average tax break of about $12,500.

The growing reliance on payroll taxes means that the Federal tax system has become more regressive. As we can see, this type of tax disproportionately affects those with the lowest incomes. The taxes are a flat percentage rate and apply only up to an income level of $51,300. In addition, payroll taxes are levied against only employment income, not income from interest, dividends, and capital gains, which are important to those in the higher income brackets.

On top of this increased Federal burden now imposed on the average taxpayer, State and local taxes are also contributing to the pinch they feel. State and local taxes account for approximately 45 percent of all taxes paid. During the Reagan years, Federal expenditures were diverted from domestic needs and toward defense, and in the late 1980's also toward interest payments. As a consequence, State and local governments picked up a greater share of funding for public services to fill in the gap. In addition, State and local governments have been expanding, and in fact, spending by these entities has grown faster than the economy as a whole.

A decline in Federal contributions to State and local governments has necessitated that they raise taxes. Because States and local governments rely heavily on sales taxes, which are also regressive in nature, those at the lower income levels are disproportionately affected by these taxes as well.

The information contained in this report merely quantifies what my colleagues on this side of the aisle already know. During the 1980's, the rich got richer, while everyone else fell behind. Even without the tax changes, the top 1 percent of the income scale saw a real increase in their earnings of 75 percent between 1980 and 1990. During this same time, incomes for the middle 20 percent increased by only 3 percent. The 20 percent on the bottom saw their incomes actually decline during this time.

I have brought this information to the attention of my colleagues so that they might consider the plight of middle- and lower-income taxpayers during consideration of the budget. They have already suffered through a decade of economic decline. I urge you not to enact legislation that would hurt them further. Thank you.

IDAHO STATE LEGISLATURE HOUSE JOINT MEMORIAL 15: MFJ RELIEF

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. CRAIG. Mr. Speaker, I am here today to submit, for the record, a House joint memorial enacted by the State of Idaho's centennial legislature. House Joint Memorial 15 expresses Idaho's support to remove restrictions that were imposed on Bell operating companies by the modification of final judgment [MFJ].

The text of the memorial follows:

HOUSE JOINT MEMORIAL NO. 15

(A joint memorial to the Honorable President of the United States, George Bush, to the Senate and House of Representatives of the United States in Congress assembled, and to the congressional delegation representing the State of Idaho in the Congress of the United States.)

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Centennial Idaho Legislature, do hereby respectfully represent that:

Whereas, advances in technology have brought our society to the threshold of the information age; and

Whereas, the national welfare will be greatly enhanced by bringing about the universal availability of the information age to the American people through the development and deployment of innovative technologies; and

Whereas, the provision of information services, and the removal of judicially imposed restrictions on the development and availability of such services, will stimulate and encourage use of information age technology by the American people; and

Whereas, it is the responsibility of Congress, rather than the courts, to determine communications public policy including its effect on economic competitiveness, national security, and foreign trade which are essential elements of a sound national telecommunications policy; and

Whereas, the continued economic growth and international competitiveness of American industry are dependent upon permitting all American companies to provide information services, to conduct research and to design, develop, manufacture, and market software, firmware, telecommunications equipment and customer premises equipment for all American residential, business and governmental telecommunications users; and

Whereas, it is imperative that American industry provide new and innovative telecommunications services and an efficient, reliable, state-of-the-art, and internationally competitive public telecommunications network to serve the growing needs of the people of the United States; and

Whereas, existing new and innovative telecommunications technologies are less accessible and less affordable in rural and small communities than in larger, urban centers; and

Whereas, the Federal Communications Commission is the appropriate federal agency, in conjunction with appropriate state regulatory agencies, to ensure fair competition in the telecommunications industry, while protecting the interests of the basic exchange customers; and

Whereas, the court order, referred to as the "Modification of Final Judgment" (MFJ) that broke up the former Bell System, prohibits the divested Bell operating companies from participating in certain telecommunications markets, namely, manufacturing and information services and long distance services; and

Whereas, the MFJ has prevented some two-thirds of America's domestically-owned telecommunications industry from competing with foreign telecommunications firms in the United States; and

Whereas, removal of MFJ restrictions on manufacturing of telecommunications equipment and customer premises equipment and on provision of information services would foster American competitiveness because:

(a) Removal would facilitate competitiveness with foreign telecommunications companies who are free to compete in markets in the United States;

(b) Removal would help bring needed telecommunications technologies that are already in existence, but which the Bell operating companies are prohibited from providing by the MFJ, to hearing impaired persons, rural schools and hospitals and others who might benefit from improved and affordable telecommunications;

(c) Removal would help stimulate the invention of a new and innovative telecommunications technologies and facilities access of said innovations to rural America;

(d) Removal would encourage investment in research, development, design and manufacture of telecommunications and customer premises equipment.

Now, Therefore, be it resolved by the members of the Second Regular Session of the Centennial Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the President of the United States, George Bush, and the Congress of the United States to remove restrictions that prohibit Bell operating companies from engaging in the manufacture of telecommunications equipment and customer premises equipment and the provision of information services, in the public interest of the citizens of the state of Idaho and the citizens of the United States of America, through the passage of appropriate legislation.

Be it further resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, George Bush, and to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

HAVE WE WEIGHED THE RISKS OF U.S. INVOLVEMENT IN THE DRUG WAR IN PERU?

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. KOSTMAYER. Mr. Speaker, I would like to call my colleagues' attention to two recent articles on the drug war in Peru. They both point to serious concerns regarding possible protracted United States military involvement in the drug war in Peru.

The first article is an editorial from the Miami Herald entitled, "U.S. Must Weigh Risks." It points out the difficulty in attempting to fight a drug war in Peru in an area controlled by the Sendero Luminoso. But it calls on the administration and Congress to not take lightly increased U.S. military involvement in a decade-old civil war. The editorial notes that dislodging Sendero will be no easy feat and could take several years. It also reminds us that sometimes U.S. involvement can play into the hands of the guerrillas by bolstering "the guerrillas' claim that they are engaged in an 'anti-imperialist' struggle."

The second article, by Juan E. Mendez, the executive director of Americas Watch, is entitled, "U.S. Joins Peru's Dirty War." Mendez points to another problem with U.S. military assistance to Peru, which is the fact that the Peruvian military is just as brutal as Sendero. "Human rights abuses by Peruvian authorities are almost too numerous to catalogue," says Mendez. He goes to on to say, "U.S. laws governing foreign aid are explicit in prohibiting assistance to forces that engage in a consistent pattern of gross violations of human rights. If the Bush administration has considered this ban at all, it has not explained Peru's exemption."

I agree with Mendez' assertion that Congress should insist on an explanation, and I urge my colleagues to read both articles.

[From the Miami Herald, Apr. 24, 1990]

U.S. MUST WEIGH RISKS

There is something eerily familiar about Washington's decision to expand the drug war by assisting in Peru's anti-insurgency effort. The plan conjures images of earlier unsuccessful U.S. efforts in Vietnam and El Salvador.

The Bush Administration wants to spend $35 million to build a new military-training base in the heart of Peru's coca-growing area. Part of the money also will pay to train and equip six Peruvian battalions totaling 5,500 troops and provide river-Patrol boats and 20 ground-attack jets to help fight the Maoist Shining Path guerrillas. The rebels have allied themselves with the coca growers and traffickers in the region, and are protecting them.

The Shining Path is the hemisphere's closest relative to Cambodia's murderous Khmer Rouge. Its members are cold-blooded and single-minded, making it virtually impossible for Peru's beleaguered authorities to wipe out the cocaine scourge at the source. Last year alone, the Shining Path was responsible for 3,188 deaths, and it has so intimidated local peasantry that it levies its own "war taxes." In such an environment, crop-substitution efforts—an essential tool for weaning Peruvian farmers away from coca cultivation—are futile.

Nevertheless, the United States cannot afford to embark hastily in such an adventure without first carefully weighing the stakes and odds involved.

Breaking the Shining Path's hold on Peru's countryside is no small task—and hardly something that can be achieved effectively without a long-term presence, as Pentagon officials are claiming. Furthermore, some experts believe that American involvement in Peru's decade-long civil war would bolster the guerrillas' claim that they are engaged in an "anti-imperialist" struggle. It could have the unwitting effect of turning them into a bona-fide nationalist movement.

Washington must be up front with the American people. It should concede that this sort of involvement carries with it the risk of becoming involved in another protracted guerrilla war in the Third World. Moreover, training and arming Peruvian anti-drug forces will achieve little or nothing unless the coca-growing peasants are helped to plant other crops—and unless their crop's users in this country are weaned from cocaine.

[From the New York Times, May 7, 1990]

U.S. JOINS PERU'S DIRTY WAR

(By Juan E. Mendez)

WASHINGTON.—Under the guise of drug interdiction in Peru, the U.S. is rushing headlong into one of the dirtiest wars being fought anywhere in the world today. If past experience in Vietnam and El Salvador is any guide, the U.S presence will exercise virtually no restraint on the murder, torture and other human rights abuses that are now routine in Peru. Instead, the U.S. will become a party to the crimes.

Administration officials candidly acknowledge that the left-wing Sendero Luminoso guerrillas are well entrenched in the Upper Huallaga region—where most of the coca consumed in the U.S. is produced. Moreover, the most recent disclosures by the Administration make it clear that the Peruvian armed forces are to be assisted with materiel, weaponry and training specifically to fight Sendero.

The plan includes a permanent base for U.S Green Berets in the contested jungle area, fighter planes, helicopters and boats and the training of virtually every Peruvian soldier to combat Sendero. This would turn the struggle against Sendero into a U.S., as well as Peruvian, war.

The war against Sendero is already 10 years old, yet this strange Maoist-Andean revolutionary organization continues to grow. Sendero is now attacking the Peruvian state in virtually every region of the country. It recruits easily among the young and the poor, its appeals undoubtedly enhanced by the collapse of the Peruvian economy and the steep deterioration of living standards.

Peruvians across the political spectrum know that Sendero threatens democracy and society. Yet hardly anyone in Peru—and certainly not the presidential candidates in the runoff election scheduled for early June—has proposed a way to deal with the insurgency. That, it seems, is left to the Peruvian Army.

Regrettably, the army is just as brutal as Sendero. For the third year, Peru heads the list of "disappearances" reported to the United Nations. In 1989 there were nearly 400 new cases, double the 1988 figure. In addition, the Peruvian Army occasionally reacts to ambushes and attacks by invading a community and killing dozens of young and old males; sometimes in full view of relatives.

The armed forces further complicate matters by encouraging villagers to form self-defense militias known as "rondas compesinas." If a village forms a ronda, Sendero punishes it for collaborating with the army; if it refuses, the army considers the community "red hot," meaning that it supports Sendero. In several massacres in recent weeks, Sendero units have murdered "ronderos" and ronderos have killed suspected "senderistas."

In the cities, the police arrest students and shantytown dwellers and charge them with terrorist crimes. The detainees are routinely and brutally tortured, while the court cases against them either languish or have to be dismissed for lack of evidence.

Human rights abuses by Peruvian authorities are almost too numerous to catalogue. In the process of putting down a June 1986 mutiny by Sendero inmates in three large jails in the Lima-Callao area, the armed forces killed almost 300 prisoners—most after they had surrendered. A lengthy investigation in the military courts has just ended in a whitewash.

In addition, right-wing death squads that have been linked to the governing party or to the army have targeted journalists, lawyers and human rights monitors; the headquarters of three prestigious human rights organizations were bombed in Lima in the last few weeks.

U.S. laws governing foreign aid are explicit in prohibiting assistance to forces that engage in a consistent pattern of gross violations of human rights. If the Bush Administration has considered this ban at all, it has not explained Peru's exemption. Congress should insist on an explanation.

If Peruvians need help in fighting Sendero, the authorities in charge of the fight should show that they have changed their ways. Promises won't do. A commitment to fighting a "clean war" must first be demonstrated in practice.

Once such a strategy is in place, the Peruvian authorities may succeed in reducing the appeal of Sendero, and American involvement may not be necessary.

ED DANKWORTH, ALAMEDA, CALIFORNIA'S MAN OF THE YEAR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Ed Dankworth who is Alameda, California's Man of the Year for 1990. I would like to take this opportunity to commend Mr. Dankworth for his dedicated service to the city of Alameda in California's Ninth Congressional District.

Mr. Dankworth is a 69-year-old Navy veteran who was commissioned in the U.S. Navy in 1942. He became a naval aviator in 1945 and retired as captain in 1972 after 30 years of service. After leaving the Navy, he had made the concerns of Alameda his second career. He has made a significant contribution to the city and its people in a very short time.

Mr. Dankworth is married to the former Kitty Jackson and has two daughters, two granddaughters, and two grandsons. All of his grandchildren are currently attending college.

Mr. Dankworth's list of community accomplishments is endless. He is currently a member of the public utilities board, the Mastick Senior Center Advisory Board, the Alameda Red Cross board of directors, the Xanthos board of directors, and the Senior Housing Developing Committee. He is also an active member of Meals on Wheels, he is an American Association of Retired Persons income tax assistant to senior citizens, and is a member of the Red Cross disaster action team.

Mr. Dankworth also serves as president of the local Rotary, and Rotary's motto, "Service Above Self," is a fitting description of Mr. Dankworth's character. He is a dedicated community leader, and I am proud to recognize Ed Dankworth as Alameda's 1990 Man of the Year.

A CONGRESSIONAL SALUTE TO THE SAN PEDRO HARBOR AREA CORPS OF THE SALVATION ARMY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to, and acknowledge my deep respect for, the San Pedro Salvation Army. This organization, which has provided a great service to the area residents of San Pedro, will be holding its centennial celebration on Friday, May 11, 1990. In recognition of this special gala event, I would like to share with my colleagues some of the reasons why it is so important to the San Pedro community and the Nation.

In the year of 1989, the San Pedro Area Corps of the Salvation Army served 11,732 people in social services programs. Of this total, 1,410 included meals to the homeless and less fortunate. The youth and adult programs had 3,559 participants, and 107 young people spent 698 days at summer camp provided by the Army. At Christmas, 3,863 toys were given out, 5,328 people received Christmas aid, and over 4,500 volunteer hours were served. Throughout the Army's 100 years of service, hundreds of thousands of people in San Pedro, Wilmington, Harbor City, Lomita and Carson have been assisted.

Mr. Speaker, it is no secret that we live in a time when many citizens do not have shelter to sleep, clothes to wear, nor food to eat. The San Pedro Salvation Army has helped to alleviate some of these individual's suffering. Over the 100 years of Army history, many officers have come and gone, however, the needs of the people, and the service provided by the Army, have remained constant. And while the Salvation Army is a familiar and welcomed organization in San Pedro today, this was not always the case. During the Army's early history, organizers were met with hecklers shouting cat calls and boos as they attempted to fulfill their mission. As if the crowd was not enough, they were also met with a blinding sand storm. Fortunately, the Army persevered and is now warmly welcomed.

During this time of uncertainly, it is reassuring to know that the Salvation Army exists. The service that the organization, officers, staff, soldiers and volunteers have rendered, is done for the love of God and his children. The San Pedro Harbor Area Corps has in the highest tradition of the Army, extended their "heart to God and hand to man". In the Army's honor on its centennial celebration, my wife Lee joins me in extending our congratulations. We wish God's blessing for another successful 100 years.

SALUTING THE CLEVELAND CHAPTER OF THE ALZHEIMER'S DISEASE AND RELATED DISORDERS ASSOCIATION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. STOKES. Mr. Speaker, Alzheimer's disease is one of the most serious illnesses facing our elderly population. An estimated 2 million to 4 million Americans have Alzheimer's disease and the figures are expected to double by the end of the century. The disease causes progressive deterioration of memory, intellect, language, emotional control, and perception.

Research continues to be conducted on the cause of Alzheimer's disease. And, while this research is being undertaken, dedicated individuals and organizations across the Nation are providing important support networks and services for individuals and families who are confronted with this illness.

Mr. Speaker, at this I am proud to recognize an organization in my congressional district which was recently recognized for the leadership role it has assumed in the fight against Alzheimer's disease. The Cleveland Chapter of the Alzheimer's Disease and Related Disorders Association has been awarded the prestigious Anisfield-Wolf Memorial Award For Outstanding Community Service. The award recognizes the organization's efforts to provide education, family support, research and advocacy for those who suffer from Alzheimer's disease. Administered by the Cleveland Clinic Foundation, the Anisfield-Wolf Award is presented annually to an area philanthropic, community or charitble agency, and carries a $10,000 prize.

The Cleveland Chapter of the Alzheimer's Disease Association is now celebrating its 10th anniversary. Over the years, the 300-member organization has taken the responsibility for coordinating support groups, manning toll-free telephone hotlines, organizing speakers bureaus, providing training, educational meetings and conferences on Alzheimer's disease. The Alzheimer's Association also publishes a monthly newsletter and conducts funding research on the national and local level.

Mr. Speaker, I have maintained a close working relationship with the Cleveland Chapter of the Alzheimer's Association over the years. The organization has committed its resources, energy and talents to meeting the needs of those who suffer from Alzheimer's disease and their families. There efforts are very much appreciated by families who often cannot bear the financial and emotional burden alone. I am please that the Cleveland Chapter has been chosen for this important award and I take pride in saluting the membership. We are grateful and commend their efforts on behalf of those who suffer from Alzheimer's and who are in need of special care and understanding.

KEEP THE OSPREY FLYING

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. MACHTLEY. Mr. Speaker, I have come to the conclusion that in light of the threats posed by today's volatile world, our modern military should include weapons capable of quickly responding to low intensity conflicts such as terrorist attacks. Indeed, with the improvements in United States-Soviet relations, our national defense should begin to shift its focus from reliance on strategic nuclear weapons to more emphasis on versatile, mobile weapons and platforms.

For these reasons, I support the V-22 Osprey aircraft. This helicopter/plane is not only a unique addition to our national security, but will also spur developments in commercially applicable technologies. Such commercial application could not come at a better time, as our trade competitors such as Japan have already been serously exploring this technology. We should not be left behind in this effort.

I commend to my colleagues attention the below editorial endorsing the V-22 from the Providence Journal-Bulletin.

KEEP THE OSPREY FLYING

The current easing of world tensions is prompting a reappraisal of our nation's defense needs. Defense Secretary Richard Cheney is taking steps to see how and where Pentagon spending can be prudently cut. Presumably, there will be notable savings in such areas as overseas troop deployments and building new fleets of nuclear missiles.

As the scaling-back process moves forward, however, it's important to discern between programs that can safely be trimmed (or curtailed) and those that still have a valid purpose. In this regard, consider the proposed tilt-rotor V-22 Osprey aircraft that the Bell Helicopter division of the Textron Corporation and Boeing Corporation want to build jointly for the Marine Corps.

This revolutionary machine can fly straight up (like a helicopter) and then, by tilting its rotors to horizontal, zoom ahead in level flight, flying hundreds of miles under its own power. In the several prototypes that have been built and flown no serious design flaws have been found. The Marine Corps believes the Osprey is its aircraft of choice for many future missions, replacing helicopters for coping with potential local brushfire conflicts. Many foreign governments have shown strong interest in the plane.

Despite the arguments in favor of the Osprey, Secretary Cheney has sought to cancel the program. When Congress last year ordered him to proceed with it, he balked.

Although Mr. Cheney is showing admirable budgetary restraint, we believe that scrapping the Osprey program would be a serious mistake. This aircraft design represents a unique and valuable aviation technology. Its tilt-rotor feature, which permits it to take off and land almost anywhere, holds great potential for short- to medium-distance civilian flights, already being squeezed by congestion around big-city airports. An Osprey in civilian service could comfortably carry more than 30 passengers, and move them in and out of crowded airports with safety and fewer delays.

America faces intensifying competition from abroad wherever new technology is being applied. Whenever we cede that technological edge, we risk losing out on the profits and the competitive advantage that engineering breakthroughs confer. If America decides to shelve the Osprey program, some other nation—Japan, not inconceivably—is likely to adopt it for its own. The result, then? Chagrin in Washington at having let an innovative aviation design slip away.

ALAMEDA, CALIFORNIA'S 1990 CITIZEN OF THE YEAR—ADELINE TOYE COX

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Adeline Toye Cox, Alameda, California's Citizen of the Year for 1990. I would like to take this opportunity to commend Ms. Cox for a lifetime of dedication to the city of Alameda in California's Ninth Congressional District.

Ms. Cox grew up in the city of Alameda when it was still being served by the trains her father drove. She attended Alameda High School where she was the editor of the school newspaper, served on the debating team and was valedictorian of her graduating class. In 1912, concerned about the absence of organized sports for girls at her school, she formed a girls' basketball team and convinced the study body to purchase the ball.

Ms. Cox entered University of California at Berkeley in 1913 and received an AB in social economics. While in college, she wrote a paper that was highly critical of the way in which the county of Alameda was handling funds for the Mother's Pension Act, a government program which provided financial support to encourage widows to stay home with their children. The unpopularity of her stand may be what kept her from being tapped for the Honor Society.

In 1917, Ms. Adeline Toye married William Cox and traveled to the Philippine where her husband was a civilian employee of the Army. She worked as a teacher at the Bentley School. When the Bentley School relocated to Berkeley, Ms. Cox returned to the Bay Area, and taught until the birth of her first child.

The Cox's had three sons. Once the boys were enrolled in the public school system, Ms. Cox began her life-long involvement in the PTA and public school system. She is an honorary life member of both the California and the National PTA's. A participant for 46 years, she served for 16 years on the board of managers of the State of California Congress of Parents and Teachers.

This period also marked the beginning of a life devoted to teaching parents how to become involved in the education and development of their children. Ms. Cox went back to school and qualifed for certification in both child development and parent education. In concert with the Child Development Center at Mills College, she began innovative courses in parent education and child development. These classes were initially funded by the PTA and taught by student teachers. The success of the program eventually brought funding from the school district.

She later qualified for certification of teaching English to the foreign born and taught citizenship classes. She continued in this work for 40 years. Her devotion to the pursuit of citizenship—informing oneself of current events and all sides of political and social issues—influenced more than 500 students who have qualified for citizenship under her tenure.

Ms. Cox was a member of the founding board of directors of the bay area educational TV station, KQED, and has had a great influence on how the station was structured to provide community and educational services. She also led weekly current events discussions at the Christ Episcopal Church. She served as the Alameda representative to the Traveler's Aid Society and worked with the Alameda Hospital Auxiliary, the Camp Fire Girls. She is also an oral historian for the Alameda Historical Society.

While serving on the board of directors of the Alameda Red Cross, she became a Friendly Visitor, making weekly calls on isolated individuals. These visits, in conjunction with other social agencies in the city of Alameda, led to the founding of the Meal on Wheels Program. Ms. Cox had been a runner for the program, delivering meals for many years, before finally giving it up at age 93 when as she said, her "tottering ole legs" would no longer permit it.

Ms. Cox has also been an active member of the Alameda Adelphian Club since 1933 and served as its president from 1962 to 1964. She continues to give regular book reviews at the club. She herself was the subject of one of the U.C. Berkeley Press Oral History Series—Enhancing a Citizen's Influence, Community Service in Alameda 1917–81.

Ms. Cox is a founding member of the Almeda League of Women Voters and has served on the board of directors since its inception. This year, she was the league's chosen moderator for candidates night and, is always in demand as speaker for the pros and cons on State ballot measures.

At age 95, Adeline Toye Cox is still going strong. She continues to sit on the board of directors of the League of Women Voters and helps direct the organization's activities. She still continues as the league's speaker for the pros and cons at election time, but has given up working at the polling booth after many years of election day service. She continues to give book reviews at the Adelphian Club and can still be found giving the oral history of Alameda at the Historical Museum.

Mr. Speaker, I am proud to recognize Ms. Adeline Toye Cox as Alameda's Citizen of the Year. As Alameda's League of Women Voters says, "To us, she is more than the citizen of the year–she is Citizen of the Century."

PROGRESS AT THE UNITED STATES-IRAN CLAIMS TRIBUNAL

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. PEASE. Mr. Speaker, 3 weeks ago, in an op-ed article for the New York Times, I went public with specific ideas I have for ways in which President Bush could possibly set in motion a solution to our hostage problem in Lebanon. Today's Washington Post reports that Judge Abraham Sofaer and his legal staff at the State Department are very close to negotiating a package settlement of nearly 2,500 small claims on the backlogged docket of the United States-Iran Claims Tribunal. I applaud Judge Sofaer's initiative as well as his commitment to responsible action.

Once this package settlement of small private claims is nailed down, attention will then focus upon the large pending claims between the United States Government and the Government of Iran. Those claims deal mostly with military equipment and credits. The United States Government attorneys preparing the briefs on those military claims can be expected to expedite their work with a view to reaching a mutually acceptable financial settlement between the White House and the Government of Iran. There exists a judgment fund that is administered by the U.S. Department of Justice that could be tapped for resolving government-to-government claims. It is an open-ended authorization, so it could be used by President Bush without having to come to the Congress anew to meet any financial obligations incurred by the U.S. Government pursuant to a package settlement of government-to-government claims approved by the tribunal.

[From the Washington Post, May 10, 1990]

ACCORD NEAR ON U.S., IRAN SMALL CLAIMS—LARGER DISPUTES REMAIN UNRESOLVED

(By Don Oberdorfer)

The United States and Iran are "very close to agreement" on settling nearly 2,500 small claims arising from the 1979 Iranian revolution, paving the way for faster progress on resolving major financial disputes between the two countries, the State Department announced yesterday.

The announcement came after Tehran Radio said agreement had occurred on the small claims at the Iran-U.S. Claims Tribunal at The Hague.

No agreement has yet been signed because "some important details remain," the State Department said.

A senior State Department official expressed optimism that the small claims, by far the largest number under litigation at The Hague, can be resolved soon, perhaps even before the next trip to the Nether-

lands by State Department legal adviser Abraham D. Sofaer and Iranian representatives.

Sources said Sofaer had hoped to wind up the small claims issues at The Hague last week, but was unable to do so when Iran suddenly sought to add another claim to those that had been settled.

State Department officials and—according to Tehran Radio—chief Iranian negotiator Ali Nobari said the issue has nothing to do with release of American hostages held by pro-Iranian groups in Lebanon. From time to time, political leaders in Iran have said the return of Iranian financial assets under discussion at The Hague would hasten the hostages' release, but the United States has consistently rejected such a connection.

Nevertheless, some experts on Iran said that any settlement could be cited by Iranian President Ali Akbar Hashemi Rafsanjani or others urging release of the hostages as evidence that a more conciliatory policy toward the United States is paying off.

The Bush administration, still smarting from the Iran arms sales scandal in the Reagan administration, has declared it will make no deals to secure release of the remaining U.S. hostages.

At the same time, President Bush instructed the State Department last year to "clear out the underbrush" on claims issues as expeditiously as possible to eliminate this cause of friction with Iran.

In the small claims which are close to settlement, Iran will pay $105 million to 2,370 U.S. claimants mostly private citizens whose property was confiscated or who were not paid for goods and services provided before to the Islamic revolution.

A few of these claims involve loans to Iran made by the U.S. Agency for International Development, officials said.

As part of this package, the United States will pay $400,000 to 108 Iranian claimants.

Still unresolved are the largest claims by Iran against the United States: $2.9 billion that Iran claims to be owed from foreign military sales accounts maintained in this country by the shah's government and $400 million that Iran claims from military equipment purchased by the shah but which the U.S. government refused to deliver.

In addition, an estimated $5 billion in oil claims by major U.S. firms for properties expropriated by the revolutionary government are still outstanding.

Since U.S.-Iran negotiations on claims intensified last summer, a substantial number have been settled each month, usually without publicity.

If progres continues at the current pace, the process could be largely concluded in several months to a year, according to a State Department official.

TRIBUTE TO THE LATE WILLIAM J. KIMBLES IV

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. DYSON. Mr. Speaker, Maryland agriculture lost a good friend with the passing of William J. Kimbles IV. He was well respected in the agricultural community, especially for his efforts on behalf of the Maryland Agricultural Fair Board. As a member of the fair board, he worked tirelessly to promote our county fairs throughout the State. He exemplified the values we hold dear in our rural communities as a husband and father, and as a member of his church, the bank board, and the Maryland Farm Bureau.

Mr. Speaker, a dear friend of mine, Edna M. White, has written a fine testimonial to Mr. Kimbles' memory. I would like to offer her statement to our colleagues for their consideration today.

The members of the Maryland Agricultural Fair Board Chairman, Philip Brendel; Vice President, Joe Free; Secretary, Walter Buck; Executive Committee At Large, Edna M. White; Past President, Joy Swabb and members Frank Downey, John Barton, and Executive Secretary Chris Bloom would like to honor the memory of William J. Kimbles, IV for his outstanding dedication to the Fairs and Shows in the State of Maryland. In his own fair, Queen Anne's County, he was well known as a tireless worker in all aspects of the organization. Mr. Kimbles was heavily involved in improving Maryland agriculture and providing opportunities for the farming communities through his service on the Bank Board and Maryland Farm Bureau. He is survived by his wife Lynn and their four children, who exemplify the values and ideals Mr. Kimbles held dear. His work with children and youth in the community through his church, earned him the respect of his neighbors and friends.

The Maryland Agricultural Fair Board salutes Mr. William J. Kimbles, IV, as a friend and colleague who has supported the agricultural community in the State of Maryland and whose passing will not diminish the legacy he has left his community, family and friends. He was a shining example of what a good citizen should be. If you asked him what his contribution was he probably would have replied: "I haven't done anything extra, just my share." We thank you for your share "Billy". Your works and memory will always be a part of our lives.

MY AUNT CARRIE SILAS HONORED

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. PAYNE of New Jersey. Mr. Speaker, May is Older Americans Month, and although they should be honored every day for their contributions to society, the month of May brings special recognition to our older citizens.

This week in Newark, my Aunt Carrie Silas, a senior citizen of 85, was honored by the North Newark Senior Citizen Center. She has the distinction of having the largest family out of all of the senior citizens at the center. Her branch of the family tree began with 9 children; she now has 36 grandchildren, 63 great-grandchildren, and 5 great-great grandchildren.

Mr. Speaker, I think my aunt embodies the proud spirit of so many women who have given their time and talents to build a better future for their families, their communities, and for our entire Nation.

Aunt Carrie has never stopped taking on challenges. She raised her children while also working outside the home most of her life. She managed to find time to pursue other interests, and at age 85, she still likes to travel.

If you asked any of Aunt Carrie's family about the special times they remember most, they would tell you about the fish fries every Friday at her house. They would recall the time she spent knitting and crocheting sweaters and blankets for all of the members of the family.

As Mother's Day approaches, it is fitting that we honor the millions of women like Aunt Carrie who have taught us so many valuable lessons. One of the reasons that our Nation has grown and prospered is because of those who have devoted their time and talents to strengthening the cornerstone of our society, the family. Mr. Speaker, I know my colleagues will join me in conveying a message to Aunt Carrie and to all of these special women that their lifelong work is truly valued and appreciated.

THE RAND CORP.'S 40TH BIRTHDAY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday May 10, 1990

Mr. LEVINE of California. Mr. Speaker, I rise today both to thank and to congratulate the RAND Corp. on the occasion of its 40th year in service to our Nation. Since its inception as a private, nonprofit corporation, RAND has been a leader in scientific, educational, and political research critical to the welfare and security of America.

A pioneer in the development of space and defense technology since the end of World War II, RAND was responsible for many groundbreaking achievements in these areas vital to our national security in the early days of the cold war. At the same time, its research on Soviet society and East-West relations helped to ease superpower tensions by broadening understanding between the two nations.

Since then, RAND has broadened its scope of research to include feasibility studies on numerous issues including health care financing and education finance reform. These studies coincided with their founding of RAND Graduate School of Policy Analysis which offers specialized training in nearly all areas of public policy research.

RAND recently published the results of its 7-year experiment in curbing drug abuse, Project Alert. The study targeted seventh- and eighth-graders, concentrating on educational programs designed to prevent the use of gateway drugs such as tobacco, alcohol, and marijuana. The results should prove extremely helpful to policymakers in the coming years.

The RAND Corp. has established a reputation as one of the most respected policy research organizations in the country. They are an important national resource. I ask my colleagues to join with me in honoring RAND Corp. for its outstanding work and acknowledging its contributions to our country.

A SPECIAL ANNIVERSARY TRIBUTE TO CROATIAN FRATERNAL UNION LODGE NO. 738, NEW BRIGHTON, PA

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. KOLTER. Mr. Speaker, I rise today before the full U.S. House of Representatives to designate a special tribute and honor to Croatian Fraternal Union Lodge No. 738 of New Brighton on the worthy occasion of its 60th anniversary.

Chartered April 27, 1930, to promote fraternity, fellowship, and ethnic tradition, lodge No. 738 has carried on the Croatian legacy with meetings conducted in English, honoring liberty and democracy.

"The Beaverites," as lodge No. 738 became known, were the only English-speaking Croatian lodge in Beaver County when chartered. Three of the charter members celebrate with us today. They are: Nick Czetnic of Fallston, Barbara Trgovac of New Brighton R.D. 1, and George J. Slavic of Economy, and I also honor these three individuals.

In addition, it ought to be noted here that 30 lodge members—including two women—served under the American Stars and Stripes in World War II, and, fortunately, were not lost in that conflict.

Today, lodge No. 738 has 346 active members and 640 certificate holders, with quarterly meetings at S.S. Cyril and Methodius Church Social Hall.

Therefore, Mr. Speaker, I rise before the Congress today to acknowledge Croatian Fraternal Union Lodge No. 738 as a fine and proper example for all fraternal organizations not only in my 4th Congressional District and in Pennsylvania, but also as an excellent example for all fellowship groups nationwide.

THE ROCHESTER INSTITUTE OF TECHNOLOGY'S 1990 HORTON SCHOLARS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. HORTON. Mr. Speaker, it is my distinct pleasure to recognize a special group of student scholars from the Rochester Institute of Technology [RIT] in Rochester, NY. These students have recently received academic scholarships, based on outstanding academic performance at RIT, under the Horton Scholars Program. The endowment fund to support this scholarship program was established in 1987 with the proceeds from a memorable gala event in celebration of my 25th year in the Congress.

The accomplishments of these students in their academic careers at RIT have been exemplary. Candidates for these scholarships must be in good academic standing, demonstrate financial need and be full-time students. From the following descriptions, I think you will agree that this is an exceptional group of students.

Leslie McPherson is studying biomedical photography and plans to pursue a career in biological photography in a medical or research setting. Leslie originally attended the College of Fine and Applied Arts at RIT from 1971 to 1973. Financial commitments forced her to take a leave from school. She has held a wide variety of jobs, ranging from a truck driver and sales clerk to elementary school aide and engineering technical trainee. Due to a progressive hearing loss, she was unable to continue working on a full time basis. After the birth of her daughter, Megan, Leslie decided to return to RIT to complete her bachelor's degree. According to Leslie's academic adviser, she is an outstanding role model. She is an informed consumer of support services and is persistent in addressing her educational needs. Leslie is from Rochester, NY.

John DeBole is a full time MBA student from Grand Island, NY. In addition to his full time studies, John holds a part time position as a research assistant in the office of the president of RIT and also volunteers as a tutor for literacy volunteers in his spare time. John holds a bachelor's degree in electrical engineering and plans to pursue a career which will utilize this financial expertise and technical knowledge as a financial analyst for a technical organization.

David Price is also a graduate student at RIT, working on a master's degree in electrical engineering. David also received his bachelor's degree at RIT in the microelectronic engineering program. David gained valuable work experience during his years at RIT through cooperative education stints at Motorola, Tektronix, and in the Center for Microelectric Engineering at RIT, as a factory manager, a teaching assistant and researcher. David is also a Digital Equipment Corp. Fellow. His hometown is Machias, NY.

Diane Noble is a fourth year accounting major from Canton, NY. She is enrolled in RIT's College of Business, having transferred to RIT after receiving her AAS degree in retail management from Canton Agricultural and Technical College. She has excelled in her academic work at RIT, having earned dean's list grades in her first two quarters at RIT.

David Borkholder, of Hamlin, NY, is a third year student in microelectronic engineering at RIT where he has made the dean's list every quarter. David has already entered the corporate world through a cooperative education experience in Eastman Kodak Co.'s research laboratories and will certainly continue to excel after graduation from RIT.

Mr. Speaker, the caliber and accomplishments of these students makes me very proud to be associated with them and with RIT. I am very confident that the education that they are receiving at the Rochester Institute of Technology will enable them to continue to achieve and to be successful in the years ahead.

THE RAILROAD POLICE CERTIFICATION ACT OF 1990

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. ECKART. Mr. Speaker, today I am introducing legislation designed to protect this Nation's 2,820 railroad police officers. Titled The Railroad Police Certification Act of 1990, this bill will provide these law enforcement professionals with the necessary authority they need to carry out their sworn duties.

Currently, there are only 42 railroads in the United States that are large enough to have their own police departments. These 42 railroad police departments are responsible for safeguarding 82 percent of the Nation's rail mileage. In an average year, America's railroad police investigated 55,000 crimes—not including trespassing—and made 13,000 arrests for incidents ranging from vandalism to murder. In addition, these same officers also arrested an additional 75,000 individuals for trespassing, having already apprehended, warned and released 300,000 persons without making an arrest.

According to the railroad industry, the problem of cargo theft today exceeds $1 billion annually for all modes of transportation, and statistics gathered by the Association of American Railroads show that claims paid for losses of cargo in the possession of rail carrriers, due to theft and vandalism, have reached as high as $429 million in recent years. These figures do not include property and equipment damage, injury to and theft from employees, and criminal activity which directly affects passengers, patrons, and the general public.

Railroad police personnel are often responsible for the surveillance and protection of sensitive military shipments moving by rail under special tariff or contract arrangements. In the past, this has been accomplished through a system of Rail Surveillance Service [RSS] and Tank Surveillance Service [TSS]. In recent years, however, the Military Traffic Management Command [MTMC] has established Rail Armed Guard Escort Service [RAGES] for some shipments of explosives and extra sensitive material, which require an armed railroad police escort, in view of increased international terrorist activity. The Department of Defense is concerned that railroad police, under certain circumstances, lack sufficient authority to carry out their responsibility. Interstate authority would remedy this shortcoming.

Currently, railroad police officers are granted law enforcement authority through the enactment of statutes by the various State legislatures. Generally, these police powers are based upon employment by a railroad company, residency within the jurisdiction in which this authority is granted, and the successful completion of mandated training and/or certification requirements. The credentials thus received serve both the industry and the public well when confined to situations which arise within the specific jurisdiction. The railroad industry, however, is interstate in nature and is therefore subject to actions which often span

multiple territorial limits. Frequently, a crime occurring in one State may not be discovered until the cargo or passenger has passed into another State. The lack of interstate authority on the part of railroad police drastically hampers their investigation authority and, in many cases, nullifies the arrest powers of the railroad police officer seeking to carry out his/her duties. In some instances, it is even conceivable that an officer might be subject to civil or criminal proceedings merely for attempting to do his/her job of protecting company property or the safety of the public.

The legislation I am introducing today, Mr. Speaker, is a simple measure that seeks to confer on these officers the authority to cross jurisdictional boundaries for the purposes of protecting interstate commerce and to safeguard the domestic railway system.

In recognizing the administrative nightmare created for railroad police and their employers by the current statutory treatment, this legislation would provide that any officer employed by a rail carrier and already certified or commissioned under existing State law shall be authorized to enforce the laws of any jurisdiction in which that rail carrier owns property in order to protect both passenger and cargo in interstate commerce. This bill will not confer direct powers to anyone who is not certified or commissioned as a police officer by a State. The legislation will also not tamper with whatever training requirements are mandated by the States prior to the granting of a police commission.

Passenger and freight railroads both have a vested interest in the augmentation of the ability of their police departments to investigate crimes against interstate commerce and the apprehension of the perpetrators of these offenses. It is not uncommon to utilize a task force approach, drawing manpower from multiple companies and also from the public sector, to work on a particular set of circumstances within a given area, as criminal elements show no more respect for company property lines than they do for jurisdictional boundaries.

Federal law already provides the mechanism for the protection of cargo, employees, property, and equipment in interstate commerce by railroad. What is needed is the authority to effectively utilize the manpower resources of the railroad companies for the enforcement of these laws. This is the goal of my legislation. Similar interstate authority was granted to the railroad police employees of Amtrak (see 45 U.S.C. §545(j)). Support for this grant of interstate authority was initially recommended as early as 1971 by the Senate Select Committee on Small Business (See Report on Cargo Theft—Railroad Industry, June 9, 1971) and later by the Federal Railroad Administration in 1973.

Railroad police have a long and proud history of providing valued law enforcement service to both the industry and the public. The officers employed by the rail carriers have enjoyed a close cooperative relationship with Federal, State, and local police agencies, all of whom would be hard pressed to provide the equivalent amount of protection to interstate commerce. Public interest consideration clearly demonstrate the need for railroad police departments to be given the tools to enhance their effectiveness as law enforcement agencies.

I urge the expeditious consideration of this legislation.

SMALL BUSINESS WEEK

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. MAVROULES. Mr. Speaker, this week is Small Business Week. Thus, I think it is an appropriate time to comment on the importance of small businesses in the United States. Too often, we tend to focus on larger enterprises, subscribing to the belief that bigger is better. But individual entrepreneurship is the heart of our economic system, the mainstay of capitalism. In an important sense, small business in America is big business.

There are more than 12 million small businesses in the United States. In fact, 97 percent of all American companies are small businesses. A small business is defined as a privately owned business that employs fewer than 500 people. These figures add up, however, as half of all working Americans are employed by small businesses. In addition, small businesses are often the birthplaces of new ideas and the latest technology developments. According to the Environmental Protection Agency, they produce 24 times more inventions than large companies. In the words of Lyndon B. Johnson,

> The small businesses of America are the foundation of our cherished system of free, competitive enterprise . . . and are a fertile source of new ideas and new products to enrich the lives of our citizens and stimulate the growth of our economy.

In accordance with this information, it would seem logical for our Nation to make every effort to foster the growth and well-being of smaller companies. Unfortunately, it appears that many small businesses, particularly in the Northeast, are now encountering what might be called a credit crunch. Bankers, facing increasingly critical regulators, have begun to tighten up loan availability. Naturally, the businesses that are hardest hit are smaller and newer companies. According to a survey conducted by the Massachusetts Industrial Finance Agency, a number of businesses have found that banks have suspended existing lines of credit, renegotiated the terms of credit lines, reevaluated the value of collateral for outstanding loans, and in a few cases, reclassified loans without apparent reason. Other profitable companies with good credit have reported being turned down after applying to renew outstanding loans.

Newspapers, too, give accounts of numerous small businesses that have come across these and other problems. Some fledgling companies that have recently turned profitable, with rising sales, find it impossible to get a borrowing rate lower than 15 percent, plus a 1-percent origination fee. According to Lewis Shattuck, president of the Smaller Business Association of New England, "small-business borrowers are paying an average of 3 to 5 percentage points above the prime rate, more than twice the differential they were paying 12 to 18 months ago." In addition to the banks, corporations, and funds that supply venture capital are becoming more conservative in their investment policies, preferring to invest money in more mature companies. This compounds the entrepreneur's problem in procuring capital to start up or sustain a fledgling business.

It is true that there are opportunities for small companies in foreign markets. Japanese corporations are, increasingly, investing money in ventures that commercial banks will not support. Japanese investment in American industries and properties will give more incentive to the American companies to improve quality and production in order to compete with Japanese businesses.

Even so, let us not lose sight of the fact that our Nation needs to foster conditions that will allow small businesses to compete in today's international economy. Foreign investments provide opportunity, but we cannot allow them to be the primary source of life-support for one of our most significant business sectors. America's economic policies should support our Nation's large population of small businesses. Without them, competition as we know it would all but disappear, the spirit of entrepreneurialism quashed. We need to provide more credit sources and remove regulatory and statutory barriers to stimulate these entrepreneurs.

In the words of one of our Founding Fathers, John Hancock:

> The more people who own little businesses of their own, the safer our country will be, and the better off its cities and towns; for the people who have a stake in their country and their community are its best citizens.

MARKING 5 YEARS OF ONSITE DAY CARE AT B&B ASSOCIATES OF SOUTH WINDSOR, CT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mrs. KENNELLY. Mr. Speaker, I rise today to note the fifth anniversary of onsite day care at B&B Associates, a printing firm in my district in South Windsor, CT.

We all know that the demographics of the American family have changed dramatically in recent years. These changes have created new challenges for working parents. B&B Associates has been enormously successful in meeting the parenting needs of its 200 employees and creating a healthier and productive environment.

Its onsite day care facility was one of the first such facilities to be licensed in Connecticut and it is one of the smallest companies in the United States to offer onsite day care for its employees. In the last 5 years, B&B em-

ployees have not only been liberated from the concern about their children's care but also they have had the pleasure of sharing impcrtant moments with their children. Employees have shared in holiday festivities and the children's creative projects and activities. This has boosted everyone's spirit and sense of community.

Presently, there are only 330 such facilities across the country. There need to be more. B&B is leading the way in meeting family needs, promoting a sense of community, and increasing productivity in a changing society.

I congratulate B&B on its success. In the coming years, we will continue to be faced with challenges in meeting family needs. B&B has set a standard for meeting these needs and improving the American workplace. I hope that its success will be emulated.

Thank you very much.

ALAIR TOWNSEND: A LEADER IN PUBLIC LIFE AND PUBLISHING

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mrs. LOWEY of New York. Mr. Speaker, this evening I have been asked to present the Professional Women in Construction and Allied Industries Business Leadership Award to a woman whose achievements are well known and respected. Alair A. Townsend, publisher of Crain's NY Business, is a superb example of how women can succeed in the world of public service and business. Her career is a reflection of the remarkable effort of an extremely gifted, determined individual. The Professional Women in Construction and Allied Industries recognize that she has set a standard of excellence which can and should be emulated.

As the Assistant Secretary for Management and Budget of the U.S. Department of Health and Human Services, she was responsible for a massive budget. From this critical position with the Federal Government, she became the first woman to be budget director of New York City. She then served as the deputy mayor for finance and economic development, working to preserve a favorable economic climate for established businesses in New York while making New York a more competitive location for new businesses through the use of a variety of incentives. Two of the most notable examples of her success were the decisions of both NBC and Chase Manhattan Bank not to relocate. In 1989, she was named publisher of the highly regarded Crain's NY Business where she has continued to excel.

I would like to congratulate Alair Townsend on an outstanding career, and on receiving the prestigious Business Leadership Award. It is a tribute that she wholly deserves.

FAIR IS FAIR—SOCIAL SECURITY JUSTICE ACT

HON. JACK BROOKS

OF TEXAS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. BROOKS. Mr. Speaker, the Social Security Administration has been selectively refusing to follow court decisions that have favored claimants, and have forced those individuals to bear the costs of hiring lawyers to relitigate already decided legal issues. If the Social Security Administration does not like a circuit court decision, it arrogates the right to refuse to follow it even in the same circuit. This contemptuous behavior, codified by SSA in regulations issued this past January, is simply unfair.

From 1981–1986, the Social Security Administration has tied up 315,000 cases dealing with the issue of medical improvement, even though the claimants had won in nine different Federal circuits. The Social Security Administration not only refused to abide by legal decisions already decided in Federal district courts between circuits—intercircuit—they refuse to apply the decision of the district court in the circuit in which it has already been decided—intracircuit.

One of their tactics is looking at the legal decision so narrowly, as to say that most of the decisions cannot be applied to similar circumstances. From 1985–1990, out of 800 cases decided in Federal district court, the Social Security Administration found only 36 represented the same issue, and that 764 broke new legal ground.

The questions become, how many adverse decisions must the Social Security Administration receive before they can quit forum shopping? Who should bear the costs of individual interpretations of the law—the individual claimant or the Social Security Administration?

The unconscionable behavior of the Social Security Administration has not gone unnoticed, however. The special blue ribbon Federal Courts Study Committee on Judicial Reform condemns this practice in its report to the Congress dated April 2, 1990 (pg. 59–60). The American Bar Association condemned this practice in ABA Resolution No. 114, and called for enactment of a statutory prohibition against both intracircuit and intercircuit nonacquiescence.

This bill forces the Social Security Administration to follow circuit court decisions. It also provides that when the Social Security Administration loses in two circuits, it must seek Supreme Court review, and, if unsuccessful, follow the decision in all circuits. And last, it gives the claimant a viable method of forcing the Social Security Administration to follow decisions, or, in the alternative, seek statutory changes.

This bill protects all our constituents from unfair procedures, and reestablishes the rule of law against unfair regulatory practices.

THE SHAWNEE NATIONAL PARKWAY ACT OF 1990

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. RAHALL. Mr. Speaker, today I am introducing legislation entitled the "Shawnee National Parkway Act of 1990" which seeks to establish a national parkway as a unit of the National Park System in southern West Virginia.

This proposed parkway, running along the ridges of southern West Virginia, has caught the minds and imaginations of many of us looking to open up the southern coal counties; to make them more accessible, to provide that missing link in our transportation system.

At this time, the Federal Interstate Highway System in the Nation has been completed. In southern West Virginia and particularly in Raleigh County, we have benefited from interstates like I–77 and I–64. But, they do not traverse counties like McDowell, Mingo, Woming, or Logan. Nor do they provide east-west access for Mercer or any of the other counties south of Raleigh.

Likewise, as we struggle to complete the Appalachian Regional Commission's Highway Program—and in particular the unfinished portions of corridor G which runs from Charleston through Logan and Williamson—there is still that missing east-west link.

For this reason, a number of concerned citizens are advancing an east-west proposal called the Shawnee Parkway. I think all those supporting this proposal recognize that this represents a monumental task. In these days of tight State and Federal budgets, one does lightly expect that a vast new stretch of roadway of the magnitude of the Shawnee Parkway will easily be built.

However, I do not hold it as an impossibility. At this juncture, in fact, I believe that the concept of scenic parkways, byways or interstate connectors is gaining momentum throughout the Nation. We have completed the Interstate System. With the next Federal highway bill, to be considered by the Congress next year, the question's will be this: Now that the interstates are completed, what next?

As part of the new highway bill, I believe that Congress will give serious consideration to building a new system of interstate connectors. Roadways that fill gaps in the existing system.

Under this definition, there can be no doubt that there are few places that better meet this criteria than right here in southern West Virginia. An east-west highway, or parkway—call it what you will—with access from the New River Parkway and I–77 through the southern coal counties to Kentucky, where it could link up with the Daniel Boone Parkway and the Mountain Parkway near Pikeville.

The Shawnee Parkway proposal is similar to two existing national parkways that are administered by the National Park Service. These are highly scenic, limited access parkways that not only serve the same purpose as an interstate, but are tourism attractions as well.

In Virginia and North Carolina, the Blue Ridge Parkway stretches from the Shenandoah National Park to the Great Smoky Mountains National Park. This was the first national parkway.

The Natchez Trace Parkway follows an old Indian trail through Mississippi, Alabama, and Tennessee. It connects Natchez, MS, with Nashville, TN.

It is important to note that both were constructed under Roosevelt's National Industrial Recovery Act in the mid-1930's on land donated to the Federal Government by the States, built with CCC labor, and later transferred to the administration of the National Park Service. As such, even during the New Deal, the Federal Government said "No Deal" unless the State contributed the land because of the sheer magnitude of the undertaking.

There should be no doubt in any of our minds that constructing the Shawnee Parkway would equal the existing Blue Ridge Parkway as an engineering feat.

Under this legislation, the State of West Virginia would be responsible for donating the land for the right-of-way for the proposed parkway to the Federal Government for administration by the National Park Service. The parkway would then be constructed to national parkway standards with funding provided on an 80-percent Federal and 20-percent State match basis.

I look forward to continuing my work with those interested in the Shawnee Parkway. It will take a great deal of cooperation. In particular, the State must join the Federal Government in partnership if we are ever to make the dream of the Shawnee Parkway a reality.

COMMENDING WILLIAM J. BRADY FOR BEING SELECTED AS THE STATE OF LOUISIANA 1990 SMALL BUSINESS WINNER

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. BAKER. Mr. Speaker, I would like to take this opportunity to commend William J. Brady, general manager of Halko Industries, Inc., in DeQuincy, LA, who has been named the 1990 Small Business Winner From the State of Louisiana, and to commend all those who have formed small business ventures throughout Louisiana and the Nation.

Mr. Brady formed Halko Industries, Inc., approximately 4 years ago. His company engineers, designs, and manufactures cargo nets and other aircraft materials used in cargo planes.

The week of May 6–12, 1990 was designated as Small Business Week, and Mr. Brady along with other States winners were honored in a 3-day event in Washington DC. Small Business Week allows us the opportunity to focus our attention on the outstanding achievements of individuals like Mr. Brady who make vital contributes to improve our economy.

Small firms employ 6 of every 10 people, provide the majority of new jobs in the Nation, and are more flexible than big business in responding to shifting markets. Clearly, small firms are able to bring new products to the market faster than large businesses, and provide two of every three workers with their first jobs. Of equal importance is the fact that small businesses are responsible for more than half of all the innovations developed during the 20th century.

Clearly, Mr. Brady along with millions of other small business entrepreneurs should receive our utmost support, encouragement, and respect.

THE NATIONAL SUMMIT CONFERENCE ON EDUCATION

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. WILLIAMS. Mr. Speaker, today, I am introducing, with my colleague from Pennsylvania Mr. GOODLING, the National Summit Conference on Education Amendments of 1990.

Congress enacted the original education summit conference legislation in 1984. The purpose of that legislation was to have an inclusive, organized discussion about proposals for education reform and about how those proposals could be implemented. That discussion was to involve concerned individuals representing all areas of education, business, labor, and the public. It was be an inclusive approach, recognizing that if we as a nation are going to solve the problems facing education, we must involve as many people as possible in the consideration of how those problems can be solved.

Since the initial enactment of the summit legislation in 1984, a number of events have occurred. Congress has taken the necessary steps to implement the summit. It has appointed its Members to the summit's executive committee. The Congress appropriated $500,000 to carry out the activities of the summit. But to date the all-inclusive summit envisioned by Public Law 98–524 has yet to come about.

The amendments we offer today to the 1984 law will conclude as Congress intended. This legislation changes the composition of the original executive committee. And, given the action to date by the President and the Governors, it amends the summit's agenda to include a consideration of the now existing goals and recommendations. Finally the legislation encourages the critical determination as to how these goals might be implemented, and what levels of government have responsibilities to bear in that implementation.

Mr. Speaker, if we are to be successful in reforming education in this Nation, we need to involve the people who are to carry out those reforms. The legislation Mr. GOODLING and I introduce today is the final legislative step in that direction.

RUTHLESS ASSASSINATION OF DR. KAZEM RAJAVI

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. BATES. Mr. Speaker, I am certain many of you, with great sadness, have learned of the ruthless assassination of a prominent human rights activist, Dr. Kazem Rajavi, by the Iranian regime's mercenaries in recent weeks. Dr. Rajavi, an outstanding international representative of the Iranian people's resistance for peace and freedom, was the brother of Mr. Massoud Rajavi, the president of the National Council of Resistance of Iran, who has perspicaciously led a popular resistance against the Tehran clerical tyranny for almost a decade.

Dr. Rajavi devoted the last 19 years of his life to unrelented activities against the dictatorships of the Shah and Khomeini. He often attended various international conferences and forums to expose the unabated violations of human rights in Iran and to defend the very rights that the Iranian people had fought for and sacrificed so many lives for under the Shah's tyranny.

After the fall of the Shah, Dr. Rajavi was Iran's first Ambassador to the U.N. headquarters in Geneva. However, shortly after his appointment, he resigned his post in protest to the repressive policies and terrorist activities of the ruling clerics in Iran. He then intensified his campaign against mass executions, arbitrary arrests, and the medieval tortures exercised by the clerics in Tehran. Since the formation of the National Council of Resistance in 1981, Dr. Rajavi had been representing the Iranian Resistance in many international assemblies, and every year headed the resistance delegation to the U.N. General Assembly in New York and the Commission of Human rights in Geneva. His constant and effective efforts, prompting international attention to the horrible situation in Iran, resulted in condemnation of the Iranian clerical despotism by the United Nations and a variety of other human rights organizations in the past few years.

Dr. Rajavi was a resident of France from 1957 to 1968, and subsequently resided in Switzerland, where he was given political asylum. He received six doctorate degrees in the fields of law, political science and sociology from the universities of Paris and Geneva, where he held professorship's post in the last 10 years.

Due to his active and effective role in condemning the medieval autocracy ruling Iran, the regime's authorities despised him and plotted his murder. On many occasions, he was reportedly threatened with death by the Khomeini regime's terrorist-diplomats and personal envoys of Rafsanjani, the Iranian President, to Europe. Nonetheless, he constantly and bravely confronted Khomeini's agents in the various organs of the United Nations, engaging in a full-fledged struggle for human rights and for helping to establish a democratically elected government by the National Council of Resistance of Iran.

As the regime's verbal onslaught on Dr. Rajavi failed to stop his faithful, vigorous activities against the abuses perpetuated under the clerics in Iran, Rafsanjani ordered his proteges in Geneva to shed his blood, and it was on April 24 that Dr. Rajavi, 56, was slain reportedly by 12 bullets fired from a machinegun by two gunmen.

The assassination of Dr. Rajavi by the Tehran agents once again proves to the world that in the past decade, even after Khomeini's celebrated death, things have not changed in Iran; that is, terrorism and repression continue to be the cornerstone of the crumbling regime. The most recent annual report of the Department of State, "Patterns of Global Terrorism," makes clear that "the events of 1989 indicate Tehran continued to view the selective use of terrorism as a legitimate tool to achieve foreign policy." The report calls Iran the most active state sponsor of terrorism last year, backing 28 attacks, including the assassinations of "at least five Iranian dissidents." As the Washington Post, April 27, 1990, puts it, considering Rafsanjani any different from the terrorist clique in Iran is a "ridiculous fable."

We have lost a genuine symbol of service to the great cause of human rights, the embodiment of a people's resolve for peace and freedom. We are honored to salute Dr. Rajavi for giving his life of struggle for human rights a brilliant personification of the utmost devotion.

We rise today to express our profound condolences to his family, especially to his brother Mr. Massoud Rajavi, who as the leader of a nationwide resistance for which his brother sacrificed his life, more than anybody else holds dear the invaluable services that Dr. Kazem Rajavi rendered to the just cause of the Iranian people.

To pay special tribute to Dr. Rajavi, I would like to ask my colleagues to rise and join me in 1 minute of silence.

I also urge the U.S. administration and the U.N. Secretary General to intervene and to take all necessary steps to cease the cowardly acts of terrorism and the continuing wave of summary executions and arbitrary arrests by the Iranian authorities.

NEW SELECT INVESTIGATIVE COMMITTEE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. DORGAN of North Dakota. Mr. Speaker, Ronald Reagan assumed the Presidency in 1981 saying that "government was the problem." He also said that he was going to wage a war on waste, fraud and abuse.

It now appears, nearly a decade after President Reagan took office, that a series of misjudgments and bad appointments by the administration and a philosphy of refusing to provide effective regulation has resulted in the American people being bilked of billions of dollars in the most substantial waste, fraud and abuse in the history of this country. The HUD scandals, the savings and loan bailout, the Department of Defense procurement scandals—the fact that over half of the top 100 defense contractors are under investigation for fraud—these are but a few of the examples of how waste, fraud and abuse have exploded at the Federal level.

Those who were appointed to serve on regulatory boards are guilty of spectacular failure. They followed President Reagan's directive to provide less government. In short, they didn't regulate much at all, and the people who wanted to take advantage of programs and policies had a field day.

The question is, How deep was the corruption? How extensive are the scandals? What will it cost us?

The role of Congress is to find answers to those questions. We appropriate the money, and the administration administers those programs and is charged with spending that money effectively. These recent scandals raise frightening questions about what happened at the Federal level in the 1980's.

Because we think Congress has a responsibility to understand the dimension of these unprecedented problems, we are proposing the creation of a 15-member select congressional committee to investigate the governmentwide management practices and procedures that have resulted in massive waste, fraud and abuse.

The investigations that have been conducted to date have been useful, but they have not systematically looked at these problems as an endemic problem. Abusive practices that have been identified and eliminated in one department may be continuing in others, for all we know. It's time for us, on a governmentwide basis, to find out what happened and make sure it never happens again.

It's time for a new investigative initiative. The depth and breadth of fraud and abuse investigations that have been identified on a fragmented basis demonstrate the need for a systematic investigation and analysis to restore integrity to Federal agencies and programs.

These are the reasons Mr. RUSSO and I are proposing the creation of this new select investigative committee.

THE AGRICULTURE ENVIRONMENTAL RESTORATION ACT OF 1990

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. BEREUTER. Mr. Speaker, today this Member is introducing the Agriculture Environmental Restoration Act of 1990. This bill proposes an environmental restoration program for the U.S. Department of Agriculture along the lines of the Defense Department Environmental Restoration Program which was established in Superfund legislation of 1980. The purpose of this bill is to clean up sites which were contaminated by the U.S. Department of Agriculture's use of chemicals at grain storage sites over the past 50 years. It is also this Member's intent that facilities used by the Agricultural Research Service to test chemicals would be investigated. The domestic water supplies of a number of Nebraska's communities has been contaminated as a result of past chemical use by the USDA and has necessitated the temporary use of bottled water in some communities. Undoubtedly, numerous private wells also have been similarly contaminated.

As required testing of private wells is expended, this Member expects the number of contaminated wells to increase significantly since the testing of private wells is not currently a routine practice. It is imperative that this testing occur to identify contamination before it can cause serious health difficulties for rural residents and others who depend on private wells.

At this time, two communities in Nebraska's First District have had to find alternative sources of water. At great expense, the community of Waverly developed an entirely new well field and major water service lines; Murdock solved its problem by constructing a major water line to a previously existing rural water system located nearby. In the case of these communities, the problem was caused by existence of carbon tetrachloride, a volatile chemical. Not only could residents not safely drink the contaminated water, but bodily contact with the water subjected residents to health risk. Other communities, similarly affected and including this Member's hometown, have solved their problems by shutting down affected wells, and developing new wells or must do so to restore this necessary water supply. Many additional communities in Nebraska, Kansas and elsewhere are also certain to be at risk. Their situation must be investigated.

In light of the attention that is currently being given to the 1990 farm bill, this Member is uncertain whether there can be immediate action on the Agriculture Environmental Restoration Act. This Member recognizes the need to call attention to this urgent matter by introducing the bill for the earliest possible consideration and action.

DISCLOSURE OF NONPROFIT SOFT MONEY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. BOEHLERT. Mr. Speaker, the American people deserve to know who is paying to influence elections for Congress.

During the 1988 elections congressional candidates reported spending almost $450 million.

But no one reported the millions that nonprofit organizations spent on issue slate cards, voter registration, and other election-related activities. Incredibly, our laws do not require such reporting so the real amounts remain unknown.

But what we do know is cause for concern.

According to published sources, a single member of the other body has founded several tax-exempt groups that have raised over $7 million in the last 4 years. That money was

used for Democrat targeted voter registration. Among the contributions that have recently come to light was $850,000 from Charles Keating, the former head of Lincoln Savings & Loan.

How many other Keatings are out there, waiting to be revealed?

Mr. Speaker, the best protection against political corruption is the bright light of public disclosure.

Republicans support full disclosure of all nonprofit expenditures related to Federal elections, regardless of the source. We challenge Democrats to join us.

Mr. Speaker, the American people are waiting.

CONGRATULATIONS TO THE BIG PINE AND LOWER KEYS ROTARY CLUB

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. FASCELL. Mr. Speaker, I extend congratulations to the new Rotary Club of Big Pine and Lower Keys which will convene Saturday, May 12, to celebrate its charter. Charter officers and members and their guests will be joining to honor the efforts of all those involved in establishing this new club. While the Big Pine and Lower Keys Club is celebrating its formation, Rotary Clubs International has been known for years throughout the United States and worldwide for its goal of selfless service to others.

It is with great pleasure and pride that I acknowledge today in the CONGRESSIONAL RECORD those charter officers and directors who, with the assistance and guidance of Rotary Special Representative Bob Jordan, have helped make the Big Pine and Lower Keys Club a reality. President Roberta Hamilton, President-Elect Robert Devitt, Vice President and Program Chairman Jamie Grider, Vice President Vincent Taporowski, Secretary Kenneth Wells, and Sergeant-At-Arms Sarah Carey Greene have all accepted the responsibilities of a club officer in order to ensure that the fine quality of Rotary Club community services would be available to Big Pine Key and the Lower Keys.

Director of Club Service Robert Solomon, Director of Vocational Service Irene Hooper, Director of Community Service David Grider, Director of International Service Howard Zimmerman, and Directors Norman Zercher and Edith Swinney round out the list of individuals who have volunteered their time and energy to get the organization off the ground. The Key West, Key West Sunrise, and Marathon Rotary Clubs generously provided territories and the benefit of their experiences in order to assist in the formation of the new Rotary Club. The following community leaders have the distinction and honor of being charter members: Irving Baltuff, William Daniels, Paula Devitt, Robert Devitt, Sarah Carey Greene, David Grider, Jamie Grider, Roberta Hafenbrack, Roberta Hamilton, Deborah Holle, Irene Hooper, Edgar Hunt, Leonard Klippen, Brian McSorley, James Norris, Alma N. Raymond, Leslie Reasin, Richard Reasin, Robert Smith, Robert Solomon, Edith B. Swinney, Vincent Taporowski, Grace Upshaw, Susan Vernon, Kenneth Wells, Bruce Winebarden, Norman Zercher, Dorothy Zimmerman, and Howard Zimmerman.

The result of this cooperative effort is the successful launching of the Rotary Club of Big Pine and Lower Keys. As one who has long observed the benefits that Rotary Clubs provide to the south Florida community, I commend those involved in this project, and I join with them in celebrating the charter and wish them success in all their future ventures.

HEALTH CARE CRISIS IN LITHUANIA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. MICHEL. Mr. Speaker, the Lithuanian-American Community, Inc., has informed me of a health care crisis resulting from the Soviet blockade of Lithuania. According to the Community's report:

Medical facilities have reduced their services to outlying rural districts. Ambulances have greatly reduced their services.

The most difficult conditions are in the hospitals where all surgical, radiological and laboratory testing procedures have been suspended except in life-threatening situations because of a shortage of the most elemental supplies: surgical thread, scalpels, gauze and cotton balls, sterilizing chemicals, surgical gloves, etc. There is no heat for the hospital wards and there is reduced electricity to even the operating rooms.

Mr. Speaker, I believe our country and the other industrial democracies should do all we can to help overcome or at least alleviate the harm done to the health-care system of Lithuania.

FRAUD: FEDERAL CONTRACTORS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. MILLER of California. Mr. Speaker, I am introducing today legislation to mandate the debarment of Federal contractors who are convicted twice of felonious, fraudulent activity.

This past week marked the 33d conviction of an individual for fraud as a result of the ongoing Ill Wind investigation. Rarely a day goes by that we do not read of yet another military contractor that has been indicted, convicted, sentenced, or has plea bargained in connection with procurement or contract fraud, bribery, conspiracy, making false statements, wire fraud, and other serious offenses. Yet as the Wall Street Journal noted on April 12, few convicted felons are prohibited from continuing to compete for, and receive, Pentagon contracts.

Look at some recent examples.

Northrop Industries, one of our biggest military contractors, recently admitted falsifying important test data on parts for the Harrier vertical takeoff jet and the cruise missile.

Northrop pleaded guilty to 34 charges. But 139 other charges were dropped, as were charges against two of Northrop's executives, Joseph Yamron and Leopold Engler, both of whom reportedly were going to return to work.

General Electric was convicted of fraud and other charges in February.

MacHaffie Inc., a California defense contractor, pleaded guilty last month to falsifying results of tests on millions of bolts used in the manufacture of a vast array of U.S. military aircraft: B-1 bomber, F-16 fighter, A-7 Corsair II attack fighter, F-18 Hornet fighter, and the F-14 fighter.

MacHaffie, which admitted its crime, pleaded guilty to Federal conspiracy charges and to making false statements. The company faces a maximum fine of $1.5 million, and its president could face 15 years in jail and another $750,000 fine.

Meanwhile, several billion dollars in aircraft, not to mention the lives of the pilots, are endangered because of this company's greed, and it is not alone.

These are but a few examples in a long list of indictments, convictions, and pleas by those who have sought to profiteer by milking the military and deceiving the American taxpayer. Yes, they are punished. A multibillion dollar corporation has to pay a few million dollars in fines; an executive gets a short prison sentence. We couldn't devise a scenario to better demonstrate that crime pays. The greed of these convicts makes the most egregious welfare cheat look positively virtuous in comparison.

In time of war, deliberate decisions to produce faulty parts that endanger the lives of American military men would not be considered fraud: It would be treason.

I would hate to hear the outcry against such systematic looting and defrauding of the taxpayer if the perpetrator were a school lunch program, or a senior citizen's center. But when these outrageous, illegal acts are committed by corporations that wrap themselves in the flag and take out full page ads in newspapers extolling their patriotism, we treat their offenses like jaywalking.

My legislation mandates debarment of Federal contractors for a period of 5 years upon a second conviction for fraud or other felonious activity within any 10-year time period. This legislation will debar not only specific individuals, but a contracting or subcontracting firm as well. It is not intended to be limited solely to military contracts, although it is quite evident that Defense Department fraud costs taxpayers the greatest amounts of money and presents the greatest danger to national security and the safety of individual citizens.

Is this tough legislation? You'd better believe it is! The time has come for the Congress to show that we are not going to continue to lavish enormous contracts on those who make a practice of subverting the laws and cheating the taxpayers of the United States. And we are going to tell those felons that you cannot buy your way back in the Government

contracting business by paying a fine equal to a fraction of your ill-gotten profits.

To those who complain that this debarment penalty will discourage companies from competing for Government contracts, the answer is twofold. First, if they don't commit repeated felonies against the United States, they have nothing to worry about. And second, if they do continue to cheat taxpayers and endanger our security, we don't want them.

I am delighted that the chairman of the Subcommittee on Criminal Justice, the Hon. CHARLES E. SCHUMER, joins me as the principal cosponsor of this legislation. Chairman SCHUMER has indicated not only his strong support for this legislation, but his intention to conduct hearings on our bill in the near future.

In addition, 28 other Members have joined us in cosponsoring this legislation. They join me in urging that it receive immediate consideration and approval by the House.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. PORTER. Mr. Speaker, the record exodus of Soviet Jews last year and their continued evacuation this year is a very welcome development and serves to show that vigilant human rights advocacy can produce positive results. However, many refuseniks remain in the Soviet Union, and I commend my colleagues, JOHN MILLER and PETER KOSTMAYER, for sponsoring this vigil to ensure that those left behind are not forgotten.

I rise today to call attention to the case of Evgeny Pisarevsky and his family who currently reside in Leningrad. The Pisarevsky family first applied to emigrate in September 1988. In January 1989, they were refused on the vague grounds that "it was not in the interest of the state." The Pisarevsky's believe that they were refused because of a job that Evgeny left over 10 years ago. Their son, Vladimir, was given permission and has since left the Soviet Union. However, in December 1989, the Pisarevsky's hope of joining their son was dashed when authorities once again refused their emigration request.

The continued incarceration of refuseniks such as the Pisarevsky's is in direct violation of the Helsinki accords and the Vienna concluding document which binds the Soviets to adhere to the principle of freedom of emigration. While we remark at the changes that have taken place in the Soviet Union, we must not lose sight of the fact that Soviet Jews are still arbitrarily denied their fundamental rights. In light of the rising tide of anti-Semitism sweeping throughout the Soviet Union, it is vital that all available means be found to facilitate the departure of Soviet Jews who wish to leave.

President Bush and President Gorbachev will be meeting soon at a summit whose highlight will most likely be the signing of a trade agreement creating conditions for a waiver of the Jackson-Vanik amendment. Although the Soviets have been promising that they would pass emigration reform legislation for the past 2½ years, reports indicate that they will finally take this long-awaited step in the next few weeks. What this legislation will mean to the many Soviet Jews, like the Pisarevsky family, who anxiously await its implementation remains to be seen. As cochairman of the Congressional Human Rights Caucus, I will closely monitor the emigration performance of the Soviets after this law is codified to ensure that arbitrary refusals and long-term refuseniks become memories of the past.

H.R. 370, THE FREEDOM "TO KILL" ACT OF 1989

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. DANNEMEYER. Mr. Speaker, Thomas L. Jipping of the Center for Law and Democracy at the Free Congress Foundation has prepared an excellent analysis of the Freedom of Choice Act of 1989. The "choice," of course, is to kill unborn children or not. I urge Members to review this important work.

THE CONSTITUTIONALITY OF THE FREEDOM OF CHOICE ACT

(By Thomas L. Jipping, M.A., J.D., director Center for Law & Democracy)

The Freedom of Choice Act is a direct regulation of the states, in their legislative and policymaking capacity, by the federal government. By its terms, this bill attempts to remove from the states the ability to determine abortion policy by dictating the permissible substantive contours of that policy.

* * * * *

The Freedom of Choice Act is unconstitutional. Congress does not have the power to dictate the substantive content of state abortion legislation. The constitutional principle of federalism exists independent of the abortion issue and must be protected regardless of anticipated legislative outcomes on that issue. Regardless of one's views on abortion per se, there can be no more blatant federal attempt to usurp state legislative prerogatives than the Freedom of Choice Act.

The core principle of federalism, enshrined in the Tenth Amendment and at the heart of the American system of constitutional limited government, is directly at stake. Unless choosing abortion is held by the Supreme Court to be a fundamental constitutional right, state legislatures have the constitutional prerogative to determine abortion policy, a prerogative they must actively preserve. Proponents as well as opponents of abortion can join in this call for preserving essential constitutional processes because the very ability to act as a state legislator hangs in the balance. As more and more policy areas are "nationalized," the elected repesentatives of each state's residents are rendered more politically impotent. The Constitution's principle of federalism exists to check this shift.

This analysis will examine, somewhat historically, two phases in the development of abortion policy in the United States. State legislatures determined that policy until 1973. Federal courts have essentially determined that policy since then. Assuming, as the Freedom of Choice Act does, that the Supreme Court reverse its *Roe v. Wade* decision and removes the constitutional status of the abortion "right," state legislatures should once again be able to determine abortion policy. Congress lacks the power to say otherwise.

STATE ABORTION REGULATION

Connecticut became the first American state to pass abortion legislation in 1821.[1] Since then, "[a]bortion regulation was a matter exclusively for state legislatures." [2] By the 1960s, nearly every state had banned abortion in all circumstances except to save the mother's life.[3]

Between 1967 and 1972, roughly one-third of the state legislatures liberalized their abortion statutes to allow abortions in specified circumstances.[4] Abortion reform in one state was achieved through popular referendum.[5] At least 28 states considered but rejected proposals to reform or repeal their abortion statutes,[6] in at least two of them by popular referenda.[7]

State legislatures exclusively determined abortion policy for more than 150 YEARS in the United States. They successfully channelled currents of popular concern and balanced competing political interests. The mix of policies existing by the early 1970s was evidence of how well this process worked. In any event, this is the scheme the Constitution established for policymaking in this area.

JUDICIAL ABORTION REGULATION

The effort to remove abortion from the state legislative arena began in the 1960s with academic arguments claiming that the Constitution protects a woman's right to choose abortion.[8] In 1969, the California Supreme Court was the first to decide that a state abortion statute violated the U.S. Constitution.[9] State and federal courts considered many cases raising constitutional arguments during the next few years.[10]

By its 1973 decisions in *Roe v. Wade*,[11] the U.S. Supreme Court put abortion squarely in the federal judicial arena. It held that a "right to privacy" derived from the due process clause of the Fourteenth Amendment included the right to choose abortion as a means of pregnancy termination.[12] The effect of the Court's decision was to prevent the states from every flatly prohibiting abortion. Abortion is currently legal in the United States for any reason throughout pregnancy.[13]

State legislatures still want to regulate abortion and passed more than 300 abortion bills from 1973 through 1988.[14] The contours of permissible abortion regulation have, therefore, been determined in hundreds of federal court cases,[15] including two dozen that have reached the Supreme Court.

The Supreme Court removed abortion as a subject of exclusive state legislative policymaking by designating it in *Roe* as a fundamental constitutional right. When the Court decides that there exists no such fundamental right, the states will once again be able to determine abortion policy under their inherent police power.

The Court is moving in that direction. By recent its decision in *Webster v. Reproductive Health Services*,[16] the Court upheld a Missouri statutory provision requiring abortionists to determine fetal viability before performing abortions after 20 weeks of pregnancy. This provision furthered the state's interest in fetal life, but did so during the second trimester. The Court had said in *Roe* that a state could not legislate to further this interest until the third trimester.

Justice Sandra Day O'Connor did not see a conflict between this provision and the Court's abortion precedents and, on that basis, voted to uphold the provision. Chief Justice William Rehnquist, joined by Justices Byron White and Anthony Kennedy, saw a conflict and voted to uphold the provision, feeling that *Roe* rather than the statute was the source of the conflict and should accordingly be modified. Justice Antonin Scalia saw a conflict and voted to uphold the provision, feeling *Roe* was the source of the conflict and should be overruled.

The *Webster* decision was not a declaration of fundamentally new judicial abortion policy. Rather, it was an invitation for more aggressive state legislative activity in this area. A majority of the court clearly views *Roe* as more problematic than respect for precedent alone can tolerate. That majority seems willing to approve state life-protective legislation and seems more receptive to arguments that *Roe* should be changed or overruled entirely.

States have accepted the invitation and are responding. The Louisiana legislature passed a resolution calling for renewed enforcement of the state's abortion ban. The Florida legislature considered, but did not pass, several abortion restrictions. The Pennsylvania legislature enacted its 1989 Abortion Control Act which requires spousal consent and a 24-hour waiting period for obtaining an abortion and bans both abortions for sex selection and those after 24 weeks not performed to save the mother's life.[17] On December 6, 1989, the Michigan House of Representatives approved abortion restrictions passed earlier by the state Senate.[18] On January 29, 1990, the Indiana House of Representatives passed three pro-life measures, including a ban on abortions after viability or for sex-selection and a 24-hour waiting period. The next day, the Wisconsin Assembly defeated a bill to repeal that state's abortion ban.[19] The Mississippi legislature passed informed consent and clinic regulation bills.[20] The Virginia House of Delegates passed a parental notification bill on February 11, 1990.[21] Idaho passed a restrictive abortion bill in March, which Governor Cecil Andrus vetoed.[22] South Carolina governor Carroll Campbell signed that state's new parental consent law.[23] Guam governor Joseph Ada signed that territory's strict abortion ban on March 19, 1990.[24]

Clearly, the primary determination of abortion policy is shifting back to state legislatures. That shift will be complete when the Supreme Court overrules *Roe* and the "right to abortion" no longer has fundamental constitutional status.

Abortion proponents have two options. Both are based on the need to restrict state power to once again determine abortion policy.

First, they can develop constitutional arguments separate from those embodied in *Roe.*

Building on the academic development during the 1960s, they are already pursuing this approach. In *Webster,* abortion advocates asked the Supreme Court, "[i]n the unlikely event th[e] Court decides to abandon the rationale of *Roe v. Wade,* . . . to remand th[e] case for consideration of what other Constitutional principle can support the right recognized in *Roe.*[25] In addition, organizations filing "friend of the court" briefs in *Webster* offered various constitutional arguments.[26]

If a constitutional basis for "abortion rights" is foreclosed, their second option is to restrict state abortion regulation through federal legislation. The Freedom of Choice Act is such an attempt. In their rush for political results, however, abortion proponents are trampling the Constitution and the structure it creates for policymaking in an area like abortion. Nothing less than the constitutional principle of federalism itself is at stake.

THE TENTH AMENDMENT

The Tenth Amendment, ratified on December 15, 1791, states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." This provision formalizes the principle of federalism. The federal government can only exercise powers relinquished by the states or the people.

This principle applies with equal or greater force to Congress as it does to the federal judiciary. As Alexander Hamilton put it: "[T]hat the States will retain all *preexisting* authorities which may not be exclusively delegated to the federal head . . . may not apply with the same force to the judiciary as to the legislative power, yet I am inclined to think that [it is].[27] President Ronald Reagan demonstrated the overriding importance of this principle by issuing an executive order: "Acts of the national government—whether legislative, executive, or judicial in nature—that exceed the enumerated powers of that government under the Constitution violate the principle of federalism established by the Framers."[28]

Although the position of the states in the federal system has been weakened by recent Supreme Court commerce clause decisions,[29] the Supreme Court has recently stated that the Tenth Amendment continues to protect states "deprived of any right to participate in the national political process or singled out in a way that [leaves them] politically isolated and powerless."[30] One would be hard-pressed to find a better example of federal deprivation of state political power than the Freedom of Choice Act.

THE FOURTEENTH AMENDMENT

When he introduced the Freedom of Choice Act, Senator Cranston stated: "It has long been recognized that Congress has the authority, under section 5 of the 14th amendment and other provisions of the Constitution to enact legislation to restrain States from denying due process and equal protection rights to individuals or interfering with fundamental rights."[31]

Section 5 of the Fourteenth Amendment states: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." Proponents claim the Freedom of Choice Act enforces the so-called due process and equal protection clauses found in section 1: ". . . nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The Supreme Court has long held that the Fourteenth Amendment does not restrain states from exercising power they traditionally retained. "It cannot be supposed that the states intended, by adopting th[e Fourteenth Amendment], to impose restraints upon the exercise of their powers for the protection of the safety, health, or morals of the community."[32]

The Tenth Amendment would be rendered completely impotent and the principle of federalism would be obliterated if section 5 allowed Congress to simply dictate the substance of state legislation on any subject it chose. It does not. The due process and equal protection clauses in section 1 prohibit state deprivation only of recognized and fundamental constitution rights. Therefore, as Senator Cranston correctly observed, Congress' power under section 5 likewise extends only to preserving fundamental constitutional rights. Section 5 gives Congress power to enforce, not the power to define, those rights.

At this point, it is essential to repeat that the Freedom of Choice Act has meaning only in a post-*Roe* environment and after the right to choose abortion has lost its status as a fundamental constitutional right. Here we see how the political eagerness of abortion proponents runs roughshod over the principle of federalism and attempts to extend the power granted Congress in section 5 of the Fourteenth Amendment to defining what it wants to be fundamental.

It does enough damage to the rule of law and our constitutional scheme of limited government, separation of powers, and federalism when the Supreme Court acts as if it were Congress.

With the Freedom of Choice Act, we can see how it is even more dangerous when Congress acts as if it were the Supreme Court. The degree of freedom assumed by the Supreme Court to determine the meaning of the Constitution's words and provisions is controversial at best. This power, however, belongs even potentially only to the Court, not to Congress.

LESSONS FROM THE PAST

The real test of whether principle is something more than a political tool is when it must be applied against one's preferred position. In 1981, Congress considered S. 158, the "Human Life Bill." The bill stated that "for the purpose of enforcing the obligation of the States under the fourteenth amendment not to deprive persons of life without due process of law, human life shall be deemed to exist from conception." It attempted to dictate state policy on abortion in a pro-life direction, much as the Freedom of Choice Act now would dictate state policy on abortion in a pro-abortion direction.

The arguments against the Human Life Bill included its impact of federalism and those observations fully apply in the present context. Senator Orrin G. Hatch, Republican of Utah and strong opponent of abortion, concluded that S. 158 was unconstitutional. He stated:

"Quite simply, the 14th Amendment is a limitation upon the States, while section 5 of the 14th Amendment is a conferral of authority of Congress. To enhance that Congressional authority, by transforming it from mere authority to establish remedies for substance constitutional violations into authority to define what constitutes such violations, is to significantly erode the division of powers between the State and national governments."[33]

Make no mistake—the Constitution itself it at stake here. Former Solicitor General of the United States Erwin Griswold also expressed opposition to S. 158, stating that the separation of powers and "the appropriate division of powers between the states and federal government" are the two major premises of the United States Constitution.[34]

Professor William Van Alstyne of Duke University School of Law has also noted in this regard:

"If Congress can (a) determine authoritatively what affirmative obligations each State has in respect to the life, liberty, and property of each person, and if Congress can (b) legislate to "enforce" such affirmative obligations as determined by Congress, then indeed the rudiments of federalism are dead, and 10th Amendment is meaningless, and each State becomes but the instrument of a uniform, congressionally determined policy of social welfare." [35]

Former law professor, Solicitor General of the United States, and U.S. Circuit Judge Robert Bork has observed:

"A national legislature empowered to define the meaning of [constitutional provisions] can void any State legislation on any subject and replace it with a Federal statute." [36]

Liberal Senator Max Baucus, Democrat of Montana, cautioned that S. 158 would "set a precedent that will lead to increased federal intervention and an erosion of state authority." [37]

Judge Bork's conclusion applies with equal force to the Freedom of Choice Act:

[T]he version of Section V of the Fourteenth Amendment that is being propounded here in support of this bill . . . federalizes state police powers. Under the equal protection clause and the due process clause together, those are turned over to Congress, and there is no state legislation on any topic that I can think of that cannot be federalized if Congress so chooses.[38]

STATE POLICE POWER

As the Supreme Court noted in *Mugler v. Kansas*,[39] the Fourteenth Amendment does not restrain states from acting to protect "the safety, health, or morals of the community." This is commonly called the state's police power and has always been recognized as the core of legitimate state authority.[40]

In *Mugler*, the Supreme Court stated: "It belongs to [state legislatures] to exert what are known as the police powers of the state, and to determine, primarily, what measures are appropriate or needful for the protection of the public morals, the public health, or the public safety."[41]

The state police power includes the protection of human life itself. The Supreme Court recently observed that "the essential dignity and worth of every human being [is] a concept at the root of any decent system of ordered liberty. . . . [T]he protection of life itself [is] left primarily to the individual states under the Ninth and Tenth Amendments.[42] Chief Justice William Rehnquist, dissenting in *Roe*, saw the obvious application of this principle to state abortion legislation when he observed that "the drafters did not intend to have the Fourteenth Amendment withdraw from the States the power to legislate with respect to [abortion].[43]

The Supreme Court has recognized that regulating the medical profession is squarely within the state police power. The Court has affirmed the special deference with which it treats such regulation, by which "the legislature [does] not deal[] with traders in commodities, but with the vital interest of public health, and with a profession treating bodily ills.[44]

Section 5 of the Fourteenth Amendment grants Congress the power to enforce the provisions of that amendment which, in turn, prohibit states from depriving persons of fundamental rights. Only if the Supreme Court holds that abortion has the status of a fundamental constitutional right can the traditional police power of the states even potentially be trumped by Congress. Without that status, abortion is squarely within the state police power.

CONCLUSION

The very existence of the Freedom of Choice Act makes sense only in a post-*Roe* context in which choosing abortion is no longer a fundamental constitutional right. In that context, abortion is squarely within the traditional state police power. Congress lacks the power to restrain state policymaking by dictating the substantive content of state abortion statues. Section 5 of the Fourteenth Amendment only gives Congress the power to enforce that amendment's restriction on state deprivation of recognized fundamental rights.

The Freedom of Choice Act violates the bedrock constitutional principle of federalism. Respect for that principle will allow "states to shape their abortion laws . . . according to local preferences.[45] This is not merely a goal or desire; it is a constitutional directive. A proper constitutional scheme will permit state abortion laws once again "to reflect a tolerable accommodation of competing views, differing from state to state in accordance with the differences among their citizens.[46]

State legislators, regardless of their substantive views on abortion, have a fundamental stake in preserving this constitutional principle. Their very ability to function as state legislators is directly at stake. The Constitution requires that they have the prerogative, as well as the responsibility, to determine abortion policy.

[1] Destro, "Abortion and the Constitution: The Need for a Life-Protective Amendment," 63 *California Law Review* 1250, 1279 (1975); Sauer, "Attitudes to Abortion in America, 1800-1973," 28 *Population Studies* 53, 57 (1974).

[2] George, "State Legislatures Versus the Supreme Court: Abortion Litigation in the 1980s," in J. Butler & D. Walbert (eds.), *Abortion, Medicine, and the Law* (3rd ed. 1986), at 23. An 1873 anti-obscenity statute covering topics including abortion advertising represented the only action by Congress relating even incidentally to abortion prior to the 1970s. See J. Mohr, *Abortion in America: The Development of National Policy, 1800-1900* (1977), at 196.

[3] See Quay, "Justifiable Abortion—Medical and Legal Foundations," 49 *Georgetown Law Journal* 395, 447-520 (1961).

[4] See "Abortion in the U.S.: Two Centuries of Experience," in *Constitutional Amendments Relating to Abortion: Hearings Before the Subcommittee on the Constitution of the Senate Committee on the Judiciary*, 97th Cong., 1st Sess. (1981), at 357; Tatelovich & Daynes, "From Abortion Reform to Abortion Repeal: The Trauma of Abortion Politics," *Commonweal*, November 1981, at 644.

[5] See Fujita & Wagner, "Referendum 20—Abortion Reform in Washington State," in H. Osofsky & J. Osofsky (eds.), *The Abortion Experience: Psychological and Medical Impact* (1973), at 232.

[6] "Abortion in the U.S.," *supra* note 5, at 357.

[7] See Senate Report No. 465, 97th Cong., 2nd Sess. (1982), at 23.

[8] The first installment was Lucas, "Federal Constitutional Limitations on the Enforcement and Administration of State Abortion Statutes," 46 *North Carolina Law Review* 730 (1968).

[9] *People* v. *Belous*, 71 Cal. 2d 954, 458 P.2d 194, 80 Cal.Rptr. 354 (1969).

[10] See Bopp, "Will There Be a Constitutional Right to Abortion After the Reconsideration of *Roe v. Wade*?," 15 *Journal of Contemporary Law* 131, 134 (1989).

[11] 410 U.S. 113 (1973).

[12] The frontal assault on the Tenth Amendment and the position of the states in our federal system represented by the freedom of Choice Act exists independent of this decision's merits. Suffice it to say that *Roe* v. *Wade* is likely the most-criticized Supreme Court decision of this century. See Jipping, "Informed Consent to Abortion: a Refinement," 38 *Case Western Reserve Law Review* 329, 334-36 nn. 17-21 (1988).

[13] For a thorough analysis of the substance of national abortion policy, see Jipping, "National Abortion Policy and Public Opinion: Two Ships Passing in the Night," 1 *Bioethics and Public Policy* (1990).

[14] See Wardle, "Rethinking *Roe* v. *Wade*," 1985 *Brigham Young University Law Review* 231, 247 n.83; Planned Parenthood Federation, *From the World Beyond Washington* (Alan Guttmacher Institute), "Washington Memos" from January 15, 1987; January 21, 1988; January 12, 1989.

[15] Nearly a decade ago, Professor Lynn Wardle examined more than 145 reported decisions by lower federal courts dealing with substantive abortion issues. L. Wardle, *The Abortion Privacy Doctrine: A Compedium and Critique of Federal Court Abortion Cases* (1980), at xiii.

[16] 109 S.Ct. 3040 (1989).

[17] On January 12, 1990, a federal judge enjoined enforcement of the spousal consent and waiting period provisions. See Baer, "Judge Blocks Portion of Abortion Law," *Washington Post*, January 12, 1990, at A20.

[18] Michigan Governor James Blanchard vetoed this measure on February 23, 1990.

[19] McConagha, "Wisconsin Assembly Refuses to Repeal Old Abortion Law," *Washington Times*, January 31, 1990, at A6.

[20] *National Right to Life Factsheet*, March 27, 1990, at 2.

[21] *Id.* at 3.

[22] *Id.*

[23] Andrusko, "Governor Campbell Signs S.C. Parental Consent Bill," *National Right to Life News*, March 15, 1990, at 4.

[24] "Guam Bans Abortion; ACLU Files Suit," *ALL News*, March 30, 1990, at 1.

[25] Brief of Appellees, *Webster v. Reproductive Health Services*, No. 88-605, at 18-19.

[26] These include First Amendment establishment or free exercise of religion; First Amendment freedom of speech or association; Eighth Amendment cruel and unusual punishment; Ninth Amendment retention of unenumerated rights; Thirteenth Amendment involuntary servitude; Fourteenth Amendment equal protection.

[27] A Hamilton, *The Federalist* No.82 (R. Fairfield ed. 1981), at 252.

[28] Executive Order No. 12,612. See 52 Fed. Reg. 41,685-86 (1987).

[29] See, e.g., *Garcia v. San Antonio Metropolitan Transit Authority*, 469 U.S. 528 (1985).

[30] *South Carolina v. Baker*, 108 S.Ct. 1355, 1361 (1988).

[31] *Congressional Record*, November 17, 1989, at S16051. What "other Provisions of the Constitution" allow Congress to directly restrain the states in their legislative capacity remains a mystery.

[32] *Mugler v. Kansas*, 123 U.S. 623, 664 (1887).

[33] *The Human Life Bill—S.158, Report to the Committee on the Judiciary Made by its Subcommittee on Separation of Powers* (1981), at 34 (Additional Views of Senator Orrin G. Hatch).

[34] *The Human Life Bill: Hearings Before the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary*, 97th Cong., 1st Sess. (1981), at 193.

[35] Report on S.158, *supra* note 30, at 34.

[36] *Id.*

[37] *Id.* at 43 (Minority Views of Senator Max Baucus).

[38] *Id.* at 44.

[39] 123 U.S. 623 (1887).

[40] See generally *Berman v. Parker*, 348 U.S. 26, 32 (1954).

[41] *Mugler*, 123 U.S. at 661.

[42] *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 758 (1985).

[43] *Roe v. Wade*, 410 U.S. 113, 177 (1973) (Rehnquist, J., dissenting).

[44] *Semler v. Oregon State Board of Dental Examiners*, 294 U.S. 608, 612 (1935).

[45] Sandalow, "Federalism and Social Change," 43 *Law and Contemporary Problems* 29, 36 (Summer 1980).

[46] *Id.*

DRUG CRIME AND DRUG VIOLENCE

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. RINALDO. Mr. Speaker, despite the infusion of the first installments of $9 billion in budgeted Federal antidrug funds this year, the war against drugs is having few visible results in many neighborhoods where drug crime and drug violence are features of everyday life.

Streets are still unsafe and drugs are widely available despite a 113-percent increase in the number of adults arrested for drug trafficking or manufacturing.

In my home State of New Jersey, Federal funding for antidrug enforcement, education, and treatment programs will total $41.4 million this year, up from $20.9 million in 1989.

In 1988, more than 54,000 people were arrested for drug offenses in New Jersey, up from 41,000 in 1987. And the number of arrests is expected to increase again this year.

Although we are spending more money and arresting more people, public frustration levels are rising.

That's because the drug peddlers who make our streets unsafe are often back out on the same corner within 24 hours of being taken into custody.

The drug peddlers and the street thugs associated with the drug trade are tying the courts up in legal knots.

They are manipulating the criminal justice system and using legal loopholes to evade the penalties for their crimes.

That is why we need to close the loopholes in the law that allow drug peddlers and killers to go free.

We must send the message that punishment for criminals and drug offenders is going to be sure and swift.

Right now, people on death row for drug-related murders seem to stand a greater chance of dying of natural causes than of being executed for their crimes.

As one of the sponsors of H.R. 3918, the Violent Crime Control and Criminal Procedures Reform Act, I believe we need to adopt the proposals contained in this legislation to end the abuses of the system that have created escape routes for criminals in our courts.

To make progress in the war against drugs, we must establish credible deterrents to drug trafficking and abuse.

We must restore the certainty of punishment for those who commit drug crimes.

We're not solving any problems by catching a drug peddler on the street and then setting him free in the courtroom.

I urge support for H.R. 3918, which is intended to close the loopholes and to guarantee swift, sure justice for those who violate our laws.

TRIBUTE TO FRANK T. PIZZA

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Ms. KAPTUR. Mr. Speaker, it is with great pleasure that I place on the record the formal statement accompanying the 1990 Distinguished Toledo Lawyer Award recently presented to Frank T. Pizza, which appeared in the May 1990 edition of the Toledo Bar Association's Newsletter.

Frank T. Pizza has been named the recipient of the 1990 Distinguished Toledo Lawyer Award. Initiated in 1976, the award is given by the University of Toledo College of Law Alumni Association and is presented each year at the law day luncheon of the Toledo Bar Association.

The annual award honors a member of the Toledo Bar for his or her record of significant service to the legal profession and to the community. Recipients are not limited to graduates of the University of Toledo College of Law. Previous recipients have been Roger Smith, Charles Fornoff, Arthur Cline, Merritt Green, Sr., James Slater Gibson, Jamille Jamra, Hon. Frank Wiley, Harry Friberg, Hon. Willis Ludeman, John Eastman, Hon. Robert Franklin, Mary Hamilton, and Jack Callahan.

Frank Pizza is a senior partner of Spengler, Nathanson, Heyman, McCarthy & Durfee. Since joining the firm in 1981 his practice has been primarily devoted to public sector law. From 1950 to 1981 he served the city of Toledo in many capacities, first on the staff of the former Publicity and Efficiency Commission and later as a member of the law department. When he joined the law department in 1958 his two colleagues as police prosecutors were Robert Franklin and Nicholas Walinski. From 1971 to 1981 he was the director of the law department, except for two periods between 1976 and 1979 when he served as acting city manager. During his tenures as law director and acting city manager, Frank Pizza was credited with a major role in resolving some of the city's greatest crises, including the highly charged labor disputes in 1976 and 1979.

Mr. Pizza has held many important positions and received numerous coveted awards. He was the president of the Toledo Bar Association in 1980-81 and president of the Ohio Municipal Attorneys Association in 1977. In 1981 he was presented with the Order of the Heel by the Junior Bar Association of Toledo. He received his college of law degrees from the University of Toledo in 1950 and 1952, respectively. His postgraduate activities on behalf of his alma mater have been many and varied. During the 1960's he served for 6 years as a member and later chairman of the athletic board of control. He was the president of the UT Alumni Association's Blue "T" Award in 1961. A standout tackle on the 1946 and 1947 University of Toledo Rockets football team and a professional football player with the Buffalo Bills, he was inducted into the university's varsity "T" athletic hall of fame in 1980.

MICHIGAN'S 15TH DISTRICT RESPONDS TO 1990 SURVEY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. FORD of Michigan. Mr. Speaker, I would like to share with my colleagues the results of a survey I sent at the end of March to my constituents in the 15th Congressional District of Michigan. The 20 communities that make up the 15th Congressional District are Taylor, Romulus, Southgate, Wayne, and Westland; Livonia, Garden City, and Dearborn Heights; Saline, York Township, Augusta Township, Milan, Sumpter Township, and Huron Township; Ypsilanti, Ypsilanti Township, Van Buren Township, Belleville, Superior Township, and Canton Township.

The survey asked 12 questions about some of the most important issues facing the Congress this year, and asked my constituents to list the three most critical problems we should be working to solve, as well as the three places they would like to see Federal spending reduced. I have already received nearly 10,000 responses to my survey, which was the 26th I have conducted since I first came to Congress in 1965. More surveys will be returned in the coming weeks, but the time has come to analyze the responses and announce the results. I am truly gratified that so many people took the time to answer and send back the questionnaire.

The survey's first question concerned the capital gains tax proposal the House passed last year—77 percent of my constituents oppose the capital gains tax cut, and the notes they attached to the survey responses make clear why. My constituents make their income through wages and salary, not by selling stocks and bonds, timber, or commercial real estate. A payroll tax cut would be far more meaningful and advantageous to them than a tax preference for capital gains income.

As it usually is among the people of the 15th District, defense spending was singled out as the area where the Federal budget most needs reduction. I asked about two major strategic weapons systems, the B-2 Stealth bomber and the rail garrison MX missile. Large majorities opposed the President's spending plans for both weapons—84 percent oppose spending another $5.5 billion to build five more B-2 bombers, and 71 percent oppose spending $2.8 billion to deploy the rail MX.

My constituents favor troop reductions in Asia to parallel President Bush's plan to reduce our forces in Europe by one-third—68 percent want to see similar reductions in our military personnel stationed in Korea, Japan, and Okinawa.

In keeping with their longstanding hostility to foreign aid, a majority of my constituents oppose the President's proposed assistance program for Panama, the first $420 million of which the House has already approved—64 percent oppose the aid package, despite the fact that our invasion and economic sanctions devastated the Panamanian economy.

By contrast, a program that helps compensate American vicitms of increased foreign imports by paying them unemployment insurance benefits while retraining them for new jobs was strongly supported by my constituents—71 percent oppose President Bush's plan to save $280 million by eliminating the Trade Adjustment Assistance Program.

The question that drew the most lopsided response concerned a bill that I introduced, the Employee and Safety Whistleblower Protection Act. The Whistleblower Act would give employees the right to refuse unreasonably dangerous work and would protect them against retaliation. It would also protect employees who blow the whistle on violations by their employer of laws that protect the public's health and safety. An overwhelming 95 percent of my constituents favor passage of such a law.

Another bill I have sponsored was also strongly supported in the survey response—81 percent of my constituents favor passage of H.R. 770, the Family and Medical Leave Act, the same level of support the bill receives in national polls. The Family Leave Act would require businesses with 50 or more employees to provide up to 12 weeks of unpaid leave to employees who request it after the birth or adoption of a child or to care for a seriously ill child, spouse, or dependent parent. The act, which passed the House on May 10, would also require employers to provide unpaid leave to employees disabled by medical illness.

The last four questions on the survey dealt with environmental legislation, and the responses reflect the powerful feelings Americans in every region feel about protecting the Earth from further degradation—94 percent of my constituents want Congress to force the States to adopt programs that would increase the rate of recycling from 10- to 25-percent of all waste within 4 years, and increase the rate to 50 percent within 8 years.

My constituents are very familiar with beverage container recycling, because Michigan has had a bottle deposit law since 1976—91 percent believe that Congress should enact a national bottle law—strong evidence of the popularity such a law would have with the American people as a whole, once they had the opportunity to live with it.

Michigan's bottle law has been a great success. It keeps 600,000 tons of trash out of our landfills each year, reduces litter, and conserves natural resources. What's more, the bottle law created a net increase of 4,200 jobs in distribution, retailing, and recycling. I am a cosponsor of H.R. 586, the National Beverage Container Reuse and Recycling Act.

The people in my congressional district are willing to pay for environmental protection. They realize, for example, that sewage treatment and clean water cost money—77 percent oppose President Bush's proposed budget cuts for the Clean Water Act's revolving loan program, which makes low-interest loans to communities to build or improve sewage treatment plants. Mr. Bush wants to cut the clean water funds by one-third, to $1.6 billion.

The most surprising response on this year's survey involved the Clean Air Act and the Bryan amendment, which would require auto manufacturers to raise their corporate average fuel economy standards to 34 mpg by 1995 and 40 mpg by 2001. Despite the Motor Vehicle Manufacturers Association's warning that the Bryan amendment would cause the loss of 50,000 auto industry jobs in Michigan alone, 48 percent of my constituents favor its passage. It may be that people do not believe the MVMA's predictions of terrible job losses. Or it may be that people believe that enormous sacrifices are justifiable in a battle to limit emissions and clean up the air we breathe.

Without making any suggestion of my own on the survey, I asked my constituents to list "the three most critical problems" they think Congress and the President should be working to solve, "even if it means increasing the Federal budget deficit."

For the second year in a row, the environment was the issue that was listed most often as deserving increased attention—half again more frequently than any other. As you know, Mr. Speaker, the House budget resolution, for which I voted, provides $900 million more for the environmental protection than the President's budget proposal. The increase would fund the acquisition of lands for national parks and forest, the cleanup of hazardous waste sites, and enforcement activities of the Environmental Protection Agency.

Health care and health research were the No. 2 spending priority for my constituents. Substance abuse and education were tied for No. 3.

President Bush proposed major cuts in Federal support of health care in the coming year, including a $5.5 billion cut in Medicare. The House budget resolution, for which I voted, rejected $3.8 billion of that cut, provides a $444 million increase in VA hospital and medical care funding, and increases Medicaid for the poor by $280 million.

The House budget resolution also provides $750 million more than the President's budget proposal for health research at the National Institutes of Health. This additional investment could support nearly 16,000 training awards and 7,800 new biomedical research grants.

The congressional education budget is also much larger than the budget proposed by President Bush. We provided a $2.5 billion increase for math and science education, vocational education, dropout prevention programs, compensatory education, handicapped education, and Pell grants for higher education.

On the other side of the coin, Mr. Speaker, I also asked my constituents where they would most like to see Federal spending reduced. As in years past, the top priority for budget cuts was defense spending.

As you know, I voted for the budget alternative that made the most substantial reduction in the Pentagon's budget, a 15-percent cut. My vote was motivated in part by the dramatic changes in the Soviet Union and the CIA's testimony that the Soviet threat to us and the rest of the world is irreversibly reduced. It was also motivated by the recent shocking revelations that the Pentagon has a $34 billion surplus inventory of spare parts—in some instances enough for 200 years—and that it has $25 billion in funds from prior years that were never spent and are not tied to any specific program, weapon, or account. These factors amply justify the $47 billion reduction in President Bush's defense budget for which I voted.

Foreign aid was the second most popular target for budget cutting. Government salaries and pensions were a distant third. There were no significant differences in the Bush budget and the House budget resolution with respect to these issues.

Mr. Speaker, I trust my colleagues will have found these survey results interesting. My district and my constitutents are in many ways a microcosm of the American people. As always, I have learned a great deal from the responses. I hope my colleagues will, too.

SBA REAUTHORIZATION AND AMENDMENT ACT OF 1990

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. LaFALCE. Mr. Speaker, this is small business week and I join with many of my colleagues to commend the Nation's small business community for its major contribution to our economy.

It is very appropriate that today I have introduced the Small Business Reauthorization and Amendments Act of 1990 which authorizes the operations of the Small Business Administration through fiscal year 1994. This bill continues to limit direct loan program which is restricted to handicapped, socially and economically disadvantaged, and Vietnam veterans; it slightly expands the Guaranteed Loan Program which provides the bulk of our financial assistance to the small business community; and it expands the level of the surety bond guarantees which are necessary in order for small business contractors to do business with the Federal and State governments and even with most private concerns. For the information of my colleagues, I am pleased to append at the end of this statement a chart showing the proposed program levels for each of the upcoming fiscal years.

The bill also continues to provide the same loan assistance to victims of natural disasters such as Hurricane Hugo and the California earthquake. In this regard, I am please to note that anticipated disaster loan repayments should permit the continued operation of this program without the need for additional appropriations, unless we have a major disaster.

In addition, it continues our policy of emphasizing management and technical assistance to small business. We have found that management problems cause most small business failures, and we have emphasized providing assistance in this area in recent years.

The bill authorizes an increase in funding for the Service Corps of Retired Executives or SCORE Program which enlists retired volunteers to provide their expertise; and it also increases the Small Business Institute or SBI Program authorization which enlists students to undertake management assistance projects.

It also provides additional incentives under the Development Company Program to help achieve national priorities such as rural development and global competitiveness. The Cer-

tified Development Company Program resulted from legislation I introduced 10 years ago. In the ensuing decade, these private companies have played a major role in obtaining financing for small business with a combination of private funds and Federal guarantees.

Finally, it extends and modifies our major management assistance program, the Small Business Development Center or SBDC Program.

This program was originally established by legislation in 1980 which created a partnership between the States and the Federal Government to fund management assistance, primarily through universities. In the past decade, these centers, which now operate in 49 States, the District of Columbia, Puerto Rico, and the Virgin Islands, have provided assistance to 1½ million individuals.

Since each State participant tailors the program to meet its needs and priorities, but within the overall guidelines, the results of the program vary from State to State. But many States have found the program to be so beneficial, including returning even more tax dollars to the State than the amount invested, that they are providing even more money to the center than the required matching grant.

Federal funding is awarded under a formula involving the population in the State. This, of course, will change based on the 1990 census which will reduce the funding in some States. Especially since this formula has remained unchanged and without an adjustment to reflect past inflation in the past decade, to reduce the funding eligibility of a State would seriously and adversely impact the small businesses located there. Thus the bill adjusts the formula to ensure that no SBDC is provided less funds than it can now receive, but it increases the allowance for those which have had population growth.

I am very pleased that Representative NEAL SMITH has joined me by cosponsoring this bill. We plan hearings within the month and anticipate prompt Senate action on a parallel course.

For the information of my colleagues, I am attaching a summary of the bill:

SECTIONAL SUMMARY

The Small Business Reauthorization and Amendments Act of 1990.

Section 1 provides that the bill may be cited as the Small Business Reauthorization and Amendments Act of 1990.

Section 2 sets out the loan and surety bond guarantee levels authorized for 1991 (a general authorization for this year is already enacted) and specifies program levels and provides an authorization for appropriation for each of fiscal years 1992 through 1994 as are shown on the attached chart.

Section 3 authorizes the transfer from the disaster loan revolving fund of such sums as may be necessary for administrative expenses.

Section 4 increases the national program level for the Small Business Development Center Program to $70 million (now $65 million), repeals the 1991 sunset, and clarifies the authority of SBDCs to supply technical assistance as part of management assistance.

Section 5 authorizes SBA to make grants for tree planting by small businesses.

Section 6 extends until October 1, 1994 (now October 1, 1990) the authority of SBA to set the maximum interest rate on the bank loan portion of projects funded as part of the Certified Development Company Program.

Section 7 clarifies the functions of the Office of International Trade within SBA.

Section 8 authorizes the Minority Small Business Commission to accept and use monies which other Federal departments or agencies transfer to it, and authorizes the Under Secretary of Defense for Acquisition to designate a representative to the Commission in his stead.

Section 9 extends until October 1, 1994, (now October 1, 1990) the authority of the Small Business Administration to provide jointly sponsored training for small firms in cooperation with profit making enterprises.

Section 10 clarifies that a Special Small Business Investment Company (formerly a MESBIC) is limited to 4 tiers of debentures or $35 million from the Small Business Administration (the same as for regular Small Business Investment Companies).

Section 11 makes the position of Deputy Administrator of the Small Business Administration a Presidential appointee, subject to Senate confirmation.

Section 12 requires that if an agency groups together into a big procurement requirement smaller, individual contracts now being performed by small business, it must notify SBA of the change and its reasons therefore and give SBA an opportunity to propose an alternative so that small firms would not be precluded from bidding on the contract.

Section 13 statutorily establishes the eligibility criteria for job creation or job preservation in the development company program at $25,000 in loan eligibility for each job preserved and $40,000 in loan eligibility for each job created.

Section 14 is a technical change to allow close relatives who operate a business to obtain development company financing.

Section 15 provides additional assistance through the development company program (up to $1 million in debenture guarantees instead of $750,000 limit) to businesses which are involved in certain areas of national priority such as rural development, global competition, minority development, etc.

SMALL BUSINESS ADMINISTRATION—PROGRAM LEVELS

[In millions of dollars]

	Proposed			
	1991	1992	1993	1994
General Business Loans	3,500	3,850	4,043	4,245
Direct	0	0	0	0
Guaranteed	3,500	3,850	4,043	4,245
Handicapped Loans	19	20	21	22
Direct	19	20	21	22
Guaranteed	0	0	0	0
Economic Opportunity Loans	24	25	26	27
Direct	24	25	26	27
Guaranteed	0	0	0	0
Pollution Loans	50	53	55	58
Direct	0	0	0	0
Guaranteed	50	53	55	58
Development Company Loans: Guaranteed	520	546	573	602
Veterans Loans: Direct	19	20	21	22
8(a) Loans	10	10	11	12
Direct	10	10	11	12
Guaranteed	0	0	0	0

SMALL BUSINESS ADMINISTRATION—PROGRAM LEVELS—Continued

[In millions of dollars]

	Proposed			
	1991	1992	1993	1994
Investment Company Loans	219	230	242	254
Direct	19	20	21	22
Guaranteed	200	210	221	232
Total Business Loans	4,361	4,754	4,992	5,242
Direct	91	95	100	105
Guaranteed	4,270	4,659	4,892	5,137
Surety Bond Guarantees	1,800	1,890	1,985	2,084

TRIBUTE TO WALTER J. ERDELL AND DR. HAUCK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Dr. Hansjurgen Hauck, chairman and chief executive officer of VDM Nickel-Technologie AG of West Germany and his administrative consultant, Walter J. Erdell. VDM Technologies Corp. is the largest producer in the world of high nickel alloy semifinished mill products.

Walter Erdell received a B.S. in metallurgical engineering from the Case Institute of Technology in Cleveland, OH. Since graduating, Mr. Erdell has been involved in the metal industry in an international marketing and development capacity. Walter is responsible for the development of a new ferritic stainless steel alloy which he named "SEA-CURE." He also developed a proprietary piping system which provides consumers a cost-effective alternative to conventional methods. Besides these industrial innovations, Mr. Erdell is responsible for opening new pipe markets in the United States, Europe, and Northern Africa.

On February 5, 1990, I spoke of the accomplishments and ability of Dr. Hansjurgen Hauck and submitted my remarks into the CONGRESSIONAL RECORD. As my colleagues may recall, I applauded Dr. Hauck for his research and development efforts in the atomic and metal alloy industries. His insight and knowledge in these fields is well-respected among his peers. Because of this fact, I am submitting for the RECORD a reprint of a speech delivered by Dr. Hauck to the Federal Institute of Geosciences in Hanover. I encourage all Members interested in this critical aspect of our economy to read Dr. Hauck's dissertation.

Mr. Speaker, I am honored to pay tribute to Dr. Hauck and Mr. Erdell. Their genuine concern for industry and its workers transcend national boundaries. These two gentlemen are truly innovators and would serve the world well as chief executive officer role models for transnational corporations in the future. As the world unites into a global economy, it is inevitable that transnational corporations lead the way toward a more vibrant and efficient socie-

ty. We are fortunate to have pioneers such as Dr. Hauck and Mr. Erdell to lead us into this society as we approach the 21st century.

TECHNOLOGY AND THE FUTURE OF METALS

(By Hansjurgen Hauck)

Unlike an overview of a particular field of science or a report on the results of recent research and development, this paper focuses on the future and thereby contains a huge element of speculation. Peering into the future carries with it an enormous potential for error without the opportunity to support our speculations with objective proof.

Aluminum, lead, copper, nickel, steel, zinc, tin and their alloys account for more than 99 percent by volume of all the metal materials used in the world.

Between 1900 and 1986, production of these traditional metals increased from 39.3 million tons to 751.4 million tons, or some 2,000 percent. Steel played a dominant role in this global growth pattern, but perhaps the greatest metal success story is aluminum.

Although the aluminum industry is only about 80 years old, the use of aluminum as an industrial material increased from zero to 15 million tons within this century, making it unique in industrial acceptance.

High growth for all the metals did not begin before or during World War II, but around 1950. It was not the enormous metal consumption for arms production and defense during the two great wars that produced the highest growth rates but the years of peace after 1950.

Although the reconstruction of wartorn Europe and the Far East boosted demand considerably, the high growth rates were not a result of this rehabilitation nor did they represent fulfillment of pent-up civilian demand, which was delayed during the war effort. Statistics show this growth was caused by the mushrooming consumption in the wake of Free World trade and continuously growing affluence, particularly in the industrialized countries. Were it otherwise, growth curves would undulate wildly, as opposed to the steady upward path consumption figures have displayed.

But the years 1900 to 1940 as well were characterized by a remarkable growth in demand for virtually all of these metals, demonstrating an uninterrupted and swift industrial development throughout the world. Our century—and particularly the last 30 years of it—are characterized by high growth rates in the production and consumption of these basic materials.

The worldwide recession in metals usage between 1981 and 1983 should not be overestimated in its significance, as such slacks in demand for short interludes have occurred frequently in the past and will no doubt recur in the future. Undeniably, the demand for the traditional metals has shown such a dynamic growth over the past 85 years that it appears reasonable to extrapolate this growth into the future.

The past has taught us that new technologies have a profound and positive influence on the consumption of traditional metals. The question is, which are the new technologies from today's viewpoint and what effect will they have on the continued importance of the traditional metals.

The term "new technologies," which plays such a decisive role in future developments, can be interpreted in a variety of ways, especially as one applies this term from the general connotation to the species in individual fields of endeavor. I would like to draw your attention to a number of technological fields in which man has been operating—in some cases over two decades:

electronics;

biochemistry;

aeronautics and space technology;

generation and transmission of electricity; and

environmental technology.

Electronics requires the physical properties of the traditional metals, such as their electrical and thermal conductivity, their magnetic properties and their expansion characteristics in conjunction with relatively high strength.

The continuing trend toward miniaturization and higher performance imposes ever more stringent requirements regarding the purity and specific strength of the materials—especially strength, because of the smaller and smaller component dimensions.

Traditional metals and their alloys rise to the challenge of these requirements, and similar or other variations find use as vessels or structures of containment as used daily in the consumer and capital goods industries.

Biochemistry is just beginning to enter the industrial stage and may cause a remarkable change in chemical plant engineering. While resistance to corrosion and high temperatures are the chief requirements in selecting materials for chemical plant construction—owing to the processes employed—biochemistry will require additional characteristics of high-quality surfaces and good cleaning properties for small vessels.

Aeronautics and space technology will require better high-temperature materials as turbine combustion temperatures are increased to achieve higher propulsion efficiency.

For the aircraft or missile itself, the main technological emphasis will be on a favorable relationship between strength and weight. This opens up new opportunities for titanium, but also for high-strength traditional steels. For the first time, however, this field demonstrates the limits of traditional metals vs. modern composite materials.

Generation of electricity was heavily impacted by the initial successes of nuclear energy, leading to an entirely new family of construction materials, such as zirconium, hafnium and a series of alloys derived from them. Due to environmental and political considerations, however, energy generation has reverted to more conventional fuel sources such as coal, natural gas and petroleum. Again, the traditional metals meet the operating requirements of fossil-fired plants relying on high thermal stability and good corrosion resistance.

Not only must conventional characteristics be met, but increasingly stringent limits on air pollution have spawned a series of cleansing devices that operate in extremely hostile environments. Special grades of stainless steel and high-quality nickel-based alloys increasingly are used for these applications.

As in aeronautics and space technology, operating temperatures are increased in the hot sections of process plants to improve efficiency. Modern combustion processes, which often are combined with heat recovery systems, also stimulate the use of high-temperature, corrosion-resistant materials.

Transmission of energy—after copper had replaced aluminum as an overhead line material years ago—will surely be revolutionized in the decades to come. Superconductivity, with its positive energy balance and the rapid progress it has made recently, will in all probability change the role of the traditional metals. New conductor materials will be developed that can no longer be called traditional.

However, they will break new ground for the expanded use of traditional metals in applications such as cryogenics, where stainless steels have the unique capability of retaining full strength at temperatures approaching absolute zero. Again, the traditional metals meet the primary requirements of conductivity and strength. In communications, however, the future potential is limited due to the glass-fiber systems threatening to replace conventional copper.

Environmental technology is dominated by corrosion resistance and strength requirements of the metallic materials. New demand will be created for alloys of traditional metals in this field and high-quality materials will rank high for reasons of plant safety and reliability of operation. Oil and gas production, especially by offshore facilities, also requires corrosion-resistant materials.

METALS CAN OUTPERFORM NEW MATERIALS

(By Hansjurgen Hauck)

If one realizes that steel and nonferrous metal sales combined do not approach the sales of the world chemical producers, it becomes clear how formidable the financial power of the plastics industry is in its quest to substitute its materials for steel.

Expenditures for research and development usually are allocated on the basis of a percentage of sales. With a much higher sales base and a history of allocating a higher percentage to research and development that the metals industry, the chemical companies emerge as a Goliath in technological warfare.

We all have experienced the unbelievably successful encroachment by plastics in every facet of our life-styles—a credit to this dynamic industry. Although the volume trend of world plastics production has been impressive, the growth rates have declined noticeably over the past 10 years and saturation effects appear to be gaining ground. This may be an added incentive for chemical companies to become even more aggressive.

The steel industry is not without its defenses. After years of lethargy, it has begun to spend much more on research and development than in the past. Great strides have been made in hot-dip galvanizing and now electro-galvanizing to enhance the corrosion resistance of metallic parts. Moreover, high-strength steels have been developed to allow thinner parts of comparable strength to reduce costs. This also reduces weight, leading to fuel economy.

A more objective picture may be obtained by looking at the percentage change in demand for various automobile materials over an extended period. The use of plastics in automobiles has increased considerably, from 4.2-percent to 10.5 percent, but at the same time metals use has declined only 3 percent. Metallic materials have retained their dominant position and there is no indication plastics will make additional severe inroads for at least the next 10 years. To the contrary, the potential for the expanded use of nonferrous metals for engines and other vital components is far from fully exploited. Essentially, the automobile will remain metallic.

The other major substitution threat to metals is ceramics, and I will always be speaking of high-duty ceramic materials in these references.

There is no doubt that the market is growing rapidly. Growth rates from 1977 to 1986 ranged between 520 and 650 percent depending on the region, and a similar growth continuation is expected into 1995. World sales by then will have reached some $30 billion, or about 6 percent of world sales by the metals industry.

While this comparison places the ceramics thrust in its true perspective overall, the impact on select industries is quite different. At present, 90 percent of ceramics are utilized in the electronics field, and that will be their major market, according to current literature accounts. Ceramics do not appear for the moment to be a serious threat to the metals industry, but I must say I am impressed by the recent successes in producing high-quality ceramics.

To this point we have been discussing the influence of technology on future metals use. In reality, the major influence is cost-effectiveness, which combines a variety of factors. Even in this focus, technology plans an important role, but it is operational as opposed to product technology.

One factor is price, which is plainly visible, but a manufacturer's equipment and a user's experience also play a role. Mankind has a long history of experience with metals, and virtually all of us are aware of the behavior of metallic materials. Know-how in the industrial handling of metals is widespread throughout the world and extremely effective in the production of conventional products. Moreover, investment in industrial equipment and production plants is gigantic, with huge and nearly irreversible capital commitments that must yield a reasonable return to investors.

Such deep-rooted experience and capital investment represent very high barriers for substitute materials to overcome, particularly if they are non-metallics unable to utilize the existing infrastructure.

Nevertheless, numerous examples can be cited where these barriers can be overcome if the substitute is proven cost-effective. The inertia of in-place barriers may delay the advent of new materials, but the superiority of new and cost-effective materials will not be denied their rightful place. Therefore, the continued success of traditional metals in the marketplace will depend heavily on their price.

Since 1950 aluminum prices have risen by a factor of 5.7 as compensation rose by a factor of 7.4. Aluminum prices actually dropped from previous highs upon introduction of large-scale production shortly before World War I. Only since 1970 have prices risen to their present highs, clearly a result of the high cost of energy since the OPEC oil embargo. Aluminum production is highly energy sensitive but still represents a bargain.

However, the real perspective of traditional metals pricing cannot be fully appreciated until we compare these developments with the progression of personal income—i.e., purchasing power.

Despite the weakening of the dollar due to inflation, U.S. purchasing power has increased steadily from 1930 to 1980 in relation to the costs of industrial commodities. Only during the Great Depression era did purchasing power decline, ending after World War II. From 1930 to 1980 the "real" cost of metals declined 25 percent, reversing a negative trend from 1930 to 1945 for 13-percent gain, with another 12-percent gain thereafter.

In Europe, the "real" cost of metals for the same period fell an almost unbelievable degree to a fraction of their former cost. This turnaround was due to the low real income of those countries in 1950—owing, no doubt, to the war. At that point—in Germany, for example—real hourly compensation was one-third of that for Americans, whereas in 1980 it was 15 percent higher.

These low material costs are what have sustained the dominance of these metals in the technological field. As long as this relationship can be maintained, the barriers to substitution will remain virtually insurmountable.

Another significant savings is power conservation. A most interesting and often overlooked factor is the trend in automated scrap processing, which in some respects is only beginning to develop. To some extent, the concept of automated scrap processing can itself be looked upon as a new technology opening up additional possibilities for high-strength and wear-resistant metallic materials, creating a truly interesting loop.

There is no better example than stainless steel to illustrate the role of the cost-benefit ratio as a factor of success. Of the industrial metals, stainless currently enjoys the highest growth rate, having for the first time exceeded 11 million tons.

Although stainless steel has been used on a commercial scale for more than 50 years, its greatest success came with the introduction of new manufacturing methods. The results are noteworthy. A growth of about 6 percent since the middle of the 1960s is attributable to new cost reducing methods.

Three processes were milestones on the road to success: Sendzimir rolling, AOD converter smelting and continuous casting. The favorable cost-benefit ratio of stainless steel is continuously paving the way for new applications of old and new technologies.

Cost-reducing measures as steps toward safeguarding and expanding the use of traditional metals will be particularly effective if alloys are developed for specific applications to improve the cost-benefit ratio even further. This forces the metals industry to pursue research in new applications and processes simultaneously—a combination that makes the access barrier for new materials nearly insurmountable.

HOW THE AMERICAN DEBATE OVER ABORTION HAS IMPACTED WORLDWIDE POPULATION PROGRAMS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. GREEN. Mr. Speaker, as McGeorge Bundy points out in the following article "Population: An Inescapable Problem," an unintended consequence of the so-called right-to-life movement has been to increase abortion worldwide.

By limiting the level of American support for other kinds of birth control, (the right-to-life movement) limited the overall supply of contraceptive services; they thus increased the number of pregnant women eager to avoid childbirth and so enlarged the number resorting to abortion.

Mr. Bundy's astute analysis leads one to conclude that the only reasonable and responsible action for Congress to take is to return to the policies prior to 1984—to repeal the Mexico City policy and refund the United Nations Population Fund. Currently at 5.2 billion, with world population increasing by 90 million each year, the time for action is now.

POPULATION: AN INESCAPABLE PROBLEM

(By McGeorge Bundy, Chairman of the Board of Trustees, Population Council)

I deeply believe that the problem of population is one of the largest and most important in the world. I believe that it is inescapably a problem that requires attention from governments and citizens all around the globe. I believe that over the last 30 years there have been extraordinary advances in our understanding of the ways and means of designing and conducting population programmes. I was first educated in these matters almost 25 years ago at the Ford Foundation, which was early in the field, and I do not think that even Oscar Harkavy, Ford's leader in this field throughout my time there, could then have written as clear and comprehensive a summary of essential propositions as the one that appears in "Population in the Twenty-First Century". What we also know, of course, is that we are still learning, and it is in that spirit that I want to comment in particular on some current confusions in my own country.

As we all know, the worldwide effort to improve the family planning choices open to the people of developing countries has been constrained by many different forces—the pressure of other claims on limited resources, the existence of educational handicaps like illiteracy, the imperfections of even the most improved contraceptives, and the existence of deep-rooted convictions that are inconsistent with sensitive and effective programmes of family planning.

My own belief is that in our field such deeply held convictions often lead to policy choices that have consequences just the opposite of what their backers hope for. There have been consequences of this sort in many countries—we have seen that over-enthusiastic or insensitive pressure for reduction of birthrates can generate reactions that discredit a programme, and we have seen programmes whose inattention to the real concerns of users have made them unsuccessful. But it is usually best in these matters to find one's examples in one's own country, and so the case I want to discuss is that of the impact on worldwide population programmes of the American debate of the 1980s over abortion. I will begin with the good news—that impact has been limited—and go on to a rather more striking point: that in so far as American right-to-lifers have had any effect at all on the worldwide resort to abortion, that impact has been to increase both its frequency and its cost in maternal suffering and death.

Let us begin with a recognition that there can be no doubt of the deep sincerity of most of those who are in the forefront of the American right-to-life movement. They do believe passionately that abortion is an offense against God's word. Not all of their arguments are as sincere as this conviction; for example, they often deny that they are opposed to contraceptive devices, but what many of them really mean is "not at this stage of the debate". Not every politician who seeks their support is as deeply persuaded as they are; most politicians—and indeed most Americans—have convictions

less categorical than those of the deeply embattled believers in the "right to life" or the sometimes equally embattled believers in wholly unlimited recourse to abortion all through pregnancy. The renewed American debate of 1989—produced by an apparent shift in our Supreme Court away from its broad assertion of constitutional protection for abortion in the case of *Roe v. Wade* of 1973—suggests that those in the middle, believers in modern contraceptives and skeptical of absolutist views on abortion, will turn out to hold the balance of power. I suspect that if *Roe v. Wade* is further modified, or even overturned, we shall find ourselves in the end with a varied pattern of state laws in which considerable discretion will be left to each woman and her professional counselor—which is where most middle-class Americans thought this hard question had been left before 1973.

In the early 1980s, partly because their desire to attack American abortions was at least temporarily constrained by the decision in *Roe v. Wade,* and partly because they had friends in the Reagan Administration, leaders in the right-to-life movement turned their attention to the American Government's support of family planning in developing countries. That programme was then the largest such governmental enterprise in the world, the product of a happy combination of professional understanding, presidential leadership, and public support. But in 1984, with ardent right-to-lifers in the van, the Reagan Administration moved against abortion abroad. Initially it sought to cut off all U.S. support for any population activities of governments supporting abortion with other funds, but in the end it seems to have recognized that such direct efforts to change the policies of other governments would only stiffen their insistence on making their own choices, and the new rules were restricted to other organizations, one of which turned out to be UNFPA. The right-to-lifers' parallel efforts to reduce appropriations for all international population work were blocked in Congress, but their pressure did contribute to a flattening of the level of the U.S Government's support for population activities in developing countries.

Since no U.S. funds went to the support of abortion abroad before the right-to-life attack on the programme, that attack had no direct impact on the level or quality of abortion services abroad. It did, however, have an indirect impact, and not at all of the sort the zealots intended. By limiting the level of American support for other kinds of birth control, they limited the overall supply of contraceptive services; they thus increased the number of pregnant women eager to avoid childbirth and so enlarged the number resorting to abortion. Since we do not know just how much the right-to-life pressure has reduced U.S. Government funding from what it would otherwise have been, and since worldwide statistics on legal and extra-legal abortion are fragmentary and imprecise, we cannot know *how much* worldwide family planning service was constrained, or how many legal or extra-legal abortions would have been avoided if the needs of women eager to avoid childbirth had been met in other ways. But what is not at all in doubt is that women with access to decent contraceptive services are less often driven to seek the abortionist in the alley, and what we also know is that extra-legal abortion is one of the most important of all the cases of maternal suffering and death. We cannot know how much activities of the American right-to-lifers have increased the numbers and human costs of abortion in the developing world, but there can be no doubt at all that their net effect has been on that side of the balance.

Obviously I am not suggesting that this result was intended, or even that it should be charged against right-to-life leaders as an immoral consequence that they should have taken into account. I recognize that from their standpoint it could not be attractive to give support to what they see as the evil of contraceptive services merely in order to moderate the greater evil of abortion. But for the rest of us, and especially for the very large majority of Americans for whom contraceptive devices are entirely acceptable and abortion much less desirable, I think this result deserves close attention. The practical consequence of ideological blinders in this case has been an increase in the very activity that the men and women wearing the blinders set out to discourage. Whose real intent is served by that result? What careful and responsible political leader, examining real consequences in the real world, would not wish to go back to the policies such leaders sensibly supported before 1984?

In selecting this particular episode for analysis I am not at all suggesting that it is unique, except perhaps in its degree of perversity. In the long history of our attempt to understand cause and effect in the field of population policy, there are many examples of error, and many of them share one characteristic of the example I chose: they oversimplify the problem. There are those who still oversimplify, in one way or another, the relation between population growth and economic development—there was over simplification of that kind in the Reagan Administration's demarche of 1984, and there have been oversimplifications at the other extreme too. Many of us were also slow to understand that contraceptive devices are unlikely to have much impact without appropriate contraceptive services, and we came more slowly than we should have to a recognition that a lively concern for the roles, the responsibilities, and the general health of woman is essential to any good arrangement for family planning. We have not found it easy to keep in mind what the great demographer Paul Demeny, of the Population Council, so steadily tells us: that the justification for our concerns with population does not rest merely on facile worldwide generalizations about the prospect of rapid growth; neither does it require a sentimental belief that wider choices always mean better choices, or confidence that public policy is always justified in the exercise of political influence for demographic change. We need not be ashamed that one or another of such overstatements may have helped to get all this started; this is the way of the world. But what we all know today, and many of you from a closer and more extended experience than I can claim, is that more careful statements on all these points can be persuasively argued; there can be great cost in unlimited explosions of the birthrate; there are both medical and cultural arguments for diversity of choice; and the establishment of a strong programme in any country does require political leadership. What we also know is that a really good family planning programme—anchored in the serious support of political leaders, conducted by women and men who do their work with knowledgeable care, and responsive to the real needs and hopes of the people who are served, is quite simply a human good whose real value is wholly apparent when you consider what present and future life would be like without it, all around the world.

Another way of saying all this is that we have engaged ourselves, without illusion, in a war with human misery. The reality in any world without family planning skills would not be the disciplined monogamous moderation of those who can meet the strictest standards of their own creed. The governing reality is that the sexual urge of our species is vastly stronger than the rules of religion. That is not a value judgment—it is a much more powerful proposition: a statement of fact supported by the experience of every generation in every continent. No one should deny the right of those who have a particular conviction to pursue it unconstrained by contraceptive devices. But it is another matter to leave them unanswered when they reach the astonishing conclusion that either preachment or law can make everyone else like them.

Finally, let me suggest that we have a growing asset of enormous value in something that I sometimes think we take for granted—the reality that there is now an international community of people who fully understand that this field of thought and action matters. This understanding, as I have already suggested, does not let us off from the hard work of demonstrating as strongly as we can that the field does have the importance we deeply believe it has. It does not let us off from the obligation—more affirmatively, the challenge—of being the first to apply any newly recognized truth by the appropriate change in the shape of our attack on the problem. It does not allow us to relax, or to pretend that because attention to the question of population is much stronger than it was, understanding much stronger, and worldwide funding at an all-time high, there is enough attention, or enough understanding, or enough money.

But we do have the United Nations Population Fund, known to the world by its earlier initials UNFPA. I like the new name just as I like the old initials. UNFPA is a genuinely worldwide enterprise, and it is right that the problems of population should have a UN agency all their own. The United Nations Population Fund has a short but proud history—and a progressively stronger record in its work on attention, understanding, and funding, all three.

A BANKER'S-EYE VIEW OF PERESTROIKA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1990

Mr. DORNAN of California. Mr. Speaker, I would like to share with you an unusual analysis of the Soviet economy and United States policy concerns. Mr. Martin Miler, Chairman of the Hibernia Corporation, has written an excellent essay on the Soviet Union's interest in obtaining untied loans with the United States. His concern is based on more than 31 years of banking experience.

While there have been many articles written concerning the "politics" of loans to the Soviet Union and Eastern Europe. Mr. Miler takes a different approach. Rather than ana-

lyze the request from a public policy orientation, he reflects as the "loan officer" upon how a background credit check might go if Gorbachev formally applied for a loan.

Before the United States borrows the money from our grandchildren and rushes to rescue the Soviet Union and bless the Gorbachev economic reforms with United States taxpayer dollars, I think it is important to understand the nature of the perspective borrower, his character and the economic merits of the loan.

I am confident you will find this paper fascinating.

[Special report from the Center for Intelligence Studies, March 1990]

HEY AMERIKANSKII, CAN YOU SPARE A BILLION?

MIKHAIL S. GORBACHEV,
PRESIDENT OF THE SOVIET UNION.

DEAR AMERICAN: I am beginning to think like you and to adopt your values. We Soviets are not truculent anymore. In order for me to make the world a better place, I need your help.

You see, we have a temporary problem in achieving a better world. If you will loan me some money, which I promise to repay, that better world is a sure thing.

I'll be in touch.

Your new friend,

M. GORBACHEV.

Although the above letter is fictional, it accurately reflects Soviet President Mikhail Gorbachev's approach to his efforts to obtain loans from the United States, other western governments and from private western banks. However, before such loans are made to Mr. Gorbachev, or, more accurately, to the government he represents, an intervening step should occur. That intervening step is nothing less than a careful evaluation of Mr. Gorbachev's loan application. This intermediary step is critically important not only to the lending institution, public or private, but also to you as a taxpayer and, possibly, as a shareholder. Here it is worth remembering the more than 1 trillion dollars of uncollectible loans already made to Third World governments abroad and the current savings and loan debacle at home. Because the taxpayer is the ultimate guarantor of both foreign loans and domestic financial institutions, you are going to be stuck with both tabs. Before you get stuck again, don't you think it would be wise to examine Mr. Gorbachev's loan application for yourself?

One way to do this is to imagine yourself as a loan officer, with Mr. Gorbachev seated next to your desk. What does his loan application look like? The question is not as simple as it might seem. The application is not his, after all, but that of the sovereign state he is representing. As a loan officer, you reason that the best way to assess the application is to treat the Soviet Union as if it were an ordinary business, and Mr. Gorbachev as if he were its Chief Executive Officer. That way, the Soviet application submitted by Mr. Gorbachev can be assessed by the same criteria that you would apply to any other business. Lending money is truly a business transaction.

What is the purpose of the loan? Mr. Gorbachev grins charmingly and says he wants to reform the way his "firm" is run. He needs the loan to implement a new business plan which he calls perestroika, or restructuring, which will make the Soviet Union more productive and profitable. Further, he tells you that it will make this troubled world a much happier place as it will inevitably result in the Soviet Union gravitating toward western values.

You say, "That's nice, Mr. Gorbachev, but what exactly is the purpose of the loan? He says that he wants the Soviet Union to be more like the West, to supply consumer goods to the Soviet public, to provide a better life for its citizens. To do so, he needs additional capital to build a viable economic infrastructure. As an additional incentive to make the loan, he claims that under his direction the Soviet Union has turned over a new lead. He points to glasnost as evidence. No more secretive, alienated behavior from his folks. It's butter and borscht these days, not bombs and bazookas.

Mr. Gorbachev graciously hands you his financial statements with the assurance that any loans granted will be scrupulously repaid. He parts with a hug and a handshake, and you start to analyze the credit request.

There are two basic considerations: economic and political. In bankers' parlance, you could characterize these as "capacity" and "character."

First consider the economic merits (capacity) of the loan request. The Soviet financial statements look grand—surpluses year after year. But wait! Revenues actually fall short of expenses, because the source of a large portion of their revenues is not identified. After puzzling over the figures, you finally determine that surpluses cannot be. "Is this a plug figure," you ask? According to Dr. Judy Shelton, author of the The Coming Soviet Crash, it is indeed. She has analyzed the Soviet budget scrupulously for several years and has reached that conclusion quite persuasively. These ledgers of legerdemain provide no real access to the true financial condition of the Soviet Union. Why, you wonder, the financial fiction of a balanced budget? You conclude that deficits would make Mr. Gorbachev's business, the Soviet Union, look bad, and its principal product, Marxist-Leninism, look even worse. But in attempting to disguise the Soviet deficit, Mr. Gorbachev has inadvertently revealed indications of two serious problems: misrepresentation, a character flaw; and an incapacity to repay the loan, a capacity flaw.

Additional checks with Dr. Shelton reveal several grave conditions which cast further authentic shadows of doubt on the Soviet Union's capacity to repay a loan:

1. The Soviet government has cut fixed capital investment to the marrow;

2. The Soviet populace is poor, living at a subsistence level;

3. Despite its urgent need to free domestic capital for revestments, the Soviet government is unwilling to cut military expenditures.

Further credit checking reveals additional troubling aspects about the Soviet Union's capacity to borrow with reasonable prospects of repaying its debts:

1. Productivity is falling in the Soviet economy. State enterprises, which are its foundation, are producing negative returns;

2. Revenues cannot fund current needs;

3. There is a critical lack of goods and even food;

4. There is a formidable black market which is symptomatic of rampant economic corruption and dysfunction;

5. Eighteen million bureaucrats run the economy through central planning.

But at least there is no inflation, because prices are fixed. Right?

Wrong! Inflation does exist, because there is a persistent increase in the supply of money (printed!) and rising credit in the face of limitations on the amount of goods and services available. But because prices are fixed, it is not manifested in rising costs. Rather, it takes the form of scarcities and black marketeering. This particularly vicious form of inflation is causing widespread economic dysfunction and conflict in a seething resentful population.

The USSR is taking the shape of a Third World nation, or worse a "Fourth World" nation, i.e., the Soviet Union pretends to be a "First World" nation with a "balanced" budget, when it actually operates as a Third World nation, ergo, $1 + 3 = 4$!

You cannot help but now wonder, "Is this aspirant borrower financially crippled?" And how sincere is its commitment, made on its behalf by Mr. Gorbachev, to borscht rather than bombs? And finally, is the extension of loans to the applicant really in the best interests of your firm?—your firm in this case to mean the United States.

These are good and important questions but, unfortunately, they are rarely asked.

The Soviets want money from our "firm," the United States. They want us to export our capital while we ourselves have a huge budget deficit and national debt. Won't this magnify our own problems and create an even bigger financial problem for ourselves? Assuredly yes, because our own prospective needs are critical and large.

Nonetheless, there is real enthusiasm in some quarters not only for direct loans to the Soviet Union but also for indirect loans in the form of cooperative business arrangements. Many American and western businessmen believe they will prosper from opening up the potentially huge Soviet market through sales and by participating in "juicy" joint ventures configured with appealing terms to the West. These sources see *perestroika* as the salvation of the West, which they conveniently confuse with their own firm's profitability. Yet even that is not at all assured, as their projections presuppose an adequate and acceptable international medium of exchange, a market with genuine purchasing power and a more-or-less lengthy period of time to conduct their business operations in order to recoup their investments. But none of these conditions now exists; nor are they likely to. As Dr. Shelton warns, *perestroika* is merely an inconvenient necessity and remedy resorted to by a police state in deep trouble. Dr. Shelton contends the entire scheme is designed to garner western capital to accomplish a fourfold purpose:

1. To increase Soviet government revenues;

2. To decentralize and cut government costs;

3. To invoke price reform to unburden heavy government subsidies;

4. And last but not least—in fact, most importantly—to maintain full military defensive (offensive) capabilities.

Now to the political, or "character," issues. What of the Soviet government's credit history? It is consistently poor. When the Bolshevik Party (later, Communist) seized power in 1917 and established the Soviet Union, the Communist regime repudiated the debts of the Russian Empire. Although a rare and audacious political act, this repudiation was an extreme violation of international law and custom and, as such, is not a persuasive recommendation of credit worthiness in terms of character. Worse, this is not an isolated incident, but rather part of a larger and long-standing

pattern. The Soviet government has repudiated many other debts, including its own.

Also, there are rival camps of power internal to the Soviet Union: "softliners," hardline Stalinists and shades in-between. Should the internal power balance shift, how long will the Soviet government continue to pander to western values with the blandishments of human rights reforms, emigration and other forms of ingratiation? On the basis of their past behavior, only so long as it serves their purposes to build character in order to receive credit. The Soviet history is marred by a longstanding record of broken agreements, and, other than Mr. Gorbachev's promises, what is there to indicate that this pattern will change?

On the basis of the evidence, you must, as a prudent loan officer, conclude that Mr. Gorbachev has a Russian bear by the tail. He has little choice, given his circumstances, but to turn to external sources to fund his way out of his problem. His application for a loan is the equivalent of filing for bankruptcy under Chapter 11 in the United States. His system is bankrupt, and his ideal solution is to persuade others to finance him out of his travail, leaving his military as strong as ever and his agenda for world domination now disguised but unaltered. Time is bought through the artifice of ostensible reform.

Is the risk of repayment of loans to the Soviets a bad risk? As a prudent loan officer, you must conclude so. Is the Soviet financial condition unworthy? As a prudent loan officer, you must conclude so. Is the Soviet character not trustworthy? As a prudent loan officer, you must conclude so. This is a credit request to be declined despite some tempting potential short-term and illusory profit potentials.

But what of Washington and other capitals? Will government "loan officers"—actually, senior foreign policy officials—reach the same conclusions? The answer, which should be clear, is unclear.

Washington is uncertain and confused by the swift and dramatic turn of events. This is exacerbated by the western press which apparently has become cheerleader and character reference for Mr. Gorbachev. It faces cleverly crafted propaganda and promotion from the Soviet Union which claims to have transmogrified itself from blood red to rosy red. We now face the Soviet Union as an applicant to the World Bank and to the International Monetary Fund (IMF), where membership involves new eligibility for loans and access to U.S. credit markets while still in default on Soviet debts owed today from World Wars I and II. And all the while the Soviets are using the lure of potential profits to beguilingly drive a wedge between the United States and the European Economic Community, which is, not incidentally, virtually congruent with a potential wedge driven into NATO.

Washington faces a loan applicant seeking to maintain strong, global military prowess and aspiring to have capital for future economic strength in a land to be inhabited by happy consumers. The applicant is smooth and persuasive and says all the right things while providing the world with a collective sigh of relief against a long-abiding fear of Soviet aggressiveness. The bear is now performing a "benign" dance before an eager, yet still tense, world audience. The bear seeks to be fed with loans, but how does Washington craft a policy of leadership for the West in response to the dancing bear, embodied by President Gorbachev?

The answer to that question will have profound ramifications on global stability. Hopefully, a set of strategies will be forged by Washington to avoid feeding a potentially lethal bear and making bad loans which will strengthen that bear and sap the West. The difficulty of the task is magnified by the desire to avoid deterring the Soviets from their recent, more positive path. Yet to forget the innate irascibility of that bear is not the folly of the Finns who live in its shadow. Finland remembers the 1939 Soviet invasion, and, small as they are, they will not be beguiled into disarming in the face of *perestroika* and *glasnost*. We in the West should be that wise as well. It was said by Georges Clemenceau after World War I, "Peace is only war pursued by other means." That is a useful perspective for the West to maintain.

(About the author: Mr. Martin C. Miler is Chairman of the Hibernia Corporation, headquartered in New Orleans, LA. He has 31 years of banking experience. Mr. Miler is a graduate of the College of William and Mary, and the Wharton School of the University of Pennsylvania.)

SENATE—*Friday, May 11, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 9:30 a.m., and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

All scripture is given by inspiration of God, and is profitable for doctrine, for reproof, for correction, for instruction in righteousness: That the man of God may be perfect, thoroughly furnished unto all good works.—II Timothy 3:16, 17.

Eternal God who hast revealed Thyself in nature, in history and in Scripture, we thank Thee for the knowledge of Thyself Thou hast given us. Help us not to allow the busyness of life to preclude time to read and reflect upon the Bible. Give us to see the manifold blessings promised in Your Word, forgiveness and cleansing, refreshment and renewal, insights which illuminate the mundane and the mystical. Grant us to see the incalculable profit promised for our perfection and equipping for all good works. Imbue us with the power of righteousness promised through Your Word.

In His name who is the Word incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 11, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SENATORIAL ELECTION CAMPAIGN ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 137, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 137) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Rules and Administration with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Senatorial Election Campaign Act of 1989".

SEC. 2. The Federal Election Campaign Act of 1971 (hereinafter referred to as "the Act") is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC FINANCING FOR SENATE GENERAL ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election;

"(5) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive benefits under this title;

"(6) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(7) the term 'general election period' means the period beginning on the day after the date of the primary or runoff election, whichever is later, and ending on the date of such general election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(8) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate, and the spouse of any such person, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person;

"(9) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(10) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(11) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office, or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(12) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(13) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(14) the term 'Senate Fund' means the Senate Election Campaign Fund maintained pursuant to section 506 by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(15) the term 'voting age population'

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE BENEFITS

"SEC. 502. (a) To be eligible to receive benefits under this title, in addition to the requirements of subsection (d), a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the day of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or $150,000, whichever is greater, up to an amount that does not exceed $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate from such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(4) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the authorized committees of such candidate—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved except to the extent that such contribution is necessary to defray expenditures for such election that in the aggregate do not exceed the amount of the limitation on expenditures established in section 503(b), unless otherwise provided in this Act;

"(D) will deposit all payments received under this section in an account insured by the Federal Deposit Insurance Corporation [or the Federal Savings and Loan Insurance Corporation] from which funds may be withdrawn by check or similar means of payment to third parties;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission; and

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(8) notify the Commission of their intention to make use of the benefits provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2)(B) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election, no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of [1987] *1989*.

"(d) In addition to the requirements of subsection (a), to be eligible to receive benefits under this title a candidate shall, on the day such candidate files as a candidate for the primary election—

"(1) file with the Commission a declaration of whether or not—

"(1) such candidate and the authorized committees of such candidate intend to make expenditures, for the primary election, more than an amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(2) such candidate and the authorized committees of such candidate intend to make expenditures, for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b); and

"(3) such candidate and the authorized committees of such candidate intend to make expenditures, for the general election, more than an amount equal to the general election spending limit applicable to such candidate pursuant to section 503(b).

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who is entitled to a benefit in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate who is entitled to a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million, plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population of 4 million or less, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election as determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(e) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the

term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1989.

"(2) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) such fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total amount of contributions to, and expenditures from, such fund do not exceed 10 percent of the limitation on expenditures for the general election as determined under subsection (b); and

"(C) no transfers may be made from such fund to any other accounts of the candidate's authorized committees, except that the fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any money remaining in such fund when the candidate decides to terminate or dissolve such fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the primary and runoff period portion of the two-year election cycle preceding the candidate's general election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made, or are obligated to be made, in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsections (d) and (e), as they apply to such candidate, shall be increased for that primary or runoff election in an amount equal to the amount of such expenditures made during the period covered by such election.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO BENEFITS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b)(3) of the Communications Act of 1934;

"(B) mailing rates provided in section 3629 of title 39 of the United States Code; and

"(C) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved, by any person in opposition to, or on behalf of an opponent of such eligible candidate, as such expenditures are reported by such person or determined by the Commission under subsection (f) of section 304;

"(2) if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election—

"(A) an eligible candidate who is a major party candidate shall be entitled to receive a payment under section 506 in an amount equal to—

"(i) two-thirds of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 100 percent of such limitation determined under section 503(b); and

"(ii) one-third of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 133⅓ percent of such limitation determined under section 503(b); or

"(B) an eligible candidate who is not a major party candidate shall be entitled to matching payments under section 506, equal to the amount of each contribution received by such eligible candidate and the candidate's authorized committees, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions required to be raised under section 502(a)(1) shall not be eligible to be matched; and

the total amount of payments to which a candidate is entitled under this subparagraph shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate.

"(b) A candidate who receives payments under paragraph (1)(C) or (2) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c)(1) A candidate who receives benefits under this section may make expenditures for the general election without regard to the provisions of subparagraph (A) of section 502(a)(7) or subsection (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of 133⅓ percent of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(2) A candidate who receives benefits under this section may receive contributions for the general election without regard to the provisions of subparagraph (C) of section 502(a)(7) if any major party candidate in the same general election is not eligible to receive benefits under this section, or if and when any other candidate in the same general election who is not eligible to receive benefits under this section raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Benefits received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such benefits shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund

(based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any benefit made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such benefit.

"(d) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept benefits under this title in excess of the aggregate benefits to which such candidate is entitled or knowingly or willfully use such benefits for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or authorize the use of, such benefit or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any benefits received by any candidate, or the authorized committees of such candidate, who receives benefits under this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": *Provided*, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(6) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive benefits under title V of such Act and such candidate is identified or identifiable during 50 percent of the time of any broadcast of a political announcement or advertisement by such candidate;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(6), or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first, each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for the United States Senate who qualifies for the ballot for a general election, as such term is defined in section 501(6)—

"(A) who is not eligible to receive benefits under section 502, and

"(B) who either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made, or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election, and thereafter shall file additional reports with the Commission within 24 hours after each time additional contributions are raised or expenditures are made, or are obligated to be made which aggregate an additional 5 percent of such limit. Such reports shall continue to be filed pursuant to the provisions of this section until such candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures equal to 133⅓ percent of the limit provided for such State pursuant to section 503(b).

"(2) The Commission, within 24 hours after each such report has been filed, shall notify each candidate in the election involved who is eligible to receive benefits pursuant to the provisions of this title under section 504, about such report, and after an opposing candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures in excess of the limit provided for such State pursuant to section 503(b), the Commission shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(6), who is not eligible to receive benefits under section 504, has raised aggregate contributions or made or has obligated to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(6), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph, made by the same person in the same election, shall be reported within 24 hours after each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. The Commission shall, within 24 hours after such report is made, notify each candidate in the election involved who is eligible to receive benefits pursuant to section 504(a)(1)(C) of this Act, about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(6), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive benefits under section 504(a)(1)(C) about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).

"(j) Within 15 days after a candidate for the Senate qualifies for the primary ballot under applicable State law, such candidate shall file with the Commission, a declaration stating whether or not such candidate intends to expend from his personal funds, and the funds of his immediate family, and incur personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle.

"(k)(1) Any candidate for the United States Senate who expends from his personal funds and the funds of his immediate family, and incurs personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle, shall file a report with the Commission within 24 hours after such expenditures have been made or loans incurred. Thereafter the expenditures referred to in this paragraph shall be reported within 24 hours after each time the aggregate of such expenditures or loans exceeds $10,000.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504 about each such report.

"(3) Notwithstanding the reporting requirements in this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures from the personal funds of such candidate or the funds of any member of the immediate family of such candidate or incurred personal loans in connection with his campaign aggregating in excess of $250,000, or thereafter in increments of $10,000 during the election cycle. The Commission within 24 hours after making such determination shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about each such determination.".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of [subparagraphs (v), (viii), (x), and (xii)] *clauses (v) and (viii)*; and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in [subparagraphs (v), (viii), (x), and (xii) of paragraph (B)] *clauses (v) and (viii) of subparagraph (B)* shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or the making of, or obligating to make expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of [subparagraphs (iv), (vi), (viii), and (ix)] *clauses (iv) and (vi)*; and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in [subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B)] *clauses (iv) and (vi) of subparagraph (B)* shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year,"

and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of [1987,] *1989*, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that campaign committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary

or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; [and] *or*

"(iii) the conduit or intermediary is required to register as a lobbyist or lobby organization as defined under (2 U.S.C. 266), or an officer, employee or other agent of such an organization."

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

PREFERENTIAL RATES FOR MAIL

SEC. 13. (a) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for certain Senate candidates

"The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501 of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1),

provided that the total paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) shall not exceed 5 percent of the amount which is applicable to such candidate pursuant to section 503(b) of the Federal Election Campaign Act of 1971.".

(b) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates.".

DISCLOSURE

SEC. 14. Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by—

(1) striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(2) adding at the end thereof the following:

"(4) if paid for or authorized by a general election candidate for the Senate, or the authorized committee of such candidate who has not agreed to abide by the expenditure limits in section 503, such advertisement or announcement shall contain the following sentence: 'This candidate has not agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'.".

EXCESS CAMPAIGN FUNDS

SEC. 15. Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. [439A] *439a)* is amended by striking out "political party;" through the end of the paragraph and inserting in lieu thereof "political party.".

POLITICAL COMMITTEE POSTAL RATES

SEC. 16. Subsection (e) of section 3626 of title 39, United States Code, is hereby repealed.

CERTIFICATION BY PRESIDENTIAL CANDIDATES ACCEPTING PUBLIC FUNDS CONCERNING COMPLIANCE WITH FUNDRAISING AND EXPENDITURE LIMITATIONS

SEC. 17. Section 9006 of title 26, United States Code, is amended by adding at the end of that section the following subsection:

"(d) In order to be eligible to receive any payments under this section, a candidate described in sections (b) and (c) above shall certify to the Commission, under penalty of perjury, that during the Presidential primary and the general election period, the candidate, and his or her authorized committees and agents, has not and will not solicit, receive or spend, directly or indirectly, any funds in connection with a Federal, State or local election, including funds for get out the vote, voter registration and generic campaign activities unless such funds are subject to the provisions of this Act, including its limitations and prohibitions. For purposes of this subsection, the term 'agent' includes but is not limited to any person who is, or has been authorized to raise funds; who is, or has been, an officer of an authorized committee; who is, or has been, receiving any form of compensation or reimbursement from the candidate or his authorized committees; who has, or has had, actual oral or written authority, either express, or implied, to make or authorize the making of expenditures on behalf of a candidate or to authorize the receipt of contributions on behalf of a candidate.".

SOFT MONEY

SEC. 18. (a) [Insert after section 441(a)(d)(2) of title 2, United States Code, the following new section] *Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)), as amended by section 6(c), is further amended—*

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7);

(2) by inserting after paragraph (2) the following new paragraph:

"(3) A State committee of a political party, including any subordinate committee of a political party, may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds an amount equal to 4 cents multiplied by the voting age population of that State (as certified under subsection [(g)] *(e)* of this section)."[.]*; and*

(3) in paragraph (7), as redesignated by paragraph (1) of this subsection, by striking "(2) and (3)" and inserting "(2) and (4)".

(b) [Section 431 of title 2, United States Code,] *Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)* is amended by repealing the following clauses: clause (x) and clause (xii) of subsection 431(8)(B) and clause (viii) and clause (ix) of subsection 431(9)(B).

(c) [At the appropriate place in the Act, insert the following new section:] *Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by inserting at the end thereof the following new subsection:*

"(k) Any amount solicited, received or spent by a national, State or local committee of a political party, directly or indirectly, shall be subject to the provisions of this Act, if such amount is solicited, received or spent in connection with a Federal election. No part of such amount may be allocated to a non-Federal account or otherwise maintained in, or paid from, an account that is not subject to this Act. This section shall not apply to amounts described in section 431(b)(B)(viii) of title 2.

"For purposes of this section, the term 'in connection with a Federal election' includes any activity that may affect a Federal election including but not limited to the following:

"(1) voter registration and get out the vote activities;

"(2) generic activities, including but not limited to any broadcasting, newspaper, magazine, billboard, mail, or similar type of communication or public advertising;

"(3) campaign materials which identify a federal candidate, regardless of any other candidate who may also be identified.".

FEDERAL ELECTION COMMISSION REFORM

SEC. 19. (a) Section 306(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. [437e(a)(1)] *437c(a)(1))* is amended by—

(1) striking out "6 members" and inserting in lieu thereof "7 members"; and

(2) amending the last sentence to read as follows: "No more than 4 members of the Commission appointed under this paragraph may be affiliated with the same political party, and such appointments shall be made in a manner to assure that the same political party shall not have 4 or more members affiliated with such party on such Commission for two succeeding years.".

(b) Section 306(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)(2)) is amended to read as follows:

"(2)(A) Members of the Commission shall serve for terms of 7 years, except that of the members appointed after April 30, 1989—

"(i) one of the two members appointed for the term beginning May 1, 1991, shall be appointed for a term of 6 years;

"(ii) one of the two members appointed for the term beginning May 1, 1993, shall be appointed for a term of 6 years; and

"(iii) one of the two members appointed for the term beginning May 1, 1995, shall be appointed for a term of 6 years.

"(B) One additional member of the Commission shall be appointed for a term beginning May 1, 1989, and shall be appointed for a term of 5 years.".

SEVERABILITY

SEC. 20. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 21. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held in 1992 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I rise in support of the campaign reform bill which has been called up this morning. In a few moments I will send, for printing, an amendment in the nature of a substitute for S. 137, which is now pending before us.

This substitute will be offered by myself and 44 other Senators, including the distinguished majority leader, the Senator from Maine; the President pro tempore of the Senate, Senator BYRD; and many others of our colleagues.

Mr. President, this debate comes at a very important time. The world has literally turned upside down over the last 12 months, and we grapple to try to find a way to adjust to all the changes in that world.

They call for a changed role by the United States. They call for us to put our economic house in order and rebuild the economic competitive strength of this country. They call for us to come together and work together in a bipartisan fashion to develop programs which will make sure that none of the human talent in this country is wasted, that every ounce of human talent is utilized, that our educational system is improved.

These changes in the world call for us to come together and find a bipartisan solution to the problems confronting us, with budgetary shortfalls and growing deficits. We are all too aware of the fact that we are now dangerously dependent upon a flow of foreign capital into this country to keep our country at full employment and to keep our economy vibrant and vital.

We also know that with interest rates increasing around the world, if

we do not reduce our own Government borrowing and generate our own capital, we will have to have increased interest rates in order to continue to attract that capital from other nations. That could very well have a devastating effect upon our economy.

So for so many reasons, we need to find a way for our institution of Government, the Congress, to work at maximum efficiency. We need to find ways that will bring us all together as one people to solve these challenges which we face.

At this moment of challenge to our system, at this moment of redefinition for our Nation's role in the world, we are impeded in our ability to come together because of the way that we finance our campaigns. More and more of our time, because of the huge amounts of money that have to be raised to successfully compete in elections today, is taken up not with grappling with these problems which we face, these very serious challenges which our Nation faces, but in the raising of funds for the next election campaign.

It is sad to say, but all of us in this Chamber know that in many respects, because of the campaign system that we now have, we have become part-time Senators and full-time fundraisers. Even the schedule of the Senate itself is now arranged around the need to raise money for the next political campaign, rather than around the need to solve the Nation's problems and do the people's business.

More and more of the money that goes to finance campaigns is not coming from the people at the grassroots, from individual contributors in the home States and districts of the Members of Congress. Many States' economic conditions are such that if one is to raise the amount of money required to run for reelection, it becomes a necessity for that Congressman or Senator to go around to other States in the country to raise that money.

And it is not coincidental when we need these vast sums that have to be raised that more and more Members are having to raise more and more of their funds from outside of their home States, and more and more of the money is coming from political action committees, individual interest groups that rate Members of Congress not on the whole record of that Member of the House or Senate, but only on key issues of interest to that particular group.

One way of saying it is at the very moment we need to come together as a people, unite as a people, act as Americans, not as members of one political party or another, or one group or another, more and more the money to finance the campaigns comes from increasingly narrow special-interest groups which give their funds not based upon the total record of service to the country, but based upon alliance with that interest group on particular issues.

We have become more and more splintered, more and more fragmented, as we become more and more obligated to narrow special interests at the very moment when the challenges which we confront call on us to unite as Americans, rather than to be more and more fragmented.

In many ways, we view these changes in the world with great satisfaction. I do not think I have had a prouder moment than I had when I heard Lech Walesa when he spoke to the joint session of the Congress of the United States, when he wanted to express to us what it was that they had been fighting for, when he wanted to express to us the unique nature of their revolution through which they had brought about democratic change, a total change from a totalitarian state to a democratic state, as he said, without even so much as one windowpane having been broken, a remarkable achievement.

And when he tried to find the words to express to us the motivation for their courage, what led them to take such grave risks in the name of democracy, he started with three words, "We the people." He said:

> Those are American words. They are the basis of your political system. They are fundamental to your political ideals, We take your words, your American words, as our words. The whole world is appropriating your political democratic ideal, and we are making it our own.

Mr. President, how proud that must have made every single American who heard those words. What satisfaction it gives us to know that we have been a model for other nations, a beacon to those who have had their rights suppressed, for those who have had strongly held beliefs but lived in a society in which they were not allowed to express those beliefs, for those who have not had the right to control their own destiny, for them to say in the midst of all of that hardship:

> We are inspired to hand on, to persevere, to take risks, to march on with courage because of the example of the United States of America.

It is impossible to describe the emotion that we all felt as we watched the events on world television over a year ago in Tiananmen Square when 2 million people, literally at the risk of their lives—and tragically, some forfeited their lives for their courage—gathered there with the eyes of the world fixed upon them to demonstrate that they wanted a fundamental change in their society, they wanted the right to chart their own course. They wanted all of the rights that the Creator intended for human beings to have, and they were trying to find a way to express to the rest of the world what it was that they were seeking.

And what did they do? They erected a statue, the Goddess of Liberty, copied from our own Statue of Liberty. They seized and appropriated an American symbol to tell the rest of the world what it was that they were fighting for and risking their lives for.

I read the story of the young artist who worked with 10 other artists at the Art Institute in Beijing, through the night and day for 3 days, building the Goddess of Liberty. They worked from a small picture postcard of the Statue of Liberty sent back home to them by Chinese exchange students who came to the United States to study. That was their only experience of ever having seen the Statue of Liberty.

The young artist who crafted that statue later was able to escape from China after the collapse of the democratic movement. He made his way to the United States, and I read an interview with him written by the person who first took this young artist to see the Statue of Liberty in person in which he described his emotions, the overwhelming feelings he had and the tears he shed when he first saw that statue.

So, Mr. President, our political system is so precious. Sometimes, until we step out and view our system through the eyes of people who have been deprived of freedom in other nations in the world, sometimes until we step out and view it from afar, we take it for granted. We fail to understand how precious it is.

On my way over here this morning, after I parked my car in the garage and I was walking down the hallway, I visited with a member of our Capitol Police Force. Two weeks ago, we had the cast of a musical from South Africa called Sarafina that visited us here at the Capitol. The cast was composed of young people, young people suppressed in South Africa because of their race. The play is a musical drama about the struggle of children in South Africa for equal educational opportunities, for equal understanding, for the right to have their own cultural identity.

In that play, very often the police are presented as agents of repression because they are in a system in which the rule of law does not apply and in which people can be arrested—in fact, children as young as 8 years old have been confined months on end without trial and without charge—a system very different from our own, a system which, fortunately, through the work of two courageous people, Mr. Mandela and President De Klerk, is now hopefully in the process of being changed.

That Capitol Police officer, who several months before on television had

seen the cast of Sarafina, had seen photographs of police officers beating young, defenseless children on television in South Africa. As he and his wife watched these young people and watched the cast on television, he decided that when they came to this country he hoped to have an opportunity to meet them and to tell them about police officers in this country and to tell them that police officers in this country do not beat children. Police officers in this country are here to help; they protect the defenseless and powerless, they enforce the law. They protect society against those that would harm individuals in it. He wanted them to know that there was a police officer in this country who cared about children, who upheld the law, and that the police in a society that is properly organized constitute a profession to be admired and not one to be feared.

And when those young people came here 2 weeks ago, that police officer appeared and presented them with a flag flown over the Capitol of the United States. It was quite a moment to see those young children, who had grown up with such fear of the police, all fighting with each other to see who could get closest to him to have a photograph taken with that man who was a police officer in uniform.

I happened to see him this morning. He said to me, "What a thrill it was to have a chance for me to meet those young people and tell them about our rule of law and the enforcement of the rule of law." He closed by saying, "Don't we have a wonderful system of government? We take it for granted."

All too often as we walk around even these Halls where we are charged as trustees of this institution, which is at the very heart and soul of the democratic process, we have become immune as to how special it is.

Mr. President, it is indeed special. And we are indeed its trustees. We are temporary occupants of offices, but we are charged primarily with the responsibility to guard and safeguard these political institutions and see to it that they serve the American people. And when we lose our sense of awe and wonder for these institutions and our reverence for them and our commitment to public service and our commitment to these institutions and the functioning of our constitutional process, when we cease to wonder at it, when we cease to feel that special sense of responsibility when we walk into this Hall and think about the people who came here and served here before we got here, then Mr. President, that is when we should pack up our bags and go home, because we have no business being here. Every one of us, when we come to this place, should come here with some reverence and some feeling. Every single one of us, whether it is the Presiding Officer or the Pages or those who are taking down the RECORD or the Parliamentarian and those who help us conduct the business of the day in this Hall, we should all feel a sense of it.

So I feel tremendous elation at what has happened in the world and tremendous satisfaction, tremendous pride as an American, that our system has been copied, but at the same time I feel tremendous alarm. The Germans recently held elections, the Nicaraguans recently held a free election. These have been people who have been deprived of free elections. How many of their eligible voters went to vote, Mr. President? Ninety-five percent in the case of one country, 90-plus in the case of virtually all the others that held free elections recently for the first time.

In our last congressional election cycle, 37 percent of the American people bothered to vote; in some recent primaries, I have seen statistics that indicate in some of those held most recently, fewer than 30 percent, down into the 20-percent range, bothered to go vote, to exercise the right that people have died for.

Mr. President, we cannot be complacent about what is happening. We cannot be complacent about the degree to which the American people are being turned off by the election process. We cannot be complacent about the degree to which the American people are becoming alienated from their own political system and their own political process.

I believe that a major part of the problem is the way that we finance campaigns. And, as trustees of this institution and as trustees of the safety and health of our political system, we cannot afford to wait any longer to do something about it.

Some people have asked me, are you encouraged or are you discouraged that there is more than one proposal before us for campaign reform this year? Mr. President, I am not discouraged. I am encouraged, because I sense that the vast majority of the Members of this body on both sides of the aisle, perhaps as high as 90 percent, understand that something is basically wrong with the current system and that the status quo is simply unacceptable. We need to have real reform.

As I say, this morning I will offer for printing, for it to be considered in the very near future, an amendment offered by myself and Senator MITCHELL as principal cosponsors along with the distinguished chairman of the Senate Rules Committee, Senator FORD; Senator KERRY, of Massachusetts, who has helped us craft this proposal; Senator BRADLEY; and, of course, the distinguished President pro tempore of the Senate, Senator ROBERT BYRD, who has been an integral part of this effort for a long, long time.

When Senator MITCHELL and I began to work together on this latest proposal, he said we must try to find a way to have a bipartisan solution to this problem. Mr. President, in beginning this discussion today, it is not my purpose, it is not my hope that we could line up all the votes on this side of the aisle and use the parliamentary process to push through a bill that has support from only one political party. The problem we face in this country is not a Democratic problem, it is not a Republican problem, it is an American problem. And we have to get together as Americans to solve it.

So I want to begin this debate this morning in the same vein in which Senator MITCHELL and I began our personal and private conversations about this legislation several months ago, by extending our hands to those on the other side of the aisle and by saying to them we are ready to work together, we are ready to talk, we are ready to negotiate, we are ready to try to craft a bill which solves the problems that exist in this political system without trying to seek partisan advantage for one party or the other. We do not want a bill that is a Democratic bill that gives us an advantage. We obviously do not want a bill that gives an advantage to the other side. We have Democratic majorities in both Houses of Congress. We have a Republican President in the White House. All of us will have to act upon that bill together. Our purpose is not to score political points. Our purpose is not to pass a bill through one House. Our purpose is to change the law with a bill passed by both Houses and signed into law by the President, to change the law to reform this system before it is too late.

We cannot afford to wait any longer, Mr. President. There are certain elements of reform that are absolutely essential. What are the tests of reform? In my opinion, and what it is that we are trying to do with the amendment which I will have printed today—which, as I say, will have 44 cosponsors in total with Senator-designate Akaka having indicated that he will officially join as a cosponsor when he comes to the Senate within the next few days, meaning that 45 of us will have joined together to offer this amendment, and I will say enough other Senators have conveyed their thoughts to me privately that I know that this substitute, when it is presented to the Senate, will already have a majority of the support of the Members of this body.

As we begin our discussions, I hope we can also begin discussions off the floor which will lead to the hammering out of a truly bipartisan reform package that will get the job done.

What is it we are trying to do, Mr. President? What are the tests of real

reform? Obviously, to have real reform we must put an end to the race to have more and more funds to finance campaigns. The essence of reform itself is to get runaway campaign spending under control.

In just the few short years I have served in the Senate, we have gone from requiring a successful candidate for the U.S. Senate in an average size State—not a large State, an average size State—to spend $600,000 in order to get elected, to a situation in which the average last time was more than $4 million. That was in a State as small as mine, not New York, not California, not North Carolina, where we have had spending levels approaching $30 million, even now inching toward the $40 million level in order to run a successful campaign.

What does that mean, Mr. President? The distinguished President pro tempore, who has joined us on the floor, has often called it "the money chase." "The money chase" is the term that has been used by the Senator from West Virginia in many hours of debate on this floor, and he has pointed out how the money chase has corrupted the political process of this country. To raise that $4 million, which it took a candidate on the average to spend to win a Senate race, means every single week for 6 years without exception a Member of the Senate would have to figure out how to raise $15,000 in campaign contributions.

What does that mean? It means if he comes from a State like mine, with a depressed economy, he has to go to other parts of the country. He has to go wherever he can to raise the funds. He has to turn to interest groups, political action committees, whom he does not know, and cities he has never visited before.

What does that do, Mr. President? It puts such pressure on those running for office to raise that money, they cannot possibly know very much about all the sources they are getting it from. It is an open invitation to an image of corruption of the system, when Members have to go out across this country, getting money wherever they can get it, from people they do not know very much about.

Then, if some information comes forward that those people are not particularly wholesome, the image is given then that that Member of the Congress is somehow linked to that person and people lose a little more faith in the political system.

We are sent here to do the people's business. The heart and soul of our political process is competition on the basis of qualifications and ideas and issues and proposals to solve the problems of this country. We must not allow this political system to be corrupted into one in which money is the deciding factor; in which it is on the basis of who can raise the most money that we compete in politics.

We must restore our political system to its original purposes and its original functioning. We must restore the confidence of our people in the system by stopping the money chase and the spiraling campaign spending, which has so distressed the American people that we are able to turn out even barely a third of the percentage of the electorate as those newly emerging democracies around the world who are using us as their model.

How long as we going to wait, Mr. President? Are we going to wait until it takes $25,000 a week, every week, to make the average race for the U.S. Senate? Are we going to wait until we have to raise $100,000? We have already gone from $600,000 to $4.5 million in just 12 years.

At that rate a young person, 18 years old, graduated from high school—those groups we are going to be speaking to over the next few weeks in commencement exercises—at that rate they will have to raise over $15 million to run for the Senate in just a small State, if they decide to perform public service. So we must, if we are to have real reform, do something about runaway spending.

Mr. President, in this bill we have reached out to the other side. With the amendment we are having printed today, we have signaled our desire to work with those on the other side of the aisle, because we have put into our proposal a provision for what is called flexible spending limits. The proposal was made by a panel of experts appointed by both leaders from both parties in the Senate. The proposal is embraced by many of those on the other side of the aisle, who have been leaders in this effort, as a way around the previous disagreements and roadblocks to reform.

It allows that, in addition to an overall spending limit being set, a Member may raise additional contributions from individuals in his or her home State in small amounts. We could call it clean money, money from individuals in the home State, small contributions, participation in the political process in that fashion.

So, we extend our hand to the other side of the aisle. We signal, by putting that proposal in this legislation, that we, indeed, want to work together to find a way to stop the spiral of campaign spending and to do it in a fashion that will be bipartisan and acceptable on both sides of the aisle.

It is absolutely fundamental to reform, toward reordering our priorities, to doing the people's work instead of spending so much of our time raising money. It is fundamental that we become full-time fundraisers and only part-time Senators, as the current system is forcing us to be.

So we provide for real reform by providing for a limit on overall spending, but by also allowing some additional contributions to come in through the flexible spending limit from small contributions from in-State individuals.

The second item of reform is we must do something to strike a balance between the chance the challengers have and incumbents have to be elected. Ninety-eight percent of the Members of the Congress and House of Representatives last time were reelected. Why do challengers have such a difficult time? It again goes back to the question of money. We just have to look at the facts. The facts speak for themselves.

As in the last election cycle, incumbents are able to raise more money than challengers are able to raise. It does not matter whether a challenger is a Democrat or Republican. The PAC's and interest groups want to give to incumbents. These people are already here and on the key committee, and they want access to them. They want a sympathetic hearing from them. They make contributions to them.

Eighty percent of the political action committee money is going to incumbents. It does not matter whether they are Democrats or Republicans, it is going to incumbents. Overall, in the last election cycle, look at the facts: $2.05 was raised by every incumbent running for reelection for every $1 a challenger was able to raise.

We will never have a level playing field which allows new people—with new ideas and ideals, with a fresh approach to help us face these challenges we face—to get into Congress unless we have limits on overall spending that give challengers a chance. So it is vitally important.

Mr. BYRD. Will the distinguished Senator yield?

Mr. BOREN. I will be happy to yield.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from West Virginia.

Mr. BYRD. The present system does not even allow the incumbents with new ideas to get them into place, to implement them. We are too busy out engaging in the money chase. We cannot be here in the committees, we cannot be here on the floor doing our work. If we have new ideas, we do not have the opportunity to explain them and to work at putting them into legislation. We are kept busy with running around the country, holding out our hats and our tin cups.

So, it is not just that the challengers cannot get here with new ideas. Challengers do not have a monopoly on new ideas. Some of the people who have been here for years may also have some new ideas. But we are kept so busy out there knocking on doors

all over the country, seeking money, asking for money, begging for money, getting on our hands and knees for money, we do not have time to give thought to new ideas and to putting them into creative legislation.

I congratulate the Senator on his leadership, on his amendment, and on his statement.

Mr. BOREN. Mr. President, I thank my distinguished colleague from West Virginia. As I indicated this morning before he came on the floor, no one has been stouter in this effort. He called for a record number of cloture votes in this body, trying to break a filibuster, trying to have us have real campaign reform, when he served this body as majority leader. He worked in this body for every single piece of campaign reform legislation since he has been here, and he has been a inspiration for me.

He has been the historian of the U.S. Senate. He has the perspective. He knows better than any other Senator the degree to which this institution is being corrupted and its priorities being twisted.

The schedule of the Senate is being set, not on the basis of solving people's problems, not to give us time to think our best thoughts and to share our thoughts with each other; the schedule is set on the basis of when we have to be in recess so people can go to fundraisers and raise money instead of working here to solve problems.

Mr. BYRD. Will the Senator yield?

Mr. BOREN. I will be happy to yield.

Mr. BYRD. Not only do we not have time to think and to reflect and to come up with new creative ideas, but we are not masters of our own fates. Our new ideas may be fine, but will the special interests that contribute to us support them? Do Members vote their own minds, their own hearts, their own consciences? That is a rhetorical question. Everyone in here knows that Members do not vote their own minds on some of the issues that are so important to this country. Everyone knows that Members do not vote their own minds and their own consciences on many issues, realizing that the great body politic out there is not organized and represented, because we are so busy presenting the views of those who contribute to us in many instances, and voting against what we know in our hearts is best.

So "the fault, dear Brutus, is not in our stars, but in ourselves, that we are underlings," the underlings of the special interests that contribute to our campaigns.

Mr. BOREN. Mr. President, I cannot add to what the Senator from West Virginia has just said. He has dramatically stated the situation as it frankly is. I hope that all of our colleagues, those hearing us and those who will read the words of the Senator in the RECORD will heed those words, and we will not allow another week, another month, another year to go by until we act on meaningful reform of this system.

I have talked about two major elements of reform: The need to stop the runaway spiral of spending; to get it under control, to stop the money chase. I have talked about the need to have a level playing field for challengers.

The Senator from West Virginia has just touched upon another very important element of true reform; that is, to reduce the participation, or the level of influence, to get some balance back into the system so that the special interest groups will not have an undue influence. Over half the Members elected to Congress last time received more than half their contributions, not from individual contributors, but from interest groups, from political action committees and others that rated Members solely on their range of issues rather than on total issues. So some balance needs to be put back in.

The President has indicated he supports, in essence, removing political action committees almost completely from the process in contributing to campaigns. Proposals made on the other side of the aisle have merit, proposals that many of us have made earlier, including the proposal I made many years ago with Senator Goldwater from Arizona, to move on that front. The bill introduced by the Senator from West Virginia and myself a few years ago tried to strike a balance and set an aggregate percentage on the amount that can come from special interest groups, as well as the amount of money that can come from the contributors back home. The bill introduced on the other side of the aisle bans political action committees from contributing to candidates in Federal elections.

Again, as a sign of our desire to reach out to the other side, to indicate that we are trying to have a meeting of the minds, our bill, the substitute amendment which will be printed today, also provides that no longer will candidates for Congress, for the Senate, be able to acccept contributions from political actions committees. So that is another test, reducing the influence of special interests.

What is another test of true reform? True reform cannot leave any loopholes unclosed; it cannot allow for money to simply pop up in another form; that if you close out money in one area, for example, from undue influence from special interests or the amount of money going to candidates themselves, you cannot simply then open up another loophole to allow the money to pour in through another source.

The media has reported widely recently about the soft money loophole, the millions of dollars being poured in in undisclosed contributions, primarily to State parties for what are essentially mixed activities; that is, activities like phone banks, generic advertising and mailing that are conducted on behalf of all candidates, both Federal and State, in the same election. And since they are mixed, they, therefore, do not fall strictly under a Federal election provision. An estimated $60 million is going through that source.

Even in the aftermath of Watergate when we thought we had stopped a situation where some individual, through immense wealth, can have undue influence on the process, where we thought we had individuals limited to $25,000 contributions to all political groups in a year's time, we have turned around and seen fundraisers being held, and we have to say by both political parties. We have seen $100,000 fundraisers. You can have a $500,000 fundraiser if you wanted to if it were all going in the form of soft money back to some State party or organization for the purpose of running campaigns there.

We have to stop this. We have to plug the soft money loophole, and that is exactly what we have done in the amendment which we will be proposing.

I have to say I think this is one of those areas where I hope those on the other side of the aisle will agree to our proposal because, unfortunately, theirs still leaves wide open the soft money loophole. They fall back to current law which has a theory that you can somehow divide the money coming into a State party for an election cycle where both Federal and State candidates are running and you can apportion it.

That is what the current laws says can be done. It has never been done effectively because no one has figured out how to do it. They have gotten around it. If there are 20 State candidates on the ballot and 1 for the Senate, therefore, if you give $100,000, one-twentieth of that is going to be viewed as contributions that fall under Federal limits. Unions can make direct contributions; corporations can make direct contributions—the sky is the limit.

If we were to leave that loophole open and put some sort of limits on other forms of spending, before we know it, instead of having $60 million of soft money, we would have $200 million of soft money. So that is why, Mr. President, we have closed that loophole. We have brought that kind of soft money under Federal limits, limits as to how much any individual can give to that purpose, full disclosure and limits on the 30 cents aggregate per voter that can be spent by

State parties on that kind of activity. It allows State parties to function. They have a viable and rightful part in the process, but it puts a limit on how much in total can be spent so a political party cannot sit back, pick out four or five States, pump in millions and millions of dollars in those States through the soft money loophole and change the way that campaigns would turn out.

So, Mr. President, we have closed that loophole. We have said that you cannot have direct contributions from corporations and from unions. We have looked at the recent court decisions and felt the best we could make that limitation is to limit it to $10,000 in contributions by corporate or labor PAC's for this purpose. That is the one area in which we allow political action committees to still make contributions.

Why do we allow it? Not for the purpose of opening up more contributions, but for the purposes of limitations. The court cases seem to indicate if you close the right of corporations, labor unions, for example, to participate in the process altogether that the courts would probably rule that if you did not allow them to form these committees and make these contributions, then they could probably make those contributions directly. So we closed the soft money loophole in our proposal.

I want to mention one other item very briefly before yielding the floor to my colleagues who are here who have worked so hard on this legislation. That is, we have not only tried in this legislation to stop the money chase, to stop the spiral of spending, to close the soft money loophole, to give challengers a chance to reduce the influence of special interests in elections, but we have also tried to do something to change the nature of the process.

Why are the American people so turned off and so alienated from the election process? Part of it is the nature of it. Very often campaigns are dominated by 30-second spots which really amount to character assassination: Negative ads filling the airways, not meaningful discussion of the substance of the issues, not meaningful discussion about a vision of the future, but simply negative attacks on the other side.

The level of discussion during political campaigns has been so reduced that a recent study indicated that the average length of time of a sound bite as reported by the media in the last Presidential election, the average length of time that they gave in quotation, the words of the candidate for President of the United States in the nightly news was 9 seconds. Nine seconds was the average length of time of the average sound bite from a candidate for President of the United States in the evening news, 9 seconds to discuss the vision of the future and discuss the substance and the issues.

So, Mr. President, in this bill we will be proposing we provide vouchers for candidates who will be willing to use them to buy time slots of 1 to 5 minutes, time slots in which meaningful discussion of the issues can be presented. We also provide that television costs will be brought down to a more reasonable level by providing a nonpreemptible, lowest unit rate cost based on an average over the last several months of rates charged by broadcasters.

Finally, we require that candidates assume responsibilities for ads which they put on the air so that at the end of a 30-second spot, if that ad makes an attack, the candidate who authorized it has to be on the ad and assume responsibility for having authorized it.

We are indebted to our colleague on the other side of the aisle, Senator DANFORTH of Missouri, for suggesting several of these ideas. He has made a great contribution to the process by indicating we must focus also on raising the level of the content of political debate as we struggle to change the ways in which we finance the system.

So, Mr. President, I send to the desk and ask that it be printed, an amendment on behalf of myself, the distinguished majority leader, the distinguished chairman of the Rules Committee, Senator FORD, who is here today, the distinguished President pro tempore, Mr. BYRD, of West Virginia, the distinguished Senator from Massachusetts, who has played a key role in crafting this substitute, and as I mentioned today 39 other cosponsors, a total of 44 with the indication that the Senator designate from Hawaii [Mr. AKAKA], as soon as he takes his seat, will also be joining us as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BOREN. Mr. President, in closing, I want to again make the statement that I made at the beginning. In introducing this legislation, we do so with a strong sense of the urgency of our task, the need to serve as trustees of this institution and this political process which is in trouble, the need to excise this cancer from the heart of the body politic, a cancer which is eating away at the political strength and fiber and force of our political system. We offer it in the sincere hope that many proposals in it will be taken as signals from us that we extend our hand to the other side of the aisle, that we signal to them we are ready to negotiate on a bipartisan basis for real campaign reform, and that we are ready to join and work together in this Chamber as Americans, as we should work together, to solve an American problem. That is our hope as we present this legislation for consideration by the American people.

We say to the people, Mr. President, we have heard your expression of disgust with the current system. We have heard your demand that this political system should be cleaned up. We have introduced a piece of legislation today to clean up the system, to stop the money chase, to give a fair chance to challengers, to change the system, and now we ask for your help. We ask that you, the American people, be heard from to help us pass this legislation to clean up our political system and get campaign spending back under control.

Mr. BOREN. Mr. President, I yield to my colleague from Massachusetts.

Mr. BYRD. Mr. President, Senators cannot yield the floor to other Senators.

Mr. BOREN. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, my colleague from Kentucky was on the floor before me, and I want to acknowledge that. I know he is the leading proponent on the other side, and I want to respect his position. What I would simply like to ask him if I could just take a few minutes; I will not go through my entire comments if the Senator from Kentucky would let me do that.

Mr. MCCONNELL. How long does the Senator from Massachusetts wish?

Mr. KERRY. Mr. President, I would ask somewhere in the vicinity of 5, 10 minutes.

I thank the distinguished Senator from Kentucky. I know he was here prior to me, and I thank the distinguished President pro tempore and chairman of the Rules Committee for their indulgence also.

Mr. President, I am both pleased and privileged to join in the original cosponsorship of this proposal. It is, indeed, the most far reaching and sweeping election reform, campaign finance reform proposal that we have yet debated on the floor of the Senate.

I congratulate the Senator from Oklahoma, Senator BOREN, and Senator MITCHELL, for an extraordinary amount of energy and effort that has been expended not just in these recent negotiations but ever since they have been in the Senate. Many of the proposals in this measure are proposals that either Senator MITCHELL or Senator BOREN have attempted to enact into law previously, and they have been dogged in their persistence to guarantee that we in the Senate have an opportunity to consider this.

Regrettably, a number of years ago, when this issue came to the floor, the minority chose to filibuster it in a way that prevented us from really even considering campaign finance reform.

I just cannot express deeply enough my feelings, individually as a Senator, as a person who runs for office, as a citizen, the dire importance of our correcting the distortions that exist in the current campaign financing process. There is a perception that is absolutely rampant across this country about the impact of money on the political process. We simply cannot ignore the reality of that perception. We do so not only at the peril of our own elections but we do it I think quite literally at the peril of further jeopardizing the institution of the Senate itself.

There just is not any question but that the American people experience greater and greater cynicism about this process, that they feel less and less able to affect it, that they feel further and further from the decisionmaking process because those with money are perceived as being the people who affect the outcome of what happens in Washington.

Indeed, if you look at the course of contributions to campaigns and you look at the proliferation of individualized, specialized advocacy groups and their contributions, it is hard not to believe that. To be candid, each of us has to acknowledge the fact that Senators have become dependent on the ability to be able to raise money to be able to run for office. We are widening the gulf of credibility between us and the American people; the people who have been chosen to govern are losing the consent of the governed because of this perception that nothing matters, nothing makes a difference, that they are somehow powerless, and that powerlessness is precisely what our Constitution and our system of government was set up to try to prevent.

Our elections should not be determined on the basis of our bank accounts; they should be determined on the basis of what we stand for, and what we have done while we are here to justify the electorate back home in either sending us back or saying, "No, you have not done enough" or "You have done things that are wrong." But it should not be on the basis of our ability to manipulate 30-second media messages and somehow rip and tear apart the reputations of those who run against us or those we run against. It simply is not what the American people want, and it does not do justice to the better notions of democracy, and the exchange and dialog that the American people deserve.

People are going to say, "Is what we are proposing really reform; are you guys just trying to construct a bill that allows you incumbency favoritism?"

I ask colleagues and others to think about that for a minute. As it stands today, a Senator can go out and raise unlimited sums of money from most any source—unlimited sums of money. Many races are never contested precisely because any challenger looking at the situation says, "My God, I can't raise that kind of money. I do not have a prayer of getting in the ballgame."

So we are giving up voluntarily in our proposal the advantage of being able to raise the unlimited sums of money. We are saying, no, here is the limit, we will live by the limit, and we will allow a process by which any challenger will be able to qualify to gain that exact same amount of money. It seems to me that is giving up an extraordinary amount.

In addition to that, almost any incumbent today knows under the current system that if you leave it open ended, the incumbent is going to probably be able to raise more than most people in the country with the exception of some individual millionaires who can spend whatever they want. But for most incumbents the current system is an insurance policy that they can go out and raise those unlimited sums of money. In our bill we are saying put an end to that; no more unlimited incumbent insurance programs. We all live by the same rules. We will know precisely how much we have to spend, and we all live in the same limit.

It seems to me that there are two principal things we are trying to achieve in reform. What is reform? Well, reform is doing away with this cynical perception that money affects everything that happens here. How do you do that? How do you achieve the best reform? The way I think you do it is to further remove each and every one of us from the money we are raising.

How do you further remove us from it? By requiring us to raise the least amount and smallest amounts of money. That is precisely what our piece of legislation seeks to do. It says this will be a voluntary—I underscore "voluntary"—voluntary, voluntary, tax checkoff system just like the Presidential system that countless Republicans have used to run for President—the same system. A citizen, instead of voluntarily deciding to write out a check to an individual and getting whatever the benefits of that is, voluntarily checks off on the tax return and says, "I would like to support democracy. I would like to support the reclaiming of our political process."

So you further remove us from the money raising.

Moreover, by setting a limit, you end the escalating arms race of fundraising that is destroying the system. That is the second goal of reform: Gain back for the Senate the time that it takes to legislate, gain back for Senators the time it takes to properly be thinking about and discerning the policies for our competitiveness in the world, for our deficit reduction, for health care revisions, for countless other major issues that we face that ought to be the first priority of the U.S. Senator, not a reelection campaign in the effort to go out and raise money.

So those are the two I think absolute essential ingredients of reform: Liberate the U.S. Congress from this infamous process of fundraising, and get us the furthest, greatest insulation possible from the potential accusation or impact that somehow a contribution has affected what happens here. To accomplish this goal, contribution limits are not enough. We must also have spending limits.

It seems to me that our bill reaches as far as possible in an effort to try to do that, and I think there are many other assets and advantages of the bill. It turns soft money into hard money. It requires full disclosure. It does about as much as I think you could do to neutralize the ground to try to create a level playing field, and to be fair.

I know folks on the other side of the aisle are going to try to say, "Look at those Democrats; they love to touch your tax book. They are trying to get you to fund our campaigns and their campaigns."

Mr. President, I hope the dialog does not get reduced to that. Not one of those people have come to the floor of the Senate to say that about the Presidential race. The minority leader, Senator DOLE, took the money from the Presidential campaign that came from that same voluntary tax checkoff. He never complained. Ronald Reagan took the money from that. He never complained. George Bush took the money from it. He never complained. Four Members of the minority voted for public finance previously, and they never complained.

The question is: Are we really going to deal with this issue on the merits, the way it deserves? Ours is a voluntary system that permits Americans to decide they want to liberate Congress and free the system from the perception of corruption. It was an idea proposed by a Republican President, Theodore Roosevelt. It was an idea fought for by my predecessor in this seat, Henry Cabot Lodge, another distinguished Republican. I think it is an idea whose time has come.

We can appropriately say to the American people, "If you do not want your Congressmen and Senators traveling all around the country raising money, if you do not want big donations, fat cats, all kinds of special interests, then are you willing to voluntarily put 3 bucks or 6 bucks per couple into the system in order to make it work?"

I would suggest that is an opportunity that Americans would grab if they knew it was going to liberate the Con-

gress from the insidious current connection of money and politics.

Our bill meets all the tests of reform.

Our bill limits spending, limits special interest money, adopts a general election voluntary financing system modeled after the Presidential system, while still encouraging small in-State donors to participate in politics.

It will free the Congress from the broadly held and extremely negative perception that money controls and grossly distorts the political process.

It will liberate Senators from the onerous burden and time consumption of fundraising.

It will restrain the extraordinary costs of our arms race of fundraising which sees Senators having to raise an average of $14,000 per week during the 1990 cycle for their entire 6 years—and far, far more every week during their final 2 years in office.

It will help to break whatever aspects of legislative gridlock are caused by the current funding system.

This legislation recognizes that the sources and amounts of money are the problem that we must address. Our bill goes the greatest distance to reduce them.

It is an approach which goes a long way toward freeing up the Senate's time from fundraising and releasing candidates from raising money from sources which raise the questions about whether special interests can rent the Congress.

Consider it provision by provision:

First, spending caps. Without spending caps, there will always be a constant drive to find new ways to raise ever greater sums of money for campaigns. The drive to raise dollars has caused all kinds of damage to this institution—and is directly related to the loss of public trust in us. Without spending caps, we will remain forever engaged in an ever escalating campaign arms race. This legislation instead calls for parity, at low levels.

It is interesting that early this month, former President Richard Nixon, endorsed the concept of spending caps. President Nixon told Bryan Gumbel on NBC Today that: "the costs of campaigning have become completely out of sight * * * there should be spending caps."

Second, voluntary public funding for general elections, after candidates meet a 10 percent threshold of small contributions, half from in-State. Voluntary public funding means no more reliance on big money and PAC's to finance campaigns. Instead, campaigns will be funded for general elections through a voluntary tax checkoff like the Presidential elections. Citizens will choose to share in the cost of elections—rather than permit high-dollar donors and special interests to claim special access.

The combination of spending caps and public funding means more democracy. Today about half of all Senate races have not been real contests, because one party or the other has not been able to field a candidate who can raise enough money to be competitive.

This bill helps challengers by providing them with public funds so long as they reach reasonable, achievable thresholds of support from contributors. The bill in effect guarantees that both parties will have fully funded nominees in almost every race in the country. That means two candidates, with two messages, to give the voters a real choice in every race. This is democracy. This is real reform.

Third, a ban on PAC contributions to individual candidates. I have urged the Congress to do something about its dependence on PAC money since I began rejecting PAC money myself when I ran for Senate in 1984 and we made Massachusetts the first PAC-free Senate race in the country.

Citizens are right to be concerned when candidates are seen to be beholden to special interest organizations that have narrow economic agendas. Citizens have to wonder whether those organizations are gaining undue influence in return for their contributions. They have to wonder whether their participation in the electoral process even counts anymore.

Ending PAC contributions to individual candidates, combined with spending limits, is real reform.

Fourth, we deal with soft money by turning it into hard money. Everything is disclosed. Nothing is under the table. And everything becomes hard dollars, kept within hard dollar limits.

Fifth, we allow the people who live inside a State to contribute to their candidates all the way up to election day. That is the idea of the Bipartisan Commission, appointed by Senator DOLE and Senator MITCHELL, of flexible spending limits. This bill allows $100 contributions from in-State residents up to 25 percent of the total cap, to keep people participating in the process—without giving a special leg up to those who can afford to make $1,000 contributions.

Sixth, we eliminate bundling as a means of circumventing contribution limits.

Seventh, we take steps to prevent circumvention of spending and contributions caps by candidates through their relationships with outside groups, by terming any expenditures by such groups as cooperative expenditures which will be counted toward the cap of the candidates they support.

There is no area we have left out—no area of contributions or expenditures left outside the system. I believe this is real—total—reform, by comparison to which all other approaches fall fundamentally short.

Unfortunately, the bill offered by the minority is a phony—a wolf dressed in sheep's clothing—which if enacted would give the rich and powerful even more influence over the process than they have today. It would take us a giant step backward away from reform.

The minority bill throws out the $25,000 limitation in place today on contributions by rich people in an election cycle. Instead, it applies a formula that amounts to $340,000 a year or $680,000 for each individual per election cycle, or $1,360,000 per couple per election cycle.

Enact the minority bill, and you erase one of the most important reforms after Watergate—the reform that said we must control the influence of the super-rich over our election process through limiting how much money they can give. The minority bill would throw out those limits, once again giving the rich and the super-rich ever more influence over the Congress.

The minority bill is a phony too in saying that it will stop soft money. In fact, the minority bill actually permits corporations, individuals, labor unions, you name it, to give unlimited amounts of soft money to party committees to spend on a variety of activities that affect Federal elections.

The minority bill also lifts the 14-year-old limit of how much individuals can contribute to a candidate by quintupling individual contributions—from $1,000 to $5,000—when opponents spend more than $250,000 of their own money, again giving wealthy individuals more influence over the process.

Finally, the minority bill allows fat cats to make unlimited contributions of money to State party organizations to fund activities that affect Federal elections. This practice, which resulted in individuals buying their way to foreign ambassadorships after giving $100,000 to the State committees of their party, has been one of the grossest examples of how money and influence get traded in the system. It is preserved in the minority so-called reform bill.

Finally, the Senator from Kentucky has again added his antiunion measures to this legislation that were defeated by a vote of 63-35 when we considered the Hatch Act. These provisions do not belong here anymore than they belonged on the Hatch Act.

For real reform, we need to endorse the basic principal of a democracy—that a race should not be determined by how much money a candidate can raise and spend, but by the quality of his message and candidacy. We should create a system of campaign finance based on the principle that an elected official should represent the voters

who put him in office and not those people with the largest checkbooks.

Our bill does that. It ensures fairness to incumbents and challengers alike, to Republicans and Democrats and minor parties alike. It operates like the Presidential system, under which voluntary earmarks by taxpayers are used to provide public funds to candidates who raise a threshold amount of funds from small contributions and agree to spending limits.

The minority has mischaracterized the public funding provisions of this legislation as some kind of tax on the electorate. The truth is it relies on a voluntary check-off system by citizens, just like the Presidential system. If citizens do not want to support election reform, they can choose not to check off the contribution. So the idea that this is a raid on the Treasury is simply not true. It is a distortion of this bill.

In the past, we gave a tax deduction or tax credit to people who contributed to political campaigns, at $50 per tax return, costing the Treasury as much as $260 million a year. That was in place for a decade, with bipartisan support, and eliminated only with the Tax Simplification Act.

So today we have a choice. We can enact false reform, that enhances the ability of the wealthy and of special interests to throw their money at a campaign and election process that has no limits, as the minority wishes us to do.

Or we can enact real reform, to finally free the Congress from the money chase, and to restore the public trust in this increasingly maligned public institution. The choice is ours.

So, Mr. President, I will have more to say about this bill as we proceed along. There is much more to be said, and there is a great deal of comparison between the proposal of the minority and our proposal. But like the Senator from Oklahoma, I hope that we can come together in this effort to fashion a real reform package that is going to change our lives and the ability of the American people to believe again in this system which is the single most important goal of our efforts.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I think we can persuasively argue that there will be no more important issue coming before the Senate in this session, or maybe any session, than the question of campaign finance reform. I say that because it seems to the Senator from Kentucky that campaign finance laws are the rules of the game in our democracy; how we select those who are going to serve in this democratic body.

I have had an interest in this subject for quite some time. I used to teach on a part-time basis, in the mid-1970's, at the University of Louisville.

One class was called the American Political Parties and Elections. It happened to be about the time that the current law under which we are operating was passed. I had a chance, along with my students, to work my way through the process that was going on in the Congress. I was looking at it from outside, as a person trying to teach the students, and teach them well, about what we were doing.

Since that time I have had, as well as an academic interest in the subject, obviously a practical interest in the subject as someone who has sought public office under this system. There is no question that how we craft the rules of elections has an enormous impact on competitiveness, on incumbency, on policy; it has an enormous impact on all of us. There is a tendency, I think, for each side to say, "My way is true reform," and to ignore the partisan considerations that may drive the bill that emerges on separate sides.

I think it is enlightening for us to understand, as we move into this debate, where everybody is coming from. I have listened with interest over the years to my colleagues on the other side talk about campaign reform and craft various bills. We have another one before us this morning which, in my view, probably represents the majority view of the Democratic Party about which way we ought to go.

But before I describe at least in general terms that bill, let us talk about what the National Democratic and the National Republican Parties are today.

In 1988 in Atlanta, at the Democratic National Convention, 55 percent of the delegates were public employees. They worked for some public entity somewhere in America. The lion's share of the remaining 45 percent were members of tax exempt organizations like labor unions, or other 501(c)'s, who were participating in the American political process. I think it is safer to say that the overwhelming majority of the delegates were people who either worked for the Government or wanted something more from the Government.

Meanwhile, over at the Republican Convention in New Orleans, only 5 percent were public employees, most elected officials, and virtually everybody else there was out in the private sector, running a little business, taking care of patients, running a small farm. Out there in our capitalist country making the wheels of this capitalist country grind, producing jobs and opportunity and prosperity for our country.

So if there were any cursory way to sum up the differences between the two major parties today in America at the Federal level, I think it is safe to say the following sums it up: The Democratic Party, by and large, is the party of the public sector; and the Republicans, by and large, are the party of the private sector.

Now, bearing that in mind, and applying that base support to the issue before us, campaign reform, it should not be surprising to anyone that the Democratic Party of government would like, to the maximum extent possible, squeeze the private sector out of the election process and maximize the advantages of the public sector.

They have every right to try to do that. But to try to convince everybody that that is necessarily reform, it seems to me that it falls short of the mark. The substitute bill that has been sent to the desk essentially attempts to squeeze the private sector out of the American electoral process and to substitute, therefore, tax dollars.

And the distinction is made that somehow, since it is a voluntary check-off, that is OK; but the fact of the matter is, when you voluntarily divert that dollar, it is taken away from Head Start, child nutrition, and from a reduction of the Federal deficit—something we are all concerned about. We are taking those dollars away from worthwhile Government programs so that we can fund our political campaigns, in the name of squeezing the private sector out of the American political process.

So I think it is safe to say that there is a fundamental difference here in terms of the views of our two parties about the American political process and who ought to have the right to participate.

Mr. President, the problem can be solved, it seems to me, in a bipartisan way. It is my understanding that the negotiations will begin next week.

I suggested to my colleague, Senator BOREN, on the way over to the floor today, that once we sit down—and the leader is in the process of selecting four people from our side to work on this—we ought to start in the areas of agreement. There are a lot of things that we could well agree on. Some things we agree on right now. And we can work our way to the middle. Start in the areas of agreement, and work our way toward the more contentious items, and see if we can pass a landmark piece of legislation, because we should.

The Senator from Kentucky is not here today to defend the status quo. I am not happy with the current system. There are a lot of things that ought to be done differently. But I think when we go at campaign finance reform, we ought to try to proceed in a way that reforms the system, rather than simply presents the opportunity for partisan advantage.

I think it is safe to say that virtually everybody on this side rejects, out of

hand, taxpayer financing. Involuntary taxpayer financing of campaigns.

It has been said on the floor, what about the Presidential system? I do not think that is a good system, and I do not think there is anybody in America who studied it who thinks that it is. In an effort to micromanage Presidential politics, every major candidate has been cited for violations since the system began. One out of four dollars has been spent on lawyers and accountants. I bet you could not find a candidate for President who thinks it is anything other than a disaster.

Sometime during the course of the debate, we ought to consider repealing the Presidential system, which has been a disgrace and disaster. The fact that Presidential candidates have accepted public funding since 1976 does not mean that it has been a good system. I do not think any scholars who have studied it, or people who worked for it, or candidates who have run for President, think it is a good system.

We may look at that, and we may well do that before this debate is over, depending on how the debate goes. I do not think there will be a bill with public funding in it. My suspicion is that that was never a plan of the majority anyway, but rather an attempt to make the committee bill look a little better. Well, the committee bill does not look much better to this Senator.

If you reject taxpayer funding and say you are not going to take it from the taxpayers, where can you get money for a political campaign? It can come from four places: from people, from PAC's, from parties, or it can come from the sewer. The sewer, in my view, is the 501(c) money. The money that is unlimited and undisclosed, and that is being spent in untold amounts out across America. And nobody knows how much is being spent.

The Republican alternative eliminates PAC's, eliminates sewer money, and it says that the way campaigns ought to be funded in this country is by people and by parties. The Dole-Mitchell task force broke the subject down into what it called good money and bad money. It called parties good money, called individuals good money, and called PAC's bad money.

Mr. President, if we are serious about eliminating PAC's, we can do it. We ought to do it across the board, not just eliminate PAC contributions to Senate candidates and allow PAC's to continue to be given to the House candidates and to parties, as the amendment that has been sent to the desk does. It has a loophole so big you can drive a truck through it. Cut off one avenue for PAC's, but just send the PAC money in another direction.

That is not going to fool anybody, Mr. President, in terms of real reform. That is not a real reform. That is simply laundering the PAC money through the parties. That is not going to do anything to improve the system, in the view of this Senator.

It seems to this Senator that we ought to do the following—and the Republicans have put forward a 34-point program which we believe is the most comprehensive bill that has ever been introduced on this subject. To just cover some of the highlights: It bans PAC's altogether; completely bans on soft money, the 501(c) money that is corrupting the system.

It draws a distinction between in-State and out-of-State contributions by lowering the individual contributions for those who cannot vote for you. It closes the millionaires' loophole. One of my great concerns is that once we put a cap on spending, every millionaire in America is going to have a field day because there is no way you can constitutionally keep an individual from spending everything he has to run for public office, if he so chooses.

All you do with the measure that has been sent up by the opposition is make it more likely—not less likely—that we will have more people trying to buy public office. But there is a way to get at it, a way to discourage it. We discourage it in two different ways.

No. 1, we say, if a person is going to spend more than a quarter million—you can set the level anywhere you want to, for example, $250,000—if a person is going to spend more than $250,000 on his own race, he has to notify the Federal Election Commission that is going to happen, therefore triggering for his opponent an opportunity to get up to $5,000 per individual for the campaign. If that person is going to spend more than $1 million of his own money, then there ought not to be any limit on individual donations to his opponents; and, finally, he should not be able to pay himself back after the election. One of the most pernicious practices I observed around here is people putting up their own money and then buying an election, in effect, and then going around town after the election is over and paying themselves back. That I think we can stop constitutionally. So our bill makes a real effort to get at the millionaire problem.

In addition, we do not believe there should be any franked mass mailing in an election year. Just eliminate them in an election year altogether to help level the playing field.

Another very important area, and this is an area where I think we have a good chance for bipartisan agreement, is there ought to be a significant broadcast discount for political candidates. In the early seventies, we passed the current provision, which is supposed to provide some relief. It says, in effect, that 45 days before the primary and 60 days before the general election, political candidates are supposed to be sold time at the lowest unit rate available for any commercial customer. It sounds all right, except that they created something called preemptible time and the lowest unit is preemptible time. They do not like to sell preemptible time, so it is extremely difficult to get it. Since you have a difficult time buying preemptible time, even in the spring before the primary, when you move to fall, of course, it is an extremely difficult problem because you get bumped and you are out of business. What do I mean? We are in a unique sales undertaking; the sale has to be made on 1 day to succeed in a political campaign.

You cannot afford to buy preemptible time, so a practical matter, what typically happens is that all political candidates buy the premium time, the fixed time, the highest rate time, and it costs us more than commercial advertisers to get our message across.

Broadcast time has gone up dramatically. In 1975, when this current legislation was passed, we set the individual contribution at $1,000 and it is still there. That is worth less than $500 today, but broadcast time has gone up astronomically. In my State, it is twice what it was, twice what it was, 6 years ago. So we are raising a lot of money to send to the broadcasters.

I think a meaningful broadcast discount rate is important. Three-fourths of 1 percent of the overall broadcast advertising revenue comes from political campaigns. What we are saying to the broadcasters is, "We would like a real break in that portion of your revenue that represents only three-fourths of 1 percent."

I do not think that is inappropriate. They do not own those airways. We are asking for a tiny break in a small portion of this enormously profitable business out there using the public airwaves. If we can get a meaningful broadcast discount rate, we are going to take most of the steam out of this particular problem of having to raise a lot of money.

(Mr. LIEBERMAN assumed the chair.)

Mr. McCONNELL. Mr. President, I think it is awfully important, as we move through this debate both on the floor and in the discussions that will occur off the floor, to use facts correctly. The facts should be a fact. But I find it maddening some of the things that are frequently said that simply are not correct. I guess it is possible for people to look at the same set of facts and reach a different conclusion, but I have heard it said frequently, for example, that we are part-time Senators and full-time fundraisers. Mr. President, there are just no facts to back that up.

Let us look at the facts. Eighty-three percent of the total campaign receipts of incumbent Senators up for reelecton in 1988 was raised in the last 2 years. We just did a profile of the class of '88, and I suspect that in any other class the evidence would be the same. Eighty-three percent of the money raised by the class of '88 was raised in the last 2 years. Only 6 percent in the first 2 years, and about 11 percent in the second 2 years.

Now the class of '88 was certainly not out there raising money all day, every day, for 6 years. They raised 83 percent of what they raised in the last 2 years. How many times have we heard it said on the floor of the Senate and others places that Senators have to raise $15,000 a week, every week. Mr. President, only 6 Senators, 6, have raised an average of $15,000 or more a week since their last election, 6 out of 100. It is not true. It is not factual.

We have heard it said on the floor and in other places Mr. President, that soon we will be spending $40, $50, $60 million a year on campaigns. There is no evidence of that Mr. President. In fact, Senate campaign spending went down from 1986 to 1988. It went down, not up; down. So the trend line is down. Senators are raising money only in the last 2 years. Now there are fundraisers going on around here but they are going on for Senators who are up in the last 2 years.

But it is simply not correct to say, there is no factual basis, that all Senators are out raising $15,000 every week, for 6 years. There is nothing to back that up. So I think, Mr. President, as we move through the debate, we ought to use the facts. And the facts are simply that it is not occurring.

Another thing that has been said frequently—and how many times have we heard this? There can be no real campaign finance reform without spending limits. If we have heard that once, we have heard it a million times over the years.

Who made that decision? That is not the view of the academics. It is not the view of those who studied the issue. Mr. President, it is pretty hard to find a scholar left in America who believes that spending limits are a good idea because they know that spending limits are limits on participation. It is saying that there is a cap on on how many people can participate in your campaign, in limited, and fully disclosed amounts. Mr. President, in our view that is not progress. That is a step backward, a limit on who can participate.

It is also the view of Herbert Alexander, professor, University of Southern California;

It is also the view of Christopher Arterton, dean, Graduate School of Political Management, New York chair, campaign finance study group, John F. Kennedy School of Government, Harvard University;

It is also the view of John Bibby, professor of political science, University of Wisconsin;

It is also the view of Joel Fleischman, vice chancellor, Duke University, and chair of their Department of Public Policy Studies;

It is also the view of Joel Gora, associate professor, Brooklyn Law School;

It is also the view of Gary Jacobson, associate professor, University of California, San Diego;

It is also the view of Xandra Kayden, research associate, John F. Kennedy School of Government, Harvard University;

It is also the view of Susan King, Assistant to the Commissioner, Federal Election Commission chair, U.S. Consumer Product Safety Commission under President Carter;

It is also the view of Michael Malbin, assistant director, House Republican Confernce Committee resident scholar, American Enterprise Institute;

It is also the view of Nicholas T. Mitropoulos, senior campaign staffer for George McGovern, Jimmy Carter, and CHARLES ROBB;

It is also the view of Jonathan Moore, director, Institute of Politics, Harvard University;

It is also the view of Richard Neustadt, Lucius N. Littauer professor, Harvard University;

It is also the view of Gary Orren, professor, Institute of Politics, Harvard University;

It is also the view of Norman Ornstein, American Enterprise Institute;

It is also the view of Nelson Polsby, professor, University of California, Berkeley;

It is also the view of Austin Rammey, professor, University of California, Berkeley;

It is also the view of Larry Sabato, associate professor of government, University of Virginia;

It is also the view of Richard Scammon, professor, American University;

It is also the view of Frank Sorauf, professor, University of Minnesota; and I suspect virtually everybody else, Mr. President, who studied the issue.

So where did we ever get the notion that spending limits—that is, a limit on the ability of large numbers of people in small amounts to participate—was a good idea for reform? No body that has studied the subject thinks it is reform. They think it is a bad idea.

There is the myth, Mr. President, that spending is turning voters off. Well, in fact, campagin spending turns voters on. There is substantial evidence to demonstate that the more money that is spent in a campaign, the higher the turnout is, and the less money that is spent in a campaign, the lower the turnout is.

Now, it stands to reason why that happens. Typically, the campaigns where there is very little spending are campaigns in which the incumbent has no serious challenge. When the incumbent has no serious challenge, there is very little advertising, very little interest, and a low turnout.

Now, is that good for America? I think not. I do not think it is a terrific idea for incumbents to have no challenger, for no money to be spent, and for there to be a low turnout. It is great for the incumbent. It is not very good for Americans and for the system. So there is no evidence whatsoever, Mr. President, none, that campaign spending turns the voters off.

We have heard it said on the floor as recently as this morning, that spending limits help challengers. My goodness, I do not know anybody that thinks that, certainly none of these scholars; none of them.

We looked at the spending limits in the bill that has been suggested. I checked with my media adviser, since I happen to be running this year. I said, assuming the general election spending limit in Kentucky of $1.2 million, and assume that we spend more than we would normally spend on television—the typical campaign spends between 50 and 60 percent—I said, let us assume we spent 70 percent on television, how much time could I buy? Response, "Senator, well, maybe 3 weeks."

Maybe 3 weeks, she said. Well, I can tell you, Mr. President, this is an incumbent protection bill. No unknown challenger could ever get in the game with that little exposure. If we want to protect ourselves, the way to do it is to have a low spending limit and send the bill to the taxpayers and let them pick up the tab for keeping us all here. I do not think that is reform, Mr. President, I think that is a step in the wrong direction.

I do not like the status quo, and I hope that we will pass a meangful campaign finance reform bill. But, one of the raps on the current system just does not apply to the Senate. It has been said that incumbents always win. Well, that is not the case in the Senate. The Senate has changed hands twice under this legislation. An increasing number of Senators have stiff competitive campaigns. They have to fight to keep these seats. That is good for America.

And, as we move toward reforming this system, Mr. President—and I hope we will reform the system—let us not guarantee that we get to stay here forever. We do not own these seats. We ought to have to go out and earn them every 6 years. We ought to have a broad base of support and we ought to have it from individuals, not from Treasury money. All the evidence is that virtually every Senator here

raises very little money until the last 2 years.

Mr. President, the only ones that are doing that are the ones who may have a race. I think you could make an argument that all of us ought to have a race, and that we ought to have to do a little work to stay here, and that you need money in order to communicate with voters. The issue is, where does the money come from? It is the view of the Senator from Kentucky, and clearly the view of a majority of the Republicans, that the issue is not how much is spent, but where it comes from. Who does it come from? Mr. President, it ought to come from individuals in limited amounts and fully disclosed. It ought not come from special interest political action committees and it ought not to come from people hiding behind the tax codes, 501(c)'s who are currently spending unlimited and undisclosed amounts on campaigns. And we ought to strengthen parties.

That is good reform, Mr. President. That is the kind of reform under which both parties could thrive and the influence of special interest money could be greatly diminished, if not eliminated altogether.

I look forward to the discussions that are going to begin next week. I think we have a real chance here to improve the system. But we need to do the right things. We need to do what is really important.

I am, by the way, in favor of comprehensive reform; doing a lot of things. But if somebody said to me: You can only do one thing. What is the single most important thing you can do to improve the system that would not hurt either side? Bring the cost of radio and television down. We have a right to do it. We are not asking too much of the broadcasters. It represents only three-fourths of 1 percent of their total revenue. Bring the cost of radio and television advertising down. Campaign spending has already gone down, Mr. President. It will go down dramatically if we can cut the cost of advertising.

In these negotiations that begin next week I believe this is an area where we can fashion a bipartisan agreement. It will take a lot of the sting out of the process. It will make it easier for candidates of both parties to have access to the airwaves, which is the only way to run a modern campaign.

We cannot go back to just doing nothing but shaking hands on courthouse lawns. Most of these States are too big now. We just could not meet everybody if we spent our whole lives doing it. We have to be able to use modern means of communication. If the cost of television comes down, competitiveness will go up because challengers will be able to afford to get in the game.

Mr. President, this week, Republicans offered the most comprehensive bill which has ever been introduced on the subject of campaign finance reform. I am joined in this effort by 33 of my colleagues who were the initial cosponsors of this legislation.

Republicans are tired of being accused of obstructing reform of our campaign laws. It is an outrageous assertion. As the minority party in both the House and the Senate, we have a very strong interest in rewriting the rules which govern campaigns and elections. However, we believe that any new rules should be developed in a truly bipartisan manner and not through a process where the controlling party perpetuates its majority by trying to railroad a bill through the Congress.

We organized a filibuster against the original Byrd-Boren spending limits bill because it did not represent true reform. Instead, it was designed as a partisan measure which advanced Democratic objectives at the expense of the Republican Party. It was ludicrous for anyone to think that our party would stand by and let that happen to us shortly before the important 1992 elections.

For the last 3 years, Democrats in the Senate have been trying to sell the concept of spending limits as the only way to reform the campaign finance laws. Let me tell Senators why they are doing this—because it serves the partisan interests of the Democratic Party. And these partisans have been aided in their effort by one tax-exempt organization, Common Cause, whose members act more like they are an arm of the Democratic Party than bipartisan advocates for true reform.

As an incumbent Senator, I should vote for the Byrd-Boren spending limits bill. It is clearly going to ensure that I never have a competitive race again in the State of Kentucky. With a State-by-State spending limit, my opponent will have to run a shorter campaign and will never be able to overcome my name recognition and incumbency advantages. We will see more challengers lose close races and a lot of us will be free to stay in the Senate until we decide it is time for a comfortable retirement.

I do not support a concept which is in my own best interests as an incumbent because I think it is important for us as officeholders to encourage competition in politics. I think it is our responsibility to avoid enacting laws which create barriers to public office. Instead, we should be encouraging people to run for public office and supporting policies which stimulate political debate and the expression of ideas.

I am not asserting this proposition because I believe that—in every case—a challenger must spend more than an incumbent to win. Rather, the problem is that good challengers must be able to reach voters and convince them it is time for a change. And that is no small task in race of you are facing an incumbent who has built a statewide organization and has all of the perks of office at his disposal.

The Byrd-Boren spending limits bill will limit the ability of challengers to mount effective campaigns. If the State-by-State limits in that bill applied to the last three election cycles, 8 of the 13 successful challengers who won close races would not be here because they would have had to spend more than the limit assigned to their State. Look at what PAUL SIMON and TOM HARKIN spent in 1984. What TOM DASCHLE, BOB GRAHAM, and DICK SHELBY spent in 1986. And what DICK BRYAN, BOB KERREY, and JOE LIEBERMAN spent in 1988. All of these challengers had to exceed the Byrd-Boren limits to win. These races were very close and an arbitrary limit on the challenger's spending ability probably would have saved most, if not all, of the incumbents they were facing.

I think the time has come for us to stop trying to build on those advantages we enjoy as officeholders and try to approach this issue in a sensible and bipartisan manner. The real problem in campaign finance is the source of political money, not how much spending is necessary.

The advocates of the Byrd-Boren bill use the spending limits concept to address every problem in campaign finance. Yet the bill directly curtails Republican fundraising advantages while conveniently excluding from any disclosure or limitations many activities by special interest sources which benefit Democratic candidates.

If we really want to tackle the campaign finance issue, we should be looking at where political money is coming from and where it is being spent. We need to look at: the special interest influence of political action committees [PAC's]; the soft money activities of unions and other tax-exempt organizations; and the activities of large out-of-State contributors.

A second area we need to explore is why some Federal races are not competitive. I think this is primarily a problem in the House of Representatives, where the reelection rate is an astounding 98 percent. By contrast, the Senate has been a fairly competitive place. In the last decade, we have sworn in many new Senators and majority control has turned over twice.

Challengers in the House, unfortunately, do not stand a chance. Norman Ornstein has described the process as a 100-yard dash where the incumbent starts from the 50-yard line. The incumbent has a large staff, can mail numerous franked newsletters to everyone in his or her district throughout the election cycle, appears frequently

on television, radio, and in the local newspapers to discuss issues of importance, and can raise a huge campaign war chest from special interest groups.

These practices have turned the House of Representatives into the House of Lords. We need to look at measures which will limit incumbent advantages and help challengers mount effective and competitive campaigns.

A third area we need to look at is the cost of campaigns. The reason we have to spend so much time fundraising is primarily because the cost of television advertising is escalating higher and higher.

Let us face it, a modern Senate campaign is a television event. It requires, on average, 50 percent of the budget of a competitive candidate and the cost is skyrocketing. In my race for reelection this year, our media consultant has estimated that my television costs will be double what I spent in 1984 for the same amount of advertising time. We need to deal effectively with this problem so we can reduce the fundraising pressures on everyone.

The Republican alternative is designed to deal with these three areas in campaign finance. The bill is a 30-point plan which combines a variety of legislative ideas, old and new. We even have incorporated almost all of the ideas presented by the bipartisan panel of experts commissioned by Senators MITCHELL and DOLE to offer suggestions for reform.

This bill has three titles. The first title is designed to curtail the influence of special interests on congressional elections. In this title, the bill sponsors propose:

The elimination of all political action committees, including leadership PAC's;

A ban on all soft money from being used by unions, corporations, tax-exempt organizations, and parties to influence a Federal election;

A substantial reduction in the amount—from $1,000 to $500—that an out-of-State individual can contribute to a Senate candidate;

Provisions which were recommended by the Mitchell-Dole panel report to strengthen the role of political parties;

The elimination of Keating-style bundling and fundraising activities; and

More regulation over independent expenditures.

The second title of the bill is designed to increase competition in all Federal elections. In this title, the sponsors propose:

The creation of a seed money mechanism to help qualified House and Senate challengers obtain more party money at an early stage in the campaign;

A provision which prohibits an incumbent from supplementing official office expense accounts with campaign funds;

Special protections for individuals who are facing "millionaire" candidates;

A prohibition on using the congressional frank for "mass mailings" during an election year;

Limitations on "gerrymandering" activities; and

New provisions to combat election fraud at all levels of government.

The third and fourth title of this bill deal with campaign costs and FEC enforcement. The most important provision in this title provides a meaningful discount for television and radio advertising 45 days before a primary and 60 days before a general election. In my opinion, this is the most important provision in the bill because it deals directly with the reason that Senate campaigns are so expensive: The cost of television.

Let me conclude my remarks with several additional observations. First, this bill is the most comprehensive piece of legislation which has ever been offered to solve the problems in campaign finance. We have assembled ideas which have been offered by many Senators, House Members, the administration, campaign finance scholars, and the recent report by the Mitchell-Dole panel of experts.

Second, the provisions of this bill, taken together, demonstrate that Congress can legislate true reform in this area without the need for spending limits. It was not even necessary to adopt the concept of flexible spending limits recommended by the Mitchell-Dole panel. Instead, we decided to limit more directly the two less favored sources of political money which would be capped by flexible spending limits: PAC's and out-of-State money. Rather than established a large limit on how much of a candidate's money can be derived from these two sources, we have abolished one source completely—PAC's—and have reduced by one-half the contribution limit for out-of-State donations.

Finally, this bill is an attempt at a bicameral solution to the campaign finance issue. I think everyone recognizes that we should not have two separate campaign finance systems in the Congress. We have tried to address certain issues which are unique to the House in addition to proposing a comprehensive plan for our own institution. I will not say we have drafted perfect solutions to every problem, but this bill can serve as a useful starting point for what I hope will be meaningful bipartisan negotiations in both Houses of Congress. It is time we reform the campaign finance laws and I call on my colleagues in both bodies to stop playing partisan politics with this issue and get on with enacting sensible reforms to our campaign finance laws.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Kentucky [Mr. FORD].

PRIVILEGES OF THE FLOOR

Mr. FORD. Mr. President, first I ask unanimous consent during the floor consideration and votes of S. 137, that Jack Sousa of the Rules Committee staff and Rob Mangas, of my personal staff, be granted full floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, before I make my remarks, let me clear up one thing. We would think, by the previous remarks, that this Democratic proposal was taking dollars from child care, welfare, projects for State and local communities, and this is just not true. This is the only hook the Republicans have for an opportunity to be against the proposal that this side of the aisle has submitted.

We are asking, and we think there will be a response from the citizens of this country that they are willing to pay an additional couple of dollars to see that the so-called sewer money, so-called PAC's, so-called dollar influence, will be eliminated from political campaigns for Federal elections. So we are not asking that moneys from the general fund be spent. We are asking that those who would like to volunteer, do so. I think enough of those citizens out there who are sick and tired of all the expenditure of funds as it relates to a campaign will be willing to see we do have an opportunity to clean up and improve the type of campaign and the length of campaign and the need for other items that we find so offensive; to see those will be corrected.

Mr. President, I rise today in support of the Senate Election Campaign Ethics Act of 1990, offered by Senator BOREN and I think 43 other Democratic Senators as a substitute to S. 137. We hear about comprehensive reform. Mr. President, it is a comprehensive solution to many of the campaign finance problems facing the Senate today. More important, Mr. President, it is a fair solution.

Campaign finance reform is an extremely complex and difficult issue, in large part because every Senator qualifies as an expert on the subject. Over the last few months, the Rules Committee, of which I am chairman, held several hearings on the issue and heard from many experts, both inside and outside of this body. We specifically considered 13 different legislative proposals, including S. 137, which was approved by the committee on March 8, by a 7-to-3 vote.

Since that time, Mr. President, several additional proposals have been made, including the suggestions of the independent panel of experts appointed by the majority and minority lead-

ers. I believe that the proposal offered today incorporates many of the best suggestions made in recent months and provides a balanced framework for conducting future Senate elections.

The substitute amendment offered by Senator BOREN includes several proposals which will clean up the way we operate as candidates. First, and most important, Mr. President, it offers reasonable incentives for candidates to comply with spending limits. Despite the many complexities of several issues in this debate, one thing is quite clear: There can be no real reform without spending limits.

That may be the crux of the difference in these two pieces of legislation. But, to me and to many Americans, there can be no real reform without spending limits. The spiraling growth of spending on Senate campaigns in recent years is the root cause of most problems facing our system today. "The money chase," and it is a money chase, must be brought under control.

Americans are frustrated with the amount of money involved in campaigns, the time the Senators will spend in raising this money, and the influence of special interest groups. Do not tell me we do not spend time trying to raise sufficient funds for the next campaign. The danger of real and perceived conflicts of interest escalates each year with this flow of money. We must establish constitutional incentives to comply with spending limits in an effort to improve both the operation of Senate elections and the operation of this Senate.

This amendment, in my opinion, accomplishes that goal and it incorporates the concept of flexible spending limits which initially received wide bipartisan support.

In my opinion, Mr. President, this substitute encourages small givers. We mandate, under the flexible spending limits, small gifts. We spread wide open the opportunity and the encouragement for the small gifts. I think that is the proper route to go and this particular legislation encourages that. Because the proposal would allow an additional 25 percent above the cap to be spent if raised from small, in-State contributions, which is an objective with widespread support. Reasonable limits, with an added incentive for Senators to raise all their contributions from within their State, are essential elements of any true reform.

John Stennis, the distinguished Senator from Mississippi, who is no longer in this body, made a proposal several years ago that every Senator must raise all the money for his campaign from his State.

It made sense then and it makes sense now.

Others have described in detail the incentives to comply with these spending limits, voluntary—and I underscore voluntary—public financing, reduced broadcast rates and lower mailing expense.

Mr. President, by providing broadcast vouchers for longer, more issue-oriented advertisements, the proposal also provides important incentives for improving the quality of campaigns. Taken together, these and other important reforms in the substitute amendment will go a long way toward cleaning up Senate campaigns.

Mr. President, there is a clear and compelling need for reform. Critics of campaign finance reform have made several arguments which simply do not hold up after taking a closer look. Let me address a few of them.

A few critics of reform have suggested that spending limits hurt challengers and help incumbents. It has been suggested that we need to look no further than the last two Senate elections where challengers have upset incumbents 11 times. In 7 of those 11 elections, we are told that challengers exceeded the proposed spending limits of this legislation. Therefore, the argument goes challengers would be hurt by limits and less likely to succeed. Let us look at it a little bit. This argument, in my opinion, fails to look at all the facts. We have heard statements this morning that the facts just do not substantiate. They do not look at all the facts. Let us look at all of them.

The impact of spending limits would be much more severe on incumbents in these races. That is a fact. In 10 of the 11 races, incumbents exceeded the proposed spending caps and, therefore, would have been forced to spend less money. This includes three races where challengers would not have been cut at all. Challengers would still have been able to spend all the money they raised, but the incumbents would have been cut. In 7 of the 10 races, where spending would be reduced by the proposed spending limits, the incumbents would be reduced by a greater amount.

We hear this bill hurts challengers. Let us look at all the facts, Mr. President. In fact, overall spending by incumbents in those 11 races would have been reduced by $15.5 million, or an average of 38 percent. That is what we would have reduced the incumbents' ability to spend by. Spending by challengers in those races would have been reduced by an average of 25 percent of the proposed limits. So, therefore, the incumbent is reduced some 13 percent more than challengers.

But these comparisons ignore an even more important fact: Spending limits create more competitive races. Equal resources means an equal opportunity to campaign. They say a challenger does not have an advantage. If we have equal amounts to spend, we are here trying to do our duty, the challenger is back home beating up on us everyday. Every time we make a vote here, it is challenged back home, and we are not there to defend ourselves. Do not tell me a challenger does not benefit by this.

It is very rare when a challenger can outspend an incumbent under current law. In the 1988 Senate races, 27 incumbents spent an average of $3.7 million to run for office. Ninety-four challengers spent an average of $593,000 or 16 percent of the incumbents' amount.

In fact, going back to the 1984 elections, there have been 83 Senate races involving incumbents. How many times was the incumbent outspent? Only four times. Let me repeat that. Since 1984, challengers have been able to outspend incumbents only 4 times in 83 Senate races. The trend during the past decade indicates that this gap is likely to widen. The money that the average Senate challenger was able to raise from the 1980 election to the 1988 election grew by only 40 percent, which is roughly at the rate of inflation during that period. However, the money raised by the average Senate incumbent increased by 269 percent during that period.

Mr. President, by contrast, in the 11 Senate races since 1986 where challengers won, they spent an average of 78 percent of the amount spent by incumbents. While three involved challengers who outspent the incumbent, no challenger was able to raise or spend more than 6 percent above the incumbents' spending level. However, seven of the challengers spent at least 80 percent of the amount spent by incumbents.

I understand the percentage and the amounts. It is probably not getting anyone out on the edge of the chair because it is so enlightening and my charisma is drawing them out. But I think it is important, if we are going to look at facts, that we look at facts and see really what happened. Then let us make a judgment based on the facts.

But what about the challengers who lost? Most challengers simply do not have the opportunities or ability to raise and spend the money that incumbents can. That is simple. It is a fact, however. Some are trying to make us hear that that is not true. In all Senate races involving incumbents during the last two elections, incumbents outspent challengers by $110 million. If the spending limits of this amendment would have been in effect, that gap would have been reduced to only $21 million. It would have been reduced by almost $80 million.

Mr. President, there can be no question about which situation is the fairer. It is clear that challengers have the best opportunity to compete in elections when they have access to roughly equal resources. I have heard my distinguished friend from South Carolina [Mr. HOLLINGS] say that if you have $1 and I have $1 million, my

freedom of speech is a million times more than yours. You jeopardize a man's or woman's ability of freedom of speech. Therefore, comparative levels of spending are a much more important factor in producing competitive elections than absolute levels of spending. The system which allows incumbents and challengers to spend roughly equal amounts is much fairer and is clearly beneficial to the challengers.

Mr. President, I ask unanimous consent that a table relating to the impact of spending limits on successful challengers be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

IMPACT OF PROPOSED SPENDING LIMITS ON SUCCESSFUL CHALLENGERS

State	Amount spent	Challenger as percent of Inc.	Proposed limit	Reduction	
				Amount	Percent
1988 RACES					
Connecticut:					
Incumbent	$2.560	100.4	$1.910	$0.650	25
Challenger	2.571			.661	26
Montana:					
Incumbent	1.338	80.4	1.587	None	
Challenger	1.076			None	
Nebraska:					
Incumbent	3.411	101.5	1.587	1.824	53
Challenger	3.461			1.874	54
Nevada:					
Incumbent	3.008	98.3	1.587	1.421	47
Challenger	2.958			1.371	46
1986 RACES					
Alabama					
Incumbent	4.625	48.8	2.176	2.449	53
Challenger	2.259			.083	4
Florida:					
Incumbent	6.723	91.8	5.093	1.630	24
Challenger	6.173			1.080	17
Georgia:					
Incumbent	5.119	54.3	2.939	2.180	43
Challenger	2.779			None	
North Carolina:					
Incumbent	5.188	80.3	3.060	2.128	41
Challenger	4.168			1.108	27
North Dakota:					
Incumbent	2.270	40.0	1.587	.683	30
Challenger	.970			None	
South Dakota:					
Incumbent	3.291	105.9	1.587	1.704	52
Challenger	3.485			1.898	54
Washington:					
Incumbent	3.290	58.1	2.444	.846	26
Challenger	1.912			None	

Note.—All amounts are in millions.

(Mr. SIMON assumed the chair.)

Mr. FORD. The second point I would like to make, Mr. President, is that critics of reform have suggested that campaign spending is going down. We have heard this morning that expenditures are actually going down. We heard we want to get into all the facts. We want to hear the facts. So let us get to them.

They point out that while overall spending for congressional races went up again in 1988, aggregate spending for Senate races declined from $211 million in 1986 to $201 million in 1988. This is a decline of 4.8 percent. But, Mr. President, this ignores the fact that the number of Senate candidates declined dramatically during that period. Do not forget one little fact. We take the percentage that they give us of a decline of 4.8 percent, but they fail to say that the number of candidates declined dramatically during this period from 262 candidates, Mr. President, to 210 candidates—a nearly 20 percent decline in the number of candidates. Now, that is a fact.

Spending per candidate continued to increase, if you take the facts, by more than 16 percent from the 1986 campaign to the 1988 campaign.

So let us get all the facts out on the table. Let us look at all of the facts. You can take the two amounts and put them together. But what caused the dollar amounts to decline? You had fewer people running, fewer people spending money. That is the reason the amount went down. But the actual cost per candidate went up by over 16 percent.

Mr. President, quite clearly the cost of running a Senate race is rising as fast as ever.

The third point I would like to make, Mr. President, is that critics of reform have suggested that there is really no money chase in the Senate—no money chase in the Senate. The fact is that to run a winning Senate campaign in 1988 a Senator must have raised an average of $12,000 per week every week during the 6-year period. Now, that is the fact. But then they try to say you raise that money in the last two years.

Critics of reform do not like this fact and consider it to be a distortion. They have pointed out, I believe, that 83 percent—I think we heard that this morning—of all contributions are raised in the last 2 years prior to an election. Therefore, the argument goes, Senators do not need to raise an average of $12,000 per week throughout their 6-year term.

I fail to understand how this leads to the conclusion that there is no money chase. If in fact we do raise 83 percent of campaign funds during the last 2 years, as suggested by critics of reform, then this means that the money chase is even worse than has been described. Based on 1988 figures alone, it means that Senators are out raising an average then of $29,000 per week during the 2 years prior to election or more than $4,000 per day 7 days a week. And in the other 4 years Senators must raise an average of only $3,000 a week for those years.

Think about it, Mr. President. At any given moment one-third of the Members of this body are running around raising $29,000 per week and the remaining Members are trying to raise an average of $3,000 a week. And the figures will get higher and higher and higher in the future unless reform is imposed and imposed soon. To me, this is a money chase. It can only be curtailed by aggregate limits. Mr. President, the amendment that has been sent to the desk this morning curtails the money chase.

The fourth item I would like to bring up, Mr. President, is that critics of reform suggest that the proposed amendment does not address the influence of wealthy individuals on Federal elections. Let us look at the facts a minute. To the contrary, Mr. President, one of the most far-reaching reforms in this proposal is the extent to which it cuts back on the ability of wealthy contributors to funnel soft money into Federal campaigns—the one that was referred to as "sewer money" a few moments ago.

Let me illustrate the point by contrasting this amendment with the proposal suggested by some on the other side of the aisle. Under current law, Mr. President, individuals are subject to an aggregate contribution limit of $25,000 per year. Of course, the millions of dollars in soft money fall outside this restriction. The proposed amendment converts virtually all types of soft money spending which influences Federal campaigns into hard money which is subject to the aggregate contribution limit. To offset this dramatic change, the aggregate contribution limit for individuals is raised to $30,000 per year. Some think $25,000 is too much, but in order to try to make this work and get the reform, we accepted that proposal.

Now let us look at the proposal coming from the other side of the aisle. It converts some soft money to hard money but would exempt any contribution—think about this now—exempt any contribution to national, State, or local party committees from the aggregate contribution limit. You are limited to $30,000 totally under our bill, but their amendment converts some soft money to hard money but would exempt—I want you to underscore "exempt"—any contribution to national, State, or local party committees from the aggregate contribution limit. So the sky is the limit.

Let us ask ourselves, what does this mean? What does this mean? Not even counting local parties, it means that a wealthy contributor or wealthy contributors can legally give $340,000 per year. Think about that. Let me repeat that.

Wealthy contributors could individually contribute $340,000 per year to influence Federal campaigns.

This includes $25,000 to individuals, $20,000 to each of the three national committees, $5,000 to each of 51 State party committees. Let us just think about that for a minute.

Our bill, a $30,000 limit, includes what is now soft money, versus $340,000 under their bill. Who has limited the expenditure of the wealthy?

Multiply that, Mr. President, by the number of members in an intermediate family. Mr. President, you could buy four or five ambassadorships with that.

Mr. President, with reform like that, who needs soft money? With reform like that, who needs soft money? Who needs PAC's? I think it is pretty clear which proposal will curb the influence of wealthy individuals on Federal elections.

Last, Mr. President, critics of this reform have suggested that this amendment does not go far enough with political action committee contributions. Again, let us look at the facts.

They say that special interest money will not be eliminated until PAC's are banned entirely. I have said this many times. I think everybody knows it. I am not a lawyer, but I have been told that there are some serious constitutional problems with an outright ban.

It has been recognized that corporations have some free speech rights under the Constitution. In a recent Supreme Court decision upholding the right of States to ban independent expenditures by corporations, it was extremely significant that corporations already had another constitutional outlet through PAC's. Any proposal to ban PAC's outright must take into consideration the need for some constitutional outlet. If it does not, it may lead us back to the days of direct Treasury corporate spending with virtually no limits and no disclosure.

Mr. President, this is no solution. The amendment before us today seeks to strike a balance between those competing priorities. It removes the ability of PAC's to contribute directly to campaigns. It keeps them at arm's length from candidates. And it removes much of the unwanted special-interest influence. PAC's will still have an opportunity to contribute to State parties under the proposed amendment, but with contribution limits that are less than the limits applied to individuals.

Mr. President, we know there are no perfect solutions because we are not perfect. But I believe there are fair solutions. The amendment before us today is a fair solution. I am sure there will be a debate ahead over the details of this proposal. I am hopeful that there remains much room for compromise.

But any true reform and any final solution must have some basic characteristics. It must put an end to the money chase. It must reduce the influence of special interests. It must restore, above all, public confidence in the election of U.S. Senators.

I urge my colleagues to take a close look at this proposal and to approach the debate on this issue with these principles in mind.

Mr. President, I was surprised to receive a letter dated April 30 and received in my office on the 9th of May.

We, the undersigned organizations, believe that the current congressional campaign financing system is in need of fundamental reform. As campaign costs have exploded, Members of Congress have become increasingly dependent on special interest political action committees (PACs) to fill their campaign warchests.

And on and on.

We are encouraged by the verbal commitments by the House and Senate leadership to bring forward a campaign finance reform proposal this year. We are concerned, however, that in the rush to pass legislation early in the session, Congress will fail to enact reforms that get to the heart of the campaign finance mess.

Therefore, we urge the 101st Congress to pass reform legislation which includes a voluntary cap on congressional campaign spending, provides public financing for those candidates agreeing to stay within those limits, dramatically reduces the role that PACs play in the electoral process, and bans the use of soft money in campaigns.

That is signed, Mr. President, by the president of the American Jewish Committee of Kentucky, the executive director of Common Cause of Kentucky, the cochairman of the Kentucky Central Council for Peace and Justice, the executive director of the Kentucky Association of School Administrators, the director of Kentuckians Against Assault Weapons, the chairman of the Kentucky Combined Committee on Aging, the Kentucky Conference of the NAACP, the State president of the Kentucky National Farmers Organization, the executive director of Kentucky Youth Advocates, the field coordinator for Public Citizens Congress Watch, the cochairs of the Kentucky Coalition for the Homeless, the director of the Kentucky Community Farm Alliance, the executive director of the Kentucky Council of Churches, the president of the Kentucky Public Health Association, and the vice president of public affairs of the National Council of Jewish Women of Kentucky, and Rabbi Joe Rooks Rapport, The Temple, Louisville, KY.

So there is some work going on out there. There is some interest out there in this.

I wonder, Mr. President. When we give them the voluntary opportunity to say, "I will give a couple of dollars to change the way we require our Members of Congress and the Senate to campaign," I have a feeling there will be some response.

In closing, Mr. President, I respected and revered this body before I came here. I have now added love of this institution. The respect, however, in my opinion, by the American people of this body is declining. We have good Senators. We have smart, intelligent Members of the U.S. Senate. But we lose a portion of the time and ability of good Senators, the smart Senators, the working Senators, that have a love and desire to do what is in the best interest of this country. We lose them because they are out there after that money. They are on the money chase.

Not only are we leaving this institution to chase money, but let us look at some of the other things. We have lost our time; we have lost our ability to make corrections. Not only are we leaving the Senate to raise money, but the President of the United States of America is asked to divert his attention from the necessary and important issues facing him, this country, and the world to attend functions to raise money for a political candidate for political campaigns. The highest elected reaches are being called upon to go all over this country to raise money for a political campaign.

Every major appointee of this administration is on the road chasing money. If you do not believe it, I can give you page after page of newspaper clips where Secretary this and Secretary that are out in the country raising dollars for the political campaign. Not only are we asking the President, but all of his appointees, to take time away from the jobs they have been appointed to, and we expect them to get money for the next political campaign.

It would behoove the citizens of this country to spend a couple of dollars to keep them in the office so they would not be out across this country chasing money for the next political campaign. They take the time away from their jobs that we pay them for, and the people think about this when they hit a community. They do not go to a community where there are no projects involved, no interests involved. They go to communities and see people who want projects in that Secretary's jurisdiction, and funding. They feel they must be there to see that Secretary with check in hand. "Mr. Secretary, here is my $1,000. Do not forget us when you get back to Washington. Do not forget us, because I gave you my check. A lot of us gave you our checks." They know and feel they must be there not to bow and kiss the ring, but stand erect and give a check. They make their impression upon that appointed individual.

So, Mr. President, we will have additional debates, but I come down no as an academic or a member of academia, or the most intelligent fellow in the city. I am probably low on the totem pole as far as that is concerned. I hear all of these academic making all these studies, telling us how great additional funding helps the political system.

I like to see what really happens. We have seven States that have public financing. It seems to work for them. In Arizona, Senator Goldwater, Congressman UDALL, and one other, I believe his name was Mahoney, testified before the Rules Committee, and they formed the Arizonans For Campaign Ethics in the spring of 1989. They showed that, as a result of the changes in their campaign finance law, PAC's declined 65 percent, and overall campaign expenditures by incumbents fell by over 20 percent. The markedly

thinner margin between incumbent and challengers in 1988 in campaign expenditures clearly contributed to 25 seats out of a total of 90 in the State legislature to go to challengers; in the previous same period, only four.

So there is an actual experience on a State level, and actual results on a State level, basically doing the same thing that we are asking in our legislation. We can sit down and take all the figures and facts, Mr. President, but this is something that actually happened, and you can go put your hand on it. That is just like the figures I gave earlier which said the expenditures on campaigns had gone down 4.8 percent, when in theory and in fact, they had gone up over 18 percent per candidate. Here is fact. This is another fact I want to inject into this debate.

Mr. President, I am not sure who wants the floor, but I yield the floor at this time.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. DECONCINI). The Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. Mr. President, I compliment the distinguished Senator from Kentucky [Mr. FORD] on his very illuminating, cogent, and persuasive statement in support of campaign financing reform. I also thank him, as one of his colleagues, for the many, many hours, days, and weeks of work he has put into this effort, not only this year, but also in previous years; and I thank him for the support that he has so consistently given to remedying one of the most sinister threats to our constitutional system of representative government.

Once again, the Senate is here to debate and, hopefully this time, to pass legislation to reform our Federal campaign laws. I am no stranger to this issue. In 1987, as majority leader, I tried to break a filibuster on the motion to proceed to a proposal much like the proposal that is offered by Democrats today on campaign financing reform. That reform bill was S. 2, cosponsored by 51 Senators.

Hundreds of editorials appeared in newspapers all across the country in support of campaign financing reform. Yet, on that occasion, the Republican side of the aisle would not let the Senate work its will on the legislation. The distinguished Senator from Oklahoma, DAVID BOREN, and other Senators and I offered again and again to negotiate.

We made repeated statements on the Senate floor asking Senators to negotiate seriously with us because the need for reform was so critical and was so fundamentally important to our democratic system. Nothing happened. Robert Bruce, who became King of Scotland, tried seven times and won. ROBERT BYRD tried eight times and lost.

So eight cloture votes later, I was forced by the crush of other important business to abandon my attempts to force Senate consideration of reform.

That was nearly 3 years ago. Another election has come and gone since then another election that has demonstrated once again to the American people that their cynicism about American politics and American politicians is well founded. We have come through another election that has demonstrated that spending is wildly out of control, another election that sprouted a bumper crop of inane, negative television ads.

I hope that this Nation does not have to endure such an election again and again before we marshal the courage to do something to correct this situation. I hope that the Members of this body can put partisan concerns to one side and get on with the too-long-delayed business of reforming the most important process that we have in this land, the process by which we select our national leaders, the representatives of the people.

To put it simply, there is far too much money in politics today. The spending is obscene. In 1988, the average cost of a Senate race was $3.7 million, up from $3 million in 1986. That is a 23-percent increase in only 2 years. On average, that means that Senators had to raise $11,800, almost $12,000 per week in 1988, and are projected to have to raise $14,000 per week for the 1990 cycle. Think of that, $14,000 per week; $14,000 per week.

Every Member of this body knows what that onerous fundraising burden means in terms of his or her time, time spent in not being a Senator. Right now, because of the outrageous cost of running for a seat in this body, we are not full-time Senators; we are only part-time Senators. Every Member here has a full-time job as a fundraiser. If we do not do something about this encroachment upon our time, given the ever rising cost of running for office, we are eventually going to be down to 1 day a week in doing the Senate's business. The time that we ought to spend reading, better understanding important issues, reflecting, studying, talking with our constituents, thinking about the Nation's problems, and how to deal with the Nation's problems—much of that precious time is spent on fundraising, running around town, going to lunches, going to fundraising dinners, going to fundraising receptions, talking on the telephone about fundraising. Without reform, that figure will continue to soar. The congressional campaign system has become toxic, toxic with money, and nothing poisons the public trust faster than the taint of big money. That poison is beginning to rot this representative democracy from within.

The fundamental component of any true reform proposal is, therefore, spending limits. Congressional campaigns have become like bloated rogue elephants rampaging across the American landscape, fattening on the cash that they gulp down, destroying trust in elected officials, and generally offending the intelligence and the sensitivities of thinking Americans who would like to see the serious issues of this Nation discussed by candidates instead of slick 30 second distortions by overpriced consultants.

It is time that we put this overweight, fat, clumsy beast on a diet. His cash intake must be drastically reduced.

Let us remember that a diet is no good without a limit on calories. Likewise, campaign reform is not real without a limit on the cash.

I am strongly in support of eliminating political action committee money in campaigns. But that step is not enough without a limit on total spending as well.

To claim reform without spending limits is like telling that rampaging rogue elephant, "You can eat anything you want on this diet; you can have all you want to eat of anything at all, but you must cut out the broccoli." That diet will not work. The elephant will still stack on the pounds. Only reducing the overall calories will work.

Only spending limits will really get the money chase under control.

I believe that we must eliminate PAC contributions. They have become insidious. PAC contributions influence Members, and all Members here know that. I remember seeing a Barry Goldwater billboard years ago, "You know in your heart he is right." Well, every Senator in this body knows in his heart that PAC contributions influence Members in their votes.

A lot of people worry about their diets. I do not worry about mine, fortunately. My basic metabolism is such that I do not have to worry about it. But what about our political diets. People who worry about diets, about their health, in that respect, are told not to put on too much weight, keep off the weight, keep off that excess weight.

Well, we are on a political diet in which we are carrying too much weight. We are hobbled with a ball and chain, in many instances, when it comes to voting on legislation that comes before this body. We do not have that freedom of choice, not that full freedom of choice that should be ours and that the American people expect to be ours when it comes to casting our vote on legislative matters. We are hobbled by that ball and chain of debt that we owe to the special interests who fund our campaigns.

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Our consciences are hobbled with the political ball and chain. Every Member knows that.

I read recently that the President went to the hospital and had his eyes tested. There was some indication that he might have glaucoma. That is a very insidious eye disease. The victim is not aware of what is happening as the outer peripheries of his vision begin to narrow. He is not aware of it. He is gradually losing his eyesight and doesn't know it. He is not seeing what is on the outer perimeters. And gradually this insidious eye disease will make him blind if it is not arrested in time.

Well, it is the same with this situation we are discussing here. It is a situation in which those of us who are indebted to the special interests for money with which to grease our campaigns, become afflicted with political glaucoma.

When it comes to voting on matters that come before this body, more and more and more the American people and their interests are shut out of our field of vision. We cannot see them on the outside periphery. They are no longer within our vision because our vision is narrowed to the point that we can only see the direct line of interests of those who put the money in our campaigns as we make our trips around the country. Political glaucoma is blinding our vision.

It is a sinister threat to our constitutional system, a sinister threat that is undermining this institution. By this institution, I mean the legislative branch. No longer can men be men, because they are beholden to the special interests that grease our hands, the contributors. And in so many instances, those contributors are not our own constituents.

On any given day, Senators are out raising money. I have said this before. I will say it again. As the majority leader and as the minority leader, I saw constantly and I daily felt the impediments to the Senate's doing its work because of Senators who came to me and urged, and begged, and pleaded that we not have a vote on Monday until 6 o'clock, or perhaps not at all; not have any votes, they said, on Fridays. Please do not have any votes on Friday, this coming Friday. Do not have any after 11 o'clock on Fridays.

Why? Because they had to go to money raisers. In some instances, a half-dozen Senators were scheduled to go to money raising functions in California, or in Florida, or New York, or whatever State one may think of. They had to go.

It was irritating to me as a leader, and I am sure I voiced that irritation. But I also knew how important it was for those Senators to fulfill those engagements. I knew that their reelections depended upon it. In many instances, they were doing it, not for themselves but for their colleagues.

It all impinges upon this institution's ability to do its work. A majority leader cannot schedule the program. He cannot exercise his own best judgment as to when the Senate ought to do its work because he, too, is carrying a ball and chain of necessity. He has to bow to the necessity of his colleagues who must go, who must go, on those money raising trips. It is the money chase; the money chase.

It is not that we do not have work here to do. It was not that we did not have work to do every day when I was the leader. We had work that needed to be done.

But how can the Senate get its work done when a given Senator who chairs a committee, who chairs a subcommittee, or who is to manage a bill, or who is the ranking member on a bill, or who has important amendments that he wishes to call up, cannot be here. That is a ball and chain on the leadership. I have seen it both ways as majority leader and minority leader. It is ruining this institution.

Daniel Webster said "This is a Senate of equals, of men of individual honor and personal character, and of absolute independence."

I say, "Don't you believe it. Don't you believe it, Mr. Webster."

He said "we know no masters; we acknowledge no dictators."

I say, "Don't you believe it, Mr. Webster."

And Webster himself was not all that independent. He wrote to Mr. Biddle and reminded Mr. Biddle that his, Mr. Webster's, retainer had not been taken care of by Mr. Biddle. In so doing, Webster tainted forever his own image.

This is no longer a Senate in which men exercise absolute independence. We cannot truly say that we know no masters. We cannot truly say that we acknowledge no dictators. Everyone of us in his conscience knows that we cannot do that. The people in the galleries know it. People everywhere else know it. Milton wrote of the freedom of the will in his Paradise Lost. Freedom of the will.

Senators and Members of the House of Representatives do not have complete freedom of the will, because we have enslaved ourselves, we have enslaved our freedom, we have enslaved our consciences by having to run around the country and raise money. I do not like it. It is the most demeaning thing about this office, having to ask for money for our reelection campaigns.

I have had people say to me, "Well, Senator with all of your record over there in West Virginia, you have been serving the people over there all these many years."

"Yes."

"You have been a Senator here 32 years."

"Yes."

"Oh, you're doing a great job for West Virginia."

"Yes, yes."

"You have done all this for your State."

"Yes, yes."

"And you were in politics before you came here."

"Yes."

"Before you went to the House of Representatives."

"Yes."

"Served in both houses in the State legislature."

"Yes."

"Why, your name is a household word over there. Why do you have to raise money?"

Well, perhaps I do not. But I had better not take the chance if I want to continue to remain in public service. Perhaps I could take the chance and win again. But it is too late, when the polls close on election day, if you come in last.

We all believe in taking out insurance. I have insurance on two houses; I have insurance on my car. This is insurance on continuity in public service. We do not want to run the risk on being faced with negative ads on television that we cannot answer. Television costs and the costs of consultants are enormous and growing.

A lot of people in this chamber are shedding tears about challengers. There is not a Senator in here who wants a challenger; not one. I do not want any challenger. But let us go just a bit below the surface. I came here because I was a challenger. I challenged an incumbent. I challenged an incumbent in 1958 when my colleague and I, Senator Randolph, were running on the same ticket, the same year.

There were two Senate seats open in West Virginia that year. One had become vacant by virtue of the death of a Senator, and the other seat was going to be up for grabs by virtue of the end of the term of a Senator. So there were two West Virginia seats. And Jennings Randolph and I won the nominations and we won in the fall elections, and we won with a combined war chest of only $50,000 or less. We could not begin to think of doing that today.

And I say, yes, perhaps one could. I remember on one occasion I did not put one dollar into my campaign, other than my filing fee. On one occasion when I ran for reelection as United States Senator, all I paid was my filing fee in the primary. But one had better prepare, remembering the Boy Scout motto: "Be Prepared." So we prepare ourselves for a costly election just in the event that we are challenged.

This is said to be a Senate of equals. It will become a Senate of equals if we do not do something about this money chase and about putting limits on campaign spending. Senators will be equals in that they will all be multimillionaires. They will be the only people who can afford to run. I do not say that to cast reflection on multimillionaires. I wish I were one. But I came up as a poor boy.

I started to work in a gasoline station. They were not service stations in those days. They were gasoline stations. That was my first job. I was glad to get it, glad to get a job. People do not want to start at the bottom anymore. I started at the bottom by necessity—necessity, the mother of invention. Necessity was the mother of my having to start out in a gas station pumping gas.

Then later I was the produce boy. Some people do not like to be called boys. I was called boy—produce boy in a mining community store. My pay started out at $50 a month and then became $60. When I married I was making, I believe, $65 or $70 a month. Then I became a meat cutter. Then I became the head meat cutter. I was getting up in the world: The head meat cutter at the company store. Man, I could display a meat case: round steak, rump roasts, rib roasts, chuck roasts, ham salad, chicken salad—made it all myself. It came to be that I had helpers as time went on.

I would garnish that display—a little parsley here. Then it came about that we had artificial greenery to put in. The displays never looked quite as good as when decorated by the parsley or the radishes that were carved to look like roses.

Then I became a welder in a shipyard, working on piecework, a welder helping to build victory ships and liberty ships. Then my wife and I acquired a little grocery store of our own and we were going broke when I ran for the House of Representatives and won my race.

May I say to the distinguished Senator from Illinois, there will not be anyplace in the future in this body for gas station attendants. Produce boys need not look to the horizon and dream dreams of coming to the United States Senate.

Meat cutters will continue to wear the scars on their thumbs where the meat cleaver almost got the thumb. Butchers need not stretch their vision to the House of Representatives or the United States Senate. No more welders in this body. We worry about challenges. They will not dare challenge the wealthy incumbents.

Campaign financing has become a cesspool, a cesspool. Not just a quicksand, although it is that, too, because it sucks us in deeper and deeper and deeper; a cesspool.

Many a vote has been cast in this Chamber that was at least in some measure based on the need to please some political action committee, not because of the Member's constituent interest, not because of the national interest, but cast because of the influence of a PAC contribution.

Some say money talks. It certainly does get one's attention. No one is so crass as to say: I will give you X amount of money if you will vote a certain way. I never had it happen to me and I do not think it happens probably at this level, but it happens in some elections, as we read from time to time.

But money talks, it gets our attention. I accept PAC contributions. I do it because of the extraordinarily high cost of running for public office. I come from a State with economic problems. I do not feel right about asking my hard-pressed constituents to come up with several million dollars to finance a Senate campaign.

There are those who say, what is all the fuss about? PAC's are just citizens banding together to contribute to a favored candidate. On the surface it may look that way, but PAC contributions exert inordinate influence on congressional candidates. Most PAC's do not assess a candidate based upon a variety of his voting positions, such as the candidate's stand on defense, Social Security, the environment, education, and so on. Most PAC's look at the candidate from only two angles. Does that candidate support the PAC's specific legislative goals on a narrow range of issues? And, is that candidate likely to win?

PAC's most likely back the incumbent, regardless of his party, but often they will give to both candidates in a race just to cover their bets. The game is to contribute to the winner—influence him so he will see things the PAC's way. The need to raise so much money just to be able to be a credible candidate is part of the reason why PAC's are so potent. Under the current system of uncontrolled spending, PAC's are perfectly set up to buy the influence they want. And when PAC's with similar interests band together, then that influence can be mighty, indeed.

For example, more than one-third of all PAC's active in the 1987-88 election cycle were aligned around eight special interests; banking, labor, real estate and construction, agriculture, food, insurance, oil and gas, and savings and loan. Moreover, there are certain other very large and wealthy PAC's that can afford to influence nearly every Member of Congress with contributions, and they wield influence far out of proportion to their numbers in the total electorate. No wonder the individual voter worries that he has no say in the political process. No wonder the voters stay away from the polls. They are up against some real muscle—real muscle.

I am sure that PAC's themselves are getting weary of the present system as well. Because of the cost of elections, they must be literally besieged by demands for help from us, from the candidates. Eliminating candidate dependence on PAC's for money may well be a relief to many PAC organizations currently stretching scarce resources. As a matter of fact, I was told by a prominent lobbyist recently that the money demands has become unmanageable, and that he thought the system was out of control. And it is.

Eliminating PAC contributions would go a long way toward putting the role of special interests in its proper perspective. There is a legitimate role for special interests, and in many instances, their objectives, their interests, are the interests of the majority of the people. The special interests have a right to be heard and have their views considered, but they ought not dominate the process, as they do now. How do they do it? Through their campaign contributions.

As we close one window of influence for the special interests, let us not forget that there is yet another way in which special interests influence Members in the way Members cast votes. And this second avenue can also be insidious because it is a way for the special interests to put money directly into a Member's pocket. I believe that this avenue of influence must also be closed.

If we are to pass legislation that claims to be real reform, that claims to be chasing special interest money out of politics, that claims to refocus our attention on the interest of the many and frees us from too much influence by the few, that legislation also ought to contain provisions that ban the practice of taking honoraria. The House of Representatives has already taken that important step. This Senate did not show the backbone and the courage and the vision that were shown by the other body not very long ago when the Senate had the opportunity, as good an opportunity as it will ever have, to ban honoraria. But the House has taken that step.

We in the Senate cannot close the window on the special interests in campaigns while we leave the back door open once we are elected. To do so would be a hypocritical act.

I accept honoraria. I accept PAC contributions. I do it with respect to honoraria for the same reason that most other Members do: It is expensive to hold public office and especially so in Washington. My wife and I try to help our grandchildren get a college education. There are Members of this body who are considerably younger than I am who have yet to be concerned about their children's ability to

get a college education. And so Members accept honoraria. The cost of living in Washington is not what it was back when I was a produce boy making $60 a month.

Many Members would find it extremely difficult without the back door subsidy of honoraria. It is legal. There is nothing illegal about it. There is a limitation on the amount, but it still creates the perception that we are beholden to the interests that pay us the honoraria. The time has also come to halt that practice. If we are going to reform the system, we need to begin with that particularly obvious avenue of influence, or else our efforts will ultimately be viewed cynically by the public, and growing cynicism is a problem that we are trying to address with this reform.

I am not saying it ought to be done on this particular bill. I do not know. Perhaps it should. If it is not done on this bill, it can be done on another bill. It can be done on any bill, as a matter of fact; virtually any bill. There might be points of order on appropriations bills, but there are plenty of vehicles to carry that. It is going to be difficult enough to get this bill through, as the amendment that we are supporting is presently written. But at some point, we also have to do something about honoraria, as well as facing up to the fact that Senators and House Members ought to have the courage to raise their own salaries and eliminate the honoraria, eliminate the back door income, eliminate the subsidy that comes in by the back door. Put it all out front like the House has done.

The time has come to do these things. Voter registration is declining. Voter participation is declining. The Markle Commission on the Media and the Electorate has recently issued a report which contained alarming conclusions about the indifference of the American voter to national elections. On May 8, a primary was held in my own State of West Virginia. Voter registration was down 7.6 percent from the number of voters who registered for the 1986 primary. In one county, the number of voters registered dropped by 16.7 percent.

Of course, West Virginia is losing population, but that is not the reason for all of the drop in voter registration, I am sure. Apathy and distrust of the American political process and of American politicians are at the root of these alarming developments. Scandals have exacerbated the voters' disgust.

Solid reform should parallel in many ways the Presidential campaign system. Senators in this body who have run for that office have certainly found the system used in Presidential campaigns to be meritorious. Presidents have found it to be meritorious. If that system is good enough for the Office of the President, it should be good enough to serve as a model for other Federal elections.

Any reform proposal must address the abuses caused by loopholes in the current law in the areas of soft money and the practice of bundling.

It should also contain provisions that give to the FEC more power to punish abuses and to serve as the watchdog that it was intended to be.

Mr. President, as I close, I note the presence of the distinguished Senator from Illinois [Mr. SIMON] and I shall not keep the floor but another couple of minutes.

On a statue in Atlanta, GA, there is an inscription. The statue is to Benjamin Hill, statesman and orator. The inscription reads as follows:

> Who saves his country saves all things, saves himself, and all things saved do bless him. Who lets his country die, lets all things die, dies himself ignobly, and all things dying curse him.

Mr. President, we must not let our country die. This representative democracy has been a dream of other people around the world that they have sought to emulate. It is something in which the American people have taken pride.

That system is a representative democracy—representative of whom, the people or the monied interests? In the legislative branch, this is supposed to be a Senate of men "who know no matters, who acknowledge no dictators." How far have we wandered from the thrust of that memorable statement by Webster?

Let us do something about this disgusting and destructive practice that threatens to engulf us all. It threatens to undermine this institution to which Gladstone, who was Prime Minister of Britain four times, the most outstanding politician during the reign of Queen Victoria, referred as "that remarkable body, the most remarkable of all the inventions of modern politics."

A remarkable body it has been. Let us take the opportunity now to restore it and to restore the American people's faith in the election process. At a time when other countries on the globe are following our example and struggling to adopt a form of government that is similar to our own, let us take steps to protect representative democracy from deteriorating from within. We can begin to restore public confidence by cleaning up our own act—now!

Mr. SIMON. Mr. President, I commend the President pro tempore, the distinguished senior Senator from West Virginia, for his candor and for his leadership. As majority leader, he said we had to work on this, and he fought for reform. Unfortunately, we did not have the courage and the vision to act when he called on us to move, and I hope we have the courage this time.

I also commend our colleague, Senator WENDELL FORD, of Kentucky, for his remarks earlier. It was a sound analysis of our situation. If political science classes and others want to get a good analysis of why we have to have change and what this bill will do, get a tape of Senator WENDELL FORD's statement. Our colleague from Kentucky has his head screwed on right, and he said it as it is.

We face, as a nation, Mr. President, two massive fundamental problems. One is the deficit, that we tinker and toy with a little, but we have not had the courage to really confront. I hope maybe—I have to confess I am not optimistic—the summit meetings that are taking place will deal with that. The other is how we finance campaigns, and it just permeates this Government in terms of the decisionmaking process.

First of all, we are spending too much money. I happen to be up for reelection this time. My budget is $8 million, and do you know that on a per vote basis it is probably the lowest budget of any incumbent Senator running for reelection this time. It is just getting out of hand, and the public knows that.

There is a second factor, and that is the public cynicism, public cynicism that is sometimes unfair to us and sometimes fair, where they believe public office is bought and sold; sometimes unfairly, if I may use the example of the Presiding Officer right now, Senator DECONCINI. There is not a Member of this body on either side who does not have complete respect for the integrity of Senator DECONCINI, and any reporter who thinks this is just political talk, go and ask any Senator off the record, and that is the situation.

An employer in the State of Arizona employing 2,000 people roughly—I do not remember the exact figures—came to him and said, "I need help with my agency." And he said, "I will help you." what is wrong with that? Not a thing. What happens, however, is campaign contributions are there, and the public makes a judgment. They put 2 and 2 together and say, "This is why it was done."

So that public cynicism has, in this case, caused an unfairness, but in some cases that public cynicism is right, my friends.

I remember when our colleague, Senator Proxmire—and I see his successor, Senator KOHL, on the floor, who is a fine addition to this body—did not take any campaign contributions. He spent, I think, $150 on his last campaign.

I went to him, and I said, "Bill, do you think I could do that in Illinois?"

And he said, "Paul, if you tried that stateside in Illinois, you would be defeated." He said, "You cannot do it."

Unfortunately, he is right. But I remember 2 or 3 years ago when we could not get the votes to pass a minimum wage bill on this floor, I got up immediately after that vote and I said, if anyone wants to know what is wrong with our system of financing campaigns, this legislation is it. There are 5.3 million Americans trying to get by on $3.35 an hour, 506,000 heads of households trying to get by on $3.35 an hour, and we could not muster the votes to help them. But, I said, if the 100 wealthiest people in this Nation gave a $1,000 campaign contribution to every Member of the Senate and wanted some favor that was not too egregious, that would slip through the Senate like greased lightning.

So in that respect public cynicism is absolutely correct. Tonight, I am going to Philadelphia. I would love to tell this body I am going to Philadelphia because of the great respect I have for that city, and I do have, the birthplace of the Constitution in which this Nation is founded and where we had the Declaration of Independence. But I am up for reelection. I ought to be spending time in Illinois. I will be back in Illinois tomorrow morning. But I am going to Philadelphia for one reason, and one reason only. I have to raise some money. And I have a friend up there by the name of Ted Schwartz, who has agreed to help, and my wife has a relative up there, Tom McDermack, whose arm is twisted. So I am going to Philadelphia tonight to raise some money. I either ought to be in Illinois listening to people in Illinois or be working on some things, mail that I cannot read all, and the issues that are piling up. We have to do something.

We are either going to do something that is phony or something that is real. I thought WENDELL FORD, in his analysis, in pointing out that the bill that he is pushing, and I am pleased to cosponsor, limits the contribution that any person can make totally in campaigns in the year to $30,000. I, frankly, would go for a lesser figure. But that limits it. That is the limit. The bill that is being proposed on the other side by some of my colleagues on the other side, I hope not too many, puts a limit of $340,000. My friends, that is almost no limit at all. That is just plain.

This system is corrupting. There is no question about it. And it affects every one of us. I do not care who you are. I have never promised a thing to anyone for a campaign contribution. But let us say that when I get to that hotel tonight in Philadelphia—I am not going to list the name for fear I will get more phone calls—but let us say I get there tonight, there are 20 phone calls; 19 of them from names I do not recognize, but the 20th is someone who gave me a $1,000 campaign contribution.

When I get to the hotel tonight, I am not going to make 20 phone calls. I might make one. Which one do you think I am going to make? Well, we know which one I am going to make. It means that the financially articulate had inordinate access to policymakers, and we forget about people in the inner city who need a chance for a decent education. We forget about senior citizens who are struggling. We forget about that man in Peoria, IL, who wants a lung transplant but cannot get it under our system.

People who need help are not getting that help. Something is wrong. After serving 2 years in the Senate, I had some friends talk to me, including a couple of members of my staff. They said, "Why don't you switch one of your committees over to the Finance Committee?" The argument that was used was a very practical argument—I do not mean this disrespectfully to any member of the Finance Committee—not that I could serve the people of Illinois or the Nation better on the Finance Committee, but, "You would not have any trouble financing your next campaign if you are on the Finance Committee." That is the reality of where we are now. We are not helping people who should be helped.

Monday I fulfilled a commitment I made a long time ago—because primarily I am spending my time in Illinois when we are not in session—to visit the Pine Ridge Indian Reservation in South Dakota to hold a hearing there. Pine Ridge Indian Reservation has 73 percent unemployment. In the Depression it was 25 percent in this country. Twenty-six of the homes have no indoor toilets, 8 percent of the homes had no electricity, 65 percent of the homes have no telephones. Those are Third World statistics.

We ought to be doing something about it. But instead of responding to needs like that, we are responding to the whims and the wishes of the rich and the powerful because of this system of financing campaigns. The Chicago Sun Times had an editorial yesterday suggesting that it is inconsistent for me to say I want to outlaw PAC's and at the same time take money from PAC's. Well, maybe there is some partial validity to what they have to say. But the reality is I cannot play touch football while the other team is playing tackle. I have to play by the rules of the game. If I were to not play by the rules, I would not have a chance of winning.

But we are talking about something that is very, very important. I mentioned earlier going to Philadelphia where our Constitution was written. We like to say that our Government is built and based on that Constitution, and in many respects it is. But there is one thing that is even more important than the Constitution. That is public confidence, because the Soviet Union, even in the days of Stalin, had a Constitution that gave them all the basic liberties that we have but they were just null and void. It was just a piece of paper.

Public confidence is ultimately what our Government is based on. This present system is eroding public confidence. We have to do better for our country. I hope we have the good sense to do it.

Thank you, Mr. President,

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. I ask unanimous consent to speak as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALLER ID

Mr. KOHL. Mr. President, yesterday's Washington Post had a front-page story that was of some interest to me—and I am sure to my colleagues as well. It described how the new Caller ID service had led to the arrest of a man suspected of making obscene phone calls. As my colleagues may know, Caller ID displays and records the number from which a call is made.

This arrest is obviously good news. The police and the phone companies are finally treating obscene calls as they should be handled—as real crimes that are terribly frightening to the victims. I applaud the Virginia authorities for going after this man, and I am glad the Post gave it such prominent coverage.

But I would like to amplify on the Post story. It referred to critics of Caller ID, making it seem like some people oppose the service—or oppose the way new technology can catch obscene phone callers. I am occasionally called a critic of Caller ID or, worse, an opponent of Caller ID. So, prompted by the Post story, I would like to take a minute to clarify what the debate is about.

Caller ID is a great new development. We so-called critics have no interest in stopping it. In fact, I have introduced a bill to make Caller ID legal under Federal law. At the same time, we believe that there are times when people have legitimate, bona fide, good reason for keeping their numbers confidential when they make a call. For this reason, any Telephone Privacy Act would give consumers the option of blocking the transmission of their numbers. It would protect personal privacy.

What does this have to do with obscene calls? Just that the blocking protection would not let individuals make harassing calls anonymously. The man arrested this week would still have been caught even if blocking had been available in Virginia.

Let me explain, C&P Telephone offers its customers another service in addition to Caller ID. This complementary service is known as Call Trace. With Call Trace, the victim of an obscene call can have the caller automatically traced even if the caller had blocked the display of his number. In other words, the victim does not need to know the caller's phone number to have him hunted down by the police. Call Trace works even where there is blocking.

It even gets better. Let us say the victim in Virginia wanted to give her phone assailant a piece of her mind. I am not recommending this, but victims sometimes do not want to go to the police. Even if there had been blocking, and even if the caller had kept his number to himself, this woman could have called him back to yell at him. Another service known as Call Return works even if the caller withholds his number. You punch a few digits on the phone and your phone automatically calls back whoever just called you.

In short, Mr. President, the same technology that brought us Caller ID provides us with blocking to protect privacy when it is necessary. And the same technology then allows us to catch people who abuse this protection for illegal purposes. So the debate is not over whether there should be Caller ID. The debate is really over whether there should be unrestricted Caller ID.

The news accounts would seem to suggest that the police are all behind unrestricted Caller ID. This is not the case. In fact, this arrest occurred in Alexandria, and the Northern Virginia Police Chiefs Association has endorsed my bill. The former policy chief of Alexandria, Gary Leonard, was at my side when I called for blocking last January.

Law enforcement groups are concerned that unrestricted Caller ID could endanger the safety of their undercover officers. And even if this problem could be solved, there is another one: The police often rely on anonymous tips from the public. This problem came up just recently in Ohio. Ohio Bell asked State regulators for permission to offer unrestricted Caller ID. On May 1, the phone company's request was opposed by the Ohio Association of Chiefs of Police, the Ohio State Patrol, and the U.S. Treasury Department's Bureau of Alcohol, Tobacco and Firearms.

I will read one sentence from the law enforcement community's petition in this matter. "The general public," the motion says, "should have blocking available so that informants calling law enforcement services with tips about crimes are not deterred from doing so out of fear of losing anonymity."

This is an important point, Mr. President. In the eyes of the police unrestricted Caller ID jeopardizes effective law enforcement.

I conclude by calling the attention of my colleagues to another recent development in this area. When I introduced my bill, I suggested that rich and poor alike should have equal access to privacy. But now, Mr. President, just the opposite is happening. Last week, a few enterprising individuals opened up a business that allows people to protect the identity of their phone numbers by calling through a 900 number. It works like this: You place a call through this operation and have a fake number show up on the other end instead of your own. This privilege will run you $2 a minute.

Two dollars a minute is an extraordinary cost for privacy. The new 900 service shows there is indeed a privacy problem, but it offers a solution only to those who can afford to pay the steep fee. Here we have another reason why my legislation is needed. Wealthy Americans would get privacy protection that others cannot. So free blocking is now a matter of equity as well as privacy. Free blocking would level the playing field and make sure that everyone can have security and peace of mind.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

Mr. SYMMS. Mr. President, is the parliamentary situation that we are still on the Campaign Reform Act?

The PRESIDING OFFICER. Yes, we are on the bill.

Mr. SYMMS. I thank the Presiding Officer.

Mr. President, as I look at 1990, and what has happened legislatively, I must note that if one were to stand back and look at the United States of America from afar, one might come to the conclusion Americans and the Congress do all that we can to stifle a growing economy. The action that takes place in the Congress of the United States is counterproductive.

We have enjoyed since 1982 a very strong economic growth in this country. We have as an industrial nation enjoyed the cleanest environment of any other industrial nation in the world, yet as far as our accomplishments are concerned this year with respect to legislation, we have adopted some very restrictive measures to amend the 1977 Clean Air Act, the 1977 act itself has been working very well toward bringing this Nation to cleaner air.

If you read the papers you see that there is talk of a budget summit meeting to raise taxes in this country, which will further damage our economy, and it makes one wonder what the goal of the Congress is?

I know my colleagues are very serious and sincere in the efforts that they have put forward toward campaign reform, which I would say I only hope that we will not end up reducing citizen participation in the political process. I hope we will not end up reducing our citizens' ability to decide who is going to be elected to the Congress of the United States in both the House and Senate races, and that we will not just leave the people out. Restrictions on campaign finance give more and more power to the major organs of the news media in this country so that they can have more of the power to select who is going to serve in office. The people, although they will have elections, will have less interest in the process.

It is interesting to me that in those highly controversial races that are often talked about here on the floor, if you go back and look at the voter turnout it is oftentimes the States with the highest voter turnout had the most controversial races, where the most brickbats were thrown back and forth by both sides. I thought that always was part of the process.

We were trying to encourage more citizen participation in the election process, and oftentimes when public surveys are made to ask people why they do not vote they often say they cannot tell the difference between the candidates that are running. They look at what happens in Washington with our growing national debt every year, more Government encroachment into the private sector, more interference into the lives of the people who are trying to run businesses and produce goods and services for the American people, and here again we now are dedicating our time on the Senate floor to the subject that I know is very important to many Senators, campaign reform.

Yet at the same time I think what is crying out for us to do is to solve the Federal budget process, give the President a line-item veto, give the American people an opportunity to pass a constitutional amendment to balance the budget, meet the targets of Gramm-Rudman-Hollings with the President's pledge of no new taxes. That seems to me like it would be a much more important issue and much more important for us to focus on.

I thank the Senator from Nevada for his courtesy and the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, I believe this is a time for celebration. Celebration I believe is something that should be on everyone's lips by virtue of the fact the Republicans have offered a campaign reform bill and the Democrats have offered a campaign reform bill. Both parties are talking about changing the process by which Senators are elected. I think that calls for a celebration.

The bills certainly are not the same, but I think they do pave the way, as my friend from Idaho just mentioned, for a great compromise, not the compromise he talked about, that is taking place between the President and the leaders of the Congress dealing with how the Government deficits should be taken care of, but I think really a celebration is in store for us. We now have something that we have been talking about here for years.

Finally, maybe both parties can get together and do something for the good of the body politics, because certainly everyone agrees now that the present system is not good.

If each of us would just stop and think how many times we have missed events that our children are involved in. Why? Because we have to go to a fundraiser. How many times have we missed working on important legislation that we should be studying? How many town hall meetings could we have held if we were not on the money chase? The average Senate race, as has been stated here on the Senate floor a number of times already today, is $4 million.

I think it is time that we all recognize that this money chase is not good for our country. We have to make it so that the minute you are elected to the Senate you do not start raising money for the next election. But when the average campaign costs $4 million, it is easy to calculate that is going to take a tremendous amount of time to raise that money. Remember, the laws are such that you cannot go to 5 or 10 individuals. You have to go to thousands and thousands of people to raise that money. Most of the time it requires individual contact. That takes away from the time we should be spending on the business of this country or spending some time with our families.

I have come to the Senate floor since I was elected and spoken 20 times on campaign reform. I have spoken that much because I think that we need to reform the laws by which we are elected. I cannot believe that the experiences I went through in 1986, unless something changes, are going to again take place in 1992. I did not believe when I made my first campaign reform speech it would be necessary that I come back 3 years later and say, why have we not done something?

I would have thought the 1988 cycle—there was enough bad happening in the 1986 cycle—that in the 1988 cycle there would have been a new set of laws to govern. But now we are approaching the 1990 cycle and the 1990 cycle is going to be just like the 1986 cycle. And we are going to be over that in just a few months. The 1992 cycle is upon us and unless we do something, we are going to be faced with the same problems in 1992. I think that is too bad. That is the reason I have spoken time after time after time about the need to reform the campaign spending laws.

I again say that I feel good. I feel like celebrating because at least we have two bills now and the two leaders, Senator MITCHELL and Senator DOLE, spoke last Friday about the need for compromise between these two pieces of legislation.

I am an original cosponsor of S. 137 and I continue to support the substitute offered by Senator BOREN. There are many proposals that have been circulated, mostly in the talking stage. I think they have all added to the place where we now are, that is, where the two leaders in the Senate, the Democratic leader and the Republican leader, are talking about merging the two bills, coming up with something that will make 1992 a fair election year; that is, a discussion of the merits; that people who are in that election cycle will go into it with an even playing field; that things like how much you know about legislation, your experience in Government, your business experience, these kinds of things will be more important than how much money you have been able to raise.

I have spoken many, many times about the toothless tiger that governs campaign spending in this country, the Federal Election Commission. They are a toothless tiger. But all you have to do is talk to the Commissioners. They acknowledge that. It is not their fault. It is our fault, because we have given them no manpower, no budget, and no statutory authority to do very much. So they are a toothless tiger because that is how we have set them up.

I am happy to say that the Democratic version of the legislation calls for a stonger Federal Election Commission. I am happy to say that the Republican legislation that is before this body calls for a stronger Federal Election Commission. They are both major steps foward in making the Federal Election Commission more than a toothless tiger. The Federal Election Commission would be something more than just the name, Federal Election Commission. The Federal Election Commission would actually be something that would regulate how campaigns are conducted.

Mr. President, in my election in 1986, there are seven complaints filed on my behalf and sadly only one of those has been resolved. The rest someday will be resolved, maybe. But after all this time, there are six of those complaints that have still never been resolved by the Federal Election Commission.

The people that filed the complaints deserve an answer. The people the complaints were filed against deserve to have some decision made regarding the charges made against them. But, no, the Federal Election Commission does not have the time, the manpower, or the money to do it. They have not even started to audit the Dukakis-Bush election. They have not even started that minimal procedure that you would think would take place in a Presidential election in this country.

I again say it is not the fault of the Federal Election Commission. It is our fault and the fault of the administration for not making the Federal Election Commission effective.

I have spoken, during the 20-odd times that I have spoken right at this place I am now standing, regarding campaign reform and about independent expenditures. Why have I spoken about independent expenditures? Because in Nevada, like a number of other States, I have had experience with independent expenditures, where an outside third party comes in and tries to buy an election in a small State like Nevada, 1.3 million people approximately in the State.

One group came in and spent a half million dollars in that State in the last few weeks of the election. We must have some control on independent expenditures. And the legislation that has been offered on this side does answer the problems with independent expenditures. We need to tighten the legislation and provide victims with some recourse. This legislation does that.

I have spoken many times on the same spot that I am now standing that we need to do something about bundling. Why? Because it is unfair, it creates an uneven playing field, and because I have had the experience of bundling being done against me. It is a practice that should be stopped. And this legislation would stop it.

It would limit the earmarking and bundling of all contributions made payable to a conduit. And that is the way it should be.

I have spoken many times from the very spot that I now stand about the high cost of campaigns. In the small State of Nevada when I ran in 1986, I spent the unbelievable sum of $2 million. My opponent spent one-half million dollars more or thereabouts. Everyone thought that was outlandish. And it was. And that it was excessive. And it was. But it was competitive.

Two years later, the two Senate candidates spent between them not $4 million or $4½ million but $6 million.

So I have talked about the high costs of campaign because it happens in Nevada, it happens in other places. But if you are spending in a small State of Nevada $6 million for two people running for the U.S. Senate, if those same costs were carried forward in States like Illinois or New York or Texas, the cost would be unbelievable. We have to stop the excessive amounts that are being spent on campaigns.

S. 137, the substitute, provides for spending limits. That is important. We have to have campaign ceilings. That way everyone goes into the ball game with the same size bat. That makes it fair.

Mr. President, I think it is also important to recognize that this legislation addresses public access to candidates. It addresses the television market, making available time for political candidates, not excessive time, not time in 10-second spots but enough time that people can develop a message, and the people that we represent can listen to what we have to say, not listen to a 30-second spot that does nothing more than attract attention.

It also addresses mail discounts so that incumbents and challengers can communicate by mail. And I am not talking about franked mail available only to incumbents. In this bill, that too will become restricted. It is interesting that mail has become so important in the ability to communicate with electronic media the way it is. But people still like to sit down and study something they receive in the mail. That is important.

The spirit of our debate, I hope, Mr. President, would be one on both sides of wanting to do what is fair, fair to Democrats and fair to Republicans, fair to incumbents and fair to challengers and most of all to the people that we are representing. If we are seeking a level playing field, then in fact that is what we should try to create. Let us make it so the sources are fair and equal to both sides.

I hope others feel as I do, that this is a time for celebration, a time by saying maybe we are going to be able to get our collective thoughts together and pass a bill for campaign reform. Then we can spend more time legislating, we can spend more time at town hall meetings, meeting with constituents, and meeting with people who work in this vast bureaucracy back here to try to answer questions. Then each of us can try to be a better legislator rather than being a better person at raising money.

I say this is a time we should feel joyous, literally, because we are now talking about changing our way of life. We are talking about changing our way of life so we will become full-time legislators, not part-time legislators and part-time moneyraisers.

I urge my colleagues to put away their political posturing. We do not need a repeat of S. 2, which holds the record for the most times this body has tried to invoke cloture against a filibuster. We do not need that. What we need is reasonable men and women sitting down at a table and trying to resolve an important issue: The excessive cost of campaign spending.

We need to do something about independent expenditures, about the high cost of campaigns, about bundling, about a number of other things that will be discussed here. If the public has a dim view of Congress now, Mr. President, just let us not pass campaign reform and see what that does to change our image. It will not improve it.

Mr. President, as I have indicated on several occasions here this afternoon, I spoke 20-odd times on campaign reform. Two years from now I do not want to come before this body and be talking for the 40th time about the need for campaign reform. I want to come here in a matter of a month or 6 weeks and say when I came to the floor in early May and said this was an occasion for celebration, that I really was talking about a good idea that became a reality. Because I hope a month or 6 weeks from now we will be celebrating because we passed campaign reform; and it will be a joyous time, not only for this body but for the American public.

Mr. LIEBERMAN. Mr. President, I rise today in support of the Senate Election Campaign Ethics Act of 1990, which Senator BOREN has sent to the desk to be printed, and which he, the majority leader, and Senators BYRD, FORD, and KERRY will introduce—with 39 other cosponsors—as a substitute to S. 137. I am proud to be an original cosponsor of this legislation, which I believe best fulfill the promise of true campaign finance reform. I commend the majority leader, Senator BOREN, Senator FORD, Senator BYRD, and Senator KERRY for the leadership they have shown in bringing forward this important bill.

Placing limits on skyrocketing campaign spending is the key component in any true campaign finance reform. The arms race of campaign spending drives the extensive fundraising activities now undertaken by all candidates. In my view, limiting spending by itself would go a long way toward limiting the influence of PAC's and other special interest contributors. A spending limit will also provide some assurance that the special interest money we now seek to ban will not be rechanneled into candidate campaign treasuries by roundabout means. The Senate Election Campaign Ethics Act of 1990 is the only proposal that contains this essential ingredient of true reform.

The Senate Election Campaign Ethics Act of 1990 removes much special interest money by eliminating PAC contributions to Senate candidates. The Senate Election Campaign Ethics Act of 1990 also provides candidates with clean campaign resources—through partial funding of campaigns based on voluntary contributions. By putting together spending limits, banning PAC contributions and providing clean resources, the Senate Election Campaign Ethics Act of 1990 is a knockout combination against special interest money in Senate politics.

Mr. President, the Republican campaign finance proposal does not even approach real, fundamental reform. Runaway spending is the real problem with today's congressional campaigns, and the Republican proposal does not address this problem. The Republican proposal simply encourages chicanery. Without spending limits, there will be a strong incentive for special interests to circumvent contribution limits in any way possible. Indeed, the Republican proposal abets this process by raising the amount of political contributions that a wealthy individual can give to $340,000 per year, which is $1.36 million for a wealthy couple during a 2-year congressional election cycle. It is a good bet that this will allow well-funded special interests to continue to dominate our politics. Under the Republican proposal, the campaign arms races would most likely continue.

The Republican reform package, furthermore, leaves the system tied to big contributors and their special interest by failing to provide any clean resources for congressional campaigns. Clean resources is a key element of real campaign reform.

Mr. President, many of the changes that would be made by the bill I am cosponsoring are not in my political interest. As an incumbent, I could probably raise much money over the next 4 years, especially from PAC's. I would probably be able to go into the 1994 election with the ability to spend far more than the $1.9 million I would be alloted under the Senate Election Ethics Act of 1990.

But Mr. President, I believe it is more important to protect our system of government than to preserve the incumbent's advantages in fundraising. When the framers drafted our Constitution, they opened it with the words "We the people." Not "We the Contributors," but "We the people." As we consider reforming campaign financing, we have the opportunity to make the system respond fully to "the people" once again. But, as Common Cause and other good government advocates have recognized, real reform must include spending limits and clean campaign resources in addition to banning PAC's. Only by enacting real

reform will we return to a government that is truly "of the people, by the people and for the people."

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for honoring business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTING DEMOCRACY IN THE PHILIPPINES

Mr. CRANSTON. Mr. President, the assassination of an American soldier in the Philippines by Communist-led insurgents last weekend and demonstrations against negotiations over United States military facilities, which begin May 14, are indications of the lengths some will go to spoil our relations with this emerging democracy in Asia.

While coup attempts make headlines, the real story is that the Aquino government has prevailed against attempts of disgruntled rebels on the left and the right to destroy democracy.

It is no secret that there continue to be rumors of a coup in Manila. In fact coup rumors have almost become a cottage industry there, a vicarious search for excitement. But after six failed coup attempts, it is clear that Filipinos want to preserve what they gained in 1986's people power revolution.

Clearly, preserving a new democracy can be more difficult than creating one. President Aquino has done a remarkable job by all measures in restoring and safeguarding democracy in one of our closest allies. Since coming to power, she has worked to improve the Philippines human rights record. A new constitution, guaranteeing civil liberties, is in place. Free elections have been held at all levels. Her economic policies have helped turn the recession of the Marcos years into solid annual growth rates. The Philippines economic performance has been one of the best among the heavily indebted developing countries. Although the challenge of alleviating poverty remains great, the number of Filipinos living in poverty has declined since 1986. Continued economic growth is essential for the maintenance of democracy and stability.

Americans are delighted with democratic changes sweeping the world—in East Europe, Namibia, Central America, but we should not forget or abandon the country where the first peaceful "people power" revolution occurred: the Philippines. The multilateral assistance initiative [MAI] gives concrete expression to our support for Philippine democracy. We can be proud of our pivotal role in launching the MAI in 1989, together with Japan, the World Bank, and many other international donors. The MAI is a vital catalyst to sustained private sector led growth.

At the same time in the Philippines, as well as in other emerging democracies, there is no doubt that problems emerge in the difficult transition from dictatorship to democracy. Disgruntled members of the ancien regime, others who expect too much too fast from freedom, are some who may become frustrated with the pace of change.

President Aquino has faced these challenges from Communist-led insurgents and rightists in the military who have attempted to subvert democracy. While I have no information that there might be another coup attempt, I think it important to make it very clear to those in Manila who foment such rumors or who have aided previous attempts that the impact of a successful coup would severely cost the Philippines and would seriously damage our bilateral relationship. It would not be business as usual as some in the Philippines seem to think. The United States would not stand mute as it did in 1972 when President Marcos declared martial law.

I would like to introduce into the RECORD following my remarks a study prepared at my request by the Congressional Research Service that analyzes the economic recourses the United States would have in the event of a Philippine coup.

Under current law, $500 million in foreign assistance would be immediately suspended. An additional $740 million in trade preferences and quotas could also be cut off. I have no doubt that such sanctions would receive strong bipartisan support.

We are about to enter into a difficult period in our bilateral relations as talks begin on the future of our military facilities in the Philippines. I am confident that a satisfactory agreement serving the interests of both countries will emerge from the negotiations. We have a longstanding, close security relationship that serves the interests of both countries well and contributes signficantly to regional stability in an area of increasing importance to the United States. But that relationship, that alliance is based on the perception of common interests by two democracies.

We must persist in our support for Philippine democracy, not only to keep our faith with the Filipino people who stood behind us during times of war but also to keep the faith in ourselves.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

[From Congressional Research Service]

U.S. BILATERAL FOREIGN ASSISTANCE, OTHER FINANCIAL AID PROGRAMS, AND CONTRIBUTIONS TO MULTILATERAL DEVELOPMENT BANKS [1]

INTRODUCTION

The United States has a number of programs that benefit to varying degrees the Philippine economy and assist the Philippine military. The total value of direct benefits can only be estimated, especially in the category of trade. U.S. foreign aid and spending in the Philippines by U.S. bases and U.S. military personnel stationed the Philippines currently amount to over $1 billion annually. Trade benefits under the General System of Preferences (GSP) total over $500 million annually in Philippine exports to the United States. The United States also has allotted the Philippines more liberal textile and apparel quotas than it grants to other East Asian textile producing countries. The financial benefit of this is more difficult to calculate, but it probably amounts to about $200 million annually. Philippine exports of sugar to the United States in 1989 were up to $40 million higher as a result of the transfer to the Philippines of the South African sugar quota. In short, direct financial benefits in 1990 approach $2 billion, and they probably would go over $2 billion by 1992.

With regard to legislation authorizing these programs, only foreign assistance legislation (currently Section 513 of the Foreign Operations Appropriations Act of FY 1990) requires a suspension of the programs funded under that Act if the Philippine Government were overthrown by a coup d'etat. Congress would have to pass new legislation, or in some cases the Executive could act administratively, to terminate or reduce in scope the other programs.

U.S. programs also contribute indirectly to financial benefits to the Philippines that appear to total at least in the hundreds of millions of dollars annually. Within the Philippines, this includes wages paid to tens of thousands of Filipinos by private sector firms that benefit from U.S. programs, taxes to the Philippine Government by these firms, and savings in defense expenditures as a result of the U.S. defense commitment.

U.S. assistance programs also have influenced other governments and international financial agencies to extend considerable assistance to the Philippines. In July 1989, the World Bank and donor governments pledged over $3 billion for the new Multilateral Assistance Program for the Philippines. The recent experiences of Burma and China suggest that a sizeable portion of this kind of aid would be affected by a U.S. cutoff of assistance programs in response to a coup d'etat.

The United States provides the Philippines with substantial amounts of financial assistance through a number of economic and military aid programs, through export and investment insurance programs, and through contributions to the World Bank

[1] Prepared by Larry Niksch, Foreign Affairs and National Defense Division.

and the Asian Development Bank. In 1987, for example, disbursements of bilateral American economic assistance to the Philippines represented 32% of total bilateral economic aid provided by the major western donors. Should an elected government of the Philippines be deposed by a military coup, most bilateral economic and military aid for FY 1990 would be terminated under the terms of Section 513 of the Foreign Operations Appropriations Act for FY 1990.[2] Moreover, a larger amount of financial support extended through other programs, including P.L. 480 food assistance, the Export-Import Bank and contributions to multilateral development banks (MDBs), as well as bilateral aid currently in the Philippines "pipeline," could also be suspended or terminated through additional legislative action or administrative steps undertaken by the President.

U.S. PROGRAMS AFFECTED BY SECTION 513

Out of the foreign aid appropriations for FY 1990, the Philippines is expected to receive a total of $498.7 million from development aid, Economic Support Funds (ESF), Multilateral Assistance Initiative (MAI), the Peace Corps, housing guaranties, and military aid. In the event of a successful military coup, none of these funds would be available to the Philippines.[3] In addition, if AID chose to apply the Section 513 authority in a broad manner (see footnote 1), that portion of the approximately $427 million aid pipelines that came from appropriations since FY 1986 might also be terminated. The proposed foreign aid budget for FY 1991 requests $643.3 million for the Philippines, an amount that would also be blocked in the event of a coup. The table below sets out the specific amounts of U.S. aid to the Philippines in recent years.

U.S. BILATERAL ASSISTANCE TO THE PHILIPPINES [1]

[In millions of dollars]

	Fiscal year.—		
	1989	1990 (est.)	1991 (request)
Development aid	46.7	46.8	55.0
Economic support fund	298.0	124.0	160.0
Mult asst initiative	0	159.3	200.0
Peace Corps	5.9	5.9	5.7
Housing guaranties	0	20.0	20.0
Foreign military financing	125.0	140.1	200.0
Int military education and training	2.6	2.6	2.6
Total	478.2	498.7	643.3

[1] Excludes food aid.

It is also likely that the Trade and Development Program (TDP) would terminate its activities in the Philippines under the Section 513 provision. The Philippines has been the third leading country funded with TDP appropriations since the program began in FY1981. Cumulatively, the TDP has funded 25 projects totaling $5.9 million and in FY1989, supported projects at a cost of $.943 million. It might be expected that the TDP would continue as a major presence in the Philippines in FY1990 and beyond, plans that would be jeopardized in the event of a military coup.

A final program that might also be affected by the Section 513 prohibition is the Overseas Private Investment Corporation (OPIC). Because OPIC does not receive any appropriated funds under the Foreign Operations Appropriations Act—instead the act specifies ceiling levels for direct loans—it is unclear whether Section 513 would apply. In FY1989, OPIC provided political risks insurance for $14.3 million worth of American investments in the Philippines, and similar levels of support might be expected in the future.

FINANCIAL ASSISTANCE PROGRAMS NOT COVERED BY SECTION 513

A wide range of other U.S. programs as well as multilateral efforts to which the United States contributes, while not subject to the Section 513 requirements, could be suspended or terminated through legislative action or administrative steps taken by the President.

Food Aid (P.L. 480)

The Philippines is scheduled to receive a total of $30.9 million in U.S. food assistance in FY1990 ($18.4 million as low-interest loans and $12.5 million in grants) and $32.1 million for next year ($20 million loans; $12.1 million grants). Congress could prohibit food aid for the Philippines in several ways—the most likely would be through amendments to the Department of Agriculture Appropriations for FY1991 or to the Farm Bill, legislation that Congress is expected to take up this year that will contain a reauthorization of the P.L. 480 program. The grant portion of food assistance is generally regarded as humanitarian aid, and is frequently exempted from aid prohibitions related to political issues.

Economic and Military "Pipeline" Aid

As of the beginning of FY1990, the Philippines had a U.S. economic aid pipeline (fund obligated by unexpended) of about $427 million and maintained $51.2 million in uncommitted prior year miliary aid credits and grants. Congress could enact legislation to suspend the aid pipeline, or in a more permanent manner, could direct the President to de-obligate the funds. A decision to de-obligate Philippine aid funds, however, would involve additional costs to the U.S. Government since some of the money is already committed to private contractors who would require some compensation for contract termination.

American Schools/Hospitals Abroad (ASHA) Program

The ASHA program administered by AID, supports private, nonprofit institutions overseas known for their American character. Because ASHA deals with institutions rather than foreign governments, generally restrictions like Section 513 do not apply to the program's activities. Over the past five yeas, ASHA has funded eight Philippine schools with a total of $5.5 million. ASHA supported two institutions in FY1989 with $480,000. Through legislation, Congress could suspend future ASHA support for schools and hospitals in the Philippines.

Export-Import Bank

The Ex-Im Bank has maintained only limited activity in recent years regarding the Philippines. In FY1989, the Bank issued $960,000 in medium-term insurance involving one project. The Bank supported no loans or insurance in the previous three years. Nevertheless, Congress or the President could suspend Export-Import Bank activity in the Philippines, foreclosing future possibilities for U.S. backing of American exports to that country.

Multilateral Development Banks (MDBs)

The United States is a member of two MDBs—the World Bank and the Asian Development Bank—that provide the Philippines with substantial amounts of technical and financial assistance. Nearly 32 percent of gross disbursements of official financial aid (concessional and non-concessional) in 1987 for the Philippines came from the MDBs. The tables below show the amounts of lending by the World Bank and the Asian Development Bank in recent years for the Philippines as well as projects in the pipeline for future consideration.

WORLD BANK LENDING TO THE PHILIPPINES

[In millions of dollars]

	1986	1987	1988	1989	[1] 1990	Future pipeline
IBRD	151.0	342.0	505.0	495.6	630.0	1,278.6
IFC	1.4	12.5	[2] 67.6	[2] 92.5		

[1] Loans approved as of March 1, 1990.
[2] Loans and equity.

ASIAN DEVELOPMENT BANK LENDING TO THE PHILIPPINES

[In millions of dollars]

	1986	1987	1988	1989	Future pipeline
Ordinary capital	266.8	43.5	204.0	421.4	
Development fund	50.0	0	178.0	137.0	
Total	316.8	43.5	382.0	558.4	635.6

Because the MDBs will not accept contributions from donors that attach conditions—such as prohibiting the use of funds for a particular country—the United States cannot directly block MDB lending to the Philippines. Other options, however, are available to the Congress and the executive branch that could affect MDB aid to Manila. Congress could legislatively direct the President to instruct American executive directors to the MDBs to vote against any proposed loans for the Philippines. That step alone, however, would not block Bank approval. Loans would be rejected only if members holding over 50 percent of Bank subscriptions voted no. The United States maintains about 19 percent and 15 percent shares in the World Bank and ADB, respectively, so that any U.S. effort to block approval of a loan for the Philippines would require the cooperation of other members. Another option would be for Congress to withhold a portion of contributions to the Banks—perhaps an amount approximately equal to proposed Philippine loans—and make it available only if the Banks refrained from lending to the Philippines. This option, which Congress used to withhold World Bank funds until January 1, 1990 pending Bank consideration of China loans,[4] would not necessarily block lending

[2] While a reading of Section 513 would appear to affect only funds appropriated during the year in which a military coup occurred, the Agency for International Development (AID) has applied the restriction more broadly in the case of the Sudan, a country that underwent a military coup in June 1989. The Agency has terminated the disbursement of all aid to Sudan stemming from appropriations since FY 1986 (the first year Congress approved Section 513) even though the coup took place in FY 1989. Consequently, in the event of a military coup in the Philippines, AID might decide, if the agency follows the Sudan precedent, to terminate FY 1990 appropriations as well as undisbursed "pipeline" funds appropriated since FY 1986.

[3] The Philippines is also scheduled to receive $30.9 million in food assistance in FY 1990. Because Congress funds the food aid program in the Department of Agriculture appropriation act, the restriction of Section 513 would not apply.

[4] Title I of the Foreign Operations and Export Financing Appropriations, 1990 (P.L. 101-167).

to the Philippines. Nevertheless, it would reduce Bank resources available for all loan activity.

FOREIGN TRADE [5]

As is the case with most U.S. trading partners, the Philippines and the United States accord to each other nondiscriminatory (most-favored-nation; MFN) treatment in their trade. Such treatment consists of a country extending to another country unconditionally and unlimitedly all concessions, privileges or benefits that have been extended, mostly through trade negotiations, to any other trading partner, provided the same treatment is received in return. The principal and broadest benefit that a country receives because of its MFN status is that the imports of its products by the MFN status-granting country are dutied at concessionary duty rates, that is, at rates substantially lower than those applicable to imports from non-MFN countries.

Nondiscriminatory treatment is a fundamental aspect of international trade, which the United States extends to its trading partners on the basis of its own legislation and, in most cases, also on the basis of international (bilateral or multilateral) agreements. Under its own law, first enacted in 1934 and at present contained in section 126(a) of the Trade Act of 1974 (19 USC 2136(a)), the United States accords unconditional and unlimited MFN treatment on a reciprocal basis to virtually all trading partners. The current country applicability of the MFN treatment is spelled out in General Note 3 of the Harmonized Tariff Schedule of the United States (HTS) (not codified) (where the MFN treatment is denied to only 16 Communist countries listed in subnote 3(b)).

In the international context, Article I of the General Agreement on Tariffs and Trade (GATT) requires all signatories of the Agreement, among them the United States and the Philippines, and countries to which it applies *de facto* or provisionally to accord nondiscriminatory treatment to trade with all other GATT participants.

The withdrawal of the MFN status—and thereby of the applicability of trade concessions granted to third countries—from the Philippines appears to be possible only under statutory authorization (19 USC 2136(a)). Such withdrawal would, however, constitute a violation of the U.S. obligations under Article I of the GATT and open the United States to the possibility of GATT-sanctioned retaliation on the part of the Philippines.

In addition to the benefits of concessions granted to third countries and applicable to the Philippines by virtue of their MFN status, the United States and the Philippines have in force a bilateral trade agreement containing reciprocal tariff concessions. The agreement (33 UST 4468; TIAS 10317) was concluded during the Tokyo Round of the Multilateral Trade Negotiations within the framework of the GATT, to which the Philippines acceded during that round, and entered into force on October 30, 1979. The concessions granted by both sides were incorporated in their respective consolidated GATT schedules and apply to all countries to which either country accords MFN status.

Since these concessions have been granted to the Philippines directly in a bilateral agreement rather than indirectly through the application of the MFN status, they would not be affected by the termination of the Philippines' MFN status by the United States and would have to be specifically withdrawn either by legislation or by Presidential action as authorized by section 125(b) of the Trade Act (19 USC 2135(b)).

The international legality of such a withdrawal would be affected by the provisions of Article IV of the U.S.-Philippines trade agreement that "[no] measure shall be adopted or modified by either Government adversely affecting the concessions granted in the Schedules which is inconsistent with the provisions of the General Agreement on Tariffs and Trade," and of its Artilce V, that "[a]ny problem affecting the implementation of the concessions in the Schedules shall be resolved through consultation and negotiations." Apart from having the apparent obligation to engage in consultations before the withdrawal is effected, the United States also would appear to violate, with this action, Article II of the GATT, under which each GATT member must accord to other GATT members treatment no less favorable than that provided in its GATT schedule of concessions.

Since the concessions granted bilaterally to the Philippines apply, through the GATT obligation of nondiscriminatory treatment of all participants, also to other GATT members, those GATT members that would be adversely affected by such withdrawal would possibly file with the GATT complaints of impairment of their benefits under the Agreement, with the eventual possibility of retaliatory action against the United States.

As a developing country, the Philippines also have been designated a "beneficiary developing country" of the U.S. generalized system of preferences (GSP), which permits a large array of products that are otherwise dutiable (for the Philippines, at MFN rates) to be imported from such designated countries into the United States entirely free of duty under specified conditions. The designation has been in effect since the inception of the program.

The legislation authorizing the GSP was enacted as Title V of the Trade Act of 1974 (19 USC 2461-2465) for a period of 10 years and implemented as of January 1, 1976, by Executive Order 11888 (40 F.R. 55276). Since then the GSP legislation has been amended several times, and extended through July 4, 1993 (19 USC 2465(a)) by section 505(a) of the Trade and Tariff Act of 1984 (P.L. 98-573). Statutory provisions of the GSP also appear in General Note 3(c)(ii) of the HTS. Regulations pertinent to the eligibility of articles and countries for the GSP are contained in Part 2007, Title 15, Code of Federal Regulations.

As a member of the Association of South East Asian Nations (ASEAN), the Philippines benefit from a special eligibility provision of the GSP. While the GSP law requires that at least 35 percent of a product's value originate in the exporting developing country (including also up to 15 percent of U.S.-origin value) in order to qualify for the GSP preference, products of a country that is a member of a regional economic integration association (such as any of the other members of the association.

The President is authorized by section 504(a) of the Trade Act of 1974 (19 USC 2464(a)) to withdraw the designation of a country as a GSP beneficiary, but is in this required to consider the purposes, circumstances, and conditions that the law sets forth for a country to be so designated. Withdrawal of the GSP beneficiary status can, of course, always be effected by appropriate legislation. Since the designation of a country as a GSP beneficiary is a unilateral action rather than an obligation on the part of the designating country, its withdrawal generally would not constitute a violation of an international obligation.

Trade benefits accorded by the United States to the Philippines as well as the historic political and economic ties between the two countries have resulted in the United States being the largest export market by far for the Philippines, accounting in 1988 for 35.7 percent of the Philippines' world exports. U.S. trade data for the same year show imports from the Philippines amounting to $2,662.7 million, of which $1,525.9 million (57.3 percent) were free of duty, $508.0 million (19.1 percent) under the GSP. With the termination of the GSP eligibility of Hong Kong, Singapore, South Korea, and Taiwan as of 1989, the Philippines are the fourth largest beneficiary of the U.S. GSP (behind Mexico, Brazil, and Thailand).

PHILIPPINES TEXTILE AGREEMENT [6]

The United States and the Philippines currently have a bilateral textile trade agreement covering the years from 1987 through 1991. It was negotiated under guidelines set out in the Multi-Fiber Arrangement (MFA), a multilateral agreement that allows quotas to be imposed on textile products exported from the developing ("low wage") countries to the developed countries. The future of the MFA system is not clear, as one of the goals of the current Uruguay Round of trade negotiations is to start phasing the MFA out. Most probably, though, the transition period will last ten years or so, meaning that MFA-like restrictions will continue in the near future.

As a trade-limiting program, it is debatable whether the MFA "benefits" the exporting countries. One could say, however, that the Philippines benefit *relatively* by having a bilateral agreement that is less restrictive than those the United States has with other countries. This is difficult to quantify, but the following considerations may give a rough idea of what is involved.

Nominally, the Philippines bilateral allows 6 percent per year growth of each "specific" quota, i.e. for each product category that is specifically limited. All product categories not specifically limited come under a "group" limit that is allowed to grow by 9 percent per year. These growth factors are roughly in line with bilaterals with the second-tier Asian suppliers such as Malaysia and Sri Lanka. On the other hand, they are more liberal than the 1 percent aggregate growth factor characteristics of the bilaterals with the five largest Asian suppliers.

In practice, growth is often faster than the nominally specified rates. This is possible because (a) flexibility provisions in the agreements allow borrowing of quota authority from one year to another; (b) unfilled quotas in earlier years mean that actual shipments can grow faster than the quotas are growing; and (c) a shift to higher quality products enables the dollar value of shipments to grow faster than the physical volume (which is the basis for quotas). Thus, textile and apparel exports from the Philippines to the United States actually doubled between 1986 and 1989. Comparing this performance with that of a peer group

[5] Prepared by Vladimir Pregelj, Economics Division.

[6] Prepared by Edward Rappaport, Economics Division.

of Asian countries [7] of similar size (in terms of apparel exports), we find that Philippine textile and apparel exports were growing at an annual compound rate about nine percentage points faster.

Assuming that the growth of all of these countries decelerates a bit in the next couple of years (to 20 percent per year for the Philippines and 11 percent for the peer group), the Philippines' exports in 1991 (the last year of the current bilateral) would be about $1,300 million. By comparison, if Philippine exports grew at a rate reflective of the peer group, they would reach $890 million in 1991, a difference of $410 million. This difference may be attributed in part to a more liberal bilateral. Other factors, such as the vagaries of the marketplace, also play a role, but it would be difficult to definitively isolate the role of each factor.

Recent press reports have quoted the Philippines' trade secretary to the effect that their exports would be allowed to grow very substantially—by more than 150 percent—in 1990.[8] This would be an unprecedented increase for a major supplying country. To our knowledge, there has been no confirmation by the United States Government of such a plan.

U.S. SUGAR IMPORT QUOTAS AND THE PHILIPPINES [9]

In administering the sugar price support program, the United States grants a trade benefit to the Philippines in the form of a share of the U.S. sugar import quota. The Philippines' share of the base import quota currently is 15.8 percent. This is equal to 13.5 percent, the Philippines' share of U.S. sugar imports in the 1975–81 period, when access to the U.S. sugar market was competitive, plus the 2.3 percent share previously held by South Africa but reallocated to the Philippines as a result of 1986 anti-apartheid legislation (P.L. 99-440). That legislation bars the U.S. Trade Representative from reducing the Philippines' share. Thus, a reduction or termination would require new legislation.

The President imposed the sugar quota in 1982, exercising authority under the Tariff Act of 1930, as amended (as found in Additional U.S. Notes 2 and 3 to Chapter 17 of the Harmonized Tariff Schedules of the United States), and delegated responsibility for its administration to the U.S. Department of Agriculture (USDA) and the Office of the U.S. Trade Representative. USDA annually announces a sugar import quota for all countries which reflects its determination of the amount of sugar that can be imported into the United States without undermining the no-cost objective established for the U.S. sugar price support program. The 1989/90 (January 1, 1989–September 30, 1990) global base import quota is currently set at 2,390,000 metric tons (MT). Of this, the Philippines' share is 382,729 MT. Philippine sugar imports are duty-free under GSP.

Because of the decline in U.S. sugar imports since 1981 as domestic sugar production has increased and domestic sugar consumption has declined, the amount of sugar that the Philippines has exported to the United States under its quota share declined from 1984 to 1987. With the increase in the U.S. sugar import quota in 1988 and 1989 to cover domestic sugar production shortfalls, the size of the quota allocated to the Philippines has increased in the last two years. Export earnings associated with Philippines' sugar exports to the United States under the quota system have also followed this same pattern since the early 1980s. According to USDA data, the value of U.S. imports of Philippines' sugar declined from $131 million in 1984 to $56 million in 1987 before increasing slightly to $57 million in 1988. For 1989, exports are estimated at around $97 million. These are still far below the annual average of $172 million earned by the Philippines from its sugar exports to the United States in the 1975–81 period.

ASSISTANCE FROM U.S. BASES AND U.S. DEFENSE COMMITMENTS [10]

U.S.-operated military bases pump hundreds of millions of dollars annually into the Philippine economy in addition to U.S. foreign aid that is linked to base rights. This money is generated through wages paid to about 68,000 Filipino workers at the bases, contracts for construction and other services issued to Filipino firms, payments for off-base housing and utilities for U.S. personnel, procurement of local materials and supplies, and spending by U.S. personnel and dependents. Authorization for this spending is provided by Department of Defense legislation. According to statistics supplied by the Department of State for FY1988, these kinds of expenditures totaled $531.5 million, up from $507 million in FY1987. State Department officials have told CRS that FY1989 expenditures probably showed another small increase. (See Appendix I for a detailed breakdown of the expenditures.)

A 1988 study by the National Defense College of the Philippines found that direct expenditures by the Bases, expenditures by U.S. military personnel stationed in the Philippines, and certain cost savings such as off-base employment of Filipinos contributed an annual average of 5.16 percent of Gross National Product during the 1980–1986 period.

Under the October 1988 U.S.-Philippines bases agreement, the United States promised to expand the procurement of goods and services in the Philippines and to waive Balance of Payments Program requirements in order to permit purchase of Philippine products by U.S. forces in the Philippines. The United States also stated that it would waive Balance of Payments Program requirements in order to permit purchase of Philippine products for the use of U.S. forces in the foreign areas of responsibility of the U.S. Pacific Command, and that it would seek a waiver of the provisions of the Berry Agreement, which restricts the purchase of foreign goods by U.S. overseas commands. Congress, however, did not grant such a waiver in 1989.

Authorization for spending by U.S. bases comes from general provisions of Department of Defense authorization and appropriations legislation. Any legislation to restrict this could cover procurement, contracts, and spending by U.S. personnel, and community relations projects. With regard to the operations of the military bases, it would be more difficult to restrict wages to Filipino workers, payments for utilities, and rents for off-base housing. Rents and some utilities could be reduced if U.S. dependents were withdrawn.

In accordance with the U.S.-Philippine Mutual Defense Treaty, the United States has assumed primary responsibility for the defense of air and sea areas adjacent to the Philippines. Philippine defense expenditures ($875 million in 1988) are concentrated on ground forces related to the communist insurgency inside the country. As a result, the Navy and Air Force are small and limited in their weaponry. The Navy, for example, only has three frigates and twelve patrol craft. The Air Force has 18 F-5 aircraft and seven transport aircraft.[11]

Filipino military and political leaders have begun to pay more attention to air and sea defenses as a result of disputes with Malaysia in the South China Sea and the more aggressive military posture shown by China in the Spratley Islands, where the Philippines claim and occupy several islands.

The Philippine Government saves a considerable amount of money by not having to spend heavily on air and naval forces. The National Defense College study estimated a savings of $123 million annually, but one U.S. Government official has estimated savings at $2-3 billion in initial costs which the Philippine Government would bear to purchase modern fighters and naval vessels.[12]

As one comparison, Malaysia and Singapore spend considerably more on air and sea forces than does the Philippines. Malaysia's 1988 defense budget was $1.61 billion, and Singapore's was $1.32 billion. These figures suggest that Philippine defense expenditures would have to rise by at least $500 to $700 million annually if the Philippines had to provide its own air and sea defenses.[13]

APPENDIX I

Financial impact of U.S. military facilities in the Philippines (1988)

[In millions of U.S. dollars]

Type of Spending	*Amount*
Contracts with local construction companies	36.9
Salaries of Filipino workers	110.9
Local material procurement	131.8
Local services contracts	29.6
Base utilities and off-base rents/utilities of U.S. personnel	57.0
Spending by permanently assigned U.S. personnel and dependents	63.3
Spending by personnel on leave	41.9
Allotment checks to retired U.S. personnel and dependents in the area	46.4
Civic action projects/community relations projects	9.9
Payments to concessionaires	3.8
Total	531.5

APPENDIX II

Public Law 101-167, Section 513

Military Coups

SEC. 513. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expanded to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided,* That assistance may be resumed to such country if the President determines and re-

[7] India, Indonesia, Malaysia, Singapore, Sri Lanka and Thailand.

[8] Williamson, John. Philippines Expects Jump in US Textile Quota for '90. Journal of Commerce, January 10, 1990. p. 4A.

[9] Prepared by Remigius Jurenas, Environment and Natural Resources Policy Division.

[10] Prepared by Larry Niksch, Foreign Affairs and National Defense Division.

[11] International Institute for Strategic Studies. The Military Balance, 1989-1990. p. 172-173.

[12] Jackson, Karl. The Philippine Bases and U.S. National Interests. Unpublished paper presesnted at a conference on U.S.-Philippine relations, Racine, Wisconsin, 1988.

[13] It should be noted that the U.S. Government has not committed the United States to support the Philippines militarily in its disputes with Malaysia and China.

ports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,882d day that Terry Anderson has been held in captivity in Beirut.

DO NOT RAISE TAXES

Mr. REID. Mr. President, it would be a mistake to raise taxes at this time, even in the name of balancing the Federal budget.

That is important to remember, especially since the White House and congressional leaders agreed earlier this week to emergency budget talks.

Now then, what is the administration saying?

According to one set of White House sources, all sides have agreed to go into the talks with no preconditions. Many observers take that as a signal that President Bush is willing to consider raising new taxes in order to lower the deficit.

Other White House sources say there is no way that taxes will be included as part of a budget compromise to lower the deficit.

I think the White House is trying to trick the American public. What do they want us to think? That the Democrats in Congress are the ones forcing the administration to raise taxes. Their plan is for the administration to get the money while Congress gets the blame.

Well, this is one Senator who is not tricked.

There are many ways to save money without raising taxes.

We can make our allies pay a bigger share of their military defense. It is ludicrous to subsidize the military security of our trading partners when they do not believe in fair trade. We are literally paying for foreign armies so that foreign countries and businesses can steal our jobs.

We can save money by killing the proposed nuke dump. The DOE should stop wasting millions of dollars on a project that is unsafe, a project that the people of Nevada have already rejected, a project that can only waste millions more if it continues.

We can save money by eliminating foreign aid giveaways.

We can even adopt a pay-as-you-go budget, so that we stop spending money we do not have in the first place.

No matter how you look at it, the message from the American public is crystal clear by now: Do not raise taxes.

Mr. President, that is why I favor a balanced budget amendment and pay-as-you-go spending. And it is why it would be a mistake to raise taxes at this time, even in the name of balancing the budget.

THE 1989 COLLIER TROPHY AWARD TO LOCKHEED FOR THE F-117

Mr. NUNN. Mr. President, on February 28, the National Aeronautical Association announced that it would award its prestigious Collier Trophy to Mr. Ben Rich and the entire Lockheed/Air Force team for the production and deployment of the F-117A Stealth fighter aircraft. This remarkable achievement will be honored tonight with the actual presentation of the award.

The F-117 is one of those dazzling examples of American technical genius. In the middle of the 1970's a small group of innovative designers at Lockheed along with visionary thinkers in the Pentagon who were not afraid to think outside of the borders of conventional wisdom, came up with a daring thought: Could we revolutionize air warfare by developing and manufacturing an aircraft that could evade enemy radars?

They became convinced they could. Lockheed and the Air Force worked together in an effective partnership to develop and build this remarkable airplane. This program was started in utmost secrecy. Until several years ago, even its existence was classified. Over a year ago, the Department of Defense decided that the existence of the program could be acknowledged.

I am pleased that Secretary Cheney made additional details about the program public, and I ask unanimous consent that a letter from Secretary Cheney on this point be entered into the RECORD. I have long advocated that special access programs have a plan for declassification that both protects the essential security elements of the program but also permits the effective integration of the system into operational planning.

But there is a downside to special access programs, and that is we have difficulty integrating such radical new capability into our war plans because we limit the number of people who even know about the airplane. I am convinced, for example, that the Tactical Air Command and some of the combatant commanders still do not yet know how to employ the F-117 to its full potential because it has been kept highly classified for too long from the nuts and bolts planning process required for tactical operations.

I have been involved in the progress of this program for over 10 years, and I am convinced it is one of the most important aircraft in the Air Force's inventory. I hope that the Tactical Air Command will insure that its maximum potential is achieved.

The F-117 is only the most recent success story that has emerged from the Lockheed Corp. and especially the famous skunk works. Lockheed's skunk works produced the U-2, which is still flying as a tactical reconnaissance aircraft, and the extremely successful SR-71, the world's fastest and highest flying aircraft. Ben Rich and his team richly deserve the Collier Trophy for excellence in aeronautical achievement.

But it required more than Lockheed's genius to produce the F-117A. It required the full support of the Air Force and the Secretary of Defense under successive administrations, and it required the active partnership of the Congress. While the F-117 was a highly classified program, it was carefully scrutinized by the appropriate committees in the Congress each year. Despite its classification, the program received rigorous oversight. The program was a success in virtually every way: It was produced on cost, on schedule, and met its performance goals. It did all of this in roughly half the time a normal program is in development.

I congratulate Ben Rich and the Lockheed team for their technical achievements in building the F-117; those in the Air Force who stuck with this key effort; the four Secretaries of Defense who offered steadfast support for this program over the years; and my colleagues in the Congress who endorsed and supported this program. We all share in the pride the Air Force and Lockheed can take in winning this well-deserved recognition.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, March 3, 1990.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is to inform you we are continuing the incremental disclosure of the Air Force's F-117A aircraft to the public. The ongoing F-117A security transition, that began in November 1988, has changed the classification of selected elements of the F-117A program from special access required (SAR) status. Certain aspects of the program, such as low observable technology, signature data, and capabilities and limitations will remain SAR indefinitely.

Recent events in Panama and general media interest in the aircraft make it an appropriate time to tell more of the F-117A story and correct existing misinformation. In two weeks you can expect to see an Air Force F-117A Fact Sheet with previously classified information on the generic mission of the aircraft, dimensions and weight, average unit flyaway cost, and additional program history and description. This information, along with additional photos and video tape, will be made available to the public.

A significant part of our next incremental disclosure will be the initial showing of the F-117A at a Tactical Air Command facility.

Subsequent events will include select static displays and flyovers. While the external view of the F-117A is unclassified, the Air Force will continue to protect the design details of the aircraft; personnel without program access will not be allowed to closely examine the aircraft.

Best Wishes,

DICK CHENEY.

KEEP THE PLEDGE

Mr. SYMMS. Mr. President, some Members of Congress have expressed frustration with the President's budget. They have favored a grand compromise of spending cuts coupled with tax increases. As one Senator, I am opposed to this because the proposal is not a grand compromise. I believe it will become a grand illusion, and ultimately to the taxpayers it will become a grand larceny.

What will happen, if history is any guide, and the Joint Economic Committee has documented this, for every dollar of taxes that are increased there will be an increase of $1.58 in Federal spending.

I call to my colleagues' attention that when the budget resolution comes out of the Budget Committee and is printed I have filed minority views to make the point that it is only illusionary for us to believe that we can raise taxes in this Congress and balance the budget. What really happens is we raise taxes to expand nondefense spending and the budget baseline then is never reduced.

If taxes are increased it will be for one sole purpose and that is to expand nondefense spending. Oftentimes people tell me in my State that they are already being harassed too much by Government. It is so difficult for small businesses to produce and to comply with all the bureaucracy that we are piling on these people. In some cases, I have had people say to me, "Steve, thank heavens we do not get all the Government we are paying for now, or we would all be put out of business."

Mr. President, there has been a lot of publicity this past week about the upcoming budget summit between the White House and Congressional leaders. Some Members of Congress are in favor of a summit meeting, to produce a grand compromise of spending cuts coupled with tax increases. I am opposed to this concept.

The problem with the budget deficit is not insufficient revenues to fund the programs of the Congress; the problem is with the programs of the Congress themselves.

The problem is straightforward: Federal revenues grow at the same general rate as nominal gross national product. That is another way of saying, the growth in revenues is the same as the average growth of everything else in our economy. But Federal Government programs grow at a faster rate than other things in our economy. Therefore, the baseline of the Federal budget is always on a steeper path than revenues. Deficits are a natural phenomenon—unless the Congress exercises self-control and good judgment. Congress has to make choices to set priorities; it is not sufficient just to propose a tax increase.

If I can make an analogy to every homeowner's backyard: The gross national product is like the grass in your backyard. It will grow at a certain rate, and if you water it, it will grow faster. But the weeds in the backyard, among the grass, will grow faster than the grass if you simply water them along with the grass. You have to take a hoe to the weeds, to keep them from sticking up above the grass.

Raising taxes to balance the budget is just like watering the weeds instead of using the hoe. Since Federal programs grow faster than the economy as a whole, they are like those weeds. And the Gramm-Rudman-Hollings sequester is like the hoe. I advocate using the hoe.

I am very much disappointed in the trend this year to meet the Gramm-Rudman-Hollings targets by: First, slashing the Defense function; and second, increasing taxes. What is happening in the domestic discretionary and entitlements functions? I believe we could do much more in these. I am opposed to any increase in taxes, and I believe a large proportion of the proposed user fees represent, in fact, new taxes.

I believe the sequester mechanism is a powerful and useful bottom line discipline for the Congress. I want to see it preserved—and used if necessary. In particular, I was very pleased with the outcome of last year's budget cycle. The so-called "part year sequester" is a device I propose be used again this year.

I think the Congress should exert every effort to use wise judgment in budgeting. We should allocate our priorities rationally and deliberately, as the Constitution intended. But if we cannot fully achieve the deficit reduction, through spending cuts alone, as the Gramm-Rudman-Hollings targets require for fiscal year 1991, then we should employ a part-year sequester in October.

I have recently come across a very impressive study conducted by the Hudson Institute that confirms what many of us in the Senate have known for quite some time. First, that raising taxes will not reduce the deficit; and second, that the budget sequester process does work when it comes to reducing overall governmental spending.

This excellent study is entitled, "America's Fiscal Future; Controlling the Federal Deficit in the 1990's," by Dr. Jeffrey A. Eisenach, a budget expert formerly in the office of James C. Miller III, Director of the Office of Management and Budget. It was published in January.

As I said a moment ago, Federal revenues grow at the same general rate as nominal gross national product. That is another way of saying, the growth in revenues is the same as the average growth of everything else in our economy. But Federal Government programs grow at a faster rate than other things in our economy. Therefore, the baseline of the Federal budget is always on a steeper path than revenues. Deficits are a natural phenomenon—unless the Congress exercises self-control and good judgment. Congress has to make choices to set priorities; it is not sufficient just to propose a tax increase.

The gross national product is like the grass in my back yard. But the weeds in my back yard grow faster than the grass.

With the recent announcement of slower economic growth in our economy, now is certainly not the time for talk of a tax increase. If a significant tax increase made it by this Senate and the President, and I will never support a tax increase, such an extraction of capital from our presently weakened economy would surely cause a deep recession.

In turn, a recession would cause greater unemployment and actually leave fewer income for the Federal Government to tax than were available before the tax increase. This is exactly what happened to Herbert Hoover, who increased taxes in 1931 and 1932 to balance the budget.

The Hudson Institute study is very interesting in its analysis of the long-run trends in Federal revenues and spending. With the sequester process, using Congressional Budget Office estimates for the Federal Government's growth in spending in fiscal 1991 and the Office of Management and Budget's estimates for revenue growth in 1991, the Hudson Institute concluded that the budget can be balanced without a significant tax increase if Congress retains and uses the provisions of the Gramm-Rudman-Hollings Act.

The only reason there are baseline projections of deficits as far as the eye can see, according to CBO, is because we the Congress do not assert our rightful authority to set those levels. We enact programs and then we stop exercising any judgment about how large we will allow those programs to become.

The President under the authority of the Gramm-Rudman-Hollings Act will do it for us. This is merely the bargain Congress bought into in 1974 when we adopted the Budget Act, in opposition to President Nixon's assertion of impoundment authority. Congress said, "No, we will do it." Well, we don't.

The GRH process is doing what it was meant to do—cause Government spending to decrease by forcing Congress into an either/or situation. GRH has effectively been the closest thing we have to a balanced budget amendment, and perhaps it has even been more effective than a constitutional amendment would be.

There have been voices in Congress saying we need to repeal GRH because it causes too much dislocation of Federal budget priorities. But would spending go down if GRH were repealed? The American public knows the answer to that question and it is "No."

The Gramm-Rudman-Hollings sequester process is the only forcing mechanism that keeps us honest with ourselves and our constituents. By no means should it be repealed or weakened.

I regret that the Budget Committee itself has essentially failed in its responsibilities to lead this year, but facts are facts.

THE ENVIRONMENT

Mr. BOSCHWITZ. Mr. President, I rise today to talk about a letter that recently appeared in a newspaper in our State, and contains some very profound truths, from a young woman who is 12 years old. The young woman is Lindsay Weiler, of Minnetonka, MN. It is a short letter but one really quite eloquent. It graphically laid out the environmental changes faced today. She wrote the following:

AFTER THE RAIN

I don't know how other people feel, but I hate pollution. Take acid rain for one. It's destroying our lakes and rivers. I was walking outside one day after it had rained, and I saw a puddle with a million colors. I knew then that the rain hadn't been fresh. Even though I'm only 12, I would like to help. This is the world I live in, and I don't want it ruined for my children.

This is a very moving letter, a letter that I wanted to share with my colleagues. The environment is one of the most important issues with which we deal, and, while we may frequently get caught up with debating environmental legislation, I think it is important we do not lose sight of the goal that she points out, preserving the environment and preserving it for her and other 12-year-olds, who deserve the same clean environment in which to live their lives and raise children.

I understand that in parts of Europe the pollution is so bad today that the songbirds have left. Is not that a shame? But we passed a clean air bill here recently that I think will preserve the songbirds in our country and a farm bill that is now being considered that will preserve the swamplands and wetlands for ducks, geese, and/or birds that require them.

I was touched by Lindsay's simple plea, and I want to share it with my colleagues.

FLAWED INVESTIGATION OF THE MURDERS OF PRIESTS IN EL SALVADOR

Mr. PELL. Mr. President, I am deeply concerned by the reports emanating from El Salvador which indicate that Salvadoran authorities may be obstructing justice in the investigation of the murders of the six Jesuit priests and two housekeepers at the Central American University in November. According to press reports, the Salvadoran authorities are not conducting a serious investigation. The most startling report is that evidence crucial to the case against Colonel Benavides, the head of the military school and commander of the unit responsible for the murders, is missing. On the very heels of Congressman MOAKLEY's report, which concluded that the investigation has been stalled and that little attempt has been made to determine if members of the military high command were involved, we now read more disturbing news. Colonel Benavides' personal notebook, possibly containing notes on meetings held in the military school before and after the murders, and the logbook, recording who that night entered and left the military school, are mysteriously missing. Furthermore, it seems more than coincidental that four cadets on guard duty that night at the military school and who potentially could provide key information, have been transferred out of the country for training.

I have tried to maintain a positive attitude about El Salvador. I am convinced that President Cristiani, despite tremendous pressures from within his Government, wants to do the right thing. I am encouraged by the fact that serious efforts to end the civil war are being made under the auspices of the United Nations as evidenced by the formal talks between the Government and the FMLN scheduled for next week in Caracas. I am encouraged that, although serious differences remain with the Congress, the Bush administration, as reported in the Washington Post on May 2, may now be accepting the fact that conditionality related to various aspects of the human rights situation will be part of the military assistance package for El Salvador.

I believe that we could be on the verge of moving in a positive way to finally end the civil war in El Salvador, but the Salvadoran Government's performance thus far in the case against Colonel Benavides looms as a major obstacle to continued United States military aid to El Salvador. The stakes are high and President Cristiani knows it. In a communique issued Tuesday, the Salvadoran Government vowed to make available the absent witnesses and to help recover the missing evidence. This is needed and more. The Salvadoran Armed Forces must be made to understand that after all these years, patience in this country has worn very thin. A full investigation, without obstruction, must be conducted in order to get to the bottom of this case. Those who are guilty must be brought to justice. It is imperative that this obstacle to peace in El Salvador be removed.

Under the current circumstances, I cannot support continued military assistance to El Salvador.

POLISH-AMERICAN HERITAGE MONTH: THE CELEBRATION OF A UNIQUE AND IMPORTANT RELATIONSHIP

Mr. PELL. Mr. President, recently, I became a cosponsor of Senate Joint Resolution 289, which designates October 1990, as Polish-American Heritage Month. I believe it is an appropriate moment for us to salute Poland and Polish-Americans.

Americans of Polish descent have had a decisive impact on the development of American culture, and Senate Joint Resolution 289 properly calls attention to important milestones in United States history that have involved Polish-Americans. Yet events that have occurred during the past year truly epitomize the strength of the bonds between the United States and Poland. For this reason, the longstanding tradition of commemorating Polish-American Heritage Month takes on added depth and new meaning.

Earlier this week, Lesek Balcerowicz, the Polish Deputy Prime Minister and Finance Minister, met with the Committee on Foreign Relations. When Mr. Balcerowicz, the architect of Poland's economic reform program, last visited the committee, Prime Minister Tadeusz Mazowiecki had just assumed office, and the world was beginning to recognize the import of what was occurring in Poland. Indeed, Poland had become the leader of Eastern Europe's revolution of 1989.

Now, Poland is undergoing what many call its second revolution, and its greatest challenge will be to address its heavy debt burden and reform its troubled economy. Western observers recognized all along that this crucial task would not be easy, and as Mr. Balcerowicz told the Foreign Relations Committee, Poland will continue to need our support as it progresses along the path of reform.

During the past year, Polish-Americans have responded to events in Poland with remarkable vigor. I have received countless letters in my office from Polish-Americans in Rhode

Island and elsewhere. Some of these letters support assistance to Poland, some inquire about how to set up business ventures in Poland, and some ask how we can best support the process of implementing a free market economy in Poland. But nearly all of the letters I've received express a positive message that underscores the pride of those with a Polish heritage.

The Polish people recognize and appreciate the value of our financial assistance and our political support. As the Two-Plus-Four talks proceed on the matter of German unification, many are reminded of the deep concerns expressed by the President and by Members of this body about the issue of Germany's borders. In fact, I introduced a resolution with other Senators on this very subject that expressed unwavering support for the inviolability of Poland's existing borders. I recently received a letter of thanks from Janusz A. Ziolkowski, who is my counterpart in his capacity as the chairman of the Polish Senate Foreign Relations Committee. Senator Ziolkowski, speaking for his colleagues in the Polish Senate, expressed his gratitude for the support of United States Senators on this matter. I ask unanimous consent that Senator Ziolkowski's letter, as well as the full text of Senate Joint Resolution 289, be printed in the RECORD at the conclusion of my remarks.

Clearly, Mr. President, Polish-Americans take great pride in their heritage and in the watershed events occurring in Poland. I believe that Senate Joint Resolution 289 affords us the opportunity to demonstrate to the Polish-American community that we stand behind their efforts to support Poland's struggle to move toward a free market economy. Accordingly, I am pleased to be a cosponsor of this measure, and I urge the support of my colleagues.

HUMAN RIGHTS ABUSES AND ANTI-DEMOCRATIC ACTIVITIES BY THE GOVERNMENT OF BURMA

Mr. KENNEDY. Mr. President, during the past 6 months a peaceful democratic revolution has swept Eastern Europe. Military regimes in Chile and Nicaragua have yielded power to civilian rule through free and fair elections. Yet even as the world moves toward greater democratic freedoms, Burma's military dictatorship continues to pursue a path of violence and corruption, ruthlessly repressing its civilian population, denying free and fair elections, and ignoring, and perhaps even profiting from the country's vast drug trade.

The United States should take a more active role in supporting the return of democratic freedoms in Burma. The first step, already taken by the Senate, is to impose economic sanctions against Burma's military dictatorship.

The Burmese people have a proud tradition of democracy, stemming from Burma's independence from Great Britain in 1948. Following independence, Burma adopted a parliamentary-style government. Under the leadership of Prime Minister U Nu the country remained pro-Western and received aid from the United States.

In 1962, however, a military coup led by Gen. U Ne Win, overthrew the democratically elected government and established the current military dictatorship. Since then, Burma has declined dramatically from one of the most democratic countries in Southeast Asia to a country deviod of democratic freedoms, with one of the worst human righs records in the world.

In light of our history and good will with the Burmese people, the United States must do all it can to support the return of democratic freedoms in Burma and to prevent further bloodshed.

In 1988, courageous citizens throughout Burma joined together in peaceful demonstrations to call for the government's recognition of basic human rights and the return of democracy—particularly free and fair elections—in Burma. The Burmese military responded with brute force, shooting thousands of unarmed demonstrators. In response, the United States cut off economic aid to Burma.

Since then, the military regime has continued to massacre students, Buddhist monks, Christians, minority ethnic groups, and other innocent citizens seeking democratic freedoms. Most of the people killed are unarmed, young, and nonviolent. Their only crime is that they cherish freedom enough to risk their lives for democracy.

The massacres have precipitated the exodus of more than 50,000 refugees into neighboring Thailand, overwhelming both the resources and the hospitality of that country. Burmese troops have repeatedly attacked student camps on the Thai-Burmese border, violating Thai sovereignty and forcing students to flee deeper into Thailand.

The government's past promise of free and fair elections to be held on May 27 has evaporated. All major opposition figures have been killed, imprisoned, or banned from the election. During the past 2 months, more than 25 candidates for the election have disappeared or been detained without charge under martial law. Some opposition candidates have been tortured and killed while in detention.

In the past month, the Burmese regime has relocated as many as one-half of a million people out of Rangoon and other cities in an effort to disrupt opposition political parties. The government has also refused to issue visas to foreign observers and correspondents for the election.

No free or fair election can take place under such repression. For the upcoming election to be respected by the people of Burma and the international community, the government must end its campaign of intimidation and permit the people to speak, act, and campaign freely.

The issue of opium production in Burma is also of great concern to the United States. Roughly half of the heroin imported into the United States comes from Burma. Moreover, on March 1, 1990, for the second year in a row, the President decertified Burma for its failure to cooperate with the United States in antinarcotics programs.

Previous United States assistance to Burma to fight the drug trade was used primarily in campaigns against ethnic minorities, rather than against opium traffickers. Moreover, widespread narcotics corruption reportedly exists within the Burmese military. A 1989 GAO report on the opium eradication program in Burma concluded that after spending $80 million in the past 14 years, United States efforts had been ineffective in diminishing the opium crop.

The Burmese Government's complicity with drug traffickers is ongoing. With the annual drug caravan season about to begin, drug warlords are fighting for control of a key opium trail near the Thai border. A short distance away, the Burmese Army has launched a major offensive to wipe out the Karen minority—because they have sought a less restrictive federal constitution for Burma.

The government shows no intention of attacking the drug armies or thwarting the narcotics trade. This year's record opium harvest, processed into heroin, will soon be on its way to American cities.

In this moment of crisis for Burma, there should be no doubt where America stands. We support the struggle by the people of Burma for a democratic system that guarantees fundamental rights of freedom and democracy, not the current military regime of repression and intolerance.

American influence inside Burma is limited. The influence we have, however, should be used to support the courageous efforts of the Burmese people. The Bush administration should waste no time in conveying this message to those who oppose the restoration of democracy in Burma.

I urge the administration to support economic sanctions against Burma's military dictatorship, and to take concrete steps to support the efforts of international and private voluntary organizations seeking to aid Burmese refugees.

In addition, the administration should mobilize other governments in the region. Thailand, Indonesia, Malaysia, Singapore, India, South Korea, and Japan should all be encouraged to join in a common course of action, using our diplomatic, economic, and political influence to support democracy in Burma. I also urge Gen. U Ne Win to recognize the wisdom of holding free and fair elections in Burma.

Mr. President, the struggle for democracy in Burma is no less important than that in Latin America, Eastern Europe, and China. We must not stand silent while a ruthless dictatorship denies freedom and democracy to the people of Burma. The military regime may try to silence the voices of opposition, and imprison or kill those who seek freedom, but it cannot extinguish the desire for democracy and human rights in the hearts of the people.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nomination received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on May 11, 1990, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolution, without amendment:

S.J. Res. 275. Joint resolution designating May 13, 1990, as the "National Day in Support of Freedom and Human Rights in China and Tibet."

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 275. Joint resolution designating May 13, 1990, as the "National Day in Support of Freedom and Human Rights in China and Tibet."

The enrolled joint resolution was subsequently signed during the session of the Senate on May 11, 1990 by the Acting President pro tempore [Mr. ROBB].

MESSAGES FROM THE HOUSE

At 11:27 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1846. An act to make miscellaneous amendments to Indian laws, and for other purposes; and

S. 2300. An act to provide financial assistance to the Simon Wiesenthal Center in Los Angeles, California, for the education programs of the Museum of Tolerance.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 922. An act to designate the building located at 1515 Sam Houston Street in Liberty, Texas, as the "M.P. Daniel and Thomas F. Calhon, Senior, Post Office Building";

H.R. 2890. An act to designate the Federal Building and United States Courthouse located at 750 Missouri Avenue in East St. Louis, Illinois, as the "Melvin Price Federal Building and United States Courthouse"; and

H.J. Res. 453. Joint resolution designating May 1990 as "National Digestive Disease Awareness Month."

The enrolled bills and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 11, 1990, he had presented to the President of the United States the following enrolled bill:

S.J. Res. 275. Joint resolution designating May 13, 1990, as the "National Day in Support of Freedom and Human Rights in China and Tibet."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents which were referred as indicated:

EC-2952. A communication from the Under Secretary of Agriculture (International Affairs and Commodity Program), transmitting, pursuant to law, a commodity and country allocation table showing current programming plans for commodity assistance under Titles I and III of Public Law 480 for fiscal year 1990; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2953. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report on foreign investment in United States agricultural land for calendar year 1989; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2954. A communication from the Secretary of Defense, transmitting pursuant to law, the report of the Defense Advisory Panel on Government-Industry Relations; to the Committee on Armed Services.

EC-2955. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report on the review of a baseline deviation concerning the T45TS Defense Enterprise Program; to the Committee on Armed Services.

EC-2956. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Board for calendar year 1989; to the Committee on Banking, Housing, and Urban Affairs.

EC-2957. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice of the extension of time for rendering a decision in Finance Docket No. 31424, Acquisition by Tampa Bay and Western Trans., Inc., of a CSX Transp., Inc. Line Between Sulphur Springs and Broco, Florida; to the Committee on Commerce, Science, and Transportation.

EC-2958. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to assess fees at fair market value to special beneficiaries of National Oceanic and Atmospheric Administration date and information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2959. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2960. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2961. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2962. A communication from the Inspector General of the Department of the Interior, transmitting, pursuant to law, a report entitled "Accounting for Fiscal Year 1988 Reimburseable Expenditures of Environmental Protection Agency Superfund Money", U.S. Fish and Wildlife Service Report No. 90-58; to the Committee on Environmental and Public Works.

EC-2963. A communication from the Inspector General of the Department of the Interior, transmitting, pursuant to law, a report entitled "Accounting for Fiscal Year 1988 Reimbursable Expenditures of Environmental Protection Agency Superfund Money", Bureau of Reclamation Report No. 90-57; to the Committee on Environmental and Public Works.

EC-2964. A communication from the Chairman of the Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the report of the Board under the Inspector General Act Amendments of 1988; to the Committee on Governmental Affairs.

EC-2965. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the modified Resource Allocation Methodology used to determine the levels of health resource deficiencies for each tribe or operat-

ing unit; to the Select Committee on Indian Affairs.

EC-2966. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Indian Health Service Health Facilities Construction Priority System; to the Select Committee on Indian Affairs.

EC-2967. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the status of organ donation and coordination services and effectiveness of the procurement system for fiscal year 1988; to the Committee on Labor and Human Resources.

EC-2968. A communication from the Chairman of the National Commission on Libraries and Information Science, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1989; to the Committee on Labor and Human Resources.

EC-2969. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities—Secondary Schools Basic Skills Demonstration Assistance Program; to the Committee on Labor and Human Resources.

EC-2970. A communication from the Secretary of Labor, transmitting a draft of proposed legislation to amend to the Stewart B. McKinney Homeless Assistance Act to extend the Job Training for the Homeless Demonstration Program and for other purposes; to the Committee on Labor and Human Resources.

EC-2971. A communication from the Assistant General Counsel of the Department of Defense (Legal Counsel), transmitting, pursuant to law, a report on Department of Defense and Defense Related Employment for fiscal year 1989; to the Committee on Armed Services.

EC-2972. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Environment), transmitting, pursuant to law, notification of the recent discovery of six suspected chemical filled bomblets on Aberdeen Proving Ground, Maryland, on April 26, 1990; to the Committee on Armed Services.

EC-2973. A communication from the Director of Human Resources, U.S. Army Community and Family Support Center, transmitting, pursuant to law, the report on the U.S. Army Nonappropriated Fund Employee Retirement Plan for the plan year ended September 30, 1988; to the Committee on Armed Services.

EC-2974. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Comprehensive Program and Plan for Federal Energy Education, Extension and Information Activities"; to the Committee on Energy and Natural Resources.

EC-2975. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report on activities under the Youth Conservation Corps Act for the 1989 program year; to the Committee on Energy and Natural Resources.

EC-2976. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess offshore oil and gas royalty payments; to the Committee on Energy and Natural Resources.

EC-2977. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report of the Board under the Inspector General Act Amendments of 1988; to the Committee on Governmental Affairs.

EC-2978. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the annual report of the Administration under the Inspector General Act Amendments of 1988; to the Committee on Governmental Affairs.

EC-2979. A communication from the Acting Administrator of General Services, transmitting, pursuant to law, the annual report of the General Services Administration under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2980. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the annual report of the Office under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on Environment and Public Works, with amendments:

S. 1076. A bill to increase public understanding of the natural environment and to advance and develop environmental education and training (Rept. No. 101-284).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HARKIN (for himself, Mr. COCHRAN, Mr. GRASSLEY, Mr. ADAMS, Mr. COATS, Mr. DODD, Mr. PRESSLER, Mr. MOYNIHAN, Mr. SPECTER, Mr. FOWLER, Mr. LEVIN, Mr. DURENBERGER, Mr. BIDEN, Mr. GORTON, Mr. LIEBERMAN, Mr. KERRY, Mr. INOUYE, and Mr. LOTT):

S. 2611. A bill to authorize assistance to the Washington Center for Internships and Academic Seminars; to the Committee on Labor and Human Resources.

By Mr. BREAUX (for himself, Mr. DURENBERGER, Mr. SIMON, Mr. BOND, Mr. BOSCHWITZ Mr. BUMPERS, Mr. COCHRAN, Mr. DANFORTH, Mr. DIXON, Mr. FORD, Mr. GORE, Mr. GRASSLEY, Mr. HARKIN, Mr. JOHNSTON, Mr. KASTEN, Mr. KOHL, Mr. LOTT, Mr. MCCONNELL, Mr. PRYOR, and Mr. SASSER):

S. 2612. A bill to establish a Commission to determine the feasibility of designating the Mississippi River as a National Heritage Corridor; to the Committee on Energy and Natural Resources.

By Mr. FORD:

S. 2613. A bill to establish a hydrogen-fueled aircraft research and development program; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself and Mr. GLENN):

S. 2614. A bill to amend the Public Health Service Act to establish and coordinate research programs for osteoporosis and related bone disorders and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (for himself and Mr. ROCKEFELLER):

S. 2615. A bill to amend title 38, United States Code, to clarify that the prohibition on the payment of attorneys' fees in connection with Department of Veterans Affairs benefits proceedings applies only where the individual is applying only where the individual is applying for benefits; to the Committee on Veterans' Affairs.

By Mr. DASCHLE (for himself Mr. BURDICK, Mr. CONRAD, and Mr. JOHNSTON):

S. 2616. A bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes; to the Committee on Finance.

By Mr. ROBB:

S.J. Res. 312. Joint resolution designating the week of November 12, 1990, through November 18, 1990, as "National Critical Care Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 283. Resolution to designate the center table of the Senators' Dining Room in the United States Capitol as the "Spark M. Matsunaga Table"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. COCHRAN, Mr. GRASSLEY, Mr. ADAMS, Mr. COATS, Mr. DODD, Mr. PRESSLER, Mr. MOYNIHAN, Mr. SPECTER, Mr. FOWLER, Mr. LEVIN, Mr. DURENBERGER, Mr. BIDEN, Mr. GORTON, Mr. LIEBERMAN, Mr. KERRY, Mr. INOUYE, and Mr. LOTT):

S. 2611. A bill to authorize assistance to the Washington Center for Internships and Academic Seminars; to the Committee on Labor and Human Resources.

THE WASHINGTON CENTER FOR INTERNSHIPS AND ACADEMIC SEMINARS

● Mr. HARKIN. Mr. President, for 15 years, the Washington Center has operated as the only independent, nonprofit educational organization in Washington, DC, to offer internships and academic seminars for academic credit to college students from all disciplines. Through a cost-effective partnership, the center has enabled more than 700 colleges and universities nationwide to extend their campuses to the Nation's Capital. These institutions realize the important role of experimental education in the development of well-rounded curricula, and they have joined together in an informal consortium to create an internship program that can provide place-

ment, counseling, evaluation, and housing services to students.

More than 15,000 students representing every State in the Union have benefited from participation in this exceptional program which emphasizes leadership development, civic awarness, public service, and increasing minority representation in business and government. The center has placed interns in House and Senate offices, Federal agencies, law firms, private industry, and nonprofit organizations.

The Washington Center's current residential facility is less than adequate to meet the high level of academic quality demanded by the hundreds of colleges and universities that rely on the center's educational resources. There is a concern for student safety at Washington Center apartments on upper 16th Street in Northwest Washington. Students must frequently commute 30 to 50 minutes to their internship assignments.

To remedy this situation, the center is planning to build a new housing and classroom facility to be located just off Massachusetts Avenue, NW., a few blocks west of Union Station. This facility will house 730 students a semester and will include class/conference rooms and a 600-seat auditorium. Students from every college and university in the United States will be able to take advantage of this centrally located housing facility, including students participating in internship programs other than the center's. The total cost of the facility will be approximately $24 million.

Ownership of this facility will allow the Washington Center to avoid steep increases in housing fees that would have to be passed along to affiliated institutions and then to students, thereby excluding students from lower economic levels from participating in the center's programs. The center has a special commitment to making its programs available to all college students regardless of economic, geographic, or ethnic background. The center seeks to maintain at least 20 percent minority representation in its programs and has established the Minority Scholarship Program and the Minoity Leaders Fellowship Program to enable more outstanding minority students to participate in its programs.

The legislation authorizes $12 million to defray construction and related costs of the Washington Center's planned student housing and educational facility. The Federal funds will be expended over a 3-year period and must be matched by private sector donations.

Cosponsoring this legislation are Senators COCHRAN, GRASSLEY, ADAMS, COATS, DODD, PRESSLER, MOYNIHAN, SPECTER, LEVIN, FOWLER, DURENBERGER, BIDEN, GORTON, LIEBERMAN, JOHN KERRY, INOUYE, and LOTT. Similar legislation has been introduced in the House by Congressman FORD of Michigan.●

By Mr. BREAUX (for himself, Mr. DURENBERGER, Mr. SIMON, Mr. BOND, Mr. BOSCHWITZ, Mr. BUMPERS, Mr. COCHRAN, Mr. DANFORTH, Mr. DIXON, Mr. FORD, Mr. GORE, Mr. GRASSLEY, Mr. HARKIN, Mr. JOHNSTON, Mr. KASTEN, Mr. KOHL, Mr. LOTT, Mr. MCCONNELL, Mr. PRYOR, and Mr. SASSER):

S. 2612. A bill to establish a Commission to determine the feasibility of designating the Mississippi River as a national heritage corridor; to the Committee on Energy and Natural Resources.

MISSISSIPPI RIVER CORRIDOR STUDY COMMISSION ACT

● Mr. BREAUX. Mr. President, I rise today to introduce legislation that will establish a Commission to study the feasibility of creating a Mississippi River national heritage corridor. I am pleased to announce that this bill titled the "Mississippi River Corridor Study Commission Act of 1990" is cosponsored by Senator DURENBERGER, Senator BOND, Senator BOSCHWITZ, Senator BUMPERS, Senator COCHRAN, Senator DANFORTH, Senator DIXON, Senator FORD, Senator GORE, Senator GRASSLEY, Senator HARKIN, Senator JOHNSTON, Senator KASTEN, Senator KOHL, Senator LOTT, Senator MCCONNELL, Senator PRYOR, Senator SASSER, and Senator SIMON.

Mr. President, Congress has designated three major national heritage corridors in the United States: The Blackstone River corridor in Rhode Island and Massachusetts, the Illinois and Michigan Canal corridor in central Illinois, and the Delaware Lehigh Canal corridor. Corridor designation provides national awareness of the resources of a region without the imposition of Federal controls or land acquisitions. The Mississippi River region contains many significant historical, scenic, recreational, economic, and natural resources and corridor designation would both enhance and protect these resources.

The bill I am introducing today differs from a bill that was introduced in the 100th Congress titled "The Mississippi River National Heritage Corridor Act of 1987." That bill would have designated the Mississippi River as a national heritage corridor. The bill I am introducing today does not designate the corridor, rather, it sets up a temporary commission to determine the feasibility of designating the Mississippi River as a national heritage corridor.

The Mississippi River Corridor Study Commission would be composed of 15 members. The members would be: The Director of the National Park Service, the Secretary of Transportation, the Secretary of Commerce, the Director of the U.S. Fish and Wildlife, the Chief of Engineers of the Army Corps of Engineers, one member from each State's Mississippi River Parkway Commission to be appointed by the Governor of each State.

The Commission is to prepare a report that recommends whether a national heritage corridor should be designated and if so, what the boundaries of such a corridor should be. This report would also include an inventory and assessment of historic, recreational, scenic, cultural, and scientific resources of the corridor; and lay out a 10-year plan to promote historic preservation, tourism, environmental protection, and economic development. The final report by the Commission would be due 3 years after its first meeting. The Commission will be terminated 90 days after the submission of its final report. I believe this Commission and its report will be of invaluable assistance in planning for the future of the Mississippi River region.

Mr. President, I would like to point out to my colleagues that this bill is identical to legislation introduced in the House by Congressman ESPY and which has been reported out of the Committee on Interior and Insular Affairs.

The Mississippi River is a national treasure which is subject to multiple and sometimes competing uses. A recent Newsweek article which I am attaching to this statement details some of those uses and their impacts. The article points out serious environmental problems occurring along the river. One of the important functions of the Commission will be to identify ways to protect the environment of the Mississippi River. This is just one example of the important role the Commission will play in planning for the future of the Mississippi River region. With this legislation we can help find ways to protect the environmental, historical, and cultural integrity of this important river region for future generations. I urge my colleagues to join me in support of this legislation, and I ask unanimous consent that the Newsweek article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsweek, Apr. 16, 1990]

TROUBLED WATERS

Lo, the mighty Mississippi! Most sibilant of river names, from the Algonquin "Father of Waters" (unless it was the Ojibwa "Great Water" or the Chippewa "Big River"). The aorta of North America, stretching 2,344 (U.S. Army Corps of Engineers) or 2,552 (State-park sign at the headwaters) miles from the cold heart of Minnesota to the fingers of the Delta. Like blood, a drop of the 100 trillion gallons that flow down it annually reveals our most secret vices and ailments: the ravages of erosion, telltale rib-

bons of sewage, alien chemicals bristling with polysyllabic menace. Somewhere along its shores, virtually every environmental problem known to civilization can be seen, except for the destruction of the whales, and if the Mississippi had whales, they'd be in trouble there, too. But the river still lives, even, in some ways, healthier now than the first Earth Day dawned on its rippling face 20 years ago. The Mississippi! Where else would you go to take the pulse of America?

For the most celebrated river in the nation, the Mississippi can be maddeningly elusive. Around New Orleans, you can drive for miles within a few hundred feet of the river and never catch a glimpse of it behind its levees—just as well, because you'd have to look up to see it. On the locked-and-dammed stretch of the upper Mississippi, the water is in plain sight but the river is lost, hidden under the slack lakes and sloughs that have formed in its place. And always, the mud—or, if you please, *sediment*—356,000 tons a day, giving rise to the canard of "too thick to drink or too thin to plow." That is a slander; the Missouri is 10 times muddier than the Mississippi.

Its vast volume conceals many sins, some of which are also crimes. The most comprehensive survey of Mississippi River pollution was by Greenpeace USA, which in 1988 found that industries and municipalities along the river discharge "billions of pounds of heavy metals and toxic chemicals into the river every year." That sounds like a lot, and Greenpeace tries to make it sound like even more by including essentially nontoxic substances such as iron, which actually makes up the great bulk of the discharge from some sources. Diluted in the Mississippi's titanic wash, a lethal chemical like dioxin dribbles off into the low parts per trillion. But a trillionth here, a trillionth there—it adds up, when you consider all the pesticides, herbicides, solvents and trace metals going into the river from the factories, farms and sewers of 31 states. Bob Meade, part of a team of U.S. Geological Survey scientists who have been testing the lower Mississippi since 1987, believes the water is in some ways actually growing cleaner. The big cities on the river now treat their sewage, and lead levels began to decline after most cars switched to unleaded gasoline. But, he says flatly, "we don't eat fish out of the river."

Nor is pollution confined to places downstream of factories and waste-treatment plants. Acid rain does not forbear to fall on the pristine forests of northern Minnesota, where the Mississippi rises from tiny, gin-clear Lake Itasca. "I wouldn't drink this water," says Jack Nelson, assistant manager of Itasca State Park. Of course, he adds, "I'd rather drink it here than in Baton Rouge."

We have, from time to time, made the river over in our own image. In the 1930s, the U.S. Army Corps of Engineers subdued it with concrete, building most of the series of locks and dams that enable barges to climb the 420 feet from Granite City, Ill., to Minneapolis. On the lower Mississippi, which begins at Cairo, Ill., where the Ohio in one swoop doubles its volume, the river is too great to be dammed, but too dangerous to run free. Here, the corps has hemmed it in with great walls of earth, rocks and concrete, behind which the people of New Orleans go about their business, as much as 15 feet below sea level. We have gained a lot from the corps's efforts: rich cropland, shelter from devastating floods, valuable industrial sites and energy-efficient transportation. We are still measuring, though, what we have lost: clean water, irreplaceable wetlands and the possibility of nature in our very midst. What was once seen as a noble struggle to subdue a wild continent is now viewed by many as a colossal exercise in human arrogance and destruction. It was less than two months ago that Lt. Gen. H. J. Hatch, commander of the Corps of Engineers, advised his troops that "the environmental aspects of all we do must have equal standing among other aspects." That is a big change for the corps, which long had the reputation among environmentalists as the part of the Army that makes war on nature. Welcome to the other side, General; with your help, we'll make it, one duck pond at a time.

RED WING, MN

Everywhere man is crowding the river.

The St. Croix, which forms part of the border between Wisconsin and Minnesota, joins the Mississippi at Prescott, Wis., 20 miles southeast of St. Paul. The two rivers have very different personalities. Downstream from the Twin Cities, the Mississippi has always been a working river, left pretty much to the doleful company of the big barge tows, while the St. Croix for all living memory has been lined with cabins and speckled with the bright hulls of boats. Once every two years, Dan McGuiness of the Minnesota-Wisconsin Boundary Area Commission will photograph the river from the air and count the boats. He has found more than 2,000 boats along his 52-mile route. River patrols enforce a "no wake" rule when congestion exceeds one boat per 10 acres. McGuiness has seen boats crowded one to every two acres. The artificial islands, with their beaches of clean dredged sand, are packed gunwale to gunwale. Latecomers bob in the current, waiting for a spot to open, like cars circling a crowded parking lot.

Increasingly, those boats are venturing out onto the Mississippi. Once, no one who ever flushed a toilet in Minneapolis would have dreamed of boating downstream, but as the Mississippi has grown cleaner, people have begun to use it without getting a gamma globulin shot first. At nearby Lock 3, recreational boats (packed 60 at a time in the 110-foot-by-600-foot chamber) outnumber commercial traffic. Nearly 20,000 pleasure boats were locked through last year, a 70 percent increase in just three years.

Environmentalists, naturally, regard this with alarm. The boats' propellers are said to stir up sediments, cutting off sunlight to aquatic vegetation, which then rots on the bottom, depleting the water of oxygen. The boats' wakes are accused of battering the fragile ecology of the shoreline, upsetting wildlife, causing erosion. But probably the real issue, as framed in an editorial in the Red Wing Republican Eagle, is that "each new boat on the river represents a tiny diminishment of Red Wing's quality of life." To accommodate the pleasure-boat fleet, developers want to build some 2,600 new marina slips on the river between St. Paul and Red Wing, in addition to the 3,000 already there. Nature lovers fear for the river's dignity as boats named Margie II and Sea What You Done To Me go rollicking from shore to shore in a tinkle of ice cubes.

All the counties on the Wisconsin side of the river have put a moratorium on new marina development, while officials study the applications, but it is likely that at least some of them will be built. It is ironic that this workaday stretch of Midwestern scenery should be caught in the same trap as Yosemite, hung by its beauty. Last year Congress designated the stretch from Hastings north to Dayton as a "National River and Recreation Area." The sponsor, Rep. Bruce Vento (Democrat of Minnesota), said he would like to see some of the barge terminals and junkyards moved away from the river's edge, to make the water more attractive—for boaters.

GENOA, WI

For all the vast volumes of water that it carries, the Mississippi is relatively insignificant as a source of hydroelectric power because its terrain is so flat; from Minneapolis to New Orleans it drops only 800 feet in 1,707 miles. It is, however, a vital link in the nation's energy economy. Millions of tons of coal and millions of barrels of oil traverse it in barges. Numerous power plants borrow from the river to cool their condensers, conscientiously repaying it with the same water, 10 degrees hotter than when it was drawn out.

One such plant is the 350-megawatt generating station in Genoa, Wis., 20 miles south of La Crosse, which in a typical year will burn 800,000 tons—533 bargeloads—of Illinois, Montana and Wyoming coal. Eighty people work in this plant, producing one third of the power consumed by 180,000 families in the four surrounding states. Alongside it on the riverbank is a cluster of smaller buildings surrounded by a chain-link fence, topped by barbed wire. Twenty-two people work at this plant, the La Crosse Boiling Water Reactor, but they produce no electricity at all. The 50-megawatt nuclear plant has been deactivated since April 30, 1987, after its owner, Dairyland Power Cooperative, concluded that it was cheaper to burn coal. In one of the buildings, at the bottom of a pool of filtered and demineralized well water, are 33,300 narrow cylinders, in bundles of 100, containing the spent uranium that once powered the plant. They have become the raison d'être for the plant. If there were any place else in the world to put them, the reactor could be dismantled—after waiting a few years for its radioactivity to subside—and then everyone here could go home.

The cylinders—8½ feet long and as big around as a fountain pen—contain thousands of eraser-size pellets of uranium, plus trace quantities of its fission byproducts: krypton 85, cesium, cobalt, manganese and plutonium. The uranium was purified from the ore, "enriched" to increase the proportion of U-235 (from a naturally occurring .7 percent to 3.7 percent), and sealed in these cylinders, where it continues to fission and generate heat. The process of creating nuclear fuel doesn't work in reverse. You can't disperse the uranium back into the ore and buy it back in Utah. It is possible to process the fuel for reuse, but what you have left is a high concentration of plutonium. Since the shortcut for anyone seeking to build an atom bomb is to get his hands on plutonium, the government has discouraged commercial users from reprocessing their waste. Back when the Genoa plant was built, it was assumed that the government would dig a hole someplace where no one would care too much. drop in drums of waste and cover them up with dirt—just like any other toxic chemical. It hasn't of course, worked that way. So potent is the fear of nuclear material that the government has been unable for more than 20 years to find a state to accept it. "NIMBY," says MIT nuclear engineer Kent Hansen, "has become NOPE—Not On Planet Earth."

The latest projection from the Department of Energy is that there may be a working nuclear-storage site in Nevada by the year 2010, but few experts believe it. Even if the dump were to be ready by then, the projected backlog of nuclear waste means that it would probably take at least another 10 years before the last of the uranium leaves Genoa. Meanwhile people have to maintain the pumps that carry away the waste heat, watch the gauges and patrol the fences, 24 hours a day. For how long? For 10,000 years, give or take, or until the government finds a site for a nuclear-waste dump, whichever comes first.

CEDAR GLEN, IL

About two miles below Keokuk, Iowa, where the Des Moines River comes in from the west, the Mississippi runs past steep, wooded bluffs and keeps Missouri and Illinois apart by barely a quarter mile. This is a historic spot in the domestication of the Mississippi, a few miles below Lock and Dam 19, the oldest of the lock complexes and the only one that includes a sizable hydroelectric generating station. Before the discipline of locks and dams, this was an anarchic stretch known as the Des Moines Rapids. Now the river, running deep and smooth through its narrow channel, conceals its own turbulent history of rocks and ledges and steam-boat wrecks, but the countryside is still as wild as any in the well-trodden and picked-over landscape of the Midwest. Three small wooded islands stand just off the Illinois bank, and it is there, in the high branches of the cottonwoods and maples, that the very symbol of American wilderness is making its stand against the depredations of the 20th century: the bald eagle.

It is an odd concatenation of natural and artificial circumstances that has led the eagles to gather here in the Cedar Glen Wintering Site, one of the largest of the dozen or so official winter sanctuaries in the United States, home to anywhere from 250 to 350 birds in an average season. (The rest of the year, the birds nest in the upper Midwest and Canada.) Less than a mile from the eastern bank is a small, steep-side bowl whose trees barely reach above its rim, enabling eagles to satisfy their preference for a high perch without having to sit out in the cold wind all night. When the river ran free, the rapids were one of the few places this far north sure to have open water—and therefore, food—all winter. Now as the water churns through the hydroelectric gates, it picks up just enough turbulence to keep from freezing for several miles downstream. And the dam also serves as a fish-processing plant for the eagles, who have a taste, not shared by most humans, for the gizzard shad, a rough, bony fish a little bigger than a big sardine. The eagle prefers shad which are already dead and floating, because those are the easiest to catch. As the fish come down the river past the power plant quite a few of them are separated from their heads—an ecological success story that Union Electric Co. of St. Louis has oddly neglected to claim credit for.

Of course, the real credit for the eagles' survival, as well as perhaps our own, is due to Rachel Carson, whose "Silent Spring" was the seminal text of the modern environmental movement. Carson, writing in 1962, found evidence that the ubiquitous pesticide DDT was decimating eagle populations by interfering with their ability to reproduce. It took 10 years for the government to ban the substance, and at the time it was expected to take 20 years for DDT's impact on the environment to dwindle. The bald-eagle population in the Lower 48 states bottomed out in 1974 to around 3,000, including only 791 identified nesting pairs. "This was a disastrous phenomenon in the wildlife kingdom," says zoologist Thomas Dunstan of Western Illinois University, who helped establish the Cedar Glen Refuge. "A few people kept these birds alive by a thread." Now the nesting pairs have more than tripled and researchers estimate there are 8,000 to 12,000 birds—a comeback so impressive that the U.S. Fish and Wildlife Service has proposed the bald eagle for one of the highest accolades the government can bestow on an animal, a promotion from "endangered" species to "threatened."

Twelve thousand eagles—imagine that! One eagle for every 20,000 Americans, roughly speaking. No one knows how many eagles the land once supported, but biologists believe it was at least 100,000, which implies that the Indians outnumbered them by less than 20 to 1. Besides pesticides, civilization brought birdshot, which, even when it missed, filled lakes and rivers—and the eagles' prey—with the insidious poison of lead. Biologists say that eagle hunting is now relatively rare—and severely punished—and many states have outlawed lead shot in favor of steel. But banish all these hazards at a stroke, says Gary Duke, an avian physiologist at the University of Minnesota, and eagles would still face the ravening human desire for habitat. "Eagles like to live on lakeshores and riverfronts, and so does everyone else," says Duke. As the eagles have recovered, they've filled up most of their niche. As one solution, Duke has proposed releasing eagles in the spread-out communities around Lake Minnetonka, near Minneapolis. The apotheosis of America: people, crowded out of the cities, and birds, pushed from the wilderness, meeting in the suburbs.

SAUGET, IL

The southern Illinois river town of Sauget first came to the attention of the state EPA in the late 1970s, when officials heard rumors about a dog that ran into a dry creek bed near the town and emerged in flames. This may or may not have occurred, but the aptly named Dead Creek turned out to contain enough phosphorus to make the soil smolder under the wheels of children's bicycles. The highly combustible phosphorus apparently outweighed the fire-retardant effects of the PCBs also found there, and in half a dozen other spots around Sauget. "You name it, it's there," says Terry Ayers of the Illinois EPA. "These are some of the most grossly contaminated sites in the state."

Based on molecules per capita, Sauget—population, around 200—might be the single most polluted place along the Mississippi. In 1988 the federal government sued the town over discharges from its American Bottoms sewage-treatment plant—more than 16 million gallons of bright yellow-green effluent that goes directly into the Mississippi. "The water was the most toxic we've ever tested," says Dale Bryson, water division director of EPA Region V. This reflects, of course, what goes into the sewers. More than half a dozen big chemical and pharmaceutical plants in Sauget and nearby East St. Louis (across the river form St. Louis) discharge their wastes through American Bottoms. The plants are supposed to "pretreat" their effluent, but the government charges that the town has been lax in enforcing this requirement.

It is not surprising that the values of, say, Madison, Wis., are absent in Sauget. The workers at just one Monsanto plant outnumber the townspeople 3 to 1. Sauget in fact was Monsanto, Ill., until 1967, when the chemical company requested a name change to end the confusion over headlines like Monsanto Man Dies in Fire. The name honors the town's founder and the father of the current mayor, Paul Sauget, who sums up the First Family's credo thusly: "Goddam, they gotta let somebody make a living."

"Just because the government tells you something, it don't mean it's true," Sauget says of the EPA lawsuit. "They try to say we're the dirtiest place on the river. That's just somebody trying to make a name for himself." He fears that the EPA's constantly changing demands have already hurt the town's business. "You don't see smoke anymore, that's what worries me. It just looks like things are slowed up around here."

Here is how pollution happens, and how it can be stopped. Monsanto's plant makes, among some 12 other products, millions of pounds of paradichlorobenzene, the active ingredient in toilet-bowl fresheners and mothballs. The raw materials are benzene, a refinery product that is shipped to the plant by barge, and chlorine, which arrives as a liquid in 90-ton railroad tank cars. They are combined catalytically, and the resulting mixture purified in several steps, of which one of the last is to separate the para from its liquid coproduct by crystallization. For years the company used a "wet process." This required curing the cakes of para in a room cooled by thousands of gallons of water, which turned into contaminated waste to be pumped to the sewage plant. Emissions from the para as it cured added the heady odor of mothballs to the variety of interesting smells for which Sauget was and is known. In 1989 Monsanto substituted a "dry process," in which water never comes into contact with the para solution, and the finished product is piped directly to railroad tankers. The company claims this has cut air emissions 99 percent, and water emissions from 40,000 pounds a year to zero. This gives the plant a head start on meeting Monsanto chairman Richard Mahoney's self-imposed target of cutting all air emissions 90 percent by 1992 and all land and water discharges by 70 percent by 1995.

Could the same thing be done at plants that make 1-chloro-2-nitrobenzene, 1,1,1-trichloroethane and all their alarmingly hyphenated ilk? And then what of the finished products themselves—the solvents and pesticides and plastics whose most salient characteristic is that they last for a long time? Pat Costner, the Greenpeace chemist who co-wrote the survey of Mississippi River toxins, doesn't think the answer lies in dry versus wet processes, but in a decision by society that it can no longer afford to produce certain chemicals at all—in particular, chlorinated hydrocarbons. There are about 14,000 of these compounds in such familiar products as PVC plastics and, yes, paradichlorobenzene.

It was relatively easy to decide to ban DDT to save the bald eagle. What would you give up to save the moths?

CLARKSDALE, MS

The eastern shore of the Mississippi, from about the Tennessee-Kentucky border south to Vicksburg, contains some of the richest land and poorest farmers in the United States. This is alluvial land, the distillation of the topsoil of half a continent concentrated on the 50-mile-wide flood plain between the river and the Bluff Hills to the

east. When it was growing corn back in Iowa, this soil made farmers rich, but spread over Tunica County, Miss., it has led to a 52.9 percent poverty rate, among the highest in the nation. Scattered through it are patches of the dense, heavy clay known as buckshot, because it cracks when dry, like a shot-out window; if you're buried in this land, the locals say, when Gabriel sounds his trumpet you'll be just plain out of luck. Water stands on it, making it suitable for rice farming or catfish ponds. The rest is a light, crumbly loam that "melts like sugar and flows like water." Once, it supported some of the wildest and richest wilderness in the continental United States—a bottomland forest of oak, elm and ash and a major wintering ground for waterfowl. Now that it has almost all been cleared, its blessing and its curse is that it is perfectly suited for that heartbreaking, backbreaking, bank-breaking staple of the Delta, cotton.

Cotton is a compilation of bad horticultural traits. It has a raving nitrogen dependency and is prone to rot. The boll weevil is just one of the half-dozen pests it attracts. "Cotton uses just about every pesticide known to man," says Arkansas agronomist Lyle Thompson. That is especially true here, amid the vibrant insect and microbial life of the Delta, where pesticides have long been considered the staff of life for man and plant alike. Malaria and yellow fever have killed a lot more Mississippians than chlorinated hydrocarbons. There are plenty of old farmers who remember washing the walls of their homes with a solution of DDT. "You ban all chemicals tomorrow," says Fred Cooke, an agricultural economist at the Mississippi State University agricultural station in Stoneville, "and in 20 years there'd be no farming and there'd be no towns."

If people ate cotton, they might not be so cavalier about what they put on it, but there are no federal standards for pesticide residue in the crop, and no one (yet) has started charging double in department stores for organically grown T shirts. The tragedy is what the chemicals have done to the land and the people. Frank Mitchener, one of the largest cotton farmers in Mississippi, facing a bollworm invasion, sprayed his fields with the banned pesticide toxaphene last summer. Nobody might have known, but for a four-inch rainfall that washed most of the pesticide into Cassidy Bayou, killing fish up to six miles downstream. Experts say it may take years for the wildlife to recover. The violation cost Mitchener a $55,000 fine. "For the common Joe Farmer out there, it's been like a kick in the gut," says Stoneville agronomist M. Wayne Ebelhar. "They understand why he used the stuff. It's a good, solid chemical that does the job."

And for all that, most farmers aren't even getting rich off their crops. Pesticides are expensive, and with cotton prices not much over 50 cents a pound—down about a third from the peak 20 years ago—the profit margin on an acre of cotton can be thinner than a banker's smile. In a few places along the river, farmers are trying to break out of the cycle of poisoning everything else to grow cotton. A coalition of black farmers around Clarksdale, Miss., has set out to grow organic vegetables, but found that in order to escape the countryside's pervasive pesticides, they actually had to locate their plots in vacant lots in town. W.C. Spencer tried to switch his land from cotton to soybeans, the other main Delta crop, but his beans withered and died from the residual herbicides in the soil.

Near Vicksburg, part of a 20,000-acre tract owned by Tara Wildlife Mangement has been allowed to revert to its native forest cover, which is harvested for high-value hardwoods and rented out for hunting. This is a tiny start on restoring the 20 million or so acres of wetlands that were cleared and drained by man. "The lower Mississippi Valley was to the Temperate Zone of North America what the Amazon is to the Tropical Zone of South America," observes Charles Baxter of the U.S. Fish and Wildlife Service. "It was an incredibly rich ecological system of forested wetlands, rivers, bayous, swamps and lakes." Only God can make country like this, and even he needs to get a bill through Congress first. Baxter is hopeful that the 1990 farm bill will establish a fund for taking marginal land out of production and restoring it to wetland status, which may actually be cheaper than providing federal crop and flood insurance. "We can't make rivers flood again," Baxter says, "but we can unmake drainage ditches." A man with a backhoe can do that in a day, and within the year, wetland plants can be growing in place of soybeans. Someone can drive by with a soybean planter filled with acorns, and in 30 to 50 years, a bottomland forest is re-established. "For so many years, all we could do was watch the destruction. Now we have the opportunity to turn the clock back a little bit."

In Dumas, Ark., just across the river, a farmer named Clarence Hopmann tried to cut down on the use of agricultural chemicals when he developed an allergy to the spray that would drift over from the neighboring cotton fields. But in order to even qualify for loans, bankers demanded that he use large doses of chemicals on his crops. He complied—only to lose his land to the government when soybean prices crashed in the 1980s. He is now trying to reclaim it, full of plans to use the latest organic techniques for rice and winter wheat.

There's only one problem.

The government now says that the land he farmed for decades may be actually wetland. He may not be allowed to farm there at all.

OLD RIVER CONTROL

Some 50 miles upriver from Baton Rouge, about where the Red River approaches it from the west, the Mississippi begins the slow bend that will take it past New Orleans and, in its unfathomable geologic wisdom, on east to the gulf along virtually the longest path imaginable. It is here that the Army Corps of Engineers has dared to challenge the full-grown Mississippi, and here that the stakes are highest: virtually the entire economy and topography of southeastern Louisiana. If the river wins here, New Orleans is the loser.

A glance at the map shows why. A much more direct route to the sea is followed by the Atchafalaya River, which runs almost due south from that point to empty into the gulf at Morgan City. In 1831, after the famous steamboat Capt. Henry M. Shreve cut a channel to eliminate a loop in the Mississippi here, the river seemed to wake up to this possibility. More and more water began flowing down the Atchafalaya. The more that went down it, the deeper its channel became, and the more water it could draw off. It was easy to predict the outcome if this continued. The Atchafalaya would capture the Mississippi. The former distributary would become the main channel of the river, and the river from north of Baton Rouge to the gulf would become a slack, saltwater estuary.

New Orleans would survive—at least, the real estate would still be there—but without fresh water, and no longer on the main shipping channel, the only industry left would be the one that runs on bourbon. This clearly was a case for Congress. In 1954 it passed a law forbidding the Atchafalaya to take more than 30 percent of the combined flow of the Red and the Mississippi. King Canute should have been so lucky; Congress had the Army Corps of Engineers to enforce its will.

The results is the complex of dams, gates and channels known as Old River Control, which went into operation in 1963. A major addition was completed in 1986, and the latest improvement—a privately operated hydroelectric station—will begin generating power this summer. The power plant was originally conceived to provide cheap electricity to the town of Vidalia, LA (population: 6,000), but the corps doesn't think small—it insisted it had to be 192 megawatts. Millions of people rely on the gates of Old River Control. Farmers, fishermen, industry and the municipalities along both rivers all need water, but in differing amounts at different times, and they are not shy about making their demands known. When the river is low, the crawfish boats in the Atchafalaya Basin worry about being stranded, and ask for more water. But two years ago a drought reduced the flow past New Orleans to the point that salt water began infiltrating up the channel, threatening the city's drinking supply. The corps had to tighten the valve on the Atchafalaya to increase the current going down the Mississippi. During the 1983 high water, the state worried that it might have to evacuate the maximum-security Angola state prison, so it asked that more water be diverted at Old River to take the pressure off the Mississippi. That didn't make the soybean farmers along the Atchafalaya happy. Having swallowed the Missouri, the Ohio and the Arkansas, the lower Mississippi is too powerful to be dammed—but not, it seems, to be domesticated and turned into another government benefits program.

And still the waters lap against the levees and thunder against the concrete reinforcements at Old River. As land is paved; rivers run higher on the same amount of rain; every parking lot between Ohio and the Rockies is a trough to the lower Mississippi. Mark Twain and Raphael Kazmann, professor of civil engineering emeritus at Louisiana State University, are in agreement on this point. Man, wrote Twain, "cannot tame that lawless stream, cannot curb it or confine it . . . [or] bar its path with an obstruction which it will not tear down, dance over, and laugh at." Kazmann has made it his crusade to warn Louisiana that a catastrophic failure at Old River is inevitable. Morgan City, he predicts, could be wiped out within two days, despite its 20-foot-high levees. The Corps of Engineers disagrees. "We respect opinions," says Bob Fairless, who is a supervisor at Old River, "but the position of the corps is that Old River will operate safety for the foreseeable future."

THE 'CHEMICAL CORRIDOR'

When the sun sets on the Mississippi at La Place, La., a scarlet ribbon of smog lights the sky in the west. Between New Orleans and Baton Rouge, great streams of hydrocarbons spew from a hundred plants' smokestacks. Louisiana, which ranks 20th in population, falls third in an Environmental Protection Agency ranking of states by toxic air emissions. Twenty-five percent of the na-

tion's chemical industry is in Louisiana. Most of it was built along this 150-mile stretch of the Mississippi, which has easy access to the offshore oilfields, plenty of fresh water—and, until recently, a state government that didn't look too closely into what Gov. Buddy Roemer calls "a deal with the Devil."

The urgent question of the day is whether the Devil's price was just the familiar irritations of smog and ozone, or something more sinister. The Greenpeace report called the area by its local nickname, the "cancer corridor." Compared to the rest of the Mississippi corridor, the 10 Louisiana parishes where the chemical industry is concentrated "consistently suffered some of the highest rates of mortality from all diseases, [and of] cancer deaths and infant deaths," according to Greenpeace. But the study admits that it cannot prove that these deaths were the result of breathing the air and drinking the water. Many other things could be responsible, such as poverty, high smoking rates and lifestyle factors. The culture of southeast Louisiana, to put it delicately, does not emphasize the virtues of postponing pleasure. "Greenpeace committed scientific malpractice," says Dan Borne, president of the Louisiana Chemical Association. Borne also asserts that the chemical industry actually returns water to the river "in better shape than when they got it out, in terms of pollution," so he may not be the most open-minded observer. But a disinterested authority, Dr. Joel L. Nitzkin of the Louisiana Office of Public Health, says that "air contamination just doesn't seem to be the answer. If there is a cancer problem related to industry, we believe it is relatively small."

Yes, but what do the people who live there believe? It's not always easy to tell, because the chemical industry keeps buying up the houses around them. The people suspect this is because that's the quickest and cheapest way to settle complaints. But the companies claim this is a responsible tactic to create buffer zones around potentially dangerous chemicals. Georgia Gulf bought out all 40 families who lived in Reveilletown, Iberville Parish, and settled a class-action lawsuit over alleged pollution. Dow Chemical is trying to buy the community of Morrisonville, near Baton Rouge. In 1982, after accidential emissions and 78 fires at the now defunct Good Hope Refinery, and numerous evacuations of the next-door elementary school, the oil company bought the school.

Among those who remain, suspicion is rampant. In 1987, Kay Gaudet, a pharmacist, reported to the state an unusually high rate of miscarriages in St. Gabriel. But a study by Luann White, associate dean of public health at Tulane, found that miscarriage rates in the parish were about the same as elsewhere in Louisiana. Oddly enough, this reassuring news was not well received in the community. "They were not really happy to hear this, because they were sure there had been an increase [in miscarriages] due to environmental problems," White says. "When you're dealing with the environment, there are emotional concerns, political concerns. Sometimes the concern taken least into account is science."

TERREBONNE PARISH

Past New Orleans, the Mississippi rushes on for another 115 miles to its triple outlet on the gulf. Between here and the mouth of the Atchafalaya, 110 miles to the west, lie the Cajun swamp parishes of Lafourche and Terrebonne. Here the land doesn't so much meet the sea as gradually shred into it. Cypress stand in clumps of real estate surrounded by water, brushing the ripples with their trails of Spanish moss. Inexorably the real estate is shrinking. Louisiana wetlands are disappearing at the rate of 50 square miles a year. An aerial photograph of Terrebonne Parish from, say, 30 years ago, would show a solid green carpet of marsh. Today, says Oliver Houck, professor of environmental law at Tulane University, "you see something that looks like a torn rag."

This is yet another environmental catastrophe perpetrated, in innocent pursuit of its congressionally mandated goals, by the Army Corps of Engineers. In its natural state, Terrebonne Parish was a shelf of silt just above sea level, continually compacting and sinking, but eternally renewed by the sediment in the floods that washed over it every year. Now, as the river runs to the gulf between its formidable levees, the sinking goes on but there is nothing to rebuild with. "The Mississippi over the course of history wriggled across Louisiana like a hose, spraying all this life-giving stuff," says Houck. "When we decided to dedicate the river to navigation, we altered the balance. We have taken the hose and turned it off"—or, more precisely, directed it straight down a sewer, in the interest of efficiency.

Of course, the levees are not wholly to blame; how could there be an environmental catastrophe in Louisiana without the oil industry? To clear a route for drilling rigs, oil companies and the corps cut more than 10,000 miles of channels through the Louisiana marshes and swamps. These typically are built 100 feet or wider, but the destruction doesn't stop there; after the interlocking root systems of the marsh are severed, the canal banks may erode to three times their original width. This makes for a unique kind of wetland loss. Elsewhere on the North American coast, the shore is being washed back; here, the marsh is falling apart from within.

Ironically, the loss of swampland is accelerating just as its most characteristic inhabitant, the American alligator, is making a comeback. Hunting, banned for years, was reinstated in the early 1980s. Actually, most alligators are trapped on baited hooks left in the water overnight; that way they can be taken without damaging the skin, which has been recently been bringing up to $58 a foot. "Alligator Anne" Miller, a tour-boat operator in Houma, now goes out just before hunting season with a boatload of chicken parts for her favorite animals—the ones who will come to the surface and entertain the tourists when called. Then they won't feel like feeding until the hunters have their limit of one alligator per 150 acres.

Louisiana, a poor, rural and conservative state, was slow to awaken to the ecological imperative. It is still very tough to take on the oil industry in the state legislature, but by referendum last year the people voted (by a 75-25 margin) to set aside a portion of oil and gas severance taxes to wetlands restoration. In line with President George Bush's declared national policy of "no net loss" of wetlands, Roemer has set the same goal for the state to achieve by 1992, although the oil-tax revenue, a maximum of $25 million a year, seems way inadequate to the job. All over the country people are uniting to save wetlands, one shopping center at a time, but 80 percent of America's wetland loss is occurring wholesale right here, home to nearly a third of the nation's seafood harvest. "If this were happening on Chesapeake Bay, it would be getting daily attention," says Bob Jones, the Terrebonne Parish engineer. "If we were losing 40 to 50 square miles a year to the Cubans, you know what kind of money we'd be spending on it."

THE GULF

With momentum gathered over 2,000 miles, the Mississippi falls the Delta into the gulf, and the currents push it east to west, making a green-brown swirl in the blue waters. A continent's worth of nutrients drop into the sea and commence to make their way up the food chain in the direction of blackened redfish. Fishermen, shrimpers and oystermen all gather here for the wriggling bounty of the sea.

But sometimes what the river brings is death. Along the fishing villages of Mobile Bay, 130 miles from the Delta, there is a rare phenomenon the locals call "jubilee." It happens in the late summer months when the air is heavy and still and the gulf waters are as warm as blood. Then swarms of shrimp, crab and deep-sea fish may suddenly appear in the shallow water just off the beaches, swimming suicidally toward the shore—and the waiting nets, not to speak of the pots, of the lucky townspeople.

To biologists, these are not fish that are seeking to get eaten, but fish desperately searching for oxygen. The Mississippi, in its ceaseless fertilization of the continental shelf, can contribute to a condition known as hypoxia. Nitrogen from the river produces a bumper crop of algae, which sink to the ocean floor and decay, using up oxygen. When conditions are right, the fresh river water can settle like a blanket over the heavier salt water, trapping the fish in their asphyxiating bath. Farther from shore, scientists have found "extensive, severe and long-lasting" hypoxic zones almost every year since 1985, covering areas up to 4,000 square miles, according to researcher Nancy Rabalais. Environmentalists, with their natural bent for drama, call this a "dead zone."

This may well be an entirely natural phenomenon. Or it may not; some evidence suggests that the area affected by dead zones is growing by as much as 19 percent a year. The "pregnant question," according to Donald Boesch, director of the Louisiana Universities Marine Consortium, "is whether man is doing something to intensify it." The nitrogen load of the river has been increasing more or less steadily since the 1950s. Nitrogen compounds are a ubiquitous industrial pollutant. Fertilizer runoff and sewage outflow are major sources. Burning fuel in cars and power plants creates nitrogen oxides, which precipitate out as one form of acid rain. A similar suffocation-by-algae has afflicted lakes, sometimes killing virtually everything in them. But this is the sea, swept by currents that dwarf even the mighty Mississippi. Could the same thing happen to the entire Gulf of Mexico? Are we seeing "a major change in our natural history," as R. Eugene Turner, chairman of marine sciences at Louisiana State University, put it? Or is Texas A&M oceanographer Robert Presley right when he says, "I simply do not believe these horror stories that the Gulf of Mexico is being destroyed by man. It's just plain physically impossible."

The fishermen, for their part, go out with their nets and do their jobs; and if the catch is good, they thank God and the Mississippi, and if it's not, well, they'll have better luck another day. Here the river lies beyond the reach of the Corps of Engineers and the Minnesota-Wisconsin Boundary Area Com-

mission and the yellow torrents of sewage. The rest of us have only the river we have made—a river that flows on command and runs where we tell it, whose water comes to us processed through the gates of 29 dams, every drop of it tainted and corrupted by civilization before being allowed to seek its solace in the sea. It carries with it the sorrows of a continent..

(This story was written by Jerry Adler with reports from Todd Barrett, Ginny Carroll, John McCormick and Michael Reese on the river, and Mary Hager in Washington.)●

By Mr. FORD:

S. 2613. A bill to establish a hydrogen-fueled aircraft research and development program; to the Committee on Commerce, Science, and Transportation.

SPARK M. MATSUNAGA HYDROGEN-FUELED AIRCRAFT RESEARCH AND DEVELOPMENT ACT

● Mr. FORD. Mr. President, today I am introducing title II of Senator Matsunaga's comprehensive hydrogen research and development bill, S. 639, as separate legislation. S. 639 was referred to the Committee on Energy and Natural Resources. We have held a hearing on the bill and are ready to act on it.

My purpose in introducing title II of S. 639 as separate legislation is to expedite the consideration of my friend's hydrogen research proposals. Senator Matsunaga will have many memorials, not the least of which is the affection he inspired among his colleagues. I hope to add his hydrogen bill to the legacy he has left for his country.

The subject matter of title II of S. 639 is hydrogen-fueled aircraft. The legislation establishes a research, development, and demonstration program for hydrogen-fueled aircraft in the National Aeronautics and Space Administration. These provisions are within the jurisdiction of the Committee on Commerce, Science, and Transportation. I serve on that committee, and I hope to have these provisions considered promptly by the committee. In this way the Senate can be ready to act on both titles of Senator Matsunaga's legislation at an early date.

Recently, the House passed H.R. 4521, the companion bill to S. 639. The administration has indicated a willingness to work with us on the legislation. So the elements of a public law are falling into place. I hope the Senate committees will do their part to move this legislation along. I intend to do my best to see that we get this legislation through the Senate and to the President.●

By Mr. GRASSLEY (for himself and Mr. GLENN):

S. 2614. A bill to amend the Public Health Service Act to establish and coordinate research programs for osteoporosis and related bone disorders, and for other purposes; to the Committee on Labor and Human Resources.

OSTEOPOROSIS AND RELATED BONE DISORDERS RESEARCH, EDUCATION, AND HEALTH SERVICES ACT

Mr. GRASSLEY. Mr. President, I am introducing today with Senator GLENN a bill which, if it becomes law, should improve the Federal Government's research effort on osteoporosis. Representative OLYMPIA SNOWE will introduce the bill in the House of Representatives. I made a statement on the bill last Friday, May 4, and that statement can be found in the CONGRESSIONAL RECORD for that day.

Today, I will just take a moment to reemphasize a few key points:

First, osteoporosis is a condition, which develops in an individual over many years, characterized by weakening of bones which made those individuals susceptibile to fractures of the hip, spine, and wrist.

Second, it is clear that osteoporosis is one of the major debilitating diseases of old age, affecting especially, but not only, older women.

Over an estimated 27 million Americans have this disease or related bone disorders. It is estimated that this condition is responsible for as many as 1,300,000 bone fractures annually. It is not unusual for those who fracture hips in old age to end up incapacitated and even in nursing homes. Those who fully recover mobility after hip fractures are very fortunate.

The direct medical costs of osteoporosis reached an estimated $10 billion in 1988. This disease is an enormous burden for our older population and an enormous burden on the Nation.

Finally, we are introducing this bill in order to foster more research on this disease within the Federal Government, on the assumption that scientific research offers the more promising route to eventual elimination of this disease as a public health problem.

Currently, the funding for research on this disease at the National Institutes of Health is only a tiny fraction of its direct medical costs. The bill will therefore authorize additional funds for research on osteoporosis for the lead agency on the disease, the National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for the National Institute on Aging, which also conducts research on the disease. The bill will also have several other provisions designed to help eventually eliminate this disease as a public health problem. I summarized the bill in my statement of May 4, and will not repeat myself here. I would ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. President, there are many working in the field of osteoporosis who believe that we have it within our power to eliminate this disease as a public health problem. It does seem to me that efforts to increase the research on osteoporosis and related disorders will help to reduce the burden created by this disease, and I hope that this bill will contribute to that end.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Osteoporosis and Related Bone Disorders Research, Education, and Health Services Act of 1990".

SEC. 2. FINDINGS.

Congress finds that—

(1) osteoporosis, or porous bone, is a condition characterized by an excessive loss of bone tissue and an increased susceptibility to fractures of the hip, spine, and wrist;

(2) an estimated 24 million Americans have osteoporosis, with many cases undiagnosed because the condition develops without symptoms until a strain, bump, or fall causes a fracture;

(3) between 3 and 4 million Americans have Paget's disease, Osteogenesis Imperfecta, and other related metabolic bone disorders;

(4) osteoporosis is responsible for 1,300,000 bone fractures annually, including more than 250,000 hip fractures, 500,000 vertebral fractures, 200,000 fractures of the wrist, and 200,000 fractures at other limb sites;

(5) osteoporosis affects one-third to one-half of all postmenopausal women and nearly half of all people over age 75;

(6) direct medical costs of osteoporosis reached an estimated $10,000,000,000 in 1988 for the United States, not including the costs of family care and lost work for caregivers;

(7) direct medical costs of osteoporosis are expected to increase precipitously because the proportion of the population comprised of older persons is expanding and each generation of older persons tends to have a higher incidence of osteoporosis than preceding generations;

(8) technology now exists, and new technology is developing, that will permit early diagnosis and prevention of osteoporosis as well as management of the condition once it has developed;

(9) funding for research on osteoporosis and related bone disorders is severely constrained at key research institutes, including the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the National Institute on Aging;

(10) further research is needed to improve medical knowledge concerning—

(A) cellular mechanisms related to the processes of bone resorption and bone formation, and the effect of different agents on bone remodeling;

(B) risk factors for osteoporosis, including newly discovered risk factors, risk factors related to groups not ordinarily studied, such as men and minorities, and the relationship of aging processes to the development of osteoporosis;

(C) bone mass measurement technology, including techniques for making faster and more precise measurements and for interpreting measurements;

(D) calcium, including bioavailability, intake requirements, and the role of calcium in building heavier and denser skeletons;

(E) prevention and treatment, including the efficacy of current therapies, alternative drug therapies for prevention and treatment, and the role of exercise; and

(F) rehabilitation; and

(11) further educational efforts are needed to increase public and professional knowledge of the causes of, methods for avoiding, and treatment of osteoporosis.

SEC. 3. OSTEOPOROSIS RESEARCH.

Subpart 4 of part C of Title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended—

(1) by inserting after the subpart heading the following new chapter heading:

"CHAPTER 1—ARTHRITIS";

and

(2) by adding at the end the following new chapter:

"CHAPTER 2—OSTEOPOROSIS

"SEC. 442A. DEFINITIONS.

"As used in this chapter:

"(1) ADVISORY PANEL.—The term 'Advisory Panel' means the Advisory Panel on Osteoporosis and Related Disorders, established in section 442D.

"(2) COUNCIL.—The term 'Council' means the Interagency Council on Osteoporosis and Related Disorders, established in section 442C.

"(3) DEPARTMENT.—The term 'Department' means the Department of Health and Human Services.

"(4) RELATED DISORDERS.—The term 'related bone disorders' includes—

"(A) Paget's disease, a bone disease characterized by enlargement and loss of density with bowing and deformity of the bones;

"(B) Osteogenesis Imperfecta, a familial disease marked by extreme brittleness of the long bones;

"(C) hyperparathyroidism, a condition characterized by the presence of excess parathormone in the body resulting in disturbance of calcium metabolism with loss of calcium from bone and renal damage;

"(D) hypoparathyroidism, a condition characterized by the absence of parathormone resulting in disturbances of calcium metabolism;

"(E) renal bone disease, a disease characterized by metabolic disturbances from dialysis, renal transplants, or other renal disturbances;

"(F) primary or postmenopausal osteoporosis and secondary osteoporosis, such as that induced by corticosteroids; and

"(G) other general disorders of bone and mineral metabolism including abnormalities of vitamin D.

"(5) RESOURCE CENTER.—The term 'Resource Center' means the Resource Center on Osteoporosis and Related Disorders, established in section 442F.

"SEC. 442B. EXPANSION OF RESEARCH ON OSTEOPOROSIS AND RELATED BONE DISORDERS.

"(a) RESEARCH.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Director of the National Institute on Aging shall expand and intensify research on osteoporosis and related bone disorders. The research shall be in addition to research that is authorized under any other provision of law.

"(b) RESEARCH CENTERS.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases shall increase the number of Specialized Centers of Research devoted to research on osteoporosis and related bone disorders. The Director of the National Institute on Aging shall increase the number of program project grants devoted to creating centers of excellence in osteoporosis and related bone disorders.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $24,000,000 for the National Institute of Arthritis and Musculoskeletal and Skin Diseases and $12,000,000 for the National Institute on Aging for each of the fiscal years 1991 through 1993, and such sums as may be necessary for subsequent fiscal years. These funds are in addition to amounts authorized to be appropriated for biomedical research relating to osteoporosis and related bone disorders under any other provision of law.

"SEC. 442C. INTERAGENCY COUNCIL ON OSTEOPOROSIS AND RELATED BONE DISORDERS.

"(a) ESTABLISHMENT.—There is established in the Department an Interagency Council on Osteoporosis and Related Disorders. The Council shall be composed of—

"(1) the Assistant Secretary for Health;

"(2) the Surgeon General of the United States;

"(3) the Assistant Secretary for Planning and Evaluation of the Department;

"(4) the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases;

"(5) the Director of the National Institute of Mental Health;

"(6) the Director of the National Institute on Aging;

"(7) the Director of the National Institute of Child Health and Human Development;

"(8) the Administrator of the Health Care Financing Administration;

"(9) the Director of the Agency for Health Care Policy and Research;

"(10) the Director of the Bureau of Child and Maternal Health;

"(11) the Commissioner of the Food and Drug Administration;

"(12) the Director of the National Institute of Dental Research;

"(13) the Director of the National Institute of Diabetes, Digestive, and Kidney Diseases;

"(14) the Commissioner on Aging;

"(15) the Director of the Office of Disease Prevention and Health Promotion; and

"(16) such additional members as the Secretary considers appropriate.

"(b) FUNCTIONS.—The Council shall—

"(1) coordinate research conducted by or through the Department on osteoporosis and related bone disorders;

"(2) establish a mechanism for sharing information on osteoporosis and related bone disorders among all officers and employees of the Department involved in carrying out programs serving older persons, midlife women, and young persons, in order to provide for full communication and exchange of information;

"(3) review and coordinate the most promising areas of research concerning osteoporosis and related bone disorders;

"(4) assist the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, the National Institute of Diabetes, Digestive and Kidney Disease, the National Institute on Dental Research, and other institutes in developing and coordinating plans for research on osteoporosis and related bone disorders;

"(5) assist the Office of Disease Prevention and Health Promotion and the Administration on Aging and other offices in developing and coordinating plans for education and health promotion on osteoporosis and related bone disorders; and

"(6) establish mechanisms to use the results of research concerning osteoporosis and related bone disorders in the development of policies, programs, and other measures to improve the quality of life for older Americans.

"(c) CHAIRPERSON.—The Secretary shall select a Chairperson or co-Chairpersons for the Council from among its members.

"(d) QUORUM.—A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings.

"(e) MEETINGS.—The Council shall meet periodically at the call of the Chairperson, but not less often than twice each year.

"(f) EXECUTIVE SECRETARY.—The Secretary shall appoint an Executive Secretary for the Council.

"(g) ADMINISTRATIVE STAFF AND SUPPORT.—The Secretary shall provide the Council with such additional administrative staff and support as may be necessary to enable the Council to carry out its functions.

"(h) REPORTS.—

"(1) INITIAL REPORT.—

"(A) PREPARATION.—Not later than 9 months after the date of enactment of this chapter, the Executive Secretary of the Council shall prepare a report detailing the research plans referred to in paragraphs (4) and (5) of subsection (b). The report shall describe the activities to be carried out under the research plans during each of the fiscal years 1991 through 1993.

"(B) OTHER FEDERAL PROGRAMS.—To the maximum extent feasible, the report shall ensure that activities carried out under the research plans are coordinated with, and use the resources of, other Federal programs concerning osteoporosis and related bone disorders, including—

"(i) centers supported by the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, and the National Institute of Diabetes, Digestive and Kidney Disease;

"(ii) other centers supported by Federal funds involved in research on osteoporosis and related bone disorders; and

"(iii) other programs concerning osteoporosis and related bone disorders that are planned or conducted by Federal agencies such as the Administration on Aging and the Office of Disease Prevention and Health Promotion, Federal agencies outside the Department, State or local agencies, community organizations, or private foundations.

"(C) DISTRIBUTION.—The Executive Secretary of the Council shall—

"(i) transmit the report to Congress; and

"(ii) make the report available to the public and to the Advisory Panel.

"(2) SUBSEQUENT REPORTS.—Not later than 12 months after the date on which the report required by paragraph (1) is transmitted to Congress, and annually thereafter, the Executive Secretary of the Council shall—

"(A) prepare a report that—

"(i) describes research and educational initiatives sponsored by the Federal Government on osteoporosis and related bone disorders; and

"(ii) makes recommendations for new research and educational initiatives on osteoporosis and related bone disorders; and

"(B) transmit the report to Congress and make the report available to the public.

"SEC. 442D. ADVISORY PANEL ON OSTEOPOROSIS AND RELATED DISORDERS.

"(a) ESTABLISHMENT.—There is established in the Department an Advisory Panel on Osteoporosis and Related Disorders. The Advi-

sory Panel shall be composed of the following 15 voting members and additional nonvoting, ex officio members:

"(1) VOTING MEMBERS.—The Director of the Office of Technology Assessment shall appoint to the Advisory Panel—

"(A) 5 members who are biomedical research scientists with demonstrated achievement in biomedical research on osteoporosis and related bone disorders, including at least 1 researcher at a specialized center for research in osteoporosis;

"(B) 2 members with demonstrated achievements in research on community-based and family services covering osteoporosis and related bone disorders;

"(C) 1 member who is knowledgeable in health promotion and disease prevention programs concerning osteoporosis and related bone disorders;

"(D) 2 members who are associated with specialized bone programs affiliated with academic health centers;

"(E) 2 members who are experts in private health care insurance and long-term care financing; and

"(F) 3 members who are representatives of national voluntary organizations that are concerned with the problems of individuals with osteoporosis and related bone disorders and their families.

"(2) NONVOTING, EX OFFICIO MEMBERS.—The Advisory Panel shall include as nonvoting, ex officio members—

"(A) the Chairperson of the Council;

"(B) the Director of National Institute of Arthritis and Musculoskeletal and Skin Diseases;

"(C) the Director of the National Institute on Aging; and

"(D) such other members as the Secretary may appoint.

"(3) APPOINTMENT.—The Director of the Office of Technology Assessment and the Secretary shall appoint members to the Advisory Panel within 90 days after the date of enactment of this Act. The Director shall not appoint to the Advisory Panel individuals who are officers or employees of the Federal Government.

"(b) FUNCTIONS.—The Advisory Panel shall advise the Secretary and Council with respect to the identification of—

"(1) research priorities for projects on osteoporosis, related bone disorders, and the care of individuals with osteoporosis or related bone disorders;

"(2) emerging issues in and promising areas of biomedical, clinical, and behavioral research on osteoporosis and related bone disorders;

"(3) emerging issues in research on health services for individuals, and the families of individuals, with osteoporosis or related bone disorders;

"(4) emerging issues in home-based and community-based services and systems of services for individuals, and the families of individuals, with osteoporosis or related bone disorders;

"(5) emerging issues in financing health care services and social services for individuals, and the families of individuals, with osteoporosis and related bone disorders;

"(6) emerging issues in health promotion programs concerning osteoporosis; and

"(7) emerging issues in professional and individual education concerning osteoporosis.

"(c) CHAIRPERSON.—The Secretary shall appoint a Chairperson of the Advisory Panel from among the members appointed.

"(d) TERM OF OFFICE.—The term of a member of the Advisory Panel shall be for the life of the Advisory Panel. A vacancy on the Advisory Panel shall be filled in the same manner as the original appointment was made. A vacancy on the Advisory Panel shall not affect its powers.

"(e) QUORUM.—A majority of the members of the Advisory Panel appointed shall constitute a quorum, but a lesser number may hold hearings. The Advisory Panel may establish such subcommittees as the Advisory Panel considers appropriate.

"(f) MEETINGS.—The Advisory Panel shall meet at the call of the Chairperson, but not less often than twice per year.

"(g) EXECUTIVE SECRETARY.—The Executive Secretary of the Council shall serve as Executive Secretary of the Advisory Panel.

"(h) STAFF AND SUPPORT.—The Secretary shall provide the Advisory Panel with such additional administrative staff and support as may be necessary to enable the Advisory Panel to carry out its functions.

"(i) COMPENSATION AND TRAVEL EXPENSES.—

"(1) COMPENSATION.—Subject to paragraph (2), no member of the Advisory Panel shall receive compensation for service on the Advisory Panel.

"(2) TRAVEL EXPENSES.—Each member of the Advisory Panel shall receive reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of duties of the Advisory Panel.

"(j) REPORT.—The Advisory Panel shall—

"(1) prepare an annual report, which shall contain recommendations for administrative and legislative actions to—

"(A) improve services, education, and information for individuals, and families of individuals, with osteoporosis and related bone disorders;

"(B) improve professional education; and

"(C) provide for promising biomedical research related to osteoporosis and related bone disorders; and

"(2) transmit the annual report to the Congress, the Secretary, and the Council and make it available to the public.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000 for each of fiscal years 1991 through 1993.

"SEC. 442E. AWARDS FOR HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS.

"(a) ESTABLISHMENT.—The Secretary shall make up to three grants to public and private nonprofit entities to establish model health promotion projects for community-based education on osteoporosis.

"(b) PROJECTS.—

"(1) TARGET POPULATIONS.—Each project funded under this section shall target one of the following populations:

"(A) Young and teenage girls.

"(B) Midlife women.

"(C) Older men and women.

"(2) SUBJECTS.—Projects funded under this section shall—

"(A) develop educational tools based on scientific information about the prevention and management of osteoporosis;

"(B) provide a model for dissemination of information to the target group, with an emphasis on currently existing systems of information; and

"(C) contain a means of evaluating the effectiveness of the model for the target group.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $375,000 for each of fiscal years 1991 through 1993.

"SEC. 442F. RESOURCE CENTER ON OSTEOPOROSIS AND RELATED DISORDERS.

"(a) ESTABLISHMENT.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases shall make grants or enter into contracts with eligible organizations to establish a Resource Center on Osteoporosis and Related Disorders.

"(b) PURPOSE.—The purpose of the Resource Center shall be to facilitate and enhance knowledge and understanding of osteoporosis and related bone disorders by disseminating information about research results, services and educational materials to health professionals, patients, and the public.

"(c) FUNCTIONS.—An organization receiving a grant or contract under this section shall—

"(1) compile, archive, and disseminate information concerning research, demonstration, evaluation, and training programs and projects concerning osteoporosis and related bone disorders;

"(2) annually publish a summary of the information compiled under paragraph (1) during the preceding 12-month period, and make the information available on request to appropriate individuals and entities, including educational institutions, research entities, and Federal and public agencies;

"(3) provide information and assistance in accessing community services to patients and the public;

"(4) coordinate leadership training for the development of health professional resource network on osteoporosis and related bone disorders; and

"(5) maintain a resource library on osteoporosis and related bone disorders.

"(d) INFORMATION SYSTEM AND TELEPHONE LINE.—

"(1) INFORMATION SYSTEM.—An organization receiving a grant or contract under this section shall establish a central computerized information system to—

"(A) compile and disseminate information concerning initiatives by State and local governments and private entities to provide programs and services for individuals with osteoporosis; and

"(B) translate scientific and technical information concerning the initiatives into information readily understandable by the general public, and make the information available on request.

"(2) TELEPHONE LINE.—An organization receiving a grant or contract under this section shall establish a national toll-free telephone line to make available the information described in paragraph (1) and information concerning Federal programs, services, and benefits for individuals with osteoporosis and their families.

"(e) FEES.—In accordance with regulations issued by the Secretary, the organization receiving a grant or contract under this section shall charge appropriate fees for providing information through the Research Center as specified in subsections (c) or (d). The organization may make exceptions to the fees for individuals and organizations who are not financially able to pay the fees. The organization shall transfer the sums obtained from payment of the fees to the Secretary, who shall use the sums to carry out this section.

"(f) APPLICATION OR PROPOSAL.—In order to receive a grant or enter into a contract under this section, an organization shall submit an application or proposal to the Director of the National Institute of Arthritis

and Musculoskeletal and Skin Diseases. The application or proposal shall contain—

"(1) information demonstrating that the organization has a network of contacts that will enable the organization to receive information necessary to operate the central computerized information system described in subsection (d)(1); and

"(2) such other information as the Director may prescribe.

"(g) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive grants under this section shall include public and private nonprofit organizations that are knowledgeable about osteoporosis and related bone disorders. The Secretary shall establish additional eligibility criteria for organizations to receive grants or enter into contracts under this section.

"(h) RESEARCH SUMMARIES.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, the National Institute of Diabetes, Digestive, and Kidney Diseases, the National Institute on Dental Research, and other agencies specified by the Secretary shall provide to the Resource Center summaries of the findings of research conducted on osteoporosis, related bone disorders, or relevant treatments for osteoporosis or related bone disorders.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 1991, and such sums as may be necessary for fiscal years 1992 and 1993.".

By Mr. CRANSTON (for himself and Mr. ROCKEFELLER):

S. 2615. A bill to amend title 38, United States Code, to clarify that the prohibition on the payment of attorney's fees in connection with Department of Veterans Affairs benefits proceedings applies only where the individual is applying for benefits; to the Committee on Veterans' Affairs.

PAYMENT OF DEFENSE ATTORNEY'S FEES

Mr. CRANSTON. Mr. President, as the chairman of the Committee on Veterans' Affairs, I am today introducing with the distinguished Senator from West Virginia and fellow committee member [Mr. ROCKEFELLER] S. 2615, legislation which would remedy the Department of Veterans Affairs' [VA] application of a prohibition against the payment of attorney's fees by a veteran or other person who is confronted with an administrative debt-collection proceeding brought by VA. This legislation would make clear that in situations where a veteran faces a VA-initiated debt collection proceeding related to VA benefits, and in other situations in which no claim for benefits is involved—such as constitutional challenges to VA regulations, Freedom of Information Act cases, and VA actions to withhold payments because of asserted overpayments or other alleged debts to the VA—an attorney may be hired by the veteran at any point in the proceeding.

BACKGROUND

Under current law, VA treats, and under the predecessor provisions since 1986 VA has treated, a person facing a debt collection the same as a person initiating a benefits claim proceeding with respect to the attorneys' hiring limitations in sections 3404 and 3405 of title 38. These limitations, which were revised by provisions of Public Law 100-687, the Veterans Judicial Review Act, provide that in a proceeding before VA with respect to VA benefits a fee may not be paid to an attorney for services rendered before the first final decision of the Board of Veterans Appeals [BVA], the final adjudicatory body in VA's claims adjudication system. Criminal sanctions are provided for attorneys who solicit or receive fees in violation of the prohibition. These limitations are construed by VA to prohibit a person in any administrative proceeding before the agency from retaining an attorney until after the first, final decision of the BVA. VA's position was first set forth in a general counsel opinion issued May 5, 1986, and was upheld in a November 14, 1989, decision by the U.S. District Court for the Eastern District of Virginia in the case of *Bahnmiller* v. *Derwinski*, 724 F. Supp. 1208.

This decision was the culmination of a lawsuit originally filed in June 1988 challenging VA's interpretation of the attorney-fee statutes. The suit argued that VA's interpretation violated the plain meaning and legislative intent of the law. At the time the lawsuit was filed, the attorney-fee provisions of sections 3404 and 3405 barred a veteran from paying more than $10 to an attorney for representation in any claim for an entitlement under a benefit program administered by VA. This longstanding fee limitation was originally enacted in 1862 in an effort to protect Civil War veterans from lawyers gaining large percentages of benefits awards. The suit challenged VA's application of it to situations in which the agency sought to recover a debt administratively.

Public Law 100-687 amended the fee statutes by permitting a veteran to pay reasonable fees for legal representation in a claim for benefits after a "first, final" decision by the BVA—that is, in proceedings, after a BVA denial of the claim, involving reconsideration of the denial or a reopening based on the submission of new and material evidence. Both the old and new versions of the fee-limiting statutes are currently in effect, depending on the date of an initiation of an appeal of a BVA decision. If the appeal of the BVA decision was filed prior to the November 18, 1988, enactment of the Veterans Judicial Review Act, the $10 limitation is still in effect. If the appeal was filed after that date, then the new fee provisions are operative.

As noted earlier, the Court, in Bahnmiller, upheld VA's position regarding its application of both the old and new attorney-fee provisions of sections 3404 and 3405 in holding that both the old and new fee statutes apply to debt collection proceedings up to the point at which the BVA denies an appeal. Following the release of the Court opinion, VA's general counsel on December 12, 1989, issued a clarifying memorandum which reconfirmed its policy of limiting access to counsel in debt collection proceedings under both the old and new law. Our bill would overrule both of these interpretations by the general counsel.

DISCUSSION

The legislation we are introducing today would, as to the new law, expressly authorize, prior to the "first, final" decision of the BVA, the payment of a fee to an attorney for services in situations in which VA, as the moving party, seeks to recover a debt related to VA benefits. It would also clarify that reasonable fees may be paid in cases in which no claim for benefits is involved, such as constitutional challenges to regulations and Freedom of Information Act cases. The bill would make the same policy clarification regarding the $10-fee limitation in the old law, which still applies to cases in which a notice of disagreement was filed before the November 18, 1988, enactment date of the Judicial Review Act.

According to information provided by VA, as of March 31, 1990, the number of pending debt collection cases was 746,674, and the dollar amount associated with these cases was $3,347,503,000. In fiscal year 1989, a total of 241,526 debt collection actions with an associated dollar value of $1,009,863,000 were initiated by VA. In fiscal year 1988, 205,341 cases were initiated to recover alleged debts totaling $770,108,000. These figures reflect the vast number of individuals who are presently involved in debt collection proceedings under the attorney-fee restrictions in both current and prior law.

Our goal is to make clear that a distinction must be drawn between situations in which a veteran, as the initiating party, seeks VA benefits and situations in which VA initiates an administrative action to recover an alleged bebt to VA. It is significant that for several years, from 1974 to 1986, VA itself made such a distinction under the old law. Through its Adjudication Procedures Manual, VA specifically exempted debt collection and benefits forfeiture proceedings from the attorney-fee restrictions—a position VA abandoned on May 5, 1986, when, as I noted earlier, a general counsel opinion concluded that all VA administrative proceedings would be subject to the fee statutes. Also, as I noted earlier, this position was reaffirmed in the December 12, 1989, general counsel opinion, which cited the Bahnmiller decision and the lack of express guid-

ance in the legislative history of the Veterans' Judicial Review Act.

VA and Congress have historically attempted to keep the VA claims process as nonadversarial as possible. When a veteran makes a claim for benefits, VA personnel are obligated to provide assistance in the preparation and prosecution of the claim, and the Department is obligated to give the veteran the benefit of the doubt in deciding the claim. The historical justifications for the attorney-fee limitations have been both to retain the nonadversarial nature of the claims process and to protect veterans from being preyed upon by attorneys.

The changes in the attorney-fee provisions made by Public Law 100-687 in 1988 were premised on the recognition that veterans, as a class, were not so unable to protect themselves from unscrupulous attorneys that a permanent barrier needed to be maintained in law between them and attorneys, and also on the recognition that the nonadversarial nature of the claims process would be best served by limiting attorney involvement at the early stages of the claims process. I was extremely pleased that these remedial provisions were enacted into law as part of that comprehensive legislation to ensure basic fairness to veterans, and I believe that the provisions of the Veterans Judicial Review Act were well-crafted and serve to promote the interests both of veteran claimants and the maintenance of the nonadversarial adjudication process for benefit claims.

However, in cases in which VA is the plaintiff and seeks to recover an alleged debt from a veteran or other person, the very nature of the proceeding is different from those in which a person affirmatively seeks a benefit from VA, and because in initiating a debt collection proceeding VA and the alleged debtor are placed from the outset in adversarial roles, the interest in maintaining the nonadversarial nature of the system is not at issue.

Evidence of the fundamentally different nature of debt collection proceedings can be found in the fact that the Department in such proceedings commits itself by regulation to take "aggressive action" in collecting the outstanding debt (38 CFR section 1.910). The standard practice in such cases is for VA to issue demand letters to the alleged debtor, citing the possible adverse consequences—including reporting the existence of the debt to a consumer reporting agency which would affect the person's ability to obtain credit, and, if necessary, referring the debt to the Internal Revenue Service for collection—if the debt is not settled. In such cases, with the financial security and well-being of the alleged debtor and his or her family at stake, I believe it is both necessary and entirely appropriate to afford persons the unencumbered opportunity to retain legal representation in order to ensure that their interests are adequately protected.

Indeed, the original Senate-passed bill, which was ultimately incorporated in the legislation which was enacted as Public Law 100-687, would have done just that. As noted on pages 121-22 of the committee's report accompanying S. 2011 (S. Rept. 100-439), section 516 of that bill, which was derived from section 411 of S. 11, would have amended then-current section 3404(c) of title 38—

> * * * so as to clarify that the limitation on attorney fees * * * are only applicable to cases involving claims for VA benefits and that where no claim for benefits is involved (for example, on constitutional challenges to regulations, Freedom of Information Act cases, on VA actions to collect or withhold payments because of asserted overpayments or other alleged debts to the VA, and on other nonclaim cases), the individual and the attorney would not be restricted by the [fee-limitation] provisions in section 3404.

Although this provision was not contained in the final compromise agreement, subsequent actions, including VA's reaffirmation of its position—which, as I noted earlier, had been changed after 12 years of its asserting the opposite position—that the attorney-fee limitations were applicable in debt collection cases and the Bahnmiller decision, have convinced me that this aspect of the law needs to be addressed with more specificity in order to clarify the scope of the provision's limitations and applicability.

In this regard, I note that at a House Committee on Veterans' Affairs Subcommittee on Housing and Memorial Affairs hearing on April 26, 1990, VA's new Chief Benefits Director, D'Wayne Gray, in response to a question as to whether a debt collection activity was an adversarial process, expressed his view that debt collection activities generally put the parties in an adversarial relationship. I could not agree with Mr. Gray more and, although he expressed his hope that the VA process is not adversarial, it is my belief that the process is inherently so, unfortunate as that may be. Thus, I believe that the provision we are introducing today is necessary to ensure that, in situations where the full force of the Government is brought to bear upon an alleged debtor, the person have the opportunity to hire legal counsel at the outset.

Mr. President, the American Bar Association's section of administrative law and regulatory practice approved at its August 1989 annual meeting a resolution which recommended that VA "administer its debt collection and forfeiture proceedings in a manner that allows veterans to hire attorneys without regard to the attorney fee limitations set forth in 38 U.S.C. sections 3404 and 3405 that are applicable to benefit claims actions." This resolution contains a brief, well-written report which outlines the historical and legislative background of the past and current attorney-fee provisions in title 38 and the adverse effects of the application of the current provisions in debt collection cases.

Mr. President, actions under the Freedom of Information Act and constitutional challenges to VA regulations or actions would, of course, continue to be exempt from the restriction on attorney fees. On its face, current law does not restrict the hiring of attorneys in these actions because they are not proceedings before VA with respect to benefits.

CONCLUSION

Mr. President, this legislation is necessary to fulfill the great promise that Congress, in enacting the Veterans' Judicial Review Act, made to veterans and other persons who deal with VA that they will be afforded basic fairness in their dealings with, and meaningful review of administrative actions of, the Department. This provision would in no way alter the full force of the limitations and sanctions that exist under current law with regard to the hiring and paying of legal counsel in cases where a person affirmatively seeks a benefit from the Department. The complexity of debt proceedings and the potentially very serious impact to debt collection cases require that a veteran or other person alleged to owe a debt to VA have full opportunity to retain competent legal representation. I urge all of my colleagues to provide their strong support for this measure.

Mr. President, I ask unanimous consent that the bill we are introducing today and the ABA resolution and report which I discussed earlier appear at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) Section 3404(c) of title 38, United States Code, is amended—

(A) by inserting "(A)" after "(c)(1)";

(B) by redesignating paragraph (2) as subparagraph (B);

(C) in subparagraph (B) (as redesignated by clause (B)), by striking out "paragraph (1)" and inserting in lieu thereof "subparagraph (A)"; and

(D) by adding at the end the following new paragraph:

"(2) The provisions of this subsection shall apply only to cases involving a claim for benefits submitted by any person applying for benefits under the laws administered by the Department of Veterans Affairs, and such provisions shall not apply in cases in which the Government is proceeding against a person to collect an indebtedness or in which other attorneys' fees statutes apply.".

(2) Section 3404(c) of title 38, United States Code, as in effect on November 17,

1988, shall apply only to cases involving a claim for benefits submitted by any person applying for benefits under the laws administered by the Department of Veterans Affairs, and shall not apply with respect to cases in which the Government is proceeding against a person to collect an indebtedness or in which other attorneys' fees statutes apply.

RESOLUTION OF THE AMERICAN BAR ASSOCIATION

RECOMMENDATION

Be it resolved, That the American Bar Association urges the United States Department of Veterans' Affairs (hereafter "DVA") to administer its debt collection and forefeiture proceedings in a manner that allows veterans to hire attorneys without regard to the attorney fee limitations set forth in 38 U.S.C. §§ 3404 and 3405 that are applicable to benefit claims cases. In furtherance of this resolution, the American Bar Association:

(1) Urges the DVA to issue a public statement to the effect (1) that the attorneys' fee provisions of 38 U.S.C. §§ 3404 and 3405 do not apply in administrative proceddings respecting debt collection or forfeiture, and (2) that previous pronouncements to the contrary are superseded.

(2) Urges the DVA to provide notice to all who become subject to debt collections or forefeiture proceedings that they are entitled to hire an attorney or nonlawyer representative of their own choosing to represent them before the agency, and that the attorneys' fee limitations of 38 U.S.C. §§ 3404 and 3405 do not apply in such proceedings. Such notice shall be provided immediately upon commencement of such proceedings against the veteran; and

(3) Urges Congress to enact legislation clarifying that the attorneys' fee limitations set forth in 38 U.S.C. §§ 3404, 3405 do not apply in administrative debt collection or forfeiture proceedings initiated against veterans by the DVA.

REPORT

The U.S. Department of Veterans' Affairs ("DVA") operates the largest public assistance program in the United States, dispensing benefits to veterans and their families in the form of disability compensation, educational benefits, home loan guarantees, health care and other services. Periodically, the DVA determines that a veteran has been "overpaid," or has otherwise incurred indebtedness to the U.S. Government in connection with receipt of benefits. When the DVA determines that a debt is allegedly owed to it by a veteran, it initiates collection action through administrative, and if necessary, through judicial proceedings.[1]

Veterans charged with owing money to the DVA are entitled to dispute the existence of the debt before the DVA. They are also entitled to contend that in any event collection would be against equity and good conscience, and that repayment should be waived. 38 C.F.R. §§ 1.911a, 1.955, 1.962, 1.963, 1.964 (1987). The veteran's contention are initially adjudicated before a DVA Regional Office Committee on Waivers and Compromises. If the veterans' arguments are rejected at the DVA Regional Office level, they are entitled to appeal the matter to the Board of Veterans Appeals ("BVA").

Once the DVA determines that a debt is allegedly owed to it, and before the veteran has exhausted his or her appellate rights before the agency, a full range of administrative sanctions may be used against the veteran. These activities include reporting the alleged debt to consumer reporting agencies, referral to the Internal Revenue Service for diversion of the veteran's income tax refund, garnishing the veteran's wages if he or she is a federal employee, offsetting existing benefits the veteran may be receiving, or referring the case to the U.S. Department of Justice for prosecution in the name of the United States.

As of September 1988, there were over 470,000 outstanding debt collection proceedings pending against veterans throughout the United States. The issues involved in these proceedings initiated by the DVA are often complex, and frequently involve matters of state law.[2] However, due to the DVA's erroneous interpretation of a civil war-era statute, veterans are denied the assistance of counsel in such proceedings, and counsel may be sanctioned with criminal penalties for accepting fees in such cases.

In 1862, Congress passed a law limiting to $5 the amount a veteran could pay an attorney to assist in applying for a pension.[3] The law was designed to prevent attorneys and "pension agents" from taking advantage of unwary veterans by charging excessive fees for relatively simple services, i.e., the filling out of simple claims forms. In the following years, Congress amended the original fee limit many times, and in 1936, enacted the "$10 limit" which remained on the books until 1988. Codified at 38 U.S.C. § 3404, the limit provided, in relevant part, the attorneys' fees in "*allowed claims* for monetary benefits . . . shall not exceed $10 with respect to any one *claim.*" (italic added.) The attorneys' fee limit was accompanied by another statute establishing criminal sanctions in the form of fines and imprisonment for violation of the fee limitation. 38 U.S.C. § 3405.

For at least 12 years, from 1974 to 1986, the DVA properly recognized the obvious difference between a "claim" for benefits in the first instance, and an administrative debt collection proceeding initiated by the DVA. In its Adjudication Procedures Manual M21-1, which sets adjudication policy for all DVA offices nationwide, the DVA stated clearly that: "*The fee limitation is not applicable in a case in which an attorney is representing a claimant in defending charges of forfeiture of rights or proceedings regarding waiver of recovery of overpayment.* The amount of such fee is not determined by the VA and payment is to be made by the claimant."[4]

This policy was consistent with the plain meaning of the fee statutes, as well as the extensive legislative history. It was also consistent with "unofficial" DVA General Counsel advisory opinions previously rendered with respect to individual claims cases.

Abruptly, on May 5, 1986, the DVA General Counsel issued a formal, binding precedent opinion in the form of a memorandum, stating that henceforth, the fee statutes would apply to all DVA administrative proceedings, including proceedings involving debt collection and forfeiture.[5] In the memo, the General Counsel reasoned that "consistent application" of the fee statues was appropriate, given that "both waiver and forfeiture proceedings are adjudicatory in nature, and are conducted in the same informal setting as other BVA benefits adjudications."

The DVA's reversal of policy is erroneous for several reasons. First, the plain language of the fee limiting statutes repeatedly referred to affirmative "claims" for benefits, not debt collection proceedings initiated by the DVA.[6] Second, the extensive legislative history of these statutes confirms the result reached under the "plain langauge" test.[7]

Third, 38 U.S.C. § 3405 establishes criminal sanctions for violation of the fee limits. It is well established that any ambiguity in a criminal statute must be construed against the governmental entity. *United States* v. *Enmons,* 410 U.S. 396, 93 S. Ct. 1007, 1015 (1973). Thus, even if the fee statutes were ambiguous on this issue, absent a specific statutory reference to interpretation must be rejected.

Finally, the DVA's interpretation of the fee statutes is prima facie unreasonable. To suggest, as the DVA does, that debt collection proceedings are essentially similar to affirmative claims proceedings due to the fact that both involve the use of "informal" procedures is to ignore the obvious. Debt collection proceedings, by their very nature, are extremely adversarial. It is one thing to apply for education benefits, or a DVA guaranteed mortgage, and be denied. It is quite another to be subject to aggressive debt collection by the federal government, where one's credit may be ruined, reputation injured, wages garnished, etc.[8]

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[1] Similarly, if the DVA determines that a veteran has engaged in the perpetration of a fraud against the DVA for the purposes of receiving DVA benefits, it will commence "forfeiture" of benefits proceedings against the veteran pursuant to 38 U.S.C. § 3503, 38 C.F.R. § 3.900 et seq. In such cases, the veteran is notified of the DVA's findings, and is given an opportunity to present a defense, including the right to submit evidence and to have a hearing.

[2] For example, a substantial number of debt collection proceedings initiated by the DVA involve home loan foreclosures, where state laws respecting notice and other foreclosure procedures are applicable.

[3] 12 Stat. 566, 568 (1862).

[4] VA Manual M21-1, § 3.12 (formally removed February 8, 1988) (italic added).

[5] Veterans' Administration Memorandum from General Counsel to Chief Benefits Director re: "Scope of Statutory Limitation on Attorneys' Fees in Claims Involving Benefits Administered by the Veterans' Administration, 38 U.S.C. §§ 3404(c), 3405" (May 5, 1986).

[6] As amended by the Veterans' Judicial Review Act, 38 U.S.C. § 3404(c) now imposes fee restrictions "in connection with a proceeding before the Veterans' Administration with respect to benefits under laws administered by the Veterans' Administration . . ." P.L. 100-687, Section 1094. While the language of the fee statute as amended is arguably broader than the former version of the statute, which consistently referenced "claims for benefits," there is no indication in the legislative history of P.L. 100-687 that Congress affirmatively decided to broaden the coverage of the fee restrictions to include either debt collection proceedings or forfeiture proceedings.

[7] On June 30, 1987, the House Committee on Veterans' Affairs published a legislative history of the fee limitation prepared at the Committee's request by the non-partisan American Law Division of the Library of Congress. This exhaustive history analyzes approximately thirty statutes either amending or affecting the fee limitation, and quotes numerous passages of Congressional floor and committee debate. Nowhere in this impartial survey is there anything supporting the DVA's application of the fee limits to debt collection and forfeiture proceedings. See House Committee Print No. 8, 100th Cong., 1st Sess. (June 30, 1987).

[8] The validity of the DVA's statutory interpretation as reflected in the May 5, 1986 General Counsel opinion is currently under federal court challenge (Eastern District of Virginia, Alexandria Division) in the matter of *Bahnmiller et al.* v. *Turnage,* Civil Action No. 88-732 A.

Recently, the $10 fee limitation was amended by the Veterans' Judicial Review Act, P.L. 100-687.[9] As amended, veterans are prohibited from paying any fees to an attorney until the BVA has rendered a "first, final decision." Only after that "first, final decision" has been rendered may a veteran pay an attorney "reasonable" fees for services rendererd.[10] Thus, if the DVA persists in its current view that the fee limitations apply to debt collection and forfeiture proceedings, the practical effect is that before a veteran may hire an attorney in a debt collection or forfeiture proceeding, he or she must: (1) dispute the existence of the debt, or request a waiver before the DVA's Regional Office Committee; (2) lose the case before the Regional Office Committee; (3) appeal the case to the BVA; and (4) lose the appeal to the BVA. Only then is the veteran entitled to retain a lawyer in an attempt to reopen the case. Meanwhile, the veteran is exposed to the full range of administrative sanctions, and must attempt to negotiate often complex legal issues without the assistance of counsel.[11]

United States Veterans have sacrificed greatly to preserve the fundamental rights of all Americans to due process. If Congress had intended to deprive these veterans of the fundamental right to counsel when accused of owing money to the federal government, it would have said so. It did not. Finally, the fee statutes were enacted to protect veterans, not harm them. The DVA's current interpretation, however, is extremely harmful to veterans. Accordingly, we urge the adoption of the proposed resolution.

Respectfully submitted,

SALLY KATZEN,
Chair, Section of Administrative Law, and Regulatory Practice.

By Mr. DASCHLE (for himself, Mr. BURDICK, Mr. CONRAD, and Mr. JOHNSTON):

S. 2616. A bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes; to the Committee on Finance.

COVERAGE OF CERTAIN CHIROPRACTIC SERVICES

● Mr. DASCHLE. Mr. President, I rise today to introduce legislation to amend title XVIII of the Social Security Act to extend the range of services for which chiropractors can be reimbursed under the Medicare Program. I introduced this bill to achieve two primary goals. First, I want to expand health care options for patients and thereby stimulate competition in this critical industry to help control escalating health care costs. Second, I hope to correct an inequity in current law that discriminates against the chiropractic profession.

Current Medicare law strictly limits reimbursement for chiropractors to "treatment by means of manual manipulation of the spine (to correct a subluxation demonstrated by x-ray to exist) * * *." However, despite this explicit demand for x ray diagnostics, chiropractors themselves cannot be reimbursed for those x rays the law requires. My bill corrects this inconsistent Medicare policy, and enables chiropractors to be reimbursed for those services they already routinely provide: diagnostic x rays, appropriate physical examinations, and adjustments of the spine. Medicare patients currently either do not receive these chiropractic services, or else pay for them out of pocket or through Medigap premiums.

The current highly restrictive laws regulating chiropractic payment under Medicare were established in 1972. Since that time, chiropractors have been recognized and licensed as primary health care practitioners in every State, every territory, and the District of Columbia, and it is now time to amend the Medicare laws to recognize the chiropractic profession's autonomy and the value of the services chiropractors provide.

I grew up in a community in which chiropractors perform a valuable service by providing an alternative to allopathic medicine. The nearly 200 chiropractors in South Dakota continue to serve the State well, and their profession is acknowledged to play a significant role in the State's health care delivery system.

I am convinced that competition between health care providers is essential if we are ever going to get control of our spiraling health care costs. And yet this competition is virtually impossible when Federal reimbursement policies are written in such a way that entire groups of licensed professionals are denied payment for the services they provide. This short-sighted policy limits freedom of choice for health care consumers, and may force them to seek out more expensive care than is actually required.

At a time when soaring health care costs are threatening both the quality and the economic stability of our national health care delivery system, the cost savings potential of conservative, nonhospital-based chiropractic care ought to be fully explored. One of the most pressing issues facing our society today is how to provide access to quality health care at a reasonable cost. The bill I am introducing today will advance that objective. I hope it will foster vigorous discussion of alternative health care delivery models, and I urge my colleagues in the Senate to support this measure to ensure that Medicare patients have access to the benefits of chiropractic care.●

By Mr. ROBB:

S.J. Res. 312. Joint resolution designating the week of November 12, 1990, through November 18, 1990, as "National Critical Care Awareness Week;" to the Committee on the Judiciary.

NATIONAL CRITICAL CARE AWARENESS WEEK

● Mr. ROBB. Mr. President, I am pleased to introduce today a commemorative resolution which proclaims the week of November 12, 1990, as "National Critical Care Awareness Week," I am inserting a copy of the resolution into the RECORD following the conclusion of my prepared statement.

Critical care encompasses all life-threatening medical emergencies, from the paramedics at the scene of an accident, to the doctors in an emergency room, to the highly specialized round-the-clock medical teams in intensive care units. ICU, the most commonly recognized form of critical care, encompasses between 15 and 20 percent of hospital costs in the Nation today, and 1 percent of our gross national product.

Since roughly 80 percent of all Americans will experience critical care either as a patient, or as a family member of a patient, during their lifetimes, it's important to educate the public on this increasingly technical and complex aspect of health care. During "National Critical Care Awareness Week," activities are planned to heighten public awareness on what, for example, may happen when faced with a critical injury or illness, and how best to respond.

In September 1988, my former press secretary, George Stoddart, lost a courageous battle against a cancerous brain tumor. To provide a teaching mechanism for doctors and nurses seeking to understand the important human component of medicine and to enable future patients and their families to prepare for similar ordeals, George and his wife, Sandy, agreed to have his surgery chronicled in a film on critical care. I was honored to provide the introduction.

George's commitment to turning his own difficult experience into a constructive legacy to others, heightened my own awareness of critical care, an awareness I believe all Americans should share.

Mr. President, "National Critical Care Awareness Week" is one positive step in educating our citizens. I hope my colleagues will join me in approving the passage of this important resolution.●

ADDITIONAL COSPONSORS

S. 435

At the request of Mr. REID, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 435, a bill to amend section

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[9] P.L. 100-687 was formally enacted on November 18, 1988.

[10] We note that in 1977, the ABA adopted a resolution recommending that Congress repeal the $10 fee limit set forth at 38 U.S.C. § 3404(c). This resolution is fully consistent with the ABA's prior resolution.

[11] Of course, if the case is referred to the Justice Department for prosecution, and suit is filed against the veteran in the name of the United States, the fee restrictions do not apply. However, the vast majority of debt collection cases initiated by the DVA are in the administrative, rather than the judicial arena.

118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

S. 501

At the request of Mr. D'AMATO, the name of the Senator from Delaware [Mr. BIDEN] was withdrawn as a cosponsor of S. 501, a bill to amend the Internal Revenue Code of 1986, to make permanent, and to increase the amount of, the exclusion for amounts received under qualified group legal services plans.

S. 513

At the request of Ms. MIKULSKI the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 513, a bill to amend chapters 83 and 84 of title 5 United States Code, to extend certain retirement provisions of such chapters which are applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service.

S. 994

At the request of Mr. METZENBAUM, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 994, a bill to amend the Clayton Act regarding interlocking directorates and officers.

S. 995

At the request of Mr. METZENBAUM, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 995, a bill to amend the Clayton and Sherman Acts regarding antitrust procedures.

S. 996

At the request of Mr. METZENBAUM, the name of the Senator from Wisconsin [Mr. KOHL] was added as a consponsor of S. 996, a bill to amend the Clayton Act regarding damages for the United States.

S. 1273

At the request of Mr. BOREN, the names of the Senator from Indiana [Mr. COATS] and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 1273, a bill to amend the Internal Revenue Code of 1986, with respect to treatment by cooperatives of gains or losses from sale of certain assets.

S. 1557

At the request of Mr. ROTH, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1557, a bill to amend title 17 United States Code, to permit the unlicensed viewing of videos under certain conditions.

S. 1577

At the request of Mr. BOREN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1577, a bill to amend the Internal Revenue Code of 1986, to provide that charitable contributions of appreciated property will not be treated as an item of tax preference.

S. 1696

At the request of Mr. KENNEDY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1696, a bill to amend title 28 of the United States Code to prohibit racially discriminatory capital sentencing.

S. 2159

At the request of Mr. BOSCHWITZ, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 2159, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 2241

At the request of Mr. GRAHAM, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2241, a bill to provide scholarships to law enforcement personnel who seek further education.

S. 2266

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 2266, a bill to promote the development of new and expanded markets for the export of U.S. agricultural commodities and products, and for other purposes.

S. 2342

At the request of Mr. HATCH, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 2342, a bill to amend the Public Health Service Act to authorize additional grants for home health care demonstration projects, to require that applications be submitted to the chief executive officer of the State concerned in connection with such grants, and for other purposes.

S. 2356

At the request of Mr. SYMMS, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2356, a bill to amend the Internal Revenue Code of 1986, to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 2384

At the request of Mr. BOREN, the names of the Senator from North Carolina [Mr. HELMS], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 2384, a bill to amend the Internal Revenue Code of 1986, with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 2408

At the request of Mr. GLENN, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 2408, a bill to establish a system for labeling of plastic resin products, and to promote recycling of plastics and use of degradable plastics.

S. 2605

At the request of Mr. PRYOR, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 2605, a bill to amend title XIX of the Social Security Act to provide mechanisms to control Medicaid drug prices while assuring that beneficiaries receive quality medical care, physicians' prerogative to prescribe is protected, and the role of pharmacists is enhanced.

SENATE JOINT RESOLUTION 263

At the request of Mr. HELMS, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Joint Resolution 263, a joint resolution to designate October 11, 1990, as "National Society of the Daughters of the American Revolution Centennial Day."

SENATE JOINT RESOLUTION 290

At the request of Mr. ARMSTRONG, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Kansas [Mr. DOLE], the Senator from Alabama [Mr. SHELBY], and the Senator from Nevada [Mr. BYRAN] were added as cosponsors of Senate Joint Resolution 290, a joint resolution to designate the week of July 22, 1990, through July 28, 1990, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

SENATE JOINT RESOLUTION 292

At the request of Mr. PELL, the names of the Senator from Tennessee [Mr. GORE], the Senator from Connecticut [Mr. DODD], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of Senate Joint Resolution 292, a joint resolution to designate the year 1991 as the "Year of the Lifetime Reader."

SENATE JOINT RESOLUTION 301

At the request of Mr. PELL, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Massachusetts [Mr. KERRY], the Senator from North Dakota [Mr. BURDICK], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 301, a joint resolution designating October 1990 as "National Breast Cancer Awareness Month."

SENATE RESOLUTION 283—DESIGNATION OF SPARK M. MATSUNAGA TABLE

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 283

Whereas Senator Spark M. Matsunaga served in the Senate with honor and distinction for more than thirteen years;

Whereas Senator Matsunaga served as Chief Deputy Democratic Whip during the 95th, 96th, 97th, 98th, 99th, and 100th Congresses;

Whereas his service to the Senate was characterized by exemplary diligence, legendary warmth, compassion, and courage, and firm devotion to American ideals;

Whereas Senator Matsunaga, during his service in the Senate, extended special attention to the needs of all citizens of his State of Hawaii, and escorted his constituents on personal tours of the Capitol, inviting them to dine with him at the center table in the Senator's Dining Room;

Whereas by virtue of his extraordinary efforts and uncommon kindness and generosity, it is appropriate that he be long remembered: Now, therefore, be it

Resolved, That the center table in the Senators' Dining Room of the United States Capitol is hereby designated as, and shall hereafter be known as, the "Spark M. Matsunaga Table".

AMENDMENTS SUBMITTED

CAMPAIGN FINANCE REFORM ACT

BOREN (AND OTHERS) AMENDMENT NO. 1613

Mr. BOREN (for himself, Mr. MITCHELL, Mr. FORD, Mr. KERRY, Mr. BIDEN, Mr. BRADLEY, Mr. BYRD, Mr. ADAMS, Mr. KENNEDY, Mr. SIMON, Mr. MOYNIHAN, Mr. DASCHLE, Mr. BENTSEN, Mr. CRANSTON, Mr. FOWLER, Mr. GRAHAM, Mr. LEAHY, Mr. DECONCINI, Mr. DODD, Mr. NUNN, Mr. PRYOR, Mr. WIRTH, Mr. BINGAMAN, Mr. REID, Mr. GLENN, Mr. SANFORD, Mr. ROBB, Mr. RIEGLE, Mr. BUMPERS, Mr. LIEBERMAN, Mr. SARBANES, Mr. INOUYE, Ms. MIKULSKI, Mr. CONRAD, Mr. PELL, Mr. SASSER, Mr. KOHL, Mr. LAUTENBERG, Mr. GORE, Mr. EXON, Mr. KERREY, Mr. METZENBAUM, Mr. BRYAN, and Mr. ROCKEFELLER) proposed an amendment to the bill (S. 137) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes, as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Senate Election Campaign Ethics Act of 1990".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of Campaign Act; table of contents.
TITLE I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS
Sec. 101. Senate spending limits and public benefits.
Sec. 102. Ban on contributions to Senate candidates by political action committees.
Sec. 103. Broadcast rates.
Sec. 104. Preferential rates for mail.
Sec. 105. Disclosure by noneligible candidates.
Sec. 106. Reporting requirements.
Sec. 107. Other definitions.
TITLE II—EXPENDITURES AND CONTRIBUTIONS
Subtitle A—Independent Expenditures
Sec. 201. Cooperative expenditures not treated as independent expenditures.
Sec. 202. Equal broadcast time.
Sec. 203. Attribution of communications.
Subtitle B—Expenditures
PART I—PERSONAL LOANS; CREDIT
Sec. 211. Personal contributions and loans.
Sec. 212. Extensions of credit.
PART II—PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES
Sec. 215. Limitations on contributions to State political party committees.
Sec. 216. Provisions relating to national, State, and local party committees.
Sec. 217. Restrictions on fundraising by candidates and officeholders.
Sec. 218. Reporting requirements.
Subtitle C—Contributions
Sec. 221. Limits on contributions by certain political committees to political parties.
Sec. 222. Contributions through intermediaries and conduits.
Sec. 223. Excess campaign funds.
Sec. 224. Contributions by dependents not of voting age.
Subtitle D—Reporting Requirements
Sec. 231. Reporting requirements.
TITLE III—FEDERAL ELECTION COMMISSION
Sec. 301. Use of candidates' names.
Sec. 302. Reporting requirements.
Sec. 303. Provisions relating to the general counsel of the commission.
Sec. 304. Retention of fees by the commission.
Sec. 305. Enforcement.
Sec. 306. Penalties.
Sec. 307. Random audits.
Sec. 308. Attribution of communications.
Sec. 309. Fraudulent solicitation of contributions.
TITLE IV—MISCELLANEOUS
Sec. 401. Restriction of control of certain types of political committees by incumbents in or candidates for Federal office.
Sec. 402. Polling data contributed to a senatorial candidate.
Sec. 403. Mass mailings.

TITLE I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS

SEC. 101. SENATE SPENDING LIMITS AND PUBLIC BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC BENEFITS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) except as otherwise provided in this title, the definitions under section 301 shall apply for purposes of this title insofar as such definitions relate to elections to the office of United States Senator;

"(2) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive benefits under this title;

"(3) the terms 'Senate Election Campaign Fund' and 'Fund' mean the Senate Election Campaign Fund established under section 506;

"(4) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(5) the term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election;

"(6) the term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B);

"(7) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified under State law for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of this title;

"(8) the term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for the office of United States Senator;

"(9) the term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election;

"(10) the term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for the office of United States Senator;

"(11) the term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office;

"(12) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e); and

"(13) the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or candidate's authorized committees, sec-

tion 301(9)(B) shall be applied without regard to clause (ii) or (vi) thereof.

"CANDIDATES ELIGIBLE TO RECEIVE BENEFITS

"SEC. 502. (a) IN GENERAL.—For purposes of this title, a candidate is an eligible candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c);

"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Commission a declaration as to whether—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (d); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 503(b); and

"(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 503(a).

"(2) The declaration under paragraph (1) shall be filed on the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENT.—(1) The requirements of this subsection are met if the candidate files a certification with the Commission under penalty of perjury that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable;

"(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

"(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(D) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 503(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of—

"(I) the amount of the threshold contribution requirement under subsection (e); plus

"(II) the amount of contributions from State residents which may be taken into account under section 503(b)(4) in increasing the general election expenditure limit; plus

"(III) the amount which may be maintained in a compliance and official expense fund under section 503(c);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission; and

"(vi) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(E) the candidate intends to make use of the benefits provided under section 504.

"(2) The declaration under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 503(b); or

"(ii) $2,750,000.

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 503(b).

"(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Commission with respect to such period under section 304A(b) (relating to independent expenditures in excess of $10,000).

"(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to 10 percent of the general election expenditure limit under section 503(b).

"(2) For purposes of this section and section 504(b)—

"(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

"(B) The term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

"(iii) contributions from individuals residing outside the candidate's State to the extent such contributions exceed 50 percent of the aggregate allowable contributions (without regard to this clause) received by the candidate during the applicable period. Clauses (ii) and (iii) shall not apply for purposes of section 504(b).

"(3) For purposes of this subsection and section 504(b), the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of section 504(b), the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) INDEXING.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that for purposes of subsection (d), the base period shall be the calendar year in which the first general election after the date of the enactment of this title occurs.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) LIMITATION ON USE OF PERSONAL FUNDS.—The aggregate amount of expenditures which may be made during an election cycle by an eligible candidate or such candidate's authorized committees from the following sources shall not exceed $250,000:

"(1) The personal funds of the candidate and members of the candidate's immediate family.

"(2) Personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) GENERAL ELECTION EXPENDITURE LIMIT.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $950,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar

year under section 502(f) (relating to indexing).

"(4)(A) The limitation under this subsection (without regard to this paragraph) shall be increased by the lesser of—

"(i) 25 percent of such limitation; or

"(ii) the amount of contributions described in subparagraph (B).

"(B) Contributions are described in this subsection if such contributions—

"(i) are made after the time contributions have been received in an amount at least equal to the threshold contribution requirement under section 502(e);

"(ii) are in amounts of $100 or less; and

"(iii) are made by an individual who was, at the time the contributions were made, a resident of the State in which the general election is held;

except that the total amount of contributions taken into account under subparagraph (A) with respect to any individual shall not exceed $100.

"(C) Except as otherwise expressly provided, any reference in any provision of law to the general election expenditure limit under this subsection shall be treated as a reference to such limit computed without regard to this paragraph.

"(c) COMPLIANCE AND OFFICIAL EXPENSE FUND.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures or qualified official expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a compliance and official expense fund meeting the requirements of paragraph (2).

"(2) A compliance and official expense fund meets the requirements of this paragraph if—

"(A) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate amount transferred to, and expenditures made from, the fund do not exceed the sum of—

"(i) the lesser of—

"(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

"(II) $300,000; plus

"(ii) the amount determined under paragraph (4); and

"(C) no funds received by the candidate pursuant to section 504(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection—

"(A) The term 'qualified legal and accounting expenditures' means the following:

"(i) Any expenditures for costs of legal and accounting services provided in connection with—

"(I) any administrative or court proceeding initiated pursuant to this Act during the election cycle for such general election; or

"(II) the preparation of any documents or reports required by this Act or the Commission.

"(ii) Any expenditures for legal and accounting services provided after the general election for which the compliance and official expense fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

"(iii) Expenditures for the extraordinary costs of legal and accounting services provided in connection with the candidate's activities as a holder of Federal office other than costs for the purpose of influencing the election of such candidate to Federal office.

"(B) The term 'qualified official expenditures' mean expenditures described in section 313(b).

"(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures exceed the limitation under paragraph (2)(B), the candidate may petition the Commission for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation, reduced by the amount of qualified official expenditures. Such determination shall be subject to judicial review under section 509.

"(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

"(5)(A) A candidate shall terminate a compliance and official expense fund as of the earlier of—

"(i) the date of the first primary election for the office following the general election for such office for which such fund was established; or

"(ii) the date specified by the candidate.

"(B) Any amounts remaining in a compliance and official expense fund as of the date determined under subparagraph (A) shall be transferred—

"(i) to a compliance and official expense fund for the election cycle for the next general election;

"(ii) to an authorized committee of the candidate as contributions allocable to the election cycle for the next general election; or

"(iii) to the Senate Election Campaign Fund.

"(d) PAYMENT OF TAXES.—The limitation under subsection (b) shall not apply to any expenditure by the candidate or the candidate's authorized committees for Federal, State, or local taxes on earnings allocable to contributions received by such candidates or committees.

"BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE

"SEC. 504. (a) IN GENERAL.—An eligible candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b)(3) of the Communications Act of 1934;

"(2) the mailing rates provided in section 3629 of title 39, United States Code;

"(3) payments from the Senate Election Campaign Fund in the amounts determined under subsection (b); and

"(4) voter communication vouchers in the amount determined under subsection (c).

"(b) AMOUNT OF PAYMENTS.—(1) For purposes of subsection (a)(3), except as provided in section 506(d), the amounts determined under this subsection are—

"(A) the public financing amount;

"(B) the independent expenditure amount; and

"(C) in the case of an eligible candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 503(b), the excess expenditure amount.

"(2)(A) For purposes of paragraph (1), the public financing amount is an amount equal to the general election expenditure limit under subsection (b), reduced by—

"(i) the threshold contribution requirement under section 502(e); and

"(ii) the amount of voter communication vouchers issued to the eligible candidate.

"(B) In the case of an eligible candidate who is not a major party candidate, the public financing amount is the lesser of—

"(i) the allowable contributions of the eligible candidate during the applicable period in excess of the threshold contribution requirement under section 502(e); or

"(ii) 50 percent of the amount determined under subparagraph (A) with respect to a candidate of a major party.

"(3) For purposes of paragraph (1), the independent expenditure amount is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible candidate which are required to be reported by such persons under section 304A(b) with respect to the general election period and are certified by the Commission under section 304A(e).

"(4) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1)(B) is not greater than 133⅓ percent of the general election expenditure limit under section 503(b), an amount equal to two-thirds of such limit applicable to the eligible candidate for the election; plus

"(ii) if the excess described in paragraph (1)(B) equals or exceeds 133⅓ percent of the general election expenditure limit under section 503(b), an amount equal to one-third of such limit applicable to the eligible candidate for the election.

"(B) In the case of an eligible candidate who is not a major party candidate, an amount equal to the lesser of—

"(i) the allowable contributions of the eligible candidate during the applicable period in excess of the sum of the threshold contribution requirement under section 502(e) and the allowable contributions taken into account under paragraph (2)(B); or

"(ii) 50 percent of the general election expenditure limit applicable to the eligible candidate under section 503(b).

"(c) VOTER COMMUNICATION VOUCHERS.—(1) The Secretary of the Treasury shall issue nontransferable voter communication vouchers to eligible candidates as provided under section 506(b).

"(2) The aggregate amount of voter communication vouchers issued to an eligible candidate under paragraph (1) shall be equal to 20 percent of the general election expenditure limit under section 503(b) (10 percent of such limit if such candidate is not a major party candidate).

"(3) Voter communication vouchers shall be used by an eligible candidate to purchase broadcast time during the general election period subject to the same conditions and rates under section 315(b) of the Communications Act of 1934 as apply to other broadcast time a candidate may purchase, except that—

"(A) each such broadcast shall be at least 1 but not more than 5 minutes in length; and

"(B) each such broadcast shall be aired during the 5-week period preceding the general election.

"(d) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—(1) An eligible candidate who receives payments under subsection (a)(3) which are allocable to the independ-

ent expenditure or excess expenditure amounts described in paragraphs (3) and (4) of subsection (b) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 503(b).

"(2) An eligible candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 502(c)(1)(D) or subsection (a) or (b) of section 503 if any one of the eligible candidate's opponents who is not an eligible candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 133⅓ percent of the general election expenditure limit applicable to the eligible candidate under section 503(b).

"(3) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 502(c)(1)(D) if—

"(A) a major party candidate in the same general election is not an eligible candidate; or

"(B) any other candidate in the same general election who is not an eligible candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 503(b).

"(e) USE OF PAYMENTS FROM FUND.—Payments received by a candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(j), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) IN GENERAL.—(1) The Commission shall certify to any candidate meeting the requirements of section 502 that such candidate is an eligible candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506, the Commission shall certify to the Secretary of the Treasury whether such candidate is eligible for payments under this title from the Senate Election Campaign Fund or to receive voter communication vouchers and the amount of such payments or vouchers to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 509.

"PAYMENTS RELATING TO ELIGIBLE CANDIDATES

"SEC. 506. (a) ESTABLISHMENT OF CAMPAIGN FUND.—(1) There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Senate Election Campaign Fund'.

"(2)(A) There are appropriated to the Fund for each fiscal year, out of amounts in the general fund of the Treasury not otherwise appropriated, amounts equal to—

"(i) any contributions by persons which are specifically designated as being made to the Fund;

"(ii) amounts collected under sections 507(g) and 508(d)(3); and

"(iii) any other amounts which may be deposited into the Fund under this title.

"(B) The Secretary of the Treasury shall, from time to time, transfer to the Fund an amount not in excess of the amounts described in subparagraph (A).

"(C) Amounts in the Fund shall remain available without fiscal year limitation.

"(3) Amounts in the Fund shall be available only for the purposes of—

"(A) making payments required under this title; and

"(B) making expenditures in connection with the administration of the Fund.

"(4) The Secretary shall maintain such accounts in the Fund as may be required by the title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 505, except as provided in subsection (d), the Secretary shall promptly pay the amount certified by the Commission to the candidate out of the Senate Election Campaign Fund.

"(c) VOUCHERS.—(1) Upon receipt of a certification from the Commission under section 505, except as provided in subsection (d), the Secretary of the Treasury shall issue to an eligible candidate the amount of voter communication vouchers specified in such certification.

"(2) Upon receipt of a voter communication voucher from a licensee providing broadcast time to an eligible candidate, the Secretary of the Treasury shall pay to such licensee from the Senate Election Campaign Fund the face value of such voucher.

"(d) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFICIENT.—(1) If, at the time of a certification by the Commission under section 505 for payment, or issuance or a voucher, to an eligible candidate, the Secretary determines that the monies in the Senate Election Campaign Fund are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment or voucher such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

"(2) Amounts and vouchers withheld under subparagraph (A) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, except that if only a portion is to be paid, it shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

"(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

"(i) the amount of monies in the fund which will be available to make payments required by this title in the succeeding calendar year; and

"(ii) the amount of payments which will be required under this title in such calendar year.

"(B) If the Secretary determines that there will be insufficient monies in the fund to make the payments required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments (including vouchers) under this subsection. Such notice shall be by registered mail.

"(C) The amount of the eligible candidate's contribution limit under section 502(c)(1)(D)(iii) shall be increased by the amount of the estimated pro rata reduction.

"(4) The Secretary shall notify the Commission and each eligible candidate by registered mail of any actual reduction in the amount of any payment by reason of this subsection. If the amount of the reduction exceeds the amount estimated under paragraph (3), the candidate's contribution limit under section 502(c)(1)(D)(iii) shall be increased by the amount of such excess.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a) EXAMINATION AND AUDITS.—(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of all candidates for the office of United States Senator to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection.

"(2) The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(b) EXCESS PAYMENTS; REVOCATION OF STATUS.—(1) If the Commission determines that payments or vouchers were made to an eligible candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible candidate under section 505(a)(1), the Commission shall notify the candidate, and the candidate shall pay to the Secretary an amount equal to the payments and vouchers received under this title.

"(c) MISUSE OF BENEFITS.—If the Commission determines that any amount of any benefit made available to an eligible candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 percent of the amount of such benefit.

"(d) EXCESS EXPENDITURES.—(1) If the Commission determines that any eligible candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 percent or less—

"(A) the primary or runoff expenditure limit under section 502(d); or

"(B) the general election expenditure limit under section 503(b),

the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditures.

"(2) If the Commission determines that any eligible candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 percent—

"(A) the primary or runoff expenditure limit under section 502(d); or

"(B) the general election expenditure limit under section 503(b),

the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to three times the amount of the excess expenditures.

"(e) UNEXPENDED FUNDS.—Any amount received by an eligible candidate under this title may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(f) LIMIT ON PERIOD FOR NOTIFICATION.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(g) DEPOSITS.—The Secretary shall deposit all payments received under this section into the Senate Election Campaign Fund.

"CRIMINAL PENALTIES

"SEC. 508. (a) VIOLATIONS.—(1) No person shall knowingly and willfully—

"(A) accept benefits under this title in excess of the aggregate benefits to which the candidate on whose behalf such benefits are accepted is entitled;

"(B) use such benefits for any purpose not provided for in this title; or

"(C) make expenditures in excess of—

"(i) the primary and runoff expenditure limits under section 502(d); or

"(ii) the general election expenditure limit under section 503(b).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer, employee, or agent of any political committee who knowingly consents to any expenditure in violation of the provisions of paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(b) USE OF BENEFITS.—(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or to authorize the use of, such benefit or such portion other than in the manner provided in this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(c) FALSE INFORMATION.—(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report) to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title; or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d) KICKBACKS AND ILLEGAL PAYMENTS.—(1) It is unlawful for any person knowingly and willfully to give or to accept any kickback or any illegal payment in connection with any benefits received under this title by any eligible candidate or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary, for deposit into the Senate Election Campaign Fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 509. (a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 510. (a) APPEARANCES.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 509 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to the Secretary.

"(c) INJUNCTIVE RELIEF.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) APPEALS.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 511. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 as benefits available to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507 or 506(d)(2), and the reasons for each repayment required; and

"(4) the balance in the Senate Election Campaign Fund, and the balance in any account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) RULES AND REGULATIONS.—The Commission is authorized to prescribe such rules and regulations, in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) STATEMENT TO SENATE.—Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 512. There are authorized to be appropriated to the Commission such sums as may be necessary for the purpose of carrying out its functions under this title."

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1991.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1991, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1991, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1991, to pay

for expenditures which were incurred (but unpaid) before such date.

SEC. 102. BAN ON CONTRIBUTIONS TO SENATE CANDIDATES BY POLITICAL ACTION COMMITTEES.

(a) IN GENERAL.—Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end thereof the following new subsection:

"(i) No contributions may be made to a candidate for the office of United States Senator or such candidate's authorized committees other than contributions made by—

"(1) individuals; or

"(2) a political committee of the political party with which such candidate is affiliated.".

(b) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after the date of the enactment of this Act.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received on or before the date of the enactment of this Act; or

(B) contributions made to, or received by, a candidate after such date, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate on or before such date, over

(ii) such contributions received by the candidate on or before such date.

SEC. 103. BROADCAST RATES.

(a) PROVISIONS RELATING TO LOWEST UNIT COST.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended by adding at the end thereof the following new paragraphs:

"(2)(A) In the case of a candidate for Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971)—

"(i) paragraph (1)(A) shall be applied without regard to the phrase 'class and';

"(ii) if the broadcast time exceeds 30 seconds, the lowest unit cost for such time shall be based on the rates for broadcasts of 30 seconds; and

"(iii) such candidate shall include at the end of any broadcast paid for by the candidate, the candidate's authorized committee, or any other person authorized by the candidate (without regard to whether the rates under this subsection apply to such broadcast)—

"(I) in the case of a radio broadcast, an audio statement by the candidate; or

"(II) in the case of a television broadcast, a personal appearance by the candidate,

which states the information described in section 318(a)(1)(B) of such Act.

"(B) Notwithstanding subparagraph (A), in determining the lowest unit cost under paragraph (1)(A), a broadcasting station may disregard any special or nontypical rates (as determined by the Commission).

"(3)(A) In the case of candidates for United States Senator in a general election (as defined in section 501(4) of such Act), this subsection (other than paragraph (2)(A)(iii)) shall apply to a broadcast of such candidate only if such candidate is an eligible candidate (as defined in section 501(2) of such Act).

"(B) In the case of any eligible candidate for United States Senator, the rates under paragraph (1)(A) shall apply to any broadcast during the general election period (as defined in section 501(5) of such Act) rather than the 60-day period referred to in such paragraph.".

(b) PREEMPTION RULES; VOUCHERS.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (e) and (f) and by inserting after subsection (b) the following new subsections:

"(c)(1) In the case of a legally qualified candidate for Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971), a licensee shall not preempt the use, during any period the rates under subsection (b)(1)(A) are in effect, of a broadcasting station by such candidate who has purchased such use pursuant to subsection (b).

"(2) Paragraph (1) shall not apply if the program during which the candidate's broadcast was to air is unavoidably preempted.

"(d) A licensee shall—

"(1) accept voter communications vouchers provided to an eligible candidate (as defined in section 501(2) of the Federal Election Campaign Act) under section 504(a) of such Act; and

"(2) shall, upon presentation of such vouchers, provide broadcast time to such candidate subject to the same conditions and rates as apply to other broadcast time such candidate may purchase, except that—

"(A) no time shall be required to be provided without at least 7 days advance notice; and

"(B) in the case of broadcast time in the licensee's prime time, the licensee shall be required to provide—

"(i) not more than 5 minutes of such time during each of the weeks in the 5-week period ending on the date of the general election; and

"(ii) only one broadcast per day per candidate in such time.".

(c) CONFORMING AMENDMENT.—Section 315(b) of the Communications Act of 1934 is amended—

(1) by inserting "(1)" before "The charges"; and

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively.

SEC. 104. PREFERENTIAL RATES FOR MAIL.

(a) REDUCED RATES.—Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for certain Senate candidates

"(a) The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501(2) of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1).

"(b) Subsection (a) shall cease to apply to any candidate for any campaign when the total amount paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) of subsection (a) exceeds 5 percent of the amount of the general election expenditure limit applicable to such candidate under section 503(b) of the Federal Election Campaign Act of 1971.".

(b) AUTHORIZATION.—Section 2401(c) of title 39, United States Code, is amended by striking "and 3626(a)-(h)" and inserting "3626(a)-(h), and 3629".

(c) CONFORMING AMENDMENT.—The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates.".

SEC. 105. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Subparagraph (B) of section 318(a)(1) of FECA (2 U.S.C. 441d(a)(1)), as amended by section 308, is amended by—

(1) striking "and" at the end of clause (ii);

(2) striking out the period at the end of clause (iii) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(iv) if paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible candidate (as defined in section 501(2)), or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'.".

SEC. 106. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Commission under section 502(c) shall file with the Commission a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible candidate under section 503(b). Such declaration shall be filed at the time provided in section 502(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible candidate under section 502; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 70 percent of the general election expenditure limit applicable to an eligible candidate under section 503(b),

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 24 hours after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 133⅓ percent of such limit) with the Commission within 24 hours after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 133⅓ percent of such limit.

"(3) The Commission—

"(A) shall, within 24 hours of receipt of a declaration or report under paragraph (1) or (2), notify each eligible candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 503(b), shall certify, pursuant to the provisions of subsection (e), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled under section 504(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 24 hours after making each such determination, notify each eligible candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 503(b), certify (pursuant to the provisions of subsection (e)) to the Secretary of the Treasury such candidate's eligibility for payment of any amount under section 504(a).

"(b) INDEPENDENT EXPENDITURES.—(1)(A) Any person who makes, or obligates to make, independent expenditures during any general, primary, or runoff election period for the office of United States Senator in excess of $10,000 shall report to the Commission as provided in this subsection.

"(B) If 2 or more persons, in cooperation, consultation, or concert with each other, make, or obligate to make, independent expenditures during any general, primary, or runoff election period for the office of United States Senator in excess of $10,000, each such person shall report to the Commission as provided in this subsection with respect to the independent expenditures so made by all such persons.

"(2) Any person referred to in paragraph (1) shall report the amount of the independent expenditures made or obligated to be made not later than 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, such person shall report independent expenditures not later than 24 hours after each time the additional aggregate amount of such expenditures incurred or obligated (and not yet reported under this paragraph) exceeds $10,000.

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain—

"(A) the information required by subsection (b)(6)(B)(iii) of section 304; and

"(B) a statement under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat.

"(4)(A) A person may file a complaint with the Commission if such person believes the statement under paragraph (3)(B) is false or incorrect.

"(B) The Commission, not later than 3 days after the filing of a complaint under subparagraph (A), shall make a determination with respect to such complaint.

"(5) The Commission shall, within 24 hours of receipt of a report under this subsection, notify each eligible candidate (as defined in section 501(2)) in the election involved about such report.

"(6) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any election for the United States Senate which in the aggregate exceed the applicable amounts under paragraph (2). The Commission shall notify each eligible candidate in such election of such determination within 24 hours of making it.

"(7) At the same time as a candidate is notified under paragraph (5) or (6) with respect to expenditures during a general election period, the Commission shall, pursuant to subsection (e), certify to the Secretary of the Treasury eligibility to receive benefits under section 504(a).

"(c) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than $250,000 during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Commission within 24 hours after such expenditures have been made or loans incurred.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each eligible candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 24 hours after making such determination shall notify each eligible candidate in the general election involved about each such determination.

"(d) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Commission the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(e) CERTIFICATIONS.—Notwithstanding section 505(a), the certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination.

"(f) COPIES OF REPORTS.—The Commission shall transmit a copy of any report received under this section to the Secretary of the Senate within 2 working days of receipt of such report.

"(g) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V."

SEC. 107. OTHER DEFINITIONS.

(a) ELECTION CYCLE DEFINED.—Section 301 of FECA (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election."

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

TITLE II—EXPENDITURES AND CONTRIBUTIONS

Subtitle A—Independent Expenditures

SEC. 201. COOPERATIVE EXPENDITURES NOT TREATED AS INDEPENDENT EXPENDITURES.

(a) TREATMENT OF COOPERATIVE EXPENDITURES.—(1) Paragraph (17) of section 301 of FECA (2 U.S.C. 431(17)) is amended by adding at the end thereof the following new sentence: "The term 'independent expenditure' shall not include any cooperative expenditure."

(2) Paragraph (9) of section 301 of FECA (2 U.S.C. 431(9)) is amended by adding at the end thereof the following new subparagraph:

"(C) A cooperative expenditure shall be treated as an expenditure made by the candidate on whose behalf, or for whose benefit, the expenditure was made."

(3) Paragraph (8) of section 301 of FECA (2 U.S.C. 431(8)) is amended by adding at the end thereof the following new subparagraph:

"(C) A cooperative expenditure shall be treated as a contribution from the person making the expenditure to the candidate on whose behalf, or for whose benefit, the expenditure was made."

(b) COOPERATIVE EXPENDITURE DEFINED.—Section 301 of FECA (2 U.S.C. 431), as amended by section 107(a), is amended by adding at the end thereof the following new paragraph:

"(21)(A) The term 'cooperative expenditure' means any expenditure which is made—

"(i) with the cooperation of, or in consultation with, any candidate or any authorized committee or agent of such candidate; or

"(ii) in concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate.

"(B) The term 'cooperative expenditure' includes an expenditure if—

"(i) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure;

"(ii) in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policy-making position; or

"(iii) the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(iv) the person making the expenditure retains the professional services of any individual or other person also providing those services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office;

"(v) the person making the expenditure has consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(vi) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person.

"(C) The term 'cooperative expenditure' includes an expenditure if such expenditure—

"(i) is made on behalf of, or for the benefit of, a candidate or authorized committee by a political committee that is established, administered, controlled, or financially supported, directly or indirectly, by a connected organization that is required to register, or pays for the services of a person who is required to register, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.); or

"(ii) is made on behalf of, or for the benefit of, a candidate or authorized committee by a political committee that has made a contribution to the candidate or authorized committee."

SEC. 202. EQUAL BROADCAST TIME.

Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended to read as follows:

"(a)(1) If a licensee permits any person who is a legally qualified candidate for public office to use a broadcasting station other than any use required to be provided under paragraph (2), the licensee shall afford equal opportunities to all other such candidates for that office in the use of the broadcasting station.

"(2)(A) A person who reserves broadcast time the payment for which would constitute an independent expenditure within the meaning of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) shall—

"(i) inform the licensee that payment for the broadcast time will constitute an independent expenditure;

"(ii) inform the licensee of the names of all candidates for the office to which the proposed broadcast relates; and

"(iii) provide the licensee a copy of the statement described in section 304A(b)(3)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)(3)(B)).

"(B) A licensee who is informed as described in subparagraph (A) shall—

"(i) if any of the candidates described in subparagraph (A)(ii) has provided the licensee the name and address of a person to whom notification under this subparagraph is to be given—

"(I) notify such person of the proposed making of the independent expenditure; and

"(II) allow any such candidate (other than a candidate for whose benefit the independent expenditure is made) to purchase the same amount of broadcast time immediately after the broadcast time paid for by the independent expenditure; and

"(ii) in the case of an opponent of a candidate for whose benefit the independent expenditure is made who certifies to the licensee that the opponent is eligible to have the cost of response broadcast time paid out of the Federal Election Campaign Fund pursuant to section 504(a)(3) of the Federal Election Campaign Act of 1971, afford the opponent such broadcast time without requiring payment in advance and at the cost specified in subsection (b).

"(3) A licensee shall have no power of censorship over the material broadcast under this section.

"(4) Except as provided in paragraph (2), no obligation is imposed under this subsection upon any licensee to allow the use of its station by any candidate.

"(5)(A) Appearance by a legally qualified candidate on a—

"(i) bona fide newscast;

"(ii) bona fide news interview;

"(iii) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

"(iv) on-the-spot coverage of bona fide news events (including political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

"(B) Nothing in subparagraph (A) shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from their obligation under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(6)(A) A licensee that endorses a candidate for Federal office in an editorial shall, within the time stated in subparagraph (B), provide to all other candidates for election to the same office—

"(i) notice of the date and time of broadcast of the editorial;

"(ii) a taped or printed copy of the editorial; and

"(iii) a reasonable opportunity to broadcast a response using the licensee's facilities.

"(B) In the case of an editorial described in subparagraph (A) that—

"(i) is first broadcast 72 hours or more prior to the date of a primary, runoff, or general election, the notice and copy described in subparagraph (A) (i) and (ii) shall be provided not later than 24 hours after the time of the first broadcast of the editorial, and

"(ii) is first broadcast less than 72 hours before the date of an election, the notice and copy shall be provided at a time prior to the first broadcast that will be sufficient to enable candidates a reasonable opportunity to prepare and broadcast a response.".

SEC. 203. ATTRIBUTION OF COMMUNICATIONS.

Section 318(a) of FECA (2 U.S.C. 441d(a)), as amended by section 308, is further amended by adding at the end thereof the following new paragraph:

"(3) A communication described in paragraph (1) that is paid for through an independent expenditure—

"(A) in the case of a television broadcast, shall include during the entire length of the communication a clearly readable video statement covering at least 25 percent of the viewing area of a television screen stating the information required in paragraph (1)(B) and, if the independent expenditure is made by a political committee, stating the name of its connected organization (if any) and the city and State in which such organization is located;

"(B) in the case of any audio broadcast (including a television broadcast), shall include an audio statement at the conclusion of the broadcast stating the information described in paragraph (1)(B) and, if the independent expenditure is made by a political committee, stating the name of its connected organization (if any) and the city and State in which such organization is located; and

"(C) in the case of a newspaper, magazine, outdoor advertising facility, mass mailing, or other type of general public political advertising, shall include a statement of—

"(i) the information required in paragraph (1)(B);

"(ii) the following sentence: "The cost of presenting this communication is not subject to any campaign contribution limits."; and

"(iii) the name of the person who paid for the communication including, in the case of a political committee, the names of its president and its treasurer, and the name of its connected organization (if any) and the city and State in which located.".

Subtitle B—Expenditures

PART I—PERSONAL LOANS; CREDIT

SEC. 211. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 102, is amended by inserting at the end thereof the following new subsection:

"(j) LIMITATIONS ON PAYMENTS TO CANDIDATES.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle no contributions after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family (as defined in section 501(6)) may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors.".

SEC. 212. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; or"; and

(3) by inserting at the end thereof the following new clause:

"(iii) with respect to a candidate for the office of United States Senator and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mass mailings mail (including mass mail fund solicitations) or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period (not in excess of 60 days) for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished (the date of the mailing in the case of advertising by a mass mailing).".

PART II—PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES

SEC. 215. LIMITATIONS ON CONTRIBUTIONS TO STATE POLITICAL PARTY COMMITTEES.

(a) INDIVIDUAL CONTRIBUTIONS TO STATE PARTY.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to the political committee designated by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000; or".

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to the political committee designated by a State committee of a political party in any calendar year which, in the aggregate, exceed $15,000; or".

(c) INCREASE IN OVERALL LIMIT.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended by adding at the end thereof the following new sentence: "The limitation under this paragraph shall be increased (but not by more than $5,000) by the amount of contributions made by an individual during a calendar year to political committees designated by State committees of a political party for purposes of paragraphs (1)(C) and (2)(C).".

SEC. 216. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) EXPENDITURES BY STATE COMMITTEES IN CONNECTION WITH PRESIDENTIAL CAMPAIGNS.—Section 315(d) of FECA (2 U.S.C. 441a(d)) is amended by inserting at the end thereof the following new paragraph:

"(4) A State committee of a political party, including subordinate committees of that State committee, shall not make expenditures for activities described in section 324(b) (1) and (2) with respect to the general election campaign of a candidate for President of the United States who is affiliated with such party which, in the aggregate, exceed an amount equal to 4 cents multiplied by the voting age population of the State, as certified under subsection (e).".

(b) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(A) in clause (v) by striking the semicolon at the end thereof and inserting "or with respect to a mass mailing of such a listing;";

(B) in clause (xi)—

(i) by striking "direct mail" and inserting "mass mailing"; and

(ii) by striking the semicolon at the end thereof and inserting "and are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;"; and

(C) by repealing clauses (x) and (xii).

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended—

(A) in clause (iv) by striking the semicolon at the end thereof and inserting "or with respect to a mass mailing of such a listing;"; and

(B) by repealing clauses (viii) and (ix).

(c) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—(1) Title III of FECA is amended by inserting after section 323 the following new section:

"POLITICAL PARTY COMMITTEES

"SEC. 324. (a) Any amount solicited, received, or expended directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to an activity which, in whole or in part, is in connection with an election to Federal office shall be subject in its entirety to the limitations, prohibitions, and reporting requirements of this Act.

"(b) For purposes of subsection (a)—

"(1) Any activity which is solely for the purpose of influencing an election for Federal office is in connection with an election for Federal office.

"(2) Except as provided in paragraph (3), any of the following activities during a Federal election period shall be treated as in connection with an election for Federal office:

"(A) Voter registration and get-out-the-vote activities.

"(B) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that—

"(i) are generic campaign activities; or

"(ii) identify a Federal candidate regardless of whether a State or local candidate is also identified.

"(C) The preparation and dissemination of campaign materials that are part of a generic campaign activity or that identify a Federal candidate, regardless of whether a State or local candidate is also identified.

"(D) Maintenance of voter files.

"(E) Any other activity affecting (in whole or in part) an election for Federal office.

"(3) The following shall not be treated as in connection with a Federal election:

"(A) Any amount described in section 301(8)(B)(viii).

"(B) Any amount contributed to a candidate for other than Federal office.

"(C) Any amount received or expended in connection with a State or local political convention.

"(D) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that are exclusively on behalf of State or local candidates and are not activities described in paragraph (2)(A).

"(E) Administrative expenses of a State or local committee of a political party, including expenses for—

"(i) overhead;

"(ii) staff (other than individuals devoting a substantial portion of their activities to elections for Federal office);

"(iii) meetings; and

"(iv) conducting party elections or caucuses.

"(F) Research pertaining solely to State and local candidates and issues.

"(G) Maintenance of voter files other than during a Federal election period.

"(H) Activities described in paragraph (2)(A) which are conducted other than during a Federal election period.

"(I) Any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office.

"(4) For purposes of this subsection, the term 'Federal election period' means the period—

"(A) beginning on the date which is 60 days before the primary election for any regularly scheduled general election for Federal office; and

"(B) ending on the date of the general election.

"(c) TRANSFERS BETWEEN COMMITTEES.—(1) Except as provided in paragraph (2), the limitations on contributions contained in paragraphs (1) and (2) of section 315(a) shall apply to transfers between and among political committees described in subsection (a).

"(2)(A) A national committee may not solicit or accept contributions not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(B) Subparagraph (A) and paragraph (1) shall not apply to contributions that—

"(i) are to be transferred to a State committee for use directly for activities described in subsection (b)(3); or

"(ii) are to be used by the committee primarily to support such activities."

(2) Section 315(d) of FECA (2 U.S.C. 441a(d)), as amended by subsection (a), is amended by adding at the end thereof the following new paragraph:

"(5) The national committee of a political party, the congressional campaign committees of a political party, and a State or local committee of a political party, including a subordinate committee of any of the preceding committees, shall not make expenditures during any calendar year for activities described in section 324(b) (1) and (2) with respect to such State which, in the aggregate, exceed an amount equal to 30 cents multiplied by the voting age population of the State (as certified under subsection (e)). This paragraph shall not authorize a committee to make expenditures to which paragraph (3) or (4) applies in excess of the limit applicable to such expenditures under paragraph (3) or (4). No adjustment to the limitation under this paragraph shall be made under subsection (c) before 1992 and the base period for purposes of any such adjustment shall be 1990.".

(3) Paragraph (4) of section 315(a) (2 U.S.C. 441a(a)(4)) is amended by striking the first sentence thereof.

(d) GENERIC ACTIVITIES.—Section 301 of FECA (2 U.S.C. 431), as amended by section 201(b), is amended by adding at the end thereof the following new paragraph:

"(22) The term 'generic campaign activity' means a campaign activity the preponderant purpose or effect of which is to promote a political party rather than any particular Federal or non-Federal candidate.".

SEC. 217. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) STATE FUNDRAISING ACTIVITIES.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 211, is amended by adding at the end thereof the following new subsection:

"(k) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS.—(1) For purposes of this Act, a candidate for Federal office (or an individual holding Federal office) may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under this Act, or are not from sources prohibited by this Act with respect to elections to Federal office.

"(2) The appearance or participation by a candidate or individual in any activity (including fundraising) conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if—

"(A) such appearance or participation is otherwise permitted by law; and

"(B) such candidate or individual does not solicit or receive, or make expenditures from, any funds resulting from such activity.

"(3) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law."

(b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(l) TAX-EXEMPT ORGANIZATIONS.—(1) Except as provided in paragraph (2), if an individual—

"(A) established, maintains, or controls any organization described in section 501(c) of the Internal Revenue Code of 1986; and

"(B) is a candidate for, or holds, Federal office at any time during any calendar year, such individual may not solicit contributions to, or accept contributions on behalf of, such organization from any person during such calendar year which, in the aggregate, exceed $5,000.

"(2) If during any period an individual is a candidate for, or holds, Federal office, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.".

SEC. 218. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end thereof the following new subsection:

"(d) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 324 applies shall report all receipts and disbursements in connection with a Federal election (as determined under section 324).

"(3) Any political committee to which section 324 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 324(c) and the reason for the transfer.

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election (as determined by the Commission).

"(5) If any receipt or disbursement to which this subsection applies exceeds $200, the political committee shall include identification of the person from whom, or to whom, such receipt or disbursement was made.

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)), as amended by section 201, is amended by inserting at the end thereof the following:

"(D) The exclusions provided in subparagraphs (v) and (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions in excess of $200 shall be reported.".

(c) REPORTING OF EXEMPT EXPENDITURES.—Section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)), as amended by section 201, is amended by inserting at the end thereof the following:

"(D) The exclusions provided in subparagraph (iv) of subparagraph (B) shall not apply for purposes of any requirement to report expenditures under this Act, and all such expenditures in excess of $200 shall be reported.".

(d) CONTRIBUTIONS AND EXPENDITURES OF POLITICAL COMMITTEES.—Section 301(4) of FECA (2 U.S.C. 431(4)) is amended by adding at the end thereof the following:

"For purposes of this paragraph, the receipt of contributions or the making of, or obligating to make, expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office or of any political party, in general public political advertising; and the proximity to any primary, runoff, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(e) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(e) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

(f) REPORTS BY LARGE CONTRIBUTORS.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (e), is amended by adding at the end thereof the following new subsection:

"(f) REPORTS BY LARGE CONTRIBUTORS.—(1) Any individual who makes contributions subject to the limitations of section 315(a)—

"(A) shall report to the Commission within 7 days after such contributor makes contributions aggregating $10,000 or more during any calendar year; and

"(B) thereafter, shall report to the Commission within 7 days after each time such contributor makes contributions (not yet reported) aggregating $5,000 or more.

Any report shall include identification of the contributor, the name of the candidate or committee to whom the contributions were made, and the amount of the contributions.

"(2) Any candidate for Federal office, any authorized committee of a candidate, or any political committee soliciting contributions subject to the limitations of section 315(a) shall include with such solicitation notice of—

"(A) the requirement to report under paragraph (1); and

"(B) the aggregate limitation on such contributions under section 315(a)(3).".

Subtitle C—Contributions

SEC. 221. LIMITS ON CONTRIBUTIONS BY CERTAIN POLITICAL COMMITTEES TO POLITICAL PARTIES.

(a) LIMITATION ON AMOUNT OF CONTRIBUTIONS THAT MAY BE ACCEPTED.—Section 315(d) of FECA (2 U.S.C. 441a(d)), as amended by section 216, is amended—

(1) in paragraph (1) by striking "(2) and (3)" and inserting "(2), (3), (6), and (7)"; and

(2) by adding at the end thereof the following new paragraphs:

"(6) A congressional campaign committee of a political party (including any subordinate committee thereof) shall not accept, during an election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which such committee may make pursuant to section 315(d)(3) during that election cycle.

"(7) A national committee of a political party (including any subordinate committee thereof) shall not accept, during an election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed an amount equal to 2 cents multiplied by the voting age population of the United States, as certified under subsection (e).

"(8)(A)(i) Any expenditure made by a national or State committee of a political party, a congressional campaign committee, or any subordinate committee of the preceding committees, for general public political advertising which clearly identifies a candidate for Federal office by name shall be subject to the limitations of paragraphs (1) and (2).

"(ii) Clause (i) shall not apply to expenditures for mass mailings designed primarily

for fundraising purposes which make only incidental reference to any one or more Federal candidates.

"(B) For purposes of paragraph (3), any expenditure by a committee described in subparagraph (A) for any solicitation of contributions which clearly identifies any candidate on whose behalf such contributions are being solicited shall be treated for purposes of this paragraph as an expenditure in connection with the general election campaign of such candidate, except that if more than 1 candidate is identified, such expenditure shall be allocated on a pro rata basis among such candidates.".

(b) CONGRESSIONAL CAMPAIGN COMMITTEE.—Section 301 of FECA (2 U.S.C. 431), as amended by section 216(d), is amended by adding at the end thereof the following new paragraph:

"(23) The term 'congressional campaign committee' means the Democratic Senatorial Campaign Committee, the National Republican Senatorial Committee, the Democratic Congressional Campaign Committee, and the National Republican Congressional Committee.".

SEC. 222. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.

Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection—

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is—

"(I) a political committee other than an authorized committee;

"(II) an officer, employee, or agent of such a political committee; or

"(III) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.); or

"(IV) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

"(C) For purposes of this section—

"(i) the term 'contributions made or arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, including contributions arranged to be made in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting; and

"(ii) the term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(IV):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient.".

SEC. 223. EXCESS CAMPAIGN FUNDS.

(a) IN GENERAL.—Section 313 of FECA (2 U.S.C. 439a) is amended by inserting "(a)" before "Amounts", and by adding at the end thereof the following new subsection:

"(b)(1) Notwithstanding subsection (a), amounts described in subsection (a) that otherwise may be used to defray the costs of any ordinary and necessary expenses incurred in connection with an individual's duties as a holder of the office of United States Senator shall not be used to defray such costs which are expenditures with respect to such individual.

"(2) For purposes of subsection (a), ordinary and necessary expenses for the travel of the spouse or children of an individual holding the office of United States Senator between Washington, D.C. and the State from which such individual holds such office shall be treated as in connection with such individual's duties as a holder of Federal office unless such expenditures are expenditures with respect to such individual.

"(3) For purposes of this subsection, the term 'expenditure' has the meaning given such term by section 501(13).".

(b) CONTRIBUTIONS TO OFFICIAL OFFICE ACCOUNTS.—Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) No expenditure may be made, or amount transferred for the purpose of defraying expenses incurred by a Federal office holder in connection with his official duties by a political committee other than by the principal campaign committee of such holder.".

SEC. 224. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 217, is amended by adding at the end thereof the following new subsection:

"(m) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.".

Subtitle D—Reporting Requirements

SEC. 231. REPORTING REQUIREMENTS.

(a) PERIODS FOR REPORTING.—(1) Section 304(b)(2) of FECA (2 U.S.C. 434(b)(2)) is amended by striking "for the reporting period and calendar year," and inserting "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(4) of FECA (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(3) Section 304(b)(3) of FECA (2 U.S.C. 434(b)(3)) is amended by inserting "(within the election cycle in the case of authorized committees)" after "calendar year" in subparagraphs (A), (F), and (G) thereof.

(4) Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "(within the election cycle in the case of authorized committees)" after "calendar year".

(5) Section 304(b)(6)(A) of FECA (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(b) PERSONAL AND CONSULTING SERVICES.—Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

TITLE III—FEDERAL ELECTION COMMISSION

SEC. 301. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not include the name of any candidate in its name in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 302. REPORTING REQUIREMENTS.

(a) OPTION TO FILE MONTHLY REPORTS—Section 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A) by striking "and" at the end thereof;

(2) in subparagraph (B) by striking the period at the end thereof and inserting "; and"; and

(3) by inserting the following new subparagraph at the end thereof:

"(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.".

(b) FILING DATE.—Section 304(a)(4)(B) of FECA (2 U.S.C. 434(a)(4)(B)) is amended by striking "20th" and inserting "15th".

SEC. 303. PROVISIONS RELATING TO THE GENERAL COUNSEL OF THE COMMISSION.

(a) ACTION BY THE COMMISSION THROUGH ITS GENERAL COUNSEL.—(1) Section 306(c) of FECA (2 U.S.C. 437c(c)) is amended to read as follows:

"(c)(1) Subject to paragraph (2), all decisions of the Commission with respect to the exercise of its duties and powers under this Act or under chapter 95 or 96 of the Internal Revenue Code of 1986 shall be made by the affirmative vote of 4 members of the Commission.

"(2) On questions relating to—

"(A) the exercise of the Commission's authority under sections 307(a) (3) and (4);

"(B) a determination under section 309(a)(2) concerning whether there is reason to believe that a person may have committed or may be about to commit a violation of law; and

"(C) a determination to initiate or proceed with an investigation,

the general counsel of the Commission shall make a recommendation for action by the Commission, and such action shall be taken upon the affirmative vote of 3 members of the Commission.

"(3) A member of the Commission may not delegate to any person the member's power to vote or any other decisionmaking authority or duty vested in the Commission.".

(2) Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended by striking ", by an affirmative vote of 4 of its members,".

(b) VACANCY IN THE OFFICE OF GENERAL COUNSEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is amended by inserting at the end thereof the following new paragraph:

"(5) In the event of a vacancy in the office of general counsel, the next highest ranking enforcement official in the general counsel's office shall serve as acting general counsel with full powers of the general counsel until a successor is appointed.".

(c) PAY OF THE GENERAL COUNSEL.—Section 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

(1) by inserting "and the general counsel" after "staff director" in the second sentence thereof; and

(2) by striking the third sentence thereof.

SEC. 304. RETENTION OF FEES BY THE COMMISSION.

Section 306 of FECA (2 U.S.C. 437c) is amended by inserting at the end thereof the following new subsection:

"(g) Fees collected by the Commission for copying and certification of records and provision of other materials to the public shall not be covered into the general fund of the Treasury of the United States, but shall be kept in a separate account and shall be available to the Commission, without necessity of an appropriation, for use in carrying out this Act.".

SEC. 305. ENFORCEMENT.

(a) BASIS FOR ENFORCEMENT PROCEEDING.—Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended by striking "it has reason to believe that a person has committed, or is about to commit" and inserting "facts have been alleged or ascertained that, if true, give reason to believe that a person may have committed, or may be about to commit".

(b) AUTHORITY TO SEEK INJUNCTION.—(1) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end thereof the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found.".

(2) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(A) in paragraph (7) by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(B) in paragraph (11) by striking "(6)" and inserting "(6) or (13)".

SEC. 306. PENALTIES.

(a) PENALTIES PRESCRIBED IN CONCILIATION AGREEMENTS.—(1) Section 309(a)(5)(A) of FECA (2 U.S.C. 437g(a)(5)(A)) is amended by striking "which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than 50 percent of all contributions and expenditures involved in the violation (or such lesser amount as the Commission provides if necessary to ensure that the penalty is not unjustly disproportionate to the violation); and

"(ii) not greater than all contributions and expenditures involved in the violation".

(2) Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 150 percent of all contributions and expenditures involved in the violation".

(b) PENALTIES WHEN VIOLATIONS ARE ADJUDICATED IN COURT.—(1) Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that follows "appropriate order" and inserting ", including an order for a civil penalty in the amount determined under subparagraph (A) or (B) in the district court of the United States for the district in which the defendant resides, transacts business, or may be found.".

(2) Section 309(a)(6)(B) of FECA (2 U.S.C. 437g(a)(6)(B)) is amended by striking all that follows "other order" and inserting ", including an order for a civil penalty which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 200 percent of all contributions and expenditures involved in the violation,

upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 of chapter 96 of the Internal Revenue Code of 1986.".

(3) Section 309(a)(6)(C) of FECA (29 U.S.C. 437g(6)(C)) is amended by striking "a civil penalty" and all that follows and inserting "a civil penalty which is—

"(i) not less than 200 percent of all contributions and expenditures involved in the violation; and

"(ii) not greater than 250 percent of all contributions and expenditures involved in the violation.".

(c) TIME PERIODS FOR CONCILIATION.—Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended—

(1) in clause (i) by striking "30 days" and inserting "15 days";

(2) in clause (i) by striking "90 days" and inserting "60 days"; and

(3) in clause (ii) by striking "at least 15 days" and inserting "no more than 30 days".

SEC. 307. RANDOM AUDITS.

Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by inserting at the end thereof the following new paragraph:

"(2) Notwithstanding paragraph (1), and subject to the provisions of section 507, the Commission may from time to time conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process.".

SEC. 308. ATTRIBUTION OF COMMUNICATIONS.

Section 318(a) of FECA (2 U.S.C. 441d(a)) is amended to read as follows:

"(a)(1)(A) Except as permitted under paragraph (2), if—

"(i) any person makes an expenditure or independent expenditure for the purpose of financing a communication expressly advocating the election or defeat of a clearly identified candidate, or solicits a contribution by a communication through a broadcasting station, newspaper, magazine, outdoor advertising facility, mass mailing, or other type of general public political advertising; or

"(ii) an authorized committee registered under section 303 makes a communication of any kind,

the requirements of subparagraph (B) shall be met with respect to such communication.

"(B) Subject to section 315(b)(2)(A)(iii) of the Communications Act of 1934, for the purposes of subparagraph (A)—

"(i) if the communication is paid for and authorized by a candidate, an authorized committee of a candidate, or its agents, the communication shall clearly state that the communication has been paid for by such candidate or authorized committee;

"(ii) if the communication is paid for by other persons but authorized by a candidate, an authorized committee of a candidate, or its agents, the communication shall clearly state that the communication is paid for by such other persons and authorized by such candidate or authorized committee; and

"(iii) if the communication is paid for by an independent expenditure, the communication shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's authorized committee.

"(2) The Commission may waive the requirements of paragraph (1) in circumstances in which the inclusion of the required information in a communication would be impracticable.".

SEC. 309. FRAUDULENT SOLICITATION OF CONTRIBUTIONS.

Section 322 of FECA (2 U.S.C. 441h) is amended—

(1) by inserting "(a)" before "No"; and

(2) by inserting at the end thereof the following new subsection:

"(b) No person shall—

"(1) make a fraudulent misrepresentation that the person is authorized to solicit or accept a contribution to a candidate or political committee; or

"(2) solicit or accept a contribution to a candidate or political committee unless the person—

"(A) intends to, and does, pay over to the candidate or political committee any contribution received; and

"(B) inform the candidate or political committee of the name of the contributor.".

TITLE IV—MISCELLANEOUS

SEC. 401. RESTRICTION OF CONTROL OF CERTAIN TYPES OF POLITICAL COMMITTEES BY INCUMBENTS IN OR CANDIDATES FOR FEDERAL OFFICE.

Section 302 of FECA (2 U.S.C. 432) is amended by adding at the end thereof the following new subsection:

"(j) An incumbent in or candidate for Federal office may not establish, maintain, or control a political committee, other than an authorized committee of the candidate or a committee of a political party.".

SEC. 402. POLLING DATA CONTRIBUTED TO A SENATORIAL CANDIDATE.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 218, is amended by inserting at the end thereof the following new subparagraph:

"(E) A contribution of polling data to a candidate for the office of United States Senator shall be valued at the fair market value of the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.

SEC. 403. MASS MAILINGS.

Section 301 of FECA (2 U.S.C. 431), as amended by section 221(b), is amended by adding at the end thereof the following new paragraph:

"(24) The term 'mass mailing' means newsletters and similar mailings of more than 100 pieces in which the content of the matter mailed is substantially identical, excluding—

"(A) mailings made in direct response to communications from persons to whom the matter is mailed;

"(B) mailings to Federal, State, or local government officials; and

"(C) news releases to the communications media."

Mr. FORD. Mr. President, I ask unanimous consent that the section-by-section analysis of the amendment submitted by Senator BOREN, which is the substitute for S. 137, be printed in the RECORD following the submission of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE ELECTION CAMPAIGN ETHICS ACT OF 1990, S. 137—SUBSTITUTE—SECTION-BY-SECTION ANALYSIS

Section 1(a).—This Act may be cited as the Senate Election Campaign Ethics Act of 1990.

Section 1(b).—When used in this Act, "FECA" means the Federal Election Campaign Act of 1971.

Section 1(c).—Table of Contents.

TITLE I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS

Senate spending limits and public benefits

Sec. 101(a) amends FECA to add the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC BENEFITS FOR SENATE ELECTION CAMPAIGN"

"Definitions

"Section 501" defines the terms "eligible candidate", "Senate Election Campaign Fund", "Fund", "general election", "general election period", "immediate family", "major party", "primary election", "primary election period", "runoff election", "runoff election period", "voting age population", and "expenditure" and to the extent not inconsistent incorporates by reference all other definitions in Section 301 of the Federal Election Campaign Act (2 U.S.C. 431).

"Candidates eligible to receive benefits

"Section 502(a)" provides that a candidate will be eligible for benefits if the candidate meets the primary and general election filing requirements, the primary and runoff expenditure limits, and the minimum contribution requirements.

"Section 502(b)" requires that a candidate file a statement with the FEC, on the date of filing as a candidate, that he or she will meet the limitations on spending in the primary, runoff, and general elections, and from personal funds, and will not accept contributions for the primary and runoff elections that exceed those limits.

"Section 502(c)" requires that a candidate certify under penalty of perjury to the FEC, within 7 days of the earlier of either qualifying for the general election ballot or winning a primary or runoff held after September 1, that the primary and runoff limits were met, that the candidate did not accept contributions in excess of those limits, that the minimum contribution threshold has been met (with only allowable contributions), that at least one other candidate has qualified for the general election ballot, that the limits on spending in the general election will be met, and that no contributions will be raised for the general election that exceed the aggregate of the threshold contributions, in-state resident contributions which may exceed the general election spending limit, and the compliance and official expenses fund.

The candidate must also notify the Commission of his or her intention to deposit all payments received under this Act in an account insured by the FDIC, to make all such expenditures therefrom by check or similar means of payment, to furnish records, evidence of contributions, and other appropriate information to the FEC, and to cooperate with any Commission audit or examination.

"Section 502(d)" establishes a primary election spending limit of the lesser of $2,750,000 or 67% of the applicable general election spending limit and a runoff election limit of 20% of the general election limit. These limits will be increased by the aggregate amount of independent expenditures made during that election, if in excess of $10,000 by any person, in opposition to a candidate or in support of his or her opponent, as certified to the FEC. Primary and runoff contributions in excess of those limits may be used in the general election, unless they exceed the total contributions that may be raised for the general election plus the compliance and official expense fund, provided such carryover will not result in a violation of the contribution limits of the Act.

"Section 502(e)" establishes a minimum qualifying contribution threshold requirement of 10% of the general election spending limit. A contribution may not be counted toward establishing eligibility, unless (1) it is a gift of money made through a written instrument that identifies the contributor, (2) it is not made directly or indirectly through an intermediary or conduit which is treated as such under this Act, (3) it is made by an individual and does not exceed an aggregate of $250, (4) no more than 50% of said contributions were received from individuals who reside outside such candidate's state, and (5) it was received after January 1 of the calendar year preceding the year of the election and by the date certification is filed for the general election or, for non-major party candidates, the general election itself (or in a special election, between the date the vacancy occurs and the date of the general election).

"Section 502(f)" provides for indexing of the $2,750,000 used in determining the primary spending limit and sets a base year of the calendar year of the first general election after enactment of the bill.

"Limitations on expenditures

"Section 503(a)" limits to $250,000 the amount an eligible candidate may spend or loan, or borrow to spend or loan, the campaign from his or her own money, or that of the candidate's immediate family, during the election cycle.

"Section 503(b)" sets a limitation on general election expenditures by candidates for the Senate entitled to benefits hereunder. Candidates shall not spend more than the lesser of (A) $5.5 million or (B) the greater of (i) $950,000 or (ii) $400,000 plus in a State having a voting age population of 4 million or less, 30 cents times the voting age population, plus in a State having a voting age population in excess of 4 million, 25 cents times the voting age population by which it exceeds 4 million. (In states with only one commercial VHF television station, the limit would be raised to the lesser of (A) $5.5 mil-

lion or (B) the greater of (i) $950,000 or (ii) $400,000 plus 80 cents times the voting age population up to 4 million, plus 70 cents times the voting age population over 4 million). It provides that these limits shall be subject to an annual increase of the same percentage used to increase the base primary spending limit.

It also permits eligible candidates who have raised contributions equal to the spending limit to exceed the limit by up to 25% through contributions raised after the date the threshold limit was reached from individuals residing in that state in amounts of $100 or less. This exemption shall not be factored into any other provision of this Act regarding the general election expenditure limit.

"Section 503(c)" would permit participating candidates to establish with private contribution, subject to all limitations, prohibitions and reporting requirements of the Act, a compliance and official expense fund of up to the lesser of 15 percent of the general election spending limit or $300,000, plus any amount specifically approved upon petition to the FEC if a candidate has such compliance expenses in excess of the limit (no public subsidies may be transferred into this fund). The fund, upon termination—not later than the date of the first primary following the general election or a date specified by the candidate—would be donated to the Senate Election Campaign Fund, or transferred to a subsequent compliance and official expense fund or authorized committee of the candidate.

"Section 503(d)" provides that the general election spending limit would not apply to the payment of any taxes on earnings from contributions raised.

"Benefits eligible candidates entitled to receive

"Section 504(a)" provides that eligible candidates are entitled to receive: special broadcast rates under Sec. 315(b)(3) of the Communications Act of 1934; lower mailing rates under 39 U.S.C. 3629; payments from the Senate Election Campaign Fund as specified in Sec. 504(b); and voter communication vouchers as specified in Sec. 504(c).

"Section 504(b)" provides for three forms of payment to eligible candidates: the public financing amount; the amount to compensate for independent expenditures; and the amount to compensate an eligible candidate whose opponent receives contributions or makes expenditures in excess of the general election spending limit.

The public financing amount—for major party candidates—is equal to the general election spending limit, minus the threshold amount and the amount of voter communication vouchers, hence a total of 70% of the general election limit. For other candidates, the public financing amount is the lesser of: the allowable contributions to the eligible candidate in excess of the threshold requirement, or 50% of the major party candidate payment.

The independent expenditure payment to an eligible candidate is equal to the total amount made—after such amount exceeds $10,000—by one or more persons against the candidate or for his or her opponent.

The third payment is to an eligible candidate whose opponent raises or spends in excess of the general election limit. The eligible candidate—if major party—is entitled to a payment under the Act equal to two-thirds of the applicable limit, once the opponent exceeds it by less than one-third, and an additional payment equal to one-third of the limit, once the opponent exceeds the limit by one-third or more. A non-major party eligible candidate would be entitled to receive payments equal to the amount actually raised in excess of the sum of the threshold and other allowable contributions raised, up to half the major party candidate's general election spending limit.

"Section 504(c)" requires the Secretary of the Treasury to issue nontransferable voter communication vouchers to eligible candidates in aggregate amounts of up to 20% of the general election spending limit, or—if a non-major party candidate—10% of the limit. Vouchers are to be used for purchasing broadcast time subject to generally applicable conditions and rates under Section 315(b) of the Communications Act of 1934, except that each broadcast must be between 1 and 5 minutes in length and be aired during the 5 weeks prior to the general election.

"Section 504(d)" permits an eligible candidate who receives payments of public funds to compensate for independent expenditures or excessive spending by opponents to spend such funds without regard to the spending limit. It removes the limits on personal funds and overall spending entirely for an eligible candidate when an opponent is not eligible and raises or spends more than 133⅓% of the spending limit. An eligible candidate may receive contributions in excess of the spending limit if either (a) any major party opponent is not eligible or (b) any other candidate who is not eligible spends more than 75% of the spending limit.

"Section 504(e)" requires that such benefits be used to defray expenditures incurred with respect to the general election and that they not be used to repay any loan except to the extent that the proceeds of such loan were used to further the general election of the candidate, to make any payments to the candidate or a member of the candidate's immediate family, to make any expenditure other than to further the general election of such candidate, or to make an expenditure in violation of any law.

Certification by Commission

"Section 505" requires the Commission to certify a candidate's eligibility for payment of funds or voter communication vouchers within 48 hours of filing the candidate's request. Determinations made by the Commission regarding certifications are final and conclusive, except to the extent they are subject to examination and audit, and judicial review.

"Payments Relating to Eligible Candidates

"Section 506(a)" establishes the Senate Election Campaign Fund, specifies the uses of the Fund, and establishes procedures for transfer of monies to the Fund.

"Section 506(b)" authorizes payment of funds by the Secretary of the Treasury from the Senate Election Campaign Fund upon certification by the Commission.

"Section 506(c)" authorizes the Secretary of the Treasury to issue voter communication vouchers upon certification by the Commission and to pay broadcasters who submit such vouchers their face value.

"Section 506(d)" authorizes the Secretary of the Treasury to reduce amounts available for payment by a percentage formula should insufficient funds be available for full payment and requires that the Secretary notify the Commission and the candidates of the need to prorate payments.

"Examination and Audits; Repayments

"Section 507(a)" requires the Commission to audit after each general election on a random basis 10% of all Senate candidates and authorizes audits of any candidate for cause.

"Sections 507 (b) through (d)" provide that if a candidate received more payments, vouchers, or reduced mailing rates than he or she was entitled to or if the Commission revokes his or her eligibility certification, he or she must repay the amount of the excess; if funds were not used in accordance with the title, he or she must repay an amount equal to 200% of the amount of such funds; and if the candidate exceeded the spending limit by 5 percent or less, he or she must repay the amount by which the limit was exceeded, and if by more than 5 percent of the limit, he or she must repay an amount of three times the excess expenditure.

"Section 507(e)" allows a candidate to retain such funds for 120 days after an election for payment of general election expenses and requires repayment of unexpended amounts remaining at the end of the 120 day period.

"Section 507(f)" imposes a three year limit on Commission notifications of repayments under this title.

"Section 507(g)" provides that repayments be deposited in the Senate Election Campaign Fund.

"Criminal penalties

"Section 508" would provide for criminal penalties in the case of: the knowing and willful acceptance of excess benefits, use of benefits for purposes not provided in the Act, and making expenditures in excess of the limits (fine up to $25,000 or up to 5 years imprisonment, or both); misuse of such funds (fine up to $10,000 or up to 5 years imprisonment, or both); provision of false, fictitious or fraudulent information to the Commission, or failing to furnish requested records (fine up to $10,000 or up to 5 years imprisonment, or both); or acceptance of a kickback or illegal payment (fine up to $10,000 or up to 5 years imprisonment, or both, and payment to the Fund of 125% of amount of kickback or benefit).

"Judicial proceedings

"Sections 509 and 510" give the Commission power to initiate civil proceedings to seek recovery of amounts owed by candidates and tracks existing judicial review provisions of 26 U.S.C. 9041 and 9042. An expedited review of Commission determinations under the Act is provided.

"Reports to Congress; Regulations

"Section 511" requires the Commission to submit reports after each election to Congress containing expenditures of candidates, the amount of public funds paid each candidate, the amounts repaid, and the balance in the Senate Election Campaign Fund. Such reports are to be printed as Senate documents. The Commission is also authorized to prescribe rules and regulations (after submitting its proposals to the Senate for 30 days), to conduct examinations and investigations, and to require the keeping and submission of records and information it deems necessary to carry out its duties.

"Authorization of appropriations

"Section 512" authorizes the appropriation of such sums as may be necessary to the Commission to carry out its functions under this title.

Effective dates

Section 101(b) provides that the provisions in Section 101 shall apply to elections held after December 31, 1991. No expenditure made before January 1, 1991 shall count toward expenditure limits, except for ex-

penditures for goods and services to be provided after that date. All cash, cash items, and government securities on hand on January 1, 1991 shall count toward the contribution limits, except for amounts used during the first 60 days after that date for expenditures incurred but not paid before then.

Ban on contributions to Senate candidates by Political Action Committees

Section 102(a) amends 2 U.S.C. 441a to permit Senate candidates to accept contributions only from individuals and political party committees. This provision applies to elections held after enactment of this Act, but does not include PAC contributions made or received before enactment, or PAC contributions made after enactment which are less than the total PAC contributions received by any opponent before that date minus any PAC contributions received by the candidate before that date.

Broadcast rates

Section 103(a) amends Section 315(b) of the Communications Act of 1934 to state that Federal candidates may receive the "lowest unit rate" (i.e., the lowest unit rate for preemptible time for purchase of nonpreemptible time) for broadcasts without regard to the class of time, provided that broadcasts paid for by the candidate or authorized agents include the candidate's voice in a radio ad or personal appearance in a TV ad stating that it was paid for by the candidate or his or her authorized committee. For broadcasts exceeding 30 seconds, the lowest unit cost will be based on the rates for 30 second broadcasts. In the case of Senate candidates, only those eligible for benefits may take advantage of these provisions (although all must comply with the candidate identification provision), which will apply during the entire general election period, not just the last 60 days as applies to other Federal candidates. Broadcasters may disregard special or nontypical rates in determining lowest unit cost for Federal candidates.

Section 103(b) prohibits licensees from preempting broadcasts by Federal candidates at the lowest unit rate, unless such preemption is unavoidable. Broadcasters are required to accept voter communication vouchers from eligible candidates and to provide time at the same rates and conditions as otherwise would apply to that candidate, except that at least 7 days advance notice must be provided and that the broadcaster need not provide more than 5 minutes of prime time during each of the 5 weeks preceding the general election nor more than one broadcast per day during that period.

Section 103(c) makes a conforming amendment in Section 315(b) of the Communications Act of 1934.

Preferential rates for mail

Section 104 adds to 39 U.S.C., Section 3629, providing postal rates to eligible Senate candidates for first-class matter of one-fourth the first-class rate, and for third-class matter, of two cents less than the reduced first-class rate. The total amount allowed to be spent at these reduced rates is 5% of the general election spending limit.

Disclosure by noneligible candidates

Section 105 amends Section 441d of 2 U.S.C. to require a disclaimer on all advertisements by Senate candidates not eligible for benefits, stating that such candidate has not agreed to abide by the spending limits under the Act.

Reporting requirements

Section 105 adds Section 304A to Title III of FECA: "Reporting Requirements for Senate Candidates"

"Section 304A(a)" requires candidates who do not file eligibility certifications for the general election to declare to the Commission whether they intend to exceed the general election spending limit. It requires reports to be filed by Senate candidates who are not eligible for benefits and who raise or spend or obligate to spend more than 70% of the spending limit for the general election. The first such report shall be filed within 24 hours after raising or spending such amounts (or, if later, within 24 hours after qualifying for the general election ballot), stating total contributions and expenditures. An additional report is required within 24 hours of each time such candidate raises or spends or obligates to spend an additional 10% of the limit, until 133⅓% of the limit is reached. The Commission is required to notify the eligible candidate within 24 hours of the filing of such reports by an opponent and shall certify eligibility for payments once the opponent has exceeded the spending limit. The Commission is authorized to make its own findings regarding the contributions or expenditures of candidates who are not eligible and give eligible candidates notice when such limits are exceeded.

"Section 304A(b)" requires persons, whether alone or in cooperation with others, to report all independent expenditures for Senate elections in excess of $10,000 to the Commission within 24 hours, and to file additional reports within 24 hours of each time the additional aggregate in such expenditures exceeds $10,000. Reports filed with the Commission and the appropriate Secretary of State shall be accompanied by an identification, under penalty of perjury, of the candidates intended to be helped elected or defeated. Anyone may file a complaint with the Commission if he or she believes information in such reports is false, in which case the Commission must make a determination with respect to the complaint within 3 days.

It also requires the Commission to notify eligible candidates of independent expenditures in excess of $10,000 made against them or for their opponent, within 24 hours of receiving a report of such spending, and to certify eligibility for payments under the Act. The Commission is authorized to make its own findings regarding independent expenditures and to give the affected candidate notice of its findings.

"Section 304A(c)" requires candidates to file a report with the Commission within 24 hours if they spend or loan more than $250,000 of personal or immediate family funds to their campaign. The Commission must notify eligible candidates of these reports and is authorized to make its own findings regarding such expenditures and to give affected candidates notice of its findings.

"Section 304A(d)" requires Senate candidates who, during that election cycle, held or were candidates for any other elective office to report to the Commission within 7 days of becoming Senate candidates a statement of the amount and nature of any expenditures made before becoming Senate candidates which would have been treated as Senate campaign expenditures, such as to promote their public image or name recognition. This would not apply to any elections held before the individual becomes a Senate candidate. The Commission must determine, as soon as practicable, whether to consider these expenditures to have been made in connection with a Senate election, and therefore subject to the applicable spending limit.

"Section 304A(e-g)" requires the Commission to make certifications on the basis of reports filed with it or on its own investigations, and to transmit copies of reports received under this section to the Secretary of the Senate within 2 working days of receipt.

Other definitions

Section 107(a) amends 2 U.S.C. 431 to define election cycle for candidates or authorized committees as beginning the day after the most recent general election for that office and ending on the date of the next general election for that office. For other persons, the election cycle shall begin the day after the last general election and end on the next general election day.

Section 107(b) would change the definition of identification of an individual to include his or her permanent residence address instead of mailing address.

TITLE II—EXPENDITURES AND CONTRIBUTIONS

Subtitle A—Independent Expenditures

Cooperative expenditures not treated as independent expenditures

Section 201 adds the term "cooperative expenditure" to 2 U.S.C. 431(8), and states that an independent expenditure cannot include a cooperative expenditure, the latter being treated as a contribution from the person making the expenditure to the candidate on whose behalf it was made and as an expenditure by the candidate for whose benefit it was made. It defines cooperative expenditure to specify certain relationships and activities between candidates and committees or other persons that constitute coordination, consultation or concerted activity between the parties and which do not constitute a relationship of sufficient independence to permit unlimited spending for or against a candidate. It also provides that once any such relationship or activity is established or undertaken, even if before a person becomes a candidate, subsequent spending will continue to be considered cooperative expenditures. Any expenditure made to benefit a candidate by political committees affiliated with a lobbying organization shall be considered a cooperative expenditure, as shall any expenditure to benefit a candidate by a political committee that has made a contribution to that candidate.

Equal broadcast time

Section 202 amends Section 315(a) of the Communications Act of 1934 to require persons making independent expenditures to inform the broadcaster of the nature of the advertisement and the names of candidates to which the broadcast relates. Broadcasters are then required to notify all affected candidates of the broadcast and to allow the candidates opposed by the independent expenditure to purchase the same amount of time immediately following the independent expenditure. For opponents of candidates supported by independent expenditures who certify that the opponent is eligible for compensating payments, the licensee must provide the opponent time without requiring payment in advance and at the lowest unit rate time provided in the Act.

Broadcasters are also required to provide equal opportunities for all candidates if any candidate is permitted access, but no obligation is required by this section for any broadcaster to allow the use of its station by

any candidate. Appearance of a candidate on a bona fide news show shall not be considered a use of the station.

A licensee that endorses a federal candidate must provide all other candidates a copy of the editorial and a reasonable chance to reply, within 24 hours if the editorial is aired at least 72 hours before the election and on an expedited basis if the editorial is first aired within 72 hours of the election.

Attribution of communications

Section 203 amends 2 U.S.C. 44d(a) to require that any televised political advertisement sponsored by independent expenditures contain throughout its duration a clearly readable statement covering at least 25% of the viewing area identifying the person paying for the advertisement and, if a committee, the name of any affiliated organization. Independent expenditures in any audio broadcast shall state such information at the conclusion of the broadcast. Similar information is required for printed and other forms of advertisements together with a statement that the cost of such statement was not subject to any campaign contribution limits.

Subtitle B—Expenditures

Part I—Personal Loans; Credit

Personal contributions and loans

Section 211 amends 2 U.S.C. 441a to prohibit contributions received after the general election from being used to repay loans from a candidate or immediate family member. No contribution may be returned to a candidate or immediate family member except as part of a pro rata distribution of excess funds to all contributors.

Extensions of credit

Section 212 defines contribution to include an extension of credit to a Senate candidate and his authorized committees in an amount of more than $1,000 for such purposes as advertising and mass mailings, for a period that is greater than the lesser of the period that is in the usual course of business or 60 days.

Part II—Provisions Relating to Soft Money of Political Parties

Limitations on Contributions to State Political Party Committees

Section 215(a) amends 2 U.S.C. 441a(A)(1) to allow individuals to contribute up to $20,000 to a State political party in a calendar year, instead of the current limit of $5,000.

Section 215(b) amends 2 U.S.C. 441a(a)(2) to allow multicandidate committees to contribute up to $15,000 to a State political party in a calendar year, instead of the current limit of $5,000.

Section 215(c) amends 2 U.S.C. 441a(a)(3) to allow an individual to exceed the annual aggregate limit on all Federal contributions ($25,000) by the amount of contributions up to $5,000 to a State party committee.

Provisions relating to National, State, and local party committees

Section 216(a) amends 2 U.S.C. 441a(d) to limit all spending by a state party committee and its subordinates on behalf of its Presidential general election candidate—including any activity defined elsewhere in this Act as influencing a federal election—to 4 cents times the voting age population of the state.

Section 216(b) amends Section 431 of 2 U.S.C. by repealing clauses (8)(B) (x and xii) and (9)(B) (viii-ix), which exempt from the definition of contribution and expenditure payments by state or local party committees on certain grassroots activities and materials, and get-out-the-vote and registration drives which benefit their parties' nominees for President and Vice President.

It also specifies that mass mailings by candidates of campaign materials in connection with volunteer activities are not exempt from the current law's definition of contribution and that mass mailings by state and local party committees of slate cards and sample ballots are not exempt from the law's definition of contribution and expenditure.

Section 216(c) adds a new section to Title III of the FECA: "Political Party Committees"

"Section 324" provides that all contributions received and expenditures made by a national, state, or local party committee are entirely subject to the provisions of the FECA, if they are at least in part in connection with a Federal election and made during a Federal election period—defined as from 60 days before the date of the earliest regular primary for any Federal office through the date of the general election.

Activities deemed in connection with a Federal election include: voter registration and get-out-the-vote drives; campaign advertising that is either generic or which identifies any Federal candidate; campaign materials which are either generic or which identify any Federal candidate; the maintenance of voter lists; and any other activity which may affect a Federal election. (Generic activities are defined as those whose preponderant purpose and affect pertains to a political party rather than a particular Federal or non-Federal candidate.)

Activities not considered in connection with a Federal election and which may be paid for from state regulated funds include: party building funds; contributions on behalf of non-Federal candidates; contributions or expenditures for state or local political conventions; administrative expenses of state or local party committees; research pertaining solely to state and local races; maintenance of voter files outside a federal election period; and any activities specified above which are conducted outside of the federal election period or which solely affect non-federal elections.

The limits on contributions in the FECA shall also apply to transfers among political committees, thus eliminating the authority for such committees to make unlimited transfers under 2 U.S.C. 441a(a)(4). All money raised by national party committees must be raised in accordance with the FECA. These provisions pertaining to transfers and to national committees do not apply to funds that are transferred to a state or local committee for the purposes set forth above or for use by the national committee in support of such state activities.

State or local party committees (including any subordinate committees) may not make any expenditures in connection with Federal elections (as defined above) in any year which exceed an aggregate of 30 cents times the voting age population of the state. This does not permit such committees to spend in excess of the limits elsewhere imposed on coordinated expenditures. This limit shall be increased periodically, before 1992 and based on 1990.

Restrictions on fundraising by candidates and officeholders

Section 217 amends 2 U.S.C. 441a to prohibit Federal candidates and officeholders from raising any funds in connection with a Federal election unless such funds are raised and spent in accordance with the Act, or in connection with non-Federal elections if the amounts raised are in excess of what would be permissible under the FECA and are from sources permitted by the FECA. These prohibitions shall not apply to a candidate or officeholder appearing or participating in an activity for a state or local party committee or non-federal candidate if it is otherwise permitted by law and where the individual solicits or receives no contributions from it.

This section also prohibits Federal candidates or officeholders from raising more than $5,000 a year for a tax-exempt organization which he or she establishes, maintains, or controls. It also prohibits a Federal candidate or officeholder from soliciting contributions for any tax exempt organization which devotes a significant portion of its budget to voter registration or get-out-the-vote drives.

Reporting requirements

Section 218 requires reports by national party committees of all activities, whether or not in connection with federal elections, and by other political committees on activities in connection with federal elections. Any other political committee which maintains a non-federal account must report all activity in connection with a federal election. State and local party committees which spend money in connection with federal elections must also report any transfers and the reasons for such. Reports must include itemization of receipts and expenditures of over $200.

This provision also requires that contributions and expenditures over $200 to or by national or state party committees for building funds and state or local party committees for sample ballots and slate cards must be reported and disclosed under the Act. In determining whether an entity is a political committee as defined in 2 U.S.C. 431(4), the FEC is authorized to make judgements on what constitutes efforts to influence federal elections, such as the representations made in soliciting funds for such purposes, identification of federal candidates in general advertising, and the proximity of advertising to specific elections.

State party committees may file the same reports required under state law, if deemed by the Commission to include substantially the same information as on federal forms.

Individuals who contribute more than $10,000 to federal candidates and committees in a year must report such to the Commission within 7 days, and within 7 days thereafter each time an additional $5,000 is contributed. Candidates and committees soliciting contributions subject to FECA limits must include a notice of the aggregate annual limit and the requirement to report large contributions in its solicitation.

Subtitle C—Contributions

Limits on contributions by certain political committees to political parties

Section 221 limits the amount of contributions which the national committee of a political party (including any committee established or maintained thereby) may receive during an election cycle from multicandidate committees and separate segregated funds to an aggregate of 30% of the amount that may be spent on behalf of Senate or House candidates under Section 441a(d) of 2 U.S.C.

It limits the amount which a national party committee (including any political committee of such party) may receive

during a two year election cycle from such sources to 2 cents multiplied by the voting age population of the United States.

The limitations on national and state party coordinated expenditures shall apply to general public political advertising which identifies a candidate for federal office but not to direct mail fundraising communications that only make incidential reference to one or more federal candidates.

It also requires that solicitations for contributions which clearly identifies a candidate shall count as a coordinated expenditure for that candidate, and solicitations that refer to more than one candidate shall have the expenditures pro rated.

Contributions through intermediaries or conduits

Section 222 would limit the earmarking and bundling of all contributions made payable to a conduit, or by political action committees, party committees, corporations, unions, national banks, and lobby organizations and their officers, employees, or agents regardless of to whom the contribution is made payable, to the amount of the contribution limit of the individual or committee acting as conduit. It specifies what is meant by "contributions made or arranged to be made" and "acting on the organization's behalf." This provision would not apply to a joint fundraising activity or similar event by two or more candidates, party committees, or combination thereof. Contributions which pass through intermediaries must be reported to the Commission and the intended recipient, identifying both the original source and intended recipient.

Excess campaign funds

Section 223(a) amends Section 439a of 2 U.S.C. to allow excess campaign funds to be used to defray ordinary and necessary expenses connected to a Senator's official duties which are not expenditures to influence his or her election, including ordinary and necessary expenses for travel by the Senator's spouse or children between the home state and Washington, D.C.

Section 223(b) amends 2 U.S.C. 441a(a) to allow contributions to be made or transferred to a federal officeholder's official office account only from that official's principal campaign committee.

Contributions by dependents not of voting age

Section 224 amends 2 U.S.C. 441a to count contributions by non-voting age dependents of another individual as contributions by that individual, and allocated between that individual and his or her spouse, if relevant.

Subtitle D—Reporting Requirements

Reporting requirements

Section 231(a) modifies various sections of section 434 to the effect that reports by candidates and authorized committees aggregate on an election cycle, rather than calendar year, basis.

Section 231(b) requires that in reporting expenditures a committee must report the relevant information about a secondary payee in a situation where a primary payee providing personal or consulting services pays for goods and services for the candidate in excess of the reporting threshold of $200.

TITLE III—FEDERAL ELECTION COMMISSION

Use of candidates' names

Section 301 provides that a political committee may not use the name of a candidate in its name, unless it is the authorized committee of that candidate. It also prohibits the use of a candidate's name in the name of a political committee in such a way as to suggest the committee is authorized to do so.

Reporting requirements

Section 302 allows House and Senate principal campaign committees the option of filing reports on a monthly basis in all years, except that pre-general election, post-general election, and year-end reports may take the place of November and December reports for an election year.

For political committees not authorized by candidates and filing monthly reports, such reports shall be due on the 15th of the month, rather than the 20th.

Provisions relating to the General Counsel of the Commission

Section 303 requires all decisions by the Commission with respect to the public funding system to be made by the affirmative vote of 4 Members. The affirmative vote of only 3 Members will be required when the general counsel makes a recommendation regarding: the requirement of production of documentary evidence; the ordering and conduct of testimony; determination of reason to believe a violation may have been committed; and determination to initiate or proceed with an investigation. Members may not delegate their votes or decision-making authority to others. This section removes the requirement of an affirmative vote of 4 members for the Commission to determine that it has reason to believe a violation may have been committed.

A vacancy in the office of general counsel shall be filled by the next highest ranking enforcement official, who will have full powers until a successor is appointed.

This provision also raises the pay of the general counsel to that of the staff director.

Retention of fees by the Commission

Section 304 allows fees collected by the Commission for copying and certifying records and providing public materials to be retained by the Commission for performance of its duties.

Enforcement

Section 305 changes the basis for enforcement proceedings by allowing the Commission to proceed if facts are alleged or ascertained that, if true, give reason to believe a person *may have* committed a violation, rather than requiring the Commission to have reason to believe such a violation *has been* committed.

It provides authority to the Commission to initiate a civil action for a temporary restraining order or injunction if there is substantial likelihood that a violation of the public funding system has occurred or is likely to occur, that expeditious action is necessary, and that the public interest would be so served. Such action is to be brought in the U.S. district court where the defendant lives, works, or can be found.

It requires, rather than allows, knowing and willful violations of the FECA to be referred to the Attorney General.

Penalties

Section 306 increases the minimum penalty involved in conciliation agreements, whether it is based on reason to believe or knowing and willful violation. It also decreases the maximum penalty in conciliation agreements where there has been a knowing and willful violation. It increases both the minimum and maximum penalties when violations are adjudicated in court.

This section also reduces the time periods allowed for the Commission to correct apparent violations of the Act through informal methods of conference, conciliation, and persuasion.

Random audits

Section 307 allows the Commission to conduct random audits and investigations, with subjects selected on the basis of criteria established by the vote of at least 4 Members.

Attribution of communications

Section 308 clarifies the requirements for identifying the sponsor of communications and solicitations on behalf of candidates, whether authorized by candidates or not. It allows the Commission to waive such requirements in cases where such identification would be impracticable.

Fraudulent solicitation of contributions

Section 309 amends 2 U.S.C. 441h to prohibit persons from misrepresenting that they are authorized to raise contributions for a candidate or committee, or to solicit or accept such contributions unless they transmit the funds raised and the identity of the contributors to the candidate or committee.

TITLE IV—MISCELLANEOUS

Restriction of control of certain types of political committees by incumbents in or candidates for Federal office

Section 401 prohibits Federal candidates or officeholders from establishing, maintaining, or controlling a political committee, other than an authorized candidate committee or party committee.

Polling data contributed to a senatorial candidate

Section 402 provides that contributions of polling data to Senate candidates be valued at fair market value on the date of the poll's completion, depreciated at no more than 1 percent a day from the completion to the transmittal of the data.

Mass mailings

Section 403 amends 2 U.S.C. 431 to define the term "mass mailing", to mean newsletters and similar mailings of more than 100 pieces in which the content is substantially identical, except responses to communications, mailings to other government officials, and news releases to the communications media.

VOLUNTARY EXPENDITURE LIMITS, THRESHOLDS, AND PUBLIC SUBSIDIES FOR SENATE ELECTIONS SUBSTITUTE S. 137 [1]

State	VAP (1990)	Election cycle limit	General election limit	Primary election limit	Qualifying threshold	Major party candidate subsidy [2]	Broadcast vouchers [3]
Alabama	3,010,000	$2,176,010	$1,303,000	$873,010	$130,300	$912,100	$260,600
Alaska	362,000	1,586,500	950,000	636,500	95,000	665,000	190,000
Arizona	2,575,000	1,958,075	1,172,500	785,575	117,250	820,750	234,500

VOLUNTARY EXPENDITURE LIMITS, THRESHOLDS, AND PUBLIC SUBSIDIES FOR SENATE ELECTIONS SUBSTITUTE S. 137 [1]—Continued

State	VAP (1990)	Election cycle limit	General election limit	Primary election limit	Qualifying threshold	Major party candidate subsidy [2]	Broadcast vouchers [3]
Arkansas	1,756,000	1,586,500	950,000	636,500	95,000	665,000	190,000
California	21,350,000	8,250,000	5,500,000	2,750,000	550,000	3,850,000	1,100,000
Colorado	2,453,000	1,895,953	1,135,900	761,053	113,590	795,130	227,180
Connecticut	2,479,000	1,909,979	1,143,700	766,279	114,370	800,590	228,740
Delaware	504,000	1,586,500	950,000	636,500	95,000	665,000	190,000
Florida	9,799,000	5,093,083	3,049,750	2,043,333	304,975	2,134,825	609,950
Georgia	4,639,000	2,938,783	1,759,750	1,179,033	175,975	1,231,825	351,950
Hawaii	825,000	1,586,500	950,000	636,500	95,000	665,000	190,000
Idaho	710,000	1,586,500	950,000	636,500	95,000	665,000	190,000
Illinois	8,678,000	4,625,065	2,769,500	1,855,565	276,950	1,938,650	553,900
Indiana	4,133,000	2,727,528	1,633,250	1,094,278	163,325	1,143,275	326,650
Iowa	2,132,000	1,736,132	1,039,600	696,532	103,960	727,720	207,920
Kansas	1,854,000	1,596,854	956,200	640,654	95,620	669,340	191,240
Kentucky	2,760,000	2,050,760	1,228,000	822,760	122,800	859,600	245,600
Louisiana	3,109,000	2,225,609	1,332,700	892,909	133,270	932,890	266,540
Maine	917,000	1,586,500	950,000	636,500	95,000	665,000	190,000
Maryland	3,533,000	2,438,033	1,459,900	978,133	145,990	1,921,930	291,980
Massachusetts	4,576,000	2,912,480	1,744,000	1,168,480	174,400	1,220,800	348,800
Michigan	6,829,000	3,853,108	2,307,250	1,545,858	230,725	1,615,075	461,450
Minnesota	3,224,000	2,283,224	1,367,200	916,024	136,720	957,040	273,440
Mississippi	1,852,000	1,595,852	955,600	640,252	95,560	668,920	191,120
Missouri	3,854,000	2,598,854	1,556,200	1,042,654	155,620	1,089,340	311,240
Montana	588,000	1,586,500	950,000	636,500	95,000	665,000	190,000
Nebraska	1,187,000	1,586,500	950,000	636,500	95,000	665,000	190,000
Nevada	833,000	1,586,500	950,000	636,500	95,000	665,000	190,000
New Hampshire	828,000	1,586,500	950,000	636,500	95,000	665,000	190,000
New Jersey	5,903,000	8,236,607	4,932,100	3,304,507	493,210	3,452,470	986,420
New Mexico	1,074,000	1,586,500	950,000	636,500	95,000	665,000	190,000
New York	13,600,000	6,680,000	4,000,000	2,680,000	400,000	2,800,000	800,000
North Carolina	4,929,000	3,059,858	1,832,250	1,227,608	183,225	1,282,575	366,450
North Dakota	481,000	1,586,500	950,000	636,500	95,000	665,000	190,000
Ohio	8,090,000	4,379,575	2,622,500	1,757,075	262,250	1,835,250	524,500
Oklahoma	2,371,000	1,855,871	1,111,300	744,571	111,130	777,910	222,260
Oregon	2,123,000	1,731,623	1,036,900	694,723	103,690	725,830	207,380
Pennsylvania	9,199,000	4,842,583	2,899,750	1,942,833	289,975	2,029,825	579,950
Rhode Island	767,000	1,586,500	950,000	636,500	95,000	665,000	190,000
South Carolina	2,558,000	1,949,558	1,167,400	782,158	116,740	817,180	233,480
South Dakota	519,000	1,586,500	950,000	636,500	95,000	665,000	190,000
Tennessee	3,685,000	2,514,185	1,505,500	1,008,685	150,550	1,053,850	301,100
Texas	12,038,000	6,027,865	3,609,500	2,418,365	360,950	2,526,650	721,900
Utah	1,076,000	1,586,500	950,000	636,500	95,000	665,000	190,000
Vermont	425,000	1,586,500	950,000	636,500	95,000	665,000	190,000
Virginia	4,615,000	2,928,763	1,753,750	1,175,013	175,375	1,227,625	350,750
Washington	3,545,000	2,444,045	1,463,500	980,545	146,350	1,024,450	292,700
West Virginia	1,394,000	1,586,500	950,000	636,500	95,000	665,000	190,000
Wisconsin	3,612,000	2,477,612	1,483,600	994,012	148,360	1,038,520	296,720
Wyoming	339,000	1,586,500	950,000	636,500	95,000	665,000	190,000

[1] For States with runoff provisions, the limits would be as follows: Alabama—$260,600; Arkansas—$190,000; Florida—$609,950; Georgia—$351,950; Mississippi—$191,120; North Carolina—$366,450; Oklahoma—$222,260; South Carolina—$233,480; Texas—$271,900.
[2] Equals 70% of the general election limit.
[3] Equals 20% of the general election limit.

NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would like to announce for the public that the Senate Special Committee on Aging has scheduled a hearing to examine service delivery problems at the Social Security Administration, and how initiatives being considered in Congress and by the administration can restore the agency's proud tradition of excellence in public service.

The hearing will take place on Friday, May 18, 1990, beginning at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Portia Mittelman, staff director, at (202) 224-5364.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a business meeting to report on the nomination of Anthony J. Hope to be Chairman of the National Indian Gaming Commission and to mark up S. 2203, the Zuni Land Claims Settlement Act; to be followed by an oversight hearing on Monday, May 14, 1990, beginning at 2 p.m., in 485 Russell Senate Office Building on S. 1021, the Native American Grave and Burial Protection Act; S. 1980, the Native American Repatriation of Cultural Patrimony Act; and the Heard Museum report.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be authorized to meet during the session of the Senate on May 11, 1990, at 10 a.m. to hold a hearing on S. 2453, the Social Security Restoration Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Friday, May 11, 1990. The hearing will focus on the investigations of the production of a radar jammer system [ASPJ].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 11, 1990, at 9:15 a.m., to hold a hearing on the competitiveness challenge facing the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on May 11, 1990, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on initiatives for the 1990's.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on employment (including section 401 of S. 2100), education (S. 2483), and housing (S. 2484, except for sections 2, 3(a) (1) and (2), 8(b)(1), and 13) on Friday, May 11, 1990, at 9:30 a.m. in SR-418.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DAVIS-MONTHAN AFB IS ESSENTIAL

● Mr. DECONCINI. Mr. President, on April 30, the Air Force announced that it planned to expand the scope of the Environmental Impact Statements [EIS] of its proposal to close Myrtle Beach Air Force Base [AFB], SC. The Air Force has expanded it to include the study of two "reasonable alternatives," England AFB, LA, and Davis-Monthan AFB, AZ. These EIS studies are being made in order to comply with the Base Closings law and the National Environmental Policy Act [NEPA].

You will recall that on January 29, 1990, Secretary of Defense Cheney announced his intention to initiate a second round of overseas and domestic base closings. One of the bases on his list was Myrtle Beach. As Air Force spokesman Capt. Jack Giese has stated, "Myrtle Beach was the Air Force's choice after we looked at all three last year." I see no reason to conclude that the Air Force's determination will change in any way and I welcome the opportunity for the Air Force to gather additional data which will assuredly strengthen the case that Davis-Monthan AFB is essential.

Unlike the first round of base closings, which were determined after a cursory study by an independent commission, most base closings must adhere to specific legal criteria. These include a detailed analysis and EIS evaluation required under the NEPA law, as well as implementing Council of Environmental Quality regulations. As part of that study process, the Air Force will prepare two EIS's for use in decisionmaking regarding the proposed closure and final disposition or reprogramming of property by the Air Force. The first EIS will be prepared to assess the impact of the possible closure of each Air Force base; the second would be prepared only if there is a final decision for closure.

I am confident that the study of Davis-Monthan AFB, which will begin shortly, will demonstrate the important role served by D-M for the Air Force. Additionally, the study will likely demonstrate the expandability of D-M if the Air Force determines that such a route would be desirable in the future.

This study should also avoid many of the problems associated with the Base Closings Commission. We in Arizona know only too well the problems which can occur when the functions of a base are not studied or are not studied thoroughly. At Fort Huachuca, the Army and the Secretary of Defense are only beginning to appreciate the value of Fort Huachuca, and are concluding that the realignment of the Information Systems Command is a waste of the taxpayer's dollars. With this additional, serious study of three bases, the Air Force can avoid making a similar mistake.

Those of us from southern Arizona, and those who have spent any time in the area, know that our weather is great year-round. The conditions are ideal for training new pilots. We have at least 350 days of perfect flying weather annually. Neither South Carolina nor Louisiana can boast these ideal conditions. That is one of the original reasons why Davis-Monthan was located in the Tucson area.

Davis-Monthan AFB performs multiple roles. The reason the Air Force wants to close Myrtle Beach is because it is a base for the A-10 aircraft which the Air Force plans to phase out of its inventory. D-M is the host of the 836th Air Division which includes two wings—the 355th Tactical Training Wing, which uses A-10's exclusively, and the 602d Tactical Air Control Wing, which uses OA-10's and OV-10 Broncos. The A-10's at Myrtle Beach are operational and designed to fly low in support of United States ground forces in Europe. The A-10 Thunderbolt is known as the "tank-killer aircraft." The A-10's at Davis-Monthan, conversely, are used for pilot training. While our presence in Europe is decreasing and the probability of a major conventional confrontation is thankfully reduced, there remains a need for trained pilots. D-M fits that role.

Davis-Monthan is home to the EC-130 Hercules and the 836th Medical Group. The Hercules performs a critical mission in support of both tactical ground and air operations by jamming communications and other electronics. Additionally, there are several small units at Davis-Monthan, including three F-16 fighters used by the Montana Air National Guard; training activities for the Arizona National Guard, and the expected addition in the third quarter of this fiscal year of 10 F-16's from the Royal Dutch Air Force. Myrtle Beach and England AFBs have just one wing of A-10's.

Unlike many other parts of the country, southern Arizona is not heavily developed nor heavily populated. While we are proud of Arizona's environmental legacy and are cognizant of the fragility of the Sonoran Desert, we have access to appropriate undeveloped land for expansion of D-M should the Air Force determine that it would be in the Nation's best interests.

Finally, Davis-Monthan AFB is unique among the Nation's air force bases. It is the home of the Aircraft Maintenance and Regeneration Center or AMARC. This facility is the "graveyard" for more than 3,000 retired and mothballed planes. These planes can be kept in this status indefinitely and the dry desert air is ideal for this purpose. In time of war, many of these planes could be brought back into service, if necessary.

Because AMARC is the only facility of its kind in the Air Force, this graveyard for planes will almost certainly remain open forever, thus preventing Davis-Monthan from ever being entirely dismantled. If you cannot end the AMARC function, and if you cannot entirely close the base, then you cannot sell or transfer the land on which this base sits. Thus, the Air Force would never realize any true profit from attempting to close D-M in the future.

Davis-Monthan has approximately 5,400 military personnel on its payroll, as well as about 1,400 Federal civilian employees and 1,000 non-Federal, or contractor, employees. Tucson recently felt the impact of the closure of IBM's Tucson facility, costing 2,500 jobs locally. Any decisive reduction in functions or employment at Davis-Monthan would have a substantial adverse impact on Tucson as a whole. The base is a major contributor to the greater Tucson economy while, according to Ben Beuhler-Garcia of the Tucson Metropolitan Chamber of Commerce, the "civic contributions of D-M are great—to the Community Food Bank, the Boy Scouts and the United Way, to mention a few." Contributions such as these are difficult to quantify, but the ripple effects to the community are significant.

In conclusion, I am convinced that the study of reasonable alternatives to the closure of Myrtle Beach AFB, SC, by the Air Force will convince the Air Force that Davis-Monthan is essential and should perhaps be expanded in the future. With the changes occurring around the world and the necessary restructuring of our Nation's defense structure, we are uncertain today what our defense and military base needs will be tomorrow. The study announced last week by the Air Force should help to clarify many questions. I look forward to examining the conclusions of the study. I am certain that the dedicated women and men at Davis-Monthan and the people of Tucson also look forward to showing the Air Force's investigators how essential they know Davis-Monthan to be.●

TRIBUTE TO GOODWILL INDUSTRIES OF NORTHEAST IOWA

● Mr. GRASSLEY. Mr. President, I rise today to salute one of the great leaders in providing vocational rehabilitation and employment programs for adults with disabilities. Goodwill Industries of Northeast Iowa is but one of 178 Goodwill units across North America providing such programs.

Goodwill Industries of Northeast Iowa is a community-based, autonomous, not-for-profit organization who, since 1960, has provided services to thousands of men and women who are disabled. With the loyal support of volunteers and the cooperation of local business, Goodwill has become an indispensable resource in northeast Iowa, ensuring that all residents, including those with disabilities, have the opportunity to realize their potential and become contributing, wage-earning citizens.

Mr. President, what has made Goodwill so successful is their model, which they have lived. It is eight words that have made Goodwill one of the most successful organizations of its kind in the world. Those words are: "Goodwill Industries * * * our business works, so people can."

I would like to Congratulate Goodwill Industries of Northeast Iowa for 30 years of distinguished service to the people of Iowa and extend my best wishes for another 30 years.●

SUPPORT OF PASSAGE OF H.R. 3961

● Mr. SHELBY. Mr. President, I rise today to thank the Senate for expeditious approval of legislation to recognize the life's work of Judge Robert S. Vance. Judge Vance was a noted scholar and respected jurist. His death is felt by all who knew him.

Naming the old Federal building in Birmingham, AL after Judge Vance will memorialize his past successful endeavors in public service. Again, I send my respect to his family and friends.●

THE AMTRAK REAUTHORIZATION AND IMPROVEMENT ACT OF 1990

● Mr. WALLOP. Mr. President, yesterday the Senate, by voice vote, adopted the conference report to H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1990. While I do have strong reservations about a couple of its provisions, I want to express my support for one particular segment which addresses a vital tax issue.

During consideration of H.R. 2364, the conferees adopted language proposed by the Senate which provides "that no compensation paid by a motor carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission [ICC] or by a private motor carrier to an employee who performs duties in two or more States shall be subject to the income tax laws of any State or subdivision of that State other than that of the employee's residence."

Mr. President, this provision is particularly important to employees of the railroad and trucking industries who reside in my State, but work in surrounding States such as Utah and Montana. As my colleagues may be aware, Wyoming is one of few States which assesses no income tax. Under current law, however, Wyoming employees in the motor carrier industry are taxed in States where they work, thus providing for multistate taxation. This is a regressive tax law which simply does not make sense. It is poor public policy and I am pleased that the conferees adopted language to correct this anomaly.

Notwithstanding this provision, Mr. President, I am concerned about the authorization levels we are adopting in this bill. Instead of reducing Amtrak subsidies, we are going in the other direction. This bill provides an authorization level of $684 million in fiscal year 1991 and $712 million in fiscal year 1992. That is an 18-percent increase in just 2 years. And we wonder where our deficits come from? Amtrak is part of that problem.

Mr. President, if Amtrak is to become self-sufficient as originally intended, it must learn to live within its means. The Federal Government can no longer afford to subsidize rail passenger service on unprofitable lines. We should treat Amtrak like any other private business and insist that it operate like one, without Federal moneys. This bill does not carry us in that direction.

I must also express my objection to the provision in the conference report which requires Interstate Commerce Commission [ICC] preapproval of nonrailroad purchases of railroads. This provision sets a terrible precedent; it is unwarranted and counterproductive.

Under current law the ICC only reviews railroad acquisitions of other railroads, focusing on antitrust concerns. The provision the conferees adopted in this bill would extend ICC review to transactions that do not present competitive problems. One can only conclude that this is a step back to the 1970's when the ICC closely regulated railroad prices and entry and exit from rail markets. This process of burdensome Government regulations forced one-fourth of the railroad industry into bankruptcy. As a result, Congress, in 1980, enacted the Staggers Act to eliminate ICC regulation except in cases where there was a lack of competitive rail rates. Today we have a much healthier railroad industry and overall rates have declined, thus benefiting railroads and consumers alike.

Yet here we are adopting an unnecessary regulatory provision which will simply impede any real progress we have made under the Staggers Act. We cannot afford to impose such burdensome and costly requirements which will only discourage investment in the railroad industry. Our country's competitiveness depends on a productive and reliable transportation system and this provision undermines our ability to improve our posture in world markets.●

ASIAN-PACIFIC AMERICAN HERITAGE MONTH

● Mr. WARNER. Mr. President, I rise today to recognize the historic significance of the White House ceremony which occurred on May 6, 1990, commemorating May 1990 as the first Asian-Pacific American Heritage Month. One of my constituents, Jeanie F. Jew, of Springfield, VA, is the creator of the idea for Asian-Pacific American Heritage Week and Month.

On June 30, 1977, approximately 13 years ago, House Joint Resolution 540 was introduced by Congressman HORTON of New York. This would mark the first time in this Nation's history when the Congress and the people of the United States would be asked to set aside a period in May as Asian-Pacific American Heritage Week. Later, the introduction of the House Joint Resolution 1007 would further the movement for increased recognition of the Asian-Pacific American. I am happy to say that the celebration of Asian-Pacific American Heritage Week was extended to span over the course of a full month by passage of a bill in both the House and the Senate, designating the month of May 1990, as "Asian-Pacific American Heritage Month."

It is my feeling that special recognition should be given to Mrs. Jeanie F. Jew whose unyielding drive facilitated the introduction of House Joint Reoslution 540 13 years ago.

Her story began when a young man, M.Y. Lee, left Toishan, Canton, China, in the 1800's to find a better life abroad. Arriving in America, Mr. Lee became one of the first Chinese pioneers to construct the Transcontinental Railroad. Rising through hard work and determination, Mr. Lee became a prominent California businessman. At this time, there existed much unrest in Chinese-American relations in Oregon. Hearing of the trouble, Mr. Lee traveled east, his destination being Oregon. Unfortunately, Mr. Lee was killed during this period of unrest soon after arriving in Oregon. It was a time of anti-Chinese and anti-Asian sentiments. The revelations

about Mr. Lee and the story of Asian-Americans led this one woman to believe that not only should Asians understand their own heritage but that all Americans must learn of the contributions and histories of the Asian-Pacific American experience in the United States. The creator of the heritage month idea of Jeanie F. Jew, the granddaughter of M.Y. Lee, that early pioneer.

Originally, the dates of Asian-Pacific American Week began with May 4. However, after careful research, Mrs. Jew and Ruby Moy, administrative assistant of Congressman HORTON, selected May 10, "Golden Spike Day," the date celebrated as the joining of the Transcontinental Railroad and which is one of the inclusive dates celebrating Asian-Pacific American Heritage Month. In addition, the date May 7, 1843, was selected as a marker of the first arrival of the Japanese in the United States. Admirably, Mrs. Jew turned a personal tragedy in her family's history into a positive force. Now, Asian-Pacific American Heritage Month will be observed by all Americans.

In addition, in 1977, Mrs. Jew and Ms. Moy cofounded the Congressional Asian-Pacific staff caucus, an organization which collectively worked for the establishment of the first heritage proclamation and supports yearly efforts to perpetuate its recognition. The caucus, a group of professional staff members of Asian descent, discusses and reviews legislation and issues of concern to Asian-Pacific Americans from time to time.

At this time, I urge all my colleagues to join with me in supporting Congressman HORTON and Jeanie Jew's idea of a series of commemorative stamps for Asian-Pacific American Heritage Month first month's observance. These stamps may depict Heritage Month, individuals, events, subjects, or places that are of significance in Asian-Pacific American history in the United States.

Once again, I hope all my colleagues will join me and Congressman HORTON in supporting the idea of these stamps, and in recognizing the history and contributions of Asian-Pacific Americans particularly during Asian-Pacific American Heritage Month.●

OUR ENVIRONMENTAL FUTURE

● Mr. DURENBERGER. Mr. President, during Earth Day Week, I heard many speakers refer to the profound statement by Seattle, chief of the Dwamish Tribe, that "We do not inherit the earth from our fathers. But we borrow it from our children."

Today it is the 3,000 young people from around the world are being heard by the General Assembly of the United Nations for a youth forum on the environment. The gathering is an opportunity for the young people to share experiences and learn about environmental programs in their various communities that work.

Several Minnesotans are attending, including Moriah Nolan-Rappatz who will speak to the forum today. She and her family reside in rural Browerville where they live in harmony with the environment. Their log home is built of carefully selected native materials from their own farm, and is powered by electricity harnessed from solar panels. Her family is involved in environmental forestry, timber stand improvement, selective logging, and reforestation. Every member of her family works on the projects. In fact, the day before Moriah left for New York she planted 50 new trees.

Also attending the forum are 10 students from Sunny Hollow Elementary School. They are John Hegstrand, Ffjorren Gowery, Bob DeHaven, Kate Stimson, Sara Ostroot, Lindsey Gannott, Joel Russ, Matt Bengston, Taya Brodin, and Tim Svensson. They are accompanied by their sixth-grade teacher Dave Rosene, and their principal Paul Tesdahl.

The Sunny Hollow students are members of a school club called "Kids for Saving Earth." The club was a dream of their classmate, Clinton Hill. Clinton loved nature, and at the age of 11, he wanted to become a scientist so he could invent things to help save the Earth. He started Kids for Saving Earth at Sunny Hollow, and even designed a logo for a pin and T-shirts that club members wear. Unfortunately and tragically, Clinton did not live to see his club become the active, concerned, and inspirational group that it is today. He died of a brain tumor last November.

Kids for Saving Earth meets once a week during noon hours. With the help of their teachers like Dave Rosene, Sharon Maetzold, Carol Bostrom, and Bruce Peterson, who volunteer their time, club members study global environmental issues such as the rain forest, ocean pollution, saving dolphins, recycling, water, and energy conservation. Thanks to the generous support of the Target Co., a part of Minnesota's Dayton Hudson Corp., Kids for Saving Earth has become an international environmental organization for students to learn and act on environmental issues.

The story of Moriah Nolan-Rappatz, Clinton Hill, and Sunny Hollow Elementary School students and teachers inspire the rest of us with their dedication, commitment, optimism, and enthusiasm to preserve our environment.

I am honored and proud they are Minnesotans.●

AMENDING THE HATCH ACT

● Mr. CHAFEE. Mr. President, yesterday the Senate approved S. 135, legislation amending the Hatch Act. The Hatch Act bans Federal employees from participating in only the most active levels of partisan politics to protect them from subtle forms of coercion, and ensure advancement in the civil service based solely on merit. It also guarantees nonpartisan administration of the law and government programs.

Certainly there is some merit to claims of confusion over implementation of the Hatch Act. This issue was addressed by an amendment offered by Senator ROTH, which, unfortunately, the Senate tabled. The Roth amendment would have directed the Office of Personnel Management to review the Hatch Act and clarify and simplify instructions as to what activities Federal employees may and may not participate in.

I voted against S. 135, however, because it would remove core protections against the coercion of Federal employees and basic guarantees of advancement in the civil service based solely on merit and nonpartisan administration of the law and government programs—a principle grounded in our Constitution—for which the Hatch Act for 50 years has been our only effective assurance.

In my opposition to S. 135, I am joined by Common Cause, the American Bar Association, the Federal Bar Association, the National Academy of Public Administration, the National Taxpayers Union, and the Chamber of Commerce.

I would like to quote from a letter I received from the president of Common Cause, Fred Wertheimer, that illustrates the importance of retaining current Hatch Act restrictions on involvement in the most active levels of partisan politics.

> Repeal of the Hatch Act's basic protections, as proposed in S. 135, would increase the potential for widespread abuse and open the way for implicit coercion against which there is no real protection. With basic restrictions on partisan activity repealed, no procedural or other safeguards will be sufficient to protect against subtle forms of political favoritism or coercion of Federal workers.

S. 135, although often referred to as a reform, would nonetheless repeal substantial portions of the Hatch Act. The Justice Department has relayed a number of examples of patronage abuse at the State and local level that it has investigated. For example, little less than a year ago, a Federal grand jury in Newark, NJ, indicted the mayor and a city councilman of Guttenberg Township for terminating the services of two police officers and a school crossing guard who refused to perform partisan political services for the city administration. These are the kinds of abuse that the Hatch Act has successfully eliminated from the Federal civil service. In any hierarchical

situation, it is human nature that people will want to please their superiors.

The bill would also allow Federal employees, some with sensitive responsibilities such as law enforcement, tax collection, and the awarding of Government contracts to become partisan political players. For example, under S. 135, Federal employees could be officers in political parties. I do not believe the vast majority of taxpayers in my home State of Rhode Island—a very small State where people more or less know the public activities of many of their fellow citizens—would have much faith in the integrity of their Government knowing that the Internal Revenue Service agent auditing them is a top officer of a political party in opposition to the party with which they are affiliated. This is the kind of conflict of interest that would arise under S. 135.

Our goal in Congress should be to permit as many people as possible to take in the political process, but we must keep in mind the need for a balance between that goal and the right of the public to trust and confidence, as well as impartial administration, in their Government.

Finally, it is worth noting that just 1 day after the Senate approved this legislation, which expands by 3 million the number of people who can collect money for their Federal employee and Postal Union political action committees, many of which are already among the biggest PAC's, we are debating a bill banning PAC's. The latter is an idea I strongly support. I do not think we should be approving with one hand legislation that expands the ability of PAC's to solicit money, while seeking to outlaw the very practice with the other hand.●

AMTRAK AUTHORIZATION AND IMPROVEMENT ACT OF 1990

● Mr. BURNS. Mr. President, yesterday the Senate passed the conference report to H.R. 2364, the Amtrak Authorization and Improvement Act of 1990, by unanimous consent. This is an important piece of legislation which I supported wholeheartedly, when it passed the Senate. Unfortunately, the conferees accepted a contentious House provision requiring ICC oversight of class I railroad acquisitions by a noncarrier. This leveraged buy out provision has prompted a veto threat.

I am extremely disappointed that the conferees included this provision. This legislation is too important to be weighed down with unrelated measures which threaten its passage into law. If the President does veto this legislation, I hope that the conferees will promptly remove the objectionable provisions and send the bill back to the President to be signed into law.

Amtrak service is very important in my State. It provides an alternate mode of transportation to those who live on the high line in Montana. These people lack many of the convenient transportation services that people in more urban areas enjoy, and Amtrak service is very important to them. In 1988, Amtrak served 126,407 Montanans and expended $602,653 for goods and services in Montana. They provide important services and play and important role in Montana. In fact, we hope to see them expand one day and open a southern route.

I look forward to see this bill become law, and encourage all parties involved to move quickly.●

CONFERENCE REPORT TO H.R. 2364

● Mr. WARNER. Mr. President, I rise today to support the adoption of the conference report to H.R. 2364. This legislation would reauthorize Federal funding for Amtrak through fiscal year 1992. This would be the first reauthorization of Federal financial assistance for Amtrak since 1985. Amtrak was created 20 years ago to preserve a national rail passenger system. Since then, it has demonstrated a growing market for its energy-efficient, environmentally benign alternative to increasingly congested highways and crowded skies. Amtrak is eager to play an increasingly important role in a balanced national transportation system. It has demonstrated a market for the rail passenger service alternative and has proven the improving economics of its service. Amtrak offers a less expensive alternative to the enormous cost of highway and airport expansion and it is ready to be a leader in the development and operation of high-speed rail systems. Passage of the Amtrak Authorization and Improvement Act will send an important message to this Nation's travelers, as well as to the private financial markets, that the Federal Government supports a growing role for Amtrak in addressing the congestion and pollution that is so choking this Nation's transportation system.

Mr. President, this legislation will also allow Northern Virginia's proposed commuter rail service to move forward. The Virginia Rail Express would provide daily commuter rail service from Manassas and Fredericksburg, and points in between, to Union Station in Washington, DC. The rail service would help relieve traffic congestion along Interstates 66 and 95 and could possibly save commuters several hours of driving time on the highways each day.

Mr. President, I am very pleased the Congress moved quickly to adopt the conference report on this measure. Intercity rail passenger service has an important role to play in this country's future transportation system.●

THE HATCH ACT REFORM AMENDMENTS

● Mr. WALLOP. Mr. President, yesterday the Senate passed S. 135, the Hatch Act reform amendments. I voted against the bill for several reasons, but mainly because we failed to adopt an amendment offered by Senator MCCONNELL of Kentucky, an amendment which would have greatly expanded political freedom for Federal civil servants.

The McConnell amendment would have given Federal and Postal Union members the right to withhold the payment of union dues for political purposes which they oppose. The amendment would have protected this right for union members, without forcing them to forfeit their ability to participate in the collective bargaining process. The McConnell amendment would merely have required union officials to disclose to their membership how much of their dues are spent for political purposes unrelated to collective bargaining. Finally, this amendment would have expressly prohibited political coercion of any Federal employee—union or nonunion—by union officials.

By rejecting this modest and reasonable amendment, the proponents of S. 135 made one fact abundantly and undeniably clear: S. 135 is not really designed to allow all civil servants to freely participate in political activities. Rather, S. 135 will only increase the power of Federal employee and Postal employee unions' PAC's. This bill is not about political freedoms; without the McConnell amendment, union members are coerced to financially support individuals and policies with which they disagree. This bill is simply a bold attempt by organized labor and its friends on the Hill to exploit loopholes in the system and bend the rules to their favor.

The Civil Service Reform and the Postal Reorganization Acts grant exclusive representation powers to union officials in the Federal Government and in the Postal Service. As exclusive bargaining agents in the Federal Government and in the Postal Service, union officials are in a unique position to politically coerce Federal employees.

Federal Union officials are the exclusive bargaining representatives over working conditions, grievances, and other vital employment issues; Postal Union officials have even more power, as exclusive bargaining representatives over pay. Once a Federal or Postal Union gains exclusive representation powers in a bargaining unit, no other group, not even an individual who is

not a member of the union, can negotiate with management.

Therefore, a Federal or Postal employee must be a member of the union to vote on collective bargaining. While Federal and Postal Unions may not collect agency fees, Federal employees must still pay dues to the union in order to impact collective bargaining over numerous issues vital to their livelihoods.

So let us not leave the impression with the American public that union dues in the Federal Civil Service and the Postal Service are voluntary. You either pay the dues, or you do not have an opportunity to help shape or to vote on the collective bargaining contracts which dictate your pay and your working conditions. Now without the McConnell amendment, when you pay your union dues, you subsidize the costs of running the union PAC's—even if those same PAC's support candidates and issues diametrically opposed to your own beliefs.

Mr. President, that is not voluntary participation. That is political coercion, and the proponents of S. 135 are being disingenuous by suggesting otherwise.

The Federal District Court in Maryland—in the Kidwell case—recognized this fundamental principle. The court ruled that union members need not resign union membership—and thus forfeit their rights on employment issues—in order to avoid subsidizing political activities they oppose. Supreme Court Justice Thurgood Marshall echoed this principle in Austin versus Michigan Chamber of Commerce.

It is outrageous for Senators to talk for days about their concern for the political freedom of Federal employees and then deny a very fundamental aspect of that freedom to those same employees. There has been an abundance of righteous rhetoric around here on this issue. However, when a well-crafted amendment comes before us, one which seeks to place all Federal employees on equal footing in the political arena, the Senate defeats it.

If S. 135 is actually about protecting political freedoms, then the McConnell amendment would have been adopted overwhelmingly. Sadly, that was not the case. The Senate has denied to Federal employees the basic right to refrain from supporting political activities with which they disagree. Such action makes S. 135 a blatant power grab by organized labor.

For this reason and others, I could not support S. 135. If Congress subsequently sends similar legislation to the President I hope he will veto it.●

GOV. WILLIAM A. O'NEILL BIDS FAREWELL TO CONNECTICUT GENERAL ASSEMBLY

● Mr. DODD. Mr. President, the two highest elected officials in the State of Connecticut, William A. O'Neill, who has served as Governor longer than any one person since the early years of the Republic, and Lt. Gov. Joseph J. Fauliso, will retire to private life when their terms expire next year.

These men have between them nearly five decades of service to Connecticut. Our State has benefited greatly from their devotion to the public good.

Earlier this week Governor O'Neill gave his farewell address to the Connecticut General Assembly. Mr. President, I ask that his moving remarks be printed in the RECORD.

The remarks follow:

GOVERNOR O'NEILL'S CLOSING REMARKS TO THE 1990 GENERAL ASSEMBLY

Reverend Clergy, Mr. Speaker, Honorable President Pro Tem, Majority Leaders, Minority Leaders, Men and Women of the General Assembly, People of Connecticut.

The hour is late. The night has been long. I have no intention of detaining you unnecessarily. Nevertheless, I must ask your indulgence on what, for me, is an occasion of great moment . . . a moment which will never return.

This evening marks not only my tenth closing address to the General Assembly. It is also my last opportunity as Governor to address this body in joint convention.

This year, for the first time since the fall of 1960, I will not participate with you in the electoral process as a candidate for office. Therefore, your night of exultation, relief and resolve is for me a night of quiet reflection.

In the frantic rush of the modern political process, moments of quiet reflection are few. I would like to share mine on this last night we have together.

Here, at the close of our short legislative session, we have come to the end of an intense and highly technical process. The sounds of that process have filled this chamber and our nearby conference and hearing rooms with a strange terminology which is in many ways foreign to the human tongue and inconsistent with the human values which we as the elected representatives of our great people are sworn to advance.

The babble of "j.f."'s, "p.t."'s, "points of order" and "points of information" at times seems almost loud enough to drown out the voices of the people whom we are elected to serve. Now, as the process of legislation approaches its conclusion, it is appropriate that we sharpen our focus on people—the people of government with whom we work and the people of Connecticut whom we are sworn to serve.

For me, the true greatness of my experience in government has been people. Since first coming to Hartford as the elected representative of my small town of East Hampton, I have had the honor and privilege of serving with some 800 other individuals likewise elected to do the public's business in these honored halls.

I remember the governors—John Dempsey * * * Tom Meskill * * * Ella Grasso.

And, as I look about this chamber tonight, I see a few of the faces which initially became familiar to me on that cold winter day in January of 1967 when I first raised my hand to take Connecticut's oath of office.

I see Dick Gosselin and remember the moment when he solemnly advised me that he would not serve another term of office. I am referring to the first such advisory, of course, which was in 1967. And there's Doc Gunther, a man who even in 1967 had the same humble and reserved nature as he has today. Dick Torpey also was at the capitol in 1967 and was blind then, as he is now, to all colors but green. I first came to know Jack Tiffany, the earnest farmer from Lyme, in that year. I since have become well acquainted with both Jack and his ox, Tom, who occasionally accompanies him on his trips here. Then, of course, there's Bruce Morris, who sometimes departs these premises, but always returns—in one capacity or the other. I read that he may want to come back in still another capacity again next year.

And, of course, here, at the dais, I have the strength and support—as always—of my old friends and long-term running mate, our Lieutenant Governor, Joe Fauliso.

And there are faces long departed from these chambers which nevertheless are very fresh in my own mind. There is the gentle dignity of Dorothy Goodwin, * * * the unflinching debating style of Dick Schneller * * * the statesmanship of Lew Rome * * * the meticulously prepared and always combative Gerry Stevens * * * the fair mind of Fran Collins * * * the strong leadership of Jim Kennelly * * * my great friends John Groppo and Tim Moynihan. I vividly recall absent friends * * * Stu McKinney * * * Audrey Beck * * * Dave Neiditz * * * Tom Foley.

I think fondly and sometimes sadly of these and the many other colleagues who have gone on from this place, but then I look at the bright young faces of those who have succeeded to their mantle of leadership and my optimism returns. I see in your faces today, even at the end of a difficult session, the same energies and enthusiasms, the same compassion and understanding, which have guided the General Assemblies of the past.

In singling out these individuals, I of course intend no slight to those I have not mentioned. Their numbers are legion and the time is short. My purpose in mentioning these few is simply to emphasize for all that this body is first an assembly of people and only second a process to be mastered and controlled.

We are not in an age of instant communication and diminishing spans of attention. Sensational and often slashing sound bites have replaced reasoned and eloquent persuasion as the debating staple of the modern candidate or elected official. We seem readier today to accuse than we are to deliberate * * * to personalize than to persuade.

The media have exalted controversy over compromise and some public officials have followed suit. Yet, for my money, I will never completely trust a politican who is more comfortable in front of a television camera than he or she is in the living room of a constituent.

We, the elected representatives of the people, have a duty to those who with their votes have made us a part of this state's glorious history. We must be a proud part of that history. We must remain civil and respect each other or risk the loss not only of our civility but of all the human sentiments

and feelings which, when gathered in a hall such as this, produce the perspective and sensitivity of which good legislation, good government and the grand traditions of our great state are made.

In government, we frequently regulate our progress with procedures. We mark our progress with programs. But when we come to measuring our progress, neither of these benchmarks will suffice. For each of us, the only standard which truly will measure our performance in office will be the degree to which we have provided for our people.

Politics and government must remain human endeavors, for it is humanity which politics and government are intended to serve. Tonight I stand before you with pride in the accomplishments of the past decade. I can recite with pleasure some of the programs we have worked together to enact: the nationally recognized road and bridge repair program, the landmark educational enhancement act, the clean air and clean water legislation, and all of the other bills by which we have given evidence of our commitment to Connecticut's citizens and to a brighter future for each of them.

These are important accomplishments and nobody can dismiss them easily. But there are other actions of which I am equally proud. They may have affected fewer citizens directly, but they stand equally for the broad purposes and grand design of our representative democracy.

I think of the people.

I think of the first female chief justice of our supreme court, as well as the first chief justices of Polish and Italian extraction. I think of the first black justice of that court and of the first female treasurer of our state and the first female attorney general. I think of the many fine members of racial and ethnic groups whom it has been my pleasure to call to the service of their state as members of my staff, as commissioners and deputy commissioners of our vital public agencies.

I think of the people.

I think of the human tragedy of a car hurtling into oblivion at Mianus. I think of the human triumph of a little league team from Trumbull or of a baskeball team from Storrs. I think of our beloved senior citizens gathered for an outing at Ocean Beach, of their joy at being able to afford to buy prescritpion drugs and to remain in their homes. I think of the bright-eyed youngsters who file nervously into my office to have their pictures taken with their governor. I think of what we have done and must continue to do to keep the light of hope in those eyes from being darkened by the despair of poverty and drugs.

I think of the people.

I think of the pleasure I have taken in campaigning among them * * * of marching in their parades * * * of hearing their concerns directly and of trying to respond in exactly the same fashion.

I have and always will think of the people.

I have throughout my years in office always kept them foremost in my mind. They have paid me high honor—six times elected their state representative, once their lieutenant governor, and twice their governor. I have tried to preserve for them a Connecticut state government as Connecticut's state government should be: an institution which is fair and just, generous and caring, and—at all times—which is of, by and for the people of Connecticut.

Wherever they may be at this time, I know that the 800 people with whom I served would join me in wishing that the traditions of compassion and humanity which have made the experience of this building so special for all of us will long continue.

I have treasured the opportunity to participate in this citizen assembly. I have enjoyed the splendor of this structure and the majesty of government. I have tried never to permit my zeal for office to overcome my regard for my fellow citizen. I have cherished great moments of election success and always remembered the true purpose of the public offices I have sought.

I will in the future do as I always have done. I will think of the people. I will think of you in this room and of your predecessors. I will watch with interest and concern the actions of our successors. I will think of each of the three million and more whom we are pledged to serve.

Whatever the final judgment of history, I am content as I stand before you tonight that the process of government has never taken priority over the needs of the people we govern. The institution of government is strong * * * the traditions of the past have been honored * * * and the promise of the future is bright.

I have been honored to serve with all of you and now I take my leave of your chamber. Shortly, Nikki and I will depart the mansion on a hill in Hartford to return to our little house on the lake in East Hampton. The traditions which we serve will remain forever. Many, many, fond memories, however, will go with us.●

DESIGNATING THE CENTER TABLE IN THE SENATORS' DINING ROOM IN THE U.S. CAPITOL AS THE "SPARK MATSUNAGA TABLE"

Mr. MITCHELL. Mr. President, on behalf of myself and Senator DOLE, I send to the desk a Senate resolution to designate the center table in the Senators' dining room as the "Spark Matsunaga Table," and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 283) to designate the center table of the Senators' dining room in the U.S. Capitol as the "Spark M. Matsunaga Table".

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, our friend and colleague, Senator Spark Matsunaga, who passed away on Sunday, April 15, 1990, was a legend in the Senate for his warmth and good cheer. Always pleasant, smiling, he made you feel good just to see him and be with him.

In the mysterious but uplifting way in which democracy works, his personality reflected perfectly the State of Hawaii he represented and loved so much: Open, sunny, full of life.

Spark Matsunaga was also well known in the Senate for extending special attention to the needs of all citizens of his State. We all fondly remember how he escorted his constituents on personal tours of the Capitol, inviting them to dine with him at the center table in the Senators' dining room. He thought it was the least he could do after they had traveled so far from Hawaii to the Nation's Capital.

Because of his extraordinary efforts and uncommon kindness and generosity, it is fitting that he be long remembered by designating the center table in the Senators' dining room as the "Spark M. Matsunaga Table."

The resolution I will ask the Senate to consider and agree to will accomplish this designation. It is the least we in the Senate can do for Spark Matsunaga. It was an honor and a pleasure to know him and to serve in the Senate with him.

Mr. DOLE. Mr. President, just let me indicate I think this is a most appropriate resolution on behalf of our former colleague, Senator Matsunaga. I used to kid him all the time about it being the Matsunaga table, because he was there almost on a daily basis with a number of his very good friends from Hawaii.

I want to thank the majority leader for bringing this to the attention of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 283) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 283

Whereas Senator Spark M. Matsunaga served in the Senate with honor and distinction for more than thirteen years;

Whereas Senator Matsunaga served as Chief Deputy Democratic Whip during the 95th, 96th, 97th, 98th, 99th, and 100th Congresses;

Whereas his service to the Senate was characterized by exemplary diligence, legendary warmth, compassion, and courage, and firm devotion to American ideals;

Whereas Senator Matsunaga, during his service in the Senate, extended special attention to the needs of all citizens of his State of Hawaii, and escorted his constituents on personal tours of the Capitol, inviting them to dine with him at the center table in the Senators' Dining Room;

Whereas by virtue of his extraordinary efforts and uncommon kindness and generosity, it is appropriate that he be long remembered: Now, therefore, be it

Resolved, That the center table in the Senators' Dining Room of the United States Capitol is hereby designated as, and shall hereafter be known as, the "Spark M. Matsunaga Table."

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR RECORD TO REMAIN OPEN

Mr. MITCHELL. Mr. President, I ask unanimous consent that the record remain open until 3 p.m. today for statements and the introduction of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar items 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, and 769.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

IN THE NAVY

The following-named officer for appointment to the grade of rear admiral in accordance with article II, section 2, clause 2, of the Constitution:

To be rear admiral

Capt. Robert C.J. Krasner, MC, U.S. Navy, xxx-xx-xxxx

THE JUDICIARY

Stanley F. Birch, Jr., of Georgia, to be U.S. circuit judge for the Eleventh Circuit.

John D. Rainey, of Texas, to be U.S. district judge for the Southern District of Texas.

James K. Singleton, Jr., of Alaska, to be U.S. district judge for the District of Alaska.

William M. Nickerson, of Maryland, to be U.S. district judge for the District of Maryland.

Stephen M. McNamee, of Arizona, to be U.S. district judge for the District of Arizona.

Jack D. Shanstrom, of Montana, to be U.S. district judge for the District of Montana.

Samuel Grayson Wilson, of Virginia, to be U.S. district judge for the Western District of Virginia.

Richard W. Vollmer, Jr., of Alabama, to be U.S. district judge for the Southern District of Alabama.

DEPARTMENT OF JUSTICE

Arthur F. Van Court, of California, to be U.S. Marshal for the Eastern District of California for the term of 4 years. (Reappointment.)

Morris Lee Thompson, of Kansas, to be U.S. attorney for the District of Kansas for the term of 4 years.

Daniel J. Horgan, of Florida, to be U.S. Marshal for the Southern District of Florida for the term of 4 years. (Reappointment.)

STATEMENTS ON THE NOMINATION OF CAPT. ROBERT C.J. KRASNER

● Mr. NUNN. Mr. President, I want to congratulate Capt. Robert C.J. Krasner on his confirmation for promotion to the grade of rear admiral in the Navy. Captain Krasner currently serves in the Office of the Attending Physician to Congress as Director of Clinical Services. He has served in this capacity since 1986. Upon his promotion to rear admiral, he will be assigned as the Attending Physician to Congress.

Captain Krasner has served in a number of important medical positions in the Navy since he entered active duty in 1973. Prior to his assignment to his current position, he served as director of medical services, Naval Hospital, Oakland, CA. I believe Captain Krasner is well qualified on the basis of his training and experience to be the Attending Physician to Congress.

Captain Krasner succeeds Rear Adm. William M. Narva, the current Attending Physician to Congress, who has done an excellent job as Attending Physician to Congress.

Admiral Narva is retiring from the Navy after 35 years of distinguished service in Navy medicine. Admiral Narva has been the Attending Physician to Congress since 1986. Prior to that, he served as vice president of the Uniformed Services University of Health Sciences.

I know that my colleagues will join me in congratulating Admiral Narva for the fine work he has done as our Attending Physician, and for his distinguished service in the Navy. He has been a dedicated, effective, and sensitive Attending Physician and we all owe him a debt of gratitude for his service to the Congress and to our Nation. I wish him "fair winds and following seas" as he retires from active service in the Navy.●

Mr. WARNER. Mr. President, having had a father who was a doctor and who served as a surgeon in France during World War I, and having worked extensively with the Navy Medical Corps while I was Secretary of the Navy, I consider it both a privilege and an honor to give my strongest support to this nomination.

I join with the chairman of the Senate Armed Services Committee in commending and thanking Rear Adm. William M. Narva, the current Attending Physician to Congress, for his dedicated service.

Once again I congratulate Captain Krasner upon his promotion to rear admiral and his appointment as the Attending Physician to the Congress, and I urge each of my colleagues to join with me in giving their strongest support to this nomination.

STATEMENT ON THE NOMINATION OF STANLEY F. BIRCH

● Mr. NUNN. Mr. President, I am pleased to rise today to endorse the nomination of Stan Birch, President Bush's nominee for one of the vacant seats on the Elevent Circuit Court of Appeals.

I have known Stan Birch since the mid-1970's and, in my estimation, he is a very capable attorney and will make an excellent appellate jurist.

Stan was born at Langley Field, VA, in 1945. He attended college at the University of Virginia, graduating in 1967 with a degree in history. Stan then made a wise decision and headed south to Georgia to attend Emory University Law School. He was graduated from Emory Law in 1970 with his juris doctorate and returned there 3 years later to obtain a masters of taxation, a degree he received in 1976.

In the interim period between law school and his masters program, Stan fulfilled his commitment to the Army with 2 years of active service and another 2 years of reserve duty. From 1972 to 1974, he served as a law clerk to the Northern District of Georgia's then chief judge, Sidney Smith.

Over the course of the next several years, Stan made his home in the northeast Georgia city of Gainesville. Stan's law practice there was a general one with a good deal of litigation and tax planning work. In the late 1970's, he began to shift the emphasis of his practice—or rather had it shifted for him—when he began to represent the Original Appalachian Artworks Co., a Georgia firm which owns the intellectual property rights to the popular Cabbage Patch Kids doll.

In 1984, Stan made one of his most judicious decisions in marrying a bright, personable and vivacious former Nunn intern—a charming young lady by the name of Saye Sutton. A year later, Stan and Saye moved to Atlanta where Stan joined the firm of Vaughn, Davis, Birch & Murphy, a firm he remains affiliated with today.

Stan has been quite active in community and civic affairs in Georgia. A former member of the State bar's board of governors, he has been particularly active in the patent, trademark, and copyright areas as well as in computer law, an area of ever-changing challenges.

Mr. President, because of his years of experience, both in private practice as well as in the community, I believe that Stan Birch will make a fine circuit judge and I commend him to the Senate and urge that his nomination be approved.●

STATEMENT ON THE NOMINATION OF MR. LEE THOMPSON

Mr. DOLE. Mr. President, it is a pleasure to speak in strong support of Lee Thompson of Wichita, KS, and to urge his swift confirmation as the U.S. attorney for Kansas.

I have known Lee, a native of Hutchinson, and his wife Susan, and their

families for many years. I recall his service on the staff of Kansas Senator Jim Pearson while completing his law degree at George Washington University.

Upon returning to Kansas, he joined the law firm of Martin, Pringle, Oliver, Wallace & Swartz, becoming a partner in 1979. During these years, he has demonstrated his abilities as an experienced trial attorney and a community leader.

There is no doubt that Lee is an outstanding candidate for the position. With a proven ability to communicate in the public arena and to manage an office of 25 attorneys and 40 employees with a yearly budget in excess of $3 million, Lee will be an articulate leader in maintaining law and order in our State.

It was a pleasure to join with my distinguished colleague, Senator KASSEBAUM, in recommending him to the President and the Attorney General. Lee has my full support and confidence, along with my congratulations and best wishes.

STATEMENT ON THE NOMINATION OF STEPHEN MICHAEL MCNAMEE

Mr. DECONCINI. Mr. President, I rise today in support of the nomination of Stephen Michael McNamee for the District Court for the District of Arizona. Steve McNamee will replace Judge Charles Hardy, who I recommended to President Carter for the Federal district court in 1980. Judge Hardy will be taking senior status in June of this year after 10 years of excellent service on the Federal bench. Judge Hardy has the utmost respect of his peers and the attorneys who practiced in his court. I take great pride in having played a role in Judge Hardy's appointment and confirmation in that he was the first Mormon to serve on the Federal bench in Arizona. I am confident that Steve McNamee will also be an extremely capable and fair judge.

Steve McNamee has served in the U.S. attorney's office in Arizona in various positions for the last 15 years. Since 1985, he has been U.S. attorney for the district of Arizona. You can not find a nominee who knows the inside of a Federal court better than Steve. From 1971 until 1984, Steve litigated approximately 1,000 cases in Federal court. He has also briefed and argued cases before the ninth circuit. His trial experience has covered a broad range of areas of law from crimes within Indian country to personal injury and wrongful death cases to cases involving large international narcotic cartels.

When he became U.S. attorney, Steve inherited one of the largest criminal dockets in the country. The Arizona U.S. attorney's office is on the front line of the war against drugs. Mr. McNamee's record in Arizona in dealing with organized crime and narcotics cases is outstanding. An example of his success in this area is the Garmany case where Steve's office broke up a seven State large-scale marijuana and cocaine distribution ring and money laundering conspiracy.

During the course of Steve's career as a U.S. attorney, he has testified before Congress on behalf of the Department of Justice on 10 separate occasions. Most recently, in February 1989, he testified before the Senate Special Committee on Investigations of the Select Committee on Indian Affairs. I chaired this committee with Senator MCCAIN. Steve provided insight into the complex jurisdictional questions arising from crimes committed in Indian country.

In March 1988, I chaired a hearing of the Senate caucus on international narcotics control in which Steve testifed abut drug smuggling activities along the Arizona border. Steve gave extremely insightful testimony about the success of Operation Alliance and the U.S. efforts to combat drug smuggling on our southern border.

Over the years Steve has received numerous awards for his outstanding work as a U.S. attorney. A few worth mentioning are: that he was recognized by DEA in 1987 for his outstanding contribution to drug enforcement. In 1988 Steve was the recipient of the outstanding U.S. attorney award for his dedicated leadership toward improving the management capabilities of the offices of the U.S. attorneys. In 1989, he received the National Crime Victims Award from Attorney General Thornburgh for the development of a model victim-witness program. That year he was also recognized for his outstanding service in prosecuting defense contracting fraud cases.

For the last 3 years, Steve has been chairman of the binational conference for United States attorneys and Mexican federal judicial attorneys. This year, he was commended by Mexico's Ambassador for the success of the conference in facilitating these two countries to share cooperative resources.

I have the utmost confidence that Steve McNamee will be an outstanding addition to the Arizona Federal District Court. His integrity is unquestioned and his Federal court experience is unmatched. Indeed, one of Steve's former opposing counsel contacted the Senate Judiciary Committee to tell us that although Steve has spent his entire career in the U.S. attorney's office, Steve has a "sense of balance" and is "not one-sided in perspective."

I applaud President Bush for nominating Steve McNamee to the Federal District Court. I also commend Senator MCCAIN for the role he played in choosing Steve McNamee. It was a fair process and the best person was obviously chosen. The only negative aspect of Steve's appointment to the Federal court is that Arizona loses a great U.S. attorney.

One final note. In recent years, the Senate Judiciary Committee, of which I am a member, has increasingly scrutinized prospective nominees who had presently or in the past been a member of a club that discriminated on the basis of race, religion, or gender. When my staff contacted Steve about this issue, he informed them that at one time he had been offered a membership in an art appreciation club. When he became aware that membership was limited to men, he informed the membership committee that he refused to join on that basis alone. I commend Steve for his action, and want the record to reflect it. I think this story shows what kind of person Steve is and what a fine judge he will be on the court.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT—CLOTURE MOTION

Mr. MITCHELL. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 523, S. 2240, the AIDS care bill, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 2240, a bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes.

George Mitchell, John Glenn, Herb Kohl, J. Lieberman, Jeff Bingaman, Patrick Leahy, Chris Dodd, Charles S. Robb, Bob Kerrey, Alan Cranston, John Heinz, Mark Hatfield, Bill Cohen, Bob Packwood, Joe R. Biden, John F. Kerry.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that I be recognized to address the Senate and that following my remarks, the distinguished Republican leader, Senator DOLE, be recognized to address the Senate; and following the completion of his remarks, that the Senate stand in recess under the order until 1 p.m. on Monday, May 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE ELECTION ETHICS ACT OF 1990

Mr. MITCHELL. Mr. President, I am pleased to join 43 other Senators in support of the Democratic proposal to reform the Senate election finance system. The enactment of this legislation, the Senate Election Ethics Act of 1990, will benefit all Americans by establishing a competitive Senate election system that sharply reduces the special influence monied interests have in the election process.

This legislation includes the essential elements of true campaign finance reform: First, voluntary spending limits for Senate primary and general election campaigns; second, a ban on PAC contributions to Senate candidates; third, voluntary public financing of general election campaigns; and fourth, prohibitions on the use of soft money to fund party activities that affect Federal elections. It also includes other restrictions on the ability of Federal office holders to raise unlimited amounts of money from interests with a role in Federal legislation.

One thing is clear, the only meaningful way to reform the Senate election finance system is to have limits on campaign spending. Anything less than that avoids the real issues and simply creates the appearance of reform.

This year, 1990, should be a year that we celebrate this great democratic institution that is the U.S. Congress. In the last year we have witnessed a surge of democratic reforms around the world as nation after nation has thrown off its totalitarian yoke and embraced the democratic ideas established in our U.S. Constitution. For newly elected legislators in these nations, the U.S. Congress has served as a model of democracy which they admiringly look to for inspection and guidance.

But if this institution is revered around the world, too many of our own citizens view their Congress with cynicism. Too many feel that it no longer represents their interests. It is ironic that as democracy is expanded to more and more nations, Americans, feeling ever more remote from their elected government, are voting in declining numbers. And as people around the world invest new hope in government as an instrument of dynamic change, too many of our citizens believe their representatives are motivated not by high principle, but by the influence of money.

That is a characterization I reject. I know this institution better. But I understand the views of the American people. For it cannot be denied that money from wealthy individuals and special interests does play a role in the political process in this country.

In both the executive and legislative branches of Government, public officials are consumed with the unending pursuit of money to run election campaigns, to fund party organizations, to help colleagues raise campaign funds. The pursuit of money takes an ever increasing amount of our time and resources, intruding in ways both large and small, direct and indirect, on our responsibilities as legislators.

In the 1988 Senate elections, incumbent candidates spent, on average, $4 million for their reelection campaigns. That requires raising $13,000 a week, 52 weeks a year, for 6 years. Every election those numbers get higher and higher. They will continue to escalate still higher until reasonable limits are placed on campaign spending.

We could eliminate PAC's, reduce out-of-State individual contribution amounts, limit the participation of private organizations in the political process, impose special rules on broadcast stations, and make many other changes—but without spending limits we will not have addressed the real problem.

The men who wrote the Constitution some 200 years ago would surely be shocked to learn the paramount role that campaign money has on the political process today. Newly elected democratic leaders in Eastern Europe would be shocked as well to learn the role that money has in this democracy.

The refrain is often heard that this is nothing to worry about, that we don't spend that much on Senate campaigns. In fact, they say, all Senate campaigns combined in 1988 did not spend as much as is spent each year on dog food. That may be true but it is not particularly illuminating. The analogy is not relevant or informative.

The legislation that we offer today will directly address the problem by establishing a system of voluntary spending limits for Senate campaigns with partial public financing of Senate general election campaigns. PAC contributions to Senate candidates would be prohibited and soft money contributions would be removed from the Federal election process. Small instate individual contributions will be encouraged by requiring such contributions under $250 to qualify for public financing and by requiring such contributions under $100 to qualify for the flexible spending limits. Campaigns will be encouraged to directly address issues, rather than make negative attacks, by two provisions in this legislation. The first requires a candidate for the Senate to appear at the end of the ad to take responsibility for the broadcast. The second provides for broadcast vouchers—amounting to 20 percent of the spending limit—to be made available to a candidate to be used to purchase air time of at least 1 minute but no more than 5 minutes.

This is a balanced approach that is fair to Democrat and Republican, challenger and incumbent alike. It is a comprehensive effort to restore Senate elections to the people by stopping the spiral of ever increasing spending and distancing wealthy individuals and political action committees from the process. This is real reform of a discredited system.

THE REPUBLICAN ALTERNATIVE

The Republican alternative, in contrast, is deficient. It introduces even more money into the Federal election system by greatly expanding the role of wealthy individuals.

The Republican alternative does not contain the essential element of campaign finance reform—spending limits on Senate campaigns. Therefore it does nothing at all to limit the unending pursuit of money by Senate candidates. No matter what other changes in current law are made, without spending limits there will be no difference in the fundamental nature of the Senate campaign finance system.

The Republican proposal would introduce even more special interest money from wealthy individuals into the Federal election finance system. First, the proposal does nothing at all to remove political party soft money from the Federal election system. Wealthy individuals and corporations could continue to give unlimited amounts of money to State party organizations to fund activities that affect Federal elections. The practice that occurred in the 1988 elections, when publicly funded Presidential candidates raised upward of $45 million in $100,000 donations from individuals and corporations, would continue unabated.

Not content to limit this kind of money to the soft money system, currently unregulated under Federal law, the Republicans also propose to greatly increase the hard money limits that are regulated under Federal law. This would be accomplished by permitting wealthy individuals to give as much as $340,000 a year in contributions for Federal elections. Under current law, individuals are limited to giving $25,000 a year to influence Federal elections. Subject to that overall limit, individuals may give up to $20,000 to any of the three national party committees, $1,000 per election to candidates, and up to $5,000 to political committees including State parties. Republicans propose to exempt the party committees from this limit. The effect of that would be to permit wealthy individuals to give $20,000 to each of the three party committees, $25,000 to Senate candidates, and $5,000 to each of the 51 State party organizations, for a total of $340,000 in contributions for Federal election purposes. For those who are keeping score, that adds up to $680,000 for each individual per 2-year election cycle, or $1.36 million per married couple.

The question is, What in the world does this have to do with campaign finance reform? What are the Republicans trying to accomplish with this proposal to turn hard money into soft money, to open the floodgates to wealthy individuals financing Federal elections with almost unlimited money?

Another means of introducing still more influence by wealthy individuals into the system is proposed in the Republican provision to permit candidates to raise unlimited contributions from wealthy individuals if an opponent spends his own funds. If an opponent spends more than $250,000 of his own money, the Republican alternative would permit the candidate to raise individual contributions of $5,000 per election rather than the current law $1,000 limit. If an opponent spends more than $1 million of his own money, the Republican alternative would permit the candidate to raise unlimited contributions from individuals.

In order words, to deal with a problem of a candidate having an unfair advantage because of wealth, the Republicans propose to permit unlimited influence peddling by wealthy contributors. The existing millionaires loophole would be addressed by opening a new loophole for millionaire contributors seeking to buy influence and access.

To make matters worse, the Republican proposal would repeal national party expenditure limits in Presidential campaigns for get out the vote and voter registration activities, provisions which have been in the law since 1974. In the last election, the national party committees were permitted to spend about $8.3 million to supplement the public funding provided the Presidential candidates. Under the Republican proposal, the national party committees could spend an unlimited amount for such activities. Combined with their proposed 1,600 percent increase in individual contributions to party committees, tens of millions of more special interest money would flow into the Presidential system.

Instead of dealing with the soft money problem where it exists—with State and national party committees—the Republican proposal would ban soft money expenditures by private organizations, including corporations, labor unions, trade associations, and tax exempt organizations. This would be an unprecedented, and clearly unconstitutional, intrusion by the Federal Government into the free speech and association rights of the American people.

The proposed language is very broad and ambiguous. It simply bans the expenditure of soft money by any of these organizations to influence a Federal election. What that is intended to cover is highly uncertain. Many questions arise because soft money is obtusely defined as any amount solicited or received from a source prohibited under the act, in excess of contributions limits or not subject to disclosure and reporting under the act.

Under this definition, one individual giving another individual cab money to vote would appear to violate the law. Certainly, churches would have much to fear if they spend any money to influence a Federal election such as giving an employee time off to vote or supporting from the pulpit candidates who are opposed to abortion. The language is so brief and ambiguous that it is impossible to know what is intended but certainly any organization in America that is not a corporation or political committee should fear its reach. Clearly the authors of this provision did not let the Constitution interfere with their work.

The Republican reaction to the Democratic substitute is no surprise. They offer no reform proposals so must depend on an attack of the Democratic approach.

The Democratic proposal for partial public financing will cost approximately $60 million a year. Sixty million dollars a year to cleanse the Senate from influence peddling. I recognize that there are those who will demagogue this issue. They will probably even turn this into a 30-second, negative campaign spot accusing proponents of public financing of raiding the pockets of taxpayers. We are regularly confronted with silly arguments on the floor of this Senate, but none more so than this charge. We spend hundreds of millions of dollars annually paying for elections in other nations, promoting democracy around the world. We spend billions of dollars annually giving away tax benefits, spending subsidies, defense contracts to wealthy contributors and to PAC's who peddle influence in Congress. Just last month we passed something called a miscellaneous trade bill that gave away scores of tariff tax breaks, mostly to chemical and pharmaceutical companies, at a cost of more than $100 million a year. Every member of this body voted for that legislation.

Every year we spend in excess of $50 million on military bands. Now there are those who suggest this Nation cannot afford to spend $60 million a year to wash away special interest influence peddling from the U.S. Senate. We must spend that much every other day to pay for the savings and loan crisis connected in so many ways to presidential and congressional campaign contributor connections in both parties. It is ludicrous to suggest we cannot afford to spend that on Senate elections. The American people want a Congress they can trust to represent their interests. They want an elected body that is not beholden to wealthy contributors in search of more and more tax breaks, but one that represents the common man. They support public financing of Senate elections to clean up the system just as they support public financing of presidential elections.

DISCUSSION OF SENATE ELECTION ETHICS ACT OF 1990

SPENDING LIMITS

There are many ways to improve the current campaign finance system. But only an overall limit on campaign spending will address the central problem with the current system. As a result of the Supreme Court decision in Buckley versus Valeo, candidates for Federal office cannot be compelled to limit their spending. Instead, such limits must be voluntarily agreed to.

A commonly expressed criticism of spending limits is that they inherently benefit incumbents. I agree that can be the case if the spending limits are set so low that a challenger does not have the financial resources to reach the voting public. On the other hand, if spending limits are set sufficiently high that a challenger can communicate effectively with the voters, any system of limits will be of prime benefit to challengers because it is incumbents who now have the greatest access to money and will thus be most affected by spending limitations.

This legislation would establish reasonable limits on general election campaign spending, ranging form $950,000 in the smallest States to $5.5 million to the largest States. An additional 67 percent of that amount, up to a maximum of $2.75 million, could be spent in primary elections. General election spending could be an additional 25 percent higher, to the extent that candidates raise small in-State contributions from individuals.

This should be enough money to enable challengers to get their message across without distorting the election process.

Under the current system, incumbents have an overwhelming advantage over their challengers in raising campaign funds. It is rare for a challenger to raise and spend more money than an incumbent Senator.

Increasingly, Senate elections are decided not by the quality of the candidate, or the issues put before the voters, but by the fundraising capacity of the candidates. That is a system tailormade for incumbents because they almost always have more funds to spend in an election.

The numbers bear this out. From 1984 to 1988, Senate incumbents outspent their challengers by more than two to one—that difference amounted to $140 million over a period of three elections. There were 55 races involving incumbents and challengers in the 1986 and 1988 elections. Incumbents outspent challengers in 51 of those races by a total of more than $100 mil-

lion. It was no accident that challengers lost 80 percent of those races.

Opponents of spending limits have constructed the argument that limits penalize challengers because every once in a while a challenger comes along who can raise almost as much money as an incumbent. Proof for this viewpoint is sought by citing evidence that 6 of the 11 winning challengers in the 1986 and 1988 races spent more than the limits in this proposal. While that may be true, it ignores the fact that in the case of 4 of those challengers their incumbent opponents spent even more.

There can be no question about it. The spending limits in this proposal apply almost exclusively to incumbents—not challengers. It is incumbents who will be limited by this proposal, not challengers.

In the 1986 and 1988 Senate elections, only 12 of 55 challengers were able to even spend as much as would be permitted under this proposal. In fact, 30 of those challengers did not even spend half of the limit provided for in S. 137.

This substitute addresses the handicap challengers have, not only with spending limits, but also by giving challengers the ability to mount effective campaigns. No one should underestimate the importance of this. It is unprecedented that incumbent Senators should propose this kind of proposal to restore competitive balance to Senate elections. It is a measure of our dissatisfaction with the current system that we propose this comprehensive legislation.

In addition to voluntary spending limits and partial public financing, this proposal includes several other far-reaching proposals to improve the election finance system.

POLITICAL ACTION COMMITTEES

Political action committees would be prohibited from contributing to Senate election campaigns. This is a controversial proposal that is opposed by many groups. I believe political action committees have a legitimate role in the campaign finance process. Many PAC's bring together thousands of small contributors to participate in Federal elections. PAC's give voice to the concerns and interests of their members and that is an appropriate role to play in the American political process.

At the same time, however, PAC's have come to play too large a role in Federal election finance and too large a role in the legislative process. The influence, and the perception of influence that they exert on Congress has served to undermine public faith in the integrity of Congress. Clearly something must be done to change this relationship. Because we are proposing to provide Senate candidates with alternative resources to run their campaigns, we propose to prohibit PAC contributions to candidates.

We must be careful and responsible in dealing with this issue. It is ironic that the creation of PAC's under Federal election law was itself a reform of the system in 1971. It would be a mistake to abolish the role of PAC's without providing alternative resources. Otherwise Senate candidates will simply become too reliant on wealthy individuals to fund their campaigns. If that is the case, the correction of yesterday's reform could itself lead to abuses that we will later have to correct.

The important objective here should be to remove the influence that PAC's have on the political process. As long as alternative resources are provided we can do that by prohibiting PAC contributions to candidates.

SOFT MONEY

Another important part of this legislation deals with the problem of soft money. As Federal law has imposed restrictions on the amount of money spent and raised in connection with Federal elections, increasing use has been made of so-called soft money used outside the limits of the law. These soft money funds are spent for State, local and national party activities which theoretically do not directly benefit a candidate for Federal office and are therefore not covered by the limits of the Federal law.

In reality, however, soft money is often used to circumvent Federal election law limitations. These unregulated funds from corporations, unions, and wealthy individuals are spent for voter registration drives, get out the vote efforts, and generic advertising often designed specifically to benefit Federal candidates. The last presidential election witnessed a return to the Watergate era when wealthy individuals bankrolled campaigns for the presidency. Both political parties raised more than 430 million outside the limits of the law, effectively ending the Presidential spending limits.

If permitted to continue, soft money will severely undermine a Federal election law limitations, particularly if spending limits are imposed on Senate races. This legislation attempts to address this problem by bringing under Federal limits all spending which is in connection with a Federal election, including voter registration, get out the vote, and generic voter communication activities which may affect a Federal election.

This is a controversial provision which has been widely questioned because it requires certain State party activities which affect a Federal election to be funded under Federal rules. Questions have been raised about the rationale for federalizing activities which are ostensibly targeted on behalf of non-Federal candidates. Those criticisms are not without some merit but they ignore the circumstances which give fiscal year rise to this legislation.

The fact is that substantial sums of soft money are being raised under current law to be spent on activities that affect Federal elections. Current law allocation rules are inadequate to the task of removing this money from the Federal election process. Indeed, any artificial allocation rules will permit substantial soft money to be used to elect Federal candidates depending on the circumstances of a particular election. Soft money would continue to be used in large amounts of $100,000 or more on behalf of Federal candidates.

In this legislation we have attempted to draw clear lines as to the types of activities that are Federal in nature. Money spent during the Federal election period to support such activities would be required to be funded with Federal funds. The same activities which occur during an election period not involving Federal office could be funded with non-Federal money. In return for imposing these tighter restrictions on State party activities we propose to increase the contribution limits for State parties, raising PAC contributions from $5,000 to $15,000 and individual contributions from $5,000 to $20,000. Federal candidates and officeholders would in turn be prohibited from rasing soft money.

I believe this is a reasonable approach to deal with the problem of soft money in Federal elections.

BROADCAST ISSUES

I am particularly pleased with provisions in this legislation that attempt to raise the level of debate in Senate campaigns. Too often campaigns for Federal office have degenerated into name calling competitions between candidates, where victory is achieved by the candidate who runs the most negative ads. By the end of the campaign the voters are turned off by both candidates and adopt the attitude that they are voting for the lesser evil. It is no wonder politicians are not held in the highest regard and the percentage of the population that votes continues to fall.

There are no magic answers to this. Candidates will continue to be as negative as the voters permit. And as long as they are successful, negative advertisements as a form of campaigning will continue. In this legislation we attempt to get candidates to think twice about running such ads by requiring the candidate to appear at the end of every radio and television commercial they purchase to inform the viewer who they are and that their authorized campaign committee paid for the ad.

We also provide broadcast vouchers for the candidates to use for up to 20 percent of the general election spend-

ing limit. These vouchers can only be used to purchase broadcast ads of at least 1 minute in duration—a time period that is less likely to be used solely for negative purposes.

As Members of Congress who participate in the campaign funding process, we are all well acquainted with the current system. I do not know of one Member of Congress who is pleased with that system. It is awkward to try to change the system while we must operate within it. To do so opens us up to changes of inconsistency and hypocrisy. Yet, we must be prepared to move forward, even in the face of such criticisms, because the only realistic alternative is to do nothing. And that is unacceptable.

Many proposals have been offered in the past to make improvements in the campaign finance laws. Yet no legislation has been acted upon in the last 10 years. We have been stalemated in our desire to improve the system. This is due in large part because we perceive the issue through the prism of what is in our own personal interest or what we believe to be the interest of the political party of which we are a member. Because the stakes are so great, there is a reluctance to change.

But this issue demands more. We must put aside our self interest and act for the common good.

Mr. MOYNIHAN. Mr. President, will the majority leader yield for a question?

Mr. MITCHELL. Certainly.

Mr. MOYNIHAN. Did I hear him correctly state that on Monday he will be filing a cloture motion to bring up this campaign reform bill?

Mr. MITCHELL. No. I already filed a cloture motion on the emergency AIDS care bill.

Mr. MOYNIHAN. So we do not have reason at this point to feel that there would be those who would not want the Senate to bring forth this bill, once you bring the bill forward, debate it and voted on.

Mr. MITCHELL. The campaign finance bill is being debated and will be brought forward for vote at an appropriate time, but it is my hope that we can engage in further debate and discussion with our colleagues to see if we can reach some bipartisan agreement.

Mr. MOYNIHAN. That surely would be the outcome we would all hope for. I am pleased to see that the Republican leader seems to be joining you in the exercise. I congratulate the majority leader.

Mr. MITCHELL. I thank my colleague.

HATCH ACT AMENDMENTS—S. 135

Mr. DOLE. Mr. President, yesterday the Senate approved S. 135 by a vote of 67 to 30. I firmly believe that this bill is not in the best interests of the Federal Government, the Federal workers, or the American public.

INTRODUCTION

During the lengthy debate on this bill during the past week and a half, the proponents of this legislation have touted S. 135 as a civil rights and free speech bill for Federal workers.

These arguments only serve to mask the real purposes of S. 135 and the real reasons why my colleagues on the other side of the aisle so strongly opposed most of the 19 amendments that were submitted for consideration.

The real issue here is not free speech and civil rights—the real issue is campaign solicitation and money.

REPUBLICAN AMENDMENTS WOULD HAVE IMPROVED S. 135

Mr. President, I would like to set the record straight that the amendments proposed by myself and others on this side of the aisle would have greatly improved this legislation.

The distinguished Senator from Delaware [Mr. ROTH] in response to criticisms that the Hatch Act is confusing, proposed an amendment which would have provided for the Office of Personnel Management to issue regulations clarifying the do's and don'ts under the Hatch Act.

The distinguished Senator from Kentucky [Mr. MCCONNELL] proposed an amendment which would have provided for education of the Federal work force on Hatch Act standards.

The distinguished Senator from California [Mr. WILSON] proposed an amendment which would have provided for the review and study of the effects of Hatch Act reform on the Federal workplace.

One of my amendments would have allowed Federal workers to decide for themselves whether they wanted S. 135. What is more fair or democratic than that to have a referendum and if 51 percent wanted to go into this Hatch Act change, that is up to them; if they want to stay where they are, that is their choice? That is called democracy.

Another of my amendments would have excluded certain Government agencies which handle sensitive and confidential information, such as the IRS and the Department of Justice, from the loose standards on political activity set forth in S. 135. The agencies themselves supported this amendment. We had the FBI and the CIA and several others. And even those amendments were defeated by a close vote. But they were defeated, which indicates there was considerable partisanship involved in consideration of this bill.

We were able to get one of my amendments passed which excluded the 240 employees of the Federal Election Commission from S. 135. But that is only 240 employees out of 3 million Federal workers, 240 now are exempted from this loosened up Hatch Act bill.

I was pleased to see that my colleagues on the other side of the aisle at least saw the wisdon of excluding those employees who actually regulate politics from being able to actively engage in partisan political activity. Not to have done so would have been like letting the fox guard the chicken coop.

S. 135 IS ABOUT MONEY

It was unfortunately, Mr. President, that the amendment of the distinguished Senator from New Mexico [Mr. DOMENICI] which amendment was cosponsored by Senators D'AMATO, LOTT, and MURKOWSKI was defeated. This amendment also would have greatly strengthened and improved S. 135 by excluding from the bill sensitive Government agencies that, among other things, handle issues of national security.

Most importantly, the amendment would have eliminated language from S. 135 that permits employees of the same Federal employee union from soliciting contributions from fellow employee union members for the union PAC's. That is the whole heart of the S. 135. That is the reason it is on the floor.

It is strange we are discussing campaign finance reform after this travesty that slid through here yesterday on pretty much a partisan basis.

This amendment struck at the heart of S. 135 and the reason why my colleagues on the other side of the aisle have backed this piece of legislation.

It is the green light for the Federal employee unions who have been camping out in the hallways during the Senate debate to gear up their campaign solicitation efforts.

If S. 135 becomes law, Federal workers should be alert to the fact that they are—not may—but are going to be getting a lot of phone calls asking for money, and this is rather strange when the survey show that over 50 percent of the Federal workers did not want to change the Hatch Act and 70 percent in the senior executive service did not want to change the act. So, a majority in this body are going to permit a minority to put the arm on a lot of people to raise a lot of money for a lot of politicans, a lot of campaigns with over 90 percent of it going to my colleagues on the other side.

Under the Hatch Act, Federal workers were free to make campaign contributions; under S. 135 they are going to feel the pressure to do so.

I am sure that Mr. Gould's popularity—he is the chief lobbyist of the National Association of Letter Carriers—is going to skyrocket beyond that reported by the Washington Post last week.

Last year, he helped pass out almost $769,000—that is almost a million dol-

lars—to political candidates, almost all of which went to Democratic political candidates. I guess the letter carriers deliver mail to Republicans too; maybe not—maybe they only deliver to Democrats—they deliver the money to Democrats and some of the mail to Republicans. When it comes to campaign contributions over 90 percent of the money they raise goes to Democats. That is a lot of money and under S. 135, the pot of gold will be a lot bigger.

Indeed, Mr. President, of the total amount of money given between 1987 and 1988, by Federal union PAC's about 88 percent went to Democrats and about 12 percent went to Republicans.

So, Mr. President, this is not free speech or civil rights. It is raw politics; it is pure politics; it is how much more money can be raised so we can get 90 percent of it to one party and 10 percent to candidates of the other party.

It seems to me that in addition to that, we should not be doing that when we are trying to spend less money in campaigns. At least both sides are saying that is what we are trying to do. But it is going to be intimidation of the Federal work force and Federal worker when he gets the call from somebody who might be his superior, somebody down the line to say, "Wouldn't you like to contribute money to our political action committee," and he is concerned about his job or about a promotion, or about any other thing that probably may happen in his work or her work, and it is pretty hard to say "No, I do not think I want to contribute to the political action committee." It might mean your promotion; it might mean your job. It might mean something else.

So in my view what we did yesterday in the Senate does not help the Federal workers. In my view, I have a view that most Federal workers are dedicated public servants, men and women of integrity and honesty, and I do not think they ought to be used as pawns in the game of politics.

So I hope when the bill passes it will be veoted by the President and in my view we have enough votes on the Senate side hopefully to sustain a veto. If not, we will see what happens in the future.

CONCLUSION

And so, Mr. President, S. 135 is not about political free speech or civil rights—it is about money and eliminating those aspects of the Hatch Act which restrict solicitation efforts.

If S. 135 becomes law, Federal workers should be prepared for the fact that making political contributions and working for the Federal Government will go hand-in-hand.

OLD GLORY DESERVES CONSTITUTIONAL PROTECTION

Mr. DOLE. Mr. President, next Monday, the Supreme Court will hear oral argument in United States versus Eichman and United States versus Haggerty—the now-infamous flag-burning cases that have placed the so-called Flag Protection Act of 1989 in a cloud of legal doubt.

EXPEDITED REVIEW HAS WORKED

Needless to say, the Flag Protection Act has not worked as advertised. It has been struck down by the courts from Washington State to Washington, DC. Its ultimate constitutional fate now hangs precariously before the nine Justices of the Supreme Court.

And despite its great sounding name, the Flag Protection Act hasn't protected a single flag—not one.

To its credit, the flag statute's expedited review provision has indeed worked, and it has worked well. With oral argument on Monday, chances are that the Supreme Court will issue a formal, written opinion sometime in late June or early July.

As far as this Senator is concerned, that is fair, and that is what Congress meant by expedited review.

So I commend the distinguished chairman of the Judiciary Committee, Senator BIDEN, for ensuring that the expedited review provision was written into the final version of the statute. And I commend the House of Representatives for directing its legal counsel to withdraw a brief that—unbelievably—asked the Supreme Court to delay its consideration of the statute until October or November, in other words, until after the elections.

I HOPE I AM WRONG

Obviously, I have some pretty strong views on this subject. I have predicted that the Supreme Court will affirm the lower court opinions and that the Flag Protection Act will once again flap helplessly in the legal wind.

Believe me, I hope that these views are mistaken. I hope that the Flag Protection Act is indeed upheld by the Supreme Court. And I hope that Old Glory—finally—gets the legal protection to which it is entitled.

I have certainly been wrong before, and my colleagues—on both sides of the aisle—often remind me of that fact.

STAND READY WITH A CONSTITUTIONAL AMENDMENT

But once the Supreme Court acts—and if the Flag Protection Act is indeed declared unconstitutional—I stand ready to revisit the issue of a constitutional amendment.

Many of my colleagues said that they voted against an amendment simply to give the statutory approach a chance. And that is fair enough.

But once the Supreme Court issues its opinion, this excuse will no longer be available. The flag statute will have had its chance. It will have had its day in court. And it will be time to give the constitutional amendment the chance that it deserves.

CONCLUSION

So I hope that the distinguished majority leader will allow the Senate to consider a constitutional amendment shortly after any Supreme Court decision striking down the flag statute.

We have all seen the amendment. We have all read the amendment. We have had extensive hearings on the amendment. And we have debated the amendment on the floor.

So there will be no surprises.

And it should be no surprise that the overwhelmingly majority of the American people still want a constitutional amendment, and they want Old Glory to receive the constitutional protection that it very much deserves.

CAMPAIGN FINANCE REFORM

Mr. DOLE. Mr. President, this past Wednesday, Senate Republicans formally introduced the Comprehensive Campaign Finance Reform Act of 1990.

My Republican colleagues have already described most of the bill's provisions—at our press conference last week and when we introduced the bill on Wednesday.

So I will not belabor my colleagues with yet another detailed exposition of the bill's major points.

However, I would like to take just a few moments to highlight the three main goals motivating the Republican approach to campaign finance reform.

GOAL ONE: REDUCE SPECIAL INTEREST INFLUENCE

Our first goal is to reduce the influence of special interests in politics.

Simply stated, the special interests are the political action committees, the corporations, the labor unions, the unregulated soft money operators, the tax-exempt organizations that hide behind the Tax Code while engaging in partisan political activity, the Charles Keatings of the world—all those individuals and groups, in other words, whom the American people believe somehow have special access to the hearts and minds of their elected representatives.

The Republican bill takes a big whack at the special interests by removing PAC's altogether from the Federal election process. The Republican bill bans soft money. It codifies the Supreme Court's Beck decision. It restricts the practice of bundling contributions. In other words, you cannot walk into somebody's office and say "Well, I cannot take your political action committee money, but if you just go around and collect $20,000 for me, I'll be back at 5 o'clock." That is

called bundling, and the Republican bill would prohibit it.

Finally, the Republican bill reduces the contribution limits for out-of-State residents by a full 50 percent—from $1,000 to $500.

I have done a little checking on my own, and it appears that—on the special interest issue, at least—the Democrat bill fails the truth-in-advertising test.

Although the Democrat bill would ban PAC contributions to Senate candidates, it would still allow PAC's to continue to contribute $15,000 annually to the national and State party committees.

It would also allow the national party committees to accept from PAC's an amount—in the aggregate—equal to 2 cents times the U.S. voting age population. In 1988, the U.S. voting age population was 174,550,000. Multiply that number by 2 cents and you get a pretty hefty sum—$3.5 million, to be exact.

The Democrat bill would also allow PAC's to contribute big dollars to the Democratic and Republican senatorial committees—as much as $3.8 million each, according to my calculations.

And the Democrat bill would still allow PAC's to contribute to House candidates. This is not very consistent in my view. I do not know where the idea came from. But it is apparently one idea that will not be around for too much longer.

So, on the special interest front, the Republican bill—in my view—is much, much stronger.

GOAL TWO: INCREASE COMPETITION IN POLITICS

The second goal of the Republican approach is to increase competition in politics.

Two years ago, President Reagan sadly observed that there was more turnover in the Supreme Soviet than in the United States Congress.

President Reagan was right then, and he would be right today. The sad truth is that a challenger in Leningrad's Second Electoral District has a better chance of success in 1990 than a challenger in the Ninth Congressional District of New York, or in the Seventh Congressional District of Oklahoma, or in any number of congressional districts throughout this country.

The horrifying facts of incumbency speak for themselves.

In 1988, the reelection rate was 98 percent in the House and 84 percent in the Senate.

In 1988, 80 Members of Congress ran for reelection without any major party opponent.

Of the 1,305 House elections in 1984, 1986, and 1988, only 4 percent resulted in a change of party.

And of the 1,206 House races involving incumbents since 1984, incumbents won all but 28.

With these numbers, it is no wonder that the American people are cynical about Congress, and it is no wonder that the "my vote does not matter" philosophy seems to be gaining ground in popularity.

The Republican initiative tries to break incumbency gridlock with a seed money mechanism that will give House and Senate challengers a well-deserved and much needed jump start in their campaigns.

The Republican initiative also tries to increase competition in politics by raising the contribution limits for the challengers of those candidates who intend to finance their campaigns with personal funds in excess of $250,000. And the initiative reduces the power of the frank by prohibiting franked mass mailings by a Member of Congress during any election year.

GOAL THREE: REDUCE THE COST OF CAMPAIGNS

The third goal of the Republican initiative is to reduce the cost of campaigns.

No doubt about it, the money chase is an activity that dominates congressional life and gets in the way of the real business of Congress—legislation.

The Republican bill would put a big dent in campaign costs by allowing congressional candidates to purchase nonpreemptible time at the cheapest price a television station offers for preemptible time. This provision is particularly important since television advertising eats up more than 50 percent of all campaign spending.

DE FACTO SPENDING LIMITS

Last Wednesday, my distinguished colleague from Oregon [Mr. PACKWOOD] made a very good point that ought to be repeated again today.

The Republican initiative has been criticized because it fails to incorporate something called spending limits.

But the truth is that the Republican initiative will, in fact, limit campaign spending—and limit it substantially. By banning PAC's—by reducing the contribution limits for individuals residing outside of a candidate's State—and by restricting the practice of bundling—the Republican bill imposes de facto limits on the amount of money that can be spent in a campaign. If the Republican bill is ever passed, campaign spending will—inevitably—decrease. I can assure you.

Unfortunately, the Democratic bill once again embraces the almost clinical fixation on arbitrarily determined spending limits.

The campaign finance experts are virtually unified in their view that spending limits reduce competition in politics. That is a given. And it is a given that spending limits—particularly of the sort proposed by the Democrat bill—will keep every lawyer in Washington employed for years to come.

Republicans have always argued that rigid spending limits are a form of incumbency protection.

Apparently, the New York Times may agree. An article published today suggests that the spending limits in the Democrat bill were intentionally softened for incumbents. The article cites one provision in particular that offers a 15-percent exemption from the spending limit for necessary expenses incurred by a Senator as part of his official duties.

Needless to say, we all know how flexible that standard can be in practice.

Mr. President, I ask unanimous consent that the full text of the article be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. Mr. President, the Republican bill is straightforward. It is comprehensive. It is serious. And if enacted, it will go a long way toward cleaning up the campaign finance mess.

More importantly, the Republican bill will go a long way toward helping Congress regain the trust of the American people.

I urge my colleagues to review the bill and join me as a cosponsor.

Sometime next week, when the majority leader wishes, we will each appoint 4 or 5 members—4 or 5 Republicans and 4 or 5 Democrats. We will then try to put together and negotiate some compromise that will be meaningful and will change the way we finance campaigns in the U.S. Congress, and maybe even in Presidential races. Perhaps 2 or 3 weeks down the road or even a month from now, we can come together and find some common solutions.

EXHIBIT 1

[From the New York Times, May 11, 1990]

ALTERED CAMPAIGN BILL AIDS SENATORS

(By Richard L. Berke)

WASHINGTON, May 10.—Several Senate Democrats who face re-election in 1992 have engineered new provisions in their party's campaign financing bill that would allow their campaign organizations to spend hundreds of thousands of dollars beyond the legislation's spending limits.

While warning that the move will have the appearance of protecting incumbents, Senator George J. Mitchell of Maine, the majority leader, has gone along with some changes from the stricter rules that were passed by the Senate Rules Committee, several senators said. But they also said Mr. Mitchell had pressured his colleagues into scaling back some revisions they wanted to include.

The centerpiece of the Democratic bill, scheduled to be introduced in the Senate on Friday, is a system through which campaigns of incumbents and challengers alike would be eligible to receive subsidies of public money if the candidates agreed to accept limits on their total spending. The limits would apply to the primary and general elections together and would vary according to the state's voting-age population, ranging from $1.5 million to $8.2 million.

The revisions from the bill as passed by the committee would free the 20 Democratic and 14 Republican Senators who are up for re-election in 1992 from counting their early spending toward the new limits. The changes would also allow incumbents to exempt certain campaign costs from the limits. The effect would be that incumbents could spend hundreds of thousands of dollars more than was intended under the legislation.

INCUMBENT-PROTECTION BILL

It is not unusual for major bills in the Senate to be altered by party leaders between the time they are approved by a committee and the time they are introduced on the floor.

"I was very worried that this all was beginning to look like giant incumbent-protection legislation," said Senator Joseph R. Biden Jr., Democrat of Delaware, who argued against the changes in several long meetings of Democratic Senators in recent weeks.

Mr. Biden said in an interview that he was concerned the changes could undermine the party's commitment to curtailing campaign spending. The Senator said the revisions did not go as far as some of his colleagues had proposed, and he found that heartening. But he said he was still concerned that the legislation "appears very hypocritical."

Senator David L. Boren, an Oklahoma Democrat who is the leading sponsor of the bill, said he had misgivings about efforts to change it, and described Mr. Biden's concerns as "real legitimate." He said that the bill as revised gave "a slight advantage" to incumbents, but that he was comfortable with its current form.

"I think what we ended up with is defensible," Mr. Boren said. "What's miraculous to me is that we've come out with a bill that's as restrictive as this one is."

The bill would apply to all Senate races beginning in 1992, which is considered a critical election year because 11 first-term Democrats, an unusually large number, will face re-election.

SENATORS WHO URGED CHANGES

Several senators and their aides said the Democrats seeking re-election in 1992 who were most vocal in pushing for the revisions were Tim Wirth of Colorado, Tom Daschle of South Dakota, Kent Conrad of North Dakota, Patrick J. Leahy of Vermont and Harry Reid of Nevada. All but Mr. Leahy are in their first terms, elected in 1986.

Two Democratic senators who are seeking re-election this year, John Kerry of Massachusetts and Max Baucus of Montana, were also outspoken in advocating some of the changes, people familiar with the discussions said.

One major revision in the legislation would exempt certain expenditures by campaign committees from the limits. It is current practice for senators to charge many expenses to their campaigns, like some travel and entertainment of supporters, so they can free more of their office money for other purposes, like staff salaries.

Some senators argued that such costs were more related to their official duties than to campaigning, so the Democrats wrote new provisions for the bill that specifically said the cost of a senator's spouse or children traveling between Washington and the member's home state would not count toward the limits. Rather than include other specific exemptions, the bill was revised to include a broad new exemption that "costs of any ordinary and necessary expenses incurred in connection with an individual's duties as a holder of the office of United States Senator" would not count against the limits.

Although several senators had sought an unlimited exemption for such expenditures, Senators Boren said he and Senator Mitchell had pushed through a compromise that would limit the exemptions to 15 percent of a candidates' total spending limit or $300,000, whichever is lower. The effect of that would be that a senator's campaign could spend 15 percent or $300,000 above the limit for costs the senator said were necessary in his official duties.

Senator Kerry argued that it was only fair that there be "some adjustment for day-today expenses of running an office." As an example, he told his colleagues that his campaign had spent a large sum on computer lists of his constituents and that he did not think this should count toward a campaign spending limit.

Mr. Kerry dismissed the argument that senators should not get the exemptions because they already benefited from other incumbency advantages, like free mailing and large official staffs.

"Incumbents are giving up an enormous amount in this bill," he said. Senators are able to "raise about as much as they need to win," he said, but by accepting spending limits, they sacrifice the right to do that, he said.

Another change would apply specifically to the 1992 campaign. Under the bill approved by the Rules Committee, any spending for that election would have counted toward the limit. But the Democratic Senators changed that to apply only to spending that occurred after the bill's enactment. This would affect both incumbents and challengers, but it is generally seen as benefiting incumbents because there are not likely to be many announced challengers by the time the bill is enacted, presumably this fall.

"I don't want a special rule for incumbents," said Senator Leahy. "All I want is specific rules so people are treated the same."

Senator Daschle, one of those who backed the changes, defended them by saying he had already spent large sums for his 1992 campaign that he might have used differently had he known the money would be counted toward a spending limit.

The provision that delays the effective date of the limits, he said, is "what we call a fresh-start approach—up until the time the election cycle begins, nothing we raise or spend will be counted against us."

Other senators who had encouraged the revisions did not respond to requests for interviews. Mr. Mitchell could not be reached for comment late today.

ORDERS FOR MONDAY, MAY 14, 1990

RECESS UNTIL 1 P.M.; MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 1 p.m. on Monday, May 14; and that following the time for the two leaders, there be a period for morning business not to extend beyond 1:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, I have filed a cloture motion on the motion to proceed to S. 2240, the AIDS C.A.R.E. bill.

At 1:30 p.m. on Monday, the Senate will conduct debate only on the motion, with a vote to occur on the motion to invoke cloture on the motion to proceed to the bill at 10 a.m. on Tuesday morning. There will be no rollcall votes on Monday.

RECESS UNTIL 1 P.M., MONDAY, MAY 14, 1990

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 1 p.m., Monday, May 14, 1990.

Thereupon, the Senate, at 2:31 p.m., recessed until Monday, May 14, 1990, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate May 11, 1990:

THE JUDICIARY

PAUL V. NIEMEYER, OF MARYLAND, TO BE U.S. CIRCUIT JUDGE FOR THE FOURTH CIRCUIT VICE HARRISON WINTER, RETIRED.

JOHN H. MCBRYDE, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS VICE ELDON B. MAHON, RETIRED.

CHARLES W. PICKERING, SR., OF MISSISSIPPI, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI VICE WALTER L. NIXON, JR.

FREDERICK P. STAMP, JR., OF WEST VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA VICE WILLIAM M. KIDD, RETIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 11, 1990:

DEPARTMENT OF JUSTICE

MORRIS LEE THOMPSON, OF KANSAS, TO BE U.S. ATTORNEY FOR THE DISTRICT OF KANSAS FOR THE TERM OF 4 YEARS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

STANLEY F. BIRCH, JR., OF GEORGIA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

JOHN D. RAINEY, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

JAMES K. SINGLETON, JR., OF ALASKA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF ALASKA.

WILLIAM M. NICKERSON, OF MARYLAND, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND.

STEPHEN M. MCNAMEE, OF ARIZONA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

JACK D. SHANSTROM, OF MONTANA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MONTANA.

SAMUEL GRAYSON WILSON, OF VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA.

RICHARD W. VOLLMER, JR., OF ALABAMA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT FOR THE SOUTHERN DISTRICT OF ALABAMA.

DEPARTMENT OF JUSTICE

ARTHUR F. VAN COURT, OF CALIORNIA, TO BE MARSHAL FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS.

DANIEL J. HORGAN, OF FLORIDA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF 4 YEARS.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2, OF THE CONSTITUTION:

To be rear admiral

CAPT. ROBERT C. J. KRASNER, MC, U.S. NAVY 155-36-6716.

HOUSE OF REPRESENTATIVES—*Monday, May 14, 1990*

The House met at 12 noon.

The Reverend James Leo Garrett, Jr., professor of theology, Southwestern Baptist Theological Seminary, Fort Worth, TX, offered the following prayer:

Let us pray:

Almighty God, Lord of nations and peoples and Father of all mercies, we bless Your holy name. Strengthen this day all who labor for peace and justice, encourage and bring release to those held as hostages, and stay the hands of those who would violently abuse or take the lives of fellow human beings. Grant, we pray, to the Members of this House a clean vision of the role of statesmen, a powerful conscience against any abuse of office, a compassionate sensitivity to human need, an abundant supply of true wisdom for decisionmaking, and abiding gratitude for the privilege of public service. In Your name and for Your glory. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Virginia [Mr. WOLF] come forward and lead the House in the Pledge of Allegiance.

Mr. WOLF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3961. An act to redesignate the Federal building at 1800 5th Avenue, North in Birmingham, AL, as the "Robert S. Vance Federal Building and United States Courthouse."

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 20. An act to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 20) "An act to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GLENN, Mr. LEVIN, Mr. PRYOR, Mr. KOHL, Mr. LIEBERMAN, Mr. ROTH, Mr. STEVENS, and Mr. RUDMAN to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2364) "An act to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes."

The message also announced, that pursuant to Public Law 99-603, the Chair on behalf of the President pro tempore, appoints Mr. Clarence E. Martin III, of West Virginia, to the Commission on Agricultural Workers, vice, Mr. Russell Pitzer, resigned.

The message also announced, that pursuant to sections 1928a-1928d, title 22, of the United States Code, the Chair on behalf of the Vice President, appoints Mr. BURDICK, as a member of the Senate delegation to the North Atlantic Assembly Meeting during the 2d session of the 101st Congress, to be held in Paris, France, May 11-14, 1990.

The message also announced, that pursuant to sections 1928a-1928d, title 22, of the United States Code, the Chair on behalf of the Vice President, appoints Mr. HATFIELD, Mr. MCCLURE, Mr. MURKOWSKI, and Mr. GORTON, as members of the Senate delegation to the North Atlantic Assembly Meeting during the 2d session of the 101st Congress, to be held in Paris, France, May 11-14, 1990.

THE REVEREND JAMES LEO GARRETT, JR.

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, as a Baptist and the son of a Baptist minister, I am understandably proud of my religious heritage. Also Mr. Speaker, I am particularly proud of the commitment of the Southern Baptist religion when it comes to the education and training of its members.

Today, we are honored to have with us a man who has dedicated his life to God, the service of his church and the training of its leaders.

Dr. James Leo Garrett, Jr., is a professor of theology and church history at Southwestern Baptist Theological Seminary in Fort Worth, TX. I have known Dr. Garrett for a number of years through his affiliation and friendship with my father, the late Dr. Carroll Hubbard, Sr., who like Dr. Garrett was a Baptist minister and teacher.

Before joining the staff at Southwestern, Dr. Garrett served as a professor of Christian theology at the Southern Baptist Theological Seminary in Louisville, KY. Dr. Garrett is highly regarded in Kentucky. He has also served on the staff at Baylor University as well as providing pastoral leadership for congregations in Texas, Indiana, and Kentucky. In fact, for a time in 1962 he was the interim pastor of Briggs Memorial Baptist Church here in Washington.

He is a graduate of Baylor University and has done postgraduate work at Southwestern Theological Seminary and Princeton Theological Seminary. He received his doctorate from Harvard University in 1966.

Like my father, I am proud to be associated with Dr. Garrett, his wife, the former Myrta Ann Latimer, and their three children, James Leo Garrett III, Nacogdoches, TX; Robert Thomas Garrett, Washington, DC; and Paul Latimer Garrett, Austin, TX.

Welcome to our House Chamber, Dr. James Leo Garrett, Jr.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Thursday, May 10, 1990:

S.J. Res. 275. Joint resolution designating May 13, 1990, as the "National Day in Support of Freedom and Human rights in China and Tibet."

And the following enrolled bills and joint resolution on Friday, May 11, 1990:

H.R. 922. An act to designate the building located at 1515 Sam Houston Street in Liberty, TX, as the "M.P. Daniel and Thomas F. Calhoon, Sr., Post Office Building";

H.R. 2890. An act to designate the Federal building and U.S. courthouse located at 750 Missouri Avenue in East St. Louis, IL, as the "Melvin Price Federal Building and United States Courthouse"; and

H.J. Res. 453. Joint resolution designating May 1990 as "National Digestive Disease Awareness Month."

PERMISSION FOR THE COMMITTEE ON THE JUDICIARY TO FILE REPORTS ON H.R. 4612 AND H.R. 29

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until 5 p.m. today to file reports on H.R. 4612 and H.R. 29.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO FILE REPORT ON H.R. 2273, AMERICANS WITH DISABILITIES ACT

Mr. LAUGHLIN. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation may have until midnight tonight, May 14, 1990, to file a report on H.R. 2273, the Americans with Disabilities Act.

I would advise, Mr. Speaker, this has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DESECRATION OF JEWISH CEMETERIES IN FRANCE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks, and to include therein extraneous material.)

Mrs. SCHROEDER. Mr. Speaker, this weekend's revelations of graves being desecrated in Jewish cemeteries sickens any civilized person. In 1790 the Hebrew congregation in Newport, RI, was so fearful of persecution, there was an escape door and tunnel put in the middle of the temple. Our first President, George Washington, took up his pen and wrote to this harassed congregation. His words and vision give me goosebumps, they convey the very essence of America's foundation being grounded in religious tolerance. I include the text of George Washington's letter:

AUGUST 17, 1790.

To the Hebrew Congregation in Newport, RI.

Gentlemen, while I receive with much satisfaction your address replete with expressions of affection and esteem, I rejoice in the opportunity of assuring you that I shall always retain a grateful remembrance of the cordial welcome I experienced in my visit to Newport from all classes of Citizens.

The reflection on the days of difficulty and danger which are past is rendered the more sweet from a consciousness that they are succeeded by days of uncommon prosperity and security. If we have the wisdom to make the best use of the advantages with which we are now favored, we cannot fail, under the just administration of a good government to become a great and happy people.

The Citizens of the United States of America have a right to applaud themselves for having given to Mankind examples of an enlarged and liberal policy, a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support.

It would be inconsistent with the frankness of my character not to avow that I am pleased with your favorable opinion of my administration, and fervent wishes for my felicity.

May the children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other inhabitants, while every one shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid.

May the Father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations useful here, and in his own due time and way everlastingly happy.

G. WASHINGTON.

SUPPORT AMERICANS WITH DISABILITIES ACT

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, the day after tomorrow, on Wednesday, the House will have an opportunity to debate, and then to vote and pass, I hope, the bill called the Americans With Disabilities Act.

This, I believe, Mr. Speaker, will be one of the most important bills and one of the most important civil rights acts which the 101st Congress will have an opportunity to adopt.

The Americans With Disabilities Act is a bill which will give Americans who have disabilities an opportunity to function as workers in the workplace, as mothers and fathers, as citizens and as taxpayers of our community.

This is one opportunity for America, I believe, to cast a vote through the House of Representatives for competitiveness. Because as we look down the road to the year 2000, Mr. Speaker, this Nation will need talented people in the work force if we are to be competitive with all of the trading partners around the world.

Part of this effort to have a solid talented work force is to go into untraditional areas to do our recruiting. We will be recruiting more women, and therefore the bill on child care and the related bills we have had will be helpful. We will have to go into the marketplace for people who have disabilities.

So I would urge my colleagues who have certainly every right to be proud of this to cast that vote on Wednesday with pride on behalf of the Americans With Disabilities Act.

□ 1210

TRIBUTE TO DR. AND MRS. WILLIAM NARVA

(Mrs. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker, it is with a great deal of sadness that I note the departure of Dr. William Narva as the attending physician of the House of Representatives of the Capitol. We have enjoyed his services for many, many years, for 20 years as a consultant to the attending physician, and for the past 4 years as the attending physician of the Congress. He has rendered such good and efficient service with such a personal attitude of interest and compassion. We will certainly miss his services very much.

Dr. Narva is also retiring after 35 years of distinguished service to the U.S. Navy, and we salute him for his service in that regard. The whole city of Washington will miss Bill Narva and his remarkable wife Rose Narva. She has in this city brought back the Carlton Hotel and the Jefferson Hotel. She has helped to rejuvenate the kind of gracious hospitality for which this city was previously known. We will miss her touch on the Washington scene as well.

Mr. Speaker, I wish them, of course, godspeed in their retirement to California, where they will be joining their son David, and I know that they will have many years of happiness there.

TAX REFORM: CHANGING THE MIX, NOT RAISING THE ANTE

The SPEAKER pro tempore (Mrs. SCHROEDER). Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH of Iowa. Madam Speaker, as this body understands, deficit predictions are worsening to the extent that Congress and the executive branch have little choice but to enter negotiations to develop a bipartisan, bi-institutional approach to stemming the red ink.

The Republican Party, as the party that stresses individual opportunity in the marketplace, has positioned itself, properly in my judgment, against raising individual or corporate income tax rates; yet as prior administration budget requests to Congress evidence, the White House is prepared to call, with or without additional budget cuts, for revenue increases from other sources. The Democrats, on the other hand, as the party stressing the need for a broader social safety net, want deficit reduction to come somewhat less from paring programs and somewhat more from raising revenue.

Disputes—as well as ill-currents of ill-will—have been triggered, even before parties have met, even before the agenda has been set. What is on the table appears to have engendered as much emotion as what may be decided. As one supportive of my party and my President on general taxation issues, I would like in a spirit of constructive engagement to suggest there is a singular tax change, involving an issue of societal equity, which deserves attention in the context of the yawing deficit.

For too long this Congress has looked the other way as tax policy itself has served to impel concentration rather than dispersion of ownership of corporate assets. The precept that leveraged buyouts are driven as much by the imperative of tax policy as by the case for managerial and organizational streamlining is a scandal made not in boardrooms but in Congress. The case for or against leveraged buyouts may be a mixed one, with judgments varying on individual circumstances. But from the perspective of societal fairness it is an ethical indubitability that the U.S. taxpayer should not subsidize merger-mania and the merger maniacs who are so responsible for the over-leveraging of corporate America.

Whether or not a budget crunch is particularly perplexing at this time, the case for eliminating deductibility of interest in the instance of large leveraged buyouts is compelling. The notion that the average taxpayer should subsidize the games played by Michael Milken, Ivan Boesky, Charles Keating, and Frank Lorenzo is ludicrous. Nonplayers, the innocent, should not have their taxes raised because Wall Street takeover artists have crafted a way to make an egregious loophole out of a tax provision which has historically been considered quite sound.

While it should be premature and probably ill-advised without substantially greater study to adopt a more expansive approach in this area, it is instructive to note that a logical case could be made for eliminating the tax deductibility of all corporate interest in exchange for a lowering of the corporate income tax rate. The Nobel laureate economist, James Tobin of Yale, suggests that in exchange for eliminating the deductibility of interest, the top corporate tax rate could be reduced to 24 percent with no effect on Federal revenues. The problem with such an approach is that smaller companies are often more overleveraged than larger; fairness would dictate a transition period; and rates might look so low as to beckon their raising. These difficulties could partially be obviated by phase-in provisions and, more importantly, the establishment of a threshold level for debt service—$1 million or perhaps even $10 million—below which the deductibility of interest could be maintained, with interest costs above such levels eliminated in a tradeoff for lower corporate income tax rates. This circumstance takes on unusual interest given the assumption of most political observers that President Bush's "lip reading" no-tax commitment relates primarily to the issue of individual and corporate rates and to the prospect of a general excise tax.

Philosophically, a sophist might argue that one disadvantage of eliminating the deductibility of corporate interest, at least for larger transactions, is that it could suggest that there are no cost implications to the employment of money. Actually, such a tax revision would change rather than deny the costs associated with borrowing and put their attendant burden more squarely on the borrower instead of spreading it in part to nonparties to lender/borrower transactions.

Increasingly, corporations have a tendency to increase their leveraging in order to decrease their liabilities to the Government. This assault on the tax codes has the effect of: First, overleveraging American business, making it more vulnerable to sectoral or national downturns in the economy; second, concentrating ownership of equity assets; third, spreading the tax burden to less-leveraged corporations and individuals; fourth, utilizing capital to consolidate ownership of existing assets rather than to invest in the building of new ones; and fifth, increasing the Federal deficit. Just as undisciplined Government borrowing crowds out the private sector, capricious private borrowing crowds out the Government, forcing Treasury rates up.

None of the above strikes me as socially beneficial. In fact, the consolidation of corporate ownership implied in leveraged buyouts runs counter to the presumption that a stabilizing aspect of American capitalism is the extent to which ownership has been spread to include workers and retirees as well as management. It also runs counter to the presumption that citizens can support a tax system only if the burden is spread fairly. Elimination of the deductibility of interest for leveraged buyouts, if not more generally, would reduce substantially the numbers of profitable corporations that pay virtually no income tax. It would help stabilize the economy in the long run and propel the best and the brightest of American business talent back into corporate management instead of corporate raiding.

If America is to rejuvenate its competitive edge, a new premium should be placed on managing companies on Main Street instead of money from Wall Street.

In this context, Congress has an obligation to rethink status quo tax policy, with a goal primarily of equity, not retribution; of end effect, not short-term consequence; of changing the mix, not raising the ante.

A good first place to begin is to understand that what happens in the capital markets is the direct result of what happens in Capitol politics. We must do better to ensure others not do worse.

□ 1220

ENCOURAGING HEARINGS TO ENSURE ENFORCEMENT OF HEALTH AND SAFETY STANDARDS IN THE NATION'S MINES

The SPEAKER pro tempore (Mrs. SCHROEDER). Under a previous order of the House, the gentleman from Kentucky [Mr. HUBBARD] is recognized for 5 minutes.

Mr. HUBBARD. Madam Speaker, western Kentuckians along with the entire mining community were shocked last September 13 when an explosion at Pyro Mining Co.'s William Station Mine near Wheatcroft, KY, claimed the lives of 10 men. This accident was the Nation's worst coal mine disaster since 27 miners were killed in 1984 in a mine in Utah.

I spoke on the House floor that day to remind my colleagues of the danger that our Nation's coal miners face each day and to urge that we take the necessary steps to ensure that our Federal and State Governments are doing everything possible to prevent such a terrible accident from ever recurring. Madam Speaker and Members of the House, today I repeat that call.

On April 26, at the invitation of Representative JOSEPH GAYDOS, chairman of the Education and Labor Committee's Subcommittee on Health and Safety, I had the occasion to question William J. Tattersall, Assistant Secretary for Mine Safety and Health, regarding the Mine Safety and Health Administration's activities leading up to and following the Pyro Mine disaster. During those proceedings, Mr. Tattersall predicted that the agency's final report would absolve the agency of any fault whatsoever in the events that led up to the explosion.

Well the report is out, and Mr. Tattersall was right. The agency faults the actions of the company as being responsible for the explosion which claimed the lives of these 10 men.

Let me go on record as saying that I do not have the expertise to discount MSHA's findings with regard to this accident. However, I do find it particularly disturbing that the agency had inspectors at the mine almost every day of its operation and that conditions were allowed to deteriorate to the point that this accident occurred.

Safety concerns were not uncommon at the William Station Mine. In fact, prior to the accident production at the mine had to be stopped because of a water blockage that was impeding the mine's flow of ventilation. In this Saturday's edition of the Courier-Journal, a Louisville, KY, daily newspaper, is a story that suggests that MSHA could have in fact prevented the accident by not allowing the company to resume activities in the mine until the entire water blockage was removed. The story implies that such an action would not only have been prudent, but in not doing so that the agency was negligent of its enforcement of Federal safety laws.

Madam Speaker, in 1969 following the disaster at Farmington in West Virginia and later in 1977 following the explosion at Scotia in Letcher County, KY, we in Congress said that something had to be done to address the health and safety concerns of those who work in our mining industry. Today, 8 months and 1 day following the explosion at Pyro, I say that it is time that we take action to ensure that the Department of Labor is fulfilling Congress' mandate in enforcing health and safety standards in the Nation's mines.

I would like to urge Representative GAYDOS and his subcommittee to convene as soon as possible a full oversight hearing with regard to MSHA and its activities leading up to and following the explosion at Pyro.

Perhaps through such an investigation we can learn how to prevent accidents such as the one that occurred at Pyro. That is a worthwhile goal for all of us in the 101st Congress.

MASSACHUSETTS BANKERS OVERLY RIGID IN LOAN PRACTICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK. Madam Speaker, last week we saw an encouraging event in what had been a discouraging picture. The senior regulators of the banking industry in the country, the Comptroller of the Currency, the head of the Federal Deposit Insurance Corporation, the Chairman of the Federal Reserve Board, and their aides met with bankers, and they urged the representatives of the American banking industry to continue, in fact it seemed to me to increase the lending activities that they were engaged in.

Members might wonder, if they had not been following this, why regulators would think it necessary to tell bankers to do what it is that bankers are in business to do, and therein lies the encouraging aspect of this. In Massachusetts I am convinced from conversations I have had, both with bankers and with borrowers, or would-be borrowers, smaller business people in particular since the large corporate entities these days have other means of financing to a great extent and do not need to be bank borrowers, but those who are bank borrowers at the local level borrowing from regional banks and local banks had been experiencing cases where loans that it seems to me should have been made were not being made.

It was not appropriate for a Member of Congress to intervene in specific applications. It is quite inappropriate. But it is our duty to comment when public policy in general appears to be going in a somewhat mistaken direction, and I am convinced from the conversations I have had that that is what was happening with regard to bank regulation. I think understandably but incorrectly some of the bank regulators were overreacting to their own previous failures.

Madam Speaker, good physics is not always good government. An equal and opposite reaction, at least when I went to school it was an immutable law of physics, and it may have changed because they have had a lot of changes in physics since then, but an equal and opposite reaction is still a pretty good principle of physics, I think, but not necessarily good government regulation.

Having underregulated in the Southwest in the 1980's, it is not a good reason for overregulating in the Northeast in the 1990's. Too often I heard people in the Office of the Comptroller of the Currency refer to their experience in Texas and elsewhere when they talked about the need to be tougher in Massachusetts. To the extent that regulation in Massachusetts has to be tougher, that has very little to do with what happened in Texas. The situations are quite different and the institutions are quite different.

We have had from the head of the FBI a discussion that says there were significant amounts of fraud, I do not mean to single out Texas, but in the savings and loan industry and that is appalling. But it is also important to note that in Massachusetts and in other States in the Northeast no one has alleged any such pattern. That in itself is a difference.

What happened, I think, was that the regulators, understandably, having been criticized, with some justification for underregulating in the 1980's decided that they would err on the other side. I think we faced a situation where the incentive structure of regulators was such that if they were responsible for good loans not being made they suffered no criticism. They were worried only about bad loans and, in fact, in the banking business we are going to have good loans not made and bad loans made, and that is inevitable. There is no magic formula that is going to make every loan that ought to be made and deny every loan that should be denied.

Chairman Greenspan of the Federal Reserve Board said, and I will paraphrase him, after a meeting last week, something to the extent that we cannot expect zero bad loans, and if we are looking for zero bad loans then we are not doing the banking business well.

What happened was I believe particularly in the Office of the Comptroller of the Currency there was an overreaction to the Texas experience and loans were not being made in Massachusetts that should have been made. I do not have any quantified figures here and on one yet did, it seemed to me. We saw the beginning of a discouraging trend. Banks were being discouraged, it seemed to me, from using the kind of judgment about individuals and circumstances that would have made sense.

While the regulators denied that they had done anything wrong, they did have that extraordinary meeting last week, and it is extraordinary for the top regulators to meet with bankers. I take the fact of that meeting and the conversations that were described, because I was not there, and have not seen any transcripts, as an implicit acknowledgment by the regulators that there was an erring on the side of excessive rigidity. It certainly would not have made sense for them simply out of the blue to tell bankers to lend more. If they were perfectly happy with bank practices, there would have been no reason for meeting at all. So I welcome the fact that the regulators appear to have accepted the fact that there was some excess.

Yes, we want tough regulations, but we want reasonable regulations. We do not want excess of either kind, and I hope we are now on the road to that.

□ 1230

REFORMING THE REGULATORY STRUCTURE OF U.S. FINANCIAL MARKETS: H.R. 4477, THE MARKETS AND TRADING REORGANIZATION AND REFORM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 60 minutes.

Mr. GLICKMAN. Madam Speaker, 2½ years have passed since U.S. financial markets suffered their most devastating crash in over 60 years. Not since the crash of 1929's Black Monday have our markets fallen the way they did in October 1987. Less than 2 years later there was a similar dislocater in securities and related markets. Finally, last week, the administration proposed to Congress its plan to prevent another market crash.

Unfortunately, it falls short of the decisive kind of action needed to forestall a potential future calamity. The administration plan fails to recognize the way U.S. markets have changed in the last decade. Perhaps most disappointing, the administration proposal holds little promise for ending the turf battles that have blocked reform efforts and that are sapping energy out of the innovation and creativity needed to keep our markets the world's leaders.

Instead of taking on the established interests and status quo and proposing a bold move for regulatory reform, the administration has opted for a weak piecemeal approach. I believe now is the time to take on the old, comfortable order and, rather than attempt minor shifts in jurisdiction, pursue the establishment of a new foundation for our financial markets.

This may seem like an abstract issue which doesn't affect the lives of average Americans. Nothing could be further from the truth. The resolution of this issue in a sensible way could prevent a financial and market collapse in America.

Mr. Speaker, the legislation I am proposing, along with our colleague Mr. ECKART who has played a pivotal role in its drafting, H.R. 4477, the Markets and Trading Reform and Reorganization Act, will make that new foundation. In many respects it is a sharp break from the status quo, which is why many find it controversial and too farreaching; on the other hand, it recognizes the developments in our financial markets which make it imperative for the Congress to act on this vitally important issue this year.

The key provisions of this bill are: Establishment of a new 5-member independent regulatory commission, the Markets and Trading Commission; Abolish the existing CFTC and SEC, providing for a 2-year transition period; Vest the new commission with responsibility for all the activities and functions, including implementing and enforcing existing securities and futures statutes, of the present-day CFTC and SEC; Transfer authority to establish margins on securities from the Board of Governors of the Federal Reserve System to the MTC; Give the MTC authority, to ensure the financial integrity of those markets, to establish limits on margins on futures and to direct exchanges to adjust margins but leaves day-to-day margin setting authority with exchanges; and Establish a new entity, the Federal Financial Markets Coordinating Council to coordinate the regulatory activities of each member agency, composed of Board of Governors of the Federal Reserve System, Comptroller of the Currency, Markets and Trading Commission, Department of the Treasury, Federal Deposit Insurance Corporation, Office of Thrift Supervision, and National Credit Union Administration.

If there were no Securities and Exchange Commission and no Commodity Futures Trading Commission and Congress set out to design a regulatory system to oversee the securities, futures, options, and related markets, I dare say we would not design the system we have today. Why then, do we continue it? The United States has a regulatory structure rooted in the 19th century and financial markets already well into the 21st century.

Among the world's financial centers, only the United States has such a bifurcated structure. It stifles innovation; it drains resources into turf battles; it confuses overseas investors, to say nothing of the confusion it causes among U.S. investors; and it leaves us ill-equipped for the pressures and strains our financial system is likely to face in the future.

Surveying the options for reforming the way securities and futures are regulated, I see three options: one, do nothing; two, transfer some of the functions of the SEC to the CFTC or of the CFTC to the SEC as the administration proposes; or three, as proposed in my legislation, H.R. 4477, a consolidation and wholesale revamping of the regulatory system.

The first option is a gamble I am not prepared to take nor a gamble we should not force the American public to take. We made it through the crash of 1987 and the turndowns of 1989, paying only the price of millions lost and increased public skepticism of the integrity of our markets. How long will our luck hold?

Each study of the 1987 crash has called for reforms in our regulatory structure, yet 2½ years later, Congress has failed to act in a comprehensive fashion. I am nearly completely certain that if the markets crash again as they did then, we will act. Just as nearly certain of that fact am I certain that in the aftermath of another similar calamity, we will do the hasty, and wrong, thing.

The second option, of transferring functions and responsibilities between agencies is equally inadequate. For one, it begs the larger question which the crash of 1987 demonstrated with a resounding thud: U.S., indeed world, financial markets are inextricably linked. What happens in the futures markets affects the cash markets and what happens at the New York stock exchanges affects what happens in Chicago, Kansas City, Minneapolis, and at the New York futures exchanges.

Computers and instantaneous transfer of funds have enabled sophisticated investors to switch millions, even billions, between markets and instruments in no longer time than it takes to type in the amounts on a computer keyboard. There is only one area of our financial markets which has failed to recognize what study after study and everyday experience have demonstrated: The U.S. Government.

Furthermore, if Congress does indeed transfer regulatory responsibility for stock index futures from the CFTC to the SEC, as many advocate, where does the process stop? The same logic which drives that argument would have us transfer responsibility for futures and options on U.S. Government debt to the Treasury Department and regulation for trading on currency derivatives to the Board of Governors of the Federal Reserve System. Trading in energy contracts would be regulated by the Department of Energy and so on. If you think we have problems with the present system, can you imagine the confusion that would result from this line of reasoning and regulating?

Another point I want to make on this subject is that the present split system diverts energy and creativity not into keeping the United States the world's financial center or in ensuring the security of our markets. Rather it causes investors to focus on shopping around for the most favorable regulation. I would argue that the only kind of competition and innovation the present split system of jurisdiction induces is regulatory forum-shopping. Products are designed not with the needs of the market in mind but with which agency, the SEC or CFTC, will give it most favorable treatment.

For example, exchanges and investors spent months and who knows how much money arguing over whether index participations—IPS—should be regulated by the SEC or the CFTC. Meanwhile, the product has moved off-shore and is trading briskly. A recent court decision concerning a contract on forward contracts on oil appears, at this stage, to foreshadow another needless, wasteful turf-battle.

All the while, developments such as cross-margining between markets and common clearing between exchanges have been hobbled by jurisdictional battles. These are examples of innovations the present system stifles but if they were in place, would strengthen our markets and continue to keep the United States the world's leader.

I agree our paramount concern should be with maintaining our competitive edge. But I disagree strenuously that the status quo fosters productive competition. Competition is critical to innovation, but the kind of competition we have today—over who gets their hooks into what contract—serves none of our interests, unless, quite honestly, you happen to have a client designing the product in question.

Submerging the futures industry into a regulatory system biased against it would be a major mistake. That is where, the futures industry, in my view, most of the innovation and creativity in financial markets has been generated in the last decade.

To reiterate, now is the time to reform our regulatory system, but not the time to approach the task in a piecemeal fashion. We need to enact a comprehensive restructuring of the system. I have for some time advocated this position. The recent debate over jurisdictional matters and my continuing, growing concern about acting before another financial calamity strikes that prompted the drafting of H.R. 4477.

As committed as I am to this regulatory principle, I recognize that improvements in this bill can be and will be made during the legislative process. This product is designed to give focus to the debate and advance a concept. In previous statements I have outlined my intent as well as some recommendations for refining the bill.

First and foremost, this legislation is not a takeover of the SEC by the CFTC, or the other way around. It is regulatory neutral. That is why it is written in the skeletal fashion it is. For example, none of the seats on the new proposed Commission are earmarked. In drafting the bill, I implicitly relied on the nomination and approval process to ensure an even playing field between futures and securities markets in the selection and approval of commissioners.

However, I recognize there may be great concern from both the securities side and the futures side the new commission might be "stacked" in one way or another. I believe it may be appropriate to specify the makeup of the Commission should be balanced, impartial, and give equal weight and consideration to the constituencies of the two agencies being merged.

Alternatively, it may be appropriate to design a voting procedure so that on issues of jurisdiction relating to the underlying securities and commodities statutes the new Commission will implement that a super-majority is required. Otherwise, the Commission might devolve into situations when two members vote one way and two the other, resulting in de facto one person rule with one swing commissioner in the middle deciding alone some of the most contentious issues.

Presently, the legislation leaves to the Commission its own internal organization, with one stipulation that at least one division responsible for regulating trading of futures on physical commodities. I believe and would recommend, again at least in the legislative history of the bill, that this issue needs examination. We might create specific divisions of the Commission—responsible for securities, futures, and so on—all with the aim of keeping the new regulatory structure industry-neutral.

As I indicated, the new Commission should be neutral and evenhanded. These suggestions for appointments of commissioners, internal structure of the Commission, and voting procedure should be explored to ensure that aim.

This legislation also establishes a Federal Financial Markets Coordinating Council composed of all the Federal financial regulatory agencies. Its purpose is two-fold: One, to serve as a forum for coordinating and examining ways to improve upon the entire financial markets regulatory system and two, to examine areas of financial markets which may need further regulation. In this regard, instruments such as interest rate swaps, currency swaps, and other similar exotic, off-exchange instruments should be examined to determine how they fit within the regulatory structure of the bill at hand and whether further regulation is needed. This is an area which needs further study, through the legislative process and by this new entity.

In general, this legislation makes no changes in either the underlying futures or securities laws, except for in one area that I want to address: margins. Specifically, the bill contains a significant change from the way the Federal Government is involved with the setting of margins on futures. Presently, the CFTC is involved only once a market emergency is declared but this bill would go beyond that authority. I know this causes the futures industry great concern so allow me to amplify on the bill's intent.

I believe that the exchanges—futures as well as securities—should have primary authority and responsibility for setting margin on a day-to-day basis. However, the Government should have authority to establish parameters for margin requirements necessary to protect the integrity of the markets. So long as the new Commission is unbiased, I am confident Federal oversight in setting those boundaries will not burden the industry.

Margins on securities and futures are different, in spite of the fact that they are called by the same term. In some instances, however, they are related. In the case of agricultural commodities and contracts on other physicals, there is no similarity in the cash markets. However, on derivative instruments, since the markets are linked the way they are, margins are related to each other. That does not mean, and it is not the bill's intent to cause, equal levels of margins in both markets. It does mean that there should be some central place to coordinate the setting of margins in the two markets.

I have stressed several times that I believe this legislation will create a safer, sounder regulatory structure. I believe it can also lead to a more efficient, effective, and more streamlined regulatory process. As I noted, it can facilitate such developments as cross-margining and common clearing. In addition, it can lead to cross-registration for investors. Under this structure, investors who now must contend with two regulatory bodies will have to comply with just one.

In closing, Mr. Speaker, let me make one final observation. Of all the important reforms and legislation passed during the New Deal, perhaps the most significant were those which restored confidence in our Nation's financial system—the banking and securities markets. It was this body of law which restored confidence in the markets and our financial way of life so people would begin investing again following the disaster of the market crash. More importantly, these laws provided the necessary foundation for recovery from the Depression.

This bill, H.R. 4477, is designed with the same purpose in mind: To lay a new foundation of investor confidence in our financial markets as we move into the 21st century. Now is the time to be equally bold and forward-thinking and seize the opportunity at hand to make real reforms; we will have left the job undone if all we do is approach the problem with half-solutions and limited visions.

□ 1240

FREEDOM FOR IRINA VORONKEVICH

The SPEAKER pro tempore (Mrs. SCHROEDER). Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 60 minutes.

Mr. HOYER. Madam Speaker, recently the Helsinki Commission heard compelling testimony from the Prime Minister of Lithuania on the right of the Lithuanian people to determine their destiny.

Today I rise to talk about the right of a person to exercise her right to also determine her own destiny. Irina Voronkevich is a 77-year-old pensioner living in Moscow. The right she so desperately wants to exercise is to leave and join her son, Igor Uspensky, and her grandson and great-grand child in Israel. This right to leave is embodied in the CSCE Vienna Concluding Document and the International Covenants on Human Rights.

Yet, Madam Speaker, Soviet authorities refuse this 77-year-old woman permission to emigrate based on her alleged knowledge of state secrets from a job from which she retired in 1976 and from an agency that has subsequently been banned by the Soviet Government. Surely, Madam Speaker, any information she may have had at her disposal and which was regarded as secret so many years ago can no longer be considered of any consequence.

Next week Secretary of State Baker meets here in Washington with Soviet Foreign Minister Schevardnadze. Let us hope that the rights of peoples as well as the rights of individuals are advocated at that meeting and that Irina Voronkevich is given permission to emigrate.

□ 1250

CURRENT DEVELOPMENTS IN ROMANIA

The SPEAKER pro tempore (Mrs. SCHROEDER). Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes.

Mr. WOLF. Madam Speaker, I want to take this opportunity to update the Members of the House and others on the current situation in Romania. As many know, the Romanians will hold, hopefully on May 20, the first free and fair democratic elections. That will occur this coming Sunday, and we hope they are free and we hope they are fair.

I think it is important to set the stage so that the Congress and the administration and others will know where we are today and will make some good evaluations of where we will be after the election. It is important to remember that for a number of years our country, the United States, gave most-favored-nation status to the Romanian Government, that is, special trade status to the Romanian Government at the very time they were persecuting members of different religious faiths. They are bulldozing synagogues, they were bulldozing churches, they were bulldozing churches with people in the churches. They beat up a Catholic priest who said that Christmas should be a holiday, and after that they killed him. And all during this period of time, when this brutality was going on, our Govenment unfortunately was giving most-favored-nation status to the barbarous Ceausescu.

We all know that on December 22 of last year Ceausescu was overthrown by individuals in Romania who wanted a different form of government. Fortunately, the Congress, first the House and then the Senate, had the wisdom in 1987 to vote to take away the most-favored-nation status. Even though the Reagan administration—and who knows why—wanted to continue to give it to them and even though previous administrations, including the Carter administration, wanted to give it to them, the Congress had the good sense to overturn that. Now we are going to be faced with the question of whether we should give most-favored-nation status back to them again.

We have had the good fortune of having Secretary Baker visit Romania after the revolution to assess the current situation. I want to commend Secretary Baker and those in the State Department who have been formulating our policy toward Romania. They have been very tough, very aggressive, and very forceful in saying that we must have open, free, and fair elections on May 20 before we grant any most-favored-nation status or give any special trade status to Romania.

Last week, again through the good offices of Secretary Baker, we recalled our ambassador, Ambassador Green, from Romania. Let me read to the Members a little bit of what was said by the State Department, which I commend, and also give the Members some flavor of what was going on.

Margaret Tutwiler said that she had a statement she wanted to make about the recalling of the American Ambassador to Romania, Alan Green, to return to Washington for consultation. She said:

> This decision has been taken in light of the reports of irregularities in the Romanian electoral process which raise questions about whether those elections will be free and fair. Ambassador Green will return to his post before the May 20 balloting.

She went on to say:

> Among the electoral problems which concerns us is the incidence of organized acts of intimidation and harrassment directed against some opposition parties and candidates. We have urged the interim Romanian Government to take more vigorous steps to maintain order and to protect the rights of all candidates in these elections. We are also concerned about complaints that several major parties still encounter obstacles in obtaining their fair share of broadcast time on the publicly-controlled radio and television and in distributing their campaign literature through the mails, as well as problems with distributing independent newspapers.
>
> The United States has repeatedly stated that free and fair elections on May 20, conducted through a truly secret ballot—

And those are the key words, "secret ballot." Will the people of Romania be afraid to vote, or will they really believe it is a secret ballot?—are crucial to the further progress of democratization in Romania and to the future of the bilateral relations between our two countries. We call upon all Romanians to conduct themselves as befit the citizens of an emerging democracy and, especially, to vote on May 20. They now have the power and the responsibility to choose who will lead them in the years to come.

One of the press people at the press conference asked:

> * * * is this essentially a diplomatic signal of disapproval to the Romanian government over these things?

The answer was that she thinks it is fair, and this is what she said:

> I think it's a public signal of our concern that these be truly free and fair elections, and we have publicly stated, as a government, what our concerns are. I again go back to pointing out, this does not come as a surprise to Romania. These are the very things that Secretary Baker stated in person when he was there—what was it, two months ago—to both the government leaders and opposition leaders. So it is a way of showing our concern.

As the press briefing went on, there was an expression of concern with regard to minority rights in Romania, and it ended with this answer:

> Look, we obviously have a concern. We have stated our concerns. If we did not have a concern, if it was all going swimmingly well, we wouldn't be making this announcement, would we? We would not be asking our ambassador to come back for consultations. So obviously this is an additional effort we deemed would maybe be helpful there in Romania.

I just want to commend Secretary Baker and his State Department for recalling Ambassador Green and for sending a message to the president of the National Foundation Front, President Iliescu, who is in power now, at least until the elections are held, that our Government will watch this.

Second, I have asked President Bush to appoint a Presidential mission to monitor the elections, a mission that is perhaps similar in some respects to what was done in Nicaragua when we were concerned that there would be free, fair, and open elections. To date, the White House has not appointed the special group, but I understand that they will. That will be very, very beneficial, and I want to commend President Bush for taking this step of appointing an independent Presidential mission, which I hope will be announced sometime today or tomorrow, to go to Romania to monitor the elections, to talk to the opposition groups, and to talk to the Government, so that they can come back and make an assessment as to whether these elections were free and fair. So again I want to thank President Bush.

Third, I think the Members should know that under the leadership of the gentleman from California [Mr. LANTOS] and the gentleman from Illinois [Mr. PORTER], the Congressional Human Rights Caucus, which has an

outstanding record of dealing with human rights abuses around the world, sent a letter on May 10 to President Iliescu, saying the following:

As member of the Congressional Human Rights Caucus, we write to express our concern about the upcoming elections scheduled for May 20th.

Though there have been significant improvements since the overthrow of the Ceausescu dictatorship, serious obstacles to fair elections remain which could affect their legitimacy. We have received several troubling reports concerning the pre-election period in Romania.

In particular, we would like to call your attention to a report recently issued by the International Human Rights Law Group. The report highlights several problems, including the mismanagement and biased allocation of government resources to the political parties, unequal access to the media and the supply of newsprint, the absence of unbiased radio and television programming, and an atmosphere of secrecy, lack of information and confusion.

While it is very late in the election process to fully rectify all of these problems, we want to impress upon you the importance of ensuring that, from this point forward, stringently fair conditions will prevail. Representatives of all opposition political parties as well as Romanian and Western journalists, should have full freedom to assign election observers. Opposition party and civic group observers should have identical access to polling places and ballot-counting stations as that afforded official government representatives. Fair and equal media coverage, especially evenhanded television reporting, will be a significant measure of the legitimacy of these elections.

In addition, we view with grave concern the continuation of activities which obstruct the exercise of basic freedoms necessary to building democratic institutions and promoting free associations. We believe the failure to dismantle the Securitate—

And we all know the brutality of the Securitate under the Ceausescu administration and to some degree currently operating in Romania—

and the ongoing use of intimidation practices particularly in the provinces far from major cities is totally unacceptable.

□ 1300

We also find the activities of the Ministry of Religious Affairs to be troubling and detrimental to achieving religious freedom for all groups.

They have a Ministry of Religious Affairs that determines whether your religious faith is accepted or whether you can build a new synagogue or a church or whether you can have Bible studies and things like that.

I think one of the most progressive and positive steps for the next Romanian Government, whatever that government is, would be to abolish completely the Ministry of Religious Affairs. I know of no religious faith that believes this is necessary. I believe the Romanian people do not believe this is necessary and that would be such a positive signal to those in the West.

These matters will have a bearing on international judgments about the process of democratization in Romania.

By inviting foreign election observers, you have demonstrated a significant commitment towards ensuring the international credibility of the election outcome.

We should commend the National Salvation Front for doing this.

It closes by saying:

It is vital that voters go to the polls without fear of physical injury, and that their vote is confidential and fairly counted. However, we firmly believe that unless additional decisive steps are taken in furtherance of the issues we raise, serious questions will remain regarding the fairness of the elections and the state of democracy in Romania.

It closes by saying:

We join you in the hope that these elections will be the beginning of a truly democratic Romania based on respect for fundamental freedoms:

One final point. The Congressional Human Rights Caucus mentions this report. It mentions the report done by the Human Rights Law Group, called the International Human Rights Law Group, made up of distinguished men and women from around this country. They sent a group to Romania about April 21, maybe it was, to the 25th and they did an extensive report on the conditions in Romania. Just to summarize some of what they said, and they put out an in-depth study which I have here and anyone interested in Romania and in these elections certainly will want to get a copy, it is entitled "International Human Rights Law Group, Report on the Romanian Campaign for President and Parliament for the Elections May 20, 1990," prepared by the International Human Rights Law Group April delegation to Romania, with the law firm of Covington & Burling, which as everyone knows is a highly respected law firm here in Washington, DC.

It says:

The study, which examines the social and political conditions prior to Romania's first free elections in more than 40 years, contains the findings and recommendations of the Law Group's recent seven-member delegation to Romania. The Law Group delegation met with a diverse representation of top government officials, political party leaders, electoral administrators, religious figures, academics and journalists over a six-day period and travelled throughout the country to witness the campaign.

According to the report, the delegation found serious problems and concerns regarding the electoral process, including:

An atmosphere in Romanian society of deep suspicion, mistrust and fear for the future, as the country embarks on a process of democratic transition;

A pervasive belief among sectors of the population that the ruling National Salvation Front has unfair advantages over other political parties in terms of campaign resources and media access;

Charges of incidents of violence and intimidation by Front supporters against opposition parties or their members;

Widespread concern—indeed fear—that members of Ceausescu's nomenklatura remain members of the Provisional Government and the Front; and

Numerous allegations concerning the integrity of the electoral process.

The prevalence of these allegations led the delegation to conclude that further measures must be taken to ensure that the elections are perceived to be free and fair.

Among the recommendations to the Government of Romania and other political parties and movements, the Law Group urges that:

And I read directly from the press release—

The Government take positive steps to equalize the availability of resources to other political parties and access to government-controlled enterprises and services to the extent that those resources are unavailable.

The Government make available all relevant information concerning the allocation of resources and the means by which they may be secured, including a prompt and full accounting of the assets and resources formerly owned by the Communist Party of Romania.

The Government take positive steps to protect the political participants from harassment, violence and intimidation, and provide detailed information as to the procedures undertaken to avoid such occurrences.

All parties adopt a mutual declaration pledging themselves against the use of violence, harassment or intimidation against one another, and that this declaration be distributed widely, especially in rural areas.

A law be adopted requiring all parties and candidates to make complete public disclosure of all resources received in money or in kind, with identification of the sources of significant support.

So we can know where the money is coming from.

Steps be taken to increase the dissemination of fair and objective news information.

They also went on with some other recommendations which I will not go into here today, but overall they have some very instructive and positive recommendations that the members of the National Salvation Front absolutely must implement, or the whole viability and questions of the legitimacy of these elections will be put in doubt.

I want to close by making one final comment to the Romanian Government.

The Congress of the United States has had the good sense and the decency to take away most favored nation status from Ceausescu and is prepared to deny most favored nation status to any country that violates the human rights of any of its citizens. The Congress will be watching carefully to see how these elections are held and whether they are free and fair and open and viable elections will determine what type of benefits, whether they be most favored nation status or whatever this U.S. Government grants.

It was significant, impressive and absolutely essential, and I commend Secretary Baker for the recall of our Ambassador, that should send a signal not only to the Romanian Government that this Government is watching, but even more importantly, send a signal

to the Romanian citizens who will hopefully listen on Radio Free Europe and the Voice of America and the BBC that this Government, the U.S. Government, cares deeply about these elections being open, free, fair, and verifiable, and cares so much about it that they are recalling their Ambassador to give him instructions, and that President Bush hopes they will be sending a Presidential team to go and to monitor those elections, so that we have all the data, and hopefully this election will be fair, that we have all the data to then evaluate, to make and see where we are.

I want to wish the people of Romania who have suffered for so many years, suffered while many in the West sat idly by, although not this Congress. This Congress did not sit idly by, but by many others in the West who sat idly by and who were doing business and gave special treatment to Ceausescu, even though he was training terrorist groups in his government and doing many other distasteful and barbaric things that are only now becoming obvious; but I just want to wish the Romanian people well, hope that there is a massive turnout, tell them that they ought not listen to the polls. The pollsters say something is going to happen.

I cannot help but remember that in Nicaragua several days before the elections, all the pollsters predicted that the Sandinistas and Daniel Ortega would win by an overwhelming ballot. Well, having been in Nicaragua and having seen the terrorism of the activities of the Sandinistas, I knew clearly that any decent-minded person would be fearful of telling a pollster how they were going to vote, never knowing that the elections were going to be free.

So I would hope that these elections will be free so that the pollsters do not necessarily say what is going to happen, but the people of Romania, the men and women and the students of Romania, can go to that election on May 20 and vote in secret and get the type of government that they want, open, free, fair, and democratic elections, a democratic government, with freedom of speech, freedom of press, freedom of religion, freedom of immigration, freedom of movement, and a capitalistic market system to go along with it, where they can finally enjoy the prosperity and the fruits of democracy that we have in the West, that they can join and also have it in Romania, having suffered and been persecuted for so many years.

□ 1310

PROTECT THE ENDANGERED SPECIES ACT

(Mr. VENTO asked and was given permission to address the House for 1 minute.)

Mr. VENTO. Madam Speaker, last Thursday the Secretary of the Interior, Manuel Lujan, made a statement with regard to the Endangered Species Act and the interference of an endangered species, the squawfish, with a water project in Colorado. He did not stop there in stating his concern about the Endangered Species Act, but went on to criticize some problems posed by the Mt. Graham red squirrel, which is indeed an endangered species in Arizona. In the same newspaper article, which I will submit for the RECORD, he stated his concerns about the impacts of protecting the spotted owl in the Northwest.

First of all, I hope that the Secretary will review his comments. In the context of emotionalism and the concerns that people have, it is very easy to focus on a single species like this in a certain area that may be causing some problems and conclude that only economic considerations should be considered in deciding whether to protect a threatened or endangered species.

However, I think that the Secretary and those that would advocate amendment to the Endangered Species Act to eliminate such species are really missing the point. The Endangered Species Act obviously focused upon specific species. But the law really talks about the entire biological diversity that exists within these communities, whether it is the water project in Colorado or the telescope project in Arizona or whether it is the Pacific Northwest. We are talking about maintaining the biological diversity concerning those communities. It is obviously represented by an indicator species like the spotted owl in the Northwest, but there is a whole forest of problems below the spotted owl, Madam Speaker. The fact is I think the American people have a strong conservation ethic, for the preservation of both these endangered plant and animal species of life that exist on our planet. We should take the lead in setting an example to the rest of the world in terms of saving this rich genetic diversity that is so important to the future of mankind.

It is easier to take the lead and give lectures about what is happening in the tropical rain forest in Brazil. It is more difficult, Madam Speaker, to save our own in North America. I hope we would opt to save such ecosystems and uphold the Endangered Species Act.

[From the Washington Post, May 12, 1990]

LUJAN: ENDANGERED SPECIES ACT "TOO TOUGH," NEEDS CHANGES

(By John Lancaster)

Interior Secretary Manuel Lujan Jr. said in a newspaper interview published yesterday that the nation's primary law protecting endangered animals and plants should be weakened and questioned the need to "save every subspecies."

In an interview in Colorado Thursday with the Denver Post, Lujan expressed concern that the 17-year-old Endangered Species Act is threatening jobs and economic development He cited the example of a Colorado reservoir project that threatens the endangered Colorado squawfish and suggested in that case he might seek an exemption the law.

"It's just too tough an act, I think," Lujan was quoted as saying. "We've got to change it."

The remarks by the nation's top conservation official found a sympathetic audience among some conservative western lawmakers and industry representatives, but they touched off a furor among environmentalists and their congressional allies at a time of growing concern over the accelerating loss of species to human activities worldwide.

They also revived criticism, which Lujan's aides have worked hard to dispel, that the former New Mexico congressman is insensitive to environmental concerns and out of steps with President Bush's pledge to be "the environmental president."

"I think there would be very little enthusiasm in the Congress" for Lujan's proposal, said Sen. John H. Chafee (R-R.I.), ranking minority leader on the Senate Environment and Public Works Committee. "We have recognized, and we lecture other nations on, the importance of preserving biological diversity. We inherited this world and I don't think we have the right to lay waste to it before passing it on to our children."

White House spokeman Stephen Hart said Lujan was "representing his personal opinion" and that the administration is not considering a proposal to amend the Endangered Species Act when it is reconsidered by Congress in 1993.

Interior's Fish and Wildlife Service is responsible for enforcing the Endangered Species Act, which thus far has been applied to 1,073 plants, animals and fish, according to a Fish and Wildlife spokesman. The law requires the agency to protect species listed as endangered from any activity that would jeopardize their existence.

Interior officials said Lujan's remarks arose, out of frustration with a series of recent cases involving the law, including the planned Animas-La Plata water-storage complex in southwestern Colorado that he announced earlier this week would be delayed indefinitely due to the presence of the squawfish, a member of the minnow family now on the endangered species list.

In the interview, Lujan noted that squawfish exist elsewhere, and suggested that he might consider seeking an exemption to the act if alternatives cannot be found that will allow the project to be built without jeopardizing the fish.

Lujan also expressed concern that protection of the spotted owl in the Pacific Northwest could cost thousands of timber industry jobs, and he cited the case of the endangered Mount Graham red squirrel, which is holding up a planned astrophysical complex atop Mount Graham, Arizona.

"The red squirrel is the best example," Lujan told the newspaper, "Nobody's told me the difference between a red squirrel, a black one or a brown one."

"Do we have to save every sub-species?" Lujan asked. "Do we have to save [an endangered species] in every locality where it exists?"

Lujan made his comments in an interview at Colorado's Mesa Verde National Park,

where he is meeting with the private National Park Foundation.

Lujan's spokesman, Steven Goldstein, said Lujan was on a tour of the park and could not be reached for further comment. Goldstein said Lujan does not want to weaken the Endangered Species Act, but would like Congress to consider allowing the department more flexibility under a few special circumstances.

"There's a big difference between changing and weakening," Goldstein said. "It amounts to a clarification" of the law.

While Congress has yet to signal any groundswell of support for amending the Endangered Species Act, Lujan's remarks struck a sympathetic chord among conservative western lawmakers who share his concern for local economies based on natural resources such as timber.

"When you apply the Endangered Species Act, everything else takes a back seat," said a spokesman for Sen. James A. McClure (R-Idaho). "Economics is a very legitimate and important concern."

Mark Rey, executive director of the American Forest Resource Alliance, a timber industry group, said the controversy over the spotted owl "is an example of the problems you create when you use an endangered species as a surrogate for a broader objective, in this case preservation of forest land."

Citing a Forest Service estimate that 28,000 loggers will lose their jobs if they are prohibited from cutting "old-growth" forests in the Pacific Northwest, Lujan told the Denver paper, "We are caught between two things."

Under the law, he said, "One may only consider biological facts, not economic facts. "And once a species is listed, he told the paper, "I am obliged to protect them wherever they exist."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore (Mrs. SCHROEDER). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 30 minutes.

Mr. GONZALEZ. Madam Speaker, I rise and in fact am compelled to rise to take the floor once more in what we call and treasure as a privilege of the House, special orders. I have not had an opportunity to do so since actually last year, the last session. The reason has been the added duties as chairman of the Committee on Banking, Finance and Urban Affairs, as well as the continuing responsibility as chairman of the Subcommittee on Housing and Community Development, which since 1981 has been the largest subcommittee, until last year.

I am compelled to rise because of the fact that we have reached a point in America where I believe there is a tremendous responsibility on those of us serving on this level to inform the American people, whom I do not think are being informed.

For one thing, just this afternoon, preceding my remarks, we had several Members addressing various aspects of what I consider to be the most critical issue or issues at a most dangerous time that this Republic has faced since the founding of this form of government and the adoption of the Constitution. It has to do with a fundamental subject that for over 20 years from time to time I have attempted to address on this same House floor, utilizing the same privilege, and also respecting those privileges.

I think at no time can anyone point to an abuse on my part of attempting to use this forum as a stumping ground that really should be reserved for back home during the political season, but which to my great sadness I have seen this great forum at various times mired down in extremely partisan and what I would consider to be political stumping jurisdiction, not this great deliberative body's great forum and privileged forum.

Madam Speaker, I have over 20 years, but particularly beginning 21 years ago in 1979, it was here that I reported in August the arrival or the conjunction and arrival of forces and events that were taking the power of decision, even from us domestically as we had been exercising from the beginning, and it had to do with the tremendous forces external to our shores over which we no longer had any control that were determining such things as basic interest rates. For so many times I took this floor and mentioned at a time when few Americans thought there would be such a thing as a 20 or 21 percent prime interest rate, which means usurious, extortionate rates of interest, which continue to flagellate our society, and which, as I said over 20 years ago, in fact going back to 1966 and the third credit crunch in June 1966, the handwriting was on the wall for anyone and particularly those of us serving on these levels, to have seen and to have prepared and tried to anticipate.

This has been what I consider the hallmark of my service, which on May 1 rounded out 37 years in public elected office for trust, as I call it, for it was on May 1, 31 years ago, that I was sworn in as a member of the local legislative body known as the city council of San Antonio. Then 3 years later I was elected to the great State senate of Texas and for 5 years served there, and then since 1961 in this great body of the U.S. House of Representatives.

So I think that, given that period of time and given the utterances that I have reported for the RECORD, and at times when we were not being covered by television, and always the purpose is to address the remarks to my colleagues for the RECORD, with the hope that some at least of my colleagues will address those remarks. They were not, and I understood, and I realized that it would be very difficult to penetrate with the plethora of issues hitting daily a Member the conscious level of my colleagues.

But in any event it was in 1966 that I first spoke out. Nobody ever dreamed at the time that there would be anything above a 6-percent interest rate. In 1979 it was obvious that forces had become quite apparent. As I said then, the Nation since the middle of 1970's, that meant 5 years before, is undergoing not one but several money manias. These are bubbles, and all bubbles burst.

The only one who paid any attention to the remarks that I made in August 1979 was apparently the chairman then of the Federal Reserve Board, Mr. Arthur Burns, who called me to invite me to have breakfast with him, which I did.

As a result of that breakfast, I ended up being more concerned than before, because Mr. Burns agreed with the remarks I made that August, the statistics that I produced for the first time and assembled, showing clearly that even the Federal Reserve Board was well under way in losing the ability to control interest rates and that there were forces outside of our shores that were impacting and continue to impact us in such a way that no matter what we did domestically, it could be undone.

□ 1320

There was no serious attempt to do anything about interest rates. It would have been absolutely considered infamous, though I nevertheless introduced legislation to espouse legislation that would control interest rates. I brought out the history that since the National Currency Act of 1965 the Nation had no national antiusury laws. They were eliminated in that act, and that there was nothing to control whatever interest rates could rise to, and given the enormity of the appetites for interest that ever since the founding of the Nation present in our society abounded and would make an attempt to control what I call the allocation of credit and that the American people had no protection, sadly, and we see the results.

We see that first the results were apparent and obvious statistically by 1982 and 1983 with the advent of President Reagan's administration and the compoundment of the problem by his philosophical or ideological turn to take the Government off the backs of not the people but the great corporate interests. So the 1981 tax bill in effect was the basic cause for this enormous public debt.

I am proud of the fact that I am considered, and I hope I shall be, and as I feel I have been what is loosely called

a liberal. A lot depends on definitions there. But I am proud of that because I believe that the whole history of the United States is as that one country that has espoused the liberal principle. It was the liberals who fought the Revolution. The conservatives, then known as the Tories, were faithful to the Crown at every juncture in which we have had a breakthrough in pursuit of let us say universal manhood sufferage. It has been the liberals, it has not been the conservatives, certainly.

I do not want to get lost in this battle of labels because what I have to say today is ominous, and it is something that is agitating my heart and my mind, and makes me terribly apprehensive, and I feel I am impelled to report. As a result of that tax bill to begin with, in 1981 $755 billion after 5 years were drained from the U.S. Treasury. Nothing was done to infuse it with enhanced revenues in any manner, shape or form to make up for that drain. So I took the floor ad nauseum to predict that if something was not done only one of two things would happen. Either we would get a new shift with new taxes and the burden shifted from the shoulders of the richest and the most powerful who ended up paying no taxes in many cases, onto the shoulders of the less able; or we would have a monstrous, monstrous imbalance or deficit.

There are two deficits. We have the annual budgetary deficit and we have what is now the permanent public debt, which is certainly a deficit. It is a debt.

What has happened there? In the case of the deficit we reached incredible proportions of over $100 billion a year, $135 billion, $150 billion a year. Concomitant with that was our international imbalance in trade and what is known as the international currency balance. That meant that the United States as it is now was losing for every 10 billion dollars' worth that it went up, and it reached such terrible proportions, in excess of $150 billion a year, we were losing 250,000 permanent jobs in manufacturing and production. So in the 1980's, between 1981 and 1986, the United States became not a producing nation, but an importing nation. Second, it became the largest debtor nation ever, and a debtor nation for the first time since 1914.

Madam Speaker, I think it is folly to waste time pinning blame there. The record is there and it is inescapable. No matter how much effort is made by political forces to try to change history, the fact is that we have this situation confronting us. One, with the debt exponential, just in the 1980's during President Reagan's term of office, for whatever reason, and we can blame it on anybody, so what, these are the facts, the national debt grew by $2 trillion. Since Gramm-Rudman, which I fought tooth and nail, a losing fight, illusory, in fact delusory, an effort to try to guild a lily and prove to the world that the Congress and the administration was trying to do something about debt reduction, the debt grew since 1985-86, the effective date of Gramm-Rudman, the debt has grown by over $1 trillion.

How can that continue? I believe, like James Madison, that public debt is a public curse. How can we not have the day of reckoning and atonement sooner or later, for we have lost the control of our own destiny, as evidenced by Gramm-Rudman, or Grambo legislation, as I called it then and I call it now.

So where are we now internally? We are faced with the eventual dissolution of the basic predicate or foundation of our financial institutional life. It was obvious since 1966 that if we were going to enter an unstable period in the money markets that the soft underbelly of these financial frameworks of reference, such as the savings and loan industry which was founded and predicated in the 1930's, in the depression area, in another world on low interest rates, stability of interest rates, and even subsidizing, regulation Q, as it was called. Then came the 1970's and the real estate investment trust scandals of 1974 and 1975. It was obvious those were bubbles or speculative ventures. Something was bound to sooner or later have to come back down, like water seeking its level.

But no, instead of that we went into two, or three, even four money manias. That same tax law of 1981 also made it possible to bring out of the woodwork all of these predatory insects, scarabs and moths of our society, and we ended up with what: the Milkens, Blinkens, the Kravises and Roberts, and how did they make their killing? All on the basis of tax law. Every one of these leveraged buyouts, entirely questionable from the word go, were actually being able to have been put together on the basis of tax write-offs, and even tax credits, tax benefits, millions of dollars thanks to the generosity of the U.S. Treasury.

□ 1330

But in our fragmented parliamentary system where, say, the Banking Committee has jurisdiction of banking, financial institutions and debt—everybody forgets that—and you have the Committee on Ways and Means under the Constitution which has the sole prerogative to consider tax matters, then in the case of securities we have the Committee on Energy and Commerce now. With this fragmentation, it is impossible for the Congress under its present setup to meet the developments of this terminal point of the 20th century. We are ill-prepared, if we survive, to go into the 21st century with the eruption and evolution that is happening throughout the world; and every one of them with ominous implications for this very same domestic problem with which we are confronted.

We can talk about rearranging the deck chairs on the Titanic and that is about it; but in the meanwhile very little heed has been paid to what should have been done or at least started to have been done 20 years ago.

So what I am saying today is as far as the Committee on Banking, Finance and Urban Affairs is concerned—and I reported this to you last year soon after I became chairman when I had some time and came on the House floor and reported to the full membership, not just to those on the committee—what the intentions, plans, programs of the Committee on Banking were.

Well, we stuck to them, and we brought about, even though the size of the committee is 51 members, the members arose to the occasion and we tried to provide the kind of leadership that would be accountable beyond any question as to scruple and honesty. So that we could in good faith and with credibility and with confidence then dedicate ourselves to the basic issues as they were agitating us then, even though fragmentary.

Now at the time that we also built up this enormous public debt, this enormous annual budgetary deficit, this very, very unpardonable international, we had an administration that in order to keep funding that debt allowed foreign money and investments to come into the United States as never before.

We are the only nation that does not have some screening process to screen the investors in foreign ownerships who are buying, either direct or indirect, assets.

The Japanese, for example, up to lately, can create a crisis the moment they reveal they are not interested in that market, they own better than 35 percent of our Treasury bills, notes, debts. That is just the Japanese.

In direct investments, in banking, for instance, in California, Japanese interests own about 25 percent. Nationwide, of course, it is less. And the total—remembering that Great Britain, for instance, with all of the concern we expressed about Japan—Great Britain has almost twice as much in the United States. And that does not count West Germany, which today is the strongest economy, the strongest financial market in all of the industrialized world, believe it or not.

So what are the implications at this critical juncture? Here is why I rise and here is what I will conclude with. I have been talking about this. I have

spoken, as I said, ad nauseam. I would not have minded being unaccepted or finding indifference, but to think that I have been criticized for taking special orders, not only up here but in my own hometown. Of course, there were political motivations there. But what was it that they were complaining about? That I was taking special orders that, if printed in the record, would cost x number of dollars.

Were they listening to what I was saying? No. Were they reading what I was saying? No. They just felt that whatever I said was not going to be palatable to their particular political leaning.

Now, if we reach that point—and I think we have not now because since then it is true I have been elected chairman of the Banking Committee and that does change things. It "do make a difference" to be chairman as compared to just being the ranking member as I was all during the time I was making these speeches.

What was I saying? I was saying America cannot continue this way indefinitely. We are in a fool's paradise.

Everybody knows that the lender believes in the Golden Rule. What is the Golden Rule of finance? That he who has the gold makes the rules.

Is Japan investing in Treasuries because it is pro bono? It is wanting to do the American taxpayer a favor? Of course not. They are going to have some profit.

To what extent should it be? Well, the United States has done—even Canada was compelled to have a screening board before foreign investors could come in and have access to direct-asset possession.

The Japanese may come to Canada, but they have to go through that screening board to see if that interest is in keeping with the national interest, and the greatest interest of the greatest number.

I have been denouncing this special selfish interests that have ruled the day in our country, directly and indirectly. I have said that they have traded America's heritage for what will turn out to be a mess of pottage.

But thus far what we have been doing is addressing the crisis. What crisis? S&L? What about banks? We have had more commercial banks go under than S&L's.

What about our deposit insurance fund system? That is what is at stake. If I had thought that I had anything to do with the so-called bailout bill, that is bailing out investors, bailing out stockholders, bailing out bondholders of S&L's, I would not have lifted a finger. The only reason I was concerned was because I have been talking since 1979 about the absurdity that the insurance, or the deposit insurance fund has become.

Let me give you some statistics there to show why. I will ask you: What do you have?

In the commercial banks alone, in total insured deposits you have close to, or I guess by now, $3 trillion of insured deposits. How much do you have in the insurance fund to take care of that? Less than $14 billion. Is that an insurance fund? Is it an insurance fund that was originally intended in the 1930's to protect the little depositor? Absolutely not.

□ 1340

The chairman, the gentleman from Missouri [Mr. VOLKMER] announced the doctrine that a bank, a big big bank, was too big to fail, so that they would pay every depositor, foreign or American, who had as much as millions of dollars on deposit. That certainly is a distortion, so since last year I have communicated to the chairman of the Subcommittee on Financial Institutions Supervision, Regulation, and Insurance that he undertake an evaluation of that problem. Up until now, the thing we have come up with, and have sanctioned it, and approved it, is the contract to be issued so that we will have a detailed evaluative consultant study of the Deposit Insurance Fund system. However, the same thing is true with the other insured entities, S&L's and banks.

What is the crisis of the S&L? The crisis of the S&L industry, 2 years ago, 3 years ago, as some Members were desperately trying to break through and announce to the people was that the Insurance Fund was broke. No person wanted to admit that. So with a combination of greed and selfishness, and myopic indifference, we reached a point where we really have to, from here on out, count every hour, every day, every month, as a situation demanding our unceasing attention.

Here is what the picture is: The dollar, with all of this going on has lost 50 percent of its value just in the last 5 years. In the meanwhile, with the advent of a European monetary system, European currency unit, the European currency unit right now is valued at a little under $1.30. Most transactions today in Europe are based on ECU's. I was the only one reporting that in 1979 after the May summit meeting in Bonn. President Carter was present, who was attacking me then for being partisan. Nobody else seemed to give a hoot. Then I kept discussing in the interim, until it became a reality, how the system was in place and what it meant. What it means is simply this: that with the instability and the danger of the dollar's uncontrolled flow, the danger is that the dollar could, and possibly it is possible, and when anything is possible, then I worry about it. It is possible that the dollar could be replaced as the international currency unit.

Now, some listeners say, what does all that gobbledygook have to do with me? I will tell listeners what it has to do with each person. Since private debt, that is U.S. American citizens are in debt to almost the same amount the government, private indebtedness, and since the disposable income, there is no disposable income for 70 percent of Americans at the end of the month. How can we have savings? With that and the corporate debt almost $3 trillion, it means that if the dollar is replaced, all of that debt will have to be paid back in somebody's else's currency. What that means is the United States has lost its economic freedom.

REPORT OF NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-190)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and order to be printed:

(For message, see proceedings of the Senate of today, Monday, May 14, 1990.)

THE GUARD AND RESERVES IN ALASKA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Madam Speaker, I want to continue to share with my colleagues a series of articles which appeared in the Roll Call newspaper in the April 30, 1990 edition in a special policy brief, titled "National Guard and Reserves In a Changing World." This brief was developed to describe the roles and missions of the Reserve components and to educate the readers. I wrote the lead article in hopes of generating interest by the readers to learn more about the Guard and Reserve. I commend my colleagues to read these articles to gain a better appreciation of the Guard and Reserve. Today I'm sharing another in the series of articles that appeared in that April 30 Roll Call edition.

GUARD AND RESERVES IN ALASKA

(By Senator Ted Stevens)

Even if the dramatic international events of the past months have made Americans heave a collective sigh of relief, we still don't have the luxury of being complacent.

It is true that these major political changes could affect our national defense strategy. But the need to preserve our nation's security and freedom remains.

Despite federal budget constraints, a strong National Guard and Reserves continue to be important factors in the overall preservation of our democracy.

Wartime readiness is only one part of the job of the 500,000 Guardsmen and women

and almost 600,000 Reserves serving across the nation.

The role of the National Guard and Reserves in Alaska is a good illustration of the vital importance these men and women have during peacetime.

This year will mark the activation of the 210th Air Rescue Squadron at Kulis Air National Guard Base in Anchorage. Taking over from the Air Force's 71st Rescue Squadron, the 210th will be responsible for search and rescue operations over much of the 500,000 square miles of Alaska's rugged terrain and unforgiving waters.

The Alaska Air Guard's 168th Air Refueling Squadron currently stationed at Eielson Air Force Base near Fairbanks, provides airlift and refueling support for military aircraft in Alaska and is equipped to render its service on a worldwide basis.

The 210th and the 168th are part of the 176th Composite Group, which furnishes trained air crews and support personnel for airlift and airdrop missions, as well as for search and rescue and refueling operations.

When the Inauguration Day parade came down Pennsylvania Avenue last year, much of the nation became aware for the first time of Alaska's Eskimo Scouts, members of the National Guard.

In their white parkas, they drew enthusiastic cheers along the parade route and were the focus of television cameras and print photographers. One newspaper called them "Alaska's best kept secret."

But to Alaskan's they're no secret. There is no other military unit in the western world like the Eskimo Scouts.

Three battalions of Scouts, based in western Alaska communities, are our nation's first line of defense. One unit of the First Battalion is on Little Diomede Island, just two and a half miles east of the Soviet Union's Big Diomede.

Guard membership is a family affair for the Eskimo Scouts. From the creation of this branch of the National Guard during World War II, awareness of civic responsibility has been passed down from fathers to sons and daughters, and now even to grandchildren of the original scouts. They are the eyes and ears of the Arctic.

Alaska's Adjutant Gen. John Schaeffer began his Guard service as an Eskimo Scout. Now he commands a force of more than 4,300 men and women whose equipment ranges from dog sleds and snowmachines to KD-135s, Army Blackhawk helicopters, and C-130 aircraft.

Taking on new challenges is business as usual for the nation's Reserves. Reserve units will be among the first to field the new technology C-17 airlifter, continuing a Reserve tradition of frontline support.

The contributions made by Reserves in contingency operations were readily apparent last December in Operation Just Cause, the US invasion of Panama, when indispensable missions were performed by Guardsman and Reservists.

As Active Forces and restructured to reflect changing world conditions, our nation will become increasingly dependent on the capabilities and readiness of Reserve components.

Members of the Reserves constitute an invaluable national asset. Those who leave Active service to join the Reserves will find themselves in an organization with traditions dating back to the origins of our union.

At the same time, the Reserves possess the technology training and pride to meet the challenges of the 21st century.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, on May 15, 16, and 17.

Mr. LEACH of Iowa, for 5 minutes, today.

(The following Members (at the request of Mr. HUBBARD) to revise and extend their remarks and include extraneous material:)

Mr. HUBBARD, for 5 minutes, today.

Mr. FRANK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, on May 17 and May 21.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GONZALEZ, for 30 minutes, today.

(The following Member (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WOLF) and to include extraneous matter:)

Mr. FISH.

Mr. MACHTLEY in 10 instances.

Mr. MCEWEN.

(The following Members (at the request of Mr. HUBBARD) and to include extraneous matter:)

Mr. RANGEL.

Mr. KANJORSKI.

Mr. BONIOR.

Mr. KASTENMEIER.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which are thereupon signed by the Speaker:

H.R. 922. An act to designate the building located at 1515 Sam Houston Street in Liberty, TX, as the "M.P. Daniel and Thomas F. Calhoon, Senior, Post Office Building;"

H.R. 2364. An act to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes;

H.R. 2890. An act to designate the Federal building and U.S. courthouse located at 750 Missouri Ave., in East St. Louis, IL, as the "Melvin Price Federal Building and United States Courthouse;" and

H.J. Res. 453. Joint resolution designating May 1990 as "National Digestive Disease Awareness Month."

SENATE ENROLLED BILLS AND A JOINT RESOLUTION

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1846. An act to make miscellaneous amendments to Indian laws, and for other purposes;

S. 2300. An act to provide financial assistance to the Simon Wiesenthal Center in Los Angeles, CA, for the education programs of the Museum of Tolerance; and

S.J. Res. 275. Joint resolution designating May 13, 1990, as the "National Day in Support of Freedom and Human Rights in China and Tibet."

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On May 9, 1990:

H.R. 1472. An act to establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes.

On May 10, 1990:

H.R. 4637. An act to amend Public Law 101-86 to eliminate the 6-month limitation on the period for which civilian and military retirees may serve as temporary employees, in connection with the 1990 decennial census of population, without being subject to certain offsets from pay or other benefits; and

H.J. Res. 490. Joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start.

On May 11, 1990:

H.R. 922. An act to designate the building located at 1515 Sam Houston Street in Liberty, TX, as the "M.P. Daniel and Thomas F. Calhoon, Senior, Post Office Building";

H.R. 2890. An act to designate the Federal Building and U.S. Courthouse located at 750 Missouri Avenue in East St. Louis, IL, as the "Melvin Price Federal Building and United States Courthouse"; and

H.J. Res. 453. Joint resolution designating May 1990 as "National Digestive Disease Awareness Month."

ADJOURNMENT

Mr. GONZALEZ. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 15, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

3162. A letter from the Administrator, Environmental Protection Agency, transmitting the annual report on conditional registration of pesticides during fiscal year 1989, pursuant to 7 U.S.C. 136w-4; to the Committee on Agriculture.

3163. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of May 1, 1990, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 101-191); to the Committee on Appropriations and ordered to be printed.

3164. A letter from the Secretary of Education, transmitting a notice of final funding priorities—Secondary Schools Basic Skills Demonstration Assistance Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3165. A letter from the Secretary of Health and Human Services, transmitting the 1988 annual report on the status of organ donation and coordination services, pursuant to 42 U.S.C. 274c(4); to the Committee on Energy and Commerce.

3166. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting the semiannual reports for the period April 1989-September 1989 listing voluntary contributions by the United States to international organizations, pursuant to 22 U.S.C. 2226b(b)(1); to the Committee on Foreign Affairs.

3167. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed lease of defense articles to Denmark (Transmittal No. 9-90), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3168. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed lease of defense articles to Canada (Transmittal No. 8-90), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3169. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3170. A letter from the Chairman, International Cultural and Trade Center Commission, transmitting a report in compliance with the Inspector General Act Amendments of 1988; to the Committee on Government Operations.

3171. A letter from the Secretary of Agriculture, transmitting notification of the intention to accept a 60-acre land donation to be added to wilderness areas, pursuant to 16 U.S.C. 1135(a); to the Committee on Interior and Insular Affairs.

3172. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3173. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3174. A letter from the Deputy Associate Director for Collection Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3175. A letter from the Deputy Associate Director for Collection Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3176. A letter from the Director, National Legislative Commission, the American Legion, transmitting a copy of the Legion's financial statements as of December 31, 1989, pursuant to 36 U.S.C. 1101(4), 1103; to the Committee on the Judiciary.

3177. A letter from the Secretary of Transportation, transmitting the eighth annual report of accomplishments under the Airport Improvement Program, fiscal year 1989, pursuant to 49 U.S.C. app. 2220; to the Committee on Public Works and Transportation.

3178. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974 for period ending March 31, 1990, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means

3179. A letter from the Secretary, Department of Health and Human Services, transmitting the first annual report on the Indian Health Service health facilities construction priority system for 1989, pursuant to Public Law 100-713, section 301 (102 Stat. 4813); jointly, to the Committee on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 29. A bill to amend the Clayton Act regarding interlocking directorates and officers; with an amendment (Rept. 101-483). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4612. A bill to amend title 11 of the United States Code regarding swap agreements and forward contracts (Rept. 101-484). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 2273. A bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability; with an amendment (Rept. 101-485, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOYER (for himself, Mr. MINETA, Mr. ANDERSON, Mr. BROOKS, Mr. DINGELL, Mr. HAWKINS, Mr. BARTLETT, Mr. EDWARDS of California, Mr. FISH, Mr. GEPHARDT, Mr. GINGRICH, Mr. GRAY, Mr. GUNDERSON, Mr. HAMMERSCHMIDT, Mr. THOMAS A. LUKEN, Mr. MARKEY, Mr. MARTINEZ, Mr. OWENS of New York, Mr. RINALDO, and Mr. SENSENBRENNER):

H.R. 4807. A bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability; jointly, to the Committees on Education and Labor, Energy and Commerce, Public Works and Transportation, the Judiciary, House Administration, and Rules.

By Mr. SHARP (for himself, Mr. MARKEY, Mr. MOORHEAD, Mr. DINGELL, Mr. LENT, Mr. TAUZIN, Mr. BLILEY, Mr. SCHEUER, Mr. WALGREN, Mr. BRYANT, Mr. COOPER, Mr. BRUCE, Mr. TOWNS, Mr. SWIFT, Mr. TAUKE, Mr. SIKORSKI, Mr. FAZIO, and Mr. BERMAN):

H.R. 4808. A bill to encourage solar, wind, and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Policies Act of 1978; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey:

H.R. 4809. A bill to amend title 5, United States Code, to provide higher rates of basic pay for Federal employees within Mercer County, NJ; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

387. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to anti-Semitism; to the Committee on Foreign Affairs.

388. Also, memorial of the General Assembly of the State of Indiana, relative to Manuel Noriega; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 467: Mr. HYDE, Mr. GIBBONS, Mr. LANTOS, Mr. TRAFICANT, and Mr. HUBBARD.

H.R. 668: Mr. LENT.

H.R. 711: Mr. TOWNS.

H.R. 1250: Mr. WAXMAN.

H.R. 1693: Mr. CAMPBELL of California.

H.R. 2353: Mr. STUMP and Mr. MCEWEN.

H.R. 3344: Mrs. ROUKEMA, Mr. WELDON, Mr. HUTTO, Mrs. MEYERS of Kansas, Mr. WYDEN, Mr. HILER, Mr. HEFLEY, Mr. HORTON, and Mr. MILLER of Washington.

H.R. 3735: Mr. RUSSO.

H.R. 3958: Mr. CHANDLER and Mr. CONDIT.

H.R. 3959: Mr. DOWNEY, Mr. HUGHES, Mr. REGULA, Mr. FAUNTROY, Mr. FASCELL, Mr. GORDON, Mr. LEHMAN of Florida, Mr. BORSKI, Mrs. COLLINS, Mr. NEAL of Massachusetts, Mr. FORD of Tennessee, Mr. RAHALL, Mr. THOMAS A. LUKEN, Mr. FRANK, Mr. MCNULTY, Mr. NOWAK, Mr. KILDEE, Mr. CHAPMAN, Mr. TOWNS, Mr. CROCKETT, Mr. TORRES, Mr. LAGOMARSINO, Mr. BILBRAY, Mrs. UNSOELD, Ms. PELOSI, Mr. MRAZEK, Mr. PANETTA, Mr. GLICKMAN, Mr. DYSON, Mr. OWENS of New York, Mr. ATKINS, Mr. SMITH of Florida, Mr. STOKES, Mr. POSHARD, Mr. ENGLISH, Mr. RANGEL, Mr. COUGHLIN, Mr. KOLTER, Mr. JONTZ, Mr. PEASE, and Mr. LEWIS of Georgia.

H.R. 4266: Mr. MFUME.

H.R. 4334: Mr. DEFAZIO.

H.R. 4369: Mr. WATKINS and Mr. COUGHLIN.

H.R. 4492: Mr. SIKORSKI, Mr. DWYER of New Jersey, Mr. VALENTINE, Mr. WALSH, Mr. RINALDO, Mrs. COLLINS, Mr. YATES, Mr. ROWLAND of Connecticut, and Mr. JACOBS.

H.R. 4494: Mr. BLILEY, Mr. HOUGHTON, Mr. RICHARDSON, Mr. OBEY, Mr. MAVROULES, Mr. BUNNING, Mr. GOSS, Mr. PASHAYAN, Mr. COOPER, Mr. PICKETT, Mr. HUBBARD, Mr. MATSUI, Mr. FORD of Tennessee, Mr. BAKER, Mr. YOUNG of Alaska, and Mr. STUMP.

H.R. 4520: Mr. MCMILLEN of Maryland, Mr. BRUCE, Mr. SIKORSKI, Mr. RUSSO, Mr. LANCASTER, and Mr. JONTZ.

H.R. 4590: Mr. TOWNS, Mr. STOKES, Mr. CROCKETT, Mr. FAUNTROY, Mr. SCHEUER, Mr. FRANK, Mr. WALGREN, and Mr. DEFAZIO.

H.J. Res. 554: Mr. MCGRATH, Mr. MACHTLEY, Mr. GUARINI, Mr. BLAZ, Mr. TOWNS, and Mr. PAXON.

H. Res. 78: Mr. MFUME.

H. Res. 240: Mr. HENRY, Mr. BILIRAKIS, Mr. DELLUMS, Mr. MILLER of Washington, and Mr. LANTOS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

171. By the SPEAKER: Petition of city of Cape Canaveral, FL, relative to the payment of Florida taxes; to the Committee on Government Operations.

172: Also, petition of Veritat Foundation, Los Angeles, CA, relative to the Constitution of the United States; to the Committee on the Judiciary.

SENATE—*Monday, May 14, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Mary Jackson, of the Service Department, is in surgery today. Let us remember her with a moment of silence.

*Who can find a virtuous woman? for her price is far above rubies. The heart of her husband doth safely trust in her, so that she shall have no need of spoil. * * * She openeth her mouth with wisdom; and in her tongue is the law of kindness. * * * Favour is deceitful, and beauty is vain: but a woman that feareth the Lord, she shall be praised.*—Proverbs 31:10, 11, 26, 30.

Eternal God, praise Thee for this beautiful tribute to a godly woman with which the Book of Proverbs closes. Thank Thee for this reminder of the incalculable influence of good women throughout history. We thank Thee for our memories of mother and for our awareness of the impact of her guidance which continues to be positive and strong in us as we move into positions of power and great responsibility. Thank Thee for the sacrifices of a mother, for her gentle, tender, firm, faithful touch throughout our lives. Praise Thee, God, for mothers.

In His name whose faithful mother gave her all. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 14, 1990.

To the Senate:

Under the provisions of rule I, section 3 of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DASCHLE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders today, there will be a period for the transaction of morning business not to extend beyond 1:30 p.m. with Senators permitted to speak therein for up to 5 minutes each. At 1:30, the Senate will conduct debate only on the motion to proceed to S. 2240, the AIDS C.A.R.E. bill. There will be no rollcall votes today.

Last Friday I filed a cloture motion on the motion to proceed to the AIDS bill. The cloture vote will occur at 10 tomorrow morning. Once the bill has been called up, it is my intention to remain on it until action is completed. Therefore, Senators should be on notice that it is possible that late night sessions might occur early this week, beginning as early as tomorrow, in order to complete action on the AIDS bill as soon as possible.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1:30 p.m., with Senators permitted to speak for not to exceed 5 minutes each.

SENATOR PRYOR'S "VOLUNTEER AMERICA" BILL

Mr. MITCHELL. Mr. President, I am pleased to note the presence of the distinguished Senator from Arkansas, Senator PRYOR, on the floor this morning. I would like to take the opportunity to commend him for initiating the idea of a private volunteer organization to provide aid to emerging premarket economies in Eastern Europe.

I noted with interest the President proposed such a program on Saturday. I believe Members of the Senate are aware that it was Senator PRYOR who first suggested this initiative, in statements on January 25 and March 8 of this year. I commend him for that. I think it is significant that the President has now adopted the suggestion of the Senator from Arkansas, and I hope that gives added impetus to the proposal.

I ask unanimous consent that statements by Senator PRYOR regarding and introducing legislation to create a "Volunteer America," such statements being dated January 25, 1990, and March 8, 1990, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATORS INTRODUCE BILL TO CREATE "VOLUNTEER AMERICA," MARCH 8, 1990

WASHINGTON.—Sen. David Pryor, D-Ark., and two other senators Thursday introduced a bill seeking to establish a private, volunteer group to provide aid to emerging free-market economies in Eastern Europe.

Pryor was joined by Sens. Nancy Kassebaum, R-Kan., and Slade Gorton, R-Wash., in introducing the "Volunteer America for Eastern Europe Renewal Act." Under the bill, a federal charter would be granted to an organization that will be called "Volunteer America," which will create new volunteer programs and work with existing volunteer programs aimed at Eastern Europe.

"The Volunteer America program we want to establish will send volunteers from the United States with business and agricultural skills to help the budding free-market economies in Eastern Europe and the Soviet Union," Pryor said.

"Volunteer America is the name, but it is also a call to action," the senator said. "It is a call for America to send its greatest resource of all to help Europe—our people."

Although it would be federally chartered, Volunteer America would not be a government program. It would be led by private-sector leaders and, apart from a $250,000 start-up grant, would be self-sustaining and privately funded.

The bill would allow the president to designate, after consultation with Congress, a leader in the business community who will initiate the formation of Volunteer America. The chairman would then select a board of directors whose membership will represent business, labor and agriculture sectors.

Pryor said sending people instead of dollars would allow the United States to begin assistance to Eastern Europe without becoming entangled in the current debate on Capitol Hill about how to distribute limited foreign aid dollars.

"We do have a deficit of dollars, but we also have a surplus of good Americans who are willing to give their time, their resources and their skills to help Eastern Europe and the Soviet Union," he said.

Pryor noted that in a recent speech, the president of Czechoslovakia told a joint session of Congress "that Eastern Europe does not need a great deal of foreign aid. Eastern Europe needs help with its business sector; it needs American business know-how and investment, it needs new agricultural ideas, it needs modern manufacturing methods and its people need to be shown how to start up small businesses."

Pryor said he had mentioned the Volunteer America idea in speeches in his home state and found the response "overwhelming." He said the senators have met with private sector groups such as the U.S. Chamber of Commerce and the Business Roundtable to further discuss the idea.

"Everyone, without exception, has been excited about Volunteer America and they are certain that if we can keep the government out of the program, the private sector support will eagerly follow," he said.

PRYOR CALLS FOR "PEOPLE'S CORPS" TO AID EASTERN EUROPE, JANUARY 25, 1990

WASHINGTON.—Sen. David Pryor, D-Ark., Wednesday said the government should create a "People's Corps" to provide volunteer assistance to the emerging non-communist governments of Eastern Europe.

In a speech to Senate colleagues, Pryor said he felt the government should "send people, not dollars" to those countries. He said such a corps of American volunteers could help the countries at a time when U.S. officials are entangled in debate over how to distribute already-strained foreign aid spending.

"We have a deficit of dollars, but a surplus of good Americans who are willing to give their time and their resources of wisdom and skills in sharing," Pryor said.

"Today, there is an army of Americans with big hearts and special skills to share who are ready, willing and able to become a 'People's Corps,' representing the best of America," he said.

"We do not need governments and bureaucracies to intervene and confuse," the senator said. "We do not need misguided dollars. We need Americans to help make today's dreams become tomorrow's reality."

Pryor noted that Senate Minority Leader Robert J. Dole had recently proposed reducing aid to other countries by 5 percent to allow for financial assistance to the eastern countries. Meanwhile, Pryor said, President Bush has discussed an aid package for Panama, and Poland and Hungary have already been targeted to receive American foreign aid.

"We should be very cautious about new programs of massive foreign aid to these newly liberated countries, even as good or altruistic as our motives might be," Pryor said. "I fear our infusion of dollars could be premature and could contribute to the instability of the present unstable environment."

He said most of these countries have yet to adopt a constitution, much less come up with a plan to distribute American aid.

At the same time, he added: "We don't have the money."

"Let us encourage the leaders of business and industry," the senator said. "Let us call upon organizations who represent agriculture. Let us ask the various professions to become a part of a true American experience of sharing."

Pryor said he began proposing a "People's Corps" in speeches back in Arkansas last week, and the response he received was "truly overwhelming." He said a dentist in Benton, a school teacher in Little Rock, an engineer in Jacksonville and an irrigation expert in Pine Bluff all immediately contacted him to volunteer for duty in the eastern countries. A law professor from the University of Arkansas-Little Rock School of Law recommended establishing an "International Legal Assistance Corps."

"We as a people want to make a positive response," the senator said. "We want to extend our hand in friendship and share with eastern Europeans the blessings of liberty."

"Our goal should not be the Americanization of Eastern Europe, but the realization that our great country shared at a moment of need our greatest resource—our people and their ingenuity," he said.

Pryor said he has scheduled meetings to explore this idea with a number of groups, including the U.S. Chamber of Commerce, the Business Roundtable, the International Executive Service Corps and a number of farm organizations.

Mr. MITCHELL. I yield to my distinguished colleague and again congratulate him for this suggestion and look forward to working with him and with the President in this regard.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

VOLUNTEER AMERICA FOR EASTERN EUROPE RENEWAL ACT

Mr. PRYOR. Mr. President, I sincerely thank the distinguished majority leader for allowing me to speak for a few moments on this issue. And also, Mr. President, I thank the majority leader for recognizing the fact that not only myself but several of us in this body, as early as January, when we saw the massive and awesome changes taking place in Eastern Europe, sought to introduce and lay out for debate some type of a volunteer program. We called our program Volunteer America, a people's corps. I am very grateful the majority leader recognized it.

Mr. President, the President, in South Carolina on Saturday, May 12, did lay out the concept that he envisions, called the Democracy Corps. In January of this year and March of this year I joined with Senator KASSEBAUM, from Kansas, and Senator GORTON, of Washington. We ultimately, on March 8, introduced S. 2260. S. 2260, basically, creates a Federal charter for the volunteer program that we envision for America.

That Federal charter would be under the name of "Volunteer America for Eastern European Renewal." Once again, a Federal charter will bring to it the status of a tax-exempt, federally chartered organization.

Mr. President, almost every part of President Bush's proposal that he laid down in South Carolina on Saturday were parts of a program that I truly hope have the same elements that are in the program developed by Senator KASSEBAUM, Senator GORTON, and myself. Mr. President, I have been attempting to reach Senators KASSEBAUM and GORTON this morning. They are en route to Washington and will not be in until later this afternoon or sometime tonight.

Let me first state, Mr. President, it is immaterial and irrelevant—in fact it does not even matter—whose idea this first might have been. The hope is that we can now get together and move forward with this concept of volunteers coming from all across America, from the education sector, from the business sector, from the industrial sector, from retired people.

I know an irrigation specialist who said, "I will give 6 months." A teacher told me she will give a semester. Some retired business people said they are a little bit tired, now, of having nothing to do but play golf; they would like to give a year or 6 months. People from all across America want to be a part, I think, of this movement.

But let me state, Mr. President, there is one difference, and it is a very basic difference between what President Bush threw out for discussion on Saturday and what I have proposed and what Senators KASSEBAUM and GORTON have proposed. I am not speaking for Senators KASSEBAUM and GORTON on this point, but only for myself.

President Bush has stated that this program should be basically run out of the State Department. Mr. President, I strongly disagree. I do not believe this should be a Government program. This should truly be a people's program. It should come from the people. It should be the people. And it should not be a program financed by the taxpayers. More specifically, it must never become a program which is subjected to the turf battles, to the fiefdoms, and to bureaucratic entanglements within our State Department or any other Federal agency of Government.

Truly, this has to remain in the hands of the people.

I hope President Bush will agree to look at his concept, as proud as we are that he has proposed it; as proud as we are that now he sees this to be a very, very important part of our new relationship, and our new hope being part of a rebuilding of Eastern Europe. It is my hope that he will rethink his effort to place this under the control of the U.S. Department of State.

Mr. President, in 1953, Walter Cronkite was interviewing Dwight David Eisenhower in the White House. President Eisenhower had been our President for 1 year. It was on the eve, I think, of that first election of President Eisenhower when Mr. Cronkite was interviewing the President. I would like to quote what the President had to say in 1953.

President Eisenhower:

I like to believe that people, in the long run, are going to do more to promote peace than our governments. Indeed, I think that people want peace so much that one of these days government had better get out of their way and let them have it.

Mr. President, I think this is one of those classic examples when government should get out of the way; when they should encourage volunteers; when we should encourage a non-Federal program; when we should encourage people from all walks of life, if they have resources to give, ideas to share or hopes to bring to Eastern Europe, that truly under the volunteer America program this can happen.

I have talked to some 15 groups, Mr. President, including the U.S. Chamber of Commerce, the Farm Bureau, the Business Roundtable, the Young Presidents Organization, the International Executive Corps.

I ask unanimous consent to print a list of those groups that I visited with, and those people with whom we have been trying to form the concepts of the Volunteer America Program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2260, VOLUNTEER AMERICA FOR EASTERN EUROPEAN RENEWAL ACT, MARCH 8, 1990

PRIVATE INTERESTS

U.S. Chamber of Commerce;
National Association of Manufacturers;
American Farm Bureau;
Business Roundtable;
American Bankers Association;
American Agriculture Movement;
National Telephone Cooperative Association;
Volunteers in Technical Assistance;
International Executive Service Corp.;
World Council of Credit Unions;
American Express;
Armco Steel; and
Young Presidents Organization.

EXECUTIVE AGENCIES

Department of State;
Agency for International Development;
Department of Commerce;
Peace Corps; and
Overseas Private Investment Corporation.

SENATE COSPONSORS

Senators Kassebaum, Gorton, Boren, Simon, Cohen, Heinz, Sanford, Conrad, Johnston, Reid, Sasser, Bumpers, Fowler, Kohl, and Bryan.

Mr. PRYOR. I also ask unanimous consent that Senator SIMPSON be added as a cosponsor to S. 2260 the Volunteer America for Eastern European Renewal Act.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

Mr. PRYOR. I also ask unanimous consent that the distinguished occupant of the chair, Senator DASCHLE, be added as a cosponsor of S. 2260.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent to print in the RECORD a summary of what Volunteer America is about and what it is not about. We think this will be a good summary.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF VOLUNTEER AMERICA FOR EASTERN EUROPE RENEWAL ACT

Recognizing the need for private, volunteer assistance to Eastern Europe, the bill encourages the establishment of a private, non-profit organization called Volunteer America.

Volunteer America will work to develop efficient free market economies in Eastern Europe and the Soviet Union by:

Consulting with appropriate individuals in those nations to identify the need for overall business management and technical advice in areas such as agriculture, manufacturing, financial services and mining;

Creating volunteer programs to be led by experienced business and labor executives to create on-going relationships with those countries to meet the identified needs; and

Operating mainly through private sector contributions of money, people, and materials.

FEATURES OF THE BILL

The President will designate, after consultation with Congress, a lead individual in the business community who will initiate the formation of Volunteer America and become its chairman.

The chairman will select a board of directors whose membership will represent major business sectors, labor, and agriculture.

Authorizes a one-time, start-up grant of $250,000 to be used by the chairman to inaugurate Volunteer America.

States that a Federal charter should be granted to incorporate Volunteer America at the appropriate time.

Establishes that Volunteer America will be non-political and non-governmental.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Washington Post article of Sunday, May 13, announcing President Bush's support of his Democracy Corps, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 13, 1990]

BUSH BACKS EASTERN EUROPE AID "CORPS"

(By Ann Devroy)

COLUMBIA, SC, May 12.—President Bush today summoned the nation to help complete the "unfinished business" of securing democracy across Eastern Europe by exporting not only American money but also the American experience with two centuries of democracy.

In a commencement address he called "a reflection on democratic change," the president announced the launching of a private-sector "citizens democracy corps" to carry American expertise to Eastern Europe. He also announced a liberalized line of credit to help Poland finance the purchase of U.S. machinery, technology and services as it tries to restructure its economy.

The democracy corps, which would get an initial government grant of $300,000 for start-up costs, would begin by establishing a center and clearinghouse for American private-sector assistance and volunteer activities in Eastern Europe, the president said. It would operate out of the State Department and be run by a commission appointed by the president.

The objective of the new program, the White House said, is to "support democratic change and market-oriented economic reform" in Eastern Europe by mobilizing and coordinating American private-sector efforts. It would also serve as a clearinghouse for requests from new governments for assistance in areas such as constitutional law, English-language training, journalism, market economics, environmental protection and a range of other areas.

The White House said that while the government will provide initial funding, the democracy corps should in time establish its own financial base through contributions and industry grants.

"America has much to contribute, much it can do to help these nations move forward on the path to democracy," Bush said in announcing the initiative.

There have been a number of similar proposals to help Eastern Europe, including one by House Majority Leader Richard A. Gephardt (D-Mo.) that he described as a "modern-day Berlin airlift, bringing planes of people across the Atlantic in both directions." A variety of bills have been introduced in Congress to promote democratic institutions in Eastern Europe.

On the Poland loan initiative, the White House announced the Export-Import Bank has opened a new line of credit to Poland, allowing medium-term loans in addition to the short-term borrowings allowed now. Firms in Poland now can repay loans in five to seven years rather than one year, White House officials said. The bank guarantees private loans and extends its own loans to facilitate foreign purchases of U.S. exports. The effort Bush announced does not involve an increase in the amount of funds available to the bank.

The Bush administration has proposed a $300 million economic aid package for Eastern Europe this year.

Bush also announced he will send presidential delegations to observe elections in Romania next week and another team to next month's elections in Bulgaria.

He also said he will seek to broaden the mandate of the Conference on Security and Cooperation in Europe by asking it to seek "a new consensus" on what he called the "cornerstones of democracy"—free elections, political pluralism and the rule of law.

Addressing about 1,600 graduates of the University of South Carolina, Bush spoke of the nations of Eastern Europe on the "threshold of democracy" and the responsibility of the United States to secure those democracies by rooting them in democratic institutions. The United States, he said, must help the new democracies build "political systems based on respect for individual freedom, for the right to speak our mind, to live as we wish, to worship as our conscience tells us we must."

Bush called for systems "based on respect for property and the sanctity of contract" and laws that allow free association, free speech and strict equality of rights.

The president compared Poland, Czechoslovakia and Hungary today to America two centuries ago, as it began its experiment with democracy. "Who will be their Franklins, their Washingtons, their Hamiltons and Madisons?" he said. Who will be "their nation-builders who will set in place the firm foundations of self-government?"

The fate of Europe, he said, depends not only on this new generation of leaders but also on the political systems they put in place. "The fate of freedom depends not just on the character of the people who govern, but whether they themselves are governed by the rule of law," he said.

"That is why," he added, "we must export our experience, our two centuries of accumulated wisdom on the workings of free government."

The "essence of our vision of Europe," Bush said, is a Europe "where not only are the dictators dethroned, but where the rule of law, reflecting the will of the people, ensures the freedom millions have fought so hard to gain."

Appealing directly to the graduates, Bush said that "freedom's great triumph" does not mean "America's work is done." The "unfinished business that awaits the generation you represent," he said, is "to uphold our American ideals, not in time of war, but in a time of tremendous excitement, helping these nations secure the freedom your fathers and grandfathers fought for."

Before returning to Washington last night, the president gave another commencement address, this one on volunteerism, at Liberty University in Lynchburg, Va. The university was founded by the Rev. Jerry Falwell, founder of the defunct Moral Majority and a longtime supporter of Bush.

In that speech, Bush lauded volunteerism, both in the United States and abroad, as one of the American "ideals" undergirding democracy. "Individuality, we can change a life. Collectively, we can change the world," he said.

THE CORPS OF ENGINEERS AND OUR GREAT RIVER NETWORK

Mr. PRYOR. Mr. President, I would like to state the States of Arkansas, Texas, and Oklahoma are undergoing some of the most serious flooding conditions in the past 100 years. It has always been somewhat of a mystery to all of us involved in that great river network as to how the Corps of Engineers decides which locks to open, which dams to open, what the degree of flow might or might not be into the lower sections of the river channels.

This morning I am sending a letter to the Honorable Charles A. Bowsher, Comptroller General. I am asking for an immediate GAO update as to how these decisions are actually made and if all factors are being considered by the Corps of Engineers. We feel that this is an important time to do this. We also feel that it is a timely request to the General Accounting Office for an independent evaluation of this system of decisionmaking, which is so critical to all of those concerned.

Mr. President, I ask unanimous consent to print the letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, May 14, 1990.

Hon. CHARLES A. BOWSHER,
Comptroller General of the United States, General Accounting Office, Washington, DC.

DEAR MR. COMPTROLLER GENERAL: The State of Arkansas has been inundated during the past several days with floodwaters in three major river basins. This flooding has been described by experts as a one in one-hundred year event. The problems that we are seeing have been both helped and exacerbated by man-made flood control structures within each of the Arkansas, White and Red River basins.

I am writing to request that you initiate an immediate examination of the operations and procedures of the Army Corps of Engineers relating to the regulation of water levels and release schedules in the flood control structures associated with these river basins.

I have nothing that suggests that the Corps of Engineers has done anything but follow standard operating procedures. I am unsure as to whether or not these standard operating procedures are the best procedures we could be using to protect life and property. But I believe it is important that we step back and get an outside opinion, and that is why I am requesting this examination.

There is little doubt that without these federal projects the flooding would be significantly worse. However, there has been much discussing during recent years centering on the multiple missions of these facilities and their priority levels. During this year's event, the Corps has been criticized for not releasing enough water from some of the facilities in advance of the heavy rains to provide for additional flood storage capacity.

This is, as I am sure you can understand, a matter of some importance to those of us from Arkansas. I ask, therefore, that you give this request your prompt and personal attention. Should you have any questions concerning this request, please do not hesitate to contact me directly.

Sincerely yours,

DAVID PRYOR.

Mr. PRYOR. Mr. President, I yield the floor. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

THE FAIR EMPLOYMENT PRACTICES ACT

Mr. McCAIN. Mr. President, the Senate, this esteemed body in which we serve, has yet again reaffirmed to the American public its stubborn insistence on remaining the "last plantation."

Mr. President, last week the Senate voted 67 to 30 in favor of reforming the Hatch Act. By taking this step, we sent a resounding signal to civil servants that they need not live under rules which force them to be second-class citizens.

Regrettably, Mr. President, I sadly noted that an element of hyprocrisy attended our debate on this subject. For 6 days, many of my colleagues rose to eloquently address the merits of the Hatch Act reform bill. Yet, for more than 2 years, I have called on this body to end the double standard that exists right here in the U.S. Senate. We cannot continue to maintain one set of rules of privilege for ourselves and have a set of far different rules for the remainder of our society.

At the end of the last Congress, I submitted Senate Resolution 488, a measure to end the congressional practice of passing laws for the rest of the Nation to obey but exempting itself from compliance. Regrettably, the measure did not pass.

At that time, Senator GLENN expressed an interest in expanding this measure into a comprehensive bill to cover all of Congress, not just the Senate. Together, we crafted S. 1165, a bill that would provide to all congressional employees the protections of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1976, the Fair Labor Standards Act of 1938, the Occupational Safety and Health Act of 1970, and the Rehabilitation Act of 1973.

Mr. President, I think that most American citizens would be astounded to know that employees of the U.S. Senate have no protections or coverage under the pieces of legislation that I just mentioned. I believe that the Members who have served in Congress have made every effort to comply with these laws, but there is no substitute for the force of law. Discrimination cannot be tolerated in any environment, especially on Capitol Hill. We have no right to impose second-class citizenship on those who work here.

Mr. President, last week I listened closely to the debate regarding the Hatch Act reform bill. Proponents of that measure rallied to the side of those they perceived as suffering from an inequity in political rights that exists between civil servants and those in the private sector. Unfortunately, I am forced to ask: Where are these great proponents of equal justice now? When it comes to ending the double standard that we in Congress enjoy, why are so many of my colleagues mute?

The Governmental Affairs Committee has twice now attempted to pass the fair employment practices bill. In both cases, my good friend, Senator GLENN, had to postpone consideration of the bill due to lack of support. According to Roll Call, only 5 of the panels' 14 Members appeared inclined to support the measure. Mr. President, according to my information, nine Members of the Governmental Affairs Committee supported the Hatch Act

reform bill. I would like to point out that on more than one occasion, Members of this group spoke on the floor in favor of Hatch Act reform.

Mr. President, I do not mean to make any negative inference by illuminating this fact. I draw attention solely so that my colleagues will realize the perception the public holds. If we in Congress believe that the laws we pass are truly worthy rules for a just society, then they must apply to Congress. If we truly believe we cannot tolerate a civil service where citizens are denied rights and made second-class citizens, then how can we endorse such a system here?

Mr. President, I call on my colleagues to support S. 1165, the Fair Employment Practices Act, and end this body's shameful legacy as the "last plantation."

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMEMORATING THE 125TH ANNIVERSARY OF THE BIRTH OF DR. GEORGE WASHINGTON CARVER

Mr. HEFLIN. Mr. President, I rise in recognition of the birth of a great American genius—Dr. George Washington Carver. Born a slave on July 12, 1865, Dr. Carver became one of this Nation's most creative minds. He took the lowly sweet potato and the peanut and developed a vast number of products of all varieties.

Dr. Carver began his studies as an art major at Simpson College in Indiana. He was the only black student. To pursue his interest and talent in science and agriculture, Carver transferred to Iowa State University.

In 1896, as he was completing work on his master's degree at Iowa State, Dr. Carver received a job offer from Booker T. Washington inviting him to head the new agricultural department at Tuskegee Institute. Carver replied:

> It has always been the one great ideal of my life to be of the greatest good to the greatest number of "my people" possible and to this end I have been preparing myself for these many years.

The arrival of George Washington Carver in 1896 led to greatly expanded research. Under his leadership, the institute sponsored agricultural demonstrations in rural communities, monthly farmers institutes, and county fairs. An experimental station, partly funded by the State of Alabama, was started in 1897. Even though it was not designated as an 1890 land-grant institution, Tuskegee in fact provided a model for land-grant institutions. By 1897 it had created a fully developed research program and established mechanisms to transmit the knowledge to the farmer.

In 1906, Dr. Carver inaugurated the "Jessup Agricultural Wagon," named for the northern donor of $567 required to outfit the wagon. Equipped with seeds, fertilizers, and a variety of farm implements, the wagon would tour farms and give demonstrations at central points. Black as well as white farmers attended these meetings. Today, visitors to the Carver Museum at Tuskegee can still see a Jessup Wagon.

Dr. Carver was a master teacher, researcher, extension agent, landscaper, farm manager, and inventor. He was awarded three United States patents, two in 1925 and one in 1927. Most of his inventions, however, were turned over to this country as gifts to mankind.

During his career at Tuskegee University, he taught thousands of students who went on to become the county agents, teachers, and community workers throughout my native State of Alabama.

In April of this year Dr. Carver, along with Dr. Percy Julian, the Chicago chemist responsible for synthesizing cortisone and other human hormones, became the first black Americans to be inducted in to the Inventors Hall of Fame. Belatedly, his name was inscribed in the pantheon of 76 American scientists, including Thomas Edison, Alexander Graham Bell, and the Wright Brothers.

I am proud that Tuskegee University is continuing in the tradition of Dr. Carver. Four university scientists have been awarded a patent for a hydroponic system of growing sweet potatoes. This research, supported by NASA, will help this Nation prepare for a new age of space travel and exploration.

Another lasting legacy of Dr. Carver's work is the Tuskegee Institute National Historic Site. This 50-acre site was created by Public Law 93-486, inacted in 1974. The George Washington Carver Museum is the centerpiece of this site, which includes the Booker T. Washington Home and some 19 buildings—many constructed by Tuskegee University students with hand-made bricks. I am proud that over the past 3 years Congress has provided $10.6 million to the Department of the Interior to restore and rehabilitate some of these buildings.

Dr. George Washington Carver was a creative genius dedicated to being of the greatest good to mankind. The State of Alabama and this whole Nation can be proud of his contribution to our lives.

THE U.S. FLAG-WAVERS HALL OF FAME

Mr. HEFLIN. Mr. President, a friend of mine, James Record of Huntsville, AL, has come up with the idea of creating a U.S. flag-wavers hall of fame to honor flag-wavers and other patriots.

Mr. Record is an outstanding individual. He is chairman of the Madison County Constitution Bicentennial Commission, served as State commander of the American Legion in Alabama, and has served in many capacities in veterans organizations as well as civic organizations.

His idea is that if we create a U.S. flag-wavers hall of fame, we would stimulate flag flying, patriotism nationally, and it could have some effect on eliminating flag burning. I think he has an excellent idea.

I ask unanimous consent that his letter to me, along with an attachment which is signed by him, and along with a newspaper column in the Huntsville Times by Bill Easterling, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MADISON COUNTY, U.S.A., CONSTITUTION BICENTENNIAL COMMISSION,

Huntsville, AL, March 12, 1990.

Hon. HOWELL HEFLIN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR: Through my Chairmanship of the Huntsville-Madison County United States Constitution Bicentennial Celebration and participation in many patriotic activities, including finding out those who have flown the flag in Madison County during our celebration, I got the idea of creating The United States Flag-Wavers Hall of Fame to honor our flag-wavers and other patriots and I am enclosing the creating document asking you to study it. If you agree with it, and could possibly get approval and/or endorsement by Congress, I believe you would be doing much to stimulate flag-flying and patriotism nationally, and possibly even eliminate flag-burning. You would of course also stimulate creation of many Chapters of the H.O.F. nationally. Madison County is Chapter #1.

Looking forwards to hearing from you soon and favorably, I am,

Patriotically yours,

JAMES RECORD,
Chairman.

MADISON COUNTY, U.S.A., CONSTITUTION BICENTENNIAL COMMISSION,

Huntsville, Ala.

The "Flag-Wavers Hall of Fame', previously created October 11, 1989, is hereby recreated as The United States Flag-Wavers Hall of Fame", with it's original chapter located in and known as "The Madison County #1 Chapter of the United States Flag-Wavers Hall of Fame". Other chapters may be simply created by notifying the original chapter of a group believing in and subscribing to the purposes and ideals of the founding chapter. The group will then

be created as a chapter. There may be an unlimited number of chapters nationally.

The primary purpose and ideals of the Flag-Wavers Hall of Fame are as follows:

1. To foster, perpetuate, encourage, and stimulate patriotism by flying the United States Flag, and to show it proper respect as the Symbol of our nation.

2. To foster, perpetuate, encourage, and stimulate patriotism by recognizing acts of patriotism in every way.

3. To act as a watchdog over publicly elected government officials and candidates for office-city-county-state-district and federal, as to their patriotism, or non-patriotism, for disrespect to our flag actions, and to so notify the general public.

4. To help Americans become more informed and active participants in the political, economic and religious life of their community, state and nation.

5. To help schools and school systems teach patriotism, flying of the flag symbolism, and respect for the U.S. Flag, and the United States Constitution.

6. To help honor other patriots, our Armed Services, and Veterans who fought on behalf of our FREEDOMS.

A Flag-Wavers Hall of Fame Medal of Honor for Patriotism is to be designed and struck and given to inductees at each annual induction, to be held at a date near July 4th.

Adopted this 14th day of February 1990.

Huntsville-Madison County United States Bicentennial.

JAMES RECORD,
Chairman.

[From the Huntsville (AL) Times, Feb. 18, 1990]

THE PATRIOT HAS A NEW HALL OF FAME

James Record knows more Madison County history than probably anyone. In fact, he wrote most of the county's history books. His role as a citizen has been well-documented over the years, and if he never puts another word on paper or offers his services again, his place in city and county archives is secure.

But after a long and illustrious public service career, Record didn't want to quietly graze in a pasture when he retired as chairman of the Madison County Commission.

He felt he still had much to offer. And not even a stroke could keep him down. He simply got a wheelchair and kept on trucking.

In his salad days, Record guided many positive ideas through the Commission. During that time, he wrote several local histories, and started a history of Alabama which he continues to research. He also breathed life into the Madison County Military Hall of Heroes, a one-of-a-kind shrine housed in the courthouse dedicated to local men and women who served with distinction in the armed forces.

In retirement, Record headed the Madison County Constitution Bicentennial Commission, was appointed county historian, and helped launch the Huntsville-Madison County Athletic Hall of Fame.

Now he has a new nut to crack. He has created the Madison County Flag Wavers Hall of Fame "to honor those Madison Countians who have been found to have flown the United States flag and-or been involved in one or more patriotic activities."

Record said it's the only such hall of fame in the country, and people who know him won't bet against him getting it done.

Several months ago, Record drove around the city and county and collected business and private addresses where the flag was being flown.

Then he sent letters to those addresses asking occupants to tell him by return mail why they flew it.

Many, many people replied, and their statements were priceless to a man like Record, whose sense of history is only surpassed by his patriotic fervor.

He gave those letters to me for a possible column or feature story.

I lost them all.

Well, I can't just apologize to him and simply let his hard work, and his hope, go to waste.

So I've decided to ask those of you who replied to him the first time and who might read this today to take time and send him another note or letter explaining why you fly the flag.

I'm also asking any who read this who did't get an original inquiry to participate, too, if you fly the flag each day or only on certain days.

This is all I know to do; and I hope it generates some response, because I know the dedicated, heartfelt attitude with which Jim Record attacks any task.

When he gets this latest HOF off the ground—and he will—Record said he plans to have a medal for patriotism called "The Flag Wavers Hall of Fame Medal of Honor which the patriot and his or her descendents can cherish for generations to come."

Record's not in this for personal glory. His achievements stand quite capably on their own. But a sentence he said to me might better explain his motive.

"The project may spread nationwide," he said, "bringing us a nation of flag wavers, not flag burners."

THE 50TH ANNIVERSARY OF MSGR. GEORGE C. HIGGINS' ORDINATION

Mr. MOYNIHAN. Mr. President, this coming Wednesday, May 16, 1990, will mark the 50th anniversary of the ordination of Msgr. George C. Higgins. A mass in celebration of this occasion will take place here in Washington. The Senate will wish to record this fine moment.

For near to half a century, almost from the moment of his ordination, George Higgins has played a singular role in American life, that of the labor priest, advocating the rights and the responsibilities of working people and of trade unions in American life, and of social justice in all of the institutions of our democracy.

As we approach the end of the twentieth century much of this seems settled, even commonplace. It is difficult to recall how contentious and problematic these issues seemed at the outset, a century ago. The great industrial societies of the world, ours not least, were torn with controversy concerning the social issue, as it was then termed. A fierce and at times unfeeling individualism which had given form to industrial society was becoming rigid and indeed reactionary in the face of the demands from workers for some collective role in the decisions which affected their lives. Equally fierce advocates of revolutionary change, Marxists in the main, called for a complete transformation of society, the "expropriation of the expropriators" as the term went. In 1891 the papal encyclical Rerum Novarum set forth a wholly different vision of a cooperative society in which there were collective rights as well as individual responsibilities, and a shared responsibility for well-being. The new concept of a welfare state received the explicit sanction of the oldest institution of the western world. In Europe these ideas led to the formation of Christian Democratic parties, such as now govern in Italy and the Federal Republic of Germany. In the United States their influence was largely confined to the Catholic community, not a small one—indeed, a quarter of our population—but still a minority, and often thinking and acting as a minority. Save in the trade union movement, where the labor priest, as some were called, attained to a singular role as guide and counselor.

None has been so luminous as George C. Higgins. From his base in Washington his quiet counsel, outspoken views, unyielding convictions and gentle manner influenced the entire Nation. I attest. His voice was heard in the White House, heard in the union halls, on ghetto streets, on shop floors, and through his special association with the International Labor Organization, in the great international councils. It has been a voice of reason and of faith; ever a voice of hope. He is one of those who helped the world through the great travail of the 20th century. Through God's grace he has lived to see so much of his efforts bear fruit.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point five of Monsignor Higgins' fine articles. Written during the last 5 years they are fitting examples of his powerful writing and I commend them to my colleague's attention.

There being no objection, the articles were ordered to be printed in the RECORD, as follow:

[From the Catholic Standard, Davenport, IA, Mar. 1988]

POVERTY ANYWHERE IS A DANGER EVERYWHERE

(By Msgr. George Higgins)

"Poverty anywhere constitutes a danger to prosperity everywhere,"

That is a basic axiom of the International Labor Organization, the oldest of the specialized UN agencies. Yet, with global recession taking a mighty toll on humanity, especially in the Third World, poverty is on the rise throughout the world.

The ILO can have a noticeable impact on efforts to secure human rights and to improve working conditions worldwide through its international labor code, its push for expanded economic growth and employment, and its technical assistance program. For this reason, it is highly significant that the U.S. Senate recently ratified

two ILO conventions—the first time it has done so since 1953.

By its action the Senate served notice that America will assume an important new leadership role in the ILO. U.S. influence within the world labor body has waned tremendously during the last 35 years due to the failure to ratify ILO conventions—and the global thrust for human rights has been blunted.

With the new ratifications, the United States has ratified nine of the 162 conventions adopted by the ILO since its creation in 1919. This clears the way for the U.S. delegates—representatives from business, labor and government—to review all the conventions, giving judicious consideration to those which can deeply touch the labor market.

Indeed, the door is now open for the United States to practice within the ILO what it preaches in calling for an extension of democratic values worldwide.

I hope consideration will be given to two ILO conventions which represent an international "bill of rights" for working people.

Convention 87, which concerns freedom of association and protection of the right to organize.

Convention 98, which concerns the right to organize and to bargain collectively.

Since 1988 marks the 40th anniversary of the ILO's adoption of the freedom of association convention, it would be most fitting and satisfying if the United States were to ratify this fundamental convention this year.

Convention 87 is purely democratic, and its precepts are a linchpin of America's industrial democracy. "Workers and employers," this convention provides, "shall have the right to establish and . . . to join organizations of their own choosing without previous authorization."

Clearly, this is a First Amendment right for Americans, and it would be most appropriate for the AFL–CIO, representing workers, and the U.S. Council for International Business, representing employers, to join with the government to endorse its ratification.

As an economic and moral leader of the world, we can demonstrate to men and women of good will everywhere that we are insistent on achieving a just balance between economic and human needs in ratifying this worker "bill of rights."

[From the Catholic New York, June 2, 1988]

THE YARDSTICK: THE FINAL BATTLE IS NEVER WON

(By Msgr. George G. Higgins)

Thousands of striking Polish workers recently returned to work after reaching a settlement with the Polish government. But the "settlement" really settled nothing. It's safe to predict that sooner or later the workers will strike again unless the government recognizes Solidarity, the trade union it suppressed in 1981.

The Polish government's use of force was a key factor in ending the strike. Its show of force had one purpose: to squelch the human spirit of Polish workers.

Ironically, these events took place as democratic societies around the world are observing two watershed events in the history of human rights: the 40th anniversaries of the adoption of the U.N. Universal Declaration of Human Rights and of the International Labor Organization's convention on freedom of association and protection of the right to organize.

The Polish tragedy serves as a fresh reminder that the final battle in pursuit of human rights is never won. It is a constant and endless struggle. People of good will everywhere must join forces to protect freedom and human rights where they exist and to extend those precious rights to people who have yet to secure them.

From the perspective of working people, the ILO offers hope to the world's dispossessed and downtrodden that they might lift themselves from the poverty of body and spirit. Its convention on freedom of association is the centerpiece of ILO efforts to secure basic human rights and thereby elevate the status of working men and women globally.

Fittingly, the ILO's 1988 international convention in June will focus on human rights issues, especially in the developing nations. In the Third World, the arithmetic of deprivation is stark: an estimated 900 million live in poverty, more than 70 million are unemployed and 500 million are underemployed.

"Universal and lasting peace can be established only if it is based upon social justice," says the Universal Declaration on Human Rights. "Poverty anywhere constitutes a danger to prosperity everywhere," the ILO's 1944 Declaration of Philadelphia asserts.

As the leading democracy of the world, the United States has a special bond with the ILO, and our people should give full support to the world labor body's diverse efforts to secure human rights. Those efforts include setting a code of international labor standards and supervising their observance; technical assistance aimed at spurring economic growth and employment; and spotlighting workplace concerns and problems.

ILO Director General Francis Blanchard points us toward a better day in his report for the June conference: "Solidarity, among nations as well as within nations, is an essential aspect of human rights. It involves both a farsighted self-interest in bolstering the chances for a more stable community of nations enjoying reasonable prospects of sustainable well-being and an element of generosity toward the weak and vulnerable."

The Catholic Church has long been a leading advocate of workers' rights in Poland and elsewhere. Pope John Paul II has expressed strong support and full approval for the actions of Polish workers. And the U.S. bishops voiced support for unions in their 1986 pastoral letter on economic justice.

Let us hope that Polish leaders will take these messages to heart and begin to act civilly toward their own people and their free labor unions. The essential lesson to be learned from the Polish tragedy is that free trade unions and collective bargaining are vital instruments to achieve human rights and a higher standard of living all over the world.

[From the Postal Record, June 1988]

THE ILO: HOPE FOR THE HOPELESS

(By Msgr. George Higgins)

An eight-year-old boy in India bears molten glass on the tip of poles. Scurrying to keep up production, he dodges piles of broken glass and blazing open furnaces. His scarred face tells the story of his travails and job dangers.

In Bangkok, a 12-year-old girl, her frail body barely able to keep going, works 15 hours a day in a textile factory for a few cents pay and scraps of food.

An African father of seven wheezes as he inhales a heavy dose of asbestos while battering down the wall of a dilapidated building. A group of Eastern European workers lumber back to their dreary factory jobs after their latest effort to organize a union was crushed by government force.

There is but one multilateral organization that offers these and millions of other workers around the globe hope from oppression: The International Labor Organization, which is the oldest of all the specialized U.N. agencies.

The Geneva-based ILO, through its code of labor standards, has sought to prevent these kinds of human and worker rights violations worldwide since its creation in 1919. The ILO, uniting representatives of workers, employers and governments, also fosters economic growth and employment, and provides wide-ranging assistance on social and development issues.

Its primary focus is this Third World, but the world labor body seeks to improve the status of working men and women everything and to abolish child labor abuses. Yet the ILO faces an uncertain future because of persisting problems of funding that threaten to weaken its programs.

OUR OBLIGATIONS

Although the United States is one of the world's leading champions of human rights, it is a principal cause of the funding plight of this world body today. All Americans with a sense of social and economics justice will find it unconscionable that the United States continues to owe some $15 million toward the now-past ILO budget for 1986–87.

Further, the U.S. failed to meet its 1988 obligation of $40.6 million that was due on January 1.

The failure of America to meet its full contribution of 25 percent of the ILO's operating costs—a pledge made long ago—is the worst record of any major contributing nation.

This poor contribution record will not only serve to diminish American effectiveness in the organization, it will also seriously diminish the ILO's efforts to secure basic human rights and to elevate the status of workers in depressed and totalitarian nations, regardless of whether the oppression is from despots of the left or the right.

Succinctly, our failure to pay what we pledge will hurt us, and, worse, the people we want to help through the ILO's humanitarian efforts.

Concerned Americans and groups should insist that the United States meet its financial obligations so that this world organization can meet its noble goals. We can start by expressing dismay about this funding dilemma to our congressional representatives.

[From the Long Island Catholic, Mar. 16, 1989]

THE INTERNATIONAL WAR AGAINST DRUGS

(By Msgr. George Higgins)

Pedro Leon Pineda, Julio Cesar Uribe, Jose Hernan Usuga and Gilberto Chaverra Robledo had a number of things in common—one of them terrifying and final. Leon, Cesar, Hernan and Chaverra, all Colombian trade unionists seeking to advance the rights of fellow workers, were gunned down by assassins' bullets.

These men of labor were among a staggering total of more than 200 Colombian trade unionists and peasant leaders murdered or missing in the Latin American country between 1986 and 1988. This horrendous violation of human and trade union rights prompted the governing body of the Inter-

national Labor Organization, an agency of the United Nations, to press the Colombian government recently to take stringent steps to halt the genocide—heinous crimes committed for the most part by assassins hired, trained and protected by the nation's drug barons.

Colombia, as dreadful as the situation is, is not alone, for the tragedy of drug trafficking and abuse is a growing global problem. All of us can find some cheer in an effort by the ILO to mobilize an international war against the escalating illicit drug trade that is killing individuals, shattering families, hindering productivity and leading to wholesale violations of human rights.

With a charter to improve the status of working people worldwide, the ILO might seem an improbable organization to try to galvanize efforts to fight drugs. But through its diverse technical cooperation programs it is seeking to encourage peasants who cultivate drugs to move into alternative enterprises.

In terms of reducing drug demand, the ILO is working with employers and unions to discourage workers from abusing drugs and alcohol, thus trying to reduce the terrible cost in human and financial terms.

Recently the ILO's outgoing director-general, Francois Blanchard, took a number of positive steps to mobilize the United Nations, major international unions and his own Geneva-based organization to expand and intensify efforts in the global war on illicit drug trafficking and abuse.

In an appeal to U.N. Secretary General Javier Perez de Cuellar, Mr. Blanchard urged the world organization and its satellite agencies to explore the means by which war against drug trafficking and abuse "can be intensified and made more coherent."

Simultaneously, he asked the heads of three international labor groups, the International Confederation of Free Trade Unions, the World Federation of Trade Unions and the World Confederation of Labor, to lend their active support in fighting this "terrible scourge."

With more than 50 million people worldwide estimated to be dependent on drugs, the stakes in the war on drugs are high in terms of individual and family trauma, job losses, medical costs, lost production and profits, rehabilitation and reintegration expenses, and even death.

Anything less than all-out warfare on drugs and the criminals who push them by the world community of nations is unacceptable. Let your position on this international tragedy be known to your elected officials in Washington and urge them to support this assault on drugs under the banner of the United Nations.

[From the Tidings, Los Angeles, Mar. 31, 1989]

THE YARDSTICK: PROVIDING EMPLOYMENT

(By Msgr. George G. Higgins)

For many years Ramon Zambrano, a child of poverty, struggled about the streets of Caracas, Venezuela, begging as best he could—without legs and without hope. Four years ago, at age 20, he signed up at an International Labor Organization rehabilitation center for the handicapped and in time mastered the skill of watch repair.

Aliat Oda's long desire to have a child gave birth to an idea that led to a successful business venture in Cairo, Egypt—creating children's clothes and new jobs. With the aid of the ILO, she built a thriving business that now employs 100 workers and has begun to export clothes.

In the Sudan, Mohammed Nuri Hamed, one of nearly a half-million Ethiopian refugees and a carpenter by trade, survived on handouts for more than a decade, unable to afford tools. Two years ago, an ILO loan enabled Hamed to buy tools and raw materials and resume working.

These are just three of the tens of thousands of men and women helped each year by the ILO's technical-cooperation program, which is designed to help spur economic and employment growth in the Third World.

In the developing world, the arithmetic of deprivation and suffering is staggering: 900 million people live in poverty; 70 million are unemployed; 500 million are underemployed. The ILO predicts that 1 billion new jobs must be created worldwide by the start of the next century, as the world population soars to 6 billion and an additional 750 million job seekers flood the global work force, nearly 90 percent of them in the underdeveloped countries.

Freely chosen employment, the ILO believes, is key to raising the status of the world's burgeoning labor force. Since its creation by the Treaty of Versailles in 1919, the ILO has dedicated itself to promoting employment and protecting workers from joblessness and poverty.

As we look toward the challenges and opportunities of the 21st century, let us be guided by this basic tenet of the U.N. Declaration of Human Rights: "Everyone has the right to work, to free choice of employment and to just and favorable conditions of work and to protection against unemployment."

The ILO, featuring unions, employers and governments operating with equal voices to elevate the status of workers, offers a pragmatic approach to attaining this goal. It is essential that the United States play a central role in the ILO's efforts by providing effective leadership in the ILO and by fully meeting its funding obligations, which have lagged badly in recent years.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I raise to inform my colleagues that today marks the 1,885th day that Terry Anderson has been held in captivity in Beirut.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT OF 1990

MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the motion to proceed to S. 2240.

The Senate proceeded to consider the motion.

Mr. CRANSTON. I thank the Presiding Officer of the Senate.

Mr. President, today we begin debate on one of the most important initiatives that the Congress will consider this session—the Comprehensive AIDS Resources Emergency Act of 1990. This legislation quite literally addresses a life and death issue—both for individuals with AIDS and for the health services programs, public and private, that provide care to people with AIDS.

Before I speak about this legislation, I want to congratulate the chairman and ranking member of the Labor and Human Resources Committee, Mr. KENNEDY and Mr. HATCH, for their truly outstanding efforts in bringing this legislation to the floor. They put aside partisanship and philosophical differences and have worked tirelessly together to secure 63 cosponsors and the support of countless organizations for this legislation. They did that for one reason—to save lives. It is not often that an issue is so terribly important and urgent that so many diverse individuals and groups rally around one bill. But, clearly AIDS is such an issue.

Mr. President, on behalf of all people with AIDS and all of us who care deeply about easing their pain, I want to thank Senators KENNEDY and HATCH for expediting this cause. I understand that Senator KENNEDY will be here later this afternoon to make his opening remarks on this legislation. I am glad that Senator HATCH is now on the floor.

Mr. President, I also want to pay tribute to the young man to whom this legislation is dedicated—Ryan White. After fighting AIDS for 6 years, Ryan succumbed to the disease on April 8. His struggle with AIDS was fought in the public's eye—from his first efforts to go back to school with his friends to his last days in the hospital. That is quite a lot for a 13-year-old boy to deal with. but he did so with grace, persistence, and good humor. He faced life with a deadly disease and discrimination head on. He showed America that someone with AIDS could be anyone of us—a friend, a neighbor, or a relative.

Mr. President, with this bill, we carry on Ryan's fight to help people in pain to live their lives to the fullest, and with dignity.

Mr. President, as the sponsor of the first bill in the Senate in 1988 to focus comprehensively on AIDS care issues, I believe that the time is long overdue for the Federal Government to provide leadership to ensure that people with AIDS have access to vital health and social services. I recently met with representatives of community-based organizations that provide services to people with AIDS in California. They said that without this legislation, they simply will be unable to continue providing such services to people with AIDS. As a caring society, we cannot stand idly by and let that happen.

The Federal Government recognizes that true disasters cannot be dealt with by individual cities or States

alone. The magnitude of assistance that is needed in those situations is just too great. We acknowledge the responsibility of the society as a whole to come to the assistance of individual communities and individuals themselves during times of crisis. We responded compassionately and quickly when the residents of South Carolina and of northern California were devastated recently by natural disasters. The time has come to recognize AIDS as a national disaster that is disproportionately affecting certain parts of the country. These areas cannot be expected to continue to cope with this crisis alone.

Unless new drugs are developed, hundreds of thousands of Americans will likely develop AIDS in the coming decade. With new therapeutics, many may be able to continue working and lead productive and full lives. But many will be sick and need a broad spectrum of health and support services. We must begin now to develop a system of care that is compassionate and cost-effective.

NEED FOR LEGISLATION

Mr. President, as of April 1, more than 128,000 Americans have been diagnosed with AIDS and 78,000 Americans have died from this horrible disease. As many as 1 million Americans may be infected with the HIV. By 1993—just 3 short years from now—it is expected that there will be anywhere from 61,000 to 98,000 new cases of AIDS and between 151,000 and 225,000 people alive with AIDS.

Health care costs to provide care to people with AIDS are also increasing rapidly. It is estimated that by next year providing direct medical care to persons with AIDS will cost $8.5 billion. Although nearly 30 percent of people with AIDS today have private health insurance, the number of people with AIDS with no insurance is increasing.

The public hospitals are bearing the brunt of providing uncompensated care to people with AIDS. A recent survey found that in 1988, 10 hospitals treated 38 percent of all people with AIDS in the United States, and public hospitals treated the largest proportions of low-income AIDS patients. Many of our public health systems are on the verge of collapsing because of the growing numbers of people with AIDS.

SUMMARY OF THE CARE ACT

Mr. President, this legislation would provide emergency relief to those metropolitan areas hardest hit by the AIDS epidemic. Funds would be available to support hospitals, clinics, community health centers and other facilities serving a disproportionate share of low-income individuals and families with HIV disease.

Fifty percent of the funding under title I—for which $300 million is authorized—would be distributed immediately to areas with more than 2,000 AIDS cases. Thirteen cities nationwide would qualify. The remaining funds would be awarded to those areas on the basis of need, local investment, and other factors.

Title II—for which $300 million is also authorized—would provide funds to all States to develop networks or consortia of care to provide a continuum of care, provide early intervention and support services, provide outpatient and home health services, provide for the continuity of health insurance coverage, and provide life-prolonging therapeutics for people and families with AIDS and HIV disease.

States would be required to set aside at least 15 percent for health and support services for infants, children, women, and families with HIV disease in order to ensure that women and children, who have unique needs, have access to specialized services.

Finally, States that have a significant incidence of AIDS must distribute at least 50 percent of their funds directly to local entities in order to develop consortia of care.

IMPACT OF THE AIDS EPIDEMIC ON CALIFORNIA

Mr. President, the impact of the AIDS epidemic on California has been enormous. Nearly 25,000 cases of AIDS—20 percent of all the cases that have been reported since the epidemic began—have occurred in my State. San Francisco and Los Angeles each have seen 7,900 and 8,700 cases respectively of AIDS—more than half having resulted in death. In San Francisco, virtually everyone knows someone who has been affected by the epidemic; last year alone, more than one San Franciscan out of every thousand developed AIDS—the highest rate of any city. But other California cities have also been hit hard—San Diego, Oakland, San Jose and Sacramento.

This legislation, if fully appropriated, would mean a significant amount of funding for the people of California. Out of the initial $150 million in title I that is to be distributed within 60 days to cities with more than 2,000 AIDS cases, Los Angeles would receive $15.8 million and San Francisco would receive $23.5 million.

Those cities would also be eligible to receive additional assistance out of the supplemental $150 million under title I. Under title II, in which funding would be provided for the organization, development and operation of comprehensive systems of care for individuals and families with HIV disease, California would receive $53 million. This funding is intended to help many of the second wave cities, like San Diego.

Mr. President, I am especially pleased that this title incorporates the model for establishing comprehensive AIDS CARE services programs—HIV care consortia—that I sought to promote in legislation I introduced on the first day of Congress, S. 14. I based that legislation on the experiences of San Francisco, which has been a leader in developing a network of home and community-based services for people with AIDS.

This case-management-based model has resulted in dramatically lowered costs for AIDS care. Dramatically lower costs. More than the cost savings, however, community-based care was far preferrable to hospitalization because it allows individuals to remain at home with friends and families and, to the maximum extent possible, to function independently.

This legislation would help other communities to develop similar consortia to meet their individual needs.

Mr. President, as the number of AIDS cases continue to grow—and it will grow well into the 1990's, unfortunately—more and more communities and States will have difficulties responding to this crisis. Cities all over the country are reporting that without some relief, the entire public health system that serves all Americans is very seriously threatened.

We must take immediate and decisive action to alleviate the tremendous suffering and to prevent further tragedy. This legislation represents such bold action. It says to the American people that we care when there is great pain, and we respond compassionately. It represents the best hope for hundreds of thousands of Americans infected with the HIV. I urge all my colleagues in the Senate to support the enactment of this important legislation.

I am pleased that Senator HATCH, who has been a very effective leader in this effort, is now on the Senate floor. I trust that he at this time will speak. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the Chair. I thank my good colleague from California, and I appreciate his kind remarks with regard to both the distinguished Senator from Massachusetts and myself.

I do not know why these public health bills are always such difficult bills, but we have passed two major AIDS bills that have been Kennedy-Hatch bills as well, and I remember the tremendous difficulties of getting them to the floor and getting them enacted.

Now S. 2240, the Comprehensive AIDS Resources Emergency Act of 1990 has had some difficulty getting to the floor, and we will see what happens as far as getting it through. It makes so much common sense. We have faith in this body—and we have 64 cosponsors—that this bill should go through the Senate before the end of this week.

It is also important to note that this bill is named after Ryan White, as the distinguished Senator from California said. It is really a commemoration of one of the most courageous young men any of us have ever met—a courageous, uplifting, always optimistic, sweet, decent, kind young man. I pay tribute to his parents, too. I have only met his mother, as I recall, but the mother is a wonderful woman who is trying to do her best to spread the word that we must do everything to end this terrible malady that affects so many people throughout our country today.

One of the reasons bills, such as this, have some difficulties is because there are people afflicted with AIDS who have differing lifestyles from others. It is a mistake to condemn this bill or find fault with it based upon anybody's lifestyle, because this is not a bill that should be characterized in any way other than as a public health bill. AIDS is a public health epidemic and we must treat those who are suffering from it.

This is a bill trying to alleviate pain and suffering. This is a bill to help communities who treat not only individuals afflicted with AIDS and their immediate families. These communities are having a very difficult time handling these problems. And, in 13 major cities, there are more than 2,000 individuals who have AIDS.

I empathize with California, because California has more than its share of persons infected with AIDS. So no one should make any mistake about this. Today we are debating a public health bill. When it comes to the public health, we should get together and resolve difficulties and problems that exist. We worked very hard to do so, as we have on the prior two AIDS bills. There are issues involving AIDS that are very controversial and very difficult to handle. I do not think this particular bill is one of them.

Let me describe this legislation. In title I, this bill authorizes emergency assistance grants to cities that have reported 2,000 or more cases of AIDS as of March 1990.

Thirteen cities, Atlanta, Boston, Chicago, Dallas, Houston, Los Angeles, Miami, New York, Newark, Philadelphia, San Francisco, San Juan, and Washington, DC, have reported at least 2,000 cumulative cases of AIDS as of that date.

In order to receive these title I funds, each of these cities must establish an HIV-health services planning council by December 1 of next year. The Secretary of HHS must distribute half of the grant funds to the eligible cities by March 1. The remaining grant money must be allocated in the form of supplemental grants to eligible cities. These cities are to use these particular assistance funds to further assist public or private nonprofit health facilities that serve a disproportionate share of low-income people with HIV disease.

The distinguished Senator from California has indicated that there are 1 million cases of AIDS. We know there are estimated that up to 1½ million people are infected with HIV. And, there may be more than that. But, this bill provides care for individuals who have AIDS. When we talk about who needs care, we talk about children—and this bill takes care of children—it takes care of mothers with AIDS and children, heterosexuals with AIDS and homosexuals with AIDS. We should not delineate among these people. These are human beings that are suffering from one of the most dreaded diseases in our society, a disease which we should find a care by spending the money and putting in the time, effort, and research into to end the needless suffering.

It is estimated that there are 2,200 children in this society who actually have AIDS. It is estimated that the number is at least 10 times as great—10 times—or somewhere in the neighborhood of 20,000 to 25,000 children who are infected with AIDS. How do they get AIDS? They get it through contaminated blood given to their mothers during birth, and they get it because some of their mothers are IV-drug abusers.

What are we going to do? Are we going to let these children die because their mothers are IV-drug abusers? Are we going to condemn the mothers to death who have contracted AIDS because during a difficult pregnancy, like Elizabeth Glaser? She had a transfusion of blood that was contaminated with AIDS and contracted AIDS. She has lost one child already and has a second child that she is trying to save, plus her own life? Mr. President, the answer is "No."

I have never seen more courageous people—Ryan White, Elizabeth Glaser, from California, and her husband, a wonderful human being, Paul Michael Glaser. Elizabeth has not just languished and complained and worried about the disease that has afflicted her and her children.

She has gone out and raised millions of dollars for pediatric AIDS research and treatment all over this country. The least we can do as a Government is help the kids like Ryan White; babies, unlike Ryan White, who will die before they even reach Ryan White's age; help them with this difficult burden and problem of AIDS.

Many of these IV drug-abusing mothers became so because of an uncaring and insensitive society. I do not want to compound that lack of care and insensitivity by not doing what we can do now. We must contain this epidemic which was worse a few years back when we passed other AIDS bills. Nevertheless today, AIDS is still of epidemic proportions.

Some say it has leveled off. If it has, it has been because we had the heart, compassion, guts, and ability to fight to enact those prior AIDS bills in spite of the fact that some people are irritated because of the nature of the problem.

What are we going to do? Are we going to ignore the Elizabeth Glasers, Ryan Whites? Are we going to ignore anybody, other IV drug abusers? Are we going to ignore a hemophiliac man with six children, a wonderful family man who because he needed blood transfusions, accidentally contracted AIDS, and not do what we can to alleviate that suffering?

What are we going to do? Just ignore these problems?

This bill, the CARE bill, makes an enlightened attempt to try and solve these problems for everybody, as it should.

I cannot go back to the origination of AIDS and spend a lot of time on that and blame anybody. All I can say is there is a tremendous problem that exists in our society today, one that it seems to me only the Federal Government, in conjunction with the State governments, can do anything about. That is what we are trying to do here. Yes, we will have to expend more money. Yes, I am a fiscal conservative, and I do not want to spend more money. However, the fact of the matter is that we already are, and people are dying, and we have to do it. And, if we do not, we will be penny wise and pound foolish. We will really have an outrageous, raging epidemic that will be unstoppable. So, let us pay the price now, and hopefully, reap the benefits of finding a cure, treating people compassionately, and end the tragic suffering.

Let me describe the bill: In title I the authorization is $300 million for each of fiscal years 1991, 1992, and such sums as may be necessary for fiscal years 1993 through 1995.

Title II authorizes spending designed to improve HIV care in all States including rural urban areas. The Secretary of the HHS can use up to 10 percent of these funds to provide States with technical assistance and to establish a Special Projects of National Significance Program. Title II money is to be used by the States to establish HIV care consortia, to provide care to areas most affected by disease, to provide home care and other community-based services to people with HIV disease, to develop and support mechanisms, to ensure continued coverage for people with HIV disease, and provide HIV therapies for low-income people through primary care, and support services.

Now, I have to say that up to 15 percent of the title II grants go to sup-

port infants, children, women, and families. It is a set amount.

Let me repeat: There are over 2,200 reported cases, as I have said, of children with AIDS. This number does not include children infected with the HIV virus, and it is estimated that for every child reported to have AIDS, for every 1 there are 4 to 10 other unidentified cases.

Further, it is estimated that nearly 3,500 children will have AIDS by 1991, and approximately 20,000 will be HIV-infected. AIDS will be the fifth leading cause of death for all children in the next decade and a major cause of mental retardation.

In the adolescent age group, 500 cases of AIDS have been reported as of March 1990. Health care experts assert that this number masks the true incidence of HIV infection in teenagers. While the extent of infection in teenagers is unknown, the more than 200,000 estimated cases among young people in their twenties may serve as an indicator of the prevalence of the virus among adolescents.

We have heard from these children, teenagers, and their families about the need for a special emphasis on pediatric AIDS research and services, and to address the problem of the fragmentation of education, research, health care, and support services.

This legislation provides infants, children, women, and families with HIV disease access to help. The bill provides that a portion of the States' HIV care grants be used specifically to provide health care and support services for this particular population. It also includes a definition of the term "family centered care" that highlights the pivotal role of the family in care delivery.

Further, the bill provides that transitional care facilities would be eligible to receive HIV emergency relief grant funds, and that home health services to be funded by HIV care grants would include developmental and rehabilitation services.

Transitional care facilities are utilized by children with AIDS who no longer need hospital care but for whom foster care placement has not been finalized. Also, because some children with AIDS are now going home rather than living in the hospital, community and home care services will need to expand to meet the developmental and rehabilitative requirements of children with AIDS, many with mental retardation and motor function problems.

Mr. President, I strongly support the motion to proceed to the consideration of S. 2240, the Comprehensive AIDS Resources Emergency Act. The specific provisions of this particular bill, the Comprehensive AIDS Resources Emergency Act of 1990, are listed on this particular chart. As we said, the purpose is to provide emergency relief for those metropolitan statistical areas hardest hit. This means 2,000 cases, by AIDS public health assessment. The fund used to (a) support health care facilities serving a disproportionate share of low-income families; (b) to provide case managed community-based outpatient health care, including home health care and support services, for the purpose of reducing hospitalization and spending.

The bill authorizes $300 million for 1991 and 1992, and such sums as necessary in 1993, 1994, and 1995. I have talked about the comprehensive care programs under title II including the home health care programs, and, again, the funds are to be distributed to the States based on the number of AIDS cases and relative per capita income.

All States are required by this bill to set aside 15 percent of the funds for delivery of health and support services for infants, children, women, and families with HIV disease. So this authorizes for title II, $300 million in 1991, 1992, and such sums as may be necessary for 1993, 1994, and 1995.

Title III requires research to evaluate various models of AIDS care service delivery and financing system for the care of individuals with HIV disease. I support, strongly, this motion to proceed.

We have talked about the devastating health threat AIDS really is, and what it really means. I think we have to follow President Bush's advice when he stated: "In this Nation and decade, there is only one way to deal with an individual who is sick; with dignity, compassion and care, and confidentiality, and without discrimination."

Let me just talk a little bit about the crisis. According to the Centers for Disease Control, AIDS is not going away. Dr. James Curren, a physician at CDC, stated:

> Just as HIV infection progresses in an individual, it now has done so in society. It has matured. People are getting sick at a rapid pace.

It is predicted between 52,000 and 57,000 Americans will develop full-blown AIDS just this year. New cases of AIDS are up to 12 percent among homosexuals, up more than 20 percent among intravenous drug users, and up 38 percent among heterosexuals.

So, this bill does not threat this just a homosexual issue. Yes, it will help them. But it will also help the intravenous drug users who have AIDS. And yes, it is to help the heterosexuals who contracted AIDS.

It is to help everybody who has AIDS. That is what we should do. We should not restrict who it can and cannot help. Everyone is affected. And, it is believed that AIDS will spread among heterosexuals at about the same level as other sexually transmitted diseases, with some groups being more at risk than others.

The number of currently infected individuals is at least 1 million. At least half do not know they are infected, and only a few hundred thousand seek medical help. Of the more than 1 million infected with HIV, 3 to 5 percent are going to get sick each year, leading to a continued rise in AIDS cases and strain on the health care system.

The Centers for Disease Control has set up other testing programs to measure how far and how fast the AIDS virus is spreading. For example, it tested some 2 million newborns last year for HIV antibodies. The results indicate that between 4,500 and 6,000 HIV-infected women gave birth, resulting in between 1,500 and 2,000 infected babies, and that is happening every year. While we have made some strides in reducing the rate of transmission, the epidemic is not over.

Let me take a minute here to go over a chart on who actually has AIDS and where it is increasing. The AIDS increases in 1988 and 1989 in homosexual and bisexual males, it went up to 8 percent; transmissions through heterosexual contacts, have gone up 27 percent; transmission from mothers to newborns, up 17 percent; and women, up 11 percent. A lot of people are infected by this disease. And a lot of people are affected by this. We are just talking about the people infected. We are not talking about their spouses and families and children and neighbors and others who may not even know that AIDS is in their community.

The fact is we also know that minority communities have been specially hard hit. Let us first take the impact of AIDS on blacks. In the U.S. population—on the chart, the black bars represent men, the gray bars represent women—as a portion of the total U.S. population, blacks are 12 percent. CDC figures for 1981-89 show that 27 percent of black adults and adolescents have AIDS. Homosexual or bisexual men, non-IV drug abusers represent 16 percent of black men who have AIDS. IV drug abusers, who are heterosexual represent 48 percent of the black men with AIDS. In women, the IV drug abusers are 58 percent of the total black women with AIDS, and 53 percent have partners with HIV. In children with AIDS, 53 percent are black children. These are startling. So it is not just among homosexual and bisexual men and women. But even if it is, it is still a problem that ought to be handled.

Mr. HELMS. Will the Senator yield?

Mr. HATCH. Yes.

Mr. HELMS. I will be glad not to ask my question now if he prefers. Would the Senator go back to one of his charts?

Mr. HATCH. This one?

Mr. HELMS. No. Let me see the other one. That one will do. Put that up and let me ask a question or two.

Does the Senator have any raw numbers. He says, in this instance the number of AIDS cases is up 17 percent, but does not say from how many cases we are talking about.

Mr. HATCH. Let me say this. Most of those who are infected have become infected through high-risk behavior. There is no question about that, either through IV drug abuse or promiscuous sex.

Mr. HELMS. The Senator does not know how many?

Mr. HATCH. I think I can give the Senator some idea. Sixty percent of infected adults are homosexual or bisexual.

Mr. HELMS. I agree.

Mr. HATCH. So, if we have 1 million people infected with AIDS, we might extrapolate about 600,000 of them.

Mr. HELMS. Where does the Senator get the 600,000?

Mr. HATCH. It might be a million and a half.

Mr. HELMS. It may be 100. Percentages do not mean a lot unless you know what the base is.

Mr. HATCH. The Centers for Disease Control have said 1 million people have HIV infection. That is their best estimate. I also heard the figure could be as high as a million and a half.

Mr. HELMS. The CDC itself has backed off in saying that the whole terrorizing statistical percentage presentations have been exaggerated; is that not correct?

Mr. HATCH. Not particularly. Be that as it may, whether it is 1 million or a million and a half or 100,000, it is too many. Most authorities think it is too many.

Mr. HELMS. One case is too many.

Mr. HATCH. That is right. One is too many.

Mr. HELMS. I will not interrupt the Senator. I will listen to him with great interest.

Mr. HATCH. Let me give these facts because I think they will help answer the Senator's question. Sixty percent of infected adults are either homosexual or bisexual, 21 percent of the adults are abusers, and another 7 percent are both homosexual and drug abusers. That is part of the 60 percent. That is a total of 88 percent of adult AIDS cases who have AIDS because of high-risk behavior.

Mr. HELMS. But we are still talking in percentages.

Mr. HATCH. That is right.

Mr. HELMS. I have some specific figures that I am going to allude to.

Let me say that I do agree with the Senator about the horror of this disease. But there is one thing about it. I have never heard once in this Chamber anybody say to the homosexuals and IV drug users, who make up over 90 percent of the AIDS population, "Stop what you are doing." Does the Senator realize that if they would stop what they are doing, there would not be one additional new case of AIDS in the United States of America other than those already in progress.

Mr. HATCH. I do not agree with that. There would not be additional cases among homosexuals, but there certainly would be other cases because of the prevalence of the disease right now.

Mr. HELMS. I think I prefaced it, that there would not be one new additional case of AIDS.

Mr. HATCH. Among homosexuals.

Mr. HELMS. Ryan White was an innocent victim of these people. And I think it is about time that this Senate addressed the moral issue. I have not heard one Senator, except listening to myself, who has said, look, this talk about who is causing this, who caused it from the very beginning?

Then I will talk some more about the statistics when I take the floor. I thank the Senator for yielding.

Mr. HATCH. I thank my friend and colleague from North Carolina.

I do not agree with him that if all homosexuals quit having any homosexual contact that that would end the AIDS crisis. I do not think it would. In fact, I do not think it would make a dent. It would certainly help alleviate some of the AIDS problem. But we would still have the problem among heterosexuals, among children, among IV drug abusers and others. This is not just a homosexual problem.

Mr. CRANSTON. If the Senator will yield, would it not require cessation of all sexual activity and all use of blood to stop this?

Mr. HATCH. If you want to reduce the transmission of AIDS, it would require cessation of all sexual activity by everyone who has a potential infection, it would also require no more transfusions and, it would require no more needle-sharing. Now, we are making headway in the transfusion area by doing effective testing on blood. I do not want to have people panic-stricken by the discussion here today. But it is no secret that Ryan White and others—I mentioned Elizabeth Glaser; I mentioned my friend down in Texas, who is the father of six children and fine family man, who contracted AIDS as a hemophiliac, but who got AIDS because of a blood transfusion. Just because AIDS is transmitted through sexual contact, blood transfusions, and IV drug use, I do not think we should condemn those to death who have the disease. We should do what we can to get rid of this disease. I do not think we should condemn people to death, individuals like Mason White, the former president of the Hemophelia Foundation.

I do not think Ryan White should be condemned to death, or anybody else like Ryan. I do not think we should condemn to death Ariel or Elizabeth Glaser, whom I mentioned. I do not think we should condemn to death Linda Mason, a member of the President's Commission on AIDS, a wonderful human being who is doing everything she can to help people who, through no fault of their own, contracted AIDS.

I do not think we should condemn to death the Ray family, of Florida. And, we should not condemn to death over 1 million Americans who are HIV infected, which include at least 4,000 children and their mothers.

I would point out a couple of other things I think are important here. The impact of AIDS on Hispanics: As a percent of American population, they are 8 percent—that is going up dramatically as we know. But of Hispanic adult/adolescents, 15 percent have AIDS. Homosexual or bisexual men who are non-IV drug abusers represent 10 percent of the AIDS cases in Hispanic males, IV-drug abusing men, represent 32 percent of those Hispanic males who have AIDS.

In Hispanic women, IV drug users are 20 percent and those with AIDS because of partners who have HIV, 23 percent. Of the children with AIDS, 24 percent are Hispanic.

So the two largest minority communities in this country are hard hit with AIDS and it is not going to get better unless we face this problem. That is what this bill, I think, forces us to do.

Let me talk just a few minutes about the origin of the AIDS virus. The biggest unanswered question is—since the Senator from North Carolina has raised this issue—we have lots of hypotheses, but no particular facts. We can say, No. 1, the virus was not created in the laboratory. It is not a product of germ warfare.

One of the areas earliest hit was central Africa, an area where homosexuality and IV drug abuse play virtually no role in the transmission of the virus. Transmission is predominantly through heterosexual contact in those areas.

Transmission from monkeys is also one of the hypotheses. Viruses similar to the AIDS virus have been isolated from nonhuman primates. A theory has been put forward that early on humans first acquired AIDS as a variant of those viruses. It is not unique for such viruses to be transmitted to men from nonhuman primates.

In Africa, a likely scenario is that transmission occurred during hunting, with exposure to blood from the infected monkey. There is no evidence that sexual contact was the means for transmission in the early instance of the transmission of AIDS.

In Haiti, transmission during the early part of the epidemic occurred through bisexual or homosexual conduct and contact. However, transmis-

sion now occurs through the whole array of possibilities, including heterosexual contact, blood transfusion, as well as perinatal transmission from mother to child.

So there is no use saying that AIDS all comes from high-risk homosexual conduct.

This body has addressed other landmark AIDS bills. Let me describe how they have worked. Several of the health care programs authorized by the HOPE legislation, have been in operation for several years, and they have a track record of success.

First, we have low-income treatment assistance programs funding the AZT therapy program. AZT alleviates pain and other difficulties and problems that are suffered by HIV-infected people. The Low-Income Treatment Assistance Program has been providing life prolonging therapeutics to people with AIDS since September 1987.

Our strong commitment to biomedical research in AIDS has brought significant advances. Those advances mean AIDS is increasingly being viewed as a chronic, treatable illness.

By helping low-income individuals gain access to AIDS treatment, like AZT, we have been able to keep many HIV infected individuals working and earning, thus eliminating their need to turn to public assistance programs. Through grants to States, thousands of individuals who face both poverty and certain death have been kept, both alive and productive.

In addition, access to early treatment, like AZT, can help reduce utilization of hospitals. Currently, the added demand for services created by the HIV epidemic is taxing many inner city health care systems to the point of breakdown.

Finally, the most compelling incentive for individuals to step forward for HIV testing and counseling is the availability of proven medical interventions, like AZT, which can extend life and reduce suffering. This program has been extremely effective. It is not bureaucracy, it is life-sustaining drugs for individuals desperately in need.

I have here a letter signed by more than 40 Members of the Senate, affirming the critical nature of this program. In addition, I also have a letter signed by the vast majority of the State public health officers in this country, including Dr. Sheldon Elman of Utah. I am pleased that the availability of these drug therapies are being authorized as an eligible use of funds under the AIDS C.A.R.E. block grant of S. 2240.

Home care is authorized in HOPE. As part of the omnibus AIDS package passed by the 100th Congress, Senator KENNEDY and I and a lot of others, including the distinguished Senator from California, worked hard to get that bill through. The Senate unanimously endorsed the delivery of home and community-based care for people with AIDS.

As the Labor and Human Resources Committee has heard during the 2 years of hearings, home care is not only more humane, it is more cost-effective. So, this bill emphasizes home care. And, in the end it really will save us money as well as help to treat those infected with AIDS.

In many areas of the country, an individual can receive home health care for at least a week for less than the cost of a single day in acute care. In addition, home care allows individuals with AIDS to be with family members rather than languishing in expensive hospital beds, isolated from traditional support systems.

The home care authorization in the HOPE legislation will sunset in 1990. So, I am very pleased that we are now about to reauthorize this critical important program that is part of the AIDS C.A.R.E. State Grant Program.

We also authorized AIDS demonstration programs. The AIDS service demonstration projects have been in operation through the Health Resources and Service Administration, HRSA, for 4 years. Currently, HRSA operates adult AIDS C.A.R.E. demonstration projects in 26 cities and pediatrics AIDS C.A.R.E. demonstration projects in 13 cities in this country.

In a recent speech, President Bush stated:

> From Seattle to Boston, from Dallas to Detroit, Federal grants have helped coordinate the efforts of care providers, business and community organizations to set priorities and pool resources to meet the treatment needs of the people with AIDS.

These demonstration projects have built partnerships between the public and private sectors and assisted in both the development and coordination of essential health and support services.

In two recent evaluations, one by the GAO and one by Systemetrics, these projects were applauded for filling critically important gaps in necessary services. Both reports recommended that these programs be expanded to other areas of the country as the AIDS epidemic continues to geographically diversify.

This has also been a clear message from both the Presidential Commission on the HIV Epidemic chaired by Admiral Watkins and the National Commission on AIDS. It is time now to take action, from what we have learned from these projects. I am pleased that the community-based consortia of care for individuals, children, and families has also been incorporated into this legislation.

So, Mr. President, much of what we are trying to do in S. 2240 here now is not entirely new. Some have been in operation and have been proven effective. What we are doing here is merely increasing the flexibility granted to the 50 States so that each can tailor programs designed to meet their needs, their public health special needs.

This action is humane, it is compassionate, and it is fiscally responsible. I think it is time we handle these matters in this type of a way.

Mr. ROCKEFELLER assumed the chair.

Mr. HATCH. Mr. President, I am hopeful that our colleagues will support Senator KENNEDY and me and the 62 other cosponsors—there are 4 of us—in moving forward with this legislation. This bill actually emphasizes aspects of the AIDS epidemic that no other Federal initiative has addressed in such a comprehensive manner. The bill targets funds directly for pediatric AIDS patients. For children who through no fault of their own, no high risk conduct on their part, have contracted AIDS.

We are talking here about children who contracted this deadly virus through no fault of their own. We are talking about children who have AIDS because they received HIV-infected blood, or because their mothers were carriers of the virus. We are talking about children like Ryan White and Ariel Glaser. We are talking about the 2,200 children who have contracted AIDS and the over 1,000 children who have died from this dreadful disease.

This bill also begins to recognize that the AIDS epidemic has not escaped rural America. When we think of AIDS, we may see images of New York City, or Los Angeles, or San Francisco. But the fact is that AIDS is in the rural North, it is in the rural South, rural Midwest, in the rural New England and rural West of the United States, and every other part of the country.

This bill also comes to grips with the adverse ramifications that the disease has on our Nation's health care system. Health care providers, particularly urban hospitals, have been stretched to the limit to provide treatment for AIDS patients who are largely low income.

Mr. President, there is not a single Member of the Senate, Republican or Democrat, who would not jump into the water to save someone who is drowning. I do not think any of us would fail to get in there and do our best. We would do it without first asking how he or she happened to fall into the water or happened to lose their confidence to swim. We would jump in and help.

This bill is not a debate about factors causing individuals to contract AIDS. It is not a debate about the efficacy of education programs. This bill is simply an effort by those of us in this body who want to do something to

heal all the victims of this terrible disease. It is a terrible, debilitating, worrisome, outrageous epidemic disease. This bill provides humane care.

Mr. President, I do not want to condemn to death any person who has AIDS in this country. I do not care, in all honesty, what it was that caused them to contract the disease in the sense of wanting to help. I just want to help them.

It is fair to say that AIDS is a flagrant, widespread epidemic of high-risk conduct, in many of the people. But let me tell my colleagues, everybody in our society from time to time makes mistakes. Many people have emotional illness, or mental diseases, many people have not had the privileges that many of the rest of us have had. Many of them have not had parents that have taught them, as I have to say my parents have taught me, and as I hope Elaine and I have taught our children.

Oddly enough, any of us who may stand by and criticize better look at ourselves. We better look into our own hearts and our own minds and our own lives and if anybody, even in this body, does that, they are going to have to conclude that there are lots of things they can improve upon. We have some very wonderful people in this body, but we all make mistakes. We all do things that are wrong. We all have problems. And, I would hate to think that if people anywhere in this world or this country had diseases, and we could maybe find a cure, that we would not take the time or the effort or spend the money or do the things necessary to get a cure.

Should we just let the disease run rampant because we do not agree with the morals of certain people? For one, I, do not. I do not condone homosexual activity, but that does not have a thing to do with this bill. AIDS is a public health problem. It is hurting our country and hurting people who really should never have had to come in contact with this disease. It is hurting children, and mothers, and families and a lot of people.

Mr. President, I have only been in this world 56 years, but I can say that I know there are a lot of good people who have made mistakes in their lifetime. There are a lot of good people who are infected with the AIDS virus who make contributions to our society. We should provide them compassion and care.

The reason this Nation is great is because of diversity, because of our great laws, because of the great freedoms that we have. This Nation is great because of the rights that we protect, because of so many things that this body does, but also because we are a compassionate Nation, because we look at problems and we do not always worry about how they started. We worry about what to do to end them. That is why this Nation is so great.

I think we all need to keep that in mind as we work on bills like this. It is not pleasant to work on difficult public health issues, but it is always pleasant for me to work on them when we find a way for solutions and have ways to lead to alleviation of the problems.

I hope that all of my colleagues will look at this bill as another step in the way of resolving the difficulties surrounding AIDS. Let us not look so much at how AIDS started, because nobody can really define that, nobody really knows. Regardless, there are people who are infected by this dreaded disease that need treatment. This bill offers that.

I am proud of the two prior bills we have passed because they have made a difference in the lives of people who are effected by AIDS, and that includes many who do not have the virus. It includes family members who have to live with this problem, and it includes you and me as we interrelate with people in our society.

Mr. President, this is an important bill, and it is in the best interest of this country to pass it.

I think that is why we have such overwhelming cosponsorship of it. I hope that our colleagues will vote to invoke cloture tomorrow, and I hope we can go forward on the bill.

If there are amendments which will improve it, I will be the first to try to push to have those amendments adopted. If there are differences that have to be resolved, I know that the distinguished Senator from Massachusetts and others and myself will do our very best to resolve those difficulties.

Mr. President, it is time to move forward. We are running out of time on this issue. I hope that all of our colleagues will help us to do so.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, this bill is going to pass the same Senate that allowed the Labor/HHS appropriations conference to strip out the amendment which would have let the wife of an AIDS-infected husband know that her husband had AIDS. I have talked about this a number of times on the floor, and I think it bears repeating before we talk about this legislation.

A couple of years ago I received a call from a young woman who was employed in the House of Representatives. She worked for a Congressman. She said, "Senator, I need to talk with you and I need to bring my mother to see you."

I said "Of course." I had not met the young woman, nor her mother, but they came in the following day, two lovely ladies, and we sat, the three of us, for a couple of minutes engaging in the customary pleasantries. Then I asked the young woman, "How may I help you? She said, "I'm going to let my mother tell you."

Tears came to the eyes of the mother, and she said, "Senator, I don't know how to begin." I said, "Just begin somewhere. What is the problem?" She said, "Well, I have AIDS." Then she began to recite the circumstances by which she developed the AIDS disease. Her husband, who was a prominent attorney in a city in the State of Michigan, to be specific, was a homosexual, and he developed AIDS. His doctor told him he had it. The husband refused to permit the doctor to advise the man's wife that he had it. That is how that lady became a victim of AIDS.

A few months ago ABC News did a report on this young lady. Sam Donaldson interviewed her. As the interview progressed he became increasingly amazed that any government could permit this type of horror to go on in the name of civil rights. Well, Sam, I'm horrified also.

Now, let us examine some aspects of this bill. And I say again that the freight train is rolling. It is going to pass. But at this moment the Senate, once again, is in the process of beginning the consideration of an AIDS spending bill. The number is S. 2240, and it has the name, the "Comprehensive AIDS Resource Emergency Act."

Just about everything that goes through this Chamber and the House of Representatives these days bears the word emergency in its title.

Mr. President, President Bush has already called for $3.5 billion in AIDS spending for next year—$3.5 billion—and now in this Chamber we are preparing to consider a 5-year authorization for another $2.9 billion—$2.9 billion—on top of what the President has requested. That is $600 million for next year, $600 million for the year after that, and then the language says whatever may be necessary after that.

It is interesting to see the orchestration of support for this bill. The way the legislative process works is that a great many Senators do not give a great deal of thought to what they agree to cosponsors; there are too many things rolling back and forth in committee and on the floor. But what we have is another legislative flagship for the homosexual segment of the AIDS lobby and its apologists in and out of Congress, and in and out of the major news media. Being whipped up today is a hysteria bordering on terror

by the repeated proclamation, and we have heard it this afternoon, that AIDS is everwhere and that we are on the verge of another bubonic plague.

I think one of the saddest things is that the taxpayers' money is being proposed to be used to proselytize a dangerous lifestyle. In the meantime, millions of other Americans, gravely ill with Alzheimer's or cancer or diabetes—go down the litany of diseases—are being cast aside, along with common sense, in the headlong rush to feed the appetite of a movement which will not be satisfied until the social fabric of this Nation is irreparably changed. I invite any historian sometime in the future to go back through the CONGRESSIONAL RECORD and see how many times there has been even a comment on the floor about the role that immortality has played in this matter. But that is neither here nor there.

This legislation, S. 2240, is dedicated to the memory of Ryan White, and his name will be invoked over and over again, as it has already been this afternoon.

Let me say at the outset that I admired this little boy who died of AIDS on Palm Sunday of this year. He was a gutsy little fellow. The tragedy suffered by Ryan White and his family was and is very real. For Senators who have not looked beyond the People magazine headlines, let us review just a little bit the story of Ryan White and the tragedy that befell him.

Ryan was a young hemophiliac who contracted AIDS from a tainted blood transfusion in 1984. He was immediately ostracized in school because the people in his community had been led to believe that AIDS is readily transmissible by even the smallest of children. Ryan then spent 5½ years with his short life trying to enlighten the public about his own horrifying affliction.

He told Americans that you do not get AIDS by chewing on pencils or saying, "hello" to somebody in school. He told us that children have been the unknowing victims of the madness which brought this disease to Ryan White and America's young people.

Mr. President, no compassionate American can fail to be moved by the Ryan White story. He deserves an honest remembrance. But the American people deserve to have an honest assessment of those who have so callously used the suffering of Ryan White to promote their political agenda.

Think back just a moment. Just before Ryan White died, the Hollywood and media crowd were rushing to Ryan's home. They knew the television cameras would be there. Most of these people had no more credibility in issuing their medical declarations about AIDS than you and I do. Yet, there they were bidding for the time and attention of the TV cameras, helping to promote the type of ignorance and misinformation which has elevated AIDS into a political issue totally out of proportion to its medical impact on the people of this country.

Let men be candid. The homosexual lobby of America knew the Ryan White story was too good to pass up. Therefore, his struggle and his death could be used to frighten the American public into believing that AIDS is waiting to happen to everyone, even if they do not engage in illegal and/or immoral activity.

So Ryan White was portrayed as a typical victim, not the exception that he was. And the AIDS propaganda machine churned out the demand for special treatment and privileges for the kind of people who caused Ryan White's death.

There are many in this body who dare not challenge the homosexual AIDS lobby or even attempt to discuss the real tragedy of the death of Ryan White. Why? Because the rules of debate for this public health crisis are different from every other disease this Nation has ever encounted.

In the AIDS debate, Members of the U.S. Senate operate under a rule which says certain facts and certain issues must be left unmentioned and, therefore, ignored. And if that fails, then try to put down any Senator who attempts to discuss this aspect of it. We cannot talk about the kind of behavior that puts even young children like Ryan White at risk.

This AIDS lobby and its allies in the media and in the political arena are unwilling to say that Ryan White would never have contracted AIDS had it not been for the perverted conduct of people who are demanding respectability. Of course, under the orchestrated rules of the AIDS debate, if anybody talks about the role that homosexuals and drug users play in the epidemic, he or she might as well expect to be condemned as a homophobic.

I frankly do not care whether this Senator is called a homophobic. This Senator cares that AIDS activists are successfully demanding more and more of the taxpapers' money for specific research on AIDS—out of all proportion to the medical threat posed by the disease—and that AIDS patients are on the verge of being given rights which no other Americans enjoy.

Despite all of this, children continue to die because of the focus of most legislation is on the impact that AIDS has on homosexual men and now the drug user.

The real tragedy is that the public health system of this Nation has been ripped apart, and that the death of people like young Ryan White is being exploited to promote a political agenda that will put more innocent children like Ryan White at risk.

As Tony Snow wrote in the April 13 edition of the Washington Times, "That's sick."

Before turning to the statistics of where we have been heading in this epidemic, let me say that if IV drug users and homosexual men would stop their activities today there would never be another case of AIDS in this country other than the ones already in progress. For the information of Senators 94 percent of all cases of AIDS are to be found in homosexual and bisexual men, or IV drug users.

Statistics are being bandied around. I attempted to question my good friend from Utah [Mr. HATCH]. He talked about percentages. I wanted him to talk about the number of cases numerically. It is true, according to the best information available to me, that AIDS has killed 78,000 people since 1980; 78,000 in 10 years. That is bad. That is a tragedy. Each one is an individual tragedy, the same as it is a tragedy when anybody dies of any disease.

The Centers for Disease Control pointed out in its estimate of the impact of the disease that the extent of the problem is far less than was originally predicted in the early 1980's. Almost every day, certainly every week, in the 1980's, we had a new projection of how many cases there were going to be. We will hear that today and tomorrow, and perhaps in the succeeding days. But the estimates by the Centers for Disease Control show that despite all of the dire warnings there has not been an outbreak of AIDS among heterosexuals. In fact, Dr. Rand Stonebrunner, director of AIDS research at the New York City Department of Health, in reporting the discovery of seven cases of AIDS, seven, among heterosexual men in New York City, emphasized his belief that six out of seven lied about their sexual and drug abuse history.

That means that only seven purported cases of strictly heterosexual AIDS—not cases of AIDS passed because of high-risk practices—have been found in all of New York City, among the thousands who have been infected with AIDS; and six of the seven are in doubt, because Dr. Stonebrunner believes that the six lied.

Let me make one thing perfectly clear, as the expression used to go in this city. I do not claim to be a research scientist, but I can understand that the incidents of AIDS have gone down due to the fact that the people among which it thrives have already been saturated by the disease.

Nevertheless, the Federal Government spent $1.5 billion on AIDS research in fiscal year 1990, while overall Federal AIDS spending was $3 billion. As I mentioned earlier, President Bush has asked for $3.5 billion in AIDS spending in fiscal year 1991.

Senators KENNEDY and HATCH now seek to authorize another $600 million on top of that $3.5 billion. What about the possibility, if not the probability, that this is another case endemic to Washington, where solutions are found or hoped to be found by throwing money at them.

Let us look at other diseases. Heart disease, which is the No. 1 killer in the United States, will claim between 760,000 and 950,000 lives in 1990. Yet, heart disease research has been funded at only $649 million. Cancer, I heard on the radio this morning in a news report, is expected to take the lives of 518,000 people this year, but cancer research has been funded at only $1.6 billion.

Alzheimer's disease afflicts 4 million Americans and will kill over 100,000 in 1990. Yet, Alzheimer's funding stands at only $148 million, and that happens to be less than they spend on AIDS education materials and pamphlets, detailing what? So-called safe sex.

I do not know how other Senators feel, Mr. President, but spending the taxpayers' money to promote safe sex seems to me to be an excuse for promoting a dangerously promiscuous lifestyle.

Diabetes: This afflicts 11 million Americans and kills an estimated 36,000 of them each year. Yet, diabetes research received Federal funding of only $267 million for 1990.

Look at it another way, statistically, if you wish. According to the Public Health Service, people with AIDS represent one-tenth of 1 percent of the patients in this country. On the other hand, it may be of interest that 86 percent of the patients in our hospitals and clinics suffer from mental illness in one form or another.

The Centers for Disease Control states that on a yearly average, 10,000 people with AIDS have lost their lives since 1980—10,000 per year. The authors of S. 2240 and all of the cosponsors propose to spend more than $4 billion extra on AIDS programs in fiscal year 1991. To be more precise, the Federal Government spends an average of $10,000 on research for each AIDS patient, while by contrast, cancer patients receive only $185 per patient on research. Those with mental illness receive, would you believe it, $7 per patient, in federally sponsored research.

A lot of people are waking up. Time magazine is not noted for being the most conservative journal in this country, but Time has pointed out the dangers of throwing more and more money at the AIDS problem. I have in hand a copy of the January 22 edition of Time magazine, which included a detailed report entitled "The AIDS Political Machine."

I commend Time magazine for its candor. I know how many rough letters they got from irate readers who are a part of the homosexual community. But the magazine described the activities of a well-oiled special-interest lobby which has altered the way the public health apparatus of the U.S. Government conducts business by raising the legitimate question of whether or not AIDS activists have distorted the national medical response to the disease.

That is the reason I interjected briefly when my good friend from Utah was speaking, to inquire if he would talk in specific numbers of patients, rather than percentage increases, because they will not tell the same story. The dollar figures used for AIDS research represent more than excessive Federal attention to the disease, in my judgment, because money and talent and time are being diverted from other projects in research to AIDS research.

Because AIDS research is so singularly focused, the likelihood of spinoff medical discoveries are remote, according to scientists. Dr. David Korn, who is dean of the Stanford Medical School, said, in Time magazine:

> When you target money too narrowly, you exclude other areas that may prove very fruitful.

Of course, he is right.

Mr. President, the AIDS lobby has pressured Government to discard proven public health measures which have successfully controlled diseases in the past. But now we have the spectacle of these activists demanding quick Federal funding and the approval of untried miracle cures, thereby leaving the door open for quacks and snake oil salesmen.

Approval of AZT was rammed through the FDA system in less than 4 months time. James Todd, of the American Medical Association, noticed, and I quote him: "Penicillin could not get through that fast." The average drug approval time, by the way, Mr. President, is more than 2 years.

So that is the reason I am on my feet today, not because there is even the remotest chance of having the Senate consider all of the facts in this matter. I have heard in the last 5 years various Senators stand up and rail against proposals that a wife be informed that her husband has AIDS. Why? Among other things, it is only common decency that she at least be given a fighting chance to avoid the disease.

I have heard Senators advocate providing drug addicts with needles. I have heard them advocate allowing foreigners with HIV or worse to come into this country with no questions asked. All of this funnels down into one question: How many more Ryan Whites will have to die before we come to our senses? Sure we are all sorry for anybody who is sick with anything, no matter how he or she got it. But that does not require us to throw common sense to the winds.

I have already addressed the cynical exploitation of Ryan White to mask the political movement behind such legislation as we are considering. I have discussed the fact that research on other diseases is drying up as more and more resources of the Federal Government are being used to target AIDS and at a time when there is almost mayhem on Pennsylvania Avenue and on Capitol Hill about some way to control Federal spending. The old process of throwing money at a problem is really with us now.

But let me mention, and I will be as brief as I can, some other troubling aspects of this legislation.

The bill has a section which says that no less than 15 percent of the funds authorized will go to the treatment of those with pediatric AIDS to families and women. Let me tell you something, Mr. President, I certainly agree that that should be the focus of this legislation. So why only 15 percent? How did they reach the 15 percent? What about the other 85 percent?

But if you read a little further down the text of S. 2240, you will find that this legislation allows the States to waive—waive—the money for pediatric-specific programs. Why is that in there? Does that not make the pretense of dedication to Ryan White just a little bit disingenuous? I wonder how many Senators will give that a thought?

The only legislation the Senate should be considering is a proposal to save innocent children and other innocent people from AIDS. That is all. Incidentally, I might add as a footnote, the National Institutes of Health spent $139 million last year on pediatric AIDS. This so-called Comprehensive AIDS Emergency Act, S. 2240, proposes to spend $2.9 billion over the next 5 years primarily—and nobody talked much about this—primarily in 13 cities of this country. They happen to be where the largest number of AIDS cases have been found.

One tactic in getting support for this bill was to encourage the 50 States to declare that they are undergoing an AIDS crisis. See how these words just creep into legislation? Emergency; we have the dire emergency supplemental appropriation bill; we have this emergency bill. Everything is an emergency, and everything involves the use of taxpayers' money, and I think the $3 trillion debt that the coming generations will have to shoulder is testimony to the fact that you do not solve problems by throwing money at them. But that is exactly what this bill proposes to do.

Obviously this business of using States and percentages—not figures, not statistics—percentages—you will

notice the charts there, they are all in percentages, so when you begin to look at the fine print, and I am inclined to do that from time to time at 1 or 2 o'clock in the morning when I am trying to figure out where a piece of legislation is going, I find some interesting things. This tactic of encouraging the States to declare that they are undergoing an AIDS crisis as a prerequisite to their receiving funds, well, it has a bad odor to me. This, of course, orchestrates and promotes the AIDS hysteria.

I was looking at title II of S. 2240, the bill we are talking about. It mandates the formation of AIDS councils in all States, with any, any, rural outbreak of AIDS. And as an attempted justification, the authors of the bill have emphasized, for example, and this is just one example that the State of North Dakota has experienced a 75-percent increase in rural AIDS in the past 10 years. Think of it, a 75-percent increase. Then you look at the fine print, Mr. President, and you find that in 10 years North Dakota has had precisely 18 cases of AIDS, and 13 of the 18 had been reported at the beginning of the 1980's. The same scenario is played out in South Dakota, South Carolina, Wyoming, Idaho, North Carolina, right on down the line.

You can prove anything with figures, particularly percentage figures. Obviously, this has the appearance of a shell game, and it is going to be played out in every State and rural area because they want that free money from Washington. The bottom line is that Greensboro, NC, or Indianapolis, IN, or rural Texas will never have an AIDS epidemic or outbreak such as New York and San Francisco. But the homosexual AIDS lobby does not want the American people to know that.

I listened to my friend from Utah, for whom I have the highest respect and affection. He made an emotional appeal—he is good at it—as he concluded his remarks. He even bordered on acknowledging, insofar as I can recall for the first time, that the cause of this problem is sodomy.

Now, somewhere in the archives of the Centers for Disease Control in Atlanta, GA, is a document, as I understand it, describing how AIDS came to this country. You call down there now, and they say we do not know where it is. But there have been many allusions to that report in the archives of the Centers for Disease Control.

The story I have been told is that a Canadian airline attendant, male, caught the disease overseas. He came to the United States. He stopped at various places. And what do you know? Everywhere, it was documented, that he stopped and spent the night while an airline attendant, that is where AIDS popped up rather promptly. He was known at CDC as Patient Zero and the early discovery of HIV was traced to him.

Now, to be sure, you cannot go back and say, well, that is tough, that should not have happened. But I think it was Patrick Henry who said he had no light to guide him except the light of the past. But one thing is sure, as far as I am concerned: AIDS is, always has been, and always will be a behavioral epidemic confined almost exclusively to homosexual and bisexual men and to IV drug abusers.

The exhortation that this is everyone's disease will not, and does not, survive serious scientific scrutiny. It is, to be blunt about it, a hoax. And, as I tried to say earlier, if the homosexuals and IV drug abusers would stop their abnormal practices this date, there will never be another new case of AIDS in the United States except those that are in progress as a result of previous conduct.

So I return to the political agenda which keeps the AIDS machine rolling along, consuming vast sums of the American taxpayers' money and—and—destroying traditional values as it goes steamrolling along. That is what is at stake.

AIDS is rapidly on its way to becoming a declared handicap for the purpose of establishing a legalistic definition of discrimination. The Americans With Disabilities Act, which passed the Senate back in September, would extend civil rights protections to HIV carriers, even though more than 90 percent of them caught the disease through illegal, unlawful, immoral conduct.

Now, I am very sorry about this. I am a Baptist and I was taught a long time ago to hate the sin and try to love the sinner. But some of these people make the latter part of that tough.

The citizens of America are, of course, compassionate people. They have seen their Government make one concession after another to the AIDS lobby. What originally began as the measured response to a public health emergency has become a weapon for destroying America's Judeo-Christian value system.

Let me tell you something, Mr. President—and I do not hesitate to say it at all—the pratices of homosexual men and IV drug users is still revolting, no matter what coloration is put on it by legislation passed by this Senate or this Congress. But I will tell you this, I seriously doubt that the majority of Americans look with favor on this. I think the polls are pretty clear. And, I also doubt that the majority of Americans would approve this legislation if there were any way for them to know and understand the full implication of S. 2240.

That is about it, Mr. President. As I said at the outset, this is another one that I will not be on the prevailing side.

In conclusion, I ask unanimous consent that an article entitled, "The AIDS Political Machine," from the January 22, 1990, edition of Time magazine, and an editorial "Gay Rights Advancing Under the Banner of AIDS," by Mr. Charles Muggeridge, from the September 21, 1989, edition of the Wall Street Journal, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Time magazine, Jan. 22, 1990]

THE AIDS POLITICAL MACHINE

(By Dick Thompson)

Good news rarely kicks up controversy, but this may be an exception. A report soon to be published by the national Centers for Disease Control estimates that the size of the AIDS epidemic is significantly smaller than originally projected. Since 1986, the Federal Government has claimed that as many as 1.5 million Americans were infected with the incurable virus. The number soon to be announced will be around 1 million, and some Government officials suggest that the count could be as low as 650,000. Also, the rate of new infections in New York City, Los Angeles and San Francisco is at last slowing. "In retrospect," says the CDC report, those earlier estimates, "based upon limited data available at the time, were to high."

Why the controversy? Because AIDS lobbyists insisted all along that the scope of the epidemic was being understated. By doing so, AIDS activists overcame conservative resistance and rightfully elevated the fight against the disease to the top of the nation's public-health agenda. Says June Osborn, chair of the National AIDS Commission: "We should not be content or comfortable. The national response to an out-of-control epidemic has been frighteningly modest."

But now that the picture is brightening statistically after a decade of gloom, many research scientists and health-policy analysts question whether the changes brought by AIDS activists harm basic research, the public health and perhaps even those who are at risk of acquiring the virus. Says Joel Hay, a health economist and senior research fellow at the Hoover Institution: "Things are out of whack." Three areas merit special concern:

A swollen budget. After an initially sluggish response by the Reagan Administration, Washington has pumped current AIDS funding to a robust $1.6 billion. That is slightly more than the budget for cancer ($1.5 billion), which killed more than twelve times as many people last year (500,000, compared with 40,000 who died from AIDS). And it is far greater than the $610 million budget for heart disease, the nation's top killer. "It's wrong to spend more money on a disease that will never kill more than 35,000 to 40,000 people a year on a disease that will kill a half-million every year," says Michael Fumento, author of the recently published *Myth of Heterosexual AIDS.*

Cures first, prevention second. The most effective means of controlling a contagious epidemic is through prevention. But the AIDS movement has emphasized the rapid development of treatments for AIDS victims. Says Michael Nesline of the activist

group ACT UP: "We're fighting for people for whom the question of prevention is a moot point." In this regard, the movement found allies in conservative politicians who were unable to support "safe sex" education but saw AIDS research as politically neutral.

Consequently, spending on drug development has outpaced funding of prevention programs 2 to 1. Some public-health officials fear that the concentration on cures has been at the expense of educating Americans who remain at risk—primarily blacks and Hispanics of the inner cities of the East. Thus the epidemic in those ghettos is likely to grow. Says Samuel Thier, president of the National Academy of Sciences' Institute of Medicine: "We should have known that focusing largely on treatment after infection would not be an adequate long-range strategy."

The emphasis on AIDS research is also beginning to draw fire from scientists, whose non-AIDS projects have been squeezed for funds. Traditionally, major health efforts have fueled broad basic-research programs. But "AIDS money is targeted," observes Donald Fredrickson, former director of the National Institutes of Health. The narrow focus reduces the chances of spin-off discoveries for other diseases. Says David Korn, dean of the Stanford School of Medicine: "The course of discovery in biology is not linear. When you target money too narrowly, you exclude other areas that may prove to be very fruitful."

Lowered standards for drug approval. Almost as soon as drugs are shown to be somewhat effective, the AIDS lobby pushes for their immediate release. To overcome bureaucratic delays, some activists have launched so-called underground testing of drugs that have been of questionable value. The lobby's greatest influence has been at the Food and Drug Administration. AZT, for example, won Government approval in less than four months, compared with a current average of two years. Says James Todd, senior vice president of the American Medical Association: "It's distorted all the traditional principles for drug approval. Penicillin couldn't get through that fast." While some modification of FDA regulations may have been necessary, many people believe that the changes being made at the FDA to accommodate AIDS activists threaten a system that has protected the public from quack cures, like the apricot pits once touted for cancer sufferers.

The AIDS lobby has been so successful because early on it grasped a fundamental principle of American research. Explains Philip Lee, University of California at San Francisco professor of social medicine: "The system is a political process." By using Washington connections, media savvy and even civil disobedience, the AIDS movement may have become the most effective disease lobby in the history of medicine. Says Jeff Levi, a former executive director of the National Gay and Lesbian Task Force: "Long after AIDS is gone, we will have changed how research is done in this country."

Certainly every disease has its lobby. But AIDS is the first deadly epidemic to strike an already organized political constituency, the gay-rights movement, which began with a fundamental distrust of mainstream society, including organized medicine. The AIDS lobby, says Columbia law school professor Harold Edgar, "is independent of and really indifferent to the interests of the scientific establishment." AIDS lobbyists have often been motivated by fear and anger about public indifference, or even hostility, to their terrible problem. AIDS activism, "has to do with racism and homophobia," say Nesline of ACT UP. "What's new is that queers and junkies started doing something about it."

Translating the grass-roots movement into legislation was the work of the National Organizations Responding to AIDS. Representing 150 health and civil rights groups, NORA orchestrates long-range strategy and shepherds all AIDS legislation through Congress. "The coalition provides an opportunity for groups to have more influence than their size would dictate," says William Bailey, federal-policy officer for the American Psychological Association and a founding member of NORA. "When you have 40 to 60 groups saying the same thing, that's a very compelling statement."

The efficient AIDS lobby towers over lobbies for other diseases that strike just as many people. NORA executive director Jean McGuire acknowledges, "The unlevelness of the playing field is a result of the gay community's initial articulateness and money." That has come to mean that AIDS has a far greater impact than the number of victims would dictate.

If the current response to AIDS is skewed, it may be because so much effort was required to overcome the inertia of the Reagan years. Congress found every Reagan AIDS budget inadequate and increased funding year after year. The AIDS political machine is running as efficiently as ever, and any modifications of the nation's AIDS response will require a more dispassionate approach among activists.

Still, AIDS remains a significant problem worldwide. And while researchers have made tremendous strides in drug development, these drugs are expensive and more difficult to use elsewhere, especially in the hardest-hit areas of Africa. The challenge to American researchers now is to find not only better treatments but also treatments that are low in cost and easy to use.

Fundamentally, the problem is that scientists are better at making pleas for more money than at setting priorities for research. "There's a lot more to do [in science] than money to do it with," says Stanford's Korn. "Without priorities, we're left to well-organized lobbyists. That's the American way." Bumper stickers and demonstrations may be acceptable in picking a mayor, but the political process is proving to be a mixed blessing when confronting an epidemic.

[From the Wall Street Journal, Sept. 21, 1989]

GAY RIGHTS ADVANCING UNDER BANNER OF AIDS

(By Charles Muggeridge)

Rep. Barney Frank's personal difficulties have caused this society once again to consider the limits of its tolerance for public expression of homosexuality. Barriers to such behavior seem to be falling with gathering speed.

Twenty years ago this summer, New York City police battled with patrons outside a gay bar named the Stonewall, and only the Village Voice reported it prominently. In April, the mayor of New York renamed the site where the riot occurred, "Stonewall Place." But despite the claims often made for it, the Gay Liberation movement that began after the riot scored few advances until recently.

Statutes and ordinances prohibiting discrimination on the basis of "sexual orientation" or "sexual preference" are still comparatively rare. San Francisco was the first jurisdiction to adopt one, in 1972.

Los Angeles enacted a similar law in 1979, as did Austin, Tex., in 1982. Berkeley, West Hollywood, Sacramento and Santa Cruz, Calif., all adopted gay rights laws early. But the slow amelioration of the legal status of homosexuals has dramatically accelerated since 1986—and credit for the acceleration must go to the thing that gay activists feared would hamper their progress most: the AIDS virus. As Cleve Jones, a gay lobbyist from San Francisco, told the fifth annual conference on AIDS research—which met in Montreal in April—"In spite of the horror of the epidemic, in many ways the cause was advanced by it."

The New York City Council approved an ordinance forbidding discrimination against homosexuals in employment, housing and access to public accommodations in March 1986. The Canadian province of Ontario did the same later that year. Gay city employees in Hartford, Conn., were extended special protections in May 1988.

Last January, Colorado Gov. Roy Romer issued an executive order adding "persons perceived to be at risk from HIV infection" to the list of persons protected against discrimination by the state's human rights code. A bill to add sexual preference to the list of complaints that can be brought to the Massachusetts Commission Against Discrimination has reached third reading in the state legislature. Montgomery County, Md., approved special legislation to protect gays and lesbians against hate crimes Wednesday.

AIDS has come to be considered a handicap for anti-discrimination purposes in almost every jurisdiction. The federal handicapped rights bill that passed the Senate in August and that is now before the House would extend protection to AIDS victims. Gay activists hailed the legislation as a milestone in their struggle for equality. AIDS sufferers are explicitly protected by special legislation in, among other jurisdictions, Los Angeles, Colorado, Illinois, Maryland, New Jersey, and New York.

And that is only the beginning of AIDS's contribution to the struggle for gay rights. On Aug. 7, New York Mayor Ed Koch introduced Executive Order 123, creating the status of "domestic partner" for persons who have a "close and committed personal relationship" to a city employee. At least several cities, including Takoma Park, Md., Berkeley, Calif., Madison, Wis., Los Angeles, Seattle and San Francisco have put domestic partnership laws into effect. (Angry citizens have forced the San Francisco Board of Supervisors to put the order to a referendum that's still pending.)

The most important consequence of these laws is to put responsibility for the medical bills of the lovers of homosexual city employees onto the city. The pressure for domestic partnership laws is an obvious consequence of the AIDS crisis and the tremendous cost of treating AIDS. Unionized municipal employees confronting $300,000 in medical bills for a loved one are understandably eager to shift that cost.

One effect of that cost-shifting, and presumably not an unintended one, is an extraordinary change in the legitimacy with which society regards homosexual relationships.

Another legitimating effect of the AIDS crisis is even more pervasive and comes from the "AIDS education" that is now being conducted in the schools, on college campus-

es and in the mass media. A young man sits on the edge of his bed, preparing to go out for the evening. He will be ready for whatever happens because he is bringing condoms along. He pulls on a sock: "It's as easy as that." That is a relatively inexplicit public service announcement that was broadcast in prime time in New York state this summer.

In a more provocative version, made for the City of New York but not yet broadcast, a handsome man talks directly to the camera: "It was a perfect evening. Candlelight, music, stars. And then he asked me whether I enjoyed safer sex. I've never felt so good about saying, 'Yes.'"

In democratic societies, majoritarian habits of thinking elide the difference between what is common and what is normal. These commercials, although ostensibly meant only to tell people how to protect themselves if they do engage in homosexual activity, in fact carry a powerful legitimating message. Perhaps that is why Cardinal John J. O'Connor of New York sent back to committee for re-examination a recent paper from four bishops on AIDS education. The paper, "The Many Faces of AIDS: A Gospel Approach," called for teaching students about the use of condoms, despite the Catholic Church's opposition to artificial birth control. Cardinal O'Connor described the paper as "a very grave mistake."

But other institutions have proven more accommodating to the AIDS-inspired trend than the Catholic Church. Trans World Airlines announced in July that homosexual couples could share frequent flier points. A TWA official told a lawyer representing gay rights groups, "We are aware of the non-traditional lifestyles prevalent in our society and our sole interest is the promotion of travel, not social commentary."

A New York state court held in July that a homosexual man who had shared a rent-controlled apartment for 11 years with a tenant who subsequently died of AIDS was entitled to inherit the apartment from his dead partner. Richard Higgins, the Housing and Community Renewal Commissioner for the city of New York, has said that he will enforce and extend the rights of gay "widowers."

Whatever the symbolic importance of Barney Frank, the future of gay rights does not lie with the dramatic, but with the seemingly inevitable accommodations of city and state officials to AIDS and its suffers. Those officials may have begun by responding to a public health crisis; in the end, they will have sanctioned a transformation of North American moral attitudes.

NEXT ON THE AGENDA?

In "After the Ball," (Doubleday, 1989) Marshall Kirk and Hunter Madsen propose a radical departure from the traditional tactics of the gay rights movement:

Gay life in America is hard, and promises little improvement unless something is done, and promptly, to transform society's antigay attitudes. We have in mind a strategy as calculated and powerful as that which gays are accused of pursuing by their enemies—or, if you prefer, a plan as manipulative as that which our enemies themselves employ. It's time to learn from Madison Avenue.

Some stalwart gay revolutionaries feel strongly that appealing for acceptance through advertising bespeaks groveling capitulation and conformitarianism. It is the public's job, they insist, to disburden itself magically, on its own, of its massive sexual hang-ups; the homosexual's only duty is to "learn how to love" himself or herself. Sooner or later, the public will be impressed by our gay pride, and come around.

We think this radical argument is rubbish. We are Americans, going nowhere living cheek-by-jowl with our persecutors. To gain straight tolerance and acceptance is not just a legitimate goal of gay activism. It must be the principal goal.

How is tolerance forgot? Not just through affirmative self-expression, but through communication. Self-expression, like singing in the shower, is usually its own reward, but communication has failed unless one has persuaded the listener. To date, most public acts by the gay community, ranging from eccentric modes of dress to rancorous mass demonstrations, have accomplished self-expression at the expense of communication.

Every public message in our mass media campaign should be the result of gays having put themselves in the public's binding high-button shoes and asked: If I were straight and felt the hostility most straights feel toward gays, what would it take to get me to change my antigay feelings?

Straights should hear that gays are victims of circumstances, that they no more choose their sexual orientation than straights chose theirs. Gays must also be portrayed as victims of violence and humiliation, job and housing insecurities, loss of child custody and countless other miseries.

Our campaign should not demand explicit support for homosexual practices per se. It must focus, instead, on antidiscrimination and fundamental freedoms. In practical terms, this means that cocky mustachioed leather-men, drag queens and bull dykes, who constitute a small minority within the gay community, would not appear in the first wave of gay commercials. Rather, TV viewers would be introduced to conventional young people, middle-aged women, and older folks of all races, who happen to be gay.

To confound bigoted stereotypes, strongly favorable images of gays must be set before the public. We would summons history's eye-popping honor roll of prominent men and women who were homosexual or bisexual. That roll is long enough to represent gay men and lesbians as a veritable pillar of Western civilization. At the same time, we must make homohatred look bad by vilifying those—Klansmen, neo-Nazis, gay-bashing punks—who persecute gays.

How can gays get their case before the public? It will be easiest to approach the print media first, encouraging magazines and newspapers to accept gay money by showing them ads whose messages are pure white bread. Straight Americans will begin to see them everywhere, small print ads (and, if the campaign has the funds, large billboards):

"In Russia, they tell you what you have to be. In America, we have the freedom to be ourselves. The National Gay & Lesbian Community proudly joins America in celebrating July 4."

"People Helping Instead of Hating—That's What America is All About."

And so forth. Through a hailstorm of such brief messages, the public will become accustomed to gay commercial sponsorship. Several years down the road, our salami tactics will have carved out, slice by slice, a large portion of access to mainstream media. What next? The campaign will launch media messages of open support for the civil rights of gay persons.

Through such efforts over the next decade, we will gradually build a society in which gays are not set apart. We want straights to revoke all laws criminalizing sex acts between consenting adults, as the abhorrently arrogant and invasive barbarisms they are. We want straights to provide for us, by special legislation and affirmative action if need be, the same rights to public speech and assembly, to work, shelter, and public accommodations, to legal marriage and parenthood that straights have always enjoyed.

To get there from here, however, it will be up to gays to clarify for the public what bigots have deliberately obscured: that we are not fighting merely for the right to look different or to have as many one-minute stands as we can possibly line up. We're fighting for the right to love and marry. We're not fighting to eliminate community ethics, to live like selfish libertines, narcissistically and meanly. We're not fighting to eradicate Family; we're fighting for the right to be Family. Once that message has struck home, we can all return to our regularly scheduled programming.

Mr. HELMS. Mr. President, I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Alabama is recognized.

Mr. HEFLIN. I thank the Chair.

(The remarks of Mr. HEFLIN pertaining to the introduction of S. 2620 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, quite a bit has been said in the course of the opening stages of the debate about Ryan White, about his valiant struggle and his noble effort to assist others afflicted by AIDS before he died. It has been suggested that some people have sought to use him in ways that were not proper or appropriate.

I would like to read a letter from his mother, that all of us, as Senators, received. I met with her a wee bit ago when she was here. She hoped we might be able to act upon this measure while she was in Washington so she could witness this act that is dedicated to her son as it was considered in the Senate. Unfortunately that was impossible, due to the Senate schedule. So, here we are today, finally dealing with this measure.

On April 26, not long ago, she wrote the following letter, Ryan's mother, to every Member of the U.S. Senate:

DEAR SENATOR: My son, Ryan White, spent the last five years of his life not only fighting for his life, but also fighting for the lives of all people living with AIDS. Although we have now lost Ryan, we cannot lose sight of his courage and his hope. Ryan

always said that we must fight the disease of AIDS and not the people who have it. No one more than Ryan understood the fear, prejudice, and discrimination suffered by people with AIDS. This fear must be eliminated, and people with AIDS must be treated with the dignity and compassion that all our fellow citizens deserve.

I am therefore tremendously proud that the Senate Labor and Human Resources Committee has chosen to dedicate the Comprehensive AIDS Resources Emergency (CARE) Act of 1990 to the memory of Ryan. This bill will help ensure that all people with AIDS and HIV infection receive the health care they need and deserve. I know that Ryan was always somewhat bewildered by the attention he received. At the same time he was determined to use this attention to ensure that all Americans learned more about how to help people with AIDS, rather than fear them. I believe Ryan would be proud to know that his struggle may help pass a bill that will aid thousands of others in their fight against this dreaded disease.

The CARE bill will accomplish two important goals. First, the bill will provide 300 million dollars in emergency assistance to our cities most severely affected by the AIDS epidemic. Second, the bill will provide another 300 million dollars to help smaller communities throughout the country develop comprehensive care programs for people with AIDS.

My own experience tells me how desperately this funding is needed. Shortly before Ryan died, we were in Los Angeles for an Academy Awards party. Ryan suddenly fell ill and we desperately tried to find some medical attention for Ryan in L.A. We found that the AIDS care specialists in L.A. were overwhelmed by the ever-growing caseload and they were unable to see Ryan. If Ryan, perhaps one of the most well-known persons with AIDS in the United States, could not get medical attention, can you imagine what it must be like for those who are less privileged?

We then flew overnight back to Indiana where Ryan was immediately admitted to Riley Hospital. There, Ryan was fortunate enough to get outstanding medical care and Riley Hospital generously offered to pay for all of Ryan's medical costs. But what happens to those who are not so fortunate? What happens to the hospitals that are increasingly facing bankruptcy because they continue to provide free medical care to persons with AIDS who can't afford to pay? What happens to people with AIDS in the thousands of other rural communities across the country that are not equipped to meet their special needs?

Title II of the CARE bill will provide much needed funds to smaller communities throughout the country to enable them to plan comprehensive care programs for people with AIDS. As my experience has shown, rural America is desperately unprepared to meet this growing epidemic. Without careful planning, many smaller communities could find themselves in a position similar to that of our large urban cities today. The CARE bill will help ensure that rural America will be prepared for AIDS, and that no one will ever again have to experience the frustration and despair that Ryan and I have to face when trying to get him the health care he needed.

I urge you with all my heart, knowing that Ryan would join me in this if he could, to give the CARE bill your urgent attention and ensure that it swiftly passes through Congress.

It is signed, "Very truly, Jeanne White," the mother of Ryan White.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, earlier this afternoon my colleague and friend, the Senator from Utah [Mr. HATCH], reviewed this legislation, different provisions of the legislation, in very careful detail, and so now available to the Members not only in the report but in the full RECORD there is a very ample examination of the reasons that this legislation has been developed and an analysis of the various provisions and the reasons for those various provisions.

I will touch on the major provisions just briefly this afternoon. But I want to thank him for his explanations, and also the Senator from California [Mr. CRANSTON], for his excellent statement.

Senator CRANSTON and Senator HATCH and other members of our committee in a very strong bipartisan fashion bring this legislation which is reported out of our committee virtually unanimously. I think that says a good deal on where we have come as a committee, and also the Senate, in terms of coming to grips with this particular disease which affects so many of our fellow citizens and is increasingly a danger and threat to the public health of the people of this Nation.

And also I think the American people have developed a better understanding about how we can and should be dealing with this particular disease. In this legislation, we are providing some special help and assistance to those areas of the country, those cities, which have the highest degree or high incidence of HIV and AIDS.

Then the other section, section 2, provides a formula grant to the States so that they can focus those resources within the State that may have high concentrations but that may not meet the other title I requirements. It provides some very special recognition of the increasing growth of AIDS in many of the rural areas of this country.

This is a new phenomenon. If you will examine the report, you will see the actual percentage in the increase of AIDS. The percentagewise increase is much more dramatic in rural America and in small communities. That is certainly something that has not been generally understood, but I believe the Members certainly are increasingly appreciating that.

We attempted to recognize that in the development of the legislation, particularly in title II. We have incorporated in title I and title II what I consider to be the cutting edge—I guess in terms of delivery of a range—of services that those afflicted with this disease need, and to do it in a way which stresses compassion, stresses care, stresses good-quality medicine.

Also as a result of the way this is approached, we will provide, we believe for actual savings of hundreds of millions of dollars to the States that are increasingly picking up the charges in Medicaid provisions, and the local taxes which is picking it up in terms of the support for public health service and community hospitals.

So we will have a chance to get into all of these areas in the course of the debate as we move through the consideration.

I know the name of Ryan White has been mentioned earlier, Mr. President, but I want to draw to the attention of the membership, in the report that was issued by our committee, the dedication of this legislation:

* * * to the memory of Ryan White, who died on April 8, 1990, after a 6-year battle against AIDS. Beginning at the age of 13, Ryan valiantly fought not only the human immunodeficiency virus itself, but also fears about AIDS that were based on ignorance and senseless discrimination against people with AIDS and HIV disease. With dignity, patience, and almost unvarying good cheer, Ryan White introduced to people across America and across the world a face of AIDS that caring human beings could not turn their back upon. First through his courageous fight to be allowed to go to school with his peers, then through his tireless efforts to educate and explain the realities of his illness, young Ryan White changed our world. By dedicating this legislation to Ryan, the committee affirms its commitment to provide care, compassion, and understanding to people with AIDS everywhere Ryan would have expected no less.

Mr. President, I welcome the opportunity to bring this legislation to the floor with our colleague, Senator HATCH. We express our appreciation to the leadership, to Senator MITCHELL and Senator DOLE, for giving us the opportunity to address this extremely important health challenge that we are facing all across our country.

We really are facing an emergency. This legislation is necessary. It is essential for helping and assisting millions of our fellow citizens, and helping and assisting many of our neediest communities.

The measure which we ask the Senate to consider has overwhelming bipartisan support; 65 sponsors. In authorizing legislation of this type, we rarely achieve such a large number of cosponsors, particularly on a bill that was introduced such a short time ago.

By backing this measure, over two-thirds of the Senate is acknowledging the continuing urgency of the AIDS

problem. The HIV infection is a lethal, transmittable disease that is systematically claiming the lives of American men, women, and children. The most recent reports indicate that the AIDS nightmare is by no means behind us.

I draw attention of the membership to this report, whereas I just mentioned earlier the increase percentagewise in terms of rural communities and small towns. It was increased most dramatically. The other very dramatic area of increase is among children. The dramatic increase in the number of young children that are being afflicted with this also presents a matter of, I believe, enormous need.

In fact, new data from the CDC's "Sentinel Survey" revealed that in certain hospitals in New York City and Newark, NJ—nearly one in four young men are now infected with HIV. CDC epidemiologists conclude that the epidemic is not declining but continuing to spread. The toll that AIDS is taking on local communities and health care systems is literally overwhelming.

This legislation, which received unanimous approval by the Labor Committee, is designed to provide two different types of immediate financial relief: Grants to the States to develop care systems, and fund essential health care and support services; direct grants to the other 13 cities which have reported over 2,000 AIDS cases, or more than 55 percent of the total AIDS cases.

In preparing this measure with Senator HATCH, we have worked hard to address the concerns of dozens of Senators.

We believe we have developed a proposal that is responsive to the special needs of both inner city populations, and individuals and families in rural areas.

We feel we have devised a workable framework for the delivery of HIV health services to children, women, and families, and we have given State and local governments enough flexibility to send funds to those areas where the need is the greatest.

This measure marks a critical step forward in responding to the catastrophic situation in hard-hit cities in developing services for the hundreds of thousands of Americans who will become ill with AIDS over the next few years.

In particular, I want to recognize Senator HATCH for his continuing leadership in the issue. He has again demonstrated how much he cares about Americans who are suffering. The $600 million in emergency funding authorized by this legislation will not end the pain and sorrow unleashed by this killer. What it can and will do is diminish the devastating toll that AIDS has taken on our entire health delivery system.

It is our hope that programs funded by this measure can help reduce the large number of needless tragedies associated with the AIDS epidemic.

Mr. President, we know that we have, I believe, a health care crisis in our Nation with those that are uninsured, as well as those who are paying the bills. We will expend about $650 billion this year on health care costs. That is going to go up to $1 trillion 300 billion in the next 20-25 years. We know that we have millions of our fellow citizens who are not covered. We know that a great percentage of those who are not covered are children and women, particularly single women with children.

We see with the decline in the coverage of health care that the one facility which is being vastly overused and utilized is the emergency room. There has been about a 40- to 50-percent increase in the use of emergency rooms over the period of the last 4 years, and it is estimated that 40 to 50 percent of those that are using emergency rooms, if they had been treated outside of the hospital setting and early enough, could have avoided going to the hospital in the first place.

But that happens to be a fact, Mr. President, and those numbers, and that flow line is continuing. So we have a dramatic increase and burden that is being placed on emergency rooms and on municipal hospitals.

Then you have the additional kind of burden that is being placed because of the failure to rationalize the health care system. That is just one aspect of it, one feature.

Then you add to that the impact of substance abuse in our society with the increasing utilization of emergency rooms as a result of substance abuse, and also the violence which is associated with the substance abuse.

You have those two additional phenomenons which have taken place. Now you add this whole tragedy of the significant growth of AIDS, and the impact that is having on our health care system—they all converge, Mr. President, into the municipal hospitals across this country.

Five percent of the public hospitals have 50 percent of the AIDS patients. We have that phenomenon that is taking place, Mr. President, where many of the rooms in major hospitals across this country, which may cost $800 or $900 a day, have individuals who may have HIV but could be at home or in nursing home care; nonetheless, they are unable to, because we have not been able to coordinate the range of different systems to take care of them.

Well, Mr. President, we attempt to address that issue in this legislation as well, and to try to recognize the extraordinary burden on the hospitals which have been receiving the burden of treating these HIV and AIDS patients, also to try to provide some imaginative and creative ways to have a more efficient way of treatment, and certainly one which is more humane.

Mr. President, in particular, this measure addresses the unmet needs of the growing number of the disadvantaged persons who have this illness, as well as those, as I mentioned earlier, that live in smaller towns and communities and in rural America. Society ends up paying, one way or another, for the delivery of uncompensated health services. By acting to provide critical services early in the course of this disease, we can actually reduce the total lifetime expense of caring for a patient with AIDS.

Unplanned service delivery—through overcrowded hospital emergency rooms and in precious acute-care beds—ends up costing all of us more. With this measure, we are creating the possibility of a more rational and compassionate use of our limited health care resources.

I thank the Members of the Senate for their support in developing this sensible approach to this difficult national problem, and I urge all Members to give the Comprenhensive AIDS Resource Emergency Act their swift approval.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PRYOR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I want to draw the attention of the Members to the report that we had put out in support of this legislation. On page 7 we go into the HIV disease in rural areas. I refer to some of the highlights of this particular report. We had been asked, is this legislation just to skew a handful of cities, and will it really help and assist in some of the rural areas and some of the smaller communities.

We did address the issue in our legislation to show that it does have a balanced approach, although we do target the resources where the need is the greatest. But let me point out some of the material that we developed in the course of our committee's consideration:

While HIV disease remains most heavily concentrated in the Nation's urban areas, and especially in the inner cities, the number of new cases diagnosed in similar smaller cities and rural areas is growing. Cases outside metropolitan areas accounted for 18.5 percent of new AIDS cases reported in the 12 months ended March 1990, compared to 16.1 pecent in the preceding 12 months. In 1989, the Centers for Disease Control reported a 5 percent increase in diagnosed AIDS cases in metropolitan areas with populations over 500,000 and a 37 percent increase in rural areas. The Atlanta

Journal and Constitution reported a tripling of AIDS cases in Georgia over the past two years and noted that for the first time, the spread of AIDS in rural areas and small towns was keeping pace with the increase in Altanta—with Macon experiencing a 400 percent increase. AIDS cases more than doubled in areas such as Gary, Indiana, Lubbock, Texas, Biloxi, Mississippi, and Portland, Maine.

Here is another rather tragic and disturbing development, Mr. President. As of March 31, 1990, there are almost 2,200 reported cases of children with AIDS. This number does not include children who are HIV infected. And it is estimated for every child reported to have AIDS, there are 2 to 10 other unidentified cases, and estimated that nearly 3,500 children will have AIDS by 1991 and approximately 20,000 will be HIV infected.

AIDS will be the fifth leading cause of death for all children in the next decade, and a major cause of mental retardation.

This, Mr. President, is a matter of very considerable concern to all of us.

Mr. President, I will include in the RECORD a random sample of many of the editorials from newspapers all over the country that support the legislation, and I will also include a more comprehensive list of the various supporting national organizations.

I think we come to this legislation with the kind of support which we see occasionally, but not as often as those of us who are involved in public policy would like to see. This legislation has the support of the U.S. Conference of Mayors, U.S. Conference of Local Health Officials, National Association of Counties, National Association of County Health Officials, National Governors Association, National Conference of State Legislatures, Association of State and Territorial Health Officers, and the National Commission on AIDS.

Then, I will not list off the various groups, but I will include the health, social service, religious, and labor organizations. There must be 75 of those, both the religious and the various health organizations, which support this legislation, most of whom were very helpful to us in the development of the program itself.

The National Commission on AIDS, in a recent letter to the President, pointed out—and I will include that in the RECORD—the Federal disaster relief for direct emergency relief is urgently needed to help State and localities seriously impacted to provide the AIDS prevention and treatment care and services in short supply. The Commission strongly supports the efforts in Congress embodied in S. 2240 to address these needs. The resources simply must be provided now or we will pay very dearly later.

Mr. President, this is from the AIDS Commission, some extremely knowledgeable individuals. It is a balanced panel and a very strong letter of support and endorsement by the National Commission on AIDS that has probably as much expertise on the particular need, and we work very closely with them. We welcome their strong support and appreciate their reasons for it. In fact, Mr. President, of the resources now that are expended at the Federal level, 97 percent of the money is basically on research. Research has to be done. It certainly should be supported.

But what we have seen in this very unique and devastating illness and disease is that we have not been as creative in trying to deal with this disease in the kind of humane and compassionate way that this bill incorporates. That is, I think, one of the very important aspects besides the resources to help and assist many of the communities which have been so impacted by this disease. This will provide the range of different kinds of ways of delivery of services which we think is enormously important.

I ask unanimous consent to have printed in the RECORD the material to which I have referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPREHENSIVE AIDS RESOURCES EMERGENCY [CARE] ACT OF 1990

COSPONSORS

Kennedy, Hatch, Adams, Bentsen, Biden, Bingaman, Boren, Bradley, Breaux, Bryan, Bumpers, Burdick, Chafee, Coats, Cohen, Conrad, Cranston, D'Amato, Danforth, Daschle, DeConcini, Dodd, Dole, Durenberger, Fowler, Glenn, Gore, Gorton, Graham, Harkin, Hatfield, Heinz, Inouye, Jeffords, Johnston, Kassebaum, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Lugar, Mack, Matsunaga, McCain, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Packwood, Pell, Reid, Riegle, Robb, Rockefeller, Sarbanes, Sasser, Simon, Specter, Warner, Wilson, Wirth.

SUPPORTING NATIONAL ORGANIZATIONS
(PARTIAL LISTING ONLY)

Governmental organizations

United States Conference of Mayors.
United States Conference of Local Health Officials.
National Association of Counties.
National Association of County Health Officials.
National Governors Association.
National Conference of State Legislatures.
Association of State and Territorial Health Officers.
National Commission on AIDS.

Health, social service, religious, and labor organizations

AIDS Action Council.
AIDS National Interfaith Network.
American Academy of Pediatrics.
American Anthropological Association's Task Force on AIDS.
American Association for Counseling and Development.
American Association for Marriage and Family Therapy.
American Association of University Affiliated Programs for Persons with Developmental Disabilities.
American College Health Association.
American College of Preventive Medicine.
American Federation of State, County and Municipal Employees (AFSCME).
American Foundation for AIDS Research.
American Home Economics Association.
American Hospital Association.
American Indian Health Care Association.
American Medical Student Association.
American Nurses Association.
American Psychological Association.
American Public Health Association.
Association of Junior Leagues International.
Association of Minority Health Professions Schools.
Association of Schools of Public Health.
Black Women's Agenda.
Catholic Health Association of the United States.
Center for Women and Government.
Child Welfare League.
Childrens Foundation.
Church of the Brethren.
Citizens Commission on AIDS.
Coalition for the Homeless.
Coalition of Labor Union Women.
Committee for Children.
Consortium of Social Science Associations.
Corporate Health Management Consultants, Inc.
Council on Perinatal Substance Abuse.
Disability Rights Education and Defense Fund.
Episcopal Church.
Federation of Parents and Friends of Lesbians and Gays.
Friends Committee on National Legislation.
Girls Clubs of America.
Hispanic AIDS Committee for Education and Resources.
Human Rights Campaign Fund.
Infectious Diseases Society of America.
Latin American Research and Service Agency.
Legal Action Center.
Mexican American Women's National Association.
National AIDS Network.
National Association for the Advancement of Colored People (NAACP).
National Association for Home Care.
National Association of Children's Hospitals and Related Institutions.
National Association of Commissions for Women.
National Association of Community Health Centers, Inc.
National Association of People with AIDS.
National Association of Protection and Advocacy Systems.
National Association of Public Hospitals.
National Association of Social Workers.
National Association of State Alcohol and Drug Abuse Directors.
National Conference of Puerto Rican Women.
National Council of Churches.
National Council of La Raza.
National Council of Negro Women.
National Council of Alcoholism and Drug Dependence.
National Hemophilia Foundation.
National Hospice Organization.
National Institute for Women of Color.
National Medical Association.
National Minority AIDS Council.
National Network of Runaway and Youth Services.
National Puerto Rican Coalition, Inc.
National Urban Coalition.
National Women's Health Network.
Pediatric AIDS Foundation.

Presbyterian Church USA.
Service Employees International Union (SEIU).
Synagogue Council of America.
Unitarian Universalist Association.
United Auto Workers.
United Church of Christ.
United Jewish Appeal.
Women and AIDS Resource Network.

[From the Atlanta Constitution, Mar. 8, 1990]

CITIES NEED "AIDS DISASTER" RELIEF

The AIDS epidemic has slammed into the nation's biggest cities, causing as much economic damage as any hurricane or tornado. Because the disease has struck so unevenly, just 4 percent of the nation's hospital are treating more than half the people with AIDS.

The burden of AIDS care threatens to overwhelm city hospitals, severely limiting their ability to help other seriously ill people. In addition, the low incomes of many AIDS patients and the high cost of their care threatens to drive public hospitals into insolvency.

To address this problem, an unlikely tandem in the U.S. Senate—liberal Edward M. Kennedy (D-Mass.) and conservative Orrin G. Hatch (R-Utah)—has proposed that Congress create a $600 million-a-year fund to help Atlanta and 12 other major cities get "AIDS disaster" relief.

Of the nation's 120,000 AIDS victims, about two out of three live in just those 13 cities. Under the Kennedy-Hatch bill. Atlanta, with its 2,300 AIDS cases, would be entilied to $4 million to help the city's beleaguered social service agencies and Grady Memorial Hospital.

The federal aid not only would help hospitals stay afloat financially, but also would provide much better care for sick people by concentrating resources in key cities. Small towns generally are poorly equipped to deliver appropriate help to people with AIDS.

For example, AIDS patients need nutritional services, experienced doctors, home health care, transportation, counseling, skilled nursing care and hospice services. Such comprehensive care networks are best developed in bigger cities.

Besides making good medical sense, the AIDS disaster bill is fair-minded as well. The U.S. government has long been willing to give funds to cities hard hit by disasters, and it should not turn away from this responsibility.

When the earthquake struck San Francisco last fall, President Bush flew in with reassurances that federal dollars would help relieve the suffering. He should do no less for the cities' swamped hospitals.

[From the Dallas Morning News, Mar. 23, 1990]

AIDS EPIDEMIC REQUIRES FEDERAL DISASTER ASSISTANCE

(By Bob Moos)

Days after an earthquake struck San Francisco last year, killing 17 people, Congress agreed to spend more than $3 billion in emergency disaster relief. Nine years into the AIDS epidemic, which has claimed 5,000 lives in that city alone, a similarly dramatic federal response has yet to be seen there.

That contrast did not go unnoticed among public health officials and others who have been struggling to care for the growing number of people living with acquired immune deficiency syndrome. What it did was inspire a novel approach for trying to obtain more assistance for trying to obtain more assistance for those cities hardest hit by the epidemic.

Why not begin treating AIDS like a natural disaster, the group asked. If the federal government can rush in and help communities recover from a flood or hurricane or tornado, why couldn't it do the same for cities whose health care systems have become overburdened by AIDS cases?

Legislation that would provide $600 million in disaster relief for AIDS has been introduced in Congress. This money would be in addition to the $1.6 billion the federal government now spends for discretionary AIDS programs, only $112 million of which goes directly to communities for care.

One of the bill's authors is Sen. Edward Kennedy, D-Mass. But lest anyone think this is a liberal giveaway, the other drafter is Republican Orrin Hatch of Utah. At last count, 29 senators have signed on as cosponsors, including such fiscal conservatives as Lloyd Bentsen of Texas, Alfonse D'Amato of New York and Pete Wilson of California.

All of them understand that the public health care system is fast approaching the day of reckoning. They have seen the figures and know that the hardest-hit cities and states are choking on the enormous cost of caring for AIDS patients and that the federal government needs to come to the rescue.

Public health officials report that the average daily cost of hospital care for an AIDS patient is $681. Only $545 is covered by public or private insurance. The rest must be paid for by local taxpayers or absorbed by the hospitals. All told, uncompensated care adds up to $2,285 per AIDS admission.

As taxing as the epidemic has been to the public health care system, the worst is yet to come. The first 100,000 cases of AIDS occurred over nine years. The next 100,000 are expected to require only 15 months. In all, a million Americans are thought to be infected by the virus and may become sick.

The Kennedy-Hatch bill seeks to do essentially two things. First, it would direct $300 million in emergency relief to the 13 cities with the highest number of AIDS cases. The money would pay for both hospital and outpatient care. Dallas would receive about $3.8 million immediately and more later.

Next, the measure would distribute another $300 million to states to develop comprehensive programs to care for people with AIDS. One of the uses for the money might be to defray the high cost of drugs like AZT for patients who cannot afford them. Texas would be expected to get about $20.5 million.

Notwithstanding the long list of sponsors, the legislation is likely to face tough questions, the most pointed of which will be: Why spend another $600 million on AIDS when heart disease and cancer claim many more lives? Isn't this a case of a special interest group looking after its own?

Nine years into the epidemic, it is frustrating that such questions still must be answered. No one fighting for AIDS money seeks to undercut heart or cancer funding. But a distinction needs to be made. AIDS is a communicable disease with a frightening rate of growth. Heart disease and cancer are not.

Many of the public and private grants that have helped pay for AIDS care are expiring. Community-based organizations' fund raising is becoming exhausted. Public hospitals, having barely made it this far, wonder how they will care for the next 100,000 cases—and the 100,000 after that.

The fact that the hardest-hit cities should turn to the federal government for aid is not at all unreasonable. As with a natural diaster like a flood or tornado, the taxpayers of these communities did not ask for this crisis. Yet they are being expected to bear its heavy costs by themselves.

The grief the AIDS epidemic has caused their cities is just as real as the heartache that follows an earthquake or violent storm. In some cases, far more so. Federal disaster relief is warranted.

[From the Los Angeles Times, Mar. 30, 1990]

BUSINESS LEADERS CALL FOR MORE U.S. AIDS FUNDS

(By Victor Zonana)

WASHINGTON.—Members of the National Business Leadership Conference on AIDS, like President Bush, called Thursday for an end to the stigma that surround the disease, although some castigated the Administration for not spending more to fight it.

"As business leaders, we must make it clear that we expect more of the government than mere words," said Robert D. Haas, chairman and chief executive of Levi Strauss & Co., in a sharply worded speech that preceded the President's. "Even if the private sector helps create 'a thousand points of light' across the land, it will be of no avail if there is darkness in the White House."

Haas called on the federal government to enact a number of initiatives, including a disaster relief plan for the 13 hardest hit metropolitan areas. The $600-million bill was introduced earlier this month by Sens. Edward M. Kennedy (D-Mass.) and Orrin G. Hatch (R-Utah).

The Bush White House has asked Congress for almost $3.5 billion for AIDS—which includes Medicaid spending. Not including Medicaid, the figure is $1.6 billion.

Haas argued that such cities as Los Angeles, New York, Chicago and his own city, San Francisco, "need emergency help that parallels the aid we provide to communities in the aftermath of earthquakes, hurricanes and floods."

He charged that the President's decision to concentrate the resources of his war on drugs on law enforcement—rather than on prevention and treatment of drug abuse—"represents nothing less than a death sentence" for many needle-using addicts and their sex partners and children. AIDS is spread by the use of contaminated needles.

Nearly 500 business and labor leaders and AIDS workers attended a daylong session of the leadership conference.

Time Warner Inc. Co-Chairman J. Richard Munro noted that most corporations are relative newcomers in the fight against AIDS. Five years ago, he said, Fortune magazine surveyed top corporate executives and responses "ranged from casual to callous."

Leaders from the epicenters of the epidemic of the epidemic shared their executive with others who are still bracing for their first cases.

Indeed, Dr. James W. Curran of the Federal Centers for Disease Control told the gathering that epidemiologists are currently witnessing "the ruralization of AIDS".

"We have had no AIDS cases among employees, but it is just a matter of time," said Dr. Stephen Goldman, corporate medical director of Mack Trucks Inc. in Allentown, PA.

In contrast, Munro said, "We began to lose talented, wonderful people at Time very early in the epidemic."

He said that policies to keep infected workers on the job and reimburse sick employees for alternatives to hospital care are both humane and "in your business interest."

AIDS, according to the CDC, has stricken 125,000 U.S. citizens and killed 75,000.

Although the agency recently lowered its estimate of the number of infected Americans, CDC still forecasts that the cumulative total of AIDS cases will at least triple, to between 390,000 and 480,000, by the end of 1993.

[From the New York Times, Apr. 4, 1990]

RELIEF FOR THE AIDS DISASTER

In a recent heartfelt speech, President Bush called for more compassion and less discrimination against victims of AIDS. That was welcome moral leadership, but AIDS, now pushing health care systems of big cities into crisis, demands much more from Washington. A bill pending in Congress recognizes the urgent need.

More than 121,000 cases of AIDS have been diagnosed in the United States since 1981; it's estimated that a million people now are infected, with a high percentage likely to develop the disease. Medical care for each case costs tens of thousands of dollars, and the total for AIDS care may now be more than $5 billion annually.

Those bills are paid haphazardly, forcing hospitals to absorb huge losses. Private insurers shrink from the problem. The poor are entitled to some help from Medicaid, the Federal-local insurance program. But state reimbursement rules differ; rates aren't always sufficient to cover actual costs of treatment, and not all poor patients get covered. One recent study found that a quarter of AIDS patients have no insurance at all.

In addition to inflicting financial stress, AIDS may severely aggravate crowding in urban hospitals already troubled by drug-related illnesses and staff shortages. AIDS swells the numbers seeking hospital treatment; many remain when they no longer need the full range of hospital services. Some are in no shape to function completely on their own, but have no way to get help at home. AIDS leaves other unemployed and homeless.

There is universal agreement on the need for more resources and for alternatives to the hospital: nursing homes, home-care services, hospices and apartment complexes that offer access to medical help. Use of such facilities and services to limit hospital stays can, typically, cut the cost of care to half or even a quarter of the usual $150,000 per case.

The new Federal legislation, introduced by Senators Edward Kennedy of Massachusetts and Orrin Hatch of Utah, would address the need. It calls for spending $300 million in the next two years in emergency relief for urban hospitals with high AIDS caseloads. The most afflicted are in New York, New Jersey, California, Florida and Texas, five states that account for 64 percent of all American AIDS cases.

The bill would provide $300 million more to communities that come up with comprehensive case management plans. Such money could equip smaller cities, where the problem remains in the early stages, to avoid the ruinous costs and crowding experienced by New York or Los Angeles.

Late last year, Congress quickly voted $4 billion in disaster relief for victims of the northern California earthquake and Hurricane Hugo. Cities bearing the brunt of the AIDS epidemic are experiencing similar disaster, even if not quite so sudden.

Perhaps more important, the Kennedy-Hatch bill would promote aggressive management of the AIDS-care crisis rather than reactive management. Continued neglect of that need compounds devastating disease with financial waste.

[From the Washington Post, May 5, 1990]

AIDS: AN EXPANDING EMERGENCY

Each year the sobering figures move inexorably higher. As of March 31, it is estimated that about a million Americans are infected with the virus that causes AIDS. More than 128,000 cases of full-blown AIDS have been reported, and more than 78,000 people have died. By the end of this year, public health experts expected that another 50,000 cases will be diagnosed. By next year, AIDS will be the leading cause of death for Americans between 25 and 44.

The toll on individuals is, of course, indescribable. But there is a public health impact, too, and it must be addressed, or the nation's hospitals—particularly the large, urban, public facilities—will collapse under the weight of this burden. The problem is concentrated: 13 metropolitan areas—Washington is one—have 55 percent of all reported AIDS cases, and 5 percent of the nation's hospitals care for half of all AIDS patients. Fortunately, emergency legislation is now moving through Congress to deal with this crisis. In the Senate, a bill with 65 cosponsors has been reported unanimously by the Labor and Human Resources Committee, and in the House, another proposal has been reported unanimously by the Health subcommittee of the Committee on Energy and Commerce. Both bills would authorize federal grants of $300 million a year to help cities with severe AIDS problems. The Senate measure would include hospital care, and the House bill would limit assistance to outpatient services and hospices. Both bills also provide money—the Senate $300 million, and the House $500 million—for services including counseling and testing, early intervention help and drugs. Only the House provision is means tested.

On another track, Rep. Henry Waxman and Sen. Daniel P. Moynihan have introduced bills to broaden the Medicaid program to include HIV-infected poor people before they become disabled and to provide new subsidies to hospitals that bear a disproportionate share of caring for AIDS Medicaid patients. When the epidemic was in its early stages, about half of all patients were covered by private insurance. Now, as the number of patients who are drug abusers and generally uninsured increases, the demands on Medicaid have doubled. Funding must be increased and eligibility standards adjusted to account for these developments.

The principles that underlie these bills are clear: help those suffering from this devastating disease who have neither resources nor insurance. Provide early intervention that can delay the onset of the disease. Promote the development of alternatives to expensive hospital care when clinics, home health services and hospices are preferable. And save the big city hospitals that can no longer cope with the crisis unaided.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, President Bush made a speech on March 29, 1990, to the National Leadership Coalition on AIDS. I ask unanimous consent to have that speech printed in the RECORD.

There being no objection, the speech is ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY.

TEXT OF REMARKS BY THE PRESIDENT TO THE NATIONAL LEADERSHIP COALITION ON AIDS, ARLINGTON BALLROOM, CRYSTAL GATEWAY MARRIOTT, ARLINGTON, VA, MARCH 29, 1990

I am delighted to be with you, the leaders who guide American business as it helps those suffering with HIV and AIDS. You make our hearts glad. And you make your country proud.

Other generations have faced life-threatening medical crises, from polio to the plague. This virus is our challenge. Not a challenge we sought. Not a challenge we chose. But today our responsibility is clear: We must meet this challenge. We must beat this virus. For whether talking about a nation or an individual, character is measured not by our tragedies—but by our response to those tragedies.

And for those who are living with HIV and AIDS, our response is clear: They deserve our compassion. They deserve our care. And they deserve more than a chance—they deserve a cure.

America will accept nothing less. We are slashing red tape. Accelerating schedules. Boosting research. And somewhere out there, there's a Nobel prize—and the gratitude of planet Earth—waiting for man or woman who discovers the answer that's eluded everyone else.

We pray that day will come soon. But until that day—until this virus can be defeated by science—there's a battle to be waged by society.

Because in 1990, the most effective weapon in our arsenal against AIDS is not just medication, but also education.

Our goal is to turn irrational fear into rational facts.

Every American must learn what AIDS is—and what AIDS is not. And they must learn now. You in this room already know. The HIV virus is not spread by handshakes or hugs. You can't get it from food or drink, coughing or sneezing, or by sharing bathrooms or towels or conversation.

The transmission of HIV is as simple as it is deadly. In most cases, it's determined not by what you are—but by what you do—and by what you fail to do.

Let me state it clearly: People are placed at risk not by their demographics, but by their deeds—by their behavior.

And so it is our duty to make certain that every American has the essential information needed to prevent the spread of HIV and AIDS. Because while the ignorant may discriminate against AIDS, AIDS won't discriminate among the ignorant.

Like many of you, Barbara and I have had friends who have died of AIDS. Our love for them when they were sick and when they died was just as great and just as intense as for anyone lost to heart disease or cancer or accidents.

Probably everyone here has read the heartbreaking stories about AIDS babies and those infected by transfusions. When our own daughter was dying of leukemia, we asked the doctor the same question every HIV family must ask—why—why this was happening to our beautiful little girl. And the doctor said: "You have to realize that every well person is a miracle. It takes billions of cells to make a well person. And all it takes is one cell to be bad to destroy a whole person."

In this Nation, in this decade, there is only one way to deal with an individual who is sick. With dignity, compassion, care, confidentiality, and without discrimination.

Once disease strikes—we don't blame those who are suffering. We don't spurn the accident victim who didn't wear a seatbelt. We don't reject the cancer patient who didn't quit smoking. We try to love them and care for them and comfort them. We do not fire them, or evict them, or cancel their insurance.

Today I call on the House of Representatives to get on with the job of passing a law—as embodied in the Americans with Disabilities Act—that prohibits discrimination against those with HIV and AIDS. We're in a fight against a disease—not a fight against people. And we won't tolerate discrimination.

The disease is attacking our most precious resource—our people, especially our young. The statistics are numbing. You heard them this morning. But just look at the amazing quilts hanging here today. They prove that no one is a statistic. Every life has its own fabric, its own colors, its own purpose, its own soul. And like the quilts, no two are alike.

When Barbara and I left Washington for Christmas, our last stop was a clinic up at NIH. We were impressed by the determination of the people there—the doctors, nurses, and health care workers—and especially the brave people who are living with HIV. We learned a lot about caring, a lot about family, and a lot about hope. We saw the face of humanity in the face of AIDS.

You, too, are in a powerful, unique position to influence the response to HIV and AIDS. Washing our hands of it won't help solve this problem, but rolling up our sleeves will.

The roster of participants at this Conference is an honor roll. Allstate sponsored a landmark conference on HIV and work. Fortune magazine launched a survey on C.E.O.'s response to HIV. General Motors pledged to conduct an education program. Others are fighting the spread of HIV by fighting to keep schools and workplaces drug-free. This is America responding to a crisis. This is America at its best.

This epidemic is having a major impact on our health care system. The Federal response is unprecedented. In 1982, we knew little about AIDS—and spent only $8 million. But this year I have asked Congress for almost $3.5 billion to battle HIV—money for basic research, for HIV treatment and education, for protecting civil rights.

From Seattle to Boston, from Dallas to Detroit, Federal grants have helped coordinate the efforts of care providers, business and community organizations to set priorities and pool resources to meet the treatment needs of people with AIDS.

We've initiated clinical trials for promising new therapies for HIV, expanded the availability of experimental drugs. Approved three new therapies that for the first time offer help to HIV-infected people before they become sick with AIDS. We've started a toll-free number where HIV patients and doctors can get state-of-the-art information on new treatments; worked with the P.T.A. to distribute hundreds of thousands of copies of the "AIDS Prevention Guide" for use in schools and families nationwide.

And our $10 billion war on drugs is also a war on AIDS. IV drug use now accounts for some of the fastest growing infection rates—afflicting Americans that are often among those least able to get adequate medical help.

America has the most sophisticated health care system in the world, but it is not without its problems. We face many challenges. Our system depends on private insurance and individual payments, as well as government programs. AIDS magnifies the challenges, including the challenge of expanding access, bringing costs under control, and overcoming obstacles to quality care. With these concerns in mind, I asked Dr. Louis Sullivan to lead a Cabinet-level review of health care in the 1990's, and businesses like those you represent must play a major role in helping improve our Nation's health care system.

The crisis is not over. We report tens of thousands of new cases every year. And many predict we can expect to continue to do so in this decade, and even into the next century.

And yet, "where there is life there is hope." There are hopeful signs. To begin with, we can be encouraged by the news that current projections of the infection rate will not be as high as we thought just a year ago.

My Administration recently acted to extend AZT coverage to help HIV-infected people not yet sick with AIDS. All 50 states now provide Medicaid coverage for AZT treatments. Thanks to these actions, more and more people will be able to live and work with HIV. Keep them in your workforce—as I know many of you are already doing, as leaders in this effort. They can serve many, many more productive years with no threat to you, your other workers, or your companies. It will reduce costs for everyone. And it's the right thing to do.

The pace of progress is promising. The HIV virus has been identified, isolated, and attacked with experimental treatments in a span of less than 10 years. The normal, centuries-long evolution of disease and treatment compressed into a decade.

And this race against time has produced an explosion in knowledge and basic understanding about the nature of disease and immunology. Like the unexpected technological boons from Apollo's race to the moon, some physicians predict the race to cure AIDS may even lead to a cure for cancer.

Dollars spent for AIDS research are dollars spent for the better health of all Americans. AIDS research strikes at the heart of many human health problems from infectious disease to aging and cancer. It includes research on a class of viruses now increasingly believed to be the cause of not only AIDS, but also incurable diseases like muscular dystrophy, multiple sclerosis and at least two forms of leukemia.

We're on a war-time footing at NIH and CDC—the Centers for Disease Control. Tonight, like every night, the lights will burn late in Bethesda and Atlanta, as a group of American pioneers work to solve this problem. If they do—I should say, when they do—it will be one of the greatest things our Nation could do for the world.

We're going to continue to fight like hell. But we're also going to fight for hope. America has a unique capacity for beating the odds—and astounding the world.

During my own childhood, the silent, whispered terror was a mysterious killer called polio. Like HIV, the virus ignored class distinctions and geographic boundaries. Monday would come, and kids who'd been in school on Friday were simply never seen again. Theaters were closed, summer camps, swimming pools.

As with AIDS, there was a lot of ignorance. Thousands of stray cats and dogs put to death. Kids sleeping with camphor inhalers. At least one town was fumigated with D.D.T.

There was terrifying outbreaks in the teens, in the thirties, in the fifties. A cure was so far distant the experts refused to speculate. And then, suddenly, it was over. The dreaded iron lung, unused, cluttering hospital hallways. Children again growing up in a world without fear.

Many comparisons have been made to epidemics past—cholera, small pox, yellow fever—none of them perfect. So let me boil down the lessons of polio to two: There was a lot of ignorance—let's learn from that. And in the darkest of hours—hope came unexpectedly, powerfully and with finality. Let's work hard to see that day come to pass.

Together, we will make a difference, for those with HIV and AIDS—and for all Americans.

Mr. KENNEDY. Mr. President, I will just mention very briefly the parts of it which I think are very powerful and certainly ought to be listened to as this debate moves along. I quote from the speech of the President.

Other generations have faced life-threatening medical crises, from polio to the plague. This virus is our challenge. Not a challenge we sought. Not a challenge we chose. But today our responsibility is clear: We must meet this challenge. We must beat this virus. For whether talking about a nation or an individual, character is measured not by our tragedies—but by our response to those tragedies.

And for those who are living with HIV and AIDS, our response is clear: They deserve our compassion. They deserve our care. And they deserve more than a chance—they deserve a cure.

America will accept nothing less. * * *

In this Nation, in this decade, there is only one way to deal with an individual who is sick. With dignity, compassion, care, confidentiality, and without discrimination.

Once disease strikes—we don't blame those who are suffering. We don't spurn the accident victim who didn't wear a seatbelt. We don't reject the cancer patient who didn't quit smoking. We try to love them and care for them and comfort them. We do not fire them, or evict them, or cancel their insurance.

Mr. President, I have included the statement in the RECORD. One part of it which I would just mention that I take some issue with in the speech is where the President says "I have asked Congress for almost $3.5 billion

to battle HIV—money for basic research, for HIV treatment and education, for protecting civil rights."

I find it difficult to find out where that figure comes from because I think during the course of this debate we will be asked, Are we spending enough, are we spending too much, are we spending as much as is suggested in this legislation? There is no real accurate information on exactly how much we can expect to spend on HIV disease through the Federal entitlement programs for the next year.

The President's 1991 budget assumes approximately $1.4 billion in AIDS CARE outlays. This is $870 million for Medicaid, $180 million for Medicare, and $227 million through the Veterans' Administration. The Health Care Financing Administration itself cautions us that this Medicaid estimate is very soft data from only a handful of States and cities. So we should be careful of the number the President has used of $3.4 billion for the total AIDS commitment in 1991.

The AIDS spending we can talk about with certainty is the discretionary funding. For all AIDS programs of the Public Health Service, the President has asked for a total of $1.7 billion. While that includes an overall increase for AIDS of 7 percent from last year, the White House budget actually cuts the Public Health Service dollars available for care and treatment by 35 percent. So when you are talking about what the Federal response is, that is a very, very significant and important reduction and one that does have an important impact on the care and treatment for AIDS victims.

Given what we know about the expanding number of AIDS cases flooding into our health care system, it just does not make any sense to be reducing care and treatment funding.

I might also mention, Mr. President, a quotation that appeared in the New England Journal of Medicine written by Dr. David Rogers, who is President Bush's appointee to the National Commission on AIDS:

I believe that we are spending vastly too little on AIDS from the Federal purse and are targeting some of it very poorly. Although the amount of scientific knowledge about HIV infection that has been generated in a very short time has been breathtaking and bodes well for the future, the degree of human misery and suffering associated with AIDS far exceeds anything I have witnessed during my 40-year professional lifetime. What has happened to too many persons with AIDS is so heartwrenching as to be almost unbelievable. It shames us as a nation. Not all this sorrow could have been prevented by increased expenditures on the disease, but some of the tragedies could have been softened by better funding, coupled with aggressive but compassionate leadership at all levels.

The following quotation is by Elizabeth Glaser, founder of the Pediatric AIDS Foundation, and is from her testimony before the House Budget Committee. I think it is a very powerful message. I will just quote a part of that:

My last fear is what I hear all over Washington and around the country. That AIDS spending has topped off, that the percentage of increases has been enough. Let me ask you—if you needed to go to war and a military bomber cost $1 million to build and the first year only $100,000 was allocated, you know you wouldn't have a bomber to do battle with. If the next year $500,000 was allocated, one could say: "Look, we've increased the budget by 500%," and this would be true, but you still would not have the necessary weapon to do battle with. The same is true with AIDS. Partial funding won't win this war either.

Mr. President, even if we accept the expenditures, the outlays, I think, quite frankly, all of us know around here that particularly today everything is measured in the bottom line, dollars and cents. That is important, clearly. But what the budget also does is an indication of our priorities, our priorities as a nation and what we do think we ought to be expending on. I, for one, feel that investment in basic research and other kinds of programs is a wise investment in terms of the future of the American people.

But, nonetheless, if there are those that want to play with these numbers, there are some numbers which I will include and these are part of the Medicare Program spent in 1988 on inpatient hospital care for some of the common illnesses: For heart failure and shock, $1.5 billion; cerebrovascular disease, $1.3 billion; pneumonias and pleurisy, $1.1 billion. The Federal Government spends over $4.4 billion for the care of dementia, such as Alzheimer's disease.

The proposed expenditure, Mr. President, is not out of line with what we are doing in other areas of health policy commitment, in terms of investing both in the areas of research and providing some degree of care.

The last point I want to make in this part of the discussion is about the current situation and the current condition. There are those who think we have gone past the brink, in terms of the AIDS virus. That could not be further from the truth.

I ask unanimous consent to have printed in the RECORD the selected part of our National Commission on AIDS report that indicates what the current condition is with regard to those cases which are reported and those cases which are underreported.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME,
Washington, DC, December 5, 1989.

President GEORGE BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: The official charter for the National Commission on Acquired Immune Deficiency Syndrome (AIDS) was signed on August 2, 1989. Since that time the National Commission has convened a series of hearings to solicit information and recommendations from experts in the field of medicine and public health policy to assist the Commission in meeting its statutory mandate of "promoting the development of a national consensus on policy concerning acquired immune deficiency syndrome."

The testimony we recently heard on health care and financing was so compelling we felt it is vital to write to you now, rather than wait until our statutorily required annual report next August. In fact, the Commission will continue to bring these urgent matters to your attention and to the attention of Congress as we hear from the experts about the Human Immunodeficiency Virus (HIV) epidemic and what is needed to respond to it.

The following represents the first of such reports which we hope will prompt appropriate action.

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME, REPORT NO. 1

Overview

"We don't have time to sit around and have this Commission live out its life and issue another report and have another report, another Commission . . . . We have to act and we have to act swiftly."

This testimony was presented before the National Commission on Acquired Immune Deficiency Syndrome at a hearing held in Washington, D.C., November 2nd and 3rd of this year. The Commission convened a meeting of experts to examine the global, national and local challenges confronting the United States in the HIV epidemic. The message from the experts was clear and alarming:

There is a dangerous, perhaps even growing, complacency in our country toward an epidemic that many people want to believe is over.

Far from over, the epidemic is reaching crisis proportions among the young, the poor, women and many minority communities. In fact, the 1990's will be much worse than the 1980's.

The link between drug use and HIV infection must be acknowledged and addressed in any national drug strategy.

There is no national plan for helping an already faltering health care system deal with the impact of the HIV epidemic.

Over the coming months, the Commission intends to bring the message of experts who have studied the problems and proposed the solutions to those who have the power to act. The Commission believes it is time to match rhetoric with action.

This letter is intended to outline the first of these messages from experts in the field of health care and financing: the public health care system in this country is not working well and nowhere is that more evident than for people with HIV infection and AIDS. While AIDS is not the cause of the health care system's disarray, it may well be the crisis that could pressure responsible national action to correct its serious shortfalls.

Scope of the problem

To date, AIDS has claimed more American lives than the Vietnam War. Over the course of the next four years in this country, AIDS will likely claim an additional 200,000 lives. It is estimated that by 1991 AIDS will be among the top ten leading

causes of death in the United States. Nearly one-half of all AIDS cases reported to the Centers for Disease Control (CDC) through May 1989 were diagnosed in people 30 to 39 years old. By 1991, ten years after the first AIDS cases were reported, AIDS will far exceed all other causes of death for people between the ages of 25 and 44 years. In testimony before the Commission, it was stated that nine times more adults around the world may develop AIDS during the 1990's than have developed AIDS during the 1980's.

The proportion of AIDS cases with intravenous drug use as a risk behavior has risen from 25 percent prior to 1985, to 30 percent in 1988. In New York City, alone, an estimated 100,000 intravenous drug users are HIV-infected.

The HIV epidemic is not just a New York City or a San Francisco problem as some would like to believe. While it is true that before 1985, 44 percent of all cases of AIDS were diagnosed in the New York City or San Francisco areas, by 1988 this proportion had fallen to 25 percent. By 1991, it is expected that 80 percent of new AIDS cases will come from outside New York City and San Francisco.

In increasing numbers, these new cases will be women and children. As one prominent pediatrician from New Jersey told the Commission, "As a society, we claim to protect and cherish our children, but in fact, we have placed women and children squarely in front of an onrushing HIV epidemic."

The cumulative incidence of AIDS cases is disproportionately higher in Blacks and Hispanics than in whites. Fully 25 percent of all persons with AIDS in the United States are African-American and the number is growing. In fact, there has been, as one witness told the Commission, "a disproportionate impact of HIV on disenfranchised populations, gays, the poor, racial minorities, women, adolescents and drug users—populations having already less than optimal access to quality health care. . . . The development of a national care and treatment strategy will require a rethinking of our past effort."

Access to care

Recent years have seen considerable advances in the development of new HIV-related drugs, including the prospect of treating HIV infection before symptoms develop. But scientific breakthroughs mean little unless the health care system can incorporate them and make them accessible to people in need.

The belief that Medicaid will pay for the health care needs of the growing number of low income people with HIV infection and AIDS is, as one expert witness told the Commission, a "Medicaid fantasy." According to a 1987 U.S. Hospital AIDS Survey, almost one quarter of all AIDS patients have no form of insurance, private or public. Less than 20 percent of the persons with AIDS treated in southern hospitals were covered by Medicaid, compared with 55 percent in the Northeast and 44 percent nationwide.

For the medically disenfranchised, there is no access to a system of care. For those who have no doctor, no clinic, no means of payment, access to health care services is most often through the emergency room door of one of the few hospitals in the community that treats people with HIV infection and AIDS. Five percent of the nation's hospitals treat fifty percent of the people with AIDS.

For those who are covered by Medicaid, access to care is better than for those who have no insurance at all. However, the obstacles to care under Medicaid funding can be insurmountable for many. One obstacle is the wide variation among states in Medicaid eligibility and scope of benefits. The Food and Drug Administration (FDA), under considerable public pressure, has struggled with mechanisms to speed new drugs to the market. Yet there is no requirement that Medicaid make even life-prolonging drugs such as zidovudine (AZT) available.

Another obstacle to needed care for persons with HIV infection and AIDS who qualify for Medicaid is the low reimbursement rates. Stunning examples of Medicaid physician compensation rates far below those by private insurance or Medicare were illustrated during the Commission hearing. For example, a new patient intermediate office visit in New York City is compensated by Blue Cross at $78, by Medicare at $80, and by Medicaid at $7. One witness indicated that physicians in New York with large AIDS practices were reluctant to refer Medicaid patients for specialty consultations because of low levels of reimbursement—levels so low that several physicians said the few dollars to stake per office visit were not worth the time and paperwork to bill the Medicaid program.

In summary, a series of problems have resulted in a health care system singularly unresponsive to the needs of HIV infected people: the initial appearance of HIV infection and AIDS in groups often shunned by the larger society—gay men, the poor, minorities, and intravenous drug users encouraged a slow response, a gross lack of training support for primary care physicians to treat people with HIV infection and AIDS, and serious disincentives for physicians to take Medicaid patients and perhaps poor people in general.

What is needed?

First, frank recognition that a crisis situation exists in many cities that will require extraordinary measures to overcome. Significant changes must be made not only in our health care system but in how we think about the system and the people it is designed to serve. As one witness told the Commission, it can no longer be "business as usual."

Second, the creation of a flexible, patient-oriented, comprehensive system of care, closely linking hospital, ambulatory, residential, and home care. Primary care physicians must be central to such a system. But if primary care doctors are to care for patients with HIV infection and AIDS, they need the financial, social and institutional support to assist them in managing complicated patients.

Third, consideration of the creation of regional centers or networks, of care, perhaps using the already existing regionalized hemophilia treatment program as a model. These centers would not serve as a replacement for the care provided by primary care physicians but would provide backup and consultation to help strengthen community based primary care.

It is essential that everyone be afforded early intervention and access to care. In addition, the availability of backup and consultation from appropriate specialists is required to provide the assistance and encouragement primary care doctors need to see more people with HIV infection and AIDS. Regional centers should also provide the appropriate link with the hospital when hospital services are needed.

Fourth, create units which can treat patients who have both HIV infection and drug addiction. The availability of drug treatment on request is essential for responding to the combined HIV and drug epidemic that imperils not only drug users but also their sexual partners and children.

Given the massive link between drug use and HIV infection, and the fact that there is an alarming increase in the number of new infections among intravenous drug users, the Commission wishes to go on record in expressing its surprise and disappointment that the White House National Drug Control Strategy mentions AIDS only four times in its ninety pages of text and not at all in its recommendations or discussions of how to allocate resources. The President's drug strategy simply must acknowledge and include HIV infection and AIDS.

Fifth, provide comprehensive health care services under one roof. Fragmented services create additional barriers to needed health care. Often mothers will seek health care services needed for their babies but are not able to then gain access to care for themselves. Health care services for women and children need to be provided in one place. For the homeless, housing and health care need to go hand-in-hand. This is true not only for those who are homeless today but for those who will become homeless tomorrow because of the HIV epidemic.

What will it cost?

Estimates of the national costs of direct medical care for persons with AIDS in 1991 range from $2.5 to 15.1 billion (in 1988 dollars). These estimates represent a small fraction of the total health care costs for the nation—from less than one to slightly more than three percent. We simply must be prepared to make these expenditures.

Who is responsible for action?

In carrying out its mandate, the National Commission on AIDS will attempt to delineate clearly the roles and responsibilities of various levels of government and the private sector in responding to and managing the HIV epidemic.

To date, there is no national policy or plan, and no national voice. Currently, as one witness testified, without the definition of roles each level of government points a finger at another and says it is their job. Clearly, managing the HIV epidemic is a responsibility which must be shared by all.

Without federal leadership the states have assumed various degrees of responsibility for planning, coordination and the provision of care. Likewise some local governments have played key roles in determining how patient services could be provided and in demonstrating important models for service delivery.

The role of the private sector voluntary and professional AIDS service organizations has been all important in managing the HIV epidemic to date. Foundations and corporations have also been important and their roles need better recognition and definition.

"We must," the Commission was told, "move swiftly to bring the missing players to the table . . . this includes a greater presence of our federal, state and local governments in terms of leadership, financing and service delivery. It includes the support and cooperation of the insurance industry, employers, physicians and other medical providers, and last but profit-wise not least, the pharmaceutical industry as well."

Responding to the challenge to bring the "missing players to the table," the National Commission on AIDS intends to do just that in hearings, working groups and other forums that can swiftly translate the facts into action and hold us all accountable for the national strategy that is long overdue. The time has come to define exactly what needs to be done, and measure how far we have come, and how much farther we still have to go.

On behalf of all the members of the National Commission on AIDS, we look forward to being able to continue to bring important information to your attention.

Sincerely,

DAVID D. ROGERS, M.D.,
Vice Chairman.
JUNE E. OSBORN, M.D.,
Chairman.

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME,

Washington DC, April 24, 1990.

President, GEORGE BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: We much appreciated your meeting with us on March 29 and your historic speech that same day.

In our continuing effort to bring important and urgent matters to your attention, and to the attention of Congress, enclosed is a second report on the HIV epidemic from the National Commission on Acquired Immune Deficiency Syndrome (AIDS). Again, it contains a short series of recommendations for swift action.

Sincerely,

JUNE E. OSBORN, M.D.,
Chairman.
DAVID E. ROGERS, M.D.,
Vice Chairman

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME, REPORT NO. 2

Introduction

On December 5, 1989, the National Commission on AIDS wrote to President Bush indicating that "significant changes must be made not only in our health care system but in how we think about the system and the people it is designed to serve." It was also the Commission's belief that a clear statement from the President indicating that in this crisis, care must be dispensed equitably, non-judgmentally, and without discrimination to all who had AIDS and HIV infection would do much to improve the climate and permit swifter progress in combatting this tragic epidemic.

On March 29, 1990, in a speech to a national meeting of business leaders the President responded to the Commission's call. In it he said:

"And for those who are living with HIV and AIDS, our response is clear: They deserve our compassion. They deserve our care. And they deserve more than a chance—they deserve a cure . . . In this Nation, in this decade, there is only one way to deal with an individual who is sick. With dignity, compassion, care, confidentiality, and without discrimination."

In addition to establishing a national standard for caring for people living with HIV infection and AIDS, the President outlined the challenge confronting all of us in the HIV epidemic.

"It is our duty to make certain that every American has the essential information needed to prevent the spread of HIV and AIDS. Because while the ignorant may discriminate against AIDS, AIDS won't discriminate among the ignorant."

"Once disease strikes—we don't blame those who are suffering. We don't spurn the accident victim who didn't wear a seatbelt. We don't reject the cancer patient who didn't quit smoking. We try to love them and care for them and comfort them. We do not fire them, or evict them, or cancel their insurance."

We congratulate the President on his important and historic statement. It sets the stage for expansion of efforts of critical importance if we are to genuinely contain the spread of the HIV epidemic. His call for more preventive education, vaccines and new therapies to improve the care for the increasing number of Americans who will fall ill with this disease moves this nation in the proper direction. Now the President's commitment needs translation into action.

Since 1981, more than 75,000 people have died of AIDS and the 1990's will be much worse than the 1980's. This second report from the National Commission on AIDS to the President and the Congress highlights another set of critical issues and focuses on the particular needs of communities most heavily impacted by the epidemic. It contains an additional five recommendations for swift action.

Overview

"Much in AIDS care is happening all over this nation. But like an orchestra without a conductor, we are all playing our own tune. Sometimes we harmonize, sometimes we don't . . . It's pretty tough without a conductor."

The above quote is from National Commission Member Diane Ahrens summarizing the testimony the Commission received at a Working Group Meeting in St. Paul, Minnesota. The call for leadership in response to the Human Immunodeficiency Virus (HIV) epidemic was heard repeatedly during the Commission's hearing in Southern California and again during our visit to New York City's homeless shelters and New Jersey's hospital and drug treatment programs.

We were told, "Governments must assume leadership in this crisis," and, "Leaders often must take unpopular stances and try that which has not been tried." And, we were reminded that Thomas Jefferson once said, "The care of human life and happiness is the first and only legitimate object to good government." The President's speech was an important initial step in this direction.

Commission findings

Nowhere was it more evident that the care of human life must be a priority for our government than in the streets of New York City. Here the estimates of the numbers of homeless vary from 20,000 to as many as 70,000. It is further estimated that 20 to 30 percent of the overall number of homeless individuals are HIV positive. Perhaps 10,000 have AIDS or HIV-related illness. They live in places that are beyond belief in their horror. We heard that the number of homeless in New York City now exceeds the number seen at the height of the great depression. "The new Calcutta" is a term now often applied to this, our premier city.

On February 26th, the Commission visited a variety of homeless "shelters"—ranging from subway tunnels to flophouses to an aging armory. At the armory, which can really best by described as a human warehouse, we stood on a balcony and saw stretched out below us nearly 900 tightly packed cots in a gloomy, cavernous old building. Each night the cots are filled with homeless men. The very great likelihood is that many of those huddled there (we visited on the coldest night of the year) were infected with HIV. While we were there two homeless men, showing their positive tuberculin skin tests to us, voiced their concern that—"people who are extra-susceptible to infections should never be sleeping in a place like this!"

Fort Washington Armory was not the only human catastrophe we witnessed. During our travels we heard about families not only broken but kept asunder by rigid visitation rules for addicted mothers—even those under treatment. We met women with HIV infection who sleep in shelters during the night and struggle to maintain their health (and their children) on the streets and in the shelters during the days. We heard about a supportive housing program that funds only 140 units when at least 2,400 could be filled immediately. We talked to teenagers who trade sex for drugs and money, putting themselves at risk for HIV infection everyday. Now referred to as "throwaway kids," these teenagers seek shelter not only from the cold but from the Hudson River piers and neighborhood streets where adults visiting from out of town, out of state, and, in some cases, out of the country, seek sex for $15 without a condom and $10 with one.

We met with outreach workers who go down into the subway tunnels day after day fighting a battle where they have no ammunition and, indeed, no battlefield on which to stand. The outreach workers hope that one day the "down under" people will come to one of the day programs offered in the Bowery where they can receive medical assessement, treatment and referrals. "Many homeless people are suspicious of promises made for better lives," staff of the Bowery Residence Committee (BRC) told the Commission." "Too often these promises have been broken." In fact, the promise of health care for many of the homeless HIV-infected population in New York's Bowery will be further delayed if, as we were told, the federal dollars are terminated.

In California, New York and New Jersey, we heard repeatedly about the "disaster relief" needed from the federal government for those cities hardest hit by the epidemic.

In Los Angeles, the Commission was deeply troubled by the hamstringing restrictions on the use of public dollars imposed by the elected local officials. Here local decision makers are prohibited from initiating the very efforts that could prevent further spread of the epidemic in a county with the second highest number of reported cases of AIDS in the United States.

In some areas of California there is absolutely no outpatient care available to people with HIV infection and AIDS. In yet other areas, there are six to eight week waits for outpatient services. "Outrage," the Commission was told, "is the only morally credible response."

In February of 1990, the Commission visited a drug treatment program in northern New Jersey. We were told that, this year, New Jersey received in excess of $6 million in federal funds to reduce its waiting list for drug treatment services. New Jersey created more than 1,000 new treatment slots with the funds, but the Commission was told these funds will run out at the end of September. When we asked what drug treatment programs would do when the one-year-only federal dollars run out the re-

sponse was, "Serve more with less—just like we always to." New Jersey ranks fifth among the states in its reported number of AIDS cases and first in its proportions of cases among intravenous drug users, minorities, women and children.

Across the country, the Commission also heard tales of health care denied unless it required acute hospitalization, and we heard desperate pleas that something be done to insure that all hospitals participate equally in provision of under-reimbursed AIDS care, rather than continue the grossly disproportionate distribution resulting from the subtle "patient dumping" now apparently practiced all too frequently in too many parts of the country.

Summary

A lack of clear definition of government roles at all levels has hampered our national ability to organize health care services, to recruit and train human services personnel, to provide housing for the sick, to provide effective AIDS education and prevention programs, to provide coordinated, comprehensive substance abuse treatment and prevention and to develop sufficient monies to finance all of these efforts. All across the country there is a cry for leadership from the federal government and partnership between the different levels of government. There is no question that there have been creative and often heroic efforts at every level of government to address the HIV epidemic, but coordination of these efforts is the missing link to an effective national strategy.

We are increasingly convinced that one set of actions recommended in our first report must be swiftly implemented. A national plan, with clearly delineated responsibilities and agreement on the roles of federal, state and lcoal government and the private sector is essential and long overdue. If we are to respond effectively to the HIV epidemic we must have a clear cooperative plan and make responsibile use of the limited dollars available.

The National Commission on AIDS, therefore, makes the following recommendations:

1. The National Commission on AIDS will continue to recommend policy goals for a national plan. However, the Commission believes it is essential that a federal interagency mechanism be in place to coordinate a national plan. In this way, those who are ultimately responsible for the implementation will have an active role in its development.

2. Federal disaster relief or direct emergency relief is urgently needed to help states and localities most seriously impacted to provide the HIV prevention, treatment, care and support services now in short supply. The Commission strongly supports the efforts in Congress, now embodied in S. 2240, to address this need. The resources simply must be provided now or we will pay dearly later.

3. Housing is an absolutely vital component of any comprehensive effort to address the multiple problems posed by HIV infection and AIDS. While the Commission recognizes that coordination between the state and local government, with input from community based organizations, is essential to effectively respond to the homeless crisis, we also believe the federal government must take the lead in providing the dollars needed to respond to this overwhelming, indeed catastrophic, problem.

4. Government restrictions imposed on the use of education and prevention funds are seriously impeding HIV control. They are clearly serving to prolong the HIV epidemic and should be removed.

5. Because the Americans with Disabilities Act (ADA) guarantees protection against discrimination for people with HIV infection and AIDS, the National Commission on AIDS strongly urges the U.S. House of Representatives to pass the ADA in a swift and timely manner. State and local governments should pass laws forbidding discrimination in areas not covered by the ADA or other federal statutes.

Mr. KENNEDY. We are able to say now with a good deal of credibility that there are vast numbers of cases that are underreported and many of those, percentagewise, exist in parts of the country where the forms of discrimination against those individuals and facilities is more widespread than in others.

I will read just this. The full National Commission on Acquired Immune Deficiency Syndrome said:

There is a dangerous, perhaps even growing, complacency in our country toward an epidemic that many people want to believe is over. Far from over, the epidemic is reaching crisis proportions among the young, the poor, women and many minority communities. In fact, the 1990's will be much worse than the 1980's. * * * There is no national plan for helping an already faltering health care system deal with the impact of the HIV epidemic.

Mr. President, I did include other relevant provisions in this part of the record.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HEFLIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 118

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby report to the Congress on developments since the last report of November 14, 1989, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170, dated November 14, 1979, and matters relating to Executive Order No. 12613 of October 29, 1987. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)), and section 505(c) of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa-9). This report covers events through March 31, 1990, including those that occurred since the last report under Executive Order No. 12170, dated November 14, 1989. That report covered events through September 6, 1989.

1. Since the last report, there have been no amendments to the Iranian Assets Control Regulations, 31 C.F.R. Part 535 (the "IACRs"), or the Iranian Transactions Regulations, 31 C.F.R. Part 560 (the "ITRs"), administered by the Office of Foreign Assets Control ("FAC"). The major focus of licensing activity under the ITRs remains the importation of certain nonfungible Iranian-origin goods, principally carpets, which were located outside Iran before the embargo was imposed, and where no payment or benefit accrued to Iran after the effective date of the embargo. Since September 6, 1989, FAC has made 333 licensing determinations under the ITRs.

During the reporting period, the Customs Service has effected numerous seizures of Iranian-origin merchandise, primarily carpets, caviar, and pistachios, for violations of the Iranian Transactions Regulations. FAC and Customs Service investigations of these violations have resulted in forfeiture actions and imposition of civil monetary penalties amounting to $409,736. Numerous additional forfeiture and civil penalties actions are under review.

In the case of *United States* v. *Ahmad Elyasian*, the defendant was sentenced to 2 years' probation, a $3,000 fine, and the merchandise was forfeited. Criminal proceedings are pending in various jurisdictions involv-

ing several individuals and corporate entities. One arrest warrant is outstanding.

2. The Iran-United States Claims Tribunal (the "Tribunal"), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since the last report, the Tribunal has rendered 38 awards, for a total of 476 awards. Of that total, 341 have been awards in favor of American claimants: 210 of these were awards on agreed terms, authorizing and approving payments of settlements negotiated by the parties, and 131 were decisions adjudicated on the merits. The Tribunal has dismissed a total of 30 other claims on the merits and 65 for jurisdictional reasons. Of the 40 remaining awards, 2 were withdrawn and 38 were in favor of Iranian claimants. As of March 31, 1990, awards to successful American claimants from the Security Account held by the NV Settlement Bank stood at $1,296,219,879.08.

As of March 31, 1990, the Security Account has fallen below the required balance of $500 million 33 times. Iran has replenished the account 33 times, as required by the Algiers Accords, by transferring funds from the separate account held by the NV Settlement Bank in which interest on the Security Account is deposited. Iran has also replenished the account twice when it was not required by the Accords, for a total of 35 replenishments. This figure includes the transfer of $243 million to the Security Account on November 22, 1989, from Dollar Account No. 2 held at the Bank of England. The total amount in the Security Account as of March 31, 1990, was $643,268,583.07. The amount in the interest account as of March 31, 1990, was $118,520,896.63. The aggregate amount that has been transferred from the interest account to the Security Account is $695,648,999.39.

3. The Tribunal continues to make progress in the arbitration of claims of U.S. nationals for $250,000 or more. Over 70 percent of the nonbank claims have now been disposed of through adjudication, settlement, or voluntary withdrawal, leaving 145 such claims on the docket. The largest of the large claims, the progress of which has been slowed by their complexity, are finally being decided, sometimes with sizable damage awards to the U.S. claimant. Since the last report, eight large claims have been decided.

4. The Tribunal continues to process claims of U.S. nationals against Iran of less than $250,000 each. As of March 31, 1990, a total of 432 small claims have been resolved, 38 of them since the last report, as a result of decisions on the merits, awards on agreed terms, or Tribunal orders. Eight contested claims have been decided since the last report, raising the total number of contested claims decided to 36, 18 of which favored the American claimant. These decisions will help in establishing guidelines for the adjudication or settlement of similar claims. To date, American claimants have also received 72 awards on agreed terms reflecting settlements of claims under $250,000. The Tribunal's current small claims docket includes approximately 200 active cases.

5. In coordination with concerned government agencies, the Department of State continues to present U.S. Government claims against Iran, as well as responses by the U.S. Government to claims brought against it by Iran. Since the last report, the Department has filed pleadings in eight government-to-government claims. The Department defended a claim concerning standby letters of credit brought by Iran against the United States in a hearing before the Tribunal. In addition, 15 claims have been settled.

6. Since the last report, nine bank syndicates have completed negotiations with Bank Markazi Jomhouri Islami Iran ("Bank Markazi," Iran's central bank) and have been paid a total of $2,403,504.53 for interest accruing for the period January 1-18, 1981 ("January Interest"). These payments were made from Dollar Account No. 1 at the Federal Reserve Bank of New York ("FRBNY"). Moreover, under the April 13, 1988, agreement between the FRBNY and Bank Markazi, the FRNBY returned $1,748,999.00 of Iranian funds to Bank Markazi. This amount includes settlement amounts for two syndicates that made no claim to the funds held on their behalf in Dollar Account No. 1. All such funds were consequently returned to Bank Markazi. That transfer represents the excess of amounts reserved in Dollar Account No. 1 to pay off each bank syndicate with a claim for January Interest against Bank Markazi.

On November 3, 1989, the United States and Iran agreed to the disposition of $810 million in Dollar Account No. 2 at the Bank of England that was not needed to pay remaining claims against that account. Pursuant to that agreement, on November 22, 1989, $243 million was transferred to the Security Account and $567 million was returned to Iran. The latter payment was made in accordance with the Algiers Accords, which calls for the return of excess funds in Dollar Account No. 2 to Iran.

7. Since the last report, there have been no amendments to the Iranian Assets Control Regulations, 31 C.F.R. Part 535, administered by the Office of Foreign Assets Control. There have been no amendments to the Iranian Transactions Regulations, 31 C.F.R. Part 560, since their publication on November 17, 1988.

8. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals and presents an unusual challenge to the national security and foreign policy of the United States. The Iranian Assets Control Regulations issued pursuant to Executive Order No. 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States properly to implement the Algiers Accords. Similarly, the Iranian Transactions Regulations issued pursuant to Executive Order No. 12613 continue to advance important objectives in combatting international terrorism. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

GEORGE BUSH.

THE WHITE HOUSE, *May 14, 1990.*

MESSAGES FROM THE HOUSE

At 1:29 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3910) to require the Secretary of Education to conduct a comprehensive national assessment of programs carried out with assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendments of the Senate numbered 1 and 3 to the bill (H.R. 1805) to amend title 5, United States Code, to allow Federal annuitants to make contributions for health benefits through direct payments rather than through annuity withholdings if the annuity is insufficient to cover the required withholdings and to make a technical correction relating to the life insurance program; it disagrees to the amendment of the Senate numbered 2 to the bill; and it agrees to the amendment of the Senate to the title of the bill, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1594) to extend nondiscriminatory treatment to the products of the People's Republic of Hungary for 3 years; it insists upon its amendment to the amendment of the Senate; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Ways and Means, for consideration of the House

amendment to the Senate amendment, and the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. JENKINS, Mr. DOWNEY, Mr. PEASE, Mr. RUSSO, Mr. GUARINI, Mr. ARCHER, Mr. VANDER JAGT, Mr. CRANE, and Mr. FRENZEL.

As additional conferees, soley for consideration of title II of the House amendment to the Senate amendment, and for title II of the Senate amendment, and modifications committed to conference: Mr. PICKLE and Mr. SCHULZE.

From the Committee on Agriculture, for consideration of titles VI and VII of the Senate amendment, and modifications committed to conference: Mr. DE LA GARZA, Mr. VOLKMER, Mr. BROWN of California, Mr. OLIN, Mr. STALLINGS, Mr. MORRISON of Washington, Mr. ROBERT F. SMITH, and Mr. HERGER.

From the Committee on Interior and Insular Affairs, for consideration of titles VI and VII of the Senate amendment, and modifications committed to conference: Mr. UDALL, Mr. VENTO, Mr. WILLIAMS, Mr. DEFAZIO, Mr. MCDERMOTT, Mr. YOUNG of Alaska, Mr. CRAIG, and Mr. DENNY SMITH.

From the Committee on Foreign Affairs, for consideration of titles VI and VII of the Senate amendment, and modifications committed to conference: Mr. FASCELL, Mr. WOLPE, Mr. GEJDENSON, Mr. KOSTMAYER, Mr. FEIGHAN, Mr. BROOMFIELD, Mr. ROTH, and Mr. MILLER of Washington.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 1846. An act to make miscellaneous amendments to Indian laws, and for other purposes;

S. 2300. An act to provide financial assistance to the Simon Wiesenthal Center in Los Angeles, CA, for the education programs of the Museum of Tolerance; and

H.R. 2364. An act to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore [Mr. DASCHLE].

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 14, 1990, he had presented to the President of the United States the following enrolled bills:

S. 1846. An act to make miscellaneous amendments to Indian laws, and for other purposes;

S. 2300. An act to provide financial assistance to the Simon Wiesenthal Central in Los Angeles, CA, for the education programs of the Museum of Tolerance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-483. A resolution adopted by the Senate of the State of Minnesota; to the Committee on Appropriations.

"RESOLUTION

"Whereas, in the 1930s and 1940s, the Civilian Conservation Corps engaged in many public works including constructing public buildings; and

"Whereas, many of these buildings are now considered historic buildings and quite a few of them are still in use in public parks such as Itasca State Park and other public areas; and

"Whereas, the buildings are now fifty and sixty years old and in need of repair and restoration; and

"Whereas, the cost of such an undertaking is great, but these buildings are important public resources and should at all costs be preserved as part of the American heritage; Now, therefore,

"*Be it Resolved* by the Legislature of the State of Minnesota that it urges the President and the Congress of the United States to appropriate the necessary funds to aid in the restoration and preservation of the Civilian Conservation Corps buildings.

"*Be it Further Resolved,* That the Secretary of the Senate of the State of Minnesota is directed to prepare certified copies of this memorial and transmit them to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and Minnesota's Senators and Representatives in Congress."

POM-484. A concurrent resolution adopted by the Legislature of the Commonwealth of Kentucky; to the Committee on Armed Services.

"CONCURRENT RESOLUTION

"A concurrent resolution requesting the United States Congress, the President of the United States and the United States Secretary of Defense to replace cerain aircraft of the 123rd Tactical Airlift Wing of the United States National Guard with more modern aircraft.

"Whereas, the 123rd Tactical Airlift Wing of the United States Air National Guard based at Standiford Field, Louisville, Kentucky, is operating in and over the Commonwealth of Kentucky, accomplishing its principal military training and total force missions in the defense of the United States and in the humanitarian service of its people; and

"Whereas, the General Assembly of the Commonwealth of Kentucky supports the efforts of the 123rd Tactical Airlift Wing to improve and update their aircraft fleet through assignment of newer C-130H model aircraft to replace the present 30 year old C-130B aircraft; and

"Whereas, the 123rd Tactical Airlift Wing has a consistent record of excellence in flight operations, aircraft maintenance and unselfish service to the United States and its allies; and

"Whereas, the members of the 123rd Tactical Airlift Wing are largely citizens of the Commonwealth of Kentucky and represent an important segment of this state's community; and

"Whereas, it is in the best interest of this state and the 123rd Tactical Airlift Wing, and its members, that the C-130B model aircraft now being flown be replaced with C-130H model aircraft to ensure the continued safe operations of the 123rd Tactical Airlift Wing; Now, therefore,

"*Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:*

"Section 1. That the United States Congress, the President of the United States and the United States Secretary of Defense are requested to take the appropriate procurement action in fiscal year 1991 to replace the C-130B model aircraft now being flown by the 123rd Tactical Airlift Wing with C-130H model aircraft.

"Section 2. That the Clerk of the Senate shall send a copy of this resolution to the President of the United States, the Secretary of the United States Department of Defense, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, the Chairmen of the House and Senate Armed Services and Appropriation Committees, and each member of the United States congresssional delegation from Kentucky."

POM-485. A resolution adopted by the Legislature of the State of Hawaii; to the Committee on the Budget.

"SENATE RESOLUTION 219

"Whereas, the Federal Highway Trust Fund was established in 1956 for the specific purpose of financing improvements to highway systems and the users fees collected into this fund are allowed to be spent for transportation purposes only; and

"Whereas, in recent years the Highway Trust Fund has been made a part of the United Federal Budget, thereby subjecting it to arbitrary expenditure ceilings for the purpose of reducing the national deficit, despite the fact that Trust Fund expenditures do not contribute to the federal deficit; and

"Whereas, the imposition of such expenditure limitations has resulted in the accumulation of over $9 billion in unapportioned highway funds; and

"Whereas, the unapportioned funds and withheld interest in the Highway Trust Fund have been borrowed for non-highway related purposes and the cash balance has been replaced by U.S. Treasury notes against the General Fund: Now, therefore,

"Be it Resolved by the Senate of the Fifteenth Legislature of the State of Hawaii, Regular Section of 1990, That the United States Congress is requested to remove the Highway Trust Fund from the Unified Federal Budget and to protect the Trust Fund from predatory proposals to divert highway user revenues to programs unrelated to the transportation purposes for which it was established; and

"Be it Further Resolved, That the United States Congress is requested to have those funds repaid to the Highway Trust Fund which have been borrowed from it and that the excess funds accumulated be paid out for highway projects over a five-year period, beginning in Fiscal Year 1992; and

"Be it Further Resolved, That U.S. Senators Daniel K. Inouye and Spark M. Matsunaga, and U.S. Representatives Daniel K. Akaka and Patricia Saiki take all necessary and appropriate measures to ensure that the foregoing requests are implemented; and

"Be it Further Resolved, That certified copies of this Resolution be transmitted to the President of the United States the Secretary of the Department of Transportation, the President of the Senate and the Speaker of the House of Representatives of the United States, and Hawaii's Congressional Delegation."

POM-486. A resolution adopted by the Municipal Council of the township of Wayne, New Jersey; to the Committee on Commerce, Science, and Transportation.

POM-487. A resolution adopted by the General Assembly of the State of Indiana; to the Committee on Commerce, Science, and Transportation.

"HOUSE CONCURRENT RESOLUTION 79

"Whereas, The federal government has spent two years and committed $6,500,000 on an airport study for the location of a new international airport off the southern tip of Lake Michigan;

"Whereas, The Gary Regional Airport is one of four sites that have been included in that study since it began, the other three being south of Chicago, in Illinois;

"Whereas, Recently, when promoting a fifth site for the proposed airport, the mayor of Chicago referred to Gary as "deadhead space", while a spokesman for the mayor recalled that FAA officials have denigrated Gary Regional's suitability for airport development;

"Whereas, It has been reported that United States Transportation Secretary Sam Skinner, who is from Chicago, has given verbal support to the late entry of a fourth site in Illinois for the location of the new airport, even though $6,500,000 has been committed by the FAA to a study that confines consideration to the other four sites; and

"Whereas, Gary Regional Airport is ideally located for the convenience of the people in northwestern Indiana and northeastern Illinois and is an area in great need of economic development; Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate Concurring:

"Section 1: That we urge United States Transportation Secretary Sam Skinner and the Federal Aviation Administration to disavow the inflammatory remarks of the mayor of Chicago concerning Gary, Indiana.

"Section 2: That we urge Secretary Skinner to make an unqualified statement that the plan of the mayor of Chicago will not be considered because it was suggested more than two years too late, and that the site chosen will be one of the four that have been under consideration since 1986, if not earlier.

"Section 3: That we urge Secretary Skinner and the Federal Aviation Administration to select Gary Regional Airport as the site for the new international airport south of Lake Michigan.

"Section 4: That copies of this resolution be sent to the United States Transportation Secretary, Sam Skinner, the Federal Aviation Administration, the presiding officers and the majority and minority leaders of both houses of Congress, and to each member of the Indiana Congressional Delegation."

POM-488. A resolution adopted by the Senate of the State of Hawaii; to the Committee on Energy and Natural Resources.

"SENATE RESOLUTION 55

"Whereas, the State of Hawaiii has a fiduciary responsibility to native Hawaiians as defined by the Hawaiian Homes Commission Act of 1920, as amended, and the Statehood Admissions Act of 1959; and

"Whereas, the Federal Government has a special relationship with native Hawaiians dating back to its relationship with the Kingdom of Hawaii and its last reigning monarch, Queen Lili'uokalani; and

"Whereas, the Federal Government has recognized native Hawaiians as native Americans because they are aboriginal peoples of what is not a member State of the United States; and

"Whereas, the Federal Government has passed numerous acts on behalf of native Hawaiians addressing specifically identified needs and concerns; and

"Whereas, one of the great needs of native Hawaiians yet to be addressed is housing; and

"Whereas, the Hawaiian Homes Commission Act of 1920, as amended, is the first compact signed between the Federal Government and native Hawaiians and its purpose is the rehabilitation of native Hawaiians, which includes the educational, economic, political, social, and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved and perpetuated; and

"Whereas, the Hawaiian Homes Commission and the Department of Hawaiian Home Lands have made a commitment to focus their energies on building homes for native Hawaiians and developing viable contributing communities to island society; and

"Whereas, the State of Hawaii has provided substantial support to the Hawaiian Homes Commission and the Department of Hawaiian Home Lands to carry out this program; now, therefore,

"Be it resolved by the Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1990; That the Congress of the United States is respectfully urged to enact legislation so that the Federal Government can become equal partners in the Hawaiian Homes Commissions' plans to build homes and develop viable native Hawaiian communities throughout the State of Hawaii; and

"Be it further resolved, That Hawaii's congressional delegation is urged to seek the support of pertinent federal agencies in this endeavor; and

"Be it further resolved, That certified copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's congressional delegation, the Governor of the State of Hawaii, and to the Chairman of the Hawaiian Homes Commission."

POM-489. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION 90-12

"Whereas, There is currently pending before the United States Congress legislation to establish additional wilderness areas in Colorado; and

"Whereas, The benefits of designating wilderness areas must be balanced against the consequences of such designation upon the economic and social welfare of the citizens of Colorado; and

"Whereas, The designation of wilderness areas may significantly affect the economic health of this state by adversely impacting private and public property interests and rights in land, water, and mineral resources, by establishing barriers to access to such property interests, by preempting existing private property rights, and in other ways; and

"Whereas, Readily available and reliable water supplies are absolutely vital to the health and economic development of the people of this state; and

"Whereas, Uncertainty relative to the existence of implied federal reserved water rights for existing and new wilderness areas clouds property titles, discourages natural resource management and development, and disrupts the State's water rights administration system, resulting in economic stagnation and unproductive litigation; and

"Whereas, The recognition of federal reserved water rights for wilderness areas in Colorado, be such rights expressed or implied, damages the integrity of the property system in water established by the Colorado Constitution and the doctrine of prior appropriation set forth therein, and impedes the ability of Colorado to effectively manage and fully utilize its valuable water resources; and

"Whereas, The laws of Colorado and the instream flow program of the Colorado Water Conservation Board afford adequate protection for any wilderness values which the United States may wish to secure for wilderness areas in Colorado; and

"Whereas, National forest lands are foreclosed from multiple use while they remain in wilderness study status, resulting in loss of economic and recreational opportunities, and sufficient time has passed for study of the suitability of such lands for wilderness designation; Now, therefore,

"Be It Resolved by the Senate of the Fifty-seventh General Assembly of the State of Colorado, the House of Representatives concurring herein:

"That Congress is urged to adopt only such wilderness legislation as embodies the following principles:

"(1) Wilderness legislation must fully protect private property rights:

"(2) Boundaries for wilderness areas must be drawn so as to include only those areas which are suitable for such designation, while excluding conflicting uses within such boundaries to the extent possible;

"(3) Reasonable rights of access for private property must be reconfirmed and maintained;

"(4) Implied federal reserved water rights for all existing and new wilderness areas must be expressly disclaimed;

"(5) Any water rights for wilderness areas in this state must be obtained pursuant to the laws of the State of Colorado; and

"(6) Public lands which have been studied for possible designation as wilderness areas and which are not being designated as wilderness areas at this time should be released from study status and returned to multiple use.

"Be It Further Resolved, "That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, each Member of Congress from the State of Colorado, the Chairman of the United States Senate Energy and Natural Resources Committee, and the Chairman of the Committee on Interior and Insular Affairs of the United States House of Representatives."

POM-490. A joint resolution adopted by the Legislature of the State of Wisconsin; to the Committee on Veterans Affairs.

"JOINT RESOLUTION 80

"Whereas, on May 8, 1989, a U.S. district court in California struck down the U.S. department of veterans affairs regulations issued in response to P.L. 98-542, the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, requiring the U.S. department of veterans affairs to establish standards for disability compensation for veterans suffering from diseases associated with exposure to agent orange; and

"Whereas, that decision confirms what Vietnam veterans, scientific studies and veterans organizations have recognized for the last decade, that despite delays, denials and deceptions, there is sufficient evidence to warrant compensation to veterans injured as a result of their exposure to agent orange; and

"Whereas, those delays have caused additional suffering and distress among Vietnam veterans and their families; and

"Whereas, the principal findings of the district court were that the cause and effect standard the U.S. department of veterans affairs has required veterans to meet for agent orange-related claims is unfair and unprecedented, that the U.S. department of veterans affairs has failed to give veterans the benefit of the doubt mandated by federal law and afforded other veterans when considering agent-orange claims and that the U.S. department of veterans affairs must reopen the cases of more than 30,000 veterans who were denied compensation under the unlawful regulations; and

"Whereas, the district court ruling offers the secretary of the U.S. department of veterans affairs and the federal administration a remarkable opportunity to break with the unfortunate policy of the past and assume a positive leadership role on the issue of agent orange; and

"Whereas, P.L. 95-542, designed to make compensation more accessible to disabled agent orange veterans, gives the U.S. secretary of the department of veterans affairs the power to amend the department's compensation regulations to include any diseases that may be associated with exposure to agent orange; and

"Whereas, studies have shown increased incidences of non-Hodgkin's lymphoma and soft tissue sarcoma among veterans exposed to agent orange and others exposed to components of agent orange; therefore, be it

"Resolved by the assembly, the senate concurring, That the Wisconsin legislature urges congress to pass legislation including these 2 forms of cancer as compensable diseases for veterans exposed to agent orange; and, be it further

"Resolved, That the Wisconsin legislature urges the secretary of the U.S. department of veterans affairs to include on the list of compensable diseases under P.L. 98-542, non-Hodgkin's lymphoma and soft tissue sarcoma; and, be it further

"Resolved, That the U.S. department of veterans affairs and congress allow compensation for additional conditions as the evidence accumulates; and, be it further

"Resolved, That the chief of the assembly shall transmit copies of this resolution to the president of the U.S. senate, the speaker of the U.S. house of representatives, each member of the congressional delegation from this state and the secretary of the U.S. department of veterans affairs."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 396: A bill to amend title 11 of the United States Code, the bankruptcy code, regarding swap agreements (Rept. No. 101-285).

S. 994: A bill to amend the Clayton Act regarding interlocking directorates and officers (Rept. No. 101-286).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 995: A bill to amend the Clayton and Sherman Acts regarding antitrust procedures (Rept. No. 101-287).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 996: A bill to amend the Clayton Act regarding damages for the United States (Rept. No. 101-288).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. HARKIN, Mr. PELL, Mr. COCHRAN, Mr. ADAMS, Mr. BAUCUS, Mrs. KASSEBAUM, and Mr. BURDICK):

S. 2617. A bill to amend the Public Health Service Act to make various improvements in existing scholarship and loan repayment programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEFLIN (for himself and Mr. SHELBY):

S. 2618. A bill to amend title 5, United States Code, to establish the appropriate grade and rates of pay for certain administrative law judges; to the Committee on Governmental Affairs.

By Mr. GLENN:

S. 2619. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program; to the Committee on Finance.

By Mr. HEFLIN:

S. 2620. A bill to provide for a 5-year intercircuit conflict resolution demonstration within the judiciary; to the Committee on the Judiciary.

S.J. Res. 313. Joint resolution designating October 3, 1990, as "National Teacher Appreciation Day;" to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. HARKIN, Mr. PELL, Mr. COCHRAN, Mr. ADAMS, Mr. BAUCUS, Mrs. KASSEBAUM, and Mr. BURDICK):

S. 2617. A bill to amend the Public Health Service Act to make various improvements in existing scholarship and loan repayment programs, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL HEALTH SERVICE CORPS REVITALIZATION ACT

Mr. KENNEDY. Mr. President, today, on behalf of myself and Senators HATCH, HARKIN, PELL, COCHRAN, ADAMS, KASSEBAUM, BAUCUS, and BURDICK, I am introducing legislation to extend the authority of the National Health Service Corps for an additional 4 years. This reauthorization will revitalize this vital public health program and establish the basis on which to increase funding over the next few years to achieve this goal. The great need for health professionals in many regions of the country makes it essential that we give this measure a high priority.

For 20 years the National Health Service Corps has served as a major source of medical help for communities and populations which have been unable to recruit and retain physicians, nurses, and other health providers on their own. The corps' mission has always been the same, to improve and maintain the health status of medically underserved populations by addressing the shortage and geographical maldistribution of physicians. The Scholarship Program of the National Health Service Corps, in which students receive scholarships to medical school in exchange for a minimum of 2 years of service in designated shortage areas, has been the principal source of providers who have served in these areas and has enabled many minority and disadvantaged students to attend medical schools.

Despite its success in providing access to care for millions of medically underserved people, the National Health Service Corps was one of the social programs targeted for elimination during the Reagan years. Two national health manpower studies provided the rationale for the phasing out of the corps. It was thought that a physician surplus would force physicians to migrate to isolated rural communities and inner-city underserved areas. The number of new corps scholarship awards were sharply reduced and the program was scheduled for termination. While the number of new scholarships peaked at 2,380 in 1979, no new awards were made in fiscal year 1989. The total field strength of health physicians declined from 3,127 in 1986 to 1,920 in 1989.

The shrinking of the National Health Service Corps Scholarship Program could hardly have come at a worse time. The anticipated overflow of physicians into underserved areas never occurred. Instead, we are faced with a major shortage of primary care physicians and obstetrician/gynecologists. The Public Health Service estimates that 4,000 physicians are needed to provide primary care services in 1,955 health manpower shortage areas. Less populated rural areas are experiencing particular difficulty in attracting health care professionals. In the United States as a whole, an average of 163.3 physicians are available for every 100,000 citizens, but only 53 phy-

sicians exist for the same number of people in counties with populations of less than 10,000. Whether because of geographic isolation, extreme poverty, or deterioration of local health systems resulting from general economic decline, certain areas have not benefited from the increased supply of physicians. In 1988, the National Health Service Corps identified 500 to 600 communities where providers refuse to locate for prolonged periods, including frontier areas and hard-core inner cities.

The legislation we are introducing today will reinvigorate the National Health Service Corps and restore its capacity to serve populations with limited access to quality health care.

This effort will add new categories of health professionals to the ranks of the corps and improve both the recruitment and retention of service providers. Physicians are desperately needed in many communities. But there is also a great need for trained nurses, nurse practitioners certified nurse midwives, and physician's assistants. Studies by the Office of Technology Assessment and the Institute of Medicine in the 1980's have demonstrated that midlevel providers are capable of delivering many services in their respective scopes of practice that are equal in quality to those provided by physicians. The OTA report indicated that physician's assistants and nurse practitioners can perform 60 to 80 percent of the tasks done by primary care physicians. By adding such providers to the programs of the National Health Service Corps, we can increase access to health care and guarantee a mix of providers that responds to the wide range of needs in every community.

My bill establishes new incentives for joining and staying in the corps. Career advisers will be designated by the corps to maintain contact with scholarship recipients during their training, and keep them informed of corps activities and events at their future practice sites. The career advisers are essential to the development of a professionalized corps with members who proudly look forward to serving instead of viewing it solely as an obligation.

Corps members will gain the opportunity to hold faculty appointments at health professions schools, participate in exchange programs with teaching institutions, and earn leave time to attend professional conferences. We also propose the creation of respite squads to provide services while established corps providers are participating in career development activities or are on vacation. The respite squads would be particularly helpful in rural areas where solo practitioners with large responsibilities and no time off are often located.

Corps assignees would also be permitted to join the commissioned corps of the U.S. Public Health Service and benefit from the privileges that this uniformed service offers. Scholarship-obligated medical students would be able to begin a service obligation in the third year of a residency program, on a part-time basis.

All of these incentives will attract practitioners into areas they might otherwise not have considered, and will alleviate the geographic, professional and social isolation that practitioners frequently feel.

The bill also identifies minorities and the disadvantaged, as well as certain midlevel and mental health providers, as priority applicants to both the scholarship and loan repayment programs, since such students are more likely to serve populations in their socioeconomic groups. I would like to commend Senator ADAMS for his persistent efforts to assure that minorities and the economically disadvantaged get the priority they deserve in this program.

In anticipation of this proposed revitalization of the National Health Service Corps, some administrative adjustments must be made to assure successful implementation of the bill's provisions. In the 1970's, the corps expanded too quickly, without a corresponding increase in programming staff, and the administration of the program, was undermined. Our bill allows an increase in the number of administrative staff to carry out the new initiatives. At the same time, we are asking for a General Accounting Office review of the program by 1993 to help the corps identify any administrative and managerial deficiencies and recommend solutions.

In order to support these innovations, substantial new funding will be required. We envision at least a doubling in funds for this program in the next fiscal year and a tripling in the year after. The authorization levels have been defined on a "such sums" basis to allow for this increase.

The mission and purpose for which Congress established the National Health Service Corps are as relevant today as they were in 1970. No new bureaucracy is needed, just a rejuvenation of existing mechanisms and a tailoring of the program to the needs of the 1990's. This bill represents a worthwhile effort to help the National Health Service Corps fulfill its mission and provide new sources of urgently needed health care providers to populations and communities across the Nation. I urge my colleagues to join in supporting this essential legislation.

Mr. President, I ask unanimous consent that the full text of my remarks, the bill, and the bill summary be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Health Service Corps Revitalization Act of 1990".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the mission of the National Health Service Corps is to improve access to health care services for medically underserved populations by addressing the geographic maldistribution of physicians and other health care personnel;

(2) over the years, more than 13,000 health care providers have been placed in communities that greatly needed their services with the peak field strength of the National Health Service Corps occurring in 1986 with 3,127 providers;

(3) the key contributor to this field strength were the individuals who had received medical school scholarships in return for a commitment to serve with such Corps;

(4) the number of scholarship awards by the National Health Service Corps peaked in 1979 when 2,380 were awarded;

(5) due to a planned phase out of the scholarship program combined with reductions in funding, the number of scholarships and commitments to serve in the Corps declined steadily throughout the 1980's, and between 1986 and 1989, the number of providers in place around the country declined by over 1000;

(6) the cut back described in paragraph (5) was based on the theory that a physician surplus would drive physicians into underserved communities, but the anticipated overflow of physicians into underserved areas did not happen and many communities lost their sole provider of health services due to the cutback in this Federal program;

(7) inner city and rural communities face an especially serious deterioration in the availability of health services that has been greatly exacerbated by the decline in the strength of the Corps with the situation reaching a crisis level in some communities;

(8) as of December 1987, the Department of Health and Human Services had designated the following number of health personnel shortage areas—

(A) 786 dental shortage areas;

(B) 562 psychiatry shortage areas; and

(C) 1,944 primary care shortage areas;

(9) it would take more than 4,000 physicians to fill the primary care shortage areas and eliminate the designations referred to in paragraph (8);

(10) approximately 50 percent of the medically indigent population in the shortage areas reside in rural areas and rural areas constitute roughly 70 percent of the shortage area designations;

(11) in 1987, to begin to address the shortage created by the cuts in the scholarship program, a new loan repayment program for health professionals was established;

(12) the loan repayment program referred to in paragraph (11) was offered to doctors and nurses with the response making it clear that additional funds were needed for such program;

(13) the number of mid-level health practitioners, including nurse practitioners and

physicians assistants, in underserved areas, and especially in rural areas, has increased significantly in recent years, and such practitioners have provided an important source of care when physician services are not available and have often been complementary to existing physician services;

(14) a mix of providers that include nurses, nurse practitioners, certified nurse midwives, physicians assistants, social workers, mental health workers, and physicians is needed in order to provide for the full range of services needed by underserved communities;

(15) though loan repayment may represent a useful incentive to bring such health personnel to underserved areas, scholarships are specially needed in order to successfully recruit nurses, certified nurse midwives, and nurse practitioners to serve in such areas; and

(16) due to the high turnover of health professionals in underserved areas, improved methods of retention are needed to keep existing National Health Service Corps personnel in underserved communities to which such personnel are assigned to serve.

(b) PURPOSE.—It is the purpose of this Act—

(1) to increase the supply of vital health professionals to urban and rural underserved health professional shortage areas;

(2) to halt proposals to phase out the National Health Service Corps scholarship program and to increase the number of scholarships and loan repayments for physicians and other providers to address the serious decline in the availability of health professionals in underserved areas; and

(3) to revitalize the National Health Service Corps by improving the recruitment and retention of providers and by diversifying the Corps so that it includes mid-level practitioners, social workers, and mental health professionals.

SEC. 3. PUBLICITY AND RECRUITMENT.

Section 338A(c)(2) of the Public Health Service Act (42 U.S.C. 254l(c)(2)) is amended by inserting before the period the following: ", including a statement of all factors considered in the selection of applicants and the assignment of corps members".

SEC. 4. SCHOLARSHIP AND LOAN REPAYMENT PROGRAM PRIORITIES.

(a) SCHOLARSHIP PROGRAM.—Section 338A(d) of the Public Health Service Act (42 U.S.C. 254l(d)) is amended—

(1) in paragraph (1), by striking out "and" at the end thereof;

(2) in paragraph (2)(C), by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(3) to applications from individuals who are legal residents of health manpower shortage areas or who, at the time of the submission of the application, reside in a health manpower shortage area;

"(4) to applications from disadvantaged individuals and minorities;

"(5) to applications from individuals who have demonstrated an interest in providing primary care service for the underserved through the participation of such individuals in clinical programs;

"(6) to applications from nurses, nurse midwives, nurse practitioners, physicians assistants, social workers, and counseling professionals; and

"(7) to applications from physicians in the primary care fields.".

(b) LOAN REPAYMENT PROGRAM.—Section 338B(d) of the Public Health Service Act (42 U.S.C. 254l-1(d)) is amended—

(1) in paragraph (1), by striking out "and" at the end thereof;

(2) in paragraph (2), by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(3) to applications from individuals who are legal residents of health manpower shortage areas or who, at the time of the submission of the application, reside in a health manpower shortage area;

"(4) to applications from disadvantaged individuals and minorities;

"(5) to applications from individuals who have demonstrated an interest in providing primary care service for the underserved through the participation of such individuals in clinical programs;

"(6) to applications from nurses, nurse midwives, nurse practitioners, physicians assistants, social workers, and counseling professionals; and

"(7) to applications from physicians in the primary care fields.".

SEC. 5. INCENTIVES AND ADMINISTRATIVE PROVISIONS.

Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) is amended by adding at the end thereof the following new sections:

"SEC. 338K. INCENTIVES FOR RECRUITMENT AND RETENTION.

"(a) IN GENERAL.—The Secretary shall establish and implement a program of incentives, as described in subsection (b), to improve National Health Service Corps recruitment and retention.

"(b) INCENTIVES.—

"(1) PRIORITY SCHOOLS.—The Secretary shall give priority in the awarding of scholarships and loans to those schools and training programs that can demonstrate a record of success in training, or a comprehensive effort to train, individuals to enter primary care fields, and to serve underserved areas.

"(2) MATERIALS.—The Secretary shall distribute materials that encourage the financial aid offices of medical, nursing, and social work schools, primary care oriented medical school departments, and residency programs to inform all students and residents about the Scholarship and Loan Repayment Program.

"(3) STUDENT TRAINING AND EXTERNSHIP PROGRAM.—The Secretary shall make grants and enter into contracts with health professions institutions and public and private nonprofit entities for the conduct of programs that would expose and train health professions students throughout their academic careers to clinical settings administered by countries, States, or the Public Health Service that provide primary care services to medically underserved areas.

"(4) CAREER ADVISOR.—The Secretary shall appoint individuals to serve within the National Health Service Corps as career advisors to assist Corps members from the time such members enter into a contract with the Corps until such members complete their obligation.

"(5) FELLOWSHIPS IN PRIMARY CARE.—The Secretary, in conjunction with eligible residency programs and other training programs, shall establish fellowship programs for physicians, nurse practitioners, nurse midwives, and physician assistants who have an interest and commitment to primary care, to enable such health professionals to gain exposure and expertise in the delivery of medical services to underserved populations in health professional shortage areas.

"(6) FACULTY APPOINTMENTS.—The Secretary shall encourage the provision of faculty appointments for Corps providers at health professional schools, to provide access for such providers, and the communities they serve, to university facilities and to make such providers a source of expertise for health professions students.

"(7) EXCHANGE PROGRAMS, ETC.—The Secretary shall establish exchange programs with teaching centers, leave time for professional conferences, sabbatical leave, and traveling medical consultation teams to increase opportunities for patient case presentations and discussions and research by Corps personnel.

"(8) COMMISSIONED CORPS.—The Secretary shall establish a program to provide Corps members the opportunity to join the Commissioned Corps of the United States Public Health Service and take advantage of membership privileges such as—

"(A) ability to move to different parts of the country without losing accrued benefits (such as pay status, saved vacation and sick leave, and acquired time toward retirement);

"(B) access to military base privileges (such as athletic facilities, commissary and exchange stores); and

"(C) free use of military space available travel.

"(9) JOB SHARING, ETC.—The Secretary shall establish options, such as job sharing and couple recruitment, and other flexible work programs for Corps members.

"(10) RESPITE SQUAD.—The Secretary shall establish a 'respite squad' that shall consist of mid-career health professionals who would work in underserved areas on a short-term basis, such as a two-week period or a one day a month basis.

"(11) INDEPENDENT RECRUITMENT.—The Secretary shall establish an independent recruitment program to recruit individuals, who are not participants in the Scholarship or Loan Repayment Programs, to become Corps members.

"(c) TRACKING AND EVALUATION.—

"(1) IN GENERAL.—The Secretary shall track and evaluate the incentive programs established under subsection (b), to determine the effectiveness of such programs in increasing the participation of individuals in the programs established under this part, and in the continuing participation of such individuals in such programs.

"(2) EFFECTIVENESS.—The Secretary shall evaluate the effectiveness of the programs established in paragraphs (3) and (5) of subsection (b) in influencing the specialty choice and practice setting of program participants.

"(3) REPORTING.—Not later than March 1 of every even numbered year, the Secretary shall prepare and submit to the appropriate Committees of Congress, a report concerning the evaluations conducted under paragraphs (1) and (2).

"SEC. 338L. INCREASE IN STAFF.

"The Secretary shall ensure that the administrative staff of the National Health Service Corps is adequate and appropriate to administer the programs established and operated under this subpart. The Secretary shall increase such staff if such increase is necessary to effectively administer such programs.".

SEC. 6. DEPENDENT ALLOWANCE.

(a) SCHOLARSHIP PROGRAM.—Section 338A(g)(1) of the Public Health Service Act (42 U.S.C. 254l(g)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking out "and";

(2) in subparagraph (B), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(C) a reasonable dependent allowance as determined by the Secretary.".

(b) LOAN REPAYMENT PROGRAM.—Section 338B(g)(1) of such Act (42 U.S.C. 254l-1) is amended—

(1) in subparagraph (B), by striking out "or";

(2) in subparagraph (C), by striking out the period and inserting in lieu thereof "; or"; and

(3) by inserting at the end thereof the following new subparagraph:

"(D) a reasonable dependent allowance as determined by the Secretary.".

SEC. 7. CONTRACT FOR FINANCIAL ASSISTANCE.

(a) TECHNICAL AMENDMENT.—Section 338A(g)(1) of the Public Health Service Act (42 U.S.C. 254l-1(g)(1)) is amended in the material preceding subparagraph (A) by striking out "A scholarship" and inserting in lieu thereof "Except as provided for in paragraph (5), a scholarship".

(b) TERMS AND CONDITIONS.—Section 338A(g) of such Act (42 U.S.C. 254l) is amended by adding at the end thereof the following new paragraphs:

"(4) In developing a contract under this subsection, the Secretary is authorized to individually tailor a package of financial assistance that includes both scholarship components and loan repayment components.

"(5) Notwithstanding paragraph (1), the Secretary may award a partial scholarship to an individual with circumstances that warrant less financial assistance than the financial assistance provided under paragraph (1).

SEC. 8. TRACKING AND EVALUATION REQUIREMENTS.

(a) SCHOLARSHIP PROGRAM.—Section 338A(i) of the Public Health Service Act (42 U.S.C. 254l(i)) is amended—

(1) in paragraph (3), by striking out "and" at the end thereof;

(2) in paragraph (4), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraphs:

"(5) the effectiveness in maintaining or increasing the interest in and commitment of individuals participating in the Scholarship Program to primary care and service to the underserved; and

"(6) the retention rate of participants in the Scholarship Program.".

(b) LOAN REPAYMENT PROGRAM.—Section 338B(i) of such Act (42 U.S.C. 254l-1(i)) is amended—

(1) in paragraph (3), by striking out "and" at the end thereof;

(2) in paragraph (4), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraphs:

"(5) the effectiveness in maintaining or increasing the interest in and commitment of individuals participating in the Loan Repayment Program to primary care and service to the underserved; and

"(6) the retention rate of participants in the Loan Repayment Program.".

SEC. 9. FULFILLMENT OF OBLIGATION.

(a) PART-TIME FULFILLMENT.—Section 338C(b)(5)(C) of the Public Health Service Act (42 U.S.C. 254m(b)(5)(C)) is amended—

(1) by striking out "No" and inserting in lieu thereof "(i) Except as provided in clause (ii), no";

(2) by inserting at the end thereof the following new clause:

"(ii) Notwithstanding clause (i), the Secretary may permit a resident in-training with the approval of the training program director, in the third year of residency to begin fulfilling a service obligation on a part-time basis, including providing services referred to in 338K(b)(9).".

(b) RESPITE SQUADS.—Section 338E(d) of such Act (42 U.S.C. 254o(d)) is amended by adding at the end thereof the following new paragraph:

"(4) If an individual defaults on an obligation under the Scholarship Program (or a contract thereunder) or the Loan Repayment Program (or a contract thereunder), the Secretary may permit such individual to partially fulfill such obligation through service. Such service shall not in a substantial way supplant the penalties referred to in section 338E.".

SEC. 10. TRANSFER OF FUNDS.

Section 338G of the Public Health Service Act (42 U.S.C. 254q) is amended by adding at the end thereof the following new subsection:

"(c) TRANSFER OF FUNDS.—The Secretary may transfer funds between the Scholarship Program and the Loan Repayment Program as needed due to the availability of applicants for such programs.".

SEC. 11. ADMINISTRATIVE REVIEW.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after section 336A the following new section:

"SEC. 336B. ADMINISTRATIVE REVIEW.

"Not later than January 1, 1993, the General Accounting Office shall complete an administrative review of the Corps including the administration of the Scholarship Program and the Loan Repayment Program.".

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL HEALTH SERVICE CORPS.—Section 338(a) of the Public Health Service Act (42 U.S.C. 254k(a)) is amended to read as follows:

"(a) To carry out this subpart, there are authorized to be appropriated—

"(1) $65,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, and 1994; and

"(2) such sums as may be necessary in each of the fiscal years 1991, 1992, 1993, and 1994, which in no event shall be less than 8 percent of the amount appropriated under paragraph (1), with respect to nurses, nurse practitioners, certified nurse midwives, physician assistants, social workers, and other non-physician health providers.".

(b) SCHOLARSHIP AND LOAN REPAYMENT PROGRAM.—Section 338G(b) of such Act (42 U.S.C. 254q(b)) is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for scholarships and loan repayments under this subpart.

"(2) SET-ASIDE.—Of the amount appropriated under paragraph (1) for each fiscal year, the Secretary shall make available not less than 10 percent for scholarships and loan repayments under this subpart with respect to nurses, nurse practitioners, nurse midwives, physician assistants, social workers, and other non-physician health providers.".

(c) STATE PROGRAMS.—Section 338H(d) of such Act (42 U.S.C. 254q-1(d)) is amended to read as follows:

"(d) The Secretary shall use such sums as may be necessary from amounts available under section 338G(b)(1) to carry out the physician loan repayment program, and such sums as may be necessary from the amounts available under section 338G(b)(2) for loan repayment for nurses, social workers, and other health professionals.".

SEC. 13. GRANTS TO STATES FOR OPERATION OF OFFICES OF RURAL HEALTH.

Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) (as amended by section 5) is further amended by adding the end thereof the following new section:

"SEC. 338M. STATE OFFICES OF RURAL HEALTH.

"(a) IN GENERAL.—The Secretary shall make grants to States in accordance with this section to enable such States to establish State Offices of Rural Health, or to assist existing State rural health offices, to engage in the activities described in subsection (d)(2).

"(b) AMOUNT OF GRANT.—

"(1) MAXIMUM AMOUNT.—The Secretary shall not make grants to a single State for a fiscal year under this section in an amount that is more than the quotient of the aggregate amount appropriated pursuant to subsection (g) for such fiscal year divided by the number of applications under subsection (f) that are approved for such fiscal year.

"(2) MATCHING REQUIREMENT.—Except as provided in paragraph (3), a State that receives a grant under this section shall provide an amount equal to the amount provided under such grant to establish, administer, or enhance the ongoing operations of the Office. Such amounts may be provided in cash or in-kind.

"(3) EXCEPTION.—To assist in the establishment of new rural health offices, for the first year of operation of a State Office of Rural Health, the Secretary may modify the matching requirement under paragraph (2) to the extent that the State shall contribute not less than $1 for each $3 of Federal funds provided.

"(c) LIMITATION ON USE OF GRANT FOR RESEARCH ACTIVITIES.—Each State receiving a grant under this section shall not use in excess of 5 percent of the amounts provided under such grant for research activities.

"(d) STATE OFFICES OF RURAL HEALTH.—

"(1) ESTABLISHMENT.—Each State that receives a grant under this section may establish, or continue the operations of, the State Office of Rural Health in a State agency, or through contract with a public or private educational institution or other organization, or any combination of the preceding entities, as determined by the State.

"(2) ACTIVITIES.—

"(A) DUTIES.—Each State Office of Rural Health established or operated under a grant made under this section shall—

"(i) provide leadership and advocacy for rural residents with regard to rural health;

"(ii) coordinate the activities of such Offices with Federal, State, local, and private health entities, and with the rural development activities of, and cooperate with, the Agricultural Extension Service;

"(iii) make recommendations on improving the quality and cost effectiveness in the delivery of rural health care;

"(iv) identify Federal and State programs regarding rural health, and provide technical assistance to public and nonprofit private entities regarding participation in such programs;

"(v) prepare and submit reports periodically to the Office of Rural Health Policy concerning the activities of the office; and

"(vi) communicate and cooperate with rural health research centers established by the Federal Office of Rural Health Policy established under section 301.

"(B) OPTIONAL ACTIVITIES.—Each State Office of Rural Health established under a grant made under this section may—

"(i) assist rural areas in responding to changes in access to health care;

"(ii) plan and assist in the professional recruitment and retention of medical professionals and assistants in rural areas;

"(iii) improve community involvement in health care delivery through methods including the conduct of leadership development programs for the members of the community;

"(iv) improve rural emergency medical services;

"(v) improve access to health care in rural areas through innovative transportation and communications services;

"(vi) encourage the sharing of rural health care information;

"(vii) evaluate data on rural health conditions and needs; and

"(viii) provide technical assistance for rural hospital transition grants.

"(3) ANNUAL MEETINGS.—Representatives from each State Office of Rural Health that receives a grant made under this section shall meet annually with representatives from the Office of Rural Health Policy to share information and coordinate strategies for improving quality and cost effectiveness in the delivery of rural health care.

"(4) LIMITATION.—No amounts appropriated under subsection (g) shall be used for health planning uses of the type performed under title XV (as such title existed prior to January 1, 1987,) such as certificate of need programs.

"(e) STATE DEFINED.—As used in this section, the term 'State' means the 50 States.".

"(f) REQUIREMENT OF APPLICATION.—The Secretary shall not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, made in such manner, and contains such agreements, assurances, and information as the Secretary determines necessary to carry out such subsection.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $3,750,000, for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1994.".

SEC. 14. TECHNICAL AMENDMENTS.

(a) ASSIGNMENT OF PERSONNEL.—Section 333(h) of the Public Health Service Act (42 U.S.C. 254f(h)) is amended—

(1) in paragraph (1), by inserting "(M.D. and D.O.)" after "physicians"; and

(2) in paragraph (2), by inserting "payment," after "utilization,".

(b) COST SHARING.—Section 334(f)(2)(B)(ii) of such Act (42 U.S.C. 254g(f)(2)(B)(ii)) is amended by inserting "payments or" after "third party".

(c) PROVISION OF HEALTH SERVICES.—Section 335 of the Public Health Service Act (42 U.S.C. 254h) is amended—

(1) in subsection (b)(1), by inserting "(M.D. and D.O.)" after "physicians";

(2) in subsection (c), by inserting "(M.D. and D.O.)" after "medical; and

(3) in subsection (e)(1)(A), by inserting "(M.D. and D.O.)" after "physician".

(d) SCHOLARSHIP PROGRAM.—Section 338B of the Public Health Service Act (42 U.S.C. 254l-1) is amended—

(1) in subsection (b)(1), by inserting "nursing," after "dentistry,"; and

(2) in subsection (g)—

(A) by inserting "all" after "related expenses on" in paragraph (1);

(B) by striking out "may" in paragraph (3), and inserting in lieu thereof "shall"; and

(C) by striking out "or part" in paragraph (3).

SEC. 15. CONFORMING AMENDMENTS.

(a) UNIFORMED SERVICES HEALTH PROFESSIONS REVITALIZATION ACT OF 1972.— Section 2123(e) of title 10, United States Code, is amended by striking out "an area of health manpower shortage" and inserting in lieu thereof "a health professional shortage area".

(b) PUBLIC HEALTH SERVICE ACT.—

(1) Sections 303(d)(2)(B), 331, 333, 334, 335, 336(a), 336A, 338A, 338B, 338C, 338D, 338F(a)(1), 735, 741(f)(1)(C), 759(a), 781(a)(2)(B)(iii), and 822 of the Public Health Service Act (42 U.S.C. 242a(d)(2)(B), 254d, 254f, 254g, 254h, 254h-1(a), 254i, 254l, 254l-1, 254m, 254n, 254p(a)(1), 294h, 294n(f)(1)(C), 294aa(a), 295g-1(a)(2)(B)(iii), and 296m) are amended by striking out "health manpower shortage area" each place such appears and inserting in lieu thereof "health professional shortage area".

(2) Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended—

(A) by striking out the section heading and inserting in lieu thereof the following:

"DESIGNATION OF HEALTH PROFESSIONAL SHORTAGE AREAS";

and

(B) by striking out "health manpower shortage area" each place it appears and inserting in lieu thereof "health professional shortage area".

(c) SOCIAL SECURITY ACT.—The Social Security Act is amended—

(1) in section 1156(b)(5) (42 U.S.C. 1320c-5(b)(5)), by striking out "health manpower shortage area (HMSA)" and inserting in lieu thereof "health professional shortage area"; and

(2) in sections 1833(m), 1842(b)(4)(F), and 1861 (42 U.S.C. 1395l(m), 1395u(b)(4)(F), and 1395x), by striking out "health manpower shortage area" each place it appears and inserting in lieu thereof "health professional shortage area".

(d) COMPREHENSIVE HEALTH MANPOWER TRAINING ACT OF 1971.—Section 202 of the Comprehensive Health Manpower Training Act of 1971 (42 U.S.C. 3505d) is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"NATIONAL HEALTH PROFESSIONAL SHORTAGE CLEARINGHOUSE";

and

(2) in subsection (a), by striking out "manpower" and inserting in lieu thereof "professional".

(e) HEAD START ACT.—Section 645(a)(2)(B) of the Head Start Act (42 U.S.C. 9840(a)(2)(B)) is amended by striking out "health manpower shortage area" and inserting in lieu thereof "health professional shortage area".

SUMMARY OF THE PROPOSAL TO REVITALIZE THE NATIONAL HEALTH SERVICE CORPS

1. Scholarship and Loan Repayment Program Priorities.

For applicants to both the Scholarship and Loan Repayment Programs, priority would be given to the following:

Residents of HMSA's minorities, and the disadvantaged;

Students who attend for or plan to attend schools or residency programs that have records of training primary care providers who work with the underserved;

Individuals who have demonstrated an interest in providing primary care service for the underserved through participation in clinical programs;

Nurses, nurse midwives, nurse practitioners and physicians assistants, social workers, and other counseling professionals; and

Physicians in primary care fields.

2. Incentives for Recruitment and Retention.

A. The bill directs the Secretary to—

Give priority in the awarding of loans and scholarships to schools and training programs that can demonstrate success in training graduates for primary care fields or to serve underserved areas;

Disseminate materials to the financial aid offices of health professions schools and training programs to promote awareness of opportunities in the Corps;

Make grants and enter into contracts to expose health professions students to underserved areas;

Appoint individuals to serve as career advisors to assist Corps members;

Establish fellowship programs to provide experience in the delivery of services in health professional shortage areas;

Encourage the provision of faculty appointments for Corps members at health professions schools to provide members access to university facilities;

Establish exchange programs, sabbatical leave and traveling medical consultation teams to increase opportunities for patient case presentations and discussion;

Extend the opportunity to Corps members to become Commissioned Officers in the U.S. Public Health Service;

Provide opportunities for job sharing, couple recruitment, and flexible work programs;

Establish a respite squad to relieve Corps members on a short-term basis; and

Establish a recruitment program for non-scholarship or loan programs participants.

B. The bill requires that the Secretary track and evaluate the incentive programs and report to the Congress on their effect.

3. Increase in Administrative Staff.

The bill provides for an increase in NHSC administrative staff as needed to administer the new programs.

4. Dependent Allowance.

Dependent allowances would be permitted for both Scholarship and Loan Repayment Program participants.

5. Flexibility in Scholarship and Loan Repayment Determinations.

Corps members could receive a financial assistance package with both scholarship and loan repayment components. The awarding of partial scholarships would be permitted.

6. Tracking and Evaluation of Program Effectiveness.

The Secretary will submit an annual report to Congress on the success of NHSC program initiatives to increase enrollment and retention of health care personnel in HMSA's.

7. Fulfillment of Obligation.

Medical students would be able to begin fulfilling a service obligation in the third year of residency on a part-time basis.

8. Transfer of Funds.

Funds may be re-allocated between the Scholarship and Loan Repayment programs as needed on the basis of the applicant pool.

9. Administrative Review.

The General Accounting Office would perform an administrative review of the Corps for presentation to the Congress in 1993.

10. Authorization of Appropriations.

A. Field Program.

The Secretary is authorized to appropriate $65 million FY 1991, such sums in FY 1992, 1993, and 1994 for the NHSC field program. No less than 8% of the funds appropriated will be allocated for nurses, nurse practitioners, certified nurse midwives, physicians assistants, social workers, and other non-physicians health providers.

B. Scholarship and Loan Repayment Program.

No less than 10% of the amounts appropriated shall be allocated for nurses, midwives, etc. as above.

C. State Programs.

From such sums appropriated for the scholarship and loan repayment program, funds may be appropriated for the state loan program; such sums shall be appropriated from the 10% set aside under B for nurses, midwives, etc.

11. Technical Amendments.

12. State Offices of Rural Health.

Creates a federal matching grant program to establish or enhance state offices of rural health.

13. Conforming Amendments.

Changes the term Health Manpower Shortage Area to Health Professional Shortage Area throughout the Public Health Service Act.

Mr. HATCH. Mr. President, I am pleased to support the reauthorization of the National Health Service Corps Program [NHSC]. The NHSC has played a key role in providing many communities with the health care they so desperately need.

This legislation is important because there are currently 1,955 health manpower shortage areas [HMSA] that need health care providers. A majority of them are located in rural areas. In Utah, 15 of the National Health Service Corps health care providers completed their service in 1988 and 1989, leaving only 2 providers. Eight of the fifteen vacancies remain unfilled today.

I am proud to join Senator KENNEDY as a cosponsor of this bill which will revitalize and expand the National Health Service Corps to meet the health care needs of underserved areas. Several changes have been made in the current law which I believe are vital to increased effectiveness of the program.

We have all heard the news reports about the lack of health care providers in rural America. It is not easy to encourage recent medical school graduates to work in such out-of-the-way places. Their medical responsibilities in such areas can be overwhelming. But, we must do all we can to help citizens living in rural areas get the health care they need. A person who is sick or injured needs care regardless of whether he or she lives in Salt Lake City or Emery, UT.

I would urge my colleagues to support this bill that calls for the reauthorization of the National Health Service Corps. I look forward to developing a bipartisan bill that will strengthen the ability of the National Health Service Corps to recruit, retain, and place health care providers in underserved areas.

Mr. HARKIN. Mr. President, I am very pleased today to join my distinguished chairman on the Labor and Human Resources Committee, Senator KENNEDY, as well as our ranking minority member, Senator HATCH, ranking majority member, Senator PELL, fellow committee members, Senators COCHRAN, ADAMS, KASSEBAUM, BAUCUS, and BURDICK, in introducing the National Health Service Corps Revitalization Act of 1990. This legislation represents a major step toward addressing the crisis in rural health care which exists today. It will bring doctors and other health professionals to many areas where today there are none. It will bring quality health care to millions of Americans who live in rural and other medically underserved areas.

Nearly 2,000 communities, home to over 33 million Americans face a shortage of medical personnel and have been designated as shortage areas by the Federal Government. These communities, including 23 in my State of Iowa, are literally starving for access for basic medical care. Small town after small town have no doctor or other basic health care provider. Over 150 towns in Iowa are actively seeking family doctors and many more face similar problems as doctors retire and replacements must be found.

Mr. President, the National Health Service Corps has done much good since its establishment in 1970. Medical and other health professional students are given scholarships and offered loan repayments in exchange for practicing in medically underserved areas. Over 30,000 doctors, nurses, and other health professionals have received scholarships under the program. In 1980, 6,409 scholarships were awarded and as a result, in 1986, the National Health Service Corps [NHSC] had 3,127 health personnel repaying their scholarships and loans through providing care to over 5 million Americans in medically underserved areas.

However, under the Reagan administration, this critical program was seriously retrenched. Based largely on a report which has been proven to be inaccurate, the importance of the program was questioned and the number of new students brought into the NHSC was slashed. As a result, by August it is predicted that the NHSC will have only 900 members providing care across the Nation. Last year, I am pleased to say, as chairman of the appropriations subcommittee which funds the NHSC and other health programs, I was able to reverse the downward spiral of funding for the corps. Its total funding for fiscal year 1990 represented an increase of $33 million over the administration's proposal.

The legislation we are introducing today builds on that reversal, seeking to fully revitalize the NHSC. The National Health Service Corps Revitalization Act of 1990 calls for a number of important program improvements. First, it authorizes $65 million for the field program and additional funds for scholarship and loan repayments to substantially increase the supply of doctors and other health providers to rural and other underserved areas.

The bill also establishes new incentives to improve the program's recruitment and retention, including: A publicity and recruitment program through health professions schools and medical residency programs to promote increased awareness of the opportunities available in the NHSC; the appointment of career advisers to assist corps members; job sharing and flex time, and the creation of special respite squads to relieve corps members on a short-term basis. Perhaps most importantly, the bill gives priority to the recruitment of students and residents who live in rural and other underserved communities and are thus more likely to continue to practice in these areas past their service obligation. In addition, the bill gives priority to scholarship and loan applicants who are from these areas, minority and disadvantage students, and to individuals who have demonstrated an interest in providing primary care service for the underserved.

I am very pleased that a primary component of the revitalization of the NHSC contained in this bill is the expansion of support for nurses, nurse practitioners, nurse-midwives, physician assistants, social workers, and other nonphysician health care providers. This critical expansion will greatly improve access to basic health care services in our rural communities. It properly reflects the increasingly important role these quality, cost-effective providers are playing in the care provided Americans, especially those in rural areas. Since, 1973, an average of only 1.2 percent of all NHSC funds have been used to support these alternative health care providers. Under a provision of this legislation, which I was pleased to author, no less than 10 percent of the funds appropriated for scholarships and loan repayments will go to nurses, nurse-midwives, nurse practitioners, physician assistants and other nonphysician health providers. This provision will also increase the total number of NHSC providers as scholarships and

loans for alternative providers are less costly than those for physicians.

I was also pleased to author, along with my colleague from Mississippi, Senator COCHRAN, provisions in this bill which will support the establishment and operation of State offices of rural health. These offices, such as the one currently operating in my State of Iowa, provide leadership and advocacy for rural health and improve the coordination and availability of rural health care. The provision we have included will provide $3.75 million a year in grants to the States for this purpose.

Mr. President, I also want to take this opportunity to provide special thanks to my distinguished colleagues, Senator BURDICK and Senator DASCHLE and Majority Leader MITCHELL for their continued outstanding leadership in rural health issues and specifically for their help with this legislation.

Mr. COCHRAN. Mr. President, I am an original cosponsor of the National Health Service Corps Revitalization Act of 1990, which reauthorizes and improves our current National Health Service Corps program. I commend my colleague from Massachusetts for carefully drafting this bill so that it has generated broad support, particularly from the rural health community. I also want to thank him for adding to the bill an important title similar to legislation I introduced in February, establishing State Offices of Rural Health.

This year marks the 20th anniversary of the National Health Service Corps [NHSC], which provides scholarships or repays health education loans for physicians and other health professionals willing to serve in areas with shortages of health care providers.

Over 12 million Americans live in areas lacking primary health care services. According to the Department of Health and Human Services, my own State of Mississippi has 58 health manpower shortage areas. We need 107 additional health care providers in Mississippi to serve citizens living in these areas. The National Health Service Corps Revitalization Act of 1990 will help Mississippi and other States meet health needs by enhancing the Federal commitment to help States address their shortages of health care professionals.

The National Health Service Corps Revitalization Act emphasizes the need to recruit a variety of health care providers, such as nurses, midwives, physician assistants, and mental health workers, and gives special attention to recruitment of more primary care physicians in short supply in rural communities throughout the Nation.

The bill improves the current program by targeting scholarships and loan repayments to individuals whose backgrounds and educational experiences increase the likelihood of long-term service. Priority will be given to applicants residing in health manpower shortage areas, coming from disadvantaged and minority backgrounds, or showing an interest in providing primary care services to underserved areas by participation in clinical programs. It also establishes incentives for medical schools and other health professional schools which expose their students to programs that provide primary care services to medically underserved areas.

Another important element of the bill is the establishment of State Offices of Rural Health. In February, I introduced S. 2187, the State Offices of Rural Health Act of 1990. The House companion version, introduced last August by Congressman STENHOLM of Texas, has been incorporated into the House version of the National Health Service Corps reauthorization bill.

The Department of Health and Human Services established the Office of Rural Health Policy in 1987 to work within the Department and with other Federal agencies, States, national associations, foundations, and private sector organizations to seek solutions to rural health care problems. The office has very effectively disseminated information to those seeking assistance in rural health care delivery.

To supplement Federal efforts, I believe it is important for each State to build its own infrastructure to facilitate coordinated approaches to rural health care problems. Since it is evident that solutions to these problems will require cooperative effort, I introduced the State Offices of Rural Health Act to establish Federal matching grants to encourage creation of State offices of rural health and to augment those already in existence.

These offices will concentrate on eliminating deficiencies in our rural health care delivery systems. Unhampered by unnecessary Federal requirements, they will have maximum flexibility to meet community needs within each State and will coordinate with other public and private health agencies and with the Agricultural Extension Service.

Among other things, they will examine rural health care and recommend improvements in quality and cost effectiveness, assist in recruitment and retention of health professionals, make recommendations to the Federal Office of Rural Health Policy for consideration as part of Federal rural health policy, identify Federal and State programs regarding rural health, and provide technical assistance to public and nonprofit private entities regarding participation in such programs.

States will decide how to organize these offices, whether within another agency or through an educational institution or private contracting organization. However organized, the aim of these State Offices of Rural Health will be the integration of State, Federal, and private sector activities and the development of innovative solutions for improving access to quality care in rural communities.

Mr. President, I am pleased to be an original cosponsor of the National Health Service Corps Revitalization Act of 1990. Through this bill and the administration's commitment to the corps through its budget request, I hope we can remedy the health care deficiencies in the 1,955 health manpower shortage areas in the Nation, 1,337 of which are located in rural America.

I urge other Senators to work for enactment of this important legislation.

Mrs. KASSEBAUM. Mr. President, I am pleased to join today as an original cosponsor of legislation to reauthorize and revitalize the National Health Service Corps.

Although it has been weakened by budget cuts in recent years, the National Health Service Corps continues to play a vital role in making primary health care available to medically underserved areas. The corps offers scholarships or repays loans for doctors and other health professionals. In return, these providers agree to practice in health manpower shortage areas for a determined period of time.

If adopted, the legislation introduced today will breath new life into this 20-year-old program and, in so doing, will help bring desperately needed primary health care services to the 33 million Americans who continue to live in areas without such care.

This bill will be particularly beneficial to America's remote rural communities, many of which are suffering from increasingly acute medical manpower shortages. As we are all aware, low Medicare reimbursements, declining population bases, and drought-burdened economies have dangerously weakened rural hospital care and have helped drive physicians and other health professionals out of rural practice. In my own home State of Kansas, for example, fully 50 of the State's 105 counties have been identified by the University of Kansas Medical Center as being critically underserved in primary care.

Early in this decade, Congress and the administration reacted to projections of an upcoming physician surplus by significantly reducing funding for the National Health Service Corps. As a result, the corps' total field strength has declined dramatically, from over 3,100 providers in 1986 to fewer than 1,700 in 1989.

Tragically, the anticipated physician surplus did not, as expected, ease the medical manpower shortage in underserved areas. In fact, the number of federally designated primary care shortage areas has increased by 36 percent since 1981. Currently, there are nearly 2,000 such areas nationwide, and the Department of Health and Human Services estimates that there would have to be an infusion of more than 4,200 health professionals to bring these communities up to even a minimal level of primary care.

This bill would reauthorize the corps at such sums as may be necessary to eliminate the medical manpower shortages in underserved regions. In addition, it would make a number of constructive changes in the corps, a few of which I would like to highlight here.

First, the bill would strengthen the corps' focus on primary care by giving priority to students interested in pursuing a career in family medicine, as well as to schools which can demonstrate an ability to graduate a high proportion of primary care providers.

Second, this legislation would increase the corps' attention to non-physican providers, such as nurse practitioners or physician assistants. Such practitioners have consistently shown themselves to be valuable components of health care delivery systems—particularly in rural areas, where doctors are especially scarce. This bill would increase the access of such practitioners to corps programs.

Third, the bill contains a number of provisions designed to improve recruitment and retention of corps providers. These efforts would include greater outreach to current medical students, as well as the creation of special "respite squads" to provide temporary relief to corps providers serving in difficult placements.

A number of States—including Kansas—have set up medical scholarship or loan repayment programs of their own. These programs are extremely valuable, but they cannot solve the problem alone. The continued high number of manpower vacancies is sobering evidence that a strong National Health Service Corps is as vitally necessary as ever.

Combined with enhanced appropriations for the corps, the reforms authorized in this revitalization bill will significantly improve the access of rural and inner city Americans to quality health care. I look forward to working with my colleagues on the Labor Committee in preparing the legislation for prompt consideration by the full Senate.

Mr. President, although I strongly support this bill as a whole, I want to comment briefly on one provision which does trouble me: the bill's creation of a dependent allowance for corps providers. Having dealt with this issue in the context of other student aid programs, I am concerned that establishing a dependent allowance in the National Health Service Corps could create undo administrative burdens out of proportion to potential benefits.

The added paperwork and regulatory apparatus which would accompany a dependent allowance would be substantial. Consider, for example, that detailed determinations would have to be made relating to factors such as eligibility, amount, working spouses, and disability. It may well be that the advantages of such an allowance would turn out to be worth the trouble, but I think we ought to carefully consider whether our limited corps funding might better be spent directly on the loan repayments and scholarships themselves.

It is my understanding that the Department of Health and Human Services shares my concern about this issue, and I am hopeful that the question can be more carefully addressed before the bill goes to markup.

Mr. BAUCUS. Mr. President, I am pleased to join with Senator KENNEDY and others in introducing this very important legislation to reauthorize the National Health Service Corps.

This is truly a rural health bill. The corps is critically important to meeting the health needs of rural areas. Since the corps was established in 1970, it has been a vital tool for placing physicians in underserved areas, known as health manpower shortage areas, especially in rural areas. Traditionally, approximately 70 percent of the corps providers who have served, have done so in rural areas. This bill beefs up the corps and authorizes more funding to carry it out.

Mr. President, my own State is a perfect example of why this legislation is so badly needed. Although Montana has 29 designated health manpower shortage areas, only five corps physicians currently serve in the State.

In rural areas, access to care requires traveling more than just across town. It means traversing entire counties, often in bad weather. In many isolated areas, local hospitals have closed because of their inability to retain or recruit a physician in the community. When a hospital closes, the single source of health care has been eliminated, taking with it jobs, and forcing people to travel long distances for even the most basic health care services. For example, in my own State, the town of Jordan, MT, saw its hospital close because it lost its physician. The nearest remaining hospital is 67 miles away.

Rural areas in general, and especially Montana's less populated communities, have had trouble maintaining an adequate number of physicians. The problem is even more acute for some of the most basic services, such as prenatal care and delivering babies. The number of doctors who deliver babies in rural areas throughout the country fell 20 percent over the last 5 years, sometimes leaving entire counties without obstetrics care. Montana has only eight obstetrician/gynecologists per 100,000 women of childbearing age, putting Montana among seven States with the lowest ratio of ob-gyns to patients.

Mr. President, I would like to mention that the author of this bill, Senator KENNEDY, has graciously listened to my concerns on this bill and the concerns of other Senators. Two months ago I worked with 44 other members of the Senate Rural Health Caucus in expressing our strongly held view that the National Health Service Corps must maintain its traditional rural focus. The chairman heard our concerns and addressed them very thoroughly and generously. The bill we are introducing today is evidence of that, and I thank him for his willingness to accommodate our interest.

By Mr. HEFLIN (for himself and Mr. SHELBY):

S. 2618. A bill to amend title 5, United States Code, to establish the appropriate grade and rates of pay for certain administrative law judges; to the Committee on Governmental Affairs.

CHANGING THE METHOD OF PAYING ADMINISTRATIVE LAW JUDGES

Mr. HEFLIN. Mr. President, today I rise to introduce legislation to bring a degree of parity and fairness to the current method of paying administrative law judges [ALJ's].

Currently, some administrative law judges are capped at a GS-15 level while other administrative law judges are capped at a GS-16 pay level. This disparity developed over time due to the different practices of various agencies in the manner in which they addressed issues involving these judges. The current distinction in these pay levels turns upon an archaic and meaningless definition of the degree of latitude exercised by ALJ's in carrying out their responsibilities.

I believe that this distinction is outdated. The functions of all ALJ's, whether GS-15 judges or GS-16 judges, are very similar and require an equal degree of complexity and flexibility, and most importantly knowledge and skill. As a result, this pay disparity deserves to be eliminated.

To achieve this fairness, I am introducing legislation today which would cure this inequity. The effect of this bill would be to raise all current judges subject to the GS-15 cap to the GS-16 level. Further, this legislation provides that this conversion not be treated as a transfer or promotion. I do not believe that this legislation

would serve as a raise for one class of ALJ's, but rather as a balancing and resolution of a problem of inequity which has developed over time.

It is important to note that this change is widely supported. This issue has the support of the American Bar Association's National Conference of Administrative Law Judges and the Federal Administrative Law Judges Conference. These groups represent all ALJ's, not only those judges who would benefit from this legislation.

Administrative law judges plan an important role in the United States. I know that this is a modest proposal, but I hope that this legislation is enacted to address a problem which deserves to be resolved.

I urge my colleagues to support this principle of fairness and endorse this legislation.

Mr. SHELBY. Mr. President, I rise today to join with my distinguished colleague, Senator HEFLIN, in introducing legislation that will upgrade all administrative law judges [ALJ's] from GS-15 to GS-16.

The legislation is designed to correct an inequity in the existing classification structure affecting ALJ's. Last year the House of Representatives Committee on Post Office and Civil Service completed a series of hearings concerning the recommendations of the National Commission on the Public Service. Included in those testifying before the House committee were witnesses representing various ALJ organizations detailing their specific observations and experiences regarding the current state of Federal compensation.

The evidence presented in those hearings keenly illustrated that the current distinction between the GS-15 and GS-16 grades should be discarded. The disparity in grade structure is outdated and no longer truly identifies any distinction in the expertise required for work as an ALJ.

Administrative law judges, or the "hidden judiciary" as they are called, provide essential services that affect average citizens on a daily basis. ALJ's act as checks on State and Federal agencies that make millions of administrative decisions each year—dealing with everything from the issuance of drivers' licenses and the payment of jobless benefits and Social Security pensions to the regulation of utility rates and television stations. In addition, when regulations are being written—whether the subject is surface mining, building design for the handicapped, mechanically deboned meat or one of the myriad other areas in which Government intervenes—ALJ's preside over the hearings.

Mr. President, the legislation before you today would treat the functions and responsibilities of the administrative law judge in the GS-15 or GS-16 levels as being of equal complexity and flexibility. This area of the Federal benefit and pay system is in need of reform. The maintenance of a competent and motivated work force is important if Government is to function effectively and efficiently.

Therefore, I urge my colleagues to consponsor the legislation.

By Mr. GLENN:

S. 2619. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program; to the Committee on Finance.

MEDICARE BONE MASS MEASUREMENT COVERAGE ACT OF 1990

● Mr. GLENN. Mr. President, today I am introducing S. 2619, the Medicare Bone Mass Measurement Coverage Act of 1990, which would provide Medicare reimbursement for bone mass measurement for individuals likely to suffer from osteoporosis. An identical bill is being introduced in the House of Representatives by Congresswoman OLYMPIA SNOW.

Osteoporosis is a condition characterized by a gradual and initially painless decrease in the amount of bone tissue. It is the most common bone disease affecting older Americans, particularly older women. As osteoporosis progresses, the bones become weaker and more porous, which makes them increasingly susceptible to fractures. The condition can affect any bone in the body, but the most common fracture sites are the hip, spine, and wrist.

The number of people afflicted with osteoporosis is overwhelming. Today, at least 24 million Americans have some degree of osteoporosis. At least 1.3 million Americans a year—including 250,000 hip fractures—are attributable to this condition. Beyond the tremendous emotional and physical toll, osteoporosis has greatly increased our health care bill, costing over $10 billion annually in health care services and lost income.

Osteoporosis, with its associated fractures, is an enormous public health problem; and there is no doubt that the emotional, physical, and financial costs related to osteoporosis will continue to increase as our population ages. This could be ameliorated if individuals who are at the greatest risk of fractures were identified and treated to prevent further bone loss. The best method for identifying persons at risk of fracture is bone mass measurement.

S. 2619, the Medicare Bone Mass Meeasurement Coverage Act of 1990, would define four of the most at-risk groups of individuals—estrogen-dependent women, individuals with verteral abnormalities, individuals receiving long-term glucocorticoid steroid therapy, and individuals with primary hyperparathyroidism—who would then be eligible for Medicare reimbursement of procedures to determine whether or not they were at risk of developing fractures. Measurements would be done through the use of single and dual photon absorptiometry, dual energy x-ray absorptiometry, or quantitative computed tomography, and would include a physician's interpretation of the result of the procedure.

The purpose of this legislation is not only to provide Medicare reimbursement for bone mass measurement, but also to send a message to private insurers to provide reimbursement for individuals who are not Medicare-eligible. This is important since, ideally, women at risk of fractures due to osteoporosis should be measured before they reach age 65 and become eligible for Medicare. Preventing fractures would save money for Medicare and would reduce our Nation's expenditures for long-term care.

Mr. President, I ask that a paper summarizing the National Osteoporosis Foundation's position on bone mass measurement be submitted in the RECORD following my remarks. This paper discusses the many benefits of bone mass measurement, including its importance as a means of preventing fractures in individuals likely to suffer from osteoporosis.

Osteoporosis presents a challenge to all of us. I urge my colleagues to support S. 2619, to enable us to prevent some fractures and their associated costs—physical, emotional, and financial—which can be so devastating for people with osteoporosis. I am hopeful that Congress will pass the Medicare Bone Mass Measurement Act, as well as legislation I recently introduced with Senator GRASSLEY to increase Federal funding for research on osteoporosis and for educational programs that can help prevent osteoporosis.

Mr. President, I ask that the text of the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Bone Mass Measurement Coverage Act of 1990".

SEC. 2. MEDICARE COVERAGE OF BONE MASS MEASUREMENTS.

Section 1861 of the Social Security Act (42 U.S.C. 1395x), as revived by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989 and as amended by the Omnibus Budget Reconciliation Act of 1989, is amended—

(1) in subsection (s)—

(A) in paragraph (11), by striking all that follows "(bb))" and inserting a semicolon,

(B) in paragraph (12)(C), by striking all that follows "area)" and inserting "; and", and

(C) by inserting after paragraph (12) the following new paragraph:

"(13) bene mass measurement (as defined in subsection (jj));"; and

(2) by inserting after subsection (ii) the following new subsection:

"BONE MASS MEASUREMENT

"(jj)(1) The term 'bone mass measurement' means a radiologic or radioisotopic procedure performed on a qualified individual (as defined in paragraph (2) for the purpose of detecting bone loss through the use of single and dual photon absorptiometry, dual energy X-ray absorptiometry or similar dual energy techniques, or quantitative computed tomography, and includes a physician's interpretation of the results of the procedure.

"(2) For purposes of paragraph (1), the term 'qualified individual' means (in accordance with regulations prescribed by the Secretary)—

"(A) an estrogen-deficient woman at clinical risk for osteoporosis;

"(B) an individual with vertebral abnormalities;

"(C) an individual receiving long-term glucocorticoid steroid therapy; or

"(D) an individual with primary hyperparathyroidism.".

NATIONAL OSTEOPOROSIS FOUNDATION POSITION ON BONE MASS MEASUREMENT

EXECUTIVE SUMMARY

Osteoporosis is the most common metabolic bone disorder, resulting in reduced bone strength and increasing the risk of bone fractures. Osteoporosis is a complex, chronic disease that may progress silently for decades—there are no symptoms until fractures occur.

In the United States, at least 1.3 million fractures are attributable to osteoporosis annually. The cost of care for these fractures is estimated to exceed 10 billion annually and at current rates will exceed $30 billion within 30 years.

The *only* effective means of preventing fractures is to preserve bone mass; lost bone cannot be replaced effectively. At present, relatively few people are diagnosed in time for therapy to be effective.

Bone mass measurement is the *only* basis for selecting therapy. Single Photon Absorptiometry ("SPA"), Dual Photon Absorptiometry ("DPA"), Dual Energy X-ray Absorptiometry ("DEXA"), and Quantitative Computed Tomography ("QCT") are the *only* effective and accurate means of measuring bone mass.

In recently published prospective studies, bone mass as measured with SPA and DPA accurately measures the risk of fracture.

Bone mass measurement is indicated for four population groups:

Certain estrogen-deficient women;

Patients with vertebral abnormalities;

Patients receiving long-term steroid therapy;

Patients with primary hyperparathyroidism.

NOF recommends that HCFA approve the use of SPA, DPA, DEXA or QCT for these limited indications.

I. EXTENT AND COST OF OSTEOPOROSIS-ASSOCIATED FRACTURES

Osteoporosis with its associated fractures is an enormous public health problem. At least 1.3 million fractures in the United States each year are attributable to osteoporosis. The cost of acute and long-term care resulting from fractures is staggering: fractures of the proximal femur (hip) were estimated to cost $7.3 billion in 1984, and distal forearm fractures may cost more than $140 million annually. Costs for vertebral fractures have not been estimated, but undoubtedly are substantial; in patients aged 45 years or older, these fractures account for 161,000 physician office visits annually and over 5 million restricted patient activity days. This situation will worsen as the population ages. It is projected that in 30 years' time, there could be as many as 350,000 hip fractures each year in the United States at an annual cost estimated to be between $31 and $62 billion.

Fractures result from low bone mass. Bone mass declines with age in all individuals, but falls precipitously in women following menopause. Thus, millions of women in the United States are currently at risk for fractures. U.S. Bureau of the Census data from 1984 show that between 1988 and 2050, the number of individuals aged 65 years and over will increase from 30 to 67 million. The number of fractures in our elderly population will grow accordingly.

This picture may be partially ameliorated if individuals who are at greatest risk of fracture can be identified and treated to prevent further bone loss. Bone loss is the only contributing cause of fractures that can be manipulated in mid-life so as to reduce the incidence of fractures later in life. Bone loss can be reduced by treatment; in contrast, it is difficult, if not impossible, to restore the biomechanical competence of the skeleton once bone has been lost. The best method for identifying persons at risk of fracture is bone mass measurements.

Safe and accurate techniques are now available for measuring bone mass. These techniques include single photon absorptiometry (SPA), dual photon absorptiometry (DPA), quantitative computed tomography (QCT), and dual energy x-ray absorptiometry (DEXA), all of which are far superior to standard x-rays. Accuracy of bone mass measurements with these techniques compares favorably with that of other accepted tests, such as serum cholesterol for assessing risk of heart disease. Use of these techniques is the only way to measure bone mass accurately and to assess fracture risk. These bone mass measurements also influence the choice of therapy.

II. DESCRIPTION OF AND INDICATIONS FOR THESE TECHNOLOGIES

A. Description of SPA, DPA, QCT, and DEXA

All four technologies are based on the fact that bone absorbs photons at a different rate than does soft tissue. The common element of these technologies is that photons are directed at that body, and their differential absorption is measured. SPA uses photons at a single energy level, and is limited to measuring bone at peripheral sites such as the forearm and heel. QCT also uses single energy photons, but has the capability to measure bone mass in the spine. DPA and DEXA use photons at two energy levels and can measure bone deep in the body, in the spine and hip. All of these methods are safe and acceptable to patients.

The accuracy of these technologies is quite good:[1] the accuracy error of SPA is 4-5%; the accuracy error of both DPA and DEXA is 3-6%; and, the accuracy error of QCT is 5-10%. Similarly, these technologies show excellent precision. The precision error is only 1-2% for SPA, 2-4% for DPA, 1% for DEXA, and 1-3% for QCT. These error levels are small relative to differences in bone mass between individuals. Because bone mass is normally distributed in women at every age, those with low, average, or high bone mass easily can be detected.

Any of the four technologies can be used to assess the risk of fracture, and any is sufficient for determination of bone mass in estrogen-deficient women (indication #1, discussed below) and patients with asymptomatic primary hyperparathyroidism (indication #4, discussed below). Because the spine is the focus of diagnosis for patients with vertebral abnormalities and those on long-term steroid therapy (indications #2 and #3, discussed below), only DPA, QCT, and DEXA should be used to measure bone mass in these patients.

B. Indications for bone mass measurements

1. Those Estrogen-deficient Women Who Are Candidates for Estrogen Replacement Therapy

Estrogen deficiency following menopause, oophorectomy, or prolonged amenorrhea from any cause is associated with accelerated bone loss. Long-term estrogen replacement therapy (ERT) of approximately 5- to 10-years' duration is the most effective means of preventing or slowing bone loss and reducing the associated fracture risk. The Food and Drug Administration has approved the use of ERT for "abnormally low bone mass;" this can only be detected by bone mass measurements. As with any drug regimen, ERT is associated with side effects and costs, including the possibility of an increased risk of uterus and breast cancer. It is thus important to select only those at greatest risk of future fractures for long-term ERT. Bone mass measurement will allow a rational decision regarding long-term ERT for protection from osteoporosis. Use of ERT guided by bone mass measurement would reduce lifetime risk of hip fracture by an estimated 20% (from 10% to 8%), with a 12% reduction in vertebral fracture risk (from 25% to 22%), and a 25% reduction in all other limb fractures (from 35% to 26%).

2. Patients with Vertebral Abnormalities or X-ray Evidence of Osteopenia

Vertebral abnormalities or X-ray evidence of spinal osteopenia are present in many older patients. While both conditions may be caused by osteoporosis, many individuals with these abnormalities do not have significant osteoporosis. Suspicion of osteoporosis should prompt a further evaluation to determine if aggressive therapy to prevent further bone loss is indicated. However, a full work-up and evaluation is potentially quite costly, and such therapy is associated with significant health risks. Consequently, it is essential to identify those patients who actually have reduced bone mass. This can only be done with bone mass measurement.

Practitioners have found the use of a bone density threshold to be helpful in determing the need for a full work-up or therapy; one common guideline is 1.0g/cm^2, or about 1.5 standard deviations below the mean level in normal young women. Where a patient's bone mass exceeds this level, a fracture should not be attributable to osteoporosis. Where a patient's bone mass falls below this threshold, however, a fracture should be at-

[1] "Accuracy" refers to how well the technology measures bone mass compared to a reference of known mass. "Prescision" refers to whether the technology gives the same result upon multiple scans of the same bone.

tributed to osteoporosis. Recent data suggest that over 2 million middle-aged women nationally have vertebral abnormalities; of these women, an estimated 20% have normal or above normal bone mass. Thus, through use of bone mass measurement, a comprehensive workup may be averted for an estimated 400,000 middle-aged women with vertebral abnormalities whose spinal bone mass is above the fracture threshold. The potential savings from bone mass measurements are thus substantial.

In addition, bone mass measurements guide the choice of a specific therapy. For example, the appropriate course of therapy for patients with bone mass above 1.0g/cm² may involve only adequate calcium intake and exercise; bone mass between 1.0 and 0.85g/cm² would indicate the need for estrogen therapy in estrogen-deficient women under age 70. Higher doses of estrogen may be indicated for those patients with bone mass below 0.85 cm², and experimental drugs to augment bone mass might be considered as well. Calcitonin could be used if estrogen were contraindicated.

3. Patients Receiving Long-term Steroid Therapy

Steroid (glucocorticoid) therapy is required for such diseases as rheumatoid arthritis, chronic active hepatitis, inflamatory bowel disease, asthma, and chronic obstructive pulmonary disease. It has serious side effects, including rapid bone loss leading to vertebral and other fractures. Since steroid therapy often is a long term therapy, assessment of bone mass is extremely important for these patients. In addition, children on chronic steroid theraphy require bone mass measurements to determine, if skeletal development is abnormal. Bone mass measurements, therefore, may permit improved patient management through more precise adjustments of the required dosage and duration of steriod therapy. This in turn should minimize skeletal complications.

4. Patients with Asymptomatic Primary Hyperparathyroidism

Primary hyperparathyroidism is associated with a decrease in bone mass in some patients. Such a reduction in bone mass is accompanied by an increased frequency of fractures of the vertebrae, distal forearm, and hip. Thus, low bone mass in patients with otherwise asymptomatic hyperparathyroidism should be considered a possible indication for surgery. This bone loss only can be detected by measurement of bone mass, not be standard x-ray.

Bone mass more than 1 standard deviation below values for young "normals" indicates a greater risk of fractures. The greater the deviation below this value, the greater the risk of future fractures. Thus, bone mass can be used as a quantitative measure to assist in determining the need for surgery. Following successful surgery bone mass has been found generally to increase, which should reduce the incidence of fractures.

III. RESPONSE TO THE OHTA REPORT

Several of the authors of the papers cited in the OHTA reports dispute the applicability and conclusions of those reports. For example, Drs. Melton, Johnston, and Lindsay, whose research is cited throughout the OHTA reports on SPA and DPA, participated in the preparation of the position paper supporting coverage of SPA, DPA, DEXA, and QCT. Dr. Cummings, whose research is also cited in the OHTA reports, has provided the attached letter indicating his support for coverage of these technologies. Clinically, the reports' conclusions are based on outdated research; recently published studies show that bone mass measurements accurately assess the risk of fracture. Further, the OHTA reports do not reflect several important practical implications of HCFA's decision regarding these technologies. SPA and DPA should not be reviewed in a vacuum, apart from the context in which they are used.

A. Clinical Issues

1. Bone Mass Measurements Accurately Predict Fracture Risk

OHTA's conclusion that bone mass measurements are not adequately predictive of the risk of fracture is seriously out of date; the studies cited in the OHTA report do not reflect current clinical experience with these technologies. Recently published prospective studies show that bone mass measurements made with DPA and SPA at various skeletal sites can identify those who have the greatest risk of developing fractures (and thus those who should benefit most from therapy). Hui and colleagues (1988) studied 521 women an average of 6.5 years (3,399 person years), and 138 fractures (excluding spine) were observed. Forearm bone mineral content measured by SPA predicted fracture risk, even after adjusting for age. Likewise, Wasnich and colleagues (1987) followed 1,237 women aged 43 to 80 years who had bone mass measured at four sites (mid-forearm, distal forearm, and heel measurements by SPA; lumbar spine measured by DPA) for an average of 4.4 years. During that time, 52 new fractures at all sites occurred. The fracture incidence rate was inversely related to bone mineral content at all four sites, and the relationship was statistically significant for the lumbar spine and heel measurements. After adjustment for age, height and weight, women in the lowest quartile of heel bone mineral content were 8 times more likely to suffer fractures than women in the highest quartile.

As with other chronic diseases, there is a gradient of risk of fracture. Bone mass measurements determine the extent of the person's risk. Obviously, not all persons with low bone mass will sustain fractures, and some persons with high bone mass will suffer fractures. Nonetheless, it is important to recognize that persons with low bone mass are at significantly higher risk of fracture. The technologies in question are not diagnostic tests for fractures. They are, however, important tests which accurately establish a particular patient's risk of fracture. They are the only tests which do so with sufficient accuracy for making treatment decisions.[1]

2. Risk Factors Do Not Predict Bone Mass or Fracture Risk

While some clinicians believe that osteoporosis-prone individuals can be identified through common "risk factors," a number of studies have shown that a patient's history and physical examination are not good predictors of bone mass. Bone mass is pertinent to treatment decisions and must be measured directly.

[1] While not all persons with high serum cholesterol will suffer a heart attack, and some persons with cholesterol in the normal range will suffer a heart attack, serum cholesterol is nonetheless an important indicator of the *risk* of heart attack in a given person. No one would suggest that, because serum cholesterol cannot separate totally those who will suffer a heart attack from those who will not, physicians should not measure cholesterol and base treatment on the results.

B. Policy Issue

In deciding whether a technology should be covered by the Medicare Program, it is important to consider the alternatives available for each indication; for evaluation of low bone mass, no alternatives exist. No other clinical tests accurately measure whether bone density is dangerously low, and analysis of risk factors have proven to be an inadequate measure of the risk of fracture. In the absence of access to these technologies, hundreds of thousands of persons at risk will not be diagnosed, and thus will not receive therapy which could prevent fractures. Others will be exposed to costly treatment that bone mass measurement would show to be unnecessary.

2. Potential Cost Savings to the Medicare Program are Enormous

Bone mass measurement technologies will bring savings to the Medicare Program in two significant ways. First, prevention of fractures in the elderly will reduce hospital and physician treatment costs, as well as associated physical therapy costs. Nursing home costs for those patients whose hip fractures result in further health complications also should be reduced, with significant savings to the Medicare and Medicaid programs. If only one in ten hip fractures are prevented, the savings could reach one billion dollars annually.

Second, as noted above, bone mass measurements will indicate that related treatment is unnecessary for as many as a third of the estimated 400,000 women with abnormalities of the spine that might indicate osteoporosis. The cost savings from avoidance of expensive estrogen-replacement therapy will be substantial.

3. HCFA's Coverage Policy Decision Will Have Profound Implications for Private Insurers' Coverage of Osteoporosis-Related Technologies

Private insurers frequently use HCFA's coverage determinations as guidance in their own decisions regarding coverage of new technologies. A HCFA decision not to cover these technologies would discourage private payer coverage of the only effective diagnostic tool for measuring a person's risk of sustaining fractures. Because a reduction in bone mass may occur before a person is Medicare-eligible, coverage of these technolgies by private insurers is most important to timely and effective diagnosis and treatment. For example, those estrogen deficient women who are candidates for hormone replacement therapy are usually identified prior to age 60. Many persons at risk from long-term steroid therapy are young adults. There is particular justification, therefore, for HCFA to encourage the coverage of technologies which promote osteoporosis treatment and fracture reduction.

IV. CONCLUSION

Osteoporosis with its attendant fractures is associated with significant morbidity and mortality, particularly in the elderly. The cost of this disease in terms of dollars, reduced activity, dependence on public monies, and impaired quality of life has reached alarming proportions. These costs can only be reduced by identifying those individuals at risk for low bone mass and fractures, so that treatment may be provided where indicated. The technology to safely and accurately measure bone loss is now available. Its application is essential to reduce the monumental costs associated with osteoporosis. bone mass measurement must be approved for the indications listed

in this report in order to protect the elderly and other individuals in our society from the pain and suffering caused by osteoporosis.●

By Mr. HEFLIN:

S. 2620. A bill to provide for a 5-year intercircuit conflict resolution demonstration within the judiciary; to the Committee on the Judiciary.

JUDICIAL INTERCIRCUIT CONFLICT RESOLUTION DEMONSTRATION ACT

Mr. HEFLIN. Mr. President, I rise today to introduce legislation entitled the Judicial Intercircuit Conflict Resolution Demonstration Act. This legislation directly arises from the work of the Federal Courts Study Committee. This committee, of which I was proud and honored to be a member, recently provided many important and worthwhile recommendations to Congress.

The committee was established under legislation enacted during the 100th Congress. The committee was assigned the ominous task of making recommendations to Congress of ways in which the Federal system of justice could be improved. On April 2, 1990, the committee presented its findings and recommendations to Congress and the public. One of the specific and important tasks of the committee was to review the work of the Federal appellate courts. The committee found that one of the most important issues which continued to face the Federal appellate courts was the question of resolving conficts between the Federal circuit courts over various issues of law. To address this problem, the Federal Courts Study Committee recommended a proposal to establish a trial project in which legal conflicts between different Federal circuit courts could be resolved short of a decision by the Supreme Court. The legislation which I am offering today establishes this trial program.

This legislation provides for a scheme by which the Supreme Court can refer a case which presents a conflict of law question. Under this scheme once the Supreme Court makes such an order, the clerk shall select at random a Federal circuit which has not issued an opinion on the point of law which is in conflict. That appellate court is then given jurisdiction over all issues in that case and can make all necessary orders. Upon disposition by the selected appellate court, the case is deemed final, subject only to a further petition to the Supreme Court for review.

The bill further provides that the Supreme Court may establish rules to govern the specific procedures of this procedure. Also, the bill provides that the judicial conference shall establish a committee to monitor and evaluate the operations and effects of this act. Finally, this bill provides for the sunsetting of this legislation after 5 years.

I believe that the work of the Federal Courts Study Committee was very important. The committee made many positive contributions, and I am confident that over time the work of the committee will be praised by scholars and historians. In crafting this bill, I wish to thank the committee, and especially the valuable work of Dennis Hauptley and Judge Levin Campbell for their skill and dedication to the improvement of the Federal courts.

In introducing this bill I am making a small, but I believe important, first step in seeing that many of the valuable recommendations of the committee are enacted into law. I believe that this trial project will be a success, and that at its conclusion the Congress and the Federal courts will have a much clearer picture of the problem and possible solutions to the issue of intercircuit conflicts.

I heartily endorse this proposal and ask my colleagues to support this legislation.

By Mr. HEFLIN:

S.J. Res. 313. Joint resolution designating October 3, 1990, as "National Teacher Appreciation Day"; to the Committee on the Judiciary.

NATIONAL TEACHER APPRECIATION DAY

Mr. HEFLIN. Mr. President, I rise today to introduce legislation designating October 3, 1990, as "National Teacher Appreciation Day."

In the United States, over 3 million teachers strive to shape the life of each and every American. I am sure that each of us can recall the importance of a special teacher who influenced our thoughts and helped shape our career. These dedicated men and women strive to spur not only the academic growth of their students, but also their ethical, social, and emotional development.

America's superior teachers have been integral to the success of our Nation, and they will continue to play a vital role in the future. In almost every major challenge currently faced by the United States, from maintaining our global competitiveness to stemming drug abuse, teachers are in the front trenches. If anyone deserves our recognition and appreciation, it is the teachers of this country.

It has been said that a teacher affects eternity. No one can tell where his or her influence stops. The foundation of America's future rests on our children and I can think of no group more influential in their development or more deserving of this recognition than our teachers. By enacting this legislation, we will be giving America's educators but a small token of our appreciation for the personal sacrifices they make while enabling us to build an even greater nation.

Our society depends upon its teachers to ensure a bright future for this Nation. Unfortunately, we often overlook the contributions of these teachers and fail to reward them with the recognition and respect which they deserve. This is our opportunity to shine the spotlight squarely on our teachers illuminating their many selfless deeds and outstanding devotion.

Please join me in supporting this joint resolution to name October 3, 1990, as "National Teacher Appreciation Day."

ADDITIONAL COSPONSORS

S. 260

At the request of Mr. HEINZ, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 260, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance programs.

S. 273

At the request of Mr. HEINZ, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 273, a bill to amend title 39, United States Code, to designate as nonmailable matter solicitations of donations which could reasonably be misconstrued as a bill, invoice, or statement of account due, solicitations for the purchase of products or services which are provided either free of charge or at a lower price by the Federal Government connection or endorsement, unless such matter contains an appropriate, conspicuous disclaimer, and for other purposes.

S. 1304

At the request of Mr. GLENN, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1304, a bill to enhance nuclear safety at Department of Energy nuclear facilities, to modify certain functions of the Defense Nuclear Facilities Safety Board, to apply the provisions of OSHA to certain Department of Energy nuclear facilities, to clarify the jurisdiction and powers of Government agencies dealing with nuclear wastes, to ensure independent research on the effects of radiation on human beings, to encourage a process of environmental compliance and cleanup at these facilities, to protect communities that contain these facilities, and for other purposes.

S. 1511

At the request of Mr. PRYOR, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1511, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older indivduals in regard to employee benefit plans, and for other purposes.

S. 2051

At the request of Mr. HEFLIN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 2051, a bill to amend the Social

Security Act to provide for more flexible billing arrangements in situations where physicians in the solo practice of medicine or in another group practice have arrangements with colleagues to "cover" their practice on an occasional basis.

S. 2111

At the request of Mr. INOUYE, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 2111, a bill designating the month of May as "Asian/Pacific American Heritage Month."

S. 2187

At the request of Mr. COCHRAN, the name of the Senator from Mississippi [Mr. LOTT] was added as cosponsor of S. 2187, a bill to amend the Public Health Service Act to make grants to encourage States to establish Offices of Rural Health to improve health care in rural areas.

S. 2260

At the request of Mr. PRYOR, the names of the Senator from Wyoming [Mr. SIMPSON], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 2260, a bill to promote the formation of a private, nonprivate organization to foster development of free market economies in Eastern Europe and the Soviet Union.

S. 2556

At the request of Mr. CRANSTON, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2556, a bill to amend title 38, United States Code, to expand the list of diseases presumed to be service-connected in the case of veterans who were exposed to radiation from a nuclear detonation and to eliminate the requirement that the listed diseases become manifest within certain time periods; and to require that the Secretary of Veterans Affairs consider creation of similar presumptions for veterans who were exposed to radiation from another activity.

S. 2561

At the request of Mr. GORTON, the names of the Senator from New York [Mr. D'AMATO], the Senator from Washington [Mr. ADAMS], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 2561, a bill to amend the Controlled Substances Act with respect to the regulation of precursor chemicals.

S. 2591

At the request of Mr. BAUCUS, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2591, a bill to amend title XVIII of the Social Security Act to provide relief from certain regulations relating to physicians' services.

SENATE JOINT RESOLUTION 267

At the request of Mr. THURMOND, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 267, a joint resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month."

SENATE JOINT RESOLUTION 274

At the request of Mr. LAUTENBERG, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 274, a joint resolution to designate the week beginning June 10, 1990, as "National Scleroderma Awareness Week."

SENATE JOINT RESOLUTION 278

At the request of Mr. ROCKEFELLER, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 278, a joint resolution designating July 19, 1990, as "Flight Attendant Safety Professionals' Day."

SENATE JOINT RESOLUTION 304

At the request of Mr. SHELBY, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from North Carolina [Mr. SANFORD], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Concurrent Resolution 304, a joint resolution to designate October 17, 1990, as "National Drug-Free Schools and Communities Education and Awareness Day."

SENATE CONCURRENT RESOLUTION 127

At the request of Mr. KENNEDY, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Illinois [Mr. SIMON], the Senator from Maryland [Mr. SARBANES], the Senator from Nevada [Mr. REID], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Concurrent Resolution 127, a concurrent resolution to express the sense of Congress that Greyhound Lines, Inc., and the Amalgamated Transit Union should pursue meaningful negotiations under the auspices of the Federal Mediation and Conciliation Service and the Secretary of Labor to resolve their dispute and restore vital transportation services to American communities.

NOTICES OF HEARINGS

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Committee on Veterans' Affairs, which I am privileged to chair, is scheduled to hold a hearing on Friday, May 18, 1990, in SR-418 at 9:30 a.m., to consider titles I and III of S. 2100, S. 2556, S. 1887, S. 2454, S. 2499, S. 2102, S. 2482, and S. 2615.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services Subcommittee on Defense Industry and Technology be authorized to meet during the session of the Senate on Monday, May 14, 1990, at 2 p.m. to continue to receive testimony on implementation of the Defense Management Report in review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991; and S. 2440, the Defense Management Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on May 14, 1990, beginning at 2 p.m., in 485 Russell Senate Office Building, to consider and report the nomination of Anthony J. Hope for the position of chairman for the National Indian Gaming Commission, and to mark up S. 2203, the Zuni Land Claims Settlement Act, to be followed by an oversight hearing on S. 1021, the Native American Grave and Burial Protection Act, S. 1980, the Native American Repatriation of Cultural Patrimony Act, and the Heard Museum Report.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A TRIBUTE TO THE GAINESVILLE THEATER ALLIANCE, THE PRIDE OF GEORGIA'S COLLEGE THEATER

● Mr. FOWLER. Mr. President, I bring to your attention today the accomplishment of Georgia's first college theater group to be honored by an invitation to perform at the John F. Kennedy Center for the Performing Arts in Washington, DC.

The Gainesville Theater Alliance, a group of students and professors from Georgia's Gainesville College and Brenau College who have pooled their resources to form a joint theater program, won the honor of performing in national competition at the Kennedy Center after an initial competition in the American College Theater Festival XXII. They were one of seven schools chosen from a group of 795 competing schools to participate in the national competition. The Gainesville Theater Alliance performed "The Scarlet Pimpernel" at the Kennedy Center on April 25 and April 26, 1990.

Mr. President, the Gainesville Theater Alliance, founded 10 years ago by Brenau College's theater professor Ed Cabell is a perfect example of how co-

operation and goodwill between two institutions can produce shining success. The hard work of these students and their advisors deserves the highest recognition. Their determination and spirit of cooperation has earned my most sincere admiration.

I would like to recognize the director of "The Scarlet Pimpernel," Ed Cabell, and the play's technical team: Lawrence L. Graham, Angela Brown, Dan Carter, Ann Elizabeth Armstrong, Hugh Adams, Roy Forrester, Virginia Deayton, Hahn C. Hanrahan, Christopher C. Mabry, Ben P. Williams, Laura Buchanan, Laura Carlson, Joe Jones, and Francine Dibben. Their expertise has certainly guided and polished this production. Ed Cabell, Lawrence Graham, and Jeff Nichols should be commended for their accomplishments as professors in charge of the Gainesville Theater Alliance.

The actors, who have been rehearsing since September 1989, deserve recognition for their dedication and hard work. Not only have they carried the work load of a college education, but they have also committed one year and a half of their time to the production of "The Scarlet Pimpernel." The cast includes: Robin Hale, Brent Glenn, Amy Nichols, Danny Acres, Ted Bill, Shannon Hannah, Sabrina Mazer, Jeff McClure, Tracy Palma, Amy Ray, Elaine Simpson, Sara Wilkinson, Gretchen Fennell, Matt Magill, Mitchell Wood, Michael Granberry, Glaire Porter, Scott Simpson, Ken Wright, Hugh Adams, Daniel Jones, Charlie Knoch, and Nicole Dodd.

The Gainesville Theater Alliance clearly serves as an example of both educational and artistic excellence for Georgia and the Nation. I congratulate the students and teachers for their fine work.●

MISSOURI COUPLE HELPS ABUSED AND NEGLECTED CHILDREN

● Mr. BOND. Mr. President, I rise today in recognition of Kay and Francis Ater of Shelbina, MO. The Aters have participated for the last 7 years in the Shiloh Christian Children's Ranch Homeparents Program. During their years as participants in the program, they have improved the quality of life for many children who have been abused and neglected. The Aters' special brand of caring lives on in the mind of every child who has crossed their doorstep, and I am sure each child has fond memories and many thanks for the time they spent in the Aters' house.

To the Aters, I extend my congratulations and appreciation for their 7 years of service with the Shiloh Christian Children's Ranch. I trust that they will continue to help children involved in the program for many years to come.●

JIM LAMPHEAR NAMED COLORADO AND WESTERN REGION TEACHER OF THE YEAR

● Mr. WIRTH. Mr. President, I offer my congratulations to Irving Junior High School English Teacher Jim Lamphear, recently named Colorado and western region Teacher of the Year. IBM Corp. and Classroom Learning magazine were inspired to offer the award to the seventh grade teacher upon learning of his students' sophisticated response to a chronic national problem. The seventh graders, concerned with a news report about American students trailing their international counterparts in spelling, wrote a sophisticated research project examining America's fall from preeminence in major fields entitled, "When Decades Collide: From Crisis to Solution." In a time when the teaching profession is under criticism, this man's obvious love of his job is a refreshing change, and I ask that an article on Jim Lamphear and the Teacher of the Year Award be inserted into the RECORD.

The article follows:

[From the Gazette Telegraph, Apr. 27, 1990]

CLASS RESEARCH PROJECT HELPS LAMPHEAR EARN AWARD

(By Angela Dire)

It was more of the same old thing—a news report about American students trailing their international counterparts, this time in spelling.

But what a stir it made among Jim Lamphear's and Kathy Mathers' 7th grade students at Washington Irving Junior High School. The accelerated English class groaned like an old assembly line grinding to a halt.

"It's it's,"—a girl could not put her finger on the word.

"Symptomatic?" asked Lamphear.

"Yes!"

"So what are we going to do about it?"

What the students did was a sophisticated research project examining America's fall from preeminence in major fields, called "When Decades Collide: From Crisis to Solution."

Since September, they studied trends in health, education, space exploration, scientific research and the automotive and electronic industries.

They sought solutions for problems ranging from the drop-out rate to rising medical malpractice suits.

And it inspired IBM Corp. and Classroom Computer Learning Magazine to tab Lamphear "Teacher of the Year" for Colorado and the Western Region.

"This is a renaissance," he said. "To watch them say something, and to look into those faces and see, 'That kid knows!' "

Said Mathers, "this project has rejuvenated two, 20-year-old teaching careers. At a time when the profession is being criticized roundly right and left, we have never been more happy to be teachers."

The students found information in a variety of research journals.

They sent electronic messages to companies for reports—and received their requests on the superintendent's fax machine. They did computer searches via the school modem.

Their work brought them in contact with leaders in government and business. They attended Vice President Quayle's U.S. Space Symposium address, conducted a conference call with top Hewlett Packard executives in Japan, and have an interview set with an American Honda chief executive.

The sources who never replied was a lesson in itself. The Big Three auto companies have yet to reply.

When they sought an audience with Secretary of Education Lauro Cavazos they were told, "We're very busy here." A secretary told Mathers whoever might respond would not be "very high up in the department" because the students were too young to understand complex issues.

The students hope to present their work to leaders in the fields they have researched.

"We can speak like experts now," 12-year-old Marre Shedden said. "It's not just a little 7th grade report. It's something that 85 to 95 percent of adult Americans don't know."●

THE SECOND ANNUAL GLORIA STEINEM AWARDS A NATIONAL SALUTE TO WOMEN OF VISION

● Mr. LAUTENBERG. Mr. President, on May 7 the Second Annual Gloria Steinem Awards was held in New York as a National Salute to Women of Vision. The Ms. Foundation for Women sponsors the awards. Founded 15 years ago, it is the only national, public, and multi-issue women's foundation in the United States. It has funded ground breaking projects that have brought issues vital to the social and economic well-being of women and children to the public at large.

The Ms. Foundation supports the grassroots efforts of women in the fight against discrimination and violence and in protecting children. Its efforts go toward development of healthy families by helping to achieve economic and social empowerment, and supports and helps launch nonsexist, multiracial education programs and safeguards reproductive rights.

Nearly $5 million has been distributed by the Ms. Foundation since it began grantmaking. The funds have been distributed to over 600 grassroots women's groups in 49 States and Puerto Rico.

The awards program is a part of the foundation's commitment to recognize grassroots women leaders. I want to acknowledge and congratulate the recipients of the Second Annual Gloria Steinem Awards. Individuals who have consistently worked toward achieving the foundation's goals, they are recognized in areas of concern to the foundation.

For her work on behalf of children, Judith Webb of Young Peacemakers and Teen Peacemakers was recognized,

and Sarah Fields-Davis of the Poultry Workers-Center for Women's Economic Alternatives was honored for her work in the field of economic justice.

Maria Christina Lopez of the Santa Fe women's health project was recognized for leadership development-empowerment, and Julia Scott of Washington, DC was honored for her work with women of color and reproductive rights in the field of reproductive rights, health, and AIDS. Gayle Woodsum of Looking Up of Augusta, ME, was the recipient of the award in the category of safety-prevention of violence. Phoebe V. Valentine was honored with the Philanthropic Vision Award.

At the second annual awards program, the founding members were awarded the Founding Sisters Award. Visionaries, they with Gloria Steinem saw the need for the establishment of the Ms. Foundation for Women. These outstanding individuals are: Patricia Carbine, Letty Cottin Pogrebin, and Marlo Thomas.

Mr. President, I congratulate and salute all of these worthy recipients. They are women of vision. May their fine work and that of the Ms. Foundation for Women continue in the future.●

SUSAN ANDERSON RECEIVES FELLOWSHIP FROM U.S. DEPARTMENT OF EDUCATION

● Mr. WIRTH. Mr. President, I offer my congratulations to Sandburg Elementary School second grade teacher Susan Anderson, the recipient of a prestigious $32,000 grant for her pioneering of the Design for Learning Program that improves upon the traditional elementary school structure in many ways. In her Design for Learning Program, the ratio between students and teachers is decreased for part of the school day without adding extra staff; students of different grades have the opportunity to work with each other while studying different coordinated subjects—math with English with social studies, et cetera—and skills are being taught that help apply subject matter to real-life situations. In a time when the teaching profession seems under constant criticism, Ms. Anderson's obvious love of her job is a refreshing change, and I ask that the article on the creative efforts of Susan Anderson and her colleagues at the Sandburg School be inserted in the RECORD.

The article follows:

[From the Denver Post, Mar. 3, 1990]

A SALUTE TO SANDBURG SCHOOL

At a time when our educational system is being criticized roundly for its shortcomings, it is refreshing to hear of teachers and schools with innovative programs that are making real progress toward improving the quality of education.

One such example is Suan Anderson, a second-grade teacher at Carl Sandburg Elementary School in the Littleton district. Mrs. Anderson has been awarded the Christa McAuliffe fellowship by the U.S. Department of Education, a prestigious $32,000 grant given to just one teacher in each state for work on new educational techniques that show promise.

Anderson and other teachers at Sandburg are pioneering a "Design for Learning" program that improves upon the traditional elementary school structure in several ways. Student-teacher ratios are lowered for part of the school day without adding staff: there are opportunties for students of different grades to work together part of the time; different subjects are being coordinated with each other (math with English with social studies, etc.) and youngers are being taught new methods to apply subject matter to real-life situations.

Coloradans should salute Anderson and the Sandburg staff for winning the national award, plus a $5,000 grant from Gov. Roy Romer, and we should encourage the school to continue working on such creative programs as "Design for Learning" that will better prepare our children for the 21st century.●

THE NOMINATION OF JOHN D. SHANSTROM

● Mr. BAUCUS. Mr. President, the Senate considered a judicial nomination of great importance to my home State of Montana on last Friday.

We are considering the nomination of Judge Jack D. Shanstrom to be a U.S. district court judge.

Judge Shanstrom has dedicated his career to public service.

After graduating from the University of Montana Law School in 1957, Jack served in the Judge Advocate's Office of the Air Force. After leaving the service, he went on to become an assistant city attorney in Livingston, then was elected to be the Park County attorney.

He was a Montana State district court judge for 18 years, until December 1982. The following month he became the U.S. magistrate for the district of Montana and has served in that position ever since.

Judge Shanstrom has been recommended for this position by highly respected members of Montana's judicial community. His many years of experience in the legal profession have been cited as examples for others who wish to enter public service.

I am confident Judge Shanstrom will execute his duties as a U.S. district court judge with the same diligence and dedication he has exhibited in the past.

I would like to thank the Members of the Senate Judiciary Committee for working so quickly to fill this judicial position.

The people of my home State of Montana and I thank the committee for its dedication to filling this opening. I wish Judge Shanstrom and his wife Audrey well as the judge assumes his new duties.●

NATIONAL POLICE WEEK AND PEACE OFFICERS MEMORIAL DAY

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to our 500,000 sworn law enforcement officers as they prepare for the upcoming National Police Week and Police Officers Memorial Day.

Policemen in the United States have long been our first line of defense against crime, and it is our responsibility to provide them with all the encouragement and support possible as they attempt to stem the tidal wave of crime and drug-related violence in this country.

National Police Week, which will occur from May 13 to May 19, 1990, will seek to highlight through various activities and celebrations the extraordinary service provided by our 500,000 officers. A candlelight vigil will be held on May 13 to commemorate the beginning of National Police Week, and a National Police Survivors' Seminar will be hosted by the Concerns of Police Survivors on May 13 and 14. Also, at noon on May 15, the National Fraternal Order of Police and the National FOP Auxiliary will be hosting the ninth annual National Peace Officers' Memorial Day Service. Any officers killed in the line of duty since 1989 will be recognized in this special service.

Finally, the new National Law Enforcement Officers Memorial, located in Judiciary Square, will be completed and dedicated sometime between May 13 and May 18 to coincide with National Police Week. The memorial will include the names of all officers who have served the United States, as well as those who have died in the line of duty. The memorial, funded by the contributions of over 500,000 American citizens, will serve as a permanent expression of our collective respect and appreciation.

The contributions of our national police force are overwhelming, and their courage and dedication demand our constant support and recognition. I welcome this opportunity to commend their extraordinary efforts, and also to convey my sincerest wishes for a successful celebration week.●

ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3910.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3910) entitled "An Act to require the Secretary of Education to conduct a comprehen-

sive national assessment of programs carried out with assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965", with the following amendment:

Page 9, after line 21, insert:

SEC. 7. TECHNICAL AMENDMENT.

(a) IN GENERAL.—Section 2 of Public Law 81-874 is amended by inserting at the end thereof the following new subsection (d):

"(d) The United States shall be deemed to own Federal property, for the purposes of this Act where—

"(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1); and

"(2) the United States transfers a portion of the property referred to in paragraph (1) to another nontaxable entity, and the United States—

"(A) restricts some or any construction on such property;

"B) requires that the property be used in perpetuity for the public purposes for which it was conveyed;

"(C) requires the grantee of the property to report to the Federal Government (or its agent) setting forth information on the use of the property;

"(D) prohibits the sale, lease assignment or other disposal of the property unless to another eligible government agency and with the approval of the Federal Government (or its agent); and

"(E) reserves to the Federal Government a right of reversion at any time the Federal Government (or its agent) deems it necessary for the national defense.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1989.

Mr. MITCHELL. Mr. President, I move that the Senate concur in the House amendment to the Senate amendment.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL EMPLOYEES HEALTH BENEFITS

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 1805.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate numbered 1 and 3 to the bill (H.R. 1805) entitled "An Act to amend title 5, United States Code, to allow Federal annuitants to make contributions for health benefits through direct payments rather than through annuity withholdings if the annuity is insufficient to cover the required withholdings, and to make a technical correction relating to the life insurance program.".

Resolved, That the House disagree to the amendment of the Senate numbered 2 to the aforesaid bill.

Resolved, That the House disagree to the amendment of the Senate to the title of the aforesaid bill, with the following amendment:

Amend the title so as to read: "An Act to amend title 5, United States Code, to allow Federal annuitants to make contributions for health benefits through direct payments rather than through annuity withholdings if the annuity is insufficient to cover the required withholdings, and for other purposes.".

Mr. MITCHELL. Mr. President, I move that the Senate recede from Senate amendment No. 2 and concur in the House amendment to the Senate amendment to the title.

The motion was agreed to.

OMNIBUS TRADE AND TARIFF ACT

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 1594.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the text of the bill (H.R. 1594) entitled "An Act to extend nondiscriminatory treatment to the products of the Peoples' Republic of Hungary for 3 years" with the following amendment:

In lieu of the matter inserted by said amendment, insert:

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TITLE III—TARIFF PROVISIONS

Sec. 301. Reference.

Subtitle A—Temporary Suspensions and Reductions in Duties

PART 1—NEW DUTY SUSPENSIONS AND TEMPORARY REDUCTIONS

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Sec. 324. Anthraquinone (AQ).
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Sec. 336. 4,4¹-Methylene-bis-(2,6-diisopropyl aniline).
Sec. 337. 2-chloro-4-nitroaniline.
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Sec. 365. Acetoacet-para-toluidide (AAPT).
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Sec. 368. Anis base.
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Sec. 380. 4,4-Thiodiphenyl cyanate.
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Sec. 389. 2,2,6,6-Tetramethyl-4-piperidinon and amino hydroxy- and imido derivatives.
Sec. 390. Norfloxacin.
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Sec. 392. 6-Methyluracil.
Sec. 393. 2,4-Diamino-6-phenyl-1,3,5-triazine.
Sec. 394. Amiloride hydrochloride.
Sec. 395. Trimethyl base.
Sec. 396. Ala pro.
Sec. 397. Thiothiamine hydrochloride.
Sec. 398. Ethyl 2-(2-Aminothiazol-4-yl)-2-Hydroxyiminoacetate (ATHAET).
Sec. 399. Ethyl 2-(2-Aminothiazol-4-yl)-2-Methoxyiminoacetate(ATMAET).
Sec. 400. 7-Nitronaphth[1,2]-oxadiazole-5-sulfonic acid.
Sec. 401. Ceftazidime tertiary butyl ester.
Sec. 402. Chemical intermediate.
Sec. 403. Sulfachloropyridazine.
Sec. 404. Mixed ortho/para toluene sulfonomide.
Sec. 405. Herbicide intermediate.
Sec. 406. N-[4-[[(2-Amino-5-formyl-1,4,5,6,7,8-hexahydro-4-oxo-6-pteridinyl) methyl]amino]benzoyl]-1-glutamic acid.
Sec. 407. Theobromine.
Sec. 408. (6R-(6a, 7B(Z)))-7-(((2-Amino-4-thiazolyl)((carboxymethoxy)imino)acetyl)amino)-3-ethenyl-8-oxo-5-thia-1-azabicyclo(4.2.0) oct-2-ene-2-carboxylic acid (CEFIXIME).
Sec. 409. Teicoplanin.
Sec. 410. Carfentanil citrate.
Sec. 411. Calcium acetylsalicylate.
Sec. 412. Resolin red F3BS.
Sec. 413. Certain acid black powder and presscake.
Sec. 414. Pigment red 178.
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Sec. 416. Solvent yellow 43.
Sec. 417. Solvent yellow 44.
Sec. 418. Modeling pastes.
Sec. 419. Mono- and dibenzyl toluenes.
Sec. 420. Chemical light activator blends.
Sec. 421. Polymin p and polymin p hydrochloride, and polymin SNA 60.
Sec. 422. Specialty thermoset resin.
Sec. 423. Hydrocarbon novolac cyanate ester.
Sec. 424. Chlorinated synthetic rubber.
Sec. 425. Wicker products.
Sec. 426. Certain plastic web sheeting.
Sec. 427. Protective sports apparel.
Sec. 428. Garments specially designed for handicapped persons who are not ambulatory.
Sec. 429. Gripping narrow fabrics.
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Sec. 431. Self-folding collapsible umbrellas.
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Sec. 434. Certain glass fibers.
Sec. 435. Articles of semiprecious stones.
Sec. 436. Luggage frames of aluminum.
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Sec. 438. Zinc printing type.
Sec. 439. Impact line printer.
Sec. 440. Machines used in the manufacture of bicycle parts; certain bicycle parts.
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Sec. 444. Certain infant nursery monitors and intercoms.
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Sec. 446. Certain piston engines.
Sec. 447. Timing apparatus with opto-electronic display only.
Sec. 448. Furniture and seats of unspun fibrous vegetable materials.
Sec. 449. Christmas ornaments.
Sec. 450. 3-dimensional cameras.
Sec. 451. Operatic scenery, properties, including sets.

PART 2—EXISTING TEMPORARY DUTY SUSPENSIONS

Sec. 461. Extension of certain existing suspensions of duty.
Sec. 462. Extension of, and other modifications to, certain existing suspensions of duty.
Sec. 463. Termination of existing suspension of duty on c-amines.

Subtitle B—Other Tariff and Miscellaneous Provisions

PART 1—TARIFF CLASSIFICATION AND OTHER TECHNICAL AMENDMENTS

Sec. 471. Certain edible molasses.
Sec. 472. Certain woven fabrics and gauze.
Sec. 473. Classification of certain articles in whole or part of fabrics coated, covered, or laminated with opaque rubber or plastics.
Sec. 474. Gloves, mittens, and mitts.
Sec. 475. Chipper knife steel.
Sec. 476. Elimination of inverted tariff on cantilever brakes and brake parts for bicycles.
Sec. 477. Bicycles having 26-inch wheels.
Sec. 478. Processing of certain blended syrups.

PART 2—MISCELLANEOUS PROVISIONS

Sec. 481. Renewal of existing customs exemption applicable to bicycle parts in foreign trade zones.
Sec. 482. Rail cars for the State of Florida.
Sec. 483. Reliquidation of certain entries.
Sec. 484. Protest relating to certain entries.
Sec. 485. Effective dates.

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Customs and Trade Act of 1990".

TITLE I—TRADE AGENCY AUTHORIZATIONS, CUSTOMS USER FEES, AND OTHER CUSTOMS PROVISIONS

Subtitle A—Trade Agency Authorizations for Fiscal Years 1991 and 1992

SEC. 101. UNITED STATES INTERNATIONAL TRADE COMMISSION.

Section 330(e)(2) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended to read as follows:

"(2)(A) There are authorized to be appropriated to the Commission for necessary expenses (including the rental of conference rooms in the District of Columbia and elsewhere) not to exceed the following:

"(i) $41,170,000 for fiscal year 1991.

"(ii) $44,052,000 for fiscal year 1992.

"(B) Not to exceed $2,500 of the amount authorized to be appropriated for any fiscal year under subparagraph (A) may be used, subject to the approval of the Chairman of the Commission, for reception and entertainment expenses.

"(C) No part of any sum that is appropriated under the authority of subparagraph (A) may be used by the Commission in the making of any special study, investigation, or report that is requested by any agency of the executive branch unless that agency reimburses the Commission for the cost thereof.".

SEC. 102. UNITED STATES CUSTOMS SERVICE.

Section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)) is amended to read a follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) FOR NONCOMMERCIAL OPERATIONS.—There are authorized to be appropriated for the salaries and expenses of the Customs Service that are incurred in noncommercial operations not to exceed the following:

"(A) $510,551,000 for fiscal year 1991.

"(B) $536,079,000 for fiscal year 1992.

"(2) FOR COMMERCIAL OPERATIONS.—There are authorized to be appropriated from the Customs User Fee Account for the salaries and expenses of the Customs Service that are incurred in commercial operations not less than the following:

"(A) $672,397,000 for fiscal year 1991.

"(B) $706,017,000 for fiscal year 1992.

"(3) FOR AIR INTERDICTION.—There are authorized to be appropriated for the operation (including salaries and expenses) and maintenance of the air interdiction program of the Customs Service not to exceed the following:

"(A) $143,047,000 for fiscal year 1991.

"(B) $150,199,000 for fiscal year 1992.".

SEC. 103. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 217(g)(1)) is amended to read as follows:

"(g)(1)(A) There are authorized to be appropriated to the Office for the purposes of carrying out its functions not to exceed the following:

"(i) $23,250,000 for fiscal year 1991.

"(ii) $21,077,000 for fiscal year 1992.

"(B) Of the amounts authorized to be appropriated under subparagraph (A) for any fiscal year—

"(i) not to exceed $98,000 may be used for entertainment and representation expenses of the Office; and

"(ii) not to exceed $1,000,000 shall remain available until expended.".

Subtitle B—Customs User Fees

SEC. 111. CUSTOMS USER FEES FOR FORMAL ENTRIES MADE DURING FISCAL YEAR 1990.

(a) IN GENERAL.—Section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is amended—

(1) by inserting "(except fiscal year 1990)" after "1987" in paragraph (10); and

(2) by adding at the end thereof the following new paragraph:

"(11) For the processing of any merchandise (other than an article described in subparagraph (A), (B), or (C) of paragraph (9)) that is formally entered, or withdrawn from warehouse for consumption, during fiscal year 1990, a fee (not exceeding $575) in an amount equal to—

"(A) 0.17 percent ad valorem, or

"(B) an ad valorem rate which the Secretary of the Treasury estimates will provide a total amount of revenue during fiscal year 1990, equal to—

"(i) the total amount authorized to be appropriated for such fiscal year to the United States Customs Service for salaries and expenses incurred in conducting commercial operations during such fiscal year, reduced by

"(ii) the excess, if any, of—

"(I) the total amount authorized to be appropriated for such salaries and expenses for such fiscal year, over

"(II) the total amount actually appropriated for such salaries and expenses for such fiscal year,

except that if appropriations are not authorized for fiscal year 1990, the fee imposed under this paragraph with respect to that year shall be in an amount equal to 0.17 percent ad valorem or $575, whichever is less.".

(b) CONFORMING AMENDMENTS.—Section 13031 of such Act of 1985 is further amended as follows:

(1) Subsection (b) is amended—

(A) by striking out "(a) (9) or (10)" in paragraph (8)(A) and inserting "(a) (9), (10), or (11)";

(B) by amending paragraph (10) to read as follows:

"(10) The fee charged under subsection (a) (10) or (11) of this section with respect to goods of Canadian origin (as determined under section 202 of the United States-Canada Free-Trade Agreement Implementation Act of 1988) shall be in accordance with article 403 of the United States-Canada Free-Trade Agreement."; and

(C) by inserting at the end thereof the following:

"(11) No fee may be charged under subsection (a) (10) or (11) with respect to products of Israel if an exemption with respect to the fee is implemented under section 113 of the Customs and Trade Act of 1990.

"(12) For purposes of applying subsection (a)(11)(B), expenses incurred in conducting commercial operations do not include costs incurred in—

"(A) air passenger processing;

"(B) export control; and

"(C) international affairs.".

(2) Subsection (f)(2) is amended—

(A) by inserting "(A)" after "(2)",

(B) by striking out "(other than costs for which direct reimbursement under paragraph (3) is required)" and inserting "(other than costs described in subparagraph (B))", and

(C) by adding at the end thereof the following:

"(B) The following costs may not be funded with money contained in the Customs User Fee Account:

"(i) Costs for which direct reimbursement under paragraph (3) is required.

"(ii) Costs for any of the following services (other than a service for which direct reimbursement is made under paragraph (3)):

"(I) Any service for which a fee exemption is provided by reason of subsection (b)(10).

"(II) Any service for which a fee exemption is provided by reason of the determination referred to in section 113 of the Customs and Trade Act of 1990.

"(III) Any service provided in processing during fiscal year 1990 air passengers and articles described in subparagraph (A), (B), or (C) of subsection (a)(9).".

SEC. 112. ENFORCEMENT AUTHORITY.

Section 13031(g) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(g)) is amended—

(1) by amending the side heading to read as follows: "REGULATIONS AND ENFORCEMENT.—"; and

(2) by adding at the end the following new paragraph:

"(3) Except to the extent otherwise provided in regulations, all administrative and enforcement provisions of customs laws and regulations, other than those laws and regulations relating to drawback, shall apply with respect to any fee prescribed under subsection (a) of this section, and with respect to persons liable therefor, as if such fee is a customs duty. For purposes of the preceding sentence, any penalty expressed in terms of a relationship to the amount of the duty shall be treated as not less than the amount which bears a similar relationship to the amount of the fee assessed. For purposes of determining the jurisdiction of any court of the United States or any agency of the United States, any fee prescribed under subsection (a) of this section shall be treated as if such fee is a customs duty.".

SEC. 113. EXEMPTION OF ISRAELI PRODUCTS FROM USER FEES.

If the United States Trade Representative determines that the Government of Israel has provided reciprocal concessions in exchange for the exemption of the products of Israel from the fees imposed under section 13031(a) (10) and (11) of the Consolidated Omnibus Budget Reconciliation Act of 1985, such fees may not be charged with respect to any product of Israel that is entered, or withdrawn from warehouse for consumption, on or after the 15th day (but not before October 1, 1989) after the date on which the determination is published in the Federal Register.

SEC. 114. GAO REPORT.

The Comptroller General of the United States, within 180 days after the effective date of this section, shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the costs incurred by the Customs Service in conducting commercial operations and on appropriate fees to be charged to the beneficiaries of such services.

SEC. 115. EXTENSION OF CUSTOMS USER FEE PROGRAM.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking out "September 30, 1990" and inserting "September 30, 1991".

SEC. 116. EFFECTIVE DATES.

This subtitle (except section 113) takes effect October 1, 1989. Section 113 takes effect on the date of the enactment of this Act.

Subtitle C—Miscellaneous Customs Provisions

SEC. 121. CUSTOMS FORFEITURE FUND.

Section 613A of the Tariff Act of 1930 (19 U.S.C. 1613b) is amended as follows:

(1) Subsection (a)(1) is amended—

(A) by striking out "and" at the end of subparagraph (D);

(B) by striking out the period at the end of subparagraph (E) and inserting "; and"; and

(C) by adding at the end thereof the following new subparagraph:

"(F) equitable sharing payments made to other Federal agencies, State and local law enforcement agencies, and foreign countries under the authority of section 616(c) of this Act or section 981 of title 18, United States Code.".

(2) Subsection (a)(2) is amended—

(A) by inserting "(A)" after "(2)"; and

(B) by adding at the end thereof the following:

"(B) Any payment made under subparagraph (F) of paragraph (1) with respect to a seizure or forfeiture of property shall not exceed the value of the property at the time of disposition.".

(3) Subsection (c) is amended by inserting "forfeited currency and" before "proceeds".

(4) Subsection (e)(1) is amended—

(A) by striking out "and" after the semicolon at the end of subparagraph (A);

(B) by amending subparagraph (B)—

(i) by striking out clause (ii),

(ii) by redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively,

(iii) by striking out "and" after the semicolon in clause (iv) (as so redesignated); and

(iv) by striking out the period at the end thereof and inserting "; and"; and

(C) by adding at the end thereof the following new subparagraph:

"(C) a report containing, for the previous fiscal year—

"(i) a complete set of audited financial statements (including a balance sheet, income statement, and cash flow analysis) prepared in a manner consistent with the requirements of the Comptroller General, and

"(ii) an analysis of income and expenses for cases closed showing the revenue received or lost—

"(I) by property category (general property, vehicles, vessels, aircraft, cash, and real property) and

"(II) by type of disposition (sales, remissions, cancellations, placed into official use, sharing with State and local agencies, and destructions).".

(5) Subsection (f) is amended to read as follows:

"(f)(1) Subject to paragraph (2), there are authorized to be appropriated from the Fund not to exceed $20,000,000 for each fiscal year to carry out the purposes set forth in subsections (a)(3) and (b) for such fiscal year.

"(2) Of the amount authorized to be appropriated under paragraph (1), not to exceed the following shall be available to carry out the purposes set forth in subsection (a)(3):

"(A) $14,855,000 for fiscal year 1991.

"(B) $15,598,000 for fiscal year 1992.".

SEC. 122. INCREASE IN VALUE SUBJECT TO ADMINISTRATIVE FORFEITURE; PROCESSING OF MONEY SEIZED UNDER THE CUSTOMS LAWS.

Section 607 of the Traiff Act of 1930 (19 U.S.C. 1607) is amended—

(1) by striking out "$100,000" in subsection (a)(1) and inserting "$500,000";

(2) by striking out "or" at the end of subsection (a)(2);

(3) by inserting "or" after the semicolon at the end of subsection (a)(3);

(4) by inserting after paragraph (3) of subsection (a) the following new paragraph:

"(4) such seized merchandise is any monetary instrument within the meaning of section 5312(a)(3) of title 31 of the United States Code;";

(5) by adding at the end thereof the following new subsection:

"(c) The Commissioner of Customs shall submit to the Congress, by no later than February 1 of each fiscal year, a report on the total dollar value of uncontested seizures of monetary instruments having a value of over $100,000 which, or the proceeds of which, have not been deposited into the Customs Forfeiture Fund under section 613A within 120 days of seizure, as of the end of the previous fiscal year."; and

(6) by striking out "$100,000" in the section heading and inserting "$500,000".

SEC. 123. ANNUAL NATIONAL TRADE AND CUSTOMS LAW VIOLATION ESTIMATES AND ENFORCEMENT STRATEGY.

(a) VIOLATION ESTIMATES.—Note later than 30 days before the beginning of each fiscal year fiscal year 1991, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (hereafter in this section referred to as the "Committees") a report that contains estimates of—

(1) the number and extent of violations of the trade, customs, and illegal drug control laws listed under subsection (b) that will likely occur during the fiscal year; and

(2) the relative incidence of the violations estimated under paragraph (1) among the various ports of entry and customs regions within the customs territory.

(b) APPLICABLE STATUTORY PROVISIONS.—The Commissioner of Customs, after consultation with the Committees—

(1) Shall, within 60 days after the date of the enactment of this Act, prepare list of those provisions of the trade, customs, and illegal drug control laws of the United States for which the United States Customs Service has enforcement responsibility and to which the reports required under subsection (a) will apply; and

(2) may from time-to-time amend the listing developed under paragraph (1).

(c) ENFORCEMENT STRATEGY.—Within 90 days after submitting a report under subsection (a) for any fiscal year, the Commissioner of Customs shall—

(1) develop a nationally uniform enforcement strategy for dealing during that year with the violations estimated in the report; and

(2) submit to the Committees a report setting forth the details of the strategy.

(d) CONFIDENTIALTY.—The contents of any report submitted to the Committees under subsection (a) of (c)(2) are confidential and disclosure of all or part of the contents is restricted to—

(1) officers and employees of the United States designated by the Commissioner of Customs;

(2) the chairman of each of the Committees; and

(3) those members of each of the Committees and staff persons of each of the Committees who are authorized by the chairman thereof to have access to the contents.

SEC. 124. REPPORTS REGARDING EXPANSION OF CUSTOMS PRECLEARANCE OPERATIONS AND RECOVERY FOR DAMAGE RESULTING FROM CUSTOMS EXAMINATIONS.

(A) CUSTOMS PRECLEARANCE.—The Secretary of the Treasury, in consulation with the Secretary of State, shall assess the advisability of expanding the use of preclearance operations by the United States Customs Service at foreign airports. The Secretary of Treasury shall submit a report on the assessment to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (hereafter in this section referred to as the "Committees") no later than February 1, 1991.

(b) RECOVERY FOR CUSTOMS DAMAGE.—

(1) The Secretary of the Treasury, in consultation with the Attorney General, shall determine and evaluate various means by which persons whose merchandise is damaged during customs examinations may seek compensation from, or take other recourse against, the United States Customs Service regarding the damage.

(2) No later than February 1, 1991, the Secretary of the Treasury shall submit to the Committees a report on the evaluation required under paragraph (1), together with any legislative recommendation that the Secretary considers appropriate.

(c) MERCHANDISE DAMAGE STATISTICS.—The Commissioner of Customs shall keep accurate statistics on the incidence, nature, and extent of damage to merchandise resulting from customs examinations and shall provide an annual summary of these statistics to the Committees.

SEC. 125. ELIGIBILITY OF CZECHOSLOVAKIA AND EAST GERMANY UNDER THE GENERALIZED SYSTEM OF PREFERENCES.

The table in section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended by striking out "Czechoslovakia"and "Germany (East)".

SEC. 126. EXTENSION OF TIME FOR PREPARATION OF REPORT ON SUPPLEMENTAL WAGE ALLOWANCE DEMONSTRATION PROJECTS UNDER THE WORKER ADJUSTMENT ASSISTANCE PROGRAM.

Section 246(d) of the Trade Act of 1974 (19 U.S.C. 2318(d)) is amended by striking out "3 years" and inserting "6 years".

SEC. 127. TECHNICAL AMENDMENTS REGARDING NONDISCRIMINATORY TRADE TREATMENT.

(a) WAIVER AUTHORITY.—

(1) Subsection (d) of section 402 of the Trade Act of 1974 (19 U.S.C. 2432(d)) is amended to real as follows:

"(d) If the President determines that the further extension of the waiver authority granted under subsection (c) will substantially promote the objectives of this section, he may recommend further extensions of such authority for successive 12-month periods. Any such recommendation shall—

"(1) be made not later than 30 days before the expiration of such authority;

"(2) be made in a document transmitted to the House of Representatives and the Senate setting forth his reasons for recommending the extension of such authority; and

"(3) include, for each country with respect to which a waiver granted under subsection (c) of this section is in effect, a determination that continuation of the waiver applicable to that country will substantially promote the objectives of this section, and a statement setting forth his reasons for such determination.

If the President recommends the further extension of such authority, such authority shall continue in effect until the end of the 12-month period following the end of the previous 12-month extension with respect to any country (except for any country with respect to which such authority has not been extended under this subsection), unless before the end of the 60-day period following

such previous 12-month extension a joint resolution described in section 153(a) is enacted into law disapproving the extension of such authority generally or with respect to such country specifically. Such authority shall cease to be effective with respect to all countries on the date of the enactment before the end of such 60-day period of a joint resolution disapproving the extension of such authority, and shall cease to be effective with respect to any country on the date of the enactment before the end of such 60-day period of a joint resolution disapproving the extension of such authority with respect to such country.".

(2) Subsection (a) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193(a)) is amended to read as follows:

"(a) CONTENTS OF RESOLUTION.—For purposes of this section, the term 'resolution' means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on with respect to .', with the first blank space being filled with the appropriate date, and the second blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the clause beginning with 'with respect to' being omitted if the extension of the authority is not approved with respect to any country.".

(3) Subsection (b) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193(b)) is amended—

(A) by striking out ", and, in the case of a resolution related to section 402(d)(4), 20 calendar days shall be substituted for 30 days" in paragraph (2),

(B) by striking out "an except clause, in the case of a resolution described in subsection (a)(1), or" in paragraph (3),

(C) by striking out ", in the case of a resolution described in subsection (a)(2)" in paragraph (3),

(D) by striking out "an except clause, in the case of a resolution described in subsection (a)(1), or" in paragraph (4), and

(E) by striking out ", in the case of a resolution described in subsection (a)(2)" in paragraph (4).

(4) Subsection (c) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193) is amended by striking out "in subsection (a)(1)" and inserting "in subsection (a)".

(b) BILATERAL COMMERCIAL AGREEMENTS.—

(1) Subsection (c) of section 405 of the Trade Act of 1974 (19 U.S.C. 2435(c)) is amended to read as follows:

"(c) An agreement referred to in subsection (a), and a proclamation referred to in section 404(a) implementing such agreement, shall take effect only if a joint resolution described in section 151(b)(3) that approves of the agreement referred to in subsection (a) is enacted into law.".

(2) Section 151 of the Trade Act of 1974 (19 U.S.C. 2191(b)) is amended—

(A) by amending paragraph (2) of subsection (b) to read as follows:

"(2) The term 'implementing revenue bill or resolution' means an implementing bill or approval resolution which contains one or more revenue measures by reason of which it must originate in the House of Representatives.",

(B) by striking out "concurrent" in subsection (b)(3) and inserting "joint",

(C) by striking out "revenue bill" each place it appears in subsection (e)(2) and inserting "revenue bill or resolution", and

(D) by striking out "such bill" each place it appears in subsection (e)(2) and inserting "such bill or resolution".

(3) Subsection (c) of section 407 of the Trade Act of 1974 (19 U.S.C. 2437(c)) is amended—

(A) by striking out paragraphs (1) and (2) and inserting the following new paragraph:

"(1) In the case of a document referred to in subsection (a), the proclamation set forth in the document may become effective and the agreement set forth in the document may enter into force and effect only if a joint resolution described in section 151(b)(3) that approves of the extension of nondiscriminatory treatment to the products of the country concerned is enacted into law.", and

(B) by redesignating paragraph (3) as paragraph (2).

(c) COMPLIANCE REPORTS.—

(1) Paragraph (2) of section 407(c) of the Trade Act of 1974 (19 U.S.C. 2437(c)(2)), as redesignated by subsection (b)(3)(B) of this section, is amended—

(A) by striking out "either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution of disapproval (under the procedures set forth in section 152)" and inserting "a joint resolution described in section 152(a)(1)(B) is enacted into law that disapproves", and

(B) by striking out "the adoption" and inserting "the enactment".

(2) Subparagraph (B) of section 152(a)(1) of the Trade Act of 1974 (19 U.S.C. 2192(a)(1)(B)) is amended to read as follows:

"(B) a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve transmitted to the Congress on .', with the first blank space being filled in accordance with paragraph (2), and the second blank space being filled with the appropriate date.".

(3) Paragraph (2) of section 152(a) of the Trade Act of 1974 (19 U.S.C. 2192(a)(2)) is amended—

(A) by adding "and" at the end of subparagraph (A),

(B) by striking out "407(c)(3)" in subparagraph (C) and inserting "407(c)(2)",

(C) by striking out subparagraph (B),

(D) by redesignating subparagraph (C) as subparagraph (B).

(4) Subsection (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(f)) is amended to read as follows:

"(f) FINAL PASSAGE IN THE SENATE.—A resolution that has passed the House of Representatives shall, when received in the Senate, be placed on the calendar. The procedures in the Senate with respect to a resolution introduced in the Senate that concerns the same matter as the resolution that passed the House of Representatives shall be the same as if no resolution had been received from the House of Representatives, but the vote on final passage in the Senate shall be on the resolution that passed the House of Representatives.".

(5) Subsection (b) of section 154 of the Trade Act of 1974 (194 U.S.C. 2194(b)) is amended by striking out ", 407(c)(2), and 407(c)(3)" and inserting "and 407(c)(2)".

TITLE II—CARIBBEAN BASIN ECONOMIC RECOVERY

Subtitle A—Short Title and Findings

SEC. 201. SHORT TITLE.

This title may be cited as the "Caribbean Basin Economic Recovery Expansion Act 1989".

SEC. 202. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) a stable political and economic climate in the Caribbean region is necessary for the development of the countries in that region and for the security and economic interests of the United States;

(2) the Caribbean Basin Economic Recovery Act was enacted in 1983 to assist in the achievement of such a climate by stimulating the development of the export potential of the region; and

(3) the commitment of the United States to the successful development of the region, as evidenced by the enactment of the Caribbean Basin Economic Recovery Act, should be reaffirmed, and further strengthened, by amending that Act to improve its operation.

Subtitle B—Amendments to the Caribbean Basin Economic Recovery Act and Related Provisions

PART 1—AMENDMENTS TO CARIBBEAN BASIN ECONOMIC RECOVERY ACT

SEC. 211. REPEAL OF TERMINATION DATE ON DUTY-FREE TREATMENT UNDER THE ACT.

Section 218 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2706(b)) is repealed.

SEC. 212. DUTY REDUCTION FOR CERTAIN LEATHER-RELATED PRODUCTS.

(a) IN GENERAL.—Section 213 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703) is amended by adding at the end thereof the following new subsection:

"(h)(1) The rate of duty on any handbag, luggage, flat good, work glove, or leather wearing apparel that—

"(A) is a product of a beneficiary country; and

"(B) was not designated on August 5, 1983, as an eligible article for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

is a rate equal to 50 percent of the general column 1 rate of duty under the HTS that would apply to such article but for this paragraph.

"(2) The President shall proclaim the rates of duty imposed under paragraph (1).

"(3) The duty applied under paragraph (1) to an article is in lieu of the duty provided for that article under general column 1 of the HTS.".

(b) CONFORMING AMENDMENT.—Section 213(b) of such Act is amended—

(1) by striking out ", handbags, luggage, flat goods, work gloves, and leather wearing apparel" in paragraph (2);

(2) by striking "or" at the end of paragraph (4);

(3) by striking out the period at the end of paragraph (5) and inserting "; or"; and

(4) by adding at the end thereof the following new paragraph:

"(6) articles to which reduced rates of duty apply under subsection (h).".

SEC. 213. WORKER RIGHTS.

Section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) is amended—

(1) by striking out "and" after the semicolon at the end of subsection (b)(5);

(2) by striking out the period at the end of subsection (b)(6) and inserting "; and";

(3) by adding at the end of subsection (b) the following new paragraph:

"(7) if such country has not or is not taking steps to afford internationally recognized worker rights (as defined in section 502(a)(4) of the Trade Act of 1974) to workers in the country (including any designated zone in that country).";

(4) by amending the last sentence in subsection (b) by striking out "and (5)" and inserting "(5), and (7)";

(5) by amending subsection (c)(8) to read as follows:

"(8) whether or not such country has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally recognized worker rights."; and

(6) by adding the following new subparagraph at the end of subsection (e):

"(3) Not later than January 4, 1991 and biennially thereafter, the President shall conduct a general review of eligible countries based on the considerations described in subsections (b) and (c).".

SEC. 214. REPORTS.

Section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) is amended by adding at the end thereof the following new subsection:

"(f) On or before October 1, 1992, and the close of each 3-year period thereafter, the President shall submit to the Congress a complete report regarding the operation of this title.".

SEC. 215. APPLICATION OF ACT IN EASTERN CARIBBEAN AREA.

It is the sense of the Congress that there should be undertaken special efforts in order to improve the ability of the Organization of Eastern Caribbean States countries and Belize to benefit from the Caribbean Basin Economic Recovery Act.

PART 2—AMENDMENTS TO THE HARMONIZED TARIFF SCHEDULE AND OTHER PROVISIONS AFFECTING CBI BENEFICIARY COUNTRIES

SEC. 221. SUGAR IMPORTS FROM BENEFICIARY COUNTRIES.

(a) ALLOCATIONS TO BENEFICIARY COUNTRIES.—Paragraph (c) of additional U.S. note 3 of chapter 17 of the Harmonized Tariff Schedule of the United States is amended—

(1) by inserting after note 2 of subparagraph (i) the following:

"NOTE 3: The Secretary shall determine whether any country is not utilizing fully the base quota amount allocated to it for a quota year and any amount determined to be unused during such year shall be reallocated on a pro rata basis among the countries listed in general note 3(c)(v) (hereinafter in this paragraph referred to as the 'CBI countries') receiving base quota allocations for such year. The unused quota amount reallocated to any CBI country under this note for any quota year is in addition to any reallocation made under subparagraph (iv) to that country for such year. No portion of any reallocation made to a CBI country for a quota year under this note or subparagraph (iv) that is unused at the close of such year is available for use in any other quota year";

(2) by amending subparagraph (iii) to read as follows:

"(iii) Notwithstanding any authority given to the United States Trade Representative under paragraphs (e) and (g) of this note, in allocating any limitation imposed under any paragraph of this note on the quantity of sugars, syrups, and molasses described in the subheadings cited under paragraph (a) of this note which may be entered—

"(A) the percentage allocation made to the Philippines under this paragraph may not be reduced,

"(B) no allocation may be made to the Republic of South Africa, and

"(C) the aggregate of the amounts of the base quota allocations to the CBI countries for any quota year beginning after December 31, 1988, may not be less than 371,449 metric tons, raw value."; and

(3) by adding at the end thereof the following new subparagraphs:

"(iv) If under law authorizing such an action for purposes of dealing with a threat to the national security or foreign policy of the United States, the allocation under subparagraph (i) for any quota year is suspended or terminated with respect to any country, the amount of the suspended or terminated allocation shall be reallocated on a pro-rata basis among the CBI countries receiving allocations for that year. Any quota amount reallocated to any CBI country under this subparagraph for any quota year is in addition to any reallocation made under note 3 of subparagraph (i) to that country for such year.

"(v) The President may enter into trade agreements with foreign governments for purposes of granting appropriate compensation, and may proclaim such compensation, if any action taken by the United States under the authority of note 3 of subparagraph (i), subparagraph (iii)(C), or subparagraph (iv) is found to be inconsistent with the international obligations of the United States (including the General Agreement on Tariffs and Trade). Before offering compensation under this subparagraph, the President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the reasons for taking the action concerned and the compensation proposed to be offered.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to the quota year in effect on the date of the enactment of this Act and to quota years thereafter.

SEC. 222. INCREASE IN DUTY-FREE TOURIST ALLOWANCES.

(a) DUTY-FREE ALLOWANCE FOR RETURNING RESIDENTS.—Subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by inserting the following new note at the end of the notes to such subchapter.

"4. As used in subheadings 9804.00.70 and 9804.00.72, the term 'beneficiary country' means a country listed in general note 3(c)(v)(A).";

(2) by striking out "subheading 9804.00.65 or 9804.00.70" and all that follows thereafter in the superior article description to subheadings 9804.00.65 and 9804.00.70 and inserting "subheadings 9804.00.65, 9804.00.70, and 9804.00.72 within 30 days preceding his arrival, and claims exemption under only one of such items on his arrival.";

(3) by striking out "$800" in subheading 9804.00.70 and inserting "$1,200";

(4) by inserting "or up to $600 of which have been acquired in one or more beneficiary countries" before the parenthetical matter in subheading 9804.00.70; and

(5) by inserting after subheading 9804.00.70 the following new subheading with the article description for the new subheading having the same degree of indentation as subheading 9804.00.70:

"9804.00.72	Articles whether or not accompanying a person, not over $600 in aggregate fair market value in the country of acquisition, including—. (a) but only in the case of an individual who has attained the age of 21, not more than 1 liter of alcoholic beverages or not more than 2 liters if at least one liter is the product of one or more beneficiary countries, and. (b) not more than 200 cigarettes, and not more than 100 cigars. If such person arrives directly from a beneficiary country, not more than $400 of which shall have been acquired elsewhere than in beneficiary countries (but this item does not permit the entry of articles not accompanying a person which were acquired elsewhere than in beneficiary countries)	Free	Free".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to residents of the United States who depart from the United States on or after the 15th day of the enactment of this Act.

SEC. 223. DUTY-FREE TREATMENT FOR ARTICLES ASSEMBLED IN BENEFICIARY COUNTRIES FROM COMPONENTS PRODUCED IN THE UNITED STATES.

(a) IN GENERAL.—U.S. Note 2 of subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking out "2. Any" and inserting "2. (a) Except as provided in paragraph (b), any"; and

(2) by adding at the end thereof the following new paragraph:

"(b) No article (except a textile or apparel article) may be treated for purposes of this Act as a foreign article, or as subject to duty, if—

"(i) the article is—

"(A) assembled in whole of fabricated components that are a product of the United States, or

"(B) processed in whole of ingredients (other than water) that are a product of the United States, in a beneficiary country; and

"(ii) neither the fabricated components or ingredients, after exportation from the United States, nor the article itself, before importation into the United States, enters the commerce of any foreign country other than a beneficiary country. As used in this paragraph, the term 'beneficiary country' means a country listed in general note 3(c)(V)(A).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) applies with respect to goods assembled or processed abroad that are entered on or after the 15th day after the date of the enactment of this Act.

SEC. 224. RULES OF ORIGIN FOR BENEFICIARY COUNTRY PRODUCTS.

(a) IN GENERAL.—For purposes of administering the Caribbean Basin Economic Recovery Act and subject to subsection (b), the President may proclaim new rules, to take effect on January 1, 1991, for determining whether articles originate in beneficiary countries.

(b) CONSULTATION AND LAY-OVER REQUIREMENTS.—Rules of origin may not be proclaimed under subsection (a) unless—

(1) the President has obtained advice regarding the proposed rules pursuant to consultation with—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974,

(B) the governments of the beneficiary countries,

(C) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, and

(D) other interested parties;

(2) the President has submitted a report to such Committees that sets forth the rules proposed to be proclaimed and the reasons thereof;

(3) a period of at least 90 calendar days that begins on the first day on which the President has met the requirements of paragraphs (1) and (2) with respect to such action has expired; and

(4) the President has further consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

SEC. 225. CUMULATION INVOLVING BENEFICIARY COUNTRY PRODUCTS UNDER THE COUNTERVAILING AND ANTIDUMPING DUTY LAWS.

(a) MATERIAL INJURY.—Section 771(7)(C)(iv) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(c)(iv)) is amended to read as follows:

"(iv) CUMULATION.—

"(I) IN GENERAL.—For purposes of clauses (i) and (ii) and subject to subclause (II), the Commission shall cumulatively assess the volume and effect of imports from two or more countries of like products subject to investigation if such imports compete with each other and with like products of the domestic industry in the United States market.

"(II) CBI EXCEPTION.—When the imports subject to investigation are products of a country designated as a beneficiary country under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.), the volume and effect of imports from such country may only be cumulatively assessed with imports of like products from one or more other countries designated as beneficiary countries.".

(b) THREAT OF MATERIAL INJURY.—Section 771(7)(F)(iv) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(F)(iv)) is amended by striking out "(C)(v)," and inserting "(C)(iv)(II)and (v),".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) apply with respect to investigations initiated under section 720 or 732 of the Tariff Act of 1930 on or after the date of the enactment of this Act.

SEC. 226. ETHYL ALCOHOL AND MIXTURES THEREOF FOR FUEL USE.

(a) DETERMINATION OF INDIGENOUS PRODUCTS.—Section 423(c) of the Tax Reform Act of 1986 (19 U.S.C. 2703 note) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by striking out paragraph (2) and inserting the following:

"(2) Ethyl alcohol or a mixture thereof that is produced by a process of full fermentation in an insular possession or beneficiary country shall be treated as being an indigenous product of that possession or country.

"(3)(A) Ethyl alcohol and mixtures thereof that are only dehydrated within an insular possession or beneficiary country (hereinafter in this paragraph referred to as 'dehydrated alcohol and mixtures') shall be treated as being indigenous products of that possession or country only if the alcohol or mixture, when entered, meets the applicable local feedstock requirement.

"(B) The local feedstock requirement with respect to any calendar year is—

"(i) 0 percent with respect to the base quantity of dehydrated alcohol and mixtures that is entered;

"(ii) 30 percent with respect to the 35,000,000 gallons of dehydrated alcohol and mixtures next entered after the base quantity; and

"(iii) 50 percent with respect to all dehydrated alcohol and mixtures entered after the amount specified in clause (ii) is entered.

"(C) For purposes of this paragraph:

"(i) The term 'base quantity' means, with respect to dehydrated alcohol and mixtures entered during any calender year, the greater of—

"(I) 60,000,000 gallons; or

"(II) an amount (expressed in gallons) equal to 7 percent of the United States domestic market for ethyl alcohol, as determined by the United States International Trade Commission, during the 12-month period ending on the preceding September 30;

that is first entered during the calendar year.

"(ii) The term 'local feedstock' means hydrous ethyl alcohol which is wholly produced or manufactured in any insular possession or beneficiary country.

"(iii) The term 'local feedstock requirement' means the minimum percent, by volume, of local feedstock that must be included in dehydrated alcohol and mixtures."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to calendar years after 1989.

SEC. 227. CONFORMING AMENDMENT.

Section 503(b) of the Trade Act of 1974 (19 U.S.C. 2463(b)) is amended to read as follows:

"(b)(1) The duty-free treatment provided under section 501 shall apply to any eligible article which is the growth, product, or manufacture of a beneficiary developing country if—

"(A) that article is imported directly from a beneficiary developing country into the customs territory of the United States; and

"(B) the sum of (i) the cost or value of the materials produced in the beneficiary developing country or any 2 or more countries which are members of the same association of countries which is treated as one country under section 502(a)(3), plus (ii) the direct costs of processing operations performed in such beneficiary developing country or such member countries is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States.

"(2) The Secretary of the Treasury, after consulting with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this subsection, including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this title, an article must be wholly the growth, product, or manufacture of a beneficiary developing country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary developing country; but no article or material of a beneficiary developing country shall be eligible for such treatment by virtue of having merely undergone—

"(A) simple combining or packaging operations, or

"(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.".

Subtitle C—Scholarship Assistance and Tourism Promotion

SEC. 231. CARIBBEAN-CENTRAL AMERICAN SCHOLARSHIP PARTNERSHIP.

(a) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—The Administrator of the Agency for International Development shall establish and administer a program of scholarship assistance, in cooperation with State governments, universities, community colleges, and businesses, to provide scholarships to enable students from eligible countries in the Caribbean and Central America to study in the United States.

(b) GRANTS TO STATES.—In carrying out this section, the Administrator may make grants to States to provide scholarship assistance for undergraduate degree programs and for training programs of one year or longer in study areas related to the critical development needs of the students' respective countries.

(c) CONSULTATION WITH STATES.—The Administrator shall consult with the participating States with regard to the educational opportunities available within each State and on the assignment of scholarship recipients.

(d) FEDERAL SHARE.—The Federal share for each year for which a State receives payments under this section shall be not less than 50 percent.

(e) NON-FEDERAL SHARE.—The non-Federal share of payments under this section may be in cash, including the waiver of tuition or the offering of in-State tuition or housing waivers or subsidies, or in-kind fairly evaluated, including the provision of books or supplies.

(f) FORGIVENESS OF SCHOLARSHIP ASSISTANCE.—The obligation of any recipient to reimburse any entity for any or all scholarship assistance provided under this section shall be forgiven upon the recipient's prompt return to his or her country of domicile for a period which is at least one year longer than the period spent studying in the United States with scholarship assistance.

(g) PRIVATE SECTOR PARTICIPATION.—To the maximum extent paracticable, each participating State shall enlist the assistance of the private sector to enable the State to meet the non-Federal share of payments under this section. Wherever appropriate, each participating State shall encourage the private sector to offer internships or other opportunities consistent with the purposes of this section to students receiving scholarships under this section.

(h) FUNDING.—Any funds used in carrying out this section shall be derived from funds allocated for Latin American and Caribbean regional programs under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund).

(i) DEFINITIONS.—As used in this section—

(1) The term "eligible country" means any country—

(A) which is receiving assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) or chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund); and

(B) which is designated by the President as a beneficiary country pursuant to the Caribbean Basin Economic Recovery Act.

(2) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the

Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 232. PROMOTION OF TOURISM.

(a) CONGRESSIONAL FINDING.—The Congress finds that the tourism industry must be recognized as a central element in the economic development and political stability of the Caribbean Basin region because of the potential that the industry has for increasing employment and foreign exchange earnings, establishing important linkages with other related sectors, and having a positive complementary effect on trade with the United States.

(b) FEDERAL AGENCY PRIORITY.—It is the sense of the Congress that increased tourism and related activities should be developed in the Caribbean Basin region as a central part of the Caribbean Basin Initiative program and, to that end, the appropriate agencies of the United States Government should assign a high priority to projects that promote the tourism industry in the Caribbean Basin.

(c) STUDY.—The Secretary of Commerce shall complete the study begun in 1986 regarding tourism development strategies for the Caribbean Basin region. The study shall include—

(1) information on the mutual benefits received by the United States and the Caribbean Basin economies as a result of tourist activity in the area; and

(2) proposals for developing increased linkages between the tourism industry and local industries in the region such as the agro-business.

SEC. 233. PILOT PRECLEARANCE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subject to subsection (b), the Commissioner of Customs shall carry out, during fiscal years 1990 and 1991, preclearance operations at a facility of the United States Customs Service in a country within the Caribbean Basin which the Commissioner of Customs considers appropriate for testing the extent to which the availability of preclearance operations can assist in the development of tourism.

(b) RESTRICTIONS REGARDING PROGRAM.—

(1) The Commissioner of Customs may not consider a country within the Caribbean Basin to be appropriate for the testing referred to in subsection (a)—

(A) if preclearance operations are currently carried out by the United States Customs Service in that country; or

(B) unless immigration preinspection operations are currently carried out in that country with respect to individuals traveling to the United States.

(2) Preclearance operations may not be commenced in the country selected for testing under subsection (a) unless the Commissioner of Customs and the Commissioner of Immigration and Naturalization jointly certify that—

(A) there exists a bilateral agreement between the United States Government and the government of such country which protects the interests of the United States and affords diplomatic protection to United States employees working at the preclearance location;

(B) the facilities at the preclearance location conform to Federal Inspection Services standards and are suitable for the duties to be performed therein;

(C) there is adequate security around the structure used for the reception of international arrivals;

(D) the government of such country grants the United States Customs Service and the United States Immigration and Naturalization Service appropriate search, seizure, and arrest authority; and

(E) United States employees and their families will not be subject to fear of reprisal, acts of terrorism, and threats of intimidation.

(c) REPORT.—As soon as practicable after September 30, 1991, the Commissioner of Customs shall submit to the Congress a report regarding the preclearance operations program carried out under subsection (a). The report shall include—

(1) a summary of the preclearance operations, including the number of individuals processed, any administrative problems encountered, and cost of the operations;

(2) an evaluation of the extent to which the preclearance operations contributed to—

(A) the stimulation of the tourism industry of the country concerned, and

(B) expedited customs processing at United States ports of entry;

(3) the opinion of the Commissioner of Customs regarding the efficacy of extending preclearance operations to other countries within the Caribbean Basin that are developing tourism industries, and if the opinion is affirmative, the identity of those countries to which such operations should be extended and the estimated costs and results of such extensions; and

(4) such other matters that the Commissioner of Customs considers relevant.

TITLE III—TARIFF PROVISIONS

SEC. 301. REFERENCE.

Whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

Subtitle A—Temporary Suspensions and Reductions in Duties

PART 1—NEW DUTY SUSPENSIONS AND TEMPORARY REDUCTIONS

SEC. 311. CASTOR OIL AND ITS FRACTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"990215.15	Castor oil and its fractions (provided for in subheading 1515.30.00)....	Free	No change	No change	On or before 12/31/92".

SEC. 312. CERTAIN JAMS, PASTES AND PUREES, AND FRUIT JELLIES.

Subchapter II of chapter 99 is amended—

(1) by adding at the end of the U.S. notes thereto the following:

"10. (a) The general column 1 rate of duty for goods provided for under heading 9902.20.07 is a rate equal to the column 1 rate of duty that would have applied to such goods under the Tariff Schedules of the United States (19 U.S.C. 1202) on the day before the effective date of this schedule.

"(b) If the President determines that appropriate trade concessions, including the correction of errors and oversights in foreign tariff schedules, have been obtained, the President may proclaim such modifications to the column 1 rates of duty on jams, pastes, and purees, and fruit jellies of peaches, apricots, or cherries, classified in subheading 2007.99 as are necessary and practicable to restore with respect to such goods the tariff treatment that applied under the Tariff Schedules of the United States (19 U.S.C. 1202) on the day before the effective date of this schedule.";

(2) by inserting in numerical sequence the following new heading:

"990220.07	Jams, pastes, and purees, and fruit jellies, the foregoing of peaches, apricots, or cherries (provided for in subheading 2007.99).....	The rates of duty prescribed in U.S. note 10(a) to this subchapter	No change	No change	On or before the earlier of—(1) 12/31/92 or (2) the effective date of the rates proclaimed under U.S. note 10(b) to this subchapter".

SEC. 313. MERCURIC OXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.28.25	Mercuric oxide (provided for in subheading 2825.90.60)	Free	No change	No change	On or before 12/31/92".

SEC. 314. HEXYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.07	1-Chlorohexane (hexyl chloride) (CAS No. 544-10-5) (provided for in subheading 2903.19.50)	Free	No change	No change	On or before 12/31/92".

SEC. 315. TERTIARY-BUTYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.08	2-Chloro-2-methylpropane (tertiary-Butyl chloride) (CAS No. 507-20-0) (provided for in subheading 2903.19.50)	Free	No change	No change	On or before 12/31/92".

SEC. 316. HEXACHLOROBUTADIENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.09	Hexachlorobutadiene (provided for in subheading 2903.29.00)	Free	No change	No change	On or before 12/31/92".

SEC. 317. DMBS AND HPBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.30.10	4,4-Isopropylidenedicyclohexanol (CAS No. 80-04-6) (provided for in subheading 2903.19.00)	Free	No change	No change	On or before 12/31/92;" and
"9902.30.83	Bis-O-[(4-methylphenyl)methylene]-D-glucitol (CAS Nos. 54686-974 and 58956-31-3) (dimethylbenzylidene sorbitol) (provided for in subheading 2932.90.41)	Free	No change	No change	On or before 12/31/92".

SEC. 318. MBEP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.11	2-(1,1-Dimethylethyl)-4-ethylphenol (CAS No. 96-70-8) (provided for in subheading 2907.19.50)	Free	No change	No change	On or before 12/31/92".

SEC. 319. 6-T-BUTYL-2,4-XYLENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.12	6-t-Butyl-2,4-xylenol (provided for in subheading 2907.19.50)	Free	No change	No change	On or before 12/31/92".

SEC. 320. 4,4'-METHYLENEBIS-(2,6-DIMETHYLPHENYLCYANATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.13	4,4'-Methylenebis-(2,6-dimethylphenylcyanate) (CAS No. 101657-77-6) (provided for in subheading 2907.29.50)	Free	No change	No change	On or before 12/31/92".

SEC. 321. NEVILLE AND WINTER'S ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.14	1-Naphhol-4-sulfonic acid and the monosodium salt (CAS Nos. 84-87-7 and 6099-57-6) (provided for in subheading 2908.20.10)	Free	No change	No change	On or before 12/31/92".

SEC. 322. 7-HYDROXY-1,3-NAPHTHALENEDISULFONIC ACID, DIPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading

"9902.30.15	7-Hydroxy-1,3-naphthalenedisulfonic acid, dipotassium salt (CAS No. 842-18-2) (provided for in subheading 2908.20.50)	Free	No change	No change	On or before 12/31/92".

SEC. 323. 7-ACETYL-1,1,3,4,4,6-HEXAMETHYLTETRAHYDRONAPHTHALENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.16	7-Acetyl-1,1,3,4,4,6-hexamethyltetrahydronaphthalene (CAS No. 1506-02-1) (provided for in subheading 2914.30.00)	Free	No change	No change	On or before 12/31/92".

SEC. 324. ANTHRAQUINONE (AQ).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.17	Anthraquinone (CAS No. 84-65-1) (provided for in subheading 2914.61.00)	Free	No change	No change	On or before 12/31/92".

SEC. 325. 1,4-Dihydroxyanthraquinone.

Subchaper II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.18	1,4-Dihydroxy-anthraquinone (CAS No. 81-64-1) (provided for in subheading 2914.69.50)	Free	No change	No change	On or before 12/31/92".

SEC. 326. 2-ETHYLANTHRAQUINONE.

Subchaper II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.19	2-Ethylanthraquinone (CAS No. 84-51-5) (provided for in subheading 2914-69.50)	Free	No change	No change	On or before 12/31/92".

SEC. 327. CHLORHEXANONE.

Subchaper II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.20	1-Chloro-5-hexanone (CAS No. 10226-30-9) (provided for in subheading 2914.70.50)	Free	No change	No change	On or before 12/31/92".

SEC. 328. P.TOLUIC ACID.

Subchaper II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.21	p-Toluic acid (provided for in subheading 2916.39.50)	Free	No change	No change	On or before 12/31/92".

SEC. 329. NAPHTHALIC ACID ANHYDRIDE.

Subchaper II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.22	Naphthalic acid anhydride (CAS No. 81-84-5) (provided for in subheading 2917.38.10)	Free	No change	No change	On or before 12/31/92".

SEC. 330. DIFLUNISAL.

Subchaper II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.23	2',4'-Difluoro-4-hydroxy-3-biphenyl-carboxylic acid (provided for in subheading 2918.29.40)	Free	No change	No change	On or before 12/31/92".

SEC. 331. DIPHENOLIC ACID.

Subchaper II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.24	4,4-Bis(4-hydroxyphenyl)-pentanoic acid (CAS No. 126-00-1) (provided for in subheading 2918.29.40)	Free	No change	No change	On or before 12/31/92".

SEC. 332. 6-HYDROXY-2-NAPHTHOIC ACID.

Subchaper II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.25	6-Hydroxy-2-naphthoic acid (CAS No. 16712-64-4) (provided for in subheading 2918.29.40)	Free	No change	No change	On or before 12/31/92".

SEC. 333. METHYL AND ETHYL PARATHION.

Subchaper II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.26	0,0-Diethyl-O-(4-nitrophenyl) phosphorothioate and 0,0-Dimethyl-0-(4-nitrophenyl) phosphorothioate (provided for in subheading 2920.10.20)	Free	No change	No change	On or before 12/31/92".

SEC. 334. N-METHYLANILINE AND M-CHLOROANILINE.

Subchaper II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.42.20	N-Methylaniline (provided for in subheading 2921.32.20)	Free	No change	No change	On or before 12/31/92".
"9902.30.28	m-Chloroaniline (provided for in subheading 2918.42.50)	Free	No change	No change	On or before 12/31/92".

SEC. 335. 4,4'-METHYLENE-BIS-(3-CHLORO-2,6-DIETHYL ANILINE).

Subchaper II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.29	4,4'-Methylene-bis-(3-chloro-2,6-diethylaniliine) (CAS No. 106246-33-7) (provided for in subheading 2921.42.30)	Free	No change	No change	On or before 12/31/92".

SEC. 336. 4,4'-METHYLENE-BIS-(2,6-DIISOPROPHYL ANILINE).

Subchaper II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.30	4,4'-Methylene-bis-(2,6-diisoprophyl-aniline) (provided for in subheading 2921.42.50)	Free	No change	No change	On or before 12/31/92".

SEC. 337. 2-CHLORO-4-NITROANILINE.

Subchaper II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.31	2-Chloro-4-nitroaniline (CAS No. 121-87-9) (provided for in subheading 2921.42.50)	Free	No change	No change	On or before 12/31/92".

SEC. 338. 4-CHLORO-α-α-α-TRIFLUORO-O-TOLUIDINE.

Subchaper II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.32	4-Chloro-α-α-α-trifluoro-o-toluidine (CAS No. 445-30-4) (provided for in subheading 2921.43.10)	Free	No change	No change	On or before 12/31/92".

SEC. 339. TRIFLUOROMETHYLANILINE.

Subchaper II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.33	Trifluoromethylaniline (CAS No. 98-16-8) (provided for in subheading 2921.43.50)	Free	No change	No change	On or before 12/31/92".

SEC. 340. 5-AMINO-2-NAPHTHALENESULFONIC ACID.

Subchaper II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.34	5-Amino-2-naphthalenesulfonic acid (CAS No. 119-79-9) (provided for in subheading 2921.45.10)	Free	No change	No change	On or before 12/31/92".

SEC. 341. 7-AMINO-1,3-NAPHTHALENEDISULFONIC ACID, MONOPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.35	7-Amino-1,3-naphthalenedisulfonic acid, monopotassium salt (CAS No. 842-15-9) (provided for in subheading 2921.45.10)	Free	No change	No change	On or before 12/31/92".

SEC. 342. 4 AMINO-1-NAPHTHALENESULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.36	4-Amino-1-naphthalenesulfonic acid, sodium salt (CAS No. 130-13-2) (provided for in subheading 2921.45.20)	Free	No change	No change	On or before 12/31/92".

SEC. 343. 8-AMINO-2 NAPHTHENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.37	8-Amino-2 naphthenesulfonic acid (CAS No. 119-28-8) (provided for in subheading 2921.45.20)	Free	No change	No change	On or before 12/31/92".

SEC. 344. MIXTURES OF 5- AND 8-AMINO-2 NAPHTHALENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.38	Mixtures of 5- and 8-amino-2 naphthalenesulfonic acid (CAS No. 119-28-8) (provided for in subheading 2921.45.30)	Free	No change	No change	On or before 12/31/92".

SEC. 345. 1-NAPHTHYLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.39	1-Naphthylamine (CAS No. 134-32-7) (provided for in subheading 2921.45.50)	Free	No change	No change	On or before 12/31/92".

SEC. 346. 6-AMINO-2-NAPHTHENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.40	6-Amino-2-naphthenesulfonic acid (CAS No. 93-00-5) (provided for in subheading 2921.45.50)	Free	No change	No change	On or before 12/31/92".

SEC. 347. BROENNER'S ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.41	2-Naphthylamine-6-sulfonic acid (CAS No. 93-00-5) (provided for in subheading 2921.45.50)	Free	No change	No change	On or before 12/31/92".

SEC. 348. D SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.42	2-Naphthylamine-1,5-disulfonic acid and its monosodium salt (CAS Nos. 117-62-4 and 19532-03-07) (provided for in subheading 2921.45.50)	Free	No change	No change	On or before 12/31/92".

SEC. 349. 2,4-DIAMINOBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.43	2,4-Diaminobenzenesulfonic acid (CAS No. 88-63-1) (provided for in subheading 2921.51.50)	Free	No change	No change	On or before 12/31/92".

SEC. 350. PARAMINE ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.44	1,4-Diaminobenzene-2-sulfonic acid (CAS No. 88-45-9) (provided for in subheading 2921.59.50)	Free	No change	No change	On or before 12/31/92".

SEC. 351. TAMOXIFEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.45	Tamoxifen citrate (provided for in subheading 2922.19.10)	Free	No change	No change	On or before 12/31/92".

SEC. 352. K-ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.46	1-Amino-8-hydroxy-4,6-naphthalenedisulfonic acid, monosodium salt (CAS No. 85292-32-2 (provided for in subheading 2922.21.20)	Free	No change	No change	On or before 12/31/92".

SEC. 353. O-ANISIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.47	1-Amino-2-methoxybenzene (o-Anisidine) (CAS No. 90-04-0) (provided for in subheading 2922.22.10)	Free	No change	No change	On or before 12/31/92".

SEC. 354. 2-AMINO-4-CHLOROPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.48	2-Amino-4-chlorophenol (CAS No. 95-85-2) (provided for in subheading 2922.29.10)	Free	No change	No change	On or before 12/31/92".

SEC. 355. ORNITHINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.49	L-Omithine, ethyl ester (L-2,5- Diaminopentanoic acid, ethyl ester) (CAS No. 84772-29-2) (provided for in subheading 2922.49.50)	Free	No change	No change	On or before 12/31/92".

SEC. 356. DEMAP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.50	m-Diethylaminophenol (CAS No. 91-68-9) (provided for in subheading 2922.29.15)	Free	No change	No change	On or before 12/31/92".

SEC. 357. 7-ANILINO-4-HYDROXY-2 NAPHTHALENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.51	7-Anilino-4-hydroxy-2-naphthalenesulfonic acid (CAS No. 119-40-4) (provided for in subheading 2922.29.50)	Free	No change	No change	On or before 12/31/92".

SEC. 358. 1,4-DIAMINO-2,3 DIHYDROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.52	1,4-Diamino-2,3 dihydroanthraquinone (CAS No. 81-63-0) (provided for in subheading 2922.30.30)	Free	No change	No change	On or before 12/31/92".

SEC. 359. TFA LYS PRO IN FREE BASE AND TOSYL SALT FORMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.53	Trifluoroacetyl-L-lysine-L-proline in free base and tosyl salt forms (provided for in subheadings 2922.49.50 and 2922.49.30, respectively)	Free	No change	No change	On or before 12/31/92".

SEC. 360. LEVODOPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.54	3-Hydroxy-L-tyrosine (provided for in subheading 2922.50.25)	Free	No change	No change	On or before 12/31/92".

SEC. 361. 1-AMINO-2-BROMO-4-HYDROXYANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.55	1-Amino-2-bromo-4-hydroxyanthraquinone (CAS No. 116-82-5) (provided for in subheading 2922.50.40)	Free	No change	No change	On or before 12/31/92".

SEC. 362. ADC-6.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.56	3-Amino-2-(1-hydroxethyl) pentanedioic acid, 5-methyl ester (provided for in subheading 2922.50.50)	Free	No change	No change	On or before 12/31/92".

SEC. 363. L-CARNITINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.57	L-Carnitine (CAS No. 541-15-1) (provided for in subheading 2923.90.00)	Free	No change	No change	On or before 12/31/92".

SEC. 364. QUIZALOFOP-ETHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.58	2-[4-[(6-Chloro-2-quinoxalinyl)oxy)-phenoxy]propionuc acid, ethly ester (Quizalofop-ethyl) (provide for in subheading 2924.21.15)	Free	No change	No change	On or before 12/13/92".

SEC. 365. ACETOACET-PARA-TOLUIDIE (AAPT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.59	Acetoacet-para-toluidide (AAPT) (CAS No. 2415-85-2) (provided for in subheading 2924.29.09)	Free	No change	No change	On or before 12/31/92".

SEC. 366. NAPHTHOL AS TYPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.60	3-Hydroxy-2-naphthanilide (CAS No. 92-77-3); 3-hydroxy-2-naphtho-o-toluidide (CAS No. 135-61-5); 3-hydroxy-2-naphtho-o-anigidide (CAS No. 135-62-6); 3-hydroxy-2-naphtho-o-phenetidide (CAS No. 92-74-0); 3-hydroxy-2-naphtho-4-chloro 2,5-dimethoxyanilide (CAS No. 4273-92-1); and N,N'-bis(acetoscetyl-o-toluidine) (CAS No. 91-96-3) (provided for in subheading 2924.29.14)	Free	No change	No change	On or before 12/31/92".

SEC. 367. N-[[(4/CHLOROPHENYL)-AMINO]CARBONYL]-2,6-DIFLUOROBENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.30.61	N-[[(4-chlorophenyl)-amino]carbonyl]-2,6-difluorobenza-mide, 90% or more (provided for insubhead 2924.20.19	Free	No change	No change	On or before 12/31/92". and
"9902.38.13	mixtures of N-[[(4-chlorophenyl)-amino]carbonyl]-2,6-difluorobenza-mide and inert substances (provided for in subheading 3808.10.20	Free	No change	No change	On or before 12/31/92".

SEC. 368. ANIS BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.62	3-Aminomethoxyben-zanilide (CAS No. 120-35-4) (provided for in subheading 2924.29.25)	Free	No change	No change	On or before 12/31/92".

SEC. 369. ACETOACETSULFANILIC ACID, POTASSIUM SALT.

SUBCHAPTER II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.63	Acetoacetsulfanilic acid, potassium salt (CAS No. 70321-85-6) (provided for in subheading 2924.29.40)	Free	No change	No change	On or before 12/31/92".

SEC. 370. IOHEXOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.64	N,N'-Bis(2,3-dihydroxpropyl)-5-[N-(2,3-dihydroxpropyl)-acetamido]-2,4,6-truodoisophthalamide (iohexol) (provided for in subheading 2924.29.,40)	Free	No change	No change	On or before 9/30/90".

SEC. 371. IOPAMIDOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.65	1.3-Benzenedicarboxa-mide (provided for in subheading 2924.29.40)	Free	No change	No change	On or before 9/30/90".

SEC. 372. IOXAGLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new item:

"9902.30.66	N-(2-Hydroxyethyl)-2,4,6-truodo-5-[2(2,4,6-truodo-3(N-methylacetamido)-5-(methylkcarbamoyl)-abenzamidoaceta-mido]-isophthalamic acid (provided for in subheading 2924.29.40)	Free	No change	No change	On or before 9/30/90".

Sec. 373.4-AMINOACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.67	4-Aminoacetanilide (CAS No. 122-80-5) (provided for in subheading 2924.29.45)	Free	No change	No change	On or before 12/31/92".

SEC. 374. D-CARBOXAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.68	2,2-Dimethylcyclo-propylcarboxamide (CAS No. 75885-58-4) (provided for in subheading 2924.29.50)	Free	No change	No change	On or before 12/31/92".

SEC. 375. 2,6-DICHLOROBENZONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.69	Mixtures of 2,6-dichlorobenzonitrile and inert substances (provided for in subheading 2926.90.10)	Free	No change	No change	On or before 12/31/92".

SEC. 376. OCTADECYL ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.70	Octadecyl isocyanate (provided for in subheading 2929.10.40)	Free	No change	No change	On or before 12/31/92".

SEC. 377. 1,6-HEXAMETHYLENE DIISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.71	1,6-Hexamethylene diisocyanate (provided for in subheading 2929.10.50)	Free	No change	No change	On or before 12/31/92".

SEC. 378. 1,1-ETHYLIDENEBIS-(PHENYL-4-CYANATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.72	1,1-Ethylidenebis-(phenyl-4-cyanate) (provided for in subheading 2929.90.10)	Free	No change	No change	On or before 12/31/92".

SEC. 379. 2,2',BIS(4-CYANATOPHENYL)-1,1,1,3,3,3-HEXAFLUOROPROPANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.73	2,2'-Bis(4-cyanatophenyl)-1,1,1,3,3,3-hexafluoropropane (CAS No. 32728-27-1) (provided for in subheading 2929.90.10)	Free	No change	No change	On or before 12/31/92".

SEC. 380. 4,4'-THIODIPHENYL CYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.74	4,4'-Thiodiphenyl cyanate (CAS No. 101657-79-8) (provided for in subheading 2930.90.20)	Free	No change	No change	On or before 12/31/92".

SEC. 381. 2[(4-AMINOPHENYL) SULFONYL]ETHANOL, HYDROGEN SULFATE ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.75	2-[(4-Aminophenyl) sulfonyl]ethanol, hydrogen sulfate ester (CAS No. 2494-89-5) (provided for in subheading 2930.90.20)	Free	No change	No change	On or before 12/31/92".

SEC. 382. DIMETHOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.76	0,0-Dimethyl-S-methylcarbamoyl-methyl phosphorodithioate (provided for in subheading 2930.90.40	Free	No change	No change	On or before 12/31/92".

SEC. 383. DIPHENYLDICHLOROSILANE AND PHENYLTRICHLOROSILANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.77	Diphenyldichlorosilane and phenyltrichlorosilane (provided for in subheading 2931.00.40)	Free	No change	No change	On or before 12/31/92".

SEC. 384. BENDIOCARB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.78	2,2-Dimethyl-1,3-benzo-dioxol-4-yl methylcarbamate (Bendiocarb) (provided for in subheading 2932.90.10)	Free	No change	No change	On or before 12/31/92".

SEC. 385. RHODAMINE 2C BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.79	Rhodamine 2C base (CAS No. 41382-37-0) (provided for in subheading 2932.90.45)	Free	No change	No change	On or before 12/31/92".

SEC. 386. 2,5-DICHLORO-4-(3-METHYL-5-OXO-2-PYRAZOLIN-1-YL) BENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.80	2,5-Dichloro-4-(3-methyl-5-oxo-2-pyrazolin-1-yl) benzenesulfonic acid (CAS No. 84-57-1) (provided for in subheading 2933.19.42)	Free	No change	No change	On or before 12/31/92".

SEC. 387. NIMODIPINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.81	Nimodipine (provided for in subheading 2933.39.35)	Free	No change	No change	On or before 12/31/92".

SEC. 388. BPIP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.82	Hexamethylenebistriacetonediamine (provided for in subheading 2933.39.47)	Free	No change	No change	On or before 12/31/92".

SEC. 389. 2,2,6,6-TETRAMETHYL-4-PIPERIDINON AND AMINO HYDROXY- AND IMIDO DERIVATIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.83	2,2,6,6-Tetramethyl-4-piperidinone (CAS No. 61260-55-7); 2,2,6,6-Tetramethyl-4-piperidylamine (CAS No. 36768-62-4); 2,2,6,6-Tetramethyl-4-piperidinol (CAS No. 2403-88-5); 3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidyl)-pyrrolidin-2,5-dione (CAS No. 79720-19-7); 3-Dodecyl-1-(1,2,2,6,6-pentamethyl-4-piperidyl)-pyrrolidin-2,5-dione (CAS No. 106917-30-0); and 3-Dodecyl-1-[1-acetyl-(2,2,6,6-tetramethyl-4-piperidyl)-pyrrolidin-2,5-dione (CAS No. 106917-31-1) (the foregoing provided for in subheading 2933.39.47)	Free	No change	No change	On or before 12/31/92".

SEC. 390. NORFLOXACIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.84	(1)3-Quinolinecar-boxylic acid, 1-ethyl-6-fluoro-1,4-dihydro-4-oxo-7-(1-piperazinyl) (provided for in subheading 2933.59.27)	Free	No change	No change	On or before 12/31/92".

SEC. 391. CIPROFLOXACIN AND CIPROFLOXACIN HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.85	Ciprofloxacin and ciprofloxacin hydrochloride (provided for in subheading 2933.59.27)	Free	No change	No change	On or before 12/31/92".

SEC. 392. 6-METHYLURACIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.86	6-Methyluracil (CAS No. 626-48-2) (provided for in subheading 2933.59.50)	Free	No change	No change	On or before 12/31/92".

SEC. 393. 2,4-DIAMINO-6-PHENYL-1,3,5-TRIAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.87	2,4-Diamino-6-phenyl-1,3,5-triazine (CAS No. 91-76-9) (provided for in subheading 2933.69.00)	Free	No change	No change	On or before 12/31/92".

SEC. 394. AMILORIDE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.88	N-amidino 3,5-diamino-6-chloropyrazine-carboxamide monohydrochloride dihydrate (provided for in subheading 2933.90.36)	Free	No change	No change	On or before 12/31/92".

SEC. 395. TRIMETHYL BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.89	(1,3,3-Trimethylindolin-2-ylidene)-acetylaldehyde (CAS No. 118-12-7) (provided for in subheading 2933.90.39)	Free	No change	No change	On or before 12/31/92".

SEC. 396. ALA PRO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.90	L-Alanyl-L-proline (CAS No. 13485-59-1) (provided for in subheading 2933.90.50)	Free	No change	No change	On or before 12/31/92".

SEC. 397. THIOTHIAMINE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.91	Thiothiamine hydrochloride (CAS No. 2443-50-7) (provided for in subheading 2934.10.50)	Free	No change	No change	On or before 12/31/92".

SEC. 398. ETHYL 2-(2-AMINOTHIAZOL-4-YL)-2-HYDROXYIMINOCETATE (ATHAET).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.92	Ethyi 2-(2-aminothiazol-4-yl)-2-hydroxyiminoacetate (ATHAET) (CAS No. 64485-82-1) (provided for in subheading 2934.10.50)	Free	No change	No change	On or before 12/31/92".

SEC. 399. ETHYL 2-(2-AMINOTHIAZOL-4-YL)-2-METHOXYIMINOACETATE (ATMAET).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.93	Ethyl 2-(2-aminothiazol-4-yl)-2-methoxyiminoacetate (ATMAET) (CAS No. 64485-88-7) (provided for in subheading 2934.10.50)	Free	No change	No change	On or before 12/31/92".

SEC. 400. 7-NITRONAPHTH[1,2]-OXADIAZOLE-5-SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.94	7-Nitronaphth[1,2]-oxadiazole-5-sulfonic acid (CAS No. 84-91-3) (provided for in subheading 2934.90.06)	Free	No change	No change	On or before 12/31/92".

SEC. 401. CEFTAZIDIME TERTIARY BUTYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new item:

"9902.30.95	(6R,7R)-7-[(Z)-2-(2-Aminothiazol-4-yl)-2-[(2-tert.-butoxycarbonyl) prop-2-oxyiminol acetamido]-3-(1-pyridimium-methyl)ceph-3-em-4-carboxylate (provided for in subheading 2934.90.25)	Free	No change	No change	On or before 12/31/92".

SEC. 402. CHEMICAL INTERMEDIATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.96	(6R, 7R)-7-amino-3-chloro-8-oxa-5-thal-1-azabicyclo[4-2-0]oct-2-ene-2-carboxylic acid, (4-nitrophenyl) methyl ester (provided for in subheading 2934.90.40)	Free	No change	No change	On or before 12/31/92".

SEC. 403. SULFACHLOROPYRIDAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new item:

"9902.30.97	Sulfachloropyridazine (provided for in subheading 2935.00.39)	Free	No change	No change	On or before 12/31/92".

SEC. 404. MIXED ORTHO/PARA TOLUENE SULFONOMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.98	Mixed ortho/para toluenesulfanomide (provided for in subheading 2935.00.47)	Free	No change	No change	On or before 12/31/92".

SEC. 405. HERBICIDE INTERMEDIATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new item:

"9902.30.99	N-(2,6-Dichloro-3-methylphenyl)-5-amino-1,3,4-triazole-2-sulfonamide (provided for in subheading 2935.00.47)	Free	No change	No change	On or before 12/31/92".

SEC. 406. N-[4-[[(2-AMINO-5-FORMYL-1,4,5,6,7,8-HEXAHYDRO-4-OXO-6-PTERIDINYL)METHYL]AMINO]BENZOYL]-L-GLUTAMIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.00	N-[4-]](2-Amino-5-formyl-1,4,5,6,7,8-hexahydro-4-oxo-6-pteridinyl)-methyl]amino]benzoyl]-L-glutamic acid (provided for in subheading 2936.29.20)	Free	No change	No change	On or before 12/31/92".

SEC. 407. THEOBROMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.01	Theobromine (provided for in subheading 2939.90.10 or 2939.90.50)	Free	No change	No change	On or before 12/31/92".

SEC. 408. (6R-(6a,7B(Z)))-7-((2-AMINO-4-THIAZOLYL) ((CARBOXYMETHOXY)IMINO) ACETYL)AMINO)-3-ETHENYL-8-OXO-5-THIA-1-AZABICYCLO(4.2.0) OCT-2-ENE-2-CARBOXYLIC ACID (CEFIXIME).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.02	(6R-(6a,7B(Z)))-7-(((2-amino-4-thiazolyl)((carboxymethoxy)imino) acetyl)amino)-3-ethenyl-8-oxo-5-thia-1-azabicyclo(4.2.0) oct-2-ene-2-carboxylic acid (cefixime) (provided for in subheading 2941.90.50).....	Free	No change	No change	On or before 12/31/92".

SEC. 409. TEICOPLANIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.03	Teicoplanin (provided for in subheading 3004.20.00).....	Free	No change	No change	On or before 12/31/92."

SEC. 410. CARFENTANIL CITRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.04	Carfentanil citrate (provided for in subheading 3004.90.60)	Free	No change	No change	On or before 12/31/92."

SEC. 411. CALCIUM ACETYLSALICYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.05	Calcium acetylsalicylate, put up in measured doses or in forms or packings for retail sale (provided for in subheading 3004.90.60)	Free	No change	No change	On or before 12/31/92."

SEC. 412. RESOLIN RED F3BS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.05	N-[2-[2,6-dicyano-4-methylphenyl]azo]-5-(diethylamino)phenyl]methanesulfonamide and N-[2-[(2,6-dicyano-4-methylphenyl)azo[-5-(di-1-propylamino)- phenyl]-methanesulfonamide (provided for in subheading 3204.11.20)	Free	No change	No change	On or before 12/31/92."

SEC. 413. CERTAIN ACID BLACK POWDER AND PRESSCAKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.06	Acid black 210 powder and acid black 210 presscake (CAS No. 112484-44-3) (provided for in subheading 3204.12.40).....	Free	No change	No change	On or before 12/31/92".

SEC. 414. PIGMENT RED 178.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.07	Pigment red 178 (CAS No. 3049-71-6) (provided for in subheading 3204.17.10.....	Free	No change	No change	On or before 12/31/90".

SEC. 415. PIGMENT RED 149 DRY AND PRESSCAKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.08	Pigment red 149 dry and pigment red 149 presscake (CAS No. 4948-15-6) (provided for in subheading 3204.17.50.....	Free	No change	No change	On or before 12/31/90".

SEC. 416. SOLVENT YELLOW 43.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.09	Solvent yellow 43 (CAS No. 19125-99-6) (provided for in subheading 3204.19.15.....	Free	No change	No change	On or before 12/31/92".

SEC. 417. SOLVENT YELLOW 44.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.10	Solvent yellow 44 (CAS No. 2478-20-8) (provided for in subheading 3204.19.19.....	Free	No change	No change	On or before 12/31/92".

SEC. 418. MODELING PASTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.34.07	Modeling pastes (provided for in heading 3407.00.00)	Free	No change	No change	On or before 12/31/92".

SEC. 419. MONO- AND DIBENZYL TOLUENES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.38.24	Mono- and dibenzyl toluenes (provided for in subheading 3823.90.29 ..	Free	No change	No change	On or before 12/31/92".

SEC. 420. CHEMICAL LIGHT ACTIVATOR BLENDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.38.25	Mixtures of dimethyl phthalate, t-butanol, hydrogen peroxide, and sodium salicylate (provided for in subheading 3823.90.29	Free	No change	No change	On or before 12/31/92".

SEC. 421. POLYMIN P AND POLYMIN P HYDROCHLORIDE, AND POLYMIN SNA 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.39.08	Polymin SNA 60 (CAS No. 28825-79-8) (provided for in subheading 3908.90.00)	Free	No change	No change	On or before 12/31/92". and
"9902.39.10	Polymin P and polymin P hydrochloride (CAS Nos. 9002-98-6 and 26338-45-4) (provided for in subheading 3911.90.50)	Free	No change	No change	On or before 12/31/92".

SEC. 422. SPECIALTY THERMOSET RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.39.11	Hydrocarbon cyanate ester (provided for in 3911.90.30)	Free	No change	No change	On or before 12/31/92".

SEC. 423. HYDROCARBON NOVOLAC CYANATE ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.39.12	Hydrocarbon Novolac Cyanate ester (provided for in subheading 3911.90.30	Free	No change	No change	On or before 12/31/92".

SEC. 424. CHLORINATED SYNTHETIC RUBBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.39.13	Chlorinated synthetic rubber (provided for in subheading 3913.90.50)	Free	No change	No change	On or before 12/31/92".

SEC. 425. WICKER PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.46.02	Wicker products (provided for in subheading 4602.10.11, 4602.10.13, 4602.10.19, 4602.10.40, or 4602.10.50)	Free	No change	No change	On or before 12/31/92".

SEC. 426. CERTAIN PLASTIC WEB SHEETING.

(1) by adding at the end of the U.S. notes thereto the following new note:

"11. For purposes of heading 9902.56.01, the term 'nonwoven fiber sheet' means sheet comprising a highly uniform and random array of polyester fibers 1.5 to 3.0 denier, thermally bonded and calendered into a smooth surface web having—

"(a) a thickness of 3.7 to 4.0 mils;
"(b) a basis weight of 2.5 oz. per sq. yd.;
"(c) a machine tensile strength of 30 lb. per sq. in. or greater,
"(d) low cross-direction tensile (approximately ⅓ of MD tensile strength); and
"(e) a Frazier air permeability of 1.0 to 1.5 cfm per sq. ft."; and

(2) by inserting in numerical sequence the following new heading:

"9902.56.01	Nonwoven fiber sheet (provided for in subheading 5603.00.90)	Free	No change	No change	On or before 12/31/92".

SEC. 427. PROTECTIVE SPORTS APPAREL.

Subchapter II of chapter 99 is amended—

(1) by adding at the end of the U.S. notes thereto the following:

"12. The general column 1 rate of duty for goods provided for under heading 9902.62.01 is a rate equal to the column 1 rate of duty that would have applied to such goods under the Tariff Schedules of the United States on the day before the effective date of this schedule."; and

(2) by inserting in numerical sequence the following new heading:

"9902.61.10	Goods provided for under subheading 6201.93 or 6203.43 which because of their design, fabric, construction and special features provide protection to athlete participants against the hazards of a sport such as injury from blows, falls, flying objects, road burns, or fire	The rates of duty prescribed in U.S. note 12 to the subchapter	No change	No change	On or before 12/31/92".

SEC. 428. GARMENTS SPECIALLY DESIGNED FOR HANDICAPPED PERSONS WHO ARE NOT AMBULATORY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

	"Garments, however provided for under heading 6203. 6204, or 6205, of cotton or of man-made fibers, specially designed for use by handcapped persons who are not ambulatory:.				
"9902.62.10	Dresses that open at the back, have hook and loop closings, and are cut so there is no fabric beneath the seated wearer	Free	No change	No change	On or before 12/31/92
9902.62.15	Pants designed with a 60 angle at the hip area to provide for comfortable seating and— (i) are too low in front, too high in back, and too full in seat to be worn by the ambulatory, or (ii) have no seat and are designed to be put on a seated individual without lifting	Free	No change	No change	On or before 12/31/92
9902.62.20	Blouses or shirts that open at the back, have hook and loop closings, and have large side gussets for comfortable sitting	Free	No change	No change	On or before 12/31/92".

SEC. 429. GRIPPING NARROW FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.58.06	Fastener fabric tapes of man made fibers (provided for in subheading 5806.10.20)	7%	No change	No change	On or before 12/31/92".

SEC. 430. IN-LINE ROLLER SKATE BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.64.02	Skating boots actually used in the manufacture of inline roller skates (provided for in subheading 6402.19.10)	Free	No change	No change	On or before 12/31/92".

SEC. 431. SELF-FOLDING COLLAPSIBLE UMBRELLAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.66.01	Self-folding telescopic shaft collapsible umbrellas chiefly used for protection against rain (provided for in subheading 6601.91.00)	Free	No change	No change	On or before 12/31/92".

SEC. 432. GLASS BULBS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.70.11	Monochrome glass envelopes with both (1) gray, tinted skirted faceplates, and (2) either a video display diagonal of 14 inches and under or a transmission level of 37% or less (provided for in subheading 7011.20.00)	Free	No change	No change	On or before 12/31/92".

SEC. 433. DRINKING GLASSES WITH SPECIAL EFFECTS IN THE GLASS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.70.14	Drinking glasses decorated with metal flecking, glass pictorial scenes, or glass thread-like or ribbon-like effects, any of the foregoing embedded or introduced into the body of the glassware prior to its solidification; millefiori glassware (provided for in subheading 7013.29.10 or 7013.29.20)	6.6%	No change	No change	On or before 12/31/92".
9902.70.15	Drinking glasses colored prior to solidification, and characterized by random distribution of numerous bubbles, seeds, or stones, throughout the mass of the glass (provided for in subheading 7013.29.10 or 7013.29.20)	20%	No change	No change	On or before 12/31/92".

SEC. 434. CERTAIN GLASS FIBERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.70.19	Cord, yarn or woven fabric, all the foregoing of electrically nonconductive continuous glass fiber filaments measuring 9 or 10 microns in diameter, impregnated, coated or covered with resorcinol formaldehyde latex (provided for in subheadings 7019.10.10, 7019.10.20, 7019.10.60, 7019.20.10, 7019.20.20, or 7019.20.50)	Free	No change	No change	On or before 12/31/92".

SEC. 435. ARTICLES OF SEMIPRECIOUS STONES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.71.16	Graded semiprecious stones (except rock crystal) strung temporarily for convenience of transport (provided for in subheading 7116.20.20)	21%	No change	No change	On or before 12/31/92".

SEC. 436. LUGGAGE FRAMES OF ALUMINUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.76.16	Luggage frames of aluminum (provided for in subheading 7616.90.00)	Free	No change	No change	On or before 12/31/92".

SEC. 437. MOLTEN-SALT-COOLED ACRYLIC ACID REACTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.19	Molten-salt-cooled acrylic acid reactors and their associated parts, accessories, and equipment (provided for in subheadings 8419.89.50, 8419.90.30 or 8419.90.90), when imported as an entirety	Free	No change	No change	On or before 12/31/92".

SEC. 438. ZINC PRINTING TYPE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.30	Zinc printing type (provided for in subheading 8442.50.90)	3.7%	No change	No change	On or before 12/31/92".

SEC. 439. IMPACT LINE PRINTERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.65	Impact line printers using band drive mechanisms and which are capable of printing speeds of not less than 1,300 lines per minute (provided for in subheading 8471.92.65)	No change	No change	3.75%	On or before 12/31/92".

SECTION 440. MACHINES USED IN THE MANUFACTURE OF BICYCLE PARTS; CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.79	Wheelbuilding, wheelturning, rim punching, tire fitting and similar machines suitable for use in the manufacture of wheels for bicycles (provided for in subheading 8479.89.90)	Free	No change	No change	On or before 12/31/92"; and
"9902.87.15	Bicycle handlebar stems wholly of aluminum alloy (including their hardware of any material), valued over $2.15 each (provided for in subheading 8714.99.90)	Free	No change	No change	On or before 12/31/92".
"990287.16	Bicycle handlebar stem rotor assemblies (provided for in subheading 8714.99.90)	Free	No change	No change	On or before 12/31/92".

SEC. 441. MOTOR VEHICLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.83	Motor vehicle parts, however provided for in heading 8483 and subheading 7014.00.20	Free	No change	No change	On or before the effective date of a Presidential proclamation extending duty free treatment under general column 1 to such motor vehicle parts".

SEC. 442. PARTS OF GENERATORS FOR USE ON AIRCRAFT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.85.03	Parts of generators suitable for use on aircraft (provided for in subheading 8503.00.60)	Free	No change	No change	On or before 12/31/92".

SEC. 443. MAGNETIC VIDEO TAPE RECORDINGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.85.24	Video tape recordings of a width exceeding 6.5mm but not exceeding 16mm, in cassettes of United States origin as certified by the importers, and valued at not over $7.00 per pre-recorded cassette unit (provided for in subheading 8524.23.10)	Free	No change	No change	On or before 12/31/92".

SEC. 444. CERTAIN INFANT NURSERY MONITORS AND INTERCOMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.85.25	Infant nursery monitor systems, each consisting in the same package of a radio transmitter, an electrical adapter, and a radio receiver (provided for in subheading 8504.40.00, 8525.10.60, or 8527.39.00)	Free	No change	No change	On or before 12/31/92".
"9902.85.26	Infant nursery intercommunication systems, each consisting in the same package of a pair of transceivers operating on frequencies from 49.82 to 49.90 mHz and an electrical adapter (provided for in subheading 8504.40.00)	Free	No change	No change	On or before 12/31/92".

SEC. 445. CERTAIN MACHINED ELECTRONIC CONNECTOR CONTACT PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.85.35	Machined electronic connector contact parts, ½ inch or less in diameter suitable for use in aerospace or military equipment applications (provided for in subheading 8538.90.00)	Free	No change	No change	On or before 12/31/92".

SEC. 446. CERTAIN PISTON ENGINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.07	Internal combustion piston-type engines, of a cylinder capacity exceeding 50 cc but not exceeding 1,000 cc (provided for in heading 8407.32.20 or 8407.33.20), to be installed in vehicles specially designed for traveling on snow, golf carts, non-amphibious all-terrain vehicles, and burden carriers, (provided for in subheading 8703.10.00, 8703.21.00 or 8704.31.00)	Free	No change	No change	On or before 12/31/92".

SEC. 447. TIMING APPARATUS WITH OPTO-ELECTRONIC DISPLAY ONLY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.91.06	Apparatus for measuring, recording or otherwise indicating intervals of time, with clock or watch movements, battery or AC powered and with opto-electronic display only (provided for in subheading 9106.90.80)	3.9% on the apparatus + 5.3% on the battery.	No change	No change	On or before 12/31/92".

SEC. 448. FURNITURE AND SEATS OF UNSPUN FIBROUS VEGETABLE MATERIALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.94.01	Furniture seats and parts thereof, of cane, other, bamboo or other similar materials, including rattan (provided for in subheading 9401.50.00, 9401.90.25, 9403.80.30, or 9403.90.25	Free	No change	No change	On or before 12/31/92".

SEC. 449. CHRISTMAS ORNAMENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.95.05	Christmas ornaments other than ornaments of glass or wood (provided for in subheading 9505.10.25)	Free	No change	No change	on or before 12/31/92".

SEC. 450. 3-DIMENSIONAL CAMERAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.90.06	Cameras incorporating 4 fixed lenses which together are capable of producing a 3-dimensional effect (provided for in subheading 9006.53.00)	Free	No change	No change	On or before 12/31/92".

SEC. 451. OPERATIC SCENERY, PROPERTIES, INCLUDING SETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.44.21	Operatic scenery and properties, including operatic sets (provided for in subheading 4421.90.90, 5907.00.10, 5907.00.90, 9701.10.00, 9706.00.00, or 9813.00.65	Free	No change	No change	On or before 12/31/92".

PART 2—EXISTING TEMPORARY DUTY SUSPENSIONS

SEC. 461. EXTENSION OF CERTAIN EXISTING SUSPENSIONS OF DUTY.

(a) EXTENSIONS UNTIL JANUARY 1, 1993.—Each of the following subheadings or headings is amended by striking out the date in the effective date column and inserting "12/31/92":

(1) Subheadings 9902.06.10 and 9902.05.11 (relating to crude feathers and down).
(2) Heading 9902.08.07 (relating to fresh cantaloupes).
(3) Heading 9902.09.04 (relating to mixtures of hot red peppers and salt).
(4) Heading 9902.29.04 (relating to p-Toluene-sul-foynl chloride).
(5) Heading 9902.29.05 (relating to certain menthol feedstocks).
(6) Heading 9902.29.06 (relating to Dicofol).
(7) Heading 9902.29.11 (relating to triethylene glycol dichloride).
(8) Heading 9902.29.13 (relating to 2,6-Dichlor-obenzaldehyde).
(9) Heading 9902.29.14 (relating to Dinocap).
(10) Heading 9902.29.21 (relating to m-Hydroxy-benzoic acid).
(11) Heading 9902.29.22 (relating to d-6-Meth-oxy-a-methyl-2 napthaleneacetic acid and its sodium salt).
(12) Heading 9902.29.24 (relating to 3-amino-3-methyl-l-butyne).
(13) Heading 9902.29.30 (relating to 8-Amino-1-naphthalenesulfonic aid and its salts).
(14) Heading 9902.29.31 (relating to 5-Amino-2 (p-aminoarrilino) benzenesulfonic acid).
(15) Heading 9902.29.33 (relating to 1-Amino-8-hydroxy-3,6-naphthalenedisulfonic acid; and 4-Amino-5-hydroxy-2.7-naphthalenedisulfonic acid, monosodium salt (H acid, monosodium salt).
(16) Heading 9902.29.43 (relating to 1-Amino-2,4-dibromoanthraquinone).
(17) Heading 9902.29.44 (relating to Broma-mine acid).
(18) Heading 9902.29.51 (relating to N-(7-Hydroxy-1-naphthyl)acetamide).
(19) Heading 9902.29.57 (relating to N,N-Bis(2-cyanothyl)aniline).
(20) Heading 9902.29.60 (relating to triallate).
(21) Heading 9902.29.64 (relating to 6-(3-Methyl-5-oxo-1-pyrazolyl-1,3-naphthalenedisulfonic acid (Amino-J-pyrazolone) CAS No. 7277-87-4); and 3-Methyl-1-phenyl-5-pyrazolone (Methylphenyl-pyrazo-lone)).
(22) Heading 9902.29.66 (relating to m-Sulfa-minopyrazolone (m-Sulfamidophenyl-methylpyrazo-lone)).
(23) Heading 9902.29.76 (relating to suspension of the day on 2-n-octyl-4-isothiazolin-3-one, and mixtures of 2-n-octyl-4-isothiazolin-3-one and application adjuvants).
(24) Heading 9902.29.79 (relating to 2-Amino-N-ethylbenzenesulfonanilide).
(25) Heading 9902.32.04 (relating to methylene blue).
(26) Heading 9902.38.06 (relating to mixtures of dinocap with application adjuvants).
(27) Heading 9902.38.07 (relating to mixtures of mancozeb and dinocap).
(28) Heading 9902.38.08 (relating to mixtures of maneb, zineb, mancozeb, and metiram).
(29) Heading 9902.38.10 (relating to mixtures of 5-chloro-2-methyl-4-isothiazolin-3-one,2-methyl-4-isothiazoline-3-one, magnesium chloride and stabilizers, whether or not containing application adjuvants).
(30) Heading 9902.38.11 (relating to mixtures of dicofol and application adjuvant).
(31) Heading 9902.39.14 (relating to Cholestyramine resin USP).
(32) Heading 9902.40.11, 9902.73.12, 9902.73.15, 9902.85.12, and 9902.87.14 (relating to certain bicycle parts).
(33) Heading 9902.51.11 (relating to certain wools).
(34) Heading 9902.62.10 (relating to disposable surgical gowns and drapes).
(35) Heading 9902.84.42 (relating to certain narrow weaving machines).
(36) Heading 9902.84.45 (relating to certain wool carding and spinning machinery).
(37) Heading 9902.84.48 (relating to certain knitting machines designed for sweater strip or garment length knitting).
(38) Heading 9902.84.50 (relating to certain lace braiding machines).
(39) Heading 9902.95.01 (relating to stuffed dolls and doll skins).

(b) EXTENSION UNTIL DATE OTHER THAN JANUARY 1, 1993.—Heading 9902.61.00 (relating to certain knitwear fabricated in Guam) is amended by striking out "10/31/92" and inserting "10/31/96".

SEC. 462. EXTENSION OF, AND OTHER MODIFICATIONS TO, CERTAIN EXISTING SUSPENSIONS OF DUTY.

(a) CORNED BEEF IN AIRTIGHT CONTAINERS.—Heading 9902.16.02 is amended—

(1) by striking out "3%" and inserting "Free"; and

(2) by striking out "12/31/89" and inserting "12/31/92".

(b) CERTAIN JEWELRY.—Heading 9902.71.13 is amended—

(1) by amending the article description to read as follows: "Toy jewelry provided for in subheading 7117.19.10, 7117.19.50, 7117.90.40 (except parts) or 7117.90.50 (except parts) valued not over 5¢ per piece; and articles (except parts) provided for in heading 9502, 9503, or 9504 or subheading 9505.90 (except balloons, marbles, dice, and diecast vehicles), valued not over 5¢ per unit"; and

(2) by striking out "12/31/90" and inserting "12/31/92".

(c) ELECTROSTATIC COPYING MACHINES.—Heading 9902.90.90 is amended—

(1) by inserting "and accessories," after "Parts,"; and

(2) by striking out "12/31/89" and inserting "12/31/92".

(d) TOY FIGURES.—

(1) Heading 9902.95.02 is amended—

(A) by striking out "toy figures of animate objects (except dolls)" and inserting "toys representing animals or nonhuman creatures,"; and

(B) by striking out "12/31/90" and inserting "12/31/92".

(2) Heading 9902.95.03 is repealed.

(3) Heading 9902.95.04 is amended—

(A) by striking out "toy figures of animate or inanimate objects" and inserting "toys representing animals or nonhuman creatures"; and

(B) by striking out "12/31/90" and inserting "12/31/92".

SEC. 463. TERMINATION OF EXISTING SUSPENSION OF DUTY ON C-AMINES.

Heading 9902.29.29 is repealed.

Subtitle B—Other Tariff and Miscellaneous Provisions

PART 1—TARIFF CLASSIFICATION AND OTHER TECHNICAL AMENDMENTS

SEC. 471. CERTAIN EDIBLE MOLASSES.

Additional U.S. notes 2, 3, and 4 of chapter 17 are each amended by striking out "170.90.40," each place it appears therein.

SEC. 472. CERTAIN WOVEN FABRICS AND GAUZE.

(a) WOVEN FABRICS OF CARDED WOOL OR CARDED FINE ANIMAL HAIR.—Heading 5111 of chapter 51 is amended—

(1) by inserting after subheading 5111.11.10 the following new subheading with the article description having the same degree of indentation as the article description in subheading 5111.11.10:

"5111.11.20	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%"

(2) by inserting after subheading 5111.20.05 the following new subheading with the article description having the same degree of indentation as the article description in subheading 5111.20.05:

"5111.20.10	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%"

(3) by inserting after subheading 5111.30.05 the following new subheading with the article description having the same degree of indentation as the article description in subheading 5111.30.05:

"5111.20.10	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%" and

(4) by inserting after subheading 5111.90.30 the following new subheadings with the article descriptions having the same degree of indentation as the article description in subheading 5111.90.30:

"5111.90.40	Tapestry fabrics and upholstery fabrics of a weight not exceeding 300 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
"5111.90.50	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%"

(b) WOVEN FABRICS OF COMBED WOOL OR OF COMBED FINE ANIMAL HAIR.—Heading 5112 of chapter 51 is amended by striking out subheadings 5112.11.00 through 5112.90.60, inclusive, and inserting the following with the article descriptions for subheadings 5112.11 and 5112.19 having the same degree of indentation as the article description in subheading 5111.90.60 and with the article descriptions for subheadings 5112.20, 5112.30, and 5112.90 having the same degree of indentation as the article description in subheading 5111.90:

"5112.11	Of a weight not exceeding 200g/m²:			
5112.11.10	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.11.20	Other	36.1%	13.2% (IL) 32.4% (CA)	68.5%
5112.19	Other:			
5112.19.10	Tapestry fabrics and upholstery fabrics	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.19.60	Other	36.1%	13.2 (IL) 32.4% (CA)	68.5%
5112.20	Other, mixed mainly or solely with man-made filaments:			
5112.20.10	Tapestry fabrics and upholstery fabrics of weight exceeding 300 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.20.20	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% 6.3% (CA)	68.5%

5112.20.30	Other	48.4¢/kg+38%	19.2¢/kg+15.2% (IL) 43.6¢/kg+34.2% (CA)	48.5¢/kg+68.5%	
5112.30	Other mixed mainly or solely with man-made staple fibers:				
5112.30.10	Tapestry fabrics and upholstery fabrics of a weight exceeding 300g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%	
5112.30.20	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%	
5112.30.30	Other	48.5¢/kg+38%	19.2¢/kg+15.2 (IL) 43.6¢/kg+34.2% (CA)	48.5¢/kg+68.5%	
5112.90	Other:				
5112.90.30	Containing 30 percent or more by weight of silk or silk waste, valued over $33/kg	7.8%	3.1% (IL) 7% (CA)	80%	
5112.90.40	Tapestry fabrics and upholstery fabrics of a weight exceeding 300 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%	
5112.90.50	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%	
5112.90.60	Other	33%	3.4% (IL) 29.7% (CA)	68.5%	

(c) GAUZE.—Chapter 58 is amended by striking out subheading 5803.90.10 and inserting the following with the superior heading to subheadings 5803.90.20:

	.....				
"5808.90.11	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%	
5803.90.12	Other	33%	13.2% (IL) 24.7% (CA)	68.5%	

SEC. 473. CLASSIFICATION OF CERTAIN ARTICLES IN WHOLE OR PART OF FABRICS COATED, COVERED, OR LAMINATED WITH OPAQUE RUBBER OR PLASTICS.

Chapter 42 is amended—

(1) by striking out "Additional U.S. Note" and inserting "Additional U.S. Notes"; and

(2) by inserting after additional U.S. note 1 the following:

"2. For purposes of classifying articles under subheadings 4202.12, 4202.22, 4202.32, and 4202.92, articles of textile fabric impregnated, coated, covered or laminated with plastics (whether compact or cellular) shall be regarded as having an outer surface of textile material or of plastic sheeting, depending upon whether and to the extent the textile constituent or the plastic constituent comprises the exterior surface of the article.".

SEC. 474. GLOVES, MITTENS AND MITTS.

The article description in subheading 6116.10.10 6116.92.10, 6116.93.10, 6116.99.30, 6216.00.10, 6216.00.34 or 6216.00.44 is amended to read as follows: "Gloves principally designed for sports use, including ski and snowmobile gloves, mittens and mitts".

SEC. 475. CHIPPER KNIFE STEEL.

Subchapter XV of chapter 72 is amended by striking out subheadings 7226.91.10 and 7226.91.30 and inserting the following with the article description for subheading 7226.91.05 having the same degree of indentation as subheading 7226.91.50:

"7226.91.05	Of chipper knife steel	Free		34%	
	Other:				
"7226.91.15	Of a width of 300mm or more	9.6%	Free (E, IL) 8.6%(CA)	29%	
"7226.91.25	Of a width of less than 300mm	11.6%	Free (E, IL) 10.4% (CA)	34%	".

SEC. 476. ELIMINATION OF INVERTED TARIFF ON CANTILEVER BRAKES AND BRAKE PARTS FOR BICYCLES.

The following provisions are amended as follows:

(1) Subheading 8714.94.20 is amended by striking out "Caliper brakes" and inserting "Caliper and cantilever brakes and parts thereof".

(2) Heading 9902.73.12 is amended by inserting "and Cantilever" immediately after "caliper".

(3) Heading 9902.87.14 is amended by inserting "cantilever brakes," immediately after "caliper brakes,".

SEC. 477. BICYCLES HAVING 26-INCH WHEELS.

Chapter 87 is amended—

(1) by striking out "65 cm" in subheadings 8712.00.10 and 8712.00.20 and inserting "63.5 cm"; and

(2) by striking out "4 cm" in subheading 8712.00.20 and inserting "4.13 cm".

SEC. 478. PROCESSING OF CERTAIN BLENDED SYRUPS.

U.S. note 2 to subchapter IV of chapter 99 is amended by adding the following at the end thereof:

"(e) Blended syrups of heading 9904.50.20, if entered by a foreign trade zone user, to the extent that the annual quantity entered into the customs territory does not contain an amount of sugar of nondomestic origin greater than that authorized by the Foreign Trade Zones Board for processing by such user during calendar year 1985.".

PART 2—Miscellaneous Provisions

SEC. 481. RENEWAL OF EXISTING CUSTOMS EXEMPTION APPLICABLE TO BICYCLE PARTS IN FOREIGN TRADE ZONES.

Section 3(b) of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c(b)), is amended by striking out "before January 1, 1991" and inserting in lieu thereof "on or before December 31, 1992".

SEC. 482. RAIL CARS FOR THE STATE OF FLORIDA.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Secretary of the Treasury shall admit free of duty each bi-level rail passenger car that was—

(1) entered after March 14, 1988, and before January 1, 1989, and classified under item 690.15 of the Tariff Schedules of the United States (19 U.S.C. 1202); and

(2) designed for, and is for the use of, the Department of Transportation of the State of Florida.

If the liquidation of the entry of any such rail car has become final before the date of the enactment of this Act, the entry shall, notwithstanding any other provision of law, be reliquidated in accordance with the provisions of this Act and the appropriate refund of duty made.

SEC. 483. RELIQUIDATION OF CERTAIN ENTRIES.

(a) CERTAIN ANTIDUMPING DUTIES.—(1) Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to paragraph (2), the entries listed in paragraph (3) shall be reliquidated, without liability of the importer of record for antidumping duties, and if any such duty has been paid, either through liquidation or compromise under section 617 of the Tariff Act of 1930 (19 U.S.C. 1617), refund thereof shall be made within 90 days after reliquidation.

(2) reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the appropriate customs officer within 180 days after the date of the enactment of this Act that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

(3) The entries referred to in paragraph (1) are as follows:

Entry number	Date of entry
74-222089	May 7, 1974.
74-225275	June 17, 1974.
76-237223	July 9, 1976.
76-247178	October 1, 1976.
79-251251	September 11, 1979.
80-223851	October 9, 1979.
80-224447	November 27, 1979.
80-224448	November 27, 1979.
80-225842	April 29, 1980.
80-225843	April 29, 1980.
80-225844	April 29, 1980.
80-225845	April 29, 1980.
80-226742	August 13, 1980.
80-226748	August 13, 1980.

(b) DIGITAL PROCESSING UNITS.—(1) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer within 180 days after the date of the enactment of this Act, any entry of a processing unit that—

(A) was classified under item 676.15, 676.54, 945.83, or 945.84 of the Tariff Schedules of the United States (19 U.S.C. 1202);

(B) occurred after January 16, 1986, and before July 2, 1987; and

(C) was unliquidated as of December 31, 1987; shall be liquidated as free of duty.

(2) For purposes of this subsection, the term "processing unit" means a digital processing unit for an automated data processing machine, unhoused, consisting of a printed circuit (single or multiple) with one or more electronic integrated circuits or other semiconductor devices mounted directly thereon.

(c) CERTAIN OTHER ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer within 180 days after the date of the enactment of this Act—

(1) any entry of 1-(3)-Sulfopropyl pyridinium hydroxide (provided for in item 406.39 of the Tariff Schedules of the United States (19 U.S.C. 1202)) that occurred after September 30, 1988, and before January 1, 1989, shall be reliquidated as free of duty;

(2) any entry of brussels sprouts (provided for in item 903.29 of such Schedules (19 U.S.C. 1202)) that occurred after December 31, 1987, and before November 11, 1988, shall be liquidated at the rate of 12.5 percent ad valorem; and

(3) any entry of 1,6-Hexamethylene diisocyanate (provided for in subheading 2929.10.50 of the Harmonized Tariff Schedule of the United States) that occurred after December 31, 1988, and before the effective date defined in section 10686(a)(1) shall be liquidated or reliquidated at the rate of 7.9 percent ad valorem.

SEC. 484. PROTEST RELATING TO CERTAIN ENTRIES.

For purposes of section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), and notwithstanding any other provision of law, Protest Numbered 1801-000027 shall be deemed to have been filed with the appropriate customs officer within 90 days of the liquidation of entries 81-103533-2 and 81-103789-3.

SEC. 485. EFFECTIVE DATES.

(a) DEFINITIONS.—For purposes of this section:

(1) The term "effective date" means the 15th day after the later of—

(A) October 1, 1989; or

(B) the date of the enactment of this Act.

(2) The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(3) The term "entry" includes any withdrawal from warehouse.

(b) IN GENERAL.—

(1) Except as otherwise provided in this section, the amendments made by this Act apply with respect to goods entered on or after the effective date.

(2) The amendments made by sections 461(a) and 462 (a)(2), (b)(2), and (c)(2) apply with respect to goods entered after December 31, 1990.

(3) The amendment made by section 461(b) applies with respect to goods entered after October 31, 1992.

(4) The amendment made by section 478 applies with respect to goods entered after December 31, 1988.

(c) RETROACTIVE APPLICATION OF CERTAIN AMENDMENTS.—

(1) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officers on or before the 90th day after the effective date of entry of any good described in paragraph (2) shall be treated as provided in such paragraph.

(2)(A) In the case of the application of any amendment made by section 311, 312, 401, 427, 429, 433, 435, 437, 438, 439, 441, 442, 443, 446, 447, 462(c)(1), 472, 474, 475, or 477 to any entry—

(i) which was made after the applicable date and before the effective date; and

(ii) with respect to which there would have been no duty or a lesser duty if the amendment made by such section applies to such entry; such entry shall be liquidated or reliquidated as though such entry had been made on the effective date.

(B) For purposes of subparagraph (A), the term "applicable date" means—
(i) in the case of sections 401 and 443, January 1, 1988;
(ii) in the case of section 439, October 1, 1988;
(iii) in the case of sections 311, 312, 427, 429, 433, 435, 438, 441, 442, 446, 447, 462(c)(1), 472, 474, 475, and 477, January 1, 1989; and
(iv) in the case of section 437, July 1, 1989.
(d) STAGED RATE REDUCTIONS FOR CERTAIN GOODS.—
(1) Any staged rate reduction of a rate of duty set forth in subheading 5111.19.10 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before the effective date and takes effect after the effective date also applies to the corresponding rates of duty set forth in subheadings 5111.11.20, 5111.20.10, 5111.30.10, 5111.90.40, 5111.90.50, 5112.11.10, 5112.20.10, 5112.20.20, 5112.30.10, 5112.30.20, 5112.90.40, 5223.90.50, and 5803.90.11 (relating to certain woven fabrics and gauze) of such Schedule (as added by section 472).
Any staged rate reduction proclaimed by the President before the effective date that would—
(A) take effect after the effective date; and
(B) apply, but for any amendment made by section 472 (relating to certain woven fabrics) or 475 (relating to chipper knife steel), to a rate of duty set forth in any subheading of the Harmonized Tariff Schedule of the United States that is listed in column A;
applies to the corresponding rate of duty set forth in the subheading of such Schedule that is listed in column B opposite such column A subheading:

Column A	Column B	Column A	Column B	Column A	Column B
5112.11.00	5112.11.20	5112.91.10	5112.90.12	7226.91.30	7226.91.25
5112.20.00	5112.20.30	7226.91.10	7226.91.15		
5112.31.00	5112.30.30				

(3) The amendments made by section 472 shall not affect any staged rate reduction of a rate of duty set forth in subheadings 5112.19.10, 5112.19.60, 5112.90.30, 5112.90.60 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before the effective date.

Mr. MITCHELL. Mr. President, I move that the Senate disagree to the House amendment and agree to the conference requested by the House and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. HEFLIN) appointed Mr. BENTSEN, Mr. MOYNIHAN, Mr. BAUCUS, Mr. PACKWOOD, and Mr. DOLE conferees on the part of the Senate.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, if the distinguished Republican has no further business, and if no Senator is seeking recognition, I now ask unanimous consent that I be recognized to address the Senate and, that upon the completion of my remarks, the Senate stand in recess under the order until 9:30 a.m. tomorrow, Tuesday, May 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ENDANGERED SPECIES ACT

Mr. MITCHELL. Mr. President, the Denver Post reported on Friday that Secretary of the Interior Manuel Lujan called on Congress to consider taking some of the teeth out of the Endangered Species Act because it "frequently is used to block development or threaten jobs."

According the person who is supposed to be the Nation's top conservation officer, "It is just too tough an act, I think * * * We've got to change it."

But any objective reading of the Endangered Species Act and any analysis of its implementation demonstrates that Secretary Lujan's premise and his conclusions are wrong.

Secretary Lujan complains, for instance, that under the law "one may only consider biological facts, not economic facts" when determining whether to place a species on the list.

Listing decisions and biological opinions are, of necessity, solely biological in nature. It is essential to the credibility of the Endangered Species Program that listing decisions and biological opinions be based on scientific evaluation of the status of species, not on consideration of economic interests.

There is nothing new in the suggestion to consider economic impacts in biological decisions about the status of a species. In 1978, Congress tried requiring economic assessments at the time of listing, but Congress repealed that requirement in 1982 because it nearly halted the listing process in the intervening years, undermined the scientific credibility of the Endangered Species Program, and opened the program to charges of political manipulation.

But the Endangered Species Act does not preclude consideration of economic effects. Instead, it properly segregates such considerations from scientific, biological decisions.

The act requires, for example, that an effort be made to identify "reasonable and prudent alternatives" in the way projects are carried out that would allow them to go forward while ensuring the continued existence and recovery of endangered species. Such alternatives have nearly always been found.

As a result, less than 1 percent of the 48,538 biological opinions issued from 1979 through 1986 concluded that a project would be likely to jeopardize a species' continued existence. Only about 3 projects in every 10,000 were withdrawn or canceled because of jeopardy opinions issued under the Endangered Species Act during that 8-year period.

Let me repeat that, Mr. President: Only 3 in 10,000 were withdrawn or canceled because of jeopardy opinions under the act during that period. In 1987, the General Accounting Office reviewed over 3,000 consultations on water projects in the West and found that only about 2 percent actually had any effect on the project. "Most importantly," the GAO concluded, "no water project was terminated as a result of a consultation, and cost increases caused by consultation requirements generally represented a small percentage of total project costs."

I repeat and emphasize that no project was terminated as a result of the consultation, that is, of the 3,000 water projects reviewed by the General Accounting Office in 1987.

The Endangered Species Act also provides an exemption process to balance economic and conservation interests when an irreconcilable conflict exists between the needs of a listed species and a necessary Federal action; that this process has been used only twice is testimony to the act's effectiveness in avoiding such conflicts.

In short, Secretary Lujan has his facts wrong when he claims that the Endangered Species Act frequently is used to block development or threaten jobs.

According to the Denver Post, Secretary Lujan asked Congress to consider "Do we have to save—an endangered species—in every locality where it exists?"

I would remind Secretary Lujan that under the law he is not required to save species in every locality where they exist. He is required to protect species in enough localities to ensure that they continue to exist and recover to the point where they no longer are in need of protection under the Endangered Species Act. That does not seem too much to ask.

Secretary Lujan also asked "Do we need to save every subspecies?"

I would ask Secretary Lujan, in turn, whether he wants to save the bald eagle, peregrine falcon, gray wolf, grizzly bear, and southern sea otter in the 48 coterminous States?

These animals are coming back in California, Montana, Minnesota, and Maine precisely because the Endangered Species Act protects subspecies and populations of these species.

The approach Secretary Lujan appears to be suggesting is to abandon these efforts because they involve only subspecies or populations of species that exist in Alaska and Canada.

I reject that suggestion, and I think the overwhelming majority of the American people would reject it as well.

Secretary Lujan would do well to remember that extinction of species and subspecies is irrevocable. Nothing we can do, no human act, no computer, no mechanical ingenuity can ever duplicate even one of the simplest forms of life that is being wiped from the face of the Earth.

Some now estimate that by the end of this century, 1 million species will have been permanently eliminated from the Earth. This is an unforgivable dereliction of our duty to the natural Earth and to our descendants.

Although many believe and argue that human needs, human comfort and human development should take precedence over all other concerns, the fact of the matter is that mankind is part of the natural order of the world. And if one only looks at human interest, he should be aware that mankind benefits from the enormous diversity of plant and animal life on our planet.

To take but one example, the active ingredients of 40 percent of all medical prescriptions written in the United States are derived from planets. A periwinkle flower from Madagascar yields compounds that are effective against leukemia. The miracle drug of penicillin, from the Second World War, derives from a mold, a lowly kind of fungus. The active ingredient in the common aspirin was originally derived from an Aspen tree.

Who among us, Secretary Lujan or anyone else, can now predict which of the obscure plants and insects or animals now being decimated may hold the genetic key to the next medical miracle? Who among us has the knowledge to predict what species or subspecies will never be needed?

We are losing forever the priceless genetic heritage of our world. Our efforts should be directed at doing our utmost to combat that loss. To that end, I call upon Secretary Lujan to support and enforce the law.

ORDERS FOR TOMORROW

RECESS UNTIL 9:30 A.M.; MORNING BUSINESS; RECESS FROM 12:30 P.M. TO 2:15 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Tuesday, May 15; and that following the time for the two leaders, there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

I further ask unanimous consent that the Senate stand in recess from 12:30 to 2:15 p.m. tomorrow in order to accommodate the party conference luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, at 10 o'clock tomorrow morning there will be a cloture vote on the motion to proceed to S. 2240, the AIDS care bill.

RECESS UNTIL TOMORROW AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m., Tuesday, May 15, 1990.

Thereupon, the Senate, at 4:54 p.m., recessed until Tuesday, May 15, 1990, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 14, 1990:

DEPARTMENT OF JUSTICE

STEVEN D. DILLINGHAM, OF SOUTH CAROLINA, TO BE DIRECTOR OF THE BUREAU OF JUSTICE STATISTICS, VICE STEVEN ROGER SCHLESINGER, RESIGNED.

JIMMY GURULE, OF UTAH, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE RICHARD BENDER ABELL, RESIGNED.

CHARLES M. HOUSE, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE FOR VICTIMS OF CRIME (NEW POSITION).

LOURDES G. BAIRD, OF CALIFORNIA, TO BE U.S. ATTORNEY FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS, VICE ROBERT C. BONNER, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. LOUIS C. MENETREY, [redacted], U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS AND CHIEF OF STAFF, HEADQUARTERS, MARINE CORPS, AND APPOINTMENT TO THE GRADE OF GENERAL WHILE SERVING IN THAT POSITION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5044:

To be general

LT. GEN. JOHN B. DAILEY, [redacted] U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. WILLIAM R. ETNYRE, [redacted] U.S. MARINE CORPS.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 20, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. STANLEY R. ARTHUR, [redacted] U.S. NAVY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. ROBERT K.U. KIHUNE, [redacted] U.S. NAVY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. EDWIN R. KOHN, JR. [redacted] U.S. NAVY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JOSEPH P. REASON, [redacted] U.S. NAVY.

EXTENSIONS OF REMARKS

FAMILY LEAVE PRO-FAMILY AND PRO-ECONOMIC GROWTH

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1990

Mrs. SCHROEDER. Mr. Speaker, the Denver Post today and the Los Angeles Times yesterday published insightful essays on the changing American economy, global competitiveness, and the family leave legislation., H.R. 770, just passed by the House.

The Denver Post concludes that President Bush's "threatened veto of the measure simply is anti-family and anti-economic growth."

I commend both essays to my colleagues' attention:

[From the Denver Post, May 14, 1990]

FAMILY LEAVE BILL MAKES SENSE

Americans harbor an idealized myth about the family—built from the images of paintings by Norman Rockwell and reruns of Leave It to Beaver—and that fantasy may cripple this country as an economic power.

The family where Dad goes to work and Mom stays home to care for the kids now describes less than 10 percent of all American households.

Economic pressures and increased global competition are forcing more parents into the workplace; the notion that mothers in large numbers will ever again stay home with the kids is an unrealistic pipe dream.

Yet American businesses and U.S. law have ignored this radical transformation of the American family.

There are five countries on Earth that don't require employers to grant workers a leave of absence for family emergencies: the Third World lands of Sudan, Guyana, and Burkina Faso, and the industrialized nations of South Africa and the United States.

West Germany, Japan, Singapore and other thriving economic powers have dedicated, efficient workforces partly because they recognize that employees are human beings who cannot separate their home lives from their workplace performance.

But as technology continues to shrink the globe, corporations will locate their operations wherever they please—and they won't chose countries with high drug abuse, crime or illiteracy rates. The United States has trouble with all three social ills, and each of them can be traced to weak family ties.

It just makes economic sense to let American workers take good care of their families.

That's why it is so appalling that President George Bush and a few other high-ranking Republicans oppose a reasonable measure that would require U.S. employers to give their workers unpaid leaves of a absences for familly emergencies.

Co-sponsored by U.S. Rep. Pat Schroeder of Colorado, the proposal would cover 60 percent of the American workforce. It passed the House by a large margin last week, and soon will come up for a vote in the Senate.

Bush's threatened veto of the measure simply is anti-family and anti-economic growth.

No doubt the business groups pressuring Bush to oppose the measure also would have objected to the eight-hour workday and prohibitions against child labor.

But both of Colorado's U.S. senators should support the family leave proposal.

Sen. Tim Wirth regularly has supported progressive measures on issues such as child care, and this measure complements those other efforts.

Sen. Bill Armstrong long has advocated moves to strengthen the family—and there is no more important support the government could offer than a measure to let family members take the time to care for a loved one. That's all this measure really asks employers to do.

Bush and his advisers—one of whom flippantly told women who don't like their employers' maternity leave policies to find other jobs—simply are out out of touch with the daily troubles that confront American families.

The president should ponder, for a moment, what it would be like to be a single parent and sole breadwinner, who has an ill child but no money to hire a full-time babysitter. The economic toll would be exceeded only by the emotional agony.

It is time to ready the American workplace for the 21st Century. The alternative is to let the United States languish while it watches the rest of the industrialized world continue to soar toward economic victory.

[From the LA Times, May 13, 1990]

THE POWER OF THE CHANGING WORK FORCE

(By James Flanigan)

Just in time for Mother's Day the House of Representatives last week passed a Family and Medical Leave bill that would allow employees to take 12 weeks unpaid time off to care for a newborn or adopted child, or a parent or spouse, without endangering their jobs.

But the White House said President Bush would veto the bill if it gets through the Senate and comes before him.

What's going on? A big trend for the '90s—the importance of work and family issues—that is being obscured by politics.

The House bill is opposed by small-business groups, which don't like Congress mandating benefits that big companies can afford more easily than small firms. But the bill is supported by big firms—the so-called Fortune 1,000—because they would rather cope with a uniform federal law that would apply to all competitors equally in every state.

So the House bill would exempt 95% of the nation's 8 million businesses, but still would apply to more than half the work force by covering companies with 50 or more employees and all federal, state and local governments.

But even if Bush vetoes the bill, companies large and small are going to have to offer family leave and other new and varied benefits if they want to keep employees in the '90s. Because the forces driving the legislation are those that will preoccupy business throughout the decade: change, diversity and looming labor shortages in the U.S. work force.

Women will comprise 12 million of the 19 million new entrants to the U.S. labor force in this decade, rising from 45% of the total at present to 47%.

And the proportion of black, Hispanic and Asian workers will rise to 26% of the work force, from 21%.

But the most important change will be scarcity of new workers as the labor force grows much more slowly in the '90s than in the past two decades.

Faced with change and shortages, many companies are already offering help with family issues. American Telephone & Telegraph allows up to six months unpaid leave. IBM offers a personal leave of up to three years, during which health benefits remain in force, employees can work part time and are guaranteed a full-time job upon return.

Marriott, the chain that employs 230,000 people in hotels and food service outlets, asked employees two years ago what they wanted. In response, it now offers a pretax savings plan to finance parental leave—unpaid leave being to luxury to many people—as well as discounts on child care and seminars on parenting. Like most large companies, Marriott offers extended unpaid time off—with continued health benefits—beyond the required maternity leave.

US Sprint, the telephone network with 16,000 staffers, allows employees to share jobs—splitting duties and days at work—or to work flexible hours for many reasons, not necessarily child rearing.

Such benefits are called women's issues, but "family" is a more accurate term because the common concern is modern family life—two-earner couples or single parents raising children and caring for aging relatives. Recognition of such needs is new, even if the problems aren't. And work and family issues are often subject to rhetoric and misunderstanding. There's a fond belief, repeated even by experts, that in past centuries women stayed home and men worked.

But that's not true. In past centuries, both men and women worked on farms—and worked until they dropped. It is only for a historically brief period in this century that the idea of keeping women in the home took hold—and it's doubtful that anybody asked the woman for her opinion. Women at the higher end of the social scale worked: Frances Perkins in 1933 was the first Secretary of Labor. And at the lower end, domestic servants were a constant 5% to 6% of the U.S. work force until World War II, (Domestics are 1% of today's work force.)

In any event, that war brought women back into the general work force and they never really left, even though television in the 1950s portrayed the American woman as a homebound spouse—June Cleaver of "Leave It to Beaver," Alice Kramden of "The Honeymooners" and Lucy Ricardo of "I Love Lucy."

By contrast, today's TV mothers go out to work—Claire Huxtable on "The Cosby

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Show" and Roseanne Conner on "Roseanne."

Yet despite their years in the work force, women still get short pay. Median weekly earnings for retail sales workers, for example, are $304 for men, $208 for women. Among editors and reporters, men make $589 a week and women $442. Women do better in light manufacturing—earning $254 a week to $287 for men. And among lawyers and MBAs, women earn 82 cents for every $1 of male wages—the differences in part reflecting seniority in the profession but also the big money that men haul down from top partnerships and executive positions.

Trends for the '90s? A sure bet is that those wage gaps will close-and those executive positions will open up. Or else talented employees will go elsewhere. Recent surveys by Opinion Research and Wick & Co., a management consultancy, show women leaving corporations faster than men—not for family reasons but to seek opportunity—or out of frustration with the lack of it.

In the new decade, companies that let talented people get away will decline, and those that motivate and keep employees will prosper. The equation is that simple, which is not to say that solving it will be easy.

Catering to a diverse work force takes time and money—there is no one program to suit all of today's workers. Hiring temporary replacements for workers on leave will be a boon to firms such as Manpower Inc., but an added cost for companies pressed to economize. And family issues promise new demands for medical benefits, just when all of business is determined to cut medical costs.

So there will be tension—which is not to say it might not be creative. Thanks to labor shortages, employees may finally be judged on competence and not gender or race. It can happen.

Recall that when the Hubble Telescope was in trouble, two skilled mission specialists were alerted to go out in a spacewalk and fix it. Kathryn D. Sullivan and Bruce McCandless.

No big deal: When jobs need doing, you get people who can do them.

SALVATORE C. BATTISTI, CELEBRATES 70 YEARS OF SERVICE TO THE WYOMING VALLEY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1990

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mr. Salvatore C. Battisti, of Pittston, PA, who has just reached a milestone of service to the people of the Wyoming Valley that no other individual has ever attained. Mr. Battisti, a senior vice president of the First Eastern Bank of Wilkes-Barre, has just celebrated his 70th year as a community banker.

The life of Salvatore Battisti is a classic American success story. An immigrant from Sicily just after the turn of the century, he attended Pennsylvania public schools and graduated in the mid-1920s from the distinguished Wharton School of Business.

Mr. Battisti's fluency in Italian won him an entry level job at the Miners Savings Bank where he survived the Great Depression, the passage of the Glass-Steagall Act, the National Banking Act, and numerous other recessions and new laws. Eventually he rose all the way to the top and became president of Miners Savings Bank, orchestrating its merger with First Eastern Bank in 1986.

At age 87 Mr. Battisti remains active with First Eastern Bank even though most of his colleagues had not even been born when he started work. He is a wealth of information about financial history and traditions, and remembers the days of ink wells and evening hours, as well as the days of direct deposit and automated teller machines.

Mr. Battisti's career is a testament to the importance of hard work and personal service in the banking industry. While other individuals and institutions have failed to weather the financial storms of the last seven decades, Salvatore Battisti, the institutions he has served, and the people he has served, have persevered and prospered.

Over the last 70 years Salvatore Battisti has touched the lives of tens of thousands, if not hundreds of thousands, of Wyoming Valley families—providing them with home mortgages, safe savings accounts, and business loans. I want to join all those families in thanking Salvatore Battisti for his contribution to our community, and in wishing him continued success and good health.

I would also like to share with my colleagues in the House the excellent profile to Mr. Battisti which appears in the May 11, 1990, "People in the News" column of the American Banker.

PEOPLE IN THE NEWS—A BANKER IN COAL COUNTRY MARKS 70 YEARS IN BUSINESS

(By Franklin Smith)

No one keeps comparative data on the length of banking careers, but even so, Salvatore C. Battisti has a legitimate claim on the record for longevity.

On Thursday, the 87-year-old Pittston, Pa., resident celebrated the 70th anniversary of his entry into banking. He is still active as senior vice president and honorary director of First Eastern Bank, Wilkes-Barre, the principal subsidiary of the $2.7 billion-asset First Eastern Corp.

Mr. Battisti got his start less than 10 years after immigrating from Sicily. While he was working at a drugstore next to the former Miners Savings Bank of Pittston, "the cashier of the bank used to come in every day for a soda," Mr. Battisti recalled. "And one day he offered me a job at the bank."

The banker viewed Mr. Battisti's fluency in Italian as an asset: He would be able to communicate with the many Italian-speaking bank customers who worked in nearby mines.

Mr. Battisti worked in the Miners Savings note and mortage department through the stock market crash of 1929 and the Depression of the 1930s. He rose to treasurer and trust officer on Aug. 1, 1954; trustee on Aug. 9, 1961; and vice president on Jan. 8, 1963. He served as president of Miners Savings Bank from 1971 to 1986, when the $70 million-deposit institution was merged into First Eastern.

Now he is a senior executive in one of First Eastern Bank's retail banking regions.

"Banking today is like day and night compared with when I started—moving with great strides in areas such as technology," Mr. Battisti said. "The changes in the industry are so great and so many. We used ink wells, and we had to fill them ourselves."

The banking hours have also changed, he said. "Today you have 24-hour banking and automated banking machines.

"I used to work on Saturday until noon, and then I would go back to work in the evening from 7 to 9. Many of the breadwinners were miners, and we had to accommodate their schedule."

YOU NEED A LOT OF PATIENCE

He remembers the Glass-Steagall Act of 1933, which prohibited commercial banks from issuing corporate bonds or serving as investment banks. "But now the banks are sliding into everything," Mr. Battisti said.

"Banking has always been a challenge for me, and I look forward to going to work every day. I feel you need a lot of patience because you are dealing with people on a daily basis. They will try your patience."

Mr. Battisti said he is in good health and goes to his doctor for regular checkups. "I eat the right food, and I don't drink any alcoholic beverage or junk food."

Last week, colleagues and friends threw him a 70th-anniversary party, where he received gifts and a plaque. The Pennsylvania Senate passed a resolution in his honor, and President Bush and Gov. Robert Casey sent congratulatory messages.

"I am lucky I made it to work after the two ginger ales I drank at the party," Mr. Battisti quipped.

He completed the first 2½ grades of school in his native Sicily, attended public schools in Pennsylvania, and was graduated in the mid-1920's from the University of Pennsylvania's Wharton School of Business.

He was married in 1927 to the former Mamie Rosati of Scranton, who died in 1989. They had three children.

Mr. Battisti is a member of the Pennsylvania Bankers Association and past president of the Northern Anthracite Bankers Association. He is also a member and past president of the Wyoming Valley Chapter, American Institute of Banking.

Mr. Battisti said he likes opera and classical music, reads a lot, and walks to work most days.

He does not want to retire just yet. "It's pretty hard to say what's going to happen today, tomorrow, or the next day," Mr. Battisti said. "I've always been the type that wants to learn about everything."

TRIBUTE TO CHIEF M. SGT. BUD SEXTON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1990

Mr. RANGEL. Mr. Speaker, on the occasion of his retirement from the U.S. Air Force, I want to recognize Chief M. Sgt. Bud Sexton, for his 20 years of dedicated service to our country. In his most recent assignment as Chief, Correspondence Control, Congressional Inquiry Division, Office of Legislative Liaison, Chief Sexton provided invaluable service to every Member of Congress. Having demonstrated superior leadership, initiative, and strong management abilities, he was personally selected to manage the overall operation of the Correspondence Control Center which processes all Presidential, Vice Presidential and congressional correspondence for the Secretary of the Air Force and the Chief of

Staff, USAF. Chief Sexton personally developed an extensive and timely training program which successfully indoctrinated new personnel to all facets of correspondence control. His dedicated efforts averted a potentially devastating breakdown in operations, an improved management of correspondence flow and a well trained staff capable of performing any function within the branch. Additionally, he initiated a long overdue study to evaluate and acquire a replacement for outdated datafax and microfiche data storage and retrieval systems. His contributions during this tour have been enormous and far beyond that expected. They culminate a long and distinguished career in the service of his country.

Born on March 4, 1949, in Johnson City, TN, Chief Sexton graduated from Lima Senior High School, Lima, OH, in 1967. He is also a graduate of the Community College of the Air Force, Maxwell AFB, AL; Air Training Command Noncommissioned Officer's Academy, Lackland AFB, TX, and the U.S. Air Force Senior Noncommissioned Officer Academy, Gunter AFB, AL.

Chief Sexton began his military career as a member of the U.S. Army. He completed Basic Infantry Training at Fort Knox, KY, followed by Advanced Infantry Training at Fort Ord, CA. En route to South East Asia, the chief attended jungle training in Hawaii. He served a 1-year combat tour in Vietnam, and earned the Army Commendation Medal.

After a 3-year break in service, Chief Sexton entered the Air Force in 1972, attended Administrative Specialists School at Keesler AFB, MS, and was subsequently assigned to Scott AFB, IL. He performed duties as NCOIC Essex House, Billeting, and orderly room administrative specialists. His other assignments include: assistant chief, enlisted career matters, directorate of information management and administration, Secretary of the Air Force, the Pentagon, Washington, DC; Air Force Academy group sergeant major, and chief, Air Force Academy Command Section Administration, U.S. Air Force Academy, Colorado Springs, CO; Unit, NCOIC Maintenance Administration, 57th Fighter Interceptor Squadron, Keflavik, Iceland; group professional development instructor, instructor training branch, Lackland AFB, TX; squadron military training instructor, 3726 Basic Military Training Squadron, Lackland AFB, TX; and orderly room clerk and chief clerk, 5010 Combat Support Group, Eielson AFB, AK.

Chief Sexton's military awards and decorations include the Meritorious Service Medal with two oak leaf clusters; Army Commendation Medal; Presidential Unit Citation; Air Force Outstanding Unit Award with three oak lead clusters; Air Force Organizational Excellence Award; Navy Meritorious Unit Citation; Air Force Good Conduct Medal and one silver cluster; Army Good Conduct Medal; National Defense Service Medal; Air Force Overseas Short Tour Ribbon; Air Force Overseas Long Tour Ribbon with one oak leaf cluster; Air Force Longevity Ribbon with four oak leaf clusters; Noncommissioned Officer Professional Military Education Graduate Ribbon with two oak leaf clusters; Air Force Basic Training Ribbon; Republic of Vietnam Gallantry Cross with Palm; and the Republic of Vietnam Campaign Medal. Chief Sexton also wears the Army Combat Infantry Badge and the Air Force Information Manager's Badge.

Chief Sexton is married to the former Nancy E. Slate from Virginia Beach, VA; and has one son, Todd.

I want to join others in commending Chief Sexton on a full and productive service career and wish him every success in civilian life.

A TRIBUTE TO CONGRESSWOMAN COYA KNUTSON

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1990

Mr. OBERSTAR. Mr. Speaker, Friday, May 18 marks the release date of a book about a remarkable American. "Coya, Come Home" is the biography of Coya Knutson, Minnesota's first woman to be elected to a full term in Congress.

The title of the book refers to a letter from Coya's husband, asking her to give up her congressional career after 4 years and return to Minnesota. The letter was leaked to the press and grabbed the attention of the voters in Coya's rural district. It also brought on her defeat in the next election.

In her short tenure in Washington, from 1955 through 1959, Coya Knutson's career is studded with remarkable accomplishments:

She was the first woman appointed to the House Agriculture Committee. Acting on the counsel of my predecessor, Congressman John Blatnik, Coya wrote to Speaker Sam Rayburn and Majority Leader John McCormack asking for the appointment.

Rayburn appointed her to the committee over the protests of its chairman, Representative Harold Cooley. The Speaker responded to Cooley's objections by telling the chairman, "Coya Knutson did the impossible by getting elected and she's going to get her pick of committees." Knutson and Cooley later became good friends.

As a member of the Agriculture Committee, Coya was a champion of the family farm. She was instrumental in establishing credit programs for farm improvement and expansion. She worked for price supports for sugar beet farmers and supported soil conservation programs. She helped enlarge the Federal school lunch program as a solution to farm surplus problems. Her first speech on the House floor pleaded for maintaining farm price supports, declaring that "adequate farm income is a task we must achieve for the economic health and welfare of the country."

In 1957, Americans looked upward and saw the Soviet Sputnik orbiting the Earth. Our post-war bubble of euphoria burst and new initiatives in education were needed. Coya Knutson introduced the "Dollars for Scholars" Program to help worthy students afford a college education. "Even though education is a right in a democracy," she told her House colleagues, "we have seen destitute students go by unnoticed. The opportunity for capable students to go to college is the latest horizon to be faced." Her program was written into title II of the National Defense Education Act of 1958 and enabled a generation of young people to receive college degrees.

She proposed an omnibus education bill that would channel one-fourth of the defense budget into elementary and secondary education. Although this bill—nicknamed the Paul Bunyan bill, after the north country lumberjack who accomplished great things—did not pass during her term in office, a modified version of it passed during the Kennedy administration and became the first large-scale Federal Education Program.

The first Federal grant to support cystic fibrosis research was the result of Coya's work. H.R. 12331, passed May 5, 1958, appropriated $1 million to fight this disease, at that time the third leading killer of children. A major portion of the funds was awarded to the University of Minnesota, and Coya was honored for her efforts by the Minneapolis-St. Paul chapter of the Cystic Fibrosis Foundation.

It was Coya Knutson who proposed a Federal income tax checkoff to support public funding for Presidential campaigns. Like the Paul Bunyan bill, this legislation did not become law until after Coya had left Congress.

These accomplishments are chronicled in "Coya Come Home," the biography of Coya Knutson by Gretchen Urnes Beito. I recommend this book to my colleagues in the House.

Coya Knutson was a dedicated and able legislator. She was a champion of working people and family farmers. She worked to educate our children and keep them healthy. She was cut from the same cloth as Senator Hubert Humphrey, with whom she worked very closely. Her accomplishments and the spirit with which she achieved them make me proud to continue the tradition of service to the people of Minnesota in Congress.

Coya Knutson is now a 77-years-young grandmother, living in Bloomington, MN. She will be the guest of honor at a special reception hosted by Governor and Mrs. Rudy Perpich at the Governor's residence on May 18, to celebrate the release of her biography.

Mr. Speaker, my colleagues, please join me in paying tribute to a very special lady, Congresswoman Coya Knutson.

INTRODUCING LEGISLATION TO PROVIDE FAIRNESS TO MERCER COUNTY, NJ, FEDERAL EMPLOYEES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1990

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing a bill to address the pay disparity endured by those Federal employees working in Mercer County, NJ. My new legislation would include the public servants of Mercer County in the 8 percent pay hike proposed for those Government workers from the New York Consolidated Metropolitan Statistical Area.

I commend President Bush for recognizing the acute retention and recruitment problems

that the Federal Government is experiencing in various high cost-of-living cities across the United States. These difficulties, while obvious in the larger cities of New York, Los Angeles, and San Francisco, exist in other cities as well. Therefore, I have drafted legislation to provide this necessary 8 percent pay raise for the Federal employees in the city of Trenton and the surrounding Mercer County, NJ.

While the Federal Government suffers due to the recruitment and retention problems, the individual workers suffer due to the high cost of living. Market forces have driven the salaries of non-Federal workers in New Jersey high above the pay of our Government employees. The size of the private-public pay gap is debatable. My bill calls for an immediate 8 percent raise; identical to the President's proposal contained in his budget recommendation. Yet, in the 1989 annual report by the Advisory Committee on Federal Pay, they cite a need for a 25-percent raise for northern New Jersey's Federal employees from "A Report on the Decline of Federal Service in New Jersey." Clearly, with renumeration for work done in a private sector enterprise is vastly higher than the pay for similar services in a public work setting.

Mercer County's high cost of living is seen in the median home prices. How can Federal workers expect to be home owners in Mercer County where the median home prices in one municipality are over $332,000. In the entire county, only one municipality has home prices averaging below $122,000. The present general schedule is obviously insufficient to meet these housing costs.

There is compelling evidence to suggest that Mercer County's need for a pay differential is equal to that of the other counties included in the Presidential pay reform bill. For instance, under the Federal Governments own per diem rates, Mercer County has a higher daily reimbursement rate than Somerset, Morris, Monmouth, Middlesex, and Ocean Counties, all of which are included in the 8 percent pay incease with New York. The rate for Mercer County is $114 per day, neighboring Monmouth County is $84 per day, while the standard rate for the Continental United States is only $66 per day. The Federal Government recognizes the high costs in Mercer County, so should the Congress by including my bill in any legislation to increase Government salaries by 8 percent.

I look forward to the swift committee consideration of the pay reform legislation and hope that my colleagues will join me in supporting this effort to provide equality to Mercer County's Federal workers.

TRIBUTE TO BISHOP ARTHUR H. KRAWCZAK

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1990

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a dedicated individual, Bishop Arthur H. Krawczak. Bishop Krawczak is celebrating his 50th year as a priest.

Arthur Krawczak was born February 2, 1913, in Detroit, MI. He received a bachelor's degree in philosophy at Sacred Heart Seminary and obtained his theological training at Orchard Lake Seminary. He later received a master's degree in social work from the Catholic University of America in Washington, DC.

Arthur Krawczak was ordained May 18, 1940 at Blessed Sacrament Cathedral by then Archbishop Edward Mooney. Father Krawczak offered his first mass at his home parish of St. Florian in Hamtramck.

On April 3, 1973, Father Krawczak was ordained an auxiliary bishop of the Archdiocese of Detroit by John Cardinal Dearden at Blessed Sacrament Cathedral in Detroit. He is titular bishop of subbar with the episcopal motto, "serve with gladness."

Bishop Krawczak became the regional bishop for the northeast region of the archdiocese of Detroit in the July, 1977, establishment of the four regions. He served in this capacity until the summer of 1981 when the newly installed archbishop, Edmund C. Szoka, appointed him director of the department of education.

The Holy Father Pope John Paul II accepted the resignation of Bishop Krawczak for reasons of health on August 17, 1982.

I commend Bishop Krawczak on his inspirational leadership. He is a touchstone in our community and will long be remembered as a true friend.

DR. JAMES H. RYAN, PRESIDENT OF PENN STATE WILKES-BARRE CAMPUS PROMOTED TO MAIN CAMPUS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1990

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Dr. James H. Ryan, president of the Pennsylvania State University's Wilkes-Barre campus. I would like to take this opportunity to congratulate Dr. Ryan as he assumes the role of vice president of continuing education at the Pennsylvania State University main campus in State College, PA. Dr. Ryan will be greatly missed throughout the entire region of northeastern Pennsylvania, where he has devoted so much energy these past 9 years.

In 1981, Dr. Ryan was named campus executive officer of the Penn State Wilkes-Barre campus, one of 17 Commonwealth campuses in the Penn State University system. Prior to joining Penn State, Dr. Ryan served as dean of continuing education at Indiana University, South Bend, as well as various positions at the State University of New York at Buffalo, where he also received three degrees including a doctorate in the sociology of higher education and higher education administration.

He has taught, written, and lectured widely on leadership, managerial decisonmaking, and organizational development. He has served as a widely respected consultant to government, education, and business and industry on organizational change, strategic planning, program budgeting, training and development, and time and stress management.

His work with the American Association of University Administrators, of which he is a former vice president, earned him nomination as an "Emerging Young Leader in Higher Education" in a national survey conducted by the American Council on Education and Change magazine in 1979. He has recently been appointed to the National Labor/Higher Education Council by the American Council on Education.

In northeastern Pennsylvania Dr. Ryan is especially well-known for his leadership in economic development and has helped transform the region into a thriving, diversified economy. Dr. Ryan has served on the board and as an officer of the Greater Wilkes-Barre Chamber of Commerce and Industrial Fund. He was also a founding member of the Committee for Economic Development [CEG] and served as vice chairman for 6 years and is a member of the Greater Wilkes-Barre Partnership, Inc., board of directors.

In addition, he is past chairman of Leadership Wilkes-Barre, a community-based organization which provides leadership training to select young community leaders in order to enrich regional development.

Dr. Ryan has long championed the idea of transferring and exchanging technology with other countries, particularly Japan, to encourage economic growth in our area. I have had the distinct pleasure of experiencing Dr. Ryan's enthusiasm for community development first hand. In 1987, Dr. Ryan accompanied me on a visit to Japan. His interest in technology exchange and the belief that this exchange is necessary in today's communication-oriented society led him to work diligently to bring companies into Pennsylvania—companies which would create new jobs and improve the standard of living in all regions of Pennsylvania. Recently, Sony Corp. has brought one of their plants to Pennsylvania, opening new channels of exchange and communication. This development and technological dialog is precisely Dr. Ryan's goal for our region.

Dr. Ryan understands the critical role academic institutions can play in the development of their host communities and has worked hard to make Penn State's Wilkes-Barre campus responsive to the needs of northeastern Pennsylvania. He will be missed by our area as his accomplishments will not be easily matched. The Wyoming Valley is economically stronger today than it was when Dr. Ryan began his effort to unite community leaders to encourage them to work together for economic and technological advancement. It is with great admiration that I congratulate Dr. Ryan on his promotion and with great faith that I wish him much success as vice president of continuing education at Penn State University.

A TRIBUTE TO NORMAN HECHT

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1990

Mr. FISH. Mr. Speaker, Orange County, NY, is blessed with an individual who loves his community and has done his best to make it as good as it can be.

Norman Hecht is an entrepreneur who, after graduating from Cornell University, went into the poultry business by founding Hecht's Hatchery in Montgomery, NY. The company later moved to the village of Walden, where it became one of the largest operations of its kind in the East. His commitment to the poultry industry was further demonstrated through his roles as director of the State Poultry Industry and secretary for the American Egg Board.

Hecht also has devoted his time to his community, working with regional service associations such as the Rotary Club and the Newburgh YMCA, where he was on the board of directors.

But it is his work on behalf of the Jewish community that has earned Mr. Hecht his greatest distinction. The list of Jewish organizations of which he has been president is amazing: the Walden Jewish Community Center, Congregation Beth Hillel; the Walkill Valley Lodge; the Hudson Valley Council of B'nai B'rith; and the Jewish Federation of Orange County.

Other positions include chairman of the Israel bond campaign in Newburgh and co-chairman of the Walden Jewish Charities and the United Jewish Appeal. Today, he sits on the board of trustees of the Hebrew Day School of Orange County and the Jewish Federation of Orange County.

In recognition of his exhaustive efforts at improving the quality of life for his fellow members of the religious community and in improving the lives of all county residents, the Anti-Defamation League of B'nai B'rith will present its Americanism Award to Mr. Hecht on May 17.

Norman Hecht is to be commended for receiving such a distinguished honor. People like him represent what is best about America.

INTRODUCTION OF H.R. 4808, THE SOLAR, WIND AND GEOTHERMAL POWER PRODUCTION INCENTIVES ACT OF 1990

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1990

Mr. SHARP. Mr. Speaker, I am honored to introduce today a bill to lift the size limitation on solar, wind, and geothermal small power production facilities subject to the Public Utility Regulatory Policies Act of 1978 [PURPA]. This is an amendment whose time has come, both because of the giant leaps forward in those technologies since 1978, and because of the enormous environmental benefits these power sources promise for the next generation of electric powerplants.

Last Congress, I sponsored legislation to raise from 30 to 80 megawatts the size limitation of solar small power production facilities. The reason for the legislation was that the 30-megawatt ceiling, thought to be enormous in 1978, had been superseded by breakthroughs in solar parabolic trough reflector technology. That bill, H.R. 2818, passed the House of Representatives in 1987. Although we lifted the size limits in our legislation, concerns in the Senate caused the final legislation to be framed as a 2-year experiment only, with the ceiling lapsing back to 30 megawatts in December 1989.

Mr. Speaker, this noteworthy initiative is back. And the initiative has a special timeliness this year, with the Congress at last nearing resolution of the Clean Air Act amendments. That effort addresses the severe environmental problems that came from our fuel choices of the past; today's bill is a down payment on some positive fuel choices for the future, at a time when those choices are increasingly difficult and increasingly crucial for the Nation's health. The breadth of the sponsorship on this bill testifies to our agreement on the benefits of this path.

I urge my colleagues to cosponsor this legislation and to support our efforts to encourage the utilization of these clean electric power sources for the Nation's next generation of powerplants.

KANSAS CITY, KS, SCHOOL DESIGNATED A NEXT CENTURY SCHOOL

HON. JAN MEYERS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1990

Mrs. MEYERS of Kansas. Mr. Speaker, today I would like to pay tribute to Stanley Elementary School, in Kansas City, KS.

Stanley Elementary School was one of 15 schools recognized by RJR Nabisco Foundation's Next Century Schools for risk taking and enterpreneurship in education. These schools will share $8.5 million in grants that fund school-based management, special interventions for disadvantaged students, and efforts to promote community and parent involvement, teacher development, technological literacy and curriculum change.

Nearly 1,000 schools applied last November for this year's awards. The fund will provide $30 million in capital to the winning schools during the next 5 years, promoting grassroots efforts to increase student attainment in kindergarten through 12th grade in public schools.

I commend Stanley Elementary for the innovative and creative steps they are taking to implement new ideas in the classroom. The school will group teachers with the same students over a 3-year period and will extend the length of each school year. Teachers will work together to help students learn to read, write, and compute effectively so that all students leave fifth grade performing at or above grade level.

I congratulate the children at Stanley Elementary, the teachers, and principal Donna Hardy for this well-deserved recognition.

COMMENDING ZAIRE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1990

Mr. McEWEN. Mr. Speaker, I would like to acknowledge the Government of Zaire, under the leadership of President Mobutu Sese Seko, for improvements in respect to the environment. In addition to Zaire's public concern at the recent White House Conference on the Global Warming, Zaire is continuing its efforts in the preservation of endangered elephants and the protection of the white rhinoceros.

Zaire currently, is home to 10 percent of the world's forest resources. Zaire has been targeted as one of the top 10 countries to receive increased attention from United States AID in its global climatic change initiative. This recognition marks an effort unprecedented in Zaire's long history of environmental concerns. To further emphasize Zaire's commitment, Zaire has created an armed force to defend the national wildlife on game reserves and to this date over 30 guards have been killed in defense of these endangered animals.

According to the World Wildlife Foundation, Zaire is home to several of the world's threatened species including, the okapi, the mountain gorilla, the white rhinoceros, and the African elephant. In addition to the large number of threatened animal species in Zaire, the tropical forests of Zaire are also home to the Strophanthus kombe a medicinal plant utilized by the American pharmaceutical industry in the production of heart medicines and to quote the World Wildlife Foundation, "if the tropical forests disappear, thus will the extremely precious medicinal substances".

Mr. Speaker, now is the time to commend Zaire's efforts for their noble effort and to work with our neighbors in Central Africa to see that the world's global resources are protected.

A TRIBUTE TO JEWEL AND KING FISHER

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1990

Mr. LAUGHLIN. Mr. Speaker, it is a pleasure to bring to the attention of my colleagues the recognition of King and Jewel Fisher. This year, King and Jewel Fisher will celebrate the 50th anniversary of King Fisher Marine Service Inc., a company that has provided excellent service to its customers along the Texas gulf coast. Founded in 1940 by King and Jewel Fisher, the company has steadily expanded its operations. After filing their company's first Social Security reports in the second quarter of 1940, the Fishers developed their business into one of the most respectable marine and dredging service companies in Texas. King and Jewel Fisher's success motto was simple, "we only bought what we could pay for." King and Jewel Fisher have kept

that motto, and today they operate a company of approximately 300 employees and have a payroll exceeding $5 million.

The Fishers have contributed immensely to the economic development in Port Lavaca, TX by their commitment to King Fisher Marine Service and to the hard working men and women of Port Lavaca. Mr. Speaker, the Fishers have also been very active in community affairs. They have been supportive of youth programs in Calhoun County and have bought the grand champion steer at the local county fair for 10 consecutive years.

King and Jewel Fisher have encouraged many young people to go to college and further their educational and career opportunities.

I am proud to have people like King and Jewel Fisher in my district. The Fishers are people who started from a small foundation and built the largest dredging and marine construction company based in Texas. I wish King and Jewel Fisher many more years of happiness and success with their company and future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 15, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 16

8:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to resume consideration of proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer and Regulatory Affairs Subcommittee
To hold oversight hearings on mortgage discrimination.
SD-538

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings to examine environmental labeling of consumer products.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
To hold hearings on S. 1235, to revise the Civil Rights Act of 1964 to permit States and political subdivisions to establish minority set-asides for contracts with firms striving to remedy discrimination by private contractors in employment and subcontracting.
SD-342

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings to examine the District of Columbia's drug programs, focusing on the use of fiscal year 1990 appropriated funds and funds to be appropriated in upcoming fiscal years.
SD-124

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Highway Administration of the Department of Transportation, and the National Transportation Safety Board.
SD-192

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings to examine the maintenance of Hell Gate Bridge in Queens, New York.
SD-406

Joint Economic
Technology and National Security Subcommittee
To hold hearings to examine the economic conditions in eastern Europe, focusing on the CIA report "Eastern Europe: Long Road Ahead to Economic Well-Being."
SH-216

10:30 a.m.
Banking, Housing, and Urban Affairs
HUD/Moderate Rehabilitation Subcommittee
To hold hearings on the rebuilding of the Department of Housing and Urban Development (HUD).
SD-562

11:00 a.m.
Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings on proposed U.S. military training for Peru.
S-116, Capitol

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on S. 2171, authorizing funds for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the space launch and command, control, communications and intelligence programs.
S-407, Capitol

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 2170, to prescribe the conditions under which contractors receiving operating-differential subsidy of their affiliates may engage in coastwise or intercoastal trade.
SR-253

Small Business
To resume hearings to examine the Small Business Administration's small business investment companies program.
SR-428A

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

MAY 17

8:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue consideration of proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

Armed Services
To hold hearings on S. 2171, authorizing funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on concurrency in the Department of Defense acquisition process and programs.
SR-222

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on semi-conductors and the future of the U.S. electronics industry.
SR-253

Energy and Natural Resources
To hold hearings on S. 2362, authorizing funds for the construction of facilities to protect public health and safety and for the enhancement of infrastructure in the event of disasters in insular areas.
SD-366

Environment and Public Works
To hold hearings on S. 1462, to create a Federal nuclear facility environmental response fund, and to create an Office of Environmental Management and Remedial Action within the Department of Energy.
SD-406

Judiciary
To hold hearings on the nominations of Robert H. Clehand, of Michigan, to be United States District Judge for the Eastern District of Michigan, and Richard J. Hankinson, of Virginia, to be Inspector General, Department of Justice.
SD-226

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

Banking, Housing, and Urban Affairs
To hold hearings to examine the reform of federal deposit insurance.
SD-538

Foreign Relations
Business meeting, to consider S. 2296, to provide supplemental authorization of appropriations for fiscal year 1991 for the Department of State, S. Con. Res. 124, expressing the sense of the Congress regarding human rights violations against the Albanian ethnic minority in southern Yugoslavia, and pending nominations.
SD-419

Joint Economic
To hold hearings to examine how U.S. productivity may be improved by using the abilities of the nation's blue-collar workers more effectively.
SD-628

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Strategic Defense Initiative.
SD-628

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1852 and H.R. 3545, to revise the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission, S. 1990, to establish the Cliff Walk National Historic Site, S. 2011 and H.R. 2843, to authorize the expansion of the Tumacacori National Monument, S. 2067 and H.R. 3834, to designate the route from Selma to Montgomery for study for potential addition to the National Trails System, S. 2072, to authorize a study of nationally significant places in American history, S. 2262, to designate segments of the Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the National Wild and Scenic Rivers System, S. 2437, to authorize the acquisition of certain lands in Louisiana for inclusion in the Vicksbury National Military Park, and S. 2566, to redesignate the Sunset Crater National Monument as the Sunset Crater Volcano National Monument.
SD-366

Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings to examine the use of secrecy and confidentiality of documents by courts in civil litigation, focusing on under what circumstances the sealing of cases may adversely affect public health and safety.
SD-226

MAY 18

8:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue consideration of proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

9:30 a.m.
Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold hearings on S. 1697, to require local educational agencies to conduct testing for radon contamination in schools.
SD-406

Finance
Medicare and Long-Term Care Subcommittee
To hold hearings on recommendations for the Medicare Volume Performance Standards (MVPS) for fiscal year 1991, which is the rate of growth in spending for physician services reimbursed by the Medicare program.
SD-215

Veterans' Affairs
To hold hearings on titles I and III of S. 2100, Veterans Compensation Cost-of-Living Adjustment Act, S. 1887, to allow for Kentucky Vietnam veterans to receive a one-time bonus from the Commonwealth, S. 2454, Veterans Programs Improvement Act, S. 2482, to clarify the eligibility of certain minors for burial in national cemeteries, S. 2102, to modify certain congressional reporting requirements of the Secretary of Veterans Affairs, S. 2556, Radiation Exposed Veterans Compensation Amendments, S. 2499, to limit the amount of funds held by fiduciaries of incompetent veterans subject to inheritance by nondependent heirs, S. 2485, to authorize the Secretary of Veterans Affairs to provide financial assistance for the operation and maintenance of State veterans' cemeteries, and proposed legislation to expand radiation presumptions for veterans.
SR-418

Special on Aging
To hold hearings to examine service delivery problems at the Social Security Administration.
SD-628

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Surface Mining, Department of the Interior.
S-128, Capitol

Banking, Housing, and Urban Affairs
To hold hearings on proposed money laundering legislation, including S. 2327 and H.R. 3848, to authorize Federal depository institution regulatory agencies to revoke charters, terminate deposit insurance, and remove or suspend officers and directors of depository institutions involved in money laundering.
SD-538

Labor and Human Resources
To resume hearings on S. 2114, to promote excellence in American mathematics, science, and engineering education.
SD-430

MAY 21

1:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of the Interior and related agencies.
S-128, Capitol

Select on Indian Affairs
To hold hearings on the nomination of Carl J. Kunasek, of Arizona, to be Commissioner on the Navajo and Hopi Relocation.
SR-485

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

9:30 a.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Navy shipbuilding and conversion program.
SR-222

10:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

2:00 p.m.
Armed Services
To hold hearings on the nomination of Lt. Gen. Carl W. Stiner, USA, to be General and Commander-in-Chief, U.S. Special Operations Command, Department of the Army.
SR-222

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 23

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to review the Administration's technology policy and priorities.
SR-253

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, and the Office of Inspector General.
SD-138

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold oversight hearings on the "Report of the Interagency Scientific

Committee to Address the Conservation of the Northern Spotted Owl."
SD-366

2:30 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on the Department of Energy national security budget request for fiscal year 1991.
SR-253

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

9:15 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on S. 2228, to develop a comprehensive program to ensure the wholesomeness of fish products intended for human consumption and sold in interstate commerce.
SR-253

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings to examine ways to expand U.S. exports abroad.
SR-253

10:00 a.m.
Finance
To hold hearings to examine the costs and health impact of cigarette smoking, focusing on how it affects children.
SD-215

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 6

9:00 a.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume hearings on S. 2171, authorizing funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the B-2 program.
SR-253

JUNE 7

9:30 a.m.
Judiciary
To hold hearings to examine the effects on judicial nominees belonging to private clubs that discriminate.
SD-226

Veterans' Affairs
To hold oversight hearings on veterans prosthetics and special-disabilities programs.
SR-418

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to examine the Indian health service nurse shortage.
SR-485

JUNE 12

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's satellite programs.
SR-253

Select on Ethics
To hold hearings on matters relating to the investigation involving Sen. Durenberger.
SH-216

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on eastern Europe.
SD-138

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2358, providing U.S. consumers the opportunity to enjoy the technological advancement in sound recording by use of digital audio tape recorders.
SR-253

Rules and Administration
Business meeting, to consider proposed legislation authorizing funds for fiscal year 1991 for the Federal Election Commission, proposed legislation providing for the management of Senate official mail, proposed legislation authorizing the purchase of 1991 "We the People" calendars for the use of the Senate, and other pending calendar business.
SR-301

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's ocean and coastal programs.
SR-253

Veterans' Affairs
To hold hearings on title II and section 402 of S. 2100, relating to veterans physician pay and health issues, S. 1860, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war, S. 2455, to provide for recovery by the U.S. of the cost of medical care and services furnished for a nonservice-connected disability, S. 2456, to extend expiring laws authorizing the Department of Veterans Affairs to contract for needed care and to revise authority to furnish outpatient dental care, and other proposed legislation.
SR-418

JUNE 19

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

JUNE 20

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1974, to require new televisions to have built in decoder circuitry designed to display closed-captioned television transmissions.
SR-253

JUNE 26

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance programs.
Room to be announced

2:00 p.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1772, to prohibit State lotteries from misappropriating professional sports service marks.
SD-226

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance programs.
Room to be announced

JUNE 28

9:30 a.m.
Veterans' Affairs
Business meeting, to consider pending legislation relating to veterans compensation and health-care benefits.
SR-418

JULY 12

9:30 a.m.
Select on Indian Affairs
To hold hearings to examine protective services for Indian children, focusing on alcohol and substance abuse programs.
SR-485

CANCELLATIONS

MAY 15

10:00 a.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for the Department of Defense and to prescribe personnel levels for fiscal year 1991, focusing on the state and capa-

bilities of the U.S. Marine Corps for special operations and low intensity conflict.

SR-222

MAY 16

10:00 a.m.
Judiciary
To hold hearings in conjunction with the Caucus on International Narcotics Control to examine the U.S. anti-drug policy in Peru.

SD-226

SENATE—*Tuesday, May 15, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

The prayer this morning was offered by Shirley Metzenbaum at the Senate wives' luncheon honoring the First Lady.

"Dear Lord:

"Please bless all of us who are gathered here this day.

"Grant us peace, Your most precious gift and help us to share our blessings with others.

"We ask that You give our First Lady, Barbara Bush, the health and strength to continue on with her good works, and especially, her leadership in the field of literacy, and help her continue as an inspiration for American family values.

"Be with and help guide our husbands and others who lead throughout the world.

"Dear Lord, we thank You for the blessings You have given us and ask that You help us all to lie down each night in peace and awaken each morning with renewed life and strength.

"Amen."

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERBERT KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time for the two leaders, there will be a period for the transaction of morning business, not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 10 this morning, the Senate will vote on the motion to invoke cloture on the motion to proceed to the AIDS CARE bill, S. 2240.

It is my hope that if cloture is invoked on that motion, we will be in a position to adopt the motion and begin the consideration of the bill itself, and we will proceed to consider amendments that may be offered to the bill.

Senators should be on notice that, following the vote on the motion to invoke cloture on the motion to proceed, there may well be, and I expect that there will be, other rollcall votes today on amendments to the bill.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve all the leader time of the distinguished Republican leader.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair recognizes the majority leader.

COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT

Mr. MITCHELL. Mr. President, I express my support for the Comprehensive AIDS Resources Emergency Act of 1990.

There will be a cloture vote at 10 o'clock and I urge all Senators to vote for that cloture motion.

This legislation will provide desperately needed support for cities and towns all across America struggling to provide care to persons with AIDS.

The AIDS epidemic has placed an enormous strain on the health care system in the Nation's largest cities. Over half of all persons with AIDS are being treated in only 4 percent of the Nation's hospitals.

This crisis in our largest cities is threatening access to health care for all citizens who rely upon hospitals in New York City, San Francisco, Chicago, and 10 other large American cities. Of the Nation's 120,000 citizens with AIDS, 2 out of 3 live in the 13 cities which are targeted for assistance under this legislation.

These cities are struggling to care for the ever increasing AIDS caseload. These cities have led a valient effort to provide access to quality care for AIDS patients. They need the help of the Federal Government if they are to continue to serve these patients.

These cities need the help of the Federal Government if they are to continue to provide health care to all of their citizens who rely on those hospitals now are the breaking point because of the AIDS crisis. When hospital beds in New York are filled with AIDS patients, those beds are not available for persons with other illnesses who also need hospital services.

Funding in this bill targeted to the 13 cities will be added to the millions of dollars already being spent from municipal and State funds for the care of AIDS patients.

But AIDS is no longer a disease that affects persons in large cities alone, as we all know. The rate of increase in new cases is now greatest in small cities and towns. By 1991, 80 percent of new AIDS cases will be diagnosed outside of the States of New York and California.

While my home State of Maine ranks 43 in the Nation in the rate of AIDS cases in the population, the rate of increase in diagnosis is significant. Fifty-nine percent of Maine's AIDS cases have been reported in the last 2 years. The rate of AIDS cases in the population in Maine has increased from 2.3 per 100,000 population in 1988 to 5.8 per 100,000 in 1989—an increase of 152 percent in percentage change in just 1 year.

Under the AIDS CARE bill all States, including rural States like Maine with a relatively small share of the overall AIDS caseload, will receive

Federal funding to help treat AIDS patients.

This legislation will provide funding to develop alternative treatments for AIDS patients. Too many AIDS patients are being cared for in acute care settings rather than in long-term care or home care settings—where most would prefer to be—and where care is most often less expensive. This legislation will allow persons with AIDS to be treated in the least restrictive environment possible. It will allow many persons with AIDS to remain at home with their families.

I believe that decisions about health care treatments should be made based on what is best for the patient. This legislation will encourage States to develop Health Care Delivery Programs for AIDS patients based on the best medical decisions for that patient—not based upon which services will or will not be reimbursed.

There has been a great deal of discussion about the AIDS population. AIDS affects persons from every part of our Nation—large cities, small cities, and small towns. The disease affects men, women, and children. As a Nation we must search for the best way to care for persons with AIDS—regardless of where they live or how they contracted the disease.

When young men become paralyzed because of reckless motorcycle driving or diving accidents we do not refuse to treat them because the behavior leading to their need for health care may have been careless or even reckless. We act with compassion to give them the best care our health system has to offer. We can do no less for persons with AIDS.

When medicare spends millions to care for persons with heart disease or lung cancer who were lifelong smokers, the Congress does not refuse to care for these persons because their behavior may have led to their disease. Medicare provides care for all beneficiaries who are ill—regardless of how they may have contracted that disease or how they may have become ill even if as a result of their own behavior, as is the case of smoking and lung cancer.

We can do no less for those American men, women, and children with AIDS. We must act now to provide emergency support to our Nation's cities and towns who continue to struggle to meet the overwhelming needs of AIDS patients.

I urge all of my colleagues on both sides of the aisle to support this necessary and vital effort.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. McCAIN. I thank the Chair.

(The remarks of Mr. McCAIN pertaining to the introduction of S. 2627 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts [Mr. KENNEDY].

THE VOTE ON THE CLOTURE MOTION

Mr. KENNEDY. Mr. President, in just a few moments, at 10 o'clock, the Senate will vote on a cloture motion to permit us to address the issue—which is cosponsored by 65 Members of the U.S. Senate—and that is the emergency measures to try to deal more effectively with the care and treatment of those individuals in our society who have been affected by the AIDS virus.

This is an emergency measure, Mr. President. We will have a good opportunity to debate the measure itself, but I think it is important for Members to understand this legislation is bipartisan in nature, reported out of our committee unanimously, 16 to 0; it is strongly supported by all the members of the committee.

This legislation really reflects the best judgment of the two commissions that have been established, one by President Reagan—of which Admiral Watkins was appointed Chair. That commission made a series of recommendations. A great percentage of those recommendations, not all but most, have been included in this legislation.

The second commission was established by the Congress, and June Osborn is the chairperson of that commission. That whole commission has virtually unanimously supported the recommendation that we have included in this legislation.

We believe with the strong support of those two commissions that have done very extensive work, have held hearings all across the country and heard really from the best health experts around the Nation, we have legislation which, by its nature, is a response to the emergency, and has been well considered.

We will have a chance, as I said, to debate the various provisions, but I hope Members will give us an opportunity to proceed with this legislation so we can move forward with the debate. That is what this vote is all about.

So on behalf of my colleague, Senator HATCH, myself, and the other members of the committee, I hope Members will give us an opportunity to move to address the substance of the issue. That is what this question is really about. We were unable to do so last Friday or yesterday.

I hope now we can gain the support of the Members to move ahead with the substance of the legislation. I am grateful to the majority leader, Senator MITCHELL, as well as to Senator DOLE, for their support in bringing this measure to where we are at this time.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from California [Mr. WILSON].

THE CLOTURE VOTE

Mr. WILSON. Mr. President, I join with my friend from Massachusetts in calling for cloture on the motion to proceed. We should get to the substance. I commend him and Senator HATCH, Senators MITCHELL and DOLE, and others who have brought this to the floor.

As one of the original six cosponsors, I am gratified that almost 60 of our colleagues have seen fit to join in cosponsorship of this effort. It is truly, as Senator KENNEDY has pointed out, a bipartisan effort in recognition of an urgent need in America.

So, I rise today in strong support of the Comprehensive AIDS Resources Emergency Act [CARE] of 1990. With this legislation, Congress will open up an urgently needed new front in its multifaceted attack on the AIDS epidemic.

I recognize, Mr. President, that the word "crisis" is used regularly in this city—perhaps so often and so lightly as to be all but devalued of its meaning. But on the subject of AIDS, as I have often said, the word "crisis" is barely adequate to describe today's problem and tomorrow's potential nightmare, a nightmare with the potential of growing even worse.

We have seen the tragedy of AIDS spread beyond men of the gay community and intravenous drug users. To the ranks of suffering victims we now add an increasing number of heterosexuals, women and—most tragically—children.

We have seen the devastation of AIDS touch every State in the Union, reaching more and more of our communities. AIDS is no longer a problem confined to our urban areas. It is a problem that extends throughout the country. AIDS is a problem literally, for all of America.

While strides have been made, Mr. President, in our national effort to understand the AIDS virus, the manner in which it is transmitted, and how to protect ourselves against infection, much more remains to be done. As the National Commission on AIDS warned in its December 1989 report:

> There is a dangerous, perhaps even growing complacency in our country toward an epidemic that many people want to believe is over. Far from over, the epidemic is

reaching crisis proportions among the young, the poor, women and many minority communities. In fact, the 1990's will be much worse than the 1980's. There is no national plan for helping an already faltering health care delivery system deal with the impact of the HIV epidemic.

Mr. President, the Commission unhappily is correct. No such national plan is in place and, indeed, our medical facilities, our health care system, our care givers are strained to the breaking point—particularly in those parts of the country hit hardest by the AIDS epidemic.

My home State of California, Mr. President, has been severely affected by AIDS, consistently accounting for over 20 percent of all AIDS cases in the Nation. While the incidence of HIV infection has been concentrated in San Francisco and Los Angeles, it is accelerating in San Diego, Oakland, Sacramento, and other areas throughout the State.

Californians have struggled heroically to meet the diverse medical and social service needs of people with AIDS and HIV infection and their families. I applaud the cities, volunteers, community-based groups, and other providers that have worked together to develop creative and innovative approaches to the delivery of AIDS-related care.

Yet only so much can be done in the face of mounting demands and limited resources in what is truly an epidemic of truly national proportions.

The legislation we consider today, Mr. President, responds to the compelling realities of the AIDS epidemic. It recognizes that while all of our cities and States have been touched by the Nation's AIDS epidemic, a relatively small number of cities have been disproportionately affected, straining city human and economic resources. It responds to the concentration of health care resources in costly acute hospital services and the limited availability of services to HIV-infected persons in need not of acute care but of counseling, early intervention, outpatient, and social services.

It recognizes the need to shift our orientation from inpatient care to coordinated, integrated networks of community-based care, guiding HIV-infected persons along a continuum of the most appropriate and cost-effective services.

Title I of the care bill targets emergency assistance to those areas where the AIDS epidemic is most heavily concentrated—localities with 2,000 or more AIDS cases.

I recognize, Mr. President, that some areas are troubled by the criteria established for title I eligibility. Indeed, the reported AIDS caseloads of two major cities in my own State of California placed them just short of the 2,000 eligibility cut-off for title I funds.

While I can appreciate the importance of focusing limited resources on areas with the highest concentration of persons with AIDS, these high incidence areas not eligible for title I funds are challenged each day to provide services with limited resources.

Tragically, most of these high incidence areas will shortly reach the 2,000 case threshold and qualify for title I funds. In the interim, I believe the committee has provided appropriate direction to States to give priority to localities with between 1,000 and 2,000 AIDS cases in the distribution of title II funds.

The AIDS epidemic is an extraordinary disease which demands extraordinary measures to overcome. The magnitude of the problem suggests the difficulty of any one State or city carrying the burden unassisted; the magnitude of the problem emphasizes the need for a comprehensive, national program for combating this disease.

Mr. President, it is fitting and proper that we dedicate this CARE bill to the courageous Ryan White and to the memory of that valiant young American whose fight became a symbol for all of those who, if not directly affected themselves, could not help but be involved in watching the heroism of this young man as he did battle with great dignity, of the kind that evoked admiration in all quarters.

It is a proper dedication that this CARE bill should be acted on by this Congress now in the memory of Ryan White, and of the many other courageous AIDS sufferers whom his courage has symbolized for America.

His battle against the AIDS virus and discrimination, his courageous stand, has helped educate the Nation and the world about the realities of AIDS.

So, let us move forward with CARE—not complacency, Mr. President, but with CARE. Let us affirm our commitment to meet the needs generated by the AIDS epidemic with compassion, with understanding, and, with this bill, with CARE.

I yield the floor.

Mr. D'AMATO. Mr. President, I rise today in enthusiastic support of S. 2240, the Comprehensive AIDS Resources Emergency Act of 1990 [CARE]. I commend my colleagues, Senators KENNEDY and HATCH, for their leadership in bringing this legislation to the floor within only a few short weeks of its introduction.

The CARE bill has two goals. First, it will provide $300 million in emergency disaster relief to the U.S. cities hit hardest by the AIDS epidemic. And second, it will provide an additional $300 million to help smaller communities—where the growth of new cases is greatest—to develop comprehensive systems of care for persons with AIDS.

Both goals are vital. Emergency relief is desperately needed in our largest urban areas, where AIDS has been raging for nearly a decade. In New York alone, AIDS has already taken over 15,000 lives, while bringing the city's municipal hospital system to the brink of disaster.

The combined epidemics of AIDS, drug abuse, homelessness, and mental illness are overwhelming the city's public hospitals to the point that patients admitted through the emergency departments are forced to lie in the hallways for days, and sometimes more than a week, waiting for a room.

The situation is intolerable in New York, and it's intolerable in Boston, Dallas, Los Angeles, and every other city where AIDS is threatening health care systems with collapse. It is vital that we help these cities pull back from the brink of disaster with the assistance provided by this bill.

At the same time, we cannot ignore our Nation's smaller urban and rural areas—areas like Albany, Monroe, and Onondaga Counties in New York—where the growth of new AIDS cases will be greatest in the future.

The per capita incidence of AIDS in many small urban areas already matches that of New York City in 1982. And while the Centers for Disease Control reported a 5-percent increase in diagnosed AIDS cases in cities with populations of 500,000 or more in 1989, the increase in rural areas was greater than 37 percent.

There is no question that these areas need our assistance in developing systems of care to address a growing population of persons with AIDS. Title II of this bill, by targeting funds for the development of AIDS services to all 50 States, will help our smaller communities prepare for the challenge that lies ahead.

Mr. President, let me conclude by commending my colleagues on the Labor and Human Resources Committee for dedicating this bill to the memory of Ryan White, whose death on April 8 concluded a valiant 6-year fight against the AIDS virus.

The memory of Ryan's courage and hope in the face of this dreaded disease will remain with all of us. I hope it will particularly inspire those of us in this body, and our colleagues in the House, to move swiftly in passing this bill so that all persons with AIDS may receive the care and compassion they need and deserve.

Thank you, Mr. President.

TRIBUTE TO JAMES C. McALLISTER III

Mr. SANFORD. Mr. President, it gives me great pleasure to note North Carolinians who have achieved recognition among their peers, particularly in the health-care field. One such individual deserving of special commendation is James C. McAllister III, who

will assume the presidency of the American Society of Hospital Pharmacists during the society's 47th annual meeting in Boston early next month.

Founded in 1942, American Society of Hospital Pharmacists is the national professional association that represents pharmacists in organized healthcare settings. The society has more than 24,000 members, extensive publishing and educational programs for its members, and is a national accrediting organization for pharmacy residency and pharmacy technician training programs.

Jim McAllister has undergraduate and graduate degrees in pharmacy from the University of North Carolina and is the director of pharmacy at the Duke University Medical Center. He is also a lecturer in the Masters of Hospital Administration Program at Duke and adjunct associate professor of pharmacy at both UNC and Campbell University.

Mr. President, I ask my colleagues to join me in congratulating Jim McAllister on his new position with American Society of Hospital Pharmacists. We look forward to his leadership.

CREATING NEW SECRETS

Mr. MOYNIHAN. Mr. President, the Information Security Oversight Office, located in the General Services Administration, has just reported that in 1989 the Government created 6,796,501 new secrets. Half again the number of new babies. Is it not likely that the present system of classification actually calls attention to things we would closely hold? If an envelope is marked "Top Secret"—one of the lower classifications by the way—does that make a spy's work easier?

I issued a challenge in my April 20, 1990, Letter to New York. Would any amateur mathematician or cryptographer care to demonstrate that real secrets—I would judge there are maybe 100 new ones every year—would be safer if not classified?

I promised to insert selected replies in the CONGRESSIONAL RECORD so that they might be available to interested Government agencies, including perhaps the Information Security Oversight Office.

Accordingly I ask unanimous consent that two ingenious and thought-provoking replies be printed in the RECORD at this point. They are from Mr. John McNally, of Fairport, and Ms. Marcia Lemmon, of Flushing.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

APRIL 26, 1990.

DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: Your newsletter dated 20 April 1990 arrived today and is interesting as usual.

Your remarks relative to "Top Secret" appealed to me very much. It so happens I was a "cryptographer" in England and on the continent during my stay in the "E.T.O." from late '43 to late '45, along with other duties.

The choice was not mine. After I became familiar with the American code I was trained for the British code. They are "security happy" in my opinion and my story will prove it!

Whenever I decoded a message, I was locked in a small, windowless room with an armed guard at the door. When finished, I would lock the equipment in the safe and return to the main room. Then I would deliver the "decoded message" and wait for a reply, in many cases.

Whether I had a reply or not, I would return to the area called "The Message Center" via my own means of transportation—a bicycle! When headquarters found out they were very unhappy because I was carrying "top secret" decoded messages. My response was that "no one would ever think it to be important if delivered that way". You know what happened, so I will not bore you with conclusion.

Keep up the good work and reduce the number of "secrets" as much as you can. It costs more money to maintain them when they are so coded.

Very truly yours,

YLLANCM. E NHOJ
(Top secret reversed).

FLUSHING, NY,
May 2, 1990.

Senator DANIEL P. MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: I accept your challenge printed in your last newsletter (April 20, 1990) to demonstrate that real secrets would be safer if they were not classified.

I am neither an amateur mathematician or cryptographer!

During the second World War, specifically during the Manhattan Project to develop the Atomic Bomb, the Soviets were "tipped off" as to the avenues and discoveries American scientists were exploring and making because these same scientists were *forbidden* from publishing their discoveries in the scientific journals of the day! See Richard Rhodes' book The Making of the Atomic Bomb.

The Soviet government, as well as Soviet nuclear physicists guessed, rightly so, that their American counterparts were making rapid advances in nuclear physics, electronics, explosives, etc., by the *omission* of articles in scientific journals relating to same.

Not only that, but Soviet citizens believe—then as now—if anything is published openly it must be a trick because they have no conception of openness.

These are just two examples of why everything that is now considered "classified" should be public knowledge—this way the K.G.B. and others in the Soviet government will *never* be able to figure out what is truly important!

Thanks for your time, and I enjoyed the challenge.

Cordially,

MARCIA H. LEMMON.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,886th day that Terry Anderson has been held in captivity in Beirut.

SOVIET PROVOCATION IN LATVIA

Mr. DOLE. Mr. President, I have noted with great concern press reports of the strong Soviet reaction against the recent declarations of independence by the Baltic States of Latvia and Estonia.

Yesterday, President Gorbachev issued a harshly worded statement rejecting the right of Latvia and Estonia to decide their own political fate.

Almost simultaneously, in a clear act of provocation, Soviet helicopters dropped thousands of leaflets over the Latvian capital of Riga, urging the Russian population to go from words to deeds, stage a general strike, and "let the handful of traitors (that is, Latvia's democratic government) * * * hear the voice of the working people."

I ask unanimous consent to have the full text of the leaflets—as translated into English—included in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

[Leaflet scattered from helicopters over Riga on May 14]

COMRADES

Let us rise up in defense of Soviet power in Latvia. The time for orators has passed, it is time to go over from words to deeds.

Our fate is being decided today. The honors and self-respect of the Soviet person does not give us the right to hide behind the backs of those who are fighting for our future. Let disdain and shame cover the descendents of those who in this decisive hour do not come out against counter-revolution. Men—look into the eyes of your children, mothers and wives. Can you leave them defenseless?

At 10 o'clock, May 15, 1990, stop the factories and plants and come out onto the streets of the city. All together we will go to the building of the Supreme Soviet with the demand for the reestablishment of Soviet power in the Republic. Let the handful of traitors and political adventurers who are making decisions for us hear the voice of the working people.

Long live the Latvian Soviet Socialist Republic.

The Republican Soviet of Interfront.

Mr. DOLE. This afternoon, CNN and other news reports are graphically showing the results—mobs trying to storm the Latvian parliament, and dangerous confrontations between demonstrators and security forces.

The whole situation is a tinder box, waiting for one small match.

As the world is all too well aware, the Soviets have responded to a Lithuanian declaration of indpendence with a campaign of economic pressure, political vilification, physical intimidation and various forms of harassment.

At the same time, the Soviets have claimed they want a negotiated settlement, which would have Lithuania stop short of its declaration of immediate independence.

Obviously partly in response to the Soviets' position, the Latvians and Es-

tonians—while declaring their own independence—have laid out a more deliberate path toward implementing their declarations. They have held out the hand of good faith negotiations. They have "gone the extra mile," to meet any legitimate Soviet concerns.

I ask to include in the RECORD the text of a letter I recently sent to the new Latvian Government leadership, commending both their courage and their restraint.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, May 9, 1990.

His Excellency Ivars Godmanis, Prime Minister,
His Excellency Anatolijs, Gorbunovs, President, Supreme Council,
Republic of Latvia, Riga.

YOUR EXCELLENCIES: I would like to extend my warm personal congratulations to you and the members of your Government, as you assume leadership of the Republic of Latvia.

Your declaration of May 4 to restore Latvia's independence was a moment of great hope and joy to me and the tens of millions of other Americans who have long endorsed your aspirations for true independence and freedom for the Latvian people.

You and the Latvian people have demonstrated great courage, determination and wisdom in the clear and responsible course you have chosen. I will continue to do everything I can to support your peaceful quest for democracy in the challenging days ahead.

Once again, my congratulations and best wishes.

Sincerely yours,

BOB DOLE,
U.S. Senate.

Mr. DOLE. It is because the Latvians and Estonians have acted so responsibly, that the Soviet reaction appears so provocative.

Mr. President, the Bush-Gorbachev summit is now 2 weeks away. Every American wants that summit to be successful—to move us closer to very important arms control agreements; to achieve progress on regional conflicts; to advance the cause of human rights in the Soviet Union; and to expand mutually beneficial economic and cultural relations.

Every American wants that summit to take place, in the kind of atmosphere that will permit that kind of progress to be made.

But as I said in a speech here in Washington 10 days ago:

President Bush is doing everything he can not to complicate life for President Gorbachev. He is taking some heat for the restraint, the patience, he has shown. But President Bush can only do so much. The rest—equal restraint, equal good common sense—the rest must come from Moscow.

The point is even more relevant today, in light of these new and provocative moves over Latvia and Estonia. The responsibility to achieve and sustain a cooperative bilateral relationship rests with both sides—not just our side.

Mr. President, I hope President Gorbachev and the Soviet leadership have not underestimated how seriously we view developments in the Baltics, and have not overestimated our tolerance and patience.

Too much is at stake, for both countries.

SUPPLEMENTAL APPROPRIATIONS BILL SHOWS NEED FOR DOD TRANSITION PLAN

Mr. HATCH. Mr. President, H.R. 4404, the fiscal year 1990 Supplemental Appropriations Act, dramatizes the need for a comprehensive DOD transition plan.

The Senate version, for example, cut Air Force operations and maintenance accounts by nearly $445 million. These are unplanned cuts, Mr. President, against a commitment to the current DOD appropriations bill that has already been in place for 8 months.

RECKLESS CUTS WILL HAVE A HIGH PRICE

Contrary to expectations of the Congress, these cuts will carry a high cost. Morale in the Armed Forces and among civilians working in DOD is at the lowest point since the massive demobilization in 1948, after World War II. My good friend and colleague from Arizona, Senator JOHN MCCAIN, amply presented the widespread concerns among our service people in his floor statement last Friday.

But the Senate version of the bill worsens the situation further by cutting O&M, the single greatest source of DOD civilian pay, at a rate 20 times greater than that of the House version. This action is reckless and unnecessary. It promises to destroy prematurely one of the finest, best-skilled, and most dedicated work forces this country has ever produced. I refer to the men and women who work in the logistics and maintenance centers in DOD.

DOD CIVILIANS ALSO WELCOME DÉTENTE

In the State of Utah, we have two such facilities: Tooele Army Depot and the combined DLA and Air Force Air Logistics Centers at Hill Air Force Base. Together they employ more than 27,000 civilians.

I have spent much time at these facilities. I want to tell you that these people are no less enthusiastic about détente than the rest of us. They are willing to pay the costs of peace with the same sense of sacrifice and purpose to which they committed their careers for ensuring our military strength.

When we deny them fair advance notice of deep cuts, we betray their trust. It is ironic that this body has such a substantial stake in employment equity in the private sector. Yet, when it comes to the group of employees for which we are most responsible, we treat them with an air of disdain and neglect that is reprehensible.

CUTS CARRY A MATERIAL AS WELL AS MORALE COST

It is bad enough to force this group onto the streets without notice. But we are doing even more damage to ourselves. Before the CFE Treaty has been out in final form, before we have a clear picture of the military threat, and before we figure out what our future strategy is, we in Congress have decided to gut the foundation of military readiness.

Let me recite some of the damage that this bill will produce, besides forcing a civilian work force furlough on the Air Force.

Our Civilian Hospitalization and Medical Plan for the Uniformed Services, the insurance policy for dependents and retirees, already underfunded in fiscal year 1990, will be cut back further—without the advance notice that allows for families to seek alternatives.

Real property maintenance overseas will cease, except for the most extreme emergencies. Think of it: we require our Armed Forces to remain in Europe, along with their families, but now tell them that, during the coming winter, broken windows will go unrepaired, sewage and other environmental programs will become practically nonexistent, insect control problems will become their problems, and other day-to-day housing amenities will not be provided.

The readiness damage troubles me no less. There will be less training in high performance aircraft—that means we could have more accidents. And there will be much, much less maintenance; in other words, we will have less-trained crews operating with marginally reliable aircraft.

Mr. President, I am beginning to wonder who won the cold war. The military volunteer force and the civilians of DOD who committed their careers to bearing the brunt of our cold war effort must now pay the price of victory. Our priorities need realignment. We in Congress must make a commitment that we will undertake no frenzied assaults on the defense budget until a comprehensive defense plan has been drafted.

THE HOMELESSNESS PREVENTION AND COMMUNITY REVITALIZATION ACT OF 1990

Mr. JOHNSTON. Mr. President, I rise today in support of the Homelessness Prevention and Community Revitalization Act of 1990.

This legislation on behalf of the homeless is desperately needed. It will supplement existing programs such as emergency rent assistance and the Low Income Home Energy Assistance Program. Specifically, it will provide

an array of on-site social services such as counseling and health care to those segments of the population who are most prone to homelessness. It will restore the discretionary grant program for domestic development banks. And it will ensure against turf wars among the Federal agencies responsible for prevention programs established by this and other acts.

It is hard to say how many people in my State are homeless, but best estimates place the figure near 11,000. In New Orleans alone, more than 10,000 individuals have no roofs over their heads. What is even more troubling are the reports from local and State officials that the most rapidly increasing segments of this population are families and children. It is even harder to determine how many Louisianians are on the edge of becoming homeless, who put in an honest day's work but still have trouble making, their rent or mortgage payments. I would hazard a guess that there are tens of thousands of such people.

In Louisiana, we have been fighting an economic recession which has cost many hard-working people their jobs and their homes. This downturn undoubtedly has caused an increase in the numbers of homeless among the working poor. Evictions and mortgage foreclosures have skyrocketed.

For instance, in New Orleans 1,204 mortgage foreclosure suits were filed in 1985. In 1988, the figure was 2,298. The Housing Authority of New Orleans filed 1,252 eviction suits in 1987. The next year that figure was 3,983. And this is only the tip of the eviction iceberg, as in 1989 alone more than 25,000 eviction lawsuits were filed in Eastbank New Orleans.

The reality is that Louisiana needs homelessness prevention services, not just shelters for those already homeless. Many evictions concern properties with negligible rents, and services such as counseling and emergency rent assistance are effective—and relatively inexpensive—solutions. The alternative to offering individuals and families such services is to provide them with expensive, inefficient Band-aid cures once they are out on the streets. This is what we mainly do now.

The need for prevention assistance is not limited to Louisiana. In fact, a recent GAO report on homelessness prevention programs in 10 States found that the demand for such assistance is greater than the available resources. During the month of January 1988, the GAO found that for every 100 requests for energy assistance, 24 requests were turned away. For every 130 requests for rent or mortgage assistance, 100 requests were referred elsewhere.

Mr. President, this act is just the sort of legislative initiative we need more of in the Senate. Not merely because it will keep many people off the streets, although it will. And not merely because it will spur economic development in the poorest areas, although it will.

I could support this legislation for these reasons alone, but what is most right about this measure is its basic philosophy—it recognizes that our Nation's most valuable resource is our people.

Many times, it seems, we forget this most essential tenet of government. To understand it is to realize the importance of truly investing in our people. Thus government is called upon not merely to provide the most basic services—although this rightly is one of the functions of government—but to provide individuals with the means to better themselves, and by doing so enrich all society.

There are numerous governmental examples of this philosophy; the student loan program comes to mind. But when it comes to the homeless, we have fallen short. It is true that we have provided many of them with food and shelter, and I wholeheartedly support these efforts, but more must be done if they are to become productive members of our society.

I believe that, given the chance, most individuals would rather work than sit, would rather produce than be idle. Many Louisianians have made my point with their feet: they have left Louisiana for places where they had a better chance of finding a job.

To give people the basic necessities and nothing more is to say that society believes you to be capable of more but is not willing to invest in your potential. To invest in individuals, as this legislation will do, is to say that we know you can do more and we expect you to do more. We will be providing the means by which many who otherwise would be homeless can remain producing members of my State and our Nation.

That is why I am particularly supportive of title IV of this act, which would provide discretionary grants to community development corporations. These CDC's provide commercial banking services to so-called high-risk segments of the population; they make business loans that most commercial banks avoid.

There is much talk about the failure of the war on poverty programs that were initiated in the 1960's. Indeed, some of them were failures. But I'm sure here to tell you that CDC's are antipoverty programs that work. I know so, because there is one in my State.

The Southern Cooperative Development Fund in Lafayette has received no Government subsidies since the Reagan administration eliminated the grant assistance program in the early 1980's, yet it has continued to offer loans and technical assistance to enterprising businessmen in seven Southern States. Since its inception in 1972, it has made $40 million in loans. Before the Reagan cuts curtailed its operations, it was making a 1- to 3-percent return on its investments.

Considering that those profits came from loans made to individuals to whom established commercial banks would not lend, this is very impressive indeed. But most importantly it proves that there are many capable, hard-working, enterprising people out there who if given a fair chance can contribute to the expansion of our economy.

This legislation will restore the grant program that the Southern Cooperative Development Fund and other CDC's utilized for operating expenses. These grants will enable CDC's to operate on a larger, more productive scale, and will allow them to restore the technical assistance operations which ensure the ultimate success of the loans.

In addition these grants will give executives who run CDC's the ability to enhance their business skills. Finally, they will provide seed money for the establishment of new CDC's and for the expansion of available capital in existing CDC's.

In short, these grants will strengthen and expand community development corporations. They represent investments in entities that are investing—successfully—in some of our Nation's most depressed economic areas, from the barrios of Los Angeles to bayous of Louisiana.

And that is why I am pleased to be an original cosponsor of the Homelessness Prevention and Community Revitalization Act of 1990. Mr. President, we are confronted by millions who live in the shadows. As Hubert Humphrey said, a moral test of government is how it treats these people. This legislation will give light to those who sit in darkness. I urge my colleagues to join with me in support of this needed measure.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. The hour of 10 a.m. having arrived, under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 2240, a bill to amend the Public Health Service Act to provide grants to improve the quality and availability of

care for individuals and families with HIV disease, and for other purposes.

George Mitchell, John Glenn, Herb Kohl, J. Lieberman, Jeff Bingaman, Patrick Leahy, Chris Dodd, Charles S. Robb, Bob Kerrey, Alan Cranston, John Heinz, Mark Hatfield, Bill Cohen, Bob Packwood, Joe R. Biden, John F. Kerry.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore. By unanimous consent, the quorum call has been waived.

VOTE

The ACTING PRESIDENT pro tempore. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 2240, the Comprehensive AIDS Resources Emergency Act, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. WIRTH] is necessarily absent.

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 95, nays 3, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—95

Adams	Ford	McClure
Armstrong	Fowler	McConnell
Baucus	Garn	Metzenbaum
Bentsen	Glenn	Mikulski
Biden	Gore	Mitchell
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boren	Gramm	Nickles
Boschwitz	Grassley	Nunn
Bradley	Harkin	Packwood
Breaux	Hatch	Pell
Bryan	Hatfield	Pressler
Bumpers	Heflin	Pryor
Burdick	Heinz	Reid
Burns	Hollings	Riegle
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Coats	Johnston	Roth
Cochran	Kassebaum	Rudman
Cohen	Kasten	Sanford
Conrad	Kennedy	Sarbanes
Cranston	Kerrey	Sasser
D'Amato	Kerry	Shelby
Danforth	Kohl	Simon
Daschle	Lautenberg	Simpson
DeConcini	Leahy	Specter
Dixon	Levin	Stevens
Dodd	Lieberman	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	Wilson
Exon	McCain	

NAYS—3

Helms	Humphrey	Symms

NOT VOTING—1

Wirth

The PRESIDING OFFICER. On this vote, the yeas are 95, the nays are 3.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KENNEDY. Mr. President, first of all, I express our appreciation to our colleagues in supporting the leadership's motion to proceed to this legislation. It is very clear from the outcome that this body wants to move ahead and give consideration to this extremely important worthwhile emergency legislation that has over 65 cosponsors.

We have had an opportunity to examine some of the amendments, and we are prepared to deal with them. We know that there is a full calendar for this institution, and we are very hopeful that we can move this process along very expeditiously. I hope that those who have amendments will come to the floor so we can begin this debate.

Mr. HATCH. Mr. President, I want to compliment my colleague from Massachusetts for being such a staunch advocate for this legislation. I am pleased that we are now moving to consideration of S. 2240, the Comprehensive AIDS Resources Emergency Act.

Mr. KENNEDY. Mr. President, the Senator is entitled to be heard. May we have order in the Senate.

The PRESIDING OFFFICER. If the Senator will withhold, the Senate will be in order. Will the Senators please clear the aisles so the Senator from Utah can be heard. The Senator from Utah.

Mr. KENNEDY. Mr. President, the Senate is still not in order. This is an important issue, and we would like the attention of the Senate.

The PRESIDING OFFICER. Will the Senators standing in the aisles please return to their seats.

The Senator from Utah is recognized.

Mr. HATCH. Than you, Mr. President. Mr. President, this bill is called the CARE bill. I think this vote on cloture shows how much we all care about this. It was 95 to 3. I hope there will be no further delays in pursuing this legislation.

This is important legislation. It is public health legislation. I think nobody should miss that particular point. I do not care what the underlying cause of AIDS is. All I know is there is a problem out there that needs to be addressed. We cannot address it by sitting back and ignoring it.

We are going to have to approach this problem in a caring, intelligent, compassionate, and decent way. That is what this bill does.

As a conservative, I hate to add any more spending to our Federal Government. We have enough, and I would like us instead to make priority choices among different competing programs. But if I had to make a priority choice, this would be one of the priorities I would choose, because it means a lot to this country; it means a lot to everybody in this country.

We simply have to alleviate pain, suffering and difficulty, not just for those who have AIDS, but also for those who are surrounded by people with AIDS—the families of those who have AIDS, and the health care professionals who work with this condition all the time. This includes the doctors, the nurses, and other health care practitioners in the hospitals, particularly in the 13 large cities that are targeted in title I of this bill. We cannot ignore this need and act like it is going to go away if we don't do something about it.

Mr. President, most of us have heard the stories of family members whose loved ones are suffering from AIDS. We have seen babies with AIDS, babies abandoned in hospital wards. We have seen both our rural and urban health care systems strained to the very limit.

We have to respond to this crisis and this call for help. This legislation responds to the diverse treatment needs of those who have AIDS, including children and families. It provides relief for hospitals and other community-based programs straining under the economic burden of providing compassionate care to those with AIDS. It sends the necessary financial support to our research community to help them find effective therapies.

Today, in considering the CARE bill that will fill in the cracks in our health care system, we have the opportunity to show compassion for those who are infected with HIV. This bill sends a strong message. It sends a message of hope, of care, of charity. It sends a message to the families who have a child infected with the HIV virus that they are not forgotten and that we all want to help.

Let us not get trapped into inaction because of how or why people became infected. Let us instead follow President Bush's wise counsel when he said.

In this Nation, in this decade, there is only one way to deal with an individual who is sick. With dignity, compassion, care, confidentiality and without discrimination. Once disease strikes—we don't blame those who are suffering. We don't spurn the accident victim who didn't wear a seatbelt. We don't reject the cancer patient who didn't quit smoking. We try to love them and care for them and comfort them. We do not fire them, or evict them, or cancel their insurance.

Those are good words by President Bush. Today, let us give every person who has AIDS hope. Let us care for them as no society has every cared before. Let us not condemn them to death.

Some have called AIDS the No. 1 threat to our national and, possibly, international health. As of the end of March 1990, over 125,000 American

men, women, and children have developed AIDS. Over 78,000 of them have already died. The tragedy does not end there. It is estimated that as many as 1 to 1.5 million Americans may be infected with the AIDS virus. Mr. President, we cannot ignore the statistics that show the increasing number of AIDS cases, especially among heterosexuals and children.

Yesterday my distinguished colleague from North Carolina raised important questions about who has AIDS and why.

Today, I have a new chart which describes the most recently reported numbers of AIDS cases and the rate of increase based on how the disease was reported to be transmitted. These figures have been updated to show what was reported between 1989 and 1990.

This is the increase in the number of AIDS cases.

The chart shows that in 1989 there were 18,804 reported cases of AIDS among homosexual and bisexual men. This number increased by 13 percent in 1990 to 21,256.

The new cases attributed to heterosexual contacts rose by 31 percent during this same time. In 1989, there were 1,725 reported cases, and in 1990 there were 2,261 reported cases.

For cases of AIDS transmitted from mothers to newborns—where there was absolutely no choice and they absolutely could not prevent it because the mothers had AIDS either from a blood transfusion or from IV drug abuse—the number rose from 494 in 1989 to 597 in 1990. This represents a 21-percent increase.

And, the number of reported cases among women has also risen by 21 percent, 3,387 in 1989 to 4,092 in 1990.

Mr. President, these numbers show that the total number of reported AIDS cases is still primarily found among homosexual and bisexual men. However, AIDS is striking women, children, and heterosexuals at a growing rate. These numbers only represented the cases that are reported. Tomorrow's numbers may show differing numbers, especially as the rates continue their current upward trend, and I believe they will continue to go up exponentially unless we pass legislation like this.

CONCLUSION

Today, we can pass a bill to fight a common enemy—the AIDS epidemic and the pain and suffering it causes. We in Congress realize it is hard and emotionally draining work to care for people who are severely ill. For instance, we know that AIDS patients require an unusually intensive level of care when hospitalized. This Nation owes a debt of thanks to those health care institutions and health care professionals that have reached out to help poor patients with this terrible affliction or disease.

But they need more than our thanks. This legislation supports hospitals and care facilities that have been serving the largest number of low-income AIDS patients. The bill not only helps these facilities directly, but it also supports better, more appropriate, and less costly care by providing funds to expand the availability of alternatives to hospital care. Community-based outpatient services, such as home care, offer patients and their families more compassionate, dignified, and cost-effective care. Such services are necessary in both urban and rural areas.

Mr. President, over one-half of the U.S. Senate has endorsed this measure. The list of cosponsors is genuinely bipartisan, demonstrating, Mr. President, that Republicans and Democrats have put aside their differences to address the No. 1 public health epidemic—AIDS.

I wish to add to those cosponsors the distinguished minority whip of the Senate, Senator ALAN SIMPSON. I ask unanimous consent that he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, none of us believes that this bill will end the debate over the causes of this disease or the methods of its prevention. But, through this bill, we show our compassion for its victims and their families and demonstrate to those who feel abandoned that we care. This bill merely provides services to those Americans who are infected with HIV. No more, no less.

This bill helps people like Ryan White, like Elizabeth Glaser, and a boy, in Utah, named Tyler. Let me share this story with my colleagues.

Tyler Spriggs is an active and relatively healthy 4-year-old that was diagnosed with AIDS at 18 months of age. He contracted it from his mother before birth. He is currently living with his aunt, Carolyn, and her family. He receives gamma globulin and AZT.

Aunt Carolyn has been his advocate for it is impossible for these young children to stand up and say what they need. She has worked to get AZT treatments for him when there was not a drug protocol for children. Carolyn said that she is working to decrease the stigma that is associated with those like Tyler who have AIDS. She also works to get services for families who have a member with AIDS. Currently, these services are limited. Tyler's family is at least grateful that Tyler is the only one in his immediate family who has AIDS.

Life is more difficult for families where the caregiver is affected, as well as the children. Additional services are desperately needed so that children, like Tyler, can live as normal a life as possible. Tyler deserves our help. Tyler deserves my help.

I want S. 2240 for Tyler, for Belinda Mason, for Elizabeth Glaser, and her young son and for countless others, because I do not want to condemn them or any like them, regardless of who they are or what their personal lifestyles are to death. I do not care how Tyler got the disease. All I know is that he has it. I care that he get treatment.

In closing, I thank my colleague from Massachusetts [Mr. KENNEDY]. His vision in this area is a compassionate nonpolitical approach to this health issue and his vision is what made it possible for us to be here today on the bill.

I also commend his staff for the work they put into this substitute bill and before it is over I intend to name them.

I think it is worth our effort to see that this legislation is passed, and I thank all the Senators who voted to invoke cloture today for their support. I think this is an important bill. I hope we will move forward to passing it. If there are amendments I hope the Senators will come to the floor and present those amendments for our consideration. Finally, I hope before it is all over that this will be a fitting tribute to Ryan White and his mother and family; a tribute to the courage Ryan had shown and to the courage that he represents to all of us.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If the Senator will withhold, we are on the motion to proceed, and amendments are, therefore, not in order at this time.

Mr. MCCAIN. Mr. President, I ask unanimous consent that this amendment be considered at this time and that it is agreed to by the majority and minority.

The PRESIDING OFFICER. Is there objection?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, reserving the right to object—and I would feel compelled to do so without casting any aspersions on the amendment of the Senator from Arizona since we are in the parliamentary situation where the bill is not before us—as the floor manager just following the rules of the Senate, I reluctantly feel obligated to object.

The amendment will be offered when we get to the bill, and I am very hopeful we will be able to get to the bill very shortly. It is a very worthwhile and commendable amendment and one that I am going to support

and, as soon as we get to the bill, I will advise the Senator from Arizona, or I will be glad to offer the amendment for the Senator from Arizona at the appropriate time.

Mr. McCAIN. Mr. President, I withhold my unanimous-consent request.

Let me just say I just heard my colleague and dear friend from Utah urge Senators to come over with amendments. I am here with an amendment. I say to my friend from Utah, I heeded his call perhaps in a premature fashion. I hope both my friends from Massachusetts and Utah will allow me to propose the amendment at the appropriate time and I be notified at such time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I suppose in my exuberance I bypassed the parliamentary situation. I hope we can. I hope that those who feel strongly the other way with the vote of 95 to 3 will come in and allow this bill to proceed at this time without going through the necessary 30 hours that the procedures would require. If they will, we will be very grateful so we can proceed on this bill and any amendments that our colleagues would like to bring to the floor, we would be grateful at that particular point.

I suggest the absence of a quorum. I withdraw the request.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. PRYOR. Mr. President, if the distinguished Senator from Utah would delay the quorum request, I would appreciate it.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. PRYOR. Mr. President, if I may ask the distinguished managers of the bill if they have further discussion or statements they would like to make. I have a very short statement.

Mr. KENNEDY. We welcome any comment the Senator from Arkansas; we always welcome his comments.

Mr. PRYOR. I thank the very distinguished Senators.

Mr. President, I have two stories to tell this morning, and I think in real terms these stories tell a great deal. They sort of humanize the chart that the distinguished Senator from Utah showed to the U.S. Senate a few moments ago.

If I might, I would like to respectfully ask the attention of the Senator from Utah because I am trying to point out and bring to bear two human interest stories that he had on his chart.

I would like to say, Mr. President, that a few weeks ago I was in a grocery market in my community. It was late in the afternoon. I was pushing my grocery cart. I got back to the dairy counter and I was there looking at what I was going to pick up or not pick up. I recognized a young lady. I knew here and I had known her sister.

I said, "Well how are you doing?" She said, "Well, just fine." I said, "How is your sister?" She said, "We buried her last week."

I had known her sister as a brilliant surgeon in her midthirties. I said tell me about it. She said, well, she and her husband took a second honeymoon. They went to Puerto Rico for 5 or 6 days. One evening late on the beach they were walking barefooting through the sand and all of a sudden a gang attacked both of them with knives and icepicks. They stabbed her multiple times. She lost a tremendous quantity of blood. Her husband was beaten unconscious.

They took the young lady, who was in her own right a very splendid surgeon, to the hospital. In that emergency room, evidently through bad blood or a bad needle or whatever, she contracted AIDS. Within a year, she was dead. A life was lost. She did not live in the so-called homosexual community of San Francisco or of New York. She was a surgeon in Little Rock, AR, a splendid surgeon, and that life is lost.

There is another case, Mr. President. Last year, in a fine Methodist church in my community, the 70-year-old associate minister of that church rose after the Sunday sermon. He asked those in attendance to remain for a few moments. He got up in a very dramatic moment.

He said, this 70-year-old associate pastor, "I would like to tell all of you as my friends that I have AIDS." He said, "You will remember a few weeks ago or a few months ago that I had surgery. Many of you came to my hospital room. Many of you sent flowers and telegrams and letters, and your support and warmth pulled me through some very dark hours. But because of a syringe, bad blood, whatever, I now have AIDS."

I am humanizing the statistics that the Senator from Utah just pointed out in his chart that shows us what an overwhelming and awesome duty that this Senate is facing today in dealing with this piece of legislation.

Some who are listening might say to themselves, "Oh, I bet when they heard their associate minister say that he had AIDS through no fault of his own they all ran out the back door." Just the opposite, Mr. President. They rallied to his side. They took him to their bosom and they cared. They said, "We want to help."

The third experience that I have had, Mr. President, was last night. I had the privilege of attending one of the most special dinners I think I have every attended in Washington, DC. It was a dinner sponsored by the Institute of AIDS Studies in Immunology and Aging. The proceeds for this dinner went to AIDS immunology research at George Washington University Medical Center. One of the honorees of the lifetime science award was Dr. Jonas Salk.

I am older than the Senator from Utah. But I can remember when I was growing up in my small hometown of Camden in south Arkansas in the 1940's, we had two fears: one fear was the Nazis invading Camden, AR, and the second fear was getting polio. Dr. Jonas Salk saw to it that second fear was alleviated. And today Dr. Jonas Salk is devoting not only his lifetime but the resources at his command to trying to deal with the question of AIDS, how to solve it in our lifetime.

In his short acceptance speech last night, Mr. President, he talked and pled with all of us there about the need for research dollars and how awesome this disease, worldwide, not just in San Francisco or New York, can be on this civilization.

I know that any time there is a bill like this that has anything to do with AIDS, we know what happens. We know that oftentimes, even though the meaning is good, questioning no motive, that some individual seems to think that we might have to attempt once again to appeal to the fear and not the reason of this body.

This is a time that I believe that we can appeal to the reason, that we can accept the fear but appeal to the reason, because we are truly in an area of the unknown. It will be people like Dr. Jonas Salk. It will be people like those honored last night receiving those lifetime science awards. But, we will not have people like those who received awards last night unless we structure programs to fund their research, and unless we structure those programs in such a way that the scientists can spend the research dollars in the best way.

Mr. President, we have spent some $20 billion on SDI, the strategic defense initiative—$20 billion. Can anyone in this Chamber tell us what good we have received from that $20 billion expenditure?

This year, in this legislation, do you know what the request for AIDS research in our country is going to be? One billion dollars.

I heard a speaker just the other day say that within 10 years one out of every four hospital beds in America could be occupied by an AIDS victim. Mr. President, they are not necessarily homosexuals and once again they are not from San Francisco or just New York. They are children whose only sin it was is to be born. They are men like I just talked about, the associate pastor in Little Rock, AR. They are like the surgeon, the young lady, who lies in her grave today because we did not know, we did not have the cure or the answer for this disease, which is

the disease not only of our country but the entirety of the world.

I wish I knew everything that was in this bill, but I do not. I can tell you, though, that I am going to support it. I am going to support it because I think it makes a statement that this country is going to reemphasize the priority of finding a cause for this disease.

Mr. President, we have a duty in the Senate. I hope we not only see that duty but, most importantly, I hope we meet that duty.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I wish to express appreciation for the comments and the absolute excellent statement of the Senator from Arkansas. He has, over the time of his service, taken special interests in a variety of the health care issues. He takes them seriously. I think any of our colleagues who just heard him know how strong he is personally committed to extending the hand of compassion to our fellow citizens. I thank him for an excellent statement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

Mr. HELMS. Mr. President, yesterday I made a few comments on the floor. It was Monday. It has been announced the previous Thursday that there would be no votes on Monday. There were only four Senators on the floor: the distinguished Senator from Utah [Mr. HATCH]; the distinguished Senator from California [Mr. CRANSTON]; and the Presiding Officer, who for a substantial amount of the time was the distinguished Senator from Virginia [Mr. ROBB]. At the pain of being repetitious, I want to say a few things today that I said yesterday. I will try to be brief.

First of all, let it be understood that the bill we are about to proceed to is going to pass the very same U.S. Senate that allowed the Labor-HHS appropriations conference to strip out an amendment previously approved which would have let the wife of an AIDS infected husband—who was a homosexual—know that her husband had AIDS. I mentioned this a number of times on the floor of the Senate, and I think it bears repeating from time to time, particularly, when we begin the process of trying to solve another problem by throwing money at it.

About 2 years ago, Mr. President, I received a telephone call from a young woman who was employed at that time in the House of Representatives. I took the call because Mrs. Devine, my secretary, said "Senator, this young lady has a problem, and she needs to discuss it with you."

So I picked up the phone and I said, "Yes, how can I help you?" The young lady said, "Senator, I need to talk with you, and I need to bring my mother with me to talk with you." I could tell by the tone of her voice that she was quite upset. So I said to her, "Of course, when can you come?" And she said, "We can come now." And they did.

I had never met the young woman, let alone her mother, until they walked into my office, and I recall they were two lovey ladies sitting there. We engaged in the customary pleasantries for a minute or so, and then I asked the young woman, "How can I help you?" And she said, "I am going to let Mama tell you."

Well, the mother sat speechless for perhaps as long as a minute; tears came in her eyes, and she said, "I do not know where to begin." So we just began somewhere. She said, "Well, Senator to be honest about it, I have AIDS."

Of course, that jolted me a little bit. Then she began to recite the circumstances by which she had caught this dreaded disease. Her husband who was a prominent attorney in a city in the State of Michigan, she said, turned out to be a homosexual. She did not know that. And he had developed AIDS and she did not know that. Her husband's doctor had told the man that he had AIDS, but the husband refused to permit the doctor to inform the man's wife that he had the disease. And that is how she became a victim of AIDS.

A few months ago, ABC news did a report on this young lady and her mother. Sam Donaldson interviewed her. As the interview progressed, it was apparent that Sam Donaldson became increasingly amazed that any government could permit this type of horror to go on in the name of civil rights. I do not think Sam Donaldson is easily shocked. He has been around this town for a long time. He has seen a lot and done a lot. But he was horrified that this state of affairs exists where an innocent wife is not even permitted to know that her husband has AIDS.

What goes on, Mr. President? What goes on is what this Senate allowed to go on and what this Senate is doing right now with this bill which is going to pass overwhelmingly. I said that yesterday and I repeat it today. There is not a chance that this bill will be stopped because there is a powerful lobby out there in the media and in the homosexual community, and Senators are scrambling to put their names on anything that even has the characterization of doing something about AIDS. In other words, throw the taxpayers' money at it, far in excess of what we are doing for any other disease.

Yes, this bill will pass, no question about it. And I imagine that the editorial writers have cranked up their little machines already to describe that ogre from North Carolina who dares to say wait a minute. Well, I do say wait a minute. So, here we go again.

We are in the process of beginning to consider another AIDS spending bill. This one is numbered S. 2240 if anybody wants to write it down. It has one of those fancy names which includes the word "emergency." Anything the liberals want, they put the word emergency on it and it goes zipping through. But this has the title the Comprehensive AIDS Resource Emergency Act. In other words, let us get this money real quick, the billions of dollars extra and spend it.

How it is spent, well, you will hear all sorts of platitudes. But it is a statistical exercise that is fascinating to say the least. The point is President Bush has already called for $3.5 billion in AIDS spending for next year—$3.5 billion.

And now we are facing consideration of a 5-year authorization for another $2.9 billion for more AIDS programs, $600 million next year in addition to the President's $3.5 billion.

Incidently, Mr. President, the Capitol Police called yesterday to my office and said we would like to have a couple of our people escort Senator HELMS around the Capitol for a day or so. I said I do not need any escort. I do not need any protection. I do not want it. I am not one of these Senators who run around with a bodyguard. A lot of Senators love it, but not this Senator.

I said what is going on. They said, well, frankly, some members of the homosexual community have made some threats against Senator HELMS. Well, la-di-da. Let them threat. Let them threat.

So once again this homosexual community—and that is putting the nicest possible description on it—and that community's apologists in this Senate, in this Government, in the news media—has whipped up the AIDS hysteria. It borders on terror. There has been proclamation after proclamation that AIDS is everywhere and that we are on the verge of another bubonic plague.

Yesterday, my good friend from Utah, ORRIN HATCH, one of the nicest young men I have ever known, had quite a few charts on easels sitting right down there and every figure he had was in percentages. I see the young pages nodding. They remember.

He showed a 75-percent increase here and a 45-percent increase there. I began to ask questions. I said percentages are all right. But what about the

numbers? I happen to know some of the increases in the several States. There is one State that had 7 cases of AIDS as I recall in the early eighties and by the end of last year, 1989, that caseload had increased to a level of about 9 or 10.

So I asked the Senator from Utah, I said how many cases? I know all about the percentages.

Think about it. If a State had one case of AIDS in early 1980 and had two in 1989, that is a 100-percent increase. Roll the presses. Get everybody terrified.

I still want somebody to put out the numbers. Do not talk in theoretical terms. Do not project, because when you project you find yourself sooner or later in the position of the Centers for Disease Control which just last week acknowledged that all of the projections they made a few short years ago had been exaggerated. So they are backtracking. They did the best they could in projecting; I am sure of that.

The saddest thing about all of this is an enormous amount of the American taxpayers' money will be used indirectly if not directly to proselytize a dangerous lifestyle.

I read not long ago that a distinguished scientist said that there was not one AIDS case on record, Mr. President, that did not have its origin in sodomy; not one.

In the meantime, while we are beating our breasts and throwing more billions or proposing to throw more billions at a problem, millions of other Americans gravely ill with Alzheimer's, cancer, diabetes, and so forth, are cast aside. Also being cast aside is common sense. But you will not see that in the vote this afternoon or tomorrow or whenever it occurs, because there is a headlong rush to feed the appetite of a movement which is not going to be satisfied until the moral and social fabric of this Nation has been irreparably changed.

Sure, I will get beat again on this. I know that. It is no novelty to Senator HELMS from North Carolina. But I want to be able to say that I tried.

Now this legislation—and I repeat the bill number so if anybody wants to write it down, S. 2240—has been orchestrated so that it will be perceived as having been dedicated to the memory of Ryan White, bless his heart, a courageous little fellow, who died of AIDS on Palm Sunday.

Now the tragedy suffered by this little boy and his family was and is very real. He was a young hemophiliac who contracted AIDS. How? There you go again. He contracted it because he was given a transfusion of tainted blood. And remember what the scientist said: there is not a single case of AIDS on record that cannot be traced in origin to sodomy.

Young Ryan White was immediately, I guess the word is ostracized in school because the people in his community were frightened. His community had been led to believe that AIDS is readily transmissible by even the smallest of children. And then that little boy spent 5½ years of his short life enlightening the public about his horrifying affliction.

Ryan White told the American people that you do not get AIDS by chewing on pencils or saying hello to somebody in school. He repeatedly said that children have been the unknowing victims in this scenario. And I think it could be agreed by all Senators—at least we can agree on this—that no compassionate American can fail to be moved by the story of Ryan White, and he deserves an honest remembrance.

But at the same time, the American people deserve an honest assessment of those who have so callously used the suffering of Ryan White to promote their political agenda.

I remember the days before Ryan White died, people from Hollywood, politicians, the news media, flocked, just like a covey of birds, to Ryan White's home. There were television cameras there, and you could almost see them looking for the television camera. They were bidding for the attention of television, helping to promote the type of ignorance and misinformation that has elevated AIDS into a political issue totally out of proportion to its medical impact on the people of this country. And you better believe that the so-called homosexual community understood that Ryan White's story was just too good to pass up, too great an opportunity.

Now let the record be clear: little Ryan White was not an IV drug user, nor was he a promiscuous homosexual. He was just a litte boy who undoubtedly had hopes that he would one day play baseball in the major leagues or be a scientist or a teacher or maybe President of the United States. Therefore, his struggle and death could be used to frighten the American people into believing that AIDS is waiting to happen to everybody, even if they do not engage in illegal and immoral activities.

But remember what I said when I quoted the scientist who said there is not a case of AIDS on record that cannot be traced back in its origin to sodomy.

And you know I was thinking yesterday, with the possible exception of this Senator and one or two others, I have never heard one Senator in all of the AIDS debates that we have had say to those who practice sodomy and shoot up with illegal drugs: "Stop what you are doing."

Now we could go further than that. We could say, "If you stop what you are doing, there will never be another new case of AIDS other than those already in progress." So let us put the shoe on the right foot.

I had Senators, on this very bill, as well as earlier AIDS bills say: I agree with you, JESSE, but I am not going to tackle that crowd out there because the newspaper editors will eat my lunch for me. They will castigate me back home.

I say: Well, what do you think they do to me?

But nobody wants to tackle it. There were three Senators who voted against cloture a while ago—three. Why? I will tell my colleagues why. The rules of debate for this particular public health issue are different from every other disease this Nation has ever encountered. Have my colleagues ever thought about that?

In the AIDS debate, Members of the U.S. Senate operate under a rule which says you had better not mention certain facts and better not bring up this issue or that one. It is better to leave them unmentioned; better to let a sleeping dog lie.

The trouble with that it has taken us farther down the road to nowhere. Count it up. Counting the President's plans for $3.5 billion for next year, here we come with $600 million this year and $600 million the next year, and whatever it may require after that for 5 years. That adds up pretty quickly to pretty close to $6 billion.

Somebody said: JESSE, you are going to be condemned as a homophobic. Let me say what I said yesterday. I am a Baptist. I was trained as a little boy, and still try to practice it, that it is OK to hate the sin but do not hate the sinner.

Some of the people who are engaging in certain tactics around this country make the second half of that a little bit difficult. But I do not hate them. I just disagree with them even when some of them cause a security officer to walk right behind me. That does not bother me.

The real tragedy of all of this is the public health system of America has been ripped apart, and the tragedy of Ryan White is being exploited to promote a political agenda, in this case a $3 billion political agenda. And it is going to put even more innocent children like Ryan White at risk.

I noticed a rather interesting commentary the other day in one of the Washington papers. The writer, named Tony Snow, said essentially the same thing I have just said. And then he added: "That's sick."

Before turning to the statistics of where we have been heading in this epidemic, let me make clear that if IV drug users and homosexuals—and homosexual men in particular—would just stop their activities, there would never be another new case of AIDS in America, because over 90 percent—and nobody challenges this—over 90 per-

cent of all cases of AIDS are to be found in homosexual and bisexual men and/or drug users, IV drug users.

Mr. President, it is true that AIDS has killed 78,000 people since 1980. That is a terrible tragedy. Do my colleagues think that is the biggest killer? Think again. The Centers for Disease Control pointed out in its estimate of the impact of the disease that the extent of the problem is far less than was originally predicted in the early 1980's.

The Centers for Disease Control, in fact, have revealed estimates showing, despite all of the dire warnings, there has been no outbreak of AIDS among heterosexuals; that is to say, people who do not engage in sodomy.

And, in fact, Dr. Rand Stonebrunner, who is the director of AIDS research for the New York City Department of Health, in reporting the discovery of seven cases of AIDS among heterosexual men in New York City, added, and he did so emphatically, that he was convinced that six of those seven had lied about whether they had committed sodomy and/or IV drug use.

That means, obviously, only seven purported cases of heterosexual AIDS in all of New York City, and look at the money that is going to New York City. Seven cases of heterosexual AIDS have been found among the thousands upon thousands who have been infected with AIDS. And the doctor, Dr. Rand Stonebrunner, said six of those seven are in doubt.

I said yesterday, and I repeat today, I do not claim to be a research scientist, but I think I am smart enough to understand that the incidence of AIDS has gone down due to the fact that the people among whom this disease thrives have already been saturated by it.

As a side note, Mr. President, a young lawyer—a former member of the 82d Airborne Division, and a former staff member of the U.S. Commission on Civil Rights—named Michael Famento, has just written a book entitled, "The Myth of Heterosexual AIDS." It is an excellent, scholarly work, but you know what? The homosexual lobby—the same crowd that loves Mapplethorpe—is threatening book dealers and publishers who promote the book. They are trying to censor the truth because Michael Famento has said that this disease continues because of the activities not of heterosexuals or children, but promiscuous homosexuals and IV drug users. So much for free speech and self expression.

Nevertheless, the American taxpayers have been required to furnish $1.5 billion on AIDS research in fiscal year 1990, while overall AIDS spending was $3 billion. I repeat, for emphasis, President Bush has already asked for $3.5 billion more in AIDS spending for fiscal year 1991—fiscal year 1991—and the distinguished managers of this bill, Mr. KENNEDY and Mr. HATCH, now seek to authorize, as I have said earlier, $600 million extra for next year; $600 million the following year; $600 million, in all likelihood, the third year. But the way they put it is "Whatever it takes." Whatever may be necessary.

Let us look at a few other diseases which are of great concern to the American people. Heart disease, for example. This just happens to be the Nation's No. 1 killer. Between 760,000 and 950,000 lives will be taken by heart problems this year. Think about the $5 billion contemplated for this one disease. How much do my colleagues suppose Uncle Sugar is going to spend on heart disease research? Six hundred forty-nine million dollars.

Cancer will kill, it is projected, 518,000 this year. But cancer research has been funded at only $1.6 billion. Alzheimer's? I expect every Senator in this body knows someone, either in his family or his circle of friends, who has been stricken with Alzheimer's. It afflicts 4 million Americans and it is projected that it will kill 100,000 at a minimum in this year of 1990. Yet Alzheimer's funding stands at $148 million compared to the $5 billion for AIDS. As a matter of fact, that $148 million that will be spent trying to do something about Alzheimer's disease is less than is spent on AIDS educational material. And you know what I mean by that. That means to distribute information to the sodomy crowd to tell them how to do safe sex. We are going to spend more money on that than we are going to spend on Alzheimer's. Spending the taxpayers' money to promote safe sex is just an excuse for promoting, or at least recognizing as just another lifestyle, a tremendously dangerous and promiscuous activity.

Diabetes, 11 million Americans are afflicted with diabetes. My information is that it kills about 36,000 people each year. Yet diabetes research received Federal funding of precisely $267 million for 1990.

According to the Public Health Service, people with AIDS represent one-tenth of 1 percent of the patients, the sick people, in this country—one-tenth of 1 percent. It may be of interest that 86 percent of the patients in the Nation's hospitals and clinics are suffering from mental illness to one degree or another in one way or another.

The Center for Disease Control says that on average less than 10,000 people with AIDS have lost their lives each year since 1980—10,000—yet we are talking about programs to spend more than $4 billion on AIDS in fiscal year 1991.

Let us look at the statistical information, since it is so fashionable to use statistics. The Federal Government spends an average of $10,000 on research for every AIDS patient—one patient, $10,000 spent. Now about cancer patients? One hundred eighty-five dollars per patient; the mentally ill people of this country, $7 per patient. I am talking about federally sponsored research.

I am very interested, Mr. President, in the assessment of all this by Time magazine. I alluded to this yesterday and I think it is worth repeating. Time magazine is not recognized as a bastion of conservatism in the United States of America, but Time magazine pointed out the dangers of just throwing more and more money at the AIDS problem. I think it was the January 22 edition of Time magazine in which Time included a detailed report which it entitled "The AIDS Political Machine."

The magazine described the activities of a well-oiled, special interest lobby which has gone a long way toward altering the way the public health apparatus of the U.S. Government conducts its business. Time raised the legitimate question of whether or not AIDS activists have distorted the national medical response to this disease and as a consequence have Members of Congress jumping through hoops and HHS and all the rest throwing money at the problem.

The dollar figures used for AIDS research represent more than excessive Federal attention to the disease. Money and time are being diverted from other projects to AIDS. Because AIDS research is so singularly focused, the likelihood of a spinoff medical discovery is remote. Dr. David Korn, who is dean of the Stanford Medical School, was quoted in Time as having said, "When you target money too narrowly, you exclude other areas that may prove very fruitful."

Mr. President, what is going on? I raised the question yesterday; I raise it again. I have heard over the past 5 years, in vigorous and sometimes heated debate on this floor, Senators stand up and rail against my proposal or a proposal by another Senator that a wife be informed that her husband has AIDS. I can remember one Senator—he is no longer a Member of this body—who pranced up and down like an angry hornet, talking about civil rights. Well, how about the rights of that wife?

I happen to be the father of a registered nurse. They are not supposed to be informed, do you not see, that the patients to whom they are ministering have AIDS. If they have AIDS, it must be kept a secret. Every dentist in the land is now wearing rubber gloves, and a lot of people gripe about that.

Let me talk about a few troubling aspects of this legislation, and then I will continue. This bill has a section which says that no less than 15 per-

cent of the funds authorized will go to the treatment of those with pediatric AIDS—that is children. Why only 15 percent? I thought that this bill was dedicated to Ryan White, dedicated to the proposition that we are going to look after children, who are certainly innocent. But 15 little old percent? But even so, if you read down a little further in the bill—I try to do my homework—you will find that S. 2240 allows the States to waive even the use of that 15 percent for pediatric-specific programs. So what goes on? Are we really memorializing Ryan White or are we just throwing money at a problem? Allowing the States to waive that 15 percent makes this dedication to Ryan White just a little bit disingenuous in my mind.

The only legislation, as a matter of fact, that the Senate should be considering, is a proposal to save those innocent children from AIDS. I will buy that; I will support it, and I will lead the parade if anybody wants me to.

The National Institutes of Health—and this ought to be included in the RECORD—spent precisely $139 million on pediatric AIDS last year— $139 million for the children. This bill, S. 2240, proposes to spend, as I have said before, $2.9 billion in the next 5 years, primarily in the 13 cities with the largest number of AIDS. They are talking about San Francisco and New York, Chicago, and so forth.

What are the tactics? One of the tactics to gain support for this bill was to encourage the States to declare that they are undergoing AIDS crisis. Word was sent to them, if you do that, there will be some Federal matching funds. This, of course, has promoted the AIDS hysteria.

Title II of S. 2240 mandates the formation of AIDS councils in every State with any rural outbreak of AIDS, and as an attempted justification, the bill emphasizes, for example, that the State of North Dakota has experienced a 75-percent increase in rural AIDS in the past 10 years. We are talking about that sort of situation. But it is necessary to look at the fine print. If you look at the fine print regarding North Dakota, you will find that North Dakota has had a total of 18 cases of AIDS, but the catch is that 13 of the 18 cases had been identified and reported in the early 1980's. But look at the percentage used in statistics. It is a shell game, and it is going to be played out in every State, and every rural area.

The bottom line is that Greensboro, NC, or Indianapolis, IN, or rural Texas will never have an AIDS outbreak like San Francisco. A lot of folks do not want the American people to know that.

As I conclude, Mr. President, I listened very carefully to my friend from Arkansas [Mr. PRYOR]. He was very eloquent when he spoke in this Chamber an hour or so ago. He spoke about a young friend of his, a surgeon who was brutally attacked with knives and icepicks. This happened to be a young woman surgeon. She was rushed to a hospital in Puerto Rico where she tragically received a contaminated blood transfusion, just like Ryan White did and she later died. I could not be more in agreement with Senator PRYOR about the horrible waste of life caused by this disease. And I gathered that he was saying that the thrust of this legislation should be on helping people like his friend or little Ryan White, and DAVID PRYOR was absolutely correct. But that is not what this bill does. Fifteen percent for the Ryan Whites of America.

Senator PRYOR himself also said that many have used this issue to appeal to hysteria, and I already indicated that I agree with that. He made an effective case for aiding what amounts to 2 percent of the AIDS population, those who have been infected with contaminated blood. And he was right on the mark, that people like his young friend and like Ryan White had no choice.

My point has been that this legislation should focus on the 2 percent like Ryan White and like that young woman surgeon in Puerto Rico. It should focus on the women and children. But you read this legislation carefully—and I am saying this to Senators who may or may not be listening—and it says in the beginning that 15 percent of the funds must go to women, infant children, and families. And then, suddenly, it takes away the provision for women, infants, and families by saying to the States: You do not have to spend that 15 percent of the funds on the most vulnerable.

The citizens of America, Mr. President, are compassionate people, who have seen their Government make one concession after another to this what I call "special interest group." What originally began as a measured response to a public health emergency has become a weapon, frankly, for the deterioration if not the destruction of America's Judeo-Christian value system. I doubt very seriously that the majority of Americans would look with favor upon that, if there were any way for them to find out about what is really going on. I have to doubt that they would approve of S. 2240 if there were any way for them to understand and to know the implications of it, and all of the other AIDS specific legislation which comes through the Congress.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I will take a brief moment to respond to the Senator from North Carolina. We would like to see, if there is no objection, and I direct my remarks to the Senator from North Carolina—does the Senator have objection to proceeding to the bill at this time?

Mr. HELMS. I think it would be just as well to wait until the Democrats and Republicans have had their respective caucuses. I will have no objection after that.

Mr. KENNEDY. The Senator from Arizona was here with an amendment dealing with the Indian Health Service Program that we were prepared to move forward on. Some of us have been here for the last 2 hours awaiting to deal with the Senate's business. We want to try to accommodate leadership of both sides of the aisle and also 95 Senators who have indicated that they would like to move to the measure.

Since the Senator is on the floor at this time—we did not want to make the motion in the Senator's absence—that is why I took the opportunity 1 hour and 20 minutes ago to call the Senator to see whether we might move ahead with this motion to proceed so other Members can have their amendments considered.

Mr. HELMS. Mr. President, I assume the leader is yielding the floor.

Mr. KENNEDY. I was asking the Senator a question, if we could have that.

The PRESIDING OFFICER. The Senator from Massachusetts still has the floor. He has posed a question to the Senator from North Carolina.

Mr. HELMS. If the Senator will yield, my understanding is that Senator DOLE wanted to use his leadership time at 12:20. I want to find out what the Republican leader desires before I make any decision.

Mr. KENNEDY. Mr. President, I will make the motion. As I understand, we will recess for the caucuses at 12:45; is that correct?

The PRESIDING OFFICER. The Senator stands corrected. The recess occurs at the hour of 12:30.

Mr. KENNEDY. Well, Mr. President, it will be my intention to make that motion at the time when we come back in after the recess.

As I understand from what the Senator from North Carolina stated he will not object at that time. That is what my understanding is.

Mr. HELMS. Mr. President, if the Senator will yield the floor.

Mr. KENNEDY. No. I am glad to yield for a question.

Mr. HELMS. I have no question of the Senator.

Mr. KENNEDY. I would indicate to my colleague I hope if he is going to object he will on the floor, because I am going to make the motion at that particular time.

Mr. HELMS. I am not going to object. I thought I made that clear. But I want to protect Senator DOLE's

right to use the leadership time. That is the point I make.

Mr. KENNEDY. I am delighted to protect him. As the floor manager of the bill, and one who has been here since 10 o'clock, the minority leader made no such representation to me. I am always glad to accede to his request if he does have it.

Mr. HELMS. Let me look at the appropriate staff member. Did Senator DOLE send a message to me he wished to use the leadership time to get here at 12:20?

I am advised he is on his way.

Mr. KENNEDY. Mr. President, I will make a brief comment and then I will be glad to yield to the minority leader.

Mr. President, as someone who has been here a fair number of years and been involved in various debates, we are used to a variety of different tactics. One of the tactics generally used around here is to misinterpret the legislation and then differ with it. What we have just seen for the last half-hour is a perfect example of that.

As the principal author with my good friend and ally the Senator from Utah, who were the architects of the litigation, I could not even follow the continuity of the arguments of the Senator from North Carolina or to take some personal offense at the request that had been made by the Senator from Utah and myself and the other members of this committee that this legislation be dedicated to a very courageous young Ryan White, that he was being used for cynical narrow special interest purposes.

The mother of Ryan White I think can speak with a good deal more credibility about what that extraordinary young man's life meant both for the family and what he believed, much better than any Member of this body can.

I think it is only appropriate at this time just to mention, although I will include in its entirety the letter that has been sent to the different Members from an extraordinary mother, Jeanne White, that many of us have had the good opportunity to visit with and commiserate with at the loss of her son.

I will print this extraordinary letter, Mr. President, but I will read just an excerpt. It is:

DEAR SENATOR: My son Ryan White, spent the last 5 years of his life not only fighting for his life, but also fighting for the lives of all people living with AIDS.

This bill will help ensure that all people with AIDS and HIV infection receive the health care they need and they deserve. I believe Ryan would be proud to know that his struggle may have passed a bill that will aid thousands of others in their fight against this dread disease.

I urge you with all my heart, knowing that Ryan would join me in this if he could, to give the CARE bill your urgent attention and to ensure that it swiftly passes through Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Jeanne White.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 26, 1990.

DEAR SENATOR: My son, Ryan White, spent the last five years of his life not only fighting for his life, but also fighting for the lives of all people living with AIDS. Although we have now lost Ryan, we cannot lose sight of his courage and his hope. Ryan always said that we must fight the disease of AIDS and not the people who have it. No one more than Ryan understood the fear, prejudice, and discrimination suffered by people with AIDS. This fear must be eliminated, and people with AIDS must be treated with the dignity and compassion that all our fellow citizens deserve.

I am therefore tremendously proud that the Senate Labor and Human Resources Committee has chose to dedicate the Comprehensive AIDS Resources Emergency (CARE) Act of 1990 to the memory of Ryan. This bill will help ensure that all people with AIDS and HIV infection receive the health care they need and deserve. I know that Ryan was always somewhat bewildered by the attention he received. At the same time he was determined to use this attention to ensure that all Americans learned more about how to help people with AIDS, rather than fear them. I believe Ryan would be proud to know that his struggle may help pass a bill that will aid thousands of others in their fight against this dreaded disease.

The CARE bill will accomplish two important goals. First, the bill will provide 300 million dollars in emergency assistance to our cities most severely affected by the AIDS epidemic. Second, the bill will provide another 300 million dollars to help smaller communities throughout the country develop comprehensive care programs for people with AIDS.

My own experience tells me how desperately this funding is needed. Shortly before Ryan died, we were in Los Angeles for an Academy Awards party. Ryan suddently fell ill and we desperately tried to find some medical attention for Ryan in L.A. We found that the AIDS care specialists in L.A. were overwhelmed by the ever-growing caseload and they were unable to see Ryan. If Rayn, perhaps one of the most well-known persons with AIDS in the United States, could not get medical attention, can you imagine what it must be like for those who are less privileged?

We then flew overnight back to Indiana where Ryan was immediately admitted to Riley Hospital. There, Ryan was fortunate enough to get outstanding medical care and Riley Hospital generously offered to pay for all of Ryan's medical costs. But what happens to those who are not so fortunate? What happens to the hospitals that are increasingly facing bankruptcy because they continue to provide free medical care to persons with AIDS who can't afford to pay? What happens to people with AIDS in the thousands of other rural communities across the country that are not equipped to meet their special needs?

Title II of the CARE bill will provide much needed funds to smaller communities throughout the country to enable them to plan comprehensive care programs for people with AIDS. As my experience has shown, rural America is desperately unprepared to meet this growing epidemic. Without careful planning, many smaller communities could find themselves in a position similar to that of our large urban cities today. The CARE bill will help ensure that rural America will be prepared for AIDS, and that no one will ever again have to experience the frustration and despair that Ryan and I had to face when trying to get him the health care he needed.

I urge you with all my heart, knowing that Ryan would join me in this if he could, to give the CARE bill your urgent attention and ensure that it swiftly passes through Congress.

Yours truly,

JEANNE WHITE.

Mr. KENNEDY. Mr. President, one thing that was extraordinary, and there are many things about this remarkable young man, was after he received that tainted blood transfusion, to the moment he drew his last breath here on Earth, he never condemned anyone. He was not looking for the scapegoats. He was not looking for those who may have lived in a different lifestyle. He was not looking for scapegoats among individuals in our society.

What he was doing was reaching out in the true spirit of the American character to recognize that there were people who were suffering, there were health professionals that were in need, and there were communities that were being impacted and that as fellow citizens, as we here recognized that there was a crisis in South Carolina with Hurricane Hugo, or there was an earthquake in California, that we responded to that, there really is a crisis in terms of our health care facilities and among many of our fellow citizens, and we ought to deal with that particular issue and question.

Mr. President, I see the minority leader here on the floor. I will take the opportunity of reviewing for the Senate and putting in some perspective what the nature of the whole challenge is in dealing with the whole HIV virus for our country, how it really developed here, what the real facts are about this, statistics that we have from the Centers for Disease Control which I will include in the RECORD at the appropriate time, and then to indicate exactly what this legislation does and how important and relevant it is for our fellow citizens.

But I understand we are going to adjourn at 12:30. The minority leader did desire to address the Senate, and so I will withhold until we come back after the recess.

Mr. DOLE. Mr. President, I thank first of all my colleague from Massachusetts and join him in his praise of Ryan White and his mother, whom I have also met and had the privilege to discuss with her the AIDS problem.

Mr. President, I think leader time has been reserved; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I would like to proceed for 5 minutes.

The PRESIDING OFFICER. Under the previous order the Senate is scheduled to recess at the 12:30.

The Senator may proceed without objection. Without objection, it is so ordered.

The Senator from Kansas.

Mr. DOLE. Mr. President, I want to talk about two subjects very quickly, and I think they are both highly important. One is aid to Nicaragua and Panama.

AID TO NICARAGUA AND PANAMA

Mr. DOLE. Mr. President, it has been nearly 2 months now since the President made his request for aid to these two countries, both emerging new democracies and both countries where we have a special responsibility because we were part of the problem and are still part of the problem.

Yesterday President Violeta Chamorro sent a cable to President Bush urging him to speed up the $300 million in emergency aid now stuck in conference in the Congress. I think she is a little unhappy.

She was here. In fact many of us met with her. I met with her and with the distinguished majority leader in his office.

We have a special obligation, and I know some people think we probably should not help anybody around the world, but we have a special obligation in Nicaragua because we have been involved in the policy there a long time. We urged free elections, democratic elections, and they were held. Violeta Chamorro was elected. We promised her assistance if she were successful.

We hear a lot about freedom and democracy on both sides of the aisle. We were telling her before her election if she were elected she could count on us. We all congratulated her, and the final result is that Congress is still playing games and she does not have anything to show for it.

Now some, primarily the House, want to inject El Salvador into the process. We want to go back and try to reinvent the wheel on El Salvador, and limit aid to El Salvador, and make that part of the package because of the tragic death of the Jesuit priests and others in El Salvador.

I might add there have been tragic deaths in other parts of the world, children, men, women, old, young. If we are going to start an aid program based on what we consider to be justice then we may have to look at every country and everywhere American aid does and give our colleagues an opportunity to pass judgment on justice in every country. I do not believe we want to start down the road.

I certainly think we want to see justice done in El Salvador. But I am not quite certain why we are holding up aid to Panama and Nicaragua. They are still waiting for food, clothing, and housing, and all the basic necessities that Congress indicated they would be helped on.

So I do not think the need is any less pressing. It is more pressing now than it was when President Bush made his request on March 13, 2 months ago.

If we do not want to see the problems worsen in Nicaragua, and see a resurgence of Sandinista opposition, we need to end this disgraceful delay.

I do not know why the conference is deadlocked. What started off as a $700 million-and-some bill is now $3.6 billion. I do not know, and maybe everything in there is justified. But I think my colleagues on both sides would want us to move ahead on this particular aid package. It was a dire emergency supplemental.

Maybe there is some way we can separate out aid to Panama and aid to Nicaragua and let the conference then proceed on what may be left. There ought to be some way, if we can have the cooperation of both Democrats and Republicans, and I believe there are a number on both sides who certainly share the view the aid ought to have already been delivered, maybe there is some way that can be separated out, and we will not interfere with the other conference items.

Mr. President, I just urge we do that very quickly. I hope that President Bush before he does anything else at the 2 o'clock meeting on the budget summit reminds us again of our responsibility to those two countries.

THE BUDGET SUMMIT

Mr. DOLE. Mr. President, on the budget summit we have our first meeting at 2 o'clock. It will last for about an hour and half. President Bush said, "No preconditions." I believe goodwill exists on all sides, Democrats and Republicans in Congress and the White House, and I am hopeful that something can be produced that will be worthwhile to the American people and will continue economic growth.

And I am relying on this side of the aisle, the primary leadership of Senator DOMENICI, the ranking Republican on the Budget Committee, in addition Senator HATFIELD, the ranking Republican on Appropriations, and Senator PACKWOOD, the ranking Republican on the Finance Committee, who will have a tough job if in fact there are revenues and also Senator GRAMM from Texas, who will be my liaison when I am not there personally in the negotiations.

So I would just say an hour and half before we sit down with President Bush, in my view I think most of us are ready for something meaningful to happen and we are prepared to make some hard choices, and we ask our colleagues' patience as we start these deliberations.

Mr. President, I thank the Chair and yield back the remainder of my time.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the revised order the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m. recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT OF 1990

MOTION TO PROCEED

The PRESIDING OFFICER. The question is on the motion to proceed.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

(The remarks of Mr. LIEBERMAN and Mr. REID pertaining to the introduction of S. 2625 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. Mr. President, I had indicated prior to the time of the caucuses that we were prepared to move ahead to the consideration of the bill. I understand the Chair is prepared to put the question.

The PRESIDING OFFICER. Is there further debate on the motion to proceed to the consideration of S. 2240?

If not, the question is on agreeing to the motion.

The motion was agreed to.

COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT OF 1990

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2240) to amend the Public Health Service Act to provide grants and to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive AIDS Resources Emergency Act of 1990".

SEC. 2. PURPOSE.

It is the purpose of this Act to provide emergency assistance to localities that are disproportionately affected by the Human Immunodeficiency Virus epidemic and to make direct financial assistance available to States to provide for the development, organization, coordination and operation of more effective and cost efficient systems for the delivery of essential services to individuals and families with HIV disease in urban and rural areas.

TITLE I—HIV EMERGENCY RELIEF GRANT PROGRAM

SEC. 101. HIV EMERGENCY RELIEF GRANT PROGRAM.

Title XXV of the Public Health Service Act (42 U.S.C. 300ee et seq.) is amended by adding at the end thereof the following new part:

"PART C—EMERGENCY RELIEF AND CARE ACCESS GRANTS

"Subpart 1—Emergency Relief Program

"SEC. 2531. GRANTS TO ELIGIBLE METROPOLITAN STATISTICAL AREAS.

"The Secretary shall award emergency relief grants to any metropolitan area as reported in the HIV/AIDS Surveillance Report of the Centers for Disease Control, that, as of March 31, 1990, 1991, 1992, 1993 or 1994, has reported more than 2,000 AIDS cases (hereinafter referred to in this subpart as the "eligible area"), and that otherwise meets the requirements of this subpart.

"SEC. 2532. ADMINISTRATION AND PLANNING COUNCIL.

"(a) ADMINISTRATION.—

"(1) IN GENERAL.—Assistance made available under grants awarded under this subpart shall be directed to the chief elected official of the city or urban county that administers the public health agency serving the greatest number of individuals with AIDS, as reported to the Centers for Disease Control, in the eligible area that is awarded such a grant.

"(2) REQUIREMENTS.—To receive assistance under paragraph (1), the administering local political subdivision shall—

"(A) establish, through intergovernmental agreement with the chief elected officials of all local political subdivisions that have in excess of 10 percent of all individuals with AIDS, as reported to the Centers for Disease Control, in such subdivision within the eligible area, an administrative mechanism to allocate funds based on the number of AIDS cases and severity of need of such subdivisions; and

"(B) establish an HIV health services planning council.

"(b) HIV HEALTH SERVICES PLANNING COUNCIL.—

"(1) ESTABLISHMENT.—To be eligible for assistance under this subpart, the chief elected official described in subsection (a)(1) shall establish or designate an HIV health services planning council that shall include representatives of—

"(A) health care providers;

"(B) community based and AIDS service organizations;

"(C) social service providers;

"(D) mental health providers;

"(E) local public health agencies;

"(F) hospital or health care planning agencies;

"(G) affected communities;

"(H) non-elected community leaders; and

"(I) State government.

"(2) PRIORITY.—In designating a planning council under paragraph (1), priority shall be provided to any existing entity that has demonstrated experience in assessing and planning for HIV health care service needs within the eligible area, except that such existing entity shall include representatives of the full range of service providing agencies and institutions within such eligible area.

"(3) DUTIES.—The planning council established or designated under paragraph (1) shall—

"(A) establish priorities for the allocation of funds within the eligible area; and

"(B) assess the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the eligible area.

"SEC. 2533. TYPE AND DISTRIBUTION OF GRANTS.

"(a) GRANTS BASED ON RELATIVE NEED OF AREA.—

"(1) IN GENERAL.—Not later than 60 days after an appropriation becomes available to carry out this subpart, the Secretary, acting through the Health Resources and Services Administration, shall use 50 percent of the amount appropriated under section 2536 for such fiscal year, to make grants to eligible areas under section 2531.

"(2) AMOUNT OF GRANT.—

"(A) GENERAL RULE.—The Secretary shall make a grant to each eligible area under paragraph (1) in an amount that bears the same ratio to the amount available under paragraph (1) as the sum of—

"(i) the relative cases per area factor for such area as multiplied by three; and

"(ii) the relative cases per area factor for such area as multiplied by the relative per capita factor for such area; divided by

"(iii) four;

bears to 100.

"(B) RELATIVE CASES PER AREA FACTOR.—As used in this paragraph, the term 'relative cases per area factor' means the ratio of the number of individuals with AIDS in an eligible area, as reported to the Centers for Disease Control, to the number of such individuals in all eligible areas.

"(C) RELATIVE PER CAPITA FACTOR.—As used in this paragraph, the term 'relative per capita factor' means the ratio of the per capita incidence of individuals with AIDS in an eligible area, as reported to the Centers for Disease Control, to the per capita incidence of such individuals in all eligible areas.

"(D) ADJUSTMENTS.—The Secretary shall make such proportionate adjustments in amounts allocated for grants to eligible areas as shall be necessary to ensure that total amount of such grants are neither more or less than the amount available for grants under this subsection.

"(b) SUPPLEMENTAL GRANTS.—

"(1) IN GENERAL.—Not later than 150 days after the first day of each fiscal year, the Secretary shall use the remainder of the amounts made available under section 2536 for such fiscal year, to make grants under section 2531 to eligible areas that submit an application to the Secretary that—

"(A) contains a report concerning the dissemination of emergency relief funds under section 2533(a) and the plan for utilization of such funds;

"(B) demonstrates the severe need in such area for supplemental financial assistance to combat the HIV epidemic;

"(C) demonstrates the commitment of the local resources of the area, both financial and in-kind, to combatting the HIV epidemic;

"(D) demonstrates the ability of the area to utilize such supplemental financial resources in a way that is immediately responsive and cost effective; and

"(E) demonstrates that resources will be allocated in accordance with the local demographic incidence of AIDS including funds for services for infants, children, women, and families with HIV disease.

"(2) AMOUNT OF GRANT.—The amount of each grant made by the Secretary under paragraph (1) shall be determined by the Secretary based on the application submitted by the eligible area.

"SEC. 2534. USE OF AMOUNTS.

"(a) GRANTS TO INSTITUTIONS.—

"(1) IN GENERAL.—Amounts received under a grant awarded under this subpart may be used by the grantee to provide direct financial assistance to any public or not-for-profit private hospital, clinic, nursing home, sub-acute care facility, or community health center, that demonstrates that such entity—

"(A) is providing care or services to a disproportionate share of low income individuals and families with HIV disease; and

"(B) is expending resources in the provision of services to such low income individuals and families which exceed reimbursement;

"(2) USE OF FUNDS BY INSTITUTIONS.—An institution that receives assistance under paragraph (1) shall use such amounts to—

"(A) enhance the quality of services, care, and treatment to low-income individuals and families with HIV disease; and

"(B) deliver outpatient and ambulatory care services including case management to such individuals and families, including comprehensive treatment and support services.

"(3) PRIORITY.—In allocating assistance received under a grant awarded under section 2531, the grantee shall give priority to those eligible institutions under paragraph (1) that—

"(A) have established a plan to evaluate the utilization of services provided in the care of individuals and families with HIV disease; and

"(B) have established a system designed to ensure that such individuals and families are referred or discharged to the most medically appropriate level of care as soon as such referral or discharge is medically indicated.

"(b) GRANTS TO AGENCIES.—Amounts received under a grant awarded under this subpart may be used by the grantee to provide direct financial assistance to any public or non-profit agency, clinic, community based organization, or community health center that has the capacity to provide case managed outpatient health and support services to individuals and families with HIV disease that are critical to—

"(1) prevent unnecessary in-patient hospitalization; and

"(2) expedite the discharge of the individual to the most medically appropriate level of service.

"(c) ADDITIONAL USES.—

"(1) RENOVATION OR REHABILITATION—In addition to the use specified in subsection (a), amounts received under a grant awarded under this subpart may be used by the grantee to renovate or rehabilitate congregate care housing units, long-term care facilities, transitional care facilities, and sub-acute care facilities for the treatment of individuals with HIV disease, if the grantee demonstrates that—

"(A) an adequate number of—

"(i) congregate care residential units; or

"(ii) long term care or sub acute care nursing beds
are not available within the grantee eligible area for occupancy by individuals with HIV disease;

"(B) it has made a good faith effort to identify and eliminate local regulatory barriers that have impeded the creation, and utilization by individuals with HIV disease, of such facilities; and

"(C) it has exercised its authority to insure that individuals with HIV disease have access to such facilities.

"(2) MATCHING REQUIREMENT.—The Secretary shall not permit a grantee to use amounts received under a grant awarded under section 2531 for renovation or rehabilitation under paragraph (1) unless the local political subdivision with jurisdiction over the grantee area provides the grantee with local or State funds in an amount equal to the amount of the grant that is used under paragraph (1). Such local or State contribution to such renovation or rehabilitation program may be in the form of in kind services, goods or real property.

"(3) ADMINISTRATION AND PLANNING.—Not more than 5 percent of amounts received under a grant awarded under this subpart shall be utilized to carry out the administrative and planning activities described under section 2532.

"SEC. 2535. APPLICATION.

"(a) IN GENERAL.—To be eligible to receive a grant under this subpart, an eligible area shall prepare and submit, to the Secretary, an application at such time, in such form, and containing such information as the Secretary shall require, including assurances adequate to ensure—

"(1) that funds received under a grant awarded under this subpart will be used to supplement not supplant State and local funds currently utilized to provide health and support services to individuals with HIV disease;

"(2) that the eligible area has an HIV planning council, pursuant to section 2532, and has developed or will develop a comprehensive plan for the organization and delivery of HIV services that is compatible with any existing State or local HIV care plans; and

"(3) that agencies and institutions within the eligible area that will receive funds under a grant provided under this subpart shall participate in any established HIV community based continuum of care.

"(b) ADDITIONAL APPLICATION.—An eligible area that desires to receive a grant under section 2533(b) shall prepare and submit, to the Secretary, an additional application at such time, in such form, and containing such information as the Secretary shall require, including the information required under such subsection.

"SEC. 2536. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to make grants under this subpart, $300,000,000 in each of the fiscal years 1991 and 1992, and such sums as may be necessary in each of the fiscal years 1993 through 1995.".

TITLE II—HIV CARE GRANTS

SEC. 201. HIV CARE GRANTS.

Part C of title XXV of the Public Health Service Act (as added by section 101) is amended by adding at the end thereof the following new subpart:

"Subpart 2—Care Grant Program

"SEC. 2540. GRANTS.

"The Secretary shall make grants to States to enable such States to improve the quality, availability and organization of care, treatment and support services for individuals and families with HIV disease in urban and rural areas.

"SEC. 2541. GENERAL USE OF GRANTS.

"(a) IN GENERAL.—A State shall use amounts provided under grants made under this subpart—

"(1) to establish and operate HIV care consortia within areas most affected by HIV disease that shall be designed to provide a comprehensive continuum of care to individuals and families with HIV disease in accordance with section 2542;

"(2) to provide home- and community-based care services for individuals with HIV disease in accordance with section 2543;

"(3) to develop and provide assistance to mechanisms that assure the continuity of health insurance coverage for individuals with HIV disease in accordance with section 2544;

"(4) to provide therapeutic treatments, that have been determined to prolong life or prevent serious deterioration of health, to low-income individuals with HIV disease in accordance with section 2545; and

"(5) to integrate early diagnosis and early intervention services for individuals with HIV disease with primary health care and support services provided in existing health care settings, in accordance with section 2546.

"(b) INFANTS AND WOMEN, ETC.—A State shall use not less than 15 percent of funds allocated under this subpart to provide health and support services to infants, children, women, and families with HIV disease.

"SEC. 2542. GRANTS TO ESTABLISH HIV CARE CONSORTIA.

"(a) CONSORTIA.—To be eligible to receive a grant under section 2541(1), an applicant shall—

"(1) be a consortia of public and nonprofit private health care and support service providers and community based organizations; and

"(2) agree to use funds received under such a grant for the planning, development and delivery of comprehensive outpatient and support services for individuals with HIV disease, including—

"(A) essential health services such as case management services, medical, nursing, and dental care, diagnostics, monitoring, and medical follow-up services, mental health, developmental, and rehabilitation services, home health and hospice care; and

"(B) essential support services such as transportation services, attendant care, homemaker services, day or respite care, nutrition services, child welfare and family services (including foster care and adoption services), housing services, benefits advocacy, and legal services.

"(b) ASSURANCES.—

"(1) REQUIREMENT.—To receive a grant under section 2541(1), an applicant consortium shall provide assurances that—

"(A) within any locality in which such applicant consortium is to operate, the specific populations and subpopulations of individuals and families with HIV disease have been identified;

"(B) the service plan developed by such applicant consortium addresses the special care and service needs of the populations and subpopulations identified under subparagraph (A); and

"(C) when practicable, within each locality served by such applicant consortium, a single coordinating entity will be established that shall be capable of integrating the delivery of services to the populations and subpopulations identified under subparagraph (A).

"(2) EXCEPTION.—Subparagraph (C) of paragraph (1) shall not apply to any applicant consortium that will operate in a community or locality in which it has been demonstrated by the State, by the locality, or by the applicant consortium that—

"(A) subpopulations exist within the community to be served that have unique service requirements; and

"(B) such unique service requirements cannot be adequately and efficiently addressed by a single consortium serving the entire community or locality.

"(c) APPLICATION.—To receive a grant from the State under section 2542(1), a consortium shall prepare and submit, to the State, an application that—

"(1) demonstrates that the consortium includes those agencies and community-based organizations—

"(A) with a record of service to populations and subpopulations with HIV disease requiring care within the community to be served; and

"(B) located in and representative of populations and subpopulations reflecting the local incidence of HIV;

"(2) demonstrates that the consortium has carried out an assessment of service needs within the geographic area to be served and has established a plan to insure the delivery of services to meet such identified needs, including—

"(A) assurances that service needs will be addressed through the coordination and expansion of existing services before new services are created;

"(B) assurances that, in metropolitan areas, the geographic area to be served by the consortium corresponds to the geographic boundaries of local health and support services delivery systems to the extent practicable;

"(C) assurances that, in the case of service for individuals residing in rural areas, the applicant consortium shall be capable of delivering case management services that link available community support services to specialized regional medical services; and

"(D) assurances that the assessment of service needs and the delivery of services will include participation by affected populations.

"(3) demonstrates that adequate planning has occurred to meet the special needs of families with AIDS, including family centered care for infants, children, women, and families;

"(4) demonstrates that the consortium has created a mechanism to periodically evaluate—

"(A) the success of the consortium in responding to such identified needs; and

"(B) the cost-effectiveness of the mechanisms employed by the consortium to deliver comprehensive care; and

"(5) demonstrates that the consortium will report to the state the results of the evaluations described in subsection (d).

"(d) DEFINITION.—As used in this subpart, the term 'family centered care' means the system of services described in section 2542 that is targeted specifically to the special needs of infants, children, women, and families. Family centered care shall be based on a partnership between parents, professionals, and the community designed to ensure an integrated, coordinated, culturally sensitive, and community-based continuum of care for children, women, and families with HIV diseases.

"(e) PRIORITY.—In awarding grants under section 2541(1), the State shall give priority to existing HIV care consortia so that such consortia may build on existing systems and experience and avoid duplication of efforts.

"SEC. 2543. GRANTS FOR HOME- AND COMMUNITY-BASED CARE.

"(a) USES.—A State may use amounts provided under a grant awarded under this subpart to make grants under section 2541(2) to entities to—

"(1) provide home and community-based health services for individuals with HIV disease pursuant to written plans of care prepared by health care professionals in such State for providing such services to such individuals;

"(2) provide for the identification, location, and provision of outreach services to individuals with HIV disease, including those in rural areas;

"(3) provide for the coordination of the provision of services under this subpart with the provision of similar or related services provided by public and private entities; and

"(4) give priority to the provision of outreach and home and community-based services to individuals with HIV disease who are low-income individuals.

"(b) DEFINITION.—As used in this subpart, the term "home and community-based health services"—

"(1) means, with respect to an individual with HIV disease, skilled health services furnished to the individual in the individual's home pursuant to a written plan of care established by a health care professional for the provision of such services and items described in paragraph (2);

"(2) includes—

"(A) durable medical equipment;

"(B) homemaker or home health aide services and personal care services furnished in the home of the individual;

"(C) day treatment or other partial hospitalization services;

"(D) home intravenous and aerosolized drug therapy (including prescription drugs administered intravenously as part of such therapy);

"(E) routine diagnostic testing administered in the home of the individual; and

"(F) mental health, developmental, and rehabilitation services; and

"(3) does not include—

"(A) inpatient hospital services; and

"(B) nursing home and other long term care facilities.

"SEC. 2544. CONTINUUM OF HEALTH INSURANCE COVERAGE.

"A State may use amounts received under a grant awarded under this subpart to establish a program of financial assistance under section 2541(3) to assist eligible low income individuals with HIV disease in—

"(1) maintaining a continuity of private health insurance; or

"(2) receiving medical benefits under a health insurance program established by the State.

"SEC. 2545. PROVISION OF THERAPEUTICS.

"(a) IN GENERAL.—A State may use amounts provided under a grant awarded under this subpart to establish a program under section 2541(4) to provide therapeutic care that has been determined to prolong life or prevent the serious deterioration of health arising from AIDS or HIV disease in eligible individuals.

"(b) ELIGIBLE INDIVIDUAL.—To be eligible to receive assistance from a State under this section an individual shall—

"(1) have a medical diagnosis of AIDS or HIV disease; and

"(2) be a low income individual, as defined by the State.

"(c) STATE DUTIES.—In providing assistance under this section the State shall—

"(1) determines, in accordance with guidelines issued by the Secretary, which therapies are eligible to be included under the program established under this section;

"(2) permit assistance to be made available under the program established under this section to purchase the therapies determined to be eligible under paragraph (1), and provide such ancillary devices that are essential to administer such therapies; and

"(3) provide outreach to individuals and families with HIV disease in rural areas and establish a distribution system that facilitates access to therapeutics for such individuals.

"SEC. 2546. PROGRAMS FOR EARLY INTERVENTION.

"A State may use amounts provided under a grant awarded under this subpart to establish a program under section 2541(5) to integrate early diagnosis and early intervention services with primary health care and support services, including drug treatment services, that are delivered in existing public health and medical care facilities for the purpose of—

"(1) providing outreach services to individuals with HIV disease and health care professionals who are unaware of the availability and potential benefits of early treatment of HIV infection, including those in rural areas;

"(2) offering clinical, diagnostic, and periodic medical monitoring services to such individuals; and

"(3) providing appropriate therapeutics that have been determined to prolong life or prevent serious deterioration of health in individuals with HIV disease.

"SEC. 2547. STATE APPLICATION.

"(a) IN GENERAL.—The Secretary shall not make a grant to a State under this subpart for a fiscal year unless the State prepares and submits, to the Secretary, an application at such time, in such form, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subpart.

"(b) DESCRIPTION OF INTENDED USES AND AGREEMENTS.—The application submitted under subsection (a) shall contain—

"(1) a description of the purposes for which the State intends to use the assistance provided to the State under this subpart, including—

"(A) information relating to the services and activities to be provided;

"(B) a description of the manner in which such services and activities will be coordinated with other services and activities of public and private entities to provide a comprehensive continuum of care; and

"(C) information relating to the process for coordinating the various program options provided for in this subpart to maximize the effectiveness of the services provided; and

"(2) an assurance by the State that—

"(A) the legislature of the State will conduct public hearings concerning the proposed use and distribution of the assistance to be received under this subpart;

"(B) the State will, to the maximum extent practicable, ensure that services provided to an individual pursuant to a program established with assistance provided under this subpart will be provided without regard to the ability of the individual to pay for such services and without regard to the current or past health condition of the individual;

"(C) if any charges are imposed for the provision of services for which assistance is provided under this subpart, such charges—

"(i) will be pursuant to a public schedule of charges;

"(ii) will not be imposed on any eligible individual with an income that does not exceed 200 percent of the official poverty line as determined by the Secretary; and

"(iii) for an eligible individual with an income that exceeds 200 percent of the official poverty line, will be adjusted to reflect the income of such individual;

"(D) the State will provide for periodic independent peer review to assess the quality and appropriateness of health and support services provided by entities that receive funds from the State under this subpart;

"(E) the State will permit and cooperate with any Federal investigations undertaken under this subpart;

"(F) the State will maintain State expenditures for health and support services for individuals with AIDS or HIV disease at a level that is equal to not less than the average level of such expenditures maintained by the State for the 2-year period preceding the fiscal year for which the State is applying to receive a grant under this part;

"(G) the State will not make payments from assistance provided under this subpart for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to that item or service—

"(i) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(ii) by an entity that provides health services on a prepaid basis; and

"(H) the State shall establish a comprehensive plan for the organization and delivery of HIV health care and support services, in urban and rural areas, including provisions for the delivery of services to populations and subpopulations identified through the needs assessment required by section 2542.

"(c) WAIVER.—A State that demonstrates in its application submitted under subsection (a) that the number of cases of AIDS among infants, children, women and families is less than 15 percent of all cases of AIDS within the State shall be granted a waiver of the set-aside requirements described in section 2541(b). If a waiver is granted to a State, the State shall allocate resources in accordance with the local demographic incidence of AIDS within the State.

"SEC. 2548. DISTRIBUTION OF FUNDS.

"(a) SPECIAL PROJECTS OF A NATIONAL SIGNIFICANCE.—

"(1) IN GENERAL.—Of the amount appropriated under section 2549, the Secretary shall use not to exceed 10 percent of such amount to—

"(A) provide technical assistance in administering and coordinating the activities authorized under section 2541; and

"(B) establish and administer a Special Projects of National Significance Program to award direct grants to States, localities, or community-based organizations to fund special programs for the care and treatment of individuals with HIV disease.

"(2) GRANTS.—The Secretary shall award grants under subsection (a) based on—

"(A) the need of the applicant to establish a demonstration project to assess the effectiveness of a particular model for the care and treatment of individuals with HIV disease;

"(B) the innovative nature of the proposed activity of the applicant; and

"(C) the potential replicability of the proposed activity in other similar localities or nationally.

"(3) SPECIAL PROGRAMS.—Special programs of a national significance may include those that are designed to—

"(A) deliver drug abuse treatment and HIV health care services at a single location, through either an outpatient or residential facility;

"(B) establish an incentive system designed to increase the number of health care facilities willing and able to serve low-income individuals and families with HIV disease;

"(C) create a structure for the support and respite of informal and family-based care networks in the minority community critical to the delivery of comprehensive care;

"(D) create the capacity to deliver health and support services to individuals and families with HIV disease located in rural areas and Indian Reservations;

"(E) deliver health care and support services to homeless individuals and families with HIV disease; and

"(F) deliver health and support care services to individuals with HIV disease who are incarcerated.

"(b) AMOUNT OF GRANT TO STATE.—

"(1) MINIMUM ALLOTMENT.—Subject to the extent of amounts made available under section 2549, the amount of a grant to be made under this subpart for—

"(A) each of the several States and the District of Columbia for a fiscal year shall be the greater of—

"(i) $100,000, and

"(ii) an amount determined under paragraph (2); and

"(B) each territory of the United States, as defined in paragraph 3, shall be an amount determined under paragraph (2).

"(2) DETERMINATION.—

"(A) FORMULA.—The amount referred to in paragraph (1)(A)(ii) for a State and paragraph (1)(B) for a territory of the United States shall be the product of—

"(i) an amount equal to the amount appropriated under section 2549 for the fiscal year involved; and

"(ii) the ratio of the distribution factor for the State or territory to the sum of the distribution factors for all the States or territories.

"(B) DISTRIBUTION FACTOR.—As used in subparagraph (A)(ii), the term 'distribution factor' means—

"(i) in the case of a State, the product of—

"(I) the number of additional cases of AIDS in the State, as indicated by the number of cases reported to and confirmed by the Secretary for the 2 most recent fiscal years for which such data is available; and

"(II) the cube root of the ratio (based on the most recent available data) of—

"(aa) the average per capita income of individuals in the United States (including the territories); to

"(bb) the average per capita income of individuals in the State; and

"(i) in the case of a territory of the United States the number of additional cases of AIDS in the specific territory, as indicated by the number of cases reported to and confirmed by the Secretary for the 2 most recent fiscal years for which such data is available.

"(3) DEFINITIONS.—As used in this subsection, the term 'territory of the United States' means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands and Puerto Rico.

"(c) ALLOCATION OF ASSISTANCE BY STATES.—

"(1) CONSORTIA.—In a State that has reported 1 percent or more of all AIDS cases reported to the Centers for Disease Control in all States, not less than 50 percent of the amount received by the State under a grant awarded under this subpart shall be utilized for the creation and operation of community-based comprehensive care consortia under section 2542, in those areas, including rural areas, within the State in which the largest number of individuals with HIV disease reside.

"(2) ALLOWANCES.—In allocating assistance under this subsection, a State shall take into account which areas received financial assistance under subpart 1.

"(3) PLANNING AND EVALUATIONS.—A State shall not use in excess of 5 percent of amounts received under a grant awarded under this subpart for planning and evaluation activities.

"(4) ADMINISTRATION.—A State shall not use in excess of 5 percent of amounts received under a grant awarded under this subpart for administration, accounting, reporting, and program oversight functions.

"(d) EXPEDITED DISTRIBUTION.—Not less than 75 percent of the amounts received under a grant awarded to a State under this subpart shall be obligated to specific programs and projects and made available for expenditure not later than 120 days after the receipt of such amounts by the State. Within such 120 day period, the State shall invite and receive public comment concerning methods for utilizing such amounts.

(e) REALLOCATION.—Any amounts appropriated in any fiscal year and made available to a State under this subpart that have not been obligated as described in section 2548(d) shall be recaptured by the Secretary and reallotted to other States in proportion to the original grants made to such States.

"SEC. 2549. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to make grants under this subpart, $300,000,000 in each of the fiscal years 1991 and 1992, and such sums as may be necessary in each of the fiscal years 1993 through 1995.

"SEC. 2550. DEFINITION.

"As used in this subpart except as otherwise specifically provided, the term 'State' means each of the 50 States, the District of Columbia, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands and Puerto Rico.".

TITLE III—HIV DISEASE HEALTH SERVICES RESEARCH, EVALUATION, AND ASSESSMENT

SEC. 301. PURPOSE.

It is the purpose of this section to develop, as rapidly as practicable, information concerning the organization, impact, efficacy, and cost effectiveness of various health care service delivery and financing systems for the care of individuals with HIV disease.

SEC. 302. RESEARCH, EVALUATION, AND ASSESSMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services, acting through the Agency for Health Care Policy and Research, shall establish a program to enable independent research to be conducted by individuals and organizations with appropriate expertise in the fields of health, health policy, and economics (particularly health care economics) to develop—

(1) a comparative assessment of the impact and cost-effectiveness of major models for organizing and delivering AIDS and HIV health care, mental health, early intervention, and support services, that shall include a report concerning patient outcomes, satisfaction, perceived quality of care, and total cumulative cost;

(2) a review of major health services financing mechanisms, including private health insurance policies, self pay options, health maintenance organization plans financed under the Social Security Act, and State and local government funding options, and the relative contribution of each of such payment options;

(3) an assessment of how point-of-entry procedures for obtaining HIV health care treatment and support services impacts the cost, quality, and outcome of the care and treatment of HIV individuals and families and the extent to which the overall quality, cost, and outcome of such care can be related to the source of payment for treatment;

(4) a comprehensive report of the significant financial, regulatory, organizational, and social barriers that serve to limit the delivery of high quality care services to individuals and families with HIV disease, with special emphasis being placed on the extent to which disadvantaged status impacts such service delivery; and

(5) a summary report concerning the major and continuing unmet needs in health care, mental health, early intervention, and support services for individuals and families with HIV disease in urban and rural areas.

(6) a review and assessment of models for the delivery of health and support services to infants, children, women, and families with HIV disease.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit, to the Committee on Energy and Commerce, and Ways and Means of the House of Representatives and the Committee on Labor and Human Resources, and Finance of the Senate, a report that contains the reports, evaluations and assessments required under subsection (a).

Mr. KENNEDY. Mr. President, we have been notified by, I think, four Senators that they have amendments to consider. We are quite prepared to move ahead and, in some instances, accept those amendments. In other cases, we will have opportunity to debate them, discuss them, or modify them and permit the Senate to accept them or reject them.

So I hope that those who do have some amendments will be forthcoming and will be prepared to respond so that the Senate can work its will.

Mr. President, I will take just a very brief moment to respond to what I think was a very clear distortion and misrepresentation about the nature of the health threat that this country is facing with this emergency which has been commented on by the two national commissions which have been established, one by President Reagan and one by Congress, commissions which have included top experts and investigated the question at hand in detail. Both reached similar conclusions. Both have made recommendations which have been incorporated in the legislation.

I just reference that for those Members of the Senate who question both the severity and the nature of the emergency that we are facing at this time. For those who are concerned about it, I hope they not only refer to our report but also examine those particular measures.

Beyond that, Mr. President, I will include in the RECORD the latest reports from the Centers for Disease Control about the nature of the growth of this particular disease.

We must remember, Mr. President, on this whole question of the HIV virus, that it was virtually unknown 10 years ago. It has come like a plague across the country like many of those diseases which are of continuing concern to all Americans and have affected so many families, such as cancer, heart disease, illness, sickness, stroke, many of which have affected my own family. Quite frankly, Mr. President, I too wish we could see expanded research resources devoted toward those particular difficult diseases.

We are down to funding only about 22, 23 percent of the various applications which are approved by the peer review process at the NIH today. There are extraordinary possibilities that we should be addressing. I certainly, for one, believe that we ought to be taking advantage of these potentials which can make a great deal of difference to the quality of lives of millions of our fellow citizens.

I hope, quite frankly, Mr. President, as we see a change in world conditions that some of those resources we are using now in terms of the research for the instruments of war would be directed more to the kind of health research which is so important for our people and, quite frankly, so important for people throughout the world.

But, Mr. President, we are not addressing the research programs here this afternoon. We find that the focus and attention on the battle of the HIV has been primarily in the areas of research, and there are some hopeful possibilities. But when you look at what is actually invested in research and what we are expending in other areas, I find it extremely difficult to try and say, if we only are spending a certain amount in terms of diabetics and a certain amount for those with cancer, to say that we are less concerned about diabetics than those who are afflicted by cancer, I find that quite appalling myself.

We have basic research, we have applied research, and directed research. We rely on peer review in order to be able to target that kind of research in certain instances. We can take a sense of pride that we have more Nobel laureates who have been associated with the National Institutes of Health because of the support that the American people have given to biomedical research. I believe we will find more hopeful paths in the areas of AIDS as a result of our research capability, which is unmatched in the world.

What we are attempting to do in the research area is to try and unlock the keys to this dreaded disease. We have seen progress that has been made, but we know so much more needs to be done. We, I believe, are on a path now for that research, and we want to develop a similar path in the areas of treatment. We must do it in a way which is compassionate, which is caring, which recognizes that there are fellow citizens in need. We want to be able to develop the kinds of caring for our fellow citizens and see to it that it is going to be done in a way that best suits them from a medical point of view and from a healing point of view. Quite frankly, I believe this savings measure of many resources will help us achieve an overall because we know that there are alternative ways of treating individuals, rather than just retaining them in high cost settings.

So, Mr. President, this scourge is still with us. The idea that somehow the Centers for Disease Control issued a report recently which changes their projection in terms of the numbers of cases is just blatantly, flagrantly wrong. It is that simple.

I will just read into the RECORD now, Mr. President, the language of the CDC report. This report was issued on February 23, 1990, updating the year previous. It indicates that the projections which were given over a year ago, frankly, are being realized in this country and what we are seeing is that the growth, in terms of the incidence of this disease is expanding dramatically in rural America—dramatically—and is expanding among the young people in this country—children and babies—in a dramatic and significant way.

What we are basically attempting to do is, on the one hand, develop a national strategy which includes both the research and, on the other hand, to have a national strategy that will provide for the caring and the treatment of those who have been afflicted with this disease and do it in a way which is decent, caring and compassionate.

Mr. President, I ask unanimous consent to print in the RECORD the NIH 1991 congressional justification; a paper on how Federal research on AIDS/HIV disease contributed to other fields; and the Public Health Service AIDS case projections which was updated in February 1990.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL INSTITUTES OF HEALTH 1991 CONGRESSIONAL JUSTIFICATION: SUMMARY BY APPROPRIATIONS

(Dollars in thousands)

	1989 actual budget authority	1990 estimate	1991 estimate
INCLUDES AIDS			
NCI	$1,572,879	$1,634,294	$1,694,059
NHLBI	1,046,259	1,072,335	1,112,502
NIDR	131,026	135,744	140,520
NIDDK	559,886	581,466	605,349
NINDS	472,662	490,396	512,212
NIAID	743,870	832,960	886,875
NIGMS	683,920	712,030	745,494
NICHD	425,918	442,906	461,473
NEI	231,404	236,529	247,392
NIEHS	223,686	229,233	235,792
NIA	222,888	239,452	248,938
NIAMS	160,080	168,927	176,080
NIDCD	94,687	177,582	122,847
DRR	340,898	337,105	319,151
NCNR	29,195	33,513	35,127
NCHGR	28,230	59,538	108,029
FIC	14,164	15,656	16,355
Subtotal	6,981,652	7,339,666	7,668,195
NLM	77,883	85,728	89,916
OD	46,737	89,916	82,975
B&F	38,492	61,042	88,600
Total, NIH	7,144,764	7,576,352	7,929,686
AIDS	(602,294)	(743,532)	(800,164)
EXCLUDES AIDS			
NCI	1,448,731	1,483,990	1,533,252
NHLBI	1,007,648	1,030,279	1,068,039
NIDR	126,885	131,082	135,518
NIDDK	556,210	576,146	599,558
NINDS	459,230	474,238	494,985
NIAID	430,982	439,002	463,468
NIGMS	673,019	697,416	730,007
NICHD	403,214	416,157	432,463
NEI	226,439	230,996	241,505
NIEHS	219,489	224,942	231,212
NIA	222,386	238,593	248,009
NIAMS	159,347	167,689	174,597
NIDCD	94,687	117,582	122,269
DRR	295,688	291,009	270,772
NCNR	28,434	32,526	33,979
NCHGR	28,230	59,538	108,029
FIC	9,510	10,758	11,148
Subtotal	6,390,129	6,621,943	6,898,810
NLM	77,804	85,235	89,384
OD	40,945	79,365	69,228
B&F	33,592	46,277	72,100
Total, NIH	6,542,470	6,832,820	7,129,522
AIDS ONLY			
NCI	124,148	150,304	160,807
NHLBI	38,611	42,056	44,463
NIDR	4,141	4,662	5,002
NIDDK	3,676	5,320	5,791
NINDS	13,432	16,158	17,227
NIAID	312,888	393,958	423,407
NIGMS	10,901	14,614	15,487
NICHD	22,704	26,749	29,010
NEI	4,965	5,533	5,887
NIEHS	4,197	4,291	4,580
NIA	502	859	929
NIAMS	733	1,238	1,483
NIDCD			578
DRR	45,210	46,096	48,379
NCNR	761	987	1,148
FIC	4,654	4,898	5,207
Subtotal	591,523	717,723	769,385
NLM	79	493	532
OD	5,792	10,551	13,747
B&F	4,900	14,765	16,500
Total, NIH	602,294	743,532	800,164

Note.—1990 and 1991 estimates exclude $200 in permanent budget authority expected to be derived from Cooperative Research and Development Agreements.

[Congress of the United States, Office of Technology Assessment, April 1990]

AIDS-RELATED ISSUES: HOW HAS FEDERAL RESEARCH ON AIDS/HIV DISEASE CONTRIBUTED TO OTHER FIELDS?

As awareness of the enormity of the AIDS epidemic has grown, Federal funding targeted to AIDS and other HIV disease has increased accordingly. From $8 million in fiscal year 1982, the year after AIDS was

first diagnosed in the United States, total Federal spending for medical care, public health activities, and research related to HIV disease has risen steadily and totals $2.9 billion for fiscal year 1990 (table 1). Over the same period, federally funded research on HIV disease rose from $3 million to $1.16 billion (table 2).

For fiscal year 1991, the President has requested a 7-percent increase in funding for HIV research, a somewhat smaller percentage and absolute increase than in previous years. Although the increase in total Federal funding for HIV disease would slow under the President's budget request for fiscal year 1991, spending for fields other than research would receive a larger share of the total allotment.

From divergent viewpoints, concern has been expressed that the Federal Government is spending too much and that it is spending too little on HIV research, compared with funding for other medical conditions (1,6,7,16). Critics of rising expenditures on HIV disease point out that HIV funding has exceeded funding for heart disease and rivals funding for cancer, despite the much greater number of deaths from these latter diseases. Although HIV funding makes up about 10 percent of the total budget of the National Institutes of Health in fiscal year 1990, it accounts for 47 percent of the budget of the National Institute for Allergy and Infectious Disease (table 3).

TABLE 1.—TOTAL FEDERAL EXPENDITURES ON AIDS/HIV, FISCAL YEARS 1982–91

[In millions of dollars]

Year	AIDS/HIV expenditures	Percent increases
1982	$8	
1983	44	450
1984	104	136
1985	208	100
1986	507	144
1987	926	83
1988	1,594	72
1989	2,227	40
1990	2,936	32
1991 [1]	3,463	18
Total	12,017	

[1] Figures for 1990 are appropriations requested in the President's budget.

Source: U.S. Department of Health and Human Services, Public Health Service Budget Office (13).

TABLE 2.—FEDERAL SPENDING ON AIDS/HIV RESEARCH [1] BY AGENCY, FISCAL YEARS 1982–91

[In millions of dollars]

Agency/Department	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991 [2]
Department of Health and Human Services Public Health Service	3	22	57	83	164	317	607	942	1,115	1,209
Department of Veterans Affairs	0	0	2	3	3	6	8	11	14	14
Department of Defense	0	0	0	0	38	22	12	27	34	22
Other	0	0	0	0	0	1	1	0	0	0
Total [3]	3	22	59	86	204	354	626	980	1,163	1,245

[1] Methods used in the preparation of the 1982–1988 figures differ from those used for the 1989–1991 figures. If the 1989 figures were prepared using the same methods as were used for the prior years, the figures would be 815, 14, 27, and 0, for the Public Health Service, Department of Veterans Affairs, Department of Defense, and other, respectively.

[2] Figures for 1991 are amounts requested in the President's budget. All other figures are actual appropriations.

[3] Due to rounding, some columns may not add to totals.

Source: 1982–1988 data: Winkenwerder, W., Kessler, A.R., and Stolec, R.M. (16); 1989–1991 data: U.S. DHHS, Public Health Service Budget Office (13).

OPINIONS REGARDING FEDERAL SPENDING FOR AIDS/HIV RESEARCH

Current Level of Federal Funding for AIDS/HIV Research—Nearly one-half of survey respondents felt that the current level of federally funded AIDS/HIV research was about right. A greater proportion of respondents felt that funding was too low (31 percent), rather than too high (18 percent) (figure 3).[8] Scientists with some professional activity related to AIDS/HIV were more likely to perceive AIDS/HIV funding as too low or about right than those not engaged in AIDS/HIV activities (table 8).[9]

TABLE 8.—OTA SURVEY RESPONDENTS' OPINIONS ABOUT THE LEVEL OF FEDERALLY FUNDED AIDS/HIV RESEARCH BY WHETHER THEY ARE ENGAGED IN AIDS/HIV PROFESSIONAL ACTIVITIES [1]

Opinion about level fo Federal AIDS/HIV funding	Professional activities related to AIDS/HIV: No (n=49) (percent)	Professional activities related to AIDS/HIV: Yes (n=87) (percent)
Too low	26.5	33.3
About right	34.7	51.7
Too high	32.7	10.3
No opinion	6.1	4.6

[1] These differences in opinion are statistically significant as determined by the chi-square test ($p=.01$).

Source: Office of Technology Assessment, 1990.

Statistically significant differences in opinion about levels of Federal funding for AIDS/HIV research are evident according to whether respondents received external funding in 1989, and whether that funding was from the Federal Government for AIDS/HIV research. Of the respondents that received no external funding, more than one-half felt that federal AIDS/HIV funding was about right, nearly one-third indicated that it was too low. Of those who received Federal funds for AIDS/HIV research, one-half felt that funding levels were too low, and the other one-half felt that funding was about right. By contrast, 38 percent of respondents who had received external funding for non-AIDS/HIV research felt that AIDS/HIV funding was too high (table 9).

TABLE 9.—OTA SURVEY RESPONDENTS' OPINIONS ABOUT THE LEVEL OF FEDERALLY FUNDED AIDS/HIV RESEARCH BY WHETHER THEY RECEIVE EXTERNAL FUNDING OR FEDERAL FUNDS FOR AIDS/HIV RESEARCH [1]

Opinion about level of Federal AIDS/HIV funding	No external funding (n=62) (percent)	External funding: For non-AIDS/HIV research (n=48) (percent)	External funding: For AIDS/HIV Federally funded research (n=24) (percent)
Too low	32.3	22.9	50.0
About right	51.6	35.4	50.0
Too high	8.1	37.5	0.0
No opinion	8.1	4.2	0.0

[1] These differences in opinion are statistically significant as determined by the chi-square test ($p<.01$).

Source: Office of Technology Assessment, 1990.

The respondents to OTA's survey indicated that significant benefits from AIDS/HIV research have flowed to a wide variety of fields ranging from the basic sciences to clinical applications and public health. More than one-quarter of respondents, for example, reported that AIDS/HIV research has contributed greatly to advances in all of the basic sciences and half of the medical disciplines included on the survey. These findings are especially noteworthy given that, as one respondent commented, substantial lead time is needed for advances to influence other fields.

Although OTA employed a survey of biomedical and social scientists to learn of contributions of AIDS/HIV research to other fields, methods other than surveys may be used to evaluate the usefulness of research. For example, bibliometric methods can examine the extent to which certain publications are used by others, and economic evaluations can assess the returns to investment in research.

Bibliometric methods have been successfully used to measure how the publications of a particular researcher or a research institute are utilized.[1] The research discipline of bibliometrics evaluates scientific publications as a measure of research output and relies on the existence of large databases containing key information on the published literature. One bibliographic method that could be used to investigate the contributions of AIDS/HIV research to other fields involves identifying a set of articles representing federally funded research in the National Library of Medicine's literature database MEDLINE (or AIDSLINE) and examining to what extent the non-AIDS/HIV literature cite these articles by using the Institute for Scientific Information's database of articles and their references (the Science and Social Science Citation Indexes (SCI and SSCI)).[2,3]

[8] Five percent expressed no opinion regarding federal spending on AIDS/HIV research.

[9] The difference in opinion on AIDS/HIV funding by professional activity related to AIDS/HIV was statistically significant as determined by the chi-square test ($p=.01$).

[1] Bibliometric methods have also been used to study researcher productivity, the evolution of scientific fields, the diffusion of scientific ideas, program evaluation, and the identification of innovative areas of sceintific research (4, 5, 8, 10,11).

[2] Another approach would involve identifying a set of highly-cited AIDS/HIV research articles with SCI and seeing to what extent these articles are

Economic analyses have been used to measure the "spinoffs" and "spillovers" of research conducted by some Federal agencies. For example, the overall benefits to society from four technologies stimulated by work at the National Aeronautics and Space Administration (NASA)—gas turbine engines, integrated circuits, cryogenics, and an advanced computer program dealing with structural analysis—were estimated to be about $7 billion over a 10-year period (12).[4] Another approach used to evaluate NASA spinoffs is to study how industry uses the licenses and patent waivers granted by NASA. Some benefits of federally funded research are difficult to measure. The creation of a multibillion dollar satellite communications industry and a tenfold reduction in the cost of satellite communications, for example, can be traced to NASA's space research and development program (12).

Because substantial Federal funding for HIV research is relatively recent, dating only from the latter part of the 1980's it would be premature to evaluate the economic implications of its applications in other fields. Even in the best of circumstances, one would expect several years to elapse from the start of research on HIV to applications to HIV disease and an even longer lag for advances from HIV research to be incorporated into other fields and produce tangible economic benefits.

Two studies exemplify approaches to address underlying issues related to funding for HIV research, namely the appropriateness of the distribution of resources between HIV and other research areas and the distribution of HIV research funding among different categories.

Using funding levels for fiscal year 1986, Hatziandreu and her colleagues compared Federal spending for biomedical research that was targeted to HIV disease with spending for other leading causes of death in the United States (2). Based on expected deaths and potential years of life lost for 1991, they calculated research expenditures per unit of desease burden for several conditions. They concluded that AIDS was receiving about the same priority as cancer and that there was no indication that funding for AIDS was excessive relative to cancer and heart disease. Compared with 1986, however, funding for HIV research has increased about fourfold. Comparable figures are not available for current Federal funding of research on cancer and heart disease.

To examine the allocation of funds for HIV research among alternative uses, Siegel and her colleagues surveyed members of the Institute of Medicine's Committee on AIDS, a multidisciplinary group that had studied Federal HIV policy (9). Compared with the distribution contained in the expected budget for fiscal year 1987, the dominant sentiment of these experts favored increased funding for research on behavioral and social science.

The findings of OTA's survey also address the issue of allocating resources among different research areas. Although over three-quarters of the respondents felt that Federal spending for AIDS/HIV research was about right or too low, nearly half felt that too much of available research funds has been diverted to AIDS/HIV research from other fields. These responses indicate not only support for current or augmented Federal AIDS/HIV research funding levels but also concern that other research areas are not adequately funded.

Not surprisingly, responses to questions about the level of Federal spending for AIDS/HIV research depend on whether scientists are engaged in AIDS/HIV research and whether they depend on Federal resources. Scientists in receipt of Federal funds for AID/HIV research are most likely to hold the opinion that Federal AIDS/HIV funding to too low, and more than two-thirds of scientists receiving external funding for other-than AIDS/HIV research felt that too much research funding has been diverted to AIDS/HIV from other areas.

Nearly one-half of OTA survey respondents received no external funding in 1989. The opinions expressed by these respondent are of particular interest because they are less likely to have vested interests in funding policies. Over one-half of these respondents felt that AIDS/HIV funding is about right, and nearly one-third felt that funding was to low. Only eight percent felt that AID/HIV funding was too high. On the question of diversion of research funds, more than one-half of scientists without external funding did not agree, but nearly one-third agreed that too much research funding has been diverted to AIDS from other areas. Over one-half of scientists who receive Federal support for AIDS/HIV research disagreed that research funds have been diverted to AIDS from others areas, but as many as 38 percent agreed that diversion has occurred.

In addition, in separate comments, survey respondents raised the issue of allocating resources to HIV and other targeted fields versus to basic research. One respondent, for example, pointed out that contributions from basic research conducted prior to the HIV epidemic had furthered advances in subsequent HIV research and, while questioning the contributions of HIV research to basic biology, felt that, ". . . our understanding of basic biology had made possible all AIDS research."

In conclusion, results from OTA's survey indicate that, in the opinion of the scientific community, HIV research has made many important contributions to advances in the biomedical and behavioral sciences. Furthermore, the dominant sentiment of survey respondents support current or augmented levels of HIV research. Opinion was divided on the question of whether too much research funding has been diverted to AIDS/HIV research from other fields. The results raise for continued consideration the appropriate allocation of research funds among HIV, other targeted areas, and basic science.

AIDS CASE PROJECTIONS

Participants concluded that AIDS cases in the United States will continue to increase through 1993 in each of the current principal transmission categories (i.e., homosexual/bisexual men, IVDUs, persons infected through heterosexual transmission, and children infected perinatally). An estimated 37,500 cases diagnosed from October 1988 through September 1989 eventually will be reported, a 14% increase over the corresponding count for October 1987 through September 1988 (6). Between 52,000 and 57,000 cases of AIDS will be diagnosed during 1990, and the annual count will increase to 61,000-98,000 cases diagnosed during 1993 (Table 2). These projections include an adjustment for the estimate that about 85% of diagnosed AIDS cases are eventually reported.

TABLE 2.—PROJECTED NUMBER OF AIDS CASES, DEATHS ATTRIBUTABLE TO AIDS, AND LIVING PERSONS WITH AIDS, AFTER ADJUSTMENTS FOR UNDERREPORTING [1]—UNITED STATES, 1989–93

Year	AIDS cases		Deaths
	New cases [2]	Alive [3]	
1989	44,000-50,000	92,000-98,000	31,000-34,000
1990	52,000-57,000	101,000-122,000	37,000-42,000
1991	56,000-71,000	127,000-153,000	43,000-52,000
1992	58,000-85,000	139,000-188,000	49,000-64,000
1993	61,000-98,000	151,000-225,000	53,000-76,000
Through 1993 [4]	390,000-480,000		285,000-340,000

[1] Projections are adjusted for unreported diagnoses of AIDS by adding 18 percent to projections obtained from reported cases (corresponding to 85 percent of all diagnosed cases being reported: 1/0.85 = 1.18) and rounded to the nearest 1000.
[2] Number of cases diagnosed during the year.
[3] Persons with AIDS alive during the year.
[4] Rounded to the nearest 5000. Includes an estimated 120,000 AIDS cases diagnosed through 1988, 48,000 persons alive with AIDS at the end of 1988, and 72,000 deaths in diagnosed patients through 1988.

Editorial Note: Estimates of the number of HIV-infected persons, the number with laboratory evidence of immune dysfunction, and the projected number of persons with AIDS are used to assess current and future health-care needs. Although these estimates cannot be made precisely, ongoing studies will provide additional data to improve the estimates and test the assumptions on which they are based.

Current HIV prevalence estimates and AIDS case projects are influenced by the slowing of the rapid upward trend in AIDS incidence that occurred in 1987. The number of AIDS cases diagnosed per month continued to increase in 1987, but the rate of increase declined in the middle of that year, particularly in non-IV-drug-using homosexual/bisexual men (6). Reasons for this change in trend include: 1) a decline in the incidence of new HIV infections in homosexual/bisexual men in the early 1980s, leading to a subsequent decline in AIDS case incidence (12); 2) use of antiretroviral and other therapies by mid-1987, leading to a lengthening of the incubation period from infection to AIDS; and 3) possible decreases in the completeness or timeliness of reporting. The accuracy of HIV prevalence estimates and AIDS case projections depends in part on the determination of the relative contribution of these or other factors.

After the workshop, additional data became available on zidovudine use in mid-1987, and estimates were made of the possible effect of medical therapy on the change in trend in AIDS incidence that occurred in that year. One study estimated that zidovudine treatment given during early 1987 to 5000-7000 homosexual/bisexual men with severe immunodeficiency but without AIDS could account for the change in the trend in AIDS incidence in that group in the last

cited by non-AIDS/HIV articles within both SCI and SSCI.

[3] The principal difficulty in conducting these analyses is distinguishing the AIDS/HIV literature from the non-AIDS/HIV literature. Any bibliometric analysis would require retrieving articles or their abstracts and reviewing them for content.

[4] The analysis was conducted in 1975 for the period 1975 to 1984. Economic benefits were measured in constant 1975 dollars (12).

half of 1987 (13). More than 10,000 persons received zidovudine from the manufacturer under a limited drug distribution system during March-September 1987. Data from a 4% systematic sample of this group indicate that about 4000 homosexual/bisexual men who were infected with HIV and had low CD4+ counts but who had not yet developed AIDS received zidovudine during that time (14). While this suggests that medical therapy could have made a substantial contribution to the change in trend in AIDS incidence in this group since 1987, the relative contribution of this and the other factors noted above requires further study.

Despite the apparent change in reported AIDS incidence in 1987, needs for current and future health-care services are expected to increase. AIDS has been diagnosed in no more than 10% of the approximately 1 million persons currently infected with HIV. Recent studies indicate that early treatment with zidovudine can slow disease progression in asymptomatic persons with CD4+ counts $<500/mm^3$ (NIAID, unpublished data). As discussed in the report, about 60% of the estimated 1 million HIV-infected persons in the United States-including about 500,000 persons without AIDS-may have CD4+ counts $<500/mm^3$ and may benefit from such therapy.

In addition to the suffering and health-care burden involving those already infected, a major concern is the number of new infections that continue to occur. Currently an estimated 1500-2000 new infections occur each year in newborns as a result of perinatal transmission, and a minimum of 40,000 new infections occur each year in adults and adolescents. Comparing the estimate of about 750,000 HIV-infected persons alive at the beginning of 1986 with the current estimate of about 1 million alive in mid-1989 suggests that an average of more than 80,000 new infections have occurred yearly since 1986.

Mr. KENNEDY. Mr. President, there are other points that I want to make, but I see the Senator from Arizona on the floor. I know he has an amendment. We appreciate his willingness to come over and consider this amendment. So I yield the floor so we might be able to consider that amendment.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1614

(Purpose: To amend title II of the Comprehensive AIDS Resources Emergency Act of 1990 to ensure that Native Americans too would be eligible to receive health and support services under this bill)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. INOUYE, Mr. ADAMS, Mr. DECONCINI, and Mr. CONRAD, proposes an amendment numbered 1614.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Strike the language in section 2548, (3)(D) of the underlying amendment and replace with the following:

"(D) create the capacity to deliver health and support services to individuals and families with HIV disease located in rural areas, and Indians (both Reservation and non-Reservation based), and/or deliver;

Mr. McCAIN. Mr. President, I send the amendment to the desk on behalf of myself, Senators INOUYE, ADAMS, DECONCINI, and CONRAD.

I thank my colleagues from Massachusetts and Utah for the work they and their staffs have done to bring this important bill before us today. I believe it important that resources be available for the care of people with AIDS.

While I support this legislation wholeheartedly, I am concerned that, for both our Nation's first citizens and those living in rural areas, this legislation may not offer as much help as was intended by the authors of the legislation.

I am grateful that the authors of the legislation are in agreement with this amendment, and I hope to be able to dispense with it in a very short period of time.

Mr. President, this amendment would ensure that Native Americans, and individuals living in rural areas, would also be eligible for the important health care and support services made available through this bill to people with AIDS and their families. It merely expands the language in the legislation to make sure that the possibility for delivery of services would exist—both for individuals living in rural areas and Native Americans.

With regard to Native Americans, they are one of the segments of the population at highest risk for contracting AIDS.

While the legislation allows the Secretary for Health and Human Services to award grants to "create the capacity to deliver health and support services to individuals and families with HIV disease located in rural areas and Indian reservations," no reference is made to the delivery of actual services. In addition, by only mentioning Indian reservations, the urban Indians would be excluded altogether; thus neither residents of rural areas nor Native Americans would be able to receive the services for which the capacity was created.

Mr. President, the statistics regarding Native Americans with AIDS and what is leading to infection are very telling. I do not want to take the time of the Senate at this point to enumerate the statistics, but at this time I ask unanimous consent that a letter in support of the legislation from Wayne Ducheneaux, president of the National Congress of American Indians, and an article on Native Americans with AIDS that recently appeared in a publication entitled "Winds of Change" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CONGRESS OF AMERICAN INDIANS,
Washington, DC, April 27, 1990.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Select Committee on Indian Affairs, Hart Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: I am writing to express my appreciation and full support for the Indian amendment you are proposing to offer to S. 2240, the Comprehensive AIDS Resources Emergency Act of 1990.

The amendment you are proposing is critically needed to provide better care for Indian AIDS victims. The Indian Health Service received less than a million dollars in FY 90 to provide education, counseling, testing and a limited amount of care for AIDS victims. Because of the lack of funds, we are not certain of the full extent of AIDS epidemic among the Indian population. On the other hand, I understand that IHS has documented approximately 200 cases, and these individuals will need care. Under current budgets constraints, the contract health care under which AIDS care is provided is severely inadequate. In the Aberdeen area, for example, we run a shortfall of several million dollars per year even without the additional high costs of AIDS treatment. As you know, about half of the Indian population resides in the urban areas and there is a need to provide treatment and drug reimbursement funds to urban Indian centers as well. At present the urban centers do not receive any funds for AIDS treatment.

I understand that S. 2240 as presently drafted does not clearly allow the Secretary to provide anything in the way of services and funds to Indians to treat AIDS. Therefore, I am pleased that you will be offering an amendment to ensure that Indians, both off and on reservation, are eligible for any new AIDS care funds provided as a result of S. 2240. I am confident that your amendment will be supported and appreciated by the Indian community.

Thank you for your continued interest in Indian health.

Sincerely,

WAYNE DUCHENEAUX,
President.

[From Winds of Change, Spring 1990]

AIDS AND NATIVE AMERICANS

(By Ronald M. Rowell, MPH, Choctaw/Kaskaskia)

An old enemy of Native American people has raised its head again in the late 20th century: epidemic disease. Not since the raging days of smallpox, typhoid, typhus and diphtheria have we faced an epidemic so serious to the future generations of our people. Acquired immune deficiency syndrome (AIDS), a disease caused by a virus, the human immunodeficiency virus (HIV) is present among Native communities in every region of the U.S. HIV is spread through sex, sharing of contaminated needles, and from pregnant mothers to their children. The virus is found in sufficient quantities in semen, vaginal secretions and blood to enable the transmission from one person to another.

A HIDDEN VIRUS AND "US" GOOD GUYS VS. "THEM" BAD GUYS

The fact that individuals can be infected with HIV and capable of infecting others, but not show of illness either to themselves or others for an average 9.8 years has raised barriers to dealing with the epidemic. Even though diagnosed cases of AIDS among Native Americans already existed prior to 1984, the fact that so few Native Americans in comparison with Whites, Blacks and Hispanics were diagnosed meant that AIDS was not generally viewed by officials with control over resources as a problem for our population. Focusing attention primarily on diagnosed AIDS cases instead of on related risk indicators like substance abuse and rates of sexually transmitted diseases, or on rates of infection with HIV, resulted in a general dismissal of Native concerns. It also raised a policy formula which assumed that a certain number of Native Americans would have to die before funds for HIV prevention could be justified.

It has been difficult for many people to grasp fully the idea that a person can feel and look healthy and transmit a deadly virus. It is a characteristic quite different from our usual experience with other common diseases which show us some external evidence of infection.

The combination of the lack of external signs of infection with the fact that the epidemic primarily affected gay and bisexual men and intravenous drug users allowed many people to feel they were personally invulnerable. This assumption of invulerability has allowed a sense of community-wide denial of risk to prevail where there has been no HIV awareness or education effort. So long as the epidemic is viewed in terms of "them"—the bad guys—vs. "us" the good guys—the danger of the spread of HIV will remain particularly serious.

If we are to win the battle against HIV, we will have to convince individuals that neither heterosexual orientation nor the label one chooses to describe oneself are a guarantee against a sexually-transmitted virus, "It's what you do, not who you are." We will also have to convince alcohol and other non-IV drug abusers that the relationship between substance abuse and HIV goes beyond just not using and sharing needles. Substance abuse is indirectly related to HIV infection because of risk-taking sexual behavior (sharing semen or vaginal fluids) while under the influence.

The "good guy/bad guy" syndrome has led to some ridiculous propositions; quarantine of all those infected, testing everyone for HIV antibodies, running infected individuals off the reservation at gunpoint, and others. Without getting into the specific arguments from a public health perspective against each of these draconian measures, there is a more general argument to be made. We must be able to convince individuals to change specific behaviors which place them at risk for HIV infection. Therefore, our focus must be on the responsibility of each individual to act in his or her own interest by not participating with another person in sexual or needle-sharing activities which would place them in danger.

The "good guy/bad guy" position puts the onus on the other person to protect our health. That is entirely the wrong message to send. Except in cases of rape or other violence, no one can force a person into a high-risk activity. As AIDS educators have said many times, "It takes two to have sex, but only one to have a safer sex." The problem of the spread of HIV is not that infected persons are out and about with the purpose of infecting others. The problem is that the vast majority of individuals who are HIV infected do not know it and continue living their lives as they always have.

EVIDENCE OF RISKS: SEXUALLY TRANSMITTED DISEASES AND SUBSTANCES ABUSE

Are Native Americans at risk? The evidence of high-risk behavior is strong. Native Americans have high rates of syphilis and gonorrhea, at least in some states. The Centers for Disease Control studied primary and secondary syphilis and gonorrhea in 13 states from 1984-88. That study found that Native American syphilis rates were over twice that of non-Natives, and that gonorrhea rates were similar. Native syphillis rates were 12.93/100,000 vs. 5.36/100,000 for non-Natives; and Native gonorrhea rates of 500.83/100,000 vs. 247.52/100,000 for non-Natives. In some states, Native rates were much higher. HIV is spread in exactly the same way as these sexually-transmitted diseases and they provide a clear indication of risk.

Thirty-seven percent of Native American people die before the age of 45. Of the top ten causes of death, at least four are directly the result of alcohol abuse, and most if not all the rest are indirectly the result of substance abuse. In at least some areas of the country, intravenous drug abuse among Native Americans has become a significant problem. Substance abuse is clearly the greatest health problem facing Native Americans and the fact that it is so is another strong argument for the danger of HIV in our population.

HIV INFECTION RATES

HIV infection rates by ethnicity can be gleaned from general population studies. Since October, 1985, the U.S. Department of Defense has tested all applicants for military service for HIV antibodies. The cumulative data from that study for the U.S. as a whole shows that Native American men have the third highest rate of infection after Blacks and Hispanics. In California, the state with the largest Native American population, Native Americans are in second place behind Blacks, but almost tied with them. This study is not a representative sample of the Native American male population, so the results cannot be viewed as a definitive measure of the rate of HIV infection. However, it is interesting to consider that since gay and bisexual men and intravenous drug users are specifically discouraged from joining the Armed Services, the infection rate is surprisingly high.

The Centers for Disease Control has been conducting a survey of blood samples taken from "sentinel" hospitals throughout the U.S. over the past year. Preliminary data from that study, which is more of a representative sample, also shows that Native Americans who are patients at hospitals for non-HIV related conditions have a much higher rate of infection than one would assume from the number of diagnosed AIDS cases.

The Indian Health Service and the Centers for Disease Control are in the midst of a special seroprevalence survey of the Native American population nationwide. The results of that study will give us even more precise information than we have now.

AIDS CASES AMONG NATIVE AMERICANS

By November 1989, Native American cases of AIDS had already doubled over the period of a year. The cumulative number of cases on November 30, 1989, was 156: 4 pediatric cases, and 152 adults. Just over half the adult cases were men infected through sex with infected men. A third of the cases were intravenous drug users of all sexual orientations. Women make up four times the number of diagnosed cases of AIDS in the Native AIDS caseload than they do in the White-Hispanic caseload. An analysis of Native women with AIDS shows that intravenous drug use and having sexual partners who are intravenous drug users in the main route of HIV transmission for women. IV drug use is directly responsible for HIV infection in Native children. There were 8 adult Native cases where transmission was the result of heterosexual sexual activity, 1 male and 7 female, AIDS is not just an urban or a California problem: there have been Native AIDS cases in every region of the U.S., both on reservations and in cities.

THE NATIONAL NATIVE AMERICAN AIDS PREVENTION CENTER

In the Spring of 1987, an effort was initiated from the San Francisco Bay Area to organize a national coalition of concerned Native people around HIV/AIDS prevention. Included in this coalition were Native public health workers, physicians, nurses, substance abuse personnel, tribal leaders, Native people with AIDS, and Native gays and lesbians. Begun as a volunteer effort, representatives sought opportunties to speak to national Indian conferences, provide workshops, involve themselves in policy discussions with government, establish linkages with AIDS efforts in other communities and provide interviews to media about the issue.

By Summer of 1988, the National Native American AIDS Prevention Center (NNAAPC) was organized as a California non-profit corporation and had succeeded in obtaining funds from the U.S. Centers for Disease Control. NNAAPC is governed by a 12-member Board of Directors, all of whom are Native American. It has a staff of 7 with offices in Oakland, California, and Minneapolis, Minnesota.

NNAAPC's program design is based on the assumption that it is at the local community level where most of the difficult AIDS prevention work must occur. As a national organization, NNAAPC seeks to provide a stimulus for initiating local HIV prevention programs, to offer access to information, train front-line workers in the field, and provide technical assistance in program development.

In support of providing access to information, NNAAPC's program includes the operation of a national toll-free Indian AIDS Hotline, a clearinghouse for Native-specific HIV/AIDS health education materials, a quarterly newsletter "Season", and limited library and research services. NNAAPC's training program is focused on "Training of Trainers" in order to provide Native America with a pool of qualified Native individuals able to provide AIDS Basics workshops locally or regionally. The technical assistance program targets select Native communities which have expressed interest in developing HIV prevention activities through the involvement of community members in a planning process whose outcome is, ideally, the integration of HIV education into every facet of community life.

The National Indian AIDS Media Consortium (NIAMC), a cooperative effort by NNAAPC and the Native American Press Association, is involing Native-owned newspapers, newsletters, radio and television stations in HIV/AIDS prevention. NIAMC has opened up a new line of communication be-

tween the public health sector and the media which we hope will expand in the future to include other health issues.

The work of preventing the spread of HIV cannot be done by one agency or organization. In order to succeed, all of us must assume responsibility for ensuring that no one at risk in our communities becomes infected because they did not know HIV was a Native American problem too or the proper precautions to take. We must also ensure that the values common to us all of compassion, mutual assistance and ensuring the survival of the seventh generation are applied to Native people infected with HIV and living with AIDS the same as for people "suffering" from other diseases.

AIDS can be viewed as a symptom of a larger, underlying health problem. Other symptoms of this underlying problem include teen pregnancy, fetal alcohol syndrome, violence, sexual abuse, accidents and suicide. If we succeed at changing the behaviors which put people at risk for HIV, we will have succeeded at changing the behaviors which are at the root of these other symptoms.

Yes, AIDS is a tragedy. If there is a bright side to this tragedy, it is that we have before us an opportunity to organize to improve the overall health status of our people. Self-determination must include empowering community members to problem-solve and articulate alternative visions for the future, and helping to bring those visions to life. Taking charge of our own health is fundamental to self-determination. It is not health care professionals who will stop AIDS. It is we ourselves who will do so by working together to create the conditions for a healthy future.

(Ronald M. Rowell is with the National Native American AIDS Prevention Center.)

Mr. McCAIN. Mr. President, I believe that this material vividly tells the story.

In the article in Winds of Change that is dated the spring of 1990, it makes some very interesting and compelling statements. Mr. President, 37 percent of native-American people die before the age of 45. I repeat, 37 percent of native-American people die before the age of 45. Of the top 10 causes of death, at least four are directly the result of alcohol abuse and most, if not all, of the rest are indirectly the result of substance abuse.

In at least some areas of the country, intravenous drug abuse among native-Americans has become a significant problem. Substance abuse is clearly the greatest health problem facing North American native-Americans and that fact is another strong argument for the danger of HIV in our population.

Mr. President, the article goes on to say that in California, the State with the largest native-American population, native-Americans are in second place behind blacks, but almost tied with them, clearly indicating that there is a severe and serious problem as far as AIDS and its affliction to our native-American population.

Mr. Wayne Ducheneaux, of the National Congress of American Indians, has stated that this amendment is "critically needed" to provide better care for Indian AIDS victims. The Indian Health Service received less than $1 million in fiscal year 1990 to provide education, counseling, testing, and a limited amount of care for AIDS victims.

Mr. McCAIN. Mr. President, I would like to applaud my colleagues on the Labor and Human Resources Committee who have labored long and hard to put together this important legislation—particularly Senators KENNEDY and HATCH. This legislation has literally been several years in the making, under the tireless efforts of our two colleagues. Without their dedication, and willingness to put partisanship behind them, I am sure this bill would not be before us today.

I am pleased to be a cosponsor and supporter of this legislation.

Mr. President, I am sure I am alone in the disbelief I have felt as I have watched this cruel disease spread among our population.

As of March 31 of this year, over 128,000 cases of AIDS have been reported to the Centers for Disease Control. The lives of over 78,000 Americans have already been taken by AIDS. We are told that this year, alone, 50,000 Americans will be diagnosed as having AIDS.

For some, AIDS is contracted due to high risk behaviors—a risk that is in large part preventable. For others, exposure to the human immunodeficiency virus does not involve matters of choice. A prime example is children. Children who are born to drug addicted mothers infected with HIV, or hemophiliacs who received infected blood.

Regardless of how one is exposed to the virus, what follows is tragic. Experts tell us that, while some medications may dramatically slow the progression of the virus, infection with HIV ultimately leads to the terminal illness called AIDS.

Just a couple of weeks ago, the life of a young man named Ryan White was lost to AIDS. We all share in the grief that his family and loved one's must feel over the loss of Ryan. But, his light will shine on, because through Ryan this country has learned a lot about AIDS.

Ryan contracted AIDS at the age of 13 as a result of receiving infected blood during a transfusion. This courageous young man, stricken with a terminal illness, first fought against unfounded fears and prejudice in his attempt to continue going to school with his peers. Then through his tireless efforts he sought to educate and explain the realities of his illness. Such courage for a young man. Such a mark he has left on his fellow man. Together, we learned a lot.

It is, in my opinion, a very fitting tribute that this bill be dedicated to him.

Much has been done in the area of education and prevention, and research into treatments since AIDS was first detected in the early 1980's. Other than repeatedly providing more money for the drug AZT, Congress has yet to address the issue of treatment. That's what this bill is all about.

The reality is that people who contract AIDS need health care and support services. Currently, there is little access to health care except for the assistance which is being provided at the State and local level. In many areas of the country, the only access to such services is through volunteer organizations. Needless to say, the expense of caring for people afflicted with AIDS is great. I have heard the figure of $100,000 quoted—for the treatment of individuals in the end stage of the disease. Most State and local governments find themselves unable to respond to this need given fiscal circumstances. While the Federal Government also has fiscal difficulties, there is need for a coordinated effort at the Federal level.

The core of this legislation is a program which will provide block grants to States for the funding of programs to provide health care and support services. This will ease the fiscal strain at the local level, while still keeping the decisions regarding what types of programs ought to be provided with those closest to the people needing the services.

My State of Arizona, for example, will receive a block grant of $2.7 million. Given the State's current budget crisis, and the need for increased health care and support services for people with AIDS, this support is surely needed.

While I wish there was not a need to be passing a bill like this—there is.

While I wish there was not a disease like AIDS—there is.

While I wish AIDS did not claim the lives of individuals such as Ryan White, for whom affliction is not due to behavioral choices of their own—it does.

Thus, I believe the only responsible thing to do is provide the type of assistance that is contained in this legislation.

Is it a cure all? No way. Individuals, not unlike Ryan, will continue to contract HIV, ultimately develop AIDS, and will perish as a result.

Is there something more we can be doing? You bet.

First, it is imperative that we continue to pursue what Surgeon General Koop referred to as the best weapon against the spread of AIDS—education. We must continue the efforts to inform the American people of how HIV is transmitted.

Second, people need to use this knowledge to make sure that the risk

of contracting HIV is virtually nonexistent for them.

Third, we need to continue the research efforts for both a cure and more effective forms of treatment so that we might better serve those who are and do become infected with HIV.

And, fourth, we must continue to improve the safeguards of our blood supply, so that the risk of contracting HIV is nonexistent for those in need of transfusions.

I would like to inquire of my colleagues from Massachusetts and Utah whether I am correct in my belief that it is their intention in proposing this legislation that all Americans be eligible for the services contained in the bill, including native Americans. I yield to my colleague, the chairman of the Labor and Human Resources Committee, Senator KENNEDY.

Mr. KENNEDY. The distinguished Senator from Arizona is indeed correct in his assertion. It is fully my intention that native Americans, too, be eligible for participation under this legislation.

I would like to thank the Senator from Arizona for joining us in sponsoring this bill, and for his bringing this particular issue to our attention. I am fully aware of the serious threat facing native Americans with regard to AIDS, and I share the Senators desire to see that native Americans, too, have access to the services authorized under this bill.

I yield to my colleague and good friend, the chairman of the Senate Select Committee on Indian Affairs, Senator INOUYE.

Mr. INOUYE. I would like to associate myself with the remarks of my distinguished colleague, and vice chairman of the Senate Select Committee on Indian Affairs, Senator MCCAIN.

Mr. President, Indian people have survived many terrible diseases since initial contact with the non-Indian population. Small pox, typhoid, cholera, measles, influenza and tuberculosis have wiped out millions of Indian people over the centuries. Today, we are facing another potential for an epidemic. How we respond to the threat of AIDS in the Indian population will mean the difference between life and death for many Indian men, women, teenagers, children and infants for decades to come.

The threat of HIV infection among the native American population is very serious. Recent studies by the Centers for Disease Control [CDC] have shown that the rates for sexually transmitted disease remain at least twice as high for Native people as for all other ethnic groups combined. This data is extremely troubling to public health officials, because it indicates that little progress has been made in changing behaviors that place individuals at risk for HIV infection.

Mr. President, the CDC estimates that as of January 1990, there were 159 Indian or Alaskan Native people diagnosed with AIDS. This figure does not include the many more who are HIV positive, but who have not yet developed the constellation of symptoms which define full blown AIDS. Public health officials tell us that we can safely estimate that up to 10 times the number of people with AIDS are HIV infected. This would mean that as many as 1,590 Indian people are likely HIV positive today. There are only 1.4 million Indian and Alaska Native people living in the United States. The potential explosion of HIV infection within Indian and Alaska Native populations is of great concern to me and the many Indian leaders with whom I work.

Alcoholism and substance abuse remain the most severe health hazards for native American people today. Our efforts to educate the Native population about the risks of HIV infection must also be done in close cooperation with efforts to those involved with substance abuse prevention. Indeed, the level of our success to preventing AIDS in Indian and Alaska Native populations will depend upon how well we can address alcoholism and substance abuse at the local level. Prevention efforts must work hand in hand to fight the spread of this terrible disease.

I call upon my distinguished colleagues on the Senate Select Committee on Indian Affairs, and on the Senate Labor and Human Resources Committee to pool our efforts to fight the spread of AIDS among Indian people and to hold joint hearings in the near future to more fully examine what is being done and what needs to take place to better equip Indian communities to fight this disease.

Mr. President, too many of our young have died an early and painful death because of this disease. The Indian population is a young population. I stand in full support of this amendment and thank my colleague from the Indian Affairs Committee for his leadership on the serious threat of AIDS among the Indian and Alaska Native population. I yield to my friend and colleague from the State of Washington [Mr. ADAMS].

Mr. ADAMS. I would like to join my distinguished colleagues in support of this important amendment. In the State of Washington there are over 600,000 Indian and Alaska Native people. Half of this population resides in the Puget Sound region, in or around Seattle. I discussed the problems of AIDS in the Indian community when I toured the Seattle Indian Health Board last fall. While I was impressed by the dedication of those providing health care to urban Indians, I was shocked to learn how little funding there is available for services to Indian people who are HIV infected.

The recent data from the Centers for Disease Control paints a bleak picture of the disease in Indian country. Proportionately, the rate of Indian women with AIDS is four times the rate for white women. The method of transmission of the HIV virus among the Indian population is different than for the general public. While only 8 percent of those from white populations infected with the virus became infected through IV drug use, for Indian people with HIV infection 17 percent of them were infected through IV drug use. IV drug use is a serious problem we must all face and deal with in our communities. I am proud to recognize Tacoma and Seattle, WA, as leaders in the effort to combat the spread of AIDS among IV drug users through their needle exchange programs.

The data indicates that for those Indian people who have been diagnozed with AIDS, the vast majority of them become infected in urban areas. For many of these people, they have chosen to return to their tribal reservation communities for the support of their families and to be within their traditional environment. We need to support urban Indian health centers so they can reach out to Indian people who may be infected and provide the counseling and support they need. We must support tribal governments to develop the education and prevention materials necessary to prevent the spread of AIDS, and to help those families who face the hard truth of caring for a loved one with AIDS. We must push the Indian Health Service to move more aggressively in its efforts to integrate an AIDS education and prevention program within its service delivery system.

Mr. President, my heart pours out to all those families and individuals who have to deal firsthand with this terrible disease. I urge my colleagues to support this amendment to bring much needed resources to urban reservation Indian communities. I yield to my distinguished colleague from Utah [Mr. HATCH].

Mr. HATCH. I am pleased to join in this discussion about the importance of ensuring that native Americans are not denied access to the services provided under this legislation. Doing so was certainly not the intention of this Senator, nor do I believe was it the intention of my friend from Massachusettes. Accordingly, I believe we are prepared to accept this amendment.

But, before I yield the floor, I would first like to applaud the Senator from Arizona for bringing this issue to our attention. There are no stronger advocates in this body for native Americans than the distinguished vice chairman and chairman of the Senate

Select Committee on Indian Affairs. Their individual and collective leadership and bipartisan commitment to addressing the issues facing native Americans is an example to us all.

I yield to my friend, and chairman of the Labor and Human Resources Committee, Senator KENNEDY.

Mr. KENNEDY. Mr. President, we are indeed prepared to adopt this amendment. It reflects our intention that our Nation's first citizens be afforded the same opportunities under this bill as all others.

But before I yield the floor, I would like to thank my two distinguished colleagues from the Senate Select Committee on Indian Affairs for their work on this.

And, I would like to suggest that perhaps we take some time in the near future to explore the possibility of holding a joint hearing on the issue of AIDS and its effect of native Americans.

I yield to the distinguished vice chairman of the Senate Select Committee on Indian Affairs, and author of this amendment, Senator MCCAIN.

Mr. MCCAIN. I would like to thank my distinguished colleagues, the floor managers and authors of this legislation, for their willingness to accept this amendment. I applaud their tireless efforts on the AIDS issue, and look forward to the possibility of working with them to put together a joint hearing on AIDS and native Americans.

Mr. President, again, I strongly applaud and appreciate the assistance and cooperation of my friend from Massachusetts, as well as that of my friend from Utah, in allowing this language to be inserted so that native Americans and those living in rural areas are able to receive, very frankly, the same services as other Americans.

This problem is one that is very gripping. It is one that is growing. It is one that I think clearly deserves the attention of all Americans.

I thank my friend from Massachusetts and I yield the floor. I ask that the amendment be favorably considered.

Mr. KENNEDY. Mr. President, I hope the amendment will be favorably considered. It was the intention of the Senator from Utah and myself that the program which we have developed would apply to native Americans. I think the language of the Senator from Arizona clarifies that we are intending not only to deal with individuals residing on the reservation but off the reservation. That is certainly our intention and our hope.

This language and the colloquy along with the excellent statements that are made in support of it by the Senator from Hawaii [Mr. INOUYE] who chairs our Special Committee on Indian Affairs. I know Senator ADAMS and others have taken a particular interest in this issue. I certainly support it. I hope the Senate will adopt it.

Mr. HATCH. Mr. President, I compliment the distinguished Senator for his concern about the Indian people and for this particular amendment which will ensure that Native Americans will be eligible to receive health care and support services under this bill. I have no problems with this amendment. In fact, I think it is a good amendment, and I hope we will accept it.

Mr. MCCONNELL. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1614) was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Senator PRYOR be added as a cosponsor. I believe Senator SIMPSON had already been included.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. That brings the total number of cosponsors to 67.

Mr. President, I again reiterate our desire to move ahead with the legislation. There are four Senators who have indicated they have amendments. We are ready to consider those amendments. We hope we can get moving on this legislation which has such a strong and overwhelming degree of support.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

AMENDMENT NO. 1615

(Purpose: To provide for establishment of an intravenous drug abuse waiver that shall apply to certain ADAMHA block grant requirements)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for himself and Mr. WALLOP, proposes an amendment numbered 1615.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER: Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add:

TITLE —MISCELLANEOUS PROVISIONS

SEC. . ADAMHA IV DRUG ABUSE WAIVER.

(a) INTRAVENOUS DRUG USERS.—Section 1916(c)(7) of the Public Health Services Act (42 U.S.C. 300x-4(a)(7)) is amended by adding at the end thereof the following new sentence: "The Secretary shall waive the provisions of the preceding sentence for any State which has submitted application for such a waiver to the Secretary prior to September 30, 1989.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as of October 1, 1989.

Mr. SIMPSON. Mr. President, I present this amendment which I think is wholly in keeping with the thrust of the legislation we are considering today. I am pleased that my good friend from Wyoming [Mr. WALLOP] is a cosponsor of the amendment.

This amendment does one thing and one thing only. It clarifies congressional intent with respect to the waiver provisions under the Alcohol, Drug Abuse and Mental Health Block Grant—that is what it does—assuring that States can use the block grant funds to reach IV drug abusers in the most practical and efficient way.

My colleagues may recall that when Congress last reauthorized the ADAMHA block grant, it changed the allocation formula to target more money to the heavily urbanized areas—primarily the east and west coasts—and created new mandatory set-asides within the grants for specific programs and populations. Among the new set-asides were a requirement for a revolving loan fund to finance construction of group half-way treatment facilities, and a rather large earmark for the treatment of IV drug abusers. These changes to ADAMHA—the allocation formula and the set-asides—were created primarily in response to AIDS. In particular, Congress wanted to help focus States efforts on curbing the spread of AIDS through intravenous needle-sharing.

Congress also wisely included in that same legislation a waiver provision for States which could demonstrate that the set-aside requirements were inappropriate for them. Seven States applied for that waiver. They received them only early this year. The Department of Health and Human Services said that it was unclear about congressional intent with respect to the waiver—even though the record shows clearly that Congress intended the waivers to be presumptive. The Department also indicated that the waivers may, in fact, be withdrawn next year.

Mr. President, the State of Wyoming was one of the States to apply for the waiver. The State has neither an AIDS incidence nor and IV abuse problem of any great proportion, although certainly it is there. Yet under the

ADAMHA mandates, the State would have to earmark $200,000 out of a $750,000 substance abuse allocation for treatment of IV drug abusers. Meanwhile, individuals who suffer from alcoholism and related disorders, or who abuse ingestible drugs, will continue to have to wait 6 to 10 weeks between treatment visits.

Mr. President, these bizarre results clearly subvert the intent of the ADAMHA block grant and of the recently enacted changes. When we are talking about grant amounts as comparatively small as those Wyoming and other small States receive, the set-asides and their administrative requirements become extraordinarily inefficient devices for reaching the groups Congress wants to help.

The legislation before us, the AIDS CARE bill, of which I am a cosponsor, clearly recognizes that flexibility is so important and it allows local health agencies to plan how best to meet the demand of AIDS patient care in their own communities. Providers and counselors can either see and treat people, or they can spend their time separating out the Federal money according to set-aside requirements and conforming their books and their practices to the Washington dictum. Certainly the Federal Government should play a leadership role in targeting substance abuse funds, but I certainly object to substituting Federal directives for local understanding of the problem. The sponsors of the AIDS legislation know that State and local health professionals are committed to halting the spread of AIDS, through IV drugs or other transmissions. They just need the resources. They do not want to split hairs on the allocation of funds. They want to treat people.

So this amendment would simply instruct the Secretary of HHS to enforce the letter of the law and grant waivers to those States which have applied for them and which qualify. The amendment thoroughly clarifies congressional intent that States which have documented that they cannot make efficient use of ADAMHA funds earmarked exclusively for IV drug abuse treatment will not be subject to the set-aside mandate.

That is the purpose of the amendment. I would hope that it might be acceptable or voted on.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I urge the Senate to accept this amendment. I think the reasons for it have been well explained by the Senator from Wyoming. The ADAMHA Grant Program deals with drug treatment, alcohol, and mental health needs. This would give a greater flexibility to the States to make adjustments in utilizations of those funds, but it would also provide assurances that those funds would be targeted in particular areas. That is certainly consistent with the ADAMHA Block Grant Program.

I think for the reasons that have been well stated by the Senator from Wyoming we ought to accept that amendment. We are prepared to do so.

Mr. SIMPSON. Mr. President, I thank the Senator from Massachusetts for his understanding of the plight of the smaller States. He has always been courteous and helpful to me on those types of situations where we have the smaller population and we get caught in the formulas and they are not always efficient. It is very helpful to us.

It is the same amendment that passed the Senate in October of last year, and I appreciate very much the courtesy of the Senator from Massachusetts in including it at this time also.

Mr. President, I am sure that he will work diligently to preserve that in the conference activities.

Mr. KENNEDY. With that urging, it is almost assured of becoming law.

I thank you, Mr. President.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 1615) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, may I inquire of the distinguished manager about whether they intend to proceed at this time on the bill for further amendments? If not, I would like to ask unanimous consent to proceed as though in morning business, very briefly.

Mr. KENNEDY. Mr. President, we are grateful to the Senator from Wyoming for responding to the invitation of Senator HATCH and myself to dispose of that amendment. We know that there are several more amendments that need to be disposed of and we are eager to address those amendments. But right now there is no current pending amendment and if the Senator would want to make comments on other matters, we have no objection.

Mr. DIXON. I thank the manager.

I see the distinguished Senator from North Carolina on the floor. I know he has contemplated amendments. I do not mean to impose on his or any other Senator's time. My matter will be brief, but will not be on the subject at hand.

Mr. HELMS. If the Senator will yield, there would be no imposition whatsoever. I suggest the Senator proceed.

Mr. DIXON. I thank my friend from North Carolina and I thank my friend the distinguished manager.

Mr. President, I ask unanimous consent to be permitted to proceed as though in morning business for a brief period of time—and I assure the manager it will be brief—on another subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

LET PRIVATE LAWYERS PROSECUTE S&L FRAUD

Mr. DIXON. Mr. President, in perusing the New York Times today, I noticed on the editorial page of the New York Times of today, Tuesday, May 15, page A24, a letter from an associate professor of economics at Georgia State University, Mr. Mark E. Schaefer, who wrote this letter from Georgia State University in Atlanta on May 5, 1990, entitled "Let Private Lawyers Prosecute S&L Fraud."

To the Editor:

Attorney General Richard Thornburgh says the Government is unlikely to prosecute all the more than 1,300 major savings-and-loan fraud cases for lack of staff (news story, April 27). I suggest that private lawyers bid to handle these cases for a percentage of the recovery. The higher they estimate the chance of winning a case or the size of the judgment, the more they will want that case and the lower will be the percentage they will bid as their contingency fee.

The taxpayer's burden will be eased a bit and the typical citizen's confidence in the legal system will be increased by seeing that justice was served upon the perpetrators of the biggest white-collar crime wave in the history of the United States.

MARK E. SCHAEFER,
Associate Professor of Economics,
Georgia State University.

ATLANTA, *May 5, 1990.*

Mr. President, I do not necessarily suggest that we follow the course suggested by Professor Schaefer, but I do suggest that the time has come for this administration to follow some course with respect to what is precisely, as described in this letter, "the biggest white-collar crime wave in the history of the United States."

Mr. President, when we had the confirmation debate on Timothy Ryan, I said, no reflection on the man, this is the biggest scandal in the history of this country. Teapot Dome, small potatoes; Watergate, small potatoes; Iran controversy, small potatoes. The biggest crime, the State of Idaho fields of potatoes, is the thrift scandal, the S&L scandal, with nothing being done.

This professor suggests something we ought to do. I remind my colleagues that in the debate on the supplemental appropriation bill the distinguished Senator from Colorado [Mr. WIRTH] and this Senator from Illinois, suggested that we take $30 million, being in my view, squandered on

tourist promotion for Panama, spend $30 million to hire FBI agents and assistant prosecuting attorneys and specialists to send people to jail that turned loose upon America this savings and loan scandal.

Mr. President, there are thousands of people out there right now sitting around sipping martinis and eating fancy lunches in all the best restaurants in America, driven there in chauffeur-driven limousines, who will spend the night on their yachts that ought to be in jail because of this scandal. There are billions of dollars out there that ought to be collected in the deep pockets of rich people who stole it from America in this scandal, and nothing is being done.

Now I want to just say this in conclusion. A week or so ago, I do not remember the precise date, we had Joe Corrigan, chairman of the New York Fed district—a very bright, smart man, who understands all about the financial institutions in this country and what needs to be done to improve the quality of our institutions, what needs to be done to improve regulation with respect to our financial institutions—testify and members of the Banking Committee, including this Senator, asked him questions.

We said, how did this scandal come about; this terrible thrift scandal, this scandal that even now has the leaders of the two parties meeting at the White House with the administration people trying to figure out what to do about the budget because of the impact of this scandal on interest rates, the budget deficit, and other important things that affects the pocketbooks of everybody in these galleries, and people all over America.

That man said the biggest reason for this scandal—there are other reasons—the major reason is the lack of supervisory and regulatory effort during this decade.

Now, I remind you, Mr. President, that is on this administration's watch. This is the decade, beginning with 1980, in which this tragedy has taken place. It is not unreasonable for Members of the Senate to come to the floor from time to time, and I hope others will, to say nothing is being done of importance and that the country demands prosecutions of the crooks, lawsuits under the reasonably prudent man rule against people of wealth, cunning people who set forth the forces in America to take this money and to cause this problem.

Other things will trigger me to come here again, Mr. President. This little article, which I am going to put in the RECORD, written by Professor Schaefer—I never met the man—associate professor of economics at Georgia State University, at least he is trying something, Mr. President. He has an idea. He wrote the New York Times. He went to a lot of trouble. Somebody has to have some ideas around here about what we are going to do.

I call upon those—and I do not point out any particular person—in this administration to send people to jail, to prosecute people, to sue people, so that the American public ultimately can say we did our best to correct this wrong that took place.

Mr. President, I ask unanimous consent that the text of the letter from Prof. Mark E. Schaefer, Georgia State University, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LET PRIVATE LAWYERS PROSECUTE S&L FRAUD

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MARK E. SCHAEFER,
Associate Professor of Economics,
GEORGIA STATE UNIVERSITY.

ATLANTA, *May 5, 1990.*

Mr. DIXON. Mr. President, I yield the floor.

Mr. BURNS. Mr. President, I ask unanimous consent to extend morning business for another 2 or 3 minutes.

The PRESIDING OFFICER (Mr. GLENN). Without objection, it is so ordered.

TOURISM

Mr. BURNS. Mr. President, I rise today to applaud my colleagues for joining with Senator ROCKEFELLER and me on S. 1791, the Travel Policy and Export Promotion Act of 1990.

I am proud to have been a part of updating the tourism policy for this great country of ours. Tourism is an industry that involves so many segments of our work force and yet it is taken for granted by leaders of our country, industry itself, and the general populous.

Those of us who rely on tourism for our States well-being and economic health need to work double time to increase the awareness and appreciation for what a large industry tourism is.

In March of this year, the Department of Commerce reported that travel and tourism commanded a trade surplus for the first time in 29 years, to the tune of $1.2 billion. It led agriculture in export earnings.

This gives us living proof that tourism is alive and well in America today. Now our job and commitment is to make sure that tourism is given every chance to maintain and even increase its performance.

It is only proper that we are passing this bill during National Tourism Week. I encourage all of my colleagues as well as those who make their living from tourism to get out and promote your industry. It all counts, and every little effort makes a difference.

Many people do not know they belong to such a fast growing and lucrative business. The guy who fries hamburgers at the local fast food restaurant, the housekeeper who cleans rooms in the local motels, the guy who works road construction in Montana, or the airline pilot who flies businessmen and vacationers into West Virginia; they are all a part of this great business of tourism and probably do not even think about it.

We have to make everyone working in these types of jobs aware of themselves and the important job they do to produce a $1.2 billion surplus in U.S. tourism. It takes all of us.

I am glad to see the efforts that USTTA and others are making to develop tourism through small business in rural America. Their national rural tourism study has been a great step foward in bringing growth to the rural areas of this country.

There are many States like Montana, Wyoming, the Carolinas, and others that have a hard time drawing visitors away from the crowded metropolitan hot spots. Especially the foreign visitors.

It takes a concentrated effort to build awareness and educate travelers, whether they are business or pleasure travelers, to the idea of venturing into the unknown, lesser traveled areas of our country. We are pretty good folks once you get out and meet us. I know they will like us once they find us.

Today it is more important than ever that rural States like my home of Montana and others look seriously at diversifying their economic development resources. In my home State we have miles and miles of open roads and beauty and splendor that not many States have left to offer.

It is important that we do not stop with this one piece of legislation to support tourism. In future months I will be working with my colleagues to bring about changes that will help support the changes that are needed to encourage growth and prosperity in tourism. We need to build incentive for business men and women to open businesses and take on leadership roles that will help build this industry's future.

We need to encourage innovative and creative thinking and action. But in order for this creativity to succeed we need to offer support and leadership in the right places. We need to be

creative in our thinking here in the Congress.

I ask my colleagues here today to act with me in the future. I know we can make a difference.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT OF 1990

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1616

(Purpose: To amend title II of S. 2240 to allow the use of funds for chronic illnesses in States with fewer than 100 AIDS cases)

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for himself and Mr. SYMMS, proposes an amendment numbered 1616.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(a) On page 44, line 2, after the word "areas", add the following: ", and for other purposes".

(b) On page 44, line 4, strike "A State" and insert the following: "Except as otherwise provided in subsection (b), a State".

(c) On page 45, after line 2, add the following new subsection:

"(b) CARE GRANTS FOR PEOPLE WITH CHRONIC OR TERMINAL DISEASES OR CONDITIONS.—

"(1) A State which fewer than 100 cases of AIDS have been reported to and confirmed by the Secretary for the two most recent fiscal years for which such data is available may use its allocations as determined under section 2548(b) to provide comprehensive care (such as home and community based services, therapeutic treatments, and early diagnosis and early intervention services) to people with severe chronic or terminal illnesses or conditions, including, but not limited to:

(A) HIV disease;

(B) Alzheimers disease;

(C) Diseases of the cardiovascular system;

(D) Cancer;

(E) Respiratory illnesses.

"(2) The Secretary shall not make a grant under this subsection for a fiscal year unless the State proposes and submits to the Secretary an application, in such time, in such form, and containing such agreements, assurances and information as the Secretary determines to be necessary to carry out this subsection.".

(d) On page 45, line 3, redesignate subsection (b) as subsection (c) and insert after "A State" the following: "that receives a grant under subsection (a)".

(e) On page 53, line 25, after the word "under", insert the following: "subsection 2541(a) of".

Mr. WALLOP. Mr. President, there is said to be about 1 million Americans infected with the HIV virus. However, State-by-State infection and caseloads vary significantly. The virus is essentially concentrated in urban areas among the gay population and among low-income drug abusers. My State of Wyoming has had 13 AIDS cases, according to latest report from the Centers for Disease Control, and 13 cities in America accounted for 55 percent of all the AIDS cases.

So, as with many chronic diseases, those with HIV disease face limited home and community-based services due to problems with capacity and insurance coverage. The bill before us is obviously designed to fund a new financial assistance program to urban areas, an emergency bailout, if you will, for the cities. Funding essentially will only go to cities with at least 2,000 AIDS cases, and since the entire State of Wyoming has only 13, the State of Wyoming receives not one red cent under this title.

In order to gather enough support to pass this bailout, the bill also includes a title to provide health funding to all regions, urban, and rural, for a new HIV program.

The bill authorizes $300 million for the urban bailout program and $300 million for the national assistance program. Any State seeking to qualify for funding under title II must go through five hoops to receive any funds.

They must, first, establish an HIV CARE Program for the State. They must, second, provide home and community-based services for HIV patients. They must, third, develop a program to ensure continuation of health insurance coverage for HIV patients. They must, fourth, provide therapies for low-income patients, and fifth, and last, they must establish a diagnostic and intervention program for HIV patients.

Mr. President, if you would, contemplate for a minute how that would affect Wyoming with 13 cases. It is an incredibly complicated and expensive structure that we would have to create to deal with 13 AIDS cases. Even if my State could afford this vast new health infrastructure, many, many, many other health needs would have to be neglected in order to provide this service for 13 people. Those who have heart disease or cancer or all kinds of other chronic ailments in Wyoming are going to be robbed of the services the State could provide for them in order to qualify for any funds under this program. It is simply ludicrous that we would require a State to create such a structure.

The Wallop amendment, just introduced, would allow the funds provided under this bill to be used to develop services for all chronic illnesses including AIDS. It is a more effective use of the health resources in the small population of a rural State. It is a fair and intelligent application of the funds to be appropriated under this act to take care of the health needs of Americans, including those with AIDS, but in particular in those States and areas where the number of patients is so small and yet the number of patients with other chronic diseases is so large.

What makes AIDS so special that you must ignore the needs of the rest of Americans? What makes it so special that you have to abandon those with heart disease, with cancer, with lung disease, with chronic eye disease in order to take care of 13 people? The care network necessary to qualify for title II funding is incredibly expensive, a system completely unavailable to many individuals suffering from other chronic illnesses. States such as mine with small HIV populations simply will not have the resources to develop such an extensive program for this selected sick population.

The Wallop amendment would allow all States with small HIV populations, States with fewer than 100 AIDS cases—and there are about 10 States like that in all—to use the funds under this act for a program to assist any individual in the State with a chronic illness. The State, exercising its own sense of responsibility, would be able to assist HIV cases as well as other individuals with serious chronic illness. It is a more sensible expenditure of limited resources. It is a more humane, it is a more moral, it is a more intelligent use of resources than are going to take place under this legislation as it now exists.

The amendment would guarantee that those States such as mine and the other nine with very few HIV cases would be able to utilize resources provided by this legislation. Absent that, you condemn not only those patients within our States with HIV virus but the rest of Americans to a substandard health system because we have decided that AIDS and AIDS alone is special and deserving of another kind of treatment.

I do not know why the proposers of this legislation would do that, but I have an amendment which would resolve that inequity and resolve that lack of common sense inherent in this piece of legislation.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

Mr. WALLOP. Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, addressing the concerns which have been expressed by the Senator from Wyoming, in the fashioning and shaping of this legislation, we have recognized that, for example, in Wyoming they may have a number of cases that are not formally reported. The fact remains, as the national commissions have pointed out, individuals will find out that they are HIV positive in a different part of the country and then move back to where they may have had an earlier residency or go back to their family or go back to their friends. And under these circumstances, the numbers are not reported or allocated to those particular States.

That is becoming an increasing phenomenon, the national commissions have recognized that, so have the Centers for Disease Control. What we recognize, or at least believe, is that is happening in all parts of the country. Given the flow line and the projections in terms of the expansion of this particular disease, the States need to develop the kinds of programs in the rural areas so that they can deal effectively with the expected demands.

We had addressed the issue earlier in the debate that this was only going to be targeted into major urban areas. We tried to point out in the committee's report that the greatest expansion is in the rural areas and in the smaller communities. That is a dramatic expansion over the period of the last years. In the urban areas, the increase is about 5 percent; in certain rural areas, 35 percent or more.

That is happening around the country. So many of our colleagues recognize that, and noticed that we were attempting to legislate in a particular way, not only to develop programs that are going to reach out to those rural areas but also to get ahead of the curve so that programs will be in place even in some areas where this particular disease has not yet emerged in full force.

We are finding, as we mentioned earlier, that people are contracting this illness in one part of the country and then going back to other communities, whether it is in Wyoming, or in other rural communities. That phenomenon is taking place.

The way that this has been addressed in the legislation for the State of Wyoming is a useful way to proceed. We therefore find that this amendment would not be justified.

Mr. WALLOP. Mr. President, will the Senator yield for a second? I think what he does not understand is what I am trying to do. Under the wildest set of circumstances any assumptions that he would lay down Wyoming would not be able to set up this kind of structure for the numbers of people that might come back to the States with AIDS. So in effect, first he is, No. 1, assigning them to die somewhere else if that is their fate or come back to the State of Wyoming without any care at all.

We could probably with this kind of flexibility set up an infrastructure for people with chronic diseases in other States with small populations in which AIDS patients could fit. Without it we simply are not going to have that as a situation. It seems dramatically unfair, and it seems dramatically lacking in sort of, I do not accuse the Senator of this, just the circumstances of structure—the lacking in common sense, whereas we could do a lot with this money by way of assisting in setting up these kind of structures for my State and those who might return to my State with this. We could have a structure in place. I can assure the Senator of that.

You are in essence saying anybody who might think to come home again to Wyoming or other small population States best stay away, best stay in the urban centers because the infrastructure will not exist. Yet, the dual purpose which my amendment seeks to be able to achieve just might make it possible for people of all chronic diseases to have the kind of benefits that one seeks just for AIDS patients, and there is a small population of infection. It happens.

Mr. KENNEDY. Mr. President, I appreciate the comments. I hear the message. The fact is those individuals who have AIDS are already in Wyoming. I certainly believe the Senator knows the situation much better than I would hope to know it, but what we are seeing in parts of the country is that people are moving back like we saw just a few years ago—moving back to their families, to their homes, to their home communities.

This is what we found in talking with the State health officials, and when reviewing this kind of a program the amount of resources that will be available under this measure are going to be limited, even in Wyoming's circumstance. They believe that it was valuable and useful to develop the kinds of systems for treatment and care. That is why this was shaped in that particular way.

But I see my friend and colleague from Utah who knows that area in that region of the country as well. I would be glad to hear what he has to say.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah [Mr. HATCH].

Mr. HATCH. Mr. President, as I understand it there are 32 known cases of AIDS in Wyoming.

Mr. WALLOP. I think it is 13, if I may interrupt.

Mr. HATCH. Our figure from the Public Health Service is 32. But even if it is 13 let me just say that according to the Public Health Service, for each case that is known, there is at least 1 other case that is unknown—there may be as many as 10 other unknown cases. The estimated cost of health care for each AIDS patient ranges from a low of $27,000 to almost $150,000 per patient. We are hoping that this bill will help bring those costs down. We are hoping new pharmaceuticals will help bring the cost down. We are hoping competition will bring the cost down. We are hoping that by helping the major metropolitan statistical areas that have major cost problems due to caring for people with AIDS, this bill will help bring down the cost.

But right now as of today the cost to take care of a patient with AIDS is between $27,000 and $150,000 per patient. Part of the reason for that variance is the use of alternative health care delivery models, such as home health care, which in some cases has reduced the cost tenfold. Title II provides for the development and use of such alternatives.

The cost for just a 1-year supply of AZT is $8,000—actually $8,000 to $10,000 per year per patient. The cost of providing AZT to those who are currently infected with the virus could run up to $15 billion per year in 5 years if we do not get control of the AIDS problem. Should we pass this bill, we will be making an attempt to deter or stop these costs. Other promising drugs are on the horizon but unfortunately they will probably be just as costly as AZT at the outset.

Under title II of this bill, Wyoming would be entitled to as I understand it $100,000. If I am right that there are 32 known cases of AIDS in Wyoming, then there probably really are 64 cases and the likelihood is it could be as high as somewhere around 320. Wyoming is going to need not only every dime of the $100,000 they get under this bill, but they are going to need more help than that unless this bill is effective, along with the other AIDS bills, in bringing the AIDS problem under control and finally some way to resolve them.

Mr. President, as much as I respect what my colleague and good friend from Wyoming is trying to do, I regretfully have to oppose his amendment which would allow that funds under title II could be used to provide comprehensive care to people with chronic and terminal disease and conditions in addition to HIV disease. He would allow funds from the bill to be used for treating Alzheimer's disease, diseases of the cardiovascular system, cancer and respiratory illnesses if the State has less than 100 cases of AIDS.

I have to oppose this amendment because it is not consistent with the objective of this bill. The CARE bill is not only about caring for those who have the disease now, but also those who become HIV infected in the

months and years ahead. Mr. President, we have been told that there may be one unreported care for every reported case of AIDS, and it could be as high as 10 unreported cases for every reported case of AIDS.

I think the 10 is a high figure, and one is certainly, in my opinion, a low figure. But as bad as this epidemic has already been, the worst is yet to come. The first 100,000 cases of AIDS occurred over the first 9 years of our knowledge of it. The next 100,000 cases of AIDS are expected to occur within the next 15 months—less than 1½ years from today. This bill will put into place needed services to meet the oncoming flood of AIDS.

I also want to point out that we have made a concerted effort in this bill to also make funds available for small towns and rural communities. We have heard that people are returning to their families for care during the terminal phase of their disease, and others in these communities are being diagnosed with AIDS. Right now in rural areas there are few services for them or their families.

So if my colleague would be willing, I would consider allowing the States to use the money for other AIDS-related activities, for instance public information and education programs. However, I cannot support the Senator's amendment in its current form, as much as I know it is sincere and well-intentioned. I also agree with him that we have to do more about Alzheimer's disease, cardiovascular disease, cancer and respiratory illnesses. However, this is one approach toward public health that we have to take, and we are doing a lot in those other disease areas. We passed an Alzheimer's bill back in 1984 or 1985, as I recall—maybe it was 1986. That bill was to help us with the Alzheimer's problem.

So to make a long story short, I would like to help my colleague. I could help if he would agree to a modification of his amendment. I cannot speak for the Senator from Massachusetts, but I would be favorably disposed to support the use of title II funds for educational and public information purposes, to help people to be more cognizant of and informed about the problems involving AIDS.

I want to keep the funds under this bill for AIDS programs because there are little enough moneys in this bill to take care of the AIDS problems around this country, as it is. I suggest that the minimum amount of money that the State of Wyoming will get is not going to be enough to help Wyoming to resolve its future AIDS problems. So I hope that my colleague would consider this suggested modification. Otherwise, I will have to oppose this amendment.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Wyoming.

Mr. WALLOP. I thank the Chair.

Once in a while on the floor of the Senate, it just becomes sad to watch what we do. I have no illusions about where this amendment is going to go. The bill is tailored to the urban areas and, in fact, Salt Lake City may be an urban area of sufficient consequence; that is, they will get enough out of this bill to do something. I beg the Senators to remember that there are States in America that do not qualify on the same kinds of grounds and bases.

I can contest the figure of my friend. There has been 32 cases over the decade in Wyoming known to exist to date. We will never qualify for that $100,000 he so generously wishes to lay on us. And neither will most of the other States who have the same low populations, whether or not their people with AIDS come home again.

Let me read the five hoops that a State has to jump through and ask the Presiding Officer or the two people who sit in management of this bill if they think there is one chance in a thousand that these States are going to be able to utilize this money: To establish an HIV CARE Program for the State. We might be able to do that. To provide home and community-based services for HIV patients.

Where, Mr. President, are we going to find money to establish home and community-based services in all the hundreds of little communities in Wyoming when there is only 13 people known to have it now? How are we going to find and establish this thing statewide in order to qualify for our generous $100,000? How are we going to develop a program to ensure continuation of health insurance coverage for HIV patients with our and for our $100,000?

Probably, we already have therapies for low-income HIV patients. I do not really know that. But to establish a diagnostic and intervention program for HIV patients, Mr. President, when one looks at these requirements, they are absurd on their face for the small States, which we seek to address in this amendment. And the Senator from Utah should remember that.

Besides Salt Lake City, the rest of his State will be the same kind of model. You cannot sort of drop a program of community-based services all over a rural State and expect it to wait until somebody comes home. No State can afford that kind of money. So the Senator from Utah says that this amendment is not consistent with the objectives of his bill.

I have to add, what is so special about AIDS that others who suffer from chronic disease deserve to be ignored? What is so special about AIDS that these people have to be ignored? We could establish community-based services with the help of a little Federal money for people with chronic disease. But, no, you have to have AIDS before you can have assistance. You cannot have the chronic diseases that afflict the rest of Americans.

This piddly little $100,000 that is so generously bestowed upon them will not reach a soul, not one soul, because the requirements are too expensive, and they will take away from the health care aids of people who are sick from other causes. It will take away from the limited resources that Wyoming has to spend, and other rural States, I suspect, as well.

So if the managers of this bill cannot see it in their hearts to accept this amendment, they are saying in fact what some of us have believed from the beginning, that this is the bill for the urban areas, and it is designed to attract those folks and to ignore the health needs, chronic health needs, of the great vast majority of Americans who live in rural States or who live in rural circumstances in urban areas.

Why a system would be good for an AIDS patient but not for a cancer patient escapes the understanding of this Senator, just flat escapes me. We could be setting up the kinds of broad health-based coverage, especially in rural States, that would take care of chronic disease sufferers, but we cannot do that, because AIDS is too special.

So let the people who might come home to Wyoming with AIDS stay where they are; we are not going to have this kind of program. And if this is the kind of program you need, we are not going to be able to set it up. So stay away. Do not come home again.

My amendment seeks to address that without invading the bill's principle or purpose, just so that chronic disease sufferers in the rural States can have the same kind of treatment, and that we can begin to afford to set up the sort of infrastructure that works not only for AIDS sufferers but for patients who have other chronic diseases.

I urge the sponsors to reconsider and to listen to the arguments and not to be so stuck on the principle that they started with that they cannot deal with the real needs of Americans who live in States that do not have large populations of HIV sufferers. It is not an invasion on the objectives of the bill. It is meant to enhance and cooperate with them so that the Americans who live in my State might have the benefit of the flexibility that this amendment seeks to achieve.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah [Mr. HATCH].

Mr. HATCH. I do not want to prolong this, but I was one of the original sponsors when we were so overrun by the Federal Government that we lost help especially in public-land States such as Utah, Nevada, Wyoming, almost all of the Western States. So there is nobody who feels more deeply about what we should be doing for the public-land States or the Western States or the smaller States than I do.

But this is a rural bill. It is both urban and rural. We do take care of the 13 largest cities because they have a crisis on their hands. They are being overwhelmed and they need the help. We also take care of other communities, including rural areas. We insisted on this in title II; half of the money of this bill goes to help with problems just exactly like the Senator from Wyoming is talking about.

Mr. WALLOP. Will the Senator yield for just a question?

Mr. HATCH. If I could just finish my statement, because I think I can make it clear. This legislation reflects the fact that AIDS is not just affecting citizens in urban areas where in the past public attention has been focused. But AIDS has penetrated rural America.

From figures from the Centers for Disease Control from 1989, show that AIDS increased at a rate of 5 percent in metropolitan areas, but in nonmetropolitan areas it increased at a rate of 37 percent. We are concerned about that in this bill.

True; Wyoming, because it has a minimum number of AIDS cases reported, gets less money. It gets the minimum amount of money. But even that amount of money will not take care of the AIDS problem that they have in their State. Nor will the amount of money that we give to all the other States. We are trying to do the best we can within budgetary constraints to do something about this horrendous problem.

I want to make it clear it is not just 13 cases. There were 22 new cases of AIDS in Wyoming in 1989 through 1990.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. HATCH. Yes, I am happy to yield.

Mr. KENNEDY. Does the Senator not agree with me that the five examples that were proposed by the Senator from Wyoming are basically just options? There is no requirement in this legislation that requires the State of Wyoming to implement every one of those different proposals. That flexibility is left up to the State of Wyoming. They have 30-odd cases that are there in Wyoming. The minimum provided is $100,000. The public health officials in Wyoming may say let us provide the AZT and that can be it. That is meeting the requirements under this legislation.

I was concerned earlier in the course of the debate when they said we cannot use all the $100,000 and later in the debate they say, look, this is just a pitiful amount of resources and then to suggest that we are putting in five different requirements. That is not in the legislation.

Does the Senator not agree with me that those particular provisions are basically to guide the States in possibly areas where those resources can be used?

Mr. HATCH. I do agree.

Mr. KENNEDY. Under this legislation, if the State health authorities said that this should be used just for AZT or counseling or some visiting nurse programs, that would certainly meet the requirements.

So I think we want to disabuse our colleagues of the idea that we have established some rigid kinds of requirements under the legislation, because they just are not there.

Mr. HATCH. I think the distinguished Senator from Massachusetts has said it appropriately. We tried to make this bill as nonintrusive as we can and tried to give the States flexibility.

I have to correct my earlier remark. I said in 1989 through 1990 there were 22 new cases of AIDS. It was from 1988 up to now there are 22 new cases of AIDS. This according to the surveillance report for Centers for Disease Control in Atlanta.

In fact, I will just read table 1, which says "AIDS cases and annual rates per 100,000 population, by State, reported April 1988 through March 1989, April 1989 through March 1990; and cumulative totals, by State and age group, through March 1990." From 1980 to March 30, 1990, there are 22 new cases. The Senator is correct that there are 32 cases of adults and adolescents cumulative totals since we have been keeping track of these things.

The point I am making is that Wyoming needs this money for the AIDS problem. We do not want to take away from the thrust of this bill. It will not be enough support even at that, but it is the best we can do under budgetary constraints. The amount we are giving to these large cities will not be enough to really solve their difficulties but it is certainly going to alleviate to the best of our ability a lot of the problems.

I caution the distinguished Senator from Wyoming that what he wants to do sounds good, but his people out there in Wyoming are not going to feel very good without receiving at least a minimum amount under this bill for their AIDS problem. They will not want to use it, it seems to me, for other purposes.

One of the major reasons for the dramatic 37 percent increase in AIDS in rural America is that people with AIDS are returning from the cities to their families in the small towns and rural areas to live until they die.

If we made an exception for Wyoming in this bill, does that mean the people from Wyoming who have AIDS are going to go to other States that are nearby that are going to accept this money? It would be preferable for us to raise the additional moneys that the Senator from Wyoming needs in the areas of Alzheimer's, cardiovascular disease, respiratory problems, or whatever else, and put them in appropriate bills to solve those problems. We are willing to do that.

I think we have been doing that. There have been omnibus health bills almost every year that I have been on the Labor Committee. I know, because when I was chairman of the committee we would include 9 or 10 bills at the end of each session of the Congress in one omnibus health bill and an Alzheimer's bill was one of them. We are doing work in this area.

I do not want to prolong this. I think we ought to vote on this and let the Senate work its will. My recommendation is to let this bill be for what it is supposed to be. Yes, we have taken into consideration the needs of 13 cities with the largest numbers of AIDS cases, but also half of the money is for community-based services, including home health care and including care for AIDS patients in rural communities.

I think we are going to find that the bill will work better if we do not try to put exceptions in it at this particular point and take away any amount of money from the purpose of helping with AIDS.

There is not one State that gets this money that will not be able to use it on their AIDS problem. There is not one State where the money is going to be everything they need to solve the problem. But all States will benefit if we pass this bill and move forward so that we can literally make a dent in what really is going on in our country with regard to AIDS.

I am prepared to vote.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming [Mr. WALLOP].

Mr. WALLOP. Mr. President, I hate to argue with two lawyers as to what their bill says. But I contend to them that they have established these as requirements and they well know it. Section 2541, general use of grants, it says the State shall use amounts provided under grants made under this subpart: First, to establish HIV care consortia; second, provide community-based service; third, develop assistance; fourth, provide therapeutic treatment, et cetera; and fifth, to integrate earlier diagnosis intervention for individuals.

The way I read this—and lawyer or no lawyer—it says that all of those things are requirements. It does not

say "or." Their bill has these as requirements and Wyoming and the people in our State who have AIDS will never see a dime of this money. Neither will the other States who have these low populations of AIDS sufferers.

I do not want to get into an argument of reading statistics. I will say to the Senator from Utah that the statistics that have been reported to us—and we have the same as his—do not show us with the AIDS patients in the numbers which he has quoted. We have, I assume, the same thing that anybody else does. It is provided by the Centers for Disease Control.

Mr. HATCH. Why do we not put it in the RECORD? I will ask unanimous consent that we put table 1, HIV Surveillance Report, April 1990, in the RECORD at this point.

Mr. WALLOP. I am reading from it. It said they had nine from February 1988 to January 1989.

Mr. HATCH. I have 10. And then from April through March of 1989 to 1990, I have 12. So that makes 22.

Mr. WALLOP. We do not know what that is. I am reading from "HIV/AIDS Surveillance" issued in February of this year by the U.S. Department of Health and Human Services.

It shows for the decade, cumulative totals, 31, no children under 13 years old have had it. It does not say how many are still alive out of all that. I am not even sure that makes a difference. Because the fact of it is that we have fewer than the 100 cases, as my amendment specifies, and their bill requires each of these hoops to be jumped through.

Perhaps the Senator might entertain changing the "and" on line 21, page 44, to "or" and they might have an argument that the bill does not require each of those hoops to be jumped through, that they are in fact voluntary and not specific.

Mr. HATCH. I request such modification.

Mr. WALLOP. My guess is the Senator would have to do that.

Mr. HATCH. I would be happy to do that. I do not have any problem with that.

Mr. WALLOP. Mr. President, I have made my arguments, and they are really rather simple, that these States that have small populations, these rural States, probably are not going to see a dime of this even with the modification. And principally they are denying other chronic disease sufferers as well as AIDS patients the kind of services that might develop out of this.

In fact, the amendment that they have agreed to place in the bill would make it even more likely that the AIDS sufferers in rural States would have these benefits if the other chronic disease sufferers of those States had to as well, because we could set up the infrastructure and afford it.

It is really the States with 450,000 people with 13 or 30 cases that are not going to be able to afford that kind of infrastructure even in part. But we could do it should it be within the capability of the State to provide that for chronic disease sufferers.

Mr. KENNEDY. Mr. President, I welcome the opportunity to clarify, if there is a need for clarification, those particular interrelated provisions.

In the report, at page 23, however, the committee does say that:

It is the committee's intent that the States use these dollars for only those purposes specifically defined in this statute. However, the committee does not require that each State implement all five of the eligible programs. In addition, the State need not set up separate district programs for infants, children, women, and families with HIV disease.

So that is clearly our intention in the language. We will consult with the staff to ensure that what is represented in that report is achieved in the legislation.

We do want to point out, Mr. President, that if you take pediatrics, a baby in a hospital, I do not know what the cost would be in Wyoming, but I would doubt very much whether it is under $1,000 a day. In most of the major urban areas, it is $1,200 or $1,300 dollars a day. We are talking about a lifetime care cost of $100,000.

It would just seem to me that in terms of looking at even the current kind of demand, what are we going to be facing in terms of the projections which have been made by those that have given this their close attention? From a demographic point of view, those resources could be effectively utilized or spent. We have tried to leave it up—as the Senator from Utah has mentioned—leave it up to the States to indicate how they best think that those resources could be spent in that particular area.

We have tried to respond to what my friend and colleague from Utah has pointed out, and that is the greatest growth for this is coming in rural communities around the country, and we wanted to be responsive to that particular fact. We clearly have not met all of the demands, I say to the Senator from Wyoming, but I think it is appropriate that we maintain this particular approach, which has the support of all of the health officials universally across the country, in rural areas and small States, as well as large States. They supported this particular approach.

For those reasons, I hope that this amendment will be defeated.

I yield the floor.

AMENDMENT NO. 1617

Mr. HATCH. Mr. President, I think the distinguished Senator from Wyoming has made a good point. The word "and" is in there. This was not the intention of either the distinguished Senator from Massachusetts, myself, or anybody on our committee. So I send an amendment to the desk which will change that—which reads: "On page 44, line 21, strike the term 'and' and insert in lieu thereof 'or' "—and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the consideration of the amendment at this time?

If not, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. KENNEDY, proposes an amendment numbered 1617.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The amendment is as follows:

On page 44, line 21 strike the term "and" and insert in lieu thereof "or".

Mr. HATCH. I ask for the adoption of this technical amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1617) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1616

Mr. HATCH. Mr. President, I presume we are ready to vote.

Mr. SYMMS. I would like to speak for a couple of minutes.

Mr. President, I compliment my colleague from Wyoming on behalf of myself and my constituents in Idaho for offering this amendment and making what I think is a very important point.

Mr. President, I rise today in support of the goal of this legislation. I agree that AIDS is a serious problem in many parts of the country. It is very difficult to watch innocent people suffer without being able to help them or ease their pain. AIDS has taken many lives in a relatively short time; it is a growing problem which must be dealt with.

It is especially painful to see children suffer from this devastating disease, through no fault of their own. Those who are born with the virus or were infected at a young age through a blood transfusion have no hope of living a full and happy life. My heart goes out to these kids and their families.

This bill provides for the treatment of AIDS victims. It authorizes funds to be available to States in the form of

CARE grants. In applying for a CARE grant, each State must provide a comprehensive plan which includes: Establishing HIV care consortia to provide care, providing home and community-based services to people with the HIV virus, developing and supporting mechanisms to assure continued health insurance coverage, providing HIV therapies to low-income people, and integrating diagnosis of HIV disease and early intervention with existing primary care and support services.

The bill provides each State with a specified amount of money based on the number of AIDS cases reported within the past 2 fiscal years. If the bill is fully funded, I understand that my State of Idaho is eligible for about $170,000. While this money would be helpful, the comprehensive plan will be expensive and difficult to achieve with only $170,000.

Currently, Idaho has an office under the State division of health which provides services to HIV infected persons. It operates entirely on Federal funds and serves 30 HIV infected people in the State. Obviously, Idaho does not have the problem that many States are currently facing. It does however, have other needs in health care which need to be addressed.

This would include such things as Alzheimer's disease, cancer, cardiovascular disease, and respiratory illnesses. To put this in perspective, Idaho has had 36 deaths due to the AIDS virus within the last 2 years. In comparison, the number of deaths caused by cancer in 1988 alone was 1,615.

I join my colleague, the Senator from Wyoming, in introducing an amendment to this bill which would allow States which have fewer than 100 reported cases of AIDS in the past 2 fiscal years to use the funds allocated for other chronic or terminal diseases. This is not to say that the problem of AIDS should be ignored in these States—it is not being ignored. However, the problem does not have the same magnitude when compared to other areas of health which could use more funding. This amendment would give the State discretion to decide where the funds would be the most useful.

I want to emphasize that this amendment would not take away funds from the AIDS fight. It would simply give the States discretion to use the money where it is most needed, whether that be for AIDS, cancer, or another chronic illness.

As I stated earlier, this would affect those States which have fewer than 100 reported cases of AIDS. There are 12 States which fall under this category: Alaska, Idaho, Iowa, Maine, Montana, Nebraska, New Hampshire, North Dakota, South Dakota, Vermont, West Virginia, and Wyoming.

I would urge my colleagues to give this amendment their strong consideration.

I yield the floor.

Mr. HATCH. Mr. President, just one statement on this.

Look, there is no question that the amount of money we have in this bill is not enough to solve the problems in any State. We are limited by financial concerns here. We have tried to be responsible in our committee. We wish we had unlimited funds and we could just put enough moneys out there to solve all the AIDS problems. But I guarantee that the amount of money that each and every State gets is going to be needed by that State for this problem. It is not going to be enough for that State for this problem.

This distinguished Senator from Wyoming has been quoting from the same report I have, except his is a March report and mine is an April report, so mine is more up to date.

So, Mr. President, I ask unanimous consent that table 1 from the April 1990 report be printed in the RECORD at this point.

Mr. WALLOP. I ask unanimous consent my table be printed in the RECORD at the same place as the others.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—AIDS CASES AND ANNUAL RATES PER 100,000 POPULATION, BY STATE, REPORTED APRIL 1988 THROUGH MARCH 1989, APRIL 1989 THROUGH MARCH 1990; AND CUMULATIVE TOTALS, BY STATE AND AGE GROUP, THROUGH MARCH 1990

State of residence	April 1988 to March 1989		April 1989 to March 1990		Cumulative totals		Total
	Number	Rate	Number	Rate	Adults/ adolescents	Children < 13 years old	
Alabama	221	5.4	206	5.0	688	16	704
Alaska	16	2.7	22	3.6	81	2	83
Arizona	231	6.6	387	10.8	1,091	7	1,098
Arkansas	75	3.1	97	4.0	287	3	290
California	5,803	20.7	6,578	23.0	24,654	172	24,826
Colorado	295	8.7	412	11.9	1,310	8	1,318
Connecticut	432	13.4	460	14.2	1,533	53	1,586
Delaware	82	12.8	73	11.3	243	4	247
District of Columbia	534	85.8	504	8103	2,096	29	2,125
Florida	2,941	24.0	3,427	27.3	10,282	280	10,562
Georgia	969	15.4	1,211	18.9	3,387	41	3,428
Hawaii	94	8.4	211	18.4	521	2	523
Idaho	12	1.2	28	2.7	58	2	60
Illinois	999	8.6	1,189	10.2	3,673	55	3,728
Indiana	179	3.2	293	5.3	763	8	771
Lowa	53	1.9	49	1.7	171	3	174
Kansas	69	2.8	136	5.4	337	3	340
Kentucky	97	2.6	131	3.5	360	5	365
Louisiana	415	9.0	579	12.5	1,750	31	1,781
Maine	37	3.1	60	5.0	167	2	169
Maryland	607	13.5	797	17.5	2,342	55	2,397
Massachusetts	745	12.7	796	13.5	2,682	54	2,736
Michigan	463	5.1	512	5.7	1,534	23	1,557
Minnesota	185	4.3	173	4.0	663	7	670
Mississippi	143	5.4	192	7.2	448	7	455
Missouri	402	7.9	492	9.6	1,390	10	1,400
Montana	12	1.4	15	1.8	42	.....	42
Nebraska	46	2.8	40	2.5	143	1	144
Nevada	150	14.9	154	15.0	480	4	484
New Hampshire	40	3.8	56	5.3	152	4	156
New Jersey	2,372	30.8	2,194	28.4	8,231	225	8,456
New Mexico	56	3.7	106	6.8	260	1	261
New York	6,716	37.5	7,067	39.3	27,958	653	28,611
North Carolina	313	4.8	492	7.5	1,237	26	1,263
North Dakota	5	.7	6	.9	18	.....	18
Ohio	514	4.8	500	4.7	1,750	27	1,777
Oklahoma	151	4.5	173	5.0	539	9	548
Oregon	170	6.2	258	9.4	762	3	765
Pennsylvania	930	7.9	1,166	9.9	3,542	63	3,605
Rhode Island	90	9.2	87	8.8	305	7	312
South Carolina	189	5.4	373	10.6	781	19	800
South Dakota	7	1.0	2	.3	17	.....	17
Tennessee	269	5.5	302	6.2	834	12	846
Texas	2,223	12.8	2,579	14.5	8,732	74	8,806

TABLE 1.—AIDS CASES AND ANNUAL RATES PER 100,000 POPULATION, BY STATE, REPORTED APRIL 1988 THROUGH MARCH 1989, APRIL 1989 THROUGH MARCH 1990; AND CUMULATIVE TOTALS, BY STATE AND AGE GROUP, THROUGH MARCH 1990—Continued

State of residence	April 1988 to March 1989		April 1989 to March 1990		Cumulative totals		Total
	Number	Rate	Number	Rate	Adults/ adolescents	Children < 13 years old	
Utah	77	4.5	84	4.8	261	6	267
Vermont	11	2.0	20	3.6	58	1	59
Virginia	390	6.6	515	8.6	1,556	32	1,588
Washington	390	8.5	560	12.1	1,683	11	1,694
West Virginia	22	1.2	62	3.3	129	2	131
Wisconsin	119	2.5	146	3.0	459	2	461
Wyoming	10	1.9	12	2.3	32	.....	32
U.S. total	31,371	12.8	35,984	14.5	122,472	2,064	124,536
Guam	1	.8	2	1.5	7	.....	7
Pacific Islands, U.S.	1	.7	.....	.....	1	.....	1
Puerto Rico	1,349	40.9	1,549	46.8	3,577	124	3,701
Virgin Islands, U.S.	40	35.4	19	16.5	70	4	74
Total	32,762	13.1	37,554	14.9	126,127	2,192	128,319

TABLE 1.—AIDS CASES AND ANNUAL RATES PER 100,000 POPULATION, BY STATE, REPORTED FEBRUARY 1988 THROUGH JANUARY 1989, FEBRUARY 1989 THROUGH JANUARY 1990; AND CUMULATIVE TOTALS, BY STATE AND AGE GROUP, THROUGH JANUARY 1990

State of residence	February 1988 to January 1989		February 1989 to January 1990		Cumulative totals		Total
	Number	Rate	Number	Rate	Adults/ adolescents	Children 13 years old	
Alabama	222	5.4	217	5.3	659	16	675
Alaska	16	2.7	21	3.5	76	2	78
Arizona	238	6.8	361	10.1	1,013	6	1,019
Arkansas	82	3.4	78	3.2	250	3	253
California	5,674	20.2	6,588	23.1	23,585	167	23,752
Colorado	360	10.6	393	11.4	1,264	8	1,272
Connecticut	432	13.4	428	13.2	1,435	51	1,486
Delaware	75	11.7	75	11.6	227	4	231
District of Columbia	516	82.9	501	80.8	2,000	29	2,029
Florida	2,813	22.9	3,543	28.2	9,938	276	10,214
Georgia	910	14.4	1,103	17.2	3,110	37	3,147
Hawaii	99	8.8	192	16.8	486	2	488
Idaho	12	1.2	27	2.6	54	2	56
Illinois	1,013	8.7	1,091	9.4	3,466	51	3,517
Indiana	141	2.6	331	6.0	724	8	732
Iowa	49	1.7	48	1.7	163	3	166
Kansas	84	3.4	122	4.9	319	3	322
Kentucky	101	2.7	120	3.2	326	5	331
Louisiana	401	8.7	571	12.3	1,661	25	1,686
Maine	27	2.3	69	5.8	160	2	162
Maryland	538	11.9	763	16.8	2,191	47	2,238
Massachusetts	724	12.3	765	13.0	2,538	41	2,579
Michigan	443	4.9	497	5.5	1,450	22	1,472
Minnesota	147	3.4	191	4.4	635	7	642
Mississippi	124	4.7	172	6.4	393	7	400
Missouri	401	7.9	484	9.4	1,316	10	1,326
Montana	14	1.7	16	1.9	42	.....	42
Nebraska	43	2.7	36	2.2	130	1	131
Nevada	138	13.7	173	16.8	461	4	465
New Hampshire	38	3.6	52	4.9	143	4	147
New Jersey	2,511	32.7	2,262	29.3	7,889	218	8,107
New Mexico	51	3.3	96	6.1	240	1	241
New York	7,064	39.4	6,472	36.0	26,381	616	26,997
North Carolina	249	3.8	503	7.7	1,140	23	1,163
North Dakota	4	.6	7	1.0	18	.....	18
Ohio	523	4.9	503	4.7	1,646	25	1,671
Oklahoma	136	4.0	196	5.7	526	9	535
Oregon	168	6.2	218	8.0	697	3	700
Pennsylvania	923	7.8	1,141	9.7	3,324	57	3,381
Rhode Island	88	8.9	82	8.3	289	7	296
South Carolina	171	4.9	356	10.1	723	19	742
South Dakota	8	1.1	3	.4	17	.....	17
Tennessee	295	6.1	293	6.0	780	12	792
Texas	2,189	12.6	2,572	14.4	8,349	72	8,421
Utah	76	4.4	80	4.5	250	5	255
Vermont	13	2.4	18	3.3	55	1	56
Virginia	364	6.1	520	8.7	1,442	23	1,465
Washington	414	9.0	503	10.8	1,584	11	1,595
West Virginia	18	.9	61	3.2	122	2	124
Wisconsin	111	2.3	147	3.0	442	2	444
Wyoming	9	1.7	13	2.5	31	.....	31
U.S. total	31,260	12.7	35,074	14.1	116,160	1,949	118,109
Guam	1	.8	3	2.2	8	.....	8
Pacific Islands, U.S.	1	.7	.....	.....	1	.....	1
Puerto Rico	1,342	40.7	1,590	48.1	3,355	102	3,457
Virgin Islands, U.S.	48	42.4	15	13.0	66	4	70
Total	32,652	13.1	36,682	14.6	119,590	2,055	121,645

Mr. HATCH. Mr. President, this is not an issue of trying to dictate to the States what they can or cannot do. It is an issue of whether or not we are serious about this problem of AIDS and whether the States are serious about this problem.

Every State will get money. All they have to do, basically, is set up a basic program to utilize those funds to treat AIDS patients and their families. That can be a very tailored program, as I view this bill. I believe every one of us in this body ought to be voting to sustain the goals of this bill because this bill will alleviate pain, suffering, expense, and difficulties. It is a compassionate bill and both the distinguished Senator from Massachusetts and I wish the funding could be much higher because it would work even better. But we have to live within the

constraints we have. We are prepared to vote.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, a year ago the most recent figure shows us as having more cases than the immediate year just past. The most recent figure shows us having one less. That tells us something about the nature of the statistics.

The Senator from Utah says, "I wish we had unlimited funds." I wish we had unlimited funds, too, although sometimes I think that we would not, even with unlimited funds, be able to figure out a way to spend them wisely. The wisdom in this instance would be to make those funds which we do spend available to Americans with chronic diseases in States with small populations of AIDS. That would be wise.

Since we do not have unlimited funds so we can take care of requirements for Alzheimer's sufferers and cancer sufferers and lung disease sufferers and limited vision sufferers and all kinds of chronic ailments from which Americans suffer, we have singled out AIDS as something for which you get extra privileges and extra funding. I believe Americans who suffer from chronic diseases in rural States, where the population of AIDS sufferers is not so much, deserve the kind of flexibility that a world without unlimited money cannot provide if we get so single-minded as to only provide it for those who suffer from AIDS.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate? There being no further debate, the question is on agreeing to amendment of the Senator from Wyoming. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 33, nays 65, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—33

Armstrong	Garn	Murkowski
Baucus	Gramm	Nickles
Bond	Grassley	Pressler
Boren	Helms	Roth
Burns	Humphrey	Shelby
Coats	Jeffords	Simpson
Cochran	Lott	Stevens
Conrad	Lugar	Symms
Daschle	McCain	Thurmond
Dole	McClure	Wallop
Domenici	McConnell	Warner

NAYS—65

Adams	Bradley	Byrd
Bentsen	Breaux	Cohen
Biden	Bryan	Cranston
Bingaman	Bumpers	D'Amato
Boschwitz	Burdick	Danforth
DeConcini	Inouye	Nunn
Dixon	Johnston	Packwood
Dodd	Kassebaum	Pell
Durenberger	Kasten	Pryor
Exon	Kennedy	Reid
Ford	Kerrey	Riegle
Fowler	Kerry	Robb
Glenn	Kohl	Rockefeller
Gore	Lautenberg	Rudman
Gorton	Leahy	Sanford
Graham	Levin	Sarbanes
Harkin	Lieberman	Sasser
Hatch	Mack	Simon
Hatfield	Metzenbaum	Specter
Heflin	Mikulski	Wilson
Heinz	Mitchell	Wirth
Hollings	Moynihan	

NOT VOTING—1

Chafee

So the amendment (No. 1616) was rejected.

Mr. KENNEDY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland [Ms. MIKULSKI].

Ms. MIKULSKI. I thank the Chair.

Mr. President, I rise today in support of S. 2240, the AIDS CARE bill. The relief this bill will provide is urgently needed. This is clear from the statistics we have heard in the course of this debate, but my purpose in rising today is not to recite more statistics. We are beyond statistics. The need is clear and compelling.

Mr. KENNEDY. May we have order, Mr. President.

The PRESIDING OFFICER. The Senator will please suspend.

The Senate is not in order. Several Senators are carrying on conversations. The Chair requests that Senators take their conversations to the cloakroom.

Ms. MILULSKI. The need is indeed clear.

My purpose in rising today is to talk about a very special family in Maryland who in the face of ignorance and fear fought this horrible disease with great courage. Ultimately, as always is the case with AIDS, they lost their battle but their strength and dignity shall serve as a beacon guiding us through the terrible times we face and the struggles ahead.

Let me tell you the story of Kedra, who was the first child diagnosed in Maryland with pediatric AIDS. She spent 3½ years in room 541 of the Baltimore City Hospital, now known as Francis Scott Key. There was no place for her to go, no family to take her in. Her only family was the physicians and the nurses and the support staff that cared for her on the ward.

One woman decided she could not stand to see a little girl live out her life like this. This woman was Lee Corey, who had been a ward clerk on Kedra's ward. She retired on disability after a heart attack and her husband was approaching retirement. They had raised five children already. But when Mrs. Corey left her duties at the hospital, she could not leave Kedra behind languishing without a family.

So Mrs. Corey opened her home and her heart. She took her as a foster child, knowing she was a very sick little girl. She had to fight with local health departments, local social service departments to get Kedra the care and services she needed. Why? Because of prejudice. You see, Mrs. Corey was white; Kedra was black. Kedra had AIDS. The people in the neighborhood were afraid. Mrs. Corey lost many friends and neighbors. Even one of her own children refused to visit her mother's home because Kedra was there.

Despite this, Mrs. Corey raised Kedra as her own child until Kedra died. She was not quite 6 years old. Even then the heartache and the discrimination and the bigotry did not end. Mrs. Corey told me that 27 funeral directors refused to bury Kedra. They refused outright or they demanded exorbitant fees because little Kedra had AIDS.

She searched the entire phone book until she reached the Z's. Finally, Charles Zeiler, a funeral director in my own neighborhood, buried Kedra.

Mr. President, S. 2240 would back up the efforts of people like the Coreys. We could not find a cure for Kedra, but we can at least find homes for the little Kedras and support the efforts of clinics and health care professionals by bringing resources and facilities into our communities. We must ensure its passage without weakening amendments.

The Corey story did not end with Kedra's death, Mr. President. They did not sadly move into retirement. This remarkable couple then took into their own home three more babies with AIDS. They were 7, 8, and 9 months old. Mr. Corey, a retired Navy man—Mr. President, I really cannot talk about this child in this atmosphere. This little girl died. This family risked their lives to care for this child. I would like the dignity of her memory to be preserved with some sense of dignity tonight within this body.

The PRESIDING OFFICER (Mr. WIRTH). The Senator is correct. The Senate will be in order.

Ms. MIKULSKI. This is not some little speech to be a filler in the CONGRESSIONAL RECORD. This little girl died. People were willing to face prejudice. There was no program in Maryland. There were more health inspectors running in and out of there trying to close down this home rather than to try too keep it open.

Mr. Corey, a retired Navy man, worked a night shift at the Library of Congress commuting from Baltimore, every day, in order to be able to buy

the extra resources this little girl needed.

Mr. President, as we face the challenge in tragedy of the AIDS epidemic, we have to find a cure. We have to stop the spread of the disease, have compassionate care for the victims, and also we need to manage the fear that squanders desperately needed time and resources.

The Coreys are not saints nor do they want anybody to hand out halos but they sure want us to take this problem seriously. They would be the first to tell you that they wanted and needed the kinds of things that are in this bill.

Most people would call the Coreys average Americans. But what they did, Mr. President, was respond to an extraordinary situation with extraordinary courage and compassion.

Mr. President, all over this country today there are physicians, nurses working on cures and working on care, volunteers delivering services, dedicated professionals giving service, and ordinary Americans being able to do this. We hope this legislation passes.

AMENDMENT NO. 1618

Mr. President, I have some ideas to improve this legislation. I offer an amendment. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 1618.

Strike the words "Title III on page 64, line 1 and insert the following:

"TITLE III

SEC. 301. Requirement of reporting and partner notification with respect to cases of infection.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1619 TO AMENDMENT NO. 1618

(Purpose: To facilitate treatment and notification of individuals with HIV disease and their families)

Mr. KENNEDY. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1619 to amendment No. 1618.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

Mr. HELMS. Mr. President, I object. I was trying to get the Chair's attention.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. Let us at least hear what the amendment says.

The PRESIDING OFFICER. Objection is heard. The clerk will read the amendment.

The legislative clerk resumed reading as follows:

At the end of the pending amendment, add the following:

"(a) REPORTING.—

"(1) IN GENERAL.—The Secretary may not make a grant under title II of this Act unless, with respect to testing for infection with the etiologic agent for acquired immune deficiency syndrome, the State involved requires that—

"(A) any entity carrying out such testing confidentially report to the State public health officer information sufficient—

"(i) to perform statistical and epidemiological analyses of the incidence in the State of cases of such infection: and

"(ii) to perform statistical and epidemiological analyses of the demographic characteristics of the population of individuals in the State with such infections: and

"(B) the public health officer of such State establishes a system of reporting cases of individuals infected with the etiologic agent for acquired immune deficiency syndrome that is necessary, to the extent appropriate in the determination of such officer, for the State to carry out the notification of unsuspecting persons at risk for exposure to the etiologic agent for acquired immune deficiency syndrome.

"(2) PROVISION OF CERTAIN INFORMATION TO CENTERS FOR DISEASE CONTROL.—The Secretary may not take a grant under title II of this Act unless the State involved agrees to provide to the Director of the Centers for Disease Control all information received by the State pursuant to the requirement described in clauses (i) and (ii) of paragraph (1)(A).

"(b) PARTNER NOTIFICATION.—

"(1) IN GENERAL.—The Secretary may not make a grant under title II of this Act unless—

"(A) the State involved requires that the appropriate State or local public health officer (as determined by the State) carry out, to the extent appropriate in the determination of such officer, a program of partner notification with respect to cases of exposure to the etiologic agent acquired immune deficiency syndrome; and

"(i) advises all such individuals regarding the benefits to undergo testing for such infection; and

"(ii) provides to all individuals information on the medical benefits of diagnosing such infection in the early stages of infection and the availability of treatment and support services for individuals and families with HIV disease.

"(2) RULE OF CONSTRUCTION WITH RESPECT TO RESPONSIBILITY FOR MAKING NOTIFICATIONS.—With respect to compliance with paragraph (1) as a condition of receiving a grant under title II of this Act, such paragraph may not be construed to require that a State establish a requirement that any entity, other than the public health official referred to in such paragraph, make the notification required under such system.

"SEC. 302. EFFECTIVE DATE.—This title shall be effective for all fiscal years beginning after September 30, 1992.

"TITLE IV."

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we have had an opportunity to talk to a number of our colleagues about this public policy issue which involves spousal notification and contact tracing. We addressed the issue of spousal notification in S. 1220. The policies approved by the Senate at that time are effectively in effect at this time. The question that we seek to address with this particular amendment has been raised by Senator ARMSTRONG and concerns contact tracing.

This is the way the program would work: In all of the 50 States or jurisdictions that were to receive money, under this act the public health official of that State would have to certify that they had in place a contact tracing program that addresses local needs in that State, as determined by the public health officer, in the most effective possible way.

Effectively, what we are saying, Mr. President, is that the specifics of this delicate policy issue ought to be resolved by the States and the public health officials of that State—what might be effective in Colorado might not be necessary or cost efficient in New York. What might be effective in Buffalo, might not be necessary or valuable in New York City; that public health official ought to make that determination in New York exactly how to implement the program in that State; in Colorado, how it should apply to that State; and in Massachusetts, how it should apply in our State.

We insist that, under the provisions of the amendment, the public health official is going to make a determination as to how that best can be done in order to be able to receive any funding under this particular measure.

Mr. President, this particular approach which we have developed in response to Senator ARMSTRONG's concerns basically is supported by the American Medical Association. It has the support of the Association of State and Territorial Health Officers who caution against a broad Federal mandate.

We are leaving this matter up to the States. We are requiring that the responsible health official in that State make the judgment on how best to carry out the notification program in that particular State. And establish the precise procedures to be able to run an efficient program.

We believe that is the most effective way for us to come to grips with the issue which Senator ARMSTRONG has raised.

This approach also has the support of the Chairman of the AIDS Commission, Dr. June Osborne, who strongly supports this particular approach which we are advancing for the Senate's consideration today.

Mr. President, I also ask unanimous consent to have printed the letter

from the American Medical Association, and I will read this paragraph:

We do not support a freestanding requirement for reporting HIV-positive individuals where this information would not be used for actual contact tracing or epidemiological or statistical purposes. Nor does the AMA support a federally mandated contact tracing program for every jurisdiction. Our recommendation regarding contact tracing is just that—a recommendation and not a call for a Federal mandate.

They are supporting leaving these matters up to the States, and that is what we believe is the most effective approach in dealing with this particular issue.

Mr. President, I also ask unanimous consent to have printed in the RECORD a letter from Dr. Osborn which effectively supports this, along with other material.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR SENATOR KENNEDY. For years now, the greatest enemy of public health in the HIV/AIDS epidemic has been discrimination and the fear thereof. While the Americans With Disabilities Act, should it pass in the House this week, will be an important step toward resolution of that dreadful feature of the current crisis, there is still a long way to go before persons, with HIV can seek to know their status without anxiety all across the country.

It is for that reason that federally mandated reporting of names or identifiers would constitute a negative contribution to the health of the public. In some States the protections in place against disclosure and discrimination have afforded a climate in which persons can comfortably seek to know their HIV status. But in many other States as of May 1990 the climate of fear still dominates, and any perceived risk of revelation would drive away the very persons at highest risk for whom counseling and testing would provide the greatest benefit to both individual and public health.

It is for this compelling reason that federal mandating of name or identifier reporting should not be adopted.

JUNE E. OSBORNE, M.D.

AMERICAN MEDICAL ASSOCIATION,
Chicago, May 2, 1990.

Re contact tracing and reporting of HIV-infected individuals.

Hon. HENRY A. WAXMAN,
Chairman, Subcommittee on Health and the Environment, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. WAXMAN: We are writing to reiterate the position outlined in the American Medical Association's testimony of April 18, 1990 regarding the reporting of HIV-positive individuals to health officials for purposes of partner notification/contact tracing.

Current AMA Policy strongly recommends reporting HIV seropositive individuals to departments of health for purposes of contact tracing and partner notification. We believe that your legislation, H.R. 4470, the "AIDS Prevention Act of 1990." adequately embodies this and a related AMA recommendation which strongly recommends that partner notification programs should be established in each community.

Reporting of an HIV-infected individual (the "index patient") to the public health authority is part of the contact tracing process. Section 2607(b) of the legislation requires contact tracing programs in each state receiving grants for HIV testing, to the extent deemed appropriate by the state public health officer. This requirement is all that is necessary for reporting and contact tracing. We do not find the epidemiologic reporting requirements in Section 2607(a) to be in any way inconsistent or limiting of a state public health requirement for reporting HIV-positive individuals for purposes of contact tracing.

We do not support a free-standing requirement for reporting HIV-positive individuals where this information would not be used for actual contact tracing or epidimiological or statistical purposes. Nor does the AMA support a federally mandated contact tracing program for every jurisdiction. Our recommendation regarding contact tracing is just that—a recommendation and not a call for a federal mandate. We recognize that no single type of contact tracing program can be designated for every state and local health department.

As our most recent policy report points out, the contact tracing portion of an AIDS program is most cost-effective in areas with low HIV prevalence or in identifiable groups with low prevalence. Financial resources, community seroprevalence rates, awareness levels in at-risk populations, differing transmission rates among infected populations and how recently the partners of index patients were exposed to HIV are all factors which must be considered by public health authorities in designing their contact tracing programs. It is for these reasons we advocate a flexible federal approach incorporating state-level discretion embodied in the contact tracing provisions of H.R. 4470.

Sincerely,

JAMES S. TODD, M.D.

STATEMENT ON THE FY '90 APPROPRIATIONS

We, the Members of the National Commission on Acquired Immune Deficiency Syndrome (AIDS), strongly support the increase in AIDS funding endorsed by both Houses of Congress and the Administration. While we believe that much work remains to secure adequate funding for the national battle against AIDS, we also recognize the fiscal challenges facing the Congress.

We are particularly pleased that the Senate Committee on Appropriations has increased the total AIDS budget to accommodate humane and cost-effective programs designed to meet the burgeoning care needs resulting from the HIV epidemic. The Congress made clear the priority it places on the health care needs of people with AIDS and HIV in the AIDS legislation that was unanimously approved last fall. Being able to provide access to lifesaving medical treatment to those who face poverty and death is not only a compassionate response to the crisis but a sound public health strategy for bringing the epidemic under control. The most compelling incentive for individuals to step forward for HIV counseling and testing is the availability of effective treatment and appropriate medical care.

The Commission is most invigorated by the task of advising both the Administration and the Congress. It is a responsibility that we accept with great determination. Given the gravity of the HIV epidemic, we are fortunate to have an abundance of sound data on which to base our public health policy decisions. With this is mind, we urge the Congress to be deliberative in its policy-making processes and to resist fragmented approaches to public policy via amendments to the FY '90 Appropriations bill.

The National Commission on AIDS stands ready to review and comment on proposals under consideration by the Congress for addressing the challenges presented by the HIV epidemic.

THE NATIONAL HEMOPHILIA FOUNDATION,
New York, NY, May 2, 1990.

Hon. HENRY WAXMAN,
Chairman, Subcommittee on Health and the Environment, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: The National Hemophilia Foundation (NHF) supports the establishment of a nationwide program of providing preventive health services for persons with AIDS as provided for in H.R. 4470. The bill is comprehensive in scope which NHF believes is critical to achieving effective risk reduction. H.R. 4470 provides for confidentiality and informed consent protections for pre- and post-test counseling services, a prerequisite to encouraging individuals voluntarily to seek preventive health services.

The maintenance of confidentiality is a matter of utmost importance to patients with hemophilia, their families and partners, as well as the hemophilia treatment team. There is no question that inadvertent release of test results increases risk of discrimination, exclusion and expulsion for individuals with hemophilia, their family members and partners. The serious consequences of such disclosure encompass the loss of insurability, housing and employment for people with hemophilia. The most public examples of such acts of discrimination—the senseless expulsion of Ryan White from his school and the burning of the Ray family home—have tragically occurred to families with hemophilia.

For these reasons NHF would oppose any amendments requiring that the names of persons who test positive for HIV be reported to state or federal health officials. The members of the Foundation believe that persons within the hemophilia community at risk of AIDS will not avail themselves of testing and counseling programs, no matter how well conceived and no matter how accessible, if confidentiality is not guaranteed and the likelihood of discrimination eliminated.

We look forward to working with you as H.R. 4470 proceeds through the legislative process to ensure that the HIV/AIDS service needs of the hemophilia population are fully addressed.

Sincerely,

ALAN P. BROWNSTEIN,
Executive Director.

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, May 1, 1990.

Hon. HENRY A. WAXMAN,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE WAXMAN: As the House Energy and Commerce Subcommittee on Health and Environment begins its deliberations over H.R. 4470, "AIDS Prevention Act of 1990," I wanted to inform you of the position of the American Hospital Association regarding the legislation and possible amendments.

In developing sound policies to address the problem of AIDS, we cannot afford to let fear guide our actions or to ignore the real concerns that the possible spread of infection engenders. The primary focus of

H.R. 4470 is to establish a federal grant program for AIDS prevention and counseling, including voluntary Human Immunodeficiency Virus (HIV) antibody testing. The American Hospital Association supports this bill and would oppose amendments that would detract from its objectives. Individuals at risk for infection with the AIDS virus should be encouraged to seek testing and counseling in an environment that ensures that the confidentiality of this sensitive medical information will be maintained.

In particular, AHA opposes any amendments that would require hospitals to test hospital staff and patients for HIV. Similar initiatives have been soundly rejected by the House of Representatives in the past. To date, it has not been demonstrated that routine testing will increase the level of protection for workers or patients above that achieved by rigorous adherence to such infection control procedures as universal precautions.

AHA urges your careful consideration of the many arguments against such proposals.

ARGUMENTS AGAINST MANDATORY TESTING

PROTECTING THE PUBLIC'S HEALTH

Consistent use of protective measures, such as gloves, gowns, masks, and protective eyewear, is the best safeguard against the transmission of the HIV. Mandatory screening of patients or staff is unnecessary to reduce the risk of exposure to the HIV and should not be viewed as a substitute for universal precautions.

All major health organizations, together with the federal Centers for Disease Control, have endorsed universal precautions as the most effective means of reducing the risk of HIV infection for hospital staff and patients. Because the HIV is transmitted only by direct contact with blood or body substances, the treatment of all body substances as potentially infectious protects both patients and hospital staff, regardless of whether an individual's infection status is known.

Other arguments against mandatory testing of hospital admissions include: the time delay that accompanies the adminstration of the test; the time delay before exposed individuals manifest the HIV antibodies, both of which render any test results for immediate patient care useless; and the risk of inaccurate test results. False or premature test findings could give patients and health care workers a false sense of security and discourage preventive practices. Requiring hospitals to test admitted patients for the presence of the HIV removes the physician from directing the patient's course of treatment.

THE COST OF ROUTINE AIDS TESTING

An amendment to require hospitals to test for AIDS could further strain the current health care financing system. For example, the Illinois legislature approved legislation three years ago—legislation that was vetoed by Governor James Thompson—requiring AIDS testing of all hospital inpatients between the ages of 13 and 55. According to estimates of the Illinois Hospital Association, this requirement was estimated to have cost approximately $49.5 million per year. The State of Texas put the cost of a similar requirement at $41 million in 1988.

U.S. hospitals had more than 34 million admissions in 1988, including more than 22 million admissions involving individuals under the age of 65. Given that the average cost for the AIDS screening and confirmatory test is $45, according to the Centers for Disease Control, and $65, according to the Office of Technology Assessment, the breadth and the cost of such a proposal could be staggering. (These figures do not include the cost of any hospital counseling before or after administration of the test.)

Further complicating this policy is whether third-party payers and Medicaid would pay for the test if it is not medically indicated. The patient or more likely the hospital could be held responsible for meeting the test's cost any necessary counseling. This action could divert scarce health resources away from direct patient care, thus raising a new set of financial pressures on our nation's health care system.

AIDS presents new challenges to all of us. I urge you to reject any amendment that would impair a hospital's ability to deliver care.

Sincerely,

PAUL C. RETTIG,
Executive Vice President.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, May 3, 1990.

Hon. HENRY A. WAXMAN,
Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE WAXMAN: I am writing on behalf of the National Governors' Association regarding H.R. 4470, the proposed "AIDS Prevention Act of 1990". The nation's Governors strongly oppose any amendments which may be offered to this legislation to place federal mandates on states affecting state policies for HIV testing or treatment.

The autonomy of state public health laws should be respected. The Governors and their health departments are in the best position to decide what testing policies are the most effective in prevention efforts. Placing requirements on state spending without regard to a state AIDS plan and ability to finance testing or treatment programs may prevent states from dealing with this problem in the most appropriate manner.

We ask for your help in opposing amendments which would place mandates on states. Such mandates would have adverse consequences and consume scarce state resources to effectively respond to the AIDS epidemic.

Thank you for your consideration of this issue. We look forward to working with you and other members of the Committee on Energy and Commerce to address our broader concerns on this important legislation.

Sincerely,

GOV. RICHARD F. CELESTE,
Chairman, Committee on Human Resources.

Mr. HATCH. Mr. President, I appreciate what the distinguished Senator from Massachusetts is trying to do here. I have to say, however, that I am concerned not only about reporting but about contact tracing.

I know the distinguished Senator from Colorado has an amendment that I think makes it mandatory for States to implement a system of contact tracing. I appreciate what the Senator from Massachusetts has attempted, because he is leaving it up to the States. As I understand it, this amendment with regard to contact tracing makes it discretionary in the States.

However, I do not see how in the world we are going to solve this problem and how we are going to notify people who are in jeopardy of getting AIDS, unless we have required contact tracing.

I understand the concerns of many who are afraid that disclosure of their identities will lead to even more pain in their lives, and more discrimination; but with regard to that, I want to cite an article which appeared in the New York Times recently. I quote:

Despite fears of confidentiality violations, critics have not documented breaches as partners have been traced for other sexually transmitted diseases. Public health officials say they have maintained strict privacy for the 117,000 patients whose diagnosis of AIDS have been reported to State health agencies. Unauthorized disclosures have occurred from other sources, like physicians, hospitals, insurance companies, and employers.

What this article says, Mr. President, is that we do need to have partner notification or contact tracing, and that the public health groups have not been responsible for the disclosure of names. Contact tracing is absolutely essential for the ending of this epidemic.

At the same time, confidentiality is important. I do not want anybody to be discriminated against. We have enough discrimination in our society. We have enough people denouncing other people. Confidentiality is important, but confidentiality will not keep a partner alive.

I have to say that I remember one specific case right here in the Senate where we have a wonderful Senate staffer whose mother is a tremendously good person but, unfortunately, the father, who was married to the mother, was bisexual. He contracted AIDS. His doctor knew about it. The doctor could have notified the mother but felt he did not have the obligation to do so; in fact, he might have had a legal obligation not to do so. As a matter of fact, he might have been legally liable if he had notified the wife. He did not do so, and today this lovely, decent, honorable human being, the mother of one of our Senate staffers, has AIDS.

I think the idea is really to let people know about their partners who have AIDS or are infected with the AIDS virus. I think we do have an ethical obligation to protect confidentiality, and somehow we have to resolve these inherent conflicts so that both partner notification and protection of confidentiality are possible.

Mr. President, I ask unanimous consent that this article from the New York Times, by Bruce Lambert, entitled, "As AIDS Spreads, So Do Warnings for Partners," be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AS AIDS SPREADS, SO DO WARNINGS FOR PARTNERS

(By Bruce Lambert)

After years of reluctance, a growing number of states have begun recording the names of people who test positive for infection with the AIDS virus and warning their sex and drug partners.

Such methods have been standard public health practice for diseases like syphilis and tuberculosis. That has not been the case with AIDS, however, because of fear of discrimination and the danger of discouraging people from undergoing a test for infection with the virus.

Tipping the balance, experts say, are broadened legal protections on confidentiality and bias as well as medical advances. The accuracy of the AIDS infection test, for example, was uncertain at first, and it was not known how many people shown to be infected would actually contract the disease. But now the test, which detects antibodies to the virus rather than the virus itself, is an accepted predictor of the disease.

"Earlier there was great resistance to reporting names and partner notification on civil liberties grounds," said Larry Gostin, a professor of public health at Harvard who is director of the American Society of Law and Medicines. "The consensus was that AIDS was so devastating and so stigmatizing that people would be afraid to come forward if lists of names were kept. That kind of consensus has shattered now. What changed the calculus of it all was the announcement of the benefit of early treatment."

VARIETY OF POLICIES

From the outset of the AIDS epidemic, the nation has had an array of conflicting policies. A few states, especially those like Colorado with relatively few cases, embraced the standard approach to communicable diseases by keeping track of people infected.

But now other states have begun to follow suit. The most recent is New Jersy, which ranks fourth highest in AIDS cases. A new law there requires the Health Department to keep a confidential list of infected people tested by physicians, hospitals and clinics. Anonymous testing is being retained as an alternative, but the 16 sites offering it are being cut to 6.

"States are clearly moving away from strictly anonymous testing," concluded a survey published in December by the AIDS Policy Center at George Washington University. "There is a clear trend to insure that public health officials have access to patient names." The idea is to allow follow-up care and to inquire about patients' sex partners and drug abuses with whom they may have shared needles.

The study found that 9 states were recording the names of people whom tests showed to be infected with the AIDS virus, 15 states were recording the names of infected people who had been tested by physicians and clinics but not of those who had used anonymous testing centers, and 4 states were recording names in special cases like infected blood donors.

Another study, by Dr. Gostin, showed that by the end of 1988, 11 states had laws requiring the tracing of sex partners and 15 had quarantine laws on AIDS that allowed the authorities to detain people who were knowingly spreading the disease. The study did not cover states that may have such provisions imposed not by law but through regulations issued by public health officials.

IDEOLOGICAL CLASH

Resisting the trend are New York and California, the states with the most full-fledged AIDS cases, together accounting for 42 percent of the 128,319 cases nationwide reported to the Centers for Disease Control as of March 31. The clash of public health versus private liberties flared anew in New York this year. Controversey over Dr. Woodrow A. Myers's partner-tracing and quarantine policies as Indiana State Health Commissioner nearly derailed his appointment as New York City's new Health Commissioner.

Major policy changes had already been proposed by the previous City Health Commissioner, Dr. Stephen C. Joseph. Speaking at last June's international AIDS conference, Dr. Joseph urged more aggressive testing, name reporting and tracing of those to whom the virus might have been spread. His speech prompted angry protests by gay rights advocates. AIDS victims and some medical experts. At a state legislative hearing in December, he urged a "shift to a disease-control approach, along the lines of classic tuberculosis practices."

Dr. Joseph's plan was shelved by Edward I. Koch, then the Mayor. The new Mayor, David N. Dinkins, has not revived it.

In an interview, Dr. Joseph said: "We're missing a critical opportunity, for the first time, to get ahead of the virus. We have clear health benefits to offer those who are infected. Early diagnosis is to the benefit of both society and the individual."

Dr. Joseph noted that one of the last things he did before leaving office in December was to order the detention of a tuberculosis patient who had failed to take the medicine prescribed to stop her from being infectious to others. There was no publicity, no debate and no protest over that order. Nor, he said, was there any controversey over the city's longstanding policy of collecting the names of thousands of people with syphilis every year and asking them to identify their sex partners.

GAY RIGHTS OPPOSITION

A prominent spokesman on the other side is Thomas B. Stoddard, director of Lambda Legal Defense and Education Fund, a gay rights organization. "The basic issue is, How do we protect the health of the largest number of people?" he said.

Arguing that standard disease-control methods are self-defeating against AIDS, Mr. Stoddard cited a drop in testing in South Carolina when it began taking names, and the rise in Oregon when it began offering anonymous tests.

To avoid driving people away, a growing number of states offer testing, with names or without. Dr. Joseph favors retaining anonymous procedures "for those who will not accept testing any other way."

The American Medical Association in December endorsed reporting to health officials the names of people infected with the AIDS virus and notifying sex partners.

As the policies evolve, these are the core questions that keep coming up:

Should the names of people who test positive for AIDS virus infection be recorded by government health officials?

Should their sex and drug partners be sought by the health agency and warned that they may be infected?

Should someone who knowingly spreads the virus to unsuspecting people be isolated or quarantined?

Or are keeping track of infected people and tracing their contacts counterproductive, driving away people who are likely to need testing and treatment?

STRICT PRIVACY REPORTED

Despite fears of confidentiality violations, critics have not documented breaches as partners have been traced for other sexually transmitted diseases. Public health officials say they have maintained strict privacy for the 117,000 patients whose diagnoses of AIDS have been reported to state health agencies. Unauthorized disclosures have occurred from other sources, like physicians, hospitals, insurance companies and employers.

Opponents of tracing sex partners argue that it has failed to eradicate venereal disease. A New York City study showed that people often withhold names when asked to identify partners. But proponents say no one ever maintained that partner tracing was the sole answer, and add that without it, the spread of sexually transmitted diseases would be far worse.

In Colorado, Health Commissioner Thomas M. Vernon praises partner tracing as a success in AIDS prevention. About 900 infected people have been interviewed, yielding the names of 1,500 sex or drug partners. Of those, 200 had already been tested and 700 were persuaded to do so, uncovering about 1200 new infections. In all, 1,200 people at risk were reached, and whether or not they took the test, they were counseled on how to avoid AIDS. "That's where you break the chain of future transmission." Dr. Vernon said.

Ronald Bayer, who teaches ethics at Columbia University and wrote a book on AIDS issues, said he did not understand how people could argue that notification was a profound violation of civil liberties.

ISSUE OF TRACING PARTNERS

"There's a moral obligation to notify people who might not know they're at risk," he said. "People have a right to know. To talk about partners notification as the first step to the gulag shows a real confusion."

Some who question the effectiveness of tracing partners for AIDS note the long lag from infection to symptoms, and the anonymity and multiplicity of drug and sex partners. Dr. Gostin of Harvard said, "in the New York or San Francisco gay community, it's almost an exercise in futility." Health experts recommend that every drug user who has shared needles and every man who has had intercourse with another man should assume they may be infected and consider being tested?

Warning partners is more useful for unsuspecting people who are at risk, AIDS experts say. "It's a real women's issue," said Dr. Vernon. "The individuals least likely to be aware are the female mates of closet bisexual men or secret or former intravenous drug users."

Even New York has moved gingerly toward partner tracing. AIDS counselors encourage, but do not require, infected people to alert their partners, and the health department offers to help notify them. A new law enacted last year gives physicians legal permission to notify their patients partners or to refer their names to the health department.

"The physician's so-called permission to warn has not worked," Dr. Joseph told a legislative committee in December. "There have been no referrals to the New York City Department of Health by physicians since the enactment of the law." He urged a tougher "duty to warn" law, requiring notification.

The issue involving infected people who knowingly spread the AIDS virus is especially difficult. No data exist on how often this happens, although there are anecdotal reports. The most celebrated case involved Marc Christian, who won a multimillion-dollar award from Rock Hudson's estate in a suit alleging that the movie star lied about his illness and continued having unsafe sex. Mr. Christian was not infected.

Although New York State health laws could be used to detain someone who was spreading the AIDS virus, they have never been invoked. Dr. Joseph said no one had ever brought such a case to his attention.

One longtime proponent of the traditional approach is the New York City Council's Health Committee chairman, Joseph F. Lisa of Queens, who said, "The public health approach in New York for the past years has been to encourage ignorance, and I can't believe it's in the best interest of the individual or society."

Mr. HATCH. Mr. President, I yield the floor.

Mr. ARMSTRONG. Mr. President, I have a number of observations about this, but I want to be sure I understand exactly where we are, both in a substantive and a parliamentary sense. I wonder if I could inquire of the Senator from Massachusetts a little information about the amendment. I have a copy of it, and I noted, as the clerk was reading it, that it had a somewhat familiar ring to it, and I wonder if the Senator from Massachusetts could tell me how it varies from the text of an amendment which I submitted to him and his staff for review yesterday. Could he describe those two so we could have that?

Mr. KENNEDY. Yes. The distinction is that the previous amendment which had been proposed by the Senator from Colorado would have mandated to all of the States that they follow a certain procedure. The principal difference is that we are mandating that the States develop notification program, but we are leaving it up to the States as to what that procedure would be.

The amendment of the Senator from Colorado would outline the particular procedure he would want the Senate to follow. Effectively, what our amendment does is say that the States are required to develop the procedure, but that these procedures can be tailored to the local needs of the States.

Mr. ARMSTRONG. Might the State do anything at all or be inclined——

Mr. KENNEDY. Under this, they would have to develop the program, but we leave it up to the judgment of the State about the nature of what would be included in that program. We have a number of States, seven or eight now, that have no name reporting requirements. The Senator from Colorado is familiar with the different kinds of requirements of many of the different States.

Basically, it is outlined in the report that I have before me. According to the Intergovernmental AIDS Project report, the States fall into five different categories, but there are some States that currently do not require across-the-board reporting of names. This would require that the States develop a partner notification program before they would be eligible for funds under this act. But the nature of that program would be decided by the public health official of that State.

Mr. ARMSTRONG. Well, as I understand the distinction between the amendment which Senator HELMS and Senator NICKLES and I had hoped to introduce, which we did submit to the distinguished manager for his review, the only distinction between that amendment and the amendment which he is offering—well, really there are two, a minor change which I will come to in a moment; but the major change is four or five lines under the section which reads that "the public health officer of such State establishes a system of reporting" and so on. The key words are "to the extent appropriated in the determination of such officer."

So it seems to me that, inherent in the amendment proposed by the Senator from Massachusetts, is recognition that contact tracing, partner notification, is in general good public policy. At least as between the Senator from Massachusetts and myself, a possible bone of contention is the extent to which, if any, the Congress ought to require the States to do this.

So I want to just be sure I understood how far his amendment goes. For example, let me ask the Senator from Massachusetts, in a State where there is a legal prohibition at the present time, do I assume correctly that the State health officer would in that case not be required to develop such a program?

Mr. KENNEDY. They would not receive the resources under this program unless they did develop a program, in the judgment of the State or local public health official.

Mr. ARMSTRONG. I am a little confused, because as I see it, if you had a law which prohibited the disclosure of such information, literally exposed the disclosure to some kind of civil liability or even criminal liability, then would not the State health officer, if he disclosed it or set up a system for disclosing it, run afoul of such statute, or would this override the statute?

Mr. KENNEDY. It does not override. It is just eligibility for receiving funds under this measure. I am not familiar with a particular example that the Senator might mention, but what this amendment does is tie eligibility to this requirement.

But effectively, we are leaving up to the public health officer how they are going to deal with the identifiers, the names, the phone numbers. And we leave the specifics of that contact tracing to the various programs that are developed by the public health officer of that particular State, recognizing the enormous diversity that exists in not only the States but in various parts of the States.

In New York City, in what they call the shooting galleries, to have people who are up there trying to go through an elaborate, expensive contact tracing, certainly would not be, I suppose, in many people's opinion, a very wise or meaningful allocation of resources.

In another particular community, it may make a good deal of sense. So, we are leaving it up to the public health officials in those States.

Mr. ARMSTRONG. It is perfectly possible that I am a little dense, but I want to be sure we understand the issue here. It is my understanding, and I am briefed to believe that a number of States have a legal prohibition on physicians telling partners of affected persons they are at risk of contracting a disease from this virus.

My question is this: In such a State, if the Kennedy amendment were to pass, what is the duty of the State public health officer? Does the State public health officer in that State have the discretion to override the State statute, or would his State qualify for aid under this program, notwithstanding the failure to report such danger to partners? Or could the State public health officer simply say, "Well, I cannot do anything, because the State law prohibits it."

It seems to me, logically, there are those three possible outcomes, although there might be another one that I have not considered.

Mr. KENNEDY. The fact is there is already a duty to warn under the Tarasoff holding, so there is a responsibility for the notification under that. In a case in which there is clear and present danger, there is a duty to warn. I am not familiar with the circumstances where there are prohibitions at the State level, and that is in conflict with the responsibility to warn. Does the Senator give us examples of that?

Mr. ARMSTRONG. Mr. President, I think I am going to yield the floor for a moment while I look into that, because I am not familiar with the legal document that the Senator has just cited. I would like to ask my staff or perhaps the Senator's staff to brief me on that because this is the essence of it. If all we are talking about here is flexibility and the reasonable degree to local self-determination, I find nothing about that that is offensive.

What I am afraid of is, however, that as a practical matter, the amendment sets forth a lot of duties and responsibilities to warn and contact tracing, and so forth, then says in effect if you do not do it, it does not matter. If that is the case, I want to be sure I un-

derstand it. But I think the Senator is implying there is more to it than that.

Rather than take the Senator's time, I will yield the floor if others desire to speak. If not, I will suggest the absence of a quorum.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I have been getting a little briefing on the Tarasoff versus the Regents of the University of California case, and I will defer to anyone who wants to explain this to the Senate. But if no one else is forthcoming, I will tell you what I have been briefed in the last couple minutes.

Apparently, this is a case involving a psychiatrist who was told by one of his patients that the patient intended to kill another person and in fact, as it is explained to me, the patient did indeed do so.

Subsequently, the doctor was sued for his negligence in not warning the threatened person. The California Supreme Court evidently held that the doctor was indeed liable for money damages because of his failure. The doctor asserted some kind of argument about confidentiality or privilege, but the court rejected that. So, in that particular case at least, the doctor was held liable for damages.

It is hard for me to see—and I will say this to the Senator from Massachusetts when he returns to the floor in a moment—that that has a lot to do with this particular issue. Because the point I made was this: that some States actually prohibit the disclosure of the risk to the partner of an AIDS victim.

Now, let me just say that again. In some States—Wisconsin is one that has been cited to me as a specific example; I understand that at some time or another there had been others—but in that kind of a situation, a doctor who tells the partner, the sexual partner, of an AIDS victim that they may be at risk exposes himself to not only the possibility of civil damages but to the possibility of a criminal prosecution. That has nothing to do with the Tarasoff case because there was no such statute prohibiting the disclosure of the information about a threat to another person's life in California.

I do not know what the facts of the Tarasoff case are as a matter of law, but two things are very obvious. First of all, it is a California precedent and applies only to California, and second, it has nothing to do with this situation. It is not factually similar.

So unless there is more to it than that, I guess, having made that brief explanation, I will again suggest the absence of a quorum, and, if somebody wants to come in and discuss it further, I will be glad to do that.

Mr. President, I do not hear any takers at the moment, so I do suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASED TENSION IN LATVIA

Mr. DIXON. Mr. President, the situation in the Baltic States is worsening daily. Today the Soviet military attempted to take over the Latvian Parliament Building twice, according to the American Latvian Association in the United States. Both times, the people of Latvia—the people, Mr. President—peacefully, nonviolently, prevented the Soviet miltiary from storming the parliament. The people of Latvia, who are trying to solidify their hold on their justly declared independence, are finding out from Moscow that it does not matter to Moscow the pace at which they secede. Moscow will simply not allow it to happen.

Latvia made a conscious effort to structure their declaration of independence in such a way as to avoid the problems Lithuania faced. A transitional period was planned. Four key articles of the 1922 Soviet constitution were kept intact. Laws of the Latvian republic that do not contradict those articles would also be kept intact. The Latvians actively sought negotiations with Moscow on their independence.

In short, Latvia played by the rules, Mr. President. They played by the Soviet's own rules.

Lithuania also played by the rules. Latvia and Lithuania are now paying the price of playing by those rules. They are suffering economic hardship, intimidation and confrontation. The Soviet bear is alive and well and living in Latvia and Lithuania.

And where is the United States?

Mr. President, while the Soviets drop leaflets from their helicopters on the people of Latvia urging them to, "rise up in defense of Soviet power in Latvia * * * it is time to go over from words to deeds," this administration is actually supporting the Soviet's bid to be granted observer status at the GATT negotiations. The administration is making deals with the Soviets while the Soviets are attempting to reannex the Baltic States. What is going on here?

The President has said he favors self-determination for the Baltic States. I believe him. I favor self-determination for the Baltic States, as well. All Americans do. But I believe we must do more than just say we support it. We must show that we support it.

There are efforts around the country to attempt to get medical supplies and humanitarian assistance to Lithuania. I support those efforts. The list of goods no longer available in Lithuania is extensive. Mr. President, I put that in the RECORD last week, the whole list. Thousands of people in Lithuania are out of their jobs because Lithuania had the courage to declare herself free.

Will Latvia suffer the same fate? Will Estonia endure similar bullying? And if so, what will be the administration's response?

I realize the President is trying to balance his interest in supporting President Gorbachev with his interest in Baltic independence. I have said that President Gorbachev is a whole lot better than the Soviet leaders we have had in the past, but we should not place him on a pedestal. The administration's policy toward the Baltics seems to me, as the Soviet economy rises, so rises the Baltics. Well, Mr. President, the Soviets could have a booming economy and President Gorbachev would still not want to release the Baltic States. That is the reality of it.

The people of the Baltic States, however, believe the window of freedom is open now, and will not be in the future. They are looking for our support now. Will the administration give it to them?

The President announced on April 24 that he would not order sanctions against Moscow, but the situation in the Baltic republics was having significant impact in Washington. How so? To this point, Soviet crackdowns have been met by American expressions of concern, and American agreements on trade matters with the Soviets. Our words and our actions do not mesh, Mr. President. Our actions may boost Gorbachev, but our words may sink the Baltic States.

The administration must make it known in no uncertain terms its outrage over the actions of the Soviet military in Latvia, and its actions in Lithuania. The Soviets must know that actions have consequences. This is the heart of the matter.

Actions have consequences, Mr. President.

At the moment, Soviet actions against the Baltic States have suffered no consequences, despite the fact that the Baltic States legally declared their independence and are being squeezed by the minute. The Baltic nations have suffered the consequences of Soviet actions, and administration inactions.

The President must reassess his course. He should not support Soviet observer status at the GATT negotiations at this time. He should not press for Soviet most-favored-nation status at this time. And he must not allow the Baltic States to suffocate under Soviet military and economic pressure.

I ask unanimous consent that a copy of the leaflet dropped over Riga, Latvia, by Soviet helicopters be printed in the RECORD.

There being no objection, the text of leaflet was ordered to be printed in the RECORD, as follows:

[Leaflet scattered from helicopters over Riga on May 14]

COMRADES

Let us rise up in defence of Soviet power in Latvia. The time for orators has passed, it is time to go over from words to deeds.

Our fate is being decided today. The honor and self-respect of the Soviet person does not give us the right to hide behind the backs of those who are fighting for our future. Let disdain and shame cover the descendents of those who in this decisive hour do not come out against counter-revolution. Men-look into the eyes of your children, mothers and wives. Can you leave them defenseless?

At 10 o'clock, May 15, 1990, stop the factories and plants and come out onto the streets of the city. All together we will go to the building of the Supreme Soviet with the demand for the reestablishment of Soviet power in the Republic. Let the handful of traitors and political adventurers who are making decisions for us hear the voice of the working people.

Long live the Latvian Soviet Socialist Republic.

The Republican Soviet of Interfront.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT OF 1990

The Senate continued with the consideration of the bill.

Mr. ARMSTRONG. Mr. President, I was deeply moved by the observations of the Senator from Utah. His discussion of this issue, partner notification and contact tracing, and the very great compassion which he expresses not only for those who contract the disease, but for those who are at risk, for people who are the sexual partners or in some other way become threatened by those who are at risk as a result of this dread disease, I found not only thoughtful but very, very persuasive—particularly when he related it to a person who is in fact a member of the family of the U.S. Senate. It strikes pretty close to home.

I judge, indeed I fear, all of us in our own lives are going to have more and more instances where the AIDS epidemic is not going to be something that is theoretical or just something we read about in the paper or see on television, but it is going to affect families, men, and women who are friends, who are neighbors, young babies and people who contract this disease from blood supplies and in other ways.

So, Mr. President, what Senator HATCH has said here this afternoon, I think is not only on point, it seems to me it is very, very persuasive. I am particularly inclined to agree with him that the provisions of this amendment, which in large part are the amendment which Senator HELMS and Senator NICKLES and I intended to submit, are very useful. But I also share his concern, if we leave a loophole which permits the States to ignore the need for contact-tracing, for spousal notification, for sex partner notification—that of course is a little different than spousal notification—that we may regret it.

Mr. President, I also acknowledge the leadership and the scholarship on this matter by the Senator from North Carolina. Yesterday, and again today, Senator HELMS has spoken on this matter and has really pinned down some issues that concern and trouble all of us. This is not a simple matter.

This bill—the underlying legislation, not just the pending Kennedy amendment—is troubling to many of us for a lot of reasons; first of all, just the human compassion that we feel for those who are afflicted by or threatened by this disease. I think there is, in some quarters, a sense that some of the people who suffer from this disease brought it on themselves.

Although there is an element of truth in that in some cases, I guess that is true of most human misery. Most of the ills we have to bear are things that in one way or another we bring on ourselves, and it does not lessen the suffering nor in my view does it lessen the sense of compassion we ought to feel or the sense of responsibility we ought to feel, as legislators, to deal with this problem.

But I do not think we should be so concerned with the needs of today's victims that we ignore the threat to those who may become victims tomorrow. At this moment there are many, many people who are at risk of becoming infected and they do not know it. In some cases they are married people who do not realize their wives or their husbands are infected with the AIDS virus. Some of these cases were discussed at length in a very interesting and thoughtful way on the ABC news program, "Prime Time Live."

In one instance, a woman who at one time was prepared to donate blood to her infant grandchild, subsequently learned that she was sero-positive. She had acquired the condition from her husband, whom she did not know was infected. Only when his condition had seriously deteriorated did doctors tell the woman that her husband had AIDS. By then it was too late. She had already been infected.

Even so, even at that late stage, doctors violated State law by telling the woman that her husband had AIDS.

Mr. President, one way or another we need to get into this bill language that makes it absolutely clear that no health care provider will be civilly or criminally penalized for telling someone's wife that she has been exposed to the AIDS virus. Indeed, it seems to me the public health concerns and human compassion are at an intersection on this issue. We ought to let people know if their health is at risk.

Yet, most States do not have programs to notify partners of people with the HIV infection that they have been exposed to this deadly virus. Some States actually prohibit notification unless the infected person can be persuaded to sign a written consent form.

Mr. President, we were talking a few minutes ago about a California case, Tarasoff versus the Regents of the University of California. If we seek the legal advice from one corner of the room, we are told this establishes a clear duty on the part of physicians, at least—and maybe other health care providers, but at least physicians—to warn those who are at risk as a result of the AIDS virus.

If we consult other attorneys who are knowledgeable on this matter, they say, well, that is not true at all. In fact, to cite Tarasoff, is a non sequitur.

Mr. President, I guess I do not pretend to know that because I never heard of Tarasoff until a little while ago, I have not read or studied it or know the implications of it, and I actually do not want to get into the position of trying to second guess the fine points of some California case.

Before we get done with this bill, I want to make it absolutely clear that no physician will be held criminally or civilly liable for disclosing that information and, in fact, to give physicians the responsibility to do so. I think partners ought to be notified. I do not think physicians ought to ignore that responsibility. I think they ought to have that as a duty.

The best way to do that, in my opinion, is the same way we have done for decades with other similar diseases: syphilis, gonorrhea, and so forth. As I understand it, and I believe this is true in every jurisdiction of the country, essentially in all the States they report it to the health service. Then there is a contact-tracing operation that ensues. That seems to me to be the right idea.

That, in fact, is the theory of the amendment which Senator HELMS and Senator NICKLES and I inteded to offer. It is the body of the amendment which Senator KENNEDY has offered, because, as I pointed our earlier, what he has done is taken our amendment and just changed two details.

One is just a minor thing, and I will mention it for the sake of the record. My amendment referred to "State jurisdictions" and he has, I think at the request of the Senator from California [Mr. CRANSTON] changed that to say "State or local public health agency," to make it clear where the local public health agency has the responsibility, that is what we are talking about. And I think that is an appropriate and a proper correction.

The other change he has made, I am much less sure about. That is a change which, to some degree, makes partner notification and contact tracing discretionary. I understand the argument that, if we are too insistent on contact tracing, we will discourage people from coming in for testing and for treatment.

Mr. President, I would like as we think about this, to call attention of my colleagues to an article in the New York Times of May 13 which describes in some detail the evolution of thought on this matter and, in fact, really makes it clear why so many jurisdictions have come, some with reluctance, some, as in my own State of Colorado, with some unusual procedural safeguard to protect the confidentiality of those who may contract the disease, but step by step, some grudgingly, some with more enthusiasm, but step by step, State after State is being drawn to the realization that if you are going to curtail this disease, you have to have notification, contact tracing; you have to have decent respect for the risk of those who are subjected to danger and do not know it.

Mr. President, rather than reading this article, I am just going to send it to the desk and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ARMSTRONG. Mr. President, I think the correct way to resolve this for the present is simply to accept the Kennedy amendment. I cannot see there is any harm in doing so. There is nothing in the Kennedy amendment except this one provision which seems to make the whole issue a little less than absolutely a requirement that I find offensive. In fact, since it is largely the amendment I was going to offer anyway, I guess it would be unbecoming of me to quarrel too much about the other language in the amendment.

So I think that is what we ought to do. I think we ought to take the Kennedy amendment. Then I think we ought to take the Mikulski amendment. Then overnight I am going to read the thing some more and, if I believe it needs a little more surgery on it, we will have plenty of time to do that tomorrow.

The two areas where we might want to look to make some changes tomorrow are: First of all, the question of the language which says that the State public health officer shall implement the program to the extent he thinks it is appropriate; and, second, a question of whether or not we have gone far enough to relieve physicians and other health care providers of their responsibility, any liability they might have if they decide to notify a partner who is at risk of contracting the AIDS virus. So Mr. President, that is my suggestion.

I see the Senator from Massachusetts has returned. Let me just say to him since he has, my suggestion is we accept his amendment; that we accept the Mikulski amendment and if I or other Senators want to take a further look at this in the morning, we would be free to do so, but we would have the basic pattern of it taken care of. If somebody wants to go further tomorrow, we can do that at that time.

EXHIBIT 1

[From the New York Times, May 13, 1990]

AS AIDS SPREADS, SO DO WARNINGS FOR PARTNERS

(By Bruce Lambert)

After years of reluctance, a growing number of states have begun recording the names of people who test positive for infection with the AIDS virus and warning their sex and drug partners.

Such methods have been standard public health practice for diseases like syphilis and tuberculosis. That has not been the case with AIDS, however, because of fear of discrimination and the danger of discouraging people from undergoing a test for infection with the virus.

Tipping the balance, experts say, are broadened legal protections on confidentiality and bias as well as medical advances. The accuracy of the AIDS infection test, for example, was uncertain at first, and it was not known how many people shown to be infected would actually contract the disease. But now the test, which detects antibodies to the virus rather than the virus itself, is an accepted predictor of the disease.

"Earlier there was great resistance to reporting names and partner notification on civil liberties grounds," said Larry Gostin, a professor of public health at Harvard who is director of the American Society of Law and Medicine. "The consensus was that AIDS was so devastating and so stigmatizing that people would be afraid to come forward if lists of names were kept. That kind of consensus has shattered now. What changed the calculus of it all was the announcement of the benefit of early treatment."

VARIETY OF POLICIES

From the outset of the AIDS epidemic, the nation has had an array of conflicting policies. A few states, especially those like Colorado with relatively few cases, embraced the standard approach to communicable diseases by keeping track of people infected.

But now other states have begun to follow suit. The most recent is New Jersey, which ranks fourth highest in AIDS cases. A new law there requires the Health Department to keep a confidential list of infected people tested by physicians, hospitals and clinics. Anonymous testing is being retained as an alternative, but the 16 sites offering it are being cut to 6.

"States are clearly moving away from strictly anonymous testing," concluded a survey published in December by the AIDS Policy Center at George Washington University. "There is a clear trend to insure that public health officials have access to patient names." The idea is to allow follow-up care and to inquire about patients' sex partners and drug abusers with whom they may have shared needles.

The study found that 9 states were recording the names of people whom tests showed to be infected with the AIDS virus, 15 states were recording the names of infected people who had been tested by physicians and clinics but not of those who had used anonymous testing centers, and 4 states were recording names in special cases like infected blood donors.

Another study, by Dr. Gostin, showed that by the end of 1988, 11 states had law, requiring the tracing of sex partners and 15 had quarantine laws on AIDS that allowed the authorities to detain people who were knowingly spreading the disease. The study did not cover states that may have such provisions imposed not by law but through regulations issued by public health officials.

IDEOLOGICAL CLASH

Resisting the trend are New York and California, the states with the most full-fledged AIDS cases, together accounting for 42 percent of the 128,319 cases nationwide reported to the Centers for Disease Control as of March 31. The clash of public health versus private liberties flared anew in New York this year. Controversy over Dr. Woodrow A. Myers's partner-tracing and quarantine policies as Indiana State Health Commissioner nearly derailed his appontment as New York City's new Health Commissioner.

Major policy changes had already been proposed by the previous City Health Commissioner, Dr. Stephen C. Joseph. Speaking at last June's international AIDS conference, Dr. Joseph urged more aggressive testing, name reporting and tracing of those to whom the virus might have been spread. His speech prompted angry protests by gay rights advocates, AIDS victims and some medical experts. At a state legislative hearing in December, he urged a "shift to a disease-control approach, along the lines of classic tuberculosis practices."

Dr. Joseph's plan was shelved by Edward I Koch, then the Mayor. The new Mayor David N. Dinkins, has not revived it.

In an interview, Dr. Joseph said: "We're missing a critical opportunity, for the first time, to get ahead of the virus. We have clear health benefits to offer those who are

infected. Early diagnosis is to the benefit of both society and the individual."

Dr. Joseph noted that one of the last things he did before leaving office in December was to order the detention of a tuberculosis patient who had failed to take the medicine prescribed to stop her from being infectious to others. There was no publicity, no debate and no protest over that order. Nor, he said, was there any controversy over the city's longstanding policy of collecting the names of thousands of people with syphilis every year and asking them to identify their sex partners.

GAY RIGHTS OPPOSITION

A prominent spokesman on the other side is Thomas B. Stoddard, director of Lambda Legal Defense and Education Fund, a gay rights organization. "The basic issue is, How do we protect the health of the largest number of people?" he said.

Arguing that standard disease-control methods are self-defeating against AIDS, Mr. Stoddard cited a drop in testing in South Carolina when it began taking names, and a rise in Oregon when it began offering anonymous tests.

To avoid driving people away, a growing number of states offer testing, with names or without. Dr. Joseph favors retaining anonymous procedures "for those who will not accept testing any other way."

The American Medical Association in December endorsed reporting to health officials the names of people infected with the AIDS virus and notifying sex partners.

As these policies evolve, these are the core questions that keep coming up:

Should the names of people who test positive for AIDS virus infection be recorded by government health officials?

Should their sex and drug partners be sought by the health agency and warned that they may be infected?

Should someone who knowingly spreads the virus to unsuspecting people be isolated or quarantined?

Or are keeping track of infected people and tracing their contacts counterproductive, driving away people who are likely to need testing and treatment?

STRICT PRIVACY REPORTED

Despite fears of confidentiality violations, critics have not documented breaches as partners have been traced for other sexually transmitted diseases. Public health officials say they have maintained strict privacy for the 117,000 patients whose diagnoses of AIDS have been reported to state health agencies. Unauthorized disclosures have occurred from other sources, like physicians, hospitals, insurance companies and employers.

Opponents of tracing sex partners argue that it has failed to eradicate venereal disease. A New York City study showed that people often withhold names when asked to identify partners. But proponents say no one ever maintained that partner tracing was the sole answer, and add that without it, the spread of sexually transmitted diseases would be far worse.

In Colorado, Health Commissioner Thomas M. Vernon praises partner tracing as a success in AIDS prevention. About 900 infected people have been interviewed, yielding the names of 1,500 sex or drug partners. Of those, 200 had already been tested and 700 were persuaded to do so, uncovering about 100 new infections. In all, 1,200 people at risk were reached, and whether or not they took the test, they were counseled on how to avoid AIDS. "That's where you break the chain of future transmission," Dr. Vernon said.

Ronald Bayer, who teaches ethics at Columbia University and wrote a book on AIDS issues, said he did not understand how people could argue that notification was a profound violation of civil liberties.

ISSUE OF TRACING PARTNERS

"There's a moral obligation to notify people who might not know they're at risk," he said. "People have a right to know. To talk about partner notification as the first step to the gulag shows a real confusion."

Some who question the effectiveness of tracing partners for AIDS note the long lag from infection to symptoms, and the anonymity and multiplicity of drug and sex partners. Dr. Gostin of Harvard said, "In the New York or San Francisco gay community, it's almost an exercise in futility." Health experts recommend that every drug user who has shared needles and every man who has had intercourse with another man should assume they may be infected and consider being tested.

Warning partners is more useful for unsuspecting people who are at risk, AIDS experts say. "It's a real women's issue," said Dr. Vernon. "The individuals least likely to be aware are the female mates of closet bisexual men or secret or former intravenous drug users."

Even New York has moved gingerly toward partner tracing. AIDS counselors encourage, but do not require, infected people to alert their partners, and the health department offers to help notify them. A new law enacted last year gives physicians legal permission to notify their patients partners or to refer their names to the health department.

"The physician's so-called permission to warn has not worked," Dr. Joseph told a legislative committee in December. "There have been no referrals to the New York City Department of Health by physicians since the enactment of the law." He urged a tougher "duty to warn" law, requiring notification.

The issue involving infected people who knowingly spread the AIDS virus is especially difficult. No data exist on how often this happens. although there are anecdotal reports. The most celebrated case involved Marc Christian, who won a multimillion-dollar award from Rock Hudson's estate in a suit alleging that the movie star lied about his illness and continued having unsafe sex. Mr. Christian was not infected.

Although New York State health laws could be used to detain someone who was spreading the AIDS virus, they have never been invoked. Dr. Joseph said no one had ever brought such a case to his attention.

One longtime proponent of the traditional approach is the New York City Council's Health Committee chairman, Joseph F. Lisa of Queens, who said "The public health approach in New York for the past years has been to encourage ignorance, and I can't believe it's in the best interest of the individual or society."

Mr. HATCH. Will the Senator yield?

Mr. ARMSTONG. Of course.

Mr. HATCH. Mr. President, I want to compliment the Senator for his willingness to do that because I think the Kennedy amendment is basically a good amendment. What he is saying is we will leave it up to the States as to how they handle these matters and then he provides for a contact tracing approach for the States to choose. He does not make it mandatory. He leaves it in their discretion.

I believe this is probably the best step we can take now because there is still a tremendous argument on the other side that people will be afraid to come in for testing if we make this too onerous. I, at least, would like to look at what the best approach may be. Over the next year we can look to see how it does work and see if people will come in. The one thing that is going to entice them in for testing is going to be the fact they are going to be able to get treatment and care.

So I personally would like to appeal to the distinguished Senator from Colorado and tell him that I appreciate, first of all, that he is willing to accept these two amendments, and so am I, and that he is willing to let this sit overnight and see if he feels that the Kennedy amendment will be enough for this year.

I would be very appreciative of the idea of accepting these amendments and letting this matter be reconsidered overnight with all of us looking at it in good faith to see where we are going from there.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate both the concern that I know the Senator from Colorado has on this particular issue and the comments of the Senator from Utah.

This is, as we have known even in the brief discussion here and at other times, an enormously complicated issue. There is justification for concern on all sides of this issue, and it is a difficult call. It is difficult to argue against doing the utmost in terms of partner notifications. Certainly, there is a compelling case for that.

There is also the practical reality, Mr. President, that when you move from going from an anonymous type of testing even into a confidential type of testing, we have seen dramatic changes in results. I understand the State of Colorado has just altered and changed its program to facilitate anonymous testing. What we have seen is when we have the anonymous testing, there has been a significant increase in participation in various testing programs. Even when you have confidentiality protections in some instances, there has been a general decline in participation. That has been the medical results.

So if you have a decline of those who are at the greatest risk, even if you have partnership notification, in terms of a public health question, you have to ask are you reaching more people that way or through the way we are attempting to devise, that is the greatest degree of flexibility in terms of the States so that in different parts of the States they can fashion

and shape a type of program that will achieve the desirable outcome that I think all of us are interested in.

That is why, quite frankly, Mr. President, I do think on this issue that we are best to let communities make those decisions because they are going to vary. The conditions are going to vary a great deal.

Now I know there can be those who say, that may be all right for those particular communities at the present time, but what if those individuals move from one part of the country to the other? That complicates the question.

By and large, Mr. President, I do believe the way we have fashioned and shaped this particular proposal moves us into the kind of a situation which we developed in an effort to substantially achieve the objective of the Senator from Colorado. Quite frankly, though I find this issue troublesome, at least I think this is a measure which can achieve the best balance in terms of the public health. So, that is why we have been in counsel and why we have been having the discussions and debates and the quorum calls to try and find out if we could not find some way to weave through that complex dilemma.

I appreciate getting the acceptance of these amendments. I hope we might be able to continue the debate on other different issues this evening. Hopefully, we can dispose of the few other items and then, if necessary, come back and revisit this tomorrow and dispose of the other items which I know are of interest to the Senator.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I want to understand, to be sure, the Senator from Colorado will tomorrow offer his amendment?

Mr. ARMSTRONG. Mr. President, if the Senator will yield to me, I have not decided that. Just to put it in perspective for the Senator and for others who are thinking about this, the Kennedy amendment is, in essence, the amendment which the Senator from North Carolina [Mr. HELMS] and the Senator from Oklahoma and I were going to offer. It differs in only two respects, one little technical correction and, second, it makes somewhat less mandatory the requirement for States to provide spousal notification, or partner notification and contact tracing.

I am personally persuaded that is a very desirable thing for any State to do. We have a very successful program in my own State of Colorado.

Mr. HELMS. If the Senator will yield, most of the language in the Armstrong-Helms-Nickles amendment was picked up by the Senator from Massachusetts.

Mr. ARMSTRONG. That is correct. The only issue is the exact meaning and the policy question of how much latitude should be given to local officials. If it is a reasonable degree of latitude, frankly, that would not be unsettling to me. But if it leaves to some local public official the right to simply thwart the intent of Congress about contact tracing and partner notification, then I would be disturbed.

However, rather than bog down trying to analyze that and make a determination of the exact meaning of those words on the floor tonight, my suggestion was that we just take the Kennedy amendment. Then if we need to amend it further tomorrow, I am advised by the Parliamentarian that we would be in shape to do so. If we need to do so, we can take a look at it tomorrow. If not, we can pass it over.

Mr. HELMS. I thank the Senator.

May I ask either of the managers of the bill, how much time is given the States to come up with this policy? There is no time specified. Is it 6 years, 4 years, 1 month?

Mr. HATCH. It is my understanding that it will be 2 years.

Mr. HELMS. Two years.

Mr. KENNEDY. Will the Senator yield?

Mr. HELMS. Certainly.

Mr. KENNEDY. Unless they come up with a program, they are not eligible for the funding.

Mr. HELMS. I understand.

Mr. KENNEDY. So they would have to, in effect, meet the requirements. Otherwise, they would not be eligible for funding.

Mr. HELMS. Both Senators understand my concern. I keep hearing the words of that lovely woman and her daughter who came to my office in tears and I asked what the problem was. She said, "I have AIDS." Her scoundrel husband knew he had AIDS and he forbade anybody to notify his wife. That is what I am trying to get at it. I am not sure this solution will get at it.

Mr. HATCH. Will the Senator yield?

Mr. HELMS. I will be glad to yield.

Mr. HATCH. We think it will because, basically, we provide for notification in this amendment. That is a big step forward, something that a lot of people were unwilling to do last year. It does not make a lot of people who may be affected by this happy, but that is what happens.

Second, we provide that the States have the right to institute their own reporting and contact tracing processes. They do not get the money until they do but we leave how to do it with the States. It is strictly up to them. This amendment goes a long way toward doing exactly what the distinguished Senator from North Carolina has been advocating over the years. I have to say it pleases me that it goes in that direction.

I just want to make that clear—it does leave it up to the States. Implementation is discretionary in the States.

As the distinguished Senator from North Carolina knows, he and I have fought side by side for years to try to allow the State and local governments the right to do their own thing. That is what this amendment does. It is interesting that the distinguished Senator from Massachusetts, who normally has been against that process in the Federal funding of health programs, is the author of this amendment. So we have come a long way.

Mr. HELMS. I jokingly say to the Senator that makes me suspicious; if you find TED KENNEDY and JESSE HELMS on the same side, we may or may not have a problem.

Mr. HATCH. It may be because we are all trying in the best bipartisan way we can to resolve what are really difficult problems in our society. I have yet to find in a public health area where my colleague from Massachusetts has not been willing to sit down and work out these problems in a bipartisan way.

I have seen other areas where he is not willing to do so, but in the public health area he has always tried to work out solutions to problems.

Mr. HELMS. I thank the Senator.

Mr. President, our option is still open tomorrow. I have no objection to the Chair proceeding with the vote if the Chair desires.

REPORTING OF AIDS CASES

Mr. CRANSTON. Mr. President, I have no objection to the provisions of this amendment as they relate to partner notification and allow local public health officials to use their own judgment on the appropriate manner to carry out such activities, and I have previously voted for a similar amendment dealing with spousal notification.

I do have a concern that this amendment might, however, be interpreted to require States to report names of individuals with AIDS to a central authority. That is not necessary to carry out a reasonable partner notification program. Because of fears of discrimination, the existence of such a list might well serve to deter people from seeking testing and counseling and drive them underground.

I recognize that there may be differing interpretations of the requirements of this aspect of the amendment, but my feelings on the privacy issues involved in potential list-keeping of the names of individuals who have been infected with HIV are so strong, I am compelled to oppose it for this reason.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1619) was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The PRESIDING OFFICER. The question now is on agreeing to Mikulski amendment No. 1618, as amended.

The amendment (No. 1618), as amended, was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, we are prepared to move ahead with the next amendment of the Senator from North Carolina, if we can.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1620

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1620:

On page 32, line 15 insert "Ryan" before "comprehensive".

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to offer a second-degree amendment to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1621 TO AMENDMENT NO. 1620

(Purpose: To change the short title to the "Ryan White Comprehensive AIDS Resources Emergency Act of 1990")

Mr. HATCH. Mr. President, I send an amendment on behalf of Senator KENNEDY and myself to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], (for Mr. KENNEDY, (for himself and Mr. HATCH)) proposes an amendment numbered 1621:

In lieu of the matter proposed, insert the following: "Ryan White".

Mr. HATCH. Mr. President, to me these two amendments are the most important amendments of the day. They really are. These amendments by the authors of this bill, S. 2240, dedicate this bill to Ryan White. I am very pleased to announce the presence of his lovely mother, and I wanted to be able to do this, both Senator KENNEDY and I and the rest of the members of the committee, this evening.

I would like to read this dedication:

S. 2240 is dedicated by the Senate Labor and Human Resources Committee to the memory of Ryan White, who died on April 8, 1990, after a 6-year battle against AIDS.

Beginning at the age of 13, Ryan valiantly fought not only the human immunodeficiency virus itself, but also fears about AIDS that were based on ignorance and senseless discrimination against people with AIDS and HIV disease. With dignity, patience and almost unvarying good cheer, Ryan White introduced to people across America and across the world a face of AIDS that caring human beings could not turn their backs upon. First through his courageous fight to be allowed to go to school with his peers, then through his tireless efforts to educate and explain the realities of his illness, young Ryan White changed our world. By dedicating this legislation to Ryan, the committee affirms its commitment to provide care, compassion, and understanding to people with AIDS everywhere. Ryan would have expected no less.

In memory of Ryan White and 70,000 Americans who have lost their lives to AIDS. And with hope for all people living with AIDS.

Mr. President, this is a beautiful dedication that the distinguished Senator from Massachusetts and all the members of the Labor and Human Resources Committee have endorsed. By this amendment we make very clear our particular love and affection for this family, and, in particular, Ryan himself.

If all people faced with difficulties had the courage and the dignity and the grace that this young man had, this country and this world would be a lot better place in which to live.

I also want to say about his family—they are great people. They sustained him, they supported him, they helped him and they fought for him. I want to give them a lot of credit for being the good people that they are.

Mr. President, I want to compliment my distinguished colleague from Massachusetts for his leadership in this matter. And I am proud to be a cosponsor with him in these Kennedy-Hatch amendments.

Mr. KENNEDY. Mr. President, I welcome the opportunity to make this alteration and change in the legislation to make it very clear that the spirit of this brave and gallant young person, Ryan White, was very much a part of this legislation which, when passed and when it is realized in the communities across this country, will provide a significant lessening of anguish and of suffering.

Mr. President, we find courage has existed in various forms, shapes, and ages in our society. I think probably most of us recognize, such as the Presiding Officer at this time, the physical courage in times of warfare, and in times of conflict. It is generally associated with people of age and life's experience when they are able to put forward their own personal comfort and interest, and respond to a higher order.

This country was inspired and continues to be inspired by the courage of this extraordinary young person. He demonstrated courage in the most exemplary way, and in a way which I think drew on the heartstrings of all who had the opportunity to meet him, and certainly those who read about him or heard him speak or had the opportunity to meet his mother.

Many of us in this body like to believe that perhaps we make some difference in terms of some of the problems that are facing this country and facing the world.

This extraordinary young person really made a contribution that in many respects will exceed what any of us might hope to achieve as Members of Congress or Senator or perhaps even a President. It was a lesson of personal courage that is important and instructive to all of us.

At a time when the forces of fear and distrust are still circling in the atmosphere and climate, particularly with regards to this extraordinary public health challenge, to witness that extraordinarily noble ring from that incredible young person is really a lesson of the highest order.

So I think all of us are honored to be able to have the indication from Ryan's mother and members of the family that this is a worthy cause for this extraordinary young person to be identified with. He does all of us a service. We hope that we will honor his life and his memory, not only by the achievement of this legislation, but by continuing the battle to tolerance, sense of decency and humanity which, when this country is at its best, reflects to its fellow citizens who are sick and who are suffering.

So I hope the Senate will act favorably on these amendments.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Masachusetts.

The amendment (No. 1621) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1620, as amended.

The amendment (No. 1620), as amended, was agreed to.

Mr. HATCH. I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, as an original cosponsor of the Comprehensive AIDS Resources Emergency Act of 1990, I rise today to urge the swift passage of this critically important legislation.

When we talk of waging war on this deadly disease, I am reminded of another war: the Vietnam war. I am reminded of the innocent men, women, and children who lost their lives in that war and the suffering endured by those who survived. And I am reminded of something we did not consider often enough then: the value of individual human lives.

In that context, Mr. President, one statistic tells a tragic story: More Americans have died of AIDS than died in the Vietnam war; 70,000 individual human lives have been taken—stolen—by AIDS in this country—in only 10 years. And while the first 100,000 cases of AIDS in the United States were reported between 1981 and 1989, another 50,000 are expected to be diagnosed this year alone. By 1991, AIDS will far exceed all other causes of death for people between the ages of 25 and 44.

As the chairman of the Senate Appropriations Committee in the first half of the 1980's and the committee's ranking Republican member in the years since, I note with some pride the fact that—despite the absence of an AIDS authorization bill until the 100th Congress—Federal AIDS spending has skyrocketed from $5.5 million in fiscal year 1981 to $1.6 billion this year.

Just in the last year we have made enormous gains:

This year's spending on AIDS includes $750 million for research at the National Institutes of Health—almost $150 million above the last year's level alone.

Our allocation this year for services to AIDS victims and their families, as well as training for health care personnel, exceeds the President's budget request by more than $50 million.

Spending for AIDS-related pediatric health care demonstrations this year is $15 million, double last year's level. Spending for adult care demonstrations in communities with a high prevalence of AIDS was increased $2.7 million.

In an effort to increase the number of AIDS prevention and education programs, spending for the Centers for Disease Control was increased by $38 million, and we appropriated $20 million for an entirely new program to support inhome health services for AIDS vicitms.

Mr. President, Congress has devoted 10 years to the development of our response to AIDS. But it is not nearly enough. Anyone who questions that statement need only look at the physical and emotional pain this disease has left in its wake. Anyone who questions that statement need only look at the individual human faces of suffering.

In relative terms, my State has not been hit as hard by AIDS as other States. Through the end of March, 771 cases of AIDS have been diagnosed in Oregon and 448 people have died of AIDS-related causes. The annual incidence of AIDS in Oregon is 8 cases per 100,000—compared to the national rate of 14.1 cases per 100,000 people.

But statistics are relative, Mr. President. Human lives are not. The loss of just one is an enormous tragedy—and that tragedy is repeating itself in Oregon at the rate of one AIDS-related death every 3 days.

As my colleagues know, the rate of AIDS-related deaths is much higher in other parts of the country. Indeed, because the concentration of AIDS in certain States and cities is overwhelming the health care delivery systems, the legislation we are considering today is designed to increase Federal support to those regions.

In response to a report from the Centers for Disease control that AIDS cases in rural areas increased 37 percent last year alone, this legislation is also designed to increase Federal support for rural health care delivery systems. These increases are desperately needed.

The $600 million price tag attached to this legislation may seem overwhelming, Mr. President, but I hope my colleagues will consider one simple fact: The cost of this legislation is less than the price of one Stealth bomber. That statistic, I think, speaks volumes.

Mr. GRAHAM. Mr. President, today we are considering S. 2240, the Comprehensive AIDS Resources Emergency Act of 1990. I am pleased to be a cosponsor of this important initiative, which provides $600,000 million in emergency relief for AIDS care in the United States.

Half of these funds would go to 13 big cities that have more than 2,000 AIDS patients. Most AIDS victims rely on the public health system for treatment, straining an already bursting health care network.

My State of Florida ranks third in the country in the number of reported AIDS occurrences. In February 1990 some 10,000 Floridians had been diagnosed with AIDS; 279 Florida cases were pediatric.

Dade County, home to Miami, reported 899 AIDS cases last year. Under S. 2240, Miami would receive almost $5.7 million in disaster relief. Most of that money would be directed to Jackson Memorial Hospital, the only public hospital in the county.

Mr. President, the Southeastern AIDS Clinic at Jackson Memorial is the busiest AIDS treatment center in the United States, taking in approximately 160 new cases each month. Since the beginning of the AIDS epidemic, Jackson has served 5,800 patients, more than any hospital in America. Jackson also has the highest incidence of pediatric AIDS in the United States.

The situation at Jackson Memorial is increasingly dismal. As medical demands for AIDS patients increase, the hospital is inundated with Central American refugees in need of emergency care. AT the same time, one-third to one-half of the hospital's patients are indigent and cannot pay for care.

Jackson continues to serve up to 70 AIDS patients each day at the outpatient clinic and through hospital admittances. Public hospitals such as Jackson are facing a virtual gridlock due to the growing AIDS caseload. In Miami, children are the fastest growing AIDS population, and their treatment is among the most expensive AIDS care.

The cost of this fiscal health crisis could exceed $6 billion next year. That is why we must act now to combat and control this onerous and tragic disease. AIDS is one of the most serious health problems in the history of our country. How we as a Nation decide to treat and resolve the AIDS issues will affect our national health and each of our lives.

Mr. BENTSEN. Mr. President, AIDS has wreaked havoc on our Nation. The costs in human life are already high, and only getting higher. Over 75,000 Americans have died of AIDS, more Americans than lost their lives in Vietnam. Medical science is beginning to catch up, and I have faith that we will one day have a cure, but we must face the fact that victory is still years away.

In the absence of a monumental medical breakthrough, the legislation before us today, the CARE Act, is an especially potent weapon against AIDS.

The CARE Act recognizes the widespread nature of AIDS. In many quarters, there is a perception that the AIDS crisis is confined to the east and west coasts. It is true that coastal cities—such as New York and San

Francisco—have borne an inordinate share of the burden of AIDS. But it is also true that this epidemic spares no one.

The assistance provided by the CARE Act is particularly welcome in my State. Of the 13 hardest hit cities in America—the cities eligible for funding under title I of the bill—2, Houston and Dallas—are in Texas. Overall, Texas has the fourth-highest number of reported AIDS cases in the Nation.

The magnitude of the problem is graphically demonstrated by the situation at Parkland Memorial Hospital in Dallas. Parkland is the only public hospital in Dallas County. As a result, over 50 percent of all AIDS patients in the county come to Parkland for treatment. What's more, Parkland must treat increasing numbers of AIDS patients from outlying counties with no public hospital of their own. The result is that, on any given day, 20 AIDS patients are hospitalized there. The costs are staggering, with care for one AIDS patient often reaching $100,000 over the patient's lifetime.

Another such example is Harris County: From 1987 to 1989, the number of total patient days for AIDS patients in Harris County more than doubled. Needless to say, the cost of treating the patients more than doubled as well. In the Harris County Hospital district, the total cost of treating AIDS patients went from $3.8 million in 1987 to over $8 million in 1989.

So the assistance that the CARE Act offers will be welcome in Dallas and Houston. But CARE goes further. Half of the funds authorized under the CARE Act will go to other areas, based solely on need. In Texas, this means that places like Austin, San Antonio, and El Paso will get some of the help necessary to deliver outpatient services to those individuals infected by HIV, and establish clinics for early intervention and medical monitoring.

AIDS is not going to go away. It is with us every day, with escalating costs in lives and money. This bill will help communities around the country deal with the consequences of the epidemic. The CARE Act deserves the full support of Congress, and it has my vigorous support.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening.

The Senate will come in at 9:30 in the morning. There will be 30 minutes of morning business. At 10 o'clock in the morning Senator AKAKA will be sworn in, and immediately following that, we will go back to the bill, and Senator HELMS will be recognized to offer an amendment at that time. It is my hope that we will be able to complete action on the bill during the day tomorrow. I will have further specifics momentarily, but I wanted to announce for the convenience of Senators that there will be no further rollcall votes today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

MORNING BUSINESS

Mr. LEAHY. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 770. An act to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employee's employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 770. An act to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employee's employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2088. A bill to amend the Energy Policy and Conservation Act to extend the authority for Titles I and II, and for other purposes (Rept. No. 101-289).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 1159. A bill to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail, and for other purposes (Rept. No. 101-290).

By Mr. INOUYE, from the Select Committee on Indian Affairs with amendments:

S. 1413. A bill to settle all claims of the Aroostook Band of Micmacs resulting from the Band's omission from the Maine Indian Claims Settlement Act of 1980 and for other purposes (Rept. No. 101-291).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 15. A bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes (Rept. No. 101-292).

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 3086. A bill to amend title 5, United States Code, to grant appeal rights to members of the excepted service affected by adverse personnel actions, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Michael Paul Galvin, of Illinois, to be an Assistant Secretary of Commerce;

Richard G. Austin, of Illinois, to be Administrator of General Services;

David W. Mullins, Jr., of Arkansas, to be a member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1982; and

Jessica L. Parks, of Georgia, to be a member of the Merit Systems Board for the remainder of the term expiring March 1, 1995.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. INOUYE, from the Select Committee on Indian Affairs:

Anthony J. Hope, of California, to be Chairman of the National Indian Gaming Commission for a term of three years.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN:

S. 2621. A bill to establish a program for the financing of public works infrastructure needs with the participation of the U.S. Army Corps of Engineers; to the Committee on Environment and Public Works.

By Mr. HELMS:

S. 2622. A bill for the relief of Vivian Eney; to the Committee on the Judiciary.

By Mr. LIEBERMAN:

S. 2623. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States, Great Lakes trade, and fisheries for the vessel *Rose*, to the Committee on Commerce, Science, and Transportation.

By Mr. BENTSEN (for himself, Mr. SANFORD, Mr. JOHNSTON, Mr. BREAUX, and Mr. GRAHAM):

S. 2624. A bill to amend the professional and graduate institution program under part B of title III of the Higher Education Act of 1965 to add certain additional institutions, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LIEBERMAN (for himself, Mr. REID, and Mr. DURENBERGER):

S. 2625. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to ensure that hazardous pesticides are promptly removed from the market and to ensure that the health of all citizens, particularly our children, is protected, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INOUYE:

S. 2626. A bill for the relief of the Pottawatomi Indian Nation in Canada; to the Committee on the Judiciary.

By Mr. McCAIN:

S. 2627. A bill to impose sanctions against persons who engage in the trade of, or assist others in the trade of, missile technology which could be used in the construction of certain ballistic missile systems, or who engage in the trade or use of, or assist others in the trade or use of, biological, chemical, or nuclear weapons; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. ADAMS, and Mr. DODD):

S. 2628. A bill to amend the Public Health Service Act to reauthorize certain National Institute of Mental Health grants and to improve provisions concerning the State comprehensive mental health services plan, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. ADAMS, and Mr. DODD):

S. 2629. A bill to amend the Public Health Service Act to extend the immunization program for vaccine-preventable diseases, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. ADAMS, and Mr. DODD):

S. 2630. A bill to amend the Public Health Service Act to extend the tuberculosis program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. ADAMS, and Mr. DODD):

S. 2631. A bill to amend the Public Health Service Act to reauthorize certain injury control programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. ADAMS, and Mr. DODD):

S. 2632. A bill to amend the Public Health Service Act to reauthorize the National Center for Health Statistics, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WARNER:

S. 2633. A bill to authorize the Secretary of the Army to convey a parcel of land located at Fort A.P. Hill, VA, to the Northern Virginia Regional Correctional Commission for the purpose of constructing a correctional facility on such land; to the Committee on Armed Services.

By Mr. CONRAD:

S. 2634. A bill to amend the Consolidated Farm and Rural Development Act and the Farm Credit Act of 1971 to extend and improve farm credit programs, and for other purposes; to the Committee on Agriculture, Nutrition and Forestry.

By Mr. DODD:

S. 2635. A bill to amend the Public Health Service Act to establish an immunization demonstration project program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEINZ:

S.J. Res. 314. Joint resolution to commemorate the 50th anniversary of the National Federation of the Blind; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for Mr. MITCHELL (for himself, Mr. DOLE, Mr. KERRY, Mr. LAUTENBERG, Mr. DECONCINI, Mr. METZENBAUM, Mr. ROBB, Mr. RIEGLE, and Mr. LEAHY)):

S.J. Res. 315. Joint resolution for the designation of July 22, 1990, as "Rose Fitzgerald Kennedy Family Appreciation Day"; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS for Mr. BOSCHWITZ):

S. Res. 284. Resolution welcoming the President of Tunisia on his first State visit to the United States; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. MOYNIHAN:

S. 2621. A bill to establish a program for the financing of public works infrastructure needs with the participation of the U.S. Army Corps of Engineers; to the Committee on Environment and Public Works.

PUBLIC WORKS ACT OF 1990

● Mr. MOYNIHAN. Mr. President, I send the following bill to the desk and ask that it be printed in the RECORD and appropriately referred.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2621

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Public Works Act of 1990".

TABLE OF CONTENTS

SEC. 2

Sec. 1. Short title.
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Sec. 3. Definitions.

TITLE I—STATE REQUIREMENTS

Sec. 101. Eligible projects.
Sec. 102. State programs.
Sec. 103. Intended use plans.
Sec. 104. Local cooperation agreements.
Sec. 105. Consistency with planning requirements.

TITLE II—FEDERAL REQUIREMENTS

Sec. 201. Administration.
Sec. 202. Allocation of appropriations
Sec. 203. Schedule of allotments.
Sec. 204. Project management.
Sec. 205. General provisions.
Sec. 206. Authorization of appropriations.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(a) the term "Secretary" means the Secretary of the Army;

(b) the term "Fund" means any one of the Public Works Funds established by the several States;

(c) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(d) the term "treatment works" has the same meaning as established in section 212(2) of the Federal Water Pollution Control Act;

(e) the term "solid waste management facility" has the same meaning as that established in section 1004(29) of the Solid Waste Disposal Act; and

(f) the term "public water system" has the same meaning as that established in section 1401(4) of the Safe Drinking Water Act.

TITLE I—STATEMENT REQUIREMENTS

ELIGIBLE PROJECTS

SEC. 101. Monies in any Public Works Fund established pursuant to this Act shall be available for providing financial assistance for capital investment in the construction of—

(a) waste-water treatment works;

(b) public water systems; and

(c) solid waste management facilities.

STATE PROGRAMS

SEC. 102. (a) Before a State may receive payments pursuant to this Act, the State shall have first—

(1) established a Public Works Fund to be administered by an instrumentality of the State with such powers as may be required to administer such Fund in accordance with the provisions of this Act; and

(2) entered into a binding agreement with the Secretary which shall include but not be limited to the specifications set forth in subsections (b) and (c).

(b) The Secretary shall enter into an agreement under this section with a State only after the State has established to the satisfaction of the Secretary that—

(1) the State will accept payments pursuant to this Act in accordance with a payment schedule established by the Secretary under this Act and will deposit all such payments in the Fund established by the State in accordance with this Act;

(2) the State will deposit in the Fund from State monies an amount equal to at least 25 percent of the total amount of all payments which will be made to the State pursuant to this Act on or before the date on which each quarterly payment will be made to the State;

(3) pursuant to sections 103 and 104 of this Act, the State will enter into binding commitments to provide assistance in an amount equal to 125 percent of the amount of each such payment within 1 year after the receipt of such payment;

(4) all monies in the Fund will be expended in an expeditious and timely manner;

(5) in addition to complying with the requirements of this Act, the State will commit or expend each such quarterly payment in accordance with laws and procedures applicable to the commitment or expenditure of revenues of the State;

(6) in carrying out the requirements of this Act, the State will use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards; and

(7) the State will make annual reports to the Secretary on the actual use of funds in accordance with section 205 of this Act.

(c) Each State electing to establish a Fund under this Act shall establish fiscal controls and accounting procedures sufficient to assure proper accounting during appropriate accounting periods for—

(1) payments received by the Fund;

(2) disbursements made from the Fund; and

(3) Fund balances at the beginning and end of the accounting period.

INTENDED USE PLANS

SEC. 103. (a) Prior to the receipt of any allotments pursuant to section 202, a State shall have prepared and had approved by the Secretary pursuant to section 205 an Intended Use Plan that meets the requirements of this section. Prior to the beginning of each fiscal year thereafter, a State shall submit to the Secretary an update of such plan, as necessary.

(b) Such Intended Use Plan shall include, at a minimum—

(1) a consistent methodology by which, on an annual basis, the State will divide monies to be disbursed during such year among the categories listed in section 101;

(2) a consistent methodology to create, for each category described in section 101, a priority list for proposed projects that meet the requirements of this Act, provided that such methodology shall give priority to projects which—

(A) will lead to compliance with the various provisions of the Safe Drinking Water Act, the Federal Water Pollution Control Act, and the Resource Conservation and Recovery Act;

(B) occur in communities where the users or beneficiaries of the project have little ability to finance such project without assistance; and

(C) the degree of financial hardship that will be experienced by a community if such project—

(i) is completed without assistance from the Fund; or

(ii) is not completed, and fines or penalties are levied on such community for non-compliance with Federal or State environmental regulations;

(3) a description of eligible and non-eligible costs for each type of project, provided that monies from the Fund shall be available for the construction or acquisition of lands, facilities, structures, equipment, and other real property, and further provided that such monies shall not be available for any post-construction operation, maintenance or other ongoing activity after the completion of construction of any project.

(c) A project may receive disbursements from a State Fund only if—

(1) such project is funded with respect to its rank on a State priority list established pursuant to subsection (b);

(2) a Local Cooperation Agreement has been signed for such project pursuant to section 104;

(3) such project meets the requirements of section 105; and

(4) such project meets the requirements of the Safe Drinking Water Act, the Federal Water Pollution Control Act and the Resources Conservation and Recovery Act, as appropriate.

(d) A State may reserve annually from the Fund up to 1 percent of the sums in such Fund, or $100,000, whichever is greater, for the purposes of planning and other related activities.

LOCAL COOPERATION AGREEMENTS

SEC. 104. (a) Prior to the disbursement or commitment of financial assistance from the Fund for any project, there must exist for such project a local cooperation agreement signed by the local sponsor for such project, the proper representative of the State, and a designated representative of the Secretary.

(b) Each local cooperation agreement shall provide for—

(1) the payment of a local share to the Fund toward the financing of the project of not less than 10 percent of the total project cost;

(2) the provision of necessary lands, easements and rights-of-way owned or controlled by the local sponsor in addition to the contribution required in paragraph (1);

(3) arrangements for the execution of such project by the Secretary consistent with section 204; and

(4) such other arrangements as deemed necessary by the State for the timely completion of such project.

(c) Upon the execution of a local cooperation agreement, the State shall provide monies to the Secretary from the Fund in the form and amount appropriate for the timely completion of the project pursuant to section 204.

CONSISTENCY WITH PLANNING REQUIREMENTS

SEC. 105. Notwithstanding any other provision of this Act, a State may not provide financial assistance from its Fund to any project which is—

(a) a waste-water treatment project which is inconsistent with plans, if any, developed under sections 205(j), 208, 303(e), 319, and 320 of the Federal Water Pollution Control Act;

(b) a public water systems which has not been approved by the chief executive officer of the State agency with primary enforcement authority pursuant to section 1413 of the Safe Drinking Water Act; and

(c) a solid waste management facilities which is inconsistent with a plan approved pursuant to section 4007 of the Solid Waste Disposal Act.

TITLE II—FEDERAL REQUIREMENTS

ADMINISTRATION

SEC. 201. (a) The Secretary, acting through the Chief of Engineers, shall act as the administrator of the authorities of this Act.

(b) To implement the authorities of this Act, there shall be established, within 180 days of the date of enactment of this Act, an Office of Community Public Works Assistance within the Directorate of Civil Works of the Office of the Chief of Engineers.

ALLOCATION OF APPROPRIATIONS

SEC. 202. (a) Sums authorized to be appropriated pursuant to section 206 shall be made available by the Secretary to the several States in accordance with the provisions of this Act.

(b) Such sums shall be allotted to the several States based on applications made by the States to the Secretary for specific projects. The Secretary shall issue regulations to implement this section.

(c) Sums allotted to a State pursuant to this section for a fiscal year shall be available for obligation by such State during the fiscal year for which sums are authorized and during the following fiscal year.

(d) The amount of any allotment not obligated by a State by the last day of the 2-year period of availability established in subsection (c) shall be immediately reallotted by the Secretary on the basis of the ratio used pursuant to subsection (b). None of the sums reallotted by the Secretary shall be reallotted to any State that has failed to obligate all sums allotted to such State in the first fiscal year of such 2-year period.

SCHEDULE OF ALLOTMENTS

SEC. 203. The Secretary and each State shall jointly establish a schedule of payments under which the Secretary will pay to the State the amount of each grant to be made to the State under this Act. Such schedule shall be based on the State's intended use plan under section 103 of this Act, except that—

(a) such payments shall be made in cash in quarterly installments; and

(b) such payments shall be made as expeditiously as possible, but in no event later than the earlier of—

(1) 8 quarters after the date such funds were obligated by the State; or

(2) 12 quarters after the date such funds were allotted to the State.

PROJECT MANAGEMENT

SEC. 204. (a) In the case where there is a signed local cooperation agreement pursuant to section 104, the Secretary shall, with funds made available by the State on a fully reimbursable basis, provide for the construction of the project.

GENERAL PROVISIONS

SEC. 205. (a) The Secretary shall review the Intended Use Plan submitted by a State pursuant to section 103, and shall approve such plan if the Secretary finds it to be consistent with this Act.

(b) The Secretary may fail to sign a local cooperation agreement for any project only if such project is inconsistent with the provisions of this Act. No comparison of costs and benefits for any project shall be considered by the Secretary regarding a decision to sign any local cooperation agreement.

(c) The Secretary shall, at least on an annual basis, conduct or require each State to have independently conducted reviews and audits as may be deemed necessary or appropriate by the Secretary to carry out the objectives of this section. Audits of the use of funds deposited in the Fund established by such State shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

(d) Beginning 60 days after the end of the fiscal year after the receipt of payments under this Act, the State shall submit an annual report to the Secretary describing how the State has met the goals and objectives for the previous fiscal year, as identified in the plan prepared for such year pursuant to subsection (a), including identification of loan and grant recipients, loan and grant amounts, and terms and similar details on other forms of financial assistance provided from the Fund.

(e)(1) If the Secretary determines that a State has not complied with the requirements of this Act, the Secretary shall notify the State of such noncompliance and the necessary corrective action.

(2) If a State does not take corrective action within 60 days after the date a State receives notification of noncompliance under paragraph (1), the Secretary shall withhold additional payments to the State until the Secretary is satisfied that the State has taken the necessary corrective action.

(3) If the Secretary is not satisfied that adequate corrective actions have been taken by the State within 12 months after the State is notified of noncompliance, the payments withheld from the State by the Secretary shall be made available for reallotment in accordance with the formula for allotment of funds under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 206. There are hereby authorized to be appropriated to the Secretary for the purpose of making grants pursuant to section 202, the amount of $500,000,000 (five hundred million dollars) for each of the five fiscal years beginning with fiscal year 1991.●

By Mr. HELMS:

S. 2622. A bill for the relief of Vivian Eney; to the Committee on the Judiciary.

FOR THE RELIEF OF VIVIAN ENEY

Mr. HELMS. Mr. President, on August 24, 1984, Christopher Eney, a sergeant with the Capitol Police, died as a result of a training accident. Because of an ambiguity in the law regarding compensatory time off, the Capitol Police have been unable to pay Sergeant Eney's widow, Vivian, for the compensatory time off he had accumulated at the time of his death. I am introducing this private relief bill to allow that payment to Mrs. Eney.

Mr. President, Sergeant Eney was a talented police officer who served in a variety of special programs. At the time of his death, he had accumulated 1,085 hours in compensatory time off. Based on his annual salary of $33,034, the cash equivalent of that time off is $17,230.53.

Unfortunately, current law (40 U.S.C. 206(b)) prohibits the Capitol Police from making a lump-sum payment to an officer upon termination of his service for any accrued compensatory time off. That provision has been interpreted to prohibit making payment to a widow upon an officer's death.

Mr. President, Sergeant Eney had put in a great deal of extra uncompensated service to the U.S. Government. If it had not been for his unfortunate death caused by a training accident, he would have been compensated for that time. It seems only fair that his widow receive what was rightfully owed to her husband.

We all appreciate the faithful service of Sergeant Eney, and I hope the Senate will act expeditiously on this legislation.

By Mr. LIEBERMAN:

S. 2623. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States, Great Lakes trade, and fisheries for the vessel *Rose*; to the Committee on Commerce, Science, and Transportation.

RELATING TO COASTWISE TRADE CERTIFICATION OF THE VESSEL "ROSE"

● Mr. LIEBERMAN. Mr. President, in the port of Bridgeport, lies the largest operating wooden sailing ship in the United States. Built from plans of the original 1757 English frigate, the H.M.S. *Rose* is also about to become our country's largest and most magnificent wooden sailing school vessel. That's all to the good, but a little-known provision of law will limit the *Rose*'s effectiveness and mission, unless we grant an exemption.

Mr. President, I send to the desk a bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States, Great Lakes trade, and fisheries for the vessel *Rose*. Congressman SHAYS of Connecticut is introducing today the House version of this bill.

Because the present-day replica of the *Rose* was built in 1970, in Nova Scotia, it is prohibited from engaging in what is known as coastwise trade in the United States. But surely, this provision was not meant to prohibit sailing school vessels owned by nonprofit foundations from supplementing their ecology lessons by bottom-trawling Long Island Sound. Nor was it meant to prohibit historic sailing ships from carrying postcards, T-shirts, or tourism literature from port to port; but it does. My bill would grant the *Rose* an exemption for these purposes, so that she can both engage in her mission and support herself.

Fifty-thousand schoolchildren tour the *Rose* each year—in Bridgeport alone. Several hundred thousand board her in other ports of call. The *Rose*'s mission is to teach the ecology issues of Long Island Sound and to provide a memorable walk directly into our own colonial history.

Consider the history of the original *Rose*. She was built in Hull, Yorkshire, England, in 1757 as a 24-gun frigate. After fighting in the Seven Years War, guarding the English Channel and attacking the French Channel ports, she sailed to the West Indies, taking part in the capture of both Havana and Martinique.

The *Rose* came to the United States next and indirectly helped to launch the legal career of a young John Adams. In April 1769, Lieutenant Panton, the *Rose*'s first officer, was killed while trying to impress sailors from a brig called the *Pitt Packett*. Four seamen of the *Pitt Packett* were charged with piracy on the high seas. Then an unknown lawyer, John Adams was appointed to represent the men in court; they were found not guilty by reason of self-defense.

From there, the *Rose* proceeded to Newport, RI in 1774 on the eve of the Revolution to attempt to control the smuggling trade. Her success resulted in massive unemployment for Newport, causing much of the population to leave by the following year. The Rhode Island General Assembly sent a bill to the Continental Congress to establish a national Navy to deal with the *Rose*. The bill passed on October 13, 1775, giving birth to the American Navy.

After supporting the British campaigns up the Hudson and East Rivers and patrolling the western end of Long Island Sound, the *Rose* sailed to Savannah, GA. There, the career of the original *Rose* ended. To block the invasion of a French fleet, she was ordered sunk across the mouth of the harbor, and Savannah was saved.

Mr. President, the present-day *Rose*, while originally built in Nova Scotia, has been entirely rebuilt in this country. She has been supported generously by the city of Bridgeport and the State of Connecticut. On the Fourth of July 1986, the *Rose* attended the Op-Sail/Statue of Liberty celebration in New York Harbor.

The *Rose* now stands ready to embark on a new career. The legislation I introduce today will help the foundation which supports her pay for itself. Students will be able to learn about the ecology of Long Island Sound. The *Rose* will be able to carry postcards and other mementos from port to port, rather than having to offload and truck them, as must be done now. In addition, the *Rose* could carry tourism literature for the State of Connecticut.

The H.M.S. *Rose* is already much beloved by the people of Connecticut. The legislation I introduce today will enable the *Rose* to share her history and her lore with hundreds of thousands of citizens of the United States.

I am certain, Mr. President, they will learn to appreciate her as we do.

I ask unanimous consent that the text of my bill be included in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation for employment in the coastwise trade of the United States, Great Lakes trade, and fisheries for the vessel "Rose" (United States official number 928811).●

By Mr. BENTSEN (for himself, Mr. SANFORD, Mr. JOHNSTON, Mr. BREAUX, and Mr. GRAHAM):

S. 2624. A bill to amend the professional and graduate institution program under part B of title III of the Higher Education Act of 1965 to add certain additional institutions, and for other purposes; to the Committee on Labor and Human Resources.

AID TO HISTORICALLY BLACK GRADUATE SCHOOLS

● Mr. BENTSEN. Mr. President, education is vitally important to both personal success and the success of this country. A well-trained work force is critical if America is to remain competitive in today's increasingly global markets. A higher education system that makes advanced training available to Americans is crucial to this effort.

Today, I introduce legislation that will provide vital assistance to a select group of graduate schools that play an important role in our higher education system. These six schools—Thurgood Marshall School of Law and the School of Pharmacy at Texas Southern University, North Carolina Central University School of Law, Southern University School of Law, the Florida A&M College of Pharmacy, and Xavier University of Louisiana School of Pharmacy—provide advanced education and professional training to a large number of blacks, Hispanics, and members of other economically disadvantaged groups. This group is making tremendous contributions to the effort to achieve true equal opportunity in education in this country. I believe they deserve our help.

Here in Congress, we have already concluded that it is appropriate to provide special aid to higher education institutions contributing to this effort. In 1986, we passed the Higher Education Act which created the title III program that supports historically black colleges around the country. We then went a step further; we created a special fund targeted at improving graduate school opportunities for black and other low-income students. Funding was provided for five independent and historically black graduate schools—Morehouse School of Medicine, Atlanta University, Meharry Medical Schools, Tuskegee School of Veterinary Medicine, and the Charles R. Drew Postgraduate Medical Schools—all of which we recognized as doing a fine job of opening the door to greater opportunities for black Americans.

I wholeheartedly support the graduate school set-aside section of the Higher Education Act for these distinguished institutions, but I feel it is time to expand this distinguished list. Other graduate schools who are making similar contributions deserve our recognition and support.

For example, the mission and purpose of the Thurgood Marshall School of Law is providing advanced educational opportunity to persons of diverse ethnic, academic, and economic backgrounds. Sixty percent of the students at the school are black and another 19 percent are Hispanic. In 1986, almost one of every two black law school graduates in Texas came from the Thurgood Marshall School of Law, and the school graduated almost as many Hispanics as the other five Texas law schools, save the University of Texas, combined. Clearly, this school is making an invaluable contribution to professional education opportunities for minorities in Texas.

I am sure that Southern University Law School, North Carolina Central University School of Law, the Florida A&M College of Pharmacy, and Xavier University of Louisiana School of Pharmacy are making similar contributions in their States. Like the five schools already listed in the statute, these schools are opening new doors for disadvantaged groups. They deserve similar recognition and our assistance.

I want to reassure those of you who are supporters of the original group of schools receiving assistance that I will not rob Peter to pay Paul. My legislation sets forth a plan that maintains the current level of funding, $11 million, for the original group covered by section 326; appropriations over that but less than $13.5 million will be divided among the new group. Anything more than $13.5 million will be available to all 11 schools. These numbers were thoughtfully negotiated and subsequently approved by the 11 schools involved. While I am sure that more dollars is a constant need for all of these institutions, we cannot disregard our current budget crisis. I am confident that their agreement reflects the fairest division of the funding available for graduate schools under section 326.

Mr. President, I am pleased that I am joined in introducing this legislation by Senator BREAUX, Senator JOHNSTON, Senator SANFORD, and Senator GRAHAM. We all recognize the fact that much work remains to be done before true educational and economic opportunity exists in this country, and we are prepared to roll up our sleeves to achieve that objective. With this legislation, I believe we are taking a small, but significant, step in that direction.●

● Mr. BREAUX. Mr. President, quality education is an absolutely essential ingredient in American economic competitiveness. It is vital to the success of the American dream.

In an effort to guarantee equal opportunity for all individuals in the United States, the Federal Government currently provides support to a variety of unique institutions of higher learning. These institutions are unique in the programs that they offer and in the people that they serve.

One such group of institutions, historically black colleges and universities, has long been recognized under title III of the Higher Education Act. Within title III is a special fund that provides support for a group of five graduate schools, all of which have an excellent and proven record of providing opportunities for black and low-income students. This special program has worked well and it is time to expand the list of graduate institutions that have access to it.

I am proud to join my colleague from Texas, Senator BENTSEN, as an original cosponsor of legislation that will add a group of six additional graduate school programs that will now be eligible for the fund. These six programs; Southern University School of Law, Xavier, University of Louisiana School of Pharmacy, Thurgood Marshall School of Law, Texas Southern University School of Pharmacy, the North Carolina Central University School of Law, and Florida A&M College of Pharmacy and Pharmaceutical Sciences, all provide an opportunity for advanced education for minorities and low-income students that is not readily available elsewhere.

It is my understanding that all 11 of the institutions involved are supportive of this legislation. In the name of equal education opportunity I encourage my colleagues to join in support of these fine institutions. The role of graduate and advanced professional education in our Nation's economic success and in individual fulfillment is indisputable and it deserves our support.●

By Mr. LIEBERMAN (for himself, Mr. REID, and Mr. DURENBERGER):

S. 2625. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to ensure that hazardous pesticides are promptly removed from the market and to ensure that the health of all citizens, particularly our children, is protected, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PESTICIDE HEALTH AND SAFETY ACT

Mr. LIEBERMAN. Mr. President, 1 year ago today the Environment and Public Works Committee's Subcommittee on Toxic Substances, environmental Oversight, Research and Development, chaired by my colleague from Nevada, Senator HARRY REID, held a hearing on pesticides in the food supply. The hearing focused on the Alar controversy as just one example of the numerous problems with our current system of pesticide regulation. Based on the testimony at that hearing and the followup hearing which was held on September 22, 1989, we reached some conclusions that it takes EPA too long to cancel dangerous pesticides and that EPA knows too little about the neurotoxic effects of pesticides and the risks to children.

We found that it often takes EPA 15 to 20 years to remove a dangerous pesticide from the market; Alar took 17 years. And we found that if the manufacturer of Alar had not voluntarily stopped selling it, it would probably have taken EPA another 3 to 5 years to end its use.

These conclusions, similar to those reached by GAO studies and previous congressional investigations, were not disputed by the Environmental Protection Agency. In fact, in October 1989 the President indicated his desire to change pesticide laws because they were not providing sufficient protection for American consumers and farmers. The President's proposals themselves do not provide the genuine changes in pesticide law necessary to protect public health. We waited many months for the administration to draft amendments to FIFRA and, although the President made some proposals, the administration has yet to actually produce legislation. To date, the President has not taken action on even the minimal proposed changes. This is not the kind of leadership we need from the "environmental" President.

In the year since the first Toxic Substances Subcommittee hearing was held, no change has been seen in EPA's regulation of pesticides. The EPA has not acted more quickly to suspend or cancel dangerous pesticides. The EPA has not initiated a closer examination of the neurotoxic effects of pesticides, and it has not issued regulations to prevent conflicts of interest on the part of members of the scientific advisory panel.

Today I am joining with Senators REID and DURENBERGER in introducing the Pesticide Health and Safety Act of 1990, which amends current pesticide law to ensure that it provides American farmers and consumers with the protection they deserve. These two distinguished colleagues have worked long and hard to protect human health and the environment from dangerous pesticides. The Pesticide Health and Safety Act will ensure that the EPA examines the effects of a pesticide on children and other sensitive populations before it registers or reregisters it. Our bill will ensure that EPA can remove dangerous pesticides from the market much sooner than under current law, and it provides for the periodic expiration of pesticides registrations which will force the industry and the EPA to ensure that pesticides are safe based on the most up-to-date scientific data.

The bill also requires all pesticide applicators to keep records of the date and time of pesticide applications and requires certified applicators to receive training in integrated pest management and sustainable agriculture. The bill also provides much needed changes in the scientific advisory panel [SAP]. In studying the Alar situation I was surprised to learn that no member of the SAP was a pediatrician or a scientist trained in public health even though the SAP was making critical recommendations affecting our health and the health of our children. I was also disturbed to learn that some members of the SAP consulted for the chemical industry before and during their service on the panel. The legislation we are introducing today requires that a pediatrician and a public health specialist be members of the SAP, that all nominees be required to publicly disclose previous consulting activities, and that all members of the panel be barred from consulting for any company with an interest in pesticides while on the panel.

I hope our legislation will mark the beginning of a stronger government focus on helping farmers and other pesticides users to reduce dangerous pesticides in our environment, on our food, and on our lawns. I look forward to working with the members of the Agriculture and Environment Committee to this end.

Mr. President, I ask unanimous consent that a section-by-section description of the bill and the bill be printed in their entirety immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pesticide Health and Safety Act of 1990".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the removal of carcinogenic pesticides from the market may take 18 years from the date of the first finding of carcinogenicity;

(2) the time consuming process and the years of indecision can be harmful to all participants, the manufacturers, the growers and the consumers;

(3) delays in decisionmaking and the inability of the Environmental Protection Agency to remove dangerous products from the market may expose children to hazardous chemicals at critical periods in their development; and

(4) the 18 years or more that it has taken the Environmental Protection Agency to act on Alar and on EBDCs is a clear indication that the Federal Insecticide, Fungicide and Rodenticide Act must be amended.

(b) PURPOSE.—It is the purpose of the Federal Insecticide, Fungicide, and Rodenticide Act and the amendment made by this Act to provide for the effective control of pests and the protection of human health and the environment.

SEC. 3. DEFINITION.

Section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136) is amended—

(1) in subsection (e)—

(A) by striking out "which is classified for restricted use" in the first sentence of paragraph (1);

(B) by striking out "pesticide which is classified for restricted use for purposes of producing any agricultural commodity" in paragraph (2), and inserting in lieu thereof "registered pesticide for purposes of producing any agricultural commodity that the grower offers for sale or trade";

(C) by striking out "pesticide which is classified for restricted use" in paragraph (3), and inserting in lieu thereof "registered pesticide"; and

(D) by striking out "available if and when" and all that follows through the period in paragraph (4), and inserting in lieu thereof "physically present at the time and place the pesticide is applied. If the pesticide being applied is classified for restricted use or for prescription, such pesticide shall only be applied by a certified applicator.";

(2) in subsection (j), by striking out "and man" and inserting in lieu thereof "people, especially population subgroups understood to either be more heavily exposed, more sensitive, or both"; and

(3) in subsection (bb)—

(A) by striking out "to man" and inserting in lieu thereof "to people, children,"; and

(B) by striking out "the economic" and inserting in lieu thereof "particular economic".

SEC. 4. REGISTRATION.

Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a) is amended—

(1) in subsection (a), by inserting "or on human health" after "on the environment";

(2) in subsection (c)(2)(A), by adding at the end thereof the following new sentence: "The Administrator shall publish standards for neurotoxic information required to support the registration of a pesticide product within one year of the date enactment of the Pesticide Registration Act of 1990."; and

(3) in subsection (c)(5)—

(A) by inserting ", on the health of children, or on the public health taking into consideration regional, ethnic, and other circumstances that may increase risk to cer-

tain population groups" before the semicolon in subparagraph (C);

(B) in subparagraph (D), by striking out "generally";

(C) by inserting ", on the health of children, or on the public health taking into consideration regional, ethnic, and other circumstances that may increase risk to certain population groups" before the period in subparagraph (D); and

(D) by inserting before "The Administrator" the following new sentences: "The Administrator shall publish in the Federal Register guidelines on the manner in which to calculate the benefits of a pesticide. The Administrator shall only consider whether the denial of the registration will cause major disruptions in the nutritional balance of children or adults or otherwise adversely affect the quality or safety of the food supply.".

SEC. 5. CERTIFIED APPLICATIONS.

Section 11 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136i) is amended—

(1) in subsection (a)(1)—

(A) by striking out "and shall not" and all that follows through "pesticides" in the second sentence;

(B) by striking out "sale, offering for sale" and all that follows through "commercial application" in the sixth sentence, and inserting in lieu thereof "private application, sale, offering for sale, holding for sale, or distribution of any registered pesticides to maintain such records and submit such reports concerning the application"; and

(C) by striking out the ninth and tenth sentences and inserting in lieu thereof the following new sentence: "The Standards shall also provide that the certified individual be shown to be competent with respect to integrated pest management practices, including the ecological principles underlying sustainable and economical pest control methods."; and

(2) in subsection (c), by striking out "provisions for making" and all that follows through the end thereof, and inserting in lieu thereof "instruction concerning integrated pest management techniques, including the ecological principles underlying sustainable and economical pest control methods.".

SEC. 6. CANCELLATION.

Subsection (b) of section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136d(b)) is amended to read as follows:

"(b) CANCELLATION.—

"(1) STANDARD FOR CANCELLATION.—The Administrator shall cancel the registration of a pesticide if the Administrator determines that—

"(A) there are prudent concerns that the pesticide causes unreasonable adverse effects on the environment or on human health when used in accordance with its labeling or in accordance with actual practice; or

"(B) the pesticide product or its labeling or other material required to be submitted by the Act do not comply with the requirements of the Act.

The proponents of the registration of a pesticide shall at all times have the burden of showing that the standard for cancellation is not met.

"(2) PROPOSED CANCELLATION ORDER.—If the Administrator determines that the standard for cancellation may be met, the Administrator shall initiate a cancellation proceeding by issuing a proposed cancellation order. If the proposed cancellation is based on a concern that the pesticide may pose a risk to human health or the environment, the Administrator shall review scientific information prior to issuing a proposed cancellation order. The Administrator shall base the cancellation decision on actual exposure data, except that if such data is not available, the Administrator shall base the decision on the best available theoretical or estimated risk of exposure. The Administrator shall send a copy of the proposed order to each registrant holding a registration addressed by the proposed order and shall publish the proposed order in the Federal Register. The proposed cancellation order shall include (or incorporate by reference to publicly available documents) the following:

"(A) A statement of the factual and legal bases for the proposed cancellation action.

"(B) If the pesticide is used to produce an agricultural commodity, a general analysis of the impact of the proposed action on production of major agricultural commodities and on the prices and availability of vital retail foods (those foods necessary to ensure a proper nutritional balance for an individual) to determine whether the proposed action will severely disrupt the domestic availability and affordability of a major agricultural commodity. Such analysis shall not consider regional variations in production, but shall examine the national availability of the commodity.

"(C) An analysis of the available substitute chemical and nonchemical pesticides and of the alternative agricultural techniques available to minimize the risks associated with the use of the chemical pest control techniques.

"(D) If the pesticide product is used on more than one agricultural commodity, a review of the cumulative effects of the pesticide product on human health and the environment.

"(E) The changes, if any, in the terms and conditions of registration that a registrant would need to make in order for the Administrator to conclude that cancellation would not be appropriate.

"(3) REVIEW OF PROPOSED CANCELLATION ORDERS, DENIALS OF APPLICATIONS FOR REGISTRATION, OR PROPOSED CHANGES IN CLASSIFICATION.—The registrant or applicant for registration, and any other interested person, shall have an opportunity to comment on a proposed cancellation order, denial of application for registration, or proposed change in classification, for at least 60 days after the publication of the proposal in the Federal Register. The Administrator shall send a copy of the proposed cancellation order to the Secretary of Agriculture and the Scientific Advisory Panel. Unless the Secretary and Panel waive the opportunity to comment, the Administrator shall allow at least 60 days from their receipt of the proposed cancellation order to submit written comments on the proposed order. All comments submitted pursuant to this paragraph shall be advisory in nature, and the Administrator shall issue the final determination on the basis of the standard set forth in subsection (b)(1)(i). No final cancellation order may be issued under paragraph (4) prior to the passing of the comment period.

"(4) FINAL ORDERS.—(A) If no comments opposing the proposed action are submitted by registrants or other interested persons during the comment period provided pursuant to paragraph (3), and if, in the case of a cancellation proceeding, a registrant does not notify the Administrator that the registrant has made the changes, if any, specified in the proposed cancellation order pursuant to subparagraph (b)(2)(E), the Administrator may issue a summary final order canceling registration, denying application for registration, or changing classification. Such final order shall be published in the Federal Register and sent to each registrant of, or applicant for, a registration addressed by the final order. Such final order shall not be subject to judicial review.

"(B) If, after reviewing comments submitted pursuant to paragraph (3), the Administrator determines that the standard for cancellation or registration, denial of application for registration, or change in classification is met, the Administrator shall publish a final order of cancellation, denial of application, or change in classification in the Federal Register and shall send a copy of such order to each applicant for, or registrant holding, a registration addressed by the final order. The final order shall include (or incorporate by reference to publicly available documents) the following—

"(i) the factual and legal bases for the final order;

"(ii) a summary of the major comments submitted by the public and, in the case of a cancellation proceeding, submitted by the Secretary of Agriculture and the Scientific Advisory Panel, and the responses of the Administrator to such comments;

"(iii) in the case of a cancellation proceeding involving a pesticide used in the production of an agricultural commodity, an analysis of the impact of the proposed action on the production of major agricultural commodities and on the prices and availability of vital retail foods (those foods necessary to ensure a proper nutritional balance for an individual) to determine whether the proposed action will severely disrupt the domestic availability and affordability of a major agricultural commodity;

"(iv) an analysis of the available substitute chemical and nonchemical pesticides and of the alternative agricultural techniques available to minimize the risks associated with the use of the pesticide;

"(v) if the pesticide product is used on more than one agricultural commodity, a review of the cumulative effects on the use of the pesticide product on human health and the environment; and

"(vi) in the case of a cancellation proceeding, a description of the changes, if any, in the terms and conditions of registration of a pesticide product that registrant would need to make in order for the final cancellation order not to apply to the product.

Final orders issued pursuant to this subparagraph will be effective on the date of the publication of such in the Federal Register, except that in the case of a cancellation order where the Administrator has established terms and conditions as an alternative to cancellation pursuant to clause (iv), the order shall not be effective until 30 days after the publication of such in the Federal Register, and a product will not be canceled pursuant to the order if a registrant, within such 30-day time period, has applied to amend its registration to comply with the time specified terms and conditions.

"(C) All cancellation proceedings shall be concluded not later than 2 years after the publication of the proposed cancellation order in the Federal Register. If the Agency fails to conclude the proceeding, the Administrator shall publish in the Federal Register a notice showing good cause why the proceedings have not been completed.

"(D) On the issuance of the final cancellation order, the tolerances established for

the pesticide shall be revoked. The Administrator may issue regulations to account for unavoidable residual environmental contamination in existence after the revocation of the tolerances.

"(E) If, after receiving the comments submitted pursuant to paragraph (3), the Administrator determines not to cancel, deny application, or change classification, the Administrator shall publish in the Federal Register a final decision to that effect and shall send a copy of such order to each registrant of, and applicant for, a registration addressed by the proposed order. Such decision shall include the factual and legal basis for the determination of the Administrator, and shall include a summary of the comments submitted concerning such proposed order and the responses of the Administrator to such. Such a decision shall be effective on publication.

"(5) JUDICIAL REVIEW.—Notwithstanding any other provision of this Act, judicial review of the final order, or final decision not to issue an order, issued pursuant to subparagraphs (B) or (C) of subsection (b)(4) shall be made available to any person who is adversely affected by the order or decision in the United States Court of Appeals for the District of Columbia Circuit or for any other Circuit in which the petitioner for review resides. Requests for review shall be filed in an appropriate Court of Appeals not later than 60 days after the publication of the final order or decision in the Federal Register. Judicial review shall be based on the administrative record compiled by the Agency concerning the proposed cancellation, denial, or change in classification. The final order or decision shall be sustained on review unless the action is determined to be arbitrary, capricious, an abuse of discretion, or not in accordance with law.

"(6) PETITIONS TO SUSPEND, CANCEL, DENY APPLICATION OR CHANGE CLASSIFICATION.—

"(A) Any person may, at any time, petition the Administrator to suspend or cancel a registration pursuant to this section or to deny an application for registration or change the classification of a pesticide pursuant to section (3) of this Act. Such a petition shall include the factual and legal bases supporting the petition.

"(B) If the Administrator determines that the requested action is necessary to serve the purpose of the Act, the Administrator shall suspend the pesticide or issue a proposed order to cancel, deny application, or change classification, and the appropriate provisions of this section or section 3 shall apply.

"(C) If the Administrator denies the petition, the Administrator shall specify the basis for such denial. The petitioner may thereafter seek judicial review of the denial of the petition in the United States Court of Appeals for the District of Columbia Circuit or for any other Circuit in which the petitioner resides. Requests for review shall be filed in an appropriate Court of Appeals within 60 days after receipt of the denial of petition. Judicial review shall be based on the administrative record developed during the course of consideration of the petition. The order denying the petition shall be sustained on review unless the action is determined to be arbitrary, capricious, an abuse of discretion, or not in accordance with law.

"(7) EFFECT OF FINAL ORDER OF CANCELLATION, DENIAL OF APPLICATION, CHANGE IN CLASSIFICATION.—

"(A) The Administrator may issue an order summarily denying any application for registration or amendment under sections 3 or 24, or application for exemption pursuant to section 18, with respect to a pesticide that has been subject to a final order issued pursuant to this section canceling registration, denying application for registration, or changing classification, unless the applicant has presented substantial new evidence that—

"(i) may materially affect the basis for or content of the prior order;

"(ii) was not available to the Administrator at the time the Administrator issued the final order; and

"(iii) could not, through the exercise of due diligence, have been discovered prior to the issuance of the final order.

If the Administrator determines that the applicant has not provided substantial new evidence complying with the requirements of this subparagraph, the Administrator may issue an order summarily denying the application and shall send a copy of such order to the applicant.

"(B) The applicant may thereafter seek judicial review of the order summarily denying the application in the United States Court of Appeals for the District of Columbia Circuit or for any other Circuit in which the applicant resides. Requests for review shall be requested in an appropriate Court of Appeals within 60 days after the receipt of the denial of application. An order denying an application under this subparagraph shall be sustained on review unless the order is determined to be arbitrary, capricious, an abuse of discretion, or not in accordance with law.

"(C) If, after review of an application (and supporting data submitted by the applicant) for a registration or amendment pursuant to sections 3 or 24, the Administrator determines that the applicant has submitted substantial new evidence and that reconsideration of the prior final order may be warranted, the Administrator shall publish a notice in the Federal Register announcing that the Administrator is reconsidering the prior final order. Such notice shall describe the nature of the application, contain the factual and legal bases for the determination of the Administrator that reconsideration may be warranted, and shall provide an opportunity of at least 60 days for interested persons to comment on the issues of whether reconsideration should be granted and whether the application should be granted.

"(D) After the opportunity for comment on a notice issued pursuant to subsection (b)(7)(C) has expired, the Administrator shall publish a final decision in the Federal Register either denying the application or granting reconsideration of the prior final order to the extent necessary to consider the application. A final decision granting reconsideration may, at the discretion of the Administrator, contain a final determination granting or rejecting the application. If such a final determination is not contained in a final decision granting reconsideration, the application shall be reviewed according to the provisions of sections 3 or 24 as appropriate.

"(E)(i) If the Administrator issues a final decision pursuant to subsection (b)(7)(D) denying reconsideration of a prior final order, the applicant may petition for judicial review of any such denial in the United States Court of Appeals for the District of Columbia Circuit, or the Court of Appeals for any other Circuit in which the petitioner resides, within 60 days after the publication of the notice in the Federal Register. Judicial review shall be based on the administrative record compiled by the Agency concerning the application. The final decision shall be sustained on review unless the action is determined to be arbitrary, capricious, an abuse of discretion, or not in accordance with law.

"(ii) If the Administrator grants reconsideration, but denies the application, the Administrator shall publish in the Federal Register a notice proposing denial of registration pursuant to section 3(c)(6). Such a notice may be contained in a final decision granting reconsideration issued pursuant to subsection (b)(7)(D). Subsequent action on the proposed denial shall be in accord with the applicable provisions of subsection (b).

"(iii) If the Administrator determines, after granting reconsideration, that the application should be granted, he shall publish in the Federal Register a notice granting the application. Such a notice may be contained in a final decision granting reconsideration issued pursuant to subsection (b)(7)(D). Any person who is adversely affected by the granting of the application may petition for judicial review of the determination of the Agency to grant the application in the United States Court of Appeals for the District of Columbia Circuit, or the Court of Appeals for any other Circuit in which the petitioner resides, within 60 days after the notice granting the application is published in the Federal Register. Judicial review shall be based on the administrative record compiled by the Agency concerning the application. The grant of the application shall be sustained on review unless the action is determined to be arbitrary, capricious, an abuse of discretion, or not in accordance with law.

"(8) AUTHORITY TO ISSUE REGULATIONS.—Nothing in this subsection shall be construed as limiting in any way the authority of the Administrator to issue regulations pursuant to section 25, including regulations requiring the adoption or modification of specific terms and conditions of registrations issued pursuant to this Act.".

"(9) DETERMINATION AS TO CANCELLATION.—

"(A) If the Administrator determines that a pesticide cannot be canceled pursuant to the criteria described in section 6(b)(2) and the Administrator has prudent concerns that such pesticide poses a particular risk to the health of any population subgroup or to the environment, the Administrator shall publish in the Federal Register a regulation reclassifying the pesticide, or the particular use or uses to which the determination applies, for prescription use only.

"(B) The prescription use classification described in subparagraph (A) shall, on the label, require that a certified pest control expert, pursuant to regulations promulgated by the Administrator, inspect the setting in which the pesticide is to be applied in order to—

"(i) document the presence of the target pest;

"(ii) determine that no cultural or biological option is available;

"(iii) confirm that no general or restricted use pesticide is registered for use on the target pest that could be expected to bring about a comparable degree of control; and

"(iv) specify the timing, rate, and conditions of use of the pesticide, and maintain a record of such evaluation and prescription to be provided, on request, to State and Federal officials.

"(C) Any such reclassification shall be reviewable in the appropriate Court of Appeals upon petition of a person adversely affected filed within 60 days of the publica-

tion of the regulation in final form. The final decision of the Administrator shall be sustained on review unless the action is determined to be arbitrary, capricious, an abuse of discretion, or not in accordance with the law.

SEC. 7. SUSPENSION.

Subsection (c) of section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136d(c)) is amended to read as follows:

"(c) SUSPENSION.—

"(1) ORDER.—If the Administrator determines that the use of a pesticide may cause significant adverse effects to human health or the environment, the Administrator may issue an order immediately suspending the registration of a pesticide. The Administrator shall send to the registrant by certified mail a copy of the suspension order, and shall publish the order in the Federal Register. The order shall become effective either on the publication of such in the Federal Register or on the receipt by the registrant of the order, whichever occurs first. The suspension shall automatically expire 180 days after becoming effective unless, on or before such expiration date, the Administrator has published in the Federal Register a proposed cancellation order that would cancel the registration of the pesticide use suspended by the order issued under this subsection. If a proposed cancellation order is issued prior to the expiration date, the suspension shall continue in effect until terminated in accordance with paragraph (3).

"(2) EXISTING STOCKS.—The Administrator may allow continued sale or use of existing stocks of a suspended pesticide, unless such use may cause significant adverse effects to human health or the environment.

"(3) DURATION OF SUSPENSION.—A suspension issued under this subsection may be terminated by the Administrator at any time. A suspension order issued under this subsection shall automatically terminate on completion of a proceeding to cancel the registration of the pesticide under subsection (b), or on cancellation by the Administrator of the suspended registration. If the cancellation of the Administrator or the suspended registration is overturned by a reviewing court, the suspension order issued under this section shall automatically be reinstated.

(4) JUDICIAL REVIEW.—Any suspension order entered by the Administrator pursuant to this subsection shall be subject to review in an action by the registrant, or by any other adversely affected person in an appropriate district court, solely to determine whether the order of suspension was arbitrary, capricious, or an abuse of discretion, or whether the order was issued in accordance with the procedures established by law. No such action will be entertained by a district court unless the action is filed within 20 days of publication of the order in the Federal Register. The effect of any order of the district court will be to stay the effectiveness of the suspension order, pending the final determination of the Administrator with respect to cancellation. The commencement of proceedings under this paragraph shall not operate as a stay of the suspension order unless otherwise ordered by the court.".

SEC. 8. SUNSET PROVISION.

Subsection (d) of section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136d(d)) is amended to read as follows:

"(d) EXPIRATION OF REGISTRATIONS.—

"(1) DURATION OF REGISTRATIONS.—Notwithstanding any other condition imposed on the registration of a pesticide product, the registration of a pesticide product that has not been canceled or has not otherwise expired shall automatically expire in accordance with the provisions of this subsection.

"(2) PRE-1984 PESTICIDES.—The registration of a pesticide product containing an active ingredient, such ingredient was contained in a pesticide first registered before November 1, 1984, shall expire—

"(A) 19 years after the date on which the active ingredient was first registered; or

"(B) 9 years after the date on which the Administrator determines, pursuant to section 4(g)(2)(A), that the pesticide products containing the active ingredient are eligible for reregistration, whichever is later.

Thereafter, the registration of any product containing such active ingredient shall expire every 9 years after the date on which reregistrations for pesticide product containing that active ingredient had most recently expired.

"(3) POST-1984 PESTICIDES.—The registration of a pesticide product containing an active ingredient, such ingredient was contained in a pesticide first registered after October 31, 1984, shall expire 15 years after the date on which the active ingredient was first registered. Thereafter, the registration of any product containing the active ingredient shall expire every 9 years after the date on which registrations for pesticide products containing that active ingredient had most recently expired.

"(4) PESTICIDES CONTAINING MORE THAN ONE ACTIVE INGREDIENT.—Notwithstanding paragraphs (2) and (3), the registration of pesticide products containing more than one active ingredient shall expire at such time as the Administrator determines, provided that no registration shall expire sooner than—

"(A) 15 years after the date on which the earliest registration was granted for an active ingredient in the formulation; or

"(B) 9 years after the date on which the Administrator determines, pursuant to section 4(g)(2)(A), that pesticides containing one of the active ingredients in the product are eligible for reregistration;

whichever is later. Thereafter, the registration of any product containing more than one active ingredient shall expire every 9 years after the date on which such registration had most recently expired.

"(5) NOTIFICATION.—The Administrator shall publish in the Federal Register the dates on which the registrations of pesticide products shall initially expire.

"(6) EXPIRATION OF TOLERANCE.—The tolerance of a pesticide product shall expire concurrently with its registration. The Administrator may, on application by the registrant, continue the tolerance for not more than 2 years to ensure that agricultural products already in the stream of commerce are allowed to be sold. In order for the pesticide product to be reregistered, the tolerance level must be reset.

"(7) SALE, DISTRIBUTION, AND USE OF EXISTING STOCKS.—(A) Except as provided under subparagraph (B), existing stocks of any pesticide product, the registration of which has expired pursuant to this section, may be sold and distributed for one year after the date on which the registration of the product expired unless the Administrator determines that additional sale and distribution is appropriate, except that the registrant may not sell and distribute more product than the average amount sold and distributed by the registrant annually during the last 3 full calendar years prior to the expiration of the registration. Any such sale, distribution, and use of existing stocks permitted by this section shall be subject to the limitations, terms, and conditions applicable to the sale, distribution and use of the product prior to its cancellation.

"(B) The Administrator may prohibit or establish such additional limitations and conditions as the Administrator determines necessary to fulfill the purposes of the Act on the sale and distribution or the sale, distribution, and use of a pesticide product the registration of which has expired pursuant to this section, if he determines that use of the pesticide may cause unreasonable adverse effects on the environment or on human health.

"(8) APPLICATION.—Notwithstanding any other provision of law, the filing of an application for renewal of the registration of a pesticide product does not extend the registration past the date on which it expires unless—

"(A) in the case of a registrant that would not qualify for the exemption in section 3(c)(2)(D) with respect to one of the active ingredients in its product—

"(i) the registrant has submitted an application for renewal of its registration at least a year before the expiration date; and

"(ii) the Administrator has not issued a notice pursuant to section 3(c)(6) proposing to deny the application; or

"(B) in the case of a registrant which would qualify for the exemption in section 3(c)(2)(D) with respect to all of the active ingredients in its product—

"(i) the registrant has submitted an application for renewal of its registration at least 6 months before the date on which the registration is scheduled to expire; and

"(ii) the Administrator has not issued a notice pursuant to section 3(c)(6) proposing to deny the application.

When a timely application for renewal of a registration is filed pursuant to this paragraph, the expiration date for such registration shall be considered to be the date the Administrator either grants the application for renewal or issues a notice pursuant to section (3)(c)(6) proposing to deny the application.

"(9) CONTENTS OF APPLICATIONS FOR RENEWAL.—The Administrator may issue regulations establishing requirements for the contents of applications for renewal. In such regulations the Administrator shall require applications for renewal to comply with the same requirements as are in effect at the time for initial applications for registration.

"(10) DENIAL OF APPLICATIONS FOR RENEWAL.—The Administrator shall issue a notice of denial pursuant to section 3(c)(6) if—

"(A) a timely application for renewal was not received;

"(B) an application for renewal does not comply with the requirements for registration;

"(C) by the end of the time periods prescribed by paragraph (8), an agreement for delivery of information needed for renewal, including a schedule for delivery, has not been entered into; or

"(D) the registrant has not made a good faith effort to adhere to conditions in subparagraph (C).

If the Administrator determines that an application for renewal does not comply with the requirements for registration, the Administrator may issue a notice pursuant to

section 3(c)(6) proposing to deny the application, except that if the Administrator determines that an applicant for renewal has made a good faith effort to comply with the requirements for registration, the Administrator shall not issue a notice pursuant to section 3(c)(6) until the Administrator has provided the applicant for registration a reasonable period of time to make the necessary corrections to complete the application. The Administrator shall not issue a notice of denial of application for renewal of registration before notifying the Secretary of the intent of the Administrator to issue such a notice and the reasons therefor, and providing the Secretary with an opportunity to provide comments to the Administrator on the proposed denial.

"(11) FEES.—(A) Pursuant to section 4(i) fees will be assessed for the registration of each pesticide product;

"(B)(i) There shall be established in the Treasury of the United States a reregistration and neurotoxicity and other research fund.

"(ii) All fees collected by the Administrator under subsection (d)(4)(A) shall be deposited into the fund and shall be available to the Administrator, without fiscal year limitation, to carry out reregistration, research on the neurotoxic effects of pesticide products, and other research deemed necessary by the Administrator.

"(iii) The Administrator shall provide an annual accounting of the fees collected and disbursed from the fund and take all steps necessary to ensure that expenditures from such fund are used only to carry out this section.

"(12) PUBLICATION.—Not later than 90 days after any registration of a pesticide product expires pursuant to this subsection, the Administrator shall—

"(A) notify the registrant of the expiration and the conditions, if any, under which the existing stocks may be sold, distributed, and used; and

"(B) publish a notice in the Federal Register listing each pesticide product, the registration of which has expired, and the conditions, if any, under which the existing stocks of the product may be sold, distributed and used.".

SEC. 9. RECORD KEEPING.

Section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136f) is amended to read as follows:

"SEC. 8. RECORDS.

"(a) AUTHORITY TO REQUIRE RECORDS.—The Administrator may require any producer, importer, or exporter of a pesticide, registrant, applicant for registration, applicant for or holder of an experimental use permit, pesticide testing facility, or any holder of a pesticide that is the subject of a regulation or order issued under section 19(b)—

"(1) to prepare, and to maintain for reasonable periods of time, such records as the Administrator determines to be necessary for the effective implementation or enforcement of this Act;

"(2) to furnish to the Administrator reports stating the location where the records are maintained; and

"(3) to furnish a copy of any such records to the Administrator on written request.

"(b) RECORDS OF APPLICATORS.—

"(1) COMMERCIAL APPLICATORS.—The Administrator shall require each commercial applicator to maintain, and may require a commercial applicator to file with the Administrator, records of each pesticide application, including the identity and quantity of pesticide applied and the date and location of such application.

"(2) PRIVATE APPLICATORS.—The Administrator shall require private applicators to maintain, and may require a private applicator to file with the Administrator, records of each pesticide application, including the identity and quantity of pesticide applied and the date and location of such application.

"(c) RECORDS OF PESTICIDE DEALERS.—

"(1) IN GENERAL.—The Administrator shall require each pesticide dealer to maintain a record of each sale or distribution of all registered pesticides.

"(2) CONTENTS.—Such records shall include the identity of the pesticide sold or distributed, the identity of the person to whom the pesticide was distributed or sold, the date of the distribution or sale, and the amount of the pesticide distributed or sold.

"(3) DURATION.—A pesticide dealer shall maintain the records required under this subsection for as long as required by the Administrator.

"(4) DEFINITION.—As used in this section, the term 'pesticide dealer' means any person who, in the ordinary course of business, distributes or sells any registered pesticide.

"(d) LIMITATIONS.—The Administrator shall not, under the authority of subsection (a) or (b), require any person to maintain records of—

"(1) financial data, pricing data, or sales data other than shipment data;

"(2) personnel data, except for data concerning exposure of employees of pesticides or ingredients of pesticides, or concerning health effects on employees that could reasonably be attributable to such exposure; or

"(3) research or test data other than—

"(A) data relating to a registered pesticide;

"(B) data relating to any pesticide for which an application for registration or for an experimental use permit has been filed;

"(C) data relating to any pesticide for which an exemption pursuant to section 18 has been requested;

"(D) data relating to any pesticide for which a regulation has been promulgated pursuant to section 3(a);

"(E) data relating to testing a pesticide testing facility; or

"(F) data relating to the storage or disposal of a pesticide whose registration has been suspended or canceled.".

SEC. 10. AUTHORITY OF ADMINISTRATOR.

Section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w) is amended—

(1) by inserting after the 10th sentence the following new sentence: "The panel membership shall always include a pediatrician and a scientist trained in public health.";

(2) by inserting after the 15th sentence the following new sentences: "The Administrator shall require information on the previous employment and consulting activities of each nominee. Such information shall be available to the public."; and

(3) by inserting after the 17th sentence the following new sentence: "No member of the panel shall be permitted to consult for or receive any direct or indirect payment or any other benefit from any company with an interest in pesticide products during the member's term on the panel.".

SEC 11. CONFORMING AMENDMENT.

Section 11(e) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136i(e)) is amended by striking out "shall" and inserting in lieu thereof "may".

SEC. 12. TABLE OF CONTENTS.

The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act is amended—

(1) by striking the items relating to subsections (b), (c), and (d) of section 6 and inserting in lieu thereof the following new items:

"(b) Cancellation.
"(1) Standard for cancellation.
"(2) Proposed cancellation order.
"(3) Review of proposed cancellation orders, denials of applications for registration, or proposed changes in classification.
"(4) Final orders.
"(5) Judicial review.
"(6) Petitions to suspend, cancel, deny application or change classification.
"(7) Effect of final order of cancellation, denial of application, change in classification.
"(8) Authority to issue regulations.
"(c) Suspension.
"(1) Order
"(2) Existing stocks.
"(3) Duration of suspension.
"(4) Judicial review.
"(d) Expiration of registration.
"(1) Duration of registrations.
"(2) Pre-1984 pesticides.
"(3) Post-1984 pesticides.
"(4) Pesticides containing more than one active ingredient.
"(5) Notification.
"(6) Expiration of tolerance.
"(7) Sale, distribution, and use of existing stocks.
"(8) Application.
"(9) Contents of applications for renewal.
"(10) Denial of applications for renewal.
"(11) Fees.
"(12) Publication.";

(2) by striking the items relating to section 8 and inserting in lieu thereof the following new items:

"Sec. 8. Records.
"(a) Authority to require records.
"(b) Records of applicators.
"(1) Commercial applicators.
"(2) Private applicators.
"(c) Records of pesticide dealers.
"(1) In general.
"(2) Contents.
"(3) Duration.
"(4) Definition.
"(d) Limitations."; and

(3) by striking out the items relating to section 11.

THE PESTICIDE HEALTH AND SAFETY ACT OF 1990—SECTION-BY-SECTION ANALYSIS

(By Senator Lieberman (for himself, Senator Reid, and Senator Durenberger)

Sec. 1. SHORT TITLE.—This Act is called the "Pesticide Health and Safety Act of 1990."

Sec. 2. FINDINGS.—Congress finds that the removal of dangerous pesticides from the

market often involves significant delays and is not sufficiently protective of human health and the environment.

Sec. 3. DEFINITIONS.—Expands the definition of certified and private applicators to cover those who use all registered pesticides. Expands the term "environment" to specifically cover population subgroups understood to be more heavily exposed and/or more sensitive to pesticides.

Sec. 4. REGISTRATION.—Amends the registration provisions of FIFRA to ensure that a pesticide's effects on the health of children and other population subgroups are specifically reviewed prior to registration. Requires that the Environmental Protection Agency (EPA) establish specific standards for the review of a pesticide's neurotoxic effects prior to registration.

Sec. 5. CERTIFIED APPLICATORS.—Certification standards must provide that a certified applicator is proficient in integrated pest management and sustainable pest control methods.

Sec. 6. CANCELLATION.—The cancellation standard is revised to enable the EPA Administrator to cancel a pesticide when there are prudent concerns that the pesticide causes unreasonable adverse effects on human health or the environment. The registrant has the burden of showing that the standard for cancellation has not been met. Under current law a pesticide can only be cancelled when the Administrator determines that it generally causes unreasonable adverse effects on the environment.

In determining whether to cancel a pesticide, the Administrator must review the impact of the cancellation on the price and availability of vital retail foods, analyze the available substitute chemical and nonchemical pest control methods and alternative agriculture techniques, and, if the pesticide is used on more than one commodity, review its cumulative effect on human health and the environment.

All cancellation proceedings must be concluded in 2 years.

If the Administrator determines that cancellation is not proper pursuant to this section, but has prudent concerns about particular risks of a pesticide, the Administrator may reclassify one or more uses of the pesticides as a prescription use. Under a prescription use classification the pesticide can only be used after a certified applicator has determined that the target pest is present and that other pest control techniques are not viable.

Sec. 7. SUSPENSION.—The suspension standard is revised to enable the Administrator to suspend a pesticide upon a determination that use of the pesticide may cause significant adverse effects to human health or the environment. Under current law the Administrator can only suspend a pesticide if it presents an "imminent hazard".

Sec. 8. SUNSET PROVISION.—All pesticide registrations and tolerances will expire every nine years. They will be reregistered upon a determination that they comply with the standards for registration at the time their registration expires. No provision of current law has been interpreted by the EPA as requiring the expiration of all pesticide registrations.

The already-established fees collected in conjunction with reregistration shall also be available to the Administrator to conduct research on the neurotoxic effects of pesticide products and other research deemed necessary.

Sec. 9. RECORD KEEPING.—The Administrator shall require commercial and private applicators to keep records of pesticide applications and shall require pesticide dealers to maintain records of sales and distributions of pesticides.

Sec. 10. SCIENTIFIC ADVISORY PANEL.—The membership of the panel shall include a pediatrician and a scientist trained in public health. The Administrator shall require each nominee to provide information on previous employment and consulting activities and this information shall be made available to the public. No member of the panel shall be permitted to consult or receive any direct or indirect benefit from a company with any interest in pesticide products while serving on the panel. Current law does not contain any restrictions on consulting by members of the Scientific Advisory Panel.

Mr. REID. Mr. President, I express the appreciation of Senator LIEBERMAN, Senator DURENBERGER, and the Senator from Nevada to Senator KENNEDY and Senator HATCH for allowing us to go out of order for the introduction of this important legislation.

Mr. President, I am pleased to join Senator LIEBERMAN and DURENBERGER introducing the Pesticide Health and Safety Act of 1990.

This bill is a result of several months of inquiry conducted by the Subcommittee on Toxic Substances, Environmental Oversight, Research and Development of the Environment and Public Works Committee into the pesticide regulatory process.

Fears about the use of Alar in apples and apple products prompted my subcommittee to delve into the complicated area of regulating food—raw and processed, imported and exported—to ensure it is safe.

This hearing was conducted exactly a year ago to review the regulation of the growth regulator Alar, the pesticide regulatory process generally and potential acute and chronic neurotoxic effects of exposure to pesticides generally.

Alar was a substance that was used widely in the agricultural industry. It was used in apples, grapes, and cherries, the purpose of which was to prevent the fruit from falling off the tree or ice quickly and to make the color of the product much richer: Apples much more red, cherries much more red, and grapes, of course, according to what color they were but a deeper green or purple, whatever the fact might be. The Alar story provides a useful case study into what is wrong within the process.

Following the hearing and negotiations with the Environmental Protection Agency which resulted in the voluntary withdrawal of Alar from the domestic market, the subcommittee completed a report entitled, "Government Regulation of Pesticides and Food: The Need For Administrative and Regulatory Reform."

I might state at this time, Mr. President, that even though it was a voluntary withdrawal, it came after much public debate and, in fact, frankly, because of the public debate the apple industry principally was hurt. Sales being hurt because the hearing brought out the fact Alar was dangerous to the people eating the apples. And, in fact what the Environmental Protection Agency did, as a result of its inaction, it had hurt the apple industry. It was only because the hearing focused on it that there was a voluntary withdrawal of this product from the market.

The report that the subcommittee did outlined the shortcomings in the pesticide regulatory process generally and sets forth recommendations for improvement.

Mr. President, concern about food safety has emerged as the catalyst for reforming regulations pertaining to the use of pesticides in food. There are over 50,000 agricultural chemicals used in America today. Approximately 1.2 billion pounds of pesticides, costing more than $65 billion, are sold each year. This, Mr. President, is over 5 pounds of pesticides for every man, woman, and child in our country.

Before a pesticide can be sold it must be registered with the EPA. Although registered, the majority of the pesticides have not undergone modern testing for serious health effects. Remember, we are talking more than 50,000 of them. Because of increased concerns about the alphabet soup of chemicals used on food, Congress has required EPA to reregister these products. Unfortunately the process has been slow. And that is an understatement.

The General Accounting Office reported to the subcommittee last September that reregistration has not been completed for a single chemical.

Should concerns arise about the safety of a pesticide, it is often difficult to remove that product from the market. The history of Alar clearly demonstrates the inability of EPA to act swiftly and effectively.

Evidence that Alar caused cancer in animals was discovered in 1977, Mr. President, not 1987. In 1980, 3 years after it was discovered, EPA took the first steps to begin a special review to consider the benefits and risks not considered at the time of the product's original registration. It was not until 1985 that EPA announced its intention to cancel all food use registrations of Alar. The EPA then referred the matter to the Scientific Advisory Panel for review.

The Senator from Connecticut, in his statement prior to mine, made some extremely powerful points regarding the Scientific Advisory Panel, but following the meetings that took place behind these closed doors, the Scientific Advisory Panel disagreed with EPA's assessment, believing additional tests were necessary to conclude that the product should be canceled.

Mr. President, perception is, most of the time, more important than reality. In this instance the fact that those people, or a large segment of those people serving on the Scientific Advisory Panel, had just prior to reviewing these materials done work for the chemical industry, created a perception that no matter if they were right or wrong, there was a conflict of interest.

Sadly, Alar was allowed to stay on the market, pending additional information from the manufacturer.

It was in January 1989 EPA announced it would initiate proceedings to cancel Alar, 12 years after the chemical's safety was questioned. Our subcommittee was told cancellation proceedings could take as little as 1 year or as long as 4 years. We found this incredible and immediately introduced legislation to ban Alar.

One of the, I think, important people we have not spoken about yet is the ranking member of the Senate subcommittee, JOHN WARNER, of Virginia. Senator WARNER was one of the leaders in calling for public hearings and, in effect, called for Alar's being voluntarily taken from the market. It was a significant help for a number of reasons. It added his stature and it also made the issue bipartisan in nature. I have expressed my appreciation to the Senator from Virginia on a number of occasions, and I do so again today, for the work he rendered on behalf of making fruits, especially apples, grapes, and cherries, safer to the American consumer.

While EPA has not completed reregistration for the 50,000 agricultural chemicals, there is no requirement that any of these chemicals be tested in combination. We are not only concerned about the 50,000 chemicals standing alone but what about when they are combined? And that happens often.

The U.S. Public Interest Group reported to the subcommittee that a sample 1-day diet consisting of three meals may contain 54 different pesticides that cause cancer in animals or humans. We also discovered that children are being harmed by the very fruits and vegetables that are necessary for them to grow strong and healthy. In proportion, children consume a much higher quantity of fruits and vegetables than do adults. Pesticides used on these crops may cause an unacceptable health risk to these children.

The bill we offer addresses many of the deficiencies in the pesticide regulatory process to protect public health. This act will enable EPA to remove a pesticide from the market when the initial data shows it to be a public health risk. Our act will establish a sunset provision, requiring periodic expiration of pesticide registrations. This act will require the EPA to consider health risks to children and other sensitive populations. This act will require the EPA to consider the cumulative effects of pesticides in food. The act will require the Scientific Advisory Panel to include, at a minimum, one public health specialist and one pediatrician, as indicated by the Senator from Connecticut, and for the reasons indicated by the Senator from Connecticut.

Mr. President, there are over 30 bills pending before the 101st Congress, to address the many issues associated with food safety. The concrete changes to the Federal Insecticide, Fungicide and Rodenticide Act that we set forth in the bill will prevent risk to public health from pesticide exposure. I urge my colleagues to review and support this very important legislation.

By Mr. INOUYE:

S. 2626. A bill for the relief of the Pottawatomi Indian Nation in Canada; to the Committee on the Judiciary.

RELIEF OF POTTAWATOMI INDIAN NATION

● Mr. INOUYE. Mr. President, today I am pleased to introduce a bill to provide an opportunity for the Pottawatomi Indiana Tribe of Canada to bring a claim in the U.S. Claims Court.

This legislation is intended to settle, at long last, a very old claim against the United States by conferring jurisdiction on the Court of Claims to hear the case on its merits.

Mr. President, the origins of this claim begin in the latter part of the 18th century, and are intricately intertwined with the Wisconsin Pottawatomi Tribes. However, because the Canadian group resettled in what is now Canada, their claims against the United States have been barred on jurisdictional grounds.

From 1795 to 1833, the United States entered into 12 treaties with the Pottawatomi Indians who resided on lands located in what are now the States of Ohio, Michigan, Indiana, Illinois, and Wisconsin. The treatymaking culminated with the September 26, 1833 Treaty of Chicago when the Pottawatomi Nation ceded lands on the western shore of Lake Michigan in return for reservation lands west of the Mississippi River and annual payments in perpetuity.

The Wisconsin Pottawatomi were not signatories to the Treaty of Chicago and refused to move west. About 2,000 to 3,000 fled to Canada, with 500 remaining in Wisconsin and Michigan. The Indians who did move West received 5 million acres of land near what is now Council Bluffs, IA, along with other monetary and nonmonetary considerations. The Wisconsin Pottawatomis declared that the bands which negotiated the treaties had no right to cede homes and lands in Wisconsin. As is true with many other American Indian tribes, the forced removal westward was devastating.

According to one document prepared by a tribal attorney:

> Over one-half of the Indians who were removed West pursuant to per capital Government transportation contracts died en route. Those who reached Iowa were almost immediately removed to inhospitable parts of Kansas. About one-half the Indians removed West and nearly all the remainder fled to Canada. Official files of the Canadian and United States Governments disclose that the Indians who fled to Canada were in a substantial number of cases pursued by troops and departed without their horses or any of their possessions other than the clothes on their backs. (Page 3, of memo 10/7/49 prepared by tribal attorney in response to questions raised in hearings conducted by the House Committee on Public Lands on 6/7/49 and 7/6/49 on H.R. 4726, a bill that would have sent the claim to the newly established Indian Claims Commission.)

Congress learned in 1864 that the Indians who had not removed to the West had not received their share of tribal funds. By the act of June 25, 1864 (13 Stat. 172) Congress declared that no forfeiture had occurred and directed that the Indians' share "should be held in the Treasury and retained to their credit until such time as they might remove to the then home of the tribe in Kansas" (House Report 470, 64th Congress, p. 5, as quoted on page 3 of memo dated October 7, 1949).

By the Act of June 21, 1906 (34 Stat. L. 380) Congress directed the Secretary of the Interior to investigate claims made by the Pottawatomi Indians of Wisconsin. Dr. Wooster of the BIA spent 2 years on this investigation and made an enrollment of the Wisconsin Pottawatomis, of whom there were 2,007, 457 in Wisconsin and Michigan and 1,550 in Canada. The letter report to Congress from Secretary of the Interior James R. Garfield, dated April 1, 1908 gave the results of the investigation. Congress thereafter appropriated $447,339 in a series of Acts from June 30, 1913 to May 29, 1928 to pay the claims of those Indians in the United States. The Canadian Pottawatomi Indians' share of the tribal funds has never been paid although, as stated above, the legislative history of the 1906 Act shows that Congress believed the tribe's failure to move West did not mean a forfeiture of its entitlement.

In 1948, the Pottawatomis sued in the Court of Claims for recovery of damages. (Hannahville Indian Community versus U.S.) The Canadian band was included in the original pleading but the Court of Claims dismissed their part of the claim ruling the Court had no jurisdiction. The Hannahville case was finally decided in 1983.

There are about 10,000 Pottawatomi descendants now living in Canada. Given the 1906 amount calculated at 4 percent per annum (the measure of just compensation) the claim, if meritorious, would be worth about several

million dollars. Both the Forest County Pottawatomi Community and the Hannahville Indian Pottawatomi Community support the efforts the Canadian Pottawatomi to have their claims against the United States settled.●

By Mr. McCAIN:

S. 2627. A bill to impose sanctions against persons who engage in the trade of, or assist others in the trade of, missile technology which could be used in the construction of certain ballistic missile systems, or who engage in the trade or use of, biological, chemical, or nuclear weapons, and for other purposes; to the Committee on Foreign Relations.

WEAPONS OF MASS DESTRUCTION CONTROL ACT

Mr. McCAIN. Mr. President, today I am introducing the Weapons of Mass Destruction Control Act. This act provides a comprehensive approach to fighting the proliferation of weapons of mass destruction, and the means to deliver them; the most urgent threat to peace and humanity that we face in the 1990's.

This legislation is a critical step in developing a coherent policy toward proliferation, and treating the threat of proliferation with the seriousness it deserves.

THE MAIN THRUSTS OF THE PROLIFERATION CONTROL BILL

The legislation I propose today involves many detailed provisions. It is, however, easy to summarize and its vital impact on our security and that of our friends and allies is immediately apparent. The bill sets forth an eight-part approach to the problem:

First, it preserves all of the provisions of the Pell bill affecting the use of chemical and biological weapons and expands these provisions to also cover the use of nuclear weapons. Under these provisions, any country that uses weapons of mass destruction would be denied trade or financial relations with the United States and all aid, except urgent humanitarian aid, would cease. The United States would also seek to restrict that country's access to international financial institutions.

Second, it addresses the acquisition of weapons of mass destruction as well as their use. The steady growth in the number of countries acquiring such systems, and in the lethality of the weapons they are acquiring, is creating an arms race throughout the Third World that cannot be dealt with simply by applying sanctions to actual use.

Third, it makes the fight against all forms of proliferation a major national priority by providing for coordinated action between the President, the Secretary of State, the Secretary of Defense, and the Secretary of Commerce to identify and restrict the export of the critical technologies needed to produce weapons of mass destruction.

Fourth, it addresses all forms of weapons of mass destruction: nuclear, chemical, and biological—not just chemical and biological. Previously pending legislation attacks the problems of proliferation or use piecemeal rather than as an integrated problem.

Fifth, it addresses the key delivery systems; long-range ballistic missiles and destabilizing long-range aircraft. Its provisions prohibit U.S. persons or companies from exporting the technologies needed to develop, or aiding in the development of, the systems necessary to delivering weapons of mass destruction. Its provisions seek to prevent foreign persons or companies from the same actions by denying their ability to do business with U.S. persons or companies.

Sixth, it provides carefully targeted sanctions against both merchants of mass destruction and nations which develop, acquire, or use such systems. Its provisions attack the economic incentives for persons or companies to assist in the proliferation of weapons of mass destruction by imposing economic sanctions of even greater cost. The use of weapons of mass destruction threatens to make the offending nation an outcast in the world community; cut off from the economic life of the world.

Seventh, it requires full exposure of the nations and companies selling such weapons and technology, and of the nations that are acquiring such systems. Recent events have shown that even nations such as Libya and Iraq are sensitive to the stigma that attaches to those who violate accepted norms of civilized behavior. The provisions of the bill seek to enlist the power of world public opinion in the cause of fighting proliferation or use of weapons of mass destruction by exposing the offending parties. The responsibilities for identifying offenders rests with the President.

Eighth, it reinforces existing treaties, agreements, and control regimes; it does not replace them. Its provisions encourage the United States to use bilateral and multilateral diplomacy to further the cause of nonproliferation and supports ongoing U.N. initiatives. The bill gives the United States the lead in future diplomacy by setting a clear standard for the rest of the world.

Ninth, it has safeguards to protect persons or companies that inadvertently provided a restricted technology to another country while acting in good faith with existing law.

THE GROWING PROBLEM OF PROLIFERATION

Mr. President, we cannot tolerate a future in which we finally bring the United States and Soviet arms race under control, only to see an even more serious and less controllable arms race develop in the Third World.

It is also clear that the threat of such a future is all too real. We have not gone through a month during the last year without some new form of tangible evidence that many Third World states are actively acquiring weapons of mass destruction, and the means to deliver them.

The Director of Central Intelligence and other senior intelligence officials have warned us that 16 countries already have chemical weapons, and that 12 of them are in the Third World. We have been told that these countries include states like Iran, Iraq, Libya, North Korea, and Syria.

We have had similar warnings from intelligence officials and outside experts that several nations are actively developing biological weapons, if they do not already have stock piles of such weapons. The Director of Naval Intelligence has recently told us that these nations include Syria, as well as Iraq.

We have seen equally threatening developments in nuclear proliferation. A recent study by the Carnegie Endowment has made it clear that the Nuclear Nonproliferation Treaty is failing to achieve its objective in terms of both supplier and buyer countries. Proliferation is taking place in nations as diverse as Argentina, Brazil, India, Iraq, Iran, North Korea, Pakistan, and South Africa. Several of these countries are becoming suppliers of nuclear weapons material and technology as well, and other emerging suppliers include the PRC, South Korea, Spain, and Taiwan.

Estimates of the number of nations that are working on long range missiles, or seeking to acquire them, are classified, but it is clear from the press that they already include nearly 20 nations, and countries like Argentina, Brazil, Egypt, India, Iran, Iraq, Israel, North Korea, South Korea, Libya, Pakistan, Saudia Arabia, South Yemen, Syria, and a number of others. It is interesting to note that a recent intelligence estimate of the nations that will have such missiles by 1995, unless much more stringent action is taken, was three pages long.

It is painfully clear that proliferation does not involve a single type of weapon of mass destruction, that long-range delivery systems threaten to proliferate throughout the world by the mid-1990's, and that our existing framework of treaties and agreements threatens to become a Potemkin village—a facade that hide the grim reality of massive threat to world peace and all mankind.

THE NEED FOR COMPREHENSIVE LEGISLATION TO FIGHT PROLIFERATION

The issue, Mr. President, is not so much the existence of the problem, as what to do about it. Ever since the Iran-Iraq war demonstrated the fact that proliferation is not a theoretical threat, but one that kills thousands of

innocent people, this body and the executive branch have attempted to find ways to come to grips with the problem.

In every case, however, the resulting solutions have tried to deal with the problem by providing piecemeal remedies. They have targeted individual types of weapons, specific countries or types of countries.

Further, most of these solutions have temporized about the need to take firm and decisive action. They have avoided meaningful sanctions and even meaningful disclosure of the names of the sellers and buyers of weapons of mass destruction.

THE ROLE OF THE EXECUTIVE BRANCH

The Bush administration has sounded the right warnings, and the President has shown real leadership in warning the world about the risks we face. The bureaucratic execution of his policy, however, lacks any clear arms control strategy to deal with proliferation.

The various agencies within the executive branch have been caught up in internal debates. They have been slow to act and even slow to comment on the legislation proposed by Members of this body.

When the bureaucracy has acted, it has either acted in the role of naysayer or in the direction of avoiding effective measures on the grounds that these might hurt our efforts to achieve other foreign policy objectives. Long after it is clear that discussion and international meetings are not enough, the bureaucracy temporizes and focuses on ineffective half-measures.

THE ROLE OF THE CONGRESS

We in Congress have followed a somewhat similar course. Individual Senators and Congressmen have proposed useful legislation to deal with parts of the problem. I have worked closely with Senator GORE and Congressman BERMAN on a bill to deal with missile proliferation. I have cosponsored complementary legislation with Senator BINGAMAN.

I have cosponsored legislation to fight the proliferation of chemical and biological weapons by Senator DOLE and Senator PELL and resolutions to strengthen the fight against nuclear proliferation by Senator GLENN. In fact, I have drawn on their work, and that of their staffs, in creating this comprehensive bill I am introducing today.

The fact remains, however, that legislation has not moved forward in even a single area. In the 7 years since Iraq first began to make large-scale use of poison gas in the Iran-Iraq war, we have not passed a single bill that both looks beyond a narrow handful of countries and goes beyond largely exhortative words to require substantive action.

It shows that in spite of the horrors of Halabjah—where both Iraq and Iran used poisoned gas against a civilian target and killed thousands of innocent men, women, and children—we have not been able to move a single major piece of legislation forward to the point where it has the force of law.

Even if we did, the legislation now being considered by various committees deals with limited aspects of the problem of proliferation. It ignores what we have already been told by many of the countries that are proliferating: That they will not halt their actions if their rival or enemy continues to proliferate other types of weapons. It ignores the fact that partial sanctions penalize one group of sellers and not others, and that we are often acting to limit sales of U.S. manufacturers, but are taking no action to penalize the foreign companies that are the chief source of the problem.

SETTING THE RIGHT PRIORITIES: FIGHTING PROLIFERATION SHOULD NOT BE STOPPED BY SENSITIVITIES OVER "SOVEREIGNTY" AND "EXTRATERRITORIALITY"

More broadly, we have failed to give the issue of proliferation the priority it deserves. We have let issues like sovereignty and the sensitivity of Third World states distract us from the need for effective action.

THE ISSUE OF SOVEREIGNTY

We have let our sensitivity to the legitimate concerns of Third World and developing states lead us to ignore the fact that taking peaceful political and economic action to protect humanity and our own survival is scarcely an infringement on the sovereignty of other states. As a result, we have failed to develop legislation that puts sufficient pressure on buyer states.

This is why I am proposing legislation that recognizes that we have a sovereign right to take peaceful measures to block threats to our security and world peace. I am proposing legislation that relies on public exposure and use of the immense power of the American economy to put pressure on both the buyers and sellers of mass destruction, and which avoids direct intervention of any kind.

The vast majority of countries agree that weapons of mass destruction go far beyond the normal limits of self-defense and that their acquisition and use is not an internal matter. Weapons of mass destruction only exist to threaten or attack other states. They present a constant risk of genocide, and they threaten all humanity.

The U.N. General Assembly has passed several resolutions that refute the idea that nations have a sovereign right to acquire weapons of mass destruction. The General Assembly took this action on November 20, 1987, and strengthened it with Resolution 43/72 on December 7, 1988.

The United States has long understood the risks inherent in its possession of weapons of mass destruction, and the fact that even the stable pattern of deterrence between the superpowers could thrust the world into uncontrollable conflict.

More than a decade ago, the United States agreed to destroy all its biological weapons. The United States is actively seeking to reduce its present stockpiles of nuclear forces. President Reagan set the goal of moving on from START to abolish all nuclear weapons, and President Bush has set the goal of abolishing all chemical weapons.

We have recently heard similar words from the Soviet Union and the PRC, and from many of our European allies. It is clear that all the Eastern European States—except Albania—support such policies. Leading Third World states like Egypt are now leading regional efforts at arms control.

Israel's leadership has actively called for a nuclear free zone in the U.N. General Assembly ever since 1980—a call that Prime Minister Yitzhak Shamir reiterated before the United Nations in June 1988. Arms control, and not proliferation, is the legitimate concern of every sovereign nation.

THE PROBLEM OF EXTRATERRITORIALITY

Our existing legislative efforts have also bogged down in an equally unrealistic debate over extraterritoriality which—if taken seriously—means we can take no action against the buyers and sellers of mass destruction that are not operating on American soil. The fact remains, however, that it is the power of the American market for high technology, and the sale of American technology, which is the primary tool we can use to give teeth to what today are empty agreements.

The character and self-restraint of "merchants of death" has not improved since the 19th century. As long as they can sell without effective penalty, and taken advantage of weak or nonexistent legal restraints in foreign countries, these merchants will sell.

It is only when companies and nations understand that they risk far greater losses than they can possibly gain from selling the tools and technology of mass destruction that they will take effective action or avoid selling such tools and technology.

Similarly, nations which proliferate need to understand that we will not ignore their actions out of temporary convenience or because of competing foreign policy priorities. We need to make it clear that we will oppose all forms of proliferation, and do so even when our friends are involved, and even when we have other interests with them.

THERE ARE NO GOOD PROLIFERATORS

Our current approach toward proliferation has tended to divide the world

into good proliferators and bad proliferators, and to take action only against the proliferators who are actively hostile to the United States. However, there are no good proliferators.

No one can guarantee that turbulent states in turbulent regions remain friendly. No one can guarantee that what seem to be stable regional patterns of deterrences remain stable. No one can hope to create regional agreements where only one side is asked to halt proliferation.

Further, the threat posed by proliferation cannot be measured in terms of today's political climate and today's military risks. It is the cumulative result of current trends extended indefinitely into the future. To paraphrase one of the most famous quotes about diplomacy—nations do not have permanent allies, but they are permanent targets.

THE NEED FOR TIMELY ACTION

Mr. President, in developing this bill, I have drawn on the work of many of my colleagues. I recognize that this is a complex subject. I do feel, however, that we must stop the current pattern of treating the issue of proliferation in a piecemeal fashion, and the current pattern of delay. I believe that the legislation I am proposing is the kind of legislation we need to pass, and I believe that it is the kind of legislation we need to pass as soon as we can.

Mr. President, there are some problems too important to ignore until they become crises. We may only face limited regional threats today, but they will be threats to our forces in Asia and the Middle East tomorrow, if they are not threats already. By the mid-1990's, they will be massive threats to friendly and allied nations throughout the world, and by the end of the 1990's, they will be threats to our territory.

Equally important, we have a moral responsibility. I do not believe we can wait to act until another Halabjah focuses our attention on the horror such weapons inevitably inflict. Half a century ago, we turned a blind eye to the very real threat to millions of Jews with results that none of us can ever forget. We now know all too well that genocide can be a grim reality, and we must never ignore such risks again.

Mr. President, I ask that the text of the bill I am introducing be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Weapons of Mass Destruction Control Act".

SEC. 2. STATEMENT OF POLICY.

(a) IN GENERAL.—(1) It is the policy of the United States that all appropriate measures should be taken—

(A) to discourage the use, proliferation, development, and production of the weapons, material, and technology necessary and intended for the production of biological weapons, chemical weapons, and nuclear weapons and missiles capable of delivering weapons of mass destruction;

(B) to discourage Communist-bloc countries from aiding and abetting other countries from acquiring such weapons, material, and technology;

(C) to take such action as may be necessary to prohibit the flow of United States materials, equipment, and technology that would assist foreign countries in acquiring the ability to produce or acquire missiles that can deliver weapons of mass destruction, including missiles, warheads, and weaponization technology, targeting technology, test and evaluation technology, and range and weapons effect measurement technology;

(D) to discourage private persons in each non-Communist country from assisting any other country to acquire such material and technology; and

(E) to monitor closely the development, sale, acquisition, and deployment of weapons of mass destruction, missiles, destabilizing offensive aircraft, and other delivery systems that can be used to deliver weapons of mass destruction, and to make every effort to discourage such activity when such delivery systems seem likely to be used for such purposes.

(2) It is further the policy of the United States to pursue the policy expressed in paragraph (1) to the extent practicable and effective through bilateral and multilateral diplomacy.

(3) It is further the policy of the United States to take unilateral actions to pursue the objectives expressed in paragraph (1) until such time as bilateral and multilateral efforts prove effective and, at that time, to support and enhance those bilateral and multilateral efforts.

TITLE I—SANCTIONS AGAINST THE USE OF NUCLEAR, CHEMICAL, AND BIOLOGICAL WEAPONS

SEC. 101. SANCTIONS FOR THE USE OF NUCLEAR, CHEMICAL, OR BIOLOGICAL WEAPONS.

(a) DETERMINATION BY THE PRESIDENT.—(1) Whenever information becomes available to the United States Government indicating the substantial possibility that, on or after the date of enactment of this Act, a foreign country has used nuclear, chemical, or biological weapons, the President shall, within 60 days of the receipt of such information by the United States Government, determine whether that foreign country, on or after such date, has used nuclear, chemical, or biological weapons in violation of international law or has used nuclear, lethal chemical, or biological weapons against its own nationals.

(2) Not later than 60 days after the chairman of the Committee on Foreign Relations of the Senate, after consultation with the ranking minority member of such Committee, or the chairman of the Committee on Foreign Affairs of the House of Representatives, after consultation with the ranking minority member of such Committee, request the President to make a determination whether or not a foreign country, on or after the date of enactment of this Act, has used nuclear, chemical, or biological weapons in violation of international law or has used nuclear, lethal chemical, or biological weapons against its own nationals, the President shall make such determination and so report in writing to the chairmen of such committees.

(3) In making a determination under paragraph (1) or (2), the President shall consider the following:

(A) All physical and circumstantial evidence available bearing on the possible use of such weapons.

(B) All information provided by alleged victims, witnesses, and independent observers.

(C) The extent of the availability of the weapons in question to the purported user.

(D) All official and unofficial statements bearing on the possible use of such weapons.

(E) Whether, and to what extent, the country in question is willing to honor a request from the Secretary General of the United Nations to grant timely access to a United Nations fact-finding team to investigate the possibility of nuclear, chemical, or biological weapons use or to grant such access to other legitimate outside parties.

(b) SANCTIONS.—In the event of a Presidential determination under subsection (a) that, on or after the date of enactment of this Act, a foreign country has used nuclear, chemical, or biological weapons in violation of international law or has used nuclear, lethal chemical, or biological weapons against its own nationals, then the President shall—

(1) terminate assistance to that country under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance or for the purpose of purchasing food or other agricultural products;

(2) terminate all foreign military sales financing under the Arms Export Control Act with respect to that country;

(3) terminate United States Government sales to that country of any defense articles or defense services;

(4) prohibit the issuance of any licenses for the export to that country of any item on the United States Munitions List;

(5) prohibit, under the authorities of section 6 of the Export Administration Act of 1979, the export to that country of any goods or technology on the control list established pursuant to section 5(c)(1) of that Act;

(6) oppose, in accordance with section 701 of the International Financial Institutions Act, the extension of any loan or financial or technical assistance to that country by international financial institutions;

(7) prohibit the import of any goods, commodity, or service from that country;

(8) deny that country any credit or credit guarantees through the Export-Import Bank of the United States;

(9) prohibit, under the authorities of the International Emergency Economic Powers Act, any United States bank from making any loan or providing any credit to that country, except for loans or credits for the purpose of purchasing food or other agricultural products; and

(10) terminate, at the earliest practicable date and consistent with international law, the landing rights in the United States of any airline owned by the government of that country.

SEC. 102. WAIVER.

The President may waive the applicability of any or all of the sanctions specified in section 101 with respect to a specific country for a period of not to exceed nine

months beginning on the date of the determination by the President of use by that country of nuclear, chemical, or biological weapons in violation of international law, or the use of nuclear, lethal chemical, or biological weapons against its own nationals, if the President determines that such waiver is in the national interest of the United States and so certifies to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate. The President shall submit in writing with such certification a statement containing a detailed explanation of the national interest requiring a waiver. The explanation may include a classified addendum if necessary.

SEC. 103. NOTIFICATION.

Not later than five days after the President imposes any sanction described in section 101 against a country or waives the applicability of any such sanction pursuant to section 102, the President shall so notify the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate in writing.

SEC. 104. CONTRACT SANCTITY.

(a) SANCTIONS NOT APPLIED TO EXISTING CONTRACTS.—No sanction described in paragraphs (5) through (10) of section 101 shall apply to any activity pursuant to any contract or international agreement entered into before the date of the appropriate presidential determination under section 101(a) unless the President determines, on a case-by-case basis, that to so apply the sanction would prevent the performance of a contract or agreement that would have the effect of assisting a country in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals.

(b) SANCTIONS APPLIED TO EXISTING CONTRACTS.—The sanctions described in paragraphs (1), (2), (3), and (4) of section 101 shall apply to contracts and agreements, without regard to the date such contracts or agreements were entered into, except that such sanctions shall not apply to any contract or agreement entered into before the date of the appropriate presidential determination under section 101(a) if the President determines that the application of such sanction would be detrimental to the national security interests of the United States.

SEC. 105. REMOVAL OF SANCTIONS.

The President may remove the sanctions imposed pursuant to section 101 if the President determines and so certifies to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that the country against which the sanction is imposed—

(1) has renounced any use of nuclear, chemical, or biological weapons in violation of international law, or any use of nuclear, lethal chemical, or biological weapons against its own nationals, and has provided reliable assurances to that effect; and

(2) has made satisfactory restitution to those affected in its earlier use of nuclear, chemical, or biological weapons in violation of international law or in its earlier use of nuclear, lethal chemical, or biological weapons against its own nationals.

SEC. 106. UNITED NATIONS INVOLVEMENT.

The President is urged to give full support to—

(1) the United Nations Security Council, in furtherance of Security Council Resolution 620, adopted August 26, 1988, in developing sanctions comparable to those enumerated in section 101, to be imposed in the event that any country uses nuclear, chemical, or biological weapons in violation of international law; and

(2) the creation of an effective multilateral means of monitoring and reporting regularly on commerce in chemical equipment, materials, and technology applicable to the attainment of a nuclear, chemical, or biological weapons capability.

SEC. 107. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this Act.

TITLE II—MEASURES TO PREVENT THE PROLIFERATION OF NUCLEAR, CHEMICAL, AND BIOLOGICAL WEAPONS AND THE MEANS FOR THEIR DELIVERY

SEC. 201. ENFORCEMENT OF INTERNATIONAL CONTROLS ON MISSILE TECHNOLOGY.

(a) DETERMINATION BY THE PRESIDENT.—The President shall impose one or more of the applicable sanctions prescribed in subsection (b) in any case in which the President determines there is reliable evidence—

(1) in the case of a United States person, that the person—

(A) is exporting, transferring, or otherwise engaging in the trade of any internationally controlled missile technology in violation of the provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778), section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405), or any regulations issued under any such provisions;

(B) is conspiring to or attempting to engage in the export, transfer, or trade of such technology in violation of any provision of law or regulation referred to in subparagraph (A), or

(C) is knowingly facilitating the export, transfer, or trade by any other person of such technology in violation of any provision of law or regulation referred to in subparagraph (A);

(2) in the case of a foreign person, that the person—

(A) is exporting, transferring, or otherwise engaging in the trade of any internationally controlled missile technology for which an export license would be denied if such export, transfer, or trade were subject to the provisions of law and regulations referred to in paragraph (1)(A) and such person exported, transferred, or otherwise engaged in the trade of such technology in violation of any such provision of law or regulation;

(B) is conspiring to or attempting to engage in the export, transfer, or trade of any such technology for which an export license would be denied if such export, transfer, or trade were subject to the provisions of law and regulations referred to in paragraph (1)(A) and such person exported, transferred, or otherwise engaged in the trade of such technology in violation of any such provision of law or regulation; or

(C) is knowingly facilitating the export, transfer, or trade by any other person of any such technology for which an export license would be denied if such export, transfer, or trade were subject to the provisions of law and regulations referred to in paragraph (1)(A) and such person exported, transferred, or otherwise engaged in the trade of such technology in violation of any such provision of law or regulation; or

(3) in the case of a developing country, that such country—

(A) is importing internationally controlled missile technology; or

(B) is equipping its armed forces with new or additional types of missile systems or other weapons delivery systems configured to use weapons of mass destruction.

(b) SANCTIONS.—(1) The sanctions applicable to a United States person under subsection (a) are the following:

(A) Denial of all export licenses under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and sections 5 and 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 and 2405).

(B) Prohibition on all contracting with, and the procurement of any product or service from, such person by any department, agency, or instrumentality of the United States Government.

(C) In any case in which the President determines that the acts of the person are not destabilizing and that the person has not previously committed any act described in subsection (a), the sanctions specified in subparagraphs (A) and (B) shall apply, but only with respect to internationally controlled missile technology.

(2) The sanctions applicable to a foreign person under subsection (a) are the following:

(A) Denial of the issuance of any export license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405) if the foreign person is the designated consignee or end-user in the application for such export license or if the President has reason to believe that the foreign person will benefit from the issuance of such export license.

(B) Prohibition on all contracting with, and the procurement of any product or service from, such foreign person by any department, agency, or instrumentality of the United States Government.

(C) In any case in which the President determines that the acts of the person are not destabilizing and that the person has not previously committed any act described in subsection (a), the sanctions specified in subparagraphs (A) and (B), but only with respect to internationally controlled missile technology.

(3) The sanctions applicable to a developing country under subsection (a) are the following:

(A) Denial of some or all technical assistance in aviation, electronics, missiles, or space systems or space-related equipment under the control of the United States Government.

(B) Denial of the transfer of all or selected technology in aviation, electronics, missiles, or space systems or space-related equipment under the control of the United States Government, except for items the export of which to a controlled country (within the meaning of the Export Administration Act of 1979) would require only notification of the participating governments of the Coordinating Committee on Export Controls.

(c) EXCEPTIONS.—Paragraphs (1)(B) and (2)(B) of subsection (b) shall not apply with respect to any contract that provides for the supply of products or services valued at whichever is the lesser of—

(A) $20,000 of the value in the case of a finished commodity; or

(B) 3 percent of the average unit cost in the case of a finished commodity.

(d) TERM OF SANCTION.—Sanctions under this section shall be imposed for a period of not less than two years and not more than five years.

(e) WAIVER.—The President may waive the imposition of sanctions on a United States person, foreign person, or a developing

country under subsection (a) with respect to a product or service if the President submits to Congress a certification that—

(1) the product or service is essential to the national security of the United States;

(2) the person or country is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met from another source in a timely manner by improved manufacturing processes or technological developments; and

(3) the United States Government is the end-user of the product or service.

(f) INAPPLICABILITY TO PERSONS COMPLYING WITH FOREIGN LAWS.—Subsection (a) shall not apply to any export, transfer, or other trade activity carried out in good faith by any person if (1) the export, transfer, or other trade activity is in compliance with the laws of the country from which the export, transfer, or other activity is being carried out, and (2) that country controls the export of internationally controlled missile technology pursuant to an international agreement to which the United States is a party.

(g) SUSPENSION OF SANCTIONS.—The President may suspend all or part of any sanctions that have been imposed under this section against a person on account of acts described in subsection (a) if a country that controls the export of internationally controlled missile technology pursuant to an international agreement to which the United States is a party is taking judicial or other enforcement action against that person on account of those acts. The President may terminate the sanctions if the President determines that, pursuant to that country's enforcement action, the person has been found not to have committed those acts or has been severely punished under that country's laws on account of those acts.

SEC. 202. ENFORCEMENT OF CONTROLS ON CHEMICAL AND BIOLOGICAL WEAPONS.

(a) CHEMICAL AND BIOLOGICAL WEAPONS.—The Secretary, in consultation with the Secretary of State, shall establish and maintain—

(1) a comprehensive list of goods and technology, both military and dual-use items, that would assist a country in acquiring the ability to produce chemical or biological weapons; and

(2) a list of those foreign countries the President determines are pursuing or expanding such ability.

(b) LICENSE REQUIREMENTS.—(1) The Secretary shall require a validated license issued by the Secretary for the export to a listed country of any goods or technology included on the list referred to in subsection (a)(1).

(2) The Secretary shall deny the application for such a license if the Secretary has reason to believe that the goods or technology will be used by a listed country in the production of a chemical or biological weapon or will otherwise be used for such a purpose. Issuance of a license by the Secretary shall be the only approval required for the shipment of goods or technology on the list referred to in subsection (a)(1).

(3) For purposes of this section, the term "listed country" means a country included on the list compiled by the Secretary pursuant to subsection (a)(2).

(c) CONSULTATION.—(1) The Secretary may approve or deny an application for the export of goods or technology under this section only after consultation with the Secretary of State. In any case in which the Secretary proposes to approve or deny an application under this section without the concurrence of the Secretary of State, the matter shall be referred to the President for resolution.

(2) In any case in which the application for a license under this section involves a military item, the Secretary may approve or deny the application only after consultation with the Secretary of Defense and the Secretary of State. In any case in which the Secretary proposes to approve or deny the application involving a military item without the concurrence of the Secretary of Defense or the Secretary of State, the matter shall be referred to the President for resolution.

(d) DETERMINATION BY THE PRESIDENT.—The President shall impose sanctions under subsection (e) in the case of any foreign person if the President determines that—

(1) the foreign person has in the past aided or abetted a listed country in acquiring goods or technology that have been used in the production of a chemical or biological weapon or have been used in the development of such a weapon; or

(2) the foreign person continues to aid or abet a listed country in acquiring goods or technology that have been used in the production of a chemical or biological weapon or have been used in the development of such weapons.

(e) SANCTIONS.—(1) No department or agency of the Federal Government may procure any goods or services from any foreign person with respect to which the President has made a determination under subsection (d)(1).

(2) No department or agency of the Federal Government may procure any goods or services from any foreign person that is engaging, or has in the past 10 years engaged, in any activity described in subsection (d)(2). The provisions of the preceding sentence shall cease to apply in the case of a foreign country two years after the date on which the President certifies to Congress that—

(A) conclusive intelligence or other information demonstrates that such person has totally ceased to aid or abet any foreign country in the effort of that country to acquire goods or technology described in subsection (a)(1); and

(B) in the President's judgment, it is in the national interest of the United States to again procure goods and services from such person.

(3)(A) No product produced by a foreign person that is engaging, or has in the past 10 years engaged, in any activity described in subsection (a)(1) may be imported into the United States.

(B) No product produced by a foreign person that is guilty of engaging in an activity described in subsection (a)(2) may be imported into the United States until the President makes a certification to Congress pursuant to paragraph (2)(B) with respect to that person and two years have expired following the date of that certification.

(f) EXCEPTIONS.—The President may not impose any sanction under this section in connection with—

(1) the procurement of any defense article or defense service—

(A) being procured under a contract or subcontract, including the exercise of options for production quantities to satisfy United States operational military requirements in effect on the date of the enactment of this Act;

(B) if the President determines that the person to which the sanction would otherwise apply is a sole source supplier of an essential defense article or service and no alternative supplier can be identified; or

(C) if the President determines that the defense article or services is essential to the national security under a defense coproduction agreement;

(2) products or services provided under contracts entered into before the date on which the President notifies Congress of the intention to impose the sanctions;

(3) spare parts;

(4) component parts (other than finished products) essential to United States products or production;

(5) routine servicing and maintenance of products;

(6) information and technology; or

(7) a foreign person which, in the President's judgment, provided so-called "dual-use" material or technology and which was unaware that the intended use of that material or technology was the development of a chemical weapon production or delivery system.

(g) REVIEW OF RELATIONS.—The President is urged and requested to review the full range of the security, political, economic, and commercial relations of the United States with each listed country.

SEC. 203. ENFORCEMENT OF CONTROLS ON NUCLEAR WEAPONS.

(a) NUCLEAR WEAPONS.—The Secretary, in consultation with the Secretary of State, shall establish and maintain—

(1) a comprehensive list of goods or technology, whether military or dual-use items, that would assist a country in acquiring the ability to produce nuclear weapons; and

(2) a list of those foreign countries which the President determined are pursuing or expanding such ability.

(b) LICENSE REQUIREMENT.—(1) The Secretary shall require a validated license for the export to a listed country of any goods or technology on a list established pursuant to subsection (a)(1). The Secretary shall deny an application for such a license in the case of any foreign person if the Secretary has reason to believe that the goods or technology will be used by a listed country in the production or delivery of nuclear weapons or will otherwise be used for such a purpose. Issuance of a license by the Secretary under this section shall be the only approval required for the shipment of goods or technology included on the list referred to in subsection (a)(1).

(2) For purposes of this section, the term "listed country" means a country included on the list compiled by the Secretary pursuant to subsection (a)(2).

(c) CONSULTATION.—(1) The Secretary may approve or deny an application for the export of goods or technology under this section only after consultation with the Secretary of State. In any case in which the Secretary proposes to approve or deny an application under this section without the concurrence of the Secretary of State, the matter shall be referred to the President for resolution.

(2) In any case in which the application for a license under this section involves a military item, the Secretary may approve or deny the application only after consultation with the Secretary of Defense and the Secretary of State. In any case in which the Secretary proposes to approve or deny such application without the concurrence of the Secretary of Defense or the Secretary of State, the matter shall be referred to the President for resolution.

(d) DETERMINATION BY THE PRESIDENT.—Subject to subsection (f), the President shall impose sanctions under subsection (e) in the case of any foreign person if the President determines that—

(1) the foreign person has in the past aided or abetted a listed country in acquiring goods or technology that were used in the production of nuclear weapons or have been used in the development of such weapons; or

(2) the foreign person continues to aid or abet a listed country in acquiring goods or technology that have been used in the production of nuclear weapons or have been used in the development of such weapons.

(e) SANCTIONS.—(1) No department or agency of the Federal Government may procure any goods or services from any foreign person with respect to which the President has made a determination under subsection (d)(1).

(2) No department or agency of the Federal Government may procure any goods or services from any foreign person that is engaging, or has in the past 10 years engaged, in any activity described in subsection (d)(2). The provisions of the preceding sentence shall cease to apply in the case of a foreign country two years after the date on which the President certifies to the Congress that—

(A) conclusive intelligence or other information demonstrates that such person has totally ceased to aid or abet any foreign country in the effort of that country to acquire goods or technology described in subsection (a)(1); and

(B) in the President's judgment, it would be in the national interest of the United States to again procure, or contract for the procurement of, goods and services from such person.

(3)(A) No product produced by a foreign person that is engaging, or has in the past 10 years engaged, in any activity described in subsection (a)(1) may be imported into the United States.

(B) No product produced by a foreign person that is guilty of engaging in an activity described in subsection (a)(2) may be imported into the United States until the President makes a certification to Congress pursuant to paragraph (2)(B) with respect to that person and two years have expired following the date of that certification.

(f) EXCEPTIONS.—The President may not impose any sanction under this section in connection with—

(1) the procurement of any defense article or defense service—

(A) being procured under a contract or subcontract, including the exercise of options for production quantities to satisfy United States operational military requirements in effect on the date of the enactment of this Act;

(B) if the President determines that the person to which the sanctions would otherwise apply is a sole source supplier of an essential defense article or service and no alternative supplier can be identified; or

(C) if the President determines that the defense article or service is essential to the national security under a defense coproduction agreement;

(2) products or services provided under contracts entered into before the date on which the President notifies Congress of the intention to impose the sanctions;

(3) spare parts;

(4) component parts, but not finished products, essential to United States products or production;

(5) routine servicing and maintenance of products;

(6) information and technology; or

(7) any foreign person which, in the President's judgment, provided so-called "dual-use" material or technology and which was unaware that the intended use of that material or technology was the development of a chemical weapon production or delivery system.

(g) REVIEW OF RELATIONS.—The President is urged and requested to review the full range of the security, political, economic, and commercial relations of the United States with each listed country.

SEC. 204. SEMI-ANNUAL REPORTS ON THE PROLIFERATION OF MISSILES CAPABLE OF DELIVERING WEAPONS OF MASS DESTRUCTION AND ON THE PROLIFERATION OF BIOLOGICAL WEAPONS, CHEMICAL WEAPONS, AND NUCLEAR WEAPONS.

(a) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report described in subsection (b).

(b) CONTENTS OF REPORT.—Each report under subsection (a) shall—

(1) describe in detail the efforts of all foreign countries to acquire biological weapons, chemical weapons, nuclear weapons, and long-range missiles and destabilizing offensive aircraft and to acquire the material and technology to produce and deliver such weapons;

(2) include an assessment of the present and future capability of those countries to produce and deliver such weapons;

(3) include a determination of whether and to what degree any Communist-bloc country has assisted any foreign country in its efforts to acquire any weapons system, aircraft, material, or technology referred to in paragraph (1);

(4) identify—

(A) each person who in the past has assisted any foreign country in those efforts; and

(B) each person who continues to assist any foreign country in those efforts as of the date of the report;

(5) indicate whether any person included on the list referred to in paragraph (3)(A) or (3)(B) was aware that the assistance provided by that country was for the purpose of developing biological weapons, chemical weapons, nuclear weapons, or a long-range missile or offensive aircraft;

(6) include any confirmed or credible intelligence or other information that indicates that a non-Communist country has provided assistance in developing biological weapons, chemical weapons, nuclear weapons, or long-range missiles or offensive aircraft to another country, either directly by selling to such foreign country biological weapons, chemical weapons, nuclear weapons, or missiles or aircraft or indirectly by facilitating the activity of a person included on a list referred to in paragraph (3)(A) or (3)(B), but took no action to halt or discourage such activity.

(c) PROTECTION OF CLASSIFIED AND INTELLIGENCE INFORMATION.—Classified portions of any report prepared under this section may be issued in a separate annex to the report. In addition, the President may, with respect to the matters addressed in any such report, limit the transmission of intelligence information to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives if the President determines that such information could disclose intelligence sources and methods.

(d) EXCLUDED INFORMATION.—If the President, consistent with subsection (c), decides not to list any person or country in that part of the report required under paragraphs (3) and (5) of subsection (b) that would have otherwise been listed, the President shall include that fact in the report and his reasons for not listing the person or country.

SEC. 205. ADVISORY OPINIONS.

The Secretary of State may, upon the request of any person, issue an advisory opinion to that person indicating whether a proposed activity by that person would subject that person to any sanction under section 202 or 203. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject the person to any such sanction, and who thereafter engages in that activity, may not be made subject to such sanction on account of such activity.

SEC. 206. DEFINITIONS.

For purposes of this Act:

(1) The term "United States person" has the meaning given that term in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2)).

(2) The term "foreign person" means any person other than a United States person.

(3)(A) The term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity.

(B) Such term, in the case of a Communist-bloc or any other country (where it may be impossible to identify a specific governmental entity), means—

(i) all activities of that government relating to the development or production of any internationally controlled missile technology; and

(ii) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment;

(4) The term "otherwise engaged in the trade of" means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.

(5) The term "internationally controlled missile technology" means—

(A) any technology or equipment which—

(i) could be used in the construction of a ballistic missile weapons delivery system, other than manned aircraft, that can be used to deliver weapons of mass destruction, and

(ii) the United States has made subject to export controls because of its obligations under an international agreement entered into with one or more countries for the purpose of controlling the transfer of such technology or equipment; and

(B) includes any item listed in the Equipment and Technology Annex of the Missile Technology Control Regime which was adopted by the governments of Canada, France, the Federal Republic of Germany, Italy, Japan, the United Kingdom, and the United States on April 7, 1987, and in accordance with which the United States Government agreed to act beginning on April 16, 1987.

(6) The term "developing country" does not include any member of the political organ of the North Atlantic Treaty Organization (NATO), any member of the Warsaw

Treaty Organization, Austria, Australia, Israel, Japan, New Zealand, or Switzerland.

(7) The term "biological weapons" means—

(A) microbal or other biological agents or toxins, whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; or

(B) any weapon, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict;

(8)(A) The term "chemical weapon" means—

(i) any toxic chemical, including any supertoxic lethal chemical, other lethal chemical, other harmful chemical and its precursor, including any key precursor; or

(ii) any munition or device specifically designed to cause death or other harm through the toxic properties of a toxic chemical which would be released as a result of the employment of such munition or device.

(B) Such term does not include any toxic chemical intended for peaceful purposes as long as the type and quantities involved are consistent with such purposes.

(9) The term "Secretary" means the Secretary of Commerce unless the context indicates otherwise.

(10) The term "component part" means any article which is not usable for its intended functions without being imbedded in or integrated into another product and which, if used in the production of a finished product, would be substantially transformed in that process.

(11) The term "dual-use", when used in the context of chemical materials or technology, means chemical material or technology which may be utilized both in the production of chemical weapons and in the production or application of chemicals for other uses.

(12) The term "finished product" means any article which is usable for its intended functions without being imbedded or integrated into another product, but in no case may such term be considered to include an article produced by a person other than a sanctioned person if the article contains parts or components produced by the sanctioned person but the parts or components have been substantially transformed during production of the finished product.

(13) The term "sanctioned person" means a person, or a parent or successor entity of a person, against whom sanctions have been previously imposed under this section.

SEC. 207. REGULATIONS.

The President may prescribe such regulations as are necessary to carry out this Act.

SEC. 208. EFFECTIVE DATE.

This title shall take effect 180 days after the date of the enactment of this Act.

By Mr. KENNEDY (for himself, Mr. ADAMS, and Mr. DODD):

S. 2628. A bill to amend the Public Health Service Act to reauthorize certain National Institute of Mental Health grants and to improve provisions concerning the State comprehensive mental health services plan, and for other purposes; to the Committee on Labor and Human Resources.

MENTAL HEALTH AMENDMENTS

Mr. KENNEDY. Mr. President, I rise to introduce the Mental Health Amendments of 1990.

This legislation reauthorizes the authority of the National Institute of Mental Health to conduct demonstrations to improve the delivery of mental health services, reauthorizes the State mental health services plan development grants, and clarifies State requirements for planning and implementation of comprehensive State mental health community-based services.

DEMONSTRATIONS

NIMH is authorized to conduct demonstrations in a variety of key mental health areas, including grants to plan, coordinate, and improve community mental health services to seriously mentally ill adults, children, and the elderly; grants for prevention of youth suicide; grants to improve recognition, treatment, and assessment of depressive disorders, and to meet other priority needs. Grants conducted under this authority have been immensely effective in improving services to the mentally ill and reducing hospitalization rates. There is now a particular focus on children, one of the most underserved of the populations in need of mental health services. Continuation of these programs is extremely important in linking research findings to improved practice in the field.

The bill would authorize $60 million for 1991, $62 million for 1992, and $65 million for fiscal year 1993.

PLANNING GRANTS

Under legislation enacted in 1986, States are required to plan and implement comprehensive community-based programs of care for the seriously mentally ill. Such programs are essential in providing humane treatment for the seriously mentally ill and allowing them to perform to their full potential. In addition, community-based programs actually save money through reduced use of inpatient hospital care. But despite the moral imperative to provide all seriously mentally ill Americans with effective community-based services, most States and communities are still failing to do an adequate job.

The planning and implementation process mandated under the 1986 law is showing the potential to make a major contribution to this problem. All States have completed plans which are generally viewed as high quality, and the crucial implementation phase is now beginning.

The small planning grant program provides funds to States to hire extra staff to meet the requirements of the law and to fund broad-based advisory groups. Particularly in smaller States, this modest funding—minimum grants are $150,000—has often been crucial in assisting States to meet the requirements. This legislation would reauthorize the planning grants for an additional 3 years at $5 million.

STATE PLAN AMENDMENTS

The amendments included under this section of the legislation make primarily technical changes in the current law. The planning and implementation requirements are clarified to emphasize that seriously mentally ill children must be included in the scope of the State plan, the requirement for involvement of broad-based advisory panels in the development and implementation of the plan is strengthened, and technical corrections and improvements are made in several other aspects of the statute.

The programs covered in this legislation hold the promise of improving the lives of millions of mentally ill patients and their families. I urge their prompt adoption.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. ADAMS, and Mr. DODD):

S. 1629. A bill to amend the Public Health Service Act to extend the immunization program for vaccine-preventable diseases, and for other purposes; to the Committee on Labor and Human Resources.

S. 2630. A bill to amend the Public Health Service Act to extend the tuberculosis program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. ADAMS, and Mr. DODD):

S. 2631. A bill to amend the Public Health Service Act to reauthorize certain injury control programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. ADAMS, and Mr. DODD):

S. 2632. A bill to amend the Public Health Service Act to reauthorize the National Center for Health Statistics; to the Committee on Labor and Human Resources.

REAUTHORIZATION OF CERTAIN HEALTH PROGRAMS

Mr. KENNEDY. Mr. President, I am introducing today legislation to reauthorize four of the most important, cost-effective public health programs. These programs, which are administered by the Federal Centers for Disease Control, include: the Immunization Programs; the Tuberculosis Program; the Injury Control Program; and the National Center for Health Statistics.

The CDC's Immunization Programs provide grants to States for the purchase of vaccines and other assistance for the Nation's immunization programs. Despite the success of the immunization programs in reducing the incidence of infectious and communicable diseases, we need to do more in some areas. For example, the Nation is currently facing a measles epidemic. If current trends continue, as many as

30,000 cases of measles could occur this year; in 1983, only 1,500 cases of measles were reported. Last year, 40 children died of measles; during the first 4 months of this year alone, another 40 deaths have occurred.

To address this national epidemic and the other needs of the immunization program, the legislation I am introducing today would authorize $200 million for the immunization programs in fiscal year 1991 and such sums as may be necessary through 1995. This authorization level is sufficient to double the dosage of the measles vaccine, as recommended by the CDC's Advisory Committee on Immunization Practices and the American Academy of Pediatrics, and for target outreach efforts to high-risk populations which are not receiving the first dose of the vaccine. This funding level will also support greater screening for hepatitis B and the development of new vaccines for chicken pox and other diseases.

In addition, this legislation would authorize $5 million to maintain a 6-month vaccine stockpile and $34 million for the National Vaccine Program, which provides interagency coordination of the Federal Government's immunization programs through the Office of the Assistant Secretary for Health at HHS.

The reauthorization for the CDC's Tuberculosis Program is an essential step in working for the elimination of tuberculosis. An estimated 10 million Americans are infected with this disease. If symptoms are left untreated, about 50 percent of patients die within 2 years. The incidence is increasing, with outbreaks among children, nursing home residents, people with AIDS, and the homeless. The CDC Program provides funding for prevention and control projects in the States and territories, and 10 percent of funding is used to support priority operational research and training activities. The program would be reauthorized for $36 million in fiscal year 1991 and such sums as may be necessary through 1995 to continue the effort.

The financial and human costs of injury in America are immense; the total lifetime cost of injuries occurring in 1988 is estimated to be $180 billion. Injuries resulting from motor vehicles, falls, and accidential shootings are the leading cause of death for those under the age of 45. Since 1986, the CDC has studied the incidence of injuries and conducted research and educational activities on the prevention of injuries. The CDC Injury Control Program would be reauthorized for $40 million in 1991, and such sums as may be necessary through 1995, to allow for an increased effort by the Federal Government in preventing injury.

The National Center for Health Statistics [NCHS] is the primary source of Federal Government health statistics which are essential to health care policymakers and researchers. NCHS maintains four major data systems: The National Vital Statistics System; the National Health and Nutrition Examination Survey; the National Health Care Survey; and the National Health Interview Survey. In addition to these principal data systems, NCHS conducts a number of other targeted surveys, including data regarding HIV and AIDS, maternal and infant health, and aging, and coordinates closely with other Federal agencies to provide assistance in health care data collection to serve the needs of the Federal Government. The legislation I am introducing today would reauthorize $58 million for NCHS in 1991, and such sums as may be necessary through 1995. The legislation would also assure the uninterrupted collection of the National Health Interview Survey which, since 1957, has been the principal source of Federal data on the general health, illness, and disability status of the American population.

As the Nation continues to address the needs of providing access to health care at an affordable cost, the prevention of health problems is one of the most effective tools available in reducing health care costs and protecting the public health. The CDC's efforts to prevent infectious diseases, tuberculosis, and injury serve this important goal, and the collection of health care data provides the information necessary to help us make effective decisions regarding the health care needs of America. I urge my colleagues to join in supporting the reauthorization of these valuable public health programs.

By Mr. CONRAD:

S. 2634. A bill to amend the Consolidated Farm and Rural Development Act and the Farm Credit Act of 1971 to extend and improve farm credit programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURE CREDIT ACT OF 1990

● Mr. CONRAD. Mr. President, it is my pleasure to rise today to introduce the Consolidated Farm and Rural Development Amendments Act of 1990. My hope is that these provisions will be adopted for the credit title of the 1990 farm bill.

This bill reflects my efforts since early 1989 to oversee the Farmers Home Administration and the Farm Credit Service. In total, I have held eight hearings of my Subcommittee on Agricultural Credit on these agencies. I have reviewed the problems and successes with FmHA both in its regular program responsibilities and in its implementation of the Agricultural Credit Act of 1987.

FmHA has gone through tremendous changes in the last decade. Its funding has declined; its delinquencies have risen; its staff has declined. Farm borrowers experienced the worst agricultural depression during the 1980's since recordkeeping began in 1910. FmHA was mandated by Congress to implement a massive restructuring program to resolve its overwhelming loan delinquencies. As a result of these and other events, the agency has some basic problems; some inherent, some resolvable.

In my hearings, I asked the following questions. Is FmHA meeting its mission of providing short-term assistance to financially troubled borrowers, and assisting beginning farmers to start up their operations? Is it helping to prepare beginning farmers for commercial credit by supervising and assisting in their farm management training? How well does the guaranteed program serve FmHA's mission? What changes are needed to expand the use of the guaranteed loan program? How can we ensure that FmHA improves its processing and oversight of these guaranteed loans so that losses under this program do not increase, as some have predicted?

The answers I heard to those questions raised concerns about the low graduation rate of FmHA borrowers to commercial credit, the fact that little FmHA direct loan assistance is going to beginning borrowers, and few guaranteed loans are going to graduating FmHA direct loan borrowers or to new beginning borrowers.

I was particularly concerned about the results I heard of the shift from direct to guaranteed loans mandated in the 1985 farm bill. Funding for direct loans has dropped 77 percent since 1985, and authorizations for guaranteed loans have more than doubled. Yet despite signficant authorizations, the guaranteed lending program has not been fully utilized. Only 35 percent of the $3.3 billion authorized in fiscal year 1989 was obligated. In 1989, FmHA received three times the number of applications for direct loans as for guaranteed loans. Because these funds were not fully used, and because of the severe drop in direct loan funding, this shift in funding has resulted in a 65-percent drop in operating loans made by FmHA, and a 59-percent drop in farm ownership loans made. These statistics have led me to question whether the guaranteed lending program can fully replace the cut in direct loan funds.

I also heard about the problems with the FmHA's loan application process. I learned that county supervisors are often overworked, and have little time to provide personal supervision to beginning borrowers. In addition, I learned about the inadequacies of FmHA's guaranteed loan making process and its monitoring of lenders' servicing requirements.

I heard from many experts during the course of my hearings. The bill I am introducing today reflects their suggestions. I believe that it will go a long way toward returning FmHA to its proper role of lender of last resort and of supervised credit. This goal is supported by the administration.

This bill presents an orderly program designed to enable FmHA borrowers to develop the skills and equity necessary to achieve a successful farm business and compete for commercial credit. It would also make funds available to FmHA to assist new applicants. This program includes planning for graduation, enhancing FmHA's loan assessment, providing borrowers and FmHA staff with training in financial and farm management, and increasing FmHA's supervision of borrowers.

This proposal would require the Secretary to plan for graduation the day a new loan is made. The graduation plan would include a goal graduation date of 10 years from the date the first direct or guaranteed loan is received, and 15 years for combined FmHA assistance. This proposal would not end eligibility for loans if graduation is not achieved by the target date, but require that the need for the extension of further new credit is due to circumstances beyond the control of the borrower such as a natural disaster.

FmHA is authorized to provide borrowers with financial and farm management training by contracting with a private, State or nonprofit credit counseling services, including community colleges, the Extension Service, State departments of agriculture, or nonprofit organizations.

This proposal provides an enhanced loan assessment process, including a determination of whether and how FmHA credit can help an individual applicant or borrower achieve the farm operation goals within the terms and timeframe allowed by FmHA, and to enhance the supervision of loans made in order to identify and resolve problems early, and ensure that borrowers meet their graduation goals.

The Secretary would be authorized to contract with a credit counseling service, including those entities eligible to provide borrower training, to provide this loan assessment, as the Secretary deems necessary. This loan assessment would also extend to the review of direct and guaranteed loans, to gauge the borrower's progress in meeting the goals for the farm operation and graduation. In addition, when delinquencies occur, FmHA or the contracting credit counseling service will provide problem assessment to determine the cause and corrective action needed.

This proposal would also require the Secretary to provide adequate training to FmHA employees on credit analysis and financial and farm management to enable them to make better decisions on direct and guaranteed loan applications, and to ensure proper supervision of farmer program loans. County supervisors or their assistants would be required to regularly visit each borrower's farm or ranch to consult with the borrower about the borrower's financial condition and whether the farm operation is meeting the goals of the farming and graduation plan.

Mr. President, over 50 percent of farm assets are currently held by farmers over 55 years old. The next 10 years will provide us with a nearly unprecedented opportunity to establish new farmers. My proposal would target 50 percent of inventory property available for sale toward beginning farmers, in order to assist in the transfer of farming to the next generation. I believe that the targeting of FmHA inventory property is one of the best ways that the Government can help in this effort.

My proposal seeks to increase the use of the guaranteed loan program in two ways. First, it would encourage the establishment of a market placement program using FmHA guarantees to help applicants obtain commercial credit.

Second, my proposal would also replace the current interest rate reduction programs with a program which allows FmHA to pay up to the full cost of reducing the interest rate on a guaranteed loan. The maximum reduction may be no lower than the limited resource rate for direct loans. The program will include the possibility of a 50/50 cost share match with the lender to reduce the interest rate, as in the current Interest Rate Reduction Program. It is my hope that this program will increase lenders' interest in the guaranteed program, and enable more direct loan borrowers to shift to guaranteed loans.

The bill I am introducing today also resolves FmHA implementation problems which have arisen through the implementation of the act. Some of the provisions in this bill clarify the original intent of Congress; others address issues which were not considered or envisioned by Members when writing the law. The goal of this bill is to ensure that the act is implemented the way Congress intended, and that the restructuring process it establishes will be used by FmHA whenever a delinquency occurs, or when another farm crisis arises due to declines in land values or prices, or natural disaster, as Congress intended.

The act requires the Federal Government to get the maximum return on delinquent debt through loan servicing or foreclosure. FmHA is acknowledging the losses it accumulated prior to passage of the act, and is taking steps to resolve that delinquent debt. If FmHA is implementing the law correctly, the Federal Government is receiving more money than it would have if it had foreclosed on all those delinquent loans.

Mr. President, I can report that the act is saving the Government money. FmHA statistics show that loan servicing actions that included debt writedown, and buyout of delinquent debt at the net recovery value, has reduced Government losses by over $400 million. That means the Government would have received $400 million less if it had foreclosed on those borrowers. Yet these statistics represent less than one-third of the debt restructuring activity completed by FmHA. With all the attention paid to this most dramatic type of assistance, we often forget how many borrowers have been helped by other types of loan servicing. Unfortunately, FmHA has not kept record of the losses avoided due to these actions. I can say with certainty that the other restructuring activities, which include rescheduling, reamortization and consolidation of loans, have also saved the Government money.

Thus far, under the act, over 27,125 borrowers who were in critical financial trouble have been restructured, or have bought out their loans at the net recovery value of the collateral, and are able to continue farming. In addition, they are able to pay their other rural creditors and continue to bring them business. Over 6,000 borrowers have received debt settlement, and are able to get on with their lives, out from under the burden of debt that they could never repay.

Under the 1987 act, borrowers rights are explicit, and FmHA is notifying borrowers of and observing these rights. The National Appeals Staff is providing objective reviews of disputed FmHA decisions, and overturning decisions when necessary. Overall, Mr. President, I believe the act is working.

Let me go over some of the provisions in this bill related to the act. Section 4 of this bill is intended to make the appeals process move more smoothly. There are numerous instances in which FmHA has not properly resumed processing of a borrower's case once an adverse FmHA decision is overturned by the National Appeals Division. This provision is designed to prevent unnecessary delay, by requiring FmHA, if an FmHA decision is overturned through the appeals process, to implement the decision within a reasonable time, unless the decision violates statute or regulation.

This section also provides applicants or recipients of FmHA loan guarantees the right to independently request an appeal of an FmHA adverse decision without the lender joining the appeal. This is significant. Currently, many lenders are unwilling to join in the appeal, and as a result, many appli-

cants and borrowers are effectively denied appeal rights.

Section 5 of the bill would ease the burden of county committees who must select an individual to purchase inventory property when there are many equally qualified individuals seeking the purchase. It allows the county committee to draw out of a hat, if you will, the name of the purchaser from among multiple, equally qualified, eligible applicants with identical bids. In addition, it would allow FmHA to sell inventory property at the fair market value.

Sections 8, 9, 13, and 19 more fully develop congressional intent of the requirements that a borrower must have acted in good faith and that the delinquency must be due to circumstances beyond the control of the borrower, to be eligible for restructuring or net recovery value buyout. In particular, we want to clarify that borrowers who are not delinquent due to circumstances beyond their control and have not acted in good faith are not eligible for restructuring or net recovery buyout of their delinquent loans.

These provisions more fully define the "delinquency beyond the control of the borrower" criteria to ensure that borrowers who have additional, unsecured assets are required to use them to bring their loans current. This is what Congress intended when the measure was enacted in 1987. If these assets are not adequate to bring their loans current, then the borrowers are required to include the value of these assets in the calculation of the amount the borrower has available to pay on his debt, or the net recovery value of the property.

This ensures that a borrower does not receive debt forgiveness on that portion of his debt that would be repaid through the value of these assets.

In addition, these provisions prohibit FmHA from determining that a borrower has acted in bad faith when the borrower was sold security for essential living and operating expenses, but only if FmHA has denied adequate living and operating expenses under the law. Adequate income means that the farmer has the ability to pay household expenses and to operate a farm in a manner which will earn an economic return sufficient to cover current and upcoming living and operating expenses, including the repayment of debt. We also expect that a borrower who has had some income released, but not enough to cover essential living and operating expenses, and used the proceeds for living and operating expenses, will not be determined to have acted in bad faith under this exception.

In passing this bill, we intend that buyout denials based on these eligibility criteria can be appealed by the borrower just as can any adverse decision.

Section 16 would required FmHA to allow a restructured borrower a better chance of success by providing a cushion of 5 percent of the borrower's balance available for loan repayment, when this is possible. In testimony presented to me on March 5 by the General Accounting Office, it was clear that many borrowers would be in serious financial trouble if any unexpected expenses arose, or if income did not meet expectations, because FmHA is restructuring with a very tight cash-flow. We all know that farming is a risky business, and it is difficult to precisely forecast income or expenses. Therefore, it only makes sense to provide a small amount of cash-flow leeway. This margin will only be provided in cases in which a borrower can still pay more than FmHA would receive for foreclosure.

The tight restructuring that I just discussed makes me question whether some borrowers have been truly helped by the first round of loan servicing. It is clear to me that some borrowers will need additional assistance. In most cases, that will not include debt write down. However, I do not want to preclude this action in cases where it is the least cost alternative. While there are those who wish to prohibit FmHA from writing down debt in the future, to me, that is legislating that the Government will lose money. Prohibiting debt write down cuts off the most powerful tool FmHA has in its loan servicing toolbox. Other lenders write down debt when it results in their receiving more money through restructuring than they would through foreclosure. I will not agree to stop FmHA from writing down debt and restructuring loans when that is the least cost alternative for the Government. I am, however, willing to limit the number of times that a borrower can receive debt forgiveness.

Section 17 deals with effective dates of these provisions. There are still several thousand borrowers at various stages of the debt restructuring process. These borrowers applied for debt restructuring in November 1988 or August 1989. FmHA has not processed many of these applications in a timely fashion. In addition, mediations and appeals, subject to the same manpower shortage, have taken more time than many anticipated. It is my hope that we can move expeditiously to resolve these in-process cases quickly. Due to these delays, and in fairness of borrowers who have waited a very long time for FmHA to make decisions, we have decided not to make this law retroactive. The exception is the provision related to good faith and buyouts. FmHA may apply the good faith criteria to those borrowers who have not yet accepted their buyout offers, who have acted in bad faith, as determined by the agency.

In closing, I want to note that based on extensive hearings, FmHA has a hardworking, dedicated, and overworked staff. My proposal intentionally increases their supervisory role. It is my great hope that FmHA recognizes the need for and hires additional staff to begin again providing the services they need to conduct their important mission. It is my understanding that USDA has requested 500 additional staff for fiscal year 1991 for FmHA.

All in all, Mr. President, I think this bill will assist FmHA in its role of assisting financially troubled and beginning farmers. I urge my colleagues to support passage of this legislation.●

By Mr. DODD:

S. 2635. A bill to amend the Public Health Service Act to establish an Immunization Demonstration Project Program, and for other purposes; to the Committee on Labor and Human Resources.

CHILDHOOD IMMUNIZATION ACT OF 1990

● Mr. DODD. Mr. President, I rise to introduce the Childhood Immunization Act of 1990.

Mr. President, since the development of the first smallpox vaccine nearly 200 years ago, the use of vaccines to prevent infectious diseases has represented one of the major success stories of public health and preventive health programs. Use of vaccines against illnesses has prevented thousands of deaths each year in the United States, and has substantially reduced the morbidity resulting from disease. Major achievements of vaccination programs include the global eradication of smallpox, reduced mortality from measles, reduced incidence of polio, and a reduced incidence of cases and mortality from pertussis or whooping cough.

Childhood immunization programs represent the largest segment of immunization programs in the United States. Currently, children are routinely immunized against seven diseases: polio, measles, mumps, rubella, diphtheria, tetanus, and pertussis.

The United States has been engaged over the past 15 years in a nationwide effort to reduce morbidity and therefore, mortality due to the infectious diseases of childhood through programs of universal immunization of children. The effort involves the integration of the efforts of the public and private sectors on the National, State, and local levels.

Sadly, Mr. President, millions of American children are failing to receive immunizations that can protect them against diseases than can be prevented, such as polio, measles, and mumps. For example, if the trends in polio immunization rates that prevailed from 1980 to 1985 continue, nearly one in five children will not be fully protected against this crippling

disease in the year 2000. More than 2 million preschool children will be inadequately protected against polio.

Although the United States enjoys high levels of immunization overall, the percentage of 2-year-olds who have been immunized in the United States is well below the 1990 target objective of 90 percent and has shown little progress since 1980. Moreover, considerable differences relating to levels of immunization persist with respect to race and geographic location. National survey data indicate that differences exist between white and nonwhite as well as urban poverty areas and suburban and rural areas.

For example, the percentages of children immunized in central cities are substantially lower than percentages in non-central-city regions for both preschool-age and school-entry-age children. In 1985, 31 percent of preschoolers living in U.S. central cities were not adequately immunized against polio; 30 percent were not adequately immunized against mumps.

The bill I am introducing today, the Childhood Immunization Act of 1990, would augment the major Federal program aimed at preventing and controlling vaccine preventable childhood diseases—the Immunization Program administered by the Centers for Disease Control. The bill authorizes the Secretary of Health and Human Services, acting through the Centers for Disease Control, to make grants to public and private nonprofit entities and enter into contracts with private entities to establish and support projects for the development, demonstration, and evaluation of methods for the screening, referral, and immunization of children up to 24 months of age against vaccine-preventable diseases and for the dissemination of information concerning such methods to the health professions.

The bill further requires the Secretary to utilize additional resources to implement projects that are designed to make more effective use of immunization grant resources to immunize at least 90 percent of all children by the time they reach 24 months of age.

The bill targets for immunization those children up to 2 years of age who are part of low-income and high-risk populations and geographic areas.

Mr. President, a nation's future lies with its children. Thus, the health of our children is a matter of fundamental importance to our society. Fortunately, in our country, the vast majority of children are healthy, but preventing disease among the young through immunization holds promise for even further improvements in their well-being.

Mr. President, the Childhood Immunization Act of 1990, if enacted into law, will help prevent disease among the most vulnerable in our society—our children. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the full text of the Childhood Immunization Act of 1990 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMMUNIZATION DEMONSTRATION PROJECTS.

Part B of title III of the Public Health Service Act is amended by inserting after section 317A (42 U.S.C. 247b-1) the following new section:

"SEC. 317B. IMMUNIZATION DEMONSTRATION PROJECTS.

"(a) GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—The Secretary, acting through the Centers for Disease Control, may make grants to public and private nonprofit entities and enter into contracts with private entities to establish and support projects for the development, demonstration and evaluation of methods for the screening, referral and immunization of children up to 24 months of age against vaccine-preventable diseases and for the dissemination of information concerning such methods to the health and allied health professions.

"(2) ADDITIONAL RESOURCES.—The Secretary shall utilize additional resources to implement projects under this section that are designed to make more effective use of immunization grant resources to immunize at least 90 percent of all children by the time they reach 24 months of age.

"(3) COORDINATION.—Activities conducted under projects receiving assistance under this section shall be coordinated with Federal, State, local and regional health and immunization entities that conduct activities under section 317.

"(b) TYPE OF PROJECTS.—Projects that may receive assistance under this section shall include programs that emphasize the development and demonstration of new and improved—

"(1) methods of immunization children up to 2 years of age who are part of low-income and high-risk populations and geographic areas against vaccine-preventable diseases;

"(2) methods of screening, early intervention, and referral for immunization against childhood disease;

"(3) methods of measuring actual immunization coverage levels in defined populations to better identify unvaccinated children and to strengthen surveillance in areas of low coverage;

"(4) methods of tracking patient data and recordkeeping with the use of an automated patient management information system; and

"(5) methods of dissemination of information to health and allied health professionals and to low-income and high-risk populations concerning the importance of immunization of children up to 24 months of age at the earliest medically appropriate time, and concerning possible adverse reactions associated with immunizations.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are authorized to be appropriated under section 317, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1991 through 1993 for immunization demonstration project grants and contracts under this section.".●

By Mr. HEINZ:

S.J. Res. 314. Joint resolution to commemorate the 50th anniversary of the National Federation of the Blind; to the Committee on Labor and Human Resources.

THE 50TH ANNIVERSARY OF THE NATIONAL FEDERATION OF THE BLIND

● Mr. HEINZ. Mr. President, I rise today to introduce a joint resolution to commemorate the 50th anniversary of the National Federation of the Blind.

The National Federation of the Blind was founded in Wilkes-Barre, PA, on November 16, 1940 and is the largest organization of the blind in America. It has a membership of over 50,000 is organized in every State and the District of Columbia, and has local chapters in almost every community.

Since its inception, the purpose of the federation has been to achieve security, equality, and opportunity for the blind, as well as serving as a vehicle for self expression of the blind.

National recognition of the 50th anniversary of the National Federation of the Blind will also honor the memory of its founder, Dr. Jacobus tenBroek. Blind himself, Dr. tenBroek was a noted scholar of constitutional law and legal history at the University of California at Berkeley during the 1950's and 1960's. He pioneered the philosophy that blindness was a "normal characteristic," and it is not any more limiting to a person than a thousand other conditions. His exemplary work in the field of constitutional law and legal history personified this philosophy and improved the public image of blindness.

For 28 years, Dr. tenBroek was the able leader of the organized blind movement in this country and around the world. In 1968 Dr. Kenneth Jernigan succeeded him, first as president and later as executive director of the National Federation of the Blind. Through the inspiration and ability of these exceptional leaders the public perception of blindness has improved over the past 50 years. The federation's goal, "changing what it means to be blind," is now coming true.

Mr. President, the 101st Congress marks a watershed in the fight of the disabled and blind persons to gain respect and independence. Last fall, the Senate passed the Americans with Disabilities Act and I hope Mr. President, that the House of Representatives will soon follow so that we may enact this important legislation into law.

Mr. President, there are scores of talented blind individuals who are not seeking assistance, but simply an opportunity to become productive members of our society. The National Federation of the Blind's programs help blind people to become productive members of society. It is for this

reason that I honor their work with this commemoration, and ask all of my colleagues to join.●

SENATE RESOLUTION 284—WELCOMING THE PRESIDENT OF TUNISIA

Mr. HELMS (for Mr. BOSCHWITZ) submitted the following resolution; which was considered and agreed to:

S. RES. 284

Welcoming the President of Tunisia on his first State visit to the United States.

Whereas the United States and the Republic of Tunisia share a common bond of friendship in the pursuit of democratic values;

Whereas the Government and the people of Tunisia share with the United States the ideas of freedom, peace, democracy, and progress;

Whereas the United States has recognized the peaceful succession of President Zine el Abidine Ben Ali and supports his commitment to and progress on Constitutional reforms and political democratization;

Whereas the United States applauds President Ben Ali's concern for human rights and political freedoms as demonstrated by the release of political detainees;

Whereas the United States supports President Ben Ali's economic adjustment programs and reforms which will enhance economic growth and result in social benefits for the people of Tunisia;

Whereas the United States values and respects Tunisia's role as leader in the Arab world and its moderating influence in the Maghreb which has significant benefits for mutual and shared strategic interests;

Whereas the United States commends the Government of Tunisia for its reestablishment of diplomatic relations with the Arab Republic of Egypt;

Whereas Tunisia has stood for peaceful settlement of regional conflicts and it was Tunisia that, in 1965, called for peaceful coexistance between the Arabs and Israelis;

Whereas the United States recognizes the importance of a strong and independent Tunisia: Now, therefore, be it

SECTION 1. Resolved by the Senate of the United States, that the Senate extends its warm greetings and respect to His Excellency, Zine el Abidine Ben Ali, the President of Tunisia on the occasion of his first State visit to the United States, with the hope that this visit will reaffirm the close and friendly ties between our two great nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President for transmission to the Government of Tunisia.

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. CRANSTON, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 16, a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin.

S. 101

At the request of Mr. SANFORD, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 101, a bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes.

S. 434

At the request of Mr. REID, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 434, a bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State.

S. 814

At the request of Mr. DOMENICI, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 814, a bill to provide for the minting and circulation of $1 coins, and for other purposes.

S. 1332

At the request of Mr. MURKOWSKI, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 1332, a bill to provide for realignment and major mission changes of medical facilities of the Department of Veterans Affairs.

S. 1531

At the request of Mr. ROTH, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 1531, a bill to facilitate the effective management of fishery resources in United States waters by including tuna in the regulatory structure under the Magnuson Fishery Conservation and Management Act.

S. 1878

At the request of Mr. GRAHAM, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1878, a bill to amend title XIX of the Social Security Act to allow for State matching payments through voluntary contributions and State taxes.

S. 1911

At the request of Mr. DODD, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 1911, a bill to provide assistance in the development of new or improved programs to help younger individuals through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, for Families; to provide for a White House Conference on Young Americans; and for other purposes.

S. 1933

At the request of Mr. HEINZ, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Jersey [Mr. BRADLEY], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 1933, a bill to provide for the minting of coins in commemoration of the bicentennial of the death of Benjamin Franklin and to enact a fireservice bill of rights and programs to fulfill those rights.

S. 2017

At the request of Mr. DOLE, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 2017, a bill to provide a permanent endowment for the Eisenhower Exchange Fellowship Program.

S. 2083

At the request of Mr. KERRY, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2083, a bill to bring about a negotiated end to the war in El Salvador, and for other purposes.

S. 2108

At the request of Mr. LEAHY, the names of the Senator from Maine [Mr. COHEN] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 2108, a bill to promote the production of organically produced foods through the establishment of a national standard production for organically produced products and providing for the labeling of organically produced products, and for other purposes.

S. 2187

At the request of Mr. COCHRAN, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 2187, a bill to amend the Public Health Service Act to make grants to encourage States to establish Offices of Rural Health to improve health care in rural areas.

S. 2240

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 2240, a bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes.

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 2240, supra.

S. 2530

At the request of Mr. ROTH, the name of the Senator from North Carolina [Mr. HELMS], was added as a cosponsor of S. 2530, a bill to amend the Internal Revenue Code of 1986 to return the "Peace Dividend" to the taxpayers of the United States in the form of individual rate reductions.

S. 2561

At the request of Mr. GORTON, the name of the Senator from Utah [Mr. HATCH], was added as a cosponsor of S. 2561, a bill to amend the Controlled Substances Act with respect to the regulation of precursor chemicals.

SENATE JOINT RESOLUTION 248

At the request of Mr. BOSCHWITZ, the names of the Senator from Nevada [Mr. REID] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Joint Resolution 248, a joint resolution to designate the month of September 1990 as "International Visitor's Month."

SENATE JOINT RESOLUTION 276

At the request of Mr. LIEBERMAN, the names of the Senator from Illinois [Mr. DIXON], the Senator from Idaho [Mr. SYMMS], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 276, a joint resolution designating the week beginning July 22, 1990, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 277

At the request of Mr. LUGAR, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 277, a joint resolution designating October 6, 1990, as "German-American Day."

SENATE JOINT RESOLUTION 281

At the request of Mr. DECONCINI, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Rhode Island [Mr. PELL], the Senator from Washington [Mr. GORTON], the Senator from Georgia [Mr. FOWLER], the Senator from Maine [Mr. COHEN], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Tennessee [Mr. SASSER], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 281, a joint resolution to designate September 13, 1990, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 285

At the request of Mr. THURMOND, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Alabama [Mr. HEFLIN], the Senator from North Dakota [Mr. BURDICK], the Senator from Ohio [Mr. METZENBAUM], the Senator from Arkansas [Mr. PRYOR], the Senator from California [Mr. WILSON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Delaware [Mr. ROTH], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 285, a joint resolution to designate the period commencing September 9, 1990, and ending on September 15, 1990, as "National Historically Black Colleges Week."

SENATE JOINT RESOLUTION 290

At the request of Mr. ARMSTRONG, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Utah [Mr. GARN], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Idaho [Mr. MCCLURE] were added as cosponsors of Senate Joint Resolution 290, a joint resolution to designate the week of July 22, 1990, through July 28, 1990, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

SENATE JOINT RESOLUTION 293

At the request of Mr. RIEGLE, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 293, a joint resolution to designate November 6, 1990, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 299

At the request of Mr. JOHNSTON, the names of the Senator from Maine [Mr. MITCHELL], the Senator from North Dakota [Mr. BURDICK], the Senator from Washington [Mr. ADAMS], the Senator from Montana [Mr. BAUCUS], the Senator from Kentucky [Mr. FORD], the Senator from Indiana [Mr. LUGAR], the Senator from New Jersey [Mr. BRADLEY], the Senator from Oregon [Mr. HATFIELD], the Senator from North Carolina [Mr. SANFORD], the Senator from Louisiana [Mr. BREAUX], the Senator from Michigan [Mr. LEVIN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Alabama [Mr. HEFLIN], the Senator from Indiana [Mr. COATS], the Senator from Arkansas [Mr. BUMPERS], the Senator from California [Mr. CRANSTON], the Senator from Georgia [Mr. FOWLER], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 299, a joint resolution to designate the period October 1, 1990, through October 1, 1991, as the "Year of the Wetlands."

SENATE JOINT RESOLUTION 304

At the request of Mr. SHELBY, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from New Mexico [Mr. DOMENICI], the Senator from Idaho [Mr. MCCLURE], the Senator from Connecticut [Mr. DODD], the Senator from Massachusetts [Mr. KERRY], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of Senate Joint Resolution 304, a joint resolution to designate October 17, 1990, as "National Drug-Free Schools and Communities Education and Awareness Day."

SENATE JOINT RESOLUTION 306

At the request of Mr. SIMON, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Joint Resolution 306, a joint resolution to designate the period commencing October 21, 1990, and ending October 27, 1990, as "National Humanities Week."

SENATE CONCURRENT RESOLUTION 53

At the request of Mr. DODD, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of Senate Concurrent Resolution 53, a concurrent resolution concerning Iranian persecution of the Baha'is.

SENATE CONCURRENT RESOLUTION 104

At the request of Mr. BIDEN, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Concurrent Resolution 104, a concurrent resolution expressing the concern of the Congress regarding the Birmingham Six, and calling on the British Government to reopen their case.

SENATE CONCURRENT RESOLUTION 127

At the request of Mr. KENNEDY, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Concurrent Resolution 127, a concurrent resolution to express the sense of Congress that Greyhound Lines, Inc., and the Amalgamated Transit Union should pursue meaningful negotiations under the auspices of the Federal Mediation and Conciliation Service and the Secretary of Labor to resolve their dispute and restore vital transportation services to American communities.

SENATE RESOLUTION 276

At the request of Mr. RIEGLE, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Resolution 276, a resolution expressing the sense of the Senate regarding the actions of the Soviet Union toward Lithuania.

SENATE RESOLUTION 282

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts [Mr. KERRY], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Resolution 282, a resolution expressing the sense of the Senate regarding United States military assistance for the Republic of Liberia and human rights abuses in Liberia.

AMENDMENTS SUBMITTED

COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT

McCAIN (AND OTHERS) AMENDMENT NO. 1614

Mr. McCAIN (for himself, Mr. INOUYE, Mr. ADAMS, Mr. DECONCINI,

and Mr. CONRAD) proposed an amendment to the bill (S. 2240) to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes, as follows:

Strike the language in section 2548(3)(D) of the underlying amendment and replace with the following:

"(D) create the capacity to deliver health and support services to individuals and families with HIV disease located in rural areas, and Indians (both Reservation and non-Reservation based), and/or deliver;".

SIMPSON (AND WALLOP) AMENDMENT NO. 1615

Mr. SIMPSON (for himself and Mr. WALLOP) proposed an amendment to the bill S. 2240, supra, as follows:

At the appropriate place in the bill add:

TITLE —MISCELLANEOUS PROVISIONS

SEC. . ADAMHA IV DRUG ABUSE WAIVER.

(a) INTRAVENOUS DRUG USERS.—Section 1916(c)(7) of the Public Health Services Act (42 U.S.C. 300x-4(a)(7)) is amended by adding at the end thereof the following new sentence: "The Secretary shall waive the provisions of the preceding sentence for any State which has submitted application for such a waiver to the Secretary prior to September 30, 1989.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as of October 1, 1989.

WALLOP (AND SYMMS) AMENDMENT NO. 1616

Mr. WALLOP (for himself and Mr. SYMMS) proposed an amendment to the bill S. 2240, supra, as follows:

(a) On page 44, line 2, after the word "areas", add the following: ", and for other purposes".

(b) On page 44, line 4, strike "A State" and insert the following: "Except as otherwise provided in subsection (b), a State".

(c) On page 45, after line 2, add the following new subsection:

"(b) CARE GRANTS FOR PEOPLE WITH CHRONIC OR TERMINAL DISEASES OR CONDITIONS.—

"(1) A State in which fewer than 100 cases of AIDS have been reported to and confirmed by the Secretary for the two most recent fiscal years for which such data is available may use its allocation as determined under section 2548(b) to provide comprehensive care (such as home and community based services, therapeutic treatments, and early diagnosis and early intervention services) to people with severe chronic or terminal illnesses or conditions, including, but not limited to:

(A) HIV disease;

(B) Alzheimers disease;

(C) Diseases of the cardiovascular system;

(D) Cancer;

(E) Respiratory illnesses.

"(2) The Secretary shall not make a grant under this subsection for a fiscal year unless the State proposes and submits to the Secretary an application, in such time, in such form, and containing such agreements, assurances and information as the Secretary determines to be necessary to carry out this subsection.".

(d) On page 45, line 3, redesignate subsection (b) as subsection (c) and insert after "A State" the following: "that receives a grant under subsection (a)".

(e) On page 53, line 25, after the word "under", insert the following "subsection 2541(a) of".

HATCH (AND KENNEDY) AMENDMENT NO. 1617

Mr. HATCH (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 2240, supra, as follows:

On page 44, line 21, strike the term "and" and insert in lieu thereof "or".

MIKULSKI AMENDMENT NO. 1618

Ms. MIKULSKI proposed an amendment to the bill S. 2240, supra, as follows:

Strike the words "title III" on page 64, line 1 and insert the following:

"TITLE III

"SEC. 301. Requirement of reporting and partner notification with respect to cases of infection.

KENNEDY AMENDMENT NO. 1619

Mr. KENNEDY proposed an amendment to amendment No. 1618 proposed by Ms. MIKULSKI to the bill S. 2240, supra, as follows:

At the end of the pending amendment, add the following:

"(a) REPORTING.—

"(1) IN GENERAL.—The Secretary may not make a grant under title II of this Act unless, with respect to testing for infection with the etiologic agent for acquired immune deficiency syndrome, the State involved requires that—

"(A) any entity carrying out such testing confidentially report to the State public health officer information sufficient—

"(i) to perform statistical and epidemiological analyses of the incidence in the State of cases of such infection: and

"(ii) to perform statistical and epidemiological analyses of the demographic characteristics of the population of individuals in the state with such infections:

"(B) the public health officer of such State establishes a system of reporting cases of individuals infected with the etiologic agent for acquired immune deficiency syndrome that is necessary to the extent appropriate in the determination of such officer, for the State to carry out the notification of unsuspecting persons at risk for exposure to the etioligic agent for acquired immune deficiency syndrome.

"2) PROVISION OF CERTAIN INFORMATON TO CENTERS FOR DISEASE CONTROL.—The Secretary may not take a grant under title II of this Act unless the State involved agrees to provide to the Director of the Centers for Disease Control all information received by the State pursuant to the requirement described in clauses (i) and (ii) of paragraph (1)(A).

"(b) PARTNER NOTIFICATION.—

"(1) IN GENERAL.—The Secretary may not make a grant under title II of this Act unless—

"(A) the State involved requires that the appropriate state or local public health officer (as determined by the State) carry out, to the extent appropriate in the determination of such officer, a program of partner notification with respect to cases of exposure to the etilogic agent acquired immune deficiency syndrome; and

"(i) advises all such individuals regarding the benefits to undergo testing for such infection; and

"(ii) provides to all such individuals information on the medical benefits of diagnosing such infection in the early stages of infection and of the availability of treatment and support services for individuals and families with HIV disease.

"(2) RULE OF CONSTRUCTION WITH RESPECT TO RESPONSIBILTY FOR MAKING NOTIFICATION.—With respect to compliance with paragraph (1) as a condition of receiving a grant under title II of this Act, such paragraph may not be construed to require that a State establish a requirement that any entity, other than the public health official referred to in such paragraph, make the notifications required under such system.

"SEC. 302. EFFECTIVE DATE.—This title shall be effective for all fiscal years beginning after September 30, 1992.".

TITLE IV

HATCH AMENDMENT NO. 1620

Mr. HATCH proposed an amendment to the bill S. 2240, supra, as follows:

On page 32, line 15, insert "Ryan" before "comprehensive".

KENNEDY (AND HATCH) AMENDMENT NO. 1621

Mr. HATCH (for Mr. KENNEDY, for himself and Mr. HATCH) proposed an amendment to the bill S. 2240, supra, as follows:

In lieu of the matter proposed insert the following: "Ryan White".

CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH

SPECTER AMENDMENT NO. 1622

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill (S. 1970) to establish a constitutional procedures for the imposition of the sentence of death, and for other puposes, as follows:

At the appropriate place, insert the following:

SEC. . SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES.

(a) IN GENERAL.—Part IV of title 28, United States Code, is amended by inserting immediately following chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.

"2261. Defendants subject to capital punishment and prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

"2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
"2263. Filing of habeas corpus petition; time requirements; tolling rules.
"2264. Evidentiary hearings; scope of Federal review; district court adjudication.
"2265. Certificate of probable cause inapplicable.
"2266. Counsel in capital cases; trial and post-conviction standards.
"2267. Law controlling in Federal habeas corpus proceedings; retroactivity.
"2268. Habeas corpus time requirements.

"§ 2261. Defendants subject to capital punishment and prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply—

"(1) to—

"(A) cases in which the defendant is tried for a capital offense; or

"(B) cases arising under section 2254 of this title brought by prisoners in State custody who are subject to a capital sentence; and

"(2) only if subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State established by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable fees and litigation expenses of competent counsel consistent with section 2266 of this title.

"(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State defendants tried for a capital offense and all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing one or more counsel to represent the defendant or prisoner upon a finding that the defendant or prisoner—

"(A) is indigent and has accepted the offer; or

"(B) is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing, if necessary, that the defendant or prisoner has rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the defendant or prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent—

"(1) a State defendant being tried for a capital offense; or

"(2) prisoner under capital sentence during direct appeals in the State courts,

shall have previously represented the defendant or prisoner at trial or on direct appeal in the case for which the appointment is made unless the defendant or prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal collateral post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under this chapter or section 2254 of this title. This subsection shall not preclude the appointment of different counsel at any phase of Federal post-conviction proceedings.

"§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the appropriate State court of record of an order pursuant to section 2261(c) of this title for a prisoner under capital sentence, a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed pursuant to section 2254 of this title. The application must recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus petition under section 2254 of this title within the time required in section 2263 of this title; or

"(2) upon completion of district court and court of appeals review under section 2254 of this title, the petition for relief is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254 of this title, in the presence of counsel and after having been advised of the consequences of making the waiver.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution or grant relief in a capital case unless—

"(1) the basis for the stay and request for relief is a claim not previously presented in the State or Federal courts;

"(2) the failure to raise the claim—

"(A) was the result of State action in violation of the Constitution or laws of the United States;

"(B) was the result of a recognition by the Supreme Court of a new Federal right that is retroactively applicable; or

"(C) is due to the fact the claim is based on facts that could have been discovered through the exercise of reasonable diligence in time to present the claim for State or Federal post-conviction review; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the jury's determination of guilt on the offense or offenses for which the death penalty was imposed.

"§ 2263. Filing of habeas corpus petition; time requirements; tolling rules

"Any petition for habeas corpus relief under section 2254 of this title must be filed in the appropriate district court not later than 180 days after the filing in the appropriate State court of record of an order issued in compliance with section 2261(c) of this title. The time requirements established by this section shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner seeks review of a capital sentence that has been affirmed on direct appeal by the court of last resort of the State or has otherwise become final for State law purposes; and

"(2) during an additional period not to exceed 60 days, if counsel for the State prisoner—

"(A) moves for an extension of time in Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus petition under section 2254 of this title; and

"(B) makes a showing of good cause for counsel's inability to file the habeas corpus petition within the 180-day period established by this section.

"§ 2264. Evidentiary hearings; scope of Federal review; district court adjudication

"(a) Whenever a State prisoner under a capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall—

"(1) determine the sufficiency of the evidentiary record for habeas corpus review; and

"(2) conduct any requested evidentiary hearing necessary to complete the record for habeas corpus review.

"(b) Upon the development of a complete evidentiary record, the district court shall rule on the merits of the claims properly before it.

"(c)(1) except as provided in paragraph (2), a district court may refuse to consider a claim under this section if—

"(A) the prisoner previously failed to raise the claim in State court at the time and in the manner prescribed by State law;

"(B) the State courts, for that reason, refused or would refuse to entertain the claim; or

"(C) such refusal would constitute an adequate and independent State law ground that would foreclose direct review of the State court judgment in the United States Supreme Court.

"(2) A district court shall consider a claim under this section if the prisoner shows that the failure to consider such a claim would result in a miscarriage of justice.

"§ 2265. Certificate of probable cause inapplicable

"The requirement of a certificate of probable cause in order to appeal from the district court to the court of appeals does not apply to habeas corpus cases subjects to this chapter except when a second or successive petition is filed.

"§ 2266. Counsel in capital cases; trail and post-conviction standards

"(a) A mechanism for the provision of counsel services to indigents sufficient to invoke the provisions of this chapter under section 2261(b) of this title shall provide for counsel to indigents charged with offenses for which capital punishment is sought and to indigents who have been sentenced to death and who seek appellate or collateral review in State court.

"(b)(1) In the case of an appointment made before trial, at least one attorney appointed under this chapter must have been admitted to practice in the court in which the prosecution is to be tried for not less than 5 years, and must have had not less than 3 years' experience in the trial of felony prosecutions in that court.

"(2) In the case of an appointment made after trail, at least one attorney appointed under this chapter must have been admitted to practice in the court of last resort of the State for not less than 5 years, and must have had not less than 3 years' experience in the handling of appeals in that State courts in felony cases.

"(3) Notwithstanding this subsection, a court, for good cause, may appoint another attorney whose background, knowledge, or experience would otherwise enable the attorney to properly represent the defendant, with due consideration of the seriousness of the possible penalty and the unique and complex nature of the litigation.

"(c) Upon a finding in ex parte proceedings that investigative, expert or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or issues relating to sentence, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall order the payment of fees and expenses therefor, under subsection (d). Upon finding that timely procurement of such services could not practicably await prior authorization, the court may authorize the provision of and payment of such services nunc pro tunc.

"(d) Notwithstanding the rates and maximum limits generally applicable to criminal cases and any other provision of law to the countrary, the court shall fix the compensation to be paid to an attorney appointed under this subsection and the fees and expenses to be paid for investigative, expert, and other reasonably necessary services authorized under subsection (c), at such rates or amounts as the court determines to be reasonably necessary to carry out the requirements of this subsection. A State court's determination of reasonable compensation, fees, and expenses shall not be reviewable in proceedings under this chapter or under section 2254 of this title, and any alleged insufficiency in compensation, fees, or expenses shall not be grounds for granting a writ of habeas corpus under this chapter or under section 2254 of this title, unless the court finds that the compensation, fees, and expenses awarded were so insufficient as to result in a denial of due process.

"§ 2267. Law controlling in Federal habeas corpus proceedings; retroactivity

"In cases subject to this chapter, all claims shall be governed by the law as it was when the petitioner's sentence became final, supplemented by an interim change in the law, if the court determines, in light of the purpose to be served by the change, the extent of reliance on previous law by law enforcement authorities, and the effect on the administration of justice, that it would be just to give the prisoner the benefit of the interim change in the law.

"§ 2268. Habeas corpus time requirements

"(a) A Federal district court shall determine any petition for a writ of habeas corpus brought under this chapter within 110 days of filing.

"(b) The court of appeals shall hear and determine any appeal of the granting, denial, or partial denial of a petition for a writ of habeas corpus brought under this chapter within 30 days after the appeal is submitted.

"(c) The Administrative Office of United States Courts shall report annually to Congress on the compliance by the courts with the time limits established in this section.".

(b) AMENDMENT TO TABLE OF CHAPTERS.—The table chapters for part IV of title 28, United States Code, is amended by inserting after the item for chapter 153 the following:

"154. Special habeas corpus procedures in capital cases 2261".

(c) AMENDMENT TO SECTION 2254 OF TITLE 28.—Section 2254(c) of title 28, United States Code, is amended by—

(1) striking "An applicant" and inserting "(1) Except as provided in paragraph (2), an applicant"; and

(2) adding at the end thereof the following:

"(2) An applicant in a capital case shall be deemed to have exhausted the remedies available in the courts of the State when he has exhausted any right to direct appeal in the State.".

EXPANSION OF SUPPORT FOR EAST EUROPEAN DEMOCRACY PROGRAM

HELMS (AND OTHERS) AMENDMENT NO. 1623

(Ordered referred to the Committee on Foreign Relations.)

Mr. HELMS (for himself, Mr. BURNS, Mr. D'AMATO, Mr. PRESSLER, Mr. COATS, Mr. LOTT, Mr. SYMMS, Mr. LUGAR, Mr. MACK, Mr. BOSCHWITZ, and Mr. KASTEN) submitted an amendment intended to be proposed by them to the bill (S. 2040) to expand the size and scope of the Support for East European Democracy [SEED] Program, as follows:

Strike all of section 2(b)(2), all of section 701 and in section (3), strike all from "to include extending" through "market-based economy", and all from "In addition" through "SEED Program activities.".

Mr. HELMS. Mr. President, I am submitting an amendment to S. 2040, legislation proposed by the chairman of the Senate Foreign Relations Committee, Mr. PELL, and others, to expand U.S. assistance to Eastern Europe. This amendment would delete those provisions of S. 2040 which would authorize using the money of the American taxpayer to aid the Soviet Union. I am pleased to have as cosponsors of this amendment Senators BURNS, D'AMATO, PRESSLER, COATS, LOTT, SYMMS, LUGAR, MACK, BOSCHWITZ, and KASTEN.

Mr. President, S. 2040, or as it is commonly known, SEED II, was introduced on January 30, 1990. It would expand Public Law 101-179, enacted last year to provide aid to Poland and Hungary. The bill may be marked up in the Senate Foreign Relations Committee in the near future. We are filing this amendment as a first step toward preventing the enactment of those provisions of S. 2040 authorizing aid to the Soviet Union.

It is hard to believe that the Senate is faced with a serious proposal to authorize using the American taxpayers' money to aid the Soviet Union at this time. The Soviet Union has not gone through the same structural changes as her Eastern European neighbors and still spends a staggering amount of money on its military, including funding of the modernization of nuclear weapons. Any United States assistance provided to the Soviet Union, at best, will go down a rat hole.

The Central Intelligence Agency and Defense Intelligence Agency recently confirmed the dismal nature of the Soviet economy. In testimony before the Joint Economic Committee on April 20, 1990, the CIA noted that Soviet industrial production in 1989 registered its worst performance since World War II. It reported that despite an increase in GNP of 1.5 percent, the gap between production and demand widened greatly. The combination of inflation and shortages of everyday goods made life miserable for the general Soviet populace, with 43 million people, or 15 percent of the population, living below the Soviet's own poverty line. By the end of last year, only 50 of 1,200 standard consumer items were readily available in state stores.

Mr. President, alarming as these figures may be, the Soviets themselves believe the situation is even worse. Soviet economists visiting the United States have been quoted as saying that meat and grain production is only half as high as the CIA believes. They say industrial production dropped 5 percent in the first months of 1990. They even say that Soviet living standards are less than one-third that of Americans.

Despite this obvious indictment of the Communist system, the Soviet Government has seen fit to delay promised economic reforms, indefinitely.

The Soviet Union has also had a hard time paying its debts. On May 2, several major Japanese companies, including C. Itoh and Mitsubishi, filed claims with the Japanese Government, in effect saying that Soviet companies are over 2 months behind in paying off their hard currency debts. According to the Wall Sreet Journal, firms in Europe and right here in the United States are having similar problems. The Journal also noted that some analysts believe that the Soviets' unpaid bills total $500 million.

Mr. President, I ask unanimous consent that the April 21 Washington Post article reporting on the hearing at which the CIA gave its report along with an article from the April 24, 1990, Philadelphia Inquirer on the comments made by the Soviet economists in response to this report and an article from the May 3 Wall Street Journal on the Japanese loans be printed in the RECORD at the conclusion of my remarks.

Despite the obvious decrepit shape of the Soviet Government, the Kremline steadfastly refuses to institute the kind of free-enterprise reforms necessary for any economy to survive and grow.

At the same time, the Soviet economy is in a state of collapse, the Soviets continue to spend significant amounts of money on military spending. The CIA believes the Soviets spend be-

tween 15 to 17 percent of their GNP on their military. The group of Soviet economists who visited the United States estimates that this amount is closer to 25 percent. In contrast, the United States spends only 5.9 percent of our GNP on defense.

Beyond this, the Soviets continue to act against American interests abroad. On Monday, March 19, the Washington Post reported that the Soviets were helping the Communist Angolans launch a final offensive, which again included the use of poison gas, against the UNITA freedom fighters. The Soviets no doubt helped finance this offensive as $1 billion has been given to the Communists in Angola over the past 2 years.

Mr. President, I ask unanimous consent that the Washington Post article, be printed in the RECORD at the end of my remarks.

Over the past few years, Mr. President, the Soviets have deployed a total of 15 new nuclear missile systems. The United States has deployed but one.

Mr. Gorbachev, through the world's largest airlift, has sent between $200 and $300 million worth of arms each month into Afghanistan in order to prop up the unpopular Communist dictatorship there and continue that country's civil war.

It was Mr. Gorbachev, Mr. President, who sent Mig-29's to Cuba, in violation of the Kennedy-Khrushchev agreement, and it was Mr. Gorbachev who sent SAM II missiles to Nicaragua.

Do Senators truly want to send United States tax dollars to the Soviet Union when they are conducting these kinds of activities?

Apparently this is a possibility to which the supporters of S. 2040 want to open the door. Section 3 of the bill authorizes the President to include the Soviet Union "within the scope of SEED Program activities." Section 4(b) of the bill outlines the kinds of assistance for which the Soviet Union would be eligible. Specifically, the Soviets would have access to the International Monetary Fund and World Bank, debt rescheduling, agricultural assistance, technical training, expansion of the peace corps, trade benefits under the General System of Trade Preferences, programs of the Overseas Private Investment Corporation, investment treaties, special tax treatment for below market loans, and encouragement for private investment and voluntary assistance.

Mr. President, the Bush administration shares my concerns on this issue. The administration has advised Congress that it opposes provisions in the bill authorizing aid to the Soviet Union, stating that:

First, the Soviets have not "begun to approach the progress of the Eastern European countries in initiating the process of political and economic reform."

Second, the Soviets continue to "devote substantial resources to international activities directly counter to U.S. interests."

Third, the Soviets have not requested aid.

Fourth, because of our limited resources, aiding a country as large as the Soviet Union would significantly reduce the amount of aid available for Eastern Europe.

Mr. President, I believe that the administration has hit the nail right on the head. I fail to see why Senators would want to authorize sending American tax dollars to aid the Soviets at this time.

In an era when the former satellites in the Soviet bloc are throwing off the yoke of their oppressors and moving toward more democratic systems, the Soviet Union itself remains mired in much of the same economic and military principles as they did before Mr. Gorbachev came into power.

While countries such as Poland and Hungary attempt to engage in free market reforms, the Soviet Union has still has not shaken off the Stalinist economic system.

While countries in Eastern Europe are experimenting with broad multiparty democracies, the Soviet are consolidating power in the hands of one man, President Mikhail Gorbachev.

While the countries of Eastern Europe are experimenting with opening up to the foreign press and allowing as opposition press, the Soviet secret police still stalk some Western reporters and muzzle opposition groups that do not serve their interests, despite the much trumpeted glasnost.

Mr. President, S. 2040 calls for providing aid to help develop democratic institutions and formulate market economies. I agree that the Soviet Union should move toward these goals. I also believe that the countries of Eastern Europe should continue to do likewise. But if we open this program to the Soviets, significant funds will be taken away from the countries of Eastern Europe that this bill is designed to help.

If the sponsors of this legislation really want to aid to the Soviet Union by authorizing Soviet participation in such programs, I invite them to introduce new legislation so that issue can be debated on its merits at a later date.

Last, Mr. President, when the Senate is being asked to help the new democracies, I fail to see the logic in making available to the Soviet Union a United States aid program when they have not even requested our help. I believe in Christian charity as much as the next guy but frankly, Mr. President, this part of the bill is rediculous.

Mr. President, I feel that there are very good reasons not to aid the Soviet Union at this time. My cosponsors and President Bush know this, too. We feel that if we are going to send aid to Mr. Gorbachev, this is neither the right time nor the right vehicle. I urge all Senators to support my amendment.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From The Washington Post, Apr. 21, 1990]

SOVIET ECONOMY "UNSTABLE," U.S. INTELLIGENCE SAYS

(By Don Oberdorfer)

The Soviet economy is in "an unstable state" and could be pushed "over the edge into sharp deterioration" by further strikes, ethnic or regional unrest or other shocks, U.S. intelligence agencies reported yesterday.

Soviet military spending fell much faster last year than previously believed—by 4 or 5 percent, the agencies said.

The Central Intelligence Agency and Defense Intelligence Agency presented their bleakest-ever estimates on the Soviet economy to the Joint Economic Committee of Congress, which released them yesterday.

"Soviet economic performance was abysmal in 1989—the worst since [President Mikhail] Gorbachev took over," said CIA Deputy Director John L. Helgerson. For the foreseeable future, Helgerson said in presenting the agency's annual report on the Soviet economy, "the prospect of even a modest economic recovery appears to be remote at best."

Perhaps the most notable departure from past versions of this annual report was the judgment that "there is a reasonable chance that the economy could deteriorate sharply" into what some Western economists have called a virtual "free fall," bringing a severe and immediate crisis.

According to the report, "a single major event or series of smaller linked events could push the economy over the edge into sharp deterioration" of perhaps 20 percent in output over a year or two, leading to economic chaos. Possible catalysts for such a crisis, the report said, could be strikes, ethnic or regional unrest, consumer panic or sudden privatization or decontrol of prices.

The analysis, titled "The Soviet Economy Stumbles Badly in 1989," appears to have been the basis of CIA Director William H. Webster's statement April 12 that the Soviet Union has entered a "deep and prolonged" crisis. It is also consistent with Secretary of State James A. Baker III's gloomy—though notably less alarmist—report on the Soviet economy to the House Ways and Means Committee Wednesday.

The major bright spot, from a U.S. standpoint, is the first unequivocal CIA-DIA statement that the Soviet Union's military strength is declining significantly. Last year, the report said, Soviet weapons spending declined 6 to 7 percent, overall military spending declined 4 to 5 percent and Soviet military forces declined by 200,000 troops.

As recently as last November, the CIA had estimated that overall Soviet military spending had declined by only 1.5 percent in 1989. This early indication of Soviet cutbacks came to light shortly after President Bush, Vice President Quayle and Defense Secretary Richard B. Cheney had made public statements emphasizing that Mos-

cow's defense spending had increased in each of the previous four years.

Sen. Jeff Bingaman (D-N.M.), chairman of the subcommittee that received the new report, said it painted a "very different picture" from that contained in the Pentagon's annual "Soviet Military Power" study. He added, "If these trends continue, we may actually see a significant slowing of the arms race."

In a special summary of the military situation, DIA acting Deputy Director Dennis M. Nagy said the Soviets are "well on their way" to making good on the unilateral troop and weapons cuts announced by Gorbachev in his dramatic address at the United Nations on Dec. 7, 1988. The DIA estimates that the Soviets have completed at least half of the tank reductions and about three-quarters of the artillery and combat aircraft reductions Gorbachev promised in Europe, Nagy said.

Nagy also reported the Soviet Union is following through on cutbacks in Soviet forces along the Sino-Soviet border and in Mongolia, where the DIA estimates that all Soviet ground forces will be gone by the end of next year. Moscow will continue to be able to defend its Asian borders, but will be "less capable of offensive operations" than in the past, Nagy said.

In a two-hour conversation with a delegation of visiting U.S. senators in the Kremlin April 12, Gorbachev called the economy his "most important task" and said the present time is "the most trying moment" for his perestroika reform program because the old centeralized economic system is being abandoned but a new economic system is not yet in place.

Recent reports from Moscow have disclosed that the government there has prepared sweeping, potentially disruptive economic reforms, but has so far postponed announcing or implementing them.

The CIA-DIA report, noting that no centrally planned economy has yet made a successful or complete transition to a market economy, expressed caution about the prospects for decisive action on economic reform. Even if a major reform package is advanced and made law in the Soviet Union, it will have little positive impact in the short run and might have a temporarily "destablizing effect" on economic growth, the report said.

The stagnation of the Soviet economy has been documented in a nearly consistent string of previous CIA-DIA reports, except for the report of 1986, Gorbachev's first full year, when a bumper harvest boosted economic activity. But the current report placed greater stress than in the past on the severe shortages and price rises facing consumers, developments blamed on such factors as the production and transportation breakdowns and an inflationary budget deficit that has been sharply rising.

"The combination of inflation and shortages made daily life miserable for all but the most privileged segments of Soviet society," according to the report. About 43 million people, or 15 percent of the population, are officially described by the Soviets as living in poverty, and even for the rest, shortages and economic frustration are pervasive.

The report said only 200 of 1,200 standard consumer items were readily available in Soviet state stores last August. By year's end, only 50 such items were available. The agencies, said the "quality of life" in the Soviet Union "is well below that in Western industrialized countries and closer to that in such less developed nations as Mexico and Portugal."

As things stand, the report forecasts, the Soviet economy at best will continue to stagnate in 1990.

[From the Philadelphia Inquirer, Apr. 24, 1990]

U.S.S.R. Economy Worse Than CIA Thinks, Soviets Say

(By Robert A. Rankin)

Washington.—The Soviet Union's economy is much weaker than the CIA thinks—even though the CIA thinks that it is feeble to the point of "near-crisis," top Soviet economists said yesterday.

The CIA reckons that the Soviet economy is about half the size of the United States', but it really is only 14 percent to 28 percent as large, the Soviet experts said.

Soviet living standards are not close to being the one-third of U.S. levels that CIA data indicate, they said.

And military expenses swallow about 25 percent of Soviet production, they added, a much bigger bite than the CIA's estimate of 15 percent to 17 percent.

In a news conference here resembling a game of "Can you top this?" the Soviet experts detailed just how broken down their economy is:

Soviet industrial production sank by at least 5 percent in the first three months of 1990.

Meat production is only half as high as official Soviet statistics indicate, and grain output is similarly overstated.

Most consumer goods, once running in short supply, now are simply nonexistent.

"You can buy bread, some milk products, not all. Sugar you can buy only if you have ration tickets. No refrigerators. No TV sets. No furniture. No vacuum cleaners, and so on. No shoes," summarized Oleg Bogomolov, director of the Institute of Economics of the World Socialist System, who is also a member of the Soviet parliament and the U.S.S.R. Academy of Sciences.

"I know very well that our economy is experiencing a very deep crisis, and the situation is deteriorating," Bogomolov said.

On that basis point, at least, the CIA and Soviets agree.

On Friday, the CIA told Congress' Joint Economic Committee that the Soviet economy was in "an unstable state' and that it could be pushed by events into "chaos," with output plummeting 20 percent.

Widespread strikes, ethnic conflict and severe weather could trigger such a free fall in production, the Soviet experts generally agreed yesterday. But they said they worried less about such dramatic plunges than about the continuing breakdown of their system.

Consumer markets and state distribution systems "are collapsing," and the state of Soviet agriculture "is as grave as it used to be," said Vladimir Tikhonov, a leading Soviet academician, member of parliament and chairman of the Joint Union of Cooperatives of the U.S.S.R.

"In other words, the crisis is developing, and for a couple of years in the future I don't see anything positive in that respect," Tikhonov said.

CIA and Soviet experts compared notes at an unprecedented four-day closed-door retreat in nearby Warrenton, Va., over the weekend. A panel of the Soviet experts met media reporters yesterday at a conference hosted by the American Enterprise Institute.

The Soviets criticized government monopoly power as the root of the Soviet Union's economic evils, which Tikhonov said dated from 1922, "when government began to centralize control over the economy."

"The motivation to labor has been completely lost." said Viktor Belkin of the Soviet Union's Academy of Sciences.

"The people will not work for empty money. The state pretends to pay people wages, and the people pretend to work," Bogolov said. Instead, he added, workers "need real material incentives. This is the goal of our economic reforms."

CIA estimates of the Soviet economy have long been badly skewed, the Soviet experts said. CIA miscalculations are caused mainly by the inherent difficulty of comparing the nonmarket Soviet economy—with its false official statistics—with the United States' price-directed market system, the Soviet experts said.

Another reason may be that CIA estimates have been "adjusted for political purposes" to make the Soviet Union appear more formidable, Belkin said.

[From the Wall Street Journal, May 3, 1990]

Japanese Traders Informing Tokyo Soviet Bills Unpaid

(By Yumiko Ono)

Tokyo.—Concerned about Soviet Importers not paying their bills, Japanese companies are making the first moves to claim export insurance on trade with the Soviet Union.

Major trading houses, including C. Itoh & Co., Mitsui & Co., Mitsubishi Corp. and Nissho Iwai Co., confirmed they have submitted notices informing the government that some Soviet trading partners are delaying payment on import contracts.

As previously reported, many Soviet organizations are having difficulties honoring trade commitments in a timely fashion. Dozens of U.S. and European companies have complained in recent months about nonpayment from Soviet customers, and some companies have halted deliveries pending payment. Some analysts estimate the unpaid bills total as much as $500 million.

SWEEPING DECENTRALIZATION

The recent delay in payments arises in part from a sweeping decentralization of Soviet foreign trade this past year, Japanese company officials said. Numerous Soviet trading organizations have sprouted since the reform, but some lack foreign currency to pay their bills on time. And Soviet banks are reluctant to bail them out, as they have in the past. Trading house officials say Soviet steel-trading organizations, in particular, have been asking Japan to extend payment deadlines.

U.S. companies, which also have reported difficulty getting paid by the Soviets, aren't covered by official export insurance as many of their Japanese and European counterparts are for Soviet trade. So far, the payment delays don't seem to have brought significant European claims to insurers. A spokesman for Britain's Export Credit Guaranty Department said "things haven't reached the claims stage yet."

An official for C. Itoh, commenting on the Soviet payment problem, said. "Trade isn't going smoothly." The company's trade with the Soviet Union last year reached about $300 million. "The [contract] settlements are being extended." The company recently

informed the government about a delay in payment for chemical products, the official said.

Japan's giant trading houses said they don't intend to cut exports immediately, even though the delayed payments may total as much as $200 million. There are no reports so far of Japanese companies halting deliveries, but trading company officials said exports could be affected if delays in Soviet payments continue.

Notification of payments problems routinely goes to the Ministry of International Trade and Industry if insured export contracts aren't settled for more than two months. The notice is a preliminary step in claiming insurance. The next step would be for MITI to begin investigating to determine if payment is required.

MITI's international trade-insurance division wouldn't confirm receiving notifications. An official also denied a Japanese press report that the ministry itself urged the companies to submit the notifications. But he said that if notifications involving a specific area increase, the government will investigate.

SMALL TRADE

Japanese-Soviet trade isn't large, edging up only 3.2% in 1989 from a year earlier, to $6.09 billion. Japan's exports to the Soviet Union were $3.08 billion in 1989, down slightly from $3.13 billion in 1988.

Analysts said that Japanese trading houses are keeping a low profile on the problem, in part because they don't want to damage trade prospects. "They're being cautions," said Kazuko Motomura, an official with the Institute for Soviet and East European Economic Studies, a research organization set up by traders who do business with Eastern Europe. "But they're also thinking about the promising possibilities of the market in the future."

Officials with Marubeni Co. and Sumitomo Corp., for example, acknowledged that there was a general move toward submitting notices but declined to say if further actions are under way.

But officials at other houses stressed that the notifications were purely routine. "We think that the Soviet Union will definitely make the payment," said Tetsuya Onishi, and official in Nissho Iwai's public relations division. Though Nissho Iwai received payments for the bulk of its annual $400 million exports, it filed a notice for steel and chemical products, Mr. Onishi said. The company still intends to participate in a consortium that is involved in a 38 billion yen ($239.4 million) project to build three compressor plants in the Soviet Union, he added.

[From the Washington Post, Mar. 19, 1990]

ANGOLAN WAR IN SHOWDOWN

(By David B. Ottaway)

JAMBA, ANGOLA.—The Angolan civil war appears to be reaching a climax as U.S.-backed rebels led by Jonas Savimbi and the Soviet-armed Angolan army are locked in their biggest battlefield encounter, with heavy casualties on both sides.

After nearly three months of fighting, however, an offensive launched by the Angolan army Dec. 21 to take Mavinga, the gateway town to Savimbi's headquarters here, has reached what appears to be a stalemate just to the north.

The latest offensive in sub-Saharan Africa's only sustained conventional war, however, leaves the government in a stronger military position than before it attacked, and comes as U.S. and Soviet officials are preparing to discuss a possible joint intervention to settle the continent's last Cold War conflict.

Both superpowers have heavy and long-term stakes in Angola, with massive amounts of Soviet-supplied equipment used by government forces and with the Bush administration providing $50 million in covert military aid to Savimbi and an emergency airlift of supplies to help thwart the current offensive.

Secretary of State James A. Baker III and Soviet Foreign Minister Eduard Shevardnadze are planning a two-day meeting in Windhoek, the Namibian capital, beginning Tuesday, the eve of that country's independence from South Africa.

After its deepest penetration into Savimbi's heartland in southeastern Angola in the 15-year-old war, the Angolan army now finds its most forward units outside Mavinga in a tenuous position. The army's logistical lines are stretched 85 miles from Cuito Cuanavale to the west, and are exposed to constant harassment by Savimbi's guerrillas. Its soldiers are facing shortages of oil, gasoline, food and water, according to Savimbi and his military intelligence chief, Gen. Peregrino Isidoro Wambu Chindondo.

Savimbi said the two sides are now engaged in a "war of logistics." He claimed to be in a better position to prevail by bringing "the mostest and fastest" resupplies to the front, because the government forces "are in my land."

"No one is ambushing my convoys, no one is harassing my roads," Savimbi said.

The latest offensive, which even the government in Luanda has described as the last of the war, has caused heavy casualties on both sides. As of March 12, the Angolan army had lost 724 men and Savimbi's forces 186, with 558 wounded, according to his side's count.

Making use of hundreds of Soviet-provided, fast-moving armored personnel carriers, as well as Soviet tactics, the Angolan army has mounted its most impressive offensive to date, managing to cross the Lomba River and almost seizing Mavinga for the first time in the war. Pentagon officials estimate that the Soviet Union has provided $1.2 billion to $1.5 billion in materiel for this offensive over the past two years.

But the United States has come to the rescue of Savimbi's forces by mounting an emergency airlift of oil, gasoline, and antitank missiles, allowing Savimbi to stall the Angolan offensive just shy of its main objective of capturing Mavinga.

The American airlift has made use of the Kamina air base in southern Zaire and involved scores of night flights to dirt-strip airports around here and Licua, 125 miles northwest, according to U.S. and Angolan sources.

The Bush administration had already earmarked at least $50 million for its covert military program to aid Savimbi's National Union for the Total Independence of Angola (UNITA) this fiscal year. It is unclear whether the United States has increased that amount or accelerated the shipment of weapons already in the pipeline, including Stinger antiaircraft missiles and TWO and LAW antitank missiles.

"Without the support we got from the United States, I think this time we would be in really serious trouble," said Savimbi in a late-night interview earlier this week at his underground bunker headquarters here. "They [the Americans] have been very, very helpful."

But he said it had been "very difficult" to convince the U.S. intelligence community that the Angolan government was seeking more than small-scale tactical advantages at the onset of the current fighting. The U.S. response was delayed "until they saw it was really a big offensive," Savimbi said.

Gen. Wambu said UNITA had committed 15,000 regular forces and guerrilla commandos to halt what he estimated to be 12,000 regular Angolan army troops using 400 tanks and armored personnel carriers to pierce UNITA's defenses.

Both Savimbi and Wambu said it was by far the Angolan army's biggest offensive and involved Soviet advisers and transport planes but—for the first time—no Cuban assistance.

Savimbi said the Soviets proved to be "the radicals" in favor of the offensive, while the Cubans were "the moderates." During secret meetings in Paris, Geneva and Vienna, Savimbi said, the Cubans told him that "they were against this offensive."

Cuba has become preoccupied with the logistics of withdrawing its 50,000 troops from Angola under terms of a U.S.-brokered agreement among South Africa, Angola and Cuba, signed in December 1988, which also set in motion the independence process for Namibia.

Cuba has notified South Africa that the mandated withdrawal of two-thirds of the Cuban force by April 1 is running a few hundred troops behind schedule. This was caused by a month-long halt to the pullout, ordered by Havana, after four Cuban soldiers were killed in a UNITA attack.

The Bush administration also believes the Soviets are deeply involved in the offensive and has complained repeatedly to Moscow about it, according to U.S. officials.

Savimbi appeared relaxed and relatively confident of success as he recounted an attack that day on a 47-vehicle convoy carrying food, fuel, water and ammunition to the Angolan army's most forward position, which he said was about five miles northwest of Mavinga.

"It is my feeling the offensive is going against them. I don't say all the resources of the [Angolan army] are depleted, not yet. They have more resources. But they have committed their best troops and commanders from the beginning. . . . They have committed the best they have. If the results are what they are, I don't see where they are going to get more troops to better the situation," he said.

Beginning in 1988, the Soviets have supplied hundreds of armored personnel carriers to the Angolan army and taught it how to use them in large numbers for fast strikes over long distances, Gen. Wambu said.

The Soviets also have given the Angolan army a new artillery piece, which Savimbi described as the M-46. He said it has a range of almost 25 miles. Savimbi said that before the current fighting his forces had captured a Soviet D-30, which has only a 10-mile maximum range.

The Angolan army has moved for the first time in what Savimbi described as "tactical groups" of 600 troops, which he said were "the most aggressive forces to break our resistance."

The Soviets also have taught the Angolans how to defend a resupply convoy in a manner that makes it difficult to knock out the main vehicles, Savimbi and Wambus said.

The Angolan forces have used Soviet-built MiG-23 and Su-25 attack aircraft to bombard UNITA positions. However, the war-

planes have had to fly at such a high altitude to avoid the three-mile range of UNITA's U.S.-provided Stinger missiles that they are "not effective" in the fighting, Savimbi said.

He said UNITA intelligence estimated that only high-altitude missiles could shoot down the high-flying Angolan fighters, but these weapons were so sophisticated that he decided not to ask the United States to provide them.

Savimbi seemed to dismiss the threat of the Angolan warplanes, except to his headquarters in Jamba, which was bombed for the second time this month while three reporters visited last week.

UNITA officers accompanying the reporters handed them wet towels, for use in the event the warplanes dropped bombs that, they said, spewed canisters filled with nerve gas. They said the poison gas was responsible for paralyzing a number of UNITA soldiers and civilians.

Thirty-six hours after the bombing, the reporters were taken by UNITA officers to a spot where one of these bombs allegedly had exploded. Scattered over a 500-yard area and sometimes dug into the earth were a number of canisters that were the shape, and perhaps twice the length, of a soup can.

A white substance was visible around several of the canisters, which emitted a strong, pungent smell. However, it was impossible to determine whether the substance was toxic, as UNITA claims.

NOTICES OF HEARINGS

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Committee on Veterans' Affairs, which I am priviledged to chair, is scheduled to hold a hearing on Tuesday, May 22, 1990, in SR-418 at 9:30 a.m., to consider the nominations of Donald L. Ivers and Jonathan R. Steinberg to be associate judges on the U.S. Court of Veterans Appeals.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Wednesday, May 15, 1990 at 10 a.m. to conduct an oversight hearing on the safety and soundness of Government-sponsored enterprises; and to vote on the nominations of David Mullins to be a member of the Federal Reserve Board and Michael Galvin to be an Assistant Secretary of Commerce.

The PRESIDNG OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEAHY. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 15, beginning at 10 a.m., to hear testimony on pending legislation concerning financing of environmental protection facilities in small communities including S. 1296, S. 1331, S. 2184, and S. 1514.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Armed Services Committee be authorized to meet in open session on Tuesday, May 15, 1990, at 9:30 a.m. to receive testimony on the medical programs of the Department of Defense in review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 15, 1990, at 10 a.m. to hold a hearing on commercial space programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate at 10 a.m., May 15, 1990, for a hearing to receive testimony on S. 2415, to encourage solar and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Policies Act of 1978.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, May 15, 1990, to hold hearings on the fraud and abuse in employer sponsored health benefit plans.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 35TH ANNUAL DETAILED FINANCIAL REPORT OF SENATOR PAUL SIMON

● Mr. SIMON. Mr. President, it has been my practice in each of the 35 years I have spent in public life to volunteer a detailed accounting of my finances.

I ask that my financial report for 1988 be printed in the RECORD.

The financial report and related announcement follow:

ANNOUNCEMENT

For the 35th consecutive year that he has held public office, U.S. Senator Paul Simon, D-Ill., has released a detailed description of his income, assets and liabilities.

Simon has been making the voluntary annual statements longer than any other national officeholder, according to his office. Simon set his policy when he entered public service as a State representative in 1955 from the world of business. He followed the practice during 8 years in the Illinois House of Representatives, 6 years in the Illinois Senate, 4 years as lieutenant governor and 10 years in the U.S. House of Representatives. The listing predates disclosure requirements of State and Federal law and continues to exceed those requirements. Senate rules today require only the listing of income in broad brackets. His practice also has set the standard for officeholders in Illinois, where a generation has looked to Simon as a model of public income disclosure obligations. Simon also continues to exceed Senate requirements by listing detailed income for his wife, Jeanne.

The Illinois Senator lists 1989 income for himself and Jeanne Simon totaling $188,368.97. The figure includes his Senate salary, honoraria and reimbursements for travel and other expenses, and other items.

The Simons had assets of $374,170 and liabilities of $173,473 for a net worth of $200,697.

Income Statement of Paul and Jeanne Simon—1989

General income (Paul Simon):	
Salary, U.S. Senate	$89,500.00
State of Illinois, General Assembly System	18,660.00
Book royalties	1,481.00
U.S. Senate, expense reimbursement	37,181.43
Simon for Senate, expense reimbursement	2,547.85
Popcorn Factory, reimbursement	5.95
Blue Cross/Blue Shield, reimbursement	793.37
Equitable Life, Health Insurance, Reimbursement	216.50
Paul Simon Official Office Account, expense reimbursement	27.40
Home Insurance, refund	289.54
Honoraria (including travel reimbursement) and articles:	
Educational Testing Service, talk	1,200.00
National Association of Independent Colleges and Universities, talk	1,000.00
Association of Community Colleges Trustees, talk	1,000.00
National Conference on Public Employee Retirement Systems, talk	2,000.00
United Media (Pharos Books), article	200.00
Armenian Assembly of America, talk	2,000.00
Abraham Lincoln Association, talk (Donated to Dana College)	1,000.00
Evangelical Lutheran Church in America, article	50.00
Women's Democratic Forum of Greater St. Louis, talk	2,000.00

Income Statement of Paul and Jeanne Simon—1989—Continued

American Hospital Association, talk	2,000.00
M.C.A., Inc., talk	2,000.00
Steel, Hector & Davis, talk	2,000.00
Royal Caribbean Cruise Line, talk	2,000.00
American Speech, Language, Hearing Assn, talk	2,000.00
African Council on the Teaching of Foreign Languages, article	200.00
Pillsbury Company, talk	2,000.00
General income (Jeanne Simon):	
Salary, The Fund for Peace, Inc.	5,400.00
Salary, Washington Financial Group	1,600.00
Book Royalties, sales	4,378.00
The Fund for Peace, Inc., expense reimbursement	420.32
Eastern Illinois University, expense reimbursement	733.07
Crossroad/Continuum, expense reimbursement	150.00
Democratic Wives Forum, expense reimbursement	135.00
Interest income:	
Polish National Alliance	18.00
U.S. Senate Federal Credit Union	331.00
General American Life	181.00
Franklin Fund	357.00
Dividends:	
Adams Express	363.00
Chock Full O'Nuts	3.00
Credit Union	1.00
Bethlehem Steel	1.00
SLH Fund	18.00
Dreyfus Convertible Securities Fund	301.00
Dreyfus Bond Fund	1,357.00
Lomas & Nettleton Mortgage	174.00
Lomas Financial Corp	53.00
Gulf & Western	2.00
Pax World Fund	156.00
Quaker Oats	50.00
Paramount Communication	1.00
Ralston Purina	20.00
Scott Paper	6.00
Sale of assets:	
Sold 100 shares of Lomas Financial purchased in 1988. Cost, $1,916.93; sold, August 17, 1989 for $670.72	
Loss on sale	1,246.21
Sold 8 shares of Borman's, purchased 1965. Cost $163.25; sold, April 13, 1989 for $216.	
Gain on sale	52.75
Net loss	−1,193.46
Total income	188,368.97

Paul and Jeanne Simon—Net Worth Statement—December 31, 1989

General assets:	
First Bank of Carbondale, checking account	$11
Credit Union, Rantoul	12
U.S. Senate Federal Credit Union	478
Franklin Money Fund	3,937
Shearson, Lehman, Hutton, money funds/cash	75
Loan to Senator Paul Simon Official Office Account	2,000
U.S. Saving Bonds	3,000
Deposit, Harbour Square Apartments	50

Paul and Jeanne Simon—Net Worth Statement—December 31, 1989—Continued

Christian Church of Salem, bond	250
General American Life Insurance, cash value	3,926
Polish National Alliance Insurance, cash value	2,084
Congressional Retirement System, cash value	56,935
Thrift Savings Plan	2,833
B & T Enterprises	332
11.8 Acres and Home, Makanda, Illinois (Appraised in March 1987)	204,000
Furniture and Presidential autograph collection	18,000
1983 Ford Mustang	2,500
1980 Chevrolet	1,000
Stock and bond holdings with number of shares:	
Adams Express, 195	3,048
Bethlehem Steel, 5	93
Chock Full O'Nuts, 10	66
Dreyfus Fund, 1,527.2	19,060
Dreyfus Convertible Securities Fund, 345	3,215
Franklin Fund, 3,926.5	3,927
Intergroup, Inc., 25	381
Jet-Lite, 120 (Approximate)	300
Lomas & Nettleton Mgt. Invest., SBI, 100	588
Paramont Communications, Inc., 2	102
Pax World Fund, 179.8	2,514
Quaker Oats, 40	2,310
Ralston Purina, 12	996
Rohr Industries, 6	122
Scott Paper, 4	193
United M & M, 8	17
Wal-Mart Stores, Inc., 24	1,077
IRA—Paul	
SLH Money Funds	667
Adams Express Co., 445	6,953
Lands End, Inc., 17	344
Pacific Enterprises, 56	2,828
Pacific Gas & Electric Co., 40	880
Price Co., 24	1,110
Quaker Oats Co., 142	8,201
Ralston Purina Co., 10	830
Southwest Water Co., 86	1,376
Total	23,189
IRA—Jeanne	
SLH Money Funds	359
Adams Express Co., 452	7,641
Lands End, Inc., 22	446
Pacific Gas & Electric Co., 40	880
Quaker Oats Co., 4	231
Ralston Purina Co., 24	1,992
Total	11,549
Total assets	374,170
Liabilities:	
Polish National Insurance, loan	1,462
General American Insurance, loan	3,021
Landmark Bank Lebanon, mortgage	150,999
Bank of Illinois, Mt. Vernon, IL, note	17,991
Total liabilities	173,473
Total assets	374,170
Total liabilities	173,473
Net worth	200,697

GIFTS, received of more than $25.00 value, outside of immediate family:

Two (2) prints of Native-Americans from Duke Bingham—Value unknown.

Two (2) books from Free Library of Philadelphia—Value unknown.

Water color painting from Stan Glass—Value unknown.

Book from Jane Goodall—$35.00.

Gloves from Tonian Hochberg—Value unknown.

Book on Armenian art from Dr. & Mrs. Hovanessian—Value unknown.

Small wooden jewelry box from Naotaka Hukui—Value unknown.

Sony Watchman TV from Association of Independent Television—$87.88.

Lamp from President of Malawi—Value unknown.

Food items (variety) from RJR Nabisco—Value unknown.

Quilt from Laura Spear—Value unknown.

Director's chair from Universal Studios—Value unknown.

Vase from Wei-jen Hu—Value unknown.●

ALBUQUERQUE UNITED 76 FOOTBALL CLUB WINS STATE SOCCER CHAMPIONSHIP

● Mr. DOMENICI. Mr. President, I would like to recognize an outstanding youth soccer team from my hometown of Albuquerque which has just won the title of State champions in the under-14 age group at the New Mexico State Cup Soccer Tournament. The Albuquerque United 76 Football Club defeated eight opponents by a combined score of 47 to 3 to win this title. This team, coached by Dr. Larry Azevedo, now advances to the Western Regional Soccer Tournament in Bakersfield, CA, June 15-19, 1990. I want to wish them the very best in this prestigious tournament and to congratulate them for their fine victory last week.

The members of the team are: Keith Thompson, Matt Udell, Chester Goodson, Timothy Atler, Scott Coday, Matt Ellis, Steven Kraemer, Jerry Winton, Jeff Byers, Todd Trevino, Pancho Macias, Zack Cheney, Heath Driver, Jesse Harvey, and Matt McKinney.

The team's 1989-90 record was 30 wins, 10 losses and 2 ties, and included participation in tournaments in Houston, Phoenix, and Los Angeles.●

AMERICA'S VOLUNTEER ARMED FORCES

Mr. McCONNELL. Mr. President, there exists a saying that "it is a dangerous job, but someone must do it." I can think of no better application of this aphorism than to the brave men and women who serve in America's volunteer Armed Forces.

It takes a tough person to serve in the military; one who is willing to make personal sacrifices so that others may enjoy democracy. As a volunteer force, no one has asked these Americans to serve their country—no one has asked them to labor and toil for freedom's sake. I would offer, Mr. President, that they do so because of their respect for liberty, justice, and independence.

During times of war, our Armed Forces personnel often find themselves within reach of the Grim Reaper's cold embrace. On fields of combat—be it land, air, or sea—they confront a hostile force so that other Americans won't have to. I can think of no sacrifice as noble or honorable than the defense of one's country.

Last week, two accidents occurred on Naval vessels that provide a reminder of the hazards of duty. I think I speak for all my colleagues in offering sincere condolences to the families of the sailors who perished aboard the U.S.S. *Conyngham*. Mr. President, my heart especially goes out to the family of GSE 3 Norbert Thomas Hanke, who died aboard LCAC 008 while on the Chesapeake Bay. I would like to say to the many family members that their loved ones are remembered for their selfless sacrifices, for their patriotism and dedication to America.

FORMER MEMBER OF CONGRESS ELDON RUDD ENDORSES CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, I have been sharing letters with Senators from many former Members of Congress who support term limitation. In my opinion, the views of former Members are particularly noteworthy, because they are a unique group of people who have made laws and then lived under them. I think all current Members could benefit from the voices of experience.

I ask that a letter I have recently received from former Member Eldon Rudd be inserted in the RECORD immediately following my remarks. Mr. Rudd served in the House of Representatives from 1976 to 1987.

The letter follows:

LAW OFFICES, SHIMMEL, HILL,
BISHOP & GRUENDER, P.C.,
Phoenix, AZ, March 9, 1990.

Hon. GORDON J. HUMPHREY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR GORDON: Thank you for your good letter of February 20 last explaining S.J. Res. 235 which proposes a constitutional amendment to limit tenure of Members of Congress. You also asked for my endorsement as a former sitting Member of Congress (1976-87). I do most positively support S.J. Res. 235.

May you be successful.

With very best wishes.

Sincerely,

ELDON RUDD.●

JAMES A. PATTERSON, 1990 ENTREPRENEUR OF THE YEAR

● Mr. McCONNELL. Mr. President, I rise today to congratulate James Patterson for being named the "1990 Entrepreneur of the Year" by the Entrepreneur Society. The award was presented at the third annual awards ceremony in Louisville, KY, on April 3, 1990.

Jim Patterson truly deserves this prestigious recognition. He is well-known and respected throughout Kentucky and the United States as the founder of several businesses including Long John Silver's Seafood Shoppes, Rally's, Inc., and AmeriCall Business Long Distance, that affect millions of Americans each day. Jim Patterson does not spend all of his time overseeing his businesses, but continues to make numerous civic contributions to the Louisville area. He serves as the director of the Kentucky Derby Museum and the Kentucky Center for the Arts. Additionally, he serves as a trustee for the University of Louisville. Jane S. Blake, chairman of the awards program was quoted as stating that:

> Jim Patterson thinks of the community as well as himself, taking time to help those who seek his help. I think that sets him apart from the usual entrepreneur.

I could not agree more. Jim Patterson is a dedicated entrepreneur who takes the time to also make important civic contributions to the Louisville area. I congratulate him for being chosen the 1990 Entrepreneur of the Year.

I hope that all of my colleagues in this body will take note of Jim Patterson's outstanding achievements.●

YOU'LL LIKE BURLINGTON, CO

● Mr. WIRTH. Mr. President, I would like to bring to your attention the progressive town of Burlington. Located 165 miles east of Denver, with its nearly 4,163-foot elevation in the heart of deep-well irrigation, Burlington is the county seat of Kit Carson County, and serves as an active trade center for many of the region's agricultural, medical, educational, and recreational activities. One of Burlington's greatest assets is its unsurpassed quality of life. Burlington is a land of diverse cultural, civic, and recreational offerings. Health, civic, and religious organizations abound throughout Burlington, with historic Old Town and Kit Carson Carousel, one of 13 national landmarks in Colorado, serving as fantastic diversions. The Kit Carson County Carousel is a beautifully restored and fully operating carousel located at the Burlington County Fairgrounds, and the carousel's history is as interesting as the 46 hand-carved wooden animals are beautiful. Another "must see" is the Old Town, an outdoor museum complex which was established to enable Burlington to preserve an extensive and priceless bit of history as well as develop the town's economy.

As the season of family vacations approaches, I urge those who are traveling out West to stop in Burlington, CO, for an assuredly warm reception from the residents.●

THE TRIUMPH AND TRAGEDY OF POPE GORDON

● Mr. SHELBY. Mr. President, John F. Kennedy in his book "Profiles in Courage" wrote "A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all human morality. * * *" Mr. President, this past Tuesday, Lt. Algernon Pope Gordon, Jr., of Montgomery, AL, reached for and found his own personal courage and in doing so forfeited his own life to save others.

It was a "mixture of triumph and tragedy" that claimed Pope Gordon's life. Early reports tell us that as fire raged aboard the U.S.S. *Conyngham* in the early morning hours, Pope went to the ship's sleeping quarters to wake up fellow crew members. He never emerged from those quarters, but his shipmates did.

Pope, the son of Algernon Pope Gordon, Sr., and his wife Jane, was just 34 years old when he died. But in those few years, he left his mark on this world—in his life, and in his death. In the news accounts that reported the tragedy aboard the *Conyngham*, many of Pope's shipmates and friends have been quoted. A common theme runs through these thoughts about their friend. It seems Pope was one of those rare individuals who was able to go through life always smiling. He combined the ability to get things done with the ability to make others laugh—a quality that was recognized early on when his graduating class from Jefferson Davis High School voted him "wittiest" in 1974.

To Pope's parents, Pope, Sr., and Jane, and to his wife, Shelly and their three children, Collins, Marijane, and Sara, I offer my sincerest condolences. Pope's death was a tragedy for his family, for the Navy, for Alabama and for this country. But in this tragedy there is also triumph—for Pope's courage and spirit will live on in all who shared his life.

Mr. President, allow me to return to a quote from "Profiles in Courage," "The stories of past courage can define that ingredient—they can teach, they can offer hope, they can provide inspiration. But they cannot supply courage itself. For this each man must look into his own soul." Mr. President, last Tuesday Pope Gordon did not want for courage, he looked into his own soul and found it in abundance.●

SENATOR PELL SEEKS A NEW ROLE FOR THE SUBMARINE INDUSTRY

● Mr. DODD. Mr. President, the economics of the submarine industry are of critical importance to southeastern New England. The Electric Boat Division of General Dynamics, builder of Los Angeles class, *Trident* and *Seawolf* submarines, employs some 24,000 people at its facilities in Groton, CT, and Quonset Point, RI. Current proposals to curb or space out the production of submarines could have a serious impact on the area, and at worst could result in hardship for many.

With this in mind, I was pleased to join in cosponsoring recently the Defense Diversification and Adjustment Act, S. 2097, which has been introduced by our colleague from Rhode Island, Senator CLAIBORNE PELL. Senator PELL has been for many years an advocate of planning alternative uses for our major defense industries, and now that the cold war is apparently easing and defense production declining, his ideas have come into their own time.

One of the provisions of Senator PELL's bill which he acknowledges is controversial would require contractors to set aside a modest share of their defense revenues to provide for internal planning for alternative use of their facilities in the event of defense cutbacks. This concept has placed him at odds with the management of General Dynamics, who argue that their company is too deeply committed to defense contracting to permit it to diversify into commercial production.

The significance of this debate has not been lost on those who would be most affected. In Westerly, RI, a community on the Connecticut line with a big stake in the future of Electric Boat, the daily newspaper, the Westerly Sun, ran an editorial on May 7 entitled "Selling Subs—A New Market Is Needed," in which it suggested that "PELL seems to have the stronger argument and the more acceptable solution." This article raises interesting points in this timely debate and I recommend it to all who share our concern for the U.S. submarine industry. I ask that the text of the article be reprinted in the RECORD at this point.

The article follows:

[From the Westerly (RI) Sun, May 7, 1990]

SELLING SUBS: A NEW MARKET IS NEEDED

The likelihood of selling submarines to civilian buyers is quite remote and that, in all likelihood, is going to create serious problems for Southern Rhode Island and Eastern Connecticut.

Last week, Stanley C. Pace, chairman of General Dynamics Corporation which builds submarines, and Sen. Claiborne Pell of Rhode Island aired their views on the future of defense industries in a time when defense dollar are becoming fewer.

Conceding that defense industry layoffs are inevitable, Pace argues that government should get involved in converting workers to handle other jobs rather than convert arms builders to the production of other goods.

Pell, on the other hand, contends that defense contractors should be required by law to consider alternatives to the manufacture of death-dealing ships, planes and tanks.

Looking at the big picture, Pell seems to have the stronger argument and more acceptable solution. For the builders of aircraft there is a huge market to be serviced by manufacturers, this attested to by Boeing's significant backlog of orders. The builders of tanks and other ground-traversing vehicles might look to automobiles, trucks and trains as alternatives to the destructive devices they now produce. Some 70 percent of this planet's surface is water guaranteeing there will always be a need for ships.

But submarines? Who, other than a government bent on sinking its neighbor or fearful of being sunk by a neighbor, wants one?

As neighbors learn to get along with each other, the demand for missile-toting, torpedo-firing submarines dives deeply.

Since John Holland's submersible "Turtle" went down and marvelously came back up early this century, the technology allowing sub-surface ships to dive deeper, stay at sea longer, and go faster and farther, has grown immensely.

To say we should no longer build submarines would be a mistake. To say we must have scores of submarines for national defense is also a mistake.

The technology we have should be taken advantage of, be built upon, so these vessels can go still deeper, faster and farther. There is a frontier beneath the oceans that cries for exploration which can only be accomplished with new and better submarines. As we seek new and better ways to explore space, we should seek new and better ways to explore the oceans' depths.

The submarine needs a new identity. Today a submarine is an instrument of war, nothing else. In its early days, the rocket was viewed as an instrument of war. Today, in the United States, the rocket, military versions notwithstanding, is a vehicle for exploration operated under the auspices of civilians who are the National Space and Aeronautics Administration, Tomorrow, perhaps, the submarine, on missions planned by and for civilians, could study that surface of this planet which lies beneath fathoms of water, a surface and sub-surface which might produce unimaginable benefits in terms of knowledge and resources.

We have invested too much in submarine technology to say we will build no more. We have invested too much into submarine technology not to take full advantage of that investment. Let the research and development that have brought us this far continue, and let that research and development produce submarines that will enrich lives, not snuff them out.

Perhaps the Honorable Mr. Pace is being a bit shortsighted. Perhaps there is a civilian market for submarines. Perhaps Mr. Pell might consider taking steps to establish a civilian agency within the government, similar to NASA, which might seek, not the outer limits of space, but the inner limits of the oceans.●

TED NELSON WRITES FROM TIANANMEN SQUARE

● Mr. GORE. Mr. President, last May Ted Nelson, of Jackson, TN, was in Tiananmen Square on the night students erected the Goddess of Liberty statue, one very similar to our own Statue of Liberty. As Americans, we seem to take for granted the struggles our forefathers and past leaders endured for the sake of freedom and equality. I hope that while my colleagues read the following letter, they will be reminded, as I was, or our Nation's past accomplishments and continue to progress, overcoming restrictive forces, for the sake of liberty. I ask that the following letter be entered into the RECORD:

The letter follows:

While we were standing at the base of the "Goddess of Democracy" in Tiananmen Square Beijing, China 12:00 midnight, May 30, 1989, over the speaker system came the song "A Mighty Fortress is Our God". A song that had special meaning to the Chinese Students that erected the Statue. As you read the words you may feel the commitment the Students had for change and the potiential crack down ahead. I Have never felt such powerful feelings as the image of the "Goddess of Democracy" and the words of the great song merged. Note that our Statue of Liberty holds the freedom torch with one strong arm, the Goddess of Democracy creators chose two arms symbolizing the struggle to support the light of change.

A mighty fortress is our God, A bulwark never failing; Our helper He, amid the flood of mortal ills prevailing: For still our ancient foe Doth seek to work us woe; His craft and pow'r are great, And, armed with cruel hate, On earth is not his equal. Did we in our own strength confide, Our striving would be losing, Were not the right Man on our side, The man of God's own Choosing: Dost ask who that may be? Christ Jesus, it is He; Lord Sabaoth, His name, From age to age the same, And He must win the battle. And though this world with devils fill'd Should threaten to undo us, We will not fear, for God hath will's His truth to triumph through us: The prince of darkness grim, We tremble not for him; His rage we can endure, for lo, his doom is sure; One little word shall fell Him. That word above all earthly pow'rs, No thanks to them, abideth; The Spirit and the gifts are ours Through Him who with us sideth. Let goods and kindred go, This mortal life also; The body they may kill: God's truth abideth still; His kingdom is forever, His kingdom is forever, His kingdom is forever and ever.

Our responsibility with the freedoms we have are great and how important a responsibility we have to help nurture and strengthen our Democracy. For our "Statue of Liberty" and democracy is a beacon of freedom in this world.

May the 1990's be a decade of blessing to you and please join me in trying to help people take a new pride in our system by turning around apathy.

God bless,

TED NELSON.●

COLORADAN DALE HANCOCK LEADS HELPFUL RECYCLING PROGRAM

● Mr. WIRTH. Mr. President, I would like to recognize Dale Hancock of Garfield County, CO, who has taken the

ubiquitous waste problem into his own hands and begun a recycling program that is not only cleaning up his county, but is also putting community service workers and jail inmates to work. As community corrections director for the county, Hancock has modeled his program on a similar one in San Diego, CA, where workfare—welfare—recipients are used for the labor-intensive end of recycling. In the last 10 months, GarCo Recycle, Hancock's name for the program, has generated $5,244, recycling almost 9,000 pounds of aluminum cans, 70,000 pounds of newspaper and over 8,000 pounds of cardboard. But Hancock is not stopping there. Eventually he wants to develop the program so any work beyond required community service could provide restitution money for those sentenced to community service. In a time when waste pollution is having such a huge impact on the world, it is encouraging to see people like Dale Hancock lead us in our quest for a cleaner planet. I ask that an article on this program be inserted in the RECORD.

The article follows:

HE DIDN'T START OUT TO BE AN EXPERT ON RECYCLING

(By John Stroud)

Dale Hancock doesn't consider himself a recycling expert. No, he prefers to look at what he's done for recycling in Garfield County as fulfilling the need, with some ulterior motives to boot.

If the recycling move catches on valley-wide somewhere along the way; so much the better.

"I don't even want to be affiliated with the experts. This isn't brain surgery, it's just moving trash," said Hancock, who, as community corrections director for the county, started GarCo Recycle last summer with the idea of using labor resources provided by community service and jail inmates to make it work.

Whether he likes to admit it or not, since then, recycling has become a serious topic of discussion among various circles, political and otherwise, in and around the Roaring Fork Valley. A few have taken the issue to action, while others discuss it in broad terms. The key is dialogue, Hancock agrees.

"I'm glad people are coming to terms in addressing (recycling) as a regional issue. I'd like to see the elected officials become more committed to the process," said Hancock, who sees a long road ahead for recycling to truly address the problem the country has of producing more waste than ways to deal with it.

"It's a growing everyday problem," and one which Hancock would rather not dwell on from his standpoint.

"People who do, tend to frustrate themselves, which is easy, because of the size or magnitude of the problem. I choose not to look at it that way," said Hancock, 41, who grew up in Arvada—"too damn close to Rocky Flats"—before escaping to the mountains.

"I find our disposal pattern offensive," said Hancock of "throw-away society in action." It should be a simple matter of community pride, he said. "Anyone cannot throw beer cans or kleenex out of their cars, but you see it all the time.

"That's how you get fed up with your fellow man and his habits," Hancock added.

Born of a theory used in San Diego County, Calif., where workfare (welfare) recipients are used for the labor-intensive end of recycling, Hancock brought the idea to Garfield County.

Using the same type of labor provided by community service workers and jail inmates, the program has been a success.

"It's a constructive use of those resources . . . it's logical for any government that has a community service responsibility," Hancock said.

Along with some cooperation from county residents, who do their part to save aluminum cans, newspaper and other recyclables, community service workers also walk the country roads collecting cans.

Hancock then devotes a good part of his Saturdays to oversee the organizing of all the recyclables at the old UPL building across from the courthouse (210 hours since last August). He then transports the trash to Grand Junction (another 76 hours), where it is exchanged for money which goes into the county's general fund.

Through about 10 months, GarCo Recycle has generated $5,244; recyling 8,677 pounds of aluminum cans, 70,000 pounds of newspaper, 3,370 pounds of computer paper, 834 pounds of other paper, 8,213 pounds of cardboard, 421 pounds of scrap aluminum and 15,652 pounds of glass (glass is no longer accepted because of its high volume and low rate of return).

Hancock hopes to develop the program so any work beyond required community service could provide restitution money for those sentenced to community service.

Hancock also invites the private sector to join in the recycling effort, because there will always be a demand beyond his small opertion, he said. "Until then, I'm going to continue," he added.●

S. 865, THE CONSUMER PROTECTION AGAINST PRICE FIXING ACT

● Mr. D'AMATO. Mr. President, I rise today to lend my support to S. 865, the Consumer Protection Against Price Fixing Act. This bill would amend the Sherman Act to codify the prohibition on vertical price fixing and would require that price be the major cause of termination of a continuing relationship with price cutting retailers. S. 865 will help preserve lower price options for the American consumer and ensure a competitive retail marketplace.

This bill codifies the per se rule with respect to vertical price restraints, clarifies the evidentiary standard of what constitutes sufficient evidence to make out a prima facie case, and provides that an agreement between a supplier and one of his purchasers to terminate another competing purchaser because of his pricing policies is per se unlawful, whether or not a specific price or price level is agreed upon.

This measure establishes a standard that will protect consumers against illegal pricing schemes, while preserving the right to deal with whomever one pleases.

I am pleased to join as a cosponsor of this bill and urge its prompt passage.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $3.5 billion in budget authority, and over the budget resolution by $4 billion in outlays. Current level is under the revenue floor by $5.2 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $114.6 billion, $14.6 billion above the maximum deficit amount for 1990 of $100 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 14, 1990.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1990 and is current through May 11, 1990. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 Concurrent Resolution on the Budget (H. Con. Res. 106). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 7, 1990, the Congress has cleared for the President's signature the Amtrak Reauthorization and Improvement Act, H.R. 2364. This action decreases the current level estimates of budget authority and revenues.

Sincerely,

ROBERT F. HALE
(For Robert D. Reischauer).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 101ST CONG. 2D SESS., AS OF MAY 11, 1990

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 106	Current level +/− resolution
FISCAL YEAR 1990			
Budget authority	1,325.9	1,329.4	−3.5
Outlays	1,169.2	1,165.2	4.0
Revenues	1,060.3	1,065.5	−5.2
Debt subject to limit	3,008.5	3,122.7	−114.2
Direct loan obligations	19.1	19.3	−.2
Guaranteed loan commitments	114.7	107.3	7.4
Deficit	114.6	[2] 100.0	[3] 14.6

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 106. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions. In accordance with Sec. 102(a) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act (101 Stat. 762) the current level deficit amount compared to the maximum deficit amount does not include asset sales.

[2] Maximum deficit amount (MDA) in accordance with section 3(7)(E) of the Congressional Budget Act, as amended.

[3] Current level plus or minus MDA.

THE CURRENT LEVEL REPORT, 101ST CONG., 2D SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS MAY 11, 1990

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,068,600
Permanent appropriations and trust funds	954,917	791,226	
Other legislation	639,255	638,374	566
Offsetting receipts	−237,825	−233,738	
Total enacted in previous session	1,356,347	1,195,862	1,069,166
II. Enacted this session			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses: Amtrak Reauthorization and Improvement Act (H.R. 2364)	−10		−10
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution:			
Salaries of judges	−2	5	
Payment to judicial officers' retirement fund	−4	−4	
Judicial survivors' annuities fund	−3	−3	
Fees and expenses of witnesses	−2		
Justice assistance	−4		
Fisherman's guaranty fund	1	1	
Administration of territories	−1		
Firefighting adjustments	−624	−192	
Federal unemployment benefits [FUBA]	5		
Advances to unemployment trust fund	(48)	(48)	
Special benefits	−24		
Black lung disability trust fund	52	32	
Vaccine Improvement Program trust fund	7	7	
Federal payment to railroad retirement	1	1	
Retirement pay and medical benefits	−4		
Supplemental security income	263	263	
Special benefits, disabled coal miners	21		
Grants to States for Medicaid	−907		
Payments to health care trust funds	(325)	(325)	
Family support payments to States	84	84	
Payments to States for AFDC work programs	15	15	
Payments to States for foster care	−83		
Health professions student loan insurance fund	−25	−7	
Guaranteed student loans	−175		
College housing and academic facilities loans	−3	−3	
Rehabilitation services	−79		
Payments to widows and heirs	(1)	(1)	
Reimbursement to the rural electrification fund	111	111	
Dairy Indemnity Program	(1)	(1)	
Conservation Reserve Program	720		
Special Milk Program	−2		
Food Stamp Program	−800		
Child nutrition programs	−74		
Federal Crop Insurance Corporation fund	(1)		
Agriculture credit insurance fund	342		
Rural housing insurance fund	(1)		
Rural communication development fund	(1)		
Payments to the farm credit system financial assistance corporation	−2		
Coast Guard retired pay	−17		
Payment to civil service retirement	(84)	(84)	
Government payments for annuitants	−3	−2	
Readjustment benefits	−62		
Compensation	448	398	
Pensions	−62		
Burial benefits	−4		
Loan guaranty revolving fund	238	238	
Disaster relief	−1,100	−883	
Total entitlement authority	−1,757	62	
VI. Adjustment for economic and technical assumptions	−28,685	−26,763	−8,900
Total current level as of May 11, 1990	1,325,895	1,169,160	1,060,256
1990 budget resolution H. Con. Res. 106	1,329,400	1,165,200	1,065,500
Amount remaining:			
Over budget resolution		3,960	
Under budget resolution	3,505		5,244

[1] Less than $500,000.

Notes: Numbers may not add due to rounding. Amounts shown in parentheses are interfund transactions that do not add to totals.●

FOR KIDS SAKE

● Mr. WILSON. Mr. President, I rise today to commend an exemplary organization founded in California for the purpose of raising the awareness of law enforcement personnel and the public in general as to the signs of child abuse and suggested action if child abuse is suspected.

For Kids Sake, appropriately named for the child help it provides, was founded in 1974 in Brea by a former Brea police officer, Jim Mead. Since its inception, For Kids Sake has emerged from its counseling and hotline focus of the early 1970's to the large, statewide volunteer organization of local units it is today with primary emphasis on educational seminars and school presentations about the prevention of child abuse.

The success of For Kids Sake is heartwarming, for there are countless stories of compassionate helping hands extended to rescue our young people from the mental and physical devastation of abuse. Founder Mead and his wife, Pat, are the adoptive parents of a daughter who was once abused to the point of brain damage and abandoned by her real parents. From this personal experience in 1968 was born a commitment to help other children and save them from a similar plight.

Because of the outreach efforts of this organization, medical and law enforcement personnel are keenly aware of the signs of child abuse and now realize the value of aggressive questioning and reporting to authorities. There is an illuminating incident of a small boy brought to a hospital emergency room for treatment of injuries; an investigating detective who had been recently trained through For Kids Sake recognized the injuries to have been caused by abuse. Upon further investigation, the child's mother was found to have had two other children who mysteriously died. The mother was eventually arrested and convicted on charges of child abuse. Her son was adopted into a loving home and saved from the same fate which claimed the lives of his siblings.

Last year, this organization reached over 17,000 children with its presentations on abuse and molestation prevention. For Kids Sake is an effective advocate before many civic, educational and law enforcement organizations, and has won deserving recognition and commendation from local and national officials, as well as a White House Volunteer Action Award in 1982.

For Kids Sake is a shining example of volunteerism at its best and what can be accomplished when the well being of our children is at stake. In light of this organization's tremendous strides in the ugly battle we must and are waging against child abuse, it is my honor and privilege to illuminate For Kids Sake's invaluable mission of child help in this Chamber of the U.S. Senate. All who give so generously of their time, caring, and talent on behalf of our children are deserving of our wholehearted support and our collective gratitude.●

RECOGNITION OF NATIONAL POLICE WEEK

● Mr. SPECTER. Mr. President, today I join the Nation in recognizing the law enforcement officers of our country for the extraordinary services they provide and the sacrifices they make on a daily basis. It is appropriate to do so today because May 15, 1990, is Peace Officers Memorial Day, and this week has been designated National Police Week.

This special occasion provides an opportunity to commend the officers of my State of Pennsylvania, as well as the 500,000 sworn law enforcement officers at the Federal, State, and local levels across the United States for the demanding and dangerous work they do.

I have had a long-standing interest in law enforcement. As the former district attorney of Philadelphia, I worked closely with police officials, and was continuously impressed by the skill and dedication which these professionals brought to the job. More recently, in an effort to attract additional qualified individuals to this field, on July 12, 1989, I introduced the Police Corps Act, which would offer educational assistance in exchange for a commitment to 4 years of police service.

I think it is fitting also to mention today the National Law Enforcement Officers Memorial, which was authorized by a unanimous act of Congress in 1984 and is presently under construction on Judiciary Square here in Washington, DC. This memorial will honor all men and women who have

served as law enforcement officers, and will include the names of all officers who died in the line of duty, including the 161 killed during 1989. The fact that half a million individuals have donated funds for the construction of this memorial is indicative of the American people's admiration of and appreciation for law enforcement officers.

Public service, particularly in the area of law enforcement, is a high calling and a demanding one. It is altogther fitting and appropriate, then, that the Nation pay tribute to the men and women who have chosen to serve our communities in this honorable profession.●

THE SBLC RECOGNIZES THE CONTRIBUTIONS OF SENATOR DAVID PRYOR

● Mr. DASCHLE. Mr. President, I noted with interest in the May 1990 edition of the National Association of Retail Druggists [NARD] Journal that Senator DAVID PRYOR, my good friend and colleague on the Finance and Agriculture Committees, was presented the Small Business Advocate Award for his commitment to small business by the Small Business Legislative Council [SBLC].

The SBLC, which has 103 association members serving over 4 million small enterprises, represents small business on a variety of issues in Washington, and its recognition of Senator PRYOR's commitment to ensuring that the concerns of American small business are represented in the legislative process is significant. I can think of no one more deserving of the Small Business Advocate Award than Senator PRYOR, and I ask that the attached article from the NARD Journal be printed in the CONGRESSIONAL RECORD.

The article follows:

SENATOR DAVID PRYOR, SMALL BUSINESS ADVOCATE

SMALL BUSINESS SUPPORT

Pryor has undertaken numerous activities on behalf of small business. Pryor is the chairman of the Senate Special Committee on Aging, which is currently holding hearings on multitier pricing practices in the pharmaceutical industry, and serves on several other Senate committees, including Agriculture, Finance, and Governmental Affairs. he is also a member of the Pepper Commission and is working to ensure that small business concerns are addressed in reforms being considered by the commission.

In part because of Pryor's recent initiatives addressing discriminatory pricing, some are attempting to label Pryor as anti-small business—a charge that is completely false, as reflected in the Council's award.

"Sen. David Pryor's approach to his responsibilities as a U.S. senator exemplifies what we believe is the appropriate approach to the public policy process," said the SBLC chairman during the award ceremony. "He seeks out advice and counsel at the earliest stages of a debate from all parties, including small business.

"More importantly," the chairman said, "the senator has consistently demonstrated a willingness to undertake the soemtimes difficult task of finding a solution that will address the particular concerns of small business within the context of a broader public policy debate. While we could point to specific accomplishments, this award is given on the basis of an individual's commitment to a public policy process that ensures small business' voice is heard, considered, and represented.

"For this commitment to small business, we have conferred upon Sen. David Pryor our Small Business Advocate Award."

A SENATE LEADER

Pryor is a veteran politician. After serving three full terms in the House of Representatives, he was elected to the first of two terms as governor of Arkansas. In 1979, he was elected to the Senate.

Ten years later, he was elected chairman of the Democatic Caucus in the Senate—making him arguably the third most powerful lawmaker in the Senate.

While serving on the Senate Finance Committee, Pryor wrote "The Taxpayers Bill of Rights." It was enacted in 1988 and ensures that the nation's tax collection and penalty system is fair and equitable to all citizens and businesses.

Last year, Pryor played a leading role in helping small business during the battle to repeal Section 89 of the tax code, which would have placed onerous new burdens on small businesses. He also helped pass legislation allowing sole proprietors and self-employed people to continue taking a 25 percent health insurance deduction and wrote a bill providing a tax credit to small businesses that spend money to adapt their facilities for the disabled.

Throughout his career, Pryor has been honored by various small business groups for his contributions. On several occasions, he has earned the National Federation of Independent Business' "Guardian of Small Business Award." In 1987, he received the Small Business Council of America's "Congressional Award" for outspoken efforts on behalf of the small business community on tax matters.

It's readily apparent that Pryor, who was the founder and publisher of a weekly newspaper, The Ouachita Citizen, in Arkansas, is sensitive to the needs of America's small businesses. And he makes sure that members of his staff are aware of those needs as well.

Pryor, during the first August recess in his first term as senator, shipped staff members home to Arkansas with instructions to take at least two jobs in areas where they had never worked before. Pryor's staff worked in small rural banks, gas stations, grocery stores, feed stores, local cafes, and other small businesses—learning about the concerns of America's small business owners and how they can help represent those interests in Washington.●

PROPOSED SOVIET OBSERVER STATUS IN GATT

● Mr. RIEGLE. Mr. President, on the front page of today's New York Times, the lead story in the righthand column bears the title "Gorbachev Bars Independence Bids of Two Baltic Lands." The lead story on the left proclaims: "U.S. Supports Moscow's Bid To Enter the Mainstream of the Global Economy."

The story on the right reports that Soviet President Gorbachev yesterday "officially rejected moves toward independence taken by Latvia and Estonia, saying the two Baltic republics lacked any legal basis for their attempts to leave the Soviet Union." The story further reports that "when a group of Soviet Army officers and soldiers gathered yesterday in front of the Latvian Parliament" to protest laws passed by this democratically elected body, "scuffles broke out" in which "soldiers reportedly hit a woman and roughed up a radio reporter."

Meanwhile, the story on the left reports that "Moscow is expected to be granted observer status—in GATT—this week at the urging of the Bush administration."

Mr. President, to reward Moscow with this trade benefit sends precisely the wrong message at the wrong time. Rather than rewarding the Soviets for their aggressive actions against the Baltic States, the United States should be doing everything possible to encourage them to respond to the Balts' peaceful overtures with conciliatory gestures of their own.

Our government has called for mutual restraint and a negotiated settlement to the Baltic-Soviet crisis. The Balts have taken this call to heart: The Lithuanian Government has agreed to suspend all independence-related laws other than the independence declaration itself, and the Latvian and Estonian parliaments drafted their declarations in terms specifically designed to facilitate a gradual, negotiated transfer of power from Moscow to the republics.

However, as Lithuanian Prime Minister Kazimiera Prunskiene aptly pointed out in her recent testimony to the Helsinki Commission, "compromises cannot all come just from one side, or they are no longer compromises, but rather the subjugation of the weaker by the stronger." To date, conciliatory Baltic gestures have been met with nothing but continued intransigence and escalating aggression from Moscow. Last Wednesday the Washington Post cited the deputy commander of the Soviet army garrison in Vilnius as "calling for direct rule of Lithuania from Moscow," proclaiming ominously that "an escalation of events could force the army to be pulled into the whirlpool." Meanwhile, military convoys continue to rumble intermittently through Vilnius, and a Lithuanian member of parliament was beaten severely by Soviet troops. Today and yesterday in Riga, according to one journalist's eyewitness account, many of the anti-independence demonstrators outside the Latvian parliament were uniformed "Soviet military personnel and cadets from the Riga military academy." In leaflets scattered from helicopters

over Riga yesterday, the pro-Soviet Interfront group urged Riga residents to leave their workplaces and join the demonstration, denouncing the democratically elected parliament as a "handful of traitors and political adventurers," and issuing an inflammatory call to violence. The leaflet declares:

Comrades! Let us rise up in defense of Soviet power in Latvia. The time for orators has passed, it is time to move from words to deeds. Our fate is being decided today. * * * Let disdain and shame cover the descendants of those who in this decisive hour do not come out against counter-revolution. Men—look into the eyes of your children, mothers and wives. Can you leave them defenseless?

According to Latvian-American analysts, this leaflet drop "could not have taken place without encouragement or approval from the highest authorities in the Soviet Government in Moscow"—American Latvian Association news release.

Mr. President, on April 26, I was joined by several Senators in introducing Senate Resolution 276, a sense-of-the-Senate resolution stating that until the Soviet Government replaces its policy of force, intimidation and economic coercion against Lithuania with one of good-faith negotiations, the United States Government should not proceed with United States-Soviet trade talks and not consider the granting of most-favored-nation trade status nor support the granting of observer status in GATT for the U.S.S.R. Furthermore, the resolution urged our government to "be prepared to take similar actions should the Soviet Government extend its coercive practices against the republics of Estonia and Latvia." Subsequently, the Senate adopted by a vote of 73 to 24 an amendment to the supplemental appropriations bill stating that the President should not submit to the Senate any trade agreements as long as the Soviets refuse to negotiate with Lithuania.

Apparently unmoved by either the continuing Soviet aggression in the Baltic States, or the Senate's call for an appropriate United States response to that aggression, the Bush administration has concluded the United States-Soviet trade talks and has conditionally agreed to grant the Soviets MFN status. And now, in the latest in the series of green-light signals sent to Moscow, the Bush administration plans to urge granting of Soviet observer status in GATT.

In a commencement address last Saturday, President Bush declared that "the fate of freedom in Eastern Europe depends not just on the character of the people who govern, but whether they themselves are governed by the rule of law." America's "unfinished business," he noted, is to help the new democracies build "political systems based on respect for individual freedom, for the right to speak our mind, to live as we wish, to worship as our conscience tells us we must." Now is the time, he urged the graduates, "to uphold our American ideals, not in time of war, but in a time of tremendous excitement, helping these nations secure the freedom your fathers and grandfathers fought for."

Mr. President, I applaud President Bush's remarks, and I would urge him to apply this reasoning to the current Baltic-Soviet standoff. Let us judge the Soviet leaders, including President Gorbachev, not by our interpretations of their character, but by whether they abide by the rule of law. And let us "uphold our American ideals" by helping our friends in Latvia, Lithuania and Estonia to reestablish their independent, democratic political systems.

If the United States Government truly is committed to a nonviolent negotiated settlement of the Baltic crisis, now is the time to use all responsible means—including the powerful tool of withholding economic benefits—to pressure the Soviet leadership to end all aggression and provocation in the Baltics and to respond to the Baltic governments' ongoing calls for negotiations. To reward the Soviets at this ugly moment in their history is a betrayal not only of our Baltic friends, but a betrayal of our own honor and principles as champions of democracy.●

NATHAN JAMES WEATE, LAMONI MIDDLE SCHOOL

● Mr. HARKIN. Mr. President, Nathan James Weate, a teacher at Lamoni Middle School, wrote an editorial for the Des Moines Register which appeared on April 30, 1990, about the value of small rural schools. Being a product of such schools myself his thoughts really resonated with me and I found a lot of his observations to be very perceptive and I believe adaptable in school systems in larger cities. I especially like his observation that "crossing of socioeconomic lines happens in urban high schools, but such happenings are not expected. Crossing of socioeconomic lines not only happens in rural high schools, it is not considered unusual." There is a lot to be said for the type of learning, the stability and this crossing of socioeconomic lines in rural schools that really add to the strength of America. Quite frankly, this is one Senator that believes that a lot of this could be adapted to our urban schools. I ask that the article be placed in the RECORD following my comments.

The article follows:

[From the Des Moines Register, Apr. 30, 1990]

STUDENTS ARE STRENGTH OF RURAL SCHOOLS

(By Nathan James Weate)

Having taught in the big city—in the same building, in fact, where "Teachers" (United Artists, 1985, starring Nick Nolte and JoBeth Williams) was filmed—I can attest that the rural students who are in my wife's and my classrooms are different, to be sure, from urban students. These differences are brought about largely by the rural environment and small schools, my wife Gwen and I maintain. We want to see small schools survive because of the impact they have upon students' lives. They create a different kind of person.

I started teaching 32 years ago and taught for six years in big-city junior- and senior-high schools. Then I dropped out of the profession for 20 years while Gwen and I were living in rural America. I returned to teaching in Lamoni, IA, six years ago. Before I reentered the schools, Gwen had begun teaching in Eagleville, MO, 10 miles south of Lamoni. She had done her student teaching several years before in a city high school, so she had a teaching background similar to mine. She noticed a decided difference between urban and rural students. It was her satisfaction with teaching in the rural environment that helped persuade me to reenter the classroom.

Small enrollments in rural school districts result in each grade level having only a handful of students. Students nearly become family to each other by the time the senior year is reached, regardless of the differences between and among each other, differences of economics, academics and lifestyle, which in the circumstances of a large-city environment would almost completely divide students.

In a small school, the son or daughter of the area's wealthiest citizen might date or be best friends with the son or daughter of the area's poorest citizen; in a small school the school's best student might be the best friend of or date the school's lowest achieving student; and the student who likes Chopin and Shakespeare but despises Madonna and the Mets might date or be best friends of the student who despises Chopin and Shakespeare but adores Madonna and the Mets. The question is not, "Could such crossing of economic, academic, or lifestyle lines happen at an urban high school?"; rather, the question is, "Does the crossing of such lines occur significantly more often at rural high schools than at urban schools?" We have an emphatic answer: Crossing of socioeconomic lines happens in urban high schools, but such happenings are not expected; crossing of socioeconomic lines not only happens in rural high schools, it is not considered unusual.

We are aware we are comparing small rural schools with large urban schools. We are unaware of what circumstances are created when several small rural schools are consolidated into one large rural school. Our expectation is that such consolidations would tend to result in schools that resemble large urban schools because of students being involved in fewer activities.

The smallness of most rural schools results in students' being involved in all kinds of school activities. The halfback on the football team, the senior representative on the student council, the male lead in the senior class play, the point guard on the basketball team, the trombone player in the

orchestra, and the salutatorian are all the same person in a rural high school.

In an urban school, these would all be different people.

Small rural schools create highly diversified students who are strong-willed, generally capable and highly involved individuals, but these students do not achieve the degree of attainment in any field of endeavor that the highly specialized athlete, dramatist, or academic does in the large city school.

The rural-school student is more relaxed all the way through his or her school days because of the steadying influence that a familiar group in a famliar environment creates.

Rural students are not as motivated, specialized, or sophisticated as their big-city counterparts; most rural students are serious-minded, stable, dedicated individuals, and we believe they are the way they are partly, if not largely, due to the influence of small, rural schools.

We like students such as we have, those rural students we find so fascinating, challenging and different.

Different, to be sure, and the kind of students we truly love to have in our rural-school classrooms.●

TRIBUTE TO PAT KERR

● Mr. SASSER. Mr. President, today I rise to pay tribute to one of America's leading fashion designers, Ms. Pat Kerr. Pat has won international acclaim for her unique approach to fashion, one which combines the beauty of fine-crafted heirloom lace with exquisite antique fabrics.

Pat, a native Tennessean, divides her time between Memphis and London. She is currently doing a series of fashion shows in New York and in other cities across the country. Her designs appear often in high fashion publications and have also been featured on the "Today Show" and "Good Morning America." Last year, Pat won Bride magazine's Marketer of the Year Award. She has been very active in promoting charity, doing fashion shows on behalf of the American Cancer Society and Volunteers of America, among others.

The Orpheum Theater in Memphis has been chosen as the site for a celebration this Saturday, May 19, to commemorate the 10th anniversary of Pat's business—Pat Kerr, Inc.—as well as Pat Halloran's 10th year as director of the theater. This gala event will feature a fashion showing of Pat's designs. It is appropriate that on this very special occasion, Memphians will have a rare opportunity to share Pat's special talent. I am sure it will be quite a show.

Mr. President, I join my fellow Tennesseans in honoring Pat Kerr on this special occasion, and I wish her continued success.●

THE GRAVEYARD DESECRATIONS IN FRANCE

● Mr. LEVIN. Mr. President, the desecrations last week of three Jewish cemeteries in France are among the most alarming incidents of anti-Semitism in Europe in recent years.

No decent person can help but be outraged by these attacks. Unfortunately, they seem to be part of a larger pattern emerging throughout Europe. In recent months, there have been many reports of open and growing anti-Semitism in the Soviet Union and Eastern Europe—the so-called dark side of glasnost. The cemetery desecrations demonstrate that while we clearly must keep a close eye on events in that rapidly changing area of the world, we must also remain vigilant in our watch for religiously and racially motivated attacks in other areas. We must never forget that, in the past, xenophobia signaled the beginning of some of the darkest periods in the history of all of Europe.

The reaction of the majority of the French to these attacks has been heartening; tens of thousands of French citizens, both Jews and non-Jews, have gathered together to protest the desecrations and to condemn the rhetoric of groups like Jean-Marie Le Pen's National Front. And it is encouraging to see all the major political parties, with the exception of the National Front, joining the protests. In an admirable effort to educate the French, France's major television stations cancelled their regular programming in order to broadcast a documentary on the Nazi death camps. But these efforts should not stop when this crisis blows over—history has shown there are likely to be more.●

FINDINGS AND RECOMMENDATIONS OF THE COMMISSION ON AVIATION SECURITY AND TERRORISM

● Mr. LAUTENBERG. Mr. President, today the Commission on Aviation Security and Terrorism, of which I was proud to have been a member, submitted its findings and recommendations to the President of the United States.

Before summarizing the Commission's report, I first would like to recount for my colleagues the events leading up to the creation of this Commission, and the work done by the Commission.

I would also like to thank those with whom I worked on the Commission. Chairperson Ann McLaughlin guided the Commission in a thorough, tough, and professional manner. All of my fellow Commissioners put in hard work and long hours to learn the truth and supply the answers. The other Commissioners—Senator ALFONSE D'AMATO, Congressman JAMES OBERSTAR, Congressman JOHN PAUL HAMMERSCHMIDT, Mr. Edward Hidalgo, and Gen. Thomas C. Richards, USAF (retired), deserve much credit for their dedication to our mission. I would also like to pay tribute to the staff for their outstanding work over the last 8 months.

BACKGROUND

The bombing of Pan Am flight 103 took place almost a year and a half ago. But, the memory is still fresh for the families and friends of the 270 innocent victims of that bombing. And the painful lesson that we, as a nation, learned must never be forgotten. With the bombing of Pan Am 103, we learned that innocent people, simply because most were Americans, can be ruthlessly murdered by cowardly terrorist attacks, no matter where they are, no matter how detached they are from government and its policies.

Let me say at this point that Americans are not alone in this. Nor are U.S. carriers alone in being targeted by terrorists. I do not believe that there is any basis for assertions that our carriers may be less safe than foreign carriers. In fact, the regulations and requirements U.S. carriers must comply with are often more stringent than those required of foreign carriers by their governments.

That has to change. Terrorism exists throughout the world. Its efforts are targeted at innocent people of almost every race, creed, and color. The civilized world must protect its law-abiding citizens from such vile attacks. Our Government has a clear responsibility for protecting Americans. And it was on that responsibility that our work focused.

Following the bombing, the families and friends of the vicitms of Pan Am 103 pressed for action, and pressed for answers. They wanted to know who was responsible for the deaths of their loved ones. They wanted to know how it could have been allowed to happen. And they wanted to know how it could be prevented from happening again.

FORMATION OF THE COMMISSION

I shared their frustrations, and their desire to protect others from suffering the same grief they were enduring. On March 17, 1989, I submitted Senate Resolution 86, calling on the President to appoint a special commission to investigate the events surrounding the bombing, and aviation security generally.

Unfortunately, the administration resisted. But, I firmly believe that, after reading the Commission's report, the administration will recognize that it will be an important tool in the efforts to better protect American travelers.

Under continuing pressure from the families and friends of the victims, the President finally agreed, and a Commission was named in October 1989. I would like to commend the President for taking this action, and for giving the Commission the mandate to a job that needed to be done. I would also like to note the efforts of the majority leader, Senator MITCHELL, in seeing

this Commission created. His help and leadership were instrumental.

The Commission's hearing began in November and continued through April of this year. Additionally, the Commission and its staff conducted extensive research, taking them to airports, research facilities, and meetings with persons involved in aviation security throughout the United States and abroad.

The Commission was charged with assessing aviation security policies and practices, those in place now and at the time of the Pan Am 103 bombing, and to make recommendations for improving aviation security. The result of those efforts is embodied in the report presented to the President today.

MAJOR FINDINGS AND RECOMMENDATIONS

Perhaps the greatest tragedy in all of this is that the bombing may well have been prevented. While we can never provide an ironclad guarantee against terrorism, we can make it more difficult for terrorism to win. That is what our security system is supposed to do.

However, that is not what it did in Frankfurt and Heathrow with Pan Am. There were gaping holes throughout the system. Through one of these holes slipped the bomb that killed 270 innocent people.

The Commission found an aviation security system that was sorely lacking. As implemented, principally by the Federal Aviation Administration, it had failed to keep pace with the changing times. At a time when bombings already had become the preferred method for terrorists, the security program was still aimed largely at preventing hijackings.

There were shortcomings in virtually all areas: The gathering, assessment, and dissemination of intelligence; the Federal Government's oversight of airline and airport activities; counterterrorism research and development; our Government's response to tragedies; and in the area of negotiations and agreements with foreign governments, a responsibility shared by the Departments of State and Transportation.

All in all, the Commission has made 64 recommendations to improve our aviation security system. I will not try to recount them all for my colleagues. Instead, I will touch on a few key recommendations illustrating the range of issues covered.

Broadly, the Commission calls for a strengthened response to terrorism. The United States must make it clear to terrorists that their acts will not go unpunished. We should not negotiate on equal terms with terrorists, or nations that sponsor terrorism. And, our Government must work with others to isolate and cut off terrorists from their support.

As long as the civilized nations of the world look the other way, they condone terrorism, and will continue to be victimized by it.

Within the U.S. Government, the Commission found that aviation security has not been given the priority it deserves. The security function is buried deep within the FAA, isolated from the Administrator, and even more so from the Secretary of Transportation.

The Commission has recommended that the intelligence and policy functions of the FAA security office be elevated, and placed under a new Assistant Secretary of Transportation for Security and Intelligence. This new assistant secretariat would oversee those operations not just for civil aviation, but also for other modes of transportation, such as maritime.

A major weakness exists in FAA's oversight of the airlines' security efforts. Minimum standards for security personnel do not exist. There is no regular onsite presence to ensure that the carriers are complying with requirements, or that the requirements are adequate or appropriate.

The Commission has recommended that the FAA develop minimum standards for hiring, training, and employing people to perform security functions. Additionally, the FAA should place Federal security managers at high-risk airports here and abroad. Those managers would be charged with overseeing the airlines' compliance with security mandates. They would be ultimately responsible for ensuring adequate safety for those traveling on U.S. carriers.

The Commission also found major flaws in the FAA's research and development efforts. Too much of those efforts was focused on a technology known as thermal neutron analysis, or TNA. This technology is able to detect some plastic explosives in baggage. However, in addition to operational problems, it has a major limitation—it cannot detect plastic explosives in small quantities; quantities that are still large enough to destroy an airliner. Part of the fault for this lies with FAA's approach to developing bomb detection technology—they tried to match a solution with a then-unclear problem.

TNA, as it exists, is a beginning technology. Its presence implies safety, but the level of assurance is slim, at best. The Commission has recommended an intensive, accelerated R&D program, with a short-term goal of providing travelers with more than just a sense of security.

The Commission also found major flaws in the way our Government responds to terrorist incidents. The State Department was unprepared to deal in a sensitive and efficient manner with the surviving family members of the victims of Pan Am 103. The Commission has made a number of recommendations to rectify this situation. It has also recommended that survivors of civilians killed by terrorists receive compensation to help them through a difficult period of adjustment. We now provide such assistance to Government workers and contractors. Further, the Commission has recommended that the Montreal protocols amending the Warsaw Convention be ratified, to raise the level of compensation provided in the event of disasters like the Pan Am 103 bombing.

IMPLEMENTING THE COMMISSION'S RECOMMENDATIONS

The Commission's report is a step in the process of making air travel more secure for Americans. Many of the Commission's 64 recommendations can be accomplished through administrative action. We have discussed the recommendations with Secretary Skinner, and I know that he is committed to making the system better, and Americans more secure in the process. I urge the administration to move ahead quickly to make those needed changes.

But a number of the recommendations call on the Congress to act. Senator D'AMATO and I are working on comprehensive legislation to carry through on those recommendations. The legislation will encompass virtually all of the areas covered by the Commission.

We plan to introduce that legislation in the very near future. I look forward to working with my colleagues to see the Commission's recommendations put into place.

In closing, I would like to assure the families and friends of those killed on Pan Am 103 that my efforts will continue. Many of the gaps in our aviation security have been identified, and recommendations have been made to close those holes.

Unfortunately, no one can guarantee that there will never be another bombing of a commercial airliner. But our job will not be over until we have done all we can to reduce the chances of it ever happening again.●

CONFERENCE ON MISCELLANEOUS TARIFF BILL, H.R. 1594

● Mr. GRAHAM. Mr. President, as my colleagues know, I am a longstanding supporter of the Caribbean Basin Initiative [CBI]. I therefore hope that Senate conferees will retain the ethanol provision which is included in the House version of this legislation.

The issue of CBI ethanol has been a contentious topic for the past several years. Fortunately, last year all the parties involved, both United States and Caribbean producers, agreed to a compromise which promotes jobs and economic growth in the Caribbean

while protecting United States producers from any sizable import penetration.

There are some who believe that Caribbean ethanol should be connected with the extension of the existing tax credit for ethanol. That might be a logical arrangement under other circumstances, but in this instance it creates more problems than it solves.

First, the current CBI ethanol language, which was included in the steel VRA bill last year, expires in 1991. The tax credit does not expire until 1992. We could end up with a yearlong gap. Anyone who has followed this issue knows that Caribbean ethanol producers have faced more uncertainty than perhaps any other industry in the region. Delaying a permanent enactment of the compromise would be one more hurdle which is unfair and unnecessary.

Second, the tax credit for ethanol is already tied together for both CBI and U.S. producers. Without the tax credit, neither will produce ethanol; it is economically infeasible.

Third, the tax credit is a tax issue. The extension of the CBI is trade legislation that I, and many of my colleagues, have worked very hard to push forward. Diluting the issue further by dragging in tax matters is inappropriate.

It seems to me that after all these years of disagreement, we should delight in an agreement which satisfies both Caribbean and United States ethanol producers. I urge my Senate colleagues to accept the House provision on Caribbean ethanol.●

IRANIAN PERSECUTION OF THE BAHA'IS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 467, House Concurrent Resolution 87, regarding the Baha'is.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 87) concerning Iranian persecution of the Baha'is.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. DODD. Mr. President, I would like to make a statement in support of House Concurrent Resolution 87. The Senate version of that concurrent resolution is one that I submitted last June with the cosponsorship of many of our colleagues to call continuing attention to the plight of the Baha'i religious minority in Iran. With Senators who joined us later this concurrent resolution now has 60 cosponsors.

Most of my colleagues are painfully aware of the tragedy that befell the peace-loving Baha'i community as a result of the takeover of Iran by the fanatically intolerant regime that continues to rule it. The only crime of the Baha'is has been to profess belief in their faith and the divine authority of its peace-loving founder.

More than 200 Baha'is have been executed in Iran since the Khomeini takeover. Today his successors continue to torment the small law-abiding Baha'i community which is still outlawed. Therefore, it is time again to call the attention of the Government of Iran to the international norms of civilized behavior.

I want my colleagues to be aware that our resolutions, our protests are not without results. Due to persistent international pressure the repression of the Baha'is has been eased somewhat in recent years, and our concurrent resolution takes note of that. On the other hand, this year's human rights report by our State Department reiterates the fact that widespread discrimination against and persecution of the Baha'i community continues. To quote the report:

The Government continues to attack the Baha'i community as a front for political and espionage activities, and prohibits the community from electing leaders or conducting religious activities.

Mr. President, the oppressed Baha'is continue to need our help. By agreeing to this concurrent resolution, our colleagues can take a small step in trying to restrain and eliminate religious intolerance from this world.

Mr. LEVIN. Mr. President, I am a cosponsor of Senate Concurrent Resolution 53, a concurrent resolution concerning Iranian persecution of the Baha'is. I am saddened and angered that there is a need for such a resolution. Once again, as in 1982, 1984, and 1988, the people of the United States, through their elected Representatives in the Congress of the United States, are declaring that they hold the Government of Iran responsible for respecting the basic and fundamental human rights of all its citizens, including those people who are members of the Baha'is faith.

The Government of Iran continues to deny the members of the Baha'is faith the fundamental rights to which they are entitled under the Universal Declaration of Human Rights, of which Iran is a signatory. These rights which have and are being denied Baha'is and members of other religious minorities in Iran include the right to practice their religion, the right to life, liberty, conscience, and security of person, the freedom from torture, and the right to education and gainful employment.

Mr. President, while there have been reports of some relative improvements in the treatment of Baha'is in Iran, their treatment is still far short of all standards of acceptable conduct by the Iranian Government. This resolution calls on our Government, other governments, and international bodies to continue to appeal to the Government of Iran to cease its persecution of Baha'is. Additionally, this resolution states that Iran's human rights practices, particularly Iran's treatment of Baha'is and other religious minorities, is and should be an important factor in any development of future United States-Iranian relations.

Mr. President, individuals in the Baha'is community in Iran have suffered torture and execution. The Iranian regime considers them infidels guilty of heresy, and thus excluded them from the protections of basic human rights. We should do what we can to correct this affront to human decency. I am pleased to be a cosponsor of this concurrent resolution, and I urge its immediate adoption.

Mr. SARBANES. Mr. President, I rise today in support of House Concurrent Resolution 87 and Senate Concurrent Resolution 53, regarding the Government of Iran's repression of the Baha'is.

The Baha'is, Iran's largest religious minority and community of nearly 350,000 members, have suffered cruelly for more than a decade of brutal rule under the Islamic Republic of Iran, living in constant fear of execution, imprisonment, torture, and other vicious forms of persecution. In keeping with our own Nation's best principles, the United States must continue to condemn such acts and the concurrent resolution before us is a forceful means to address the bitter experience of this vulnerable people and call for international cooperation on behalf of the Baha'is.

In recent years there has been an encouraging decline in the number of executions, and cases of torture and imprisonment. Prisoners have been released and seized properties have been partially returned to their rightful owners. Nonetheless, the Iranian Government continues to deny to the Baha'is the basic freedoms and rights recognized by the international community and expressed in the U.N. Universal Declaration of Human Rights, thus denying to them the fundamental protection needed against a resurgence of arrest, imprisonment, torture, and the death sentence.

Because the Government of Iran has consistently denied to the Baha'is the legal status of a recognized religious minority and equal protection of the laws, they have been unable to practice their faith. The right of peaceful assembly has been outlawed and places of worship have been desecrat-

ed. Flagrant discrimination has been waged against the Baha'is in education and employment.

Indeed the State Department, in the "Country Reports on Human Rights Practices for 1989," has carefully looked at the treatment of the Baha'is in Iran and I ask unanimous consent that the relevant section of this document be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Government continues to discriminate against the Baha'i community, Iran's largest non-Muslim minority (300,000 to 350,000 members). The Special Representative [United Nations Special Rapporteur Reynaldo Galindo Pohl] stated in his 1989 Report that information he received indicated that Baha'is are still being harassed for their faith. The Baha'i religion, an offshoot of Islam, is considered a "misguided sect" by the authorities and is not officially recognized. Between 1979 and 1988 the Baha'is suffered severe persecution, mainly government directed and aimed at the religious leadership.

In 1983 the Prosecutor General issued an order that effectively banned all Baha'i religious activity and provided the legal foundation on which virtually all members of the faith can be charged with crimes. Baha'i property was confiscated, shrines demolished, businesses disbanded or confiscated, and known Baha'is denied public sector employment and social services. Baha'i marriages are still not recognized. Baha'is are forbidden to participate in social welfare organizations, their businesses are outlawed, and they may not teach their faith. Baha'i national leaders dissolved the community's organizations in obedience to the Prosecutor General's edict, but they subsequently were arrested, and at least some were executed. Many ordinary Baha'is were also arrested on vague charges.

In some important respects, the Government has ameliorated its treatment of the Baha'is. No Baha'is were reported to have been arrested or executed in 1989; the number of Baha'is held in prison fell to fewer than 15. A small number of Baha'is have been issued visas to leave the country. Some Baha'i property confiscated by the Government was returned, although the amount represents a fraction of the total seized. Baha'i children are now permitted to attend grade school and high school (although Baha'is cannot attend college or be employed on college faculties.) Some Baha'is were allowed quietly to reopen their businesses.

The Government has not officially abandoned its anti-Baha'i policies; widespread discrimination against, and persecution of, the community persists. The Government continues to attack the Baha'i community as a front for political and espionage activities, and prohibits the community from electing leaders or conducting religious activities.

Mr. SARBANES. Mr. President, this matter has been held high on the congressional agenda for some time. The Congress has repeatedly expressed its concern in the past with similar resolutions in 1982, 1984, and 1988. These efforts have successfully addressed the plight of the Baha'is by generating international pressure to bear on the Iranian Government. Therefore I would strongly urge that my colleagues take another small but important step and support Senate Concurrent Resolution 53 which condemns a continuing and intolerable situation.

Mr. LUGAR. Mr. President, despite a change in its leadership, Iran continues to deny fundamental human rights to its largest religious minority, the Baha'is.

The State Department's 1989 Human Rights Report states that Iran continues to be a major violator of human rights, citing the "continuing repression of the Baha'is religious community" as a particularly egregious example of religious intolerance. In late January, a special representative of the United Nations visited Iran for the first time to investigate numerous charges of human rights violations. His report fully confirmed that the Baha'is of Iran are systematically deprived of their fundamental religious rights. On February 27, our colleagues in the House of Representatives called for an end to the Iranian persecution of the Baha'is with a vote of 404–0 in support of House Concurrent Resolution 87. This sent a strong signal to Iran and timely support for the U.N. Human Rights Commission which voted in early March to condemn violations of human rights in Iran, expressing particular concern about the repression of the Baha'i religious minority.

Since 1979, more than 200 Baha'is have been executed in Iran, including women and teenage girls, by the Islamic regime. Evidence indicates that recent improvements in the situation of individual Baha'is, which include no executions since December 1988, result from the continuing demonstration of concern by the international community of which the U.S. Government has played an instrumental role. However, we are not content with only the cessation of state-sponsored violence against the Iranian Baha'i leadership. Iranian Baha'is are still not permitted to meet as a religious community, to have places of worship or to maintain the institutions of their faith. In short, Iranian Baha'is are still considered "unprotected infidels" with no rights under law to practice their religion.

I have supported previous congressional appeals for the religious rights of Iranian Baha'is, and am pleased to cosponsor Senate Concurrent Resolution 53, which calls for the emancipation of the Baha'i community in Iran. Broad support of this resolution will, without question, send another strong signal to Iran and support the U.N. Economic and Social Council when it considers the resolution on Iran in the next weeks.

Thus, I urge my collegues to support Senate Concurrent Resolution 53 and vote to send Iran the message that the United States will continue to speak out against human rights violations until the Baha'is and other minority groups in Iran have secured their basic human rights guaranteed under international law.

Mr. HEINZ. Mr. President, the past year has witnessed a remarkable series of positive developments for human liberty and political freedom around the world. But one country long under the dark cloud of religious extremism, the Islamic Republic of Iran, has not yet decided to join the community of nations that guarantees its own citizen's fundamental human rights.

Today the Senate will adopt House Concurrent Resolution 87, a companion to Senate Concurrent Resolution 53, a bipartisan expression of concern with the continuing injustices inflicted on Iran's Baha'is. The House vote was unanimous, and I am confident the Senate tally will be the same.

The message of this concurrent resolution is clear: Americans still care about human rights, and particularly about the odious practice of religious oppression.

As our concurrent resolution points out, things have improved inside Iran. Most importantly, no Iranian Baha'is have been executed for 2 years. Perhaps as few as three Baha'is remain in jail for their beliefs. This is much better than before, and Americans take note of this change, but the fact that systematic discrimination continues only underlines the horror of the Baha'is experience since the Islamic Revolution of 1979.

The Baha'is of Iran still suffer comprehensive persecution as so-called unprotected infidels. This persecution can include arbitrary imprisonment, inability to educate their children, and prohibitions against normal business and personal activities—even the right to a legally recognized marriage.

In a world where the Berlin Wall has crumbled, where people power has toppled a dictator in the Philippines, where Latin American countries have reclaimed their democratic heritage, the Iranian mistreatment of its own citizens is impossible to ignore and impossible to tolerate.

We call on the Government of Iran today to take a giant step toward reentering the international mainstream, to rebuilding Iran's rightfully prominent international position, by adopting a civilized and tolerant attitude toward all of its religious minorities, including the Baha'is. Foreign activities, including the continued support of those holding American hostages in Lebanon, are important areas where Iran must prove it is deserving of improved international stature. But fundamental internal issues, such as official oppression of a religious minority, cannot be ignored in the world of the 1990's.

Iran's mistreatment of the Baha'is is a moral outrage, but is also a concrete obstacle to further progress in Iran's efforts to assume its place in global affairs. It is time this obstacle was eliminated.

Mr. BOSCHWITZ. Mr. President, the Senate's action today on Senate Concurrent Resolution 53, dealing with the Baha'is in Iran, is both timely and warranted. As we once again express our continuing determination to help the Baha'is we can take pride in the fact that, true to our own traditions and heritages, we are acting on behalf of those whose rights are being unfairly limited. The right to practice freely one's religion is a basic human right, and the repression of the Baha'is is the leading example in the world today of purely religious persecution.

The Iranian Baha'is are denied the right to carry on the normal activities of a law-abiding community. They are denied the right to organize, hold property, operate religious schools, and carry out the numerous other activities that are allowed the overwhelming majority of Iranians. While the repression directed against individual Baha'is has recently become less severe, a development which I applaud, they still, unfortunately, face many unwarranted restrictions as a group.

I call upon the Iranian Government to recognize the Baha'is as a legitimate community, and to guarantee to them all of the rights available to Iran's other citizens. The Baha'is should be the equal of any other group within Iranian society both in terms of the obligations they assume and the rights they enjoy.

I have long supported the Baha'i cause and am honored to be an original cosponsor of this concurrent resolution. The widespread support for such legislation in both the Senate and the House demonstrates the ongoing concern with which Congress views the plight of the Baha'is.

I note that the U.N. Commission on Human Rights adopted a resolution earlier this year requesting that the U.N. Special Representative for Iran present an interim report on the human rights situation in Iran, "including the situation of minority groups, such as the Baha'is" at the 45th session of the U.N. General Assembly. Later this week the U.N.'s Economic and Social Council is scheduled to vote on the UNCHR resolution. I strongly encourage that the resolution be approved. Such U.N. actions show most clearly that concern for the Baha'is is an issue of international interest. I urge Iran to take proper note of this, and to cooperate fully with the U.N.'s representative when he returns to Iran.

Mr. President, it is altogether fitting to note at this time that there are also other peaceable groups within Iran which are being repressed. At the same time as we call on the Iranian Government to eliminate its restrictions against the Baha'is, we must also ask that it extend the full range of human rights to all sectors of Iranian society. Iran should be encouraged to extent to all of its citizens the rights guaranteed by the Universal Declaration of Human Rights and other international covenants to which Iran has acceded.

Mr. McCAIN. Mr. President, I rise in support of Senate Concurrent Resolution 53, the Baha'i resolution. Concerted and consistent international public opinion can affect even the most hardened, inhumane political regimes. One measure of its effect is the slow but certain progress of the Baha'is in their desperate struggle for physical and spiritual survival in the Iran of the ayatollahs.

Official persecution of the Baha'i community in Iran persists, but the imprisonment, torture, and executions have, thank God, ceased for the moment. Seven Baha'is currently endure imprisonment for their faith, compared to an average of 750 during the middle years of the last decade. Since 1988, Iran no longer executes Baha'is—including teenage girls—for their religious devotion. This present cessation of the most horrible acts of official persecution is, of course, very welcome. But it is not sufficient cause for a dulling of international sensitivity to the plight of Iranian Baha'is. On the contrary, it should encourage us to persist in condemning every instance when a Baha'i cannot practice his faith without confronting the theocratic imperialism of the Government of Iran.

International opposition to Iranian persecution of Baha' is has been successful up to a point. An important component of that opposition has been the vocal support for Iranian Baha' is that the United States Congress has provided in three concurrent resolutions. We should not underestimate the impact these resolutions, as well as repeated appeals by the President for just and humane treatment for Baha'is, have had on Iran's official disposition toward the community. We need to sustain our vocal support for Baha'is in order to consolidate their recent advances in securing the most basic of rights in Iran.

What we seek for the Baha'i community is more than toleration of their right to life. We must urge Iran to respect the Baha'is right to practice their faith as a community. They must be allowed to meet as a community, in a place of worship, to profess their faith and to instruct their children in the principles of their devotion. They must be allowed to elect the leaders and maintain administrative offices of their faith. They must have access to institutes of higher education like any other Iranian.

We must communicate to the Government of Iran that Americans and, indeed, all of the ever-expanding free world, consider religious tolerance to be one of the cornerstones of a free society. If Iran is ever to enjoy truly normal relations with most of the free world, she will need to exhibit a far greater acceptance of religious freedom than has ever been the case in revolutionary Iran. A Baha'i, no less than any other human being, is entitled to the right to life, liberty, and the pursuit of happiness. For Baha'is, as for many people, happiness is pursued through religious devotion. If the theocracy that rules Iran cannot find it in their hearts to recognize that faith, at least let them remove legal impediments and disincentives to its practice.

Mr. President, I support this resolution because I feel it necessary to repeatedly make clear to Iran that the United States takes very seriously religious intolerance wherever it is in evidence and cannot help but condition relations with any government on its treatment of religious minorities.

We seek no special treatment of Baha'is in Iran, only the protection under Iranian law of their right to worship God as their hearts command. While we are relieved that Baha'is need no longer sacrifice their lives for their faith, clearly, Iran has not permitted them this most basic right. Until they do, Mr. President, Congress must take every opportunity to make clear our solidarity with the Baha'i community of Iran.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 87) was agreed to.

The preamble was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent that Calendar No. 335, Senate Concurrent Resolution 53, the Senate companion, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROSE FITZGERALD KENNEDY FAMILY APPRECIATION DAY

Mr. LEAHY. Mr. President, on behalf of Senators MITCHELL, DOLE, KERRY, LAUTENBERG, DECONCINI, METZENBAUM, ROBB, RIEGLE, and myself, I send to the desk a joint resolution designating July 22, 1990, as "Rose Fitzgerald Kennedy Family Appreciation Day," and I ask for its immediate con-

sideration, and I ask that the joint resolution be read.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 315) for the designation of July 22, 1990, as "Rose Fitzgerald Kennedy Family Appreciation Day."

S.J. RES. 315

Whereas on July 22, 1990, one of the most admired and beloved symbols of the American family, Rose Fitzgerald Kennedy, will reach the age of 100 years;

Whereas the strength and integrity of the family are essential to our well-being as a Nation;

Whereas a secure and loving family is a principal source of the values, beliefs, traditions, ideals, and concern for others at the heart of the American character;

Whereas families provide continuity for the American people from generation to generation, linking the Nation's past, present and future, and ensuring that our heritage of liberty, democracy, and justice for all is maintained in present generations and carried forward to future generations;

Whereas Rose Fitzgerald Kennedy, throughout her long and active life, has emphasized the importance of the family as the foundation of a secure and caring society;

Whereas Rose Fitzgerald Kennedy has inspired millions of Americans with her courage, her faith, her commitment to the central role of the family in American life, and her belief in the responsibility of citizens of all ages to help others and to serve others to the best of their ability;

Whereas Rose Fitzgerald Kennedy has worked tirelessly to improve the lives of those with mental and physical disabilities; and

Whereas the Congress and the Nation hold Rose Fitzgerald Kennedy in high affection and esteem: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby conveys its appreciation, affection and respect to Rose Fitzgerald Kennedy on the occasion of her one hundredth birthday, July 22, 1990.

SEC. 2. The President of the United States is hereby authorized and requested to issue a proclamation designating July 22, 1990 as "Rose Fitzgerald Kennedy Family Appreciation Day," and calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the joint resolution passed.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WELCOMING THE PRESIDENT OF TUNISIA ON HIS FIRST STATE VISIT TO THE UNITED STATES

Mr. HELMS. Mr. President, on behalf of Senator BOSCHWITZ, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 284) welcoming the President of Tunisia on his first State visit to the United States.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOSCHWITZ. Mr. President, I rise, as I have on past occasions, to speak on behalf of Tunisia. Today, I am submitting a resolution welcoming His Excellency Zine el Abidine Ben Ali, President of Tunisia, on his first state visit to Washington. I hope that my colleagues will join me in cosponsoring this resolution of welcome.

As my colleagues in the Senate are aware, President Ben Ali assumed the Presidency in November 1987 in compliance with the Tunisian Constitution, when it became apparent that the failing health of then President Habib Bourguiba would prevent him from continuing his duties. Under the leadership of President Bourguiba, Tunisia had committed itself to a course of democracy and openness. Moreover, Tunisia has been a friend of the United States and shares our commitment to democratic principles. Tunisia is the most open and democratic state in the Arab world and has served as an example of tolerance for nearly 35 years.

Before Mr. Ben Ali assumed the Presidency, however, there was fear and uncertainty over what a transition of power would mean for democracy in Tunisia. Former President Bourguiba had been the only leader independent Tunisia had known. The mechanism for transferring power, an institution essential to the maintenance of democratic government, had never been tested. Now 2½ years later, those fears have been allayed. President Ben Ali has demonstrated that Tunisia remains committed to opening the democratic process in order to benefit the Tunisian people.

Immediately upon assuming office, President Ben Ali initiated political reforms to make the government more accessible. He cleared the way for other political parties to participate in the election process. He reduced the minimum age for serving in Parliament from 28 to 25. He introduced provisions limiting the President to two terms in office. In April 1989, free and open elections were held for the first time with a wide range of political parties participating. Most political parties have been legalized. Finally, thousands of political prisoners have been released and their civil rights restored in a general amnesty announced in 1989. Tunisia has demonstrated an unshakable commitment toward political freedom despite a significant antidemocratic religious minority.

Recognizing that political and economic reforms go hand in hand to ensure the well-being of a country, President Ben Ali has declared that Tunisia's national goals are self-sufficiency in food, a reduction in the external debt burden, and reduction in unemployment. President Ben Ali's government has instituted a major structural adjustment plan supported by the World Bank, the IMF and the United States. Tunisia has met or exceeded all the targets set up with the IMF. Yet Tunisia still faces economic challenges.

The lingering effects of a 2-year drought has reduced grain production in Tunisia by 85 percent, causing the government to spend more than 10 percent of its budget on unanticipated grain imports. This has resulted in a slowdown of economic growth. Despite this economic situation, Tunisia has met all its debt payments. Tunisia's total debt service to the United States Government is more than $100 million.

Tunisia is a lower middle income country poised on the edge of significant economic expansion. If Tunisia succeeds in having an economic takeoff, it will become a more significant player in the international market. If it fails, the democratic and liberal foundations of Tunisia could be in jeopardy.

Mr. President, the friends of Tunisia must assist President Ben Ali and the Tunisian people in achieving these goals. The United States, within the limits of its current budget constraints, should continue to provide consistent levels of economic assistance to meet these objectives. By doing so the United States will demonstrate its support for the emerging democracies of the world and reward a country which is promoting open and democratic ideals in a region of the world where such ideals are often lacking.

Mr. LEAHY. This resolution has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 284), with its preamble, is as follows:

S. RES. 284

Whereas the United States and the Republic of Tunisia share a common bond of

friendship in the pursuit of democratic values;

Whereas the Government and the people of Tunisia share with the United States the ideals of freedom, peace, democracy, and progress;

Whereas the United States has recognized the peaceful succession of President Zine el Abidine Ben Ali and supports his commitment to and progress on Constitutional reforms and political democratization;

Whereas the United States applauds President Ben Ali's concern for human rights and political freedoms as demonstrated by the release of political detainees;

Whereas the United States supports President Ben Ali's economic adjustment programs and reforms which will enhance economic growth and result in social benefits for the people of Tunisia;

Whereas the United States values and respects Tunisia's role as leader in the Arab world and its moderating influence in the Maghreb which has significant benefits for mutual and shared strategic interests;

Whereas the United States commends the Government of Tunisia for its reestablishment of diplomatic relations with the Arab Republic of Egypt;

Whereas Tunisia has stood for peaceful settlement of regional conflicts and it was Tunisia that, in 1965, called for peaceful coexistence between the Arabs and Israelis;

Whereas the United States recognizes the importance of a strong and independent Tunisia: Now therefore be it Resolved:

SECTION. 1. Resolved by the Senate of the United States, that the Senate extends its warm greetings and respect to His Excellency, Zine el Abidine Ben Ali, the President of Tunisia on the occasion of his first State visit to the United States, with the hope that this visit will reaffirm the close and friendly ties between our two great nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President for transmission to the Government of Tunisia.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMEMORATING THE 50TH ANNIVERSARY OF THE NATIONAL SHERIFFS' ASSOCIATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 264, commemorating the 50th anniversary of the National Sheriffs' Association, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 264) to commemorate the 50th anniversary of the National Sheriffs' Association.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont?

Their being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 264), with its preamble, is as follows:

S.J. RES. 264

Whereas the National Sheriffs' Association, incorporated on September 26, 1940, by the Secretary of State of the State of Ohio, is commemorating 50 years of service this year;

Whereas the purposes of the National Sheriffs' Association are to form and perpetuate an efficient organization of the sheriffs of the United States and to raise the level of professionalism in the office of sheriff and in sheriffs' deputies and other law enforcement professionals charged with or interested in the execution and enforcement of State and Federal laws;

Whereas the National Sheriffs' Association continues to provide professional law enforcement leadership in the areas of training and exchange of information pertaining to the duties, methods, and official practices of the members and to inform the members of all such matters that pertain to violation of law or injury to persons or property;

Whereas the National Sheriffs' Association has continued to foster cooperation among State sheriffs' associations and Federal, State, and municipal law enforcement organizations; and

Whereas the National Sheriffs' Association has continued to advocate and preserve legislation in harmony with the needs of enforcement officials and the safety of the public: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 24, 1990, through June 30, 1990, is designated as "National Sheriffs' Week" in honor of the 50th anniversary of the National Sheriffs' Association, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to honor all sheriffs during the week for their outstanding efforts to preserve the peace and ensure domestic tranquility.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR WEDNESDAY, MAY 16, 1990

RECESS; MORNING BUSINESS; AND RESUME CONSIDERATION OF S. 2240

Mr. LEAHY. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, May 16; that, following the time for the two leaders, there be a period for morning business, not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each; I further ask unanimous consent that following the swearing in of DANIEL K. AKAKA and various housekeeping resolutions, the Senate resume consideration of S. 2240, the AIDS C.A.R.E. bill, and when the Senate resumes the bill Senator HELMS be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. LEAHY. Mr. President, I do not see anybody else seeking recognition. I do not know if the distinguished acting Republican leader seeks recognition for any purpose.

Mr. HELMS. I suggest we go home.

Mr. LEAHY. I always try, when I can, to follow the suggestions of the distinguished Senator from North Carolina.

So, Mr. President, if there is no further business and no Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess, under the previous order, until 9:30 a.m. Wednesday, May 16.

There being no objection, the Senate, at 6:50 p.m., recessed until Wednesday, May 16, 1990, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 15, 1990:

DEPARTMENT OF STATE

ROBERT E. LAMB, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

DEPARTMENT OF VETERANS AFFAIRS

JAMES WILSON HOLSINGER, JR., OF VIRGINIA, TO BE CHIEF MEDICAL DIRECTOR, DEPARTMENT OF VETERANS AFFAIRS, FOR A TERM OF 4 YEARS (NEW POSITION).

U.S. COURT OF VETERANS APPEALS

JONATHAN R. STEINBERG, OF MARYLAND, TO BE AN ASSOCIATE JUDGE OF THE UNITED STATES COURT OF VETERANS APPEALS FOR THE TERM OF 15 YEARS (NEW POSITION).

HOUSE OF REPRESENTATIVES—*Tuesday, May 15, 1990*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O gracious God, for all those people to whom great responsibility has been given. May Your abiding spirit inspire and encourage the leaders of our Nation to do the works of justice and mercy so that all citizens will be bound together in respect one for the other. Help us to be aware of our rich diversity and heritage and the mutual goals that make us one people. In Your holy name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Hawaii [Mr. AKAKA] please come forward and lead the House in the Pledge of Allegiance?

Mr. AKAKA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 3910) "An act to require the Secretary of Education to conduct a comprehensive national assessment of programs carried out with assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965."

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 1594) "An act to extend nondiscriminatory treatment to the products of the Peoples' Republic of Hungary for 3 years," and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BENTSEN, Mr. MOYNIHAN, Mr. BAUCUS, Mr. PACKWOOD, and Mr. DOLE, to be the conferees on the part of the Senate.

The message also announced that the Senate recedes from its amendment numbered 2 to the bill (H.R. 1805) "An act to amend title 5, United States Code, to allow Federal annuitants to make contributions for health benefits through direct payments rather than through annuity withholdings if the annuity is insufficient to cover the required withholdings, and to make a technical correction relating to the life insurance program."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the title of the bill.

TRIBUTE TO THE LATE EDWIN F. POWERS OF STAFF OF COMMITTEE ON APPROPRIATIONS

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTEN. Mr. Speaker, in the operations of the Congress of the United States, and particularly the House, we are very fortunate on the Appropriations Committee in having what I consider as good a staff as we have in the country.

Mr. Mahon, and others who preceded me, let the staff select those who have worked on our staff. They are budget people without regard to politics.

I also think that we on the Committee on Appropriations have done everything that we could to be bipartisan. I think Members on both sides will agree with that.

One of those staff people was Edwin F. Powers of Texas, who served the committee for 17 years, brilliant, hard working, and sound.

Unfortunately, Mr. Speaker, I take this time to inform the House of the death of Mr. Ed Powers of the staff of the Committee on Appropriations. Ed died quietly in his sleep on Monday morning after a long bout with cancer. Unfortunately, his death came just 12 days after his 45th birthday.

Ed was born in McKinney, TX, on May 2, 1945, where he attended the public schools. He received his bachelor's degree from Austin College and has a master's degree from the University of Texas at Austin.

In 1969, Ed began his outstanding career of Government service by taking a job as a State budget officer for Gov. Preston Smith of Texas, where he served until April 1973, when he was hired by the Committee on Appropriations and assigned to the full committee staff. From 1980 to 1985, he was clerk of the Foreign Operations Subcommittee under the chairmanship of Dr. Long. In 1985, Ed came back to the front office where he worked on a number of appropriations and budget process issues.

We will always remember the professionalism that symbolized Ed's work. He was a true professional who loved his job and loved this institution that he served for over 17 years.

Our sympathies go out to his family and friends. We all share in this tragic loss.

May I say that he had a wonderful record with our committee, one that will be hard to surpass.

EDWIN F. POWERS

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, the House of Representatives and the Committee on Appropriations lost a valued resource and a loyal staff member with the death yesterday morning of Edwin F. Powers. Ed died quietly in his sleep at the Washington Hospital Center after a 2-year battle with cancer.

Ed Powers joined the staff of the Committee on Appropriations in April 1973, under the chairmanship of George Mahon. He came to us with tough credentials, having worked previously on the State of Texas budget. He worked in the committee's main office until January 1980, when he became the clerk of the Foreign Operations Subcommittee. In January 1985, Ed returned to the main office.

Working with the chairman of the Foreign Operations Subcommittee, Clarence "Doc" Long of Maryland, Ed was instrumental in shaping our Nation's foreign economic and military assistance policies, especially in the volatile Central American region. I am told they named a school for Doc Long somewhere down there; they should name something for Ed Powers, too.

Mr. Speaker, I know that you and many in the leadership on both sides of the aisle are well aware of Ed's many contributions to the workings of the House. We need dedicated professionals to help make this place function, and Ed will be sorely missed.

I offer my condolences to Ed's two brothers and to his friends and colleagues.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On May 16, 1990, I will take the oath of office as a United States Senator. I therefore announce my resignation from the House of Representatives effective 10 a.m. EDT, May 16, 1990. A copy of my letter of resignation to Governor Waihee is enclosed.

It has been a distinct honor to serve with you and our fellow House colleagues for the past 13 years. While I am eager to take on new challenges in the Senate, I will always cherish my years in the House.

Best wishes for your continued success as Speaker of the House.

Aloha pumehana,

DANIEL K. AKAKA,
Member of Congress.

Enclosure.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 1990.

Hon. JOHN D. WAIHEE, III,
Governor of Hawaii, State Capital, Honolulu, HI.

DEAR GOVERNOR WAIHEE: For the past 13 years, I have had the honor of representing the people of the Second Congressional District of Hawaii in the U.S. House of Representatives. This service has been one of the most rewarding experiences of my life.

Your decision to appoint me to the vacancy created by the death of Senator Spark Matsunaga gives me the opportunity to serve all the people of Hawaii as a United States Senator. I welcome this new challenge and will dedicate myself to satisfying this responsibility.

I therefore announce my resignation from the House of Representatives, effective 10 a.m. EDT, May 16, 1990, so that I may be sworn in as a United States Senator.

Aloha pumehana,

DANIEL K. AKAKA,
Member of Congress.

REPRESENTATIVE AKAKA BIDS ALOHA TO THE HOUSE

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, I have come today to bid aloha to my friends and colleagues. For almost 14 years, I have had the privilege of representing the people of Hawaii in the House. My service here has been one of the most rewarding experiences of my life, and I thank my constituents for enabling me to serve in this honored body.

Tomorrow morning I will be sworn in as a Member of the U.S. Senate. I welcome the challenge. I welcome the new opportunity to serve the people of Hawaii and our Nation.

While the future holds bright promise for me, I will always cherish my years in the House. I take with me the wisdom and experience gained as a Member of Congress, and the reward of having served with men and women of great vision who are dedicated to our great Nation.

As I was growing up in Pauoa, my parents taught me the importance of hard work and achievement. They also encouraged me to dream, and convinced me that I could make a difference. I know of no higher fulfillment of their wish for me, no better manifestation of the American dream, and no greater honor that can be accorded any citizen, than to serve in the U.S. Congress.

For so many years, you have been generous to the people of Hawaii and kind to me. Millie and I are especially grateful for all the dear friends we have made over the past 13 years. Words cannot express the aloha we feel for all the love and support you have given to us. On behalf of the Akaka family and staff, I thank you for your generosity and support. Aloha. God bless you. God bless America.

□ 1210

CUBA

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, it has come to my attention that one of our closest allies is cooperating closely with Fidel Castro's Cuba. This country has steadily increased its trade with Cuba since 1983 to the point where it has become Cuba's largest non-Communist trading partner. Who is this country?

Mr. Speaker, the country I am talking about is Japan. This fact is amazing to me. When communism is collapsing around the world and freedom is breaking out in Central and Eastern Europe, one of our closest allies is helping to subsidize a repressive Communist dictator.

It was estimated in 1986 that Cuba's debt with Japan was $850 million and rising. It is undoubtedly over $1 billion today. In addition, Cuban exports to Japan have also increased, especially in the areas of sugar and seafood. Since most of Cuba's trade with Japan is conducted on a barter basis, the trade deficit represents goods purchased on credit, which actually amount to a massive loan.

Mr. Speaker, this trade is appalling. When we are being encouraged to give Japan the benefit of the doubt on some of its trade practices, they are in turn trading with one of our most implacable enemies. United States territories such as the Virgin Islands and Puerto Rico are large sugar producers who could benefit from selling their sugar to Japan. Japan needs to hear the message loud and clear that many of us will take a second look at their trade practices if they continue to trade with Cuba.

CITIZENS DEMOCRACY CORPS GOOD FOR EAST AND WEST

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, in a speech over the weekend, the President endorsed what he called a citizens democracy corps to help the new democracies of Eastern Europe.

Thanks to the leadership and hard work of LEE HAMILTON and DANTE FASCELL over the many months, the House will soon have the chance to approve two programs in line with the President's goals.

The first, the "Free Enterprise Corps," will help experienced Americans with roots in Eastern Europe to share their time, energy, and knowledge with those countries as pioneers for free enterprise.

The second, "Freedom International," is a modern-day version of the Berlin airlift. But instead of shipping food and clothing from West to East, Freedom International will enrich both sides of the Atlantic through educational, cultural, and scientific exchanges on an unprecedented scale.

Eastern Europe has much to learn from America's rich tradition of freedom, pluralism, and opportunity. But we have much to learn from them—about risking it all for principles, about paying the price for freedom, and about remembering how precious the democracy we take for granted really is.

So I applaud the President's words. We need to build new friendships and new markets in Eastern Europe. Not only because strong, stable democracies are good for them. But because they're good for us as well.

NATION'S EMPLOYERS UNDER ATTACK

(Mr. HANCOCK asked and was given permission to address the House for 1 minute.)

Mr. HANCOCK. Mr. Speaker, employers in this Nation are under attack. From the mandated increase in the minimum wage, to the mandated parental leave bill, to the clean air bill, to the Americans With Disabilities Act, the employer is being confronted with the stark reality of the 1990's—that is, if the liberals cannot get the Government to fund their new programs—they will require businesses to fund them.

Does the Democrat leadership not expect these mandates to have a detrimental effect on the strength of this country? What about the jobs that will be lost? What about the factories or small family-owned businesses that

may be forced to close? What about the costs that will inevitably be passed on to all consumers? And what about inflation?

I cannot be an accomplice to the demise of American productivity. I will not support the liberals' mandates.

Mr. Speaker, I will vote against the rule on the ADA it if does not allow for a clean vote on amendments that provide employers flexibility and assistance in meeting these anticonsumer and anticompetitive mandates.

AMERICANS WITH DISABILITIES ACT

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, this week we will take another step to bring 43 million disabled Americans into the mainstream of our society by passing the Americans With Disabilities Act.

The ADA will not just help the disabled. It will help everyone, by giving America's economy the full benefit of their productive energies and talents.

Some people are afraid of this bill because it may mean they have to treat disabled Americans fairly in hiring and public accommodations. Some are afraid of the costs, or the prospect of lawsuits.

They should know that Washington State has had a stronger civil rights law for the disabled for the past 10 years. It works well. It has not caused one single business to fail. It has been good for business, good for public transportation, good for communities.

Mr. Speaker, we all know people with disabilities who perform in demanding jobs, bringing their talents and energies to make our economy and our society work better. We know that minimal adjustments are sometimes needed to allow them to make their greatest contributions, and we know the rewards are well worth the investments. Let us pass the ADA this week and bring 43 million Americans to the full citizenship and participation they deserve.

THOSE AMERICAN BASES IN THE PHILIPPINES

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, more Americans are killed in the Philippines, and the Philippine Government does nothing. No one is apprehended nor punished. There is nothing new in that.

I have a question: we have 40,000 Americans in the Philippines to protect the Philippines. Protect the Philippines from who? If the American people ever get the truth about the hundreds of millions, the billions we are pumping into the Philippines to keep these unneeded bases, they are going to be totally outraged and totally incensed. The Philippine people do not want nor need the bases. The American people do not want nor need the bases.

It is time to live in the 21st century. It is time to save billions. It is time to start a new page in history. It is time to do the will of the people. It is time to close the bases in the Philippines.

THE REALITY OF THE BUDGET, TAXES, AND SPENDING CUTS

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, reality is knocking at the front door of the White House. This intrusion in a fiscal policy dreamland comes from radically bloated budget deficit projections, a result in part from a softening economy, and in part from the exploding cost of the savings and loan industry scandal that has rocked this country.

The talk now of budget deficit summits, taxes, and spending cuts is a grim reminder of both a fiscal policy desperately off track and, in the case of the savings and loan industry mess, of an administration that failed to govern effectively resulting in perhaps the costliest financial failure in the history of America.

Those who assumed their posts in the Reagan administration during the 1980's, and who were part of the team to "get government off America's back," created a type of economic casino in which the fat cats were gorging, playing their speculative games while the American taxpayers were being set up to pay for the losses.

If ever there's a lesson describing the need for careful government regulation in sensitive industries such as financial industries, that lesson came from the incompetence of the 1980's when the American people were stolen blind and a good number of the so-called regulators were driving the getaway car.

The cost of the savings and loan industry bailout is now estimated by some to be over $300 billion. Is it any wonder that the President and others have finally decided it is now time for some sober discussion about how to fix this country's fiscal policy mess? Let us hope it is not too late, and let us hope as we fix this mess, we prevent the savings and loan bailout scandal and others like it from ever occurring again.

□ 1220

OVERALL GOAL OF LIMITING SPECIAL INTERESTS

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, as we are all aware, the preamble of our Constitution begins with the following three words, "We the people * * *."

It does not begin with, "We the national federation of * * *."

It does not begin with, "We the American association of * * *."

It does not begin with, "We the union of amalgamated * * *."

It simply reads, "We the people * * *."

We have been charged by our constituents through their votes, to represent their concerns and interests, and to do the business of this Nation.

However, the American people have come to believe that special interests have replaced their interests. That any influence that they might have had in the voting booth is lost at political fund raisers.

A former Democratic colleague was quoted in the book, "Honest Graft," as saying, with respect to the current state of campaign financing, and I quote, "The process buys you out."

I am aware of the fact that it takes more than a firm handshake and a nice smile to mount an effective campaign. But we must begin the necessary dialog between the respective parties to correct the problems affecting the system.

Effective campaign reform must remove any semblance of impropriety by those who currently serve, and provide a competitive environment for those who seek to serve in this body.

I believe the American people want reform now.

"LIPSERVICE" TERMED A DISSERVICE

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, it used to be that we only had one pair of lips to read.

Now, with the budget summit, there are so many lips—I don't know whose to read.

President Bush says: "There are no preconditions, and that's the way it is."

Then, a "senior White House official" says: "I emphasize it is our prerogative to say no—I emphasize that no."

Then, the President's press secretary says: "The 'senior White House official' is 'crazy.'"

Then, the Vice President says: "The 'senior White House official' * * * was just reflecting the President's instincts."

Frankly, Mr. Speaker, this lipservice is a disservice to the American people.

JAPANESE TRADE WITH CUBA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to bring to attention the increased contact between Communist Cuba and Japan. In January of this year, Fidel Castro made an appeal to the Japanese Ambassador to encourage investment and economic aid to Cuba, and just 2 months ago, Castro attended a Japanese Embassy dinner with the same objective.

Since 1983, Japan has become Cuba's largest non-Communist trading partner. Machinery, spare parts, electrical equipment, and vehicles are shipped on a regular basis from Japan to Cuba, and Cuba in turn sells seafood and sugar to Japan.

Even though the Soviets are cutting major subsidies to Cuba, Japan is increasing its trade with this Communist regime which does not value even the most fundamental human rights.

Supplying Castro with the currency and goods for his corrupt regime undermines the efforts of the United States to bring pressure on Cuba's bankrupt economy. Let us bring this issue to light now so that Japan can cut its ties to Fidel Castro.

BUDGET PROCESS REFORM—POLITICAL SMOKESCREEN

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, I have noticed with great interest Republican calls for changes in the budget process as part of the budget summit that begins today. I served on the Budget Committee from 1983 to 1989 and was a conferee on the Gramm-Rudman law. Also, I serve on the House Rules Committee which has original jurisdiction over changes in the Budget Act. So, this is a subject I've had a little experience with, and I'd like to share a few thoughts about it.

This call for change in the budget process is no more than the usual Republican smokescreen. Whenever Republicans don't really want to make the tough choices to cut the deficit, they cop-out and call for changes in the process. It's a lot easier than actually reducing the deficit.

Mr. Speaker, the American people are fed up with budget gimmicks. They want actual deficit reduction. Let's get off this tired old horse of changing the rules and get down to the hard work of making real choices.

This latest effort is just one more chapter in 10 years of Republican smoke and mirrors. The American people are tired of it and deserve better.

TAX AMNESTY

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, as my colleagues on the other side of the aisle have underscored, the budget summit has begun. It is very important that we see some kind of agreement addressed as we face the challenge of ensuring that we do not pass on this horrendous debt to future generations.

We all know it is very important for us to find ways in which we can increase revenues and enhance revenues to the Treasury.

Two weeks ago, Mr. Speaker, I offered legislation which I believe could take a very bold and dynamic step toward doing just that, and that is bringing about a tax amnesty, a 3-month period beginning July 1 of next year whereby we could collect some of the $100 billion in uncollected taxes out there which have been legally earned.

I hope very much that as the summit proceeds the process of tax amnesty will be seriously considered.

ECONOMIC CHANGES AFFECTING THE BUDGET SUMMIT

(Mr. SABO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABO. Mr. Speaker, the President has called a budget summit. He tells us that the economy has changed dramatically since he sent us his budget in January. In fact, he says the economy is changing so much that it is putting us on the brink of budget chaos.

But what's changed, Mr. President?

The "Blue Chip" economic forecasters tell us that the economy has gotten better—not worse—since January. If anything, it appears that changes in the economy will help reduce the deficit—not increase it.

So, Mr. President, why are you predicting an economic crisis now?

Mr. President, is this crisis manufactured because you are now concerned about the way you've been cooking the books?

Or is there something your experts know that we in Congress and private economists don't?

We need to know the answer, Mr. President. I don't see a sudden economic crisis. So the American people need to know from you, Mr. President, what's changed?

Mr. WALKER. Regular order. Regular order.

The SPEAKER pro tempore (Mr. MCNULTY). The Chair will advise Members they should address the Chair and not the President.

ETHNIC HATREDS AROUND THE WORLD

(Mr. SHAW asked and was given permission to address the House for 1 minute.)

Mr. SHAW. Mr. Speaker, as changes continue to unfold in Europe, and we continue to see great strides toward freedom and democracy, we are excited about the possibilities of a unified democratic Europe. However, as recent events in France show, sometimes you must take one step back in order to take two steps forward.

In a small town in the south of France last week, a Jewish cemetery was desecrated. Tombstones were knocked over, a woman's body was partially pulled from her grave, and the desecrated body of another man, who had recently passed away, was found draped over a tombstone.

This incident is not an isolated case. Attacks against Jews and other ethnic groups have been widely reported across Europe. So, while Europe continues to make great strides in its move to freedom, we must be careful to guard against unexpected pitfalls, such as the surfacing of ethnic hatreds that have built up over centuries. I applaud yesterday's march by French President Mitterrand and the French people in showing their outrage over this incident.

Such goulish incidious acts cannot be tolerated by a civilized society.

ADMINISTRATION'S FAILED ECONOMIC POLICIES

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, this is a very sad time. The chickens have come home to roost in the United States; 10 years' worth of a very failed policy. It has failed because it has made the United States unable to compete, buried it in debt and made it the biggest debtor Nation ever in the course of history.

But it has been successful because it has completely turned around the problems that we have to face. From being able to address all of the pressing needs of the day we are constantly now having to address the problems that the deficit brings.

We have a very strong military—fine. But everything else in this country is falling apart. The infrastructure,

the social structure, everything that this country holds dear is underfunded, undercapable, and under assault.

Mr. President, your part of a 10-year——

Mr. WALKER. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The Chair will advise Members they should address the Chair and not the President.

The gentleman from Florida may proceed.

Mr. SMITH of Florida. Mr. Speaker, the President is at fault. He is part of this team which has done this to us.

It is time for him to come to grips with reality. It is time for him to take responsibility for the mess this country is in.

BALTIC FREEDOM

(Mr. LEACH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEACH of Iowa. Mr. Speaker, even as Mikhail Gorbachev has issued a Presidential decree asserting that the Baltic people's aspirations for self-determination are constrained by Soviet law and the Soviet constitution, news reports this morning indicate that leaflets have been dropped in the Latvian capital of Riga, urging Soviet citizens to leave work, to take to the streets, and defend Soviet power against the counterrevolution.

Let us be precise about what is revolutionary and what is counterrevolutionary.

It is revolutionary to assert—as the citizens of the Baltics are peacefully and properly doing—that Governments derive their powers from the consent from the governed, and that freedom is an inalienable right springing from the people.

It is counterrevolutionary to suggest that freedom is a right granted and thus removable by law and that a foreign leader has the right to stifle legitimate aspirations for self-determination.

Neither the Molotov-Ribbentrop Pact nor the de facto genocide implicit in the Stalinist deportation of up to 20 percent of the Baltic population to the gulag gives the Soviets any historical legitimacy to their claim to the Baltics.

While the United States does not visualize the Baltic States to be part of a cold war equation, we do hold that individual peoples have inalienable rights that deserve being respected. If they are not, the U.S. Congress cannot be expected to sanction civilized discourse with an uncivilized nation.

Gorbachev must, therefore, come to understand that new Muscovite coercion in the Baltics will, at a minimum, make less likely the kind of progressive financial and trade ties with the West that Russia's moribund economy so desperately requires.

The West may have ruled out intervention—this being a crisis neither conjured nor inspired from Washington—but it cannot allow freedom's bell to be silenced without a telling response.

□ 1230

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4151, HUMAN SERVICES REAUTHORIZATION ACT OF 1990

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-486) on the resolution (H. Res. 392) providing for the consideration of the bill (H.R. 4151) to authorize appropriations for fiscal years 1991 through 1994 to carry out the Head Start Act, the Follow Through Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Act of 1981, and for other purposes, which was referred to the House Calendar and ordered to be printed.

A SPECIAL DAY OF REMEMBRANCE FOR LAW ENFORCEMENT HEROES

(Mr. BRENNAN asked and was given permission to address the House for 1 minute.)

Mr. BRENNAN. Mr. Speaker, today we pause and remember the 151 law enforcement officers in this Nation who made the supreme sacrifice in the past year. It is appropriate that we as a grateful Nation, take time to express our deep gratitude for these brave individuals who gave their lives to protect us.

At a time when drug-related violence sweeps our Nation, we must always remember those who serve on the front lines of this serious battle—our law enforcement officers.

Today, my home State of Maine offers deep appreciation and remembrance for an outstanding police officer, Giles R. Landry, detective with the Maine State Police, who lost his life in March 1989, in the line of duty. Over the years more than 60 law enforcement officers in Maine have made the ultimate sacrifice for their fellow citizens.

Today, I want to give my thanks to our law enforcement officers on this special day of remembrance.

JAPAN IS BANKROLLING AND UNDERWRITING THE CASTRO REGIME IN CUBA

(Mr. DOUGLAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOUGLAS. Mr. Speaker, last year was truly the year of democracy all over the world. This year has continued the process, with only one exception in our entire hemisphere, the little island nation of Cuba, which remains the only military dictatorship in our hemisphere.

Who is our biggest problem in terms of trade with Cuba? It is Japan, the largest creditor for Cuba. The largest trading partner with Cuba in the non-Communist bloc is Japan.

It is hard to believe, at a time when the Soviet Union will be cutting back on its foreign commitments, Japan, our so-called trading partner, is bankrolling and underwriting the Castro regime.

I think it is high time that we reassess our whole trade negotiation with Japan until they recognize that their funding and credits and trade with Cuba are running against the democratic trend all over the world and especially in our hemisphere.

THE PHILIPPINES ARE KILLING AMERICANS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Philippines are killing Americans. Their leaders say, and I quote, "Americans must be driven out and those Americans who refuse must be buried here."

Meanwhile, some other Philippine politicians are offering us a deal. They are saying, "Look, restore those $96 million in cuts you made, Congress, and give us a billion dollars more for our bases."

Now isn't that just ducky? I say it is time for the Philippines to go bankrupt, and it is also time for Congress to tell the Philippines if they kill one more American the Marines are going to make a house call. And we do not build fighter jets around here to arm the Salvation Army.

The joy ride is over. We gave them billions of dollars, and we have an ingrate who is out of control.

THE DEMOCRATS WANT TO RAISE AMERICA'S TAXES

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the Democrats want to raise America's taxes. Let me repeat that: The Democrats want to raise America's taxes.

The Democrats are pushing President Bush to raise America's taxes. They will tell America that we have not been getting enough in tax reve-

nues to run this country; but the fact of the matter is for the past 10 years the average increase in tax revenue has been $56 billion a year.

Now listen to that, we have had an average increase in revenues of $56 billion a year over the past 10 years, but they say it is not enough. They want more taxes, and they are pushing the President to do it.

Mr. Speaker, the deficit lies not in the stars or with the lack of revenues, it lies with my Democratic friends, it lies with you.

AMERICANS NEED TO KNOW HOW THE PRESIDENT PROPOSES TO SOLVE THE $70 BILLION DEFICIT

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, in January of this year when the President submitted his budget to the U.S. Congress, he thought that he could reach the Gramm-Rudman deficit reduction target of $64 billion a year with a simple $36 billion reduction in the deficit.

Now, Mr. Speaker, it is obvious that the $36 billion is not going to work; it is going to take probably $70 billion if not more to solve the problem.

Mr. Speaker, I believe the people of this country have a fundamental right to expect their President to lead in this situation. We need to know how the President proposes to solve this problem.

Does he propose to raise more revenues than he recommended earlier this year in his budget when he asked for $13.9 billion in additional revenue?

Does he now propose to cut the Pentagon budget more? Maybe he is ready to terminate the B-2 bomber program.

What other budget cuts does the President propose to reach the $70 billion under Gramm-Rudman?

Mr. Speaker, we only elect one President; he is the only person elected by all the people in this country. When this country needs leadership, it has always looked to the President.

So now, Mr. Speaker, is the time for the President of the United States to tell the American people how he proposes to solve this deficit problem. With his leadership I am convinced the American public is ready to respond and make the sacrifices necessary to solve this problem.

AMERICANS WITH DISABILITIES ACT

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, the Americans With Disabilities Act will be considered on the House floor this week. One issue that has not yet been adequately considered in any committee, is the issue of providing tax assistance for businesses who will be required to make accommodations under the bill.

Mandating access for the disabled may be a reasonable requirement. Mandating that a business spend money to provide that access is something different. But to leave the spending mandate open-ended—with the courts determining how much small businesses must spend to accommodate the disabled—is unheard of.

Mr. Speaker, this Congress cannot pass the ADA unless it also allows for a tax credit for businesses who will be forced to spend money on accommodations for the disabled. The future of America's competitiveness is at stake.

THE BUDGET SUMMIT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today we go to the summit, and I hear people on the other side saying those of us on this side have no proposal except taxes.

Wrong. Those of us on this side have been very concerned about how the prior administration allowed this whole S&L thing to get totally out of whack. That is one of the main things driving this summit. They tried to take the S&L bailout and move it off budget. It did not make any difference whether it was on budget or off budget, you still got to pay.

□ 1240

So guess what? The debt is higher. Now, we have an Attorney General who is able to send his people out to find the assets of the drug cartels, but they are not able to find the assets of the S&L cartel because, thank you very much, they don't do white-collar crime. Well, they are supposed to do white-collar crime, and I think it is about time we start going to look for those assets. If we can find those assets, we can certainly do an awful lot about getting this deficit under control, by getting the cost of the S&L bailout down.

It makes no difference, that is what we ought to do. The Attorney General ought to get on with it.

REFORMULATED GASOLINE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the oil industry recently decided to spend up to $2 million to oppose an amendment that I will be offering with the gentleman from Illinois [Mr. MADIGAN] during floor consideration of the Clean Air Act.

What is it that the oil industry fears? Quite simply, an amendment that will get substantial health and clean air benefits, by cleaning up our Nation's gasoline and by using ethanol.

Mr. Speaker, by replacing aromatics with oxygenated fuels, the Richardson-Madigan amendment will properly result in cleaner car engines, longer lasting cars, and thus can only be characterized as a strong consumer amendment. It will be the environmental amendment of the clean air debate.

Mr. Speaker, the Richardson-Madigan amendment on reformulated gas is good for our health, good for clean air, good for our economy by reducing our dependence on foreign oil. Beware of those slick ads by the oil industry about the Congress becoming engineers. The Congress is voting for a clean air bill and reformulated gas is a key in this bill.

PROJECT HEAD START'S 25TH ANNIVERSARY

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, on Friday our Nation will celebrate the 25th anniversary of President Johnson's signing of the Executive order launching project Head Start.

Head Start was founded as a service to help prepare disadvantaged preschool children to start the first grade on an equal footing with their peers. Today, Head Start serves 451,000 children in more than 1,200 communities. Since its founding Head Start has served over 11 million children.

Research has shown that Head Start graduates have better attendance, miss fewer tests, need special education less, and have a lower dropout rate. The program has been so successful that the child-care bill passed by the House last month would expand Head Start to a full-day, year-round program.

In 1965, President Johnson said, "* * * we (have) opened a new war front on poverty. We set out to make certain that poverty's children would not be forevermore poverty's captives." Head Start is one program that has lived up to its promise.

On Thursday the House will consider legislation to reauthorize the Head Start Program through fiscal year 1994. This legislation deserves our strong support.

TRIBUTE TO PROFESSIONAL LAW ENFORCEMENT OFFICERS

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, I rise today to pay tribute to the more than half a million dedicated and professional law enforcement officers in this country—at the local, State, and Federal levels—men and women who risk their lives every day in the course of their duties.

It is particularly appropriate to acknowledge these dedicated public servants today—on National Peace Officers Memorial Day. Today, as part of the National Police Week observances, the Fraternal Order of Police will be conducting a special service in honor of the 161 law enforcement officers who were killed in the line of duty during 1989. The families of these officers will be gathering on the Mall, with officers from all over the country, to pay homage to these heroes.

In addition, just a few blocks from this Chamber in Judiciary Square, work is proceeding on the National Law Enforcement Officers Memorial. That memorial to the thousands of law enforcement officers who have given their lives in the course of duty will be completed and dedicated 1 year from now.

Mr. Speaker, we all hear a great deal and certainly talk a lot about the war on crime and drugs. But we do not take enough time to think about and acknowledge the service and sacrifice of the men and women who are on the front lines and in the trenches of that battle. Today and all this week we should all make an extra efforts to do just that.

TAXPAYER MONEY SQUANDERED ON ACID RAIN STUDY

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, the taxpayers of this country are going to be mad as hell when they find out how the Congress and the President of the United States are squandering $600 million of their tax dollars for an acid rain study that began in 1980, and is now being disregarded—$600 million—because of pressure from the environmentalists, from the Canadians, from the western coal interests, and from other special interests.

The reason for this study was to find the cause and the effect of acid rain. At the time that it started, the environmentalists were the strong supporters of it. But now it is not saying what they want it to say, they are opposing it. They do not give a damn about the economy as long as they get what they want. It does not make sense. Congress and the White House are playing a very stupid game in this. They do not know and do not realize they are elected by the people, not decorated by the special interests and the environmentalists.

INVESTMENT IN THE DELTA REGION PROMISES RICH DIVIDENDS

(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, this is an important day for rural America.

The Mississippi Delta Development Commission releases its report today on the problems and promise of the delta region, from southern Illinois to the Gulf of Mexico.

It lays the foundation for progress on some compelling challenges.

Our literacy rate is too low—the number of teenagers having babies is too high—health care is often hard to find or afford—and our people are caught in the middle.

But this area is worth helping.

It is rich in natural resources—it is poised to serve as an industrial, agricultural, and tourism hub for the country—and its people are willing to work hard to make it happen.

Join us in investing in the delta region. Your return will be greater than you may have ever imagined.

LITHUANIAN INDEPENDENCE

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, President Mikhail Gorbachev's reforms have brought about a series of changes in Eastern Europe unimaginable only a few years ago. In Poland, in Hungary, in Czechoslovakia, in Romania, in Bulgaria, and in East Germany, totalitarian rule is fast being replaced by governments of the people, for the people.

To Lithuania's exercise of freedom and independence, the Soviet Union has responded by banning privately owned weapons, tightening border controls, and imposing a crippling embargo against the Lithuanian people. President Gorbachev, the champion of perestroika and glasnost, stood idly by as Soviet troops stormed a printing plant in Vilnius, beating those who resisted.

In spite of all this, the Lithuanians are willing to negotiate on some of the most important points of contention, including the protection of Soviet citizens in Lithuania and a joint defense agreement. They will not, however, concede their independence and sovereignty.

In 1975, both the Soviet Union and the United States promised that the right of people to self-determination would be respected. The Soviets now will not recognize the rights of an independent Lithuania and President Bush has not come to Lithuania's defense. While Gorbachev has cut back drastically on basic supplies going into Lithuania, President Bush talks of a new United States-Soviet trade agreement.

Despite the possible advantages of a summit agreement on trade and other issues, President Bush must make the Soviets realize that the independence of the Baltic States is important to the Congress and the American people.

If the Soviet Government employs force and violence to stifle the aspirations of the people of Lithuania, Latvia, and Estonia, it will make measurably harder the mutually desired improvement in relations between our two governments.

Before President Bush meets with Gorbachev later this month, he must demand that the Soviet Union makes a commitment to respect and honor Lithuanian rights. It is in the best interest of the Lithuanians, the United States, the Soviets, and world peace that the legitimate desire of the Baltic States for freedom and self-determination be honored. Their freedom must not be used as a bargaining chip at the tables of the next summit.

□ 1250

REASSESSING BLAME FOR THE SAVINGS AND LOAN CRISIS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, there was an attempt to rewrite history on the floor here a few moments ago, and I thought that it deserved comment. A few moments ago we heard a Member come to the floor and suggest that it was the past administration that brought this Nation to the problem of the savings and loan crisis.

I would remind that Member that it was the enforcement officials of the past administration that attempted to do something about the savings and loan crisis before it became a national financial tragedy, but it was the Speaker of this House that got in the way, it was the former chairman of the Banking Committee of this House that got in the way, and it was leading Democrats on the other side of the Hill who got in the way of those enforcement officials doing their job.

We are faced with a multibillion dollar problem as a result of the special interests who helped Members of Congress get in the way of enforcement officials, but we ought not blame the savings and loan crisis on the past administration.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

BANKRUPTCY CODE AMENDMENTS REGARDING SWAP AGREEMENTS AND FORWARD CONTRACTS

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4612) to amend title 11 of the United States Code regarding swap agreements and forward contracts, as amended.

The Clerk read as follows:

H.R. 4612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SWAP AGREEMENTS

SEC. 101. DEFINITION OF SWAP AGREEMENT AND SWAP PARTICIPANT.

Section 101 of title 11, United States Code, is amended by—

(1) redesignating paragraphs (49), (50), (51), (52), and (53) as paragraphs (51), (52), (53), (54), and (55), respectively; and

"(49) 'swap agreement' means—

"(A) an agreement (including terms and conditions incorporated by reference therein) which is a rate swap agreement, basis swap, forward rate agreement, commodity swap, interest rate option, forward foreign exchange agreement, rate cap agreement, rate floor agreement, rate collar agreement, currency swap agreement, cross-currency rate swap agreement, currency option, any other similar agreement (including any option to enter into any of the foregoing);

"(B) any combination of the foregoing; or

"(C) a master agreement for any of the foregoing together with all supplements;

"(50) 'swap participant' means an entity that, at any time before the filing of the petition, has an outstanding swap agreement with the debtor;".

SEC. 102. AUTOMATIC STAY.

Section 362(b) of title II, United States Code, is amended—

(1) in paragraph (12) by striking "or" at the end;

(2) in paragraph (13) by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(14) under subsection (a) of this section, of the setoff by a swap participant, of any mutual debt and claim under or in connection with any swap agreement that constitutes the setoff of a claim against the debtor for any payment due from the debtor under or in connection with any swap agreement against any payment due to the debtor from the swap participant under or in connection with any swap agreement or against cash, securities, or other property of the debtor held by or due from such swap participant to guarantee, secure or settle any swap agreement.".

SEC. 103. LIMITATION ON AVOIDING POWERS.

Section 546 of title II, United States Code, is amended by adding at the end the following:

"(g) Notwithstanding section 544, 545, 547, 548(a)(2) and 548(b) of this title, the trustee may not avoid a transfer under a swap agreement, made by or to a swap participant, in connection with a swap agreement and that is made before the commencement of the case, except under section 548(a)(1) of this title.".

SEC. 104. FRAUDULENT TRANSFERS AND OBLIGATIONS.

Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (B) by striking "and" at the end;

(2) in subparagraph (C) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(D) a swap participant that receives a transfer in connection with a swap agreement takes for value to the extent of such transfer.".

SEC. 105. SETOFF.

Section 553(b)(1) of title II, United States Code, is amended by striking "362(b)(7),," and inserting "362(b)(7), 362(b)(14),".

SEC. 106. CONTRACTUAL RIGHTS TO TERMINATE SWAP AGREEMENTS.

(a) TERMINATION OF SWAP AGREEMENTS.—Subchapter III of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"§ 560. Contractual right to terminate a swap agreement

"The exercise of any contractual right of any swap participant to cause the termination of a swap agreement because of a condition of the kind specified in section 365(e)(1) of this title or to offset or net out any termination values or payment amounts arising under or in connection with any swap agreement shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by order of a court or administrative agency in any proceeding under this title. As used in this section, the term 'contractual right' includes a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.".

(b) TECHNICAL AMENDMENT.—The table of sections of chapter 5 of title 11, United States Code, is amended by adding at the end the following item:

"560. Contractual right to terminate a swap agreement.".

TITLE II—FORWARD CONTRACTS

SEC. 201. DEFINITION OF COMMODITY.

Section 101 of title 11, United States Code (as amended by section 101), is amended—

(1) in paragraph (24)—

(A) by inserting "as defined in section 761(8) of this title, or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade," after "transfer of a commodity,", and

(B) by inserting ", including, but not limited to, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any combination thereof or option thereon" after "entered into";

(2) in paragraph (25) by striking out "commodities" and inserting "a commodity, as defined in section 761(8) of this title, or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade";

(3) by redesignating paragraphs (34) through (55), as paragraphs (36) through (57), respectively; and

(4) by inserting after paragraph (33) the following:

"(34) 'margin payment' means, for purposes of the forward contract provisions of this title, payment or deposit of cash, a security or other property, that is commonly known in the forward contract trade as original margin, initial margin, maintenance margin, or variation margin, including mark-to-market payments, or variation payments; and

"(35) 'settlement payment' means, for purposes of the forward contract provisions of this title, a preliminary settlement payment, a partial settlement payment, an interim settlement payment, a settlement payment on account, a final settlement payment, a net settlement payment, or any other similar payment commonly used in the forward contract trade;".

SEC. 202. AUTOMATIC STAY.

Section 362(b)(6) of title 11, United States Code, is amended—

(1) by striking "section 741(5) or 761(15)" and inserting "section 101(34), 741(5), or 761(15)"; and

(2) by striking "section 741(8)" and inserting "section 101(35) or 741(8)".

SEC. 203. LIMITATIONS ON AVOIDING POWERS.

Section 546(e) of title 11, United States Code, is amended—

(1) by striking "section 741(5) or 761(15)" and inserting "section 101(34), 741(5), or 761(15)"; and

(2) by striking "section 741(8)" and inserting "section 101(35) or 741(8)".

SEC. 204. FRAUDULENT TRANSFERS AND OBLIGATIONS.

Section 548(d)(2)(B) of title 11, United States Code, is amended—

(1) by striking "section 741(5) or 761(15)" and inserting "section 101(34), 741(5) or 761(15)"; and

(2) by striking "section 741(8)" and inserting "section 101(35) or 741(8)".

SEC. 205. CONTRACTUAL RIGHT TO LIQUIDATE A COMMODITY CONTRACT OR FORWARD CONTRACT.

Section 556 of title 11, United States Code, is amended by striking the period at the end of the last sentence of the section and inserting "and a right, whether or not evidenced in writing, arising under common law, under law merchant or by reason of normal business practice.".

The SPEAKER pro tempore. Is a second demanded?

Mr. FISH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from New York [Mr. FISH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I am pleased to bring to the floor legislation that will help

to ensure that our financial markets are not destabilized by uncertainties in the application of the Bankruptcy Code. H.R. 4612 deals with the treatment under the Bankruptcy Code of two types of financial instruments which are traded in United States and international markets. One type of financial instrument is a forward contract, sometimes referred to as a futures contract. The other type of financial instrument is a swap agreement, which, for example, allows a corporation or other large borrower to exchange a variable interest rate for a fixed interest rate, to ensure stability of financial costs in his business.

The 1978 Bankruptcy Code is premised on the principle of uniform application wherever possible, so that all creditors receive equal treatment and no one is able to get a better deal for himself at the expense of the others. However, since 1978, we have been faced with a number of situations where Congress has concluded that certain rapid, high-volume financial transactions warrant special bankruptcy treatment so as not to disrupt international capital markets.

Thus, in recent years, Congress has given such special treatment to various financial instruments meeting this description, such as securities contracts, forward contracts, and repurchasing agreements. The justification for excluding such agreements from the usual powers of the trustee is that unlike other types of contracts, these agreements are tied to a host of other past and future transactions in the marketplace—all of which may be affected by the Bankruptcy Code's treatment of the specific agreement in question. The potential for confusion and disruption in the capital markets is thus great.

We have sought out all interested parties and have found consensus on the need to provide swap agreements with similar treatment. We have also found consensus on the need to refine certain definitions in the existing Bankruptcy Code provisions which already provide forward contracts with this treatment so as to cover the types of forward contracts and payments now in use in the markets.

I would like to note a few technical changes made to H.R. 4612 since it was reported by the Judiciary Committee. The definition of "swap participant" was modified to remove an ambiguity that might have led courts to disregard all swap agreements entered into on the day of, but prior to, a bankruptcy petition being filed. The term "swap agreement" was clarified to include "commodity swaps" among the various types of agreements within the meaning of this term. The terms "repurchase agreement" and "reverse repurchase agreement," which are used in the forward contract title of the bill, are already used elsewhere in the Bankruptcy Code for other purposes, so the word "agreement" was changed to "transaction" to distinguish the new terms and eliminate possible confusion.

I want to particularly thank Congressmen SCHUMER, FISH, and SYNAR for their significant contributions in fashioning this measure.

Mr. Speaker, the swap and forward contract markets can be volatile enough as it is. This bill will remove the increased volatile capability that results from a bankruptcy's potential to disrupt the settling of accounts in these markets.

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to speak in support of H.R. 4612—legislation that incorporates the provisions of two earlier bankruptcy bills—H.R. 2057 on swap agreements and H.R. 1754 on forward contracts. H.R. 2057 is a bill Mr. SCHUMER introduced with Mr. SYNAR's and my cosponsorship—and H.R. 1754 is a bill I introduced with Mr. SCHUMER's and Mr. SYNAR's cosponsorship.

During our hearing in the Subcommittee on Economic and Commercial Law, I raised the issue of whether these two bills should be merged. The chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS.], recognized the need for comparable bankruptcy treatment of swap agreements and forward contracts—and introduced a single bill. I commend him for his interest and leadership in this matter.

The prospect of favorable action in this body on needed bankruptcy legislation covering swap agreements and forward contracts is particularly gratifying to me because I have been seeking—for some time—to reduce risks for participants in these transactions.

Today, the many financial institutions that engage in exchanges of currencies and interest rates under swap agreements face needless uncertainty about the potential impact of a bankruptcy filing on the right to terminate and net out transactions. The stability of the swap market depends on the ability of a nondefaulting participant to terminate outstanding transactions quickly; rapid changes in currency values and interest rates can make delay very costly. In addition, fairness requires offsetting favorable transactions against unfavorable transactions and protecting payments made pursuant to swap agreements against the possible exercise of avoiding powers to set aside prebankruptcy transfers.

The swap market serves essential functions today—including reducing vulnerability to fluctuations in exchange and interest rates. Explicit Bankruptcy Code references to swap agreements will remove ambiguities that undermine the swap market. The legislation is consistent with prior congressional action incorporating similar Bankruptcy Code provisions on securities contracts and repurchase agreements.

Our hearing record—including testimony on behalf of the International Swap Dealers Association and correspondence from the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Board of Governors of the Federal Reserve System—documents the need for swap legislation. The Senate passed a bankruptcy bill relating to swap agreements in the 100th Congress.

The legislation before us includes, as I have indicated, the provisions of my bill relating to the treatment of forward contracts—deferred delivery contracts for the "purchase, sale, or transfer of a commodity." We clarify the forward contract definition already in the code and provide greater assurance that the basic expectations of participants in such contracts will not be thwarted. The language on forward contracts does not establish a new statutory scheme, but rather eliminates unsettling ambiguities from an existing one.

The forward contract definition in current bankruptcy law does not include a list of specific types of covered transactions, although there is legislative history clarifying Congress' intent. A 1983 Senate Judiciary Committee report points out that "[t]he terms 'purchase,' 'sale' and 'transfer' are used in the definition in their broadest sense to include, at least, consignments, leases, swaps, hedge transactions, commercial options, deposits, loans, allocated and unallocated transactions, or any combination thereof." (Rept. 98-65, p.70)

The congressional understanding that Bankruptcy Code provisions protecting forward contracts apply to repurchase agreements—and reverse repurchase agreements—also finds expression in the same legislative history. The committee report notes: "It is not intended by the enumeration in this definition [of repurchase agreement] to affect in any way the status of repurchase agreements for any item, whether or not covered by the definition, under other provisions of the Code, such as those, for example, protecting securities contracts and forward contracts." (Rept. 98-65, p. 70.)

Section 201 of H.R. 4612 incorporates into statutory language a nonexclusive list of covered transactions that tracks Congress' original intent as expressed in the Senate committee report—except for broader language on options in the pending legislation. Such a codification provides enhanced protection to forward contract participants by removing uncertainties surrounding the extent of judicial reliance on legislative history from the 98th Congress.

The list of covered transactions in H.R. 4612 includes "repurchase transaction[s]" and "reverse repurchase transaction[s]." We have modified the "repurchase agreement" and "reverse repurchase agreement" terminology that appeared in earlier versions of this legislation because we recognize that the Bankruptcy Code definition of these terms is too narrow for our purposes. The limiting references in section 101(41) to transactions involving specific types of securities are inconsistent with our objective of codifying coverage of repurchase agreements and reverse repurchase agreements involving commodities.

We use distinguishing terminology to clarify that the language of section 101(41) does not apply. Our intent is to embrace—for purposes of the forward contract definition—repurchase transactions and reverse repurchase transactions as understood by participants in the forward contract market.

The Committee on the Judiciary acted favorably on this legislation by voice vote with no expression of opposition. I urge my colleagues in this body to join me in supporting H.R. 4612.

□ 1300

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER], the distinguished coauthor of the bill.

Mr. SCHUMER. Mr. Speaker, first let me rise in strong support of H.R. 4612, a bill amending the treatment of swap agreements and forward contracts under the Bankruptcy Code. The committee has done an excellent job by taking legislation that I introduced and another key bill that the gentleman from New York [Mr. FISH] introduced and consolidating, improving, and putting them together in this product which we hope will become law.

Mr. Speaker, I want to thank Chairman BROOKS and the staff of the Committee on the Judiciary for their diligent work on a subject which, while important, is more than a bit esoteric. This legislation consolidates and improves on two separate pieces of legislation previously introduced by myself and my colleague from New York, Mr. FISH.

Under the general provisions of the Bankruptcy Code, all contracts, obligations and agreements involving the bankrupt entity are stayed or frozen until such time as the competing claims are reconciled. This process typically can take months, during which the ultimate outcome is totally uncertain. This approach is appropriate for nonliquid contracts such as a building lease or service agreement, since those agreements do not typically change in value substantially over time.

However, high volume, transactional agreements and contracts are of a different character and deserve different treatment under the code. Instruments that are actively traded on the international capital markets fluctuate constantly in value. Counterparties to a bankrupt entity need immediate resolution of their claims in order to be able to hedge their positions in the increasingly volatile international capital markets. If the stay provisions are allowed to take effect, counterparties will be frozen and unable to participate in the markets.

Recognizing the different character of these instruments, Congress has previously placed high volume financial transaction instruments such as securities contracts, options, and repurchase agreements in a separate category under the Bankruptcy Code. When a bankruptcy occurs, these exposures are settled immediately, ensuring crucial liquidity remains in the markets.

America's capital markets are the most innovative in the world and that makes them the most competitive and successful internationally. Unfortunately, that innovation also brings with it an incredible proliferation of new instruments which the law cannot foresee. Forward contracts and swap agreements—the subject of the legislation before the House today—are two instruments which hardly existed even 5 years ago. As a consequence, they were not incorporated in the last revision of the Bankruptcy Code which addressed instruments such as repurchase agreements. Both have now developed into markets involving billions of dollars.

Swaps agreements and forward contracts, should be accorded the same treatment under the Bankruptcy Code as other similar financial instruments currently enjoy.

Interest rate and currency swap agreements are vital risk management tools used by commercial banks, investment banks, thrift institutions, insurance companies, domestic and multinational corporations, foreign governments, and U.S. and foreign government-sponsored entities, not to mention many U.S. State and local governments. They offer borrowers the ability to carefully manage the interest rate or currency risks they undertake, making it easier and safer for companies or governments to raise the capital necessary for economic growth. Similarly, forward contracts allow both borrowers and purchasers of commodities to hedge their risks.

Mr. Speaker, the benefits of explicitly addressing this issue through this legislation would be substantial. Favorable action today would lower the cost of capital for American corporations, facilitating investment. It would facilitate the movement of capital and increase the efficiency of our financial markets. It would bring a degree of certainty and finality to the resolution of troubled market participants. It is important to note that, while the market and the economy as a whole would benefit, there would not be any corresponding damage to any other segment of the markets.

The approach adopted by this legislation enjoys the support of the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Securities Industry Association, the Public Securities Association, the New York Clearinghouse, and the International Swap Dealers Association, as well as many financial institutions.

Mr. Speaker, this is important and needed legislation about which I have not heard a single negative word from anyone. I urge its passage.

Mr. FISH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 4612, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

INTERLOCKING DIRECTORATE ACT OF 1990

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 29) to amend the Clayton Act regarding interlocking directorates and officers, as amended.

The Clerk read as follows:

H.R. 29

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interlocking Directorate Act of 1990".

SEC. 2. Section 8 of the Clayton Act (15 U.S.C. 19) is amended to read as follows:

"SEC. 8. (a)(1) No person shall, at the same time, serve as a director or officer in any two corporations (other than banks, banking associations, and trust companies) that are—

"(A) engaged in whole or in part in commerce; and

"(B) by virtue of their business and location of operation, competitors, so that the elimination of competition by agreement between them would constitute a violation of any of the antitrust laws;

if each of the corporations has capital, surplus, and undivided profits aggregating more than $10,000,000, as adjusted pursuant to paragraph (5) of this subsection.

"(2) Notwithstanding the provisions of paragraph (1), simultaneous service as a director or officer in any two corporations shall not be prohibited by this section if—

"(A) the competitive sales of either corporation are less than $1,000,000, as adjusted pursuant to paragraph (5) of this subsection;

"(B) the competitive sales of either corporation are less than 2 per centum of that corporation's total sales; or

"(C) the competitive sales of each corporation are less than 4 per centum of that corporation's total sales.

For purpose of this paragraph, 'competitive sales' means the gross revenues for all products and services sold by one corporation in competition with the other, determined on the basis of annual gross revenues for such products and services in that corporation's last completed fiscal year. For the purposes of this paragraph, 'total sales' means the gross revenues for all products and services sold by one corporation over that corporation's last completed fiscal year.

"(3) the eligibility of a director or officer under the provisions of paragraph (1) shall be determined by the capital, surplus and undivided profits, exclusive of dividends declared but not paid to stockholders, of each corporation at the end of that corporation's last completed fiscal year.

"(4) For purposes of this section, the term 'officer' means an officer elected or chosen by the Board of Directors.

"(5) For each fiscal year commencing after September 30, 1990, the $10,000,000 and $1,000,000 thresholds in this subsection shall be increased (or decreased) as of October 1 each year by an amount equal to the percentage increase (or decrease) in the gross national product, as determined by the Department of Commerce or its successor, for the year then ended over the level so established for the year ending September 30, 1989. As soon as practicable, but not later than October 30 of each year, the Federal Trade Commission shall publish the adjusted amounts required by this paragraph.

"(b) When any person elected or chosen as a director or officer of any corporation subject to the provisions hereof is eligible at the time of his election or selection to act for such corporation in such capacity, his eligibility to act in such capacity shall not be affected by any of the provisions hereof by reason of any change in the capital, surplus and undivided profits, or affairs of such corporation from whatever cause, until the expiration of one year from the date on which the event causing ineligibility occurred.".

SEC. 3. Section 10 of the Clayton Act (15 U.S.C. 20) is hereby repealed.

The SPEAKER pro tempore. Is a second demanded?

Mr. FISH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from New York [Mr. FISH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I am pleased to bring to the floor H.R. 29, legislation to amend section 8 of the Clayton Act dealing with the prohibition against director interlocks.

Since passage of the Clayton Act in 1914, the antitrust laws have forbidden a director from sitting on the board of two or more competing corporations when at least one of the corporations has "capital, surplus or undivided capital" aggregating more than $1 million. Of course, this limitation for some time whether to modernize the threshold so as to make it more relevant today and in the future.

H.R. 29, the Interlocking Directorate Act of 1990, would amend section 8 of the Clayton Act by: First, increasing the jurisdictional threshold from $1 million to $10 million; second, creating three de minimis exemptions to the jurisdictional threshold where the risk of competitive harm is slight; third, extending coverage of the interlock prohibition to include officers as well as directors; and fourth, establishing a GNP inflator/deflator index for the jurisdictional threshold, to be adjusted annually. The legislation would also repeal section 10 of the Clayton Act, thus making common carriers subject to the same standards regarding directoral interlocks as other types of corporations.

While the fundamental purpose behind the enactment of section 8 remains an important one, the committee has concluded that the original statute does not adequately take into account the size or nature of the modern corporation in the current economy. In the current marketplace, the fact that a corporation may have capital, surplus, and undivided profits of $1 million should not automatically be taken as a sign that a director interlock will have a significant impact on competition. The committee believes that given the per se nature of the existing prohibition against interlocks, the creation of certain de minimis exceptions may likely assist corporations in selecting qualified directors without sacrificing any safeguards to prevent the dampening of competition.

I want to thank the original sponsor of the legislation, the gentleman from New York [Mr. FISH], for his interest in the legislation. During the Judiciary Committee's deliberations, I offered an amendment in the nature of a substitute—which was accepted—to strike a provision that would have permitted a director interlock if two companies could have hypothetically merged under the antitrust laws. I believed that such a provision went too far by permitting nearly all interlocks to escape antitrust scrutiny. For once, the Antitrust Division of the Justice Department even agreed that competition might be harmed by such a test. In addition, my substitute amendment tightened up the de minimis safe harbors without causing undue problems for business management.

I want to note several technical changes made since the bill was reported in order to clarify its language for ease of application. First, in the new section 8(a)(1), I found it important to clarify that the interlock ban is directed at direct market rivals. That is made crystal clear by inserting the orginal statute's words "by virtue of their business and location of operations, competitors * * *." By preserving this phrase, we also preserve all the case law interpretations for the past 75 years. In addition, in the de minimis safe harbor section—section 8(a)(2)(C)—we have clarified that the test involves a calculation of the competitive sales of each corporation with that corporation's own total sales. We have made other similar clarifying changes in the definition of "competitive sales" for ease of application. Finally, we have updated the dates at which the GNP inflation index will be calculated. Because the legislation was first introduced in the 100th Congress, those dates were based on fiscal years 1988 and 1987, rather than on 1990 and 1989.

I believe the bill, as amended, is a sound step toward modernizing the antitrust laws without doing harm to our competition policy. However, as I indicated at committee markup, if we find that the safe harbor provisions are being abused or are facilitating collusive conduct, then we may revisit section 8 in the near future. In the meantime, I think H.R. 29 is the proper legislative response and I urge my colleagues to join me in supporting passage of H.R. 29.

□ 1310

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is always satisfying to watch a good bill move through the legislative process. I am bound to say, however, that the feeling is considerably enhanced when it is one's own bill. So it is that I am delighted that H.R. 29, the Interlocking Directorate Act of 1990, is now before the House, after being reported by the Committee on the Judiciary, and commend Chairman BROOKS for bringing this bill to the floor.

This is the third consecutive Congress in which I have been the principal House sponsor of legislation proposing to revise and modernize section 8 of the Clayton Act. Section 8 currently prohibits a director from sitting on the boards of two or more competing companies if any one of them has over $1 million in assets. The notion that an interlock that involves a corporation with assets of $1 million would pose a significant competitive threat today is a concept that belongs in one of the museums of the Smithsonian.

So, this is legislation that seeks to bring the limits on interlocking directorates in the Federal antitrust laws in line with the business realities of the 1990's. By so doing it will also contribute to the more efficient use of resources by our antitrust enforcement agencies by directing their attention to conflicts of interest which are more likely to have an anticompetitive impact.

Mr. Speaker, H.R. 29 would bring about the following changes in section 8:

Raise the jurisdictional threshold from $1 million to $10 million;

Require that both corporations involved exceed the $10 million threshold before an interlock could be prohibited;

Limit the prohibition to companies which are currently competitors, eliminating its application to companies which have been in competition only previously;

Add an indexing provision to section 8 which would adjust the jurisdictional threshold annually, based on percentage changes in the GNP;

Insert three de minimis or "safe harbor" standards in the statute, so that substantial competition between two corporations will be required before an interlock could be prohibited; and

Expand the prohibition to include corporate officers, as well as directors.

In addition, H.R. 29 will, for the first time, make section 8 applicable to common carriers, such as railroads. Correspondingly, it repeals section 10 of the Clayton Act. That provision currently regulates certain commercial dealings between a common carrier and other companies, where the carrier has an officer, director, or manager that has a financial interest in the "other company." Thus, unlike section 8 which regulates horizontal interlocks, section 10 covers vertical relationships—typically supply contracts—and imposes burdensome, outdated competitive bidding requirements on common carriers.

In the words of one commentator, section 10 has become "a trap for the unwary, a bog for the litigator, a burden upon the courts and a delightful sinecure-maker for the regulator." (M. Lauck Walton, "Interlocks Between Common Carriers and Companies Dealing with a Carrier," 45 ICC Practitioners Journal, 452 (1978).) Its provisions reflect concerns more appropriate to a bygone age, when the railroads wielded market power that was unmatched elsewhere in our economy. Today, the transportation market is intensely competitive and, practically speaking, the railroads have to do everything possible to reduce their overhead costs. Corporate officers and directors are bound by State law to exercise a fiduciary duty—to deal in complete good faith—when acting on behalf of the company and its stockholders. Further, the Federal securities laws enacted in the 1930's also impose broad disclosure and reporting requirements which protect the public interest in these circumstances.

Very early in this effort to revise section 8, I concluded that section 10 was a statutory anachronism and that the railroads would be more fairly treated by simply bringing them under section 8 like everyone else. At the hearing held by the Subcommittee on Economic and Commercial Law on June 15, 1989, my idea to repeal section 10 was endorsed by the Federal Trade Commission. It subsequently has been formally endorsed by the Department of Justice, as well. Of course, those antitrust enforcement agencies also support the broader reforms to section 8 contained in H.R. 29.

In extending section 8 coverage to common carriers, we do not intend to prohibit existing, regulated joint transportation pool arrangements. So, for example, "competitive sales" as it is used in H.R. 29 does not extend to railroads offering their own equipment to shippers and offering equipment to shippers through jointly owned car pools that are established pursuant to 49 U.S.C. 11342.

Before concluding, there is one other matter which requires comment. My original version of H.R. 29 would have applied the merger review standard contained in section 7 of the Clayton Act to interlocking directorates. My logic was and is, if two companies would literally be permitted to merge together without violating our antitrust laws, how possibly could their sharing of a single corporate director be a serious threat to competition? The Federal Trade Commission endorsed my approach, as did a number of legal commentators. The Justice Department, however, expressed concern about the burden that this new test might place on their ability to enforce a revised section 8. They preferred not to expend the work hours on a merger analysis to determine the possible anticompetitive effects of a single corporate interlock. Simply put, Justice preferred that section 8 remain a per se statute for the sake of enforcement simplicity and resource allocation within the Antitrust Division.

Mr. Speaker, I ask that my colleagues join me in casting an affirmative vote for H.R. 29.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to a distinguished long-time supporter of this legislation, the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Speaker, the legislation before us would make valuable changes in section 8 of the Clayton Act, the law prohibiting people from holding directorships on two competing corporations. I think that this legislation will prove to be an important part of congressional efforts to modernize our commercial laws to enhance U.S. global competitiveness.

Since the Clayton Act was passed in 1914, directors have been barred from serving on the boards of competing corporations if at least one of the corporations has capital of more than $1 million. Obviously any statutory threshold expressed in a flat dollar amount must from time to time be modernized to reflect the changes wrought by inflation. The bill updates this amount by including a threshold level of $10 million for the capital of the interlocking companies. The substitute amendment offered by Chairman BROOKS and passed unanimously by the Judiciary Committee provides that even if the two interlocking companies have capital of more than $10 million, a directorship on both would be allowed if the competing sales of either corporation are less than $1 million or if the competing sales are less than 2 percent of one corporation's total sales or less than 4 percent of their combined total sales.

Many U.S. corporations have had difficulty recruiting top-quality business professionals—especially minorities and women—to serve on their boards because these individuals are already serving on another board which has an overlap, albeit slight. H.R. 29, as amended, will ease this shortage and allow talented individuals to lend their expertise to several U.S. companies. In this way, the legislation will dramatically improve our competitive position, which is ever more important as the global marketplace is increasingly challenging U.S. preeminence.

I was an original cosponsor of H.R. 29, joining my distinguished colleague from New York, the ranking minority member on the Judiciary Committee, Mr. FISH. I supported Chairman BROOKS in his efforts to ensure that the bill expressed realistic levels and maintained the principle behind the original section 8. I commend both Mr. FISH and Chairman BROOKS for the time, effort, and expertise that went into bringing this bill to the floor. I look forward to its passage by the House and to the President's signature soon after.

Mr. FISH. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I rise today in support of H.R. 29, The Interlocking Directorate Act 1990, a bill that I have cosponsored along with a bipartisan group of colleagues on the House Judiciary Committee. I am particularly pleased that our distinguished committee chairman, JACK BROOKS, has lent his key support to this legislation.

Mr. Speaker, this is truly legislation whose time has come. H.R. 29 will

update the interlocking directorate section of the Clayton Act—section 8—and once again, make it a relevant part of our antitrust laws designed to ensure fair competition. Section 8 of the Clayton Act was enacted in 1914, and has not been substantively altered in 76 years. During those years there have been profound changes in the American economy and in the nature and scope of activities of American corporations—changes which have caused the specific and rigid prohibitions of section 8 to become obsolete. As a result, section 8 today produces results clearly not intended by its original drafters and which have a detrimental effect on the governance of American corporations.

The amendments to section 8 embodied in H.R. 29 will not dilute the force or original intent of Congress in enacting section 8, nor the effectiveness of the statute. Rather, they will only eliminate prohibitions against director interlocks among small corporations and prohibitions against interlocks involving de minimis amounts of commerce, neither of which is harmful to competition. At the same time, these amendments will strengthen certain prohibitions in section 8, by extending its coverage of corporate officers, as well as directors. I am particularly supportive of H.R. 29's extending coverage of the interlock prohibition to corporate officers as well as directors. The rationale for prohibiting common directors applies equally to common officers.

Overall, the effect of H.R. 29 will be to facilitate the ability of corporations to attract and draw qualified directors from a larger pool of candidates. Specifically, H.R. 29 will raise the jurisdictional threshold of section 8 from $1,000,000 to $10,000,000 in net worth, and will index that amount based upon future increases in the gross national product. In 1914, a corporation having a net worth of $1,000,000 was a substantial business entity and Congress intended section 8 to apply only to such large corporations whose activities would have a significant effect on the economy. In 1990, however, this $1,000,000 threshold causes the law to apply to even the smallest businesses.

The proposed jurisdictional limit of $10,000,000 in H.R. 29 was selected as the 1990 value of $1,000,000 1914 dollars. H.R. 29 contains indexing provisions which will prevent the need for further amendments to bring the jurisdictional limit into contemporary reality.

H.R. 29 will also establish clear de minimis safe harbor exceptions to the general director interlock prohibition, so that common directorates between companies which have extremely small competitive overlaps will not be prohibited. In 1914, when section 8 was passed, most companies concentrated on just one or perhaps a few lines of business. Today, it is common for a corporation to be engaged in many diversified business activities, some of them very small in relation to its overall business.

Numerous authorities on corporate governance agree that the board of directors of a corporation should be composed primarily of outside directors. Because many minor competitive overlaps disqualify candidates already sitting on the boards, it is often very difficult for a diversified company to find suitable outside directors from a very severely reduced pool of candidates.

In this testimony on behalf of the legislation, TRW general counsel Martin A. Coyle cited several examples of competitive overlaps which disqualified potential TRW directors. Of the five cases he discussed, the largest competitive overlap amounted to three one-hundredths of 1 percent of TRW's sales. I cannot believe that such tiny overlaps could ever have an anticompetitive effect. Congress could not, and should not, permit such a result.

In modernizing section 8, H.R. 29 will provide three bright line de minimis exceptions to the prohibitions of the act: First, if the competitive sales of either corporation is less than $1,000,000; second, if the competitive sales of either corporation are less than 2 percent of its total sales; or third, if the competitive sales of both corporations' total sales are less than 4 percent. In each of these circumstances, none of the decisions concerning the operation of the overlapping business will likely come to the attention of the board and the overlap will have no significance in the marketplace.

Finally, H.R. 29 also repeals section 10 of the Clayton Act. Section 10 was enacted when railroads enjoyed immense market power, a situation which is vastly different from that which exists today. Its unrealistic limitations on railroad purchases without competitive bidding have had the effect of discouraging companies, whose directors sit on railroad boards, from attempting to obtain railroad business. Section 10 has also lessened the pool of director candidates available to railroads, after eliminating all potential suppliers. The committee concluded that the economic factors that once justified section 10 are no longer present. This provision in today's world has only deleterious effects, and plays no positive role in antitrust enforcement.

In conclusion, the concepts embodied in H.R. 29 are widely supported by antitrust enforcement agencies, learned commentators, and the private bar upon which the enforcement agencies depend for compliance with the law. Congressman FISH, our ranking Republican member, deserves credit for the persistent and determined manner in which he has pressed for section 8 reform legislation over a period of three Congresses. Now, after many years of effort, we appear to be on the verge of success. I strongly urge passage of H.R. 29 to modernize the interlocking directorate provisions of the Clayton Act.

□ 1325

Mr. FISH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 29, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4612 and H.R. 29, the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RELATING TO HUMAN RIGHTS ABUSES BY THE GOVERNMENT OF CUBA

Mr. YATRON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 381) relating to human rights abuses by the Government of Cuba and reprisals by the Cuban Government against those Cuban citizens who testified before the Cuba Working Group of the United Nations Human Rights Commission.

The Clerk read as follows:

H. RES. 381

Whereas the United States Department of State Country Reports on Human Rights Practices for 1989 finds that the Government of Cuba engages in the systematic abuse of human rights;

Whereas the report indicates that human rights conditions in Cuba have worsened significantly in 1989;

Whereas, pursuant to United Nations Human Rights Commission decision 1988/106 in March 1988, the commission undertook a review of Cuban human rights practices by the Cuba Working Group of the United Nations Human Rights Commission;

Whereas, in response to international pressure, the Government of Cuba invited a delegation of the United Nations Human Rights Commission to Cuba to investigate the status of human rights, offered to guar-

antee the Cuba Working Group representatives free and unhindered access to the people of Cuba, and promised that Cubans who presented testimony to the United Nations representatives would not be punished;

Whereas the Government of Cuba has since engaged in an effort to punish human rights defenders, a number of whom were interviewed by representatives of the Cuba Working Group of the United Nations Human Rights Commission;

Whereas more than 60 human rights activists have been arrested or detained since the Cuba Working Group concluded its investigation in September 1988;

Whereas Cuban human rights activists, including Enrique Acosta Ruiz, Tania Diaz Castro, Alfredo Samuel Martinez Lara, Elizardo Sanchez Santa Cruz, Hiram Abi Cobas, Javier Roberto Bahomonde Masot, and David Moya Alfonso have been arrested and forced to serve prison terms for their legitimate human rights activities.

Whereas the Government of Cuba has denied internationally-recognized human rights monitors access to the trial of a number of human rights leaders;

Whereas such arrests and imprisonments constitute a pattern of harassment and intimidation aimed at those Cuban human rights activists and Cuban citizens who cooperated with the Cuba Working Group;

Whereas, on March 6, 1990, the United Nations Human Rights Commission approved a resolution citing its concerns regarding the human rights situation in Cuba;

Whereas President Fidel Castro announced that the Government of Cuba refuses to comply with a single provision of the resolution;

Whereas, after adoption of the United Nations Human Rights Commission resolution, at least 11 human rights activists have been arrested and others have been harassed and threatened; and

Whereas it is in the interest of all parties to ensure that nations do not undermine the efforts of the United Nations Human Rights Commission: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the United Nations Human Rights Commission for extending the mandate of the Cuba Working Group with regard to the human rights situation in Cuba;

(2) condemns the Government of Cuba for engaging in a consistent pattern of gross violations of internationally-recognized human rights against the Cuban people and deplores the continued systematic harassment of Cuban human rights activists;

(3) calls upon the Government of Cuba to honor its repeated guarantees that individuals who testified before representatives of the Cuba Working Group of the United Nations Human Rights Commission would not be subject to reprisals, detentions, or negative consequences of any nature whatsoever;

(4) urges the Government of Cuba to release all human rights activists and other political prisoners; and

(5) calls upon the Government of Cuba to meet universally-recognized standards of human rights and fundamental freedoms.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Pennsylvania [Mr. YATRON] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, sponsored by our colleague, Congressman CHRIS SMITH, House Resolution 381 calls attention to the continuing and, in fact, worsening human rights climate in Cuba. The level of abuses is underscored by the Castro government's efforts to sabotage the U.N. Human Rights Commission's investigation of human rights violations in that country. Initiated by the United States, under the leadership of the U.S. Ambassador to the Human Rights Commission, Armando Valladares, the United Nations has finally taken notice of what is now the only Spanish-speaking dictatorship in the Western Hemisphere.

Mr. Speaker, pursuant to the Commission's 1988 mandate, a United Nations working group conducted a human rights investigation in Cuba. This past year the Commission approved an extension of its mandate. Cuba's disregard for human rights is compounded by the fact that Castro has thrown in jail the human rights monitors who the United Nations group interviewed during its visit. This resolution calls upon the Government of Cuba to release those brave human rights monitors who testified before the United Nations working group and for the release of all political prisoners.

Mr. Speaker, Communist governments and dictatorships of all political persuasions are dying throughout the world. Apparently no one has told Mr. Castro. This resolution says to the Cuban people that the international community will continue to support their democratic aspirations so that their country can join the community of new democratic nations.

I want to commend Congressman CHRIS SMITH for crafting this resolution and Congressmen BEREUTER, BROOMFIELD, CROCKETT, and LAGOMARSINO for working in a bipartisan manner to promote human rights in Cuba.

Most of all, I want to commend the chairman of the House Foreign Affairs Committee, Congressman FASCELL. He has championed the cause for human rights, both in Cuba and throughout the world, for many years and it is due to his leadership that this legislation is being considered today.

Mr. Speaker, I urge my colleagues to support the resolution.

□ 1330

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the winds of change and democracy are blowing around the world. North Korea is now apparently trying to improve ties with Western democracies; even Albania is reported to be liberalizing its policies.

That leaves China and Cuba. In this hemisphere, Fidel Castro is the pit bull of communism. He long ago sunk his teeth into Marxist economics and Stalinist politics, and he will not let go.

His policies are breaking the back of Cuba's economy and the will of Cuba's people. Those in Cuba who opposed Castro have suffered jail, torture, and even death.

For years, democratic nations have protested Castro's policies in the United Nations. For years, the U.N. Commission on Human Rights looked the other way.

In 1988, at the request of the State Department, Chairman FASCELL and I flew to Geneva to urge the Commission to lift the curtain of silence about conditions in Castro's Cuba.

Soon after that trip, the Commission decided it could no longer ignore what was happening in Cuba. Our Ambassador to the Commission, Armando Valladares, worked hard to get that body to look at the human rights violations in Cuba. He succeeded.

In 1989, the Commission conducted an investigation and found a wealth of proof and first-hand testimony that basic freedoms—the freedom of movement, of privacy, of association, of speech—simply do not exist in Cuba.

Conditions are bad, and a State Department country report demonstrates that they are getting worse.

Fidel Castro promised the Commission that he would cooperate with the investigation, that he would not retaliate against Cubans who talked to investigators. Fidel Castro lied.

Those who talked to the investigators about the human rights situation have been hunted down, harassed, tortured, and thrown into prison.

Mr. Speaker, this resolution before us today congratulates the U.N. Commission on Human Rights for its efforts regarding the terrible human rights problems in Cuba, and it condemns the Government of Cuba for its violations of internationally recognized human rights principles.

As a cosponsor, I thank Congressman CHRIS SMITH for his leadership in advancing House Resolution 381. Mr. SMITH currently serves as a delegate to the United Nations General Assembly and in that capacity, he has worked closely with the United States delegation to the U.N. Human Rights Commission, gaining a deep understanding about Cuba's situation. I also wish to thank Chairman FASCELL for bringing the resolution to the floor. He has been in the forefront of the effort to focus world attention on human rights abuses in Cuba.

Mr. Speaker, the U.N. Human Rights Commission resolution and the resolution before us today, provide a

clear message that the Government of Cuba is being held accountable for its human rights record, and that violations of those rights will not be ignored nor condoned. I urge my colleagues to support the passage of House Resolution 381.

Mr. YATRON. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I thank the distinguished gentleman from Pennsylvania [Mr. YATRON] for yielding me this time. He has been working very hard and for as long as he has been on the Committee on Foreign Affairs in the cause of human rights and other important foreign policy matters that confront this country. I am grateful to him for his leadership and his hard work on the committee.

Mr. Speaker, I rise in strong support of this resolution. I wish to express my appreciation to my ranking Republican member, the distinguished gentleman from Michigan [Mr. BROOMFIELD]. We have worked together very diligently, not only on this issue but on many others, to forge important bipartisan foreign policy positions that we believe are in the best interests of this country.

Mr. Speaker, I was very proud to join with the gentleman from Michigan [Mr. BROOMFIELD] at the request of the Department of State to make a trip to the United Nations Human Rights Commission in Geneva sometimes ago. We worked very, very hard over a short period of time to convince our colleagues from other countries that this was a serious matter, not simply a political issue, but a fundamental matter for the people of the United States.

I would like to remind my colleagues that on the matter of Cuba, Fidel Castro is not a new issue in this House. Since the advent of his taking power in Cuba and his subversion of what I consider the true revolution in Cuba, under the leadership of the Committee on Foreign Affairs, many actions have been taken by this body with regard to the whole issue of the policy of Castro's government. This was particularly the case when Castro had the idea that he would be the leader of the entire Third World and therefore was very anxious to carry out his ideals in all parts of the world through subversion and political activity of all kinds. That was long before, I might add, many of the refugees who escaped the disaster in Cuba came to the United States and became citizens.

The actions of Mr. Castro both in Cuba and outside of Cuba have been of direct concern to the people of the United States. Now, of course, a great many Cuban refugees have become citizens and had the chance to express their feelings on the subject.

The matter now takes on renewed interest and renewed activity, as rightfully it should. Castro has from time to time been very, very clever in how he deals with the politics of the world. But on the question of human rights, he has been absolutely vulnerable and finally it has caught up with him. When, as the gentleman from Michigan has stated, Castro said he would not take retribution against those who have testified about abuses and what was actually going on in Cuba, the exact opposite happened. Those who testified and many other activists who simply have expressed a human right of the most basic kind, which is to point out the harassment and torture and other unpleasant actions against people who are expressing their belief about how their government should treat their own people, were jailed, tortured, and harassed.

□ 1340

It is certainly very proper for the Congress of the United States, on behalf of the American people, to say we condemn those kinds of activities. We condemn the policy and ask for proper treatment under all kinds of international laws, agreements, and even the word of the Cuban leader himself which he has gone back on.

We know that a lot can happen when the moral force of people is aroused and the spotlight of public opinion is turned on; we can see what has happened. No person expected, in the short period of time, the tremendous change that has taken place in Eastern Europe and other places around the world. Just as sure as the old expression goes that "night follows day," and vice versa, it will come to Cuba, too, because people cannot forever stand that kind of subjugation. Sooner or later condition in Cuba will give way to respect for people as persons, to respect for the individual's dignity, to respect for freedom and the right to speak, and to respect for religion and all of the freedoms that we take for granted here. Everyone in the world should have those opportunities. They are being denied in Cuba today. That is the reason why over all of the years that I have been here, since the takeover of the Cuban people by Castro, this Congress has time and again expressed this opinion, never losing sight of the fact that what the American people have to say through their elected representative eventually has great force in the world.

People understand values. Values are stronger than any know force. It certainly was a sense of values and a determination of people to be free, to have respect for individual dignity, that brought the Berlin Wall down. We hope that the same will happen in Cuba.

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that the balance of my time be yielded to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for House Resolution 381, relating to the human rights abuses by the Government of Cuba and reprisals by the Cuban Government against those Cuban citizens who testified before the Cuba Working Group of the United Nations Human Rights Commission.

Despite the democratization of Eastern Europe, the Cuban nation remains as testimony to the legacy of Stalinistic despotism. It is, however, a legacy that is eroding. On June 16, 1981, President Ronald Reagan made the following observation:

> It is impossible—and history reveals this—for any form of government to completely deny freedom to people and have that go on interminably. There eventually comes an end to it, and I think the things we're seeing, not only in Poland but the reports that are beginning to come out of Russia itself about the younger generation and its indication that Communism is an aberration—it's not a normal way of living for human beings. And I think we are seeing the first beginning cracks, the beginning of the end.

President Reagan uttered those words 9 years ago. What has happened to communism throughout the world since that time is remarkable. What is equally remarkable is that President Castro cannot see that communism and all of its manifestations does not work.

The beautiful island nation of Cuba, with its fine people, remains a nation held captive by despotic leadership—a leadership that cannot admit that the faulty logic it has predicated its government upon is wrong and simply does not work.

In 1989, the State Department Country Report on Human Rights Practices found that Cuba systematically abuses the human rights of its citizens. Those abuses include denial of a fair trial to those accused of crimes as well as the arrest for crimes of a political nature.

Mr. Speaker, this resolution is a timely and appropriate effort. I commend the gentleman from New Jersey [Mr. SMITH] for all of the outstanding work he does in the realm of human rights, as well as for his particularly outstanding work on this measure. There is no longer a place for nations in this new multipolar and increasingly interdependent world for nations that deny the basic right to be free to its citizens. Accordingly, Mr. Speaker,

I urge the unanimous adoption of this measure.

Mr. YATRON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. FEIGHAN], who is a member of the committee and a leader on human rights.

Mr. FEIGHAN. Mr. Speaker, I rise in strong support of House Resolution 365 regarding the human rights situation in Cuba. Today, Fidel Castro stands alone as the only dictator in Latin America. In a year that has been marked by democratic openings around the world, the Cuban regime has clung to its singular hold on power, denying its citizens the right to change their government, to speak freely, to associate freely, to travel freely—in short, to enjoy basic human rights.

The resolution focuses particular attention on the plight of Cuban human rights monitors who have been arrested and detained by the Cuban authorities. Last April, five members of the Cuban Human Rights Party were arrested for announcing a demonstration aimed at calling for glasnost in Cuba during the visit of Soviet leader, Mikhail Gorbachev. According to the State Department's human rights report, the Human Rights Party leaders were held in incommunicado detention for 3 days, tried in a closed proceeding and convicted of "illegal association." Amnesty International has criticized the Cuban Government for trying Cuban citizens for the peaceful expression of their views.

The resolution before us condemns the Government of Cuba for engaging in a consistent pattern of gross violations of internationally-recognized human rights against the Cuban people and deplores the continued systematic harassment of Cuban human rights activists.

I want to commend the sponsor of the resolution, the gentleman from New Jersey [Mr. SMITH], as well as my subcommittee chairman, the gentleman from Pennsylvania [Mr. YATRON], and my full committee chairman, the gentleman from Florida [Mr. FASCELL] for their continuing leadership on human rights concerns in Cuba and around the world.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, as an original cosponsor of House Resolution 381, I want to commend my colleague and good friend on the Foreign Affairs Committee, Mr. CHRISTOPHER SMITH, for his leadership on this issue.

This resolution condemns the government of Fidel Castro for its consistent pattern of gross violations of human rights against the Cuban people.

Those of us who have followed closely events in Cuba find particularly repugnant Castro's total disregard for the protection of civil liberties and basic human rights of those individuals who testified before the Cuba working group of the U.N. Human Rights Commission.

After the United States finally succeeded in getting United Nations approval in 1988 for a review of human rights practices in Cuba—with Congressman SMITH playing an influential role in that effort—the government of Fidel Castro yielded to international pressure and allowed the U.N. delegation to go to Cuba. They were promised free and unhindered access to the people of Cuba and were also assured that those Cubans who presented testimony to the U.N. working group would not be punished.

The outcome of the U.N. review produced little in the way of condemnation of Castro's human rights practices, but Castro made sure that those cooperating with the U.N. working group were made to suffer. Many of those human rights defenders in Cuba interviewed were then punished by Castro with imprisonment, harassment or intimidation.

Although some diehard Castro apologists refuse to acknowledge the historical pattern of human rights abuses and repression of the Cuban people, one particularly telling account of years of torture and punishment is contained in the book "Against All Hope", written by Armando Valladares. His book depicting his 22 years in Cuban prisons is a scathing indictment of human rights abuses by the Castro regime. In a way, it was poetic justice that Armando Valladares was leading the U.S. delegation to the U.N. Commission on Human Rights when the decision was taken to investigate Cuba.

Castro's totalitarian regime is virtually isolated now that democratic changes are sweeping through the world. His efforts to maintain his power and control over the people of Cuba are reaching ever more desperate proportions as witnessed by his feeble attempts with reprisals against Radio Marti and TV Marti.

It is imperative that we in the Congress forcefully and convincingly condemn the orchestrated campaign of terror carried out by Castro against those who seek justice for those defending human rights in Cuba.

I urge my colleagues to give their strong support to House Resolution 381, condemning Castro and the Government of Cuba for human rights abuses.

□ 1350

Mr. YATRON. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON], who has been a strong supporter of human rights around the world.

Mr. RICHARDSON. Mr. Speaker, first I want to commend the gentleman from New Jersey [Mr. SMITH] for this strong resolution, and the gentleman from Pennsylvania [Mr. YATRON], who is a champion of human rights everywhere in the world and has had an outstanding record in this area. Lastly, Mr. Speaker, I would commend our subcommittee chairman, the gentleman from Florida [Mr. FASCELL], who is a true champion of human rights in this hemisphere and who has been involved with this issue probably longer than most.

Why is this resolution important? Well, first of all, it sends a signal that the U.S. Congress is sending a message that we will not condone human rights violations by governments on the right and on the left. In this case, it is Fidel Castro. Human rights is not one of his strong areas. The United Nations sends some monitors down to investigate human rights, and the United Nations is probably the most objective kind of monitoring group that Fidel Castro could possibly have. And what does he do? He throws them out, and then he jails those who talk to them.

This is really intolerable, Mr. Speaker. Artists, cultural people, and politicians from the left and from the right condemn these acts, and they make no sense.

I have not always agreed with our foreign policy toward Cuba. I think we have to have some kind of a dialog and negotiation, not one that gives Fidel Castro anything, but I think we would be able to deal with issues of family reunification and other human rights issues in the hemisphere if we had some kind of dialog and not a policy of isolation.

That, however, does not obscure the fact that Fidel Castro is probably right now, along with a couple of others, one of the worst human rights violators in the world. He ranks maybe with the gentleman from Albania and maybe the gentleman from North Korea and maybe others that I have failed to mention. But here clearly is a resolution that says we condemn these practices and we will not stand for them.

A lot of people read these resolutions. Some people ask, "What does a sense-of-Congress resolution mean?" It simply means, first of all, hope to a lot of people. It says that the U.S. Congress has gone on record. Second, it recognizes the people on the minority side who have worked on this issue for many years, and I see them here among my colleagues. I see the new Member from Miami, the gentleman from New Jersey [Mr. SMITH], who serves on the Human Rights Commission, and the gentleman from Pennsylvania [Mr. YATRON], who probably has held a hearing a week since he has

been chairman. And then, of course, there is Chairman FASCELL.

Mr. Speaker, I think this resolution deserves at least 400 votes from this body, and I urge strong support for the resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend, the gentlewoman from Florida, for yielding time to me.

Mr. Speaker, I want to thank my colleagues for their statements of support for the resolution that is before us, and I want to thank Chairman FASCELL for his leadership on behalf of human rights and, in particular, human rights for the Cubans in Castro's regime.

I also appreciate very much the support this measure has received from the subcommittee chairman, the gentleman from Pennsylvania [Mr. YATRON], from the gentleman from Michigan [Mr. CROCKETT], and from ranking members, the gentleman from Michigan [Mr. BROOMFIELD], the gentleman from Nebraska [Mr. BEREUTER], and the gentleman from California [Mr. LAGOMARSINO].

Mr. Speaker, House Resolution 381 commends the United Nations Commission on Human Rights for extending the mandate for the Cuba working group on human rights and condemns the Castro regime's egregious violations of human rights. Particularly, the resolution calls on Castro and his government to cease its harassment, detention, and arrest of human rights activists who have cooperated with the U.N. working group. The House of Representatives today goes on record again to call on Castro to release all human rights activists and other political prisoners.

Mr. Speaker, as a member of the U.S. delegation to the United Nations this past year, I had the privilege of working closely with U.S. Ambassador Armando Valladares at the United Nations Human Rights Commission meeting in Geneva. Having endured for some 22 years the brutal conditions of prison life and torture in Cuba, Ambassador Valladares can strongly empathize with the human rights activists now imprisoned in Cuba. In his freedom, Ambassador Valladares has been a shining example of human rights activism and effectiveness. He has served the United States, both the Reagan and now the Bush administrations, very, very well as a skilled diplomat and staunch spokesman for those who cannot speak for themselves. He has spoken out boldly for the weakest, the imprisoned, and the repressed. He is to be given special commendation for his tenacious efforts to advance through the United Nations Human Rights Commission the U.S.-sponsored resolution on Cuba.

The gentleman from California [Mr. LAGOMARSINO] mentioned this earlier in his comments, and I would urge all Members to read Valladares' book, "Against All Hope." I read it and was moved to tears. It is a chonicle of one man's deep faith in God and his indomitable spirit to overcome no matter what kind of tortures came his way. It shows without any doubt what it is like to live in one of Castro's hellish gulags. I urge all Members to read it. It is called "Against All Hope."

Mr. Speaker, it appears that the Castro regime is not impressed by the U.N.'s criticism of its actions, nor is he impressed by the worldwide movement to promote basic human rights and democratization. While in other part of the world former prisoners of war and opposition labor leaders are now in government and even performing as heads of states, witness Czechoslovakia, Castro continues to commit crimes against his own people. As noted by America's Watch in a March 1990 report, "Castro's regime * * * has clearly made a political decision to punish any form of dissent."

Mr. Speaker, in early March, the United Nations Human Rights Commission approved a resolution criticizing human rights abuses in Cuba and called for continued monitoring and examination of the situation there. While the U.S.S.R. and the Ukrainian S.S.R. voted against the measure, I think Members would be pleased to know that some of the new European democracies such as Czechoslovakia and Poland not only voted for it but cosponsored our resolution. Bulgaria and Hungary likewise cast aye votes in favor of the resolution.

Mr. Speaker, let me note here that Fidel Castro's response to the U.N. initiative was perhaps predictable, but it was nevertheless disappointing. In his speech in Havana on March 8, he declared, and I quote, that he had no intention of complying with "a single comma of that resolution." On the following day, following adjournment of the U.N. Commission, eight prominent human rights activists were arrested in Havana.

In fact, Mr. Speaker, since the Commission-appointed Cuba working group concluded its investigation in September 1988, over 60 human rights activists who cooperated with the group have been arrested. Castro simply has not kept his word to the United Nations, and his assurances that individuals who testified to the U.N. group would not be dealt with severely have been a lie.

Mr. Speaker, as we speak here today on the floor of the House, there are at least 20 human rights monitors who are now serving sentences because they spoke out to the U.N. group.

Mr. Speaker, we cannot allow this to continue. We need to speak up forcefully. We joint the United Nation's action on this, and I hope that the Members, as my colleague said a moment ago, will give unanimous support for this resolution to send a clear, nonambiguous signal to Fidel Castro that he must cease his human rights abuses.

Mr. YATRON. Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman form Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of House Resolution 381, and in strong support of the continuing struggle for human rights in Cuba. I heartily commend the gentleman from New Jersey [Mr. SMITH] for introducing this resolution.

It is a great source of sorrow for me to think that a mere 90 miles from our shores, an entire people is still enslaved to the whims of a dictator. Our Cuban brothers and sisters have bravely weathered the past 30 years of misery and oppression. It is time to bring their nightmare to an end.

Mr. Speaker, I had the distinct honor of going to Geneva in February to help our Ambassador, Armando Valladares, lobby for a human rights resolution on Cuba at the U.N. Human Rights Commission. The resolution passed thanks to our new friends in Eastern Europe who voted with us, and against tyranny. Those new friends represent a new world. It is a world in which the likes of Fidel Castro are becoming increasingly isolated.

Armando Valladares wrote, while he was languishing in one of Castro's jails:

> They have taken everything away from me—or almost everything. I still have my smile, the proud sense that I'm a free man, and an eternally flowering garden in my soul.

Those are things Mr. Speaker, which were put in every human being by God Almighty, and a million Fidel Castros cannot take them away.

□ 1400

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I rise today in strong support of the resolution condemning human rights abuses in Cuba and I commend my colleague, the gentleman from New Jersey, for his fine work in the area of human rights—not only in the case of Cuba, but also in Romania, the Soviet Union, and elsewhere around the world.

Sadly, the changes bringing freedom and justice to oppressed nations have yet to bring an end to ongoing and

egregious human rights abuses in Fidel Castro's Cuba.

As communism crumbles in nearly all corners of the world, Cuba's Castro remains the last vestige of that failed philosophy in our hemisphere.

With a changing world closing in on him, Castro remains like a relic of the past. Still waving his arms, still shaking his fist in the air, Castro rants and raves about the perceived glories of long-ago yesterdays that are now clouded by harsh realities of the economic and sociological failure of totalitarian communism.

Castro's time is running out. With each day the resolve of the Cuban people to achieve freedom grows stronger. Each day international scrutiny provides witness of human rights violations in Cuba, of unnecessary suffering of Cubans and of isolation of Castro's Cuba from the rest of the world.

Mr. Speaker, on March 6 of this year the U.N. Human Rights Commission voted for the first time to single out Castro's Cuba, expressing its concerns regarding the human rights situation there. That vote received support from several Eastern European nations as well.

Castro's response to this action reflects his desperation and increasing isolation. By mounting a campaign of persecution against human rights activists, and refusing to comply with the U.N. Commission's resolution, Castro chose to ignore the writing on the wall that spelled the downfall of dictators in Romania, Czechoslovakia, and East Germany.

It was a bad choice.

The resolution before us today will increase the glare of public awareness on the shadowy world of communist oppression in Cuba at a time when Castro can ill afford such exposure.

I urge my colleagues to join me in support of this bill.

If Fidel Castro wants to sail off the edge of the flat Marxist earth, so be it—but let him do it alone, and let the suffering stop in Cuba.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a Cuban refugee who fled my native island in 1960, along with thousands of other exiles, I wish to congratulate the gentleman from New Jersey [Mr. SMITH], my colleague, and the gentleman from Florida [Mr. FASCELL], my colleague, for presenting this very important resolution.

Mr. Speaker, I witnessed first hand the horrors of communism and can personally attest to the persecution which occurs every day in my native Cuba. Not a day goes by when any congressional office in Miami is not flooded with tearful petitions from mothers, and fathers, and sons, and daughters whose families have been torn apart by the regressive communism of Fidel Castro.

Mr. Speaker, even the most basic human right is violated in Cuba. There is no freedom of expression, no freedom to organize, no freedom of religion. In fact, the practice of religious faith is actively persecuted by Fidel Castro, and any person who speaks on behalf of human rights is placed in jail.

Mr. Speaker, I know what it is to lose one's homeland to communism, and the whole world, and especially Cuban exiles in the United States, rejoiced when the Soviet bloc nations rejected totalitarian regimes and embraced democracy.

We want this resolution to bring about that same effect. We wish to give hope to those enslaved Cubans still suffering in Castro's gulag.

Mr. Speaker, I yield back the balance of my time.

Mr. YATRON. Mr. Speaker, I yield my remaining time to the gentleman from Florida [Mr. SMITH], who is a member of the Committee on Foreign Affairs and an advocate of promoting human rights in Cuba.

Mr. SMITH of Florida. Mr. Speaker, I want to commend the gentleman from New Jersey [Mr. SMITH], my colleague, for bringing this before the House, as well as the gentlewoman from Florida [Ms. ROS-LEHTINEN], my colleague from Florida, our newest Member from Florida, for being so actively involved in something that is obviously so close to her heart and to the hearts of many of her constituents and my constituents and, frankly, something which is so important to us here in the United States. It is not just that she and I may share a great many Cuban-Americans. It is not just that it is a situation that involves human rights. It is a matter of perspective of over 30 years of reality where people so close to this country have had nothing of what we enjoy in the way of democracy, justice, freedom, all of the basic rights that we believe in and we enjoy. They have tasted none of them.

Mr. Speaker, for over 30 years the Cubans have had the boot of a single dictator. There has not been an election in Cuba for over 30 years. There has not been the freedom of assembly for over 30 years. There has not been the freedom to do anything; own a newspaper, print the truth; own a radio station, tell the truth; own a TV station, show the truth. None of that can be done in Cuba. If my colleagues have seen pictures from Cuba, they have seen that one cannot even buy a decent car. People in Cuba are still driving cars from the 1950's and cannibalizing everything they can get their hands on.

So, I ask, "Is this the great society that Castro sold them a dream of in 1959 when they rose up against the dictator to take possession of their own country?"

Mr. Speaker, it is not. It is a bitter, cruel truth, that just as in Nicaragua the revolution in Cuba was co-opted and stolen by the head of the revolution. Castro has dungeoned, jailed, beaten, oppressed, tried, and murdered all of his political opponents. No political parties flourish. There is no dissent in Cuba.

In a way it is worse today in Cuba than even in Eastern Europe because in some of those countries there were political and/or social or cultural organizations that had some capability to get together. These were the groups that ultimately came to the front during the last year or so when communism began to crumble.

Not so in Cuba. In fact, many of us in Florida share the tragic belief that, if there were to be freedom in Cuba, it may well be a violent birth of freedom, and nobody wants to see that.

But there is no dissent. It is completely suppressed. Castro has done everything he can to avoid giving the people of Cuba who fought, fought bitterly in the late 1950's to get it, any chance for freedom, justice or democracy.

Last year Castro held a number of show trials. He claimed that they were for the purpose of trying and convicting people involved in drugs. Well, the reality is, and we know for a fact, that his administration, his dictatorship, has been heavily involved in drug trafficking for many years, and those trials last year, and the murder, the execution of those found guilty, had nothing to do with drugs at all. It was a matter of suppressing whatever little bit of political dissent there may have been by virtue of taking a few of the people who were popular inside the country and getting rid of them by execution through the legal means of a trial, at least legal in Cuba.

Mr. Speaker, this is not what we want for the people of Cuba. It is not what we wanted for the people in Eastern Europe or the Soviet Union, and it is not what we want for people anywhere. But this is 90 miles off the shore of the United States.

We are projecting by radio, TV and Radio Marti, the images, the sounds and the pictures of democracy. But they are being rejected and rebuffed by Castro who is just about the last, just about the last, totalitarian leader on the face of the Earth. It is time that this Congress not only enunciate this policy, but make the administration stand up to the policy of trying to make democracy the ruling, the reigning, method of government in Cuba.

□ 1410

So again I commend the gentleman from New Jersey and the chairman of the full committee and the chairman

of the subcommittee, the gentleman from Pennsylvania [Mr. YATRON] for bringing this to the attention of the House. This deserves to be passed with a resounding aye and not a single no.

Mr. MARKEY. Mr. Speaker, I rise in strong support of House Resolution 381, which condemns the Government of Cuba for human rights violations.

Subsequent to the conclusion of an investigation into human rights abuses in Fidel Castro's Cuba by the Cuba Working Group of the United Nations Human Rights Commission, Castro detained or jailed more than 60 human rights activists, most of whom cooperated with the U.N. group while it conducted its investigation in Cuba.

The systematic harassment of Cuban human rights activists is an indictment of the Castro regime. At a time when other formerly totalitarian countries have opted for greater openness and freedom in their societies, Fidel Castro is cracking down on precisely those elements of Cuban society which have called for Cuban-style glasnost and perestroika.

Last month, I was joined by 118 of my colleagues in a letter to Fidel Castro, appealing to him to free the jailed human rights activists and other political prisoners held in captivity, to permit the formation of independent political parties and to schedule national elections. Signatories to the letter, both Democrats and Republicans, liberals and conservatives, were united in the conviction that things in Cuba have to change, and change soon. It signaled that after a decade of contentious national debate on Nicaragua, El Salvador and other Latin American issues, there is a consensus regarding Cuba.

This resolution represents an important part of that consensus: our categorical condemnation of Castro's abysmal human rights record. I urge all of my colleagues to support this resolution. It deserves the overwhelming support of this body.

Ms. SCHNEIDER. Mr. Speaker, Cuba must be held accountable for its human rights abuses. I urge my colleagues to support House Resolution 381, which condemns the Cuban Government for systematic harassment of Cuban human rights activists, and calls on President Castro to meet internationally recognized standards for conduct, including the release of all human rights activists and other political prisoners.

On February 28, my colleague, ILEANA ROS-LEHTINEN, and I introduced a concurrent resolution expressing the sense of Congress that the United Nations Human Rights Commission [UNHRC] should continue to investigate human rights abuses in Cuba. Subsequently, the UNHRC voted, over the strenuous objections of Castro and his allies, to look into Cuban rights violations for the fourth year in a row. The U.S. Ambassador to the UNRHC, Armando Valladares deserves great credit for this outcome. Ambassador Valladares has survived lengthy imprisonment in Cuba and is now peacefully working with the United Nations for change in his home country.

In September 1988, the UNHRC sent a delegation, called the Cuba Working Group, to Cuba to investigate human rights abuses. Hundreds of Cubans came out to testify before the U.N. delegation. Reportedly more than 20 people who testified were subsequently arrested despite assurances from Cuban Government that there would be no reprisals.

In the past year, dictators have been falling around the world. House Resolution 381 expresses the sense of the House that Cuba must observe basic human rights. This sense is not just that of Congress, it is a growing sense around the world. We are moving toward a more peaceful world that will not tolerate dictators like Castro.

I urge quick passage of this important resolution.

Mr. STEARNS. Mr. Speaker, I rise today to express my strong support for House Resolution 381. This bill condemns the human rights record of the Government of Cuba, especially the recent reprisals against Cubans who testified before the Cuba Working Group of the United Nations Human Rights Commission.

The United States is a nation that was founded for liberty and human rights—for the freedom to speak and assemble and worship, each in our own way. This is our heritage—one that we must never abandon for the expediency of the moment.

These are values for which we have stood for 200 years. These are the values that we seek from the Cuban Government.

On March 6, 1990, the United Nations Human Rights Commission approved a resolution citing concerns about the human rights situation in Cuba which was later renounced by Fidel Castro. Since the resolution was adopted, at least 11 human rights activists have been arrested and others have been harassed.

This is inexcusable and stands in direct conflict with the values and principles we stand for in this Nation and attempt to promote around the world.

Mr. Speaker, House Resolution 381 overwhelmingly passed the House Committee on Foreign Affairs. I urge all my colleagues to send a message to Fidel Castro and support House Resolution 381.

Mr. PORTER. Mr. Speaker, I rise in strong support for House Resolution 381, a resolution focusing attention on the continuing human rights abuses in Cuba.

This timely resolution rightly condemns the continued repression inflicted upon freedom loving people of Cuba by the authoritarian regime of Fidel Castro.

Despite international isolation and condemnation, Castro has adamantly rejected the idea of glasnost and continues to maintain a chokehold on all democratic forces.

Respected human rights monitors report that virtually all internationally recognized human rights are restricted in Cuba, some of them severely.

Americas Watch reports that "there are no free press, no opposition parties, no independent judiciary, no independent labor unions, and no legally recognized human rights organizations." In addition, freedom of speech, religion, assembly and other fundamental rights are virtually nonexistent.

The State Department human rights report for 1989 states that the Cuban Government cracked down on all forms of dissent, prevented human rights groups from conducting activities, and maintained a strict adherence to the rigid Communist principles.

Those brave Cuban citizens who have risked to speak out are imprisoned without trial and are denied due process. Several hundred political prisoners, some imprisoned over 25 years ago, continue to languish in jail.

Cuba's reigning dictator, Fidel Castro, apparently hasn't woken up to the truth that his former Communist colleagues have learned.

That is that fundamental freedoms and human rights can only be suppressed for so long.

However, just like Eastern Europe and other Communist countries, democracy will one day come to Cuba.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and agree to the resolution, House Resolution 381.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF BOOKLET ENTITLED "OUR FLAG"

Mr. BATES. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 311) providing for printing of additional copies of the booklet entitled "Our Flag."

The Clerk read as follows:

H. CON. RES. 311

Resolved by the House of Representatives (the Senate concurring), That there shall be printed 108,000 additional copies of the booklet entitled "Our Flag" (House Document 100-247), of which 88,000 copies shall be for the use of the House of Representatives, and 20,000 copies shall be for the use of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. BATES] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. HILER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. BATES].

Mr. BATES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 311, which provides for the printing of additional copies of the booklet entitled "Our Flag."

Last year it was realized that one of Congress' most popular publications, "Our Flag" had become obsolete and was out of print. This was long before the flag had become a political issue.

Last year a resolution was adopted which called for the booklet to be revised and reissued and an all new version of "Our Flag" was released.

It was with the cosponsor of Senator FORD and the efforts of the Joint Committee on Printing who oversaw the revision and printing that made this a remarkable document. The new booklet has been very popular and many Members have run out of copies.

In order to meet the demand, House Concurrent Resolution 311 would give every Member and Senator 200 copies in addition to the usual number. Each Member of Congress will have copies to distribute in the districts and States, and it will be available for sale in the Capitol and by the Government Printing Office. It is my hope that copies of "Our Flag" go into every school classroom in America as a constant reminder of the glorious history of the flag, and its importance to our national morale.

Mr. HILER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 311, providing for the printing of 108,000 additional copies of the educational booklet, "Our Flag." This 52-page booklet provides our citizens, as well as visitors from other countries, with the history and uses of the U.S. flag, information which is as interesting as it is useful.

The Stars and Stripes is a proud and honorable story which merits the attention of our citizens and visitors. The demand for this document, which has necessitated its reprinting, clearly demonstrates how useful it is as an educational tool for all of us.

Mr. Speaker, I believe that this document is an excellent resource and urge my colleagues to support its reprinting through House Concurrent Resolution 311.

I think it is incredible timing on the part of the gentleman from California and the chairman of the full committee, the gentleman from Illinois, that we should be debating this particular resolution today, the day after the Supreme Court held oral arguments on the statute that we passed last year in the Congress to protect our flag against its defacement or its burning.

I would hope, Mr. Speaker, that irrespective of the way that the Supreme Court might ultimately determine that case and whether or not this body ultimately passes an amendment to the Constitution, I would hope that by the dissemination of booklets like "Our Flag" and by the tremendous number of requests that all of us get for flags to be flown over the Capitol and for information on the flag like this booklet, I would hope that this would very soon drown out all the cries from those who would deface and burn our flag in an alleged attempt at free speech.

Mr. BATES. Mr. Speaker, I yield 3 minutes to the honorable gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I want to compliment the gentleman from California and the gentleman from Indiana for the expeditious manner in which they have handled this legislation, bringing it before the House today.

Mr. Speaker, House Concurrent Resolution 311, which I introduced last month, recognizes the popularity of the booklet, "Our Flag," which I had the Joint Committee on Printing revise and update in the last Congress. It has been so well received that we are out of stock, and we need to reprint.

It is very important that this history of the American flag be in every school in every congressional district. We talk a lot about the flag, but we know little of its long and glorious history.

This is the flag that was authorized by the Second Continental Congress in 1777. This is the flag that flew over Fort McHenry, the flag that was carried at Gettysburg, at Belleau Wood, at Iwo Jima, that crossed the 39th parallel in Korea. This is the flag that flies over our Capitol and all public buildings, the flag that honors at half mast our fallen heroes and statesmen.

But, like so many of the honored and historic symbols of this great and free society—the Declaration of Independence, the Constitution, the Bill of Rights—our children do not know of the struggles and the victories of our democratic society.

We have forgotten to teach history and geography; studies tell us that our children do not know the names of the 13 original States, or the location of the capital of the United States, or the meaning of the Fourth of July. This grieves me, and it concerns me.

It may be that this book you authorize today will motivate some young person to study the origins of this Nation, and to look beyond the symbol of the flag to the democratic society that it represents.

George M. Cohan wrote:

It's a Grand Old Flag—a high flying flag
* * * * *
It's a symbol of the land we love
The home of the free and the brave.

We believe it, and we reaffirm it here in this Chamber every day when we pledge allegiance to our flag.

I urge all Members to vote aye on this resolution.

Mr. HILER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BATES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. BATES] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 311.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Concurrent Resolution 311, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1420

MOUNT RUSHMORE COMMEMORATIVE COIN ACT

Mr. LEHMAN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1028) to require the Secretary of the Treasury to mint coins in commemoration of the golden anniversary of the Mount Rushmore National Memorial, as amended.

The Clerk read as follows:

H.R. 1028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mount Rushmore Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) FIVE DOLLAR GOLD COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall issue not more than 500,000 five dollar coins which shall weight 8.359 grams, have a diameter of 0.850 inches, and shall contain 90 percent gold and 10 percent alloy.

(2) DESIGN.—The design of such five dollar coins shall be emblematic of the Mount Rushmore National Memorial. On each such five dollar coin there shall be a designation of the value of the coin, an inscription of the year "1991", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) ONE DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary shall issue not more than 2.5 million one dollar coins which shall weight 26.73 grams, have a dimater of 1.500 inches, and shall contain 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of such dollar coins shall be emblematic of the Mount Rushmore National Memorial. On each such coin there shall be a designation of the value of the coin, an inscription of the year "1991", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) HALF DOLLAR CLAD COINS.—

(1) ISSUANCE.—The Secretary shall issue not more than 2.5 million half dollar coins which shall be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) DESIGN.—The design of such half dollar coins shall be emblematic of the Mount Rushmore National Memorial. On each such coin there shall be a designation of the value of the coin, an inscription of the year "1991", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) LEGAL TENDER.—The coins issued under this Act shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 3. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for the coins minted under this Act pursuant to the authority of the Secretary under existing law.

(b) SILVER.—The Secretary shall obtain silver for the coins minted under this Act from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 4. SELECTION OF DESIGN

The design for each coin authorized by this Act shall be selected by the Secretary after consultation with the Mount Rushmore National Memorial Society of Black Hills (hereafter in this Act referred to as the "Society") and the United States Commission of Fine Arts.

SEC. 5. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

(d) SURCHARGE REQUIRED.—All sales shall include a surcharge of $35 per coin for the five dollar coins, $7 per coin for the one dollar coins, and $1 for the half dollar coins.

SEC. 6. ISSUANCE OF THE COINS.

(a) PERIOD FOR ISSUANCE.—The coins authorized under this Act shall be issued only during 1991.

(b) PROOF AND UNCIRCULATED COINS.—The coins authorized under this Act shall be issued in uncirculated and proof qualities and not more than 1 facility of the Bureau of the Mint may be used to strike any particular combination of denomination and quality.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act. Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

Of the total surcharges received by the Secretary from the sale of the coins issued under this Act—

(1) 50 percent shall be returned to the Federal Treasury for purposes of reducing the national debt; and

(2) 50 percent shall be promptly paid by the Secretary to the Society to assist the Society's efforts to improve, enlarge, and renovate the Mount Rushmore National Memorial.

SEC. 9. AUDITS.

The Comptroller General shall have the right to examine such books, records, documents, and other data of the Society as may be related to the expenditure of amounts paid under section 8.

SEC. 10. COINAGE PROFIT FUND.

Notwithstanding any other provision of law—

(1) all amounts received from the sale of coins issued under this Act shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under this Act from the coinage profit fund to the Mount Rushmore National Memorial Society of Black Hills; and

(3) the Secretary shall charge the coinage profit fund with all epxenditures under this Act.

SEC. 11. FINANCIAL ASSURANCES.

(a) The Secretary shall take such actions as may be necessary to ensure that the minting and issuance of the coins referred to in section 2 shall not result in any net cost to the Federal Government.

(b) No coin shall be issued under this Act unless the Secretary has received—

(1) full payment therefor;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

The SPEAKER pro tempore (Mr. MCNULTY). Is a second demanded?

Mr. HILER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. LEHMAN] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. HILER] will be recognized for 20 minuters.

The Chair recognizes the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill, H.R. 1028, authorizes the minting of commemorative coins to honor the 50th aniversary of the Mount Rushmore National Memorial. In the 50 years since Gutzon Borglum completed his sculpture in the Black Hills of South Dakota, Mount Rushmore has come to be one of the most recognizable symbols of freedom in the world. Thus, it is only appropriate that we honor the golden anniversary of this symbol on commemorative coins, which are meant to honor our highest ideals and achievements.

Over the past 50 years, more than 60 million people from all over the world have visited Mount Rushmore. Last year alone the memorial had over 2 million visitors. However, the facilities at Mount Rushmore have seen no substantial improvements or renovations in almost 25 years. The sales of the commemorative coins that this legislation authorizes would help fund badly needed renovations to the Mount Rushmore facility. Half of the surcharges raised by the sales of the coins would go to the Mount Rushmore National Memorial Society for renovation and expansion of Mount Rushmore's visitor facilities, and to preservation of the memorial itself. The other half of the surcharges would go toward reducing the national deficit. The provisions of this legislation would be enacted at no net cost to the Federal Government.

An amendment in the nature of a substitute to H.R. 1028 was adopted without dissent as original text in our subcommittee markup of April 4. The amendment made technical changes to make H.R.1028 conform with previous commemorative legislation.

I want to thank the gentleman from South Dakota [Mr. JOHNSON] for his leadership on this legislation, and to acknowledge the very hard work done in acquiring the 218 cosponsors that are required by the Banking Committee for commemorative coin legislation.

Mr. Speaker, this is a noncontroversial bill that has bipartisan support. The amended bill was reported by our committee without dissent. I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. HILER. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 1028, the 1991 Mount Rushmore Commemorative Coin Act.

I want to commend the House sponsor, Congressman JOHNSON, and the Senate sponsor, Senator PRESSLER, for the fine work they have done on this legislation. They have complied with all of the Consumer Affairs and Coinage Subcommittee rules and we truly appreciate their efforts. Also, Subcommittee Chairman LEHMAN and full Committee Chairman GONZALEZ should be commended for their efforts to bring this bill to the House floor in an expeditious manner.

H.R. 1028 represents relatively standard commemorative coin language and authorizes three coins to commemorate the 50th anniversary of Mount Rushmore. The Senate has previously passed S. 148 on November 3, 1989, and the House version makes minor changes to the Senate bill.

Section 2 of H.R. 1028 describes the coin specifications for the Mount Rushmore program. The mintage

totals for the individual coins conform to suggestions made by the U.S. Mint. The bill calls for 500,000 gold coins, 2.5 million silver coins and 2.5 million clad coins. The House version deletes certain inscriptions required to be on the coins in the Senate bill. Testimony before our subcommittee indicated that individual coins may not have had the physical space to handle all the language required by the Senate bill. H.R. 1028 merely requires the standard inscriptions that appear on all coins be used at a minimum on the Mount Rushmore coins.

Section 3 of the bill prescribes sources of bullion to be used to mint the coins.

Section 4 of the bill provides that the Secretary of the Treasury shall select the design of the coins after consultation with the Mount Rushmore Memorial Society and the Commission of Fine Arts.

Section 5 requires that a $35 surcharge be placed on all gold coins; a $7 surcharge on silver coins; and a $1 surcharge on clad coins.

Section 6 requires that the coins be issued only during 1991.

Section 7 is standard language waiving procurement regulations for the coin program.

Section 8 of the bill specifies how the proceeds from the surcharges are to be distributed; 50 percent of the surcharges will go to retire the national debt and 50 percent will go to benefit the Mount Rushmore National Memorial Society to improve, enlarge, and renovate the memorial.

Finally, section 11 requires that the coins be minted at no net cost to the Federal Government.

In closing let me say that I believe that using a commemorative coin program to preserve a national landmark such as Mount Rushmore is a worthy goal. I strongly support the legislation and urge its prompt passage by my colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. LEHMAN of California. Mr. Speaker, I yield such time as he may consume to the prime mover behind this legislation, the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, the Mount Rushmore Commemorative Coin Act, H.R. 1028, is an integral part of a comprehensive plan to upgrade the visitor facilities at a National Park Service unit and preserve a treasured national landmark for future generations of Americans.

The Golden Anniversary Campaign, a private-sector initiative, will secure the majority of funds necessary to meet the present and anticipated needs at Mount Rushmore National Memorial. As an internationally recognized symbol of freedom and democracy, it is appropriate that State and Federal governments participate in this historic undertaking.

The Mount Rushmore Society was chartered as a nonprofit organization in the District of Columbia on February 24, 1930, to raise private moneys to finance construction of this national memorial.

Through sale of memberships, operation of concessions, and generating publicity for the massive mountain carving, the society amassed funds that when matched with Federal moneys, contributed greatly to early progress on the sculpture. In addition to raising funds for the actual carving of the memorial, the society has contributed to numerous projects since work was completed in 1941, including every major building project at Mount Rushmore. To date, the society also has supported three books, four films, foreign language translations, special events, and a library and research center that have helped Americans and foreign visitors understand the importance of a nation founded on the principles of freedom and democracy.

In the years immediately following construction of the memorial, the society reached a financial agreement with Congress in which concession revenues would be used to support facility improvements at the memorial. Funds were appropriated on a loan basis for construction of buildings, roads and other facilities. As of July 3, 1967, the entire sum of the loans made to the society totaling $750,358 were repaid to Congress ahead of schedule.

In addition to providing funds for the carving, the society continues to fulfill its original objectives: promotion of the arts; development and preservation of the memorial; providing support and assistance to the National Park Service and other governmental agencies which formulate long-range plans and policies for improvements at the memorial; providing financial assistance and adding promotional support to allow Mount Rushmore to remain a national shrine.

Sculptor Gutzon Borglum and his crews drilled, blasted and chiseled the four 60-foot-tall Presidential faces into their present state during 6½ years of work that occurred over a 14-year period ending in 1941. The sculpture depicting Presidents George Washington, Thomas Jefferson, Abraham Lincoln, and Theodore Roosevelt constitutes the world's most gigantic piece of sculpture. Eight hundred million pounds of stone were removed in its carving, and so huge are the faces that from brow to chin each is as tall as the entire Great Sphinx of Egypt.

Located in the Black Hills of South Dakota, Mount Rushmore is as much a memorial to the deeds of four great Presidents as it is to the ideals and aspirations of the Nation they did so much to mold.

But now, nearly 50 years after Borglum's death and the beginning of World War II halted work on this colossal piece of sculpture, the National Park Service is faced with problems that consistently hamper its efforts to interpret the importance of the memorial, and may well threaten the structural integrity of Mount Rushmore.

More than 60 million visitors have traveled to Mount Rushmore since work began on the memorial. Today, more than six decades after its conception, the Nation's Shrine of Democracy is experiencing visitation levels in excess of 2 million per year.

With steadily increasing numbers of visitors, facilities, and interpretive exhibits have become outdated, undersized, and inadequate. The last significant improvements to those facilities were made more than a quarter century ago, when those facilities were designed to accommodate just 1 million visitors annually.

In addition to overtaxed facilities, extreme topography at the site of the memorial limits the enjoyment of many Americans and foreign visitors who travel to Mount Rushmore by precluding them from taking part in interpretive programs offered by the National Park Service. Many areas of the memorial, including its amphitheater and Sculptor's Studio, are not accessible to the handicapped. Indeed, in 1989, more than 42,000 visitors required transportation assistance merely to get from the parking lot to the memorial's View Terrace.

To help pay for badly needed renovation to accommodate these visitors, this legislation will call for commemorative coins to be issued which will recognize the golden anniversary of the memorial. Half of the surcharges from the sale of these coins will go toward improving the facilities at Mount Rushmore, and the other half will go toward reducing the national debt. This bill will provide for the issuance of $5, $1, and one-half dollar commemorative coins. All sales shall include a surcharge of $35 per coin for $5 coins, $7 per coin for the $1 coin, and $1 for the one-half dollar coin. The net proceeds could reach $37,500,000 if all 5,500,000 coins are sold. This means that there is a real possibility of raising $18,750,000 for the repairs and the same amount for deficit reduction.

The Senate has unanimously passed a nearly identical version of this proposal. I would urge my colleagues today to join me and well over 220 of our colleagues who have cosponsored this measure, to pass H.R. 1028. The administration has no objection.

Mr. Speaker, I would be remiss if I did not thank the chairman and ranking members of the Banking Committee, Mr. GONZALEZ and Mr. WYLIE, and the chairman and ranking members of

the Subcommittee on Coinage and Consumer Affairs, Mr. LEHMAN and Mr. HILER for the consideration each has shown in their very helpful and expeditious handling of this bill.

MOUNT RUSHMORE NATIONAL MEMORIAL SOCIETY—GOLDEN ANNIVERSARY CAMPAIGN

ESTIMATED COST FOR CURRENT CAPITAL NEEDS

This estimate is based upon approximate costs for the improvements needed at the Mount Rushmore National Memorial as of December 29, 1986, and in conformance with the General Management Plan for the Memorial of 1980.

Expand visitor center exhibits	$100,000
Reconstruction amphitheater and walks; add restrooms	3,187,000
Construction parking area and provide shuttle stations	4,690,000
Renovate old studio and install exhibits	2,467,000
Revise sculpture lighting	498,000
Analyze structure of Mount Rushmore sculpture	82,000
Rehabilitate concession of building	440,000
Plan and produce sculptor's studio exhibits	84,000
Bury power lines	541,000
Relocate maintenance facilities	3,385,000
Reconstruct main entrance road and parking	3,868,000
Emergency protection of sculptor's models	108,000
Preserve history masonry	44,000
Subtotal	19,494,000
Deductions for highway (funded by the Federal Land and Highway program) and concessions building (funded by the concessionaire)	3,917,000
Subtotal	15,577,000
Administration and solicitation costs	3,115,000
Architect's and engineering costs	1,100,000
Total	19,792,000

The architectural and design firm of the Spencer Company from Palo Alto, California is currently at work developing a new Master Plan for Mount Rushmore. Remaining needs that will be considered for incorporation into the new Master Plan include:

Security system for the memorial;

Inner-transportation system;

Museum and theater;

Sealed chamber at the top of the mountain for historical records;

Repair of the memorial; and

Sight and sound program.

The Mount Rushmore Society proposes to organize a national fund-raising campaign to raise forty million dollars to fund these sorely needed and long overdue improvements. In addition to this national fundraising effort, the Society will expand America's awareness of this memorial with a nationwide campaign that will tell the story of Mount Rushmore.

Mr. ORTIZ. Mr. Speaker, I rise to urge my colleagues to suspend the rules and pass H.R. 1028, Mount Rushmore Commemorative Coin.

You might be curious as to why a Congressman from south Texas would be interested in a commemorative coin for Mount Rushmore. One of my constituents, Robin Carter, of Corpus Christi, is a descendent of the man who conceptualized Mount Rushmore back in 1925.

In 1925, Gutzon Borglum toured the Black Hills of South Dakota to help assess a tourist attraction for the State. Many people wanted the mountain to reflect the old "Wild West" heros. But Borglum wanted this to be a national monument, so he chose national leaders to immortalize there.

Mount Rushmore was completed in 1941 by Lincoln Borglum, Gutzon's son. The mountain was never dedicated, due to the beginning of the Second World War. Next year, Mount Rushmore will celebrate its 50th anniversary, and the commemorative coin will make its late dedication all the more significant to us all.

□ 1430

Mr. HILER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEHMAN of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from California [Mr. LEHMAN] that the House suspend the rules and pass the bill, H.R. 1028, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEHMAN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on H.R. 1028, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

UNITED SERVICES ORGANIZATION'S 50TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. LEHMAN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2761), to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United Services Organization, as amended

The Clerk read as follows:

H.R. 2761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United Services Organization's 50th Anniversary Commemorative Coin Act".

SEC. 2. USO COMMEMORATIVE COINS.

The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue coins in accordance with this Act to commemorate the 50th anniversary of the United Services Organization (hereafter in this Act referred to as the "USO").

SEC. 3. SPECIFICATIONS OF COINS.

(a) IN GENERAL.—The Secretary shall mint and issue not more than 1,000,000 one dollar silver coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) be composed of 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4 SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 5. DESIGN OF COINS.

(a) IN GENERAL.—The design of the coins shall, in accordance with subsection (b), be emblematic of the services provided by the USO to military service personnel and families. Each coin shall bear a designation of the value of the coin, and inscription of the year "1991", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for each coin authorized by this Act shall be selected by the Secretary after consultation with the President of the USO and the United States Commission of Fine Arts.

SEC. 6. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act may be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Not more than 1 facility of the Bureau of the Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD OF ISSUANCE.—The Secretary may issue the coins minted under this Act during the 1-year period beginning at the end of the 6-month period beginning on the date of the enactment of this Act.

(d) CONTRACT CONSULTATION.—A contract involving the promotion, advertising, or marketing of coins authorized under this Act may be made by the Secretary after consultation with the President of the USO.

SEC. 7. SALE OF COINS.

(a) IN GENERAL.—The Secretary shall sell the coins minted under this Act at a price equal to the face value, plus the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) BULK SALES.—The Secretary shall make any bulk sales of the coins minted under this Act at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—The Secretary shall accept prepaid orders for the coins minted under this Act prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this Act shall include a surcharge of $7 per coin.

SEC. 8. FINANCIAL ASSURANCES.

(a) NO NET COST TO GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the Federal Government.

(b) PAYMENT FOR COINS.—A coin shall be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Government.

SEC. 9. USE OF SURCHARGES.

(a) IN GENERAL.—Surcharges received from the sale of coins minted under this Act and deposited in the coinage profit fund under section 12 shall be used as follows:

(1) USO PROGRAMS.—50 percent shall be promptly paid to the USO. Such amounts shall be used by the USO to fund programs, including airport centers, fleet centers, family and community centers, and celebrity entertainment.

(2) REDUCTION OF NATIONAL DEBT.—50 percent shall be transferred to the general fund of the Treasury for the sole purpose of reducing the national debt.

(b) AUDIT.—The Comptroller General of the United States shall have the right to examine the books, records, documents, and other data of the USO that relate to the expenditure of amounts paid under subsection (a).

SEC. 10. REPORT TO CONGRESS.

The Secretary shall submit to the Congress semiannual reports regarding the activities carried out under this Act. The first report shall be submitted at the end of the 1-year period beginning on the date of the enactment of this Act and the last report shall be submitted not later than 6 months after the Secretary ceases to issue coins minted under this Act.

SEC. 11. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 12. COINAGE PROFIT FUND.

(a) DEPOSITS.—All amounts received from the sale of coins issued under this Act shall be deposited in the coinage profit fund.

(b) PAYMENTS.—The Secretary shall pay the amounts authorized under section 9 from the coinage profit fund.

(c) EXPENDITURES.—The Secretary shall charge the coinage profit fund with all expenditures under this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. HILER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. LEHMAN] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. HILER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill, H.R. 2761, authorizes the minting of a silver commemorative coin to honor the 50th anniversary of the United Services Organization.

The USO is a congressionally chartered agency, supported entirely by voluntary contributions, created to improve the morale and welfare of service members and their families throughout the world. The USO is not only Bob Hope entertaining the troops, but is a modern organization providing a variety of services for the military community at over 160 locations worldwide.

This commemorative coin recognizes the 50 years of service that the USO has provided while providing funds for the USO to help meet the future needs of servicemen. Half of the surcharges from this coin would be dedicated to the USO while the other half would go toward the reduction of the deficit.

An amendment in the nature of a substitute to H.R. 2761 was adopted without dissent as original text in subcommittee markup on April 4, 1990. The amendment changes the bill to authorize only one silver coin which would be struck in a more limited quantity. This change was made so that the coinage program that this bill authorizes would not compete with another program authorized for the same year.

I want to thank Mr. RIDGE for his leadership and cooperation on this legislation.

Mr. Speaker, this is a noncontroversial bill that has bipartisan support. The amended bill was reported by our committee without dissent. I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. HILER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the H.R. 2761, the United Services Organization's 50th Anniversary Commemorative Coin Act.

I want to commend the House sponsor, Congressman RIDGE, for the fine work that he has done on this legislation. He has complied with all of the Consumer Affairs and Coinage Subcommittee rules and we truly appreciate his efforts. As a member of the subcommittee, Congressman RIDGE's willingness to compromise has made this legislation possible today. Also, subcommittee chairman LEHMAN and full committee chairman GONZALEZ should be commended for their efforts to bring this bill to the House floor in an expeditious manner.

H.R. 2761 represents a limited edition coin program that I believe will be quite successful. The initial bill introduced by Congressman RIDGE authorized the issuance of three separate types of coins and provided for the minting of several million individual coins under this authorization. At subcommittee hearings on February 28, 1990, testimony indicated that marketing such a large amount of USO commemorative coins could be difficult for the mint. Therefore a compromise was struck whereby a single, limited edition silver coin is authorized by the bill. This is similar to the Eisenhower Coin Program currently being completed. The compromise featuring the limited edition coin is supported by veteran's groups and the administration. We are hoping that because of the limited edition, the USO coin will be an extremely popular coin program and an overwhelming success. Such a successful program could bolster the public response for future commemorative coin issues such as the Mount Rushmore Coin Program we have just authorized.

Examining the key components of the legislation, section 3 of H.R. 2761 describes the coin specifications for the USO Program. The bill authorizes a limited edition of 1 million silver coins.

Section 4 of the bill prescribes sources of silver bullion to be used to mint the USO coins.

Section 5 of the bill provides that the Secretary of Treasury shall select the design of the USO coin after consultation with the USO and the Commission of Fine Arts.

Section 6 requires that the coins be issued for 1 year beginning 6 months after date of enactment.

Section 7 requires that a $7 surcharge be placed on each of the silver coins sold.

Section 8 requires that the USO coins be minted at no net cost to the Federal Government.

Section 9 of the bill specifies how the proceeds from the surcharges are to be distributed. Fifty percent of the surcharges will go to retire the national debt and 50 percent will go to benefit the USO.

Finally, section 10 requires that certain reports to Congress be made by the Treasury.

I again want to compliment Congressman RIDGE on the pragmatic compromises he has made to make this legislation possible. I believe that this will be one of our most successful coin programs and I strongly urge my colleagues to promptly pass H.R. 2761.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. RIDGE.]

Mr. RIDGE. Mr. Speaker, I would like to thank my colleagues on the Subcommittee on Consumer Affairs and Coinage, Chairman LEHMAN and Vice Chairman HILER, for their efforts in bringing this bill to the floor so promptly. I know there are many

Members knocking on their door trying to promote commemorative coins and in their decisionmaking they have some tough choices. I am grateful for their willingness to work this one out with me, and I was pleased to compromise with them so that we could have a limited edition of this particular coin.

Mr. Speaker, I introduced this legislation because I believe in the work and efforts of the USO. The USO will celebrate its 50th anniversary on February 4, 1991, and this bill will commemorate that anniversary by requiring the Secretary of the Treasury to mint $1 silver coins. This bill has received strong bipartisan support and is cosponsored by 229 Members.

In 1941, President Roosevelt met with Prescott Bush and three other businessmen to consolidate the efforts and resources of six organizations and form one—the USO. The purpose of this new organization was to coordinate civilian war efforts so services were not duplicated or overlooked. The USO was thus formed and began its mission of meeting the off-duty needs of our soldiers.

Since 1941, the USO, a congressionally chartered agency which is supported entirely by voluntary contributions, has supplemented the Department of Defense efforts to improve the morale and welfare of service members and their families throughout the world. If the USO did not provide these continuing services, the Department of Defense would have to spend more American tax dollars to help with these needs. Passing this legislation today is one way for Congress to thank the USO for their tireless efforts on behalf of those young men and women in the military and their families.

Nearly one-half of the more than 2 million Americans in the Armed Forces today are in the lowest enlisted ranks, most are between 18 and 25 years old, and over 54 percent are married with children. Over 800,000 military personnel and their families are stationed abroad. This population has unique needs and stresses for which the USO continues to develop programs, touching individuals lives at the rate of 15,000 a day.

This Saturday, NBC will run a TV special starring Bob Hope, who is the Ambassador of Good Will for the USO. This special will feature Mr. Hope's latest USO tour. Bob Hope has been doing USO shows for the last 40 years. This is only one of the many examples of the USO endeavor to ensure that our young men and women overseas are not forgotten.

Although celebrity entertainment is the most popular and well-known USO Program, it is not the only one. At more than 160 locations worldwide, the USO meets the needs of the military community through airport centers that provide information about travel connections, hotel arrangements, emergency assistance, missing baggage location and translations; fleet centers that help sailors whose ships finally come into port after a long deployment on sea vessels, and their families with travel arrangements, currency exchange, translation, and emergency communications; family and community centers that help military families adjust to life in a new environment, both overseas and in the United States and orientation and intercultural programs that acquaint military families with the culture of their new country.

This bill is one way to show that America has not forgotten the USO and does care for all it has done over the past half century. The coins will represent both the past and future of the USO. They will be a reminder to veterans of times when they needed help during their military service and the USO responded. They will also be a symbol to all Americans that the USO is as alive and vital an organization today as it was 50 years ago, and still serving needs that are just as personal.

H.R. 2761 ensures that the minting and issuing of coins will not result in any net cost to the Federal Government. The surcharges received from the sale of coins minted will be divided between the USO and the Treasury. Fifty percent of the surcharges shall be promptly paid to the USO. Such amounts shall be used by the USO to fund the previously mentioned programs. The remaining 50 percent shall be transferred to the general fund of the Treasury for the sole purpose of reducing the national debt.

I would like to acknowledge the following organizations for their help and endorsement of the USO's 50th Anniversary Commemorative Coin Act: The Air Force Association; the American Legion; American Veterans of WWII, Korea, and Vietnam [AMVETS]; Association of the U.S. Army; Blinded Veterans Association; Disabled American Veterans; Jewish War Veterans of the United States of America, Inc.; Military Order of the Purple Heart of the U.S.A., Inc.; National Association of State Directors of Veterans Affairs; Navy League of the United States; Non-Commissioned Officers Association [NCOA]; Paralyzed Veterans of America; Polish Legion of American Veterans, USA; The Retired Officers Association; Veterans of Foreign Wars of the United States; and the Vietnam Veterans of America, Inc.

The USO brings a piece of America to our service members overseas. To honor this organization for its unselfish work for the last 50 years, I urge my colleagues to support this legislation.

Mr. LEHMAN of California. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from California [Ms. PELOSI], a member of the Subcommittee on Consumer Affairs and Coinage.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me, and thank him for his leadership, along with that of the gentleman from Indiana [Mr. HILER] in bringing this legislation to the floor as the ranking member of our subcommittee.

Mr. Speaker, I rise today in enthusiastic support for H.R. 2761, the USO commemorative coin bill.

Over the past 50 years, the USO has provided important services worldwide to improve the morale and welfare of service members and their families. What we commemorate here today with this commemorative coin, however, is not only the past but also the future.

The USO has made a significant difference in the lives of countless Americans serving this Nation since World War II. The need for the USO services continues. Today, over 800,000 military personnel and their families serve abroad. The USO, as the gentleman from Pennsylvania [Mr. RIDGE] mentioned, provides essential supplemental services, including travel arrangements, et cetera, again as was mentioned by the gentleman from Pennsylvania [Mr. RIDGE].

□ 1440

In a time when the global community is changing rapidly, the USO also provides orientation and intercultural programs to ease the transition of military families into their new situations and to ensure that everyone, including the people of the host country, obtains the maximum benefit from the intercultural exchange.

As a member of the House Banking Committee's Subcommittee on Consumer Affairs and Coinage, I am pleased to have been able to support the USO 50th anniversary commemorative coin bill.

This bill enjoys strong support in my district in San Francisco. I urge my colleagues to support this legislation to recognize the contributions of a truly worthy organization.

Happy anniversary to the USO.

Mr. HILER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEHMAN of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from California [Mr. LEHMAN] that the House suspend the rules and pass the bill, H.R. 2761, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEHMAN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include therein extraneous materials on H.R. 2761, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed earlier today.

RELATING TO HUMAN RIGHTS ABUSES BY THE GOVERNMENT OF CUBA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 381.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and agree to the resolution, House Resolution 381, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 2, not voting 40, as follows:

[Roll No. 108]

YEAS—391

Ackerman	Bliley	Carr
Akaka	Boehlert	Chandler
Anderson	Boggs	Chapman
Andrews	Bonior	Clarke
Annunzio	Borski	Clay
Anthony	Bosco	Clement
Applegate	Boucher	Clinger
Armey	Brennan	Coble
Aspin	Brooks	Coleman (MO)
Atkins	Broomfield	Coleman (TX)
AuCoin	Browder	Combest
Baker	Brown (CA)	Condit
Barnard	Brown (CO)	Cooper
Bartlett	Bruce	Costello
Barton	Bryant	Coughlin
Bateman	Buechner	Courter
Bates	Bunning	Cox
Beilenson	Burton	Coyne
Bennett	Bustamante	Crane
Bentley	Byron	Dannemeyer
Bereuter	Callahan	Darden
Berman	Campbell (CA)	de la Garza
Bevill	Campbell (CO)	DeFazio
Bilbray	Cardin	DeLay
Bilirakis	Carper	Derrick
DeWine	Kasich	Porter
Dickinson	Kastenmeier	Poshard
Dicks	Kennedy	Price
Dingell	Kennelly	Pursell
Dixon	Kildee	Quillen
Donnelly	Kolbe	Rahall
Dorgan (ND)	Kostmayer	Rangel
Dornan (CA)	Kyl	Ravenel
Douglas	LaFalce	Ray
Downey	Lagomarsino	Regula
Dreier	Lancaster	Rhodes
Duncan	Lantos	Richardson
Durbin	Laughlin	Ridge
Dwyer	Leach (IA)	Rinaldo
Dymally	Leath (TX)	Ritter
Dyson	Lehman (CA)	Roberts
Early	Lehman (FL)	Robinson
Eckart	Lent	Roe
Edwards (CA)	Levin (MI)	Rogers
Edwards (OK)	Lewis (CA)	Rohrabacher
Emerson	Lewis (FL)	Ros-Lehtinen
English	Lewis (GA)	Rose
Erdreich	Lightfoot	Roth
Espy	Lipinski	Roukema
Evans	Livingston	Rowland (CT)
Fascell	Lloyd	Rowland (GA)
Fawell	Long	Roybal
Fazio	Lowery (CA)	Russo
Feighan	Lowey (NY)	Sabo
Fields	Luken, Thomas	Saiki
Fish	Lukens, Donald	Sangmeister
Flake	Machtley	Sarpalius
Ford (MI)	Madigan	Sawyer
Frank	Manton	Saxton
Frost	Markey	Schaefer
Gallegly	Marlenee	Scheuer
Gallo	Martin (IL)	Schiff
Gaydos	Martin (NY)	Schneider
Gejdenson	Martinez	Schroeder
Gekas	Matsui	Schuette
Geren	Mavroules	Schulze
Gibbons	Mazzoli	Schumer
Gillmor	McCandless	Sensenbrenner
Gilman	McCloskey	Serrano
Glickman	McCollum	Sharp
Goodling	McCurdy	Shaw
Gordon	McDade	Shays
Goss	McDermott	Shumway
Gradison	McEwen	Shuster
Grandy	McGrath	Sikorski
Green	McHugh	Sisisky
Guarini	McMillan (NC)	Skaggs
Gunderson	McMillen (MD)	Skeen
Hall (OH)	McNulty	Skelton
Hall (TX)	Meyers	Slattery
Hamilton	Mfume	Slaughter (NY)
Hancock	Miller (CA)	Slaughter (VA)
Hansen	Miller (OH)	Smith (FL)
Harris	Miller (WA)	Smith (IA)
Hastert	Mineta	Smith (NE)
Hatcher	Moakley	Smith (NJ)
Hawkins	Molinari	Smith (TX)
Hayes (IL)	Montgomery	Smith (VT)
Hayes (LA)	Moody	Smith, Denny (OR)
Hefley	Moorhead	Smith, Robert (NH)
Hefner	Morella	Smith, Robert (OR)
Henry	Morrison (WA)	Snowe
Herger	Mrazek	Solarz
Hertel	Murtha	Solomon
Hiler	Myers	Spence
Hoagland	Nagle	Spratt
Hochbrueckner	Natcher	Staggers
Holloway	Neal (MA)	Stallings
Hopkins	Neal (NC)	Stangeland
Horton	Nowak	Stark
Houghton	Obey	Stearns
Hoyer	Olin	Stenholm
Hubbard	Ortiz	Stokes
Huckaby	Owens (NY)	Studds
Hughes	Owens (UT)	Stump
Hunter	Oxley	Sundquist
Hutto	Packard	Swift
Hyde	Pallone	Synar
Inhofe	Parker	Tallon
Ireland	Pashayan	Tanner
Jacobs	Patterson	Tauke
James	Paxon	Tauzin
Jenkins	Payne (NJ)	Taylor
Johnson (CT)	Payne (VA)	Thomas (CA)
Johnson (SD)	Pease	Thomas (GA)
Johnston	Pelosi	Thomas (WY)
Jones (GA)	Penny	Torres
Jones (NC)	Perkins	Torricelli
Jontz	Petri	Towns
Kanjorski	Pickett	Traficant
Kaptur	Pickle	Traxler
Udall	Vucanovich	Wilson
Unsoeld	Walgren	Wise
Upton	Walker	Wolf
Valentine	Walsh	Wolpe
Vander Jagt	Watkins	Wyden
Vento	Waxman	Wylie
Visclosky	Weber	Yates
Volkmer	Weldon	Yatron
	Wheat	Young (AK)
	Whittaker	
	Williams	

NAYS—2

Crockett	Gonzalez

NOT VOTING—40

Alexander	Frenzel	Nelson
Archer	Gephardt	Nielson
Ballenger	Gingrich	Oakar
Boxer	Grant	Oberstar
Collins	Gray	Panetta
Conte	Hammerschmidt	Parris
Conyers	Kleczka	Rostenkowski
Craig	Kolter	Savage
Davis	Levine (CA)	Washington
Dellums	McCrery	Weiss
Engel	Michel	Whitten
Flippo	Mollohan	Young (FL)
Foglietta	Morrison (CT)	
Ford (TN)	Murphy	

□ 1504

Mr. GIBBONS changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MORRISON of Connecticut. Mr. Speaker, I was unavoidably detained in Connecticut this afternoon and missed one vote.

Had I been here, I would have voted "aye" on rollcall 108, condemning the Cuban Government for systematic harassment of Cuban human rights activists and calling upon them to meet internationally recognized human rights standards.

PERSONAL EXPLANATION

Mr. WEISS. Mr. Speaker, I regret that, due to unavoidable circumstances, I was unable to register my vote on House Resolution 381 (rollcall 108), relating to human rights abuses by the Government of Cuba. I am an original cosponsor and strong supporter of this legislation, and had I been present I would have voted "yes" on the resolution.

PERSONAL EXPLANATION

Mr. CONTE. Mr. Speaker, when the House voted on House Resolution 381, the resolution condemning human rights abuses and imprisonment of human rights monitors in Cuba, I was unavoidably absent due to the budget summit negotiations. I believe House Resolution 381 is an important resolution; I supported it and I commend its sponsors. Had I been present, I would have voted for it.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcall No. 108.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, I was en route to the House Chamber for a vote on House Resolution 381, but unfortunately, did not make it to the House floor before time had expired. I would like the record to show that had I been present, I would have voted "aye" on rollcall No. 108.

VOTE ON HOUSE RESOLUTION 381

Mr. GINGRICH. Mr. Speaker, I was detained in White House budget meetings and was unable to vote on House Resolution 381, relating to human rights abuses by the Government of Cuba. Mr. Speaker, I would like to record to note that I was an original cosponsor of the resolution, and had I been present, I would have voted "yea."

AUTHORIZING 1990 SPECIAL OLYMPICS TORCH RELAY TO BE RUN THROUGH THE CAPITOL GROUNDS

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the concurrent resolution (H. Con. Res. 286) authorizing the 1990 Special Olympics Torch Relay to be run through the Capitol grounds, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from California?

Mr. PETRI. Mr. Speaker, reserving the right to object, I do not intend to object, but I yield to the chairman of the Committee on Public Works and Transportation for an explanation of the resolution.

Mr. ANDERSON. Mr. Speaker, I thank the gentleman for yielding, and I also want to thank him for his cooperation on this concurrent resolution.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Maryland, who wants to make a brief statement.

LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Speaker, if I may have the attention of the Members, I would like to make an announcement about our schedule for today, tomorrow, and Thursday.

Mr. Speaker, we expect to take up tomorrow morning the rule and the bill on the Americans With Disabilities Act. We expect the bill to be on the floor all day tomorrow, and Members ought to prepare for tomorrow and possibly on Thursday to meet relatively late in the evening. I do not have a time certain on that.

I have discussed this with the gentleman from Texas [Mr. BARTLETT], who has been working with me on behalf of the leadership on the Republican side of the aisle on the Americans With Disabilities Act. I do not have a specific time, but Members ought to plan to meet late tomorrow night and quite possibly Thursday night as well.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. PETRI. Mr. Speaker, I have the time, and certainly I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Speaker, I would confirm that the gentleman form Mayland seems to be correct, except that the rule has not yet been adopted or proposed in the Rules Committee. There are some 30 to 40 amendments that have been filed, and there is a debate as to what kind of a rule we should have. I and others on our side have advocated an open rule. It is unclear as to the terms of the debate for the rule, but in any scenario, looking at the number of amendments that have been filed, Members should prepare for a late night Thursday night if this bill is going to be acted upon this week. The only other alternative would be to consider it next week, but some of the sponsors want to be sure that we act on it this week.

I would concur with the gentleman from Maryland that the Members should at least prepare for a possible late night tomorrow and perhaps a very late night on Thursday night if the legislation is going to be acted on this week.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, let me ask the gentleman from Maryland, if I may, is there any chance at all that this bill would go over and we would have a Friday session?

Mr. HOYER. I do not think so, no. Quite frankly, if we could not finish it Thursday night, I do not believe we would meet on Friday.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, so it is my understanding, though, that we very could have a situation where Members should prepare for Friday morning flights rather than Thursday evening flights; is that correct?

□ 1510

Mr. HOYER. Mr. Speaker, the gentleman from Pennsylvania [Mr. WALKER] is correct.

It is our perception on this side of the aisle, and I know the President is telling the White House they want to get this bill through this week as well, and I believe there is no reason we cannot finish the bill by Thursday in any event, but, if perchance we did not finish it, which we do not think will be the case, we think it will get finished by Thursday night sometime. But we will not be meeting on Friday.

Mr. WALKER. In addition, there is no thinking about putting the bill over until next week?

Mr. HOYER. No.

Mr. Speaker, I thank the gentleman from California [Mr. ANDERSON], the chairman of the Committee on Public Works and Transportation, for yielding.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, House Concurrent Resolution 286 authorizes the 1990 Torch Relay for the Special Olympics to be run through the Capitol grounds as part of its journey to the District of Columbia Special Olympics spring games at Gallaudet University. This would occur on May 18, 1990, or on such other date as the Speaker of the House and the President pro tempore of the Senate may jointly designate.

Mr. Speaker, currently there is a law prohibiting open flames on the Capitol grounds. This is to guard against a possible fire. Because of this, Congress has passed special legislation the past 3 years so that the Olympic Torch could be carried through the Capitol grounds.

Again, this year, as in the past, a torch-lighting ceremony will begin the relay of law enforcement officers from the steps of the Capitol, through the District, concluding at Gallaudet University. The goal is to show law enforcement's support for Special Olympics and to raise money for the games.

Mr. Speaker, adoption of this resolution is a very positive step toward promoting interest in the Special Olympics and I urge its passage.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I want to express my support for this resolution authorizing the 1990 Special Olympics Torch Relay to be run through the Capitol grounds later this week. For the past several years, Congress has authorized the running of the torch relay, which has become the symbolic opening of the D.C. Special Olympics.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of this resolution which would authorize the 1990 Special Olympics Torch Relay to be run through the Capitol grounds later this week.

The torch relay has become the traditional opening of the D.C. Special Olympics. The torch will be carried from the Capitol to Gallaudet University, which is the site of the D.C. Special Olympics spring games.

I want to commend Congressman NORM LENT, the sponsor of this resolution, for his continuing support for the Special Olympics.

Mr. Speaker, I urge the House to approve this resolution today.

Mr. LENT. Mr. Speaker, I rise today to ask my colleagues to join me in supporting House Concurrent Resolution 286, which authorizes the annual law enforcement run marking the

start of the U.S. Special Olympics on May 18. I'd like to thank my distinguished colleagues on the Public Works and Transportation Committee, for their help in bringing the legislation to the House floor in such a timely fashion.

The event begins with a torch-lighting ceremony that will be held on the steps of the U.S. Capitol. From there, a relay of law enforcement officers will run from the Capitol, continue on a designated route through the District of Columbia, and finish at the Gallaudet University where the Special Olympics will be held.

The goal of the relay is to show law enforcement's support for the Special Olympics games and to help raise financial assistance to continue this worthwhile program for physically challenged individuals.

Mr. PETRI. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 286

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH THROUGH CAPITOL GROUNDS.

On May 18, 1990, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may designate jointly, the 1990 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics spring games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such action as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXPRESSING APPRECIATION OF CONGRESS TO THE FRIENDS OF THE NATIONAL ARBORETUM

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 117), expressing the appreciation of Congress for the contributions of the Friends of the National Arboretum in providing for the preservation and public display of 22 of the original columns of the east front portico of the United States Capitol Building, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. PETRI. Mr. Speaker, reserving the right to object, I do not intend to object, however I yield at this time to the gentleman from California [Mr. ANDERSON], the chairman of the Committee on Public Works and Transportation, for an explanation of the resolution.

Mr. ANDERSON. Mr. Speaker, Senate Concurrent Resolution 117 expresses the gratitude of the Congress to the Friends of the National Arboretum and those individuals who aided in the effort to preserve and display the Capitol's original sandstone Corinthian columns at the National Arboretum. There are 22 of these columns that were removed during the late 1950's. The dedication of the new display of the columns is scheduled to take place on June 14.

The Friends of the National Arboretum is a nonprofit, volunteer organization that works to support the efforts of the National Arboretum. It is appropriate for us to take this opportunity to thank them for their successful efforts in preserving this part of our American heritage.

I urge adoption of this resolution.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I thank the gentleman from California [Mr. ANDERSON] for his explanation, and I would like to add my words of support for this legislation expressing the appreciation of the Congress for the efforts of the Friends of the National Arboretum, and many others, to preserve 22 Corinthian columns which in the past supported the east portico of the Capitol.

The columns were first installed as part of the reconstruction efforts following the War of 1812. The columns stood for close to 130 years until the east portico was expanded in 1958. The 22 columns, each one 30 feet tall and constructed from a single piece of sandstone, have been restored and are now permanently displayed at the National Arboretum.

I would ask that the House approve this resolution today.

Mr. HAMMERSCHMIDT. Mr. Speaker, I want to express my support for this resolution expressing appreciation to the Friends of the National Arboretum and others whose financial support has ensured that 22 Corinthian columns which once supported the east portico of the Capitol will be preserved.

These columns are now on permanent display at the National Arboretum after deteriorating for 25 years in Government storage facilities. The 30-foot sandstone columns were installed during the reconstruction of the Capitol following the War of 1812, and remained until the 1958 expansion of the east front of the Capitol.

Thanks to the efforts of the Friends of the National Arboretum, these columns now stand in a plaza at the Arboretum, to be enjoyed by all visitors. I would ask that the House approve this resolution today.

Mr. PETRI. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 117

Whereas the Capitol Building of the United States symbolizes the enduring success of the American system of representative democracy;

Whereas on-going construction of this magnificent building, which began nearly two centuries ago and continued until recently, has mirrored the geographic expansion of the United States;

Whereas the original Corinthian sandstone columns that stood for more than 130 years on the East Front Portico of the Capitol Building were replaced during the extension of the East Front of the Capitol Building in the late 1950's;

Whereas 22 of those columns have been preserved and made available for public display at the National Arboretum in the Nation's Capital through the initiative and determined efforts of the Friends of the National Arboretum, a nonprofit, volunteer organization that supports the efforts of the National Arboretum; and

Whereas these historically significant columns will be dedicated at the National Arboretum on Flag Day, June 14, 1990: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress extends its deep appreciation to the Friends of the National Arboretum and those individuals whose financial contributions have helped ensure that 22 of the original sandstone Corinthian columns which were removed from the East Front Portico of the Capitol Building during the extension of the East Front of the Capitol Building in the late 1950's will be permanently preserved and publicly displayed at the National Arboretum.

The Senate concurrent resolution was concurred in. A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

TAKE PRIDE IN AMERICA MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 508) designating May 1990 as "Take Pride in America Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, within the reservation I would like to yield to the gentleman from New Mexico [Mr. SKEEN], who is the chief sponsor of this joint resolution.

Mr. SKEEN. Mr. Speaker, I rise today in support of House Joint Resolution 508, a bill which designates the month of May as Take Pride in America Month. I appreciate the support of the gentleman from California [Mr. MILLER] for his help in passing this resolution.

As American citizens we own almost 40-percent of our country. These lands including forest, parks, wildlife preserves, beaches, city parks, playgounds, and historic monuments are managed by Federal, State, and local government agencies.

Although most people take pride in our lands, others act as if the lands belong to "everyone" and "no one" has the responsibility to care for them.

Unfortunately, many of these national treasures have been subjected to careless misuses and deliberate abuse by visitors to these sites. Some of the abuses are malicious and blatantly destructive, like defacing a statute in a public park.

Other actions are thoughtless behavior, such as littering, or plucking flowers from community flowerbeds. Either way, the costs are significant. And sadly, some of the damage is irreparable. In fact, more than 80-percent of the prehistoric ruins in the Southwest have been vandalized, looted or damaged. And the National Park Service reports that vandalism costs park and recreation agencies more than $50 million per year.

As this Nation has grown and become more industrialized and urbanized, many people have forgotten or never learned about how to care for the land and leave it better for those who follow. That is the primary goal of the "Take Pride in America" campaign—a partnership of public and private organizations committed to educating our country's citizens on the wise use of the resources that belong to all Americans. The "Take Pride" program seeks to promote stewardship of our public lands, artifacts and historical monuments.

In every State, volunteers are involved in a broad spectrum of grassroots activities including outdoor stewardship and self-policing programs, and hotlines to report vandalism, wildlife poaching, theft and other destructive activities. Others help care for parks, highways, trails, shorelines, campsites and playgrounds through cleanup, maintenance and general assistance when needed.

It is that kind of volunteer support that "Take Pride in America" month will salute. I'm pleased that a majority of this distinguished body has taken this moment to recognize the efforts of the thousands of volunteers in the "Take Pride" program, by declaring the month of May as "Take Pride in America" month.

Mr. Speaker, one of the daily newspapers in my district, the Alamogordo Daily News, recently wrote an editorial in support of "Take Pride in America" month, and explained activities of citizens of Otero County in support of the "Take Pride" program. I include it for the RECORD.

Americans have been blessed with a beautiful, abundant land and a rich cultural heritage. If future generations are to share in these blessings, we must take an active role in preserving them.

[From the Alamogordo (NM) Daily News, Mar. 27, 1990]

"IT'S TIME TO TAKE CARE OF TREASURES"

It's no secret that Otero County is rich in natural treasure. The mountains, forest and the White Sands make Otero rich in a special way.

Many congressmen, including Rep. Joe Skeen, are trying to spur Americans to protect the natural treasure in Otero and in the rest of the nation. A joint resolution is being introduced in Congress to make the month of May "Take Pride in America" month.

"Americans have been blessed with a beautiful, abundant land and a rich cultural heritage," said Skeen. "If future generations are to share in these blessings, we must take an active role in preserving them."

Many of our national treasures, according to Skeen, have been subjected to careless misuses and deliberate abuse by visitors to these sites. Some of these abuses are malicious and blatantly destructive, like defacing a statue in a public park. Other actions are thoughtless behavior, such as littering, or plucking flowers from community flowerbeds.

Skeen also reminds us that more than 200 incidents of archaeological vandalism to U.S. Forest Service land were documented in 1985 alone. The National Park Service reports that vandalism costs park and recreational agencies more than $50 million per year.

Skeen says "Take Pride in America" promotes a partnership of public and private organizations committed to educating our country's citizens on the wise use of the resources that belong to all Americans.

Several groups in Otero are already involved in projects to preserve our resources. "Take Pride in America" has the potential to urge others to get involved in preserving our national treasures. It may also help remind those careless in the past to be more responsible with those treasures in the future.

Mr. MILLER of California. Mr. Speaker, last month, millions of Americans celebrated Earth Day. The Take Pride in America resolution, House Joint Resolution 508, also celebrates the love we have for this wonderful land.

People across the country make sacrifices everyday in the name of protecting the environment. Indeed, our Nation, blessed with some of the world's natural treasures, has a rich history of natural resource protection and preservation.

Now, as we approach the next century, large-scale consumer conservation and recycling movements are helping to ease burdens on our Nation's natural resources. It is my hope that protection of sensitive areas and environmental activism will continue to gain popular support. I receive letters from proud Americans hailing from all parts of this great country who are committed to preserving our natural heritage.

Mr. Speaker, we have much to be thankful for, from the natural wonders within our borders to the willingness of the American public to step in and help preserve them.

I join my colleagues in taking pride in America.

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Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 508

Whereas the United States is blessed with outstanding natural and cultural resources;

Whereas the United States is blessed with tremendous human resources, including citizens with a unique volunteer spirit rooted in the Nation's frontier tradition;

Whereas the Nation's recreational and cultural resources contribute to its economic and social well-being;

Whereas the future of the Nation's great historical monuments, natural wonders, and public lands depends upon the commitment of the American people to their preservation;

Whereas the Take Pride in America Campaign is a partnership of Federal agencies, States, and numerous public and private organizations committed to the wise use of our natural and cultural resources;

Whereas Take Pride in America Month will focus attention on the stewardship of public lands by concerned citizens and citizens groups around the Nation; and

Whereas "Take Pride in America: You Can Make a World of Difference" will be the theme for Take Pride in America Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1990 is designated as "Take Pride in America Month", and the President is authorized

and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTONIAN, LATVIAN, AND LITHUANIAN GOVERNMENTS OBSERVE RECOGNITION

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. DORNAN of California. Mr. Speaker, I am inserting into the RECORD an article from the May issue of Reader's Digest. The June issue is already on the stand, so people may have to borrow the May issue from a friend or get it from the public library. But I would wish that every American citizen would read the article by the Reader's Digest staff on the Katyn Forest massacre, in what is now part of the Soviet Union, but what was then part of Poland.

I just want to read the opening paragraph, because it sheds great insight on the Lithuania, Latvia, and Estonia cries for freedom, and their efforts to regain the independence they lost with the signing of the Hitler-Stalin pact by the two greatest murderers in the history of all civilization.

"Fifty years ago this spring, 15,570 Polish military officers and men held in Soviet prisoner of war camps vanished without a trace. For three years the Polish wartime government, exiled in London, joined anguished familes in the search for the men. Their efforts were in vain until 1943, when the invading German Army"—who themselves were covererd with blood and had commited atrocities—"announced the discovery of the massed graves near the Russian town of Katyn. Thus began a disclosure of one of the most abominable episodes of World War II, a tragedy that continues" to this day, "to send political shock waves through Eastern Europe and the Soviet Union."

Without Stalin, who Gorbachev tells us is the world's greatest murderer, without Hitler, without these two signing the bloodiest pact in all of time, Estonia, Latvia, and Lithuania would have not been oppressed by first communism, then nazism, then communism again. I believe the United States and all freedom-loving countries should recognize the new governments of each of these countries.

[From the Reader's Digest, May 1990]

KATYN: ANATOMY OF A MASSACRE

(By Rudolph Chelminski)

(Fifty years ago this spring, 15,570 Polish military officers and men held in Soviet prisoner-of-war camps vanished without a trace. For three years the Polish wartime government, exiled in London, joined anguished families in the search for the men. Their efforts were in vain until 1943, when the invading German army announced the discovery of mass graves near the Russian town of Katyn (kah-TEEN). Thus began the disclosure of one of the most abominable episodes of World War II, a tragedy that continues to send political shock waves through Eastern Europe and the Soviet Union.

Reader's Digest Roving Editor Rudolph Chelminski has nurtured a deep interest in the massacre at Katyn ever since he first heard of it as a boy from his Polish-born father. To tell the story of the Katyn butchery, he interviewed sources in the United States, France, England, Poland and the Soviet Union. This is what he found.)

Early in February 1943, a Russian peasant named Ivan Krivozertsev stomped into the office of Lt. Ludwig Voss of the German occupation forces in the hamlet of Gniezdovo, 230 miles southwest of Moscow. Krivozertsev had a stunning piece of news. He said there were bodies, thousands of them, buried nearby: Polish prisoners of war, murdered by Soviet authorities.

"They lie here," he announced. "Shot at Goat Hill."

Voss packed Krivozertsev and two other locals into a horse-drawn cart, along with picks and shovels, and took them into the section of the Katyn Forest called Kozy Gory (Goat Hill). It was common knowledge in the area that the 27-year-old Krivozertsev harbored no love for the Soviets. They had nationalized his family's farm, and jailed and finally executed his father.

Soon German-army teletypes rattled out an urgent message for Berlin: mass graves had been discovered. The burial pits were piled with bodies of Polish military troops dressed in winter uniforms and high leather boots. Many wore combat decorations. Almost all had been shot in the head.

From March to June, the Germans laid open the site. They tagged the decomposing bodies and searched them for identification papers. They also removed 22 diaries and some 3300 letters and newspapers, as well as Bibles and odd sums of Russian rubles and Polish zlotys.

In the presence of as many observers as they could muster, the Germans then carried out postmortem examinations. According to their official report, the shots were almost always fired into the nape of the neck. Generally one shot had been fired, the bullet piercing the occipital bone close to the lower part of the skull and exiting the forehead, near the hairline.

World War II had begun in September 1939, when Hitler's armies swept into Poland from the west and, 17 days later, the Soviets invaded from the east. By the end of the month, Poland was defeated, her cities smashed and her land split between the U.S.S.R. and the Third Reich. The Soviets held 250,000 Polish prisoners. Almost immediately they shipped the officers and specialists to three prison camps—Kozielsk, Ostashkov and Starobielsk—directed by the NKVD, forerunner of today's KGB. Some of the enlisted men were executed, but most were simply shunted to labor camps deep inside the U.S.S.R.

Those in the three prison camps, however, posed a special problem. They were the "upper class," a category particularly loathsome to Marxist ideology. Most were not professional soldiers, but reservists. Doctors, lawyers, judges, professors, scientists, clerics—they were the Polish nation's leaders and thinkers.

Through the long winter of 1939-40 the prisoners endured cold and semi-starvation in filthy, lice-infested quarters. They were individually interrogated by NKVD agents, who untiringly probed their backgrounds, personal inclinations and political views. Their interrogators were governed entirely by Marxist dogma. For such fanatics, war was a struggle not between nations but between classes. And class enemies were, by definition, enemies of the Soviet Union.

Of the 15,570 men held in the three camps, only 448 were spared—the NKVD probably decided they would be useful in the struggle for a new world under Soviet dictator Joseph Stalin. The rest were considered irredeemable. Far from feeling remorse or willingness to be re-educated, they held prayer meetings in their barracks, sang hymns and the Polish anthem, and even celebrated clandestine Masses—a strictly forbidden activity.

Early in April 1940, most likely on orders from Moscow, the NKVD began emptying the camps. In groups of 50 to 400, the "enemies of the people" were taken to railheads and put aboard prison trains for destinations unknown. The most insistent rumor, planted and encouraged by the NKVD, held that they would be returned to Poland. "All of you will meet again soon," they were assured as they strode out of the gates. For once, the NKVD was speaking the truth.

It is not easy to make 15,000 soldiers disappear into thin air. You cannot kill them all at once. Firing machine guns into a crowd is impractical and messy, leaving too many chances for survival or even escape.

Individual killing is best, then, but this requires preparation and attention to detail. The men must never suspect what lies in store for them, or they might attempt rebellion. They are already weakened and sick from the camps' meager rations, but you weaken them further by giving them next to nothing to eat during the two-day rail journey, and you cow them with even more brutal treatment than usual. Last, you take them from the train to the place of execution in small batches—30 or 40 at a time. Then you shoot them, one by one, at the edge of the pits.

Yesterday a convoy of senior officers left, wrote Lt. Waclaw Kruk in his diary. Three generals, 20 to 25 colonels and about the same number of majors. We were in the best of spirits, because of the manner of their departure. Today my turn came.

The date was April 8, 1940. On the train, Kruk began to have misgivings. Then the misgivings turned to dread.

At the station we were loaded into prison cars under strict guard. Now we are waiting to depart. Optimistic as I was before, I'm now coming to the conclusion that this journey does not bode well.

Waclaw Kruk's diary was found in 1943 near a body that was tagged No. 424.

Maj. Adam Solski, tagged body No. 490, was a professional soldier. The last entry in his diary, dated Tuesday, April 9, probably was written 20 minutes or so before he died.

A few minutes before five in the morning: reveille in the prison train. Preparing to get off. We are to go somewhere by car. What next? Five o'clock: ever since dawn, the day has run an exceptional course. Departure in prison van with tiny cell-like compartments (horrible). Driven somewhere into the woods. Something like a holiday place. Here a detailed search. I was relieved of my

watch, which showed 6:30 a.m., asked for my wedding ring. Rubles, belt and pocket knife taken away.

Goat Hill was indeed a holiday place. The NKVD maintained a dacha there, a large guest house on the banks of the Dnieper River. Since 1931, officers had come for weekends and family vacations. Now the death teams were housed in the dacha. It was convenient, affording them only a short walk to work.

One of the most striking features of the NKVD killing system was the sophisticated and distinctly Russian binding method found on many of the corpses. The victim's hands were first tied behind his back. Then, with a second cord, his great-coat was tied over his head at neck level. From the neck, the cord was passed down the back, looped around the bound hands and tied again at the neck. The prisoner, his hands now pulled up toward his shoulder blades, was unstable to offer any resistance. Every move of his arms only tightened the noose around his neck.

Still, many struggled at the end. Their bodies were found stabbed, with the cruciform wounds characteristic of the four-cornered Russian bayonet.

How soon did they know? If Solski hadn't caught on at 6:30 when they took his wedding ring, when did he finally realize? Didn't they hear the pistol shots? Couldn't they even smell the others in the pit?

Adam Macedonski, an artist now living in Krakow, retains a terrifying childhood memory of the Russian invasion: "I saw a prisoner being led through town for execution. He had his hands tied behind his back and there were eight NKVD men around him: two front and back, two on either side, all with their bayonets pushed against him. He couldn't make a move. It must have been like that in Katyn."

Solski may have suspected nothing until he reached the pit, because it was his fate to arrive early in the morning, when the NKVD's workday was just beginning. Those who arrived later probably did hear shooting, but they could do nothing. By then they were either tied up or squatting in the steel boxes of the Chorny Voron (Black Raven)—the special bus used to transport prisoners. They must have listened to the pistol shots and awaited their turns like sheep in an abattoir.

Chorny Voron had been well known to the Soviets for years. An NKVD invention, it had the advantage of totally immobilizing a man until it was time for him to be killed. Another prisoner, who was not marked for death but once rode such a bus, has left a graphic description: "A narrow corridor ran up the center, with many low and narrow doors on both sides. When a prisoner stepped in, he was ordered to back into one of the compartments. These were unlit and so small that one had to crouch."

Everything was well planned. Katyn was cold, professional, assembly-line work, repeated thousands of times. The executioners, it seems, even had assistants who reloaded the .30-caliber, eight-shot semi-automatic pistols and passed over fresh ones when those in use overheated.

For nearly six weeks, day in and day out, the NKVD got on with the job: tie him up as you yank him out of the Chorny Voron, smash him with your rifle butt or stick him with the bayonets if he struggles. Then march him up to the pit and do it. As for the actual executioners, many doubtless disappeared soon after the massacre, in line with classical NKVD tradition: there is nothing like a bullet in the back of the head to silence a potentially bothersome witness.

While it was all very efficient, however, Stalin soon had occasion to regret Katyn. Just over a year after the massacre, Hitler turned on the U.S.S.R. Stalin abruptly switched from an accomplice of Hitler to an ally of Great Britain in the fight to the death against the Nazis.

Unstoppable at first, the Wehrmacht eventually bogged down in the Russian vastness. By the winter of 1943, the main German forces found themselves trapped and surrounded. It was then that Ivan Krivozertsev suddenly appeared with his startling information about Goat Hill.

The Germans quickly recognized their macabre discovery as a propaganda bombshell: one Allied government had slaughtered nearly half the officer corps of another! Hitler personally directed Goebbels and Himmler to give the Katyn case top priority. It was the prefect smoke screen for the actions of his SS troops, which were systematically annihilating residents of the Jewish ghetto in Warsaw.

The Germans invited three separate commissions into Katyn to examine the corpses. The first, a medical-judiciary group, was entirely German. The second, made up of 12 forensic scientists and pathologists, represented countries as diverse as Belgium, Switzerland, Hungary and Bulgaria. The third, all-Polish, consisted of 12 medical experts from the Red Cross of German-occupied Poland. The Germans even brought four Allied officers who had been plucked from their own P.O.W. camps. One was a young American, an infantry lieutenant colonel named John Van Vliet, Jr.

Now retired in Florida, Van Vliet vividly recalls the day in late April 1943 when he was asked to serve on a "board of inquiry." Sensing a propaganda exercise and knowing his rights under the Geneva Convention, he flatly refused. The German camp commandant responded by bringing in an armed squad with fixed bayonets. The request had become an order.

En route to Katyn, the four P.O.W. officers agreed to say nothing to any journalists, to speak into no microphones and to express no opinions whatever. "I hated the Germans," Van Vliet explains. "I didn't want to believe them."

In Katyn, they were shown three partially excavated graves with about 300 bodies laid out beside one of them, some with hands tied behind their backs. In the pits themselves, the bodies were stacked "like cordwood," face down, Van Vliet remembers.

With calm dignity, they viewed the stinking piles of bodies and the documents pulled from them. The single concession they made to the Germans was to accept the Egyptian cigarettes they offered; the strong tobacco helped mask the stench. To their surprise, the Germans never asked them to sign or record statements; their mere presence was enough.

The P.O.W. group was revolted by the butchery, and a few hours on the site convinced them there could be only one explanation. The winter uniforms, the lack of wear on the clothing and boots, the saplings planted to hide the death pits, the diaries, newspapers, letters and cards dated no later than May 1940—everything pointed clearly to death in the spring of 1940. And Katyn had been in Russian hands until the summer of 1941.

For ten weeks, the Germans continued the grisly dig. By the beginning of June, when the advancing Red Army became a menace, they had exhumed the remains of 4143 Polish officers. Every positively identified body corresponded to a prisoner from Kozielsk. The other 11,000 men from Starobielsk and Ostashkov were still unaccounted for.

Stunned and outraged, the Polish Government in Exile in London began to battle for the truth as soon as the Germans announced their find. In 1943, however, the Red Army was a crucial element of the struggle against Nazi Germany, and the Allies feared Stalin might drop out of the fray and negotiate a separate peace. Anything that bothered the Soviet side and could lend comfort to German propaganda was therefore unthinkable and unspeakable. If anyone was to be blamed for the Katyn massacre, it could by only the Nazis. Katyn was nothing but a German plot, insisted President Roosevelt.

"We must not take sides in the Russo-Polish quarrel," Winston Churchill instructed his cabinet, as he assured Stalin that he would do his best to silence Free Polish newspapers in London. Far less duped by the Soviets than Roosevelt was, Churchill nonetheless felt obliged to practice diplomacy regarding Katyn.

The day Katyn was recaptured by the Soviets, Moscow brought its own investigative group to Kozy Gory. It was called the Special Commission for Ascertaining and Investigating the Circumstances of the Shooting of Polish Officer Prisoners by the German-Fascist Invaders in the Katyn Forest.

The Soviets concluded, of course, that Katyn was the work of the Germans, but their report was so short, shoddy and riddled with error that it never commanded any credence outside the U.S.S.R. and its satellites. The report claimed that the Germans had shot the Poles in August and September of 1941—ignoring the fact that the bodies were dressed in winter uniforms.

After Stalin's death, through the regimes of Khrushchev and his successors, all the way up to the reform-minded Gorbachev, the adamant refusal to admit guilt has continued, Katyn went into the Memory Hole—as if it had never happened.

In Poland, the force of the Soviet-imposed taboo was so strong that people could lose their jobs or apartments for merely mentioning the banned word. Ewa Solska, Major Solski's daughter, now a high-school teacher near Warsaw, discovered this while a student at Warsaw University. Asked to fill out a form including information about her father, she wrote "killed at Katyn." She was expelled from the university.

The immediate postwar years were cold and pitiless in Poland, and the wives and children of Katyn victims were treated like pariahs. Their husbands and fathers were scorned as class enemies. Already the shame of the Soviet Union, Katyn became the shame of Poland as well.

Sadly, the truth was no more welcome in the West. Jozef Czapski, a Polish officer who survived the Soviet P.O.W. camps, journeyed to the United States after the war, and was invited to appear on the Voice of America. VOA officials, apparently under orders from the State Department, cut his every reference to Katyn.

On his release from captivity, Lt. Col. Van Vliet dictated a report on Katyn and personally handed it to Maj. Gen. Clayton Bissel, then assistant chief of staff in charge of army intelligence (G-2). Bissel promptly classified the report top secret. "I saw in it great possibilities for embarrassment," Bissel later testified. This prevented Van

Vliet from discussing it. Then the report simply disappeared.

In 1949 the Defense Department asked Van Vliet to dictate his report once again, and it was released the next year. A select committee of the U.S. Congress then conducted an exhaustive 13-month investigation of Katyn in 1951 and 1952, yielding 2362 pages of testimony, and concluded that beyond any reasonable doubt the crime had been committed by the NKVD.

If this verdict honored Congress, it was thoroughly unwelcome at the United Nations, where the Soviet Union now enjoyed enormous influence. The U.N. promptly shelved the findings.

It is a hard destiny to be born Polish, Major Solski had written in his prison dairy.

As matters turned out, it was not easy to be Ivan Krivozertsev either. The man who had first alerted the Germans to the slaughter feared for his own life from the moment the Red Army swept into hearby Smolensk. He made his way as far west as possible, eventually reaching England. He assumed the name Michal Loboda and settled near Bristol. On October 30, 1947, he was found hanging in a toolshed in an orchard. The local coroner ruled his death a suicide. Those familiar with the NKVD believe he was murdered.

For almost five decades, the Polish communists kept the lid on the Katyn question. Not until 1987, when faced with nationwide unrest, did Polish authorities form a commission with their Russian counterparts to examine the "blank spots" in Polish-Soviet history.

The commission dallied and deliberated without reaching any conclusions. After the Solidarity-led government came to power in Warsaw in 1989; the prime minister officially asked the U.S.S.R. to acknowledge the crime committed at Katyn.

Moscow never replied. Not even Gorbachev, so active in denouncing Stalin's other crimes, felt strong enough to avow the greatest single massacre of prisoners of war in modern history.

Once, a hint of the truth inadvertently escaped a high Soviet official. It happened in October 1940, when Gen. Vsevolod N. Merkulov, deputy head of the NKVD, was interviewing one of the rare communist sympathizers found among the captured Poles. This officer, a Lt. Col. Zygmunt Berling, was being groomed as a possible leader of a future Polish communist army. But even a turncoat needs an officer corps, and when Berling asked for the men in the prison camps, Merkulov's face twitched.

"No, not those," he blurted. "We made a big mistake concerning them."

I went to Katyn last fall to see where it all happened. After a short drive from Smolensk over a pot-holed road, I easily located the Katyn woods. The entire forest is surrounded by a high iron fence, and entry is forbidden except within a small open spot near the road. The forest is typically Russian, with thick evergreens shouldering up against the delicate white fingers of birch stands, and a lush ground cover of gorse and green moss.

With a group of Polish pilgrims, I walked to the clearing where a flagstone plaza, a shoulder-high stone wall and four severe rectangles of grass served as a memorial. "To the victims of Fascism," read twin black plaques in Russian and Polish. "Polish officers shot by the Nazis in 1941."

"You know that's the wrong date, don't you?" one of the Poles asked me. "The communists even put 1941 on the Katyn memorial in Warsaw. Can you imagine?"

Surreptitiously, a few pilgrims scooped up little clods of wet earth. Returned to Poland, those bits of soil would become venerated relics for some parish church, symbols to keep the memory alive.

In September 1988, Soviet authorities had permitted a Polish church group to install a high wooden cross at Kozy Gory. Now, as I stood where hundreds of candles flickered and a delegation of priests from Warsaw intoned a memorial Mass, the fence barring us from the forest beyond loomed like an intolerable affront. It was oppressive and suffocating, and I was seized by the determination to go into that forest, beyond the fence. To escape.

My Soviet guide was perplexed by my insistence, but he made phone calls, and 24 hours later I was granted a favor that, he assured me, no other Western visitor had ever received. The gate was thrown open.

For an hour I tramped aimlessly through the forest under a chilly drizzle, trying to picture it in 1940. No doubt the trees would have been about the same, as new growth succeeds old in nature's perpetual rebirth. It was probably colder when the first victims arrived, but later in April the temperature would have been the same as now. The dripping branches hung heavy with water, and the horizon fused into a misty haze. All black and green, the Katyn Forest was utterly silent. But in my head I heard the screams and pistol shots.

The Polish pilgrims at Kozy Gory had no doubt that the Soviet Union would eventually be forced to confess—and not merely for the 4000-plus victims at Katyn, but for the 11,000 others from the Ostashkov and Starobielsk camps, who were never found. Where did their murders take place?

"We may never know for sure," said Louis Fitz-Gibbon, British author of several books on Katy. "The U.S.S.R. is full of mass graves. The Soviets killed a lot more of their own people, even though this was a special case."

The vast plains and steppes of the Soviet Union are indeed drenched in blood. Today, scholars put the total number of Stalin's victims in the tens of millions.

But the Poles will always remember Katyn as the place where their nation was symbolically put to death. Famed Polish movie director Andrzej Wajda, whose father was murdered at Katyn, has completed a film on the massacre. "I would be doing this even if my father had not been among the victims," he said. "Sooner or later, we are going to force recognition of what really happened. For my father and for all the others. For Poland. For the truth."

Mikhail Gorbachev has shown strength of character in denouncing Stalinist crimes against his own people. Today, at the 50th anniversary of the killings at Katyn, the time is ripe to do the same for Stalin's Polish victims. Without further delay, the Soviets should speak these simple words: Yes, we did it. We are eternally sorry.

Only then will the tragic story of the Katyn massacre begin to end.

SPECIAL ORDER VACATED

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that my 60-minute special order for today be vacated and that I be allowed to address the House for 5 minutes today instead.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Michigan [Mr. DINGELL].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

[Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PRIVATE GRIFFIN STORY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, yesterday, one of my constituents called to express how upset he was over the Army's treatment of PV2 James Griffin III.

We have all been outraged for sometime and so today I am pleased to tell what we could not tell our constituents yesterday, but can tell everyone today—that a satisfactory resolution of the first stage of this serious affair has been reached.

The inspector general of the Department of Defense has informed me and allowed me to make public that PV2 James Griffin III now has an honorable discharge from the Army.

We normally kick around the media, but the credit for the resolution of James Griffin's discharge belongs to them, specifically to Mike Wallace and Charlie Thompson of "60 Minutes." In turn, Charlie Thompson, the producer, suggested that I request the inspector general to investigate the matter.

The story of PV2 James Griffin III and his torture by the Honduran police was presented to the public only through those efforts of Mike Wallace, who is a superb reporter, and Charlie Thompson, the excellent producer of the show.

Having been a reporter for a news service, a wartime correspondent in Vietnam and the maritime labor editor of the Baltimore Sun—I know the effort and personal dedication that it took for them to bring this story out.

When they came to me I was pleased to be included in such an important effort to help a young soldier.

BENTLEY ANNOUNCES DOD INVESTIGATIVE DECISION IN THE CASE OF PRIVATE GRIFFIN

Today I am announcing that the inspector general of the Department of Defense, Susan Crawford, has written me that she is recommending to the Secretary of the Army that Mr. James Griffin III, formerly PV2 Griffin, be given an honorable discharge.

Mrs. Crawford's recommendations are part of the report—released to me yesterday—of an investigation conducted by her office, upon my request, into the circumstances surrounding the surrender of Mr. Griffin to Honduran police for questioning over the loss of his rifle.

The report also recommends a Department of the Army investigation as to how the officers involved received outstanding performance evaluations of their tour of duty in Honduras without any permanent record of letters of reprimand for their behavior toward Mr. Griffin.

Mr. Griffin, while serving with Task Force Arriba in San Lorenzo, Honduras, was charged in March 1989, with the loss of his rifle. Mr. Griffin steadfastly maintained that it had been stolen, but his superiors, in a shockingly unprofessional act, turned him over to what seems to have been local Honduran authorities for interrogation.

Approximately 18 hours later, he was released. Returned to Fort Bragg, Mr. Griffin—5 months later—was given an administrative discharge under chapter 14 provisions. At that time, the rifle still was missing, but there was no evidence ever presented against Griffin and so, seemingly innocent, his enlistment was interrupted and he was thrown out of the Army without an honorable discharge.

I understand, that in a subsequent search by the U.S. Army Criminal Investigation Command of a private house in Fayetteville, NC—near Fort Bragg—the receiver portion of PV2 Griffin's rifle was recovered along with a cache of 16 other semiautomatic rifles from a man who had been a soldier in Honduras with the task force at the same time Griffin was there.

CBS producer Charlie Thompson approached me in March of this year to request an investigation be made by the inspector general of the Department of Defense into the circumstances surrounding Mr. Griffin's treatment in Honduras. At that time, the rifle still had not been found, but Thompson had received not only a letter bringing the unusual behavior of Griffin's superiors to his attention; but, enclosed with the letter was a copy of the official report of the first investigation which backed up charges made in the letter.

Based upon this information, I requested Mrs. Crawford to initiate the investigation.

I appreciate the speed with which the inspector general's office acted on this matter and I am encouraged that Mrs. Crawford is recommending that the Secretary of the Army initiate an independent review of the disciplinary actions taken in the case against the officers involved.

It is accepted by all that PV2 Griffin was treated unfairly. What seems to be left to be answered is the question of the judgment of the general officers—in having issued letters of commendation on the tour of duty in Honduras of the four officers involved in the extreme actions taken against PV2 Griffin—and the actions of the Army investigating officers in not considering charges against the officers under the Military Code of Justice; that is, article 134, kidnapping; article 97, unlawful detention; article 128, assault; and article 134, requesting commission of an offense.

I insert the official report in the RECORD.

RECOMMENDATIONS

A. The Secretary of the Army initiate an independent review of the disciplinary action taken against the four officers involved in the mistreatment as well as the inappropriate discharge given to PV2 Griffin. While both general officers acted within their discretionary authority by issuing nonpunitive, administrative reprimands to the officers involved, we find compelling justification to review the action taken. The following facts are reiterated to support the need for an independent review:

1. was administered a less serious letter of reprimand than recommended in the AR 15-6 investigation.

2. was the subject of a concurrent USACIDC criminal investigation on the mistreatment incident and listed as the subject of a court-martial offense in that investigation.

3. The AR 15-6 investigating officer did not address or comment on all the possible punitive remedies available pertaining to the four officers found responsible and culpable in report. We believe that the AR 15-6 investigating officer should have sought legal advice in addressing whether the detention and mistreatment of PV2 Griffin may have constituted offenses under the Uniform Code of Military Justice, such as kidnapping (Article 134), unlawful detention (Article 97), assault (Article 128) and requesting commission of an offense (Article 134).

4. No written record was located pertaining to counseling and official military file reflects the award of the Army Achievement Medal for meritorious achievement during the March-April 1989 time frame for performance of duty during deployment to Honduras.

5. The outstanding performance evaluations, letters of reprimand, counseling and award of at least one medal, all during the same time period, are not consistent.

B.

C. The Secretary of the Army upgrade PV2 Griffin's discharge to an Honorable Discharge.

□ 1530

THREE CLEAR TRENDS INDICATE GUARD, RESERVES WILL PLAY BIGGER ROLE IN NATIONAL DEFENSE

The SPEAKER pro tempore (Mr. THOMAS of Georgia). Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to continue to share with my colleagues a series of articles which appeared in the Roll Call newspaper in the April 30, 1990, edition in a special policy brief titled "National Guard and Reserves in a Changing World." This brief was developed to describe the roles and missions of the Reserve components and to educate the readers. I wrote the lead article in hopes of generating interest by the readers to learn more about the Guard and Reserve. I commend my colleagues to read these articles to gain a better appreciation of the Guard and Reserve. Today I'm sharing another in the series of articles that appeared in that April 30 Roll Call edition.

THE NEW AND IMPROVED NATIONAL EARTHQUAKE DAMAGE PREVENTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today Representatives HAROLD FORD, DELLUMS, PELOSI, LANTOS, ROYBAL, and I are introducing a revised version of the National Earthquake Damage Prevention Act, H.R. 3624.

This bill requires the establishment of building codes to reduce the damage and loss of life in major earthquakes—earthquakes which are certain to strike both in the East and the West in the next few decades. This bill uses the Tax Code to make sure that the new standards are used in new structures by denying the use of tax exempt bonds and deductions for interest and depreciation on new and renovated structures built after 1996 which do not meet the new standards.

Since the introduction of H.R. 3624 last fall, we have sought the advice and counsel of a large number of experts in the earthquake field. I particularly want to thank Melissa Moore, Director of Public Affairs for the American Association of Engineering Societies, Carl Bretscher, from the Office of Legislative and Public Affairs for the National Science Foundation, James Beavers Ph.D., P.E., senior staff consultant at the Martin Marietta Energy Systems Inc., Robert Hanson, President of the Earthquake Engineering Research Institute, professor of civil engineering at the University of Michigan, and director of biological and critical systems division for the National Science Foundation, Jane Bullock, project specialist in natural and technical hazards for the Federal Emergency Management Agency, and Gary Johnson, Chief of Earthquakes and Natural Hazards National Earthquake Program for FEMA. From their advice the National Earth-

quake Damage Prevention Act has been changed in two major ways.

The first change is to use FEMA's model seismic code for the standards which buildings must meet. In the past, the model seismic code has been just that—a model. This bill will make builders use the model seismic code.

The second change is to have the renovation of old structures meet the model seismic code. This addresses the main concern the Earthquake Engineering Research Institute had about the original version of the bill, which was that only a small number of structures would be affected by the bill. By bringing buildings up to code while they are being renovated, more structures will be made safe while still keeping costs down. I would like to have all buildings retrofitted to be earthquake safe, but I know that it would cost too much in most cases. This bill would only strengthen structures which would already be under construction or reconstruction.

With these changes I believe the National Earthquake Damage Prevention Act will significantly mitigate the growing threat of earthquakes in this country—which I outlined in previous CONGRESSIONAL RECORD speeches. The longer we wait to address the risk earthquakes pose; the closer we are to the next big one!

I urge members to listen to experts like Warren Hopkins, president of the Association of Bay Area Governments, who said, "Compared to the earthquakes to come, the October 17 shaker was a love pat." Support the National Earthquake Damage Prevention Act today.

THE EMERGENCY FOOD AND DRUG ENFORCEMENT ACT OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes.

Mr. DINGELL. Mr. Speaker, I am proud to introduce, with my distinguished colleague from Virginia, THOMAS J. BLILEY, the ranking Republican member of the Subcommittee on Oversight and Investigations and 33 other members of the Committee on Energy and Commerce, the Emergency Food and Drug Enforcement Act of 1990.

This bill addresses three urgent needs: the cleanup of the troubled generic drug industry; the protection of Americans from dangerous food imports, particularly low-acid canned foods; and the availability of trained criminal investigators to enforce the Food, Drug and Cosmetic Act.

Each of these provisions addresses a problem uncovered by the Oversight Subcommittee during the 101st Congress.

The subcommittee's generic drug investigation is not yet complete, but it is clear that legislation to reform this industry should be enacted this Congress. To date, there have been 13 criminal convictions arising from the investigation and additional charges are expected in the coming months. More than 100 products have been recalled or withdrawn, and 5 of the top 10 generic drug firms—ranked by number of approved application—have been implicated in corruption, fraud or false statements. This bill is needed to restore the confidence of the American people in generic drugs and to assure that the Food and Drug Administration [FDA] has the authority to remove from the marketplace those individuals and companies who bribe regulators, falsify applications, or otherwise subvert the streamlined generic drug approval process.

The generic drug provisions of the bill address the need for a safe and reliable generic drug industry by requiring or permitting the Secretary of the Department of Health and Human Services [HSS] to debar from future generic drug approvals for periods ranging upward from 3 years, those firms and individuals convicted or seriously implicated in bribery, fraud, false statements or other cries which undermine the FDA approval process.

It also permits the Secretary to suspend sales of existing generic drugs from companies engaging in such crimes until they show that their other applications are not tainted.

Due process for both companies and individuals is explicitly provided. Existing remedies such as the authority of the Secretary to temporarily withhold new approvals from suspect companies and to withdraw permanently generic drug applications tainted by fraud are codified.

Some generic firms will undoubtedly oppose this legislation, particularly those which are or will be targets of the criminal investigations being conducted by the U.S. attorney in Baltimore. But we expect support from a majority of honest generic firms who recognize the importance of cleaning up this industry once and for all.

The American people need reliable generic drugs. Our individual budgets and those of state, local, and Federal government are desperate for the relief such medicines provide from the rapidly rising cost of drugs. Only when the bad actors, individuals, and in a few cases, firms, exit the industry can Americans again feel comfortable with low cost generic alternatives to prescription medications.

This emergency enforcement bill also addresses other topics that have arisen during the course of hearings by the Oversight Subcommittee in the 101st Congress. Section 7 specifically provides the Secretary of HHS with the authority to order the destruction of food and drug imports which cannot be rehabilitated and which pose a health hazard. This contrasts with existing law which permits the reexport of such goods and has resulted in a process of port shopping and other fraudulent schemes that have permitted contaminated foods and drugs to reach unsuspecting consumers here and abroad. Section 7 also provides for the licensing of importers of low acid canned foods so that the FDA can finally get meaningful control over the imports of these potentially dangerous products. Hearings by this subcommittee led to exposure of widespread illness in this country from contaminated canned mushrooms imported from China.

The bill also restores authority to the Inspector General of the Department of HHS to conduct certain investigations for which the FDA is not qualified or for which the Department of Justice [DOJ] lacks the personnel. This section closely follows a memorandum of understanding [MOU] recommended by the General Accounting Office [GAO] in 1987 and agreed to by the Commissioner of FDA and the Inspector General of HHS in January of 1989. The MOU was crippled by Secretary Sullivan's decision to rescind his delegation of authority to the Inspector General, and scores of investigations are now in limbo. See the subcommittee staff report, "Naked Reverse: Secretary Sullivan's rescission of His Delegation of Investigative Authority to the Inspector General," April 1990, Committee Print 101-S.

Finally, the bill clarifies Congress' right to trade secret material in the FDA's possession and creates limited sunshine of the generic drug approval process. The subcommittee's investigation was hindered by the substantial reduction of material. This problem had been resolved in last years' reconciliation bill, but the actual language was inadvertently omitted from the enrolled bill—although it is referenced in the conference report. The sunshine provisions are designed to make public limited data that, if available in 1986-88, would likely have triggered an earlier investigation of approval process irregularities.

A section-by-section description of the bill follows:

EMERGENCY FOOD AND DRUG ENFORCEMENT ACT OF 1990 SECTION-BY-SECTION ANALYSIS

Section 1.—The title is "Emergency Food and Drug Enforcement Act of 1990."

Section 2.—New Section 306 (Debarment) gives the Secretary authority to refuse to accept, review or approve generic drug [§ 505(j)] applications for companies under specified circumstances.

Creates mandatory debarment for firms and/or individuals from involvement in the generic drug approval process for felony criminal conviction in connection with development or approval of generic drugs. [306(a)]

Creates permissive debarment of firms and/or individuals by the Secretary for (1) a criminal conviction in connection with an activity relating to the development or approval of generic drugs, (2) a criminal conviction for bribery, fraud, or similar crime, (3) a criminal conviction related to obstruction of justice, (4) being named as unindicted coconspirator for such crimes, or (5) knowing use of a debarred person. [306(b)]

Permits the Secretary to temporarily withhold generic drug approvals if he finds probable cause to believe a firm or individual has engaged in (1) bribery or attempted bribery of an HHS employee in connection with a generic drug, (2) a pattern of false statements or representations relating to any generic drug, or (3) knowing multiple violations of the Act which have seriously endangered the public health or safety. This period of denial is limited to 18 months, extendable for up to 18 additional months if the firm or individual has been indicted. [306(c)]

Provisions for notice and opportunity for hearing, and authority for the Secretary to conduct discovery and hold hearings. [306(c)]

Individuals will be permanently debarred for felony convictions relating to the generic drug review process, and the minimum period of debarment for convicted companies and individuals, including those named as unindicted coconspirators, is 3 years. [306(e)]

Judicial review provision, with substantial evidence standard for Secretary's findings of fact. [306(f)]

Debarment may be terminated at end of the minimum period upon application to Secretary if the Secretary finds no basis for its continuation and there are reasonable assurances that actions will not recur. [306(g)]

The Secretary shall make public a list of debarred individuals and companies. [306(h)]

Employees who assist the government in the debarment process are protected from retaliation. [306(i)]

Definitions of "convicted" and "knowingly". [306(j)]

This section applies to acts occurring after September 1, 1984. [306(k)]

Section 3.—Amends Section 505(j) to add to generic drug applications the requirement that the applicant certify it did not and will not use the services of a debarred person in connection with the application.

Section 4.—New Section 305 (Civil Money Penalties) deletes existing section language requiring notice before the Secretary recommends criminal prosecution for any violation of the Food, Drug and Cosmetic Act, and creates civil money penalties of up to $100,000 for individuals and $5,000,000 for companies committing certain offenses in connection with generic drugs.

Provides a list of offenses in connection with generic drugs that can trigger penalties: (1) false statements; (2) bribery or gratuity; (3) destruction of records; (4) failure to make obligated disclosure of a material fact; (5) obstruction of investigation; (6) use of debarred person; (7) as a debarred person, subjecting another person to sanction; or (8) endangering the public helath or safety through knowing violation of the Act. [305(a)]

Provisions for notice and hearing, and authority for the Secretary to conduct discovery and hold hearings. [305(b)]

Judicial review provision, with substantial evidence standard for Secretary's findings of fact. [305(c)]

Recovery of unpaid assessments. [305(d)]

Whistleblower bounty of $250,000 or one-half of penalty imposed and collected, whichever is less [305(e)]

Section 5.—New Section 307 (Suspension) creates suspension authority covering distribution of all generic drugs unless the manufacturer can prove that the drugs were unaffected by the illegal acts or that audits and other reforms have eliminated the need for suspension.

Creates authority to suspend distribution of generic drugs when pattern or practice exists of acts listed in Section 306 in connection with the development, approval, manufacturing, or distribution of two or more generic drugs. But no suspension possible for a particular drug if person shows that the offenses or acts did not influence the development, approval, manufacturing, or distribution of that drug. [307(a)]

Provisions for notice and hearing, and authority for the Secretary to conduct discovery and hold hearings. [307(b)]

The Secretary can waive suspension on public health grounds. [307(c)]

The suspension order can be withdrawn if the suspended drugs have been satisfactorily audited to assure they meet FDA standards and the person presents evidence of ownership, management, and operational reforms to satisfactorily remedy the pattern or practice of acts. Information submitted to the Secretary shall be made public. [307(d)]

This section applies to acts occurring after September 1, 1984. [307(e)]

Section 6.—New Section 308 (Withdrawal) creates explicit authority to withdraw approval of generic drug applications in cases of bribery, fraud, or false statements.

Approvals shall be withdrawn if the application was influenced by bribery, gratuity, fraud or false statement, or was the subject of attempted bribery, gratuity, fraud or false statement. [308(a)]

Provisions for notice and hearing, and authority for the Secretary to conduct discovery and hold hearings. [308(b)]

This section applies to improper acts regardless of when they occurred. [308(c)]

Section 7.—Amendments Relating to Imports and Exports

Section 801(a) amended by creating a new category of merchandise which is refused entry because it is a threat to the public health. FDA identifies such articles and Customs is responsible for insuring their destruction within 30 days, except that FDA can permit entry if the goods can be brought into compliance. Reexportation is not an option.

Section 801(b) amended by requiring the owner or cosignee of the imported goods to post a bond equal to three times their value if the merchandise is released to them while FDA approval is pending. However, upon the recommendation of the FDA, Customs can refuse to authorize such delivery and the goods must then remain in the physical custody of Customs.

A new Section 413 creates licensing and record-keeping requirements for manufacturers and importers of low-acid canned foods.

Section 8.—Gives the Inspector General authority to investigate false statements made to the FDA, fraud or abuse involving any program administered by the FDA, drug diversion and counterfeiting, FDA employee misconduct, and certain other matters.

Section 9.—Explicitly gives appropriate committees of Congress access to the trade secret material at the FDA and requires the Secretary to make public limited information concerning applications for generic drug approvals.

Section 10.—This Act does not preclude existing criminal or civil remedies.

Mr. BLILEY. Mr. Speaker, today I am pleased to join the chairman of the Energy and Commerce Committee, Mr. DINGELL, as the lead Republican cosponsor of H.R. 4810, the Emergency Food and Drug Enforcement Act of 1990. This important legislation is an outgrowth of the investigation by the Subcommittee on Oversight and Investigations, of which Mr. DINGELL is chairman and I am the ranking Republican member, into the generic drug scandal at the Food and Drug Administration [FDA]. A majority of the oversight subcommittee and the full committee are original cosponsors of the bill.

Our subcommittee, on a bipartisan basis, pioneered an investigation over the better part of the past 2 years which contributed to 13 guilty pleas in U.S. District Court in Baltimore by 4 persons then in key positions in FDA's Division of Generic Drugs, 5 generic drug company executives, 3 generic drug companies, and 1 generic drug industry consultant. These persons pleaded guilty to a host of Federal crimes, from the payment or receipt of illegal gratuities, to interstate transportation in aid of racketeering. More criminal charges are expected, according to public statements by the U.S. attorney's office in Baltimore.

Investigations by the subcommittee and FDA have encompassed more than those who took or paid illegal gratuities to speed up or slow down the processing of generic drug approval applications. Other companies have admitted making false statements of material facts in their applications. For example, several companies gained approval for their generic versions of brand name drugs by substituting the brand name drug for their own product in the lab tests on which FDA based approval of their generic drug applications.

The subcommittee's extensive hearing record spans over 1,300 pages of testimony documenting the problems at FDA in regulating generic drugs and at some of the major generic drug companies. It is disturbing to note that 5 of the top 10 generic drug companies ranked in order of number of generic drug approvals have been implicated in these scandals.

The bill we are introducing today is based on the fact that more than most industries, the generic drug industry is a creature of the Congress. The industry took off after Congress passed the Hatch-Waxman generic drug law in 1984, which made it much easier for companies to obtain approval of proposed generic versions of brand name drugs as the patents on brand name drugs expire. Congress did so as a part of a compromise which restored to the brand name companies some of the patent protection lost during the regulatory process. This trade-off gives the consumer the benefit of innovative drug development while at the same time eventually bringing lower priced generic drug competition to the marketplace.

What Congress did not envision when it passed the 1984 Hatch-Waxman law was that persons in the emerging generic drug industry would be so tempted by the enormous economic advantage to be gained by the company who gets the first approval of a generic version of a given brand name drug that they would engage in the illegal and improper conduct uncovered by the subcommittee, the U.S. attorney in Baltimore, and the FDA itself.

This bill is by no means the cure for all that ails HHS, FDA, and segments of the generic drug industry. However, the bill addresses the fact learned in the course of the investigation that FDA lacks sufficient administrative sanctions to deter this scandalous conduct and punish those who commit such acts. The bill provides FDA with the tools of debarment from new generic drug approvals, civil money penalties, authority to suspend distribution of approved generic drugs, and authority to withdraw certain generic drug approvals.

In drafting this legislation we have been mindful of the understable concern that any sanctions be carefully tailored to situations of actual wrongdoing and that due process be repected. For this reason, the bill requires that persons be notified and afforded an opportunity for a hearing in advance of the imposition of any penalties. With the notable exception of mandatory debarment for persons convicted of a Federal felony in connection with an activity relating to the development or approval of a generic drug, the rest of the sanction are largely within the discretion of the Secretary of Health and Human Services. In this

manner, the sanctions can be based on the facts of a particular situation, as well they should be.

With respect to sanctions for improper and illegal conduct by firms in the generic drug industry, our bill is consistent with, and indeed largely follows, the recommendations of the administration as contained in the draft bill which Secretary Sullivan sent to the Speaker on April 23, 1990. The principal difference between the Dingell-Bliley bill and the draft administration bill is that the administration would cover all industries regulated by FDA, not just generic drugs.

The wide sweep of the administration bill is premature. The investigation by the Oversight Subcommittee found serious problems in the generic drug industry and the generic drug approval process. We do not have a similar evidentiary record of problems in the other industries regulated by FDA to justify extending these sanctions to other industries. In addition, as noted above, the generic drug industry and the abuses we found in it are a direct result of the abbreviated product approval process which is unique to generic drugs. Finally, the volume of brand name drugs going off patent in the next 5 years is reported to be over $10 billion in sales volume. If the FDA process broke down when processing the applications which it has confronted since 1984, there is no telling how bad things could get in the next 5 years. Our consumers deserve the benefit of drug price competition, but in an environment where the generic drug approval process is no longer tainted and the cloud can be lifted from over the industry. Thus, we should enact this as emergency legislation without delay.

In addition to sanctions, the bill addresses several other matters. Chief among them is making it clear that the Inspector General of the Department of Health and Human Services can investigate certain types of serious complaints involving the FDA and related matters. A recent Justice Department opinion cast doubt on the use of the Inspector General in this fashion. The subcommittee has been very impressed with the work of the Inspector General in the generic drug investigation. The Inspector General's resources should continue to be brought to bear on these types of cases.

Finally, another subcommittee investigation highlighted weaknesses in our existing food import law, particularly in the area of low acid canned food. A hearing documented that over 100 people were taken ill by toxins found in imported canned mushrooms from China. Given limited FDA resources, very little of the food which is imported is checked or otherwise tested. Low acid canned foods are those which lack sufficient acid to kill harmful substances when cooked. The bill would set up a streamlined licensing process for such food importers. The United States has more control over them since they do business in the United States as opposed to relying solely on infrequent FDA inspections of overseas canneries.

THE 150TH ANNIVERSARY, PENNOYER SCHOOL, NORRIDGE, IL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on Friday, May 18, 1990, the Pennoyer School, District No. 79, 5200 North Cumberland Road, Norridge, IL, will celebrate the 150th anniversary of its founding.

In 1839 the community saw a need for a school. Pulling together they agreed that every adult would contribute $5 for materials and would pitch in to help build the school on land donated by John Pennoyer. A one-room schoolhouse which was heated by a wood stove was completed and used until 1893 when the one room was enlarged. An updated facility was built on the site in 1922, and with the population boom of the 1940's and 1950's, additional rooms were put on the building. In 1955 even more expansion was needed and construction began on a state-of-the-art facility at the present site.

Today the Pennoyer School consists of two preschool classrooms, two full day kindergarten rooms, elementary first through eighth grade classrooms, plus special education programs for the learning disabled coupled with programs for the average and the gifted students. Microcomputers for the students in kindergarten through eighth grade enrich the school programs as well as do the performing arts classrooms.

As a teacher by profession, I know that it is not just the structure of brick and mortar that makes a school, it is the community, students, teachers, administrators and staff. The Pennoyer School has been blessed through the years with individuals who recognized the changing needs of their community and who were not afraid to act—with students eager to learn when given an environment in which they were free to excel—with teachers who, while teaching basics, were not scared to allow the minds of their students to stretch beyond their so-called highest limits—with administrators who allowed teachers and students to go past the artificial barriers of conventional educational institutions—and with staff who provided invaluable support for the work of teachers and administrators while being sympathetic to student needs.

Mr. Speaker, today many talk about commitment to educational excellence, but 150 years ago members of the Pennoyer School community did more than just talk. They took responsibility and positive action for the education of their young citizens, and that heritage of assuming responsibility for providing quality education continues to this day.

As the Member of Congress representing the 11th Congressional District of Illinois where Pennoyer School is located, I congratulate Dr. Deno F. Fenili, Superintendent of District 79, and the students, teachers, parents, administrators and staff of the Pennoyer School on the 150th anniversary of its founding. I take pride in their achievements and extend my best wishes for continuing success in their endeavors in the years ahead.

ORDER OF BUSINESS

Mr. ROTH. Mr. Speaker, I ask unanimous consent to vacate my 30-minute special order and ask for a 5-minute special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CLOSE AMERICAN BASES IN THE PHILIPPINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 5 minutes.

Mr. ROTH. Mr. Speaker, more Americans are being killed in the Philippines and the Philippine Government does nothing. No one is apprehended nor punished. Nothing in that is new. One could ask are the killings of the Americans aided and abetted by an anti-American mentality of the Philippine Government?

If the American taxpayers knew the true story and the true cost of how much we are being milked by the Government of the Philippines, then our taxpayers would truly be totally outraged. At this time the United States negotiators are in the Philippines renegotiating a new agreement for these bases in the Philippines. In my opinion, these negotiators, who say they represent our country, are not really representing the American people, but are representing the State Department and the Pentagon.

I have a question. We have 40,000 Americans in the Philippines to protect the Philippines. From whom?

The only arms involvement of the American forces in the Philippines in the last 45 years occurred when F-4 fighters put down a coup attempt to protect President Aquino from toppling off her throne. The Philippine people are a very congenial and very affable people, but they do not want nor need our American bases, period.

According to our own Pentagon, when you ask the question, what are the pluses, what are the positives if we left the Philippines militarily, there are three basic answers: First, the American taxpayer would save billions of dollars; second, we Americans would be better liked by the Filipino people; and third, there would be less prostitution in the Philippines. I believe these are three laudable goals.

Let us turn America away from the old ties of the past in the direction of the new world, a world that we are moving in that is as different as the world was in 1492, when Columbus discovered America. We are in a world of economic competition. Let us prepare for that new world. Let us not keep our focus on the old world of 50 years ago. This is a new age and new challenges.

History teaches us that rigid societies will wither and die. Let us think anew and act anew in this modern world. We know that in our own world, that we have to have flexibility if we have power. We Americans must be flexible. We cannot be tied always to the old ways, the ways things were done 50 years ago.

The reward for the new direction, for a new decisiveness in action, will be great. The American taxpayer will save billions. We will spend those billions on education, roads, environment, on the infrastructure, and yes, on our own economy. We will make America more competitive.

The consequences for staying with the bases are enormous, too. The negative image of our country in the Philippines will continue. The increase of anti-American feeling and demonstrations will continue. The deaths of more Americans will continue. Is that what we want? I do not think so.

It is important for us in the Congress and the American people to remember that our two countries, the two world leaders, the United States and the U.S.S.R., have spent themselves into bankruptcy because we have stayed to the tired, wornout policies of the past.

The U.S.S.R. is totally coming apart at the seams. And how about our own country? We have a $3 trillion national debt. Our country is the largest debtor nation in the world.

At this very time we are meeting at the White House in an economic summit, a summit we are having with ourselves. Why? Because we are billions of dollars short and we do not know where to find these funds. We are, yes, the largest debtor nation in the world.

I am curious. Why should the American people defend, for example in the Philippines, a people who do not want us to defend them?

Question: do they need us? They do not think so. And is that not really the issue? Our entire relationship with the Philippines is clouded by the bases. We have to look into the future.

In the 1990's and into the 21st century the great nations of the world will be built on three pillars: high technology, and that includes education and infrastructure and so on; entrepreneurship, all the creative thinking needed in the world; and, three, traditional values. Because no matter how strong or economically powerful a nation is, the nation needs to have moorings, people have to have moorings. The issues of the 21st century and the 1990's are going to be debated on values.

There is nothing here about costly military bases. These bases will only be an albatross around our neck. Let us do what the American people and the Filipino people want for a change. Let us let the Filipino people determine their own future, their own destiny. They do not need our bases, we do not need those bases. The American people do not need those bases.

The people throughout the world are writing a new chapter in history. Americans should play a positive role. I know it is hard to cut the old ties of the past, to steer a new course, but if other people can do it, we Americans can do it, too.

In the present world we have to be in step. We have to have flexibility, because flexibility is power and rigidness is weakness. Let us keep America strong and flexible.

It is time to save billions. The people throughout the world are beginning a new chapter in world history. It is time to do the will of the people. It is time to close the bases in the Philippines.

This will happen one way or another. It is inevitable. Let us take charge of events and do it now. The people of both countries, the Philippines and the United States, will benefit from a new enlightened policy.

COMMEMORATION OF THE MAY 13 ANNIVERSARY OF THE BEGINNING OF THE TIANANMEN SQUARE HUNGER STRIKE

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 60 minutes.

Ms. PELOSI. Mr. Speaker, this weekend concerned students throughout the world join Congress in commemorating the May 13 anniversary of the beginning of the Tiananmen Square hunger strike. Rallies were organized in Harvard Square, Red Square, Wenceslaus Square in Prague, Buenos Aires, Geneva, Nairobi, Oxford University, Brown, Brandeis, and the University of California. In my own district in San Francisco an all-night vigil was held in front of the the Chinese consulate. A rally followed. Throughout the world the rallies followed the theme of China, the world is watching.

These events were an observation of the May 13 Tiananmen Square hunger strike, as I mentioned. The world watched in awe as unarmed students took on one of the most represessive governments in the world.

In Tibet monks and nuns struggled under the repressive yoke of martial law and 50 years of occupation. In Beijing the regime chose to flex its muscle rather than to expand its thinking.

I commend my colleagues in this body for their demonstration of support by voting a resolution declaring May 13 a national day in support of freedom and human rights in China and Tibet. It celebrates the spirit of those young people who, echoing the words of Patrick Henry 200 years ago, said, "Give me liberty or give me death." It seeks to strengthen the spirit of those citizens of China and Tibet who continue to suffer in prisons and reeducation camps, and it sends a message to the Beijing regime that we recognize the expression of courage shown in Tiananmen 1 year ago and deplore continued efforts to extinguish it.

When that legislation came before the floor last week, one of the champions of the bill and one of the people who worked to pass the legislation is with us today in this special order. I am pleased that the gentleman from New York [Mr. GILMAN], the head of the Congressional Working Group on Tibet, a leader in the area of human rights throughout the world, especially in China and Tibet, is here, and I am pleased to yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I commend the gentlewoman from California [Ms. PELOSI] for her continuing efforts in keeping the issue of human rights in China before the Congress and before the public. She certainly has been diligent and successful in this longstanding effort. We commend her for that.

Mr. Speaker, in 1939, a boat named the *St. Louis* was off the shores of Miami. Its cargo was 930 Jewish immigrants fleeing from Nazi Germany. As the world closely watched, our Nation argued about what the proper course of action should be. From some quarters we were then told our national security—political and economic—would be imperiled if we let the *St. Louis* unload its human cargo. From other quarters we heard that to have the ship turned away would be the greatest sin against what this Nation stands for. As we all know, short-term interests, racism, lack of vision and integrity drove our Nation's policy that day and the Jew immigrants were sent away.

Today we face the same choice and hear the same arguments driven by the same fears. We are told that the way to support the Hong Kongnese, the Tibetans, Chinese students and Cambodians pleading for our help, is through assisting the leaders in Beijing with economic growth and reform, and that the last thing that we should do is impose strong economic sanctions because our Nation would suffer along with those people. Besides, what they really need in the first place is to learn what democracy is before they can fight for it and the only way that can happen, as the argument goes is through continued contact with the outside world. We are being urged to forget about what our sanctions have accomplished in South Africa, Nicaragua and in the Eastern bloc. For China and Tibet they don't apply. In other

words, ignore Hitler, throw him a few bones and he will go away.

Most-favored-nation status, by law, is tied to immigration. Leaders of the democracy movement in the PRC leave through underground railroads and Tibetans trying to cross the border into Nepal are turned back in chains by border guards under pressure from the PRC. Of the 42,000 students from the PRC studying here only 2, not 2,000, just 2 are Tibetans. Is this freedom of immigration?

But what about the recent release of prisoners and the lifting of martial law in Lhasa? I urge my colleagues to think back to January when the bill of the gentlelady from California [Ms. PELOSI] was before the Senate. Martial law was supposedly lifted in Beijing and it was claimed that prisoners were released. However, news reports tell us that the repression did not abate and that the names of those released were never given to the human rights monitoring groups. If any of my colleagues have any doubt about the repression in the PRC and Tibet please pick up June's edition of the Reader's Digest and read "Democracy's Heroes Vanish in China's Gulag," which states:

> Bullets and blood may have silenced the heroes of Tiananmen Square for now. But they will be back, again and again, as long as freedom is suppressed. As the world's beacon of democracy, the United States must not ignore their cause—or their sacrifice.

The vast majority of the gulag, by the way, is located in an area of Tibet where the Dalai Lama was born and is now claimed by the PRC to never having been part of Tibet. The Dalai Lama of China—an interesting concept.

I urge my colleagues to consider the conditions in Beijing and Lhasa in order to understand what fate awaits Hong Kong. The way to help ensure, democracy for China and Hong Kong and freedom for Tibet is not through appeasement.

□ 1540

Ms. PELOSI. Mr. Speaker, I thank the gentleman for his remarks and for his leadership on these issues, and for calling to the attention of our colleagues the statement in the Reader's Digest, which is current, and the ad which is in the New York Times today, and perhaps other newspapers which points out the situation he describes. The gentleman from New York has been a champion of human rights in the Congress and in the country, and he has shared that enthusiasm with many other Members of this body, and I am gateful to him for his assistance in protecting the Chinese students, of course. But as he points out, the human rights violations in China continue and increase, and we have a great deal of work before us.

This deplorable human rights situation in China has become an important factor in a variety of issues faced by the Congress. The gentleman referred to one, the most-favored-nation status for China, and there are others.

In the spirit of: China, the world is watching, there was a congressional working group on China formed precisely to show the Chinese Government that we are watching. I am very pleased with the response from our colleagues on both sides of the aisle to the working group, and would like to just discuss briefly some of the issues before the group, some of which were already mentioned by our colleague, the gentleman from New York [Mr. GILMAN].

One which was mentioned was protection of Chinese students in the United States. At the constant urging of the Congress, and frankly particularly the House of Representatives, the President finally issued an Executive order on April 11 to protect students in the United States, and we are grateful to the President for issuing that order and extending the protection to the students.

But even so, documents smuggled out of the Chinese Embassy by Chinese dissident, Xu Lin, describe a continuing Chinese Government effort to antagonize and harass outspoken Chinese students in this country.

Many of my colleagues have seen this report in the newspaper of Xu Lin, a 23-year-old third secretary in the Education Secretariat of the Chinese Embassy here in Washington, DC, who has been granted political asylum in the United States. He said in an interview that Embassy officials, Chinese Embassy officials, were told by supervisors in the Embassy to go to universities and colleges in this country and carry out a campaign of intimidation against critics, while courting students who were more ambivalent. He said he felt the campaign against the students would not work because the regime had lost all credibility with the students in the aftermath of last June's bloody crackdown on prodemocracy demonstrators.

These important documents that Xu Lin told us about outlined the multiprogrammed effort to isolate and stigmatize about 100 ringleaders who have been most involved in what they call anti-China activities, to win over many students who were judged to be less militant, and to establish an underground network in every school to recruit informants. So we see there still continues to be a need to protect the Chinese students in America as well as those in China, and for this reason we are very grateful for the protections which the President has now extended to them.

Another item on the agenda of the Congressional Working Group on China is the Voice of America. Many members of the group, especially the gentleman from New York [Mr. SCHEUER], believe that the Voice of America is a very important element in the continuing attempt to communicate a message of democracy and support to those who love freedom and fight for democracy in China. At our first meeting Mr. SCHEUER suggested that we meet with Voice of America, which we did at our second meeting, and Mr. Richard Carlson of Voice of America was very generous with his time and his staff to brief the members of the Working Group on the extent to which Voice of America is communicated into China.

We learned that our capacity has been increased since the Tiananmen Square massacre. The Voice of America now has 12 hours a day broadcast to China in Mandarin, and 1 hour in Cantonese, 7 hours in English. We have a 1-million-watt transmitter that is used for part of the day, and that technologically we need to find ways to do more, and certainly we need to financially assist the Voice of America in its work. This is a very important element in demonstrating our support and communicating our message of democracy and freedom and identifying with those who fight for freedom in China.

We will be visiting the Voice of America here in Washington, DC and continuing the strong support from the Congress for VOA, which many, as I mentioned, in this body, but also outside this body believe to be a means to final freedom in that country.

Another issue before the China Working Group is the international banking world and bank loans to China, and other multilateral development bank loans to China. At the request of the Working Group, last week, and really under its usual order of business, but it began sooner I believe because of the urging of the Working Group, the Subcommittee on International Development, Finance, Trade and Monetary Policy of our full Committee on Banking, Finance and Urban Affairs held hearings on World Bank loans to China. This committee is chaired by the gentleman from the District of Columbia [Mr. FAUNTROY], and we were pleased to have put on the record very important information about the loans. Because of the actions of the House of Representatives in legislating economic sanctions in our relationship with China, World Bank loans to China are not allowed unless they meet the criteria of basic human needs.

□ 1550

It is the concern of some of us on that committee, I don't say many because there are not many of us on the committee, but for those on the committee, that basic human needs not be

interpreted broadly but be interpreted in the spirit in which it was intended by this body, that we as humanitarians do not want to eliminate the possibility of assisting the Chinese people in their basic human needs but we do not expect to have basic human needs to include transportation issues, infrastructure, et cetera.

So we must be vigilant, very vigilant, and our subcommittee certainly will be doing that, but Congress as a whole must be very vigilant about how basic human needs is interpreted.

This is very important because the world is watching. We are watching China, and the world is watching us to see what we do in the United States vis-a-vis China. If we in this country were to relax that sanction of approving bank loans to China, it would send a clear message to our allies throughout the world, our economic and political allies throughout the world, that it is okay to have loans to China.

And I believe then that would unleash many multilateral loans from countries in the European Community to China and it would be as if Tiananmen Square had never happened or in fact did not make any difference to us, and our economic sanctions would be a farce or a hoax.

So these loans are very, very important, not only in themselves but they are very important in the kind of economic assistance that China would receive from other countries throughout the world.

I believe this view is shared by members of our subcommittee and also by members of the working group, that in making these decisions we must be true to our commitment to democracy and human rights. And human rights as well as other issues relating to centralized economy give is a sufficient reason to deny loans to China by the World Bank and other multilateral relationships we have with them, or have had.

There have been three loans made to China since January under the rubric of basic human needs. One of these loans, for vocational education and training, may not legitimately fall into the basic human needs category.

The president of the World Bank said earlier this year that he expected to extend $1 billion in loans by way of the World Bank to China by July. This figure is a very dismaying figure, and there have been those in the administration who have testified before our committee that they indeed are dismayed as well and have no intention of going that far.

However, at our recent hearing last week, it was reported that $550 million worth of loans could fall under the rubric of basic human needs.

If I am prolonging the discussion on it, it is because it is very important not only for itself but also for the message it sends to our other allies.

Perhaps the issue of most controversy and the issue of most attention for those who do business with China is the issue of most-favored-nation status for China. And this is an issue of grave concern to our working group.

There are those who believe that we should never have instituted most-favored-nation status when it came due June 3 of last year. It has to be one of life's great ironies that at the very same time that the army turned its guns and tanks on the students in Tiananmen Square June 4 in Asia, June 3 in the United States was the day that MFN was put on the table for China.

We were distracted, of course, by the slaughter there. Unfortunately, we did not respond to the MFN discussion, and China now enjoys most-favored-nation status.

What does that mean? Most-favored-nation status is that status which entitles China to the lowest available tariffs on exports to the United States. Its loss would lead to much greater duties.

What it means to China is about $6 billion annually and this MFN is being considered in the light of continuing human rights abuses in China.

As our colleague, the gentleman from New York [Mr. GILMAN], mentioned in his remarks, MFN, most-favored-nation status, has been tied in the past to immigration policy, and we believe we can make a very strong case for immigration policy vis-a-vis China as well as human rights violations and repression in China.

However, I think it is important for this body to consider very, very carefully how we proceed on MFN. To this end, I am very grateful that the Committee on Foreign Affairs will this week and next be holding extensive hearings in the Subcommittee on Human Rights and International Organizations, the Subcommittee on International Economic Policy and Trade, and the Subcommittee on Asian and Pacific Affairs regarding most-favored-nation status.

Who is it that would be hurt the most? Is it in furtherance of democracy in China to revoke most-favored-nation status? What conditions could we put on MFN if we were to extend it another year?

Really much of this, we will take our lead from the President on. If he sends over the request, then that will probably trigger hearings also in the Committee on Ways and Means, the Gibbons Subcommittee on Trade. It is an issue that needs the most careful attention in the House of Representatives so we are not motivated by punishment but we are motivated by promoting democracy in China and that we take this next step very, very carefully.

There are members of the Congressional Working Group on China who are circulating dear-colleagues to completely revoke most-favored-nation status.

There is strong sentiment in the Congress for this.

By June 3 the President will have to make a decision about whether to send it over again. I think everyone can be assured that whatever decision is made in the end it will be one that is very thoughtful and that will be done placing on the record a complete record of the account of the repression that exists in China today.

So the question would be: Do we renew it? If we do, what conditions do we put on it, recognizing the Tiananmen Square massacre?

If we do not renew it, and we revoke it, what conditions would be met to restore MFN to China?

Mr. Speaker, there can be no doubt that Congress is watching for real improvement in China and not just for public relations flourishes.

If in fact we do not revoke MFN but in fact extend it, there are other ways that Members of Congress are presented. For example, some participation of Taiwan in the GATT rather than revoking MFN or maybe in addition to that.

Let the world know that we are focusing on these issues, that we are studying them very carefully and that we have a forum for it in this body and for those who are particularly interested in the Congressional Working Group on China.

In closing, I would just like to acknowledge that last week we were told that 200 prisoners were released. This is an important number.

However, we must not forget the tens of thousands of others who are still incarcerated in China.

There is no record of anyone being released, any of the students who participated in the Tiananmen Square massacre and that none of the workers who suffered very severely in the massacre and the aftermath were released.

Mr. Speaker, I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Speaker, I just want to extend to the gentlewoman from California [Ms. PELOSI] the thanks of all of us, especially the California delegation that feels a special kinship to China, because we feel we are practically on the border, on the rim of the Pacific Ocean.

Her work has been enormously beneficial to the people of China and our understanding of the difficulties the Chinese people are going through.

I think that history will show in the long run that Ms. PELOSI and the people who have supported her are the best friends that the Chinese people have ever had.

The record is much clearer as to what the United States should be

doing in this difficult situation because of the work of Ms. PELOSI.

Mr. Speaker, we are all very grateful.

Ms. PELOSI. I thank the gentleman for his kind remarks and for the leadership that he gives to our delegation and for his support within that delegation so that when we did come to the floor, we had the strong support of all of California on these issues of concern not only to the Chinese students but on human rights throughout the world and really to our own selves, being true to our own traditions in keeping with the chairman's commitment to human rights and civil rights for all people.

I think no one in this body encompasses more that ethic of our democracy and our Constitution than the chairman of the Subcommittee on Civil and Constitutional Rights, the dean of the California delegation, the gentleman from California [Mr. EDWARDS].

□ 1600

So I am particularly appreciative of his remarks.

Mr. Speaker, to continue, the Government of China insists there are only 431 prisoners remaining in Chinese prisons. This cannot possibly be true. Amnesty International and Asia Watch disagree. We would like to see international human rights organizations allowed into China to resolve this incredible discrepancy. China should publish the names of those released and those still held. If the Government of China wants World Bank loans, wants preferential trade treatment, wants economic vigor that stems from good relations with the West, it must wake up to the reality that is sweeping the world from South America to Eastern Europe.

I was so pleased to hear so many staunch supporters of human rights in the debate on Cuba earlier today. I am certain all of those people will stand up for human rights and democratic principles in China as well. On the principle that tyranny can no longer endure and that the flame of freedom once ignited is not easily put out.

Mr. EDWARDS of California. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from California [Mr. EDWARDS], to whom I think there is no more appropriate person to yield in my closing remarks on human rights in China than the dean of our California delegation who has served so many years as chairman of the Subcommittee on Civil and Constitutional Rights, a person for his life in Congress and his life outside of Congress has been a champion for human rights, individual freedoms and liberties, and a strong, strong commitment to our Constitution and applying those principles to every person who lives, respecting the dignity and worth of every person, whether American, European, Eastern European, Western European, and in the Southern Hemisphere or Asia as well.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentlewoman from California [Ms. PELOSI] for yielding.

I am going to shift gears and talk for a while about an issue that is deserving of considerable attention in the Congress, and generally in the Nation, especially since we are about to consider a major drug bill which apparently could have a new death penalty provision in the bill. Although the subcommittee that I chair does not have the dominant jurisdiction over the death penalty, there has been a portion of this subject that has been assigned to the subcommittee, and it has to do with procedures relating to the death penalty and whether or not in this country it is being applied fairly and equitably, and whether or not it is applied in a prejudicial manner because of the race or sex of the particular person who has been charged.

Mr. Speaker, in considering the death penalty, one has to realize that it is a very expensive procedure. Experts will testify that it diverts sources that are terribly expensive. The State of Florida, for example, has estimated that it costs $3.2 million to execute a single convict, which is more than six times as much as it would cost to keep him or her in prison until he died of natural causes. The State of Minnesota, which last year decided by overwhelming bipartisan votes not to reinstate the death penalty, concluded that it would cost $25 million a year to reinstitute the death penalty in that State, and would assume that it would only apply to four to six cases per year. For the same amount of money, a witness from the city of Minneapolis, MN, testified that the city of Minneapolis could have doubled the number of police officers for that kind of money. What would the citizens of Minneapolis prefer? Would they be safer with four to six death sentences per year, or twice the number of police officers on the street?

I think that my colleagues ought to contemplate that choice. In other words, what I am saying, Mr. Speaker, is that to institute the death penalty would cost as much as doubling the cost of all of the police officers in that city.

In thinking about the death penalty, one has to consider how it is actually imposed in the United States.

The evidence is that the defendant's race and lack of resources to hire a competent lawyer, and his level of intelligence are much more important than the prior record and the nature of the crime. In the last 2 weeks the subcommittee I chair has had some rather shocking testimony about how the death penalty is actually administered in this country, and I would like to share some of the information with my colleagues and those watching this debate. One of the witnesses was a Mr. Stephen D. Bright, who is an attorney practicing law in Atlanta. His experience in this area dates back to just over 10 years ago. He was directing a law school clinical program in Atlanta for a consortium of the law schools at American, Catholic, Georgetown, George Washington, and Howard Universities. He agreed with several colleagues to write a petition for a certirorari for an 18-year-old black youth under death sentence in Georgia. Many Americans are under the impression that the process of imposing death was an elaborate one. From reading the Supreme Court's decision upholding the capital punishment statutes passed in response to Furman versus Georgia, Mr. Bright was also under the impression that a number of procedural protections assured that the death penalty was imposed only for the most heinous and aggravated crimes committed by the most depraved killers. Mr. Bright quickly learned otherwise upon examination of the record of his first case.

The entire record of the proceedings—this is a death penalty decision with pretrial motions—the entire selection, guilt phase and the sentencing phase, was less than 600 typed double-spaced pages. He thought surely that he had not read the entire record, but he checked and found it was the entire record. Upon review of the record, he found a report of an evaluation by the State psychiatrist. There was no evaluation of a defense psychiatrist. The defense lawyer never retained the services of a mental health expert. A preliminary hearing was conducted in which this young man was not represented by an attorney at all. The court-appointed attorney did not show up for the trial. Throughout the trial the accused sat at the counsel table with one raised in the air, and did not communicate with counsel. The lawyer put on no evidence at either stage of the trial. The jury was to decide whether he would live or die, but it never heard any explanation for the defendant's inappropriate behavior. The jury never learned that he suffered from schizophrenia. In fact, they never heard anything from a single witness—parents, teachers, or mental health people—about the young man whose life was in their hands.

The brief filed on appeal in the case was 11 pages long. The section entitled "Argument and Citation of Authority" was six pages long. It was the worst example of an appellate brief that this lawyer had ever seen until that time. Unfortunately, since that time he has

seen briefs in more than a few capital cases that are worse than that.

Mr. Bright's observation upon reading the record in this case was that the students in a law school program trying shoplifing cases would do better than in this capital trial and the lawyers who were involved.

□ 1610

Later when he did his own investigation of the case, he found that there was a substantial likelihood that the client did not commit the crime at all. We will never know, because of the lack of any defense investigation near the time of the offense, at the time he was shot. By the quality of the legal representation that he saw and the perfunctory nature of the trial that occurred in this case, since then he has learned that this case is not exceptional. In fact, it was better tried than many capital cases he has seen since that time.

Mr. Bright has become increasingly involved in capital litigation during the past 10 years, in large part because of his dismay at the quality of justice that he observed in that first case. In 1982, he moved to Atlanta to become the director of the Southern Prisoners' Defense Committee, a public interest group founded by foundations, churches, and individuals. And I might add, Mr. Speaker, that I believe there are six lawyers working for this little committee and the average wage is $20,000 per year. These are lawyers that graduated from good law schools throughout the country and who are competent in the practice of law.

The project was created to assist prisoners in challenges to unconstitutional conditions of confinement in 11 southern States. But it has also responded to the need for legal assistance to those facing the death penalty, simply because often there is no other legal assistance available. This program includes, as I said, seven attorneys. They are directly involved in 61 capital cases and in consultation with attorneys in many others. Since 1982 they have been involved in capital cases at the trial and at appellate and postconviction levels. He also served on the American Bar Association task force on review of State death penalty cases which made recommendations that are approved, with some provisions by the ABA House of Delegates. They were approved, I believe, last February.

Unlike 10 years ago, nothing that he has seen in a capital case today shocks him. He has seen a case where the trial started—and I ask that Members listen to this, Mr. Speaker—with a jury selection, and it was tried and ended 17 hours later at 2 a.m. with a death sentence. In between, the jury was deadlocked as to guilt, but the defense lawyer agreed to replace one holdout juror with an alternate. Three hours later a guilty verdict was returned.

He has seen a death sentence case that was tried by a third-year law student. Yes, a third-year law student defended a defendant in a capital case.

He has seen capital cases assigned to defense lawyers on a low bid system in the State court. The only qualification to submit a bid was membership in the Georgia bar. The lowest bidder got the case, not the best lawyer, Mr. Speaker.

Ms. PELOSI. Mr. Speaker, let me make this observation. On that point, whatever position one holds on the death penalty, whether it is a deterrent, whether it is an appropriate punishment, or whether it is cruel and unusual, the gentleman very eloquently makes the point that those who are subjected to it, if they are entitled to the same punishment, certainly should be entitled to comparable representation. Until we move toward that goal in our country, I think our debate will forever be clouded by that issue.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentlewoman from California for that observation.

Mr. Speaker, certainly in a death penalty case there is no second chance, and certainly whoever is charged with a capital offense, where the punishment is irreversible, that person is entitled to all of the protections of the law. A recent study that was made by a group of scientists and researchers from Stanford University disclosed that, yes, there are some capital cases in the United States today where later the investigators found that the person was not guilty.

Ms. PELOSI. That is a very unforgiving punishment, and it does leave too much margin for error, so I would hope that comparable punishment would imply comparable representation, as the gentleman indicated there.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentlewoman from California, and would the gentlewoman yield further to me?

Ms. PELOSI. I yield further to the gentleman from California.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentlewoman for yielding further.

Mr. Bright has seen four different capital cases in Georgia where at one time in the proceeding the defense lawyer referred to his client as a "nigger." The death sentence was imposed in all four of these cases.

He has seen two lawyers jointly handle three capital cases involving three defendants all in 1 week, even though the defendants had conflicting interests. The first case went to trial on Monday and ended with a death sentence on Tuesday night. The second started Wednesday morning and ended with a life sentence on Thursday. The third defendant pleaded guilty. No defense was offered by any of the defendants.

He has seen a defense lawyer who has handled a number of capital cases in Georgia say that the only criminal law decisions from any courts which he was familiar with were "Miranda and Dred Scott."

He has several observations based upon experiences that he hopes will be useful to my colleagues in considering the various death penalty bills that are before us.

First, the system of imposing the death sentence in this country, approved by the Supreme Court in its 1976 decisions, is not working. The failing of the system is not the reason advanced in this year's political campaign—that we are not killing enough Americans fast enough. It is that the system has failed completely to select for the ultimate punishment the worst offenders who have committed the most heinous crimes.

A member of the Georgia Board of Pardons and Paroles has said that if you take 100 cases punished by death and 100 punished by life and shuffle them, it is impossible to put them back in the right categories based on information about the crime and the offender. Justice James Robertson of the Mississippi Supreme Court made the same observation about the imposition of the death sentence in his State in testimony before the Senate Judiciary Committee recently.

The various sentencing schemes approved in 1976 are not sorting out the few who deserve death from the many for whom it is not appropriate.

□ 1620

Some mass murderers and serial killers are being sent to death row, but the overwhelming majority of the people he sees are people who are distinguished, not by their records or the circumstances of their crimes, but by their abject poverty, debilitating mental impairment, and minimal intelligence.

One example of the failure of the system is a number of mentally retarded people who we have sentenced to death. Georgia has executed two mentally retarded people. Alabama executed a mentally retarded person last year. He has seen a number of totally retarded clients under charge. He is not speaking here of people of IQ's in the seventies or eighties who have very limited intelligence, but of people suffering a profound mental disability, whose IQ's are below 70 and cannot perform such functions as making change.

For example, one of his clients who was sentenced to death had an IQ of 49. He could not tell whether he was American or Chinese.

These mentally retarded offenders by definition are not among the worst

2 percent of all persons who commit murder in this country. Because of their mental limitations they do not have the same degree of moral culpability of others of our society.

This is one example of the failure of the system to sort out the worst offenders. Many other people, who have been executed or are sentenced to death, have committed crimes no more heinous and have records no worse than hundreds of convicted murderers who were not sentenced to death.

There are several answers to this. One is racial discrimination, which is obvious to anyone who has seen an all-white jury in the rural South decide the fate of a black man accused of a crime against a white. He understands that other witnesses are going to address that problem, and the subcommittee will hear other witnesses on this important problem.

The other is politics. Some of the district attorneys in the South seek the death penalty in almost every case involving murder of a white person. Others almost never seek the death penalty. In each of the States where this commission practices there are few district attorneys known for their frequent use of capital punishment.

Another reason that the system is not working is simply that we are asking the courts to do something that they are incapable of doing.

To prophesy which offenders are so far beyond redemption that they should be eliminated from the human community, this inquery, with all its moral, philosophical, political, and other respects, does not lend itself to legal formulation and procedures. It is much different than that deciding who is at fault in a traffic accident or whether the accused is the person who held up the bank.

We are still wrestling with questions such as these: Does the fact that an accused has brain damage at birth make death an appropriate punishment because it is not fair to hold him to the standard as others? Or who should be executed because the brain damage impairs his ability to control his impulses and make him so very dangerous? Similar inquiries are made with regard to how to deal with a person whose violence can be traced to physical and sexual abuse they received in early childhood. Soon we are going to be asking how to respond to those brain damaged by their mother's use of crack cocaine. These questions have not been answered and probably never will be answered.

Different juries have different answers to different cases, thus contributing much to the inconsistency of sentencing. If Congress enacts legislation allowing Federal juries to impose the death penalty, Federal juries will be equally inconsistent. Usually, however, juries do not even know enough about the accused to make an educated guess on these questions.

Mr. Speaker, we are learning more and more about injuries to the brain, and chemistry, fetal alcohol syndrome, and other factors regarding brain function and violence every day and virtually none of the knowledge is being received in cases where the death penalty is being considered.

The reason for this is the quality of legal representation being provided the poor as in other cases, and this is another cause of failure of the system.

Last fall this committee in Atlanta assumed responsibility for representation of a totally mentally retarded youth sentenced to death in Alabama. He eventually learned that his I.Q. was 58. He was put in special education classes in the second grade because he could not keep up. His mother died when he was 5, and he was brought up with nine siblings in a two-room shack by his mentally retarded father. There was no running water, no electricity. Inside the shack the children could see the chickens through the slats in the floor and the sky above. They could feel the rain when it fell. They put plastic on the bed when it rained.

Mr. Speaker, none of this information was presented in the court that sentenced the young man to die. Each of his lawyers, he had two of them, spent less than 30 hours on the case including time spent in trial. They never bothered to get his school records or speak to the special education teachers. They presented nothing at his trial about sentencing.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield,

Mr. EDWARDS of California. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I would just like to know what crime this young man committed.

Mr. EDWARDS of California. Mr. Speaker, I did not get the gentleman's question.

Mr. BURTON of Indiana. What crime did the young man commit? What did he do?

Mr. EDWARDS of California. It was a murder.

Mr. BURTON of Indiana. What kind of a murder? Was it a multiple murder, or individual murder, or what?

Mr. EDWARDS of California. I do not have that detail. All I know is that it was murder of a white person.

Mr. BURTON of Indiana. I see. The gentleman from California [Mr. EDWARDS] has the details of his background and his childhood, but he does not have the details of the crime he committed.

Mr. EDWARDS of California. I have it back at the office, and I will be glad to furnish it to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I appreciate that very much.

Mr. EDWARDS of California. This young man could have accepted a plea offer and avoided the death penalty. I am sure that the reason he did not was because his lawyer did not understand the mental limitations and did not help him understand the benefits of a plea, particularly since he was not going to receive any advocacy at the trial.

The lawyers also let him decide by himself in open court, with no advanced preparation, whether to waive a jury sentencing and be sentenced by the judge. He had no understanding of what his choice was. Finally he said, and, turning to the judge, he said, "I pick you," and the judge sentenced him to death.

Mr. Speaker, this young man was not sentenced to death because he had committed the worst crime. The State acknowledged that by offering him a death sentence. He was really sentenced to death because he had the worst lawyers.

□ 1630

Over 50 years ago in the case of the Scottsboro Boys in Alabama, the Supreme Court said that as a matter of constitutional law that we would no longer sentence poor people to death without first providing them competent legal representation, yet the case that I have just described, Mr. Speaker, illustrates that promise has not been fulfilled.

Last year, in the same State where the trial of the Scottsboro Boys occurred, a capital trial had to be delayed for a day in midtrial because the defense lawyer was drunk. He was held in contempt and sent to jail. The next morning he and his client were both produced from jail, the trial resumed, and the death penalty imposed a few days later.

Inadequate legal representation does not occur in just a few capital cases. It is pervasive in the death belt States of the South. There are several reasons, but the primary one is money.

Alabama limits compensation for out-of-court representation to $20 per hour, with a limit of $1,000. One rare Alabama case where two lawyers devoted 264 and 188 hours respectively to out-of-court representation, they were still paid $1,000 each.

Mississippi and Arkansas limit the total compensation of defense counsel in capital cases to $1,000. South Carolina pays $10 per hour up to a limit of $1,500.

One judicial circuit in Georgia awarded capital cases to the lowest bidder.

Total fee awards of from $2,500 to $5,000 are not unusual.

In many Southern States a lawyer devotes 800 to 1,000 hours to do an

adequate job in a capital case and he or she will make less than the minimum wage. When you factor in overhead, that attorney is losing $20 to $50 per hour to handle a capital case.

To get a sense of the quality of legal representation you get for less than a minimum wage or even $5 to $10 per hour, I encourage you to try to hire an attorney for this amount. You will not draw applicants from the top ranks of the legal profession. Many of the lawyers handling death penalty cases would not be hired by any middle or upper class family to handle a mild traffic offense. All too often the lawyers who are appointed at these rates are the young and inexperienced and the old, broken down and incompetent.

There have been capital cases in Mississippi and Georgia where the defense attorney, his first criminal jury trial was a capital trial.

What one most often hears about from the lawyers who are appointed to defend the poor in capital trials is that they will never, never try to handle another capital case. It is disastrous financially. It is emotionally draining. It ruins a lawyer's other business in the community. Lawyers want to defend death cases about as much as a candidate for public office wants to be viewed as being against the death penalty.

Ms. PELOSI. Mr. Speaker, unfortunately, I believe that my time is coming to a close and I wanted to take a moment to recognize the gentleman for his fine statement and thank him for making it here today.

I would like, with the gentleman's permission, to yield to the gentleman from Indiana whom I promised would be allowed some time of my time today, so if the gentleman will permit, or would the gentleman like to close before I yield?

Mr. EDWARDS of California. No. I thank the gentlewoman for her kindness in yielding to me on this important matter.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for his very valuable statement on an issue of grave concern to us as individual Members and, of course, to our society.

Mr. Speaker, I am pleased to yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentlewoman for yielding to me. I will just take a moment.

I would like to compliment the gentlewoman on taking this special order regarding the problems that are being faced by the people in China and the repression they have been enduring and that has been increasing ever since Tiananmen Square. We here in the United States seem to be forgetting very rapidly what happened just a few short months ago in Tiananmen Square when tanks rolled into that square and pressed young people under those treads of those tanks, just because they wanted freedom and democracy and the values and the benefits which we have in this country.

I think that it ill-behooves us to remember what happened in Tiananmen Square and to tell the people of America and our colleagues that the repression in China is increasing, instead of decreasing. It is getting worse instead of better. We need to have our President and this Congress constantly telling the American public and the people of the world that this repression and these human rights violations will not be tolerated by this country and that we are going to try to keep this in the forefront of our minds so that we can do whatever is necessary to stop it and to bring that country to democracy.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for his comments. As we approach the 1-year anniversary of Tiananmen Square, his comments are most appropriate. I know that he as well as other Members of this body will stand by this young man. One man standing against madness kindles anew the spark of freedom and elevates the spirit of man. How can we not stand with the young man before the tank.

I am pleased that the gentleman from Indiana is standing with him, and I thank him for his contribution to this special order.

THE AMERICANS WITH DISABILITIES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, I take the well this afternoon to discuss an issue that we will debate in this House probably sometime this week, called the Americans With Disabilities Act, a piece of legislation that really got its impetus last summer and jumped on the railroad track and has been running down that railroad track ever since, passed by the Senate last fall, and was referred to four different committees in this House this year and has now been reported out of those four committees. It sits in the Rules Committee right now where the Rules Committee is trying to write a rule to bring this bill to the floor.

In opening my remarks, Mr. Speaker, what I would like to do is just try to briefly summarize what the bill attempts to do and then deal with some controversial issues that are in the bill that we are trying to correct.

It is my opinion in dealing with this bill for now some 5 months that this is a piece of legislation that has the best intentions, and that being to stop the discrimination against those who are most unfortunate in our society, those who are disabled, a laudable goal, a goal that I think is very important and a goal that I think deserves the merit of consideration in this House; but I am very fearful of the way that this bill has found itself coming to the floor and very fearful of the way that it has been lobbied and passed. The bill, according to the proponents of the Americans With Disabilities Act, the ADA bill, is purported by the opponents as being nothing more than codifying in law for the private sector that which we have already lived under by the Rehabilitation Act of 1973 or 1974. I disagree with that.

□ 1640

Trying to bring the Rehabilitation Act which prohibits discrimination against employment of those that are disabled and requires that public accommodations be made readily accessible to the disabled deals with Government buildings and those businesses doing business with the Government, deep pocket government.

It has been proven time and time again the incredible costs the Rehabilitation Act has had on our Government. Now we are taking that deep pocket theory and applying it to the private sector, where it tries to eliminate discrimination of employment, in employment of the disabled in the private sector.

The private sector does not have deep pockets. The private sector has to make a profit to provide the jobs that we enjoy today and the standard of living that we enjoy today. The bill, if it is properly written, should tell the private sector, No. 1, who is disabled and how do you comply with the bill in making a public accommodation to those who are disabled.

The ADA bill does not do this. It relies heavily on case law. The proponents of the bill in hearings even admit that it is ambiguous and vague in its language, and that the courts will decide who are disabled and how do you comply. This is a very ominous position that our business people are being put in, especially the small business person who does not have the capability of hiring expensive lawyers to defend against frivolous suits or suits that are being brought to harass a particular place of business.

So we have a bill that I personally feel has the right goals, but frankly, being a small businessman in Houston, TX, Mr. Speaker, I feel it is just good business to hire the disabled, because they make such excellent employees. But we have a bill now that has been referred to as the catastrophic illness bill for business, a bill that is vaguely written and is very ambiguous in many terms. We will discuss some of those terms as we go through this special order.

The way we got here is that the Bush administration supported the idea of the bill and made a deal with Members of the other body in passing this piece of legislation in the Senate and brought it to the House and felt like since they made this deal, they have to honor the deal in the House, and therefore have resisted supporting clarifying amendments, or in some cases opposing some amendments.

Members have been very reluctant to support or stand up and be counted as those Members that feel like the bill needs to be corrected. It passed the Senate overwhelmingly and now enjoys the support of about 197 House cosponsors. The fact that it is moving so quickly is not surprising to many conservatives, since the bill enjoys the support of a well-organized, well-founded coalition of interest groups.

What does surprise some of us on and off the Hill, however, is the lack of discussion and attention that the bill has received from Members. Moreover, there is the lack of public recognition among even business people that the bill contains serious problems.

The current conventional wisdom explaining reluctance of Members to voice objection to the bill is that by doing so Members will be viciously attacked as being against the disabled. Indeed, the Republican leadership has gone to great lengths not to openly criticize the bill, fearing that Republicans would be branded as antidisabled.

This hesitancy among Members is viewed by lobbyists as a roadblock in their efforts to get Members and staff to develop a strategy to amend and clarify the ADA.

Said one House lobbyist for the business community, "Too many Members are worried about the 30-second commercial and not the impact that this law will have on their business constituents. This could likely be the equivalent of the catastrophic care bill for business."

The intent of the legislation is to end discrimination against the handicapped. However, the legislation that is introduced in my opinion is unacceptable. Its problems are numerous. There are vague and ambiguous terms regarding who will be qualified as disabled, the definition of reasonable accommodation and undue hardship, as well as the uncharacteristically stern remedies that are sought for intentional or unintentional violations.

These concerns are not minor. If they are not adequately addressed, employers and owners of public accommodations, and for that matter the general public, may begin to resent the requirements that will be forced on them due to ridiculous court rulings or court rulings required because Congress refused to clarify the terms mentioned above.

The four committees that considered the bill have not addressed all these issues. They have chosen to ignore these issues, and have chosen to leave it in the hands of the courts. It is really unfortunate that several conservative Members feel obligated to support, much less cosponsor, legislation labeled civil rights for disabled Americans, regardless of how unpalatable they may be.

As the legislation will affect nearly every aspect of American society, they have a responsibility to at least know what is in such legislation before they jump on that civil rights bandwagon. Congress should pass legislation providing for fair treatment and equal opportunity for the disabled. However, Members must ensure that passage of this legislation does not result in creating bitterness and resentment against those that are disabled.

Let us go to some of the controversial issues that have seen little or no progress in the House. We might address first the problem of who are the disabled.

In that context, according to the bill that is sitting in the Committee on Rules, in my opinion that bill just about makes everyone disabled, whether you are truly disabled and show symptoms of disability. Certainly they are classified as disabled.

But we also have people that have relationships with disabled, and certainly a case can be made that a mother or father of a disabled child could be discriminated against. For example, they could be discriminated against because that child may drain a certain company's health plan in one way or another. Well, that may be true, and certainly many of us support the fact that those that are disabled or those that have a direct blood relationship could be classified as disabled.

But this bill goes farther than that. It includes a student-teacher relationship, where if you are a teacher of a disabled student you are classified as disabled.

We also have for the first time that I know of behavioral disorders as being disabled. The fact that someone that has a propensity to walk in a factory, as was done in Kentucky, and open fire on their employers, would be considered to have a mental or behavioral disorder, and you cannot discriminate against such a person.

Those that are former drug addicts and alcoholics, even though they may be reformed, cannot be discriminated against. They are considered as disabled. So the captain of the *Valdez*, who was charged with having a drinking problem, would have to be put right back on the *Valdez*, without even a timespan in between to determine whether he had licked his problem or not. He would be disabled and would be required to be hired.

We as Members feel that the requirement that one relies on definitions in the courts as it pertains to 504 of the Rehabilitation Act is too vague and too broad, and those definitions that have been thrown into this bill are also too vague and too broad, and it ought to be pulled down into a little bit better language.

Another problem with the ADA bill that surfaced in response to objections of Members, Members have raised those objections to the provision in the ADA which would allow remedies for persons who believe they are about to be discriminated against. Not just that you are being discriminated again in employment or inaccessibility to accommodations. This bill allows anticipatory discrimination.

□ 1650

In other words, if you believe that you are about to be discriminated against, you can bring suit against those employers, or builders, or contractors, or bus owners, or mass transit facilities just on the fact that you think you are going to be discriminated against.

This issue was adequately addressed in the Judiciary Committee markup as members proposed an amendment that would limit the application of that provision to just new construction sites, so that when someone, a contractor, a builder, or a developer was about to build a building, and that building was not accessible, anticipatory discrimination could be alleged and brought to that builder, and he could correct the situation.

But that is not the case in my interpretation of this bill. This bill has wide-ranging effects on all kinds of businesses and buildings and parts of our society just under the belief that they are about to be discriminated against.

Another issue is essential functions. As introduced, the legislation states that the term "qualified individual with a disability" means an individual with a disability who with or without reasonable accommodation can perform the essential functions of an employment position that he or she holds or desires. Many have criticized the vagueness of the term "essential functions."

Senate report language states, "The phrase 'essential functions' means job tasks that are fundamental and not marginal." It also states, "In determining what constitutes the essential functions of the job, consideration should be given to the employer's judgment regarding what functions are essential as a matter of business necessity."

An amendment that passed the House Judiciary Committee markup put into the statute similar language as contained in the Senate report. It

clarified that consideration shall be given to the employer's judgment as to what functions of a job are essential.

The business community advocates further clarification of that phrase as they fear businesses will be required to analyze different tasks of each job, and they claim this would involve a painstaking analysis of job functions in order to determine which functions are essential and which functions are marginal. They argue that most businesses do not have the staff to undertake such an endeavor.

We have suggested an amendment that says that if everyone that is being interviewed for a particular job is to perform a particular function, then that function is essential, and if present employees are performing a function of a job, then that is an essential function. And if the person that is disabled is qualified to perform that function, then they should not be discriminated against. It seemed like a reasonable approach to determine what is the essential function, and can that disabled person perform that essential function, but it was soundly rejected by those on the Judiciary Committee.

There are so many things in this bill that are so ambiguous and so vague, particularly, for instance, those terms in the bill such as "undue hardship" and "readily achievable."

In the Committee on Education and Labor version of the ADA, they define "undue hardship" as "an action requiring significant difficulty or expense," and "readily achievable" is defined as "easily accomplishable and able to be carried out without much difficulty or expense."

At issue is whether after taking specific factors of the case into consideration, further clarification of these terms is necessary. Efforts to place a fixed limit on expenditures required for accommodations have encountered strong resistance from both Democrats and Republicans, and in the Education and Labor Committee markup, the gentleman from North Carolina [Mr. BALLENGER] offered an amendment to limit the terms to 5 percent of the net annual profit for businesses with gross receipts of $500,000 or less. It failed by a wide margin.

If indeed this bill, as the proponents claim, will not cost anybody anything, then how could you be against telling a business owner that within these parameters you must comply and make your business readily accessible, and within those particular parameters; but yet, the proponents say no, you cannot do that. We are just going to say you have to do it, but you do not have to do it if it gives you an undue hardship, and you have to do it only in a manner that is readily achievable, and we are going to rely on case law, and we are going to rely on the courts to legislate and tell us what those parameters would be and those definitions would be.

I think we as Members of the House are duty-bound to write legislation as we see it and to answer questions that have been raised about these issues without relying on the courts to do so.

Speaking of this bill not costing anything, and we have attempted to correct or give business owners relief by proposing that if you are going to mandate these costs on business, then you should give business a tax credit to comply with this bill, and that tax credit has been soundly rejected by the leadership of this House, and I think it is the only fair thing to do. The proponents themselves claim that there is no cost to this bill, but I would like to enter into the RECORD an article from Insight magazine of May 7, 1990, written by Carolyn Lochhead, which is an excellent piece that was written on the costs of passing the Fair Housing Amendments Act of 1988.

She says:

Passage of the Fair Housing Amendments Act of 1988 was swift, and its full implementation is set for next March. But the law has already begun to take effect nationwide. Builders who have secured building permits since January 13 are operating under the new rules. These require wheelchair accessibility to and through all new apartments and buildings with elevators and all ground-floor apartments in other new multifamily projects. Builders who fail to conform would face charges of housing discrimination.

As it turns out, the cost figures tossed about during the congressional debate—$27 here, $4 there—are in reality closer to $4,000 per apartment on average. What were thought to be simple definitions of access—"usable, maneuverable"—are instead the subject of debate. What are considered minor changes in construction—wider doors, larger bathrooms—could in practice scuttle thousands of apartment projects by raising the size of entire buildings and making many sites impractical.

Back in August of 1988, when Congress was about to pass a law requiring that new apartments be made accessible to the disabled, particularly persons in wheelchairs, Senator EDWARD M. KENNEDY, a Massachusetts Democrat, assured colleagues that it would add just $27 to the construction cost of each new apartment. Senator TOM HARKIN, an Iowa Democrat, further admonished skeptics who, he said, would tell 'a Vietnam veteran who has lost his legs * * * that 10 bucks or $4 to widen the door to a bathroom is too much' to spend to make housing accessible."

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I am glad to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I think one other salient point that ought to be made on this particular issue is that those people who are not handicapped, who are seeking housing in those projects, are going to have to pay much higher rents and the cost of living is going to go up proportionately.

We certainly want to be concerned about those who are disabled and try to make an accommodation for them, but to raise these standards for every single housing unit to be built ups the cost of construction, and so that means that everybody who buys or rents those particular units are going to have to pay a heck of a lot more money, which is going to add to the inflationary pressures this country faces.

□ 1700

Mr. DELAY. The gentleman is exactly right. As Ms. Lochhead points out:

The preliminary drafts of guidelines from the Department of Housing and Urban Development—the final version is already more than a year behind schedule—promises to add thousands of dollars to the price of every new apartment covered by the law.

That translates immediately into higher rents, about 1 percent per month for each $1,000 in higher costs.

So the $4,000 increase in construction costs raises the rent roughly $40 per month. A task force that brought together the National Association of Home Builders and the National Coordinating Council on Spinal Cord Injury—led by the Paralyzed Veterans of America—estimated that HUD's draft guidelines would add $3,202 to $4,252 to the cost of each apartment in buildings with elevators and $1,288 to $3,666 to each ground-floor apartment in walk-up projects.

The home builders and veterans are seeking a compromise that would hold down those costs and achieve accessibility and came up with a detailed set of guidelines that lowered those costs to a range of $1,300 to $2,000 for mid to high-rise apartments and $674 to approximately $2,564 for walk-ups.

They contend their plan would achieve better accessibility.

We can't make developers build units that aren't marketable, that won't sell, and are too expensive, because that doesn't make for a deal and they won't enter into it.

So not only are you going to see higher rent, you are going to see fewer apartments built and less housing available because of these higher costs and, frankly, higher liabilities caused by just the Fair Housing Amendments Act of 1988.

You add to that the ADA bill this year, you are going to see incredibly high costs. Those costs, even if they are minimal as the proponents propose and as you saw quoted in that article, if they are minimum, then why don't we give business owners and contractors and people that have to comply with this bill a tax credit?

Mr. Speaker, I yield to my good friend, the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me say before I make some comments on the same subject that we appreciate the leadership of the gentleman in the well on this particular issue. He has a well-de-

served reputation for being a watchdog of small businesses, as is evidenced from his comments here today.

Mr. Speaker, this week, the House will be considering the Americans with Disabilities Act. I support the goals of this bill, which seeks to break down the architectural, communications, and other discriminatory barriers that prevent disabled citizens from full participation in the social and economic mainstream of American life.

But I also share the concerns that have been raised about the tremendous financial impact this bill will have on our country's small businesses.

Some 250,000 businesses in this country gross less than $350,000. Over half of these have profits of less than $30,000 a year from these revenues. It is the financial capabilities of these very small businesses that most concerns me, and which I strongly feel we should address as we consider this bill.

Let me point out some of the costs involved in various types of accommodations changes: $1,000 to $10,000 for a concrete ramp; $3,000 to widen and install a new exterior door; $300 to $3,000 to modify an existing restroom; and $300 to $600 to widen and install a new interior door.

When you couple these figures with the low revenue and profit numbers I just mentioned, it becomes clear just how devastating the economic impact of the ADA will be for certain businesses.

That is why an amendment providing for a small business tax credit to offset the compliance costs of the bill should be added to the ADA. Representatives FRED UPTON and KWEISI MFUME introduced a bill, H.R. 3500, that would provide such needed assistance.

H.R. 3500 would provide a $5,000 refundable tax credit to businesses of 15 employees or fewer that gross less than $1 million in revenue each year.

The credit would be applicable for costs incurred in removing architectural, communication, or transportation barriers in public accommodations, or in providing auxiliary aids and services to people who are employees of the small business, or using the public accommodation.

This measure has the bipartisan support of 197 Members of the House. What these Members have recognized is that many smaller businesses do not have enough revenue to take advantage of the $35,000 tax deduction that is presently available for architectural barrier removal.

Such an amendment to the ADA would very reasonably address and respond to the needs and realities faced by small businesses. The worthy goals of this bill will be meaningless if its requirements are not somehow rendered more financially achievable.

Let me point out that this civil rights bill is unlike any other type of civil rights legislation because of the costs it will impose on private employers and private owners of public facilities.

If we were legislating against discrimination on the basis of race or sex, for example, the regulated entities would not incur the types of additional accommodations expenses small businesses will be facing under the ADA. The fact that significant, measurable costs will result from this legislation is not in dispute.

Even the Rehabilitation Act of 1973, which conferred on certain Federal and federally assisted programs the responsibility to accommodate Americans with disabilities, only covers those contractors and programs receiving Federal funds.

But the ADA would require private, nonfederally assisted entities to bear the costs of the mandated requirements.

It is because of the burdensome financial impact the ADA will have on certain covered entities that I feel our responsibility must extend to consideration of the economic ramifications of this bill.

A small business tax credit amendment is fully consistent with furthering the goals of the ADA. It is an improvement that will encourage and accelerate compliance with the ADA's requirements.

Mr. Speaker, I thank the gentleman again for yielding and again want to compliment him for his leadership on this particular issue.

Mr. DELAY. I thank my good friend, the gentleman from Texas for coming and participating in this special order.

Mr. Speaker, the gentleman has taken quite a lead on trying to protect the small business owners who are the backbone of this country and provide the economic gasoline that drives the economic engine that provides jobs and the standard of living for this country, and I think that its the person who is going to take the big hit on this bill because the person who cannot afford these kinds of changes cannot afford the lawyers to defend themselves against harassment by those who would bring suit for the slightest infractions in this particular bill.

Mr. Speaker, I yield to the gentleman from New Hampshire [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, I too want to join my colleague from Texas, who just left, in praising the gentleman in the well for his efforts in narrowing and cleaning up the language in this bill.

I think the key thing that most folks do not know is that the gentleman in the well, along with the three colleagues, one of whom in fact was me, the four of us went down to the White House a couple of weeks ago and specifically talked about the issue the gentleman is raising; namely, we do not want to have an attorneys' rights bill, we want to have a bill that helps the disabled.

I think through our efforts, frankly, for the first time, the White House agreed that the remedies problem for small business and big business or anyone else out there had to be fixed.

Mr. Speaker, I was privileged in the Committee on the Judiciary last week to be able to offer and have passed an amendment that at least narrowed those remedies to the same remedies that women and minorities have under title VII of the civil rights law of 1964.

So the effort of the gentleman in the well in leading our contingent down to the White House I think helped them to focus on some of the problems in this bill.

One of the other things that we had talked to them about that I had been concerned about was public safety in the workplace. I know the gentleman in the well and I and others were very aware of the incident that happened, I guess it was last winter, in fact in Kentucky where a Joseph Westbecker, who had presented a significant safety concern to his employer in Kentucky because of threats he was making against his fellow employees, was terminated. But unfortunately due to a disabilities clause that was perhaps broader drafted than we would like to see, he ended up back in the work place in Kentucky and then proceeded to kill seven fellow workers. He took a gun and just indiscriminately started shooting people.

□ 1710

That was a concern. It is one that the gentleman and I have raised.

I sent out a "Dear Colleague" letter that I think dramatized that point. Some people in my State may have misunderstood what I was getting at, but I think my colleagues understood it, and certainly they did in the Committee on the Judiciary, because we were able to get an amendment that very specifically limits that kind of incident and says, "If you are a significant risk to fellow workers in the workplace, the employer can terminate you or refuse to hire you." That is the responsible way that we work on this legislation.

The gentleman and I and others try to say that we are putting words on paper. We want to make sure the business community, the individuals out there, the bar, the bench, understand what we are doing. We certainly do not want to have Joseph Westbeckers running amok in the workplace, and we tried to put language in. It worked, and the White House agreed with Members, and the Committee on the Judiciary agreed with that amend-

ment. Unfortunately, there are still some amendments that we are working on.

As I speak today, the Committee on the Rules is upstairs meeting, and hopefully will at least permit Members to have the ability to offer some further amendments. One of the things that we differ on from the Senate is that bills just do not come to the floor, so the gentleman and I in speaking today are trying to flag some of the loose ends in that bill. We cannot just get up and offer amendments tomorrow because the rule, and I put quotes around that, the rule that brings this bill to the floor will come out of the third floor Committee on Rules office with restrictions.

Now, I asked them today to put at least two more amendments on the floor of this House for Members to debate. I think they are very reasonable. One I did not push, and frankly, I did not push it because every single Democrat on the Committee on the Judiciary voted against it. It is a hypocrisy amendment. Here we are, passing a law that is going to govern businesses across the land, every school district, every county, every city, every State, every town, businesses that employ 15 or more people. Guess who the biggest employer in the United States is? I yield to the gentleman from Texas, if he would like to guess.

Mr. DELAY. I would imagine the Federal Government.

Mr. DOUGLAS. The gentleman is right, the Federal Government is the biggest employer in the United States. And guess who is specifically exempt from this law? The Federal Government—the U.S. Federal Government.

Now, that to me is the ultimate in hypocrisy, to say we are going to pass a law that is a neat idea, it is an important idea, it is one that is overdue, but by gosh, we are certainly going to put the Federal Government under that law.

The law specifically exempts the executive branch of government. It does, however, cover Congress, which is a rare, major breakthrough that we, at least, are passing a law that will control our own actions. I applaud that effort, but I did offer an amendment that was defeated 23 to 12 in the committee. As I say, it was a shocker to me that every single Democrat on that committee would vote to exempt the Federal Government from this law, and it is the biggest employer in the country. However, there is one other exemption, and I went after this one today. It is fascinating that we have an exemption in this law for golf courses that are member golf courses. We have an exemption in the law for country clubs, yet we do not exempt churches. Now, I read the first amendment, and it does not exempt recreational clubs, but it does say that religion and the role of churches in America has a constitutionally protected status under the first amendment. So, it seemed to me if we are going to say that a country club or a golf course that is private does not have to be under the ADA, that certainly we ought to extend that exemption to churches and church schools, because that creates the whole state/church problem that we can get into under the first amendment.

I have a letter of support from the Association of Christian Schools International, and they, along with some other groups, are concerned, frankly, that churches and church schools will now be engaged in this line drawing that the Members of this House who are in a country club do not have to worry about. I do not happen to be a member of a country club, I do not play golf, so it seems to me if we are going to take care of the Members who happen to want to go to their country club and not worry about the disabled, they certainly ought to draw the line and allow churches to have an exemption.

Mr. DELAY. Mr. Speaker, after I followed the gentleman in testifying before the Committee on Rules, and some of the members of the Committee on Rules did not hear the gentleman present his amendment. I had a similar amendment in the list of amendments I had presented to the Committee on Rules, and therefore, they took me on for your amendment. I was not as well versed on the issue as the gentleman from New Hampshire is, and did a relatively poor job in defending the gentleman's amendment, but two of the members on the committee are very strong Christians, and one of them even claimed that it was very strange that we would even exempt churches from this amendment because that is what Christianity and Judaism is all about, is to bring all into the fold and not discriminate against anyone.

I do not think it is our position that we want churches discriminating against the disabled at all. However, there are situations in this bill, and the way I put it, and I will need the gentleman to expand on it, there are situations that could be created in this bill that would require churches to hire people that have no relationship to the tenets and to the beliefs that that church espouses.

Mr. DOUGLAS. If the gentleman would yield further, I would be glad to further clarify that. I am sorry that with the comings and goings of members of that committee that they were not all there. I, of course, would have yielded to any questions from them. However, under title I of the bill, we dealt only with employment. It is currently in the bill that if the tenets of a church or a part of their religion requires them not to hire some person, they have an exemption. I am summarizing under the employment section of the bill.

The problem with that is that if a church says our religion says that we should not have to hire you, but the individual says they should, we are not engaged in court in arguing over whether that church does or does not have a religious tenet involvng that particular person.

I just think that if we are going to say that country clubs are exempt, they do not have to go to court and explain anything, certainly churches that are protected under the first amendment are also protected to make, frankly, an occasional erroneous decision. The gentleman and I may not agree with whatever that church's opinion is, but we are not here in the Federal Government to start telling churches where to draw the line based on their religious tenet. That gets into a complication that I think entangles Members in a courtroom, where it would be best not go get involved. I guess the theory is, if we are going to exempt somebody, and we exempt the U.S. Government, and we exempt country clubs, then certainly we ought to at least look at the religious exemption under title I.

So I am willing to go either way—either leave it the way it is, and exempt the churches, or strike the exemption for country clubs and golf courses in the Federal Government. However, we should not be setting up a two-tier system where the U.S. Government does not have to go to court and explain itself. Some will say yes, but it is already covered by the Rehabilitation Act, and it is true. A lot of the Rehabilitation Act language would mirror what is in title I of this bill, but it is not word for word. This bill has things in it that are not in the Rehabilitation Act. Yet the Federal Government says, as the biggest employer in this Nation, "We are out."

I guess what I was getting at, and I am sorry I was not there for the committee, is that really if we are going to exempt the U.S. Government, and if we are going to exempt country clubs, take a look at churches, because the one thing that we may disagree on as Members here, is religious matters.

□ 1720

I am not going to stand here and tell a church what its views should be. I may disagree with them. It is my right on Sunday to go or not to go, or to participate on Saturday, Friday, or Thursday, whenever that church has its services or whenever a religious institution, in the case of non-Christian faith, has its services. But that is not our role, and I think it just entangles us and entangles churches in litigation when we are exempting our own executive branch.

So I am sorry about this. Does the gentleman sense that the committee understood the distinction between country clubs and churches, or were they a little lost on the point?

Mr. DELAY. Mr. Speaker, I sense that they were a little lost. They forgot the distinction between the private clubs and country clubs and churches and focused in on making sure that churches do not discriminate and making sure that churches provide accessibility under what they perceive as the church's tenets and what they ought to be doing anyway. But my point of view is that that is exactly what we do not want to happen. We do not want to pass a law that says to the church, "You believe this way, and if you don't believe this way, we will take you to court and hold you liable for the remedies provided in the bill."

Mr. DOUGLAS. Mr. Speaker, I agree with the gentleman. The irony is that we are getting entangled with what the gentleman and I would both agree would be a church position we would not buy, but, on the other hand, we do not know what kind of a situation might come up, and only the bizarre cases are what we are going to read about in the newspapers in the years ahead. But somewhere there is a church or a religious institution or a religious school that wants to draw a reasonable line and is now in court trying to back it up in a way that the country club up the road or the U.S. Government office across the street does not even have to worry about.

I just think that if we are going to go about writing laws, certainly those institutions protected by the first amendment should be considered in a different way from the country club or the private men's club that some Members here may be members of. So it is one of those things that I hope we can address on the floor in the next 2 days, but we may or may not be able to do that. But I think it is going to be encumbent on those in the majority who control this place to explain why it is a good idea to exempt country clubs and why it is a good idea to exempt the U.S. Government, but, by gosh, we are going to make sure the churches do what we say even if we are not going to make our own Government do what we say. I just think that is ridiculous myself.

Mr. DELAY. Mr. Speaker, I agree with the gentleman.

Mr. DOUGLAS. Mr. Speaker, one amendment that I did offer in the committee and that I offered again today and which I think points out another problem in the bill—and hopefully we will get some closure on this—is the whole area of law enforcement. As the gentleman from Texas knows, this bill covers sheriffs' departments, police departments, county law enforcement, including the Los Angeles Police Department and the New York Police Department. Everybody is under the bill.

The bill says that when you go to hire somebody, you cannot give them any kind of a test until you have offered them employment. You must first offer them employment. The problem with that is, for instance, based on a conversation we had with Dr. Sheldon Kay, who is the chief psychiatrist in the Los Angeles Police Department. Dr. Kay points out that in the Los Angeles Police Department, as in my own police department in the city of Concord and hundreds of police departments across the country, they try to prescreen people who may become a danger to public safety by giving them a psychological test. That seems very reasonable.

I served on a police standards and training council in New Hampshire, and one of the things we were hoping to do is encourage police departments to make sure that when they screen someone who is going to take a gun and be out on the street with a badge and with a uniform, they can handle the stress of a very difficult job. Police departments like to prescreen in most cases people who apply for work in law enforcement.

So this is a very simple amendment that would permit law enforcement agencies to give these psychological tests and prescreen people for stress and for their ability to handle a gun under a very difficult situation, and it seems like a reasonable exception. We are not talking about hiring people to work in a grocery store, and we are not talking about people working as parking lot attendants. These are police officers, and they have a tremendous decision to make, as to whether to unholster that gun or whether to use deadly force, and unfortunately some police officers are not as able to handle it as others. That has been the experience, and that is why they have invented these tests and come up with this battery of psychological testing. I certainly think we can all agree that if we can cover the disabled, we should also cover the mentally disabled, because some of them may or may not decide to apply for jobs as police officers.

Mr. DELAY. Mr. Speaker, I think we are also covering those who are compulsive liars or who are disabled under the definition of this bill. So you could have a compulsive liar having to be hired by a law enforcement agency.

Mr. DOUGLAS. Mr. Speaker, I think the key is that we do not do anything that would interfere with a police department's reasonable choice to run a battery of psychological tests before they offer a job to someone, because here is the dilemma they would put a person in: A person would get offered a job under this law unamended; you would get offered the job because that is the only way they can give you the test, and maybe the test is scheduled for next week. You go home, you go to work, and you say, "Gee, I have been offered a job as a police officer," and next week you take the mental test and you flunk it. Now, where are you? Everyone asks, "What happened to your police job?"

You say, "Well, I got turned down because of the mental test." Now, that puts that person in a very embarrassing situation.

So the better practice is to give them the battery of tests, and then they can make their hiring decisions out of the pool of those who passed the physical, the mental, and the psychological tests.

That seems to me like a very reasonable amendment. Without exception, every Democrat voted against it. They said, "No." I just think that when it comes to law enforcement in this country, that is not an unreasonable amendment to put into this bill, when we are going to be covering, as I say, law enforcement across the land for police departments and sheriffs' departments out there who do like to conduct their business that way. So I hope we can protect their hiring practice and protect public safety at the same time.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman, through his amendment, pointing out some of the failings of this bill.

We might have the same argument, for instance, for air traffic controllers. That is a very sensitive job. An air traffic controller has hundreds of thousands of people's lives on the screen of his scope as he directs our airlines through traffic corridors. And there are many other sensitive type jobs. We have airline pilots, for instance, who have hundreds of people's lives in his control. There are many types of employment that we must deal with.

Certainly we have got the safety part of this bill covered; we have a safety consideration in the Judiciary Committee that is put into the bill. I think there are going to be many things to be considered and many questions answered about being able to prohibit putting unsafe people into jobs. There are specific professions that ought to be able to screen for these kinds of disorders before they would be offering someone a job.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I am happy to defer to my colleague, the gentleman from Texas, who has been such a leader of this particular legislation, along with his colleague, the gentleman from New Hampshire, who just made such an eloquent statement on law enforcement.

There are a number of amendments that we have proposed, trying to clean this mess up, and I would submit to my colleagues and to anyone who is paying attention to our discussion that if they think the catastrophic health care bill which we passed and which was repealed was bad, wait until they get a look at this baby unless it is really cleaned up by amendments.

There are a number of things that I know my colleague, the gentleman in the well who is taking this special order, is trying to clean up through the amendatory process. I have four amendments that I worked on today and that we brought before the Rules Committee, and I would just like to briefly talk about those four amendments and have a little colloquy with the gentleman.

Mr. DELAY. Mr. Speaker, I would just warn the gentleman that we have only about 7 minutes left.

□ 1730

Mr. BURTON of Indiana. This is going to take about 3 minutes. That will leave the gentleman from Texas [Mr. DELAY] about 4 minutes to wrap up.

Mr. DELAY. OK.

Mr. BURTON of Indiana. Well, first of all, although the Americans with Disabilities Act is not intended to provide coverage for homosexuals, it could do so indirectly by giving ADA coverage of individuals who are regarded, quote unquote, as HIV positive, and with the prevalence of AIDS in the homosexual community it is easy to see how a court could conclude that homosexuals are a protected class under this act. This amendment would clarify that the ADA is in effect homosexual rights legislation, but stating that homosexuals are not deemed disabled because they are regarded as HIV positive.

Now the Committee on Rules had a little trouble with this, and I could not understand why, and my colleague and I talked a little bit about this. The reason that this amendment is important is that in New Jersey a private landlord who refused to rent an apartment to three openly homosexual individuals received criminal and civil penalties. Although it was not determined if they carried AIDS, a superior court ruled that homosexuals are entitled to special status as members of a group that are, quote, perceived as being handicapped, unquote, because of their high risk of acquiring AIDS. And so what you are doing is, because of their sexual preferences, you are inferring that they might be HIV positive, and you are going to give them special treatment under the Americans with Disabilities Act, and I think that most Americans would say we should not give special preferential treatment regarding disability to people just because of their sexual preference, and that is exactly what we are doing unless this bill is amended.

In addition to that, we are all concerned about the adoptive procedures that are included in getting children into the right kinds of homes. And we have found that this bill could allow a real problem in this area since past drug abusers, past alcoholics and, indirectly, many homosexuals are also considered disabled under this bill, it is necessary to include language that would allow an adoption agency to continue to use discretion when considering applications from such individuals. This amendment states that nothing in the ADA prohibits an adoption agency from refusing the adoption of a child by a person on the basis of that person's present or past alcoholism, drug abuse, or sexual practices.

Mr. Speaker, I think this is extremely important because we should make sure that we do not hamper adoption agencies' abilities to make sure that we put a child into a home that is perceived to be proper. We do not want a child put into an alcoholic's home, or into an abuser's home or into a home where it might get the wrong kind of direction in life. So, I think that this amendment is extremely important.

And finally, Mr. Speaker, this is very, very important, and I cannot understand why they would even look with disfavor on this in the most remote circumstances. For health and safety reasons it is important that the ADA makes special provisions for the restaurant and health care industries. My amendment states that an employer is not required to assign or continue to assign to a job involving food handling or health care any employee with a communicable or contagious disease.

Now I hope my colleagues will think about this. Do we want a person with a communicable disease, hepatitus, tuberculosis or AIDS, handling the food that is going to be consumed by somebody else especially when we know that the bodily fluids and the coughing and spitting might lead to someone getting those diseases from the food handler handling that food, and I think most Americans would say that we ought to make sure that the employer has some discretion in that, and, regarding health care workers, if you are in a hospital, and you are being taken care of, you do not want somebody who has hepatitus B, or somebody that has tuberculosis or AIDS coming in and working with you because you might be susceptible to catching that disease. If you have an open wound from an operation, and a person with AIDs is working with you and their bodily fluids get into that lesion or that cut, you could get the AIDS virus.

We just recently read in the paper here in Washington, DC, where two people playing soccer ran into each other. One had AIDS, and because of the collision the other got AIDS.

So, I think it is extremely important to protect people going to hospitals and restaurants by making sure the employer or the hospital has some latitude in their hiring practices, and that is why this amendment is important.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Indiana [Mr. BURTON] who has shown incredible courage in pointing out the problems in this bill as it relates to the issues he just talked about, and those are just a few of the many that are in this bill.

There have been some 34, 35 amendments that I know of that have been offered to the Committee on Rules to clarify to exempt certain problems and to take care of certain problems that we have found in this bill, yet there is a demand from the disabled community and others that this bill not be amended. And I think the American people better wake up to what is about to happen because this bill has only been on its track only inside the beltway of Washington, and it is on a very fast track, and I doubt that many in America know what is in this bill and what will happen——

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield for one comment?

Mr. DELAY. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. That is, when we passed the catastrophic health care bill, the senior citizens of this country very quickly saw the flaws in this bill and said, "You've got to repeal that turkey," and we did.

If this bill passes in its present form, many of the special interest groups will make sure we never repeal those very onerous provisions, and the American public will be hurt dramatically without any chance of appeal.

Mr. DELAY. Absolutely. I agree with the gentleman from Indiana [Mr. BURTON], and it is amazing to me especially when we have the chairman of the EEOC, the Equal Employment Opportunity Commission, traveling all over the United States talking about this bill and offering his services because by this bill he would become the lawyer for the disabled. If you ever were discriminated against or did not have accessibility to a place of business or a mode of transportation, you would go to the EEOC, and they would intervene on your behalf at taxpayers' expense while the business person or that mode of transportation at their expense has to defend themselves against this bill. So, we ought to at least have a bill that has defined who are the disabled and clarify how to comply with the bill, what is done in order to comply with the bill.

Mr. Speaker, this bill does not do that. We are offering many amendments to take care of these problems, and, Mr. Speaker, I just urge the American people that are just now finding out about this bill to call their Congressman to let them know that they have concerns and make their Congressman at least read the mountains of material that have been sent to their offices asking certain concerns of this bill.

Mr. Speaker, I just want to add for the RECORD at the end of our discussion an op-ed piece called "Disabling the Disabled," by Dolan Shortley.

The article referred to follows:

DISABLING THE DISABLED

(By Maiselle Dolan Shortley)

Congress, in its infinite wisdom, is about to open yet another Pandora's box of judicial interpretation and intervention. The Americans with Disabilities Act (ADA) was written to prohibit discrimination against disabled Americans—a laudable goal. Its real effects, however, will be to stifle entrepreneurs, place stringent and unrealistic requirements on business and industry and create a backlash of public sentiment against the truly disabled.

Touted as an advance in civil rights, ADA is just another liberal, big-government approach to a "problem", the "solution" to which will only leave more problems in its wake.

This pending legislation stipulates that any business employing more than fifteen people would be subject to its vague and undefined requirements. Although the bill's parameters for compliance are nebulous, ADA is very specific in stating that it will apply to private businesses (even if they receive no federal monies), public accommodations, public services, telecommunications and transportation. The bill's vague language requires all these businesses to make a "reasonable accommodation" to employ the disabled unless it would place an "undue hardship" on an employer. What do these terms actually mean? No one knows, not even Congress itself. It will be only after millions of dollars have been spent in litigation that these terms will be defined—and redefined ad infinitum.

The bill even further broadens its parameters by allowing legal action on behalf of people who imagine they are "about to be subject to discrimination on the basis of disability." It also prohibits discrimination on the basis of an individual's relationship or association with a disabled individual, yet fails to elaborate on what is meant by this provision. Although businesses employing less than fifteen people are exempt from the employment provisions of ADA, these businesses can still be sued for discrimination by their customers, clients and even visitors.

And who are the disabled? The legislation is intended to cover 43 million Americans with one or more physical or mental disorders—roughly one-sixth of the population. ADA's proponents say there are over 900 separate categories of physical and mental disorders that will be covered. However, the bill fails to define fully which disorders it covers, or even which ones it doesn't.

The powerful disabilities lobby should be up in arms and outraged about ADA's language. As intended illegal drug users will be protected unless they pose a "direct threat" to the property or safety of others in the workplace (forget the profitability of the enterprise). So much for a drug-free workplace. Sexual behavioral disorders are not exempted from protection. A situation could be created in which someone guilty of a sex-related crime would be afforded special protection against "discrimination". As this legislation, the amputee could be placed on the same level as the pedophile, the blind on the same level as the transvestite. The consequences of this bill only trivializes the struggle of the truly disabled to attain equal opportunity and access, and places them in the same category with common criminals.

There is literally no telling to what lengths people will be forced to go to accommodate an ever-expanding definition of "disabled". Child molestation is a crime. If pedophilia is considered a disability under ADA would a child molester be able to reclaim his old job after being released from prison? Could he use his criminal record to obtain a job—at a day care center, perhaps—under the guise of disability?

Would a person suffering from the mental disorder of hypochondria be entitled to use the highly-coveted handicapped parking space?

Could the wheelchair-bound veteran lose his job because someone, suffering from a mental disorder, who applied first but didn't get the job, imagined that the selection was based on discrimination?

With its loose construction, vague language the ADA bill openly invites a massive wave of litigation, thus establishing the "Lawyers Full Employment Act". Now, you may scoff at the scenarios above, thinking that they could "never happen". But there is no language in this legislation that would prevent occurrences such as these.

Congress still hasn't learned that you cannot mandate equality. If Congress passes this legislation, it will impose economic hardships on business and industry and their employees which they can ill afford and will put truly disabled individuals in a disadvantaged and adversarial position. ADA hurts, not helps, the most vulnerable elements of society.

Setting aside the obvious reservations about giving the judiciary even more power over the daily lives of Americans, adverse decisions by the courts, placing stifling requirements on businesses, could foster severe hostility and resentment against the truly disabled.

The disability lobby is, for some inexplicable reason, at the vanguard of legislation that is going to hurt the very people it purports to represent. Why are they allowing themselves to be used as a shield for the radical civil libertarians' agenda at a grave cost to those Americans who are already achieving despite their handicaps?

Why, too, are so very few members of the Congress brave enough to stand up and say that this bill is nothing less than a Trojan horse filled with the shock troops of the left? Maybe it's because these self-proclaimed caring and compassionate legislators know they won't see the devastating effects of their handiwork in their Congressional offices because they have exempted themselves from this law.

The SPEAKER pro tempore (Mr. NEAL of Massachusetts). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

[Mr. OWENS of New York addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

[Mr. GINGRICH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

[Mr. FRANK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

UPDATE ON AIDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I will not be taking the full 60 minutes. I am just going to take a few minutes here to try to update my colleagues, and whoever may be paying attention, as to where we are with the AIDS virus.

As my colleagues know, the AIDS virus, Mr. Speaker, is off the front page of the paper, and people are not paying much attention to it. But the fact of the matter is it is growing very rapidly in our society, and we really do not know how bad it is.

An article in the Washington Post on May 6 pointed out that, and I quote,

A 25-year-old soccer player apparently contracted the AIDS virus as a result of colliding with another player during a game. Doctors said the two players crashed into each other during the game last December near Verres, Italy. The virus was apparently transmitted through serious cuts to the player's eyebrows and forehead, so through an athletic contest we had some people contract the AIDS virus.

Many of my colleagues have heard the CDC and HHS say, "You can't get AIDS through saliva," and yet not too long ago we find seven mothers in Russia who contracted the AIDS virus through the breast feeding of their child. Over in Russia, evidently because of the black market in needles, many of the nurses were selling the needles on the black market to other sources, and they would use the same needles over, and over, and over again to inoculate children against childhood diseases, these new babies, and one of the needles was contaminated with the AIDS virus, and they gave it to 7, 8, or 10 children, and these children, through nursing from their mother, gave seven of the mothers the AIDS virus through the mouth-to-breast contact.

So when the people at CDC and HHS say you cannot get it from saliva or other bodily fluids, they are obviously mistaken, and yet we hear CDC say you cannot get it through kissing, and on television we see these ads saying that condoms are a panacea for stopping the AIDS virus.

We hear kids in high school, there are high schools in this country that are now either talking about or actually dispensing condoms in the high schools to cut down on the likelihood of getting the AIDS virus, when in fact we know that condoms are not a panacea for stopping the AIDS virus.

We know from a study that in one study 30 percent of the people in the test study that used condoms got the AIDS virus anyhow; so we do know that it is not effective all the time.

We also know that you can get it through saliva and other bodily fluids. For instance, I just talked about the cases in Russia where the AIDS virus was transmitted from the baby to the mother through breast feeding. I was talking about the clinical study that found that 30 percent of the condom users became infected with the AIDS virus. It was apparent from these data and subsequent data accumulated that sero conversion in spouses using condoms still occurred.

Dr. William Haseltine of Harvard, an AIDS researcher, recently said, "Anyone who tells you categorically that AIDS is not contracted by saliva is not telling you the truth. AIDS may in fact be transmissible by tears, saliva, bodily fluids, and even mosquito bites."

Now, I know that is a horrible thing to think about, but Dr. Mark Whiteside and Carol McCloud of the Center for Tropical Diseases in Miami, FL, are absolutely convinced in Little Havana and Little Haiti down there that there are cases of AIDS being transmitted by mosquitos. I do not know whether it is true or not.

The whole bottom line that I have been trying to reach throughout these months and years of discussion on this floor is that the only way to know how serious the AIDS epidemic is is through a testing program. A person can get the AIDS virus and carry it within their bodies for 7 years, 10 years, and in some cases even more than that, without even knowing that they have it, so they are a walking time bomb. They have the AIDS virus. If they have sexual contact or their body fluids become involved with somebody else's body fluids one way or another, they can infect that person, even though they may not want to do it, because they do not even know they have the virus. So it is extremely important that we identify at least for their own personal safety those who have or do not have the AIDS virus in this country. Once we do that, we can tell them whether or not they have the AIDS virus, keeping this information secret, as secret as is humanly possible, and tell them that they can no longer have contacts with people outside the AIDS community, because if they do they will very likely infect someone else and cause them to die.

It is just as lethal to give somebody AIDS through that kind of sexual contact or other if you have the AIDS virus as if you would shoot them with a gun. So we need to inform people who have the AIDS virus after they are notified they have it through testing that they can no longer have contact with people outside the AIDS community. If they do it knowingly, and we do know of many cases where people knowingly went out and had contact with people outside the AIDS community for money, for drugs or for other purposes, if they do it knowingly, then they are a danger to society and should be extricated from society, just like shooting somebody in the head with a gun, because they are in fact putting people in a life and death situation.

We also need to do counseling with people who have the AIDS virus. We are not hard-hearted, those of us who want to identify the person who has AIDS. What we want to do is make sure that we protect the society in which we live, and the only way you can do that is to identify the disease, make sure the person who has it knows they have it, and make sure that they are not endangering the rest of society. That is what public health is all about. Once we identify the person who has the AIDS virus, we give them counseling, we give them some direction, we tell them we do not want them to have contact with people outside the community so that they will not be endangering the rest of society, and if they do, then we have to take more severe action.

The AIDS virus has been continuing to increase. In 1983, we had 4,200 cases of active AIDS.

In 1984, that more than doubled to 9,900 cases of AIDS.

In 1985, it went again over doubled to 20,000 active cases of AIDS.

In 1986, it went up by 75 percent to 35,000 cases.

In 1987, it went to 48,139 cases, almost a 40-percent increase.

In 1988, it went up to 80,538, a 67-percent increase.

And in 1989, it went up 47 percent to 117,781.

So far this year through March, we have had about 12,000 new cases of AIDS; so it is continuing to go up. We are going to have about 50,000 new cases of AIDS, it appears, 45 to 50,000 this year. And yet we are not doing anything to identify those people who have the disease so that they can stop having contact with people to endanger other human beings.

Imagine your daughter or your son going out with a star football player or a cheerleader who is in perfect health, but a year-and-a-half or 2 years ago they were involved with somebody who had the AIDS virus. That person they are going out with does not know they have the AIDS virus. They are in the pink of health, at least they appear to be, while inside their bodies mutating on a day-in and day-out basis is the AIDS virus. It is changing its composition from cell to cell and it is something that cannot be cured once a person has it. We think someday we will find a vaccination for it possibly, but a cure is unlikely, at least that is what most scientists tell us. But here is your son or your daughter going out with this person who appears to be in the pink of health. They fall in love. they have relations and before you know it your daughter or son has contracted the AIDS virus, not because of anybody's intentions being dishonorable, not because of anybody intending to give them the AIDS virus, but because they simply did not know they had it in the first place.

So I submit to my colleagues that we have a major pandemic brewing in this country that is not going to go away until we get down to the nitty-gritty, and the nitty-gritty is that we need a comprehensive program. We need education. We need to tell people in the schools, in the business places and places of employment in this country of the dangers of AIDS. We need to tell them that condoms are not a panacea for this disease and that you are still playing Russian roulette if you have sexual relations outside of a monogamous relationship, because they are not going to be 100 percent effective.

We also need to tell them that you can get it through other methods, such as body fluids.

We need also to tell them in this program that we are going to provide psychological assistance for those found to be positive with AIDS.

We need also to tell them that they can no longer have contact with people outside the AIDS community because they are endangering our society as a whole.

Now there are a couple other things that I would like to point out real quickly. We have seen some decisions made in various parts of the country that are of great concern to me. In New York City there has been a decision made which really is of concern to me and I think it could lead to a similar problem in other parts of the country, and I will read this article:

AIDS Tots Win City OK for Daycare

(By Lucette Lagnado)

Toddlers and preschoolers with AIDS will be allowed to attend daycare under a new policy announced by Mayor Koch yesterday in a dramatic break with city policy estab-

lished in 1985. The mayor said AIDS-stricken youngsters should no longer be banned from nurseries and preschool programs, saying all children should have the same rights.

The problem is we know that AIDS is in every bodily fluid. We know from Dr. Haseltine from Harvard University that nobody can say categorically that AIDS is not contracted by saliva. He says that they are not telling you the truth if they say that.

He also said that AIDS may be transmitted by tears, saliva, bodily fluids, and other methods.

Now, here we have a city, the city of New York, saying that you are going to take children who are infected with the AIDS virus, toddlers, put them in the same nursery with healthy children who might scratch them, bite them, or get their saliva on all the balls and toys that they play with and then the children who do not have the AIDS virus who may have a cut or a scratch or a bite on them could contract that disease. It does not make sense. It simply does not make sense.

We need to have a lot more information about the AIDS virus before we start allowing these kinds of decisions to be made.

Of course, people say you cannot get AIDS from any way except sexual contact or through needles. There was an article published in Norway that I want to read to my colleagues real briefly and then I will conclude for the night and I will be back later on to go into the AIDS problem in a little more detail at some future date when it is not so late.

□ 1750

Here is what the article says:

"Studies by internationally known dermatologists in Norway and the Robert Koch Institute in Berlin indicate the AIDS virus is able to be transmitted through intact skin and mucous membranes via Langerhans cells:

"Langerhans cells occur in skin and mucous membranes, including oral, vaginal, and cervical epithelium. We therefore conclude that the accessory cells (target cells) for HIV are within these barriers themselves. The assumption that HIV infection occurs exclusively by the entry of virus through wounds in skin and mucous membranes into the blood can no longer be considered valid. Our results suggest that the Langerhans cells in the skin and mucous membranes are the primary target cells for sexually transmitted HIV infection. (L.R. Braathen et al., "Langerhans Cells As Primary Target for HIV Infection," Lancet, 7 November 1987, p. 1094).

"These and other findings indicate unequivocally that the exposure of undamaged intact skin or mucous membranes to live AIDS virus can result in acquisition of HIV infection. All medical workers, emergency care personnel including paramedics, firemen, policemen, and school teachers working with potentially infectious individuals must be informed of the serious risk of the exposure of intact skin to infectious HIV in blood, other bodily fluids and secretions.

"The recommendation for double gloving underscores the need for avoidance of any skin contact with potentially infectious bodily fluids and secretions."

The Center for Disease Control and Health and Human Services have told doctors that because of the porous nature of gloves, where they are working with an AIDS-infected person they should double-glove. Why are they telling them to double-glove if you cannot get AIDS through the skin? It is because they know you can get AIDS through the skin. Yet they are telling the American people you cannot get it through saliva or any other bodily fluids, only through sexual contact or needles. They are saying one thing to doctors and another thing to the American people.

The fact of the matter is we do not know all the ways which you can get AIDS. That is why we should err on the side of safety. Why should we commit millions of Americans to die with AIDS because of misinformation that is being given out through the media and the press? I think it is extremely important that the people know the facts. I just talked a few moments ago with my colleagues from Texas and New Hampshire about the ADA, Americans with Disabilities Act, which is going to be debated on this floor later this week. One of the things that that bill does is it is going to allow those who may have the AIDS virus and those who do have the AIDS virus to be involved in the restaurant business, in handling food, and also be involved in the health care business, handling patients.

There have been cases where they have actually discharged and won an award for discrimination in one hospital down in Louisiana where a person who had hepatitis B and AIDS was working handling patients, endangering those patients, no doubt. Because that person was taken away from that responsibility, he sued and he won an award in the courts.

If we pass the ADA in its present form without an amendment, what will happen is you are going to have people who have been infected with the AIDS virus and who have active AIDS working in hospitals and health care facilities and in restaurants handling food.

I do not believe the people of this country want that to happen. That is why it is extremely important that the people across this country, my colleagues, know of the dangers of the AIDS virus and how it can be communicated so they can pressure the health agencies, CDC and Health and Human Services and others, to have a rational approach to dealing with the problem.

In addition to that, they can help bring pressure on Members in this body to pass responsible legislation to deal with this pandemic that threatens the entire United States of America and the world.

The World Health Organization estimates that over 100 million people will have the AIDS virus and possibly die from it in the next 5 to 10 years. A lot of those people are going to be in this country.

It is estimated now by CDC that we have 900,000 to 1½ million people infected with the AIDS virus. They said that back in 1985 and 1986. The fact of the matter is, we probably have somewhere between 3 million and 6 million people infected. We have no way of knowing for sure because we do not have a routine testing program which we ought to have as part of a comprehensive overall program.

Mr. Speaker, I just say that we need as a nation to push for more education, more information getting to the American people, testing, a comprehensive program to deal with the AIDS virus, so the American people will know the facts and be able to put pressure on the people representing them to handle this in a responsible way.

The bubonic plague which took place in the 14th and 15th centuries wiped out over half of Europe. It was a communicable disease. It started out as a disease that was bacterial infection that was spread from a flea that bit a rat that then bit a human being. It later mutated into an aerosol which was spread through coughing and spitting.

That is not an unlikely prospect for the AIDS virus. We know that it is mutating inside carriers right now from cell to cell and can become airborne at some point in the future.

We do not want to have one-fourth or one-half of America wiped out because we did not do the responsible thing in the Congress of the United States or through our health agencies at the Center for Disease Control or Health and Human Services.

Mr. Speaker, I just say in closing we have gone in the past 6½ years from 4,200 active cases of AIDS to 130,000 cases of AIDS. We believe we have somewhere between 3 million and 6 million people infected, most of whom, 95 percent of whom, do not even know they have it. They are walking time bombs. Everyone who comes in contact with them physically is in jeopardy.

We need to help identify those people, counsel with them, educate the American public, and come up with a responsible program to deal with this. Otherwise innocent people in this country are going to continue to get the virus, the disease, and die, and it will be on our shoulders as a body because we have not dealt with this responsibility.

Mr. Speaker, I will be back in the weeks and months to come to talk

about and update my colleagues on this. I hope you will stay tuned.

ALLOW DISABLED AMERICANS TO BECOME FULL PARTICIPATING MEMBERS OF SOCIETY

The SPEAKER pro tempore (Mr. THOMAS of Georgia). Under a previous order of the House, the gentleman from Massachusetts [Mr. NEAL] is recognized for 5 minutes.

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank my colleague from Maryland, Mr. HOYER, for suggesting this discussion of the Americans with Disabilities Act, H.R. 2273 and S. 933. Tomorrow we will consider this long-overdue legislation which, if approved, will provide basic civil rights for disabled Americans.

Many of us have had handicapped citizens from our districts into our offices over the past few weeks and representatives of disabled Americans have done an excellent job of providing solid information on this issue. These brave people have eloquently stated the case for the ADA. And the basic point is this: we can no longer allow physical barriers to block the road to full participation in society by our millions of citizens who suffer disabilities. This legislation is a common sense extension of the historic 1964 Civil Rights Act. The history of this country is also the history of including more and more citizens as full participating members of society. The Civil Rights Act and related measures protect those rights and extend our democratic tradition. The ADA is the next logical step.

The senior Senator from my State of Massachusetts, EDWARD KENNEDY, has stated, "the ADA is a bill of rights for the disabled, and America will be a better and fairer nation because of it." I agree with Senator KENNEDY and would add that this legislation will open the door of opportunity to a large group of Americans. I would also add that our economy also will have a great opportunity to benefit from the addition of millions of potential employees to the workforce. This bill opens a new two-way street for business and disabled workers. With many jobs unfilled in cities across the country, we can look to the ADA as a way of bringing qualified disabled workers to these jobs. Senator THOMAS HARKIN, the Senate sponsor of the ADA, has said, "enacting the ADA is the right thing to do for people with disabilities. It is also the right way to strengthen our economy."

Mr. Speaker, the perception of our disabled citizens has changed greatly over the past 20 years. It used to be that if one had a major disability or handicap, they rarely left their home. Those days are gone. The will of these people and better technology has created a new generation of disabled Americans destined to fully participate in the workplace and the marketplace. Most businesses stand ready to make their facilities fully accessible to the disabled. The ADA simply puts into law reasonable provisions providing rights for disabled Americans. This measure has been approved by overwhelming margins in four House committees and the U.S. Senate. The President has stated his support for this kind of legislation. Tomorrow the House has the opportunity to make history by extending full citizenship to disabled Americans.

Mr. Speaker, I urge all of my colleagues to vote for the ADA.

□ 1800

The SPEAKER pro tempore (Mr. THOMAS of Georgia). Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 60 minutes.

[Mrs. SCHROEDER addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. NAGLE] is recognized for 60 minutes.

[Mr. NAGLE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, in continuation of some of the subject matter and remarks made yesterday, I want to comment on one of the frequently asked questions and commentaries made by journalists that frankly should have known better, and that is why is it that it seems overnight and all of a sudden we have a crisis known as the savings and loan crisis. And I have repeatedly pointed out since last year, as a matter of fact before that, in 1988, after the election, that those of us who had desperately and sometimes almost hysterically been trying to penetrate the level of consciousness first of our colleagues on the Committee on Banking, Finance and Urban Affairs, and the leaders thereof, and secondly, just the general population, could not get the time of day from the newsgathering sources.

During the campaign of 1988, it is worthy to note, none of the candidates or the parties, for that matter, made any kind of an issue of the financial, the banking crisis that should have been known to have existed in a virulent, and acute and critical stage since 1984. In 1988 it was obvious by May, at least it should have been obvious to those sitting on the Committee on Banking, Finance and Urban Affairs, and it certainly was to me coming from Texas where it seemed that the general opinion was that the problem was restricted, it was wholly a Southwest United States and particularly Texas problem, and the notion was afoot that rooted in the depressed economic situation of the oil and gas industry that this was just one of those concomitant end results.

However, since 1985, 1984 particularly, but 1985 especially when the regulator known as the Chairman of the Home Loan Bank Board, Mr. Ed Gray, attempted to communicate to the Congress, through the committee, and had difficulty. This is how I met Ed Gray. Now he was the Chairman of the Home Loan Bank Board, and even though I was and had been since 1981 the ranking majority member of the Committee on Banking, Finance and Urban Affairs, you would never have thought that that amounted to more than just being some lowly member of the committee. In desperation I had a phone call from Mr. Gray resulting from his only appearance, his first appearance, I think it was in late 1984, before the committee in which I suggested that he appear again with the specific figures as to the need for recapitalizing the insurance fund for the savings and loan industry known as FSLIC. He was denied that opportunity, and he then called me on the phone. I invited him and we had breakfast.

At that breakfast meeting he told me very forthrightly that the insurance fund was in effect in an actuarially unsound condition.

Then, a few weeks later, and in fact if I remember correctly by then it was 1985, the suggestion was made that if Chairman Gray were to be asked to appear that he do so in camera; that is, in executive session, closed doors. I have been a constant, perennial and permanent enemy of closed-door meetings ever since I served on the first legislative body, the local legislative body known as the city council of San Antonio, and particularly when I went to the State senate of the State of Texas. The constitution in Texas provided for specific instances in which the senate was compelled to meet in executive session, but those were spelled out, and there was good reason and precedent for that.

But the idea that the business of the people, which had an immediate and a dire connection with their general well-being, should be held only under conditions of secrecy, has been abhorrent and continues to be so to this day to me. So I protested and said that if the idea was to have a voluntary appearance in camera that I would object to that. So then I was over-

ruled, and the decision was made to bring Mr. Gray in.

Before this we had had the then Chairman of the FDIC, the Federal Deposit Insurance Corporation, which is the insurance fund for the commercial banking system. The reports then were that there were troubled banks. Nobody wanted to say how many, nor did the Chairman then feel that there should be any public discussion. So there had been another private meeting with the then Chairman of the Federal Deposit Insurance Corporation, which I objected to also. I pointed out constantly that there was nothing ever adduced by way of testimony or documentation in these private hearings that could not be heard openly, and all of the doors and windows open, and I kept repeating that, and have constantly noted that whether it was on the local area or the State area, whenever we had secrecy it was not because the people wanting secrecy were looking at the greatest interests of the greatest number, it was because there was something being sought to be done quickly, fast. And I said then and I continue to say that fast government is dangerous government. If something is good, and something is desirable, why should it not be preached from the rooftops, why secret?

□ 1810

And it was the inability of that question being answered that constantly has backed me up in my insistence that public matters be publicly arrived at. And the reason why last year's consideration by the Committee on Banking, Finance and Urban Affairs, under my chairmanship, of the FSLIC bill would be under conditions, as I said then, of open agreements, open covenants openly arrived at.

Obviously it succeeded because even though there had been dire predictions that with a committee the size of ours—which was 51 members—we would not be able to pass out that bill. We did and did it in record time.

I think the record ought to show also that in that one bill we handled four distinct areas that had taken in the 1930's three different Congresses and four different bills to do.

We did it all in one, plus something new, still very tenuous, still in the process of exploring and blaying a path. That is, what to do with the nearly $400 billion overhang of what is known in this jargon as REO's [real estate ownerships]. A tremendous, huge volume, a mixed bag of business, of residential, of commercial properties that have now fallen into the lap of Uncle Sam or the taxpayer.

So that, one, we must go back to see where we are coming from, where they are going; and two, where we must head. Since we have not, and have not done that and continue not to do it, in other areas over which this committee has no jurisdiction, as I said yesterday, such as tax policy, such as jurisdiction over the securities and investment bankers who today are actually performing all of the traditional customary banking services of what used to be called the commercial banks.

So that confronted with this tremendous buildup of neglected, either overlooked or not looked at by design, problems, the accumulation of which, as I pointed out yesterday, now becomes an almost unmanageable problem, and unless the Congress—and I must remind my colleagues on the majority side that whether we will or we won't, we are the majority and we are the ones who are supposed to be in control of governing and setting the rules, appointing the chairman and directing the membership to these committees—that time is on us, that no longer can we be afforded the comfortable and complacent attitude that we could do business as usual.

We have got, somehow or other, to acquire some cooperative, common-based approach cutting across jurisdictional lines as they have been interpreted in the past with relation to these three basic committees, because failure to do so will mean that all we will be doing here, as I said yesterday, will be to constantly be rearranging the deck chairs on the *Titanic* and no more, because we have a situation that no longer is amenable to total control with what we do domestically.

The world has developed to the point, and our leadership through the years, particularly since the Roosevelt Administration, has not at one time given thought to long-range visions and projections and planning in a world that has turned out to be so unpredictable and revolutionary, accompanied also with tremendous technological, radical, revolutionary changes. Instantaneous electronic communication, the mass production of new fibers that have revolutionized the variety, supply and diversity of products, made them available in quantities and in diversity never dreamed of before the war.

There is no way I could evoke to my colleagues—I think now the average median age here is of a quantity that would preclude evoking memories that I would not have the power or the words to be able to evoke. How can I evoke to my colleagues a world that had no television, that had no instantaneous communication? Radio, even, was still in a very pioneering stage of development.

That was the world, the framework of which gave rise to the basic legislation that now has the dead hand of the past weighting down whatever it is we are struggling to do today.

The 1932 act—and I would like to remind my majority Members that one, known as the Home Loan Board Act was a Herbert Hoover action, and it was not until he left in 1933 that you had the implementation of the subsequent acts that rounded out the Home Loan Bank Act such as the FSLIC legislation of 1933, the amendments of 1934, and then the basic banking act of 1935.

Here we are in the late 1970's and the early 1980's grasping again, fragmentarily as if we are trying to grab a fistful of sand on a beach and it just filters through our hands as the water hits it.

That is exactly what has happened because no thought was given after the war to the burgeoning differences, the contraction of the world. The things that you said to have a repercussion in terms of months and years were now taking place in a matter of minutes and less than a day's time, so that be that as it might, this was the backdrop.

There were some voices, including mine, there were others that I recall when I first came to this Congress some 29 years ago, and in the intervening years soon after that, and in the early and middle 1960's. I used to sit right here and listen to some of my colleagues who preceded me, who had some seniority.

One in particular I constantly think of, the Honorable John Dent of Pennsylvania, who would take this floor, and I remember how Members would scoff and jeer and laugh and say, "Oh, there goes John Dent again."

Now, what was he telling us? He was saying, "Americans, we are losing our industrial productive base. I come from the steel-producing area, and let me predict where you are heading. You are heading to converting this great area of production, the center of industrial power, the steelmaking power, facing what will be inevitably, if this tide continues, the Rust Belt."

He was scoffed at, but his words were in the record. There was no TV coverage or anything like that, and John Dent was not the kind of guy playing for the audience. He was trying to convince his colleague on his own committee and off the committee that, with the changes and the incursions of competition, of the inability of America to have foreseen the type of developments that were rising in the midst of the emerging countries, the revival of Europe.

□ 1820

I recall one of the first issues after I was sworn in, was the John Kennedy round of GATT. I remember, and I had had no closer friendship with any President than I had with President John Kennedy. My friendship with him went back to 1951, long before I ever thought I would be in politics. I met him as he was a very young-looking Member of the House. The way I

met him was that he was supposed to address a conference on the first trip I ever made to Washington as a head of the delegate of the Alamo Area of the National Association of Housing Officials.

Part of my great, great privileged experience had been to have worked on so many levels—3 years as the assistant director in charge of land acquisition, and family relocation of the San Antonio Public Housing Authority under the great Marie McGuire, who had been brought in from Houston in a reform that we had. The Housing Authority had been victimized by the political element, had been used as sort of a gravy train, and as a spoils for the victors in the city elections. Miss Marie McGuire came in, and we developed this 3-year, forward program, after we had had a referendum—a bitter one, but which we won—and had the greatest expansion program in public housing construction of any city in the State of Texas. San Antonio was in the forefront of public housing. Texas was very, very hard, tough territory. As a matter of fact, it was not until I got to the Texas State Legislature and the senate after my election in 1956, in my first session in 1957, that I introduced the enabling legislation for slum clearance, urban development, and urban renewal for Texas. Texas had resisted it for 12 years. No bill had succeeded. That was one of my first real genuine victories as a freshman member of the senate. I succeeded in getting it out of the senate, but that is another story. However, it was the first, and it was not until 1957, but until we had amendments, for instance, that prohibit—to this day it is still part of the interval enabling legislation, that under no circumstances could any land acquired for the purpose of urban renewal be used for the purpose of construction of public housing. So it was this kind of obstaclization that I am familiar with, and therefore gained the experience to discern. So I served 3 years, learned perhaps more than a combination of several university degrees, and among other things, successfully relocated 454 families without so much as an eviction order. While pridefully and proudfully showing that each one of those families ended up in safe, wholesome, sound, hygienic environment, and in an area in one project alone that had been known as the death triangle area because it was there that San Antonio has the questionable reputation of having the highest rate of infant mortality because of infant diarrhea of not only the whole country, but even comparing favorably to some of the lesser and more benighted nations.

It was in that area where we had this horrible, horrible thing going on. San Antonio had been known as the tuberculosis capital of the world. I might say, by way of some parentheses here, parenthetically speaking, that being sensitive to that, when we were the first in the Subcommittee on Housing and Community Development, to notice what today is called homelessness, on December 4, 1982, that I realized that we were getting into a critical situation with respect to shelter that was somewhat similar to that which faced Americans after the war, where because of the lack of construction for 4 years, the lack of providing shelter, and our country still growing, as it still is, we had a real housing crisis. We had doubling and tripling, which we have today. In this surrounding area to Washington and the suburban area, we have single-family units that are housing as many as two and three families right now. Why? What rental unit that is safe and decent and has basic necessities provided of a safe and decent environment in this area can a family with an income of $20,000 to $25,000 or $30,000, rent today without paying as much as 50 and 55 percent of their income, which is wholly untenable. It is so perverse that it takes everything I have, and certainly during the last 9 years to keep from getting totally demoralized, because after going through those struggles in the Depression, where people were dying around us of tuberculosis, some of the memories I have are of my mother giving me a pint, a quart of milk, to take across the creek to the other side of the creek, as we called it, to a second cousin, who was dying of tuberculosis. And indeed, died, as well as every single member but one of that family, in a shack, right in the shadow of the great county hospital, the public eleemosynary hospital of the county—right in the shadow. Pit privy, dirt floor, no running water, except a common drinking fountain for five other families, and one pit privy for the five families. Is it a wonder we had the tuberculosis crisis? Mind, Members, that was long before anybody thought we would be in a war, and that during the war we would develop such things as the antibiotics known as penicillin and the other therapeutical drugs that have been developed to target in on the TB bacillus.

So, sensitive to that, when we got the statistics first in this area and then throughout the metropolitan and dense areas of this country of overcrowding, I then communicated with the Atlanta Centers for Disease Control. Sure enough, the statistics they gave me, and this is over 5 years ago, but certainly as late as 5 years, I was still communicating, in the District of Columbia what we called the "homeless" area, but actually meaning the dense area, the incidence of tuberculosis has gone over in excess of 21 percent. These are cases reported. How many are not reported? In Boston, in the same areas, 23-percent increase. Why? Because these are diseases that are highly communicable in overcrowding, and in impoverished areas—malnutrition, plus overcrowdedness, and the quick spreading of that bacillus. We went through that crisis, and I recall how there was the same specter in the hagridden minds of the people who feared tuberculosis. We had the same thing now with AIDS. We had a near hysteria where people feared that breathing the air they were going to get the tuberculosis. Later, we had the same thing in the post-war period with respect to venereal diseases. We had the same kind of hysteria. We could sit at some dirty toilet and get venereal disease. So we have the same kind of ignorance now with respect to the current hysteria. However, all of that connects with what is reflected in the basic framework of reference that has to do with the economic and the financial well-being of the people, issues that had haunted the Nation since it started as a nation.

□ 1830

Mr. Speaker, I think so many of my colleagues forget that the first 10 years of national existence of our country was a situation where such offices as President were not even thought of. We had the 10 years of the First and Second Continental Congresses and the Articles of Confederation. The issues then were no different basically. They were microscopic compared to what we have today in this very, very complicated, societal world, not only in our country, but throughout the whole world.

Mr. Speaker, the question was financing. All national entities, as well as organizations, as well as individuals, have to have their finances and their bankers.

So, the question arose: How were the Continental Congresses going to do it? The bankers in Philadelphia were only too happy to accommodate, as they always had been. However, Jefferson, and, if any of my colleagues want to know what Jefferson thought of bankers, I invite them to read the annals of the papers, and commentaries, and speeches and writings of Thomas Jefferson, as well as others, and even Alexander Hamilton, who was a centrist and who is what today would be called a—well, no, I do not know—he might not be called—he was for strong central government, but he was, above all, a sound financier, and even he recalled and said, "you fellows want to us to come in. You want to hold us in bondage with interest rates that are absolutely unacceptable."

So, Mr. Speaker, it was not until the Congress chartered—and I am talking about the First and Second Continental Congress—the Bank of North

America imposed an interest limit, no more than 6 percent.

The bankers did the same thing they did almost 200 years later with the advent of World War II, and there again I want to remind my colleagues: Why is it that today the Government has to borrow at such inordinate and usurious rates of interest that, no matter what we do here, as I pointed out yesterday, just since the enactment of the so-called Gramm-Rudman Act, 1986, the debt has grown by a trillion dollars. Why? Well, I will point it out.

I was a bitter opponent of the Gramm-Rudman Act. But let me again point out to my colleagues especially on the majority side that it was us on the majority side that made it possible. In the Senate incredibly we had Senators like TEDDY KENNEDY, PROXMIRE from Wisconsin then, LEVIN of Michigan, all supposedly very liberal. They went along. In the House it took 130 Democrats to make it possible, though we did delay the original version that came from the Senate. And I was one of those that had a lot to do with its delay.

However even then it did no good to point out that the bill was so radical, and it was such a harsh legislative enactment, violative of all legislative precedents, that I took the well and pointed out that 50 percent of that was unconstitutional. The Congress is going beyond. It was acting ultra vires, as they say in law. It was going beyond its scope, and it was invading other areas that were not within our constitutional prerogatives.

To no avail. We were accused of being partisan. We were accused of just being spenders and not wanting to do anything about controlling the debt and balancing the budget.

Well, President Reagan promised and committed himself in 1980 to balancing the budget before the end of his term in 1984. But during Mr. Reagan's term the national debt increased by $2 trillion.

So, Mr. Speaker, I ask my colleagues, "Who's kidding whom here?"

We are all in a delusion that I just shudder to think what the consequences can be. I am not predicting, because I am not that smart. All I have ever been known to do is know how to add and figure.

I studied engineering before I studied law, and so I have a tendency to interpret things from both the inductive, as well as a deductive, reasoning process, and I always look at the mathematics of things, and, if they do not add up, I say so until proven wrong.

Now I am open to be proved wrong, but, if I am not, I will never yield. I will never yield, and that is why I did not.

So, Mr. Speaker, what happened? In less than 60 days after the passage of Gramm-Rudman and the signing of the Gramm-Rudman bill into law by the President, the Supreme Court indeed knocked out 50 percent of Gramm-Rudman's bill as unconstitutional and as an excess, an improper invasion of Congress.

So, what did we get left? Well, Gramm-Rudman was supposed to have its first effective action on March 15, 1986, when, with great ado, it was announced that it would reduce the debt by $15 billion from January to March 15. I took the floor and pointed out that on that same day the enhanced interest charges to service the debt were increased by $30 billion and, therefore, vitiated the $15 billion and added an additional $15 billion to the debt. Nobody seemed to give a hoot, nor has anyone since then.

But, Mr. Speaker, I am giving my colleagues the statistics. I am telling them that since the enactment of Gramm-Rudman the debt has gone up by a trillion dollars plus. And since the Reagan administration, a total of $3 trillion, but just in that 8-year period it was $2 trillion plus, so that it is necessary that we understand what, if any, is the connection.

For years and years the chairman of the Federal Reserve Board would come to the committee and say, "Well, you know, if you want to blame anybody, it's you, the profligate Congress, that won't control budget outlays, and it's a deficit."

What were the deficits? Lyndon Johnson had more, rather than less, years with the budget in the black. He did not have a deficit until Vietnam. And when Carter left office, and he was pilloried for even after the seventh year, and it was one of the atrocious aspects of President Reagan that I detected, and that was that he was blaming Carter for everything. When the American people voted him in in 1980, they agreed, but they voted him in so that he could do something about it. Instead of that, at every turn, in order to justify whatever temporary obstruction he saw, or somebody pointed out or some failure, it was Jimmy Carter. That was because of Jimmy Carter's prior Presidency, and I think it is a shame for us now to say, "Well, we've got to overlook all of this. We've got to forget the causes," because that will make it look like we are being partisan.

□ 1840

Therefore, we must think in terms of what can we do right now to just nullify and keep on making the American people feel good, that something is being done and that we are all hunkydory and we are still the great leaders of the world and that we are not in any manner, shape or form, under any kind of danger and vulnerability.

So in shorter form yesterday I tried to point out what some of us had tried of foresee, and in foreseeing offered anticipatory action.

In 1985, after that secret appearance of Mr. Gray saying, "Well, look, the insurance fund is broke. We are headed for a lot of trouble. How many S&L's now are in dire trouble."

Now, mind you, this was before there was any so-called reform action as last year and segments of the industry who had gotten everything they ever requested of the Congress, I cannot remember one time until last year that the industry lobbyists and proponents did not get everything they want from the Congress. I cannot remember in the case of the banking industry where any bill that was proposed by say the predecessor chairman, the great Wright Patman, if the ABA, the American Bankers Association, was not for it ever got past the committee.

So what is the end result? Well, I gave you statistics last evening. The whole issue, and I want my colleagues to understand this and the citizens of this great country, it is not a question of whether you are going to bail out the S&L's, bail out things, even though it is true that they have been the biggest relief recipients in the history of this great country or any in the world, and that is what it has been.

No longer does any President scare me by talking about welfare cheats and talking about how some woman went to a grocery store and bought with food stamps a bottle of vodka, when at the same time he enabled the most powerful and wealthy interests and combination of wealth and plutocrats to escape taxation, $755 billion in 5 years, that is how much the U.S. Treasury lost.

Of course, the Congress did it, but I will remind my colleagues that the key critical issues on this House floor in 1981 in the summer were won by four votes, despite the then much maligned Democratic leadership which saw what the issue was.

Well, who is referring to that today? Who is saying that because that same bill was the reason why all these predators, the Milkens, the Keatings, the Kravises, the Roberts, the Kohlbergs, came crawling out like a swarm of cockroaches when you turn the light on and you see them scurry, except this time they came out because the bait was that great appetizing tax bill that said that if you get into the most indulgent, speculative mania, not only will you not pay taxes, but you will get tax rebates, thanks to the generosity of the great U.S. Treasury.

Would it not be great if a failing tailor or grocer in my city could go to the U.S. Treasury and say, "Hey, look, I failed, so now I need a tax rebate. I need a little tax goody here, some revenue, because I failed, or I got into

this crap game and I lost." This is exactly what they have been doing on Wall Street.

Wall Street no longer reflects the honest industrial manufacturing and production activity in the country. All it is doing is recording paper transactions based on paper transactions based on pyramids of paper transactions.

How long, oh, how long can that kind of a situation last? It has been prolonged only because in the Reagan years with Reagonomics we had the foreign money paying and buying up and funding our debt.

Well, that is interesting. You have the vanquished suddenly being the redeemers of the conquered. Well, that is news.

I think it is obvious today that some of these aspects have been more or less questioned. For instance, I noticed in the business page of the New York Times a little article. It is on page 13 of the forum page in the business section, Sunday, May 13. The headline of this article is, "Are Japan's U.S. Auto Plants Unfair?"

The subheadline: "The jobs are low-quality, imports keep coming, and few U.S. parts are used."

The article is as follows:

[From the New York Times, May 13, 1990]

ARE JAPAN'S U.S. AUTO PLANTS UNFAIR?

(By Owen Bieber)

Last February, the Chrysler Corporation announced it would close an assembly plant in St. Louis. This was the 18th major American assembly and stamping operation closed (or slated to be closed) by Chrysler and the General Motors Corporation since 1986.

Some of the contraction within the automobile industry reflects manufacturing efficiencies and production transfers to newer plants. But most of it is directly related to the huge expansion of assembly operations transplanted to the United States from Japan. In the last eight years, Japanese automakers have added 11 new plants and the capacity to assemble more than one million vehicles in North America. Another 1.5 million units of capacity will come on stream by 1992.

This represents an unprecedented assault on our nation's industrial core for two reasons.

First, Japanese auto companies are not using their transplanted capacity to replace automobiles imported from Japan, but to expand their total share of the American market at a prodigious rate. For the 1990 model year, Japan's share of the American new car market is 34 percent.

Second, although the new transplant facilities are highly efficient, much of their cost advantage over Big Three plants results from tax deals, training grants and other incentives from states and localities. It also results from lower fixed health-care and pension costs associated with a new and generally younger workforce. The transplants are not winning on a level playing field.

The Bush Administration remains oblivious to the devastation of our most important manufacturing infrastructure. Administration officials believe market forces will show the way, but they are wrong. Our government has a responsibility to help steer this critical industry to a secure future.

The goal should simply be to utilize American assets in the automotive industry as fully as possible and strengthen those assets in the process. In the short term, government policy should be focused on the following four areas.

Market share. Transplant output should be offset by cuts in direct importers to stabilize import market share.

American content. Japan-based assemblers must sharply increase the American manufacturing content of their vehicles. Only 38 percent of the parts they assemble are made in North America. In addition, established American parts-makers deserve a fair shot at supplying Japanese assemblers both here and in their home market.

Technology transfers. The Japan-based transplants have created relatively low-skilled jobs for American workers while keeping advanced technologies and jobs in Japan. Engineering functions and drivetrain and other sophisticated manufacturing operations should be transplanted here.

Reciprocal commitments. American auto companies should be asked to invest at home, produce vehicles covering the full range of market segments, and price those vehicles competitively to win back market share.

Given the pervasiveness of laissez-faire thinking in Washington, even these modest proposals will strike some as too radical.

Let me add since I have been on the Banking Committee when I came to the Congress 29 years ago, I have been in the midst of every single so-called bailout situation that has developed, beginning with the New York Penn Central Railway, the following Lockheed Corp. bailout, then the city of New York so-called bailout and the Chrysler Corp. In fact, it is Chrysler that was the prototype and it was I who placed the clause in to make sure that after Uncle Sam came in and did what the bankers would not do, because the bankers did not have faith that Chrysler was going to turn around. Chrysler needed $3 billion. It had $2 billion and it could not get bank credit for that other billion. So the bankers said, "Well, you know what, sure. If you will get a guarantee from Uncle Sam, why yes, you can have the money, but you have got to get that guarantee."

Fortunately for us, among us we had faith in Chrysler, because involved in that above all was the human element, over 20,000 American workers; but I also knew that there was a little escape hatch there in case Chrysler made good, the Government would not have to pay out anything on the guarantee, but then those corporation heads, Mr. Lee Iacocca, was going to come in and get the gravy, too, instead of letting it go to Uncle Sam as it should have.

So I foresaw that and I had a little clause in there, but sure enough, after the first year, lo and behold, Chrysler not only did not have to borrow a dime or did not have to make good on the guarantee, did not take a dime's worth of the taxpayers' money. In fact, in a matter of 3 years it had brought in almost $3 billion to the U.S. Treasury; but above all, it had maintained American workmanship and a labor force that I felt was absolutely essential that we back up, and we did.

But always, as the First Bank of North America effort and has happened, the only difference that has occurred is that since Franklin Roosevelt and Harry Truman, and particularly during the Eisenhower regime, the bankers were able to move in full force. They turned everything around, even including the management of our debt where we are paying compound interest, compound interest right now.

□ 1850

Right now the American taxpayer is paying over $260 billion a year just on interest. I have not heard anybody talk about debt management.

Going back, when Kennedy was inaugurated for the first time, when I came up 1 year after that, I could dip into my pocket, get a dollar bill, and more often than not that dollar bill would say U.S. Treasury note.

What do you see today when you pick up every one of the bills today? Federal Reserve note.

Do my colleauges know, does the taxpayer know, that since the Congress abdicated its constitutional right and responsibility you are having to pay interest just to print this dollar bill, which is not a Treasury note? It is a Federal Reserve note.

What is the difference? What is behind all of that? Well, it is not that complicated. Bankers and financiers like to make a lot of mumbo-jumbo, but it is not that complicated. It is the same old story, and that is that greed and the predator always have been present in every society at all times in human history, and this is the reason governments are established, to protect the national interests for the citizen.

The American people have not had that kind of protection at all. In 1952, in a little rider, you had a little minor change. As a result you had a very big difference in the way the debt was handled and the borrowing.

How could Franklin Roosevelt have conducted a war, given the leadership to wage and win that war, with lesser powers than our committee and the Congress in 1971, in October, October 30, to be precise, gave President Nixon? Total control over our economy. That had never been done in the what, in the so-called Economic Stabilization Act. In common words, wage and price controls.

Now, who were the ones fighting that? Liberals, like me. Who were the ones insisting that that had to be passed without a comma changed, even in amendment where I have said Mr. President, you are getting power

that even Hitler and Mussolini did not get from their parliamentary bodies, at least not in the beginning, an which no President at time of war or peace has ever gotten, including Roosevelt and Truman, two wartime Presidents.

How was it that Mr. Roosevelt and his great Secretary of the Treasury, Henry Morgenthau, could finance that borrowing at 2 percent or less? Well, I will give you a little history.

When the need became obvious that you would have to issue bonds, liberty bonds or whatever they called it, the bankers came in and said, "Well, yeah, you know, unless you pay us, we are not going to get into that. We are not going to buy unless you pay this big interest."

Roosevelt, not an expert, got very excited and concerned and called in Morgenthau. He said, "Hey, look, what are we going to do? You know, this is really terrible. We are in a pinch. We have got to borrow. We have got to wage a war."

Morgenthau said, "Okay, that is all right, Mr. President."

So he announced that if the bankers refused, then the Treasury was going to do that which the Federal Reserve Board Act of 1913 said, and still says, that the Federal Reserve Board is the fiscal agent of the U.S. Treasury.

Can it be that now when it is printing our money? Of course not. The Treasury is a footstool and the Federal Reserve Board is the master, with Congress exerting no control, because, gosh, don't impair the independence of the Federal Reserve Board, even though it is the Congress that created the Federal Reserve Board.

So on top of that where has it led us? Like the S&L and the banking industry that has come to Congress and gotten everything it has asked for, where did they end up? Where have we ended up? A broken down system, and an inordinate and unjust burden on the taxpayer.

Where has the Federal Reserve Board gotten us, its most important function, as the equivalent of the central banker of our country? The biggest debtor nation in the world. The value of the dollar sunk by 50 percent in just the last 5 years.

You mean a weak dollar is a good thing? About 3 years ago, it will be 4 years this summer, we had some of the top economists, and they were coming in. It could have been 3 years this next summer. They were telling our committee that it would be a good thing to let the value of the dollar drop.

So I had 5 minutes to ask a question, and I asked him, "How far do you think the dollar ought to be permitted to drop?"

He said, "Well, you know, we can't give a precise figure, but in order for us to be competing with importing nations and be able to sell our exports at competitive prices, we have got to let the dollar fall. It has been overpriced."

I said, "Well, by how much?"

"Well, you know, in relation to the other currency."

I said, "How much? How are you going to control that? Suppose the dollar has a free fall?" That is still a danger. "Who controls that?"

We have lost the power to determine that because external forces, outside the shores of our country, now have the power that can undo whatever it is we do domestically. Today, as of at least 4 or 5 years, that means even the power to control interest rates.

Why is that? Because in order to create the illusion that we have prosperity, that our debt was being taken care of, we let the foreign countries come in and invest, foreign investment interests and financial interests. But that is fickle. They came because interest rates were permitted to jump up inordinately high. Of course, they come in, they invest, and they make a killing.

But what happened just about a month ago when West Germany said, "Ah, you know what? We think we will let the interest rates kind of creep up," meaning some of that money will come back.

Immediately you had a hysterical followthrough here. About a month, a month and a half ago, the Treasury was having a great dilemma. It went to market in order to try to borrow. All of a sudden the Japanese were reported as not being interested in continuing to buy those Treasuries. But the Japanese had bought 35 percent. They owned that much of our most valuable Treasury securities.

□ 1900

The Continental Illinois Bank in Chicago, why did this big bank go under? It seemed as if the S&L crisis happened overnight.

Not at all. The immediate underlying cause was going back to other things that were happening in the banking industry, going back to the bust in the oil and gas section of the country where those institutions had gone out on a limb, on so-called energy loans, and then they borrowed up with the Chicago, which had been a big source of credit for the time being for the Southwest. But it was the fact that these foreign investors pulled their money out overnight that was the immediate cause of the failure and the nationalization because we, the Government, had to take that bank over. We still do, at a cost of what, $5 billion, $6 billion. I did not hear anybody moaning then.

We had hearings in the committee. I did not belong to the subcommittee but I went to them anyway. Lo and behold, they brought up the fact that they had these multimillion-dollar golden parachutes for the guys that had failed, a $2 million pension for the immediate past president who had failed so miserably.

But what was Mr. Volcker, Chairman of the Federal Reserve Board, saying? He said the Chicago Illinois Bank is too big to let go under, so we are going to pay every depositor including the 4 million deposits, including the American millionaire depositors, so what we have done, and this is the nub of the matter, while our banking system has been more and more brought into the allocation of banking credit, not to fire the engine of industry and manufacture and production, but to venture into the speculative, risky things. I brought that out 11 years ago in the case of the Hunt brothers of my native State of Texas, then billionaires, you know, the Earth shook when they walked, and I brought out here on this House floor, and it was the reason, one of the reasons I presented an impeachment resolution, even though it is questionable that the Federal Reserve Board can be defined as a Federal agency. The Federal Reserve Board is not a Federal agency. It is wholly a creature of the private, commercial banking system, but in practice is actually the footstool of the eight or nine biggest banks in the country.

What we have adopted in the Congress is the doctrine of infallibility when it comes to the Federal Reserve Board and bankers. Who, politicians? Why, we should not even try to touch them. They have to be independent. But where have they gotten us?

In the case of the Hunt brothers they tied up over $25 billion worth of bank credit allocations in their futile attempt to corner the silver market in Europe. Can you imagine, that bunch of functional illiterates from Texas thinking they could go to the most sophisticated, 500-year-old experienced hands of the silver and gold markets in Europe and that they could outwit them.

So I brought out how there was supposed to have been a secret meeting, until I made it public. Between whom? Nelson Bunker Hunt, the head of the First City Bankcorp, at that time, now known at Citibank, Mr. Wriston, and Mr. Paul Volcker, who holed themselves up in a hotel in Florida to see how the bankers could be bailed out of this big dilemma they had with Mr. Hunt.

I brought out and said what banker in the United States would not give his right arm to be able to bring the Chairman of the Federal Reserve Board to confront his problems.

THE AMERICANS WITH DISABILITIES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Maryland [Mr. HOYER] is recognized for 60 minutes.

Mr. HOYER. Mr. Speaker, I appreciate this time and am glad to discuss briefly the Americans with Disabilities Act. Then I will yield some additional time to my good friend, the gentleman from Texas.

The Americans with Disabilities Act will be considered on the floor of this House this week. It is a bill which has gone through much discussion. It passed the U.S. Senate in September of last year, on a vote of 76 to 8. It is a bill which seeks to extend civil rights to those in America who are disabled; very late. There are some 43 million Americans, with a disability, and for too long they have not only felt but actually been shut out, discriminated against, unable to get employment, unable to utilize transportation, unable to utilize communications, unable to use public accommodations that we take for granted on a daily basis, such as the local cleaners, or the local bank, or the local drug store.

One of the criticisms of that bill was that there was not much debate in reference to it or discussions about its particulars. It passed the Education and Labor Committee on November 14, 1989, by a vote of 35 to 0, a show of bipartisan, overwhelming support for the concept that it was time to extend the rights that America promises to all its citizens to pursue the right of life, liberty, and the pursuit of happiness in a society that prides itself as having as it hallmark the extension to very individual, irrespective of their race, or color, or wordly condition, or social status; the ability to pursue what their talents and what their character give them the right and the ability to pursue.

The Energy and Commerce Committee some months later, in March 1990, considered this bill, and the Energy and Commerce Committee focused on two very important aspects: the ability to get on a commuter rail and go to work, whether that's in Washington to Baltimore, or the suburbs of New York City, New Jersey, Chicago, Los Angeles or any other metropolitan area, and to have that transportation system which is absolutely vital to becoming employed, and therefore having the ability to support oneself and one's family. The access to transportation was a controversial issue which required much debate and discussion, but ultimately, the Energy and Commerce Committee, passed the ADA 40 to 3—only 3 members opposing.

So at that point in time 75 Members of the House had voted for the bill and 3 had opposed it, again an indication of overwhelming bipartisan support, and a recognition that this bill's time has come, that it is important for our country that we extend access to our disabled fellow citizens.

The Public Works and Transportation Committee shortly thereafter again acted on the bill, and that committee was also interested in transportation, in commercial buses. That bill was passed out of the Public Works and Transportation Committee 45 to 5, again, overwhelming, bipartisan support for the most important civil rights act since the Civil Rights Act of 1964.

□ 1910

Most recently, the Committee on the Judiciary, dealing with public accommodations and other matters, passed this bill on a vote of 32 to 3. Let me add that one of the key facets of the Energy and Commerce bill is to make sure that the hearing-impaired and the speech-impaired will be able to use a device that most of us take for granted in daily life, and that is the use of the telephone.

Those of us who are not hearing-impaired and who are not speech-impaired, should stop to think for just a minute about how that would adversely impact on us if we could not use the telephone.

So after those 9 months and four committees later, 152 Members of the House had voted to overwhelmingly support this legislation, and only 11 have opposed it to this point.

At this time I would be glad to yield to my good friend, the gentleman from Texas [Mr. GONZALEZ], who I know is a strong supporter of this bill and who has himself been such a champion for civil rights in this country over the last four decades, before he got to this House and as a Member of this House.

It gives me a great deal of pleasure and honor to yield to my friend, the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I want to thank my very distinguished colleague from Maryland, the chairman of the Democratic caucus, who has so preeminently exerted that leadership. I deeply appreciate his allowing me to proceed here.

First I want to compliment the gentleman in the well and his colleagues who have worked indefatigably in behalf of the legislation he has just alluded to.

I think it is obviously, like last week's legislation which we had this report of a threatened veto by the President, having to do with child care, that in these areas the Congress is properly responding to a real need that is emanating from the midst of our society.

We had tremendous demographic, that is societal, changes in our country. We have women in the work force who now exceed the number of males today; if I recall my statistics, 55 percent.

Mr. Speaker, I can recall the day when it was unthinkable that a woman would be working. About the only ones that were considered eligible were widows who had a sheer necessity to go downtown and work as clerks in some department store. But it was unthinkable that a female would be having a career and would be working.

I can remember that. My memory is pretty good. I can remember that it was the war that brought out the tremendous contribution that always has been there, should have been there, should have been tapped generations ago, in the war production.

While the men enlisted like never before, 14 million Americans in uniform, and went across the seas and fought, the women went into the factories. They met the President's goal of producing, I remember, the astronomical figure of 50,000 warplanes and tanks. You had Rosie the Riverter in posters prominently displayed all over the work plants and factories in the United States.

It was the women, it was the women who made the United States what Franklin Roosevelt had described as the arsenal for democracy.

So the child care legislation, my goodness, how could we turn our backs on that legislation last week? We should have had solid support.

As it was, you had quesitons that the vote would indicate that it was not veto-proof, et cetera, et cetera. But the need was there. The committee had exhaustive hearings.

In this case here, in behalf of that segment of our population—after all, a civilization is going to be judged by how it treats its weaker, its poorer, its more helpless elements in its society.

So I wanted to congratulate our distinguished chairman here and the members of the committees that have produced this legislation which, hopefully, we will be considering tomorrow or perhaps maybe Thursday. But I for one, no matter what my own sentimental notions may be or my proclivities or philosophy, I have always felt it was necessary to go on the factual presentation, adducing the testimony and the facts and the figures. And I think the gentleman in the well brought it out clearly here. I think that the figures he gave about how it is being universally supported, overwhelmingly supported, is a clear indication.

Now, if the gentleman is still willing to allow me to continue on his yielding to me, I would like to kind of round out my earlier subject matter, if it meets with the gentleman's approval. Maybe he did not have that in mind when he yielded to me.

Mr. HOYER. How long does the gentleman think he would be? I would be more than happy to accommodate my friend.

Mr. GONZALEZ. I am afraid I am going to have to have the gentleman limit me because I could possibly go on

to the time of the expiration of his time, and I certainly do not want to do that unless it is within the gentleman's own desire.

Mr. HOYER. Mr. Speaker, may I suggest to the gentleman—I know that what he has to say is important—that perhaps we might need his comments tomorrow for the purpose of keeping the legislative process in action.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman very much. I am delighted to hear the news.

Mr. HOYER. I thank the gentleman.

Mr. Speaker, as I said before, he is one of the great champions of civil rights on this floor, and I might say one of the great champions of the consumer as chairman of the Committee on Banking, Finance and Urban Affairs.

Mr. Speaker, I very, very much appreciate his support of this legislation and his remarks with reference to the substance of this legislation and his support in this effort.

Mr. Speaker, with that I am hopeful that we will pass the Americans with Disabilities Act, hopefully, on Thursday, and that we will move on to guarantee the disabled of America full participation, as we want every individual who is able and who is willing and who wants to be, included fully in the benefits of American society.

The SPEAKER pro tempore (Mr. THOMAS of Georgia). Under a previous order of the House, the gentleman from Louisiana [Mr. HAYES] is recognized for 60 minutes.

[Mr. HAYES of Louisiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. ECKART] is recognized for 60 minutes.

[Mr. ECKART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 60 minutes.

[Mr. SKAGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. EDWARDS] is recognized for 60 minutes.

[Mr. EDWARDS of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. DORGAN] is recognized for 60 minutes.

[Mr. DORGAN of North Dakota addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 60 minutes.

[Mr. WISE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. MICHEL) for today on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. ARMEY, for 5 minutes, on May 17.

Mr. PORTER, for 60 minutes, on May 23.

Mr. PETRI, for 60 minutes, on May 22.

Mr. ROTH, for 30 minutes, today.

Mr. DELAY, for 60 minutes each day, on May 16, May 22, and May 23.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

Mr. FRANK, for 60 minutes, today.

Mrs. SCHROEDER, for 60 minutes, today.

Mr. NAGLE, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. HAYES of Louisiana, for 60 minutes, today.

Mr. ECKART, for 60 minutes, today.

Mr. SKAGGS, for 60 minutes, today.

Mr. EDWARDS of California, for 60 minutes, today.

Mr. DORGAN of North Dakota, for 60 minutes, today.

Mr. WISE, for 60 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. NEAL of Massachusetts, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HOYER, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Ms. SAIKI.
Ms. ROS-LEHTINEN.
Mr. CAMPBELL.
Mr. BALLENGER.
Mr. FISH.
Mr. GALLEGLY.
Mr. DICKINSON in two instances.
Mr. VANDER JAGT.
Mr. SHAYS.
Mr. LEWIS of California.
Mr. LAGOMARSINO in two instances.
Mr. PORTER.
Mr. HYDE in two instances.
Mr. GREEN.
Mr. GOSS.
Mr. WOLF.
Mr. HOUGHTON.
Mr. BLAZ.
Mr. ARMEY.
Mr. BLILEY.
Mr. CRANE in three instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. RICHARDSON.
Mr. ORTIZ.
Mr. YATRON in two instances.
Mrs. SCHROEDER.
Mr. FLIPPO.
Mr. KASTENMEIER.
Mr. BATES.
Mr. WILLIAMS.
Mr. SCHUMER.
Mr. TORRES.
Mr. SPRATT.
Mr. ROE in four instances.
Mr. BONIOR.
Mr. NEAL of Massachusetts.
Mr. RAY.
Mr. DONNELLY.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 16, 1990, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3180. A letter from the Under Secretary of Defense, transmitting the selected acquisition reports [SARS] for the quarter ending March 31, 1990, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

3181. A letter from the Inspector General, Department of the Interior, transmitting a copy of a final audit report entitled "Accounting for Fiscal Year 1988 Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Bureau of Reclamation," pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Energy and Commerce.

3182. A letter from the Inspector General, Department of the Interior, transmitting a copy of a final audit report entitled, "Accounting for Fiscal Year 1988 Reimbursable Expenditures of Environmental Protection Agency Superfund Money, U.S. Fish and Wildlife Service," pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Energy and Commerce.

3183. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed manufacturing license agreement with Israel (Transmittal No. MC-11-90), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

3184. A letter from the Director, Office of Management and Budget, a report of its activities during calendar year 1989 under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3185. A letter from the Under Secretary, International Affairs and Commodity Programs, Department of Agriculture, transmitting an updated quarterly country and commodity allocation table showing current programming plans for food assistance under titles I-III of Public Law 480, for fiscal year 1990, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS. Committee on Education and Labor. H.R. 2273. A bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability; with an amendment (Rept. 101-485, Pt. 2). Ordered to be printed.

Mr. BROOKS. Committee on the Judiciary. H.R. 2273. A bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability; with an amendment (Rept. 101-485, Pt. 3). Ordered to be printed.

Mr. DINGELL. Committee on Energy and Commerce. H.R. 2273. A bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability; with an amendment (Rept. 101-485, Pt. 4). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio. Committee on Rules. House Resolution 392. Resolution providing for the consideration of H.R. 4151, a bill to authorize appropriations for fiscal years 1991 through 1994 to carry out the Head Start Act, the Follow Through Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Act of 1981, and for other purposes (Rept. 101-486). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. BLILEY, Mr. WYDEN, Mr. LENT, Mr. SIKORSKI, Mr. OXLEY, Mr. ROWLAND of Georgia, Mr. BILIRAKIS, Mr. SCHEUER, Mr. MCMILLAN of North Carolina, Mrs. COLLINS, Mr. BRYANT, Mr. COOPER, Mr. MOORHEAD, Mr. MARKEY, Mr. RINALDO, Mr. THOMAS A. LUKEN, Mr. DANNEMEYER, Mr. WALGREN, Mr. WHITTAKER, Mr. SYNAR, Mr. RITTER, Mr. TAUZIN, Mr. FIELDS, Mr. ECKART, Mr. NIELSON of Utah, Mr. SLATTERY, Mr. SCHAEFER, Mr. BATES, Mr. BARTON of Texas, Mr. BOUCHER, Mr. CALLAHAN, Mr. TOWNS, Mr. MCMILLEN of Maryland, and Mr. HALL of Texas):

H.R. 4810. A bill to authorize the Secretary of Health and Human Services to impose debarments and other penalties for illegal activities involving the approval of drugs under section 505(j) of the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUSTAMANTE (for himself, Mr. SMITH of Texas, and Mr. DE LA GARZA):

H.R. 4811. A bill to expand the boundaries of the San Antonio Missions National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FRANK:

H.R. 4812. A bill to impose quantitative restrictions on the importation of Chinese textiles until the Government of the People's Republic of China grants internationally recognized worker rights; to the Committee on Ways and Means.

By Mr. GUNDERSON (for himself, Mr. PENNY, and Mr. MCDADE):

H.R. 4813. A bill to amend the Packers and Stockyards Act, 1921, to provide that milk purchased by handlers from milk producers, and the proceeds and products of such milk, shall be held by such handlers in trust for the benefit of such producers until full payment is received by such producers; to the Committee on Agriculture.

By Mr. HYDE:

H.R. 4814. A bill to amend the Internal Revenue Code of 1986 to treat bonds used to finance correctional facilities as exempt facility bonds for purposes of the limitations on private activity bonds; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 4815. A bill to amend the Food Security Act of 1985 to allow land in the water bank to be eligible for the conservation reserve if it is otherwise eligible, but does not qualify as having been planted or considered planted in 2 of the 5 crop years 1981 through 1985; to the Committee on Agriculture.

By Mr. MCDADE:

H.R. 4816. A bill to promote the formation and growth of small businesses in rural areas and assist in the economic development of such areas; jointly, to the Committees on Small Business, Public Works and Transportation, and Agriculture.

By Mr. MATSUI (for himself, Mr. VANDER JAGT, and Mr. BROWN of Colorado):

H.R. 4817. A bill to amend the Internal Revenue Code of 1986 to treat certain commercially reasonable financing provided to a partnership by a related person as if it were provided by an unrelated lender for purposes of the partnership allocation rules; to the Committee on Ways and Means.

By Mr. MILLER of Washington:

H.R. 4818. A bill to amend the Federal Aviation Act to require the Administrator of the Federal Aviation Administration to consider aircraft noise abatement as being in the public interest in the performance of the Administrator's duties under such act, to provide for the establishment of a comprehensive noise reduction plan for the State of Washington, and for the establishment of a national policy with respect to aircraft noise abatement, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. RICHARDSON:

H.R. 4819. A bill to establish Petroglyph National Monument and Pecos National Historical Park in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHUETTE:

H.R. 4820. A bill to improve the law concerning illicit drugs and crime; jointly, to the Committees on the Judiciary, Energy and Commerce, Armed Services, Merchant Marine and Fisheries, Foreign Affairs, Education and Labor, Public Works and Transportation, Rules, Ways and Means, and Banking, Finance and Urban Affairs.

By Mr. SPENCE:

H.R. 4821. A bill to amend title 32, United States Code, to authorize Federal support of State defense forces; to the Committee on Armed Services.

By Mr. SPRATT (for himself (by request) Mr. KYL, Mr. LENT, and Mr. CRAIG):

H.R. 4822. A bill to withdraw certain public lands in Eddy County, NM, and for other purposes; jointly, to the Committees on Armed Services, Interior and Insular Affairs, and Energy and Commerce.

By Mr. STARK (for himself, Mr. FORD of Tennessee, Mr. DELLUMS, Ms. PELOSI, Mr. LANTOS, and Mr. ROYBAL):

H.R. 4823. A bill to amend the Internal Revenue Code of 1986 to deny certain tax benefits with respect to structures which do not meet earthquake standards; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 4824. A bill to authorize a 1-year demonstration program to provide grants to States and localities for community recycling projects; to the Committee on Energy and Commerce.

By Mr. WILLIAMS:

H.R. 4825. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965; and for other purposes; to the Committee on Education and Labor.

By Mr. BROOMFIELD (for himself, Mr. HERTEL, Mr. GILMAN, and Mr. DORGAN of North Dakota):

H.J. Res. 567. Joint resolution to commemorate the Ukrainian famine of 1932-33 and the policies of russification to suppress Ukrainian identity; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

By Mr. MANTON:

H.J. Res. 568. Joint resolution designating the week beginning September 16, 1990, as

"Emergency Medical Services Week"; to the Committee on Post Office and Civil Service.

By Mr. SCHULZE:

H.J. Res. 569. Joint resolution proposing an amendment to the Constitution of the United States to provide for a 6-year term for the President and the Vice President, to limit the number of terms the President and the Vice President may serve, to provide for 3-year terms for Representatives, and to limit the number of consecutive terms Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. YATRON (for himself, Mr. HAMILTON, Mr. OWENS of Utah, Mr. CROCKETT, Mr. BOSCO, Mr. UDALL, Mr. MILLER of Washington, Mr. SMITH of New Jersey, and Mr. SOLARZ):

H. Con. Res. 329. Concurrent resolution calling for U.S. sanctions against nations which conduct unjustified lethal whale research, and otherwise expressing the sense of the Congress with regard to nations which violate the International Whaling Commission moratorium on commercial whaling by killing whales under the guise of scientific research; to the Committee on Foreign Affairs.

By Mr. YATRON (for himself, Mr. FASCELL, Mr. BROOMFIELD, Mr. SOLARZ, Mr. OWENS of Utah, Mr. FEIGHAN, Mr. ACKERMAN, Mr. MILLER of Washington, Mr. WEISS, Mr. PELOSI, Mrs. MEYERS of Kansas, and Mr. GILMAN):

H. Res. 393. Resolution concerning the first anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

389. By the SPEAKER: A Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to hazardous and radioactive waste damage; to the Committee on Energy and Commerce.

390. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to former members of the U.S. Armed Forces and their dependents and survivors; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SHAYS introduced a bill (H.R. 4826) to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States, Great Lakes trade, and fisheries for the vessel *Rose*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. BATES.

H.R. 12: Mr. BATES.

H.R. 560: Mr. RANGEL, Mr. MADIGAN, and Mr. FEIGHAN.

H.R. 711: Mr. SYNAR.

H.R. 857: Mr. AKAKA.

H.R. 933: Mr. BRYANT.

H.R. 1497: Mr. SCHUETTE.

H.R. 1733: Mr. TOWNS.

H.R. 2132: Mr. DENNY SMITH.

H.R. 2133: Mr. DENNY SMITH.

H.R. 2161: Mr. BATES.

H.R. 2383: Mr. HERGER.

H.R. 2386: Mr. SAVAGE and Mr. SIKORSKI.

H.R. 2418: Mr. DORGAN of North Dakota and Mr. SCHAEFER.

H.R. 2436: Mr. MACHTLEY, Mr. HERGER, Mr. FAWELL, Mr. MORRISON of Connecticut, Mr. PALLONE, Mr. DWYER of New Jersey, Mr. LENT, Mr. HUGHES, and Mr. SHAYS.

H.R. 2460: Mr. REGULA, Mr. LAUGHLIN, and Mr. SCHIFF.

H.R. 2754: Mr. CLINGER.

H.R. 2776: Mr. ROE, Mr. DWYER of New Jersey, Mr. ORTIZ, and Mr. CHAPMAN.

H.R. 3256: Mr. PENNY, Mr. PAXON, Mr. SERRANO, Mr. MACHTLEY, and Mr. MADIGAN.

H.R. 3500: Mr. OLIN.

H.R. 3516: Mrs. MEYERS of Kansas, Mr. SCHUETTE, Mr. SCHULZE, and Mr. EMERSON.

H.R. 3643: Mr. CLINGER.

H.R. 3704: Mr. CONDIT, Mr. FALEOMAVAEGA, and Mr. CLINGER.

H.R. 3752: Mrs. JOHNSON of Connecticut, Mr. FAUNTROY, Mr. TOWNS, Mr. LAGOMARSINO, Mr. ROE, Mr. ROYBAL, Mr. DWYER of New Jersey, and Mr. ATKINS.

H.R. 3768: Mr. SCHUETTE.

H.R. 3789: Mr. HALL of Texas, Mr. LIPINSKI, and Mr. NOWAK.

H.R. 3880: Mr. HORTON and Mr. MARTINEZ.

H.R. 4026: Mr. PEASE.

H.R. 4042: Mr. SAXTON, Mr. GUARINI, Mr. HAMMERSCHMIDT, and Mr. NOWAK.

H.R. 4050: Mr. FOGLIETTA and Mr. AKAKA.

H.R. 4080: Mr. YATES and Mr. GEJDENSON.

H.R. 4081: Mr. MILLER of Washington and Mr. BUECHNER.

H.R. 4112: Mr. FAUNTROY, Mr. STUDDS, Ms. PELOSI, Mr. PALLONE, Mr. DEFAZIO, and Mr. TOWNS.

H.R. 4121: Mr. STUMP and Mr. RAHALL.

H.R. 4138: Mr. HORTON, Mr. BLAZ, Mr. SPENCE, Mr. HYDE, and Mr. NEAL of Massachusetts.

H.R. 4147: Mr. RAVENEL, Mr. ROSE, Mr. BILBRAY, Mr. HARRIS, and Mr. EVANS.

H.R. 4158: Mr. HOAGLAND, Mr. WYDEN, Mr. FORD of Tennessee, and Mr. GEREN.

H.R. 4195: Mr. COUGHLIN and Mr. FALEOMAVAEGA.

H.R. 4210: Mrs. BENTLEY, Ms. SCHNEIDER, Mr. FAUNTROY, Mr. BEILENSON, Mr. TOWNS, Mr. JAMES, Mr. KASTENMEIER, Mr. BOSCO, Mr. MANTON, Mr. WALSH, Mr. HUTTO, Mr. ATKINS, Mr. PALLONE, Mr. BILBRAY, Mr. DEFAZIO, Mrs. COLLINS, Mrs. SAIKI, Mr. GREEN, Mr. DWYER of New Jersey, Mr. WEISS, and Mr. HUGHES.

H.R. 4226: Mr. BARTON of Texas, Mr. THOMAS of Wyoming, Mr. GOSS, Mr. HANCOCK, Mr. DOUGLAS, and Mr. HYDE.

H.R. 4241: Mr. FAUNTROY, Mr. FALEOMAVAEGA, and Mr. LIVINGSTON.

H.R. 4269: Mr. LEWIS of Florida, Mr. FAZIO, Mr. WOLPE, Mr. DWYER of New Jersey, Mr. MARTINEZ, Mr. MAVROULES, Mr. BROWN of California, Mr. ROE, and Mr. FOGLIETTA.

H.R. 4316: Mr. VALENTINE, Mr. PETRI, Mr. WALSH, and Mr. BEVILL.

H.R. 4324: Mr. MRAZEK, Mr. PAYNE of New Jersey, Mr. SCHEUER, Mr. ESPY, and Mr. SERRANO.

H.R. 4332: Mr. CONDIT and Mr. ROE.

H.R. 4334: Mr. PENNY.

H.R. 4417: Mr. MARTINEZ, Mr. CONTE, Ms. ROS-LEHTINEN, Mr. DIXON, Mr. BLAZ, and Mr. SPENCE.

H.R. 4481: Mrs. MARTIN of Illinois and Ms. SNOWE.

H.R. 4483: Mrs. MARTIN of Illinois.

H.R. 4488: Mrs. MEYERS of Kansas.

H.R. 4523: Mr. FISH, Mr. AUCOIN, Mr. MACHTLEY, Mr. SLAUGHTER of Virginia, Mr. ROWLAND of Connecticut, Mr. YATRON, Mrs. MEYERS of Kansas, Mr. KOLTER, Mr. PALLONE, Mr. BILBRAY, Mr. HOCHBRUECKNER, Mr. VALENTINE, Mr. BEILENSON, Mr. THOMAS of Georgia, Mr. PAYNE of Virginia, Mr. BONIOR, Mr. STUDDS, Mr. SAXTON, Mr. MILLER of Washington, Mr. MOODY, Mr. NEAL of North Carolina, Mr. KYL, Mr. KANJORSKI, Mr. FAWELL, Mr. PEASE, Mr. JOHNSON of South Dakota, Mr. BOEHLERT, Mr. SMITH of Vermont, Mr. HAWKINS, Ms. SLAUGHTER of New York, Mr. BUSTAMANTE, Mr. JAMES, and Mr. ROE.

H.R. 4575: Mr. TOWNS.

H.R. 4585: Mr. BEILENSON, Mr. SCHUMER, Mr. SAXTON, Mr. PAXON, Mr. MARTINEZ, Mr. GILMAN, Mr. LEVINE of California, Ms. PELOSI, Mr. FRANK, Mr. KYL, Mr. NEAL of North Carolina, Mrs. UNSOELD, Mr. PALLONE, Mr. DOUGLAS, Mr. BUSTAMANTE, Mr. MCNULTY, Mr. SIKORSKI, Mr. WOLPE, Mr. ACKERMAN, Mr. BROWN of Colorado, Mr. PORTER, Mr. LANTOS, Mr. ENGEL, Mr. JOHNSTON of Florida, and Mr. LANCASTER.

H.R. 4590: Mr. JONTZ and Mr. FORD of Tennessee.

H.R. 4594: Mr. CARPER, Mr. DWYER of New Jersey, Mr. MURPHY, and Mr. FAZIO.

H.R. 4617: Mr. DINGELL.

H.R. 4640: Mr. HANSEN, Mr. GORDON, Mr. PICKETT, and Mr. CLINGER.

H.R. 4641: Mr. HASTERT, Mr. ROBINSON, Mr. ASPIN, and Mr. BALLENGER.

H.R. 4690: Mr. BAKER, Mr. FRANK, Mr. MRAZEK, Mr. MADIGAN, and Mr. HORTON.

H.R. 4721: Mr. ARCHER.

H.R. 4793: Mr. MCDADE.

H.J. Res. 127: Mr. BLILEY.

H.J. Res. 439: Mr. CLINGER.

H.J. Res. 459: Mr. THOMAS of Georgia, Mr. RAHALL, Mr. RAY, and Mr. JONES of Georgia.

H.J. Res. 508: Mr. ROGERS, Mr. SCHULZE, Mr. STALLINGS, Mr. LIGHTFOOT, Mr. TRAXLER, Mr. MADIGAN, Mr. OXLEY, Mr. DYSON, Mr. TALLON, and Mr. LEWIS of Florida.

H.J. Res. 509: Mr. ERDREICH, Mr. APPLEGATE, Mr. GILMAN, Mr. SCHAEFER, Mr. BONIOR, Mr. MINETA, Mr. FORD of Tennessee, Mr. ASPIN, and Mr. VALENTINE.

H.J. Res. 516: Mr. COSTELLO, Mr. MCNULTY, Mr. MCDERMOTT, Mr. ROE, Mr. FAUNTROY, Mr. RANGEL, Mr. BLILEY, Mr. QUILLEN, Mr. FAZIO, Mr. BILIRAKIS, Mr. WEBER, Ms. KAPTUR, Mr. TOWNS, Mrs. COLLINS, Mr. MOAKLEY, Mr. FRANK, Mr. LANCASTER, Mrs. MEYERS of Kansas.

H.J. Res. 519: Mrs. MEYERS of Kansas.

H.J. Res. 521: Mr. HORTON, Mr. EMERSON, Mr. APPLEGATE, Mr. FROST, and Mr. ENGEL.

H.J. Res. 523: Mr. LANTOS, Mr. BLAZ, and Mr. FASCELL.

H.J. Res. 533: Mr. FRENZEL, Mr. MURPHY, Mr. MORRISON of Washington, Mr. GOODLING, Mr. ROBERTS, Mr. SHUSTER, Mr. SKEEN, Mr. ROGERS, Mr. GRANT, Mr. TOWNS, Mr. ROE, Mr. MFUME, Mr. MACHTLEY, Mr. BROWDER, Mr. SLATTERY, Mr. LEVINE of California, Ms. KAPTUR, Mr. HUBBARD, Mr. COOPER, and Mr. GEREN.

H.J. Res. 534: Mr. MINETA, Mr. CRANE, and Mr. WEISS.

H.J. Res. 540: Mr. NATCHER, Mrs. PATTERSON, Mr. RINALDO, Mr. ROSE, Mr. GONZALEZ, Mr. MINETA, and Mr. CHAPMAN.

H.J. Res. 554: Mr. FEIGHAN, Ms. OAKAR, Mr. TRAFICANT, and Mr. HORTON.

H.J. Res. 560: Mr. EMERSON, Mr. HYDE, Mr. ROBINSON, and Mr. SHUMWAY.

H. Con. Res. 216: Mr. GLICKMAN and Mr. LANCASTER.

H. Con. Res. 261: Mr. CLINGER.

H. Con. Res. 265: Mr. FAUNTROY, Mr. MACHTLEY, Mr. BURTON of Indiana, Mr. DORNAN of California, Mrs. BENTLEY, and Mr. JENKINS.

H. Con. Res. 313: Mr. LANCASTER, Mr. NEAL of North Carolina, Mr. MORRISON of Connecticut, Mr. SANGMEISTER, Mr. MRAZEK, Mr. RANGEL, Mr. PALLONE, Mr. HALL of Ohio, Mr. MCNULTY, Mr. INHOFE, Mr. ROBINSON, Mr. KENNEDY, Mr. KOSTMAYER, Mr. GALLEGLY, Mr. COURTER, Mr. BATES, Mrs. KENNELLY, Mr. RAVENEL, Mr. GALLO, Mr. PACKARD, Mr. JONES of Georgia, Mr. JAMES, Mr. MADIGAN, Mr. BRUCE, Mr. ROWLAND of Connecticut, Mr. PEASE, Mr. SCHUETTE, Mr. WEBER, Mr. BILIRAKIS, Mr. BERMAN, Mr. MCMILLEN of Maryland, Ms. ROS-LEHTINEN, Mrs. JOHNSON of Connecticut, Mr. MARTINEZ, Mr. VALENTINE, and Mr. BUSTAMANTE.

H. Con. Res. 314: Mr. ACKERMAN, Mr. BATES, Mr. BONIOR, Mr. BROOMFIELD, Mr. DEFAZIO, Mr. FEIGHAN, Mr. HORTON, Mr. KENNEDY, Mr. MCNULTY, Mr. MACHTLEY, Mr. MRAZEK, Mr. TAUKE, and Mr. RANGEL.

H. Res. 374: Mr. HANSEN.

PETITIONS, ETC.

Under clause 1 of rule XXII,

173. The SPEAKER presented a petition of Michael Baldigo, Santa Rosa, CA, relative to business and economics; which was referred to the Committee on House Administration.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the first calendar quarter 1990:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . .

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
	(Mark one square only)			

IDENTIFICATION NUMBER

Is this an Amendment? ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."

STATEMENT OF VERIFICATION

[Omitted in printing]

Organization or Individual Filing	Employer/Client
Ande M. Abbott, 400 First Street, NW, #814 Washington, DC 20001	International Brotherhood of Boilermakers
Jeffery A. Abrahamson, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company
Allan Robert Adler, 1333 New Hampshire Ave., NW Washington, DC 20036	Cohn & Marks (For:USA Network)
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	American General Investment Corp
Do	Miller Brewing Company
Do	Upjohn Company
James J. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	Albertine Enterprises, Inc (For:American Business Conference)
Do	Albertine Enterprises (For:Castle-Harlan Delaware Management Corp)
Do	Albertine Enterprises (For:Coalition for Assn Postal Policy)
Do	Albertine Enterprises (For:Employers Council for Flexible Compensation)
Do	Albertine Enterprises (For:Fruit of the Loom)
Do	Albertine Enterprises, Inc (For:SMS Corp)
Do	Albertine Enterprises, Inc (For:West Point Pepperell, Inc)
Do	Albertine Enterprises (For:Western Digital Corp)
John M. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	American Business Conference
Do	American Diabetes Assn
Do	Albertine Enterprises, Inc (For:Castle-Harlan Delaware Management Corp)
Do	Albertine Enterprises, Inc (For:Coalition for Assn Postal Policy)
Do	Albertine Enterprises, Inc (For:Employers Council on Flexible Compensation)
Do	Albertine Enterprises, Inc (For:Fruit of the Loom, Inc)
Do	Albertine Enterprises, Inc (For:SMS Corp)
Do	West Point Pepperell, Inc
Do	Albertine Enterprises, Inc (For:Western Digital Corp)
Albertine Enterprises, Inc, 1250 24th Street, NW, #600 Washington, DC 20037	American Business Conference
Do	American Diabetes Assn
Do	Castle-Harlan Delaware Management Corp
Do	Coalition for Assn Postal Policy
Do	Employers Council on Flexible Compensation
Do	Fruit of the Loom, Inc
Do	SMS Corp
Do	West Point Pepperell, Inc
Do	Western Digital Corp
Mary K. Alexander, 1001 Pennsylvania, NW, #1355N Washington, DC 20004	Matsushita Electric Corp of America
Gregory B. Aller, 1319 Wellesley Ave., #205 Los Angeles, CA 90025	
Margaret S. Almond, 1735 Jefferson Davis Highway Arlington, VA 22202	McDonnell Douglas Corp
American Assn of Boomers (AAB), 2621 W. Airport Frwy, #101 Irving, TX 75062	
American Assn of Classified School Employees, 1050 17th Street, #210 Washington, DC 20036	
American Occupational Therapy Assn, Inc, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822	
Americans for Common Cents, 1026 16th Street, NW, #101 Washington, DC 20036	
Laurel W. Ames, P.O. Box 10110 South Lake Tahoe, CA 95731	League to Save Lake Tahoe
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	American Free Trade Assn
Do	Free Angola Information Service
Cynthia C. Anderson, 1020 16th Street, NW Washington, DC 20036-5754	Enron Corp
Fred E. Anderson, 2397 W. 29th Street Loveland, CO 80537	Philip Morris, Inc
J. Mark Anderson, 1701 N. Ft. Myer Dr. Arlington, VA 22209	American Feed Industry Assn
Steven Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	Pearson & Pipkin, Inc (For:Embassy of South Africa)
Anderson Hibey Nauheim & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Oregon Landmark-Three
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Assn of Occupational Health Nurses
Do	Bankruptcy Estate of Wartsila Marine Industries, Inc
Do	Finnish Guarantee Board
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Avatar Utilities, Inc
Christopher Ashe & Associates, 46 Tracy Lyn Road Holliston, MA 01746	
Mary E. Aukofer, 444 N. Capitol Street, #801 Washington, DC 20001	American Maritime Congress
APCO Associates, 1155 21st Street, NW, #1000 Washington, DC 20036	Intermountain Consumer Power Assn
Do	Niedermeyer-Martin Co
Thomas Bailey, 1225 19th Street, NW, #200 Washington, DC 20036	Hart Neil & Weigler (For:Columbia Aluminum)
Do	Hart Neil & Weigler (For:Indiana Ports Commission)
Do	Maritime Fire & Safety Assn
Do	Hart Neil & Weigler (For:Port of Redwood City)
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremens Assn, AFL-CIO
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	Greater Houston Partnership
Do	Texas Chemical Council
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Abbey/Foster
Do	California Independent Casualty Companies Assn
Do	City of Clearwater
Do	Financial Holding Corp
Do	Massachusetts Eye & Ear Infirmary
Do	Tele-Media Corp
Do	United Fidelity Life Insurance
Baker Worthington Crossley Stansberry & Woolf, 1001 Pennsylvania Ave., NW #1201 Washington, DC 20004	Dinamo
Do	DKT Memorial Fund
Do	Occidental Petroleum Corp
Do	Pennzoil Company
Do	Pillsbury Company
Do	Schering-Plough Corp
Do	Southern California Edison Company
Donald Baldwin, 1140 Connecticut Ave., NW, #804 Washington, DC 20036	Security on Campus, Inc
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	CH2M Hill
Do	Oregon Department of Transportation
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)
M. Camille Bares, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp, Inc
David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain And Feed Assn
Kenneth R. Barrett, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)
Ellen Battistelli, 2010 Massachusetts Ave., NW, 5th Floor Washington, DC 20036	Planned Parenthood Federation of America
Bayless & Boland, Inc, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Psychemedics Corp
Do	Southwestern Bell Corp
James P. Bellis, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council
Benito Advertising, Inc, 600 N. Westshore Blvd., #1100 Tampa, FL 33609	Philip Morris, Inc
William M. Bennett, 1420 King Street Alexandria, VA 22314-2715	National Society of Porfessional Engineers
Bergner Boyette & Bockorny, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	Fox Broadcasting Company
Do	National American Wholesale Grocers Assn (NAWGA)
Paul C. Bergson, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	Bergson & Company (For:Halon Research Institute)
Do	Bergson & Company (For:RJR Nabisco)
Do	Smokeless Tobacco Council
Linda K. Berkshire, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities
Max N. Berry, 3213 O St., NW Washington, DC 20007	Florida Department of Citrus
Albert J. Beveridge, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, PC (For:Christie Manson & Woods International, Inc)
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Christie Manson & Woods International, Inc
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources
Leonard Bickwit Jr., 655 15th Street, NW Washington, DC 20005	Miller & Chevalier (For:Northern States Power Company)
Heidi Biggs, 1250 Connecticut Ave, NW, #200 Washington, DC 20036	American Forest Resource Alliance
Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005	Santa Barbara County Air Pollution Control District
Peggy K. Binzel, 810 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Alaska Wetlands Coalition
Do	City of Valdez
Do	Regional Citizens Advisory Committee
David R. Bird, 185 S. State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)
Susan Birmingham, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group
Bishop Cook Purcell & Reynolds, 1400 L Street, NW, #1000 Washington, DC 20005-3502	Barr Laboratories
Do	National Cable Television Assn
Do	Thousand Springs Generating Company

Organization or Individual Filing	Employer/Client
Joseph W. Blackburn, P.O. Box 55727 2222 Arlington Ave., So. Birmingham, AL 35255	Sirote & Permutt (For:Health Care Coalition)
Roy Blake, 900 University Dr. Nacogdoches, TX 75961	Philip Morris Incorporated
Louis Blumberg, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society
Bogle and Gates, One Thomas Circle, NW, #900 Washington, DC 20005	American Dehydrated Onion & Garlic
Bond Donatelli, Inc, 1414 Prince Street, #300 Alexandria, VA 22314	Legal Services Reform Coalition
Do	Long Island Lighting Company
John C. Bottenberg, 702 Jayhawk Tower 700 S.W. Jackson Topeka, KS 66603	Philip Morris, Inc
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Higman Barge Lines, Inc
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	St. Louis Airport Authority
Mary I. Bradshaw, 2000 M Steet, NW, #550 Washington, DC 20036	North American Telecommunications Assn
David L. Brandon, 1129 Twentieth Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn
David C. Brown, 2100 Pennsylvania Ave., NW, #675 Washington, DC 20037	Philadelphia Electric Company
Michael J. Brown, 1026 16th Street, #101 Washington, DC 20036	Klein & Saks (For:Americans for Common Cents)
Clarence J. Brown and Co., Inc, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	Honda North America,Inc
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Association Local Housing Finance Agencies
Do	Related Companies, Inc
Do	USGI, Inc
Jeanne Broyhill, 1776 G Street, NW, 3rd Floor Washington, DC 20006	Federal Home Loan Mortgage Corp
Kenley W. Brunsdale, P.O. Box 510210 215 S. State St., 12th Fl. Salt Lake City, UT 84151	Fabian & Clendenin (For:Nevada Electric Investment Co., Inc)
Barbara L. Bryant, P.O. Box 9997 Washington, DC 20016	American Physical Therapy Assn, Private Practice Section
Thomas J. Bulger, Government Relations, Inc 1620 Eye Street, NW, #300 Washington, DC 20006	County of San Mateo
Burchette & Associates, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Ambase
Do	Carteret Savings and Loan Assn
Do	City of Newark
Do	Colorado-Ute Electric Assn, Inc
Do	Carl J. Maggio
Do	Mutual Benefit Life
Do	New York University
Do	NTEC
Do	Ogden, Utah
Do	Tex-La
Do	United Power
Do	University of Medicine and Dentistry of New Jersey
Do	University of Miami
Tonio Burgos, 210 East 86th Street, #502 New York, NY 10028	New York Puerto Organizing Company of America (For:Telefonica Large Distancia)
Tonio Burgos & Associates, 909 Third Ave., 17th Floor New York, NY 10022	Telefonica Larga Distancia
William J. Burhop, 1101 17th Street, NW Washington, DC 20036	American Airlines, Inc
April L. Burke, 901 31st Street, NW Washington, DC 20007-3838	Association of Independent Research Institutions (AIRI)
Thomas N. Burnham, 4140 Miller Road Ann Arbor, MI 48103	Domino's Pizza International, Inc
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	National Food Processors
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	Scana Corp
Robert L. Byer, 600 Grant Street Pittsburgh, PA 15219	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)
William Byler Associates, Inc, 1155 Conn. Ave., NW, #300 Washington, DC 20036	Ak-Chin Indian Community Council
Do	Havasupai Tribal Council
Do	San Carlos Apache Tribe
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	American Assn of Advertising Agencies
Do	National Auctioneers Assn
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:Hughes Aircraft Company)
Do	Loral Corp
Do	ManTech International Corp
Do	Syracuse University
Dean H. Cannon, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, PC (For:Christie Manson & Woods International, Inc)
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	Madison Group (for: Northern State Power)
Do	Philip Morris, Inc
Capital Marketing Analytics, Inc, 2001 Jeferson Davis Highway, #1012 Arlington, VA 22202	Argo-Tech Corp
Do	Honeywell, Inc
Do	Loral Corp
Do	Rockwell International Corp
Do	Sofec, Inc
Capital Representation Group, Inc, 1127 11th Street, #1003 Sacramento, CA 95814	Philip Morris, Inc
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Massachusetts General Hospital
Caplin & Drysdale, Chtd. One Thomas Circle, NW, #1100 Washington, DC 20005	Foundation Center
Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403	Central Power and Light Company
Linda E. Carlisle, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Institute of International Container Lessors)
Do	Cadwalader Wickersham & Taft (For:Kern River Gas Transmission Company)
Eileen Shannon Carlson, 2000 M St., NW Washington, DC 20036	Graham & James (For:Sierra Pacific Resources)
Gerald P. Carmen, 1667 K St., NW, #777 Washington, DC 20006	Carmen & Muss (For:Birtcher Niguel)
Carmen & Muss, 1901 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Birtcher Niguel
Douglas G. Caroom, 98 San Jacinto Blvd., #1800 Austin, TX 78701-4039	Bickerstaff Heath & Smiley (For:Upton County)
Fred A. Carr, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac
John K. Carson, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	Council on Education Development and Research
Do	National Assn of Crop Insurance Agents
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Bean Dredging Company
Do	Commonwealth of Puerto Rico
Do	JBS & Associates, Inc
Do	K.G. Land New York Corp
Do	Kimberly Quality Care
Do	A.J. Lane and Company, Inc
Do	Oceanit Laboratories, Inc
Andrew F. Caverly, 180 South Clinton Ave. Rochester, NY 14646-0700	Rochester Telephone Corp
Century Public Affairs, 7744 Yeomalt Pt Dr., NE Bainbridge Island, WA 98110	Dallas/Fort Worth Int'l Airport
Do	Intermec Corporation
Do	New United Motor Manufacturing, Inc
Do	Port of Oakland
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Inter-Power of New York, Inc
Nancy Chapman, 1625 K Street, NW, #375 Washington, DC 20006	N. Chapman Associates, Inc (For:Society for Nutrition Education)
Chernikoff & Company, 1826 Jefferson Place, NW, #101 Washington, DC 20036	Art Museum Princeton University
Do	Cleveland Museum of Natural History
Do	Hebrew Union College, Skirball Museum
Do	Illinois State Museum Society
Do	Museum of Natural History University of Kansas
Do	Oakland Museum
Do	Peabody Museum of Salem
Do	Santa Barbara Museum of Art
Do	Shelburn Museum
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn
Clean Sound, 2406 13th Ave., SW Seattle, WA 98134	
Clifford & Warnke, 815 Connecticut Ave., NW Washington, DC 20006	Bank of Credit & Commerce International S.A., et al
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	Consumer Bankers Assn
Sam E. Clonts, 98 San Jacinto Blvd., #1800 Austin, TX 78701-4039	Bickerstaff Heath & Smiley (For:Upton County)
Coalition of Supporters of the Shipping Act, 1800 M Street, NW Washington, DC 20036	
Coffield Ungaretti Harris & Slavin, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Blunt Ellis & Loewi, Inc
Do	Smokeless Tobacco Council, Inc
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	USA Network
Timothy R. Cole, 1925 North Lynn Street, #308 Arlington, VA 22209	Sparkman & Cole, Inc (For:Embry-Riddle)
William T. Coleman Jr., 555 13th Street, NW Washington, DC 20004	O'Melveny & Myers (For:AMAX, Inc)
Do	O'Melveny & Myers (For:Ford Motor Company)
Colex & Associates, P.O. Box 700 Annandale, VA 22203	Homedco
Do	National Assn of TJTC Consultants

Organization or Individual Filing	Employer/Client
Collier Shannon & Scott, 1055 Thomas Jefferson St., NW, #306 Washington, DC 20007	Nutriclean
Committee of Public Fiscal Policy, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	
Daniel J. Conway, 1133 Connecticut Ave., NW, #400 Washington, DC 20036	Chubb Corp
Robert M. Cook, 2910 E. Camelback Road, #150 Phoenix, AZ 85016-4406	
Edmund D. Cooke, 1227 25th Street, NW Washington, DC 20037	Epstein Becker & Green (For:United Funding & Investors)
James M. Copeland, 555 New Jersey Ave, NW, #880 Washington, DC 20001	McAuliffe Kelly Raffaelli & Siemens (For:County of Alameda)
Cotten Day & Selton, 1899 L Street, NW, #1200 Washington, DC 20036	American Samoa Government
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	International Swap Dealers Assn
Roger J. Crain, 3506 Frederick Place Kensington, MD 20895-3405	Customs Science Services, Inc
Dale A. Crane, 7822 Byrds Nest Pass Annadale, VA 22003	National Parks and Conservation Assn
Gail Crane, 2012 Walnut Street Philadelphia, PA 19103	Lukens, Inc
Jacqueline C. Crowder, 17386 Westmoreland Detroit, MI 48219	
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Lehn & Fink Products Group
Philip Cummings, 1455 Pennsylvania Ave., NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:National Assn of Regional Councils)
Cutler & Stanfield, 1850 M Street, NW Washington, DC 20036	Mountains Recreation and Conservation Authority
Do	Potomac Investment Associates
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)
Patricia A. Danila, 1331 Pennsylvania Ave., NW, #1213 Washington, DC 20004	Law Offices of Dennis Dean Kirk
Lizanne H. Davis, 1627 K Street, NW, #500 Washington, DC 20006	FMC Corp
Davis Wright & Tremaine, 1752 N St., NW, #800 Washington, DC 20036	Turner Broadcasting System
Do	Western Pioneer, Inc
Ralph De Gennaro, 218 D Street, SE Washington, DC 20003	Friends of the Earth/Environmental Policy Institute
James D. Deal, 3501 Thurston Ave. Anoka, MN 55303	National AG Underwriters, Inc
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	Coalition Against the Loss Disallowance Rule
Do	National Housing Partnership
Do	J. C. Robinson Seed Co
Robert Neal Denton, 2001 S Street, NW, #301 Washington, DC 20009	Alliance of Nonprofit Mailers
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Ft. Howard Corp
Do	Seton Hall University
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, PC (For:Christie Manson & Woods International, Inc)
Angel Diaz, 510 High Street Delano, CA 93215	Delano High School
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	U.S. Bankruptcy Court, Southern District of New York
James C. Dinegar, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners and Managers Assn International
Gregory Todd Dinger, 3636 16th Street, NW, A-659 Washington, DC 20010	Fun Center
Joseph J. DioGuardi, 50 Baraud Road Scarsdale, NY 10583	Albanian American Civic League
Dixon Arnett Associates, 905 16th Street, NW, #310 Washington, DC 20006	McGehee & Associates (for: Institute for Clinical PET)
Do	Southern California Rapid Transit District (SCRTD)
Thomas B. Dobbins, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute
Dolphin Group, Inc, 1047 Gayley Avenue, 2nd Fl Los Angeles, CA 90024	Philip Morris, Inc
Douglas Domenech, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn
David L. Donovan, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company
Dorsey & Whitney, 1330 Connecticut Avenue, NW, #200 Washington, DC 20036	City of St. Paul
Do	Morgan Stanley, Inc
Do	Regional Transit Board
Dougherty Consulting, P.O. Box 819 Sioux Falls, SD 57101-0819	Philip Morris, Inc
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Agricultural Satellite Corp
Do	Northwest Airlines, Inc
Do	Stelco, Inc (For: Stelco Fastener & Forging Company)
Do	Washington Area Bankers Assn
Alvin Drischler, 3420 Reedy Drive Annandale, VA 22003	Leucadia National Corp
Mitch Dubensky, 1250 Connecticut Ave., NW, #210 Washington, DC 20036	National Forest Products Assn
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Aetna Life and Casualty
Do	Consolidated Rail Corp
Kevin Dufficy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	General Atomics
Heidi M. Ebel, 3400 Centre Square West Philadelphia, PA 19102	Dechert Price & Rhoads (For:Oxford Foundation)
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan D.C., Inc
Kevin James Echols, 1200 Tyler House North Capitol St., NW Apt. #317 Washington, DC 20001	American Determination for Peace Co.
Roy L. Eiguren, 350 North 9th Street, #400 Boise, ID 83702	Lindsay Hart Neil & Weigler (For:Soap & Detergent Assn)
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Mip Instadsetzungstriebe Gmbh
Billy Lee Evans, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	B.L. Evans & Associates, Inc (For:Fleishman-Hillard, Inc (for: CAWG))
Evans Group, Ltd, 1010 Wisconsin Ave., #810 Washington, DC 20007	Federal Republic of Nigeria
Do	Republic of China
Farmers Legal Action Group, Inc, 1301 Minnesota Bldg., 46 E. 4th Street St. Paul, MN 55101	
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Las Vegas Valley Water District
Kevin J. Fay, 2011 Eye Street, NW, #500 Washington, DC 20006	Huizenga Fay and Associates (For:Alliance for Responsible CFC Policy)
Melody H. G. Fennel, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Klukwan, Inc
Do	Northern Air Cargo
Stephen Finley, 12606 SE 30th, #3 Bellevue, WA 98005	Emerald Seafoods
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Company
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Ferrellgas
Do	Members Only
Florida Business Associates, 1146 19th St., NW, #400 Washington, DC 20036-3703	HNSX Supercomputers, Inc
Cathleen A. Fogel, 408 C Street, NE Washington, DC 20002	Sierra Club
Thomas Forster, 110 Maryland Ave., NE, #108 Washington, DC 20002	Organic Farmers Assn's Council
Bruce Foster, 2100 Pennsylvania Ave, NW, #675 Washington, DC 20037	New England Electric System
Fouch-Roseboro & Associates, 433 North Camden Drive, 6th Floor Beverly Hills, CA 90210	Republic of Haiti
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Delaware Container Corporation
R. Mark Fowler, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International
Barbara Fox, P.O.Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp
Fox Weinberg & Bennett, 750 17th Street NW, #1100 Washington, DC 20006	American Society of Clinical Oncology
Do	Fisons Corp
Leslie C. Francis, 1000 Potomac St., NW, #401 Washington, DC 20007	FMR Group (For:Hazel Farms Bakeries, Inc)
Anthony M. Franco, Inc, 400 Renaissance Center, #600 Detroit, MI 48243	Philip Morris, U.S.A.
Pat Franklin, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group
Marc Freedman, 729 15th Street, NW Washington, DC 20005	Associated Builders and Contractors, Inc
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Philip Morris, U.S.A.
Charles H. Fritts, P.O. Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp
Kristen Funk, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security and Medicare
FMR Group, Inc, 1000 Potomac Street, NW, #401 Washington, DC 20007	Hazelwood Farms Bakeries, Inc
Laura Sue Gaines, 3256 Jones Court Washington, DC 20007	International Barrier Corp (IBC)
Gardner Carton & Douglas, 1001 Pennsylvania Ave, NW, #750-N Washington, DC 20004	Front Royal Group, Inc
Patrick J. Garver, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)
Garvey Schubert & Barer, 1000 Potomac St., NW Washington, DC 20007	Philip Morris, Inc
Louis C. Gasper, 6253 Park Road McLean, VA 22101	York Associates, Inc
W. Mark Gavre, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)
Nancy E. Gendron, 6607 East Wakefield Drive, C-1 Alexandria, VA 22307	Humane Society of the United States
William A. Geoghegan, 1200 18th Street, NW Washington, DC 20036	Securities Industry Assn
Forrest Gerard & Associates, 1155 Conn., Ave., NW, #400 Washington, DC 20036	Commissioned Officers Assn of the U.S.P.H.S. Inc
Do	Leech Lake Reservation Business Committee
Do	Santa Clara Indian Pueblo
Do	Siletz Tribal Council
Do	Tulalip Tribes
Do	White Earth Tribal Council
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Volvo North America Corp
Brad Gilman, 1050 Thomas Jefferson Street, NW, 6th Fl Washington, DC 20007	Robertson Monagle & Eastaugh (For:City of Kodiak)
Do	Robertson Monagle & Eastaugh (For:Cook Inlet Aquaculture Assn)
Tod I. Gimbel, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company

Organization or Individual Filing	Employer/Client
Ginn Edington Moore & Wade, 803 Prince Street Alexandria, VA 22314	Gilman Paper Company
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Equicor, Inc
Do	Fox Broadcasting Company
Peter Gossens, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics
Government Affairs-Maryland, 220 Prince George Street Annapolis, MD 21401	Philip Morris, USA
Governmental Affairs, Inc, 100 West 5th, #911 Tulsa, OK 74103	Philip Morris, Inc
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Citibank
Do	Investors in Industry
Lawrence A. Gray, 1401 F Street, NE Washington, DC 20002	National Family Farm Coalition
Peter Gray, 1275 Pennsylvania Ave., NW Washington, DC 20004	Citicorp Washington, Inc
James E. Green, 1100 Connecticut Ave., NW #620 Washington, DC 20036	Mobil Corporation
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	American Coal Ash Assn
Do	American Nuclear Energy Council
Do	Edison Electric Institute
Do	Martin-Marietta
Do	Nus Corp
Do	United Illuminating
Gary W. Griffith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Sunflower Electric Power Corp
Steven A. Grossman, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Serono, Inc)
Do	Hill & Knowlton, Inc (For:Shaklee Corp)
Tom Hagedorn Associates, 1704 23rd St., So. Arlington, VA 22202	Mirrlees Blackstone (USA), Inc
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Genetics Institute
Do	National Corporation for Housing Partnerships
Do	Pine Street Inn
Do	USS Constitution Museum
Steve Halsey, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly Raffaelli & Siemens (For:D/FW Railtran System)
Do	McAuliffe Kelly Raffaelli & Siemens (For:National Telephone Services)
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Mobile, AL 36601	DAF
Do	Ingalls Shipbuilding
Do	Lockheed Corp
Do	Northrop Corp
Do	Panavia
Do	Trump Companies, Inc
Do	Veda, Inc
Do	Waste Management, Inc
Charles A. Harkey, 1101 14th Street, NW, #400 Washington, DC 20005	American Financial Services Assn
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp
Fred Hatfield, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly Raffaelli & Siemens (For:American Capital & Research Corp)
Do	McAuliffe Kelly Raffaelli & Siemens (For:County of Merced)
Pamela Haughton-Denniston, 100 Maryland Ave., NE Washington, DC 20002	Religious Coalition for Abortion Rights
Lynn A. Hayes, 1301 Minnesota Bldg., 46 E. 4th Street St. Paul, MN 55101	Farmers Legal Action Group, Inc
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	Estate of Edwin A. Gallun
Charlotte W. Herbert, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc
Julian B. Heron, 1025 Thomas Jefferson Street, NW, #700 Washington, DC 20007	California Almond Growers Exchange
Do	Carl J. Maggio
Do	Sunkist Growers, Inc
William S. Hettinger, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp
Sydney Tally Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc
Arthur William Hillman, 3709 Colonial Ave. Alexandria, VA 22309	Humane Society of the United States
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Evergreen Legal Services
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Crysen Corp
Do	Interstate Natural Gas Assn of America
Do	National Education Assn
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Cryo-Chem International, Inc
Do	Fox Broadcasting Company
Do	Government of the Commonwealth of the Bahamas
Do	Tektronix, Inc
Kathryn Hohmann, 408 C Street, NE Washington, DC 20002	Sierra Club
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Precious Metals Producers Group
Do	Scott's Liquid Gold
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Joseph E. Seagram & Sons, Inc
Patricia L. Hollis, 1300 L Street, NW, #950 Washington, DC 20005	American Soybean Assn
William Holmberg, 499 S. Capitol Street, SW, #406 Washington, DC 20003	
Holt Miller & Associates, 2111 Wilson Blvd., #531 Arlington, VA 22201-3008	Home Insurance Company
Do	McDonald's Corp
Do	Natural Gas Vehicle Coalition
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc
Virginia E. Hopkins, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (for:Star Banc Corporation)
Hopkins Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Canadian National Railway Corp
Do	Sandoz Corp
Gary N. Horlick, 555 13th Street, NW Washington, DC 20004	O'Melveny & Myers (For:Amax, Inc)
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Camp Barsh Bates & Tate
Do	Philip Morris, U.S.A.
F. Michael Hugo, 3414 N. Emerson Street Arlington, VA 22207	Warner-Lambert Company
Daniel J. Hunter, 1110 Vermont Ave., NW, #430 Washington, DC 20005	National Cotton Council of America
Mark Hurwitz, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners and Managers Assn International
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006	Hawaiian Sugar Planters Assn
Institute for Responsible Housing Preservation, 2300 M Street, NW, #400 Washington, DC 20037	
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW 12th Floor Washington, DC 20006	Aqualon Company
Do	Ethyl Corp
Do	Xerox Corp
Richard Munroe Irby III, 1222 Warrington Place Alexandria, VA 22307	American Gas Assn
III Dimension of Indiana, Inc, 730 Century Bldg. 36 S. Pennsylvania St. Indianapolis, IN 46204	Philip Morris, Inc
Robert A. Jablon, 1350 New York Ave., NW Washington, DC 20005-4798	Michigan Municipal/Cooperative Group, et al
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn
Lynnette Jacquez, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly Raffailli & Siemens (For:National Assn of Jai Lai Frontons)
Do	McAuliffe Kelly Raffailli & Siemens (For:White Mountain Apache Tribe)
Michael A. Jawer, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners and Managers Assn International
Michael S. Johnson, 555 13th Street, NW, #300 East Washington, DC 20004	McCamish Martin Brown & Loeffler (For:Citicorp)
Johnson & Gibbs, P.C., 1001 Pennsylvania Ave., NW #745 Washington, DC 20004	Philip Morris, Inc
David A. Johnston, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects
Earl Jones Jr., 401 West 18th Street Little Rock, AR 72206	Phillip Morris, Inc
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Citadel Holding Corp
Do	Ethyl Corporation
Do	Lubrizol Corp
Do	Telecommunications, Inc
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	Utah State University
James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006	United States Global Strategy Council
JAR-MON Consultants, 214 Massachusetts Ave., NE #300 Washington, DC 20002	American Business Council, Inc
Do	American Freedom Coalition
Do	Christian Voice, Inc
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance
S. Steven Karalekas, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:American Retirees Assn)
David A. Karcher, 3702 Pender Drive, #250 Fairfax, VA 22030	American Society of Cataract & Refractive Surgery
Thomas O. Kay, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Kay Associates
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	Arkla Exploration Company
Do	General Motors Corp
Carol A. Kelly, 1615 L Street, NW, #1210 Washington, DC 20036	Meropolitan Life Insurance Companies
Cynthia K. Kelly, 1117 North 19th Street, #600 Arlington, VA 22209	American Assn of Blood Banks
Harold V. Kelly, 1025 Thomas Jefferson St., NW, #511 W. Washington, DC 20007	Republic Engineered Steels, Inc

Organization or Individual Filing	Employer/Client
Judith Kennedy, P.O. Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp
Edward B. Kenney & Associates, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Hughes Aircraft Company
J. H. Kent, 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For:Vista Chemical Company)
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute
Richard S. Kessler, Kessler & Associates 126 Kentucky Avenue, SE Washington, DC 20003	Sandoz Corp
Kevin S. King, 3100 Breckinridge Boulevard Building 1200 Duluth, GA 30136	A.L. Williams Corp
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	General Motors Corp
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	Ferroalloy Assn
Jan Kinney, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund
Dennis Dean Kirk, 1331 Pennsylvania Ave., NW, #1213 Washington, DC 20004	Law Offices of Dennis Dean Kirk
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Klukwan, Inc)
Do	Kito, Inc (For:Southeast Alaska Landless Native Coalition)
Bruce Knight, 415 Second Street, NE, #300 Washington, DC 20002	National Assn of Wheat Growers
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club
Karen K. Kohl, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024	Concerned Women for America Legislative Action Committee
Jeffrey Koopersmith, One D Street, SE Washington, DC 20003	RIPAC, Inc
Peter Kyros, 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Kyros Associates (For:American Society for Cell Biology, et al)
Marc E. Lackritz, 1850 M Street, NW, #550 Washington, DC 20036	Securities Industry Assn
Richard L. Ladd, 2300 N Street, NW, #600 Washington, DC 20037	Allied-Signal Aerospace, Inc
Do	Robison International, Inc (For:FMC Corp)
Do	Robison International, Inc (For:General Atomics Technologies)
Do	Robison International, Inc (For:McDonnell Douglas Corp)
Do	Robison International, Inc (For:Royal Ordnance, Inc/British Aerospace, Inc)
Robin W. Lanier, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	International Mass Retail Assn
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Boren Clay Products (dba Boren Brick)
Do	MidAm, Inc
Paul Laxalt Group, 1455 Pennsylvania Ave, NW, #975 Washington, DC 20004	Coalition for Affordable Housing
Do	Opture
Do	Standard Federal Savings Bank
Laxalt Washington Perito & Dubuc, 1120 Connecticut Ave., NW Washington, DC 20036	District of Columbia Armory Board
Do	Novo-Nordisk Pharmaceutical, Inc
Cynthia C. Lebow, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Gibson Dunn & Crutcher (For:Volvo North America Corp)
James B. Lee, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)
Jane Leeson, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society
Daniel Lesmez, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn
LeBoeuf Lamb Leiby & MacRae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	Golden Nugget Corp
Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance
Pamela Lichtman, 1400 Sixteenth Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc
David W. Liddle, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp
Lillick & Charles, 1220 19th Street, NW, #700 Washington, DC 20036	International Group of P&I Clubs
Lindsay Hart Neil & Weigler, 1225 19th Street, NW, #200 Washington, DC 20036	Columbia Aluminum
Do	Indiana Ports Commission
Do	Maritime Fire and Safety Assn
Do	Port of Redwood City
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Colorado School of Mines Foundation
Gregory Owen Lipscomb, P.O. Box 18958 Washington, DC 20036	OPT in America
Lipsen Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	Amarillo Pantex Expansion
Do	ANR Pipeline Company
Do	John Gray Institute
Do	Health Trust, Inc
Do	OMI Corp
Do	Philadelphia Armenian Committee
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Texas Clinical Laboratories, Inc)
Thomas G. Loeffler, 1200 Republic of Texas Plaza 175 E. Houston Street San Antonio, TX 78205	McCamish Martin Brown & Loeffler (For:Coastal Corporation)
William E. Loftus, 2000 Massachusetts Ave., NW Washington, DC 20036	American Short Line Railroad Assn
Harper Long, Fort Lauderdale Executive Airport Building 4 5400 NW, 21st Terrace Fort Lauderdale, FL 33309	American Flyer
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Montgonery McCracken Walker & Rhoads (For:Association of Schools and Agencies for the Handicapped)
Do	Montgomery McCracken Walker & Rhoads (For:Carpenter Medical Labortory Services, Inc)
Do	Montgomery McCracken Walker & Rhoads (For:Coalition for Affordable Home Financing)
Do	National Assn of Private Schools for Exceptional Children
Do	Montgomery McCracken Walker & Rhoads (For:National Republican Institute for International Affairs)
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers
Sherlyn E. Long, Fort Lauderdale Executive Airport Building 4 5400 NW, 21st Terrace Ft. Lauderdale, FL 33309	American Flyers
Henry J. Loos, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)
Do	Bannerman & Associates, Inc (For:Beirut University College)
Do	Bannerman & Associates, Inc (For:Government of Banglacesh)
Do	Bannerman & Associates, Inc (For:Government of Tunisia)
Do	Bannerman & Associates, Inc (For:Sawyer/Miller Group (for: Government of Philippines))
Kathy K. Luhn, 1200 Crystal Drive, #814 Arlington, VA 22202	American Assn of Fastener Importers
Do	House of Seagram
Do	Imperial War Museum
Do	Sandoz Corp
Do	Upjohn Company
Do	Visa
Carla J. Lunetta, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn
Beth Lyle-Durham, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security and Medicare
Barry W. Lynn, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberites Union
Robert A. Macari, 3500 Three First National Plaza Chicago, IL 60602	Coffield Ungaretti Harris & Slavin (For:Massachusetts Mutual Life Insurance Company)
Do	Cliffield Ungaretti Harris & Slavin (For:Metropolitan Mutual Life Insurance Co)
Julie Maccabee, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company
Mackin Sorensen Peizer Richards & Edwards, PS, 2201 Sixth Avenue, #1301 Seattle, WA 98121	Western Pioneer, Inc
Anthony B. MacDonald, 1350 New york Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:Alliance of Reponsible Electric Systems for Energy Access)
Do	Spiegel & McDiarmid (For:Connecticut Municipal Electric Energy Cooperative)
Do	Spiegel & McDiarmid (For:Government Refuse Collection and Disposal Assn, Inc (GRCDA))
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28403	Sarasota-Bradenton Airport
Shayne M. Madsen, 3050 Broadway, #202 Boulder, CO 80304	Philip Morris, Inc
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc (For:Northern Arizona University Foundation)
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Northern Arizona University Foundation
Joel C. Mandelman, 1227 25th Street, NW Washington, DC 20037	Epstein Becker & Green (For:American Health Care Assn)
Marc, Inc, 1010 North Glebe Road, #810 Arlington, VA 22201	Gilbert Chagoury
Do	Forbes Forbes & Teamor
Edward Marks, 729 15th Street, NW Washington, DC 20005	Associated Builders and Contractors, Inc
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill and Knowlton (For:Johnson Controls, Inc)
James T. Massey, 1301 Minnesota Building, 46 E. 4th St. St. Paul, MN 55101	Farmers Legal Action Group, Inc
James D. Massie, 1317 F Street, NW, #400 Washington, DC 20004	BHP Holdings (USA), Inc
Scott M. Matheson, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)
Margaret Mathna, 2126 Connecticut Ave., NW, #59 Washington, DC 20008	Marc., Inc (For:Gilbert Chagoury)
Do	Marc., Inc (For:Forbes Forbes & Teamor)
Nelson Maurice, 3501 Thurston Ave. Anoka, MN 55303	National AG Underwriters, Inc
John S. Maxson, 1722 Eye Street, NW, 6th Floor Washington, DC 20006	Commonwealth Edison
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW Washington, DC 20006	City Colleges of Chicago
Do	Honeywell, Inc
Do	Lawyers Committee for Human Rights
James J. McAlpin, 1899 L Street, NW, #500 Washington, DC 20036	Commission of Accredited Truck Driving Schools
Timothy McAnarney, 312 South 4th Street, #3 Springfield, IL 62701	Philip Morris, Inc
Charlie McBride Associates, Inc, 1101 Connecticut Ave., NW, #906 Washington, DC 20036	FBA, Inc (For:University of Alaska-Fairbanks)
Do	FBA, Inc (For:University of Nevada, Las Vegas)
Do	Yukon Pacific Corp
McCamish Martin Brown & Loeffler, P.C., 1200 First Republic Bank Tower 175 East Houston San Antonio, TX 78205	Coastal Corp

Organization or Individual Filing	Employer/Client
McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Metfuel, Inc
Robert A. McConnell, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Gibson Dunn & Crutcher (For:Volvo North America Corp)
Stephen McConnell, 1334 G Street, NW Fifth Floor Washington, DC 20005	Alzheimer's Assn
Dennis C. McCoy, 220 Prince George Street Annapolis, MD 21401-1991	Government Affairs-Maryland
Kimberly A. McCoy, 220 Prince George Street Annapolis, MD 21401-1991	Government Affairs-Maryland
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc
Frank X. McDermott, Apruzzese McDermott Mastro & Murphy 500 Morris Ave. P.O. Box 329 Springfield, NJ 07081	Philip Morris, Inc
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006	Alaska Seafoood Marketing Institute
Do	American Meat Institute
Do	California Canning Peach Assn
Do	California Energy Commission
Do	California Kiwi Fruit Commission
Do	Concord Grape Assn
Do	Good Sam Club
Do	National Grocers Assn
Do	National Potato Council
Do	U.S. Mink Export Development Council
Do	Welch Foods, Inc
Robert J. McFarlin Jr., 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute
Bertra B. McGann, One Elmcroft Road Stamford, CT 06926-0700	Pitney Bowes, Inc
Patricia McGill, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses Assn
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Sod Producers Assn
Do	Association of Human Resource Consultants
Do	Farm Labor Alliance
Jean McGuire, 2033 M Street, NW, #800 Washington, DC 20036	Aids Action Council
J. J. McHugh, Ltd., 531 Kenilworth Ave. Kenilworth, IL 60043	Estate of Edwin A. Gallun
McKenna Conner & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Fertilizer Institute
Robert A. McKnight, 25 Monument Circle Indianapolis, IN 46206-1595	Indianapolis Power & Light Company
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc. (For:Upjohn Company)
McNair Group, Inc, 1155 15th St., NW, #400 Washington, DC 20005	McNair Law Firm, P.A. (for: Environment America)
Do	McNair Law Firm, P.A. (for: Japan Airlines)
Do	McNair Law Firm, P.A. (for: Oakleaf Development Corp)
Do	McNair Law Firm, P.A. (for: Sabena Belgian World Airlines)
Do	McNair Law Firm, P.A. (for: San Juan Ports Authority)
Ray McNally & Associates, Inc, 1817 Capitol Ave., #A Sacramento, CA 95814	Philip Morris, Inc
Molly McNulty, 122 C Street, NW, #400 Washington, DC 20001	Children's Defense Fund
James Meadows, 600 Congress Ave., #1250 Austin, TX 78701	Capital Network System, Inc
Ira Mehlman, 4201 Massachusetts Ave., NW, #3073 Washington, DC 20016	Federation for American Immigration Reform
Marilyn F. Meigs, 555 13th Street, NW, #410W Washington, DC 20004	Morrison Knudsen Corp
John Melcher, 230 Maryland Ave., NE Washington, DC 20002	Nectar Projects, Inc
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Institute of International Container Lessors)
Do	Cadwalader Wickersham & Taft (For:Kern River Gas Transmission Company)
Gordon Merritt, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	Chicago Board Options Exchange
Do	Corn Coalition
Do	Harza Engineering Company
Alan E. Middleton, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Lead Industries Association, Inc
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Laredo
Do	City of St. Louis, MO
Do	Kenton-Boone Cable Television Board
Miller Hamilton Snider & Odom, 1747 Pennsylvania Ave, NW, #1150 Washington, DC 20006	American Brush Manufacruters Assn
Do	Federation for American Immigration Reform
Timothy H. Minor, Salem Lake Drive Long Grove, IL 60047	CF Industries, Inc
Robert E. Moffit, 660 Creek Rd Severna Park, MD 21146	National Alliance of Physicians and Surgeons
Montana Market Development Co. 305 West Mercury St., #307 Butte, MT 59701	Philip Morris, Inc
Eugene Moos, 1000 16th Street, NW, #702 Washington, DC 20036	Gene Moos & Associates
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Coalition of Supporters of the Shipping Act
Do	Committee on Public Fiscal Policy
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	Micron Technology, Inc
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Sawyer/Miller Group (for Philippine Sugar Regulatory Admin)
Paul W. Mousseau Jr., 3000 K Street, NW Penthouse 3-A Washington, DC 20007	Wealth Management Corp (For:Finryan International, Ltd)
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Coalition for Affordable Home Financing
Murray & Scheer, 2715 M Street, NW, #300 Washington, DC 20007	Benton Mortgage Company
MMB Associates, Inc, 122 C Street, NW, #240 Washington, DC 20001	Indian Hills Community College
Do	Mesa Corp
Do	Pacifica Services, Inc
National Academies of Practice, 1023 15th Street, NW, #300 Washington, DC 20005	
National Ag Underwriters, Inc, 3501 Thurston Ave. Anoka, MN 55303	
National Assn of Casualty & Surety Agents, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	
National Assn of Crop Insurance Agents, 3501 Thurston Ave. Anoka, MN 55303	
National Hydropower Assn, 555 13th Street, NW, #900-E Washington, DC 20004	
National Licensed Beverage Assn, 4214 King Street, West Alexandria, VA 22302	
Irene Natividad, 400 S. Kensington Street Arlington, VA 22204	
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Puerto Rico Economic Development Administration
Joshua E. Neiman, 1016 16th Street, NW Washington, DC 20036	National Federation of Federal Employees
Eric G. Nelson, 2000 M Street, NW, #550 Washington, DC 20036	North American Telecommunications Assn
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	Sematech
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	Exell Container, L.P.
Do	Ogden Martin Systems
Do	Tetrapak, Inc
Alan J. Nolan, 1277 Kilbee Trail Orlando, FL 32825	International Ferret Assn
Susan M. Noon, 1255 23rd Street, NW, #500 Washington, DC 20037	Dow Lohnes & Albertson (For:Profit Sharing Council of America)
James A. Noone, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:American Retirees Assn)
David F. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Association of Schools and Agencies for the Handicapped)
Do	Montgomery McCracken Walker & Rhoads (For:Carpenter Medical Laboratory Services, Inc)
Do	Montgomery McCracken Walker & Rhoads (For:Coalition for Affordable Home Financing)
Do	Montgomery McCracken Walker & Rhoads (For:National Assn of Private Schools for Exceptional Children)
Do	Montgomery McCracken Walker & Rhoads (For:National Republican Institute for International Affairs)
Myron H. Nordquist, 1776 K Street, NW, #210 Washington, DC 20006	
J. Hallock Northcott, 1001 Pennsylvania Ave., NW, #1355-North Washington, DC 20004	Matsushita Electric Corp of America
Julie Noufer, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council
Mary Ann Novak, 555 12th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinkerhoff, Inc
O'Bannon & Gibbons, 2550 M Street, NW, #250 Washington, DC 20037	Mutual Life Insurance Company of New York
Do	Underwriters at Lloyd's London
Kelley E. O'Connor, 216 7th Street, SE Washington, DC 20003	Florists' Transworld Delivery Association
Patrick C. O'Connor, 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For:American College of Occupational Medicine)
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Government of Israel Supply Mission
Do	Mullendore & Tawney
Do	US Wild Horse & Burro Foundation
Do	Wards Cove Packing Company
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Ford Motor Company
Daniel J. O'Neal III, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses Assn
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Brandeis University
Kathleen F. O'Reilly, 510 E Street, SE Washington, DC 20003	National Insurance Consumer Organization
Do	Wisconsin Citizens Utility Board
Nancy L. Oliver, 470 L'Enfant Plaza, SW East Building, #7112 Washington, DC 20024	Citizens for a Sound Economy
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Beef Products, Inc

Organization or Individual Filing	Employer/Client
Do	Cambridge Products, Ltd
Do	National American Wholesale Grocers Assn
Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22034	Mar Inc
Organic Farmers Assn's Council, 110 Maryland Ave., NE, #108 Washington, DC 20002	
Alan R. Ott, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn
Kathleen Galiher Ott, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc
R. Ray Paabo, P.O. Box 25019 Washington, DC 20007	Santa Fe Pacific Pipelines, Inc
Do	Sierra Pacific Industries, Inc
Eileen E. Padberg, 2081 Business Center Drive, #205 Irvine, CA 92715	Philip Morris, Inc
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union
Pagonis & Donnelly Group, Inc, 1620 I Street, NW, #202 Washington, DC 20006	United States Flag Foundation Advisory Board
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	Brown & Root U.S.A., Inc
Do	Miles Group
Do	New Mexico State University
Do	Systech Environmental Corp
Do	TCOM, L.P.
Do	Upjohn Company
Do	World Chiropractic Alliance
Parsons Behle & Latimer, 185 South State Street, #700 Salt Lake City, UT 84147-0898	Energy Fuels
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Business and Institutional Furniture Manufacturers Assn
Do	Halogenated Solvents Industry Alliance
Do	Nutri/Systems, Inc
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	American Trucking Assn
Do	Government Affairs Policy Council of Reg Bell Operating Co's
Do	Norfolk Southern Corp
Do	Union Pacific Corp
Roxanne Perugino, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)
Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Southwestern Bell Corp-Washington, Inc
Donald S. Picard, 1331 Pennsylvania Ave., NW, #1300-N Washington, DC 20004	Electronic Data Systems Corp
Lillian M.S. Pitcaithly, 1250 24th Street, NW, #1000 Washington, DC 20037	Albertine Enterprises (For:American Diabetes Assn)
Do	Albertine Enterprises (For:Castle-Harlan Delaware Management Corp)
Do	Albertine Enterprises (For:Coalition for Assn Postal Policy)
Do	Albertine Enterprises (For:Employers Council On Flexible Compensation)
Do	Albertine Enterprises (For:Fruit of the Loom, Inc)
Do	Albertine Enterprises, Inc (For:SMS Corporation)
Do	Albertine Enterprises (For:West Point Pepperell, Inc)
Do	Western Digital Corp
Poffenberger Associates, 43 The Green Dover, DE 19901	Philip Morris, Inc
James J. Popham, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc
John C. Pouland, 5757 Martel, B-9 Dallas, TX 75206	Philip Morris, USA
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Krupp Financial Group
Julie F. Pulliam, 803 Prince Street Alexandria, VA 22314	Equifax, Inc
Robert N. Pyle & Associates, P.O.Box 3731 Washington, DC 20007	AMP Ohio
Patricia A. Quealy, 1818 N Street, NW, #700 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)
Do	Continental Medical Systems, Inc
Ragan & Mason, 1156 15th Street, NW, #800 Washington, DC 20005	Klukwan
Do	Transprotation Institute
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:Contact Lens Manufacturers Assn)
Do	Graham & James (For:Sierra Pacific Resources)
Elizabeth Ransom, 888 16th Street, Nw Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)
Do	Bannerman & Associates, Inc (For:Beirut University College)
Do	Bannerman & Associates, Inc (For:Government of Bangladesh)
Do	Bannerman & Associates, Inc (For:Government of Tunisia)
Do	Bannerman & Associates, Inc (For:Sawyer-Miller Group (for: Government of the Philippines))
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers and Allied Craftsmen
R. Edwin Redfern, Redfern Resources 1601 18th Street, NW, #406 Washington, DC 20009	Lennox International, Inc
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	American Academy of Pediatrics
Do	American College of Osteopathic Surgeons
Do	Amgen
Do	Damon Corp
Do	Genentech
Do	Infectious Diseases Society of America
Do	Society of Critical Care Medicine
Joseph M. Rees, 1000 Potomac Street, NW, #401 Washington, DC 20007	FMR Group (For:Hazelwood Farms Bakeries, Inc)
Stanley Lewis Reid, 1776 I Street, NW, #750 Washington, DC 20006	British Nuclear Fuels, Inc
Mark Joesph Riedy Esq, 1775 Pennsylvania Ave., NW, 7th Floor Washington, DC 20006	Ripac, Inc
Michael R. Riksen, 2706 Davis Ave. Alexandria, VA 22302	Harris Corporation
William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security and Medicare
Rivers Trainor Doyle & Leicht, Inc, One Catamore Blvd East Providence, RI 02914	Philip Morris, Inc
Bill Roberts, P.O. Box 20406 Broomington, MN 55420	National Computer Systems, Inc
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	Illinois Power
Do	Parxons Brinckerhoff Quade & Douglas
Robison International, Inc, 2300 N St., NW, #600 Washington, DC 20037	General Atomics Technologies
Fernando D. Rojas, 7300 NW 35th Terrace, #105 Miami, FL 33122	Cuban American Foundation, Inc
John C. Roney, 1511 K Street, NW, #723 Washington, DC 20005	Hawaiian Sugar Planters' Assn
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Industrial Development Authority of Ireland
Martin Rose, 1747 Pennsylvania Ave., NW, #1223 Washington, DC 20006	Genetech, Inc
Ernest S. Rosenberg, 1747 Pennsylvania Ave., NW #300 Washington, DC 20006	Occidental Petroleum Corp
Larry M. Rosenstein, 1130 17th Street, NW, #314 Washington, DC 20036	Levin Rosenstein & Kudon (For:National Assn of Crop Insurance Agents)
Randi I. Roth, 1301 Minnesota Bldg., 46 E. 4th Street St. Paul, MN 55101	Farmers Legal Action Group, Inc
Louis C. Rotundo, 4948 Courtland Loop Winter Springs, FL 32708	Central Florida Commuter Rail Authority
Do	Florida Institute of Technology
James S. Rubin, 747 Third Ave., 14th floor New York, NY 10017	Bass & Ullman (For:National Assn of Pharmaceutical Manufacturers)
RCF Group, 1200 19th Street, NW, #606 Washington, DC 20036	Mapco, Inc
Do	Teleserv Corporation International
Brian Sanderoff, 7500 Jefferson St., NE #250 Albuquerque, NM 87109	Philip Morris, Inc
Eric Sapirstein, 1333 H St., NW, #400 Washington, DC 20005	ENS Resources, Inc (For:East Bay Mud)
Ronald A. Sarasin, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn, Inc
Sartain Law Offices, 219 Boulevard, NE Gainesville, GA 30501	Philip Morris, Inc
John E. Schmick, 1700 N.Moore Street, 20th Floor Arlington, VA 22209	Boeing Company
Schnader Harrison Segal & Lewis, 1111 19th Street, NW, #1000 Washington, DC 20036	Mack Trucks, Inc
Benjamin R. Schuster, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Arco Chemical Company
Schwabe Williamson & Wyatt, 2000 Pennsylvania Ave., NW, #8335 Washington, DC 20006	Nichols Institute
Aaron R. Schwartz, 10 South Shore Drive Galveston, TX 77551	Houston Lighting & Power Company
Do	National Assn of Theatre Owners
Do	Vulcan Materials Company
Michael Schwartz, P.O.Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp
Susan J. Scott, 1383 Piccard Drive P.O.Box 1725 Rockville, MD 20850	American Occupational Therapy Assn, Inc
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. Du Pont de Nemours & Co., Inc
Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee
Robert A. Seraphin, 2001 Jefferson Davis Highway, #1012 Arlington, VA 22202	Aerojet General Corp
Do	McDonnell Douglas Corp
Stephen Shaffer, 818 Connecticut Ave., NW, #200 Washington, DC 20006	U.S. English Foundation, Inc
Mark J. Sharp, 1001 Pennsylvania Ave., NW, #1355N Washington, DC 20004	Matsushita Electric Corp of America
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	American Coke and Chemicals Institute
Do	American Council on Education
Do	City of Houston
Do	General Electric Corp
Do	Gerard Daniel & Company, Inc
Do	InterGate Company, Inc
Do	Kangol Headwear, Inc
Do	Mortgage Insurance Companies of America
Dennis W. Shedd, 914 Richland Street, #C-100 Columbia, SC 29201	American Chiropractic Assn

Organization or Individual Filing	Employer/Client
Thomas Sheridan, 2033 M Street,NW, #802 Washington, DC 20036	Aids Action Council
Ellen Shillinglaw, 750 17th Street, NW, #1100 Washington, DC 20006	American Society of Clinical Oncology
T. V. Shockley III, 2121 San Jacinto Street, #2500 P.O. Box 660164 Dallas, TX 75266-0164	Central and South West Corp
Jill Showell, 1776 G Street, NW, 3rd Floor Washington, DC 20006	Federal Home Loan Mortgage Corp
Jane E. Sidebottom, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council
Jill Lea Sigal, 2000 Pennsylvania Ave., NW, #7400 Washington, DC 20006	Webster & Sheffield (For:ASARCO Corp)
Steve Silver, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Robertson Monagle & Eastaugh (For:Cook Inlet Aquaculture Assn)
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	American Newspaper Publishers Assn
Do	Goodwill Industries
Do	Walter Harris, et al
Do	Kelso & Company
Do	Majestic Realty Co
Do	MCA, Inc
Do	National Structured Settlements Trade Assn
Do	Republic National Bank of New York
Do	Rockefeller Family & Associates
Do	Tropicana Energy Co
Do	United States League of Savings Institutions
Simon & Company, Inc, 1001 Connecticut Ave., NW #435 Washington, DC 20036	Cheetah Aviation Transport Service, Inc
Do	East Bay Dischargers Authority
Jim Sinner, 1150 Connecticur Ave., NW, #507 Washington, DC 20036	Gordley Associates
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Air Transport Assn of America
Do	Allied Signal, Inc
Do	National Assn of Energy Service Companies
Kirsten A. Sloan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons
Owen T. Smith, 215 Townsend Square Oyster Bay, NY 11771	Philip Morris, Inc
Richard A. Smith, 7920 Robinson Road Bethesda, MD 20817	Hill and Knowlton (For:CBI Sugar Group)
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	Energy Transportation Group
David A. Smitherman, 1012 Fleming Building Des Moines, IA 50309	American Petroleum Insitute
Eric P. Snow, 444 N. Capitol Street Washington, DC 20001	American Maritime Congress
Frederick P. Somers, 1383 Piccard Drive P.O.Box 1725 Rockville, MD 20850-0822	American Occupational Therapy Assn, Inc
D. Dean Sparkman, 1925 N. Lynn Street, #308 Arlington, VA 22209	Sparkman & Cole, Inc (For:Embry-Riddle)
Sparkman & Cole, 1925 N. Lynn Street, #308 Arlington, VA 22209	Embry-Riddle
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	City & County of Denver, Director of Aviation
Do	Columbia Metropolitan Airport
Do	Ft. Wayne-Allen County Airport Authority
Do	LeHigh-Northhampton Airport Authority
Do	St. Lucie County, Florida
Sporting Goods Manufacturers Assn, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufactuters Assn
Philip Squair, 1501 Wilson Blvd., #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute
Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Libbey Glass)
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	International Longshoremen's Assn AFL-CIO
Do	National Spa & Pool Institute
Do	Philip Morris
Jane Sutter Starke, 1818 N St., NW, #700 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)
Randolph J. Stayin, 1815 H Street, NW, Suite 800 Washington, DC 20006	Barnes & Thornburg (For:Indiana Glass Company)
Do	Barnes & Thornburg (For:Westland Oil Development Corp)
Dan Stein, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Connecticut Municipal Electric Energy Cooperative)
Stanley Stephenson, 3501 Thurston Ave. Anoka, MN 55303	National Assn of Crop Insurance Agents
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Clean Sound
Gary M. Stern, 122 Maryland Ave. NE Washington, DC 20001	American Civil Liberties Union
Lawrence E. Stevens, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)
Sandra Stewart, c/o Dow Lohnes & Albertson 1255 Twenty-third Street, NW Washington, DC 20037	Stelco Steel
Stoel Rives Boley Jones & Grey, 1350 New York Avenue, NW, #600-A Washington, DC 20005-4709	Coosand Corp
Do	PacifiCorp
Do	Southeast Alaska ANCSA Land Acquisition Coalition, Inc
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance (ALESA)
David R. Straus, 1350 New York Avenue, NW Washington, DC 20005	Connecticut Municipal Electric Energy Cooperative
Jack B. Strong, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunications Corp
Stryker Weiner Associates, Inc, 737 Bishop Street, #2860 Honolulu, HI 96813	Philip Morris, Inc
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates
Timothy J. Sullivan, 1301 Minnesota Bldg., 46 E. 4th Street St. Paul, MN 55101	Farmers Legal Action Group, Inc
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	American Gas Assn
Do	American Iron & Steel Institute
Do	MacAndrews & Forbes Group, Inc
Do	Motor Vehicle Manufacturers Assn
Byron Swift, 1400 16th Street, NW Washington, DC 20036	(For:IUCN-US)
Ronald L. Tammen, 1750 Pennsylvania Avenue, NW, #1201 Washington, DC 20006	Tammen Group (For:Decision Insights, Inc)
George W. Tate, 2009 N. 14th Street, #101 Arlington, VA 22201	American Retirees Assn
Victor Tawil, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Company
Richard Taylor, 1819 L Street, NW, #800 Washington, DC 20036	Consolidated Natural Gas Company
Fred H. Telmer, c/o Dow Lohnes & Albertson 1255 Twenty-third Street, NW Washington, DC 20037	Stelco Steel
Texas Committee on Natural Resources, 5934 Royal Lane, #223 Dallas, TX 75230	Texas Committee on Nutural Resources
Sara Thomasson, 1500 K Street, NW Washington, DC 20005	Glaxo, Inc
Kenneth W. Thompson, 1919 Pennsylvania Ave., NW, 8th Floor Washington, DC 20006	Duke Power Company
Thompson Sizemore & Gonzalez, 109 N. Brush Street, #200 P.O.Box 639 Tampa, FL 33601	City of Clearwater
Gary Thorup, 2564 Wilmington Avenue Salt Lake City, UT 84109	Philip Morris, Inc
Walter L. Threadgill, 1200 18th Street, NW, #705 Washington, DC 20036	Millicom, Inc
Timmons & Co, Inc, 1850 K St., NW Washington, DC 20006	Union Pacific Corp
Nicholas C. Tolerico, 1025 Thomas Jefferson Street, NW, #511- West Washington, DC 20007	LTV Corporation
Juliet M. Tomkins, 1301 Minnesota Bldg., 46 E. 4th Street St. Paul, MN 55101	Farmers Legal Action Group, Inc
Jeffrey B. Trammell, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Florida Municipal Utilities)
Do	Hill & Knowlton, Inc (For:Serono Inc)
Tretter-Gorman, Inc, 711 N. Eleventh Street St. Louis, MO 63101	Philip Morris, Inc
Stewart L. Udall, 511 E. Palace Avenue Santa Fe, NM 87501	Claimants Under Proposed Radiation Exposure Compensation Act
Debra A. Valentine, 555 13th Street, NW Washington, DC 20004	O'Melveny & Myers (For:AMAX, Inc)
Do	O'Melveny & Myers (For:Ford Motor Company)
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, #520 Washington, DC 20003	General Instrument Corp
Do	Thermo Electro Technologies
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Anheuser-Busch Companies, Inc
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Fort Belknap Tribes
Do	Ganado Unified School District No. 20
Do	Intertribal Agricultural Council
Do	Jicarilla Apache Tribe
Do	Pacific West Cable Television
Do	Qualified Personnel, Inc
Jennifer D. Veley, 444 N. Capitol Street, #801 Washington, DC 20001	American Maritime Congress
Joseph B. Verna, 1800 K Street, NW Washington, DC 20006	Hercules, Inc
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW #700 Washington, DC 20005-2301	American Museum of Natural History
Do	MDC Holdings, Inc
Do	NBC
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	California State Senate
Vierra Associates, Inc, 1825 I Street, NW #400 Washington, DC 20006	Dallas Area Rapid Transit Authority
Do	Hillsborough Area Regional Transit Authority
Do	Jacksonville Transportation Authority
Do	Lipton Sports, Inc
Do	Metropolitan Dade County
Do	Metropolitan Transportation Authority
Do	Niagara Frontier Transportation Authority
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Citizens Utilities Company

Organization or Individual Filing	Employer/Client
Do	Section 29 Assn
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen
Earl J. Volk, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation
Ian D. Volner, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For:USA Network)
Joan Wages, 601 24th Street, NW #904 Washington, DC 20037	Union of Flight Attendants
Wagner Hines & Avary, Inc, 1899 L Street, NW, #500 Washington, DC 20036	American Heavy Lift Shipping Co
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Atchison Topeka & Santa Fe Railway Co
Do	Baker & Botts (for: Texas Chemical Council)
Do	Coalition for Competitive Capital
Do	Mitsubishi Corp
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Pennsylvania Engineering
Nancy Wallace, 408 C Street, NE Washington, DC 20002	Sierra Club
Julian P. Walters, 444 North Capitol Street, NW, #801 Washington, DC 20001	Joint Maritime Congress
Julian K. Watson, 413 East Mason Ave. Alexandria, VA 22301	Brennan International
Margaret L. Webb, P.O. Box 371364 Decatur, GA 30037	
Weidenfeld & Rooney, 1899 L Street, NW, #500 Washington, DC 20036	Southern Company Services
Roslyne D. Weiner, 1205 South Washington Street, Apt. #12A Alexandria, VA 22314	American Group Practice Assn
Suzanne Welch, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company
Robert C. Wells, 1275 Pennsylvania Ave., NW, #503 Washington, DC 20004	Citicorp Washington, Inc
Carol Wheeler, 1650 30th Street, NW Washington, DC 20007	Media Enterprises Corp (For:National Assn of Public Television Stations)
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company
Jeffrey T. Whipple, 20 S. Clark Street, #800 Chicago, IL 60603	Philip Morris, Inc
Sam White, 412 First St., SE, #100 Washington, DC 20003	National Agricultural Chemicals Assn
Aileen Whitfill, 122 C Street, NW Washington, DC 20001	Children's Defense Fund
Cameron Whitman, 818 Connecticut Ave., NW, #200 Washington, DC 20006	U.S. English Foundation, Inc
Wickwire Greene & Seward, 1008 Western Ave. Seattle, WA 98104	Arctic Slope Regional Corp
Andrew F. Wiessner, Kogovsek & Associates 1801 Broadway #1420 Denver, CO 80202	Pitken & Eagle Counties, Colorado
Shirley J. Wilcher, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities
Richard P. Wild, 3400 Centre Square West Philadelphia, PA 19102	Dechert Price & Rhoads (For:Oxford Foundation)
Wythe Willey, 2333 Blake Blvd., SE Cedar Rapids, IA 52401	Philip Morris, Inc
Williams & Connolly, 839 17th St., NW Washington, DC 20006	Northcote Parkinson Fund
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	Beverly Enterprises
Do	Executive Life Insurance
Do	Glaxo, Inc
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Citibank
Do	International Metals Reclamation Company, Inc
Do	United States Cane Sugar Refiners Assn
Patricia M. Wilson, 818 Connecticut Ave, NW Washington, DC 20006	USX Corp
Stephany Wilson, P.O. Box 2187 Santa Fe, NM 87504-2187	Sutin Thayer & Browne (For:Lovelace, Inc)
Warren A. Wilson III, 624 US Highway 19 South Palm Harbor, FL 34684	Philip Morris, Inc
Mark V. Wimberly, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Mississippi Power Company
Joseph B. Winkelmann, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	Winkelmann & Associates, Inc (For:International Video Broadcasts, Inc)
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	National Private Cable Assn
David L. Winstread, 1666 K Street, NW, #1100 #800 Washington, DC 20016	Wilkes Artis Hedrick & Lane (For:Peter N. G. Schwartz Companies)
Wisconsin Citizens Utility Board, 16 North Carroll, #300 Madison, WI 53703	
Richard Marvin Womack, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Company
Wunder Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	McDonnell Douglas
Zapruder & Odell, 1001 22nd Street, NW, #700 Washington, DC 20037	Wheels, Inc
Kelly Ziglar-Clay, 805 15th Street, NW, #1110 Washington, DC 20005	Mortgage Insurance Companies of America
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the first calendar quarter 1990:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . .

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment? ☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "*Employee*".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "*Employer*".—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."

STATEMENT OF VERIFICATION

[Omitted in printing]

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)
6. $.....TOTAL for this Quarter (Add "1" through "5")
7. $.....Received during previous Quarters of calendar year
8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $.....Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through....., 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than Item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures
9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year
11. $.....TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*_____

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert J. Aagre, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	36.00	18.00
Ande M. Abbott, 400 First Street, NW, #814 Washington, DC 20001	International Brotherhood of Boilermakers	251.58	
Paul C. Abenante, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	1,437.51	20.00
Jessica R. Aberly, 1616 P Street, NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	2,017.91	
Jeffery A. Abrahamson, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	107.25	
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Association	4,000.00	500.00
Matthew J. Abrams, 1220 19th Street, NW, #202 Washington, DC 20036	CANAMCO (For:Aerospace Industries Assn of Canada)		
Do	CANAMCO (For:Canadian Shipowners Assn)		
Abukari, 322 D Street, NE Washington, DC 20002	Rainbow Lobby, Inc	4,836.00	382.58
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company	600.00	9.00
Elaine Acevedo, 216 7th Street, SE Washington, DC 20003	Florist's Transworld Delivery Assn	2,000.00	
Charles A. Acquard, 2301 M Street, NW, Washington, DC 20037	American Public Power Assn	2,000.00	
Action for Children's Television, 20 University Road Cambridge, MA 02138		17,000.65	179.91
Ad Hoc Comm for Universal Comprehensive Health & Dental Care, Building 10, #310 12151 Bayport Street Garden Grove, CA 92640.			
John J. Adams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Ethyl Corporation		
Do	Hunton & Williams (For:Vepco)		
John M. Adams, 225 N. Washington St. Alexandria, VA 22314	The Retired Enlisted Association	1,566.00	1,618.00
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co	500.00	156.00
Adams Quackenbush Herring & Stuart, P.O. Box 394 Columbia, SC 29202	Empire of America	4,127.05	951.54
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Elmer E. Adkins, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp	794.00	
Allan Robert Adler, 1333 New Hampshire Ave., NW Washington, DC 20036	Cohn and Marks (For:Maclean Hunter Cable TV)		
Terrance M. Adlhock, 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	4,950.00	4,500.00
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		14,531.90	14,531.90
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	Association for Gerontology in Higher Education	750.00	
Agendas International, 820 Second Avenue, #1302 New York, NY 10017	Ministerio del Exterior, Republic of Nicaragua		
Creigh H. Agnew, 2001 L St., NW, #304 Washington, DC 20036	Weyerhaeuser Company		
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Robert S. Aiken, 1735 I Street, NW, #916 Washington, DC 20006	Pinnacle West Capital Corp	10,000.00	630.16
Donald R. Aikens, 1000 Thomas Jefferson Str., NW, #609 Washington, DC 20007	Leonard & Ralston (For:Krueger, Inc)	12,548.40	
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		57.00
Air Conditioning & Refrigeration Institute, 1501 Wilson Boulevard, #600 Arlington, VA 22209		308.55	
Air Products & Chemicals, Inc, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006			2,549.29
Air Traffic Control Assn, Inc, 2020 North 14th Street, #410 Arlington, VA 22201		2,462.59	2,462.59
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		5,593,628.00	139,571.00
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	6,600.00	58.00
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	A.E. Staley Manufacturing	1,200.00	19.00
Do	Amerada Hess Corp		
Do	American General Investment Corp	1,220.00	19.00
Do	American Telephone & Telegraph Co		
Do	Bank of Nova Scotia	150.00	
Do	Boone Co	4,530.00	95.00
Do	Buckeye Pipeline Co, L.P		
Do	Burger King	2,800.00	57.00
Do	California Institute of Technology		
Do	Cambridge Information Group	1,070.00	19.00
Do	Citizens & Southern Corp		
Do	Clark/Bardes Organization, Inc	350.00	
Do	CRS Sirrine, Inc	420.00	
Do	Drexel Burnham Lambert, Inc	2,005.00	38.00
Do	Eastern Air Lines, Inc		
Do	First City Bankcorporation of Texas, Inc		
Do	Fujitsu America, Inc		
Do	W. R. Grace & Co	1,495.00	19.00
Do	Houston Oilers	100.00	
Do	Peter Kiewit Son's, Inc	7,325.00	133.00
Do	Levi Strauss & Co	300.00	
Do	Lone Star Steel Co		
Do	Long Island Lighting Co	8,245.00	152.00
Do	Loral Corp		
Do	MacAndrews & Forbes Holdings, Inc	3,250.00	57.00
Do	Martin Marietta Corp	2,250.00	38.00
Do	McDonnell Douglas Corp	780.00	
Do	Mesa Petroleum Co		
Do	Metropolitan Transit Authority of Harris County	1,430.00	19.00
Do	Miller Brewing Company	5,065.00	95.00
Do	Minnesota Power		
Do	Morgan Stanley & Co, Inc	3,200.00	57.00
Do	Motion Picture Assn of America, Inc	3,535.00	76.00
Do	National Football League		
Do	National Health Laboratories	586.00	19.00
Do	News America	100.00	
Do	Pepsico, Inc		
Do	Pillsbury Company	475.00	
Do	R. Lacey, Inc	165.00	
Do	RJR Nabisco, Inc	600.00	
Do	Sara Lee Corporation		
Do	Shell Oil Co		
Do	Southern California Edison Co	886.00	19.00
Do	Texas Air Corp	1,475.00	19.00
Do	Texas Education Agency	200.00	
Do	Texas National Research Laboratory Commission	200.00	
Do	Textron, Inc		
Do	Trump Organization	785.00	19.00
Do	United Gas Pipe Line		
Do	Upjohn Company	4,735.00	95.00
Do	Warner-Lambert Co	625.00	19.00
Julia L. Akins, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Albanian American Civic League, 1220 19th Street, NW, #400 Washington, DC 20036		3,670.65	4,591.73
William E. Albers, 1731 Connecticut Ave., NW, 2nd Fl. Washington, DC 20009-1146	Albers & Company (For:May Department Stores Co)		
David Alberswerth, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,354.54	
James J. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	American Diabetes Assn	5,000.00	710.00
Do	Albertine Enterprises (For:Employers Council for Flexible Compensation)	1,500.00	425.00
John M. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	Farley Industries	2,400.00	
Alcalde & Rousselot, 1901 North Ft. Myer Drive, 12th Floor Rosslyn, VA 22209	Alliance for Clean Energy	7,000.00	
Do	Carnival Cruise Lines	3,000.00	
Do	City of Las Vegas	4,000.00	
Do	Consolidated Freightways	5,000.00	
Do	Jack Eckerd Corp	1,000.00	
Do	Home Shopping Network	2,000.00	
Do	Jim Walter Corp	2,000.00	
Do	Norwegian Caribbean Lines	3,000.00	
Do	Playtex, Inc		
Do	Port of Jacksonville	3,000.00	
Do	PIMA		
Do	Royal Caribbean Cruise Line	3,000.00	
Do	Tampa Port Authority	3,000.00	
Do	Washington Workshops	2,000.00	
Donald C. Alexander, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Air Products & Chemicals, Inc)		
Do	Cadwalader Wickersham & Taft (For:Air Transport Assn of America)		
Do	Cadwalader Wickersham & Taft (For:American Financial Corp)	82.88	
Do	Cadwalader Wickersham & Taft (For:Aon Corporation)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Cadwalader Wickersham & Taft (For:Bechtel Group, Inc)		
Do	Cadwalader Wickersham & Taft (For:Bechtel Investments, Inc)	110.50	
Do	Cadwalader Wickersham & Taft (For:Family Life Insurance Co)		
Do	Cadwalader Wickersham & Taft (For:Harsco Corporation)		
Do	Cadwalader Wickersham & Taft (For:Mortgage Guaranty Insurance Corp)	55.25	
Do	Cadwalader Wickersham & Taft (For:Nationwide Mutual Insurance Co)	82.88	
Do	Cadwalader Wickersham & Taft (For:United Brands Co)		
Nancy C. Alexander, 245 Second Street, NE Washington, DC 20002	Friends Comm on National Legislation	5,193.60	
Alexander & Associates, Inc, 400 C Street, NE Washington, DC 20002	Investment Company Institute	15,000.00	
Barbara Allen, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	9,684.00	448.79
William E. Allen, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001		37,000.00	7,237.00
Alliance for Capital Access, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006		370,000.00	61,396.49
Alliance of American Insurers, 1501 Woodfield Road, #400 West Schaumburg, IL 60173			45,287.84
Alliance of Nonprofit Mailers, 2001 S Street, NW, #540 Washington, DC 20009		8,749.20	3,106.67
Alliance to Save Energy, 1725 K Street, NW, #914 Washington, DC 20006			2,907.07
Alliance Against Handguns, P.O. Box 75700 Washington, DC 20013			
Robert F. Allnut, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Alpha Lyracom d/b/a Pan American Satellite, One Pickwick Plaza Greenwich, CT 06830			3,195.00
Loren J. Alter, 800 North Plaza Drive Schaumburg, IL 60196	Zurich-American Insurance Companies		
Michael J. Altier, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	4,000.00	45.00
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	12,200.00	267.00
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
John O. Ambler, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	153.88	
Robert P. Ambrose, 14615 Lone Oak Road Eden Prairie, MN 55344	Cooperative Power Association	5,000.00	105.21
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114		23,249.83	23,249.83
American Agriculture Movement, Inc, 100 Maryland Ave, NE, #500 Box 69 Washington, DC 20002		6,000.00	6,000.00
American Amusement Machine Assn, 205 The Strand Alexandria, VA 22314			18,881.00
American Arts Alliance, 1319 F Street, NW, #307 Washington, DC 20004-1182			7,684.51
American Assn for Marriage & Family Therapy, 1717 K Street, NW, #407 Washington, DC 20006			28,387.00
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		20,474.55	21,914.92
American Assn of Boomers (AAB), 2621 W. Airport Frwy, #101 Irving, TX 75062			
American Assn of Classified School Employees, 1050 17th Street, #210 Washington, DC 20036		18,276.36	18,276.36
American Assn of Equipment Lessors, 1300 North 17th St., #1010 Arlington, VA 22209			
American Assn of Exporters & Importers, 11 West 42nd Street, 30th Fl. New York, NY 10036			1,804.75
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		945.00	50.00
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		17,089.00	9,054.01
American Assn of University Women, 2401 Virginia Avenue, NW Washington, DC 20037			379.29
American Automobile Assn, 500 E Street, SW, #950 Washington, DC 20024			
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		130,537.90	130,537.90
American Cement Alliance, Inc, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004			73,144.00
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Council for Capital Formation, 1850 K Street, NW, #400 Washington, DC 20006		11,522.00	8,427.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		52,052.26	52,052.26
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611			6,000.00
American Family Assn Education and Legal Defense Foundation, P.O. Drawer 2440 Tupelo, MS 38803		8,000.00	8,000.00
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		148,220.00	148,220.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			142,289.89
American Feed Industry Assn, 1701 N. Ft. Myer Dr. Arlington, VA 22209		4,365.00	4,365.00
American Fiber Manufacturers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036			645.00
American Financial Services Assn, 1101 14th St., NW Washington, DC 20005			1,000.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		10,000.00	10,000.00
American Hellenic Institute Public Affairs Committee, Inc, 1730 K Street, NW, #1005 Washington, DC 20006			
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		28,496.62	10,871.66
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			3,751.50
American Insurance Assn, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036		4,891.00	4,891.00
American International Group, Inc, 70 Pine Street New York, NY 10270			53,005.80
American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001		93,725.00	144,666.99
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			2,380.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		210,800.00	18,803.29
American Library Assn, 50 E. Huron St. Chicago, IL 60611		6,476.27	11,515.47
American Life Lobby, Inc, P.O. Box 490 Stafford, VA 22554		15,000.00	15,000.00
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		18,558.75	7,887.15
American Managed Care & Review Assn, 1227 25th St., NW, #610 Washington, DC 20037			2,400.00
American Meat Institute, P.O. Box 3556 Washington, DC 20007		10,312.00	4,042.35
American Medical Assn, 535 North Dearborn St. Chicago, IL 60610			189,027.87
American Movers Conference, 2200 Mill Road Alexandria, VA 22314			735.50
American Newspaper Publishers Assn, Box 17407 Dulles International Airport Washington, DC 20041		48,051.69	48,051.69
American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003		637,751.02	103,907.40
American Nurses' Assn, 2420 Pershing Rd Kansas City, MO 64108		25,405.13	25,405.13
American Occupational Therapy Assn, Inc, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822		7,066.83	7,066.83
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Orthotic and Prosthetic Assn, 717 Pendleton St. Alexandria, VA 22314-1885		150,000.00	15,161.00
American Paper Institute, Inc, 260 Madison Ave. New York, NY 10016			8,400.00
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		321,707.03	322,422.30
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		6,613.22	6,613.22
American Pilots Association, 1055 Thomas Jefferson Street, NW, #404 Washington, DC 20007		25,996.00	24,830.29
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621			5,825.00
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		38,560.00	38,560.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Retreaders' Assn, P.O. Box 17203 Louisville, KY 40217		500.00	500.00
American Seed Trade Assn, 1030 15th Street, NW, #964 Washington, DC 20005			14,385.00
American Soc of Anesthesiologists, 1111 14th Street, NW, #501 Washington, DC 20005			26,179.25
American Soc of Hospital Pharmacists, 4630 Montgomery Avenue Bethesda, MD 20814			12,000.00
American Society of Cataract & Refractive Surgery, 3702 Pender Drive, #250 Fairfax, VA 22030			8,359.38
American Soybean Association, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107		3,826.00	3,089.29
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		37,819.87	52,400.49
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			20,400.00
American Veterinary Medical Assn, 1023 15th Street, NW, #300 Washington, DC 20005			2,770.00
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		437,776.50	374.70
Americans for the High Frontier, 2800 Shirlington Road, #405A Arlington, VA 22206		62,816.80	57,257.17
Americans for Health, Inc/National Health Care Campaign, 1334 G Street, NW, LL Washington, DC 20005		3,000.00	3,642.00
Americans for Immigration Control, Inc, P.O. Box 738 Monterey, VA 24465		9,096.64	9,096.64
Americans for Nonsmokers' Rights, 2054 University Ave., #500 Berkeley, CA 94704		2,912.00	2,657.00
Joanne Ames, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Laurel W. Ames, P.O. Box 10110 South Lake Tahoe, CA 95731	League to Save Lake Tahoe		
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	American Free Trade Assn		
Do	Coalition for American Energy Security	3,000.00	
Do	Free Angola Information Service	30,000.00	
Do	Northrop Corp	9,000.00	
Do	Thompson Medical Co	1,000.00	
Eiji Amito, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	American Honda Motor Co, Inc	400.00	
John G. Ams, 555 13th Street, NW, #300-W Washington, DC 20004	Interstate Natural Gas Assn of America		
Jan S. Amundson, North Lobby, #1500 1331 Pennsylvania Ave., NW Washington, DC 20004-1703	National Assn of Manufacturers		
Anadarko Petroleum Corp, 16855 Northchase Drive Houston, TX 77251-1330			
Anthony A. Anderson, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Metropolitan Transportation Authority)		
Bette B. Anderson, 1030 15th St., NW, #700 Washington, DC 20036	KCI (For:SICPA Industries of America, Inc)		
Do	KCI (For:US Banknote Corp)		
Cynthia C. Anderson, 1020 16th Street, NW Washington, DC 20036-5754	Enron Corp	3,000.00	
David J. Anderson, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	500.00	
Fred E. Anderson, 2397 W. 29th Street Loveland, CO 80537	Philip Morris, Inc	500.00	278.21
H. Kim Anderson, Virginia Petroleum Council 1001 E. Broad Street Richmond, VA 23219	American Petroleum Institute	300.00	472.42
J. Lem Anderson, 4111 Franconia Rd. Alexandria, VA 22310	Temple-Inland		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
J. Mark Anderson, 1701 N. Ft. Myer Dr. Arlington, VA 22209	American Feed Industry Assn	1,125.00	
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Jon A. Anderson, 1100 Connecticut Ave., NW, #410 Washington, DC 20036	Eaton Corp		3,992.42
Kevin N. Anderson, 215 South State Street 12th Floor Salt Lake City, UT 84111	Fabian & Clendenin (For:Nevada Electric Investment Company, Inc)	258.75	77.32
Steven Anderson, 1764 Old Meadow Rd. #350 Mclean, VA 22102	American Frozen Food Institute	6,000.00	
Do	Pearson & Pipkin, Inc (For:Embassy of South Africa)		
Susan S. Anderson, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	870.00	222.00
Elaine Andrews, 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20004-0401	National Assn of Life Companies	300.00	25.15
Lewis D. Andrews Jr., 1825 Eye Street, NW, #400 Washington, DC 20006	Glass Packaging Institute		
Michael Andrews, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	150.00
Robert B. Andrews, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	500.00	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	1,317.36
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	Secondary Lead Smelters Assn, Inc	10,864.30	10,864.30
Andrews' Associates, Inc. 2550 M St., NW, #450 Washington, DC 20037	City of Denver, Colorado		
Do	Interstate Natural Gas Assn (INGA)		
Do	Mars, Inc		
Do	Royal Trusto Ltd		
Do	Safeguard America's Family Enterprises		
Do	Standard Federal Savings Bank of Maryland		
Do	Wayne County, Michigan		
Do	Westinghouse Electric Corp		
Animal Health Institute, 119 Oronoco Street P. O. Box 1417-D50 Alexandria, VA 22313			475.00
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,168.00	
Thomas D. Anthony, 2500 Central Trust Center 201 E. Fifth Street Cincinnati, OH 45202	Frost & Jacobs (For:Comprehensive Medical Imaging, Inc)	1,150.00	
Do	Frost & Jacobs (For:Louisville Imaging Services, Inc)	100.00	
Do	Frost & Jacobs (For:Western Hills Imaging Center, Inc)	1,150.00	
Virginia Antos, 1717 Connecticut Avenue, NW, 7th Floor Washington, DC 20009	Association of American Publishers		
Apartment & Office Building Assn, 1413 K Street, NW, #600 Washington, DC 20005			
Apple Computer, Inc, 1550 M Street, NW, #1000 Washington, DC 20005			1,115.17
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	6,900.25	
John Archer, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	13.34	6.00
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Assn of Bioanalysts	13,181.18	1,331.95
Do	American Assn of Occupational Health Nurses	2,627.42	127.42
Do	American Medical Imaging Corp		59.57
Do	Ameritech		
Do			239.44
Do	Aris Anagnos Properties	22,590.00	495.24
Do	Association of Professeional Flight Attendants	9,793.93	335.00
Do	Bank of Credit and Commerce International		
Do	Bankruptcy Estate of Wartsila Marine Industries, Inc		
Do	Central States SE & SW Areas Health Welfare & Pension Funds	42,312.50	441.09
Do	City of San Diego	5,489.00	
Do	Coalition for Auto Repair Choice		110.60
Do	Colorado River Indian Tribes	14,237.25	
Do	Finnish Guarantee Board		
Do	Guardian Life Insurance Co of America	44,346.50	737.83
Do	HECO, Inc	41,340.00	1,532.86
Do	Independent Federation of Flight Attendants	2,500.00	193.62
Do	Mercy Hospital of Des Moines, Iowa		4.00
Do	Motor and Equipment Manufacturers Association		
Do	National Assn of College Stores	7,860.00	197.54
Do	National Field Selling Assn		
Do	National Nutrition Coalition		2.20
Do	National Parking Association	66,159.35	3,759.33
Do	Popular Democratic Party	50,000.00	362.24
Do	Puerto Rico Federal Affairs Administration		2,779.33
Do	Stant, Inc	18,479.85	190.28
Do	SO-PAK-CO, Inc	1,459.00	22.42
Do	Toshiba America, Inc	37,881.29	10,308.24
Do	Toyota Motor Corporation	166.65	
Do	Video Software Dealers Assn	43,400.00	2,555.48
John W. Arlidge, P.O. Box 230 Las Vegas, NV 89151	Nevada Power Company	7,000.00	
Fred Armstrong Jr, 1620 Eye Street, NW, #520 Washington, DC 20006	Portland Cement Assn		
John A. Armstrong, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Carl F. Arnold, 617 Rivercrest Drive McLean, VA 22101	American Iron & Steel Institute	600.00	
Do	Ashland Oil Co	750.00	
Do	Corporate Property Investors	416.65	
John E. Arnold, 2001 L Street NW, Suite 1000 Washington, DC 20036	Unisys Corporation	1,000.00	
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Jay P. Altmayer		
Do	American Institute of Certified Public Accountants	3,570.00	50.22
Do	Asea AB		
Do	Asocolflores		
Do	Avatar Utilities, Inc		
Do	Avis, Inc	4,171.98	284.08
Do	Board of Estimate	1,000.00	7.00
Do	Business Roundtable		213.55
Do	Continental Corporation	525.00	
Do	Donohue & Associates, Inc		
Do	Earthquake Project		
Do	Fluor Corporation		
Do	Geriatric Pharmaceutical Corp		
Do	Golodetz Trading Corp		
Do	Grain & Feed Trade Assn		
Do	Honeywell, Inc		
Do	Hopi Indian Tribe		
Do	International Commodities Clearing House		
Do	London Commodity Exchange	395.00	
Do	London International Financial Futures Exchange, Ltd		
Do	LyphoMed, Inc	2,626.25	167.39
Do	Metal Market & Exchange Co, Ltd		
Do	Mutual of America		
Do	National Coordinating Comm for Multiemployer Plans	10,938.00	301.00
Do	Philip Morris, Inc		
Do	Recording Industry Assn of America, Inc	2,634.75	22.75
Do	Sacramento Municipal Utility District		4.25
Do	State Farm Mutual Automobile Insurance Co	10,067.50	1,260.83
Do	Survival Technology, Inc		
Do	Unilever United States, Inc		
Arnold Grobmyer & Haley, P.O. Box 70 Little Rock, AR 72203	Arkansas Assn of Securities Dealers		
Do	Mid-South International Trade Assn		
L. Wayne Arny III, 11 Canal Center Plaza, #250 Alexandria, VA 22314	Fritz Companies		
Nan Aron, 1601 Connecticut Avenue, NW Washington, DC 20009	Alliance for Justice	190.47	
Thomas M. Arrasmith, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	245.00	65.85
Asbill Junkin Myers & Buffone, 1607 New Hampshire Ave., NW Washington, DC 20009	Coalition on Smoking or Health	19,955.50	17,352.17
Thomas Ludlow Ashley, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Companies	3,050.00	
Nicholas J. Ashooh, 1000 Elm Street P.O. Box 330 Manchester, NH 03105	Public Service Co of New Hampshire	900.00	2,497.58
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippine			
Asphalt Roofing Manufacturers Association, 6288 Montrose Road Rockville, MD 20852			
Mark D. Aspinwall, 1627 K Street, NW, #1200 Washington, DC 20006	United Shipowners of America	2,500.00	22.94
Assn of Certified Trucking Schools, 1055 Thomas Jefferson St., NW Washington, DC 20007		2,100.00	2,100.00
Associated Builders & Contractors, Inc. 729 15th St., NW Washington, DC 20005		22,500.00	
Associated Credit Bureaus, Inc, 16211 Park 10 Place Houston, TX 77084		1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			16,500.00
Association for Commuter Transportation, Inc. 1776 Massachusetts Ave., NW, #521 Washington, DC 20036			467.55
Association of American Law Schools, 1201 Connecticut Avenue, NW, #800 Washington, DC 20036			
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		13,105.00	13,105.00
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		83,686.78	83,686.78
Association of American Veterinary Medical Colleges, 1023 15th Street, NW, 3rd Floor Washington, DC 20005			1,249.05
Association of Junior Leagues, Inc, 660 First Avenue New York, NY 10016		15,000.00	11,089.00
Association of Maximum Service Telecasters, Inc. 1400 16th Street, NW, #610 Washington, DC 20036			2,200.00
Association of Thrift Holding Cos, 888 17th Street, NW, #312 Washington, DC 20006			3,675.00
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		11,387.50	11,387.50
Association of Urban Universities, 501 I St. S.W. Washington, DC 20024		12,000.00	1,834.13
George J. Aste, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	500.00	
Michael G. Atieh, 1615 L St., NW, #1320 Washington, DC 20036	Merck & Co, Inc	1,000.00	130.25
Victor Atiyeh & Co. 519 SW Park St., #208 Portland, OR 97205	Fujitsu, Ltd		
Do	Seiko Epson		
Leslie Aubin, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,189.00	200.00
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	Overseas Education Assn, Inc	743.66	
Robb Austin & Associates, 600 New Hampshire Ave., NW, #1020 Washington, DC 20037	Philip Morris, Inc	5,400.00	1,305.00
John S. Autry, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp	4,000.00	845.81
Rebecca Avila, 2030 M St., NW Washington, DC 20036	Common Cause	7,965.86	227.76
Avon Products, Inc, 9 West 57th St. New York, NY 10019			
Marguerite D. Ayers, 10 Light Street P. O. Box 987 Baltimore, MD 21203	MNC Financial, Inc		
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
Merribel Symington Ayres, Metropolitan Square #205 655 15th Street, NW, Washington, DC 20005	National Independent Energy Producers		3,627.84
Richard E. Ayres, 1350 New York Ave., NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc	7,100.04	60.00
AIDS Action Council, Inc, 2033 M Street, NW, #8010 Washington, DC 20035		88,090.00	26,664.95
ARCO Chemical Co, 3801 West Chester Pike Newtown Square, PA 19073			416.77
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western-Southern Life Insurance Co	3,750.00	228.00
Hope M. Babcock, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
Dale R. Babione, 1700 N. Moore St. Rosslyn, VA 22209	Boeing Company		
Bronwyn Bachrach, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:BATUS)		
Do	Hecht Spencer & Associates (For:Marwais Steel Co)		
Kenneth L. Bader, 777 Craig Road St. Louis, MO 63141	American Soybean Assn	1,050.00	63.00
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	People's Republic of Angola		
Do	Shee Atika, Inc		
Joan N. Baggett, 815 15th St., NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen		
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
Thomas Bailey, 1225 19th Street, NW, #200 Washington, DC 20036	Agriculture Ocean Transportation Coalition		
Do	Committee to Recognize Korea/Vietnam Merchant Marine Service		
William W. Bailey, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	2,000.00	1,283.12
David Baime, 122 C Street, NW, #750 Washington, DC 20001	National Ass'n of Independent Colleges & Universities	6,000.00	67.00
Judith L. Baird, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	300.00	
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	587.50	
Emil F. Baker, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,000.00	846.00
James A. Baker IV, 555 13th Street, NW, #500 East Washington, DC 20004	Baker & Botts (For:Cabot Corp)		
Do	Baker & Botts (For:Sonat, Inc)	8,790.00	138.05
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,815.95	177.75
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremens Assn, AFL-CIO	19,644.10	982.18
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	225.00	8.00
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	Federation of German Industries		
Do	Greater Houston Partnership		
Do	National Machine Tool Builders Assn		
Do	Rhone-Poulec		
Do	Texas Chemical Council		
Do	U S. West		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Abbey/Foster		
Do	American Protestant Health Assn		279.94
Do	Bell Canada	28,358.76	
Do	Camp Barsh Bates & Tate		
Do	City of Clearwater		
Do	Cleveland Clinic Foundation	16,296.12	1,014.65
Do	Committee on Problems of Drug Dependence (CPDD)	2,552.00	
Do	Elyria Memorial Hospital & Medical Center		
Do	Employee Health Programs, Inc		100.14
Do	Greater New York Hospital Assn	7,123.00	173.00
Do	Hermann Hospital	2,633.77	1,764.33
Do	Homedco		1,950.19
Do	Hyatt Corp	2,090.72	
Do	INVACARE Corporation	14,957.50	121.67
Do	Life Gift Organ Donor Center	9,364.57	1,464.60
Do	Lorain Community Hospital		
Do	Massachusetts Eye & Ear Infirmary		
Do	MMI Companies, Inc	4,888.47	1,000.00
Do	National MRO, Inc	3,084.40	100.13
Do	Renal Physicians of Texas	2,165.70	
Do	Society of Cardiovascular & Interventional Radiology	10,000.00	3,135.18
Do	St Joseph Hospital & Health Center	113.75	
Do	Substance Abuse Management, Inc		100.13
Do	Telecommunications Industry Assn	13,727.49	
Do	Uniden Corp of America	16,572.49	
Baker & McKenzie, 815 Connecticut Ave., NW Washington, DC 20006	Coalition on the PFIC Provisions	25,601.00	13,843.78
Baker Worthington Crossley Stansberry & Woolf, 1001 Pennsylvania Ave., NW #1201 Washington, DC 20004	American Airlines, Inc	3,605.00	58.00
Do	Contel Corporation	832.50	
Do	Day & Zimmerman, Inc	112.50	
Do	Dinamo	7,335.00	
Do	Dunigan Enterprises	4,162.50	
Do	DKT Memorial Fund	2,092.50	
Do	Federal Express Corp	495.00	
Do	International Barrier Corp	1,800.00	
Do	Lawler/Wood, Inc	697.50	85.00
Do	Los Angeles County Transportation Commission	4,590.00	
Do	National Corporation for Housing Partnerships		
Do	National Label Co., Inc	1,687.50	
Do	Occidental Petroleum Corp	1,237.50	
Do	Pennzoil Company	315.00	
Do	Philip Morris Management Corp	4,162.00	26.00
Do	Pillsbury Company	3,120.00	
Do	Public Service Company of New Mexico	630.00	
Do	Schering-Plough Corp	1,980.00	
Do	Southern California Edison Company	2,385.00	
Do	Warner-Lambert Company	585.00	
Patricia A. Baldi, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		620.00
Donald Baldwin, 1140 Connecticut Ave., NW, #804 Washington, DC 20036	Diagnostic/Retrieval Systems, Inc		
Do	Federal Criminal Investigators Assn		
Do	Law Enforcement Assistance Foundation		
Do	Mack Trucks, Inc		
Do	National Commission Against Drunk Driving		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp.		
Stanley W. Balis, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Helen M. Ball, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co. Inc	12,500.00	66.80
William L. Ball III, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	671.84	572.79
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	City of Portland, Oregon	17,503.32	4,071.96
Do	Clackamas County	21,123.00	1,771.62
Do	CH2M Hill	55,268.50	941.83
Do	Fresno County	55.00	32.49
Do	Fujitsu Microelectronics	257.50	32.50
Do	Greenbrier Leasing, Inc	29,390.50	4,172.18
Do	Harsh Investment Corporation	13,531.50	1,721.06
Do	Lower Columbia Regional Navy Task Force	15,000.00	2,622.04
Do	Mt. Hood Meadows Oregon, Ltd	19,096.50	940.10
Do	Northwest Industrial Gas Users	225.50	38.83
Do	Northwest Marine Iron Works	7,728.00	1,094.85
Do	Northwest Woodland Owners Council	12,000.00	1,792.32
Do	Oregon Department of Transportation	7,700.00	804.07
Do	Oregon Graduate Center	2,705.50	398.02
Do	Port of Tillamook Bay	8,925.00	872.31
Do	Riedel Environmental Services		
Do	Section 8 Housing Group	32,161.50	804.26
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Philip A. Bangert, 1752 N Street, NW #800 Washington, DC 20007	Century Public Affairs (For:New United Motor Manufacturing, Inc (NUMMI))	75.00	
Do	Century Public Affairs (For:Port of Oakland)		
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
Bank Capital Markets Assn, National Press Building, 2nd Fl. Washington, DC 20045		252,200.00	58,379.24
James T. Banks, 1155 Connecticut Avenue, NW, #800 Washington, DC 20036	Waste Management, Inc.	3,550.00	
Kathryn Bannan, 1050 Connecticut Ave., NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc.		
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman and Associates, Inc (For:Beirut University College)	1,000.00	
Do	Bannerman & Associates, Inc (For:Government of Bangladesh)	3,000.00	96.00
Do	Bannerman and Associates, Inc (For:Government of Tunisia)	3,000.00	180.66
Do	Bannerman & Associates, Inc (For:Sawyer-Miller Group (for Government of the Philippines)).	5,000.00	709.89
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Re Corp		115.85
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.	20,076.93	20.00
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	4,500.00	
Baraff Koerner Olender & Hochberg, P.C., 2033 M Street, NW, #203 Washington, DC 20036	College Football Association		
Do	National Assn of Collegiate Directors of Athletics		
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	4,931.14	409.87
Haley R. Barbour, P.O.Box 960 Yazoo City, MS 39194	American Maritime Congress	22,500.00	499.71
Do	American Rice Incorporated	15,000.00	174.54
Do	A. L. Williams & Company	16,000.00	294.19
Rebecca T. Barbour, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Company	500.00	
Betsy F. Barclay, 1000 Vermont Avenue, NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	5,148.77
M. Camille Bares, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp, Inc.	973.17	
Leslie A. Barhyte, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	4,000.00	72.87
Robert H. Barker, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc	500.00	145.00
William J. Barnds, 1000 Connecticut Avenue, NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Michael D. Barnes, 1050 Connecticut Avenue, NW Washington, DC 20036	Arent Fox Kintner Plotkin & Kahn (For:American Consulting Engineers Council)	6,881.54	
Do	Arent Fox Kintner Plotkin and Kahn (For:Temistocles Ramirez De Arellano)		88.85
Barnett D'Amours Sivon & Shay, P.C., 1400 L Street, NW, #600 Washington, DC 20005	American Council for State Savings Supervisors		
Do	Citibank, N.A.		
Do	Credit Union National Assn, Inc		
Do	Investors in Industry		
Ray A. Barnhart, 2602 Dellana Lane Austin, TX 78746	Consumers for Competitive Fuels	9,000.00	9,148.86
Do	Marathon Oil Company	9,000.00	10,119.92
Michael E. Baroody, 1331 Pensylvania Ave, NW, 1500-North Washington, DC 20004-1703	National Assn of Manufacturers	240.00	
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,300.00	
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain And Feed Assn		1,250.00
Thomas S. Barrett, 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates	1,670.00	
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co.	3,500.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Dave Barrows & Associates, 1201 SW, 12th Avenue, #200 Portland, OR 97205	Philip Morris, Inc.	1,200.00	25.00
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	750.00	
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
James E. Bartley, 1090 Vermont Avenue, NW, #410 Washington, DC 20005	National Industrial Transportation League	8,500.00	23.00
Jo-Anne R. Basile, 1990 M Street, NW, #610 Washington, DC 20036	Cellular Telecommunications Industry Assn	3,125.00	2,006.92
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Women's Legal Defense Fund	16,200.00	8,372.28
Stephen R. Bassett, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,000.00	
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	1,337.43
Christopher M. Bates, 1325 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Motor & Equipment Manufacturers Assn	1,750.00	1,753.00
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance	2,000.00	
Robert E. Bates Jr., 1100 Connecticut Ave, NW, #620 Washington, DC 20036	Mobil Corp	1,125.00	
Catharine R. Batky, 50 F Street, NW, #1080 Washington, DC 20001	Burlington Northern Railroad	1,750.00	374.66
Erica M. Battaglia, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	17,700.21	590.00
Gary Lee Bauer, 601 Pennsylvania Ave., NW, #901 Washington, DC 20004	Focus on the Family	875.00	
Barbara Bauman, 1990 M Street, NW, #480 Washington, DC 20036	Detroit Edison Company	700.00	50.00
Lori Baux, 1000 Potomac Street, NW, #401 Washington, DC 20007	Americans Against Unfair Gas Taxes		
Ann F. Bavaria, 36 North Sixth Street Reading, PA 19601	Meridian Bancorp, Inc		10.00
Richard 'Sandy' Beach, 805 15th Street NW, #300 Washington, DC 20005-2207	Credit Union National Assn, Inc		
Tina Marts Beach, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co.	372.00	
Bruce A. Beam, 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp	415.48	419.26
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Richard F. Bechtel, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	3,054.40	
Edward A. Beck III, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	5,087.50	131.75
Robert E. Beck, P.O. Box 6808 Falls Church, VA 22046	National Assn of Plumbing-Heating-Cooling Contractors	354.00	22.00
Robert G. Beckel, 1000 Potomac Street, NW, #401 Washington, DC 20007	Americans Against Unfair Taxes		
Lee Becker, 1111 14th St., NW Washington, DC 20005	American Bakers Assn	322.50	20.00
Stacey Beckhardt, 1625 I Street, NW, #911 Washington, DC 20006	Consortium of Social Science Assn		
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	8,473.51	30.00
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	42.37
Howard Bedlin, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	620.57	
Beer Institute, 1225 'Eye' Street, NW, #825 Washington, DC 20005			
Robert M. Beers, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn	6,840.00	
William A. Behan, 1700 N. Moore St., #820 Arlington, VA 22209	Magnavox Government & Industrial Electronics Co		1,403.98
Edwin L. Behrens, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	152.00	
David Beier, 1747 Pennsylvania Ave., NW, #1223 Washington, DC 20006	Genentech, Inc	3,000.00	103.97
Kenneth J. Beirne, 777 14th Street, NW Washington, DC 20005	National Association of Realtors	2,500.00	
Mark Belanger, 805 Third Avenue New York, NY 10022	Major League Baseball Players Assn		
Donald K. Belch, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Stelco, Inc.	91.11	423.23
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	646.76
R. Steve Bell, 444 North Capitol Street, NW #845 Washington, DC 20001	National Air Traffic Controllers Assn		
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Mary K. Bellamy, 1600 M St., NW, #600 Washington, DC 20036	Investment Company Institute	70.39	
Benito Advertising, Inc, 600 N. Westshore Blvd., #1100 Tampa, FL 33609	Philip Morris, Inc.	8,000.00	161.75
Daniel J. Bennet, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc.	2,500.00	
William M. Bennett, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
John C. Bennison, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	8,500.00	
Benoit Smith & Laughlin, 2001 Jefferson Davis Highway, #501 Arlington, VA 22202	Econopure		
Do	Hughes Aircraft Company		
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		38.20

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Hu A. Benton, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:General Electric Mortgage Insurance Co)	1,319.22	
James E. Benton, N. J. Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	235.00	
Todd P. Bentsen, 322 D. St., NE Washington, DC 20036	Rainbow Lobby, Inc.	4,173.41	
George L. Berg Jr., 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,975.00	
Rebecca J. Berg, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	Sea-Land Corporation	450.00	
Douglas L. Berger, 1333 F Street, NW, #710 Washington, DC 20004-1108	Third Class Mail Assn.	2,774.00	
Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	400.00	
Bergner Boyette & Bockorny, Inc. 1016 16th Street, NW, #700 Washington, DC 20036	Avianca, Inc	6,000.00	405.00
Do	Bell Atlantic Corp	5,000.00	955.00
Do	China External Trade Development Council	2,500.00	1,600.00
Do	Dead Pigeon River Council		
Do	Electronic Industries Assn.	3,000.00	2,325.00
Do	Eli Lilly & Company	700.00	360.00
Do	First Boston Corp	10,500.00	3,025.00
Do	Flo-Sun Land Corp	5,000.00	2,375.00
Do	Fox Broadcasting Company	6,500.00	445.00
Do	Friendship in Freedom Assn	3,000.00	890.00
Do	Health Industry Manufacturers	4,000.00	610.00
Do	Landmark Hotel Corp.		
Do	Mallinckrodt, Inc.	6,000.00	440.00
Do	McDonnell Douglas Corp	3,600.00	400.00
Do	Murry's, Inc.	400.00	
Do	National American Wholesale Grocers Assn (NAWGA)	3,600.00	200.00
Do	National Assn of Business & Educational Radio	5,000.00	1,015.00
Do	National Soft Drink Assn.	4,000.00	2,700.00
Do	Natural Gas Supply Assn.	7,500.00	2,460.00
Do	Okeelanta Corp.	10,000.00	2,800.00
Do	Orange & Rockland	9,000.00	1,545.00
Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Edwin M. Bergsmark, 136 North Summit Street, #213 Toledo, OH 43604	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & subsidiaries)		
Jane W. Bergwin, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co.	3,448.00	6,998.00
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	17,493.06	2,460.00
Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013			
Peter M. Berkery Jr., 1010 N. Fairfax Street Alexandria, VA 22314	National Society of Public Accountants		
Nathan R. Berkley, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	100.00	
Linda K. Berkshire, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	2,838.00	207.00
Pamela M. Berkwitz, Norwest Center-Sixth & Marquette Minneapolis, MN 55479-1032	Norwest Corporation	12,000.00	2,738.35
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	
Berliner & Maloney, 1101 17th Street, NW, #1004 Washington, DC 20036-4798	Government of Barbados, Ministry of Finance & Planning	22,139.80	861.90
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc.	5,000.00	
Richard B. Berman, 1025 Connecticut Ave. NW, #1010 Washington, DC 20036	Burger King Corp.		
Do	Pillsbury Company		
Do	S&A Restaurants Corp		
William R. Berman, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn.		
Susan M. Bernard, 1350 New York Ave., NW Washington, DC 20005	Spiegle & McDiarmid (For:Alliance of Responsible Electric Systems for Energy Access).	7,462.50	612.24
Elizabeth Bernstein, 2030 M Street, NW Washington, DC 20036	Common Cause	4,250.04	103.35
George K. Bernstein, 1730 K St., NW Washington, DC 20006	Jauch & Hubener, O.H.G.		
Do	Nationwide Insurance Companies		
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations	20,750.00	9,201.58
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessionnel de L'Economic Laitiere		
Do	Committee to Assure the Availability of Casein		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Do	Florida Department of Citrus		3,609.69
Michael J. Bertelsen, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For:Alliance for America's Homeowner)		
Do	Perkinson & Associates, Inc (For:Beneficial Management Corp)		
Do	Perkinson & Associates, Inc (For:National Second Mortgage Assn)		
Bill Bertera, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Gerald M. Bestler, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	BMC Industries, Inc		
John F. Betar, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	6,545.50	
Ed Bethune, 1825 Eye Street, NW, 400 Washington, DC 20006	FBI Agents Assn (FBIAA)	9,000.00	1,650.00
Robert Betz, 1010 Vermont Avenue, NW, #1116 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	15,000.00	646.41
Do	American Assn of Eye & Ear Hospitals	15,000.00	176.70
Albert J. Beveridge, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, PC (For:Christie Manson & Woods International, Inc)	1,312.50	
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Christie Manson & Woods International, Inc.	4,881.25	4,885.94
Do	City of Bluefield, WV, et al	860.62	1,682.11
Do	FMC Corporation	18,801.25	5,970.90
Do	Northern Indiana Public Service Company		
Do	Pacific Dunlop-GNB	18,976.25	39,497.91
Beverly Enterprises, Inc, 1631 Woodstock Street, N. Rosslyn, VA 22207			
Cheryl Beversdorf, 1640 Wisconsin Ave., NW, Washington, DC 20007	American College of Surgeons		
Sheldon D. Beychok, 10481 Old Hammond Hwy., #A Baton Rouge, LA 70816	Camp Dresser & McKee, Inc.		
Do	Community Health Network of Louisiana, Inc		
Do	First Boston Corp		
Do	Lamar Corporation		
Do	Ramsay Hospital Corporation of Louisiana, Inc		
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	350.00	800.13
John C. Biechman, 655 15th St., NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Joan T. Bier, 1726 M Street, NW, #701 Washington, DC 20036	International Minerals & Chemical Corp.		181.50
Richard H. Bierly, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp.		
Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005	Oxford Energy	21,616.24	
Do	Santa Barbara County Air Pollution Control District	9,327.74	
Do	South Coast Air Quality Management District	11,891.23	
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	8,390.00	
Andrea Bilson, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Hugh L. Binford, 514-D Parkview Road Ft. Walton Beach, FL 32548			
Stuart Binstock, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Peggy K. Binzel, 810 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	1,750.00	
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Alaska Pacific Refining, Inc		
Do	Alaska Teamsters-Employer Pension Trust		
Do	Chugach Alaska Corp.		
Do	City of Cordova		
Do	City of St. George		
Do	Entergy Services Corp.		
Do	Gerry Cooney Enterprises		
Do	Grand Targhee Ski Resort		
Do	Kodiak Island Borough		
Do	North Slope Borough		
Do	Old Harbor Corp.		
Do	Sealaska Corp.		
Do	St. George Tanaq Corp		
Do	Tanadgusix Corporation		
Do	Westinghouse Electric Corp.		
Do	Wildlife Legislative Fund of America		
Do	Yukon Pacific Corp		
Susan Birmingham, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,030.77	
McNair Bishop, 1725 k Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc.		
Bishop Cook Purcell & Reynolds, 1400 L Street, NW, #1000 Washington, DC 20005-3502	CompuServe Incorporated		1,285.00
Do	International Mass Retail Association	5,000.00	
Do	Milk Industry Foundation/Int'l Ice Cream Manufacturers	3,750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Cable Television Assn	10,000.00	171.66
Do	Natural Gas Pipeline Coalition	4,387.87	
Do	Wal-Mart		
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Judy Black, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	100.00	
Wayne V. Black, Keller and Heckman 1150 17th Street, NW, #1000 Washington, DC 20036	INDA, Assn of the Nonwoven Fabrics Industry		
Black Crotty Sims Hubka Burnett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life Insurance Company	60,000.00	
Do	Electronic Data Systems Corp		
Do	Security First Federal Savings & Loan Assn		
Black Manafort Stone & Kelly, P.C., 211 North Union Street, #300 Alexandria, VA 22314	Aetna Life & Casualty	7,000.00	276.69
Do	Allied-Signal Corp	22,500.00	392.33
Do	Bethlehem Steel Corp	22,500.00	
Do	Casino Association of New Jersey	7,000.00	
Do	Clark Construction Group	9,000.00	
Do	Cooper's Ferry Development Assn, Inc	5,000.00	
Do	Edison Electric Institute		
Do	Financial Security Assurance	22,500.00	
Do	Johnson & Johnson, Inc	30,000.00	416.53
Do	Kaman Aerospace Corp	25,000.00	
Do	Large Public Power Council		38.91
Do	MacAndrews & Forbes Holdings, Inc / Revlon Group, Inc	6,000.00	89.95
Do	Mortgage Insurance Co of America	31,250.00	
Do	NOVA University	30,000.00	
Do	Puerto Rico Federal Affairs Administration	9,000.00	374.38
Do	Regional Transit Authority	9,000.00	
Do	Republic of Kenya	31,250.00	131.17
Do	Somali Democratic Republic		
Do	South Carolina Economic Development Board	2,000.00	47.33
Do	Tobacco Institute	22,500.00	
Do	Trump Organization	18,000.00	33.93
Do	Union Pacific Corp	22,500.00	
Do	UNITA	75,000.00	
Joseph W. Blackburn, P.O. Box 55727 2222 Arlington Ave., So. Birmingham, AL 35255	Sirote & Permutt, PC (For:McAbee Construction)		
Lisa E. Blackwell, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	60.93
Robert J. Blackwell Jr., 1025 Connecticut Avenue, NW, #1014 Washington, DC 20036	Ebasco Services, Inc	3,645.00	1,582.33
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
David A. Blair, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	3,000.00	92.26
Stephen Blair, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	750.00	
Richard R. Blake Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Roy Blake, 900 University Dr. Nacogdoches, TX 75961	Philip Morris Incorporated	9,000.00	455.56
Helen Blank, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	7,341.32	
Julia M. Blankenship, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	1,462.75	517.65
Michael E. Bleier, Mellon Bank N.A. One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A.	2,500.00	
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Amax, Inc		
Do	Brother International Corp		
Do	Fluor Corporation		
Do	National Paint & Coatings Assn, Inc	4,450.00	468.74
Do	Philip Morris Cos, Inc	1,890.00	186.33
Do	PB-KBB, Inc		
Do	Texstor	520.00	67.81
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,700.00	
Patricia Blood, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,000.00	1,164.00
Anne Bloom, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	5,250.00	
Mark Bloomfield, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	2,186.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	1,022.63
Robert S. Bludworth, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesaler's Assn	3,500.00	411.75
Charles H. Blum, 1238 Wisconsin Ave., NW, #204 Washington, DC 20007	International Advisory Services Group, Ltd (For:Steel Service Center Institute)		
Jared O. Blum, 1731 Connecticut Ave., NW, 2nd Fl. Washington, DC 20009-1146	Albers & Company (For:Direct Marketing Assn)		
Do	Albers & Company (For:May Department Stores Co)		
Robert A. Blum, 400 Sansome Street San Francisco, CA 94111	Orrick Herrington & Sutcliffe (For:Permanente Medical Group, Inc)	910.00	
Patti Blumer, 1667 K Street, NW, #430 Washington, DC 20006	American Dietetic Assn	1,000.00	
Wayne F. Boan, 16019 Mickleham Drive Spring, TX 77379	Employers Council on Flexible Compensation	200.00	
John A. Boardman, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept, AFL-CIO	2,900.00	29.00
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		90,000.00	90,000.00
Judith Ann Boddie, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	3,523.62	946.28
Bogle and Gates, One Thomas Circle, NW, #900 Washington, DC 20005	American Dehydrated Onion & Garlic	3,000.00	
Do	Cruiseship Alliance	7,500.00	
Do	National Apparel & Textile Assn	5,000.00	
Do	United Sport Fishermen	1,500.00	
Robert Z. Bohan, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn		121.92
Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	260.00	
Michael J. Bolen, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Joseph C. Bonanno Jr., 4068 Keith Drive Campbell, CA 95008			
Brian C. Bonnet, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Edward Book, Two Layfayette Centre 1133 21st Street, NW Washington, DC 20036	Travel Industry Assn of America	3,900.00	
Gaylon B. Booker, 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America	900.00	12.50
Steven A. Bookshester, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	500.00	6.00
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	100.00	
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	2,375.00	195.50
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,681.25	
William J. Bosies Jr., 680 4th Ave. Louisville, KY 40202	Capital Holding Corporation		
Ken Bossong, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	1,000.00	
G. Stewart Boswell, 2500 Wilson Blvd, #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,312.55	39.01
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	McDonnell Douglas Helicopters, et al	1,500.00	125.00
John C. Bottenberg, 702 Jayhawk Tower 700 S.W. Jackson Topeka, KS 66603	Philip Morris, Inc	3,750.00	635.24
Do	Reese Communications Cos (for: Philip Morris, USA)	3,750.00	635.24
Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	400.00	105.10
Mary M. Bourdette, 122 C St., NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	10,396.71	2,066.81
Albert D. Bourland, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Laura L. Bourne, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	2,937.50	
Albert D. Bowers, 1025 Conn. Ave., #200 Washington, DC 20036	Shell Oil Company	500.00	
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	13,972.50	2,072.60
Michael Bowers, 1717 K Street, NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy	250.00	
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	3,000.00	2,197.14
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Gina M. Bowman, P.O. Box 7305, Dept. 178 Kansas City, MO 64116	Farmland Industries, Inc		
Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1801 K St., NW Washington, DC 20006	International Business Machines Corp	100.00	
Paul Boyle, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	6,475.00	161.22
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	American Council on Education		
Do	Centex Corporation		
Do	Chemical Manufacturers Assn, Inc	1,880.00	1,128.00
Do	Enron Corp	940.00	564.00
Do	Genetech, Inc		
Do	Graham Resources, Inc		
Do	Higman Barge Lines, Inc	300.00	234.00
Do	Louisiana Land & Exploration Co		
Do	Massachusetts Mutual Life Insurance	400.00	240.00
Do	MEPC American Properties		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Cable Television Assn, Inc	940.00	564.00
Do	Pennsylvania Natural Gas Assn		
Do	Quantum Chemical		
Do	Southdown/Pelto Oil Company		
Do	Sterling Chemicals, Inc	1,175.00	705.00
Do	Torch Energy Advisors, Inc		
Do	Valero Energy Corporation	3,760.00	2,256.00
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	American Home Satellite Association		
Do	American Southwest Financial Corp		
Do	Arkla, Inc	7,000.00	235.00
Do	Batman Corporation		
Do	City of Klamath Falls	8,000.00	120.00
Do	City of Tucson	7,000.00	105.00
Do	Corn Coalition	10,000.00	300.00
Do	Daishowa America Company, Ltd	6,000.00	135.00
Do	Energy Absorption Systems, Inc	8,000.00	90.00
Do	Fieldstone Co	1,000.00	50.00
Do	Millicom, Inc	4,000.00	105.00
Do	Rocky Company (for: Daishowa America Co Ltd.)	6,000.00	135.00
Do	Satellite Broadcast Network		
Bradbury Bliss & Riordan, 431 West 7th Ave., #201 Anchorage, AK 99501	Akhiok-Kaguyak, Inc	32,688.10	
Martha Braddock, 6808 Hathaway Street Springfield, VA 22152	Electronic Data Systems Corp	10,047.00	274.47
Daniel Todd Bradfield, 13209 Twinbrook Parkway, #203 Rockville, MD 20851	Suburban Maryland Building Industry Assn	8,374.98	
Stephen E. Bradley, 600 18th Street North Birmingham, AL 35291	Alabama Power Company	48,937.78	
Wayne W. Bradley, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	1,000.00	
Dennis M. Bradshaw, 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	13,153.84	
Charles G. Bragg, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
Stuart J. Brahs, 655 15th St., NW, #950 Washington, DC 20005	Principal Financial Group	149.04	
Sally M. Brain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Arnall Golden... (for Amer Colleges for the Applied Arts)		
Do	Marriott Corporation		
Do	National Assn for Home Care		
Do	S.A.F.E.	90.00	
Do	Seafarers International Union		
David L. Brandon, 1129 Twentieth Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Sarah J. Brandt-Erichsen, 1050 17th Street, NW, #700 Washington, DC 20036	National Ocean Industries Assn	925.00	
Chris Julian Brantley, 1828 L Street, NW #1202 Washington, DC 20036	Institute of Electrical and Electronics Engineers (IEEE)		
William C. Brashares, Mintz Levin Cohn Ferris Glovsky & Popeo 1825 Eye St., NW, #1200 Washington, DC 20006	Smith Barney Harris Upham & Co, Inc		
Jean A. Brashears, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	260.00	
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Donald H. Brazier, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al		
Harold E. Brazil, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	33.89	
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Edward T. Breathitt, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Roy S. Bredder, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Bregman Abell & Kay, 1156 15th St., NW, #1212 Washington, DC 20005	Air Transport Assn of America	5,000.00	
Do	American Fed of Labor & Congress of Industrial Organizations	5,000.00	
Do	American Federal Savings Bank		
Do	Car Rental Coalition		
Do	Committee to Eliminate Equipment Giveaways		
Do	Federal Home Loan Bank of San Francisco		
Do	Temistocles Ramirez		
Do	Trans World Airlines, Inc		
Do	Truck Renting & Leasing Assn	2,500.00	
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	2,103.50
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	641.26
Thomas M. Bresnahan III, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,500.00	50.00
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	250.00	
Paul J. Breuer, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	15,422.40	294.33
Shannon P. Breuer, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Company, Inc	1,003.00	84.10
F.H. Brewer III, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn	1,824.00	85.65
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	Emerson Electric Co		501.63
Bricker & Eckler, 1575 Eye Street, NW, #1020 Washington, DC 20005	Commonwealth of Puerto Rico	800.00	
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,550.00	
Karen B. Brigham, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	116.75
Bradly A. Broadwell, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,750.00	
Robert D. Brocklin, 1350 New York Avenue, NW, #600 Washington, DC 20005	Stoel Rives Boley Jones & Grey (For:PacifiCorp)		
David M. Brockman, 1201 New York Avenue, NW, #850 Washington, DC 20005	National Grain & Feed Assn		3,093.75
Mary Broderick, 1625 K St., NW, 8th Fl. Washington, DC 20006	National Legal Aid & Defender Assn	1,500.00	3.40
William M. Brodhead, 900 Marquette Building Detroit, MI 48226	Plunkett & Cooney (For:National Bank of Detroit)	5,250.00	656.00
Do	Plunkett & Cooney (for Blue Cross & Blue Shield of Michigan)	6,000.00	57.00
Do	Plunkett & Cooney (for City of Detroit, Michigan)	8,625.00	672.18
Do	Plunkett & Cooney (for Detroit Educational TV Foundation)		
Do	Plunkett & Cooney (for Michigan Consolidated Gas Co)	9,000.00	3,475.08
David A. Brody, 1050 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn		
Do	Anti-Defamation League of B'nai B'rith		
Do	Corn Coalition	1,500.00	
Marcia D. Brody, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	750.00	
Michael J. Brokovich, 2001 L Street, NW, Suite 1000 Washington, DC 20036	Unisys Corp	1,000.00	
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	4,500.00	
Dale E. Brooks, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	2,565.00	
E. R. Brooks, 2121 San Jacinto Street, #2500 Dallas, TX 75201	Central & South West Corp	1,250.00	383.38
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	5,449.71	319.90
Maria Brousse, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	1,853.80	
Cynthia A. Brown, 1640 Wisconsin Ave., NW, Washington, DC 20007	American College of Surgeons		
Cynthia L. Brown, 1110 Vermont Ave., NW, #1250 Washington, DC 20005	Shipbuilders Council of America	15,000.00	
Dale E. Brown, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	10,000.00	2,728.95
David C. Brown, 2100 Pennsylvania Ave., NW, #675 Washington, DC 20037	American Nuclear Energy Council	386.87	126.00
David S. J. Brown, 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co	700.00	437.63
Doreen L. Brown, 1726 M Street NW Washington, DC 20036	Consumers for World Trade		
E. Cooper Brown, 6935 Laurel Ave., #204 Takoma Park, MD 20912			
George L. Brown, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	1,250.00	907.59
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.I.O.A. & Subs, Inc		
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	6,000.00	2,790.02
Virginia Brown, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Castine Partners)	550.00	
Do	Thacher Proffitt & Wood (For:Citicorp Mortgage Finance, Inc)	775.00	61.55
Do	Thacher Proffitt & Wood (For:Federal Home Loan Mortgage Corp)		
Do	Thacher Proffitt & Wood (For:General Electric Mortgage Insurance Cos)	6,655.00	546.54
Do	Thacher Proffitt & Wood (For:Standard Federal Savings & Loan)	650.00	6.00
Will Rolland Brown, 1731 Connecticut Ave., NW Washington, DC 20009	Albers & Company (For:May Department Stores Company)		
William E. Brown, 1667 K Street, NW #420 Washington, DC 20006	Mead Corporation		
William R. Brown, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce	361.00	
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	15.00
T. G. Brown & Associates, Inc, #995 National Press Building 529 14th Street, NW Washington, DC 20045	Velsicol Chemical Corp	230.00	
Clarence J. Brown and Co., Inc, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	BHC, Inc	1,950.00	
Do	Chris-Craft Industries, Inc		
Do	Honda North America,Inc	9,800.00	5,026.80
Do	Ohio Edison	9,650.00	
Do	United Television, Inc		
Brown Coates & McCarthy Inc, 1825 K Street, NW, #807 Washington, DC 20036	Avco Research Lab, Inc		
Do	Royal Teton Ranch	750.00	
Brownstein Hyatt Farber & Madden, 410 17th Street, 22nd Floor Denver, CO 80202	Alliance for Capital Access		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Republic Health Corp		
Do	Western Union Corp	10,048.33	23,396.06
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Association Local Housing Finance Agencies	6,000.00	7,158.75
Do	Commuter Transportation Services, Inc		
Do	New York City Housing Development Corp	12,000.00	12,732.15
Do	New York State Mortgage Loan Enforcement & Admin Corp	1,705.50	
Do	Related Companies, Inc	9,000.00	10,100.00
Broydrick Associates Inc, 600 East Mason Street Milwaukee, WI 53202	Aurora Health Care	725.00	311.51
Do	Children's Hospital of Wisconsin	2,087.50	1,400.06
Do	Meehan Seaway	100.00	38.00
Do	Oneida National	1,675.00	581.61
Do	Waste Management	6,750.00	3,017.24
Do	Watertown Memorial Hospital	350.00	73.32
Jeanne Broyhill, 1776 G Street, NW, 3rd Floor Washington, DC 20006	Federal Home Loan Mortgage Corp	5,243.64	830.74
Thomas P. Bruderle, 4630 Montgomery Ave. Bethesda, MD 20814	American Society of Hospital Pharmacists		9,000.00
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Kathryne M. Bruner, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,440.00	277.38
William K. Brunette, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	625.96	229.89
J. M. Brunkenhoefer, 400 First Street, NW, #704 Washington, DC 20001	United Transportation Union	6,259.00	
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,000.00	30.85
J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Cos	1,770.00	673.49
Victor A. Bryant, 1801 K Street, NW #900 Washington, DC 20006	American Textile Manufacurers Institute	264.00	63.05
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	17,631.00	
Susan Buck, 1850 M Street, NW Washington, DC 20036	US Sprint Communications Company, LP	19,155.00	6,451.60
Judith A. Buckalew, 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20004-0401	Hoffmann-La Roche	5,500.00	422.92
Virginia M. Buckhold, 1722 Eye Street, NW Washington, DC 20006	Sidley & Austin (For:Commerce Clearing House)		
Robert Buckler, 405 Sibley St., #120 St. Paul, MN 55101	National Board of Fur Farm Organizations	9,000.00	
Jeremiah S. Buckley, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Mortgage Finance, Inc.)		26.50
Do	Thacher Proffitt & Wood (For:Massachusetts Bankers Assn)		4.00
Thomas L. Buckmaster, 1301 Connecticut Avenue, NW, #700 Washington, DC 20036	Citizens for Sensible Control of Acid Rain		
Roy C. Buckner, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron	600.00	150.00
J. Bruce Bugg Jr., 660 N. Main Ave., #350 San Antonio, TX 78205	J. Bruce Bugg, Jr., P.C. (For:Karnes Savings and Loan Assn)		
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	2,100.00	30.00
Kim H. Bullerdick, 23733 North Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Linda Knell Bumbalo, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	7,530.00	523.00
Darrel D. Bunge, Minnesota Petroleum Council 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	3,150.00	
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Parcel Shippers Assn	2,000.00	
T. Scott Bunton, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	10,000.00	1,102.15
Norman D. Burch, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	9,000.00	177.80
Barbara G. Burchett, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Burchette & Associates, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Ambase		1.48
Do	Carteret Savings and Loan Assn		246.83
Do	City of Newark		187.83
Do	Colorado-Ute Electric Assn, Inc	1,662.89	38.60
Do	Carl J. Maggio		38.60
Do	Mutual Benefit Life		324.04
Do	New York University		346.16
Do	NTEC	2,443.83	75.72
Do	Ogden, Utah		7.38
Do	Tex-La	17,088.59	8.90
Do	United Power		1.48
Do	University of Medicine and Dentistry of New Jersey		272.56
Do	University of Miami		301.28
David G. Burden, 200 E. Randolph Dr. Chicago, IL 60601	Amoco Corporation		
Paul F. Burdett, 1776 Eye Street, NW, #575 Washington, DC 20036	Merrell Dow Pharmaceuticals, Inc		74.50
David P. Burford, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc		5,649.12
Burger King Corp, P.O. Box 520783 Gen. Mail Facility Miami, FL 33152			360.80
William J. Burhop, 1101 17th Street, NW Washington, DC 20036	American Airlines, Inc	2,125.00	875.65
April L. Burke, 901 31st Street, NW Washington, DC 20007-3838	Association of Independent Research Institutions (AIRI)	195.00	
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Kevin M. Burke, 1111 14th St., NW Washington, DC 20005	American Bakers Assn	840.00	180.00
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW Washington, DC 20036		51,406.50	1,150.00
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	3,750.00	64.77
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Thomas N. Burnham, 4140 Miller Road Ann Arbor, MI 48103	Domino's Pizza International, Inc		
Charles S. Burns, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Kevin R. Burns, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Michael Burns, 601 Pennsylvania Ave., NW, #700 Washington, DC 20004-2602	Business Executives for National Security		
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	4,000.00	416.25
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	American Assn of Dental Schools	220.00	14.00
Do	Arthur Andersen & Co		
Do	Atochem, N.A.		
Do	Chicago & Northwestern Transportation Co		
Do	City of Philadelphia	165.00	14.00
Do	CEMEX		
Do	Hankin Management-Arsenal Business Center Associates		
Do	Independence Blue Cross	440.00	21.00
Do	Lever Brothers Company	500.00	
Do	National Food Processors		
Do	Philadelphia Industrial Development Corp		
Do	Philadelphia Port Corp	220.00	24.50
Do	Temple University	330.00	
Do	Thomson-CSF, Inc	2,500.00	
William Burton, 180 Maiden Lane New York, NY 10038	Continental Insurance Company		
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	Scana Corp		9,109.73
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Business Committee for Fair Civil RICO Legislation, 1400 16th Street, NW #400 Washington, DC 20036-2220			385.28
Donald G. Butcher, c/o N.Y.S. Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	2,000.00	388.70
Henry Butler, 3707 Woodview Trace Indianapolis, IN 46268	Crop Insurance Research Bureau	862.50	862.50
Mrs. H. E. Butt, 2700 Ocean Drive Corpus Christi, TX 78411			
Bruce Butterfield, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufacturing Housing Institute		
Mary Jane Butterfield, 1615 M Street, NW, #220 Washington, DC 20036	Harff Butterfield (For:Turkish Republic of Northern Cyprus)	5,760.00	
William Byler Associates, Inc, 1155 Conn. Ave., NW, #300 Washington, DC 20036	Ak-Chin Indian Community Council		
Do	Havasupai Tribal Council		
Do	San Carlos Apache Tribe	264.75	
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,000.00	
Patrick J. Cacchione, 625 Slaters Lane, #200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers		
Elizabeth B. Cady, 1919 Pennsylvania Ave., NW Washington, DC 20006	Steel Service Center Institute		
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	500.00	100.00
Christopher G. Caine, 1801 K St., NW, #1200 Washington, DC 20006	IBM Corp	16,000.00	1,241.33
Tony Calandro, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	1,750.00	
James D. Calaway, 711 West Bay Area Blvd., #320 Webster, TX 77598-4001	Space Industries, Inc		
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,155.25	
Bonnie Caldwell, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	4,507.04
Thomas Caldwell, 4-30-1-202 Nishi-Shinjuku Tokyo 160			
Antonio J. Califa, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	2,800.00	
John C. Callihan, 299 Park Avenue New York, NY 10171	Westvaco Corporation		
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			360.00
Cambridge International, Inc, 1600 Wilson Boulevard, #713 Arlington, VA 22209	Eastern Technologies, Inc	500.00	
Do	FMC Corporation	500.00	
Do	General Dynamics Land Systems	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	General Dynamics Valley Systems Division	250.00	
Do	McDonnell Douglas Helicopter Company	600.00	
Do	Optic-Electronic Corp	500.00	
Do	Textron Lycoming	500.00	
Arthur E. Cameron, 1111 14th Street, NW, #1001 Washington, DC 20005	Amerace Corporation	1,500.00	
Do	Lukens General Industries, Inc.	1,500.00	
Do	National Greyhound Assn.	4,500.00	
Do	Potters Industries, Inc	2,250.00	
Do	Safetran Systems Corporation	2,288.00	
Do	Syro Steel Co, et al.		
Do	3M Company	8,625.00	
Nancy Camm, 1800 K Street, NW, #900 Washington, DC 20006	Bank of America	274.08	205.59
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Advance Petroleum Inc	342.50	
Do	Associated Financial Corp		
Do	ARA Services		
Do	BellSouth Corp	325.00	
Do	Blue Cross & Blue Shield Assn		
Do	California Pipe Trades Council		
Do	Campbell Soup Co		
Do	Chemical Manufacturers Assn, Inc	700.00	
Do	Cleveland Clinic Foundation		
Do	Columbia Gas Systems		
Do	Committee for Equitable Compensation	253.75	
Do	Fashion Accessories Shippers Assn (FASA)		
Do	Goldbelt, Inc	1,500.00	
Do	Home Intensive Care, Inc		
Do	K-Mart Corp		
Do	Mobil Oil Corp		
Do	Natural Gas Supply Assn		
Do	Olin Corporation		
Do	Pennzoil Co		
Do	PGA Tour		
Do	PPG Industries, Inc		
Do	Russ Berrie & Co, Inc		
Do	Sears Roebuck & Co	533.75	
Do	Shell Oil Co	26.25	
Do	Southland Corporation	862.50	
Do	Texaco, Inc		
Do	Union Pacific Resources, Inc		
Do	Western Mobilehome Assn		
Do	World Airways		
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	5,000.00	
Carl C. Campbell, 1110 Vermont Avenue, NW, #430 Washington, DC 20005	National Cotton Council of America	800.00	
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
David Campbell, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	80.95	
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission		
Do	American Airlines, Inc.		
Do	American Nuclear Energy Council		
Do	Invest to Compete Alliance		
Do	LTV Aerospace & Defense Co		
Do	The New England		
Do	Pitney Bowes		
Do	Product Liability Alliance		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Texas Utilities Services, Inc		
Do	United Illuminating Co		
Do	Westinghouse Electric Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:ARCO Power Technologies, Inc)		
Do	John G. Campbell, Inc (For:BDM International, Inc)		
Do	John G. Campbell, Inc (For:Ebasco)		
Do	John G. Campbell, Inc (For:General Electric Co)		
Do	General Motors Corp		
Do	Loral Corp		
Do	ManTech International Corp		
Do	Syracuse University		
Do	West Virginia University		
Do	John G. Campbell, Inc (For:3M Company)		
Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	1,294.61
Do	Madison Public Affairs Group, Inc (for: Philip Morris USA)		
Canadian Coalition on Acid Rain, 112 St. Clair Avenue, #401 Toronto, Ontario Canada M4V 2Y3		30,835.63	7,466.67
Canady Law Legislative Group, 310 N. Grand Ave., #110 Lansing, MI 48933-1279			
Robert P. Canavan, 701 N Fairfax Street Alexandria, VA 22314-7807	United Way of America		100.00
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	12,900.00	909.00
Candlelighters, 123 C St., SE Washington, DC 20003			
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	525.00	
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
Dean H. Cannon, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, PC (For:Christie Manson & Woods International, Inc)	45.00	
W. Dean Cannon Jr., 9800 S. Sepulveda Blvd., #500 Los Angeles, CA 90045	California League of Savings Institutions	3,000.00	4,905.23
David L. Cantor, 1233 20th St., NW, #400 Washington, DC 20036	Porter Wright Morris & Arthur (For:Coalition for Environmental-Energy Balance)		
Francis J. Cantrel Jr, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	5,000.00	270.09
Charles Hollister Cantus, 555 13th Street, NW, #450 west Washington, DC 20004	Union Pacific Corporation	8,000.00	527.50
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunication Corp	9,900.00	
Do	Madison Group (for: Northern State Power)	1,250.00	647.00
Do	Philip Morris, Inc	9,000.00	
Capital Marketing Analytics, Inc, 2001 Jeferson Davis Highway, #1012 Arlington, VA 22202	Honeywell, Inc	463.15	33.76
Do	Sofec, Inc	787.36	33.75
Capital Representation Group, Inc, 1127 11th Street, #1003 Sacramento, CA 95814	Reese Communications Cos (for: Philip Morris, USA)	420.00	139.30
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	American Assn for Cancer Research	300.00	
Do	American Assn of Nurse Anesthetists	4,819.45	
Do	American Assn of Retired Persons	2,080.00	
Do	American Society of Nephrology	4,750.00	
Do	American Society of Tropical Medicine and Hygiene	600.00	
Do	Arthritis Foundation	937.50	
Do	Cambridge BioScience	600.00	
Do	Carnation Co	5,000.00	
Do	Child Welfare League of America	281.25	
Do	Citizen's for the Treatment of High Blood Pressure	500.00	
Do	Citizens Comm for Medical Research & Health Education	300.00	
Do	Cystic Fibrosis Foundation	1,200.00	
Do	Endocrine Society	437.50	
Do	FDA Council	10,237.50	
Do	Hutchinson Cancer Center	1,800.00	
Do	Illinois Collaboration on Youth	88.00	
Do	Joint Council of Allergy & Immunology	433.13	
Do	Merck & Co, Inc		
Do	Museum of Science & Industry	750.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,188.00	
Do	National Center for Health Education	1,050.00	
Do	National Coalition for Cancer Research	375.00	
Do	National Coalition for Volunteer Protection	150.00	
Do	National Crime Protection Council	825.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Multiple Sclerosis Society	633.23	
Do	National Renal Administrators Assn	1,800.00	
Do	Polymer Technology Corp		
Do	Ringling Brothers	3,750.00	
Do	Technicon Data Systems Corp	600.00	
Do	University of Alabama		
Do	Wistar Institute	3,250.00	
Capitol Marketing Services, 923 Riva Ridge Drive Great Falls, VA 22066			
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	Children's Television Workshop	1,025.00	
Do	Council on Foundations, Inc		
Do	National Council of YMCA of the USA		
Do	National Wildlife Federation		
Do	Wisconsin Alumni Research Foundation (WARF)		
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Michael J. Carey, 111 West Washington Street, #1017 Chicago, IL 60602	City of Chicago	11,250.00	4,926.48
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics	31,827.00	2,063.71
Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403	Central Power and Light Company	708.50	1,145.88
Caribbean Trade and Apparel Coalition (C-TAC), 1215 17th Street, NW Washington, DC 20036			
Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006	Bethleham Steel Corp		100.00
Linda E. Carlisle, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Clayton & Dubilier, Inc)		
Do	Cadwalader Wickersham & Taft (For:Government of Puerto Rico)		
Do	Cadwalader Wickersham & Taft (For:GAF Corporation)		
Do	Cadwalader Wickersham & Taft (For:Mercedes-Benz of North America, Inc)		
Do	Cadwalader Wickersham & Taft (For:Princeton University Investment Company)		
Anne E. Carlson, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	5,375.00	
Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	2,340.99	
Eileen Shannon Carlson, 2000 M St., NW Washington, DC 20036	Graham & James (For:R. R. Donnelley & Sons Company)		
Do	Graham & James (For:Federal Administrative Law Judges Conference)		
Do	Graham & James (For:Federal Judges Assn)		
Do	Graham & James (For:Illinois Health Facilities Authority)		
Do	Graham & James (For:Sierra Pacific Resources)	300.00	
Do	Graham & James (For:Stock Information Group)		
Do	Graham & James (For:Walt Disney Co)		
Gerald P. Carmen, 1667 K St., NW, #777 Washington, DC 20006	Carmen & Muss (For:Birtcher Niguel)		
Carmen & Muss, 1901 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Birtcher Niguel		
Do	Carmen Group (for CareerCom)	750.00	
Carmen Group, 1667 K Street, NW, #700 Washington, DC 20006	CareerCom	750.00	750.00
Phyllis D. Carnilla, 1700 17th Street, NW, #301 Washington, DC 20009	Arctic Sounder Enterprises, Inc		24.50
Julia Carol, 2054 University Avenue, #500 Berkeley, CA 94704	Americans for Nonsmokers' Rights	973.00	
Bertram W. Carp, 111 Massachusetts Ave., NW, 3rd Fl. Washington, DC 20001	Turner Broadcasting System, Inc	6,750.00	
George D. Carpenter, 6110 Center Hill Road Cincinnati, OH 45224	Procter & Gamble Co		
John K. Carson, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	11,100.00	159.05
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		
Juan Cartagena, 105 East 22nd Street New York, NY 10010	Community Service Society		
David C. Carter, 1156 15th St., NW, #1019 Washington, DC 20005	U.S. Beet Sugar Assn		
John R. Carter, 1000 Wilson Blvd., #2600 Arlington, VA 22209	TRW, Inc	1,518.75	1,085.73
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	1,263.56	
Tristan Carter, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,000.00	745.66
Melanie Carter-Maguire, 600 Maryland Ave., SW, #607 Washington, DC 20024	Northern Telecom, Inc		1,445.00
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,500.00	1,289.97
Cascade Natural Gas Corp, 222 Fairview Avenue N Seattle, WA 98109			
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	Council on Education Development and Research	300.00	98.38
Do	National Assn of Crop Insurance Agents	5,000.00	298.94
Do	United Foods, Inc	31,000.00	196.57
Paul S. Caskey, 1700 K Street NW, #1200 Washington, DC 20006	Chevron USA, Inc	400.00	15.00
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	5,500.00	
Eugene I. Casraiss Jr., 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	4,855.41	65.65
Marwin S. Cassel, 175 Northwest First Ave., #2000 Court House Center Miami, FL 33128-9965	Broad and Cassel (For:U.S. Strategies Corp (for: Cancer Treatment Holdings, Inc))		
William E. Casselman II, 1800 M Street, NW, #300-South Washington, DC 20036	Popham Haik Schnobrich & Kaufman, Ltd (For:Ova Noss Family Partnership)	1,500.00	
J. Warren Cassidy, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	2,681.25	
Lawrence J. Cassidy, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	30,262.00	
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Alexander Graham Bell Assn for the Deaf		
Do	American Dredging Company	600.00	
Do	American Hospital in Shanghai Foundation	1,500.00	
Do	American Science and Engineering, Inc		
Do	AmeriFlora '92		
Do	Anatolia College Board of Trustees		
Do	Arizona State University		
Do	Atlantic Financial		
Do	Barry University		
Do	Biopure Corp	75.00	
Do	Bolt Beranek & Newman, Inc		
Do	Boston Carmen's Union		
Do	Boston College	300.00	
Do	Boston University		
Do	Cardinal Hill Hospital		
Do	Catholic University of America	1,500.00	
Do	Centex Communications, Inc		
Do	Challenger Center		
Do	Children's Hospital and Health Center of San Diego	2,600.00	
Do	Children's Hospital in Michigan	2,700.00	
Do	Children's Hospital National Medical Center	1,500.00	
Do	Clark-Atlanta University		
Do	Columbia University		
Do	Community College Assn for Technology Transfer	1,500.00	
Do	Critical Languages & Area Studies Consortium, Inc	600.00	
Do	Deleware State Dept of Transportation	3,150.00	
Do	Drexel University		
Do	Epcint		
Do	Experiment in International Living	1,200.00	
Do	Friends of the American Tel Aviv Museum of Art		
Do	Fudan Foundation	1,500.00	
Do	Gonzaga University		
Do	Great Lakes Dredge and Dock Company	600.00	
Do	Hawaii Dept of Business & Economic Development	150.00	
Do	Infirmary Health Systems, Inc	600.00	
Do	International Data Group		
Do	ITT Gilfillan	875.00	
Do	T.L. James & Company	600.00	
Do	Kerr-McGee		
Do	Thomas H. Lee Co		
Do	Lehigh University		
Do	LiTel Telecommunications Corp	1,050.00	
Do	Lockheed IMF		
Do	Loma Linda University Medical Center, Inc	9,000.00	
Do	Louisiana Public Facilities Authority	5,700.00	
Do	Loyola College (Baltimore)		
Do	Loyola Marymount University	75.00	
Do	Loyola University of Chicago		
Do	Massachusetts Corp for Education Telecommunication		
Do	Massachusetts League of Banks		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Medical College of Wisconsin	3,450.00	
Do	Michigan Biotechnology Institute	3,900.00	6.50
Do	Michigan Technological University	450.00	
Do	Monterey Institute of International Studies	300.00	
Do	Mt. Sinai Medical Center of Greater Miami		
Do	Mt. Sinai Medical Center of New York City		
Do	Mutual Interest Transactions		
Do	National Jewish Center for Immunology & Respiratory Medicine	3,900.00	
Do	NeoRx		
Do	O'Connell Management Co, Inc		
Do	Ocean Spray Cranberries, Inc	3,775.00	
Do	Oceanit Laboratories, Inc	300.00	26.00
Do	Pennsylvania Turnpike Commission		
Do	Pirelli Cable Co	450.00	
Do	Polytechnic University	900.00	
Do	PHH Corp	75.00	
Do	Rochester Institute of Technology	750.00	6.50
Do	Saint Joseph's University	900.00	
Do	Schutz American School		
Do	Societa Cavi Pirelli S.p.A	300.00	
Do	Spring Garden College		
Do	St. Norberts College		
Do	State of Indiana Dept of Commerce	300.00	
Do	State of Indiana, Office of the Governor	1,800.00	
Do	Thomas Jefferson University		
Do	Tougaloo College		
Do	Tread Corporation		
Do	Tufts University		
Do	Twentieth Century Fox		
Do	U.S. Healthcare, Inc	1,350.00	
Do	Universal Med Center/U of TX Health Science Center at Dallas	225.00	
Do	University of the Arts		6.50
Do	University of Bridgeport		
Do	University of Hawaii	300.00	
Do	University of Kentucky Research Foundation	1,975.00	
Do	University of Nebraska		
Do	University of Pennsylvania		
Do	University of Pittsburgh-Presbyterian Univ. Hospital		
Do	University of Scranton	1,200.00	
Do	University of Southern Mississippi	150.00	
Do	University of Utah		
Do	University of Vermont		
Do	Western Townships Utilities Authority	1,200.00	
Do	Wojdak & Assocs, Inc for: Children's Hospital of Pittsburgh	300.00	
Do	World Trade Center Boston		
Do	Zamias Group	900.00	
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	912.50	
Casson Harkins & LaPallo, 1233 Twentieth Street, NW, #800 Washington, DC 20036	Foundation for Eye Research, Inc		34.40
Do	Healthcare Recoveries, Inc	504.43	856.60
G. Thomas Cator, 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).		
Do	Neece Cator & Associates (For:National Assn of Development Companies)		
Do	Neece Cator & Associates, Inc (For:Southeastern Lumber Manufacturers Assn)		
Harvey E. Cauthen Jr., 2 Dexter Ave. Montgomery, AL 36104	Alabama Power Company	15,000.00	2,837.01
Mary Cavanagh, 305 Third St., SE Washington, DC 20003	Mercury Stainless Corp		
Gordon Cavanaugh, 122 C Street, NW, #875 Washington, DC 20001-2109	Reno Cavanaugh & Hornig (For:Council of Large Public Housing Authorities)	22,250.00	579.77
Red Cavaney, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc	2,600.00	
Andrew F. Caverly, 180 South Clinton Ave. Rochester, NY 14646-0700	Rochester Telephone Corp	2,600.00	937.05
Cederberg & Associates, 7100 Sussex Place Alexandria, VA 22307	Grumman Corporation	250.00	
Cendrowski & Selecky, P.C., 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	13,972.00	
Centerior Energy Corp, P.O. Box 94661 Cleveland, OH 44101-4661			4,044.47
David Certner, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	647.50	252.00
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Amalgamated Metal Corp PLC		
Do	American Paper Institute, Inc		
Do	AES Corporation	54,320.00	4,263.00
Do	Inter-Power of New York, Inc	8,890.00	2,237.00
Do	Napp Chemicals, Inc		
Do	Ormat Energy Systems, Inc		
Do	Oxbow Geothermal Corp		
Do	Ruan Transportation Management Systems		
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Maxine Champion, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20007	LTV Corporation	5,000.00	500.00
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	13,200.00	500.00
Linda Z. Chapman, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Manufacturers Assn		
Nancy Chapman, 1625 K Street, NW, #375 Washington, DC 20006	N. Chapman Associates, Inc (For:Society for Nutrition Education)	3,000.00	20.00
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners and Pilots Assn	13,515.00	5,267.41
William C. Chapman, 2801 Fort Scott Drive Arlington, VA 22202	General Motors Corp	13,912.00	229.00
O. Donaldson Chapoton, 555 13th Street, NW, #500 East Washington, DC 20004	Baker & Botts (For:Rhone-Poulenc)		
Peggy Charren, 975 Memorial Drive, #504 Cambridge, MA 02138	Action for Children's Television		
Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923	County Administrative Office County of Santa Cruz	12,000.00	662.90
David F. Chavkin, 733 15th Street, NW, #912 Washington, DC 20005	National Center for Clinical Infant Programs	2,872.25	2,122.86
Leslie Cheek III, 1025 Connecticut Avenue, NW, #414 Washington, DC 20036	Crum & Forster Corp	33,000.00	414.60
Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037			62,263.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			2,253.19
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1826 Jefferson Place, NW, #101 Washington, DC 20036	American Museum of Natural History		
Do	Arena Stage	1,162.00	1,268.75
Do	Bishop Museum		
Do	Buffalo Museum of Science		
Do	Capital Childrens Museum	1,076.00	1,185.75
Do	Cincinnati Museum of Natural History		
Do	Cleveland Museum of Natural History	2,000.00	9.00
Do	Corcoran Gallery of Art	1,205.25	1,318.00
Do	Denver Museum of Natural History	1,000.00	409.00
Do	Directors Guild of America	17,588.00	18,396.06
Do	Field Museum of Natural History	4,000.00	593.00
Do	Fine Arts Museums of San Francisco		
Do	Ford's Theater	1,076.00	1,182.75
Do	Friends of the New Jersey State Museum		
Do	Illinois State Museum Society	500.00	
Do	Los Angeles County Museum of Art		
Do	Meridian House International	1,032.75	1,139.50
Do	Milwaukee Public Museum		
Do	Museum of Natural History University of Kansas	500.00	
Do	Museum of Northern Arizona	1,000.00	409.00
Do	National Museum of Women in the Arts	1,076.00	1,182.75
Do	National Symphony	1,248.50	1,355.25
Do	Natural History Museum of Los Angeles County		
Do	Oakland Museum	500.00	
Do	Phillips Collection	1,119.00	1,225.75
Do	Rochester Museum & Science Center	1,000.00	409.00
Do	Santa Barbara Museum of Art	500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	George Seybolt (Family Trust)		
Do	Shakespeare Theater at the Folger	1,076.00	1,182.75
Do	Textile Museum	1,032.50	1,139.25
Do	University of Nebraska State Museum	1,000.00	409.00
Do	University of Pennsylvania Museum		
Do	Washington Ballet	1,032.75	1,139.50
Do	Washington Opera	1,119.00	1,225.75
Do	Washington Performing Arts Society	1,119.00	1,225.75
John H. Chettle, 1050 Connecticut Ave., NW, #825 Washington, DC 20036	Chamber of Mines of South Africa	7,500.00	500.00
Do	Freedman Levy Kroll & Simonds (For:Universal Frutrade Co-operative, Ltd)	5,000.00	250.00
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
Peggy M. Childress, 811 W. Marvin Avenue Waxahachie, TX 75165	Housing Roundtable		1,496.00
Nam-Hong Cho, 1030 15th Street, NW, #776 Washington, DC 20005	Korea Foreign Trade Assn	600.00	570.00
Joseph L. Choquette III, Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05602	American Petroleum Institute	1,795.00	997.56
Richard Chriss, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Samuel W. Christine III, 1129 20th St., NW, #200 Washington, DC 20036	Greater Washington Board of Trade		
James T. Christy, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006	Air Products & Chemicals, Inc	1,800.00	157.29
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			7,500.00
Chugach Electric Assn, Inc, P.O. Box 196300 Anchorage, AK 99519-6300			2,856.88
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation	2,210.00	676.43
Chwat/Weigend Associates, 400 First Street, NW, #100 Washington, DC 20001	American Home Sewing Assn, Inc	500.00	500.00
Do	American Pipe & Accessories League	1,000.00	1,000.00
Do	American Radio Relay League, Inc	3,000.00	3,000.00
Do	Associated Locksmiths of America	1,200.00	1,200.00
Do	National Licensed Beverage Assn	3,000.00	3,000.00
Do	National Weather Service Employees Organization	300.00	300.00
Charisse Victoria Ciambrone, 1705 South 17th Street Las Vegas, NV 89104			
Linda Church Ciocci, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	200.00	
Citizens for Sensible Control of Acid Rain (CSCAR), c/o 1301 Connecticut Avenue, NW Washington, DC 20036		500,000.00	190,178.01
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		621,152.10	167,172.70
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
Donald D. Clancy, 6507 Leeds Lane Cincinnati, OH 45215	Grocery Manufacturers of America, Inc		
Do	Tele-Press Associates, Inc (For:Japan Fisheries Association)		
Fred D. Clark Jr., 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
James F. Clark, P.O. Box 2128 Juneau, AK 99802-1211	Alaska Loggers Assn	2,500.00	
Marshall C. Clark, 5709 W. 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc (KEC)	3,246.00	
Robert G. Clark, 400 Madison St., #1908 Alexandria, VA 22314	Ryder Systems, Inc		
Rudy I. Clark, 5342 Woodbury Woods Lane Fairfax, VA 22032	Air Force Sergeants Assn, Inc		
Vernon A. Clark, 1818 N Street, NW #700 Washington, DC 20036	Vern Clark & Associates (For:Metromedia Company)		
Do	Vern Clark & Associates (For:RJR-Nabisco Washington, Inc)	6,362.22	4,012.22
Sara F. Clary, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	500.00	
Michelle C. Clay, 601 Indiana Avenue, NW, #900 Washington, DC 20024	Clay & Associates (For:Benedict College)		
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	4,998.00	
Clean Sound, 2406 13th Ave., SW Seattle, WA 98134		424,713.00	
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Columbia Savings & Loan Assn		
Do	Crompton & Knowles Corp	186.89	
Do	Day-Glo Color Corp	258.75	
Do	Harry Frank Guggenheim Foundation	370.50	29.96
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	Security Pacific National Bank		
Do	Union Oil Co of California, et al	93.75	
Ronald D. Clements, 1111 19th St., NW, 9th Floor Washington, DC 20036	Edison Electric Institute	3,484.17	917.74
Cleveland Electric Illuminating Co, 55 Public Square P.O. Box 5000 Cleveland, OH 44113			
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			
W. M. Click, P.O. Box 711 Dallas, TX 75221-0711	Southland Corporation		
Clifford & Warnke, 815 Connecticut Ave., NW Washington, DC 20006	Australian Meat & Live-Stock Corp	7,500.00	3,979.40
Do	Bank of Credit & Commerce International S.A., et al		
Do	J. C. Maxtone-Mailer	600.00	200.00
Do	Nonprescription Drug Manufacturers Assn	300.00	100.00
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	Coalition for Higher Education Assistance Organizations	625.00	
Do	Student Loan Funding Corp of Ohio	300.00	
Edward T. Cloonan, 70 Pine Street, 39th Floor New York, NY 10270	American International Group, Inc		
Close & Associates, Inc, 1615 St. Paul Street, Suite 1 Baltimore, MD 21202	National Funeral Directors & Morticians Assn, Inc		
Pilar M. Cloud, 1201 Pennsylvania Ave., NW, #807 P.O. Box 7566 Washington, DC 20044	BSA Business Software Assn, Inc		
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	400.00	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Coalition for Acid Rain Equity (CARE), P.O. Box 33924 Washington, DC 20033-0924		75,410.00	46,227.42
Coalition for Affordable Home Financing, 1350 New York Ave, NW, #800 Washington, DC 20005		68,000.00	199,329.01
Coalition for American Energy Security, 1050 Thomas Jefferson St., NW, 6th Floor Washington, DC 20007			
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408			
Coalition to Keep Alaska Oil, AFL-CIO Building 815 16th Street, NW, #309 Washington, DC 20006		8,887.50	258.50
Coalition to Preserve Low Income Housing Tax Credit, 2300 M St., NW Washington, DC 20037		2,000.00	2,000.00
Coalition to Promote America's Trade, c/o Steptoe & Johnson 1330 Connecticut Avenue, NW Washington, DC 20036			
Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	8,500.00	1,171.40
Cogeneration & Independent Power Coalition of America(CIPCA), 1133 21st Street, NW, #420 Washington, DC 20036			
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn	750.00	
Don V. Cogman, 1200 19th Street, NW, #606 Washington, DC 20036	RCF Group, Inc	5,000.00	
Dan Cohen, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	12,975.00	1,611.86
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
David Cohen, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	7,153.86	
Jacqueline Abelman Cohen, 1199 N. Fairfax St., #701 Alexandria, VA 22314	National Assn of Tobacco Distributors	2,500.00	
John Cohen, 1331 Penn Ave., NW, #1500-North Washington, DC 20004-1703	National Association of Manufacturers	150.00	
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Maclean Hunter Cable TV	2,277.50	33.36
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		790.00
Douglas Cole, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	1,500.00	
E. William Cole, 1050 Connecticut Avenue, NW, #760 Washington, DC 20036	Union Oil Co of California	500.00	94.00
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp	350.00	75.00
Timothy R. Cole, 1925 North Lynn Street, #308 Arlington, VA 22209	Sparkman & Cole, Inc (For:Air Transport Association of America)	1,500.00	
Do	Sparkman & Cole (For:Delta Air Lines, Inc)	1,500.00	
Do	Sparkman & Cole, Inc (For:Embry-Riddle)	1,500.00	
Do	Sparkman & Cole, Inc (For:National Business Aircraft Assn)	1,500.00	
Do	Sparkman & Cole, Inc (For:Regional Airport Authority of Louisville, KY)	1,500.00	
Cole Corette & Abrutyn, P.C., 1110 Vermont Avenue, NW, #900 Washington, DC 20005	Government of the Netherlands Antilles		
Do	Louisiana Land & Exploration Co		
Do	Matsushita Elec Corp (for Int'l Electron Mfgrs & Consum...)		
Colette R. Coleman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
William T. Coleman Jr., 555 13th Street, NW Washington, DC 20004	O'Melveny & Myers (For:AMAX, Inc)	325.00	
Do	O'Melveny & Myers (For:Ford Motor Company)	1,450.00	
Jessie M. Colgate, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn		
Collier Shannon & Scott, 1055 Thomas Jefferson St., NW, #306 Washington, DC 20007	Alliance for Capital Access	5,000.00	5,000.00
Do	American Car Rental Assn	4,717.50	4,717.50
Do	American Couplings Coalition		
Do	American Iron & Steel Institute		
Do	American Meat Institute		
Do	American Textile Machinery Assn		
Do	Association of Certified Trucking Schools	2,100.00	2,100.00
Do	Bicycle Mfgrs Assn of Amer, Inc	1,800.00	1,800.00
Do	Coalition for Safe Ceramicware		
Do	Committee of American Ammunition Manufacturers	1,673.75	1,673.75
Do	Crop Insurance Research Bureau	3,805.00	3,805.00
Do	Ferrous Scrap Consumers Coalition	390.00	390.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Food Marketing Institute		
Do	Footwear Industries of America	438.75	438.75
Do	Gerry Baby Products Co	170.00	170.00
Do	Independent Lubricant Manufacturers Assn	2,681.25	2,681.25
Do	Inland Steel Corp	4,000.00	4,000.00
Do	Leather Industries of America		
Do	Lykes Brothers, Inc		
Do	Municipal Castings Fair Trade Council	590.00	590.00
Do	National Assn of Convenience Stores	10,686.25	10,686.25
Do	National Assn of Mutual Insurance Cos	455.00	455.00
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn		
Do	National Pasta Assn		
Do	Norris Industries		
Do	Nutriclean	790.00	790.00
Do	Outdoor Power Equipment Institute		
Do	Petroleos de Venezuela, S.A	3,220.00	3,220.00
Do	Petrolam, Ltd	8,700.00	8,700.00
Do	Pittsburgh Corning Corporation		
Do	Shipbuilders Council of America	580.00	580.00
Do	Society of Independent Gasoline Marketers of America	10,686.25	10,686.25
Do	Specialty Steel Industry of the United States	2,000.00	2,000.00
Do	Zurich-American Insurance Companies	1,040.00	1,040.00
Terese Colling, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Davidson Colling Group, Inc (For:Media General)	2,025.00	190.36
Do	Eckert Seamans Cherin & Mellott (For:Media General, Inc)		
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Journen & Appren of Plmbg & Pipefttg Industry	6,000.00	585.02
R. J. Collins, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
William P. Collins, 5055 Seminary Road Alexandria, VA 22311	Southern Company Services, Inc	1,000.00	
Collins & Associates, 6269 Franconia Road Alexandria, VA 22310	City of Pompano Beach, Florida		
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S		
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,250.00	
Jeffrey W. Combos, c/o Tennessee Petroleum Council 211 7th Ave. North Nashville, TN 37219	American Petroleum Institute	1,165.00	1,372.77
Lori A. Comeau, 805 15th Street, NW #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	47.13
Comfort Lipe & Green, P.C., 2100 Mid-Continent Tower 401 South Boston Avenue Tulsa, OK 74103	Thrifty Rent-A-Car System, Inc	75.00	79.04
Comiskey & Hunt, One Courthouse Metro, #850 2200 Wilson Boulevard Arlington, VA 22201	Gold Fields Operating Co-Mesquite		
Committee for America's Copyright Community, 2000 K Street, NW, #600 Washington, DC 20006-1809		3,587.50	3,587.50
Committee for Fair Trade with China, Evergreen Point Rd., Box 288 Medina, WA 98039			
Committee for Humane Legislation, Inc, 1506 19th Street, NW, #3 Washington, DC 20036		3,130.63	16,768.70
Committee on U.S. Business Canadian Life & Health Ins. Assn, c/o Dykema Gossett 1752 N St., NW Washington, DC 20036			1,426.00
Committee to Assure the Availability of Casein, 3213 O St., NW Washington, DC 20007			
Committee to Protect the Family, 8001 Forbes Place, #102 Springfield, VA 22151		27,438.63	20,238.60
Committee to Support the Antitrust Laws, 1401 New York Avenue, NW, #740 Washington, DC 20005		50,000.00	11,250.00
Common Cause, 2030 M St., NW Washington, DC 20036		3,608,526.76	786,578.51
Community Service Council of Central IN, Inc, 1828 North Meridian Indianapolis, IN 46202			
Competitive Telecommunications Assn (COMPTEL), 120 Maryland Ave., NE Washington, DC 20002			
Compressed Gas Assn/Helium Advisory Council, Crystal Gateway #1, Suie 501 1235 Jefferson Davis Highway Arlington, VA 22202.		24,525.00	24,525.00
Harry J. Conaway, 1001 22nd Street, NW, #400 Washington, DC 20037	Mercer Meidinger Hansen, Inc		
Bert M. Concklin, 1500 Planning Research Drive Mclean, VA 22102	Planning Research Corporation		133.00
Gary L. Conkling, P.O. Box 500, 50-705 Beaverton, OR 97077	Tektronix, Inc	10,600.00	3,045.49
John L. Conley, 2200 Mill Road Alexandria, VA 22314	National Tank Truck Carriers, Inc		100.00
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp		
Brian L. Connor, 1235 Jefferson Davis Hgwy., #606 Arlington, VA 22202	National Utility Contractors Assn	10,000.00	
Catherine Connor, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinckerhoff, Inc	651.00	
Richard J. Connor Jr., 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	765.00	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	704.25
David Conover, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,092.75	64.95
David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	6,769.11	
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			
Consolidated Rail Corporation, P.O. Box 23451 Washington, DC 20026			14,516.19
Consortium of Social Science Assns, 1522 K Street, NW, #836 Washington, DC 20005		108,987.00	3,345.61
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
Consumers for World Trade, 1726 M Street, NW Washington, DC 20036		24,720.00	20,169.81
Consumers Union of U.S., Inc, 256 Washington St. Mount Vernon, NY 10553			13,370.00
John J. Contney, Suite B 1130 E. Hallandale Blvd. Hallandale, FL 33009	Textile Rental Services Assn of America		
Daniel J. Conway, 1133 Connecticut Ave., NW, #400 Washington, DC 20036	Chubb Corp		
Do	Reinsurance Assn of America		
John A. Conway, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
John J. Coogan, 1776 Eye Steet, NW, #1050 Washington, DC 20006	Eastman Kodak Co	250.00	144.00
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	64.00	169.67
Cheryl L. Cook, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-operative Union of America	6,844.36	135.97
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
K. Richard Cook, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	225.00	
Robert M. Cook, 2910 E. Camelback Road, #150 Phoenix, AZ 85016-4406		6,000.00	4,192.85
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 925 S. Curry Pike P.O. Box 489 Bloomington, IN 47402-0489			24,488.37
Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004	Southern California Edison Co	3,713.00	4,500.00
Edmund D. Cooke, 1227 25th Street, NW Washington, DC 20037	Epstein Becker & Green (For:United Funding & Investors)	7,161.00	
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002	American Library Assn	2,054.00	
Robert M. Coon Jr., 65 Pondfield Road Bronxville, NY 10708	National Comm to Preserve Social Security		
Bente E. Cooney, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,394.00	29.10
Brian D. Cooney, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	9,068.00	711.00
Benjamin Y. Cooper Jr., 1730 North Lynn St. Arlington, VA 22209	Printing Industries of America, Inc	12,500.00	
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	25,500.00	8.70
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	893.00
Jim Copeland & Associates, 1341 G Street, NW, #200 Washington, DC 20005	Pacific Mutual Life Insurance Co	1,200.00	
Michael J. Copps, 1700 North Moore Street Arlington, VA 22209	American Meat Institute	6,312.00	4,042.35
Copyright Remedies Coalition, 2000 K Street, NW, #600 Washington, DC 20006-1809		6,300.00	6,300.00
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Patrick H. Corcoran, 1725 K St., NW, #1205 Washington, DC 20006	Association of Oil Pipelines		
Tom Corcoran, 360 E. Randolph, #2402 Chicago, IL 60601	Wallace Associates Corp		
Maria C. Cordone, 1300 Connecticut Ave. NW Washington, DC 20036	International Assn of Machinists and Aerospace Workers	13,334.62	1,692.00
Frank W. Corley, 8430 Blakiston Lane Alexandria, VA 22308	ITT Electro-Optical Products Div	9,600.00	1,539.52
Do	Pilkington Optronics, Inc	9,000.00	1,541.59
Corn Refiners Assn, Inc, 1100 Connecticut Ave., NW, #1120 Washington, DC 20036		8,894.00	3,103.00
David L. Cornwell, 2217 Casemont Drive Falls Church, VA 22046			
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	3,666.25	85.25
Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Richard L. Corrigan, 655 15th Street, NW, Suite #444 Washington, DC 20005	CH2M Hill	2,500.00	
Marty Corry, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	821.15	742.08
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning Glass Works	500.00	
Anthony R. Corso, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	1,500.00	
William R. Corson, 1725 K Street, NW, #903 Washington, DC 20006	General Media/P.O.F. Subsidiary Co		
Do	Penthouse International, Ltd		
Gregory Costa, 1000 Vermont Avenue, NW, #800 Washington, DC 20005	Public Securities Assn	7,500.00	
J. Daniel Costello, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,625.00	150.00
Michael E. Costello, 1025 Connecticut Ave., NW, #404 Washington, DC 20036	Panhandle Eastern Corporation		548.74
Donna J. Costlow, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004	National Assn of Manufactuers	500.00	
Council for a Livable World, 20 Park Plaza, #603 Boston, MA 02116			14,836.98
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609		38,608.00	24,712.00
Council for Rural Housing and Development, 2300 M St., NW Washington, DC 20036		2,000.00	2,000.00
Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Council of Institutional Investors, 1420 16th Street, NW, #405 Washington, DC 20036		5,000.00	229.66
Council of State Chambers of Commerce, 122 C St., NW, #200 Washington, DC 20001		8,790.00	723.06
Council on Alternate Fuels, 1225 Eye St., NW, #320 Washington, DC 20005			
James Cousins, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	6,562.50	
Susan M. Cousins, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	19,750.00	24.00
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
John F. Cove, 918 16th St., NW, #702 Washington, DC 20006	Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers)		
Do	Grumman Corporation		
Michael W. Cover, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	4,000.00	
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	American Watch Assn	500.00	
Do	Amoco Corporation		
Do	Arkansas Department of Human Services		
Do	Association of Maximum Service Telecasters, Inc	1,680.00	
Do	Brown Brothers Harriman & Co	8,050.00	
Do	BSA Business Software Assn, Inc	1,510.96	
Do	Coalition to Preserve the Integrity of American Trademarks	7,500.00	572.35
Do	Commonwealth of Puerto Rico		93.48
Do	ERISA Industry Committee	843.75	14.00
Do	International Swap Dealers Assn	2,800.00	
Do	Investment Company Institute		
Do	Lin Broadcasting Corp		
Do	Maui Land & Pineapple Co, Inc	5,326.56	155.25
Do	Michigan Department of Social Services	5,000.00	
Do	National Football League	1,990.00	
Do	New York State Office of Mental Retardation and Devel		
Do	Post-Newsweek Stations, Inc		
Do	Public Broadcasting Service	768.96	
Do	Rhode Island Department of Human Services	5,000.00	
Do	Sun Life Assurance Co of Canada (U.S.)		
Do	United Technologies Corporation		
Sharon Cowan, 1825 K Street, NW Washington, DC 20006	American Society of Mechanical Engineers		
Eugene S. Cowen, 2759 Unicorn Lane, NW Washington, DC 20015	Capitol Cities/ABC, Inc	251.60	
C. Deming Cowles, 6th Floor 1050 Thomas Jefferson Street, NW Washington, DC 20007	Bering Sea Fishermen's Assn	3,950.00	260.31
Do	Cordova District Fishermen United		149.65
Do	Fairbanks/North Star Borough	2,610.00	96.05
Do	Pacific Marine Fisheries Commission	4,275.00	157.44
Do	United Fishermen of Alaska	1,500.00	1,184.82
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause	6,287.52	
C. Richard Cox, 2801 West Tyvola Road Charlotte, NC 28217-4500	Belk Stores Services, Inc		
Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425	National Parks & Conservation Association	1,710.00	109.00
Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn	3,075.00	
James P. Cramer, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Mary T. Cramer, 1830 Platte St. Denver, CO 80202	Philip Morris, Inc	12,000.00	1,064.05
William C. Cramer, 2000 L Street, NW, #810 Washington, DC 20036	Cramer & Haber, P.C. (For:Canaveral Port Authority)		
Do	Cramer & Haber, P.C. (For:Dade County International Airport)		
Cramer & Haber, P.C., 2000 L Street, NW, #810 Washington, DC 20036	Canaveral Port Authority	6,750.00	202.00
Do	Dade County International Airport	8,000.00	
Dale A. Crane, 7822 Byrds Nest Pass Annadale, VA 22003	National Parks and Conservation Assn	1,000.00	188.00
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	1,125.00	
Eric F. Craven, P.O. Box 2943 Fort Worth, TX 76113	Texas-New Mexico Power Co	3,675.00	6,180.13
Kelly Craven, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Donald J. Crawford, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	1,328.00	
Richard C. Crawford, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Creative Dynamics, Inc, 1143 N. General Pershing Hammond, LA 70401	Reese Communications Cos (for: Philip Morris U.S.A.)	1,875.00	1,171.92
John P. Cregan, 220 National Press Building Washington, DC 20045	U.S. Business & Industrial Council	6,000.00	
Richard C. Creighton, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004	American Cement Alliance	11,250.02	
Ken A. Crerar, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty & Surety Agents	4,000.00	1,528.64
Douglas P. Crew, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar Tractor Co	3,000.00	
Joseph M. Cribben, 6900 Valley Brook Dr. Falls Church, VA 22042	United Assn of Inymen & Appren of Plmbg & Pipeftg Industry	1,750.00	
Mary Dent Crisp, 601 Pennsylvania Ave., NW, #700 Washington, DC 20004-2602	Business Executives for National Security		
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Judy Crockett, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,856.00	
Robert W. Crolius, 1620 Eye Street, NW, #520 Washington, DC 20006	Portland Cement Assn		25.00
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	EDO Corp		
Do	McDonnell Douglas Helicopters		
Do	MTS Systems Corp		
Do	Northrop Corp		
Rae E. Cronmiller, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	115.00	
Crop Insurance Research Bureau, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268		4,667.50	4,667.50
Mark E Crosby, 1110 N Glebe Rd #500 Arlington, VA 22201-4714	Special Industrial Radio Service Assn, Inc		
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	American Forest Resource Alliance	1,000.00	
Do	Asarco Inc		
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		
Do	Central Nebraska Public Power & Irrigation District		
Do	Chesapeake Utilities Corp		
Do	City of North Miami		
Do	Communications Satellite Corp		
Do	Cook Inlet Region, Inc		
Do	Eagle-Picher Industries, Inc		
Do	Eli Lilly & Company	870.00	10.00
Do	Emery Worldwide		
Do	Lehn & Fink Products Group		18.00
Do	Meridian Minerals Co		
Do	Minnesota Mining & Manufacturing		
Do	National Assn of Wholesaler-Distributors	870.00	10.00
Do	National Risk Retention Assn		
Do	Nebraska Public Power District		
Do	Pan American World Airways, Inc, et al		
Do	Regional Airline Association		
Do	Tiffany & Co		
Do	Trust for Public Lands		
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Do	Wyatt Company		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Singapore Trade Development Board		
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	Emerson Electric Co		1,340.25
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
Philip Cummings, 1455 Pennsylvania Ave., NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)		49,579.00
Do	McCutchen Doyle Brown & Enersen (For:Browning-Ferris Industries)		4,751.50
Do	McCutchen Doyle Brown & Enersen (For:Carlsmith Wichman Case... (for Hilo Coast Proscessing), et a).		
Do	McCutchen Doyle Brown & Enersen (For:Castle & Cooke, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:General Electric Company)		21,941.00
Do	McCutchen Doyle Brown & Enersen (For:Gulf Coast Waste Disposal Authority)		86.00
Do	McCutchen Doyle Brown & Enersen (For:National Assn of Regional Councils)		1,139.50
Do	McCutchen Doyle Brown & Enersen (For:New York Dept of Environmental Conservation).		7,622.50
Do	McCuthchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		430.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments)		15,953.00
Do	McCutchen Doyle Brown & Enersen (For:Sterling Drug, Inc)		
Law Ofs of Jonathan W. Cuneo, 1401 New York Ave., NW, #740 Washington, DC 20005	Committee to Support the Antitrust Laws	11,250.00	56.00
Do	National Assn of Securities and Commercial Law Attorneys	25,000.00	69.00
Do	National Coalition of Petroleum Retailers, Inc	5,000.00	
Do	Songwriters Guild of America	7,500.00	242.00
William Hodge Cunningham, 111 Bay Drive Stevensville, MD 21666			
William J. Cunningham, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,088.41	1,448.92
John T. Curran, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	19,100.04	509.60
Do	National Coordinating Comm for Multiemployer Plans		
William F. Current, 1615 H Street, NW Washington, DC 20062	Institute for a Drug-Free Workplace		24.00
Randall L. Currier, 412 Morris Avenue, #37 Summit, NJ 07901	New Jersey State Bar Association	9,500.00	823.33
Anne M. Curry, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
Wayne T. Curtin, 3000 K Street, NW, #3-A Washington, DC 20007	Motorcycle Riders Foundation, Inc	7,000.00	4,428.70
M. Rupert Cutler, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	227.40	294.80
Cutler & Stanfield, 1850 M Street, NW Washington, DC 20036	General Atomics		
Do	University of Colorado	877.50	
Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Gulf Power Company	3,500.00	6,542.52
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,500.00
D'Amore & Doyle, Inc, 1156 15th St., NW, #1100 Washington, DC 20005	Gafney Bennett & Associates, Inc	25,920.00	483.16
Do	Institute for Human Resource Development		
Norman E. D'Amours, 1217 Evermay Court Mclean, VA 22101	American Council of State Savings Supervisors	750.00	
Do	Credit Union National Assn, Inc	375.00	
William K. Dabaghi, Arter & Hadden 1919 Pennsylvania Ave., NW, #400 Washington, DC 20006	Central Union of Agricultural Cooperatives (ZENCHU)	246.00	16.00
Do	Houston Clearing House Assn		
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Committee to Preserve Social Security	12,692.00	1,052.93
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)	204.00	1.20
William Kay Daines, 1616 H St., NW Washington, DC 20006	National Retail Federation	615.00	177.00
Dairy Farmers for Responsible Dairy Policy, 514 C Street, NE Washington, DC 20002		500.00	10,200.00
Donna M. Daley, 1200 17th St., NW, Suite 106 Washington, DC 20036	American Psychological Assn		
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	1,080.00	119.94
James G. Dalton, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	2,500.00	
John M. Damgard, 1825 Eye Street, NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
John E. Daniel, 1233 20th St., NW, #701 Washington, DC 20036	International Technology Corporation		
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	3,793.88	
Dale Danks Jr., 1000 Thomas Jefferson Street, NW, 6th FL Washington, DC 20007	Leonard Ralston Keyes and Danks (For:Krueger International, Inc)	12,548.40	
David E. Danovitch, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	6,000.00	
Jo-Ellen Darcy, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	80.35	24.53
Richard C. Darling, 1156 15th St., NW Washington, DC 20005	J. C. Penney Co. Inc		
Diane Davenny Darneille, 1850 K Street, NW, Suite 1195 Washington, DC 20006	Schering-Plough Corp	14,000.00	10,409.84
Mark C. Darrell, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
John C. Datt, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	12,913.00	
Becky L. Davenport, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation & International Ice Cream Assn		
Theodore S. J. Davi, 624 South Quincy Street Green Bay, WI 54301			
Earl F. David, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
John C. David, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	500.00	
Davidoff & Malito, 100 East 42nd Street New York, NY 10017	Iona College	4,000.00	60.00
Do	Long Island University	9,000.00	
Do	Nassau-Suffolk Hospital Council, Inc	9,000.00	137.50
Do	National Confectioners Assn	7,500.00	
Do	Sequor Group	22,500.00	735.55
James H. Davidson, 1211 Connecticut Avenue, NW, #610 Washington, DC 20036	James H. Davidson & Associates, Inc (For:American Advertising Federation)	5,070.97	
Do	James H. Davidson & Associates Inc (For:American Assn of Advertising Agencies)	5,070.47	
Do	James H. Davidson & Associates, Inc (For:American Newspaper Publishers Assn)	5,070.47	
Do	James H. Davidson & Associates Inc (For:Association of National Advertisers)	5,070.47	
Do	James H. Davidson & Associates, Inc (For:Direct Marketing Assn)	5,070.47	
Do	James H. Davidson & Associates, Inc (For:Magazine Publishers of America, Inc)	16,668.95	
Do	James H. Davidson & Associates, Inc (For:Miller & Chevalier)	15,163.50	
Do	James H. Davidson & Associates, Inc (For:National Assn of Broadcasters)	18,993.22	
Do	James H. Davidson & Associates, Inc (For:National Assn of Industrial & Office Parks)	6,249.99	
Do	James H. Davidson & Associates, Inc (For:Rouse Co)	3,559.76	
Do	James H. Davidson & Associates, Inc (For:Yellow Pages Publishers Assn)	5,070.47	
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	1,000.00	
Drew M Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	432.67	52.00
Edward M. Davis, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	9,750.00	690.68
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	10,488.69	
Fred G. Davis, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	8,245.28	384.38
John W. Davis, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co		
Kenneth E. Davis, Suite 1210 1667 K St., NW Washington, DC 20006	Rohm & Haas Co	500.00	
Margaret N. Davis, 1020 16th Street, NW Washington, DC 20036-5754	Enron Corp	2,000.00	
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,425.00	685.00
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Richard S. Davis, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For:City of Bluefield, WV, et al.)	750.00	
Robert Davis, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,900.00	1,113.00
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies		
Do	Alcoma Packing Company, Inc	750.00	5.00
Do	American General Life Insurance Co	590.80	82.61
Do	American Horse Council	1,875.00	64.72
Do	American Insurance Association		
Do	Armco Steel Co	1,560.00	110.22
Do	Bethlehem Steel Corp	1,560.00	110.22
Do	Chicago Board of Trade	10,233.50	183.39
Do	Committee of Annuity Insurers	5,959.18	61.10
Do	Committee of Life Insurers		
Do	Dresser Industries, Inc		
Do	First Penn-Pacific Life Insurance Co		
Do	Florida Power & Light	1,212.80	149.67
Do	Florida Sugar Cane League, Inc	600.00	64.72
Do	Hughes & Luce	744.45	9.00
Do	James Graham Brown Foundation		
Do	Lincoln National Life Insurance Co		9.00
Do	National Assn of Life Companies	1,200.00	
Do	National Cattlemen's Assn	624.99	27.98
Do	Stock Information Group	32,876.26	504.18
Do	Travelers Companies		
Do	U.S. Sugar Corp	600.00	72.61
Do	Underwriters of Lloyd's, London	6,783.75	25.00
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	American Inst of Certified Public Accountants	1,462.50	30.00
Do	Kohlberg Kravis Roberts & Co		
Do	LTV Corp		
Do	Morgan Guaranty Trust Co	2,650.00	38.00
Do	Morgan Stanley & Co, Inc		
Do	Norwest Corporation	1,060.00	24.00
Do	Occidental International Corp		
Davis Wright & Tremaine, 1752 N St., NW, #800 Washington, DC 20036	American Honda Motor Co., Inc	10,757.50	1,558.10
Do	American Tunaboat Assn	2,206.00	
Do	Klukwan Forest Products, Inc	2,366.00	
Do	McCaw Communications Cos	14,446.95	370.35
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Michael Gaughan		
Do	Opticians Assn of America		
Do	Virgin Islands Gift & Fashion Shop Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Virgin Islands Merchants Assn		
Rhett B. Dawson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Company		
Robert M. Dawson, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	6,249.00	628.53
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Gaston De Bearn, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Mark A. De Bernardo, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S		71.25
Ralph De La Cruz, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	3,380.00	
O. Mark De Michele, P.O. Box 53999 - Sta. 9060 Phoenix, AZ 85072-3999	Arizona Public Service Company		
James D. Deal, 3501 Thurston Ave. Anoka, MN 55303	National AG Underwriters, Inc		1,303.65
Maryann M. Dean, 1875 Eye Street, NW, #400 Washington, DC 20006	Georgia-Pacific Corp	1,000.00	
John Russell Deane III, 888 17th Street, NW, #500 Washington, DC 20006	Auto Internacional Assn	577.66	273.29
Do	Coalition of Automotive Assns	1,986.62	911.66
Do	Specialty Equipment Market Assn	7,946.47	3,646.69
Debevoise & Plimpton, 555 13th Street, NW Suite 1100E Washington, DC 20004	Sony Corp of America		
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Do	Pension Real Estate Assn		
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
William R. Deere, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	8,486.00	1,827.96
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
George K. Degnon Associates, Inc, 6728 Old McLean Village Drive Mclean, VA 22101	Association of State & Territorial Health Officials		6,000.00
Do	Nurses Organization of the Veterans Administration		1,000.00
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Third Class Mail Association	1,407.00	
Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	Association of Outplacement Consulting Firms, Inc	7,555.00	422.37
Do	Harcourt Brace Jovanovich, Inc		
Do	National Assn of Independent Insurers	18,000.00	509.07
Regis J. Delmontagne, 1899 Preston White Drive Reston, VA 22091	National Printing Equipment & Supply Association, Inc		
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	Daishowa America Co. Ltd	12,000.00	
Do	Dutch Property Investments, Ltd	12,000.00	
Do	Federation of American Immigration Reform	5,000.00	
Do	Money Store Investment Co	788.00	
Do	National Housing Partnership	9,000.00	
Do	Rheem Manufacturing Co	12,000.00	
Do	J. C. Robinson Seed Co		
Tania Demchuk, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers		
Donna Dempsey, 1627 Eye Street, NW #880 Washington, DC 20006	Oracle Corporation		3,512.50
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	American Nuclear Energy Council		
Do	Edison Electric Institute	300.00	
Do	N U S Corporation		
Do	National Office Products Assn		
Do	Westinghouse Electric Corp		
John H. Denman, Missouri Oil Council 428 E. Capital St., #203 Jefferson City, MO 65101	American Petroleum Institute	900.00	1,463.81
Robert A. Denman, 600 Maryland Avenue, SW, #202w Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	6,934.68	173.03
Daniel B. Denning, 1331 Pennsylvania Ave., NW #930 Washington, DC 20004	General Electric Company	518.00	62.00
Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	7,013.00	4,500.00
James L. Denson, 1250 Connecticut Ave., NW, #319 Washington, DC 20036	Republic of Bophuthatswana (For:Allpoints International, Inc)	15,000.00	98.75
Janet Ann Denton, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	10,062.50	
Robert Neal Denton, 2001 S Street, NW, #301 Washington, DC 20009	Alliance of Nonprofit Mailers	751.20	
Wells Denyes, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co	1,100.00	161.59
Department for Professional Employees, AFL-CIO, 815 16th St., NW Washington, DC 20006		5,934.12	5,934.12
Brian R. Detter, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	300.00	
Jo Ellen Deutsch, 1625 Massachusetts Avenue, NW Washington, DC 20036	Association of Flight Attendants, AFL-CIO	7,000.00	
Samuel L. Devine, 170 Burning Tree Drive Naples, FL 33942	Grocery Manufacturers of America, Inc		
Devine Millimet Stahl & Branch, 111 Amherst Street Manchester, NH 03105	State of New Hampshire, Attorney General	162.23	67.28
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	600.00	
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Amax, Inc		
Do	American Iron & Steel Institute		
Do	Bankers Trust Co		
Do	Bell Atlantic Corp		
Do	Beneficial Corporation		
Do	Catholic Health Assn of the U.S		
Do	Chase Manhattan Corp		
Do	Chidren of Alcoholics Foundation, Inc		
Do	Chrysler Corporation		
Do	Digital Equipment Corp		
Do	Duke Endowment		
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems	1,050.00	
Do	First Brands		
Do	General Electric Pension Trust	1,400.00	
Do	General Reinsurance Corp		
Do	Hanschell Inniss, Ltd		
Do	Health Insurance Assn of America, Inc		
Do	Hershey Foods Corp		
Do	Hospital Corporation of America		
Do	Household International		
Do	Integrated Resources, Inc		
Do	Intel Corporation		
Do	Labor-Industry Coalition for International Trade		
Do	McCormack Baron & Associates		
Do	McCown De Leeuw & Company		
Do	Morgan Stanley Group, Inc		
Do	National Assn of Wholesaler-Distributors		
Do	National Forest Products Assn	1,375.00	50.00
Do	National Trust for Historic Preservation		
Do	Norfolk Southern Corp		
Do	NYNEX Corp		
Do	Paramount Communications, Inc		
Do	Pfizer, Inc		
Do	Premark International		
Do	Primerica, Inc		
Do	Prudential Insurance Co of America	1,925.00	
Do	Joseph E. Seagram & Sons, Inc		
Do	Seton Hall University		
Do	Squibb Corporation		
Do	SEMATECH	1,725.00	
Do	Teachers Insurance & Annuity Assn of America		
Do	Tribune Broadcasting Co		
Do	U.S. Coalition for Fair Lumber Imports	375.00	25.00
Do	U.S. Telephone Assn		
Do	Union Pacific Corp	5,250.00	
Do	Walt Disney Co		
Do	West Indies Rum & Spirits Producers Assn		
Do	Xerox Corp	7,000.00	
Doris J. Dewton, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Nicholas DeBenedictis, 2301 Market Street, #13-1 Philadelphia, PA 19101	Philadelphia Electric Co		
Alex J. DeBoissiere, 490 L'Enfant Plaza, SW, #2202 Washington, DC 20024	Tenneco Gas		
Marydale DeBor, 1001 Pennsylvania Avenue #715 South Concourse Washington, DC 20004	MacAndrews & Forbes Holdings, Inc	700.00	
Michael DeEmilio, 400 First St., NW, #801 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	10,000.00	
James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc	4,012.50	1,557.64
Lisa M. DeFusco, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037	Society of Real Estate Appraisers	612.00	
Law Offices of Paul H. DeLaney, Jr., 1826 Jefferson Place, NW, #201 Washington, DC 20036	Embassy of Japan	5,000.00	
Debra DeLee, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,421.90	635.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Martin L. DePoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	2,250.17
Gregory L. DePriest, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
William R. DeReuter, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
Christine DeVries, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses Assn	3,500.00	138.44
Bonnie S. DeWitt, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	500.00	70.06
Thomas R. DeYulia, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Cos		
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, PC (For:Christie Manson & Woods International, Inc)	1,875.00	
Chester T. Dickerson Jr., 700 Fourteenth Street, NW, #1100 Washington, DC 20005	Monsanto Co		846.31
Ann Sanders Dickey, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S	7,000.00	
Dickinson Wright Moon Van Dusen & Freeman, 1901 L St., NW, #801 Washington, DC 20036	United Technologies Corporation	10,000.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Advance Publications		
Do	American Greyhound Track Operators Assn	8,702.19	
Do	Apple Computer Corp		
Do	Avondale Industries, Inc		
Do	ABD Securities Corp		
Do	Bear Stearns & Co		
Do	Boundary Gas, Inc		
Do	BATMAN Corp		
Do	Car Audio Specialists Assn (CASA)		
Do	Coalition for Competitive Capital		
Do	Cordova District Fishermen United, Inc		
Do	Embassy of Malaysia	50.00	
Do	Federal National Mortgage Assn	4,780.94	
Do	Federated Cash Management Systems	2,500.00	
Do	First Annapolis Savings Bank F.S.B		
Do	Guess, Inc		
Do	Harbour Group Ltd	2,072.00	
Do	Home Box Office, Inc		
Do	Illinois Dept of Children & Family Services		
Do	Iroquois Gas, Inc	22,371.00	
Do	IPP Working Group	5,691.25	
Do	Marine Engineers' Beneficial Assn		
Do	Medtronic, Inc	7,631.25	
Do	J. P. Morgan Securities, Inc		
Do	National Fed of Societies for Clinical Social Work	1,547.50	
Do	Newport Group	724.06	
Do	North Carolina Dept of Natural Resources and Community Devlp		
Do	Ocean State Power	5,691.25	
Do	Paulucci Enterprises	2,917.50	
Do	Sea Hawk Seafoods, Inc		
Do	Security Life Insurance Co		
Do	State of Connecticut	555.00	
Do	States of Arkansas, et al		
Do	U.S. Bankruptcy Court, Southern District of New York		
Thomas C. Diederich, 2170 Piedmont Road, NE Atlanta, GA 30324	Orkin Exterminating Co., Inc		378.00
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Dorothea M. Diemer, 7373 Hunt Avenue Garden Grove, CA 92642	Hyundai Motor America		440.00
Walter E. Diercks, 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
Thomas A. Dine, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	24,549.98	3,033.32
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co)	1,340.75	222.36
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Companies, Inc)	860.25	28.50
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc)	1,232.25	62.50
Do	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)		
Do	Lumbermens Mutual Casualty Company (For:Kemper Reinsurance Company)	108.50	40.50
Do	Lumbermens Mutual Casualty Company	2,100.00	248.62
Joseph J. DioGuardi, 50 Baraud Road Scarsdale, NY 10583	Albanian American Civic League	400.00	
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Dale P. Dirks, 511 Capitol Court, NE, Suite 300 Washington, DC 20002	Health & Medicine Counsel of Washington		
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		171,559.04	171,559.04
Diversified Energies, Inc, C/O Mr. Carl W. Cummins 201 South 7th Street Minneapolis, MN 55402			
Patsy B. Dix, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,348.10	455.00
Dixon Arnett Associates, 905 16th Street, NW, #310 Washington, DC 20006	Foundation Health Corp	6,750.00	5,194.54
Do	Fresno Surgery & Recovery Care Center	1,100.00	4,741.76
Do	McGehee & Associates (for: Institute for Clinical PET)	3,272.50	4,819.77
Do	Southern California Rapid Transit District (SCRTD)	2,855.00	4,720.99
Charles J. DiBona, 1200 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	
Gerard D. DiMarco, Two State Street, Crossroads Bldg. #400 Rochester, NY 14614	Mackey & DiMarco (For:Tom Gosnell)	2,260.00	1,416.00
Do	Mackey & DiMarco (For:Greater Rochester Council)		
Nicholas J. DiMichael, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League		
Anthony F. DiPasquale, 902 Renfroe Road Talladega, AL 35160			
J. Chris Dobbs, 2711 North Haskell Avenue Dallas, TX 75204	Southland Corporation		3,872.00
J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	318.00	25.00
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute	135.97	23.00
Daniel P. Doherty, 2001 S St., NW, #540 Washington, DC 20009	Alliance of Nonprofit Mailers	1,489.20	29.49
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	3,424.99	
John D. Doherty Jr., 901 31st Street, NW Washington, DC 20007	Federal Leg Assocs, Inc (for Assn of Bank Holding Cos)		
Robin C. Doie, 1101 Connecticut Avenue, NW, #500 Washington, DC 20036	Century 21 Real Estate Corp		
Dolphin Group, Inc, 1047 Gayley Avenue, 2nd Fl Los Angeles, CA 90024	Philip Morris, Inc	1,500.00	25.00
Mark A. Dombroff, 1275 Pennsylvania Ave., NW, #301 Washington, DC 20004	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Douglas Domenech, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn		
Donelan Cleary Wood & Maser, P.C., 1275 K Street, NW, #850 Washington, DC 20005-4006	Cascade Natural Gas Corporation		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kevin J. Donnellan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	309.34	
Thomas F. Donnelly, 3800 N. Fairfaxl Drive, #4 Arlington, VA 22203	National Water Resources Assn	9,000.00	
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	1,541.67	37.58
Donohue & Associates, Inc, 11240 Waples Hill Road, #100 Fairfax, VA 22030			
Charles Donovan, 601 Pennsylvania Ave., NW, #901 Washington, DC 20004	Focus on the Family		
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	260.55
James R. Dorcy, 3821 Acosta Rd Fairfax, VA 22031	Federation for American Immigration Reform		45.00
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	2,550.00	1,039.39
Ira Dorfman, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	933.75	40.00
Doris Day Animal League, 111 Massachusetts Ave., NW, #200 Washington, DC 20001		280,899.00	235,301.00
Dorsey & Whitney, 1330 Connecticut Avenue, NW, #200 Washington, DC 20036	City of St. Paul	5,200.00	
Do	FilmTec Corporation		
Do	Regional Transit Board	6,020.00	
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	438.60	
Terrie M. Dort, 1023 15th Street, NW, 7th Fl Washington, DC 20007	Rowland Government Relations (For:Job Opportunities Business Symposium)		
W. Carter Doswell, 1825 Eye Stree, NW, #450 Washington, DC 20006	Goldman Sachs & Co	500.00	
Robert J. Dotchin, 2550 M Street, NW, #300 Washington, DC 20037	Smokeless Tobacco Council, Inc	21.36	
R. J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	98.72
Dougherty Consulting, P.O. Box 819 Sioux Falls, SD 57101-0819	Madison Public Affairs Group, Inc (for Philip Morris, USA)	800.00	5.00
Do	Philip Morris, Inc	800.00	5.00
Sally L. Douglas, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	100.00
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Do	Beeman and Associates		
Do	Board of Cooperative Educational Services	46.00	
Do	BMC Industries Inc	263.83	
Do	Canadian Institute of Steel Construction		
Do	Chicago City Colleges	1,571.94	
Do	Cox Enterprises, Inc, et al		
Do	Directors Guild of America	270.00	10.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Dofasco, Inc. et al	2,266.00	701.35
Do	Harris Steel Group, Inc		
Do	Home Shopping Network, Inc	448.50	
Do	Johnson-Simmons Co		
Do	Lake Ontario Cement, Ltd		
Do	Laurel Steel Products, Ltd		
Do	Life Care Services Corp		
Do	Marriott Corp		
Do	Profit Sharing Council of America	21.00	
Do	Stelco, Inc (For: Stelco Fastener & Forging Company)	1,240.00	
Michael G. Dowd, 1233 20th Street, NW, #400 Washington, DC 20036	Coalition for Environmental-Energy Balance (CEEB)		
Charles P. Downer, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	1,375.00	250.00
Jane Lind Downey, 2200 Mill Rd Alexandria, VA 22314	American Movers Conference	100.00	
John P. Doyle Jr., 8600 Boundbrook Lane Alexandria, VA 22309	J. P. Doyle Enterprises, Inc	1,000.00	
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	22,344.00	65.04
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
Andrea N. Dravo, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	12,331.42	156.99
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,250.00	87.83
Anthony V. Dresden, 444 N. Capitol Street, NW, #801 Washington, DC 20001	National Air Traffic Controllers Assn	1,058.00	
Dressendorfer-Laird, Inc., 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	American Newspaper Publishers Assn		
Do	General Dynamics Corp	250.00	
Do	Metropolitan Life Insurance Cos		
Do	Science Applications Int'l Corp	250.00	
Joan Albert Dreux, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	4,000.00	223.11
Charles T. Drevna, 4711 Old Kingston Pike Knoxville, TN 37919	Sun Coal Company	1,000.00	5,000.00
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	1,000.14
Drinker Biddle & Reath, 901 15th Street, NW, #900 Washington, DC 20005	(For:Colonial Penn Life Insurance Co.)	1,168.75	92.73
Alvin Drischler, 3420 Reedy Drive Annandale, VA 22003	Leucadia National Corp	3,000.00	
Do	PHLCORP	30,000.00	175.86
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Duane Morris & Heckscher, 1201 Market Street, #1500 P.O. Box 195 Wilmington, DE 19899	Hercules, Inc	27,625.50	100.00
Do	State of Delaware		
Duberstein Group, Inc. 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Aetna Life and Casualty	3,833.00	
Do	Consolidated Rail Corp	1,936.00	
Do	Fiber Optic Competition US, Inc	9,625.00	
Do	General Motors Corp	17,250.00	
Do	Goldman Sachs & Co	1,875.00	
Do	Mansanto Company	6,000.00	
Do	National Cable TV Assn	10,500.00	
Do	Warner Communications	16,500.00	
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Morgan D. Dubrow, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	110.00	
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Stephen C. Duffy, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
C. Ray Duggan, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union		
Robert H. Dugger, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Evelyn Dukovic, 3 East 85th Street New York, NY 10028	Morality in Media, Inc		
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW Washington, DC 20036	Crown Control Corp		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers	18,125.01	19.00
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	5,000.00	89.77
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	2,100.00	657.49
Duncan Allen & Talmage, 1575 Eye Street, NW Washington, DC 20005	Colorado River Energy Distributors Assn	3,105.00	439.85
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Kenai Natives Assn, Inc		
Do	Lake Andes-Wagner Water Systems, Inc		
Do	Mid-West Electric Consumers' Assn, Inc		
Do	National Assn of State Energy Officials		
Do	Western Fuels Association, Inc		
Mari Lee Dunn, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
Michael V. Dunn, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	12,646.25	1,309.27
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
William C. Dunning, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
James A. Dupree, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	3,240.00	1,251.00
Douglas A. Durante, 1129 20th St., NW, #500 Washington, DC 20036	Clean Fuels Development Coalition	6,000.00	
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	585.00	
Katherine M. Dutilh, 214 Massachusetts Ave., NE, #420 Washington, DC 20002	Milliken & Company	5,000.00	1,700.00
Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	11,538.00	500.09
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,088.41	745.45
William P. DuBose IV, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	1,669.00	
Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute	1,111.86	24.30
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
James W. Dyer, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	2,850.00	1,500.00
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Alliance for Corporate Growth		
Do	Bobbie Brooks, Inc		
Do	PubCo Corp		
Dykema Gossett, 1752 N St., NW, 6th Fl. Washington, DC 20036	Committee on U.S. Business Canadian Life & Health Ins. Assn	1,190.00	
Do	Military Boot Manufacturing Assn		
Do	Total Petroleum, Inc	4,486.50	
Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	
DC Statehood Party, 1742 Massachusetts Ave., SE Washington, DC 20003			45.42
DGA International, Inc, 1133 Connecticut Avenue, NW Washington, DC 20036	Dir Intl Aff of the Gen Del for Armements		
Do	Societe Nationale D'Etude et de Const de Moteurs D'Aviation	1,072.50	82.13
Do	Sofreavia	196.00	5.00
Do	Teledyne Brown Engineering		
E.D.E.A., Inc, 1151 Acquidneck Avenue Middletown, RI 02840	American Ship Building Co		
Anthony S. Earl, One South Pinckney Street P.O. Box 2113 Madison, WI 53701-2113	Quarles & Brady (For:Wisconsin Electric Power Company)	22,000.00	3,003.14
Charles H. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Robert E. L. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Eaton Associates, Inc, 1725 K St., NW, #1111 Washington, DC 20006			
Heidi M. Ebel, 3400 Centre Square West Philadelphia, PA 19102	Dechert Price & Rhoads (For:Oxford Foundation)		124.97
Robert E. Ebel, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,450.00	771.00
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan D.C., Inc	2,750.00	4.00
Charles J. Eby, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Monsanto)		
N. Boyd Ecker, 1100 Connecticut Ave., NW,#620 Washington, DC 20036	Mobil Oil Corp	1,500.00	25.85
Helen H. Edge, 700 N. Fairfax St. Alexandria, VA 22314	Railway Progress Institute	614.69	
Edison Electric Institute, 9th Floor 1111 19th St., NW Washington, DC 20036		198,214.50	83,950.33
Christopher Edley Jr., Harvard Law School Cambridge, MA 02138	Covington & Burling		
V. Anne Edlund, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Edon Company, 600 New Hampshire Ave., NW #1010 Washington, DC 20037	Coca-Cola Foods	10,500.00	404.01
Do	Pinnacle Data Corp	7,500.00	2,394.44
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter Financial Services Group	532.00	
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Jack Edwards, 3000 First National Bank Bldg. P.O. Box 123 Mobile, AL 36601	Fiat USA, Inc		
Do	Matra Aerospace, Inc	645.00	
Do	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	399.75	
Do	Teledyne Industries, Inc	210.41	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,962.49	57.00
Edwards Associates, 507 Second St., NE Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Paul S. Egan, 1325 15th Street, NW, #503 Washington, DC 20005	Vietnam Veterans of America, Inc	12,555.00	218.00
Charles E. Ehrhart, 1101 15th St., NW, #707 Washington, DC 20005	National Assn of Margarine Manufacturers		
Eugene Eidenberg, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Roy L. Eiguren, 350 North 9th Street, #400 Boise, ID 83702	Lindsay Hart Neil & Weigler (For:Idaho Cooperative Utilities Assn)		36.76
Do	Lindsay Hart Neil & Weigler (For:Soap & Detergent Assn)		
Jill W. Eiland, 121 SW Salmon Portland, OR 97204	Portland General Electric Co		
Albert A. Eisele, 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Cornerstone Associates, Inc		
Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	14,722.00	136.31
Earl B. Eisenhart, 1899 L Street, NW, #500 Washington, DC 20036	National Private Truck Council		
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	National Commercial Finance Assn	11,000.00	1,355.00
Stephen A. Elbert, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Jane Elder, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club		
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1420	Caterpillar, Inc		
Law Offices of Peter L Eleey, 304 Victory Road Marina Bay, MA 02171	Dana Farber Cancer Institute		
Do	Fox Chase Cancer Center		
Do	Fred Hutchinson Cancer Research Center		
Do	Kenneth Norris Jr. Comprehensive Cancer Center		
Do	Roswell Park Memorial Institute		
George K. Eliades, 7297-P Lee Highway Falls Church, VA 22042	Society of American Wood Preservers, Inc	5,000.00	1,412.00
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	538.00	71.80
Emily K. Elliott, 107 Whitehurst Stillwater, OK 74078	Oklahoma State University	2,371.88	2,299.23
Elliott Zweben & Steelman, Chtd, 1227 25th Street, NW Washington, DC 20037	Missouri Blue Cross/Blue Shield	650.00	
Do	Pharmaceutical Manufacturers Assn	625.00	848.00
John M. Ellis, P.O. Box 2022 North Highlands, CA 95660	Alliance of Government Managers	2,742.50	2,742.50
Do	Nor-Cal Federal Coalition		
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Mark M. Ellison, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Batus, Inc	110.00	
Do	French & Company (For:Int'l Electronics Mnfctrs & Consumers of America, Inc)	675.00	
Do	French & Company (For:Montgomery Ward & Co., Inc)	85.00	
Do	French & Company (For:Wheels, Inc)	50.00	
Dorothy A. Ellsworth, 1300 Connecticut Ave., NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	16,001.55	931.73
Gary Elmestad, P.O. Box 3153 St Charles, MO 63302	City of St. Peters, Missouri	500.00	26.10
Do	Industrial Development Auth of St. Charles Co	8,750.00	1,287.84
Nancy C. Elwood, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Alyson A. Emanuel, 2100 Pennsylvania Ave., NW #755 Washington, DC 20037	BASF Corporation	28.00	16.00
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		53,640.00	68,396.46
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			2,355.99
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers	18,325.00	35.00
Randy Eminger, 5205 West 37th Street Amarillo, TX 79109	Southwestern Public Service Co	1,500.00	2.24
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
End Notch Discrimination, 59 West La Sierra Drive Arcadia, CA 91006			325.00
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74868		12,375.00	
Gary D. Engebretson, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		82.43
Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc	168.00	20.00
John T. Engelen, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co	475.00	16.00
English First, 8001 Forbes Place, #102 Springfield, VA 22151		270,413.00	306,747.50
Jon Englund, 1225 Eye Street, NW, #950 Washington, DC 20005	American Electronics Association		
Christopher Engquist, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Richard Engram Jr., P.O. Box 506 Merchants & Miners Bank Bldg. Welch, WV 24801			
David Eppler, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,750.00	
Mark A. Epstein, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers Inc (For:Embassy of Turkey)	4,583.34	552.45
Epstein Becker & Green, P.C., 1227 25th Street, NW, #800 Washington, DC 20036	American Academy of Dermatology	600.00	
Do	American Medical Care & Review Assn	2,400.00	
Do	Anheuser Busch	2,724.20	
Do	Doctors National Homecare Corp		
Do	Edison Electric Institute	2,724.20	
Do	National Shorthand Reporters Association	2,061.70	
Do	Nonprescription Drug Manufacturers Assn	560.00	
Do	Pfizer, Inc	700.00	827.50
Do	Voluntary Hospitals of America, Inc	11,250.00	
Paul A. Equale, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	37,385.00	
John Ernst, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	562.75	
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Baldt, Inc		
Do	Kaman Diversified Technologies Corp		
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	11,617.48	920.45
Sherry Ettleson, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,500.00	
European Travel Commission, 630 Fifth Avenue New York, NY 10111			
Billy Lee Evans, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	B.L. Evans & Associates (For:Brown & Williamson Tobacco Corp)	1,000.00	
Do	B.L. Evans & Associates (For:BATUS)	2,500.00	
Do	B.L. Evans & Associates (For:Great Western Financial Corp)	3,000.00	
Brock Evans, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	4,400.00	165.00
C. Lawrence Evans Jr., 51 Louisiana Avenue, NW Washington, DC 20001	Acacia Mutual Life Insurance Company	25,000.00	
Cindy Evans, 1250 Connecticut Ave., NW, #210 Washington, DC 20036	National Forest Products Assn		
David C. Evans, 1150 Connecticut Ave., NW, #900 Washington, DC 20036	Building Owners & Managers Assn Int'l		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	American Family Corp		
Do	Hoechst Celanese Corp		
Do	IFRB Corp		
Do	Michigan Consolidated Gas Company		
Do	Stepan Company		
Elaine Evans, 1133 21st Street, NW, #500 Washington, DC 20036	National Hydropower Assn		
Rae Forker Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Robert B. Evans, 1101 14th Street, NW Washington, DC 20005	American Financial Services Assn	250.00	
William J. Evans Jr., 1200 17th Street, NW, #500 Washington, DC 20036	Pan American World Airways, Inc	1,075.00	215.00
B.L. Evans and Associates, Inc, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Batus	7,500.00	
Do	Brown & Williamson Tobacco Corp	3,000.00	
Do	Great Western Financial Corp	15,000.00	
Dave Evans Associates, 4076 Rosamora Court Arlington, VA 22207	MICA	1,000.00	
Do	SIA	1,000.00	
Evans Group, Ltd, 1010 Wisconsin Ave., #810 Washington, DC 20007	Cain Hoy Plantation		
Do	Cotraco, Inc		
Do	Federal Republic of Nigeria	36,000.00	
Do	Government of Cyprus		
Do	Matlack, Inc	6,200.00	
Do	Matteson Investment Corp	3,000.00	
Do	Mortgage Bankers Assn of America	6,000.00	
Do	National Multi Housing Council	2,400.00	
Do	New York State Mortgage Loan Enforcement & Admin. Corp		
Do	Remodelers National Funding Corp	9,750.00	
Do	Towers Financial Corp	5,500.00	
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	2,000.00	54.50
Wayne S. Ewing, Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Tami L. Ezell, P.O. Box 21 Montgomery, AL 36101	Burlington Northern Railroad		
EDS Corporation, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004			1,701.85
F/P Research Associates, 1700 K St., NW, #404 Washington, DC 20006	National Cable Television Assn, Inc	500.00	
Dan L. Fager, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,500.00	
Robert R. Fahs, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	2,500.00	
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
Joseph B. Fallon, 1825 Connecticut Ave., NW, #200 Washington, DC 20009	National Organization Against Invisible Disease Spread		10.00
Frank J. Farfone, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical USA		5,821.00
Thomas B. Farley II, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	4,500.00	117.75
David M. Farmer, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	7,000.00	
Greg Farmer, 600 Maryland Ave., SW, #607 Washington, DC 20024	Northern Telecom, Inc		1,445.00
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	3,567.47

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		158,710.00	103,187.15
Dagmar T. Farr, 1750 K Street, N.w. Washington, DC 20006	Food Marketing Institute	300.00	
Farragut Group, 1825 K Street, NW, #807 Washington, DC 20006	Southern Company Services	12,500.00	
Christopher G. Farrand, 122 C Street, NW, #240 Washington, DC 20001	Peabody Holding Co, Inc		283.00
Michael Farrar, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	200.00	
Joseph A. Farrell, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Richard T. Farrell, 1133 15th St., NW, #210 Washington, DC 20005	Syntex (USA) Inc	4,125.00	1,229.01
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	13,781.25	539.73
Do	Clark County, Nevada	15,000.00	595.52
Do	Desert Research Institute	1,750.00	1.24
Do	Echo Bay Mining Co		
Do	Geneva Steel	9,000.00	58.35
Do	Kirton McConkie & Bushnell	200.00	3.37
Do	Nevada Power Company	14,325.00	1,477.75
Do	Public Service Co of New Mexico	17,400.00	591.47
Do	Sierra Pacific Power Co	33,591.25	1,291.77
Do	Standard Oil Co (Ohio)	11,250.00	
Do	University of Nevada School of Medicine	718.75	15.21
Jane Fawcett-Hoover, 801 18th St., NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	35.43	
Robert C. Fay, 205 The Strand Alexandria, VA 22314	American Amusement Machine Assn		
William D. Fay, 818 Connecticut Ave., N.W., #900 Washington, DC 20006	Clean Air Working Group	5,250.00	1,498.89
Federal Judges Association, 2188 U.S. Courthouse 75 Spring Street Atlanta, GA 30303		24,000.00	17,193.54
Federation for American Immigration Reform, 1666 Connecticut Avenue, NW, #400 Washington, DC 20009			1,168.65
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		3,122.75	3,122.75
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		9,000.00	9,000.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002			2,994.18
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)	200.20	200.20
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		
Douglas J. Feith, 2300 M Street, NW—#600 Washington, DC 20037	International Advisers Inc (For:Embassy of Turkey)	5,000.00	
Chai Rachel Feldblum, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,650.00	
Mark B. Feldman, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers Inc	5,000.00	18.00
Timothy Feldman, 1627 Eye Street, NW #880 Washington, DC 20006	Oracle Corporation		6,389.00
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn		
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	180.00	
Edward T. Fergus, 100 Gold St. New York, NY 10292	Prudential-Bache Securities, Inc	750.00	
James H. Ferguson, 2310 Trott Avenue Reston, VA 22181	Institute of Electrical & Electronics Engineers, Inc	7,500.00	723.46
Stephen L. Ferguson, CFC, Inc 405 N. Rogers St. Bloomington, IN 47401	Cook Group, Inc		
Gregory W. Ferraro, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	2,330.88	411.27
John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Fiber Fabric & Apparel Coalition for Trade, 1801 K Street, NW, #900 Washington, DC 20006		36,971.00	36,913.00
Fiber Optic Competition US, Inc, 804 W. Diamond Ave., 3rd Floor Gaithersburg, MD 20878		275,000.00	9,625.00
Fierce & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	AB Hagglund & Sonar	12,900.00	640.88
Do	Bollinger Machine Shop & Shipyard, Inc	34,950.00	472.82
Do	Dyer Ellis Joseph & Mills (For:Intertanko)	10,000.00	
Do	Spar Aerospace, Ltd	14,175.00	1,635.80
Do	A. L. Williams & Company	16,000.00	2,688.58
Alan D. Fiers, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	5,000.00	135.00
Richard G. Fifield, P.O. Box 11000 Montgomery, AL 36198	Alabama Farmers Federation	1,775.00	834.89
Jay Fikes, 245 Second St., NE Washington, DC 20002	Friends Committee on National Legislation		
Marshall S. Filler, 1330 Connecticut Ave. NW Suite 250 Washington, DC 20036	Continental Airlines, Inc, et al	1,872.50	470.82
Do	Eastern Air Lines, Inc		
Do	Texas Air Corp		
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		14,875.00	8,140.00
William J. Finch, 403 East Sixth St. Bloomington, IN 47401	Cook Group, Inc	3,562.50	122.18
David Fine, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	125.00	
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute	73.48	
Nelson L. Fink, 378 Valley Oak Court Waldorf, MD 20601-3500	Air Force Sergeants Assn, Inc		
Patricia M. Fink, 1385 Piccard Dr. Rockville, MD 20850	Mechanical Contractors Assn of America, Inc		
Ben Finkelstein, 1350 New York Ave., NW, #1100 Washington, DC 20005	Spiegel & McDiarmid (For:South Hadley Electric Light Department)	337.50	82.03
Stephen Finley, 12606 SE 30th, #3 Bellevue, WA 98005	Emerald Seafoods	3,666.66	3,666.66
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Thomas D. Finnigan, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		59.79
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Company	429.25	303.74
M. J. Fiocco, 1090 Vermont Ave., NW, #410 Washington, DC 20005	National Industrial Transportation League	6,500.00	61.50
Fire Equipment Manufacturers & Services Assn, Inc, 1776 Massachusetts Avenue, NW, #521 Washington, DC 20036			
First National Bank of Boston, 100 Federal St. Boston, MA 02110			26,526.59
Richard L. Fischer, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Carleton W. Fish, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	
Madeline Fishel, 312 Massachusetts Ave. Washington, DC 20002	Trust for Public Land	4,620.00	4,291.26
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc	633.00	
Gary K. Fisher, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,025.00	
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,500.00	
Janet S. Fisher, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Company	74.00	
William P. Fisher, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn		
Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125	International Communications Assn		
John Fitzgerald, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	85.28	
Mary Clare Fitzgerald, 1155 21st Street, NW, #850 Washington, DC 20036	Secura Group	7,500.00	1,750.00
Thomas H. Fitzpatrick, Connecticut Petroleum Council 60 Washington Street, #908 Hartford, CT 06106	American Petroleum Institute	750.00	537.99
Alan M. Fitzwater, 3800 Continental Plaza 777 Main Street Fort Worth, TX 76102	Burlington Northern Railroad	25,000.00	1,966.56
Donald Fix, 2100 Pennsylvania Ave., NW, #710 Washington, DC 20037	Hyjek & Fix, Inc (For:Intermec Corporation)	1,100.00	
Hilliard J. Fjord, 602 Main St., #600 Cincinnati, OH 45202	Ohio River Co	3,000.00	920.00
Susan G. Flack, 1320 19th St., NW, #400 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc	100.00	
Do	Flack, Inc (For:Spiegel, Inc)	300.00	
Robert B. Flagg, 3214 White Flint Ct. Oakton, VA 22124	Chemical Manfacturing Assn	750.00	341.90
Daniel V. Flanagan Jr., 11 Canal Center Plaza, #250 Alexandria, VA 22314	Flanagan Group, Inc (For:Dominion Resources, Inc)		
Do	Flanagan Group, Inc (For:Port of San Francisco)		
Do	Virginia Power	9,379.37	6,247.75
Maureen Flanagan, 2200 Clarendon Blvd., #1006 Arlington, VA 22201	Ball Aerospace Systems Group		
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	American Ambulance Assn	18,000.00	277.65
Do	Automotive Refrigeration Products Institute	47,290.00	1,619.95
Do	Centel Federal Systems	30,0C0.00	327.97
Do	Certified Auctioneers Institute	17,000.00	254.66
Do	Citizens for a Drug Free America	55,000.00	139.65
Do	Coalition for Responsible Juice Companies c/o Apple & Eve	7,500.00	56.70
Do	Coastal Barrier Relief Fund	21,000.00	214.12
Do	Eveready		
Do	Ferrellgas	19,008.00	
Do	Members Only	2,500.00	
Do	Murdock International		
Do	National Spiritual Assembly of the Baha'is of the U.S	21,775.00	1,920.00
Do	Pathology Practice Assn	21,000.00	773.55
Do	Spectacor Management Group	18,000.00	
Do	St. Louis NFL Partnership	7,000.00	
Do	Syva Company	30,000.00	397.03
Michael Fleming, 1300 N. 17th St., # 1010 Arlington, VA 22209	American Assn of Equipment Lessors		
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute	1,000.00	1,049.87
Florida Business Associates, 1146 19th St., NW, #400 Washington, DC 20036-3703	Convex Computer Corporation	13,792.00	
Do	MFDCO Containment	4,257.00	
Do	State University System	31,248.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	University of Alaska	16,498.00	
Do	University of Nevada-Las Vegas	17,708.00	
Do	Westinghouse Electric Corp	11,569.00	
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	5,193.60	
Focus on the Family, 801 Corporate Center Drive Pomona, CA 91768		41,608.00	33,219.00
David H. Foerster, 1201 16th St., NW Washington, DC 20036	National Education Assn		
Foley & Lardner, 1775 Pennsylvania Avenue, NW, #1000 Washington, DC 20006-4680	American Red Cross	2,212.50	
Do	Aurora Health Care, Inc & Sinai Samaritan Medical Center,Inc	8,025.00	1,732.06
Do	Central Bank of Tampa		
Do	Coldwell Banker Real Estate Group		
Do	Council of Community Blood Centers	2,212.50	
Do	Kohlberg Kravis Roberts & Co		
Do	United Savings of America		
R. D. Folsom, 1317 F Street, NW, #400 Washington, DC 20004	Glaxo Inc	1,000.00	
Food & Allied Service Trades Dept. AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		17,068.00	17,068.00
Food Marketing Institute, 1750 K St., NW Washington, DC 20006			
Foodservice & Packaging Institute, Inc, 1025 Connecticut Ave., NW Washington, DC 20036			
Mari S. Forbes, 1731 Connecticut Ave., NW Washington, DC 20009	Albers & Company (For:May Department Stores Co)		
David Ford, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn	1,500.00	
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co	275.00	
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			6,503.34
Edward H. Forgotson, 1350 I Street, NW, #700 Washington, DC 20005	Ensearch Corporation		
Do	GNB, Inc		
Do	Northern Indiana Public Service Company		
Do	Superior National Insurance Group		
Mark A. Forman, 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	1,250.00	
Sallie H. Forman, 1331 Pennsylvania, NW, #700-South Washington, DC 20004	National Broadcasting Co, Inc	500.00	
James R. Forrester, P.O. Box 94661 Cleveland, OH 44101	Centerior Energy Corp, et al	3,176.80	4,044.47
Larry Forrester, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Fort and Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Bollinger Machine Shop & Shipyard, Inc		
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	14,730.00	299.33
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	220.00	
Richard C. Fortuna, 1440 New York Ave., NW, #310 Washington, DC 20005	Hazardous Waste Treatment Council	750.00	375.00
Nancy E. Foster, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107	American Soybean Association	1,576.00	190.30
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Ambase		
Do	Chem-Nuclear Systems		1,297.61
Do	Delaware Container Corporation		6,091.56
Do	Giant Cement Company		2,882.16
Do	Providence Hospital		
R. Mark Fowler, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	12,500.00	834.48
Barbara Fox, P.O.Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp	5,458.00	1,213.74
Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402	Camp Barsh Bates & Tate (for Sears Roebuck & Co), et al		
Phillip L. Fraas, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:American Soybean Assn)	543.40	
John R. Frahm, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,000.00	
Frances E. Francis, 1350 New York Ave., NW Washington, DC 20037	Spiegel & McDiarmid (For:Town of South Hadley Massachusetts)	367.50	57.43
Leslie C. Francis, 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education	2,000.00	
Francis & McGinnis & Rees, Inc, 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education		
Douglas L. Francisco, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		64.50
Anthony M. Franco, Inc, 400 Renaissance Center, #600 Detroit, MI 48243	Madison Public Affairs Group, Inc (for Philip Morris, USA)	15,000.00	162.22
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
Richard L. Frank, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)	1,000.00	
Robert S. Frank, 206 G Street, NE, #201 Washington, DC 20002	Foley and Company, Inc (For:Coalition Against Noneffective Lightning Protection Tech)		
Do	Foley & Company (For:Polyphaser)		
Stephen R. Frank, 607 Azure Hills Drive Simi Valley, CA 93065	Calcitek		
Do	Church of Scientology	1,500.00	372.74
Do	Eagle Group (For:Tailored Baby, Inc)	1,500.00	
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20036	Silver Users Assn, Inc	1,740.00	250.00
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Pat Franklin, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	2,215.36	
Kevin Frankovich, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		7.65
John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061-6568			
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	875.00	130.00
Fraternal Order of Police, Legislative Committee, 2100 Gardiner Lane Louisville, KY 40205			1,188.00
Charles L. Frazier, 475 L'Enfant Plaza, SW, #2250 Washington, DC 20024	National Farmers Organization	4,639.00	4,447.00
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
John S. Fredericksen, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Regional Airline Association	1,000.00	
Free the Eagle, 25 E Street, NW, 8th Floor Washington, DC 20001		173,057.48	230,760.72
Joel Freedman, 1600 M St., NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance Co	10,000.00	
Marc Freedman, 729 15th Street, NW Washington, DC 20005	Associated Builders and Contractors, Inc	7,500.00	
James O. Freeman, 715 Penguin Drive Ocean City, MD 21842	U.S. League of Savings Institutions		
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	1,095.00	
Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Mary Ann Freeman, 1331 Pennsylvania Ave, NW Washington, DC 20005	General Electric Co	480.00	
David W. Freer, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	5,000.00	
Paula D. Freer, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corp		
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:BATUS, Inc)	325.00	
Do	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc)	675.00	
Do	French & Company (For:Montogomery Ward & Co., Inc)	475.00	
Do	French & Company (For:Wheels, Inc)	185.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Batus, Inc	585.00	
Do	International Electronics Mfgrs & Consumers of America, Inc	1,350.00	
Do	Montgomery Ward & Co, Inc	935.00	
Do	Wheels, Inc	310.00	
Annette P. Fribourg, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn	31,000.00	290.60
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Ronald A. Fried, 888 17th Street, NW, #900 Washington, DC 20006	Holland & Knight (For:St. Johns Home Health)	2,000.00	
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	Forstmann-Little & Co		
Do	General Electric Co		
Do	Lonza, Inc	3,475.00	291.08
Do	Virgin Islands Rum Industries, Ltd	27.50	9.00
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Centerior Energy	35,523.00	1,389.08
Do	Coalition for Environmental-Energy Balance	7,554.00	63.45
Do	Philip Morris, U.S.A	750.00	
Friends of the Columbia Gorge, 319 SW Washington, #420 Portland, OR 97204			
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002			26,160.14
R. Roger Fries, 1801 K Street, NW, #1105-L Washington, DC 20006	Glass Packaging Institute		
Charles H. Fritts, P.O. Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp	2,431.00	332.06
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	860.00
Jeffrey Fritzlen, 555 13th Street, NW, #450-W Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	1,028.65
Marcy Masters Frosh, 2030 M Street, NW Washington, DC 20036	Common Cause	6,362.52	
Richard L. Fruchterman III, 1850 M Street, NW Washington, DC 20036	U.S. Sprint Communications Co		
Gordon H. Fry, 900 19th Street, NW, Washington, DC 20006	Edison Electric Institute		
Fulbright & Jaworski, 1150 Connecticut Ave., NW, #400 Washington, DC 20036	Crysen Corp	1,750.00	34.31
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	8,223.00	132.39
Kristen Funk, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security and Medicare	1,674.00	
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	3,312.50	
Futures Industry Assn, Inc, 2001 Pennsylvania Ave. NW #600 Washington, DC 20006-1807			
FMR Group, Inc, 1000 Potomac Street, NW, #401 Washington, DC 20007	Americans Against Unfair Gas Taxes	5,000.00	1,474.40
Do	National Coalition of Burn Center Hospitals	22,572.43	6,216.13

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Songwriters Guild of America	25,644.97	21,251.67
Eric Keith Gabrielle, P.O. Box 12532 Gainsville, FL 32604			
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	2,808.75	
Joe H. Galis 059739, DCI P.O. Box 18782 Tampa, FL 33679	Joe H. Galis		
Janne G. Gallagher, 3373 Rittenhouse Street, NW Washington, DC 20015	Human Services Forum on Government Relations	14.00	16.20
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007	Air Jamaica, Ltd	74,573.95	3,836.80
Do	Soule Corp		
Do	South Africa Sugar Association	2,785.50	212.54
Karl Gallant, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	4,000.00	435.93
Mark Gallant, 40 Ivy Street, SE Washington, DC 20003	National Lumber & Building Material Dealers Assn	4,500.00	
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
Galvin Haroian & Mlawski, 425 Park Avenue New York, NY 10022	Herman's Sporting Goods, Inc		
Do	Voyager International, Inc		
Bruce Gamble, 122 C St., NW, #580 Washington, DC 20001	National Bankers Assn		795.62
Cheryl Gannon, 2000 K Street, NW Washington, DC 20006	National Committee to Preserve Social Security and Medicare	8,654.00	52.15
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	14,510.00	500.00
Nicole Gara, 950 North Washington Street Alexandria, VA 22314	American Academy of Physician Assistants		
Harry D. Garber, 787 7th Avenue New York, NY 10019	Equitable Financial Companies	400.00	12.00
Sandra M. Garbrecht, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For Alliance of Responsible Electric Systems for Energy Access)	568.75	
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	2,655.40	453.50
Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Gardner Carton & Douglas, 1001 Pennsylvania Ave. NW, #750-N Washington, DC 20004	Alamo Rent-A-Car, Inc		
Do	Andrew Corp	2,925.00	19.00
Do	Ansell, Inc	225.00	
Do	Midcon Corp		
Do	Minnesota Mining and Manufacturing Company		
Do	Pharmaceutical Aerosol CFC Coalition	990.00	
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Theodore J. Garrish, 11 Canal Center Plaza, #250 Alexandria, VA 22314	Flanagan Group, Inc (For American Nuclear Energy Council)		
Do	Flanagan Group, Inc (For California Desert Coalition)		
Do	National Outdoor Coalition		
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Ann Lakin Garver, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty and Surety Agents	1,500.00	918.01
Garvey Schubert & Barer, 1000 Potomac St., NW Washington, DC 20007	American Iron & Steel Institute		
Do	Canadian Embassy	7,465.02	
Do	City of Aberdeen	14,317.50	
Do	Early Winters Resorts, Inc	16,232.25	
Do	J & B Management Company		
Do	Ministry of the Environment	20,440.92	
Do	Philip Morris, Inc	12,000.00	75.21
Do	Province of Manitoba Department of Natural Resources	786.25	
Do	Space Industries, Inc	2,773.75	
Do	Totem Ocean Trailer Express, Inc	62,244.60	
Do	Washington Citizens for World Trade	62,174.25	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Philip Gasteyer, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	2,100.00	
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National American Wholesale Grocers' Assn	3,000.00	
Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	128.00	92.23
Ruthann Geib, 1156 15th Street, NW, #1020 Washington, DC 20005	American Sugarbeet Growers Assn		
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For Calorie Control Council)	360.00	
Do	Robert H. Kellen Co (For Infant Formula Council)	240.00	
Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110	First National Bank of Boston		
Nancy E. Gendron, 6607 East Wakefield Drive, C-1 Alexandria, VA 22307	Humane Society of the United States	4,305.00	82.55
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			7,302.00
General Instrument Corporation, 767 Fifth Avenue New York, NY 10153		6,500.00	2,148.53
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers		
John Gentille, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Jawad F. George, 2033 M Street, NW, #300 Washington, DC 20036	National Assn of Arab Americans		
Nancy Whorton George, 555 13th Street, NW, #1010 E Washington, DC 20004-1109	Enron Corp		
Do	Natural Gas Alliance for the Generation of Electricity		
Do	Transco, Inc		
George Associates, 555 13th Street, NW #1010 East Washington, DC 20004	Black & Decker Corporation		
Do	PepsiCo, Inc		
Do	Pizza Hut, Inc		150.00
George W. Gephart, P.O. Box 1475 Baltimore, MD 21203	Baltimore Gas & Electric Co	180.90	207.56
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,277.66
Forrest Gerard & Associates, 1155 Conn., Ave., NW, #400 Washington, DC 20036	Commissioned Officers Assn of the U.S.P.H.S. Inc	200.00	
Do	Leech Lake Reservation Business Committee	463.50	
Do	Santa Clara Indian Pueblo	308.25	
Do	Siletz Tribal Council	722.25	
Do	Tulalip Tribes	802.35	
Do	White Earth Tribal Council	204.75	
Gerard Byler & Associates, Inc, 1155 Conn., Ave., NW, #300 Washington, DC 20036	Commissioned Officers Assn of the U.S.P.H.S., Inc	100.00	
Do	Havasupai Tribal Council		
Do	Leech Lake Reservation Business Committee	168.75	
Do	San Carlos Apache Tribe	255.00	
Do	Santa Clara Indian Pueblo	180.00	
Do	Siletz Tribal Council	216.00	
Do	Tohono O'odham Nation		
Do	Tulalip Tribes	148.50	
Do	White Earth Tribal Council	168.75	
Ted P. Gerarden, 1275 K Street, NW, #850 Washington, DC 20005	Donelan Cleary Wood & Maser (For Cascade Natural Gas Corp)		
Louis Gerber, 1925 K St., NW Washington, DC 20006	Communications Workers of America	6,833.75	122.50
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	875.79	
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	400.00	
Gerry Baby Products, Co, 12520 Grant Drive Box 33755 Denver, CO 80233		170.00	
Kenneth Gersten, 1116-C West Street Annapolis, MD 21401	Sierra Club	337.56	
John J. Gersuk, 3100 Windwood Farms Drive Oakton, VA 22124	Bechtel Group, Inc		
Alvin J. Geske, 1016 16th St., NW, 6th Floor Washington, DC 20036	Benchmarks, Inc		
Do	Grupo Industrial Alfa, SA		
Do	Renewable Fuels Assn	510.00	
Dorothy F. Gevinson, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	99.65	
Danny Ghorbani, 8014 Falstaff Road McLean, VA 22102	Association for Regulatory Reform	2,000.00	135.91
Clair Ghylin, 1700 K Street NW, #1200 Washington, DC 20006	Chevron USA, Inc	7,500.00	50.00
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,097.50	
William C. Gibb, 1050 Thomas Jefferson St., NW, 6th Fl Washington, DC 20007	Providential Home Inc Plan	1,000.00	1,000.00
William T. Gibb, 1001 Pennsylvania Ave., NW9 Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Wayne Gibbens, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	15,600.00	378.00
Anne Marie Gibbons, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,500.00	
William L. Gifford, 100 Interpace Parkway Parsippany, NJ 07054	General Electric Co		
Lucie Kriste Gikovich, 866 Second Avenue New York, NY 10017	Watts & Company Communications, Inc (For Pacific Telesis)	24,900.00	
Robert C. Gilardi, 1235 Jefferson Davis Highway Crystal Gateway #1, Suite 501 Arlington, VA 22202	Compressed Gas Assn/Helium Advisory Council		
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	7,750.00	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Michael Gildea, 815 16th St., NW #309 Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations		
Mary Ann Gilleece, Lepon McCarthy Jutkowitz & Holzworth 1146 19th Street, NW, 3rd Floor Washington, DC 20036	Astra Holdings Corp		
Do	Bishop Cook Purcell (for: Electronics Systems Assocs)		
Do	DynCorp		
Do	Esilux, Inc		
Do	IPAC, Inc (for: Kali-Duphar, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Neal P. Gillen, 1725 K Street, NW, #1210 Washington, DC 20006	American Cotton Shippers Assn	37,500.00	870.61
Annelise Gillespie, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Michael B. Gillett, 1425 N. 46th Street Seattle, WA 98103	American Petroleum Institute	30,000.00	
Do	Pacific Lumber & Shipping Co	15,000.00	36.15
Daniel F. Gilligan, 1701 K Street, NW, #400 Washington, DC 20006	National Manufactured Housing Federation	1,000.00	
Brad Gilman, 1050 Thomas Jefferson Street, NW, 6th Fl Washington, DC 20007	Robertson Monagle & Eastaugh (For:Aleutians East Borough)	9,500.00	
Do	Robertson Monagle & Eastaugh (For:Anchorage School District)	2,100.00	
Do	Robertson Monagle & Eastaugh (For:Coastal Coalition)	9,000.00	
Do	Robertson Monagle & Eastaugh (For:Crowley Maritime Corp)	21,000.00	
Do	Robertson Monagle & Eastaugh (For:Municipality of Anchorage)	12,500.00	
Do	Robertson Monagle & Eastaugh (For:Puget Sound Cruiseship Alliance)	22,500.00	
Do	Robertson Monagle & Eastaugh (For:Reeve Aleutian Airways)	5,000.00	
Do	Robertson Monagle & Eastaugh (For:Sea-Land Services, Inc)	15,000.00	
Jim Gilmore, 1735 New York Avenue, NW, #500 Washington, DC 20006	Alaska Factory Trawler Assn	16,500.00	406.52
Ginn Edington Moore & Wade, 803 Prince Street Alexandria, VA 22314	Agusta Aviation Corp	7,300.00	
Do	Allied Signal Aerospace Co		
Do	AB BOFORS	10,000.00	120.12
Do	Chrysler Corporation		
Do	Equifax		
Do	Lockheed Corporation		
Do	National Assn of Chain Drug Stores		
Do	Oglethorpe Power Corp	6,000.00	71.43
Do	Outdoor Advertising Assn of America	5,000.00	61.69
Do	Rockwell International Corp		
Do	Turner Broadcasting System, Inc	5,000.00	60.52
Do	U.S. Cane Sugar Refiners' Assn		
Do	Watkins Associated Industries, Inc		
Mark R. Ginsberg, 1717 K Street, NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy	5,000.00	
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	Chugai-Upjohn, Inc	1,000.00	30.00
Do	United States Telephone Association		
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,165.32
Brenda M. Girton, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	798.00	
Michael J. Giuffrida, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	1,000.00	
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	500.00	146.00
Glass Packaging Institute, 1801 K Street, NW, #1105-L Washington, DC 20006			4,515.00
Donna Siss Gleason, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp		
Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Robert E. Gleason, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	9,914.40	458.61
Martha Cole Glenn, 4637B S. 36th Street Arlington, VA 22206	Humane Society of the United States	9,875.04	753.92
Sara B. Glenn, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Corp	1,125.00	
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	All Nippon Airways Co. Ltd		
Do	Fanuc, Ltd		
Do	Hitachi, Ltd		
Do	Hyundai Motor America		
Do	Jackson Madison County General Hospital	36.05	
Do	Japan Fed of Construction Contractors, Inc		
Do	Komatsu Ltd		
Do	Kyocera Corporation	144.23	
Do	Mazak Corporation	108.17	
Do	Murata Machinery, Ltd	72.11	
Do	South Louisiana Port Commission		
Do	Teco Transport & Trade Corp		
Law Offices of Alan M. Gnessin, 1220 19th Street, NW, #400 Washington, DC 20036	CHP		
Do	Family Health Plan, Inc		
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1825 K Street, NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,050.00	76.69
Kevin C. Goebel, 2054 University Avenue, #500 Berkeley, CA 94704	Americans for Nonsmokers' Rights	258.00	
KayLynn Goelzer, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators	1,000.00	19.10
Judith M. Goff, 375 Jackson Street St. Paul, MN 55101	Farm Credit Services	160.00	1,173.18
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Alaska Loggers Assn		1,591.00
Do	American Academy of Ophthalmology	770.00	1,711.00
Do	American Medical Assn	6,500.00	1,815.00
Do	American Resort and Development Association		
Do	Bausch and Lomb	2,281.00	1,813.00
Do	Beretta U.S.A. Corp	2,400.00	1,742.00
Do	BAA plc	800.00	1,709.00
Do	Camp Barsh Bates & Tate	1,006.00	1,829.00
Do	Chemical Manufacturers Assn, Inc	3,500.00	1,700.00
Do	College of American Pathologists	1,667.00	1,772.00
Do	Electronic Data Systems Corp	11,667.00	1,771.00
Do	Energy Research Corp	8,400.00	1,833.00
Do	Equicor, Inc	1,000.00	1,991.00
Do	Equitable Life Assurance Society of the U.S	25,000.00	1,688.00
Do	Eye Bank Assn of America		1,591.00
Do	Federated Investors, Inc	15,000.00	1,691.00
Do	Fiat, USA	17,830.00	1,991.00
Do	Ford Motor Co		1,591.00
Do	Fox Broadcasting Company	8,000.00	1,813.00
Do	Genentech, Inc		1,591.00
Do	Georgia Power Company		
Do	Hopi Tribe		1,591.00
Do	International Committee of Passenger Lines		
Do	Investment Company Institute	1,262.00	1,668.00
Do	Martin Marietta Corp		1,591.00
Do	MCI Communications Corp		1,591.00
Do	National Business Aircraft Assn, Inc	900.00	1,991.00
Do	National Cattlemen's Assn	294.00	1,685.00
Do	National Football League		1,591.00
Do	National Restaurant Assn	18,000.00	1,947.00
Do	National School Transportation Assn	2,000.00	1,991.00
Do	Pacific Enterprises	6,600.00	1,991.00
Do	Pennzoil Co		1,905.00
Do	Philip Morris Company	25,000.00	1,687.00
Do	Phillips Petroleum Co	5,000.00	
Do	Public Securities Assn	1,000.00	1,600.00
Do	Salomon Brothers, Inc	2,000.00	1,706.00
Do	Thomson-CSF, Inc	7,200.00	1,888.00
Do	Times Mirror Co	1,650.00	1,806.00
Do	Washington Metropolitan Area Transit Authority	8,125.00	1,591.00
Allen Goldberg, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Goldberg & Spector, 1229 19th St., NW Washington, DC 20036	Alpha Lyracom d/b/a Pan American Satellite		
Ronald L. Goldfarb, Goldfarb & Singer 918 16th Street, NW, #503 Washington, DC 20003	Washington Independent Writers, Inc		
Janlori Goldman, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	500.00	100.00
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004			1,550.00
Janice Goldman-Carter, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	4,108.55	
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	6,600.00	
Richard S. Goldstein, 2300 M Street, NW Washington, DC 20037	Kelley Drye & Warren (For:Coalition to Preserve the Low-Income Housing Tax Credit)		
William Gonnelly, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers' International Association	15,000.00	
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	5,743.12
Ruth Gonze, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	4,000.00	
David R. Goode, 8 N. Jefferson Street Roanoke, VA 24042	Norfolk Southern Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard F. Goodstein, 1150 Connecticut Avenue, NW, #500 Washington, DC 20036	Browning-Ferris Industries, Inc	1,300.00	636.86
Robert F. Goodwin, 1850 K St., NW, Suite 275 Washington, DC 20006	Meredith Corp	28.00	33.00
Linda Goold, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	630.02
John Gordley, 1150 Connecticut Avenue, NW, #507 Washington, DC 20036	Iowa Pork Producers Assn	3,000.00	742.79
Do	National Sunflower Assn	18,000.00	4,018.88
Do	Nebraska Wheat Board	36,000.00	5,709.46
Do	Renewable Fuels Assn	10,500.00	146.39
Do	U.S. Canola Association	6,000.00	3,196.59
Deborah Gordon, 1616 P Street, NW #310 Washington, DC 20008	Union of Concerned Scientists	1,650.00	
Mary S. Gordon, 600 Maryland Ave, SW, #607 Washington, DC 20024	Northern Telecom, Inc		1,445.00
Randall C. Gordon, 1201 New York Ave., NW #830 Washington, DC 20005	National Grain & Feed Assn		150.00
John C. Gore, 1776 Eye Street NW Suite 1000 Washington, DC 20006	BP America, Inc		
Millicent Gorham, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	19,577.60	329.81
Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
James D. Gormley, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	1,385.00	
Ann M. Gosier, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co		
Margaret A. Gottlieb, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Assn		
Emerson F. Gower Jr., 411 Fayetteville St. Mall, #1925 Raleigh, NC 27601	Carolina Power & Light Co	990.00	2,225.00
Edmund Graber, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
James E. Graf Ii, 555 13th Street NW, #480 W. Washington, DC 20004-1109	Contel Corp	9,000.00	25.00
John R. Graff, 4230 King Street Alexandria, VA 22302	International Assn of Amusement Parks & Attractions	50.00	54.00
David W. Graham, 1776 Eye Street, NW, Ste. 575 Washington, DC 20006	Dow Chemical USA		5,540.00
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Citibank	3,435.00	50.00
Do	Contact Lens Manufacturers Assn	800.00	9.00
Do	Investors in Industry		
Frances Turk Granahan, 1025 Connecticut Avenue, NW, #404 Washington, DC 20036	Panhandle Eastern Corporation		180.23
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	2,000.00	
Carol J. Gray, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance	2,700.00	
Neil A. Gray, 1776 Massachusetts Ave., NW Washington, DC 20036-1993	Highway Users Federation for Safety & Mobility	2,450.00	67.75
Peter Gray, 1275 Pennsylvania Ave., NW Washington, DC 20004	Citicorp Washington, Inc	2,970.00	
Robert K. Gray, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:AMR Corp)		
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		250.00	250.00
Greater Washington Board of Trade, c/o Ellie Weilenmann 1129 20th Street, NW, #200 Washington, DC 20036			
Ed Greelegs, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)	1,634.00	135.07
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	4,500.00	259.20
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
George R. Green, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
Gretchen Green, 1000 Connecticut Ave, NW Washington, DC 20036	Japan Economic Institute of America		
Harold B. Green, 5011 Victor Dallas, TX 75214	American Consulting Associates, Inc (For:Chief Auto Parts, Inc)	34,843.75	13,803.46
James E. Green, 1100 Connecticut Ave., NW #620 Washington, DC 20036	Mobil Corporation	1,125.00	
John K. Green, 800 American Charter Center 1623 Farnam St. Omaha, NE 68102-2130	Papillion-Lavista School District	67.50	0.90
Lynn S. Green, 1120 19th Street, NW, #310 Washington, DC 20036-3605	Institute of Makers of Explosives		
Micah S. Green, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	2,257.71
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Robert H. Green, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	1,687.04
Wayne Green, Forest Road Hancock, NH 03449	73, Inc		
William Green, 1001 Pennsylvania Ave., #715 S Concourse Washington, DC 20004	MacAndrews & Forbes Holdings Incorporated		
David I. Greenberg, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	2,500.00	1,300.00
Eldon V. C. Greenberg, Galloway & Greenberg 1835 K St., NW, #801 Washington, DC 20006	Midwater Trawlers Cooperative	192.50	370.51
Do	Pacific Coast Federation of Fishermen's Assn, Inc	192.50	370.51
Do	Southeastern Fisheries Assn, Inc		370.51
Judith M. Greenberg, 1825 I Street, NW, #400 Washington, DC 20006	Miller & Steuart (For:Coastal Corporation)		
Do	Miller & Steuart (For:E.R. Squibb and Sons, Inc)		
Fred Greene, 3434 Pinetree Terrace Falls Church, VA 22041	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	10,000.00	
Howard W. Greene, 205 E. 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Charles Greener, 900 Second Street, NE #201 Washington, DC 20002	Eddie Mahe Company (For:Tridec (Tri-City Industrial Development Council))	1,000.00	
Anne Greenfield, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	5,980.02	201.37
Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	147.60	
Arthur J. Gregg, 7736 Rockledge Court Springfield, VA 22152	Cable TV Assn of MD, DE & DC		
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
John D. Gregory, P.O. Box 12458 Columbia, SC 29211	Norfolk Southern Corp		
Gregory Company, 2300 N Street, NW, #600 Washington, DC 20037	T. Ramirez & Co, Inc	4,500.00	70.10
Greyhound Lines, Inc, 1101 14th Street, NW, #1201 Washington, DC 20005			39,078.73
David J. Gribbin IV, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Federation of Independent Business (NFIB)	3,401.00	200.00
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America		
Do	American Coal Ash Assn		
Do	American Insurance Assn		
Do	American Nuclear Energy Council		
Do	American Petroleum Institute		
Do	American Psychological Assn	200.00	6.00
Do	Arthur Andersen & Co		
Do	Blue Cross & Blue Shield Association	500.00	18.00
Do	CBS, Inc	3,000.00	90.00
Do	COMSAT Corp		
Do	Edison Electric Institute	900.00	30.00
Do	Grumman Corporation		
Do	McCaw Communications Cos	1,000.00	30.00
Do	Merck & Co, Inc		
Do	Motorcycle Industry Council	200.00	6.00
Do	National Music Publichers' Assn	11,600.00	348.00
Do	Nus Corp	600.00	18.00
Do	Outdoor Advertising Assn of America	400.00	12.00
Do	Pharmaceutical Manufacturers Assn		
Do	Specialty Vehicle Institute of America		
Do	Tobacco Institute	800.00	24.00
Do	United Cable Television Corp		
Do	United Illuminating	800.00	24.00
Edward D. Griffith, 3801 West Chester Pike Newtown Square, PA 19073	ARCO Chemical Co	300.00	
A. Jack Grimes, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Craig N. Grimm, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Norman E. Grimm Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Mark W. Grobmyer, P.O. Box 70 Little Rock, AR 72203	Arnold Grobmyer & Haley (For:Arkansas Assn of Securities Dealers)		
Do	Arnold Grobmyer & Haley (For:Mid-South International Trade Assn)		503.60
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007			
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	245.00	
Beverly Bennett Groom, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	2,500.00	
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Ad Hoc MGA Group		
Do	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Chevron Corp	750.00	100.00
Do	Eli Lilly & Company		
Do	Goldman Sachs & Co		
Do	Murphy Oil USA, Inc		
Do	Nebraska Public Power District	300.00	50.00
Do	New York City Teachers Retirement System		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co	300.00	50.00
Do	Principal Financial Group		
Do	Prudential Insurance Co of America	750.00	100.00
Do	Prudential-Bache Securities, Inc		
Do	Puerto Rico, USA Foundation	1,000.00	9,543.00
Do	Reading & Bates Corporation		
Do	Southern California Edison Co	150.00	10.00
Do	Sunflower Electric Power Corp	200.00	10.00
Do	True Oil Company		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
Jerome Grossman, 20 Park Plaza, #603 Boston, MA 02116	Council for a Livable World	4,420.86	
Steven A. Grossman, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Gerber Products Corp)		
Do	Hill Knowlton (For:Nintendo of America, Inc)	575.00	
Do	Hill & Knowlton, Inc (For:Serono, Inc)	690.00	
Do	Hill & Knowlton, Inc (For:Shaklee Corp)	575.00	
Page Groton, 400 First Street, NW, #814 Washington, DC 20001	International Brotherhood of Boilermakers		
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Carlos A. Guerra, 23733 North Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Marketing Service International, Inc		
Do	O'Connor & Hannan (For:Blanchfield & Moore)	6,000.00	
Do	Center for Cancer Treatment and Research		
Do	LF Rothschild Unterberg Towbin, Inc		
Do	Michigan State Housing Development Authority		
Do	Morris Communications	2,900.00	
Do	Naegle Outdoor Advertising		
Do	O'Connor & Hannan	10,000.00	
Do	Paine Webber Group, Inc		
Do	Bettis Rainsford		
Do	Riverton Investment Corp	800.00	
Do	Simpson Thacher & Bartlett (for Sol Goldman Estate)		
Do	Western Electrochemical Company	15,000.00	
Clark J. Guild Jr., Guild & Hagen, Ltd 100 West Liberty St., #800 Reno, NV 89501	Motion Picture Assn of America, Inc		
John E. Guiniven, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corp	5,000.00	325.00
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036	BASF Corporation	2,000.00	100.00
Do	KMS Fusion, Inc	550.00	95.00
Do	Walk-Haydel & Associates, Inc	500.00	80.00
Henry G. Gulick, 15 Mountain View Road Warren, NJ 07061	Chubb & Son, Inc		
Deborah H. Gum, 2445 M Street, NW Washington, DC 20037	Capital Cities/ABC, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		244,841.60	268,345.56
Richard E. Gutting Jr., 2000 M St., NW, #580 Washington, DC 20036	National Fisheries Institute	6,000.00	
Alvin M. Guttman, 1924 N Street, NW Washington, DC 20036	Towing & Recovery Assn of America, Inc	600.00	
Milton S. Gwirtzman, 1250 24th St., NW, #600 Washington, DC 20037	Lazare Kaplan International, Inc	1,000.00	24.00
GA Assn of Petroleum Retailers, Inc, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083			
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation	98.00	20.00
Dana W. Haas, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Co, et al	15,150.00	7,995.20
Charles W. Hackney Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S		
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Gene P. Haflich, Indiana Petroleum Council 714 Harrison Building Indianapolis, IN 46204	American Petroleum Institute	424.44	491.04
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc	913.40	23,648.62
Barry Hager, 444 North Capitol St., #711 Washington, DC 20001	Fund for Private Assistance in International Development	3,500.00	
John F. Hadley, 500 E STreet, SW, #950 Washington, DC 20024	American Automobile Assn		
Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	1,875.00	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California	7,000.00	714.28
Alma P. Hale, 1920 N Street, NW Washington, DC 20036	America Mining Congress	100.00	2.00
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Dakota Wesleyan University		
Do	Gay Head Taxpayers Assn		
Do	Genetics Institute	5,122.00	115.46
Do	Metalor USA Refining Corp		
Do	Northeastern University	2,366.00	89.66
Do	Pine Street Inn		
Do	Prime Computer, Inc		
Do	USS Constitution Museum	2,548.00	59.61
Hale Foundation, 422 First Street, SE, #208 Washington, DC 20003			
Edwin K. Hall, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	5,000.00	327.93
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	5,000.00	1,324.70
Richard F. Hall, 1700 K Street, NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003	San Diego Gas & Electric	1,500.00	2,746.10
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,250.00	740.25
Morton H. Halperin, 122 Maryland Ave.,NE Washington, DC 20002	American Civil Liberties Union	16,000.00	100.00
Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507	Northern Illinois Gas Company	2,000.00	
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	4,500.00	4,721.98
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	240.00	43.00
David S. Hamilton, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	5,738.47	
J. Lee Hamilton, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703	National Assn of Manufacturers	281.00	
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Philip W. Hamilton, 1825 K St., NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers		
Violet B. Hamilton, 4-21 Astoria Blvd., #5b Long Island City, NY 11102	Astoria Tenants Organization	6,663.02	3,256.56
Ronald P. Hamm, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	6,500.00	
Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	720.00	306.92
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn	20,625.00	5,985.20
Timothy A. Hanan, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	2,500.00	
Nolan W. Hancock, 1126 16th St., NW Washington, DC 20036	Oil Chemical & Atomic Workers International Union	6,444.50	
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Mobile, AL 36601	Northrop Corp	3,628.73	
William G. Handfield, 50 F Street, NW Washington, DC 20001	Association of American Railroads	1,243.46	
Donald K. Hanes, 50 F St., NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Rose M. Hanes, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance	90.00	3.40
Elisabeth Hanlin, 2000 L St., NW, #1000 Washington, DC 20036	Unisys Corp		
Thomas H. Hanna, 7430 Second Ave, #300 Detroit, MI 48202	Motor Vehicle Manufacturers Assn of the U.S., Inc	250.00	
Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005	Financial Assistance Inequity Relief Coalition		
Do	Peoples Republic of Congo		
Do	Royal Embassy of Saudi Arabia		
Do	3M Corporation		
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	250.00	
M. Arnita Hannon, 1726 M Street, NW, #902 Washington, DC 20036-4502	American Lung Assn	1,826.40	1,134.30
Dolly A. Hanrahan, 1030 15th Street, NW, #1100 Washington, DC 20005	Hima	2,025.00	264.04
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Brian T. Hanson, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	25.00	
Eric R. Hanson, 1321 Duke Street, #200 Alexandria, VA 22314-3563	U.S. Strategies Corp (For:Cancer Treatment Holdings, Inc)		
Do	U.S. Strategies Corp (For:Healthsouth Rehabilitation Corp)		
Robert N. Harbor, P.O. Box 1492 El Paso, TX 79978	El Paso Natural Gas Co		
Stuart B. Hardy, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
James W. Harff, 1615 M Street, NW, #220 Washington, DC 20036	Harff Butterfield (For:Turkish Republic of Northern Cyprus)	4,800.00	
Harff Butterfield, 1615 M Street, NW, #220 Washington, DC 20036	Turkish Republic of Northern Cyprus	25,500.00	
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp		
Patricia L. Harmening, 316 Pennsylvania Ave., SE, #301 Washington, DC 20003	San Diego Gas & Electric	900.00	2,595.41
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	625.00	348.10
Wiley C. Harrell Jr., 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Toni Harrington, 950 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	400.00	
W. Brendan Harrington, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	1,250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A. J. Harris II, 1825 Eye Street, NW, #750 Washington, DC 20006	CIGNA Corp	4,673.00	769.34
Arthur V. Harris, P.O. Box 96 Valencia, PA 16059			
Leslie Harris, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	5,000.00	
Marra Harris, 729 15th St., NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Milton E. Harris, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Harris Steel Group, Inc		
Harris & Ellsworth, 1101 30th Street, NW, #103 Washington, DC 20007	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc		
Do	Committee of American Axle Producers		
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs		
Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute	860.00	1,135.56
Jim Harrison, 501 I Street, SW Washington, DC 20024	Association of Urban Universities		
Mark Harrison, 1819 H Street, NW, #1000 Washington, DC 20006	SANE/FREEZE, Inc	7,791.68	
Robert W. Harrison, 1213 Jefferson Davis Highway, #1400 Arlington, VA 22202	CAE-LINK Corporation		
Anne Harrison-Clark, 1725 K Street, NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation	4,125.00	53.20
Jayne A. Hart, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
William R. Hart, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	2,876.25	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			25,800.00
Vance Hartke, 7637 Leesburg Pike Falls Church, VA 22043	Alliance of Foreign Medical Graduates	6,250.00	
Gabriel A. Hartl, 2020 N. 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc		
Carolyn Hartmann, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	5,115.39	
Kathleen Hartnett, 1301 Pennsylvania Ave., NW #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00
Fanny L. Haslebacher, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Hershey Foods Corp		
James C. Hassett, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	45.84	
Hauck & Associates, 1255 23rd Street, NW Washington, DC 20037	National Oilseed Processors Assn	5,324.58	5,324.58
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,066.17
Pamela Haughton-Denniston, 100 Maryland Ave., NE Washington, DC 20002	Religious Coalition for Abortion Rights	8,395.26	67.55
Arnold I. Havens, 1156 15th Street, NW, #1100 Washington, DC 20005	White Fine & Verville (For:Armstrong World Industries, Inc)	10,782.50	29.72
Do	White Fine & Verville (For:Association of American Railroads)	10,321.66	59.00
Do	White Fine & Verville (For:Burlington Northern Services, Inc)	17,337.50	
Do	White Fine & Verville (For:CSX Corporation)	7,885.00	
Do	White Fine & Verville (For:MetPath, Inc)	18,000.00	359.39
Charles W. Havens III, 1333 New Hampshire Avenue, NW, #1100 Washington, DC 20036	Leboeuf Lamb Leiby & MacRae		
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	560.00	
Charles E. Hawkins III, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
James W. Hawkins III, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Association (HIMA)	2,800.00	580.09
Edmund S. Hawley, 555 13th St., NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	108.87
John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
David J. Hayes, 555 13th Street, NW Washington, DC 20004	Hogan & Hartson (For:American Electronics Assn)	2,500.00	48.88
Do	Latham & Watkins (For:Mayhews Landing Associates)		
Do	Hogan & Hartson (For:Semiconductor Industry Association)	1,287.50	11.36
Do	Hogan & Hartson (For:Tektronix, Inc)		
Robert G. Hayes, Bogle and Gates One Thomas Circle, NW, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn	2,000.00	
Do	Coastal Conservation Assn	2,000.00	
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	49,000.00	922.50
R. Dennis Hayward, P. O. Box 5554 Eugene, OR 97405	North West Timber Assn		2,242.54
Holly Elisabeth Hazard, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	Doris Day Animal League	1,444.00	1,034.00
Do	New England Anti-Vivisection Society	259.00	
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	10,000.00	115.10
Robert Healy Jr., 1201 New York Ave., NW Wasshington, DC 20005	American Public Transit Assn	4,280.00	125.00
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	200.00	
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	924.00	
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	3,000.00	403.00
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Airtrax)		
Do	Hecht Spencer & Associates, Inc (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates, Inc (For:BATUS, Inc)		
Do	Hecht Spencer & Associates, Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For:Marwais Steel Co)		
Do	Hecht Spencer & Associates, Inc (For:Organization for Fair Treatment of Int'l Investments (OFTII)).		
Do	Hecht Spencer & Associates (For:Traditional Industries, Inc)		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Airtrax	200.00	
Do	Bixby Ranch Co	1,000.00	
Do	Boy Scouts of America	1,000.00	
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	BATUS, Inc	3,000.00	
Do	Hong Kong Trade Development Council	1,500.00	
Do	Los Angeles Raiders		
Do	Marwais Steel Co	500.00	
Do	Organization for Fair Treatment of Int'l Investments (OFTII)		
Do	Texas Clinical Laboratories, Inc		
Do	Traditional Industries, Inc	1,000.00	
Herbert A. Hedden, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	13,385.84	1,360.21
Mark G. Heesen, 1725 K St., NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	Chicago Board Options Exchange	1,000.00	
Do	CSX Corporation	5,000.00	648.90
Do	Estate of Edwin A. Gallun	1,900.00	
Do	Harza Engineering Co	5,000.00	
Do	Renewable Fuel Association	3,000.00	
Do	Sealaska Corp	1,000.00	
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	24,908.80	304.41
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	675.00	788.83
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			16,456.00
Richard L. Hellwege, 1225 Jefferson Davis Highway, #402 Arlington, VA 22202	Smiths Industries		
DeWitt F. Helm Jr., 155 East 44th Street New York, NY 10017	Association of National Advertisers, Inc		
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corporation	3,000.00	95.11
Edward A. Helme, 444 N. Capitol Street, #526 Washington, DC 20001	Alliance for Acid Rain Control	3,872.00	178.00
Nancy Ginn Helme, Box 723 Washington Grove, MD 20880	Weil and Howe, Inc (for: Vermont Gas)	1,874.50	75.89
Thomas M. Helscher, 700 Fourteenth Street, NW, #1100 Washington, DC 20005	Monsanto Co		205.72
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute		
Carol C. Henderson, 110 Maryland Ave., NE, #101 Washington, DC 20002	American Library Assn	1,278.00	
Donald E. Henderson, 130 E. Washington Street Indianapolis, IN 46204	Indiana Farm Bureau, Inc	6,000.00	3,671.00
Leonard N. Henderson, 1615 L St., NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Co	1,000.00	
Wade J. Henderson, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	11,850.00	
Cedric R. Hendricks, 601 Indiana Ave., NW #900 Washington, DC 20004	Pierson & Hendricks (For:Washington Transportation Supervisors Assn)	100.00	
Karen Hendricks, 1319 F Street, NW, #604 Washington, DC 20004	Association of Junior Leagues, Inc	4,527.00	665.00
C. Dayle Henington, 2030 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
George H. Henry, 1130 Connecticut Ave., NW #1100 Washington, DC 20036	American Insurance Association	280.00	25.00
John Hugh Henry, 1850 K Street, NW, #950 Washington, DC 20006	McDermott, Inc	8,900.00	3,519.27
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,190.00	12.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
M. Lyn Herdt, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Julian B. Heron, 1025 Thomas Jefferson Street, NW, #700 Washington, DC 20007	California Almond Growers Exchange	4,458.33	137.48
Do	Carl J. Maggio		34.88
Do	Sunkist Growers, Inc	7,225.00	384.00
Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007	Ad Hoc Committee on Export Controls		
Do	Alaska Seafood Marketing Institute		
Do	Ambase		
Do	American Meat Institute		
Do	American Medical Technologists		
Do	American Sod Producers Assn		
Do	Claudia Ashton		
Do	Association of Human Resource Consultants		
Do	ARCO		
Do	Balanced Trade Group		
Do	Bay Area Rapid Transit District		
Do	Bechtel		
Do	Bramelea Pacific		
Do	BKK Corp		
Do	C.B.I. Sugar Group, Inc		
Do	California Almond Growers Exchange		
Do	California Canning Peach Assn		
Do	California Central Valley Project Water Users Assn		
Do	California CH2M Hill		
Do	California Energy Commission		
Do	California Kiwi Commission		
Do	California League of Food Processors		
Do	California State Teachers' Retirement System		
Do	Canada Cement LaFarge, Ltd		
Do	Carteret Savings and Loan Assn		
Do	Central Utah Water Conservancy District		
Do	Central Valley Project Water Assn		
Do	Chattanooga Neighborhood Enterprise		
Do	City and County of Sacramento		
Do	City of Birmingham, AL		
Do	City of Newark		
Do	City of Oakland		
Do	Colorado-Ute Electric Assn, Inc		
Do	Concord Grape Assn		
Do	Council of American Overseas Research Centers		
Do	Desert Research Institute		
Do	East Kentucky Power Cooperative		
Do	Electronic Data Systems Corp		
Do	Farm Labor Alliance		
Do	Friant Water Users		
Do	General Atomics		
Do	Girling Health Care, Inc		
Do	Good Sam Club		
Do	Granite Rock Co		
Do	Halogenated Solvents Industry Alliance		
Do	Independent Cement Corp		
Do	Inland Cement Limited		
Do	Elizabeth (Becky) Johnson		
Do	Lake Ontario Cement, Ltd		
Do	Las Vegas YMCA		
Do	Carl J. Maggio		
Do	Management Recruiters International, Inc		
Do	Metropolitan Dade County Office of County Manager		
Do	Mid-Valley Water Authority		
Do	Ministry of Commerce of the Gov't of the Kingdom of Thailand		
Do	Mutual Benefit Life		
Do	National Council on Teacher Retirement		
Do	National Judicial College		
Do	National Potato Council		
Do	New York University		
Do	Northern California Power Agency		
Do	NTEC - Northeast Texas Electric Cooperative, Inc		
Do	Ogden, Utah		
Do	Organization of Professional Employees of USDA		
Do	Port of Oakland		
Do	Renselear Development Corp		
Do	Riverside Resorts		
Do	Sabine River Authority		
Do	Solano Water Authority		
Do	South Dade Land Corp		
Do	St. Lawrence Cement		
Do	St. Mary's Cement		
Do	Sunkist Growers, Inc		
Do	Tex-La		
Do	Thai Steel Pipe Industry Assn		
Do	Trustees of Florida Lime & Avocado		
Do	U.S. Mink Export Development Council		
Do	United Van Lines, Inc		
Do	University of Medicine and Dentistry of New Jersey		
Do	University of Miami		
Do	University of Nevada/Las Vegas Research Center		
Do	University of Nevada/Reno		
Do	Vermont Electric Cooperative		
Do	W.E.S.T.		
Do	Walnut Street Bridge Commission		
Do	Watsonville Food Processors Assn		
Do	Watsonville Neighborhood Enterprise		
Do	Welch Foods, Inc		
Do	West African Millers Assn		
Do	Westlands Water District		
Richard A. Herrett, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc	15,000.00	
John A. Heslip, P.O. Box 781 Herndon, VA 22070	National Concrete Masonry Assn		6,874.00
William S. Hettinger, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	85.34
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	12,999.00
Ted Allen Heydinger, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	2,437.00	250.62
Dale E. Heydlauff, 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp	245.50	530.56
David B. Hickerson, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	675.00	495.00
Sydney Tally Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc	2,062.50	
Paul T. Hicks, Rhode Island Petroleum Assn 395 Smith Street, #2 Providence, RI 02908	American Petroleum Institute	2,400.00	
Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	16.16	47.47
J. Thomas Higginbotham, 1455 Pennsylvania Ave., NW Washington, DC 20004	American Institute of Certified Public Accountants		7,011.01
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	7,125.00	2,134.00
Vivian A. Hightower, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	200.00	
John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union	1,000.00	638.83
Damian P. Hill, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Gerald 'Jerry' Hill, P.O. Box 5077 Atlanta, GA 30302	Amoco Corporation		
J. Eldred Hill Jr., 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	34.78
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	2,023.50	
Karen K. Hillenbrand, 1155 15th Street, #600 Washington, DC 20005	Pennzoil Company	519.23	
Edward Joseph Hillings, 1020 16th Street, NW Washington, DC 20036	Enron Corp	7,500.00	
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Sundstrand Corporation	855.00	538.05
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	Florida Fruit & Vegetable Assn	3,000.00	
Do	Florida Tomato Exchange	1,500.00	
Rick Hind, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	8,076.88	
Robert A. Hirsch, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Trucking Assn		
J. D. Hittle, 3137 S. 14th St. Arlington, VA 22204	KMS Industries, Inc	1,500.00	237.35
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	1,000.00	
John C. Hockenbury, 901 15th Street, NW, #900 Washington, DC 20005	Drinker Biddle & Reath (For:Colonial Penn Life Insurance)	1,750.00	
Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301	Mineral Policy Center		10.25
Scott Hodes, 180 North La Salle St., #3800 Chicago, IL 60601	Investment Company Institute	12,500.00	
Deanna Hodge, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Ann C. Hodges, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners and Pilots Assn	8,480.00	2,137.30
Sheridan T. Hodges, 23/333 Piedmont Ave. Atlanta, GA 30308	Georgia Power Company	8,145.50	4,347.55
Gail Hoffman, 1225 Eye St., NW #1100 Washington, DC 20005	Handgun Control, Inc	12,769.24	
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	3,854.25
Walter F. Hoffmann, 418 7th Street, SE Washington, DC 20003	Campaign for U.N. Reform-PEC	640.65	
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Comdial, Inc		
Do	Marine Engineers' Beneficial Assn		
Do	National Education Assn		
Do	Wilmorite, Inc		
Elizabeth Hogan, 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	7,000.00	822.60
Joseph Michael Hogan Jr., 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	American Frozen Food Institute		
Do	American Physical Therapy Assn		
Do	Amgen, Inc	990.00	
Do	Banco Nacional, N.A.	1,952.50	104.50
Do	Caremark Homecare, Inc		
Do	Champon Flavors & Fragrances, Inc		
Do	Cryo-Chem International, Inc		22.80
Do	Fiber Optic Competition US, Inc		
Do	Fox Broadcasting Company		
Do	Freightliner Corp		
Do	Government of the Commonwealth of the Bahamas		
Do	Manufacturers Hanover Trust Co		
Do	May Department Stores Co	360.00	
Do	Mercedes-Benz of North America, Inc	17,810.00	
Do	Millicom, Inc		
Do	Mutual Life Insurance Co of New York		
Do	National Broiler Council		
Do	National Hospice Organization	1,224.00	
Do	National Telecommunications Network		
Do	Ontario Ministry of Industry, Trade & Technology		
Do	Payload Systems, Inc		
Do	Software Co Task Force on Foreign Market Penetration	2,100.32	294.14
Do	Tektronix, Inc	2,464.00	66.50
Do	Telecom USA, Inc		
Do	Timex Corporation		
Do	Toyota Motor Sales, USA, Inc		
Do	Underwriters at Lloyd's London	1,956.25	39.78
Do	University of Pennsylvania		
Richard F. Hohlt, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	3,510.00	182.00
William J. Holayter, 1300 Connecticut Avenue, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	8,800.80	
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	23,000.00	
Susan Z. Holik, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn		
Philip C. Holladay Jr., 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Precious Metals Producers Group		
Do	Scott's Liquid Gold		
Do	Southland Corporation		
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Carnival Cruise Lines	550.00	
Do	Florida Celery Exchange		
Do	General Development Corp	600.00	
Do	Hospice Care, Inc	1,400.00	
Do	Indian River Citrus League	500.00	
Do	Pan American Satellite Corp	3,040.00	
Do	Joseph E. Seagram & Sons, Inc	200.00	
Wendell M. Holloway, 815 Connecticut Ave., NW, #900 Washington, DC 20006	Ford Motor Co	3,217.50	2,319.55
Holly Corporation, 2600 Diamond Shamrock Tower 717 North Harwood Street Dallas, TX 75201			
Diane S. Holmes, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	525.00	345.62
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	3,348.10	448.00
Engin Inel Holmstrom, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)		
E. Y. Holt Jr., 3138 North 10th St., Arlington, VA 22201	National Assn of Federal Credit Unions		
Fred H. Holt, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	160.00	
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	350.00	
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Michael J. Hoogendyk, 706 E. Bell Road, #101 Phoenix, AZ 85022	National Assn of Mortgage Brokers	1,135.00	1,135.00
Billy E. Hooper, 1023 15th Street NW 3rd floor Washington, DC 20005	Association of American Veterinary Medical Colleges		
Helen Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	2,729.39	
Lindsay Hooper, 453 New Jersey Ave., SE Washington, DC 20003	Winburn VanScoyoc & Hooper (For:Hallmark Cards)	24,000.00	
Do	Winburn VanScoyoc & Hooper (For:Jackson National Life Insurance Co)	37,500.00	
Do	Winburn VanScoyoc & Hooper (For:Kansas City Southern Industries)	30,000.00	
Do	Winburn VanScoyoc & Hooper (For:Phlcorp)	18,750.00	
Do	Winburn VanScoyoc & Hooper (For:Trane Company)	10,000.00	
Do	Winburn VanScoyoc & Hooper (For:Utilicorp United, Inc)		
Karen A. Hoover, 2111 Jefferson Davis Highway Apt. 407 Arlington, VA 22202	American Maritime Officers Service		
Mark Hopkins, 1725 K St., NW, #914 Washington, DC 20006	Alliance to Save Energy		
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc		
Virginia E. Hopkins, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (for:Star Banc Corporation)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)	137.00	
Hopkins Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Comdisco		
Do	Estate of Helen Wodell Halbach		
Do	Grand Trunk Corp	612.50	
Do	Tandy Corporation	1,500.00	
Darnell K. Horio, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	2,939.97	
Gary N. Horlick, 555 13th Street, NW Washington, DC 20004	O'Melveny & Myers (For:Amax, Inc)		
Bernard Horn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	12,692.30	
Robert Jack Horn, 1990 M St., NW, #480 Washington, DC 20036	Detroit Edison Company	1,250.00	60.00
Sarah Hospodor, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	152.00
Jack W. Houston, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083	GA Assn of Petroleum Retailers, Inc		
Hoving Group, 910 17th St., NW, #318 Washington, DC 20006	American Film Marketing Assn	2,000.00	2,424.50
Do	Saul Ewing Remick & Saul (For:Barnes & Tucker Co)		
Do	Eagle-Picher Industries, Inc	54,800.00	30,867.91
Do	Western-Southern Life Insurance Co	13,300.00	905.22
Gerald M. Howard, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John Howard, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,026.00	1,643.03
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad		
Allynn Howe, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	10,725.00	1,551.27
Christopher W. Howe, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	887.00	
Jonathan Howe, 1200 18th Street NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,250.00	
Susan Howe, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc		
Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	1,000.00	
J. William Howell, 1801 K St., NW, #1200 Washington, DC 20006	International Business Machines Corp	176.00	
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,517.00	
Mary Lynch Howell, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	1,500.00	280.00
John A. Howes, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Co	6,000.00	6,998.00
Susan Howland, 20 Black Oak Mews Newtown, PA 18940	Philadelphia Maritime Exchange		
Clifford T. Howlett Jr., 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	14,000.00	
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	5,000.00	
David S. Hubbard, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004	American Cement Alliance	3,749.98	40.23
J. Martin Huber, 6931 Arlington Road, #308 Bethesda, MD 20814	National Assn of Surety Bond Producers		
Margaret Renken Hudson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	300.00
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Coastal Corporation		
Do	Louisiana State University Foundation	3,000.00	150.00
Do	Philip Morris, U.S.A.	4,000.00	424.74
Do	United Gas Pipe Line Company		
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Sharon M. Hughes, 1735 I St., NW, Suite 704 Washington, DC 20006	National Council of Agricultural Employers	2,552.00	433.00
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Mrs. H. E. Butt		
Do	Holly Corp		
Do	Sammons Enterprises, Inc		
William Hughes, 112 N. West Street, P.O. Box 844 Easton, MD 21601	National Assn of Federal Veterinarians	23.97	
F. Michael Hugo, 3414 N. Emerson Street Arlington, VA 22207	Michael Hugo & Associates (For:Geo Centers, Inc)	532.50	17.07
Do	Warner-Lambert Company	4,520.00	824.82
B. Jeanine Hull, 1001 30th Street, NW, #340 Washington, DC 20007	Hudson Power Systems		31,869.46
Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	1,721.75	221.93
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	19,790.22	740.00
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)	4,920.00	78.00
Francis M. Hunt, 1776 Eye Street, N.W. Suite 575 Washington, DC 20006	Dow Chemical Co	500.00	5,946.00
Harriet Hunt-Burgess, 116 New Montgomery Street, 4th Floor San Francisco, CA 94105	Trust for Public Lands	7,876.00	9,685.26
Angela M. Hunter, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	9,937.20	
Daniel J. Hunter, 1110 Vermont Ave., NW, #430 Washington, DC 20005	National Cotton Council of America	13,375.00	1,051.72
Janet L. Hunter, Int'l Business-Gov't Counsellors, Inc 818 Connecticut Ave., NW, 12th Floor Washington, DC 20006	Xerox Corp		
Michael M. Hunter, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	850.00	49.00
William N. Hunter, 2104-A Gallows Road Vienna, VA 22180	W N Hunter & Associates	2,000.00	
W. N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
Milton F. Huntington, Maine Petroleum Assn P.O. Box 2739 Augusta, ME 04338	American Petroleum Institute	552.00	1,141.30
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Copyright Justice Coalition		
Do	Edison Electric Institute	16,345.00	486.89
Do	Pittston Company		
Adele M. Hurley, 112 St. Clair Ave., West, #401 Toronto, Ontario Canada M4V 2Y3	Canadian Coalition on Acid Rain	1,400.00	2,420.64
Gerard F. Hurley, 1625 I St., NW, #609 Washington, DC 20006	National Club Association		
Ronald A. Hurst, 1127 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn		
Cathy Hurwit, 1334 G Street, NW, LL Washington, DC 20005	Americans for Health, Inc/National Health Care Campaign	3,000.00	
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	500.00	
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	2,428.01
Philip A. Hutchinson, 490 L'Enfant Plaza, #7204 Washington, DC 20024	Volkswagen of America, Inc	150.00	15.00
Suzanne C. Hutchinson, 805 15th Street NW, Suite 1110 Washington, DC 20005	Mortgage Insurance Companies of America	7,375.00	773.31
Helena C. Hutton, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	11,651.28	4.50
Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #710 Washington, DC 20037	Hyjek & Fix, Inc (For:Intermec Corp)	2,200.00	309.87
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Asarco Inc)		
Do	Hill & Knowlton, Inc (For:AMR Corporation)		
Do	Hill and Knowlton (For:Brush/Wellman)		
Do	Hill & Knowlton, Inc (For:Church of Scientology International)		
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	1,575.00	
Do	Hill & Knowlton, Inc (For:Ryder Systems Inc)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton (For:Textron, Inc)		
Robert D. Hynes Jr., 1331 Pennsylvania Ave., NW Washington, DC 20004	National Broadcasting Co, Inc	1,000.00	
Brian M. Hyps, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	123.41
J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Unocal Corporation		651.05
Richard H. Ichord, 1001 Pennsylvania Ave., NW, #850 Washington, DC 20004	AAI Corporation	444.78	97.80
Kevin J. Igli, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	
Kris H. Ikejiri, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Truckload Carriers Conference	400.00	
Catherine L. Imus, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Braun & Company		
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20004		2,856.00	2,856.00
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		43,626.00	43,626.00
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314		2,681.25	2,681.25
Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006			
Industrial Gas Cleaning Institute, Inc, 1707 L St., NW Washington, DC 20036			
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			240.00
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	10,250.00	239.05
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006	Hawaiian Electric Industries, Inc		
Do	Kamehameha Schools/Estate of Bernice P. Bishop		
Do	U.S. Windpower, Inc		
Margaret B. Ingraham, 1001 Prince Street Alexandria, VA 22314	Borden Group		
Charles W. Ingram, 305 C Street, NE, #309 Washington, DC 20002	S.K.C. & Associates	6,000.00	
Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	641.44	
Larry R. Innis, 695 Americana Drive, #23 Annapolis, MD 21403	Marine Retailers Assn of America	15,000.00	1,275.00
Institute of International Bankers, East Building, 4th Floor 280 Park Ave. New York, NY 10017		2,815.68	2,815.68
Institute of International Container Lessors, Bedford Consultants Building Box 605 Bedford, NY 10506		120,293.44	120,293.44
Int'l Union, United Auto Aerospace & Agric Implement Workers, Workers of America (uaw) 8000 E. Jefferson Avenue Detroit, MI 48214			
International Advisers, Inc, 2300 M Street, NW, #600 Washington, DC 20036	Embassy of Turkey	218,750.00	34,497.22
International Advisory Services Group, 1238 Wisconsin Ave., NW, #204 Washington, DC 20007	Steel Service Center Institute		
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		14,049.91	24,849.91
International Assn of Machinists & Aerospace Workers, 1300 Connecticut Ave., NW Washington, DC 20036			45,958.42
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			57,100.91
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW 12th Floor Washington, DC 20006	Totes, Inc		
Do	Uniroyal Chemical Company, Inc	6,112.50	1,930.92
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		6,189.88	6,189.88
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			104,775.13
International Public Strategies, Inc, 1030 Fifteenth St., NW, #408 Washington, DC 20005	Government of Pakistan	71,250.00	22,437.59
International Taxicab Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			6,004.10
Investment Company Institute, 1600 M St., NW Washington, DC 20036			45,984.50
Investment Counsel Assn of America, Inc, 20 Exchange Place New York, NY 10005			
Peter A. Iovino, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,275.00	1,497.70
Kathy D. Ireland, 1600 M Street, NW Washington, DC 20036	Investment Co Institute	202.84	
Charles C. Irions, 2200 Mill Rd. Alexandria, VA 22314	American Movers Conference	250.00	
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-2081 First National Bank Bldg. Saint Paul, MN 55101		17,874.55	13,291.75

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William Robert Irvin, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,517.17	
John Isaacs, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	4,303.90	
Robert R. Isaacs, 711 South Fifth Ave. Nashville, TN 37203	Greyhound Lines, Inc.	6,663.02	3,256.56
William A. Isokait, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	American Textile Manufacturers Institute, Inc.		
Do	Employee Relocation Council		
Do	Grand Metropolitan Inc.		
Do	Oberlin College		
Do	Pechiney Corporation		
Do	Rochester Tax Council		
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp.		
III Dimension of Indiana, Inc, 730 Century Bldg. 36 S. Pennsylvania St. Indianapolis, IN 46204	Philip Morris, Inc.	500.00	
Robert A. Jablon, 1350 New York Ave., NW Washington, DC 20005-4798	Michigan Municipal/Cooperative Group, et al.		
Dennis J. Jackman, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp.	12,675.00	3,940.89
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,300.00	19,716.67
Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006	Times Mirror Company		
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn	131.25	171.00
Julia Jackson, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	693.83
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,800.00	790.93
E. A. Jaenke & Associates, Inc. 777 14th St., NW, #666 Washington, DC 20005	National Cooperative Bank		
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc.		
Jaffe Snider Raitt & Heuer, P.C., 1800 First National Building Detroit MI 48226			
Edward L. Jaffee, 1730 Rhode Island Avenue, NW, #713 Washington, DC 20036	PPG Industries, Inc.	204.00	
Khalil E. Jahshan, 2033 M Street, NW, #300 Washington, DC 20036	National Assn of Arab Americans	6,250.00	1,006.00
Claudia James, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	7,500.00	543.26
Jerry James, 816 Congress Ave., #501 Austin, TX 78701	ATC-ClayDesta Communications		2,549.81
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp.	3,115.00	7,403.32
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,468.00	1,468.00
Japanese American Citizens League, 1765 Sutter Street San Francisco, CA 94115		23,833.00	15,847.92
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Dane B. Jaques, 1275 Pennsylvania Ave., NW #301 Washington, DC 20004	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc.		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Sonia S. Jasso, 815 16th Street, NW, #707 Washington, DC 20006	Labor Council for Latin American Advancement		
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Aerojet-General Corp.	495.00	
Do	Ferranti (ISC) Defense & Space Group	360.00	
Do	V. Garber Int'l Associates, Inc.		
Do	John Deere Technology Int'l, Inc.	390.00	
Do	Litton Data Systems	400.00	
Do	McDonnell Douglas Corp	400.00	
Do	Piasecki Aircraft Corp.		
Do	Raytheon Corp.	300.00	
Jellinek Schwartz Connolly & Freshman, Inc. 1015 15th Street, NW, #500 Washington, DC 20005	Adolph Coors Co.	22,953.00	1,222.00
Do	ASARCO, Inc.	145,758.00	4,614.00
Do	Los Angeles County Sanitation District	58,813.00	7,156.00
Do	National Agricultural Chemicals Association		
Do	National Assn of Wheat Growers, et al.	4,601.00	134.00
Do	National Independent Energy Producers	65,872.00	1,136.00
Do	Rhone-Poulenc Ag Co	3,503.00	77.00
Do	Union Pacific Corp	41,914.00	1,491.00
Do	Waste Management Lawncare	7,215.00	256.00
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Adhesive & Sealant Council, Inc.		
Do	American Assn of Electromyography & Electrodiagonosts		
Do	American Dental Trade Assn		
Do	American Diabetes Assn.		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	Dental Gold Institute		
Do	International Soc for Hybrid Microelectronics		
Do	MCI Communications Corp.		
Do	National Glass Association		
Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910	American Academy of Nurse Practitioners	6,000.00	300.00
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc.		
Jet, Inc, 1100 Huntington Building Cleveland, OH 44115			
Jewish Peace Lobby, 4431 Lehigh Road College Park, MD 20740		23,417.00	14,410.85
Charles B. Jiggetts, 1331 Pennsylvania Ave., NW, #1300 North Washington, DC 20004	Electronic Data Systems Corp		
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	14,850.84	2,784.61
Carl T. Johnson, 1235 Jefferson Davis Highway Crystal Gateway #1, Suite 501 Arlington, VA 22202	Compressed Gas Assn/Helium Advisory Council		
James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005	United States Beet Sugar Assn		
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc.		
Joel L. Johnson, 1250 Eye street, NW Washington, DC 20005	Aerospace Industries Association of America, Inc.	1,154.40	
John W. Johnson, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	
Kay Johnson, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	850.00	
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc.	2,500.00	
Michael S. Johnson, 555 13th Street, NW, #300 East Washington, DC 20004	McCamish Martin Brown & Loeffler (For:Citicorp)	52.00	
Rady A. Johnson, 200 East Randolph Drive P.O. Box 87703 Chicago, IL 60680-9978	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	7,274.88	105.00
Stanley L. Johnson, 5344 29th St., NW Washington, DC 20015	Texaco, Inc.		
Susan E. Johnson, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Coldwell Banker Real Estate Group	1,020.00	24.00
Tom L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		
Johnson & Gibbs, P.C., 1001 Pennsylvania Ave., NW #745 Washington, DC 20004	Reese Communications Cos (for Philip Morris, USA, Inc)	7,500.00	
Johnson Research Associates, 4429 Yuma Street, NW Washington, DC 20016	City of Virginia Beach	7,651.41	126.78
David A. Johnston, 1735 New York Ave., NW Washington, DC 20006	Associated General Contractors of America		
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp.	3,600.00	4,325.85
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,203.38	62.71
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas	937.50	
Belva W. Jones, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Beverly E. Jones, 1819 L Street, NW, #900 Washington, DC 20036	Consolidated Natural Gas Co.	1,500.00	285.55
Edwin M. Jones, 970 Summer Street Stamford, CT 06905-5518	Bentley Mosher & Babson, PC (For:United Engineering, Inc)		
Ernest W. Jones Jr., 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,083.00	
Robert L. Jones, 4647 Forbes Blvd. Lanham, MD 20706	Amvets	6,800.00	
T. Lawrence Jones, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Marsh & McLennan Cos, Inc.		
Theodore L. Jones, 412 First St. SE, #260 Washington, DC 20003	Hartford Group		
Do	Lafourche Telephone Company, Inc.		
Do	Mall Properties, Inc.		
Do	Maxicare Health Plans, Inc.		
Do	South Central Bell Telephone		
Do	United Companies Life Insurance Companies		
Do	Zapata Corporation		
Do	Zapata Gulf Marine Corp.		
Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Co.	1,000.00	500.00
William Patrick Jones, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	10,625.00	2,000.00
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	AmeriTrust Co. Nat'l Assn		
Do	Consumers for Competitive Fuels	1,762.50	88.38
Do	Day Kimball Hospital		
Do	Embassy of the People's Republic of China		
Do	Greyhound Lines, Inc.		
Do	Health Policy Coalition		
Do	Heron International, Ltd		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	International Telecharge, Inc		
Do	Kentucky Utilities		45.88
Do	Los Angeles County	1,546.25	207.00
Do	National Assn of State Auditors Comptrollers & Treasurers		
Do	National Beer Wholesalers Assn		
Do	Pfizer, Inc	947.00	2.22
Do	Preussag A.G.		
Do	Southern California Edison Company		26.00
Do	State Assn of County Retirement Systems		
Do	Telecommunications, Inc		
Do	USAA Federal Savings Bank		
Do	Westinghouse Electric Corp	472.50	26.00
Do	Windham Community Memorial Hospital, Inc		
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	Utah State University	3,030.00	
Alexander H. Jordan, 816 Connecticut Avenue, NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	500.00	250.00
G. Harris Jordan, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	500.00	
Mary Lou Joseph, 2025 M Street, NW Washington, DC 20036	National Public Radio	17,245.75	1,879.29
John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	3,000.00	
Jeffrey Judah, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp)		
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Kathy L. Judd, 1700 K St., NW, #1204 Washington, DC 20006	Chevron Chemical Co		
Amy E. Judy, 2030 M St., NW Washington, DC 20036	Common Cause	6,240.00	676.19
Justice Fellowship, P.O. Box 17181 Washington, DC 20041			257.12
Jim Kaitz, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute		
Marilyn Kalusin, 7300 NW 35th Terrace, # 105 Miami, FL 33122	Cuban American Foundation	7,146.99	
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	15,750.00	408.45
Miles F. Kanne, P.O. Box 1608 Bloomington, IN 47402	Cook Group Incorporated	4,950.00	303.44
Martin B. Kanner, 2301 M St., NW Washington, DC 20037	American Public Power Assn	4,500.00	
Gerald Kaplan, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	240.00	452.00
S. Steven Karalekas, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Allpoints International, Inc.)	2,000.00	
Do	Karalekas & McCahill (For:Firestone Tire & Rubber Co, et al.)	1,500.00	
Do	Karalekas & McCahill (For:Gates Rubber Company)	4,000.00	
Do	Karalekas & McCahill (For:National Agriculture Aviation Assn)	2,000.00	6.00
David A. Karcher, 3702 Pender Drive, #250 Fairfax, VA 22030	American Society of Cataract & Refractive Surgery	569.25	213.54
Eric H. Karp, 115 Broad Street Boston, MA 02110	Edward Blankstein, Inc		
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	9,019.22	
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	8,016.00	
Peter J. Kassander, 412 Fifth Street, SE, #1 Washington, DC 20003	Seattle Organizing Committee, 1990 Goodwill Games		
George Kassouf, 600 New Jersey Ave., NW Washington, DC 20001	Alliance for Justice		
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	3,000.00	153.30
Katten Muchin Zavis & Dombroff, 1275 Pennsylvania Ave., NW #301 Washington, DC 20001	Associated Aviation Underwriters		
Robert C. Kaufmann, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
William R. Kaul, 14615 Lone Oak Road Eden Prairie, MN 55344-2287	Cooperative Power	2,355.00	892.02
Anthony P. Kavanagh, 410 First Street, SE Washington, DC 20003	Consolidated Edison Co of New York, Inc	2,115.00	1,814.00
Everett E. Kavanaugh, 1110 Vermont Ave., NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Edward M. Kavjian, 1660 L Street, NW Washington, DC 20036	General Motors Corp	2,500.00	859.03
Thomas O. Kay, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Kay Associates	3,750.00	
Jim Keane, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Chicago City-Wide Colleges		
Kevin B. Kearney, 14 Webb Road Cabin John, MD 20818	American Sunbathing Assn, Inc		
Richard F. Keating, 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		2,527.25
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	American Assn for Marriage & Family Therapy	285.00	
Do	General Instrument Corporation		
Mary Catherine Keegan-Ayer, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	8,533.00	
J. Michael Keeling, Zuckert Scoutt & Rasenberger 888 17th Street, NW, #600 Washington, DC 20006	American Truck Dealers		
Do	ESOP Association of America	2,700.00	
Do	National Assn of Royalty Owners, Inc	695.50	
Do	Small Business Council of America		
John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	6,285.00	163.50
Vicki R. Keenan, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	5,250.00	
Keith Keeney, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	40.00	
Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005	National Grain & Feed Assn		
Jay C. Keithley, 1875 Eye Street, NW, #1250 Washington, DC 20006	United Telecommunications, Inc		
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-D Atlanta, GA 30342	Robert H Kellen Co (For:Calorie Control Council)		
Keller & Heckman, 1150 17th Street, NW, #1000 Washington, DC 20036	Specialty Advertising Assn Int'l	7,593.75	834.00
John T. Kelley, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	500.00	
Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037	City of Baltimore	13,548.00	2,587.00
Do	Coalition to Preserve the Low Income Housing Tax Credit	2,000.00	
Do	Council for Rural Housing & Development	7,000.00	
Do	Cushman & Wakefield	212.50	9.00
Do	Fuji Electric Co, Ltd		
Do	Great Western Financial Corporation	520.00	
Do	Institute for Responsible Housing Preservation	2,000.00	
Do	J.P. Morgan & Co, Inc	2,146.50	392.07
Do	National Glass Assn	619.20	
Do	National Independent Automobile Dealers Assn	11,807.40	1,320.00
Do	National Leased Housing Assn	2,000.00	
Do	Pryopower Corp	7,000.20	578.00
Do	Society for Human Resources Management	9,000.00	
Do	Tokyo Electric Co, Ltd		
Do	U.S. League of Savings Assns		
Joseph T. Kelliher, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	2,212.50	1,266.17
Stephen S. Kellner, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc	155.54	
Carol A. Kelly, 1615 L Street, NW, #1210 Washington, DC 20036	Meropolitan Life Insurance Companies	1,000.00	
Cynthia K. Kelly, 1117 North 19th Street, #600 Arlington, VA 22209	American Assn of Blood Banks	2,500.00	
Donald E. Kelly, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037	Society of Real Estate Appraisers	1,750.00	
Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Ernest B. Kelly III, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	1,500.00	91.41
John F. Kelly, 1828 L Street, NW # 906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
Paul A. Kelly, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Company	425.00	625.00
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Susan N. Kelly, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
William N. Kelly, Norwest Center- Sixth and Marquette Minneapolis, MN 55479-1032	Norwest Corporation		
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,283.26
Coletta Kemper, 1401 New York Avenue, NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	8,750.00	
Kemper Reinsurance Company, Long Grove, IL 60049			149.00
Jonathan Kempner, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	5,337.50	5,337.50
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	ALC Communications Corp		
Do	Manville Corporation		
Do	Rose Communications		
Do	Toyota Motor Sales, USA, Inc	2,000.00	
Do	Worldwide Information Resources, Inc		
John Kendrick, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	795.71
Joseph W. Kennebeck, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024	Volkswagen of America, Inc	450.00	60.00
Art Kennedy, Box 200576 Anchorage, AK 99520	Koniag, Inc	25,258.00	11,187.82
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners and Pilots Assn	6,250.00	1,695.87
James J. Kennedy Jr., 400 First St., NW, #804 Washington, DC 20001	Railway Labor Executives' Assn	11,250.00	
Judith Kennedy, P.O. Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp	3,917.00	792.12
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033	Hadson Development Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Wood Energy Assn, Inc		
Erica G. Kenney, 499 South Capitol St., SW, #520 Washington, DC 20003	Petroleum Marketers Assn of America	1,250.00	14.00
Jeremiah J. Kenney Jr., 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	5,050.00	846.00
Henry J. Kenny, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance	6,250.00	132.28
J. H. Kent, 1825 K Street, NW, #305 Washington, DC 20006	American Soc of Plastic & Reconstructive Surgery	3,000.00	1,452.07
Do	American Supply Association	1,500.00	792.99
Do	International Assn of Airport Duty Free Stores	1,000.00	462.00
Do	National Customs Brokers & Forwarders Assn of America	8,000.00	3,828.24
Elizabeth Kepley, 601 Pennsylvania Ave., NW, #901 Washington, DC 20004	Focus on the Family	10,624.98	
Vytautas Kerbelis, P.O. Box 336 Seal Harbor, ME 04675	ARAS		
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	1,000.00	1,184.65
Alison A. Kerester, 1350 I Street, NW #700 Washington, DC 20005	Beveridge & Diamond (For:FMC Corporation)	320.00	
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	1,248.00	85.00
Susan Akers Kernus, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	1,000.00	56.45
Michael J. Kerrigan, 2550 M Street, NW, #300 Washington, DC 20037	Smokeless Tobacco Council, Inc	60.00	20.00
Richard S. Kessler, Kessler & Associates 126 Kentucky Avenue, SE Washington, DC 20003	Sandoz Corp	5,200.00	
Do	Joseph E. Seagram & Sons, Inc	3,200.00	
Evelyn Verna Keyes, 1455 Pennsylvania Avenue, NW, #1170 Washington, DC 20004	Farley Industries		
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
William S. Kies, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	200.00	
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	4,806.22
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,191.40	
Maryann Kilduff, 2000 M St., NW, #230 Washington, DC 20036	Telocator Network of America	1,132.00	207.15
John J. Killeen, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Phillips Kimball Jr., 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Richard H. Kimberly, 1201 Pennsylvania Avenue, NW, #730 Washington, DC 20004	Kimberly-Clark Corp	4,550.00	499.48
Kimberly-Clark Corp, Texas Commerce Bank Building 545 E. Carpenter Freeway Irving, TX 75062-3931			6,096.48
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,000.00	
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	146.41
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	5,000.00	138.50
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alliance for Capital Access		
Do	Charter Medical Corp		
Do	General Motors Corp		
Do	Generic Pharmaceutical Industry Assn		
Do	Georgia International Investment Coalition		
Do	GPIA-Animal Drug Alliance		
Do			
Do	Lincoln Property Co, et al		
Do	National Assn of Bond Lawyers		
Do	National Pharmaceutical Alliance		
Do	Trammell Crow Co		
King Shapiro Cohen & Young, 3100 Breckinridge Blvd., Bldg. 1200 Duluth, GA 30136	A. L. Williams Corp		
Ruby King-Williams, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Kathleen N. Kingscott, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	4,050.00	54.00
Daniel T. Kingsley, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	National Venture Capital Association	5,500.00	1,674.00
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Jan Kinney, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn		60.00
Janie A. Kinney, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	575.00	175.00
Cecilia Anne Kirby, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn		
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Sharon Kirk, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby, #900 Washington, DC 20036	Federal Home Loan Bank of New York		
Kirlin Campbell & Keating, One Farragut Square South Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	16,380.00	250.63
Robert A. Kirshner, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	500.00	
David M. Kiser, 1919 Pennsylvania Ave., NW, #705 Washington, DC 20006	Eastman Kodak Co	1,100.00	75.00
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Klukwan, Inc)	19,600.00	4,700.74
Do	Kito, Inc (For:North Slope Borough)	3,000.00	
Do	Kito, Inc (For:Sealaska Corporation)	10,145.00	2,647.99
Sandra D. Kjellberg, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	3,595.00	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	3,875.00	
Kline & Knopf, Inc, 111 State Street Harrisburg, PA 17101	General Public Utilities Corp		
William Klinefelter, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	11,934.99	
Jeffery L. Klinger, 122 C Street, NW, #240 Washington, DC 20001	Peabody Holding Company, Inc		158.60
Mary Jane Klocke, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Co	500.00	
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		489.88
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
Theodore Knappen, 1101 14th Street, NW, #1201 Washington, DC 20005	Greyhound Lines, Inc	18,000.00	
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress		
Peter E. Knight, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	10,000.00	604.69
Knights of Columbus, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004-2404		2,685.00	
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress	90.00	5.00
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	1,295.26
Mark S. Knouse, 555 Thirteenth Street, NW, #450 West Washington, DC 20004	Union Pacific Corporation	13,750.00	666.62
C. Neal Knox, Neal Knox Associates Box 6537 Silver Spring, MD 20906		10,000.00	650.00
Bradley R. Koch, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	110.25	
George W. Koch, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	240.00	
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	60.00	
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		183.75
Michael S. Koleda, 1225 Eye St., NW, #320 Washington, DC 20005	Council on Alternate Fuels		
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		70.60
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	2,500.00	225.32
Koniag, Inc, 4300 B Street, #407 Anchorage, AK 99503			75,253.74
Stephen Koplan, 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	1,862.40	
George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc (For:Earth Observation Satellite Company (EOSAT))	28.04	
Steven Kopperud, 1701 N. Ft. Myer Drive Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900	AAA Potomac		
Stephen M. Koslow, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Marilyn S. Koss, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	280.00	
Kostmayer Communications, Inc, 2300 M Street, NW #920 Washington, DC 20037	Alliance for Fair Diagnostic Access		
Barbara M. Kostuk, 1025 Thomas Jefferson Street, NW, #511 Washington, DC 20007	LTV Corp	1,000.00	200.00
Gerald J. Kovach, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	70,515.63
Kenneth S. Kovack, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	13,100.66	
Joan M. Kovalic, 2100 Pennsylvania Avenue, NW, #755 Washington, DC 20037	BASF Corp		
Jermone J. Kozak, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation & Ice Cream Assn		
Mylio S. Kraja, 1608 K St., NW Washington, DC 20006	American Legion	4,250.00	368.10
Andrea S. Kramer, 3500 Three First National Plaza Chicago, IL 60602	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Alan M. Kranowitz, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Raymond R. Krause, 37R7 Pillsbury Center Minneapolis, MN 55402	Pillsbury, Inc	1,500.00	820.00
Robert S. Krebs, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	256.00	
Kroger Company, 1014 Vine St. Cincinnati, OH 45201			6,730.16
Robin L. Kropf, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Paul R. Kruse, 1155 15th St., NW, #600 Washington, DC 20005-2770	Pennzoil Co	625.00	
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Ronald W. Kuehn, 2 East Mifflin Street, #600 Madison, WI 53703	DeWitt Porter Huggett Schumacher & Morgan, SC (For:Becker CPA Review Courses)	210.00	50.40
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	6,750.00	2,257.00
Philip Kugler, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers		
Thomas R. Kuhn, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	846.15	310.19
Kurrus & Kirchner, P.C., 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	American Pilots' Assn	16,875.00	1,048.10

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	St. Lawrence Seaway Pilots Assn	3,477.50	128.60
Ruth M. Kurtz, 1455 Pennsylvania Avenue, NW #1260 Washington, DC 20004	French & Company (For:BATUS, Inc)	150.00	
Do	French & Company (For:Montgomery Ward & Co., Inc)	375.00	
Do	French & Company (For:Wheels, Inc)	75.00	
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	23,599.98	435.81
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Kutak Rock & Campbell, 1101 Connecticut Ave., NW, #1000 Washington, DC 20036	America First	1,381.06	686.27
Do	Capital Markets Assurance Corporation		447.74
Do	Financial Security Assurance	21,126.90	643.39
Do	Financial Security Assurance & Capital Markets Assurance		
Do	Municipal Bond Insurance Assn	808.75	545.08
Peter Kyros, 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Allsup & Associates, Inc		
Do	Kyros Associates (For:American Society for Cell Biology, et al)		
Do	Association of Administrative Law Judges, Inc		
Do	Cooperative of American Physicians, Mutual Protection Trust		
Do	Uniformed Services Disabled Retirees		
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor-Management Maritime Committee, Inc, 444 Capitol Street, 8th Fl Washington, DC 20001		11,845.00	4,362.00
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corp	500.00	
Marc E. Lackritz, 1850 M Street, NW, #550 Washington, DC 20036	Public Securities Assn	12,500.00	108.66
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation	40.00	
Richard L. Ladd, 2300 N Street, NW, #600 Washington, DC 20037	Allied-Signal Aerospace, Inc	1,500.00	
Do	Robison International, Inc (For:FMC Corp)	1,000.00	
Do	Robison International, Inc (For:General Atomics Technologies)	1,450.00	
Do	Robison International, Inc (For:McDonnell Douglas Corp)	1,450.00	
Do	Robison International, Inc (For:Royal Ordnance, Inc/British Aerospace, Inc)	2,530.00	
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co	1,200.00	406.15
Myron F. Laible, 1212 New York Ave., NW #1210 Washington, DC 20005	Outdoor Advertising Assn of America, Inc		73.88
Robert Lamb, 1627 Eye St., NW Washington, DC 20006	McGuire Woods Battle & Boothe (For:Combined Sewer Overflow)	5,000.00	
Do	James River Corp	5,000.00	
Do	National Paint & Coatings Assn	5,000.00	
Do	Occidental Chemical Corp	5,000.00	
Do	Occidental Petroleum Corp	5,000.00	
Do	Sun Company, Inc	5,000.00	
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
David R. Lambert, 1030 15th St., NW, #964 Washington, DC 20005	American Seed Trade Assn	6,000.00	
Paul D. Lamberth, 6701 Democracy Blvd., #300 Bethesda, MD 20817			
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Martha D. Lamkin, P.O. Box 3005 Columbus, IN 47202	Cummins Engine Co, Inc	3,605.25	731.21
Ray H. Lancaster, 555 13th Street, NW, #430 West Washington, DC 20004	Texas Gas Transmission Corp	3,000.00	136.06
L. Charles Landgraf, 1333 New Hampshire Avenue, NW Washington, DC 20036	Leboeuf Lamb Leiby & MacRae		
Robert D. Landis, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	4,000.00	
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,300.00	
William C. Lane, 100 N.E. Adams Street Peoria, IL 61629-1460	Caterpillar, Inc	875.00	1,687.46
Adrienne C. Lang, 1111 14th Street, NW, #501 Washington, DC 20005	American Soc of Anesthesiologists	5,000.00	
Robert K. Lange, 1700 N. Moore St., #2120 Arlington, VA 22209	Boeing Company	3,729.00	889.18
Roger W. Langsdorf, 1600 M Street, NW Washington, DC 20036	ITT Corporation	5,000.00	20.00
George D. Lapointe, 444 North Capitol Washington, DC 20001	International Assn of Fish and Wildlife Agencies	11,173.34	275.39
J. Stephen Larkin, 9225 Katy Freeway, #310 Houston, TX 77024	Petroleum Equipment Suppliers Assn	2,250.00	875.69
Peter J. Larkin, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	400.00	
Mary Ellen Larson, 1420 King Street Alexandria, VA 22314-2715	National Soc of Professional Engineers	1,250.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Latham & Watkins, Sears Tower, #5800 Chicago, IL 60606	Ocenco, Inc	129.68	
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Boren Clay Products (dba Boren Brick)		288.20
Do	Calderon Automation, Inc	4,916.66	485.51
Do	Freedom Fund of New Jersey, Inc	15,000.00	908.99
Do	Harold & Ronald McMaster DBA McMaster Motors	18,000.00	908.99
Do	MidAm, Inc	5,000.00	308.81
Do	Spangler Candy Company	15,000.00	908.99
K.P. Lau, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	5,489.60	859.09
Daniel Lauwers, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	2,080.00	
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S	2,100.00	242.03
Charles B. Lavin Jr., 7101 Wisconsin Ave., #1390 Bethesda, MD 20814	National Burglar & Fire Alarm Assn (For:Alarm Industry Communications Committee)		
Do	Central Station Alarm Association		
Do	Central Station Electrical Protection Assn		
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313	National Association of Chain Drug Stores, Inc	500.00	
Jonathan Lawnniczak, 925 15th St., NW Washington, DC 20005	National Council of Senior Citizens	5,000.00	
Lloyd R. Lawrence Jr., Bob Lawrence & Associates 803 Prince Street Alexandria, VA 22314	Valmont Industries, Inc	3,000.00	400.00
Bob Lawrence & Associates, 803 Prince St. Alexandria, VA 22314	Mechanical Technology Incorporated	2,000.00	400.00
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S	4,345.03	14.29
John M. Lawson, 1350 Connecticut Ave., NW #200 Washington, DC 20036	Assn for Public Broadcasting	3,250.00	
Keith Lawson, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	128.15	106.00
Laxalt Corporation, 1455 Pennsylvania Ave., NW, #985 Washington, DC 20004	Boone Company	3,300.00	
Do	Mesa Limited Partnership	2,000.00	
Do	Milliken & Co		
Do	Motion Picture Assn of America, Inc	1,500.00	
Paul Laxalt Group, 1455 Pennsylvania Ave, NW, #975 Washington, DC 20004	Coalition for Affordable Housing	5,000.00	
Do	Opture	1,000.00	
Do	Standard Federal Savings Bank	5,000.00	
Laxalt Washington Perito & Dubuc, 1120 Connecticut Ave., NW Washington, DC 20036	American College of Neuropsychopharmacology	1,114.50	
Do	AVW Electronics		
Do	BTS Development Corp		
Do	City of Oakland		
Do	Cohen Flax Management	570.00	
Do	Government of the People's Republic of Angola	4,380.00	
Do	Government of Antigua		
Do	Greenebaum & Rose Associates		
Do	Healthdyne, Inc		
Do	Home Group		
Do	Nordisk-USA	6,065.00	
Jennifer Layman-Heitman, 2030 M Street, NW Washington, DC 20036-0	Common Cause	5,408.01	
Sandra L. LaFevre, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Sally Ann LaHue, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	13,000.00	567.41
Wayne R. LaPierre Jr., 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	2,323.75	2,000.00
Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	1,850.00	
Joan H. LaVor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Barbara Leach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
League of American Investors, 32123 Lindero Canyon Rd., #300 Westlake Village, CA 91361			
League of Women Voters of the U.S. 1730 M St., NW Washington, DC 20036		49,829.00	49,829.85
League to Save Lake Tahoe, 2197 Lake Tahoe Blvd. P.O. Box 10110 South Lake Tahoe, CA 95731			166.64
Edward R. Leahy, 1500 K Street, NW, #200 Washington, DC 20005	Chicago Board Options Exchange		
Do	Thacher Proffitt & Wood (For:Citicorp)		
Alisa J. Learner, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	962.00
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable	1,822.73	
Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001			
Wendy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Federation of Independent Business (NFIB)	3,401.75	100.00
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Julie S. Lee, 444 North Capitol St., NW, #801 Washington, DC 20001	Joint Maritime Congress		
Linda S. Lee, 4 Monroe Street, #301 Rockville, MD 20850	Ataji L. Balos, et al		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Minerals Exploration Coalition, Inc		65.00
Peter A. Lefkin, 1730 Rhode Island Ave., NW, #1117 Washington, DC 20036	Firemans Fund Insurance Cos	4,500.00	762.00
Marsha P. Lefkovits, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,160.00	1,668.25
Mary James Legatski, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn	500.00	93.00
Leslie A. Lehmann, 500 NE Multnomah, #1500 Portland, OR 97232-2045	Nerco, Inc	6,765.00	528.77
Mary Nell Lehnhard, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	1,112.46	
Leibowitz & Spencer, 3050 Biscayne Blvd., #501 Miami, FL 33137	Curt Gowdy Broadcasting, et al		
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Cordage and Netting Manufacturers		
Do	American Dairy Products Institute	100.00	
Do	ALPO Petfoods, Inc		
Do	Clorox Company		
Do	Express Foods Co, Inc		
Do	General Instrument Corporation		
Do	GTE Products Corp		
Do	Leprino Foods, Inc		
Do	Merrick's, Inc		
Do	Visiting Nurse Assn of America	750.00	
Terry L. Leitzell, One Thomas Circle, NW, #900 Washington, DC 20005	Bogle & Gates (For:Northern Jaeger)	2,000.00	
Do	Bogle & Gates (For:Wright Schuchart, Inc)	2,000.00	
Joseph L. Leitzinger, 1201 Third Ave., #4900 Seattle, WA 98101-3009	Simpson Investment Co		3,543.00
Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,720.00	690.53
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	1,144.00	2,110.44
Jerris Leonard, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Leonard & Ralston (For:Krueger, Inc)	12,548.40	
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S	6,202.25	747.53
Lepon McCarthy & Jutkowitz, 1146 19th Street, NW, Third Floor Washington, DC 20006	Chilean Exporters' Assn		
Charles Leppert Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Co	35.00	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	595.53	
William Gene Lesher, 517 C Street, NE Washington, DC 20002	Lesher Russell & Moos, Inc		
Lesher Russell & Moos, Inc, 517 C Street, NE Washington, DC 20002	Agricultural Policy Working Group	80,000.00	6,191.80
Do		6,000.00	6,100.00
Daniel Lesmez, 1800 Massachusetts Ave., NW Washington, DC 20036	National Assn of Home Builders of the U.S		
Do	National Rural Electric Cooperative Assn	42.00	
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	3,698.00	34.10
Gilbert B. Lessenco, 1200 New Hampshire Ave., #300 Washington, DC 20036	Wilner & Scheiner (For:Graco, Inc)	1,339.21	15.65
Craig S. Lesser, 23/333 Piedmont Ave Atlanta, GA 30308	Georgia Power Co	8,784.50	9,082.44
Joseph S. Lester Jr., 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Control Data Corporation		
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,422.95	615.00
Leventhal Senter & Lerman, 2000 K Street, NW, #600 Washington, DC 20006-1809	Aeronautical Radio, Inc		
Do	Committee for America's Copyright Community	3,587.50	63.75
Do	Copyright Remedies Coalition	6,300.00	37.88
Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
S. R. Levering, Route 2 Ararat, VA 24053	U.S. Committee for the Oceans		
Robert B. Levethal, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee	3,610.00	531.83
Betsy Levin, 1201 Connecticut Avenue, NW, #800 Washington, DC 20036	Association of American Law Schools		
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Association of American Railroads	2,500.00	
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Lawrence E. Levinson, 1875 Eye St., NW, #1225 Washington, DC 20006	Paramount Communications, Inc	3,000.00	500.00
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Companies	2,500.00	
Howard Lewis, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Association of Manufacturers	2,500.00	150.00
Jack W. Lewis, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	4,000.00	440.00
Michael R. Lewis, 1133 15th St., NW, #640 Washington, DC 20005	International Longshoremen's & Warehousemen's Union	11,700.00	1,038.26
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Richard W. Lewis, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,015.74	
Robert J. Lewis, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,250.00	
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	150.00	
Do	Manufacturers Hanover Corp	850.00	
William H. Lewis, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	U.S. Gypsum Co	1,000.00	50.00
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	4,692.73	
LeBoeuf Lamb Leiby & MacRae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	Golden Nugget Corp	400.00	7.00
Do	Maritrans Operating Partners, L.P	1,847.50	39.00
Do	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lawson LeGate, 177 East 900 South, #102 Salt Lake City, UT 84111	Sierra Club	2,078.58	2,812.63
Lynn H. LeMaster, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	3,185.35	203.83
William J. Lhota, One Riverside Plaza Columbus, OH 43215	Columbus Southern Power Co		
Fern Z. Liang, 4630 Montgomery Ave. Bethesda, MD 20814	American Society of Hospital Pharmacists		3,000.00
Richard A. Lidinsky Jr., 1440 New York Ave., NW, #430 Washington, DC 20005	Sea Containers America, Inc		
Diane S. Liebman, 1331 Pennsylvania Avenue, NW, #560-S. Washington, DC 20004	CSX Corporation	4,500.00	137.29
William C. Lienesch, 238 10th St., SE Washington, DC 20003	National Parks & Conservation Association	1,465.00	117.00
Richard K. Liggitt, National Press Building, #200 Washington, DC 20045	Bank Capital Markets Assn		3,150.00
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			4,459.92
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn	2,224.80	
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Colonial Williamsburg)	60.00	
Do	Hill & Knowlton (For:Nintendo of America, Inc)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corp)	165.00	
Lindsay Hart Neil & Weigler, 1225 19th Street, NW, #200 Washington, DC 20036	Agriculture Ocean Transportation Coalition	10,000.00	582.92
Do	AVIA Footwear, Inc	8,269.00	11.00
Do	Crowley Maritime Corp		12.60
Do	E.I. du Pont de Nemours & Co	771.25	69.75
Do	Oregon Economic Development Dept, Marine Div	3,960.00	65.76
Do	Pacific Coast Coun of Custom Brokers & Freight Forwarders	9,000.00	384.03
Do	Port of Portland	7,500.00	512.95
Do	Reebok International Ltd	20,172.75	1,775.99
Donald Lindsey, 400 First Street, NW, #819 Washington, DC 20001	Brotherhood of Locomotive Engineers (OH)	415.17	53.68
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris, Inc	707.00	95.00
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Colorado School of Mines Foundation	7,500.00	397.00
Do	Iowa Department of Transportation	6,241.00	49.42
Do	Madison Gas & Electric Co	2,257.10	
Do	Metropolitan Sanitary District of Greater Chicago	11,961.80	
Do	Michigan Dept of Transportation	4,849.31	
Do	Northern States Power Co	4,096.60	
Do	Oregon Department of Transportation		
Do	State of Colorado, Dept of Highways	5,134.50	
Do	State of IL, Dept of Transportation	9,666.70	
Do	State of IL, Dept of Transportation, Div of Water Resources	3,854.50	
Do	Wisconsin Electric Power Co	10,667.10	90.64
Do	Wisconsin Power & Light Co	4,367.80	
Do	Wisconsin Public Service Corp	4,114.95	
Gregory Owen Lipscomb, P.O. Box 18958 Washington, DC 20036	OPT in America		
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Lipsen Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	Amarillo Pantex Expansion	590.63	
Do	ANR Pipeline Company	1,193.75	
Do	Enserch Corporation	358.13	
Do	Federal Record Service Corp	5,172.50	
Do	John Gray Institute	250.00	
Do	McKesson Corp	5,000.00	
Do	National Rural Letter Carriers Assn	395.00	
Do	Olivetti USA, Inc	3,600.00	
Do	OMI Corp	28,192.50	
Do	Perot Group	592.88	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Perot Systems	1,999.25	
Do	Philadelphia Armenian Committee		
Do	Pioneer Seed Co, Inc	14,700.00	
Do	Rolls Royce, Inc	6,000.00	
Do	RJR Nabisco, Inc	37,500.00	
Do	Westinghouse Electric Corp	3,076.88	
Debra J. Lipson, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	84.00	
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	3,000.00	
Charles B. Little, 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	1,000.00	
William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007	Ford Motor Co	520.00	625.65
Roy Littlefield, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	500.00	
Do	Greater Washington/Maryland Service Station Assn	250.00	
E. Geoffrey Littlehale, 1500 K Street, NW, 650 Washington, DC 20005	Glaxo, Inc	3,750.00	
E. F. Livaudais Jr., 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Robert W. Lively, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	115.00	
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64190-1402		33,500.00	18,217.41
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Generic Pharmaceutical Industry Assn	9,960.00	44.62
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Airtrax)		
Do	Hecht Spencer & Associates (For:Bixby Ranch Company)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco)		
Do	Hecht Spencer & Associates (For:BATUS)		
Do	Hecht Spencer & Associates (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Asso, Inc (For:Marwais Steel Company)		
Robert F. Lockhart Jr., 1667 K Street, NW #300 Washington, DC 20006	Amdahl Corporation	1,000.00	
Laura Loeb, 730 11th Street, NW, #300 Washington, DC 20001	Older Women's League		
Thomas G. Loeffler, 1200 Republic of Texas Plaza 175 E. Houston Street San Antonio, TX 78205	McCamish Martin Brown & Loeffler (For:Central & South West Corp)		
Do	McCamish Martin Brown & Loeffler (For:Citicorp)		
Do	McCamish Martin Brown & Loeffler (For:Sematech)		
Do	McCamish Martin Brown & Loeffler (For:United Services Automobile Assn)		
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Coalition for Affordable Home Financing)	2,898.00	30.00
Do	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware)	150.00	2.00
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange)	300.00	5.00
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	Farley Industries		
Robert S. Long, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	6,250.00	1,669.11
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Baker Manufacturing Company, Inc		
Do	Champion International Corporation	750.00	39.45
Do	CIGNA Corp		
Do	Greater New York Hospital Assn	1,750.00	
Do	International Paper	750.00	39.45
Do	Metropolitan Life Insurance Co		
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		3,338.00
Peter A. Loomis, One Commercial Place Norfolk, VA 23510-2103	Sovran Financial Corp	4,326.00	100.00
Susan J. Loomis, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Loomis Owen Fellman & Howe, 2020 K St., NW, #800 Washington, DC 20006	Association of Bituminous Contractors		
Do	Classroom Publishers Assn		
Do	First Co		
Do	Industrial Diamond Assn		
Do	National Assn of Theatre Owners		
Do	Optical Manufacturers Assn		
Do	Textile Rental Services Assn of America		
Ann Looper, 1735 New York Ave. Washington, DC 20006	American Institute of Architects	250.00	
Henry J. Loos, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)	709.50	
Brian C. Lopina, 470 L'Enfant Plaza, SW East Bldg. #7112 Washington, DC 20024	Citizens for a Sound Economy	1,000.00	727.00
Gerald D. Lore, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	1,500.00	238.00
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al	31,251.00	5,104.23
Timothy Lovain, 3713 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Rev. Thos E. Lowe, 5550 Natural Bridge Ave. St. Louis, MO 63120			
Stephen R. Lozowick, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO)	4,000.00	700.00
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	11,211.64	7.00
Mrs. Freddie H. Lucas, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	1,001.26
Mary Riddle Ludke, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	117.00	24.00
Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
David R. Lukens, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Sylvester Lukis, 24 Quincy Street Chevy Chase, MD 20815	Carey Technical Institute		
Do	City of Miami	16,000.00	
Do	City of Miami Beach	16,662.00	
Do	Dade County, Florida	15,416.00	
Do	Florida Medical Center	10,000.00	
Do	School Board of Dade County, Florida	2,000.00	
Do	Stephens, Inc	30,000.00	
J.C. Luman & Associates, 1030 15th Street, NW, #816 Washington, DC 20005	National Assn of Personnel Consultants	5,000.00	136.75
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			3,305.62
Lund & O'Brien, 1625 Eye St., NW, #406 Washington, DC 20006	Pennsylvania Power & Light Co	1,162.50	124.52
Carla J. Lunetta, 50 F Street, NW, #1100 Washington, DC 20001	American Nurses' Assn		
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Howard T. Lyman, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	6,818.13	257.06
Marshall L. Lynam, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Dallas-Fort Worth International Airport	8,000.00	
Do	Kelly Hart & Hallman (for: Perry R. Bass)	3,000.00	48.68
Do	Kelly Hart & Hallman (For:Tandy Corporation)	6,000.00	
David H. Lynch, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Timothy P. Lynch, 1901 N. Fort Myer Dr., #204 Arlington, VA 22209	Roadway Express, Inc	425.00	200.00
Sarah E. Lynn, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn (APA)	1,650.00	80.00
M.O.A./AIOA & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
Robert A. Macari, 3500 Three First National Plaza Chicago, IL 60602	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
James E. Mack, 9005 Congressional Court Potomac, MD 20854	National Assn of Mirror Manufacturers		
Do	Peanut Butter & Nut Processors Assn	18,750.00	994.25
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	20,955.00	500.00
Thomas L. Mack, 23529 Haddonfield Lane Darnestown, MD 20878	Bechtel Group, Inc		
Olivia C. Mackin, 1776 Eye St., NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Mackin Sorensen Peizer Richards & Edwards, PS, 2201 Sixth Avenue, #1301 Seattle, WA 98121	Shee Atika, Inc		
Do	Western Pioneer, Inc	10,000.00	10,000.00
Robert A. Macrory, C/O Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36195	American Petroleum Institute	1,362.00	1,082.72
Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015	Capital Cities/ABC, Inc	900.00	
Timothy MacCarthy, 1620 I Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	10,400.00	
Jack A. MacDonald, 1901 N. Fort Meyer Drive, #302 Rosslyn, VA 22209-1606	Beverly Enterprises, Inc	6,250.00	75.00
Paul MacMurdy, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	513.75	284.22
John H. Madigan Jr., 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	6,000.00	250.00
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28403	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	City of Buenaventura	10,500.00	
Do	Federal Express Corp	10,500.00	
Do	Los Angeles County Transportation Commission	22,500.00	
Do	Mark Air, Inc	15,000.00	
Do	Quantas Airways, Ltd		
Do	Regency Outdoor Advertising		
Do	Ventura Port District	9,000.00	
Shayne M. Madsen, 3050 Broadway, #202 Boulder, CO 80304	Philip Morris, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	5,384.61	
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	497.56
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc. (For:ASARCO Inc, Government Affairs)	13,266.00	849.05
Do	James J. Magner & Associates (For:Kaibab Forest Products Company)	8,307.72	96.65
Do	James J. Magner & Associates, Inc (For:Northern Arizona University Foundation)	9,000.00	967.61
Do	James J. Magner & Associates, Inc (For:Superconducting Core Technologies)		
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Asarco, Inc	22,110.00	15,465.87
Do	Kaibab Forest Products Company	13,846.20	9,989.58
Do	Northern Arizona University Foundation	15,000.00	11,739.08
Do	Superconducting Core Technologies		
A. John Maguire, 1110 Vermont Ave. NW Suite 430 Washington, DC 20005	National Cotton Council of America	30,000.00	2,835.64
W. Terry Maguire, Box 17407 Dulles International Airport Washington, DC 20041	American Newspaper Publishers Assn	1,125.00	15.03
David L. Mahan, 1133 Connecticut Ave., NW Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation)		
Do	DGA International, Inc (For:Sofreavia)		
Do	DGA International, Inc (For:Teledyne Brown Engineering)		
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Walter B. Maher, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corp	1,998.00	464.00
James E. Mahoney, 2200 Concord Pike Wilmington, DE 19899	Rollins Jamaica Ltd	4,625.00	375.00
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #700 South Washington, DC 20004	National Broadcasting Co, Inc	500.00	142.45
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			
Anthony S. Makris, 2508A South Walter Reed Drive Arlington, VA 22206	National Rifle Assn of America		
Andrew T. Malleck, 400 First Street, NW Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Conrad L. Mallett Jr., 1800 First National Bldg Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C.		
Lawrence R. Malone, 1211 Avenue of The Americas New York, NY 10036	Hoechst Celanese Corp		
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae		1,854.40
Management & Government Resources, 1305 Mt. Holly Road Burlington, NJ 08016	Burlington Coat Factory	34,606.46	30,109.56
Manatt Phelps Rothenberg & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Akhiok-Kaguyak		
Do	American Assn of Nurse Anesthetists		
Do	Bowling Proprietors Assn of America		
Do	California Bankers Assn		
Do	Centre Pointe Associates		
Do	Edison Electric Institute		
Do	EDU-DYNE Systems, Inc		
Do	Fairfield Communities, Inc		
Do	Federal Express Corp		
Do	Home Group, Inc		
Do	Manufacturers Hanover		
Do	Melrose Company		
Do	Missouri Assn of Private Career Schools		
Do	Money Store		
Do	National Cable Television Assn, Inc	6,565.00	
Do	North Beach Property Owners' Assn		
Do	Northrop Corp		
Do	NEC Corporation	42.50	
Do	Occidental Petroleum Corp		
Do	Phillip Morris Management Corp	9,732.50	
Do	Security First Group, Inc		
Do	Donald T. Sterling & Associates		
Do	United Airlines		
Do	Vero Beach Oceanfront Investors Limited Partnership		
Do	Watt-Albrecht		
Do	Western Bank		
Katherine T. Mance, 1616 H Street, NW Washington, DC 20006	National Retail Federation	250.00	103.25
Manchester Associates, Ltd, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, USA	12,450.00	12,165.00
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	14,975.04	108.25
Cynthia Mansfield, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	11,310.00	751.38
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			21,332.38
Albert Manville II, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	305.70	0.85
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert Y. Maples, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	503.40	192.09
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Marc, Inc, 1010 North Glebe Road, #810 Arlington, VA 22201	Gilbert Chagoury	337,500.00	7,975.33
March for Life, Inc, P.O. Box 90300 Washington, DC 20090		101,903.29	123,020.82
Michael Marchese Jr., 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
R. V. Mariani, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	2,000.00	2,000.00
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			21,185.62
Lawrence D. Markley, P.O. Box 196300 Anchorage, AK 99519	Chugach Electric Assn, Inc	2,856.88	
Marc L. Marks, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp		
Luther A. Markwart, 1156 15th St., NW, #1020 Washington, DC 20005	American Sugarbeet Growers Assn		
Ernest Robert Marlow, 1126 16th Street, NW, #200 Washington, DC 20036-1081	International Chemical Workers Union	2,500.00	
Marlowe & Company, 1667 K Street, NW, #660 Washington, DC 20006	City of Venice, Florida	525.00	
Do	Coalition to Keep Alaska Oil	8,887.50	258.50
Do	End Notch Discrimination	325.00	
Do	Lazare Kaplan International, Inc	1,665.00	15.00
Do	Memphis-Shelby County Airport Authority	4,887.00	415.70
William G. Marqaritis, 1747 Pennsylvania Ave., NW, 3rd Flr Washington, DC 20006	Occidental Chemical Corp		
Chalmers H. Marquis, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Association for Public Broadcasting	3,000.00	366.14
Do	Children's Television Workshop		
C. Travis Marshall, 1350 Eye Street, NW, #400 Washington, DC 20005	Motorola, Inc	1,500.00	
Thomas A. Martens, P.O. Box 10110 SO. Lake Tahoe, CA 95731	League to Save Lake Tahoe	166.64	
Cornel Martin, 1600 Wilson Blvd. #1000 Arlington, VA 22209	American Waterways Operators	937.50	95.85
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	6,500.00	
Danea Kehoe Martin, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	6,000.00	143.00
David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	CM Services, Inc	500.00	
Dennis G. Martin, Dow Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Dofasco, Inc		
Donald N. Martin, Donald N. Martin & Company, Inc 630 Fifth Ave. #565 New York, NY 10111			
Fred J. Martin Jr., 1800 K Street, NW Washington, DC 20006	Bank of America	403.83	64.84
J. Ross Martin, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute		
John M. Martin Jr., 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Katherine E. Martin, 50 F Street, NW Washington, DC 20001	Association of American Railroads	498.11	
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Maureen A. Martin, 60 Wall Street New York, NY 10260	Morgan Guaranty Trust Co		
Robert L. Martin, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,500.00	123.91
Stephen I. Martin, Hartford Plaza Hartford, CT 06115	Hartford Fire Insurance Co		
Judith Marty, 1 Crane Place Bellevue Hill, NSW 2026 Australia			
Joseph J. Martyak, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc		
Michael Marvin, 1156 15th Street, NW, #1100 Washington, DC 20005	White Fine & Verville (For:Armstrong World Industries)	2,707.50	
Do	White Fine & Verville (For:Association of American Railroads)	4,583.33	
Do	White Fine & Verville (For:Burlington Northern, Inc)	2,873.75	
Do	White Fine & Verville (For:CSX Corp)	4,061.25	
Do	White Fine & Verville (For:MetPath, Inc)	9,000.00	
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			
Mike M. Masaoka, Suite 520, The Farragut Bldg. 900 17th St., NW Washington, DC 20006	American Japanese Trade Comm		
Do	Japan Telescope Manufacturers Assn		
Do	Nisei Lobby		
Do	Toyota Motor Sales, USA, Inc		
Do	West Mexico Vegetable Distributors Assn		
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,050.00	21.00
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	10,000.00	89.40
Ned W. Massee, 299 Park Avenue New York, NY 10171	Westvaco Corporation		333.10
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Church of Scientology International)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Gerber Products Corporation		
Do	Hill and Knowlton (For:Johnson Controls, Inc)	450.00	
Do	Hill & Knowlton, Inc (For:Monsanto Co)		
Do	Hill and Knowlton, Inc (For:Ninentdo of America, Inc)	1,800.00	
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	5,550.00	
Do	Hill and Knowlton, Inc (For:Ryder, Inc)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton, Inc (For:Wilfred American Education, Corp)		
Noel D. Matchett, 1001 Spring St., #123 Silver Spring, MD 20910	Information Security, Inc	10.00	
Mary Cheryl Matheis, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	241.34	
Richard D. Mathias, 1200 17th Street, NW, #500 Washington, DC 20036	Pan American World Airways, Inc		
Dawson Mathis, 1900 L Street, NW, #300 Washington, DC 20036	Dawson Mathis & Associates (For:Crowley Maritime Corp)	1,000.00	
Do	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	3,000.00	
Do	United Parcel Service	3,300.00	
Dawson Mathis & Associates, 1900 L Street, NW Suite 300 Washington, DC 20036	Crowley Maritime Corp	1,000.00	
Do	Massachusetts Mutual Life Insurance Co	3,000.00	
Margaret Mathna, 2126 Connecticut Ave., NW, #59 Washington, DC 20008	Marc, Inc (For:Gilbert Chagoury)	37,500.00	125.00
Ann H. Mattheis, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Charles D. Matthews, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	3,250.00	
K. Michael Matthews, 629 Constitution Ave., NE, #201 Washington, DC 20002	U.S. Strategies Corp (for: Cancer Treatment Holdings, Inc)		
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,285.63	
Suzette Matthews, 2020 North 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc	2,462.59	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		5,928.65
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Equitable Financial Companies	200.00	12.00
Marshall L. Matz, 888 17th Street, NW, #900 Washington, DC 20006	American School Food Service Assn	9,000.00	657.48
Do	Holland & Knight (For:City of Orlando)	2,250.00	
Do	Holland & Knight (For:Electronic Data Systems)	3,000.00	
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)		
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	1,834.00
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	12,790.02	603.79
John S. Maxson, 1722 Eye Street, NW, 6th Floor Washington, DC 20006	Commonwealth Edison	10,200.00	12,600.00
William A. Maxwell, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	4,000.00	
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	5,500.00	6.00
Peter G. Mayberry, 1150 17th Street, NW, #1000 Washington, DC 20036	Keller and Heckman (For:INDA (Association of the Nonwoven Fabrics Industry))		
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	18,135.00	8,326.82
Marion R. Mayer, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	670.38	869.98
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW Washington, DC 20006	Accountants' Liability Assurance Co. Ltd		
Do	Arkansas Electric Cooperative Corporation	262.50	540.08
Do	Attorneys' Liability Assurance Society Ltd		
Do	Brambles USA, Inc	1,140.00	
Do	Brunswick Corp		
Do	Business Roundtable	455.00	
Do	Cabot Cabot & Forbes		
Do	Comdisco, Inc		
Do	Continental Bank, N.A		
Do	Corn Products Co		
Do	Entergy Corporation		
Do	First Chicago Corp		
Do	FMC Corporation		
Do	Goldman Sachs & Co		
Do	Grocery Manufacturers Assn of America, Inc		
Do	GATX Corporation		
Do	Hewlett-Packard Co		
Do	Honeywell, Inc		
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp		
Do	Lasalle Partners, Inc		
Do	Lawyers Committee for Human Rights		
Do	Lehndorff & Babson Real Estate Counsel		
Do	Merrill Lynch Capital Markets		
Do	Nalco Chemical Co		
Do	National Faculty		
Do	Nestle, SA		
Do	Quaker Oats Company		
Do	RJR Nabisco, Inc		
Do	Sara Lee Corp		
Do	Sears Roebuck & Co		
Do	Shearson Lehman Brothers, Inc		
Do	Shell Oil Co		
Do	Smith Barney Harris Upham & Co, Inc		
Do	Solid Waste Agency of Northern Cook County	137.50	
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division		
Martin Mayfield, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	900.00	211.20
Maurice W. Maynard, 44 Fifth Avenue Brooklyn, NY 11217			
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
Ellen Mazer, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the United States	2,605.43	
Harry E. McAdams, 555 13th Street, NW #300 East Washington, DC 20004	McCamish Martin Brown & Loeffler (For:Citicorp)		
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	4,000.00	469.31
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	
John H. McAllister, Dow Lohnes & Albertson 1255 Twenty Third St., NW Washington, DC 20037	Dofasco, Inc		
Timothy McAnarney, 312 South 4th Street, #3 Springfield, IL 62701	Philip Morris, Inc	1,875.00	270.26
Mary E. McAuliffe, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corporation	13,750.00	2,335.95
Rebecca Craford McAuliffe, 1000 Vermont Ave., NW, #800 Rebecca Craford Washington, DC 20005	Public Securities Assn	3,500.00	
McAuliffe Kelly Raffaelli & Siemens, 1341 G Street, NW, 2nd Floor Washington, DC 20005	American Nuclear Energy Council	20,000.00	
Do	American Tunaboat Assn	500.00	
Do	Arlington Cancer Center		
Do	Bay Area Rapid Transit District	2,539.00	
Do	Browning Ferris, Inc		
Do	Cellular Telecommunications Industry Assn	901.00	
Do	Chicago Mercantile Exchange		
Do	Clark County	15,000.00	
Do	Coalition for Affordable Home Financing	500.00	
Do	COSTEP	650.00	
Do	Dallas/Ft. Worth Railtran System	3,000.00	
Do	Dean Witter Realty	1,500.00	
Do	Gulf Coast Waste Disposal Authority		
Do	Lloyd's U.S	2,400.00	
Do	MASSPORT/Commonwealth of Massachusetts	15,000.00	
Do	National Judicial College		
Do	National Medical Care	15,000.00	
Do	National Telephone Services, Inc	1,500.00	
Do	Philip Morris Co	4,000.00	
Do	Sweetener Users Assn	110.00	
Do	Transamarica Corporation		
Do	Union Labor Life Insurance		
Do	University of Nevada/Las Vegas/Research Center	7,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	University of Nevada/Reno	12,000.00	
Do	Valley Children's Hospital	2,000.00	
Do	Wine Institute	2,731.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	17,202.54	
Susan E. McCaffrey, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Susan P. McCaffrey, 1828 N. Meridian Indianapolis, IN 46202	Community Service Council of Central Indiana, Inc		
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	104.28	
McCamish Martin Brown & Loeffler, P.C., 1200 First Republic Bank Tower 175 East Houston San Antonio, TX 78205	Central & South West Corp		
Do	Citicorp	200.00	52.00
Do	Sematech		
Do	U.S. Automobile Assn		
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning, Inc	2,000.00	
John B. McCarthy, 1023 15th Street, NW #300 Washington, DC 20005	American Veterinary Medical Assn	540.00	
McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Association of American Publishers, Inc		
Do	Coca-Cola Company		
Do	Coca-Cola Enterprises, Inc		
Do	Columbia Pictures Entertainment, Inc		
Do	Metfuel, Inc		12.39
Do	Mobil Oil Corp		
Do	Motion Picture Association of America, Inc		
Do	Paramount Communications Inc	536.25	14.99
Do	Rank Video Services America		
Do	TeknaMed Corp		370.31
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
G. McConnell & Associates, Inc., 4716 Neptune Drive Alexandria, VA 22309	Grumman Corp		100.00
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
Meredith McCoy, 1800 Mass. Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	149.00	
Steven A. McCoy, 1030 15th Street, NW #1020 Washington, DC 20005	North American Export Grain Assn, Inc		73.00
Todd McCracken, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	6,250.00	
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Security to Preserve Social Security and Medicare	3,062.00	
Daniel J. McDermott, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	1,250.00	
Frank X. McDermott, Apruzzese McDermott Mastro & Murphy 500 Morris Ave. P.O. Box 329 Springfield, NJ 07081	Philip Morris, Inc	9,000.00	
Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006	American Dental Hygienists Assn	3,000.00	
Do	American Imaging Assn		
Do	American Soc of Outpatient Surgeons		
Do	Banks of Iowa		
Do	Barnes/St. Peters		
Do	California Assn of Children's Hospitals	1,700.00	
Do	Caterpillar Tractor Co		
Do	Federal Kemper Life Assurance Co		
Do	Globe Corporation		
Do	Hitachi America, Ltd		
Do	International Minerals & Chemical Corp		
Do	Juvenile Diabetes Foundation, International	2,000.00	
Do	Kemper Investors Life Insurance Co		
Do	Lumbermens Mutual Casualty Company		
Do	National Grocers Assn	215.00	
Do	Outpatient Opthalmic Surgery Society	2,500.00	
Do	Peterson & Sullivan		
Do	Public Employees Retirement Assn of Colorado	2,080.00	7.00
Craig McDonald, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	4,000.00	
Edward T. McDonald, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	2,000.00	2,000.00
Jack McDonald, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	Jack McDonald Co (For:American Express Corp)		
Do	Jack McDonald Co (For:Ameritech)		
Do	Jack McDonald Co (For:Belz Enterprises)		
Do	Jack McDonald Co (For:Dow Corning Corp)		
Do	Jack McDonald Co (For:Hitachi America, Ltd)		
Do	Jack McDonald Co (For:Hitachi Sales Corp of America)		
Do	Jack McDonald Co (For:Outboard Marine Corporation)		
Do	Jack McDonald Co (For:Royal Zenith Corp)		
Do	Jack McDonald Co (For:Societe Generale de Surveillance, S.A.)		
Do	Jack McDonald Co. (For:Tuteur Associates, Inc)		
Do	Jack McDonald Co. (For:WMW Machinery, Inc)		
Michael D. McDonald, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	300.00	112.49
Patricia McDonald, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn		
Tom McDonald, Arter & Hadden 1100 Huntington Bldg. Cleveland, OH 44115	Jet, Inc		
Jack McDonald Co, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	American Express Corp		
Do	Ameritech		
Do	Belz Enterprises		
Do	Dow Corning Corp		
Do	Hitachi America, Ltd		
Do	Hitachi Sales Corp of America	1,231.25	50.00
Do	Outboard Marine Corporation	2,250.00	
Do	Planeta North America, Inc		
Do	Societe Generale de Surveillance, S.A.		
Do	Tuteur Associates, Inc	4,000.00	
Do	WMW Machinery, Inc		
Sandra McDonough, 1350 New York Ave., NW, #600 Washington, DC 20005	Pacific Power & Light Co	499.07	1,486.57
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	7,725.00	
Dinah D. McElfresh, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates, Inc (For:Hearing Industries Assn)		
McElroy & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Outdoor Advertising Assn of America, Inc	41,665.00	3,212.98
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	4,225.00	7,803.56
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc		
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company	500.00	
Dana McGee, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corp	1,250.00	85.34
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc	2,000.00	1,030.00
Gale W. McGee, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Turkey)		
Karen McGee, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc		
Kate McGee, 1627 Eye Street, NW #880 Washington, DC 20006	Oracle Corporation		18,580.24
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	10,505.04	570.44
Patricia G. McGinnis, Francis McGinnis & Rees 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education	40,000.00	13,390.75
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	23.49	23.49
Richard L. McGraw, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	2,500.00	
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Sod Producers Assn		
Do	Association of Human Resource Consultants		
Do	Borg-Warner Corp		
Do	National Manufactured Housing Assn		
Do	Pony Express Courier Corp		
Do	Wells Fargo Armored Service Corp		
Jean McGuire, 2033 M Street, NW, #800 Washington, DC 20036	Aids Action Council	2,625.00	
Joseph M. McGuire, 1501 Wilson Boulevard, #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		308.55
Monica M. McGuire, 1331 Pennsylvania Ave., NW, #1500 North Lobby Washington, DC 20004-1703	National Assn of Manufacturers	250.00	
McHale Cook & Welch, P.C., 1100 Chamber of Commerce Building Indianapolis, IN 46204	Indiana Bell Telephone Co	1,000.00	600.00
McHenry & Staffier, P.C., 1300 19th St., NW, #408 Washington, DC 20036	Foothills Pipe Lines (Yukon) Ltd	420.00	
Patrick J. McHugh, c/o NYS Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	125.00	
J. J. McHugh, Ltd., 531 Kenilworth Ave. Kenilworth, IL 60043	Chicago Board Options Exchange		
Do	Corn Coalition	2,000.00	
Do	Estate of Edwin A. Gallun	500.00	
Do	Harza Engineering Company		
James E. McInerney Jr., 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	7,083.00	
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ira E. McKeever, 1224 17th Street, NW Washington, DC 20036	Western Coal Traffic League	12,250.00	2,576.45
McKenna Conner & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Fertilizer Institute	374.00	7.00
Jan E. McKenzie, 1111 19th St., NW, #702 Washington, DC 20036	Edison Electric Institute	2,147.62	87.83
Robert T. McKernan, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	500.00	
William Colm McKeveny, Chadbourne Park Law Firm 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
C. A. 'Mack' McKinney, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	11,000.00	634.78
Steven G. McKinney, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Alabama Power Company)		
Do	Balch & Bingham (For:Southern Company Services, Inc)	270.00	57.85
Monette McKinnon, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Committee to Preserve Social Security and Medicare	2,354.00	
Robert A. McKnight, 25 Monument Circle Indianapolis, IN 46206-1595	Indianapolis Power & Light Company		11,005.16
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt Inc (For:Cosmetic Toiletry and Fragrance Assn)		
Do	Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc)	31,050.73	
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	650.00	
John R. McLaurin, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	5,370.00	
Bob McLean, 490 L'Enfant Plaza, SW, #3200 Washington, DC 20024-2120	National Assn of Postal Supervisors	10,051.00	24.19
Michael R. McLeod, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:American Assn of Crop Insurers)	8,124.00	383.27
Do	McLeod & Pires (For:American Peanut Product Manufacturers, Inc)	15,461.25	320.67
Do	McLeod & Pires (For:American Soybean Association)	94.20	
Do	McLeod & Pires (For:Chicago Board of Trade)	8,909.20	33.00
Do	McLeod & Pires (For:Mushroom Council)	268.80	
Do	McLeod & Pires (For:State of Florida Department of Citrus)	4,062.00	
Do	United Egg Producers	4,793.90	
Thomas J. McLeod, 50 West Kelleogg Boulevard St Paul, MN 55164	West Publishing Company		
Rosemary McManus, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	9,187.50	620.19
William F. McManus, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	525.00	
James D. McMillan, 1899 L St., NW, #1100 Washington, DC	Exxon Corporation	400.00	86.31
Sandra H. McMullan, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	4,368.00	103.00
McNair Group, Inc, 1155 15th St., NW, #400 Washington, DC 20005	Bombardier Corporation		
Do	Clemson University	11,800.00	562.87
Do	GTE Corporation		8.00
Do	Harmon Industries, Inc	8,337.50	227.51
Do	Illinois Central Railroad		
Do	McNair Law Firm, P.A., (for Gateway Freight Services, Inc)	187.50	
Do	McNair Law Firm, PA (for GTE)	27,625.00	28.00
Do	Norfolk Southern Corp		
Do	Railstar Control Technology, Inc	6,000.00	54.22
Do	Riedel Environmental Services, Inc	5,000.00	20.00
Do	Riedel Omni Products, Inc		
Do	South Carolina State College	1,000.00	109.68
Do	State of Hawaii/Dept of Transportation	721.34	2,684.47
Do	Texas Instruments, Inc		90.23
Do	University of Delaware		
Do	Virginia Tech	2,500.00	
Do	Westinghouse Environmental Services	7,000.00	367.69
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Adwell Corporation	1,813.00	
Do	Allied-Signal, Inc		
Do	American Insurance Assn	337.65	25.40
Do	BOC Group, Inc	750.00	7.50
Do	Georgia-Pacific Corp		
Do	GSX Corporation		
Do	GTE Government Systems Corporation	2,050.00	28.00
Do	Insurance/Financial Affiliates of America	750.00	
Do	International Assn for Financial Planning	1,899.32	
Do	Joesph E. Seagram & Son, Inc	972.73	27.60
Do	New York State Bankers Assn	479.00	43.74
Do	Norfolk Southern Corp	600.00	254.25
Do	Phillips Petroleum Company		
Do	South Carolina Research Authority		
Do	State of Hawaii	75.00	4.00
Do	Westinghouse Electric Corp	1,295.00	
Susan McNally, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Ray McNally & Associates, Inc, 1817 Capitol Ave., #A Sacramento, CA 95814	Philip Morris, Inc	1,718.75	2,073.75
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Dean Witter Reynolds, Inc	613.00	1,776.00
Laramie Faith McNamara, 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
Michael J. McNamara, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc	6,000.00	88.55
Peter F. McNeish, 1156 15th Street, NW, #1101 Washington, DC 20005	National Assn of Small Business Investment Cos	3,000.00	
John P. McNerney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John P. McNicholas, 2001 L Street, NW #1000 Washington, DC 20036	Unisys Corporation		
Molly McNulty, 122 C Street, NW, #400 Washington, DC 20001	Children's Defense Fund		
Michael J. McShane, 1101 30th Street, NW, #500 Washington, DC 20007	National Computer Systems		
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	11,894.00	
Kathleen P. McTighe, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	496.00	492.00
Brose McVey, 1255 23rd Street, NW Washington, DC 20037	Hauck & Associates (For:National Oilseed Processors Assn)	5,000.00	324.58
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	66.00	
Joseph F. Meadow, 7307 Baltimore Avenue, #112 College Park, MD 20740	United Action for Animals, Inc	1,900.00	
James Meadows, 600 Congress Ave., #1250 Austin, TX 78701	Capital Network System, Inc	4,500.00	2,415.00
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	3,437.00	
Joseph J. Meder, 1730 M St., NW, #515 Washington, DC 20036	Acme Steel Company	1,500.00	
Do	Interlake Corp	3,000.00	
Medical-Dental Diversified Services, Inc, 15600 San Pedro, #107 San Antonio, TX 78232-3738	U.A.G. Alumni Assn		
Larry Mehlhaff, 23 N. Scott Sheridan, WY 82801	Sierra Club	5,482.40	5,482.40
Ira Mehlman, 4201 Massachusetts Ave., NW, #3073 Washington, DC 20016	Federation for American Immigration Reform		25.00
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Vernon H. Meier, 1448 Duke Street Alexandria, VA 22314	National Rural Letter Carriers Assn	18,867.00	
J. Reese Meisinger, 1575 Eye Street, NW Washington, DC 20005	American Society of Assn Executives	300.00	
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
John Melcher, 230 Maryland Ave., NE Washington, DC 20002	Chicago Mercantile Exchange	7,500.00	5,730.00
Do	Fairchild Aircraft Corp		2,470.00
Do	Humane Society of the United States	3,000.00	2,400.00
Do	Marine Engineers Beneficial Assn	2,400.00	2,180.00
Do	National Committee to Preserve Social Security & Medicare	2,500.00	1,000.00
Do	Potomac Marine International, Inc	12,000.00	6,075.00
Do	Society for Aminal Protective Legislation	4,500.00	3,010.00
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,829.25	385.00
Margaret Mellon, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	3,179.04	
Howard H. Menaker, 1199 North Fairfax Street, #801 Alexandria, VA 22313	National Assn of Truck Stop Operators, Inc		
John R. Mendenhall, Martin Tower 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	5,000.00	
Howard A. Menell, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
David Mengebier, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	14,676.92	
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	540.00	225.46
Edward L. Menning, 1023 15th Street, NW, #300 Washington, DC 20005	National Assn of Federal Veterinarians	109.25	
Merle D. Menssen, 3M Center-Bldg 220-6E-02 St. Paul, MN 55144-1000	3M		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	4,425.43	
Sandra K. Meredith, 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc. (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc. (For:Sofreavia)		
Do	DGA International, Inc. (For:SNECMA)		
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	2,475.00	204.30
Do	Rolls-Royce Motors Cars, Inc		
Nancy Jo Merrill, 1725 K St., NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation		
Merrill Lynch & Co, Inc, 1828 L St., NW, #906 Washington, DC 20036			34,166.00
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	905.80
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	1,500.00	317.54
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	625.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	736.84	204.89
Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660	American Family Corp		
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
David A. Metzner, 499 S Capitol St., SW, #520 Washington, DC 20003	Van Fleet Associates	15,249.99	
Alden M. Meyer, 1616 P Street, NW Washington, DC 20036	Union of Concerned Scientists	2,472.00	
Ferd. C. Meyer Jr., 2121 San Jacinto Street, #2500 Dallas, TX 75266-0164	Central and South West Corp	1,600.00	1,673.88
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn	50.00	
John B. Meyers, P.O. Box 4067 Louisville, KY 40204			
Larry D. Meyers, 412 First Street, SE #40 Washington, DC 20003	American Beekeeping Federation	3,000.00	754.88
Do	Concerned Shrimpers of America	4,500.00	
Do	International Assn of Refrigerated Warehouses		
Do	National Agricultural Chemicals Assn	36,000.00	1,853.91
Do	National Peanut Growers Group	12,000.00	182.49
Do	Rice Belt Warehouse, Inc	4,500.00	1,878.10
Do	Texas A&M Research Foundation	21,420.00	1,220.95
Do	Texas Cotton Marketing		
Meyers & Associates, 412 First St., SE, #40 Washington, DC 20003	Alnor Oil Company, Inc	2,500.00	
Do	American Sheep Industry	16,500.00	1,459.89
Do	Anodyne, Inc	6,000.00	268.86
Do	Centergas, Inc		
Do	Texas International Education Consortium	15,000.00	153.53
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	5,000.00	
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	1,025.00	1,266.70
Mark A. Micali, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	5,000.00	1,580.00
Laurie J. Micciche, 1747 Pennsylvania Ave., NW Third Floor Washington, DC 20006	Occidental Chemical Corp	162.50	109.51
Frank G. Michelena, 17925 Sky Park Cir. Irvine, CA 92714	Landsdell Co		
Kathleen Michels, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	4,415.00	42.11
Mid-Continent Oil & Gas Assn, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006		67,197.51	24,000.51
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202			
Alan E. Middleton, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	85.34
Michael C. Middleton, Ten Light Street P.O. Box 987 Baltimore, MD 21203	MNC Financial, Inc		
Roger E. Middleton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	2,100.00	329.92
Edmund Mierzwinski, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S Public Interest Research Group	6,019.21	
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Rene Milam, Box 17407 Washington Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	5,000.00	32.00
Janice I. Milazzo, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Nelson L. Milder, 1825 K Street, NW, #218 Washington, DC 20006	American Society of Mechanical Engineers		
Milgrim Thomajan & Lee, P.C., 1025 Connecticut Ave, NW, #1000 Washington, DC 20036	Lloyds U.S.A		
Do	New York Mercantile Exchange (NYMEX)	13,215.00	16,583.88
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	American Group Practice Assn	414.00	
Carolynn E. Miller, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,189.00	200.00
Chaz Miller, 1801 K Street, NW, #1105-L Washington, DC 20006	Glass Packaging Institute		
Dale Miller, 4000 Reno Road, NW Washington, DC 20008	Texasgulf, Inc		
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S		
Denny Miller, 409 South Barton St. Arlington, VA 22204	Denny Miller Associates	7,500.00	
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance	1,000.00	
Francine Miller, 1627 Lamont Street, NW, Apt #41 Washington, DC 20010	Rainbow Lobby, Inc	7,314.38	99.40
Grant Miller, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Lead Industries Association, Inc		
Martha L. Miller, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Citizens for Sensible Control of Acid Rain	810.00	
Paul J. Miller, 8000 Sears Tower Chicago, IL 60606	Investment Counsel Assn of America, Inc		
Richard G. Miller, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn		
Sandra Miller, 409 South Barton St. Arlington, VA 22204	Denny Miller Associates	1,250.00	
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Boeing Company		
Do	Electronic Industries Assn		
Do	Export Source Rule Coalition		
Do	Great Northern Insured Annuity Corp		
Do	Hewlett-Packard Co	1,750.00	
Do	Martin Marietta Corp		
Do	McDonnell Douglas Corp		
Do	Organization for Fair Treatment of Int'l Investments	2,800.00	
Do	Pacific Medical Center		
Do	Pillsbury Madison & Sutro (for: Intermedia Partners)	600.00	
Do	Professional Services Council		
Do	Schultz & Chez (for: Chicago Research and Trading Group)		
Do	United States Fidelity and Guaranty Company		
Do	Varian Associates, Inc		
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Laredo		
Do	City of St. Louis, MO		
Miller & Steuart, 1825 I Street, NW, #400 Washington, DC 20006	Coastal Corporation		
Do	E.R. Squibb and Sons, Inc		
Denny Miller Associates, Inc, 400 N. Capitol St., NW, #325 Washington, DC 20001	Boeing Company	3,000.00	2,460.00
Do	Coeur d'Alene Mines Corp	1,000.33	833.33
Do	Makah Tribal Council	300.00	245.00
Do	Marine Engineers' Beneficial Assn	4,000.00	3,265.00
Do	Momentum 88	1,875.00	1,530.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Pacific Nuclear Systems, Inc	1,062.50	862.00
Do	Port of Tacoma	1,125.00	928.00
Do	Sabey Corporation	1,200.00	1,000.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Sunshine Mining Company	1,000.33	833.33
Do	Tri-City Industrial Development Council (TRIDEC)	4,000.00	3,265.00
Do	Troutlodge, Inc	1,000.33	833.33
Do	United States Trout Farmers Assn	3,000.00	
Miller Cassidy Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037	Independent Insurance Agents of America, Inc, et al		
Do	National Assn of Life Underwriters, et al	2,327.50	278.00
Do	National Motorsports Comm of Accus		
Kenneth Y. Millian, 919 18th Street, NW Washington, DC 20006	W. R. Grace & Co		2,254.46
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	6,100.00	193.07
Amy J. Millman, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	600.00	900.00
John W. Mills, Tenneco Automotive 100 Tri State Int'l, #300 Lincolnshire, IL 60015	Coalition for Auto Repair Choice		71,750.60
Joseph H. Miltenberger, 2939 Van Ness Street, NW, #839 Washington, DC 20008	U.S. Strategies Corp (for Cancer Treatment Holdings, Inc)		
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc	1,750.00	
Dallas Miner, One Thomas Circle, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn	19,000.00	
Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052	Caguas Central Federal Savings Bank	2,000.00	
Do	Prudential Insurance Co of America	5,001.00	
Timothy H. Minor, Salem Lake Drive Long Grove, IL 60047	CF Industries, Inc	500.00	
J. Robert Minter, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc		4,587.66
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1200 Washington, DC 20006	Cablevision	8,900.00	
Do	Coalition for High Definition TV	3,900.00	
Do	Communications Industry Assn of Japan	32,000.00	
Do	Home Recording Rights Coalition	22,920.00	
Do	Houghton Mifflin Company		
Do	Mortgage Insurance Companies of America		
Do	National Cable Television Assn, Inc	7,500.00	430.66
Do	Siemens Corp	36,830.00	
Do	Smith Barney Harris Upham & Co, Inc		
Do	Turner Broadcasting System, Inc	1,970.00	
Lawrence H. Mirel, 1614 20th Street, NW Washington, DC 20009	Liberty Mutual Insurance Company	6,000.00	500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Charles P. Mitchell, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest	30.00	3.00
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	235.68	
Gina Shea Mitchell, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute		
Lawrence W. Mitchell, 100 Maryland Ave., NE, #500 Box 69 Washington, DC 20002	American Agriculture Movement, Inc	3,000.00	
Mitchell Friedlander & Gittleman, 1201 Conn. Ave., NW Washington, DC 20036	National Bank Of Liberia	50,000.00	
John Moehring, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	250.00	
Robert E. Moffit, 660 Creek Rd. Severna Park, MD 21146	National Alliance of Physicians and Surgeons	17,100.00	14,405.43
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Committee to Preserve Social Security and Medicare	1,846.00	
Brian R. Moir, 1255 23rd Street, NW, #800 Washington, DC 20037	Fisher Wayland Cooper & Leader (For:International Communications Assn)		
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Crop		
Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004	General Electric Co		
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Manchester Associates, Ltd (For:Nissan Motor Company, Ltd)		
Do	Manchester Associates, Ltd (For:Nissan Motor Manufacturing Corp, USA)	9,397.00	62.00
Robert H. Mollohan, 912 Sylvan Avenue Fairmont, WV 26554	Airspace Technology, Inc	600.00	
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	87.00
C. Manly Molpus, P.O. Box 3556 Washington, DC 20007	Grocery Mfg. of America, Inc	375.00	
Christopher Monek, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
John C. Monsul, 923 Riva Ridge Drive Great Falls, VA 22066			
Montana Market Development Co. 305 West Mercury St., #307 Butte, MT 59701	Philip Morris, Inc		
William J. Montwieler, 1750 K Street, NW, #210 Washington, DC 20006	Industrial Truck Assn		
James P. Mooney, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	15,881.00	
Karl R. Moor, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Alabama Power Company)		
Do	Balch & Bingham (For:Southern Company Services Inc)	29,735.00	9,214.00
Alan J. Moore, 1001 Pennsylvania Ave., NW, #675 Washington, DC 20004	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	NMTBA	1,200.00	25.00
Allen Moore, 1730 Rhode Island Ave., #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Alvis J. Moore, 23733 North Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	426.00	16.00
Frank B. Moore, 3003 Butterfield Road Oak Brook, IL 60521	Waste Management, Inc	5,000.00	3,143.23
Obie Moore, 1156 15th St., NW, #1015 Washington, DC 20005	JC Penney Co, Inc		
Powell A. Moore, 1133 Connecticut Ave., NW Washington, DC 20036	Ginn Edington Moore and Wade (For:American League for Exports and Security Assistance (ALESA)).	10,000.00	
Do	DGA International, Inc (For:Societe Nationale d'Dtude et de Const de Moteurs d'Aviation).		
Paul Moorehead, 606 Massachusetts Ave., NE Washington, DC 20002	Penco International		
Ann Moorhead, 2571 Vernon Drive, NE Palm Bay, FL 32905	Press Television	900.00	313.80
Eugene Moos, 1000 16th Street, NW, #702 Washington, DC 20036	Lesher Russell & Moos, Inc		
Richard M. Moose, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		227.00	227.00
Lori M. Moran, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	3,375.00	
Tim E. More, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	672.00	11.61
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	14,061.00	
J. Railton Morgan, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,500.00	1,288.13
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	174.70
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Business Roundtable		
Do	Coalition of Supporters of the Shipping Act		
Do	Coalition to Stop the Raid on America		
Do	Committee on Public Fiscal Policy		
Do	Consolidated Natural Gas Co		
Do	Scotch Whisky Assn		
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	96.43	
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	10,000.00	205.64
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers, AFL-CIO	18,267.06	140.00
Tom C. Morris, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,800.00	
W. Patrick Morris, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America	500.00	
James Morrison, 601 Pennsylvania Ave, NW, #700 Washington, DC 20004-2602	Business Executives for National Security		
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	787.50	
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	City and County of San Francisco	260.00	
Do	National Electrical Manufacturers Assn		
Valerie T. Morse, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Evelyn M. Morton, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	592.30	358.29
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		2,124.76
Jack Moskowitz, 701 N. Fairfax Street Alexandria, VA 22314-7807	United Way of America	17,156.25	205.17
Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Bank Holding Cos	900.00	
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
John J. Motley, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	300.00
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Abecitrus - Brazilian Citrus Assn		
Do	Adical		
Do	ANIC - National Assn of Citric Industries		
Do	Sawyer/Miller Group (for Philippine Sugar Regulatory Admin)	10,500.00	282.89
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			6,224.98
Motor Vehicle Manufacturers Assn of the U.S., Inc, 7430 Second Avenue, #300 Detroit, MI 48202		50,537.00	50,537.00
Motorcycle Riders Foundation, Inc, P.O. Box 1808 Washington, DC 20013-1808			
Thomas O. Moulton Jr., 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	15,000.00	
Barry F. Mountain, 3537 Woodburn Road Annandale, VA 22003			
Katharine R. Mountcastle, 2030 M St. NW Washington, DC 20036	Common Cause	5,992.50	
Paul W. Mousseau Jr., 3000 K Street, NW Penthouse 3-A Washington, DC 20007	Wealth Management Corp (For:Finryan International, Ltd)	3,000.00	
Mudge Rose Guthrie Alexander & Ferdon, 2121 K Street, NW, #700 Washington, DC 20037	Government of Hong Kong, Trade Dept		
Do	Japan Lumber Importers Assn		
Do	Toshiba Corp		
Do	U.S. Assn of Importers of Textile and Apparel (USITA)	137.70	63.75
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Coalition for Affordable Home Financing	10,000.00	
Do	Glendale Federal Savings & Loan Assn	437.50	175.17
James S. Mulhern, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	4,300.00	
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,400.00	44.00
Albert E. Mullin Jr, 111 Powdermill Rd. Maynard, MA 01754	Digital Equipment Corp	20,000.00	
Tracy Mullin, 1000 Connecticut Ave., NW, #700 Washington, DC 20036	National Retail Merchants Assn	4,000.00	50.00
William F. Mullin, 1615 L St., NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Co	1,000.00	
Betty J. Munis, 1301 Pennsylvania Ave., #300 Washington, DC 20004	Public Lands Council	1,000.00	
James Brian Munroe, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Elizabeth A. Murphy, 1901 N. Fort Myer Drive, #204 Arlington, VA 22209	Roadway Express, Inc		
James F. Murphy, 6200 Oaktree Blvd Independence, OH 44131	Centerior Energy Corp, et al		
James Jackson Murphy, 1720 I Street, NW 7th Floor Washington, DC 20006	American Academy of Actuaries		
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	214.04
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al	9,300.00	
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		6,838.73
James E. Murray, 815 Connecticut Avenue, NW, #701 Washington, DC 20006	Brown & Wood (For:Citicorp Investment Bank, et al)		
Margaret R. Murray, 2501 M Street,NW, #400 Washington, DC 20037	McLeod & Pires (For:American Assn of Crop Insurers)	2,040.50	
Do	McLeod & Pires (For:National Rural Telecom Assn)	2,002.00	
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22207	USAir, Inc		
Murray & Scheer, 2715 M Street, NW, #300 Washington, DC 20007	Bear Stearns & Co	500.00	
Do	Cleveland Cliffs Iron Co	250.00	
Do	Connecticut Mutual Life Insurance Co	500.00	
Do	Home Life Insurance Co	500.00	
Do	Industry Council for Tangible Assets	400.00	
Do	Iron Ore Assn	250.00	
Do	LTV Corporation	450.00	
Do	National Council of Coal Lessors	300.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	New England Mutual Life Insurance Co	500.00	
Do	Pacific Mutual Life Insurance Co	500.00	
Do	Penn Mutual Life Insurance Co	500.00	
Do	Provident Mutual Life Insurance Co of Philadelphia	500.00	
Do	Shubert Organization, Inc	400.00	
Do	Swaziland Sugar Assn	400.00	
Do	Sweetner Users Assn	500.00	
Robert Musil, 1616 P Street, NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	3,957.48	45,925.68
Robert J. Muth, 180 Maiden Ln. New York, NY 10038	Asarco Inc		
Mutual Life Insurance Co Tax Committee, 720 East Wisconsin Avenue Milwaukee, WI 53202		10,000.00	9,125.00
Paul J. Myer, 600 Maryland Ave., SW, #605-607 Washington, DC 20024-2520	Northern Telecom Inc		1,445.00
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	529.64
Karen Magee Myers, 1331 Pennsylvania Ave., #1300-N Washington, DC 20004	Electronic Data Systems Corp	192.00	384.95
MHD Industrial Forum, 1825 K Street, NW, #807 Washington, DC 20036			
Daniel Nadash, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
David Scott Nance, 808 17th Street, NW, #300 Wasshington, DC 20006-3910	Stewart and Stewart		
Karen J. Nardi, 1455 Pennsylvania Avenue, NW, #650 Washington, DC 20004	McCuthchen Doyle Brown & Enersen (For:Southern California Ass'n of Governments)		
John Francis Nash Jr., 214 Massachusetts Ave., NE, #420 Washington, DC 20002	Milliken & Company	5,000.00	3,300.00
Gary M. Nateman, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute		
Hardy L. Nathan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
National Academies of Practice, 1023 15th Street, NW, #300 Washington, DC 20005		46,675.00	895.51
National Air Traffic Controllers Assn, 444 N. Capitol Street, NW, #845 Washington, DC 20001		12,309.00	3,675.54
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		136,000.00	17,907.67
National Assn for Neighborhood Schools, Inc, 335 Locust St. Pittsburgh, PA 15218		1,089.10	1,252.29
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		2,021.23	6,676.60
National Assn of Air Traffic Specialists, 4740 Corridor Pl., Suite C Beltsville, MD 20705			
National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036		44,315.85	44,315.85
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			
National Assn of Federal Employees, 3500 Maple Avenue, Suite 1650 Dallas, TX 75219			
National Assn of Federal Veterinarians, 1023 15th Street, NW, #300 Washington, DC 20005			
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001		2,028.00	64,490.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Life Companies, 1455 Pennsylvania Ave., #1250 Washington, DC 20004			1,840.15
National Assn of Manufacturers, 1331 Penn Ave., NW #1500-North Washington, DC 20004-1703		178,378.84	178,378.84
National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005			
National Assn of Mortgage Brokers (NAMB), 706 E. Bell Road, #101 Phoenix, AZ 85022		1,525.83	1,315.41
National Assn of Mutual Insurance Cos, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268		580.00	580.00
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036			
National Assn of Securities and Commercial Attorneys, 1401 New York Ave., #740 Washington, DC 20005		39,000.00	25,000.00
National Assn of Trade & Technical Schools, 2251 Wisconsin Ave., NW Washington, DC 20007		9,250.00	9,250.00
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		7,900.00	6,345.00
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			22,340.00
National Beer Wholesalers' Assn, 5205 Leesburg Pike, #1600 Falls Church, VA 22041		637,738.00	17,480.11
National Broiler Council, 1155 15th St., NW Washington, DC 20005		2,750.00	2,750.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598			26,862.33
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		95,645.27	95,645.27
National Cattlemen's Assn, 5420 S. Quebec Street P.O. Box 3496 Englewood, CO 80155			
National Club Association, 1625 Eye St., NW, #609 Washington, DC 20006			
National Coalition for Marine Conservation, Inc, P.O. Box 23298 Savannah, GA 31403		19,991.67	26,871.42
National Comm of Cities & States for Airline Service, Transportation Bldg., #417 St. Paul, MN 55156		7,325.42	8,000.00
National Comm to Preserve Social Security, Attention Robin Jacobson 2000 K Street, NW, 8th Floor Washington, DC 20006		3,152,606.00	3,154,079.00
National Comm Against Repressive Legislation, 236 Massachusetts Avenue, NE, #406 Washington, DC 20002		3,479.25	5,693.70
National Commercial Finance Assn, 225 W. 34th St. New York, NY 10122			12,355.00
National Cooperative Business Assn, 1401 New York Ave., NW, #1100 Washington, DC 20005		27,500.00	224.10
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		78,844.29	78,844.29
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		28,145.20	27,675.74
National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006		14,140.00	10,107.00
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		12,351.08	9,720.09
National Council of Savings Institutions, 1101 15th St., NW, #400 Washington, DC 20005		1,342,760.60	
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		2,547.03	2,547.03
National Fed of Independent Business, 150 W. 20th Ave. San Mateo, CA 94403		48,304.75	2,800.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		600.00	600.00
National Grain & Feed Assn, 1201 New York Avenue, NW, #850 Washington, DC 20005			2,850.00
National Grain Trade Council, 1030 15th Street, NW, #1020 Washington, DC 20005			
National Grange, 1616 H St., NW Washington, DC 20006		15,875.00	15,875.00
National Grocers Assn, 1825 Samuel Morse Drive Reston, VA 22090		3,000.00	1,500.00
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		3,301.00	24,226.29
National Hydropower Assn, 555 13th Street, NW, #900-E Washington, DC 20004		327,500.00	5,478.17
National Independent Automobile Dealers Assn, 2521 Brown Blvd., Suite 100 Arlington, TX 76006-5203			25,715.33
National Industrial Transportation League, 1090 Vermont Ave., NW, #410 Washington, DC 20005		18,000.00	15,809.50
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		2,000.00	2,000.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		12,496.00	12,496.00
National Multi Housing Council, 1250 Connecticut Ave., NW, #620 Washington, DC 20036		11,620.53	11,620.53
National Organization for Women, 1000 16th STreet, NW, #700 Washington, DC 20036			
National Organization Against Invisible Disease Spread, 1825 Connecticut Ave., NW, #200 Washington, DC 20009			100.00
National Parking Association, 1112 16th St., NW, #2000 Washington, DC 20036			85,063.18
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Public Affairs Corp, 6296 Dunaway Court McLean, VA 22101	Westinghouse Electric Corp		
National Realty Committee, 1250 Connecticut Ave., NW, #630 Washington, DC 20036		4,134.62	4,134.62
National Retail Merchants Assn, 1000 Connecticut Avenue, NW Washington, DC 20036			16,827.62
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		8,523.03	8,523.03
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			3,447.50
National Rural Letter Carriers Assn, 1448 Duke St., #100 Alexandria, VA 22314		19,363.00	26,322.00
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		10,100.00	10,100.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			794.18
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	Alliance for Capital Access	37,500.00	
Do	Banner Industries		47.44
Do	Columbia Savings & Loan Assn	2,351.56	
Do	Manor Care	6,000.00	59.27
Do	Trian Group	7,940.62	68.91
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	2,968.29
National Truck Equipment Assn, 38705 Seven Mile Road, #345 Livonia, MI 48152			4,939.30
National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209			83,890.18
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001			20,233.60
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		9,000.00	9,000.00
Natural Gas Supply Assn, 1129 20th St. nw #300 Washington, DC 20036		2,97,300.00	28,042.78
Richard W. Neal, 1301 Pennsylvania Ave., #300 Washington, DC 20004	National Cattlemen's Assn		
Karen J. Neale, 2501 M Street N.w. Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,250.00	529.26
Jeffrey Nedelman, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	62.30	
Allen Neece Jr., 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).		
Do	Neece Cator & Associates, Inc (For:National Small Business United)		
Do	Neece Cator & Associates, Inc (For:National Venture Capital Association)		
Neece Cator & Associates, Inc, 1050 17th Street, NW, #810 Washington, DC 20036	Association of Small Business Development Centers		
Do	National Small Business United		
Do	National Venture Capital Association		
Do	Southeastern Lumber Manufacturers Assn		
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Neill & Company, inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	American Methanol Institute	50,000.00	7,304.20

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	General Electric Industrial and Power Systems	36,000.00	3,374.27
Do	Government of Jamaica	150,000.00	11,301.98
Do	Hashemite Kingdom of Jordan		3,383.07
Do	Islamic Republic of Pakistan		
Do	Kingdom of Morocco		10,352.16
Do	Puerto Rico Economic Development Administration	7,525.00	299.79
Do	Republic of Cote d'Ivoire		8,287.91
Do	Republic of Guinea	100,000.00	15,390.94
Do	Republic of Kenya	190,180.00	6,922.87
Neill Mullenholz & Shaw, 815 Connecticut Ave. NW Washington, DC 20006	City of Fergus Falls		
Do	Florida East Coast Railway Co	1,000.00	
Do	National Assn of Chapter 13 Trustees	1,200.00	25.00
Do	National Council Social Security Management Assns, Inc	4,000.00	265.00
Do	North American Equipment Dealers Assn	1,500.00	
Do	PHH Group, Inc	3,500.00	35.00
Do	Senior Executives Assn	5,000.00	340.00
Do	Soo Line Corporation	2,500.00	
Do	TACA International Airlines		
Joseph L. Nellis, 1015 15th Street, NW, #1100 Washington, DC 20005	Pharmacy Freedom Fund	25,000.00	15,632.57
Alan C. Nelson, 1666 Connecticut Ave., NW #400 Washington, DC 20009	Federation for American Immigration Reform		
Christine V. Nelson, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:United Egg Assn)	3,386.90	125.82
Do	McLeod & Pires (For:United Egg Producers)	4,114.90	46.03
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	Sematech		6,888.00
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	52.50
Frederick H. Nesbitt, 1750 New York Avenue NW Washington, DC 20006	International Assn of Fire Fighters	13,572.00	
Mark Nestlen, 1300 L Street, NW, #950 Washington, DC 20005-4107	American Soybean Assn	1,200.00	430.04
Network, 806 Rhode Island Ave., NE Washington, DC 20018		57,409.16	62,462.81
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	8,916.80	5,250.15
Louis H. Nevins, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:American Savings Bank, FSB)		9.50
Do	Thacher Proffitt & Wood (For:Apple Bank for Savings)		
Do	Thacher Proffitt & Wood (For:Binghamton Savings Bank)		
Do	Thacher Proffitt & Wood (For:Boston Five Cents Savings Bank, FSB)		
Do	Thacher Proffitt & Wood (For:Castine Partners)		36.50
Do	Thacher Proffitt & Wood (For:Dollar Bank, FSB)		
Do	Thacher Proffitt & Wood (For:Great Western Savings, Federal Savings & Loan)		9.50
Do	Thacher Proffitt & Wood (For:New Hampshire Savings Bank)		
Do	Thacher Proffitt & Wood (For:Peoples Westchester Savings Bank)		9.50
Do	Thacher Proffitt & Wood (For:River Bank America)		
Do	Thacher Proffitt & Wood (For:Rochester Community Savings Bank)		
Do	Thacher Proffitt & Wood (For:Standard Federal Savings & Loan)		
New England Rehabilitation Hospital, 2 Rehab Way Woburn, MA 01801			5,595.78
New Jersey State Bar Assn, One Constitution Square New Brunswick, NJ 08901-1500		37,500.00	2,291.33
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		65,000.00	2,554.00
Lilian Ann Newby, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,500.00	95.00
George S. Newman, 7915 Jones Branch Dr. McLean, VA 22102	BDM International, Inc		
William B. Newman Jr., P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	5,500.00	
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste Management Group		
Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	4,158.32	
E. Archie NeSmith Jr., 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	Allied-Signal Aerospace Co		
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank PLC	4,200.00	621.64
Nicholas K. Niemann, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)	378.00	
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)	195.00	
Do	McGrath North Mullin & Kratz, PC (For:UNO Maverick Boosters, Inc)	150.00	
Nissan Motor Corporation, U.S.A., 750 17th Street, NW, #901 Washington, DC 20006			
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn	11,518.75	28.00
Do	Exell Container, L.P.	6,970.00	40.75
Do	Ogden Martin Systems	537.50	
Do	Tetrapak, Inc	806.25	
Jeffrey P. Noah, 729 15th Street, NW Washington, DC 20005	Associated Builders and Contractors, Inc	2,500.00	
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	400.00	
A. Allan Noe, 816 Connecticut Ave Nw 7th Floor Washington, DC 20006	Unilever United States, Inc	1,500.00	104.28
Walker F. Nolan, 1111 19th St., NW, Washington, DC 20036	Edison Electric Institute	12,496.16	627.96
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036	Proprietary Association	4,400.00	
James A. Noone, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Allpoints International,Inc)	2,000.00	
Do	Karalekas & McCahill (For:Firestone Tire & Rubber Co, et al.)	1,000.00	18.00
Do	Karalekas & McCahill (For:Gates Rubber Company)	4,000.00	6.00
Do	Karalekas & McCahill (For:National Agriculture Aviation Assn)	2,000.00	12.00
Robert I. Nooter, 600 Maryland Avenue, SW, #800 Washington, DC 20024	American Farm Bureau Federation	7,112.00	315.70
David F. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Coalition for Affordable Home Financing).	1,683.00	10.00
Do	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware).	1,350.00	6.00
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	2,500.00	231.00
Myron H. Nordquist, 1776 K Street, NW, #210 Washington, DC 20006			
North American Export Grain Assn, Inc, 1030 15th Street, NW, #1020 Washington, DC 20005			53.25
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036			
Patrice North-Rudin, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,280.00	
Northeast Utilities Service Co. Selden St. Berlin, CT 06037			3,591.83
Northwest Strategies, 111 Queen Anne Avenue North, #500 Seattle, WA 98109	Washington Citizens for World Trade	14,702.50	945.24
Nossaman Gunter Knox & Elliott, 1227 25th St., NW, #800 Washington, DC 20037	California Co-Compost Systems		
Russell C. Notar, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,000.00	25.00
Steven R. Nousen, P.O. Box 3529 Portland, OR 97208	Port of Portland	13,717.00	374.31
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	6,547.78
Silas O. Nunn, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America		
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Society of Composers Authors & Publishers		
Do	National Football League Players Assn	3,500.00	
C. D. Nyberg, 103 S.W. 24th Street Austin, MN 55912	Geo. A. Hormel & Co		
Nyprocoa, Inc, 909 Third Ave. New York, NY 10022			
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	2,046.35	
George O'Bea Jr., 815 16th Street, NW, #701 Washington, DC 20006	United Paperworkers International Union		
Dinah K. O'Berry, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	10,846.00	205.06
Coleman C. O'Brien, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	7,875.00	38.62
David D. O'Brien, O'Brien & Associates 600 New Hampshire Avenue, NW, #1010 Washington, DC 20037	Harley-Davidson, Inc	12,000.00	809.67
Nancy O'Brien, 2251 Wisconsin Avenue, NW Washington, DC 20007	National Assn of Trade & Technical Schools	1,750.00	
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	ITT Corporation	3,000.00	150.00
Rosemary L. O'Brien, 805 15th Street, NW, #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	
David O'Brien & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	A. L. Williams & Company	16,000.00	336.35
James J. O'Connell, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation		
Richard T. O'Connell, Richard T. O'Connell & Associates, Inc 3208 Traveler Street Fairfax, VA 22030	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Assn of the U.S.		
James E. O'Connor, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	20,000.00	
Kelley E. O'Connor, 216 7th Street, SE Washington, DC 20003	American Consulting Engineers Council		
Do	Florists' Transworld Delivery Association	2,000.00	
Patrick C. O'Connor, 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For:American College of Occupational Medicine)		
Do	Kent & O'Connor, Inc (For:American Supply Association)	1,500.00	792.99
Do	American Warehousemen's Association		
Do	National Assn of Fleet Administrators	14,805.00	7,713.89
Do	Steel Tank Institute	2,000.00	1,009.28
Do	Transportation Lawyers Assn		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Bus Assn	5,625.00	
Do	American Clinical Laboratory Assn	4,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American Health Care Assn	5,799.99	
Do	American Insurance Assn		
Do	American Maritime Transport, Inc		
Do	American Orthotics & Prosthetics Association	6,073.91	
Do	American Soc of Assn Executives	1,481.12	
Do	Arthur Andersen & Co	1,000.00	
Do	Bionox	5,000.00	
Do	Careercom Corportation	1,000.00	
Do	Center for Marine Conservation, Inc		
Do	ChemWaste Management, Inc		
Do	China External Trade Development Council	10,817.00	
Do	City of Minneapolis	775.25	
Do	Coalition for Affordable Home Financing	3,134.00	
Do	Coca-Cola Company	15,265.00	
Do	Connaught Laboratories, Inc		
Do	CNA Insurance Co	3,082.09	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	DKT Memorial Foundation	2,000.00	
Do	Eastern Michigan University	301.83	
Do	Ecomarine, Inc		
Do	Electronic Data Processing Auditors Association		
Do	Electronic Data Systems Corp	2,019.20	
Do	Federal Home Loan Bank of Seattle		
Do	Federal Home Loan Bank of Topeka		
Do	Federal Home Loan Bank DesMoines		
Do	Glass Packaging Institute		
Do	Government of El Salvador	35,000.00	
Do	Government of Netherlands Antilles	11,270.00	
Do	Hennepin County		
Do	Homeowners Federal Savings		
Do	Housing Study Group	5,075.00	
Do	Hutchinson Island Limited, Inc		
Do	Independent Advertising Council		
Do	Investment Company Institute	8,350.00	
Do	J.C. Penney Company, Inc		
Do	Kawasaki Kisen Kaisha, Ltd		
Do	Martin Marietta Corp		
Do	MasterCard International, Inc	2,508.00	
Do	Mercedes-Benz of North America, Inc		
Do	Mitchell Sweet & Associates	1,000.00	
Do	Mortgage Bankers Assn	9,948.00	
Do	National Apartment Assn	3,711.00	
Do	National Assn of Optometrists and Opticians, Inc		95.00
Do	National Assn of Portable X-Ray Providers	1,000.00	
Do	National Assn of Private Enterprise of El Salvador	1,800.00	
Do	National Funeral Directors Assn	7,243.55	
Do	National Retail Hardware Association	2,996.85	
Do	New York State Assembly	1,100.00	
Do	Outdoor Advertising Assn of America, Inc	2,122.50	
Do	Philadelphia Stock Exchange	527.50	
Do	Joseph E. Seagram & Sons, Inc	27.57	
Do	SmithKline Beckman Corp	7,488.12	
Do	State of Alaska		
Do	Summer Island, Inc		
Do	SCS Business and Technical Institute, Inc	1,200.00	
Do	U.S. Tuna Foundation	12,000.00	
Do	Visa, USA, Inc	2,508.00	
Do	Westinghouse Electric Corp	2,966.30	
Emily O'Connor-Karolyi, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036	American Fiber Producers Assn, Inc		
Thomas A. O'Day, 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	300.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	21,250.00	
John F. O'Donnell, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn	1,000.00	
Karen O'Donnell, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Bridget O'Grady, 955 L'Enfant Plaza, SW, #1202 N Washington, DC 20024	National Water Resources Assn	5,000.00	
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,361.80	137.00
Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	1,203.40	180.96
Barbara E. O'Hara, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	75.00	
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Amax, Inc	362.50	
Do	Ford Motor Company		1,487.50
Do	Mobil Oil Corp		
John Vincent O'Neill, 13411 Running Pump Ct. Herndon, VA 22071	Institute of Electrical & Electronics Engineers	2,586.00	106.26
Joseph P. O'Neill, 1616 H Street, NW Washington, DC 20006	National Retail Federation	500.00	61.00
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Allegheny County Commission		
Do	American Bankers Assn	750.00	
Do	Bank of New England		
Do	Beth Israel Hospital		
Do	Brandeis University		
Do	Brigham and Women's Hospital		
Do	Coalition of Boston Teaching Hospitals		
Do	Compu Chem Corp		
Do	Connecticut Bank & Trust Corp		
Do	Cruise America Line, Inc		
Do	P.W. Gillibrand and Co		
Do	Glass Packaging Institute		
Do	Massachusetts General Hospital		
Do	Massachusetts Hospital Assn		
Do	National Football League		
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Northwestern Mutual Life		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Source Data Network		
Do	Texas Utilities Co	750.00	
Do	University Hospital		
Do	USTA		
Do	USX Corporation	750.00	
Do	Viacom International	1,500.00	
John T. O'Rourke, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	837.00	
John O'Shaughnessy, 1825 K Street, NW, #807 Washington, DC 20006	Greater New York Hospital Assn	14,500.00	1,200.00
J. Denis O'Toole, 1709 New York Ave., NW Washington, DC 20006	U.S. League of Savings Institutions	18,500.00	
John E. O'Toole, 666 Third Avenue New York, NY 10017	American Assn of Advertising Agencies		
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	177.32
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	3,503.97
Jana R. Oakley, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	1,200.00	
Do	National Assn of Manufacturers		
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads		
Obadal & O'Leary, P.C., 1612 K St., NW, #1400 Washington, DC 20006	Associated Equipment Distributors		
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al	2,000.00	364.90
Kim M. Oboz, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	400.00	2,095.04
Ocenco, Inc, 400 Academy Drive Northbrook, IL 60062			129.68
Neil H. Offen, 1776 K Street, NW, #600 Washington, DC 20006	Direct Selling Association		
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW. #525 Washington, DC 20004	RJR Nabisco, Inc	1,750.00	
Michael D. Oldak, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	148.00	
R. Teel Oliver, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	2,000.00	500.00
Lawrence Olsen, 400 W. 15th, #417 Austin, TX 78701	Texas Good Roads/Transportation Assn		
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Eric Olson, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,906.52	
Richard C. Olson, 2000 Edmund Valley Drive, #400 Reston, VA 22091	Citibank, N.A	300.00	
Do	DynCorp	3,264.00	
Do	Hydrocarbon Research, Inc		
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	American Meat Institute		
Do	Duramed Pharmaceuticals, Inc		
Do	National Food Processors Assn	6,000.00	
Do	Pillsbury Company	200.00	
Do	San Tomo Group	1,200.00	
Do	Schwan's Sales Enterprises	4,000.00	
Do	U.S. Surgical Corporation	1,450.00	
Do	Vicam	2,200.00	
Do	Western States Meat Assn	500.00	
Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22034	Los Angeles-Long Beach Harbor Repair Council		
Do	United Engineers & Constructors		
Clark Onstad, 901 15th St., NW, #500 Washington, DC 20005	Texas Air Corp, et al	10,000.00	4,981.00
Philip C. Onstad, 333 Plainfield Road Edison, NJ 08820	International Communications Assn		
Oppenheimer Rosenberg Kelleher & Wheatley, Inc, 711 Navarro, #600 San Antonio, TX 78205	First City-Texas		
Oppenheimer Wolff & Donnelly, 1020 19th Street, #400 Washington, DC 20036	Duane Morris & Heckscher (for State of Delaware)		2,265.86
Do	Korean Footwear Exporters Assn		
Do	Nishika Corp		
Opperman Heins & Paquin, 1300 I Street, NW, #480E Washington, DC 20005	West Publishing Company	770.00	7.00
Charles J. Orasin, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	24,230.78	
Michel Orban, American Express Company World Financial Center 200 Vesey Street New York, NY 10285-4890	American Express Co		
Elvira J. Orly, 1150 Connecticut Ave., NW, #500 Washington, DC 20036	Browning-Ferris Industries, Inc		
Edward R. Osann, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	5,291.17	
J. F. Otero, 815 16th Street, NW Washington, DC 20006	Transportation Communications Union	1,000.00	
Alan R. Ott, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	800.00	
Kathleen Galiher Ott, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	1,660.00	82.00
Cliff Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	
Overseas Education Assn, 1201 16th Street, NW Washington, DC 20036		1,000.00	981.65
Thomas E. Owens, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Continental Savings Bank		
Do	Dollar Savings Bank, et al	34,100.00	8,025.44
Do	Pacific First Financial Corp		
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	3,510.00	
R. Ray Paabo, P.O. Box 25019 Washington, DC 20007	Santa Fe Pacific Pipelines, Inc		
Allen Scott Pack, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd, et al		
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,348.10	508.00
Eileen E. Padberg, 2081 Business Center Drive, #205 Irvine, CA 92715	Philip Morris, Inc	4,000.00	245.37
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Pagonis & Donnelly Group, Inc, 1620 I Street, NW, #202 Washington, DC 20006	Air Products & Chemicals Inc	2,700.00	228.18
Do	Americans for National Dividend Act, Inc	18,000.00	
Do	Association of High Medicare Hospitals	16,380.00	296.81
Do	ABB, Inc		
Do	Burroughs Wellcome Co	7,500.00	189.46
Do	Dow Chemical USA	11,540.00	255.26
Do	Harrah's, Inc		
Do	Holiday Corp	16,921.50	848.50
Do	Nord Resources Corp		
Alejandro J. Palacios, 110 Maryland Avenue, NE Washington, DC 20002	U.S. Committee for UNICEF	15,900.00	
Benjamin L. Palumbo, 1629 K St., NW Washington, DC 20006	Atlantic Richfield Co	27,000.00	
Palumbo & Cerrell, Inc, 1629 K St., NW, # 1100 Washington, DC 20006	American Insurance Assn	12,187.50	
Do	American Soc of Composers Authors & Publishers	34,250.00	
Do	RJR Nabisco, Inc	8,000.00	
Do	Southern California Rapid Transit District	18,750.00	
Virginia N. Pape, 888 17th Street, NW, #308 Washington, DC 20006	American Stock Exchange		
Marcia M. Pape-Daniels, 655 15th Street NW, Suite #444 Washington, DC 20005	CH2M Hill	1,000.00	
G. Oliver Papps, N.J. Petroleum Council 150 W. State St. Trenton, NJ 08608	American Petroleum Institute	225.00	576.99
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Jonathan R. Paret, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	2,090.00	
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Cong. on Survey & Mapp./Amer Soc of Photogrammetry	2,692.25	955.67
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
Bruce Parker, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute	950.00	1,681.01
Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	10,000.00	139.37
Ann M. Parman, i701 K Street NW, Suite 400 Washington, DC 20005	National Manufactured Housing Federation	100.00	
Ken Parmelee, 1448 Duke Street, #100 Alexandria, VA 22314	National Rural Letter Carriers Assn	16,754.00	1,828.00
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corp	8,222.54	1,664.62
Amber Parson, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	1,100.00	500.00
Richard N. Parsons, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	8,115.39	
Partnership on Health Care and Employment, P.O. Box 27414 Washington, DC 20038		13,000.00	10,776.43
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	2,756.25	
Jack Partridge, 1014 Vine St. Cincinnati, OH 45201	Kroger Company	2,500.00	1,638.16
Robert D. Partridge, 511 Janneys Lane Alexandria, VA 22302	Burns & McDonnell		
Richard E. Pasco, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council	2,000.00	9.00
Peter R. Pastre, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
Melissa B. Patack, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	14,700.00	
DeLane Pate, c/o Dow, Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products Ltd		
M. Stephanie Patrick, 1101 15th Street, NW, #205 Washington, DC 20005	Cargill, Inc	1,250.00	
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903	American Petroleum Institute	107.00	284.91
Jerry M. Patterson, 3200 Bristol St., Suite 640 Costa Mesa, CA 92626	City of Bell & Bell Community Redevelopment Agency	8,046.50	1,248.32
Richard M. Patterson, 1776 EYE St., NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,146.00
C. James Patti, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	10,057.00	
Kenton H. Pattie, 3150 Spring St. Fairfax, VA 22031	International Communications Industries Assn	309,689.00	807.00
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Advanced Technology, Inc	1,140.00	49.50
Do	Air Products & Chemicals, Inc	330.00	5.00
Do	Aiwa America, Inc	6.08	1.24
Do	Akai America, Ltd	4.56	0.93
Do	Alain Wertheimer		
Do	Alaska Crab Coalition		
Do	Alexander & Baldwin, Inc		
Do	American Assn of Equipment Lessors	130.00	5.00
Do	American Congress on Surveying & Mapping		
Do	American Express Co		
Do	American International Automobile Dealers Assn		
Do	American Logistics Assn		
Do	American Maritime Assn	165.00	18.00
Do	American Stock Exchange		
Do	Armco, Inc	330.00	5.00
Do	Association of Professional Flight Attendants		
Do	Association of Trial Lawyers of America	2,550.00	77.50
Do	Avon Products, Inc		
Do	Bath Iron Works Corp		
Do	Bethlehem Steel Corp	330.00	5.00
Do	Bic Corporation		
Do	Biogen		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Blair Corporation		
Do	Business and Institutional Furniture Manufacturers Assn	2,637.50	32.50
Do	BATUS, Inc	100.00	10.00
Do	Casio	3.04	0.62
Do	Castle & Cooke, Inc		
Do	Center City-Inner Harbor Management, Inc	1,500.00	
Do	Chemfix Technologies, Inc		
Do	Cherokee Nation of Oklahoma	475.00	32.50
Do	Cherokee Nation Industries, Inc		
Do	Chicago Board Options Exchange	620.00	35.00
Do	Chrysler Corporation	330.00	5.00
Do	City & County of Denver	3,301.25	407.75
Do	Coalition on State Use Taxes		
Do	College Savings Bank		
Do	Columbia Farm Credit District		
Do	Columbia, Inc	3.04	0.62
Do	Corridor Broadcasting Corp	4,470.00	115.33
Do	Costa Rican Foreign Trade Committee		
Do	Council of Graduate Schools		
Do	Cryolife, Inc		
Do	CIGNA Corporation		
Do	Dealer Action Association		
Do	Dole Fresh Fruit Co	1,300.00	25.00
Do	Dredging Industry Size Standards Committee (DISSC)		
Do	Duty Free Shoppers Group, Ltd		
Do	DOYON, Ltd		
Do	Electric Reliability Coalition		
Do	Federation of Postal Police Officers		
Do	Fiart Cantieri Italiani, S.P.A	1,615.00	51.38
Do	Fidelity Investors		
Do	Fishing Vessel Owner's Assn		
Do	Flexi-Van Leasing, Inc	335.00	14.25
Do	Freedom to Advertise Coalition	1,583.75	42.00
Do	Fuji Photo Film USA, Inc	30.40	6.19
Do	Fundacion de Defensa del Comerio Exterior		
Do	Fundacion Pro Imagen de Columbia		
Do	Gana-A'Yoo, Limited		
Do	Genstar Container Corporation	335.00	14.25
Do	Goldbelt, Inc		
Do	Government of the Marshall Islands		
Do	Government of Iceland		
Do	Halogenated Solvents Industry Alliance	436.25	19.00
Do	Charles Heilbronn, et al		
Do	Hitachi Sales Corp of America	136.80	27.85
Do	Hobby Industries Assn		
Do	Immune Response Corp		
Do	Incorporated Research Institutions for Seismology		
Do	Institute of Scrap Recycling Industries	500.00	24.00
Do	International Fabricare Institute		
Do	International Thomson, Inc		
Do	Itel Containers International Corp	335.00	14.25
Do	Kaiser Aluminum & Chemical Corp		
Do	Kenwood USA Corporation	13.68	2.79
Do	Loop, Inc	705.00	
Do	Magnuson Act Coalition	690.00	16.00
Do	Marathon Oil Co	925.00	
Do	Mars, Inc	450.00	
Do	Mass Mutual	1,530.00	348.00
Do	Matson Navigation Co		
Do	Matsushita Electric Corp of America	50.00	77.36
Do	Maxell Corp of America	45.60	9.28
Do	May Department Stores Co		
Do	Metropolitan Life		
Do	Minerals Marketing Corp of Zimbabwe		
Do	Mitsubishi Electric Sales American, Inc	91.20	18.57
Do	Mocatta Metals Corp		
Do	Mutual Benefit Life		
Do	Mutual Legislative Committee	4,400.00	418.00
Do	MCI Telecommunications, Inc	416.25	8.00
Do	Nakajima USA		
Do	Nakamichi USA	6.08	1.24
Do	National Assn of Life Underwriters	200.00	32.00
Do	National Assn of Retail Druggists		
Do	National Cable Television Assn, Inc	185.00	
Do	National Con-serv, Inc		
Do	National Intergroup, Inc		
Do	National Marine Manufacturers Assn	500.00	8.00
Do	National Soft Drink Assn		
Do	Navajo Nation		
Do	New York Life Insurance Co		
Do	Newmont Mining Corp		
Do	Northwestern Mutual Life		
Do	Nutri/Systems, Inc		
Do	NCNB Texas National Bank		
Do	NEC Electronics (USA) Inc	45.60	9.28
Do	NMTBA-National Machine Tool Builder's Assn	330.00	5.00
Do	Olympic Fibers		
Do	Onkyo USA Corp	9.12	1.86
Do	Options Clearing Corp		
Do	OSG Bulk Ships, Inc	400.00	16.66
Do	Paine Webber, Inc		
Do	Pioneer Electronics (USA), Inc	15.20	3.09
Do	Prince George Center, Inc	750.00	
Do	Reader's Digest Assn, Inc		
Do	Reinsurance Assn of America	600.00	27.50
Do	Reliance Group Holdings, Inc	335.00	14.25
Do	Retail Industry Trade Action Coalition		
Do	Retail Tax Committee		
Do	Rice Millers' Assn		
Do	Royal Trustco, Ltd		
Do	Sansui Electronics Corp	1.52	0.31
Do	Sanyo Electronics, Inc	106.40	21.66
Do	Save Chanute Committee		
Do	Seafood Wholesalers, Inc		
Do	Sharp Electronics Corp	136.80	27.85
Do	Charles E. Smith Companies		
Do	Smokeless Tobacco Council, Inc	1,362.00	64.00
Do	Sony Corp of America	167.20	34.04
Do	Specialty Seafoods		
Do	Squibb Corporation		
Do	Standard Federal Savings Bank	200.00	20.00
Do	Sultantate of Oman	460.00	
Do	Teac Corp of America	4.56	0.93

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Teknika Electronics Corp	1.52	0.31
Do	Thornycraft Giles & Co., Inc	460.00	
Do	Toshiba America, Inc	60.80	12.38
Do	Trans Ocean Ltd	335.00	14.25
Do	Transamerica Leasing, Inc	335.00	14.25
Do	Triton Container	335.00	14.25
Do	TDK USA Corp	45.60	9.28
Do	U.S. Air, Inc		
Do	U.S. Tobacco Co	2,242.50	18.00
Do	U.S. Tuna Foundation		
Do	Union Pacific Corp	330.00	5.00
Do	Universal Lottery Co		
Do	University of Arizona Foundation	6,000.00	485.00
Do	US JVC Corporation	197.60	40.21
Do	USX Corp	330.00	5.00
Do	Waste Management Inc		
Do	Wayne County Michigan		
Do	Westinghouse Electric Corp	5,237.50	94.00
Do	WWL-TV	100.00	
Do	XTRA Corp	335.00	14.25
Do	Yamaha Electronics Corp, USA	7.60	1.55
Andrew R. Paul, 1875 Eye Street, NW, #1225 Washington, DC 20006	Paramount Communications, Inc	4,900.00	20.68
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Allegheny Power System Inc, et al	991.25	
Do	Amdahl Corporation	3,481.25	
Do	American Trucking Assn	2,131.25	
Do	CalMat Company		
Do	Government Affairs Policy Council of Reg Bell Operating Co's	550.00	
Do	Kawasaki Motors Corp, USA	2,337.50	
Do	Koito Manufacturing Co	2,428.75	175.00
Do	Paul D. Lieb	701.25	
Do	Security Life of Denver	1,682.50	
Do	Tobacco Institute	1,950.00	
Do	Union Pacific Corp		
Larry E. Paulick, 2111 Eisenhower Avenue Alexandria, VA 22314	National Spa & Pool Institute		
Nell Payne, 111 Massachusetts Ave., NW, 3rd Floor Washington, DC 20001	Turner Broadcasting System, Inc	1,000.00	
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,100.00	127.20
Richard A. Paysor, 1415 Elbridge Payne Rd., #135 St. Louis, MO 63017	First Capitol Associates - Gateway, Inc		
Peace Political Action Committee, 100 Maryland Avenue, NE Washington, DC 20002			8,538.28
Norman E. Pearson, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn	100.00	
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa	15,000.00	
Joe P. Peck Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S		
Shelley Peck, 122 C St., NW Washington, DC 20001	Children's Defense Fund	2,691.00	
Lee Peckarsky, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	37,500.00	279.65
Edward F. Pembleton, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,200.00	455.00
Randall G. Pence, P.O. Box 781 Herndon, VA 22070	National Concrete Masonry Assn	5,416.00	858.00
Penco International, 606 Massachusetts Ave., NE Washington, DC 20002	Penco international		
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	2,756.25	
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			1,287.02
Pension Real Estate Assn, 1129 20th Street, NW, #705 Washington, DC 20036			
Barbara K. Pequet, 609 Bonifant Street Silver Spring, MD 20910	American Soc for the Prevention of Cruelty to Animals	2,000.00	
Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005	Arctic Alaska Fishing Corp		
Do	Boeing Company		
Do	Burlington Resources		
Do	Cook Inlet Region, Inc		
Do	General Electric Company		590.00
Do	Kootznoowoo, Inc		
Do	Wood Heating Alliance	152.00	630.00
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For:Alliance for America's Homeowners)		
Do	Perkinson & Associates, Inc (For:Beneficial Management Corp of America)		
Do	Perkinson & Associates, Inc (For:National Second Mortgage Assn)		
Perkinson & Associates, Inc, 453 New Jersey Ave., SE Washington, DC 20003	Alliance for America's Homeowners		
Do	Beneficial Management Corp		
Do	National Second Mortgage Assn		
Ernest Michael Perley, 112 St. Clair Avenue, West, #401 Toronto, Ontario M4V 2Y3	Perley & Hurley Ltd (For:Canadian Coalition on Acid Rain)	600.00	2,447.47
Jeffry L. Perlman, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S	3,000.00	223.75
Leonard Perlman, 5312 Trailway Drive Rockville, MD 20853	National Rehab Counseling Assn		
Susan Perry, 1015 15th Street, NW Washington, DC 20005	American Bus Assn	2,687.50	75.00
Mark Pertschuk, 2054 University Ave., #500 Berkeley, CA 94704	Americans for Nonsmokers' Rights	842.00	
Roxanne Perugino, 888 16th St., NW Washington, DC 20006	Bannerman and Associates, Inc (For:Beirut University College)	1,000.00	
Do	Bannerman and Associates, Inc (For:Government of Bangladesh)		
Do	Bannerman and Associates, Inc (For:Sawyer-Miller Group (for Government of the Philippines))	250.00	66.60
Phillips S. Peter, 1331 Pennsylvania Avenue, NW, #800-S Washington, DC 20004	General Electric Co	200.00	
Gordon A. Peters, 9191 West Tulip Drive Columbus, IN 47201	Juvenile Products Manufacturers Assn	17,540.00	2,417.35
Robert Peters, 342 West 15th Street New York, NY 10011	Morality in Media, Inc		
Robert A. Peters, 1730 Rhode Island Ave., NW, Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
Geoffrey G. Peterson, 1250 Eye St., NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Bank Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	500.00	
Mary Jo Peterson, 1957 E Street, NW Washington, DC 20006	National Automobile Dealers Assn	3,300.00	
Sheryl L. Peterson, 1101 14th St, NW Washington, DC 20005	American Financial Services Assn	250.00	
Dayna Petete, 1325 G Street, NW, #1003 Washington, DC 20005	Population Environment Balance	96.00	3.40
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1110 Vermont Avenue, NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005		20,000.00	18,555.12
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	179.00	
Laura M. Petley, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Company	500.00	5,496.00
C. L. Pettit, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn		
Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Madison Public Affairs Group (for: Philip Morris USA)	18,000.00	1,700.00
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Peyser Associates, Inc, 1000 Vermont Ave., NW, #400 Washington, DC 20005	City of Philadelphia	72,750.00	
Do	Greyhound Lines, Inc	14,000.00	
Do	MacAndrews & Forbes Holdings, Inc	4,300.00	
Do	Metro	9,200.00	
Do	Metropolitan Toledo Consortium	36,000.00	
Do	Mothers Against Drunk Driving (MADD)	6,000.00	
Do	National School Health Education Coalition	5,100.00	
Do	Regional Transit Authority	24,999.99	
Do	Southeastern Pennsylvania Transit Authority	15,000.00	
Steven J. Pfister, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	3,000.00	232.62
James R. Phalen, 1200 19th Street, NW, #606 Washington, DC 20036	RCF Group	10,000.00	
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		26,151.15	26,151.15
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,914.00	1.22
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	19,000.00	639.00
Laura Phelps, 2501 M Street, NW, #400 Washington, DC 20037	American Assn of Crop Insurers	4,316.10	204.02
Do	McLeod & Pires (For:Mushroom Council)	552.80	30.95
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	4,000.00	6,200.13
Deborah M. Phillips, 1899 L Street, NW, Fifth Floor Washington, DC 20036	General Instrument Corporation	15,000.00	1,516.00
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	First National Bank of Boston		
Patricia Lynn Phillips, P.O. Box 10891 McLean, VA 22102	National Assn of State Agencies for Food Distribution	72.45	
William G. Phillips, 711 Chesapeake Avenue Silver Spring, MD 20910	Association of Univ Environmental Health Science Centers		
Do	Association of Univ Programs in Occupational Health & Safety		
Do	Metal Trades Department, AFL-CIO		
Phillips Nizer Benjamin Krim & Ballon, 40 West 57th Street, 32nd Floor New York, NY 10019	Riverbay Corp		1.60
Paul J. Phoenix, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	2,000.00	1,381.51
Paulette C. Pidcock, 1100 Connecticut Avenue, NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	516.71	
Theodore M. Pierce, 1300 North 17th St., #300 Arlington, VA 22209-3899	National Assn of Surety Bond Producers		
Wayne Pierce, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	12,150.00	
Stuart F. Pierson, Davis Wright & Jones 1752 N Street, NW, #800 Washington, DC 20036	LTV Corporation, et al		
Pierson & Hendricks, 601 Indiana Ave., NW #900 Washington, DC 20004	Multinational Business Services		
Do	(For:Washington Transportation Supervisors Assn)	100.00	100.00
Pierson Semmes & Finley, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		182.63
Do	Oklahoma Natural Gas Company		
Mary C. Pigott, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Susan G. Pikrallidas, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
John H. Pilcher, 1331 Pennsylvania Ave.,NW, #1500 Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Piliero Tobin and Mazza, Farragut Square 888 17th Street, NW Washington, DC 20006	Ad Hoc Committee of Mutual Fund Managers	3,543.42	
Do	National Fire Protection Assn		
Do	Villa Banfi, U.S.A.	1,500.00	
Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006	Chevron Corporation		
Do	Federal Home Loan Bank of San Francisco		
Do	Geneva Steel		
Do	Temis Ramires de Arellano		
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,010.00	
Emily C. Piper, P.O. Box 3556 Washington, DC 20007	American Meat Institute	2,000.00	
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Association for Governmental Leasing and Finance	2,640.50	
Do	Edison Electric Institute	907.50	16.00
Do	National Assn of Independent Colleges and Universities	580.25	
Robert Pipkin Jr., Pearson & Pipkin, Inc 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Jeffrey J. Pirruccello, One Central Park Plaza, #1100 Omaha, NB 68508	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)	448.00	26.00
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)	288.00	
Do	McGrath North Mullin & Kratz, PC (For:UNO Maverick Boosters, Inc)	128.00	
William P. Pitts, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Peggy Pizzo, 2000 14th Street, North #380 Arlington, VA 22201	National Center for Clinical Infant Programs	77.01	52.37
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414		1,431.00	1,431.00
Plaintiff Employment Lawyers Assn, 911 Mercantile Library Bldg 414 Walnut Street Cincinnati, OH 45202			
Reuben C. Plantico, 500 N.E. Multnomah, #1500 Portland, OR 97232-2045	Nerco, Inc	5,250.00	9,915.71
Wyll W. Pleger, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Brown & Root, Inc		
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	326.91	
Rebecca S. Poe, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	500.00	
Poffenberger Associates, 43 The Green Dover, DE 19901	Philip Morris, Inc		
John A. Poindexter, 3805 West Alabama Houston, TX 77027	Columbia Gulf Transmission Co	15,000.00	
Marc R. Poirier, Spiegel & Mcdiarmid 1350 New York Ave., NW Washington, DC 20005	South Hadley Electric Light Department	127.50	24.60
Gerald Poje, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	243.75	
Mindy Pollack, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836	NAC Re Corp		50.00
Michele Pollak, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	655.57	1,073.17
Alfred M. Pollard, 1701 K Street, NW, #503 Washington, DC 20006	Security Pacific Corp		
Amy L. Pomplin, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	100.00	
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	New Beginnings At Meadows		
Edward T. Porcaro, 1615 L Street, NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Cos	1,000.00	
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			3,780.79
Porte Stafford & Associates, Inc, 1050 17th Street, NW, #840 Washington, DC 20036	American Medical Records Assn	2,500.00	
Do	Council on Accreditation of Services for Families & Children	5,000.00	
Do	Dietary Managers Assn	4,000.00	
Do	National Assn of Medical Directors of Respiratory Care	6,000.00	
Do	National Dialysis Assn	6,000.00	
Porter Wright Morris & Arthur, 1233 20th Street, NW, 4th Floor Washington, DC 20036-2395	Coalition for Environmental-Energy Balance		7,791.18
Do	Industrias Trele, S.A.	15,404.51	979.77
J. Craig Potter, 1233 20th Street, NW, #400 Washington, DC 20036			
John C. Pouland, 5757 Martel, B-9 Dallas, TX 75206	Philip Morris, USA	1,800.00	206.79
Joseph L. Powell Jr., 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Bayley Seton Hospital		
Do	Belz Investment Co	7,334.81	
Do	Coalition for Equitable Compensation	140.00	
Do	Committee for Competitive Marketing	1,328.00	
Do	CORETECH	20,700.00	
Do	Federal National Mortgage Assn		
Do	Flour Corporation	3,390.00	
Do	Hadson Electric, Inc	1,520.00	
Do	Hewlett-Packard & Co	15,054.50	
Do	Hitachi Sales Corp of America	5,289.00	
Do	International Telecommunications Satellite Organization		
Do	Massachusetts Housing Finance Agency		
Do	National Multi Housing Council		
Do	Public Service Company of Indiana, Inc	4,954.00	
Do	Starrett Housing Corp		
Do	Westinghouse Electric Corp	7,530.00	
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,361.80	204.82
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Salzgitter, A.G.	49,321.34	5,850.80
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	700.00	145.00
Preston Gates Ellis & Rouvelas Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Alaska Loggers Assn		
Do	American Forest Resource Alliance	721.50	
Do	American President Lines	2,805.00	
Do	Arctic Sounder Enterprises, Inc		
Do	Bay Tankers Inc		
Do	Bellingham Cold Storage		
Do	Burlington Northern Railroad	4,788.50	
Do	Calista Corp		
Do	Coastal Transportation, Inc	200.00	
Do	Computer Systems Policy Project		
Do	Council on Research & Technology	1,182.50	
Do	COMPACT		
Do	Data General Corp		
Do	Earthquake Project	2,755.00	
Do	Fusion Power Associates		
Do	Hewlett-Packard Co		
Do	Intelsat		
Do	Jackson Laboratory	300.00	
Do	Lutheran Medical Center		
Do	Martin's Point Health Care Center		
Do	National Council on Compensation Insurance		
Do	National Private Truck Council		
Do	OMI Corp	927.50	
Do	Pacific Medical Center		
Do	Pitney Bowes		
Do	Port of Seattle		
Do	Seattle Organizing Comm		
Do	South Dakota Dept of Transportation	562.00	
Do	Sunmar Shipping, Inc		
Do	Tele-Communications, Inc	15,916.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Transportation Institute		
Do	Tri-City Industrial Development Council		
Do	United States Cruises, Inc		
Do	University of Washington		
Do	Wheelabrator		
James M. Price, 730 Polk Street San Francisco, CA 94109	Sierra Club		
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	American Iron & Steel Institute		
Do	General Electric Company		
Do	Investment Company Institute	1,050.00	
Do	Union Labor Life Insurance Co	335.00	8.00
Patricia Pride, 1350 Connecticut Avenue, NW, #620 Washington, DC 20036	Financial Accounting Foundation	337.22	35.67
Sheila M. Prindiville, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Waste Management Assn	500.00	
William Prindle, 1725 K St., NW, #914 Washington, DC 20006	Alliance to Save Energy	129.59	
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	39.55
Sydney Probst, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,100.00	
Peter D. Prowitt, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	11,874.00	
Prudential-Bache Securities, Inc, 100 Gold St. New York, NY 10292			750.00
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	252.00	
Public Citizen Health Research Group, 2000 P St., NW, #700 Washington, DC 20036			
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		51,998.00	56,338.00
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		75,998.68	25,173.83
Public Resource Associates, 1815 H Street, NW, #600 Washington, DC 20006			1,670.00
Public Strategies, 620 Congress, #310 Austin, TX 78701	Sammons Enterprises, Inc	18,750.00	1,705.16
Do	Southwest Airlines Co	5,000.00	2,923.77
Theresa Pugh, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Philip N. Pulizzi Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp		
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	1,000.00	
John R. Purcell, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	500.00	
Thomas W. Purcell, 1730 North Lynn Street Arington, VA 22209	Printing Industries of America, Inc	2,500.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	2,500.00	3,159.00
Do	Florida Progress Corp	625.00	24.57
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Robert N. Pyle & Associates, P.O.Box 3731 Washington, DC 20007	AMP Ohio	1,000.00	50.00
Do	Elkem Metals Company	4,250.00	84.00
Do	Independent Bakers Assn	3,000.00	150.00
Do	International Investors, Inc	2,000.00	250.00
Do	Stratcor	3,000.00	250.00
Do	Welch Foods, Inc	3,750.00	65.00
John R. Quarles Jr., Morgan Lewis & Bockius 1800 M St., NW Washington, DC 20036	National Environmental Development Assn	1,000.00	
Patricia A. Quealy, 1818 N Street, NW, #700 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)	1,650.00	152.18
Do	Continental Medical Systems, Inc		
William A. Quinlan, 3045 Riva Rd. Riva, MD 21140	National Candy Wholesalers Assn, Inc		
Do	Retail Bakers of America		
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	7,800.00	39.00
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Mark J. Raabe, 1615 L St., NW, #1320 Washington, DC 20036	Merck & Co, Inc	500.00	300.00
Theresa Rabel, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	4,500.00	1,001.36
Steve Rabin, 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather Public Affairs		
Alex Radin, 1200 New Hampshire Ave., NW, #507 Washington, DC 20036	Tennessee Valley Public Power Assn	1,562.50	
Do	Radin & Associates Inc (For:Washington Public Power Supply System)		
Do	Washington Public Utility Districts Assn	2,925.00	
W. A. Radziewicz, 400 First Street, NW, #708 Washington, DC 20001	Brotherhood of Railroad Signalmen	350.00	
Tess A. Rae, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Ragan & Mason, 1156 15th Street, NW, #800 Washington, DC 20005	American Bureau of Shipping	5,000.00	68.36
Do	American Ship Building Co	5,000.00	72.04
Do	Bechtel Corp		
Do	Childrens Television Workshop		
Do	Commonwealth of Pennsylvania		
Do	Diagnostic/Retrieval Systems, Inc	24,000.00	
Do	Marco Shipyard-Seattle		
Do	National Bulk Carriers, Inc		
Do	R.J. Reynolds Nabisco, Inc		
Do	Sea-Land Service, Inc	20,000.00	131.99
Do	Security Pacific Leasing Corporation		
Do	Security Pacific National Bank		
Do	Stimson Lumber Co & Miller Redwood Co	3,000.00	
Do	Territorial Savings & Loan Assn		
Do	U.S. Telephone Assn	24,000.00	
Kelly Rahach, P.O. Box 67174 Cuyahoga Falls, OH 44222			307.00
Tanya A. Rahall, 2033 M Street, NW, #900 Washington, DC 20036	American Task Force for Lebanon	12,000.00	36.00
Richard W. Rahn, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S	160.00	14.00
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)		
Do	Graham & James (For:Contact Lens Manufacturers Assn)	825.00	
Do	Graham & James (For:R. R. Donnelley & Sons Company)		
Do	Graham & James (For:Federal Administrative Law Judges Conference)	1,787.50	
Do	Graham & James (For:Federal Judges Association)	1,457.50	
Do	Holland America Line Westours, Inc (For:Graham & James)		
Do	Graham & James (For:Illinois Health Facilities Authority)		
Do	Graham & James (For:Mutual of Omaha)		
Do	Graham & James (For:National Council of U.S. Magistrates)	1,100.00	
Do	Graham & James (For:Sierra Pacific Resources)	13,062.50	
Do	Graham & James (For:Stock Information Group)	3,712.50	
Do	Graham & James (For:Walt Disney Company)	2,062.50	
Railway Labor Executives' Assn, 400 First St., NW, #804 Washington, DC 20001		549,427.17	263,800.54
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Rainbow Lobby, 1660 L Street, NW, #204 Washington, DC 20036		352,888.30	390,428.63
John C. Ramig, 900 SW Fifth Avenue, #2300 Portland, OR 97204-1268	Stoel Rives Boley Jones & Grey (For:Association of O & C Counties)		
Do	Stoel Rives Boley Jones & Gray (For:Gregory Affiliates, Inc)	444.00	1,198.27
Kathleen Marie Ramsey, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Craig J. Rancourt, 1050 17th Street NW., #210 Washington, DC 20036	American Assn of Classified School Employees	16,899.99	1,376.37
Kristen M. Rand, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Donald A. Randall, 321 D Street, NE Washington, DC 20002	Automotive Service Assn	14,191.05	
Do	National Independent Dairy-Foods Assn	3,478.20	
James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	25.00
Rebecca G. Range, 901 15th Street, NW, #500 Washington, DC 20005	Texas Air Corp	22,500.00	4,982.00
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	5,217.42
Larry Rasky, 253 Summer Street Boston, MA 02210	Rasky & Company (For:National Cable Television Assn)	12,000.00	
Magda A. Ratajski, Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
Robert Ratliffe, 5808 Lake Washington Blvd., 3rd Fl. Kirkland, WA 98033-7397	McCaw Communications Cos		
John W. Rauber Jr., 1250 Connecticut Ave., NW Washington, DC 20037	American Paper Institute, Inc	1,450.00	100.00
Carol L. Raulston, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	3,000.00	
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
William R. Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn	25.00	775.50
Bruce A. Ray, Bruce Ray & Company 420 C Street, NE Washington, DC 20002	Bayley Seton Hospital	6,000.00	196.83
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	235.00	30.00
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,379.00	1,553.80
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers and Allied Craftsmen	3,000.00	4.10
Linda S. Rearick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Recording Industry Assn of America, Inc, 1020 19th St., NW #700 Washington, DC 20036		42,215.75	42,215.75
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Fred J. Redeker, 811 Rusk, #200 Houston, TX 77002	Houston Bankers Association		
R. Edwin Redfern, Redfern Resources 1601 18th Street, NW, #406 Washington, DC 20009	Lennox International, Inc	24,000.00	8,000.00
Donald L. Redfoot, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	584.23	252.31
Jo Reed, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	713.46	205.35
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Federation of Independent Business (NFIB)	3,189.00	200.00
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	35.00
Joseph M. Rees, 1000 Potomac Street, NW, #401 Washington, DC 20007	National Coalition Burn Center Hospitals	6,000.00	
Do	Songwriters Guild of America	9,000.00	
J. Mitchell Reese, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	400.00	25.00
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,200.00	905.33
Reese Communications Companies,Inc., 2111 Wilson Boulevard, #900 Arlington, VA 22201	Citizens for Sensible Control of Acid Rain (CSCAR)	235,237.20	194,301.35
Do	Philip Morris USA		318.31
Benjamin F. Reeves, 1100 17th Street, NW Washington, DC 20036	Burley & Dark Leaf Tobacco Export Assn	1,150.00	
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	218.75
Martin A. Regalia, 1101 15th Street, NWn #400 Washington, DC 20005	National Council of Saving Institutions	11,000.00	138.40
R. Brent Regan, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		120.55
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning Glass Works		140.00
John T. Reggitts Jr., 95 Boonton Avenue P.O. Box 470 Boonton, NJ 07005			
Regional Airline Association, 1101 Connecticut Ave., NW Washington, DC 20036		2,000.00	1,000.00
David K. Rehr, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	400.00
Reichler, Appelbaum & Wippman, 1701 K Street, NW, #700 Washington, DC 20006	Republic of Guatemala	24,000.00	133.66
Do	Republic of Nicaragua	8,000.00	
Do	United Coconut Assn of the Philippines	18,000.00	393.75
Do	Rodolfo Zelaya		
Reid & Priest, 1111 19th St., NW, #1100 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Do	City of Philadelphia	9,350.00	667.11
Do	Committee of Corporate Telecommunications Users		
Do	CIAC Group	1,473.00	2.00
Do	Edison Electric Institute		
Do	National Spa & Pool Institute		
Do	Pennsylvania Shipbuilding Co		
Do	Philadelphia Industrial Development Corp	27,000.00	
Do	Phillip Morris		
Do	Pride Refining, Inc		
Do	Rhode Island, Inc	2,500.00	
Do	Smith Barney Harris Upham & Co, Inc		
Do	SPD Technologies	56,240.00	1,782.04
Do	Transol USA, Inc		
Do	Utility Decommissioning Tax Group	195.00	6.00
Burke G. Reilly, 815 Connecticut Ave., NW, #900 Washington, DC 20006	Ford Motor Company	2,250.00	625.00
Joseph J. Reilly, Jr, 62A Winn Street Burlington, MA 01803	Morality in Media, Inc		
Robert J. Reinshuttle, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Reinsurance Assn of America, 1819 L St., NW, 7th Floor Washington, DC 20036			
Diane Rennert, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	5,000.00	792.30
Lee P. Reno, 122 C Street, NW, #875 Washington, DC 20001	Reno Cavanaugh & Hornig (For:Amerind Risk Management Corp)		
Do	Reno Cavanaugh & Hornig (For:Housing Authority Insurance, Inc)		
Judy Rensberger, 2000 K Street, NW Washington, DC 20006	National Committee to Preserve Social Security & Medicare	9,231.00	
Edward Repa, 1730 Rhode Island Ave., NW Washington, DC 20036	National Sloid Wastes Management Assn	500.00	
Riley Repko, 1627 Eye Street, NW #880 Washington, DC 20006	Oracle Corporation		11,412.50
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		4,860.88	17,151.92
Barclay T. Resler, 1627 K St., NW, #800 Washington, DC 20006	Coca-Cola Co	468.00	1,648.77
Resources Fund, Inc, 1535 P Street, NW Washington, DC 20005			
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		99,425.55	32,793.69
Vincent P. Reusing, 1615 L Street, MW, #1210 Washington, DC 20036	Metropolitan Life Insurance Cos	1,000.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	21,435.19	424.62
Allan R. Rexinger, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036	Nonprescription Drug Manufacturers Assn	4,250.00	150.00
Renee Reymond, 1331 Pennsylvania Ave, NW, #1500 N Washington, DC 20004	National Assn of Manufacturers		
Frederick W. Rhodes, 1111 Jefferson Davis Highway, #811-E Arlington, VA 22202	Loral Corporation	4,250.00	
Steve Ricchetti, 655 15th Street NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	3,000.00	523.88
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	8,475.00	297.62
Lois D. Rice, 1201 Pennsylvania Avneue, NW, #370 Washington, DC 20004	Control Data Corporation	700.00	57.55
James E. Rich Jr., 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Richard Richards, Law Office of Richard Richards 1050 Thomas Jefferson Street, NW, 6th Fl Washington, DC 20007	Hughes Aircraft Company		
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	1,000.00	
Donna Richardson, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	4,935.00	138.05
John C. Richardson, 101 Park Avenue New York, NY 10178	Morgan Lewis & Bockius (For:Underwriters at Lloyd's, London)		
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	2,125.00	4,587.66
K. O. Richardson, 815 16th Street, NW, #511 Washington, DC 20006	Transportation - Communications Union	3,000.00	119.09
Warren S. Richardson, 325 Pennsylvania Ave., SE Washington, DC 20003	Washington Lobby Group, Inc (For:Preston Corp)	3,000.00	
Wesley S. Richardson, P.O. Box #65 Washington Grove, MD 20880	Washington Lobby Group, Inc (For:Preston Corp)	1,500.00	
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,250.00	
Max Richtman, 2000 K Street, NW 8th Floor Washington, DC 20006	National Committee to Preserve Social Security and Medicare	20,192.00	133.90
James G. Rickards, 600 Steamboat Road Greenwich, CT 06830-7149	Greenwich Capital Markets, Inc	160.00	231.60
Larry D. Rickards, 600 Maryland Ave., SW, #208 Washington, DC 20024	National Assn of Area Agencies on Aging	2,500.00	25.00
Thomas P. Rideout, National Press Building, #200 Washington, DC 20045	Bank Capital Markets Assn		9,384.25
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	1,000.00	
Dr. Mark J. Riedy, 1101 15th Street, NW, #400 Washington, DC 20005	National Council for Savings Institutions	10,000.00	
Siert F. Riepma, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
E. Philip Riggin, 1608 K St., NW Washington, DC 20006	American Legion	14,790.00	214.20
Wesley J. Riker, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS	6,800.00	
Russell C. Ring, 1700 Pensylvania Ave., SE, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	2,000.00	524.94
John S. Rippey, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	8,695.31	
Riselli & Pressler, P.C., 1225 19th Street, NW, #850 Washington, DC 20036	Professional Managers' Assn		
Carol A. Risher, 1718 Connecticut Ave., NW 7th Floor Washington, DC 20009-1148	Association of American Publishers	2,000.00	
Edward W. Rissing, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute (EEI)	1,727.40	45.40
Jeanne M. Ritchie, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security and Medicare	3,101.00	
Valentin J. Riva, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Rivers Trainor Doyle & Leicht, Inc, One Catamore Blvd East Providence, RI 02914	Philip Morris, Inc	12,000.00	6,106.68
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	Akin Gump... (Drexel Burnham Lambert, Inc)		
Do	Renewable Fuels Assn		
Andrew W. Robart, 1111 19th Street, NW Washington, DC 20036-3691	Edison Electric Institute	1,923.08	177.92
Michelle Robbins, 1825 Eye St., NW, #1100 Washington, DC 20006	Lockheed Corporation	2,000.00	503.75
Bill Roberts, P.O. Box 20406 Broomington, MN 55420	National Computer Systems, Inc		
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,175.00	
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		514.11
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:Broward County Governmental Center)	1,800.00	
Do	Keefe Co (For:City of Tampa)	1,500.00	
Do	Keefe Company (For:Dallas Area Rapid Transit)	1,250.00	
Do	Keefe Company (For:Hillsborough Area Regional Transit)	1,000.00	
Do	Keefe Co (For:Sanders Associates, Inc)	500.00	
Do	Keefe Company (For:Seminole Tribe of Florida)	1,500.00	
Do	Keefe Company (For:Tom Bulger & Co (for County of Fairfax))		
Do	Keefe Company (For:Tres Grande Vitesse (TGV-USA, Inc))		
Do	Keefe Company (For:University of Miami)	1,000.00	
Do	TKC International, Inc (For:UNIAO Nacional Para Independencia Total DeAngola)	12,500.00	
Mark Robertson, The Power House 3255 Grace Street, NW Washington, DC 20007	Hill & Knowlton (For:Republic of Turkey)		
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion	7,704.00	115.78
Robins Kaplan Miller & Ciresi, 1220 19th Street, NW, #700 Washington, DC 20036	Polaris Industries	1,440.00	
Do			
Ernestine S. Robinson, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Kenneth L. Robinson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michelle Robinson, 100 Maryland Avenue, NE Washington, DC 20002	Peace Political Action Committee	4,831.84	
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64190-1402	Livestock Marketing Association	14,442.00	2,600.41
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	A.E. Staley	2,000.00	
Do	Atari Games Corp	500.00	
Do	Commission on Self-Determination	1,000.00	
Do	Futures Industry Association		
Do	Illinois Power	30,000.00	
Do	Napa Flood Control and Water Conservation District	1,000.00	
Do	National Venture Capital Association	2,500.00	
Do	Sun-Diamond Growers of California	2,000.00	
Robison International, Inc, 2300 N St., NW, #600 Washington, DC 20037	FMC Corporation	4,500.00	5,078.00
Do	General Atomics Technologies	4,500.00	4,250.00
Do	McDonnell Douglas Corp	7,500.00	5,483.00
Do	Royal Ordnance, Inc	12,000.00	8,772.00
James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036	Montana Power Co. et al	2,500.00	1,022.10
Phillip Rodenberg, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Assn	5,815.00	
Quincy Rodgers, 1899 L Street, NW, Fifth Floor Washington, DC 20036	General Instrument Corporation	5,000.00	632.53
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
Charles L. Roff, 1100 15th Street, NW, #700 Washington, DC 20005	Sonat, Inc		
Mims Rogers Jr., P.O.Box 1064 Florence, AL 35631	Philip Morris U.S.A	20,000.00	385.42
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	American Express Co		239.58
Do	Liz Claiborne, Inc		
Do	Compagnie Financiere de Paribas		
Do	Dreyfus Corporation	5,000.00	683.25
Do	Internor Trade, Inc		
Do	Investment Partnership Assn	1,000.00	457.00
Do	Kamehameha Schools/Bishop Estate		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Beverage Importers		
Do	Republic National Bank		
Do	Rutgers, The State University of New Jersey		
Do	Shearson Lehman Hutton		400.00
Do	Teachers Insurance & Annuity Assn/CREF		
Do	Walker Telecommunications Corp		
Do	Wine & Spirits Wholesalers of America, Inc		
Carole M. Rogin, 1255 23rd Street, NW, Washington, DC 20037	Hauck & Associates, Inc (For:Hearing Industries Assn)		
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	34,200.00	51.18
Stephen F. Rohrkemper, 150 S. Washington St., #403 Falls Church, VA 22046	International Technical Expertise Ltd		
Fernando D. Rojas, 7300 NW 35th Terrace, #105 Miami, FL 33122	Cuban American Foundation, Inc	4,069.59	
Ian M. Rolland, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
Michael Rolnick, 818 Connecticut Ave., NW, 200 Washington, DC 20006	U.S. English	100.00	80.00
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp	3,700.00	4,970.54
Kenneth S. Rolston Jr, 1025 Vermont Ave., NW, #1020 Washington, DC 20005	American Pulpwood Assn		
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco, Inc	3,200.00	
Daniel Romanko, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Steel Producers Assn		
Joseph D. Romer, 304 N. Virginia Avenue Falls Church, VA 22046	Brown Bridgman & Company		
Michael J. Romig, 1001 Pennsylvania Avenue, nw Washington, DC 20004-2599	American Council of Life Insurance, Inc	2,500.00	
Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn		
Fred B. Rooney, 1050 Connecticut Ave., NW, #1200 Washington, DC 20036	American Iron & Steel Institute	320.00	
Do	Association of American Railroads	462.00	
Do	Specialty Vehicle Institute of America		
James Roosevelt, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Committee to Preserve Social Security	2,250.00	
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Butler Capital Corp		
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	500.00	
Leslie Rose, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	2,290.77	
Rose Communications, Inc, 901 15th Street, NW, #570 Washington, DC 20005	Johnson Matthey, Inc	3,510.00	10,080.00
Rose Schmidt Hasley & DiSalle, 1701 Pennsylvania Ave., NW, #1040 Washington, DC 20006	Equimark Corporation	12,500.00	
Do	Joy Technologies, Inc		
Do	Social Security Protection Bureau		
Burt E. Rosen, 1155 15th St. NW., #502 Washington, DC 20005	Bristol-Myers Co	25,000.00	
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	8,460.00	
Lester L. Rosen, 7 Fulham Court Silver Spring, MD 20902	Miles, Inc	3,000.00	
Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003	Allwaste, Inc	3,000.00	
Ernest S. Rosenberg, 1747 Pennsylvania Ave., NW #300 Washington, DC 20006	E. Bruce Harrison Company (For:Alternative Materials Institute)		
Do	E. Bruce Harrison Company (For:NEDA/Clean Air Act Project)		
Do	E. Bruce Harrison Company (For:NEDA/Ground Water Project)		
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	12,715.33	
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc		
Joe Ross, 111 Main Street Little Rock, AR 72201			
Nancy Ross, 1830 17th Street NW Washington, DC 20009	Rainbow Lobby	5,850.00	672.99
William F. Ross, South Carolina Petroleum Council 1340 Bull Street, #250 Columbia, SC 29201	American Petroleum Institute	1,752.00	2,935.03
Richard Rosser, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,261.00	
Barry N. Roth, 1120 20th Street, NW, #700 Washington, DC 20036	Williams Companies		
Batya Roth, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the United States	1,000.00	58.50
Rhond Rudolph Roth, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	2,322.50	2,322.50
Lauren J. Rothfarb, 1126 16th St., NW Washington, DC 20036	Int'l. Union of Electronic, Electrical, Salaried, Machine	8,500.02	700.86
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc	6,000.00	951.97
Emily B. Rothrock, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc	2,500.00	
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute	736.00	1,501.39
William C. Rountree, Suite 1000 1776 Eye Street, NW Washington, DC 20006	BP America, Inc		
Michael O. Roush, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	300.00
Brigette M. Rouson, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	6,000.00	139.65
Eugene F. Rowan, 2550 M Street, NW Washington, DC 20037	National Assn of Chain Drug Stores, Inc		87.50
Do	Rugby-Darby Group Companies, Inc		
George R. Rowan, 1750 New York Ave., NW, #340 Washington, DC 20006	Armed Forces Marketing Council		
J. Patrick Rowland, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland Government Relations Associates (For:Baker Industries)	1,500.00	
Do	Rowland Government Relations Associates (For:Borg-Warner Automotive, Inc)	2,000.00	
Do	Rowland Government Relations (For:Coalition for Uniform Product Liability Law)	2,000.00	
Do	Rowland Government Relations (For:GE Plastics)	1,000.00	
Do	Rowland Government Relations (For:National Check Cashers Assn, Inc.)	1,500.00	
Rowland Government Relations, 1023 15th Street, NW, 7th Fl Washington, DC 20005	GE Plastics	2,000.00	
Do	National Check Cashers Assn, Inc	3,000.00	
Do	Security Companies Organized for Legislative Action (SCOLA)	666.60	
Charles Rowton, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	720.00	
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202			
Tobi Z. Rozen, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Eric M. Rubin, 1730 M Street, NW, #412 Washington, DC 20036	Rubin Winston & Diercks (For:Outdoor Advertising Assn of America, Inc)		
Do	Rubin Winston & Diercks (For:Wayne Phillips)		
Eldon Rudd, Shimmel Hill Bishop & Gruender, P.C. 3700 North 24th Street Phoenix, AZ 85016	Central Arizona Project Assn		
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	Mortgage Insurance Companies of America	3,750.00	324.00
Barbara A. Rudolph, 1631 Woodstock Street, N. Rosslyn, VA 22207	Beverly Enterprises, Inc	3,375.00	75.00
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers (IEEE)	2,500.00	935.00
Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Ronald R. Rumbaugh, 5205 Leesburgh Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers of America		
Kurt Rumsfeld, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
John Runyan, 1730 North Lynn St., #409 Arlington, VA 22209	Printing Industries of America, Inc	1,000.00	
Robert A. Rusbuldt, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	28,269.00	
R.K. Rushin, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co	1,100.00	295.00
Robert Rusis, 15 Mountain View Road Warren, NJ 07061	Chubb & Son, Inc		
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		40.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Christine Anne Russell, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	19,750.00	215.40
Randall M. Russell, 517 C Street, NE Washington, DC 20002-5809	Lesher Russell & Moos, Inc		
Robert M. Russell, 2170 Piedmont Rd., NE Atlanta, GA 30324	Orkin Pest Control		
William Russell & Associates, Inc, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Golbal Broadcasting System	12,000.00	516.23
Do	Pacific Telecom, Inc		
Jonathan Russin, 1215 17th Street, NW Washington, DC 20036	Caribbean Trade and Apparel Coalition (C-TAC)		
Diann Rust-Tierney, 122 Maryland Ave, Washington, DC 20002	American Civil Liberties Union	278.25	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Herman Max Ruth 71990-158, Mail Box 129 3150 Horton Road Fort Worth, TX 76119			
George J. Ryan, 915 Rockefeller Building Cleveland, OH 44113	Lake Carriers' Assn		
Olive M. Ryan, 39 Harriett Ave. Burlington, MA 01803	New England Rehabilitation Hospital	4,669.68	1,378.00
Patricia Ryan, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Thomas L. Ryan, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA		
Kermit W. Ryman, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	79.00	13.00
RBC Associates, 324 Fourth Street, NE Washington, DC 20002	Ann Arbor Railroad	462.50	4,520.26
Do	Bangor & Aroostook Railroad	9,750.00	4,520.26
Do	Chicago & North Western Railroad	48,000.00	4,520.26
Do	Delaware Otsego System	32,000.00	4,520.26
Do	Investment Counsel Assn of America	12,872.50	4,520.26
Do	Regional Railroads of America	38,073.08	4,520.76
Do	Turbomeca Engine Corp	13,862.50	4,520.26
RJR Nabisco, Inc, 300 Galleria Parkway, NW Atlanta, GA 30339-3149			
S.A.F.E.S.T., 1120 G St., NW, #800 Washington, DC 20005			
Lawrence E. Sabbath, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland Government Relations (For:GE Plastics)	1,000.00	
Do	Rowland Government Relations (For:National Check Cashers Assn, Inc)	1,500.00	
Do	Rowland Government Relations (For:Security Companies Organized for Legislative Action (SCOLA)).	666.60	
Kevin M. Sabo, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute		
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	551.94
Frank Max Salinger, 1101 14th St., NW, 4th Floor Washington, DC 20005	American Financial Services Assn	250.00	
James H. Sammons, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn		
Sammons Enterprises, Inc, 403 South Akard Dallas, TX 75202			
Brian Sanderoff, 7500 Jefferson St., NE #250 Albuquerque, NM 87109	Philip Morris, Inc	3,000.00	
James C. Sanders, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute		
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	500.00	
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	200.00	395.03
Sanders Schnabel & Brandenburg, P.C., 1110 Vermont Avenue, NW, #600 Washington, DC 20005	American Soc of Assn Executives	4,351.95	419.50
Stuart A. Sanderson, 1920 N Street, NW, Washington, DC 20036	American Mining Congress		
Myron G. Sandifer III, 1001 Pennsylvania Ave., NW, #625-South Washington, DC 20004	Jack McDonald Co (For:Belz Enterprises)		
Do	Jack McDonald Co (For:Dow Corning Corp)		
Do	Jack McDonald Co (For:Hitachi America, Ltd)		
Do	Jack McDonald Co (For:Hitachi Sales Corp of America)		
Do	Jack McDonald Co. (For:Outboard Marine Corporation)		
Do	Jack McDonald Co (For:Planeta North America)		
Do	Jack McDonald Co (For:Societe Generale de Surveillance, S.A.)		
Do	Jack McDonald Co. (For:Tuteur Associates, Inc)		
Do	Jack McDonald Co (For:WMW Machinery, Inc)		
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1725 Eye St., NW, #315 Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	300.00	
Robin K. Santangelo, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	2,300.00	
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	American Escrow Assn	6,000.00	2,882.69
Do	National Tour Assn, Inc	18,163.00	7,797.44
Do	Truckee-Carson Irrigation District	11,450.00	1,456.02
Kathleen L. Santora, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,290.00	
Eric Sapirstein, 1333 H St., NW, #400 Washington, DC 20005	California Assn of Sanitation Agencies	2,800.00	2,528.39
Do	ENS Resources, Inc (For:East Bay Mud)	2,000.00	52.58
Do	In-Situ, Inc	2,000.00	1,047.34
Do	Las Virgenes Municipal Water District		
Do	ENS Resources, Inc (For:Orange County Sanitation Districts)		
Do	Western Research Institute	630.00	431.73
Betty O. Sapp, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,000.00	
Ronald A. Sarasin, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn, Inc	500.00	
Susan Sarason, 2111 Wilson Boulevard, #1000 Arlington, VA 22201	Ebasco Services, Inc	477.45	
Sartain Law Offices, 219 Boulevard, NE Gainesville, GA 30501	Madison Group (for: Philip Morris, Inc)	1,500.00	
Do	Philip Morris, Inc	1,500.00	
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	64.65
Charles P. Saunders, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc	195.00	4,587.66
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Thomas J. Scanlon, 3248 Prospect Street, NW Washington, DC 20007	Benchmarks, Inc	9,000.00	2,745.22
Eric V. Schaeffer, 1800 M Street, NW Washington, DC 20036	National Lime Association		28.00
Do	Safety-Kleen Corp		25.00
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light, et al	3,150.00	3,285.99
Schagrin Associates, 1112 16th St., NW, #200 Washington, DC 20036	Committee on Pipe & Tube Imports	24,271.25	
Do	Sprinkler Pipe Producers Group	12,264.50	
Do	Weirton Steel Corporation	550.00	
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	18,000.00	
William T. Schapaugh, 1030 15th Street, NW Washington, DC 20005	American Seed Trade Assn	5,000.00	
Jay T. Scheck Jr., Rt. 202-206 North Somerville, NJ 08876	Hoechst Celanese Corp		
Robert H. Scheerschmidt, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	2,000.00	
Jill L. Scheldrup, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Sam Schertz, P.O. Box 2121 Corpus Christi, TX 78403	Central Power and Light Company		
Gerard F. Schiappa, 2300 M Street, NW #800 Washington, DC 20037			
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	421.50
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	National Assn of Trade & Technical Schools	1,250.00	
Arthur C. Schmitt, 3705 S. George Mason Drive, Apt. 301 So. Falls Church, VA 22041	Oxford Group, Limited		
Robert Richard Schmitt, #12453-047 PO Box 1000 Leavenworth, KS 66048-1000			
John Noehl Schmitz, RT. South Box 433 Brockton, MT 59213			
Schnader Harrison Segal & Lewis, 1111 19th Street, NW, #1000 Washington, DC 20036	Mack Trucks, Inc	2,650.00	24.60
Do	Toyota Motor Corporate Services U.S.A., Inc		
Robert V. Schneider, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Johnson Controls, Inc)	5,940.00	
Thomas J. Schneider, 1300 19th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee	2,835.00	531.83
Zoe Schneider, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	5,384.61	
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Paul Schoellhamer, 900 17th St., NW, #526 Washington, DC 20006	Northwest Airlines, Inc	1,500.00	200.00
Martha J. Schoonover, Fulbright & Jaworski 1150 Connecticut Ave., NW Washington, DC 20036	Merichem Company		
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S.	9,072.00	38.92
H. B. W. Schroeder, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
Leah Webb Schroeder, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn	2,300.00	412.82
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	360.00	31.47
Judy Schub, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	755.19	794.10
Mark Schultz, 918 16th Street, NW, #406 Washington, DC 20006	Professional Services Council	1,500.00	51.06
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	16,189.60	759.13
Ralph D. Schumack, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp		
Benjamin R. Schuster, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Arco Chemical Company		
Schwabe Williamson & Wyatt, 2000 Pennsylvania Ave., NW, #8335 Washington, DC 20006	Oregon State University	557.81	317.80
Do	Oregon Steel Mills, Inc	509.43	495.77
Do	Public Generating Pool	2,593.88	2,097.40
Do	Tri-Met	10,063.66	8,211.95
Aaron R. Schwartz, 10 South Shore Drive Galveston, TX 77551	American Insurance Assn	5,000.00	945.73
Do	Houston Lighting & Power Company		1,053.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn of Theatre Owners		
Do	Vulcan Materials Company		
Adam D. Schwartz, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	141.18
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission	10,800.00	2,206.27
Do	Washington State Department of Natural REsources	6,006.25	205.74
Michael Schwartz, P.O.Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp	4,366.00	416.37
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	14,000.00	
Stephen I. Schwartz, 1436 U Street, NW Washington, DC 20009	Greenpeace USA	130.20	30.00
Richard S. Schweiker, 1001 Pennsylvania Ave. NW Washington, DC 20004	American Council of Life Insurance, Inc	3,175.00	
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	14,000.00	
Melanie Scofield, 901 Main Street, #2555 Dallas, TX 75202	Greyhound Lines, Inc.	8,000.00	1,659.15
Harold B. Scoggins Jr., 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		51.25
David A. Scott, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	8,800.00	386.03
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	7,770.00	
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris, Inc.	887.50	156.00
James L. Scott, 1919 Pennsylvania Ave., NW, #703 Washington, DC 20006	American Healthcare Institute	11,125.00	188.73
John Havens Scott, 1101 Vermont Ave., NW 12th Floor Washington, DC 20005	American Medical Assn	3,750.00	
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	483.00	
Susan J. Scott, 1383 Piccard Drive P.O.Box 1725 Rockville, MD 20850	American Occupational Therapy Assn, Inc.	2,500.00	87.07
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	CNA Financial Corp	12,500.00	
Do	Provident Life & Accident Insurance Co	10,000.00	
Do	Security Life of Denver Insurance Co.	2,000.00	
Do	Transamerica Corporation	7,500.00	
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,750.00	3,067.56
Don G. Scroggin, 1350 I Street, NW #700 Washington, DC 20005	Beveridge & Diamond (For:FMC Corporation)	5,650.00	
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	14,370.68	
Walter J. Sczudlo, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Company	500.00	
Pamela C. Seamans, 1000 Potomac Street, NW #401 Washington, DC 20007	California State Department of Education	5,500.00	123.50
Securities Industry Assn, 1850 M Street, NW Washington, DC 20036			339,125.00
Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			5,700.00
Charles M. Seeger III, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	4,500.00	
Ruth L. Segal, 1212 New York Avenue, NW Washington, DC 20005	Outdoor Advertising Assn of America	23,500.00	57.06
Harold L. Segall, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For:City of Bluefield, WV, et al.)	877.50	
Carl J. Seiberlich, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	10,767.00	
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	1,430.00	
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute	652.00	820.06
Jane Seigler, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc.	3,550.00	
Richard D. Sellers, 412 First Street, #301 Washington, DC 20003	Sellers Company (For:Cable Access Legal Action Council (CALAC))	10,000.00	
Marlissa Senchak, 3900 Wisconsin Ave.,NW Washington, DC 20016	Federal National Mortgage Assn	16,000.00	992.00
Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	2,234.59	
David Senter, 100 Maryland Avenue, NE, #500 Washington, DC 20002	American Agriculture Movement, Inc	3,000.00	
Robert A. Seraphin, 2001 Jefferson Davis Highway, #1012 Arlington, VA 22202	Aerojet General Corp	370.52	79.91
Do	McDonnell Douglas Corp	185.26	52.97
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	12,999.00
Terry L. Serie, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc.		
Sarah Setton, 1101 15th Street, NW, #600 Washington, DC 20005	Sugar Assn, Inc.	356.00	10.00
J. Richard Sewell, 1800 K St., NW, #1110 Washington, DC 20006	Florida Power & Light Co.	3,000.00	4,058.27
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	American Soc of Pension Actuaries	15,000.00	18.92
Do	Employers Council on Flexible Compensation	7,500.00	
Stephen Shaffer, 818 Connecticut Ave., NW, #200 Washington, DC 20006	U.S. English Foundation, Inc	400.00	20.00
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Ali A. Shami, 6863 Calhoun Dearborn, MI 48126	United Lebanese Lobby of America		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Gary J. Shapiro, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn.		
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc.	854.16	1,975.75
Do	Pipe Tobacco Council	500.00	375.00
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Alabama Contruction Contractors	496.88	50.13
Do	American Coke and Chemicals Institute		
Do	American Hellenic Institute	2,000.00	97.02
Do	American Insurance Assn	944.38	9.94
Do	American Savings and Loan of Florida		4.08
Do	Aronov Realty		
Do	Auburn University	3,000.00	437.26
Do	ADDSCO Industries, Inc.		
Do	Bristol-Myers Co		
Do	Citmoco Services, Inc		
Do	Drummond Company, Inc	3,500.00	846.50
Do	Emerson Electric Co		
Do	Energy Efficient Insulation Mnftrs	27,005.85	494.15
Do	Florida Citrus Mutual		
Do	Gerard Daniel & Company, Inc		
Do	Institute of International Bankers		
Do	Intergraph Corporation	1,109.06	38.27
Do	InterGate Company, Inc.	927.81	17.11
Do	Investment Counsel Assn of America, Inc		
Do	INCO-US, Inc		
Do	Jim Walter Corp	5,000.00	177.07
Do	Kangol Headwear, Inc.		
Do	Michelin Tire Company	8,054.69	905.39
Do	Minimum Wage Coalition to Save Jobs		
Do	Mortgage Insurance Companies of America	1,506.56	84.56
Do	Munitions Carrier Conference		
Do	National Industries	1,237.50	187.38
Do	Pfizer, Inc.		
Do	Private Child Care Providers	12,272.72	1,000.75
Do	Product Liability Coordinating Committee	11,250.00	349.36
Do	Public Service of New Hampshire	6,678.88	104.76
Do	Rust Engineering	14,517.38	627.95
Do	South Central Bell	2,588.47	33.17
Do	Southern Company Services, Inc	7,500.00	1,527.93
Do	Taiwan Power Company	1,400.00	47.50
Do	Texas Air Corporation		
Do	Utility Nuclear Waste and Transportation Program		
Do	Vulcan Materials Co	10,884.31	1,092.29
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
James V. Sheahan, 1666 Manhasset Drive Atlanta, GA 30338	Siemens Energy & Automation, Inc		
Shearman & Sterling, 153 East 53rd Street New York, NY 10022	Claro Y Cia (for Compania Sud Americana de Vapores SA), et a		193.64
Dennis W. Shedd, 914 Richland Street, #C-100 Columbia, SC 29201	American Chiropractic Assn	20,000.00	
Arline M. Sheehan, 1800 M Street, NW Washington, DC 20036	Morgan Lewis & Bockius (For:Safety-Kleen Corp)		
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	17,500.00	
John Thomas Sheehan, 733 15th Street, NW, #700 Washington, DC 20005	UST, Inc		
Peggy A. Sheehan, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	1,770.00	54.00
Shaun M. Sheehan, 1111 19th Street, NW, #1000 Washington, DC 20036	Tribune Broadcasting Co	3,000.00	1,432.06
Michael W. Sheehy, 555 13th Street, NW, #480 West Washington, DC 20004-1109	Contel Corp		
Kathleen Sheekey, 3rd Floor 2030 M Street, NW Washington, DC 20036	Common Cause	14,975.04	1,854.01
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	864.99	955.19
Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co.	1,356.00	
Thomas Sheridan, 2033 M Street,NW, #802 Washington, DC 20036	Aids Action Council	11,250.00	322.00
Judith C. Sherman, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Nancy Sherman, 1025 Connecticut Ave., NW Washington, DC 20036	Foodservice & Packaging Institute, Inc		
Nelson T. Shields, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc.	1,280.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Harvey A. Shipman, 1800 Diagonal Road, #500 Alexandria, VA 22314	Penn Central Corporation		
Julie Shisler, P.O. Box 85608 San Diego, CA 92138	General Atomics	812.07	15.52
Elaine Shocas, 555 New Jersey Avenue, NW Washington, DC 20001	American Fed of Teachers	12,452.81	180.00
T. V. Shockley III, 2121 San Jacinto Street, #2500 P.O. Box 660164 Dallas, TX 75266-0164	Central and South West Corp	2,000.00	1,767.00
Do	Central Power & Light Co		
John G. Shortridge, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation	400.00	
Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	2,475.00	
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Association of Advertising Agencies	2,500.00	750.00
Jill Showell, 1776 G Street, NW, 3rd Floor Washington, DC 20006	Federal Home Loan Mortgage Corp	3,208.92	1,406.45
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Eric Shulman, 925 15th Street, NW Washington, DC 20005	National Council of Senior Citizens	12,750.00	40.00
Kathy Shulman, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	4,146.12	1,249.18
Walter Shur, 51 Madison Ave. New York, NY 10010	New York Life Insurance Co		
William H. Shute, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		2,008.58
Stephen A. Sibert, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	International Mass Retail Association		
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Donrey, Inc	486.25	
Do	North West Timber Assn	5,785.00	789.70
Do	Tootsie Roll Industries, Inc	695.00	647.88
Andrew Siegel, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	1,805.96	
Richard D. Siegel, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Business Committee for Fair Civil RICO Legislation	300.00	
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Commonwealth of Puerto Rico	29,037.50	313.50
Do	Power Authority of the State of New York	18,250.00	3,547.03
Susan Siemietkowski, 1730 North Lynn Street Arlington, VA 22209	Printing Industries of America	2,000.00	
Alexander W. Sierck, 1350 I Street, NW, #700 Washington, DC 20005	Northern Indiana Public Service Company		
Do	Beveridge & Diamond (For:Pacific Dunlop-GNB)	31,218.75	
Christine Sigler, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	3,150.00	
Lucinda Sikes, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	5,384.61	
Stephan Silberfarb, 500 North Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	12,000.00	542.82
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Hilary Sills, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton (For:Florida Municipal Electric Assn (FMEA))	42,271.50	2,447.28
Mary Silveira, 317 Massachusetts Avenue, NE Washington, DC 20002	Ken Schlossberg Consultants (for:Woods Hole Marine Bio Lab)	3,210.00	69.87
David Silver, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Howard J. Silver, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assns		
Steve Silver, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)	15,400.00	
Do	Robertson Monagle & Eastaugh (For:Anchorage School District)	12,500.00	
Do	Robertson Monagle & Eastaugh (For:Bristol Bay Native Corp)	4,250.00	
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)	6,100.00	
Do	Robertson Monagle & Eastaugh (For:BP Minerals America)	9,500.00	
Do	Robertson Monagle & Eastaugh (For:City of Kotzebue)	5,200.00	
Do	Robertson Monagle & Eastaugh (For:Crowley Maritime Corporation)	750.00	
Do	Robertson Monagle & Eastaugh (For:Sea-Land Services, Inc)	750.00	
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		4,464.50	2,894.33
Marcia Silverman, 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather Public Affairs		
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Government of Bangladesh)	900.00	
Do	Bannerman & Associates, Inc (For:Government of Tunisia)	750.00	
Do	Bannerman & Associates, Inc (For:Sawyer-Miller Group (for Government of the Philippines))	1,000.00	
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	American Newspaper Publishers Assn	1,450.00	
Do	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		
Do	Cushman & Wakefield	1,500.00	
Do	Goodwill Industries		
Do	Walter Harris, et al	100.00	
Do	Kelso & Company		
Do	Majestic Realty Co		
Do	Music Corp of America, Inc		
Do	MCA, Inc	900.00	
Do	National Assn of Home Builders of the U.S.		
Do	National Structured Settlements Trade Assn	1,500.00	
Do	Republic National Bank of New York		
Do	Rockefeller Family & Associates		
Do	Rolls-Royce Motor Cars, Inc		
Do	Tropicana Energy Co	2,100.00	
Do	United States League of Savings Institutions		
Deborah S. Simmons, 1717 K St., NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy	7,962.00	
Donald M. Simmons, 323 West Broadway, #404 Muskogee, OK 74401	Caltex Petroleum Corp	1,250.00	
Gary D. Simms, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
David J. Simon, 1504 Colonial Terrace Arlington, VA 22209	National Parks and Conservation Assn	319.00	70.00
Michael E. Simon, 1666 K St., NW Washington, DC 20006	Arthur Andersen & Co		
Neil A. Simon, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Simon & Company, Inc, 1001 Connecticut Ave., NW #435 Washington, DC 20036	Cheetah Aviation Transport Service, Inc	7,629.01	5,266.28
Do	City of Erie, PA	1,666.66	1,740.88
Do	City of Fresno, CA	8,567.52	6,125.95
Do	City of Portland, OR	10,938.13	7,205.45
Do	East Bay Dischargers Authority	2,387.55	2,893.28
Do	Elkhart, IN	5,755.40	6,358.67
Do	Gary, Indiana	7,779.35	5,422.22
Do	Newark, Ca	4,915.75	5,732.12
Do	San Bernardino, CA	5,314.90	5,641.09
Do	San Leandro, CA	4,782.93	6,190.04
Do	Tacoma, WA	3,339.47	6,789.74
David C. Simons, 1100 Connecticut Ave, NW, #410 Washington, DC 20036	Eaton Corp		4,175.31
Talmage E. Simpkins, 444 North Capitol Street, #801 Washington, DC 20001	Labor-Management Maritime Committee, Inc	1,632.00	163.00
Thomas D. Simpson, 700 N. Fairfax Street Alexandria, VA 22314	Railway Progress Institute	599.06	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	First Mississippi Corp	2,000.00	
Do	Mississippi Power & Light Company	2,000.00	
Do	State of Mississippi	4,000.00	
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Donna L. Singletary, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Federation of Independent Business (NFIB)	3,189.00	
Jim Sinner, 1150 Connecticur Ave., NW, #507 Washington, DC 20036	Gordley Associates	2,000.00	
Constantine Sirigos, 1730 K Street, #1005 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Air Transport Assn of America	3,000.00	
Do	Akzo America, Inc	2,000.00	
Do	Allied Signal, Inc	4,000.00	
Do	Amoco Corp		
Do	Anadarko Petroleum Corp		
Do	Anheuser-Busch Companies, Inc	4,000.00	
Do	ATMOS Energy Corp		
Do	Bethlehem Steel Corp	3,000.00	
Do	Comdisco	1,000.00	
Do	Council on Research & Technology		
Do	Drexel Burnham Lambert, Inc	5,000.00	
Do	General Development Corp	2,000.00	
Do	General Mills		
Do	Hoylake Investments, Ltd		
Do	Merrill Lynch & Co, Inc		
Do	Mesa Limited Partnership		
Do	Oryx Energy Co		
Do	Partida Popular Democratico	20,000.00	
Do	Sonat Exploration Co		
Do	Time/Warner, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	UAL Corp		
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc.	812.00	66.00
James H. Skidmore, 1156 15th St., NW, #1201 Washington, DC 20005	NCR Corporation		
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmaceopeial Convention, Inc	1,051.96	42.40
Barney J. Skladany Jr., 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	1,125.00	
Steven A. Skonberg, 3138 North 10th Street, Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Glen J. Skovholt, Honeywell Plaza Minneapolis, MN 55408	Honeywell Inc		
Dale D. Skupa, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos	125.00	125.00
Jonathan Slade, 444 North Capitol St., NW, #711 Washington, DC 20001	Cuban American Foundation	6,000.00	640.00
Do	TKC International (For:Free Angola Information Service)	4,500.00	
Do	Keefe Company (For:Hadassah Medical Relief Organization)	6,000.00	170.00
Do	Keefe Company (For:Seminole Tribe of Florida)	4,500.00	
F. Slatinshek & Associates, Inc. 1102 Belle Vista Dr. Alexandria, VA 22307	Grumman Aero Corp, et al		
Robert G. Slaughter, 1615 M ST., NW, #200 Washington, DC 20036	Amoco Corporation		
Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corp	4,998.00	659.22
R. Barry Sleight, 5840 Cameron Run Terrace, #1413 Alexandria, VA 22303	CFIDS Assn		483.01
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Ronald J. Slinn, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc.		
Catherine Reiss Sloan, 120 Maryland Ave., NE Washington, DC 20002	Competitive Telecommunications Assn		
John E. Sloan Jr., Capital Gallery East, #695 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	1,150.00	200.00
Kelly Campbell Slone, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	6,000.00	892.65
Stephan K. Small, 1850 M Street, NW, Washington, DC 20036	Securities Industry Assn	2,020.00	
Small Business Council of America, Inc. P.O. Box 4299 Columbus, GA 31904		58,568.77	27,277.41
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #1230 Washington, DC 20036	Pennzoil Co	6,000.00	
Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation		
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Carlos C. Smith, 400 Krystal Building, One Union Square Chattanooga, TN 37402	Strang Fletcher Carriger Walker Hodge & Smith (For:Chattanooga Production Credit Assn, et al.).		
Caroline A. Smith, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,500.00	
Elizabeth M. Smith, 815 16th St., NW, #507 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	6,669.00	847.65
G. Wayne Smith, Potomac Visions, Ltd 1111 14th Street, NW Washington, DC 20005	National Greyhound Association		
Do	Southwest Marine Corp		
Jeffrey A. Smith, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Jennifer L. Smith, 900 17th Street, NW, #520 Washington, DC 20006	West Mexico Vegetable Distributors Assn	300.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	33,314.29	4,273.54
Kern Smith, 400 First St., NW, #710 Washington, DC 20001	Alliance of Foreign Medical Graduates	6,250.00	
Kevin R. Smith, 1020 19th Street, NW, #700 Washington, DC 20036	U S West	460.00	
Kirkland Smith, Docs# 83-A-4548 Great Meadow Correctional Facility Box 51 Comstock, NY 12821			
Marc Smith, 200 Renaissance Place 714 Jackson Street Dallas, TX 75202			
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co.		
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	700.00	257.00
Owen T. Smith, 215 Townsend Square Oyster Bay, NY 11771	Philip Morris, Inc.	1,000.00	
Patricia Smith, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	735.00	892.34
Philip S. Smith, 10900 Wilshire Boulevard Los Angeles, CA 90024	Castle & Cooke, Inc		
Do	Castle & Cooke (For:Dole Fresh Fruit Company)	281.25	734.80
Do	Flexi Van Leasing, Inc		
Richard F. Smith, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc.	600.00	150.00
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	6,000.00	380.00
Sara Hope Smith, 1275 Pennsylvania Ave, NW, #400 Washington, DC 20004	Pacific Telesis Group	9,937.50	
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	300.00	320.00
Tim Smith, 410 1st St., SE Washington, DC 20003	American Nuclear Energy Council	2,750.00	1,332.47
Smith Dawson & Andrews, Inc. 1000 Connecticut Ave., NW, #302 Washington, DC 20036	City of Eugene, Oregon	12,750.00	
Do	Haarmann & Reimer Corp	6,000.00	120.00
Do	Illinois Diversatech Corp.		
Do	N.Y. Metropolitan Transportation Agency	24,999.99	325.00
Do	National Assn of Foreign Trade Zones	2,500.00	215.00
Do	Power Packaging, Inc		
Do	S & F Warehouses, Inc.		
Do	San Francisco Public Utilities Commission	8,250.00	
David A. Smitherman, 1012 Fleming Building Des Moines, IA 50309	American Petroleum Insitute	590.00	1,358.94
Smokeless Tobacco Council, Inc, 2550 M Street, NW, #300 Washington, DC 20037		1,567.86	1,567.86
Darlene Snow, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Larry S. Snowhite, 1825 Eye St., NW, #1201 Washington, DC 20006	Massachusetts Education Loan Authority		
Do	New England Education Loan Authority		
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn	500.00	24.00
Edward F. Snyder, 245 2nd St., NE Washington, DC 20002	Friends Committee on National Legislation	4,843.26	
Gene Snyder, 205 North Third Street LaGrange, KY 40031	Arthur Cameron	9,000.00	
Do	Cincinnati Microwave, Inc.	15,000.00	1,241.83
Do	Norfolk Southern Corp	12,000.00	1,214.99
Do	United Parcel Service	16,500.00	1,770.26
John M. Snyder, 600 Pennsylvania Ave., SE, #205 Washington, DC 20003	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Alloy Surfaces Co, Inc		
Do	General Motors Corp.	87.50	163.80
Do	Puget Sound Naval Bases Assn, Inc (PSNBA)		
Do	Service Engineering Company		
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		30,829.00	38,988.21
Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314	American Soc for Personnel Administration		45,000.00
Society for Nutrition Education, 1700 Broadway, #300 Oakland, CA 94612-2128			3,055.00
Society of Real Estate Appraisers, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037		2,362.00	2,362.00
Lynn Soffer, 2000 P Street, NW, #700 Washington, DC 20036	Health Research Group		
Thomas J. Soles Jr., 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Sandra M. Solowiej, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Frederick P. Somers, 1383 Piccard Drive P.O.Box 1725 Rockville, MD 20850-0822	American Occupational Therapy Assn, Inc.	2,500.00	240.43
Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	3,000.00	
Ronald J. Somerville, 1000 Connecticut Ave., NW, #1002 Washington, DC 20036	Wildlife Legislative Fund of America	17,000.00	
Judah C. Sommer, 1825 Eye Street, NW, #450 Washington, DC 20006	Goldman Sachs & Co.	500.00	
SL Sommer & Associates, Inc. 2700 Virginia Ave., NW, #910 Washington, DC 20037	Defense Division Brunswick Corp.	1,500.00	3,922.05
James E. Sommerhauser, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Sonnenschein Carlin Nath & Rosenthal, 1201 Pennshlvania Ave., #700 Washington, DC 20004	Geneva Steel		
William A. Sonntag, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Smith Bucklin & Associates (For:National Assn of Metal Finishers)		
Southern Forest Products Assn, P.O. Box 52468 New Orleans, LA 70152		19,752.10	19,752.10
Space Industries, Inc, 711 West Bay Area Blvd., #320 Webster, TX 77598-4001			2,773.75
Susan E. Spangler, 1615 L Street, NW, #1350 Washington, DC 20036	Business Roundtable		
Sparber and Associates, Inc. 1325 Pennsylvania Ave., NW, #500 Washington, DC 20004	National Volunteer Fire Council		
Do	Tobacco Institute	6,500.00	
D. Dean Sparkman, 1925 N. Lynn Street, #308 Arlington, VA 22209	Sparkman & Cole, Inc (For:Delta Airlines, Inc)	1,500.00	
Do	Sparkman & Cole, Inc (For:Embry-Riddle)	1,500.00	
Do	Sparkman & Cole, Inc (For:National Business Aircraft Assn)	1,500.00	
Do	Sparkman & Cole, Inc (For:Regional Airport Authority of Louisville)	1,500.00	
John S. Sparkman, 1100 Connecticut Ave., NW, #530 Washington, DC 20036	Baltimore Gas & Electric Company	221.47	43.52
Sparkman & Cole, 1925 N. Lynn Street, #308 Arlington, VA 22209	Air Transport Assn of America	2,500.00	
Do	Delta Air Lines	12,000.00	
Do	Embry-Riddle	1,650.00	
Do	National Business Aircraft Assn	5,000.00	
Do	Regional Airport Authority of Louisville	4,686.85	
Ian D. Spatz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	2,770.90	
Jonathan B. Spear, 1100-15th Street, NW, #900 Washington, DC 20005	Phamaceutical Maufacturers Assn	4,000.00	26.00
Specialized Carriers & Rigging Assn, Inc, 2200 Mill Road, #616 Alexandria, VA 22314			
Sandra Spence, 1776 Massachusetts Ave., NW, #521 Washington, DC 20036	Spence Group (For:Association for Commuter Transportation, Inc)	450.00	
Do	Spence Group (For:Fire Equipment Manufacturers & Services Assn, Inc)		
William B. Spencer, 729 15th Street, NW Washington, DC 20005	Associated Builders and Contractors, Inc.	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ray L. Spickler, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	350.04	
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	American Assn of Airport Executives		
Do	City & County of Denver, Director of Aviation	19,863.25	
Do	Columbia Metropolitan Airport		
Do	Connecticut Municipal Electric Energy Coop		
Do	Former Residents of Centralia Pennsylvania		
Do	Ft. Wayne-Allen County Airport Authority		
Do	LeHigh-Northhampton Airport Authority		
Do	Minneapolis/St. Paul Metropolitan Airport Commission	3,400.00	
Do	Northern California Power Agency		
Do	Service Employees International Union, AFL-CIO		
Do	St. Lucie County, Florida		
Frances Spivy-Weber, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		620.00
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	2,500.00	75.00
Sporting Goods Manufacturers Assn, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufactuters Assn		60.00
Lisa M. Sprague, 1615 H Street, NW Washington, DC 20062	United States Chamber of Commerce	2,500.00	103.70
Martha Ann Spudis, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,700.00	
Earl C. Spurrier, The Madison Building, #900 1155 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn		
Philip Squair, 1501 Wilson Blvd., #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Soc of Anesthesiologists		
Do	ADAPSO, the Computer Software & Services Industry Assn		10.00
Do	Independent Data Communications Manufacturers Assn	2,840.00	38.00
Do	National Collegiate Athletic Assn	4,683.75	32.60
Do	Samaritan Health Services		
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
John W. Sroka, 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Janet G. St. Amand, 60 Wall Street New York, NY 10260	Morgan Guaranty Trust Co	150.00	
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	300.00	1,083.78
Elvis J. Stahr Jr., 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates		
Tyrone Stallworth, 220 North Devillers Street Pensacola, FL 32501			
David P. Stang, P.C., 1629 K St., NW, #601 Washington, DC 20006	McDermott, Inc	6,872.89	
Theresa Stanion, 3150 Spring Street Fairfax, VA 22031-2399	International Communications Industries Assn	309,689.00	2,761.00
Joseph M. Stanton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	National Spa & Pool Institute		
Do	Philip Morris		
Jane Sutter Starke, 1818 N St., NW, #700 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Metropolitan Transportation Authority)		
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy, Arlington, VA 22202	Manufactured Housing Institute	8,125.00	493.13
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Randolph J. Stayin, 1815 H Street, NW, Suite 800 Washington, DC 20006	Barnes & Thornburg (For:Empire Resources, Inc)	74.00	6.00
Do	Barnes & Thornburg (For:Special Comm for Workplace Product Liability Reform)	1,609.50	17.65
Do	Barnes & Thornburg (For:Westland Oil Development Corp)	370.00	
Barbara E. Steakley, 918 16th Street, NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	802.44
Kathryn A. Steckelberg, 1111 19th Street, NW Washington, DC 20036-3691	Edison Electric Institute	2,230.22	283.68
Jeffrey V. Steele, 2033 M Street, NW, #300 Washington, DC 20036	National Association of Arab Americans	5,000.00	40.00
Carol Higgins Steenland, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	123.60	90.35
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Alliance of Resposible Electric Systems for Energy Access)	31,620.00	2,397.95
Do	Government Refuse Collection and Disposal Assn, Inc (GRCDA)		
Kristin Stelck, 2401 Virginia Avenue, NW Washington, DC 20037	American Assn of University Women	5,000.00	281.12
Charles W. Stellar, 1227 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn		
Jack L. Stempler, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	75.00
Jackson T. Stephens, 114 East Capitol Little Rock, AR 72201	Stephens Group		
Stephens Group, Inc, 114 East Capitol Little Rock, AR 72201			
Stephens Overseas Services, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	16,362.50	1,852.46
Do	Bear Stearns & Co		
Do	Canadian Sugar Institute		
Do	Cement Importers Assn		
Do	Christie's		
Do	Citizens Savings Financial Corp		
Do	Clean Sound		3,450.16
Do	Co-Operative Central Bank		
Do	Coalition to Promote America's Trade		
Do	CSO Company		
Do	Mutual Life Insurance Company Tax Committee		
Do	National Antique & Art Dealers Assn of America		
Do	Sotheby's		
Richard W. Sternberg, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	95.00	
George C. Steuart, 1825 I Street, NW, #400 Washington, DC 20006	Miller & Steuart (For:Coastal Corporation)		
Do	Miller & Steuart (For:E.R. Squibb and Sons, Inc)		
Michael E. Steward, 1730 M Street, NW, #607 Washington,, DC 20036	Puget Sound Power & Light Co	2,210.00	268.42
Eugene L. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Monsanto Co		
Do	Roses, Inc		
Do	Timken Co		
Robert B. Stewart, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	2,463.00	
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Cabot Corporation		
Do	Floral Trade Council		
Do	Stewart & Stewart (For:Gates Corp)		
Do	Stewart & Stewart (For:Hudson Industries Corp)		
Do	Stewart & Stewart (For:Kimble Glass, Inc)		
Do	Stewart & Stewart (For:Libbey Glass)	346.50	103.12
Do	Monsanto Co		
Do	PPG Industries, Inc		
Do	Roses, Inc		
Do	Smith Corona Corp		
Do	(For:Stewart & Stewart)		
Do	Timken Co	1,787.50	458.25
Do	Torrington Company	1,787.50	458.25
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	2,153.93	20.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309			35.00
Edward W. Stimpson, Suite 801 1400 K St., NW Washington, DC 20005	General Aviation Manufacturers Association		
Neal Stine, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
David J. Stirpe, 1501 Wilson Blvd., #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America	3,300.00	
Stockholders of America, Inc, 1625 Eye Street, NW, #724A Washington, DC 20006			
Steven F. Stockmeyer, 499 South Capitol Street, SE #103 Washington, DC 20004	Manville Corporation	200.00	
Do	National Assn of Business PACs		
Do	Springs Industries		
Stoel Rives Boley Jones & Grey, 1350 New York Avenue, NW, #600-A Washington, DC 20005-4709	A-dec, Inc	1,188.00	82.98
Do	Coosand Corp	1,579.50	141.88
Do	PacifiCorp	94.50	2,695.67
Do	Southeast Alaska ANCSA Land Acquisition Coalition, Inc	13,446.00	678.24
Dennis C. Stolte, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,050.00	211.21
Robin E. Stombler, 1640 Wisconsin Avenue, NW, Washington, DC 20007	American College of Surgeons		93.18
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,800.00	
Harry L. Storey, 8400 E Prentice Ave. 15th Floor Englewood, CO 80111	Alliance for Clean Energy	20,000.00	9,999.08
Todd A. Stottlemyer, 7915 Jones Branch Drive McLean, VA 22102	BDM International, Inc		
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance (ALESA)	4,166.00	297.01
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	Public Service Co of Indiana	15,250.00	29,838.59

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael L. Strang, 218 2nd St., SE Washington, DC 20003	ATR Defense Group		451.75
Strang Fletcher Carriger Walker Hodge & Smith, 400 Krystal Building, One Union Square Chattanooga, TN 37402	Chattanooga Production Credit Assn, et al		
Luther J. Strange III, 1100 15th Street, NW, #700 Washington, DC 20005	Sonat, Inc		
Raymond L. Strassburger, 600 Maryland Avneue, SW, #607 Washington, DC 20024	Northern Telecom, Inc		1,445.00
Terrence D. Straub, 818 Connecticut Avenue, N.w. Washington, DC 20006	USX Corporation	250.00	38.85
David R. Straus, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Alliance of Responsible Electric Systems for Energy Access)	27,642.50	2,091.82
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America (1983), Inc		
George W. Strong, 2242 Bartlett Houston, TX 77098	Enron Corp		
Jack B. Strong, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunications Corp	16,462.50	
Do	ATC Claydesta (For:Jenkens & Gilchrist)		
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc	500.00	15.00
Do	Dreyfus Corporation		
William M. Stroud, 800 North Plaza Drive Schaumburg, IL 60196	Zurich-American Insurance Company	262.50	262.50
Cory N. Strupp, 60 Wall Street New York, NY 10260	Morgan Guaranty Trust Co	2,140.00	391.00
Stryker Weiner Associates, Inc, 737 Bishop Street, #2860 Honolulu, HI 96813	Philip Morris, Inc	1,000.00	50.00
Dorothy E. Stucke, 1111 14th Street, NW, #900 Washington, DC 20005	National Apartment Assn	7,615.38	400.00
Donald B. Studley, 127 Brookmoor Road Avon, CT 06001	Yankee Gas Services Company	345.47	431.72
Charlene A. Sturbitts, 901 15th Street, #570 Washington, DC 20005	Interstate Natural Gas Assn of America	13,700.00	
Eugene F. Sturgeon, 182 Crater Lane Kensington, CT 06037	Northeast Utilities Service Co	2,303.24	555.60
Lawrence J. Suffredin Jr., 55 West Wacker Drive, #702 Chicago, IL 60601	City of Evanston, Illinois	500.00	
Do	Harza Engineering Co	2,500.00	
Arthur E. Sullivan Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	3,250.00	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, 11 15th Street, NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	8,155.28	2,769.79
Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20005	LTV Corporation	2,344.00	755.40
Harold R. Sullivan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	600.00	
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Margaret Cox Sullivan, 1625 Eye St., NW, #724A Washington, DC 20006	Stockholders of America, Inc	7,185.00	606.82
Pauline Sullivan, #11 15th St., NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants		
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	American International Group, Inc		
Do	BHP Holdings (USA) Inc		
Do	Grand Met USA, Inc		
Do	Securities Industry Assn		
Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc		225.00
Thomas M. Susman, 1001 Pennsylvania Ave., NW, #1200-S Washington, DC 20004	Ropes & Gray (For:Dunkin' Donuts)		
Do	Ropes & Gray (For:Eastern Enterprises)		
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:American Savings Bank, FSB)		
Do	Thacher Proffitt & Wood (For:Apple Bank for Savings)		
Do	Thacher Proffitt & Wood (For:Binghamton Savings Bank)		
Do	Thacher Proffitt & Wood (For:Great Western Savings, Federal Savings & Loan)		
Do	Thacher Proffitt & Wood (For:New Hampshire Savings Bank)		
Do	Thacher Proffitt & Wood (For:Peoples Westchester Savings Bank)		
Do	Thacher Proffitt & Wood (For:River Bank America)		
Do	Thacher Proffitt & Wood (For:Rochester Community Savings Bank)		
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Ad Hoc Comm for a Competitive Electric Supply System		
Do	American Council on Education		
Do	American Industrial Clay & Georgia Kaolin	4,040.92	116.06
Do	Anglo-American Clays Corp	4,040.92	116.06
Do	Committee Against Revising Staggers		
Do	Council of Industrial Boiler Owners		
Do	Duke University		
Do	Engelhard Minerals & Chemicals Corp	4,040.92	116.06
Do	J. M. Huber Corp	4,040.92	116.06
Do	Industrial Oil Consumers Group		
Do	Minnesota Mutual Life Insurance Co		
Do	Nord Resources Corp	4,040.92	116.06
Do	Process Gas Consumers Group		
Do	Thiele Kaolin Co	4,040.92	116.06
Do	Windom Brannon, et al	1,000.00	12.40
W. Thomas Suttle, 1521 Vermont Avenue, NW Washington, DC 20005	Institute of Electrical & Electronics Engineers	3,150.00	
Stephen Sutton, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	85.34
Douglass W. Svendson Jr., 1730 Rhode Island Avenue, NW, #417-19 Washington, DC 20036	Hollywood Marine Service, Inc	3,000.00	
Do	Shell Oil Co		
Sylvia E. Swanson, 1801 K Street, NW, #1105-L Washington, DC 20006	Glass Packaging Institute	560.00	
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	22,282.96	
William R. Sweeney Jr., 536 7th Street, SE Washington, DC 20003	China External Trade Development Council		
Do	Embassy of Japan		
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co	500.00	
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	11,250.00	474.93
Robert D. Swezey Jr., 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	250.00	
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	American Hoechst Corporation		
Do	Republic of Haiti		
Carol A. Swift, 311 First St., NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	1,300.00	220.00
Ronald G. Sykes, 1660 L Street, NW Washington, DC 20036	General Motors Corp	2,500.00	7,435.25
David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791	American Petroleum Institute	1,260.00	3,431.02
Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101	Garrison Diversion Conservancy District	3,750.00	387.84
Systematics, Inc, 4001 Rodney Parham Road Little Rock, AR 72212			
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
Z. Michael Szaz, 7209 Monticello Blvd. Springfield, VA 22150	American Hungarian Federation		
Do	Transylvanian World Federation		
SKC & Associates, 1825 K Street, NW Washington, DC 20006	Southern Company Services	10,000.00	
Janis Tabor, 1825 K Street, NW, #218 Washington, DC 20006	American Society of Mechanical Engineers		
Robert Taft Jr., 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Dosimeter Corp of North America)		
Do	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Do	Taft Stettinius & Hollister (For:Westland Oil Development Corp)		
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Animal Health Institute		
Do	Association of American Railroads		
Do	M&M/Mars		
Do	Marion Laboratories, Inc		
Do	Telephone & Data Systems, Inc		
Tanaka Ritger & Middleton, 1919 Pennsylvania Ave., NW, #303 Washington, DC 20006	Electronic Industries Assn of Japan		
Do	Japan Automobile Tire Manufacturers Assn (JATMA)		
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	6,907.50	82.50
William E. Tanner, 10803 Norman Ave Fairfax, VA 22030	Coalition for Environmental-Energy Balance	9,000.00	2,221.87
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	7,065.00	
David R. Tatum, 577 Mulberry Street Macon, GA 31298	Charter Medical Corp		
Taubman Company, Inc, P.O. Box 200 Bloomfield Hills, MI 48303-0200			
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			390.00
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Gene Taylor, 453 New Jersey Ave., SE Washington, DC 20003	Gene Taylor Associates, Inc (For:Associated Electric Cooperative, Inc)	5,000.00	
Do	Gene Taylor Associates, Inc (For:Eagle-Picher Industries, Inc)	5,000.00	
Do	Gene Taylor Associates, Inc (For:Empire District Electric Company)	5,000.00	
Do	Empire Gas Corp	1,000.00	
Do	Gene Taylor Associates, Inc (For:FAG Bearings Corporation)	5,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Gene Taylor Associates, Inc. (For:National Assn of Postmasters of the U.S.)	6,000.00	
Do	Gene Taylor Associates, Inc (For:Norfolk Southern Corporation)	12,000.00	
Jefferson D. Taylor, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	636.15
John A. Taylor, 11 Canal Center Plaza, #250 Alexandria, VA 22314	Virginia Power	500.00	100.00
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Company	100.00	
Patricia Taylor 1501 16th St., NW Washington, DC 20036	Center for Science in the Public Interest	245.25	65.90
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,881.67	393.23
R. William Taylor, 1575 Eye Street, NW Washington, DC 20006	American Soc of Assn Executives	300.00	
Richard Taylor, 1819 L Street, NW, #800 Washington, DC 20036	Consolidated Natural Gas Company	200.00	
Sandra E. Taylor, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas	15,000.00	97.29
Sunny Taylor, 6269 Franconia Road Alexandria, VA 22310	Collins & Associates (For:City of Pompano Beach, Florida)		
Randy Teach, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
T. Daniel Tearno, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company	739.65	1,260.88
James M. Temenak, P.O. Box 16614 Arlington, VA 22215	National Steel & Shipbuilding Company	3,770.00	226.89
Norman J. Temple, 155 Dresden Avenue Gardiner, ME 04345	Central Maine Power Co, et al	8,000.00	
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	2,500.00	
Cheryl Terio, 1957 E Steet, NW Washington, DC 20006	Associated General Contractors of America		
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	72.20
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	1,311.00	235.33
Richard Paul Teske, 1500 K Street, NW, #625 Washington, DC 20005	Burroughs Wellcome Co	25,000.00	59,750.00
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	1,023.00	23.25
James G. Tetirick, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Texas Committee on Natural Resources, 5934 Royal Lane, #223 Dallas, TX 75230	Texas Committee on Nutural Resources	2,500.00	1,240.47
Textbook Authors Association, P.O. Box 535 Orange Springs, FL 32182			
Textron, Inc, 40 Westminster St. Providence, RI 02903		4,650.00	1,030.00
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	American Savings Bank, FSB	5,431.00	725.21
Do	Apple Bank for Savings		
Do	Binghamton Savings Bank		
Do	Boston Five Cents Savings Bank, FSB		
Do	Castine Partners		1,275.21
Do	Chicago Board Options Exchange		
Do	Citicorp (Banking)		
Do	Citicorp Mortgage Finance, Inc	2,618.00	1,500.21
Do	Dollar Bank, FSB		
Do	Federal Home Loan Mortgage Corp		
Do	General Electric Mortgage Insurance Co	12,953.50	7,380.21
Do	Great Western Savings, Federal Savings & Loan		725.21
Do	Massachusetts Bankers Assn		725.21
Do	New Hampshire Savings Bank		
Do	Peoples Westchester Savings Bank		725.21
Do	River Bank America		
Do	Rochester Community Savings Bank		
Do	Standard Federal Savings & Loan	2,910.98	1,350.21
Mary Kay Thatcher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,775.00	171.50
Karen E. Theibert, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	400.00	
Janelle C. Morris Thibau, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	1,500.00	
Douglas E. Therwechter, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corp		
Third Class Mail Association, 1333 F Street, NW, #710 Washington, DC 20004-1108		5,046.00	5,046.00
Robert G. Thoma, 2100 Pennsylvania Ave., NW, #755 Washington, DC 20037	BASF Corp	540.00	38.60
Doris I. Thomas, 15th & M St. NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Gordon M. Thomas, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Visual Information Technologies, Inc		
John W. Thomas, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	315.00	
Robert L. Thomas, 1319 F St., NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Bruce E. Thompson Jr., 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	7,500.00	
Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Duane R. Thompson, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Kenneth W. Thompson, 1919 Pennsylvania Ave., NW, 8th Floor Washington, DC 20006	American Health Care Assn	900.00	
Do	BellSouth Corp	1,500.00	
Do	Duke Power Company	3,000.00	30.00
Do	National Funeral Directors Assn	300.00	
Randell Thompson, 7307 Lynnhurst Street Chevy Chase, MD 20815	Illinois Power Co		
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Squibb Corporation	1,500.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		
W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Thompson & Mitchell, 1120 Vermont Avenue, NW, #1000 Washington, DC 20005	Cold Finished Steel Bar Institute	494.50	
Thompson Mann & Hutson, 3000 K Street, NW, #600 Washington, DC 20007	Bechtel Group, Inc		
Do	Combustion Engineering, Inc		
Do	Fluor-Daniel, Inc		
Do	M.W. Kellogg Company		
Do	Milliken & Co		
Do	Morrison-Knudsen Co, Inc		
Do	National Dual Shop Coalition		
Thompson Sizemore & Gonzalez, 109 N. Brush Street, #200 P.O.Box 639 Tampa, FL 33601	City of Clearwater	530.00	1,383.87
Robert E. Thomson, 59 Maiden Lane New York, NY 10038	Ambase	1,469.24	911.30
Thomson Consumer Electronics, Inc, 1200 19th Street, NW #601 Washington, DC 20036			
Joseph Thorndike, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assn's (COSSA)		
James L. Thorne, 490 L'Enfant Plaza, SW, #2202 Washington, DC 20024	Tenneco Gas		
Margo Thorning, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	355.00	
John Thornton, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	1,719.00	
Gary Thorup, 2564 Wilmington Avenue Salt Lake City, UT 84109	Philip Morris, Inc	7,500.00	286.48
Walter L. Threadgill, 1200 18th Street, NW, #705 Washington, DC 20036	Millicom, Inc		
Julianne S. Thrift, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	3,375.00	214.00
Tighe Curhan & Piliero, 1750 Pennsylvania Avenue, NW, #1201 Washington, DC 20006	Coalition for H.R. 2972 (Richardson) Substitute Bill		
Susan K. Till, 955 L'Enfant Plaza, SW, #1202 Washington, DC 20024	National Water Resources Assn	2,500.00	
Wallace Tillman, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	150.00	
Patti A. Tilson, Suite 520 900 17th Street, NW Washington, DC 20006	Toyota Motor Sales USA, Inc	500.00	
Gary G. Timmons, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,348.10	385.00
Timmons & Co, Inc, 1850 K St., NW Washington, DC 20006	American Petroleum Institute	2,612.54	
Do	American Trucking Assns, Inc	1,718.75	
Do	Amoco Corporation	2,268.75	
Do	Anheuser-Busch Companies, Inc	1,993.75	
Do	Association of Trial Lawyers of America	1,260.00	
Do	Capital Cities/ABC, Inc	1,993.75	
Do	Chrysler Corporation	3,025.00	
Do	Entergy Services, Inc	1,856.28	
Do	H. J. Heinz Co	1,306.25	
Do	Major League Baseball	1,443.75	
Do	Morgan Stanley & Co, Inc	893.75	
Do	Mutual Fairness Taxation Association	1,581.25	
Do	National Rifle Assn of America	1,031.25	
Do	Northern Telecom, Inc	275.00	
Do	Northrop Corp	3,577.45	
Do	NutraSweet Co	1,168.75	
Do	G. D. Searle & Co	1,168.75	
Do	Union Pacific Corp	1,168.75	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	12,109.50	20,431.38
Michael L. Tiner and Associates, 1317 Rhode Island Ave., NW, #502 Washington, DC 20005	Joseph E. Seagram & Sons, Inc	1,800.00	
Do	United Food and Commercial Works International Union	900.00	
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Constance D. Tipton, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		2,685.80
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation & Int'l Ice Cream Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	3,000.00	320.49
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	3,500.00	434.64
Tobacco Associates, Inc, 1725 K Street, NW, #512 Washington, DC 20006			5,971.60
James S. Todd, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	2,000.00	
M. Douglas Todd, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	
Kathryn R. Tollerton, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	853.74	
Jean R. Toohey, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc Inc	525.00	345.75
Michael J. Toohey, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	568.44
William D. Toohey, Two Lafayette Centre 1133 21st Street, NW Washington, DC 20036	Travel Industry Assn of America		
Peter W. Tooker, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Company		
Total Petroleum, Inc, 999 18th Street, Suite 2201 Denver, CO 80202			4,631.00
Gilbert D. Tough, 70 North Main St. Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,186.00	
Transafrica, 545 8th Street, SE, #200 Washington, DC 20003		62,385.99	50,661.27
Transportation - Communications Union, 815 16th St., NW, #511 Washington, DC 20006		8,000.00	13,119.09
Travel & Tourism Government Affairs Policy Council, 1133 21st Street, NW Washington, DC 20036		4,300.00	4,300.00
Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NM Washington, DC 20036			8,200.00
Tretter-Gorman, Inc, 711 N. Eleventh Street St. Louis, MO 63101	Madison Public Affairs Group (for: Philip Morris USA)	5.88	7.48
Do	Philip Morris, Inc	5.88	7.48
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		
Eugene M. Trisko, P.O. Box 596 Berkeley Springs, WV 25411	Stern Bros, Inc		
Michael G. Troop, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	13,125.00	
Robert C. Troup, Box 893 New Canaan, CT 06840			
George G. Troutman, Suite 1100 1090 Vermont Ave., NW Washington, DC 20005	Bell Helicopter Textron, Inc	150.00	
Gregory A. Troxell, 1800 K Street, NW, #1018 Washington, DC 20006	Public Service Co of Indiana	5,000.00	10,631.21
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	359.01
E.F. Trumble Public Relations Inc, 700 New Hampshire Ave., NW, #1017 Washington, DC 20037	National Investor Relations Institute	1,650.00	
Tucker & Associates, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	New York Life Insurance Company		
Do	Regional Transportation District	3,000.00	
Shannon B. Tuel, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Audrey Schumacher Turner, 1001 22nd Street, NW, #400 Washington, DC 20037	Mercer Meidinger Hansen, Inc		
Garry R. Turner, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform (FAIR)		
J. Terry Turner, 2200 Mill Road Alexandria, VA 22314	Interstate Truckload Carriers Conference	500.00	2,200.00
Jane L. Turner, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn	1,200.00	
John H. Turner, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
John M. Turner, 1875 Eye St., NW, #400 Washington, DC 20006	Georgia-Pacific Corp	1,000.00	
Pamela Turner, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn	6,375.00	
William F. Turner, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	200.00	
Turner Broadcasting System, Inc, 810 First Street, NE, #620 Washington, DC 20002		20,770.00	20,770.00
Richard F. Turney, 1725 K St., NW, #710 Washington, DC 20006	Courtney McCamant & Turney	300.00	
St. Clair J. Tweedie, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co	15,000.00	
Jeannine Dowling Twomey, 5 Virginia Place Larchmont, NY 10538	Madison Public Affairs Group, Inc (for Philip Morris USA)	900.00	20.00
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade		
Joseph D. Tydings, 2000 Pennsylvania Avenue, NW #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:Population Crisis Committee)		
Clay Tyeryar, 7297-N Lee Highway Falls Church, VA 22042	American Textile Machinery Assn		
Craig Tyle, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
U.S. Border Control, 8001 Forbes Place Springfield, VA 22151		37,010.79	41,217.31
U.S. League of Savings Institutions, 111 E. Wacker Dr. Chicago, IL 60601			123,609.99
U.S. Public Interest Research Group, 215 Pennsylvania Avenue, SE Washington, DC 20003		73,006.22	121,143.18
U.S. Recreational Ski Association, 1315 East Pacifico Avenue Anaheim, CA 92805			
U.S. Strategies Corp, 104 North Carolina Ave., SE Washington, DC 20003	Cancer Treatment Holdings, Inc		
Do	Healthsouth Rehabilitation Corp		
Stewart L. Udall, 511 E. Palace Avenue Santa Fe, NM 87501	Claimants Under Proposed Radiation Exposure Compensation Act		
Jerry G. Udell, 1616 H St., NW Washington, DC 20006	National Retail Federation	55.00	42.00
Robert D. Umphrey Jr., 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	3,000.00	637.29
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
Unilever United States, Inc, 390 Park Ave. New York, NY 10022			3,795.37
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			26,730.06
United Gas Pipe Line Co, P.O. Box 1478 Houston, TX 77251-1478			
United International Consultants, 1800 Diagonal Road Alexandria, VA 22314	Republic of South Africa	90,000.00	24,999.00
United Services Automobile Assn, P.O. Box 4525 Reston, VA 22090-1489			
Anne I. Urban, 311 First Street, NW Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	3,500.00	
Utility Nuclear Waste and Transportation Program, c/o Edison Electric Institute 1111 19th St., NW Washington, DC 20036	Utility Nuclear Waste Management Group		
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	6,000.00	413.26
Debra A. Valentine, 555 13th Street, NW Washington, DC 20004	O'Melveny & Myers (For:AMAX, Inc)	37.50	
Do	O'Melveny & Myers (For:Ford Motor Company)	37.50	
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	Orbital Sciences Corporation	500.00	
Do	Pharmaceutical Manufacturers Assn	500.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
William R. Van Dresser, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	575.00	
Van Dyk Associates, Inc, 1250 24th St.,N.W. Suite 600 Washington, DC 20037	American Gas Assn		
Do	Boston Company		
Do	USF&G Corp		
Laura Van Etten, 1700 Pennsylvania Avenue, NW, #525 Washington, DC 20006	Equitable Financial Companies		
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Co	14,250.00	
Do	Cincinnati Electronics	1,100.00	
Do	Harsco Corp	24,000.00	96,999.42
Do	Magnavox Government and Industrial Electronics Co	17,450.00	11,056.79
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, #520 Washington, DC 20003	Diagnostic/Retrieval Systems, Inc	2,500.00	
Do	Electrospace Corporation	4,000.00	
Do	General Instrument Corp	9,000.00	1,398.22
Do	Miltope Corp	7,500.00	670.83
Do	Thermo Electro Technologies	7,500.00	
Henry B. Van Gieson, 1700 North Moore St., 2120 Arlington, VA 22209	Boeing Company	1,890.00	129.00
Matthew Van Hook, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Alaska Eskimo Whaling Commission		
Do	America First Companies		
Do	American Inst of Certified Public Accountants		
Do	American President Lines		
Do	Arctic Slope Regional Corp		
Do	Bumble Bee Seafoods, Inc		
Do	BRAE Corporation		
Do	Capital Registry, Inc		
Do	Clean Coal Technology Coalition	3,330.00	
Do	Collier Company		
Do	Committee of Hydroelectric Dam Owners		
Do	Consumers United for Rail Equity (C.U.R.E.)		
Do	Department of Water & Power		
Do	Energy Fuels Nuclear Inc		
Do	Geothermal Resources Assn	135.00	
Do	Lower Colorado River Authority	3,190.50	
Do	LUZ International Ltd	5,400.00	
Do	McKesson Corporation		
Do	National Nutrition Coalition		
Do	Pacific West Cable Television		
Do	Qualified Personnel, Inc		
Do	Seneca Resources, Inc	270.00	
Do	Southern California Edison Co		
Do	Uranium Producers of America		
Do	Wagner & Brown		
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	4,659.00	40.20

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Marjorie Vanderbilt, 1101 14th Street, NW. #200 Washington, DC 20005	American Nurses' Association	3,500.00	322.43
Norman C. VanderNoot, New Hampshire Petroleum Council 15 N. Main Street Concord, NH 03301	American Petroleum Institute	565.00	1,279.45
H. Stewart VanScoyoc, 453 New Jersey Ave., SE Washington, DC 20003	Winburn VanScoyoc & Hooper (For:Champion International Corp)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:Coalition of EPSCoR States)	21,000.00	
Do	Winburn VanScoyoc & Hooper (For:E. I. Du Pont de Nemours & Co)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:International Paper)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:Quanex)	16,050.00	
Do	Winburn VanScoyoc & Hooper (For:Scott Paper Co)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:University of Alabama System)	21,000.00	
Do	Winburn VanScoyoc & Hooper (For:USF&G Corp)	3,000.00	
Do	Winburn VanScoyoc & Hooper (For:Weyerhaeuser)	5,000.00	
Robert C. Varah, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Donald R. Vaughan, P.O. Box 2909 Asheboro, NC 27203	Stedman Corporation		
R. Glenn Vawter, 2500 Clarendon Blvd, #T-2 Arlington, VA 22201		3,957.74	3,627.74
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	
Carol Verby, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
William P. Verdon, 1627 K Street, NW, #1200 Washington, DC 20006	United Shipowners of America	13,500.00	
Vern Clark & Associates, 1818 N Streetl, NW, #700 Washington, DC 20036	Metromedia Company	15,000.00	726.86
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,084.50	
Verstandig & Associates, Inc, 1455 Pennsylvania Avenue, NW, #1180 Washington, DC 20004	Anheuser-Busch Companies, Inc	1,200.00	425.46
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc		
Do	National Assn of Crop Inusrance Agents	18,750.00	
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	California Franchise Tax Board	1,793.75	
Do	California Public Employees' Retirement System	16,771.25	
Do	Pacific Stock Exchange, Inc	10,346.25	
Do	State Board of Equalization (Calif)	787.50	
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	3,323.00	2,607.61
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	271.90
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Allied Signal, Inc		
Do	Bank Tax Group		
Do	Citicorp Washington, Inc	4,604.00	
Do	Citizens Utilities Company		4,989.70
Do	E. M. Warburg Pincus & Co, Inc		
Do	Federal Express Corp	235.00	
Do	Goldman Sachs & Co		1,564.80
Do	Merrill Lynch & Co, Inc	4,150.00	
Do	Modar, Inc		
Do	National Corporation for Housing Partnerships		
Do	United Savings Assn of Texas FSB		
Walter D. Vinyard Jr., Zuckert, Scoutt, Rasenberger & Johnson 888 17th St., NW, 7th Fl. Washington, DC 20006	Continental Insurance Companies	8.00	
Do	National Fraternal Congress of America	10.00	
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207		50.00	0.50
George A. Viverette Jr., 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
M. Allan Vogelson, 35 Kings Highway East Haddonfield, NJ 08033	Reese Communications Cos (for: Philip Morris, USA)		
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Volkswagen of America, Inc, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024		600.00	
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	17,270.70	
Ian D. Volner, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For:Maclean Hunter Cable TV)		
Do	National Assn of Trade & Technical Schools	1,250.00	
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	American Assn of Equipment Lessors		
Voluntary Hospitals of America, Inc, 1150 Connecticut Ave., NW, #800 Washington, DC 20036			11,250.00
Volunteer Trustees of Not-For-Profit Hospitals, 1625 Eye St., NW, #810 Washington, DC 20006		188,600.00	11,258.00
Ann Hadley Vom Eigen, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	7,478.00	755.00
Ingrid A. Voorhees, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	125.00	100.00
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Bell Communications Research	1,338.75	19.00
Do	Committee of Publicly Owned Companies	590.00	20.34
Do	Dale Michael A/K/A Riviera Bowling Lanes		105.85
Do	Fraternal Order of Police - National Headquarters		
Do	Grocery Manufacturers of America, Inc		
Do	Ohio Advanced Technology Center, Inc		
Do	Ohio Broadcasters Assn		
Do	Ohio Forestry Assn		
Do	Ohio Manufacturers Assn	860.44	12.00
Do	Ohio Soft Drink	153.22	0.45
Do	Snow Aviation International, Inc		
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	14,049.91	387.44
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburg, PA 15219	Procompetitive Rail Steering Committee		
Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	669.04
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Robert J. Wade, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Robert Waffle, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	1,250.00	
Joan Wages, 601 24th Street, NW #904 Washington, DC 20037	Association of Professional Flight Attendants	4,500.00	1,366.00
Do	Independent Federation of Flight Attendants	3,000.00	554.00
Do	Independent Union of Flight Attendants	4,500.00	389.00
Debra Waggoner, 1225 Eye Street, NW, #950 Washington, DC 20005	American Electronics Assn	350.00	
Marvin Wagner, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc		562.00
Wagner Communications, Inc, 2550 M Street, NW, #405 Washington, DC 20037	Cummins Engine Company, Inc		12,702.00
Wagner Hines & Avary, Inc, 1899 L Street, NW, #500 Washington, DC 20036	American Heavy Lift Shipping Co	1,950.00	299.00
Do	Association of Business Publishers		
Do	Kabumoto & Malany	1,275.00	327.02
Do	National Beer Wholesalers of America		
Do	National Debt Repayment Foundation		
Robert A. Wait, 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods		
Frederick P. Waite, 1200 19th Street, NW, #500 Washington, DC 20036	Davis Graham & Stubbs (For:American Wire Producers Assn)		
Herbert R. Waite, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	11,700.00	14,826.59
Donna Waks, 1627 Lamont St., NW #41 Washington, DC 20010	Rainbow Lobby	3,900.00	69.00
Susan Stephenson Walden, 1667 K St., NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Michael Waldman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	8,250.00	
Angela S. Waldorf, N.C. Petroleum Council P.O. Box 167 Raleigh, NC 27602	American Petroleum Institute		
Robert E. Waldron, Associated Petroleum Industries of Michi 930 Michigan Natl Tower, PO Box 10070 Lansing, MI 48901	American Petroleum Institute	990.00	2,845.36
Barbara J. Walker, P.O. Box 1417-D50 119 Oronoco Street Alexandria, VA 22313	Animal Health Institute		
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Aluminum Company of America		
Do	American Telephone & Telegraph Co	250.00	
Do	Anheuser-Busch Companies, Inc	2,500.00	
Do	Atchison Topeka & Santa Fe Railway Co		
Do	Broadcast Music, Inc	3,750.00	
Do	Burlington Northern, Inc		
Do	Coalition for Competitive Capital	7,500.00	
Do	Columbia Pictures Entertainment, Inc	7,500.00	
Do	CBS Records, Inc	2,500.00	
Do	CSX Corporation	1,500.00	
Do	Enron Corp	375.00	
Do	Federal Home Loan Mortgage Corp	1,350.00	
Do	Goodyear Tire & Rubber Co	250.00	
Do	H. C. Enterprises		
Do	HealthTrust, Inc	187.50	
Do	Ioptex Research, Inc	750.00	
Do	John Zink Company		
Do	Lone Star Steel Co		
Do	Mid Continent Oil and Gas Assn	6,000.00	
Do	Mitsubishi Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Stone Association	1,500.00	
Do	Northville Industries Corp	3,000.00	
Do	Northwestern Mutual Life Insurance Co	7,500.00	
Do	Southern Company Services, Inc	7,500.00	
Do	Texas Ozone Task Force	7,500.00	
Do	U.S. Fidelity & Guaranty Co	3,000.00	
Do	Weyerhaeuser Company	1,500.00	
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Ad Hoc Comm on Coal Taxation	1,500.00	
Do	Bell Atlantic Corp	500.00	
Do	Brown-Forman Corporation		
Do	BHP Holdings, Inc	1,000.00	
Do	Footwear Retailers of America	1,500.00	
Do	Hong Kong Trade Development Council	1,500.00	
Do	National Assn of Temporary Services, Inc		
Do	Peabody Holding Company	1,000.00	
Do	Pharmaceutical Manufacturers Assn	1,500.00	
Do	Pittston Group	1,000.00	
Do	Securities Industry Assn	1,500.00	
Do	Torchmark Corporation	1,000.00	
Do	United Company	1,000.00	
Henry Scott Wallace, 1110 Vermont Ave., NW, #1150 Washington, DC 20005	National Assn of Criminal Defense Lawyers	14,000.00	50.00
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	3,500.00	53.45
Do	Alaska Pulp Corp	12,000.00	
Do	American Society of Farm Managers and Rural Appraisers	6,500.00	
Do	American Sugar Cane League	17,500.00	245.86
Do	Amstar Corp	7,500.00	
Do	Cotton Warehouse Assn of America	9,100.00	
Do	Fiber Fabric & Apparel Coalition for Trade	9,000.00	
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	5,000.00	
Do	Merchants Grain & Transportation, Inc	5,000.00	
Do	Service Corporation International	3,750.00	
Do	U.S. Canola Association	5,000.00	
Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Bethany Waller, 500 23rd Street, NW, B907 Washington, DC 20037	Entrepreneurs of America	3,750.00	
Charles S. Walsh, Fleischmen & Walsh 1400 16th Street, NW Washington, DC 20036	National Cable Television Assn, Inc	1,500.00	
James P. Walsh, 1752 N Street, NW, #800 Washington, DC 20036	American Tunaboat Assn	2,206.00	
Do	Davis Wright & Tremaine (For:F/V American Empire)		
Richard J. Walsh, 6770 Lake Ellanor Drive Orlando, FL 32859-3330	General Mills Restaurants, Inc	800.00	1,166.02
Samuel J. Walsh, 1608 K Street, NW Washington, DC 20006	American Legion	11,316.00	48.15
J. Allen Wampler, 2301 S. Jefferson Davis Hwy., #332 Arlington, VA 22202	Basin Electric Power	30,000.00	
Do	Louisiana Land and Exploration Co	60,000.00	11,356.74
Bonnie B. Wan, 1201 Pennsylvania Ave., NW, #730 Washington, DC 20004	Kimberly-Clark Corp		
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Gregg Ward, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects		
Michael D. Ward, 1001 E. Broad Street, #330 Richmond, VA 23219	American Petroleum Institute		
Stephen E. Ward, 1919 Pennsylvania Avenue, NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	3,786.00	70.00
Richard D. Warden, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	23,736.33	330.51
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,000.00	290.66
Jenifer Warkenthien Loon, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Peter F. Warker, Suite 2700 1000 Wilson Boulevard Arlington, VA 22209	TRW, Inc	3,281.00	1.41
Ernest R. Warner Jr., 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Sofreavia)		5.00
Do	DGA International, Inc (For:SNECMA)		82.13
Do	DGA International, Inc (For:Teledyne Brown Engineering)		
B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347	Forest Farmers Assn	334.00	
Betsy R. Warren, 2555 Pennsylvania Avenue, NW Washington, DC 20037	Allied-Signal Inc	10,612.50	476.00
Do	Edison Electric Institute	2,500.00	476.00
Barbara J. Washburn, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	2,920.31
Washington Independent Writers, Inc, 733 15th St., NW, #220 Washington, DC 20005			
Washington Lobby Group, Inc, 325 Pennsylvania Ave., SE Washington, DC 20003	Preston Corp	9,000.00	
Clarke R. Watson, P.O. Box 18837 Denver, CO 80218	Westland Companies, Inc		
Jay Watson, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	1,088.75	165.00
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	National Security Traders Assn, Inc	5,700.00	
Leroy Watson, 1616 H Street, NW Washington, DC 20006	National Grange	4,875.00	
Carl E. Watt Jr., 1745 Jefferson Davis Hwy, #1200 Arlington, VA 22202	Rockwell International Corp	9,250.00	1,371.25
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	45.00	
Douglas R. Watts, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,300.00	
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	1,500.00	
Norman E. Watts Jr., RR 1, Box 854 Woodstock, VT 05091	Grocery Manufacturers of America, Inc	2,023.00	2,022.09
Bruce H. Watzman, 1130 17th Street, N.w. Washington, DC 20036	National Coal Assn	8,800.00	589.91
William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602	American Petroleum Institute	900.00	1,832.64
A. Vernon Weaver, 114 East Capitol Ave. Little Rock, AR 72201	Stephens Group, Inc		
David Weaver, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	4,076.53	
Rebecca Weaver, 1616 P St., NW #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	2,766.39	
Frederick L. Webber, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	7,875.00	
Webster & Sheffield, 2000 Pennsylvania Ave., NW, #7400 Washington, DC 20006	Asarco Corporation	750.00	60.00
Do	Liggett Group, Inc		
Do	Magma Copper Corp	1,000.00	100.00
Do	Mazda Motor Manufacturing (USA) Corp		
Do	PG&E Bechtel Generating Company	550.00	10.00
Do	Tobacco Institute		
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Commercial Law League of America		
Do	International Taxicab Assn		
Do	INTERARMS		
Lee J. Weddig, Suite 580 2000 M St., NW Washington, DC 20036	National Fisheries Institute	4,000.00	
Edward L. Weidenfeld, 1899 L Street, NW, #500 Washington, DC 20036	Pillsbury Madison & Sutro (for Southern Company Services)		
Weidenfeld & Rooney, 1899 L Street, NW, #500 Washington, DC 20036	Southern Company Services		
Weil & Howe, Inc, Two Central Plaza Augusta, ME 04330	Vermont Gas	1,874.50	1,950.39
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Marine Shale Processors, Inc	2,000.00	50.00
Steven A. Wein, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Nancy Weinberg, 1801 K St., NW, #900 Washington, DC 20006	American Textile Manufacturers Institue, Inc	950.00	63.28
Deborah Feldman Weiner, 19 Turnham Court Gaithersburg, MD 20878	American Society for the Prevention of Cruelty to Animals	1,500.00	
Roslyne D. Weiner, 1205 South Washington Street, Apt. #12A Alexandria, VA 22314	American Group Practice Assn		
Weiner McCaffrey Brodsky & Kaplan, P.C., 1350 New York Ave., NW, #800 Washington, DC 20005	National Manufactured Housing Finance Assn	513.00	
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	
Douglas B. Weinfield, 1350 I Street NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For:Pacific Dunlop-GNB)	4,637.50	32.85
Anna Weinroth, 1666 Connecticut Ave., NW #400 Washington, DC 20009	Federation for American Immigration Reform		43.00
Sandra G. Weis, 445 Hamilton Ave. White Plains, NY 10601	Prodigy Services Company		
Arthur E. Weisberg, 2200 First Bank Place East Minneapolis, MN 55402	Dorsey & Whitney		
Arthur A. Weiss, 1800 First National Building Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C		
Stanley A. Weiss, 601 Pennsylvania Ave., NW, #700 Washington, DC 20004-2602	Business Executives for National Security Education Fund Inc		
Bryant L. Welch, 1200 17th St., NW, Suite 106 Washington, DC 20036	American Psychological Assn	3,750.00	40.00
Don Welch, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co		
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Suzanne Welch, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	1,500.00	55.00
Jerry Welcome, P.O. Box 3556 Washington, DC 20007	American Meat Institute	2,000.00	
Kent M. Wells, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		431.83
L. H. Wells, Suite 200 1025 Connecticut Avenue, NW Washington, DC 20036	Shell Oil Co	500.00	
Robert C. Wells, 1275 Pennsylvania Ave., NW, #503 Washington, DC 20004	Citicorp Washington, Inc	818.14	
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	18,862.50	242.00
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	281.09

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	15,000.00	
Do	Oklahoma Natural Gas	9,000.00	
W. P. West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	3,000.00	632.33
J. C. West, P.C., 1511 K Street, NW, #1100 Washington, DC 20005	City of Detroit	48,593.30	13,406.63
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		3,000.00	33,264.34
Michelle Westover, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation	2,178.87	
Joseph J. Westwater, 2501 M Street, NW # 400 Washington, DC 20037	McLeod & Pires (For:American Peanut Product Manf'trs, Inc)	13,637.50	165.76
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	635.17	
Brian B. Whalen Jr., 401 N. Michigan Ave. Chicago, IL 60611	Navistar International Transportation Corp	1,250.00	1,176.92
Whalen Company, Inc, 1717 K Street, NW, #706 Washington, DC 20006	Equitable Life Assurance Society of the U.S.		
Do	Toyota Motor Sales, USA, Inc		
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	18.00	
Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Carol Wheeler, 1650 30th Street, NW Washington, DC 20007	Media Enterprises Corp (For:National Assn of Public Television Stations)		
David W. Wheeler, 600 North 18th Street Birmingham, AL 35291	Alabama Power Company	30,514.00	12,870.71
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security and Medicare	2,260.00	
Jeffrey T. Whipple, 20 S. Clark Street, #800 Chicago, IL 60603	Philip Morris, Inc	6,000.00	
John C. Whitaker, 2021 L Street, NW, #320 Washington, DC 20036-4909	Union Camp Corporation	3,325.00	55.75
Deborah A. White, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	191.61	
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries	21,996.00	10,205.87
John C. White, White Consulting Group, Suite 380 2000 M Street, NW Washington, DC 20036	AMGEN	4,000.00	
Do	Camp Barsh Bates & Tate	11,500.00	
Do	Chicago Mercantile Exchange	6,250.00	
Do	Coastal Corp	12,500.00	
Do	Tobacco Institute	4,800.00	
Larry White, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	620.57	239.00
Leland J. White, 1235 Jefferson Davis Highway, #606 Arlington, VA 22202	National Utility Contractors Assn	7,700.00	1,643.25
Margita E. White, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc	522.00	
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	1,958.49
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	600.00	68.66
Sam White, 412 First St., SE, #100 Washington, DC 20003	American Beekeeping Federation		
Do	Concerned Shrimpers of America		
Do	Independent Cattlemen's Assn		
Do	National Agricultural Chemicals Assn		
Do	National Peanut Growers Group	6,000.00	
Do	Sam Kane Packing		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments	285.00	127.59
William R. White, Kaplan, Russin & Vecchi 1215 17th Street, NW Washington, DC 20036	Caribbean Trade and Apparel Coalition (C-TAC)		
Do	Edison Electric Institute		
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos		
Elizabeth D. Whitley, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,500.00	25.00
James A. Whitman, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Robert L. Whitmire, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	480.10
Steven C. Whitney, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	3,093.75	
William F. Whitsitt, 1212 New York Avenue, NW, Suite 1200 Washington, DC 20005-6419	Oryx Energy Company	1,250.00	186.06
Pamela J. Whitted, 1700 K St., NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
Whitworth & Associates, 1455 Pennsylvania Ave., NW, #985 Washington, DC 20004	Churchill County Nevada	10,000.00	
Do	Mesa Limited Partnership	3,000.00	
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	650.00	
Wickwire Greene & Seward, 1008 Western Ave. Seattle, WA 98104	Arctic Slope Regional Corp		
Helen C. Wiederhorn, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Company	3,000.00	3,140.97
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35203	Alabama Power Co	25,888.37	14,719.21
Barbara Wierzynski, 1825 Eye Street, NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
Andrew F. Wiessner, Kogovsek & Associates 1801 Broadway #1420 Denver, CO 80202	Bonneville Pacific Corp	2,503.47	2,503.47
Wiggin & Dana, 195 Church Street P. O. Box 1832 New Haven, CT 06508	Villa Banfi, U.S.A.	13,034.40	1,256.62
Paul H. Wikerd, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Buckbee-Mears Cortland		
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Shirley J. Wilcher, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	2,820.00	58.00
Brian Wilcox, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	4,000.00	163.85
Richard P. Wild, 3400 Centre Square West Philadelphia, PA 19102	Dechert Price & Rhoads (For:Oxford Foundation)		124.98
Wildlife Legislative Fund of America, 1000 Connecticut Ave., NW, #1002 Washington, DC 20036			17,000.00
Cynthia H. Wiles Consulting, 10898 Woodleaf Lane Great Falls, VA 22066	Industrial Technology Institute		
Do	MERRA		
Do	State of Michigan Department of Commerce		
Wiley Rein & Fielding, 1776 K St. NW, 12th Fl. Washington, DC 20006	American Newspaper Publishers Assn	2,772.00	
Do	Association of Telemessaging Services, International	2,196.00	38.33
Do	BMW of North America, Inc	3,205.00	
Do	Certified Color Manufacturers' Assn	134.00	
Do	Chaparral Steel Co	93.00	
Do	General Electric Information Services		
Do	Georgetown Industries		
Do	Marine Mammal Coalition	416.00	
Do	National Assn of Public TV Stations	750.00	10.00
Do	Operator Service Providers of America		
Do	Pharmaquest	660.00	18.58
Do	Prodigy Services Company	1,534.00	32.33
Do	Public Broadcasting Services (PBS)		
Do	Raritan River Steel Co		
Do	United Parcel Service	14,350.00	125.00
Do	UtiliCorp United	420.00	
Guenther O. Wilhelm, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Horace Wilkins Jr., 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	BellSouth Corporation	17,876.50	385.09
Do	Empire Blue Cross & Blue Shield	20,000.00	269.28
Do	Fleet/Norstar Financial Group	40,898.60	3,165.45
Do	Independence County, Arkansas		
Do	J. C. Penney Co, Inc	15,000.00	156.92
Do	Solano Water Authority	1,100.00	
Wythe Willey, 2333 Blake Blvd., SE Cedar Rapids, IA 52401	Philip Morris, Inc	7,500.00	1,074.00
Do	Reese Communications Cos (for: Philip Morris, USA)	7,500.00	1,074.00
Ralph E. Willham, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	15,000.00	
Faith Williams, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	150.00	
Floyd L. Williams, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	American Insurance Assn		
Do	Ark-Best Co	1,500.00	225.00
Do	Arkansas Louisian Gas Co (ARKLA)	1,500.00	225.00
Do	Cooper Communities, Inc	1,500.00	225.00
Do	Electro Com Automation, Inc	1,500.00	225.00
Do	Riceland Foods, Inc	1,500.00	225.00
Do	Tyson Foods, Inc	1,500.00	225.00
Lee Williams, 1616 H St., NW Washington, DC 20006	National Retail Federation	900.00	95.00
Leonard B. Williams, 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	150.00	
Loretta Morris Williams, 1725 K Street, NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation	1,131.25	8.25
Merrill Williams, 3701 Connecticut Ave., NW, #802 Washington, DC 20008	Freshwater Press, Inc		
Do	Galactica Biochemical		
Do	National Credit Improvement Group		
Patrick H. Williams, 1722 Eye St., NW, #4040 Washington, DC 20006	Telecommunications Industry Assn	5,200.00	559.00
Peter Williams, 2030 M St., NW Washington, DC 20036	Common Cause	457.50	
Richard T. Williams, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	2,000.00	
Robert E. Williams, 1707 L Street, NW, #300 Washington, DC 20036-4202	United Airlines, Inc	1,500.00	
Robin L. Williams, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Williams & Connolly, 839 17th St., NW Washington, DC 20006	National Comm to Preserve Social Security		
Do	Northcote Parkinson Fund	3,534.00	1,356.80
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	American Home Products	810.00	92.18
Do	Association of Family Farmers	135.00	14.55
Do	Robert M. Bass Group	2,121.00	235.00
Do	Beverly Enterprises		
Do	Century 21 Real Estate Corp		
Do	College Construction Loan Insurance Assn		
Do	CIGNA Corporation		46.09
Do	Estee Lauder, Inc		
Do	Executive Life Insurance	8,895.00	914.53
Do	Financial Security Assurance		
Do	First Boston Corp	1,701.00	196.50
Do	FAIR		31.58
Do	Glaxo, Inc		186.79
Do	GAMMA Corp		
Do	Higher Education Assistance Foundation		
Do	Kelly Appleman Hart & Hallman		9.70
Do	Keystone Provident Life Insurance Co		
Do	Mustang Fuel Corporation		
Do	National Assn of Rehabilitation Agencies		
Do	National Board for Professional Teaching Standards	1,520.00	201.34
Do	Norfolk Southern Corp	510.00	63.07
Do	Pharmaceutical Manufacturers Assn	1,125.00	123.71
Do	Pittston Co	7,820.00	635.56
Do	Recording Industry Assn of America, Inc	10,400.00	931.51
Do	Southwest Airlines		
Do	Southwestern Bell Corp		
Do	Student Loan Marketing Assn		
Do	Texaco, Inc	360.00	46.09
Do	Texas Air Corp	15,760.00	1,288.11
Do	Trailer Train Co		
Do	Turner Broadcasting System, Inc	4,750.00	465.76
Do	U.S. Telephone Assn		
Do	Universal Foods, Inc		
Do	USAA Financial Service Co		
Alan R. Willis, Box 3529 Portland, OR 97208	Port of Portland	10,696.00	
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	878.50	30.00
Kirk Willison, 707 Broadway, #1200 San Diego, CA 92101	Home Federal Savings & Loan of San Diego		
Willkie Farr & Gallagher, Three Lafayette Center 1155 21st St., NW Washington, DC 20036	Automobile Importers of America	2,520.00	
Do	Brazilian Iron and Steel Institute (IBS)		
Do	Cable & Wireless North America, Inc		
Do	Institute of Resource Recovery (IRR)	11,025.00	
Do	National Assn of Independent Fee Appraisers	1,170.00	
Do	Telecommunications Industry Assn		
Do	Westinghouse Electric Corp	10,941.25	
Do	Yamaha Motor Co, Ltd, et al	737.50	
Do	Yamaha Motor Manufacturing Corp of America	1,125.00	
Cindy J. Wilmer, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc	2,500.00	
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Aetna Life & Casualty Co		
Do	Amerada Hess Corporation		
Do	American Honda Motor Co, Inc	5,980.00	676.00
Do	Bank Capital Markets Assn		
Do	Bankers Trust Co		
Do	Capital Cities/ABC, Inc		
Do	Citibank		
Do	Cook Inlet Communications, L.P		
Do	Deutsche Lufthansa AG		
Do	Federal Home Loan Bank of San Francisco	65.00	
Do	Ford Motor Co	15,947.96	
Do	Government of Tibet in Exile		
Do	Handgun Control, Inc		
Do	International Metals Reclamation Company, Inc	825.00	
Do	International Swap Dealers Assn	935.00	798.75
Do	Long Island Savings Bank		
Do	McDonald's Corporation	3,510.00	
Do	National Corp for Housing Partnerships		
Do	Peoples Heritage Savings Bank		
Do	Pepsico, Inc	701.25	
Do	Shearson Lehman Hutton, Inc		
Do	Southeast Banking Corporation		
Do	Trans-Alaska Pipeline Liability Fund	3,953.75	349.00
Do	Unisys Corp	8,225.50	
Do	World Savings & Loan Assn		
Chapin E. Wilson Jr., 80 F Street, NW Washington, DC 20001	American Federation of Government Employees	10,713.60	85.00
Charles D. Wilson, 1919 South Broadway, Box 19130 Green Bay, WI 54307-9130	Fort Howard Corp	461.52	895.67
Dena L. Wilson, Suite 1000 1600 Wilson Blvd. Arlington, VA 22209	American Waterways Operators, Inc	4,500.00	259.75
Don A. Wilson, 106 Dartmouth Waxahachie, TX 75165			
G. Peter Wilson, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors, Inc		
H. Graham Wilson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Michael J. Wilson, 815 16th St., NW, #507 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	4,375.00	70.49
Patricia M. Wilson, 818 Connecticut Ave, NW Washington, DC 20006	USX Corp		
Robert Dale Wilson, 1900 L Street, NW, #500 Washington, DC 20036	Wilson & Wilson (For:Hecla Mining Company)		
Robert Gary Wilson, 1730 Rhode Island Avenue, NW, #715 Washington, DC 20036	PPG Industries, Inc		
Warren A. Wilson III, 624 US Highway 19 South Palm Harbor, FL 34684	Philip Morris, Inc	2,250.00	504.93
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co	437.50	74.57
Mark V. Wimberly, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Mississippi Power Company	15,036.00	6,758.99
John P. Winburn, 453 New Jersey Ave., SE Washington, DC 20003	Winburn VanScoyoc & Hooper (For:American Assn of Equipment Lessors)	7,500.00	
Do	American Automotive Leasing Assn	2,000.00	
Do	Winburn VanScoyoc & Hooper (For:Burlington Northern Railroad Company)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:Burlington Northern Services, Inc)	5,000.00	
Do	FAG Bearings Corporation	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:Hartford)		
Do	Winburn VanScoyoc & Hooper (For:Independent Stave Co, Inc)	30,000.00	
Do	Winburn Associates, Inc (For:Leggett & Platt)	12,000.00	
Do	Winburn VanScoyoc & Hooper (For:Matteson Investment Corporation)		
Do	Winburn VanScoyoc & Hooper (For:National Assn of County Office Employees (NASCOE))	3,000.00	
Do	Winburn VanScoyoc & Hooper (For:Pennzoil)	9,000.00	
Do	Winburn VanScoyoc & Hooper (For:Philip Morris)	90,000.00	
Do	Winburn VanScoyoc & Hooper (For:Unnversity of Michigan)	15,000.00	
Stephen H. Wines, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	6,332.00	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	105.75
Joseph B. Winkelmann, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	American Resort & Residential Development Assn	4,000.00	
Do	Winkelmann & Associates, Inc (For:International Video Broadcasts, Inc)	3,000.00	
Do	National Assn of Industrial & Office Parks		
Lars Winoy, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	9,738.75	
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	787.50	86.00
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	American Appraisal Associates, Inc		
Do	American Assn of Museums		
Do	CNA Financial Corp		
Do	International Council of Shopping Centers	2,685.00	111.50
Do	Lease Management Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Syntex Laboratories, Inc		
David L. Winstread, 1666 K Street, NW. #1100 #800 Washington, DC 20016	Wilkes Artis Hedrick & Lane (For:Peter N. G. Schwartz Companies)	30,000.00	18,300.00
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc		58.23
Do	Amoco Performance Products, Inc		
Do	Association of Seat Lift Manufacturers	2,365.00	
Do	Bowater, Inc		
Do	Brown & Bain		
Do	BASF Corp		
Do	BASF Structural Materials, Inc		
Do	Connecticut Liquidity Investment Fund, Inc		
Do	Fiberite Corp		
Do	Grocery Manufacturers of America		
Do	Hercules Aerospace Co		
Do	IBJ Schroder Bank & Trust Co		
Do	Macrovision, Inc	2,382.50	4.00
Do	National Vehicle Leasing Assn		
Do	Navajo Nation	24,541.25	12.00
Do	Queen City Home Health Care		
Do	Snappy Car Rental		
Do	Thrifty Rent-A-Car System, Inc		20.50
Do	Westinghouse Electric Corp	950.00	
Jim Wise Associates, 1707 Duke St., #300 Alexandria, VA 22314	Kern County, CA		
Do	National Assn of Credit Management	10,500.00	820.00
Do	San Francisco Bar Pilots Assn	3,000.00	225.00
Marcia A. Wiss, 1215 17th Street, NW Washington, DC 20036	Canned and Cooked Meat Importers Association		32.61
Walter J. Witek Jr., 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Cynthia D. Witkin, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Hope R. Wittenberg, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	7,500.00	262.50
Judith A. Wittig, 1213 Jefferson Davis Hwy., #1414 Arlington, VA 22202	Defense Products Marketing, Inc		
Raymond S. Wittig, 4618 Holly Ridge Road Rockville, MD 20853	Geocenters, Inc		
Richard J. Wittig, 1213 Jefferson Davis Highway, #1414 Arlington, VA 22202	Defense Products Marketing, Inc	1,000.00	100.00
Sandra W. Wobbe, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	3,000.00	
James Wolf, 1725 K St., NW, #914 Washington, DC 20006	Alliance to Save Energy	1,248.17	
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc	5,000.00	
Megan McGrath Wolfe, 1726 M Street, NW, #300 Washington, DC 20036	Schering-Plough Corp		
Sidney M. Wolfe, 2000 P St., NW, #708 Washington, DC 20036	Public Citizen Health Research Group		
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For:American Insurance Assn)	350.00	18.00
Ronald Wolsey, 1615 M Street, #200 Washington, DC 20036	Amoco Corporation	1,200.00	80.00
Don Womack, Suite 303 1825 K St., NW Washington, DC 20006	Texas Utilities Services, Inc	3,375.00	26.54
Linda Womack, 2100 E. Exchange Place Tucker, GA 30085-1349	Oglethorpe Power Corp	2,808.00	1,674.64
Richard Marvin Womack, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Company	72.80	
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	20,225.00	4,626.00
Joel Wood, 400 N. Washington Street Alexandria, VA 22314	National Association of Professional Insurance Agents		
Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	1,079.00	
S. Roy Woodall Jr., 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20005	National Assn of Life Companies	1,500.00	15.00
W. Robert Woodall, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	1,120.00	128.26
G. Kent Woodman, 1818 N Street, NW, #700 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Metropolitan Transportation Authority)		
Irvin M. Woods, P.O. Box 521 The Plains, VA 22171	Maule Air, Inc		75.00
Do	OTL, Inc	600.00	25.00
Do	Woods Research Associates, Inc		
Cynthia Woodside, 701 N. Fairfax Street Alexandria, VA 22314-2045	(For:United Way of America)	4,282.68	38.95
Michele T. Woodward, 5584 Lee Highway Arlington, VA 22207	Communications Satellite Corp (COMSAT)	1,500.00	259.00
Robert W. Woody, 1333 New Hampshire Ave, NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae		
Perry W. Woofter, Suite 530 1800 K St. NW Washington, DC 20006	Tesoro Petroleum Corp	3,000.00	
Edward A. Woolley, Bedford Consultants Building P.O. Box 605 Bedford, NY 10506	Institute of International Container Lessors	2,115.00	61.43
Howard E. Woolley, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	4,300.00	1,361.93
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	2,000.00	77.00
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
David L. Wray, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, P.O. Box 94661 Cleveland, OH 44101-4661	Centerior Energy Corp, et al	24,000.00	14,631.70
Andrew S. Wright, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	362.50	94.60
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		
Wunder Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Aermacchi Spa		
Do	Airship Industries, Ltd	1,250.00	
Do	Alliance of American Insurers		
Do	BellSouth Corp		
Do	Bond International Gold		
Do	Cosmetic Toiletry & Fragrance Assn	450.00	12.08
Do	Dominion Resources		
Do	Dresser Industries		
Do	Electronic Industries Assn		
Do	Finanziaria Mirabella SpA		
Do	Georgia-Pacific Corp		
Do	Grocery Manufacturers of America, Inc	2,579.25	484.93
Do	HDTV 1125/60 Group	3,950.00	123.56
Do	Interlocking Directorate Reform Coalition	4,415.70	232.23
Do	Intermarine SpA	3,600.00	125.85
Do	ITT Corporation		
Do	Kelly Assisted Living/Kelly Services	2,000.00	
Do	Kraft		
Do	Manville Corporation	1,775.00	56.90
Do	Metropolitan Insurance Co	10,000.00	775.49
Do	Mutual Life Insurance Co Tax Committee		
Do	Mylan Laboratories, Inc	14,337.00	1,264.57
Do	National Assn of Temporary Services	7,500.00	22.57
Do	North American Phillips Corp	3,974.55	49.37
Do	Northwestern Mutual Life Insurance Co		
Do	NEC Home Electronics (USA) Inc		
Do	NYNEX Corp	27,000.00	956.47
Do	Polaris Industries	1,727.50	14.54
Do	Rohm & Haas		
Do	Shared Medical Systems (SMS)	3,000.00	29.63
Do	Sony Corp of America	5,646.00	339.81
Do	Squibb Corp		
Do	Thomson Consumer Electronics		
Do	Tobacco Industry Labor Management Committee	15,794.56	3,978.89
Do	U.S. Telephone Assn	26,399.99	801.94
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	10.00
Wyman Bautzer Kuchel & Silbert, 1919 Pennsylvania Avenue, NW, #800 Washington, DC 20006	American Boiler Manufacturers Assn, Inc		
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	130.00
Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	550.00	
Milan P. Yager, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
T. Albert Yamada, Suite 520 900 17th St., NW Washington, DC 20006	Toyota Motor Sales USA, Inc		
Do	West Mexico Vegetable Distributors Assn		
Nancy Foster Yanish, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	400.00	
Yankee Gas Services Company, 999 West Street Rocky Hill, CT 06067-4002			777.19
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	3,312.00	
Edward R. Yawn, 1111 19th St., NW Washington, DC 20036-3691	Edison Electric Institute	2,804.26	241.97
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	9,484.56	147.93
Jack Yelverton, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	7,000.00	116.34

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Larry E. Yoakam, 650 S. Front Street Columbus, OH 43206	Grange Mutual Casualty Co		
John S. Yodice 500 E Street, SW, #930 Washington, DC 20024	Yodice Associates (For Aircraft Owners & Pilots Assn)		
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	136.00
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Dana D. Young, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043	Brown & Associates	1,500.00	916.50
Do	United Assn of Journen & Appren of Plmbg & Pipeftg Industry	1,500.00	
Thomas F. Youngblood, 1201 New York Ave, NW, #600 Washington, DC 20005	American Hotel & Motel Assn	2,069.33	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	335.11
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	750.00	235.00
David E. Yudin, 1225 Eye Street NW, #300 Washington, DC 20005	Bus Transit Caucus		
Do	Regional Transportation District		1,830.00
John R. Zagame, John R. Zagame Associates, Inc 1003 Pendleton St. Alexandria, VA 22314	National Music Publishers Assn	8,073.20	73.20
Michael Zagorac Jr., 8333 Bryan Dairy Rd. P.O. Box 4689 Clearwater, FL 33518	Jack Eckerd Corp		
Paulette Zakrzeski, 1110 Vermont Ave., NW, #430 Washington, DC 20005	National Cotton Council of America	14,712.51	1,129.77
Albert C. Zapanta, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Company (ARCO)		
John S. Zapp, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	4,900.00	
Zapruder & Odell, 1001 22nd Street, NW, #700 Washington, DC 20037	Wheels, Inc		
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Leo C. Zeferetti, 9912 Fort Hamilton Parkway Brooklyn, NY 11209	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Do	Sikorsky Aircraft		
Geoffrey Zeh, 12050 Woodward Avenue Detroit, MI 48203-3596	Brotherhood of Maintenance of Way Employes		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	NMTBA	1,200.00	250.00
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	590.52
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	2,650.00	1,895.64
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Arlene Zielke, 3724 West 107th Street Chicago, IL 60655	National Congress of Parents and Teachers		2,378.48
Judith Ziewacz, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	2,816.00	
Kelly Ziglar-Clay, 805 15th Street, NW, #1110 Washington, DC 20005	Mortgage Insurance Companies of America	2,697.89	170.39
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Insititue	9,000.00	1,020.63
Jerry W. Zillion, 6935 Wisconsin Ave., #510 Chevy Chase, MD 20815			
John H. Zimmerman, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Kathleen Zimmerman, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	28.69	
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes		1,383.07
Do	Makah Indian Tribe		
Gary M. Zizka, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Association	2,000.00	741.06
John L. Zorack, 1140 19th St., NW, #600 Washington, DC 20036	Federal Express Corp		
Admiral Zumwalt & Consultants, Inc, 1500 Wilson Boulevard Arlington, VA 22209	Robert E. Derecktor of Rhode Island, Inc	24,516.50	
Zurich-American Insurance Co, 800 North Plaza Drive Schaumburg, IL 60196		1,302.50	1,302.50
Murray Zweben, 1140 19th St., NW, #600 Washington, DC 20036	General Celluar Corporation	2,856.70	
Kurt D. Zwikl, 2024 Lehigh Street Allentown, PA 18103	Merchants Bank		
23rd Congressional District Action Comm, 575 Charles St. St. Marys, PA 15857			
31st Pro-Life Congressional District Action Comm, 8654 Bonview Terrace Williamsville, NY 14221			

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the fourth calendar quarter of 1989 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER

Is this an Amendment? ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."

STATEMENT OF VERIFICATION

[Omitted in printing]

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)
6. $.....TOTAL for this Quarter (Add "1" through "5")
7. $.....Received during previous Quarters of calendar year
8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $.....*"Expense Money" and Reimbursements received this Quarter.*

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* ("*Period*" from Jan. 1 through..... 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than Item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures
9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year
11. $.....TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More* _____

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Leanne J. Abdnor, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries	3,000.00	1,851.82
Ablondi & Foster, P.C., 2100 Pennsylvania Ave. NW Washington, DC 20037	Rhone-Poulenc, Inc.		
Do	Taiwan Textile Federation		
Ad Hoc Comm for Universal Comprehensive Health & Dental Care, Building 10, #310 12151 Bayport Street Garden Grove, CA 92640.			
John J. Adams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Ethyl Corporation		
Do	Hunton & Williams (For:Vepco)		
John R. Adams, One Tabor Center 1200 17th Street, #2500 Denver, CO 80202	Energy Fuels Nuclear, Inc.		
Wayne W. Adams, 611 East Druid Road, #401 Clearwater, FL 34616			
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Donald R. Aikens, 1000 Thomas Jefferson Str., NW, #609 Washington, DC 20007	Leonard & Ralston (For:Krueger, Inc)	11,618.81	
Air Transport Assn of America, 1709 New York Ave., NW Washington, DC 20006		123,180.68	123,180.68
Alagia Day Marshall Mintmire & Chauvin, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Santa Fe Pacific Pipelines, Inc.		
Do	Sierra Pacific Industries, Inc.		
John D. Allan, c/o Dow Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Stelco, Inc.		
Nicholas W. Allard, 750 17th Street, NW, #1100 Washington, DC 20006	Fox Weinberg & Bennett (For:Wireless Cable Assn, Inc)		
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,259.02	350.00
Laura L. Allendorf, 1101 Vermont Avenue, NW Washington, DC 20005	American Society of Internal Medicine	1,250.00	524.14
J. Michael Allred, 3460 Lotus Drive Plano, TX 75075	Visual Information Technologies, Inc.		
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn.	11,500.00	611.03
Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Mountclair, VA 22026	Associated Universities	18,500.00	17,280.84
Robert P. Ambrose, 14615 Lone Oak Road Eden Prairie, MN 55344	Cooperative Power Association	5,000.00	38.34
American Advertising Federation, 1400 K Street, NW, #1000 Washington, DC 20005			7,000.00
American Agriculture Movement, Inc. 100 Maryland Ave. NE, #500 Box 69 Washington, DC 20002		6,000.00	9,000.00
American Assn for Marriage & Family Therapy, 1717 K Street, NW, #407 Washington, DC 20006			38,425.00
American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302			12,948.00
American Assn of Blood Banks, 1117 North 19th St., #600 Arlington, VA 22209		3,750.00	3,750.00
American Assn of Classified School Employees, 1050 17th Street, #210 Washington, DC 20036		17,489.04	17,489.04
American Assn of Exporters & Importers, 11 West 42nd Street, 30th Fl. New York, NY 10036			993.00
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		6,893.00	9,796.29
American Automobile Assn, 500 E Street, SW, #950 Washington, DC 20024			
American Business Conference, Inc, 1730 K Street, NW, #1200 Washington, DC 20006		4,800.00	5,080.57
American Camping Association, Bradford Woods Martinsville, IN 46151			
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			96,602.17
American Forest Resource Alliance, 1250 Connecticut Ave., NW, #200 Washington, DC 20036		1,550.00	
American Hospital Assn, 50 F Street NW, # 1100 Washington, DC 20001		135,884.13	135,884.13
American Humane Association, 9725 East Hampden Denver, CO 80231		16,179.00	16,179.00
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		129,406.54	134,842.89
American Society of Cataract & Refractive Surgery, 3702 Pender Drive, #250 Fairfax, VA 22030			6,180.00
Americans for the High Frontier, 2800 Shirlington Road, #405A Arlington, VA 22206		37,208.17	37,831.38
Paul S. Anderson, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:Silvestri Corp)		
Scott G. Anderson, 50 F St., NW, #1080 Washington, DC 20001	Burlington Northern Railroad Company	1,900.00	481.31
Anderson Hibey Nauheim & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Alamo Rent-A-Car, Inc.	4,398.00	2,367.59
Do	Amerop Sugar Corporation		
Do	Bay Area Rapid Transit District		
Do	Communication Industries Assn of Japan		
Do	Eco Corporation		
Do	Electronic Industry Assn of Japan		
Do	Institute for Financial & Fiscal Studies		
Do	Japan Machine Tool Builders Assn		
Do	Oregon Landmark-Three		
David R. Andrews, Three Embarcadero Center San Francisco, CA 94111	McCutchen Doyle Brown & Enersen (For:Castle & Cooke, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Sterling Drug, Inc)		
Owen W. Anglum, 1667 K Street, NW, #650 Washington, DC 20006	Armco, Inc	1,300.00	695.60
John Archer, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn.		
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Aris Anagnos Properties	13,151.00	463.49
Do	National Field Selling Assn		
Do	Toshiba International Corp		
John W. Arlidge, P.O. Box 230 Las Vegas, NV 89151	Nevada Power Company	7,000.00	
Anthony Armstrong, 1701 N. Caroline Street Baltimore, MD 21213			
John A. Armstrong, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
William E. Armstrong, 2410 Brickell Ave., #306-C Miami, FL 33129	Armstrong Associates		
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Asocolflores		
Do	Hopi Indian Tribe		1.19
L. Wayne Arny III, 11 Canal Center Plaza, #250 Alexandria, VA 22314	Fritz Companies		
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippine			
Associated Builders & Contractors, Inc, 729 15th St., NW Washington, DC 20005		20,000.00	
Association of Biotechnology Companies, 1120 Vermont Avenue, NW, #601 Washington, DC 20005		181,039.58	
Association of Independent Television Stations, Inc, 1200 18th Street, NW Washington, DC 20036		1,500.00	
Association of Private Pension & Welfare Plans, Inc, 1212 New York Avenue, NW, #1250 Washington, DC 20005		8,236.60	8,236.60
Association of Thrift Holding Cos, 888 17th Street, NW, #312 Washington, DC 20006			3,675.00
Association of Urban Universities, 501 I St. S.W. Washington, DC 20024		30,000.00	11,248.01
Automotive Parts Rebuilders Assn, 6849 Old Dominion Drive Mclean, VA 22101			106.00
Automotive Refrigeration Products Institute, 5100 Forbes Blvd. Lanham, MD 20706		382.50	382.50
AFL-CIO Maritime Committee, 444 North Capitol Street, #820 Washington, DC 20001		5,825.00	6,505.94
APCO Associates, 1155 21st Street, NW, #1000 Washington, DC 20036	J.P. Altmayer		
Do	American Indian Trade Development Council		
Do	Asocolflores		
Do	Canadian Meat Council		
Do	City Utilities of Springfield	975.00	0.88
Do	E-Z America Limited	935.00	419.02
Do	Excess Deferred Tax Coalition	327.50	
Do	Ferroalloy Association		
Do	Heart of America Northwest	2,490.00	53.34
Do	Honeywell, Inc		
Do	Japan Fair Trade Center		
Do	London Futures and Options Exchange		
Do	Lyphomed, Inc.		
Do	Philip Morris Management Corp.		
Do	Profilo Holding A.S.	65.00	3.00
Do	Province of Manitoba		
Do	Recording Industry Assn of America		
Do	Sacramento Municipal Utility District		
Do	State Farm Mutual Automobile Insurance Co.		
Do	Tennessee Valley Public	3,453.75	281.79
Do	Unilever United States, Inc	80.00	
Hope M. Babcock, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW Washington, DC 20006	Contact Lens Institute		
Do	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc.		
Do	Securities Industry Assn.		
Victor Bach, 105 East 22nd Street New York, NY 10010	Community Service Society		
William A. Bailey, 1200 17th St., NW Washington, DC 20036	American Psychological Assn.	3,000.00	124.00
Willie L. Baker, 1775 K Street, NW Washington, DC 20006	United Food and Commercial Workers International Union	27,681.60	228.10
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	American Resort & Residential Development Assn	5,000.00	5,000.00
Do	Chemed Corporation	500.00	500.00
Do	Chubb Group of Insurance Cos	500.00	500.00
Do	CIGNA Corp	500.00	500.00
Do	CNA Insurance Cos	500.00	500.00
Do	Edison Electric Institute	2,000.00	2,000.00
Do	Federal Deposit Insurance Corp	1,000.00	1,000.00
Do	Firemans Fund	1,000.00	1,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hartford Insurance Group	500.00	500.00
Do	National Assn of Insurance Brokers	500.00	500.00
Do	National Assn of Professional Insurance Agents	500.00	500.00
Do	North American Co	500.00	500.00
Do	St. Paul Fire & Marine	500.00	500.00
Do	Tele-Media Corp.	4,000.00	4,000.00
Do	Travelers Insurance Co.	2,000.00	2,000.00
Do	U.S. Fidelity & Guaranty Corp.	500.00	500.00
Patricia A. Baldi, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn.	7,000.00	580.22
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.	23,498.09	39.74
Baraff Koerner Olender & Hochberg, P.C., 2033 M Street, NW, #203 Washington, DC 20036	College Football Association		
Do	National Assn of Collegiate Directors of Athletics		
Do	National Basketball Assn.	1,600.00	
Michael D. Barnes, 1050 Connecticut Avenue, NW Washington, DC 20036	Arent Fox Kintner Plotkin & Kahn (For:American Consulting Engineers Council)	69.00	172.92
Do	Arent Fox Kintner Plotkin and Kahn (For:Temistocles Ramirez De Arellano)	9,480.48	166.09
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	Miles, Inc.	18,292.41	44.20
Do	Sundstrand Corp.	8,155.80	210.82
Larry P. Barnett, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	12,759.86	
Davis M. Batson, 48 Chateau Magdelaine Dr Kenner, LA 70065-2063	Ethyl Corporation		
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc.	1,800.00	1,255.72
Tina Marts Beach, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co.	372.00	
Merritt Becker, 1844 Kalorama Rd. NW Washington, DC 20009	Bruce P. Cameron (for Embassy of Mozambique)	7,499.96	
Stacey Beckhardt, 1625 I Street, NW, #911 Washington, DC 20006	American Psychological Assn.		
Edwin L. Behrens, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	15.00	
David Beier, 1747 Pennsylvania Ave., NW, #1223 Washington, DC 20006	Genentech, Inc.	3,000.00	588.48
Robert R. Belair, 1800 M Street, NW South Lobby, 9th Floor Washington, DC 20036	Kirkpatrick & Lockhart (For:National Institute for Citizen Education in the Law)	1,601.50	277.34
Donald K. Belch, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Stelco, Inc.	447.25	1,222.72
M. Wendell Belew Jr., 4205 Military Rd., NW Washington, DC 20015	Long Lake Energy Corp.		
Howard H. Bell, 1400 K St., NW, #1000 Washington, DC 20036	American Advertising Federation		
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union	3,773.81	89.11
Daniel J. Bennet, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc.	2,500.00	
Alan R. Bennett, 750 17th Street, NW, #1000 Washington, DC 20006	Fox Weinberg & Bennett (For:Bristol-Myers Co)		
Do	Fox Weinberg & Bennett (For:Hoffmann La Roche, Inc)		
R.W. Benson, P.O. Box 6050 East St. Louis, IL 62202			
Hu A. Benton, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:General Electric Mortgage Insurance Co)	3,200.00	
Do	Thacher Proffitt & Wood (For:Ranieri Wilson & Co, Inc)		
George L. Berg Jr., 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,700.00	154.00
William Berger, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		660.47
Martha Bergmark, 7316 Piney Branch Road Takoma Park, MD 20912	Project Advisory Group	1,448.27	19.80
Peter M. Berkery Jr., 1010 N. Fairfax Street Alexandria, VA 22314	National Society of Public Accountants		
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	200.00
William R. Berman, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn.		
Charles Bernhardt, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Bill Bertera, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	200.00	
Eve Berton, 1016 16th St., NW Washington DC 20036	National Fed of Federal Employees		
Gerald M. Bestler, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	BMC Industries, Inc.		
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	13,941.83	
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Stebbins-Ambler Air Transport		
Do	U.S. Central, Inc.		
McNair Bishop, 1725 k Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc.		
Bishop Cook Purcell & Reynolds, 1400 L Street, NW, #1000 Washington, DC 20005-3502	Akhiok-Kaguyak, Inc.	1,200.00	
Do	American Honey Producers Assn.	2,592.50	192.72
Do	American Rice, Inc.		
Do	CSR, Ltd.	11,460.00	527.30
Do	Houston Agricultural Credit Corp.	5,190.71	130.87
Do	International Mass Retail Association	2,500.00	
Do	IBP, Inc.		
Do	National Cotton Council		
Do	Natural Gas Pipeline Coalition		
Do	Tobacco Institute	4,085.00	
Do	U.S. Rice Producers' Legislative Group	11,120.83	605.51
Do	Wal-Mart		
Do	Washington Public Power Supply System		
Roger Blacklow, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	9,695.83	
Richard R. Blake Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Roy Blake, 900 University Dr. Nacogdoches, TX 75961	Reese Communication Cos (for Philip MOrris, USA)		
Helen Blank, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	7,918.20	219.50
Jim Blomquist, 408 C Street, NE Washington, DC 20002	Sierra Club	6,737.35	
Anne Bloom, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	5,250.00	
Alice Bodley, 1016 16th Street, NW Washington, DC 20036	National Federation of Federal Employees		
Michael J. Bolen, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc.	2,500.00	
Ken Bossong, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc.	2,000.00	
John C. Bottenberg, 702 Jayhawk Tower 700 S.W. Jackson Topeka, KS 66603	Reese Communications Cos (for: Philip Morris, USA)		
Josh Bowers, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Michael Bowers, 1717 K Street, NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy	250.00	
Gina M. Bowman, P.O. Box 7305, Dept. 178 Kansas City, MO 64116	Farmland Industries, Inc.		
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	American Home Satellite Association		
Do	American Southwest Financial Corp.		
Do	Arkla, Inc.	7,000.00	265.00
Do	Batman Corporation	10,000.00	350.00
Do	City of Klamath Falls	8,000.00	115.00
Do	City of Tucson	7,000.00	95.00
Do	Coin Coalition	10,000.00	310.00
Do	Daishowa America Company, Ltd.	6,000.00	150.00
Do	Energy Absorption Systems, Inc.	8,000.00	100.00
Do	Estes Company		
Do	Fieldstone Co.	1,000.00	40.00
Do	Millicom, Inc.	4,000.00	95.00
Do	Pratt & Whitney Aircraft Group	4,000.00	50.00
Do	Satellite Broadcast Network		
Robert M. Brandon, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen/Labor Energy Coalition		
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	17,445.00	49.66
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc.	250.00	
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	Emerson Electric Co.		909.08
Robert J. Brinkmann, 1627 K Street, NW, #400 Washington, DC 20006	National Newspaper Assn.	5,000.00	169.74
Donald K. Brown, 1121 L St., #810 Sacramento, CA 95814	Crowley Maritime Corp.		
Do	Summa Corporation		
Doreen L. Brown, 1726 M Street NW Washington, DC 20036	Consumers for World Trade		
James P. Brown, 5622 Delmar Blvd., #105-W St. Louis, MO 63112	City of St. Louis - City Hall		
John J. Brown, 1125 17th St., NW Washington, DC 20036	International Union of Operating Engineers	8,500.00	498.00
Virginia Brown, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Castine Partners)		
Do	Thacher Proffitt & Wood (For:Citicorp Mortgage Finance, Inc)	150.00	
Do	Thacher Proffitt & Wood (For:Ranieri Wilson & Co, Inc)		
Do	Thacher Proffitt & Wood (For:Standard Federal Savings & Loan)	700.00	
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	New York City Housing Development Corp.	7,558.00	
Do	New York State Mortgage Loan Enforcement & Admin Corp.	5,565.00	
Judith A. Buckalew, 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20004-0401	National Assn of Life Companies		
Jeremiah S. Buckley, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Mortgage Finance, Inc.)	7,280.00	
Do	Thacher Proffitt & Wood (For:Massachusetts Bankers Assn)	5,125.00	
Thomas J. Bulger, Government Relations, Inc 1620 Eye Street, NW, #300 Washington, DC 20006	County of Fairfax	31,200.00	15,650.00
Do	Metropolitan Transportation Commission	17,833.32	13,400.00
Do	Oakland County	7,508.00	6,650.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Parcel Shippers Assn	2,000.00	
David G. Burden, 200 E. Randolph Dr. Chicago, IL 60601	Amoco Corporation		
William J. Burhop, 1101 17th Street, NW Washington, DC 20036	Air Transport Assn of America	10,979.82	
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,465.24	334.20
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
J. J. Burke Jr., 40 E. Broadway Butte, MT 59701	Montana Power Co		335.26
Francis X. Burkhardt, 1750 New York Ave., NW Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
Mahlon A. Burnette III, 1010 Wisconsin Ave., NW Suite 800 Washington, DC 20007	National Broiler Council		
Michael Burns, 601 Pennsylvania Ave., NW, #700 Washington, DC 20004-2602	Business Executives for National Security		
B. Kent Burton, 1730 Rhode Island Avenue, NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	200.00	
James J. Butera, 4901 Quebec Street, NW Washington, DC 20016	Federal Home Loan Bank of New York	6,000.00	75.00
Sydney J. Butler, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	354.17	16.00
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique		1,688.70
Do	Government of Guatemala	10,000.00	74.70
Campaign Consultants, Inc, 211 North Union Street, #200 Alexandria, VA 22314	NRA Institute for Legislative Action	7,500.00	
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	4,000.00	
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	450.00	
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunication Corp	3,000.00	
Do	Madison Public Affairs Group (for Philip Morris, USA)	6,750.00	
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	40.00	50.00
Michael J. Carey, 111 West Washington Street, #1017 Chicago, IL 60602	City of Chicago	11,250.00	4,949.76
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	32,893.00	
Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	664.33	
Charles T. Carroll, 2011 Eye Street, NW, #601 Washington, DC 20006	National Association of Stevedores	650.00	
John R. Carter, 1000 Wilson Blvd., #2600 Arlington, VA 22209	TRW, Inc	254.00	128.10
Marwin S. Cassel, 175 Northwest First Ave., #2000 Court House Center Miami, FL 33128-9965	Broad and Cassel (For:U.S. Strategies Corp (for: Cancer Treatment Holdings, Inc))		
Lawrence J. Cassidy, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	30,262.00	
Deborah M. Chalfie, 1319 F St., NW, #300 Washington, DC 20004	Halt, Inc		
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Citizen/Labor Energy Coalition, 1300 Connecticut Ave., NW, # 401 Washington, DC 20036			
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		376,392.25	118,160.45
Gilbert Clark, 1117 N. 19th Street, NW, #600 Arlington, VA 22209	American Assn of Blood Banks		
James F. Clark, P.O. Box 2128 Juneau, AK 99802-1211	Alaska Loggers Assn	1,500.00	
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	11,387.00	109.95
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	1,000.00	
Bill Clayton, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunication Corp	4,500.00	
Guy Clough, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	13,432.59	
Coalition for Affordable Home Financing, 1350 New York Ave, NW, #800 Washington, DC 20005		66,322.00	29,184.60
Coalition to Promote America's Trade, c/o Steptoe & Johnson 1330 Connecticut Avenue, NW Washington, DC 20036			
Coffield Ungaretti Harris & Slavin, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Northern Trust Company		
Cogeneration & Independent Power Coalition of America(CIPCA), 1133 21st Street, NW, #420 Washington, DC 20036			
Randall I. Cole, 50 F St., NW, #1080 Washington, DC 20001	BR Services, Inc	1,000.00	1,108.18
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp	75.00	20.00
Timothy R. Cole, 1925 North Lynn Street, #308 Arlington, VA 22209	Sparkman & Cole, Inc (For:Air Transport Association of America)	1,125.00	
Do	Sparkman & Cole (For:Delta Air Lines, Inc)	1,125.00	
Do	Sparkman & Cole, Inc (For:National Business Aircraft Assn)	1,125.00	
Do	Sparkman & Cole, Inc (For:Regional Airport Authority of Louisville, KY)	1,125.00	
Collier Shannon & Scott, 1055 Thomas Jefferson St., NW, #306 Washington, DC 20007	Aylward & Finchem		
Terese Colling, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Media General, Inc)	6,450.00	97.11
Eileen M. Collins, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	5,786.62	122.40
Collins & Associates, 6269 Franconia Road Alexandria, VA 22310	City of Pompano Beach, Florida		
Dominique Colon, 2000 L Street, NW, #200 Washington, DC 20036	Medtronic, Inc		4.85
Community Service Society, 105 East 22nd Street New York, NY 10010			1,573.28
Concerned Women for America, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024		18,557.89	18,557.89
John L. Conley, 2200 Mill Road Alexandria, VA 22314	National Tank Truck Carriers, Inc		100.00
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn		
Do	Automotive Refrigeration Products Institute	382.50	
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	4,435.59	
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		30,908.00	62,140.00
Consumers for World Trade, 1726 M Street, NW Washington, DC 20036		6,640.00	20,656.45
Consumers Union of U.S., Inc, 256 Washington St. Mount Vernon, NY 10553			13,370.00
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
William Cook, 1346 Chestnut Street, #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce		
C. William Cooper, 203 Pittsburgh Nat'l Bank Building Sewickley, PA 15143	United Distribution Companies		
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	300.00	
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Assn of New York State	760.00	5,072.47
Felicia B. Coppola, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Maria C. Cordone, 1300 Connecticut Ave, NW Washington, DC 20036	International Assn of Machinists and Aerospace Workers	13,334.62	285.20
Anthony R. Corso, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	900.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	7,511.19	
Council for a Livable World, 20 Park Plaza, #603 Boston, MA 02116			15,130.90
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609			
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	Monarch Capital Corp		
Do	United Technologies Corporation	747.50	
C. Deming Cowles, 6th Floor 1050 Thomas Jefferson Street, NW Washington, DC 20007	Bering Sea Fishermen's Assn	6,900.00	339.20
Do	Cordova District Fishermen United	5,000.00	813.17
Do	Pacific Marine Fisheries Commission	1,850.00	288.70
Do	United Fishermen of Alaska	1,500.00	1,085.21
Eric Cox, 418 7th St., SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	3,509.80	30.00
William C. Cramer, 2000 L Street, NW, #810 Washington, DC 20036	Cramer & Haber, P.C. (For:Dade County International Airport)		
Cramer & Haber, P.C., 2000 L Street, NW, #810 Washington, DC 20036	Canaveral Port Authority	6,750.00	
Do	Dade County International Airport	8,000.00	
Kelly Craven, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Kelly A. Crawford, 206 G Street, NE, #201 Washington, DC 20002	Foley & Company (For:PolyPhaser)		
Mary Dent Crisp, 601 Pennsylvania Ave., NW, #700 Washington, DC 20004-2602	Business Executives for National Security		
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Sterling Drug, Inc		
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	Emerson Electric Co		826.55
Cuba Claims Association, P.O. Box 014004 Miami, FL 33101			
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	7,685.00	1,066.64
M. Rupert Cutler, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	87.48	100.93
CPT Corporation, 8100 Mitchell Road P.O. Box 295 Minneapolis, MN 55440			
Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Dale Danks Jr., 1000 Thomas Jefferson Street, NW, 6th FL Washington, DC 20007	Leonard Ralston Keyes and Danks (For:Krueger International, Inc)		
Linda Daschle, 4224 King Street Alexandria, VA 22302	American Assn of Airport Executives	7,222.00	
John W. Davis, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	200.00	
Davis Wright & Tremaine, 1752 N St., NW, #800 Washington, DC 20036	Klukwan Forest Products, Inc	15,000.00	
Jennifer Ann Dayton, 1420 K Street, NW Washington, DC 20005	Daniel J. Edelman, Inc (For:Collagen Corp)		
B. Rey De Castro, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	200.00	
O. Mark De Michele, P.O. Box 53999 - Sta. 9060 Phoenix, AZ 85072-3999	Arizona Public Service Company		
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Do	Pension Real Estate Assn		
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Amax, Inc		
Do	American Iron & Steel Institute		
Do	Bankers Trust Co		
Do	Bell Atlantic Corp		
Do	Beneficial Corporation		
Do	Catholic Health Assn of the U.S		
Do	Chase Manhattan Corp		
Do	Chidren of Alcoholics Foundation, Inc		
Do	Chrysler Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CNW Corporation	1,300.00	
Do	Digital Equipment Corp	325.00	
Do	Disk Drive Consortium		
Do	Duke Endowment		
Do	Edgcomb Corporation	1,300.00	
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems		
Do	First Brands		
Do	General Electric Pension Trust		
Do	General Reinsurance Corp		
Do	Hanschell Inniss, Ltd		
Do	Health Insurance Assn of America, Inc		
Do	Hershey Foods Corp		
Do	Household International	13,000.00	
Do	Integrated Resources, Inc		
Do	Intel Corporation		
Do	Labor-Industry Coalition for International Trade		
Do	McCormack Baron & Associates	3,250.00	
Do	McCown De Leeuw & Company		
Do	Morgan Stanley Group, Inc		
Do	National Assn of Wholesaler-Distributors		
Do	National Forest Products Assn	1,416.00	20.00
Do	National Trust for Historic Preservation	3,250.00	
Do	Norfolk Southern Corp		
Do	NYNEX Corp		
Do	Paramount Communications, Inc		
Do	Pfizer, Inc		
Do	Premark International		
Do	Primerica, Inc		
Do	Prudential Insurance Co of America	812.50	
Do	Joseph E. Seagram & Sons, Inc	9,750.00	
Do	Teachers Insurance & Annuity Assn of America		
Do	Tribune Broadcasting Co	1,625.00	
Do	U.S. Coalition for Fair Lumber Imports	1,416.00	
Do	U.S. Telephone Assn	1,625.00	
Do	Union Pacific Corp	4,875.00	
Do	Walt Disney Co		
Do	West Indies Rum & Spirits Producers Assn		
Do	Wickes Companies, Inc	1,300.00	
Do	Xerox Corp		
Nicholas DeBenedictis, 2301 Market Street, #13-1 Philadelphia, PA 19101	Philadelphia Electric Co		
Fred R. DeLuca, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Gaelynn DeMartino, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	159.54	55.66
Do	Group Health Assn of America, Inc		
Thomas C. Diederich, 2170 Piedmont Road, NE Atlanta, GA 30324	Orkin Exterminating Co., Inc		
Donohue & Associates, Inc, 11240 Waples Hill Road, #100 Fairfax, VA 22030			
Brad L. Doores, One Tabor Center, #2500 1200 17th Street Denver, CO 80202	Energy Fuels Nuclear, Inc		
Doris Day Animal League, 111 Massachusetts Ave., NW, #200 Washington, DC 20001		433,704.00	281,545.00
Dorsey & Whitney, 1330 Connecticut Avenue, NW, #200 Washington, DC 20036	Automobile Importers of America, Inc		
Do	Texas Assn of Steel Importers		
Dougherty Consulting, P.O. Box 819 Sioux Falls, SD 57101-0819	Madison Public Affairs Group, Inc (for Philip Morris, USA)		
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Do	American Integrity Insurance Co	5,545.00	
Do	Beeman and Associates		
Do	Board of Cooperative Educational Services	138.00	
Do	BMC Industries Inc	2,371.34	10.00
Do	California Wine Commission	4,641.20	42.76
Do	Canadian Institute of Steel Construction		
Do	Carlyle Group	615.00	
Do	Chamber of Commerce of the U.S.	6,235.00	
Do	Chicago City Colleges	3,382.50	18.50
Do	Cox Enterprises, Inc, et al		
Do	Directors Guild of America		
Do	Dofasco, Inc, et al	9,692.76	1,386.34
Do	General Aviation Manufacturers Assn	870.00	
Do	Harris Steel Group, Inc		
Do	Home Shopping Network, Inc		
Do	Johnson-Simmons Co		
Do	Lake Ontario Cement, Ltd		
Do	Laurel Steel Products, Ltd		
Do	Life Care Services Corp		
Do	Marriott Corp	23,476.50	
Do	Monarch Wine Co of Georgia, et al		
Do	National Business Aircraft Assn	870.00	
Do	Profit Sharing Council of America		
Do	Sporicidin Company	3,387.50	
Do	Stelco, Inc (For: Stelco Fastener & Forging Company)	1,012.00	
Fran Du Melle, 1726 M Street, NW, #902 Washington, DC 20036	American Lung Assn	2,890.00	6,391.00
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Dudek Communications, 537 Eleventh Street, SE Washington, DC 20003	Lyonnaise Marianas America, Inc	8,000.00	1,126.00
John Dudinsky Jr., 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Harris Government Systems		
Do	Hvide Shipping, Inc	2,500.00	593.00
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	5,000.00	
Duncan Allen & Talmage, 1575 Eye Street, NW Washington, DC 20005	Colorado River Energy Distributors Assn	2,553.00	42.60
Douglas A. Durante, 1129 20th St., NW, #500 Washington, DC 20036	Clean Fuels Development Coalition	6,000.00	
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America		
Jean Durning, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	3.88	
James W. Dyer, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	2,500.00	1,254.70
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Alliance for Corporate Growth		
Do	Apex Marine Corp		
Do	Bay Area Renal Stone Center	7,500.00	350.92
Do	Bobbie Brooks, Inc		
Do	International Air Transport Assn (IATA)		
Do	Liberty Shipping Group Limited Partnership		
Do	Medical Care International, Inc	5,000.00	537.77
Do	PubCo Corp		
Do	Renal Physician Assn	5,000.00	126.62
Do	Smith Corona Corp	1,500.00	49.83
Do	Surgical Care Affiliates, Inc	5,000.00	537.77
Do	T/2 Medical, Inc	6,725.00	83.00
Do	The Torrington Company	1,000.00	81.59
Mary A. Dyess, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	650.00	
E.D.E.A., Inc, 1151 Acquidneck Avenue Middletown, RI 02840	American Ship Building Co		
Pam Eaton, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	160.42	
Charles J. Eby, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For Monsanto)		
Norman R. Eder, 19600 NW Von Neumann Drive Beaverton, OR 97006-1999	Oregon Graduate Institute of Science & Technology	4,603.84	1,326.25
Jill W. Eiland, 121 SW Salmon Portland, OR 97204	Portland General Electric Co		
Elliott Zweben & Steelman, Chtd, 1227 25th Street, NW Washington, DC 20037	Missouri Blue Cross/Blue Shield	375.00	650.00
Do	Pharmaceutical Manufacturers Assn	500.00	625.00
Dorothy A. Ellsworth, 1300 Connecticut Ave., NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	16,001.55	69.06
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			3,666.33
End Notch Discrimination, 59 West La Sierra Drive Arcadia, CA 91006			600.00
H. John Endean, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference	145.00	25.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Energy Fuels Nuclear, Inc, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202			30,537.66
J. Barry Epperson, 324 Main Mall, #900 Tulsa, OK 74103	Associated Wire Rope Fabricators		3,513.18
David Eppler, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,750.00	
Cheryl Anthony Epps, 1110 North Glebe Road, #200 Arlington, VA 22201	International Assn of Chiefs of Police	10,452.08	425.06
Epstein Becker & Green, P.C., 1227 25th Street, NW, #800 Washington, DC 20036	American Academy of Dermatology		600.00
Do	Anheuser Busch	1,750.00	250.00
Do	Edison Electric Institute	750.00	1,000.00
Do	General Cellular Corporation	750.00	1,000.00
Do	National Shorthand Reporters Association		
Do	Nonprescription Drug Manufacturers Assn		560.00
Do	Pfizer, Inc	500.00	700.00
Paul A. Equale, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	35,658.00	
John Ernst, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	673.32	
Sherry Ettleson, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,500.00	
Andreas W. Evans, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Brock Evans, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	4,400.00	165.00
Evans Group, Ltd, 1010 Wisconsin Ave., #810 Washington, DC 20007	Mortgage Bankers Assn of America	5,250.00	
Robbie G. Exley, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
F/P Research Associates, 1700 K St., NW, #404 Washington, DC 20006	Shell Oil Co	1,000.00	
F. S. Fallon Jr., 4202 West Waters Avenue, #3-4 Tampa, FL 33614			
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
Dagmar T. Farr, 1750 K Street, N.w. Washington, DC 20006	Food Marketing Institute	300.00	
Jane Fawcett-Hoover, 801 18th St., NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	47.92	
William D. Fay, 818 Connecticut Ave., N.W., #900 Washington, DC 20006	Clean Air Working Group	5,250.00	1,181.71
Do	National Coal Assn	8,750.00	1,392.26
Frederick Fedeli, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	2,417.00	1,085.00
Federal Kemper Life Assurance Co, Kemper Bldg D-3 Long Grove, IL 60049			1,322.77
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Alaska Loggers Association, Inc	3,750.00	725.00
Do	Conoco, Inc	500.00	699.50
Do	Crystal Cruises, Inc	7,656.25	775.90
Do	Dillingham Construction Group	1,500.00	672.35
Do	Foss Maritime Co	6,250.00	610.50
Do	Global Marine, Inc	3,750.00	679.90
Do	Haida Corporation	7,743.75	711.00
Do	Tacoma Boatbuilding Co	1,500.00	645.15
Do	U.S. Borax & Chemical Corp	8,988.43	720.90
Do	Western Forest Industries Assn	5,062.50	746.66
Do	Williams Companies	4,856.00	705.63
Fiber Fabric & Apparel Coalition for Trade, 1801 K Street, NW, #900 Washington, DC 20006		36,500.00	27,855.00
Donald L. Fierce, Fierce and Associates 600 New Hampshire Ave., NW #1010 Washington, DC 20037	A.L. Williams & Company		
Do	AB Hagglund & Soner		
Do	Pinnacle Data Corporation		
Fierce & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Dyer Ellis Joseph & Mills (For:Intertanko)	4,500.00	
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	4,730.00	664.00
John Fitzgerald, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	60.63	20.75
Shira A. Flax, 408 C Street, NE Washington, DC 20002	Sierra Club	5,570.50	202.42
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	287.00
Cynthia Folcarelli, 12300 Twinbrook Parkway, #320 Rockville, MD 20852	National Council of Community Mental Health Centers	576.80	
Joseph P. Foley, 206 G St., NE, #201 Washington, DC 20002	American Security Fence Corp		
Do	Coalition Against Noneffective Lighting Protection Tech		
Do	PolyPhaser Corp		
Food Marketing Institute, 1750 K St., NW Washington, DC 20006			5,050.00
John P. Ford, One Kellogg Square Battle Creek, MI 49016	Kellogg Co	2,000.00	283.00
Edward H. Forgotson, 1350 I Street, NW, #700 Washington, DC 20005	Northern Indiana Public Service Company		
Allan M. Fox, 750 17th Street NW, # 1100 Washington, DC 20006	Fox Weinberg & Bennett (For:Bristol-Myers Co)		
Do	Fox Weinberg & Bennett (For:National Coalition for Cancer Research)		
Fox Weinberg & Bennett, 750 17th Street NW, #1100 Washington, DC 20006	Battery Council International		
Do	Bristol-Myers Co		
Do	Courtaulds North America, Inc		
Do	Hoffmann-La Roche, Inc		
Do	Johnson & Johnson		
Do	Lederle Laboratories		
Do	Memorial Sloan-Kettering Cancer Center		
Do	National Assn for Plastic Container Recovery (NAPCOR)		
Do	National Coalition for Cancer Research		
Do	New MediCo Associates, Inc		
Do	Pickens County Medical Center		
Do	Serono Laboratories, Inc		
Do	Wireless Cable Assn, Inc	123.75	
Phillip L. Fraas, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:American Soybean Assn)	962.75	
Franchetti & Swoap, One Market Plaza, Steuart Tower, #1210 San Francisco, CA 94105	Mobil Oil Corp	1,041.67	
Michael Francis, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	12,093.75	289.59
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	1,500.00	150.00
John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061-6568			
Fran Frazier, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference	120.00	25.00
James O. Freeman, 715 Penguin Drive Ocean City, MD 21842	U.S. League of Savings Institutions		
Mary Ann Freeman, 1331 Pennsylvania Ave. NW Washington, DC 20005	General Electric Co	170.00	
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	Forstmann-Little & Co		
Gay H. Friedmann, 655 15th Street, NW, #300 Washington, DC 20005	Northern States Power Company	10,000.00	
Gordon H. Fry, 900 19th Street, NW, Washington, DC 20006	Edison Electric Institute		
William C. Gager, 6849 Old Dominion Dr., #352 McLean, VA 22101	Automotive Parts Rebuilders Assn		6.00
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	27,464.01	
Harry D. Garber, 787 7th Avenue New York, NY 10019	Equitable Financial Companies	400.00	12.00
David McLane Gardiner, 408 C Street, NE Washington, DC 20002	Sierra Club	5,720.00	40.20
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Gartrell & Alexander, 8601 Georgia Ave., #805 Lee Plaza Silver Spring, MD 20910	Washington Metropolitan Area Transit Authority	18,280.00	1,540.00
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Karl Gawell, 1400 16th St., NW, #320 Washington, DC 20036	Zero Population Growth	245.00	
Karen M. Geers, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024	Concerned Women for America	5,653.85	
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Gerard Byler & Associates, Inc, 1155 Conn., Ave., NW, #300 Washington, DC 20036	Santa Clara Indian Pueblo	290.25	
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America		
David Wesley Gibbons, 1735 Jeff Davis Hwy., #403 Arlington, VA 22202	Morton Thiokol	22,271.00	28,102.00
William L. Gifford, 100 Interpace Parkway Parsippany, NJ 07054	GPU Service Corporation		
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	7,750.00	
Mary E. Gill, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:Aplix, Inc)		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:Silvestri Corp)		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:Trek Bicycle Corp)	36.00	2.00
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:West Bend Company)		
Gilmartin Poster & Shafto, One William Street, 5th Floor New York, NY 10004	B & B Dredging Corp		672.00
Mark R. Ginsberg, 1717 K Street, NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy	5,000.00	
George E. Glasier, One Tabor Center, #2500 1200 17th Street Denver, CO 80202	Energy Fuels Nuclear, Inc		
Horace D. Godfrey, 910 16th St., NW, S-402 Washington, DC 20006	Godfrey Associates, Inc		
A. James Golato, 1641 Route 3 North, #101 Crofton, MD 21114	H&R Block, Inc		
H.P. Goldfield, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	2,028.88	249.12
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	6,365.13
Stephen Gordon, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Peter Gossens, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics	1,000.00	419.31
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	14,119.52	2,043.66
Government Liaison Project, 6313 Tulsa Lane Bethesda, MD 20817			6.93
Emerson F. Gower Jr., 411 Fayetteville St. Mall, #1925 Raleigh, NC 27601	Carolina Power & Light Co	906.00	1,626.00
Winston S. Graham, 91 Macon Street Brooklyn, NY 11216			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gerald W. Grandey, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc	8,000.00	629.27
Ruth P. Graves, 600 Maryland Ave., SW, #500 Washington, DC 20560	Reading Is Fundamental, Inc	187.50	34.00
David C. Gray, 3728 Kanawha Street, NW, Washington, DC 20015	American Camping Association	3,000.00	848.79
Do	Portsmouth-Kittery Armed Services Committee, Inc	1,000.00	
Neil A. Gray, 1776 Massachusetts Ave., NW Washington, DC 20036-1993	Highway Users Federation for Safety & Mobility	2,300.00	53.95
George R. Green, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
David I. Greenberg, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	2,500.00	1,500.00
Phyllis Greenberger, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,718.00	2,011.59
Howard W. Greene, 205 E. 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Anne Greenfield, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Arthur J. Gregg, 7736 Rockledge Court Springfield, VA 22152	Cable TV Assn of MD, DE & DC		
Melanie Griffin, 408 C Street, NE Washington, DC 20002	Sierra Club	6,675.86	92.00
Gary E. Griffith, 3209 Mockingbird Lane Dallas, TX 75205	EPIC Healthcare Group		
George Gross, 1211 Connecticut Ave., NW, #406 Washington, DC 20036	Magazine Publishers of America	5,000.00	
Jerome Grossman, 20 Park Plaza, #603 Boston, MA 02116	Council for a Livable World	4,395.96	
John E. Guniven, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corp	5,300.00	325.00
Lewis Gulick, 1911 Ft. Myer Drive, #702 Arlington, VA 22209	TCR Services, Inc	5,000.00	
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	4,254.25	3,012.50
Z. Lou Guttman, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	4,750.00	2,089.00
John F. Haifley, 500 E STreet, SW, #950 Washington, DC 20024	American Automobile Assn		
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	454.85	
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	State Street Development Corp		
Do	Town of Mashpee		
Heide Halik, 408 C Street, NE Washington, DC 20002	Sierra Club	3,746.57	10.25
Angelynn Hall, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	13,701.16	
Julius L. Hall, 695 Americana Drive, #23 Annapolis, MD 21403	National Federation of Federal Employees	7,920.31	
Morton H. Halperin, 122 Maryland Ave.,NE Washington, DC 20002	American Civil Liberties Union	16,000.00	100.00
Rhonda Lee Halverson, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference, Inc	165.00	25.00
James L. Hamilton III, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation	625.00	
Handgun Control, Inc, 1225 Eye Street, NW, #1100 Washington, DC 20005		1,128,026.76	205,355.65
Dolly A. Hanrahan, 1030 15th Street, NW, #1100 Washington, DC 20005	Hima	550.00	113.06
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Daniel J. Hanson Sr., 501 School Street, SW, #800 Washington, DC 20024	American Road & Transportation Builders Assn	20,000.00	470.00
Eric R. Hanson, 1321 Duke Street, #200 Alexandria, VA 22314-3563	U.S. Strategies Corp (For:Cancer Treatment Holdings, Inc)		
Do	U.S. Strategies Corp (For:Healthsouth Rehabilitation Corp)		
Sandra K. Harding, 7981 Eastern Avenue Silver Spring, MD 20910	National Assn of Social Workers	5,250.00	2,006.07
Yvonne W. Hardy, 1701 N. Caroline Street Baltimore, MD 21213			
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Dow Chemical USA		5,546.00
Marra Harris, 729 15th St., NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Milton E. Harris, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Harris Steel Group, Inc		
Teena Harris, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn	2,000.00	
Jim Harrison, 501 I Street, SW Washington, DC 20024	Association of Urban Universities	9,375.00	
Mark Harrison, 1819 H Street, NW, #1000 Washington, DC 20006	SANE/FREEZE, Inc	9,041.69	
Jenifer Hartog, Francis McGinnis & Rees 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00
Arnold I. Havens, 1156 15th Street, NW, #1100 Washington, DC 20005	White Fine & Verville (For:Armstrong World Industries, Inc)	10,925.00	27.50
Do	White Fine & Verville (For:Association of American Railroads)	10,816.65	143.34
Do	White Fine & Verville (For:Burlington Northern Services, Inc)	24,557.50	27.50
Do	White Fine & Verville (For:CSX Corporation)	13,366.50	38.52
Do	White Fine & Verville (For:MetPath, Inc)	23,050.00	247.52
Charles E. Hawkins III, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
James W. Hawkins III, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Association (HIMA)	4,410.00	492.42
John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Robert T. Hayden, 1120 Connecticut Avenue, NW, #469 Washington, DC 20036	Maurer Anderson Conway Communications (For:Coalition for Safe & Responsible Railroads).		
Peter M. Hayes, 214 Massachusetts Ave., NE #530 Washington, DC 20002	Salt River Project	3,521.00	107.20
Holly Elisabeth Hazard, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	Doris Day Animal League	9,306.00	5,730.00
Brian Keith Heard, 201 Massachusetts Ave., NE, #C-4 Washington, DC 20002	National Corn Growers Assn	17,502.00	
Herbert A. Hedden, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
James B. Hedlund, 1200 18th St., NW Washington, DC 20036	Association of Independent Television Stations, Inc	10,000.00	
Mark G. Heesen, 1725 K St., NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	Chicago Board Options Exchange	1,000.00	
Do	CSX Corporation	5,000.00	
Do	Ductile Iron Pipe Research Assn		
Do	Harza Engineering Co		
Do	Renewable Fuel Association	3,000.00	
Do	Sealaska Corp	1,000.00	
Richard Heller, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			17,656.00
Don Hellmann, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	4,462.50	1,132.93
DeWitt F. Helm Jr., 155 East 44th Street New York, NY 10017	Association of National Advertisers, Inc		
Michael T. Henson, #03960-054, P.O. Box 1000 Wake Forest Unit Butner, NC 27509-1000			
Hercules, Inc, Hercules Plaza Wilmington, DE 19894			15,692.59
Richard A. Herrett, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc	15,000.00	
Jo-Ann T. Herrick, 1800 K Street, NW, #530 Washington, DC 20006	Tesoro Petroleum Corp	1,500.00	
Barry Alexander Herring, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products, Ltd		
Hal D. Hiemstra, 216 7th Street SE, Washington, DC 20003	Scenic America	2,000.00	500.00
Scott Highleyman, Box 21692 Juneau, AK 99802	Southeast Alaska Conservation Council	387.00	
Pamela Hill, One Tabor Center, #2500 1200 17th Street Denver, CO 80202	Energy Fuels Nuclear, Inc	500.00	123.79
Cynthia Hilton, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	4,400.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Aroostook Band of Micmacs	600.00	11.20
Do	Association of Navajo Community-Controlled School Boards	200.00	
Do	Bristol Bay Area Health Corp	60.00	
Do	Evergreen Legal Services		
Do	Maniilaq Assn		
Do	Menominee Indian Tribe	380.00	
Do	Metlakatla Indian Community		
Do	Miccosukee Tribe of Indians of Florida		
Do	National Indian Education Assn	400.00	66.25
Do	Norton Sound Health Corp	60.00	
Do	Oglala Sioux Tribe		
Do	Oglala Sioux Tribe Public Safety Commission		
Do	Pueblo de Cochiti	4,800.00	91.45
Do	Seminole Tribe of Florida	4,600.00	340.55
Do	Spokane Legal Services Center		23.85
Sheridan T. Hodges, 23/333 Piedmont Ave. Atlanta, GA 30308	Georgia Power Company	8,070.00	3,376.36
Irvin A. Hoff, 20 N. Live Oak Rd. Hilton Head Island, SC 29928	U.S. Cane Sugar Refiners' Assn		
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Champon Flavors & Fragrances, Inc		
Do	Coalition of American Steel Using Manufacturers	14,865.00	10.00
Do	May Department Stores Co	255.00	
Do	Millicom, Inc		
Do	Timex Corporation	2,040.00	
Do	Toyota Motor Sales, USA, Inc	3,030.00	2.00
William J. Holayter, 1300 Connecticut Avenue, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	8,800.80	
Michele O'Donnell Holbrook, 10 Lafayette Square, Rm. 900 Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al	1,875.00	2,334.62
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Alyeska Pipeline Service Co		
Do	Citgo Petroleum Corp	5,000.00	5,000.00
Do	Council for Solid Waste Solutions	10,000.00	10,000.00
Do	Grocery Manufacturers of America, Inc		
Do	Southland Corporation		
Holt Miller & Associates, 2111 Wilson Blvd., #531 Arlington, VA 22201-3008	Ada Software Alliance (ASA)	1,200.00	50.00
Do	American Council of International Personnel	2,250.00	25.96
Do	Contra Costa Water District		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Interstate Natural Gas Association of America (INGAA)	6,150.00	204.50
Do	Irish Immigration Reform Movement	4,416.00	524.13
Do	National Council of Agricultural Employers		
Do	TF Energy Ventures		
Hoog & Associates, 1877 Broadway, #405 Boulder, CO 80302	ASSE International	2,700.00	2,700.00
Do	Colorado State University	7,500.00	7,500.00
Do	Interfacts		
Do	McAndrews & Forbes Holdings, Inc	7,500.00	7,500.00
Do	Myrias Research Corp	6,000.00	6,000.00
Do	Phillips Petroleum Co	10,000.00	10,000.00
Do	Tera Computer Company	4,500.00	4,500.00
Do	United Technologies Corporation	4,500.00	4,500.00
Marian Hopkins, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	3,900.00	483.63
Hopkins Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Alaska Joint Venture Seafoods, Inc		
Do	Cook Inlet Land Exchange, Inc		
Do	Geonex Corp	5,675.00	
Do	Greenwich Capital Markets, Inc	1,280.00	23.00
Do	Infinite Research, Inc		
Do	Louisiana Pacific Corp	43,355.00	371.52
Do	Safe Travel America		
Do	Tandy Corporation		
Do	United Video		
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		6,169.00	6,169.00
Karen Howard, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	1,953.00	1,179.34
R. Michael Howard, 3460 Lotus Drive Plano, TX 75075	Visual Information Technologies, Inc		200.00
Susan Howe, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Dwight A. Howes, 1819 L Street, NW, #800 Washington, DC 20036	Consolidated Natural Gas Service Company, Inc	1,500.00	591.91
Terry D. Hudgins, P.O. Box 53999 Station 9910 Phoenix, AZ 85072-3999	Arizona Public Service Company	12,286.00	8.88
Betty Hudson, 1627 K Street, NW, #300 Washington, DC 20006	Fluor Corporation	15,000.00	66.00
Hudson Bayless & Boland, Inc, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Primark Corporation		
Do	Salomon Brothers, Inc		
Do	Space Services, Inc of America		
Sharon M. Hughes, 1735 I St., NW, Suite 704 Washington, DC 20006	National Council of Agricultural Employers	700.00	280.00
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	18,660.30	740.00
Charles G. Huntington, 600 Maryland Ave., SW, #770 Washington, DC 20024	American Academy of Family Physicians	2,625.00	71.99
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Edison Electric Institute	49,725.00	122.59
Do	Historic Ricefields Assn		
Do	Pittston Company		
Suzanne C. Hutchinson, 805 15th Street NW, Suite 1110 Washington, DC 20005	Mortgage Insurance Companies of America	4,000.00	475.28
I & J Associates, 4400 Massachusetts Ave., NW #648 Anderson Washington, DC 20016-8101			
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		51,522.00	51,522.00
International Assn of Machinists & Aerospace Workers, 1300 Connecticut Ave., NW Washington, DC 20036			45,958.42
International Brotherhood of Painters & Allied Trades, 1750 New York Ave., NW Washington, DC 20006			
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		22,500.00	1,060.00
Investment Counsel Assn of America, Inc, 20 Exchange Place New York, NY 10005			
John Isaacs, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	4,122.78	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Family Holding Company Advocacy Group		
Do	Grand Metropolitan Inc		
Do	Oberlin College		
Do	Pechiney Corporation		
ICI Americas, Inc, 1600 M Street, NW, #702 Washington, DC 20036			
III Dimension of Indiana, Inc, 730 Century Bldg, 36 S. Pennsylvania St Indianapolis, IN 46204	Reese Communications Cos (for: Philip Morris, USA)	500.00	
Al Jackson, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	11,479.78	
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	6,500.00	275.00
T. Destry Jarvis, 1800 N. Kent Street, #1120 Arlington, VA 22209	Student Conservation Association (SCA)	301.40	14.00
Jellinek Schwartz Connolly & Freshman, Inc, 1015 15th Street, NW, #500 Washington, DC 20005	Adolph Coors Co	23,273.00	3,832.00
Do	ASARCO, Inc	81,700.00	3,990.00
Do	Colorado School of Mines Foundation		
Do	Los Angeles County Sanitation District	45,229.00	19,442.00
Do	National Agricultural Chemicals Association	2,653.00	142.00
Do	National Assn of Wheat Growers, et al	14,250.00	269.00
Do	National Independent Energy Producers	44,060.00	1,034.00
Do	Rhone-Poulenc Ag Co	3,927.00	74.00
Do	Union Pacific Corp	55,529.00	2,514.00
Do	Waste Management Lawncare	9,992.00	208.00
Kempton B. Jenkins, 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	100.00	608.00
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosts		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	Dental Gold Institute		
Do	International Soc for Hybrid Microelectronics		
Do	National Glass Association		
Richard H. Jenrette, 787 7th Avenue New York, NY 10019	Donaldson Lufkin & Jenrette (for Equitable Financial Cos)		
Ira F. Jersey Jr., 648 Anderson 4400 Massachusetts Ave Washington, DC 20016-8101	I & J Associates		
Karen Jettmar, 1400 Eye St., NW Washington, DC 20005	Wilderness Society		
Michael A. Johnson, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:Aplix, Inc)	297.00	
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:Silvestri Corp)		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:Trek Bicycle Corp)	759.00	16.00
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:West Bend Company)	1,469.00	18.00
David R. Jones, 105 East 22nd Street New York, NY 10010	Community Service Society	42.71	
Theodore L. Jones, 412 First St. SE, #260 Washington, DC 20003	Hartford Group		
Do	Lafourche Telephone Company, Inc		
Do	Mall Properties, Inc		
Do	Maxicare Health Plans, Inc		
Do	South Central Bell Telephone		
Do	United Companies Life Insurance Companies		
Do	Zapata Corporation		
Do	Zapata Gulf Marine Corp		
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Consumers for Competitive Fuels	9,843.75	126.00
Do	International Telecharge, Inc		
Do	Laurel Industries, Inc		
Do	Pfizer, Inc	430.00	11.35
Do	Southern California Edison Company	956.00	6.00
John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	3,000.00	
Jeffrey Judah, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp)	225.00	
Kathy L. Judd, 1700 K St., NW, #1204 Washington, DC 20006	Chevron Chemical Co		
Sherry F. Kaiman, 122 C Street, NW, #875 Washington, DC 20001	Robert A. Rapoza Associates (For National Rural Health Assn)	9,999.99	41.00
Jim Kaitz, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute		
Steve Kallick, Box 021692 Juneau, AK 99802	Southeast Alaska Conservation Council	66.00	
George Kassouf, 600 New Jersey Ave., NW Washington, DC 20001	Alliance for Justice	300.00	
Barbara J. Katz, 1424 16th Street, NW, #604 Washington, DC 20036	Consumer Federation of America	7,269.00	118.00
William R. Kaul, 14615 Lone Oak Road Eden Prairie, MN 55344-2287	Cooperative Power	607.00	13.65
Anthony P. Kavanagh, 410 First Street, SE Washington, DC 20003	Consolidated Edison Co of New York, Inc	2,115.00	2,231.41
Jim Keane, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Chicago City-Wide Colleges		
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	American Petroleum Institute		
Do	Arkla, Inc	675.00	
Do	National Coalition for the Rehab of Fed Insured Institutions		
Do	Williams Companies		
Mary Catherine Keegan-Ayer, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	11,335.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David A. Keene, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:McDonnell Douglas Astronautics Co)	625.00	
Keith Keeney, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Brien E. Kehoe, Hill Betts & Nash 1818 N Street, NW, #700 Washington, DC 20036	American President Lines		
Do	Waterman Steamship Corp		
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037	Great Western Financial Corporation		
Kemper Financial Companies, 120 South LaSalle Street Chicago, IL 60603			
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			373.83
Kemper Investors Life Insurance Co, 120 South Lasalle Street Chicago, IL 60603			223.88
Vytautas Kerbelis, P.O. Box 336 Seal Harbor, ME 04675	ARAS		
Richard S. Kessler, Kessler & Associates 126 Kentucky Avenue, SE Washington, DC 20003	Joseph E. Seagram & Sons, Inc	6,600.00	
Dale Rodney Ketcham, 1980 N. Atlantic Ave., #918 Cocoa Beach, FL 32931			
William S. Kies, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	200.00	
Maryann Kilduff, 2000 M St., NW, #230 Washington, DC 20036	Telocator Network of America	1,132.00	
Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037	Chicago Research & Trading Group, Ltd		
Do	Federal Express	441.00	
Do	Forest Farmers Assn	3,185.00	187.35
Do	Georgia Tech Research Corp	435.00	
Do	Granite Industrial Development		
Do	Greenpeace USA		
Do	Kootznoowoo, Inc	290.00	8.00
Do	U.S. Sprint Telecommunications Co	4,067.00	25.00
Do	United Airlines	290.00	8.00
Do	University of Georgia	880.00	41.00
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	10,161.00	302.00
Ronald Kipke, 1016 16th Street, NW Washington, DC 20036	National Federation of Federal Empolyees	1,141.87	
Peter C. Kirby, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	65.00	
James C. Kirie, 1644 N. 77th Court Elmwood Park, IL 60635	Metro Water Reclamation District of Greater Chicago		
Sharon Kirk, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	200.00	
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby, #900 Washington, DC 20036	Federal Home Loan Bank of New York		
Do	Search Group, Inc	2,631.00	423.62
Donald R. Kirtley, Hercules Plaza Wilmington, DE 19894	Hercules, Inc		
Jon Kiser, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	200.00	
William J. Kissick, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Lisa K. Kjaer, 1722 Eye Street, NW, #300 Washington, DC 20006	Electronic Industries Assn	800.00	
Andrew M. Klein, 1101 Connecticut Ave., NW, #600 Washington, DC 20036	Schiff Hardin & Waite (For:Chicago Board Options Exhange)		
James A. Klein, 1212 New York Ave, NW #1250 Washington, DC 20005	Association of Private Pension & Welfare Plans	1,155.00	
Jerry D. Klepner, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	22,500.00	932.08
Kline & Knopf, Inc, 111 State Street Harrisburg, PA 17101	General Public Utilities Corp		
Kevin T. Knobloch, 1616 P Street, NW, #310 Washington, DC 20036	Union of Concerned Scientists	6,250.00	225.00
C. Neal Knox, Neal Knox Associates Box 6537 Silver Spring, MD 20906		10,000.00	650.00
Bart Koehler, Box 021692 Juneau, AK 99802	Southeast Alaska Conservation Council	692.00	
Julie Koheler, Box 021692 Juneau, AK 99802	Southeast Alaska Conservation Council	831.00	
Koniag, Inc, 4300 B Street, #407 Anchorage, AK 99503			32,643.55
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	650.00	
Nicholas P. Koskores, 518 Boyston Street Boston, MA 02116	New England Council, Inc		
Hugh A. Krentz, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Steven Kroll, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		64.41
Krooth & Altman, 2101 L Street, NW, #210 Washington, DC 20037	Healthcare Financing Study Group		
Do	Housing Study Group		
Herb B. Kuhn, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	3,203.98	386.61
Frederick L. Kumar, 8002 Sleepy View Lane Springfield, VA 22153			
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Peter Kyros, 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Allsup & Associates, Inc		
Do	Association of Administrative Law Judges, Inc		
Do	Cooperative of American Physicians, Mutual Protection Trust		
Do	Uniformed Services Disabled Retirees		
Labor-Management Maritime Committee, Inc, 444 Capitol Street, 8th Fl Washington, DC 20001		9,490.00	4,542.00
Robert D. Landis, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	174.49
Paul C. Lavery, 206 G Street, NE, #201 Washington, DC 20002	Foley & Company (For:Poly Phaser)		
Barbara Leach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Leadership Conference on Civil Rights, 2027 Massachusetts Ave., NW Washington, DC 20036		10,323.00	50,741.63
Edward R. Leahy, 1500 K Street, NW, #200 Washington, DC 20005	Chicago Board Options Exchange	47,500.00	25.00
Do	Thacher Proffitt & Wood (For:Citicorp)	11,875.00	
Franklin M. Lee, 300 Eye Street, NE, #200 Washington, DC 20002	Minority Business Enterprise Legal Defense & Education Fund		
Jane Leeson, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society		
Jack Legler, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	200.00	
Meric L. Legnini, 10807 Gainsborough Rd Potomac, MD 20854	Scheduled Airlines Traffic Offices, Inc		
Dale Leibach, 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather Public Affairs		
Arnold H. Leibowitz, 1707 H Street, NW, #500 Washington, DC 20036	Cameron Hornbostel & Butterman (For:Hebrew Immigrant Aid Society (HIAS))	13,500.00	1,614.13
Jerris Leonard, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Leonard & Ralston (For:Krueger, Inc)	11,618.81	
Frank J. Lessen, 120 7th Street, SE Washington, DC 20003	Association of Biotechnology Companies		
Craig S. Lesser, 23/333 Piedmont Ave Atlanta, GA 30308	Georgia Power Co	8,397.00	7,915.24
Raymond D. Lett, 201 James Thurber Court Falls Church, VA 22046	Marxman & Associates, Inc		
S. R. Levering, Route 2 Ararat, VA 24053	U.S. Committee for the Oceans		
David A. Lewis, 1000 16th St., NW., #810 Washington, DC 20036	Physicians for Social Responsibility	3,923.10	
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	1,200.00	
Do	Manufacturers Hanover Corp	1,750.00	
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris, Inc	867.00	118.00
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Iowa Department of Transportation	6,158.35	71.04
Do	Madison Gas & Electric Co	2,143.74	
Do	Metropolitan Sanitary District of Greater Chicago	9,263.53	
Do	Michigan Dept of Transportation	4,874.67	
Do	Northern States Power Co	3,909.81	
Do	Oregon Department of Transportation	3,638.70	96.85
Do	State of Colorado, Dept of Highways	4,918.74	
Do	State of IL, Dept of Transportation	11,814.90	256.89
Do	State of IL, Dept of Transportation, Div of Water Resources	1,968.16	
Do	Wisconsin Electric Power Co	9,511.27	165.98
Do	Wisconsin Power & Light Co	4,267.06	
Do	Wisconsin Public Service Corp	3,934.61	
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Lipsen Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	American Dehydrated Onion & Garlic Assn		
Do	Chellingworth & Singer, Ltd		
Do	Dallas County Utility & Reclamation District		
Do	Dinamo/OVIA		
Do	Enserch Corporation		
Do	Federal Record Service Corp	4,893.75	
Do	McKesson Corp	1,000.00	
Do	Meridian Bancorp, Inc	400.00	
Do	National Rural Letter Carriers Assn	1,097.50	
Do	Olivetti USA, Inc	1,800.00	
Do	Perot Group	840.00	
Do	Perot Systems	1,411.31	
Do	Pharmaceutical Card System, Inc	9,000.00	
Do	Pioneer Seed Co, Inc	4,200.00	
Do	Rolls Royce, Inc	7,200.00	
Do	RJR Nabisco, Inc	46,226.04	
Do	Tobacco Institute		
Do	Westinghouse Electric Corp	7,851.25	
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees		856.53
Eugene A. Ludwig, Covington & Burling 1201 Pennsylvania Avenue, NW P.O. Box 7566 Washington, DC 20044	International Swap Dealers Ass'n		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Lukens, Inc, 50 South First Avenue Coatesville, PA 19320		29,846.00	34,660.86
David H. Lynch, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Samuel A. Mabry, 1800 K St., NW Washington, DC 20006	Hercules, Inc	4,938.00	8,728.46
Robert A. Macari, 3500 Three First National Plaza Chicago, IL 60602	Coffield Ungaretti Harris & Slavin (For:Northern Trust Company)		
Gail Mackauf, 1837 Vernon Street, NW Washington, DC 20009	Women's Equity Action League		
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators	7,500.00	
John Macnamara, c/o Dow Lohnes & Albertson 1255 23rd Street, NW, #500 Washington, DC 20037	Algoma Steel Corp, Ltd		
John H. Madigan Jr., 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	5,000.00	90.00
Madison Public Affairs Group, Inc, 2033 M Street, NW, #900 Washington, DC 20036	GE Government Services	5,432.00	3,621.34
Do	Northern States Power Company	9,575.00	6,384.00
Do	Philip Morris USA		
Do	Stratco, Inc	3,200.00	2,134.00
Catherine Maentanis, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024	Concerned Women for America Legislative Action Committee		
Mimi Magee, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	10,208.00	205.57
Paul J. Magliocchetti, 9527 Wallingford Drive Burke, VA 22015	Paul Magliocchetti Associates, Inc (For:United Technologies Corp)	12,501.00	
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	Lachelli, Waller & Magner (For:ASARCO, Inc)		
Michael C. Maibach, Intel Corporation, GR1-63 3535 Garrett Drive Santa Clara, CA 95051-8119	Intel Corporation	17,500.00	17,401.92
Anthony S. Makris, 2508A South Walter Reed Drive Arlington, VA 22206	National Rifle Assn of America		
Albert Manville II, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	1,240.33	
Robert Y. Maples, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	483.33	128.56
Louis T. March, 1432 Brooks Avenue Raleigh, NC 27607	Americans For Immigration Control, Inc		
Dennis G. Martin, Dow Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Dofasco, Inc		
Michael Marvin, 1156 15th Street, NW, #1100 Washington, DC 20005	White Fine & Verville (For:Armstrong World Industries)	12,445.00	
Do	White Fine & Verville (For:Association of American Railroads)	2,933.34	
Do	White Fine & Verville (For:Burlington Northern, Inc)	7,172.50	
Do	White Fine & Verville (For:CSX Corp)	9,340.00	
Do	White Fine & Verville (For:MetPath, Inc)	950.00	
Dawson Mathis, 1900 L Street, NW, #300 Washington, DC 20036	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	3,000.00	
K. Michael Matthews, 629 Constitution Ave., NE, #201 Washington, DC 20002	U.S. Strategies Corp (for: Cancer Treatment Holdings, Inc)		
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Equitable Financial Companies	500.00	30.00
Mike Matz, 408 C Street, NE Washington, DC 20002	Sierra Club	6,511.83	55.07
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)		
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	908.40
Albert E. May, 1627 K Street, NW, 1200 Washington, DC 20006	United Shipowners of America	5,250.00	2.65
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	15,925.00	1,445.82
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW Washington, DC 20006	Shell Oil Co	600.00	
John H. McAllister, Dow Lohnes & Albertson 1255 Twenty Third St., NW Washington, DC 20037	Dofasco, Inc		
Timothy McAnarney, 312 South 4th Street, #3 Springfield, IL 62701	Reese Communications Cos (for: Philip Morris, USA)		
Charlie McBride Associates, Inc, 1101 Connecticut Ave., NW, #906 Washington, DC 20036	American Electric Power Co, Inc	2,250.00	
Do	American Nuclear Energy Council	2,250.00	723.97
Do	Carolina Power & Light Co	2,250.00	
Do	Commonwealth Edison Co	2,250.00	
Do	Consolidated Edison Co of New York, Inc	3,000.00	
Do	General Atomics	6,000.00	970.94
Do	Louisiana Energy Services	4,000.00	85.00
Do	Oxford Energy Co	4,500.00	187.43
Do	Sealaska Corp	4,500.00	747.03
Do	Southern California Edison Co	2,250.00	
Do	Tri-City Industrial Development Council		
Do	United Illuminating Co	3,750.00	396.41
Do	FBA, Inc (For:University of Alaska-Fairbanks)	4,500.00	
Do	FBA, Inc (For:University of Nevada, Las Vegas)	4,500.00	
Do	Westinghouse Electric Corp	7,500.00	4,295.02
Do	Yukon Pacific Corp	6,000.00	898.30
Frank X. McDermott, Apruzzese McDermott Mastro & Murphy 500 Morris Ave, P.O. Box 329 Springfield, NJ 07081	Reese Communications Cos (for: Philip Morris, USA)		
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006	American Dental Hygienists Assn	11,000.00	
Do	American Imaging Assn	6,100.00	
Do	American Soc of Outpatient Surgeons	2,000.00	
Do	Banks of Iowa		
Do	Barnes/St. Peters		
Do	California Assn of Children's Hospitals	5,000.00	
Do	Caterpillar Tractor Co		
Do	Federal Kemper Life Assurance Co		
Do	Globe Corporation		
Do	Hitachi America, Ltd		
Do	Home Intensive Care, Inc		
Do	Juvenile Diabetes Foundation, International	6,000.00	
Do	Kemper Investors Life Insurance Co		
Do	Lumbermens Mutual Casualty Company		
Do	Outpatient Opthalmic Surgery Society	10,000.00	
Do	Peterson & Sullivan		
Do	Public Employees Retirement Assn of Colorado	1,000.00	
Craig McDonald, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	4,000.00	
Jack McDonald, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	Jack McDonald Co (For:Hitachi America, Ltd)		
Christine W. McEntee, 50 F Street, NW, #100 Washington, DC 20001	American Hospital Assn		
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	International Theatrical Agents Assn		
Do	National Assn of Orchestra Leaders		
Phillip McGuire, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	6,000.00	
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	9,808.25	
Law Offs of James D. McKevitt, 1101 16th Street, NW, 500 Washington, DC 20036	Kelly Assisted Living		
Do	Kelly Services, Inc		
Do	National Assn of Wholesaler-Distributers		
Do	National Fed of Independent Business		
Steven G. McKinney, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Alabama Power Company)		
Do	Balch & Bingham (For:Southern Company Services, Inc)	202.50	63.88
Michael R. McLeod, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:American Assn of Crop Insurers)	3,266.80	142.76
Do	McLeod & Pires (For:American Peanut Product Manufacturers, Inc)	12,031.25	119.76
Do	McLeod & Pires (For:American Soybean Association)	273.30	
Do	McLeod & Pires (For:Chicago Board of Trade)	9,375.00	106.78
Do	McLeod & Pires (For:Mushroom Council)	2,736.00	24.76
Do	McLeod & Pires (For:State of Florida Department of Citrus)	2,692.87	
Do	United Egg Producers	3,600.00	101.24
William F. McManus, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	460.00	
Larry McNickle, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	458.64	60.00
Medical-Dental Diversified Services, Inc, 15600 San Pedro, #107 San Antonio, TX 78232-3738	U.A.G. Alumni Assn		
Medtronic, Inc, 7000 Central Ave., NE Minneapolis, MN 55432			4.85
Joseph Mehrkens, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	1,040.00	2,382.05
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Vernon H. Meier, 1448 Duke Street Alexandria, VA 22314	National Rural Letter Carriers Assn	18,377.00	
Stanley Meisrfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
James T. Melville, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
David A. Metzner, 499 S Capitol St., SW, #520 Washington, DC 20003	MOVAN Enterprises, Ltd		
Do	Van Fleet Associates	15,249.99	
John L. Mica, 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Harris Government Systems		
Do	Harris-RF Communications		
Do	Hvide Shipping, Inc	2,500.00	593.00
Michael G. Michaels, P.O. Box 150160 Lakewood Station Box PMB Atlanta, GA 30315			
Lisa Mihaly, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	184.46	
Sharon Mihnovets, 2809 S. Joyce St. Arlington, VA 22202			
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	City of Pompano Beach, Florida		
Paul J. Miller, 8000 Sears Tower Chicago, IL 60606	Investment Counsel Assn of America, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Peggy Miller, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	8,448.00	362.00
Miller Cassidy Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037	Independent Insurance Agents of America, Inc, et al	350.00	
Do	National Assn of Life Underwriters, et al	783.75	
Do	National Motorsports Comm of Accus	437.50	
Do	47th Street Photo	1,000.00	
Miller Hamilton Snider & Odom, 1747 Pennsylvania Ave, NW, #1150 Washington, DC 20006	Honfed Savings Bank	612.50	4,973.00
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	2,400.00	221.12
Amy J. Milliman, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	435.00	770.00
Joseph H. Miltenberger, 2939 Van Ness Street, NW, #839 Washington, DC 20008	U.S. Strategies Corp (for Cancer Treatment Holdings, Inc)		2.00
Minority Business Enterprise Legal Defense & Education Fund, 300 I Street, NE, #200 Washington, DC 20002	Financial Executives Institute		
Gina Shea Mitchell, 1100 17th Street, NW, #1203 Washington, DC 20036	National Solid Wastes Management Assn	200.00	
Allen Moore, 1730 Rhode Island Ave., #1000 Washington, DC 20036	Giant Industries, Inc		
Alvis J. Moore, 23733 North Scottsdale Road Scottsdale, AZ 85255	Design Protection Coalition	250.00	
Timothy X. Moore, Timothy Moore & Co 2900 M Street, NW, #300 Washington, DC 20007	International Environmental Policy Coalition	750.00	
Do	Software Rental Coalition	1,500.00	
Do	Swidler & Berlin, Chtd	2,000.00	
Do	Typeface Design Coalition	500.00	
Do	North American Philips Corp	3,000.00	530.00
Randall B. Moorhead, 2000 K Street, NW, #201 Washington, DC 20006	American Express Co		
Richard M. Moose, 1020 19th Street, NW, #600 Washington, DC 20036	National Fed of Federal Employees		
Anne L. Morgan, 1016 16th St., NW Washington, DC 20036	American Fed of Teachers, AFL-CIO	17,209.68	140.00
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	Business Executives for National Security		
James Morrison, 601 Pennsylvania Ave, NW, #700 Washington, DC 20004-2602	California Bankers Clearing House Assn		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	Federal Home Loan Bank of Des Moines		
Do	Federal Home Loan Bank of Seattle		
Do	Federal Home Loan Bank of Topeka		
Do	Ford Motor Co		
Do	Mastercard International, Inc, et al	23,565.00	477.50
Do	Matteson Investment Corp	5,722.50	133.50
Do	RREEF Funds, Inc		
Michael L. Morton, 910 16th Street, NW, #402 Washington, DC 20006	Florida Sugar Cane League, Inc		
Laurie A. Moshier, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn	500.00	
Shelley R. Moskowitz, 236 Mass. Ave., NE, #608 Washington, DC 20002	Neighbor to Neighbor Action Fund	4,500.00	250.00
Beth Moten, 80 F Street, NW Washington, DC 20001	National Fed of Federal Employees	5,768.38	
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Abecitrus - Brazilian Citrus Assn		
Cheryl L. Moyer, RDI Box 628 Shermansdale, PA 17090	Pennsylvania Assn of Families	133.84	
Evelyn Fiemann Munley, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging		
Patricia Collins Murdock, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	4,324.57	25.35
Edward L. Murphy, 1313 L Street, NW, 2nd Floor Washington, DC 20005	National Assn of Government Employees	10,000.00	144.00
Stephen P. Murphy, 715 South Fairfax Street Alexandria, VA 22314	Yellow Freight System, Inc of Delaware		
Margaret R. Murray, 2501 M Street,NW, #400 Washington, DC 20037	McLeod & Pires (For:American Assn of Crop Insurers)	696.00	
Do	McLeod & Pires (For:National Rural Telecom Assn)	1,862.00	110.00
Peggy Roth Murray, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference	155.00	25.00
Fred J. Mutz, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,400.00	
MLR Associates, 3805 Alton Place, NW Washington, DC 20016	Neighborhood Housing Services of America		
MOVAN Enterprises, Ltd, 499 S Capitol St., SW, #520 Washington, DC 20003	Magnavox Government & Industrial Electronics Co		
MWW/ Strategic Communications, Inc, 70 Grand Ave River Edge, NJ 07661	Coalition for American Youth Opportunity	22,500.00	29,449.84
Do	Environmental Compliance Service	15,000.00	18,037.05
Do	Fidelity Environmental Insurance Co	15,000.00	16,573.72
Do	First Jersey Securities	1,550.00	1,863.47
Do	GAF Corporation	59,087.50	62,406.48
Do	Kaselaan & D'Angelo Associates, Inc	22,500.00	26,183.00
Do	Winters Original Chocolate Liquor Bottles, Inc	3,000.00	3,267.57
Daniel Nadash, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
National Air Carrier Assn, 1730 M St., NW, #710 Washington, DC 20036			
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		3,494.94	122,687.03
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		5,566,139.75	208,142.56
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036			
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			42,702.44
National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006		3,300.00	4,800.00
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		4,100.00	7,835.00
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			22,325.00
National Bicycle Dealers Assn, Inc, 129 Cabrillo Street, #201 Costa Mesa, CA 92627-3006			
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,481,810.55	17,266.20
National Coalition for Marine Conservation, Inc, P.O. Box 23298 Savannah, GA 31403		23,601.00	16,544.72
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		50,484.43	44,008.00
National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006			1,055.00
National Education Assn, 1201 16th St., NW Washington, DC 20036		24,775.84	24,775.84
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		496,575.00	2,128.00
National Fed of Federal Employees, 1016 16th Street, NW Washington, DC 20036		16,694.52	16,694.52
National Foreign Trade Council, Inc, 100 East 42nd St. New York, NY 10017		131,950.00	131,950.00
National Forest Products Assn, 1250 Connecticut Avenue, NW Washington, DC 20036		2,10,413.00	1,663,953.00
National Hydropower Assn, 555 13th Street, NW, #900-E Washington, DC 20004			27,246.56
National League of Postmasters of the U.S., 1023 North Royal Street Alexandria, VA 22314			45,349.00
National Organization for Women, 1000 16th STreet, NW, #700 Washington, DC 20036			
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		238,459.69	339,944.61
National Rural Housing Coalition, 122 C Street, NW, #875 Washington, DC 20002		1,239.90	20,434.01
National Rural Letter Carriers Assn, 1448 Duke St., #100 Alexandria, VA 22314		24,110.00	27,164.00
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		55,505.00	55,505.00
Ralph G. Neas, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	20,615.44	403.20
Neece Cator & Associates, Inc, 1050 17th Street, NW, #810 Washington, DC 20036	National Small Business United	3,000.00	3,000.00
Do	Southeastern Lumber Manufacturers Assn	2,000.00	2,000.00
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		105,359.75	100,326.87
Joseph L. Nellis, 1015 15th Street, NW, #1100 Washington, DC 20005	Pharmacy Freedom Fund	2,500.00	1,105.00
Christine V. Nelson, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:United Egg Assn)	2,001.00	28.18
Do	McLeod & Pires (For:United Egg Producers)	3,600.00	86.18
Gaylord Nelson, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	10.63	
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	McCamish Martin Brown & Loeffler (For:United Services Automobile Assn)		
Janis A. Nero, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	497.32	103.53
Neal Neuberger, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	6,093.76	257.04
Burt Neuborne, 40 Washington Square South New York, NY 10012	Association of National Advertisers, Inc	2,500.00	265.00
Louis H. Nevins, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:American Savings Bank, FSB)	10,250.00	
Do	Thacher Proffitt & Wood (For:Apple Bank for Savings)	4,250.00	
Do	Thacher Proffitt & Wood (For:Binghamton Savings Bank)	4,250.00	
Do	Thacher Proffitt & Wood (For:Boston Five Cents Savings Bank, FSB)	6,000.00	
Do	Thacher Proffitt & Wood (For:Castine Partners)	8,000.00	
Do	Thacher Proffitt & Wood (For:Dollar Bank, FSB)	6,000.00	
Do	Thacher Proffitt & Wood (For:Great Western Savings, Federal Savings & Loan)	4,250.00	
Do	Thacher Proffitt & Wood (For:New Hampshire Savings Bank)	4,250.00	
Do	Thacher Proffitt & Wood (For:Peoples Westchester Savings Bank)	4,250.00	
Do	Thacher Proffitt & Wood (For:Ranieri Wilson & Co, Inc)	52,000.00	
Do	Thacher Proffitt & Wood (For:River Bank America)	4,250.00	
Do	Thacher Proffitt & Wood (For:Rochester Community Savings Bank)	4,250.00	
Do	Thacher Proffitt & Wood (For:Standard Federal Savings & Loan)	6,000.00	
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
Anne L. Nicoll, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn		144.71
Patrick J. Nilan, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	15,221.83	3,056.33
Nissan Motor Corporation, U.S.A., 750 17th Street, NW, #901 Washington, DC 20006			
Peter Nixon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Jeffrey P. Noah, 729 15th Street, NW Washington, DC 20005	Associated Builders and Contractors, Inc	2,500.00	
Myron H. Nordquist, 1776 K Street, NW, #210 Washington, DC 20006			100.00
Edward M. Norton Jr., 1400 16th Street, NW, #300 Washington, DC 20036	Grand Canyon Trust		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James Norton, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	1,059.16	425.05
Nossaman Gunter Knox & Elliott, 1227 25th St., NW, #800 Washington, DC 20037	California Co-Compost Systems		
Do	California Student Loan Finance Corp		
H. James Nunes, 1823 Jefferson Place, NW Washington, DC 20036	Jefferson Group (For:City of San Juan)		
Do	Jefferson Group (For:Gibraltar P.R., Inc)		
Do	Jefferson Group		
Do	Jefferson Group (For:Lockheed Corp)		
Richard T. O'Connell, Richard T. O'Connell & Associates, Inc 3208 Traveler Street Fairfax, VA 22030	Chocolate Manufacturers Assn of the USA		
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Company (For:Commonwealth of Puerto Rico)	10,000.00	
Do	TKC International (For:UNIAO Nacional Para Independencia Total DeAngola)	5,000.00	
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	9,668.75	
Olwine Connelly Chase O'Donnell & Weyher, 1701 Pennsylvania Ave, NW, #1000 Washington, DC 20006	Ad Hoc Comm for Small Hydro Power		
Do	Alexander & Alexander Services, Inc		
Do	Energy Factors, Inc		
Do	Grants & Contracts Projects		
Do	Intercontinental Energy Corp		
Do	Long Lake Energy Corp		
Do	Manville Corp		
Do	National Corp for Housing Partnerships		
Do	National Independent Energy Producers	3,000.00	
Do	Sithe Energies USA, Inc		
Do	YMCA of the USA		
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	9,900.00	1,550.00
Oppenheimer Wolff & Donnelly, 1020 19th Street, #400 Washington, DC 20036	Korean Footwear Exporters Assn	4,438.16	
Do	Nishika Corp	1,552.97	84.04
Organization of Professional Employees of USDA, Rm. 1414 S. Building U.S. Dept of Agriculture Washington, DC 20250		1,086.00	1,514.39
Karl Ottosen, 208 G Street, NE Washington, DC 20002	U.S. Federation of Small Businesses, Inc	1,500.00	
P/M Consulting, Inc, 1211 Connecticut Avenue, NW, #506 Washington, DC 20036	Syscon Corporation	9,000.00	9,000.00
Do	Talley Corporation	9,000.00	9,000.00
Allen Scott Pack, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd, et al		
Preston R. Padden, 1200 18th St., NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Pagonis & Donnelly Group, Inc, 1620 I Street, NW, #202 Washington, DC 20006	Algoma Steel Corp, Ltd, et al		
Do	Government of the Republic of Transkei	6,600.00	86.68
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry	2,692.25	2,790.95
Bruce Parker, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	4,400.00	
Kimberly C. Parker, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	12,048.84	505.32
Ken Parmelee, 1448 Duke Street, #100 Alexandria, VA 22314	National Rural Letter Carriers Assn	17,378.00	2,771.00
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Family Life Assurance Co	1,750.00	
Do	Bell Helicopter Textron, Inc	750.00	
Do	Blue Sea Corporation	2,000.00	
Do	Cardiac Pacemakers, Inc	2,100.00	
Do	Care Enterprises	1,125.00	
Do	Cessna Aircraft Compnay	1,000.00	
Do	Genentech	2,800.00	
Do	Generic Pharmaceutical Industry Assn	500.00	
Do	Herbalife International		
Do	Industrial Biotechnology Association, Inc		
Do	Lockheed Aeronautical Systems Co	1,500.00	
Do	Motion Picture Assn of America, Inc	3,600.00	89.45
Do	National Assn of Independent Insurers	1,500.00	
Do	Pfizer, Inc	1,200.00	
Do	Research Corp Technology, Inc	3,600.00	
Do	Telephonics Command Systems Division	1,500.00	
Do	United Food & Commercial Workers International Union	3,000.00	
Do	Warner-Lambert Co		
Do	Won Door Corporation	1,125.00	
DeLane Pate, c/o Dow, Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products Ltd		
Thomas B. Patton, 2000 K Street, NW, #201 Washington, DC 20006	North American Philips Corporation	5,000.00	4,480.00
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Blair Corporation		
Do	Coalition on State Use Taxes	10,000.00	
Do	Reader's Digest Assn, Inc		
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Municipal Assistance Corp for the City of New York	3,848.00	89.45
Do	National Music Publisher's Assn, Inc	2,542.00	91.85
Peace Political Action Committee, 100 Maryland Avenue, NE Washington, DC 20002			5,670.57
James M. Peirce Jr., 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	1,863.96	
John M Pelkey, 2000 M Street, NW, #600 Washington, DC 20036	American Electronics Association	1,006.25	5.00
Elin Peltz, 1511 K St., NW, #723 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Edward F. Pembleton, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,200.00	455.00
Penco International, 606 Massachusetts Ave., NE Washington, DC 20002	Penco international		
Pennsylvania Assn of Families, RDI Box 628 Shermansdale, PA 17090		12,772.10	329.34
Joseph M. Penot Sr., 100 Indiana Ave, NW, #311 Washington, DC 20001	Radio Officers Union	13,750.00	
Pension Real Estate Assn, 1129 20th Street, NW, #705 Washington, DC 20036			
Monica S. Penwell, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		253.88
Pepper & Corazzini, 1776 K St., NW Washington, DC 20006	Tempo Enterprises, Inc		
Susan M. Pettey, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	27.09	28.00
Pettit & Martin, 1800 Massachusetts Avenue, NW, #600 Washington, DC 20036	American Suzuki Motor Corp	110,173.00	1,612.58
Laura Phelps, 2501 M Street, NW, #400 Washington, DC 20037	American Assn of Crop Insurers	2,082.50	75.76
Do	McLeod & Pires (For:Mushroom Council)	2,659.80	112.11
Paul J. Phoenix, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Physicians for Social Responsibility, 1000 16th Street, NW, #810 Washington, DC 20036		14,477.67	11,128.40
Janice Pieper, 1775 K Street, NW Washington, DC 20006	United Food & Commercial Workers Int'l Union	10,474.00	1,470.98
Pierson Ball & Dowd, 1200 18th St., NW, #1000 Washington, DC 20036	American Academy of Pediatrics	5,000.00	
Do	American College of Osteopathic Surgeons	9,000.00	
Do	Amgen	9,000.00	
Do	Community Psychiatric Centers		
Do	Genentech	2,000.00	
Do	Infectious Diseases Society of America	12,000.00	
Do	National Assn for Biomedical Research		
Do	Securities Industry Assn	3,700.00	
Do	Society of Critical Care Medicine	6,750.00	
Do	Six Flags Corporation		
Pierson Semmes & Finley, 1054 31st Street, NW Washington, DC 20007	American Automobile Assn		
Susan G. Pikrallidas, 500 E Street, SW, #950 Washington, DC 20024	Consolidated Rail Corporation	22,594.50	26.15
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	National Solid Waste Management Assn	4,400.00	
Suellen Pirages, 1730 Rhode Island Ave., NW Washington, DC 20036	American Newspaper Publishers Assn		133.09
Podesta Associates, Inc, 424 C Street, NE Washington, DC 20002	Digital Equipment Corp	500.00	
Do	National Artists Equity Assn		645.53
Do	National Conference of Bankruptcy Judges		332.51
Do	Center for Auto Safety	450.00	130.00
Laura Polacheck, 2001 S Street, NW Washington, DC 20009	National Federation of Federal Employees		
Jane Polansky, 1016 16th Street, NW Washington, DC 20036	American Hospital Assn	4,200.09	707.89
Jean S. Polatsek, 50 F Street, NW, #1100 Washington, DC 20001	Association of Independent Television Stations, Inc	1,500.00	
James J. Popham, 1200 18th Street, NW Washington, DC 20036	American Medical Records Assn	3,000.00	
Porte Stafford & Associates, Inc, 1050 17th Street, NW, #840 Washington, DC 20036	Council on Accreditation of Services for Families & Children	5,000.00	
Do	Dietary Managers Assn	4,000.00	
Do	National Assn of Medical Directors of Respiratory Care	6,000.00	
Do	National Dialysis Assn	6,000.00	
Do	American Hospital Assn		64.53
Donna Potemken, 50 F Street, NW, #1100 Washington, DC 20001	Association of Bank Holding Cos		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Belz Investment Co	26,560.00	
Do	Committee for Equitable Compensation	450.00	
Do	International Telecommunications Satellite Organization		
Powers Harsch & Kinder, 1722 Eye Street, NW Washington, DC 20006	Aspen Technology, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	City of Cranston (RI)		
Do	Pyropower Corp		
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Banker's Assn for Foreign Trade	7,750.00	945.51
Do	John Hancock Mutual Life Insurance Co	5,293.75	685.76
Sheila M. Prindiville, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Waste Management Assn	4,600.00	
Pro-Life Congressional District 11, P.O. Box 727 San Carlos, CA 94070		22.00	279.45
Project Advisory Group, 1625 K Street, NW, #725 Washington, DC 20006			2,024.38
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		43,150.00	43,950.00
Robert N. Pyle & Associates, P.O.Box 3731 Washington, DC 20007	Independent Bakers Assn	3,000.00	
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	5,600.00	22.00
George Gregory Raab, 2000 L Street, NW, #200 Washington, DC 20036	Medtronic, Inc		
Elizabeth L. Raisbeck, 801 Pennsylvania Ave., SE, #301 Washington, DC 20003	National Audubon Society	19,000.00	
John C. Ramig, 900 SW Fifth Avenue, #2300 Portland, OR 97204-1268	Stoel Rives Boley Jones & Grey (For:Association of O & C Counties)		
Do	Stoel Rives Boley Jones & Gray (For:Gregory Affiliates, Inc)	14,424.00	5,277.56
Craig J. Rancourt, 1050 17th Street NW., #210 Washington, DC 20036	American Assn of Classified School Employees	16,899.99	589.05
Kristen M. Rand, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,300.00	
Donald A. Randall, 321 D Street, NE Washington, DC 20002	Automotive Service Assn	15,177.60	
Do	National Independent Dairy-Foods Assn	505.92	
Robert A. Rapoza Associates, Inc, 122 C Street, NW, # 875 Washington, DC 20001	Association for Health Services Research	9,000.00	
Do	Center for Community Self Help		
Do	Coastal Enterprises, Inc	1,250.00	
Do	Community Transportation Association of America	3,600.00	
Do	Local Initiatives Support Corp	8,000.00	3,456.34
Do	Mississippi Action for Community Education	1,250.00	
Do	National Rural Housing Coalition	12,000.00	
Do	Northern Community Investment Corp		
Do	Policy & Management Associates	7,361.00	2,000.00
Do	Ridgecrest Enterprises	1,250.00	
Do	Rural Opportunities, Inc		
Do	Southern Development Bancorporation		
Eiler C. Ravnholt, 723 Investment Bldg. Washington, DC 20005	Hawaiian Sugar Planters' Assn	925.00	925.00
Floyd C. Raynard, 3169 Holcomb Bridge Rd., #505 Norcross, GA 30071	Stellar Technology Enterprises, Inc		
Reading Is Fundamental, Inc, 600 Maryland Ave., SW, #500 Washington, DC 20560			221.50
Clark E. Rector Jr., 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	750.00	
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	National Assn of Minority Business	25,000.00	
Do	National Cellular Resellers Assn	1,628.00	32.92
Do	National Rifle Assn		
Do	Radio-Television News Directors Assn	8,882.00	
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,200.00	564.02
Alan D. Reffkin, 2000 L Street, NW, #200 Washington, DC 20036	HHL Financial Services, Inc		240.00
John J. Regan, 648 Anderson Hall 4400 Massachucsetts Ave. Washington, DC 20016-8101	I & J Associates		
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,873.82	97.08
Reid & Priest, 1111 19th St., NW, #1100 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Do	National Spa & Pool Institute		
Do	Phillip Morris		
Robert J. Reinshuttle, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Edward Repa, 1730 Rhode Island Ave., NW Washington, DC 20036	National Sloid Wastes Management Assn	200.00	
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		3,588.65	16,836.49
Resources Fund, Inc, 1535 P Street, NW Washington, DC 20005			
Paul C. Rettig, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	8,653.86	610.56
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest Resource Alliance	1,550.00	
Do	National Forest Products Assn	1,500.00	
Wm. Bradford Reynolds, 888 16th Street, NW Washington, DC 20006-4103	Ross & Hardies (For:Citicorp North America, Inc)		
Steve Ricchetti, 655 15th Street NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	1,998.00	1,333.51
Lois D. Rice, 1201 Pennsylvania Avneue, NW, #370 Washington, DC 20004	Control Data Corporation		
Glenn Wadsworth Riddell, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products Ltd, et al		
P. Robert Rigney Jr., 1117 North 19th Street, #600 Arlington, VA 22209	American Assn of Blood Banks	1,250.00	
Dale P. Riordan, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn		
Rivers Trainor Doyle & Leicht, Inc, One Catamore Blvd East Providence, RI 02914	Madison Public Affairs Group, Inc		
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	Akin Gump... (Drexel Burnham Lambert, Inc)	3,630.00	1,250.00
Michelle Robbins, 1825 Eye St., NW, #1100 Washington, DC 20006	Lockheed Corporation	2,000.00	264.53
Robert Branand International, Four E Street, SE Washington, DC 20003	E.W. Bliss Company	48,862.00	50,709.00
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		1,930.70
Mark Robertson, The Power House 3255 Grace Street, NW Washington, DC 20007	Hill & Knowlton (For:Republic of Turkey)	560.00	
Anthony W. Robinson, 300 Eye Street, NE, #200 Washington, DC 20002	Minority Business Enterprise Legal Defense & Education Fund		
Michelle Robinson, 100 Maryland Avenue, NE Washington, DC 20002	Peace Political Action Committee	4,590.54	
Rayburn C. Robinson III, 07639-016 10-D bild P.O. Box 4000 Springfield, MO 65808			
Thomas E. Robinson, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Do	Pension Real Estate Assn		
Michael J. Rock, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	7,299.78	1,098.89
Michael F. Rodgers, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging		
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	Dreyfus Corporation	2,500.00	303.89
Do	Grocery Manufacturers of America, Inc		
Do	Investment Partnership Assn		265.00
Do	Kamehameha Schools/Bishop Estate		
Do	National Assn of Beverage Importers		
Do	Rutgers, The State University of New Jersey		
Do	Shearson Lehman Hutton		487.00
Do	Walker Telecommunications Corp		
Do	Wine & Spirits Wholesalers of America, Inc		
Stephen F. Rohrkemper, 150 S. Washington St., #403 Falls Church, VA 22046	International Technical Expertise Ltd		
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp	3,450.00	5,175.76
Daniel Romanko, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Steel Producers Assn	165.00	246.22
Richard Rosen, 5010 Wisconsin Ave., NW, #118 Washington, DC 20016			
Edwin Rothschild, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen/Labor Energy Coalition		
Melanie J. Rowland, 1400 Eye St., NW Washington, DC 20006	Wilderness Society		
Charles Rowton, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	360.00	
Robert S. Royer, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Chrysler Military Sales Corp		
Do	Citizens Savings Bank		
Do	City of Akron, Ohio		
Do	Financial Security Assurance		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Michigan Trade Exchange		
Do	Morgan Stanley & Co, Inc		
Do	Municipal Finance Industry Assn		
Do	Overseas Military Sales Group		
Do	Phillips Petroleum Co		
Do	Securities Industry Assn		
Royer Shacknai & Mehle, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Do	Securities Industry Assn		
Eric M. Rubin, 1730 M Street, NW, #412 Washington, DC 20036	Rubin Winston & Diercks (For:Outdoor Advertising Assn of America, Inc)		
Do	Rubin Winston & Diercks (For:Wayne Phillips)		
Robert E. Rude, 4500 Vestal Parkway East Binghamton, NY 13903	New York State Electric & Gas Corp	12,500.00	8,486.25
Robert A. Rusbuldt, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	25,846.00	
Robert M. Russell, 2170 Piedmont Rd., NE Atlanta, GA 30324	Orkin Pest Control		
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Squibb Corporation	1,000.00	
Kevin M. Sabo, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute		
Brian Sanderoff, 7500 Jefferson St., NE #250 Albuquerque, NM 87109	Reese Communications Companies (for Philip Morris, USA)		
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	American Escrow Assn	3,000.00	1,522.44

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Coeur D'Alene Mines	5,250.00	25.10
Do	Hecla Mining Company	3,500.00	706.34
Do	National Tour Assn, Inc	30,163.00	5,713.54
Do	Truckee-Carson Irrigation District	3,250.00	527.89
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	National Food Brokers Assn		
Sartain Law Offices, 219 Boulevard, NE Gainesville, GA 30501	Madison Group (for: Philip Morris, Inc)		
Save Our Security, 1201 16th St., NW, #222 Washington, DC 20036		5,659.00	41,297.00
Donna Scampoli, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Jeffrey M. Schell, 1730 Rhode Island Avenue, NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	200.00	
Gerard F. Schiappa, 2300 M Street, NW #800 Washington, DC 20037			
Patricia Schifferle, 1400 Eye Street, NW, 10th Floor Washington, DC 20005	Wilderness Society	946.67	721.81
James P. Schlicht, 655 15th Street NW #410 Washington, DC 20005	Squibb Corporation	1,000.00	
Ken Schlossberg Consultants, 317 Massachusetts Avenue, NE, #200 Washington, DC 20002	Marine Biological Laboratory	6,690.00	5,237.30
Herbert K. Schmitz, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc	20,000.00	
Leah Webb Schroeder, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn	1,425.00	453.71
William B. Schultz, Suite 700 2000 P St., NW Washington, DC 20036	Public Citizen, Inc	1,200.00	
Schwabe Williamson & Wyatt, 2000 Pennsylvania Ave., NW, #8335 Washington, DC 20006	Investment Co Institute		
Do	Oregon State University		
Do	Oregon Steel Mills, Inc	1,967.65	1,929.00
Do	Physicians Medical Laboratories	2,516.88	2,394.62
Do	Public Generating Pool	9,995.29	9,877.80
Do	Tri-Met	7,339.05	7,183.86
Stephen I. Schwartz, 1436 U Street, NW Washington, DC 20009	Greenpeace USA	1,229.00	62.00
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,100.00	
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris, Inc	597.98	393.14
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America		
Scrivens Goldstone & Co, 725 Lexington Ave. Xenia, OH 45385			
Debbie Sease, 408 C St., NE Washington, DC 20002	Sierra Club	4,440.80	142.62
Seattle 1990 Goodwill Games, 1701 K Street, NW, #400 Washington, DC 20006	Seattle Organizing Committee	30,600.00	1,785.04
Merrill K. Seggerman, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co		
M. Mark Seklecki, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Richard D. Sellers, 412 First Street, #301 Washington, DC 20003	Sellers Company (For:Cable Access Legal Action Council (CALAC))	6,000.00	
Seven Months Session for Congress, 4210 Spicewood Road, #202 Austin, TX 78759			164.00
Gary J. Shapiro, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn	2,000.00	
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc	854.16	532.00
Do	Pipe Tobacco Council	500.00	375.00
Susan Shaw, 2729 S. Veitch Street Arlingtonn, VA 22206	National Treasury Employees Union	11,385.60	1,048.85
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Alabama Contruction Contractors	1,074.07	90.73
Do	American Hellenic Institute	500.00	17.68
Do	American Insurance Assn	1,358.44	65.14
Do	American Savings and Loan of Florida		
Do	Aronov Realty	1,737.04	31.71
Do	Auburn University	3,000.00	380.55
Do	ADDSCO Industries, Inc		
Do	Bristol-Myers Co		
Do	Citmoco Services, Inc	3,348.75	
Do	Colebrand Ltd		
Do	Drummond Company, Inc	4,897.50	326.32
Do	Emerson Electric Co		
Do	Energy Efficient Insulation Mnftrs	11,942.45	2,734.92
Do	Florida Citrus Mutual	1,140.51	102.50
Do	Holly Farms Corp		
Do	Institute of International Bankers		
Do	Intergraph Corporation	610.94	23.43
Do	Investment Counsel Assn of America, Inc		
Do	INCO-US, Inc	731.25	45.84
Do	Jim Walter Corp	1,250.00	262.69
Do	Michelin Tire Company	8,115.62	245.64
Do	Minimum Wage Coalition to Save Jobs		
Do	Munitions Carrier Conference		
Do	National Industries	1,510.63	219.43
Do	Pfizer, Inc		
Do	Private Child Care Providers	8,522.73	673.70
Do	Product Liability Coordinating Committee	11,250.00	686.46
Do	Public Service of New Hampshire	20,406.75	3,223.92
Do	Rust Engineering		
Do	South Central Bell	1,695.28	126.84
Do	Southern Company Services, Inc	15,625.00	1,973.28
Do	Utility Nuclear Waste and Transportation Program		
Do	Vulcan Materials Co	9,557.63	807.98
Shea & Gould, 1775 Pennsylvania Ave, NW, #700 Washington, DC 20006	Group Health, Inc		
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	
Shearman & Sterling, 153 East 53rd Street New York, NY 10022	Claro Y Cia (for Compania Sud Americana de Vapores SA), et a		189.10
Do	Prospect Group, Inc	13,454.00	
Mary Sheckelhoff, 1000 Potomac Street, NW, #401 Washington, DC 20007	California Department of Education		
Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co		
Elaine Shocas, 555 New Jersey Avenue, NW Washington, DC 20001	American Fed of Teachers	15,693.16	180.00
Lisa Shuger, Suite 380, 122 C Street, NW Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn	3,350.00	20.00
Andrew Siegel, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	3,386.46	
Sierra Club, 408 C Street, NE Washington, DC 20002		339,007.81	339,007.81
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Deborah S. Simmons, 1717 K St., NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy	7,420.00	
David J. Simon, 1504 Colonial Terrace Arlington, VA 22209	National Parks and Conservation Assn	375.00	71.00
Neil A. Simon, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Simon & Company, Inc, 1001 Connecticut Ave., NW #435 Washington, DC 20036	Cheetah Aviation Transport Service, Inc	5,149.93	4,126.63
Do	City of Erie, PA	4,999.98	4,065.68
Do	City of Fresno, CA	9,717.92	7,242.85
Do	City of Portland, OR	9,967.58	5,340.95
Do	Elkhart, IN	4,957.18	4,380.08
Do	Gary, Indiana	7,986.57	4,466.82
Do	Newark, Ca	4,768.21	4,191.11
Do	San Bernardino, CA	5,384.17	4,307.09
Do	San Leandro, CA	4,532.93	4,545.25
Do	Tacoma, WA	3,166.71	5,214.61
David C. Simonson, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn		
Talmage E. Simpkins, 444 North Capitol Street, NW, #820 Washington, DC 20001	AFL-CIO Maritime Committee	300.00	257.41
Do	Labor-Management Maritime Committee, Inc	1,632.00	197.00
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Electronics Association		
Do	Computer & Business Equipment Manufacturers Association		
Do	Council on Research & Technology	4,060.00	25.00
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmacoepeial Convention, Inc	1,361.60	37.00
Scott Sklar, 1730 N. Lynn St., #610 Arlington, VA 22209	Solar Energy Industries Assn	5,421.75	11,161.70
Caroline A. Smith, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,500.00	
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	E. Del Smith and Company (For:American Assn of Petroleum Geologists)	2,800.00	398.32
Do	E. Del Smith and Company (For:Bright & Associates)	8,200.00	625.58
Do	E. Del Smith and Company (For:California Independent Oil Producers Assn)	4,500.00	952.23
Do	E. Del Smith and Company (For:Cement Free Trade Assn)	7,500.00	3,582.20
Do	E. Del Smith and Company (For:City of Anaheim Civic Center)	5,175.00	3,128.80
Do	E. Del Smith & Co (For:City of Anaheim Public Utilities)	4,275.00	2,799.49
Do	E. Del Smith and Company (For:City of Laguna Beach, CA)	2,400.00	
Do	E. Del Smith and Company (For:City of Long Beach, CA, Dept. of Oil Properties)	6,930.00	1,912.65
Do	E. Del Smith and Company (For:City of Long Beach, CA, Intergovernmental Relations)	12,510.00	2,995.56

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	E. Del Smith and Company (For:City of Santa Monica)	2,400.00	
Do	E. Del Smith and Company (For:Clark County Regional Flood Control District)		
Do	E. Del Smith and Company (For:County of L.A. Community Development Commission).		
Do	E. Del Smith and Company (For:County of Los Angeles)	10,929.00	964.82
Do	E. Del Smith and Company (For:Dalan/Jupiter, Inc)		
Do	E. Del Smith and Company (For:Hidden Valley Resources Inc)	1,500.00	144.98
Do	E. Del Smith and Company (For:Long Beach Naval Shipyard Employees Assn)	2,250.00	
Do	E. Del Smith and Company (For:Northern California Power Agency)	13,000.00	292.21
Do	E. Del Smith and Company (For:Port of Hueneme, CA, Oxnard Harbor District)	8,750.00	2,182.80
Do	E. Del Smith and Company (For:Port of Long Beach, CA)	28,666.66	582.11
Do	E. Del Smith and Company (For:Port of Santa Cruz, CA)		
Do	E. Del Smith and Company (For:Prado Oil Company)		
Do	E. Del Smith and Company (For:Rancho Palos Verdes)	1,350.00	
Do	E. Del Smith and Company (For:Signal Landmark, Inc)	7,500.00	5,221.81
Do	E. Del Smith and Company (For:U.S. Escrow)	8,200.00	438.05
Ellen S. Smith, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,083.00	1,736.75
Grant Smith, 110 Southeast Sixth Street, 28th Floor Ft. Lauderdale, FL 33301	Tripp Scott Conklin & Smith (For:Alamo Rent-A-Car, Inc)		
John W. Smith, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council		
Randall D. Snodgrass, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	4,800.00	852.53
Larry S. Snowhite, 1825 Eye St., NW, #1201 Washington, DC 20006	Massachusetts Education Loan Authority		
Do	New England Education Loan Authority		
Wallace S. Snyder, 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	6,250.00	
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	5,328.24	
Steven P. Sonnenberg, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:Aplix, Inc)		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:Trek Bicycle Corp)	129.00	4.00
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:West Bend Company)		
Sonnenberg Anderson O'Donnell & Rodriguez, 200 West Adam St., #2625 Chicago, IL 60606	Florsheim Shoe Co		
Southeast Alaska Conservation Council, Box 021692 Juneau, AK 99802		12,228.00	6,107.00
Southern Forest Products Assn, P.O. Box 52468 New Orleans, LA 70152		33,289.77	33,289.77
Susan E. Spangler, 1615 L Street, NW, #1350 Washington, DC 20036	Business Roundtable	150.00	
D. Dean Sparkman, 1925 N. Lynn Street, #308 Arlington, VA 22209	Sparkman & Cole, Inc (For:Air Transport Assn of American)	1,125.00	
Do	Sparkman & Cole, Inc (For:Delta Airlines, Inc)	1,125.00	
Do	Sparkman & Cole, Inc (For:National Business Aircraft Assn)	1,125.00	
Do	Sparkman & Cole, Inc (For:Regional Airport Authority of Louisville)	1,125.00	
Sparkman & Cole, 1925 N. Lynn Street, #308 Arlington, VA 22209	Air Transport Assn of America	4,687.50	
Do	Delta Air Lines	12,000.00	
Do	National Business Aircraft Assn	5,000.00	
Do	Regional Airport Authority of Louisville	10,210.00	
Specialized Carriers & Rigging Assn, Inc, 2200 Mill Road, #616 Alexandria, VA 22314			
William B. Spencer, 729 15th Street, NW Washington, DC 20005	Associated Builders and Contractors, Inc	2,500.00	
Frances Spivy-Weber, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
James St. Pierre, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society		
David Stawick, 201 Massachusettes Ave., NE Washington, DC 20002	National Corn Growers Assn	12,750.00	
Henry J. Steenstra Jr., 1000 Wilson Boulevard, #2600 Arlington, VA 22209	TRW, Inc	1,763.00	
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Cement Importers Assn		
John J. Stirk, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	260.94
Strategic Resources Corp, 3000 K Street, NW, #300 Washington, DC 20007	Matsushita Electric Corp of America	3,387.50	20.00
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America (1983), Inc		
Stryker Weiner Associates, Inc, 737 Bishop Street, #2860 Honolulu, HI 96813	Madison Public Affairs Group, Inc (for Philip Morris, USA)		
Fred Sudak, 230 South Wacker Drive, #1000 Chicago, IL 60606	Dakko Integrated Resources		
Harold R. Sullivan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	600.00	
Jeffrey Sumberg, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Donald B. Sussman, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:American Savings Bank, FSB)	11,250.00	3.50
Do	Thacher Proffitt & Wood (For:Apple Bank for Savings)	11,250.00	3.50
Do	Thacher Proffitt & Wood (For:Binghamton Savings Bank)	11,250.00	3.50
Do	Thacher Proffitt & Wood (For:Great Western Savings, Federal Savings & Loan)	11,250.00	3.50
Do	Thacher Proffitt & Wood (For:New Hampshire Savings Bank)	11,250.00	3.50
Do	Thacher Proffitt & Wood (For:Peoples Westchester Savings Bank)	11,250.00	3.50
Do	Thacher Proffitt & Wood (For:River Bank America)	11,250.00	3.50
Do	Thacher Proffitt & Wood (For:Rochester Community Savings Bank)	11,250.00	3.50
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Bank of Baltimore	48.00	
Do	Charter Federal Savings & Loan Assn		52.00
Do	Equifax, Inc	17,500.00	593.36
Do	Minnesota Mutual Life Insurance Co		
Do	Mutual of Omaha Insurance Co	2,775.00	169.85
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	American Hoechst Corporation		
Do	Hyundai Motor Company		
Do	National Council of Community Hospitals	3,403.75	
Do	New England Power		
Ivan Swift, P.O. Box 607 Courthouse Station Arlington, VA 22216	New England Anti-Vivisection Society	3,000.00	1,675.00
Scott R. Swirling, 122 C St., NW, #380 Washington, DC 20001	National Family Planning & Reproductive Health Assn, Inc		
Z. Michael Szaz, 7209 Monticello Blvd. Springfield, VA 22150	American Hungarian Federation		
Do	Transylvanian World Federation		
Ronald L. Tammen, 1750 Pennsylvania Avenue, NW, #1201 Washington, DC 20006	Tammen Group (For:Cray Research, Inc)		
Do	Potomac Partners (For:Organic Food Alliance (OFA))		
Do	Tammen Group (For:Population-Environment Balance)	1,000.00	
Do	Tammen Group (For:Standard Federal Savings Bank)		
Margaret J. Taylor, 50 F Street, NW, #1080 Washington, DC 20001	BN Services, Inc	1,750.00	122.18
Sandra E. Taylor, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas	15,000.00	105.87
Sunny Taylor, 6269 Franconia Road Alexandria, VA 22310	Collins & Associates (For:City of Pompano Beach, Florida)		
Templeton & Company, 1925 North Lynn Street, #701 Arlington, VA 22209	William M. Keck II		
Tempo Enterprises, Inc, P.O. Box 702160 Tulsa, OK 74170			
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Apple Bank for Savings	5,431.00	723.22
Do	Binghamton Savings Bank	435.00	723.22
Do	Boston Five Cents Savings Bank, FSB	6,780.00	723.22
Do	Castine Partners		723.22
Do	Chicago Board Options Exchange	2,000.00	723.22
Do	Citicorp (Banking)	1,000.00	723.22
Do	Citicorp Mortgage Finance, Inc	3,200.00	873.22
Do	Federal Home Loan Mortgage Corp	6,216.30	1,138.22
Do	General Electric Mortgage Insurance Co	64,920.90	11,243.22
Do	Great Western Savings, Federal Savings & Loan	2,935.00	723.22
Do	Massachusetts Bankers Assn	6,500.00	723.22
Do	New Hampshire Savings Bank	4,025.00	723.22
Do	Peoples Westchester Savings Bank	5,435.00	723.22
Do	Ranieri-Wilson	30,380.00	723.22
Do	River Bank America	16,141.50	723.22
Do	Rochester Community Savings Bank	5,627.00	723.22
Do	Standard Federal Savings & Loan	18,512.34	1,423.22
Karen E. Theibert, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	400.00	
E. Wayne Thevenot, c/o Concord Associates 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	National Realty Committee		
Diane Kay Thomas, 2327 Nebraska Ave., NW Washington, DC 20016	National Assn of Investment Companies	9,278.00	
Sara Thomasson, 1500 K Street, NW Washington, DC 20005	Glaxo, Inc	3,000.00	
Duane R. Thompson, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Otis N. Thompson, Room 1414-S, Ag. Building Washington, DC 20250	Organization of Professional Employees of the USDA	652.20	
Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Squibb Corporation	1,500.00	
Thompson & Company, 1001 G Street, NW, 7th Floor Washington, DC 20004	Bluebonnet Savings Bank		
Do	CareerCom Corp	18,938.31	642.83
Do	Chicago Research & Trading Group, Ltd	62,499.99	880.83
Do	InterMedia Capital Management		
Do	Mitsubishi Electronics America, Inc	20,000.00	1,179.61

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Morse/Diesel	14,000.00	645.33
Do	Joesph J. Ritchie		
Do	Trans World Airlines, Inc.		
Thompson & Mitchell, 1120 Vermont Avenue, NW, #1000 Washington, DC 20005	Cold Finished Steel Bar Institute	95.00	
Do	Midland Enterprises, Inc.	3,000.00	109.86
Do	Mutual Fairness Taxation Assn	31,250.00	6,508.41
Thompson Hine & Flory, 1920 N St., NW, #700 Washington, DC 20036	American Tie Fabric Assn		
Do	National Pork Producers Council		
Thompson Mann & Hutson, 3000 K Street, NW, #600 Washington, DC 20007	Bechtel Group, Inc		
Do	Combustion Engineering, Inc		
Do	Fluor-Daniel, Inc	11,270.00	42.97
Do	M W Kellogg Company		
Do	Milliken & Co		
Do	Morrison-Knudsen Co, Inc		
Do	National Dual Shop Coalition		118.22
Timothy B. Tierney, 5100 Forbes Blvd Lamham, MD 20706	Automotive Refrigeration Products Institute		
Michael L. Tiner, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	8,319.36	
Kathryn R. Tollerton, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	935.82	29.42
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	2,726.71
William J. Turenne, 1901 L Street, NW Washington, DC 20036	Eli Lilly & Company	3,000.00	6.00
Max Turnipseed, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	2,080.00	443.65
U.S. Recreational Ski Association, 1315 East Pacifico Avenue Anaheim, CA 92805			
U.S. Strategies Corp, 104 North Carolina Ave., SE Washington, DC 20003	Cancer Treatment Holdings, Inc		
Do	Healthsouth Rehabilitation Corp		
United Food & Commercial Workers International Union, 1775 K St., NW Washington, DC 20006		65,397.35	65,397.35
United Services Automobile Assn, P.O. Box 4525 Reston, VA 22090-1489			
Reginald T. Valliere, 8 Herbert Street Alexandria, VA 22305-2600	National Assn of Postmasters of the United States	47,381.70	51,442.45
Nancy Van Duyne, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	4,030.48	
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Co	14,250.00	
Do	Cincinnati Electronics	3,300.00	
Do	Harsco Corp	33,918.43	9,917.08
Do	Magnavox Government and Industrial Electronics Co	16,800.00	7,500.00
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, #520 Washington, DC 20003	Diagnostic/Retrieval Systems, Inc	7,500.00	
Do	Electrospace Corporation	7,500.00	
Do	General Instrument Corp	9,000.00	682.36
Do	Miltope Corp	7,500.00	
Robert C. Varah, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc	450.00	1,007.13
George F. Vary, 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	900.00	960.08
Donald R. Vaughan, P.O. Box 2909 Asheboro, NC 27203	Stedman Corporation		
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, #200 Washington, DC 20006	International Mass Retail Assn	7,500.00	
Joseph B. Verna, 1800 K Street, NW Washington, DC 20006	Hercules, Inc	1,035.85	
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW #700 Washington, DC 20005-2301	Atlantic Richfield Co		
Do	Bell Atlantic Corp	303.75	
Do	Brown & Root, Inc		
Do	Central Gulf		
Do	Continental Airlines	1,065.00	
Do	General Aviation Manufacturers Association	5,327.50	
Do	General Dynamics Corp	2,837.50	
Do	GenCorp	4,187.50	
Do	Investment Company Institute	3,222.50	
Do	John F. Kennedy Center for the Performing Arts	1,000.00	
Do	Mars, Inc	5,930.00	
Do	Martin Marietta Corp		
Do	McDonnell Douglas Corp	2,837.50	
Do	New Progressive Party	3,975.00	
Do	NYNEX Corp		
Do	Rayburn Country Electric Cooperative, Inc		
Do	Travelers Corporation	4,135.00	
Do	TRW, Inc	330.00	
Do	UNC, Inc		
Do	Wings Holdings Inc	2,475.00	
Vierra Associates, Inc, 1825 I Street, NW #400 Washington, DC 20006	Dallas Area Rapid Transit Authority	17,000.00	2,084.95
Do	Hillsborough Area Regional Transit Authority	3,000.00	790.85
Do	Lipton Sports, Inc		
Do	Metropolitan Dade County	9,416.00	
Do	Metropolitan Transportation Authority	5,250.00	
Do	Niagara Frontier Transportation Authority	10,500.00	979.50
George A. Viverette Jr., 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Volunteer Trustees of Not-For-Profit Hospitals, 1625 Eye St., NW, #810 Washington, DC 20006		5,700.00	11,504.00
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington DC 20036	Ohio Manufacturers Assn	1,658.30	85.99
Joan Wages, 601 24th Street, NW #904 Washington, DC 20037	Association of Professional Flight Attendants	3,750.00	528.88
Do	Independent Federation of Flight Attendants	3,000.00	763.16
Do	Independent Union of Flight Attendants	4,000.00	619.88
Michael Waldman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	6,750.00	
Richard D. Warden, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	20,292.25	226.00
Jenifer Warkenthien Loon, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Susan Warner, P.O. Box 21692 Juneau, AK 99800-2	Southeast Alaska Conservation Council	896.00	
Betsy R. Warren, 2555 Pennsylvania Avenue, NW Washington, DC 20037	Allied-Signal Inc	6,037.50	458.47
Bill Wasserman, 215 Pennsylvania Ave., SE Washington, DC 20036	Public Citizen Inc		
Ronald D. Waterman, 900 2nd Street, NE, #109 Washington, DC 20002	Milwaukee County-Intergovernmental Relations	13,125.00	4,526.00
Do	Wisconsin Counties Assn	7,500.00	4,526.00
Clarke R. Watson, P.O. Box 18837 Denver, CO 80218	Westland Companies, Inc		
Jerry B. Watson Jr., P.O. Box 90317 Washington, DC 20090-0317			
Carl E. Watt Jr., 1745 Jefferson Davis Hwy, #1200 Arlington, VA 22202	Rockwell International Corp	9,250.00	1,986.05
Bruce H. Watzman, 1130 17th Street, N.w. Washington, DC 20036	National Coal Assn	8,100.00	225.83
Susan Weber, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc	80.00	
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Commercial Law League of America		
Do	INTERARMS		
Edward L. Weidenfeld, 1899 L Street, NW, #500 Washington, DC 20036	Pillsbury Madison & Sutro (for Southern Company Services)		
Theodore F. Weihe, 1800 Massachusetts Avenue, NW 3rd Floor Washington, DC 20036	U.S. Overseas Cooperative Development Committee	2,812.00	
Weiner McCaffrey Brodsky & Kaplan, P.C., 1350 New York Ave., NW, #800 Washington, DC 20005	National Manufactured Housing Finance Assn	46.00	
Stanley A. Weiss, 601 Pennsylvania Ave., NW, #700 Washington, DC 20004-2602	Business Executives for National Security Education Fund Inc		
Suzanne Weiss, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	20.19	1.70
Howard C. Weizmann, 1212 New York Avenue, NW, #1250 Washington, DC 20005	Association of Private Pension & Welfare Plans	961.60	
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	15,000.00	
Joseph J. Westwater, 2501 M Street, NW # 400 Washington, DC 20037	McLeod & Pires (For American Peanut Product Manf'trs, Inc)	4,037.50	40.14
Wexler Reynolds Fuller Harrison and Schule, Inc, 1317 F Street, NW, #600 Washington, DC 20004	Allied-Signal, Inc	3,000.00	
Do	American Airlines, Inc	2,600.00	6.00
Do	American Institute for Foreign Study Scholarship Foundation	1,750.00	7.00
Do	Americans For Safe & Competitive Trucking		
Do	Communications Satellite Corp	2,475.00	
Do	Consortium of State Maritime Schools		
Do	Coopers & Lybrand	4,150.00	41.50
Do	Foothills Pipe Lines (Yukon) Ltd	3,825.00	174.60
Do	General Motors Corp	225.00	7.80
Do	Hughes Aircraft Company	150.00	
Do	Massachusetts Maritime Academy		
Do	Monarch Capitol Corp	2,500.00	
Do	Motion Picture Assn of America, Inc	5,220.00	40.00
Do	MCI Communications Corp	5,400.00	43.45
Do	Nationl Assn of Social Workers		19.45
Do	National Gypsum Co	250.00	
Do	New England Electric System		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Nova, An Alberta Corp		
Do	Novacor Chemicals, Ltd		
Do	Oceanic Institute		
Do	Paul Weiss Rifkind Wharton & Garrison	1,550.00	
Do	Radio Assn Defending Airwave Rights, Inc		
Do	Regional Planning Commission		
Do	Simon Wiesenthal Center/Museum of Tolerance	2,100.00	
Do	Training Media Distributors Assn	300.00	
Whalen Company, Inc, 1717 K Street, NW, #706 Washington, DC 20006	Avon Products, Inc		
Do	Equitable Life Assurance Society of the U.S		
Do	Toyota Motor Sales, USA, Inc		
Ward H. White, 900 19th Street, NW, #800 Washington, DC 20006	United States Telephone Association	1,500.00	
Donald W. Whitehead, 1000 Connecticut Ave., NW, #1200 Washington, DC 20036	Washington States Representatives	1,500.00	
Robert L. Whitmire, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	578.80
Wickwire Gavin, PC, 1133 21st St., NW, #500 Washington, DC 20036	Cogeneration & Independent Power Coalition of America, Inc	100.00	
Do	Consolidated Natural Gas Service Co	100.00	
Do	Indeck Energy Services, Inc	100.00	
Mary Frances Widner, 1455 Pennsylvania Ave, NW Washington, DC 20004	American Inst of Certified Public Accountants		
Wiggin & Dana, 195 Church Street P. O. Box 1832 New Haven, CT 06508	Villa Banfi, U.S.A	6,204.30	1,252.02
Paul H. Wikerd, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Buckbee-Mears Cortland		
Thomas D. Wilcox, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	2,250.00	
Lanny F. Wiles, 499 S. Capitol Street, SW, #507 Washington, DC 20003	City of Jacksonville, FL	200.00	
Lawrence F. Williams, 408 C Street, NE Washington, DC 20002	Sierra Club	4,005.54	71.22
Margie R. Williams, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,210.00	
Merrill Williams, 3701 Connecticut Ave., NW, #802 Washington, DC 20008	Freshwater Press, Inc		
Do	Galactica Biochemical		
Do	National Credit Improvement Group		
Williams & Connolly, 839 17th St., NW Washington, DC 20006	Air Transport Assn of America		
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	Mustang Fuel Corporation		
Do	National Assn of Rehabilitation Agencies		
Do	National Board for Professional Teaching Standards	950.00	147.94
Do	Norfolk Southern Corp	225.00	50.72
Do	Paralyzed Veterans of America		
Do	Pharmaceutical Manufacturers Assn	925.00	147.94
Do	Southwest Airlines		
Do	Southwestern Bell Corp		
Do	Student Loan Marketing Assn		
Do	Texaco, Inc	225.00	50.72
Do	Texas Air Corp	28,500.00	1,466.71
Do	Trailer Train Co		
Kirk Willison, 707 Broadway, #1200 San Diego, CA 92101	Home Federal Savings & Loan of San Diego		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Deutsche Lufthansa AG		
Do	Handgun Control, Inc		
D. Reid Wilson, 408 C Street, NE Washington, DC 20002	Sierra Club	1,755.00	
H. Graham Wilson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	American Appraisal Associates, Inc		
Do	American Assn of Museums		
Do	CNA Financial Corp		
Do	Lease Management Corp		
Do	Syntex Laboratories, Inc		
Marshall Wittmann, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees	6,028.00	
S.R. Wojdak and Associates, Inc, 1401 Walnut St., #1000 Philadelphia, PA 19102	Albert Einstein Medical Center	9,000.00	1,595.52
Do	All Children's Hospital	3,000.00	302.02
Do	Cardinal Glennon Children's Hospital		
Do	Children's Hospital of Buffalo	3,000.00	302.02
Do	Children's Hospital of Los Angeles	3,000.00	302.02
Do	Children's Hospital of Michigan	3,000.00	302.02
Do	Children's Hospital of Pittsburgh	18,000.00	3,876.60
Do	Children's Hospital Medical Center of Akron	5,100.00	508.07
Do	Children's Hospital Research Foundation	3,000.00	302.02
Do	Children's Memorial Medical Center	3,000.00	302.02
Do	Hahnemann University	22,500.00	3,879.71
Do	Health Industry Manufacturers Assn		
Do	Henrietta Egleston Hospital for Children	3,000.00	302.02
Do	Magee-Womens Hospital	7,500.00	3,388.89
Do	Medical College of Pennsylvania		
Do	Mercy Catholic Medical Center	6,000.00	1,977.90
Do	National Assn of Children's Hospitals & Related Institutions	12,000.00	1,157.34
Do	National League of Nursing	9,600.00	1,527.93
Do	Spring Garden College	10,000.00	
Do	St. Christopher's Hospital for Children		
Do	St. Francis Medical Center		
Do	St. Louis Children's Hospital		
Do	University of Pennsylvania	30,000.00	2,360.00
Do	Western Pennsylvania Hospital	1,800.00	77.60
Do	Wyler Children's Hospital		
Megan McGrath Wolfe, 1726 M Street, NW, #300 Washington, DC 20036	Schering-Plough Corp		
Joel Wood, 400 N. Washington Street Alexandria, VA 22314	National Association of Professional Insurance Agents		
W. Robert Worley, 190 St Clair Drive St. Simmons Island, GA 31522	Southern Company Services, Inc	2,060.00	1,283.00
Owen Wormser, 12942 Oak Lawn Place Herndon, VA 22071	Command & Control Consulting, Inc		
Wunder Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American International Group, Inc	614.58	8.49
Do	Bermuda, Government of		
Do	Business Council on Indoor Air		
Do	Environmmental Air Control, Inc		
Do	Falcon Safety Products	498.50	19.93
Do	Gesamtverband der Deutschen Versicherungswirtschart e.V	2,409.63	65.32
Do	Grocery Manufacturers of America, Inc	1,808.87	133.32
Do	Hook-SupeRx, Inc		
Do	Kohlberg Kravis Roberts & Co	18,366.60	1,677.55
Do	Pfizer, Inc	3,507.00	140.71
Do	Philip Morris Management Corp	1,500.00	26.98
Do	RJR Nabisco	1,121.25	112.89
Dalton Yancey, 910 16th St., NW, #402 Washington, DC 20006	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,258.96	31.95
Zero Population Growth, Inc, 1400 Sixteenth St.,N.W.,#320 Washington, DC 20036		3,953.00	3,317.00
Murray Zweben, 1140 19th St., NW, #600 Washington, DC 20036	New Hampshire Yankee	875.00	
Do	Sanford Weiner	2,250.00	
Kurt D. Zwikl, 2024 Lehigh Street Allentown, PA 18103	Merchants Bank		

EXTENSIONS OF REMARKS

DOUG BEREUTER ON CZECHOSLOVAKIA

HON. HENRY J. HYDE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. HYDE. Mr. Speaker, during the Easter recess I traveled with some of my colleagues on the House Intelligence Committee to Eastern Europe. Among the nations we visited was Czechoslovakia, and I must say we were all captivated by this beautiful country and its people. Seeing first-hand the results of the "Velvet (or quiet) Revolution" left us with some vivid and lasting impressions.

We were fortunate to have as a member of the delegation, DOUG BEREUTER, who has a remarkable grasp of Czechoslovakian history, as well as its current affairs. DOUG probably represents more Czech-Americans than any Member of Congress, and I have always found his thoughts on Czechoslovakia and Eastern Europe worthy of special attention. With that in mind, I would like to insert in the RECORD two articles he wrote recently for his Nebraska district news column. They are essential reading for anyone interested in getting a better understanding of what is happening in Czechoslovakia and the implications that has for the United States.

A VISIT TO PRAGUE, CZECHOSLOVAKIA

(By Representative Doug Bereuter)

Last week during the Easter recess I traveled to Prague, Czechoslovakia, with other members of the House Select Committee on Intelligence, and I want to share some thoughts and information on the situation in that democratizing nation. While all Americans are enthused about the move toward democracy, pluralism, market-oriented economies, and better human rights in the countries of eastern and central Europe which have been dominated by the Soviet Union, I know that the many Nebraskans of Czech and Slovak heritage have been particularly interested and thrilled by what has happened in their ancestral homeland.

Since I probably represent more Czech-Americans than any member of the U.S. House, and since I serve on the House Foreign Affairs Committee where I emphasize trade matters, I have always followed matters related to Czechoslovakia more closely than any member of Congress. That is the reason why I have amended pending legislation to give our businesses and agricultural firms the export tools they need to do business in Czechoslovakia. They want our exports, services, and our involvement in joint ventures. That is good for them and good for employment and income of Americans. This is a once-in-a-lifetime opportunity, and we don't want Western Europe to capture all those markets and opportunities.

On April 12th, while we were in Prague, a U.S.-Czechoslovakian trade treaty was signed. That action, which I had been urging since the Czechs' "Velvet Revolution" began in December, will normalize trade relations between the two countries. Thus ends our estrangement with Czechoslovakia, which began when the Nazis marched into that country.

What are conditions like in Czechoslovakia today? Much already is obviously changed from 1984 when I last visited parts of that nation with a trade mission. This time I only visited the capital, Prague, a city of one and one-half million people, but I am pleased to report good and improving news. The joy and enthusiasm with their new freedom from the oppressive Communist government is obvious on the faces and in the actions of the average Czech one meets on the street. It is obvious that their spirit was not crushed by the Soviet tanks in 1968 or by 50 years of oppression. I believe one can also expect that their entrepreneurial skills and zest for democracy, human rights, and pluralism, which were so evident to the world between the World Wars, will re-emerge.

While economic conditions and the standard of living are far below those in West Germany, Austria, and the United States, and nearly all of the other nations of Western Europe, they are by no means desperate. They probably lag behind only East Germany among what was the Communist bloc. Food is a bit expensive, but it seems to be readily available and in good variety.

On the other hand, their technology and communications systems lag about two decades behind our own, and their once-formidable industrial base is largely obsolete. People commonly joke about putting in two or three hours of work during their eight-hour days in a system of business, industry, and agriculture which is government-owned or collectivized perhaps to a greater extent than any of the other European countries which have been satellites of the Soviet Union. The worst news is the environment. Like the other nations of Eastern Europe, the problems of air and water pollution and hazardous waste are very severe. The result is that mortality rates are substantially worse than a decade ago.

My trip reminded me again that Prague is perhaps the most beautiful major city in Europe, with a magnificent collection of architectural gems from many centuries and in many styles. It's blessed with a beautiful setting, escaped war damage during the 20th Century, and was dressed up in its best spring vegetation.

Czechs were already joined in their pre-Easter shopping and festivities by large numbers of affluent West Europeans who were making an easy visit to this city, which has largely been off the major tourism list for most westerners during their lifetimes. Indeed, if you have any desire to visit the ancestral homeland or just see beautiful Prague, this is the time. Tourists get double the normal exchange rate at hotels for shopping sprees. Prices on such specialties as Czech crystal are never going to be as low again. And, the average Czech and their leaders clearly like Americans.

By the time you read this article, Pope John Paul will also have completed a two day trip to Czechslovakia. Since the Vatican and Czechslovakia only restored their post-war relations on April 19, and since two-thirds of the nation's fifteen million citizens are Catholic, his visit was widely anticipated. The severely repressed Catholic and Protestant clergy are now being permitted to resume their normal roles as members of a clergy free from governmental restraint. They no longer will be subject to very frequent imprisonment or the banishment from their churches to the most menial of jobs.

Czech leaders from President Vaclav Havel down agree, however, that the "Velvet (or quiet) Revolution" which they amazingly pulled off without bloodshed in late 1989 was the easy part. Now comes the hard part of reforming the economy, restoring participatory democracy, and rebuilding relations with the Free World without the full cooperation of entrenched communist bureaucrats—all of that, too, without upsetting the Russian bear or disappointing their citizens who are very eager for change. Watch for my article next week with information on the task ahead, on rebuilding Czech-American relations and on what our Intelligence Committee was doing in Prague.

LAUNCHING THE NEW CZECHOSLOVAKIAN DEMOCRACY: A HELPING HAND FROM AMERICA

(By Representative Doug Bereuter)

Last week I wrote a column entitled "A Visit to Prague, Czechoslovakia," which was motivated by my visit to that beautiful city during the Easter recess as part of a House Select Committee on Intelligence trip. In it I attempted to set forth briefly my impressions and some facts about the democratization now underway after "The Velvet Revolution." I examined the revitalized spirit of the Czech people, the living conditions, the work ethic, the economy, the poor conditions of industry and technology, the severe environmental problems, and the state of religion and the clergy. Now, as promised, I will focus on the tasks ahead for Czechoslovakia, suggestions for restoring strong and friendly Czechoslovakian-American relations, and the purpose for the House Intelligence Committee's official trip to Prague. I'll discuss the latter first.

In Czechoslovakia, as in the other Warsaw Pact countries undergoing democratization, we are very interested in what is happening to the huge internal security/intelligence apparatus and to their agencies which are oriented toward collecting foreign intelligence through espionage and other techniques. What happens to those organizations and their leadership, and to their military components, obviously has important national security implications for us.

Also, we are particularly interested in how many of the strong institutional and personal links remain with the Soviet KGB and its military counterpart. Let me just say the changes are dramatic in Poland, East Germany, and Czechoslovakia, but a high degree of uncertainty, fluidity, and potential for instability exist. It is also a much more complex environment for espionage

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

recruiting and for sorting our intelligence friend from foe and spy from double-spy.

Beyond those interests on our part, the new Czechoslovakian government is understandably uneasy about the loyalty and behavior of many of the members of the secret police (STB) and other internal and external security forces. Many of these people were clearly communist ideologues. President Havel sent 14,000 members of the STB home, promising to keep them on full pay only until August 1st. He told them, in effect, "Sit by your telephone during normal business hours, but don't call us—we'll call you."

Both the new leadership in the Federal Parliament and Security Minister Richard Sacher inquired about our experience in the Congress on the oversight, budgeting, and civilian control of the intelligence agencies and the military.

However, a major examination, sorting-out of personnel and restructuring of these and other Czech agencies awaits these new democratic leaders if they are to maintain control and sustain their democracy and new freedoms.

As for the military, Czech-Soviet negotiations have resulted in a promise to have all Soviet troops out of Czechoslovakia by at least mid-1991. The Havel government also intends to reduce its national army.

In addition to effectively bringing its military under civilian control, it also has begun the difficult task of depoliticizing the military—no small task in a communist-style military structure. President Havel and Foreign Minister Jiri Dienstbier are actively promoting their concept of a 35-nation European Security Commission to eventually replace the Warsaw Pact and NATO—including the U.S. and Canada.

Now, what can Americans do to assist Czechoslovakians with their difficult political, economic, environmental, technological, and other problems? The first thing to recognize is that the dominant responsibilities necessarily fall upon the Czech, Slovak, and Moravian people of their nation and on their institutions, initiative, and inspiration. Secondly, it is important to remember that President Havel in his address to the U.S. Congress said, refreshingly, in effect, "we don't need financial aid, we need improved trade and other interactions with the West, and we need your technical and educational advice and assistance to help ourselves." And, third, it must be emphasized that the full load for even this type of assistance should not and will not fall on America as in the case of the Marshall Plan at the end of World War II. The prosperous nations of Western Europe, Japan, and other developed nations must take a large role. President Bush has asked the European Community (the 12 "Common Market" nations) to take the lead in coordinating Western aid to the emerging democracies of Eastern and Central Europe, and they accepted.

For brevity I will list some of the major specific proposals for assisting Czechosolvakia or improving our relations with that nation which are proposed in a bill which passed the House Foreign Affairs Committee last Thursday:

1. Technical training and assistance for developing a market economy and democratic institutions—in the skills of agribusiness, commerce, entrepreneurship, finance, science, pollution control, business and government administration and management, auditing, accounting, drafting of legal codes and regulations, and other relevant areas.

2. English instruction by the U.S. Peace Corps. Volunteers will begin arriving in September.

3. A whole range of cultural, scientific, faculty, educational, "young political leader," and other exchange programs.

4. Scholarship programs for study in the U.S.

5. A 10% participation by the U.S. in the proposed Eastern European Bank for Reconstruction and Development (EBRD).

6. A full range of business information, trade and development, and loan guarantee programs for U.S. businesses competing with other Western countries for export markets in Czechoslovakia. (A trade agreement was signed two weeks ago to give Czechoslovakia normal tariff status.) Our two-way trade is currently only a miniscule $150 million annually.

7. Assistance in privatizing or de-monopolizing some of the many state-owned corporations that dominate production and employment.

Much of this assistance is to be delivered by the U.S. Agency for International Development (now headed by Dr. Ron Roskens) through contracts with private voluntary organizations and with U.S. businesses and educational institutions. In addition, the U.S. will liberalize its regulations on the type of technology it will sell Czechosolvakia after safeguards are installed against the transhipment of critical technology to the Soviet Union or other countries where we retain greater export restrictions. We also have agreed to support the location of the EBRD in Prague, and its membership in the International Monetary Fund and the World Bank. The U.S. also plans to re-open its long-closed consulate in the leading city of Slovakia—Bratislava, and to open U.S. Information Agency cultural centers in both that city and Prague.

I hope this information on Czechoslovakia has been interesting. Americans with ancestry in that wonderful country must be particularly proud of the peaceful but dramatic way the people of that oppressed nation have reclaimed their democracy and are striving to secure the full range of personal freedoms.

Their re-emergence as a participatory democracy which is severing the yoke of Soviet domination also means a greater prospect for a peaceful Europe and the prospect for reductions in their and our defense budgets. Their economic and political progress and the progress of the other emerging nations of Central Europe is vital for a stable Europe heartland. That makes nuclear or other warfare far less likely for them and for us as a NATO ally. We also now can see much greater opportunities for trade, travel, and cultural exchanges between the people of two nations resuming an old and important friendship.

PRESIDENT BUSH REITERATES SUPPORT FOR PUERTO RICO SELF-DETERMINATION AND STATEHOOD

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. LAGOMARSINO. Mr. Speaker, I wrote to the President in March of this year after the Subcommittee on International and Insular Affairs completed 3 extensive days of hearings in three cities of Puerto Rico and after hearing some question the level of commitment of the President to actually allow the people to choose a status preference. After all, the President had not publicly commented on the issue since his February 9, 1989 address to the joint session of Congress when he stated:

There's another issue I have decided to mention here tonight. I've long believed that the people of Puerto Rico should have the right to determine their own political future. Personally, I strongly favor statehood. But I urge the Congress to take the necessary steps to allow the people to decide in a referendum.

During the many times I have met with the President since his statement, he has remained unwavering in his fervent commitment to the self-determination of the people of Puerto Rico. I have been fortunate to hear the energetic tenor of his voice and see the proud sparkle in his eyes when he has talked of providing an opportunity for the United States citizens of Puerto Rico to choose a closer relationship with the United States. In order to allay any doubts that may have arisen regarding the President's commitment due to unfounded rumors often started by speculating political pundits and social analysts, I asked the President to clarify in writing what I already knew to be true.

The following is the response I received from President George Bush:

THE WHITE HOUSE,
Washington, DC, May 9, 1990.

Hon. ROBERT J. LAGOMARSINO,
Washington, DC.

DEAR BOB: Thank you for your letter of March 21.

I strongly believe that this is the year when our nation must move to allow our fellow citizens in Puerto Rico to choose their political fate. We owe it to them as a people and to ourselves as the leader of the Free World. How can we applaud the exciting and momentous movements toward freedom in Eastern Europe, Latin America, and elsewhere while refusing to grant to our own citizens the right of self-determination?

This is why I wholeheartedly support legislation to give the people of Puerto Rico the right to vote on the three principal options for their political future: statehood, continued status as a commonwealth, or independence. I further believe that we should have enough faith in the principles of democracy to let their choice be self-executing under provisions that Congress may prescribe.

My own view on the political future of Puerto Rico is well known: I want it to become the 51st State. The 3.3 million citizens of Puerto Rico deserve to be full members of the American Union, for whose freedoms (and those of other nations) Puerto Ricans have fought so courageously in all of the wars of this century. Before statehood or any other status can come about, however, the people of Puerto Rico must have the right to express their own views on their future. That is why I urge the Congress to act this year to allow a binding plebiscite on the island next year.

I look forward to continuing to work with you on this important issue.

Sincerely,

GEORGE BUSH.

TRIBUTE TO HOLY TRINITY R.C. CHURCH, PASSAIC, NJ, ON ITS 90TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. ROE. Mr. Speaker, it is with the deepest reverence and the greatest sense of pride that I rise today to salute an outstanding house of worship in my Eighth Congressional District which, for almost a full century, has been a spiritual focal point and a beacon of faith for countless numbers of worshippers in the greater northern New Jersey area.

I am speaking of Holy Trinity R.C. Church of Passaic, NJ, which is celebrating its 90th anniversary in 1990. This landmark occasion will be observed with a mass and an anniversary dinner in the church hall on Sunday, June 10, 1990. I know this event will be a great source of pride to the spiritual leaders and guiding hands of Holy Trinity, copastors Msgr. John E. Morris and Father Walter Pruschowitz, who are ably assisted by Father Wayne Varga.

Mr. Speaker, as a means of providing you and our colleagues with a look at the rich background of this fine church, I would like to insert for the RECORD the official history of Holy Trinity R.C. Church:

Ninety years ago, on Trinity Sunday, June 10, 1900, a small group of German speaking residents, noting that area churches had their own "language parishes" agreed to petition Bishop Winand Wigger of the Newark Diocese to establish a parish to serve the needs of the growing number of German Catholic immigrants in the area. They had been attracted by the opportunities for employment provided in this locality by the textile industry.

The committee approached the Bishop a few weeks later when he was in Passaic to bless the cornerstone for the new St. Joseph's (Polish) Church. He agreed to establish the new parish and appointed Father Valentine Clebowski, pastor of St. Joseph's to serve as temporary pastor. Services were conducted at the old St. Joseph's Church located at Quincy Street and Parker Avenue. In August of 1902, Father Joseph Hasel was named the first pastor of Holy Trinity and by September of 1903, the parish had its own chruch at the corner of Hope Avenue and Jackson Street. This church served the needs of the parishioners until 1924, when the present Holy Trinity Church was erected at the corner of Hope Avenue and Harrison Street adjacent to the present parish school which opened there in 1907. The original school was located in two rooms behind a barbershop on Hope Avenue, thus deriving the name "the barbershop school".

Pastors who served Holy Trinity throughout the years include: Fr. Edward Schulte, Fr. Bruno Bloemeke, Fr. Peter Werne, Fr. Henry Veith and the present co-pastors, Monsignor John E. Morris, and Fr. Walter M. Pruschowitz ably assisted by Fr. Wayne Varga.

For the last 90 years Holy Trinity has served not only the descendants of the original founders who stemmed mainly from Germany proper but also the many other German speaking people who came to this country from an area that includes the easternmost province of Austria (the province of Burgenland); adjacent areas in Hungary; the Sathmar district in present day Romania; and the Militic area ("Militich") in present day Yugoslavia and people of other national backgrounds as well who have come to this country seeking a new, better and freer life.

Mr. Speaker, I appreciate this opportunity to present a portion of the history of this distinguished parish that has remained dedicated to helping others and guiding them spiritually. As Holy Trinity R.C. Church of Passaic, NJ, celebrates its 90th anniversary, I know that you and all of our colleagues here in Congress will want to join me in extending our warmest greetings and felicitations for both the service and guidance it has provided for its community, State, and Nation.

SAVE THE WHALES

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. YATRON. Mr. Speaker, I, along with several of my colleagues on the Foreign Affairs Committee, are introducing a resolution today calling for sanctions against nations which continue to kill whales in violation of the International Whaling Commission moratorium on commercial whaling.

The IWC moratorium took effect in 1986, but permits a nation to take whales for legitimate scientific research. Strict guidelines were established to ensure that nations would not continue to engage in commercial whaling under the guise of scientific research. Some nations, including Japan, Norway, and Iceland, have continued to kill whales maintaining it was for scientific reasons, but their research plans have been found invalid by the IWC. In addition, resolutions condemning their activities have been adopted at IWC meetings.

The President is authorized to impose sanctions in nations which violate IWC rulings and continue to kill whales. Specifically, the Packwood/Magnuson amendment provides for a reduction or denial in permits to fish in U.S. waters, and the Pelly amendment allows for an embargo of fishery products.

Japan was certified in 1988 under both amendments for diminishing the effectiveness of the IWC. While permits to fish in U.S. waters were denied in 1988 and 1989, no embargo of fishery products was imposed. In addition, no sanctions were imposed on either Norway or Iceland, although their whaling activities were on a much smaller scale than those of Japan. Moreover, Iceland has indicated it will not take any whales this year.

My resolution calls on the President to implement the Pelly amendment embargo on fishery products and take other steps to stop the illegal killing of whales.

Mr. Speaker, the United States has strongly and consistently supported the IWC and the moratorium. Enactment of this resolution will strengthen our commitment to whale preservation by ensuring that the continued killing of whales is not without substantial risk. I am making available to my colleagues a copy of the resolution for their support and cosponsorship.

H. CON. RES. —

Whereas the United States fully supported the adoption by the International Whaling Commission of an indefinite moratorium on commercial whaling to become effective in 1986;

Whereas the United States fully supported the adoption by the International Whaling Commission of resolutions designed to establish criteria for reviewing proposals by Commission member nations to take whales under special (that is, scientific) permits during the commercial whaling moratorium;

Whereas the United States has supported all resolutions adopted by the International Whaling Commission requesting nations engaged in "research" whaling that fails to meet the criteria established by the Commission to refrain from carrying out further such whaling activities;

Whereas Japan has already killed more than 500 whales in despite of these International Whaling Commission resolutions and has publicly declared its intention to take several hundred more whales during the current whaling season;

Whereas Japan was certified by the Secretary of Commerce in 1988 under the Packwood-Magnuson Amendment and the Pelly Amendment for its research whaling activities that diminished the effectiveness of the conservation program of the International Whaling Commission;

Whereas in 1988 Japan was denied permits to fish in the United States Exclusive Economic Zone as a result of this certification, but no additional action has been taken beyond denial of 1989 permits as a results of Japan's whaling activities which continued in 1989; and

Whereas other nations have also continued to kill whales for scientific research despite International Whaling Commission resolutions disapproving their research plans: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) continued whaling and commercialization of whale meat represent a violation of the International Whaling Commission moratorium on commercial whaling;

(2) in accordance with United States statutes, the Secretary of Commerce should certify any nation for continued whaling activities that have been rejected as scientifically invalid by the International Whaling Commission;

(3) the President should use his authority under the Pelly Amendment, and other powers of his Office, to order an embargo on a significant quantity of fishery products entering the United States from nations found to be diminishing the effectiveness of the International Whaling Convention;

(4) the President should use all tools of diplomacy to convince whaling nations to comply with decisions of the International Whaling Commission; and

(5) the President should use all tools of diplomacy to encourage the support of the member nations of the International Whaling Commission for a long term solution to the problems before the Commission.

A TRIBUTE TO TALIA M. BAHR

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Talia M. Bahr, of Providence, RI, this year's recipient of the Congressman RONALD K. MACHTLEY Academic and Leadership Excellence Award for the Lincoln School, in Providence, RI.

This award is presented to the student, chosen by Lincoln School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Talia has clearly met these criteria by being named as the Frances E. Wheeler Scholar at Lincoln School. In addition, she is receiving the Wellesley College Book Award. Her extracurricular activities include student government, the Spanish and Classics Clubs, and Students Against Drunk Driving. She is the cocaptain of JV tennis and coaches tennis for the Middle School at Lincoln. Talia tutors students in the Lower School at Lincoln and performs volunteer work at the Home for the Aged.

I commend Talia for her outstanding achievements and wish her all the best in her future endeavors.

ISRAEL 42

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, it is a special privilege for me to rise today to honor Israel on its recent 42d birthday. In my congressional district, an event called Israel 42, is commemorating this joyous occasion this coming Sunday.

On May 13, the Greater Miami Jewish Federation in cooperation with Miami Dade Community College Mitchell Wolfson Campus, the Rabbinical Association of Greater Miami, the Miami Herald and the Metropolitan Dade County Cultural Affairs Council and Board of County Commissioners will have successfully organized a very festive Israeli celebration.

Israel's 42d anniversary is cause for galas all over the world and for individual communities to come together to honor the success of the Jewish state. Israel 42 is a family oriented gala designed to enhance the knowledge and understanding of the land, history, art, music and culture of the people of Israel.

It is this anniversary and every year that passes which is important to Jewish people all around the world. After years without a national homeland, the Jewish people finally established their own country in 1948 and the historic nation of Israel was reborn.

In special recognition, I commend David Smith, chairman of Israel 42 and Sam Dubbin, chairman of opening ceremonies, for putting forth toward a remarkable event, Israel 42.

CHAMORRO KEEPS SUPPORT FOR SALVADORAN REBELS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. CRANE. Mr. Speaker, like most Americans, I was extremely pleased by the stunning victory of Violeta Chamorro over Daniel Ortega in Nicaragua's February election. At the time, I delighted in thinking that democracy would soon flourish in the war torn country. With this in mind, I am sure you can understand how disturbed I was by an article in the Christian Science Monitor—reprinted below—which highlights a number of links between the Communist rebels in El Salvador and the newly elected Government in Nicaragua.

I am certain many of my colleagues were disturbed, as was I, when they learned that President Chamorro had decided to retain Gen. Humberto Ortega, brother of Daniel Ortega, as chief of the Army. Although it was generally understood at the time that Mrs. Chamorro made this decision in order to placate the Sandinistas, in light of her recent decision to allow the FMLM to keep offices open in Managua, as well as other revelations unveiled in this article, I am forced to question the level of Mrs. Chamorro's commitment to democracy.

While I am no less pleased over Mrs. Chamorro's defeat of Ortega, I do believe the United States must tread cautiously where the new Nicaraguan government is concerned. I urge my colleagues to please take a few minutes to read the following article:

CHAMORRO KEEPS SUPPORT FOR SALVADORAN REBELS

(By Brook Larmer)

In an apparent rebuff to the United States, the government of Violeta Barrios de Chamorro has agreed to let leftist rebels of neighboring El Salvador Keep offices open here for political activity, according to a leader of the Farabundo Marti National Liberation Front.

Salvador Samayoa, leading spokesman for the Marxist-inspired guerrilla coalition, says the decision came after a series of meetings between FMLM representatives and the two top advisers of Mrs. Chamorro's government, Antonio Lacayo, minister of the presidency, and Alfredo Cesar, ex-contra director.

"Our activity will be more discreet [than before] but it won't be secret," says Mr. Samayoa, noting that the Chamorro's government wants to play a role in resolving other civil wars in the region. "All the logistical and military support . . . that we were said to receive will not be acceptable even by the "softer" members of the new government. But we'll still be able to do political work."

For the past decade, the FMLN has turned its close relationship with the Sandinista comandantes into a logistical base that serves a variety of purposes: for rest and relaxation, for medical attention to wounded fighters, for high-level consultations, for transmissions of Radio Venceremos, for training with new weapons and artillery, and even—as the US has constantly charged—for arranging shipments of arms to El Salvador.

The US government, concerned with stopping Nicaraguan support for the FMLN, has justified supporting contras by saying they were preventing Nicaragua from exporting revolution.

With unusual frankness, Samayoa acknowledged that the FMLN often arranged arms shipments through Nicaragua. He even said the rebels, with Sandinista cooperation, arranged the mysterious planeload of SAM-7 anti-aircraft missiles that took off in Nicaragua and crashed in a Salvadoran field in November.

When the Sandinistas were routed in the February elections here, pundits pitied the FMLN. Its biggest supporter was yanked away at a crucial moment in El Salvador's 10-year-old civil war. The conservative new government of the National Opposition Union (UNO), no one doubted, would not tolerate their presence in the country.

But by allowing for continued FMLN presence, the Chamorro government has shown again it is more pragmatic than ideological—and more independent from the US than anticipated. Retaining Gen. Humberto Ortega as chief of the Army required similar pragmatism and independence.

But the concession to the FMLN is not all due to politics. As with many key decisions Chamorro has made, it has something to do with family ties.

Two of Mrs. Chamorro's children, Claudia and Carlos Fernando, have close contacts with the FMLN. A nephew, Federico Barrios, is married to a Salvadoran with FMLN sympathies.

Beyond that, about 40,000 Salvadoran refugees reside in Nicaragua, many of them managing the most successful farming cooperatives in the north. Of these refugees, Samayoa says, between 400 and 1,000 Salvadorans are involved in FMLN activities.

American officials are worried.

With Sandanista commander Humberto Ortega still in charge of the Army—and an FMLN office intact—they fear the Sandinistas may continue aiding the Salvadoran rebels. Samayoa laughs at that, saying the FMLN has "never gotten along particularly well" with Ortega, preferring to deal with the more ideological commander, Luis Carrion.

PRO-LIFE—THE HUMANITARIAN MOVEMENT OF OUR TIME

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. HYDE. Mr. Speaker, I want to commend to my colleagues the following text of an excellent speech made by Vice President DAN QUAYLE at the recent "Rally for Life 1990." In his remarks, the Vice President reminds us that the pro life cause is "the humanitarian movement of our time." I sincerely hope that all of my colleagues will take a moment to read this very moving and thoughtful speech:

REMARKS BY VICE PRESIDENT DAN QUAYLE

Thank you. Your tremendous turnout today—in the hundreds of thousands—is a powerful demonstration of your commitment and caring.

This is a day of both celebration and protest—a day of great sadness overcome by an even greater hope. This day can begin a healing of the terrible wound which, for almost two decades, has torn at our country's heart.

I want to thank you for your sacrifice, your courage, and your faith in the enduring decency of this nation. You and the millions like you all over this land have stirred a renewal of the American spirit, an awakening of conscience and compassion after too many years of complacency and self-concern.

Today we confront a national tragedy: an infant can be aborted, for almost any reason, up to the time of its birth. The great majority of Americans, in poll after poll, object to that. They may disagree about how best to turn the situation around. But almost all stand together against the terrible reality of unlimited abortion on demand. That overwhelming majority constitutes the largest coalition—I might say, the biggest tent—in American politics.

Some endeavors are more important than partisanship, and surely more important than personal advancement. Protecting the least of our brethren is such a cause.

The pro-life movement is *the* humanitarian movement of our time. Some of those who defend the status quo accuse *you* of extremism. But *their* extremism cannot stand the light of honest discussion or the test of reasoned debate.

Will the American people continue to accept the notion that unborn children are disposable? Our answer is: Not in *this* country. Not now. Not ever.

Twenty years ago, abortion may have seemed the easy way out for a society reeling from the collapse of a moral consensus. Instead, it turned out to be a way to shift onto women and children the burdens of the sexual revolution. And along with it came a dramatic increase in other forms of mistreatment of children: abuse, abandonment, exploitation in pornography and prostitution.

Should we be surprised?

None of us, women or man, can presume to judge those faced with a problem pregnancy. But no one can be proud that, here in our nation's capital, abortions outnumber live births. No one can be comfortable with the way minority children, especially Black and Hispanic babies, are lost in greater proportion than others. And the loss of some 25 million children in total to abortion since 1973 has been unspeakable.

It is as if we were shooting out the stars, one by one, preparing for ourselves an unending night of the most fearful darkness. You have been voices against the night: Caring for women in need and children in danger, opening your homes to the homeless and fatherless, adopting and nurturing, you redeem your country's future by living the ideals of its past.

There are no easy victories in any great cause. They are won as much by patience and persistence as by numbers and skill. But this we may confidently say: the worst years are behind us. The conscience of our country is stirring.

When the human dimension of an issue is clearly presented to the American people, they will always, always choose justice for the weak and mercy for the helpless. That is our heritage, made richer by every generation of Americans who confronted their society's shortcomings, opened their hearts, and did what had to be done to set things right. Today we reaffirm that heritage.

In both justice and mercy, we can save those children, one by one by a million, until at last no one will be cast away. No one will be cut off from us. No one will be denied a place in our family.

IN TRIBUTE OF LT. COL. TODD BODENHAMER, OFFICE OF LEGISLATIVE LIAISON, U.S. AIR FORCE

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. DICKINSON. Mr. Speaker, I rise today to honor Lt. Col. Todd A. Bodenhamer, office of the legislative liaison U.S. Air Force, who will be departing the Pentagon this month for a new assignment as a Minuteman II squadron commander at Malmstrom AFB, MT. A consummate professional, he has done a superb job during his 4 years in the Pentagon. Lieutenant Colonel Bodenhamer began his Pentagon tour in Air Force acquisition where he was one of a select group of officers charged with implementing the President's Intercontinental Ballistic Missile [ICBM] Modernization Program. In that capacity he oversaw the programming, budgeting and execution of three major weapon systems—Peacekeeper, the Small ICBM and Rail Garrison. After serving in Air Force acquistion for a year and a half, he was transferred to Air Force legislative liaison. There he has been responsible to the Secretary of the Air Force for liaison between the Air Force and Congress regarding the annual authorization of ICBM modernization programs totaling $2 billion.

A gentleman of Lieutenant Colonel Bodenhamer's talent and integrity is rare. While his presence in Air Force legislative liaison will be genuinely missed, it gives me great pleasure to recognize Lieutenant Colonel Bodenhamer before my colleagues and to wish him continued success as he assumes the prestigious position of an operational squadron commander. His wife Teresa and children Todd Jr. and Alissa will, as always, be at his side supporting him in the years ahead. Lieutenant Colonel Bodenhamer has done an outstanding job in Washington, DC, these last 4 years. He is now embarking on an entirely new endeavor—manning the front lines of deterrence. I wish him and his family Godspeed in the years ahead.

A TRIBUTE TO AILEEN LAURIE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Aileen Laurie, of North Scituate, RI, this year's recipient of the Congressman RONALD K. MACHTLEY Academic and Leadership Excellence Award for St. Mary Academy-Bay View in Riverside, RI.

This award is presented to the student, chosen by St. Mary Academy-Bay View, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Aileen has clearly met these criteria by being a member of the National Honor Society for her junior and senior years. In addition, she is graduating in the top 10 percent of her class. Aileen has been a member of the student council for 3 years. Aileen also has been very active in her parish's CYO group.

I commend Aileen for her outstanding achievements and wish her all the best in her future endeavors.

SALUTING THE OXNARD PRESS-COURIER'S GOLDEN ANNIVERSARY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. LAGOMARSINO. Mr. Speaker, today I wish to commend and congratulate The Oxnard Press-Courier on a half century of service to the community. The Press-Courier was formed on May 6, 1940, when Oxnard's oldest paper, The Daily Courier, joined with the Oxnard Evening Press.

According to the lead editorial of the paper's first edition, "A new name in California journalism was born today, as two great newspapers became merged." And by combining the two names, "The old and the new are preserved for future generations of Oxnarders." Fifty years later, the Press-Courier has not only preserved its name, but also preserves the role of the hometown newspaper. It is a community newspaper in the grand tradition, never forgetting the importance of local news as written by local people.

Jerry Scott, the publisher of the Press-Courier and an Oxnard native has said, "everybody has just one goal—to produce the best newspaper we can." That goal has led to the paper's largest expansion ever, including the construction of a new $13 million press, a far cry from the 2 horsepower gasoline engine used by the Oxnard Courier back in 1899.

The new 175 ton offset press will be housed in the 3 story structure in the parking lot of the newspaper. It will dwarf the paper's present offices, with construction set to start in August. This expansion is the most recent and most ambitious that the Press-Courier has undertaken. And it just goes to show one of the secrets of the newspaper's success, to always keep up with and grow with the community you are reporting about.

From encouraging the planting of beets almost a century ago, to keeping up with the massive growth in the area after World War II, to today, this newspaper and its forebearers have always been there to provide vital and timely news and information for the people of Oxnard. I know my colleagues join me in saluting Publisher Jerry Scott, Editor Tom Roberts, Thompson Newspapers, and the entire staff of the Oxnard Press-Courier as a sterling example of America's free and vibrant press.

SALUTE TO IVAN AND EVA NELSON OF PASSAIC, NJ, FOR THEIR CONTRIBUTIONS TO CONGREGATION ADAS ISRAEL

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. ROE. Mr. Speaker, I rise today to salute two citizens of Passaic, NJ, in the heart of my eighth Congressional District, whose efforts on behalf of their congregation, Adas Israel Synagogue Center of Passaic have truly made their community, their State and our Nation a far better place to live.

I am speaking of Ivan and Eva Nelson, who will be honored for their innumerable contributions with a testimonial breakfast on Sunday, May 20, at the Adas Israel Synagogue Center in Passaic. I know this event will be a great success and be a tremendous source of pride, not only to Ivan and Eva Nelson and their family, but also to Adas Israel's great spiritual leader, Rabbi Dr. Solomon F. Rybak, and testimonial breakfast chairman, Dr. Harold Jawetz.

Mr. Speaker, as a means of providing the details of Ivan and Eva Nelson's considerable contributions to Adas Israel and to their community, I would like to insert for the RECORD the official history of their involvement in Adas Israel:

One October day in 1938, shortly after Rabbi Leon Katz took over his new post as spiritual leader of Congregation Adas Israel, there was a new arrival at the home of Max and Fannie Nelson in Passaic, a boy—Ivan—joined his three older sisters. Max Nelson would go on to become a pillar of the congregation, a Vice President and Gabbai at its original synagogue on Tulip Street for over two decades, until its closing in 1967. In the early 1950's, under Fannie Nelson's leadership, the small Parent-Teachers' Cultural Group of the Hebrew School blossomed into the Congregation's Sisterhood.

Ivan's involvement with Adas Israel goes back to just before his seventh birthday, when he entered its Hebrew School. His bar mitzvah took place at the Tulip Street schul. He graduated from its Hebrew School. During his high school and college years Ivan first assisted, and then took charge of, the synagogue's Junior Congregation.

Ivan attended the local public schools and then Cooper Union School of Engineering. He graduated in 1960 with a Bachelor of Civil Engineering degree. He received a three year National Defense Education Act fellowship to attend Columbia University. He earned both his MS ('61) and Doctor of Engineering Science ('65) degrees from Columbia.

The future Eva Nelson grew up in Pittsburgh, PA. She attended local schools there and then Stern College of Yeshiva University, from which she graduated in 1962. She subsequently ('67) received an MS from City University of New York. In 1985, after her children were grown, she returned to school and earned Certification in Learning Disabilities—Teacher/Consultant from Montclair State College.

Eva and Ivan were married by Rabbi Katz at Adas Israel on August 22, 1965. The couple took up residence in Arlington, Va., where Ivan was employed by the Institute for Defense Analyses, a Washington area "think tank". Eva taught in the Arlington public schools.

In 1966, the couple returned to the metropolitan area when Ivan started to work for Weidlinger Associates, a New York based consulting engineering firm. The Nelsons moved to an apartment in Forest Hills, NY. Eva returned to her former teaching job at PS 2 in lower Manhattan. In 1969, after three years in Forest Hills (and 1⅔ children), the Nelsons purchased their home in Passaic.

Almost immediately after returning to Passaic, Ivan was appointed to the Executive Board of the congregation. He has remained an active member ever since. He served as President of the congregation from 1971 to 1973, the youngest president in its history. He was Vice President of the Men's Club from '75 to '78. He was last year's Journal Chairman. Eva is a Life Member of the Sisterhood, where she has chaired the Paid Up Membership gathering for three years and been involved in numerous other projects. She served as Editor of the Congregation's Bulletin from 1971 to 1974.

Both Ivan and Eva have been active in Hillel Academy. Both have been (and Ivan remains) active members of the Hillel Board of Education ('73-'75). Eva subsequently filled the same position. Ivan first became a Vice President of Hillel in 1974. Eva served as Hillel Vice President from 1978 to 1981. Ivan served as President from 1982 to 1983; Eva as PTA President from 1976 to 1978. Eva is a former Editor of the Hillel News, a Life Member of the PTA and currently a member of the Hillel Board of Trustees.

Ivan and Eva have been and continue to be involved in the community. Eva is a Life Member of Hadassah, a member of Emunah Women, Daughters of Miriam Auxiliary and other organizations. Ivan has served as Secretary and Vice President of the Jewish Family Service. He continues to serve as an active member of its board. He has been a Delegate to the Jewish Memorial Chapel since 1980. He served on the Executive Committee of the Jewish Federation and was the first chairman of its task force on community revitalization. A few years ago, when the discovery of non-kosher meat at a local butcher shop led to the reorganization of the Vaad Hakohel, the local rabbis asked Ivan to lead that effort. He continues to serve as President of that organization today, a post his father, the late Max Nelson, held a generation earlier.

The Nelsons have been recognized previously for their efforts on behalf of the community. Ivan was honored by Yeshiva University in 1975. The couple were presented with the Tomchay Torah Award at the Hillel Academy Melava Malka in 1981. Ivan received the Hillel Adopt-a-Scholar Award in 1982; Eva in 1984.

Professionally, Ivan remains at Weidlinger Associates, where he is a Senior Associate in the Applied Science Division. In addition, he has served as an Adjunct Associate Professor of Civil Engineering at Columbia ('67-'74 and '77) and Adjunct Professor of Civil Engineering at Cooper Union ('81-'83). He is a Fellow of the American Society of Civil Engineers and a member of the American Academy of Mechanics and the Earthquake Engineering Research Institute and Sigma Xi, Tau Beta Pi and Chi Epsilon honorary societies. He is a licensed Professional Engineer in New York State.

Eva is a learning disabilities teacher/consultant and is currently employed as a resource room teacher in the Verona Public Schools. She previously worked as an LDTC in Verona and Parsippany.

The Nelsons are proud parents of three children. All graduated from Hillel Academy and the Frisch Yeshiva High School. Shalom, currently a senior at Rutgers University studying Mechanical/Aerospace Engineering, had spent a year at Yeshivat Kerem B' Yavneh in Israel. He is also a licensed pilot. Esther is a junior at Brandeis University majoring in biochemistry. Ariel is currently at Yeshivat HaMivtar in Israel. He plans to attend Columbia next year.

Mr. Speaker, I appreciate the opportunity to present this brief profile of two people who cared enough about their friends and neighbors, their house of worship and their town to make a firm commitment to make their community, their State and our Nation a better place to live, Ivan and Eva Nelson of Congregation Adas Israel, Passaic, NJ.

TRIBUTE TO THE PURCHASING MANAGEMENT ASSOCIATION OF READING

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. YATRON. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Purchasing Management Association of Reading. On Friday, June 1 the Purchasing Management Association of Reading will be holding its annual meeting, at which its newly elected officers, board of directors, and committee chairpersons will assume their duties. Also during this meeting, this past year's officers will be recognized for their efforts to further the association over the last 12 months.

The Purchasing Management Association of Reading is comprised of 137 dedicated men and women who daily fulfill purchasing and materials management tasks. Effective purchasing management is one of the linchpins to any organization's efficiency and success. Moreover, both the Purchasing Management Association of Reading, and the National Association of Purchasing Management, actively develop and promote the purchasing profession, and both work to advance and enforce a business code of ethics.

Mr. Speaker, the Purchasing Management Association of Reading is intimately involved in fostering national and international leadership in purchasing and materials management. For their efforts, direct and indirect, to make all of our lives easier, it is only fitting that we acknowledge those in the purchasing profession. I am certain that my colleagues here in the House of Representatives join me in wishing the incoming officers, board of directors, and committee chairpersons of the Purchasing Management Association of Reading the best of luck and success in the coming year.

SAVE GRAMM-RUDMAN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. CRANE. Mr. Speaker, once again Congress is undertaking the difficult task of developing a budget—that is, developing a budget proposal that fits within the constraints mandated by Gramm-Rudman. Since it has become law, Gramm-Rudman, has been the object of a great deal of criticism and yes, it does have its shortcomings. Nonetheless, it is the only discipline that Congress has to maintain some sense of fiscal responsibility. This body cannot, in good conscience, retract Gramm-Rudman—such action would only result in continued and increased careless spending. I commend to my colleagues an editorial from the April 17, 1990, edition of the Arizona Republic, in hopes that it will enlighten those who favor repeal of Gramm-Rudman deficit reduction law:

TAXPAYERS' BEST FRIEND—SAVE GRAMM-RUDMAN

Few in Washington are talking openly about it, and with good reason. With millions of Americans having just paid their tax bills, even the least savvy politician knows that this is not the right moment to mention the government's budget mess.

Though the legal deadline for congressional approval of next year's Federal budget is a week away, no action appears on the calendar. Even the big spenders who chant the "everybody-knows-a-tax-increase-is-necessary" mantra are keeping mum.

That's because American taxpayers know instinctively that they are paying enough to run the government. Few outside Washington would agree that more money is what is needed for such nonsense as paying farmers not to plant crops or bankrolling corrupt governments in backwater countries on distance continents. Some might even be shocked to learn that nearly 18 percent of their tax bill goes to pay the interest on the federal debt.

It is clear that when it comes to fiscal policy, Washington does not have one. Even after 10 years of supposedly conservative Republican administrations, the only brake on runaway spending is the flawed Gramm-Rudman-Hollings deficit reduction law, which itself has been abused by an assortment of accounting gimmicks and numerological hocus-pocus.

Though nobody is talking about it, this year could be different. The worst kept secret in Washington is that the Democratic leadership in Congress, fearing that the bag of budget tricks is at last empty, has decided to jettison Gramm-Rudman-Hollings.

The worry, and a real one at that, is that if the democrats cannot come up with a budget to meet the $64 billion deficit ceiling required this year by G-R-H, the White House will let the automatic enforcement provision of the act kick in. Called "sequestration," the process would impose equal cuts in defense and non-defense spending in order to reach the deficit reduction target.

Because Pentagon outlays are likely to be pared substantially anyway, President Bush has little to lose if he were to hold out for sequestration. Whether he will, however, is unclear. Despite his "read my lips" campaign promise, rumors are rife that Mr. Bush is ready to deal. To get his capital-gains tax reduction through Congress, Mr. Bush might be prepared to accept an increase in the federal gasoline tax or the top marginal rate for income.

Few would argue that Gramm-Rudman-Hollings, in concept or in practice, has been a model of perfection. Far from it. But America's battered taxpayers, woefully short of friends in Washington, could ill afford to lose this one.

A TRIBUTE TO MEAGAN WARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Meagan Ward, of Providence, RI, this year's recipient of the Congressman RONALD K. MACHTLEY Academic and Leadership Excellence Award for Mount Pleasant High School, in Providence, RI.

This award is presented to the student, chosen by Mount Pleasant High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Meagan has clearly met these criteria by being a member of the student council for the 10th grade and a member of the executive board for her senior year. She was a member of the school's social committee for her sophomore and junior years. Meagan has also participated in the Academic Decathlon for her junior and senior years. She is a member of Mount Pleasant for Peace, the New Directions Anti-Drug Program, and tutors in special education at Birch Vocational.

I commend Meagan for her outstanding achievements and wish her all the best in her future endeavors.

TRIBUTE TO MAJ. GEN. BURTON R. MOORE, DIRECTOR, AIR FORCE LEGISLATIVE LIAISON

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. DICKINSON. Mr. Speaker, over the last 4 years, Congress and the Air Force have worked better together due to the efforts of one man. Therefore, I want to take this opportunity at the end of his tour to thank Maj. Gen. Burton R. Moore for his effective, dedicated, and distinguished service as Director of Air Force Legislative Liaison.

Burt Moore succeeded in Washington because he excelled at getting timely information to Congress on a wide range of Air Force issues. At a time when congressional requests for information to all the services have been growing geometrically, Burt has never failed to meet the demand with skill and aplomb.

That ability has paid dividends. The House Armed Services Committee was better able to assess the critical defense needs of the Nation, whether those needs were major weapons systems, quality of life programs for service men and women, or military construction projects because of General Moore's dedication. Moreover, Burt's efforts ensured that Congress had a clear understanding of Air Force missions, roles, and requirements. He has been the committee's trusted bridge to the Air Force.

Always professional, always diligent, Major General Moore used his indepth knowledge of the Congress to improve the quality of everything from Air Force weapons systems to personnel.

It has been a pleasure to work with Burt Moore. His contributions to the defense of our country have been significant. As he leaves for his next assignment as the Director of Operations for U.S. Central Command, on behalf of the House Armed Services Committee I wish him farewell and continued success.

ANTI-SEMITISM IN THE SOVIET UNION

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. FEIGHAN. Mr. Speaker, with the decline of communism there is another specter haunting Europe, and that is the specter of ultranationalism. This threat manifests itself in many equally fearsome forms, and I would like to draw attention to one of those forms—anti-Semitism.

Racial hatred is born of ignorance. Anti-Semitism in the Soviet Union, as anywhere else, is the product of ignorance, plain and simple. The totalitarian system imposed on the Russian people for most of this century froze them in history. Thus, while the advance of history saw the spread of the enlightened ideals of racial toleration throughout much of the rest of the world, such ideals could not reach the isolated and oppressed people of Russia.

In 1990 then, we hear that there are people in Russia whose words and actions betray a mindset of the last century. They spread vicious lies about the nature of Judaism and about the Jewish people. They conveniently scapegoat the Jewish people for all the problems of contemporary Soviet society. They create an environment of fear for Jews through cruel acts of intimidation. And we fear that the situation will get only worse.

Recently I had the opportunity to travel to Israel and to meet Jewish emigres from the Soviet Union as they arrived. There I heard, firsthand, tales of the intimidation and fear that is a part of the daily lives of so many Soviet Jews today.

As Members of the United States Congress, we have the power to draw attention to the problem of anti-Semitism in the Soviet Union. We can shine the light of reason on those who remain in the dark of ignorance. We must also let the soviet leadership know that the behavior of anti-Semitic extremists must not receive sanction of the state. Mr. Gorbachev, whose leadership has brought the Russian people out of the depths of dictatorship, must be urged to acknowledge the problem of anti-Semitism and to take a strong public stand against it.

We must also keep up the pressure on the Soviet leadership to continue to allow the emigration of Soviet Jews who wish to leave the intimidation that they face in the Soviet Union. To this end my distinguished colleagues, Mr. KOSTMAYER and Mr. MILLER, are leading the congressional call to conscience vigil for Soviet Jews. This campaign will draw attention to the problem of increasing anti-Semitism in the Soviet Union as well as to the need for the continuation of such pressure. I do hope that many more Members of Congress will join us in this vital effort.

THE INSURANCE WOMEN OF SOUTH DADE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, it is an honor to rise today to share with my colleagues the history and achievements of a most exceptional organization in the Miami community. The Insurance Women of South Dade was chartered by the National Association of Insurance Women, International, in April 1972. The purpose of the association is to further the education of its members, promote loyalty to the industry, and develop fellowship among its members. Currently, the Insurance Women of South Dade has 104 members who are employed in all lines of insurance.

The National Association of Insurance Women awards the CPIW [Certified Professional Woman/Man] designation to members who have completed an approved program of continuing education and other qualifications. The Insurance Women of South Dade conducts courses and seminars for the benefit of its members and the industry; sponsors voter registration drives several times a year; hosts a candidates night before elections; and this year, adopted Jackson Memorial Hospital's terminally ill pediatric unit as the community project.

On Tuesday, June 12, the newly elected officers of the Insurance Women of South Dade will be installed. They include: Betty Jane Morrison, president, and a CPIW recipient; Judy Worthington, president-elect, and also a CPIW recipient; Dorothy Satterwhite, vice-president and membership chairman; Delores Jennings, secretary; Christina Johnson, treasurer; Darlene Spencer, director for public relations; Katherine White, director for legislation; Eloise Owens, director for education; Loretta Midgette, director for safety; and, past president Linda Roben, CPIW recipient.

Among the committee chairmen are: Nicole Heidler [AIC, CPIW], parliamentarian; Debra Willis and Ivonne DeArmas, attendance; Wendy Gutierrez and Carol Murphy, bulletin; Abby McDowell [CPCU, CIC, CPIW], by-laws; Dulce Suárez-Resnick, program; Adria Leal, social; Susan Pagán, Anna Possumato, and Linda Abrams, special projects; Mary Alice Dillon, Mary Harwood, and Ana Fortun, telephones; Susan Sánchez-Armengol [CPSR, CPIW], Shirley Nelson [CIC, CPIW], and Elizabeth Johnson, Ways and Means.

The Insurance Women of South Dade's efforts to further the education of its members, dedication to our community—through charitable work—are an example for our community to follow. As a Florida certified teacher, I know the importance of an education for all members of our community. I commend their efforts and wish them much success in all their future endeavors and plans.

Mr. Speaker, the Insurance Women of South Dade have become a pillar of our community and have dedicated themselves to working for the benefit of Miami.

TRIBUTE TO DORIS WESTFALL

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. BRUCE. Mr. Speaker, I would like to take this opportunity to congratulate Mrs. Doris Westfall who has been selected to receive a 1990 Chevron Citizen Volunteer Conservation Award.

Mrs. Westfall is a retired registered nurse who learned to love nature and care for the environment growing up on a farm in Champaign County, IL. Mrs. Westfall was a member of the original committee which formed the Vermilion County Conservation District and is currently serving her third term as president of the Vermilion County Audubon Society.

In here capacity as an Audubon leader, Mrs. Westfall has spent hundreds of hours helping to lead the battle to save Illinois' Kickapoo State Park from strip mining. As a direct result of her efforts, no mining has taken place in the park.

Mrs. Westfall is also an "Acorn" member of the nature conservancy. When the Boy Scouts of America decided to sell their camp at Portland Arch, IN, she alerted the Indiana Nature Consevancy to the striking geological features and historical significance of the preserve. As project chairwoman she raised the funds necessary to save this area as a prized component of the Indiana Nature Preserve System.

Whether advocating conservation and preservation of natural areas before civic groups, speaking to conferences on prairie restoration, serving as a volunteer guide in Vermilion County parks, or working with young people as a camp leader, Mrs. Westfall has distinguished herself and helped to perpetuate the ideal that individuals do make a difference.

It is with great admiration that I congratulate Mrs. Westfall on her slection to receive a bronze medallion designating her as a Chevron award winner. Characteristically, she is donating the $1,000 honorarium which accompanies this award to one of her pet projects, the ongoing restoration of the 40-acre Forest Glen Prairie Preserve which supports more than 100 grasses and flowers native to the prairie.

I wish her much success as she continues her work of the last 30 years preserving, restoring, and inspiring the ideals of love of nature and care for the environment.

A TRIBUTE TO CHARLES E. MOTTINGER

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute to Eagle Scout Charles E. Mottinger. Charles earned the rank of Eagle Scout while he was a member of Troop 1 in Middletown, RI.

The process of becoming an Eagle Scout is a hardship which tests the fiber of the young men who take the challenge. Charles' perseverance and accomplishment lift him above the ordinary. Charles has displayed the courage, discipline, and leadership which forms the backbone of our Nation.

I wish to offer my congratulations to Charles and hope that he will continue to strive toward the goals he has established as a Boy Scout.

CONGRATULATIONS FATHER EDWARD CONNELLY ON HIS 25TH ORDINATION

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, I would like to take this opportunity to congratulate Father Edward Connelly on his 25th ordination. Father Connelly is the previous associate pastor of St. Pius X parish and taught at St. Mary's Seminary in Baltimore. He is currently the pastor of my church, St. Elizabeth Ann Seton, where he has accomplished much during the past 3 years.

One of Father Connelly's main concerns has been in laying the groundwork for a new parish center. This new center will be the focus of a variety of education and youth activities for children in the area, and serve as a location of various religious meetings.

I would also like to add that it has been a pleasure to attend Father Connelly's parish. Father Connelly is concerned, friendly, and warm-hearted. I hope that my colleagues will join me in congratulating Father Connelly on his 25th ordination.

PRINCE ANDREJ KARADJORDJEVIC

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. CRANE. Mr. Speaker, Prince Andrej Karadjordjevic of Yugoslavia, youngest son of King Aleksandar I and Queen Marija, died Monday May 7, 1990, in Palm Springs. The Royal House of Karadjordjevic had ruled Serbia and Yugoslavia during the 19th and 20th centuries until the Communists' rise to power destroyed democracy in their homeland.

Serbs mourn the death of their prince who was an unquestionable voice for Serbian unity. In addition, I mourn the loss of a friend and respected compatriot in the never-ending battle for freedom.

Prince Andrej's physical appearance was that of a true Karadjordjevic: tall, dark and with distinctive features. Quiet, modest, and gentle, with his dignified bearing he won the hearts of everyone with whom he came into contact.

The Prince spoke Serbian and English fluently and was an extraordinary conversationalist. He was direct and honest and to all questions gave true and concise answers. Yet, he knew how to listen. His bearing reflected an Oxford scholar. The thorough education he gained at that famous institution provided an excellent foundation upon which he built a decent existence.

He was an open person with a sunny disposition.

Prince Andrej had an infinite love for his Serbian people. He was deeply unhappy about their misfortunes and never-ending suffering. The freedom-loving Serbs, who are historical allies of the United States, gave their lives in many wars to protect that freedom and democracy. Yet, in recent decades, they were struck down by their own government.

With his devoted Serbian wife Princess Eva Marie, Prince Andrej played an intricate role not only in the lives of Serbs in America, but in the lives of Serbs in all the free world. He had no aspirations for leadership nor did he desire some fleeting and treacherous glory. He loved all Serbs and well did he know their good and bad sides.

The Prince traveled throughout the world. His presence helped Serbian emigrants strengthen their beliefs in their culture and heritage.

On June 28, which Serbs venerate as Battle of Kosovo Day, The Prince would have been 61 years old. Is it not fate that the man who struggled to maintain the Sebian tradition was born on the very day of a great battle Serbs fought 600 years ago against the Ottoman Empire? It was in Kosovo, their heartland, the cradle of their culture, where Serbs sacrificed so many of their lives in order to protect their freedom and Christianity.

Today, Serbs in Yugoslavia face the challenge of restoring democracy to their country once again. With the death of the Prince, Serbs have lost a part of the history which they have for a millenium struggled to maintain. But they will keep his memory alive and follow his path of nurturing the Serbian tradition and continuing to fight for Serbian unity.

TRIBUTE TO THE "WOMEN OF ACHIEVEMENT" IN ST. LOUIS

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. BUECHNER. Mr. Speaker, for the past 25 years, the St. Louis media has found a unique way to honor some of St. Louis' most distinguished citizens. The suburban journals and KMOX radio have again sponsored this program to honor women in the St. Louis area who make extraordinary contributions within the community. I rise today in tribute to St. Louis' "Women of Achievement for 1990," Ms. Ailene Auner, Ms. Helen Delicate, Ms. Johann Ellerbrake, Ms. Virginia Pierce Stith, Ms. Dorothy St. Clair, Dr. Joyce Thomas, and particularly the honorees from my district, Ms. Dudley Grove, Ms. Judy Crowell, Ms. Joy Rice Dunkelman, and Sister Raymond Joseph Cordes.

Undoubtedly we all have, at one time or another, given our time or money to some charitable cause and taken some satisfaction in the good that we have accomplished. However, on Wednesday, May 16 all of St. Louis will recognize 10 women for whom charity and good works are a way of life.

Judy Crowell of Town and Country, MO, has spent the last 4 years combating the growing problem of teen suicide through a program called Kids Under 21. Four years ago, the suicide of her own son brought Judy's attention to this ever-growing national problem, and today we see that her personal tragedy has become the salvation for the many young men and women who might have taken their own lives; thus she has also given a brighter future to their families who would have had to endure the questions which each of these deaths would undoubtedly wrench forth.

While Judy Crowell has worked for the betterment of the young members of society, Ms. Joy Rice Dunkelman of Ladue has dedicated herself to the well-being of those in their twilight years. While her accomplishments and contributions are many, perhaps most notable has been her role in establishing the St. Louis Senior Olympics; this program brings to senior citizens the joy of competition and the physical well-being that comes with it. Every St. Louisian has seen at least one of these smiling, mature olympians talk about the joy of competition in juxtaposition to the agony of sitting alone, watching time crawl by. Ms. Dunkelman has also worked long and closely with the Jewish Hospital Board and the American Cancer Society.

Another resident of Ladue, MO, who will be recognized is Ms. Dudley Grove who seems to have a hand in virtually every community program in St. Louis, serving the old, young, sick, and impoverished on a daily basis. Her public service resume includes such organizations as the American Red Cross, the Urban League, and the United Way, in addition to her leadership roles with the St. Louis Junior League for the past 15 years. Dudley has given of herself in education, in the arts, and yes, even in politics.

The last constituent of mine who will be recognized is Sister Raymond Joseph Cordes of St. Joseph's Academy in St. Louis. Aside from being affiliated with a school that is known for producing outstanding young women, the clientele for Sister Cordes' altruism includes former prostitutes, the illiterate, and crippled children, working to educate each group to become the best people they can be. Her 48 years as a member of the sisters of St. Joseph of Carondelet have been years dedicated to God, church, community, and family; indeed, she is a star for each of us to follow.

Mr. Speaker, I would further like to congratulate the St. Louis suburban journals and KMOX radio in St. Louis for bringing the accomplishments of all 10 women of achievement to the attention of so many people who may learn from their example. For 25 years this program has shown us these ladies who have done so much to make St. Louis a better place.

Mr. Speaker, I ask this assembly to join me in saluting my constituents, Judy Crowell, Joy Rice Dunkelman, Dudley Grove, and Sister Raymond Joseph Cordes, as well as the other women of achievement, Ms. Ailene Auner, Ms. Helen Delicate, Ms. Johann Ellerbrake, Ms. Virginia Pierce Smith, Ms. Dorothy St. Clair, and Dr. Joyce Thomas. While their recognition as women of achievement is a great honor indeed, it is small when compared to their contributions. The real tribute they will receive will be reflected in the many lives they have touched and will continue to touch, as well as the gratitude of a community which is very much in their debt.

NORTH BEACH ELEMENTARY IS A BLUE RIBBON SCHOOL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to announce to my fellow colleagues that North Beach Elementary School of Miami Beach, FL, has been selected for national recognition by the Blue Ribbon Schools Program of the U.S. Department of Education.

The purpose of the Blue Ribbon Schools Program, a national school improvement strategy, is to identify and call attention to unusually successful public and private elementary and secondary schools and, through publicity and other means, to encourage their emulation by other educators. Schools selected for national recognition represent the finest in American education.

Schools are judged on a number of research-based criteria: visionary leadership; a sense of shared purpose among faculty, students, parents, and the community; a climate conducive to effective teaching and teacher growth and recognition; an environment that conveys that all students can learn and that provides programs to challenge gifted, average, and at-risk students; evidence of impressive academic achievement and responsible behavior on the part of students; a high degree of involvement of parents and the broader community in school affairs; and, a "can-do" attitude toward problem solving.

Mr. Speaker, during my first 6 months in Congress, I have had the pleasure of visiting over 30 schools in my district. I had the pleasure of visiting with North Beach Elementary and witnessed the excellence for which they are now being recognized.

I would like to convey my congratulations and pride for a job well done to the students, faculty, and staff, and to Dr. Michael Kesselman, North Beach Elementary's principal, as well as Dan Snowberger, PTA president at North Beach Elementary. The outstanding work being done by everyone at North Beach Elementary deserves this recognition.

Mr. Speaker, I applaud the wonderful students, staff, and parents of North Beach Elementary School for striving to maintain the highest standards, looking after the smallest detail, and going the extra mile. Excellence means caring—it means a special effort to do more. North Beach Elementary School has clearly set an example in excellence in education for all of us to follow.

TRIBUTE TO CLARK W. BULLARD

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. BRUCE. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Clark W. Bullard who has been selected to receive a 1990 Chevron Citizen Volunteer Conservation Award.

Mr. Bullard is an associate professor of mechanical engineering at the University of Illinois. He is also director of the Air Conditioning and Refrigeration Center which is developing new technologies that use ozone safe refrigerants, and chairman of the Central Midwest Radioactive Waste Commission.

He is receiving the Chevron Award for his successful 20-year effort to protect the Middle Fork of the Vermilion River. In 1989, Mr. Bullard's volunteer lobbying efforts as director of the committee on the Middle Fork of the Vermilion River involving 100,000 citizen volunteers paid off when the U.S. Interior Department designated the Middle Fork as part of the Wild and Scenic Rivers System.

Mr. Bullard's unwavering efforts in this campaign are evidence of his personal commitment to solving conservation challenges through imagination, cooperation, and plain hard work. On occasion he has even spent his 2 weeks' vacation haunting the State capitol corridors organizing grass roots lobbying efforts on scenic rivers, utility reform, or low level radioactive waste compacts.

He has shown extraordinary ability to blend his profesisonal expertise with a sensitivity to citizens' environmental concerns. His professional success is often attributed to the experience he has gained over the last 20 years organizing grassroots environmental groups. From these diverse groups, he has learned to deal with important and sensitive policy issues, and to analyze them from opposing perspectives, thereby enabling him to cooperate with these groups to reach workable compromises.

It is with great admiration that I congratulate Mr. Bullard on his selection to receive a bronze medallion designating him as a Chevron Award Winner. Characteristically, he is donating his $1,000 honorarium to the Central States Education Center which he calls the "best grassroots effort" for conservation in east-central Illinois.

I wish him much success as he continues his work of the last 20 years preserving and restoring our natural resources.

A TRIBUTE TO WAYNE NEWSOM

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Wayne Newsom, of Providence, RI, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Hope High School, in Providence, RI.

This award is presented to the student, chosen by Hope High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Wayne has clearly met these criteria during his time at Hope High School. Wayne has been selected to the Rhode Island Honor Society. He also received the Harvard Book Award during his junior year. In addition, Wayne is the senior class vice president. He has also earned all-State honors in cross country and indoor and outdoor track.

I commend Wayne for his outstanding achievements and wish him all the best in his future endeavors.

SHARKS AND THE FREE MARKET ECONOMY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. MAZZOLI. Mr. Speaker, I am pleased to share with my colleagues this statement prepared by my friend and constituent, Lee B. Thomas, Jr., concerning an issue which is today before the Congress and its two judiciary panels: the effect on the economy, the workers, the shareholders and the communities of takeovers, buyouts, mergers and the various other forms of business realignment.

Since Lee is a serious student of business, as well as a highly successful practitioner, he is well-credentialed to analyze these business transactions.

Another credential Lee has is that Vermont-American, his family corporation, was itself taken over recently. So, his observations, conclusions and recommendations to the Congress carry added weight.

SHARKS AND THE FREE MARKET ECONOMY

(By Lee B. Thomas, Jr.)

PREFACE

I am greatly concerned over what corporate takeovers are doing to our society. I confess to a bias. I was the Chairman of the Board of Vermont American Corporation, a company that was taken over. We had a great company. We were the world class manufacturer of power tool accessories. I got a lot of money, but I no longer have the satisfaction of accomplishment.

DO SHARKS FEED ON BAD MANAGEMENT?

There are certain characteristics that take over specialists look for in determining whether or not to go after a company. There is no correlation between these characteristics and bad management. For instance:

1. A national brand with consumer recognition is a desirable asset. This is created by good marketing management.

2. A low debt to equity ration is desirable so that the acquired company can borrow to help the acquirer pay for the acquisition. I believe that a conservative balance sheet is usually good management as it keeps options open. Investment opportunities can be exercised and on the other hand adversity can be weathered if you are not deeply in debt.

3. A low price to earnings ratio is coveted by raiders. This can happen because the stock market has no confidence in the management because of poor past performance. On the other hand it can be because a good management insists on operating for long term rather than short term objectives.

4. Undervalued assets will attract sharks quicker than spilled blood. On the other hand a competent management will write off assets a rapidly as allowed for good tax planning.

I am not saying that badly run companies are never taken over. I just do not believe that there is any correlation between the quality of managements and the success of the sharks.

I am aware of a company that has done a lousy job for its shareholders. In an effort to become unattractive they incurred an enormous debt to make a huge acquisition. I think they paid too much. They also sold a growing division to a shark for the stock in their own company that the shark had bought. The shark said they got a bargain. That is how to stay independent if you have the stomach for it.

DO SHARKS MAXIMIZE SHAREHOLDER VALUE?

There seems to be a widely believed myth that a take over at a premium over the market price of shares is a great thing for the independent shareholders. This may or may not be the case. First we must remember that the acquirer is not Santa Claus. His motive is not to do great things for anyone but himself. He may believe that the company is worth more broken up and sold in pieces than it is as a single entity. He may wish to establish himself in a control position to milk the company for his private gain. He may think he is a better manager than the incumbent. In any event, enough shares to achieve control of a business are always worth a premium over the market value of 100 shares. 30 percent is not an uncommon premium. Invest in 100 shares, get taken over and enjoy the premium. Invest the proceeds in another company and get taken over again and again. It reminds me of the old fashioned chain letter. In the long run the organizers of the chain and the sharks are the only winners.

The value that the "Street" puts on a company's stock is based on a very short term projection of worth. The higher that interest rates are at a given time, the shorter this time frame must be and the more the "Street" value must be based on the current price earnings ratio. This is determine by the availability of high yield, low risk investment alternatives. A sensible individual investor should be interested in long term appreciation in value and in the increase in dividend for long term yield. Unfortunately Money Managers handling the billions of dollars in pension funds are seldom able to take a long range view. Money management is most competitive. Short term performance is the way these people are evaluated. Accepting the take over premium can make the quarter. This

spectacular one time profit can bring in millions of dollars of new funds to manage. Never mind the long term.

PARANOIA

When a company is taken over in a hostile manner, it is inevitable that many lose their jobs. No new management will tolerate disloyalty. Those loyal to the old management are suspect. There is no need to duplicate staff functions. The new larger entity needs only one corporate lawyer, benefits manager, treasurer etc. No wonder the fear when the raider calls.

Unfortunately the paranoia causes some very bad things to happen. First, the management gets side tracked from its central purpose of running a good business. Defenses need to be considered. Expensive lawyers are hired. Investment bankers are hired and they are expensive in the extreme. Many times the old management resorts to a leveraged buy out. In a leveraged buy out, a huge amount of money is borrowed to either buy out the shark at his price ("green Mail"), or perhaps all the shareholders except the insiders are bought out and the company becomes a private company rather than one publicly owned. In these cases the value of the company frequently gets bid up to a very high price. The excessive debt can cause an eventual bankruptcy as in the case of Belknap Hardware. In this instance all employees lost their jobs and losses to suppliers of merchandise to Belknap ran to tens of millions of dollars.

I am not sure you can expect anything else from people who see their jobs threatened, and worse, see the jobs of the people who helped them build a business threatened. At least the top people usually have enough resources to avoid financial disaster. The second level can really suffer.

ARE UNFRIENDLY TAKEOVERS GOOD?

Individual cases may exist where society has benefited from a take over. On balance, I believe the evidence is conclusive that the present take over mania is dangerous to our basic economic system.

By definition, a take over results in a larger company without the successful expansion of markets or product from within. Size does not contribute to efficiency. The capital investment required to produce automobiles requires a large company, but in most industries the really spectacular growth rates are experienced by small and middle sized entrepreneurial companies. An entrepreneur would be crazy to go public today unless he doesn't care about his people and is motivated by short term greed. Intelligence says "do not tap public capital markets but be content to grow a little slower with internally generated funds without endangering the future." Society is not well served.

Now if you can create a monopolistic position with a merger, this might be of real benefit to the new shareholders. Not too good for the consumer and for society, but not bad for the shark. There has been a reluctance to enforce the antitrust laws in recent years.

Frequently a merger must be paid for by quickly selling off divisions that "do not fit" and liquidating plants. Disruptive and tough on workers and communities.

When I first went into the tool business, the best source for steel was Sharon Steel with a substantial ownership in the Roemer family. It was extremely well run. It was one of the early, successful examples of participatory management. Vic Posner was one of the first raiders. He got it. Pricing became chaotic. Deliveries became irregular. The company was leveraged to raid other companies. We scambled to find other sources. None are as satisfactory as Sharon was in its hay day. Sharon is now in Chapter 11.

You should hear Lee Iacocca talk about Goodyear.

The final argument rests on the billions of dollars spent in acquiring companies and on leveraged buy outs rather than spent for new equipment, research and development projects and other efforts to provide society with useful products at an ever more attractive price. Mergers and Acquisitions magazine estimated the tab at some $175 billion. How many state of the art factories would that buy?

IMPACT ON LOCAL COMMUNITIES

We have already mentioned the possible loss of jobs. Other detriments to the quality of life in a community result when a company is taken over. Louisville used to be headquarters for American Air Filter, National Industries, Brown and Williamson, The L & N Railroad, and Kentucky Fried Chicken to name a few. National management meetings made for air passengers. No passengers, no service. At the last count I heard about, there were only 22 publicly owned companies left in Louisville.

Who donates to the fund drives for Bellarmine College, the United Way, the Orchestra, etc? Public companies. Who supports the housing market? Business executives working for growing public companies sure help.

Most local companies use local banks, local investment bankers and local insurance companies.

A MISCARRIAGE OF JUSTICE

The Newell Company was able to go to a federal judge and get an injunction on the Vermont American buy back program on the basis that I was engaged in a fraudulent misappropriation of corporate funds for my personal benefit (entrenchment). Now we were helpless. We found another buyer who would at least pay a fair price and, we hoped, be better for the other constituencies. In the trial, I was found innocent, but the company was already gone.

SOME SUGGESTIONS

1. Remove the interest on corporate debt used for takeovers as a tax deduction.

2. Provide for generous termination benefits for all employees displaced or demoted for 3 years after a change in control of a company. This should be between one and three years of average pay depending on years of service.

3. It should be a felony to remove funds from or reduce the contribution percentage of payroll to a pension plan for 5 years after a change of control.

4. Strengthen the legal defenses for companies wishing to stay independent. Limit the use of injunctions. Protect the share holder rights plans (poison pills). This will be an important area since company buy back programs will be more expensive.

TRIBUTE TO PORTUGUESE CITIZENS

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. AKAKA. Mr. Speaker, I rise today to pay tribute to the Portuguese pioneers who migrated to the Kingdom of Hawaii over 200 years ago. Attracted by the beauty and opportunity they encountered in the islands, large numbers of Portuguese seamen and adventurers decided to settle in Hawaii.

While the major influx of Portuguese families arrived as contract plantation laborers almost 100 years later, these intrepid men made an early mark upon the culture, economy, and politics of the kingdom. Dr. Joao d'Castro, one of these early arrivals, served as secretary and adviser to Kamehameha the Great. The first settlers were rapidly assimilated as productive and valued citizens of Hawaii. They married women of differing ethnic and cultural backgrounds, beginning the harmonious ethnic and cultural melting pot that distinguishes Hawaii today.

Known for the industry, thrift and friendly nature, the first Portuguese are perhaps most renown for their skills as cowboys on the huge cattle ranches on the big island, Maui, Molokai, and Kauai. These cowboys, paniolos as we call them in Hawaii, displayed tremendous equestrian skills. Of equal cultural significance, they introduced the ukulele into Hawaiian culture. Indeed, the rich heritage of the Portuguese blended well into the diverse Hawaiian tapestry.

It is also appropriate that as we commemorate the bicentennial of the arrival of the Portuguese in Hawaii, and prepare to celebrate the 500th anniversary of the voyage of Christopher Columbus, we pause to appreciate the vision and bravery of the Portuguese explorers who were the teachers and leaders who made that first age of discovery possible.

Mr. Speaker, I join the city council of the city and county of Honolulu in congratulating citizens of Portuguese ancestry in Hawaii for their rich and numerous contributions to our island way of life and wish them great success as we all celebrate the bicentennial of the Portuguese in Hawaii.

COMMEMORATING THE BICENTENARY OF THE PORTUGUESE IN HAWAII

Whereas, the first Portuguese arrived in Hawaii in 1788, establishing a Portuguese community with immigrants from the Portuguese mainland, Macau, Goa, Timor and other Portuguese communities; and

Whereas, most of the Portuguese arriving in Hawaii quickly put aside their language and culture of the old country and sought rapid assimilation as citizens of Hawaii, becoming so thoroughly a part of Hawaii's mainstream that it was not until 1978, upon the celebration of the centennial of the major immigration that the Portuguese community rediscovered their distinct and rich heritage; and

Whereas, the Portuguese have introduced their blend of industriousness, thrift, good nature, loyalty, humor, sharing and caring, music and dance, the ukulele, and succulent foods; and

Whereas, the contributions of the Portuguese to the socio-economic well-being of Hawaii has been significant and lasting by the involvements of Dr. Joao d'Castro, Secretary and Advisor to King Kamehameha I (1814), Sgt. Leroy A. Mendonca, youngest solider to receive the Medal of Honor (1951); Antonio J. Perry, Chief Justice of the Territorial Supreme Court (1926); Bishop Stephen Alencastre (1926); and public servants, legislators, engineers, entrepreneurs, physicians, lawyers and judges, artists, and clergy; and

Whereas, the Bicentenary is being commemorated contemporaneously with the quintenary 12-year celebration of the great discoveries and glorious accomplishments of Portugal commencing in 1488 when Bartolomeu Dias rounded the Cape of Good Hope and entered the Indian Ocean, effecting what is perhaps the greatest single feat of navigation in history; and into the twentieth century with Coutinho and Cabral, the first trans-Atlantic aviators who completed their flight in 1922, five years before Lindberg's solo flight; and

Whereas, these discoveries were made possible through the vision and tenacity of Prince Henry, "The Navigator,"; and

Whereas, Christopher Columbus and other notable non-Portuguese navigators studied the art of navigation from the Portuguese, making their navigational feats possible; now, therefore be it

Resolved, That this Bicentenary celebration is an appropriate time to reflect upon and appreciate the exploits of the intrepid Portuguese navigators who braved uncharted oceans to discover two-thirds of this planet, as well as those who migrated to Hawaii over two hundred years ago to an unknown land; and be it finally

Resolved, That the Council of the City and County of Honolulu congratulates the citizens of Portuguese ancestry in Hawaii for their continued enrichment and sharing of their culture and wishes them much success in the celebration of the Bicentenary of the arrival of the Portuguese in Hawaii.

INTRODUCING THE RURAL SMALL BUSINESS ENHANCEMENT ACT OF 1990

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. McDADE. Mr. Speaker, I rise today to send a spark of hope to those who live in small rural towns and communities across America. The Rural Small Business Enhancement Act of 1990, which I am pleased to introduce today, unveils a major new Federal strategy to attack the problems which plague rural citizens. Over the last 150 years, this Nation has tried to ensure the economic well-being of rural areas by assisting and promoting the development of a strong agricultural economy. This commitment has allowed our Nation to feed many of the world's hungry and provide employment for many of our citizens. However, as more countries have undertaken the responsibility of feeding their own people, and as technological advances have required fewer people to be employed in farming, agriculture has declined as rural America's chief employers. Today, only 2 percent of our population is employed in farming and only slightly over 500 of the Nation's 2,097 rural counties are considered farming-dependent. A recent survey found that over 60 percent of all farm families currently receive some income from off-farm employment. Despite the contraction of the farm economy, agriculture remains an integral component of the rural economy. It must, therefore, continue to be vigorously supported and aggressively promoted.

The Federal Government has been slow in responding to changes in the rural economy and adapting its policies to accommodate these new realities. If the rural economy is to remain viable, greater emphasis must be placed on its diversification and increased Federal resources must be committed to the achievement of this aim. One obstacle to this effort is that nearly all Federal programs intended to spur the creation and growth of nonagricultural businesses are targeted at large towns and cities. This has allowed the urban economy to grow and prosper while rural areas continue to lag behind. One need only look to the recent past for proof of this occurrence. The achievements of the U.S. economy in the 1980's have been impressive. In this decade, America had enjoyed its greatest expansion in the postwar era. Unemployment rates have fallen to levels which many economists thought had faded with the passage of the 1950's. Since 1981, the United States has produced over 17.8 million new jobs, 92 percent of which have been in urban areas. Today, the Nation is enjoying over 60 months of continued, unprecedented economic growth, and more Americans are working now than at any other time in our history.

Unfortunately, this stunning growth has not found its way to all areas of America. Too often, right across the street, or county, or State, economic hardship and struggle continue unabated. Only slightly over 8 percent of the 17.8 million new jobs created in this decade have been in rural areas. And, while unemployment hovers around 5 percent nationally, half of the rural counties in America are experiencing unemployment of 10 percent or higher. Considering these facts, it is not difficult to understand why nearly 500,000 rural citizens each year take their hopes and dreams, as well as their talents, to urban areas. Creating economic opportunity in rural areas to stem this intellectual drain is a must if these areas are to share in the prosperity so many others have enjoyed.

Leading the reinvigoration of the U.S. economy has been its overachievers, its small businesses. Of the 17.8 million new jobs created since 1981, over 60 percent have been in this type firm. Today, small businesses generate nearly 40 percent of our gross national product and employ 6 out of every 10 Americans. Similary, the rural economy, with the continuing decline of farm-supported employment, is growing more dependent on small firms. Rural areas, where 94 percent of all businesses are considered small, saw 63 percent of all new jobs come from firms employing fewer than 20 workers. Overall, however, while urban small businesses have enjoyed sustained, robust growth, rural small enterprises have grown at a rate 30 percent slower. What makes this lack of significant growth even more troubling to rural areas is the fact that nearly 60 percent of all rural workers are employed in small firms.

The reasons for the sluggishness of the rural economy are clear. A scarcity of needed capital has resulted in fewer business startups and expansions. The lack of coordination of Federal rural assistance programs has prohibited substantive progress from being made in most facets of rural life. The absence of an energetic rural small business advocate within the Federal Government has been a further hindrance to developing an awareness of the needs of rural entrepreneurs and how Federal resources can be marshalled to assist them. For the small businessperson trying to make a living in rural America, the deterioration or, in some instances, nonexistence of rural roads and bridges has impeded his ability to deliver his goods to the domestic and foreign marketplace. And, finally, in many cases, vital information needed by rural entrepreneurs to comply with technical Federal regulations has simply not been available.

To search for solutions to these problems, I turned to the people who must confront the problems of rural America every day: elected local officials, directors of economic development organizations, and small business groups, among others, who serve rural areas. Their recommendations were extensive and constructive and ranged from providing additional capital for enterprise development, technical assistance, infrastructure improvements, marketing assistance, help in identifying Federal, State, and local programs that offer guidance and support, to providing a permanent Federal voice to speak for the interests of rural small businesses. Many of these recommendations are now embodied in this legislative initiative. A fundamental belief underlying this legislation is that rural communities are best able to make decisions affecting their future. Local leaders must be given the opportunity to rebuild their small towns because they possess a lifetime of intimate knowledge of their community and the people who live there. The approach of the legislation, therefore, is to ensure that rural communities have the widest latitude in decisionmaking concerning the expenditure of Federal resources to achieve local economic development priorities and objectives. While this freedom is necessary for an effective, cohesive rural policy, the Federal Government has an appropriate oversight role to play in guaranteeing that investments in rural areas are sound, that taxpayer funds are wisely spent, and that the interests of rural communities are effectively served. It is this ambitious agenda which the legislation attempts to fulfill.

The Rural Small Business Enhancement Act of 1990 addresses the critical shortage of available capital by authorizing $300 million over the next 3 fiscal years for the establishment of a revolving loan fund to assist the startup and expansion of rural small business concerns. This infusion of funds would create a pool of capital—the lifeblood of all enterprises—to enable rural entrepreneurs to transform their fertile ideas into thriving venture. As demonstrated in other regions of the country, particularly urban areas, small businesses grow and spawn thousands of new jobs when they have access to adequate financing. It is

time we unleash the power of rural entrepreneurs so they can lead their communities to new plateaus of prosperity and progress and improve the quality and diversity of opportunities for rural citizens. In turn, growth in businesses and jobs contributes to a broadening of the tax base, which enriches the community and makes possible improvements in education and health care.

To help nurture truly small rural firms, the bill would provide $120 million over the next 3 fiscal years to stimulate the development of small business incubators. Incubators are a vital new economic development tool which allow a business owner to concentrate in running his firm and finding new customers. An incubator provides a fledging small business with affordable office space, access to services such as telephones, fax machines, and photo copying as well as management and financial expertise. Recent studies have shown that a small business operated without the support of an incubator has about a 20-percent chance of survival. However, a small firm which is nurtured in an incubator sees its chance of survival rise to as high as 93 percent. I have been able to witness the impact of this new economic development tool firsthand. My home State of Pennsylvania has more incubators than any other State in the Union. This concept has had such a startling influence on the success rate of small firms that other countries are emulating this original American innovation. Today, there are over 200 incubators in Europe and others have sprung up in Canada, Japan, Australia, the Caribbean, China, Africa, South America, and the Philippines. Incubators are the wave of the future for small firms. I want rural small businesses in this country to ride the crest of this wave.

The legislation would also amend the Small Business Act to encourage the formation of small business investment companies in rural areas. These venture capital investment firms act in partnership with government to provide equity capital and long-term loans, as well as management assistance, to small businesses. SBIC's are privately owned and managed and make their own investment decisions. They raise private capital through investments made by individuals, corporations, banks and other institutional sources of financing. SBIC's have a strong belief in the free enterprise system and have worked diligently to bring the benefits of this system to thousands of Americans. Since 1958, SBIC's have invested nearly $7 billion in 85,000 small businesses. Over $1.2 billion of this assistance has been in equity capital. Small enterprises that have received SBIC-provided financing have experienced growth rates 10 times those of other small concerns. Small business investment companies can claim a great deal of the credit for launching several companies which today are successful leaders in their chosen industries. They include Cray Research, Midway Airlines, Apple Computer, and Federal Express. These companies, and other small businesses that have received funding from the SBIC Program, have produced hundreds of thousands of jobs as well as significant tax revenues for Federal State, and local governments.

The Rural Small Business Enhancement Act of 1990 would help facilitate the formation of rural small business investment companies by permitting contributions of up to 49 percent of the required capital to be provided by nonprofit institutions as well as State and local governments. Easing this restriction should act as an incentive for local economic development organizations to form small business investment companies. In addition, the SBIC would continue to be managed by the private sector since a majority of its board members would come from it. This would ensure the essential private sector nature of the rural small business investment company. Using the SBIC Program would enable rural communities to develop an entrepreneurial environment for small businesses and have a greater role to play in providing needed financing to nurture small enterprises and raise up a new generation of successful rural entrepreneurs.

The legislation also gives rural small businesses a more forceful voice in the Federal Government and ensures that their needs are made known to those who administer programs which affect them. Accordingly, the measure calls for the creation of the Office of Rural Affairs within the U.S. Small Business Administration. Its responsibility would be to represent the interests of rural small firms, monitor the award of procurement contracts to these concerns, and disseminate information concerning assistance programs available through the SBA, and other Federal agencies, to State and local governments, industries, and organizations that have vested interests in rural America. Further, this Office would provide, to these groups as well as to educational institutions located in rural areas, other information which might be helpful in improving the quality of economic life and opportunity for citizens of such areas.

This measure would also provide $1 million for a demonstration project to provide rural communities and their small firms with needed technical assistance. Many rural areas find it difficult to acquire expertise in areas such as business plan development and compliance with complicated Federal regulations. This legislation would provide access to experts who can assist rural areas by consulting and advising them on ways to diversify their economies by enticing or creating new industries. Specifically, the bill would provide that rural communities can receive up to $15,000 from the Federal Government to fund part of the salary and expenses of rural technical assistance specialists. Rural areas that receive this assistance would be required to submit to the Administrator of the SBA a report evaluating the effectiveness of these experts and make recommendations concerning the need for a permanent program of this kind.

The increased formation and growth of rural small businesses are greatly dependent on the ability of these concerns to sell their products both here and abroad. To achieve this goal, the legislation I am introducing today would provide $30 million in grant funds over the next 3 fiscal years to finance studies in areas such as expansion of domestic markets, import replacement, and export development and promotion for rural small firms. In many instances, rural areas are hindered by a lack of information. Studies funded by this program would help provide these areas with the knowledge needed to assist their small businesses in selling their goods and aid in the further diversification of the local economy. Further, as the world moves closer to becoming one market, it is critically important that all businesses, large and small, rural and urban, look overseas for potential customers. Studies have shown that only 8 percent of all small businesses with less than 100 workers are currently exporting. The remaining 92 percent represent a vast, untapped resource at which our efforts to create an export economy should be aimed. Recent data indicate that small firms with less than 100 employees account for 25 percent of all exporting companies. However, if all small firms in this type that produce exportable products or services were to export, they would account for a full 37 percent of exporting companies. For this reason, this legislation directs the Administrator of the Small Business Administration to undertake a comprehensive study of all Federal export assistance programs and make specific recommendations for action that should be taken by both the Congress and the various executive agencies to aid the entry of rural small businesses into international trade.

This measure would also authorize $15 million in grant moneys over the next 3 fiscal years to fund marketing studies and other projects designed to promote the growth of small business concerns in rural areas by increasing tourism and travel to such areas. These studies would focus attention on tourism and travel as an effective economic development tool for rural communities to use to attract visitors—and bring customers—to local small businesses. In this context, travel and tourism can be viewed as a means to invigorate local economies. Rural communities by their nature lack an industrial base and, in many instances, the only available avenue for growth lies in the utilization of their natural resources. Travel and tourism offer a way for local communities to capitalize on these natural and historic resources to build and strengthen their local economies. The fastest growing sector of the U.S. economy over the past several years has been in the area of services, and one of the largest segments of the service industry is travel and tourism. The travel industry alone is the third largest service industry in the United States. Small business has a vital role to play in this growth industry.

Together with small business, this industry has an unrealized potential for fostering new growth, spurring increased economic development, and creating new employment opportunities in rural communities. I am concerned that much of the scenic beauty, idyllic charm, folk culture, wholesome values, country life style, and genial hospitality of rural communities remains virtually undiscovered by most American and foreign travelers. Large cities have overshadowed rural areas as popular tourist attractions. Local communities have much to offer and we need to undertake serious efforts to assist these communities and their small businesses by encouraging tourism and travel in rural America.

It would prove fruitless to commit all of the above resources to the rural economy for the

creation of new business and jobs as well as new studies to locate new markets if we did nothing to improve movement to and from rural areas. Nearly 40 years ago it became a national priority to end the isolation of rural America. To a large degree that problem ended a decade ago. Now, due to the deterioration of these transportation routes and the lack of resources committed to maintaining them, the fear of being cut off is resurfacing. The view has developed that infrastructure expenditures are wasteful and amount to little more than Federal jobs programs. Today, it is not only people in sparsely populated areas who are being cut off, and thus limited in securing employment in surrounding areas, but also the results of their labor. Infrastructure outlays, as a percent of Federal nondefense spending, were nearly 11 percent in 1963, but dropped to only 4.5 percent in 1988. Further, while the United States moves into greater competition with the other major industrialized nations of the West, it ranks last among these countries in the amount of money it commits to infrastructure construction and maintenance. This is a trend we cannot continue without monumental consequence for the future. The Rural Small Business Enhancement Act of 1989 would authorize, over the next 3 fiscal years, as additional $180 million above the current authorization level for the Secondary Rural Highway System Program. Though modest, I believe this amount represents a significant first step in providing rural American with a basic tool needed to strengthen its economy.

In addition to these improvements to facilitate rural commerce, this legislation provides $200 million in fiscal year 1991, 1992 and 1993 to promote safe travel in rural areas and to improve access to and enhance public enjoyment of cultural, historic, recreational, and scenic resources in rural America.

Further, the legislation calls for the creation of a national commission to undertake a thorough review of all assistance available to rural America and compile a comprehensive agenda, complete with specific legislative recommendations, to guide rural policy in the 21st century. To compile these guidelines, this panel would convene nationwide hearings to: define the proper role of the Federal Government in rural policy; review all current Federal programs targeted at rural areas and evaluate their effectiveness; make recommendations as to the continuation, improvement, or termination of these programs; determine what rural needs are currently not being met by the Federal programs; and, recommend more effective means of coordination of Federal rural policy under the possible direction of a single executive agency.

The measure would also direct the Administrator of the SBA to initiate a comprehensive review of Federal procurement policies and programs and submit to the Congress a report on how the goal of greater participation of rural small firms in Federal contract opportunities could be achieved. The Federal Government spends billions of dollars each year on the purchase of goods and services from U.S. businesses. The barriers that limit the competition of rural small concerns for Federal Government business and ultimately restrict their share of contract awards continue to deny the Federal Government and taxpayers of benefits. Since goods and services produced in rural areas can generally be purchased at prices significantly lower those produced in urban areas, considerable cost savings could inure to the benefit of taxpayers and the Government, a point not to be taken lightly at a time of a burgeoning Federal deficit. In addition, the Administrator would be required to submit annual reports to the Congress on the success of efforts to increase the participation of rural small businesses in Federal procurement opportunities and on the identification of continuing barriers that limit or preclude such participation.

Finally, in an effort to provide rural small businesses with needed information concerning Federal, State, and local rural programs, the Rural Small Business Enhancement Act of 1990 calls for the creation of a Catalog of Rural Assistance. This publication would outline rural programs offered by all levels of government and other organizations as well as provide points of contact for those seeking assistance from these programs. This information would be gathered individually by the various Federal agencies and departments which offer assistance to rural areas and subsequently compiled into a comprehensive catalog by the U.S. Small Business Administration. Having this information at their fingertips could save rural small entrepreneurs much time and frustration in locating assistance which might aid their businesses and also help to ensure that rural programs reach a wider audience and have a greater impact on rural areas.

Mr. Speaker, this legislation provides an opportunity to begin the process of reinvigorating rural America. Many efforts have been made over the years to achieve this result. Too often, however, priorities have changed and resources have been redirected. The consequences of this loss of direction are often too great for many rural citizens to bear. Each time this happens a few more people who were born and raised in these areas give up hope and move away. I think a little bit of America dies when this takes place. Most of the values which this Nation was built on and still holds dear have their roots in the rural areas of this country. A nation's greatest asset is its people; its greatest strength, their values. We must do more to protect our rural assets and preserve our rural strength. We must commit ourselves to the goal of helping rural America and those who live there. Let us begin now and not stop until this important work is finished.

A TRIBUTE TO JULIE ARMOR

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Julie Armor, of Portsmouth, RI, this year's recipient of the Congressman RONALD K. MACHTLEY Academic and Leadership Excellence Award for Portsmouth High School, in Portsmouth, RI.

This award is presented to the student, chosen by Portsmouth High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Julie has clearly met these criteria by being selected to the National Honor Society for her senior year. Julie has been a member of the Spanish Honor Society for her junior and senior years. In addition, Julie is an outstanding athlete. She ran cross country for 4 years and was a member of the gymnastic and track teams for 3 years at Portsmouth. During this time, Julie earned all-division in cross country and track in 10th grade, all-State in cross country in 11th grade, and was named captain of the cross country team.

I commend Julie for her outstanding achievements and wish her all the best in her future endeavors.

MILK PRODUCERS FINANCIAL PROTECTION ACT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. GUNDERSON. Mr. Speaker, today, I am introducing the Milk Producers Financial Protection Act, to establish a statutory trust for dairy producers to give them a priority lien on assets of a handler in the event a handler experiences financial difficulties.

The Milk Producers Financial Protection Act will amend the Packers and Stockyards Act of 1921 to establish a statutory trust for the benefit of unpaid milk producers. The act would be consistent with the trust granted to livestock and poultry producers through packers and stockyards.

The Milk Producers Financial Protection Act would create a priority lien for dairy producers by establishing a trust on assets on milk handlers in the event the handler files for bankruptcy or fails to make payment to a farmer. Milk producers will have security interest in inventories and receivables subject to trust and will be entitled to receive proceeds to the extent of the outstanding balance on cash sales. The trust would have unpaid dairy farmers have their claims of payment satisfied from a handler's assets before any secured interest is satisfied.

This trust to be granted to dairy producers would be considered a floating trust because the specific assets in this trust change from day to day. There is no requirement that a custodial account be established or that a third-party trustee be appointed. But, the handler would have a specific custodial obligation to the milk producers by keeping records of transactions.

Federal courts have held that in the event of the bankruptcy of a covered packer, producers must be paid from the trust assets before any secured creditors can be paid. The trust assets have been held to not be part of the bankruptcy estate and cannot be used to satisfy any creditors until producers have been paid. The Milk Producers Financial Protection Act would be consistent with that determination. Simply put, the Milk Producers Financial Protection Act would require producers of milk to have their payment claims satis-

fied from a handler's assets before any secured interest is satisfied.

A milk handler currently is able to offer as security for a loan the milk or milk products, or receivables or proceeds from sales which he has not paid for. The producer, who was responsible for raising, feeding and producing the milk for the handler is left unpaid, while secured creditors reap the reward of the dairy farmers' labors. It is not fair that a milk handler should be able to commit property as collateral for a loan for which he has not paid for and does not actually own, to allow a third party to stand ahead of the producers if the handler fails.

This does not provide a complete guarantee that a producer will be paid, but it will provide a great deal of security, security that will stand up in a bankruptcy proceeding. This act provides some future protection for dairy farmers against serious loss when dairy handlers go bankrupt.

In 1989, a dairy plant in Wisconsin filed for bankruptcy, owing 210 dairy farmers $2.5 million for their milk. The farmers had just delivered a month's production of milk to the processor, which then folded days before it was to pay farmers their monthly pay checks. It is uncertain if these farmers will receive payment for their milk, because under bankruptcy laws, the farmers are the last creditors in line to be paid. The financial status of several more processors who purchase directly from farmers are being closely monitored, with another bankruptcy possible this year. This situation exists in several other States.

In May, the Wisconsin Board of Agriculture, Trade and Consumer Protection organized a task force on dairy plant security to develop recommendations for improving State laws, agency administrative rules, and enforcement of Wisconsin's Dairy Plant Security Program. One of the recommendations of the task force was the development of a mechanism to improve the legal standing of dairy farmers in Federal bankruptcy proceedings. The recommendation was to have Congress implement a statutory trust for dairy farmers similar to the trust granted to livestock and poultry producers through the Packers and Stockyards Division of USDA.

Our dairy farmers deliver milk to handlers daily. They should have some sense of security they will receive payment for their milk. The Milk Producers Financial Protection Act will provide that security.

SUMMARY OF MILK PRODUCERS FINANCIAL PROTECTION ACT

(a) Clarifies existing language under Packers and Stockyards Act of 1921 to include milk, milk products and milk producers.

(b) Creates a priority lien for dairy producers by establishing a trust on assets on processors in the event a processor files for bankruptcy or fails to make payment.

The trust would have unpaid dairy farmers have their claims of payment satisfied from a handler's assets before any secured interest is satisfied.

This does not provide a complete guarantee that a producer will be paid, but it will provide a great deal of security, security that will stand up in a bankruptcy proceeding.

This trust granted for dairy producers would be considered a "floating trust" because the specific assets in this trust change from day to day. There is no requirement that a custodial account be established or that a third party trustee be appointed. The milk handler would have a specific custodial obligation to dairy producers.

Requires unpaid producers to file notice with the Secretary to preserve their rights as trust beneficiaries. Only those creditors who file timely notices, preserve their rights to trust benefits. Creditors who do not file timely, lose any rights they may have had.

The time for filing is set at 30 days after the date the debt becomes past due or 15 days when the producer has been notified that a payment instrument has been dishonored.

The notice informs the debtor of possible action against his trust assets. The notice alerts the Secretary so it can follow up in an effort to help resolve the problem informally. When the producers preserve their rights to trust benefits, the Secretary is given notice regarding the financial status of a handler.

(c) Provides the Secretary authority to enforce provisions of this Act.

(d) Makes "Dairy Producers Financial Protection Act" effective 90 days after enactment of the Act.

SELENGUT WINS ENVIRONMENTAL AWARD, SETS STANDARD FOR VIRGIN ISLANDS AND NATIONAL BUILDERS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. DE LUGO. Mr. Speaker, the island of St. John in the U.S. Virgin Islands is a rare natural treasure. In turn, it attracts rare people, who come to share their special talents and special ability to live with nature.

Developer Stanley Selengut is one of those rare people. We are fortunate to have a man with his talent, temperament and foresight in the U.S. Virgin Islands. Stanley, who built and operates the successful Maho Bay Campgrounds on one end of St. John, is in the process of building the Estate Concordia condominiums on the other end of the island.

Estate Concordia is already winning national awards for the environmental quality of its construction. Stanley was in Washington recently to receive the "Do as I Do Award" from the Tennessee Initiative for Environmental Sensitivity in Construction. This award is richly deserved. Estate Concordia is employing the very best in environmental design.

Stanley can justifiably say that his construction will be enhancing the environment on St. John. Not many developers can honestly make that statement. But not many developers use his careful style of construction—from pumping in cement through a hose instead of cutting a 20-foot road for cement trucks, to designing cantilevered galleries that go out over and through the trees without requiring needless destruction of vegetation. He is going on to reintroduce plant and animal species that thrived on St. John more than 200 years ago, before the island was cut for sugarcane. He may even find a way to revive some of the original hardwood trees from that era. He may come up with findings on how to reintroduce plant and animal species that will be worth study by the U.S. Environmental Protection Agency or other Federal and private agencies dedicated to environmental protection.

Stanley Selengut is showing that these innovative design methods can be commercially successful. His methods are not extraordinarily expensive, but they require care and concern. Too often those latter qualities are missing from our development industry. Stanley uses brain power where too many other developers just use bulldozers.

Stanley's methods are worthy of this Do As I Do Award, and worthy of emulation by other builders. The Virgin Islands, more so than the mainland United States, has to use its limited land and natural resources with great care. All of our builders, whether they are designing houses, shops, or hotels, need to think about enhancing the environment. Sensitive environmental design is not a luxury. It is critical to our future, if we are to maintain the beauty that attracts millions of visitors to our shores. We cannot recreate the natural beauty that we have been blessed with, but if we are innovative and careful we can find a way to preserve our natural endowment.

Stanley's methods also present a model of cooperation. He works closely with our Planning and Natural Resources Department and other government agencies to share information and develop designs that meet the environmental codes as well as broader concerns of our community. He is open to the ideas of the St. John people, who will be living with his creation for years to come. He has the simple, but unusual, ability to listen to others.

Mr. Speaker, I truly hope other builders and developers will emulate Stanley Selengut's example and earn more awards for excellent environmental design in the Virgin Islands.

H.R. 2699

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. BATES. Mr. Speaker, I am proud to be the primary sponsor of H.R. 2699, a bill to completely phase out CFC's and other ozone-deleting chemicals on a rapid but sensible timetable. And I am proud to be working with my colleagues, Mr. BOEHLERT and Mr. WAXMAN, on a floor amendment to the Clean Air Act based on that bill.

With 159 cosponsors ready on that bill, it seems clear that the House of Representatives sees the importance of ridding the atmosphere of these chemicals, many of which also contribute to global warming and cause cancer. The overwhelming bipartisan passage of similar ozone-depletion amendments in the Senate bodes well for our efforts in the House.

I am displeased, Mr. Speaker, that the White House is so out of step with Congress, our European allies and the American people. Press reports indicate that our Government plans to oppose a plan intended to help developing countries reduce the use of ozone-depleting chemicals. Last year the administra-

tion endorsed a phaseout of CFC's only after the Europeans had proposed it first.

Mr. Speaker, it's time to take the lead. I urge my colleagues to adopt the Bates/Boehlert/Waxman amendment to the Clean Air Act.

NATIONAL PEACE OFFICER'S MEMORIAL DAY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. YOUNG of Alaska. Mr. Speaker, I rise today on National Peace Officer's Memorial Day to pay tribute to the men and women of the Alaska law enforcement community. This is a day when we stop to think about those who have given their lives to protect others, and also a day when we should remember those who continue to put their lives on the line so that we all may live in a safe and peaceful society.

It is a fitting tribute that ground has been broken here in Washington, DC, for a national memorial inscribed with the names of all the officers who have given their lives in the line of duty. On the wall will be inscribed the name of Officer Lou Mizelle, an Anchorage police officer who gave his life just 3 weeks after last year's police officer's memorial day. Also on that wall will be the name of a young Alaska State trooper who came to visit me in my Washington, DC, office and gave me a belt buckle as a keepsake. Before I could find a place to display the buckle, the young man had been cut down in performance of his duties.

Mr. Speaker, we all know that being a law enforcement officer is tough work. Alaskan cops face some of the toughest conditions in the world. They must brave subzero weather, icy streets, and long days of winter darkness. Their job is often thankless, lacking the glamour and excitement that television cop shows invent.

Today, all over this country, communities will be remembering the fallen heroes of law enforcement. But I am afraid that a memorial day or even a monument to the dead is not enough. We must rededicate ourselves to the eradication of serious crime in this country. We need not look beyond the very neighborhood in which this great deliberative body is situated to see the crippling effects of crime.

Together we must work to find innovative solutions to the problems that confront our justice system and the apparent failure of our attempts to rehabilitate and deter hardened criminals. Together we must work for a day when we can remember cops for serving society, rather than dying for it.

MACKEY HONORED

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. DERRICK. Mr. Speaker, I rise today to pay tribute to Harold J. Mackey from Williamston, SC, who was awarded an honorary doctorate degree in education from South Carolina State College this past weekend. For more than three decades, Dr. Mackey has been a highly successful teacher, adviser and community leader. He has been active in business, political, and civic activities. He has served as mayor pro tempore of Williamston since 1976, on the board of the South Carolina Municipal Association, and the advisory board of First Union National Bank of Williamston. Mr. Mackey is the business manager for New Prospect Baptist Church, where he is also a deacon and Sunday school teacher.

Dr. Mackey's dedication and excellence in the field of education and community service is exemplary. He has been honored by the South Carolina House of Representatives and the Senate more than once. He has received the educational specialist degree from Clemson University in administration and supervision. Dr. Mackey has also been certified as a principal, supervisor and superintendent.

Dr. Mackey has been a highly successful teacher and motivator for more than 30 years, as his office's four walls of ribbons, plaques and trophies demonstrate. I congratulate Dr. Mackey for being such a source of strength and inspiration to all of us who know him.

A TRIBUTE TO CAROLYN J. CIMINI

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Carolyn J. Cimini, of Providence, RI, this year's recipient of the Congressman RONALD K. MACHTLEY Academic and Leadership Excellence Award for Bishop Keough Regional High School, in Pawtucket, RI.

This award is presented to the student, chosen by Bishop Keough Regional High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Carolyn has clearly met these criteria during her years at Bishop Keough High School. As an honor student at Bishop Keough, Carolyn has been selected to the National Honor Society, the Rhode Island Honor Society, and Who's Who Among American High School Students. Her extra-curricular activities include the Model Legislature, student Council, drama, basketball, and Girls Scouting. Carolyn is very active in all of Bishop Keough's fundraising events. She has participated in the Brown University Summer Program for 2 years. She has received a $5,000 Presidential Scholarship from Rivier College and has also been accepted into the honors program at Rhode Island College.

I commend Carolyn for her outstanding achievements and wish her all the best in her future endeavors.

TRIBUTE TO DR. JOHN H. CUMBERLAND

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to recognize an individual who has labored for a better environment for us all in conjunction with a sense of responsibility for a strong and stable economy. For 37 years, Dr. John H. Cumberland has taught economics at the University of Maryland. In addition, he has directed the University's Bureau of Business and Economic Research for 20 years. He will retire from those two posts on June 30 of this year, and I would like to take this opportunity to commend him on his years of service.

Dr. Cumberland's work for the State of Maryland and for the Nation goes well beyond serving as a university faculty member. He has organized five conferences on the Chesapeake Bay, a vital natural resource to the State of Maryland and indeed the whole Mid-Atlantic region. He has also put tireless hours into efforts to protect the air, water, and land everywhere from pollution.

Most importantly, he has sought to bring together the government, scientists, and economists to improve the quality of life for all in a broad and responsible manner. He is a shining example to us all of the way to real progress for a better world.

On the eve of his retirement, I hope my colleagues will join me in congratulating Dr. Cumberland for his years of dedicated service, and wish him the best in the future.

WE MUST SUPPORT LITHUANIAN INDEPENDENCE

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. FEIGHAN. Mr. Speaker, I rise to draw attention to the ongoing struggle of the people of Lithuania to restore their independence and to express my support for a strong United States role in helping them to do so.

The Lithuanian people are not declaring independence. They have merely declared the restoration of their former internationally recognized status as a free and independent state. The United States has never recognized the forcible incorporation of the Baltic States into the Soviet Union. The present crisis over Lithuania calls upon us to prove in deeds what we have for so long proclaimed in words.

The United States has long stood as the guarantor of the right of peoples to choose their own destiny. Our 45-year vigilance in Europe played an important role in the release of the Soviet grip on the nations of Eastern Europe. The once-captive peoples of those countries continue to thank us for our stance that has led to their liberation. However, the job is only half done, for the Baltic peoples, among others, remain captive.

The leadership of the Soviet Union, to its credit, has displayed a commendable willingness to undo the Stalinist conquest and repression of Eastern Europe and to acknowledge its predecessors' acts of evil, such as the Katyn massacre. However, it continues to perpetuate the subjugation of the Baltic States in defiance of international law and of the very ideals of self-determination to which the Soviet leadership has given explicit acceptance in regard to its former client states in Eastern Europe.

The Soviets' continued domination has been demonstrated in their response to the declaration of independence by the freely elected Government of Lithuania. Such an expression of the popular will has been met with a determined effort by the Soviet authorities to engage in war of attrition with the will of the Lithuanian people. To this end, the Soviets have imposed an economic embargo on essential fuels and a naval blockade to prevent the importation of foodstuffs and other vital goods. The Soviet Army has undertaken a campaign of strong-arm tactics and intimidation. It has occupied public buildings and arrested young Lithuanians who no longer wished to serve in an army of occupation in their own land.

The administration must not implicitly support these Soviet actions by its resounding silence on the matter. The United States must lead world condemnation of those who continue to intimidate and subjugate the Baltic peoples.

Recently the members of the Congressional Helsinki Commission were very fortunate to be able to meet with a courageous woman, Mrs. Kazimiera Prunskiene, the Prime Minister of Lithuania. In a very articulate and well-reasoned statement, she requested United States consideration for the recognition of the independent state of Lithuania. This week the Baltic Republics requested admission to the United Nations and to the Commission on Security and Cooperation in Europe. I urge the strongest support for these requests, both in Congress and in the administration.

ST. CHARLES CHAMBER OF COMMERCE SMALL BUSINESS PERSON OF THE YEAR AWARD

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. BUECHNER. Mr. Speaker, I rise today in tribute to a man whose initiative, ingenuity, and determination have guided him to build a thriving business out of a failing one; his story is a tribute to the entrepreneurial spirit which has made America great. It is with great pleasure that I salute Mr. Roy Kohrs for being named the St. Charles Chamber of Commerce Small Business Person of the Year.

Roy L. Kohrs epitomizes the fine standards set for the Small Business Person of the Year Award of the St. Charles Chamber of Commerce. The past 6 years have seen him meet the challenges of a very competitive business environment, setting and meeting goals regularly. He has contributed significantly as a part of the St. Charles business community and the grocery industry for almost a quarter of a century. Truly he has earned the respect and trust of the St. Charles residents and now it is the community's turn to commend him, to thank him, and to recognize him for his contributions and unselfish commitment.

Mid-Towne IGA has a long and not always prosperous history. However, the ups and downs of the store illustrate the resourcefulness and innovative thinking of Roy and his partner and show that there is a place in the economy for the small business person. In Roy we find evidence that the small business person can compete against the large chains and show a profit. The key for Mid-Towne IGA has been a responsiveness to the needs and wants of the community and that is what has made the store so successful. It is responsive, in a sensitive and innovative way, to the demands of the community consumers. Mid-Towne IGA is truly a reflection of the St. Charles residents and has been able to profit because of its attention to its service area. That, of course, is one of the things that makes Mid-Towne IGA unique and that uniqueness has been produced by the farsightedness of its co-owner Roy Kohrs.

Roy contributes more to the community than his unique Mid-Towne IGA. He is an active participant in the Salvation Army's fund drive. He served as advanced commitment director of Our Savior Lutheran Church and the Lutheran High School's fund drives. He is active in the St. Charles Rotary Club and is involved with Christians Organized for Parochial Education. He is a trained Christian counselor as a Stevens minister and is currently a member of the church choir and has served as chairman of trustees and as an elder. To emphasize that Roy gives back more than he takes, Mid-Towne IGA has featured a Christmas campaign since 1982 in which 1 percent of all store receipts for the month of December are donated to the Salvation Army or to area churches as designated by customers.

Mr. Speaker, I must further compliment the St. Charles Chamber of Commerce for it's insight in commending the small business people in that area, for small business is one of our economy's greatest assets. I ask this assembly to join me in saluting Mr. Roy Kohrs, St. Charles Chamber of Commerce Small Business Person of the Year.

TODD REED

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. VANDER JAGT. Mr. Speaker, some time ago, it was my intention to rightfully single out a remarkable achievement by one of my constituents, Todd Reed, of Ludington, MI. For one reason or another, however, that honor was overlooked at that time. Thank goodness, we often have a second chance and I am taking advantage of my second chance today to salute Todd Reed and to provide the deserved recognition in the Congress that he earned in 1988.

In that year, Mr. Reed was named the "Outstanding Enlisted Coast Guard Reservist in the Nation" by the Naval Enlisted Reserve Association. He certainly deserves our most heartfelt congratulations and thanks for all he has given to the Coast Guard and to his community. So, while the award in question was given to Mr. Reed in 1988, there is no limit on our ability to recognize and salute excellence and dedication.

I know my colleagues share this sentiment and will join me in paying tribute to Todd Reed. The following newspaper article from the Ludington Daily News underlines Mr. Reed's outstanding accomplishments. We are fortunate to have men like Todd Reed among us and I know we all wish him the very best in his future endeavors:

LUDINGTON MAN IS RESERVIST OF YEAR

GREEN BAY, WI.—A Coast Guard Reservist from Ludington has been honored as the Outstanding Enlisted Coast Guard Reservist in the nation for 1988 by the Naval Enlisted Reserve Association.

Boatswainmate First Class Todd Reed, whose civilian occupation is chief photographer and staff writer for the Ludington Daily News, was selected for the award from amongst more than 10,000 enlisted Coast Guard Reservists.

The award was presented Oct. 27 at the national convention of the NERA at Green Bay.

"Of all the candidates considered by the Selection Board, your accomplishments as a Coast Guard Reservist and your contributions to your community reflect the quality and devotion to duty expected of all members of the Coast Guard Reserve," NERA President Edmund Cuoto stated.

Reed was nominated for the award by Coast Guard Reserve Unit Traverse City, of which he has been a member for nearly 17 years, and by Cmdr. L.K. Walton, commander of Coast Guard Reserve Group Muskegon.

"BM1 Reed represents that spirit and dedication to service to the Coast Guard and Reserve which makes the Coast Guard Reserve a vital, integral part of the Coast Guard's service to the American public," Commander Walton stated in his nominating letter.

A rescue boat operator (coxswain) at Coast Guard Station Ludington one weekend a month during the boating season, Boatswainmate BM1 Reed has helped carry out dozens of search and rescue missions while augmenting at Station Ludington the past nine years.

Petty Officer Reed has also been heavily involved in the training of Reserve boat crew members for the past 13 years since qualifying as a boat coxswain. He has served as an instructor for rigorous two-week Reserve Lifeboat Schools held at Stations Ludington and Charlevoix and this year attended the Coast Guard's National Motor Lifeboat School at Cape Dissapointment, WA.

"Despite increasingly more difficult standards and complex knowledge required over the years for full coxswain certification, BM1 Reed has maintained full coxswain certification every year since his initial qualification in 1975," Walton stated. " This has required many hours of unpaid and unrecognized dedication in training time put in over and above regularly scheduled drills and active duty for training. Not only has this resulted in BM1 Reed's outstanding abilities as a coxswain, but it has also enabled his section at Coast Guard Station Ludington to provide 100 percent relief aug-

mentation for Regular personnel. Needless to say, this enhances respect for the Reserve program, while providing an essential service to the Coast Guard and public."

Capt. Carmen Fitzgerald, Chief of Readiness and Reserve for Coast Guard District Nine, in presenting the NERA award to Reed, noted that the selection was based not only on performance and leadership abilities, but on community involvement as well.

"As a photographer and reporter, BM1 Reed has used his position to promote the Coast Guard through appropriate and timely newspaper articles which emphasize the critical role played by the Coast Guard on Lake Michigan," Walton stated. "Additionally he has set an example of the selfless dedication hoped for from every Reservist by saving the life of a near drowning victim in 1979."

Reed has also taught boating Rules of the Road to the public for the Ludington Flotilla of the Coast Guard Auxiliary and recently joined that volunteer organization. He also coaches little league baseball.

Reed's wife Debbie and sons Tad, Brad and Willie accompanied him to the convention and were called upon by Captain Fitzgerald to join him in accepting the award.

A TRIBUTE TO ROBERT MEDEIROS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Robert Medeiros, of Pawtucket, RI, this year's recipient of the Congressman RONALD K. MACHTLEY Academic and Leadership Excellence Award for Charles E. Shea High School, in Pawtucket, RI.

This award is presented to the student, chosen by Charles E. Shea High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Robert has clearly met these criteria during his years at Shea High School. Robert is graduating third in his class and is an officer in the Key Club. Robert also participates in the Upward Bound Program at Rhode Island College.

I commend Robert for his outstanding achievements and wish him all the best in his future endeavors.

TESTIMONY OF DR. BAUMEISTER

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. CLEMENT. Mr. Speaker, I would like to share with my colleagues testimony of Dr. Alfred A. Baumeister before the House Appropriations Subcommittee on Labor, Health and Human Services, and Education on April 24, 1990.

Dr. Baumeister is professor of psychology at Vanderbilt University, located in my congressional district, and director of its John F. Kennedy Center for Research and Education and Human Development.

Professor Baumeister is a world authority on stereotypy and self-injurious behavior and his research has contributed to the development of treatment programs for behavior that were once regarded as untreatable.

I found Dr. Baumeister's testimony most enlightening and hope that my colleagues will too. The testimony is as follows:

TESTIMONY OF DR. BAUMEISTER

FAMILY CONCERNS

A week ago I met with parents and children at the Kennedy Center's Susan Gray School for Children, the largest early intervention program in Middle Tennessee. There I talked with families whose children have diverse problems such as Down syndrome and cerebral palsy. I met a foster father of two children who have been abused. Many of the children are at risk for health disorders and future learning difficulties in part because of poverty. Here are some of the concerns these parents had.

1. Parents need help to keep their children in their homes and communities and out of residential institutions that are also more costly to the public. They need help in the form of early intervention services, day care, respite care.

2. They need good quality early intervention services that help their children develop to their full potential. Unfortunately, urban programs have waiting lists. And in some rural areas, no programs exist.

3. They're worried about schools providing an appropriate, individualized education for their children. Despite federal laws mandating education in "least restrictive environment," parents find their children most often assigned to segregated special education classrooms or even segregated special education schools.

4. They know we need to change education and training and public attitudes so that children with disabilities have a future as productive citizens.

5. And they're worried about money—money to pay for medical and educational services. Let me give you an example of the "catch-22" faced by a mother who is vice president of Davidson County Association for Retarded Citizens. She stopped working at the birth of her child who is blind and hearing impaired and mentally retarded. Now that her child is school-aged, she could return to work—except the family would become ineligible to receive Medicaid. Their child could not receive coverage under her husband's employer-provided medical policy because the disabilities represent a pre-existing condition. Despite good intentions, obstacles and disincentives are created. Not only do such barriers frustrate families, but they end up costing us more as a society. We require resolve and research to remove these barriers. As an example of what can be done, the Tennessee Comptroller's Office has certified that flexible use of the Adult Medicaid Waiver for community services resulted in a savings of over $8 million in two years that otherwise would have been spent on unnecessary institutionalization.

RESEARCH

Researchers at Tennessee's John F. Kennedy Center, and at the other eleven national mental retardation research centers, are helping to solve the problems these families and families across the nation face. They conduct basic research—on genetics, on cell biology, on the development and plasticity of the brain—that will one day help prevent mental retardation. They also conduct applied research on the practical issues that are of direct concern to the families I met. The concept of Head Start grew from early education research at the Kennedy Center. Researchers there are giving free training to parents whose children are delayed in using language. Special educators are working with students, teachers, and parents in an inner city school to develop a model for improving the performance of low-achieving students. A developmental psychologist is studying the family origins of aggressive behavior disorders. These are but a few examples of the ways in which research in just one center is making a difference.

The Congress must respond by providing more adequate funding of these research efforts. Support of this national research endeavor is eroding. Despite apparent dollar increases annually, support for research on children and families—relative to inflation, other priorities, and increasing risk factors such as poverty—has been seriously compromised. Many morbidity problems are actually on the increase, facts documented by the President's Committee on Mental Retardation, the Children's Defense Fund, Dr. Baumeister and others.

I've supported a strong national defense. But funding for programs that benefit our nation's children—especially children at risk because of disability of poverty—also amounts to national defense. During my visit to the Kennedy Center, I reminded Dr. Baumeister of the poem "The Ambulance Down in the Valley." Our nation's children are on the cliff's edge and instead of building fences, we put ambulances at the bottom to pick up the pieces. "Ambulances" are expensive—neonatal intensive care, "AIDS" and "crack" babies boarding their short lives in hospitals, school drop out, illiteracy, drugs and crime. We are reluctant to commit adequate funds to "fences"—to research to help prevent disability; to prenatal and postnatal care and immunization and early intervention and supported employment. We already have the knowledge to accomplish many of these goals, but research is required to understand how to implement these programs, to appreciate the balance between costs and effects, and how to alter systems and remove barriers so that all children at risk receive the best this nation has to offer.

Congress needs to reverse the downward trend of research funding for developmental disorders and other health problems and recommit ourselves to this national research effort to prevent disability and to improve the lives of those affected by disability.

Speaking for the directors of the national mental retardation research centers, Dr. Baumeister will be giving you more specific data on these matters. What I want to carry to you are the concerns and needs of families whose children have disabilities. The Association of the Retarded Citizens of the United States, the largest of the disability advocacy groups, I believe, has articulated a national goal to which I enthusiastically subscribe: "Reliable federal support for basic and applied research relevant to the improvement of services for people with mental retardation and for the prevention of mental retardation."

We hear considerable talk these days about repairing the infrastructure. When it comes to the health and well-being of our nation's children, research is the infrastructure. Without it, public service programs cannot be as cost-effective. Without it, we

fail to prevent disability. Children are the victims.

THE ASSASSINATION OF DR. KAZEM RAJAVI

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. BLILEY. Mr. Speaker, it is with great sadness that I have learned of the assassination of a great educator and a paradigm of service to the cause of human rights in Iran, Dr. Kazem Rajavi. Dr. Rajavi was the brother of Mr. Massoud Rajavi, the leader of the Iranian resistance against the clerical dictatorship in Iran.

Dr. Rajavi, born on February 18, 1934, in Iran, faithfully devoted his life to the defense of basic human rights in Iran for the past 19 years. He strove to expose to the international community the crimes and repressive policies of the former regimes. Dr. Rajavi was a resident of France from 1957 to 1968 and subsequently resided in Switzerland, where he was granted asylum. He had six doctorate degrees in the fields of law, political science, and sociology from the universities of Paris and Geneva, where he held professorship's posts for nearly 10 years.

After the Shah's fall, Dr. Rajavi was Iran's first Ambassador to the U.N. headquarters in Europe. However, shortly after his appointment, he resigned his post in protest to the clerical-terrorist dictatorship which was taking shape. Since 1981, when the National Council of Resistance [NRC] was formed by Mr. Massoud Rajavi, Dr. Rajavi represented the NRC in a variety of political and human rights circles where he addressed the Iranian stifling political situation and exposed the flagrant violations of the most fundamental human rights by the clerics ruling Iran.

As a well-known activist of human rights, on the international scene, Dr. Rajavi had been threatened with death on numerous occasions yet he continued to bravely stand before the various organs of the United Nations, devoting more than 9 years of his life to a full-fledged struggle for human rights and for exposing the atrocious policies of the Iranian religious tyranny.

Through Dr. Rajavi's unrelenting efforts, the Khomeini regime's leaders had been condemned by the international assemblies, including the U.N. General Assembly and the Human Rights Commission, over the past 2 years.

On April 24, 1990, this great defender of the rights of the Iranian people was shot to death outside his home in Geneva. Though the Geneva police have yet to definitively determine those at the root of the assassination, it has been termed a professional hit by the international community.

With his murder, we have lost an outstanding advocate of human rights, a man who had great confidence in the imminent victory of the Iranian people's ideals of freedom and democracy. He so humbly rendered invaluable service to the just struggle of the Iranian people for peace, freedom, and respect for human rights and dignity.

We are honored today to salute Dr. Rajavi for giving his life of service and his profound commitment to the rights of his people.

While we rise to pay special tribute to this prominent leader of the human rights and freedom for the people of Iran, we express our deep condolences to his family, especially his brother Mr. Massoud Rajavi. I know that they will be comforted by the knowledge that Dr. Rajavi served his country and people by the best of his abilities.

Mr. Speaker, I would like to urge my colleagues to join me in condemning the gross violations of human rights in Iran and in condemning the acts of terrorism perpetrated by the Iranian authorities. I would also like to take this opportunity to ask my colleagues to join with me in a moment of silence.

FLIGHT ATTENDANT SAFETY PROFESSIONALS' DAY

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. FEIGHAN. Mr. Speaker, 60 years ago today, Ellen Church boarded a Boeing 80 Trimotor for a 20-hour flight from Oakland, CA to Chicago, IL, and permanently changed aviation history. Ellen was our Nation's first flight attendant; today 90,000 flight attendants protect over 419 million passengers per year.

Most of my colleagues in the House travel between Washington and our districts on commercial flights each week. Americans board thousands of airline flights each year. Yet most of us hardly notice the crucial safety function provided by our Nation's flight attendants. These courageous women and men play a vital role in aviation safety.

Most airline passengers are fortunate enough to see only the service-related duties of flight attendants, however these duties are a distant second compared to the responsibilities faced when an emergency occurs. Flight attendants are trained to handle a wide variety of emergency situations: medical emergencies, in-flight fires, decompressions, hijackings or other terrorist acts, preparation for an emergency landing, and evacuation of a burning aircraft—something they can accomplish in less than 90 seconds. Flight attendants are skilled professionals who—in an emergency—risk their lives to protect passengers from harm.

Mr. Speaker, on this, the 60th anniversary of the flight attendant profession, I urge my colleagues to join me in cosponsoring House Joint Resolution 533 so that we may commemorate these unsung safety professionals on July 19, 1990.

BOB BARTH

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. RICHARDSON. Mr. Speaker, the State of New Mexico and the city of Santa Fe are in mourning. We have lost a dear friend. Robert J. Barth, known to most of us as simply "Bob," passed away last week at the young age of 43. He had covered our city and our State for the last 23 years as a radio reporter. Covering everything from politics to social events, Bob earned our State's respect—he was our finest journalist.

His enormously popular morning radio show was truly the voice of the people of northern New Mexico. As one of the people he covered, I can testify to Bob's consummate professionalism. He worked exceptionally hard, always did his homework and was unfailingly fair and accurate.

But Bob Barth had another dimension that made him stand out, a sweetness of spirit and love for his fellow man that colored his coverage of the news and his day-to-day life. He was living proof of the importance of being an outstanding man first.

The Santa Fe New Mexican published an outstanding editorial that I hope my colleagues take a moment to read. It accurately describes how so many of us northern New Mexicans relied on Bob for news and information, for his friendship. He was part of all of our families. We will miss him.

BOB BARTH

Many Santa Feans made decisions in their daily lives based on what Bob Barth said in the morning.

He is gone now. He died early yesterday from a heart attack. He was only 43. Santa Fe just won't be the same for many people without waking up to Bob Barth.

Every morning, he talked about what the weather and traffic were like, and gave the highlights of local news and sports. He commented on politics, of which his knowledge was great. Many people depended on him for fast, up-to-the-minute legislative coverage.

He chatted amiably on the air with fellow broadcasters or with callers to the station, urging them to call in to express their views on virtually any subject. He wished them happy birthdays and anniversaries and informed tourists and residents alike of the calender of events in the community he loved.

He played pop music and rattled off fact after fact about entertainers and songs in between spinning "oldies." He was a sports fan, and expressed special delight when the Los Angeles Dodgers won. He had his son, Kevin, read sports news on KMIK. At the end of Kevin's reports, Bob would thank his son and often tell him, "I love you."

KMIK programming was literally built around Bob Barth. He was the main man in local radio. But Bob Barth was a big fan of life, too. He took time to talk to everybody and hear them out, on or off the air, whether they were governors or people from less celebrated walks of life. He was not burdened with the cynicism that besets many journalists after years in the business; Bob could find something positive about nearly everything.

Bob Barth wasn't just a voice on the radio. He was out and around Santa Fe, the city he had grown up in and which he cared about so much he wouldn't leave, even for broadcast opportunities elsewhere. He could be found working out of the Capitol newsroom, serving as master of ceremonies at civic events, moderating panel discussions (as he did just last week at an affordable housing seminar sponsored by local Realtors), dressing as Santa Claus for Christmas

parties for children, dancing, conducting interviews with politicians and state officials at The Bull Ring restaurant.

As a newsman for more than 20 years in Santa Fe, Bob Barth reported not just on local radio, but with a syndicated statewide program with colleague Ernie Mills, and with news reports from the Capitol for KOB-AM in Albuquerque. He was not only a fair and accurate reporter, but an especially productive one. He broke many stories, and four times won national Associated Press Broadcasters awards. He was a terrifically hard worker. He'd cover a City Council meeting that lasted until midnight and be on the air for his 6 a.m. show, and never complain about it.

The New Mexican expresses its condolences to Bob Barth's immediate family in this time of sorrow. A larger family—the general community of Santa Fe—mourns his passing.

A TRIBUTE TO CHRISTINE KEEGAN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Christine Keegan, of Woonsocket, RI, this year's recipient of the Congressman RONALD K. MACHTLEY Academic and Leadership Excellence Award for the Woonsocket Area Vocational-Technical Facility.

This award is presented to the student, chosen by the Woonsocket Area Vocational-Technical Facility, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Christine has clearly met these criteria by having an "A" average in child care. She also participates in the RIARC Satellite Program. Christine is an active VICA member and was the VICA State parliamentarian for 1989-90. She has won gold medals in the VICA State competition in child care and prepared speech and a silver medal in job skills demonstration.

I commend Christine for her outstanding achievements and wish her all the best in her future endeavors.

A SALUTE TO MANAGEMENT WEEK IN AMERICA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. GALLEGLY. Mr. Speaker, I rise today to honor the men and women who are leading American business into the 21st century.

As many of my colleagues know, the week of June 4 through June 9 is Management Week in America. During that week, the National Management Association will highlight its objectives to develop and recognize management as a profession, and to promote our free enterprise system. The association is the largest nonprofit organization of its type with more than 75,000 members covering the entire spectrum of American business, industry, and organizations in the public sector.

Since its inception in 1978, Management Week in America has grown in recognition and activities each year. President Reagan issued a proclamation in support of the 1983 observance, and in 1984 he was selected by the cosponsors of Management Week as the Manager of the Year.

The chapter representing my constituents in the San Fernando, Santa Clarita, Simi, and Conejo valleys will present its Manager of the Year Award on June 15.

Mr. Speaker, I would urge my colleagues to join me in commemorating Management Week in America, and in supporting policies to make our free enterprise system stronger and more able to meet the economic challenges of the years to come.

SUPPORT FOR SMALL BUSINESS ACT REAUTHORIZATION

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. RAY. Mr. Speaker, I want to express my support for H.R. 4793, the Small Business Reauthorization and Amendments Act of 1990.

I want to commend the chairman of the Small Business Committee, Representative JOHN LAFALCE, for putting together a thorough and thoughtful measure which I am pleased to cosponsor. Two major provisions which I want to single out are the sections relating to the Service Corps of Retired Executives [SCORE] and the Small Business Development Center [SBDC] Program.

The SCORE Program enlists retired businessmen as volunteers to counsel fledgling businesses and offer their expertise and advice. This program has been very successful. I have met with SCORE volunteers in my district, and I know they have a lot to offer a new small business. Increased funding for SCORE is money well spent. SCORE helps prevent business failures thus creating jobs and preventing loan defaults.

The SBDC Program also is a cost-effective program jointly funded by the Federal and State governments. We are fortunate that Georgia has one of the best SBDC programs in the Nation, and we are very proud of the job they do in providing technical assistance to small businesses. The Georgia SBDC headquarters is located at the University of Georgia in Athens, and they operate a regional center in Columbus, GA. Last year, the SBDC Program served 635 businesses in my district, the Third District of Georgia.

Both the SCORE and SBDC Programs provide a real return on the dollars spent investing in their programs. They help small businesses during their most difficult years—the startup years. Once these businesses get on their feet, they continue to grow thus generating jobs and oftentimes leading to the creation of new related businesses.

It is very important, in my opinion, to keep small businesses motivated. Our Nation finds itself in a precarious situation. The budget deficit is increasing, corporate profits are down, and inflation and interest rates are increasing. Those of us in Congress must be careful not to mandate new costly employee benefits on business. Businesses are already heavily shackled with Government mandates, and anymore will ultimately lead to slower business growth and an increased number of people out of work.

For this reason, I will continue to vote in a way which will keep business strong and motivated. I believe a vote for the Small Business Act Reauthorization is such a vote, and I encourage my colleagues to closely study this bill and give it their support.

BEN BLAZ SAYS: SI YU'OS MAASE, MANAMKO

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. BLAZ. Mr. Speaker, today marks the 12th anniversary of the establishment of Senior Citizens' Month for my district's manamko. Nationally, this commemoration goes back to 1963 when the late President John F. Kennedy first gave national status to what has become an annual affair known today as Senior Citizens' Month.

While senior citizens are venerated in most countries of the world and in most cultures, we on Guam have always given extraordinary respect to our manamko—senior citizens. In Guam the manamko are revered and sought out as the wisest voices in the community. For this year's celebration I have dedicated the following statement to honor the wisest citizens of my district, the manamko.

Much will be said today in praise of the contributions that you, the manamko, have made to the strength and development of Guam. And that's as it should be. We would not be where we are today without you. You are the ones who began the process of political autonomy in the years before the war—a process that today is beginning to bloom and, God willing, will reach full flower with the realization of commonwealth. You are the forbearers whose sacrifices ensured that later generations were well educated and well equipped to lead the territory through both peaceful and troubled times. And you are the ones who guided the territory in the infancy of its economic development which today is reaching its maturity.

Guam has changed. That is inevitable. Like all life forms, a society either grows or it withers. There is no middle ground. But that's not to say that all change is good. There was a time when every society honored its older people. It was readily recognized that without them the current generation would not be. That is no longer the case in the modern age. We need only look to our fellow Americans on the mainland to see how different the world has become.

There, as on Guam, the month of May is dedicated to the elderly. Proclamations honoring them have been signed or soon will be signed by the President, the Governors of the various States, and mayors of cities. And yet I can assure you that events honoring the achievements of the older generaiton, if held at all, are celebrated in retirement homes and community centers dedicated to the care of the elderly. The aged are left to applaud themselves. Community-wide recognition, where all join to express their grati-

tude for what the elderly have accomplished, is rare. Indeed, it might be extinct.

We have not reached that point on Guam. The events here today and the various celebrations around the island throughout the month are ample proof of that. But the fact that we are not yet there does not mean that we are not in danger of drifting in that direction. Change may be inevitable. But it need not be destructive to what is fundamental to us as a people. We see change for the good all about us. Progress is being made on the return of excess lands, and there are encouraging signs of movement on war reparations. And our long sought recognition of political autonomy is being realized.

But in other areas, we must go despacio to make sure we do not lose our identity as a people. To accomplish that we must control growth to ensure that our future remains in our hands. Unless we do this, what makes Guam unique will be gone even before we know it is being lost.

I share with you the same desire that our children's grandchildren enjoy the same easy access to the beaches for their picnics that we have traditionally enjoyed; for, after all, they are our beaches.

I long with you to hear once again the birds singing in the island's jungles and forests as they did before others brought the snake to our island years ago.

I want the descendants of our people to be the business leaders and professionals of our island, not the minions of foreign investors.

I wish our future generations to revel in the familiar lilt of their native tongue.

And I want to smile when I see the younger generations—by tone of voice, by gesture, and by place of honor—still respecting their manamko as we do today, thus insuring that in time they, too, as manamko in their golden years will enjoy the harvest in the autumn of their lives.

WE SHOULD WORK TO AVERT WAR BETWEEN INDIA AND PAKISTAN

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. DYMALLY. Mr. Speaker, tensions with significant international implications are rising in Jammu and Kashmir State of India. This regional conflict should be of great interest to us because, if left on its current course, it promises to escalate to a full fledged war with the possibility of nuclear war.

It is of significance that when India gained its independence in 1947, the approximately 560 native States were released from their treaty ties to Great Britain. In the face of a tribal invasion of Kashmir, the ruler of Kashmir asked the Government of India for military assistance and acceded to India on October 26, 1947.

Regrettably, India and Pakistan fought over this territory in 1948 and 1965. Recent events, if they continue, strongly suggest that the potential for another war is great. With war comes not only death and destruction for the people of India and Pakistan, but the threat of toppling a fledgling democracy in Pakistan. Military hardliners and antidemocratic fundamentalist groups, blinded by their hatred for the popularly elected Prime Minister Benazir Bhutto, seem willing to escalate the crises into all out war, and in the process risk destroying their own country. The ultimate victim of this plot is not only democracy in Pakistan, but the Pakistani people themselves. We all know that the highest number of casualties will not be from the ranks of the combatants, let alone those military extremists who are risking the deaths of their countrymen for their own selfish cause, but rather the same poor population they claim that they care for.

It must be remembered that the original British policy of divide-and-rule has already netted a tremendous loss of Hindu and Muslim lives. No amount of blame or territorial gain can console the heart of a bereaved mother, widow, or child whether Muslim or Hindu.

The past military dictatorship in Pakistan helped precipitate the current crisis. Evidence of Pakistani military training of Kashmiri nationalists, since 1984, has been verified by independent sources. India's Government, however, should shoulder its share of the blame for its failure to allow more independence for the people of Jammu and Kashmir. It is sad to see the forces of extremism, triumph once again, as Hindus and Muslims face the possibility of another bloodbath. The Government of India should not allow itself to fall victim to the chauvinism of some Hindus, but rather should redress past mistakes by allowing the National Conference Party to operate autonomously, as it once did. It should also initiate immediate reforms in the State of Jammu and Kashmir.

The Jammu and Kashmir State situation could possibly be the catalyst in inflaming a larger conflagration between India and Pakistan.

Both countries have stockpiled their arsenals in past years to a dangerous level. Between 1983 and 1987, India imported at least $7.6 billion worth of arms, while Pakistan received $1.5 billion in United States military aid since 1981, including 40 F-16 fighters, and expects delivery of another $1.4 billion by 1991, increasing to 100 the number of these advance fighter aircraft.

It is inconceivable that despite Soviet withdrawal from Afghanistan, and reduced United States-Soviet hostilities, the flow of arms to Pakistan has continued unabated. These arms ostensibly for deployment against the Soviet presence in Pakistan, have been deployed on the Indian border. History will recall a similar precursor to war. In 1965, $1.5 billion in United States military assistance to Pakistan, supposedly to deter Russian or Chinese aggression, resulted in all out war between both India and Pakistan.

With the threat of nuclear war which would embroil us all, we need a new policy in the Third World. One that seeks to unequivocally lessen regional tensions by working with the Soviet Union to immediately cut off all military supplies to nations embarking on the path of destruction.

The administration, as well as Congress, should send a clear message to both nations that war will not be tolerated, because it is contrary to everyone's interest. Our foreign policy, together with that of the Soviet Union, should emphasize the sale of plowshares rather than military hardware. The latter only strengthens the military and the voices of extremists on all sides of the fence. To strengthen democracy in the world we need a foreign policy which would support economic development and will make the voices of reason stronger than the saber rattling of the military. The United States should work hand-in-hand with other nations and world leaders to strongly encourage both India and Pakistan to put an immediate end to border hostilities, cease support of militants within each others borders, and hold bilateral negotiations based on the 1972 Simla agreement.

This agreement provides the framework for the peaceful settlement of the conflict. Under this agreement both nations agreed to "settle their differences by peaceful means through bilateral negotiations or any other means mutually agreed upon between them." It also mandated that both sides would respect the de facto boundary between the two sectors of Kashmir as arrived at in 1971. Additionally both countries pledged to "prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful relations."

These two nations should also jointly begin discussions and negotiations leading to a resolution for this important conflict.

The U.S. Congress should do everything possible to facilitate this peace process.

TRIBUTE TO THOMAS DUGGAN

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. ATKINS. Mr. Speaker, I would like to take the occasion of Peace Officers' Memorial Day to personally recognize the service of Thomas Duggan of the Lawrence Police Department, killed in the line of duty on March 16, 1990.

When a man such as Tom Duggan is killed, the whole community suffers. This courageous man ensured, at great personal cost, that this country remained a civilized nation, based on laws, not held hostage to the threats of criminals. His career personified the ideals of the community for which he sacrificed his life.

Patrolman Duggan was appointed on July 7, 1971. It was not long before he distinguished himself, for on December 2, 1972, Thomas Duggan entered a burning building and saved the lives of three individuals incapacitated by the smoke and flames. His personnel file was filled with commendations by fellow officers and the public that he served who recognized his cool demeanor during the uniquely stressful time faced by an officer.

Tom Duggan had a unique rapport with the community. Friends and acquaintances, fellow officers and superiors, all testified to his special personality, and his friendly professionalism which diffused many potentially dangerous confrontations and created friendships where there had been only hostility. He was a true public servant to the city of Lawrence.

The life and service of Thomas Duggan was embodied by the highest ideals in which he believed. We may all take a lesson, Mr.

Speaker, from the life, service, and dedication of Thomas Duggan. We all owe him a great debt and remember him fondly this day.

HONORING THE HOMECREST PRESBYTERIAN CHURCH

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. SCHUMER. Mr. Speaker, I rise today to pay tribute the Homecrest Presbyterian Church of Brooklyn as it celebrates its 90th anniversary on June 14.

The Homecrest Presbyterian Church was the pioneer church of the Brooklyn community. It was organized on June 1, 1900, by the Presbytery of Brooklyn and Mr. Edward L. Tibbals, a student of the Union Theological Seminary, was placed in charge of the new work. Ordained and installed as pastor in 1901, Mr. Tibbals had a notable pastorate until his death in 1937. The cornerstone of the present building was laid on January 1, 1901, and then dedicated the Easter Sunday morning of that same year. By 1920 the membership had increased to 278 and all mortgage indebtedness was paid. In that same year, the church membership stood at 327 and the Sunday school at 273. Two years later, Reverend Tibbals died after a pastorate of 37 years. A handsome bronze tablet and a beautiful memorial window were placed in the sanctuary.

The current pastor, Rev. David Munroe Cory, Th.D., was installed on Sunday, September 18, 1960. Dr. Cory, who had graduated from New College, Edinburgh, Scotland, had come to the Presbytery in 1926, when he became pastor of the Cuyler Church in downtown Brooklyn. Following a pastorate of 29 years, Dr. Cory was called to be executive secretary of the Brooklyn Division of the Protestant Council of New York, where he served for over 5 years. Since the beginning of his work at Homecrest, 533 persons have joined the church. Dr. Cory is currently in his 64th year of continuous service as a Protestant minister and is believed to be, at the age of 87, the oldest active minister in age and in length of service.

The neighborhood of Homecrest Presbyterian Church has been in transition for many years. The membership peaked over 40 years ago but the church has successfully maintained its place in the community. Standing on a large shaded lawn, Homecrest has its doors open to new friends and new arrivals, providing a place of worship in the reformed Protestant tradition and maintaining an active Sunday school.

This fine institution has enhanced and enriched the lives of its members as well as the Brooklyn community as a whole. It is the spiritual home of dozens of Brooklyn's leaders and a beacon of comfort and hope for all.

It is with great pleasure that I rise today to recognize the Homecrest Presbyterian Church as it celebrates its 90th anniversary.

A SPECIAL THANKS TO NURSES

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today in honor of National Nursing Home Week. I would particularly like to single out the nurses, whose tireless help and commitment helps make everyone's job that much easier.

Nurses are truly the backbone of the medical profession. I know personally the time and effort expended by nurses—my wife has had a career in nursing. Nurses are the largest group of health care providers in the country. It is a specialized, exciting, and vital career. The increase in the technology and the quicker discharge rate due to DRG's, among other things, have forced nursing practices to increase sophistication and skill level.

Yet in past years, the United States has faced a critical shortage of registered nurses. Realizing the true value in nursing and that a lack of nursing staff could indeed prove life threatening, Federal legislation has been introduced to help entice young men and women to enter this all-important profession.

As we celebrate and honor National Nursing Home Week, we need to give a special thanks to those who are an integral part of this and all health care fields—the nurses.

THE 75TH ANNIVERSARY OF NUCEA

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. KASTENMEIER. Mr. Speaker, I rise in order to acknowledge an important event in American higher education. On April 28, 1990, the members of the National University Continuing Education Association [NUCEA] gathered in New Orleans, LA to commemorate the 75th anniversary of the founding of the association. I take special pride in noting that the first meeting of the organization took place in Madison, WI in 1915. From the original 22 funding institutions, NUCEA has grown to nearly 400 colleages and universities dedicated to the promotion and advancement of high quality continuing higher education opportunities for the Nation's more than 5.7 million adult, part-time students at the pre- and postbaccalaureate levels.

The mission of continuing higher education is to provide lifelong access to knowledge and skills needed to assure: The ecnomic vitality of the Nation; the democratic participation of citizens; the expansion of opportunities of all people; and a population informed by diverse ideas and cultural heritages. The work of continuing higher education is inspired by a belief in the democratic principles of access and opportunity, respect for the life of the mind and the power of ideas. Continuing higher education recognizes that the growth and security of this Nation depend upon continuous exposure to knowledge and the utilization of knowledge.

Mr. Speaker, I have had the privilege of associating with many NUCEA members working in continuing higher education. They are a special group of professionals and are to be commended for their vision and dedication to ensuring that part-time students are accorded equal access to higher education opportunties. I wish the members of NUCEA well as they continue their important work and reaffirm my support and that of this chamber for their many contributions to the Nation.

COLORADO BUSINESS LEADERS SUPPORT EDUCATION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mrs. SCHROEDER. Mr. Speaker, Martin Marietta, U.S. West, United Banks and other Colorado businesses are sponsoring new and innovative programs to support education in the State.

Sam Lusky's May 4 Colorado Statesman column illustrates the tremendous positive force business can have in education:

BUSINESS AND EDUCATION GETTING TOGETHER

(By Sam Lusky)

What't happening to education in Colorado—or, for that matter, almost every other state in the union?

For one thing, the natives—in this case administrators, teachers, taxpayers and an occasional student—are restless.

Surveys show conclusively that education is on a downward path.

Teachers say privately that they're so loaded down with administrative flats that they don't have enough time to teach.

Administrators say teachers are more interested in sabbaticals and recognition than in spending enough time to teach.

School superintendents almost inevitably look for a fistful of new money to throw at the problem—as witness the $200 million Denver bond issue coming up next week (May 8).

All of this had had a profound effect on American business, looking for tomorrow's shining geniuses and reliable members of the workforce to emerge from the educational hodgepodge.

But it becomes readily apparent that the mere support of the business community, while important, will only assume a maximum role if guided, shaped and overseen by a combination of creative thinkers emanating from many fields.

There's also a cross-fire here of those who think students must learn the basics sans computers, as opposed to those who regard computer illiterates as total illiterates.

Enter the purveyors of the middle ground, as typified by the recently created Colorado Business and Education Council, bylaws for which were adopted in late April.

Its mission: ". . . to stimulate, support and promote business and education partnership initiatives designed to improve the quality of education in the schools of Colorado at all levels."

The Council will develop public policy recommendations for school/business cooperation among business, community, government, labor, schools, colleges and universities, teachers, parents and students.

Already in place, according to a Colorado Education Association Report issued in March 1989, are a variety of partnership programs involving a mixture of the nation's industrial giants as well as some civic-minded local companies:

Among them:

Martin Marietta sponsors a Young Assistance program which helps train up to 400 middle and junior high school math and science teachers in how to increase student interest in those subjects.

U.S. West has many programs, including an executive on loan to the Public Education Coalition, Project Edge in six Colorado schools, geared toward assisting minority students in entering high tech areas, and a Pioneer program which brings retired persons into the classroom to assist teachers.

United Banks has an Inroads program for minority student achievers and is involved in several other organizations assisting business/education partnerships.

Some product companies and retailers, like Pepsi Cola and Safeway, have direct participation in which product purchases go toward providing electronic equipment for schools.

Members of the Colorado Business and Education Council include:

The Governor's Job Training Office, the Colorado Department of Education, Colorado Association of School Boards, Colorado Community College and Occupational Educational System, the State Senate, Club 20, Colorado Education Association, Denver Classroom Teachers Association, Colorado Board of Cooperative Educational Services Association (BOCES), Colorado Association of Commerce and Industry, Colorado Association of School Executives, Association of Colorado Independent Schools, Archdiocese of Denver, Colorado Alliance for Science, Greater Denver Chamber of Commerce, Metro North Chamber of Commerce, Public Education Coalition.

Red Rocks Community College, Parks Junior College, University of Colorado, Jefferson County School District, South Central BOCES, Denver Public School District, Poudre Valley School District, Adams County BOCES and Edison School District.

US West, Kodak, IBM, Martin Marietta, TRI S, Inc., Excel Business Systems; Raul Alderete, optometrist; Charles Courtad; orthodontist, and Julie Bierbaum, business management consultant.

While business/education partnerships are a relatively new concept in terms of years, they point an obvious way to improve educational standards to the benefit of all concerned.

HIS EMINENCE TOMAS CARDINAL S. O'FIAICH, LEADER OF ALL IRELAND

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. DONNELLY. Mr. Speaker, I rise today to pay special tribute to a man who was the true leader and unifying force for all of Ireland. That man was his Eminence Tomas Cardinal S. O'Fiaich, primate of all Ireland and the 112th successor to St. Patrick. He passed away suddenly on May 8, 1990.

Cardinal O'Fiaich, who was ordained the spiritual leader to the over 4 million Catholics in Ireland in 1977, became of of the first cardinals appointed by Pope John Paul II 2 years later.

The passing of my friend Cardinal O'Fiaich has left a tremendous void in the church across Ireland and through the United States. He was the only consistent force that could end the horrible bloodshed in Northern Ireland. His spirit will not rest until Ireland is unified.

Cardinal O'Fiaich was born just north of the border in South Armagh in 1923. The youngest of three, his father was a school teacher who later became a principal. His mother died when he was 8 and his father passed away in 1964. Following elementary school he went to St. Patrick's College in Armagh and entered the national seminary at St. Patrick's College, Mayooth in 1940. In addition to the traditional seminary courses in philosophy, theology, and the scriptures, he studied Celtic history.

After a brief illness, Cardinal O'Fiaich resumed his studies for the priesthood at St. Peter's College in Wexford. He was ordained for the Armagh diocese on June 6, 1948.

As a leading scholar of the Irish language and history, Cardinal O'Fiaich wrote several journals and lectured around the world through the 1960's and 1980's. He recently led a successful fight to maintain the teaching of the Irish language in schools throughout British-occupied Northern Ireland by putting a referendum on the ballot.

One highlight of Cardinal O'Fiaich's career was a visit by Pope John Paul II to Ireland in 1979, which he helped arrange. This was the first time a Pope had ever set foot in Ireland. The cardinal, who was at his side for the entire visit, was gratified by the over 2.6 million people which saw the Pope during this visit, more than half of the country's population.

Mr. Speaker, Cardinal O'Fiaich will long be remembered throughout Ireland. He was a beloved man who embraced the masses and in return wanted only to reunite Ireland and end the bloodshed. His voice will be missed, but his vision for a united Ireland will remain as the beacon for peace and brotherhood.

MESSAGE BY EDWIN J. FEULNER, JR.

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. ARMEY. Mr. Speaker, I commend this outstanding message by Edwin J. Feulner, Jr., president of the Heritage Foundation, to my colleagues. Mr. Feulner has addressed a concern many of us share, namely that President Bush may be considering increasing revenues to reduce the deficit:

THE HERITAGE FOUNDATION,
May 11, 1990.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Press reports and statements by members of your Administration suggest that you are reconsidering your pledge to oppose tax increases. I sincerely and respectfully ask that you maintain your commitment and follow through on your promise to protect the American taxpayer and the economy from the ruinous effects of higher taxes.

In your campaign for the presidency, you eloquently stated the case for greater economic freedom and clearly explained that higher taxes would undermine economic growth, contribute to excessive federal spending, and make America less competitive. Your unadulterated and unambiguous oppostion to new taxes energized conservatives on your behalf.

Millions of Americans stand ready to join with you in a fight against higher taxes. I assure you that all of us at the Heritage Foundation are prepared to battle against a tax increase. It would be most unfortunate if we found ourselves on separate sides on this issue.

The case against higher taxes is stronger than it has ever been. Tax collections are at an all time record high. Tax freedom day this year, the date Americans stop paying taxes and get to keep the money they earn, was May 5, the latest it has ever occurred. Taxes this year have climbed to 19.6 percent of GNP, the fourth highest level in peacetime history. Incidently, the only two times taxes have exceeded 20 percent of GNP, 1969 and 1981, the economy entered a recession the following year.

Some argue that there is no way to balance the budget without higher taxes. Indeed, some members of your Administration are trying to create a crisis atmosphere in order to make a tax increase more palatable. We reject deficit-phobia. The deficit as a percent of GNP is less than half the size it was five years ago. Yes, the deficit should be reduced, but it should be done in a manner that promotes, not retards, economic growth.

Fortunately, should Congress prove unwilling to enact a pro-growth deficit reduction package, it is completely within your power to allow Gramm-Rudman's automatic sequester to restrain growth of spending and reduce the deficit to the legally required level. Once again, I can assure you that we at The Heritage Foundation will support a decision to choose a sequester over higher taxes.

I urge you to unequivocally state that you stand by your promise to reject any tax increase. You were right then; you would be right now. The economic and political consequences of abandoning your no-tax pledge are too costly.

Faithfully,

EDWIN J. FEULNER, Jr.,
President.

METROPOLITAN PHYSICIANS DIVISION OF THE UJA-FEDERATION TO HONOR TWO DISTINGUISHED MEMBERS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. GREEN. Mr. Speaker, on Sunday, June 3, 1990, the Metropolitan Physicians Division of the UJA-Federation and the Special Operation Exodus Campaign will honor two distinguished citizens from New York, Dr. Saul Farber and Dr. Donald Gribetz.

Dr. Saul Farber, a physician noted for his warmth and concern for the welfare of his pa-

tients, is provost of the Medical Center and dean of the School of Medicine at New York University. He holds a prominent position on the New York City Mayoral Commission on AIDS, and has been appointed to the State commission of life and law. In addition to his numerous achievements in the field of medicine, Dr. Farber has been an ardent supporter of the Jewish causes. He is an advisory board member of Hadassah and a member of the board of governors of Tel Aviv University.

Dr. Donald Gribetz, the physicians division's second honoree, is a professor of pediatrics, and has been affiliated with the Mount Sinai Medical Center for 37 years. He was a founding father of the Riverdale Jewish Center, and has been active in the Russian Jewry movement. Dr. Gribetz was in the forefront of the UJA-Federation physicians campaign for over 10 years, and currently serves as chairman of the board. He remains an active and highly respected member of the Jewish and medical community.

Dr. Donald Gribetz will be the first recipient of the Robert S. Coles Memorial Award, which is given in memory of the dignified and compassionate physician from Lenox Hill Hospital whose unremitting support of UJA-Federation activities and constant dedication to excellence in his field have left an eternal mark on the Metropolitan Physicians Division and the entire field of medicine.

IN SUPPORT OF BARBARA BUSH

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. PORTER. Mr. Speaker, I am dismayed by the recent student opposition to Barbara Bush as Wellesley College's commencement speaker. The students apparently feel that her husband's political success diminishes her own substantial accomplishments.

I find this attitude most deplorable. Undeniably, President Bush is successful. But that should in no way obscure or diminish the manifest achievements of his wife.

It is to Barbara Bush's great credit that she seized on the increased exposure as First Lady with energy and conviction. She clearly holds her own in promoting awareness of homelessness, AIDS, and illiteracy.

Mr. Speaker, Wellesley could hope for no greater role model than Mrs. Bush, who very successfully balances the demands of public and family life.

In this body, we often hear similar criticisms of our own spouses—that their success should be held in lower esteem because we serve in Congress. We know that nothing could be further from the truth.

I hope the students of Wellesley listen very carefully to Barbara Bush. Young graduates still have much to learn, and Mrs. Bush has a great deal to share with them.

TRIBUTE TO THE REPUBLIC OF CAPE VERDE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. BERMAN. Mr. Speaker, it is an honor and pleasure to rise today and pay tribute to the Republic of Cape Verde and Cape Verdeans throughout the world. July 5, 1990 marks the 15th anniversary of this proud country's independence from Portugal and it will be celebrated by Cape Verdeans worldwide.

After an almost 20-year struggle for improved economic, social, and political conditions, on July 5, 1975, under the leadership of revolutionary Amilcar Cabral, the Republic of Cape Verde emerged a country with strong economic aspirations and a commitment to the continuance of a fair and equitable society.

Located approximately 385 miles off the west African coast, this 10 island archipelago is developing into a key center for regional and international investment. The country's monetary and fiscal policies have made this young nation a showcase for the World Bank and the International Monetary Fund. Cape Verde's GNP has doubled since independence and it currently boasts an average annual growth rate of 4 percent. The country is becoming a significant development resource for its neighbors and is an innovative partner in regional development.

Cape Verdeans take extreme pride in Cape Verdean Ambassador Jose Fernandes Luis Lopes, the first African ever to attain the distinguished position of head of the diplomatic corps in Washington.

The official language of Cape Verde is Portuguese, but most of the population speak a Crioulo dialect. The rich Crioulo musical and poetic tradition is filled with old fashioned stories of love, exotic journeys, and family.

In the mid-19th century, Cape Verdeans were renowned for being a great seafaring people, skilled in whaling and craftsmanship in the repair of ships. As a result, many Cape Verdeans eventually settled in different parts of the world.

Of the more than 3 million people of Cape Verdean ancestry worldwide, over 400,000 live in the United States. I take special pride in the achievements of Cape Verdean Americans in my district, particularly since one of my own staff assistants—Margaret Mott—is an active and enthusiastic organizer among Californian Cape Verdean Americans.

Mr. Speaker, it is with great pleasure that I ask my colleagues, who have many Cape Verdean Americans in their respective congressional districts, to join me in saluting the Republic of Cape Verde on this auspicious occasion.

THE SOLAR, WIND, AND GEOTHERMAL POWER PRODUCTION INCENTIVES ACT OF 1990

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. MARKEY. Mr. Speaker, I am very pleased today to be coauthor with Mr. SHARP of the Solar, Wind, and Geothermal Power Production Incentives Act of 1990. This important legislation will remove a major obstacle to the development of cost-effective and technologically innovative renewable energy technologies: the size limitations on projects instituted in the Public Utility Regulatory Policies Act of 1978 [PURPA].

PURPA has played a major role in spurring the formation of independently developed power projects that utilize renewable energy sources such as solar, wind, and geothermal energy. Facilities that qualify under PURPA's rules are not subject to provisions designed for regulating traditional utility projects found in the Federal Power Act and the Public Utility Holding Company Act of 1935.

PURPA has been extremely successful in increasing the utilization of renewable resources and lowering the price of power generated from these sources. For example, solar thermal power has dropped from a production cost of 24 cents per kilowatthour [kwh] in 1984 to a cost of about 8 cents per kwh today. Wind and geothermal power production costs have also decreased thanks to PURPA, down to about 7 to 9 cents per kwh and 5 cents per kwh, respectively.

But renewable facilities that seek qualifying status under PURPA have been limited in size to 30 megawatts per project—a size limit that may have seemed large with respect to 1978 technologies when the law was passed, but that is now preventing significant economies of scale. Luz International, the developer of solar energy generating systems in southern California, has estimated that its next generation of solar power technology can reduce their production costs from 8 to 6 cents per kwh if the size limit in PURPA is removed. Similar economies of scale exist for geothermal and wind power, once Federal law allows their projects to grow in size.

The importance of this incentive for clean renewable energy is underscored this year by the imminent passage of the Clean Air Act reauthorization with its goal of cutting in half emissions of sulfur dioxide and other acid rain-forming pollutants. Renewable energy can play a major role in meeting our clean air goals while providing reliable and affordable electricity—but only if the right incentives are put in place and inappropriate barriers to growth are removed.

Mr. Speaker, I commend my colleague, Mr. SHARP, the distinguished chairman of the Energy and Power Subcommittee of the Energy and Commerce Committee, a subcommittee on which I have the honor of serving, for his leadership in this and other energy issues. I look forward to working with him, Chairman DINGELL, and other colleagues in

quickly passing the Solar, Wind, and Geothermal Power Production Incentives Act of 1990.

A TRIBUTE TO DR. JOHN WILDE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today a most distinguished educator, Dr. John Wilde of Yucaipa, CA. Dr. Wilde, who has served as superintendent of the Yucaipa Joint Unified School District for the last 15 years, is retiring in June after many years as an educator and, more importantly, a shining example of public service to the community.

Dr. Wilde graduated from the University of Redlands with a degree in psychology in 1952, and received his master of arts degree in industrial psychology 2 years later. In 1973, Wilde completed his PhD. work in education at the Claremont Graduate School.

Dr. Wilde's professional work in education began in 1952, as a research assistant in the San Bernardino City Unified School District and several years later, as guidance consultant for the San Bernardino County Schools. In the ensuing years, he pursued positions through the Yucaipa Joint Unified School District with advancing degrees of responsibility. Dr. Wilde served as director of pupil personnel services from 1963 to 1972, principal of the continuation high school in 1972, assistant superintendent for educational services from 1972 to 1975, and as district superintendent from 1975 until the present day.

Dr. Wilde's long tenure as district superintendent has been marked by excellence. In that time, the school district has been recognized for consistently high test scores on both the CAP and CTBS achievement tests. The Valley Elementary and Yucaipa Middle Schools have been designated as distinguished schools by the California State Department of Education. The Green Valley Continuation School has been the recipient of the California School Board Golden Bell Award. The high school forensics team has received national attention and recognition for many years. All of these notable achievements occurred during Dr. Wilde's tenure indicating his high standard of excellence for the entire school system.

In addition, Dr. Wilde has served as a teacher, administrator, and counselor in the Bloomington School District, at the University of Redlands, and at the University of California, Riverside. He has a life diploma in pupil personnel services; life credentials in general teaching and general school services, K-14; and is licensed as both an educational psychologist and a marriage, family, and child counselor.

Mr. Speaker, please join me today in recognizing the outstanding contributions of Dr. John Wilde to future generations through his many years of service to the Yucaipa Joint Unified School District. His contributions to society through community service and years of work as an educator is an inspiration certainly worthy of recognition by the House of Representatives.

NATIONAL PEACE OFFICERS' MEMORIAL DAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. BONIOR. Mr. Speaker, this week is National Police Week and today is Peace Officers's Memorial Day. I am proud to honor our country's police officers. Their commitment to peace, to the rules of law and society, and to the welfare of all people is made known by their dedication, duty, and deeds.

Police officers do not debate or make laws like politicans. They do not all study laws in a remote setting like lawyers or scholars. They are with us—every hour, every day, every night—in our neighborhoods and on our streets, doing the hard, dangerous, and sometime tedious job of protecting us and trying to make our legal system work.

Whenever a police officer dies in the line of duty, a whole society mourns for the lost officer, the family, and for the community itself. The willingness to sacrifice one's own life to protect others is the most ennobling of all human traits and deserves our country's highest honor. But let us not forget that these deaths are still a great tragedy for the friends, family, and neighbors of the slain.

The deaths of police offices in our country occurs far too often. It is our duty as legislators to do all we can to protect those who protect us. One way we can do this is to enact laws that make it more difficult for dangerous criminals to be out on our streets with guns in their hands.

I am fed up with the drug-related gun violence that plagues every community in America. The Federal Government cannot continue a policy that has left the Nation's law enforcement officials outgunned by criminals. To combat crime, the Nation needs better enforcement and conviction of criminals. It must be coupled with a no parole policy for convicted killers, drug traffickers, and other dangerous criminals.

Every major law enforcement organization in the nation favors the provisions of the Brady bill which would establish a 7-day waiting period for handgun purchases. This would allow law enforcement officials to check for purchasers who are criminal and, therefore, ineligible under current law to own a handgun. It would also prevent handguns from being bought by the mentally ill or minors.

Michigan has a background check requirement which includes a natural waiting period. In fact, some 22 States have waiting periods for handguns or require background checks. The Brady bill would not change the law in Michigan, but it would thwart Michigan criminals who buy their guns in another State to avoid the background check.

Mr. Speaker, our country's police officers merit our highest praise and gratitude for the hard work they do. They also deserve our keen attention to their recommendations about ways to protect society. We could give them no higher honor than to rededicate ourselves to the fight against crime, illegal drug trafficking, and gun violence.

CELEBRATING THE VIRGINIA OPERA

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. PICKETT. Mr. Speaker, I rise today to share with my colleagues the achievements of the Virginia Opera, which, I am proud to say makes its home in Norfolk, which is located in my district.

In the 15 years since its creation, the Virginia Opera has had many successes to celebrate. Under the experienced and innovative leadership of General Director Peter Mark, the opera has staged numerous productions that have received international recognition. It has also discovered and trained several of America's best young artists, who have later performed internationally on many of the world's most famous opera stages.

More important still, the opera has shown what a positive influence the creative arts can be to a community, even to a State. The opera has been a source of pride for residents of the Second Congressional District and for the Commonwealth as a whole, especially when they see the New York Times call it "the tops by any standard." NBC Nightly News has also praised the Virginia Opera as "one of the Nation's very best regional companies."

Critical acclaim from near and far for its dramatic productions has not stopped the Virginia Opera from taking the time and effort to help the community through education and outreach programs. The opera maintains an array of imaginative programs for audiences of all ages. Last season, over 102,000 adults and children participated in at least one of the many programs offered by the opera.

The opera has also helped the community by making Norfolk and the surrounding areas an appealing place for businesses to settle. Businesses come to the area in part because they know that the vibrant artistic atmosphere is attractive to their employees.

The artistic vitality and community spirit of the Virginia Opera are complemented by the sound fiscal management of its directors. Through their active work and dedication, the Virginia opera has gone from a $33,000 pilot project to a $2.3 million success story.

A TRIBUTE TO THE PEEKSKILL AREA HEALTH CENTER

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. FISH. Mr. Speaker, for the last 15 years, the Peekskill Area Health Center in Peekskill, Westchester County, NY has provided essential medical care to thousands of medically needy families living in the Hudson Valley region of New York State. The community should be commended for having the vision, dedication, and the faith to develop such an outstanding community health center.

It was many years ago, in 1971, when the health center was only a gleam in the community's eye. From that point forward, the struggles have been many. Some of the historic moments I have been involved in include releasing the impounded regional medical program funds so the center could open its doors; designating the Peekskill area a medically underserved location and the creation of a network of four community health centers in Westchester County.

I recall having Mrs. Jeannette Phillips, who was then the chairwoman of the board of directors, come to Washington to meet with the National Association of Community Health Centers and myself to discuss all the medical needs of the community. She convinced everyone that this community deserved Federal funds. She still comes every year to remind me of the fact.

In 1977, when Anne Nolon came on board, she, Jeannette, and I convinced Dr. Edward Martin of the Bureau of Health Care Delivery Assistance that there were pockets of poverty in Westchester and this community health center deserved U.S. Department of Health and Human Services funding.

Each year, executive director Anne Nolon, associate director Jeannette Phillips, board chairman Alan Steiner and members Margarita Isputiew, Edna Lee, and Alan Levy come to Washington and brief me on local health care needs. And believe me, I respond.

From that first $33,000 Health and Human Services seed grant to a million dollars of annual Federal support, the program has grown in leaps and bounds. Patients have flocked to the doors, numbering 500 in 1975, and 15,000 in 1990. Staff has grown from 12 to 150 full- and part-time medical, dental, and ancillary support personnel.

The van, supported through the Stewart B. McKinney Act Health Care for the Homeless Program, travels to isolated neighborhoods to provide health care services to the 1,000 homeless living in motels and transitional housing. In addition, a satellite recently opened in February in the nearby city of Beacon, extending health care to the medically needy there.

The newest venture is a migrant health program that will serve 7,000 migrants residing in the Hudson Valley region. Future plans will focus on the desperate needs of children in poverty through the development of a Pediatric and Adolescent Treatment Center.

As you can see, the Peekskill Area Health Center cares. It cares about the community and its people. It cares about the homeless, drug addicts, alcoholics, AIDS victims, the elderly, and our children in crisis.

On May 18, in Peekskill, the NAACP will honor the Peekskill Area Health Center. The NAACP could not have chosen a better organization to recognize. I salute the Peekskill Area Health Center for its many years of selfless service to the community and wish the directors of the center the best of luck in the future.

ARTS, HUMANITIES AND MUSEUMS AMENDMENTS OF 1990

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. WILLIAMS. Mr. Speaker, as chairman of the Subcommittee on Postsecondary Education, I am today introducing the Arts, Humanities and Museums Amendments of 1990, a bill to reauthorize the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services. This is President Bush's proposal. It is his reauthorization suggestion for the three agencies which represent this Government's primary support for the enhancement of our Nation's cultural life.

This bill makes few changes in current law and represents the administration's faith in the effort set into place a quarter of a century ago. It is an affirmation of faith in the principle that private citizens should make decisions about public support of the arts and humanities. It is an affirmation of the overall record of these agencies in their work to enlarge and enhance the cultural life of our Nation. It is a faith I share.

In considering this proposal, we may find that there are ways in which we can improve the system by which these decisions are made, and we may find other ways to enhance the operations of the agencies. As we prepare to mark up this bill, all of us remain open to suggestions for improving upon this basic proposal.

Nevertheless, I am pleased today to introduce the President's bill to reauthorize the National Endowments for the Arts and Humanities and the Institute of Museum Services. I intend to use this bill as the basis for our reauthorization efforts. I commend the President and those whom he has appointed to direct these agencies for their steadfast leadership during this most difficult and chilling time.

A TRIBUTE TO CAMP SUNSHINE

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. DARDEN. Mr. Speaker, I want to bring to the attention of my colleagues the good work of Camp Sunshine in Georgia. Camp Sunshine is a camp for children with cancer, and it has served the youth of Georgia for almost a decade. This camp is like no other. Camp Sunshine provides an opportunity for children with cancer to get away from the everyday anxiety and stress that most children, indeed most adults, will never know. This camp is an experience which these children eagerly anticipate each year. It is a bright ray or hope in lives that could easily be clouded by the overwhelming realities of the physical and emotional challenge to overcome hopelessness.

But Camp Sunshine is a special place. A visit to this camp would convince you that these young campers have a unique appreciation of the joy of living. Swimming, horseback riding, singing, crafts, games, and many other traditional camp activities are pursued with enthusiasm that can be matched nowhere else. Other than the summer camp, Camp Sunshine provides activities throughout the year.

Recently I met with a group of Camp Sunshine kids visiting the Capitol. These young people were seeing this great city, as they are seeing life itself, with an attitude of wonderment and curiosity that is contagious. I eagerly look forward to the annual visit of Camp Sunshine. This year's visitors were: Trent Aldredge, Ryan Bacon, Dee Jay Beck, Bryan Bridges, David Bryant, Dan Crockett, DeAnna Drain, Barbara Griffin, Kristin Groom, Holly Hendrix, Andres Jimenez, David Kenemer, John Kimsey, Wendell Long, Marcus Missavage, Robrico Phillips, Ramon Scott, Karl Smart, Stephanie Taylor, Fukima Tigner, Molly Wheatley, Neil White, and Dixie Yandle.

The women and men who make this camp a reality are not well known, but they are heroes to the children and their families. I commend the cochairman of Camp Sunshine's board, Dorothy H. Jordan and William B. Schwartz, Jr., and the entire board of directors as well as the officers: William B. Schwartz III, Mary Beth Fain, Mo Thrash, Thomas Beard, and executive director Sally Hale.

Mr. Speaker, in closing I want to include the following lines from Camp Sunshine's 1989 publication, Sunny Daze:

Camp Sunshine is a place filled with kind words, reassuring hugs and warm smiles. Where the pain you've known and the conflict you've experienced give you strength to walk through life facing each new situation with courage and optimism. A place where the lives you have touched and those that have touched yours are always a part of you. An experience that leaves you somehow better.

PEACE OFFICERS MEMORIAL DAY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. BROWN of California. Mr. Speaker, May 13 through May 19 is National Police Week and today is Peace Officers Memorial Day. As you know, Congress is asked on a daily basis to approve and promote commemorative days for any number of special reasons. While many of the professions and occasions we are asked to remember are truly worthy of the honor, it would be hard to find a group more worthy of note than the peace officers who put their lives on the line every day.

I have learned first hand how quiet, suburban communities such as those I am privileged to represent, are being infiltrated by the violence and destruction of drugs, gangs, and automatic weapons. One might expect organized violence in the large urban cities in our country, but the drug trade and gang violence have moved to center stage for most law enforcement officers no matter where in our country they work.

To set aside a day to honor those who have died in the line of duty, and to honor their fellow officers with a national week of recognition is both fitting and necessary. It goes without saying that we owe these officers a great deal of gratitude. In addition to the nice words we will say about them this week, we also need to drive home the point that these men and women in uniform are facing increased dangers in the street. Their jobs call on them to confront criminals who are well-financed, well-armed, and willing to fight and die to protect their careers as drug lords, gang leaders, and pushers. I urge my colleagues to join me in wishing our police officers well by voting for laws to make their jobs easier and to make fighting the war on drugs safer and more effective. We owe these men and women more than a commemorative—we owe them our unbridled support.

The list of slain officers for just the State of California is 15 pages long. This is a grim reminder of the real price of fighting crime. I would like to add a personal salute to the officers of the Inland Empire who have given their lives in the line of duty. Their names are listed below. I would like to extend my gratitude and condolences to the families of these officers. These police families have paid the ultimate price for making our lives a little safer:

Sgt. Gary W. Wolfley, Rialto Police Department.

Officer Leonard A. Christiansen, Riverside Police Department.

Patrol Officer Dennis C. Doty, Riverside Police Department.

Officer Paul C. Teel, Riverside Police Department.

Patrol Officer Philip N. Trust, Riverside Police Department.

Patrolman Larry E. Walters, Riverside Police Department.

Sgt. Timothy F. Littlefield, San Bernardino Police Department.

A SALUTE TO MRS. JULIA NEWMAN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. STOKES. Mr. Speaker, as you know, May is National Senior Citizen Month. May also marks the beginning of our Annual Congressional Senior Citizen Intern Program which is being held May 13–19, 1990. Seniors from around the Nation are gathered on Capitol Hill this week for a firsthand look at the shaping of public policy and the legislative process. Since the program's inception in 1973, Senior Citizen interns have benefited from behind-the-scenes seminars, workshops and meetings with Members of Congress and administration officials on issues affecting older Americans and our Nation. I am proud to take this opportunity to salute an outstanding senior from my congressional district who is serving as my Senior Citizen Intern for 1990, Mrs. Julia Newman.

Mrs. Newman was born in Birmingham, AL, and moved to Cleveland at a very early age. She began a long and distinguished career as an educator in 1956, teaching at both Giddings and Observation Elementary Schools in Cleveland. In 1967, she began working for the Cleveland Public Schools Support Services Office as assistant project manager. Two years later, she was named project manager of Child Development Services. Mrs. Newman continues her role as an educator, currently serving as a counselor for students and teachers.

Mr. Speaker, Mrs. Newman resides in Shaker Heights and is an active member of the community. She holds memberships in the Delta Sigma Theta Sorority, Shaker Heights League of Women Voters, Northeast Ohio Mental Health Assocation, and the Ohio Association of Elementary Supervisors and Principals. Mrs. Newman is the recipient of numerous awards and citations which recognize her commitment to education and our youth. She is also the mother of two children: Kathy Newman, an instructor at Grambling State University; and Maurice Newman, a media specialist in Shaker Heights.

Mrs. Newman believes that children are our most important resource. Her philosophy as a teacher and counselor is, "If we commit our energy, time and resources to our children today, we build a better world for tomorrow."

Mr. Speaker, I hope that my colleagues will join me in saluting Mrs. Newman—an outstanding senior and a remarkable individual. It is an honor to have her serve as my Congressional Senior Citizen Intern for 1990.

SUPPORT FOR H.R. 2273, THE AMERICANS WITH DISABILITIES ACT

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. DIXON. Mr. Speaker, I rise today in firm, enthusiastic support of H.R. 2273, the Americans with Disabilities Act. The Americans with Disabilities Act is a monumental piece of civil rights legislation which provides long-overdue protections for disabled Americans enabling them to participate more fully in mainstream American society. The ADA prohibits discrimination against individuals with disabilities in private sector employment, all public services and accommodations, transportation, and telecommunications systems. Significantly, the Americans with Disabilities Act is patterned after section 504 of the Rehabilitation Act of 1973 which has always included people with AIDS and HIV infection among those protected against discrimination on the basis of disability.

This bill has been considered by 4 separate committees, which have held 11 different hearings, and it has been through 7 different full committee and subcommittee markups. From the very outset, the spirit and intent of this legislation have received near-universal support. Yet, many have expressed the concern that the Americans with Disabilities Act might require private businesses to implement services and/or accommodations which are financially or practically unfeasible. These fears have been matched by the concerns of those who have worried aloud that bowing to the wishes of private enterprise would strip the legislation of its potency. Both of these sets of fears have been seriously considered in hearings and in committee discussions.

I feel strongly that the bill which has emerged from the committees and which comes before the House tomorrow preserves the heart and soul of the original ADA. H.R. 2273 will effectively secure for disabled Americans the right to contribute and compete on a level playing field with other Americans. At the same time, I believe it will prove sensitive to the concerns of private enterprise. Businesses will not go broke complying with the provisions of this bill.

We have already seen the ADA pass the Senate by an overwhelming margin. I would urge the House to follow suit. I am a proud cosponsor of the Americans with Disabilities Act and will support the ADA when it reaches the floor tomorrow for consideration by the full House.

A TRIBUTE TO HAROLD L. MOE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. TORRES. Mr. Speaker, I rise today to ask that my colleagues join me in paying tribute to Mr. Harold L. Moe, teacher, mentor, and friend to many a constituent who have traversed the halls of Rowland Unified School District schools.

Harold Moe will be completing 31 years of dedicated and faithful service to public education as a teacher and administrator on June 16, 1990.

His first teaching assignment was in a junior high school in Havre, MT. During this year, he was recruited by the Rowland district in the fall of 1959. Harold taught grades two through six at three different elementary schools. He became an administrative intern at Villacorta Elementary School after 4 years in the classroom.

Following his year as an intern, Harold became principal of Villacorta School and remained there for three additional years. In the fall of 1967, he became principal at Fajardo School where he remained for 8 years. Following his tour at Fajardo School, Harold transferred to Ybarra School where he served as principal for 6 years until the spring of 1981. Harold took the helm at Oswalt Elementary in the fall of 1983, and remained there until the present.

As well as a principal, Harold has also given of his time as an elected officer in both teacher and administrative associations. He organized and implemented a districtwide civil defense plan while serving as administrative intern. Harold proudly holds lifetime memberships in NEA, CTA, and PTA.

There is no doubt in my mind that Harold L. Moe will be missed by his students, his friends, his colleagues. He was a master teacher and administrator who set high standards for his students and colleagues. Con-

gratulations and a warm thank you are due to Harold for his years of dedication.

Harold L. Moe was born and raised in the northeastern part of North Dakota. He attended Northern Montana College and obtained a bachelor of science degree in secondary education with a major in social studies and a minor in biological science.

Harold and his wife, Lois Ann, will celebrate their 36th anniversary on July 3, 1990. They are the proud parents of four children and grandparents to two.

AIRCRAFT NOISE A MAJOR ENVIRONMENTAL HEADACHE

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. MILLER of Washington. Mr. Speaker, aircraft noise has become a major environmental headache in hundreds of communities across the United States. While the Federal Aviation Administration has been effective in implementing air route changes in order to mitigate capacity and efficiency problems, these changes are often made at the expense of the quality of life of those communities surrounding an airport, or underneath a newly imposed flight path.

In some instances, like in Seattle, WA, local community representatives have joined the FAA and the airport authority in efforts to mitigate aircraft noise. Sometimes these local efforts achieve some success; other times not. And sometimes there are no such efforts at all.

Mr. Speaker, the time has come for aircraft noise to be addressed in a comprehensive way at the Federal level. So today I am introducing the Aviation Noise Abatement Policy Act of 1990. My bill requires the FAA Administrator to evaluate aircraft noise on impacted communities when considering significant air route changes. By doing so, noise abatement would be given equal consideration with capacity and efficiency, but safety would continue to come first. I urge my colleagues to support this bill.

A SALUTE TO JOE GIBBS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. WOLF. Mr. Speaker, on behalf of my colleague, Representative STAN PARRIS, of the Eighth District of Virginia, we would like to bring to your attention the Northern Virginia Community Foundation's Founders Award. On June 8, 1990, this award will be presented to Joe Gibbs, head coach of the Washington Redskins and resident of Vienna, VA, at a dinner at the Sheraton Premiere in Tysons Corner, VA.

The Northern Virginia Community Foundation was formed in 1978 by a group of northern Virginia residents who wanted to return to the community some of the riches that they had received from it. Five areas of concern benefit from the foundation's endowment funds: the arts, education, health, youth, and civic improvement.

The foundation receives charitable gifts from people from all walks of life with all levels of income—families, business, national corporations, and foundations. Donations are used exclusively to benefit northern Virginia.

Each year, the foundation honors a citizen of northern Virginia who has made an unusual contribution to the life and prosperity of the community. The award is made to recognize the unselfish efforts of that individual and to promote awareness of the significance of individual action in improving the quality of life for all members of the community.

This year, Joe Gibbs, head coach of the Washington Redskins, has been chosen to receive the 1990 Founders Award. Though best known for his accomplishments with the Redskins, since coming to the Washington area in 1981, Joe Gibbs' leadership and influence have also been strongly felt off the football field.

Already the winningest coach in Redskins history and one of only 19 NFL coaches to ever register 100 victories, Joe Gibbs has proven himself as among the best coaches in professional football. In addition to his 102 coaching victories, Joe Gibbs has led the Redskins to three Super Bowl games and two Super Bowl titles, three NFC Championships, four division titles, and five playoff appearances.

Unknown to most, though, is Joe Gibbs' dedication to working with disadvantaged youth. He has devoted much of his personal time helping young people who need a special hand of friendship and direction. His concern for youth in this area began in 1982. While the rest of the league was on strike, Joe Gibbs was spending his time with troubled youth in the District of Columbia. Following this experience, Coach Gibbs made a deep, personal commitment to give disadvantaged youths a second chance and give them the moral, educational and social tools they need to become productive members of society. As a result, in 1986 he founded Youth for Tomorrow [YFT].

Youth for Tomorrow serves young boys who have trouble with drug and alcohol abuse. YFT provides a counseling and educational program in a Christian environment with graduates matriculating to college, the military, the work force or back to their natural parents. Currently, 30 boys are enrolled as residents in the YFT program. Professional counselors and a teaching faculty provide personal direction, spiritual guidance and educational opportunity. Six boys have graduated from YFT and three are enrolled in college. Ten other boys were able to return to their natural parents upon successful completion of the program.

While devoting his professional life to helping talented young men to reach their highest potential on the football field, Joe Gibbs devotes much of his personal life to helping disadvantaged youth reach their potential. In 1989, he founded Joe Gibbs Charities Foundation to help broaden community support for Youth for Tomorrow and other Christian or youth related charities.

Recognized as one of the premier coaches in professional sports, Joe Gibbs is also dedicated to helping the disadvantaged. His efforts have brought a greater awareness of how the lack of a positive environment can cause the waste of valuable lives. He has worked hard to provide an alternative for young people who have started down the wrong paths in life. Through his work he is enriching the lives of many citizens and encouraging us all to reach out and lend a helping hand.

Joe Gibbs is a uniquely deserving recipient of the Northern Virginia Community Foundation's Founders Award.

SALUTE TO MR. ED NICKS OF HUNTSVILLE, AL

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. FLIPPO. Mr. Speaker, it is a pleasure for me to honor Mr. Ed Nicks of Huntsville, AL. Ed will soon retire from Rockwell International following a career that has spanned the history of our Nation's manned space flight program.

Since 1962, Ed has actively participated in the development of the Saturn/Apollo, space shuttle, and space station programs. Ed's contributions to our Nation are immeasurable. His leadership, management skills and technical expertise have been instrumental in the successful development and implementation of these respective NASA programs.

Ed is well known in the business community for his contributions and has been recognized by NASA as a recipient of their Public Service Award, Apollo and Skylab Achievement Awards, and Shuttle Appreciation Award. His efforts, though, are not limited to our space program. The National Management Association has awarded Ed with their Silver Knight of Management Commendation and in 1985 he was recognized by the Alabama State Senate with a commendation for his Outstanding Professional Achievement and Community Involvement.

While pursuing a successful career, Ed has also tirelessly devoted his time and energy to serving the people in the north Alabama area. Ed is active in Junior Achievement, the Alabama Space and Rocket Museum Science Advisory Committee, the Hospital Foundation Board and the Huntsville Museum of Art.

I know that Ed's colleagues will miss his leadership and skills but even though he is retiring from business he will continue to give of himself to his community and country in the years ahead.

It is an honor for me to share with you a profile of this very special Alabamian.

WIPP LAND WITHDRAWAL LEGISLATION

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. SPRATT. Mr. Speaker, I am introducing today, by request, a bill to withdraw land from

public use in Eddy County, NM, for the waste isolation pilot plant [WIPP]. This bill was prepared by the Department of Energy and is being introduced at their request. The bill would withdraw land for disposal of transuranic waste created in the production of nuclear weapons. The waste would be placed in a deep-bedded salt repository. Jurisdiction over the land would be transferred from the Secretary of the Interior to the Secretary of Energy. Land withdrawal could be accomplished by administrative procedures, but the Department of Energy has chosen to seek legislative approval because of the controversial nature of radioactive waste disposal.

This bill sets specific preconditions for withdrawal. The land described in the bill cannot be withdrawn until the Secretary of Energy notifies the Congress:

First, that a final safety analysis report on WIPP has been approved by the Secretary;

Second, that the Department has issued a record of decisions on the supplemental environmental impact statement on the test-phase activities of the WIPP project; and

Third, that a no-migration variance has been granted by the Environmental Protection Agency for the test phase.

The Secretary of Energy must develop a performance assessment plan in consultation with the National Academy of Sciences, the Environmental Protection Agency, the State of New Mexico and the Environmental Evaluation Group to guide the test activities and demonstrate compliance with applicable EPA standards for final disposal of transuranic waste.

I share the Department's view that WIPP land withdrawal should be accomplished through legislation; however, I believe significant changes will need to be made to this bill before it can be enacted. Thus I am introducing this bill by request today simply to get the process going. We need a waste disposal site for transuranic waste, but we must be certain that the repository is properly tested and proven safe, and that controls are in place to ensure safety of the site for generations to come.

During a hearing held by the House Energy and Commerce and Interior Committees, a host of issues were raised which will have to be addressed either in the land withdrawal bill or before it is passed. For example, our colleague, Mr. SKEEN from New Mexico, in whose district WIPP is located, raised a question as to why there are no provisions in this bill limiting the site to transuranic waste disposal, and specifically barring disposal of high-level radioactive waste. While the Department of Energy has stated that WIPP would not be used for high-level radioactive waste disposal, Congress should answer the question and make the guaranty explicit by writing it into the withdrawal legislation.

Many of the issues raised during the hearing to the regulatory requirements and oversight that would apply to WIPP. In 1987, the U.S. Court of Appeals struck down regulations governing disposal of transuranic and high-level wastes. EPA has not promulgated new regulations in the 3 years since the court struck down its first draft. Thus there is no clear guidance for the Department of Energy to follow in the final disposal of transuranic waste at WIPP, and there seems to be little certainty about when these regulations will be promulgated again. Another question is whether the Department of Energy should be responsible for ensuring that WIPP complies with regulations or whether EPA or some other regulatory agency should license and regulate WIPP.

During the joint hearing on WIPP, Mr. RICHARDSON, our colleague from New Mexico, asked witnesses whether WIPP should meet final disposal regulations rather than storage standards before any waste is emplaced at WIPP, even for testing. The Department of Energy argues that it cannot demonstrate compliance with the final storage regulations without emplacing some waste in the underground cavern, and that the waste stored at WIPP for testing will be retrievable and can be removed if the site fails the tests. Others contend, however, that testing for gas build-up in the waste drums can be done in the laboratory, and that, once waste is emplaced in the cavern, it will be nearly impossible to move it out.

In addition to leaving certain regulatory concerns unanswered, the bill proposed by the Department fails to set specific limits on the amount of waste to be emplaced at WIPP during the test phase. Such a limit was an essential element of legislation introduced earlier by members of the New Mexico delegation. I understand the need for flexibility during the test phase, but specific limits may need to be set in law for waste to be stored at WIPP for test purposes.

Finally, there is the issue of monetary assistance to the State of New Mexico. Congress has already authorized $100 million for construction of highways to support transportation of transuranic waste to WIPP, $43 million of which is contingent upon final approval of land withdrawal legislation. This bill contains an authorization for payments in lieu of taxes for the facility, but does not contain any additional authorization for roads in New Mexico. In August 1987, the Department of Energy signed an agreement with the State of New Mexico, committing itself to make good-faith efforts to seek $190 million from the Federal Government to build and improve roads and bridges over which TRUPAC container trucks will travel to WIPP. Mr. SKEEN and Mr. RICHARDSON insist that this agreement is integral to their State's commitment to accept WIPP. However, questions were raised at the hearing regarding the need for this $190 million, given the relatively low number of truckloads per year coming into New Mexico—about 1,000 truck trips per year—during full operation of WIPP. On the other hand, the State of New Mexico has been willing to host this disposal site when other States have demurred.

In summary, I am pleased to submit this WIPP land withdrawal legislation for the Department of Energy, because the disposal of transuranic waste is a pressing problem, and we must deal with it. But I foresee a long process of negotiation before this bill is enacted.

G. LOUISE VOSS—6 YEARS OF FINE SERVICE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. NEAL of Massachusetts. Mr. Speaker, it is with great honor that I pay tribute to a constituent of mine who has dedicated the past 6 years of her life as a servant to the people of the town of Wilbraham, MA.

Mrs. G. Louise Voss, wife and mother of four, as well as a grandmother, began her service as a town selectwoman 6 years ago. Her tenure was one marked with distinction and direction which soon led her to the honorable position of chairwoman of the board of selectmen in the town of Wilbraham, MA. During her 2 years as head of the board, Mrs. Voss displayed an admirable style of insightful leadership and tough decisionmaking. Her diverse knowledge of issues provided sure and steady guidance for the board members and people in her community. It is through Mrs. Voss' effective and efficient style of governing that people of Wilbraham can continue to enjoy a satisfying and harmonious residency.

Mr. Speaker, I call Mrs. Voss' achievements to the attention of my fellow colleagues and ask them to join me in congratulating her for the fine leadership and dedication she has given the people of Wilbraham. As a former city councilor, I realize how difficult and often thankless this job can be. It is for this reason that I am able to appreciate Mrs. Voss' manner of public administration. I am sure her years of service will inspire those who have had the privilege to work with her. I wish her only the best in her future endeavors and thank her for her fine service.

TRIBUTE TO MARGARET LEENEN AND MICHAEL PALM: TEXAS STATE WINNERS OF THE DISCOVER EARLY AMERICA MAP PROGRAM

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. LAUGHLIN. Mr. Speaker, I am pleased to recognize two talented students from the 14th District of Texas who competed and won first place honors at the State level competition of the Discover Early America Map Program.

Margaret Leenen and Michael Palm are seniors at Sealy High School in Sealy, TX, and their map depicted significant historical events and geographical locations throughout the Thirteen Colonies of early America.

These students wanted to make their map different from the traditional American Revolution idea so they focused on the Indian conflicts. They sought to make a map that was characteristic of that time period, and they achieved this through their detailed illustrations.

I am pleased to say that this year, three schools from my district have competed in State and national competitions and have attained award-winning recognition. These two students are only one example of the talent we have in our future leaders.

TAX FREEDOM DAY

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. BALLENGER. Mr. Speaker, each year, "Tax Freedom Day" falls later and later, reflecting the rising burden of government on the American worker. This means the average American worked 125 days—from January 1, 1990 to May 5, 1990—to pay his or her Federal, State, and local taxes. Put in another light, this equals 2 hours and 45 minutes of an 8-hour work day spent working just to pay taxes.

What hurts most is that while the tax burden on the American worker continues to rise, so does the Federal deficit. The growing deficit coupled with demands for new and expanded programs will likely increase the tax burden. In fact, this week the President and congressional negotiators are discussing the possibility of raising taxes. If this happens, you can certainly bet that tax freedom day will continue to fall later on our calendars in coming years.

I am a cosponsor of House Joint Resolution 558 that recognizes May 5, 1990, as National Tax Freedom Day. I want to let American taxpayers know how long they work to satisfy the tax collector.

HONORING AMERICA'S SCHOOLBUS DRIVERS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. LAFALCE. Mr. Speaker, I would like to take this opportunity to recognize a group of men and women who play a critical role in the daily lives of our Nation's children. America's schoolbus drivers are not often singled out for praise. Yet every day they are responsible for transporting hundreds of children to and from school and, as demonstrated by the outstanding safety record of the National School Bus Service, have done so with skill and care.

I am pleased that busdrivers are being honored May 14-18, which has been designated as "National Driver Appreciation Week," and would like to express my personal gratitude. In particular, I would like to give special thanks to the National School Bus Service's team of professional drivers in the greater Rochester community, who have assumed responsibility for the safe transportation of approximately 20,000 students, in buses, vans, and other types of specialized vehicles.

Clearly, driving involves tremendous risk. With this in mind, each day that our children arrive to and from school safely, we should think of our local busdriver and say "thanks."

IN RECOGNITION OF THE FORT MYERS NEWS-PRESS

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. GOSS. Mr. Speaker, I rise today to congratulate the Fort Myers News-Press for its award-winning series on blacks in southwest Florida, entitled "Far From the Dream."

This week members of the newspaper's staff are in Washington to receive the grand prize in the 22d annual Robert F. Kennedy Journalism Awards. It is an honor that is well-deserved.

The year-long series told a moving and extremely educational story of the history of black people in southwest Florida and the problems they face in all areas of their daily lives.

Through clear, creative prose and vivid photographs, the series captured the essence of the triumphs and the unique troubles of black life in our area.

"Far From the Dream" was a team project, worked on by a large portion of the News-Press staff. Their efforts to look beyond the surface, to reach out to members of the community and to bring about positive change through understanding deserve our praise and our thanks.

In the words of Renee Poussaint, chairwoman of the awards committee, "The staff of the News-Press is to be congratulated not only for their series, but for the kind of long-standing commitment to unearthing troubling realities, so much a part of the legacy of Robert Kennedy."

THE BUDGET SUMMIT AND THE NEED FOR LEADERSHIP

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1990

Mr. HOUGHTON. Mr. Speaker, when the President and leaders of Congress announced that they would convene a budget summit, I breathed a sigh of relief—everyone who has touched the budget process knows it is time the key players huddled. Now, after listening to some of the more colorful rhetoric flying around the Hill, I am skeptical. Mr. Speaker, I am skeptical because I see the summit breaking apart before it has even been launched. I realize a certain amount of posturing is standard operating procedure, but the fact is that partisan advantage is a mirage with today's issues. Making sure the other guy gets blamed for whatever these negotiations produce is a form of brinkmanship of which I care not to be a part.

These negotiations are essential. They will form the basis of Federal action or inaction for the next 5 years. They must be about real, honest deficit reduction. To date, any budget proposal which has been dished up for us to analyze falls far short of the numbers required to meet the Gramm-Rudman targets—and remember, these targets were self-imposed. When one talks of developing national policy, much is made of the importance of the legacy we are to leave to our children and grandchildren. Our own parents and grandparents made tough choices. They just did. And they built an economy strong enough to withstand the heavy borrowing necessary to finance our deficit spending. But even our economy can stand this for only so long.

Making tough choices means asking every person in the U.S.A. to share in the cost. The costs vary but they impact every citizen. Take the issue of Social Security as an example.

Last month I sent a letter to nearly 7,000 senior citizens in my district asking whether they would be willing to accept the consequences of the belt-tightening that might result from a plan with the elements such as those put forward by Congressman ROSTENKOWSKI. Over 2,000 people responded. More than 50 percent said they would be willing to make sacrifices if they thought everyone else would be hit equally. Here are three of the responses we got:

As a senior citizen, I dislike touching the Social Security system as it is the livelihood of many elderly people. With food prices on the increase, we all have to eat. This is no longer a free country—taxes are hurting us no end—but do what you have to do.

In 1942 I went away for four years to make this a better world for my family. I did not ask for money because I was displaced. Now again for my new family I am asked to give up a little to help them have a better life. Once again I say yes.

I'm a 71-year-old retired teacher with an annual income of $11,407. I don't mind holding the line as long as everyone else does.

I don't know where we go from here, or what others have heard from back home, but from my standpoint, Mr. Speaker, it is the spirit shown in these letters that we must focus on as we move into the budget process. These are tough times. They require tough choices. I think the American people are willing to make them, but they have to have leadership. That is what we must supply.

Here's a copy of the letter I sent:

DEAR FRIEND: We've been in touch over the past several years about issues affecting seniors and the 34th District. As a senior citizen myself, I've also asked for your opinion on many occasions and appreciated your getting back to me.

What I'd like to do here is ask your opinion on a budget proposal made by Dan Rostenkowski. He is chairman of the committee which oversees tax issues, social security and medicare. Mr. Rostenkowski tries to take a different approach. He knows we are going nowhere on our present course. In brief, his proposal would raise the top income tax rate to 33 percent—this would increase the taxes of the people with annual incomes above $150,000 by an average of $13,000, boost gasoline, wine, beer and cigarette taxes, reduce the defense budget by $10 billion, and freeze all government spending for one year, including social security and other federal retirement pensions.

Now every citizen in this country owns a piece of the national budget. So I'm interested in how you feel about the Rostenkowski program, particularly the sensitive social security issue. "Stay away" say the signs here. As a matter of fact, several of my more politically astute colleagues have suggested that I not send this letter at all. Too

dangerous. Yet, recently an official of the American Association of Retired Persons, Mr. John Rother, signalled that seniors recognize the need to do something about the deficit. He went on to say that "Our members are willing to make sacrifices as long as they are convinced that everyone else is making sacrifices on the same basis."

So here is where I need your thoughts. How do you feel about a Social Security cost-of-living adjustment freeze for one year (average of $23 a month), along with a freeze in all general spending—except the military? How do you feel about a cut of $10 billion in the military? How do you feel about a tax increase on gas, cigarettes, wine, beer—also an increased tax on average of $13,000 a year for those making high incomes—over $1,500 a year, if you were convinced that everyone else was also sacrificing and that the decision was going to "get fixed."

This is a tough issue, since I know the pressure is on all of us for increased school, county and local taxes, particularly with the state's financial condition. I guess you know that I want to bring this cancerous budget gap under control. It's killing us. But I also want to represent you and your sensitivities. There is nothing I want to do to undermine social security—nothing. However, the Rostenkowski proposal has come up—its author suggests an approach which, although not cast in cement, opens up a concept of sharing. I have not taken a position on any of these issues, but the subject is being debated, and I just thought that it was not something for any of us to debate down here without ckecking with those who will be most affected.

Sorry to bother you, but I need your help. I'll be sure to share your thoughts with Congressman Rostenkoswki.